



Roll Call Number

09-2044

Agenda Item Number

47

Date November 9, 2009

WHEREAS, on October 12, 2009 by Roll Call No. 09-1917 the City Council of the City of Des Moines duly resolved that the request from Josh Spencer to rezone property at 1800 Euclid Avenue from C-1 Neighborhood Retail Commercial, C-2 General Retail and Highway Oriented Commercial and U-1 Floodplain districts to M-2 Heavy Industrial district classification be set for public hearing in Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on November 9, 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 15, 2009; and

WHEREAS, notice of the November 9, 2009, hearing was published according to law in the Des Moines Register on October 29, 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:

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

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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

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, C-2 and U-1 districts to M-2 district classification is here by **DENIED**.

Moved by Mahaffey to **DENY**

APPROVED AS TO FORM:

Michael F. Kelley
Michael F. Kelley
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN				✓
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			1

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.

Diane Fauh City Clerk