



Roll Call Number

16-1363

Agenda Item Number

52 ✓

Date August 8, 2016

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

WHEREAS, on July 25, 2016, by Roll Call No. 16-1197, the City Council received a communication from the City Plan and Zoning Commission advising 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 56th 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 55th 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 real 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; and

WHEREAS, on July 25, 2016, by Roll Call No. 16-1197, it was duly resolved by the City Council that the application from J.J. Equity, LLC to rezone the Property, and the request from J.J. Equity for approval of the First Amendment to the Brook Landing PUD Conceptual Plan, be set down for hearing on August 8, 2016 at 5:00 P.M., in the Council Chamber at the Municipal Service Center; 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 amendments to the Zoning Ordinance and to the Brook Landing PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning and proposed amendment to the approved Brook Landing 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 Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property in the vicinity of 3300 East 56th Street and at 3734, 3735, and 3768 East 55th Street and as legally described above.

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 of counsel, any objections to the proposed rezoning of the Property to "PUD" Planned Unit

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Development District, and any objections to the proposed First Amendment to the Brook Landing PUD Conceptual Plan with revisions as set forth in the Plan and Zoning Commission recommendation, are hereby overruled, and the hearing is closed.

2. 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.

3. The proposed First Amendment to the Brook Landing PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to any administrative review comments for the final recorded Conceptual Plan Mylar Document as stated in the Plan and Zoning Commission communication received by City Council by Roll Call No. 16-1197.

MOVED BY Westergaard 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