

**Date** December 9, 2024

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM 36 ON 6<sup>TH</sup>, LLC (OWNER), REPRESENTED BY TIM BRATVOLD (OFFICER), FOR PROPERTY LOCATED AT 3614 6<sup>TH</sup> AVENUE AND 3612 6<sup>TH</sup> AVENUE, TO REZONE THE PROPERTY FROM “MX1” MIXED USE DISTRICT TO “MX2” MIXED USE DISTRICT, TO ALLOW AN EXISTING BUILDING TO BE USED FOR AN “EATING AND DRINKING PLACES – BAR” USE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on November 7, 2024, its members voted 11-0-1 in support of a motion to recommend **APPROVAL** of a request from 36 on 6<sup>th</sup>, LLC (Owner), represented by Tim Bratvold (Officer), for property located at 3614 6<sup>th</sup> Avenue and 3612 6<sup>th</sup> Avenue, to rezone the property from “MX1” Mixed Use District to “MX2” Mixed Use District, to allow an existing building to be used for an “Eating and Drinking Places – Bar” use and determined the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

**WHEREAS**, the Property is legally described as follows:

**THE SOUTH 61.5 FEET OF THE NORTH 107 FEET OF LOTS 1 AND 2 AND 3 (EXCEPT THE SOUTH 25 OF THE EAST 10 FEET THEREOF) ALL IN BLOCK 2 IN OAK PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and**

**WHEREAS**, on November 18, 2024 by Roll Call No. 24-1568, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on December 9, 2024, at 5:00 p.m., at the City Council Chambers; 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 rezoning; 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.

**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 are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, from “MX1” Mixed



**Roll Call Number**

.....

**Agenda Item Number**

42

**Date** December 9, 2024

Use District to “MX2” Mixed Use District, to allow an existing building to be used for an “Eating and Drinking Places – Bar” use, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY \_\_\_\_\_ TO ADOPT.

SECOND BY \_\_\_\_\_.

FORM APPROVED:

/s/ Chas M. Cahill  
Chas M. Cahill  
Assistant City Attorney

(ZONG-2024-000035)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, LAURA BAUMGARTNER, 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.

\_\_\_\_\_  
City Clerk

November 12, 2024

Communication from 36 on 6<sup>th</sup>, LLC (owner), represented by Tim Bratvold (officer), for the following regarding property located at 3614 6<sup>th</sup> Avenue and 3612 6<sup>th</sup> Avenue:

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan.
  
- B) Rezone the property from “MX1” Mixed Use District to “MX2” Mixed Use District, to allow an existing building to be used for an “Eating and Drinking Places – Bar” use.

**COMMISSION RECOMMENDATION: 12-0**

After public hearing, the members voted as follows:

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Kayla Berkson	X				
Chris Draper	X				
Laura Kessel	X				
Todd Garner	X				
Johnny Alcivar	X				
Justyn Lewis					X
Carolyn Jenison					X
William Page	X				
Andrew Lorentzen	X				
Emily Webb	X				
Katie Gillette	X				
Rick Trower	X				
Jane Rongerude					X

**Approval of Part A)** The requested rezoning be found in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation of Neighborhood Mixed Use; and

Part B) Rezoning the property from “MX1” Mixed-Use District to “MX2” Mixed-Use District.



## **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the requested rezoning be found in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation of Neighborhood Mixed Use.

Part B) Staff recommends approval of the request to rezone the property from "MX1" Mixed-Use District to "MX2" Mixed-Use District.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **GENERAL INFORMATION**

**1. Purpose of Request:** The applicant is proposing interior and exterior renovation of an existing 10,000 square foot historic building to add two restaurant spaces on the ground level and a speakeasy lounge in the basement. The second floor of the building is proposed for residential use. The rezoning to "MX2" District is necessary to allow the basement lounge, which falls under the Commercial category and is most consistent with an Eating and Drinking Places - Bar use type and does not conform to what is allowed in the existing "MX1" zoning district. Should the rezoning be approved, a site plan will be required for a change in the use of the property that complies with applicable design regulations within City Code Chapter 135.

A Conditional Use Approval would be required from the Zoning Board of Adjustment to allow a Bar use per section 134-3.5.9.

**2. Size of Site:** 12,482 square feet (0.29 acres).

**3. Existing Zoning (site):** "MX1" Mixed-Use District.

**4. Existing Land Use (site):** The subject property includes a 10,000 square foot 2-story building.

**5. Adjacent Land Use and Zoning:**

*North* – "MX1", "P2"; Uses are a financial building, a church, and a surface parking lot.

*South* – "MX1"; Use is a mixed use building with commercial and residential uses.

*East* – "MX1", Uses are retail, commercial, office uses with a surface parking lot.

*West* – "MX1"; Uses are a surface parking lot.

**6. General Neighborhood/Area Land Uses:** The subject property is located along the 6<sup>th</sup> Avenue corridor and within the Highland Park neighborhood node. This area is characterized by an activated streetscape with several businesses along the 6<sup>th</sup> Avenue and Euclid Avenue corridors. There are also multiple-household residential and mixed uses within this node and in close proximity to the subject property.

**7. Applicable Recognized Neighborhood(s):** The subject property is located in the Oak Park Neighborhood and within 250 feet of the Highland Park Neighborhood Association. All neighborhood associations were notified of the public hearing by



emailing the Preliminary Agenda on October 18, 2024, and of the Final Agenda on November 1, 2024.

Additionally, an official public notice of the hearing for this specific item was mailed on October 18, 2024 (20 days before the hearing), and on October 28, 2024 (10 days before the hearing), to any Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site or adjacent to the site. All Neighborhood Association mailings are sent to the primary contact designated by the recognized Neighborhood Association on file with the City of Des Moines' Neighborhood Services Department.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

**8. Relevant Zoning History:** None.

**9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Neighborhood Mixed Use within a Neighborhood Node.

**10. Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject area owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

## **II. ADDITIONAL APPLICABLE INFORMATION**

**1. PlanDSM Creating Our Tomorrow:** The future land use designation for the property is "Neighborhood Mixed Use" within a "Neighborhood Node". PlanDSM describes this designation as follows:

*Neighborhood Mixed Use: Small scale mixed use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development.*

*Neighborhood Node: These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding neighborhood. May include restaurants, shops and smaller scale businesses. Residential development including low-medium and medium densities may occur.*

The subject property is currently zoned "MX1" District. The Zoning Ordinance describes "MX1" as "intended for the mixed-use, neighborhood-scale nodes and corridors within the city, where daily uses are accessible by walking from surrounding neighborhoods."



The applicant is proposing to rezone the subject property to the “MX2” District. The Zoning Ordinance describes “MX2” as, “intended for mixed-use, regional-scale nodes and corridors within the city, where residents and visitors may access multiple uses by walking.”

Staff believes that the proposed rezoning to “MX2” District would be consistent with the Neighborhood Mixed-Use within a Neighborhood Node future land use designation where small scale non-residential uses serve the immediate neighborhood, as well as the larger travelling public along the major corridors such as 6<sup>th</sup> Avenue and Euclid Avenue. It is also consistent with the general character of the area and the existing commercial and mixed uses along the 6<sup>th</sup> Avenue corridor and the Highland Park neighborhood node.

While the proposed zoning is appropriate at this location, the proposed use requires a Conditional Use which is subject to a 150-foot separation distance requirement from any church or place of worship, school, public park or licensed childcare facility. This proposed use does not meet the separation distance requirement due to close proximity to a church use to the north of the property along 6<sup>th</sup> Avenue.

2. **Conditional Use Approval:** A Conditional Use Approval would be required from the Zoning Board of Adjustment to allow a Bar use per section 134-3.5.9 in the MX2 District. Any premises to be occupied by such a use must be separated by at least 150 feet from the property line of the lot where any church or place of worship, school, public park or licensed childcare facility as defined by Iowa Code Chapter 237A, are located. Staff notes that a Church use is located immediately to the north of Clinton Avenue and will therefore not satisfy the separation distance requirement of 150 feet for the proposed bar use and a Variance will be necessary to allow this use at the proposed location. Staff also notes that the criteria necessary for granting a Variance are stringent.
3. **Planning and Design Ordinance:** Should the rezoning be approved, the applicant would be required to prepare a site plan for any proposed additions or modifications.

Any future construction or development of the site including pedestrian access and circulation must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code).

Additionally, motor vehicle parking shall be provided in accordance with section 135-6 of the Planning and Design Ordinance. Minimum parking requirements for the proposed use are 1 parking space per 150 sq. ft. for eating and drinking places. Staff notes that on-street or shared parking arrangements may be used to satisfy minimum parking requirements. Any on-street or shared parking spaces to be used to meet minimum parking requirements should be noted on the site plan.

4. **Accessibility and Building Code:** Building and site work must comply with accessibility requirements of the ANSI A117.1 standard for accessibility, International Building Code and International Existing Building Code. These codes require accessible parking where parking is provided, an accessible route from accessible parking to an accessible entrance, and accessible routes throughout the building.

Since the building is located near property lines, Code requirements for exterior walls and maximum allowed exterior wall openings should be evaluated prior to finalizing building plans.

## **SUMMARY OF DISCUSSION**

Johnny Alcivar asked if any member of the public or commission desired to speak on the item. No one requested to speak.

## **COMMISSION ACTION**

Will Page made motion for approval of the following:

Part A) The requested rezoning be found in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation of Neighborhood Mixed Use.

Part B) Rezone the property from "MX1" Mixed-Use District to "MX2" Mixed-Use District.

**THE VOTE** 12-0 (Caroline Jenison had not yet arrived)

Respectfully submitted,



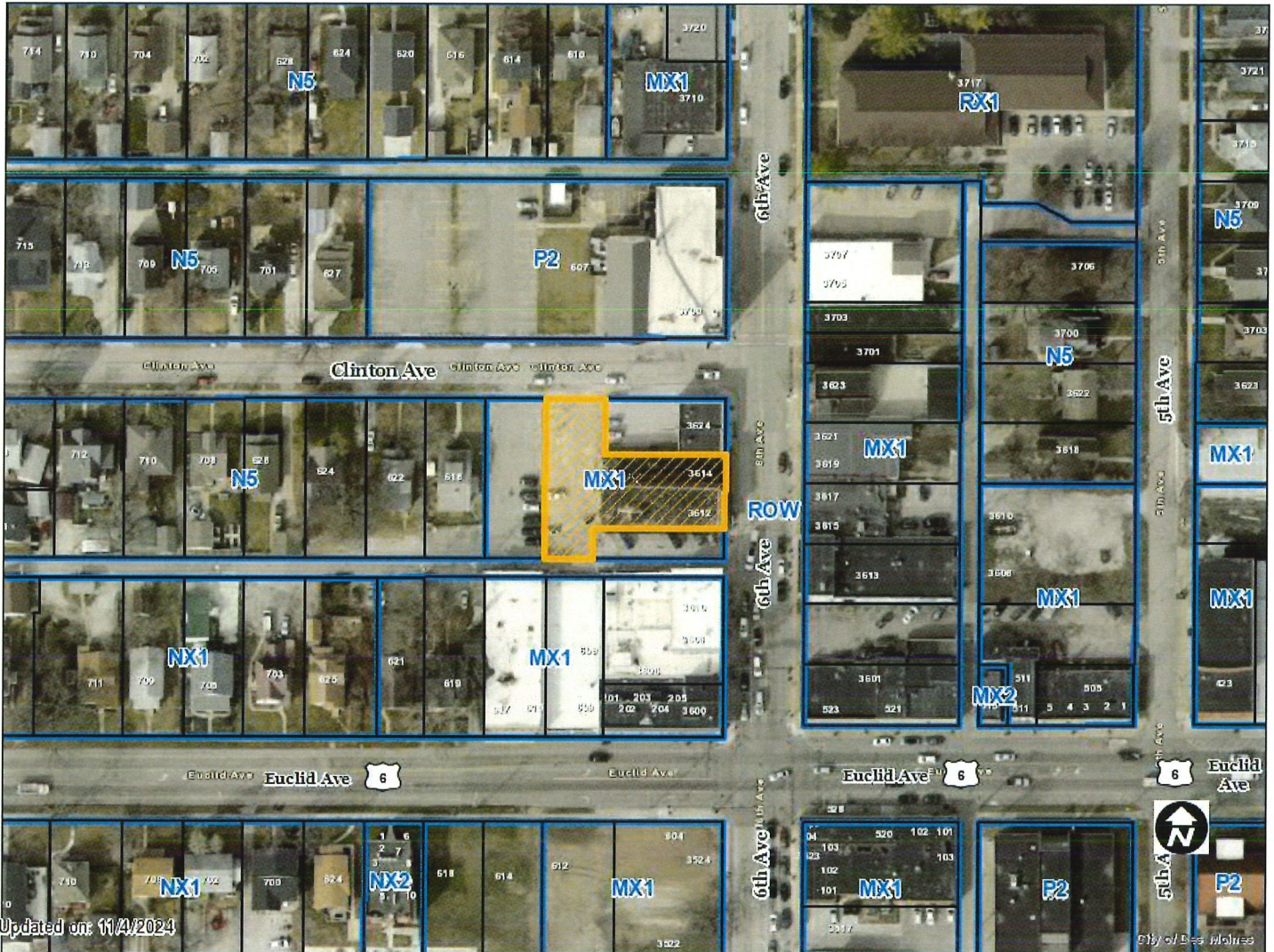
Jason Van Essen  
Planning & Urban Design Administrator

JMV:mrw

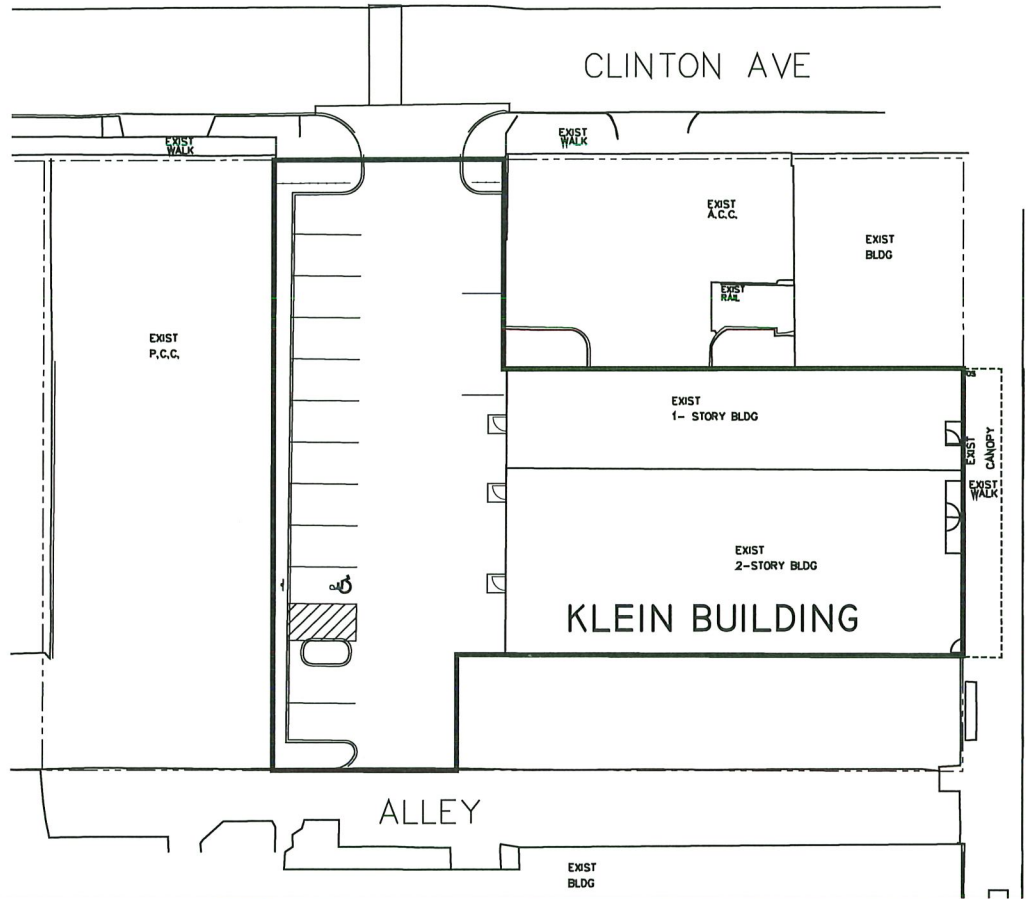


36 on 6th, LLC 3612 and 3614 6th Avenue

ZONG-2024-000035



NOTE:  
 THE LOCATION OF ALL UTILITIES INDICATED ON THE PLANS  
 ARE TAKEN FROM EXISTING PUBLIC RECORDS. THE EXACT  
 LOCATION AND ELEVATION OF ALL PUBLIC UTILITIES MUST  
 BE DETERMINED BY THE CONTRACTOR. IT SHALL BE THE  
 DUTY OF THE CONTRACTOR TO ASCERTAIN WHETHER ANY  
 ADDITIONAL FACILITIES OTHER THAN THOSE SHOWN ON  
 THE PLANS MAY BE PRESENT.



6TH AVE

CLINTON AVE

ALLEY

KLEIN BUILDING



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE



DESIGNED	DATE
DRAWN	DATE
CHECKED	DATE
APPROVED	DATE

**KLEIN BUILDING**  
 DES MOINES, IOWA

ZONING EXHIBIT

PROJECT NO.  
 SHEET NO.  
 1 of 2





**SPACE FOR LEASE**  
HISTORICAL BUILDING RENOVATION

**FEATURES**  
• 2,500 - 8,200 SF  
• LARGEST PERMITTED RATIO  
• DEDICATED PARKING  
• GREAT INTERIOR

**CONTACT**  
ALEC WILCOX, CDM  
OR CHRIS EBERHART  
**PHONE:** 515 309 4002  
lowrca.com

3614







# MINUTES

Re: 3614 6<sup>th</sup> Ave. Rezoning  
Enc: Attendance

October 29, 2024  
6:00-7pm

Meeting Location:  
Northside Community Center  
3010 6<sup>th</sup> Ave.  
Des Moines, IA 50313

Re: 3614 6<sup>th</sup> Ave  
Enc: Attendance

## Introductions

### Property & development description:

Discussed the history of the project and the renovation plans for the future apartment and retail uses. Discussed the challenges in redeveloping a smaller historic building while preserving the historic fabric and the value that the proposed tenant would bring to the neighborhood in serving as another hospitality location for patrons and neighbors.

Zoning is currently set at MX1 and want to re-zone to MX2. The difference in the two is that MX2 would allow for a bar use. The tenant is intending on serving food in some capacity but is unsure how in depth at this point in time.

### Attendee Comments / Concerns:

- Introductions by the development team and tenant/operator of the proposed space.
- Development team shared drawings and presented the scope of work for the historic rehab project.
- Operator provided background information about their team and other operations they have in the metro. They provided drawings of the proposed finishes and how the space would be used.
- There was discussion about the proposed design as well as how the tenant plans to control noise and other potential disturbances. The operator was quick to describe their history in owning and operating restaurants that serve alcohol which appeased the concerns.
- All attendees saw the value in bringing this use to the neighborhood and were in full support of this operation.

### Attendees:

Alec Davis – Operator

Austin Baeth – Operator

Bill Wheeler – Neighboring Business Owner

Shelly Wilson – Neighbor

Philip Herman – Member of the Neighborhood Association and Church operator in the neighborhood

Abbey Gilroy – Executive Director of Neighborhood Development Corporation and Neighboring property owner

Amy Coenen – Director of Operations at NDC

Sincerely,

Tim Bratvold

Member of 36 ON 6<sup>th</sup> LLC



**From:** [Lisa Bates](#)  
**To:** [Chakraborty, Sreyoshi](#)  
**Subject:** Rezoning of Klein Building  
**Date:** Monday, November 4, 2024 3:02:47 PM

---

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

SREYOSHI CHAKRABORTY

Hi Sreyoshi,

I'm a business owner in the Highland park Oak Park neighborhood. I'm a chiropractic physician and my family has owned Bates chiropractic clinic since 1959.

I'm unable to make the meeting on Thursday night. I take care of an elderly mother.

I just wanted to express to you my enthusiastic support of this rezoning. This will bring amazing amenities and greater quality of life to this beautiful neighborhood that has been blighted for too many years.

I really appreciate your support!

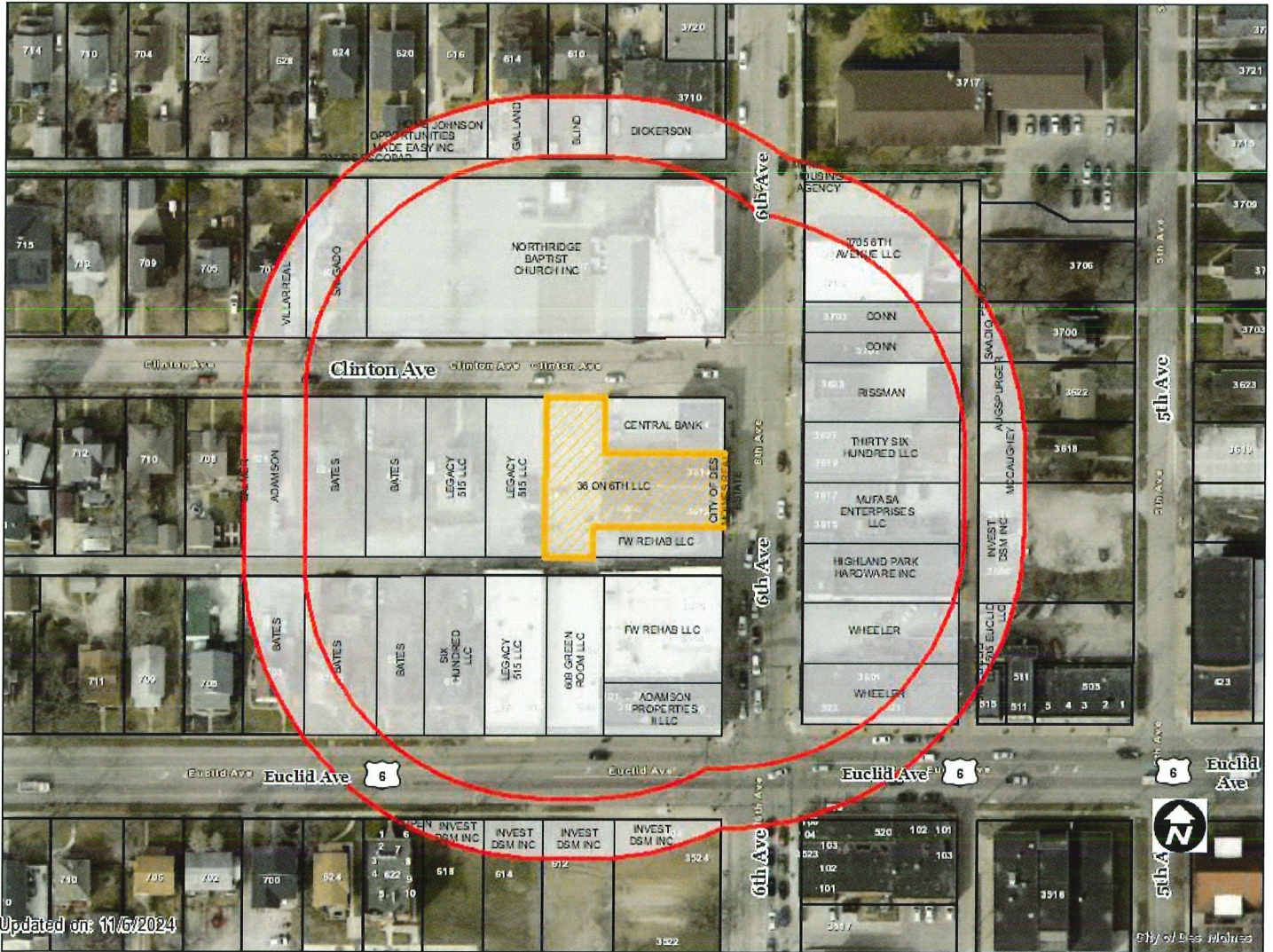
Kind regards,

Dr. Lisa Bates

Sent from my iPhone

36 on 6th, LLC 3612 and 3614 6th Avenue

ZONG-2024-000035



Item: ZONG-2024-000035 Date: 11/4/24

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only  
REC'D  
COMMUNITY L...MENT  
NOV 8 2024

Titleholder Signature: *Amber Lynch*

Name/Business: Invest DSM, Amber Lynch

Impacted Address: 3614 6<sup>th</sup> Ave & 3612 6<sup>th</sup> ave

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Item: ZONG-2024-000035

Date: \_\_\_\_\_

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

RECEIVED  
COMMUNITY DEVELOPMENT  
Staff Use Only  
NOV 8 2024

Titleholder Signature: William H. Wheeler

Name/Business: William H. Wheeler - Bill's Window & Screen

Impacted Address: 3613 6<sup>th</sup>, 519.521 & 523 Euclid Repair

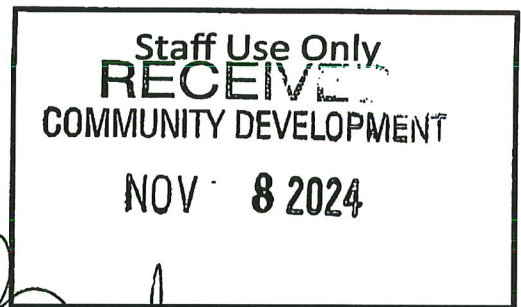
Comments: This will be a great addition to our growing/  
fertilized business district. I trust that the owners  
and landlord have the best interest of our community  
at heart.

Item: ZONG-2024-000035

Date: 11-1-24

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request



Titleholder Signature: \_\_\_\_\_

*[Handwritten Signature]*

Name/Business: \_\_\_\_\_

Bates Chiropractic Clinic

Impacted Address: \_\_\_\_\_

621 Euclid Avenue

Comments: \_\_\_\_\_

We 100% Enthusiastically Support  
This Re-zoning! This will bring  
Amazing Amenities and Greater Quality  
of Life to this area that has been  
blighted for many years



