



Roll Call Number

22-0370

Agenda Item Number

60

Date March 7, 2022

RESOLUTION HOLDING 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 February 7, 2022, by Roll Call No. 22-0175, the City Council received a communication from the City Plan and Zoning Commission advising that on January 20, 2022, the 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 City Planning Administrator recommends that the following additional revisions be made to the Plan in order to better define the proposed use:

- 1) The best practical control technology shall be employed to minimize any obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance generated by the proposed use, whether internal or external to the building(s) on the Property, and the best practical means known shall be employed for the disposal of refuse matter.
- 2) Any operations of a fertilizer product assembly use on Lots 1 & 2 of Airport Business Park Phase 2 PUD shall be in substantial conformance the “Description of Spraytec Fertilizer Product Assembly” as provided with the PUD Concept Plan application dated December 22, 2021 and in substantial conformance with the PUD Conceptual Plan and building elevations approved by City Council. Any deviation with compliance with the requirements for the use in the PUD Conceptual Plan will be cause for reconsideration of the amendment by the P&Z/City Council; 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; and



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WHEREAS, on February 7, 2022, by Roll Call No. 22-0175, it was duly resolved by the City Council that the request for approval of the 2nd Amendment to the PUD Conceptual Plan be set down for hearing on February 21, 2022, at 5:00 p.m., at the City Council Chambers; 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 proposed 2nd Amendment to the PUD Conceptual Plan; and

WHEREAS, on February 21, 2022, by Roll Call No. 22-0264, the City Council opened and continued said hearing to the March 7, 2022 City Council meeting at the request of the applicant to allow for additional time for the applicant to address questions raised by the Development Services Department; and

WHEREAS, in accordance with said notice, those interested in said proposed 2nd Amendment to the PUD Conceptual Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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

- 1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed 2nd Amendment to the Airport Business Park Phase II PUD Conceptual Plan are hereby overruled, and the hearing is closed.
2. The proposed 2nd Amendment to the Airport Business Park Phase II PUD Conceptual Plan, as on file in the Development Services Department, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved as stated above, subject to revisions to the Plan recommended by the Plan and Zoning Commission and the Planning Administrator as set forth above.

MOVED BY Mandelbaum TO DENY.

SECOND BY Sheumaker.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

(ZON2021-000058)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, SHEUMAKER, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL. Total yeas: 6, Total nays: 1.

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

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.

P. Kay Cmelik

City Clerk