

★ Roll Call Number

11-1913

Agenda Item Number

49

Date November 7, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 15, 2011, its members voted 7-4 in support of a motion to recommend **DENIAL** of a request by EDSM, LLC represented by Arnold DeWitt and Grace DeWitt to rezone property in the vicinity of 1241 East 38th Street from R1-60 One-Family Low-Density Residential District to Limited C-2 General Retail and Highway-Oriented Commercial District;

WHEREAS, on September 26, 2011 by Roll Call No. 11-1627, the City Council set a public hearing on the proposed rezoning for October 10, 2011 at 5:00 p.m. in Council Chambers, City Hall, Des Moines, Iowa;

The subject property is more specifically described as follows (the "Property"):

Lots 100, 101, 102, and 103, Broadacre, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, notice of the public hearing was published in the Des Moines Register according to law on September 29, 2011, setting forth the time and place for hearing on the proposed rezoning.

WHEREAS, at the owners' request, on October 10, 2011, by Roll Call No. 11-1728, the City Council opened the public hearing and continued the hearing on the proposed rezoning until November 7, 2011 at 5:00 p.m.

WHEREAS, the applicant has requested a further continuance of the public hearing until November 21, 2011 at 5:00 p.m.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the public hearing on the proposed rezoning of the Property is opened and hereby continued until November 21, 2011 at 5:00 p.m. in Council Chambers, City Hall, Des Moines, Iowa.

Moved by Mahaffey to adopt, and to continue the public hearing until November 21, 2011 at 5:00 PM.

FORM APPROVED:



Michael F. Kelley, Assistant City Attorney

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

MOTION CARRIED

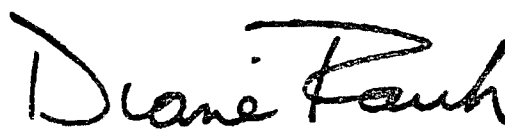
APPROVED

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