

Date September 14, 2015

**RESOLUTION HOLDING HEARING ON REQUEST FROM
YELLOWDOG HOLDINGS, LLC TO REZONE PROPERTY LOCATED AT
707 19TH STREET FROM "R-HD" RESIDENTIAL HISTORIC DISTRICT TO
LIMITED "NPC" NEIGHBORHOOD PEDESTRIAN COMMERCIAL DISTRICT**

WHEREAS, on August 24, 2015, by Roll Call No. 15-1430, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 6, 2015, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Yellowdog Holdings, LLC (owner), represented by Dirk Westercamp (officer), to rezone real property located at 707 19th Street ("Property") from "R-HD" Residential Historic District to Limited "NPC" Neighborhood Pedestrian Commercial District to allow use of the existing building for commercial office and retail use, subject to the permitted uses being limited to those allowed in the "C-0" Commercial Residential District; 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 Zoning Ordinance; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning, 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 locally known as 707 19th Street, legally described as:

Lot 52 and the South 10 feet of Lot 53 and Lot 51 (Except that part described in Parcel A in survey filed at Book 11901, Page 909) all in T.E. Brown's Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

from "R-HD" Residential Historic District to Limited "NPC" Neighborhood Pedestrian Commercial District to allow use of the existing building for commercial office and retail use, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its successors, heirs and assigns.

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 Limited "NPC" Neighborhood Pedestrian Commercial District with conditions as set forth above, are hereby overruled, and the hearing is closed.

★ Roll Call Number

15-1549

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- 2. The proposed rezoning of the Property to Limited "NPC" Neighborhood Pedestrian Commercial District with conditions as set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2015-00132)

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