

Date April 12, 2010

WHEREAS, on March 22, 2010, by Roll Call No. 10-429, it was duly resolved by the City Council, that a public hearing to be held on April 12, 2010, at 5:00 p.m., in the Council Chambers at City Hall, to consider a proposal from Sean and Shawn Osborne, to amend the approved PUD Planned Unit Development District Conceptual Plan for Somerset PUD located in the vicinity of 223 East Burnham Avenue to allow for 100 square feet of the basement area for a pet grooming business as an accessory home occupation subject to the following conditions:

1. The premises at 223 East Burnham Avenue may be used for an accessory home business for a pet grooming salon within a 100 square foot area of the basement level.
2. The business may only be operated by one or more owners of the subject property as their primary residence.
3. The business may only be operated between the hours of 8:00 a.m. and 9:00 p.m.
4. No more than three adult dogs may be kept on the premises at one time.
5. No signage may be placed on premises for the business except that a maximum one square foot sign may be placed within a front window.
6. No dogs or pets related to the business shall be kept outside the premises and shall not be boarded overnight.
7. Should the Zoning Officer determine that the business presents a nuisance or adverse impact on the surrounding neighborhood, an amendment to the PUD Conceptual Plan may be initiated to remove the business use from the premises.

WHEREAS, due notice of said hearing was published in the Des Moines Register on April 1, 2010, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved PUD Conceptual Plan; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the conceptual plan being first amended as set forth in the attached letter from the Planning Administrator; and,

WHEREAS, in accordance with the published notice those interested in said proposed amendment to the approved 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.

★ Roll Call Number

10-553

Agenda Item Number

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Date April 12, 2010

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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, statements of interested persons and arguments of counsel, the objections to said proposed amendments to the approved PUD Conceptual Plan for the property in the vicinity of 223 East Burnham Avenue, and more specifically described below, are hereby overruled and the hearing is closed.

Lot 33, Somerset, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk and Warren County, Iowa

2. The proposed amended PUD Conceptual Plan is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified above.

3. The amended PUD Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended to satisfy the conditions recommended by the Plan and Zoning Commission as set forth in the attached letter from the Planning Administrator, and subject to approval of such amendments by the Community Development Director.

FORM APPROVED:

Moved by Meyer to adopt.

Michael F. Kelley
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk