

★ Roll Call Number

12-1722

Agenda Item Number

35B

Date November 5, 2012

WHEREAS, on October 22, 2012 by Roll Call No. 12-1610, the City Council of the City of Des Moines, Iowa, duly resolved to set a public hearing at 5:00 p.m., November 5, 2012 in Council Chambers on the request from Hubbell Properties II, LC to rezone certain property located in the vicinity of 4312, 4282, 4250 and 4216 East 50th Street from Limited M-1 Light Industrial to R-3 Multiple-Family Residential District classification to allow development of up to 200 residential apartments, subject to staff working with Hubbell to determine if there is any additional right-of-way necessary for a roundabout that could be considered to help slow traffic.

WHEREAS, the subject property is more specifically described as follows:

South 30 feet of Lot 8, and All Lots 9, 10, 11, 12, Broadway Business Park Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, due notice of the hearing was published in the Des Moines Register on October 25, 2012, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

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

WHEREAS, pursuant to Iowa Code Section 414.5, because written protests against the proposed rezoning have been filed with the City Clerk and signed by the owners of twenty percent or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change is proposed, the change shall not become effective except by the favorable vote of at least three-fourths of all members of the council.

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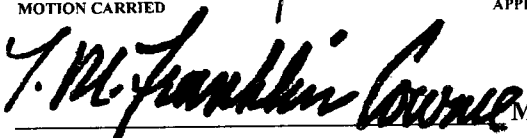
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property from the Limited M-1 Light Industrial to R-3 Multiple-Family Residential District classification are hereby considered and the hearing is closed.

MOVED by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. (6/7 Vote Required); refer to the City Manager to work with the developer regarding the extension of Aurora Avenue to the east, and to report back at the second consideration on November 19th.
 MOVED by _____ to adopt and to deny the rezoning.

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 7 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