



Roll Call Number

21-0646

Agenda Item Number

38

Date April 19, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM HERNANDEZ HOLDINGS, LLC (OWNER) TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 1440 & 1444 CAPITOL AVENUE

WHEREAS, on April 5, 2021, by Roll Call No. 21-0540, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 18, 2021, its members voted 9-0-1 in support of a motion to recommend **APPROVAL** of a request from Hernandez Holdings, LLC (Owner), represented by Dawn Hernandez (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 1440 & 1444 Capitol Avenue (“Property”) from High-Density Residential within a Neighborhood Node to Community Mixed-Use within a Neighborhood Node to allow rezoning to Limited ‘RX1’ Mixed Use District to allow existing off-site parking to be used in conjunction with a Business or Professional Office use at 1451 East Grand Avenue and to rezone the Property from ‘NX3’ Neighborhood Mix District to Limited ‘RX1’ Mixed Use District, subject to the condition stated in the resolution, for the above-stated purpose. The subject property is owned by Reveiz, LLC represented by Dr. Eduardo Reveiz, M.D; and

WHEREAS, on April 5, 2021, by Roll Call No. 21-0540, it was duly resolved by the City Council that the request to amend PlanDSM and rezone the Property be set down for hearing on April 19, 2021 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; 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 PlanDSM amendment and 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 1440 & 1444 Capitol Avenue:

LOTS 4 AND 5, BLOCK 41 STEWART’S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

to Limited ‘RX1’ Mixed Use District.

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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 amendment to the PlanDSM future land use designation and rezoning of the Property to Limited 'RX1' Mixed Use District, hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 1440 & 1444 Capitol Avenue to Community Mixed-Use within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to Limited 'RX1' Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT.

FORM APPROVED: Judy K. Parks-Kruse
Judy K. Parks-Kruse
Assistant City Attorney

(21-2021-4.07)
(ZON2021-00019).

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

CERTIFICATE

I, P. Kay Cmelik, 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.

J. M. Franklin Cownie Mayor

P. Kay Cmelik

City Clerk