



Roll Call Number

Agenda Item Number

17-I

Date November 3, 2014

**RESOLUTION SCHEDULING PUBLIC HEARING ON APPEAL BY
EYCHANER PROPERTIES, INC. OF THE DENIAL OF A SITE PLAN
AMENDMENT FOR A PROPOSED VALET DROP-OFF LANE AT
322 SOUTHWEST 3RD STREET**

WHEREAS, on October 20, 2014, the City Plan and Zoning Commission denied a site plan amendment request from Eychaner Properties, Inc. (owner), represented by Rich Eychaner, based on the design guidelines within the "D-O" Downtown Overlay District on real property locally known as 322 Southwest 3rd Street, to allow development of a vehicle drop-off lane for valet parking serving a commercial use that would have entrance and exit from Southwest 3rd Street, which is a designated downtown pedestrian corridor; and

WHEREAS, Eychaner Properties, Inc., represented by Michael Simonson (Architect), has timely appealed to the City Council pursuant to Section 82-210 of the Des Moines Municipal Code, seeking to have the Plan and Zoning Commission decision to deny the request overturned.

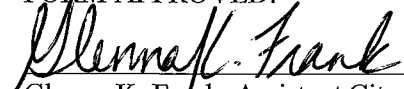
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa as follows:

1. The City Council shall consider the appeal by Eychaner Properties, Inc. at a public hearing to be held on November 17, 2014, 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 _____ to adopt.

Sponsor: Council Member Hensley

FORM APPROVED:



Glenna K. Frank, Assistant City Attorney

(10-2015-7.40)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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

October 24, 2014

Ross Stafford
 Permit & Development Administrator
 Permit & Development Center

Communication from the City Plan and Zoning Commission advising that at their meeting held October 16, 2014, the following action was taken regarding a request from Eychaner Properties, Inc. (owner) represented by Rich Eychaner for an appeal of an administratively reviewed Site Plan which has been denied based on the design guidelines within the "D-O" Downtown Overlay District on property located at 322 Southwest 3rd Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 6-4 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles		X		
JoAnne Corigliano	X			
Jacqueline Easley		X		
Tim Fitzgerald				X
Dann Flaherty	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page				X
Christine Pardee		X		
CJ Stephens				X
Vicki Stogdill		X		
Greg Wattier				X

DENIAL of the request for a valet drop-off lane along SW 3rd Street. (10-2015-7.40)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends denial of the appeal to allow the proposed drop-off lane along SW 3rd Street.

The addition of the proposed drop-off lane is contrary to the purpose of establishing pedestrian oriented routes within the downtown. The impact of adding the proposed drop-off lane must be viewed in context with the other auto-oriented features that staff has already approved including a drive-thru lane, substantial parking lot frontage along West Martin Luther King, Jr. Parkway and curb cuts on Designated Pedestrian Corridors. A reasonable alternative is to develop a

valet drop-off area within the parking lot to the north of the subject building. The additional parking spaces that were added to the Site Plan by allowing the trash enclosure to be developed on the adjoining property would offset the potential loss of parking. Tenant turnover could greatly alter the scope and magnitude of the lane's use in the future. A designated drop-off lane within the parking lot could be easily converted to parking spaces should tenant change occur.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The subject property contains multiple warehouse buildings and a gravel parking area. The applicant has demolished some of the buildings and is proposing to renovate the remaining buildings for use as a multi-tenant commercial development. The applicant submitted a site plan for administrative review. The "D-O" Downtown Overlay District requires staff to implement the Downtown Overlay District Design Guidelines during the administrative review process.

The property is located on the southwest corner of the West Martin Luther King, Jr. Parkway and SW 3rd Street intersection. Both of these streets are Designated Pedestrian Corridors. The "D-O" District strongly discourages auto-dominant uses and improvements along Designated Pedestrian Corridors. The buildings that front SW 3rd Street are setback from the property line. The applicant is proposing to construct a drop-off lane between the southern building and SW 3rd Street. Staff believes this proposal is contrary to the "D-O" District Design Guidelines and denied the proposed drop-off lane.

The affirmative vote of at least eight commission members is necessary to overturn or modify an administrative decision in accordance with Section 82-208(c)(2) of the City Code.

- 2. Size of Site:** 3.24 acres or 141,134 square feet.
- 3. Existing Zoning (site):** "C-3R" Central Business Mixed Residential District and "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition, and Freestanding Sign Overlay.
- 4. Existing Land Use (site):** Vacant warehouse buildings.
- 5. Adjacent Land Use and Zoning:**
 - North** – "PUD", Use is the Science Center of Iowa.
 - South** – "C-3A", Use is flex office-warehouse development.
 - East** – "C-3R", Uses are Ball Yard Lofts and Principal Park.
 - West** – "C-3R", Uses are warehousing.
- 6. General Neighborhood/Area Land Uses:** The subject property is located on the southwest corner of the West Martin Luther King, Jr. Parkway and SW 3rd Street intersection. The area contains a mix of commercial and multiple-family residential uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in Downtown Des Moines Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on September 26, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on October 6, 2014 (10 days prior to the scheduled hearing) to the Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on October 10, 2014.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Downtown Des Moines Neighborhood Association mailings were sent to Larry Bradshaw, 418 6th Avenue, Suite 902, Des Moines, IA 50309.

8. **Relevant Zoning History:** None.

9. **2020 Community Character Land Use Plan Designation:** Downtown Support Commercial.

10. **Applicable Regulations:** The Plan and Zoning Commission considers appeals of the planning director's decision to conditionally approve or deny administrative site plans in accordance with Section 82-208(c) of the City Code.

Sec. 82-208. Determination for property subject to administrative approval.

- (c) Appeals to commission. Appeals of decisions of the planning director shall be in accordance with the following:

- (1) The applicant may, upon notice to the plan and zoning commission, appeal in whole or in part any determination or action of the planning director made within the scope of this article. Appeal shall be made without cost by written notification of the appeal received by the community development department within 90 days after the date of the action from which appeal is sought.
- (2) The plan and zoning commission shall decide all appeals within 30 days after written notification of the appeal has been received by the community development department, provided that the appellant may agree to a longer time period not to exceed 60 days after the written notification of the appeal has been received by the community development department. Failure to decide the appeal within such period shall have the effect of overturning the director's disapproval and approving the site plan as appealed. Except as provided in this article, the affirmative vote of at least eight commission members shall be necessary to overturn or modify the action from which appeal is sought. At the commission meeting, the appealing party shall be presented a reasonable opportunity to present his or her views.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Access/Parking:** The property is bound by West Martin Luther King, Jr. Parkway to the north, SW 3rd Street to the east, and SW 4th Street and Elm Street to the west. Vehicular access to the site is currently limited to a driveway at the northwest corner of the property to Elm Street and SW 4th Street. SW 4th Street is a gravel road in this area.

Off-street parking is not required in the "C-3R" District. The site plan includes 154 surface parking spaces. The parking lot would have an access drive to West Martin Luther King, Jr. Parkway and to SW 3rd Street.

2. **Downtown Overlay District Design Guidelines:** In acting upon any site plan application for development of property located within the Downtown Overlay District, the community development director (or plan and zoning commission if applicable) shall apply the regulations and design guidelines in Section 82-213 of the City Code. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design regulations and the following guidelines. These guidelines shall be applied to the entire site when a new building is constructed or when an existing building is cumulatively expanded by more than 50% of its gross floor area as of the time it became part of the downtown overlay district. If a building is cumulatively expanded by less than 50% of its gross floor area as of the time it became part of the downtown overlay district, then these guidelines shall apply only to the expansion of the building.

- A) Projects should demonstrate understanding of the micro and macro context for the project by offering place specific solutions for materiality, massing, uses, fabric and climate that are consistent with the vision of the "What's Next Downtown Plan". In most cases, corporate prototype architecture may not be an acceptable design.

The "What's Next Downtown Plan" envisions a dense and pedestrian friendly downtown. The proposed drop-off lane does not comply with this criterion as SW 3rd Street is a designated pedestrian corridor and auto-oriented improvements are strongly discouraged.

The site does not have access to a side street to the south. Therefore, flexibility has been given in the introduction of a driveway and parking lot frontage along SW 3rd Street and West Martin Luther King, Jr. Parkway. In addition, staff compromised on allowing a drive-thru facility on the south side of the northern building so long as the drive-thru and parking lot did not extend past the east wall plane of the building. Landscaping, an ornamental fence and a bike parking area are proposed to obscure views of the drive-thru and parking lot from SW 3rd Street. Landscaping and an ornamental fence are proposed along the north perimeter of the parking lot facing West Martin Luther King, Jr. Parkway.

- B) Low Impact development techniques should be utilized which implement site water quality control solutions, using materials which are locally available and creating projects which minimize energy consumption.

The proposed storm water management facilities include ground water recharge trenches within the parking lot.

- C) Connectivity between adjacent properties should be provided or demonstrated for both pedestrian and vehicular circulation.

Direct sidewalk connections to West Martin Luther King, Jr. Parkway and SW 3rd Street are proposed. The opportunity to provide connection to the south and west are limited until redevelopment of these properties occurs.

- D) The incorporation of 'soft (green) spaces' on site is encouraged.

- E) Where feasible, projects should provide outdoor spaces for people gathering.

The buildings are setback from SW 3rd Street. The applicant is proposing patio and plantings in this area. The proposed drop-off lane would reduce the amount of onsite green space.

- F) If feasible, connections to adjoining bike paths or on-street bike facilities and on-site bike racks should be provided in close proximity to building entrances.

A bicycle parking area is proposed between the parking lot and SW 3rd Street.

- G) Building heights. Minimum height for all uses should be the lesser of 36 feet or three stories.

The "D-O" and the "C-3R" Districts require a minimum height of 36 feet or three stories. The "C-3R" District does allow for two-story or 24-foot tall buildings if adjoining buildings are less than three stories. The existing buildings range in height from one story to four stories. A multi-level addition is proposed to the southwest corner of the northern building that fits with the scale of the existing building.

Any future buildings on-site or on adjoining land assembled with the site are expected to comply with guideline "G".

- H) Bulk standards, building setbacks, orientation, frontage and residential access:

1. All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s).

N/A.

2. All buildings without river frontage should have entrances oriented toward primary street(s).

The buildings with SW 3rd Street frontage would have entrances oriented to the streets. An emergency egress door is proposed on the north façade of the building that fronts West Martin Luther King, Jr. Parkway. Staff believes the proposal meets the intent of this guidelines given the unique character of the building, the extensive patio space along SW 3rd Street and the direct pedestrian connection from the West Martin Luther King, Jr. Parkway sidewalk to the west building entrance.

3. All buildings should have frontage on principal street(s) of not less than 70 percent of the lot.

The property has 362 feet of frontage along West Martin Luther King, Jr. Parkway and 392 feet of frontage along SW 3rd Street. The building along West Martin Luther King, Jr. Parkway occupies 34% of the street frontage. The buildings along SW 3rd Street occupies 68% of the street frontage. This does not comply with this guideline.

The frontage along SW 3rd Street is within two percentage points of the guideline, which equates to 7.8 feet. This is an unnoticeable amount of building frontage in context to the scale of the project. The proposed building frontage along West Martin Luther King, Jr. Parkway is substantially deficient. Staff is supportive of the proposal given the constraints of reusing the existing buildings. The two eastern buildings are historically significant and their reuse is important.

The applicant owns land to the west and is considering a second phase of development. Any expansion project that includes frontage along West Martin Luther King, Jr. Parkway is expected to provide a substantial amount of building frontage.

4. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.

The northern building is setback two feet from the north property line and 34 feet from the east property line. The southeast building is setback 50 feet from the east property line.

5. At least one building entrance for residential uses should directly access the street when a residential use is located above street-level retail or commercial uses.

N/A.

6. For residential buildings, a maximum setback of 15 feet from the public right-of-way is permitted unless superseded by bulk regulations of the underlying zoning district (i.e. R-HD Residential Historic District, R1-60 Low Density Residential District, etc.).

N/A.

- I) Storage of all materials and equipment should take place within completely enclosed buildings.

No outdoor storage is proposed.

- J) All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick or masonry and steel gates which are compatible in design with the principal structure.

A trash enclosure is proposed on a parcel to the west of SW 4th Street that is owned by the applicant. The applicant anticipates developing a second phase to the west. Placing the trash enclosure in this location now keeps the trash enclosure from being constructed in a more visible location within the parking lot. SW 4th Street is a gravel road in this area. A paved pedestrian route from the site to the trash enclosure site is required in addition to paved maneuvering area around the enclosure for garbage truck access. The enclosure would be constructed of masonry with opaque steel gates.

- K) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards for C-3 districts.

The applicant is proposing parking lot perimeter, parking lot interior and parkway plantings in compliance with the "C-3" District standards.

- L) Access doors for any warehouse use and any loading docks should not front on any public street.

N/A.

- M) Gas stations/convenience stores should be limited to no more than six pumps and allow no more than 12 vehicles to be fueled at one time.

N/A.

- N) Gas station / convenience stores and canopies, drive-thru facilities for restaurants, banks, parking garages and other auto-dominant uses should not front or have vehicular access on or to a pedestrian corridor as designated in the downtown pedestrian corridor map on file in the office of the city clerk as approved by city council resolution.

West Martin Luther King, Jr. Parkway and SW 3rd Street are Designated Pedestrian Corridors. The proposed development does not comply with this criterion. The site does not have access to a side street to the south. Therefore, flexibility has been given in the introduction of a driveway and parking lot frontage along SW 3rd Street and West Martin Luther King, Jr. Parkway. In addition, staff compromised on allowing a drive-thru facility on the south side of the northern building so long as the drive-thru and parking lot did not extend past the east wall plane of the building. Landscaping, an ornamental fence and a bike parking area are proposed to obscure views of the drive-thru and parking lot from SW 3rd Street. Landscaping and an ornamental fence are proposed along the north perimeter of the parking lot facing West Martin Luther King, Jr. Parkway.

Staff does not support the addition of the proposed drop-off lane as it is contrary to the purpose of establishing pedestrian oriented routes within the downtown. The impact of adding the proposed drop off lane must be viewed in context with the other auto-oriented features that staff has already approved. A reasonable alternative is to develop a valet drop-off area within the parking lot to the north of the subject building. The additional parking spaces that were added to the Site Plan by allowing the trash enclosure to be developed offsite would offset the potential loss of parking. Tenant turnover could greatly alter the scope and magnitude of the lane's use in the future. A designated drop-off lane within the parking lot could be easily converted to parking spaces should tenant change occur.

- O) Existing curb cuts should be consolidated to the minimum number necessary and be located as directed by the city traffic engineer and community development director.

Staff believes that a single curb cut to West Martin Luther King, Jr. Parkway and a single cut to SW 3rd Street are the minimum number necessary to support the development. The proposed drop-off lane would add a second curb cut to SW 3rd Street.

- P) Parcels proposed for development that are greater than two acres should be rezoned to a planned unit development (PUD) zoning classification.

The subject property measures 3.24 acres. Staff believes the "PUD" zoning is not necessary in this case as the project consists of the reuse of existing buildings.

- Q) Auto-dominant uses as described in guideline "N" above should be located in a mixed use commercial center and with buildings possessing a unified commercial design.

The proposed development would consist of the reuse of historic buildings. Staff believes the proposed drive-thru lane on the south side of the northern building would be adequately incorporated within the development since it would be perpendicular to SW 3rd Street, would not extend past the front wall plane and would be obscured from view by a bike parking area, landscaping and an ornamental fence. The proposed drop-off lane would not be incorporated within the development as all vehicular movement would occur between the building and the sidewalk.

- R) Parking ramps should either include ground floor retail or commercial space, be designed for conversion to retail or commercial space, or have significant architectural detail.

N/A.

SUMMARY OF DISCUSSION

Will Page left the meeting @ 8:05 p.m.

Erik Lundy presented the staff report and recommendation.

Tim Fitzgerald left the meeting @ 8:12 p.m.

Mike Ludwig stated the existing approved plan was submitted and approved administratively so the applicant could move forward with the development to the north. They submitted their amendment later at staff's direction to meet their timelines for the development to the north. They worked very hard on the development to the north to pull the drive thru lane back on the south side of that building. To come in now and propose a valet lane or drop off vehicle lane in front of the next building is contrary to those efforts. Staff's general opinion is that cars can come in and park in any one of those parking spaces and drop people off. If the patio area was designed appropriately it would be a very nice walk.

Dann Flaherty asked if this is a residential use.

Erik Lundy stated the proposed use of the building is commercial not residential.

Andy Burton with Eychaner Properties 3839 Merle Hay Road thought it might help to know why the tenant was asking for this lane. The tenant proposes an urban country club which would include golf simulators. It will be a high end kind of establishment where people are coming particularly in bad weather months to play golf indoors. When they do that they have to bring their golf bags with them. It is not conducive to their establishment to have their customers' park and carry their golf clubs the distance from the parking space to the door in the middle of winter. Their fear is people are going to pull down to SW 3rd and try to park, throw their clubs on the

sidewalk and then go around the corner to park their cars. The tenant wants to add the valet service so the customer can come and drop off their equipment and park their own car.

Dann Flaherty asked couldn't the three spaces right past the building suffice for their drop off.

Andy Burton stated it is probably still 60 to 80 feet minimum from the front door of the establishment.

Dann Flaherty asked if the people who are golfing worry about walking 60 feet.

Andy Burton explained what the tenant has asked him to request. This is an \$8 million construction project and you need tenants. What exists today is currently four curb cuts including one in the spot where the drive proposes to go out. The drive that exists now is about 40 to 50 feet wide. They are cutting it down to one car width in terms of a lane to come out.

John "Jack" Hilmes asked if the area they are discussing is a loading dock.

Andy Burton stated the loading dock area will be filled and it will be level from the street to the patio.

John "Jack" Hilmes asked what happens to the elevation change.

Andy Burton stated it gets leveled to the loading dock/patio.

Dann Flaherty asked if it is not turned into a valet parking area will the patio be extended.

Andy Burton stated there are no plans for that. The approved plan has it as green space he believes.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor of or in opposition to the applicant's request.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Jann Freed stated it was helpful to know the tenant's intention. However, if that tenant does not make it and leaves then the valet remains.

Ted Irvine stated he applauds the valet idea and believes places should have a valet. However, the intent of the downtown overlay was fewer curb cuts along pedestrian corridors. He encourages staff to work with them for an alternative.

John "Jack" Hilmes noted if there are currently huge curb cuts to accommodate the loading dock.

Ted Irvine stated yes, but in his mind as the use changes and the overlay district is in place to clean those things up as we go forward.

Vicki Stogdill stated she likes the valet lane. She knows with the use changes it is there but whatever tenant would go in there they would either use or not use it.

COMMISSION ACTION:

Dann Flaherty moved staff recommendation Deny the request for a valet drop-off lane along SW 3rd Street.

Motion passed 6-4 (Vicki Stogdill, Christine Pardee, Jacqueline Easley and Dory Briles voted in opposition)

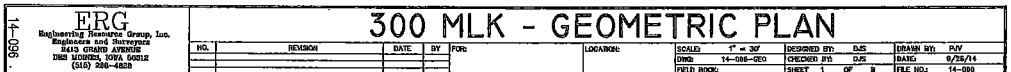
Respectfully submitted,



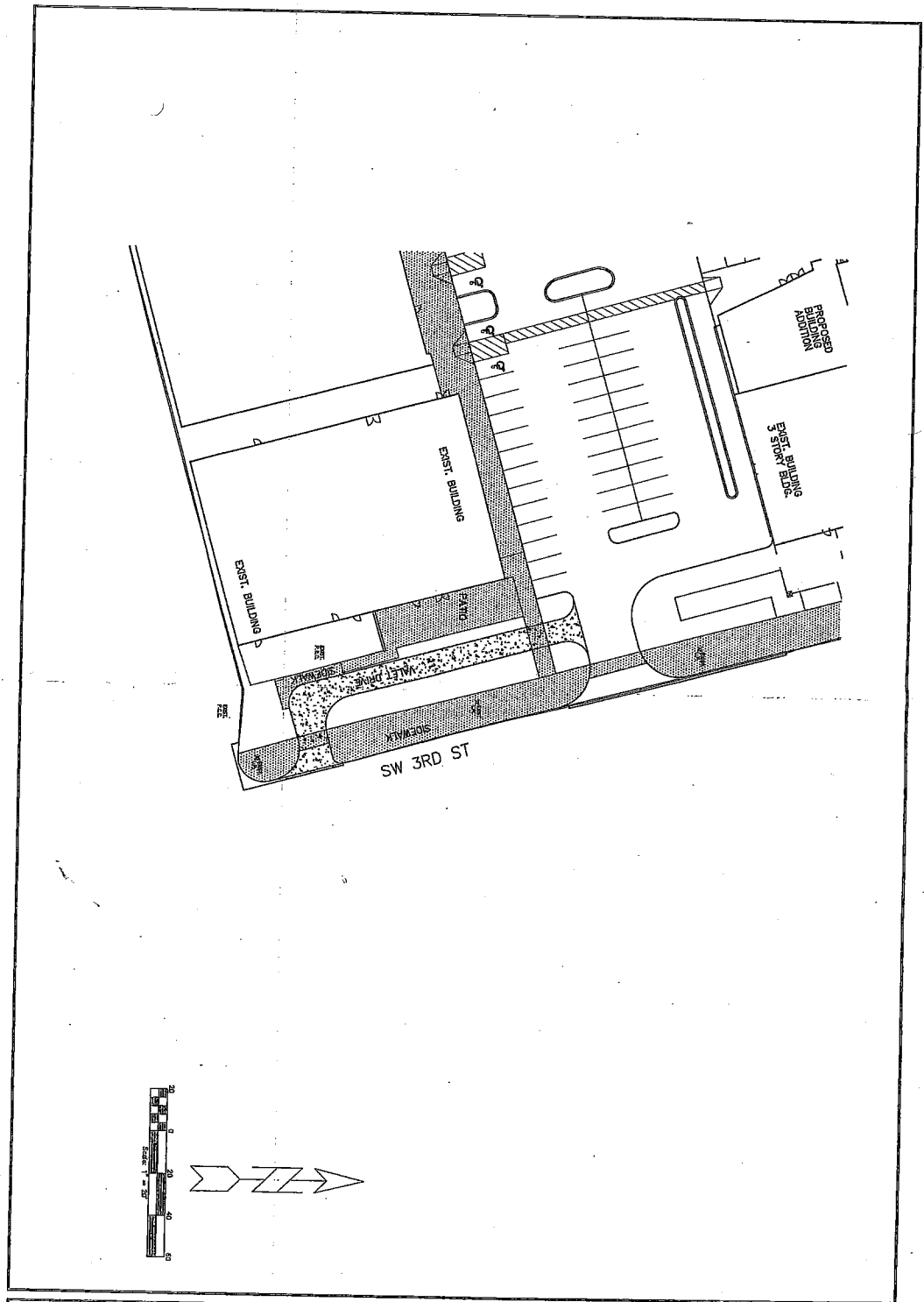
Michael Ludwig, AICP
Planning Administrator

MGL:clw

cc: Green LTD, LC
ERG



17-I



ERG Engineering Research Group, Inc. Engineers and Surveyors 3415 CHASE AVENUE DES MOINES, IOWA 50319 (515) 281-4100		300 MLK VALET DRIVE		NO. _____ REVISION _____ DATE _____ BY _____ FOR _____		LOCATION _____ SCALE: 1" = 20' DESIGNED BY: DJS CHECKED BY: _____ DATE: 9/23/2014 FIELD BOOK: _____ SHEET: 1 OF 1 FILE NO.: 14-090	
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