



Roll Call Number

14-1918

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allow the property to be used for liquor sales needing a Class E liquor license and the rezoning application has been withdrawn by the applicant.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 Gray to adopt.

Approved as to form by: [Signature] Douglas P. Philip, Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL (7).

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 [Signature] Mayor

[Signature] City Clerk