



**Roll Call Number**

23-1431

**Agenda Item Number**

33

**Date** October 23, 2023

**RESOLUTION SETTING 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 3<sup>RD</sup> AMENDMENT TO AIRPORT COMMERCE PARK SOUTH PUD CONCEPTUAL PLAN, ON PROPERTY LOCATED IN VICINITY OF 2400 GANNETT AVENUE**

**WHEREAS**, on 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 3<sup>rd</sup> amendment to the Airport Commerce Park South PUD Conceptual Plan, on property located at 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; and

**WHEREAS**, the City Plan and Zoning Commission voted 11-0 to **APPROVE** the a 3<sup>rd</sup> 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 5<sup>TH</sup> 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 5<sup>TH</sup> P.M., CITY OF DES MOINES, POLK COUNTY, IOWA

EXCEPT



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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 5<sup>TH</sup> 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 5<sup>TH</sup> 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 5<sup>TH</sup> 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 5<sup>TH</sup> 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 5<sup>TH</sup> 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



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

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed 3<sup>rd</sup> amendment to the Airport Commerce Park PUD Conceptual Plan is to be considered, shall be held at 5:00 p.m. on November 6, 2023, in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at which time the City Council will hear both those who oppose and those who favor the proposals.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the



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accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Sections 362.3 and 414.4 of the Iowa Code.

MOVED by Gatto to adopt.
SECOND by Voss

FORM APPROVED:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000032)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED
J. M. Franklin Cownie Mayor

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.

Laura Baumgartner City Clerk