

★ Roll Call Number

13-0152

Agenda Item Number

48 A+B

January 28, 2013

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 3, 2013, its members voted 13-0 in support of a motion to recommend **DENIAL** of a request from Kent Lehs (owner) to rezone property located at 2425 Euclid Avenue from C-2 General Retail and Highway-Oriented Commercial District to M-1 Light Industrial District;

WHEREAS, on January 14, 2013 by Roll Call No. 13-0030, the City Council set a public hearing on the proposed rezoning for January 28, 2013 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 South and West of line beginning 203.77 feet East of the Southwest corner of Lot 2, Euclid Heights, an Official Plat, thence Northwesterly 124.4 feet to West line of said Lot 2, Euclid Heights) and (Except beginning 122.88 feet North of Southwest corner, thence North 112.27 feet, thence Southeast 113.02 feet, thence Northwest 11 feet to Point of Beginning) West 50 feet vacated Interurban Railroad Right-of-Way lying North of Euclid Avenue and East and adjacent to Lot 2, Euclid Heights and Lot 2, Euclid Heights, 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 January 17, 2013, 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.

(Continued on Page 2)

★ Roll Call Number

13-0152

Agenda Item Number

48A+B

Date January 28, 2013

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-2 General Retail and Highway-Oriented Commercial District to M-1 Light Industrial District are accepted, the hearing is closed and the proposed rezoning is hereby DENIED.

Moved by Griess to

DENY the proposed rezoning. The City Council encourages the applicant to apply for a variance. The City Manager and Legal Department will review the Board of Adjustment application fee for those who

_____ Upon due consideration of the facts, ^{have already gone through the Plan and Zoning process.} statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the property from C-2 General Retail and Highway-Oriented Commercial District to M-1 Light Industrial District are overruled, the hearing is closed and the proposed rezoning is hereby APPROVED.

Moved by _____ to adopt and to APPROVE the proposed rezoning.

FORM APPROVED:

[Signature]

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.

[Signature]
Mayor

[Signature]
City Clerk