

Roll Call Number

Agenda Item Number



_____ 7

Date

July 14, 2014

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the following Beer/Liquor applications are hereby submitted for approval to the Alcoholic Beverage Division of the Iowa Department of Commerce:

RENEWAL APPLICATIONS

(A) FAST MART

1401 BUCHANAN ST

E Liquor

Moved by _____ to adopt.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

7



**ZONING BOARD OF ADJUSTMENT
CITY OF DES MOINES, IOWA
DECISION AND ORDER**

This Decision and Order of the Board of Adjustment does not constitute approval of any construction. All necessary permits must be obtained before any construction is commenced upon the Property. A Certificate of Occupancy must be obtained before any structure is occupied or re-occupied after a change of use.

Any use allowed by this Decision and Order shall not be commenced or resumed until all the requirements imposed on such use by the Zoning Ordinance and this Order have been satisfied.

The use allowed by this Order must be commenced within **two years** or this Order will be void and of no further force and effect.

IN THE MATTER OF THE APPEAL FROM	:	DOCKET: ZON 2014-00054
SANDHU MINIMART, LLC.	:	
ON PROPERTY LOCATED AT	:	PUBLIC HEARING: JUNE 25, 2014
1401 BUCHANAN STREET	:	

SUBJECT OF THE APPEAL

Proposal: Continued use of an existing 2,800-square foot building for a Limited Food/Retail Sales Establishment (The Oasis) selling alcoholic liquor, wine, and beer. As a Food/Retail Sales Establishment, no more than 40% of gross receipts from sales on the premises may be derived from the sale of wine, beer, and tobacco products.

Appeal(s): Conditional Use Permit for a Limited Food/Retail Business selling alcoholic liquor, wine, and beer.

Required by City Code Sections 134-954

FINDING

Granting the requested Conditional Use Permit with conditions would be consistent with the intended spirit and purpose of the Zoning Ordinance. The application satisfies the criteria for granting a Conditional Use Permit, as established in City Code Section 134-954(b), so long as the business operates in accordance with the recommended conditions. If the Neighborhood Inspection Zoning Administrator determines at any time that the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions set forth in the Conditional Use Permit, the Neighborhood Inspection Zoning Administrator may apply to the Zoning Board of Adjustment to reconsider the issuance of the Conditional Use Permit for such business.

DECISION AND ORDER

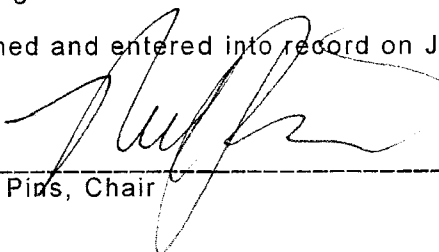
WHEREFORE, IT IS ORDERED that the appeal for a Conditional Use Permit for a Limited Food/Retail Business selling alcoholic liquor, wine, and beer, to allow continued use of an existing 2,800-square foot building for a Limited Food/Retail Sales Establishment (The Oasis) selling alcoholic liquor, wine, and beer, where as a Food/Retail Sales Establishment, no more than 40% of gross receipts from sales on the premises may be derived from the sale of wine, beer, and tobacco products, is **granted** subject to the following conditions:

1. The sale of liquor, wine, and/or beer shall only be ancillary to a Limited Food/Retail Sales Establishment within the existing 2,800-square foot lease area, where no more than 40% of gross receipts from sales on the premises may be derived from the sale of alcoholic liquor, wine, beer, and tobacco products.
2. The business selling liquor, wine, and/or beer shall operate in accordance with the necessary permit or license obtained through the Office of the City Clerk as approved by the City Council.
3. The business shall conspicuously post 24-hour contact information for a manager or owner of the business near the main public entrance.
4. The business shall institute a strict no loitering policy, conspicuously post one or more "No Loitering" signs, and cooperate with police in addressing loitering on the premises.
5. The business shall not dispense alcoholic beverages from a drive-through window.
6. Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of the business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.
7. 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. The entire site shall be landscaped and illuminated so as to minimize hiding places for possible criminal activity.
8. Any renovation on the site shall be in compliance with all applicable building and fire codes, with issuance of all necessary permits by the Permit and Development Center.
9. 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.
10. 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.

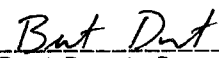
VOTE

The foregoing Decision and Order was adopted by a vote of 5-0, with all Board members present voting in favor thereof.

Signed and entered into record on July 1, 2014.



Mel Pirs, Chair



Bert Drost, Secretary