

.....
Date July 28, 2008.....

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 5, 2008, its members voted 14-0 in support of a motion to recommend **DENIAL** of a request from FHL&R, LLC. (owner) represented by Jennifer Eaton (officer) to rezone property at 1930 SE 6th Street from "C-1" Neighborhood Retail Commercial District and "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway Oriented Commercial District.

The subject property is more specifically described as follows:

Beginning at the Southeast corner thence Northwesterly 159.66 Feet, North 61.80 Feet, East 57 Feet, Northeasterly 142.28 Feet, East 50 Feet, South 234.05 Feet to the Point of Beginning, Lot 3, Sevastapol, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on July 14, 2008 by Roll Call No. 08-1196 the City Council set the proposed rezoning for public hearing at 5:00 p.m. on July 28, 2008 in the Council Chambers, City Hall, Des Moines, Iowa; and

WHEREAS, notice of the public hearing was published in the Des Moines Register on July 17, 2008 as specified in Section 362.3 and 414.4 of the Iowa Code; and

WHEREAS, in accordance with the notice, those interested in the proposed rezoning, for and against, have been given opportunity to be heard with respect thereto and have presented their views to Council.

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

1. That upon consideration of the facts, statements of interested persons and arguments of counsel, the hearing is closed; and

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2. The request to rezone the property from "C-1" Neighborhood Retail Commercial District and "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway Oriented Commercial District is hereby DENIED for the reasons set forth in the accompanying report from the planning administrator.

Moved by _____ to deny

APPROVED AS TO FORM:

Michael F. Kelly
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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.

_____ City Clerk