

54B

Date..... April 24, 2006

RESOLUTION DENYING APPLICATION FOR REZONING  
OF PROPERTY AT 334 E. PARK AVENUE

WHEREAS, on April 10, 2006, by Roll Call No. 06-628, it was duly resolved by the City Council that the application of Jeff and Julie Ries to rezone certain property they own in the vicinity of 334 E. Park Avenue, more fully described as follows:

Lots 448, 449 and the West 5 feet of Lot 450, Crawford Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the "R1-70" One-Family Low-Density Residential District to the "C-1" Neighborhood Retail Commercial District classification to allow use of an existing accessory structure at their residence as a retail shop for youth all-terrain vehicles ("ATVs"), be set down for hearing on April 24, 2006, at 5:00 P.M., in the Council Chambers of the City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on April 12, 2006, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the City Plan and Zoning Commission has advised in the accompanying communication that at a public hearing on March 16, 2006, its members voted 12-0-1 in support of a motion to recommend DENIAL of the proposed rezoning; NOW THEREFORE,

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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning are hereby sustained, and the hearing is closed.
2. The proposed rezoning of the property described above to the "C-1" Neighborhood Retail Commercial District classification is hereby found to be not in conformance with the Des Moines 2020 Community Character Land Use Plan.
3. The proposed rezoning is hereby denied for the reasons set forth in the accompanying communication from the City Plan and Zoning Commission.

( continued )

★ Roll Call Number

Agenda Item Number

5AB

Date April 24, 2006

MOVED by \_\_\_\_\_ to adopt and deny the proposed rezoning.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown

Assistant City Attorney

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**Note:** It takes six affirmative votes to approve the proposed rezoning due to the recommendation for denial from the City Plan and Zoning Commission. If the City Council desires to approve the rezoning an appropriate motion would be to continue the public hearing until May 8, 2006, and to direct the Legal Department to prepare the necessary documents for approval of the rezoning with such reasonable conditions as may be agreed to by the owners of the property.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

**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.

MOTION CARRIED

APPROVED

..... Mayor

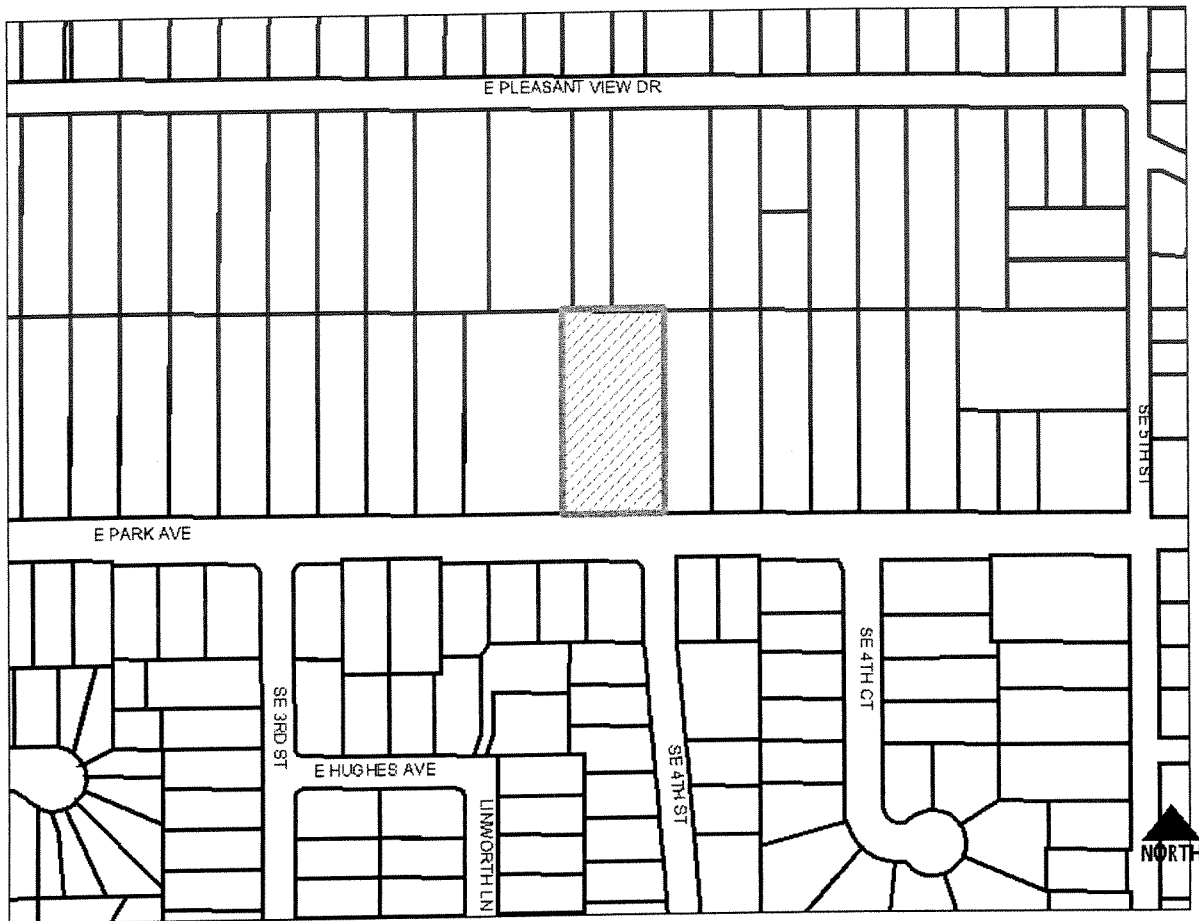
\_\_\_\_\_ City Clerk

SAB

Request from Jeff and Julie Ries (owners) to rezone property located at 334 East Park Avenue:			File # <b>ZON2006-00021</b>		
<b>Description of Action</b>	Rezone property from "R1-70" One-Family Low-Density Residential District to "C-1" Neighborhood Retail Commercial District to allow for use of an existing accessory structure as a retail shop for youth all-terrain vehicle (ATVs) and motorcycles.				
<b>2020 Community Character Plan</b>	Low-Density Residential				
<b>Horizon 2025 Transportation Plan</b>	Park Avenue from Valley Drive to SE 14 <sup>th</sup> Street widen from 2 lane undivided to 3 lane undivided				
<b>Current Zoning District</b>	"R1-70" One-Family Low-Density Residential District				
<b>Proposed Zoning District</b>	"C-1" Neighborhood Retail Commercial District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	2	7	0	<20%	
<b>Plan and Zoning Commission Action</b>	Approval		<b>Required 6/7 Vote of the City Council</b>	Yes	X
	Denial	12-0-1		No	

Jeff Ries - 334 E Park Avenue

ZON2006-00021



Item ZON2006-00021

Date 03/08/06

54B

I  (am) ( am not ) in favor of the request.

(Circle One)

RECEIVED

MAR 13 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Timothy Mulcahy

Signature T Mulcahy

Address 626 35th St Dsn Property at (3201 SE 4th)

Reason for opposing or approving this request may be listed below:

The tenants in my property were in approval of the plan.

Item ZON2006-00021

Date 3-10-06

I  (am) ( am not ) in favor of the request.

(Circle One)

RECEIVED

MAR 14 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Barbara J. Brebke

Signature Barbara J. Brebke

Address 675 71st St.

Reason for opposing or approving this request may be listed below:

My mother's Property at 400 SE Park Ave. is also in my name.

Item ZON 2006-00021

Date 3-7-06 GAP

I (am)  (am not) in favor of the request  
(Circle One)

RECEIVED  
MAR 10 2006  
COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Karen Vonnahme

Signature Karen Vonnahme

Address 320 East Park Ave  
Des Moines IA 50315

Reason for opposing or approving this request may be listed below:

Park Ave is already a busy street. This  
would create even more traffic. Also, I  
already hear ATVs running in that yard &  
I'm assuming w/ the business this will  
only increase. I feel they've already done  
this w/out notice as some ATVs were on the  
front lawn for sale when I drove by one day.

Item ZON 2006-00021

Date 3-7-06

I (am)  (am not) in favor of the request.  
(Circle One)

RECEIVED  
MAR 10 2006  
COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Wendell Beck Barbara Beck

Signature Wendell Beck Barbara Beck

Address 339 E. Park Ave.

Reason for opposing or approving this request may be listed below:

Want to remain a neighborhood of families - not businesses  
creating extra traffic and noise.

Item ZON2006-00021

Date 030906 SAB

I (am)  (am not) in favor of the request.

(Circle One)

**RECEIVED**  
MAR 14 2006  
COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name SARAH L. SEXTON

Signature Sarah Sexton

Address 403 E. PARK AVE.

Reason for opposing or approving this request may be listed below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item ZON2006-00021

Date 3/11/06

I (am)  (am not) in favor of the request.

(Circle One)

**RECEIVED**  
MAR 14 2006  
COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name ANTHONY J. CALARO

Signature Anthony J. Calaro

Address 3225 SE 104th STREET

Reason for opposing or approving this request may be listed below:

MR. & MRS. RIES HAVE BEEN SELLING USED CARS & TRUCKS, USED MOTORCYCLES & ATV'S, OUT OF THEIR FRONT YARD, ILLEGALLY, FOR SEVERAL YEARS, AND GETTING AWAY WITH IT. (MAYBE EVEN A BOAT OR TWO) IF THEIR REQUEST IS APPROVED, THEY WILL PROBABLY START SELLING TRACTOR TRAILERS OUT OF THEIR FRONT YARD.

Item ZON2006-00021 Date 3-19-06 5AB

I (am)  (am not)  in favor of the request.

(Circle One)



Print Name Bob L. Cook

Signature Bob L. Cook

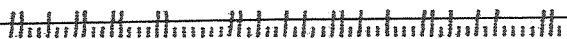
Address 321-SE-PARK AVE

Reason for opposing or approving this request may be listed below:

**RECEIVED**

APR 03 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT



Item ZON2006-00021 Date 03-22-06

I (am)  (am not)  in favor of the request.

(Circle One)

**RECEIVED**

MAR 24 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Karolce Beenken

Signature Karolce Beenken

Address 3220 S.E. 4<sup>th</sup> St.

Reason for opposing or approving this request may be listed below:

Opposing rezoning

Item ZON2006-00021 Date 3/22/06

I ( am )  ( am not ) in favor of the request.  
(Circle One)

**RECEIVED**

MAR 30 2006

**COMMUNITY DEVELOPMENT  
DEPARTMENT**



Print Name Bethany Brittin

Signature Beth Brittin

Address 324 E Park Ave

DM.

Reason for opposing or approving this request may be listed below:

Please Do Not Allow this. These people make horrible noise with those machines Day and Night. They have no respect for their neighbors.  
Beth Brittin