★ **Roll Call Number** 09-090

Agenda Item Number 29

Date January 26, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 15, 2009, its members voted 7-3 in support of a motion to recommend **DENIAL** of a request from Ronald Brenizer Jr. (contract owner) to find the proposed rezoning in conformance with the Des Moines' 2020 Community Character Plan and to rezone property located at 4506 Southwest 9th Street, from "C-1A" Neighborhood Commercial Reuse District to Limited "C-2" General Retail and Highway Oriented Commercial District, to allow a construction contractors business limited to use of the building for offices and for parking over-the-road vehicles related to the business.

The subject property is more specifically described as follows:

S 165 F E 125 F LT 20 & TRI PC LT C E & ADJ AMEND PLACE, an Official Plat, all 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 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 February 9, 2009, at which time the City Council will hear both those who oppose and those who favor the proposal.

2. 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 Vlassis to adopt.

FORM APPROVED:

Michael F. Kelley
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED APPROVED

T. M. Franklin Cownie 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