



**Roll Call Number**

**Agenda Item Number**

70F

September 9, 2019

**Date**

Requests to speak regarding the proposed Zoning Ordinance amendments.

Moved by \_\_\_\_\_ to

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
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

70F

**Rauh, Diane I.**

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**From:** website@dmgov.org  
**Sent:** Tuesday, August 13, 2019 10:22 AM  
**To:** CouncilSpeak  
**Cc:** Web-Mgrs  
**Subject:** REQUEST TO SPEAK BEFORE THE CITY COUNCIL

Name = Jeff Williams  
Address = 1155 59th St.  
City\_Town = Des Moines  
Stat\_Prov = IA  
Zip = 50311  
Phone = 5154020413  
Email = jeff.dubya@me.com  
Speaker(s) = Jeff Williams  
Meeting Date = Monday, August 19, 2019  
Regarding = Proposed Short-term Rental Regulations  
Client IP = 63.227.68.104

*Sept. 9*

*Will submit  
remarks in  
writing.*

**Rauh, Diane I.**

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**From:** website@dmgov.org  
**Sent:** Wednesday, August 28, 2019 11:15 PM  
**To:** CouncilSpeak  
**Cc:** Web-Mgrs  
**Subject:** REQUEST TO SPEAK BEFORE THE CITY COUNCIL

Name = Angela Corio

Address = 4105 Wakonda Pkwy

City\_Town = Des Moines

Stat\_Prov = IA

Zip = 50315

Phone = 5156696205

Email = Angelacorio564@gmail.com

Speaker(s) = Angela Corio

Meeting Date = Monday, September 09, 2019

Regarding = New promulgated rule limiting AIRBNB residential hosting. I am a resident host of 4.5 years.

Client IP = 173.19.58.92

**Rauh, Diane I.**

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**From:** website@dmgov.org  
**Sent:** Tuesday, August 27, 2019 9:43 PM  
**To:** CouncilSpeak  
**Cc:** Web-Mgrs  
**Subject:** REQUEST TO SPEAK BEFORE THE CITY COUNCIL

Name = Brad podray  
Address = 4407 SE 6th st  
City\_Town = Des Moines  
Stat\_Prov = IA  
Zip = 50315  
Phone = 5616992580  
Email = Podray@gmail.com  
Speaker(s) = Brad Podray  
Meeting Date = Monday, September 09, 2019  
Regarding = Short term rental laws.  
Client IP = 172.58.86.182

**Rauh, Diane I.**

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**From:** website@dmgov.org  
**Sent:** Tuesday, September 03, 2019 1:04 PM  
**To:** CouncilSpeak  
**Cc:** Web-Mgrs  
**Subject:** REQUEST TO SPEAK BEFORE THE CITY COUNCIL

Name = Dave Stone  
Address = 1111 9th St  
City\_Town = Des Moines  
Stat\_Prov = Iowa  
Zip = 50314  
Phone = 5152466538  
Email = dave.stone@unitedwaydm.org  
Speaker(s) = Elisabeth Buck  
Meeting Date = Monday, September 09, 2019  
Regarding = City of Des Moines Zoning Code Changes  
Client IP = 65.120.162.34

70F

**Rauh, Diane I.**

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**From:** website@dmgov.org  
**Sent:** Tuesday, September 03, 2019 11:34 AM  
**To:** CouncilSpeak  
**Cc:** Web-Mgrs  
**Subject:** REQUEST TO SPEAK BEFORE THE CITY COUNCIL

Name = KARIE RAMSEY  
Address = 7008 Madison Ave  
City\_Town = Urbandale  
Stat\_Prov = IA  
Zip = 50322  
Phone = 5156456000  
Email = karie@kadingproperties.com  
Speaker(s) = TBD  
Meeting Date = Monday, September 09, 2019  
Regarding = Zoning  
Client IP = 50.82.91.15

70F

LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

MICHAEL W. O'MALLEY  
EUGENE E. OLSON  
DANIEL L. MANNING, SR.  
CHRISTOPHER R. POSE  
JOEL B. TEMPLEMAN\*  
DANIEL M. MANNING, JR.

ATTORNEYS AT LAW  
(ESTABLISHED 1917)  
317 SIXTH AVENUE, SUITE 300  
DES MOINES, IOWA 50309-4127

TELEPHONE (515) 243-8157  
FAX (515) 243-3919  
WWW.LILLISOMALLEY.COM

JOHN CONNOLLY, JR. (1891-1975)  
GEORGE E. O'MALLEY (1905-1982)  
JOHN CONNOLLY III (1918-1998)  
BERNARD J. CONNOLLY (1920-1970)  
C. I. MCNUTT (1901-1958)  
STREETAR CAMERON (1957-2008)  
WILLIAM J. LILLIS (1943-2019)

\*LICENSED IN IOWA & ILLINOIS

Writer's Direct Email Address: [dmanning@lolaw.com](mailto:dmanning@lolaw.com)

September 6, 2019

Via Email CityClerk@dmgov.org  
Mayor T. M. Franklin Cownie  
And Members of the Des Moines City Council  
City Hall, 400 Robert D. Ray Dr.  
Des Moines, IA 50309

RE: Item #70 on the September 9, 2019 Des Moines City Council Agenda  
Objection to Council Approval of Changes to the City of Des Moines  
Zoning Ordinance; Zoning Map; Comprehensive Plan and Plan Map  
Owner: Blue Marble Investments LLC  
Property: 5016 Park Ave., 5020 Park Ave., 5050 Park Ave., 5100 Park Ave.  
5120 Park Ave., 5150 Park Ave.

Dear Mayor Cownie and Members of the Des Moines City Council:

Please be advised the Lillis Law Firm represents Blue Marble Investments LLC (hereafter "Blue Marble"), and on its behalf submits this objection to the proposed reclassification of the above-referenced property from M-1 (Light Industrial) District to F (Flood Plain) District.

The purported change to the zoning ordinance; zoning map; comprehensive plan; and comprehensive plan map severely and negatively impacts the Blue Marble property (approximately 15 acres in size). The changes your staff recommends to this property are based solely upon a recent update to the FEMA flood map that designates this area to be within the Raccoon River floodplain. However, the City staff has not considered that the floor elevation of each of the seven (7) buildings (see Exhibit "A" attached) which comprise the Blue Marble property are above the floodplain elevation established within that same updated FEMA flood map. This is a significant oversight and we ask that the council address this issue before final approval of these sweeping changes that have such a significant impact on this property owner.

Blue Marble asks that the council direct staff to revisit this issue and that each of the seven (7) Blue Marble buildings retain their M-1 zoning classification.

LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

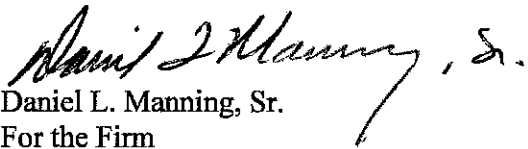
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September 6, 2019

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Failure to take action will cause Blue Marble to sustain a significant loss in value to its property. The comprehensive amendment to the zoning ordinance simply cannot be approved in its current form.

Very truly yours,

  
Daniel L. Manning, Sr.  
For the Firm

DLM/dj

Enc.

cc: Mike Ludwig, Community Development Dept.



# Untitled Map

Write a description for your map.

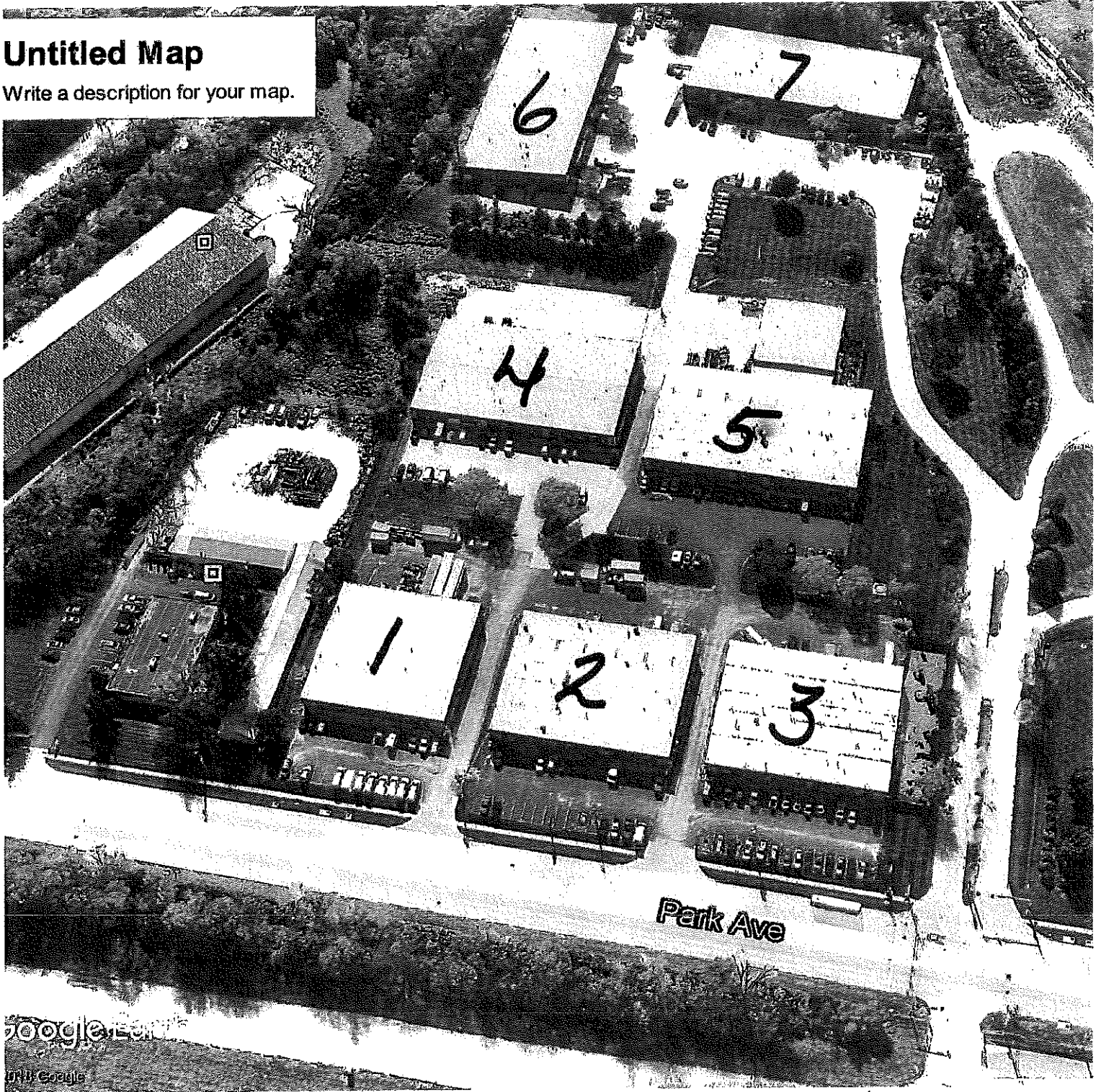


EXHIBIT  
A

70F

**Rauh, Diane I.**

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**From:** website@dmgov.org  
**Sent:** Monday, September 09, 2019 10:21 AM  
**To:** CouncilSpeak  
**Cc:** Web-Mgrs  
**Subject:** REQUEST TO SPEAK BEFORE THE CITY COUNCIL

Name = Leslie A. Gearhart  
Address = 4017 Woodland Avenue  
City\_Town = Des Moines  
Stat\_Prov = IA  
Zip = 50312  
Phone = 5159798175  
Email = lesliegearhart@gmail.com  
Speaker(s) = Leslie Gearhart  
Meeting Date = Monday, September 09, 2019  
Regarding = Short term rentals new ordinance.  
Client IP = 97.125.243.126

**Rauh, Diane I.**

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**From:** Warburton, Joyce M.  
**Sent:** Monday, September 09, 2019 1:58 PM  
**To:** Rauh, Diane I.  
**Subject:** FW: Reject the Proposed Ban on Vacation Rentals

Diane,

Scott asked that I also forward this to your attention.

Thanks,  
Joyce

**JOYCE WARBURTON** | CITY OF DES MOINES  
Executive Assistant to the City Manager | City Manager's Office  
(515) 283-4507  
[dsm.city](mailto:dsm.city) | 400 Robert D. Ray Drive | Des Moines, Iowa 50309

**From:** Makenzie Appleton [mailto:Makenzie.Appleton.232795831@p2a.co]  
**Sent:** Monday, September 9, 2019 11:51 AM  
**To:** CityManager <CityManager@dmgov.org>  
**Subject:** Reject the Proposed Ban on Vacation Rentals

Dear City Manager Scott Sanders,

As a vacation rental operator in Des Moines, I am deeply concerned by proposals to restrict homeowners from welcoming guests to our community by making it too expensive and onerous to operate a vacation rental in DSM.

Whether visitors are exploring our world-class trails and parks, enjoying our many Farmers' Markets, or making the most of the World Food and Music Festival, vacation rentals provide an affordable, flexible, unique spaces for traveling families to make authentically Des Moines memories.

In addition, vacation rentals are an important part of family budgets in Des Moines. Income generated by welcoming guests to the area helps homeowners pay the mortgage, save for retirement, or invest in education—not to mention the positive impact on local restaurants, attractions, and other small businesses.

Please reject the proposed ban on vacation rentals and work with operators, platforms, and other stakeholders to craft regulations that help keep our communities thriving.

Regards,  
Makenzie Appleton

Des Moines, IA 50311 ▪

70F

**Rauh, Diane I.**

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**From:** Warburton, Joyce M.  
**Sent:** Monday, September 09, 2019 1:58 PM  
**To:** Rauh, Diane I.  
**Subject:** FW: Reject the Proposed Ban on Vacation Rentals

Diane,

Scott asked that I forward this to your attention.

Thanks,  
Joyce

**JOYCE WARBURTON** | CITY OF DES MOINES  
Executive Assistant to the City Manager | City Manager's Office  
(515) 283-4507  
[dsm.city](http://dsm.city) | 400 Robert D. Ray Drive | Des Moines, Iowa 50309

**From:** Jyoti Sargent [mailto:Jyoti.Sargent.226135696@p2a.co]  
**Sent:** Sunday, September 8, 2019 7:07 PM  
**To:** CityManager <CityManager@dmgov.org>  
**Subject:** Reject the Proposed Ban on Vacation Rentals

Dear City Manager Scott Sanders,

I own two short term vacation rentals in the city of Des Moines and these rentals are my only source of income. I beg you to please not put any more restrictions on short term rentals for the owners. Please keep in mind that these short term rental properties are much better maintained than the other owner occupied properties in the neighborhoods. As owners of these rentals, we HAVE to keep our properties maintained and updated to get people to stay there. The lawns and the exterior and interiors of these properties have to be kept in IMMACULATE CONDITION in order for us to avoid getting bad reviews.

As a vacation rental operator in Des Moines, I am deeply concerned by proposals to restrict homeowners from welcoming guests to our community by making it too expensive and onerous to operate a vacation rental in DSM.

Whether visitors are exploring our world-class trails and parks, enjoying our many Farmers' Markets, or making the most of the World Food and Music Festival, vacation rentals provide an affordable, flexible, unique spaces for traveling families to make authentically Des Moines memories.

In addition, vacation rentals are an important part of family budgets in Des Moines. Income generated by welcoming guests to the area helps homeowners pay the mortgage, save for retirement, or invest in education—not to mention the positive impact on local restaurants, attractions, and other small businesses.

Please reject the proposed ban on vacation rentals and work with operators, platforms, and other stakeholders to craft regulations that help keep our communities thriving.

Regards,  
Jyoti Sargent

1132 42nd St  
West Des Moines, IA 50266

70F

**Rauh, Diane I.**

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**From:** Angie Schmitt <amschmitt@me.com>  
**Sent:** Monday, September 09, 2019 12:31 PM  
**To:** Westergaard, Linda C.; Coleman, Chris; Cownie, Frank; Rauh, Diane I.; Gray, William S.; Gatto, Joe P.; Mandelbaum, Josh T.; Boesen, Connie S.  
**Subject:** Airbnb regulations

Hello and thank you for all you do for Des Moines. My husband and I have lived in the DSM metro for 20 years and downtown 5 years, and truly love living here. So much.

I understand that new Airbnb regulations are being looked at, and I wanted to give my input. I live in the Kirkwood downtown — earlier this year we purchased an additional condo unit adjacent to the one we originally bought, for extra living space for our college-age sons when they're home. The only way we can afford this space is by renting it on Airbnb when the kids aren't home. It has been an amazing experience for us as well as for the travelers who stay here!

We've had 61 stays, totaling 100 nights, since March of this year. We have a 5.0 rating and take a lot of pride in creating a great experience and a comfortable place to stay for our guests. We've seen a mix of guests, from some who maybe live in the metro but want to stay downtown for a special occasion, to visitors from out of town who maybe haven't even been to Des Moines before. It has been a special honor to be able to greet them personally, help them with their parking questions, or give restaurant recommendations, and give them an experience that they wouldn't get staying in a hotel. They have been grateful and appreciative \*without exception.\* We have had zero negative incidents, nor have we experienced anything negative from the other Airbnb guests in our building.

This is the way many, many people like to travel now, and we shouldn't have blinders to that fact. Airbnb is a hugely popular platform for good reason. The ratings system keeps everyone accountable, and it gives travelers an option that we just haven't had traditionally. Being able to show personalized character and hospitality is at the center of what the Airbnb experience is, and visitors to our city should continue to have this option. It's what they are asking for and what so many hosts love to offer.

Thank you,  
Angie & Dennis Schmitt  
400 Walnut St #601-602  
515-343-9148

Sent from my iPad