

★ Roll Call Number

12-1375

Agenda Item Number

40

Date August 27, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 19, 2012, its members voted 11-2 in support of a motion to recommend **DENIAL** of a request from Timber Creek Homes, LLC (owner) represented by John Walker (officer) to rezone property located at 2007 East 33rd Street from R1-60 One-Family Low-Density Residential District to R-2 Two-Family Residential District, to allow for development of the property for a two-family dwelling; and

WHEREAS, on August 13, 2012 by Roll Call No. 12-1250, the City Council set a public hearing on the proposed rezoning for August 27, 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"):

Lot 4, Douglas Manor Plat 1, 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 August 16, 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

✓ 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 R-2 Two-Family Residential District are accepted, the hearing is closed and the proposed rezoning is hereby DENIED.

Moved by Mahaffey 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
 Michael F. Kelley
 Assistant City Attorney

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

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 Mayor

Diane Rauh City Clerk