

Date June 25, 2012

**MOTION DISMISSING PROCEEDINGS ON PROPOSED REZONING
1241 EAST 38TH STREET
(Requested by Arnold DeWitt)**

WHEREAS, on March 26, 2012 by Roll Call No. 12-0485, the City Council held a public hearing on the request from Arnold DeWitt to rezone 1241 East 38th Street from a R1-60 One-Family Low-Density Residential District to a Limited C-2 General Retail and Highway-Oriented Commercial District and approved the proposed rezoning, subject to final passage of a rezoning ordinance; and

WHEREAS, on March 26, 2012 by Roll Call No. 12-0486, the City Council approved the first reading, consideration and vote for passage of the rezoning ordinance and on May 21, 2012 by Roll Call No. 12-0811 approved the second reading, consideration and vote for passage of the rezoning ordinance which ordinance requires third consideration before final passage; and

WHEREAS, the applicant, Arnold DeWitt, has withdrawn his rezoning application and is no longer seeking to have the property rezoned

Moved by _____ to dismiss
the pending rezoning proceedings.

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	APPROVED			

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.

Mayor

City Clerk

Arnold & Grace DeWitt
1642 Lakeview Dr.
Pleasant Hill, IA 50327
515-991-9071

Community Development Department

JUN 22 2012

RECEIVED

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Mr. Mike Ludwig,

Twelve months ago I left Branson, Missouri, from my family vacation to be at a special meeting with the board members of the Grays Woods Neighborhood Association to start what "I thought" would be an easy rezoning request. Well, here we are one year later and I still get delays because of questions that don't have anything to do with a rezoning request, which has been a typical pattern throughout this whole process.

I've changed the engineering plan three times, had all kinds of meetings, met with the Zoning board twice and spent thousands of dollars. I've reduced the sizes of my buildings, and have been left with three small residential lots that have no housing market value what so ever. Given the facts that the grades on these lots are too steep, the drives face north and just the "small fact" that there are no sewer or water lines, that have to be there to be able to build housing, these lots are not marketable. Because of this, the return on my investment will be *smaller* therefore the risk will be *higher*. Considering all these factors, I have to ask myself, "Do I really want to do this", I want to say "Yes" because we want to grow our business and we own the property to be able do so, BUT it has to be a resounding "NO".

Therefore, at this time, we are withdrawing our request to rezone Lots#100, 101,102 & 103 Broadacre in the vicinity of 1241 E. 38th St., which is now before the Des Moines City Council.

Respectfully,

Arnold DeWitt