

★ **Roll Call Number**

Agenda Item Number

18

Date April 11, 2011

Communication from the Plan and Zoning Commission regarding April 7, 2011 hearing on request from the Friends of the Des Moines Botanical Center (represented by Fred Weitz) for closure of the park road known as Robert D. Ray Drive in the v from a point north of Interstate 235 to East 6th Street.

Moved by _____ to receive and file.

APPROVED AS TO FORM:



 Michael F. Kelley
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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

Date _____

April 8, 2011

Agenda Item 18

Roll Call # _____

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 7, 2011, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-1-3 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty			X	
John "Jack" Hilmes	X			
Joel Huston	X			
Ted Irvine				X
Greg Jones	X			
Jim Martin				X
Brian Millard			X	
William Page		X		
Mike Simonson			X	
Kent Sovern	X			
CJ Stephens	X			



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 Friends of the Des Moines Botanical Center represented by Fred Weitz the permanent closure of the park road adjacent to the Des Moines Botanical Center to through access from a point immediately north of I-235 to East 6th Avenue, subject to development in accordance with an approved Site Plan in substantial compliance with the proposed master plan and as a caveat to encourage those in negotiation (the City and the Friends of the Des Moines Botanical Center group) to provide every reasonable effort to continue to provide access to the north for the trail head and automobiles. 11-2011-1.04

Written Responses

- 1 In Favor
- 6 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the permanent closure of the park road adjacent to the Des Moines Botanical Center to through access from a point immediately north of I-235 to East 6th Avenue, subject to development in

accordance with an approved Site Plan in substantial compliance with the proposed master plan.

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is seeking to eliminate a segment of Robert D. Ray Drive in order to allow construction of outdoor botanical gardens as part of the Des Moines Botanical Center site.

This is in an effort to increase the size and quality of the facility by addition of display gardens outside of the existing conservatory. The Friends of the Des Moines Botanical Center would agree to lease the facility and surrounding grounds on a long-term basis. They would raise necessary funds for the expansion and take over the operation of the facility and surrounding site.

- 2. Size of Site:** Approximately 1,800 feet long segment of park road named Robert D. Ray Drive.
- 3. Existing Zoning (site):** "D-R" Downtown Riverfront District.
- 4. Existing Land Use (site):** Park road constructed to an urban street standard.
- 5. Adjacent Land Use and Zoning:** "D-R" Downtown Riverfront District: The subject park road passes through an open space area between the Des Moines River and the current Botanical Center site.
- 6. General Neighborhood/Area Land Uses:** The subject street is located along the east bank of the Des Moines River in an area adjacent to the John "Pat" Dorrian recreational trail.
- 7. Applicable Recognized Neighborhood(s):** Capitol Park Neighborhood.
- 8. Relevant Zoning History:** The City Council approved a rezoning to the "D-R" Downtown Riverfront District on March 22, 2004.
- 9. 2020 Community Character Land Use Plan Designation:** Downtown Park/Open Space.
- 10. Applicable Regulations:** N/A.

II. ADDITIONAL APPLICABLE INFORMATION

The City's Traffic and Transportation Division does not believe the requested street closure would adversely impact the surrounding public street system. North/south bound trips to and from East Downtown would be shifted to Pennsylvania Avenue/East 6th Street.

The master plan drafted for the Friends of the Des Moines Botanical Center proposes the closure of the travelled portion of the park road north of the north drive entrance into the south parking lot the Botanical Center to a point south of the trail access turnaround entrance. Traffic would still be able to approach from the north from East 6th Street down

the hill to access both the trail system turnaround and pedestrian/emergency vehicle access to the north end of the proposed outdoor display gardens for the Botanical Center.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Mike Ludwig stated that the closure of this road is the key component of the project. This is an excellent opportunity for the City to see reinvestment and enhancement of the Botanical Center.

Don Tripp Park and Recreation Director stated that the Park and Recreation Board approved the overall proposal from the Friends of the Des Moines Botanical Center on March 29, 2011. Indicated that the desire to develop a botanical garden in the City dates back about 90 years. This aspiration went unrealized until 1979 when the Botanical Center was opened. In the late 90's the Botanical Center began to struggle. In 2003 the Des Moines Water Works agreed to take over operation and maintenance at a time when the City was struggling to meet the financial obligation to keep the facility opened. The agreement with Des Moines Water Works will expire in 2012 and there are no plans of renewing it. When that agreement was put into place it was the hope that some group would come forward to assist with the Botanical Center. In 2008 Fred Weitz, Janice Ruan, Tom Urban, and Buzz Brenton came forward and expressed an interest in raising money to rebuild the facility providing an anchor at the north end of the Riverwalk. They wish to create an experience that goes from inside the building to an outdoor plant collection that extends to the river. To do this Robert D. Ray Drive must be closed in this area. They have accommodated the City's interest in continuing the trail along the river and have been most accommodating with the entire project.

Bob Mahaffey 2220 E. 32nd Street stated that when he first heard of this proposal he was interested. He talked to Margaret Swanson who was the original co-chair of the fundraising effort for the Botanical Center to hear her thoughts. Margaret was supportive of the opportunity to expand the Botanical Center and have world class botanical gardens in the City of Des Moines that could compete with others in the United States. He asked for the Commission's support.

Brian Millard indicated that he heard that the gardens would be gated and asked if they would consider allowing the public free access to the grounds.

Bob Mahaffey indicated that currently visitors must pay a fee to enter the Botanical Center.

Fred Weitz 1245 Browns Woods Drive, West Des Moines stated that there are other communities of our size that have high quality botanical gardens. Buzz Brenton and Tom Urban looked at other locations for a botanical garden in Des Moines but came back to this site as being the ideal location provided more space could be added, which means the closing of Robert D. Ray Drive. Indicated that there has been much discussion about charging an entrance fee for the botanical garden. Their consultant recommended making this a control place and charging an entrance fee. The fee would be minimal just like the current Botanical Center fee.

Clarified that the road would need to be closed from the I-235 bridge to East 6th Street. The portion of the road that leads from East 6th Street to the parking lot near the University

Avenue bridge would remain, however, it would need to be gated off and controlled by the Botanical Center. The staff report incorrectly states that this portion of Robert D. Ray Drive would remain open.

Kent Sovern asked if there were any restrictions on the trail.

Don Tripp stated that one of the City's initial requirements was that there remain unrestricted public access along the river for the trail. The trail would get relocated closer to the river and would be more likely to be flooded. In the event the trail is closed due to flooding the trail would be rerouted through the Botanical Center grounds.

Kent Sovern indicated that a lot of people use the parking lot near the University Avenue bridge to park their vehicles and access the trail. Asked if this area will lose its ability to act as a trailhead.

Don Tripp stated that is correct.

Jacqueline Easley asked in what directions emergency vehicles would have access to the site.

Fred Weitz stated that emergency vehicles would have access from the south. Indicated that they have had extended conversations with the Fire Department and have worked out a plan whereby providing sprinklers, standpipes and an additional fire hydrant will allow emergency access to be limited to the south without access from the north.

Will Page asked why this corridor is considered a park road and not a street when it looks and functions like a street.

Mike Ludwig stated that the designation speaks to the ownership of the property. Street right-of-ways are under the management of the Transportation Department. Park roads are under the jurisdiction of the Park and Recreation Department. It does function as a street and that is why it was brought before the Commission for review. Indicated that other City owned facilities that are leased charge for admission such as the Zoo and Principal Park.

CHAIRPERSON OPENED THE PUBLIC HEARING

The following spoke in favor of applicant's request:

Doug Gulling 9620 Hammontree Drive, Urbandale stated he is a seven year board member of the Friends of the Des Moines Botanical Center and is currently serving as president. Indicated that they are in favor of this project and look forward to the enhancement of this facility.

Mike Kinter 118 SE 4th Street (5740 SE 68 Place, Carlisle) stated that he was in favor of this project until he found out that the applicant wants to eliminate the trailhead for cyclist. State that he is one of those people who throw his bike in the pickup and goes find a trail.

Marsha Steele 1427 Thompson Avenue, Historic East Village Neighborhood Association president, as well as, the Union Park Neighborhood Association co-chair stated she is uncommitted and made the following comments.

- The recently completed traffic study shows on average 1,316 vehicles per day use this road. While this number is down from the 1,700 figure from 2004 it still represent a significant number of vehicles. The question is not whether those vehicles can successfully be handled via Second Avenue or East 6th Street. The issue is the closing of a scenic river drive. Per a January informational meeting at the Botanical Center we learned that the botanical garden would be gated off with admission charged.
- Since the Botanical Center resides on publically owned land, a consideration to the public should be made by allowing the entire grounds to be opened to the public a set time each week similar to the Meredith Test Gardens on Grand.
- Strong consideration should be given to green alley technologies, whereby moisture absorbing concrete stops runoff into the storm sewers. The parking lot and perhaps the approaching turnaround area would seem perfect for this environmental and conservation design.
- The engineering study regarding the condition of the existing dome lists necessary upgrades to HVAC and mechanical systems at an estimated cost of \$200,000. She asked if those repairs would be incorporated in the proposed \$10M project.
- The gateway to the new gardens would really be at East Grand and Robert D. Ray Drive. The northwest corner of this intersection is occupied by the Brenton Skating Plaza and the northeast corner is an open lawn and parking lot in front of an office building. This lawn area would seem to be the prime location for a gateway feature leading visitors northward to the Botanical Center.
- Indicated that the Union Park Neighborhood Association would strongly opposed the closure of Birdland Drive should it ever be proposed.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Greg Jones stated that he does not like losing another river drive. However, he thinks this project enhances the Botanical Center. He suggested they consider having a free day.

Brian Millard indicated that he is opposed to the closing because of the vehicular traffic but is for the project. Stated that the public needs to have some kind of accommodation.

CJ Stephens thanked the Friends of the Des Moines Botanical Center for coming forward because this is a different time than when many of these other botanical centers were built in the other states without substantial private donations. If the City of Des Moines is going to ever have a state of the art botanical garden and center this is the opportunity. Tax payers of Des Moines are supplementing this property and in some way they have to recoup some of that, which charging a fee accomplishes. She supports the project. She asked what would happen to the memorial trees that have been planted around the Botanical Center.

Fred Weitz stated that there are quite a few trees that are still alive, but he suspects that the trees along the roads will be taken out.

CJ Stephens stated that there are relatives around the City that those trees mean a lot to and that some thought should be given to them.

Fred Weitz stated that there are several memorials that they intend to work with the donor families on.

COMMISSION ACTION

Kent Sovern moved staff recommendation to approve the permanent closure of the park road adjacent to the Des Moines Botanical Center to through access from a point immediately north of I-235 to East 6th Avenue, subject to development in accordance with an approved Site Plan in substantial compliance with the proposed master plan and as a caveat to encourage those in negotiation (the City and the Friends of the Des Moines Botanical Center group) to provide every reasonable effort to continue to provide access to the north for the trail head and automobiles.

Motion passed 8-1-3 (Will Page was in opposition. Dann Flaherty, Brian Millard, and Mike Simonson abstained)

Dann Flaherty stated that he abstained because he thinks that it is premature as the plans have not been refined and that the Commission does not have enough information to make a decision.

Brian Millard stated that he mirrored Mr. Flaherty's reason.

Will Page stated that he voted his conscience and asked if the project goes forward when will the vacation take place and if the project does not go forward will the vacation expire.

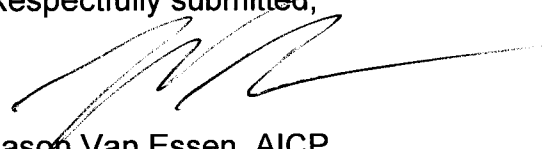
Don Tripp stated the action of the City Council would provide for the vacation in the event that a lease is executed. For the lease to be executed funds have to be in place in advance.

Dann Flaherty asked if there is going to be a sunset provision in place for the length of time they have to raise the funds.

Don Tripp stated that the lease is set to begin on January 1, 2013 when the contract with Des Moines Water Works expires. However, they have requested an option to delay the lease commencement date to January 1, 2014 if they provide the City notice no later than June 30, 2012 that they need the extension.

Mike Ludwig thanked the applicant and Commission for their very valid comments.

Respectfully submitted,



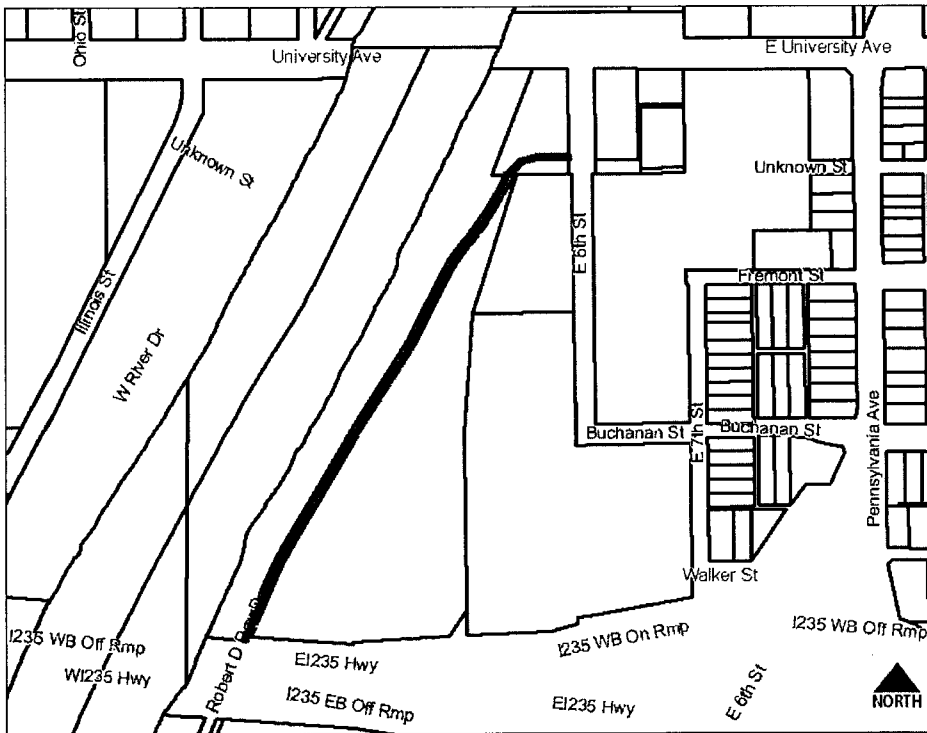
Jason Van Essen, AICP
Senior City Planner

JMV:clw

Attachment

Request from the Friends of the Des Moines Botanical Center represented by Fred Weitz for closure of the park road known as Robert D. Ray Drive in the vicinity from a point north of Interstate 235 to East 6 th Street.				File # 11-2011-1.04	
Description of Action	Review and approval for closure of the park road known as Robert D. Ray Drive in the vicinity from a point north of Interstate 235 to East 6 th Street..				
2020 Community Character Plan	Park/Open Space				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"D-R" Downtown Riverfront District				
Proposed Zoning District	"D-R" Downtown Riverfront District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	1	6			
Outside Area					
Plan and Zoning Commission Action	Approval	8-1-3	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Friends of the Des Moines Botanical Center - 901 Robert D Ray Dr 11-2011-1.04



Item 11-2011-1.04 Date 4-4-11

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

(Circle One)

Print Name GARY & RACHEL ASKLAND

Signature Rachel Askland

Address 2865 Winterspawen Drive
Lake Havasu City, AZ 86404

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

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Date 3/31/11

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I (am not) in favor of the request.

(Circle One)



Print Name MICHAEL GIESE

Signature Michael D. Giese

Address 1120 E 6TH ST UNIT 2
DES MOINES, IA 50316

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

I BELIEVE THIS MOVE WILL DE-VALUE MY
PROPERTY VALUE. THIS ROAD DIRECTLY CONNECTS
MY PROPERTY TO THE EAST VILLAGE AND
DOWNTOWN. IT WILL ALSO RUIN OUR ACCESS
TO THE NEW WALKING BRIDGE TO WELLS FARGO
ARENA.

Item 11-2011-1.04

Date April 3, 2011

I (am not) in favor of the request.

(Circle One)



Print Name Kaylee Brown

Signature Kaylee A. Brown

Address 1110 Pe 6th St. #3 DM

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

I oppose this request because this
road is a direct route to downtown. We
should be promoting the use of the
downtown area not making it more
difficult to access. I use this road
to get to work

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Date 3-30-11

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

(Circle One)

?

Print Name Paul Wyman

Signature Paul Wyman

Address 6671 New 48th St Johnston IA 50131

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

if it will lower my property tax's
I'm for it, if not leave it
open

1110 E. 66th #1

Item 11-2011-1.04

Date 3-31-11

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

(Circle One)

✓

Print Name Kay Ann Stain

Signature Kay Ann Stain

Address 1066 1/2 St Unit 111
Morningside 50316

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

This street provides access to
not only the Botanical Center
but the business park, river
front and an easy way to
get off University to go to the
East Village and downtown.

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Date 3/30/2011

18

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

(Circle One)



Print Name Susan Glover

Signature Susan Glover

Address 1110 East 6th St. #6 DSM, IA 50316

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

Why?! Its a great way to get from University to the East Village - and you just opened the "walking bridge!" The pagoda and Bot. Center is easily reached too! - why would you even consider spending our tax dollars on this phantom idea. Sg

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Date 03-31-11

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

(Circle One)



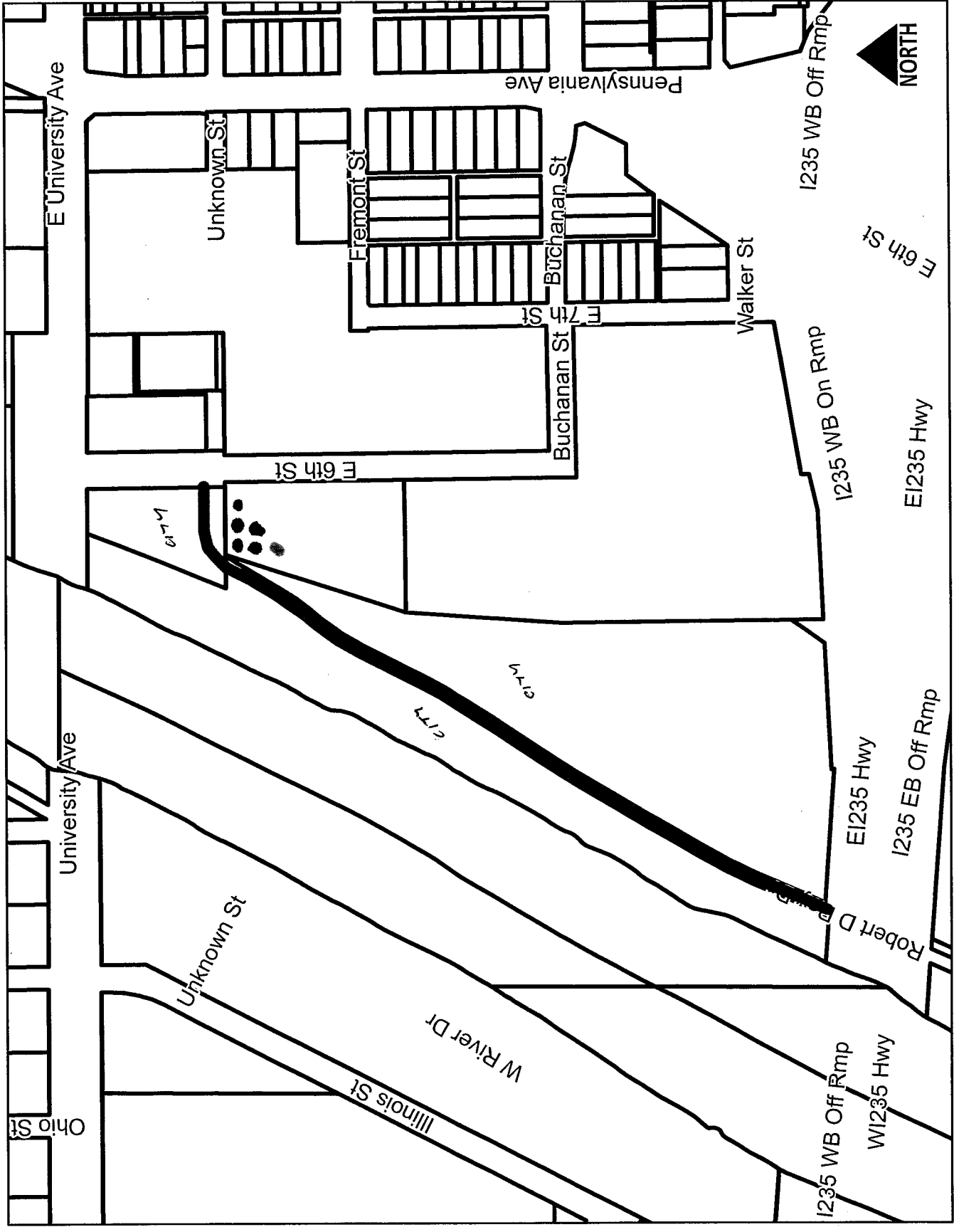
Print Name DANIJELA KNEZEVIC

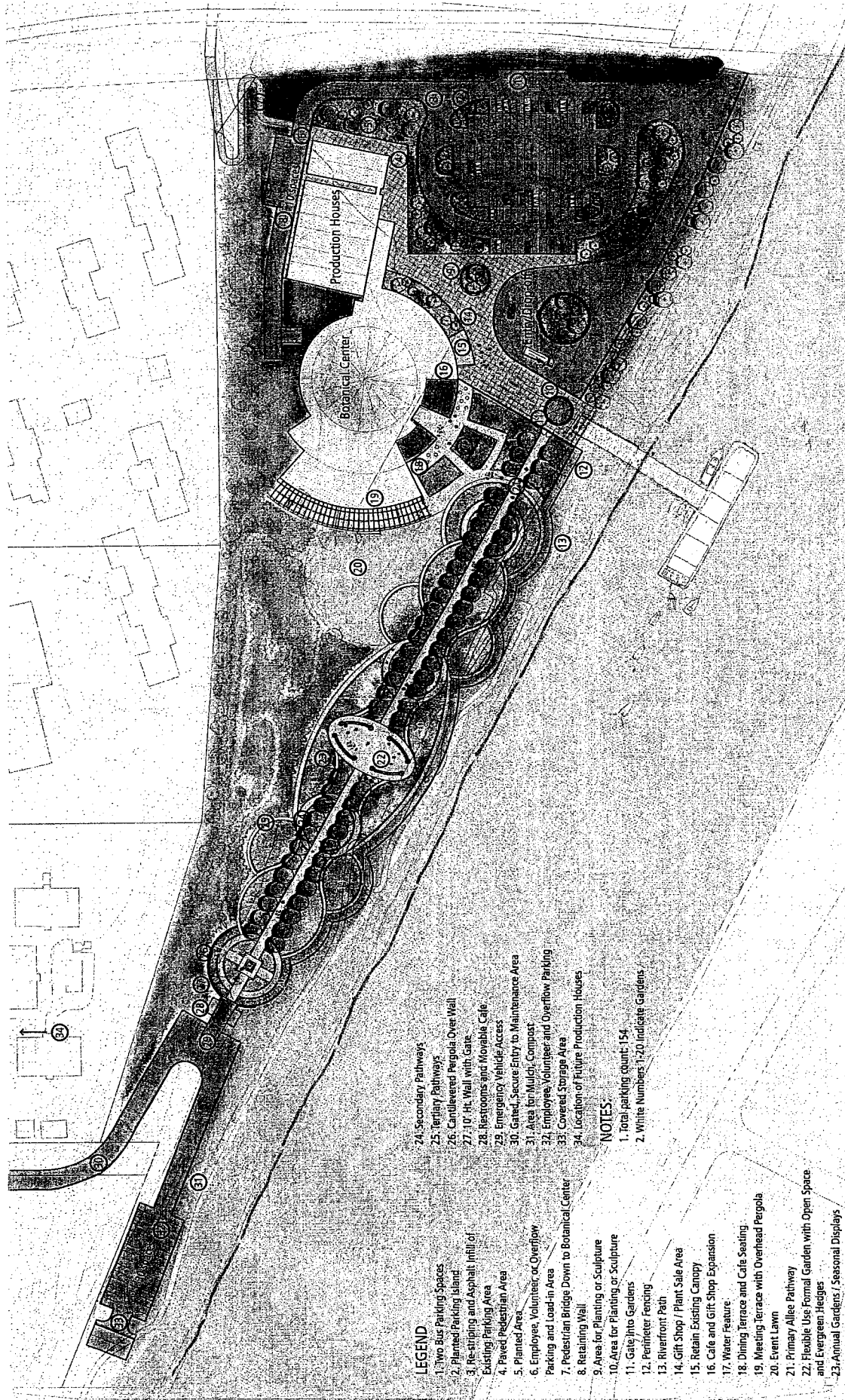
Signature Daniela Knezevic

Address 1120 E 6th St. #5, DSM, IA 50316

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

EASIER ACCESS TO BOTANICAL CENTER AND FASTER GETTING TO DOWNTOWN.





LEGEND

- 1. Two Bus Parking Spaces
- 2. Planned Parking Island
- 3. Re-striping and Asphalt Infill of Existing Parking Area
- 4. Paved Pedestrian Area
- 5. Planted Area
- 6. Employee Volunteer or Overflow Parking and Load-in Area
- 7. Pedestrian Bridge Down to Botanical Center
- 8. Retaining Wall
- 9. Area for Planting or Sculpture
- 10. Area for Planting or Sculpture
- 11. Gate (to Gardens)
- 12. Perimeter Fencing
- 13. Riverfront Path
- 14. Gift Shop / Plant Sale Area
- 15. Retain Existing Canopy
- 16. Cafe and Gift Shop Expansion
- 17. Water Feature
- 18. Dining Terrace and Cafe Seating
- 19. Meeting Terrace with Overhead Pergola
- 20. Event Lawn
- 21. Primary Allee Pathway
- 22. Flexible Use Formal Garden with Open Space and Evergreen Hedges
- 23. Annual Gardens / Seasonal Displays
- 24. Secondary Pathways
- 25. Tertiary Pathways
- 26. Cantilevered Pergola Over Wall
- 27. 10' Ht. Wall with Gate
- 28. Restrooms and Movable Cafe
- 29. Emergency Vehicle Access
- 30. Gate, Secure Entry to Maintenance Area
- 31. Area for Mulch, Compost
- 32. Employee Volunteer and Overflow Parking
- 33. Covered Storage Area
- 34. Location of Future Production Houses

NOTES

- 1. Total parking count: 154
- 2. White Numbers 1; 20 Indicate Gardens

VISION PLAN - PHASE ONE
DES MOINES BOTANICAL AND ENVIRONMENTAL CENTER

NOVEMBER 2009