



Roll Call Number

22-0552

Agenda Item Number

34

Date April 4, 2022

RESOLUTION HOLDING HEARING ON REQUEST FROM HOM INVESTMENTS 6, LLC TO REZONE PROPERTY LOCATED AT 740 18TH STREET

WHEREAS, on March 21, 2022, by Roll Call No. 22-0421, the City Council received the City Plan and Zoning Commission advising that at a public hearing held on March 3, 2022, its members voted 11-2 in support of a motion to recommend **APPROVAL** of a request from HOM Investments 6, LLC (owner), represented by Danny Heggen (officer), to rezone real property locally known as 740 18th Street (“Property”) from NX2a Neighborhood Mix District to Limited MX1 Mixed Use District, to allow adaptive reuse of the existing building as a restaurant, brewery, and private office space, subject to the following conditions:

1. The maximum space allocated within the building on the Property for eating and drinking areas, excluding circulation space, restrooms, and kitchen, shall not exceed 1,650 square feet.
2. The hours of operation of businesses on the Property shall end no later than 10:00 p.m. each Sunday, Monday, Tuesday, Wednesday, and Thursday, and no later than 12:00 a.m. each Friday and Saturday; and

WHEREAS, on March 21, 2022, by Roll Call No. 22-0421, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on April 4, 2022 at 5:00 P.M., in the 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; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property located at 740 18th Street and legally described as follows:

Lots 44 and 45 in T.E. BROWN'S ADDITION TO DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

from NX2a Neighborhood Mix District to Limited MX1 Mixed Use District, to allow adaptive reuse of the existing building as a restaurant, brewery, and private office space, subject to the above-stated conditions which have been agreed to and accepted in writing by the property owner.

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



Roll Call Number

22-0552

Agenda Item Number

34

Date April 4, 2022

is closed.

2. The proposed rezoning of the Property, as legally described above, to Limited MX1 Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to the above-stated conditions and final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum TO ADOPT.

SECOND BY Boesen.

FORM APPROVED:

/s/Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

(ZONG-2022-000007)

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

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