

★ **Roll Call Number**

11-1914

**Agenda Item Number**

50

**Date** November 7, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 1, 2011, its members voted 13-0 in support of a motion to recommend **DENIAL** of a request from Hue Nguyen (owner) to rezone property located at 1435 University Avenue from "R-3" Multiple-Family Residential District to Limited "C-1" Neighborhood Retail Commercial District, to allow for retail development; and

WHEREAS, on September 12, 2011 by Roll Call No. 11-1577, the City Council set a public hearing on the proposed rezoning for September 26, 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"):

(Except Street) West 70 feet Lots 22, 23, & 24, Bertha Park, 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 15, 2011, setting forth the time and place for hearing on the proposed rezoning; and

WHEREAS, on September 26, 2011 by Roll Call No. 11-1664, the City Council opened the public hearing on the proposed rezoning, and continued the hearing until October 10, 2011 at 5:00 p.m.; and

WHEREAS, on October 10, 2011 by Roll Call No. 11-1729, the City council opened the public hearing on the proposed rezoning, and continued the hearing until November 7, 2011 at 5:00 p.m.; and

WHEREAS, the applicant has requested a further continuance of the public hearing until December 19, 2011 at 5:00 p.m. in order to address concerns with the rezoning raised by the Plan and Zoning Commission.

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 December 19, 2011 at 5:00 p.m. in Council Chambers, City Hall, Des Moines, Iowa.

Moved by Griess to continue to December 19, 2011 at 5:00 p.m.

**FORM APPROVED:**



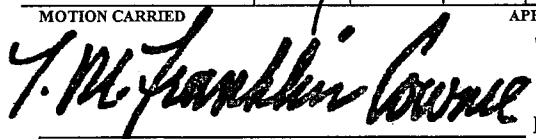
Michael F. Kelley, Assistant City Attorney

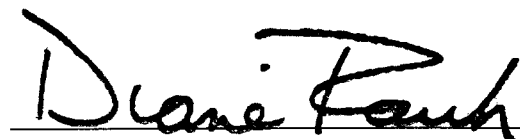
| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         | ✓    |      |      |        |
| COLEMAN        | ✓    |      |      |        |
| GRIESS         | ✓    |      |      |        |
| HENSLEY        | ✓    |      |      |        |
| MAHAFFEY       | ✓    |      |      |        |
| 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.

MOTION CARRIED 7 APPROVED  
  
 T. M. Franklin, Mayor

  
 Diane Rauh, City Clerk