



Roll Call Number

23-0939

Agenda Item Number

56

Date June 26, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM WILLIAM C KNAPP, LLC (OWNER), REPRESENTED BY GERARD D. NEUGENT (OFFICER), TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 1803 COUNTY LINE ROAD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 18, 2023, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from William C Knapp, LLC (Owner), represented by Gerard D. Neugent (Officer), for the proposed rezoning from “EX” Mixed Use District to multiple districts, including “MX3” Mixed-Use District, “MX1” Mixed-Use District, “P2” Public, Civic and Institutional District, “I1” Industrial District, and “NX2” Neighborhood Mix District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Business Park within a Future Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 18, 2023, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from William C Knapp, LLC (Owner), represented by Gerard D. Neugent (Officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Business Park within a Future Neighborhood Node to Community Mixed Use, Business Park, Public/Semi-Public, and Low-Medium Density Residential within a Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on May 18, 2023, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from William C Knapp, LLC (Owner), represented by Gerard D. Neugent (Officer), to rezone the Property from “EX” Mixed Use District to multiple districts, including “MX3” Mixed-Use District, “MX1” Mixed-Use District, “P2” Public, Civic and Institutional District, “I1” Industrial District, and “NX2” Neighborhood Mix District, to allow a large-scale, multi-use project; and

WHEREAS, the Property is legally described as follows:

LOT 1 (Amend Land Use Designation from Business Park within a Future Neighborhood Node to Low-Medium Density Residential within a Neighborhood Node, and Rezone from “EX” Mixed Use District to “NX2” Neighborhood Mix District)

THE EAST 851.00 FEET OF PARCEL ‘J’ OF THE SE ¼ SEC 32-78-24, AN OFFICAL PARCEL RECORDED IN BOOK 12742 PAGE 120, AT THE POLK COUNTY RECORDER’S OFFICE. CONTAINING 5.77 ACRESS MORE OR LESS.

AND

**THE EAST 851.00 FEET OF THE FOLLOWING DESCRIBTED PROPERTY:
BEGINNING AT A POINT 336.88 FEET NORTH AND 25.00 FEET EAST OF THE**



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SOUTH ¼ CORNER OF SECTION 322, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA; THENCE NORTH 303.89 FEET; THENCE EAST 1292.12 FEET; THENCE SOUTH 312.92 FEET; THENCE WEST TO THE POINT OF BEGINNING. CONTAINING 6.03 ACRESS MORE OR LESS.

LOT 2 (Amend Land Use Designation from Business Park within a Future Neighborhood Node to Community Mixed Use, and Rezone from “EX” Mixed Use District to “MX1” Mixed Use District)

THE WEST 114.00 FEET OF THE EAST 965.00 FEET OF SAID PARCEL ‘J’ OF THE SE ¼ SEC 32-78-24, AN OFFICAL PARCEL RECORDED IN BOOK 12742 PAGE 120, AT THE POLK COUNTY RECORDER’S OFFICE. CONTAINING 35,041 SQ.FT. MORE OR LESS.

AND

THE WEST 114.00 FEET OF THE EAST 965.00 FEET OF THE FOLLOWING DESCRIBTED PROPERTY: BEGINNING AT A POINT 336.88 FEET NORTH AND 25.00 FEET EAST OF THE SOUTH ¼ CORNER OF SECTION 322, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA; THENCE NORTH 303.89 FEET; THENCE EAST 1292.12 FEET; THENCE SOUTH 312.92 FEET; THENCE WEST TO THE POINT OF BEGINNING. CONTAINING 34,838 SQ.FT. MORE OR LESS.

LOT 3 (Amend Land Use Designation from Business Park within a Future Neighborhood Node to Community Mixed Use, and Rezone from “EX” Mixed Use District to “MX3” Mixed Use District)

THE WEST 111.96 FEET OF PARCEL ‘J’ OF THE SE ¼ SEC 32-78-24, AN OFFICAL PARCEL RECORDED IN BOOK 12742 PAGE 120, AT THE POLK COUNTY RECORDER’S OFFICE. CONTAINING 33,630 SQ.FT. MORE OR LESS.

AND

THE WEST 111.96 FEET OF THE FOLLOWING DESCRIBTED PROPERTY: BEGINNING AT A POINT 336.88 FEET NORTH AND 25.00 FEET EAST OF THE SOUTH ¼ CORNER OF SECTION 322, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA; THENCE NORTH 303.89 FEET; THENCE EAST 1292.12 FEET; THENCE SOUTH 312.92 FEET; THENCE WEST TO THE POINT OF BEGINNING. CONTAINING 33,963 SQ.FT. MORE OR LESS.

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LOT 4 (Amend Land Use Designation from Business Park within a Future Neighborhood Node to Public/Semi-Public, and Rezone from "EX" Mixed Use District to "P-2" Public, Civic and Institutional District)

THE EAST 215.00 FEET OF THE WEST 326.96 FEET EXCEPT THE SOUTH 216.00 FEET OF PARCEL 'J' OF THE SE ¼ SEC 32-78-24, AN OFFICAL PARCEL RECORDED IN BOOK 12742 PAGE 120, AT THE POLK COUNTY RECORDER'S OFFICE. CONTAINING 19,717 SQ.FT. MORE OR LESS.

AND

THE EAST 215.00 FEET OF THE WEST 326.96 FEET OF THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT A POINT 336.88 FEET NORTH AND 25.00 FEET EAST OF THE SOUTH ¼ CORNER OF SECTION 322, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA; THENCE NORTH 303.89 FEET; THENCE EAST 1292.12 FEET; THENCE SOUTH 312.92 FEET; THENCE WEST TO THE POINT OF BEGINNING. CONTAINING 1.50 ACRES MORE OR LESS.

LOT 5 (Amend Land Use Designation from Business Park within a Future Neighborhood Node to Business Park, and Rezone from "EX" Mixed Use District to "I1" Industrial District)

THE SOUTH 216 FEET OF THE EAST 215 FEET OF THE WEST 326.96 FEET OF PARCEL 'J' OF THE SE ¼ SEC 32-78-24, AN OFFICAL PARCEL RECORDED IN BOOK 12742 PAGE 120, AT THE POLK COUNTY RECORDER'S OFFICE.; and

WHEREAS, on June 12, 2023, by Roll Call No. 23-0826, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on June 26, 2023, 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 proposals; and

WHEREAS, in accordance with said notice, those interested in said proposals, 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. Upon due consideration of the facts, and any and all statements of interested persons and arguments

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of counsel, any objections to the proposed amendment and rezoning are hereby overruled, and the hearing is closed.

2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Business Park within a Future Neighborhood Node to Community Mixed Use, Business Park, Public/Semi-Public, and Low-Medium Density Residential within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "EX" Mixed Use District to multiple districts, including "MX3" Mixed-Use District, "MX1" Mixed-Use District, "P2" Public, Civic and Institutional District, "I1" Industrial District, and "NX2" Neighborhood Mix District, to allow a large-scale, multi-use project, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum TO ADOPT.

SECOND BY Voss.

FORM APPROVED:

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

(COMP-2023-000017) (ZONG-2023-000026)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER				✓
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL				1

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.

MOTION CARRIED

APPROVED

A.M. Frankhu Cownie Mayor

Laura Baumgartner City Clerk