

**BUSINESS OF THE CITY COUNCIL  
WINDSOR HEIGHTS, IOWA  
AGENDA STATEMENT**

Item No. 6  
For Meeting of 4/07/08

**ITEM TITLE:** Review Hickman Motor Lodge Site Plan.

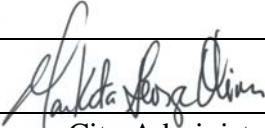
**CONTACT PERSON:** Marketa George Oliver, City Administrator

**SUMMARY EXPLANATION**

Bassman LLC has submitted a site plan for expansion of Hickman Motor Lodge operation at 6500 Hickman Road.

The Planning and Zoning Commission met on March 19<sup>th</sup> and reviewed the site plans submitted by Bassman LLC. The Commission voted to recommend denial of the site plans because the property is a non-conforming use for its currently zoning district. The Commission found sufficient evidence that the property is operating as a multiple-family residential facility, not a lodging facility. Chapter 41.109, paragraph b states, "A Building or structure housing a lawful nonconforming use may not be added or enlarged." Until the issue of the non-conforming use is resolved, the Commission voted to recommend denial the site plan.

Staff recommends the Council reject the site plans based on the same criteria applied by the Commission. Included in this report is the original staff report sent to the Planning and Zoning Commission and a copy of the Planning and Zoning Commission findings and recommendation to Council.

_____ Resolution _____ Ordinance _____ Contract _____ Other (Specify) <u>Site Plan</u>
Funding Source _____
APPROVED FOR SUBMITTAL _____ <div style="text-align: right; margin-right: 100px;"> City Administrator</div>

**STAFF/COMMITTEE RECOMMENDATION:** The Planning and Zoning Commission recommends denial of the site plan due to the nonconforming use issue.

**COUNCIL ACTION:**

Resolution 08-0407/

RESOLUTION DENYING THE DEVELOPMENT SITE PLAN SUBMITTED BY  
BASSMAN LLC FOR EXPANSION OF HICKMAN MOTOR LODGE AT 6500  
HICKMAN ROAD

WHEREAS, Bassman LLC has submitted a site plan for review for an expansion of its existing operation at 6500 Hickman Road; and

WHEREAS, Bassman LLC site plans were considered by the Planning and Zoning Commission who recommends because it is operating in a non-conforming use and where Attachment A highlights other issues related to the site plan; and

WHEREAS, Chapter 41.109, paragraph b states, “A Building or structure housing a lawful nonconforming use may not be added or enlarged.”; and

WHEREAS, Chapter 41: Zoning Code of the Windsor Heights City Code grants the City Council authority for approving or denying site plans based upon the criteria in set forth in Chapter 41: Zoning Code of the Windsor Heights City Code; and

WHEREAS, The proposed site plan may be reconsidered by the Planning and Zoning Commission and City Council at a future date once the non conforming use issue is resolved;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Windsor Heights, Iowa that the City does hereby deny the proposed site plan from Bassman LLC for the expansion of its operations at 6500 Hickman Road.

PASSED AND APPROVED THIS 7TH DAY OF APRIL, 2008.

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David J. Sullivan, Mayor

ATTEST:

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Marketa George Oliver, City Administrator

## Attachment A

### Site plan Request for Hickman Motor Lodge

#### Basic Information:

Applicant and Owners: Steve Bassman, representative for Bassman, LLC.  
Application Date: March, 2008  
Applications: Site Plan Approval  
Location: 6500 Hickman  
Zoning: Lodging/Bar  
Proposed Use: Lodging/Restaurant/Bar  
Zoning: CC Community Commercial

#### Quick Summary

The purpose of this item is to review the site plan application for 6500 Hickman.

This address is zoned for lodging use. The site plan contains a proposal to expand current units, relocate an existing building and add a restaurant. The site plan also shows the addition of a sidewalk, per the Hickman Corridor Overlay District Requirements and contains landscaping materials that are permitted under the same requirements.

The proposed number of parking spaces is 125. Please note that when it states on the site plan that there are 110 spaces required, that statement is from the site plan developer, not City staff.

#### Planning and Zoning Scope of Review

Chapter 41.111 section f, paragraph 2 of the Zoning requires that, The Planning and Zoning Commission shall make the following findings before recommending approval of the site plan to the City Council:

- a) The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 12-1.
- b) Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects.
- c) The site plan conforms to the Zoning Code.

Section g further states that, "The Zoning Administrator, or his/her designee, Planning and Zoning Commission, and City Council may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, welfare, community character, property values, and/or aesthetics."

Staff Analysis

**Table 12-1:** Criteria for Site Plan Review

Land Use Compatibility		Staff Comments
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.	Substantially more landscaping at the front and back of the property should be required, along with a privacy fence around the entire property should be added. Please note that the wall between residential and the motel should be a noise reducing wall or fence.
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	Staff finds the height and bulk compatible with surrounding structures in the commercial area.
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.	Staff finds the proposed project's setbacks meet standards, however recommends a 75-foot setback on the back of the property to provide additional buffering to the residential area.
Building Coverage	Building coverage should be similar to that of surrounding development of possible. higher coverage should be mitigated by landscaping or site amenities.	Staff finds the proposed project's building coverage, with the provision of additional landscaping, meets area standards.
Frontage	Project frontage along a street should meet minimum frontage requirements and provide reasonable exposure for the development.	Staff finds there is minimum frontage, however additional landscaping is recommended under the Hickman Overlay District.
Parking and Internal Circulation	<p>Parking should serve all structures with minimal conflicts between pedestrians and vehicles.</p> <p>All structures must be accessible to public safety vehicles.</p> <p>Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.</p>	<p>Staff finds parking is inadequate. Please see Parking analysis under this table. Further, the existing parking on the northwest corner of the project currently provides difficulty for traffic circulation. The City would recommend an in-depth analysis from a traffic engineer.</p> <p>Please see attached report from the Fire Chief.</p> <p>This development has access to adjacent public streets.</p>
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations	Materials used for development in the Hickman Overlay District must be masonry materials or masonry-like materials.

Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	Staff does not find this project to negatively impact adjacent streets.
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	Staff does not foresee disparate impact to residential streets from this project.
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	Staff recommends additional setbacks and landscaping on the back of the property to provide buffering for the surrounding residential areas.
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	This site plan shows screened dumpster enclosures. Please note that the enclosures must be constructed from masonry-materials.
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.  Development should not inhibit development of other properties.  Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	See storm water section under the Hickman Overlay District requirements.
Utilities	Project must be served by utilities.	This project is served by utilities.

Parking analysis

	Proposed Parking	City staff parking analysis
<b>Use:</b>		
Existing "Extended Stay Motel" 41 units	41	62*
Proposed New "Extended Stay" Motel 30 units	30	45*
Existing Lounge 3600 SF	24	24
Proposed new Restaurant 1200 SF	8	20***
Employee Parking	7	7
<b>TOTAL</b>	<b>110</b>	<b>158</b>
Parking Spaces Proposed	125	125
		<b>33 spaces short</b>
*Based on 1.5 spaces per efficiency units		
**Based on Cocktail Lounge, 1 space per 150 square foot		
***Based on 80 person capacity, 1 space per 3 person capacity.		

Subchapter 13 of the Zoning Code

Chapter 41.129 of the Zoning Code provides criteria which activate the requirements of the Hickman Overlay District. The new construction on the property and the affected value activate the Overlay requirements for this project.

Hickman Overlay Requirement	Staff Comments
Developments may be required to offer exterior and/or interior public spaces, and, if possible, a space appropriate for public gatherings and seasonal events, as determined by the Community Development Committee and the Director of Community Development.	Particularly with the lounge activity, additional open space is required, which does not affect the parking available for customers.  Further, given the use as “extended stay”, there needs to be a public gathering area, such as a picnic area or play area.
Enhanced pedestrian elements at the sidewalk level including decorative lighting, seating or low sitting walls, planters, enhanced paving techniques, etc, shall be incorporated into the theme.	The site plan shows the sidewalk, but does not indicate any decorative lighting or planters along Hickman Road, which is required. Decorative lighting and additional landscaping pursuant to the City’s specifications should be required.
Developers shall give special consideration to parking lots using permeable paving alternatives such as those paving systems designed to infiltrate and capture storm water. Such alternatives may be required as part of the site plan approval.	The site plan does not indicate that any permeable paving is being used. The City would like a minimum of 20% permeable paving.
Parking areas shall consist of separated parking fields that are aesthetically pleasing, landscaped to screen the public views and located so as not be the dominant feature along any street or intersection, with appropriate landscaping and landscaping pods and units as set out in section 41.130.	Site plans should add more landscaping to the north west corner of the parking lot to shield the parking lot from the road as required.
Developments shall be constructed of masonry materials; masonry-like materials or other materials that may be approved by the Community Development Committee and the Director of Community Development.	The site plan indicates the new buildings are wood framed, but it does not mention whether “masonry materials” will be used on the exterior of all the new buildings.

Additional considerations:

This property is a non-conforming use. The City maintains that the property is being used as multiple-family residential instead of lodging. The City has amassed sufficient evidence to determine that the use of the property is not in accordance with the City’s zoning code. The City has determined that the property is being used as multiple-family residential because:

1. The facility does not offer services/amenities that are typical to lodging establishments, such as maid service; fresh linens/towels; soaps; toilet paper; etc.
2. There are a number of people who are registered to vote at this location;
3. There are a number of people who have vehicles registered to this location;
4. There are a number of people who have lived here for multiple years; and
5. Hotel/motel tax revenues have decreases substantially in the last few years.

Chapter 41.109, paragraph b states, “A building or structure housing a lawful nonconforming use may not be added or enlarged.”

**City of Windsor Heights, Iowa  
Planning and Zoning Commission Findings**

**IN THE MATTER OF**

Docket Number 08-01  
6500 Hickman Road (Hickman Motel)  
Site Plan Application

**March 19, 2008**

Commission Members Present: Jim Egger (Chair); Craig Calhoun; Karol Mauk; Pat Moran; and Stu Turner. Commission members absent: Fern Andrew and Tom Stokes.

City Representatives Present: City Administrator Marketa Oliver; Assistant City Attorney Larry James; Community Services Director Josh Heggen and Building Inspector James Tucker.

**Statement of Action Requested**

Bassman LLC., (the Owner) owns both 6500 Hickman Road and a vacant parcel located directly to the east, 6440 Hickman Road requested site plan approval to expand extended stay motel use and an a restaurant and accompanying parking.

**Project Background**

The site at 6500 Hickman is a motel and a bar and is in the Community Commercial Zoning District. The current owner purchased the property in June, 2003.

**Definitions/Pertinent Zoning Code Provisions**

A nonconforming use is defined in the zoning code as, “Nonconforming Use: A land use which was lawful prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Code. No action can be taken which would increase the non-conforming characteristics of the land use.” Further, Chapter 41.111f (2) states that the Planning and Zoning Commission shall make three findings before recommending approval of a site plan to the City Council. The Commission must find that:

- a) The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 12-1.
- b) Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects; and
- c) The site plan conforms to the Zoning Code.

**Ultimate Conclusion and Decision**

The Planning and Zoning Commission discussed but did not review in-depth whether or not with any necessary modifications the site plan would be compatible with the criteria established in Table 12-1 of the Zoning Code and the Hickman Corridor Overlay District. The Commission was unable to find that the site plan conforms to the Zoning Code because the use is considered a nonconforming use. The property is being used for multiple-family residential purposes, a use for which it is not properly zoned. The evidence leading to the determination of the property as a non-conforming use is compelling.

The City has determined that the property is being used as multiple-family residential because:

6. The facility does not offer services/amenities that are typical to lodging establishments, such as maid service; fresh linens/towels; soaps; toilet paper; etc.
7. There are a number of people who are registered to vote at this location;
8. There are a number of people who have vehicles registered to this location;
9. There are a number of people who have lived here for multiple years; and
10. Hotel/motel tax revenues have decreased substantially in the last few years.

Chapter 41.109, paragraph b states, “A building or structure housing a lawful nonconforming use may not be added or enlarged.”

Because the use is nonconforming, the Planning and Zoning Commission recommends denial of the site plan and did not require any modifications to the site plan. The Commission passed a motion to recommend denial of the site plan due to the use issue unanimously on a voice vote. The Commission did note, however, that once the issue related to the non-conforming use is rectified, it would entertain the site plan again.

Planning and Zoning Commission:

Attest:

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Jim Egger, Chair

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Marketa Oliver, Zoning Administrator

Findings from meeting held March 19, 2008