

★ Roll Call Number

12-0833

Agenda Item Number

57

Date..... May 21, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 19, 2012, its members voted 9-0 in support of a motion to recommend **DENIAL** of a request from Jose Zambrano (purchaser) and Jose Gonzales (owner) to rezone property located at 2001 Clark Street, 2009 Clark Street and 1510 M.L. King Jr. Parkway from a Limited C-1 Neighborhood Retail Commercial District to C-2 General Retail and Highway-Oriented Commercial District, to allow reuse of the premises for a general motor vehicle repair shop use; and

WHEREAS, on May 7, 2012 by Roll Call No. 0695, the City Council set a public hearing on the proposed rezoning for May 21, 2012 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 14, 15, and 16, Cases Addition to North Des Moines, 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 May 10, 2012, setting forth the time and place for hearing on the proposed 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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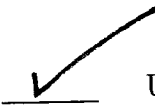
57

Date May 21, 2012

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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 a Limited C-1 Neighborhood Retail Commercial District to C-2 General Retail and Highway-Oriented Commercial District are accepted, the hearing is closed and the proposed rezoning is hereby DENIED.

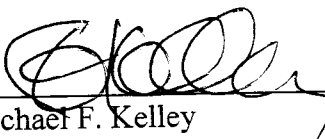
Moved by Griess to adopt and to DENY the proposed rezoning.

Alternative B

Moved by \_\_\_\_\_ to continue the public hearing until the \_\_\_\_\_ 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 \_\_\_\_\_ at 5:00 p.m.

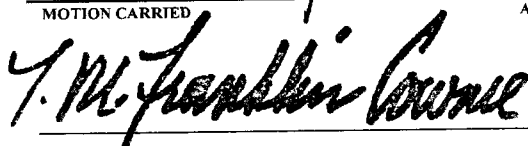
FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

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

MOTION CARRIED

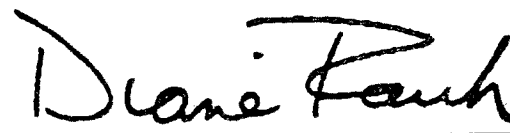
APPROVED

  
 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.

  
 Diane Rauh  
 City Clerk