

Date April 15, 2024

RESOLUTION SETTING 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.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.

Date April 15, 2024

2. That the meeting of the City Council at which the proposed rezoning is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on May 6, 2024, at which time the City Council will hear both those who oppose and those who favor the proposal.

3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY _____ TO ADOPT.

SECOND BY _____.

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				
MOTION CARRIED			APPROVED	
_____ Mayor				

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.

_____ City Clerk

April 5, 2024

Communication from the City Plan and Zoning Commission advising that at their April 4, 2024 meeting, the following action was taken for 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

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan.
- B) 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.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0-0 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Abby Chungath					X
Kayla Berkson	X				
Chris Draper					X
Laura Kessel					X
Todd Garner	X				
Johnny Alcivar	X				
Justyn Lewis					X
Carolyn Jenison	X				
William Page					X
Andrew Lorentzen					X
Emily Webb	X				
Katie Gillette					X
Rick Trower	X				

Approval of a request to rezone to a Limited “MX1” District 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.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the proposed rezoning in conformance with the Des Moines’ PlanDSM: Creating Our Tomorrow Plan future land use designation of Community Mixed Use.

Part B) Staff recommends approval of the request to rezone to a Limited “MX1” District 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.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant has requested the rezoning in order to remove a zoning condition which prohibits the sale of alcoholic liquor, wine and beer on the subject property. A portion of the existing building on the subject property is occupied by a gaming arcade and restaurant business. Approximately 383 square feet of the building space includes the restaurant area. Sale and service of alcohol is currently proposed in the restaurant area only and excludes the gaming arcade.

At the time the current zoning conditions were applied to the property, the adjacent property was used for a church use. Since then, church use has ceased, and the building has been re-occupied by an assembly and office use (Kingdom Living).

2. **Size of Site:** 16,175 square feet (0.37 acres).
3. **Existing Zoning (site):** Limited “MX1” Mixed Use District.
4. **Existing Land Use (site):** The subject property contains a 1-story commercial building containing approximately 4,384 square feet of space and a parking lot.

5. Adjacent Land Use and Zoning:

North - *“RX1”, Uses include Pleasant View Drive and an unoccupied 1-story warehouse building.*

South - *“P-2”; Use is Kingdom Living (assembly and office uses).*

East - *“RX1”; Uses are Southwest 9th Street, a multiple-family residential dwelling, and Park Avenue Elementary School.*

West - *“RX1”; Use is a surface parking lot for Kingdom Living.*

6. General Neighborhood/Area Land Uses: The subject property is located along the west side of the Southwest 9th Street corridor, in an area that includes a mix of commercial, educational, and religious assembly uses. The subject property is separated from a low-density residential neighborhood to the west by a parking lot.

7. Applicable Recognized Neighborhood(s): The subject property is located within the Gray’s Lake Neighborhood and within 250 feet of the Indianola Hills Neighborhood. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on March 15, 2024. Additionally, separate notifications of the hearing for this specific item were mailed on March 15, 2024 (20 days prior to the public hearing) and March 25, 2024 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. A Final Agenda was mailed to recognized neighborhoods on March 29, 2024.

The Gray’s Lake Neighborhood mailings were sent to Heidi Ogden, PO Box 36162, Des Moines, IA 50315, and the Indianola Hills Neighborhood mailings were sent to Molly Hanson, 1953 Courtland Drive, Des Moines, IA 50315.

The applicant will be available to provide a summary of the required neighborhood meeting at the hearing.

8. Relevant Zoning History: On October 3, 2019, the Plan & Zoning Commission voted 10-0 to recommend denial of request to rezone the property from “C-1” Neighborhood Retail Commercial District to “C-2” General Retail and Highway-Oriented Commercial District to allow reuse of a portion of the existing building for a game room or indoor recreational use.

On November 4, 2019, the City Council voted 7-0 to dismiss the rezoning procedure after the applicant filed a request to withdraw the rezoning in order to postpone said application for processing under the City's new Zoning Ordinance.

The City’ new Zoning Ordinance took effect on December 15, 2019, at which time the property became zoned “RX1” District. On December 17, 2019, the applicant filed a new rezoning application under the new code.

On February 1, 2020, the City Council by Roll Call No. 20-0279, voted to rezone the property from “RX1” Mixed Use District to Limited “MX1” Mixed Use District, 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.
- 2) Any sale or service of alcoholic liquor, wine, and/or beer on the Property shall be prohibited.

9. PlanDSM Land Use Plan Designation: Community Mixed Use, within a Neighborhood Node centered at the intersection of Southwest 9th Street and Park Avenue.

10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. PlanDSM Land Use Plan: The City’s comprehensive land use plan designates the property as Community Mixed Use, within a Neighborhood Node centered at the intersection of Southwest 9th Street and Park Avenue.

PlanDSM describes this as “*Small- to medium-scale mixed use development, located on high-capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customer.*”

The Zoning Ordinance describes the requested “MX1” District as “*intended for the mixed use, neighborhood-scale nodes and corridors within the city, where daily uses are accessible by walking from surrounding neighborhoods.*”

Staff recommends that the requested Limited “MX1” District be found in conformance with the Des Moines’ PlanDSM: Creating Our Tomorrow Plan future land use designation of “Community Mixed Use”. The requested rezoning to remove an existing zoning condition would allow the sale of alcoholic liquor, beer, and wine at the restaurant portion of the existing business within the subject property. The proposed use to allow alcohol sales is compatible with the existing business. It is also appropriate along this commercial corridor which is within a designated future Neighborhood Node, and is adequately buffered from residential areas.

Staff recommends retention of the existing zoning condition that limits use of the property to any use as permitted in the "RX1" District or a Sports and Recreation, Private/Participant, indoor use. This would ensure that the property cannot be a bar, fuel station, liquor store, or a retail sales use with sales of alcoholic liquor.

Conditional Use Approval: A Conditional Use Approval would be required from the Zoning Board of Adjustment to allow a use, other than a restaurant, sales of alcoholic liquor, wine, and/or beer.

SUMMARY OF DISCUSSION

Johnny Alcivar asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION

Caroline Jenison made a motion for approval of the request to rezone to a Limited "MX1" District 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.

THE VOTE 8-0-0- (Chris Draper had not yet arrived)

Respectfully submitted,

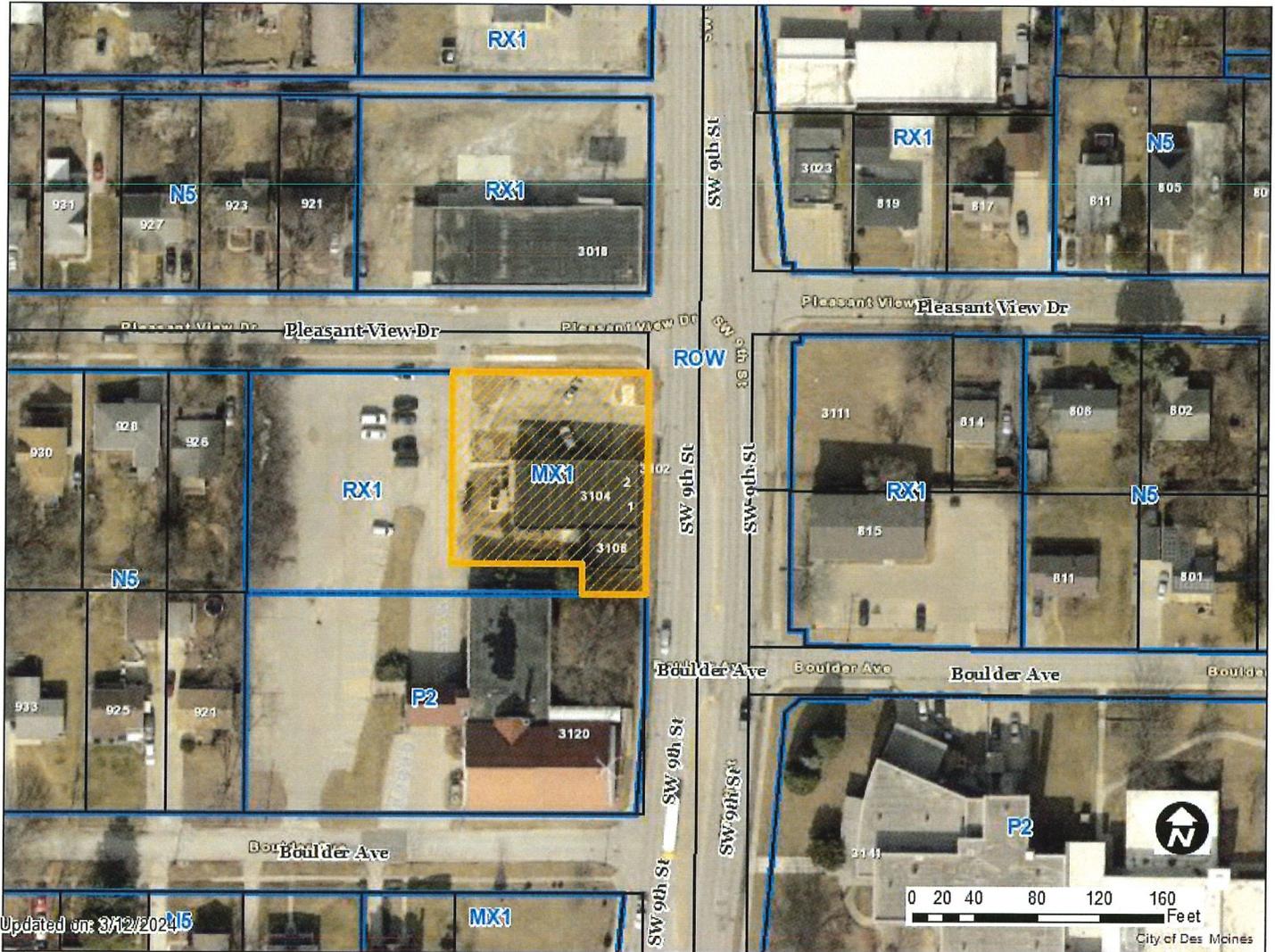


Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:mrw

LG Enterprises LLC Vicinity of 3108 SW 9th Street

ZONG-2024-000007



Updated on: 3/12/2024

1 inch = 80 feet

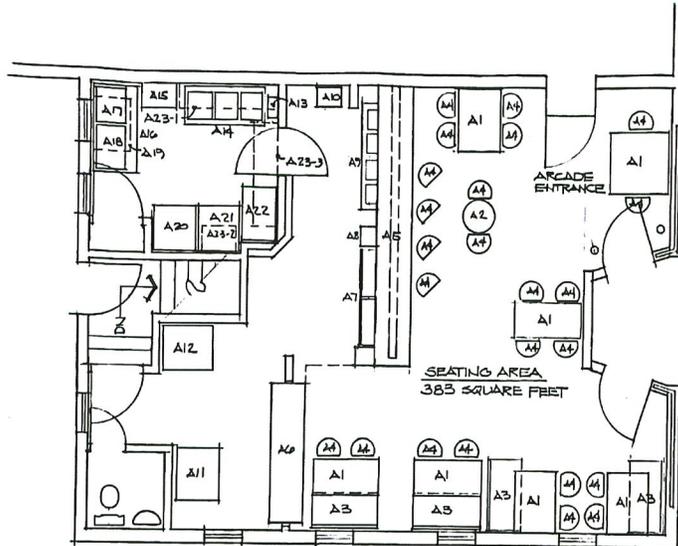




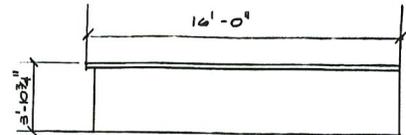


FURNITURE & EQUIPMENT SCHEDULE

- A1 TABLE
- A2 ROUND TABLE
- A3 BOOTH SEATING
- A4 CHAIRS
- A5 BAR
- A6 DISPLAY CASE
- A7 POP COOLER
- A8 ICE CHEST
- A9 FOUR COMPARTMENT BAR SINK
- A10 SINK
- A11 FOOD WARMER
- A12 ICE MACHINE
- A13 HAND SINK
- A14 THREE COMPARTMENT SINK
- A15 SHELF W/ MICROWAVE
- A16 ALUMINUM TABLE
- A17 ELECTRIC COUNTER OVEN
- A18 GRIDDLE
- A19 HOOD (ABOVE)
- A20 REFRIGERATOR
- A21 PIZZA PREP CABINET
- A22 ALUMINUM TABLE
- A23-1,2,3 METAL SHELVES (ABOVE)



FLOOR PLAN
SCALE: 1/4" = 1'-0"



BAR ELEVATION
SCALE: 1/4" = 1'-0"

GENERAL NOTE:

ALCOHOL AND FOOD WILL ONLY BE SERVED IN THE 383 SQUARE FOOT SEATING AREA.

MONSTERAMA RESTAURANT			
2108 S. 19TH ST. DES MOINES, IA 50315			
DATE	SCALE	REVISIONS	BY DATE
6-23-23	1/4" = 1'-0"		
TITLE		NO. OF SHEETS	
FLOOR PLAN		1 OF 1	



March 5, 2024

Monsterama Arcade & Pizzeria
3108 SW 9th Street
Des Moines, IA 50314

Re: Proposed Rezoning of 3104/3108 SW 9th Street

To whom it may concern,

The purpose of this letter is to request your attendance at a neighborhood meeting in regard to a proposed rezoning for 3104/108 SW 9th Street.

The purpose of this proposed rezone is to lift the restrictions of alcohol sales for Monsterama Arcade and Pizzeria. We recently achieved restaurant status and would like the opportunity to serve alcohol within our restaurant.

The meeting will be held on Tuesday, March 19th at 6:00pm at Monsterama Arcade & Pizzeria located at 3108 SW 9th Street, Des Moines, AI 50315.

We are happy to answer any questions you might have so please join us and enjoy a slice of pizza.

As always, appreciate your support,

Chris and Michele Pruisner
Monsterama Arcade and Pizzeria

SIGN-UP SHEET

DATE: Monday, April 11, 2011

BY: Mark Pugh

NO.	NAME	PHONE NUMBER	EMAIL ADDRESS
1	Paul Pugh	502-235-5677	p.pugh@msu.edu
2	Paul Pugh		
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

From: [Michele Pruisner](#)
To: [Dostart, Katherine E.](#)
Cc: [Chakraborty, Sreyoshi](#)
Subject: Re: 3104/3108 SW 9th - Pre-Application Meeting
Date: Tuesday, March 19, 2024 8:17:14 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening

We had our neighborhood meeting this evening. Everything went great. We had 3 people show up, they had no concerns. It sounds like we have full support.

What are the next steps?

Thanks!!
Michele

On Feb 29, 2024, at 2:44 PM, Michele <pruisners@gmail.com> wrote:

I also got the deed and uploaded that to the site.

Thanks!!

Sent from my iPhone

On Feb 29, 2024, at 2:36 PM, Dostart, Katherine E. <kedostart@dmgov.org> wrote:

This essentially matches what was on the previous resolution (Ord. 15,864) as well. One small typo in the Description you provided below "...not included..." should be "...now included...".

Please let us know if you have any questions or comments,
Katherine.

KATHERINE DRAHOS | CITY OF DES MOINES
o: 515.283.4964 | m: 515.210.4811

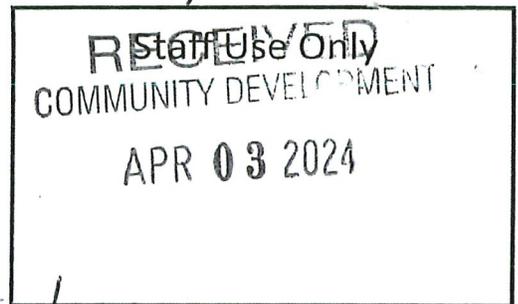
The City of Des Moines has launched a new online platform to make the Zoning and Planning and Design Ordinances (Chapter 134 and Chapter 135) more accessible. Users will also find direct access to multiple GIS maps, a signage calculator, and a tool that generates Regulations by District reports. The new platform is available online at <https://online.encodeplus.com/regs/desmoines-ia/index.aspx>.

Item: ZONG-2024-000007

Date: 4/1/2024

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request



Titleholder Signature: Debra Van Horne

Name/Business: Debra Van Horne

Impacted Address: 906 Pleasantview Dr.
DSM, IA 50315

Comments: We are in support of the request as we have been assured that the hours will not change and there is no indication that the arcade will be sold.

Item: ZONG-2024-000007

Date: _____

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
APR 03 2024

Titleholder Signature: Ronald L. Reynolds

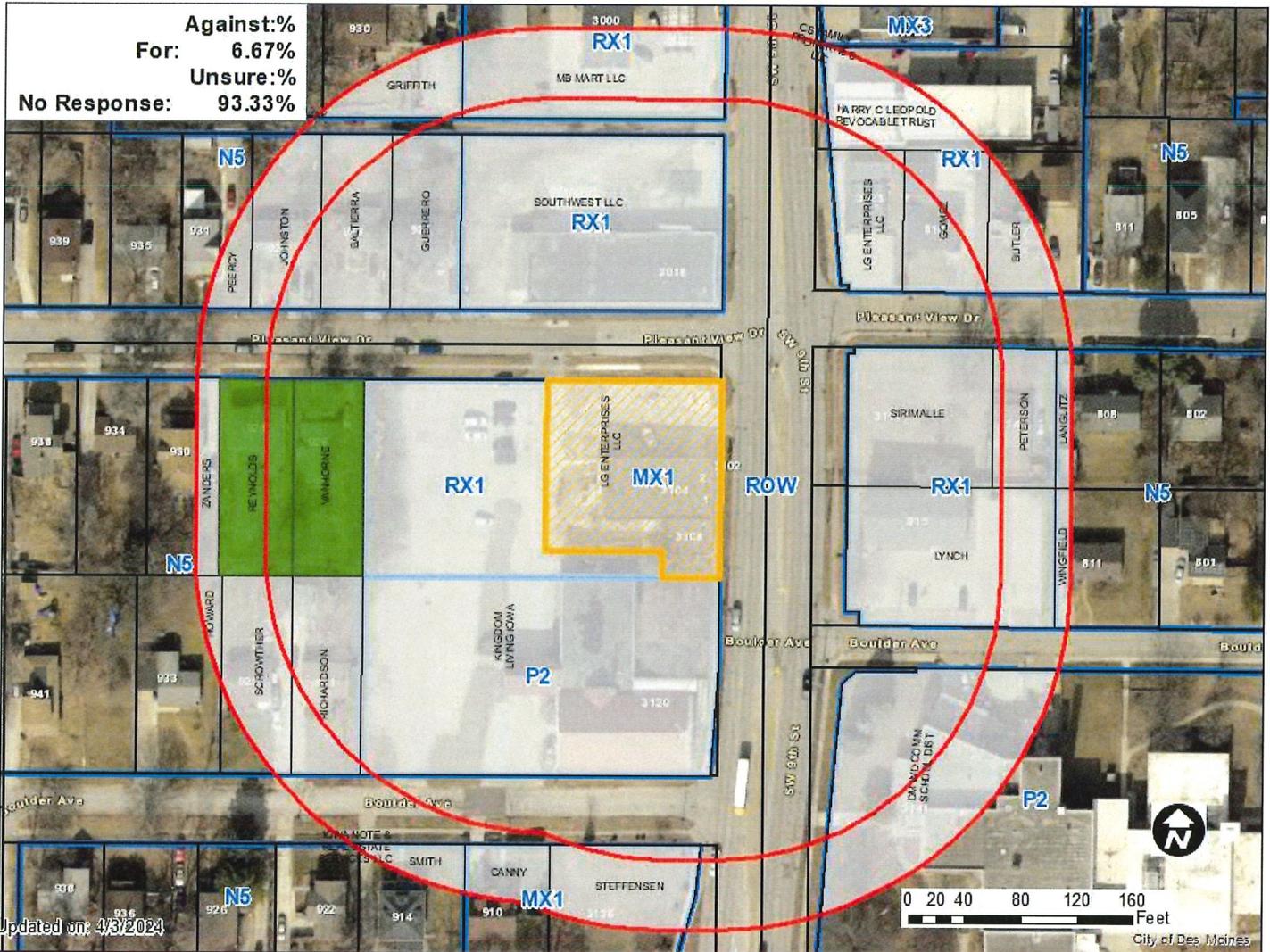
Name/Business: RONALD L. Reynolds

Impacted Address: 928 Pleasantview

Comments: _____

LG Enterprises LLC Vicinity of 3108 SW 9th Street

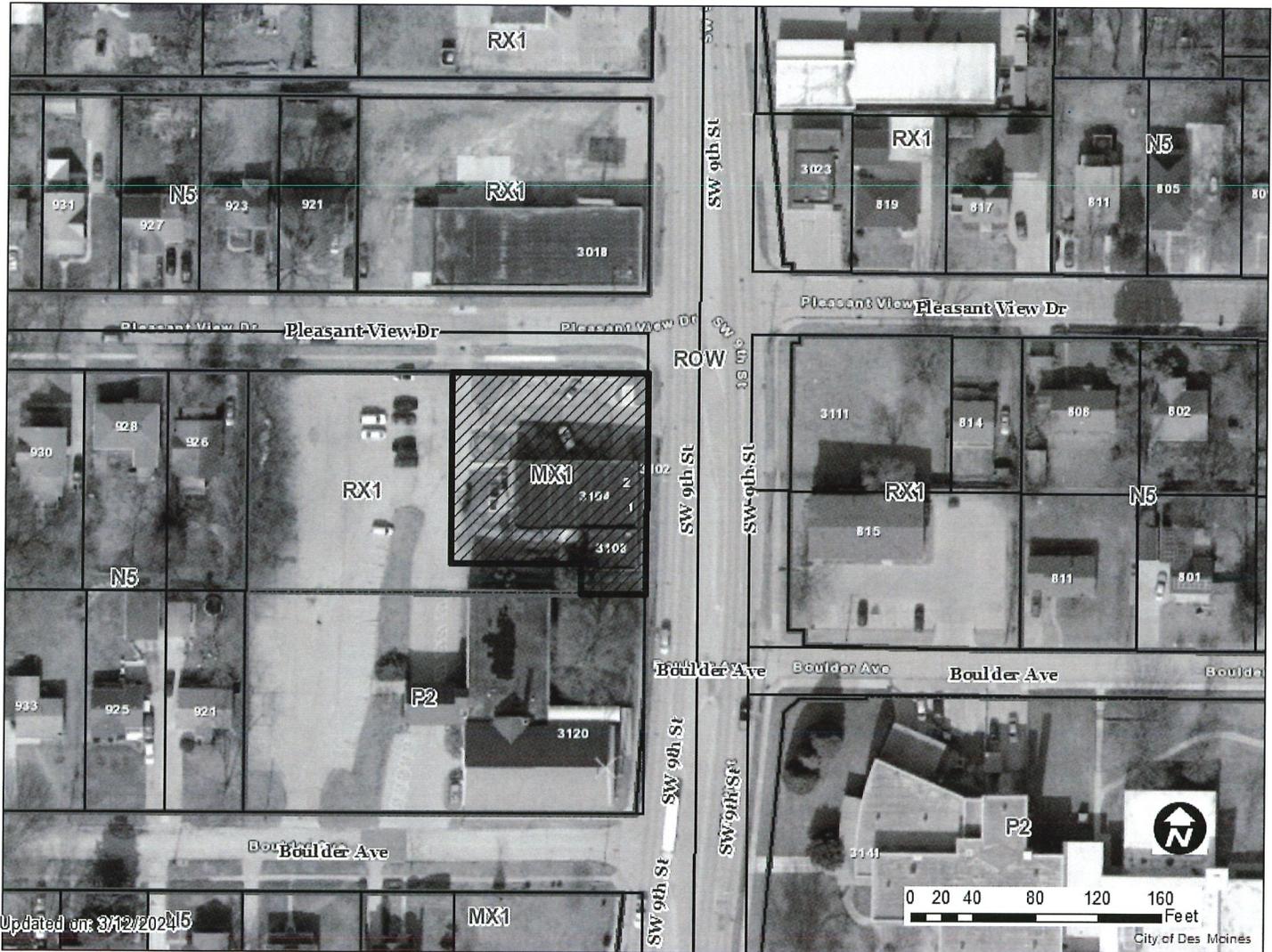
ZONG-2024-000007



1 inch = 90 feet

LG Enterprises LLC Vicinity of 3108 SW 9th Street

ZONG-2024-000007



Updated on: 3/12/2024

1 inch = 80 feet