



Date July 27, 2015

**RESOLUTION HOLDING HEARING ON REQUEST FROM  
AIRPORT DEVELOPMENT, LLC (DEVELOPER) FOR SECOND AMENDMENT TO THE  
AIRPORT COMMERCE PARK SOUTH PUD CONCEPTUAL PLAN ON PROPERTY LOCATED AT  
7201 AND 7301 SOUTHWEST 22ND STREET**

**WHEREAS**, on January 25, 1999, by Roll Call No. 99-224, the City Council adopted Ordinance No. 13,676, to rezone real property located in the vicinity of 7300 Fleur Drive, including property at 7201 and 7301 Southwest 22<sup>nd</sup> Street ("Property"), from "R1-80" One-Family Residential District, "PUD" Planned Unit Development District and "PBP" Planned Business Park District to "PUD" Planned Unit Development District classification for the Airport Commerce Park South PUD; and

**WHEREAS**, on July 13, 2015, by Roll Call No. 15-1142, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on June 18, 2015, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Airport Development, LLC (developer), represented by Gerard Nugent (officer), for review and approval of the Second Amendment to the Airport Commerce Park South PUD Conceptual Plan to reduce the minimum required front yard setback for the Property from 50 feet to 40 feet to accommodate redevelopment, subject to revisions set forth in said communication from the Commission; and

**WHEREAS**, on July 13, 2015, by Roll Call No. 15-1142, it was duly resolved by the City Council that the request from Airport Development, LLC, for approval of a 2nd amendment to the Airport Commerce Park South PUD Conceptual Plan for the Property as legally described below, be set down for hearing on July 27, 2015 at 5:00 P.M., in the Council Chamber at City Hall; 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 amendment to the Airport Commerce Park South PUD Conceptual Plan; and

**WHEREAS**, in accordance with said notice and continuance, those interested in said proposed amendment to the approved 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 statements of interested persons and arguments of counsel, any and all objections to the proposed 2<sup>nd</sup> amendment to the Airport Commerce Park South PUD Conceptual Plan for the Property, located in the vicinity of 7300 Fleur Drive and including the property locally known as 7201 and 7301 Southwest 22<sup>nd</sup> Street and legally described as follows, are hereby overruled, and the hearing is closed:

A PARCEL OF LAND IN OUTLOT "X", AIRPORT COMMERCE PARK PLAT 1, AN OFFICIAL PLAT, CITY OF DES MOINES, AND A PARCEL OF LAND IN THE N 1/2 SW 1/4 SECTION 32, NE 1/4 SE 1/4 SECTION 31, AND SE 1/4 NE 1/4 SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:



Date July 27, 2015

BEGINNING AT THE NE CORNER OF SAID OUTLOT "X"; THENCE S00°00'00"E, 437.27 FEET ALONG THE EAST LINE OF SAID OUTLOT "X" TO A POINT; THENCE S90°00'00"W, 165.00 FEET ALONG SAID EAST LINE TO A POINT; THENCE S00°00'00"E, 80.00 FEET ALONG SAID EAST LINE TO A POINT; THENCE S07°10'39"W, 327.57 FEET ALONG SAID EAST LINE TO A POINT; THENCE S00°01'25"W, 476.74 FEET ALONG SAID EAST LINE TO A POINT ON THE SOUTH LINE OF SAID PLAT; THENCE S89°25'31"E, 1168.19 FEET ALONG SAID SOUTH LINE TO A POINT; THENCE S00°06'41"W, 773.04 FEET TO A POINT; THENCE N89°25'01"W, 2603.68 FEET TO A POINT; THENCE S00°06'47"W, 545.27 FEET TO A POINT; THENCE N89°40'39"W, 1319.87 FEET TO A POINT; THENCE N00°05'21"E, 1318.60 FEET TO A POINT; THENCE N00°03'46"E, 196.22 FEET TO A POINT; THENCE N69°41'02"E, 2486.54 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1043.73 FEET AND A CHORD BEARING OF N57°25'02"E, AN ARC LENGTH OF 446.91 FEET TO A POINT ON THE NORTH LINE OF SAID AIRPORT COMMERCE PARK PLAT 1; THENCE S89°34'53"E, 256.15 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 134.130 ACRES MORE OR LESS

AND

LOTS 1, 2, 3, 4, 5, 'B' AND 'C', AIRPORT COMMERCE PARK PLAT 1. ENTIRE PARCEL CONTAINS 163.127 ACRES MORE OR LESS.

2. The proposed 2nd amendment to the Airport Commerce Park South PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the Des Moines' 2020 Community Character Land Use Plan and is hereby approved, subject to the revisions identified in the communication from the Plan and Zoning Commission received by the City Council by Roll Call No. 15-1142, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

*Glenna K. Frank*

Glenna K. Frank, Assistant City Attorney

(ZON2015-00105)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

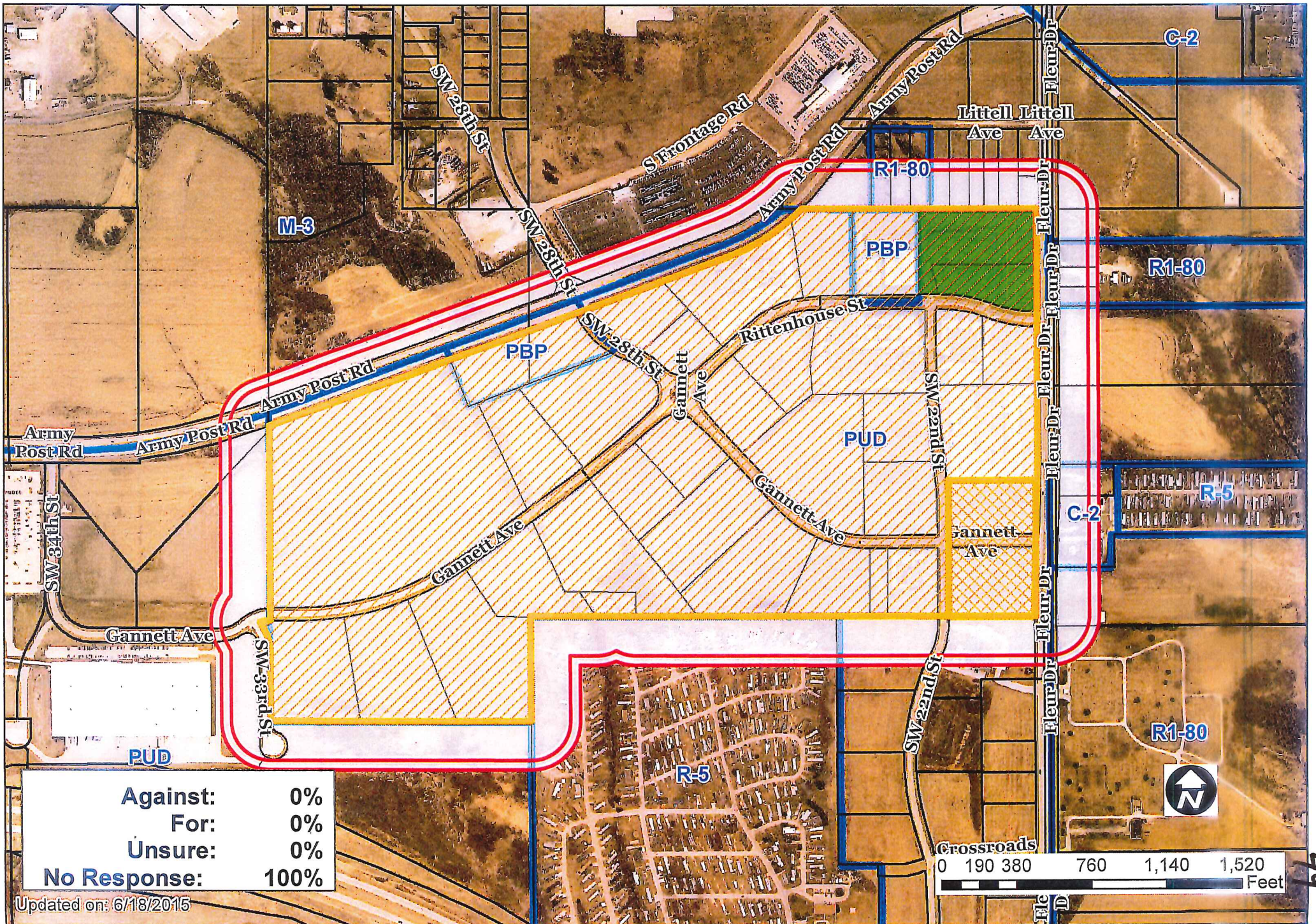
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
Mayor

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





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

Updated on: 6/18/2015

67



**P.U.D. DEVELOPMENT STANDARDS**

- All provisions of Chapter 20-14.02, PUD District Regulations, City of Des Moines zoning ordinance, are incorporated except the following:
- Minimum lot width shall be 200 feet as measured at the building setback line.
  - Minimum lot area shall be 2 acres. Lots 1, 2, 23, 24, and 59 of Airport Commerce Park South, Plat 2, and Lots A and B shall have a minimum lot size of one acre.
  - Lot line:
    - PUP Support Commercial uses shall be allowed on Lot 1, the east half of Lot 22, Lots 23, 24, and 59 and all in Airport Commerce Park South, Plat 2, and Lots A and B.
    - PUP Support Commercial uses shall be allowed on the entire single building.
    - C1 uses shall be allowed on Lots 1, 23 and 59 and all in Airport Commerce Park South, Plat 2 and the east half of Lots A, B and C.
    - If Lots 1 and 59 are split, C1 uses are only allowed on the east half of Lot 59 and the entire Lot 1.
    - No Top Assessments will be provided for lots with commercial or support commercial uses.
    - C1 uses shall be allowed on Lot 4, Lots 23 and 24 and combined and developed as a single building.
    - C1 and PUP support commercial use lots shall have a minimum of 50% open space.
  - Setbacks for the two C-1 and support commercial lots located at the corner of downtown Avenue and First Drive shall be as follows:
    - Building Setback: Front - 40 feet, Side - 20 feet, Rear - 20 feet, 9' minimum one side.
  - Setbacks for all other C-1 and support commercial lots shall be as follows:
    - Building Setback: Front - 40 feet, Side - 20 feet, Rear - 20 feet, 9' minimum one side.
  - Planting Setbacks for C-1 and support commercial lots shall be as follows:
    - Front - 5 feet.
    - Rear and side - 5 feet. Planting setbacks shall not apply to C-1 or support commercial lots with shared driveway access to lots.
    - Street trees may be located towards the minimum landscape requirements for individual lots.
    - BUILDING DESIGN STANDARDS described below shall apply to all buildings.

**All buildings for C-1 commercial or PUP support commercial uses shall be predominantly brick or other materials of higher quality.**

- Prohibited Building Materials**
- The following list of materials and finishes are prohibited and may not be used on exterior surfaces of any building:
- Planned
  - Composite siding such as horizontal siding
  - Composite building panels such as metal faced plywood or wood paneling
  - Pre-engineered metal buildings with exposed fasteners or wood siding
  - All plastics (except signs)
  - Hard Fiberglass
  - Grp
  - Common concrete block, except for rear building walls which are not visible from a public street.
- The following roofing materials may not be used on any building:
- Asphalt shingles
  - Asphalt shingles
- The Architectural Review Committee may allow minor exceptions for prohibited building materials when the architectural design demonstrates a unique and innovative solution for which such materials are especially well suited. For example, building exterior and architectural details or uses the effect of a sufficient size and scale to create its own distinct environment.
- COLORS**
- Alternative colors include earth tones and other related colors. Various primary colors will be allowed to accent architectural significant building details but shall contribute to the buildings overall attractiveness and design.
- Some building materials shall be of consistent color, tone and quality. No excessive variations in color, pattern and texture resulting from coating, manufacturing, fabrication, etc. of exterior building materials will be permitted.
- Halls built with common concrete block shall be painted. The Architectural Review Committee shall have the right to require that brick concrete panels be painted.

**ARCHITECTURAL SCREENS**

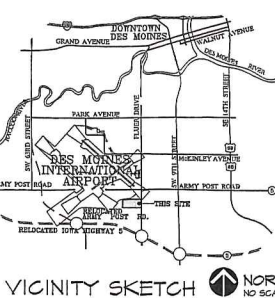
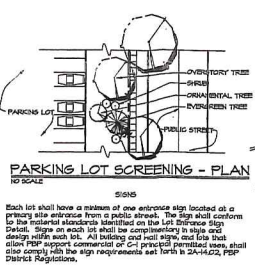
- All mechanical and electrical equipment necessary for the development of an individual site or building shall be screened or building facade, side views and rear elevations if the rear elevation is visible from a public street. The screening device shall be architecturally compatible to the building design and constructed of low materials. Exceptions may be made for electrical equipment in areas of public view, such as utility areas and metering cabinets. Screening devices shall be integrated with the architecture or screened. Landscaping, trees, shrubs, vines, and other vegetation, through vines and other service areas necessary for the development of a site or building shall be integrated into the overall architecture of the building or being fully enclosed or architecturally screened from public view.

**BUILDING DESIGN STANDARDS**

- All buildings shall be designed to ensure their individual attractiveness, compatibility with each other and with the Airport Commerce Park South environment. Buildings within Airport Commerce Park South shall be constructed of permanent materials such as brick, or masonry of equivalent quality. Temporary materials and panels. Modular construction and progressive structural details are encouraged when performance and structural building strength are the result.
- All buildings and site plans shall be submitted and must be approved by the Airport Commerce Park South Architectural Review Committee. It is the responsibility of the individual site developer to verify and conform with all applicable codes and requirements of governing agencies and obtain all required permits and approvals prior to construction.

**PARKING DESIGN STANDARDS**

- Off-street parking and loading areas shall conform to Chapter 20-14.02, paragraph 12.0 and Chapter 20-14.04 and 20-14.05 of the ZONING ORDINANCE, CITY OF DES MOINES, IOWA.
- All parking areas shall be screened from nearby drives and public right-of-way by location, earth berms and plant materials. Earth berms shall be a minimum of 3 feet above an adjacent parking lot curb height and supplemented with plant materials which provide a ground sloping effect. Earth berms shall be not required for lots with PUP support commercial or C-1 principal permitted uses.
- The minimum landscape planting requirements for individual lots shall be two trees and three shrubs per 5000 sq. ft. of open space. Plant materials shall be 10' tall at maturity.
- Minimum height for evergreens shall be 6' and may be contained on 2 - 2 1/2' tall' calliper for requirements.
- Minimum height for deciduous trees shall be 10' and may be contained on 2 - 2 1/2' tall' calliper for requirements.
- Planting plan shall be submitted for approval by the Airport Commerce Park South Architectural Review Committee and the City of Des Moines. The planting plan must be signed by a landscape architect registered in the State of Iowa.
- Lots that front Army Post Road and First Drive may have a maximum of 40 square feet of open space on each side of a driveway. Lots that front Airport Commerce Park South Internal streets may have a maximum 22 square feet of open space on each side of a driveway.



**AMENDED CONCEPT PLAN  
AIRPORT COMMERCE  
PARK SOUTH**

**OWNER/DEVELOPER**  
WEST LAKES PROPERTIES, LLC  
5000 WESTERN PARKWAY, SUITE 400  
WEST DES MOINES, IOWA 50326  
PH: (515) 223-4000

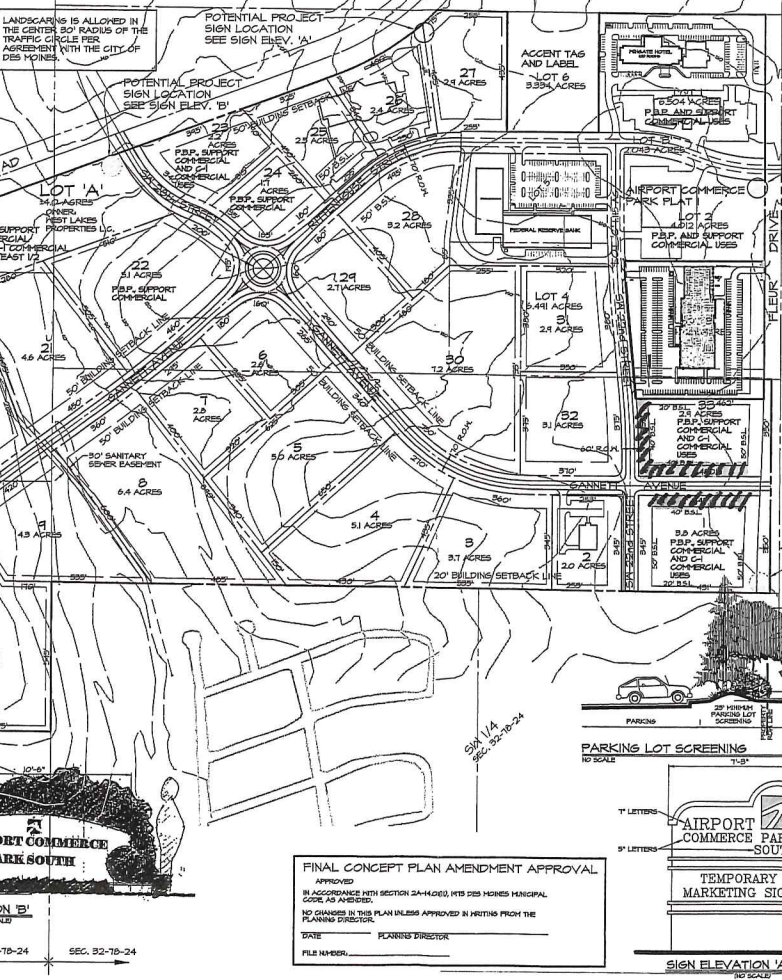
**LEGAL DESCRIPTION**

A PARCEL OF LAND IN OUTLOT 'X', AIRPORT COMMERCE PARK PLAT 1, AN OFFICIAL PLAT, CITY OF DES MOINES, AND A PARCEL OF LAND IN THE N 1/2 S 1/4 SECTION 30, NE 1/4 SE 1/4 SECTION 31, AND SE 1/4 NE 1/4 SECTION 31, TOWNSHIP 18 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID OUTLOT 'X', THENCE 500°00'00\"/>

**SECOND AMENDMENT**

I, REVISE THE FRONT YARD SETBACK ON LOTS 1 AND 59 LOCATED AT GANNETT AVENUE AND FLEUR DRIVE.  
PLANNING & ZONING ACTION CITY COUNCIL APPROVAL. ROLL CALL NUMBER. ORDINANCE NUMBER.



**FINAL CONCEPT PLAN AMENDMENT APPROVAL**  
APPROVED IN ACCORDANCE WITH SECTION 20-14.02, IOWA DES MOINES MUNICIPAL CODE AS AMENDED.  
NO CHANGE IN THIS PLAN UNLESS APPROVED IN WRITING FROM THE PLANNING DIRECTOR.  
DATE: \_\_\_\_\_ PLANNING DIRECTOR: \_\_\_\_\_  
FILE NUMBER: \_\_\_\_\_

**ZONING**

EXISTING: R-10 & P.B.P. & P.U.D.  
PROPOSED - P.U.D.

**UTILITIES**

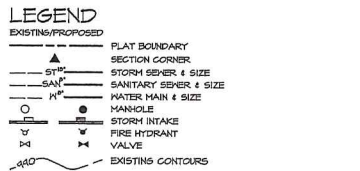
SOURCE OF WATER SUPPLY - CITY OF DES MOINES WATER WORKS SYSTEM.  
SEWER DISPOSAL PROVISION - CITY OF DES MOINES SANITARY SEWER SYSTEM.  
STREETS AND UTILITIES SHALL BE DEDICATED TO THE CITY.

**NOTES**

- STREET NAMES WILL BE DEDICATED TO THE CITY OF DES MOINES.
- 4' PUBLIC SIDEWALKS ARE REQUIRED WITH PLANTINGS ON BOTH SIDES OF PUBLIC STREETS. HOWEVER, ONE 8-FOOT SIDEWALK MAY BE LOCATED ON THE NORTH AND WEST SIDES OF 20th STREET BETWEEN ARMY POST ROAD AND FLEUR DRIVE IN LIEU OF TWO 4-FOOT WIDE SIDEWALKS.
- STREET NAMES WILL BE ASSIGNED BY THE CITY OF DES MOINES.
- EXISTING TREES SHALL BE SAVED TO THE EXTENT THAT THEY ACCOMMODATE GRADING AND UTILITY INSTALLATION ON INDIVIDUAL LOTS.
- EACH LOT OWNER WILL BE RESPONSIBLE FOR STORM WATER DETENTION TO BE INDICATED ON INDIVIDUAL SITE PLAN SUBMITTAL.
- THIS CONCEPT PLAN DOES NOT INCLUDE LOT 6, AIRPORT COMMERCE PARK PLAT 1.
- LOT 6, AIRPORT COMMERCE PARK, PLAT 1 SHALL HAVE LIMITED ACCESS TO FLEUR DRIVE.
- CONSTRUCTION FOR THIS PLAN WILL LIKELY CONCLUDE IN THE SPRING OF 2015.
- A 3-METER NIDE BIKE TRAIL IS REQUIRED ALONG THE SOUTH SIDE OF ARMY POST ROAD.
- ALL STREETS SHALL BE 31' WIDE.
- A SHARED RIGHT TURNOUT ACCESS DRIVE SHALL BE ALLOWED BETWEEN LOT A AND LOT I, AND LOTS 25 & 26 FROM ARMY POST ROAD.

**CERTIFICATION**

I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PROVISIONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER IN THE STATE OF IOWA.  
DATE: NOVEMBER 2, 1999  
REVISION: MARCH 22, 2007  
JUNE 15, 2015



**CEC CIVIL ENGINEERING CONSULTANTS, INC.**  
2400 86TH STREET UNIT 12 DES MOINES, IOWA 50322.4379  
PHONE: 515.276.4884 FAX: 515.276.7084

**REVISED REQUEST**

lot









July 6, 2015

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held June 18, 2015, the following action was taken regarding a request from Airport Development, LLC (developer) represented by Gerard Nugent (officer) for review and approval of the 2nd Amendment to the Airport Commerce Park South PUD Conceptual Plan on property located at 7201 and 7301 Southwest 22nd Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Jann Freed				X
John "Jack" Hilmes	X			
Greg Jones	X			
Sasha Kamper				X
William Page	X			
Jonathan Rosenbloom	X			
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

**APPROVAL** of a request to reduce the minimum required front yard setback from Gannett Avenue to 40 feet for 7301 SW 22nd Street; and to reduce the front yard setbacks from Gannett Avenue and SW 22nd Street to 40 feet for 7201 SW 22nd Street.

(ZON2015-00105)

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the proposed amendment to the PUD Conceptual Plan.





## Written Responses

4 In Favor

0 In Opposition

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant proposes to reduce the minimum required building setbacks from 50 feet to 40 feet for two undeveloped parcels within the business park located at Gannett Drive between Fleur Drive and Southwest 22<sup>nd</sup> Street. One potential buyer would seek to develop a hotel on the subject parcel north of Gannett Drive (Lot 33).
2. **Size of Site:** The parcel on the north side of Gannett Drive (Lot 33) is 2.9 acres and the parcel on the south side of Gannett Drive (Lot 1) is 3.8 acres. The overall PUD Conceptual Plan area is 163.1 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** The two parcels in question are vacant undeveloped parcels. The overall PUD contains light industrial, office, and support commercial uses.
5. **Adjacent Land Use and Zoning:**
  - North* – "PUD"; Use is Vatterott College.
  - South* – "PUD"; Uses is dental office within the Airport Crossroads PUD.
  - East* – "C-2", "R-5" and "R1-80"; Uses are single-family dwellings, the Fleur Mobile Home Park and Sunset Memorial Gardens cemetery.
  - West* – "PUD"; Use is undeveloped land and office building for Leuwerke and Associates insurance adjusters.
6. **General Neighborhood/Area Land Uses:** The subject site is located in the eastern edge of the Airport Commerce Park South business park along Fleur Drive. The area is part of a complex of business park developments in proximity to the Des Moines International Airport. The property is located to the north of the interchange of Fleur Drive and Iowa Highway 5.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located in a recognized neighborhood. All recognized neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on June 1, 2015. Additionally, separate notifications of the hearing for the site plan were mailed on May 29, 2015 (20 days prior to the hearing) and June 8, 2015 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each condominium owner within the PUD area and to every owner of property or condominium within 250 feet of the PUD boundary. A Final Agenda was mailed to the recognized neighborhood associations on June 11, 2015.



All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division.

The applicant was advised to conduct a neighborhood meeting and will be available to provide a summary at the public hearing.

8. **Zoning History:** On January 25, 1999, the City Council approved rezoning from “PBP”, “PUD”, and “R1-80” to “PUD” with Ordinance No. 13,676 and also approved the Airport Commerce Park South PUD Conceptual Plan.

On October 28, 1999 the First Amendment to the Airport Commerce Park PUD Conceptual Plan was approved administratively to allow revision of the business park sign locations.

9. **2020 Community Character Land Use Plan Designation:** Planned Business Park. This designation is described in the Plan as areas intended for the development of light industry, manufacturing activity, office and warehouse uses. The parks promote a small amount of commercial services and pedestrian amenities for the park workers.
10. **Applicable Regulations:** 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, and taking into consideration the criteria set forth in Chapter 18B 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.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Drainage:** Engineering review staff have indicated that on the subject parcel north of Gannett Drive (Lot 33), there is an existing 46-foot wide storm sewer and surface water drainage easement along Fleur Drive. This easement was created with the previous subdivision plat design to accommodate storm water management and surface flowage improvements for the surrounding street system. Engineering staff has indicated that development any building or structure placed within 40-feet of Fleur Drive would necessitate a re-design of the storm water management improvements as part of that development.
2. **Urban Design:** The two parcels in question with the amendment are both corner parcels with street frontages on three sides, each only sharing a single interior lot line with an adjoining parcel. The original intent of the required 50-foot setbacks from street property lines throughout the PUD was to create green space and visual site lines surrounding development within the business park. While the reduction would reduce this slightly, it would create parcels which are more developable given their size and multiple frontages.



There has been concern expressed by representatives of property owners to the south of the subject parcel south of Gannett Drive (Lot 1), that the reduction of the setback along Fleur Drive from 50 feet to 40 feet would create more potential impact to the visibility of their property from southbound traffic on Fleur. They have expressed that many of their patients arrive from the Airport and their exposure is important for way finding. Staff would note the dental clinic is currently setback approximately 200 feet from Fleur Drive and would experience diminished exposure to southbound traffic on Fleur Drive whether a building was built with a 50-foot or 40-foot setback from that right-of-way.

## **SUMMARY OF DISCUSSION**

Jason Van Essen presented the staff report and recommendation. The applicant revised their request to address concern of the property owner to the south. The revised proposal reduces the front yard setback from Gannett Avenue to 40 feet for 7301 SW 22nd Street; and the front yard setbacks from Gannett Avenue and SW 22nd Street to 40 feet for 7201 SW 22nd Street. The other setbacks proposed to be reduced would remain at 50 feet.

Will Page asked for verification that the adjacent property owner to the south who is no longer opposed and supports the revised request.

Jason Van Essen stated that is correct.

Jerry Oliver Civil Engineering Consultants 2400 85<sup>th</sup> Street stated staff has represented their proposal very clearly. They started out proposing to reduce setbacks from 50 feet to 40 feet. On the three sided lots where there are streets on the three sides they are finding that at least on one proposal they are looking at they are having some difficulty in fitting the buildings on these three sided lots with the 50 feet setbacks and likewise easements that are going through some of them. Therefore, they have asked to amend the PUD Concept Plan to allow the 40 feet on the sides that were indicated in the amended proposal. He believes that they have now reached an agreement with their neighbors to the south to provide the reduce setbacks on the three sides.

Dory Briles asked if there was a neighborhood meeting held.

Jerry Oliver stated no there was not a neighborhood meeting held.

Jonathan Rosenbloom asked who Dickinson Law Firm represents?

Jerry Oliver stated the Dickinson Law Firm represents the property owner immediately to the south.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one to speak in favor or in opposition of the applicant's request.*

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**



COMMISSION ACTION:

Mike Simonson moved staff recommendation for approval of the revised amendment to the PUD Conceptual Plan.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

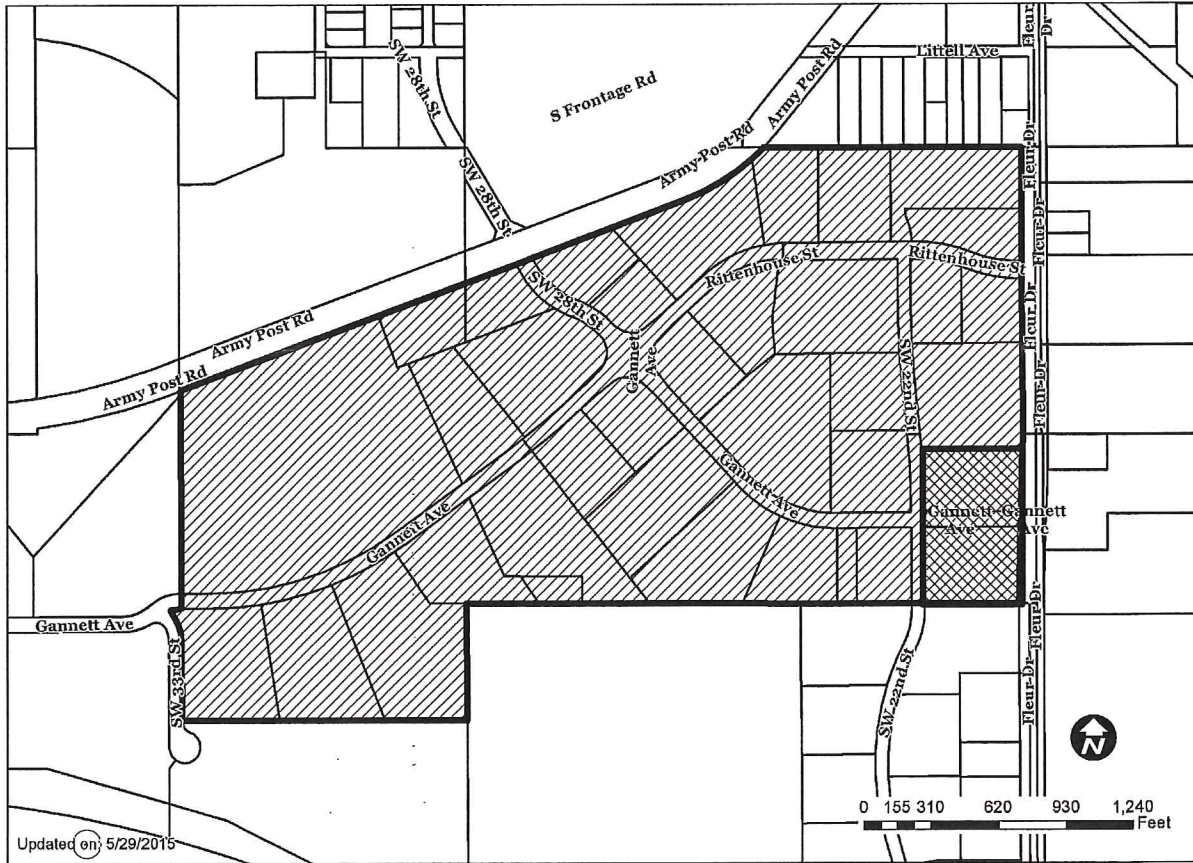
Attachment



Airport Development, LLC (owner) represented by Gerard Nugent (officer) for property located at 7201 and 7301 Southwest 22nd Street.			<b>File #</b> <b>ZON2015-00105</b>	
<b>Description of Action</b>	Approval of the reduce the minimum required front yard setback from Gannett Avenue to 40 feet for 7301 SW 22nd Street; and to reduce the front yard setbacks from Gannett Avenue and SW 22nd Street to 40 feet for 7201 SW 22nd Street.			
<b>2020 Community Character Plan</b>	Current: Planned Business Park. Proposed: N/A.			
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	"PUD" Planned Unit Development and "FSO" Freestanding Sign Overlay District.			
<b>Proposed Zoning District</b>	N/A.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	4	0		
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	11-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

Airport Development Park, LLC, Vicinity of 7201 & 7301 Southwest 22nd Park

ZON2015-00105



1 inch = 520 feet



Item ZON2015-00105 Date 6-10-15

(am)  (am not) in favor of the request.

(Circle One)  
**RECEIVED**  
COMMUNITY DEVELOPMENT

Print Name Airport Commerce Condominium

Signature [Signature]

Address 1501 River Dr Moline IL 61265

JUN 15 2015

Reason for opposing or approving this request may be listed below:

Allowing development closer to street can enhance suburban feel by adding a more urban element.

Item ZON2015-00105 Date 6-10-15

(am)  (am not) in favor of the request. same as Airport Commerce Condominium

(Circle One)

Print Name Johanna's Italian Steakhouse LLC

Signature [Signature]

Address 1501 RIVER DR Moline IL 61265

Reason for opposing or approving this request may be listed below:

Current development best practices CAN accommodate smaller setbacks

bh

Item ZON2015-00105

Date 6-10-15

(am)  (am not) in favor of the request.

(Circle One)  
**RECEIVED**  
COMMUNITY DEVELOPMENT

Print Name HOA Hotels LLC

Signature [Signature]

Address 1501 River Dr Moline IL 61265

JUN 15 2015

Reason for opposing or approving this request may be listed below:

Will NOT materially alter nature of Development.





**DICKINSONLAW**  
*Dickinson Mackaman Tyler & Hagen P.C.*

**Jeffrey G. Baxter**  
(515) 246-4506  
jbaxter@dickinsonlaw.com

June 15, 2015

Des Moines Community Development Department  
c/o Erik Lundy  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309

*Via E-mail*  
emlundy@dmgov.org

**Re: Conditional Withdrawal of Objection to Proposed Second Amendment to the Airport Commerce Park South PUD Conceptual Plan**

Dear Members of the Commission:

This correspondence shall serve as the conditional withdrawal of the formal objection to the Second Amendment (the "Amendment") which I filed on June 10, 2015.

I have been in communication with counsel for the Applicant, and believe we have come to a mutually agreeable resolution of the Amendment to the PUD. The agreement we reached with the Applicant was that the Applicant would not seek a reduction of the setback requirements along Fleur Drive, for either the property located at 7301 SW 22nd Street ("7301 Property"), or the property located at 7201 SW 22nd Street ("7201 Property"). In addition, the Applicant would not seek a reduction in the setback requirements for the 7301 Property along SW 22<sup>nd</sup> Street.

My clients withdraw their objections to the Second Amendment, if, and so long as, the Amendment conforms to this agreement. To be clear – a reduction in the setback requirements along Gannett Avenue for either the 7201 or the 7301 Property from 50' to 40' and a reduction to the setback requirements along SW 22<sup>nd</sup> for 7201 SW 22<sup>nd</sup> from 50' to 40' is not objected to by my clients.

Notwithstanding the foregoing, should the Amendment not conform with the terms described above, or should the Applicant (or any other party) seek to reduce the setback requirements along Fleur Drive for either the 7201 or 7301 Property, or along SW 22<sup>nd</sup> Street for the 7301 Property, then, my clients' objections, as stated in my correspondence dated June 10, 2015, will be renewed.

Should there be any questions concerning this conditional withdrawal, please contact me.

Very truly yours,

Jeffrey G. Baxter

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Cc: Tom Whitman