

Date May 5, 2014

RESOLUTION CLOSING HEARING ON THE APPLICATION OF JERRY HOOTS TO REZONE PROPERTY IN THE VICINITY OF 2428 SW 9TH STREET FROM THE "C-1" NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT TO A LIMITED "C-2" GENERAL RETAIL AND HIGHWAY ORIENTED COMMERCIAL DISTRICT, AND CONDITIONALLY APPROVING SAME

WHEREAS, on April 21, 2014, by Roll Call No. 14-14-0615, it was duly resolved by the City Council that the application of Jerry A. Hoots, to rezone certain property he owns in the vicinity of 2428 SW 9th Street, more fully described below, be set down for hearing on May 5, 2014, 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 April 25, 2014, 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:

Lots 1 thru 5, Dorward Place, an Official Plat; AND, Parcel E as shown by the Plat of Survey recorded on November 13, 2001 in Book 9060, at Page 373, and located within Lot 6 of the Official Plat of Section 16 Township 78 Range 24 West of the 5th P.M., an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (herein referred to as the "Property).

from the "C-1" Neighborhood Retail Commercial District to a Limited "C-2" General Retail and Highway Oriented 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:

Only the following uses of structures and land shall be permitted upon the Property:

- a) Any use permitted in and as limited in the "C-1" Neighborhood Retail Commercial District; and,
- b) Liquor store for sale of alcoholic beverages within that portion of the Property locally known as 2424 SW 9th Street.

(continued)



Date May 5, 2014

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-2" 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 (handwritten signature)

Roger K. Brown
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL.

CERTIFICATE

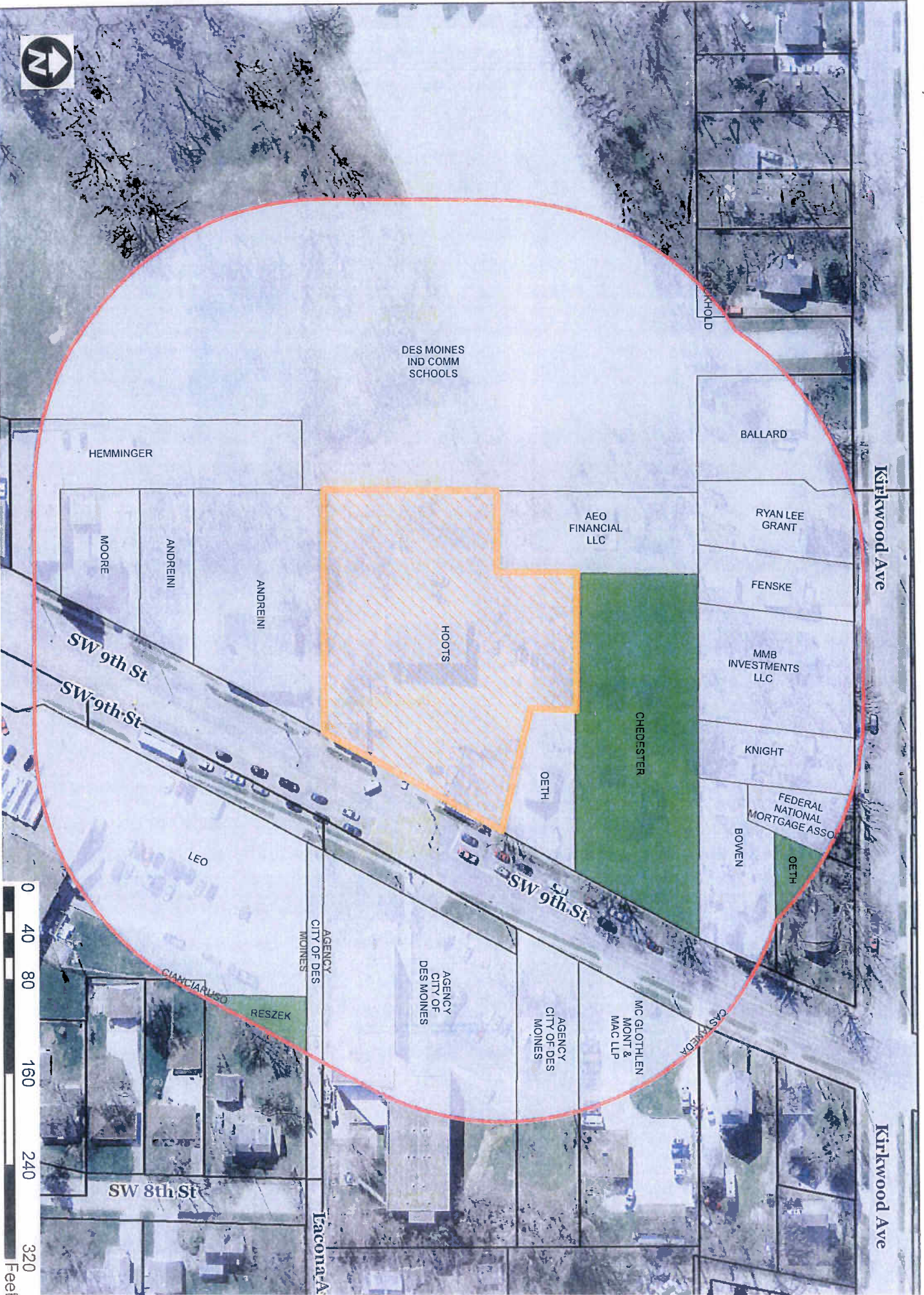
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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



Date _____

Agenda Item _____ 43

Roll Call # _____



April 15, 2014

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 April 3, 2014, the following action was taken regarding a request from Jerry Hoots (owner) to rezone property located at 2428 Southwest 9th Street from "C-1" Neighborhood Retail Commercial District to a Limited "C-2" General Retail and Highway-Oriented Commercial District, to provide for subsequent application for a Conditional Use Permit which would allow the retention of an existing liquor store within the premises at 2424 Southwest 9th Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty				X
Jann Freed	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones				X
William Page	X			
Christine Pardee	X			
CJ Stephens		X		
Vicki Stogdill				X
Greg Wattier	X			

APPROVAL of staff recommendation to find the proposed rezoning in conformance with the existing Commercial: Auto-Oriented Small-Scale Strip Development future land use designation in the Des Moines' 2020 Community Character Plan and approval for the subject property to be rezoned to a Limited "C-2" zoning with uses limited to "C-1" uses and a liquor store. (ZON2014-00021)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the rezoning in conformance with the Commercial: Auto-Oriented Small-Scale Strip Development future land use designation in the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends denial of the requested rezoning to "C-2" on the basis that the surrounding commercial corridor in the vicinity is predominantly zoned "C-1".

Written Responses

3 In Favor

0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is seeking to retain the existing store which is licensed to sell liquor, wine, and beer along with tobacco products. The business established occupancy as a grocery store with a liquor license that provided sales of alcoholic beverages not to exceed 50% of the gross revenues. This was prior to revisions in the Zoning Ordinance placing additional restrictions on businesses that sell alcoholic beverages and including tobacco products in the sales numbers.

Under these revisions, beer and wine may continue to be sold in the "C-1" District as part of a limited retail or food sales business; so long as gross revenues of wine, beer, and tobacco products do not exceed 40% of the total revenues and a Conditional Use Permit is obtained from the Zoning Board of Adjustment. When the 40% provision is exceeded, the Zoning Ordinance defines the business operation as a liquor store, which requires "C-2" District zoning and a separation distance of 150 feet from any property with a school, church, public park or licensed child care facility as defined by the State of Iowa. This provision took effect for any liquor licenses renewed after December 31, 2013. The applicant has indicated that the existing and proposed business model exceeds the 40% limitation and therefore it must be considered a liquor store for purposes of the Zoning Ordinance.

- 2. Size of Site:** 1.11 acres.
- 3. Existing Zoning (site):** "C-1" Neighborhood Retail Commercial District.
- 4. Existing Land Use (site):** The site includes a 740-square foot commercial building occupied with a tailoring shop, a 2,856-square foot commercial building occupied with a non-conforming liquor store, and a 3,996-square foot two-story building with 1,998-square feet of first floor retail/office and four (4) second story residential apartment dwelling units. The single-story buildings are built with zero setback to Southwest 9th Street, and the two-story mixed-use building is setback away from the street. The buildings surround a shared paved off-street parking lot area. The property directly

adjoins property to the west owned by the Des Moines Public Schools which is used for parking and athletic fields for Lincoln High School.

5. Adjacent Land Use and Zoning:

North – “C-1”, Uses are single-family and two-family dwellings.

South – “C-1”, Use is vacant retail commercial building.

East – “R-4” & “C-1”, Uses are multiple-family dwellings owned by the City.

West – “C-1”, Use is parking and recreational uses for Lincoln High School.

6. General Neighborhood/Area Land Uses: The subject property is located along the Southwest 9th Street commercial corridor.

7. Applicable Recognized Neighborhood(s): The subject property is within the Gray’s Lake Neighborhood and within 250 feet of the Indianola Hills Neighborhood to the east. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on March 14, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on March 24, 2014 (10 days prior to the scheduled hearing) to the Gray’s Lake Neighborhood and Indianola Hills Neighborhood Association contacts and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on March 28, 2014.

All agendas and notices are mailed to the contact person(s) designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Gray’s Lake Neighborhood Association mailings were sent to Evan Shaw, 2615 Druid Hill Drive, Des Moines, IA 50315. The Indianola Hills Neighborhood Association mailings were sent to Ellen Celsi, 131 Hartford Avenue, Des Moines, IA 50315.

The applicant is required to schedule a neighborhood meeting prior to the hearing which includes invitation to neighborhood contacts and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A summary of the neighborhood meeting will be provided at the hearing.

8. Relevant Zoning History: N/A.

9. 2020 Community Character Land Use Plan Designation: Commercial: Auto-Oriented Small-Scale Strip Development.

10. Applicable Regulations: The Commission reviews all proposals to amend zoning regulations or zoning district boundaries 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 Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property

owner agrees in writing, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. Businesses Selling Liquor, Wine, and Beer: The following applicable regulations are now enforceable for businesses selling liquor, wine, and/or beer

Sec. 134-954. Selling of liquor, wine and beer.

The use of land in all districts for the sale of alcoholic liquor, wine and beer is subject to the restrictions set forth in this section.

a. The sale of alcoholic liquor, wine and beer is permitted only in the zoning districts and subject to the conditions applicable to the business identified in the table below:

	Sale of Alcoholic Liquor		Sale of Wine and Beer	
	C-1, C-1A & D-R Districts	C-2, NPC and less restrictive Districts	C-1, C-1A & D-R Districts	C-2, NPC and less restrictive Districts
Food Sales Establishments and Retail Sales Establishments				
Limited (less than 12,000 sq ft)	Not Allowed	CUP 40% of sales 500 feet 1/4 mile	CUP 40% of sales 150 feet	CUP 40% of sales 150 feet
General (12,000 sq ft or larger, but less than 40,000 sq ft)	40% of sales 75 feet	40% of sales 75 feet	40% of sales 75 feet	40% of sales 75 feet
Large (40,000 sq ft or larger)	40% of sales 75 feet	40% of sales 75 feet	40% of sales 75 feet	40% of sales 75 feet
Gas Station/ Convenience Stores (not allowed in D-R)	Not Allowed	CUP 40% of sales 500 feet 1/4 mile	40% of sales 150 feet (C-1 & C-1A only)	40% of sales 150 feet
Liquor Stores	Not Allowed	CUP 500 feet 1/4 mile	Not Allowed	CUP 150 feet
Restaurants	50% of sales 75 feet	50% of sales 75 feet	50% of sales 75 feet	50% of sales 75 feet
Taverns and Night Clubs (not C-1 & C-1A)	CUP (D-R only)	CUP 150 feet	CUP (D-R only)	CUP 150 feet

Where used in the table above the following terms shall have the meaning identified below:

- 1) **CUP means that a conditional use permit must be obtained for such use as further provided in this section.**
- 2) **40% of sales means that no more than 40 percent of the gross receipts from sales from the premises may be derived from the sale of alcoholic liquor, wine, beer or tobacco products.**

- 3) 50% of sales means that at least 50 percent of the gross receipts by a restaurant must be derived from the sale of prepared food and food-related services.
- 4) 75 feet means that the premises occupied by such use must be separated by at least 75 feet from any church, school, public park or licensed child care facility as defined by I.C. ch. 237A. However, this condition is not applicable in the C-3, C-3A, C-3B, C3-R and D-R Districts.
- 5) 150 feet means that the premises occupied by such use must be separated by at least 150 feet from any church, school, public park or licensed child care facility as defined by I.C. ch. 237A. However, this condition is not applicable in the C-3, C-3A, C-3B, C3-R and D-R Districts.
- 6) **500 feet means that the premises occupied by such use must be separated by at least 500 feet from any church, school, public park or licensed child care facility as defined by I.C. ch. 237A. However, this condition is not applicable in the C-3, C-3A, C-3B, C3-R and D-R Districts.**
- 7) **1/4 mile means that the premises occupied by such use must be separated by at least one-fourth mile from any other limited food sales establishment, limited retail sales establishment, gas station/convenience store and liquor store engaged in the sale of alcoholic liquor. However, in the C-3, C-3A, C-3B, C3-R and D-R Districts this condition is only applicable to liquor stores.**

b. A conditional use permit is required for the use of a premises for the sale of alcoholic liquor, wine or beer, under the circumstances identified in subsection (a), above. The board shall grant such a conditional use permit only where the business, when operated in conformance with such reasonable conditions as may be imposed by the board, satisfies the following criteria:

- 1) The business conforms with the conditions identified in subsection (a), above.
- 2) The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing in the adjoining or surrounding residential area.
- 3) The business is sufficiently separated from the adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.
- 4) The business will not unduly increase congestion on the streets in the adjoining residential area.
- 5) The operation of the business will not constitute a nuisance.

c. Any conditional use permit granted by the board of adjustment for the use of a premises for the sale of alcoholic liquor, wine and beer shall be subject to the following general conditions, together with such additional special conditions as may be reasonably required by the board to ensure that the criteria in subsection (b), above, are satisfied:

- 1) Any parking area provided for the use of customers of the business shall be illuminated at an intensity of at least one footcandle of light on the parking surface at all times. The entire site shall be landscaped and illuminated so as to minimize hiding places for possible criminal activity.
- 2) The business shall comply with article IV of chapter 42 of this Code pertaining to noise control. The business shall have no outside speakers or amplified sound except when used in compliance with a type E sound permit.
- 3) Any such business must comply with the following requirements:
 - a. Every limited food sales establishment, limited retail sales establishment and gas station/convenience store shall display alcoholic liquor only in a locked case or behind a counter accessible only to employees. Any other business selling alcoholic liquor for off premises consumption shall either: i) display alcoholic liquor only in a locked case or behind a counter accessible only to employees; ii) employ an electronic security cap or tag system on all containers of alcoholic liquor on display; or iii) have more than one employee on duty at all times the business is open to the public.
 - b. Conspicuously post 24-hour contact information for a manager or owner of the business near the main public entrance.
 - c. Institute a strict no loitering policy, conspicuously post one or more "No Loitering" signs, and cooperate with police in addressing loitering on the premises.

- d. *Not dispense alcoholic beverages from a drive-through window.*
- 4) *Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.*
 - 5) *The conditional use permit is subject to amendment or revocation if the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions set forth in the conditional use permit.*
 - 6) *If the zoning enforcement officer determines at any time that the operation of such a business exhibits a pattern of violating the conditions set forth in the conditional use permit, the zoning enforcement officer may apply to the board to reconsider the issuance of the conditional use permit for such business. A copy of such application and notice of the hearing before the board on such application shall be provided to the owner of such business at least 30 days in advance and shall also be provided to all owners of record of property within 250 feet of the subject property. If the board finds that the operation of such business exhibits a pattern of violating the conditions set forth in the conditional use permit, the board shall have the authority to amend or revoke the conditional use permit.*

d. *Upon reasonable suspicion that any gas station/convenience store, food sales establishment or retail sales establishment derives more than 40 percent of its gross receipts from sales, from the sale of alcoholic liquor, wine, beer or tobacco products, the zoning enforcement officer may require that the owner or operator of the business demonstrate within 45 days that during the prior six months no more than 40 percent of its gross receipts from sales are derived from the sale of alcoholic liquor, wine, beer or tobacco products. In such event it shall be presumed that more than 40 percent of the gross receipts from sales are derived from the sale of alcoholic liquor, wine, beer or tobacco products, which presumption may be overcome by the business timely furnishing a statement prepared and verified by a certified public accountant identifying the total dollar volume of all sales, and separately identifying the total dollar volume of sales derived from the sale of alcoholic beverages, from the sale of tobacco products, and from the sale of all other merchandise and food exclusive of alcoholic beverages and tobacco products, from the business premises in the preceding six months.*

e. *Upon reasonable suspicion that any restaurant does not derive at least 50 percent of its gross receipts from the sale of prepared food and food-related services, the zoning enforcement officer may require that the owner or operator or the restaurant demonstrate within 45 days that during the prior six months at least 50 percent of its gross receipts were derived from the sale of prepared food and food-related services. In such event it shall be presumed that less than 50 percent of the restaurant's gross receipts are derived from the sale of prepared food and food-related services, which presumption may be overcome by the business timely furnishing a statement prepared and verified by a certified public accountant identifying the total dollar volume of all receipts, and separately identifying the total dollar volume of gross receipts derived from the sale of alcoholic beverages, and from the sale of prepared food and food-related services exclusive of alcoholic beverages and tobacco products, from the business premises in the preceding six months.*

f. *All gas stations/convenience stores, food sales establishments, retail sales establishments and restaurants which have not continuously held an alcoholic liquor license or a beer or wine permit since July 1, 2012, shall comply with the requirements of subsections (a), (b), (c), (d) and (e) above. Any gas station/convenience store, **food sales establishment, retail sales establishment** or restaurant **which has continuously held an alcoholic liquor license or a wine or beer permit since July 1, 2012, shall comply with subsections (a), (b), (c), (d) and (e) above, exclusive of any changed separation requirements, commencing on December 31, 2013, and prior to that date shall continue to be subject to the general regulations regarding legal nonconforming uses set forth in sections 134-155 and 134-1351.***

2. **Staff Rationale:** The character of the surrounding commercial corridor is made up primarily of "C-1" District, and residentially zoned properties. The nearest "C-2" District zoned property is over one-third of a mile to south along Southwest 9th Street at Virginia Avenue. The property was rezoned in 2003 to allow an environmental contractors office and shop. Staff believes that these "C-2" District properties are anomalies within a predominant character of "C-1" District Zoning on Southwest 9th Street, between the

Raccoon River to the north (separating from downtown) and McKinley Avenue to the south.

In addition, if the property were to be zoned to "C-2" in order to allow a request for a Conditional Use Permit, the property would not meet the minimum 500 feet of separation distance from an existing school that would be applied for a liquor store. Staff believes it would be contrary to the intent of the Zoning Ordinance to rezone a property for a use that would not meet the intent of the minimum separation distance requirements.

It should be noted that if the subject business were to cease hard liquor sales and keep sales of only beer, wine, and tobacco products at 40% or below total revenues, the rezoning would not be required for a limited food or retail use. However, a 150-foot separation provision from a school and a Conditional Use Permit would still be required. The Zoning Officer has determined that the property adjoins property on the west that is considered a school for the purposes of these regulations. Should the City Council deny the requested rezoning, the applicant may seek a Use Variance and Variance of the separation provision for a liquor store from the Zoning Board of Adjustment.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Richard Bartlett 3838 SW 31st Street owner of Southside Tobacco and Liquor stated he has been in business since late 1996. The hours of operation are Monday 9:00 – 9:00 and Tuesday through Saturday 9:00 – 10:00, closed on Sunday. This is a mom and pop business. He and his wife run the store. There have been no violations for sales in fifteen years of existence. It is not economical to sell groceries because they cannot compete with the Shop and Save down the street. Lincoln High School Resource officer has been to his store once. He asked if there were any problems with his business. The Resource officer assured him there were no problems with their business and most of the problems lie to the south area. He pointed out the boundary between this property and the high school. There is no direct access and his business cannot be seen from Lincoln High School. The economic impact is significant. His lease is good until November 2015 and if he loses his liquor license he would probably be bankrupt. This business is the only way he has to support his family. The landlord has shared that if Southside Tobacco and Liquor were to go out of business he would be put into negative cash flow and possibly into foreclosure. He then passed out copies of petitions that the neighbors signed in support of his request.

Ted Irvine asked that the petitions be received and filed.

Richard Bartlett pointed out where the people lived who signed the petition along with the businesses in the area and those who did not sign the petition. He believes his business has not shown any negative effect. He ask that the Commission keep in mind that this business provides for him and his family.

CJ Stephens asked if a neighborhood meeting was held. If so what was the report.

Richard Bartlett stated a neighborhood meeting was held, there were three attendees. A representative with Stroke Detector and two residents of Southview Manor were at the meeting.

CJ Stephens reiterated that the applicant did not have a meeting with Grays Lake Neighborhood or Indianola Hills Neighborhood Association.

Richard Bartlett stated that they were invited but did not attend.

CJ Stephens asked if the neighborhoods scheduled a meeting.

Richard Bartlett stated he did not know. He was told to schedule a meeting and send letters inviting them to the meeting.

Mike Ludwig stated under the current "C-1" zoning of the property the applicant can have beer and wine sales with a conditional use permit from the Board of Adjustment. He asked the business owner what percentage of the sales are from liquor.

Richard Bartlett stated maybe 15% - 20%.

Mike Ludwig asked if additional beer and wine sales could make up some of the difference

Richard Bartlett stated losing the liquor license would definitely cut down on their business.

Mike Ludwig stated that it would be a modified liquor license where he would have just beer and wine sales. He also asked if the applicant considered limited "C-2" zoning. The "C-2" district does allow quite a few additional commercial uses on the property and that was one of staff's concerns.

Richard Bartlett answered no.

Mike Ludwig pointed out that the staff report did identify that if the zoning were denied another option still is to seek a use variance from the Zoning Board of Adjustment. The applicant would have to go to the Zoning Board of Adjustment anyway for relief to the separation distance requirement.

Ted Irvine asked if the business operator owns the building.

Richard Bartlett answered he leases the building

Ted Irvine asked if the business owner or his landlord would consider a limited "C-2".

Richard Bartlett stated that he would not have a problem with that at all.

Ted Irvine asked if the applicant would agree to a continuation.

Richard Bartlett stated yes and asked what date it would be continued to.

Mike Ludwig stated a staff recommendation would be issued April 12, 2014 for the next meeting of April 17, 2014. They would have to meet in the next three to four days to come to some understanding of what limitations the applicant would agree to.

Richard Bartlett stated he is okay with that.

Jacqueline Easley stated that it should be clear that if there is no agreement it would probably be the same recommendation from the staff.

Ted Irvine stated he was recommending a continuation to give the applicant a chance to talk with staff about a new potential staff recommendation.

Tim Fitzgerald stated he would like to hear from anybody in support or opposition to the item. He believes the continuation is a good idea. The applicant has a lot of support of the community and he finds that very impressive.

CHAIRPERSON OPENED THE PUBLIC HEARING

Jack Strode 6204 SW 5th stated he is a lifelong resident of Des Moines and he is in support of the applicant's request and asked the Commission to grant the business owner's request.

Tina Goheen 3135 SW 13th Street stated she has been going to the business owner's store when it was located on both sides of the parking lot. She noted that there are never high school kids hanging out in front of the business owner's store. There is never any disturbance or police cars parked out front. She noted the business owner did try to do groceries for a while but could not compete with the Save A Lot grocery store up the street. The area that the applicant is in is no way attached to Lincoln High School. There is a big ravine between the back of the business property and where Lincoln High School practice fields are. He is a hardworking man on the Southside and a big part of their community. The business owner's store is a very family run business and she is in support of the applicant's request.

Bruce Southview Manor resident stated the business owner and his wife are a couple of hard working people. They are great people and he is in support of the applicant's request.

Silas J. Patrick 1941 Courtland Drive #10 stated he supports the applicant's request.

Bob Ebling stated he lives across the street. There are no kids or any type of loitering on the premises. The business owner runs a clean store and he supports the applicant's request. It is a mom and pop operation that supports a family and believes that the little guys need encouragement not discouragement.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Christine Pardee stated that it is clear the business owner has a lot of community support from the number of signatures on the petition that was received and the support of people who spoke tonight on the business owner's behalf. This is truly what she prefers which is a place based business. She thanked Commissioner Ted Irvine for trying to explore ways

this could be a positive outcome for the business owner. She is in support of what Commissioner Irvine proposed.

Mike Ludwig stated the motion on the table should probably be restated but he believes it was for a continuance. Noted that Roger Brown of the City of Des Moines Legal Department may have a suggestion to address the issue this evening rather than a continuance.

Roger Brown stated the applicant could agree to amend the application to "C-1" zoning plus a liquor store. The property owner has a set of uses that are allowed in the "C-1" district. If it is rezoned without limitation it adds a lot of things which the community might find objectionable. A limited rezoning is where the property owner would agree that the property will not be used for everything that might be otherwise be allowed. If the applicant amends the application to "C-1" zoning plus a liquor store it would be limited to what is really being requested. If for some reason the property owner would be receptive to that then the Commission would be reporting to Council their recommendation based upon that.

Jacqueline Easley asked for clarification of the motion.

Ted Irvine stated he would be happy to rescind his motion to continue.

Christine Pardee asked a procedural question. Can staff address the changes that are being suggested?

Mike Ludwig stated what legal just described is actually more restrictive than what was advertised and more restrictive than what was mailed to the neighborhood so he believes there are no procedural issues with making a motion for a more restrictive zoning than what was advertised.

CJ Stephens stated she believes a continuance is better so the Commission can hear from the property owner since the zoning goes with the property.

Tim Fitzgerald asked with the conditional request if the applicant business owner would sell the business would the new business owner have to come before the Commission.

Mike Ludwig stated a new business owner would not have to come back to the Commission because zoning runs with the land.

Ted Irvine asked the business owner if the property owner could attend the next meeting.

Richard Bartlett stated yes he believed so.

Mike Ludwig stated the conditions have to be agreed to in writing prior to the Council hearing. The Commission is making a recommendation only to the Council. If the owner does not agree to the conditions that would just be a reason for the Council to deny the rezoning.

Jason Van Essen suggested the Commissioners think of this as being no different than the Commission recommending their own conditions of approval for zoning.

Jacqueline Easley stated her concern is the Commission is not dealing with the owner at this meeting.

Will Page stated he supported a motion for continuance. It might seem to some that staff is being harsh on this particular instance. However, he believes that staff is trying to fulfill their obligation in terms of administering the new ordinance. But he would respectfully remind the Commission the new ordinance with the 40% proviso in it was passed to prevent the proliferation of liquor stores and this is not that kind of incident.

Jacqueline Easley asked for a new motion.

Ted Irvine stated that he is comfortable with moving this item today. He sensed that the business owner is in very close contact with the landlord. The owner will have to agree to conditions before it goes to Council. Therefore, if what the Commission is hearing tonight not accurate they will know about it before it goes before Council. The Commission is merely recommending to the Council. The business owner obviously has a lot of support present tonight and there is no opposition. He believes the best solution is a Limited "C-2" zoning with uses limited to "C-1" uses and a liquor store.

Roger Brown reiterated that he is only recommending procedure not policy.

COMMISSION ACTION:

Ted Irvine moved to find the rezoning in conformance with the Commercial: Auto-Oriented Small-Scale Strip Development future land use designation in the Des Moines' 2020 Community Character Plan and to approve a Limited "C-2" zoning with uses limited to "C-1" uses and a liquor store and Greg Wattier seconded.

Motion passed 10-1 (CJ Stephens voted in opposition)

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Jerry Hoots (owner) for property located at 2428 Southwest 9th Street.			File #	
			ZON2014-00021	
Description of Action	Approval of a request to rezone from "C-1" Neighborhood Retail Commercial District to a Limited "C-2" zoning with uses limited to "C-1" uses and a liquor store. Greg Wattier seconded.			
2020 Community Character Plan	Commercial: Auto-Oriented, Small-Scale Strip Development (current & no change proposed).			
Horizon 2035 Transportation Plan	2025-2035: Widen SW 9 th Street from 4 to 5 lanes.			
Current Zoning District	"C-1" Neighborhood Retail Commercial District.			
Proposed Zoning District	Limited "C-2" General Retail and Highway Oriented Commercial District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	3	0		
Outside Area				
Plan and Zoning Commission Action	Approval	10-1	Required 6/7 Vote of the City Council	Yes
	Denial			No

Hoots, 2428 Southwest 9th Street

ZON2014-00021



Item ZON2014-00021A

Date 3/31/14

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

COMMUNITY DEVELOPMENT

Print Name Jeremy Chedester

APR 03 2014

Signature [Signature]

DEPARTMENT

Address 1301 Broad St
Des Moines, IA 50315

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

~~Reason~~ I also own the property @ 2414 SW 7th St and have never had any problems with the liquor store there. I don't have any concerns about it going forward.

Item ZON2014-00021

Date 2/29/14

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

(Circle One)

Print Name EVAN SMITH, CHAIR GRATS LAKE NEIGHBORHOOD

Signature [Signature]

Address 2615 DELVID HILL DR

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

THIS REQUEST SEEMS AGAINST THE GUIDELINES ESTABLISHED BY THE NEIGHBORHOOD PLAN & THE EFFORTS OF THE SW 9TH PLANNING GROUP.

I THE UNDERSIGNED, a Resident of Lincoln Plaza, Support the Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Name	Address	Phone
Kayla Oxford	Des Moines, IA 50315 2428 SW 9 th Lot #5	641-288-8486

KEO KHUON (Ker. S. Taylor)	2432 SW 9 th ST	515-288-0058
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Vina Huaning	2428 SW 9 th #8	344 9851
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Salud Huaning Martinez	2428 SW 9 th #8	344 9851
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Monique Elister	2428 SW 9 th #7	913-946-2067
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no
report
closed

No property owners within notify area

43

I THE UNDERSIGNED, a Business owner on S.W 9th Street, Support the Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Senators

Name	Address	Phone	
John A. Crivaro Sr	2449 SW 9 th	255-5589	CRIVARO INSURANCE
Frances K. Crivaro	2449 S.W. 9 th	288-5589	
Mary Jo Harty	2453 SW 9 th	283-0453	SIKEFFINCTO
Alan Harty	2720 SW 9 th	243-3288	STERN FINANCE
Cristina G. Punelli	3526 SW 9 th St.	284-1426	Punelli Hg & A/c
Vol. Harty	3520 SW 9 th St	288-4488	BD APPARU
Jim Wilson	2301 SW 9 th	491-9229	ROCK STA
Robert J. Harty	3801 SW 9 th St	287-6166	FIAS PIZZ
Francine Harty	4311 SW 9 th St	288-2729	Eldo Expeding
Barry Grant	3207 SW 9 th	243-4303	DSM VAC.
David M. Harty	3205 SW 9 th	244-1913	Sellers Hardware
David M. Harty	2807 SW 9 th	266-0065	Joe's Clear Coatings
Larry Barber	901 Thomas Bldg	240-4050	FIRST OFFICE
Dr. Thomas Barber	2454 SW 9 th	283-2116	gHh, CEM/PAKCO AND CATCH
Tim Christen	3010 SW 9 th	246-8670	
Michael Christen	4011 SW 9 th St	771-9979	Rafael TEL
Walt Weller	3104 SW 9 th	244-4742	TEMS APPLIANCE
David M. Harty	2407 SW 9 th	238-0185	STROKE DEFECTS
Bruce Z. Harty	919 Cresta 2804 SW 9 th	491-1309	PAGSANOS PIZZA

I THE UNDERSIGNED, a Resident of Southview Manor, Support the Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Name	Address	Phone
Dawn Collins	1233 Highway Dr.	288-2219
Heather Vanzee	2801 E Douglas	669-5694
Dorelyn Utterback	2417 SW 9th #218	210-5722
Norma W. Smith	703 SW Emma Ave	557-6400
Jay Cole	2417 SW 9th #202	288-8342
Paul Butts	2417 SW 9th St #203	288-0733
Jay Gamm	2417 SW 9th #117	219-7553
Robert L. Ebeling	2417 SW 9th St #108	306-3414
Betty Langless	2417 SW 9th #329	

Apts. #104, #107, #112, #207, #316 Vacant

Apts. #103, #108, #111, #113, #214 No English

Apts. #306, #309, #209, #211, #310 Disabled

Handwritten notes on the left margin, including a circled '3' and some illegible scribbles.

SW 8TH

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Name	Address	Phone
Bill Anderson	800 Lacona DSM, 50315	515-283-0552
Sarah Wieman	2445 SW 8th St. DSM 50315	515-554-7300
Linn Inman	2410 SW 8th St	515-702-2693
Mary Newman	2444 SW 8th	515-282-688
Art Paul	804 Lacona DSM	515-250-0100
Vivian Conner	2447 S W 8th St. DSM	515-9484
Brian Chestelsen	948 Loomis Ave DSM	515-238-05
Rick Forbush	2446 SW 8th St DSM	515-729-7170
Cindy Forbush	2446 SW 8th St DSM	515-729-3531

Not
noted
in
area

Not
noted
in
area

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P

I THE UNDERSIGNED, a Resident of Southview Manor, Support the
 Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Name	Address	#213	Phone
Michael Barach	2417 SW 9th		822-2410
Frank Sears	2417 SW 9th	APT 208	306-4715
Jan Edwards	2417 SW 9th	WY	
Micie Hart	2417 S.W. 9th	st	282-7410
Louella Memon	2417 SW 9th	APT 114	244-4268
Janet M Young	2417 SW 9th	APT 102	288-8789
Bruce Rubin	2417 SW 9th	#308	
Naomi Gennypson	2417 SW 9th	#105	771-5793
Judy Moore	2417 SW 9th	201	979-9626
Vicki Seone	2417 SW 9th	#301	
John Michael Still	2417 SW 9th	st #315	284-5140
Dorothy Miles	2417 SW 9th	st #317	244-5691
Frank	2412 SW 9th	st #313	447-3869
Shirley Holmes	2417 SW 9th	st #314	
James Backstrom	2417 SW 9th	st #312	
Dennis Varner	2417 SW 9th	st #302	
Ellen Hunt	2417 SW 9th	#307	
Ernest Goltard	2417 SW 9th	304	
Roberta Polson	2417 SW 9th	217	

BELL AVE

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Not in
Nail
area

Name	Address	Phone
Jim Grove	721 Bell Ave	515 4182560
Missy Simpson	721 Bell Ave	
Lola Estes	816 Bell	515 282-6608
Gingew & Co	812 Bell	515-246-8842
J Bradley & Howard	809 Bell	515 8297752
John Bidwell	705 Bell	515-360-6929
Mandi Bidwell	705 Bell	515-360-6930
Tom Kochel	729 SW Bell	515-202-1791
Samuel Elliott	801 Bell	515 402-5208
Mike R	805 Bell	515 808-1169
Ken B	732 Bell	515-971-7312
Clyde J Reed	814 Bell	515-285-8238
Myrtle Dalby	733 SW BELL	515-479-4507
Margot J. Burnham	730 Bell	515-282-9926
Clifford W. Hammers	722 Bell	515-280-7657
Jake Allen	709 Bell Ave 515 720-3999	515-720-3999
Shelley Noble	709 Bell Ave	515-779-1624
Jane Hens	611 Porter	515-911-8600
Mark Segura	706 Bell Ave	515-917-8012
Trakoto Herdo	720 Bell Ave	515-868-1022

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco,
Inc request for a zoning change. SW 9th

Name

Address

Phone

(515)

525-5211

Kenneth B...
Ashley Rhiner

2416 SW 9th
2414 SW 9th

515-330-2383

Andrew Baius

2414 SW 9th

515 505 5360

Raymond (?) Rodney Carpenter

2338 SW 9th

(515) 745-0129

Michael Jensen

2330 SW 9th

515-443-3289

Dallas Winter

2330 SW 9th

641-757-2672

Patricia Nunez

2337 SW 9th St.

515 991 6196

Andy Cruz

2331 SW 9th St

(515) 971-2050

SW 7th - Not in 250 notification area.

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Name	Address	Phone
Brandon McLeary	2455 SW 7 th	515-991-9767
Sadie A. J.	2445 S.W. 7 th St.	515-282-2042
Theresa Miller	2473 SW 7 th St	319-504-2927
L. Koyro	2469 SW 7 th St.	515-246-8063
offspring Harrison	2456 SW 7 th St	515-402-1587
Shemi Stone	2465 7 th St	515-619-9032
Karla Neal	2446 SW 7 th	515-306-7519
Tony Ortega	2434 SW 7 th	515 559 7942
JASON LLEWELLYN	725 SW 7 th ^{LACONA} TH	515 577 0158
Carla Gutierrez	2451 SW 7 th St	515 419 7426
Tom Bruesel	2441 SW 7 th	515-238-5199

Not in
mail folder
some

**I THE UNDERSIGNED, A Member of SOUTH SIDE CARES, Support the
Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.**

Name	Address	Phone
Robert W Snyder	914 PIONEER RD	515-678061
[Signature]	1208 CUMMINS ST Dsm IA 50315	515-473-8829
[Signature]	1968 PORTER Dsm	515-318-3088
Byron Wiley	1344 Herald Ave Dm	515-681-0194
Thomas L. Cross	4103 McKENLEY AVE	515 783-5999
[Signature]	305 SE Livingston	515-779-7852
[Signature]	216 Remond Dr. WDM	515-238-7415
Chris Bailey	3700 SW 33rd St	515 556-1885
Tracy Davis	809 Murray St. DSM IA	50309-(515)480-7669
[Signature]	307 Bell DSM IA	515-250-3148
Marlina Cipate	712 Davis Ave	515-2828614
John Jordan	315 Hughes	515-664-0980
Linda Wells	3684 SE 10th St.	515-779-2075
Joseph Cooper	216 E Leland	515-343-0118
John Casper	2060 King Ave	
John Casper	15 SE Oinda	
John Casper	18 SE Oinda	
Richard Garcia	305 E Livingston	244-5611
CHARLIE FERLITSCH	420 E GRANGER	771-6465

outside notification area.

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Name	Address	Phone
* Bill Hansen	3305 SW 9th	243-0637
Scott Jark	612 Army Post Rd	285-6044
Mary Lambert	901 Park Ave	282-9090
Kyle Randolph	901 Bell Ave	556-5053
Lucia Hale	3805 S.W. 14th	282-6768
Carlmi Beer	941 Dayton	287-3433
Billy Stoddard	1401 SW 4th	974-2547
Lora Shipman	4708 SW 11th	285 2060
Denise Wade	3709 SW 6th St	288-8572
Frank M. Gallardo	2340 Stanton Ave	285-6229
Jane Rodriguez	24- Fulton Dr	729-0894
Amy Waller	307 Bell Ave	868-2580
	5016 SW 13th St	201-9669
Michael Hamman	3525 Southview	865-1048
Katt Scott	1729-Grand Ave.	974-9398
SEWES	822 Olinda Ave	865-4353
Alec Storm	606 Broad Ave	30 918-1411
Mary Miller	3750 SE 10th Damesville	562-305-804
Gloria Kelley	1045 Kirkwood Ave	515-422-2273

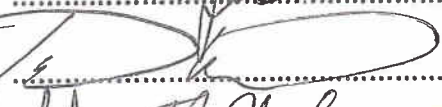
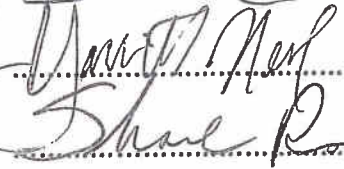
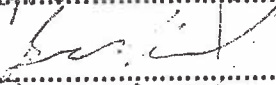

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Name	Address	BUSINESS	Phone
PAUL STEFFENSON	3038 SW 9TH ST	DANCE ART STUDIOS	772-8037 240-9997
Larry W. Sowers	936 Creston	Home day repair	78
Sandy Duff	611 Kenyon		256-0007
BILL TANNER	3206 S.W 8TH	HOMEOWNER	287-3555
Timothy T Duff	611 SW KENYON AVE		256-0007
Dan Law	1310 Lewis Ave		285-4385
Dennis Livingston	5304 SW 9th	Livingston's Automotive	287-1372
* Joe [Signature]	15 E Creston		577-4576
[Signature]			
Todd [Signature]	5419 SW 19th		240-6465
Becky Dewey	608 Leach		280 5386
Mao [Signature]	5656 SE 34th Ave		515-285-5301
Roselee Field	500 Park Ave		261-1819
CHRIS TURSI	3616 SW 26TH ST		770-4726
PAUL [Signature]	703 MCKINLEY		289-5349
Steve [Signature]	907 MARION ST.		979-0443
Joe [Signature]	5004 SW 14th Pl.		515-669-972
Rebecca Prizak	6307 SW 10th St		515-689-2779
Craig [Signature]	3920 SW 9th		222 2377

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Name	Address	Phone
D. B. H.	447 E. Wall Ave	515-988-5351
Steve Shubert	1108 Wade	515 953 5729
Tommie Thomas		515 953-4411
Nicole Fast		515 447-3882
Al Garcia	410 Lacon	515. 314-9446.
Arron Morney	3516 Fairlane DR	244-2950.
MATT BUCKLEY	1226 MLK	(515) 782-7740
ASHLEY BUCKLEY	1226 MLK	(515) 782-7758
Joe Wheeler	1600 Chaffee Rd #	(515) 2852413
M. Maple	16520 Chaffee Rd	(515) 2852413
Michael Campbell	3016 Glover Ave	(515) 554-1705
Diana Carter		515. 285-1785
Alejo		515-371-9551
Scott Dwyer		515-988-4947
M. Maple		720 6877
Paul G. Bell		515-975-9697
Joni Swombly		515-802-6754
Bob Beggel	206 Kirkwood	515 577 2115
Lynn Caffee		515-876-4234
Ann M. Brown		515-525-7562

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Name	Address	Phone
Justin Mulla	402 Fulton	729-3583
Sam Jucker	816 VIRGINIA	770-9103
Sue Ayer	816 VIRGINIA	681-3731
	1020 Leominster	573-338-0200
		
Shel Ross	3411 SW 43 RD	515-777-5671
Kathleen Jackson	1225 Broad	515-944-5815
	919 West	
Jane Yumier	200 Indiana St	515-321-8425
Robert	1315 Ames	864-1763
Brenda	9007 Leisure	285-7902
Kevin Ryznar	2342 S. 15 th Pl. N	330-7241
William Meen		515-778-1440
	(515) 953-7461	
Tina	3135 SW 13 th St	50315 ⁵¹⁵ 371-1492
Sandra Weiss	24 Fulton	205-5100
Bob Smith	1350 Tuttle	612-2630
MARCUS HINTON	701. Loomis	724-1405
Wendy Tamayo-Blanco	315 E. McKinley Ave. Apt. 33	657-0015

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Name	Address	Phone
Jayla Thompson	3017 S.W. 13 th PL	515 664-6772
Nayla Wadd	211 Kirkwood Ave	(515) 802-4810
James Thomas	500 Loomis Dr	515-210-6576
Kevin Nguyen	412 Fulton Dr DSM	(515) 282-6718
Jessie Harmon	1625 Kankya Ave	515-241-1124
Mike Maffei	3128 S.W. 12 th St DSM	515-244-4229
Phil M	2314 SE 18 th St DSM	515-619-3578
Joe Smith	911 Crocker St. DSM	515-419-6757
David Walker	600 Olinda Ave DSM	515-710-9576
Tony R Rincon	206 1/2 Indignola Rd ^{#2}	779-0828
Kyle James Osborne	707 Gray DSM	515-902-1073
Brian Feltz	4243 SE 23 rd St.	515-491-4237
Joshua McCleary	600 Olinda Ave	515-564-9608
John Reynolds	318 Broad St	515 988-2827
Albert Smith	220 Grand St	515 243-3363
Wayne Casper	605 Kirkwood Ave	515-988-1160
Patsy Britten	4604 SE 16 th St	515-321-6999
Justin Stemp	948 Davis Ave	515-770-3416
HERBERT MARTIN	2419 S.W. 9 th	(515) 654-4080

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Name	Address	Phone
Jenny Burt	410 HARTFORD AVE. D. VA. 1A	515-313-5512
Paul King	419 Virginia	913 882 2202
Jessie Hays	3810 SW 3	(515) 505-2359
John King	2430 S. UNION ST.	2805408
Harold Lopez	817 26 th STREET	330-2870
Cing Ned	2446 SW 7 th ST 515-644-3602	515-644-3602
Tim Coble	2311 Thornton	515-285-9752
Tiffany Inij	1207 Franklin Ave	515-554-9122
Scott Linn	932 Kirkwood	515-421-6084
Stanley Henderson	4150-54th	515-554-3510
Greg Willis	4150-54th	515-554-3286
Scott Reed	10017 NEVADA INDIANOLA	515-210-6909
D. J. Angosa	604 Kirkwood	515-288-1505
James A. Kalhorn	1712 Corvick	318 9403
Beth Sloan	410 Fleming	515-402-7594
Mark Welborn	920 Mason ave	515-285-1785
Jenny Ragan	1203 Herold Ave	515-447-507
Vicki Buchanan	2110 Evergreen Ave	515-953-5253
Mike McGovern	3925 SW 33rd	515-229-5740

Seventy (70)

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Name	Address	Phone
Michael DeFronzo	1101 Crocker #300	771-5182
Wayne Hayes	703 MONROE #5	515-509-9920
Clarence S. Robinson	1224 E 27 th ST	515-266-4523
Jo Nelson	6510 SW 17 th ST	515-249-1070
William Miller	254 E Dunbar	515-771-9919
Rick	6520 SW 9 th	
Shirley Jones	3520 SW 9 th	
John	1715 N 25 th	
Carol	2319 SW 9 th ST	240-4050
Carol Karlow	2454 SW 9 th ST	283-2116
Don Berry	5148 NW 2nd Ave	949-1903
Jackie Lewiston	615 Boulder Ave	418-8973
Bruce DeGroot	8142 RIDGEVIEW DR	285-2102
Mike O'Deay	1108 PARK AVE	249-6854
Craig A. Porter	7085 BLOOMFIELD DR LOT 127	356-9715
Linda Lou McVey	504-3rd St Wdm IA	344-0512
Walker Brooks	3412 Fairlane Pk IA	247-4833
Larry Stratton	6779 133	779-1212
Dale Simon	3137 SW 13 th Pl	494-5770

Genant
(2)

SOUTHSIDE TOBACCO, INC

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Name	Address	Phone
Amara Charran	721 E. Park Ave.	(515) 505 9359
CHARLIE FZLITZCH	810 Loomis	515-771-6465
Kim Halverson	6504 CHAFFIN	515-249-9244
Guy Newman	2444 SW 8th	575-282-6889
Nichol Webb	22375 Union St.	(513) 689-4512
Becky Puckett	4111 Muskogee Ave	515-979 0157
Mally Wg	513 Loomis Ave	282-4314
Mally Jackson	700 Monona	619-0177
Hilbert & Scholt	Box 188 DM IA	515-333-2180
Tim Airhart	2465 SW 7th	515-480-1368
Kevin Huffman	3016 E. Porter	515-256-7344
Antonio Ghade	821 Bancroft st	515) 441-6962
Derin Shate	821 Bancroft st	513) 688-9159
Steven Gilliland	1016 SW Evans Street	515-287-5647
Gordon Wilson	1751 21st	515 244-4215
F. Wilson	513 SE. Porter	(515) 419-6426
Gene Dyer	2414 SW 9th	(513) 525-5211

5/2/11

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Name	Address	Phone
Troy Bishop	3500 Sw 12th Pl	515-419-5000
Gunnery	770 16th St. #5	515-402-6715
Leah	720 16th St.	515-771-7160
Sam Pank	1249 McKinney	515-491-2064
Shelby Cross	1245 Wall Ave	515-285-3230
Shelby Cross	34313 Se 19th Ct.	515-807-1608
Jack & Leanne	6515 E 5th St	515 423 8555
Andrew Lucero	180 Terrace Dr Waukegan IA	515-988-9977
#Hedhotev	180 Terrace Dr Waukegan IA	515-205-4150
Watson	217 SE Kempn DM IA	503 15 423 894
Bryan M Robinson	610 Creston Dm IA	50315 515-205-463
Kathleen Dillman	2417 SW 9th St. DM IA	515-243-2699 50315
Donaco Sick	201 Kirkwood DM IA	528-8407
Coal Sick	201 Kirkwood Ave DM, IA	528-8407
Mike Lubtee	1926 Evergreen Ave. DSM, IA	50320 783-5433
Chareissa Falacio	3305 Se 22nd St 14	50320 515-238-33
William Marino	1106 Kirkwood Ave	50315 515-802-19
Jana Hapert	2608 Homestead	50273 515-465
Bobby Carpenter	3609 Blue Star Rd	50211 1629 779 0227

Steno

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco,
Inc request for a zoning change.

Name	Address	Phone
Richard Huber	2705-2 SW 9th	244-1927
Bruce Roberts	6901 S.E. 17th 238	556-6050
Dianna Bennett	212 Dickman 284	318 4513
Sarah Braack	600 porter Ave	515 318-1375
Jeff Howard	4211 SE 12th	515-729-9273
Holly Trave	604 SW Hughes ave	515-419-9705
Bob Lane	100 E Park Dr	284 5810
Rachel Reed	315 E Watrous Ave	339-8030
Janice	605 Alinda	515-244-2886
RICHARD HARTZER	1204 HARTFORD	515-771-7521
Charles V Wadke	2205 5th St WDM	515 2701344
Niall Bothwell	1807 SW 2nd St	515-280-5156
Diane Gillman	1033 Kirkwood	515-371-5657
Del Lopez	1800 Watrous	641-831-9570
Kenice Courtney	3925 SW 13 St 1	419-7953
William Munkas	3801 Rose	975-8053
Robert Skorning	935 Creston Ave	515 423-5920
John Larson	306 college Ave	777-0697
Travis Bolte	505 Pleasantview Dr.	(515) 402-6862

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Guarantors(?)

Name	Address	Phone
Linda Stockman	2417 SW #210	280-7089
Michael Barack	2417 SW #213	822-2410
Kelly MacGregor	5125 SE 27th	771-1528
Janice	605 Olinda	244-2860
Pat Gabriel	707 Gray	282 1379
Ron Foster	2300 E LUSTER LN	971-0745
Janet	26 Hampton Ave	249-5620
James H. Herman	1209 ELDER LN	282-4157
Eric R. Jones	306 SW 14th St	
Jeff Fumochue		1-27-14
Edie Arthur	2445 SW 7th St	360-3154
Jeff Scott	222 Pleasant View	
Chris Dege	1220 LEWIS	974-9023
Elle Kupper	PO Box 41502	318-3707
Tracy DeFrancesco	721 E PARK AVE	
Karlene	417 Lewis Ave	981-7761
Marilyn	513 Loomis Ave	252-6374
Karen Jackson	1225 Broad	244-5815
Bonnie Gilbert	420 SW Bell Ave	528-6700

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco, Inc request for a zoning change.

Name	Address	Phone
<i>A Z</i>	3820 SW 31st	243-2282
Kris Zimmerman	3820 SW 31st	243-2282
Belva Z...	101 SE HUGHES	
Tom Baker	2525 - Countyline Rd. ^{Lo + 350}	326-4942
<i>Samuel</i> Samuel Baker	2330 SW 9th	443-3289
Dallas Baker	2330 SW 9th	641-757-2672
Kevin Kaynes	412 Fulton Dr	282-6418
Alicia Julia	6002 SW 14th St	953-6442
Spiff Julia	6002 SW 14th St	344 8064
Mike's Julia	6002 SW 14th St	447 5627
Vicki Villalobos	920 Leach St	
Shirley Shepherd	700 Gray St	
Natalie En	1111 University	988-3346
Miranda Brown	212 Laconia	515-781-8545
William Cline		515-888-4923
Larry Tamparinas		515 729 3687
R. Blum		515 287-7187
	406 Leonis	
		515 418-1214
Helen Williams		(515) 238-9229
	72437 SE 8th - 56315	

Outside
modification
area.

43

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco,
Inc request for a zoning change.

Name	Address	Phone
Richard Huber	705-2 SW 9th	244-1977
Grace Roberts	6901 SE 17th 238	556-6558
Dianna Bennett	212 Dickman 284	318 4513
Search Braack	600 porter Ave	515 318-1375
Jeff Howard	4311 SE 12th	515-979 9273
Hellin Trave	604 SW Hughes ave	515-419-9705
Bob Lane	101 E Park Dr	2845810
Kathel Reed	315 E Watrous Ave	339-8036
Janice	605 Clinda	515-244-2866
RICHARD HARTZER	1204 HARTFORD	515-771-7521
Kales V Wulke	2005 1/2th St NW	515 270 1341
Niall Bothwell	1807 SW 2nd St	515-280-5156
Miane Gillman	1033 Kirkwood	515-371-5657
Celi Lopez	1800 Watrous	641-831-9570
Kence Courtney	3925 SW 13 St 1	419-7953
William Andrews	3801 Ave	915-8053
Robert Storing	935 Creston Ave	515 423-5920
John Larson	306 college Ave	777-0697
Travis Bolte	405 Pleasantview Dr.	(515)402-6862

Outside
Notification
area

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco,
Inc request for a zoning change.

Name	Address	Phone
James Carter	814 Taylor	515 617-0470
CHAD HITSMAN	1015 LACONA	515-822-6906
Julie Angell	210 Loomis	515 443-1280
Jackie Strud	927 Kirkwood Ave	515-779-0170
Stephane Klippans	2508 52 nd ST	515-556-3504
Mad St J	5407 SW 18 th S	515 480-3866
Makuff	809 Creston Ave	515-661-0873
Don Don S	27 th Cresta ^{5th}	664-2867
Kim Griffin	301 Loomis	515-359-2848
Chuck Gould	1427 31 st ST (SR)	770-3631
Lisa Kaus	206 E Waterman	
Jeff Kennedy	121 E 36 th ST	515-650-7829
Harold Harold	817 36 th ST	515-330-2870
John John R	612 Bancroft St.	
Larry G	504 Virginia Ave	515 422 0320
Janice Janice J	169 Hillside Ave	(515) 288-4158
Bob Bob D	103 E Tronton	282-6044
Jeff Diamond	300 Hillside Ave	208-2911
Stephen Hill	714 Rose Ave	515-710-577-

Outside
Notification
area

I THE UNDERSIGNED SUPPORT THE Lincoln Plaza and Southside Tobacco,
Inc request for a zoning change.

Name	Address	Phone
Darius Bollen	1016 McKinley	515 612-2102
[Signature]	1901 1ST ST COTS3 B... TA	515 432 248
Jim Sheffield		
Michael Phillips		
Amber DeVore	4901 S Union St.	(515) 402-2781
[Signature]	4901 S Union St	515 402 2480
[Signature]	4711 S Union	515-285-5576
[Signature]	401 Gray St.	515-249-7893
Silas Patrick	1941 Courtland Dr. #10	515.556.9201 in We; 5p.m
Alicia Klein	4205 Park Ave E12-72	515-554-1390
Nikki Gunther	825 McKinley	205-9023
Scott Little	1505 Linden Lane	202-5530

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