★**Roll Call Number**

Agenda Item Number 20

April 24, 2006

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 6, 2006, its members voted 12-2 in support of a motion to recommend **APPROVAL** of a request from KN Butler, LLC (owner) represented by Liz Newell and John Kragie to amend the Butler Mansion PUD Conceptual Plan for property located at 2633 Fleur Drive to allow construction of a building addition and off-street parking to the existing mansion used for commercial offices, subject to the following conditions:

1. Review and approval of the building addition by the City's Landmark Review Board.
2. The following modifications are made to the PUD Concept Plan:
   a) Conversion of the landscaping legend to identify plant types rather than species.
   b) Revise the name of the document to "Butler Mansion PUD Concept Plan".
   c) Provision of landscaping in accordance with the City of Des Moines' Landscape Standards as applicable to the "C-2" District.
3. Consideration for permeable paved areas.
4. Incorporating additional landscaping.
5. Applicant agree to waive any objection to an assessment for sidewalk improvement project at any time in the future - requires a project be done through an assessment method.
6. Lighting be redirected to not provide any direct lighting onto the adjoining property.

WHEREAS, the subject property is more specifically described as follows: Lots 3 and 4, Butler Place, an Official Plat, Des Moines, Polk County, Iowa; and,

WHEREAS, the Butler Mansion is a locally designated Landmark, and a Certificate of Appropriateness is must be obtained from the City prior to any exterior alteration of the property.

(*continued*)

★ **Roll Call Number**

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Agenda Item Number 20

Date April 24, 2006

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

1. That the meeting of the City Council at which the proposed amendment to the Butler Mansion PUD Conceptual Plan and the issuance of a Certificate of Appropriateness for the proposed exterior alterations to the property are to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on May 8, 2006, at which time the City Council will hear both those who oppose and those who favor the proposal.

2. That the City Clerk is hereby authorized and directed to cause notice of said proposals in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown
Assistant City Attorney

(ZON2006-00029)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

_____ 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.

_____ City Clerk

April 24, 2006

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held April 6, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-2 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp		X		
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz	X			
Kaye Lozier	X			
Brian Meyer	X			
Brian Millard				X
Brook Rosenberg		X		
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			

CITY OF DES MOINES

CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 –1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

APPROVAL of a request from KN Butler, LLC (owner) represented by Liz Newell and John Kragie to amend the Butler Mansion PUD Conceptual Plan for property located at 2633 Fleur Drive to allow construction of a building addition and off-street parking to the existing mansion used for commercial offices, subject to the following conditions: (ZON2006-00029)

1. Review and approval of the building addition by the City's Landmark Review Board.
2. The following modifications are made to the PUD Concept Plan:
   a) Conversion of the landscaping legend to identify plant types rather than species.
   b) Revise the name of the document to "Butler Mansion PUD Concept Plan".
   c) Provision of landscaping in accordance with the City of Des Moines' Landscape Standards as applicable to the "C-2" District.
3. Consideration for permeable paved areas.
4. Incorporating additional landscaping.
5. Applicant agree to waive any objection to an assessment for sidewalk improvement project at any time in the future - requires a project be done through an assessment method.
6. Lighting be redirected to not provide any direct lighting onto the adjoining property.

Written Responses
2 In Favor
0 In Opposition

This item would not require a 6/7 vote by City Council.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval requested PUD Conceptual Plan amendment subject to the following conditions:

1. Review and approval of the building addition by the City's Landmark Review Board.

2. The following modifications are made to the PUD Concept Plan:

   a) Conversion of the landscaping legend to identify plant types rather than species.

   b) Revise the name of the document to "Butler Mansion PUD Concept Plan".

   c) Provision of landscaping in accordance with the City of Des Moines' Landscape Standards as applicable to the "C-2" District.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed amendment to the Butler Mansion "PUD" Concept Plan would allow for construction of a 2-story addition onto the north side of the existing structure and expansion of parking on the site for a net gain of 38 off-street parking stalls. The proposed addition would connect two previous building additions to form a courtyard. The City's Landmark Review Board must also approve the proposed building addition since the Butler Mansion is designated as a Local Landmark.

2. **Size of Site:** 7.07 acres.

3. **Existing Zoning (site):** "PUD" Planned Unit Development.

4. **Existing Land Use (site):** The subject property contains the Butler Mansion, which was constructed as a single-family residence in 1934 with Art Deco architecture. The mansion has since been converted to a commercial use, with existing building additions on the west and north sides of the original mansion that contain additional office space. The site currently includes off-street parking for 115 vehicles.

5. **Adjacent Land Use and Zoning:**

   North –"C-0"; Uses include offices for the Open Bible Standard Churches and Central Division of the Open Bible Standard Churches.

   South – "C-0"; Uses include the Rollins Mansion and the Druid Hills townhomes.

   East – "PUD", Uses include Casady Drive and the 2-story Casady Apartments.

   West – "R-3"; Uses include Fleur Drive and the American Institute of Business (AIB) campus.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the east side of Fleur Drive just south of Bell Avenue. The corridor includes a mix of commercial and residential uses. The subject property adjoins the historic Rollins Mansion, which has been converted to a commercial use. The AIB campus is located directly across Fleur Drive to the west.

7. **Applicable Recognized Neighborhood(s):** Greater Southside Neighborhood Association.

8. **Relevant Zoning History:** The original PUD Concept Plan for the site was adopted in 1988 as the "Norse PUD". This PUD Concept Plan was amended in 1993 to allow construction of a 2-story addition on the north side of the original structure. At that time, the name of the PUD was changed to the "Butler Mansion PUD".

9. **2020 Community Character Land Use Plan Designation:** Low-Density Residential.

10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council. Section 134-700 of the Des Moines City Code specifies that major changes to a conceptual plan must be resubmitted in the same manner as the original conceptual plan.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The subject property is on a bluff overlooking the Raccoon River floodplain. The site slopes downward on the east portion of the subject property. Due to the change in elevation, the proposed building addition and parking lot are not generally in view from the north, east, or south. In addition, the existing building and an existing landscaped berm would screen the proposed addition from Fleur Drive.

2. **Drainage/Grading:** It appears that the portion of the site designated for the parking lot expansion would have to be graded. Such grading would be subject to a grading permit issued after a Development Site Plan is approved for the site.

3. **Landscaping & Buffering:** Staff believes that the Des Moines Landscape Standards applicable to the "C-2" District would provide a solid basis for a minimum level of landscaping to be expected from this PUD. This would require additional landscaping around the perimeter of the existing and proposed parking lot, as the Landscape Standards would require one overstory tree and three shrubs per 50 lineal feet of paved parking area. Staff believes that such landscaping and the sloping topography would adequately screen the parking lot from the adjoining property.

   The planting legend on the Concept Plan should be converted to conceptual types of landscaping rather than the specific planting species that is only required for the Development Plan.

4. **Traffic/Street System:** The proposed amendment does not alter the property's access driveway from Fleur Drive.

5. **Access or Parking:** The proposed amendment would allow for reconfiguration and expansion of the existing parking lot. The proposed amendment would increase the number of parking stalls on the site from 115 to 153, for a cumulative gain of 38 parking stalls.

6. **Urban Design:** The architecture proposed for the addition reflects that of the existing structure. Only the north and west facades of the proposed addition would be exposed, as the

south and east sides of the addition would adjoin the existing structure. According to the elevations, the addition would be sided with precast concrete panels painted to match the existing structure.

7. **Additional Information:** The submitted PUD Concept Plan is titled "Development Site Plan". This should be revised to state "Butler Mansion PUD Concept Plan". Review and approval of the actual Development Site Plan can only occur upon approval of the amended PUD Concept Plan.

SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation. Noted the subject structure was a local landmark and would have to be reviewed by the City's Landmark Review Board. Asked that questions be directed to the architect regarding design of the project. Noted the request would be subject to staff review of a development plan.

Mike Kastner, Architects Wells Kastner Schipper, 3716 Ingersoll Avenue: Presented the proposed plan. Indicated they will lose five parking spaces and one tree on the north side, but will have a net increase of 36 parking spaces throughout the site by expansion of the existing lots for a total of 153. Noted the design was done from a historic standpoint. Indicated the addition is being designed in the same style as the previous addition and precast concrete was being used to mimic the historic structure and would use the same window fenestrations and aluminum window frames as the prior addition.

Bruce Heilman: Asked about the parking situation with a 12,000 square foot addition; expressed concern that extension to the southeast could have impact on the adjoining property to the south.

Mike Kastner: Noted the new addition will be a conference area and the parking will be needed in some cases.

CHAIRPERSON OPENED THE PUBLIC HEARING

Woody Branton, 2864 Druid Hill Drive: Spoke in favor of the request with approval being subject to putting a sidewalk along Fleur Drive. Noted the remainder of the city connects to the bike network with the exception of the south side and suggested a sidewalk would be step toward correcting that. Noted to the south there is no sidewalk and indicated he is prepared to pay for an assessment for his portion of a sidewalk. Suggested the neighboring residents could do some fundraising to raise money for the remainder of the sidewalk.

Tim Urban: Suggested posting a five-year sidewalk bond would be a remedy and would put the onus on the adjoining property owners to cooperate to create a continuous system.

Mike Ludwig: Noted the request is a PUD and if the Commission felt there should be a sidewalk, they could request a condition that a sidewalk be added, but suggested it not be set to a timeline but be part of an overall sidewalk project. When it goes to the Council, they could make it a condition for enforcement in the future. There would not be a need for a bond. It could be enforced through the zoning condition on the PUD.

John Clark, 2801 Fleur Drive: Indicated support for the request. Noted the sidewalk idea was not a new one, but the challenge to the City might be that the back of pavement of the street is about 1 foot from the property line so there is no public right-of-way to encompass a sidewalk. Noted there would have to be significant retaining walls for Butler and Open Bible, also. He would like to know more about the design and cost for sidewalk project before committing to agreeing.

Dr. Donald Jensen, 2872 Druid Hill Drive: Noted one aspect of the premier location of the subject property is the greenspace that surrounds it. Expressed concern for the parking expansion as a result of the green space. Concerned with the parking elevation, the lighting, and the view of downtown;

concerned the parking spaces proposed is 74% greater than what is required by code. Had no concerns with the construction of the building. Questioned whether there was a need for additional parking capacity.

Tim Urban: Suggested if an extra fixture is being added that is closer to the townhomes, that a lighting diagram be prepared by a lighting contractor.

Mike Kastner: Explained they would make sure lighting was a cut off fixture and would have an electrical engineer review it and do a diagram. Regarding the parking, they would only construct what they needed and would consider scaling it back if they could. He noted a sidewalk would be a design problem and he would need to review it with the owner.

Larry Hulse: Suggested the Commission could recommend a condition regarding the sidewalk. Noted the right-of-way needs and geometry could be explored but leaving flexibility for how they might respond to those concerns.

Kent Sovern: Asked about the storm water retention and runoff currently; how the expansion of parking would increase the storm water flow and what remediation was planned.

Mike Kastner: Explained there are currently two storm water detention ponds on site and currently in the courtyard everything is split down the middle to go separately to the two ponds. There will be some grading done for the detention pond to accommodate the additional paved surface.

Kent Sovern: Asked if there would be additional coolers or other external mechanicals that would be part of the project and if there were screening discussions.

Mike Kastner: Noted there are several units spread throughout, noting there would be 4 additional units for the addition and nothing the building would screen them from public view.

Fran Koontz: Asked if they would discuss reducing the size of the parking lot with the owners and if the owners would be amenable to using permeable surfaces and water gardens.

Dann Flaherty: Asked if there was a plan to mitigate for the tree that would be taken out.

Mike Kastner: Noted they could add additional trees and landscaping to screen the parking from the south.

Tim Urban: Asked if the site plan were approved with the caveats if the applicant would be obligated to complete the site plan as shown, or could they choose only to build a portion of it later.

Erik Lundy: Noted they would have the latitude to do the project in phases, but staff would make each phase conform to what was approved on the conceptual plan.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Tim Urban: Moved staff recommendation subject to comments made by Commissioners regarding the following:

- consideration for permeable paved areas;
- incorporating additional landscaping;
- applicant agree to waive any objection for an assessment for a sidewalk improvement project in the future - requires a project be done through an assessment method;
- lighting be reconciled to not provide any direct lighting on adjoining properties;

David Cupp: Expressed concern for the applicant waiving the sidewalk project at this time because the applicant is being asked to blindly waive a project when they have no idea what the cost or implications would be.

Tim Urban: Noted it couldn't happen until other property owners are either forced by the city through coercive methods, or by voluntary assessment method.

Motion passed 12-2 (David Cupp and Brook Rosenberg opposed).

NOTE: On April 4, 2006 the Landmark Review Board reviewed the request for a Certificate of Appropriateness to allow a two-story, 12,000 s.f. addition to the north side of the existing structure (adjoining previous additions) and expansion of the parking. The Board voted 9-0 to recommend approval of the request. No quorum was present.

Respectfully submitted,

Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Request from KN Butler, LLC (owner) represented by Liz Newell and John Kragie to amend the Butler Mansion PUD Conceptual Plan for property located at 2633 Fleur Drive.	File # ZON2006-00029

Description of Action	Amend the Butler Mansion PUD Conceptual Plan for subject property to allow construction of a building addition and off-street parking to the existing mansion used for commercial offices
2020 Community Character Plan	Low-Density Residential and Commercial: Pedestrian-Oriented Commercial Corridor
Horizon 2025 Transportation Plan	No Planned Improvements
Current Zoning District	PUD Planned Unit Development
Proposed Zoning District	PUD Planned Unit Development

Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	3	1	0	<20%

Plan and Zoning Commission Action			**Required 6/7 Vote of the City Council**		
	Approval	**12-2**		Yes	
	Denial			**No**	**X**

Butler Mansion PUD Amendment - 2633 Fleur Drive ZON2006-00029

Item ZON 2006 00029 Date 3-29-06 20

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

MAR 3 1 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name AIB College of Business

Signature Nancy Williams, Pres.

Address 2500 Fleur Dr.

Reason for opposing or approving this request may be listed below:

We do not oppose their expansion

Item ZON 2006 00029 Date 3-30-06

DES MOINES IA 503

I (am) (am not) in favor of the request.

(Circle One)

31 MAR 2006PM 1 L

RECEIVED

APR 0 3 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Central Region Open Bible

Signature Ken Grove

Address 2500 Cassady Dr.

Reason for opposing or approving this request may be listed below:

Saw the plan - looks fine

Item ZON 2006 00023 Date APRIL 5, 2006

20

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED
APR 05 2006
COMMUNITY DEVELOPMENT DEPARTMENT

Print Name JEFF E. FARMER

Signature Jeffrey S Farmer, PRESIDENT

Address OPEN BIBLE STANDARD CHURCHES
DES MOINES, IA 50315
2020 BELL AVENUE

Reason for opposing or approving this request may be listed below:

WE SUPPORT THE REQUEST. (UNDER SEPARATE COVER WE HAVE ASKED THE OWNERS TO CONSIDER AN EAST/WEST LANDSCAPE BUFFER ALONG THAT PORTION OF THE PROPERTY LINE BETWEEN US WHERE THE NEW ADDITION IS TO BE CONSTRUCTED. WE DO NOT WAN IT TO BE A CONDITION OF APPROVAL.)

THANK YOU!!

Item ZON 2006 00023 Date 3/31/06

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED
APR 07 2006
COMMUNITY DEVELOPMENT DEPARTMENT

Print Name James D Clough

Signature James D Clough

Address 2842 David Hill Dr.

Reason for opposing or approving this request may be listed below:

We would be supportive with mature landscaping that obscures the parking lot and a side walk along Fleur frontage. No access to parking from west or south.

RECEIVED AFTER P&Z meeting