

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	June 8, 2009
	Agenda Item No. 63B Roll Call No. <u>09-</u> Communication No. <u>09-392</u> Submitted by: Larry Hulse, Community Development Director	

AGENDA HEADING:

Hearing on application of Imperial Properties, Inc., Bill Moyer, Agent, for relief from the temporary moratorium on the creation or expansion of vehicle display lots at 4141 E. 14th Street.

SYNOPSIS:

The applicant has been cited for illegally expanding a vehicle display lot located at 4131 E. 14th Street onto adjoining property at 4141 E. 14th Street. The applicant proposes to bring 4141 E. 14th Street into compliance with the site plan regulations for vehicle display lots to resolve the zoning violation issue. The request constitutes the expansion of the existing vehicle display lot.

The temporary moratorium is set to expire on June 9, 2009, unless it is extended by the City Council. If the Council does not elect to extend the moratorium, then no action on this item is necessary. If the moratorium is extended and a date for public hearing is set regarding the proposed Vehicle Display Lot Overlay District, then staff recommends denial of the applicant’s request for relief to the moratorium.

FISCAL IMPACT: Indeterminate

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

On March 9, 2009, the City Council extended a temporary moratorium effective until June 9, 2009, 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.”

On June 8, 2009, the City Council will consider whether to set a date of public hearing regarding the proposed Vehicle Display Lot Overlay District and whether or not to extend the temporary moratorium beyond June 9, 2009.

PREVIOUS COUNCIL ACTION(S):

Date: March 9, 2009

Roll Call Number: 09-430

Action: Extending the temporary moratorium on the creation or expansion of vehicle display lots through June 9, 2009, pending comprehensive review of the applicable regulations and guidelines. (Council Communication No. 09-134) Moved by Vlassis to adopt and continue the moratorium through June 9, 2009. 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: June 2, 2008

Roll Call Number: City Council Worksession

Action: Presentation by staff regarding vehicle display lot enforcement and identification of proposed code changes including a vehicle display lot prohibition overlay district. Council directed staff to prepare ordinances for consideration.

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

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