



Council Communication

Office of the City Manager

Date

June 18, 2007

Agenda Item No. 60

Roll Call No. 07-

Communication No. 07-385

Submitted by: **Richard A. Clark, City Manager**

AGENDA HEADING:

Amending Chapter 10 of the Municipal Code Regarding Required Separation of Establishments Selling Liquor, Wine, or Beer in the Downtown Area.

SYNOPSIS:

Approval of first reading of the ordinance. The proposed amendment removes the separation requirement between establishments selling liquor, wine, or beer and any church, school, public park, or licensed childcare center. This amendment only removes the separation requirement in the downtown zoning districts C-3, C-3A, C-3B, C-3R and D-R.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The template of downtown development patterns has changed as Des Moines pursues its goal of fostering a Vibrant Downtown Area. Uses that were traditionally confined to distinct office, housing, or entertainment districts are now commingling on the same streets and even the same buildings. This ordinance change was specifically prompted by the developer of the Davis Brown Tower (Paul Rottenberg, Orchestrate Management, 1000 Walnut Street, Ste. 1107, Des Moines, Iowa 50309), who would like to pursue a street-level tenant serving alcohol at the SE corner of 10th and Walnut Streets. The property at the NE corner of 10th and Walnut Streets houses the public Walnut Street School.

This ordinance change (see roll call) is limited only to downtown zoning districts. The separation requirements will remain in place for the balance of the city.

PREVIOUS COUNCIL ACTION(S):

Date: May 5, 2005

Roll Call Number: 05-1093 and 05-1094

Action: Amending Chapter 10 of the Municipal Code regarding Temporary Liquor Licenses for Special Events. (Council Communication No. 05-232)

(A) First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.

(B) Final consideration of ordinance above, (waiver requested by Council Member Brooks), requires 6 votes. Moved by Hensley that the rule requiring that an ordinance must be considered

and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,440. Motion Carried 6-1.

Date: October 20, 2003

Roll Call Number: 03-2425 and 03-2426

Action: Amending Chapter 10 of the Municipal Code regarding civil penalties for liquor licensed establishments, and adding new classification for Native Wine permits. (Council Communication No. 03-517). Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

(A) Final consideration of ordinance above, (waiver requested by City Clerk and Legal Department), requires 6 votes. Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,287. Motion Carried 7-0.

Date: August 25, 2003

Roll Call Number: 03-1998 and 03-1999

Action: Amending Chapter 10 of the Municipal Code regarding penalties, fees, refunds and transfers of liquor licenses and permits. Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: McPherson.

(A) Final consideration of ordinance above. Moved by Brooks that this ordinance do now pass, #14,269. Motion Carried 6-1. Nays: McPherson.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Second and third readings of ordinance.