URBANDALE BOARD OF APPEALS MEETING

November 16, 2010

Chairperson Rod Stevens called the meeting to order at 3:03 p.m. and welcomed everybody to the meeting of the Urbandale Board of Appeals. Board members present were Jan Beal, Gary Forshee, Rich Gardner, Alan Bowman, and Rod Stevens, chairperson. Also in attendance were Fire Chief Jerry Holt, Fire Marshal Jon Rech, Building Official Maurice Dudney, Associate Building Official Roger Schemmel, Director of Community Development Paul Dekker, Mike Carver, two neighbors, and the petitioners Brad & Eric Vander Linden.

Mr. Stevens read the Urbandale Character Counts statement. "Urbandale is a national leader in Character Counts, endeavoring at all times to promote and model the principles of trustworthiness, respect, responsibility, fairness, caring, and citizenship. In conducting today's meeting, we expect that all participants will act in a respectful manner consistent with these principles."

Notice of this meeting was published in the November 12, 2010 issue of the Urbandale/Johnston Register.

The first item on the agenda is the approval of the last meeting's minutes from October 19, 2010.

Mr. Gardner noted that a correction needs to made on page 17, talking about "…retaining Mr. Gardner as Board chair". Instead it should read "…retaining Mr. Stevens as Board Chair".

Mr. Gardner moved, and it was seconded by Mr. Bowman, to approve the October 19, 2010 minutes as corrected. On roll call; Ayes: Bowman, Forshee, Gardner, Beal, Stevens; Nays: none. Passes: none. Motion carried.

The next item on the agenda was the Self Storage Warehouse Fire Code Sprinkler Amendment.

Mr. Stevens asked Mr. Dudney to explain the new handouts they had just received.

Mr. Dudney said the one sheet is from a neighbor. I have not seen the other documents but I think they relate to what the Vander Lindens have, and I'm sure they're ready to go ahead and do their presentation, and probably explain everything to you.

Mr. Brad Vander Linden said we've come back before you today to discuss the Fire Code issue. With me today is Doug Mandernach, who is our project manager with Civil Design Associates. He'll be able to answer any technical questions about some of the design elements we've incorporated. Also, my business partner, Eric Vander Linden, is here today too. You've got quite a bit of information, which you probably have had a chance to review. I've included a few other things, too. The main driving factor in a self-storage investment is something called F.A.R., Floor Area Ratio, which is the

amount of leasable space that a project has. And your objective in this type of a business is always to try to maximize that to the greatest extent possible. That drives your return on investment. He said we have before you two plans, one that is Fire Code compliant, and one is the preferred plan that we would like to build. I've also included something I think will address the staff report, which is your conclusion on return on investment. We've kind of given you that all on one sheet that will show you how a project like this will perform financially as stabilization, on financial stabilization. And we welcome any questions.

Mr. Vander Linden said one of the questions I'd like to ask is which one would you invest your money in, I guess, if you were an investor? As you can see, Fire Codes have a very dramatic impact on the economic feasibility and potential of a project like this. What I'd like to do is open it up to any questions that you might have today, too.

Mr. Stevens said I'm sorry, we're not ignoring you, we're just trying to absorb all of the information that we just received.

Mr. Vander Linden said Mr. Dekker has shown me how to operate your overhead, so can everybody see it? This would be a plan that would be largely Fire Code compliant there. This kind of shows you the building footprints for the same plan there too. Also included, kind of firetruck movements here, so you can see how emergency personnel would negotiate. We wanted to include those. Those would all be things that would be carefully reviewed by your Fire Chief, too. On the overhead there, you can see the preferred plan that we would like to build, which has the buildings with much larger square footages. Again, we've got the firetruck movements on it there, too. Again, those would be a little less than 12,000 square feet, and what we would like to propose is we've offered a third way in the Fire Codes which I've not had any formal response from the Fire Chief or from City Staff on. It's briefly alluded to in your staff report, but one of the things that we would like to be able to do as a compromise is be able to compartmentalize the buildings in lieu of sprinklers. We'd be able to use 3-hour firewalls, fire rated doors in corridors, centrally monitored fire alarms, all options that provide good fire protection, and essentially would subdivide the buildings into two 6,000 square foot buildings, which would be in line with the current sprinkler requirements.

Mr. Gardner asked what's the intent then to have far fewer overhead doors in that approach? It seems like a different market mix than you see all over town right now.

Mr. Vander Linden said these types of buildings allow you the flexibility. It would be possible to not put in any HVAC systems and have just typical cold storage. But generally what we would do at these buildings is, you would have exterior units that you would drive up to, and then there would be kind of a core building that could be climate controlled. So it would be mostly doors, and then there would be up to 3 to 4 man doors on each side of the building that would allow people to access the buildings for climate-controlled storage.

Mr. Bowman said in your illustrations, there seems to be a close relationship between return on investment and floor area ratio.

Mr. Vander Linden said correct.

Mr. Bowman asked have you had a chance to react to the staff plan?

Mr. Vander Linden said we have. And I would think some of the problems that you would see right away, one is ingress/egress to the facility for larger trucks. That's problematic there. # 2 is we can get into site and drainage issues. I've given you kind of a handout that shows you all the different ways that civil engineers try to creatively work with the lay of the land to develop something that works. One of the criticisms that I would have of the staff plan that they've drawn is that would require lots of storm sewer work, whereas some of our plans would actually run with the land. Right now, on the overhead I've got up, our preferred plan. It's got all of the cut and fill calculations. We're kind of working with the land which you can see kind of flows east to west. Our civil engineers work closely with our structural engineers and you're able to step these buildings appropriately, and you can see where they're stepped down so they kind of run with the land. He said other advantages of this layout, and I'll have Doug talk about some of these things, but you can also pour the slabs on 1% slopes, get the water to gravity drain this way. You can have a nice "v" here too that can convey the water to these retention areas very efficiently. Similarly here we can probably use gravity and drain the water to this point, and then over to our retention areas. So a lot of careful thought is given to that, in order to minimize the storm water structures that are necessary, in order to control your costs.

Mr. Vander Linden said in your materials too, I've included kind of an estimate for fire sprinkler systems. It's the basic system, and I think it's going to go up from there because we've got more units. But I would estimate it would be close to $200,000 of additional capital expense to have a dry fire sprinkler system. A rough ball park estimate is low. It doesn't include any of the underground work for the plumbing that would be done, and fire alarms would be other requirements that you would have to have. If we built our preferred plan, we would have up to 650-plus units, so that's quite a few sprinkler heads in a development. I don't know if we can find out photos of the foundations for the buildings. But there's one photo that does have a 3-hour fire wall that's typically designed into these facilities. One of the other ways you can do that is with a cinder block wall that can be used as a fire wall to divide the buildings, similarly 3 layers of fire-rated sheetrock is another cost-effective method to provide that, compartmentalize the buildings.

Mr. Vander Linden said here's an example of a typical fire-rated wall that divides up a structure here. It's just a solid cinder-block wall, and typically those walls have no penetrations in them, so that's one of the things that can defeat a fire-rated wall, as far as its effectiveness. We have proposed a third way with Chief Holt, and we just have not had a response from him on that, and that would be just to simply strike the word

"not" from the Fire Code in the specific area that we've indicated the specific section. I've kind of outlined in an e-mail to Chief Holt what the principal advantages are of that, and I'm sure he'll have some comments about that. But could be another way to do it. The other way that we suggested in our first meeting is to simply allow in the S-1 occupancy for self-storage just change the sprinkler threshold to 12,000 square feet. Which would be another acceptable method for us to work with this issue. I would welcome any other questions you have.

Mr. Bowman said we talked about this last time, the compartmentalization issue. Would you refresh my memory on this?

Fire Chief Holt said that's why Mr. Vander Linden didn't get a response is because we addressed it in the last meeting, the compartmentalization, although it's a firewall, you still have to treat the whole box. And what a lot of people don't realize, the firewall, especially when they hear a 3-hour firewall, that's going to allow the fire to burn for 3 hours. It's not. This is a metal building. Metal will start losing its integrity at 600 degrees, the fire's going to burn at at least 1000 degrees, depending on the fire load, one can expect 1000 or 1200 degrees at the ceiling level in any one of these things, so even though you have a fire wall, the building is going to lose its integrity and collapse before the firewall does anything, which will then jeopardize the firewall. So even though you're compartmentalizing something, you still have to approach the box that that is in as one box. And that's why I didn't respond, because we discussed it at the last meeting, that we don't see that as an effective alternative to sprinklers.

Mr. Dudney said I think another reason was mentioned last time too, which is consistency with neighboring communities. It's been deemed to be pretty important.

Mr. Vander Linden said I believe the better communities to be consistent with would be Ankeny, Des Moines, Windsor Heights. If you go across the street, we have much more reasonable commonsense fire codes. Again, we're not, in our minds, trying to undermine the entire Fire Code. We've offered a couple of different ways to handle this and which would allow our project to be economically feasible. Very, very reasonable commonsense approaches, to design the building to withstand a fire. One thing that I would note, that was touched on at the last meeting, was that since 2002, it's my understanding that, in West Des Moines, Urbandale, there have really been no self-storage projects developed. And this may be one of the reasons. If you look closely at a project with restrictive fire codes in this manner, it's hard to maximize a piece of land in an economically viable manner. And this is a product that is definitely in demand in Urbandale. Our demand studies show that this type of community amenity provided by the private sector is very much in demand. Just right now it's very, very difficult to build it and get any kind of a return on investment with the fire codes at the level they're at.

Mr. Stevens said one of my concerns in looking at the information we had prior to the meeting today was exactly how your preferred plan could even be constructed on the site because of drainage issues. And the preliminary plan that you showed, the grading

plan, as near as I can tell, doesn't correspond to any of the other plans we have. Is that correct?

Mr. Vander Linden said we have not done another grading study. The plan is pretty similar to our preferred project, if you'll take a look at that.

Mr. Gardner said but you don't think that the staff plan, unless I'm missing something, has the same square footage that they filed for an amended plan. They're awfully close. I got 82,425 there and then here I've got 82,694.

Mr. Vander Linden said what you're trying to do is manage the storm water on the site with sheet drainage rather than storm sewer intakes. Minimize the pipe.

Mr. Bowman said I don't see, looking at that contour map, I only see one point right here where that might be an issue, and that only involves adjusting this path between buildings to that point there, so that this can sheet drain to the storm water detention basin. There may be other issues too, I don't want to oversimplify this, but it looks to me like you can achieve floor area ratio and code compliance and maybe only change your proforma by 2 or 3%, floor area ratio.

Mr. Vander Linden said that plan, as you kind of look at it, to finish floor elevations, are two different levels. So, to drain the top level to the second level to the retention area, there's going to have to almost be pipe all the way around those buildings, and it's going to have to be conveyed underground to the retention areas to the west. That is going to be a much harder project to cost-effectively design the storm water structures.

Mr. Bowman said I'm not saying just adopt what we're calling the "staff plan". I'm just saying that it suggests that there are other solutions that can achieve what you want to achieve financially and maintain code compliance. I guess sitting in this chair, at least, I don't think that our decision should be driven by your proforma.

Mr. Vander Linden said well, maybe I would agree with that. But there needs to be some balancing here, and I think fire sprinklers are the gold standard in the industry for fire protection. But sometimes for certain applications silver metal should suffice. Things like 3-hour fire walls compartmentalizing the building. In almost every other community except for three here in the Des Moines area, that is the standard. Again, issues like fire flow that the Chief has talked about, I think it will have minimal impact on that.

Mr. Gardner said unless I'm missing something though and I applaud the staff for the work they did on this, which is beyond the call of duty, but it seems like the square footage that's on this plan which at least conceptually considers slope on both on this end and in here, and that you could drain this, you could also surface drain this to the detention area as well. You might have to pop a hole there, but go around.

Mr. Bowman said that's my thought, too.

Mr. Gardner said it would appear to me, and I guess this is just another question, if you wanted a bigger footprint, couldn't you put those two together, those two together, and be very close to 6,000 square feet? And those two together? I guess you couldn't do all three, but you could do two, so you'd get a bigger footprint if you wanted some interior halls and that sort of control. Admittedly, I recognize that if you could do that, that minimizes footings, etc. but it would look like you would have a couple of pretty good-sized buildings that you could do your internal walk, small areas, I guess. So I agree with Allen that it appears that if you look at it, you can come pretty close to your F.A.R. and not have any conflicts with the requirements of the sprinkler system.

Mr. Vander Linden said one of the other problems of course with that plan is the entrance and truck maneuverability at the entrance. So I'm not sure how we would redesign that.

Mr. Bowman asked why is the "staff plan" less desirable, in terms of entrance, than your code compliant plan?

Mr. Vander Linden said well, as you can see in our code compliant plan, there's a straight shot entrance from Hickman Road, right down the main alley, when you come in off the street.

Mr. Gardner said with the other option, they'd have to turn. It might be safer.

Mr. Vander Linden said there you'd have to come in the facility and make almost an immediate lefthand turn and another sharp righthand turn. That would make it very difficult for larger trucks to get into the facility. Other ways would be we could negotiate our neighbor's parking lot, which he probably won't appreciate. But we wanted to be able to utilize the existing pavement, entrance to the facility, just as it is, with a straight shot into the facility. By redesigning the front of that facility, we're going to lose substantial F.A.R. in that case, just to get a straight entrance like we have in our concept plans. Lots of thought is given to truck maneuverability and having a facility where people really don't have to back up, because that just leads to damage to your buildings over time. But you want to make it easy for customers to maneuver the site. I'm going to have Doug, with Civil Design Associates, talk about some more technical aspects.

Mr. Doug Mandernach, Civil Design Advantage, said I'd like to call to your attention to, on the elevations, Staff did a good job of laying this out. But on the elevation-wise, these buildings up here, an elevation of 952, and this building down here is at an elevation of 944. So you have a substantial difference from there. So this building is built into the wall and then there's actually a wall there. So you don't have traffic that can come through here and go up this way. That is a deadend drive to get to those buildings there which, as Mr. Vander Linden alluded to, is cumbersome if you rent a

place here, you drive up here and then you have to back all the way out to be able to get out.

Mr. Gardner asked can you indicate on the map where you're talking about please?

Mr. Mandernach said this area right here, there is a wall there, so you cannot drive through here and drive through that way. You would have to either drive in or back in to get to these units located there.

Mr. Gardner said but on the other hand, this is very conceptual, too. That doesn't mean that you couldn't work that out. It's only 2 feet of difference.

Mr. Mandernach said right.

Mr. Dekker said it all depends on what your unit mix would be, ultimately, is how you would look at that.

Mr. Gardner said right, I hear you, but it's very conceptual at this point, as yours is.

Mr. Mandernach said that's right.

Mr. Bowman said I have to say that the staff plan persuades me that you can come awfully close on the floor area ratio with some careful study, and so when I see a spread of 2,000 or 3,000 square feet, and a savings of $140,000 to $200,000 in sprinkler systems, that's $83 a square foot on those square feet that are saved. These buildings don't cost that much to build. So it seems to me that the developer can actually save himself money, improve the proforma, by building a few fewer square feet. That's my persuasion. It doesn't mean you have to follow this thing rote, but it does mean that what City Staff has done is a pretty yeoman effort in terms of demonstrating that there is a way to achieve both code compliance and your financial objectives. So, I guess on that basis, I'd be prepared to make a motion.

Mr. Stevens said okay, I'll entertain a motion.

Mr. Bowman moved, and it was seconded by Mr. Gardner, to deny the request to amend the ordinance. On roll call; Ayes: Bowman, Forshee, Gardner, Beal, Stevens; Nays: none. Passes: none. Motion carried.

Mr. Stevens said I would recommend that you work closely with Staff. I, like the others who have spoken, am convinced that there is probably a middle ground here that we can get to where we want to go. So I would not see this as a rejection of your project at all, but let's take another look at it. Thank you for all your hard work. This is one of the most involved projects we've looked at in a long time.

Mr. Vander Linden said I'd like to thank the Board for your careful consideration of everything today, too.

Mr. Stevens said thanks for working with us. I'm not aware of any other Board items, which is the next thing on the agenda.

Mr. Gardner moved, and it was seconded by Ms. Beal, to adjourn the meeting. On roll call; Ayes: Bowman, Forshee, Gardner, Beal, Stevens; Nays: none. Passes: none. Motion carried.

The meeting adjourned at 3:35 p.m.