

★ Roll Call Number

09. 1270

Agenda Item Number

64

Date July 13, 2009

WHEREAS, on March 23, 2009 by Roll Call No. 09-467 the City Council of the City of Des Moines resolved to hold a hearing on an application submitted by Florencio Estrada to rezone property located at 335 Forest Avenue from R1-60 One-Family Low Density Residential District to R-3 Multiple Family Residential District to allow construction of a detached garage as an accessory use to an existing 6-unit multiple-family residential dwelling for April 6, 2009 at 5:00 p.m. in Council Chamber at City Hall in Des Moines.

The subject property is more specifically described as follows:

(except the North 180 feet of the South 250 feet of the West 50 feet) and (except the East 5 feet of the South 148.5 feet) of the West 303.18 feet, Lot 53, Official Plat Government Lot 3 & Southeast ¼ Section 34, Township 79 North, Range 24 West of the Fifth P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 5, 2009 its members voted 6-5 in support of a motion recommending **DENIAL** of the proposed rezoning; and

WHEREAS, due notice of the April 6, 2009 hearing was published in the Des Moines Register on March 26, 2009 as provided by law, setting forth the time and place for hearing on the proposed application; and

WHEREAS, on April 6, 2009 by Roll Call no. 09-573 the City Council continued the hearing on this matter until 5:00 p.m. on July 13, 2009 in City Council Chambers to enable the applicant to meet with Community Development Department staff regarding a plan for development of the property; and

WHEREAS, Community Development Department staff have made repeated by unsuccessful attempts to elicit a plan from the applicant as described in the Council Communication concerning this agenda item but neither applicant nor his representative have submitted a plan or any other information regarding the proposed rezoning since the April 6, 2009 City Council meeting; and

WHEREAS, pursuant to the published notice and Roll Call No. 09-573 continuing the hearing, those interested in the proposed rezoning, both for and against, have been given an 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 that upon due consideration of the facts and statements of interested persons and arguments of

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counsel, the hearing is closed and the application to rezone the property to R-3 district classification is hereby:

(Six votes needed for approval)

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

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

(Moved by \_\_\_\_\_ to \_\_\_\_\_)

APPROVED AS TO FORM:

Michael F. Kelley  
Assistant City Attorney

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk