

★ Roll Call Number

Agenda Item Number

11-2144

45

December 19, 2011

Date.....

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 18, 2011, its members voted 8-5 in support of a motion to recommend **DENIAL** of a request from Capstone Ventures, LLC (owner) represented by Douglas Siedenbug (officer) to rezone property located at 315 Southwest 14th Street from C-3B Central Business District Mixed Use District to PUD Planned Unit Development;

WHEREAS, on August 29, 2011 by Roll Call No. 11-1445, the City Council set a public hearing on the proposed rezoning for September 26, 2011 at 5:00 p.m. in Council Chamber, City Hall, Des Moines, Iowa;

The subject properties are more specifically described as follows:

(Except the North 360 feet on West Line and North 249.2 feet on East Line) Lot 3, Central Des Moines Industrial 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;

WHEREAS, attorneys for applicant Capstone Ventures, LLC filed with the Mayor and City Council a written request that the public hearing scheduled for September 26, 2011 be continued until the City Council meeting on October 24, 2011;

WHEREAS, on September 26, 2011 by Roll Call No. 11-1669, the City Council opened the public hearing and resolved to continue the public hearing on the proposed rezoning of the property from the C-3B to a PUD District classification until October 24, 2011 at 5:00 p.m. in Council Chambers at City Hall, Des Moines, Iowa;

WHEREAS, attorneys for applicant Capstone Ventures, LLC filed with the Mayor and City Council a further request to continue the public hearing on the proposed rezoning until December 5, 2011 at 5:00 p.m. in Council Chambers at City Hall, Des Moines, Iowa.

WHEREAS, on October 24, 2011 by Roll Call No. 11-1830, the City Council opened the public hearing and resolved to continue the public hearing on the proposed rezoning of the property from the C-3B to a PUD District classification until December 5, 2011 at 5:00 p.m. in Council Chambers at City Hall, Des Moines, Iowa;

WHEREAS, attorneys for applicant Capstone Ventures, LLC filed with the Mayor and City Council a further request to continue the public hearing on the proposed rezoning until December 19, 2011 at 5:00 p.m. in Council Chambers at City Hall, Des Moines, Iowa.

WHEREAS, on December 5, 2011 by Roll Call No. 11-2081, the City Council set a public hearing on the proposed rezoning for December 19, 2011 at 5:00 p.m. in Council Chambers, City Hall, Des Moines, Iowa; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

Alternative A

_____ Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the property from C-3B Central Business District Mixed Use District to PUD Planned Unit Development are accepted, the hearing is closed and the proposed rezoning is hereby DENIED.

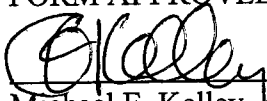
Moved by _____ to adopt and to DENY the proposed rezoning.

Alternative B

_____ Moved by _____ to continue the public hearing until the January 9, 2012 Council meeting at 5:00 p.m. and to direct the City Manager and Legal Department to prepare the necessary legislation to approve the rezoning subject to the conditions acceptable to the City and the applicant.

Moved by _____ to adopt and to continue the public hearing to January 9, 2012 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				

MOTION CARRIED APPROVED

_____ 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