



**Roll Call Number**

24-1109

**Agenda Item Number**

43

**Date** August 5, 2024

**RESOLUTION HOLDING HEARING REGARDING REQUEST FROM MIDAMERICAN ENERGY COMPANY (OWNER), REPRESENTED BY BENJAMIN KEITH (OFFICER) AND MARK D. LOWE (OFFICER), FOR REVIEW AND APPROVAL OF AN 8<sup>TH</sup> AMENDMENT TO AIRPORT COMMERCE PARK WEST PUD CONCEPTUAL PLAN, ON PROPERTY LOCATED AT 5700 THORNTON AVENUE, TO ALLOW A UTILITY SUBSTATION USE AND ADDITIONAL FENCING OPTIONS**

**WHEREAS**, on June 20, 2024, the City Plan and Zoning Commission considered a request from MidAmerican Energy Company (Owner), represented by Benjamin Keith (Officer) and Mark D. Lowe (Officer), for review and approval of an 8<sup>th</sup> amendment to the Airport Commerce Park West PUD Conceptual Plan, on property located at 5700 Thornton Avenue, to allow a utility substation use and additional fencing options; and

**WHEREAS**, the City Plan and Zoning Commission voted 10-0-1 to **APPROVE** the 8<sup>th</sup> amendment to the Airport Commerce Park West PUD Conceptual Plan, on property located at 5700 Thornton Avenue, to allow a utility substation use and additional fencing options, subject to the following conditions:

1. The final design, material, and placement of the proposed utility substation fencing shall be in accordance with an approved PUD Development Plan as approved by the Planning and Urban Design Administrator.; and

**WHEREAS**, the Property is legally described as follows:

**LOT 14, AIRPORT COMMERCE PARK WEST PLAT 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.**

**WHEREAS**, on July 15, 2024, by Roll Call No. 24-0961, it was duly resolved by the City Council that the request for approval of the 8<sup>th</sup> Amendment to the Airport Commerce Park West PUD Conceptual Plan be set down for hearing on August 5, 2024, 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 8<sup>th</sup> Amendment to the Airport Commerce Park West PUD Conceptual Plan; and

**WHEREAS**, in accordance with said notice, those interested in said proposed 8<sup>th</sup> Amendment to the Airport Commerce Park West 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:



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1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed 8<sup>th</sup> Amendment to the Airport Commerce Park West PUD Conceptual Plan are hereby overruled, and the hearing is closed.
2. The proposed 8<sup>th</sup> Amendment to the Airport Commerce Park West 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 Coleman.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill  
Assistant City Attorney

(ZONG-2024-000018)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO				✓
TOTAL	6			1

MOTION CARRIED

APPROVED

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.

Connie Boesen Mayor

Laura Baumgartner City Clerk