

★ **Roll Call Number**

10-1727

Agenda Item Number

19

October 25, 2010

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 7, 2010, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Connie Ashby (owner) to rezone property located at 1521 East 40<sup>th</sup> Street from U-1 Floodplain District to Limited R1-60 One-Family Low-Density Residential District for the west **145 feet** of Lot 15 Broadacre, subject to the owner agreeing to the following conditions:

1. Any addition to the existing dwelling or construction of any other single-family dwelling shall have no openings, windows, or entrances at an elevation less than one foot above the proposed 1% annual chance flood elevation as enforced by Chapter 50 of the City Code.
2. No portion of any property requested to be rezoned to "R1-60" shall be within any area proposed for a 0.2% annual chance of flood hazard as demonstrated by a Land Surveyor licensed with the State of Iowa.

The subject property is more specifically described as follows:

West 145 feet of Lot 15, Broadacre, an Official Plat, all know included in and forming a part of the City of Des Moines, Polk County, Iowa.

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 8, 2010, 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.

FORM APPROVED:



Michael F. Kelley, Assistant City Attorney

MOVED by Mahaffey to adopt.



COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

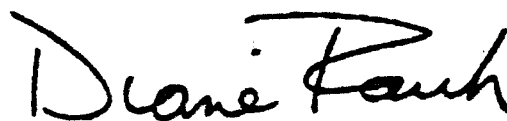
APPROVED

Y. M. Franklin Cownie 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