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Date June 5, 2006

WHEREAS, on April 19, 2006, the Historic Preservation Commission denied a portion of an application from OPM Partners for a Certificate of Appropriateness for exterior alterations to the structure at 729 - 17th Street in the Sherman Hill Historic District; and,


WHEREAS, OPM Partners has appealed the denial of the Certificate of Appropriateness to the City Council pursuant to §58-31(f) of the Des Moines Municipal Code; NOW THEREFORE,

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

1. The appeal of OPM Partners is hereby down set for a public hearing before the City Council on June 19, 2006, at 5:00 p.m., in the Council Chambers, City Hall, Des Moines, Iowa.
2. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached all in accordance with §362.3 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:


 Roger K. Brown
 Assistant City Attorney

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

CONNOLLY O'MALLEY LILLIS HANSEN OLSON LLP

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ESTABLISHED IN 1917

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May 17, 2006

Honorable Mayor and Members of the
Des Moines City Council
City Hall
400 Robert D. Ray Drive
Des Moines, IA 50309-1891

DEPT. OF PUBLIC WORKS
CITY OF DES MOINES
MAY 17 2006
FILED

IN RE: Request from OPM Partners
Property Location: 729 - 17th Street
Case No. 20-2006-5.36
Appeal from the Determination of the Historic Preservation Commission

Dear Mayor Cownie and Honorable Members of the City Council:

Please be advised that the law firm of Connolly O'Malley Lillis Hansen Olson is representing OPM Partners and, pursuant to the notice which our client has received, we submit this appeal of the determination of the Historic Preservation Commission to the City Council concerning work which OPM Partners, as owner of the property, wishes to have performed on their property.

The property at 729 - 17th Street is located in the Sherman Hills Historic District. However, the building in question does not meet the criteria to be considered a historic building.

However, based upon the location of the property, my client was asked to make a presentation before the Historic Preservation Commission, and that meeting took place on April 19, 2006. A copy of a photograph of the property is attached hereto, marked as Exhibit "A", and incorporated herein by this reference.

The work which the owner wishes to have completed on its property is as follows:

1. Shingle replacement of the mansard roof.
2. Replacement and repair and cover of all existing wood siding on the property.
3. Replacement of the window trim with metal window trim wrap.

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1. The Historic Preservation Commission granted the owner's request as it relates to Item No. 1 above, shingle replacement.
2. The Historic Preservation Commission granted the owner's application as it relates to the replacement and repair of all existing wood siding on the property. The owner asks for a clarification as to what constitutes "narrow" lap cement board siding with smooth finish side exposed. The owner's experience with lap cement board siding is that there is only one appropriate side of a lap cement board which should be exposed, and that side is not normally smooth, but has a wood grain texture. Further, there must be some clarification as to what the Commission and/or Council believes is considered to be "narrow".

A copy of a photograph of another property on which the owner has replaced, repaired and covered the existing wood siding on property is attached hereto, marked as Exhibit "B", and incorporated for the Council's reference as an example of the type of work which the owners have done. This is not lap cement board, but is vinyl siding which the owners believe is in harmony with the historic character of the neighborhood and would meet the requirements of the Historic District Ordinance, the Commission and the City Council.

3. Window Trim - The Historic Preservation Commission has denied the owner's application to replace, repair and cover the window trim with a metal window trim wrap. As stated earlier in this appeal, the building in question is not a historic building. Further, the photograph shows the wear which the trim on the existing building has experience. There is no support for the position that metal window trim wrap would not be professionally installed and appropriate for this particular property. Please note in Exhibit "A", the photograph shows an approximately 6 inch metal cap along the top of the mansard roof. The metal cap was previously approved, is in harmony with the historic character of the neighborhood, and is assisting in maintaining the integrity of the neighborhood by allowing the property owners to maintain the aesthetic quality of this non-historic building.

The requirements placed upon the owner by the Historic Preservation Commission will cause the owner, in addition to the anticipated cost, approximately an additional \$10,000.00 to replace the wood trim, sashes and brick molding.

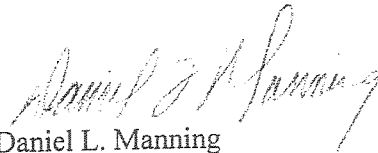
The owner asserts that it supports the mission of the Historic Preservation Commission and the owner's efforts are in harmony with the historic character of the neighborhood, and that the window trim wrap being proposed is an appropriate means of repairing the window trim, sills, sashes, and brick molding on the building. Further, metal trim is already located on the building, there is no support for the argument that the metal window trim wrap being proposed is anything

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other than a quality method of repair for the existing facility.

Very truly yours,



Daniel L. Manning
For the Firm

ATTORNEYS REPRESENTING THE APPLICANT OPM PARTNERS

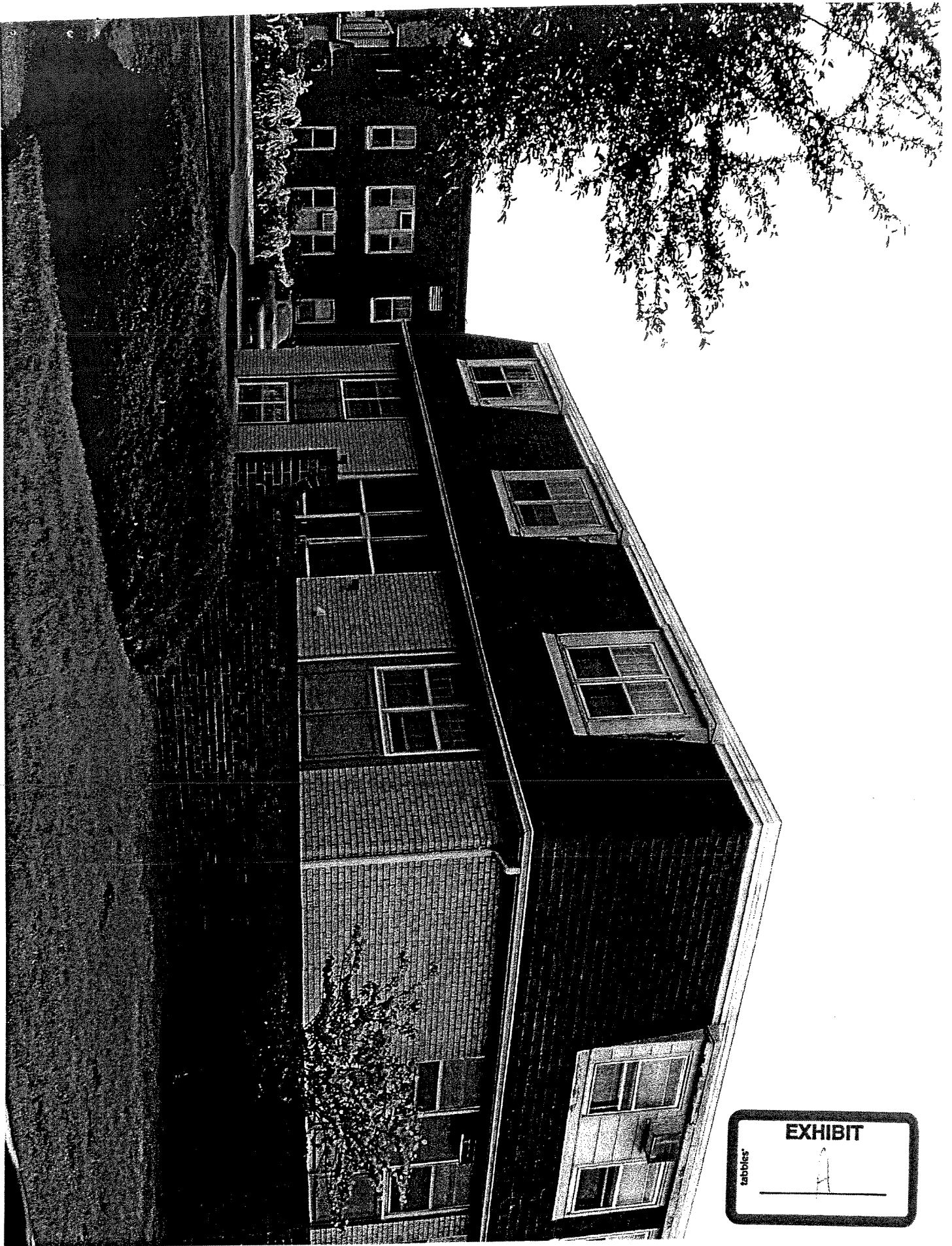
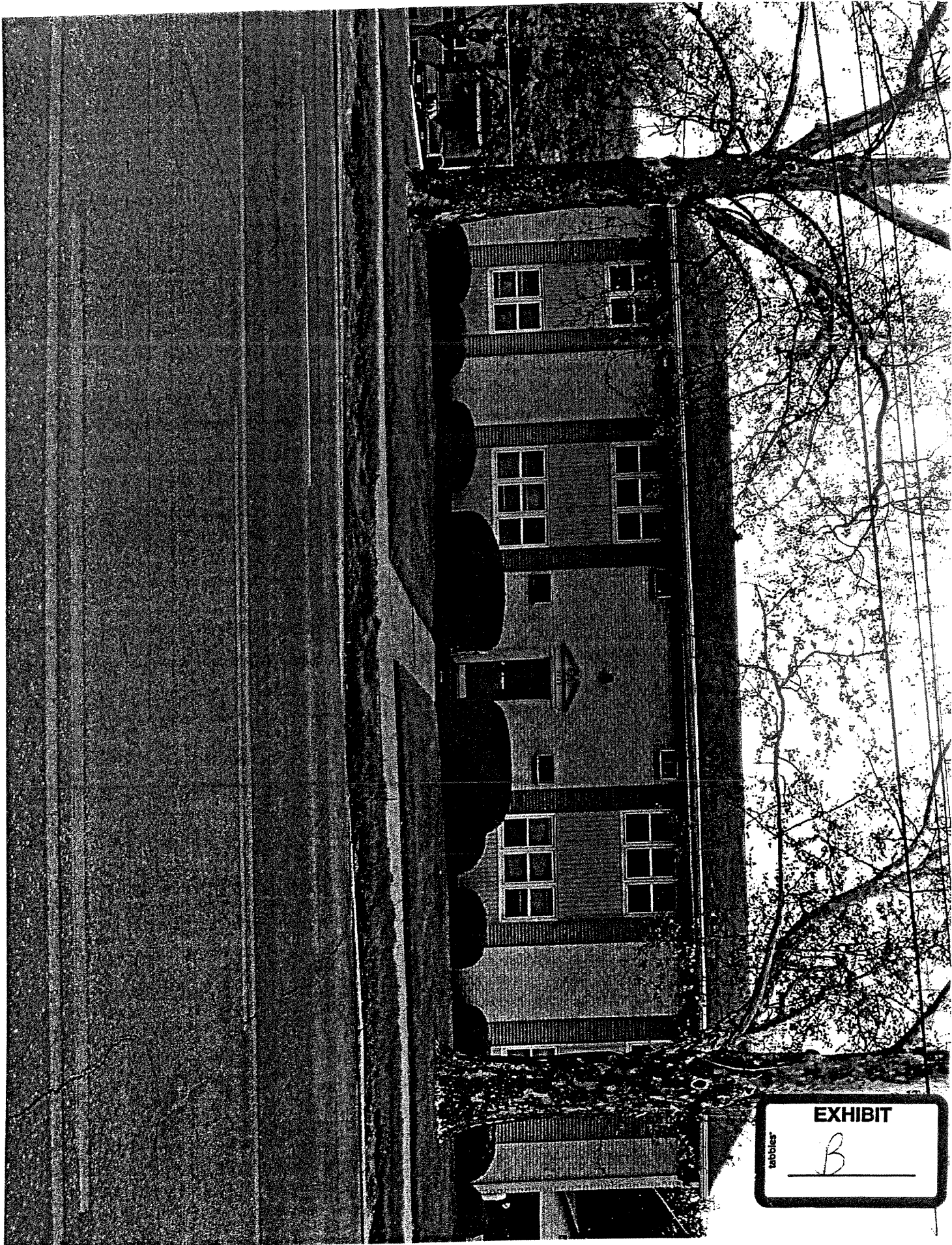


EXHIBIT
A

tabbles



tabbco
EXHIBIT
B