

MEMO

Legal Department

To: Mayor Haila, Ames City Council

From: Jane Chang, Assistant City Attorney

Date: September 5, 2024

Subject: Liquor Licenses for premises in residential areas

On August 27, 2024, City Council approved a 5-day liquor license for premises located at 2015 Cessna Street in Ames. During the discussion regarding the liquor license applications, questions were raised regarding the premises being in a residential area as well as the timing of the application.

The statutes regulating alcoholic beverages do not separate out premises by zoning uses. Therefore, there is nothing specific in the Iowa Code that prohibits the granting of a liquor license in a residential area. Iowa Code section 123.3(29) simply states that:

“Licensed premises” or “premises” means all rooms, enclosures, contiguous areas, or places susceptible of precise description satisfactory to the director where alcoholic beverages, wine, or beer is sold or consumed under authority of a retail alcohol license, wine permit, or beer permit. A single licensed premises may consist of multiple rooms, enclosures, areas, or places if they are wholly within the confines of a single building or contiguous grounds.

Thus, Des Moines passed ordinances that restrict the sales of alcoholic beverages to certain districts in the city. See Des Moines Municipal Code [section 134-3.9.9](#) and Tables [134-3.1-1](#) and [134-3.9-1](#). It appears that Des Moines allows Other Uses with Alcoholic Liquor, Wine, and Beer sales in all districts, though the table states that it requires conditional use approval and that supplemental use regulations apply. If city council is interested in limiting where licensed premises are in Ames, like Des Moines, it will need to do so through zoning regulations.

Prospective licensees submit their applications through the state's website. When the application is complete enough for review by the local authority, notice is sent to the city that the application is ready for review by the local authority. Once liquor license applications are sent for local authority review, the process is the same regardless of the location or zoning of the premises. Regarding the timing of this application, the City generally requires that documentation be complete by the Wednesday before a regular council meeting for the application to be considered for approval or denial at the next regular meeting. Apres Bar Co.'s application for the 5-day liquor license for 2015 Cessna Street was submitted for local review on August 9, 2024. As that was the Friday before the next regular council meeting, the item was placed on the agenda for the August 27th meeting instead.

This was not the first time Apres Bar Co. had been approved for a 5-day liquor license for a premises in a residential zone. On July 18, 2023, the City Council approved a 5-day liquor license for 2015 Cessna Street. See Attachment A. In addition, the Deputy City Clerk who handles liquor license applications believes that City Council has approved other 5-day liquor licenses in residential areas in the last few years. In both years, the 5-day liquor license for 2015 Cessna Street was for a fundraising event for the [We Will Collective](#), Iowa State University's NIL collective for ISU student-athletes. In general, a person could have a party at their home and provide alcohol to invited guests, and a liquor license would not be required. As the event was a fundraiser and homeowner hired a vendor to provide the alcohol, a liquor license was required, along with required dramshop insurance.

AMENDED
AGENDA
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS – CITY HALL
JULY 18, 2023

NOTICE TO THE PUBLIC: The Mayor and City Council welcome comments from the public during discussion. If you wish to speak, please complete an orange card and hand it to the City Clerk. When your name is called, please step to the microphone, state your name for the record, and limit the time used to present your remarks in order that others may be given the opportunity to speak. The normal process on any particular agenda item is that the motion is placed on the floor, input is received from the audience, the Council is given an opportunity to comment on the issue or respond to the audience concerns, and the vote is taken. On ordinances, there is time provided for public input at the time of the first reading.

AMES AREA METROPOLITAN PLANNING ORGANIZATION
(AAMPO) TRANSPORTATION POLICY COMMITTEE MEETING

CALL TO ORDER: 6:00 p.m.

1. Presentation of Findings of 190th Street Corridor Study
2. Presentation of Findings of S. Duff Avenue Interchange and Corridor Study

COMMITTEE COMMENTS:

ADJOURNMENT:

REGULAR CITY COUNCIL MEETING**

**The Regular City Council Meeting will immediately follow the meeting of the Ames Area Metropolitan Planning Organization Transportation Policy Committee.

CONSENT AGENDA: All items listed under the Consent Agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time the Council members vote on the motion.

1. Motion approving payment of claims
2. Motion approving new 5-Day (September 3 – September 7, 2023) Class C Retail Alcohol License with Outdoor Service – Apres Bar Co., 2015 Cessna Street
3. Motion approving the renewal of the following Beer Permits, Wine Permits and Liquor Licenses:
 - a. Class C Liquor License with Catering Privilege and Outdoor Service – Cyclone Experience Network, 1800 S 4th Street, Pending Dramshop Status
 - b. Class C Liquor License – Hy-Vee Market Grille, 640 Lincoln Way
 - c. Class E Liquor License – Fareway Meat Market #189, 3720 Lincoln Way



State of Iowa

Alcoholic Beverages Division

Item No. 2

Applicant

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS		
APRES BAR CO LLC	Apres Bar Co	(515) 789-0044		
ADDRESS OF PREMISES	PREMISES SUITE/APT NUMBER	CITY	COUNTY	ZIP
2015 Cessna Street		Ames	Story	50014
MAILING ADDRESS	CITY	STATE	ZIP	
3610 Holcomb AvenueBeaverdale	Des Moines	Iowa	50310	

Contact Person

NAME	PHONE	EMAIL
Jillian Harrington	(515) 422-4224	admin@apresbarco.com

License Information

LICENSE NUMBER	LICENSE/PERMIT TYPE	TERM	STATUS
	Class C Retail Alcohol License	5 Day	Submitted to Local Authority

EFFECTIVE DATE	EXPIRATION DATE	LAST DAY OF BUSINESS
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SUB-PERMITS

Class C Retail Alcohol License

PRIVILEGES

Outdoor Service



State of Iowa

Alcoholic Beverages Division

Status of Business

BUSINESS TYPE

Limited Liability Company

Ownership

• Individual Owners

NAME	CITY	STATE	ZIP	POSITION	% OF OWNERSHIP	U.S. CITIZEN
Jillian Harrington	Des Moines	Iowa	50310	Owner	100.00	Yes

Insurance Company Information

INSURANCE COMPANY

Illinois Casualty Co

POLICY EFFECTIVE DATE

Sep 3, 2023

POLICY EXPIRATION DATE

Sep 8, 2023

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE
DATE

OUTDOOR SERVICE EXPIRATION
DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE
DATE

TEMP TRANSFER EXPIRATION
DATE