

Date..... November 22, 2010

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 4, 2010, its members voted in support of a motion to recommend **APPROVAL** of a Zoning Text Amendment including amendments to Municipal Code Chapter 134 regarding applicability of Conditional Use Permit requirements for businesses selling liquor, wine and beer; and

WHEREAS, on November 8, 2010 by Roll Call No. 10-1838, it was duly resolved by the City Council that the proposed Zoning Text and other amendments to the Municipal Code be set down for hearing in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on November 22, 2010, at which time the City Council will hear both those who oppose and those who favor the proposal; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on November 15, 2010, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and

WHEREAS, the Legal Department has prepared Text Amendments including amendments to the Municipal Code Chapter 134 regarding applicability of Conditional Use Permit requirements for businesses selling liquor, wine or beer; and

WHEREAS, in accordance with the notice those interested in the proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. That upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed Text Amendments, including amendments to the Municipal Code Chapters 134 are hereby overruled, the hearing is closed and the Text Amendments are hereby APPROVED.

(Council Communication No. 10-699 )

★ Roll Call Number

Agenda Item Number


41

Date November 22, 2010

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MOVED by \_\_\_\_\_ to adopt and approve the Text Amendments to the Municipal Code, subject to final passage of the ordinance.

FORM APPROVED:

  
 \_\_\_\_\_  
 Michael F. Kelley  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, DIANE RAUH, 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.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk

Date November 22, 2010

Agenda Item 41

Roll Call # \_\_\_\_\_

November 10, 2010

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held November 4, 2010, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 6-4-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus			X	
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley		X		
Dann Flaherty				X
John "Jack" Hilmes	X			
Joel Huston	X			
Ted Irvine	X			
Greg Jones				X
Jim Martin		X		
Brian Millard				X
William Page	X			
Mike Simonson		X		
Kent Sovern		X		

**APPROVAL** of the proposed text amendment to the zoning ordinance.  
(10-2010-5.05)

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the proposed text amendment to the zoning ordinance.

**STAFF REPORT**

**I. GENERAL INFORMATION**

Chapter 134 of the City Code currently requires a business to obtain a conditional use permit from the Board of Adjustment to sell liquor, wine or beer unless: 1) the business operates as a grocery store or pharmacy at least half of whose gross income is derived from the sale of merchandise other than liquor, wine or beer; or 2) a restaurant, at least half of whose gross income is derived from the sale of prepared food, and food related services.



CITY PLAN AND ZONING COMMISSION  
ARMORY BUILDING  
602 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309 -1881  
(515) 283-4182

ALL-AMERICA CITY  
1949, 1976, 1981  
2003

Several "convenience stores without fuel sales" have established operations in Des Moines. They have claimed that they are "grocery stores" who derive less than 50% of their revenue derived from the sale of liquor, wine and beer. A significant portion of the remaining income generated by these grocery stores is derived from the sale of tobacco products. Some of the grocery stores have minimal products or inventory for sale other than alcohol and tobacco.

The attached text amendment would modify the exemption for grocery stores and pharmacies to require that at least 60% of gross revenue be derived from the sale of merchandise other than liquor, wine, or beer and tobacco products. The ordinance also allows the City to require the submittal of financial reports necessary to validate compliance with provisions for the exemption of grocery stores, pharmacies and restaurants.

Preliminary research by staff has indicated that traditional grocery stores (i.e. Dahl's, Hy-Vee, etc.) will not likely be impacted by the proposed change. In addition, convenience stores with fuel sales will not likely be impacted by the proposed change. The remedy for any grocery store or pharmacy that does not comply with the terms of the exemption is to apply for a conditional use permit from the Zoning Board of Adjustment. No amendments are proposed to the existing exemption for restaurants.

## **II. ADDITIONAL APPLICABLE INFORMATION**

On September 13, 2010 the Des Moines City Council approved a motion directing the Legal Department to prepare an ordinance amendment regarding the applicability of Conditional Use Permit requirements for businesses selling liquor wine or beer. The City Council received and filed a report from the Plan and Zoning Commission regarding this issue on October 11, 2010 and directed the Plan and Zoning Commission to hold a public hearing on November 4, 2010. It is anticipated that on November 8, 2010 the City Council will set a date of public hearing for the November 22, 2010 regarding the proposed ordinance.

### **SUMMARY OF DISCUSSION**

Mike Ludwig presented the staff report and recommendation.

Brian Millard asked if the 60% sales revenue from non-alcohol or tobacco products applies to all businesses or just the new businesses.

Mike Ludwig stated the change would apply to new business. However, it would apply to the renewal of existing licenses. It could impact some existing businesses that have licenses currently. The remedy if they can not comply with the 60% requirement when renewing their license would be to go to the Board of Adjustment and request a conditional use permit as a liquor store because they would not qualify as a grocery store, pharmacy, or restaurant.

Jacqueline Easley asked when a restaurant is being considered is that also someone who is in the business of catering (i.e. Festival and State Fair) people who sell liquor as a result of their catering business.

Mike Ludwig stated there are a lot of permutations in what was described. The State Fairground is State property. Therefore, technically the sales on the property are somewhat exempt from the City Zoning Ordinance. In general, a vendor applies for a liquor license for an annual basis or event basis. At the time they come in for their renewal, this ordinance would require a sign off by the zoning enforcement officer that they comply with the ordinance. They would either have to submit a certification that they meet that 60% threshold requirement or they would have to demonstrate that they have a conditional use permit from the Board of Adjustment for a liquor store before they can be reissued that license.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

*The following spoke in favor of the ordinance:*

Bill Cappuccio 1084 24<sup>th</sup> Street stated that he is pleased that the City is considering this ordinance. However, smaller stores with liquor licenses would very likely dedicate a disproportionate amount of their available shelf and cooler space to alcohol products. Under the current proposal, it may be difficult to determine what percent of a new licensee's sales will be alcohol and tobacco related until after an audit is submitted, and probably would not happen until it has been open for some time. He would like to suggest the following additional amendment that to require such businesses with less than 3000 square feet of floor space to request a conditional use permit from the Board of Adjustment.

Kent Sovern noted that before they could operate legally in the City of Des Moines, they would have to prove something that they don't have the sales to prove.

Bill Cappuccio stated yes but the City of Des Moines would not be the only community that does this. The City of West Des Moines defines anything that is less than 5000 square feet to be a convenience store and is required to get a conditional use.

Monica Wilke-Brown 1069 27<sup>th</sup> Street, stated she has been working with the Drake Neighborhood Association as a resident, and raises a family in the community. In her professional status she has spent the last nine years working in substance abuse prevention and currently is the Director of Community Services at Employee and Family Resources, which is on the corner of MLK & Clark. Her concerns are the number of alcohol retailers and the ease in which they can get a liquor license. Therefore, she thinks the changes are excellent because they reinforce the point and the spirit of the rules. If someone is a liquor store they should have to get a liquor store license and use that conditional use permit. If they are a true grocery store or pharmacy or restaurant they should be able to get the exemption, but a lot of these stores are not any of the three.

Natalie Schneiders 2419 Cottage Grove, member and employee of CCI located at the corner of MLK & Forest about a block and a half from Forest Mart which is an establishment that would be effected by this ordinance. She has witnessed the crowds that hang out in front of Forest Mart during the day and night and the neighborhood

residents say they are not neighborhood residents and they are coming from other parts of the City. She encourages the Commission to move forward with this amendment.

*Brian Millard left the meeting*

Frank Affannato 1128 22<sup>nd</sup> Street stated he thinks that the ordinance is good and he strongly supports that it be passed. However, he thinks a condition stating that prior to the renewal of a liquor license for these grocery stores, there be an audit by a CPA to see if they are meeting their requirements of a minimum amount of purchases that are non liquor items.

Robin Ghormley 1427 21<sup>st</sup> Street stated when Forest Mart was being defended at a previous meeting. The Council told that it is the culture of the neighborhood to hang out on the corner. It is not her culture to hang out on the corner. There have been fires set on the neighbor's sidewalks on 21<sup>st</sup> Street, the police have been called and alleged that neighbors have been told unless the owner of the property calls, they really don't want to respond. On any given night she can get up in the middle of the night and see from three to forty people hanging out on the corner of 21<sup>st</sup> and Forest. There is no respect for properties in the neighborhood; there is littering and because Forest Mart provides no parking, there is illegal parking in front of the store impeding rush hour traffic and people who live on 21<sup>st</sup> cannot find a parking space because it is used up by the patrons that go to Forest Mart. Liquor stores that are masquerading as convenience stores are a nuisance and a danger to the neighbors. She asks that the Commission do anything that they can to make it more difficult for these businesses to operate.

Hugh Espey, Executive Director of CCI which is located 2001- 2005 Forest Avenue stated that there is a density issue in the neighborhood and the density issue is they are saturated with a lot of places in the neighborhood that sell alcohol. Therefore, they do not need anymore and the stores that are there need to be well managed and well maintained and respect the neighborhood and neighbors. He supports the ordinance change.

*The following spoke in opposition of the request.*

Valerie Kramer, Attorney representing University Groceries and Forest Market, 1163 24<sup>th</sup> Street stated there are a number of grocery stores in the area, the Kum and Go, the Quik Trip, the Hy-Vee. This ordinance is only targeted towards the convenience stores, the smaller stores, who are using their liquor sales to cover the high cost of operating a grocery store. She believes that the purpose of the ordinance is to eliminate small stores. Then the people will have the Hy-Vee, Dahls, and all the big companies that the City of Des Moines wants. The smaller stores have invested in coolers, they have employees, they have bought real estate, and this proposed ordinance is very damaging to them. Once the smaller convenience stores are taken out, people in the neighborhood will have to find a mode of transportation to get to the bigger stores versus walking to the smaller convenience stores. She fears that just like the cab ordinance, it is designed to keep the bigger cab companies in business and to exclude the smaller cab companies. She thinks the City needs to work with these businesses to create a safer neighborhood and successful neighborhoods have community involvement, which is everybody in the community and not just a handful of people. People have to get together and not point the blame.

Jacqueline Easley agrees with the statement about community involvement and asked if Ms. Kramer or her clients have attended neighborhood meetings to discuss ways to make the neighborhood successful.

Valerie Kramer stated that no one has invited her or any of her clients to come to any community meetings. They invited University Groceries and they told them what they had to do, it was not community involvement. They were ordering them to get rid of some videos that were not "tasteful", so they took them out of there.

Sam Negra 2127 Martin Luther King, owner of four convenience stores stated that he has been a business owner since 2003 and has never had any problems. There are two businesses that have a problem, why is the City trying to close all of the convenience stores. His stores are kept clean in and around them and he does not think the 60% requirement is fair. They do not sell just beer and liquor people come in his stores to buy groceries. They do sale 50% of groceries and do not think it is fair to go to 60%.

Jacqueline Easley asked if all his convenience stores are located in Des Moines.

Sam Negra stated yes, they are.

John Trunkle 102 NE Grand Street, Ankeny works for a wholesale company that supplies Sam Negra with all of his goods in the store. Someone like Sam makes a big investment into his business based off the criteria that Polk County and the State of Iowa has set in the past and he does not think it is fair to Sam that midway through the game the rules are changed. He could stand to lose a lot of money. Sales have gone up on groceries and there is a risk from the number groceries he put in his stores because if his clientele does not buy those groceries, he is stuck with them. He is much more than a liquor store, he has talked about opening delis in his convenience stores to help increase his business. If he goes out of business and the building is empty, what will happen with crime, littering, and loitering?

James Swacker 904 E. 29<sup>th</sup> Street, representing the Last Stop Beverage and his concern is not being grandfathered in and not having a conditional use permit. He has been there for 22 years and he did not need it when he got there. For those who run a good business why are they not grandfathered in after that long time, why do they need a conditional use permit? He does not claim to be anything other than a liquor store and cigarette outlet. What impact will this proposed ordinance have on his business?

Mike Ludwig stated that under the proposed ordinance when he came to renew his liquor license he would either have to demonstrate that he has a conditional use permit for a liquor store, or would have to go to the Board of Adjustment to obtain that conditional use permit before he could renew his license through the Clerk's office.

James Swacker asked what would happen if his license is not approved after 22 years with no problems.

Mike Ludwig stated that would be up to the Board of Adjustment to grant the conditional use permit, but if the applicant demonstrates he has not had any issues and has been in business for 22 years he would think that those would be good track records to demonstrate to the Board of Adjustment.

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Julie Alexander 1000 14<sup>th</sup> Street, Altoona, Iowa, she works for Tobacco Outlet Plus stated they are responsible and very involved with the community. Their stores are age restricted, children are not allowed in the stores, the areas are well lit and well maintained. During the flood the store she works in was involved with numerous charitable activities for the community and all these stores are not bad stores. She thinks that many are being punished for the mistakes of the few.

Abdul Jalali, owner of Forest Market 2105 1<sup>st</sup> Avenue stated he has called the police to have people leave and not stand around his business, but they come back once the police leave and he has talked to a lawyer. What can he do? He came here to make a better life. He works everyday and is doing the best he can. He does sell more groceries than liquor in his store and it was not their intention to disturb the neighborhood with noise, litter, or loiter. To sell 60% groceries will be a little hard for him.

Kittie Peacock 2552 Des Moines Street manages a cigarette outlet on E. University Avenue. She stated that she has worked for the owners for 10 years and they have recently spent a tremendous amount of money expanding, improving and going into a building that sat empty for a long time. They provide jobs for the neighborhood, they pick up their lot and are part of the neighborhood fiber and they do not have a lot of trouble.

Don McMatthew 4538 Lower Beaver Road stated that all stores do not have violent issues. It should be based on how many police calls are sent to each store. Why should everyone be penalized over one store? It should have the same rules as bars as it relates to the number of police calls.

Mariane Hoague 3136 6<sup>th</sup> Avenue, manager for the Tobacco Outlet Plus' stated they are restricted stores. They do not allow children and question what kind of guidelines are going to be used to define a nuisance? How many offenses? What type of offenses? They have not been given any idea of what is being asked of them. There should be some type of exemption if their store does not let children in.

Kent Sovern mentioned that the conditions for a nuisance are not changed by the proposed ordinance. It only changes the standard of what requires a conditional use permit.

Mike Ludwig offered to go through the criteria that are currently in the code for businesses selling liquor, wine and beer that are subject to conditional use.

Kent Sovern suggested that Mike Ludwig wait until after the last person speaks.

Richard Alexander 7504 SW 17<sup>th</sup> Street, property on 1419 23<sup>rd</sup> stated he has never seen any problems at the grocery store on the corner and he thinks there needs to be a store there and the store owner is trying.

Jerry Braatz 640 SE Prairie Park Lane, Waukee, IA, works for Dial Distributing and he is here to testify to the group of people, who are all his customers and dear friends who are very hard working. Mr. Sam Negra purchased the old Quick Shop on MLK and Hickman. It was deserted, it was beat up, and all kinds of people standing outside of it. There was a transformation once Mr. Negra purchased it. His Tobacco Outlets are very well run, age restricted, clean, and professional. Please don't put too many limitations and constraints on those that are doing a good job because of the ones that are not.



## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Mike Ludwig stated he could outline some of the provisions of the ordinance, including the criteria for review of conditional use permit as well as, to address the question about whether or not an audit by a CPA would be required. Under the proposed ordinance Section 134-954; subparagraph 2 it states that a business that declares a use as a grocery store, pharmacy, or restaurant shall be required to submit, upon demand from the zoning enforcement officer, an audit prepared and verified by a certified public accountant stating the percentage of gross revenue of the business derived from sales of liquor, wine, beer, tobacco products, other merchandise and food related services. The criteria for a conditional use permit have not changed. They are existing conditions or existing terms for conditional use permits that bars and taverns have to comply with as well as, liquor stores: 1) The proposed location, design, construction and operation of the use adequately safeguard's the health, safety, and general welfare of persons residing in the adjoining or surrounding residential area; 2) The business is sufficiently separated from the adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses; 3) The business will not unduly increase congestion on the streets in the adjoining residential area; and the operation of the business will not constitute a nuisance.

When a conditional use is granted by the board, there are some special conditions that can be required by the board to ensure that the criteria are satisfied: 1) Parking areas provided for the use of customers of the business shall be illuminated at an intensity of one foot candle of light on the surface of the parking lot at all times; 2) the business shall comply with the existing code regarding noise control, (there are noise decibels limits for various hours of the day); 3) no sale of alcohol beverages shall be made from a drive-through window (he knows that one of the citizens that spoke tonight has the only business in Des Moines that actually has a drive through window for alcohol sale); 4) Litter and trash receptacles be located on the property in convenient location, the operators will remove all trash and debris from the premises and adjoining public areas on a daily basis; and 5) the conditional use permit is subject to amendment or revocation if the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions set forth. It would not just be an administrative decision to revoke a conditional use permit; it would be a public hearing if the zoning enforcement officer determines at any time that the operation of such business is exhibiting a pattern as a nuisance. They would schedule a reconsideration of that conditional use permit with the Board of Adjustment and there would be notice mailed to the applicant as well as property owners within 250 feet of the property. The Board of Adjustment would hold a hearing and based on the evidence of that hearing determine whether or not to amend or revoke the conditional use permit.

Staff concurs that this does impact numerous existing businesses; many of those businesses probably have not had any problems. However, under our zoning code in order to regulate and deal with problem businesses, unfortunately the rule has to be broad and apply to everybody initially with the hopes that in the future those regulations help us address only the problem businesses.

Kent Sovern thanked staff for their work and in the R&O Committee he supported it because he thought it should come to the Commission for discussion. He appreciate all of the members of the audience that spoke on this issue and found it compelling as it related to the issue of loitering, trash, and nuisance operations of a business. He does not see that this ordinance does anything to advance the City's authority beyond what it already has. If a business meets the criteria for conditional use ordinance at 50/50 and has issues that are related to nuisance type activity it seems the City has all of the enforcement mechanism it needs. There is no public policy being addressed by this ordinance that is vital to the City's or neighborhood interest. The City already has remedies to take care of the issues.

JoAnne Corigliano stated that if they can go before the Board of Adjustment to maintain what they have she sees no real problem for them. The only thing is they would have to pay the fee to go before the Board of Adjustment.

Will Page asked staff to clarify what the changed language would mean in terms of the owners of tobacco product stores. What would they be required to do in the proposed ordinance that they are not doing already.

Mike Ludwig explained that if a tobacco store was only selling tobacco, they would be allowed as a retail use. If they're also selling beer, wine, or liquor as part of their operation they would be required to get a conditional use permit from the Zoning Board of Adjustment.

Shirley Daniels stated she agrees that the proposed text amendment needs to take place. The ordinance needs to be tightened a bit. It is unfortunate that in order to tighten the ordinance that it has to affect those who are not having the issues this ordinance is meant to address. However, sometimes it has to be done in order to deal with the problem area. If businesses are being operated as they should be and they are following those guidelines there should not be much of a change.

Mike Simonson commented that it is helpful to the audience and Council to understand where some people's thinking might be. He concurs with Kent's thinking in what is the difference between 50/50 and 60/40 if they are habitual violators, there are remedies for that. It might be more of an enforcement issue rather than if it is 50/50 or 60/40.

Kent Sovern stated without offering an amendment is he thinks the new paragraph 2 is very helpful, but whether it is 60/40 or 50/50 that's really the significant part of the ordinance and he would support it with the current standard.

### **COMMISSION ACTION**

Mike Simonson moved staff recommendation to approve the proposed text amendment to the zoning ordinance. Shirley Daniels seconded.

Motion passed 6-4-1 (John "Jack" Hilmes, JoAnne Corigliano, Ted Irvine, Joel Huston, Will Page, and Shirley Daniels voted in favor. Kent Sovern, Jacqueline Easley, Jim Martin, and Mike Simonson voted in opposition. Leisha Barcus abstained).

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Mike Ludwig confirmed that the Commission did recommend the approval of the ordinance as presented by the vote of 6-4-1. On Monday night, the City Council will have a resolution on their agenda to set a date of public hearing on this ordinance for November 22, 2010. The hearing starts at 5:00 p.m. Therefore, whoever wants to address the Council at that meeting should be there at 5:00 p.m.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

cc: File

**Sec. 134-954. Selling of liquor, wine and beer.**

In the C-2 general retail and highway-oriented commercial district, the following shall apply to the sale of liquor, wine and beer:

- (1) No business holding a liquor license or a beer or wine permit which is not operated as either (i) a grocery store or pharmacy at least ~~half~~ 60% of whose gross income revenue is derived from the sale of merchandise other than tobacco products, liquor, wine or beer; or (ii) a restaurant, at least half of whose gross income revenue is derived from the sale of prepared food and food-related services, may be located upon any premises, unless such business shall first have received a conditional use permit from the board of adjustment after public hearing. Notice of such hearing shall be provided to all owners of record of property within 250 feet of the subject property.

- (2) A business that declares a use as a grocery store, pharmacy or restaurant shall be required to submit, upon demand from the zoning enforcement officer, an audit prepared and verified by a certified public accountant stating the percentage of gross revenue of the business derived from sales of liquor, wine beer, tobacco products, other merchandise and food related services. ~~merchandise, other than liquor, wine, beer, tobacco products and food related services.~~

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- (23) The board shall grant a conditional use permit to a business holding a liquor license or a beer or wine permit only where the business, when operated in conformance with such reasonable conditions as may be imposed by the board, satisfies the following criteria:
- a. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing in the adjoining or surrounding residential area.
- b. The business is sufficiently separated from the adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the

business from having a significant detrimental impact upon the adjoining residential uses.

- c. The business will not unduly increase congestion on the streets in the adjoining residential area.
- d. The operation of the business will not constitute a nuisance.

| (34) Any conditional use permit so granted by the board shall be subject to the following general conditions, together with such additional special conditions as may be reasonably required by the board to ensure that the criteria in subsection (2) of this section are satisfied:

- a. Any parking area provided for the use of customers of the business shall be illuminated at an intensity of at least one footcandle of light on the parking surface at all times.
- b. The business shall comply with article IV of chapter 42 of this Code pertaining to noise control.
- c. No sale of alcoholic beverages shall be made from a drive-through window.
- d. Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.
- e. The conditional use permit is subject to amendment or revocation if the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions set forth in the conditional use permit.

| (45) If the zoning enforcement officer determines at any time that the operation of such a business exhibits a pattern of violating the conditions set forth in the conditional use permit, the zoning enforcement officer may apply to the board to reconsider the issuance of the conditional use permit for such business. A copy of such application and notice of the hearing before

the board on such application shall be provided to the owner of such business at least 30 days in advance and shall also be provided to all owners of record of property within 250 feet of the subject property. If the board finds that the operation of such business exhibits a pattern of violating the conditions set forth in the conditional use permit, the board shall have the authority to amend or revoke the conditional use permit.

(O.7226, 7830, 8215, 8242, 8388, 9186, 9213, 9460, 10,142, 10,391, 10,823, 10,940, 11,009, 11,069, 11,083, 11,185, 11,300, 11,376, 11,410, 11,507, 11,761, 12,012, 13,067, 13,179, 13,232, 13,377, 13,484; C91, § 2A-17(H); O.13,588; C00, § 134-954; O.14,---)