

Date April 6, 2009

WHEREAS, on March 23, 2009 by Roll Call No. 09-467 the City Council of the City of Des Moines resolved to hold a hearing on an application submitted by Florencio Estrada to rezone property located at 335 Forest Avenue from R1-60 One-Family Low Density Residential District to R-3 Multiple Family Residential District to allow construction of a detached garage as an accessory use to an existing 6-unit multiple-family residential dwelling for April 6, 2009 at 5:00 p.m. in Council Chambers at City Hall in Des Moines.

The subject property is more specifically described as follows:

(except the North 180 feet of the South 250 feet of the West 50 feet) and (except the East 5 feet of the South 148.5 feet) of the West 303.18 feet, Lot 53, Official Plat Government Lot 3 & Southeast ¼ Section 34, Township 79 North, Range 24 West of the fifth P.M, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 5, 2009 its members voted 6-5 in support of a motion recommending **DENIAL** of the proposed rezoning; and

WHEREAS, due notice of the April 6, 2009 hearing was published in the Des Moines Register on March 26, 2009 as provided by law, setting forth the time and place for hearing on the proposed application; and

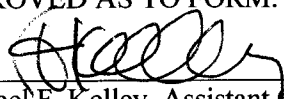
WHEREAS, pursuant to the published notice those interested in the proposed rezoning, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to City Council.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines that upon due consideration of the facts and statements of interested persons and arguments of Council, the hearing is closed and the application to rezone the property to R-3 district classification is hereby:

Moved by _____ to _____
(Six votes need for approval)

APPROVED: _____
DENIED: _____

APPROVED AS TO FORM:



Michael F. Kelley, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
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

09-467
MAR 23
SZB

REGISTER
ORDER NO. 6547

ROLL
CALL LEGAL

BULLETIN
BOARD

FOLLOW UP

NOTICE OF HEARING

Notice is hereby given that on April 6, 2009, at 5:00 P.M., in the Council Chambers at City Hall at 400 Robert D. Ray Drive, Des Moines, Iowa, a hearing will be held by the City Council concerning a request from Florencio Estrada (owner) to rezone property located at 335 Forest Avenue from "R1-60" One-Family Low-Density Residential District to "R-3" Multiple-Family Residential District to allow construction of a detached garage as an accessory use to an existing 6-unit multiple-family residential dwelling.

The subject property is more specifically described as follows:

(except the North 180 feet of the South 250 feet of the West 50 feet) and (except the East 5 feet of the South 148.5 feet) of the West 303.18 feet, Lot 53, Official Plat Government Lot 3 & Southeast 1/4 Section 34, Township 79 North, Range 24 West of the fifth P.M, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

At the above designated time and place, opportunity to be heard will be given to proponents and opponents of the proposed rezoning.

CITY OF DES MOINES, IOWA

By: T.M. Franklin Cownie, Mayor
ATTEST: Diane Rauh, City Clerk

Published in the Des Moines Register on March 26, 2009.

The Des Moines Register

AFFIDAVIT OF PUBLICATION

COPY OF ADVERTISEMENT
Exhibit "A"

STATE OF IOWA
SS
COUNTY OF POLK

The undersigned, being first duly sworn on oath, states that she/he is the

Accounting Specialist Ashley Merrill

of The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

THE DES MOINES REGISTER (Daily)

DES MOINES SUNDAY REGISTER

newspapers of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made a part of this affidavit, was printed and published in The Des Moines Register (daily) on the following dates

3/26/2009

Subscribed and sworn to before me by said affiant this 27 day of March, 2009.

Susan Hazelton
Notary Public in and for Polk County, Iowa

SUSAN HAZELTON

Notarial Seal - Iowa

Commission # 223923

Commission Expires 2011

P06547; \$33.31

street address: 715 Locust Street, Des Moines, IA 50309 • mailing address: P.O. Box 957, Des Moines, IA 50306 • (515) 284-8000

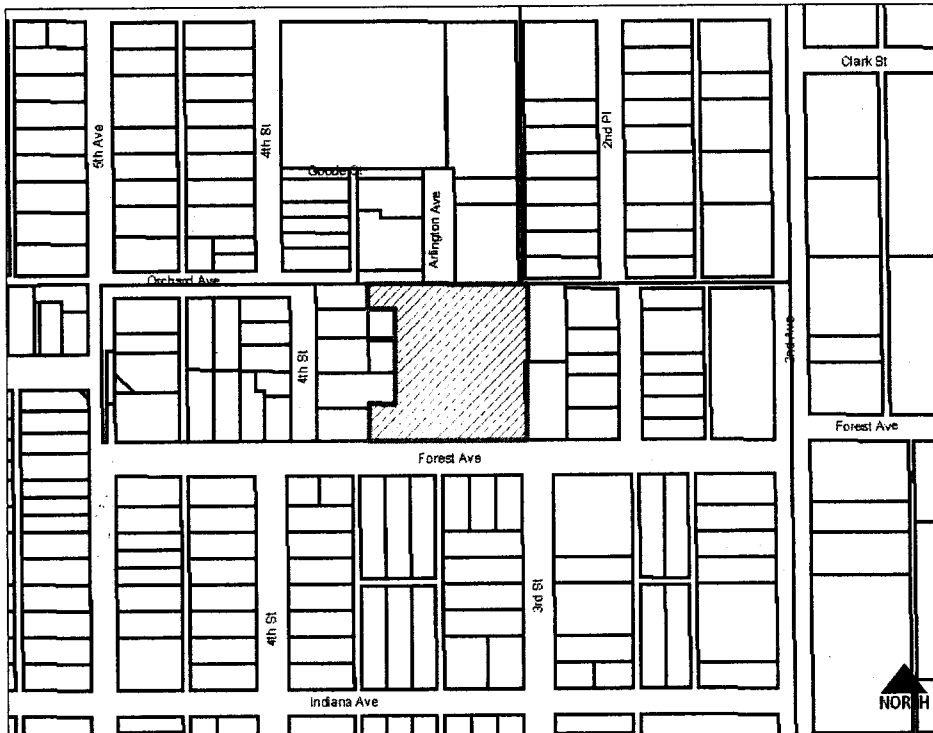


52B

Request from Florencio Estrada (owner) to rezone property located at 335 Forest Avenue.			File #		
			ZON2008-00198		
Description of Action	Rezone property from "R1-60" One-Family Low-Density Residential District to "R-3" Multiple-Family Residential District to allow construction of a detached garage as an accessory use to an existing 6-unit multiple-family residential dwelling.				
2020 Community Character Plan	Low-Density Residential				
Horizon 2025 Transportation Plan	No Planned Improvements				
Current Zoning District	"R1-60" One-Family Low-Density Residential District				
Proposed Zoning District	"R-3" Multiple-Family Residential District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	8	3		<20%	
Outside Area					
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	Yes	X
	Denial	6-5		No	

Florencio Estrada - 335 Forest Avenue

ZON2008-00198



52B



January 26, 2009

Planning and Zoning Commission
City of Des Moines Community Development
602 Robert D. Ray Drive
Des Moines, Iowa 50309

Re: Rezoning request for 335 Forest Avenue

Dear Commission Members:

On behalf of the River Bend Neighborhood Association I am writing to oppose the request by the owner of 335 Forest Avenue to rezone that property from R1-60 One-Family Low-Density Residential District to R-3 Multiple-Family Residential District for the purpose of building a detached garage.

We oppose the expansion of a non-conforming use by construction on this property. In addition, this property has been a problem with respect to litter and garbage strewn on the driveway into the property. On one recent occasion the members of the Association picked up litter and garbage, and the City on another occasion has picked up the litter and fined the owner. The owner shows little regard for the responsibilities of maintenance of the lot.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne K. Johnson".

Jeanne K. Johnson
President

RECEIVED
COMMUNITY DEVELOPMENT

JAN 27 2009

DEPARTMENT

Item ZON 2008-00198 Date 1-28-09

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

(Circle One)

Print Name Jeanne K Johnson
Signature Jeanne K Johnson
Address 811 Hickman Rd, DM

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

Do not want additional structures, building, on lot which is non conforming use
Owner does not pick up litter, garbage - poor upkeep of current structure

RIVERBAND NEIGHBORHOOD ASSOCIATION

Item ZON 2008-00198 Date January 27, 2009

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

RECEIVED

Print Name Andrea Lewis
Signature Andrea Lewis
Address 1329 3rd St NW
304

FEB 03 2009

COMMUNITY DEVELOPMENT DEPARTMENT

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

This is the second request
Not interested.

52B

Item 2008 00198

Date 2-25-09

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

(Circle One)

RECEIVED

Print Name Jeanne K Johnson

FEB 28 2009 Signature Jeanne K Johnson

COMMUNITY DEVELOPMENT DEPARTMENT

811 HICKMAN RD
FOR RIVERBAND ASSOC

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

Do not want incured to develop property
commercially in future

Item 2008 00198

Date Jan-25-09

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

RECEIVED

Print Name SHERRY BODDEN

FEB 28 2009

Signature Sherry Bodden

COMMUNITY DEVELOPMENT DEPARTMENT

Address 1141 E. 54th Ave.

Res. Services, Lower

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

Item ZDN2008-00198

Date 2/5/09

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

RECEIVED

Print Name Dawn Weikum

FEB 09 2009

Signature Dawn Weikum

COMMUNITY DEVELOPMENT DEPARTMENT

Address 1403 2nd A PSM 5034

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

52B

Item ZON 2008-00198 Date 2/18/09

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

RECEIVED

FEB 11 2009

Print Name Paul Siroome Skinseth

Signature Paul Siroome

Address 1430 2nd Ave

COMMUNITY DEVELOPMENT DEPARTMENT

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

Item ZON 2008-00198 Date 01/28/09

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

(Circle One)

Print Name Carol S Bacewell

Signature Carol S Bacewell

Address 1321 4th St

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

52B

Item 2008 00198 Date 2-26-09

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

(Circle One)

Print Name Fred Noon

Signature Fred Noon

Address 349 Forest Ave

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

Item ZON 2008-00198 Date 1/28/09

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

(Circle One)

Print Name Das Hien

Signature Hien Van Dao

Address 348 Forest Ave.

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

Approve, No comment.

Item 2008 00198 Date 3/2/09

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

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Print Name KIM J THOMAS

Signature 4564-NE-34th CT

MAR 04 2009

COMMUNITY DEVELOPMENT DEPARTMENT

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

improvement of the neighborhood

BZS

Item ZON 2008-00198 Date _____

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

RECEIVED
(Circle One)

FEB 06 2009

Print Name Koinonia Investment Corp

COMMUNITY DEVELOPMENT DEPARTMENT Signature Paul L. Olson

Address 330 Forest

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

