



Date August 7, 2023

RESOLUTION SETTING HEARING ON APPEAL OF MIDWEST RADIO, INC. (OWNER), REPRESENTED BY RICH EYCHANER (OWNER), ON A DENIAL OF TYPE 2 DESIGN ALTERNATIVES FOR A PUBLIC HEARING SITE PLAN FOR PROPERTY LOCATED AT 3839 MERLE HAY ROAD

WHEREAS, at a public hearing held on July 20, 2023, the City Plan and Zoning Commission considered a request from Midwest Radio, Inc. (Owner), represented by Rich Eychaner (Officer), for approval of the Site Plan for Type 2 Design Alternative waiving the requirement for minimum distance between permitted driveway accesses set forth in Municipal Code Section 135-2.8.3.A.9, to allow for retention of the middle of three (3) existing access driveways along Merle Hay Road as shown in the Site Plan submitted for the property located at 3839 Merle Hay Road, where only two (2) access driveways are permitted; and

WHEREAS, pursuant to Section 135-2.8.3.A.9 of the Municipal Code, a commercial center is permitted driveway access one (1) per every three-hundred (300) ft of primary and non-primary frontage; and

WHEREAS, in its Site Plan, Midwest Radio, Inc. proposed for retention of the middle of three (3) existing access driveways along Merle Hay Road, where only two (2) access driveways are permitted; and

WHEREAS, the Plan and Zoning Commission voted 5-4 for **DENIAL** of the requested Type 2 Design Alternatives to waive or modify said ordinance requirements to allow for retention of the middle of three (3) existing access driveways along Merle Hay Road; and

WHEREAS, Midwest Radio, Inc. has timely appealed to the City Council pursuant to Municipal Code Section 135-9.3.9(B), and is seeking further review of the Plan and Zoning Commission decision and denial of the above-described Type 2 design alternative to the Site Plan retention of the middle of three (3) existing access driveways along Merle Hay Road as regulated under Municipal Code Section 135-2.8.3.A.9.

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

1. The City Council shall consider the appeal by Midwest Radio, Inc. at a public hearing in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 5:00 p.m. on August 21, 2023 at which time the City Council will hear both those who oppose and those who favor the proposal.

 **Roll Call Number**

Agenda Item Number

26

Date August 7, 2023

2. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached, in accordance with Section 362.3 of the Iowa Code.

MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill,
Assistant City Attorney

(SITE-2023-000047)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

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

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

MOTION CARRIED APPROVED

Mayor

City Clerk

August 1, 2023

Communication from the City Plan and Zoning Commission advising that at their July 20, 2023 meeting, the following action was taken regarding a request from Midwest Radio, Inc. (owner), represented by Rich Eychaner (officer), for review and approval of a Public Hearing Site Plan "3839 Merle Hay Road" for property located in the vicinity of 3839 Merle Hay Road, and for consideration of a denied Type 1 Design Alternative in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B), to allow retention of the middle of three (3) existing access driveways along Merle Hay Road, where only two (2) access driveways are permitted, per City Code Section 135-2.8.3.A.9.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 5-4 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus					X
Leah Rudolphi	X				
Carol Maher	X				
Abby Chungath					X
Kayla Berkson	X				
Chris Draper		X			
Todd Garner		X			
Johnny Alcivar					X
Justyn Lewis	X				
Carolyn Jenison		X			
William Page					X
Andrew Lorentzen					X
Emily Webb	X				
Katie Gillette					X
Rick Trower		X			

DENIAL of the requested design alternative to allow retention of a 3rd access point along Merle Hay Road, and approval of the public hearing site plan, subject to the following conditions:

1. Compliance with all administrative review comments.
2. The Site Plan shall be revised to show the middle driveway removed.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends denial of the requested design alternative to allow three driveways along Merle Hay Road.

Staff recommends approval of site plan subject to the following conditions:

1. Compliance with all administrative review comments.
2. The plans shall be revised to show the middle driveway removed.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The proposed project includes interior building renovations that will exceed the threshold for cumulative permit values. This requires a site plan that is in conformance with current site and landscaping standards. Proposed site improvements would include establishing paving setbacks with greenspace along both the Merle Hay and 57th Street frontages, interior parking lot islands and landscaping, trash enclosure upgrades, and bike racks.

The Commercial Center building type limits the number of permitted driveway accesses to 1 per 300 feet of primary and non-primary frontage. The subject property has approximately 400 feet of frontage along Merle Hay Road which would allow for two driveway accesses. The applicant is requesting approval of three driveways along Merle Hay Road.

- 2. Size of Site:** 132,421 square feet.
- 3. Existing Zoning (site):** "MX3" Mixed-Use District and "N3b" Neighborhood District.
- 4. Existing Land Use (site):** Office, Retail, and Eating and Drinking Places.

- 5. Adjacent Land Use and Zoning:**

North – "MX3" and "N3b", Use is Financial Service and One-Household Residential.

South - "MX3", Uses are Restaurant, Retail, and Commercial Services.

East – "N3b", Uses are One-Household Residential.

West – "CX", Uses are Merle Hay Mall, Retail, and Restaurants.

- 6. General Neighborhood/Area Land Uses:** The subject property adjoins the Merle Hay Road/U.S. Highway 28 corridor just to the north of Douglas Avenue. The surrounding area to the west and along the corridor is generally commercial and includes Merle Hay Mall. The area to the east and northeast is a low-density residential neighborhood.

7. Applicable Recognized Neighborhood(s): The subject property is located within the Merle Hay Neighborhood. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on June 30, 2023. All agendas are mailed to the primary contact person designated to the City of Des Moines Neighborhood Services Department by the recognized neighborhood association. Additionally, separate notifications of the hearing for this specific item were mailed on June 30, 2023 (20 days prior to the hearing) and July 10, 2023 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. Merle Hay Neighborhood mailings were sent to April Wyss, 2800 62nd Street, Des Moines, IA 50322. A Final Agenda was mailed to recognized neighborhoods on July 14, 2023.

8. Relevant Case History: None.

9. PlanDSM Future Land Use Plan Designation: Community Mixed Use.

10. Applicable Regulations: Pursuant to Section 135-9.1.1.B of the Planning and Design Ordinance, the site plan review requirements of Chapter 135 are designed to ensure the orderly and harmonious development of property in a manner that shall:

- Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;
- Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning proposed present development of property shall include the following:
 - The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;
 - Zoning restrictions at the time of the proposal;
- The city's comprehensive plan;
- The city's plans for future construction and provision for public facilities and services; and
- The facilities and services already available to the area which will be affected by the proposed site use;
- Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city

will not be adversely affected;

- Provide suitable screening of parking, truck loading, refuse and recycling disposal, and outdoor storage areas from adjacent residential districts;
- Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and
- Consider the smart planning principles set forth in Iowa Code Chapter 18B.

Based on Chapter Section 135-9.2.4 and 135-9.3.1.B of the Planning and Design Ordinance, Type 2 Design Alternatives are to be considered by the Plan and Zoning Commission after a public hearing whereby the following criteria are considered:

- The design alternative provisions of Section 135-9.2.4 are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and greater consistency with the comprehensive plan.
- Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:
 - An evaluation of the character of the surrounding neighborhood, such as:
 - Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
 - Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);
 - For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;
 - The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;
 - Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general

purpose and intent of the comprehensive plan;

- Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent: property, the character of the surrounding area or the public health, safety and general welfare;
- Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and
- Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

II. ADDITIONAL INFORMATION

- 1. Transportation Safety:** Merle Hay Road is an important, regionally significant arterial corridor that has been identified as a high-injury-network street in the recently approved City of Des Moines Vision Zero Transportation Safety Action Plan. Corridor access management is one of the most basic and effective tools the City has to improve transportation safety by controlling the number and type of conflict points between vehicle drivers, pedestrians, and bike riders in shared, public space.

According to the Iowa Statewide Urban Design and Specifications (SUDAS) and National Cooperative Highway Research Program (NCHRP Report 420), "the number of driveways per mile significantly affects the safety of a corridor. Crash rates increase very quickly as the number of access points increases on arterial roadways".

In 2023, the city completed the Merle Hay Road Corridor Study. The purpose of the study was to determine how to improve transportation, for all users, along the corridor. Below are the specific recommendations for the portion of Merle Hay Road adjacent to this site:

"The crash history along this section is also indicative of high access density. The east side of the north section is a mix of various commercial and retail uses, much of which is "shallow" single parcel strip development with access onto Merle Hay Road only. Many of these accesses can and should be consolidated as development occurs. In addition, as discussed in Section VI, a median and dedicated turn lanes along the north section will also reduce potential conflicts from turning movements. "

- 2. Site Access and Walkability:** The Merle Hay Corridor Study identified the need for improved pedestrian access and mobility as well as multi-modal connectivity and improvements to transit stops. There is currently no sidewalk along the Merle Hay frontage directly adjacent to the subject property. There is existing sidewalk along the adjoining properties to the north and south. A DART bus stop is located at the north end of the subject property along Merle Hay Road. As part of the City's Neighborhood Sidewalk Infill Program, the City is proposing to construct and pay for sidewalk to be installed on the east side of Merle Hay Road adjacent to this property to fill the gap in the sidewalk network. In coordination, the City is proposing to close the middle driveway as part of the scope of the City project. The new sidewalk further amplifies the need to close this driveway to minimize potential conflict points for pedestrians.

The site has two other access points along Merle Hay Road, as well as access to 57th Street to the east and cross-access to Douglas Avenue through the property to the south. The northernmost driveway is a signalized intersection allowing vehicle traffic to move in all directions. A raised median limits the southern two driveways to a right-in, right-out configuration. Because the middle driveway duplicates the turning movement of the southernmost driveway, its removal would not deter a driver from accessing the site. Removal of the middle driveway would improve safety for vehicles on Merle Hay Road and reduce conflict points for pedestrians. Additionally, this would allow for new parking spaces to be added in the front of the site, which has been identified as a need by the property owner.

SUMMARY OF DISCUSSION

Jillian Sommer presented staff report and recommendation.

Doug Saltsgaver, ERG, Inc., 2413 Grand Avenue, presented on behalf of the applicant and explained why the applicant wants to retain the middle of three (3) access points (driveways) along Merle Hay Road. He indicated that the drawings the City's Real Estate Division provided the applicant for sidewalks that the City is constructing in front of the property showed that the driveway would remain. He indicated that Mr. Eychaner has owned the property and surrounding properties for about 20 years and in that time has significantly reduced the number of drive approaches to the block from Merle Hay Road, Douglas Avenue, and 57th Street. The number of access points along Merle Hay Road has decreased from 8 to 3 since 2006. He also indicated that the majority of accidents on adjoining Merle Hay Road have occurred at the signalized intersection rather than the driveway that Staff is recommending be removed.

Chris Draper indicated that he views the property's three access points as one full access point and two "half" access points since the north and south access points are shared with the properties to the north and south.

Carol Maher stated that the recently adopted Vision Zero study shows that Merle Hay Road is a high-injury corridor and that every opportunity the City has to make it safer needs to be taken. Maher stated that while the current configuration of drive approaches might feel safe for motorists, it is not safe for bicyclists or pedestrians. Closing that curb cut is one of many things the City can do to improve safety.

Chris Draper asked if the section of Merle Hay Road north of Douglas Avenue is more safe than the section of Merle Hay Road south of Douglas Avenue.

Doug Saltsgaver indicated that the section of Merle Hay Road north of Douglas Avenue can have a concrete median whereas much of the section of Merle Hay Road south of Douglas Avenue does not. This driveway is right-in, right-out, which reduces accidents.

Carol Maher asked if curb stops will be added to the parking stall along Merle Hay Road.

Doug Saltsgaver indicated that a curb will be constructed.

Carol Maher asked if the drive through on the north end of the building is going to be removed.

Doug Saltsgaver indicated the drive through will be removed and replaced with parking stalls.

Carol Maher asked if any overhead utilities will be undergrounded.

Doug Saltsgaver indicated they will work with MidAmerican to see if it is feasible to underground utilities behind the building.

Justyn Lewis asked if there will be an economic impact of removing the driveway.

Doug Saltsgaver indicated that it would be hard to quantify, and also indicated businesses like to have parking spaces close to their business. He indicated that customers already have a hard time finding the entrance to the 2nd floor of the building.

Justyn Lewis indicated that when he visits the site, he uses the stop light at the north end of the site. He also said that when he rides his bike there, he has to be very alert and feels very risky and scary to ride his bike here. Thus, it makes sense to remove that driveway and replace it with parking spaces. Lastly, he asked the driveway is removed, what would be required to reconstruct it in the future.

Bert Drost indicated that if the driveway is removed, the Commission would need to grant a Type 2 Design Alternative in order for a future site plan to allow a new driveway here.

CHAIRPERSON OPENED THE PUBLIC HEARING

Rich Eychaner, 300 Walnut Street, clarified that a report prepared for the City by Bolten & Menk indicates that there are more accidents on Merle Hay Road south of Douglas Avenue than north of Douglas Avenue since there are many more drive approaches there. He indicated that there are 12 driveway entrances within 1,400 feet south of Douglas Avenue whereas there are 3 entrances within 700 feet north of Douglas Avenue. He also indicated that he has taken out 19 drive approaches from 57th Street, Douglas Avenue, and Merle Hay Road. He also indicated that he, along with Merle Hay Mall and Bankers Trust, worked together to construct the signalized intersection at the north end of the site. He also indicated that Bolton & Menk's study dated in March 2023 showed the subject driveway remaining open. He also indicated that in February 2023, the City said they would repave the driveway at such time that the City constructed a public sidewalk along Merle Hay Road. It was only when he submitted a Site Plan that the City asked for the driveway to be removed.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Chris Draper indicated that he doesn't believe the Bolton & Menk study or the City's plans to construct the sidewalk were a promise that the driveway can stay. However, taking away the entrance would harm the ability to access the building and use it in a meaningful way. The developer has already eliminated a number of driveways along Merle Hay Road for the parcel to the south.

Carolyn Jenison made a motion for approval of the Type 2 Design Alternative and the public hearing site plan.

Carol Maher indicated that she is opposed to granting the Type 2 Design Alternative and that if the removing the driveway won't change that the developer currently has a problem with customers finding the entrance to the second floor of the building.

Justyn Lewis stated that closing the curb cut would do a lot of good, especially if the City is constructing a sidewalk here.

Bert Drost indicated that the City's best opportunity to eliminate driveways is through the site plan process. In this instance, the building had a number of building permits that cumulatively exceed 50% of the building's value. That was what triggered the need for a Site Plan that requires compliance with the City's current standard of 1 driveway access point per 300 feet of street frontage.

Justyn Lewis expressed concern even if this driveway is removed, the City won't require other driveways along Merle Hay Road to be removed until those site require site plans.

Emily Webb indicated that she is against allowing the 3rd driveway since the City is investing in the sidewalk along this site and since it is safer for motorists to use the signalized intersection to access the site.

Leah Rudolphi said that the Commission hasn't been provided evidence that the driveway is needed for wayfinding on the site.

Carolyn Jenison's motion to approve the Site Plan as presented failed by a 4-5 vote, with Jenison, Draper, Garner, and Trower voting in favor and Webb, Maher, Lewis, Berkson, and Rudolphi voting in opposition.

COMMISSION ACTION:

Justyn Lewis made a motion for denial of the requested design alternative to allow retention of a 3rd access point along Merle Hay Road, and approval of the public hearing site plan, subject to the following conditions:

1. Compliance with all administrative review comments.
2. The Site Plan shall be revised to show the middle driveway removed.

Motion passed: 5-4

Respectfully submitted,

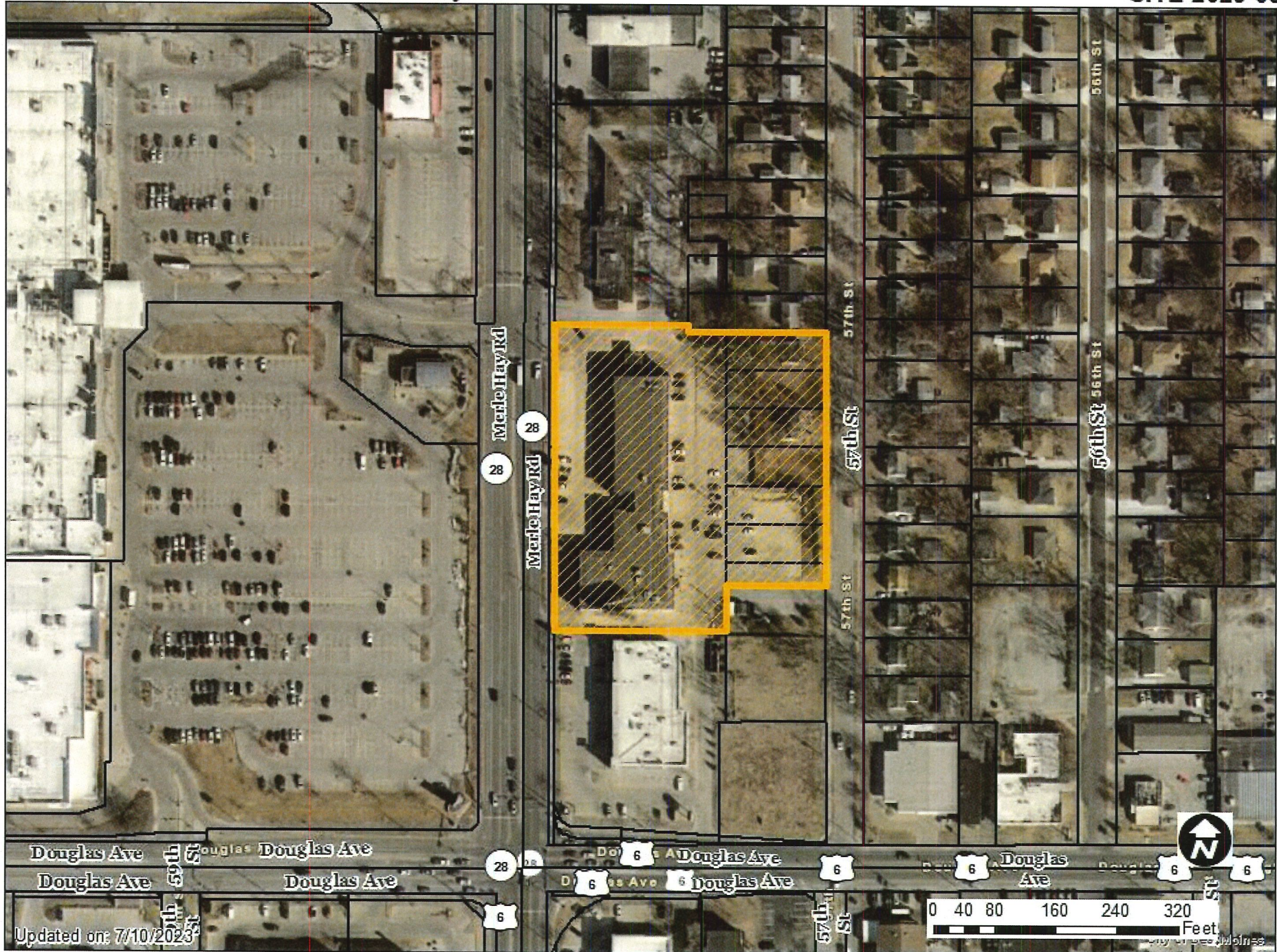


Bert Drost, AICP
Deputy Planning Administrator

BAD:tjh

Midwest Radio, Inc., 3839 Merle Hay Road

SITE-2023-00047



1 inch = 166 feet

NOTE:
 THE LOCATION OF ALL UTILITIES INDICATED ON THE PLANS ARE TAKEN FROM EXISTING PUBLIC RECORDS. THE EXACT LOCATION AND ELEVATION OF ALL PUBLIC UTILITIES MUST BE DETERMINED BY THE CONTRACTOR. IT SHALL BE THE DUTY OF THE CONTRACTOR TO ASCERTAIN WHETHER ANY ADDITIONAL FACILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT.

OWNER/DEVELOPER:
 MIDWEST RADIO INC.
 POB 1787
 DES MOINES, IA 50305
 RICH EXCHANGER
 515-252-0000

BUILDING TYPE: ZONING:
 STOREFRONT MX3

SHEET INDEX
 1 - GEOMETRIC PLAN
 2 - CONSTRUCTION PLAN
 3 - LANDSCAPING PLAN
 4 - LANDSCAPING PLAN
 5 - DETAIL SHEET

SITE ADDRESS:
 3839 MERLE HAY ROAD
USES:
 RETAIL BAR, FAST FOOD

CONSTRUCTION SCHEDULE:

ITEM	START	END
SITE DEMOLITION	06/23	10/23
PAVING	06/23	10/23
GRADING/PROVISION CONTROL	06/23	10/23
LANDSCAPING	06/23	10/23

BUILD-TO-ZONE
 PRIMARY FRONTAGE BUILD-TO-ZONE = 0-5'
 NON-PRIMARY FRONTAGE BUILD-TO-ZONE = 0-10'
 INTERIOR SIDE SET BACK = 10', 5' ABUTTING A DISTRICT THAT DOES NOT PERMIT A STOREFRONT BUILDING
 REAR SETBACK = 5'

FRONTAGE
 TOTAL LENGTH = 400.00'
 BUILDING FRONTAGE = 310.81 (78%)

CITY DES MOINES BENCHMARK:
 BENCHMARK ID #3321
 BRASS CAP ON WEST SIDE
 TRAFFIC SIGNAL BASE
 ELEVATION = 17.1560
 USDS = 845.00

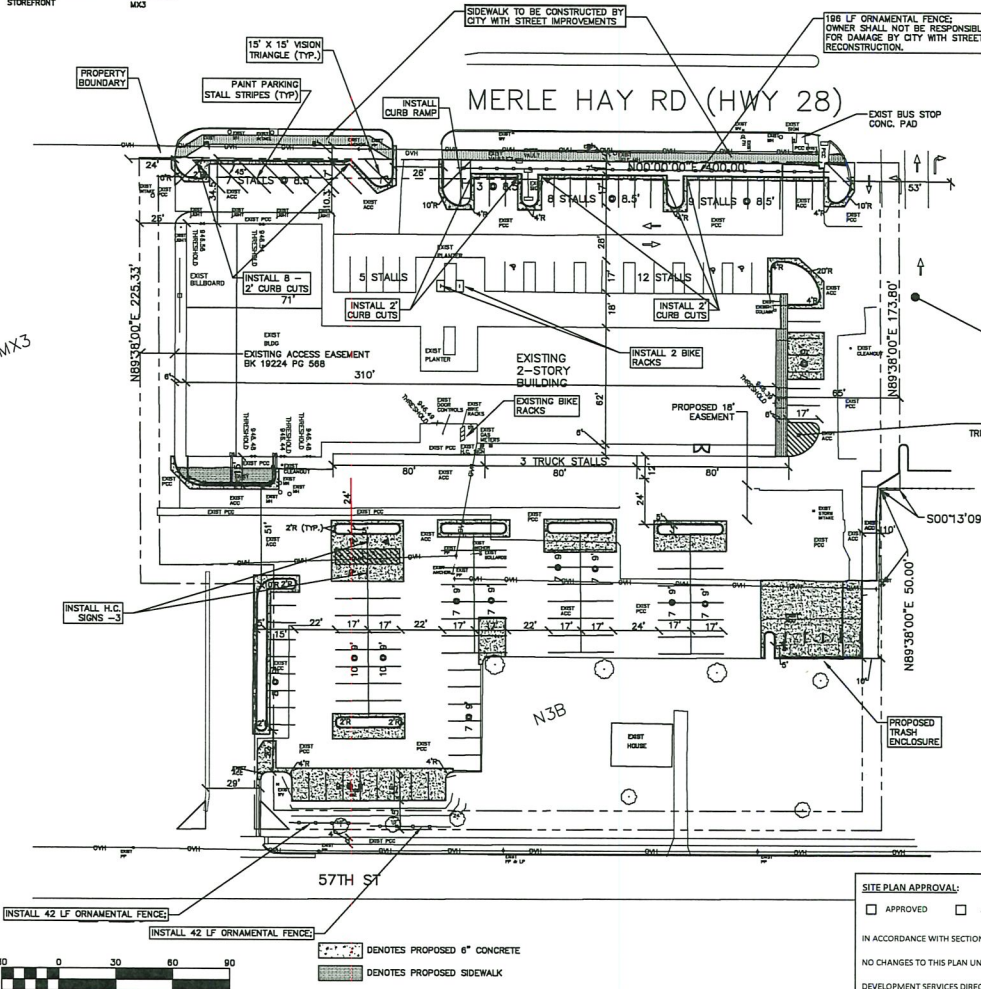
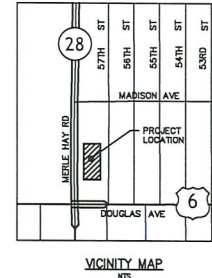
UTILITIES OWNERSHIP:

UTILITY	OWNER
STORM SEWERS	CITY OF DES MOINES
SANITARY SEWERS	CITY OF DES MOINES
DES MOINES WATER WORKS	DES MOINES WATER WORKS
WATER	WATER
NATURAL GAS	WATER
ELECTRIC	WATER
TELEPHONE	WATER
FIBER OPTIC	WATER

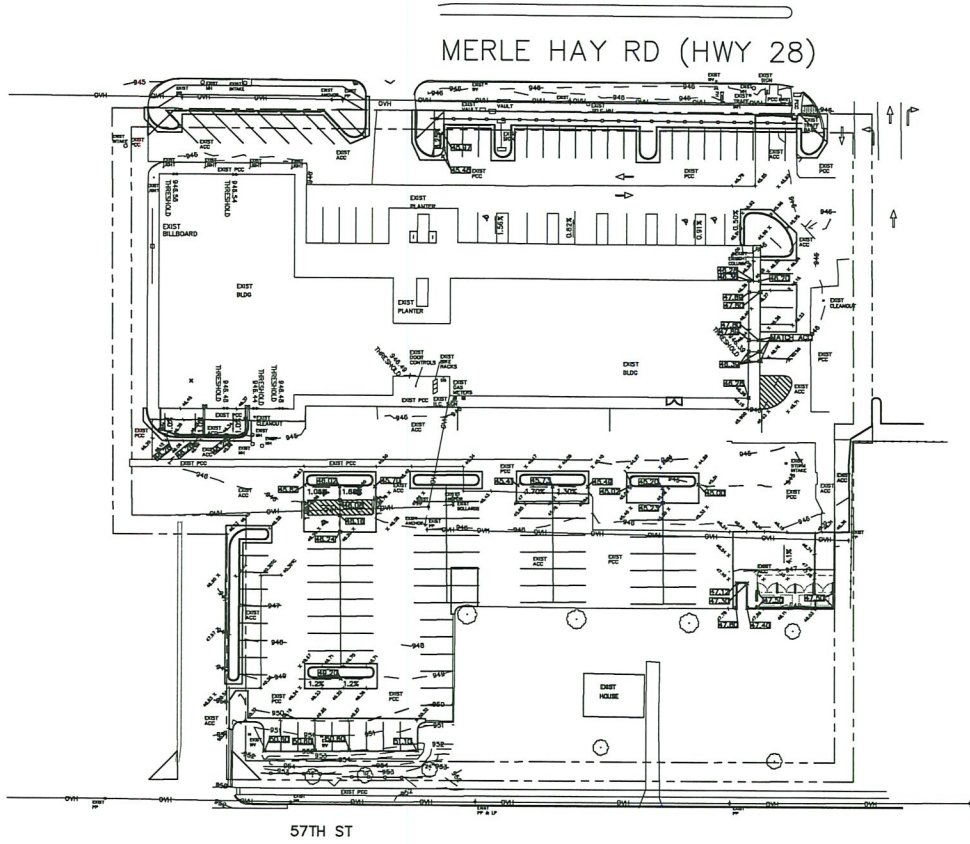
IMPERVIOUS SURFACE:
 SITE AREA = 132,421 SF
 EXISTING IMPERVIOUS AREA = 107,003 SF (81%)
 MAXIMUM IMPERVIOUS AREA (80%) = 105,937 SF
 PROPOSED IMPERVIOUS AREA = 107,210 SF (80%)
 BUILDING FOOTPRINT = 22,778 SF
 PAVEMENT & SIDEWALK = 84,437 SF

BIKE PARKING:
 REQUIRED:
 18,056 SF / 4,000 = 5 BIKE PARKING
 EATING & DRINKING:
 4,222 SF / 4,000 SF = 2 BIKE PARKING
 OFFICE:
 24,008 SF / 50,000 SF = 1 BIKE PARKING
 TOTAL REQUIRED = 8 BIKE PARKING
 PROVIDED:
 4 EXISTING BIKE RACKS (8 BIKES)

PARKING
 REQUIRED:
 OFFICE/RESTAURANT:
 1 PER 400 SF
 42,814 / 400 = 107
 EATING & DRINKING (1ST FLOOR)
 1 PER 150 SF
 4,222 / 150 = 28
 REQUIRED STALLS = 136
 PROVIDED:
 PROPOSED:
 137 (INCLUDING 6 ACCESSIBLE STALLS)



NOTE:
 THE LOCATION OF ALL UTILITIES INDICATED ON THE PLANS ARE TAKEN FROM EXISTING PUBLIC RECORDS. THE EXACT LOCATION AND ELEVATION OF ALL PUBLIC UTILITIES MUST BE OBTAINED BY THE CONTRACTOR. IT SHALL BE THE DUTY OF THE CONTRACTOR TO ASCERTAIN WHETHER ANY ADDITIONAL FACILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT.



GRADING NOTES:

1. REMOVE ALL EXISTING ORGANIC MATERIAL TO 6" MINIMUM DEPTH.
2. PROOF ROLL THE EXPOSED SUB GRADE.
3. NATIVE SOILS MAY BE REUSED FOR COMMON FILL AFTER THEY ARE SORTED TO REMOVE ALL CLESTERIOUS MATERIALS SUCH AS CONCRETE, BRICKS AND OTHER RUBBLE. DELETERIOUS MATERIALS SHALL BE REMOVED FROM THE PROJECT SITE. ALL EXCESS MATERIALS SHALL BE REMOVED FROM THE SITE BY THE CONTRACTOR.
4. ANY SOFT SPOTS DISCOVERED DURING PROOF ROLLING SHALL BE UNDERCUT AND RECOMPACTED.
5. ALL PAVEMENTS SHALL HAVE A MINIMUM OF 12" OF SELECT, COMPACTED MATERIAL OF CL OR M. CLASSIFICATION DIRECTLY BELOW THE BOTTOM OF SLAB.
6. FILL SHALL BE PLACED IN UNIFORM LIFTS HAVING A MAXIMUM LOOSE THICKNESS OF 9". COMPACTION BELOW SLABS AND PAVING AND WALKS SHALL BE AT LEAST 85% OF STANDARD PROCTOR (ASTM D-1555) MAXIMUM DRY DENSITY. COMPACT TO 90% AT OTHER LOCATIONS. MAINTAIN MOISTURE CONTENT OF CONTROLLED FILL ABOVE OPTIMUM DURING PLACEMENT AND COMPACTION.
7. THE ENTIRE SITE SHALL BE FINE GRADED WITH ELEVATION TOLERANCE OF 0.1 FOOT. OBSERVATION AND TESTING OF FILL OPERATION SHALL BE BY THE SOILS ENGINEER HIRED BY THE CONTRACTOR.
8. ALL PROPOSED SPOT ELEVATIONS ARE TO TOP OF PAVEMENT OR FINISH GRADE, UNLESS OTHERWISE NOTED.

P.C.C. PAVING:

1. ALL SUBGRADE UNDER SLAB TO BE COMPACTED TO 95% STANDARD PROCTOR DENSITY FOR A MINIMUM OF 24".
2. MOISTEN SUBGRADE PRIOR TO PLACING CONCRETE.
3. CONCRETE SHALL HAVE A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 4000 PSI.
4. AGGREGATE SHALL BE CLASS 3.
5. CONCRETE SURFACES SHALL BE BURLAP FINISH. CHECK SURFACE WITH TEMPLATE NO DEVIATION OVER 1/8" IN 10' IS PERMITTED. ALL CONCRETE SHALL SLOPE TO DRAIN.
6. ALL CONCRETE SHALL BE CURED WITH AN ASTM C209 TYPE 2, WATER BASED WHITE PIGMENTED CURING COMPOUND PER DOT SEC. 4105.
7. SAW CUT JOINTS AS SOON AS CONCRETE HAS SET ENOUGH TO PREVENT RAVELING AND PRIOR TO ANY GRADING.
8. SAW CUTS TO BE 1/8" TO 1/4" WIDE, DEPTH: LONGITUDINAL T/3, TRANSVERSE T/4.
9. LONGITUDINAL JOINT SPACING SHALL NOT BE GREATER THAN 12'. TRANSVERSE SPACING SHALL NOT BE GREATER THAN 15'. JOINT LAYOUT SHALL BE APPROVED BY THE ENGINEER.
10. BARS AT LONGITUDINAL JOINTS TO BE 1/2" X 30" DEFORMED AT 30" O.C.
11. ALL JOINTS SHALL BE FILLED.
12. THE CONTRACTOR TO BARRICADE SLAB FOR 14 DAYS AFTER PLACING.
13. ON SITE PAVING THICKNESS SHALL BE AS FOLLOWS: 4" SIDEWALKS, 6" DRIVEWAYS, AND PARKING STALLS, DRIVE PAVEMENT WITHIN R/W (CURE TO BACK OF WALK) SHALL BE 7" MIN. PERMETER SIDEWALK SHALL BE 6" MIN. EXCEPT WITHIN DRIVE PAVEMENT.
14. SUBMIT DESIGN MIX AS DESIGNED BY INDEPENDENT TESTING LABORATORY PRIOR TO PLACING ANY CONCRETE.
15. ALL WORK TO COMPLY WITH CURRENT ACI STANDARDS.
16. THE CONTRACTOR SHALL PAIN PARKING STALLS.
17. ALL DEBRIS SPILLED ON THE CITY STREETS OR ADJACENT PROPERTY SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR. NOTIFY CITY OF PROPOSED BORROW OR FILL SITE LOCATIONS AND HAUL ROUTES.



NO.		REVISION		DATE		BY		FOR		LOCATION:		SCALE:		DESIGNED BY:		DRAWN BY:		DATE:		FILE NO.:	
										3839 MERLE HAY ROAD - GRADING PLAN		AS NOTED		DUS		DUS		6/17/2023		23-007	
												23-007-001.dwg									
												FIELD BOOK									

ERG
 Engineering Resources Group, Inc.
 5415 GRAND AVENUE
 DES MOINES, IOWA 50312
 (515) 264-4828

NOTE:
 THE LOCATION OF ALL UTILITIES INDICATED ON THE PLANS ARE TAKEN FROM EXISTING PUBLIC RECORDS. THE EXACT LOCATION AND ELEVATION OF ALL PUBLIC UTILITIES MUST BE DETERMINED BY THE CONTRACTOR. IT SHALL BE THE DUTY OF THE CONTRACTOR TO ASCERTAIN WHETHER ANY ADDITIONAL FACILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT.

CONTACT THE MUNICIPAL FORESTRY DIVISION PRIOR TO PLANTING IN THE PUBLIC R.O.W. AT 515-283-4950
 ALL WIRE, TWINE AND BURLAP SHALL BE REMOVED FROM THE ROOTBALL OF STREET TREES PRIOR TO PLANTING.

NO STAKING OF TREES IS ALLOWED IN R/W.

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

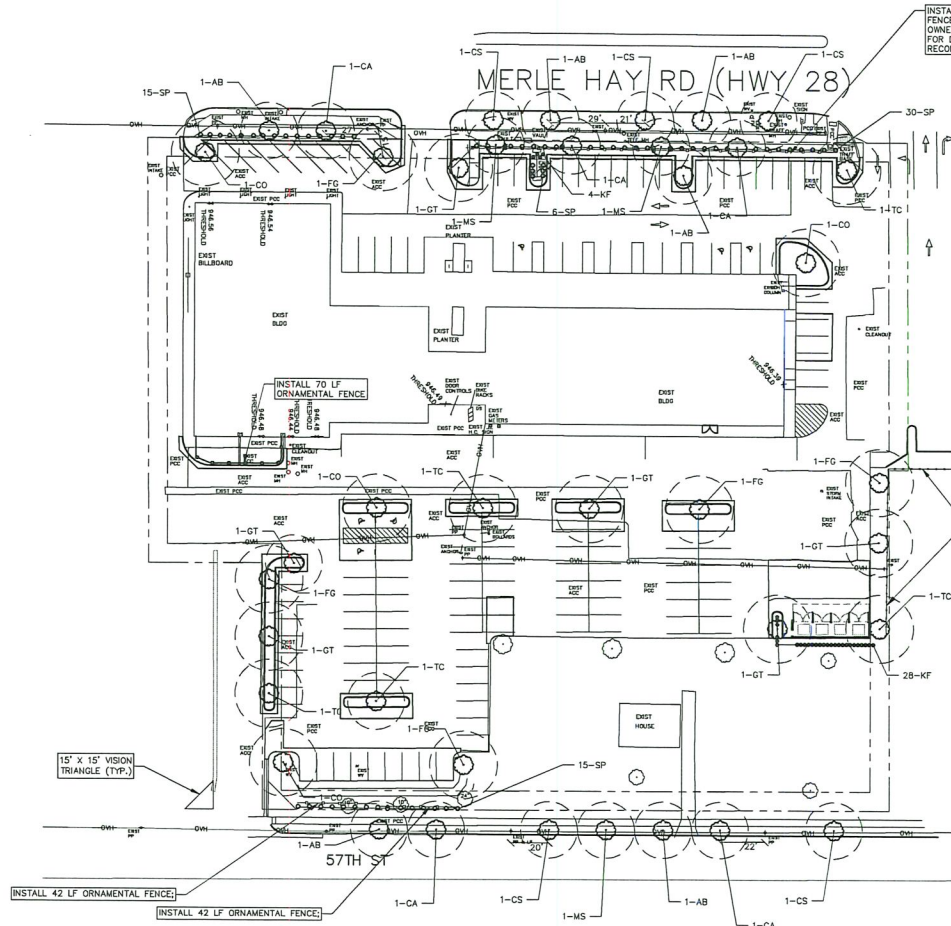
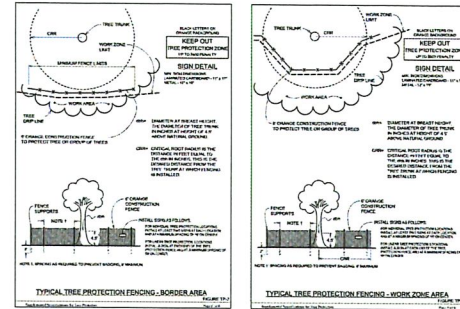
THE REQUIRED LANDSCAPING, BOTH EXISTING AND PROPOSED, SHALL BE MAINTAINED FOR THE LIFE OF THE CERTIFICATE OF OCCUPANCY.

ALL DISTURBED AREAS SHOULD BE RESTORED BY SEEDING OR SODDING.

ALL ROCK GROUNDCOVER ON SITE MUST BE REPLACED WITH HARDWOOD MULCH UNLESS OTHERWISE NOTED

PLANT SCHEDULE:

Code	Common Name	Botanical Name	Quantity	Min. Planting Size
CH	Hackberry	Celastrus scaber	4	1.5" cal. (H&B)
HO	Amurhobble	Illex glabra	5	1.5" cal. (H&B)
GT	Flowering Hawthorn	Crataegus floribunda	5	1.5" cal. (H&B)
TC	Little Leaf Linden	Tilia cordata	5	1.5" cal. (H&B)
AB	Redbud	Amorpha fruticosa	6	1.5" cal. (H&B)
CA	Prunella	Prunella americana	5	1.5" cal. (H&B)
CS	Flowering Quince	Chaenactis speciosa	5	1.5" cal. (H&B)
MS	Flowering Quince	Chaenactis speciosa	3	1.5" cal. (H&B)
SP	Spirea	Spirea japonica	10	3 gal. in
KF	Yarrow	Galium aparine	31	3 gal. in



LANDSCAPE REQUIREMENTS (MAX)

STREET TREES
 1 TREE / 30 LF
 MERLE HAY RD (WEST)
 327 LF / 30 LF = 11
 57TH ST (EAST)
 326 LF / 30 LF = 11

TOTAL REQUIRED STREET TREES = 22 TREES REQUIRED
 (STREET TREES TO BE UTILITY COMPATIBLE)

FENCE FRONTAGE BUFFER:
 BUFFER = 280 LF
 1 SHADE TREE / 40 LF
 7 SHADE TREES REQUIRED
 (FENCE FRONTAGE TREES TO BE UTILITY COMPATIBLE)

ISLAND TREES
 1 TREE / ISLAND
 13 TREES REQUIRED

FIVE-SPACE BULE
 1 SHADE TREE / 5 PARKING SPACES
 13 SHADE TREES REQUIRED

BUFFERYARD (NORTH)
 LENGTH = 130 LF
 2 SHADE TREES & 6 ORNAMENTAL TREES / 100 LF
 2 X 1.3 = 3 SHADE TREES
 6 X 1.3 = 8 ORNAMENTAL TREES

SITE TREES
 SITE AREA = 132,421 SF
 15% CANOPY = 19,863 SF

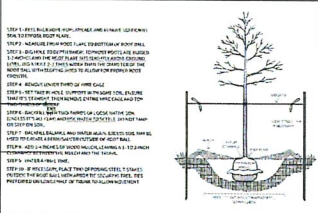
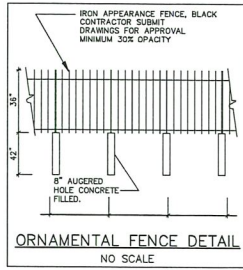
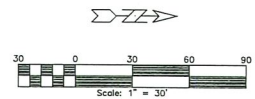
14 SHADE TREES X 1,000 SF = 14,000 SF
 18 UNDERSTORY TREES X 700 SF = 12,600 SF
 6 EXISTING ≥ 10" X 300 SF = 1,800 SF
 TOTAL CANOPY = 28,400 SF

PARKING LOT CANOPY
 INTERIOR PARKING LOT AREA = 21,782 SF
 30% REQUIRED CANOPY = 6,535 SF

17 SHADE TREES X 1,000 SF = 17,000 SF
 4 UNDERSTORY TREES X 700 SF = 2,800 SF
 6 EXISTING ≥ 10" X 300 SF = 1,800 SF
 TOTAL PROVIDED PARKING CANOPY = 21,600 SF

PLANTS REQUIRED
 = 33 SHADE TREES

PLANTS PROVIDED
 = 21 SHADE TREES
 = 11 UTILITY COMPATIBLE TREES
 = 69 SHRUBS
 = 31 ORNAMENTAL GRASSES



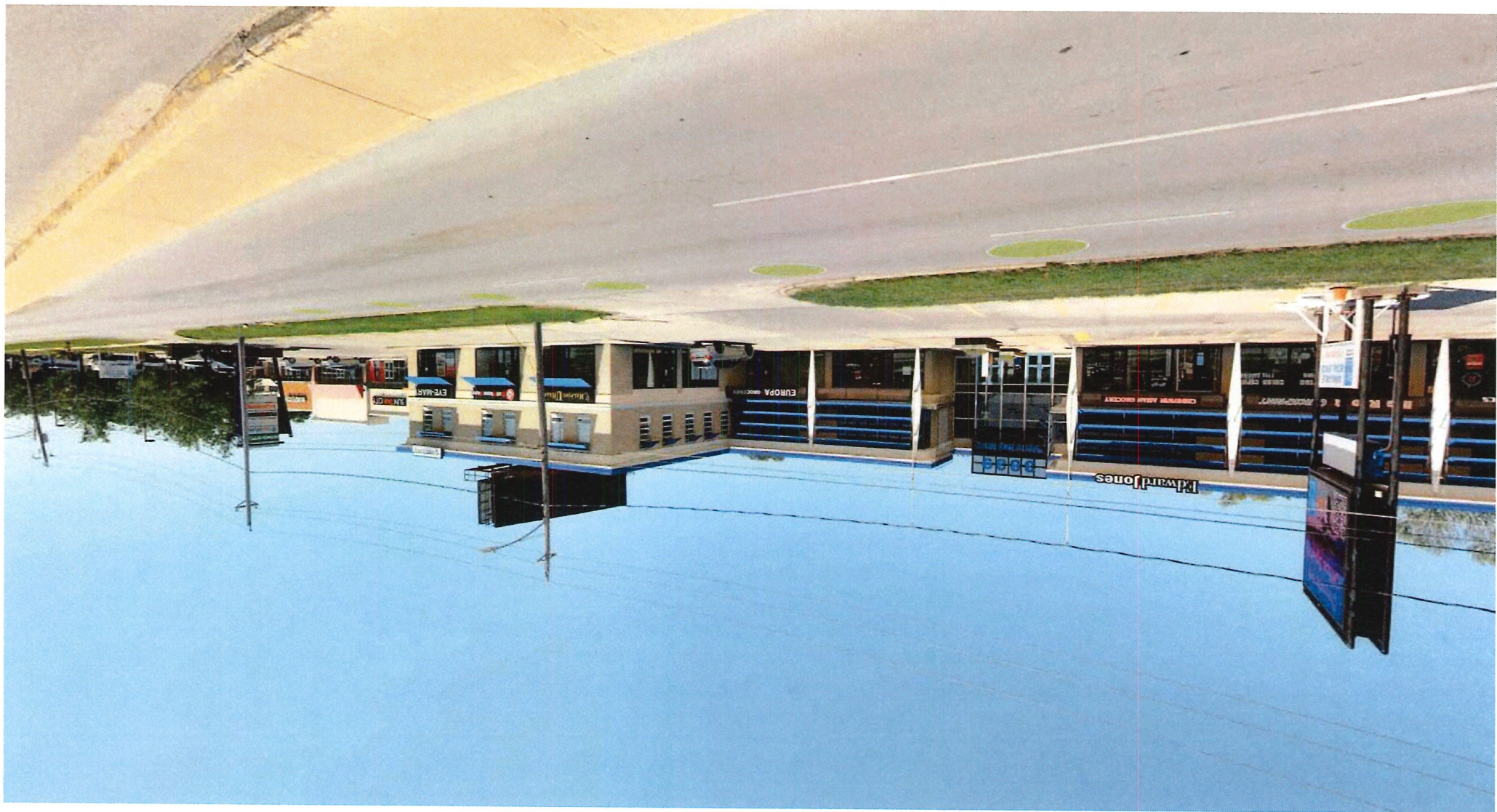
I HEREBY CERTIFY THAT THE PLANTING PORTION OF THIS TECHNICAL SUBMISSION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A CERTIFIED NURSERY PROFESSIONAL UNDER THE LAWS OF THE STATE OF IOWA
 SHEETS COVERED: THIS SHEET ONLY
 SIGNED: *Debra L. Regenrath* DATE: 05/13/2023
 DEBRA L. REGENRATH

3839 MERLE HAY ROAD - LANDSCAPING PLAN

NO. _____ REVISION _____ DATE _____ FOR _____
 SCALE: AS NOTED DESIGNED BY: DUS DRAWN BY: BKH
 DWS: 23-007-LID.dwg CHECKED BY: _____ DATE: 6/7/2023
 FILE NO.: 23-007
 SHEET 4 OF 5
 PREP ROOM: _____















Sommer, Jillian L.

From: Hall, Tyler J.
Sent: Monday, July 17, 2023 12:47 PM
To: Sommer, Jillian L.
Subject: FW: Plan and Zoning Commission

From: christopherjanson@gmail.com <christopherjanson@gmail.com>
Sent: Monday, July 17, 2023 12:23 PM
To: Hall, Tyler J. <TJHall@dmgov.org>
Cc: 'April' <hawkifan87@yahoo.com>; 'Kathy Battles' <kmbattles@msn.com>; 'Peggy Warrick' <cpwarrick@msn.com>; 'Carol Woodruff' <cl.woodruff@mchsi.com>; 'Jolene Christensen' <tjchristensen08@gmail.com>; 'Saundra Miller' <smiller@bankerstrust.com>; 'Jason Pulliam' <jason.pulliam@gmail.com>; 'April Beck' <abeck@shazam.net>
Subject: RE: Plan and Zoning Commission

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Tyler,

The Merle Hay Neighborhood Board of Directors has reviewed the Staff Report for 3839 Merle Hay Roads/Midwest Radio's requested design alternative to allow three driveways on Merle Hay Road. Our Board discussed the request. A majority of the Board concurs with Staff's Recommendation(s) as listed in the Staff Report and quoted below:

III. STAFF RECOMMENDATION

Staff recommends denial of the requested design alternative to allow three driveways along Merle Hay Road. Staff recommends approval of site plan subject to the following conditions:

- 1. Compliance with all administrative review comments.*
- 2. The plans shall be revised to show the middle driveway removed.*

Please pass this communication of our Board's support for Staff Recommendations and denial onto the Plan and Zoning Commission for their 7/20/2023 meeting.

Thanks!

Chris Janson
At-Large Member
Merle Hay Board of Directors

From: April <hawkifan87@yahoo.com>
Sent: Friday, July 14, 2023 5:58 PM
To: Kathy Battles <kmbattles@msn.com>; Peggy Warrick <cpwarrick@msn.com>; Carol Woodruff <cl.woodruff@mchsi.com>; Christopher Janson <christopherjanson@gmail.com>; Jolene Christensen <tjchristensen08@gmail.com>; Saundra Miller <smiller@bankerstrust.com>; Jason Pulliam <jason.pulliam@gmail.com>;

April Beck <abeck@shazam.net>
Cc: April Beck <hawkifan87@yahoo.com>
Subject: Fw: Plan and Zoning Commission

[Sent from Yahoo Mail on Android](#)

222Ktw|fwljiRjxxflj222
Kwr?MfqY~qjwO3AYOMf@ir lt{3wC
Hh?
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Hello,

Please find the attached final and preliminary agenda for the upcoming Plan and Zoning Commission Meetings.

Thank you,

TYLER HALL | CITY OF DES MOINES

Development Services Tech. | Development Services

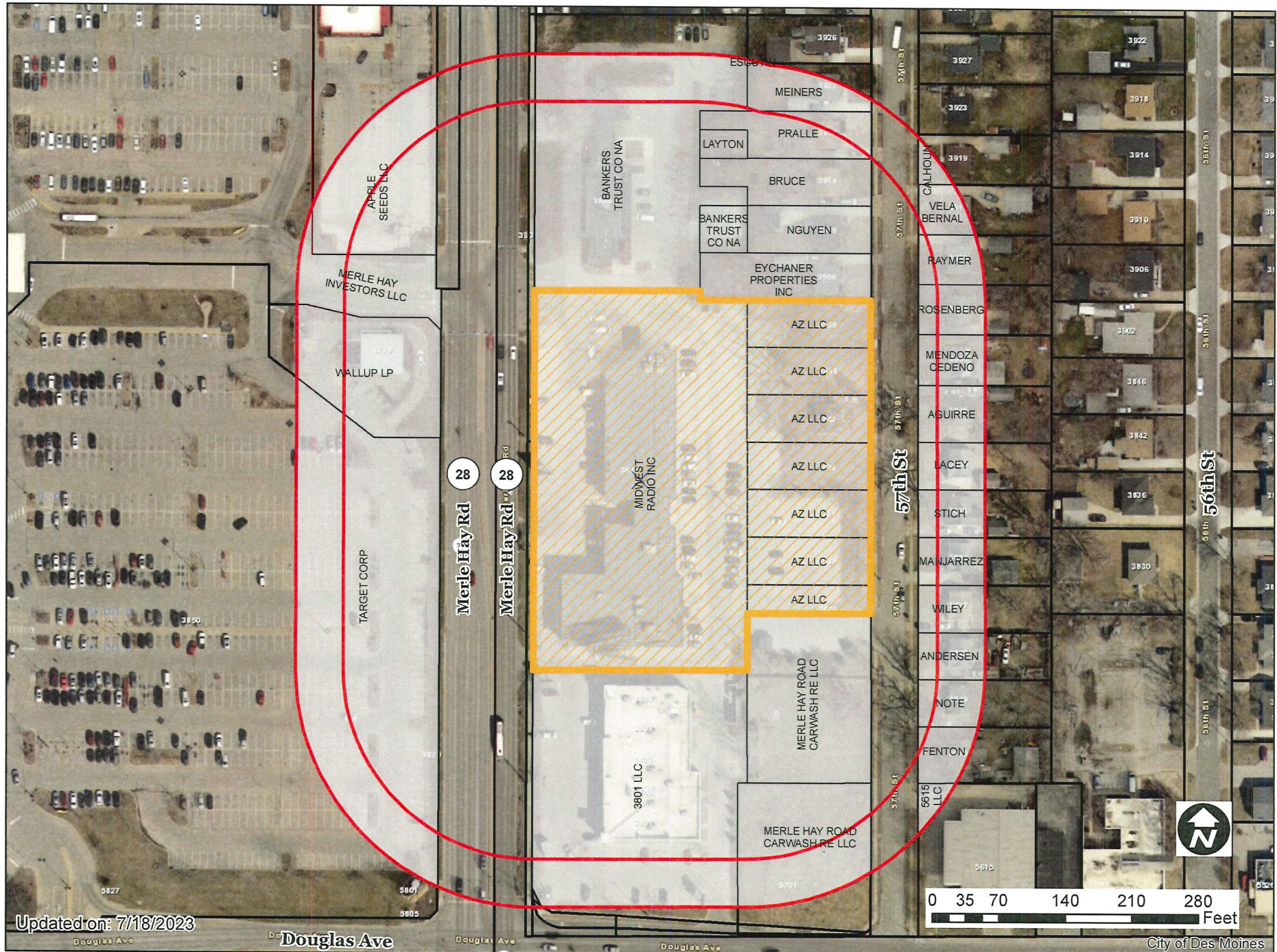
(515) 237-1301

DSM.city | 602 Robert D. Ray Drive | Des Moines, Iowa 50309



Midwest Radio, Inc., 3839 Merle Hay Road

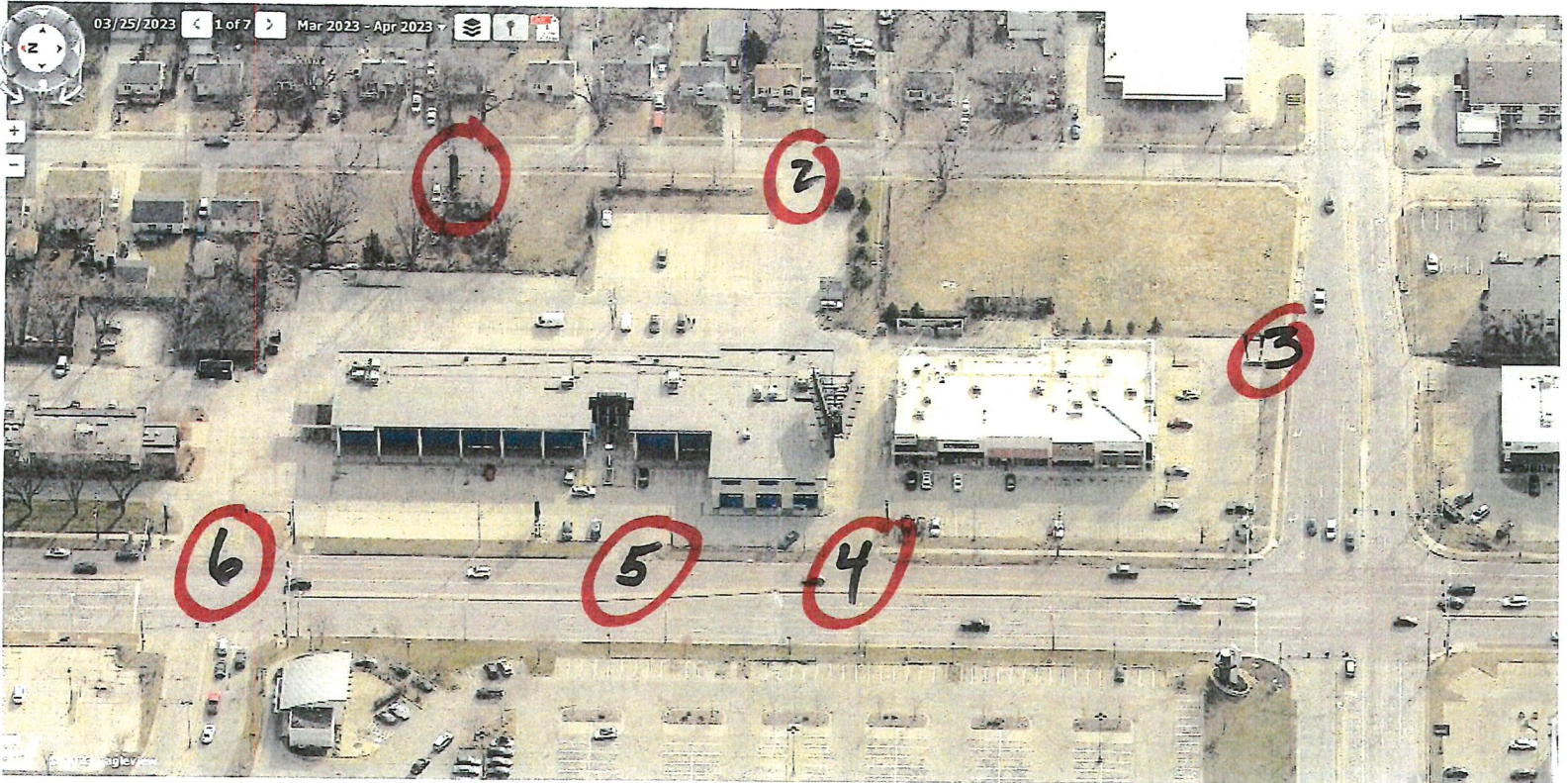
SITE-2023-000047



Updated on: 7/18/2023

1 inch = 133 feet



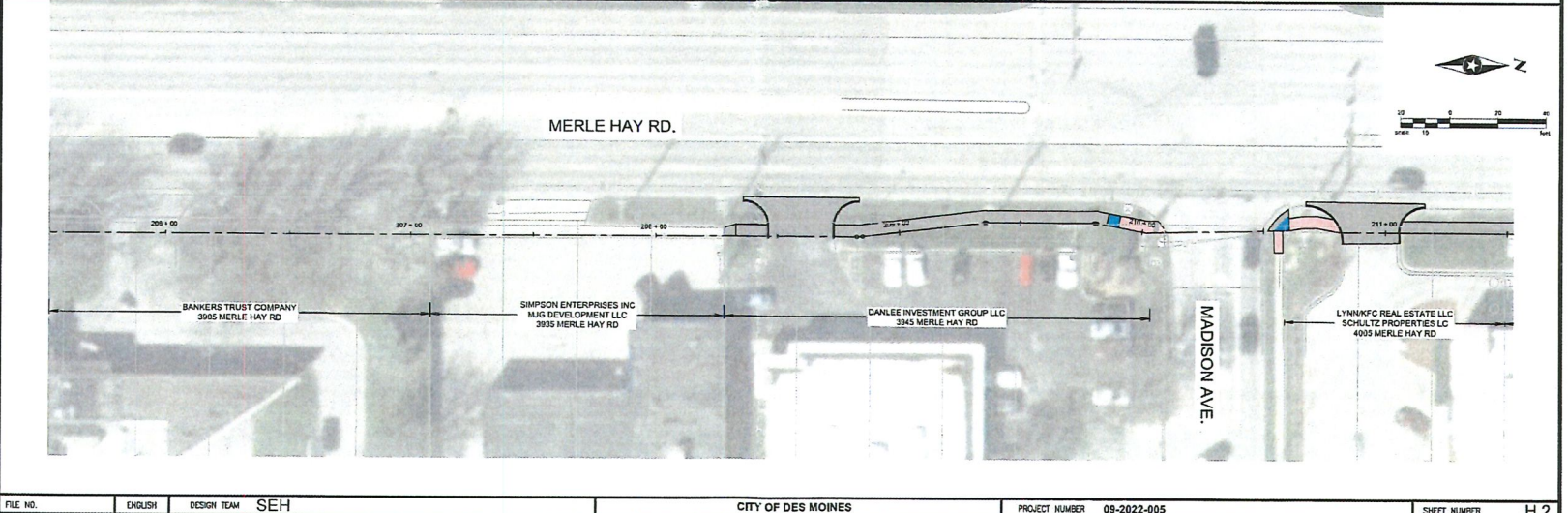
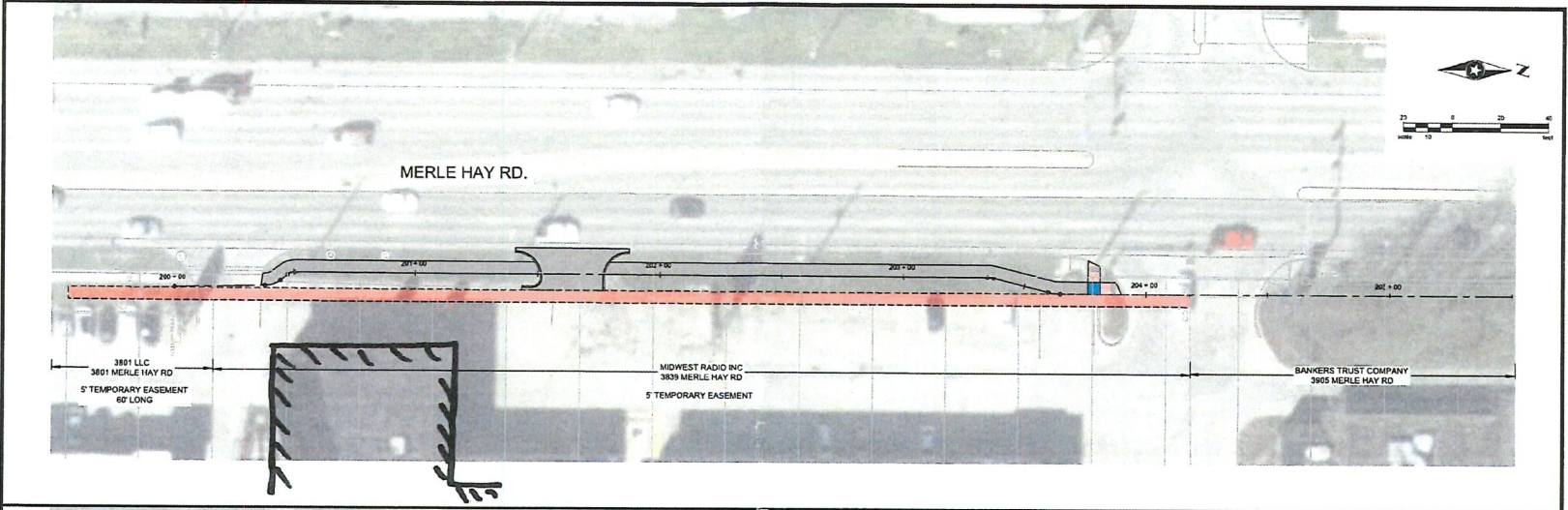


inputID

5/3/23, 7:38 PM

The map interface displays a vertical road corridor with several features:

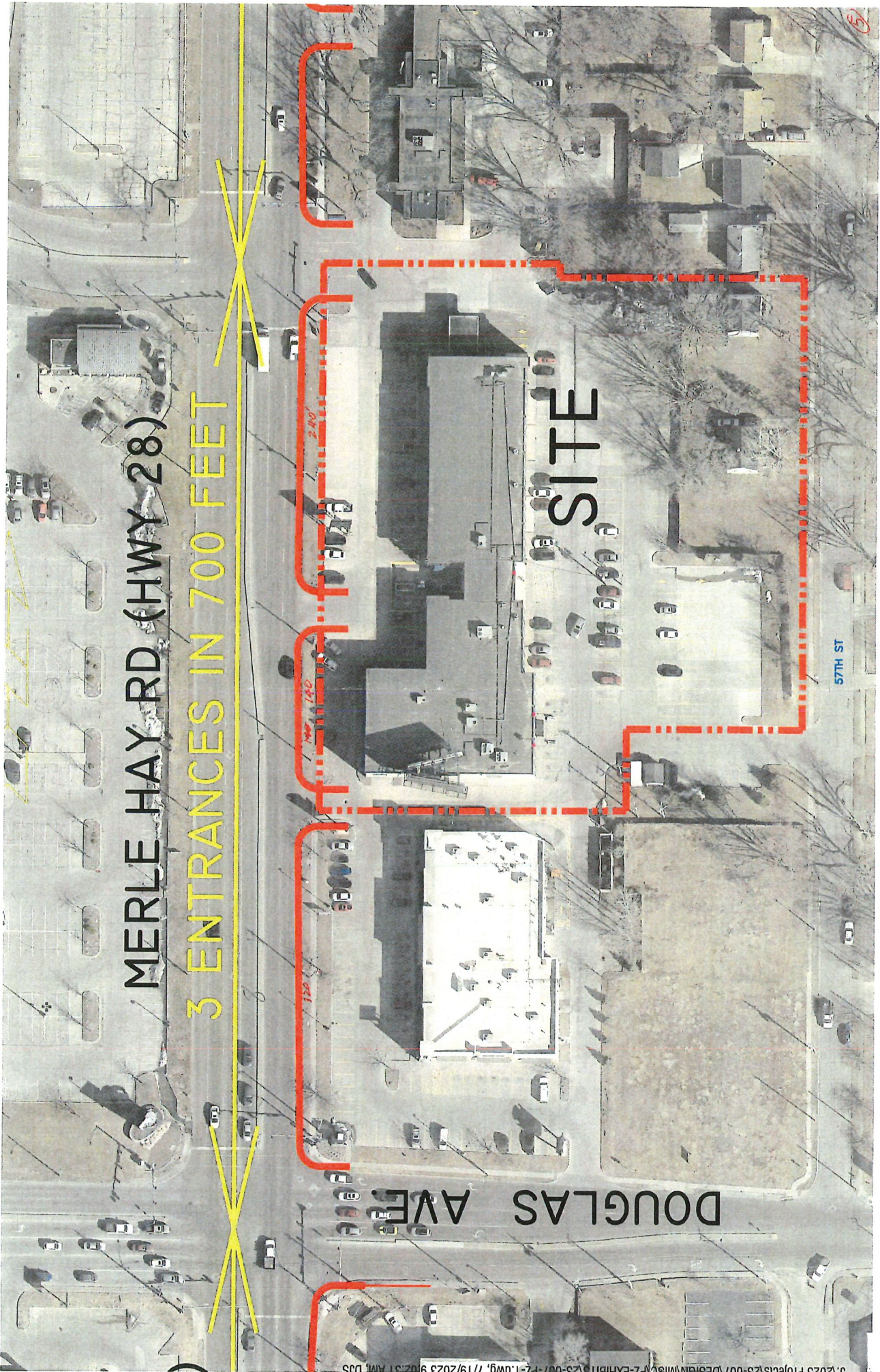
- Navigation Tools:** A vertical toolbar on the left includes a globe icon, zoom in (+) and zoom out (-) buttons, a home icon, a location pin icon, and a menu icon (three horizontal lines).
- Map Content:** A central road corridor is shown with lane markings and traffic lights. To the right, there are black-outlined shapes representing buildings. Orange triangles with exclamation marks are placed at the intersection points. A red horizontal line is drawn across the top of the map.
- Legend:** A legend on the right side lists:
 - Proposed Improvements
 - Alt Roundabout Concept
 - Existing Conditions
 - Legend
 - Help
- Text Labels:**
 - Top left: [\(https://www.dsm.city/\)](https://www.dsm.city/)
 - Top middle: <mailto:?subject=Merle Hay Road Corridor Study INPUTID&body=Share your input on the Merle Hay Road Corridor Study%0D%0Ahttps://gis.bolton-menk.com/inputid/?app=merlehay>
 - Top right: <https://www.bolton-menk.com> Merle Hay
 - Bottom left: FROUGLAS AVE
 - Bottom right: Aerial



Drawn: 09/20/2023 4:42 PM File Path: \\s:\projects\09-2022-005\09-2022-005\09-2022-005.dwg Plot Date: 09/20/2023 4:42 PM Plot Scale: 1"=40'

FILE NO.	ENGLISH	DESIGN TEAM	SEH	CITY OF DES MOINES	PROJECT NUMBER	09-2022-005	SHEET NUMBER	H.2
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①



MERLE HAY RD (HWY 28)

3 ENTRANCES IN 700 FEET

DOUGLAS AVE

SITE

57TH ST

5



MERLE HAY RD (HWY 28)

12 ENTRANCES IN 1,400 FEET

DOUGLAS AVE

12

26

From: [Doug Saltgaver](#)
To: [Sommer, Jillian L.](#)
Cc: [Rich Eychaner](#); [Andy Burton](#)
Subject: 3839 MHR
Date: Friday, July 21, 2023 1:28:51 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jillian,

Since we were not successful at P&Z last night for the Type 2 Design Alternative to keep the existing middle driveway entrance on Merle Hay Road, we ask the item be place on the City Council agenda for an appeal of the P&Z outcome.

Please let us know the date the council will set the hearing and what date the hearing will be.

Thank you.

Doug Saltgaver, PE
Engineering Resource Group, Inc.
2413 Grand Avenue
Des Moines, IA 50312
515-288-4823
doug@ergcorp.com