



Roll Call Number

14-0730

Agenda Item Number

44

Date May 5, 2014

HEARING ON REQUEST FROM ARIK PETERSON, D/B/A AS A DAD, LLC, FOR AN AMENDMENT TO THE SAWYERS LANDING PUD CONCEPTUAL PLAN ON PROPERTY AT 4820 SAWYERS DRIVE, TO ALLOW ACCESSORY USE OF THE SINGLE-FAMILY DWELLING PROPERTY FOR A HOME OCCUPATION CONSISTING OF BICYCLE RENTAL

WHEREAS, on April 21, 2014, by Roll Call No. 14-0614, it was duly resolved by the City Council, that a public hearing to be held on May 5, 2014, at 5:00 p.m., in the Council Chambers at City Hall, to consider a proposal from Arik Peterson (owner) d/b/a As a Dad, LLC , to amend the approved Sawyers Landing "PUD" Planned Unit Development District Conceptual Plan for property he owns in the vicinity of 4820 Sawyers Drive, to allow accessory use of the single-family dwelling property for a home occupation business consisting of bicycle rental; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on April 25, 2014, 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 amendment being first modified to incorporate the following conditions:

1. No more than four (4) bicycles shall be leased from the premises.
2. Any home occupation shall uphold the intent and spirit of the standards in Section 134-1326(10) of the Zoning Ordinance and applicable to home occupations in other zoning districts.
3. Hours of operation of the bicycle rental business shall occur only between the hours of 7:00 am and 9:00 pm on Fridays, Saturdays, Sundays and recognized holidays.
4. Any business shall only be in effect for so long as the premises are owned and occupied by the applicant.
5. Should the business be determined to be operating detrimentally to the surrounding neighborhood area, the Zoning Enforcement Officer may initiate the process to repeal the amendment.

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.

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



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the property in the vicinity of 4820 Sawyers Drive, and more specifically described below, are hereby overruled and the hearing is closed.

Lot 93, Sawyer's Landing Plat 1, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. The proposed amendment to the approved "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 proposed amendment to the Sawyers Landing "PUD" Planned Unit Development District Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the amendment being first amended to incorporate the conditions listed above, and subject to approval of such amendments by the Community Development Director.

MOVED by Gray to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		

T. M. Franklin Council 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