



Date March 7, 2022

**RESOLUTION HOLDING HEARING ON REQUEST FROM ABC PARTNERS, LP FOR APPROVAL OF A PROPOSED 2<sup>ND</sup> AMENDMENT TO THE AIRPORT BUSINESS PARK PHASE II PUD CONCEPTUAL PLAN ON PROPERTY LOCATED AT 7404 SW 37<sup>TH</sup> 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 2<sup>nd</sup> Amendment to the Airport Business Park Phase II Planned Unit Development (PUD) Conceptual Plan on property located at 7404 SW 37<sup>th</sup> Street (“Property”) in order to reconfigure lots within the PUD, reduce the requirement of a 10-foot bicycle path along Southwest 37<sup>th</sup> 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



**Roll Call Number**

**Agenda Item Number**

60

**Date** March 7, 2022

**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 2<sup>nd</sup> 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 \_\_\_\_\_ TO ADOPT.

SECONDED BY \_\_\_\_\_.

FORM APPROVED:

/s/ Glenna K. Frank  
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

\_\_\_\_\_  
City Clerk



Date March 7, 2022  
Agenda Item 60  
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 2<sup>nd</sup> amendment to the Airport Business Park Phase II PUD Conceptual Plan on the property located at 7404 SW 37<sup>th</sup> 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:**

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

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

**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

6040

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed 2<sup>nd</sup> amendment to the Airport Business Park Phase II "PUD" Conceptual Plan to reduce the requirement of a 10-foot bicycle path along Southwest 37<sup>th</sup> 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 37<sup>th</sup> 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

609D

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 37<sup>th</sup> Street and one from Gannett Avenue.

The applicant is proposing to reduce the 10-foot bicycle path requirement to a 5-foot sidewalk along Southwest 37<sup>th</sup> 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 37<sup>th</sup> 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**

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

## **COMMISSION ACTION:**

Jann Freed made a motion for approval of the proposed 2<sup>nd</sup> amendment to the Airport Business Park Phase II “PUD” Conceptual Plan to reduce the requirement of a 10-foot bicycle path along Southwest 37<sup>th</sup> 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:

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- 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,



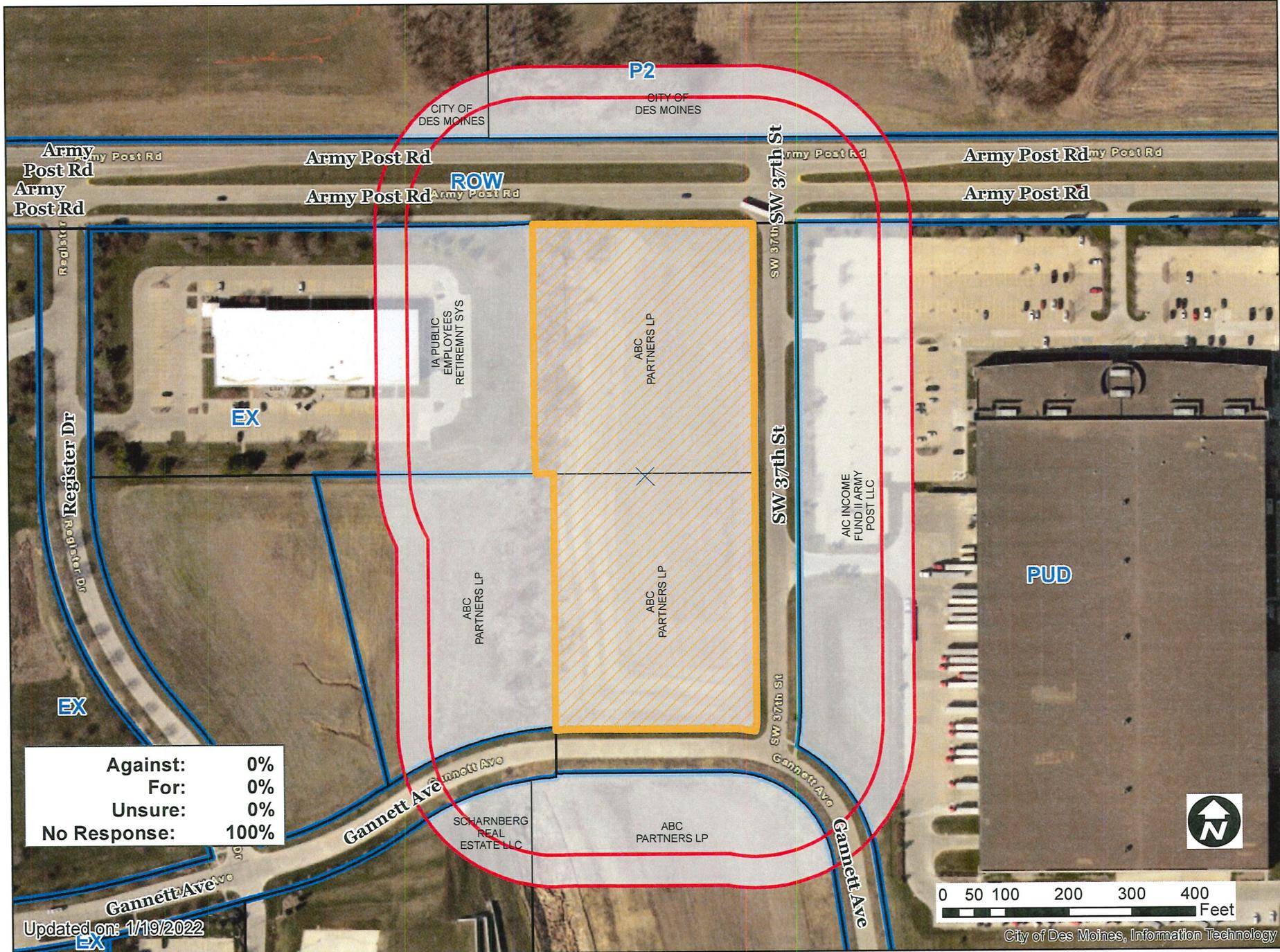
Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh

60 40

ABC Partners, LP, 7404 SW 37th Street

ZONG-2021-000058



Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 1/19/2022

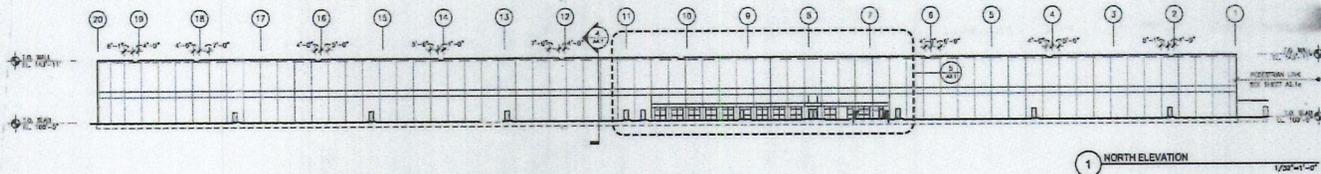
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City of Des Moines, Information Technology

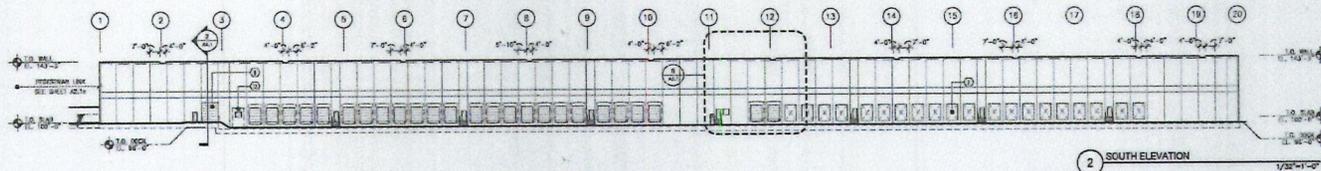
1 inch = 202 feet

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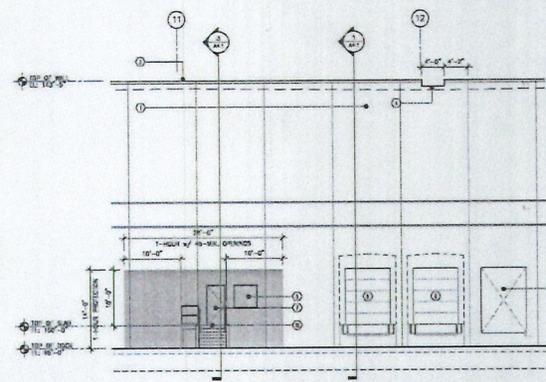




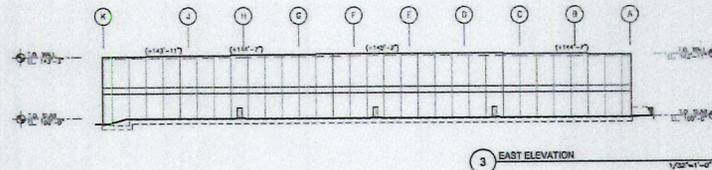
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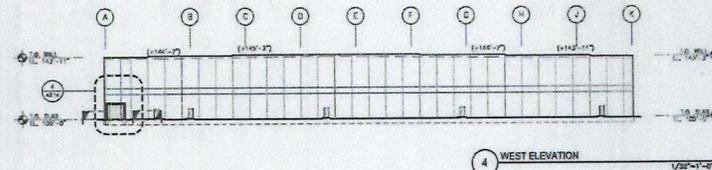
2 SOUTH ELEVATION 1/8"=1'-0"



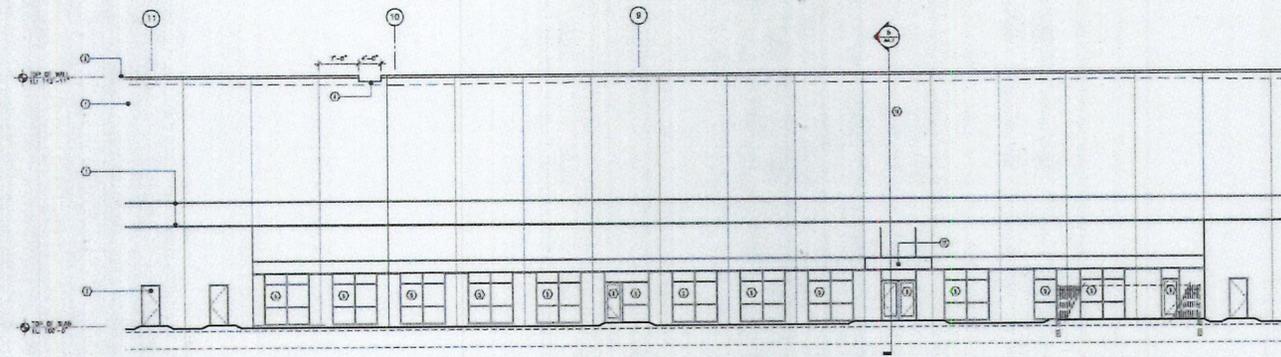
6 ENLARGED ELEVATION TYPICAL DOOR 1/8"=1'-0"



3 EAST ELEVATION 1/8"=1'-0"



4 WEST ELEVATION 1/8"=1'-0"



5 ENLARGED ELEVATION NORTH OFFICE 1/8"=1'-0"

- EXTERIOR MATERIAL LEGEND**
- ① INSULATOR PERIODIC CONCRETE WALL PANEL, EXTERIOR FINISH, FINISHED, PROTECTIVE DEEP FINISHES, HORIZONTAL FINISHES TO BE 2" MIN. VERTICAL FINISHES TO BE 1/2" MIN.
  - ② PLASTER BODY DOOR AND/OR GLASS PANEL, FINISH PER 3" MIN. 1/2" MIN. ROOF, ROOFING SYSTEM FINISH PER 3" MIN. ROOFING SYSTEM FINISH PER 3" MIN.
  - ③ PREFINISHED METAL CEILING ROOF SLAB
  - ④ PREFINISHED METAL CEILING ROOF SLAB
  - ⑤ 1" FIBER INSULATING GLASS IN PROGRESSIVE ALUMINUM FINISHES
  - ⑥ 1" GLASS INSULATING GLASS SYSTEM
  - ⑦ INSULATED POLYMER METAL DOORS AND FINISHES, FINISHED
  - ⑧ FINISHES, INSULATED STEEL SECTIONAL OVERHEAD DOOR WITH 1/2" MIN. BODY UNLESS SUPPLIER, FLOOR RESTRAINT AND BODY FINISHES
  - ⑨ FINISHES, INSULATED STEEL SECTIONAL OVERHEAD DOOR
  - ⑩ FINISHES METAL DOOR FINISHES WITH CONCRETE FILLER, FINISHES STEEL PER 3" MIN.
  - ⑪ CONCRETE-FILLER, FINISHES STEEL PER 3" MIN.
  - ⑫ PREFINISHED METAL CEILING, FINISHES BY METAL ROOFING SYSTEM IN FINISHED CONCRETE WALL PANEL
  - ⑬ 4" x 4" FINISHES METAL TRUSS & GUSSET DOOR AND TRUSS
  - ⑭ WALL-FINISHED DOOR, METAL GATE AND FINISHES

**OPUS.**  
Opus AE Group, Inc.  
1200 Pine Hill Road  
Bismarck, ND 58501-9119  
605-755-0000

JOB NUMBER  
30072100  
PROJECT NUMBER  
30072100  
DATE  
02/16/11  
PROJECT MANAGER  
Jeff Smith  
DESIGNED BY  
JLS  
CHECKED BY  
E. WOODRUFF

DATE  
12/17/10 REV. NO. 1  
01/28/11 TRACKED AND TRACK  
02/09/11 LEASE PRELIM. PLANS  
02/16/11 HP REVIEW

DESIGNED BY  
JEFF SMITH  
CHECKED BY  
E. WOODRUFF

Project by  
**OPUS.**  
Opus Design Build, L.L.C.  
1200 Pine Hill Road, Suite 200  
Bismarck, ND 58501-9119

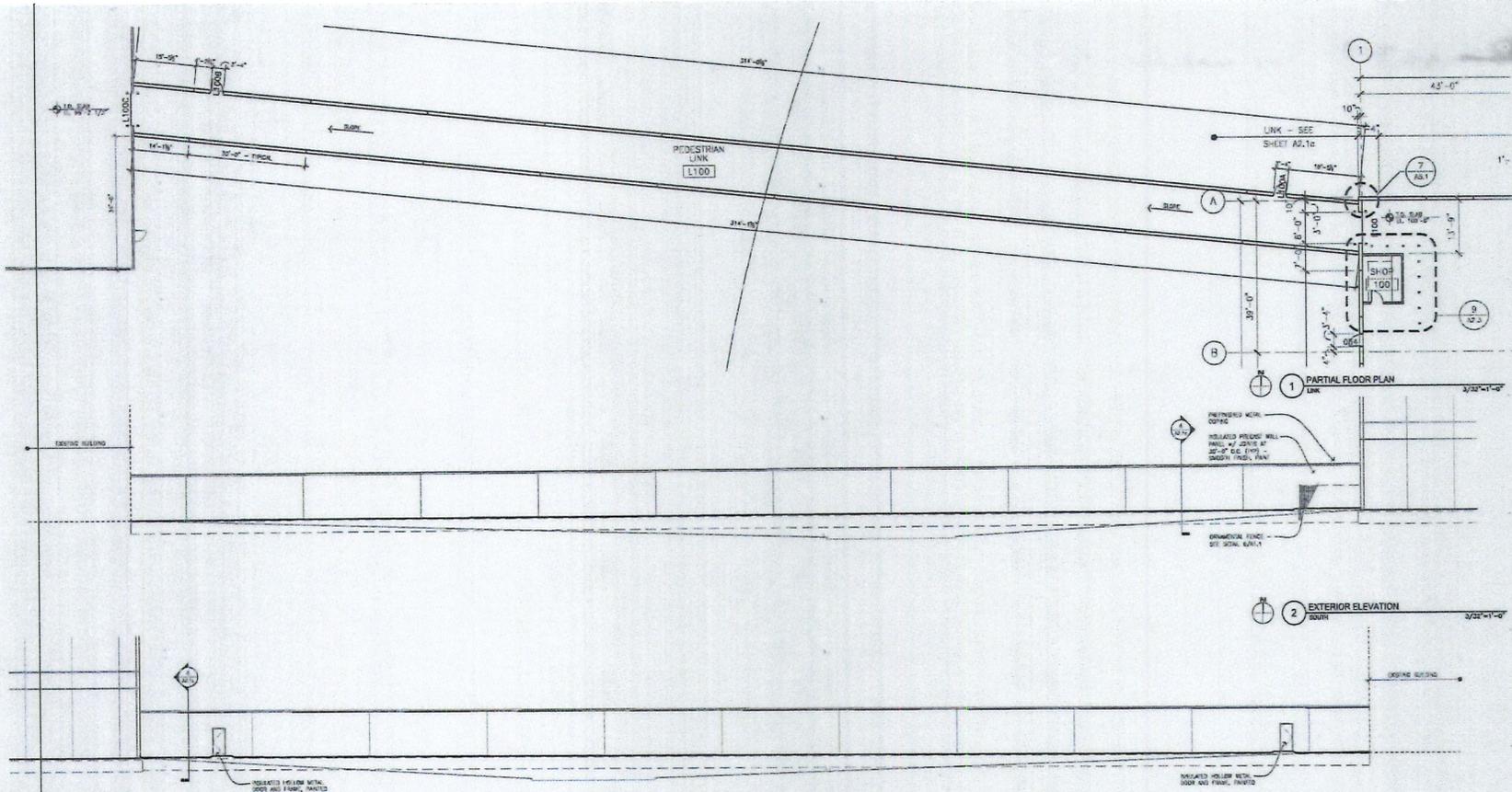
PROJECT  
**HEWLETT -  
PACKARD CO.**

DESIGNED BY  
DES WOODRUFF, WOODRUFF

DATE  
02/16/11

PROJECT NUMBER  
**A3.1**

2012010-0020 2013



**OPUS.**  
Opus AE Group, Inc.  
1000 River Street, Suite 200  
Burlington, MA 01803-2119  
978-252-2550 Fax

PROJECT NO.  
DATE ISSUED

REVISIONS

DATE REVISION  
07/22/11 REVISION TO FLOOR PLAN  
02/09/11 ISSUE: PRELIMINARY PLANS  
02/18/11 HP REVIEW

JOB NUMBER  
30073  
PROJECT NUMBER  
30072100  
DATE  
02/16/11  
PROJECT ARCHITECT  
JOEL SORRELL  
OWNER  
S. KOSKULSKI  
DESIGNED BY  
S. KOSKULSKI

\* Owner may refer to the interpretation of drawings that the Opus Architectural firm has prepared as the final and complete set of drawings for the project. All drawings are subject to the interpretation of the architect and the interpretation of the architect is final.  
\* Materials that may not be readily available for the final construction shall be the responsibility of the owner to verify the availability of materials and their relative performance.  
\* This document may not be used or copied without prior written consent of the architect.

Prepared for  
**OPUS.**  
Opus Design Build, L.L.C.  
1000 River Street, Suite 200  
Burlington, MA 01803

PROJECT  
**HEWLETT  
PACKARD CO.**

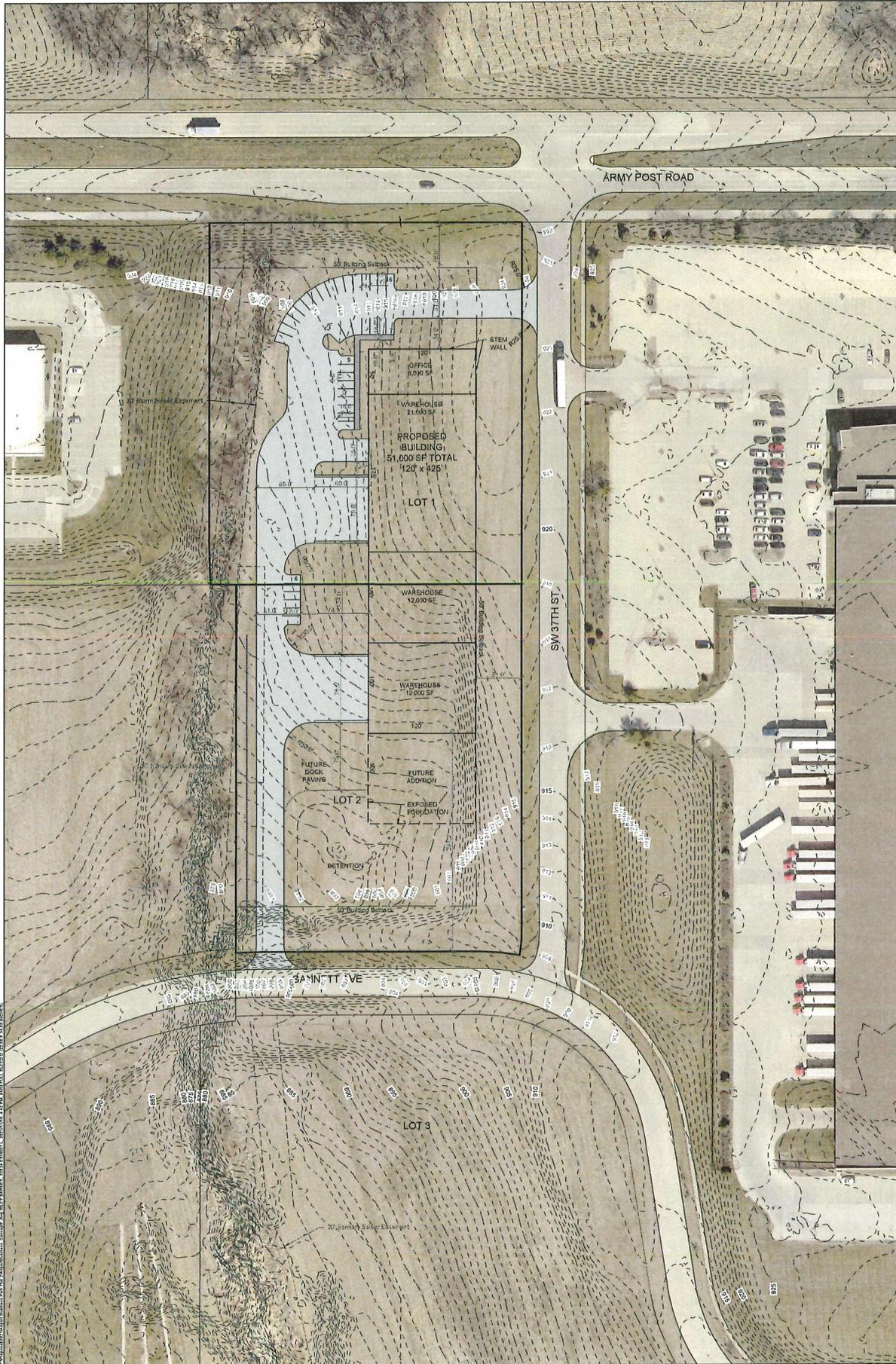
OWNER  
GDS NORWEL, IOWA

PROJECT TITLE  
**FLOOR PLAN  
- PEDESTRIAN LINK**

DATE NUMBER  
**A2.1c**

10/10/11 10:00 AM 10/10/11 10:00 AM 10/10/11 10:00 AM  
ZAN 0010 - 00250 30P3

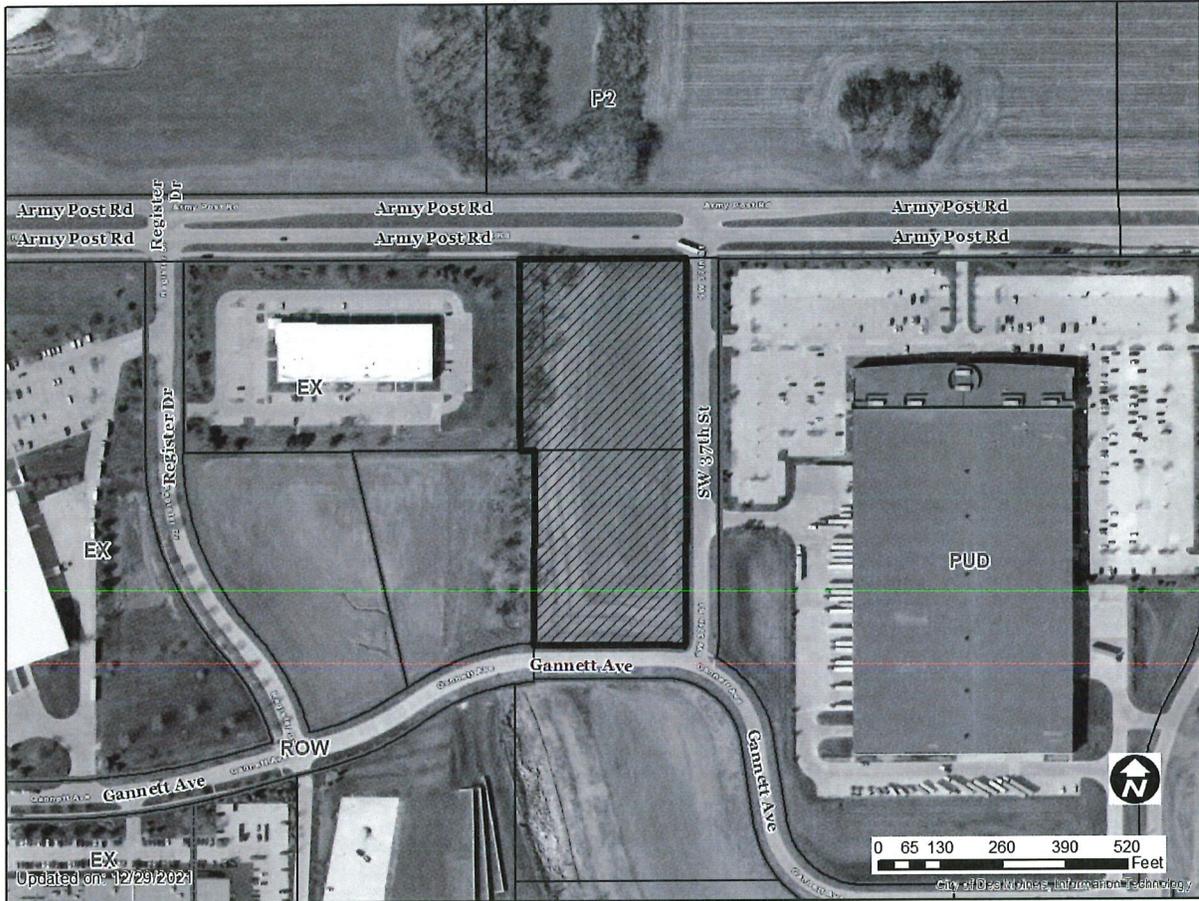
40'  
60'



40  
60

ABC Partners, LP, 7404 SW 37th Street

ZONG-2021-000058



1 inch = 250 feet