

Date February 7, 2022

RESOLUTION SETTING HEARING ON REQUEST FROM ABC PARTNERS, LP FOR APPROVAL OF A PROPOSED 2ND AMENDMENT TO THE AIRPORT BUSINESS PARK PHASE II PUD CONCEPTUAL PLAN ON PROPERTY LOCATED AT 7404 SW 37TH STREET

WHEREAS, on January 20, 2022, the City Plan and Zoning Commission voted 14-0 to **APPROVE** a request from ABC Partners, LP (owner), represented by Ronald L. Daniels (officer), to review and approve a proposed 2nd Amendment to the Airport Business Park Phase II Planned Unit Development (PUD) Conceptual Plan on property located at 7404 SW 37th Street ("Property") in order to reconfigure lots within the PUD, reduce the requirement of a 10-foot bicycle path along Southwest 37th Street and Gannett Avenue to a 5-foot sidewalk, and add the Fabrication and Production, Intensive use of fertilizer product assembly to the allowed uses within the Property, subject to the following revisions to the Plan:

- 1) Provision that the parking note be updated to state that parking shall be provided in accordance with Des Moines Municipal Code Chapter 135, Planning and Design Code.
- 2) Provision of a note that states that bike rack quantity, placement, and design shall be provided in accordance with Des Moines Municipal Code Chapter 135, Planning and Design Code.
- 3) Provision of a note that states that all site and building mounted lighting shall be provided in accordance with Des Moines Municipal Code Chapter 135, Planning and Design Code.
- 4) Provision of a note stating that any refuse collection container shall be within an enclosure constructed of masonry walls that match the primary building and steel gate with a pedestrian entrance or shall be fully enclosed within the building.
- 5) Provision of a note that states that pedestrian access to the public trail/sidewalk shall be provided.
- 6) Provision of a note that states that all signage shall be provided in accordance with MX1 Zoning Classification per Des Moines Municipal Code Chapter 134, Zoning Code; and

WHEREAS, the Property is legally described as follows:

LOT 1 AND 2 OF AIRPORT BUSINESS PARK PLAT 2, BEING AND OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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

- 1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
- 2. That the meeting of the City Council at which the proposed 2nd Amendment to the Airport Business Park Phase II PUD Conceptual Plan is to be considered, shall be held at 5:00 p.m. on February 21, 2022, at which time the City Council will hear both those who oppose and those who favor the proposals.
- 3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.



Date February 7, 2022

Agenda Item Number

 $2l_{n}$

MOVED BY _____ TO ADOPT.

FORM APPROVED:

<u>/s/ Glenna K. Frank</u> Glenna K. Frank Assistant City Attorney

(ZON2021-000058)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS		-		
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		

CERTIFICATE

I, P. Kay Cmelik, 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.

Mayor



Date Agenda Iten Roll Call #.

January 26, 2022

Communication from the City Plan and Zoning Commission advising that at their January 20, 2022 meeting, the following action was taken regarding a request from ABC Partners, LP (owner), represented by Ronald L. Daniels (officer), for review and approval of a 2nd amendment to the Airport Business Park Phase II PUD Conceptual Plan on the property located at 7404 SW 37th Street, to update descriptions for permitted uses on Lots 1 and 2 of the PUD and to replace the requirement of a 10-foot-wide bicycle path with a 5-foot wide sidewalk.

COMMISSION RECOMMENDATION:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	Х			
Dory Briles	Х			
Abby Chungath	Х			
Kayla Berkson	Х			
Chris Draper	Х			
Jann Freed	Х			
Todd Garner	Х			
Johnny Alcivar	Х			
Lisa Howard	Х			
Carolyn Jenison	Х			
William Page	Х			
Andrew Lorentzen	Х			
Greg Wattier	Х			
Emily Webb	Х			

After public hearing, the members voted 14-0 as follows:

APPROVAL of the requested right-of-way vacation subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense. (ZONG-2021-000058)

Written Responses 0 in Favor 0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed 2nd amendment to the Airport Business Park Phase II "PUD" Conceptual Plan to reduce the requirement of a 10-foot bicycle path along Southwest 37th Street and Gannett Avenue to a 5-foot sidewalk, and to update descriptions for proposed use in Lots 1 and 2 to allow Fertilizer Product Assembly, a "Fabrication and Production, Intensive" use, subject to the following conditions:

- 1) Provision that the parking note be updated to state that parking shall be provided in accordance with Chapter 135: Planning and Design Code.
- 2) Provision of a note that states that bike rack quantity, placement, and design shall be provided in accordance with Chapter 135: Planning and Design Code.
- 3) Provision of a note that states that all site and building mounted lighting shall be provided in accordance with Chapter 135: Planning and Design Code.
- 4) Provision of a note stating that any refuse collection container shall be within an enclosure constructed of masonry walls that match the primary building and steel gate with a pedestrian entrance or shall be fully enclosed within the building.
- 5) Provision of a note that states that pedestrian access to the public trail/sidewalk shall be provided.
- 6) Provision of a note that states that all signage shall be provided in accordance with MX1 Zoning Classification per Chapter 134: Zoning Code.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to reconfigure the lots within the Airport Business Park Phase II PUD and reduce the requirement of a 10-foot bicycle path along Southwest 37th Street and Gannett Avenue to a 5-foot sidewalk. The proposed PUD Conceptual Plan amendments includes the addition of Fertilizer Product Assembly, a "Fabrication and Production, Intensive" use, to the allowed uses table however no additional alterations to landscaping requirements or bulk regulations are requested.

Future development of the site must be in accordance with a "PUD" Development Plan that complies with the requirements established in the "PUD" Conceptual Plan and with the review process of Chapter 135 of the Planning and Design Code.

- **2. Size of Site:** The proposed amendment is on an area that measures approximately 6.17 acres in area.
- 3. Existing Zoning (site): "PUD" Planned Unit Development District.
- 4. Existing Land Use (site): Airport Business Park Phase II PUD.

5. Adjacent Land Use and Zoning:

North – "P2". Use is the Des Moines International Airport.

South – "PUD" (Warren County), Use is vacant land and Country Club development with Golf course and townhomes and single-family development.

East – "PUD" & "NM", Uses are Airport Commerce Park South and Meadows Mobile Home Community.

West – "EX", Uses are the Airport Business Park Phase 1, which includes Katecho, the Des Moines Register facility, and offices for IPERS.

- **6. General Neighborhood/Area Land Uses:** The surrounding area, just south of the Des Moines International Airport, is generally business park and support commercial uses.
- **7. Applicable Recognized Neighborhood(s):** The subject areas is not located within the recognized neighborhood association. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on December 30, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on September 30, 2021 (20 days prior to the hearing) and January 10, 2022 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to recognized neighborhoods on January 14, 2022.
- 8. Relevant Zoning History: On December 17, 2001, the City Council rezoned the site from "PBP" Planned Business Park District to "PUD" Planned Unit Development and approved the Airport Business Park Phase 2 "PUD" Conceptual Plan.

On February 14, 2011, the City Council amended the Airport Business Park Phase II PUD conceptual plan to allow for changes to the public street network and lot configuration to allow the development of a new warehouse facility, subject to conditions, (2-28-11).

- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Business Park.
- **10. Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

The application, accompanying evidence and "PUD" Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of the City Code and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the amended "PUD" Conceptual Plan as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the Commission shall be referred to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Land Use: The existing PUD Development standards allow for PBP support commercial uses. The applicant is proposing to add Fertilizer Product Assembly, a "Fabrication and Production, Intensive" use which includes the mixing of raw materials, packaging, and distribution. No materials are discarded other than pallets nor does the processing include gas or smoke emissions. Any leftover product residue is to be collected monthly by a company specializing in waste disposal to prevent product from being disposed of within sewer line and avoid contamination.
- 2. Drainage/Grading: Future construction must comply with the City's storm water management, soil erosion protection and grading requirements, as approved by the City's Permit and Development Center's Engineering Staff during the "PUD" Development Plan (site plan) review.
- **3.** Utilities: The applicant has access to necessary utilities. Public storm and sanitary sewers are available to the lots. Each lot is required to have their own on-site stormwater detention.
- **4. Traffic/Connectivity:** The subject property would be accessed from two (2) driveways, one from Southwest 37th Street and one from Gannet Avenue.

The applicant is proposing to reduce the 10-foot bicycle path requirement to a 5-foot sidewalk along Southwest 37th Street and Gannett Avenue. The trail would carry bicycle traffic south from Army Post Road to Gannett Avenue connecting to a trail and lake loop that would eventually cross Highway 5 but are not currently constructed or identified in MoveDSM. The Traffic and Transportation Division, and Park and Recreation Department are supportive of the waiver as installation of the 10-foot bicycle path along Army Post Road is to be installed at the time of construction.

Staff recommends approval of the request to reduce the requirement of a 10-foot bicycle path along Southwest 37th Street and Gannett Avenue to a 5-foot sidewalk as installation of the 10-foot bicycle path along Army Post Road is to be installed at the time of construction.

5. Off-Street Parking: The City's standard off-street parking requirement for a manufacturing use is 1 parking stall per 2 employees plus 1 parking stall per 400 square feet of office space. The submitted Conceptual Plan indicates that parking should be in accordance with parking requirements of Des Moines Ordinance Section 134-1377.

Staff recommends that the parking note be updated to reflect the new code to state

that "parking shall be provided in accordance with Chapter 135: Planning and Design Code".

- 6. Landscaping: The proposed "PUD" Conceptual Plan demonstrates that landscaping and plantings are to be provided throughout the site and along the frontage and that such landscaping shall be provided to the satisfaction of the Planning and Urban Design Administrator.
- 7. Urban Design: The proposed "PUD" Conceptual Plan amendment does not alter the palate of building materials which include precast concrete, brick, split face, ornamental and architectural concrete block, glass, alumabond, alucobond, or similar aluminum covered exterior panels, or other quality materials approved by declarant. Prohibited materials include metal walls, composite siding, and asphalt or asbestos cement shingles.
- 8. Lighting: The proposed "PUD" Conceptual Plan does not comment on the provision of lighting. Lighting should enhance safety and provide light levels appropriate to the visual task with minimal glare, light trespass and excess site brightness.

Staff recommends provision of a note stating that all lighting shall be provided in accordance with Chapter 135: Planning and Design Code.

9. Trash Enclosure: The "PUD" Conceptual Plan indicates that the trash enclosure shall be integrated into the overall architectural design of the building by being fully enclosed or screened with compatible fencing and plant material.

Staff recommends provision of a note stating that any refuse collection container shall be within an enclosure constructed of masonry walls that match the primary building and steel gate with a pedestrian entrance or shall be fully enclosed within the building.

10.Signage: The "PUD" Conceptual Plan proposes that signage shall be in accordance with C-1 Zoning Classification.

Staff recommends provision that the signage note be updated to state that all signage shall be provided in accordance with MX1 Zoning Classification per Chapter 134: Zoning Code.

SUMMARY OF DISCUSSION

<u>Dory Briles</u> asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

<u>Jann Freed</u> made a motion for approval of the proposed 2nd amendment to the Airport Business Park Phase II "PUD" Conceptual Plan to reduce the requirement of a 10-foot bicycle path along Southwest 37th Street and Gannett Avenue to a 5-foot sidewalk, and to update descriptions for proposed use in Lots 1 and 2 to allow Fertilizer Product Assembly, a "Fabrication and Production, Intensive" use, subject to the following conditions:

- 1) Provision that the parking note be updated to state that parking shall be provided in accordance with Chapter 135: Planning and Design Code.
- 2) Provision of a note that states that bike rack quantity, placement, and design shall be provided in accordance with Chapter 135: Planning and Design Code.
- 3) Provision of a note that states that all site and building mounted lighting shall be provided in accordance with Chapter 135: Planning and Design Code.
- 4) Provision of a note stating that any refuse collection container shall be within an enclosure constructed of masonry walls that match the primary building and steel gate with a pedestrian entrance or shall be fully enclosed within the building.
- 5) Provision of a note that states that pedestrian access to the public trail/sidewalk shall be provided.
- 6) Provision of a note that states that all signage shall be provided in accordance with MX1 Zoning Classification per Chapter 134: Zoning Code.

Motion passed: 14-0

Respectfully submitted,

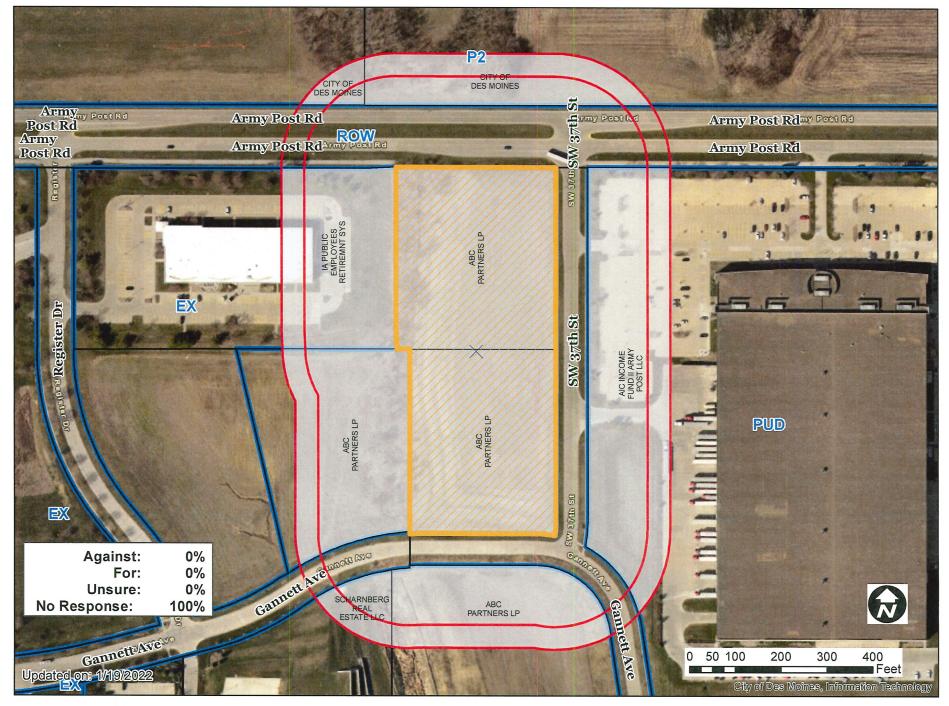
Jula Com

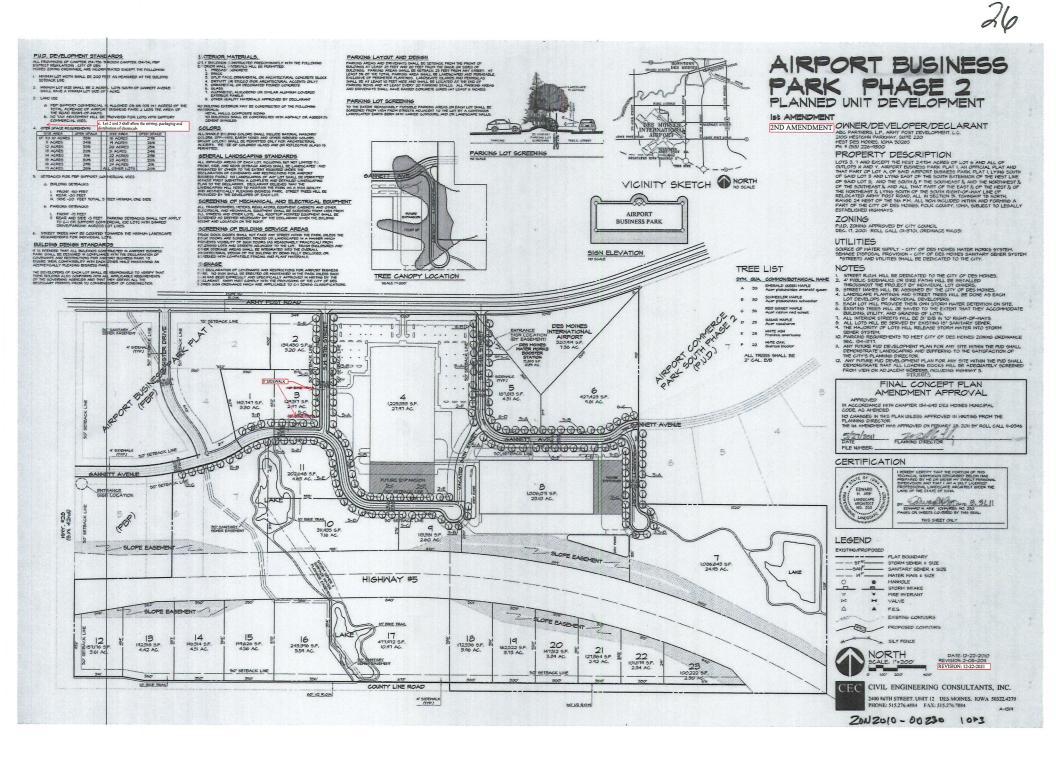
Jason Van Essen, AICP Planning & Urban Design Administrator

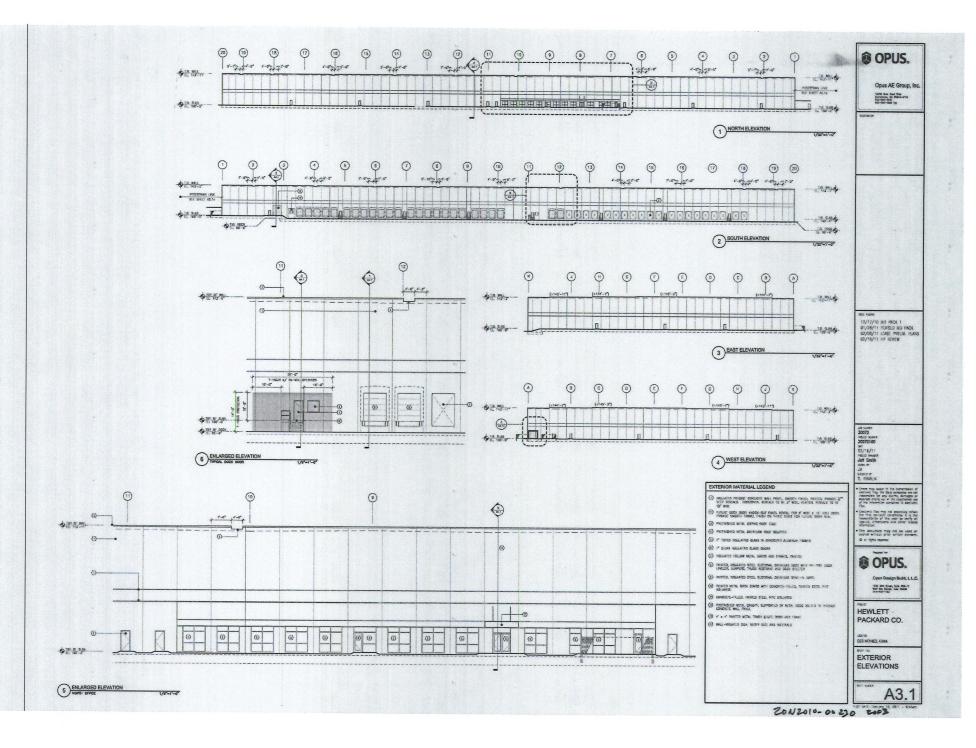
JMV:tjh

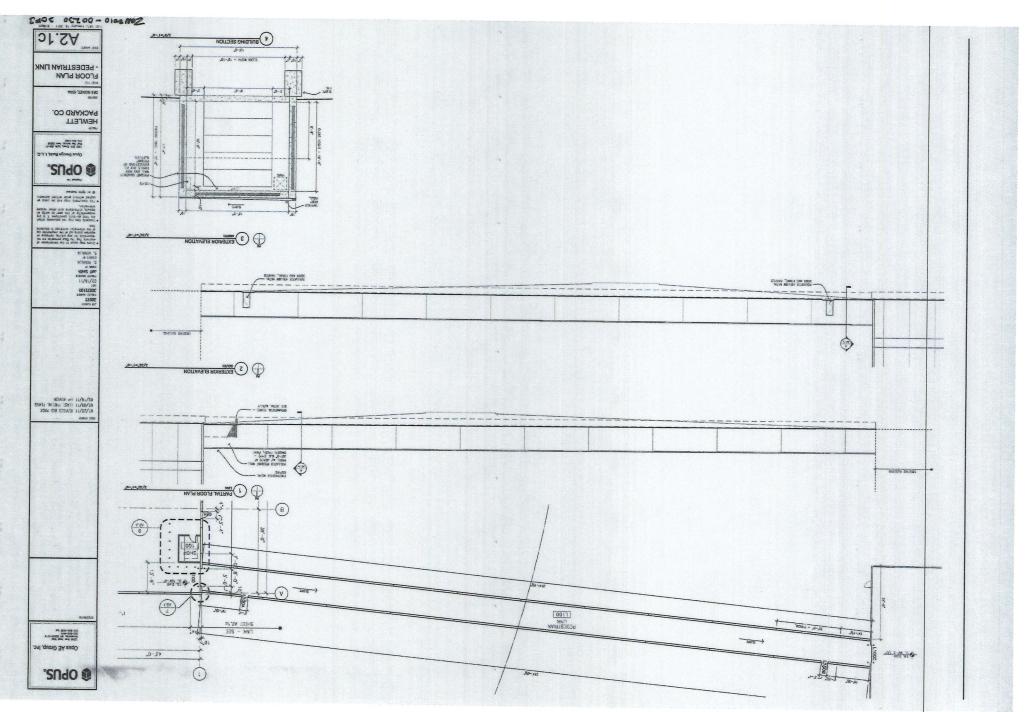
ABC Partners, LP, 7404 SW 37th Street

ZONG-2021-000058











AIRPORT BUSINESS PARK PLAT 2 | DES MOINES, IOWA | 11/10/2021

Sp

26

ZONG-2021-000058

ABC Partners, LP, 7404 SW 37th Street

P2 ArmyPostRd 2 Army Post Rd Army Post Rd Army Post Rd Army Post Rd 1 9 1.0.00 3 Max" ra." £ **()** EX 273538 r Dr F 8.7th **WS** PUD Gannett Ave Gannett Ave ROW Gannett Ave R Part all all and and 11 EX Updated on: 12/29/2021 0 65 130 260 30 260 390 520 Feet

1 inch = 250 feet