



**Roll Call Number**

116-1197

**Agenda Item Number**

17

**Date** July 25, 2016

**RESOLUTION SETTING HEARING ON REQUEST FROM J.J. EQUITY, LLC TO REZONE PROPERTIES LOCATED IN THE VICINITY OF 3300 EAST 56<sup>TH</sup> STREET AND AT 3734, 3735, AND 3768 EAST 55TH STREET AND TO AMEND THE "BROOK LANDING" PUD CONCEPTUAL PLAN**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on July 7, 2016, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from J.J. Equity, LLC (developer), represented by Jon Galloway (officer), to rezone properties located in the vicinity of 3300 East 56<sup>th</sup> Street and at 3734, 3735, and 3768 East 55th Street (collectively "Property") from "A-1" Agricultural District to "PUD" Planned Unit Development, and for the First Amendment to the Brook Landing PUD Conceptual Plan for an expansion to add 2.08 acres of land to be divided into 6 parcels with frontage on East 55<sup>th</sup> Street for single-family residential dwelling development; and

**WHEREAS**, the Property to be rezoned is legally described as follows:

Lots 2, 3, and 5 in FINI ACRES PLAT 2, an Official Plat in Polk County, Iowa; and

**WHEREAS**, the Property subject to the First Amendment to the Brook Landing PUD Conceptual Plan is legally described as follows:

Lots 2, 3, 5 and Outlot X in FINI ACRES PLAT 2, an Official Plat in Polk County, Iowa; and Except for Parcel A Book 10645 Page 526, Outlot X in FINI ACRES REPLAT, an Official Plat in 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 rezoning and PUD Conceptual Plan amendment are to be considered shall be held at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on August 8, 2016, at which time the City Council will hear both those who oppose and those who favor the proposal.
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.

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MOVED BY Hensley TO ADOPT.

FORM APPROVED:

*Glenna K. Frank*

Glenna K. Frank, Assistant City Attorney

(ZON2016-00109)

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