

.....
Date August 8, 2022

RESOLUTION HOLDING HEARING ON REQUEST FROM R. MICHAEL KNAPP 2001 REVOCABLE TRUST, ELLYN PATRICE KNAPP 2001 REVOCABLE TRUST, ELLYN P. KNAPP TRUST, AND R. MICHAEL KNAPP TRUST (OWNERS) REGARDING PROPERTY LOCATED IN THE VICINITY OF SW 56TH STREET, SW MCKINLEY AVE. AND SW WATROUS AVE. TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY

WHEREAS, on June 3, 2022, R. Michael Knapp 2001 Revocable Trust, Ellyn Patrice Knapp 2001 Revocable Trust, Ellyn P. Knapp Trust, and R. Michael Knapp Trust (Owners) submitted the Large Scale Development Plan for property located in the vicinity of SW 56th Street, SW McKinley Ave., and SW Watrous Ave. as legally described below pursuant to Des Moines Municipal Code section 135-5.1.5.B; and

WHEREAS, on or about June 6, 2022, the Development Services Director or her designee completed their review of the submitted Plan and APPROVED said Plan as being in conformity with the requirements of Des Moines Municipal Code chapter 135; and

WHEREAS, on July 18, 2022, by Roll Call No. 22-1139, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on July 7, 2022, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from R. Michael Knapp 2001 Revocable Trust, Ellyn Patrice Knapp 2001 Revocable Trust, Ellyn P. Knapp Trust, and R. Michael Knapp Trust (Owners), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property in the vicinity of SW 56th Street, SW McKinley Avenue and SW Watrous Avenue from Low-Density Residential, Business Park, and Development Control Zone to Development Control Zone for Outlot X as identified on the Large Scale Development Plan and Low Density Residential for the remainder of the Property; and

WHEREAS, on July 18, 2022, by Roll Call No. 22-1139, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on July 7, 2022, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from R. Michael Knapp 2001 Revocable Trust, Ellyn Patrice Knapp 2001 Revocable Trust, Ellyn P. Knapp Trust, and R. Michael Knapp Trust (Owners), to rezone the Property in the vicinity of SW 56th Street, SW McKinley Avenue and SW Watrous Avenue from “P2” Public, Civic, and Institutional District, “EX” Mixed Use District, and limited “N2b” Neighborhood District to “N2b” Neighborhood District subject to the following conditions:

- 1) Development of the property for residential use is prohibited in areas subject to limitations of the designated runway protection zone identified in the approved Airport Layout Plan of the Des Moines International Airport as legally described by Des Moines Municipal Code Section 22-5, or as may thereafter be amended. Any such areas shall be identified by the Des Moines International Airport at the time of platting of the property, and, at the time of recording of any Final Subdivision Plat, either (1) dedicated to the City and Airport or



Date August 8, 2022

encumbered with recording of a “No Build” Easement on the property or (2) platted as an undevelopable Outlot;

- 2) A Land Use Map Amendment will be initiated by the City to remove or modify any Development Control Zone Future Land Use Map designation on other adjacent properties;
- 3) Any new residential development, or alterations or additions to existing residential dwellings in areas identified as having future outdoor sound levels measured between 65 dB and 75 dB must develop to demonstrate a 30 dB reduction within the dwelling through recognized construction methods in the adopted Building Codes;
- 4) Noise and Avigation Easements in a form approved by both the City Attorney and the Des Moines International Airport shall be granted and/or dedicated by the property owner and recorded on all residential lots at the time of recording of any Final Subdivision Plat;
- 5) All development on the property shall connect to public water and sanitary sewer. New private wells and private disposal (septic) systems are prohibited within the property; and
- 6) The owner shall dedicate or deed to the City of Des Moines, at City’s discretion, such right-of-way determined necessary by the City for future realignment of SW 56th Street along the east edge of the property. Such right-of-way dedication or deeding shall occur at no cost to the City and at such time as the property is subdivided so that such future right-of-way is outside of the designated runway protection zone identified in the approved Airport Layout Plan of the Des Moines International Airport as legally described by Des Moines Municipal Code Section 22-5, or as may thereafter be amended. The owner acknowledges that the City may assess adjoining property owners for costs to construct the realignment of SW 56th Street

WHEREAS, on July 18, 2022, by Roll Call No. 22-1139, it was duly resolved by the City Council that the request for approval of the proposed PlanDSM Comprehensive Future Land Use Plan amendment and rezoning of the Property, legally described as follows, be set down for hearing on August 8, 2022, at 5:00 P.M., in the Council Chamber at City Hall:

ALL PROPERTY DESCRIBED BELOW IS IN THE CITY OF DES MOINES, POLK COUNTY, IOWA.

THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA,

AND

THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 23, **-EXCEPT** THE PROPERTY DESCRIBED IN THE WARRANTY DEED AND RECORDED IN BOOK 15084 PAGE 846 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA-

AND



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Date August 8, 2022

-EXCEPT THE SOUTHWEST 56TH STREET RIGHT OF WAY LYING ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 23, AND LYING WITHIN THE SOUTHEAST 1/4 OF SAID SECTION 23, **AND**

-EXCEPT THE SOUTHWEST MCKINLEY AVENUE RIGHT OF WAY LYING ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 23, AND LYING WITHIN SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 23, **AND**

-EXCEPT THE ROAD RIGHT OF WAY ON NORTH SIDE DEEDED TO THE CITY OF DES MOINES AND RECORDED IN BOOK 19151 PAGE 869 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA; **AND**

-EXCEPT A PARCEL IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 23 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 23; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 23, A DISTANCE OF 403.37 FEET; THENCE NORTHEAST ALONG A STRAIGHT LINE TO A POINT ON THE EAST LINE OF SAID SECTION, SAID POINT BEING 442.09 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION; THENCE SOUTH ALONG SAID EAST LINE TO THE POINT OF BEGINNING; 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 PlanDSM Comprehensive Future Land Use Plan and rezoning request; and

WHEREAS, in accordance with said notice, those interested in said proposed Comprehensive Future Land Use Plan amendment and rezoning request, 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. The attached communication from the Development Services Director or her designee regarding the Large Scale Development Plan is hereby received and filed.
2. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Future Land Use Plan designation for the Property legally described above in the vicinity of SW 56th Street, SW McKinley Ave. and SW Watrous Ave. and the requested rezoning are hereby received and filed, any and all objections to the proposed amendment and rezoning request are overruled, and the hearing is closed.



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Date August 8, 2022

3. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property legally described above in the vicinity of SW 56th Street, SW McKinley Ave. and SW Watrous Ave. to Development Control Zone for Outlot X as identified on the Large Scale Development Plan and Low Density Residential for the remainder of the Property is hereby approved.
4. The proposed rezoning of the Property, as legally described above, to limited “N2b” Neighborhood District Is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan as amended and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein, and subject to the following conditions:
 - 1) Development of the property for residential use is prohibited in areas subject to limitations of the designated runway protection zone identified in the approved Airport Layout Plan of the Des Moines International Airport as legally described by Des Moines Municipal Code Section 22-5, or as may thereafter be amended. Any such areas shall be identified by the Des Moines International Airport at the time of platting of the property, and, at the time of recording of any Final Subdivision Plat, either (1) dedicated to the City and Airport or encumbered with recording of a “No Build” Easement on the property or (2) platted as an undevelopable Outlot;
 - 2) A Land Use Map Amendment will be initiated by the City to remove or modify any Development Control Zone Future Land Use Map designation on other adjacent properties;
 - 3) Any new residential development, or alterations or additions to existing residential dwellings in areas identified as having future outdoor sound levels measured between 65 dB and 75 dB must develop to demonstrate a 30 dB reduction within the dwelling through recognized construction methods in the adopted Building Codes;
 - 4) Noise and Avigation Easements in a form approved by both the City Attorney and the Des Moines International Airport shall be granted and/or dedicated by the property owner and recorded on all residential lots at the time of recording of any Final Subdivision Plat;
 - 5) All development on the property shall connect to public water and sanitary sewer. New private wells and private disposal (septic) systems are prohibited within the property; and
 - 6) The owner shall dedicate or deed to the City of Des Moines, at City’s discretion, such right-of-way determined necessary by the City for future realignment of SW 56th Street along the east edge of the property. Such right-of-way dedication or deeding shall occur at no cost to the City and at such time as the property is subdivided so that such future

Date August 8, 2022

right-of-way is outside of the designated runway protection zone identified in the approved Airport Layout Plan of the Des Moines International Airport as legally described by Des Moines Municipal Code Section 22-5, or as may thereafter be amended. The owner acknowledges that the City may assess adjoining property owners for costs to construct the realignment of SW 56th Street.

Moved by _____ to adopt. Second by _____

APPROVED AS TO FORM:

/s/ Gary D. Goudelock Jr.
 Gary D. Goudelock Jr.
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHUEMAKER				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

 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.

 City Clerk

Date 8/8/22
Agenda Item 53
Roll Call # _____

July 12, 2022

Communication from the City Plan and Zoning Commission advising that at their July 7, 2022 meeting, the following action was taken regarding a request from R. Michael Knapp 2001 Revocable Trust, Ellyn Patrice Knapp 2001 Revocable Trust, Ellyn P Knapp Trust, and R Michael Knapp Trust (owner) to rezone parcels in the vicinity of Southwest 56th Street, Southwest McKinley Avenue, and Watrous Avenue from “P2” Public, Civic, and Institutional District, “EX” Mixed Use District, and “N2b” Neighborhood District to “N2b” Neighborhood District, to allow the development of the property for one-household residential uses.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel				X
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper				X
Todd Garner				X
Johnny Alcivar	X			
Justyn Lewis	X			
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb				X

APPROVAL of Part A) The requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Business Park, Low Density Residential and Development Control Zone.

Part B) Approval of the request to amend PlanDSM future land use designation from Low Density Residential, Business Park and Development Control Zone to Development Control Zone for Outlot X as identified on the Large Scale Development Plan and Low Density Residential for the remainder of the property.

Part C) Approval of the request to rezone the subject property from “P2” Public, Civic, and Institutional District, “EX” Mixed Use District, and “N2b” Neighborhood District to “N2b” Neighborhood District, to allow the development of the property for one-household residential uses subject to the following conditions:

- 1) Development of the property for residential use is prohibited in areas subject to limitations of the designated runway protection zone identified in the approved Airport Layout Plan of the Des Moines International Airport as legally described by Des Moines Municipal Code Section 22-5, or as may thereafter be amended. Any such areas shall be identified by the Des Moines International Airport at the time of platting of the property, and, at the time of recording of any Final Subdivision Plat, either (1) dedicated to the City and Airport or encumbered with recording of a “No Build” Easement on the property or (2) platted as an undevelopable Outlot.
- 2) A Land Use Map Amendment will be initiated by the City to remove or modify any Development Control Zone Future Land Use Map designation on other adjacent properties.
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- 4) Noise and Avigation Easements in a form approved by both the City Attorney and the Des Moines International Airport shall be granted and/or dedicated by the property owner and recorded on all residential lots at the time of recording of any Final Subdivision Plat.
- 5) All development on the property shall connect to public water and sanitary sewer. New private wells and private disposal (septic) systems are prohibited within the property.
- 6) The owner shall dedicate or deed to the City of Des Moines, at City’s discretion, such right-of-way determined necessary by the City for future realignment of SW 56th Street along the east edge of the property. Such right-of-way dedication or deeding shall occur at no cost to the City and at such time as the property is subdivided so that such future right-of-way is outside of the designated runway protection zone identified in the approved Airport Layout Plan of the Des Moines International Airport as legally described by Des Moines Municipal Code Section 22-5, or as may thereafter be amended. The owner acknowledges that the City may assess adjoining property owners for costs to construct the realignment of SW 56th Street.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Business Park, Low Density Residential and Development Control Zone.

Part B) Staff recommends approval of the request to amend PlanDSM future land use designation from Low Density Residential, Business Park and Development Control Zone

to Development Control Zone for Outlot X as identified on the Large Scale Development Plan and Low Density Residential for the remainder of the property.

Part C) Staff recommends approval of the request to rezone the subject property from "P2" Public, Civic, and Institutional District, "EX" Mixed Use District, and "N2b" Neighborhood District to "N2b" Neighborhood District, to allow the development of the property for one-household residential uses subject to the following conditions:

- 1) Development of the property for residential use is prohibited in areas subject to limitations of the designated runway protection zone identified in the approved Airport Layout Plan of the Des Moines International Airport as legally described by Des Moines Municipal Code Section 22-5, or as may thereafter be amended. Any such areas shall be identified by the Des Moines International Airport at the time of platting of the property, and, at the time of recording of any Final Subdivision Plat, either (1) dedicated to the City and Airport or encumbered with recording of a "No Build" Easement on the property or (2) platted as an undevelopable Outlot.
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Written Responses

2 in Favor

0 in opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to rezone the subject property in order to allow residential development of one-household dwellings.

Any future construction or site improvements would be subject to compliance with the Large Scale Development Plan and future subdivision Plat.

2. **Size of Site:** The subject property includes 2 parcels measuring roughly 75.7 acres in area.
3. **Existing Zoning (site):** "EX" Mixed-Use District, "P2" Public, Civic and Institutional District, and "N2b" Neighborhood District.
4. **Existing Land Use (site):** The subject property consists of two parcels. The northern parcel includes vacant undeveloped land, and the southern consists of three (3) one-household dwellings, a large pond, and open space.

5. **Adjacent Land Use and Zoning:**

North – "N2b"; Use is one-household residential.

South – "EX", "RX1"; Uses are one-household residential.

East – "EX", "P2"; Uses are one-household residential, agricultural production, and undeveloped open space.

West – "EX"; Uses are a storage warehouse, Boy Scouts of America building, and the Waldinger Corporation.

6. **General Neighborhood/Area Land Uses:** The subject property is located along Watrous Avenue and Southwest 56th Street. The area consists of a mix of business parks with light industrial and warehousing type uses, undeveloped open space and low-density residential. The subject property is within close proximity to the Des Moines International Airport and a portion of the property lies within the Airport's Runway Protection Zone, which is subject to development restrictions.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Southwestern Hills Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on June 17, 2022 and by mailing of the Final Agenda on July 1, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on June 17, 2022 (20 days prior to the public hearing) and June 27, 2022 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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 on the date of the mailing. The Southwestern Hills Neighborhood mailings were sent to George Davis, 3124 SW 29th Street, Des Moines, IA 50321.

The applicant is required to conduct neighborhood outreach. They will be available to provide a summary of that outreach during the public hearing.

8. **Relevant Zoning History:** Due to the proximity to Des Moines International Airport, a portion of the subject property is within the Airport's Runway Protection Zone. The City has coordinated with the applicant and the Des Moines International Airport in the past to develop zoning conditions applicable to any future development within the subject property, including future rezoning and land use plan amendments.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Business Park, Development Control Zone, and Low Density Residential.
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.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM Creating Our Tomorrow:** The applicant has requested the subject property be rezoned to "N2b" Neighborhood District to allow the development of one household residential uses. Portions of the subject property are designated "Business Park", "Development Control Zone", and "Low Density Residential". Plan DSM describes these designations as follows:

Business Park

Accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences and would have little or no adverse effect on surrounding properties.

Development Control Zone

Areas that are sensitive to development, such as airport runway protection zones, flood hazard areas, etc.

Low Density Residential:

Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.

The applicant is proposing to rezone the subject property from "EX" District, "P2" District, and "N2b" District to "N2b" District. In order for the proposed rezoning to "N2b" District to be in conformance with PlanDSM, the future land use designation must be amended to "Low Density Residential".

PlanDSM describes this designation as follows:

Low Density Residential:

Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.

The Zoning Ordinance states that the “N2b” District is intended for contemporary, mid-size lots for single- and two-household residential houses within a more flexible building form and located in contemporary neighborhoods pursuant to House A building type in section 135-2.13 of the municipal code.

Staff believes that residential uses can be accommodated in a variety of areas within the City as long as they are developed in the vicinity of complementary uses and follow all applicable development regulations and minimize any adverse impacts. There is a residential subdivision to the immediate north of the subject property. Additionally, with appropriate design and mitigation measures, a residential area could be developed in proximity to other higher intensity uses and those with development controls such as the Airport. Staff supports the rezoning of the subject property to “N2b” District subject to the zoning conditions outlined in Section III of the Staff Report.

2. **Planning and Design Ordinance:** Any future construction or development of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code).
3. **Airport Development Control Zone:** Any future construction or development of the site must follow design and other regulations related to sound levels and must comply with relevant Noise and Avigation Easements. Development of the property for any residential use is prohibited in the Des Moines International Airport’s designated runway protection zone. The realignment of Southwest 56th Street and the recording of any undevelopable areas in the runway protection zone will be required at the time of platting of the property.
4. **Traffic/Street System:** Traffic and Transportation have indicated that no individual drive accesses will be allowed off Watrous Avenue. Although, a transportation connection between the two parcels is desirable, staff notes that the topography and layout of the site hinders a direct north south connection between the two parcels. The future realignment of Southwest 56th Street which incorporates the runway protection zone must be integrated into the layout for the proposed site and necessary right-of-way dedication to the City will be needed during the subdivision of the subject property.

SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented staff report and recommendation.

Justyn Lewis asked what the address is for this property.

Sreyoshi Chakraborty stated it doesn’t have a precise address, it is bounded by Watrous Avenue to the north, SW 56th Street to the east and SW McKinley to the south.

Will Page asked if the applicant agrees with staff recommendation and the 6 conditions.

Jason Van Essen yes.

Justyn Lewis asked if airport control zone shown on the SE corner is for safety or future development.

Bert Drost stated the airport has reconfigured their plan which will shorten the proposed runway and only the extreme SE corner of the proposed development will be located in the runway control zone.

Justyn Lewis asked if development to the south will be required.

Sreyoshi Chakraborty stated development is not required, much of the land to the south is currently zone P2 and business park.

Paul Clausen, Civil Engineering Consultants, 2400 86th Street, Urbandale IA stated they aren't proposing any development to the south due to the noise navigation easement and the amount of elevation limitations.

CHAIRPERSON OPENED THE PUBLIC HEARING

Carol Maher, 701 Polk Blvd stated building single family homes on these large lots doesn't seem right and would recommend rezoning to N3a to allow for more density in the area. She hopes the city considers doing something about the sever drop off on each side of SW 56th Street. She would also like to remind the developer of the percentage of impervious area within a front yard and would like them to consider these houses be all electric.

Paul Clausen stated the N2b zoning is consistent with the adjacent development to the north. Noted that 2 of the 3 existing homes are all electric but there has been no commitment on future development.

Abby Chungath asked if the intention is to build both one and two residential household uses.

Paul Clausen stated this large scale development plan only includes single family homes.

Jason Van Essen stated the reference to one and two residential households in the agenda and staff report is a typo. The application received was for N2b District, which allows one-household dwellings.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Paul Clausen asked if they could keep the N2b-2 as an option.

Jason Van Essen stated staff didn't send out public notices for N2b-2 so this process would need to start over if they wanted to consider the N2b-2 zoning.

Justyn Lewis asked what style of homes will be built and their price range.

Paul Clausen stated it will be a similar style and price range of the development to the north.

Will Page asked if they are satisfied with explanation given about the typo of one and two household residential uses.

Mike Knapp stated he was under the impression that N2b would give him the opportunity to build either one or two residential household uses as this might be something he considers in the future. Noted that he would change the layout of the streets shown in the large scale development plan if he built two-unit buildings.

Jason Van Essen stated the process would have to start over to change the zoning to N2b-2. Recommended he move forward with the current request. Noted that the large scale development plan would have to be amended to allow the changes he is suggesting and that he could do that in the future.

COMMISSION ACTION:

Will Page made a motion for:

Part A) The requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Business Park, Low Density Residential and Development Control Zone.

Part B) Approval of the request to amend PlanDSM future land use designation from Low Density Residential, Business Park and Development Control Zone to Development Control Zone for Outlot X as identified on the Large Scale Development Plan and Low Density Residential for the remainder of the property.

Part C) Approval of the request to rezone the subject property from "P2" Public, Civic, and Institutional District, "EX" Mixed Use District, and "N2b" Neighborhood District to "N2b" Neighborhood District, to allow the development of the property for one-household residential uses subject to the following conditions:

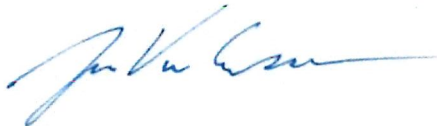
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property owner and recorded on all residential lots at the time of recording of any Final Subdivision Plat.

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- 6) The owner shall dedicate or deed to the City of Des Moines, at City's discretion, such right-of-way determined necessary by the City for future realignment of SW 56th Street along the east edge of the property. Such right-of-way dedication or deeding shall occur at no cost to the City and at such time as the property is subdivided so that such future right-of-way is outside of the designated runway protection zone identified in the approved Airport Layout Plan of the Des Moines International Airport as legally described by Des Moines Municipal Code Section 22-5, or as may thereafter be amended. The owner acknowledges that the City may assess adjoining property owners for costs to construct the realignment of SW 56th Street.

Motion passed: 10-0

Respectfully submitted,

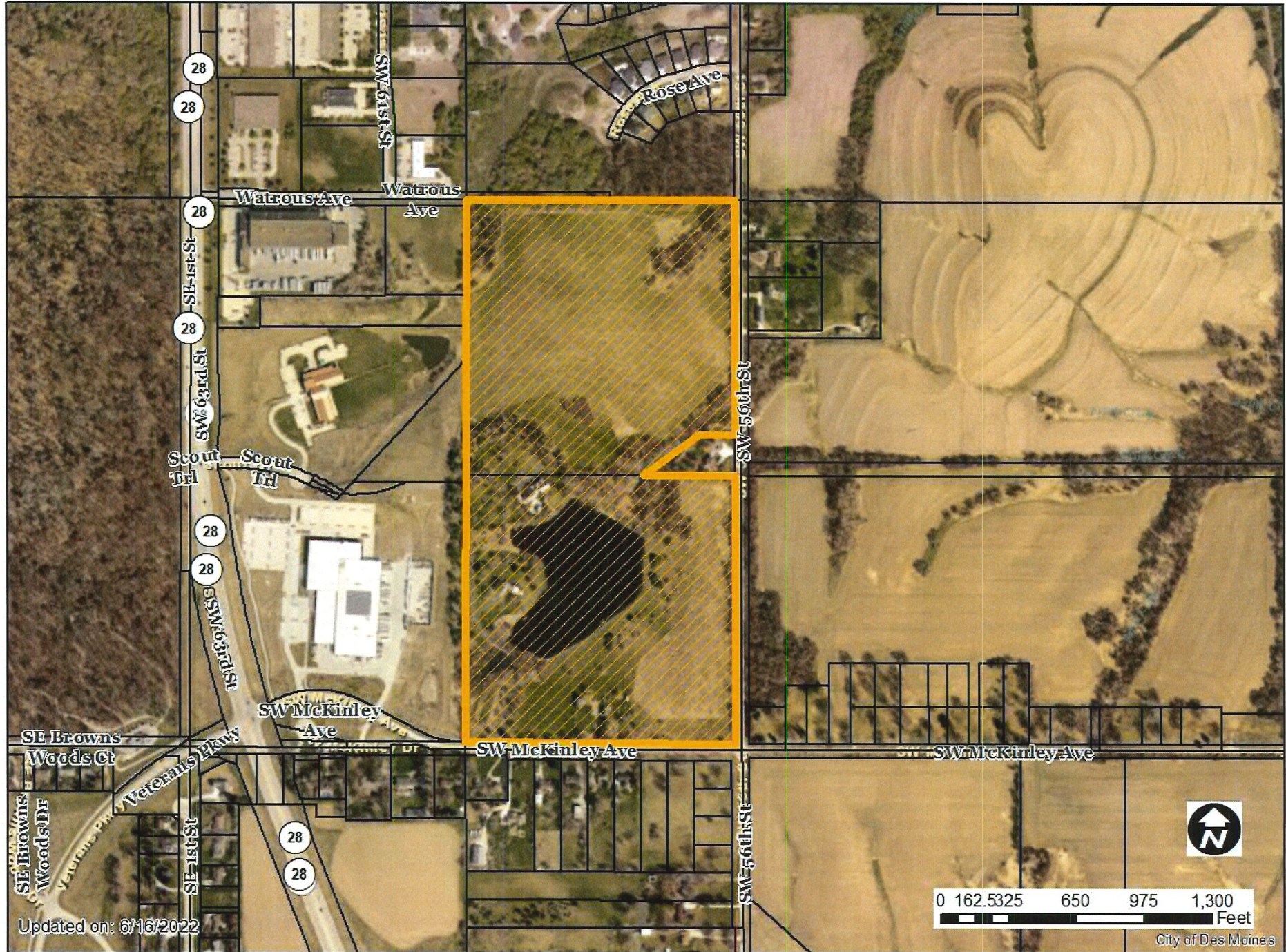


Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

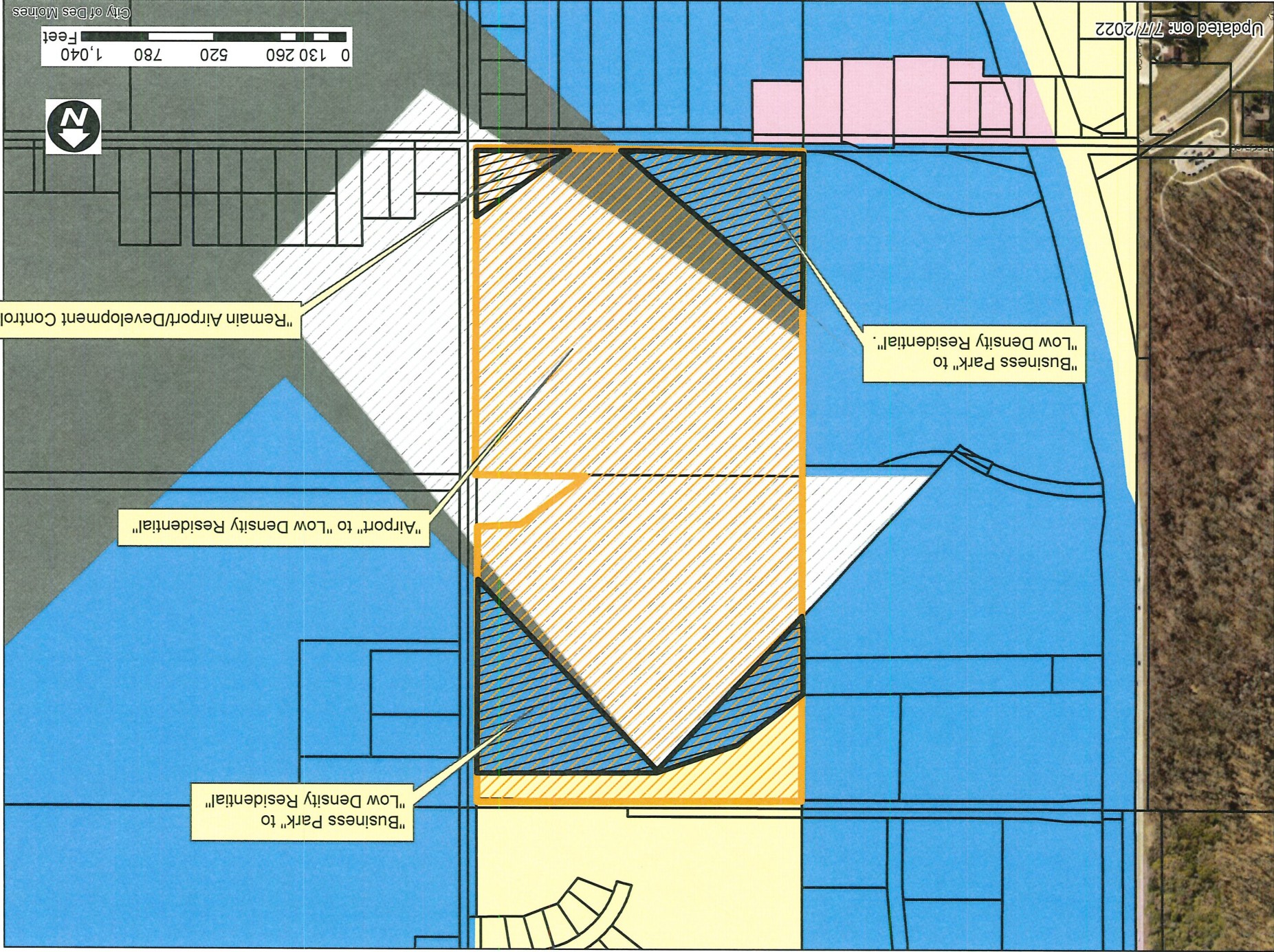
R. Michael and Ellyn P. Knapp, Parcel in Vicinity of Southwest 56th Street

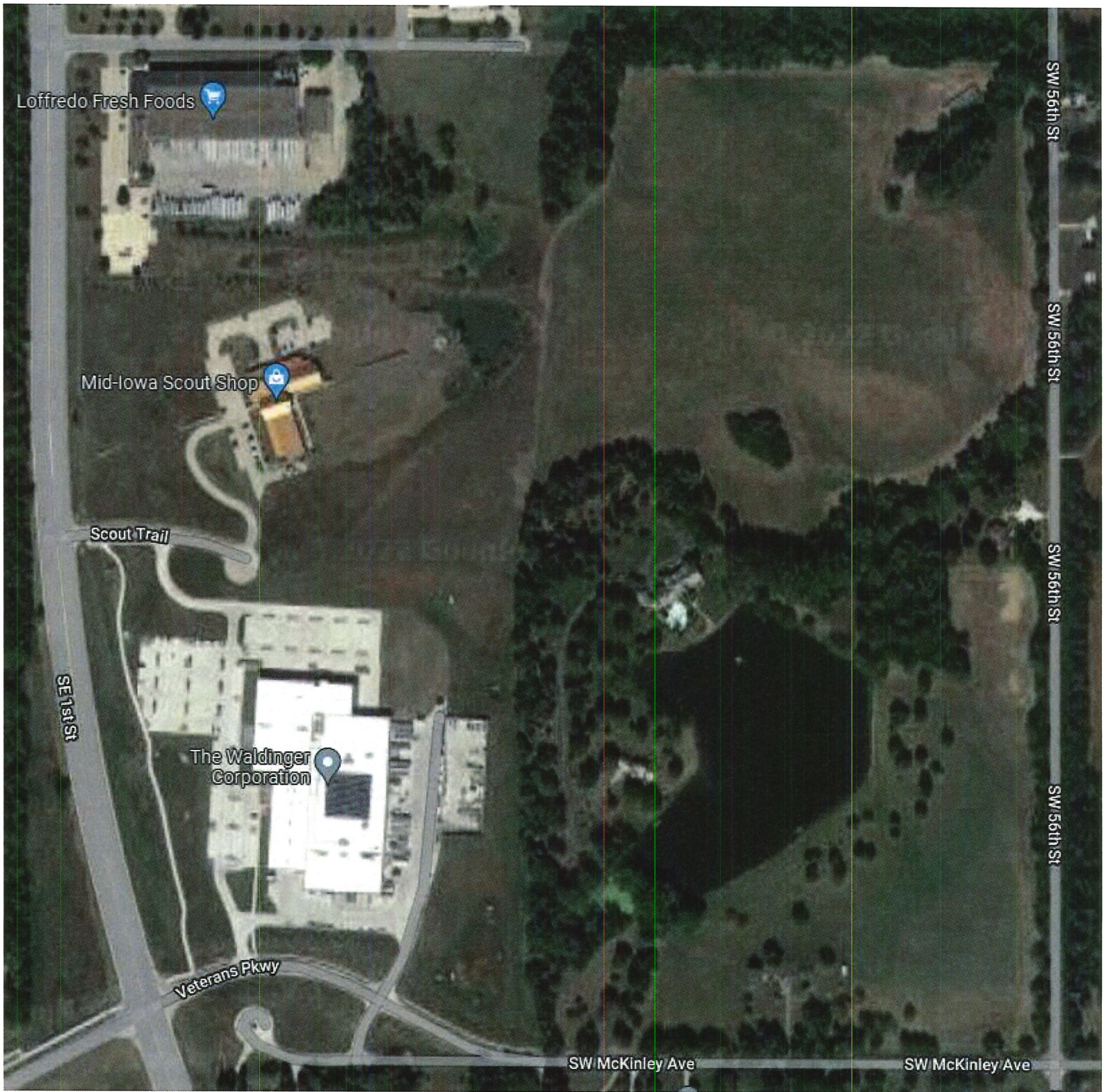
ZONG-2022-000048

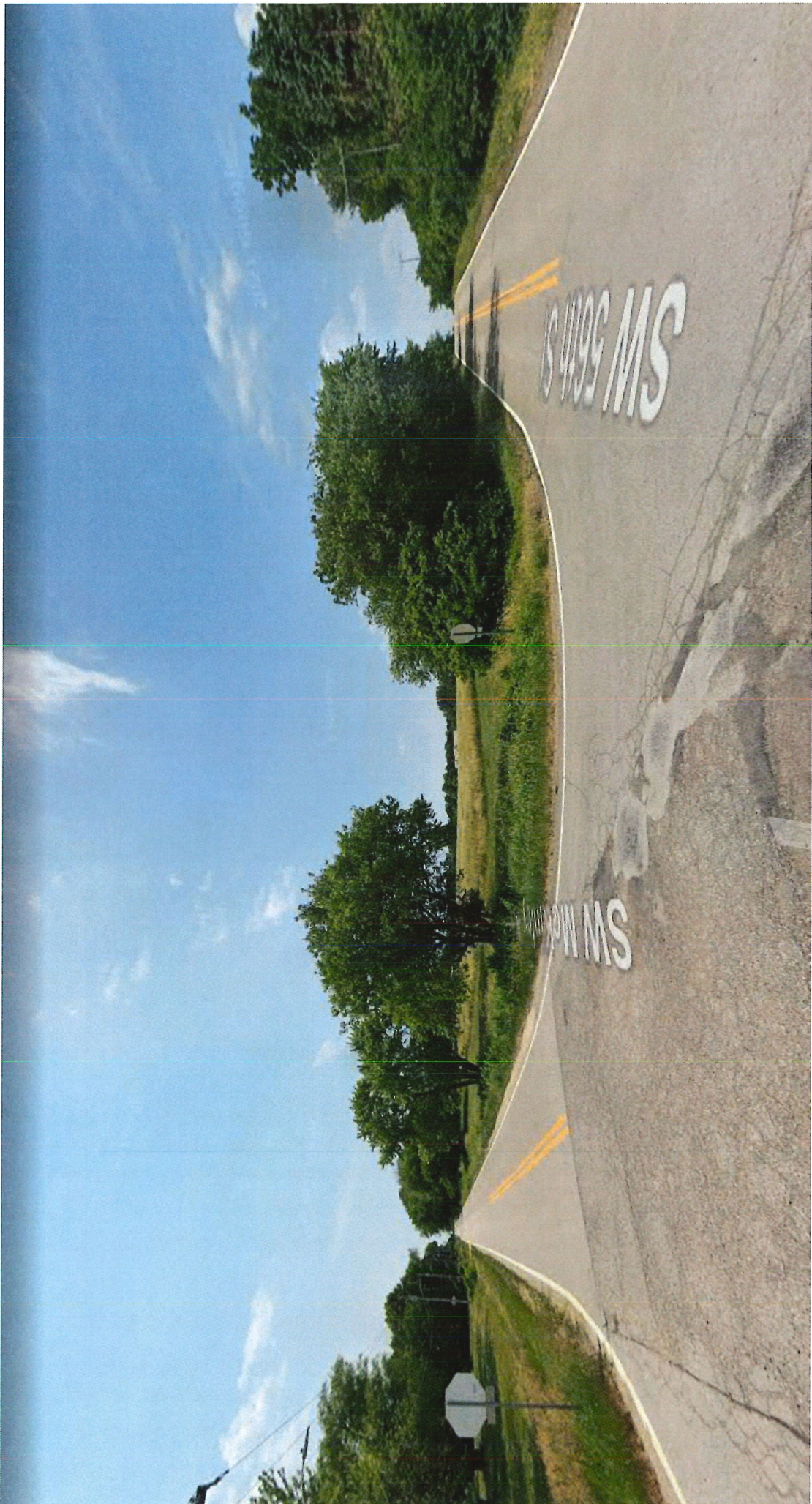


Updated on: 6/16/2022

1 inch = 610 feet

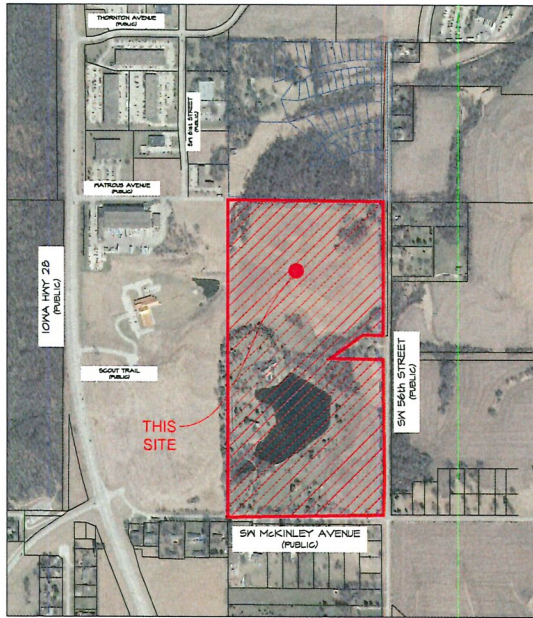






REZONING SKETCH PART OF THE SE1/4, SECTION 23-T78N-R25W

5685 MCKINLEY AVENUE, DES MOINES, IOWA 50321



VICINITY SKETCH
1" = 500'



Sheet List Table	
Sheet Number	Sheet Title
01	REZONING SKETCH COVER
02	REZONING PLAN

FLOOD ZONE CLASSIFICATION
THE SUBJECT PROPERTY IS WITHIN ZONE "X" AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 190401201G REVISED ON NOVEMBER 10, 1992. *** FEMA FIRM MAPS ARE SUBJECT TO CHANGE. SEE FEMA FLOOD MAP SERVICE CENTER AT [HTTP://WWW/FEMA.GOV/PORTAL/HOME](http://www/fema.gov/portal/home) ***

BENCHMARK
CITY OF DES MOINES BENCHMARK #6780
BRASS DISC IN SW CORNER OF TRAFFIC SIGNAL BASE AT THE NE CORNER VETERANS PARKWAY AND SW 63RD STREET
ELEVATION = 114.715

CITY OF DES MOINES BENCHMARK #2648
1/2" X 5/8" REBAR INSIDE 8" X 12" PVC SLEEVE WITH GDM ALUMINUM ACCESS COVER AT SW CORNER MCKINLEY AVENUE AND SW 56TH STREET
ELEVATION = 154.506

- GENERAL LEGEND**
- PROPOSED**
- FLAT BOUNDARY
 - SECTION LINE
 - LOT LINE
 - CENTERLINE
 - EASEMENT LINE
 - ▷ FLARED END SECTION
 - TYPE SH-501 STORM INTAKE
 - TYPE SH-502 STORM INTAKE
 - TYPE SH-503 STORM INTAKE
 - TYPE SH-504 STORM INTAKE
 - TYPE SH-505 STORM INTAKE
 - TYPE SH-506 STORM INTAKE
 - TYPE SH-511 STORM INTAKE
 - TYPE SH-512 STORM INTAKE
 - TYPE SH-513 STORM INTAKE
 - TYPE SH-401 STORM MANHOLE
 - TYPE SH-402 STORM MANHOLE
 - TYPE SH-403 STORM MANHOLE
 - TYPE SH-301 SANITARY MANHOLE
 - TYPE SH-302 SANITARY MANHOLE
 - TYPE SH-304 SANITARY MANHOLE
 - STORM/SANITARY CLEANOUT
 - WATER VALVE
 - FIRE HYDRANT ASSEMBLY
 - BLOW-OFF HYDRANT
 - DETECTABLE WARNING PANEL
 - SAN-1 SANITARY SEWER WITH SIZE
 - SAN SANITARY SERVICE
 - ST-1 STORM SEWER WITH SIZE
 - ST STORM SERVICE
 - M-1 WATER SEWER WITH SIZE
 - M WATER SERVICE
 - PROPOSED CONTOUR
 - SILT FENCE
 - RIP RAP
 - ADDRESS
- EXISTINGS**
- LOT LINE
 - SANITARY/STORM MANHOLE
 - WATER VALVE
 - FIRE HYDRANT
 - STORM SEWER SINGLE INTAKE
 - STORM SEWER DOUBLE INTAKE
 - STORM SEWER ROUND INTAKE
 - FLARED END SECTION
 - DECIDUOUS TREE
 - CONIFEROUS TREE
 - SHRUB
 - POWER POLE
 - STREET LIGHT
 - GUY ANCHOR
 - ELECTRIC TRANSFORMER
 - GAS METER
 - TELEPHONE RISER
 - SIGN
 - CATV UNDERGROUND TELEVISION
 - USE UNDERGROUND ELECTRIC
 - G-1 UNDERGROUND GAS
 - U-10 UNDERGROUND FIBER OPTIC
 - U-11 UNDERGROUND TELEPHONE
 - O-1 OVERHEAD ELECTRIC
 - SAN-1 SANITARY SEWER WITH SIZE
 - ST-1 STORM SEWER WITH SIZE
 - M-1 WATER MAIN WITH SIZE
 - EXISTING CONTOUR
 - TREELINE
 - B.S.L. BUILDING SETBACK LINE
 - P.U.E. PUBLIC UTILITY EASEMENT
 - M.O.E. MINIMUM OPENING ELEVATION

PROPERTY OWNER:
R. MICHAEL KNAPP 2001 REVOCABLE TRUST
5685 MCKINLEY AVE
DES MOINES, IA 50321-6656
ATTN: MIKE KNAPP
EMAIL: ELKNAPP96356@GMAIL.COM

APPLICANT:
R. MICHAEL KNAPP 2001 REVOCABLE TRUST
5685 MCKINLEY AVE
DES MOINES, IA 50321-6656
ATTN: MIKE KNAPP
EMAIL: ELKNAPP96356@GMAIL.COM

LAND SURVEYOR:
CIVIL ENGINEERING CONSULTANTS
ATTN: JEFFERY A. GAGGOS, PLS
2400 86TH STREET, SUITE 12
URBANDALE, IA 50922

ENGINEER:
CIVIL ENGINEERING CONSULTANTS
ATTN: PAUL CLAUSEN PE
2400 86TH STREET, SUITE 12
URBANDALE, IA 50922

EXISTING ZONING:
P2 P2 PUBLIC, CIVIC & INSTITUTIONAL DISTRICT
EK EK MIXED USE DISTRICT
N2B N2B NEIGHBORHOOD DISTRICT

PROPOSED ZONING:
N2B N2B NEIGHBORHOOD DISTRICT

YARD REQUIREMENTS:
FRONT YARD SETBACK 30 FEET
REAR YARD SETBACK 30 FEET
SIDE YARD SETBACK 20 FEET TOTAL (0' MINIMUM)
LAND 1/2 STORIES 25 FEET TOTAL (10' MINIMUM)
2 STORIES

HOUSE TYPES:
NORTH 31.61 ACRES: 1 OR 2 UNIT, HOUSE BUILDING TYPE A AS DEFINED BY THE PLANNING AND DESIGN ORDINANCE (DES MOINES MUNICIPAL CODE CHAPTER 193)
SOUTH 30.01 ACRES: 1-UNIT, HOUSE BUILDING TYPE A AS DEFINED BY THE PLANNING AND DESIGN ORDINANCE (DES MOINES MUNICIPAL CODE CHAPTER 193)

DENSITY:
FOUR (4) DWELLING UNITS PER GROSS ACRE

LAND AREA:
3,300,000 SQ. FT.
75.71 AC.

LEGAL DESCRIPTION - NORTH
THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 9th P.M., CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE PROPERTY DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 15064, PAGE 840-841 RECORDED AT THE POLK COUNTY RECORDER'S OFFICE, AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 9th P.M., CITY OF DES MOINES, POLK COUNTY, IOWA.

Civil Engineering Consultants, Inc.
2400 86th Street, Unit 12, Des Moines, Iowa 50322
515.276.8884, Fax: 515.276.7084, email: info@cecinc.com



DATE: June 9, 2022
DATE OF SURVEY: 05-20-2018
DESIGNED BY: JAS
DRAWN BY: HSH

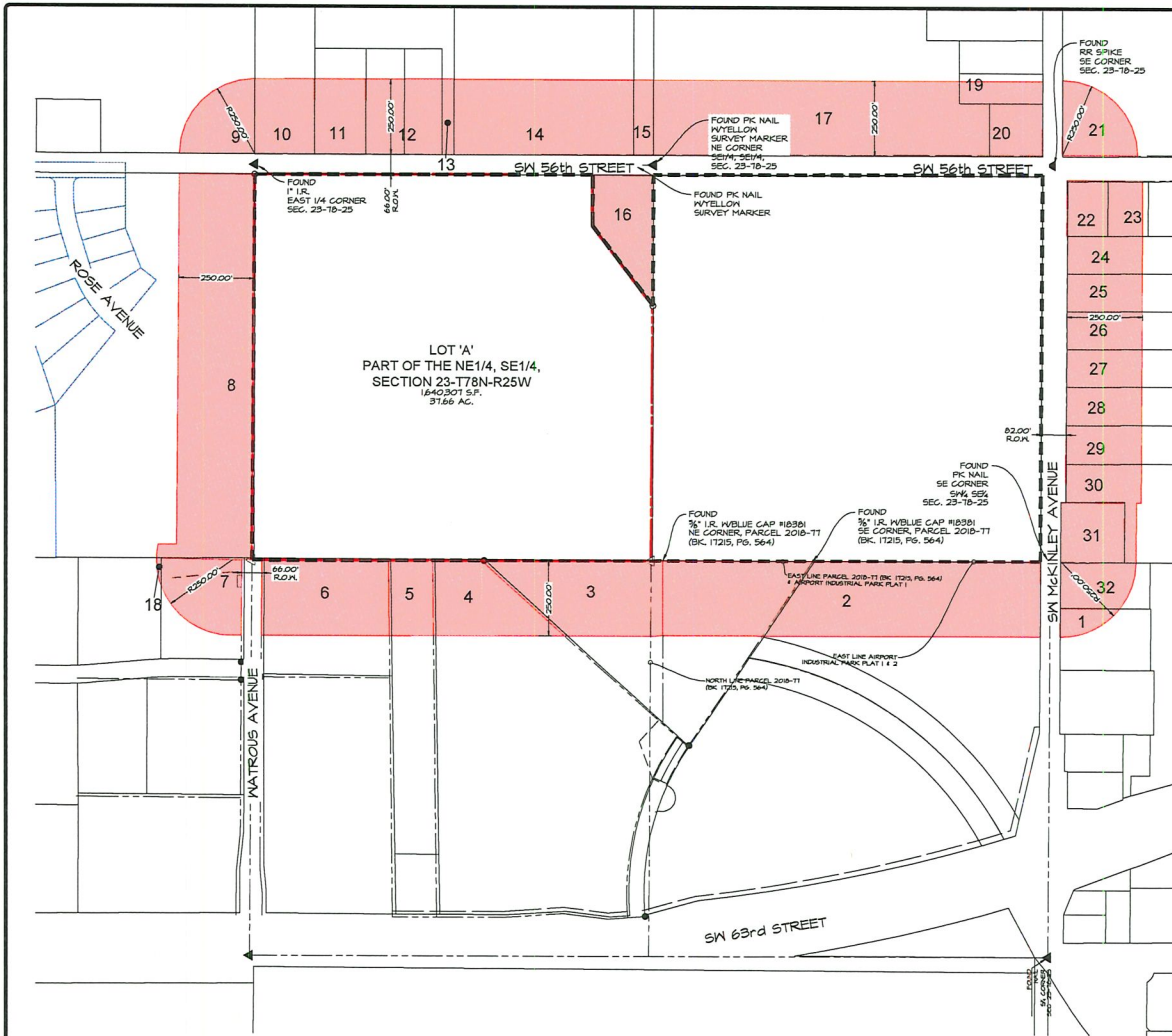
PRELIMINARY

PART OF THE SE1/4, SECTION 23-T78N-R25W
5685 MCKINLEY AVENUE, DES MOINES, IOWA 50321
REZONING SKETCH COVER



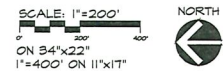
SUBMITTAL TABLE	
SUBMITTAL DATE	SUBMITTAL NOTES
MAY 02, 2022	INITIAL SUBMITTAL
JUNE 09, 2022	

SHEET
01
02



ADJACENT PROPERTY OWNERS

MK	PROPERTY OWNER	PROPERTY ADDRESS	GEOPARCEL	ACRES WITHIN 250'	% TOTAL AREA	% CONSENT
1	Nicholas Van Patten	SW 6020 McKinley Ave.	7825-26-202-004	0.306	0.60%	
2	Bell Avenue Properties	6200 Scout Trail	7825-23-451-007	7.133	14.07%	
3	Mid-Iowa Council Boy Scouts of America		7825-23-401-005	2.651	5.23%	
4	Mid-Iowa Council Boy Scouts of America	6123 Scout Trail	7825-23-401-002	1.807	3.56%	
5	Loffredo Fresh Produce Co., Inc.		7825-23-401-004	0.840	1.66%	
6	Airport Development, Inc.	6000 Watrous Ave.	7825-23-400-009	2.424	4.78%	
7	SW 61st Street LLC	3721 SW 61st St.	7825-23-200-036	1.311	2.59%	
8	TK Development LLC		7825-23-276-002	7.443	14.68%	
9	Monarch Cement Co.		7825-24-100-006	1.109	3.17%	
10	Adrian L. Strain	4027 SW 56th St.	7825-24-301-001	1.129	2.23%	
11	Susan Felt	4029 SW 56th St.	7825-24-301-002	0.971	1.92%	
12	Caleb P. Schroeder	4051 SW 56th St.	7825-24-301-008	1.447	2.85%	
13	Terry A. Osterhaus	4191 SW 56th St.	7825-24-301-007	0.229	0.45%	
14	Monarch Cement Co.	4301 SW 56th St.	7825-24-326-001	3.416	6.74%	
15	City of Des Moines		7825-24-301-004	0.381	0.75%	
16	Boyd Bader	4384 SW 56th St.	7825-23-400-003	1.410	2.78%	
17	City of Des Moines Real Estate	4687 SW 56th St.	7825-24-351-001	6.216	12.26%	
18	Annett Holdings, Inc.	3631 SW 61st St.	7825-23-200-035	0.021	0.04%	
19	City of Des Moines Real Estate	5531 SW McKinley Ave.	7825-24-352-002	0.468	0.92%	
20	City of Des Moines	5575 SW McKinley Ave.	7825-24-352-001	0.707	1.40%	
21	City of Des Moines Real Estate		7825-25-100-008	1.121	2.21%	
22	City of Des Moines	4832 SW McKinley Ave.	7825-26-226-009	0.574	1.13%	
23	City of Des Moines Real Estate	4874 SW 56th St.	7825-26-226-010	0.494	0.98%	
24	City of Des Moines	5678 SW McKinley Ave.	7825-26-226-008	0.731	1.44%	
25	City of Des Moines Real Estate	5714 SW McKinley Ave.	7858-26-226-007	0.732	1.44%	
26	Michael Chilton	5748 SW McKinley Ave.	7825-26-226-006	0.732	1.44%	
27	Sandra Siedel Revocable Trust	5784 SW McKinley Ave.	7825-26-226-005	0.732	1.44%	
28	Larry Gilliam	5818 SW McKinley Ave.	7825-26-226-004	0.731	1.44%	
29	Lorrie S. Cooper	5850 SW McKinley Ave.	7825-26-226-003	0.733	1.45%	
30	Steven R. Utterson	5884 SW McKinley Ave.	7825-26-226-002	0.909	1.79%	
31	John D. Crosby	5938 SW McKinley Ave.	7825-26-226-001	0.966	1.91%	
32	L. Todd Whitehead	6000 SW McKinley Ave.	7825-26-202-005	0.814	1.61%	
				50.689	100.00%	0.00%



PRELIMINARY

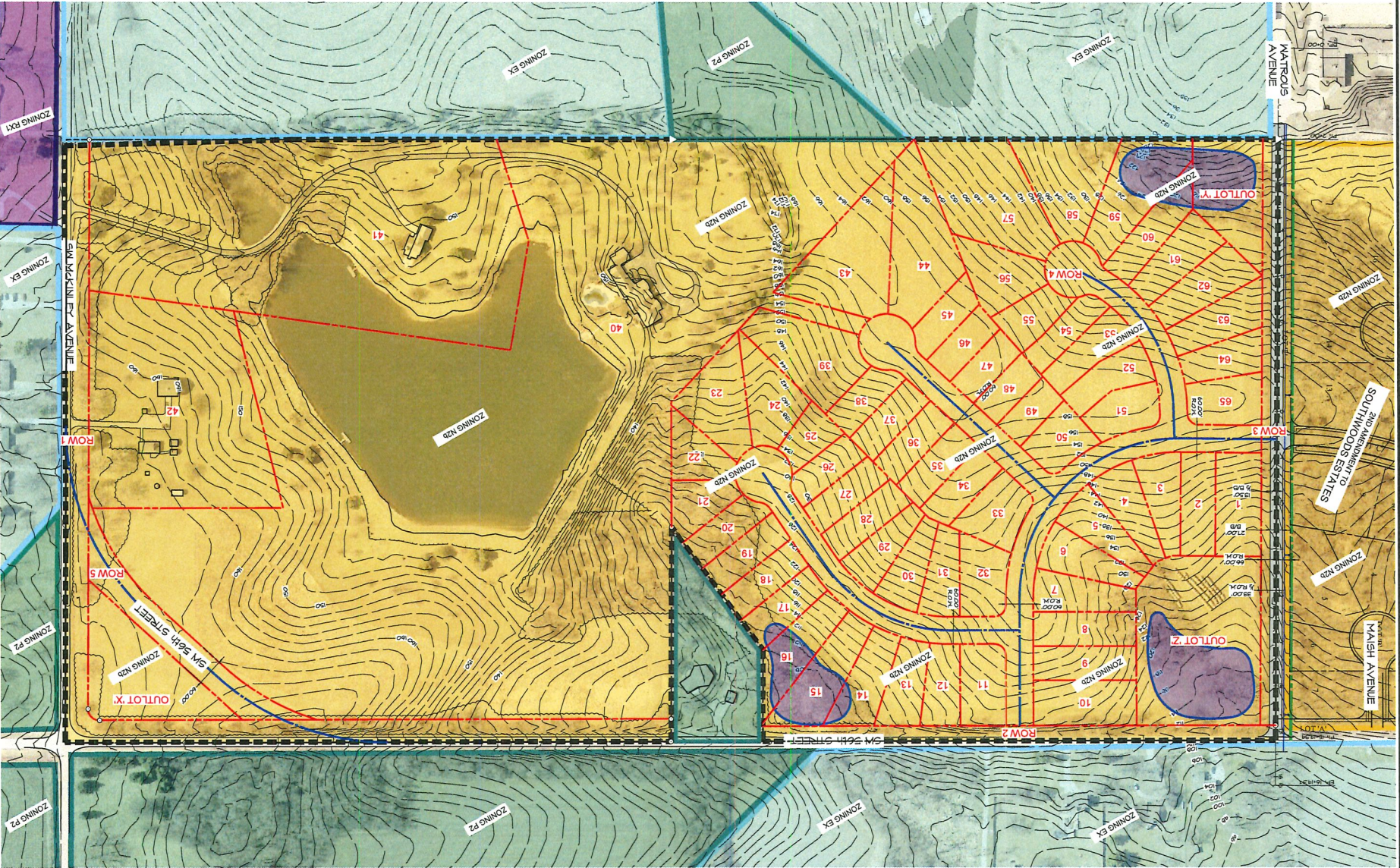
PART OF THE SE 1/4 SECTION 23-T78N-R25W
 5695 MCKINLEY AVENUE, DES MOINES, IOWA 50321
 REZONING SKETCH

Civil Engineering Consultants, Inc.
 2400 86th Street, Unit 12, Des Moines, Iowa 50322
 515.276.4884, Fax: 515.276.7084, mail@cecinc.com



DATE: June 8, 2022
 JUNE 03, 2022
 DATE OF SURVEY: 05-20-2018
 DESIGNED BY: JAG
 DRAWN BY: MHI

SHEET
 OF
 02
 E694



SCALE: 1"=100'
ON 34"x22" SHEET
1"=200' ON 11"x17" SHEET



OF 1 SHEET
SOUTH FARM
DES MOINES, IOWA
CONCEPTUAL PLAN

DATE: Jun 3, 2022
DESIGNED BY: J.A.V. 2091
DRAWN BY: PC



Civil Engineering Consultants, Inc.
2400 86th Street, Unit 12 - Des Moines, Iowa 50322
515.276.4884 - Fax: 515.276.7084 - mail@cecinc.com

From: [Mike Knapp](#)
To: [Chakraborty, Sreyoshi](#); [Ludwig, Michael G.](#); [Paul Clausen](#)
Subject: Mike Knapp Neighborhood Meeting
Date: Thursday, May 26, 2022 4:35:37 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sreyoshi Chakraborty
Senior City Planner
City of Des Moines

Sreyoshi,

Following are the minutes from the Neighborhood Meeting that we conducted. If there is any additional information you need please let me know.

Minutes from Knapp Neighborhood Meeting

Held May 25, 2022

5935 McKinley, Des Moines IA

5:30 to 6:30 PM

In attendance:

Adria Strain	4027 SW 56th	
Laura Strain	4027 SW 56th	
Caleb Schroeder	4051 SW 56th	
George Davis	(Southwestern Hills Neighborhood Assoc.)	3124 SW 29th
Tom Pinckney	6100 McKinley AVE	
Tom Schloterfeldt	(Waldinger Corp/Bell AVE Properties)	6200 Scout Trail
Terry Osterhaus	4191 SW 56th	
Michael Chilton	5478 McKinley AVE	
Nick VanPatton	6020 McKinley AVE	
Brian Loffredo	(Loffredo's Produce Company)	4001 SW 63rd

Mike Knapp explained the reasons for the desire to change the zoning of the property to Nb2.

Those in attendance were informed of the May 25, 2022 meeting with Des Moines City Staff to include the following changes being made to the rezoning request:

1. The rezoning effort will encompass all the land owned by Knapp's between the to be constructed Watrous AVE all the way to McKinley AVE.
2. The City of Des Moines will not allow lots with driveway access onto Watrous AVE. I.E., no homes will face onto Watrous AVE.
3. The depicted layout shown is only an example for purposes of zoning. Actual platting process may change street and lot layouts that will be done during the platting process.

There was a general conversation surrounding the rezoning to residential use. Those in attendance expressed a favorable view, preferring development as homes VS commercial or non-residential uses.

George Davis of the Southwestern Hills Neighborhood Assoc. suggested that we go around the table to express thoughts about the proposed rezoning.

Everyone at the table said that they would prefer all the property be zoned for the use for future homesites rather than what the current zoning would allow.

Mr. Strain expressed that the current "rural nature" of the area is something his family finds very attractive and to the extent possible would like to see it preserved. He has made substantial investment in his property and looked forward to enjoying being at this location. Mr. Strain also suggested the preference, if it made economic sense to have fewer, larger homes be built.

Mr. Loffredo expressed that his business has received complaints at other locations, outside Des Moines, when new residential development had occurred in close proximity to their existing facilities. Loffredo's had been confronted by new residents who were unaware of the noise produced by trucks running, due to the need for refrigeration, and occasional smells, as an example when onions are processed. Mr. Loffredo expressed his desire that future residents in this area be made aware of potential conflicts in advance.

There was general conversation related to future access to natural gas and sewer. There was concern whether those residents on the east side of 56th ST would be required to hook up to the sewer. No certain answers were available.

George Davis asked for an affirmation by all to indicate their support for the rezoning to be approved.

All in attendance indicated their support for the change to residential use.

The meeting concluded at approx. 6:30PM

I did receive two phone calls related to the meeting:

Susan Felt, 4029 SW 56th ST, said she would be unable to attend. She said she is in favor of residential development, and her neighbors, the Strain's, would update her after the meeting.

Chad Alley, 6116 McKinley AVE, called after the meeting. Chad had a conflicting meeting and was unable to attend. He stated that he is supportive of the zoning change.

Thanks,

Mike Knapp

From: [JB Conlin](#)
To: [Chakraborty, Sreyoshi](#)
Cc: mknapp@iowarealty.com
Subject: In support of rezoning for Mike Ellyn Knapp
Date: Thursday, June 30, 2022 1:36:35 PM
Attachments: [Knapp Land rezoning request Zong-2022-000048 - In support.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sreyoshi,

We own property abutting the Knapp's property at the address below and fully support any changes they wish to make. They have the best interest of the neighborhood at heart and we trust their judgement fully.

Thank You,
JB Conlin
Conlin Properties, Inc.
3721 SW. 61st St., Suite A
Des Moines, IA 50321
JBConlin@ConlinProperties.com
515-246-2936



Item: ZONG-2022-000048

Date: 6/30/22

Please mark one of the following

I am in favor of the request

I am not in favor of the request

<p>Staff Use Only</p>

Signature: [Handwritten Signature]

Name: JB Conlin, Manager SW 61st

Address: 3721 SW 61st Street LLC
Street, DSM 50321

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

There are few people in DSM that
know more about development + Real
Estate than Mike + Ellyn Knapp. I fully
trust their judgment + support the change

Item: ZONG-2022-000348

Date: 7/2/2022

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Adrian Strain

Name: ADRIAN STRAIN

Address: 4027 SW 56TH ST

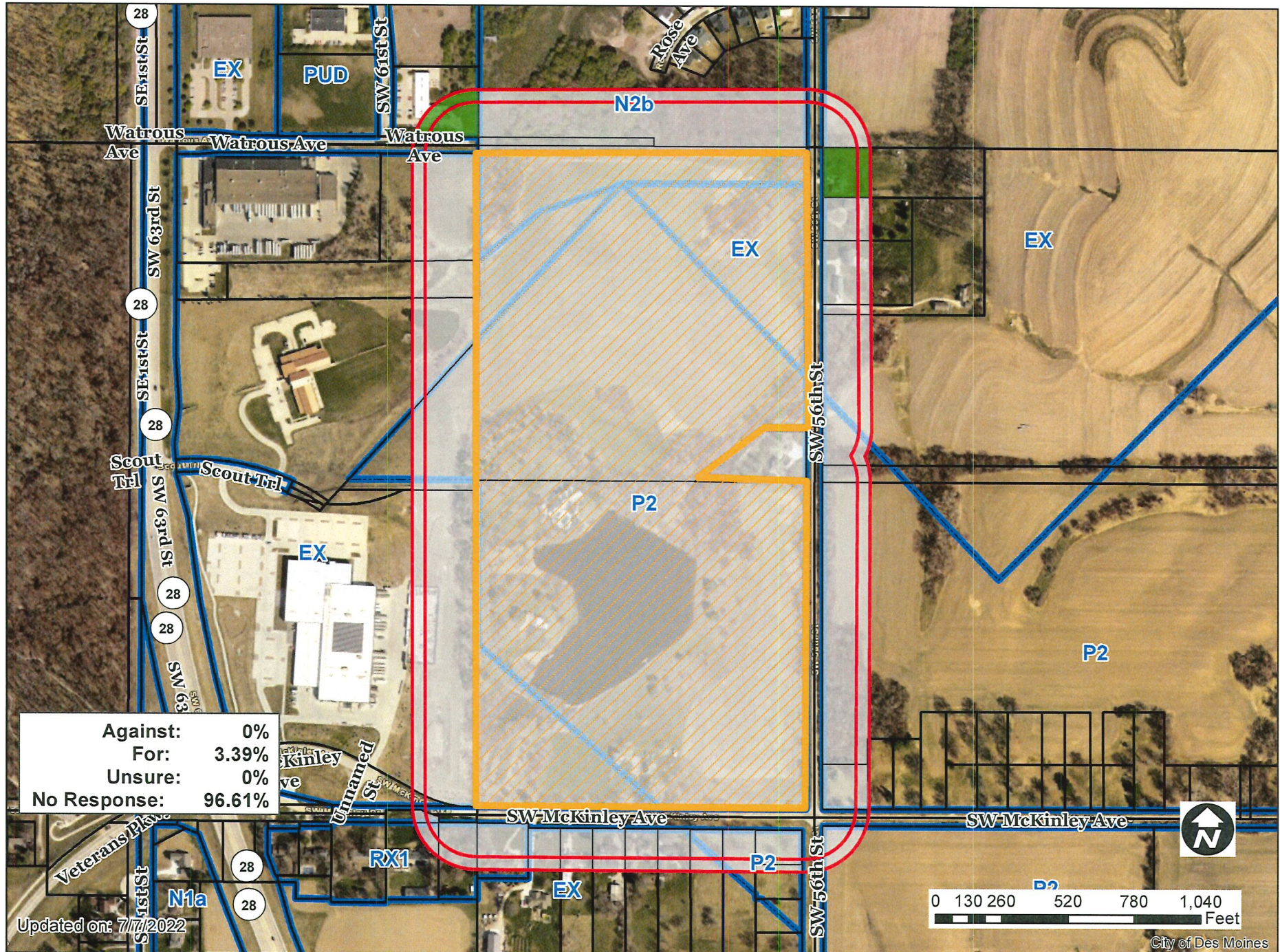
Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

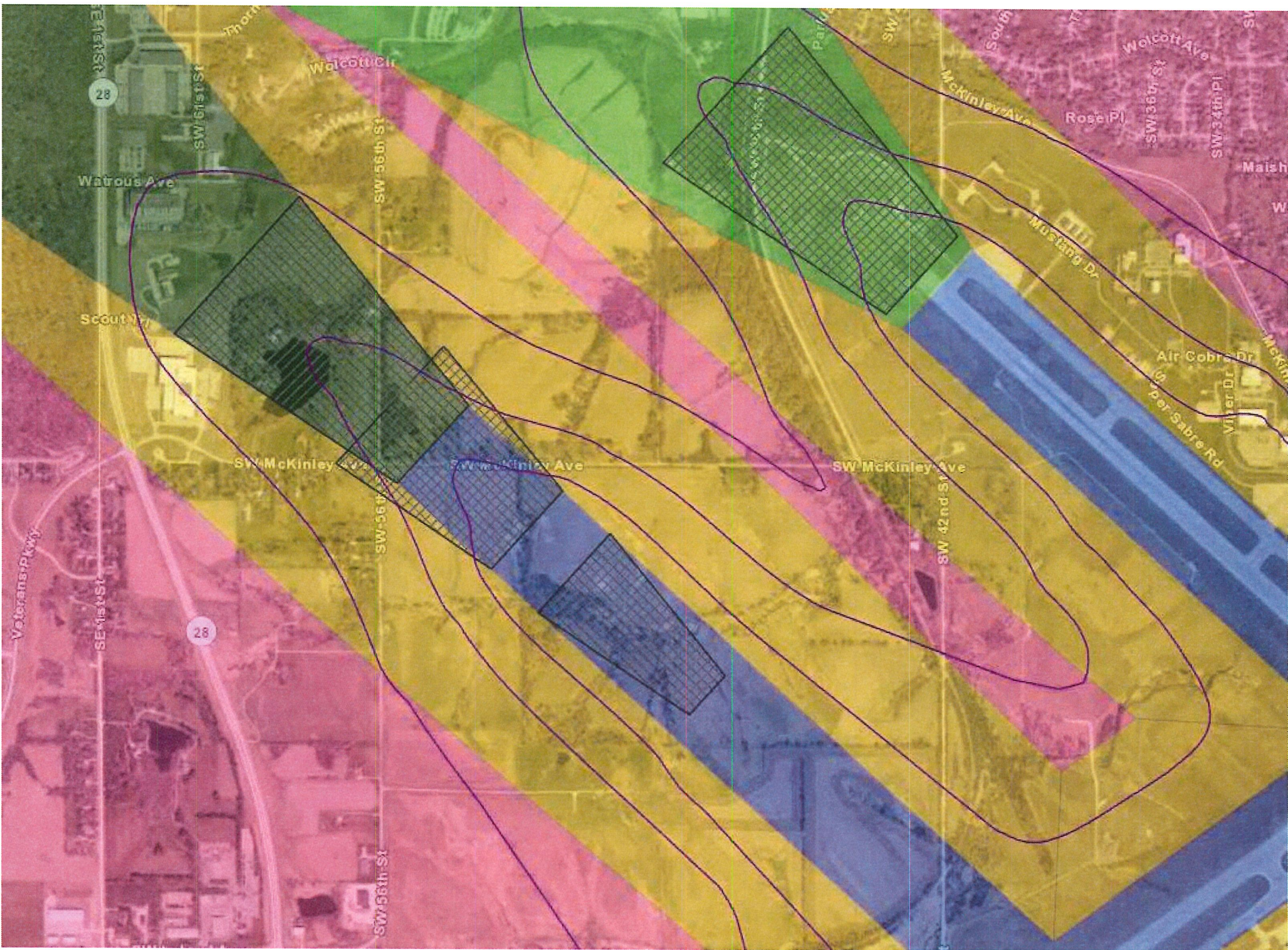
JUL 07 2022

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

BETWEEN THE TWO OPTIONS, RESIDENTIAL IS PREFERRED.

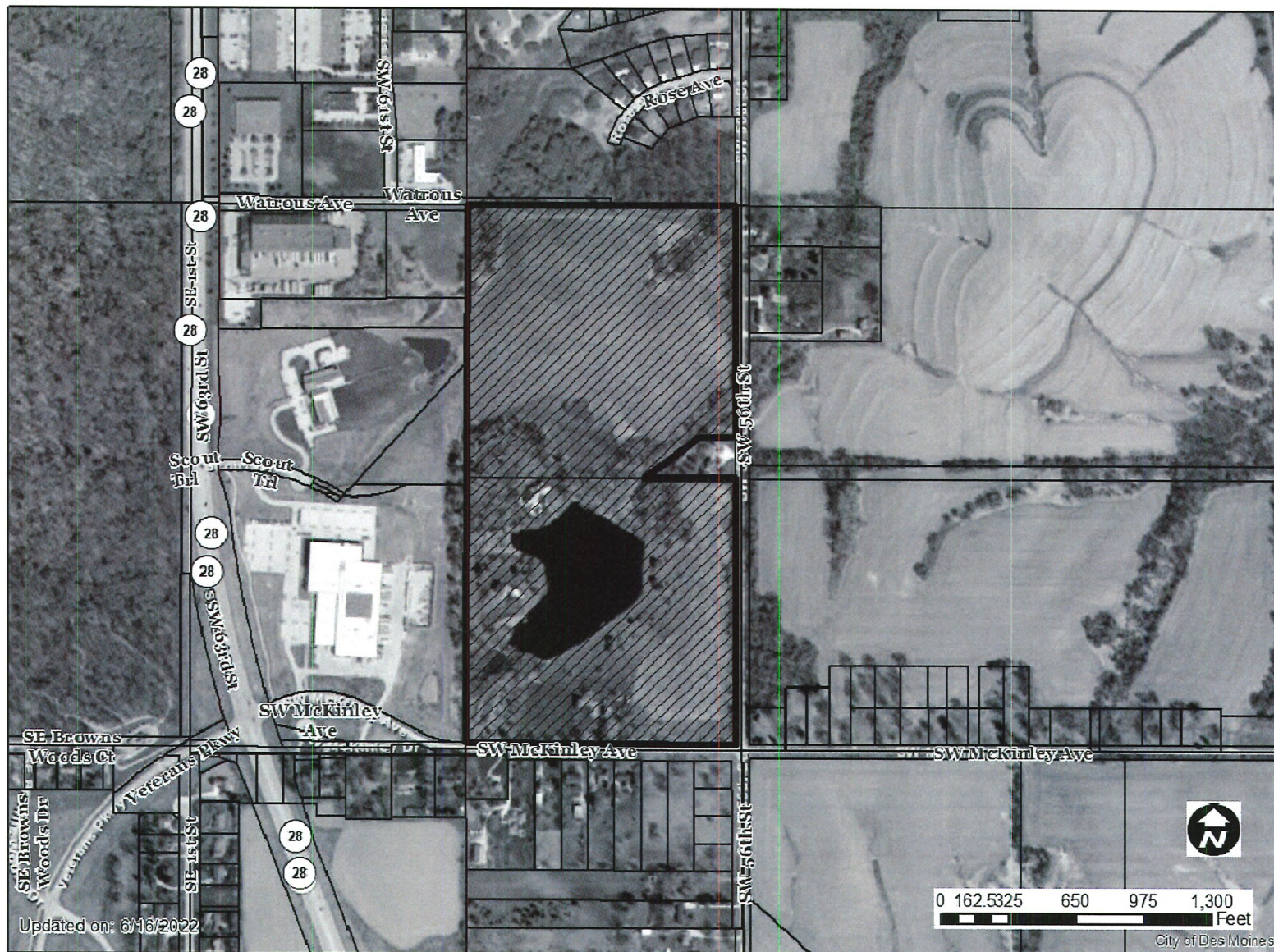


1 inch = 498 feet



R. Michael and Ellyn P. Knapp, Parcel in Vicinity of Southwest 56th Street

ZONG-2022-000048



Updated on: 6/16/2022

1 inch = 610 feet