

Date..... October 10, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 1, 2011, its members voted 13-0 in support of a motion to recommend **DENIAL** of a request from Hue Nguyen (owner) to rezone property located at 1435 University Avenue from "R-3" Multiple-Family Residential District to Limited "C-1" Neighborhood Retail Commercial District, to allow for retail development;

WHEREAS, on September 12, 2011 by Roll Call No. 11-1577, the City Council set a public hearing on the proposed rezoning for September 26, 2011 at 5:00 p.m. in Council Chambers, City Hall, Des Moines, Iowa;

The subject properties are more specifically described as follows:

(Except Street) West 70 feet Lots 22, 23, & 24, Bertha 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, on September 26, 2011 by Roll Call No. 11-1664, the City Council opened the public hearing on the proposed rezoning, and continued the hearing until October 10, 2011 at 5:00 p.m.;

WHEREAS, in accordance with the notice those interested in the 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.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the property from R-3 Multiple Family Residential District to Limited C-1 Neighborhood Retail Commercial District are accepted, the hearing is closed and the proposed rezoning is hereby DENIED.

Moved by \_\_\_\_\_ to adopt, and to DENY the proposed rezoning.

FORM APPROVED:

  
 Michael F. Kelley, Assistant City Attorney

(Council Communication No. 11-627)

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