

★ Roll Call Number

12-1037

June 25, 2012

Date

Agenda Item Number

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WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 17, 2012, its members voted 13-0 in support of a motion to recommend **DENIAL** of a request from Alawi Habib (purchaser) and Daybreak Family Worship Center, Inc. (owner) to rezone property located at 2410 Hickman Road from Limited C-2 General Retail and Highway-Oriented Commercial District to C-2 General Retail and Highway-Oriented Commercial District, to allow for use of the property for a vehicle display lot; and

WHEREAS, on June 11, 2012 by Roll Call No. 12-0887, the City Council set a public hearing on the proposed rezoning for June 25, 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"):

(Except an irregular piece being North 37 feet on East Line and North 25.4 feet on West Line) the West 410 feet of the East 785 feet Lot 1, Duhigg Place, 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 June 14, 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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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

Alternative A

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Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the property from Limited C-2 General Retail and Highway-Oriented 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:

[Signature]

Michael F. Kelley
Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

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.

T. M. Franklin Council Mayor

[Signature] City Clerk