



Roll Call Number

09-130

Agenda Item Number

56

Date January 26, 2009

WHEREAS, on January 5, 2009 by Roll Call No. 09-017 it was duly resolved that the application of Hubbell Realty Company (developer) represented by Steve Neibuhr (officer) to rezone property located at 5525 SE 14<sup>th</sup> Street, from Limited R-3 Multiple-Family Residential District to R-3 Multiple-Family Residential District, removing the limitation of senior residential housing on multiple-family dwellings and allowing for 240 apartments would be considered at a public hearing in Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on January 26, 2009; and

WHEREAS, the above described application was considered by the City Plan and Zoning Commission on January 15, 2009 at which time the Commission DENIED the application by voting 5 members in favor and 5 members opposed on a motion to approve the application. No further motion on this matter was brought forward; and

WHEREAS, due notice of the January 26<sup>th</sup> hearing before the City Council was published in the Des Moines Register on January 15, 2009 as provided by law, setting forth the time and place for hearing on the proposed application; and

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

Except the West 400 feet, and except the East 510 feet of the South 538.64 feet, and Except the South 4.5 feet of the East 240.75 feet of the West 1033.5 feet - the South 25 acres of Lot 5, Official Plat of the Northwest Quarter of Section 26, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M.; and, except the West 30 feet and except the East 10.2 feet - Lot 7, Capitol View Acres, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.



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NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines that, upon due consideration of the facts and statements of interested persons and arguments of counsel, the hearing is closed and the application as set forth is hereby:

(Six votes needed for approval)

APPROVED: \_\_\_\_\_

DENIED: \_\_\_\_\_

Moved by Meyer to continue to the February 9, 2009 Council Meeting at 5:00 P.M. City Manager to report back on watershed and traffic issues and assign someone to work with both parties involved. Also explore possibility of the area being a TIF district.

Michael F. Kelley
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.

Y. M. Franklin Council Mayor

Diane Rauh City Clerk