



Date August 24, 2015

**RESOLUTION HOLDING 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 5<sup>TH</sup> 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 5<sup>th</sup> Street, to allow development of an off-street parking lot with an entrance/exit from Southwest 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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; and

**WHEREAS**, on August 10, 2015, by Roll Call No.15-1391, it was duly resolved by the City Council that the appeal be set down for hearing on August 24, 2015 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 appeal; and

**WHEREAS**, in accordance with said notice, those interested in said appeal and the proposed site plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

**Roll Call Number**

Agenda Item Number

45Date August 24, 2015

-2-

**WHEREAS**, Section 82-210 of the Des Moines Municipal Code provides that upon appeal from the Plan and Zoning Commission, a majority vote of the City Council shall be necessary to overturn the action of the Plan and Zoning Commission regarding a site plan.

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

1. That the attached communication of the Plan and Zoning Commission is hereby received and filed.
2. Upon due consideration of the facts and any statements of interested persons and arguments of counsel, any and all arguments and objections to the administrative decision by Community Development Department staff to deny a site plan, and the Plan and Zoning Commissions determinations in relation thereto, from Eychaner Properties, Inc. (owner), represented by Rich Eychaner, on real property locally known as 444 Southwest 5<sup>th</sup> Street, to allow development of an off-street parking lot with an entrance/exit from Southwest 5<sup>th</sup> Street, which is a designated downtown pedestrian corridor, are hereby received, and the public hearing on the appeal and proposed site plan is closed.

MOVED BY \_\_\_\_\_ to **APPROVE / APPROVE WITH THE FOLLOWING STATED CONDITIONS / DENY** the proposed site plan as requested by Eychaner Properties, LLC.

FORM APPROVED:

*Glenna K. Frank*  
Glenna K. Frank, Assistant City Attorney

(10-2015-7.137)

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

MOTION CARRIED

APPROVED

**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\_\_\_\_\_  
Mayor

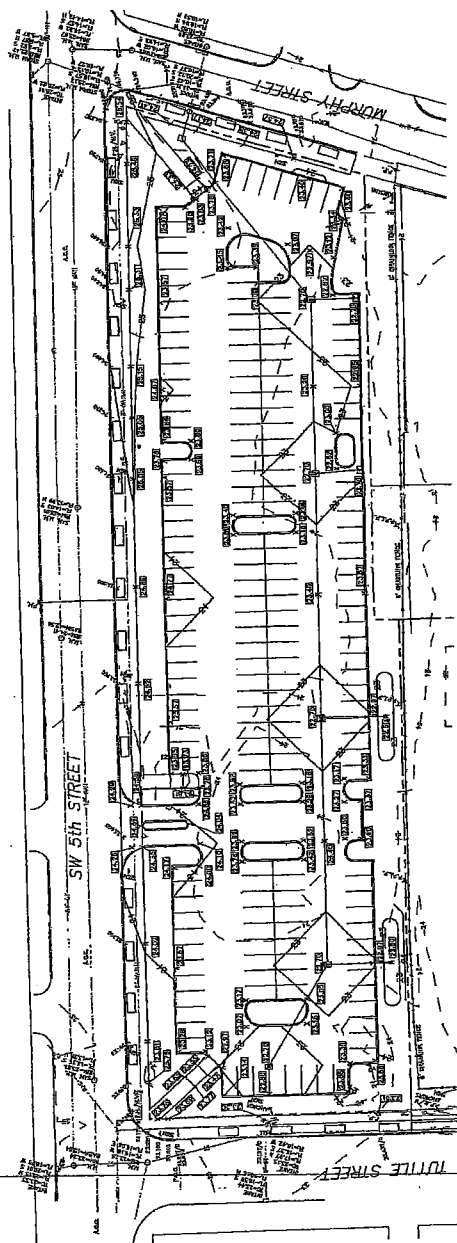
~~Ex. 1~~  
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<div style="display: flex; justify-content: space-between;"> <div> <p>444 SW 5TH PARKING - GRADING PLAN</p> </div> <div> <p>DATE: 07/17/18              SCALE: 1" = 30'              SHEET: 2 OF 2              PROJECT: 16-115-GND-049              FIELD BOOKS:</p> </div> <div> <p>NO. 10              REVISION              DATE: 07/17/18              BY: [blank]</p> </div> </div>									
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SP2



1. C STAIRS, RAMPS AND ADAAG NOTES:

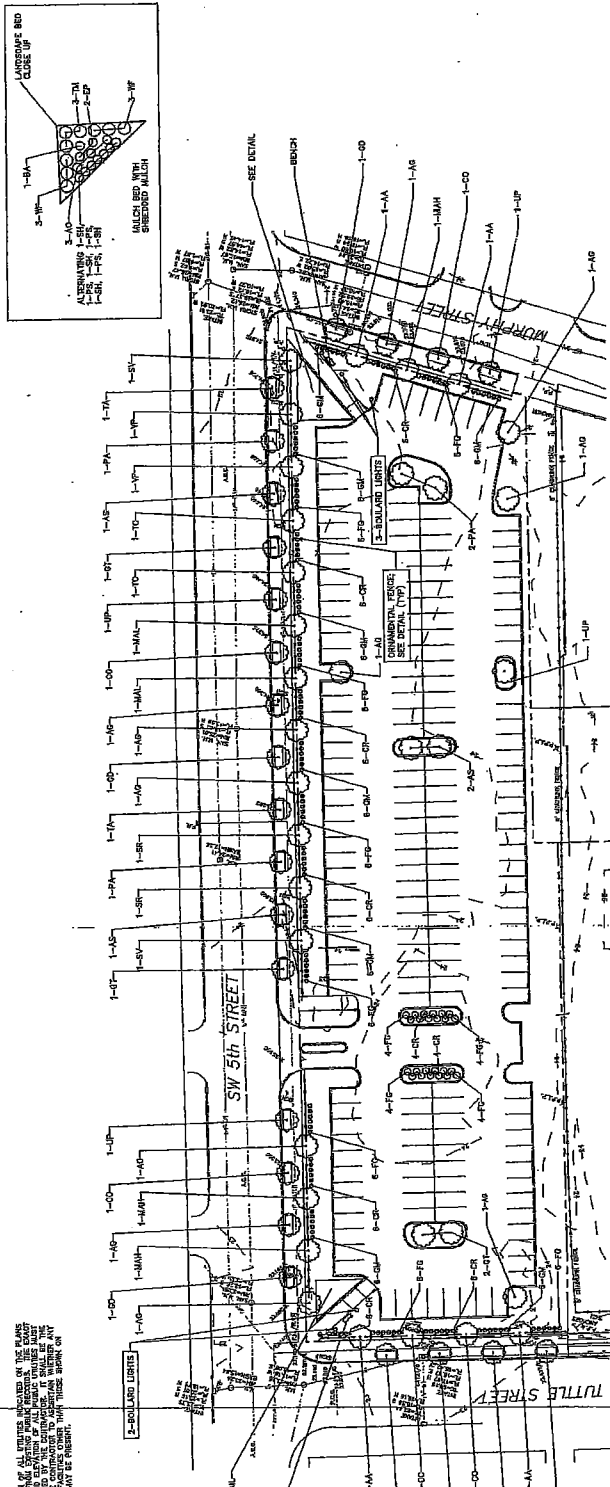
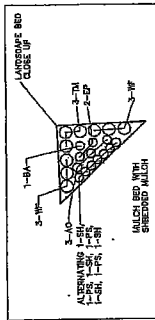
- P.C. STALLS, RAMP AND BOARDING NOTES:**
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FOLLOWING THE PROPOSED DOT ELEVATIONS, SIDEWALK WIDTHS, SLOPING, SIDEWALK AND RAMP DETAILS TO MEET CURRENT REQUIREMENTS OF STAIRS, LIFTS, AND RAMP DETAILS.
  2. THE CONTRACTOR SHALL VERIFY WITH THE CITY INSPECTOR THAT THE RAMP SIDEWALK AND PARKING AREAS ARE CONSTRUCTED PROPERLY TO MEET STANDARDS.
  3. THE CONTRACTOR SHALL NOTIFY THE CITY INSPECTOR PRIOR TO ANY CONSTRUCTION ON THE PLAN OR WHAT IS REQUIRED BY THE CITY INSPECTOR. THE CONTRACTOR SHALL NOTIFY THE ENGINEER, BEFORE INSPECTING THE WORK. THE WAY THE CONTRACTOR HAS FOR THE PERFORMING THE WORK THE WAY THE CONTRACTOR HAS FOR THE PERFORMING THE WORK THE WAY THE CONTRACTOR HAS FOR THE PERFORMING THE WORK.
  4. LAST XX YEARS ON OTHER APPLIED PRODUCTS AND METHODS.

## TRADING NOTES:

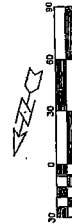
- [illegible]

ALL UTILITIES INDICATED ON THE PLANS SHALL BE SHOWN IN EXISTING PUBLIC RECORDS. THE EXISTING UTILITIES SHALL BE MAINTAINED AND NOT BE DISRUPTED BY THE CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO ASCERTAIN WHETHER ANY UTILITIES OTHER THAN THOSE SHOWN ON THE PLANS ARE PRESENT.





**Notes:**  
Property owners shall be responsible for the proper maintenance of all required landscape materials and any dead or substantially damaged landscape materials shall be replaced.



I HEREBY CERTIFY THAT THE PORTION OF THE TECHNICAL  
SUBMISSION DESCRIBED BELOW WAS PREPARED BY ME OR  
UNDER MY DIRECT SUPERVISION AND RESPONSIBILITY AND  
WAS PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF  
THE STATE OF IOWA.  
SHEETS COVERED: THIS SHEET ONLY

SIGNED \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_\_ IOWA REG. NO. \_\_\_\_\_

PLANT SCHEDULE:

[illegible]

## Indexing Calculations

### Landscaping Calculations

Landscaping Requirements  
Zone C-2-A

Total Land Area 79,295 sf

Paving Perimeter

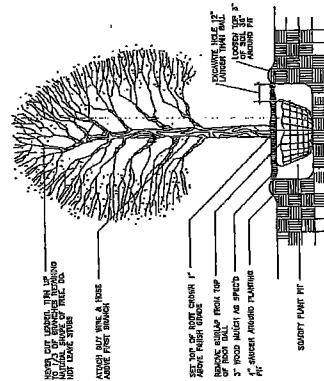
**REQUIRED:**  
1 tree 10" dbh / 40 ft  
27 " 6" dbh  
18 Yucca  
144 shrubs

**PROPOSED:**  
Trees 47  
shrubs 144

linker Plantings

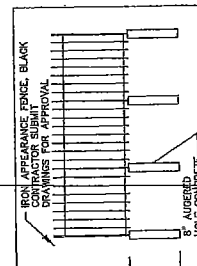
**REQUIRED:**  
180 parking spaces / 25 = 7.2  
180 parking spaces per 25 spaces  
= 7.2 spaces  
= 5.5 shrubs  
= 2.3 shrubs

**PROPOSED:**



## TREE PLANTING

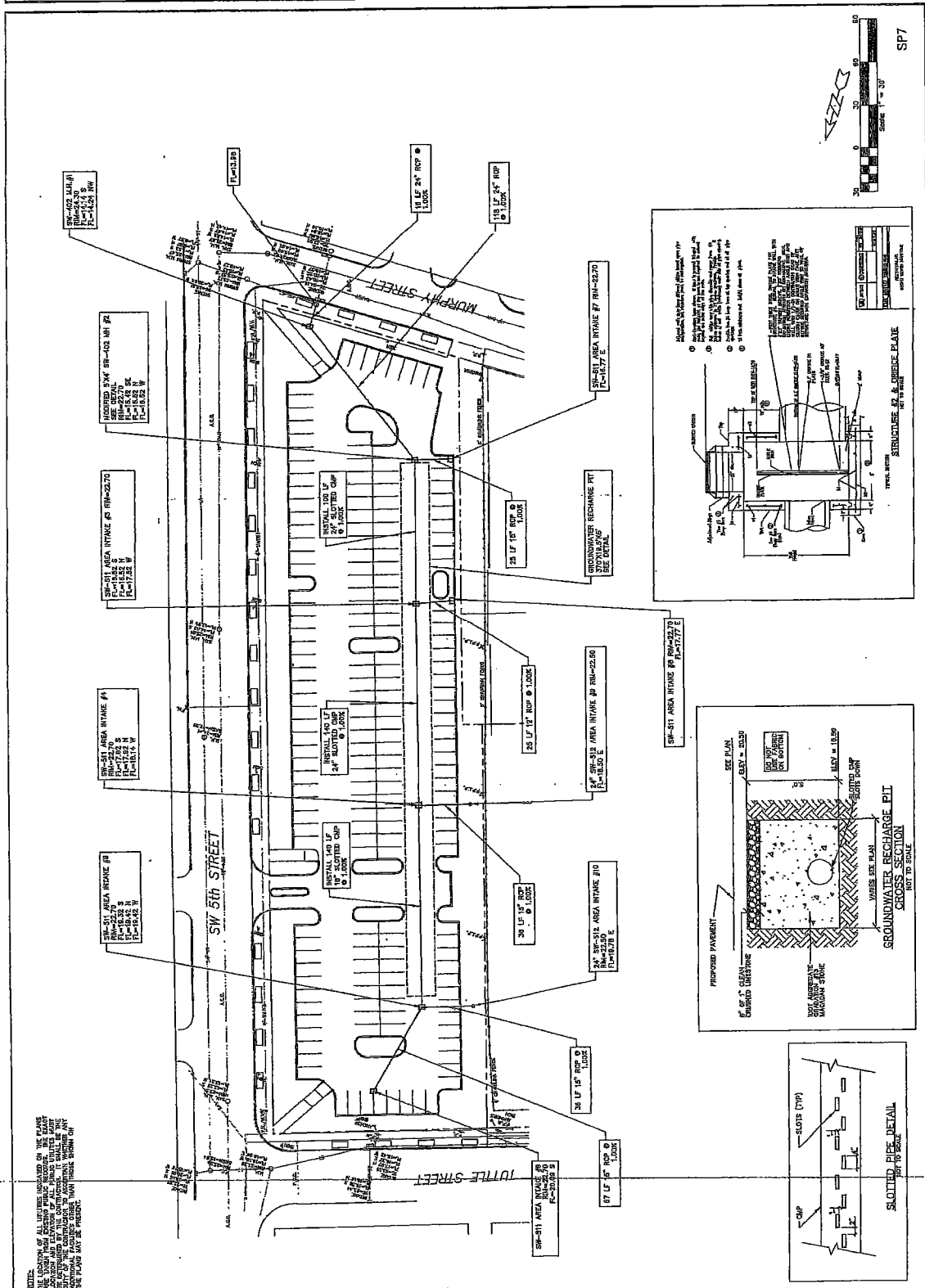
NOT TO SCALE



### ORNAMENTAL FENCE DETAIL

NO SCALE

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August 18, 2015

Honorable Mayor and City Council  
City of Des Moines, Iowa

Communication from the City Plan and Zoning Commission advising that at their meeting held August 6, 2015, the following action was taken regarding a request from Echayner Properties, Inc. (owner) represented by Rich Eychaner (officer) for review and approval of a Site Plan for property at 444 Southwest 5th Street to allow a surface off-street parking lot.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 2-7-2 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles		X		
JoAnne Corigliano		X		
Jacqueline Easley		X		
Tim Fitzgerald	X			
Jann Freed				X
John "Jack" Hilmes				X
Greg Jones		X		
Sasha Kamper			X	
Brian Millard		X		
William Page		X		
Jonathan Rosenbloom	X			
Mike Simonson			recused himself	
CJ Stephens				
Greg Wattier		X		

**DENIAL** of the proposed Site Plan "for failure to comply with the Downtown Overlay District Design Guidelines as contained in Chapter 82-214.9 of the City Code. Motion Failed  
(10-2015-7.137)

By separate vote the members voted 7-3-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano		X		
Jacqueline Easley	X			
Tim Fitzgerald		X		



Jann Freed		X
John "Jack" Hilmes		X
Greg Jones	X	
Sasha Kamper	X	
Brian Millard	X	
William Page	X	
Jonathan Rosenbloom		X
Mike Simonson		recused himself
CJ Stephens		
Greg Wattier	X	

**APPROVAL** of the site plan subject to undergrounding the overhead utilities along 5<sup>th</sup> and additional landscaping wherever possible on the west and enhancing the pedestrian connections. (Motion passed but did not have the minimum 8 votes necessary to overturn the administrative decision to deny the site plan)

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

Staff recommends denial of the proposed Site Plan for failure to comply with the Downtown Overlay District Design Guidelines as contained in Chapter 82-214.9 of the City Code.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

- Purpose of Request:** The applicant is proposing to construct a surface parking lot with 186 stall. Vehicular access to the lot would come from a gated drive along SW 5<sup>th</sup> Street. This request was administratively denied for failure to comply with the Downtown Overlay District Design Guidelines as contained in Chapter 82-214.9 of the City Code. Administrative decisions to deny or conditionally approve a site plan can be appealed to the Plan and Zoning Commission in accordance with Section 82-208(c) of the City Code.
- Size of Site:** The site measures 1.8 acres (78,398 square feet).
- Existing Zoning (site):** "C-3A" Central Business Support Commercial District, Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Sign Overlay.
- Existing Land Use (site):** Vacant lot.
- Adjacent Land Use and Zoning:**

*North* – "C-3R"; Use is multiple-family residential.

*South* – "C-3A"; Use is warehousing.

*East* – "C-3A"; Use is flex commercial/warehousing development.

*West* – "C-3A"; Use is warehousing.

6. **General Neighborhood/Area Land Uses:** The subject site is located south of the West Martin Luther King, Jr. Parkway corridor in the downtown. This area contains a mix of commercial, light industrial and multiple-family residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on July 17, 2015. A Final Agenda was mailed to the neighborhood association on July 31, 2015. Additionally, separate notifications of the hearing for the rezoning were mailed on July 27, 2015 (10 days prior to the hearing) to the Downtown Des Moines 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 Downtown Des Moines Neighborhood Association notices were mailed to Larry Bradshaw, 418 6th Avenue, Suite 902, Des Moines, IA 50309.
8. **Relevant Zoning History:** On December 19, 2013, the Plan and Zoning Commission approved the "Brownstones on 5th Street" Site Plan (10-2015-7.61) and the associated preliminary plat (13-2014-1.13) allowing construction of 28 two-story rowhouse units on the subject property.
9. **2020 Community Character Land Use Plan Designation:** Downtown Support Commercial.
10. **Applicable Regulations:** In acting upon any site plan application for development of property located within the Downtown Overlay District, the community development director (or plan and zoning commission if applicable) shall apply the regulations in section 82-213 of this article and the design guidelines in this section except as to those site plan applications for development of property located in the R1-60 and R-HD zoning districts within the downtown overlay district, which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design regulations and the following guidelines. These guidelines shall be applied to the entire site when a new building is constructed or when an existing building is cumulatively expanded by more than 50% of its gross floor area as of the time it became part of the downtown overlay district. If a building is cumulatively expanded by less than 50% of its gross floor area as of the time it became part of the downtown overlay district, then these guidelines shall apply only to the expansion of the building.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Downtown Overlay District Design Guidelines:** These design guidelines are applicable to any development within the Downtown Overlay District.

A) Projects should demonstrate understanding of the micro and macro context for the project by offering place specific solutions for materiality, massing, uses, fabric and climate that are consistent with the vision of the "What's Next Downtown Plan". In most cases, corporate prototype architecture may not be an acceptable design.

*A surface parking lot is not consistent with the "What's Next Downtown Plan", which envisions a dense and pedestrian friendly downtown. The subject property is located on a designated pedestrian corridor (SW 5<sup>th</sup> Street). The proposed use is an auto-dominant use, which should not be located on a designated pedestrian corridor, and where allowed, should be a part of a mixed-use development with buildings of a uniform design. Additional items of concern are the need to underground the existing overhead utility lines, the lack of low impact development techniques and the need for additional landscaping.*

- B) Low impact development techniques should be utilized which implement site water quality control solutions, using materials which are locally available and creating projects which minimize energy consumption.

*The proposed stormwater management improvements include a groundwater recharge pit. Staff is not aware of any additional low impact development techniques being utilized.*

- C) Connectivity between adjacent properties should be provided or demonstrated for both pedestrian and vehicular circulation.

*The site encompasses the eastern half of a city block. The western half of the block contains an existing warehouse. Class A sidewalks are proposed along Tuttle Street, SW 5<sup>th</sup> Street and Murphy Street. Private walks connecting the parking lot to the public sidewalks are proposed at the northeast and southeast corners of the site.*

- D) The incorporation of 'soft (green) spaces' on site is encouraged.

*The parking lot would have a 10-foot setback from the north property line, a 16-foot setback from the east property line, a 10-foot setback from the south property line and an 18-foot setback from the west property line. Plant material is proposed along the north, east and south perimeters. Landscaping is not proposed along the west property line. The proposal does not comply with this guideline as plant material should be provided along the west property line.*

- E) Where feasible, projects should provide outdoor spaces for people gathering.

*Outdoor spaces for people gathering are not proposed.*

- F) If feasible, connections to adjoining bike paths or on-street bike facilities and on-site bike racks should be provided in close proximity to building entrances.

*Bike racks are not proposed.*

- G) Building heights. Minimum height for all uses should be the lesser of 36 feet or three stories.

*No buildings are proposed.*

- H) Bulk standards, building setbacks, orientation, frontage and residential access:

1. All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s).
2. All buildings without river frontage should have entrances oriented toward primary street(s).
3. All buildings should have frontage on principal street(s) of not less than 70 percent of the lot.
4. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.
5. At least one building entrance for residential uses should directly access the street when a residential use is located above street-level retail or commercial uses.
6. For residential buildings, a maximum setback of 15 feet from the public right-of-way is permitted unless superseded by bulk regulations of the underlying zoning district (i.e. R-HD Residential Historic District, R1-60 Low Density Residential District, etc.).

*No buildings are proposed.*

- I) Storage of all materials and equipment should take place within completely enclosed buildings.

*Outdoor storage is not proposed.*

- J) All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick or masonry and steel gates which are compatible in design with the principal structure.

*Trash enclosures are not proposed.*

- K) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards for C-3 districts.

*Landscaping is not proposed along the west property line. The proposal does not comply with this guideline as plant material should be provided along the west property line.*

- L) Access doors for any warehouse use and any loading docks should not front on any public street.

*N/A.*

- M) Gas stations/convenience stores should be limited to no more than six pumps and allow no more than 12 vehicles to be fueled at one time.

*N/A.*

- N) Gas station / convenience stores and canopies, drive-thru facilities for restaurants, banks, parking garages and other auto-dominant uses should not front or have vehicular access on or to a pedestrian corridor as designated in the downtown

pedestrian corridor map on file in the office of the city clerk as approved by city council resolution.

*The property fronts SW 5<sup>th</sup> Street, which is a designated pedestrian corridor. The proposed parking lot is an auto-dominant use. The proposal does not comply with this guideline as auto-dominant uses should not front or have vehicular access along a pedestrian corridor.*

- O) Existing curb cuts should be consolidated to the minimum number necessary and be located as directed by the city traffic engineer and community development director.

*The proposed development would have one curb cut along SW 5<sup>th</sup> Street. Staff believes that a single curb cut for the site is the minimum number possible as there is no alley or shared driveway available.*

- P) Parcels proposed for development that are greater than two acres should be rezoned to a planned unit development (PUD) zoning classification.

*The subject site is 1.8-acres in size.*

- Q) Auto-dominant uses as described in guideline "N" above should be located in a mixed use commercial center and with buildings possessing a unified commercial design.

*The property fronts SW 5<sup>th</sup> Street, which is a designated pedestrian corridor. The proposed parking lot is an auto-dominant use. The proposal does not comply with this guideline as the parking lot is not a part of a development with buildings that possess a unified design. While the parking is intended to serve uses in the area, it is a standalone use on the parcel.*

- R) Parking ramps should either include ground floor retail or commercial space, be designed for conversion to retail or commercial space, or have significant architectural detail.

N/A.

2. **Parking:** Off-street parking is not required in the "C-3A" District for residential uses and for commercial uses allowed in the "C-1" District. Staff understands that the purpose of the proposed parking lot is to serve other properties in the area that the applicant owns.

## **SUMMARY OF DISCUSSION**

Erik Lundy presented the staff report and recommendation.

Mike Ludwig stated the applicant's request was denied administratively so this is an appeal. A motion to approve the site plan would require the affirmative vote of 8 members.

Greg Jones asked if this was on 4<sup>th</sup> Street or a non-pedestrian corridor would it be okay.

Erik Lundy stated that staff would still look at the design guidelines but it likely would have been met with less resistance. However, if they were asking for standalone parking it still would not be good.

JoAnne Corigliano asked if the parking spaces will be rented.

Erik Lundy deferred to the developer to answer.

Doug Saltsgaver Engineering Resource Group 2413 Grand Avenue stated the owner got to this point after acquiring the four building complex to the east which contains about 160,000 of office use. Most of it is vacant and a few weeks ago the City of Des Moines Economic Development Department contacted Mr. Eychaner saying they had an out of state user who was looking to move into the Des Moines area and was needing a significant amount of office space. Mr. Eychaner believed the four building complex recently acquired would be ideal. However the proposed tenant wants a parking ratio of 8 spaces per 1000 S.F. and after looking at the parking count they quickly determined there was not enough parking onsite to accommodate the prospective tenant and other potential tenants that could lease the space. Mr. Eychaner decided since he owned the site to the west this would be a good site for a parking lot. They brought the site plan in to try and accomplish this. They believe they have identified a real need to support those tenants who are looking at the space. He believes that it is much easier to convert a parking lot to a higher and better use than to convert a 28 townhome unit project. He pointed out that for landscaping they could add some to the west side. The southern half is a little tight because the property jogs a little bit. There is more room on the northern half of that west boundary where they could install more trees and shrubs. Bike racks would be no problem except they believe the racks should be closer to the buildings. Also, they would ask that the undergrounding of overhead utilities be deferred until possibly higher and better use is proposed for this site.

JoAnne Corigliano asked if they anticipate needing additional parking spaces in the future. If so she believes that this area should be built with footings with potential for going up, (i.e. parking ramp) should the need arise.

Doug Saltsgaver stated he believes it is difficult to preplan for something like that. It would be much easier to remove the parking lot and start from scratch like The Science Center for example. He addressed staff's comment regarding accommodating pedestrians. They do have some nodes on the northeast and southeast corners for pedestrian access with landscaped areas and they are looking to put in some benches.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

Rich Eychaner 300 MLK stated this is part of a larger project. He pointed out the surrounding areas he now owns. At 300 MLK on the corner they are building a multi-tenant retail/office facility. He was talking with Michael Gartner who owns a parking lot in this area and he told him about his plans. Mr. Gartner told him he believes he will need to put control on his parking lot because he is afraid that Mr. Eychaner's retail tenants will use all of his parking. He stated he has done a lot with the City's Office of Economic Development. This building was 81% vacant and because of that vacancy they have been able to retain a Des Moines company with a 110 jobs who has now rented another building so they are moving from Hubbell to Downtown. He commented on the demand for additional parking spaces and the demand when there is a baseball game. There is also a

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demand for good office use and would be a tremendous asset in Downtown Des Moines as long as there is adequate parking.

Sasha Kamper asked the percentage of on the buildings that has been leased.

Rich Eychaner stated it has increased from 20% to 42% in sixty days.

Sasha Kamper asked if the increase was contingent on additional parking.

Rich Eychaner stated no.

Greg Wattier asked if his request were to be approved, would he be amiable to creating some sort of pedestrian connection from the lot to the properties across the street to the east i.e. walkway, trees.

Rich Eychaner stated he believes they are already proposing an angle in two places for pedestrians to get in and out of the site.

Greg Wattier stated he asked because of the length of the site and there is currently not a lot of vehicular traffic. Also, would he be amiable to denser tree canopy in the parking lot.

Rich Eychaner stated they would be willing to plant denser tree canopy in the parking lot.

Will Page asked if they would be willing to do some landscaping on the west edge of the parking lot.

Rich Eychaner stated they would be happy to add some trees where there is space. That is an old railroad track so the north half of it accrued to the property to the east and the south half accrued to the property to the west.

Mike Ludwig stated staff is concerned that the likelihood of this site converting to a higher and better use in the near future would be zero. Asked how long the leases are with the tenants that are demanding additional parking?

Rich Eychaner stated 401 SW 7<sup>th</sup> Street is a 10 year lease with four 5 year options, so it could be a 30 year lease. On SW 5<sup>th</sup> the State of Iowa has signed two 5 year leases with options. They have discussed with others and they are talking a 5 to 10 year term, although the ones that area bidding on the Medicare contract wants out if they lose their contract.

Mike Ludwig stated he believes this will be a surface parking lot larger than the Science Center example. This area is in the underground utility district. A previous request to waive the underground utility was granted and staff believes that was a mistake. The City has an objective to get these utilities underground because they are detrimental to the redevelopment of the area and if not done with this request there might not be another chance. Unless. Would the developer be willing to underground the overhead utilities for the betterment of the entire area given that it would likely be a longer term parking lot?

Rich Eychaner stated his concern with putting the overhead utilities underground is not knowing what is going to be built up. When building up you may need bigger lines, different lines, more transformers etc. At 300 MLK they are adding numerous extra transformers.

The Morel project is going from 1600 amps to 3000 amps so they are having to put new feeder lines in from Mid America to the building to fit the electrical needs for that property. To build something that may not be adequate for a real building does not make sense. An alternative staff has asked them put underground lines for the area where there is a short amount of street frontage and it makes sense to him to wait until the entire section is done and there is a new building on the corner would be the appropriate time and they would be happy to commit to doing that.

Mike Ludwig stated the utilities are in the right-of-way and not on the private property. When Mr. Eychaner mentioned the feeder lines, was he talking about extension of service on private property or the actual line that is out in the public right-of-way.

Rich Eychaner stated for this project they are having to run from the street into the property and double the service level that was previously in the building as a flex space building to convert it to Morel's use. He believes the cost and time issue would be great for the current project.

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Jonathan Rosenbloom commended staff for all the work on MLK. He believes that staff is right in the request for putting the overhead utilities underground.

Greg Wattier stated he disagrees because looking at the projects in Des Moines there is a greater good that everyone is after. He would love to see the enhancement of the parking lot. He believes if the stormwater concern can be mitigated that would be reasonable.

Jonathan Rosenbloom stated this project is larger than Grand & 2<sup>nd</sup> Avenue. He also agrees that we should not forfeit what we have today for what we could have in the future. His concern however, is that the projection for this site would be far into the future. Things are happening very quickly downtown. If this were to get locked in and momentum takes hold this could be a surface parking lot for too long.

### **COMMISSION ACTION:**

Jonathan Rosenbloom moved staff recommendation to deny the proposed Site Plan for failure to comply with the Downtown Overlay District Design Guidelines as contained in Chapter 82-214.9 of the City Code.

Motion failed 2-7-2 (Jonathan Rosenbloom and Tim Fitzgerald voted in favor. Dory Briles, JoAnne Corigliano, Jacqueline Easley, Greg Jones, Brian Millard, Will Page, and Greg Wattier voted in opposition. Sasha Kamper abstained. Mike Simonson recused himself from the discussion).

Erik Lundy clarified on any pedestrian the crossings of SW 5<sup>th</sup> Street will still be subject to traffic consideration.

Tim Fitzgerald stated he would accept that compromise. He would like to see more trees and the underground lines.

Greg Wattier stated just because you walk by a parking lot does not mean that it is a walkable street. A pedestrian environment is needed.



Jonathan Rosenbloom stated he agreed. A dense and pedestrian friendly downtown is desired. The developer raised an important issue on the utilities. He does not want to see the developer do something here that is going to have to come back to the future owner and say now I have to dig up the underground utility lines and add something new.

Brian Millard asked if the applicant could come back up to address some questions.

Greg Wattier asked about his thoughts on the burying the overhead utility.

Rich Eychaner stated he agreed with Commissioner Rosenbloom that it is silly to have to bury something and then have to come back and dig it up a couple years later. It would just be much more efficient to wait until a building is being built and then do what is appropriate at that time.

Mike Ludwig clarified the utilities that staff is asking to underground are in the public right-of-way. He believes that the utilities in the public right-of-way are sufficient to support development on the site. Noted that making a connection to the underground utilities in the right-of-way would not be any different than connecting to a sewer in the street or any other underground utility when development occurs on the property. He understands that private development will have to install services from the right-of-way. Staff is not asking the applicant to guess where a building is going to be and put something underground on private property. Staff is referencing the overhead utilities that are in the public right-of-way so there should not be a future conflict.

Rich Eychaner stated he has not proposed a building and has not researched that question. Previously he believed that the connector for his other building project are from the public utilities into the site. The distinction he would make in the comparison between power lines and sewer lines is staff would not require them to replace an entire storm sewer up and down the street because he was connecting to that sewer. Here staff is saying replace the electrical service up and down the street when is not germane to his project.

JoAnne Corigliano stated if that lot is going to be there for 10 or 15 years would the burying of the utilities be sufficient to match the growth at that time.

Rich Eychaner stated since 1987 it has been a bare site.

Brian Millard asked if this area starts to change and this lot becomes less viable and is more viable as a building what will you do then.

Rich Eychaner stated he would then build a building.

Will Page moved to approve the site plan subject to undergrounding the overhead utilities along 5<sup>th</sup> and additional landscaping wherever possible on the west and enhancing the pedestrian connections.


Motion passed 7-3-1 (JoAnne Corigliano, Jonathan Rosenbloom and Tim Fitzgerald voted in opposition. Mike Simonson recused himself). (Motion passed but did not have the minimum 8 votes necessary to overturn the administrative decision to deny the site plan)

Greg Jones stated he believes the applicant is asking the Commission to override a plan that they should stick with. The Commission is willing to do but believes that burying the overhead lines is reasonable otherwise it will be a parking lot with ugly power lines hanging in the air.

Mike Ludwig clarified Mr. Eychaner would be appealing to the Council the denial by staff and in that would include record of this discussion and the 7-3 vote. If the Commission reconsiders and would happen to have 8 votes, Mr. Eychaner would still have the option to appeal to the City Council. No other motions were made.

Jacqueline Easley stated there is a nationally published book about Martin Luther King Avenues in all of the major metropolitan areas and Des Moines can be proud that our Martin Luther King Parkway is the only one that does not begin and end in an economically depressed area.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

cc: ERG Inc.  
Eychaner Properties, Inc.



**July 13, 2015**

**Doug Saltsgaver  
ERG, Inc.  
2413 Grand Avenue  
Des Moines, IA 50312**

RE: 444 SW 5<sup>th</sup> Parking Lot  
  
10-15-7.137

Dear Doug:

We have reviewed the first (1<sup>st</sup>) submittal of the site plan for the 444 SW 5<sup>th</sup> Parking Lot in Des Moines, and have determined that the following conditions must be satisfied before plan approval can be granted.

**Engineering**

1. Records indicate that this project site may be affected by an active Leaking Underground Storage Tank (LUST). Due to the possibility of contamination of the groundwater recharge pit, submit detailed plume data/ information. Check the LUST status of this site with the Iowa Department of Natural Resources Open Records Coordinator @ 515-242-5818. The location and/or dimensions of the recharge pit may need to be modified.
2. Show bearings and distances of the property lines on the Geometric Plan.
3. Label the City of Des Moines benchmark as ID# 150.
4. Note that the storm sewer connection to existing manhole shall be core drilled.
5. If desired, the Utility Plan may be omitted as it is similar to the SWMF Plan.
6. The structure #2 detail should show or include a note that the 15" storm sewer from the west shall enter the manhole on the upstream side of the orifice plate.
7. The orifice dimensions should be labeled as either "diameter" or "squared" in the detail to avoid confusion. 6.1' should read 6.1".
8. Document the dissipation/ permeability capabilities of the native soils on site in the stormwater narrative.
9. Label the units in the stormwater detention calculations.

10. Show and specify the type of fabric on the top and sides of the proposed recharge pit.
11. The impacted area of the project exceeds one acre and therefore the owner/developer must apply for a NPDES General Permit No. 2 through the IDNR. Additionally, submit the SWPPP and a copy of the NPDES documents to the City of Des Moines for review and acceptance.
12. A Grading Permit application is are required. You may download the form here: <http://www.dmgov.org/Departments/CommunityDevelopment/PDF/Grading%20Permit%20Appl%20v2014.pdf>
13. Add the following information to the Stormwater Management Facilities Plan:
  - A. Clearly list the following: WQv volume; 100-year storm volume, basin bottom elevation, WQv water surface elevation, and the design 100-year storm water surface elevation.
  - B. A listing of long-term maintenance requirements, verbatim, as follows:

**City Code Section 106-136(h) Land Owner/ Manager**  
**Stormwater Facilities Maintenance Requirements**

- a. This Stormwater Management Facilities, including pipes, inlets and outlets, shall be annually inspected and maintained in substantial compliance with the approved Stormwater Management Plan.*
- b. Litter, silt, sediment and debris shall be promptly removed from such facilities.*
- c. The plantings and vegetation within the Stormwater Management Facilities shall be maintained in conformance with the approved Stormwater Management Plan. If any vegetation dies, it shall be replaced with vegetation in conformance with the Plan as soon as the weather permits.*
- d. No grass clippings, leaves or other yard wastes, soil, rocks, concrete, or similar materials, shall be placed within a swale, or retention or detention pond without the prior written consent of the City Engineer.*
- e. No portion of the Stormwater Management Facilities shall be altered or removed without the prior written consent of the City Engineer.*
- f. Records of inspection, maintenance and repair must be maintained and kept for at least five years and made available upon request to the City Engineer.*

## **Planning**

14. The proposed parking lot is a substantial deviation from the previous Plan and Zoning Commission approved residential site plan. This will require the project to go to the Plan and Zoning Commission for review and approval. An additional notification fee of \$32 is required. The project will be presented at the August 6<sup>th</sup> Plan and Zoning Commission meeting.
15. Add the total lot/parcel dimensions to the site plan.
16. Please use an identifiable symbol to differentiate between pervious and impervious surface area on the landscape plan.

17. The ornamental fence along the parking perimeter needs to be moved so that plant materials are first visible from the street side and then the fence.

18. By City Arborist request, please remove the Amur Maple from the selection of species on the landscape plan do to its invasive nature.

19. The Tuttle Street parkway must have a total of 12 feet. In addition, a permanent easement for public way on private property along Murphy Street and Tuttle Street should be called out on the site plan. An 8<sup>1/2</sup>" X 11" copy of the layout plan, along with legal documents shall be submitted for City Legal review and approval.

20. In similar fashion as the previously approved Brownstones on 5<sup>th</sup> site plan which had been forwarded to you, the parkway plantings should adjoin the private property. This will keep the plantings from being too close to the water main. The alternate Parkway Planting requirement design shall incorporate a 5' by 10' planter bed and show the vision clearance triangle on the site plan. In addition, provide the parkway planting calculation on the site plan.

The modified design of the parkway may result in the shuffling or modified placement of parking perimeter plantings. It is recommended that street trees and parking perimeter trees have a separation of 30 feet between each; and that any trees in conflict be placed along the west perimeter of the lot.

21. The associated ADA compliant stalls on the other property will require a site plan submittal. When will this transpire? In addition, such site plan shall include bike racks.

22. This site must comply with the City of Des Moines landscape standards. A landscape plan must be submitted and must meet the following landscape requirements:

- Interior Parking Lot minimum planting requirements are one (1) overstory deciduous tree and three (3) shrubs for every 20 parking stalls which must be contained within a planter bed of no smaller than nine (9) by seventeen (17) or 153 square feet.

23. Provide a parkway planting illustration and note the growing conditions or soil amendment to be provided on the site plan. Add the following notes relative to the illustration:

- Contact the Municipal Forestry Division prior to planting in the public R.O.W. at 283-4950.
- All wire, twine and burlap shall be removed from the rootball of street trees prior to planting.
- No staking of trees is allowed.

24. Development or grading on this site is subject to the Tree Removal & Mitigation Ordinance of the City Code. This will require identification of existing mature trees over 12 inches in caliper size to be identified on the plan prior to removal, as well as plans to protect mature trees when feasible. Mitigation is required for mature trees of approved species being removed.

25. If no dumpster is to be provided on site provide the following note on the site plan:

- No dumpster will be provided on site which would require the need for a dumpster enclosure.

26. The property owner is responsible for coordinating street lighting / utility pole removal/replacement necessary with Mid-American Energy. Black utility / street light poles with archetypal fixtures are required in the downtown area. The property owner is responsible for the cost. The relocation of street lighting will require a plan for the new layout and an evaluation of the lighting levels. In addition, a fixture illustration shall be provided on the site plan.

27. Please note that the proposed private light poles shall be in character with the street light fixture design.

28. All new exterior signs are reviewed separately and must be approved with Zoning Enforcement (237-1412) before sign permits can be issued. This note is for your information only and requires no formal addressing on the future submittal.

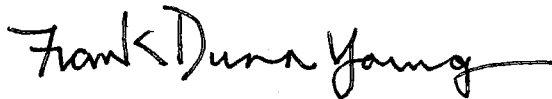
29. The final copy of the landscape plan will need to be signed and dated by an architect, landscape architect, or certified nurseryman.

30. The final copy of the site plan must have the preparer's certification statement signed and dated.

Please submit **three (3) review copies** of the revised plan satisfying the above listed items. Failure to resubmit such amended plan within 90 days from the date of this letter shall cause the application to lapse, and will require the payment of a new application fee to resume the application process.

If you have any questions contact me by phone @ **283-4743** or by email @ **[fadunn-young@dmgov.org](mailto:fadunn-young@dmgov.org)**.

Sincerely,



Frank Dunn-Young  
City Planner