

★ Roll Call Number

12-1879

Agenda Item Number

43

Date..... December 3, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 1, 2012, its members voted 11-0 in support of a motion to recommend **DENIAL** of a request from Raymond Garneau (owner) to rezone property located at 2324 Southwest 9th Street from C-1 Neighborhood Retail Commercial District to the C-2 General Retail and Highway Oriented Commercial District, to allow conversion of the existing property to a plumbing and heating shop, on the basis that the C-2 District is intended for larger retail areas where adequate buffering can be provided for adjoining residential uses. The existing C-1 District classification is a more appropriate classification given the residential nature of the area and the shallow depth of the lots fronting SW 9th Street; and

WHEREAS, on November 19, 2012 by Roll Call No.12-1766, the City Council set a public hearing on the proposed rezoning for December 3, 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 the West 77 feet) Lot 560, 1st Plat of Clifton Heights, 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 November 21, 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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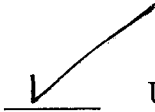
December 3, 2012

Date

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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-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 Hensley 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			

MOTION CARRIED

APPROVED

Franklin Cowie 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