Date October 22, 2007

WHEREAS, on October 8, 2007, by Roll Call No. 07-1942, it was duly resolved by the City Council that the application of LeMar Koethe, to rezone certain property he owns which is located between East Payton Avenue and East Army Post Road, from Indianola Ave through the 2900 Block of East Payton Avenue; and between East Payton Avenue and East Porter Avenue/East Caulder Avenue from the 2700 Block through the 2900 Block, more fully described in the accompanying ordinance, be set down for hearing on October 22, 2007, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on October 11, 2007, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said proposed rezoning, 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, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the subject property from the "R1-80" One-Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District, a Limited R-3" Multiple-Family Residential District, and a Limited "R1-70" One-Family Low-Density Residential District classification, subject to a number of conditions which have been agreed to and accepted by execution of the accompanying Acceptance of Rezoning Ordinance by all owners of the property and is binding upon the owners and their successors, heirs and assigns.

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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited "C-1" Neighborhood Retail Commercial District, a Limited R-3" Multiple-Family Residential District, and a Limited "R1-70" One-Family Low-Density Residential District are hereby overruled, and the hearing is closed.

(continued)

$\star$	Roll	Call	Number

Agenda Item Number

Date	October 22, 2007	

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2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by	_ to adopt and approve the rezoning, subjec	t to final
passage of the rezoning ordinance.		

FORM APPROVED:

Roger K. Brown

Assistant City Attorney

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MOTION CARRIED

APPROVED

## 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	

Mayor

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