



Roll Call Number

18-1625

Agenda Item Number

47

Date September 24, 2018

**RESOLUTION DISMISSING HEARING ON REQUEST FROM
NJC PROPERTIES, LLC TO REZONE 2525 MCKINLEY AVENUE**

WHEREAS, on August 6, 2018, by Roll Call No. 18-1333, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on July 19, 2018, its members voted 7-5 in support of a motion to recommend **DENIAL** of a request from NJC Properties, LLC (owner), represented by Noel Chladek (officer), to rezone property at 2525 McKinley Avenue ("Property"), legally described as follows, from "M-3" Limited Industrial District to "C-2" General Retail and Highway-Oriented Commercial District, to allow single-family residential development of the Property:

The South ½ of the Southeast ¼ of the Southwest ¼ of the Southwest Quarter, Section 20, Township 78, Range 24, except the west 25' and the south 33' thereof, and except the east 529' thereof, included in the City of Des Moines, Polk County, Iowa; and

WHEREAS, on August 6, 2018, by Roll Call No. 18-1333, it was duly resolved by the City Council that the application of NJC Properties, LLC to rezone the Property be set down for hearing on August 20, 2018 at 5:00 p.m. in the Council Chamber at the Council Chambers; 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 rezoning; and

WHEREAS, on August 20, 2018, by Roll Call No. 18-1450 and thereafter on September 10, 2018, by Roll Call No. 18-1556, the City Council opened and continued the public hearing on said proposed rezoning to the subsequent City Council meeting, and directed the City Manager and Legal Department to prepare the necessary legislation to approve the rezoning subject to conditions acceptable to the City and the owners; and

WHEREAS, thereafter NJC Properties, LLC requested to withdraw its application for the proposed rezoning of the Property.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the public hearing on the proposed rezoning of 2525 McKinley Avenue from "M-3" Limited Industrial District to "C-2" General Retail and Highway-Oriented Commercial District is hereby dismissed, and the matter of the proposed rezoning is withdrawn from City Council consideration.



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MOVED BY Mendelbaum TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2018-00115)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED.

J. M. Frank 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