

★ Roll Call Number
11-1997

Agenda Item Number
46

Date November 21, 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, at the owners' request, on November 7, 2011, by Roll Call No. 11-1913, the City Council opened the public hearing and continued the hearing on the proposed rezoning until November 21, 2011 at 5:00 p.m.

WHEREAS, in accordance with the notice those interested in the proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

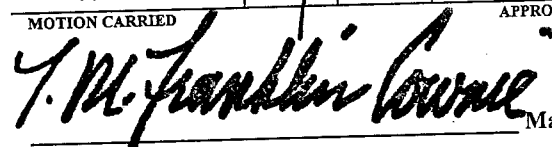
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the property from R1-60 One-Family Low-Density Residential District to Limited C-2 General Retail and Highway-Oriented Commercial District are accepted, the hearing is closed and the proposed rezoning is hereby DENIED.

FORM APPROVED:


 Michael F. Kelley, Assistant City Attorney

Moved by Mahaffey to refer this item back to the Plan and Zoning Commission.

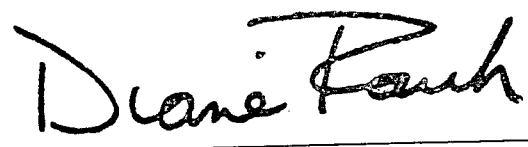
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED				


 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.


 Diane Rauh, City Clerk