



Roll Call Number

17-2106

Agenda Item Number

53

Date December 4, 2017

RESOLUTION HOLDING HEARING ON REQUEST FROM ATLANTIC BOTTLING CO. REGARDING THE SECOND AMENDMENT TO THE AIRPORT BUSINESS PARK PHASE II PUD CONCEPTUAL PLAN (3600 ARMY POST ROAD)

WHEREAS, on November 20, 2017, by Roll Call No. 17-1954, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on November 2, 2017, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Atlantic Bottling Co. (lessee), represented by Jeff Kinzie (officer), for review and approval of the 2nd Amendment to the Airport Business Park Phase II PUD Conceptual Plan for property located at 3600 Army Post Road ("Property"), to allow an 18-foot tall freestanding pole sign with four 36-square foot internally illuminated sign faces, and to allow up to a 300-square foot internally illuminated wall mounted sign on the south façade; and

WHEREAS, on November 20, 2017, by Roll Call No. 17-1954, it was duly resolved by the City Council that the application of Atlantic Bottling Co. for the 2nd Amendment to the Airport Business Park Phase II PUD Conceptual Plan, for Property legally described below, be set down for hearing on December 4, 2017 at 5:00 p.m. in the Council Chamber at the Municipal Service Center; 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 Plan Amendment; and

WHEREAS, in accordance with said notice, those interested in said proposed Plan Amendment, 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 2nd Amendment to the Airport Business Park Phase II PUD Conceptual Plan for the Property, locally known as 3600 Army Post Road and legally described as follows, are hereby overruled, and the hearing is closed:

Amendment Area

LOT 4, AIRPORT BUSINESS PARK PLAT 2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Overall PUD

LOTS 3, 7 AND EXCEPT THE WEST 2.9754 ACRES OF LOT 6 AND ALL OF OUTLOTS X AND Y, AIRPORT BUSINESS PARK PLAT 1, AN OFFICIAL PLAT AND THAT PART OF LOT A, OF SAID AIRPORT BUSINESS PARK PLAT 1, LYING SOUTH OF SAID LOT 3 AND LYING EAST OF THE SOUTH EXTENSION OF THE WEST LINE OF SAID LOT 3;

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AND THE SOUTH 1/2 OF THE SOUTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND ALL THAT PART OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF RELOCATED ARMY POST ROAD, ALL IN SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5th P.M., ALL NOW INCLUDED WITHIN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SUBJECT TO LEGALLY ESTABLISHED HIGHWAYS.

2. The proposed 2nd Amendment to the Airport Business Park Phase II PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to the revisions set forth above.

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

(ZON2017-00176)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| GATTO | ✓ | | | |
| GRAY | | ✓ | | |
| HENSLEY | ✓ | | | |
| MOORE | | ✓ | | |
| WESTERGAARD | ✓ | | | |
| TOTAL | 5 | 2 | | |

MOTION CARRIED APPROVED

T. M. Franklin Mayor

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.

Diane Fauh City Clerk