


COUNCIL COMMUNICATION

 CITY OF DES MOINES OFFICE OF THE CITY MANAGER	Number:	25-022	Meeting:	January 13, 2025
	Agenda Item:	43	Roll Call:	25-0064
	Submitted by:	Cody Christensen, Development Services Director		

AGENDA HEADING:

Review of Zoning Board of Adjustment decision conditionally granting a Variance to a separation distance requirement for a “Bar” use in a “MX2” Mixed-Use District, on property at 3614 6th Avenue owned by Tim Bratvold.

SYNOPSIS:

Staff recommends that the Council decline to remand the decision conditionally granting a Variance to a separation distance requirement for a “Bar” use in a “MX2” Mixed-Use District, on property at 3614 6th Avenue owned by Tim Bratvold.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- On November 7, 2024, the Plan & Zoning Commission recommended approval of request to rezone the property from “MX1” Mixed-Use District to “MX2” Mixed-Use District.
- On December 9, 2024, the City Council, by Ordinance 16,406, rezoned the subject property from “MX1” Mixed-Use District to “MX2” Mixed-Use District, which allows the existing building to be used for an “Eating and Drinking Places – Bar” use so long as the Zoning Board of Adjustment grants a Conditional Use for such use.
- On December 18, 2024, the Board of Adjustment conditionally granted a Variance to a separation distance requirement for a “Bar” use in a “MX2” Mixed-Use District. Subsequently, the Board of Adjustment conditionally granted a Conditional Use for a “Bar” use selling alcoholic liquor, wine, and/or beer for on premises consumption limited to 1,900 square feet within the basement.
- The Board of Adjustment’s Decision & Order includes multiple conditions to ensure that the impacts of any “Bar” use are minimal.
- The subject property is a 0.29-acre (12,482 square feet) parcel located on the west side of 6th Avenue, midblock between Euclid Avenue and Clinton Avenue. The subject property includes a 10,000-square foot two (2)-story building. It is located within the Oak Park Neighborhood.

- The site is within 150 feet of the property at 3700 6th Avenue that contains a place of worship which a “Bar” use is required to meet a separation distance of 150 feet per supplemental regulations, pursuant to City of Des Moines Chapter 134: Zoning Ordinance.
- The property is currently owned by 36 on 6th LLC (titleholder), represented by Tim Bratvold (4819 Harwood Drive, Des Moines, IA 50312).
- The business would be operated by Highland Underground, represented by Alec Davis (2330 University Avenue, Des Moines, IA 50311).
- Pursuant to City of Des Moines Chapter 134: Zoning Ordinance Code Section 134-6.7.8.D, the City Council shall review the Board’s decision within 30 days after the decision is filed. After such review, the City Council may remand the decision to the Board for further study. If the City Council declines to remand the decision, that decision shall become final on the date of the City Council’s action (January 13, 2025).

PREVIOUS COUNCIL ACTION(S):

Date: December 9, 2024

Roll Call Number: [24-1660](#)

Action: [Voted](#) 5-0 to approve a request to rezone the property from “MX1” Mixed-Use District to “MX2” Mixed-Use District, which allows the existing building to be used for an “Eating and Drinking Places – Bar” use so long as the Zoning Board of Adjustment grants a Conditional Use for such use.

BOARD/COMMISSION ACTION(S):

Board: Board of Adjustment

Date: December 18, 2024

Resolution Number: ZBOA-2024-000074

Action: Voted 4-2 to conditionally grant a Variance to a separation distance requirement for a “Bar” use in a “MX2” Mixed-Use District and Voted 5-1 to conditionally grant a Conditional Use for a “Bar” use selling alcoholic liquor, wine, and/or beer for on premises consumption limited to 1,900 square feet within the basement.

Board: Plan & Zoning Commission

Date: November 7, 2024

Resolution Number: ZONG-2024-000035

Action: Voted 12-0 to recommend approval of request to rezone the property from “MX1” Mixed-Use District to “MX2” Mixed-Use District.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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