

★ Roll Call Number

Agenda Item Number

5

Date March 24, 2014

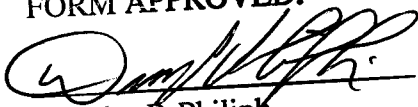
Be it resolved by the City Council of the City of Des Moines, Iowa.

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

Lotus Moments Event Center, 2134 E. Grand Avenue, new Class C Liquor License. (Zoning Department recommends denial).

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:



Douglas P. Philip  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
GRAY				
MAHAFFEY				
MOORE				
GATTO				
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



March 18, 2014

ROK Investments, LC  
Lotus Moments Event Center  
d/b/a Pillars on Grand  
James Pray, Registered Agent  
666 Grand Avenue, Suite 2000  
Des Moines, IA 50309      sent by email to: [rennatta@lotusmoments.com](mailto:rennatta@lotusmoments.com)

Re:    2134 East Grand, Class C Liquor License

Dear Sir/Madam,

The review of the Class C Liquor License application from ROK Investments, LC ("ROK") has come to the Developmental Zoning Division and we find the property at 2134 East Grand is being used in violation of the zoning requirements for the land and recently issued conditional use permit.

On November 9, 2009 the property was rezoned to a Limited "NPC" Neighborhood Pedestrian Commercial District classification. The rezoning was approved following representations of ROK that the property would be used for a banquet hall restricted to special events. The rezoning of the property to Limited NPC was subject to specific conditions imposed upon the property that were agreed to in writing by ROK. The conditions imposed on the property include the restriction that it not be used as a tavern or night club.

On February 26, 2014 ROK appeared before the Zoning Board of Adjustment seeking a conditional use permit for a liquor license in conjunction with assembly/reception hall use of the property. The board granted the request subject to several specific conditions including that any sale of liquor, wine and/or beer shall only be ancillary to an assembly/reception hall use restricted to private events only.

We find that scope of the operation has become a tavern and night club use beyond the permitted assembly/reception hall for special events. Notably you are advertising for Cirrus Minor Live, Hunks All Male Review, Hollywood Knockouts and seeking bands to rent the space. For each of these events customers are charged a seating fee. One event advertises alcohol specials such as shots and \$2.00 beer. These uses of the property constitute prohibited tavern and night club use of the property.

Therefore, we find that ROK is in violation of the Limited NPC zoning restrictions on the property. These events constituting tavern and night club use must immediately cease. Failure to cease the events will cause the City of Des Moines to pursue legal action seeking a court order to impose penalties and have ROK enjoined from violations of the zoning restrictions.

Additionally, the Developmental Zoning Division is recommending that the City Council deny ROK's pending liquor license application on the basis that ROK's operations are in violation of the zoning restrictions on the property and that the operations exceed the scope and conditions of the conditional use permit granted by the Board of Adjustment. The application for the license will be considered by the Des Moines City Council on March 24, 2014 at 4:30 p.m. ROK has the right to be present and provide documents or comment at that meeting.

As the Deputy Zoning Enforcement Officer I find that find that ROK has or will violate the conditions set forth in the Conditional Use Permit. Information provided by representatives of ROK gave testimony and assertions to the Zoning Board of Adjustment that the use of the building would be limited to reception hall use and restricted to private events only. We have found that the venue was used and is scheduled to be used for tavern and night club events. This matter will be referred to the Zoning Board of Adjustment for reconsideration of the Conditional Use Permit. The hearing will be held on April 23, 2014. Hearings start at 1:00 p.m. in the City Council Chambers at 400 Robert D. Ray Drive. ROK has the right to be present, provide evidence and be represented at the hearing.

Sincerely,



SuAnn Donovan

Deputy Zoning Enforcement Officer

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.