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Agenda	Item	Number
	26	•

Date November 21, 2016

RESOLUTION SETTING HEARING ON REQUEST FROM NORTHERN STATES INVESTMENT, LLC FOR AMENDMENT TO THE EASTWOOD VILLAGE PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED AT 3330 EAST 33RD STREET

WHEREAS, on August 4, 1988, by Roll Call No. 88-3557, the City Council adopted Ordinance No. 11,209, to rezone real property located in the vicinity of E. 33rd Street and Euclid Avenue, locally known as 3330 East 33rd Street ("Property"), from "R-2" One and Two Family Residential District to "PUD" Planned Unit Development District classification; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 3, 2016, its members voted 10-0 in support of a motion to recommend APPROVAL of a request from Northern States Investments, LLC (owner), represented by Trent Overhue (officer), for review and approval of the 5th Amendment to the Eastwood Village PUD Conceptual Plan for the Property to allow conversion of the existing 63,547 square foot large retail/food sales establishment building (formerly Dahl's Foods) to an indoor, controlled-access miniwarehouse building with up to 400 storage units, and 14,000 square feet of proposed retail/office area within two additional pad site development areas, subject to revisions to the amendment as set forth in the attached communication from the Commission; and

WHEREAS, the Property is legally described as follows:

PARCEL 1:

LOT 1, EASTWOOD VILLAGE, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 3, EASTWOOD VILLAGE, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 89 DEGREES 44 MINUTES 20 SECONDS WEST ALONG THE NORTH LINE ON LOT 1 IN SAID EASTWOOD VILLAGE, A DISTANCE OF 176.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 330.00 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 20 SECONDS EAST A DISTANCE OF 330.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 330.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE NORTH 89 DEGREES 44 MINUTES 20 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 122.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THE NORTH 158.00 FEET OF THE SOUTH 303.00 FEET OF LOT 5, EDWARD'S PLACE PLAT 2, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA, AND LOT 5 EDWARDS PLACE PLAT 2, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA EXCEPT THE NORTH 45 FEET AND EXCEPT THE SOUTH 303 FEET THEREOF.

PARCEL 3:

APPURTENANT NON-EXCLUSIVE EASEMENTS AS CONTAINED IN THE DECLARATION OF RESTRICTIONS AND EASEMENTS, RECORDED IN BOOK 6101 AT PAGE 65; AS AMENDED BY THE DECLARATION OF RESTRICTIONS AND EASEMENTS RE-RECORDED IN BOOK 6267 AT PAGE 904; AND AS AMENDED BY THE FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS AND EASEMENTS RECORDED IN BOOK 6295 AT PAGE 744; AND ALSO THE AMENDMENT TO DECLARATION OF RESTRICTIONS AND EASEMENTS RECORDED IN BOOK 7120 AT PAGE 460.

Roll Call Number	Agenda Item Number
Date November 21, 2016 -2-	
PARCEL 4: THE NORTH 30 FEET OF LOT 2, EASTWOOD VILLAGE, AN OFFICIAL MOINES, POLK COUNTY, IOWA.	PLAT, CITY OF DES
SAID TRACT OF LAND CONTAINS 10.743 ACRES MORE OR LESS.	
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des M	Ioines, Iowa, as follows:
 That the attached communication from the Plan and Zoning Commission is hereby That the meeting of the City Council at which the proposed 5th Amendment to the Conceptual Plan is to be considered shall be held in the Richard A. Clark Municipal located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa at 5:00 p.n at which time the City Council will hear both those who oppose and those who fav That the City Clerk is hereby authorized and directed to cause notice of said proposed form to be given by publication once, not less than seven (7) days and not more before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the 	e Eastwood Village PUD al Service Center (MSC), n. on December 5, 2016, wor the proposal. esal in the accompanying than twenty (20) days
MOVED BY TO ADOPT.	
FORM APPROVED: Solution of the second of th	16-00186)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT		
COWNIE						
COLEMAN						
GATTO						
GRAY						
HENSLEY						
MOORE						
WESTERGAARD						
TOTAL						
MOTION CARRIED	•	APPROVED				

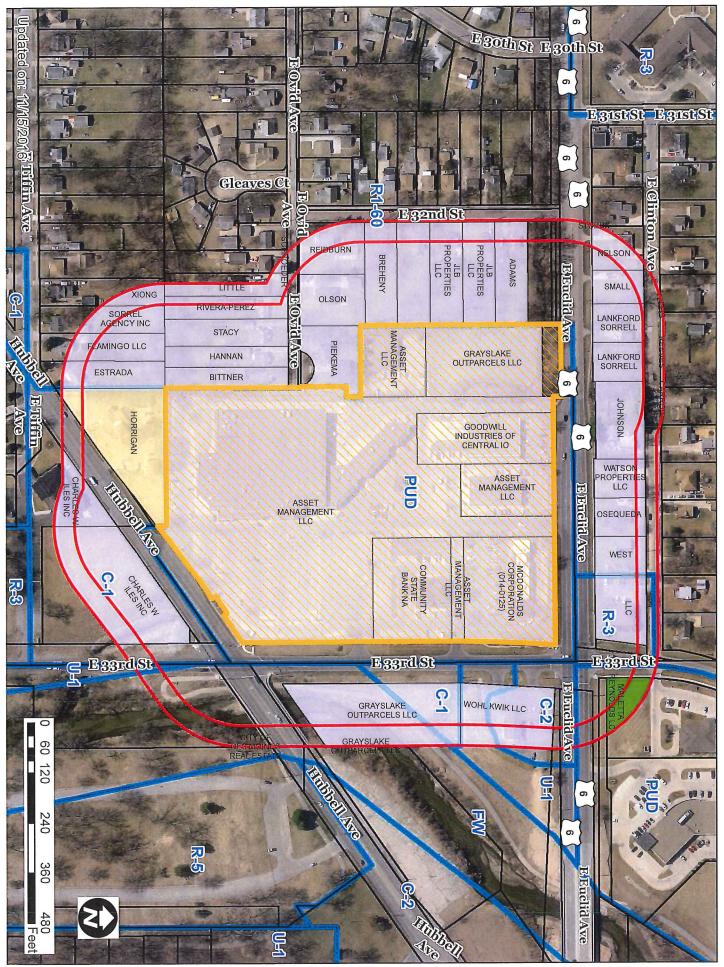
Mayor

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.

C'	tv Clerk
	-,



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Agenda Item

November 8, 2016

Roll	Call	带		 -

Honorable Mayor and City Council City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning regarding a request from Northern States Investments, LLC (owner) represented by Trent Overhue (officer) to amend the existing PlanDSM Creating Our Tomorrow future land use designation from Parks and Open Space to Community Mixed Use and to approve the proposed 5th Amendment to the Eastwood Village PUD Conceptual Plan to allow conversion of the existing 63,547-square foot large retail/food sales establishment building (formerly Dahl's Foods) to an indoor, controlled-access miniwarehouse building with up to 400 storage units, and 14,000 square feet of proposed retail/office area within two additional pad site development areas for property located at 3330 East 33rd Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	Х			
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	Χ			
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Carolyn Jenison				X
Greg Jones				X
William Page				X
Mike Simonson	Χ			
Rocky Sposato	Χ			
Steve Wallace	X			
Greg Wattier				X

APPROVAL of staff recommendation Part A) the proposed "PUD" Conceptual Plan amendment be found not in conformance with the existing PlanDSM: Creating Our

Tomorrow Plan future land use designations of Parks and Open Space, approval of Part B) the proposed amendment to the PlanDSM: Creating Our Tomorrow Plan future land use designation from Parks and Open Space to Community Mixed Use, and approval of Part C) the proposed 5th Amendment to the Eastwood Village "PUD" Conceptual Plan subject to the following revisions: (21-2016-4.15 & ZON2016-00186)

- 1. Add a statement that "All future building development and building additions that may be within regulatory flood hazard areas comply with Floodplain Development Regulations in Chapter 50 of the City Code."
- 2. Add a statement that "Minimum off-street parking shall be required for all permitted uses in accordance with Chapter 134-1377(a) of the City Code."
- 3. Add a statement that "All site development shall comply with all necessary Site Plan requirements for grading and storm water management."
- 4. Add a statement that "Any Site Plan shall demonstrate landscaping in accordance with the Des Moines Landscape Standards applicable to the "C-2" District.
- 5. Add a statement that "All future buildings and building additions shall be considered under separate amendments to the PUD Conceptual Plan."
- Add a statement that "All permitted signs shall be in accordance with "C-2" District requirement and in compliance with the "FSO" Freestanding Signs Overlay District."
- 7. Add a statement that "Any refuse collection container enclosure structure shall be constructed with masonry materials that match the masonry materials used on the primary structure and 100% opaque steel gates. If no outdoor enclosures are proposed, it should state that all refuse collection containers must be located within a building."
- 8. Add a statement that "All roof top mechanical equipment shall be screened by architecturally integrated screening elements."
- Add a statement that "All mechanical equipment, meters, condensers, etc. shall be interior to the campus or appropriately screened so that they are not visible from any public street."
- 10. Add a statement that "Any exterior transformers, ground mounted utility cabinets or mechanical housings shall be located outside of required setback areas and screened from view of public streets to the satisfaction of the Planning Administrator."
- 11. All portions of the commercial center building that are scheduled to remain as retail or office shall be designated as such on the Conceptual Plan.
- 12.A site survey shall be conducted identify all existing plantings and the portion of the PUD owned by the applicant shall be brought into conformance with current "C-2" District Landscaping Standards.
- 13. The existing stormwater management system shall be surveyed and repaired as necessary so that it operates as originally approved.

14. Any future Conceptual Plan amendment to allow pad site development shall include the parking areas necessary to support the tenants of the pad site buildings and shall comply with current stormwater management and landscaping standards.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed "PUD" Conceptual Plan amendment be found not in conformance with the existing PlanDSM: Creating Our Tomorrow Plan future land use designations of Parks and Open Space.

Part B) Staff recommends approval of the proposed amendment to the PlanDSM: Creating Our Tomorrow Plan future land use designation from Parks and Open Space to Community Mixed Use.

Part C) Staff recommends approval of the proposed 5th Amendment to the Eastwood Village "PUD" Conceptual Plan subject to the following revisions:

- 1. Add a statement that "All future building development and building additions that may be within regulatory flood hazard areas comply with Floodplain Development Regulations in Chapter 50 of the City Code."
- 2. Add a statement that "Minimum off-street parking shall be required for all permitted uses in accordance with Chapter 134-1377(a) of the City Code."
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10. Add a statement that "Any exterior transformers, ground mounted utility cabinets or mechanical housings shall be located outside of required setback areas and screened from view of public streets to the satisfaction of the Planning Administrator."

Written Responses

2 In Favor

0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and staff recommendation.

<u>Mike Simonson</u> asked if both of the proposed retail buildings are built and the existing building is converted into a storage building, what can be seen while driving by or through the parking lot, how is landscaping and stormwater management affected. The applicant is not showing proposed lots for the 2 proposed pad site buildings.

<u>Jason Van Essen</u> stated the language in the staff recommendation covers any future site development, which would have to comply with current standards. The two pad sites would have to come back to the Plan and Zoning Commission for another conceptual plan amendment.

Mike Simonson asked more about the landscaping.

<u>Jason Van Essen</u> stated if the applicant has landscaping missing that they are currently obligated to have on the property that is a violation. It should be installed regardless of tonight's action. They could withdraw their request and would still be obligated to address any shortcomings. Staff did not do an analysis of the entire site to see if what was approved previously complies with that current landscaping standards.

<u>David Courard-Hauri</u> asked about flood plain development regulations.

<u>Jason Van Essen</u> stated that will impact the two pad sites. The current building is not in that boundary. Staff is recommending that the applicant comes back through the conceptual plan amendment process when they have more detailed plans for the pad sites so flood plain development can be looked at closer.

<u>Steve Wallace</u> asked if all of the small commercial spaces on the north side of the Dahl's space was going to be retail space or will those spaces also become storage.

<u>Jason Van Essen</u> stated the applicant can give greater details on their plans. But, it is staff's understanding that the storage business is limited to the Dahl's grocery store space.

<u>Travis Overhue</u> 1851 Madison Avenue, Council Bluff, IA and Trent Overhue from Springfield, MO stated he and Travis are business partners. They have been going around

and converting centers similar to this that are in a distressed state. Their main objective is to make this building retail and put a class "A" storage facility in where everything is brand new including the interior and exterior. Their goal is to update the entire facility in order to keep the existing retail tenants. They will try to fill the existing vacant retail spaces.

This building needs a facelift in order to keep the tenants that are already there. They will redo the parking lot, which is in very bad condition. With this being an existing shopping center, their main objective is to have people do their unloading in the rear of the building. This helps with congestion in the front and maintains a shopping center feel and compatibility with the other tenants. The self-storage industry is moving to a more retail feel. Everything is indoor, there is no outdoor storage. Noted their track record in other communities.

Francis Boggus asked what their target market is.

<u>Travis Overhue</u> stated it is any individual that is moving or is de-cluttering their house and that need storage. They also do a lot of business with businesses that need space for record storage. It is a mix of tenants. Noted there are not a lot of options for climate control storage in Des Moines. Believes there are only two facilities and they are both full.

<u>Francis Boggus</u> asked how many units they will have.

<u>Trent Overhue</u> stated the proposed the number of units will be around the 390 – 400 range depending on the finalize layout.

Steve Wallace asked about the office space and the retail on the north end.

<u>Trent Overhue</u> stated there are long-term leases in tact so they cannot do anything nor do they want to. Most of the businesses in there have been there for a long time.

<u>Jason Van Essen</u> stated that a note could be added to the conceptual plan that clearly identifies that the north end has to be retail or office uses.

Steve Wallace stated there are some open retail spaces there.

<u>Trent Overhue</u> stated their goal is to get it cleaned up so they can attract new tenants for the vacant spaces. Noted that the previous owners are a big company on the east coast. When Dahl's left, the center went from 90% full to 20% full and the previous owner did not want to put any money back into it. They are going to be owner operators versus a tenant leasing space. The hours of operations will be 6:00 a.m. to 9:00 p.m. and they will have an onsite manager.

David Courard-Hauri asked if they had a plan for dealing with flooding.

<u>Travis Overhue</u> stated there is not a lot they can do. It would be the same as a grocery store. They require that everyone that comes in show proof of their homeowners insurance or they have to get a protection plan making sure if something happens to their goods it is covered. Noted they also have insurance coverage.

<u>Mike Simonson</u> asked if the people using their facility and the applicant have flood insurance.

<u>Travis Overhue</u> stated they have a self-storage building in a flood plain in Council Bluff and they have an umbrella policy on it. It is a private insurance company they have to go through.

Mike Simonson asked if they own all of the outlots that are part of this PUD?

<u>Travis Overhue</u> stated they own the Family Dollar site and the back office building.

Mike Simonson stated that when the two pad sites come back for review, the conceptual plan amendments need to include the parking that is necessary to support the buildings and that area should be brought up to current stormwater management and landscaping standards. That would be the responsibility whether the applicant develops it or sales it off. Noted the lack of trees on the property. Believes that a condition should be added that requires the applicant to have a survey prepared of the existing plant material by a landscape architect or other professional so that it can be compared to what was originally approved. If plant material is already missing the applicant is obligated to replace it.

<u>Frank Overhue</u> owner of the company, stated Travis and Trent are his sons and that the facility will look good.

Mike Simonson asked him to describe the wall along the back of the property.

<u>Frank Overhue</u> stated the entire back is about a 30-foot wall. He assured the Commission that they are not going to spend thousands of dollars and not take care of the property. They are a family-owned company and believe it is important to turn it into something that all can be proud of. They want to find a use that is not disruptive to the people around them and be a good neighbor.

<u>Mike Gaunt</u> with Bishop Engineering stated they will be doing the stormwater prevention plan and landscape plan for the applicant and are familiar with the City's requirements.

<u>Mike Simonson</u> stated that would include all land owned by this entity. Everything except the Goodwill Store, McDonalds and Community State Bank. The drive isles behind the Goodwill, the medical building and etc. a survey should be done to make sure it is up to standard.

Mike Guant stated they will continue to work with staff. Any required landscaping will go in and will be a part of the site plan submittal.

CHAIRPERSON OPENED THE PUBLIC HEARING

<u>John Horrigan</u> 3232 Hubbell stated he missed the applicant's informational meeting and his biggest concern is regarding the stormwater runoff and flooding onto his property, which is located to the south. When the intake fills over it floods onto his property. He has been flooded out about six times. Asked about the two areas proposed for driving in and out of the building and the currently empty retail space. Believes that redoing the parking lot as

the applicant has said would probably address the flooding if the debris that plugs both intake is taken care of.

Rebuttal

<u>Trent Overhue</u> stated their intentions are to fill the empty spaces with retail and they are in agreement with all of the comments.

CHAIRPERSON CLOSED THE PUBLIC HEARING

<u>John Jack Hilmes</u> asked Commissioner Simonson if conditions #3 and #4 recommend by staff address his concerns.

Mike Simonson stated he believes conditions #3 and #4 generally address his concerns but some clarity is needed. Moved the staff recommendation for approval of the proposed "PUD" Conceptual Plan amendment be found not in conformance with the existing PlanDSM: Creating Our Tomorrow Plan future land use designations of Parks and Open Space, approval of Part B) the proposed amendment to the PlanDSM: Creating Our Tomorrow Plan future land use designation from Parks and Open Space to Community Mixed Use and approval of Part C) the proposed 5th Amendment to the Eastwood Village "PUD" Conceptual Plan with the following added conditions:

- All portions of the commercial center building that are scheduled to remain as retail or office shall be designated as such on the Conceptual Plan.
- A site survey shall be conducted identify all existing plantings and the portion of the PUD owned by the applicant shall be brought into conformance with current "C-2" District Landscaping Standards.
- The existing stormwater management system shall be surveyed and repaired as necessary so that it operates as originally approved.
- Any future Conceptual Plan amendment to allow pad site development shall include the parking areas necessary to support the tenants of the pad site buildings and shall comply with current stormwater management and landscaping standards.

<u>Jacqueline Easley</u> asked for clarification of Commissioner Simonson's motion.

<u>Jason Van Essen</u> reiterated what he understood the motion to include.

<u>David Courard-Hauri</u> asked if the additional language weakens condition 3.

<u>Mike Simonson</u> stated the conditions are a bonus because the entire site the applicant controls must be brought up to current landscaping standards. They will have to cut in some islands in the parking lot for trees and provide a lot more landscaping. He believe it would be egregious to require current stormwater management standards on the site when they are not touching it at this time.

<u>Jann Freed</u> stated what Commissioner Simonson has added should address Mr. Horrigan's concerns.

COMMISSION ACTION:

Mike Simonson moved staff recommendation for Part A) Part A) that the proposed "PUD" Conceptual Plan amendment be found not in conformance with the existing PlanDSM: Creating Our Tomorrow Plan future land use designations of Parks and Open Space, approval of Part B) the proposed amendment to the PlanDSM: Creating Our Tomorrow Plan future land use designation from Parks and Open Space to Community Mixed Use and approval of Part C) the proposed 5th Amendment to the Eastwood Village "PUD" Conceptual Plan subject to the following conditions:

- 1. Add a statement that "All future building development and building additions that may be within regulatory flood hazard areas comply with Floodplain Development Regulations in Chapter 50 of the City Code."
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- 13. The existing stormwater management system shall be surveyed and repaired as necessary so that it operates as originally approved.
- 14. Any future Conceptual Plan amendment to allow pad site development shall include the parking areas necessary to support the tenants of the pad site buildings and shall comply with current stormwater management and landscaping standards.

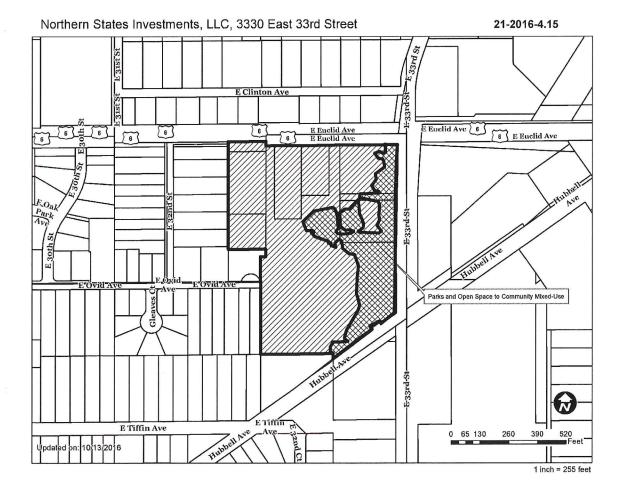
Respectfully submitted,

Jason Van Essen, AICP Senior City Planner

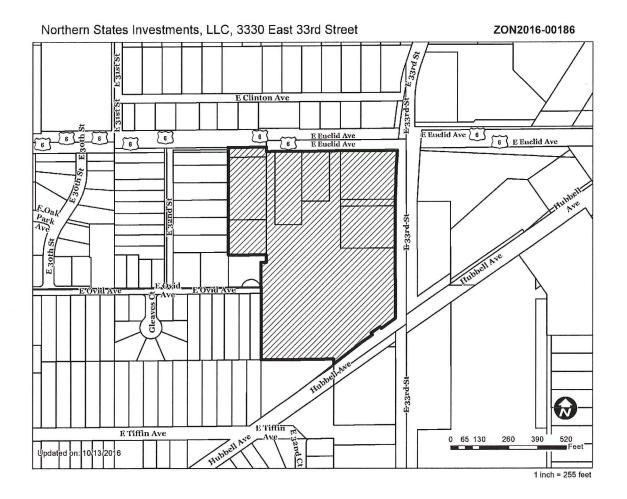
JMV:clw

Attachment

Northern States Investments, LLC (owner) represented by Trent Overhue (officer)							Foot 22 and Chroot			
for property located at 3330 East 33rd Street.								2	21-2016-4.15	
Description of Action						t to the existing Open Space to				omorrow future
PlanDSM Futur	DSM Future Land Use Current: Parks and Open Space. Proposed: Community Mixed Use.									
Mobilizing Ton Transportation			US 6/East Euclid Avenue Widening from 4 lanes to 5 lanes.							
Current Zoning	g Distric	t	"PUD" Planned Unit Development and "FSO" Freestanding Signs Overlay District.					s Overlay		
Proposed Zoni	ng Distr	rict	N/A.							
Consent Card	Respon	ses	In Favor No			Not In Favor Undetermined		ned	% O	pposition
Inside Area			1 0						,	
Outside Area										
Plan and Zonir	•	Appr	oval	10-0				Yes		
Commission A	ction	Deni	al			the City Council		No		Х



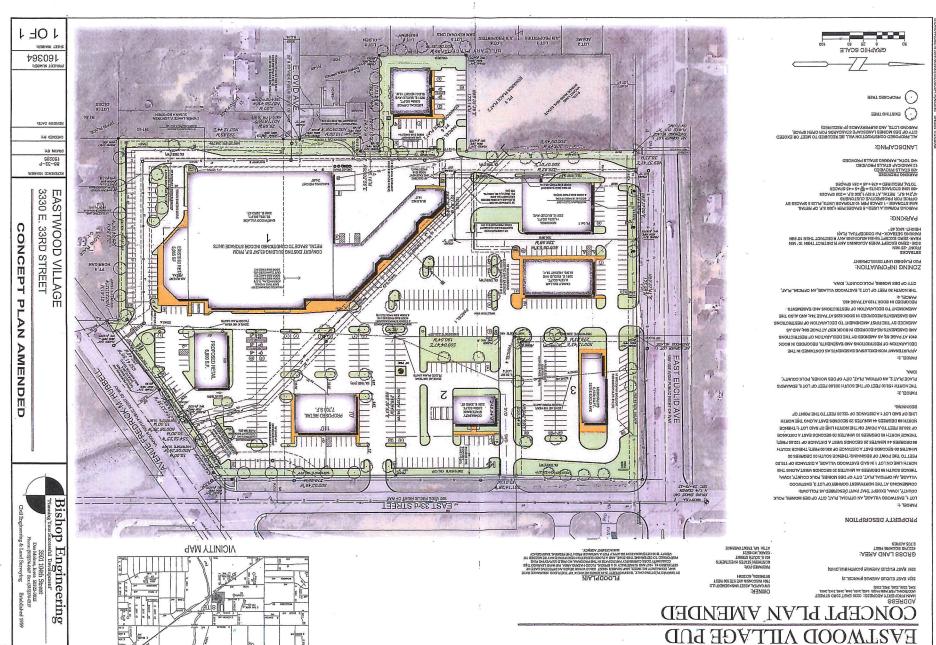
Northern States Investments, LLC (owner) represented by Trent Overhue (officer) File #								File#		
for property lo	cated at	3330	East 33r	d Street.					ZC	N2016-00186
Description of Action	to allow building to 400	conve (form storag	the request for the 5th Amendment to the Eastwood Village PUD Conceptual Plan version of the existing 63,547-square foot large retail/food sales establishment merly Dahl's Foods) to an indoor, controlled-access miniwarehouse building with up ge units, and 14,000 square feet of proposed retail/office area within two additional elopment areas with conditions.							
PlanDSM Futu	re Land	Use	Current: Community Mixed Use and Parks and Open Space. Proposed: Community Mixed Use.							
Mobilizing Ton Transportation			US 6/East Euclid Avenue Widening from 4 lanes to 5 lanes.						,	
Current Zoning	g Distric	t	"PUD" Planned Unit Development and "FSO" Freestanding Signs Overlay District.					s Overlay		
Proposed Zoni	ng Distr	ict	N/A.							
Consent Card	Respon	ses	In Favor			t In Favor	Undetermined		% O	pposition
Inside Area			1 0		0					
Outside Area										
Plan and Zonir		Appr	oval	10-0 Required 6/7 Vote of Yes						
Commission A	ction	Deni	al			the City Council			Х	

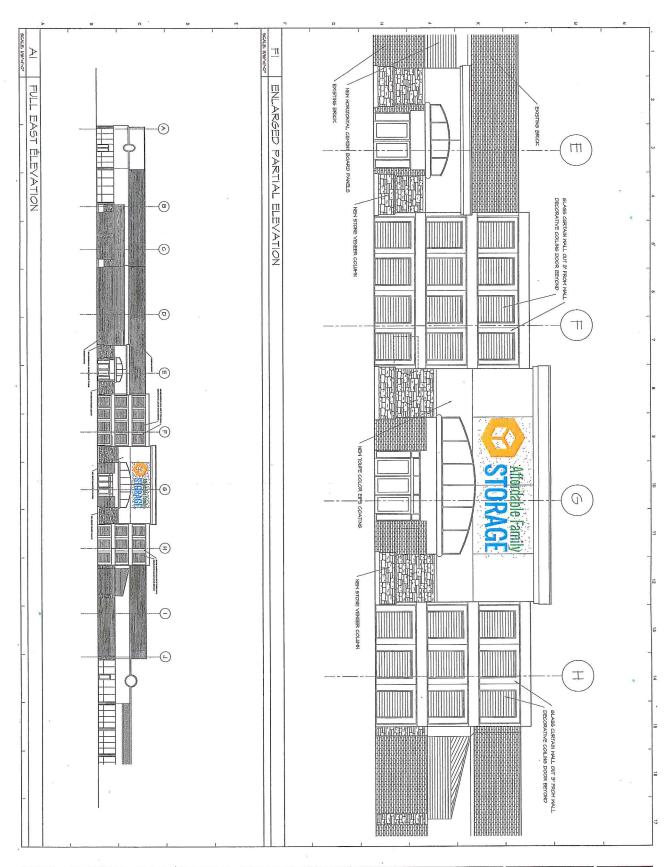


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ZONZ016-00186 Ifem (circle Open/ED Right Name John Herrigen COMMUNITY DEVELOPMENT Name John Herrigen COMMUNITY DEVELOPMENT Name John Herrigen Reason for opposing or approving this request may be listed below:	Would like to see a retail development
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REVISIONS

PROTECT TOTALES STEET DESCRIPTION 111E 10/18/2016

O\$H INVESTMENTS 3330 EAST 33RD STREET DES MOINES, IOWA

