



Roll Call Number

09-1917

Agenda Item Number

18

Date October 26, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 15, 2009, its members voted 8-0 in support of a motion to recommend DENIAL of a request from Josh Spencer (purchaser) to rezone property located at 1800 Euclid Avenue, from "C-1" Neighborhood Retail Commercial District, "C-2" General Retail and Highway Oriented Commercial District, and "U-1" Floodplain District to "M-2" Heavy Industrial District, to allow a tree contracting business and wood yard for display and sales of firewood.

The subject property is more specifically described as follows:

Beginning 25 feet South of Northwest corner Lot 5, thence South 690 feet, Southeasterly 615 feet to point 15 feet North of centerline of railroad, West 700 feet, Northeasterly 550 feet, North 365 feet, East 5 feet, North 360 feet, East 20 feet, to Point of Beginning, vacated railroad right-of-way through Lots 5 and 7 subject to Recreational Trail Easement, Flint Valley, an Official Plat

and

Beginning Southwest corner of Ovid Avenue and 16th Street, thence South 488.93 feet, thence West 264 feet, thence Northwesterly on curve 641.5 feet, thence North to North line Lot 7, thence East 656.6 feet along North Lot line to Point of Beginning, Lot 7, Flint Valley, an Official Plat

and

(Except beginning Southwest corner Lot 6, thence South 55 feet, West 15 feet, North 55 feet, East 15 feet, to Point of Beginning) part lying East of line beginning 306.5 feet East of Northwest corner, thence southerly to point 194.4 feet East of Southwest corner Lot 5, Flint Valley, an Official Plat

and

Part lying West of line beginning 306.5 feet East of Northwest corner Lot 5, thence Southerly to point 194.4 feet East of Southwest corner, and Part beginning Northwest corner Lot 5, thence Southerly and 10 feet East of centerline Des Moines and Central Iowa Railroad to North Line Lot 7, thence East 246.6 feet to Southwesterly line Lot 5, thence Northwesterly along Lot 5 to beginning, Lot 5, Flint Valley, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk and Warren County, Iowa

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

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on November 9, 2009, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by Vlassis to adopt.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

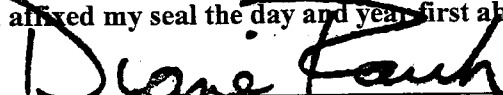
(ZON2009-00166)

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.



Diane Fauh City Clerk

MOTION CARRIED APPROVED



T. M. Franklin
Mayor