

★ Roll Call Number

14-1967

Agenda Item Number

42

Date December 22, 2014

RESOLUTION DISMISSING PROCEEDINGS ON REQUEST FROM KHANNA FAMILY INVESTMENTS, INC. (OWNER), REPRESENTED BY REHKA KHANNA (OFFICER), TO REZONE PROPERTY LOCATED AT 2917 PAYNE ROAD

WHEREAS, on September 22, 2014, by Roll Call No. 14-1466, it was duly resolved by the City Council that the application of Khanna Family Investments, Inc. (owner), represented by Rehka Khanna (officer), 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, be set down for hearing on October 6, 2014; and

WHEREAS, on October 6, 2014, by Roll Call No. 14-1597, the City Council opened and continued the hearing on said proposed rezoning until December 8, 2014, at the request of the applicant to complete the Zoning Board of Adjustment process relating to the requested Conditional Use Permit for the Property; and

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

WHEREAS, the current C-1 zoning of the Property is sufficient to allow the sale of beer and wine (without liquor sales); and

WHEREAS, by the accompanying letter, the applicant has withdrawn its application for rezoning of the Property; and

WHEREAS, on December 8, 2014, by Roll Call No. 14-1901, the City Council opened and continued the hearing on said proposed rezoning to December 22, 2014 at 5:00 p.m. at the City Council meeting.

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

1. The attached letter from Brandon Brown, attorney for applicant Khanna Family Investments, Inc., withdrawing the application for rezoning of the Property, is hereby received and filed.

(continued)

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2. The proceedings on the proposed rezoning of the Property are hereby dismissed.

MOVED by Gray 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