



Roll Call Number

15-1391

Agenda Item Number

Ex. 1

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:



Roll Call Number

15-1391

Agenda Item Number

EX. 1

Date August 10, 2015

-2-

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 Hensley to adopt.

FORM APPROVED:

Glenna K. Frank

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	7			

MOTION CARRIED

APPROVED

T. M. Franklin
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.

Diane Rauh

City Clerk