

★ Roll Call Number

13-0241

Agenda Item Number

53

Date February 11, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 17, 2013, its members voted 13-0 in support of a motion to recommend **DENIAL** of a request from James Sarcone (purchaser) to rezone property located at 4506 Southwest Ninth Street from Limited C-2 General Retail and Highway Oriented Commercial District to Limited C-2 General Retail and Highway Oriented Commercial District whereby the condition prohibiting the use of the property for automobile establishments for display, hire, rental or sales is removed to allow reuse of the property for a vehicle display lot; and

WHEREAS, on January 28, 2013 by Roll Call No. 13-0108, the City Council set a public hearing on the proposed request for removal of prohibition of vehicle display use for February 11, 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"):

South 165 feet for the East 125 feet, Lot 20, Amend Place, an Official Plat and a triangular piece of Lot C, Amend Place East of and adjacent to said Lot 20, Amend Place 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 31, 2013, setting forth the time and place for hearing on the proposed request for removal of prohibition of vehicle display use; 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 removal of prohibition of vehicle display use are accepted, the hearing is closed and the proposed rezoning is hereby DENIED.

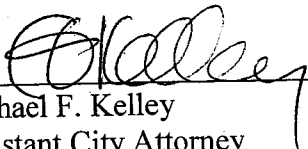
Moved by _____ to adopt and to DENY the proposed rezoning.

Alternative B

_____ 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 removal of prohibition of vehicle display use 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
Assistant City Attorney

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

MOTION CARRIED APPROVED

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.

City Clerk