



Roll Call Number

24-0689

Agenda Item Number

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Date May 6, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM LG ENTERPRISES, LLC (OWNER), REPRESENTED BY CHRISTOPHER PRUISNER (OFFICER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED IN THE VICINITY OF 3108 SOUTHWEST 9TH STREET, TO REZONE THE PROPERTY FROM LIMITED “MX1” MIXED USE DISTRICT TO LIMITED “MX1” MIXED USE DISTRICT, TO REMOVE THE ZONING CONDITION THAT PROHIBITS ANY SALE OR SERVICE OF ALCOHOLIC LIQUOR, WINE, AND/OR BEER ON THE PROPERTY

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 4, 2024, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from LG Enterprises, LLC (Owner), represented by Christopher Pruisner (Officer), for the proposed rezoning from Limited “MX1” Mixed Use District to Limited “MX1” Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Community Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 4, 2024, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from LG Enterprises, LLC (Owner), represented by Christopher Pruisner (Officer), to rezone the Property from Limited “MX1” Mixed Use District to Limited “MX1” Mixed Use District, to remove the zoning condition that prohibits any sale or service of alcoholic liquor, wine, and/or beer on the property, subject to the following conditions:

1. Use of the property shall be limited to any use as permitted in the “RX1” District or a Sports and Recreation, Private/Participant, indoor use.; and

WHEREAS, the Property is legally described as follows:

THE NORTH 121 FEET OF THE EAST 125 FEET OF LOT 1 IN SOUTHGATE AND PARCEL "B" OF THE PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA ON JANUARY 16, 2003, AND RECORDED IN BOOK 9578 PAGE 185, BEING A PART OF LOT 1 IN SOUTHGATE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on April 15, 2024, by Roll Call No. 24-0580, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on May 6, 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 proposal; and



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WHEREAS, in accordance with said notice, those interested in said proposal, 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 are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, from Limited "MX1" Mixed Use District to Limited "MX1" Mixed Use District, to remove the zoning condition that prohibits any sale or service of alcoholic liquor, wine, and/or beer on the property, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum TO ADOPT.

SECOND BY Voss.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2024-000007)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

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.

Connie Boesen Mayor

Laura Baumgartner City Clerk