



Roll Call Number

23-11087

Agenda Item Number

13

Date December 4, 2023

RESOLUTION SETTING HEARING ON APPEAL OF BRADLEY & BELINDA MC ANINCH (OWNER), REPRESENTED BY BRADLEY MC ANINCH (OFFICER), ON A DENIAL OF TYPE 2 DESIGN ALTERNATIVES FOR A PUBLIC HEARING SITE PLAN FOR PROPERTY LOCATED AT 4700 SOUTHEAST 14TH STREET

WHEREAS, at a public hearing held on November 16, 2023, the City Plan and Zoning Commission considered a request from Bradley & Belinda Mc Aninch (owner), represented by Bradley Mc Aninch (officer), for approval of the Site Plan for Type 2 Design Alternatives waiving the requirements for installation of a Priority 1 Sidewalk along East Herold Avenue set forth in Municipal Code Section 135-8.5.2 and requirements of building transparency set forth in Municipal Code Section 135-2.5-D.18 as shown in the Site Plan submitted for the property located at 4700 Southeast 14th Street; and

WHEREAS, pursuant to Section 135-8.5.2 of the Municipal Code, sidewalks are required as identified in the City’s Transportation Master Plan; and

WHEREAS, in its Site Plan, Bradley & Belinda Mc Aninch proposed for no sidewalk installation along East Herold Avenue, where sidewalk installation is required with a Priority 1 Sidewalk designation under the City’s Transportation Master Plan; and

WHEREAS, pursuant to Section 135-2.5-D.18 of the Municipal Code, requires a minimum of 60% transparency of a primary frontage ground story measured between 2 feet and 8 feet above grade on the primary façade; and

WHEREAS, in its Site Plan, Bradley & Belinda Mc Aninch proposed for waiver of the requirement of 60% transparency between 2 and 8 feet above grade on the primary façade; and

WHEREAS, the Plan and Zoning Commission voted 9-0-1 for **DENIAL** of the requested Type 2 Design Alternatives A and B and **APPROVAL** of the requested Type 2 Design Alternatives C through F, in which the Commission denied the request to waive or modify said ordinance requirements to allow for no sidewalk installation along East Herold Avenue and the requirement of 60% transparency between 2 and 8 feet above grade on the primary façade; and

WHEREAS, Bradley & Belinda Mc Aninch have 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 alternatives to the Site Plan waiving the requirements for installation of a Priority 1 Sidewalk along East Herold Avenue set forth in Municipal Code Section 135-8.5.2 and requirements of building transparency set forth in Municipal Code Section 135-2.5-D.18.



Roll Call Number

23-1687

Agenda Item Number

13

Date December 4, 2023

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 Bradley & Belinda Mc Aninch at a public hearing in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 5:00 p.m. on December 18, 2023 at which time the City Council will hear both those who oppose and those who favor the proposal.
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 Gatto TO ADOPT.

SECOND BY Voss

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill, Assistant City Attorney

(SITE-2023-000101)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, MANDELBAUM, VOSS, WESTERGAARD, and 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

Signature of Connie Boeser, Mayor Pro Tem

Signature of Laura Baumgartner, City Clerk