



Roll Call Number

08-1349

Agenda Item Number

40B

Date July 28, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 5, 2008, its members voted 14-0 in support of a motion to recommend **DENIAL** of a request from 3025 Douglas Ave. Inc. (owner) represented by Doug Silzer (officer) to rezone property at 3025 Douglas Avenue from "C-2" General Retail and Highway Oriented Commercial District to Limited "M-1" Light Industrial District.

The subject property is more specifically described as follows:

-Except beginning at the Southwest corner of Lot 26, thence North 24.52 Feet, thence East 160 Feet, thence South 24.17 Feet thence West 160 Feet to the Point of Beginning and except the South 168 Feet of the East 190 Feet- the South 243 Feet of Lots 26 through 53; and the South 52 Feet of Lots 54 and 55, Block H, Lawnwoods, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on July 14, 2008 by Roll Call No. 08-1197 the City Council set the proposed rezoning for public hearing at 5:00 p.m. on July 28, 2008 in the Council Chambers, City Hall, Des Moines, Iowa; and

WHEREAS, notice of the public hearing was published in the Des Moines Register on July 17, 2008 as specified in Section 362.3 and 414.4 of the Iowa Code; and

WHEREAS, in accordance with the notice, those interested in the proposed rezoning, for and against, have been given opportunity to be heard with respect thereto and have presented their views to Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines. Iowa as follows:

1. That upon consideration of the facts, statements of interested persons and arguments of counsel, the hearing is closed; and

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2. The request to rezone the property from "C-2" General Retail and Highway Oriented Commercial District to Limited "M-1" Light Industrial District is hereby DENIED based upon the inappropriateness of general industrial use in proximity to a residential neighborhood and for the reasons set forth in the accompanying letter from the planning administrator.

Moved by Vlassis to deny the proposed rezoning.

APPROVED AS TO FORM:

[Signature]

Michael F. Kelly
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL.

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.

MOTION CARRIED APPROVED
T. M. Franklin Council Mayor

[Signature] City Clerk