

.....  
**Date**..... December 18, 2006

WHEREAS, on December 4, 2006, by Roll Call No. 06-2375, it was duly resolved by the City Council that the application of Rick A. Lee, to rezone certain property he is purchasing from First Contract Corp., and located in the vicinity of 3510 Cottage Grove Avenue, more fully described below, be set down for hearing on December 18, 2006, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on December 6, 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 Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

Lot 2, Wessex, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the "R1-60" One-Family Low-Density Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

- A. Only the following uses of structures and land shall be permitted upon the Property:
- 1) Any use permitted and as limited in the "R1-60" One-Family, Low-Density Residential District.
  - 2) Office use, subject to the following limitations:
    - (a) No more than 1,848 square feet of interior building space shall be devoted to the office use.
    - (b) Outdoor storage of materials, trailers and equipment shall be prohibited.
    - (c) All refuse and trash disposal containers shall be contained within a solid (100% opaque) enclosure that complies with the Site Plan Regulations.
    - (d) Landscaping and screening shall be provided by May 1, 2007, in accordance with the Des Moines Landscape Standards applicable to the "C-1" District.
    - (e) Any vehicles parked on the Property shall be parked within a marked parking space in accordance with an approved Site Plan.
    - (f) Business hours shall be limited to between 6:00 a.m. and 10:00 p.m.
    - (g) The site shall be improved and maintained in substantial conformance with an approved site plan.

( continued )

67B

Date..... December 18, 2006

- B. The three existing overstory trees along the southern boundary of the Property shall be retained and preserved to the extent feasible.

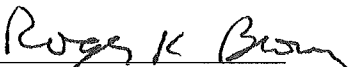
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited "C-1" Neighborhood Retail Commercial District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by \_\_\_\_\_ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney  
 G:\SHARED\LEGAL\BROWN\WORK\REZONING\Lee.doc

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

**CERTIFICATE**

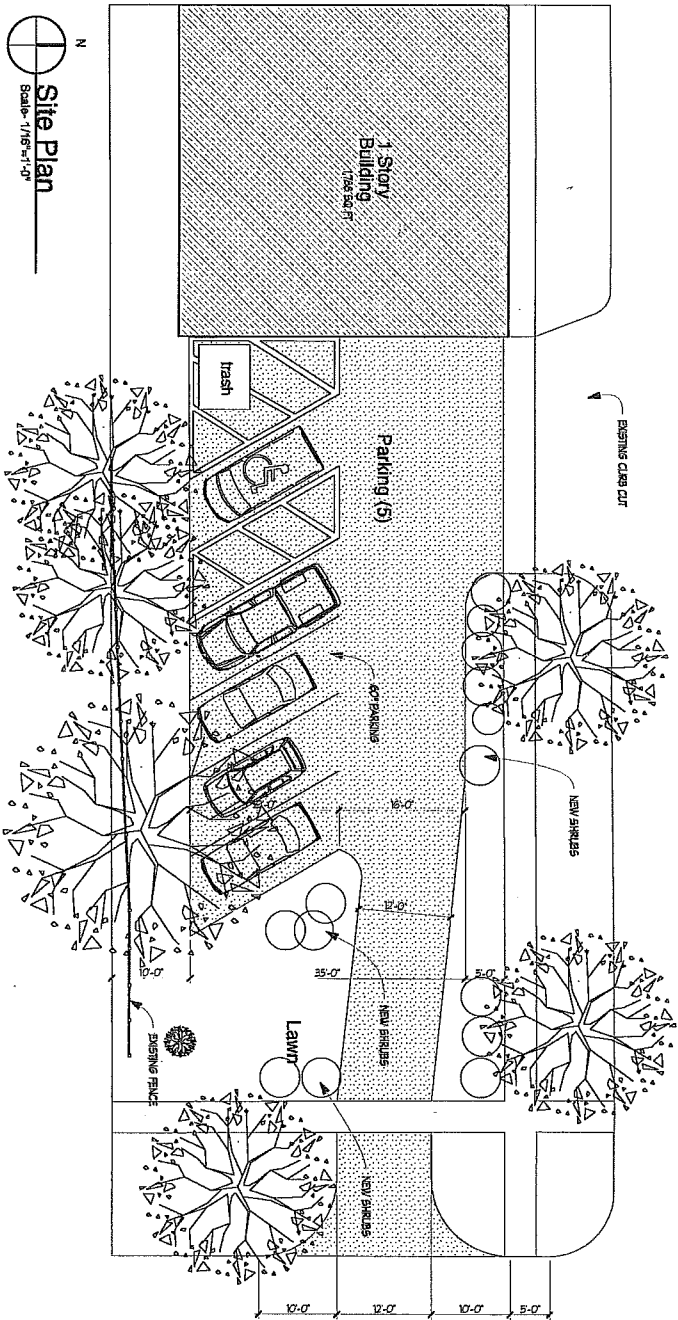
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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



N  
Site Plan  
Scale: 1/8"=1'-0"

67B

Item 2006 00170

Date 11.9.2006

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

(Circle One)

RECEIVED

NOV 13 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name CORY R. KONRAD

Signature [Signature]

Address 3418 COTTAGE GROVE

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

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

Item 2006-00170

Date 11-7-06

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

(Circle One)

RECEIVED

NOV 08 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name EMERSON BLONE

Signature Emerson Blone

Address 600 E. 5<sup>th</sup> St. - 10<sup>th</sup> - 36<sup>th</sup> St. Des Moines

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

If I recall correctly, 3510 Cottage Grove Avenue  
has been used as a location of various small  
business ventures for many years, without any  
great detriment to the neighborhood. Some old timers  
say it was originally a neighborhood grocery store

Item 2006 00160

Date 11/9/06

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

RECEIVED  
NOV 14 2006  
COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Jody Swilley  
Signature Jody Swilley  
Address 1155 36th Street

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

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

Item 2006 00170

Date 11-8-06

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

RECEIVED  
NOV 08 2006  
COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name L J Sieving  
Signature L J Sieving  
Address 1089 36th St

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

No objection.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 2006 00170

Date 11/7/06 67B

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

RECEIVED

NOV 21 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name JAMES A. STORK

Signature *[Signature]*

Address 1073 35<sup>TH</sup> ST

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

IT HAS BEEN HARD ENOUGH SHUTTING DOWN  
UNDESIRABLE BUSINESS IN THE PAST. HAVING IT  
ZONED C-2 WILL MAKE IT EVEN HARDER.  
THIS IS A RESIDENTIAL NEIGHBORHOOD AND THE  
ZONING SHOULD REFLECT THIS

Item 2006 00170

Date 09 NOV 06

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

RECEIVED

NOV 14 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name DIANE GOOSBURY

Signature *[Signature]*

Address 1100 36

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

THIS NEIGHBORHOOD WILL NOT SUPPORT  
A C-2 ZONING AT THE MOST  
MAYBE A C-1 or C-0

Item 2000 00170

Date 11-7-06

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

(Circle One)

RECEIVED  
NOV 13 2006  
COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Felipe Simnwe II  
Signature Felipe Simnwe II  
Address 1078-36th

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

I would like to retain this quiet family oriented neighborhood and I would like to retain it.

Item 2006 00170

Date 11-12-06

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

(Circle One)

RECEIVED  
NOV 17 2006  
COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Paul A. Minaret  
Signature Paul A. Minaret  
Address 3419 Cottage Grove

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

would open up Area 70 to more commercial enterprises

Item 2006 00170

Date 11-9-06

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

RECEIVED

NOV 14 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Jeanette Goodman

Signature Jeanette Goodman

Address 1103 36th St DSM IA 50314

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

Building needs to be torn down to prevent  
future zoning issues and bad businesses from  
destroying our neighborhood. I have had  
nothing but problems out of this building  
and think it should be torn down for  
the good of the neighborhood



67B

November 16, 2006

**A petition in support of rezoning 3510 Cottage Grove to C1 with restrictions:**

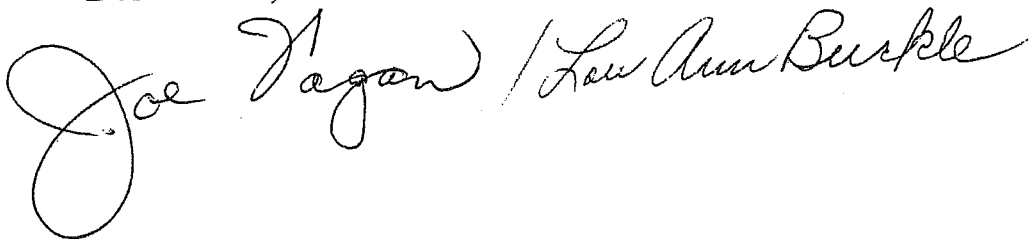
To members of the Des Moines Plan and Zoning Commission:

We support Rick and Charlotte Lee rehabbing the building and lot at 3510 Cottage Grove to be a non-retail office building with a change to C1 zoning with restrictions.

The building, as shown in the architectural drawing, is a great improvement to anything that has been there over the past 27 years since we have lived across the street from it.

The attached sheet is a petition signed by 8 people in support of Rick and Charlotte Lee's request for rezoning 3510 Cottage Grove to C1 with restrictions. The 8 people are owners of 6 properties located within 250 feet of 3510 Cottage Grove. The petition was unanimously signed at an informational meeting on November 14<sup>th</sup>.

Joe Fagan and Lou Ann Burkle  
3424 Cottage Grove  
Des Moines, IA 50311

A handwritten signature in cursive script that reads "Joe Fagan / Lou Ann Burkle". The signature is written in black ink and is positioned below the typed names and address.

Nov 14, 2005

We support the rezoning change ~~to~~ of 3570 Cottage Grove  
to C1R

Joe Fagan 3424 Cottage Grove, Des Moines, IA

Max Fingerich 1074 35th St

Laur Ann Burkle 3424 Cottage Grove DM

Dodie Nicholson 1069 35th St. DM

~~Michelle~~ Lore Crusan 1070 35th St An

Michelle Lore Crusan 1070 35th St DM 50311

Jelena Lemmell 2078 36th DM 50311

Jim Heibler 1070 36th