🖈 Roll Call Number

Agenda Item Number 0

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Date June 18, 2007

Be it resolved by the City Council of the City of Des Moines, Iowa.

That the following application is hereby submitted for consideration to the Iowa Alcoholic Beverages Division of the Iowa Department of Commerce:

Vertigo Rock Bar, 3701 Ingersoll Avenue, Class C Liquor License. Recommendation from Zoning to deny.

Zoning failed license for a restaurant due to failure to have food sales of more than 50% of total receipts. Not zoned for use as a bar. Use permitted for a restaurant pursuant to Section 134-912 as provided in Section 134-842 of the Municipal Code of the City of Des Moines for a restaurant.

Moved by

to deny the license; due to noncompliance with the zoning requirements of the Des Moines Municipal Code of Section 134-912 as provided in Section 134-842 and the Rules and Regulations thereof. The building inspection has not been completed, and FORM APPROVED: would be required if this license is approved.

Douglas P. Philiph Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE
COWNIE			·		
COLEMAN					I, DIANE RAUH, City Clerk of said City her certify that at a meeting of the City Council said City of Des Moines, held on the above d
HENSLEY	:				
KIERNAN					among other proceedings the above was adopte
MAHAFFEY					
MEYER					IN WITNESS WHEREOF, I have hereunto set
VLASSIS					 hand and affixed my seal the day and year above written.
TOTAL					
MOTION CARRIED		1	A	PPROVED	

Mayor

June 15, 2007

CITY OF DES MOINES, IOWA Office of Legal – Community Development Department

DATE:

TO: Mayor and Council Larry Hulse Director, Community Development

FROM: SuAnn Donovan SUBJECT: Item Number 6 Deputy Zoning Enforcement Officer June 18, 2007 Council meeting

6. Consideration of Class C Liquor License renewal for Vertigo Rock Bar, 3701 Ingersoll Avenue. Recommendation from Zoning to deny.

3701 Ingersoll is located in a NPC zoning district. The owners were issued a liquor license as a restaurant in April of 2006. A restaurant is a permitted use in an NPC zone as provided for by provisions outlined Section 134-954 of the Municipal Code of the City of Des Moines. To hold a liquor license as a restaurant the business must do at least half of its gross income in food and food related services. On April 23, 2007 Vice/Narcotics Control Section of the Des Moines Police Department conducted an audit of the Vertigo Rock Bar receipts. The receipts show less then 30 percent of the income being generated from food, soda and coffee sales. A copy of the records provided by the Police Department is attached. Zoning is recommending denial of the license.

The operation of this business appears to be a tavern or nightclub. This would be a permitted use in this zoning district if the business would obtain a conditional use permit from the board of adjustment.

Cc: Bruce Bergman, Roger Brown, Phil Delafield and Steve Gunson

Entered 6/2/07



FACSIMILE COVER SHEET

Six Anna

TO: COMPANY: PHONE: FAX:

FROM: COMPANY: PHONE: FAX: DATE: PAGES (including cover):

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RAHN Brodused	
Vice/Narcotics Control Section	
515-283-4883	
515-237-1702	
5-31-07	
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COMMENTS:

If there are any problems with this transmission, please call Des Moines Police Vice/Narcotics Control Section at (515) 283-4883 Immediately.

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