

★ Roll Call Number

14-1466

Agenda Item Number

22

Date September 22, 2014

RESOLUTION SETTING HEARING ON REQUEST FROM KHANNA FAMILY INVESTMENTS, INC. (OWNER), REPRESENTED BY REHKA KHANNA (OFFICER), TO REZONE PROPERTY LOCATED AT 2917 PAYNE ROAD FROM "C-1" NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT TO "C-2" GENERAL RETAIL AND HIGHWAY ORIENTED COMMERCIAL DISTRICT, TO ALLOW USE OF THE PROPERTY FOR A LIMITED FOOD SALES ESTABLISHMENT SELLING ALCOHOLIC LIQUOR WHEREBY SALES OF LIQUOR, WINE, BEER, AND TOBACCO PRODUCTS DO NOT EXCEED 40% OF GROSS REVENUES

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 4, 2014, its members voted 11-0 in support of a motion to recommend **DENIAL** of a request from Khanna Family Investments, Inc. (owner), represented by Rehka Khanna (officer) and doing business as The Oasis, to rezone property locally known as 2917 Payne Road ("Property") from "C-1" Neighborhood Retail Commercial District to "C-2" General Retail and Highway Oriented Commercial District, to allow use of the Property for a Limited Food Sales Establishment selling alcoholic liquor whereby sales of liquor, wine, beer, and tobacco products do not exceed 40% of gross revenues; and

WHEREAS, the Property is legally described as follows:

West 104 Feet of Lot 42; all in ARNOLD'S PLACE, 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 attached communication from the Plan and Zoning Commission is hereby received and filed.
2. 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 October 6, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. 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.

(continued)

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MOVED by Coleman to adopt.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

(ZON2014-00148)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin
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.

Diane Rauh

City Clerk