

★ Roll Call Number
09-1882

Agenda Item Number
42

Date October 12, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 17, 2009, its members voted 9-0 in support of a motion to recommend **DENIAL** of a request from Giuseppe Falbo (owner) to find the proposed rezoning not in conformance with the current Des Moines' 2020 Community Character Plan and to rezone property located at 1602 M. L. King Jr. Parkway, from R1-60 One-Family Low-Density Residential District to R-2 Two-Family Residential District, to allow the property to be converted to a two-family dwelling. The subject property is more specifically described as follows:

Lots 4, 5, 6 and East 42 Feet of Lots 7, 8 and 9, Block 2; and Lot A and East 42 Feet Lot C, Block 7, Shepherdsons Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk and Warren County, Iowa.

WHEREAS, on September 28, 2009, by Roll Call No. 09-1746, it was duly resolved by the City Council that the application of 1602 Martin Luther King Jr. Parkway to rezone certain property located in the vicinity of 1602 Martin Luther King Jr. Parkway, more fully described above, be set down for hearing on October 12, 2009, at 5:00 p.m. in the Council Chambers at City Hall; and


WHEREAS, due notice of said hearing was published in the Des Moines Register on September 3, 2009, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and

WHEREAS, in accordance with said notice those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto 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 upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a R-2 Two-Family Residential District are hereby upheld, the hearing is closed and the proposed rezoning and amendment to the current 2020 Community Character Plan is **DENIED**.

MOVED by Vlassis to DENY the proposed rezoning.

FORM APPROVED:

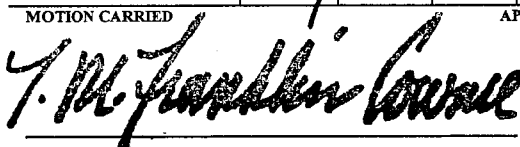

 Michael F. Kelley, Assistant City Attorney

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

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.


 Mayor


 City Clerk