

★ Roll Call Number

13-0744

Agenda Item Number

44

Date May 6, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 4, 2013, its members voted 12-0 in support of a motion to recommend **DENIAL** of a request from Miguel Saucedo (purchaser) to rezone property located at 1161 22nd Street from R1-60 One-Family Low Density Residential District to R-4 Multiple-Family Residential District because the proposal is contrary to the goals of the recently adopted Drake Neighborhood Plan, reasoning that new multiple-family residential development should occur on the major corridors in the neighborhood where the streets are designed to handle higher levels of traffic and where residents would have direct access to mass transit. Multiple-family development should occur on lots that are large enough to provide adequate off-street parking, open space and buffering from other uses; and

WHEREAS, on April 22, 2013 by Roll Call No. 13-0644, the City Council set a public hearing on the proposed rezoning for May 6, 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"):

Lot 24, Cottage Grove Replat, 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 April 25, 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.

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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-4 Multiple-Family Residential 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

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	

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