

Date February 28, 2011

WHEREAS, on February 14, 2011, by Roll Call No. 11-0208, the City Council duly resolved to consider a proposal from Grand View University and Russell and Betty Walker to rezone certain property located at 1422 and 1431 Morton Avenue from the R1-60 One-Family Low-Density Residential District classification to the PUD Planned Unit Development District classification, and to approve the proposed PUD Conceptual Plan for such property, and that such proposal be set down for hearing on February 28, 2011, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on February 17, 2011, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 1422 and 1431 Morton Avenue, more fully described as follows (the "Property"):

EXISTING PUD

LOTS 4, 5, 6, AND THE WEST 225.0 FEET OF THE NORTH 137.1 FEET OF LOT 7 AND THE EAST 463.4 FEET OF LOT 7 EXCEPT THE SOUTH 25.0 FEET OF THE EAST 463.4 FEET OF LOT 7 AND THE SOUTH 300.0 FEET OF LOT 8, EXCEPT THE WEST 70.0 FEET OF THE NORTH 25.0 FEET OF LOT 8, THE NORTH 328.0 FEET OF LOT 8 EXCEPT NORTH 25.0 FEET OF THE WEST 48.5 FEET OF THE NORTH 165.5 FEET OF LOT 8 AND EXCEPT THE WEST 70.0 FEET OF THE SOUTH 25.0 FEET OF THE NORTH 328.0 FEET OF LOT 8, ALL OF LOTS 9 AND 10 AND LOT 11 EXCEPT THE NORTH 150.0 FEET OF THE EAST 100.0 FEET OF LOT 11 AND THE SOUTH 1/2 OF LOT 12 EXCEPT THE SOUTH 25.0 FEET OF LOT 12, ALL WITHIN THE PARTITION PLAT OF THE NORTHWEST 1/4 SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND THE SOUTH 1/2 OF LOT 1 OF THE PARTITION PLAT OF THE NORTHEAST 1/4 SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., AN OFFICIAL PLAT EXCEPT THE SOUTH 25.0 FEET AND EXCEPT THE EAST 75.0 FEET OF THE NORTH 125.0 FEET OF THE SOUTH 150.0 FEET OF SAID LOT 1 AND ALL OF THE WEST 1/2 OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING THE SOUTH 1/2 OF SAID LOT 1 EXCEPT THE SOUTH 125.0 FEET OF THE WEST 1/2 OF SAID VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY; AND THE SOUTH 418.25 FEET OF LOT 12, SCROGG'S ACRES, AN OFFICIAL PLAT; AND LOTS 1 THROUGH 20, WOODS AND BELLS ADDITION, AN OFFICIAL PLAT, AND THAT PART OF VACATED EAST/WEST RIGHT-OF-WAY OF

(Continued)

Date February 28, 2011

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BOYD STREET LYING EAST OF E. 14TH STREET, AND LOTS 7, 8, 9,10, 11, 12,13, 14, AND THE VACATED RIGHT-OF-WAY OF STREET LOT A (MORTON AVE.) AND LOT B (IDAHO ST.) LYING EAST OF THE WEST LINE OF SAID LOT 10 EXTENDED NORTH TO THE SOUTH LINE OF SAID LOT 12 OF BALL PARK HEIGHTS, AN OFFICIAL PLAT, AND LOTS 1 THROUGH 11 OF MILLER'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AREAS TO BE REZONED PUD

LOT 10 OF BALL PARK HEIGHTS, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

LOT 13 OF BALL PARK HEIGHTS, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

THE VACATED RIGHT-OF-WAY OF STREET LOT A (MORTON AVE.) AND LOT B (IDAHO ST.) LYING EAST OF THE WEST LINE OF SAID LOT 10 EXTENDED NORTH TO THE SOUTH LINE OF SAID LOT 12 OF BALL PARK HEIGHTS, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

from the R1-60 District classification to the PUD Planned Unit Development District classification; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning and PUD conceptual plan be approved, subject to the conditions identified in the attached letter from the Planning Director; and,

WHEREAS, in accordance with the notice those interested in the 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; 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 and PUD Conceptual Plan are hereby overruled and the hearing is closed.

(Continued on Page 3)

Date	February	28,	2011	

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- 2. The proposed rezoning and PUD Conceptual Plan are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.
- 3. The PUD Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended as set forth in the attached letter from the Zoning Director.

MOVED by	_ to adopt and	approve t	he rezoning	and
Conceptual Plan, subject to final passage of the rezoning	ordinance.			

APPROVED AS TO FORM:

Michael F. Kelley

Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			A	PPROVED

CERTIFICATE

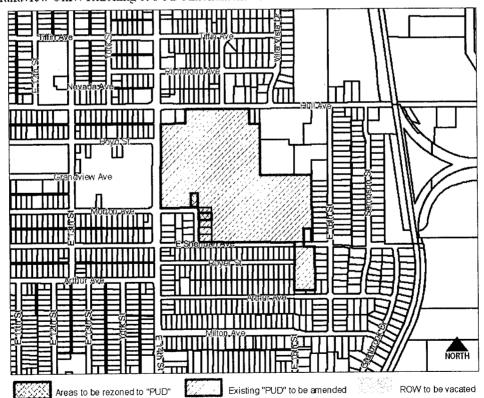
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

		City Class
Mayor	Market and the second s	City Cler

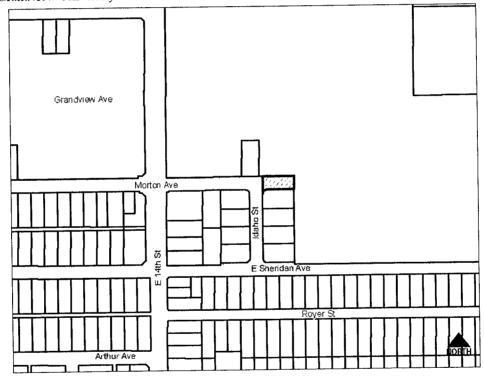
Request from Grand Vie	w Unive	ersity (de	veloper) re	pres	ented by Adam	Voights (off	icer)	File #
for the following with reg	ard to t	he propo	sed expans	sion	of the Grand Vi	ew East PUI	D:	ZON2010-00229
"R1-60" (Developr Walker. D) Amer street pa campus.	one-Fan nent. 14 d the G king an	nily Low-l 422 Morto rand Viev d landsca	Density Re on Avenue w East PUI aping on th	side is ov Cc e so	and 1431 Mortential to "PUD" P wned by Russel onceptual Plan t uthwestern port	lanned Unit I and Betty o expand of tion of the ea	f- ast	
Description Review review	w and a and ap	pproval o	of rezoning an amend	of p mer	roperty located it to the Grand \	at 1422 and √iew East Pl	1431 N UD Con	forton Avenue and ceptual Plan.
2020 Community Character Plan		Public/S	emi-Public	;				
Horizon 2035 Transportation Plan		No Plan	ned Impro	vem	ents			
Current Zoning Distri	ct		" One-Fam velopment			sidential Dist	rict and	PUD" Planned
Proposed Zoning Dis	trict	"PUD" F	Planned Un	it De	evelopment Dist	trict		
Consent Card Respo	nses		avor		Not In Favor	Undetern	nined	% Opposition
Inside Area			11		3			N/A
Outside Area		<u> </u>	44.5		D	\/-4 f	l V	
Plan and Zoning Commission Action	Appr Deni		11-0		Required 6/7 the City Cour		Yes No	x

Grandview Univ. Rezoning & PUD Amendment - 1422 & 1431 Morton Ave ZON2010-00229



Request from Grand View University (developer) represented by Adam Voights (officer) File# for the vacation of a segment of Morton Avenue from Idaho Street to the east with 11-2010-1.19 regard to the proposed expansion of the Grand View East PUD: Review and approval of the vacation of a segment of Morton Avenue from Idaho Street to Description of Action the east. Public/Semi-Public 2020 Community **Character Plan** No Planned Improvements Horizon 2035 Transportation Plan "R1-60" One-Family Low-Density Residential District and "PUD" Planned **Current Zoning District** Unit Development District "PUD" Planned Unit Development District **Proposed Zoning District** % Opposition Undetermined Not In Favor In Favor **Consent Card Responses** N/A Inside Area Outside Area Required 6/7 Vote of Yes 11-0 Plan and Zoning Approval the City Council X No **Commission Action** Denial

Grandview University Street Vacation - Morton Avenue east of Idaho Street 11-2010-1.19



January	27,	2011
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Date	4
Agenda Item 54B	
Roll Call #	_

Honorable Mayor and City Council City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held January 20, 2011, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Navs	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	Χ			
Jacqueline Easley	Χ			
Dann Flaherty	Χ			
John "Jack" Hilmes	Χ			
Joel Huston				X
Ted Irvine	X			
Greg Jones	Χ			
Jim Martin				X
Brian Millard	Χ			
William Page	X			
Mike Simonson	Χ			
Kent Sovern	Χ			

APPROVAL of a request from Grand View University (owner) to vacate a segment of Morton Avenue from Idaho Street to the east subject to reservation of easements for any public utilities in place to remain until such time as Grand View University either assumes private ownership of the facilities or relocates the utilities with creation of new public easements and to find the proposed rezoning in conformance with the Des Moines' 2020 Community Character Plan future land use designation of Public/Semi-Public; also APPROVAL to rezone property located at 1422 and 1431 Morton Avenue from "R1-60" One-Family Low-Density Residential to "PUD" Planned Unit Development. 1422 Morton Avenue is owned by Russell and Betty Walker; and APPROVAL to amend the Grand View East PUD Conceptual Plan to expand off-street parking and landscaping on the southwestern portion of the east campus subject to the following:

1. Provision of a minimum 25-foot setback along East 14th Street for any off-street parking area.



CITY PLAN AND ZONING COMMISSION ARMORY BUILDING 602 ROBERT D. RAY DRIVE DES MOINES, IOWA 50309 –1881 (515) 283-4182

> ALL-AMERICA CITY 1949, 1976, 1981 2003

2. The Conceptual Plan shall be revised to demonstrate removal of existing parking lot areas being restored with sod and landscaping materials.

Written Responses

11 In Favor
3 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends approval of the requested vacation of Morton Avenue subject to reservation of easements for any public utilities in place to remain until such time as Grand View University either assumes private ownership of the facilities or relocates the utilities with creation of new public easements.

Part B) Staff recommends that the Commission find the proposed rezoning in conformance with the Des Moines' 2020 Community Character Plan future land use designation of Public/Semi-Public.

Part C) Staff recommends approval of the requested rezoning for an additional 0.54 acres to "PUD" Planned Unit Development.

Part D) Staff recommends approval of the amendment to the "PUD" Concept Plan subject to the following:

- 1. Provision of a minimum 25-foot setback along East 14th Street for any off-street parking area.
- 2. The Conceptual Plan shall be revised to demonstrate removal of existing parking lot areas being restored with sod and landscaping materials.

STAFF REPORT

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to expand the Grand View University east campus by incorporating the properties known as 1422 and 1431 Morton Avenue, as well as the remaining 120-foot long segment of Morton Avenue right-of-way east of Idaho Street.

This is the fifth requested amendment to the Conceptual Plan. The University is proposing to add additional parking lots within the southern portions of the PUD, remove an existing parking lot just east of the student center, and add pedestrian connections on campus.

- 2. Size of Site: 0.54 acres is proposed to be added to the existing "PUD" for a total "PUD" area of 33.28 acres in the East campus. The requested segment of Morton Avenue right-of-way measures approximately 150 feet by 50 feet (6,000 square feet).
- 3. Existing Zoning (site): "R1-60" One-Family Low-Density Residential District and "PUD" Planned Unit Development.

4. Existing Land Use (site): The areas proposed for rezoning include two single-family dwellings that have been acquired by Grand View University for demolition in order to accommodate future development. The area currently zoned "PUD" includes campus buildings and parking, as well as five single-family dwellings that would be demolished.

5. Adjacent Land Use and Zoning:

North - "PUD". Use is the east campus of Grand View University.

South – "R1-60", Uses are single-family residential on the south side of Morton Avenue.

East - "PUD". Use is the east campus of Grand View University.

West – "PUD" and "R1-60", Uses are the east campus of Grand View University and single-family dwellings on the south side of Morton Avenue.

- 6. General Neighborhood/Area Land Uses: The subject property is located east of the East 14th Street major arterial and south of the Hull Avenue collector with primarily low-density residential uses at the periphery and the Luther Park retirement community to the east of the subject PUD.
- 7. Applicable Recognized Neighborhood(s): Union Park Neighborhood Association.
- 8. Relevant Zoning History: The Grand View College East PUD was approved on August 5, 2002 by the City Council. This included the proposal to add a new three-story, 20-suite student apartment building along Hull Avenue. There have been four subsequent amendments to provide additional student housing, an addition to the wellness center, revised access, off-street parking, electronic signage, and transformer cabinets. The most recent amendment approved by City Council on May 10, 2010, includes a 43,000-square foot two-story expansion to the Grand View Student, development of an enclosed pedestrian overpass over East 14th Street connecting the expanded Grand View Student Center to the Rasmussen Center, construction of a four-story student housing building, and development of additional off-street parking.
- 9. 2020 Community Character Land Use Plan Designation: Public/Semi-Public & Low Density Residential (practice field only).
- 10.Applicable Regulations: The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

The Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the lowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner

agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

The application, accompanying evidence and Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the Conceptual Plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. Drainage/Grading: The campus currently has many storm water management improvements in place including detention basins. Engineering staff has reviewed the Conceptual Plan and believes the conceptual locations for drainage and storm water management are adequate. Approval of any future Development Plan will be subject to compliance with grading/silt control, storm water management requirements, and Site Plan policies for drainage and grading.

In late 2005, the City completed upgrades to the storm sewer in East Sheridan Avenue that conveys storm water released from properties in the vicinity of the subject property to an open drainage area two blocks to the east. This relieved drainage problems on East 16th Street and Sampson Street that were occurring during heavy rain events by intercepting storm water along East Sheridan Avenue that would have normally continued to drain north.

- 2. Utilities: Easements for existing facilities within Morton Avenue right-of-way must be provided until they are removed or relocated at the applicant's expense.
- 3. Landscaping & Buffering: The PUD Concept Plan shows existing landscaping and previously approved conceptual landscaping and buffering of the off-street parking lots. The Conceptual Plan includes a cross section detail that demonstrates an 18-inch tall berm that would surround off-street parking lots. The berm would include overstory trees spaced approximately every 30 feet and a continuous row of shrubs.

The Conceptual Plan includes a provision that all off-street parking areas will be landscaped in accordance with the landscaping standards as applicable to the "R-3" District. This will include a mix of perimeter and interior plantings and a landscaped buffer to screen the parking lot.

The Conceptual Plan demonstrates that an existing parking lot to the east of the Student Center will be removed. Staff recommends that the Conceptual Plan demonstrate that this area will be restored with sod and landscaping materials.

The Conceptual Plan includes the provision that removal of existing landscaping for proposed building and parking areas is subject to compliance with tree mitigation requirements as part of any Development Plan.

4. Access or Parking: Two additional surface parking areas are proposed, including one at the northeast corner of the intersection of East 14th Street and Morton Avenue, and one at the northeast corner of the intersection of Idaho Street and East Sheridan Avenue. The Conceptual Plan states that a 10-foot paving setback shall be provided along all front property lines. While a 10-foot setback is adequate along Morton Avenue, Idaho Street, and East Sheridan Avenue given the proposed landscape berm, staff believes that a 25-foot paving setback is appropriate along East 14th Street since it is a major arterial.

The Conceptual Plan demonstrates the requested segment of Morton Avenue right-of-way would be used for an access drive. The Conceptual Plan also demonstrates a short drive access entrance off Idaho Street just south of Morton Avenue.

- 5. Traffic/Street System: Traffic and Transportation Division staff has indicated that the surrounding street network is adequately designed for any future use and development proposed by the Concept Plan. The dead end segment of Morton Avenue proposed to be vacated and removed currently serves as street frontage for existing single-family dwellings owned by Grand View University that will be removed for the project.
- 6. 2020 Community Character Plan: The proposed usage of the subject property for higher educational purposes is consistent with the Public/Semi-Public future land use designation in the Des Moines 2020 Community Character Plan.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in support or opposition of applicant's request.

COMMISSION ACTION

<u>Kent Sovern</u> moved staff recommendation Part A) To approve the requested vacation of Morton Avenue subject to reservation of easements for any public utilities in place to remain until such time as Grand View University either assumes private ownership of the facilities or relocates the utilities with creation of new public easements.

Part B) To find the proposed rezoning in conformance with the Des Moines' 2020 Community Character Plan future land use designation of Public/Semi-Public.

Part C) To approve the requested rezoning for an additional 0.54 acres to "PUD" Planned Unit Development.

Part D) To approve the amendment to the "PUD" Concept Plan subject to the following:

 Provision of a minimum 25-foot setback along East 14th Street for any off-street parking area.

2. The Conceptual Plan shall be revised to demonstrate removal of existing parking lot areas being restored with sod and landscaping materials.

Motion passed 11-0.

Respectfully submitted,

Michael Ludwig, AICH Planning Administrator

MGL:clw

Attachment

Item 2010-00229 Date 1-18-11 59.
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COMMUNITY DEVELOP Print Name (104) 11/0/0005
Signature (1/1/00) / // Signature
DEPARTMENT Address 25/2 E, 16th St, DesMoires, Sa 503/6
Reason for opposing or approving this request may be listed below:
Area requested so changing ento a
parking lot is in residential area
It would essentially bepart of
my back yard, A soccer field is
tolerable, but not a parking lot,
ltem 2010 00229 Date 1-13-11
I favor of the request.
COMMUNITY DEVELOPMENTPrint Name LINDA SHARER
JAN 19 2011 Signature Of CRACK WILL AUE Address 1526 HULL AUE
DEPARTMENT Reason for opposing or approving this request may be listed below:
Every time houses are torn down and
Covered with cement, it causes more
Nun of from Pain & melting snow. The
sewers in our area are already not
adequate. Our street is continuously flooded because the rain, etc has no place to go.
because the rain; etc has no place to go.

Item_ 2010-00229 Date
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request for rezoning

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If expansion is going to continue this issue need	7 <u>7</u> 70
be addressed.	

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	(Circle One) (Circle One) Control Name RicHARD & JOYCE BORG
÷	RECEIVELOPMENT INTO VALUE 34. Borg
	COMMUNITY DAY 18 2011 Address 1560 ARTHUR AUGNUE
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7	the neighborhood and Community.
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	JAN 19,2011 Address 1401 Rahmand AM
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Item 2010-00239 Date 1-13-20(1 54)
(Circle One) v DEVELOPMENT
JAN 18 2011 signature Donald 7. Kalsen
DEPARTMENTAddress 2614 Idaho St. DSM 50316
Reason for opposing or approving this request may be listed below: I am for this with reservations, With an
exit or entrance directly east of my house, I
hope for no on street parking on Idaho street. Idaho street is a halfa block fong and with on street
Parking near the exitorentrance will make it difficult to manuver around the parked cors. Thank you
Item 2010-00329 Date 1-14-11
COMMUNITY BUILD PULL
DEPARTMENT dress 2601 E. 14 DSM
Reason for opposing or approving this request may be listed below:

