

**Agenda Item Number** 107B-2

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#### Date October 14, 2019

#### RESOLUTION HOLDING HEARING ON REQUEST FROM RALLY CAP PROPERTIES, LLC TO REZONE PROPERTY LOCATED AT 601 24<sup>TH</sup> STREET AND 602 23<sup>RD</sup> STREET

WHEREAS, on September 23, 2019, by Roll Call No. 19-1489, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on September 5, 2019, its members voted 8-3 in support of a motion to recommend **APPROVAL** of a request from Rally Cap Properties, LLC (purchaser), represented by Ryan Francois (officer), to rezone property located at 601 24<sup>th</sup> Street and 602 23<sup>rd</sup> Street ("Property") from "R1-60" One-Family Low-Density Residential District to Limited "R-3" Multiple-Family Residential District, to allow for development of the Property with up to seven 3-story rowhouse dwelling units, subject to the following conditions:

- 1. Any use of the Property shall be limited to uses as allowed and limited in the "R1-80" District, duplex residential, and rowhouse style residential.
- 2. Any residential development upon the Property other than single-family detached residential structure(s) shall be constructed as rowhouse-style dwelling units, where each dwelling unit has a front door or an entry presence facing a public street or streets, to the satisfaction of the Planning Administrator.
- 3. Each dwelling unit constructed shall have a minimum of one onsite parking space per unit, maximum of one curb cut on the north side of High Street, and on-street parking on the north side of High Street be maintained.
- 4. Any dwelling unit constructed shall comply with the following:
  - a. The front façade of any dwelling unit constructed must contain one of the following:
    - i. A front porch of not less than 60 square feet; or
    - ii. At least 1/3 of the façade shall be clad with stone or brick masonry.
  - b. Windows on any façade facing a public street shall have either of the following:
    - i. Trim border not less than 4 inches in width; or
    - ii. Shutters on each side.
  - c. The roof on any dwelling constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
  - d. Any dwelling shall be constructed with a minimum of 1,500 square feet of finished floor area.
  - e. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
  - f. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center; and

WHEREAS, on September 23, 2019, by Roll Call No. 19-1489, it was duly resolved by the City Council that the application from Rally Cap Properties, LLC to rezone the Property be set down for hearing on October 14, 2019 at 5:00 P.M., in the Council Chamber at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, 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



Agenda Item Number 678-2

Date October 14, 2019

**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property located at 601 24<sup>th</sup> Street and 602 23<sup>rd</sup> Street, legally described as:

THE SOUTH 10 FEET OF LOT 4, THE NORTH 40 FEET OF LOT 5, THE NORTH 40 FEET OF LOT 16 AND ALL OF LOT 17 OF BLOCK C IN WOODLAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from "R1-60" One-Family Low-Density Residential District to Limited "R-3" Multiple-Family Residential District, to allow for development of the Property with up to seven 3-story rowhouse dwelling units, subject to the conditions set forth above.

**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, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to Limited "R-3" Multiple-Family Residential District, with conditions as set forth above, are hereby overruled, and the hearing is closed.
- 2. The proposed rezoning of the Property, as legally described above, to Limited "R-3" Multiple-Family Residential District t, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to conditions set forth above and subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2019-00114)

NOTE: Six affirmative votes are required to approve the proposed rezoning due to the percentage (21.77%) of owners of property located within 200 feet of the subject property who have submitted a written protest opposing the rezoning. Des Moines City Code §134-4.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
IOTION CARRIED	÷10-		API	ROVED

#### CERTIFICATE

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

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

Mayor



Date Detob	er14,2019
Agenda Item	67B
Roll Call #	2-

September 17, 2019

#### Honorable Mayor and City Council City of Des Moines, Iowa

#### Members:

Communication from the City Plan and Zoning Commission advising that at their September 5, 2019 meeting, the following action was taken regarding a request from Rally Cap Properties, LLC (contract buyer) represented by Ryan Francois (officer) to rezone property located at 601 24<sup>th</sup> Street and 602 23<sup>rd</sup> Street from "R1-60" One-Family Low-Density Residential District to "R-3" Multiple-Family Residential District to allow for development of up to 7 units of 3-story rowhouse dwellings. This is a revised application from the previous hearings. The subject property titleholder is Alice Bodson.

#### **COMMISSION RECOMMENDATION:**

After public hearing, the members voted 8-3-0 as follows:

Commission Action:	Yes	Nays Pass	Absent
Francis Boggus			X
Dory Briles			Х
Abby Chungath		Х	
David Courard-Hauri	Х		
Jacqueline Easley	Х		
Jann Freed			Х
John "Jack" Hilmes	Х		
Lisa Howard	Х		
Carolyn Jenison			Х
Greg Jones	Х		
William Page		Х	
Rocky Sposato	Х		
Steve Wallace		Х	
Greg Wattier	Х		
Emily Webb	X		

**APPROVAL** of Part A) the Commission find the requested rezoning to "R-3" District is **not** in conformance with the PlanDSM: Creating Our Tomorrow land use plan., **APPROVAL** of Part B) the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised

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from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node and Part C) **APPROVAL** of rezoning to "R-3" Multiple-Family Residential District, subject to the following conditions:

- 1. Any use of the property shall be limited to uses as allowed and limited in the "R1-80" District, duplex residential, and rowhouse style residential.
- 2. Any non-single-family residential development upon the property shall be constructed as rowhouse-style dwelling units, where each dwelling unit has a front door or an entry presence facing a public street or streets, to the satisfaction of the Planning Administrator.
- 3. Each dwelling unit constructed shall have a minimum of 1 onsite parking space per unit, maximum of 1 curb cut on the North side of High Street and on street parking on the North side of High Street be maintained.
- 4. Any dwelling unit constructed shall comply with the following:
  - a. The front façade of any dwelling unit constructed must contain one of the following:
    - i. A front porch of not less than 60 square feet; or
    - ii. At least 1/3 of the façade shall be clad with stone or brick masonry.
  - b. Windows on any façade facing a public street shall have either of the following:
    - i. Trim border not less than 4 inches in width; or
    - ii. Shutters on each side.
  - c. The roof on any dwelling constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
  - d. Any dwelling shall be constructed with a minimum of 1,500 square feet of finished floor area.
  - e. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
  - f. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center. (ZON2019-00114)

Written Responses 8 in Favor 7 in Opposition

#### STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the requested rezoning to "R-3" District is not in conformance with the PlanDSM: Creating Our Tomorrow land use plan.

Part B) Staff recommends that the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node.

Part C) Staff recommends approval of rezoning to "R-3" Multiple-Family Residential District, subject to the following conditions:

- 1. Any use of the property shall be limited to uses as allowed and limited in the "R1-80" District, duplex residential, and rowhouse style residential.
- Any non single-family residential development upon the property shall be constructed as rowhouse-style dwelling units, where each dwelling unit has a front door or an entry presence facing a public street or streets, to the satisfaction of the Planning Administrator.
- Each dwelling unit constructed shall have minimum 2-car attached garage that is accessed from a driveway from either the existing alley or from 23<sup>rd</sup> or 24<sup>th</sup> Street. No drive approach from High Street shall be permitted.
- 4. Any dwelling unit constructed shall comply with the following:
  - a. The front façade of any dwelling unit constructed must contain one of the following:
    - i. A front porch of not less than 60 square feet; or
    - ii. At least 1/3 of the façade shall be clad with stone or brick masonry.
  - b. Windows on any façade facing a public street shall have either of the following:
    - i. Trim border not less than 4 inches in width; or
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  - d. Any dwelling shall be constructed with a minimum of 1,500 square feet of finished floor area.
  - e. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
  - f. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

#### STAFF REPORT TO THE PLANNING COMMISSION

#### I. GENERAL INFORMATION

1. Purpose of Request: The applicant has submitted a sketch with the rezoning application that demonstrates a desire to redevelop the site within seven (7) dwelling units. This includes a structure within five (5) units to the west of the alley and a

structure within two (2) units to the east of the alley. Driveway access is proposed for each individual unit from Hight Street The site is divided into east and west section by an existing north/south alley right-of-way. Staff notes that future construction of the structures may be subject to appeals of the current zoning regulations, such as, but not limited to, setback requirements.

- 2. Size of Site: 18,692 square feet or 0.429-acre.
- **3. Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Sign Overlay District.
- **4. Existing Land Use (site):** The property does not contain any structures and is currently used for garden space.
- 5. Adjacent Land Use and Zoning:

North - "R1-60", Uses are single-family residential.

South - "PUD", Use is the 2301 Ingersoll PUD mixed-use development.

East – "R1-60", Uses are single-family residential.

West - "R1-60", Uses are multiple-family and single-family residential.

- 6. General Neighborhood/Area Land Uses: The subject property is bound by 23<sup>rd</sup> Street to the east, High Street to the south and 24<sup>th</sup> Street to the west. The immediate area contains a mix of single-family and multiple-family residential uses. The site is located a block north of Ingersoll Avenue.
- 7. Applicable Recognized Neighborhood(s): The subject property is located in the Woodland Heights Neighborhood. The neighborhood association was notified of the July 18, 2019 public hearing by mailing of the Preliminary Agendas on June 28, 2019, July 28, 2019, and August 16, 2019, and the Final Agendas on July 12, 2019, August 9, 2019, and August 30, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on June 28, 2019 (20 days prior to the July 18, 2019 public hearing) and July 8, 2019 (10 days prior to the July 18, 2019 public hearing), and on August 26, 2019 (10 days prior to the September 5, 2019 public hearing) to the Woodland Heights Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Woodland Heights Neighborhood Association notices were mailed to Phil Kreznor, 808 25<sup>th</sup> Street, Des Moines, IA 50312.

The applicant was required to hold a neighborhood meeting and will be available to provide a summary at the public hearing.

8. Relevant Zoning History: None.

- **9.** PlanDSM Future Land Use Plan Designation: Low Density Residential within a Neighborhood Node.
- **10. Applicable Regulations:** Taking into the consideration of the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

#### II. ADDITIONAL APPLICABLE INFORMATION

 PlanDSM Creating Our Tomorrow: The applicant is requesting that the future land use designation for the subject property be amended from "Low Density Residential" in a "Neighborhood Node" to "Medium Density Residential" in a "Neighborhood Node." Plan DSM describes these designations as follows:

Low Density Residential: Areas developed with primarily single-family and twofamily residential units with up to 6 dwelling units per net acre.

<u>Medium Density Residential:</u> Areas developed with mix of single family, two family and multi-family residential up to 17 dwelling units per net acre.

<u>Neighborhood Node:</u> These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding neighborhood. May include restaurants, shops and smaller scale businesses. Residential development including low-medium and medium densities may occur.

The "Medium Density Residential" designation is appropriate in this case, as the site would provide a transition from the heavier intensity uses along Ingersoll Avenue to the single-family residential uses north of High Street.

- 2. Site Plan and Drainage/Grading Requirements: Any commercial or multiple-family development would require compliance with all applicable site plan requirements, such as stormwater management, landscaping, and screening of adjoining residential properties. Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. Tree removal and mitigation calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.
- 3. Traffic and Street Access: The proposed rowhomes would have individual driveways accessed from High Street. The City's Traffic and Transportation Department has conveyed concerns relating to the proposed design. Traffic and Transportation staff believes that the introduction of multiple driveways would further restrict on-street parking on a street that has known parking constraints and that any proposed vehicular access should be achieved via the northern portion of the property. Traffic and Transportation recommends that if driveways are allowed and on-street parking is removed, a new design including traffic calming elements and relocation of storm

sewer intakes would be required.

Staff notes that terrain on the site slopes upward toward the northern portion of the property.

- **4. Utilities:** Existing storm sewer, sanitary sewer, and water utilities are located within the High Street, 23<sup>rd</sup> Street, and 24<sup>th</sup> Street rights-of-way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
- 5. Urban Design: The conceptual drawings included with the application demonstrates that the rowhomes would be 3-stories tall and consist of 5 units on the western portion of the property and 2 units on the eastern portion of the property. The ground floor of the units on the west portion of the property would be partially below grade, giving the units a 2-story appearance from the north. The ground level of each unit would contain garage space with individual driveways accessed from High Street. Proposed materials and elevations were not submitted with the revised site sketch.

Staff recommends the following design standards to ensure a level of quality that is compatible with the adjoining developments:

- a. Any dwelling constructed shall have a front door or an entry presence facing High Street to the satisfaction of the Planning Administrator.
- b. Any dwelling fronting 23<sup>rd</sup> Street or 24<sup>th</sup> Street shall have a front door or an entry presence facing both High Street and the associated side street.
- c. Any dwelling constructed shall have minimum 2-car attached garage.
- d. The front façade of any house constructed must contain one of the following:
  - 1. A front porch of not less than 60 square feet; or
  - 2. At least 1/3 of the facade shall be clad with stone or brick masonry.
- e. Windows on any façade facing a public street shall have either of the following:
  - 1. Trim border not less than 4 inches in width; or
  - .2. Shutters on each side.
- f. The roof on any dwelling constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- g. Any dwelling shall be constructed with a minimum of 1,500 square feet of finished floor area.
- h. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.

#### SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation.

Greg Wattier asked what the PUD across the street has planned.

Erik Lundy stated the PUD Conceptual Plan calls for second multi-family building.

<u>Mike Ludwig</u> clarified it is a proposed 3-story multi-family building with a maximum of 27 units with a rowhouse appearance from High Street.

Greg Wattier asked if they had access off High Street.

<u>Erik Lundy</u> stated that surface parking is proposed on the south side of the building. Spaces will be accessed via the private drive between the two buildings.

<u>Ryan Francois</u> 2723 High Street, owner of Rally Cap Properties stated after closing on the lot this will be there first ground up project. Their goal with this project is to offer missing middle housing that would help transition the high density from the Roers' site, to detached single-family residential structures in Woodland Heights. This site rises 20 feet in elevation going from High Street to the north, with a heavy wooded area on the northwest portion of this site which they would like to maintain as a backyard space for these units. They don't believe it's possible to allow parking from the alley with the topography and wooded area. They are proposing that the 5 units on the western portion of the site have two-car garages and the eastern portion would be tandem with a single car door to meet parking requirements on site.

<u>Will Page</u> stated it appears that the units will each have a driveway access from High Street.

Ryan Francois stated that is correct.

<u>Will Page</u> asked how he would respond to the staff report stating no access from High Street should be permitted.

<u>Ryan Francois</u> stated with the topography of the site, he doesn't believe it's feasible to have access from the north. Parking has become an issue after the Roers' development was added and a lot of people speed up and down this part of High Street. He believes having driveway accesses off High Street will calm the traffic down as it will give it more of a neighborhood feel.

David Courard-Hauri stated he is nervous about overruling the traffic division comments in the staff report. He asked if it is impossible for the applicant to comply with condition 3 or would it just be more difficult and costly.

<u>Ryan Francois</u> stated with 2 cars per unit, it wouldn't be possible to have all access from the alley.

<u>Mike Ludwig</u> wanted to clarify this was an enhanced condition. Based on the parking standards, they are required to have a minimum of 1 off street parking space per dwelling unit.

<u>Erik Lundy</u> stated this was enhanced because of the current parking issue along High Street.

<u>Mike Ludwig</u> stated if they can't comply with the comments made from Traffic and Transportation, they could develop detached single-family dwellings facing the side streets as the lot orientation is set up for.

<u>Greg Wattier</u> stated he would rather find a way to have more people along the street and less curb cuts. He believes this product type works good for this area but the applicant needs to find a way to get the cars in the back of the dwellings.

<u>Ryan Francois</u> stated it wasn't their goal to have garages along High Street. The solution to meet onsite requirement was to use the eastern portion as on-grade parking, which wasn't a preference for him. After the last meeting with the neighbors, the tandem garage was a compromise to allow for pedestrian and vehicular access from High Street.

#### CHAIRPERSON OPENED THE PUBLIC HEARING

<u>Kim Callahan</u> 2701 High Street, stated her concerns are with traffic and parking. During the winter they had a lot of problems with snow being cleared because cars weren't being moved. She asks for the commission to listen to the recommendations from Traffic and Transportation.

Lyla Dozier 741 27<sup>th</sup> Street stated this project doesn't comply with the 2020 Community Character Plan or the PlanDSM Comprehensive Plan. The goal for this area has always been to infill with detached single-family homes. When the neighborhood met with CZB, they received an amazing report and how that was accomplished was single family homes on infill lots. People are starting to tell her they need to move because of how scary traffic has got on High Street. Every night there are 60 cars parked from 22<sup>nd</sup> to 25<sup>th</sup> Street. We cannot have this density in the neighborhood. Pleaded for the City to comply with the existing comprehensive plan.

<u>Kelly Adair</u> 2402 High Street stated we have parking issues and density that is too high. This plan doesn't go with our neighborhood character. She would rather see 3 single family homes on this site. She's asks for the commission to deny the zoning request and keep it as is.

<u>Leann Stubb</u> 2611 High Street stated she is invested in the neighborhood because it is an amazing place to live. The character of the neighborhood has changed after the Roers' PUD was developed, and parking and traffic is out of control. She asked the commission not to revise the single-family designation.

John "Jack" Hilmes asked if the street was widened during the sewer project?

Leann Stubb stated a little bit but now it's just a beautiful speedway.

<u>Gwen Kee</u> 715 28<sup>th</sup> Street stated the pictures shown must be distorted. She asked the commission to come drive through the neighborhood and see how many cars are parked on their street from the residents who live in the Roers' PUD. She would like this request to be rejected and continue with single-family dwellings.

<u>Ryan Francois</u> stated one of the things he has learned through the industry he works in is the huge demand for people that would like to live here but don't have the skill set nor the money to invest in an older home and bring it up to modern code and livability. This is a marketable option and not far out of line with what is currently in the neighborhood. He understands the parking and traffic issues caused by the Roers 'development but he can't

control that through his development other than meeting the onsite parking requirements. He believes he can build new duplexes on the site under current zoning.

Mike Ludwig clarified that "R1-60" does not allow new duplexes to be built.

#### CHAIRPERSON CLOSED THE PUBLIC HEARING

John "Jack" Hilmes asked how many driveways would be acceptable.

<u>Mike Ludwig</u> stated he wouldn't have that number. The Traffic and Transportation Division's preference was that all access come from the north based upon concerns about parking and traffic in the area.

<u>John "Jack" Hilmes</u> stated if you look to the west, there are a lot of driveways going into single family homes and he wondered why this should be an exception in that circumstance. If you were to build single family homes, how many could you build and which of those would be allowed to have a drive off High Street.

<u>Mike Ludwig</u> stated the difference to the west is that they have single car wide driveways leading to detached garages in the rear yards because the lots are deeper.

Erik Lundy read the formal comments from the Traffic and Transportation Division.

John "Jack" Hilmes stated that communication doesn't state you cannot have a driveway on High Street.

<u>Erik Lundy</u> stated they are asking to make every effort to not have driveways off High Street.

<u>Will Page</u> stated the comments made around sticking with our comprehensive plan ring true to him and the investments people have made in this area. He believes this plan has many faults and the commission would be remiss if they were to approve this. Therefore, he would move to approve part A, that the request is not consistent with the PlanDSM comprehensive plan. If his motion for Part A is approved, he did not believe that any motions were necessary for Parts B and C.

<u>Glenna Frank</u> stated there is due process owed to the applicant so a motion would also need to be made on part B and C and recommendations need to be sent to City Council.

Will Page clarified that his motion would be to approve part A and deny parts B and C.

Greg Wattier asked for the max number of units allowed under the proposed R-3 zoning.

<u>Erik Lundy</u> stated they would require a lot area minimum of 2,500 square feet. He's maxing out the number of units based on that requirement.

<u>Mike Ludwig</u> stated with the site being 18,692 square feet, you divide that by 2,500 and get 7.4 units. Staff wouldn't round up so the max would be 7 units.

<u>Jacqueline Easley</u> asked if the comments Greg has made tonight would be considered at the City Council hearing.

<u>Mike Ludwig</u> stated that comments made tonight would be summarized in the letter that goes to City Council.

Greg Jones asked if they could vote on each part separately.

Will Page stated he would like to keep the motion the way he made it.

<u>Glenna Frank</u> stated she believes it is up to the chair to decide whether the parts are voted on separately.

<u>Mike Ludwig</u> suggested it would be complicating the situation by not voting on them separately. He urged the Chair to require separate votes for each part of this item. It would make it easier to report to City Council.

<u>Will Page</u> made a motion for approve Part A) the Commission find the requested rezoning to "R-3" District is not in conformance with the PlanDSM: Creating Our Tomorrow land use plan.

#### Motion Carried 11-0

<u>Will Page</u> made a motion to **deny** Part B) the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node.

**Motion Failed 4-7-0.** Chungath, Page, Easley and Wallace voted in favor. Sposato, Jones, Howard, Hilmes, Webb, Wattier, and Courard-Hauri voted in opposition.

<u>Will Page</u> made a motion to **deny** Part C) approval of rezoning to "R-3" Multiple-Family Residential District, subject to the following conditions:

- 1. Any use of the property shall be limited to uses as allowed and limited in the "R1-80" District, duplex residential, and rowhouse style residential.
- 2. Any non-single-family residential development upon the property shall be constructed as rowhouse-style dwelling units, where each dwelling unit has a front door or an entry presence facing a public street or streets, to the satisfaction of the Planning Administrator.
- 3. Each dwelling unit constructed shall have minimum 2-car attached garage that is accessed from a driveway from either the existing alley or from 23<sup>rd</sup> or 24<sup>th</sup> Street. No drive approach from High Street shall be permitted.
- 4. Any dwelling unit constructed shall comply with the following:
  - a. The front façade of any dwelling unit constructed must contain one of the following:
    - i. A front porch of not less than 60 square feet; or
    - ii. At least 1/3 of the façade shall be clad with stone or brick masonry.

- b. Windows on any façade facing a public street shall have either of the following:
  - i. Trim border not less than 4 inches in width; or
  - ii. Shutters on each side.
- c. The roof on any dwelling constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- d. Any dwelling shall be constructed with a minimum of 1,500 square feet of finished floor area.
- e. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
- f. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

**Motion Failed 4-7-0.** Chungath, Page, Easley and Wallace voted in favor. Sposato, Jones, Howard, Hilmes, Webb, Wattier, and Courard-Hauri voted in opposition.

<u>David Courard-Hauri</u> stated he will moved approval of Parts B and C per the staff recommendation.

<u>Greg Wattier</u> requested a friendly amendment to condition #3 under part C of the staff recommendation to require a minimum 1 onsite parking space per unit, to allow a maximum of 1 curb cut on High Street and to maintain on street parking on the North side of High Street.

David Courard-Hauri stated he would accept the friendly amendment.

Motion Carried 8-3-0. Easley, Sposato, Jones, Howard, Hilmes, Webb, Wattier, and Courard-Hauri voted in favor. Chungath, Page, and Wallace voted in opposition.

John "Jack" Hilmes asked if there was vacant space behind the existing Roers' mixed use building and High Street

<u>Mike Ludwig</u> stated a parking lot and driveway exists on a portion of the area between the mixed-use building and High Street. It's head in parking, the site has bollards parkin blocks that prevent parking on the grass area where the second building will be constructed in the future.

#### **COMMISSION ACTION:**

<u>Will Page</u> made a motion for approve Part A) the Commission find the requested rezoning to "R-3" District is **not** in conformance with the PlanDSM: Creating Our Tomorrow land use plan.

#### Motion Carried 11-0

<u>David Courard-Hauri</u> made a motion to **APPROVE** Part B) the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Low Density Residential within a

Neighborhood Node to Medium Density Residential within a Neighborhood Node and Part C) **APPROVAL** of rezoning to "R-3" Multiple-Family Residential District, subject to the following conditions:

- 1. Any use of the property shall be limited to uses as allowed and limited in the "R1-80" District, duplex residential, and rowhouse style residential.
- 2. Any non-single-family residential development upon the property shall be constructed as rowhouse-style dwelling units, where each dwelling unit has a front door or an entry presence facing a public street or streets, to the satisfaction of the Planning Administrator.
- 3. Each dwelling unit constructed shall have a minimum of 1 onsite parking space per unit, maximum of 1 curb cut on the North side of High Street and on street parking on the North side of High Street be maintained.
- 4. Any dwelling unit constructed shall comply with the following:
  - a. The front façade of any dwelling unit constructed must contain one of the following:
    - i. A front porch of not less than 60 square feet; or
    - ii. At least 1/3 of the façade shall be clad with stone or brick masonry.
  - b. Windows on any façade facing a public street shall have either of the following:
    - i. Trim border not less than 4 inches in width; or
    - ii. Shutters on each side.
  - c. The roof on any dwelling constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
  - d. Any dwelling shall be constructed with a minimum of 1,500 square feet of finished floor area.
  - e. Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
  - f. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

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Motion Carried: 8-3-0

Respectfully submitted,

Michael Ludwig, AICP Planning Administrator

MGL:tjh

property located at 601 24th sowned by Alice Bodson.			urchase Street a	rchaser) represented by Ryan Francois (officer) for Street and 602 23rd Street. The subject property is					2	File # 1-2019-4.12
Description of Action	Amend the PlanDSM Creating Our Tomorrow to revise existing Future La from Low Density Residential within a Neighborhood Node to Medium De within a Neighborhood Node.				and Us ensity I	e designation Residential				
PlanDSM Futu	re Land	Use	Curren Propos	t: Low Der sed: Mediu	nsity m D	Residential with ensity Resident	nin a Neighl ial within a l	oorhood Neighbo	Node. rhood l	Node.
Mobilizing Tomorrow Transportation Plan			No pla	No planned improvements.						
Current Zoning	y Distric	t		"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.						
Proposed Zoning District		ict		"R-3" Multiple-Family Residential District and "FSO" Freesta Overlay District.				estandi	ng Signs	
Consent Card	Respon	ses	In Fav	or	No	t In Favor	Undeterm	ined	% 0	pposition
Outside Area (			0		0					
Within Subject	Propert	ty								
Plan and Zoning Appro		Appro	val	Х		Required 6/7	Vote of	Yes	15	
Commission A	ction	Denia	1			the City Cour	ncil	No		Х

Denial

21-2019-4.12

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1 inch = 83 feet

Rally Cap Prop	erties, l	LC (pu	urchase	r) represe	ntec	by Ryan Fran	cois (office	er) for		File #
property located at 601 24th owned by Alice Bodson.									ZC	N2019-00114
Description of Action	Family	Reside	rty from "R1-60" One-Family Low-Density Residential District to "R-3" Mult ntial District to allow for development of up to 7 units of 3-story rowhouse s is a revised application from the previous hearings.				R-3" Multiple- owhouse			
PlanDSM Future Land Use		Use	Curren Propos	t: Low Der sed: Mediu	nsity m D	Residential with ensity Resident	hin a Neighl ial within a	oorhood Neighbo	Node. rhood	Node.
Mobilizing Tomorrow Transportation Plan			No pla	No planned improvements.						
Current Zoning District		t		"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.						" Freestanding
Proposed Zoning District		rict		"R-3" Multiple-Family Residential District and "FSO" Freestanding Signs Overlay District.					ng Signs	
<b>Consent Card Responses</b>		ses	In Fav	or	No	ot In Favor	Undeterm	ined	% 0	pposition
Outside Area (	Outside Area (200 feet)		8	7						
Within Subject	Within Subject Property									
Commission Action		Appro	oval	Х		Required 6/7 Vote of		Yes	5	
		Denia	d			the City Cour	ncil	No		Х

ZON2019-00114



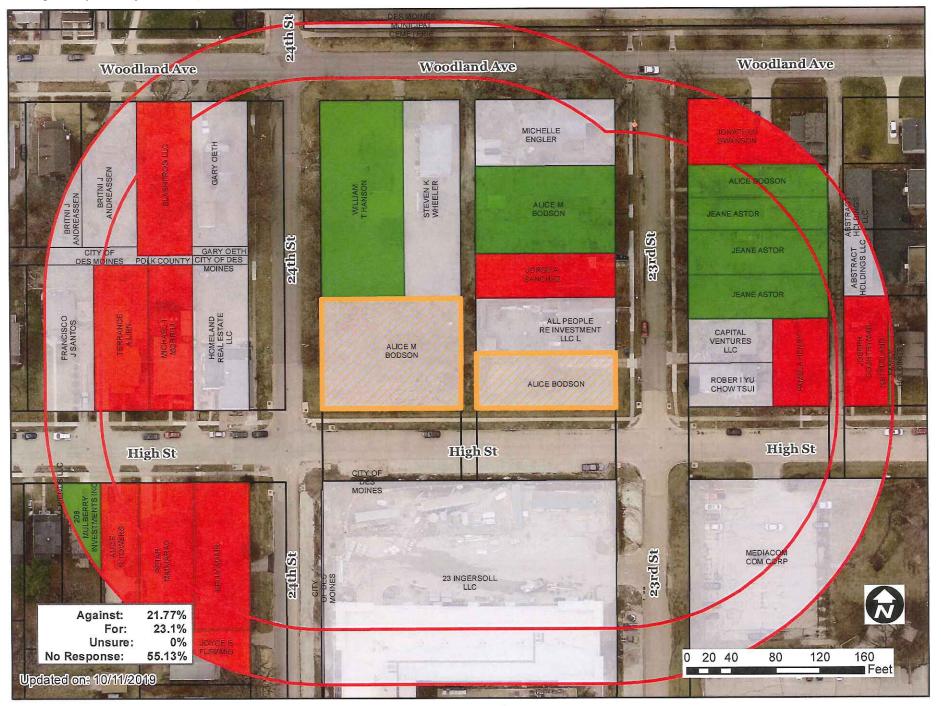
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ZON2019-00114



1 inch = 83 feet

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liem UNZU19-UU114 Date any l((am)) (am not) in favor of the request. (Circle One) stor Print Name N FGFIVED COMMUNITY DEVELOPMENT Signature COMMUNITY DEVELOPMENT JUL 1 5 2019 le Reason for opposing or approving this request may be listed below: 23 St. DW 50312 Address SEP 0 5 2019 m)/(am not) in favor of the ZON2019-001 (Circle One) Reason for opposing or approving this request may be listed below: live-work apart-The ol UNU Q M M P be a fine addition MARINA 5 WOU Heights neighborhood Woodland Address Signature Print Name request. : 2 b 6 ZON2019-00114 Date 29 AUG 2019 lten Date 1 0 RN m)) (am not) in favor of the request. l (a 0 02 (Circle One) WILLIAM T. HANSON **Print Name** 2 RECEIVED COMMUNITY DEVELOPMENT 757 Signature SEP 052019 Address\_23/6 WOODLAND AVE. 105 0 503 Reason for opposing or approving this request may be listed below: OK

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I (and from not) in favor of the request. Zo & Mulberry INVESTMENT	RECEIVED Signature JUL 15 2019 Reason for opposing or apposing this request may be listed below: Cased & 12 A Jun Cased & 12 A Jun Lean 20N2019-00114 Lean 20N2019-00114 Lean 20N2019-00114 Lean 2012 Date 7/17/2019 Lean 2002 Lean 2012 Date 7/17/2019 Lean 2002 Lean 2012 Lean 2013 Lean 2012 Lean 2012 Lean 2012 Lean 2012 Lean 2013 Lean 2012 Lean 2013 Lean 2012 Lean 2012 Le
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	COMMUNITY DEVELOPMENT Signature Coleart With Cauce
	JUL 18 2019 Address 2976 132 nd CT 50323
	Reason for opposing or approving this request may be listed below:
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LOINTOTTA Date 7-21-19 Item (am not) in favor of the request. (am)(Circle One) TERRY A LIEN **Print Name** RECEIVED Signature COMMUNITY DEVELOPMENT COMMUNITY DEVELOPMENT Address 241( HIGH ST Item JUL 2 5 2019 teason for opposing or approving this request may be listed below (am) ((am not)) in favor of the request ZON JUL 1.8,2019 Reason for opposing or approving this request may be listed below: (Circle 0 TO A PROPOSED COMMERCIAL RESIDENTIAL PROJECT. One) 019-0011 YOU HAVE ALREADY DROPPED AN USLY ANTHILL ON THIS YLEASE Signature D Address Print Name ZON2019-00114 Date JULY 10, 2019 liem Date Joyce I (am) ((am not)) in favor of the request. atth (Circle One) ELLY Print Name 7 R RECEIVED T COMMUNITY DEVELOPMENT Signature -JUL 1 5 2019 1 HIGH ST. -lemmi 2402 Address 0 nere Reason for opposing or approving this request may be listed below. 1. COMMERCIAL ENCROACHMENT INTO RESIDENTIAL 0 NEIGHBORHOD. 2. MONTRIBUTION TO TRAFFIC CONSESTION INRESIDENTIAL STREETS. 3. LACK of ADEQUATE. STREET PARKING. 4. UNDESIRABLE ARCHITECTURE IN HISTORIC NEIGHBORHOOD

Item Date 0-28-17 I (am) (am not) in favor of the request. (Circle One) RECEVED COMMUNITY DEVELOPMENT Print Name Mike MOrr. R COMMUNITY DEVELOPMENT AUG 30 2019 Signature 207 JODP LAND CONING COMPLE ZONING ltem Reason for Address ~ 0 t (am) AUG 3 0 2019 SUITED Reason for opposing or approving this request may be listed below: ZON2019-0011 (Circle One) am ncerta opposing ONANGE hot) in favor of the request 461014 2 È THE approving this request may be listed below; WE WOULD HOUSING wow 3 Address Print Name Signature 5 DO NOT 0 BRING ZON2019-00114 STW NEG Date 8-29-19 item 4000 0 KNOW 37 Date タブレ (am not) in favor of the request. l(am)0 WHA7 (Circle One) CHA SUN R A 1ERPLA Print Name RECEIVED RAUTE BR NEIGHBOR **COMMUNITY DEVELOPMENT** Signature 0 SEP 0.5 2019 50312 Address 2411 HILH ST DM. 2 NYX N WILL ACTUALLY BE. STREE LAGUE 20 Reason for opposing or approving this request may be listed below: 906 DON SOF RAFAC HOOD OJER CREWDING PARKING F TRAFFIC Row Hore P W/ THE 0

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Date 1- 4-17 n) (am not) in favor of the request. Arrest St. (Circle One) g Wong **Print Name** RECEIVED COMMUNITY DEVELOPMENT Signature COMMUNITY DEVELOPMENT Address 2414 HIGHST. 50312 item. Reason for opposing or approving this request may be listed below SEP 122019 (am) ((am not))n favor of the request leu JUL ZON2019-00114 (Circle Reason for opposing or approving this request may be listed below: 1 8 2019 One) L B Signature Print Name Address ALL AND ALL ZON2019-00114 Date 2/291  $\geq$ Date 20 m) (am not) in favor of the request. NOT 284 (Circle One) Print Name Brady R J 243 公司建立了 ECEIVED ١ ano 0 5 0 COMMUNITY DEVELOPMENT 1 12 5 Signature SEP 1 1 2019 Mic Address 2401 Hibill 51 DA R Reason for opposing or approving this request may be listed below:

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### Re: Proposed Zoning Changes to 601 24th Street & 602 23rd Street

I, the below signed individual, do NOT condone a zoning change to 601 24th Street & 602 23rd Street (northside of the 2300 block of High Street) to include Commercial Development.

Date	Time	Signature	Name	Address	Phone
(0/30	11/21	daydong	Lori Long	2 1028 High St	515-979-9937
6/30	11/22	Marklon	Mark Long	2628 High Sit	(15-381-8715
6)35	11:30	ASTO	Amy Licht	2714 Nign St	347.567.7840
6/30	11:35	Chr	- JJ Butts	2714High St	347-563-7855
6/30	11:37	this for	Kathryn Lown	2712 High St	515-710-8077
6/30	11:40	Ronnorth	Km	2210 11 11	575-243-6035
4/30	11:48	1 Della Guyman	Della Guzman	2706 High St.	515-419-2274
6130	12:47	mounday	Morgan Dredge	2721 High St	3128987141
6/30	1:20	Mannand	Jenipher Sutherland	1 2720 High St.	515-778-0961
6130	1120	VEDMUM 1144	Escher Sutherland	2700 High St.	515.782.9067
6130	C' M	Gal	Scot Sutherland		515-778-5543
630	11	Ulintana	Ethan Sutherland		515-7823174
430	11 7	Cliff tellection	Elijan Sutherba		615-822-2453
630	2:21	Lawy P. Suyn	Lary pisharp		515-243-9264
6130	2:25	B. Agne	Randy German	2706 High Street 50312	
630	417	Him Colu	Kin Callahan	2701 High St 50312	
6/20	4:20	heapt	WC CALLANAN	10	515710 1524
171	7:31	Ballyteller	DAWN KOTCH		402-326-5621
711	7:36	Fren Kotch	Ken Kotch		600-326-3022
7/1	5:4c	1 Junel 4	Jeff Wydschmitt	2712 High St 50312	515-238-7468
71	\$:5	7 Mthlylen	M. tchwiese		515-975-2982
7/1	8:57	m	Notalie McCombs		515-669-4769
711	55	Bur Em	Brin Knier	680 ZUTH & 50312	515 829995
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Date	Time	Signature	Name	Address	Phone
0/28	5:06		BRIN DIEUS	2513 HIGH STLEET	515-211-6252
428	5:15,		P. Mitch Coluzzi		515.414.62.40
6/28	5:15	1200	Jessie Echterling	3 2421 Mign S7	575 606 4013
6/28	5:20	Comthin -	TREMALIEN	2411 HICH ST	515-279-2299
478	504.	Gringe	Sydni Geyer	2405 High St.	515-779-5814
1	5011	Josefinatora	JOSEFINAROSM	608 23 St	5154470464
6/20	5:20	Mia Counteryman	Ma suntrimen	2211 High Street	5157205207
6/28	5:25	1	William Slamon	2213 High Street	515-499-2822
10/28	5:40	Kathemie Scutt	Katherine Scott	and High street	515-554-7430
6/28	5:40		Grant Scott	2127 High Street	575-554-2511
6/28	5:50		at Felicia Wil		(515) 867-1754
628	5:50	Star Williams	STEVE WILLIAMS	2139 #16#51	515-778-7316
6/29	56:10	Joero Domoce	Joyce Flemming		515 243 3641
6/28	6:30	Juin Ahn	JILL AHN	2301 Ingersoll Ave. #132	515-782-1286
6/28	6:30		Karla Kunder	2405 FAUSTON AND	515-778-5715
6/28	GA	SALY STEP	Along Fox JC.	2423 High ST.	515-512-28-
6/28	5:45	Back Valigothy	Zack Valigoshe	2501 High St	575-661-936
6/18	6:30	P.Mor P.	Refor Madjark		310-740-5510
6/30	10:00 a	1 Just	Strn Geyer	2405 High St.	575-943-9580-
6/30		the for the former,		SUN 550 24th St Apt /	515-444-174
6/30	11:02	hish pawson	Kirk DAWSON	55024thapt4	
637	12:00	Pol Newson	Rod NEWSOM	550 24th Apt 3	515 897-9130
\$130	3:00	alice Toures-	ALICE TOWERS		515-290-5271 515 2.84541
6.30	and the second s	Willow J Dodge	IN N /		
6:30	5 05/	Debra J. Dodge	Deb Dodge	2506 High St 2506 Linh St	515-284-5419
6/30	T		David Bodyc		12
6/3	5:5.	9 Beer adail	KELLY ADAIR	2402 NIGH STREET	515.491.633
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Date	Time S	Signature	Name	Address	Phone
[	1:28	mary Sam +	Tray Sabys	2411 High St. Des Moines TA	515-681-1881
6/24	7:30	Lefn Sills	LEANN. STUBBS	ZGII HIGH ST DSM IA	515-491-4682
6/26		Entron (	DECAR KEMER	2600 HIGH ST	5157781975
	- AGI	Dolma		2514 High St	319-382-9177
10-27	1141	Dingel n Carly	Dowy Idin Gasles	2605 High F.	515228432
6/27	11:42	Burg Baka	Brad Baker	2605 High St	515)-288-4172
10/27	17:42	(3)	Unie Scheideman		3193297990
6/27	17:43	Hall	Greg Scheidemann		515.711.7872
6/27	6.09	Marni Behne	Naomi Bolinger		515-321-25-39
6/27	6:22	Laura Mattis	Lauric Methis	A CALLED A	515-619-1035
4/27	6:30	Millos	Sont Spormm		575-503-0770
4/27	6:56	and	Anes Mitchell	3021 High St.	515.559-0782
612	304	BrokBon	Brad Benson	3012 highst	515-339-6672
10/27	1:10	Juli Betty	Julic Botts	3008 High St.	5153332578
6/17	7.30	JANY	Trent Hol -	2813 High 53	515745-6356
6/27	7:54	Jan welder	tonywelder	2606 high 5t	5/54228222
6/27	18:00	Alth	MARYHHARRIS		515771-6131
10/28	10 BY	Harthalf	Mike Maril	Zullo High St	515556-8541
0/28	3:14	TRANK	Jaron Shipley	2918 High ST	515-249264
6/28	3:29	Frend legoce	THUL Equine	I A	515-8835
(129	3:29	Jelmon	Deborah, M. Hon	DIAL HALLE	515-554-6741
1/29	3:B	Jun 2	Kichard Kgaist		575-981563
6/28	6540	Rebert A Markle		2615 High St.	5154411637
7/03	1:00pm	melino Klimanawas	MelisaKlimaszewski	2925 High St	5152805242
7/03	1. pin	Har but	JABON GOOT	2616 High St.	515-720-9438
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High Street concern - Re: Proposed Zoning Changes to 602 23rd Street and 601 24th Street. The below signed individuals, do not condone any zoning changes to 602 23rd Street and 601 24th Street.

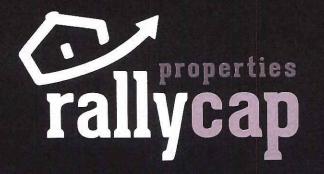
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High Street concern - Re: Proposed Zoning Changes to 602 23rd Street and 601 24th Street. The below signed individuals, do not condone any zoning changes to 602 23rd Street and 601 24th Street.

Phone Name Address Signature Date Time 515 491.6333 KELLYADAIR. 4:15 2402 HIGH Sulles 515 243 3641 Joxée Flemmig 570 24th 550 244 515-402-9007 4:30 orkman Jarahl Man 550 Dawson Kirk DAWSON ALICE TOWERS 2410 Hich ST. 515-280-5271 515-279-2299 4:43 25 ERRYA 2411 #164 ST 4:40 DIEN 515 - 669-9962 HighSt 4:50 2401 pump 515 - 231-9275 Lanff Man 2211 high St leep 4:52 9/29/9 Kayla UH SI5-228-520> 5.00 Per Loun +14 man Jasper 179 (515) 554.2511 2127 11/4 57. GRANT 5.071 5:10 29 512554.2511 Scott 2/27 Highst. Boston 511 29 2207 High St. (515) 865-0765 5:13 Weri 20 (515).751.0705 mike Chilongo 2207 Hig st 5:13 129 515 419 6698 5:13 Shunter Gerry 2207 Highst 929 2301 Ingersoli Ave, Art265 515-953-9059 Erin Fm 5:20 9.29 Bill Dodgs High 515-284-5419 2506 5:25 9:29 5:35 Dave Dodge 9:9 odyc AVIO Debru Dodgz 5:40 9.29 odge C 5 42

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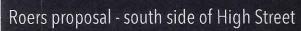


Planning & Zoning Commission // 09/05/19

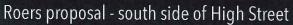
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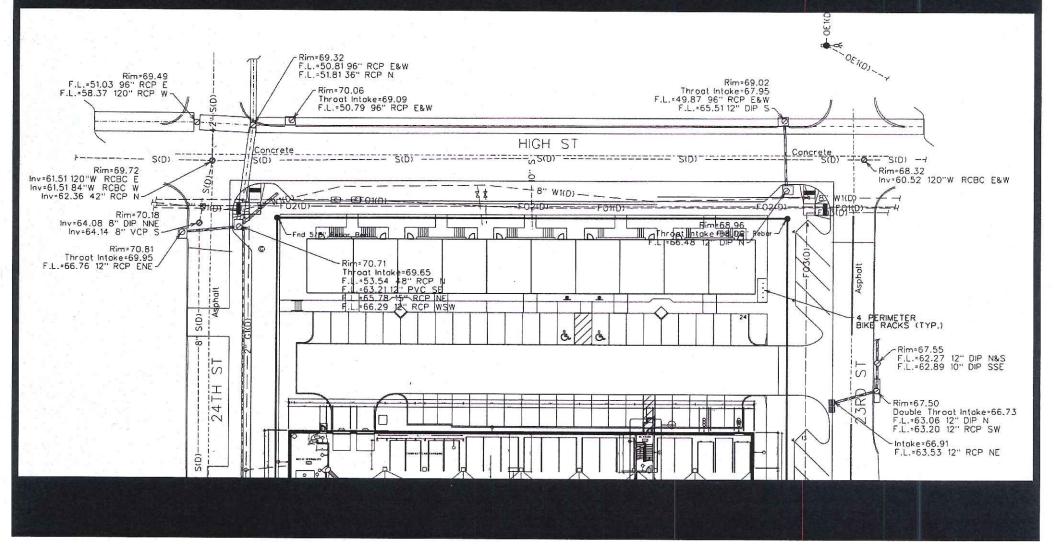
Rally Cap Properties is a boutique real estate development firm based in Des Moines, Iowa.

We exist to create lasting value in urban neighborhoods, by restoring homes & revitalizing communities.





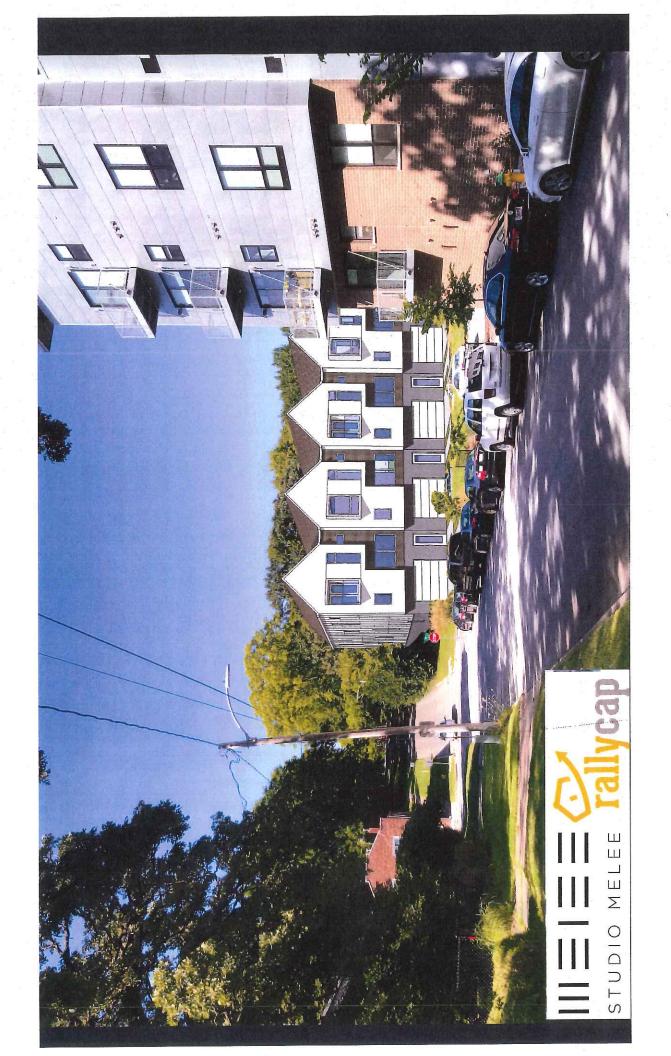


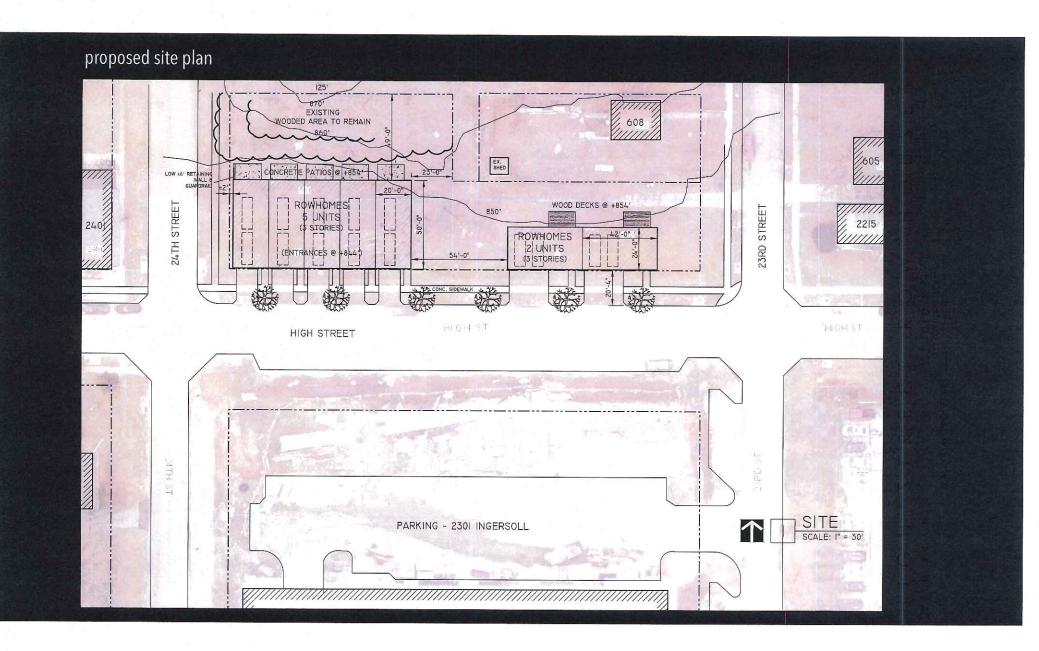


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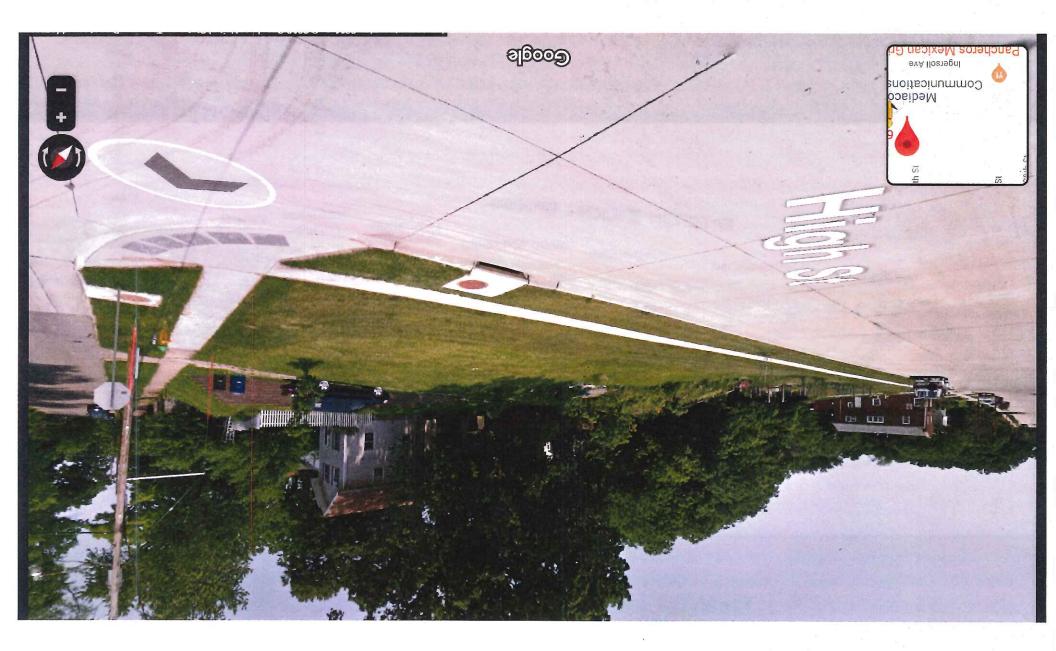


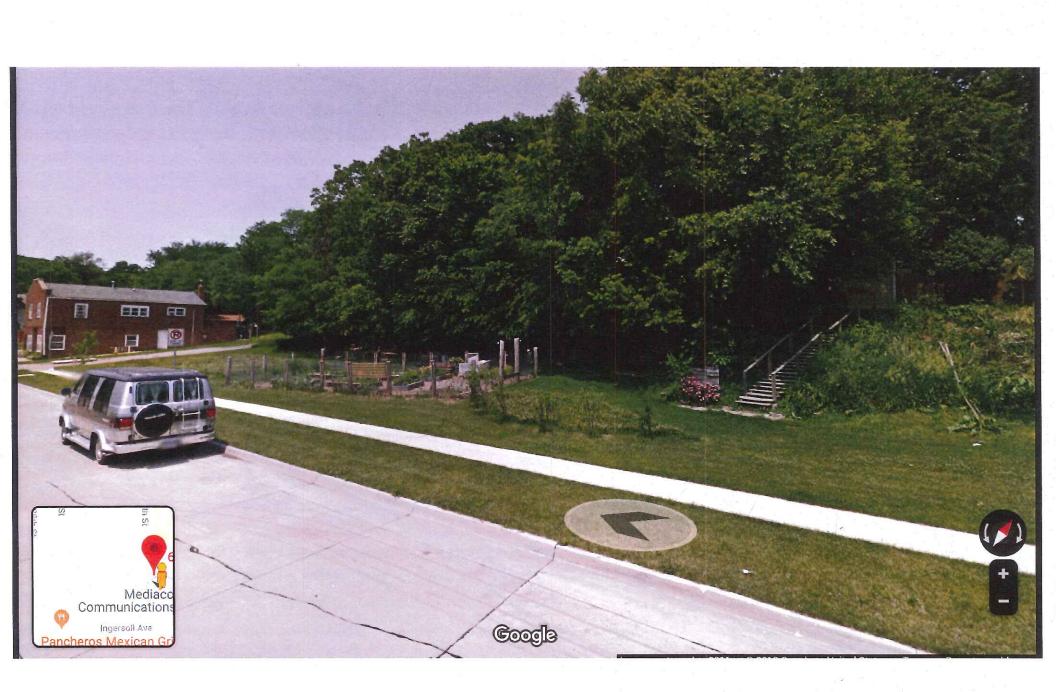




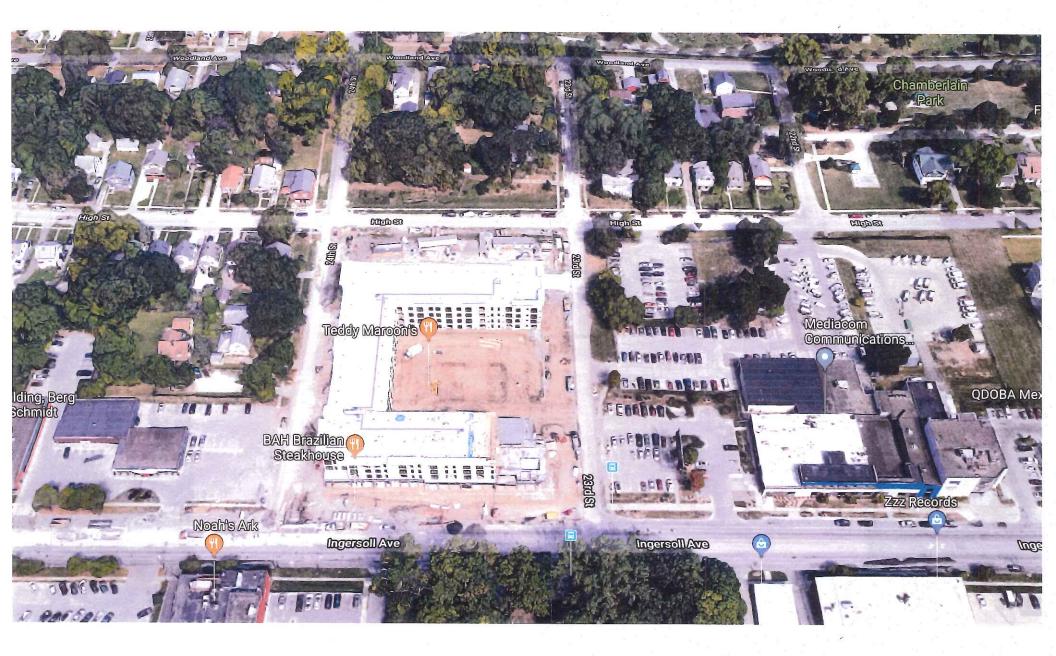












































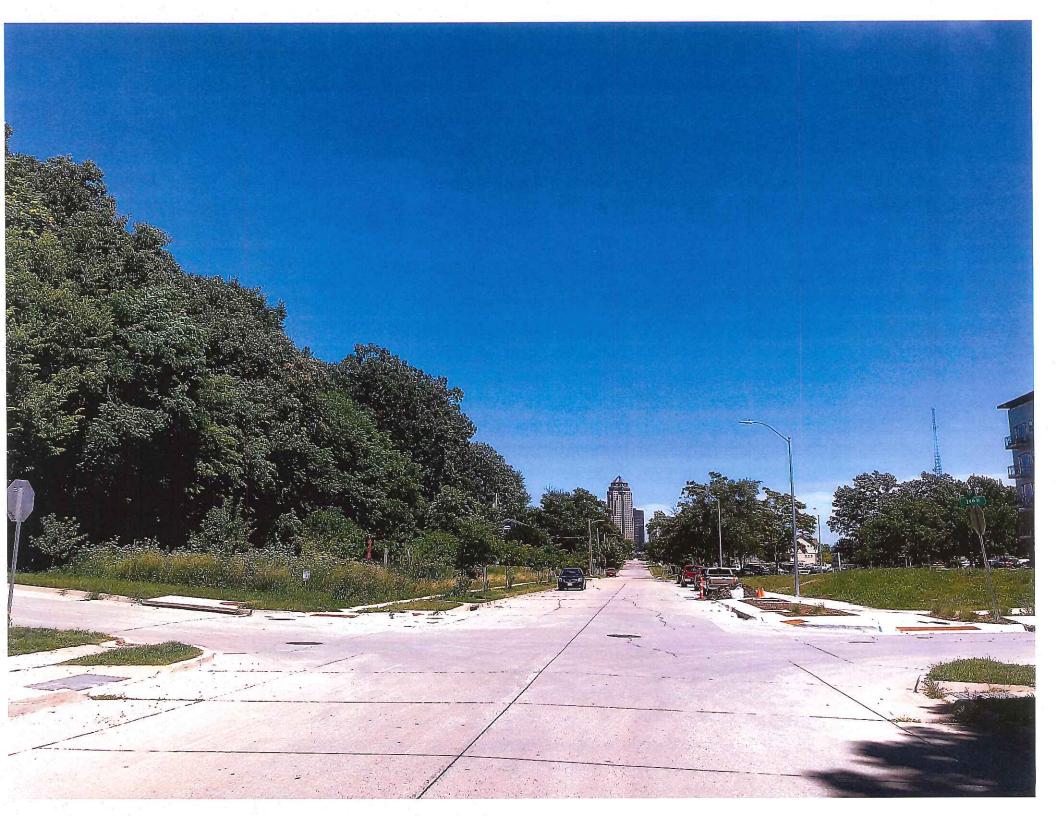


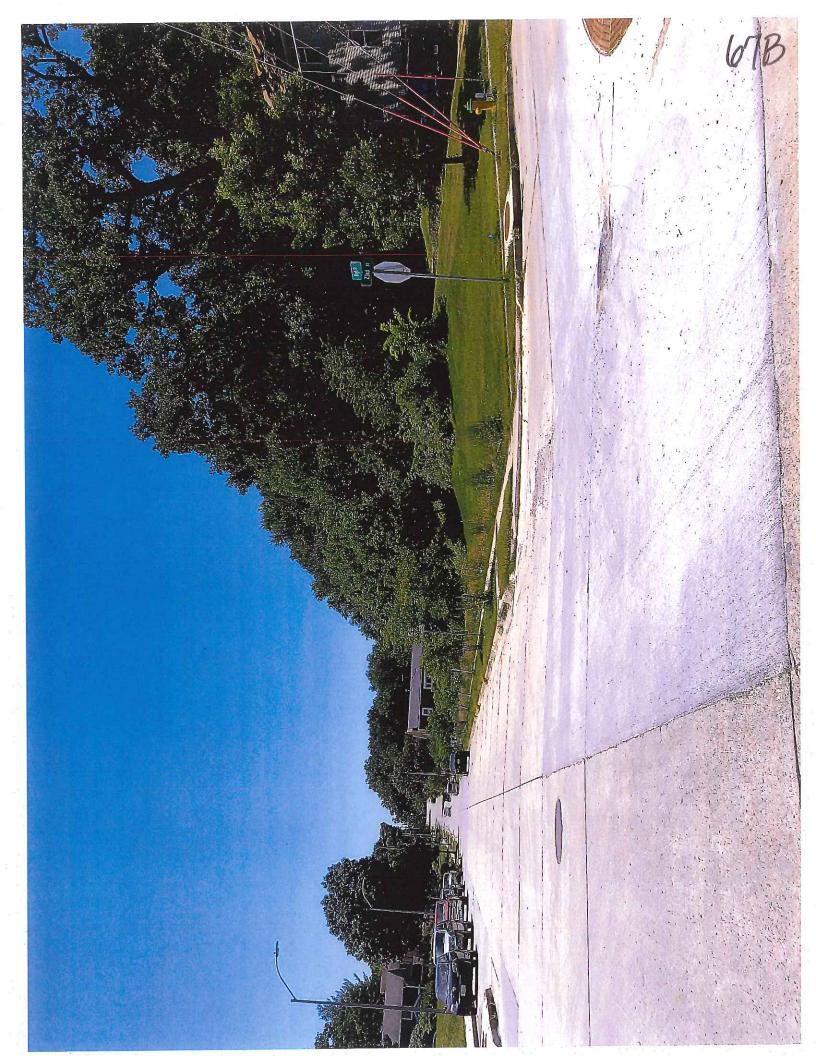




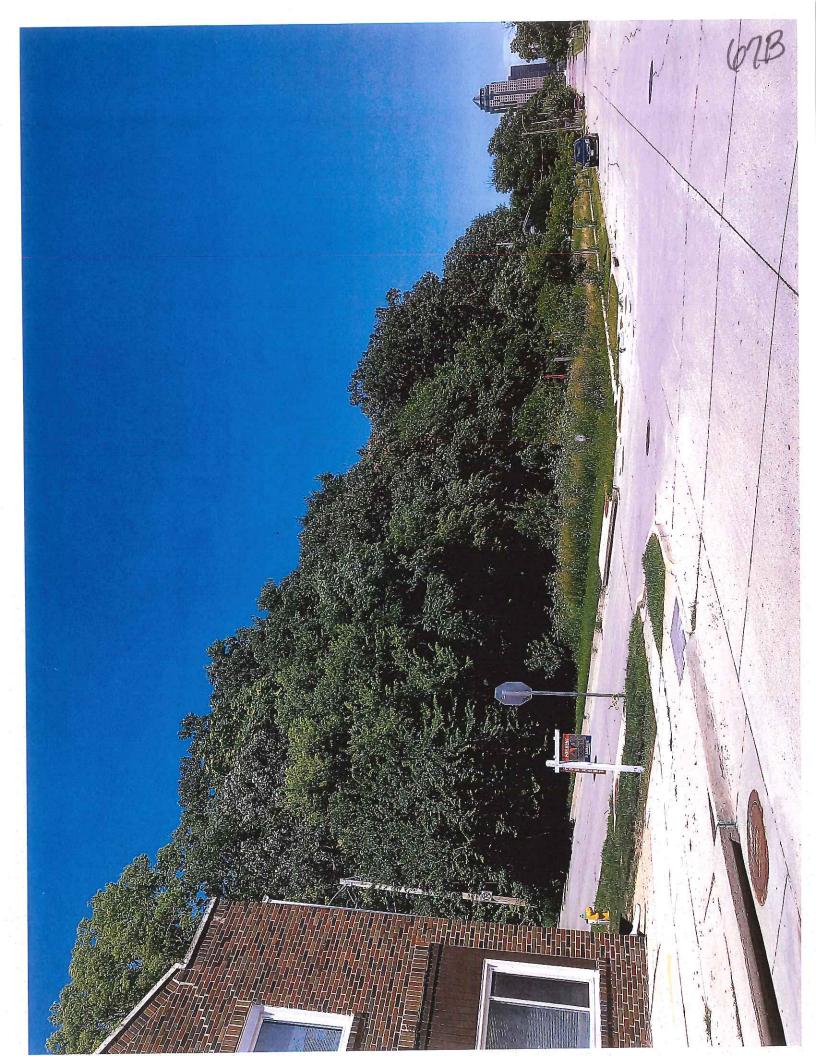












Date O 29 DN10 att the I (am) (am not) in favor of the request. . ... (Circle One) 1ERKI IEN Print Name RECEIVED COMMUNITY DEVELOPMENT Signature Z OCT 092019 Address Reason for opposing or approving this request may be listed below: Hem ZONZa 29 ---C 9-00 Date I (am) ((am not)) in favor of the request (Circle One) 1emm1 0 Print Name Joy C RECEIVED COMMUNITY DEVELOPMENT Signature OCT 09 2019 DW/H 20312 n0ï Address\_ Reason for opposing or approving this request may be listed below: m

11em 7012019 - 00 Date 9-29-19 (am) ((am not)) in favor of the request (Circle One) Print Name ALICIA LAWERS RECEIVED Signature MIS COMMUNITY DEVELOPMENT Address OCT 0 9 2019. Reason for opposing or approving this request may be listed below: 11em 20N 2019 - 00114 Date I (am) (amout) in favor of the request. (Circle One) monumar NIM Print Name RECEIVED Signature COMMUNITY DEVELOPMENT Address OCT 092019 . Reason for opposing or approving this request may be listed below; Thrail. MOME

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Item ZONZU19-00114 Date 10-10-I (am) am not in favor of the request. ND (Circle One) Print Name Signature 0 Address Reason for opposing or approving this request may be listed below. Jor KINO NO hel Item ZON 2019 - 00114 19 Date 10 I (am) (am not) in favor of the request. (Circle One) Print Name Signature 5 Address 6 Reason for opposing or approving this request may be listed below:

Item ZON7019-00114 Date 10-10-2019 I (am) (an not) in)favor of the request. (Circle One) Janson Print Name 101. Signature\_ Joodland 14 AVE Address 🐇 Reason for opposing or approving this request may be fisted below. 50312 Noodland Heights Should Residential. remain