

★ Roll Call Number

10-1607

Agenda Item Number

55

September 27, 2010

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 2, 2010, its members voted 7-1-1 in support of a motion to recommend **DENIAL** of a request from Sandra Matchinsky (contract buyer), to rezone property located at 1401 East 12th Street from R1-60 One-Family Low-Density Residential District to C-2 General Retail and Highway Oriented Commercial District, to allow the former Wallace Elementary School property to be reused for an auction business.

The subject property is more specifically described as follows:

Lots 175 thru 182 and 247 thru 254 and intervening vacated north/south alley and intervening vacated east/west railroad right-of-way, Capital Park, an Official Plat, all know included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on September 13, 2010 by Roll Call No. 10-1457 the City Council duly resolved to hold the public hearing on the proposed rezoning at 5:00 p.m. on September 27, 2010 in Council Chambers, City Hall; and

WHEREAS, the Des Moines Register published notice of the hearing according to law on September 16, 2010, setting forth the time and place of hearing on the proposed amendment to the Zoning Ordinance; and

WHEREAS, in accordance with the notice those interested in the proposed rezoning, for and against, have had the opportunity to be heard 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 C-2 General Retail and Highway Oriented Commercial District classification are hereby sustained, the hearing is closed, and the proposed rezoning is **DENIED**.

APPROVED AS TO FORM:



Michael F. Kelley, Assistant City Attorney

Moved by Mahaffey to adopt and to deny the rezoning.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY				✓
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	10			1

MOTION CARRIED

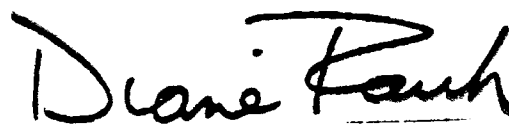
APPROVED

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.



City Clerk