



Roll Call Number

14-1849

Agenda Item Number

28

Date December 8, 2014

RESOLUTION SETTING HEARING ON REQUEST FROM WAYNE RUSSELL, LLC (OWNER), REPRESENTED BY LARRY BARRY (OFFICER), TO REZONE PROPERTY LOCATED AT 2301 SOUTHWEST 9TH STREET TO ALLOW CONVERSION OF THE EXISTING RESTAURANT USE OF THE BUILDING TO A TAVERN USE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 20, 2014, its members voted 9-0 to recommend DENIAL of a request from Wayne Russell, LLC (owner), represented by Larry Barry (officer), to rezone real property locally known as at 2301 Southwest 9th Street ("Property") from "C-0" Commercial-Residential District to "C-2" General Retail and Highway-Oriented Commercial District, to allow conversion of the existing restaurant use of the building to a tavern use; and

WHEREAS, the Property is legally described as follows:

The vacated South 11 feet of Davis Avenue Right-Of-Way lying north of and adjoining Lot 302 and all of Lot 302 in FIRST PLAT OF CLIFTON HEIGHTS, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa, at 5:00 p.m. on December 22, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, 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.

MOVED by Gatto to adopt.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2014-00205)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL.

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