WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 17, 2011, its members voted 13-0 in support of a motion to recommend **DENIAL** of a request from Imperial Properties, Inc. represented by William J. Moyer (officer) to rezone the property located at 4141 East 14th Street from C-2 General Retail and Highway Oriented Commercial District to M-1 Light Industrial District, to allow use of the property for a chrome plating operation based on a finding that it is the intent of the Des Moines' 2020 Community Character Plan to preserve the East 14th Street corridor for commercial use and not industrial purposed over time:

The subject properties are more specifically described as follows:

(Except Road beginning 24.71 Feet South & 33 Feet East of West 1/4 Corner of Section 24, Township 79 North, Range 24 West of the 5th P.M., thence East 249.44 Feet, thence Southwest 107.1 Feet, thence West 75.29 Feet, thence Southwesterly 56.69 Feet, thence South 148.73 Feet, thence West 18 Feet, thence North 180.07 Feet to Point of Beginning)
and
(Except the East 49.2 Feet)
East 249.2 Feet of the West 282.2 Feet of the South 180 Feet of the North 205 Feet of the Northwest 1/4, Southwest 1/4, Section 24, Township 79 North, Range 24 West of the 5th P.M., in the City of Des Moines, Polk County, Iowa

WHEREAS, on December 5, 2011 by Roll Call No. 11-2050, 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

WHEREAS, notice of the public hearing was published in the Des Moines Register according to law on December 8, 2011, setting forth the time and place for the hearing on the proposed rezoning; and

WHEREAS, on December 19, 2011 by Roll Call No. 11-2146, the City Council opened the public hearing on the proposed rezoning and continued the public hearing until January 9, 2012 at 5:00 p.m. in Council Chambers, City Hall, Des Moines, Iowa in order to work with business owners to identify needs and possible solution to the rezoning; and

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.

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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-2 General Retail and Highway Oriented Commercial District to M-1 Light Industrial District 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 April 23, 2012 Council meeting at 5:00 p.m. and to enable 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 _Mahaffey_ to adopt and to continue the public hearing to April 23, 2012 at 5:00 p.m.

FORM APPROVED:

[signature]

Michael F. Kelley
Assistant City Attorney

(Council Communication No. _12-021_)

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

[signature] 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.

[signature] City Clerk