



Roll Call Number

09-1221

Agenda Item Number

31

Date July 13, 2009

RESOLUTION FIXING DATE, TIME AND PLACE FOR PUBLIC HEARING
ON REVOCATION OF LIQUOR LICENSE FOR
CAJSR, LLC d/b/a SAPPHIRE BAR & GRILL
FOR VIOLATION OF CITY OF DES MOINES ORDINANCES

WHEREAS, Cajar, LLC d/b/a Sapphire Bar & Grill (the business) located at 520 Army Post is located in a "C-2" and must be operated as a restaurant with more than at least half of the gross income derived from the sale of prepared food and food-related services or be issued a conditional use permit from the Zoning Board of Adjustment; and

WHEREAS, the business was asked to provide proof that it could meet the requirement for food sales to be considered a legal restaurant or obtain a conditional use permit to operate from the Zoning Board of Adjustment; and

WHEREAS, the Zoning Board of Adjustment denied the application for a conditional use permit, and

WHEREAS, the business failed to provide adequate proof that at least half of the gross income is derived from the sale of prepared food and food-related services in violation of section 134-954 of the Des Moines Municipal Code; and

WHEREAS, the Municipal Code of the City of Des Moines section 10-50 provides that the city council may suspend or revoke a liquor license when the licensee has failed to comply with the requirements of Chapter 10 of the Municipal Code governing alcoholic beverages, or fails to comply with any other chapter of the Municipal Code.

WHEREAS, the Municipal Code of the City of Des Moines Section 10-61 provides for suspension or revocation of a liquor license for an event which would have resulted in disqualification from receiving such license when originally issued.

NOW, THEREFORE, BE IT RESOLVED by City Council of the City of Des Moines, Iowa that

1. A public hearing is hereby set for July 27, 2009 at 5:00 P.M. in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, IA, for the purpose of providing Cajar, LLC d/b/a Sapphire Bar & Grill an opportunity to be heard concerning the proposed revocation of the liquor license.
2. The City Clerk is directed to notify the license/permits holder by sending through ordinary mail a copy of this resolution as least ten (10) days in advance of the scheduled hearing.



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Moved by Kiernan to adopt.

APPROVED AS TO FORM:

Douglas P. Philip
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Council 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