

★ Roll Call Number

08-819

Agenda Item Number

44

Date May 5, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 3, 2008, its members voted 13-0 in support of a motion to recommend DENIAL of a request from A & W Rentals, L.C. (owner) represented by Keith West (partner) to rezone property located at 2401 Easton Boulevard from "C-1" Neighborhood Retail Commercial District to Limited "M-1" Light Industrial District, to allow for outdoor storage of equipment and vehicles on the basis that "M-1" Light Industrial District is not appropriate given the location adjacent to single-family residential uses.

The subject property is more specifically described as follows:

Lot 95, Hubbell Avenue Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on April 21, 2008 by Roll Call No. 08-664 it was duly resolved by the City Council that the proposed rezoning shall be heard on May 5, 2008, at 5:00 p.m. in Council Chambers, City Hall, Des Moines, Iowa; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on April 24, 2008; and

WHEREAS, in accordance with the notice, those interested in the proposed rezoning, for and against, have been given an opportunity to be heard 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 the proposed rezoning as described above is hereby DENIED because the "M-1" Light Industrial District is not appropriate for the property given its location adjacent to single-family residential uses, as well as for the reasons set forth in the accompanying report from the Planning Administrator.

APPROVED AS TO FORM:

[Signature of Michael F. Kelley]

Michael F. Kelley  
Assistant City Attorney

Moved by [Signature: Mahaffey] to adopt, and to DENY the proposed rezoning

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         | ✓    |      |      |        |
| COLEMAN        | ✓    |      |      |        |
| HENSLEY        |      |      |      | ✓      |
| KIERNAN        | ✓    |      |      |        |
| MAHAFFEY       | ✓    |      |      |        |
| MEYER          | ✓    |      |      |        |
| VLASSIS        | ✓    |      |      |        |
| TOTAL          | 6    |      |      | 1      |

MOTION CARRIED APPROVED  
[Signature: T. M. Franklin] 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.

[Signature: Diane Rauh]

City Clerk