

★ **Roll Call Number**

24-1660

Agenda Item Number

42

Date December 9, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM 36 ON 6TH, LLC (OWNER), REPRESENTED BY TIM BRATVOLD (OFFICER), FOR PROPERTY LOCATED AT 3614 6TH AVENUE AND 3612 6TH 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 6th, LLC (Owner), represented by Tim Bratvold (Officer), for property located at 3614 6th Avenue and 3612 6th 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

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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 Westergaard TO ADOPT.

SECOND BY Gatto

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2024-000035)

Council Members Simonson and Voss declare a conflict of interest and abstain from voting.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON				
VOSS				
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	5			

MOTION CARRIED

APPROVED

Connie Boesen 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.

Laura Baumgartner City Clerk