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| Agenda | Item Number |
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| O | 24 |

Date February 19, 2024

RESOLUTION SETTING HEARING ON REQUEST FROM ABC PARTNERS, LP (OWNER), AND ARMY POST DEVELOPMENT, LC (OWNER) REPRESENTED BY RICHARD MARGULIES (OFFICER), FOR APPROVAL OF A PROPOSED 3RD AMENDMENT TO THE AIRPORT BUSINESS PARK PHASE II PUD CONCEPTUAL PLAN FOR MULTIPLE PARCELS LOCATED IN THE VICINITY OF 3701 GANNETT AVENUE

WHEREAS, on February 1, 2024, the City Plan and Zoning Commission considered a request from ABC Partners, LP (Owner), and Army Post Development, LC (Owner), represented by Richard Margulies (Officer), for review and approval of a 3rd amendment to the Airport Business Park Phase II PUD Conceptual Plan, for multiple parcels located in the vicinity of 3701 Gannett Avenue, to allow the use of metal siding, cladding, and roofing materials; and

WHEREAS, the City Plan and Zoning Commission voted 12-0 to **APPROVE** the 3rd amendment to the Airport Business Park Phase II PUD Conceptual Plan, for multiple parcels located in the vicinity of 3701 Gannett Avenue, to allow the use of metal siding, cladding, and roofing materials, subject to the following conditions:

- 1. Existing PUD standards shall apply to all other lots, uses, and circumstances.
- 2. A final PUD Conceptual Plan shall be submitted in accordance with all administrative review comments.; and

WHEREAS, the Property is legally described as follows:

LOTS 1, 2, 3, 5 AND 8 IN AIRPORT BUSINESS PARK PLAT NO. 2, AN OFFICIAL PLAT; AND

LOTS 2, 3, 4 AND 5 IN AIRPORT BUSINESS PARK PLAT 3, AN OFFICIAL PLAT;

ALL NOW INCLUDED IN AND FORMING A PART OF 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 3rd amendment to the Airport Business Park Phase II PUD Conceptual Plan is to be considered, shall be held at 5:00 p.m. on March 4, 2024, in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, 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

| Roll Call Number | Agenda Item Number |
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| | by publication once, not less than seven (7) days and not more date of hearing, all as specified in Sections 362.3 and 414.4 of |
| MOVED by | to adopt. SECOND by |
| FORM APPROVED: /s/ Chas M. Cahill Chas M. Cahill Assistant City Attorney | (ZONG-2023-000072) |

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|----------------|------|------|--------|
| BOESEN | | | | |
| | | | | |
| COLEMAN | | | | |
| GATTO | | | | |
| MANDELBAUM | | | | |
| voss | | | | |
| WESTERGAARD | | | | |
| TOTAL | | | | |
| MOTION CARRIED | RRIED APPROVED | | | ROVED |

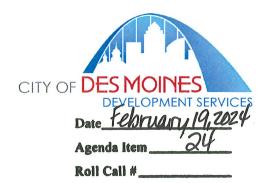
_ Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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 |
|------|-------|
| , | |



February 5, 2024

Communication from the City Plan and Zoning Commission advising that at their February 1, 2024 meeting, the following action was taken regarding a request from ABC Partners, LP (owner), and Army Post Development, LC (owner), represented by Richard Margulies (officer), for review and approval of a 3rd amendment to the Airport Business Park Phase II PUD Conceptual Plan for multiple parcels located in the vicinity of 3701 Gannett Avenue, to allow the use of metal siding, cladding, and roofing materials.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0-0 as follows.

| Commission Action: | Yes | Nays | Pass | Abstain | Absent |
|--------------------|-----|------|------|---------|--------|
| Francis Boggus | X | | | | |
| Leah Rudolphi | | | | | X |
| Abby Chungath | X | | | | |
| Kayla Berkson | X | | | | |
| Chris Draper | X | | | | |
| Laura Kessel | X | | | | |
| Todd Garner | X | | | | |
| Johnny Alcivar | Χ | | | | |
| Justyn Lewis | | | | | X |
| Carolyn Jenison | | | | | X |
| William Page | X | | | | |
| Andrew Lorentzen | X | | | | |
| Emily Webb | X | | | | |
| Katie Gillette | X | | | | |
| Rick Trower | X | | | | |

APPROVAL of the requested 3rd amendment to the Airport Business Park Phase II PUD, subject to the following conditions:

- 1. Existing PUD standards shall apply to all other lots, uses, and circumstances.
- 2. A final PUD Conceptual Plan shall be submitted in accordance with all administrative review comments.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested 3rd amendment to the Airport Business Park Phase II PUD, subject to the following conditions:

- 1. Existing PUD standards shall apply to all other lots, uses, and circumstances.
- 2 A final PUD Conceptual Plan shall be submitted in accordance with all administrative review comments.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed 3rd amendment to the Airport Business Park Phase II PUD Conceptual Plan would allow the use of architectural metal wall panel systems as a building siding, cladding, or roofing material where metal siding was previously not allowed. These proposed amendments would impact nine (9) undeveloped parcels (Lots 1,2,3,5,6,7,9,10,11) within the PUD owned by the applicant, all located north of US Highway 5. Parcels owned by other parties and those located to the south of Highway 5 would continue to be governed by the existing standards of the PUD.

On December 17, 2001, by Ordinance No. 14,031, the City Council approved the Airport Business Park PUD requiring the use of "permanent building materials such as brick, architectural precast panels, tilt-up concrete panels, stone, and glass."

- 2. Size of Site: The subject area consists of 9 parcels (approximately 58.7 acres) of the 16 parcels within the PUD. The overall area of the Airport Business Park Phase II PUD is 157.06 acres.
- **3. Existing Zoning (site):** Legacy "PUD" Airport Business Park Phase II Planned Unit Development District.
- **4. Existing Land Use (site):** The PUD contains light industrial, office, support commercial uses, and undeveloped parcels.

5. Adjacent Land Use and Zoning:

North – "P2"; Use is 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 PUD 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 area is not located within 250 feet of a recognized neighborhood association. All neighborhoods were notified of the public hearing by emailing of the Preliminary Agenda on January 12, 2024, for the February 1, 2024, hearing. Additionally, separate notifications of the hearing for this specific item were emailed on January 12, 2024 (20 days prior to the hearing) and January 22, 2024 (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 emailed to recognized neighborhoods on January 26, 2024.
- 8. Relevant Zoning History On December 17, 2001, by Ordinance No. 14,031, 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 28, 2011, by Roll Call No. 11-0346, 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.

On March 7, 2022, by Ordinance No. 22-0370, the City Council denied a second amendment request 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 to add the Fabrication and Production, Intensive use of fertilizer product assembly to the allowed uses within the property.

- 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 lowa 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 lowa 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.

ADDITIONAL APPLICABLE INFORMATION

1. **Building Materials:** The applicant is proposing to amend the approved PUD Conceptual Plan to allow, within 9 undeveloped parcels to the north of Highway 5, the use of architectural metal wall panel systems as a building siding, cladding, or roofing material. Metal siding is currently listed on the Prohibited Building Materials list. The proposed 3rd Amendment would limit the use of architectural metal wall panel systems on facades to areas measuring two or more feet above grade. Facade areas between 0 and 2 feet above grade are limited to a Major Facade Material as defined by Table 135-4.2-1 of the Des Moines Municipal Code. The proposed 3rd Amendment would require that metal panels employ a concealed fastener system, have a minimum 24-gauge thickness, be finished with a fluoropolymer coil coating system, and be a factory fabricated prefinished system that is assembled on site.

Staff notes that if the subject area were not zoned PUD, it would likely be zoned "EX" Mixed Use District. The current Municipal Code Chapter 135 standards for the "EX" District allow 24-gauge minimum thickness metal siding with color-matched exposed fasteners on up to 60% of any facade. The applicant is proposing to incorporate an innovation in building materials that has occurred since the inception of the PUD but at standards that exceed those in the Municipal Code. The proposed changes align with the goal stated within the Building Design Standards outlined on the PUD, "Ensure their compatibility with each other while maintaining an aesthetically pleasing Business Park." Staff believes that the proposed amendment reflects both that intention and the spirit of Municipal Chapter 135, so long as all proposed design standards on the third sheet of the 3rd Amendment are retained.

This amendment would not impact other items on the list of Prohibited Building Materials.

2. Staff Rationale: The applicant has coordinated to ensure the proposed 3rd Amendment, to define requirements for any architectural metal panel systems, substantially matches that of the recently approved PUD to the immediate east of the subject property. The requirements as listed on the third sheet of the 3rd Amendment ensure that updating parts of the PUD to allow architectural metal panel systems reflects changes within the building and real estate industry while maintaining the high standards that were the intention of the original PUD restrictions and requirements.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Rick Trower made a motion for approval of the following:

Approval of the requested 3rd amendment to the Airport Business Park Phase II PUD, subject to the following conditions:

- 1. Existing PUD standards shall apply to all other lots, uses, and circumstances.
- 2. A final PUD Conceptual Plan shall be submitted in accordance with all administrative review comments.

THE VOTE: **12-0-0** (Carolyn Jenison had not yet arrived)

Respectfully submitted,

Jula Com

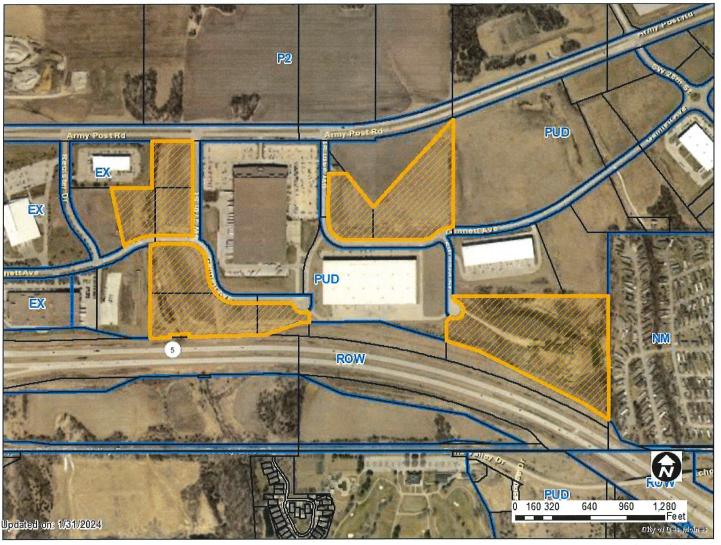
Jason Van Essen, AICP

Planning & Urban Design Administrator

JMV:mrw

ABC Partners LP and Army Post LLC, Vicinity of 3701 Gannett Avenue

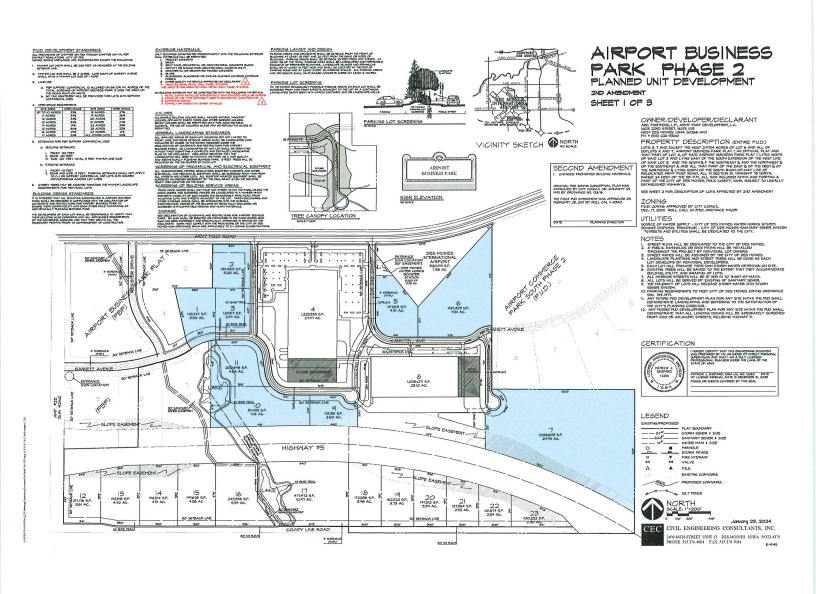
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1 inch = 607 feet

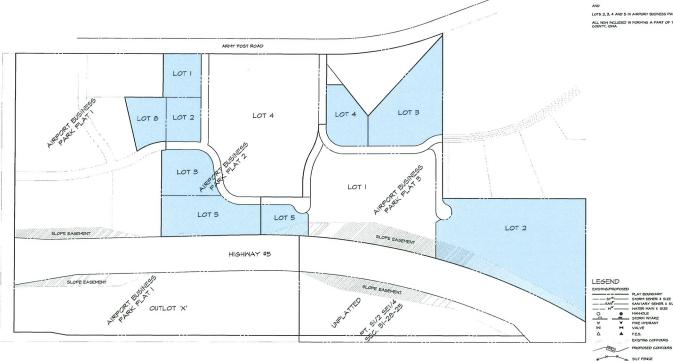






AIRPORT BUSINESS PARK PHASE 2 PLANNED UNIT DEVELOPMENT 2ND AMENDMENT SHEET 2 OF 3

PROPERTY DESCRIPTION (2ND AMENDMENT) LOTS 1, 2, 3, 5 AND 6 IN AIRPORT BUSINESS PARK PLAT NO. 2, AN OFFICIAL FLAT,



AND

LOTS 2, 3, 4 AND 5 IN AIRPORT BUSINESS PARK PLAT 3, AN OFFICIAL PLAT,
ALL NON NOLLEGED IN FORMING A FART OF THE CITY OF DES MONES, POLK
COUNTY, LOVAL

CEC CIVIL ENGINEERING CONSULTANTS, INC. 24/0 86TH STREET: UNIT 12 DES MOINES 10WA 50322 4379 PHONE: 515 276 4884 FAX: 515.276.7084 E-4145

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CEC CIVIL ENGINEERING CONSULTANTS, INC. 2400 86TH STREET, UNIT 12 DES MOINES, IOWA 50322 4379 PHONE: 515.276.4884 FAX: 515.276.7084 E-4145





Date: January 8, 2023

RE: Airport Business Park Phase 2, Proposed Amendment to Planned Unit Development (PUD)

Dear Property Owner:

You are invited to attend a neighborhood meeting hosted by ABC Partners, L.P. and Army Post Development, L.C.to discuss a proposed zoning change for Airport Business Park Phase 2 PUD (Planned Unit Development) located in Des Moines, IA. You are receiving this notice of a neighborhood meeting if you are an existing property owner within Airport Business Park Phase 2 or have a business or residence within 250-feet of its boundary. This meeting is being held to fulfill the City of Des Moines requirement of neighborhood communications for property rezoning.

This rezoning request is for an amendment that would allow for the use of architectural metal wall panel systems for new construction on the vacant lots and undeveloped ground within the original PUD boundary. The metal wall panel systems provide an economical solution to the recent significant cost increases to traditional building materials such as brick, stone, glass, and concrete. Also, metal wall panel systems can be designed and detailed to reflect more aesthetically pleasing architecture than what was available when the PUD was first created. Lots shaded blue on the enclosed map are the lots included in the proposed zoning change, and example images of these types of buildings are also enclosed.

Meeting details:

- Wednesday, January 17th
- 5:00 pm
- Holiday Inn, 6111 Fleur Drive, Des Moines

The proposed PUD Amendment request requires approval by Des Moines Planning and Zoning and City Council at a date yet to be determined.

If you are not able to attend the meeting and have any questions or comments please contact:

- Patrick Shepard, Civil Engineering Consultants, shepard@ceclac.com, 515-276-4884
- Richard Margulies, ABC Partners, L.P., richard@marguiles.net, 515-226-9300

Sincerely,

Patrick Shepard



January 23, 2024

To: City of Des Moines Development Services

RE: Neighborhood Meeting for Airport Business Park Phase 2 Proposed PUD Amendment

The attached invitation was mailed on January 9th to the list of all property owners in the notification area provided by the City of Des Moines. The meeting was held at 5pm on January 17th at the Fleur Drive Holiday Inn.

The following people were in attendance:

- Richard Margulies, Applicant, Manager of ABC Partners, L.P. and Army Post Development, L.C.
- Patrick Shepard, Civil Engineering Consultants
- Peter Brown, Peter Brown Real Estate
- Emma Brown, Peter Brown Real Estate
- Adam Noethe, RE/MAX Precision representing Road Contractors Inc

Besides the applicant, Adam Noethe was the only one in attendance representing a notified property owner. After we all discussed the proposal, he said he was in favor and indicated Road Contractors Inc would not be opposed.

We did receive a letter of opposition via email on January 16th from Michael A. Coppola and Scott McMurray representing Iowa Golf Association, Echo Valley Country Club, and United Properties. Those three properties are on the south side of Echo Valley Drive along the southern border of the Airport Business Park Phase 2 PUD. Richard Margulies and Scott McMurray exchanged emails and Richard proposed removing any property within the PUD lying south of Highway 5 from the proposed amendment. As a result, the three properties stated above rescinded their opposition.

Sincerely,

Patrick Shepard PE, PLS

January 16, 2024

To: Patrick Shepard and Richard Margulies

From: Iowa Golf Association, Echo Valley Country Club, United Properties

RE: Proposed PUD Amendment, Airport Business Park Phase 2

Gentlemen:

Hope you're well. We are not able to attend your neighborhood meeting scheduled for tomorrow night but wanted to get our comments on record with you.

Please be advised that the entities listed above are opposed to the proposed amendment related to materials on the two parcels located south of Highway 5. While the use is challenging in and of itself given the development south of these parcels on Echo Valley Drive, a two-lane street, any development of these lots should be held to the highest design standards possible given the following:

- 1. The Iowa Golf Association is just completing construction of their new headquarters which locates the Home of Golf in Iowa as well as the Iowa Golf Hall of Fame on Echo Valley Drive;
- 2. Echo Valley Country Club sits directly south of these parcels on Echo Valley Drive;
- 3. A 90 lot plat for luxury golf course homes has been approved directly south of these parcels on Echo Valley Drive.

Please feel free to contact us if any further input is needed. Thank you for reconsidering the proposed amendment on the two lots south of Highway 5 on Echo Valley Drive.

Michael A. Coppola Scott McMurray From: Scott McMurray
To: Planning

Subject: Fwd: Proposed PUD Amendment, Airport Business Park Phase 2

Date: Tuesday, January 23, 2024 12:23:19 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see below communication with Mr. Margulies. We withdraw our prior objection in light of his revised request. Thank you.

Begin forwarded message:

From: Scott McMurray < scott@smcmurray.com >

Subject: Proposed PUD Amendment, Airport Business Park Phase 2

Date: January 23, 2024 at 12:21:01 PM CST

To: Richard Margulies < richard@margulies.net >, Pat Shepard

<shepard@ceclac.com>

Richard-

We appreciate your consideration in revising your request for the amendment as it relates to the lots south of Hwy 5. As such, we withdraw our objection to the PUD Amendment. We will send a copy of this email to the planning department as well.

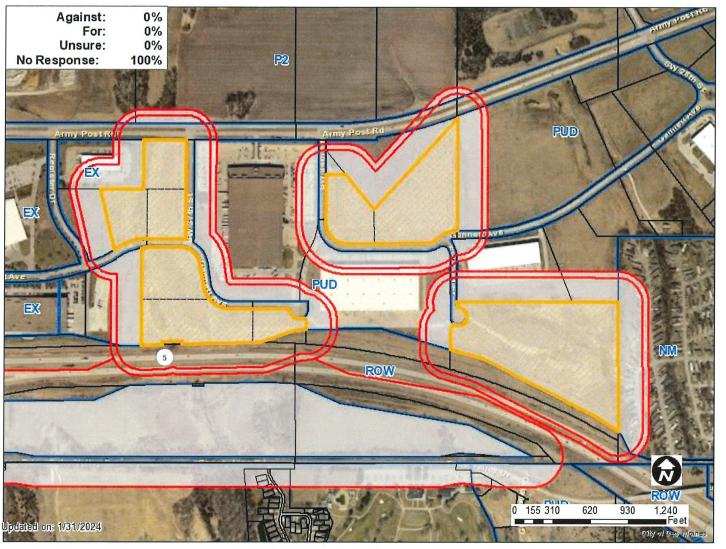
We continue to be very interested in how those lots south of Hwy 5 on the north side of Echo Valley Drive ultimately get developed. Development south of Echo Valley Drive continues, and we are challenged to see how Airport Business Park uses like warehouse or manufacturing with the associated truck traffic work on this two-lane road in concert with the residential nature of the south side of the street. We are hopeful we can keep the lines of communication open as you move forward.

Again, thank you for your consideration.

Michael A. Coppola Scott McMurray

ABC Partners LP and Army Post LLC, Vicinity of 3701 Gannett Avenue

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1 inch = 583 feet

ABC Partners LP and Army Post LLC, Vicinity of 3701 Gannett Avenue

