

★ Roll Call Number
11-1740

Agenda Item Number
41

Date.....
October 10, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 15, 2011, its members voted 11-0 in support of a motion to recommend APPROVAL to amend the Zoning Ordinance Text in Chapter 134 and the Site Plan Ordinance Text in Chapter 82 establishing a Downtown Overlay District which provides Site Plan design guidelines for an area generally bounded by Interstate 235 on the north, the Raccoon River and Des Moines River on the south, East 14th Street on the east, and M.L. King Jr. Parkway on the west; and

WHEREAS, on September 26, 2011 by Roll Call No. 11-1628, the City Council duly resolved that the public hearing on the proposed text amendments be held in Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. at which time those persons both in favor of and opposed to the amendments would be heard; and

WHEREAS, notice of the public hearing was published in the Des Moines Register on September 29, 2011 according to law; and

WHEREAS, in accordance with the published notice, those interested in the proposed text amendments to Chapters 82 and 134 of the Municipal Code of the City of Des Moines, both for and against, have been given opportunity to be heard with respect thereto 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, as follows:

1. Upon consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed text amendments to Chapters 82 and 134 of the Municipal Code are hereby overruled and the hearing is closed.
2. The amendments to Chapter 82 and 134 of the Municipal Code of the City of Des Moines as set forth in the attached ordinance are hereby APPROVED.

Moved by Hensley to adopt and to approve the amendments to Chapters 82 and 134 of the Municipal Code of the City of Des Moines.

APPROVED AS TO FORM:

[Signature]
Michael F. Kelley, Assistant City Attorney

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

[Signature]
T. M. Franklin
Mayor

[Signature]
Diane Rauh
City Clerk