



Roll Call Number

23-1575

Agenda Item Number

47

Date November 6, 2023

RESOLUTION HOLDING HEARING REGARDING REQUEST FROM AIRPORT DEVELOPMENT, LC (OWNER), REPRESENTED BY STUART RUDDY (OFFICER); SCHARNBERG REAL ESTATE, LLC (OWNER), REPRESENTED BY MARK SCHARNBERG (OFFICER); DSM FLEUR HOSPITALITY, LLC (OWNER), REPRESENTED BY BIREN PATEL (OFFICER); AND WEST LAKES PROPERTIES, L.C. (OWNER), REPRESENTED BY GERARD D. NEUGENT (OFFICER), FOR REVIEW AND APPROVAL OF A 3RD AMENDMENT TO AIRPORT COMMERCE PARK SOUTH PUD CONCEPTUAL PLAN, ON PROPERTY LOCATED IN VICINITY OF 2400 GANNETT AVENUE

WHEREAS, October 5, 2023, the City Plan and Zoning Commission considered a request from Airport Development, LC (owner), represented by Stuart Ruddy (officer); Scharnberg Real Estate, LLC (owner), represented by Mark Scharnberg (officer); DSM Fleur Hospitality, LLC (owner), represented by Biren Patel (officer); and West Lakes Properties, L.C. (owner), represented by Gerard D. Neugent (officer), for review and approval of a 3rd amendment to the Airport Commerce Park South PUD Conceptual Plan, on property located at located in the vicinity of 2400 Gannett Avenue, to allow the use of metal siding, cladding, and roofing materials; and

WHEREAS, the City Plan and Zoning Commission voted 11-0 to **APPROVE** the a 3rd amendment to the Airport Commerce Park South PUD Conceptual Plan, on property located in the vicinity of 2400 Gannett Avenue, to allow use of metal as a building material the use of metal siding, cladding, and roofing materials; all other lots within the Airport Commerce Park South PUD Conceptual Plan, owned by other parties that are not the current applicants, shall continue to be subject and governed by the existing standards of the Airport Commerce Park South PUD Conceptual Plan; and

WHEREAS, the Property is legally described as follows:

PUD LOT 3

LOT 3 AIRPORT COMMERCE PARK SOUTH, AN OFFICIAL PLAT, RECORDED IN BOOK 8463, PAGE 572-591, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE W 1/2 OF SECTION 32, SE 1/4 SECTION 31, AND NE 1/4 SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

AND

LOT 2 AIRPORT COMMERCE PARK SOUTH, AN OFFICIAL PLAT, RECORDED IN BOOK 8463, PAGE 572-591, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE W 1/2 OF SECTION 32, SE 1/4 SECTION 31, AND NE 1/4 SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

EXCEPT



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47

Date November 6, 2023

PARCEL 'A', AN OFFICIAL PLAT, RECORDED IN BOOK 9224, PAGE 192, AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOT 4

LOT 4 AIRPORT COMMERCE PARK SOUTH, AN OFFICIAL PLAT, RECORDED IN BOOK 8463, PAGE 572-591, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE W 1/2 OF SECTION 32, SE 1/4 SECTION 31, AND NE 1/4 SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

REMAINDER OF PUD LOT 5

PARCEL 2018-39, AN OFFICIAL PLAT, RECORDED IN BOOK 16920, PAGE 338, AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOT 8

LOT 2 AIRPORT COMMERCE PARK SOUTH PLAT 2, AN OFFICIAL PLAT, RECORDED IN BOOK 11974, PAGE 240-251, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE E 1/2 OF SECTION 31, AND THE W 1/2 OF SECTION 32, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOT 9

LOT 3 AIRPORT COMMERCE PARK SOUTH PLAT 2, AN OFFICIAL PLAT, RECORDED IN BOOK 11974, PAGE 240-251, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE E 1/2 OF SECTION 31, AND THE W 1/2 OF SECTION 32, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOT 10

LOT 4 AIRPORT COMMERCE PARK SOUTH PLAT 2, AN OFFICIAL PLAT, RECORDED IN BOOK 11974, PAGE 240-251, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE E 1/2 OF SECTION 31, AND THE W 1/2 OF SECTION 32, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOT 11 & 12

LOTS 5 AND 6 AIRPORT COMMERCE PARK SOUTH PLAT 2, AN OFFICIAL PLAT, RECORDED IN BOOK 11974, PAGE 240-251, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE E 1/2 OF SECTION 31, AND THE W 1/2 OF SECTION 32, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOT 21

LOTS 1 AIRPORT COMMERCE PARK SOUTH PLAT 2, AN OFFICIAL PLAT, RECORDED IN BOOK 11974, PAGE 240-251, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE



Roll Call Number

23-1575

Agenda Item Number

47

Date November 6, 2023

E 1/2 SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOT 22

LOT 8 AIRPORT COMMERCE PARK SOUTH, AN OFFICIAL PLAT, RECORDED IN BOOK 8463, PAGE 572-591, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE W 1/2 OF SECTION 32, SE 1/4 SECTION 31, AND NE 1/4 SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOT 23

LOT 9 AIRPORT COMMERCE PARK SOUTH, AN OFFICIAL PLAT, RECORDED IN BOOK 8463, PAGE 572-591, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE W 1/2 OF SECTION 32, SE 1/4 SECTION 31, AND NE 1/4 SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOT 24

LOT 10 AIRPORT COMMERCE PARK SOUTH, AN OFFICIAL PLAT, RECORDED IN BOOK 8463, PAGE 572-591, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE W 1/2 OF SECTION 32, SE 1/4 SECTION 31, AND NE 1/4 SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOT 27

LOT 13 AIRPORT COMMERCE PARK SOUTH, AN OFFICIAL PLAT, RECORDED IN BOOK 8463, PAGE 572-591, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE W 1/2 OF SECTION 32, SE 1/4 SECTION 31, AND NE 1/4 SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOT 28

LOT 15 AIRPORT COMMERCE PARK SOUTH, AN OFFICIAL PLAT, RECORDED IN BOOK 8463, PAGE 572-591, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE W 1/2 OF SECTION 32, SE 1/4 SECTION 31, AND NE 1/4 SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOT 29

LOT 16 AIRPORT COMMERCE PARK SOUTH, AN OFFICIAL PLAT, RECORDED IN BOOK 8463, PAGE 572-591, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE W 1/2 OF SECTION 32, SE 1/4 SECTION 31, AND NE 1/4 SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOT 30

LOT 17 AIRPORT COMMERCE PARK SOUTH, AN OFFICIAL PLAT, RECORDED IN BOOK 8463, PAGE 572-591, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE W



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47

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1/2 OF SECTION 32, SE 1/4 SECTION 31, AND NE 1/4 SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOT 32

LOT 19 AIRPORT COMMERCE PARK SOUTH, AN OFFICIAL PLAT, RECORDED IN BOOK 8463, PAGE 572-591, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE W 1/2 OF SECTION 32, SE 1/4 SECTION 31, AND NE 1/4 SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOT 33

LOT 20 AIRPORT COMMERCE PARK SOUTH, AN OFFICIAL PLAT, RECORDED IN BOOK 8463, PAGE 572-591, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE W 1/2 OF SECTION 32, SE 1/4 SECTION 31, AND NE 1/4 SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOT 'A'

LOT 22 AIRPORT COMMERCE PARK SOUTH, AN OFFICIAL PLAT, RECORDED IN BOOK 8463, PAGE 572-591, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE W 1/2 OF SECTION 32, SE 1/4 SECTION 31, AND NE 1/4 SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

PUD LOTS 13, 14, 15, 16, 17, 18, 19, AND 20

LOT 7 AIRPORT COMMERCE PARK SOUTH PLAT 2, AN OFFICIAL PLAT, RECORDED IN BOOK 11974, PAGE 240-251, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE E 1/2 OF SECTION 31, AND THE W 1/2 OF SECTION 32, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

PUD AIRPORT COMMERCE PARK PLAT 1

LOT 3 AIRPORT COMMERCE PARK PLAT 1, AN OFFICIAL PLAT, RECORDED IN BOOK 7329, PAGE 629-637, AT THE POLK COUNTY RECORDER'S OFFICE, IN THE S 1/2 OF THE NW 1/4 OF SECTION 32, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on October 23, 2023, by Roll Call No. 23-1431, it was duly resolved by the City Council that the request for approval of the 3rd Amendment to the Airport Commerce Park South PUD Conceptual Plan be set down for hearing on November 6, 2023, 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 3rd Amendment to the Airport Commerce Park South PUD Conceptual Plan; and

★ Roll Call Number
23-1575

Agenda Item Number
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WHEREAS, in accordance with said notice, those interested in said proposed 3rd Amendment to the Airport Commerce Park South 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 3rd Amendment to the Airport Commerce Park South PUD Conceptual Plan are hereby overruled, and the hearing is closed.
2. The proposed 3rd Amendment to the Airport Commerce Park South PUD Conceptual Plan is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved as stated above, subject to conditions set forth above.

MOVED by Mandelbaum to adopt. SECOND by Boesen.

FORM APPROVED:
/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000032)

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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

Laura Baumgartner City Clerk