



Date August 10, 2015

**RESOLUTION SCHEDULING PUBLIC HEARING ON APPEAL BY
EYCHANER PROPERTIES, INC. OF THE DENIAL OF A SITE PLAN
FOR A PROPOSED OFF-STREET PARKING LOT AT
444 SOUTHWEST 5TH STREET**

WHEREAS, on July 13, 2015, Community Development staff administratively denied a site plan request from Eychaner Properties, Inc. (owner), represented by Rich Eychaner, on real property locally known as 444 Southwest 5th Street, to allow development of an off-street parking lot with an entrance/exit from Southwest 5th Street, which is designated as a downtown pedestrian corridor; and

WHEREAS, said administrative denial was based on staff's determination that the site plan fails to conform to the design guidelines within the "D-O" Downtown Overlay District, as contained in Municipal Code Section 82-214.9, as a surface parking lot use was determined inconsistent with the "What's Next Downtown Plan" and was determined to be an auto-dominant use incompatible with the designation of Southwest 5th Street as a downtown pedestrian corridor; and

WHEREAS, Municipal Code Section 82-208(c) provides that an affirmative vote of at least eight (8) Plan and Zoning Commission members shall be necessary to overturn or modify said administrative denial; and

WHEREAS, on August 7, 2015, the Plan and Zoning Commission considered an appeal by Eychaner Properties, Inc. of the administrative decision by Community Development staff to deny the site plan; and

WHEREAS, the Commission first voted 2-7-1 on a motion to uphold the administrative decision by Community Development staff; and

WHEREAS, thereafter, the Commission voted 7-3 on a subsequent motion to approve the site plan, subject to conditions that additional interior and perimeter parking lot landscaping be provided and existing overhead utilities along Southwest 5th Street be undergrounded, which vote failed to overturn the administrative denial of the site plan in accordance with Municipal Code Section 82-208(c); and

WHEREAS, Eychaner Properties, Inc. has timely appealed to the City Council pursuant to Municipal Code Section 82-210, seeking to have the administrative decision by Community Development staff and the determination of the Plan and Zoning Commission overturned.

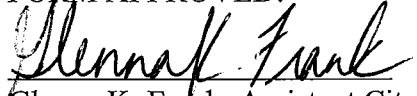
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa as follows:

Date August 10, 2015

1. The City Council shall consider the appeal by Eychaner Properties, Inc. at a public hearing to be held on August 24, 2015, at 5:00 p.m., in the Council Chambers.
2. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached, in accordance with §362.3 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:



Glenna K. Frank, Assistant City Attorney

(10-2015-7.137)

SPONSOR: Council Member Hensley

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
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.

City Clerk

EX. 1

REGISTER ORDER NO. _____ ROLL CALL LEGAL BULLETIN BOARD FOLLOW UP

NOTICE OF SITE PLAN APPEAL HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Des Moines, Iowa, has adopted a resolution concerning a request from Eychaner Properties, Inc. (owner), represented by Rich Eychaner, to appeal the administrative decision by Community Development Department Staff to deny a site plan and the Plan and Zoning Commission decision to approve a site plan with conditions, to allow construction of an off-street parking lot on property located at 444 Southwest 5th Street, Des Moines, Iowa with entrance/exit from Southwest 5th Street, which is designated as a downtown pedestrian corridor.

The site plan is on file and available for public inspection in the office of the City Clerk.

NOTICE IS FURTHER GIVEN that the City Council will consider said appeal after a public hearing to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, on August 24, 2015. At the hearing, opportunity to be heard will be given to proponents and opponents of the proposed site plan.

CITY OF DES MOINES, IOWA

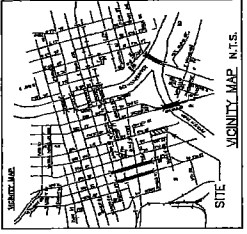
By: T.M. Franklin Cownie, Mayor

ATTEST: Diane Rauh, City Clerk

Published in the Des Moines Register on _____.

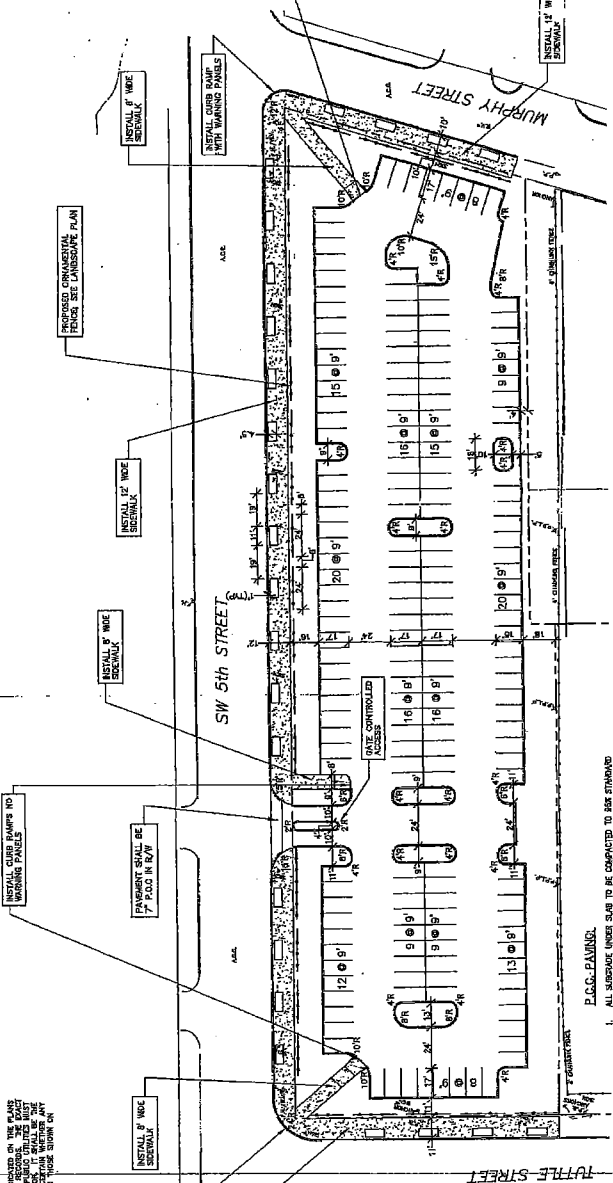
444 SW 5TH PARKING - GEOMETRIC PLAN

DATE	BY	FOR	LOCATION
DATE	BY	FOR	LOCATION
DATE	BY	FOR	LOCATION
DATE	BY	FOR	LOCATION



VICINITY MAP - N.T.S.

LEGAL DESCRIPTION:
 THE EAST 14 FEET OF LOT 103, ALL OF LOT 104 AND 105, WEST OF AND ADJACENT TO SW 5TH STREET, ALL IN FACTORY INDUSTRIAL ZONE, AS SHOWN ON PLAT MAP IN AND BEING A PART OF THE CITY OF MIAMI AS "444 SW 5TH STREET, L&S MINES."



GENERAL NOTES:

1. PROVIDE SET POINTS AROUND ANY AND ALL EXISTING STRUCTURES, UTILITIES, ERECTION AND EXISTING PAVEMENT ON THIS PROJECT SITE AND ON ALL OFF-SITE PROPERTY OR SITES, AREAS.
2. NO MECHANICAL EQUIPMENT SUCH AS JACKING JACKS, TRANSFORMERS, AIR CONDITIONERS, TRASH DISPOSAL SYSTEMS, OR OTHER SUCH ITEMS OVER 3 FEET HIGH ARE ALLOWED IN REMOVED SETBACKS.
3. ALL EXISTING UTILITIES SHALL BE LOW VOLTAGE, ONE-PHASE TYPE SERVICES. HIGHER VOLTAGE SERVICES SHALL BE IDENTIFIED AND MARKED.
4. ALL UTILITY METERS SHALL BE LOCATED AT THE PROPERTY LINE.
5. ALL UTILITIES SHALL BE PROTECTED BY CONCRETE CURBS AND TRANSPARENT POLYURETHANE COATING. CITY OF MIAMI SHALL BE PROMPTLY ADVISED BY THE CONTRACTOR, NOTIFY CITY OF MIAMI BEFORE ANY FULL-SCALE LOCATING AND PAUL NOTICES.
6. ALL SIGNS TO COMPARE TO CITY ORDINANCES.
7. ALL SIGNS SHALL BE APPROVED BY THE CONTRACTOR, NOTIFY CITY OF MIAMI BEFORE ANY FULL-SCALE LOCATING AND PAUL NOTICES.
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9. ALL SIGNS SHALL BE APPROVED BY THE CONTRACTOR, NOTIFY CITY OF MIAMI BEFORE ANY FULL-SCALE LOCATING AND PAUL NOTICES.
10. ALL SIGNS SHALL BE APPROVED BY THE CONTRACTOR, NOTIFY CITY OF MIAMI BEFORE ANY FULL-SCALE LOCATING AND PAUL NOTICES.

GENERAL NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH MIAMI STANDARDS SPECIFICATIONS FOR PUBLIC IMPROVEMENTS.
2. ALL WORK SHALL BE COMPLETED BY THE CONTRACTOR.
3. ALL CONSTRUCTION PROCEDURES AND MATERIALS TO BE USED ON EXISTING AND REMOVED AREAS SHALL BE APPROVED BY THE CONTRACTOR, NOTIFY CITY OF MIAMI BEFORE ANY FULL-SCALE LOCATING AND PAUL NOTICES.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH MIAMI STANDARDS SPECIFICATIONS FOR PUBLIC IMPROVEMENTS.
5. THE CONTRACTOR SHALL FINISH AND PLACE ALL NECESSARY SIGNS AND BARRIERS TO PROTECT THE PUBLIC FROM THE CONSTRUCTION.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MIAMI.
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GENERAL NOTES:

1. ALL SURFACE UNDER SHALL BE COMPACTED TO 95% STANDARD PROCTOR DENSITY.
2. CONCRETE SHALL HAVE MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 4000 PSI.
3. CONCRETE SHALL BE PLACED AND FINISHED IN ACCORDANCE WITH MIAMI STANDARDS SPECIFICATIONS FOR PUBLIC IMPROVEMENTS.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH MIAMI STANDARDS SPECIFICATIONS FOR PUBLIC IMPROVEMENTS.
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APPROVALS:

DATE _____

PLANNING DIRECTOR _____

DATE _____

PLANNING DIRECTOR _____



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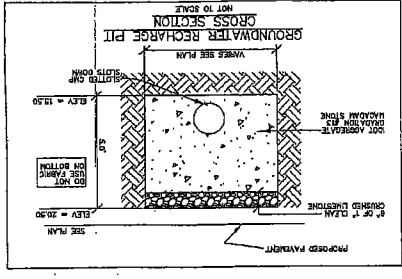
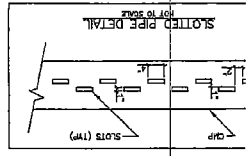
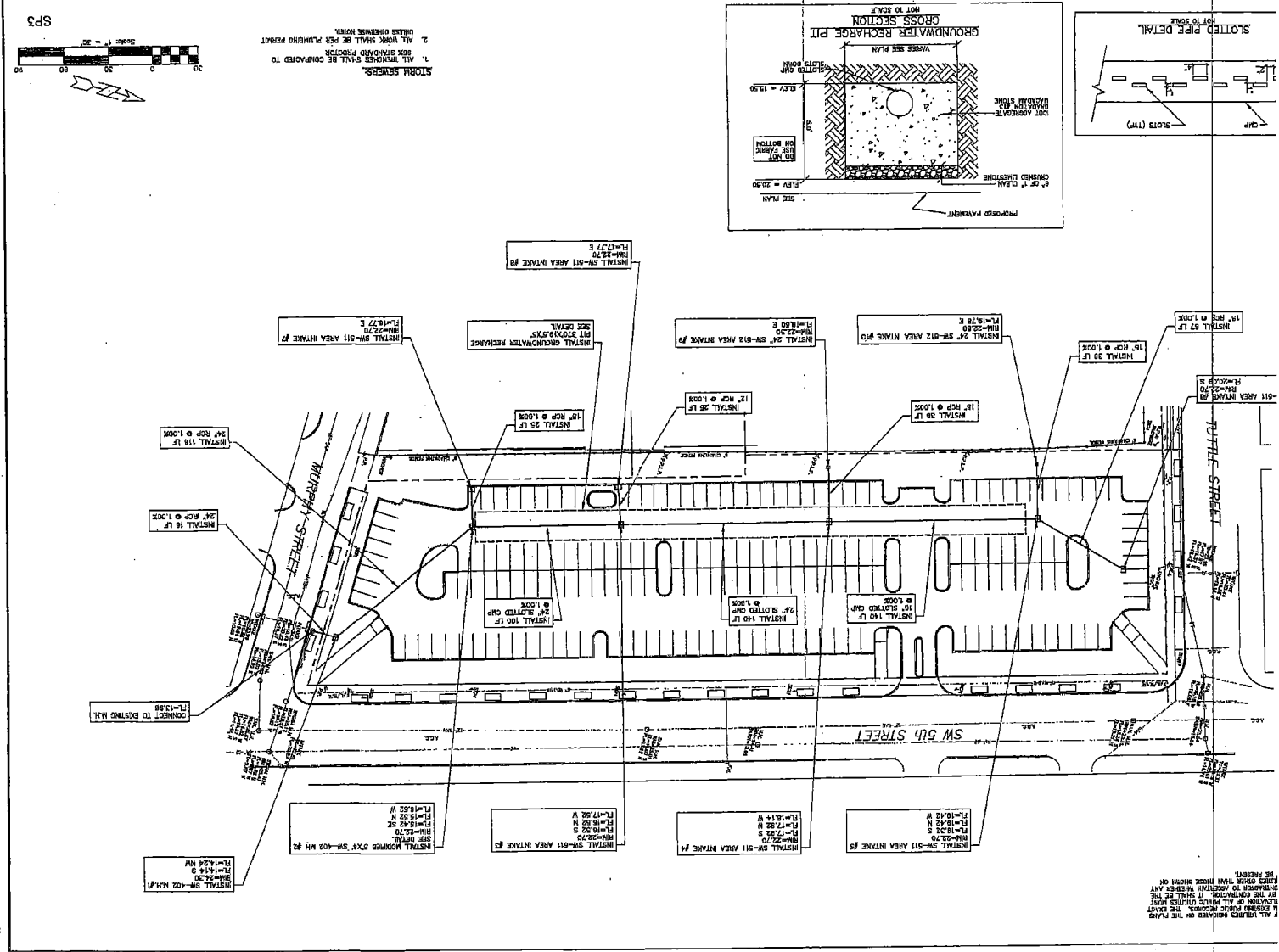
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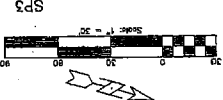
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EX.1

FRG REGISTERED PROFESSIONAL ENGINEER STATE OF CALIFORNIA LICENSE NO. 44323 1000 14TH STREET, SUITE 100 OAKLAND, CALIFORNIA 94612		444 SW 5TH PARKING - UTILITY PLAN		SCALE: 1" = 30' DATE: 12-15-03 SHEET NO. 3 OF 7	
PROJECT NO.: DATE:	DRAWN BY:	CHECKED BY:	DATE:	PROJECT NO.:	SHEET NO.:

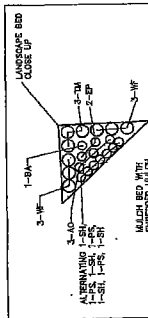
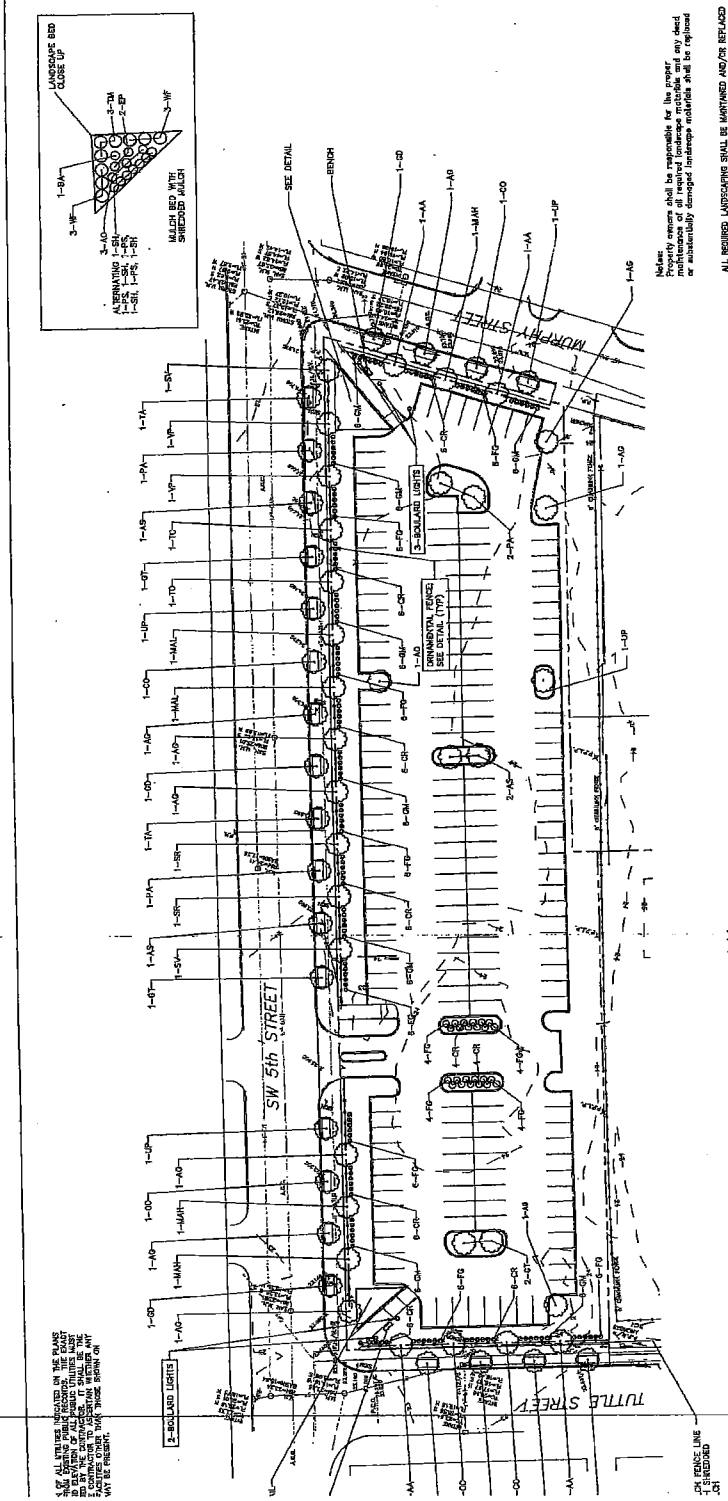


STORM SEWERS.
 1. ALL TRENCHES SHALL BE COMPACTED TO BEST STANDARD PRACTICE.
 2. ALL WORK SHALL BE PER PLUMBING PERMIT UNLESS OTHERWISE NOTED.



ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO CENTERLINE UNLESS OTHERWISE NOTED. IF THERE IS A DISCREPANCY BETWEEN THE DIMENSIONS SHOWN ON THIS PLAN AND THE DIMENSIONS SHOWN ON ANY OTHER PLAN, THE DIMENSIONS SHOWN ON THIS PLAN SHALL CONTROL.

444 SW 5TH PARKING - LANDSCAPE PLAN



Notes:
 Property owners shall be responsible for the proper maintenance of all installed landscaping materials and shall be replaced or substituted through replacement materials shall be replaced for the LIFE OF THE CONTRACTOR OF ACCOMPANY.
 ALL MATERIALS LANDSCAPING SHALL BE MAINTAINED AND/OR REPLACED FOR THE LIFE OF THE CONTRACTOR OF ACCOMPANY.
 ALL DISTURBED SOIL AREA SHALL BE RESTORED BY SEEING OR SOBBING.

Scale: 1" = 20'
 0 20 40 60

TOWN REC. NO. _____
 DATE _____

I HEREBY CERTIFY THAT THE PORTION OF THIS TECHNICAL DRAWING WHICH IS THE PROPERTY AND RESPONSIBLE CHANGE OF DESIGN OR CONSTRUCTION UNDER THE LAWS OF THE STATE OF FLORIDA, THIS SHEET ONLY, IS THE PROPERTY OF FRG CONSULTANTS AND ENGINEERS, P.A. AS THE PROJECT ARCHITECT UNDER THE LAWS OF THE STATE OF FLORIDA.

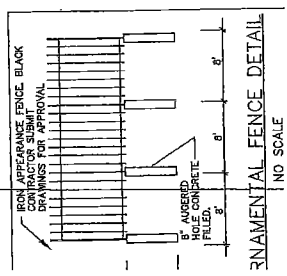
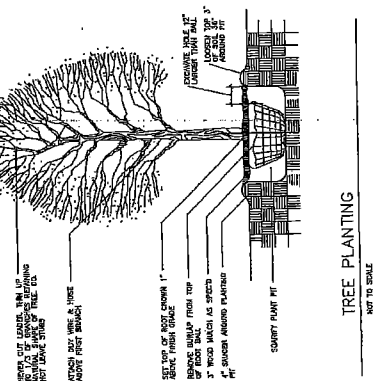
PLANT SCHEDULE:

Quantity	Plant Species	Plant Species
1	1-AP	1-AP
1	1-AM	1-AM
1	1-AN	1-AN
1	2-PA	2-PA
1	2-PC	2-PC
1	3-BA	3-BA
1	3-BC	3-BC
1	4-FR	4-FR
1	5-SR	5-SR
1	6-OR	6-OR
1	7-BA	7-BA
1	8-BA	8-BA
1	9-BA	9-BA
1	10-BA	10-BA
1	11-BA	11-BA
1	12-BA	12-BA
1	13-BA	13-BA
1	14-BA	14-BA
1	15-BA	15-BA
1	16-BA	16-BA
1	17-BA	17-BA
1	18-BA	18-BA
1	19-BA	19-BA
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1	21-BA	21-BA
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1	23-BA	23-BA
1	24-BA	24-BA
1	25-BA	25-BA
1	26-BA	26-BA
1	27-BA	27-BA
1	28-BA	28-BA
1	29-BA	29-BA
1	30-BA	30-BA

Landscaping Calculations
 Landscaping Requirements
 Total Land Area 76,200 sq ft
 Planting Rate 10 plants / 40 sq ft
 76,200 sq ft / 40 sq ft = 1905 plants
 1905 plants / 14 plants = 136 plants

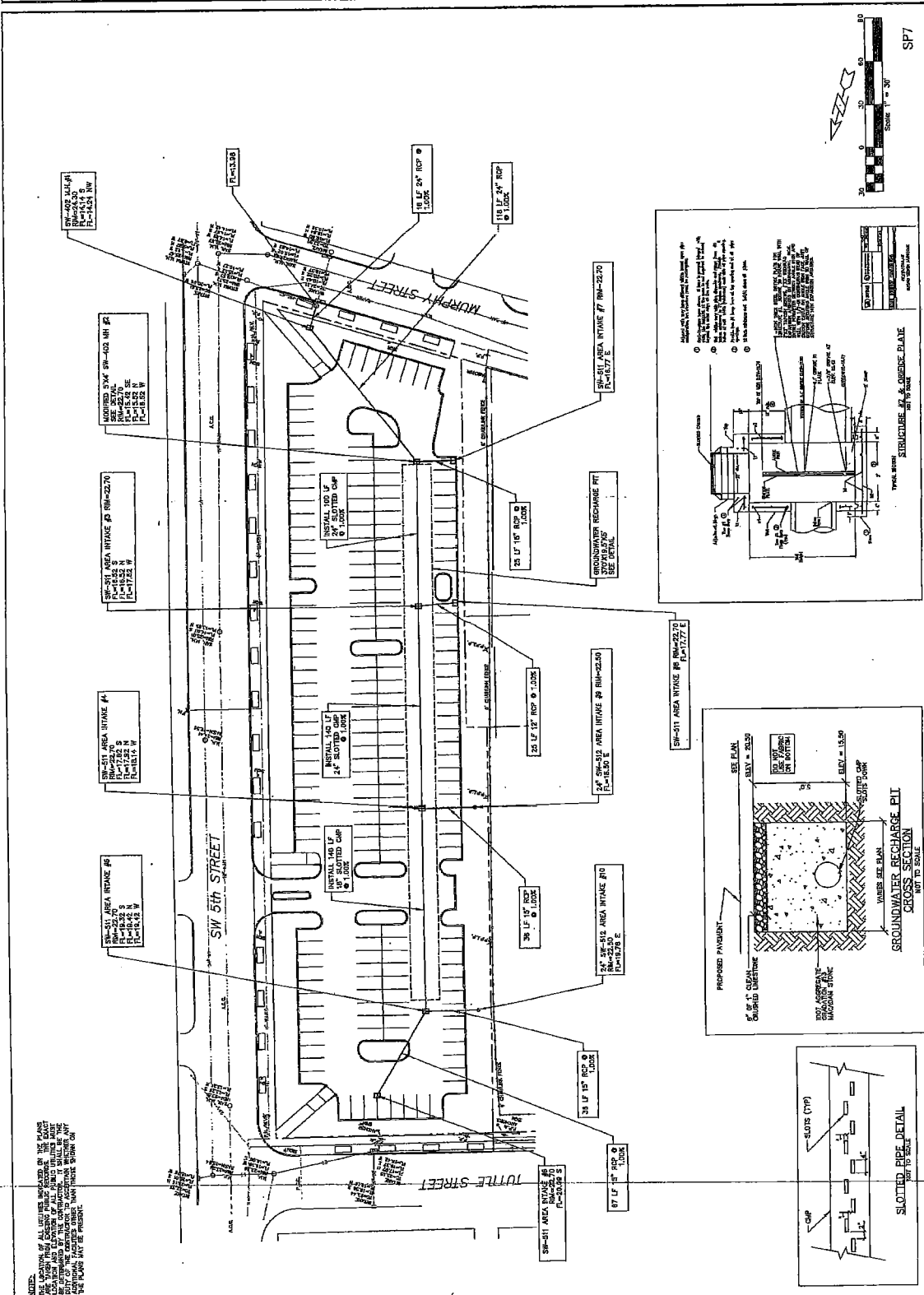
Required:
 10 plants / 40 sq ft
 1905 plants / 14 plants = 136 plants

Planting Schedule:
 10 plants / 40 sq ft
 1905 plants / 14 plants = 136 plants

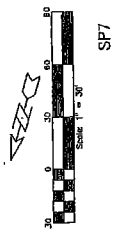
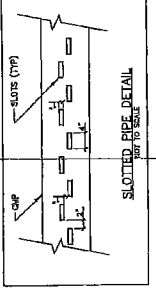
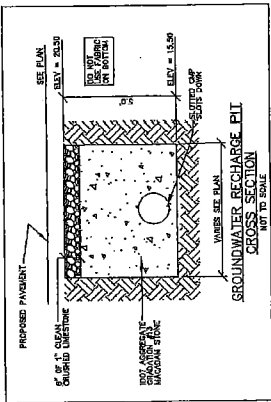
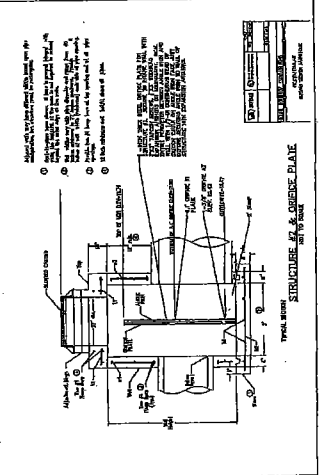


EX.1

NO.		REVISION		DATE	BY	FOR
15-119						
PROJECT: 444 SW 5TH PARKING - STORMWATER MANAGEMENT FACILITIES PLAN DRAWN BY: SWS CHECKED BY: SWS DATE: 6/7/79 SHEET: 7 OF 7 FILE NO.: 15-119						



NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE DISTRICT SPECIFICATIONS AND THE CITY OF MIAMI SPECIFICATIONS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MIAMI AND THE DISTRICT.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
 4. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE NOTED.
 5. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS AND SIDEWALKS UNLESS OTHERWISE NOTED.
 6. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPING UNLESS OTHERWISE NOTED.
 7. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIGNAGE UNLESS OTHERWISE NOTED.
 8. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE NOTED.
 9. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS AND SIDEWALKS UNLESS OTHERWISE NOTED.
 10. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPING UNLESS OTHERWISE NOTED.
 11. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIGNAGE UNLESS OTHERWISE NOTED.



15-119

SP7