



**Roll Call Number**

21-0540

**Agenda Item Number**

17

**Date** April 5, 2021

**RESOLUTION SETTING 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**, the City Plan and Zoning Commission has advised 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 (Purchaser), 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 ‘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. The subject property is owned by Reveiz, LLC represented by Dr. Eduardo Reveiz, M.D; and

**WHEREAS**, the City Plan and Zoning Commission has further advised 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 rezone the Property from ‘NX3’ Neighborhood Mix District to Limited ‘RX1’ Mixed Use District, for the above-stated purpose, subject to this condition:

1. That the only permitted uses are the uses permitted in common between the ‘NX1’ and ‘RX1’ Districts and accessory offsite parking for the use at 1451 Grand Avenue; and

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

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.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to the comprehensive plan future land use designation and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on April 19, 2021, by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location.



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- 3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

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  
J. M. Franklin Cownie  
 Mayor

**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.

P. Kay Cmelik

City Clerk