

★ Roll Call Number
09-1967

Agenda Item Number
55

Date October 26, 2009

WHEREAS, on October 12, 2009 by Roll Call No. 09-1846 the City Council of the City of Des Moines duly resolved that the request from George Clayton to rezone property at 2218 East Ninth Street from C-1 Neighborhood Retail Commercial District to Limited C-2 General Retail and Highway Oriented Commercial District and to amend the Des Moines 2020 Community Character Plan to allow for general motor vehicle repair be set for public hearing in Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on October 26, 2009; and

WHEREAS, the City Plan and Zoning Commission recommended **DENIAL** of the proposed rezoning and amendment to the Des Moines 2020 Community Character Plan after a public hearing on October 1, 2009; and

WHEREAS, notice of the October 26, 2009 hearing was published according to law in the Des Moines Register on October 15, 2009, setting forth the time and place of hearing; and

WHEREAS, in accordance with the published notice those interested in the proposed rezoning, both for and against, have been given the opportunity to present their views to City Council; and


WHEREAS, the subject property is more specifically described as follows:

North 80 Feet, East 50 Feet, Lot 39, Park View, an Official Plat, all now included in an forming a part of the City of Des Moines, Polk and Warren County, Iowa.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that upon consideration of the facts and circumstances, statements of interested persons and arguments of counsel, the hearing is closed and the applications to rezone the above-described property from C-1 to a Limited C-2 district classification and to amend the City of Des Moines 2020 Community Character Plan future land use description from Low Density Residential to Auto-oriented small-scale Strip Development are here by **DENIED**.

Moved by Mahaffey to **DENY**.

APPROVED AS TO FORM:

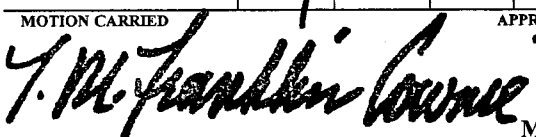

 Michael F. Kelley
 Assistant City Attorney

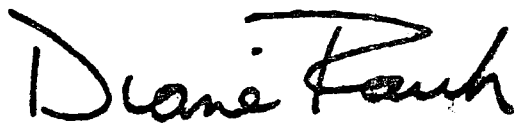
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

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.


 T. M. Franklin
 Mayor


 Diane Rauh
 City Clerk