

Roll Call Number

Agenda Item Number



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Date May 19, 2014

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the following Beer/Liquor applications are hereby submitted for approval to the Alcoholic Beverage Division of the Iowa Department of Commerce:

RENEWAL APPLICATIONS

- | | | | |
|-----|-----------------------------|---------------------|--------|
| (A) | DOLLAR GENERAL STORE #13292 | 3102 MERLE HAY RD | C Beer |
| (B) | DOLLAR GENERAL STORE #313 | 2570 HUBBELL AVE | C Beer |
| (C) | DOLLAR GENERAL STORE #4554 | 1020 E ARMY POST RD | C Beer |
| (D) | DOLLAR GENERAL STORE #4991 | 3223 SE 14TH ST | C Beer |
| (E) | DOLLAR GENERAL STORE #6077 | 221 SW 63RD ST | C Beer |
| (F) | DOLLAR GENERAL STORE #6725 | 1428 E OVID AVE | C Beer |
| (G) | DOLLAR GENERAL STORE #6735 | 2650 INGERSOLL AVE | C Beer |
| (H) | DOLLAR GENERAL STORE #8594 | 4213 FLEUR DR | C Beer |

FORM APPROVED:

Douglas P. Philip
Assistant City Attorney

Moved by _____ to deny.

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

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

Mayor

City Clerk



May 13, 2014

Dolgencorp, LLC d/b/a Dollar General
 Corporation Service Company, Registered Agent
 505 5th Avenue, Suite 729
 Des Moines, IA 50309

Re: Liquor license applications

Dear Sir/Madam,

The City of Des Moines is processing eight liquor license applications for Dollar General and due to recent zoning code amendments, Section 134-954 of the Municipal Code of the City of Des Moines, the applications cannot be approved without Zoning Board of Adjustment conditional use permits and the pending liquor license applications must be denied.

On February 12, 2014 you were sent a communication regarding the following stores:

- #8594 at 4213 Fleur Drive,
- #6735 at 2650 Ingersoll Avenue,
- #6077 at 221 63rd Street,
- #13292 at 3102 Merle Hay Road,
- #6725 at 1428 E Ovid Avenue,
- #4554 at 1020 E. Army Post,
- #313 at 2570 Hubbell, and
- #4991 at 3223 SE 14th Street

You were notified that all stores require a Conditional Use Permit from the Zoning Board of Adjustment, pursuant to Section 135-954 of the Municipal Code of the City of Des Moines. The applications have not been filed and the Conditional Use Permits have not been granted.

Consequently, Developmental Zoning Division of the Community Development Department is requesting the City Council deny the applications for all Dollar General Stores liquor license applications. The applications for the licenses will be heard by the Des Moines City Council on May 19, 2014. Your corporation has the right to be present and present evidence or comment during the hearing.

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The next deadline for filing with the Zoning Board of Adjustment seeking a Conditional Use Permit will be May 29, 2014 for hearing on June 25, 2014. If the Conditional Use Permits are granted the liquor license applications could be heard by the City Council on July 14, 2014.

Sincerely,



SuAnn Donovan
Neighborhood Inspection Zoning Administrator
600 Robert D. Ray Drive
Des Moines, IA 50309
smdonovan@dmgov.org

NOTE: Any order, decision or determination made by this office in the enforcement of the Zoning Ordinance may be appealed to the Zoning Board of Adjustment. The Procedural Rules of the Zoning Board of Adjustment provide that you, as the party to whom this communication is directed, must file the appeal with the Community Development Department within ten days of the date of this communication. Any other aggrieved person seeking to appeal this order, decision or determination must file the appeal within ten days of actual notice by such person of such order, decision, or determination, which in no event shall be later than ten days after commencement of such physical construction or use. Any appeal not timely filed may be rejected by the Board.