



★ Roll Call Number

Agenda Item Number
52

Date August 6, 2018

RESOLUTION CONTINUING HEARING ON REQUEST FROM KENNETH L. LAWLER TO REZONE PROPERTY AT 4455 AND 4465 HUBBELL AVENUE

WHEREAS, on July 9, 2018, by Roll Call No. 18-1153, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on June 21, 2018, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Kenneth L. Lawler d/b/a Great Plains Garden Center, Inc. (owner), to rezone property locally known as 4455 and 4465 Hubbell Avenue ("Property") from "A-1" Agricultural District to Limited "C-2" General Retail and Highway-Oriented Commercial District, to allow use of the Property for commercial daycare center and a residential dwelling, subject to the rezoning conditions stated in said communication and Roll Call; and

WHEREAS, on July 9, 2018, by Roll Call No. 18-1153, it was duly resolved by the City Council that the application of Kenneth L. Lawler to rezone the Property, as legally described below, be set down for hearing on July 23, 2018 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, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and

WHEREAS, on July 23, 2018, by Roll Call No. 18-1294, the City Council opened and continued the public hearing at the request of the applicant; and

WHEREAS, the public hearing must be continued again to August 20, 2018 to allow for receipt of the Acceptance of Rezoning document.

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 4455 and 4465 Hubbell Avenue from "A-1" Agricultural District to Limited "C-2" General Retail and Highway-Oriented Commercial District is hereby opened and continued to the City Council meeting on August 20, 2018, at 5:00 p.m. in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

MOVED BY _____ TO ADOPT.
(ZON2018-00088)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| BOESEN | | | | |
| COLEMAN | | | | |
| GATTO | | | | |
| GRAY | | | | |
| MANDELBAUM | | | | |
| WESTERGAARD | | | | |
| 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