



Roll Call Number

22-1139

Agenda Item Number

26

Date July 18, 2022

RESOLUTION SETTING 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, the City Plan and Zoning Commission has advised that at a public hearing held on July 7, 2022, its members voted 10-0 in support of a motion finding the requested rezoning for Property in the vicinity of SW 56th Street, SW McKinley Avenue and SW Watrous Avenue is not in conformance with the existing PlanDSM future land use designation of Low-Density Residential, Business Park, and Development Control Zone; and

WHEREAS, the City Plan and Zoning Commission has advised 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, the City Plan and Zoning Commission has advised 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 “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 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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- 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.

; and

WHEREAS, the Property is legally described as follows:

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

-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**



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-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-

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 amendment to the comprehensive plan future land use designation is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on August 8, 2022 in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the 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 Section 362.3 and Section 414.4 of the Iowa Code.

Moved by Gatto to adopt. Second by Boeser

APPROVED AS TO FORM:

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



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, Acting 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

Acting City Clerk