



Date ..... October 7, 2013 .....

RESOLUTION CLOSING HEARING ON THE APPLICATION OF MULVIHILL FARMS, INC., TO REZONING PROPERTY IN THE VICINITY OF 1139 24th STREET FROM THE "R1-60" ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT TO A LIMITED "NPC" NEIGHBORHOOD PEDESTRIAN COMMERCIAL DISTRICT AND DENYING SAME

WHEREAS, on September 23, 2013 by Roll Call No. 13-1478, it was duly resolved by the City Council that the application of Robert J. Mulvihill, Jr., on behalf of Mulvihill Farms, Inc., the owner of the property at 1139 24th Street more fully described below, to rezone such property from the "R1-60" One-Family Low-Density Residential District to a Limited "NPC" Neighborhood Pedestrian Commercial District classification, be set down for hearing on October 7, 2013, at 5:00 p.m., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on September 26, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

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, 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 "NPC" Neighborhood Pedestrian Commercial District classification are hereby sustained, and the hearing is closed.

2. The proposed rezoning is hereby found to **NOT BE** in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by \_\_\_\_\_ to adopt and **DENY** the proposed rezoning.

*NOTE: The resolution denying the amendment to the 2020 Community Character Plan in Subitem B(1) must be passed with, or prior to, the approval of this resolution to support the finding that the rezoning is **not in conformance** with the Des Moines 2020 Community Character Land Use Plan.*



Roll Call Number

Agenda Item Number

44B.2

Sub-Item B(2)

Date October 7, 2013

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown

Assistant City Attorney

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