

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 Puisner (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 Puisner (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.

★ Roll Call Number
24-0580

Agenda Item Number
25

Date April 15, 2024

- 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.
- 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 *Gatto* 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			

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.

MOTION CARRIED

APPROVED

Connie Boesen Mayor

Laura Baumgartner City Clerk