

★ Roll Call Number

14-1804

Agenda Item Number

47

Date November 17, 2014

**RESOLUTION HOLDING 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 16, 2014, the City Plan and Zoning Commission voted 6-4 in support of a motion to recommend **DENIAL** of an appeal of administrative review and 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 (herein "Property"), to allow development of a vehicle drop-off lane for valet parking serving a commercial use, for the tenant's proposed urban country club and indoor golf facility complex, 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), 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 overturned and the site plan amendment approved; and

WHEREAS, on November 3, 2014, by Roll Call No. 14-1706, it was duly resolved by the City Council that the appeal be set down for hearing on November 17, 2014 at 5:00 P.M. in the Council Chamber at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said appeal; and

WHEREAS, in accordance with said notice, those interested in said appeal and the proposed site plan amendment, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, Section 82-210 of the Des Moines Municipal Code provides that upon appeal from the Plan and Zoning Commission, a majority vote of the City Council shall be necessary to overturn the action of the Plan and Zoning Commission regarding a site plan amendment.

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

1. That the attached communication of the Plan and Zoning Commission is hereby received and filed.
2. Upon due consideration of the facts and any statements of interested persons and arguments of counsel, any and all arguments and objections to the Plan and Zoning Commission's decision to deny an appeal of administrative review and site plan amendment

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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 (herein "Property"), 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, are hereby received, and the public hearing on the appeal and proposed site plan amendment is closed.

3. The City Council hereby makes the following findings of fact regarding the proposed site plan amendment:

- a. The Property is located within the "D-O" Downtown Overlay District, and located at the intersection of West Martin Luther King, Jr. Parkway and SW 3rd Street, both of which streets are Designated Pedestrian Corridors.
- b. The "D-O" Downtown Overlay District strongly discourages auto-dominant uses and improvements along Designated Pedestrian Corridors, such as the location of the Property and the proposed vehicle drop-off lane for valet parking.
- c. The impact of adding the proposed vehicle drop-off lane must be viewed in context with the other auto-oriented features that have been previously approved in the site plan for the Property, including a drive-through lane, substantial parking lot frontage along West Martin Luther King, Jr. Parkway, and curb cuts on Designated Pedestrian Corridors.
- d. A reasonable alternative exists to develop a valet drop-off area within the parking lot to the north of the subject building on the Property.
- e. The vehicle drop-off lane for valet parking requested by Eychaner Properties, Inc., is specific to the currently proposed tenant usage, and may not be appropriate or required for tenant usage in the future.
- f. The site plan amendment request from Eychaner Properties, Inc. (owner) to allow development of a vehicle drop-off lane for valet parking that would have entrance and exit from Southwest 3rd Street is contrary to the "D-O" District Design Guidelines and the need to discourage auto-dominant uses and improvements along Designated Pedestrian Corridors, and is further contrary to the purpose of establishing pedestrian-oriented routes within downtown Des Moines.

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Alternative A

~~MOVED BY _____ to uphold the Plan and Zoning Commission action, to adopt the findings set forth above and set forth in the attached communication from the Plan and Zoning Commission, and to DENY the proposed site plan amendment as requested by Eychaner Properties, LLC.~~

Alternative B

~~MOVED BY _____ to CONTINUE the public hearing until December 8, 2014, at 5:00 p.m. in the Council Chambers, and to direct the Community Development Director to work with Eychaner Properties, LLC, to determine an alternative to the currently proposed site plan amendment for consideration by City Council.~~

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

Moved by Hensley to overturn the Plan and Zoning Commission recommendation and to approve as final the valet drop-off lanes as presented.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

T.M. Franklin Cownie
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.

Diane Rauh

City Clerk