

March 8, 2010

Date

ALTERNATE RESOLUTION

RESOLUTION AFFIRMING DECISION OF THE CITY PLAN AND ZONING COMMISSION TO DENY APPROVAL OF THE SITE PLAN SUBMITTED BY THE CITY ENGINEER FOR AN OFF-STREET PARKING LOT FOR THE ARMORY BUILDING IN THE 700 BLOCK OF ROBERT D. RAY DRIVE

WHEREAS, on February 4, 2010, the City Plan and zoning Commission voted 9-3 to deny approval of a site plan under design guidelines in D-R districts submitted by City Engineer Jeb Brewer for property located in the 700 block of Robert D. Ray Drive to allow for reconstruction of the off-street parking lot for the Armory Building; and

WHEREAS, on March 4, 2010, the City Plan and Zoning Commission voted _____ to deny approval of a site plan under design guidelines in D-R districts re-submitted by City Engineer Jeb Brewer for property located in the 700 block of Robert D. Ray Drive to allow for reconstruction of the off-street parking lot for the Armory Building; and

WHEREAS, the City Engineer has timely appealed the denial of the approval to the City Council pursuant to §82-210 of the Des Moines Municipal Code, seeking to have the site plan approved; and

WHEREAS, on February 22, 2010 by Roll Call No. 10-267 the City Council duly resolved that the appeal be set down for hearing on March 8, 2010 at 5:00 p.m., in the Council Chambers; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on February 25, 2010; and

WHEREAS, in accordance with the said notice, those interested in the proposed site plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, Section 82-210 of the City Code provides that upon appeal from the Plan and Zoning Commission, a majority vote of the City Council shall be necessary to overturn or modify the action of the commission regarding a site plan.

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NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The public hearing on the appeal is hereby closed.
2. The City Council hereby approves and affirms the decision of the Plan and Zoning Commission to deny the site plan for property located in the 700 block of Robert D. Ray Drive.

MOVED by _____ to adopt, and deny the appeal.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

 Mayor

 City Clerk