



**Date** December 22, 2014

**RESOLUTION CONSIDERING APPLICATION BY KHANNA FAMILY INVESTMENTS, INC., D/B/A PROSPECT PARK MARKET AT 2917 PAYNE ROAD FOR A CLASS C BEER PERMIT AND A CLASS B WINE PERMIT**

WHEREAS, Khanna Family Investment, Inc., doing business as Prospect Park Market (formerly known as the Oasis Wine & Spirits) at 2917 Payne Road, filed for a new Class C Beer Permit and Class B Wine Permit on December 3, 2014 which application came before the City Council for consideration on December 8, 2014 and was continued to December 22, 2014; and,

WHEREAS, on November 19, 2014, the Zoning Board of Adjustment approved issuance of a Conditional Use Permit allowing the sale of beer and wine upon the Property at 2917 Payne Road subject to various conditions which approval was memorialized in a Decision and Order which became effective on November 25, 2014, and constitutes the Conditional Use Permit for the Property; and

WHEREAS, the Zoning Enforcement Officer has determined that the operation of the Prospect Park Market has violated the conditions set forth in the Decision and Order, in the following manner:

1. Condition No. 2 of the Decision and Order prohibits the sale of alcoholic liquor. The business has violated this condition by continuing to sell alcoholic liquor. City staff purchased Kahlua at the business on December 9 and December 10, 2014. The Iowa Alcoholic Beverages Division has confirmed that Kahlua is classified as an alcoholic liquor.
2. Condition No. 8 of the Decision and Order requires the construction of a decorative wrought iron fence extending around the perimeter of the parking to the satisfaction of the City's Planning Administrator. The business has violated this condition by installing a chain link fence, without extending the fence around the perimeter of the parking; and without consultation with the City's Planning Administrator.
3. Condition No. 11 of the Decision and Order requires: "A security guard shall be on the premises between 6:00 PM and 11:00 PM daily." The 11:00 PM closing time corresponds to the limits on the business hours under Condition No. 7. The business has violated this condition by failing to maintain a security guard on the premises between 6:00 p.m. and 11:00 p.m. daily. City staff have received reports that on December 3, 2014 at 9:00 p.m., December 4, 2014 at 7:44 p.m. and December 5, 2014 at 10:30 p.m., there was no security guard present on the property.

WHEREAS, the Zoning Enforcement Officer has also determined that the actions identified above constitute a pattern of violating the conditions set forth in the Conditional Use Permit, and has applied to the Zoning Board of Adjustment seeking reconsideration of the issuance of the Conditional Use Permit for the Property; and,

WHEREAS, the city council has options concerning the license as set forth below.



**Roll Call Number**

**Agenda Item Number**

5

**Date** December 22, 2014

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines that the application for a new Class C Beer Permit and Class B Wine Permit for the Prospect Park Market at 2917 Payne Road, is:

- \_\_\_\_\_ A. Approved and will be subject to potential civil penalty, and/or suspension or revocation pending the outcome of the decision of the Zoning Board of Adjustment concerning the conditional use permit;
- \_\_\_\_\_ B. Continued pending the outcome of the decision of the Zoning Board of Adjustment concerning the conditional use permit; or
- \_\_\_\_\_ C. Denied for failing to comply with zoning requirements of section 134-954 of the Municipal Code of the City of Des Moines.

MOVED by \_\_\_\_\_ to adopt.

Approved as to form by:

Douglas R. Philip  
Assistant City Attorney

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

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**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.

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



December 17, 2014

Khanna Family Investments, Inc.  
c/o Attorney Brandon Brown  
Attorney At Law  
2910 Grand Avenue  
Des Moines, IA 50312

Copy sent by email to [bbrown@parrishlaw.com](mailto:bbrown@parrishlaw.com)

Re: Notice of Zoning Violation and Reconsideration of Issuance of Conditional Use Permit  
Subject Property: Prospect Park Market at 2917 Payne Road

Dear Mr. Brown,

The operation of the Prospect Park Market, formerly known as the Oasis, on the subject property listed above has been treated as a legal non-conforming use of the property as a Limited Food Sales Establishment in the C-1 Neighborhood Retail Commercial District. Pursuant to Section 134-1352(b) of the Municipal Code of the City of Des Moines, the legal nonconforming use as a Limited Food Sales Establishment is allowed to continue so long as it remains otherwise lawful. However, the City has imposed new zoning regulations which more specifically distinguish between those businesses to be treated as a Limited Food Sales Establishment with accessory sales of alcoholic beverages, and those businesses which will be treated as a Liquor Store because of their impact upon neighboring properties.

Ordinance No. 15,133, passed September 10, 2012, amended Section 134-954 of the Des Moines Municipal Code, to require all new businesses selling alcoholic liquor, wine or beer obtain a conditional use permit before commencing operation, and to require all existing businesses that have continuously held an alcoholic liquor license or a wine or beer permit since July 1, 2012, obtain a Conditional Use Permit to continue selling alcoholic liquor, wine or beer after December 31, 2013.

Khanna Family Investments, Inc., applied for and obtained a Conditional Use Permit from the Zoning Board of Adjustment for the sale of wine and beer at the Prospect Park Market. The Board conditionally approved the application on November 19, 2014, and the written Decision and Order, which constitutes the Conditional Use Permit, became effective on November 25, 2014. The conditions of approval are set forth in the Decision and Order, a copy of which is enclosed for your reference.

The Prospect Park Market has continued to sell alcoholic beverages in violation of the conditions set forth in the Decision and Order, as follows:

1. Condition No. 2 of the Decision and Order prohibits the sale of alcoholic liquor. The business has violated this condition by continuing to sell alcoholic liquor. City staff purchased Kahlua at the business on December 9 and December 10, 2014. The Iowa Alcoholic Beverages Division has confirmed that Kahlua is classified as an alcoholic liquor.

2. Condition No. 8 of the Decision and Order requires the construction of a decorative wrought iron fence extending around the perimeter of the parking to the satisfaction of the City's Planning Administrator. The business has violated this condition by installing a chain link fence, without extending the fence around the perimeter of the parking; and without consultation with the City's Planning Administrator.
3. Condition No. 11 of the Decision and Order requires: "A security guard shall be on the premises between 6:00 PM and 11:00 PM daily." The 11:00 PM closing time corresponds to the limits on the business hours under Condition No. 7. The business has violated this condition by failing to maintain a security guard on the premises between 6:00 p.m. and 11:00 p.m. daily. City staff have received reports that on December 3, 2014 at 9:00 p.m., December 4, 2014 at 7:44 p.m. and December 5, 2014 at 10:30 p.m., there was no security guard present on the property.

Condition No. 19 of the Decision and Order which constitutes the Conditional Use Permit for this business, and Section 134-954(c)(6) of the Municipal Code, both provide that if the Zoning Enforcement Officer determines at any time that the operation of this business exhibits a pattern of violating the conditions set forth in the Conditional Use Permit, the Zoning Enforcement Officer may apply to the Zoning Board of Adjustment to reconsider the issuance of the Conditional Use Permit. If the Board finds that the operation of the business exhibits a pattern of violating the conditions set forth in the Conditional Use Permit, the Board has the authority to amend or revoke the Conditional Use Permit.

In my capacity as Zoning Enforcement Officer, I have determined that Khanna Family Investments, Inc., as the license holder for the sale of alcoholic beverages at the Prospect Park Market, has demonstrated a pattern of violating the zoning conditions set forth in the Conditional Use Permit. In accordance with Condition No. 19 of the Conditional Use Permit, I am applying to the City's Zoning Board of Adjustment to reconsider the issuance of the Conditional Use Permit. A copy of this letter constitutes my application to the Board for such reconsideration.

Reconsideration of Khanna Family Investments, Inc.'s Conditional Use Permit for 2917 Payne Road will be scheduled for the January 28, 2015, meeting of the Zoning Board of Adjustment. You will be provided with further information regarding that meeting when the meeting agenda and staff recommendations are prepared. In addition, if you feel that you have received this notice in error or disagree with the determination of the individual violations identified above, you may as noted below, appeal these determinations to the Zoning Board of Adjustment for the City of Des Moines by filing a notice of appeal within 10 days.

Sincerely,



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

cc: Chair and Members of the Zoning Board of Adjustment

*December 17, 2014*  
*page 3 of 3*

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 17, 2014

Khanna Family Investments, Inc.  
c/o Brandon Brown  
Attorney at Law  
2910 Grand Avenue  
Des Moines, IA 50312

Copy sent by email to [bbrown@ParrishLaw.com](mailto:bbrown@ParrishLaw.com)

Re: 2917 Payne Road – Class C Beer Permit and Class B Wine Permit

Dear Mr. Brown,

The application by Khanna Family Investments, Inc., for a Class C Beer Permit and Class B Wine Permit for the Prospect Park Market at 2917 Payne Road was before the City Council on December 8, 2014. The Zoning Enforcement Division of the Community Development Department requested denial of the license. Your request for continuance was presented to the City Council and after discussion the matter was continued to December 22, 2014.

As set forth in the Notice of Zoning Violation dated December 17, 2014, the business is not in compliance with Section 134-954 of the City of Des Moines Municipal Code for failure to comply with the Conditional Use Permit by: 1) selling alcoholic liquor, 2) installation of a chain link fence rather than a decorative wrought iron fence after consultation on the location with the Zoning Administrator; and, 3) failure to have a security guard on site on three separate occasions.

The application for a new Class C Beer Permit and Class B Wine Permit is scheduled to come back before the Des Moines City Council for consideration on December 22, 2014. Due to the zoning violations, City staff is obligated to recommend that the application be denied.

Sincerely,

A handwritten signature in black ink, appearing to read "SuAnn Donovan".

SuAnn Donovan  
Deputy Zoning Enforcement Officer

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**Rauh, Diane I.**

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**From:** Bill Gray <bgray@NACR.com>  
**Sent:** Monday, December 22, 2014 1:21 PM  
**To:** Rauh, Diane I.  
**Subject:** FW: Oasis

Diane,

Can we have this printed out so we can receive and file them? I think I have a few more coming.

Bill

Bill Gray  
Design Specialist  
Phone: 515.331.3833 ext 796 6470  
Fax: 515.331.1194  
www.nacr.com

**From:** firsttours@aol.com [mailto:firsttours@aol.com]  
**Sent:** Monday, December 22, 2014 12:07 PM  
**To:** Bill Gray  
**Subject:** Oasis

Kathy Bradshaw  
2805 30<sup>th</sup> St.  
Des Moines, Iowa  
515-554-9082

December 22, 2014

City Council Members of Des Moines  
Des Moines, Iowa

To Whom It May Concern:

I have owned the apartment buildings located at 2805 30<sup>th</sup> St, 2910 Arnold Rd. and 2911 Payne Rd. which is more than 20% of the adjoining property with the Oasis Wine & Spirits Store for 23 years. They are located behind and to the east side of The Oasis Wine & Spirits Store. Prior to this liquor store being opened, I had not encountered abnormal problems at or near my property. Since the opening of this store, there have been many problems, just to name a few:

- 1. Man Found Dead in SUV behind Oasis between Payne and Arnold Rd. – November 19, 2010**
- 2. Three Men Rob Three Teenage Boy's at Gunpoint at Oasis Convenience Store on Payne Rd. – November 15, 2010**
- 3. Man, 24, killed by gunshot wound to head; first Des Moines homicide of 2011 30<sup>th</sup> and Boston – March 3, 2011**
- 4. Urbandale man shot and wounded in a parking lot at 2805 30<sup>th</sup> St. behind the Oasis Liquor and Convenience Store. – November 15, 2010**

## **5. Shooting Case: Des Moines Man Shot in Neck – April 11, 2014**

Police were called to an apartment building at 2805 30<sup>th</sup> St. just before 6:00 a.m. Man says, he heard a gunshot and felt a hot sensation on his neck around 2:00 a.m. but passed out before he could call police. OFFICERS FOUND TWO BULLET HOLES IN THE 1<sup>ST</sup> FLOOR HALLWAY OF THE BUILDING AFTER THE SHOOTER CHASED HIM THROUGH THE SECURITY DOORS INTO THE BUILDING.

**6. Arrest Oasis ....** Fighting in store and using weapon as vehicle in their parking lot 11:50 p.m. September 22, 2014.

**7. Neighbors heard a string of shots ...** believed to be an automatic weapon coming from the direction of 30<sup>th</sup> Street and Arnold at 9:44p.m. September 23, 2014.

**8. Man shot in his back ....** One man was shot near a convenience store in Des Moines early Wednesday morning on. Officers were told the man was shot when he went to The Oasis convenience store to buy a drink. Two witnesses with the victim said they didn't see the shooter. A female driver took the man and the witnesses to the hospital. September 24, 2014

This first and the fourth one mentioned were in my parking lot and the incident on April 11, 2014 was a shooting inside my building. This is a keyed security building that the patrons of the Oasis manage to penetrate. Just in the last few months, I have gone to my buildings around 10:00 a.m. to find people curled up asleep in my corridor outside of the security doors lying on the floor and terrifying myself and my tenants.

My tenants are primarily families with children and have spoken to me about their concern over seeing people around this store with guns. They are very concerned about their safety and the well-being of their children.

I have personally witnessed drug dealing behind the Oasis using my driveway as the entrance and exit point for this drug dealing. The police have been called many times in an attempt to remove their patrons from my property. There are consistently on a daily basis broken liquor and beer bottles and other trash dumped on my property. The Oasis is attracting very undesirable people that look and act pretty scary into this neighborhood. I, myself have become scared to go to my own property at times. There are unknown cars with people sitting in them with their cars running sitting between my garages, scary people walking through my parking lot going to and from the Oasis Liquor Store and derelicts sleeping in my corridors and urinating and defecating on my walls and carpet while at the same time neighborhood children are being picked up and dropped off from school buses and traversing back and forth to their homes.

Since this establishment opened, it has significantly affected the enjoyment, use and safety of my residents and neighborhood that are primarily families with children. The Oasis is unquestionably a detriment and nuisance to this neighborhood and it shouldn't be in a residential neighborhood.

This has reached a point where something desperately needs to be done for the safety and well being of the residents of this neighborhood.

I don't believe that granting the requested Liquor License would be consistent with the intended spirit and purpose of the Zoning Ordinance. If fact, I believe it would be undermining the very purpose of the ordinance as established in City Code Section 135-954.

It is a known fact that the Khanna's have failed to provide the required accurate and legal necessary audit documents to the City in their past two audit request and have continually procrastinated turning over an authenticated accounting of sales reports as well as adjusting appropriately to make their liquor store comply with legal standards. It is also well know that the majority of merchandise being sold at this store is alcohol related, which in many of the cases is being drunk upon leaving the store and the liquor/beer bottles thrown onto neighboring yards as well as attracting a very bad element into the area.

In speaking with other neighbors of the area I have heard comments from some that do not live in such close proximity of the "Oasis" such as, "maybe we should negotiate with them, I hear that the Khanna's might be able to get a re-zoning or variance that would allow them to continue on status quo. and we might be stuck with it forever", as well as real estate sales people telling me that there are limited people willing to purchase property due to the area becoming less desirable. My view is the situation at the "Oasis" could not get any worse and I have real concerns about the effect of it staying here causing declining property values.

When I think of the nature of this store and the way the Khanna's have deliberately tried to side step and evade the law it brings to my mind the "Clean Hands Doctrine" which states a rule of law that a person coming to court with a petition for a court order must be free from unfair conduct (have "clean hands" or not have done anything wrong) in regard to the subject matter of his/her claim.

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The US Supreme Court in *Keystone Driller Co. v. General Excavator Co.*, articulated unclean hands as follows:

*[T]hat whenever a party who, as actor, seeks to set the judicial machinery in motion and obtain some remedy, has violated conscience, or good faith, or other equitable principle, in his [or her] prior conduct, then the doors of the court will be shut against him [or her] in limine; the court will refuse to interfere on his [or her] behalf, to acknowledge his [or her] right, or to award him [or her] any remedy.*

I pray that you will see the gravity of this situation and help us as neighbors take back our neighborhood with the powers granted to this honorable Members of the City Council by denying the Khanna's request for relief.

Thank you for your time and consideration.

Sincerely,

Kathy Bradshaw  
Bradshaw Group

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**Rauh, Diane I.**

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**From:** Bill Gray <bgray@NACR.com>  
**Sent:** Monday, December 22, 2014 1:22 PM  
**To:** Rauh, Diane I.  
**Subject:** FW: Oasis

Another one.

Bill

Bill Gray  
Design Specialist  
Phone: 515.331.3833 ext 796 6470  
Fax: 515.331.1194  
www.nacr.com

-----Original Message-----

**From:** MaryAnn Lamb [mailto:mamalamb81@gmail.com]  
**Sent:** Monday, December 22, 2014 12:13 PM  
**To:** Bill Gray  
**Subject:** Oasis

Hello,

I am unable to attend today due to my work schedule, so I am writing with my concerns. The situation with the Oasis on our neighborhood corner is just unacceptable. Our family lives just two houses down, with our young children. The traffic speeding in and out of the parking lot with drunk drivers and squealing wheels is unsafe. The foot traffic going past our yard, littering beer cans and liquor bottles, and loud language is disturbing to say the least. We can't walk to the park with our kids or walk the dogs without passing the Oasis and the clientele in the parking lot make us very uncomfortable. The customers are coming in from elsewhere to buy alcohol inside and drugs outside. Meanwhile the neighbors can't walk in to buy milk out of fear. The owners have promised change but have not followed through. We, as a neighborhood were willing to give them a chance. That chance has now passed. I want my kids to be able to play safely in our yard, without trash and rubbish, without fear that some crazy driver will drive up the curb. We need to be able to walk to the park together, chat with neighbors, and exercise the dogs without being in the middle of this seedy behavior going on at the Oasis. Thank you for hearing my concerns.

MaryAnn Lamb and family

Sent from my iPhone

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**Rauh, Diane I.**

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**From:** Bill Gray <bgray@NACR.com>  
**Sent:** Monday, December 22, 2014 1:34 PM  
**To:** Rauh, Diane I.  
**Subject:** FW: Oasis comments to the council

Another one.

Bill

Bill Gray  
Design Specialist  
Phone: 515.331.3833 ext 796 6470  
Fax: 515.331.1194  
www.nacr.com

-----Original Message-----

From: Mike Moum [mailto:mike.moum@gmail.com]  
Sent: Monday, December 22, 2014 12:30 PM  
To: Bill Gray  
Subject: Oasis comments to the council

Dear Council members,

My name is Michael Moum, and I reside at 2732 Arnold Road, in Des Moines, a block north and about two and a half blocks east of the Oasis.

I got involved with the Oasis question in August, I think it was, when the neighbors in the near vicinity got notices from the Zoning Board.

There was some confusion, because there were two notices, one about a CUP, and other about a rezoning from C-1 to C-2. I took it upon myself to call Bert Drost, who was very helpful in explaining what these meant and what the process was. There was considerable opposition to both.

Without going into excruciating detail, some of us met with the Khannas to try to work out something that was acceptable to both them and the neighborhood. We were able to agree on a proposed CUP with conditions. Although it was not the ideal solution for either parties, both sides agreed that they could live with it. The CUP was approved, with conditions, at the last ZBOA meetings, with the agreed upon conditions, plus a few others added by the board. The three that were most important to the neighborhood were a security guard at night, immediate cessation of the sale of liquor, and an 11pm closing instead of 2am. The Khannas were represented by their attorney, Brandon Brown, who said that the CUP was acceptable to the Khannas.

About a week after the CUP took effect, I went into the Oasis around 9pm. I did not see a security guard either time. On the first visit, I asked the clerk at the counter where the security guard was. His English was not very good, but from the best I could make out, he said that they had stopped the security service that they were using a few days ago. I asked him whether they had a security guard at all, and he said to ask "Tony", and pointed to the parking lot. There was an Indian man sweeping the lot, so I asked him whether he was Tony and where the security guard was. He said that he was the security guard. I'd seen him when I drove into the parking lot, and he was sweeping up litter, so I didn't pay any attention to him. Tony is a bit shorter than my 5'8", probably 5'6". I guess his weight at 140 pounds. He was wearing

slacks and a sweater, and there was nothing to identify him as security. His only equipment was a bluetooth earphone in one of his ears. The Khannas might call him a security guard, but there's no way that he really was one. There were also a few others from the neighborhood who stopped in around the same time, and they didn't see an identifiable guard either. I went back to the store on the evening that the article about the Oasis came out in the Des Moines Register, and there was a real security guard on duty.

I've gone in a couple of times since then, and saw an identifiable security guard both times. That doesn't negate the fact that there was a period where there wasn't one. This is clearly a violation of the conditions of the CUP.

I can't personally speak to the question of whether there was liquor back on the shelves at some point, because I didn't witness it myself.

However, SuAnn Donovan has reported that she personally, and some of her staff, bought liquor on December 9 and 10. On at least one such instance, the receipt said "groceries". This is another violation of the CUP, even more serious than the security guard one, and the falsified receipt must be a crime of fraud, I would think.

The third violation concerns the requirement to install a wrought iron fence. The deadline for that hasn't arrived yet, but the Oasis has installed a section of chain link fence, from the northwest corner of the store, extending west to the east sidewalk on 30th street. One could argue that the CUP only technically requires a wrought iron fence around the entire property by 45 days after the CUP took effect, and doesn't actually prohibit installing a chain link fence before that time, but I think the intent of the CUP is clear, so that putting up chain link, even if temporary, is a violation of the spirit of the agreement.

By way of summary, the main concern of the neighborhood is the late night crowd that was frequenting the store. They were not from the neighborhood; some of them clearly under the influence of something or other, often alcohol; rather openly dealing drugs in the parking lot, and maybe inside the store; shooting guns into the air; and other scary activities. After they retained a security guard, the neighbors who live close to the Oasis reported a decrease in this activity, although it hadn't stopped completely. We believe that this crowd was drawn by the relative freedom to buy and sell drugs, combined with the sale of liquor, which is why the security guard and stopping liquor sales was so important.

As a personal anecdote, I was walking my dog around the block after sunset in October, I think it was, and saw a young girl, I'm guessing about 12 or so, standing on the east sidewalk of 30th, just north of the Oasis. An older man came around the corner of the store, walked up to the girl, reached into his pocket and started to hand something to her. At that very instant, he caught sight of me, put his hand back in his pocket, and took off going west across 30th. I didn't actually see what was in his hand, but it was pretty clear to me what was going on.

Therefore I respectfully ask the City Council to reject the Khannas' requests for liquor license renewals for all classes of license. I don't want that kind of business in my neighborhood. They're welcome to operate strictly as a grocery, but I don't want to see any more alcohol sales of any kind.

Thank you for your consideration,  
Michael R. Moum

--

the Moum's (Mike and Dede)

Des Moines, Iowa

Visit the Baha'i World Website at [www.bahai.org](http://www.bahai.org) Visit the United States Baha'i Website at [www.bahai.us](http://www.bahai.us)

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**Rauh, Diane I.**

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**From:** Bill Gray <bgray@NACR.com>  
**Sent:** Monday, December 22, 2014 1:35 PM  
**To:** Rauh, Diane I.  
**Subject:** FW: Oasis

More.....

Bill

Bill Gray  
Design Specialist  
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Fax: 515.331.1194  
www.nacr.com

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**From:** aussiedog [mailto:aussiedog@q.com]  
**Sent:** Monday, December 22, 2014 1:18 PM  
**To:** Bill Gray  
**Subject:** Oasis

Dear Bill

My husband and I are long term residents living across the street from the Oasis. This property has been a nuance ever since they opened. The selling of hard liquor a day the late hours created a noise problem, our windows literally vibrated from the car radios, there was large number of cars and people. Since the elimination of the hard liquor and the decreased hours and the addition of the security guard it has been better. However I don't know if and when the guard is there because I rarely see him outside.

There is no way that only 40% of there sales are from alcohol. I rarely see anyone coming out with other items.

The traffic this business creates m A key it very busy and dangerous for the children getting on and off the bases at the corner across from the oasis.

The neighborhood would be better off without this business. This isn't the type of business that should be in residential area with children.

Maryann and Ron marshall

Sent from Samsung tablet

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**Rauh, Diane I.**

---

**From:** Bill Gray <bgray@NACR.com>  
**Sent:** Monday, December 22, 2014 1:47 PM  
**To:** Rauh, Diane I.  
**Subject:** FW: Oasis at 2917 Payne

From a different point of view.

Bill

Bill Gray  
Design Specialist  
Phone: 515.331.3833 ext 796 6470  
Fax: 515.331.1194  
www.nacr.com

**From:** Lona Hansen [mailto:lona.hansen.personal@gmail.com]  
**Sent:** Monday, December 22, 2014 1:30 PM  
**To:** wsgrey@dmgov.org  
**Subject:** Oasis at 2917 Payne

Hi Bill,

You may remember me from the campaign. Until last week, I lived at 2805 30th Street #16 north of the Oasis convenience store. I lived at 2805 30th Street for 34 years and moved to an apartment without steps.

I understand the neighborhood concerns with violence in the 30th and Payne area. However, I think that the Oasis is not causing the problem. Rather, the liquor store aspect of the Oasis is a symptom of the downward spiral of the neighborhood. There are way too many tenants in the surrounding apartments who spend their days doing nothing productive and a lot of non productive activities like sitting around drinking in groups.

The last three shootings happened when the Oasis was closed. I don't know whether the Oasis can survive without selling hard liquor or pass a city audit.

What I do know is that the Oasis is a small neighborhood business that fulfills a need for neighbors who don't have access to a car. I was a frequent customer for nonalcoholic items as are other persons with disabilities nearby. Now that I have moved, I find myself frequenting the downtown convenience stores for nonalcoholic items.

The Oasis staff have monitored the property to make sure that no one hangs out there. The Oasis also has exterior security cameras which no one else in the area seems to have.

I encourage the council to work with the Oasis to let this small business continue and to work with the neighborhood to clean the violence and drugs situation up.

Sincerity,

Lona Hansen  
515.988.0523  
405 6th Avenue #512  
Des Moines, Iowa

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**Rauh, Diane I.**

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**From:** Bill Gray <bgray@NACR.com>  
**Sent:** Monday, December 22, 2014 2:00 PM  
**To:** Rauh, Diane I.  
**Subject:** FW: The Oasis

More on the Oasis.

Bill Gray  
Design Specialist  
Phone: 515.331.3833 ext 796 6470  
Fax: 515.331.1194  
www.nacr.com

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-----Original Message-----

**From:** Deirdre Moum [mailto:dedemoum@gmail.com]  
**Sent:** Monday, December 22, 2014 1:45 PM  
**To:** Bill Gray  
**Subject:** The Oasis

Dear Bill and other City Council members;

The work you, the zoning enforcement officers and the police department have put into working with the situation at and surrounding the Oasis at Payne and 30th is greatly appreciated by the local neighborhood.

Many of us knew there were issues related to this area. When our little neighborhood watch group was started in late July the initial concerns revolved around noise, littering, speeding and the use of the area as a meeting place for drug deals. Our knowledge of the extent of the drug activity, periodic violence, trespassing inside neighboring buildings and mixed messages from the owners has been learned only as the circle of affected and concerned individuals and entities, such as the Prospect Park and Beaverdale Neighborhood Associations, has widened and additional concerns have come to light.

The Oasis has made some of the changes that they have agreed to or been required to make during this period of time.

Other requirements have not been met, as you are well. The owners have said that they want the store to be an integral part of the neighborhood, but there is still a great deal of mistrust of their sincerity and motives.

We know that, regardless of the decisions made at your meeting today, these issues will not be quickly resolved. We will continue to closely watch the situation.

Many thanks for all that you do.

DeDe Moum

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**Rauh, Diane I.**

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**From:** Bill Gray <bgray@NACR.com>  
**Sent:** Monday, December 22, 2014 2:13 PM  
**To:** Rauh, Diane I.  
**Subject:** FW: Oasis in Our Neighborhood

More.

Bill Gray  
Design Specialist  
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www.nacr.com

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**From:** yak nosam [mailto:yaknosam@hotmail.com]  
**Sent:** Monday, December 22, 2014 2:05 PM  
**To:** Bill Gray  
**Subject:** Oasis in Our Neighborhood

Bill,

The last three years have been hit really hard in terms of property values, safety, and mainly the ability to just enjoy being in front of our homes most of time in part because of what the Oasis has attracted in terms of clientele and the criminal activities it feeds. Trash and shooters have littered our yards with people openly smoking blunts in their numerous trips to the Oasis. Cars would park in front of our homes and people would travel back and forth from the Oasis, drinking in their cars, nearly every day for the last two years have been exceptionally out of control as they were so brazen in their activities. Many times 4 or 5 cars in a row. I dreaded the warm weather.

We may have had drug dealers in the neighborhood but the store brought them out of their houses and across our yards when coming to and from the Oasis...several times a day as drug activities were conducted at the parking lot of the store. I have literally just drove past there and a waiting car would have a car pull in, exchange items and drive off. It was constant which makes me wonder why didn't the owners ever do anything about it. A shooting in Sept. was in the news with the 18 year old stating he was shot at the Oasis while "getting a drink" but later recanted on his story as all drug users do for fear of retaliation.

Cars speeding in and out of the lot and even shooting of weapons into the air have been seen by a neighbor on Payne Avenue. I have I asked the attorney about the possibility of children (who would walk by there on their way to Monroe elementary school) about the safety concern of children going into the store in which he replied he has seen many children enjoying themselves in there. I immediately went to the Oasis and it had numerous lit sticks of incense burning at the entrance and the only thing I saw that may attract a children's attention was the large fishbowls of colorful condoms and rolling papers on the counter.

I have been told by a neighbor they sell scales under the counter and other drug paraphernalia which of course is a federal crime....I told the owner and the attorney butted in and said I can't tell him that.

It seems only after noticing the attorney, the particular issue gets remedied for the moment. Today, they only are supposed to sell beer and wine but there continues at times to have large groups sitting in cars in the lot. Why, I don't know-- but I know from the recent arrests made there the people in the lot were never from around the close neighborhoods.

Recently, when I did go into the store to check out the change after work the worker stood in front of me and asked if he could help me while 3 others came in and purchased items. He stood with me and followed me out to my car until I left. Although I am not intimidated I am sure that was their goal.

I am hoping these type of outfits never be allowed in residential areas such as ours, people can't sell their houses and I have been told by neighbors they want to because of the Oasis.

That is my point of view.

Rita Mason  
2744 Arnold Rd.

The

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