



Council Communication

Office of the City Manager

Date

September 22, 2008

Agenda Item No. 45
Roll Call No. 08-
Communication No. 08-576
Submitted by: Larry Hulse, Community
Development Director

AGENDA HEADING:

Hearing on application from Efrain Mayorga of 1301 S.E. Watrous, d/b/a Aztec Motors, for relief from the moratorium on establishment or expansion of vehicle display lots as applied to a vehicle display lot at 908 S.E. 14th Street.

SYNOPSIS:

Efrain Mayorga (Mayorga & Mayorga Partners) is the owner of Aztec Motors at 908 S.E. 14th Street. Mayorga Partners purchased the adjoining 0.208 acre property at 824 S.E. 14th Street on June 30, 2008 and would like to expand the existing 0.659 acre vehicle display lot. The expansion would result in the removal of an existing commercial building at 824 S.E. 14th Street that is assessed at \$18,700. The expansion would increase the total business frontage along S.E. 14th Street from 363.85 feet to 419.85 feet.

If relief to the moratorium is granted, the applicant will be required to submit a site plan that complies with the existing site plan standards for vehicle display lots for review by the Plan and Zoning Commission. However, if the City Council ultimately decides to amend the site plan standards for vehicle display lots in the future, it is possible that a legal non-conforming use will be re-established on the subject property.

FISCAL IMPACT:

Amount: Annual property tax loss of approximately \$310 based upon the existing building's assessed value of \$18,700.

Funding Source: General Fund Property Tax Revenue.

ADDITIONAL INFORMATION:

On August 25, 2008 the City Council approved an extension of the temporary moratorium until November 11, 2008, which provides in relevant part as follows:

- “1. No vehicle display lot shall be created or expanded and no site plan shall be approved for the creation or expansion of a vehicle display lot, at any location within the City of Des Moines that is zoned to the "C-2" General Retail and Highway Oriented Commercial District. The City Staff shall not issue any permit for any development which is prohibited by this section. This moratorium shall not apply to the completion and use of a vehicle display lot or

expansion of a vehicle display lot which has been commenced under a valid permit and is diligently pursued to completion.”

The existing site plan for Aztec Motors was approved by the Plan and Zoning Commission April 5, 2007 subject to conditions. Aztec Motors is nearing completion of all improvements in accordance with the approved site plan and the full assessed value of the property increased from \$77,700 in 2007 to \$140,800 in 2008 due to construction of a new building on the property.

PREVIOUS COUNCIL ACTION(S):

Date: September 8, 2008

Roll Call Number: 08-1583

Action: On appeal from Efrain Mayorga dba Aztec Motors for relief from temporary moratorium on creation or expansion of vehicle display lots, (9-22-08). Moved by Vlassis to adopt. Motion Carried 7-0.

Date: August 25, 2008

Roll Call Number: 08-1533

Action: Extending the temporary moratorium on creation and expansion of Vehicle Display lots, pending a comprehensive review of the applicable regulations and guidelines. (Council Communication No. 08-518

) Moved by Meyer to adopt and continue the moratorium through November 11, 2008. Motion Carried 7-0.

Date: June 23, 2008

Roll Call Number: 08-1145

Action: Extension of temporary moratorium on creation or expansion of vehicle display lots until August 26, 2008. Moved by Vlassis to adopt. Motion Carried 7-0.

Date: March 24, 2008

Roll Call Number: 08-510A

Action: Approving temporary moratorium of 92 days (through June 24, 2008) on the creation or expansion of vehicle display lots pending a comprehensive review of applicable regulations and guidelines. Moved by Meyer to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

If relief is granted, the Plan and Zoning Commission will review the vehicle display lot according to existing standards.

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