



Roll Call Number

Agenda Item Number

6

Date December 22, 2014

RESOLUTION DENYING APPLICATION BY KHANNA FAMILY INVESTMENTS, INC., D/B/A PROSPECT PARK MARKET AT 2917 PAYNE ROAD FOR A CLASS E LIQUOR CONTROL LICENSE

WHEREAS, Khanna Family Investment, Inc., doing business as Prospect Park Market (formerly known as the Oasis Wine & Spirits) at 2917 Payne Road, timely filed for a renewal of its Class E Liquor Control License on April 9, 2014, and has been operating on a timely filed basis since the expiration of the Class E Liquor Control License on May 31, 2014; and,

WHEREAS, on November 19, 2014, the Zoning Board of Adjustment approved a Conditional Use Permit allowing the sale of beer and wine upon the Property subject to various conditions, including a condition prohibiting the sale of liquor; and

WHEREAS, the Prospect Park Market at 2917 Payne Road is a Limited Food Sales Establishment less than 12,000 square feet in size and is located in a C-1 zoned district, and due to current zoning requirements a Class E liquor license is not allowed in a C-1 zoned district where the business premises is less than 12,000 square feet and is operated as a Limited Food Sales Establishment; and,

WHEREAS, time has been allowed for applicant to apply for rezoning to allow the property to be used for liquor sales needing a Class E liquor license and the rezoning application has been withdrawn by the applicant.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines that the application for renewal of the Class E Liquor Control License for the Prospect Park Market at 2917 Payne Road is denied for failing to comply with zoning requirements of section 134-954 of the Municipal Code of the City of Des Moines.

MOVED by _____ to adopt.

Approved as to form by:

Douglas P. Philip, Assistant City Attorney

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

MOTION CARRIED

APPROVED

Mayor

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.

City Clerk



December 17, 2014

Khanna Family Investments, Inc.
 c/o Attorney Brandon Brown
 Attorney at Law
 2910 Grand Avenue
 Des Moines, IA 50312

Copy sent by email to: bbrown@ParrishLaw.com

Re: 2917 Payne Road – Class E Liquor Control License

Dear Mr. Brown,

The application by Khanna Family Investments, Inc., for renewal of the Class E Liquor Control License for the Prospect Park Market at 2917 Payne Road is scheduled to come before the Des Moines City Council for consideration on December 22, 2014.

On November 19, 2014, the Zoning Board of Adjustment issued a Conditional Use Permit for the sale of wine and beer at this premises. That approval became effective on November 25, 2014, with the issuance of the Board's Decision and Order which constitutes the Conditional Use Permit. That Conditional Use Permit specifically prohibits the sale of alcoholic liquor at this premises.

Since the sale of alcoholic beverages at this premises is now prohibited without a Conditional Use Permit, and since the sale of alcoholic liquor is now prohibited by the Conditional Use Permit obtained for this premises, the City staff is obligated to recommend that the application be denied.

Sincerely,

A handwritten signature in black ink, appearing to read "SuAnn Donovan". The signature is stylized with a large, looping "S" and "D".

SuAnn Donovan
 Deputy Zoning Enforcement Officer