



Roll Call Number

22-1286

Agenda Item Number

53 ✓

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



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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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-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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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



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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 Mandelbaum to adopt. Second by Gatto

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	7			

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