



Roll Call Number

09-414

Agenda Item Number

41

Date March 9, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 15, 2009, its members voted 7-3 in support of a motion recommending DENIAL of a request from Ronald Brenizer Jr. (contract owner) to find the proposed rezoning in conformance with the Des Moines' 2020 Community Character Plan and to rezone property located at 4506 Southwest 9th Street, from C-1A Neighborhood Commercial Reuse District to Limited C-2 General Retail and Highway Oriented Commercial District, to allow a construction contractor's business limited to use of the building for offices and for parking over-the-road vehicles related to the business.

The subject property is more specifically described as follows:

S 165 F E 125 F LT 20 & TRI PC LT C E & ADJ AMEND PLACE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on January 26, 2009, by Roll Call No. 09-090 it was duly resolved by the City Council that the proposed rezoning would be heard in Council Chambers at 5:00 p.m. on February 9, 2009 and that notice of the proposal be published according to law; and

WHEREAS, due notice of hearing was published in the Des Moines Register on January 29, 2009, setting forth the time and place for hearing on the proposed rezoning; and

WHEREAS, on February 9, 2009 by Roll Call No. 09-277 the City Council continued the hearing on the proposed rezoning until March 9, 2009 at 5:00 p.m., and instructed Mr. Brenizer to work with the Community Development Department to create a plan and cost estimate to bring the property into compliance with the Zoning Code and Site Plan regulations and guidelines; and

WHEREAS, Community Development staff have met with the applicant to outline requirements for bringing the property into compliance with development regulations. The applicant expressed concern regarding the cost of hiring a consultant to prepare a site plan and has not provided any cost estimates for requirement improvements nor has he offered a proposed schedule to bring the site into compliance; and

WHEREAS, in accordance with the published 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 City Council.

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

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1. Upon due consideration of the facts and statements of interested persons and arguments of council, the arguments in support of the proposed rezoning are hereby overruled and the hearing is closed.
2. The proposed rezoning of property located at 4506 Southwest 9th Street is hereby found not to be in conformance with the Des Moines 2020 Community Character Plan.
3. The proposed rezoning of the above-described property from C-1A Neighborhood Commercial Reuse District to Limited C-2 General Retail and Highway Commercial District is hereby DENIED.

Moved by Hensley to continue to the March 23rd Council meeting at 5:00 PM to allow time to create a comprehensive list of agreed upon conditions for the property.

APPROVED AS TO FORM:

(Council Communication No. 09-139)

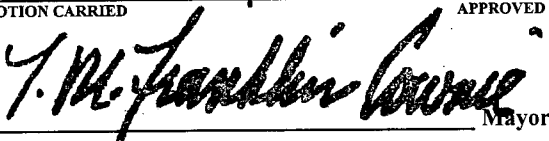
  
 Michael F. Kelley  
 Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

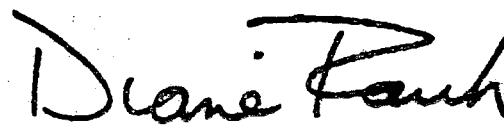
APPROVED

  
 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.



City Clerk