

★ Roll Call Number

Agenda Item Number

41

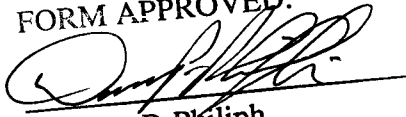
Date ..... December 17, 2012

Be it resolved by the City Council of the City of Des Moines, Iowa.

That the following application is hereby submitted for consideration to the Iowa Alcoholic Beverages Division of the Iowa Department of Commerce:

Ingersoll, 3711 Ingersoll Avenue, Class C Liquor License. **Zoning Department recommends denial.**

Moved by \_\_\_\_\_ to deny the license for failure to meet Zoning requirements.

FORM APPROVED:  
  
 Douglas P. Philip  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
GRIESS				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, 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.

MOTION CARRIED APPROVED

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk

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December 5, 2012

Jennifer Church  
 d/b/a The Marquee, LLC  
 3711 Ingersoll Ave.  
 Des Moines, IA 50312

Re: Pending liquor license application, 3711 Ingersoll

Dear Ms. Church,

In April of 2012 we requested an audit of the business in order to determine if the operation qualified as a restaurant. Pursuant to Chapter 134-954 of the City of Des Moines Municipal Ordinance a restaurant must derive 50% of gross receipts from the sale of food or food-related services.

In August we received an audit that was inconclusive since food was not purchased but donated by the owner of the building at the start up of the business. Additionally, we were not provided a menu setting out costs of food and alcohol.

With this letter we are asking that the audit be updated. If it is clear that the business is operating as a restaurant we will be in a position to support the liquor license from a zoning perspective only. We would ask for a menu and that we understand the hours of operation.

The liquor license is scheduled to be heard on December 17, 2012. We will need information submitted prior to December 14, 2012.

Sincerely

A handwritten signature in black ink, appearing to read "SuAnn Donovan". The signature is written over a horizontal line.

SuAnn Donovan  
 Neighborhood Inspection Zoning Administrator  
 602 Robert D. Ray Drive  
 Des Moines, IA 50309  
[smdonovan@dmgov.org](mailto:smdonovan@dmgov.org)

NOTE: Any order, decision or determination made by this office in the enforcement of the Zoning Ordinance may be appealed to the Zoning Board of Adjustment. The Procedural Rules of the Zoning Board of Adjustment provide that you, as the party to whom this communication is directed, must file the appeal with the Community Development Department within ten days of the date of this communication. Any other aggrieved person seeking to appeal this order, decision or determination must file the appeal within ten days of actual notice by such person of such order, decision, or determination, which in no event shall be later than ten days after commencement of such physical construction or use. Any appeal not timely filed may be rejected by the Board.



December 10, 2012

Jennifer Church  
d/b/a The Marquee, LLC  
3711 Ingersoll Ave.  
Des Moines, IA 50312

Re: Pending Liquor License application  
3711 Ingersoll

Dear Ms. Church,

We have done a further review of your application for a liquor license. The property in question lacks required parking for the businesses on the property and is in violation of Section 134-1377(a) (23) of the Municipal Code of the City of Des Moines. There were additional violations of Section 134 of the Municipal Code of the City of Des Moines, including but not limited to failure to screen existing parking from residential uses, failure to enclose the dumpster and failure to provide a site plan for review.

Until the business has the required parking the zoning approval will not be granted for the liquor license. Consequently, the Community Development, Developmental Zoning Division, is requesting that the City Council deny the liquor license application for The Marquee, LLC. This matter is scheduled to appear on the December 17, 2012 City Council agenda for consideration. You may appear and speak to council and be represented by counsel at the hearing.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "SuAnn Donovan". The signature is fluid and cursive, with a large loop at the end.

SuAnn Donovan  
Neighborhood Inspection Zoning Administrator

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December 10, 2012

Kisha Barnes  
Registered Agent, The Marquee, LLC  
2323 E. Porter Ave., # 77  
Des Moines, IA 50320

Re: Pending Liquor License application  
3711 Ingersoll

Dear Sir/Madam,

We have done a further review of the application for a liquor license for the Marquee, LLC. The property in question lacks required parking for the businesses on the property and is in violation of Section 134-1377(a) (23) of the Municipal Code of the City of Des Moines. There were additional violations of Section 134 of the Municipal Code of the City of Des Moines, including but not limited to failure to screen existing parking from residential uses, failure to enclose the dumpster and failure to provide a site plan for review.

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SuAnn Donovan  
Neighborhood Inspection Zoning Administrator

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