

★ Roll Call Number

15-1644

Agenda Item Number

53

Date September 28, 2015

**RESOLUTION HOLDING HEARING ON REQUEST FROM KESHAV KOIRALA (OWNER)  
FOR AN AMENDMENT TO THE RIVERWOODS PUD CONCEPTUAL PLAN FOR  
PROPERTY LOCATED AT 2511 SHADOW CREEK LANE**

**WHEREAS**, on September 14, 2015, by Roll Call No. 15-1512, the City Council received and filed a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 20, 2015, its members voted 8-4 in support of a motion to recommend **APPROVAL** of a request from Keshav Koirala (owner) for an amendment to the Riverwoods PUD Conceptual Plan for property located at 2511 Shadow Creek Lane ("Property"), to allow the existing single-family dwelling to be used for a home based retail sales business, subject to the following conditions:

1. Any business operating on the Property shall be limited to non-food retail business selling religious and cultural items.
2. Any customers on the Property shall arrive on an appointment basis only.
3. Any appointment where customers are on the Property shall be between the hours of 8:00 AM and 5:00 PM daily.
4. There shall be no outdoor signage related to the business.
5. Any business operating on the Property shall not employ any non-residents.
6. Any business operating on the Property shall be limited to no more than 10% of the finished floor area within the dwelling. This represents 191.1 square feet of floor area within the existing 1,911-square foot dwelling; and

**WHEREAS**, on September 14, 2015, by Roll Call No. 15-1512, it was duly resolved by the City Council that the application of Keshav Koirala for review and approval of the proposed amendment to the Riverwoods PUD Conceptual Plan for the Property, as legally described below, be set down for hearing on September 28, 2015, at 5:00 p.m. in the City Council Chambers at City Hall; 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 amendment to the approved Riverwoods PUD Conceptual Plan; and

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment to the approved Riverwoods 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 and any statements of interested persons and arguments of counsel, any and all objections to the proposed amendment to the Riverwoods PUD Conceptual Plan for the Property, locally known as 2511 Shadow Creek Lane and legally described as follows, are hereby overruled, and the hearing is closed:

( continued )

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-2-

Lot 45 WOODS ON THE RIVER PLAT 9, an Official Plat, all within the City of Des Moines, Polk County, Iowa.

- 2. The proposed amendment to the Riverwoods PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the Des Moines' 2020 Community Character Land Use Plan and is hereby approved.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

(ZON2015-00127)

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