

Date..... September 26, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 18, 2011, its members voted 8-5 in support of a motion to recommend **DENIAL** of a request from Capstone Ventures, LLC (owner) represented by Douglas Siedenburg (officer) to rezone property located at 315 Southwest 14th Street from C-3B Central Business District Mixed Use District to PUD Planned Unit Development;

WHEREAS, on August 29, 2011 by Roll Call No. 11-1445, the City Council set a public hearing on the proposed rezoning for September 26, 2011 at 5:00 p.m. in Council Chamber, City Hall, Des Moines, Iowa;

The subject properties are more specifically described as follows:

(Except the North 360 feet on West Line and North 249.2 feet on East Line) Lot 3, Central Des Moines Industrial Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

WHEREAS, notice of the public hearing was published in the Des Moines Register according to law on September 15, 2011, setting forth the time and place for hearing on the proposed rezoning;

WHEREAS, attorneys for applicant Capstone Ventures, LLC have filed with the Mayor and City Council a written request that the public hearing scheduled for September 26, 2011 be continued until the City Council meeting on October 24, 2011.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the public hearing on the proposed rezoning of the property from the C-3B to a PUD District classification is hereby opened, and CONTINUED until October 24, 2011 at 5:00 p.m. in Council Chambers at City Hall, Des Moines, Iowa.

Moved by _____ to adopt, and to continue the public hearing until October 24, 2011.

FORM APPROVED:



 Michael F. Kelley, Assistant City Attorney

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

_____ Mayor

_____ City Clerk

LILLIS O'MALLEY OLSON MANNING POSE & VAN DIKE LLP

ATTORNEYS AT LAW
(ESTABLISHED 1917)

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GEORGE E. O'MALLEY (1905-1982)
JOHN CONNOLLY III (1918-1998)
BERNARD J. CONNOLLY (1920-1970)
C.I. McNUTT (1901-1958)
STREETAR CAMERON (1957-2008)

RUSSELL J. HANSEN
RETIRED

Writer's Direct E-mail: willis@lolaw.com

September 19, 2011

Ms. Diane Rauh
City Clerk
City of Des Moines
City Hall
400 Robert D. Ray Drive
Des Moines, IA 50309-1891

Hand-Delivered

Subject: Request for Continuation of Public Hearing – Capstone Ventures -
Meeting of Monday, September 26, 2011


Dear Diane:

Enclosed please find written request to the Mayor and Members of the City Council to have the public hearing scheduled for Monday, September 26, 2011, deferred until Monday, October 24, 2011.

I have advised Michael Ludwig of the Planning Department and have conferred with Councilwoman Christine Hensley and they have no objection to our request.

I will send a copy of this communication to Roger Brown in the Legal Department.

Very truly yours,



William J. Lillis
For the Firm

WJL/krp- Enc.

cc Mr. Richard Clark, City Manager
cc Mr. Michael Ludwig, Assistant Director, Community Development
cc Mr. Roger Brown, Assistant City Attorney, City Legal Department

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September 19, 2011

Mayor Franklin Cownie and
Members of the Des Moines City Council
City Hall
400 Robert D. Ray Drive
Des Moines, IA 50309-1891

Via E-mail

Attention: Ms. Diane Rauh, City Clerk (via e-mail)

Subject: Public Hearing – Rezoning to Planned Unit Development (PUD) –
Capstone Ventures

Dear Mayor and Members of the Des Moines City Council:

Our law firm represents Capstone Ventures (hereafter “Capstone”).

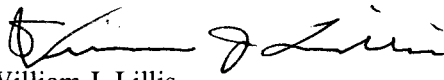
The Des Moines City Council set for public hearing at its meeting of Monday, September 26, 2011, a public hearing on the request of Capstone to rezone its property in the vicinity of Martin Luther King and SW 14th Street to a Planned Unit Development (PUD).

I have conferred with the City Staff and Councilwoman Christine Hensley and request (prior to setting the Agenda for the City Council meeting of Monday, September 26, 2011) that the public hearing be continued to 5:00 P.M. Monday of October 24, 2011.

I will be present at the City Council meeting to make the request, if necessary.

Thank you very much.

Very truly yours,


William J. Lillis


Daniel L. Manning
For the Firm

WJL/krp