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|  <p style="text-align: center;">Council Communication Office of the City Manager</p> | Date | September 14, 2009 |
| | Agenda Item No. 64 Roll Call No. <u>09-</u> Communication No. <u>09-642</u> Submitted by: Larry Hulse, Community Development Director | |

AGENDA HEADING:

Hearing on application of Angel Groff for relief from the temporary moratorium on the creation or expansion of vehicle display lots at 4109 SE 14th Street.

SYNOPSIS:

The applicant proposes to establish a new vehicle display lot at 4109 SE 14th Street. The moratorium which prohibits creation of new or expansion of existing vehicle display lots is set to expire on September 29, 2009. However, the September 14, 2009 City Council agenda also includes an item to set the date of public hearing for September 28, 2009 regarding establishment of a proposed Vehicle Display Lot Overlay District and the proposed rezoning of the East 14th / SE 14th corridor. The Vehicle Display Lot Overlay District would generally prohibit the creation of a vehicle display lot at 4109 SE 14th Street. Staff recommends denial of the request as the applicant has failed to demonstrate that they are suffering any hardship by application of the moratorium and the proposed new vehicle display lot at 4109 SE 14th Street is contrary to the intent and purpose of the "VDL" Vehicle Display Lot Overlay District.

FISCAL IMPACT:

Amount: Indeterminate

Funding Source: N/A

ADDITIONAL INFORMATION:

On August 10, 2009, the City Council extended a temporary moratorium effective until September 29, 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.”

PREVIOUS COUNCIL ACTION(S):

Date: August 10, 2009

Roll Call Number: 09-1458

Action: On extending the temporary moratorium on the creation of new, and expansion of existing vehicle display lots to September 29, 2009. (Council Communication No. 09-543) Moved by Hensley to adopt and continue the moratorium through September 29, 2009. Motion Carried 7-0.

Date: June 8, 2009

Roll Call Number: 09-1028

Action: Resolution directing City Manager to schedule a Council work session regarding vehicle display lots and extending temporary moratorium on vehicle display lots through August 11, 2009. Moved by Vlassis to adopt. Motion Carried 7-0.

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):

Date: September 3, 2009

Action: The Plan and Zoning Commission voted 9-1 to recommend approval of the proposed text of the Vehicle Display Lot Overlay District; voted 10-0 to recommend that the proposed rezoning is consistent with the Des Moines' 2020 Community Character Plan; and voted 10-0 to recommend approval of the rezoning of the East 14th Street / SE 14th Street corridor to include the Vehicle Display Lot Overlay District designation.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

The City Council is scheduled to hold a public hearing and first reading on September 28, 2009 regarding an ordinance to establish the Vehicle Display Lot Overlay District and rezoning of the East 14th Street / SE 14th Street Corridor to include the Vehicle Display Lot Overlay District designation.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.