



Roll Call Number

14-0791

Agenda Item Number

38

Date May 19, 2014

HEARING ON REQUEST FROM MISTY KNIGHT, FOR AN AMENDMENT TO THE TOBIS PARK ESTATES PUD CONCEPT PLAN ON PROPERTY AT 5300 SE 28th STREET, TO ALLOW ACCESSORY USE OF THE SINGLE-FAMILY DWELLING FOR A HOME OCCUPATION BUSINESS AS A BEAUTY PARLOR

WHEREAS, on May 5, 2014, by Roll Call No. 14-0690, it was duly resolved by the City Council, that a public hearing to be held on May 19, 2014, at 5:00 p.m., in the Council Chambers at City Hall, to consider a proposal from Misty Knight (occupant), for an amendment to the Tobis Park Estates PUD Concept Plan on property owned by Bradley Noon at 5300 SE 28th Street, to allow accessory use of the single-family dwelling for a home occupation business as a beauty parlor; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on May 8, 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. 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.
2. Operation of the business shall occur only between the hours of 11:00 am and 7:00 pm on Monday through Friday.
3. Any business shall only be in effect for so long as the premises are owned and occupied by the applicant.
4. Additional employees beyond the applicant are prohibited.
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

(continued)



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the property in the vicinity of 5300 SE 28th Street, and more specifically described below, are hereby overruled and the hearing is closed.

Lot 69, Easter Lakes Estates Plat 6, 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 Tobis Park Estates PUD Concept 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 incorporation the conditions listed above, and subject to approval of such amendments by the Community Development Director.

MOVED by Gatto to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	1			
COLEMAN	1			
GATTO	1			
GRAY	1			
HENSLEY	1			
MAHAFFEY	1			
MOORE	1			
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