



Roll Call Number

19-1146

Agenda Item Number

61

Date July 15, 2019

REVIEW OF ZONING BOARD OF ADJUSTMENT DECISION GRANTING A VARIANCE FROM SEPARATION REQUIREMENT TO ALLOW A CONCERT VENUE TO SELL LIQUOR, WINE AND BEER WITHIN WATER WORKS PARK

WHEREAS, on June 26, 2019, the Zoning Board of Adjustment voted 6-0 to approve an application from Des Moines Water Works (applicant), represented by Ted Corrigan (officer), for a variance of the separation requirement that any tavern use selling alcoholic liquor, wine and beer be separated by at least 150 feet from any public park, to allow for the vendor(s) serving the concert venue located within Water Works Park, 2201 George Flagg Parkway, to sell alcoholic liquor, wine, and beer; and

WHEREAS, the Board found that the proposed location utilizes a flood zone to benefit the community, and that the sales of alcoholic liquor, wine and/or beer will be sufficiently separated by geography, landscaping and neighboring uses to not be detrimental to the surrounding area; and

WHEREAS, Iowa Code §414.7 and Section 134-65(d) of the Zoning Ordinance require that any variance from a separation requirement granted by the Board be forwarded to the City Council for its review, and the City Council may remand the variance of the separation requirement back to the Zoning Board of Adjustment for further study if the Council believes the variance was improperly granted.

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

ALTERNATIVE RESOLUTIONS

- A The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand.
- B The City Council takes no action to review the Decision and Order. The decision of the Board will become final on July 28, 2019.
- C The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.

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(Council Communication No. 19- 313)

MOVED by Mandelbaum to receive and file the staff report and comments received, and to adopt alternative C, above.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2019-00102)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T.M. Frankhu Cowrie
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

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Not Used