



**Council
Communication**
Office of the City Manager

Date

December 22, 2008

Agenda Item No. 43
Roll Call No. 08-
Communication No. 08-755
Submitted by: Larry Hulse, Community
 Development Director

AGENDA HEADING:

Hearing on an application from Daniel Owen d/b/a Owen Auto, for relief from the moratorium on the establishment or expansion of vehicle display lots to expand his vehicle display lot located at 923 Army Post Road to include property at 913 Army Post Road.

SYNOPSIS:

The applicant demolished a structure previously located at 913 Army Post Road and expanded the parking of vehicles from his auto sales lot at 923 Army to gravel surfaces at 913 Army Post Road. The request constitutes the illegal expansion of an existing vehicle display lot.

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. At a minimum, the expansion area on 913 Army Post Road must comply with the current vehicle display lot standards which include landscaping, paving, curbing, striping, etc. Based upon that plan, staff will determine whether any improvements are required for the existing facility at 923 Army Post Road. 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 established on the subject property.

FISCAL IMPACT:

Amount: Indeterminate.

Funding Source: General Fund Property Tax Revenue.

ADDITIONAL INFORMATION:

On November 10, 2008, the City Council extended the temporary moratorium through March 10, 2009, which provides in relevant part as follows:

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."

PREVIOUS COUNCIL ACTION(S):

Date: December 8, 2008

Roll Call Number: 08-2121

Action: On application from Daniel Owen dba Owen Auto for relief from temporary moratorium on vehicle display lots, (12-22-08). Moved by Vlassis to adopt. Motion Carried 7-0.

Date: November 10, 2008

Roll Call Number: 08-2010

Action: Extending the temporary moratorium on creation and expansion of Vehicle Display lots to Tuesday, March 10, 2009 pending a comprehensive review of the applicable regulations and guidelines. (Council Communication No. 08-692) Moved by Kiernan to adopt and continue the moratorium through March 10, 2009. Motion Carried 6-1.

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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