

★ Roll Call Number
19-1790

Agenda Item Number
68

Date November 4, 2019

**RESOLUTION DISMISSING HEARING ON REQUEST FROM LUCKY GAL 1, INC. TO REZONE
PROPERTY LOCATED AT 3104 SOUTHWEST 9TH STREET**

WHEREAS, on October 14, 2019, by Roll Call No. 19-1598, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on October 3, 2019, its members voted 10-0 in support of a motion to recommend **DENIAL** of a request from Lucky Gal 1, Inc. (owner), represented by Chris Pruisner (officer), to rezone property located at 3104 Southwest 9th Street ("Property") from "C-1" Neighborhood Retail Commercial District to "C-2" General Retail and Highway-Oriented Commercial District, to allow for a portion of the existing building on the Property to be reused for a game room or indoor recreational use; and

WHEREAS, on October 14, 2019, by Roll Call No. 19-1598, it was duly resolved by the City Council that the application of Lucky Gal 1, Inc. to rezone the Property, legally described as follows, be set down for hearing on November 4, 2019 at 5:00 p.m. in the Council Chamber at the Council Chambers:

THE NORTH 121 FEET OF THE EAST 125 FEET OF LOT 1 IN SOUTHGATE AND PARCEL "B" OF THE PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA ON JANUARY 16, 2003, AND RECORDED IN BOOK 9578 PAGE 185, BEING A PART OF LOT 1 IN SOUTHGATE, 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 rezoning; and

WHEREAS, thereafter Lucky Gal 1, Inc. requested to withdraw its application for the proposed rezoning of the Property in order to postpone said application for processing under the City's new Zoning Ordinance.

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 3104 Southwest 9th Street from "C-1" Neighborhood Retail Commercial 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General Retail and Highway-Oriented Commercial District is hereby dismissed, and the matter of the proposed rezoning is withdrawn from City Council consideration at this time.

FORM APPROVED:
Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

MOVED BY *Mandelbaum* TO ADOPT.
(ZON2019-00185)

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

MOTION CARRIED APPROVED

CERTIFICATE

I, *P. Kay Onelik*, 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.

J. M. Franklin Cownie Mayor

P. Kay Onelik City Clerk