



Roll Call Number

14-1597

Agenda Item Number

37

Date October 6, 2014

RESOLUTION CONTINUING HEARING ON REQUEST FROM KHANNA FAMILY INVESTMENTS, INC. (OWNER), REPRESENTED BY REHKA KHANNA (OFFICER), TO REZONE PROPERTY LOCATED AT 2917 PAYNE ROAD FROM "C-1" NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT TO "C-2" GENERAL RETAIL AND HIGHWAY ORIENTED COMMERCIAL DISTRICT

WHEREAS, on September 22, 2014, by Roll Call No. 14-1466, the City Council received and filed the recommendation from the City Plan and Zoning Commission, by a vote of its members of 11-0, to **DENY** a request from Khanna Family Investments, Inc. (owner), represented by Rehka Khanna (officer) and doing business as The Oasis, to rezone property locally known as 2917 Payne Road ("Property") from "C-1" Neighborhood Retail Commercial District to "C-2" General Retail and Highway Oriented Commercial District; and

WHEREAS, on September 22, 2014, by Roll Call No. 14-1466, it was duly resolved by the City Council that the application of Khanna Family Investments, Inc. (owner) to rezone the Property, legally described as follows, be set down for hearing on October 6, 2014 at 5:00 p.m. in the Council Chamber at City Hall:

West 104 Feet of Lot 42; all in **ARNOLD'S PLACE**, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; and

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

WHEREAS, Khanna Family Investments, Inc. has requested a continuation of the public hearing to the December 8, 2014 Council meeting in order to continue negotiations with neighbors and neighborhood associations in and around the Property and to complete the Zoning Board of Adjustment process relating to the requested Conditional Use Permit for the Property, which continuance will also allow for correction of a scrivener's error in the notice of publication of the hearing.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the public hearing regarding rezoning of property locally known as 2917 Payne Road from "C-1" Neighborhood Retail Commercial District to "C-2" General Retail and Highway Oriented Commercial District be continued to December 8, 2014 at 5:00 p.m. in the City Council Chambers, and that the City Clerk is authorized and directed to publish a corrected notice of said hearing not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

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Moved by Gray to adopt.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2014-00148)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Council 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