



Roll Call Number

23-1084

Agenda Item Number

26

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.

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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 Boesen

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	6			1

MOTION CARRIED

APPROVED

J. M. Frankhu Cowrie
Mayor

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.

Laura Baumgartner

City Clerk