



Date June 23, 2014

RESOLUTION SETTING HEARING ON REQUEST FROM DRAKE UNIVERSITY (OWNER), REPRESENTED BY DEBORAH NEWSOME (OFFICER), TO REZONE PROPERTY LOCATED AT 2700 UNIVERSITY AVENUE FROM LIMITED "NPC" NEIGHBORHOOD PEDESTRIAN COMMERCIAL DISTRICT TO AN AMENDED LIMITED "NPC" NEIGHBORHOOD PEDESTRIAN COMMERCIAL DISTRICT TO PERMIT ACCESSORY ALCOHOLIC BEVERAGE SALES AND SERVICE RELATED TO PRIVATE EVENTS OPERATED BY DRAKE UNIVERSITY

WHEREAS, on July 24, 2000, by Roll Call No. 00-3209, the City Council adopted Ordinance 13,840 to rezone property located at 2700 University Avenue ("Property") and multiple surrounding properties from "R-3" Multiple-Family Residential District to a Limited "NPC" Neighborhood Pedestrian Commercial District, subject to various conditions including Condition No. A(16) that prohibits any business holding a liquor license, beer or wine permit which is not operated as either 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 a restaurant at least half of whose gross income is derived from the sale of prepared food and food-related services; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 5, 2014, its members voted 10-1 in support of a motion to recommend APPROVAL of a request from Drake University (owner), represented by Deborah Newsome (officer), to rezone the Property from Limited "NPC" Neighborhood Pedestrian Commercial District to an amended Limited "NPC" Neighborhood Pedestrian Commercial District to permit accessory alcoholic beverage sales and service related to private events operated solely by Drake University or its approved vendor, and to amend the property zoning to reflect the current City Code requirements related to limited retail and food establishments, by amending Condition No. A(16) of Ordinance 13,840 as follows, with all other conditions of Ordinance 13,840 continuing to apply to the Property:

16. Any business holding a liquor license, beer or wine permit which is not operated as either:

- a. ~~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 a limited retail or food establishment at least 40% of whose gross income is derived from the sale of merchandise other than liquor, wine, beer or tobacco products; or~~
- b. ~~a restaurant at least half of whose gross income is derived from the sale of prepared food and food-related services; or~~
- c. ~~an assembly/reception hall use limited to private events operated solely by Drake University, or its approved vendor, considered a tavern under provisions of the Zoning Ordinance.~~

★ Roll Call Number
14-0954

Agenda Item Number
26

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WHEREAS, the Property is more specifically described as follows:

The South 41 feet of Lot 37, and all of Lots 38, 39, and 40 of DRAKE UNIVERSITY ADDITION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

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

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on July 14, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by Hensley to adopt.

FORM APPROVED:

Glennia K. Frank
Glennia K. Frank
Assistant City Attorney

(ZON2014-00078)

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.

Diane Rauh City Clerk

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GATTO				✓
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	5			2

MOTION CARRIED APPROVED

T. M. Franklin Mayor