



Roll Call Number

16-0803

Agenda Item Number

55

Date May 9, 2016

RESOLUTION HOLDING HEARING ON REQUEST FROM JJ EQUITY, LLC TO REZONE PROPERTY LOCATED AT 3300 EAST 56TH STREET FROM "A-1" AGRICULTURAL DISTRICT TO "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

WHEREAS, on April 25, 2016, by Roll Call No. 16-0677, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 7, 2016, its members voted 12-0 to recommend **APPROVAL** of a request from JJ Equity, LLC (purchaser), represented by Jon Galloway (officer), to rezone property located at 3300 East 56th Street ("Property") from "A-1" Agricultural District to "PUD" Planned Unit Development District, to allow development of a 66.4 acre tract with 60-foot wide single-family lot development and a 7.5-acre lot designated for religious assembly site development, and to approve the proposed PUD Conceptual Plan "Brook Landing" subject to conditions set forth in the communication from the Commission; and

WHEREAS, the Property is legally described as follows:

Outlot X Fini Acres Plat 2, an Official Plat, in Des Moines, Polk County, Iowa, and Outlot X Fini Acres Replat, an Official Plat in Des Moines, Polk County, Iowa, except Parcel A as identified by Plat of Survey at Polk County Recorder Book 10645, Page 526; and

WHEREAS, on April 25, 2016, by Roll Call No. 16-0677, it was duly resolved by the City Council that the application from JJ Equity, LLC to rezone the Property and for approval of the PUD Conceptual Plan "Brook Landing" for the Property, be set down for hearing on May 9, 2016 at 5:00 P.M., in the Council Chamber at City Hall; 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 Zoning Ordinance and on the PUD Conceptual Plan "Brook Landing"; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning and proposed 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; and

WHEREAS, the developer, by the attached letter, is requesting consideration of revisions to the conditions on the PUD Conceptual Plan as set forth in the Plan and Zoning Commission communication.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

ALTERNATIVE A

1. The attached letter from the developer 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 rezoning of the Property to "PUD" Planned Unit Development District, and any objections to the proposed PUD Conceptual Plan "Brook Landing", are hereby overruled, and the hearing is closed.
3. The proposed rezoning of the Property, as legally described above, to "PUD" Planned Unit Development District, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

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- The proposed PUD Conceptual Plan "Brook Landing", as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM Land Use Plan and is hereby approved, subject to the revisions identified in the communication from the Plan and Zoning Commission received by the City Council by Roll Call No. 16-0677, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

ALTERNATIVE B

- The attached letter from the developer is hereby received and filed.
- Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to "PUD" Planned Unit Development District, and any objections to the proposed PUD Conceptual Plan "Brook Landing", are hereby received, and the hearing is continued to May 23, 2016, at 5:00 p.m. in the City Council Chambers, 400 Robert D. Ray Drive.
- The City's Community Development Department Director and his designee(s) are directed to work with developer JJ Equity, LLC, to revise the PUD Conceptual Plan conditions as requested by the developer, and to work with the Legal Department to prepare an amendment to the Zoning Ordinance to rezone the Property to "PUD" Planned Unit Development upon completion of the revised conditions, which amendment is to be returned to City Council at the continued hearing for consideration and approval.

MOVED BY Westergaard TO ADOPT Alternative B as set forth above; and to incorporate amendments as outlined in #17 and #18 in the attached letter submitted by the applicant.

FORM APPROVED:

Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

(ZON2016-00049)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED

T. M. Franklin
 Mayor

CERTIFICATE

I, DIANE RAUH, 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.

Diane Rauh
 City Clerk