

Date..... August 10, 2009

RESOLUTION EXTENDING THE TEMPORARY MORATORIUM
ON THE CREATION OR EXPANSION OF VEHICLE DISPLAY LOTS

WHEREAS, on March 24, 2008, by Roll Call No. 08-510A, the City Council imposed a temporary moratorium through June 23, 2008, on the creation or expansion of vehicle display lots at any location within the City of Des Moines that is zoned to the "C-2" General Retail and Highway Oriented Commercial District, to maintain the status quo until additional regulations and guidelines are established to better regulate how vehicle display lots are designed and operated in the "C-2" District; and,

WHEREAS, on June 22, 2008, by Roll Call No. 08-1145, the City Council continued the moratorium until August 26, 2008, in response to the flooding that occurred in the City of Des Moines and the need for the City Staff to focus upon the recovery efforts; and,

WHEREAS, on August 25, 2008, the City Council passed Ordinance No. 14,795 prohibiting the parking of vehicles in violation of an approved site plan, and restricting the resumption of nonconforming uses such as nonconforming vehicle display lots after a temporary discontinuance of such use, but such Ordinance did not fully resolve the City Council's concerns regarding the appearance and operation of vehicle display lots and the impact of vehicle display lots upon the existing and planned uses of adjoining property; and,

WHEREAS, on August 25, 2008, by Roll Call No. 08-1533, on November 10, 2008, by Roll Call No. 08-2010, and on June 8, 2009, by Roll Call No. 09-1028, the City Council continued the moratorium until August 11, 2009; and,

WHEREAS, the impact and appropriate regulation of vehicle display lots was considered by the City Council at a study session on July 27, 2009; and,

WHEREAS, in response to the direction received at the study session the Community Development Department is in the process of soliciting public comment and holding a public hearing before the Plan and Zoning Commission to consider the following proposals:

- (a) To enact a Vehicle Display Lot Overlay District to be applied to those commercial corridors where it is determined there is an existing or potential threat of over-concentration of vehicle display lots and where additional vehicle display lots would hinder redevelopment opportunities identified in neighborhood and corridor plans; and,
- (b) To rezone specific commercial corridors to the Vehicle Display Lot Overlay District; and,

(continued)

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WHEREAS, it would be appropriate to extend the temporary moratorium until September 29, 2009, to preserve the status quo until the City Council has an opportunity to consider enactment of the proposed Vehicle Display Lot Overlay District and the rezoning of the properties fronting on East and SE 14th Streets to the Vehicle Display Lot Overlay District, after receipt of a report and recommendation from the Plan and Zoning Commission; and,

WHEREAS, any aggrieved party may apply to the City Council to be released from the application of this moratorium where necessary to avoid undue hardship by filing a written application with the City Clerk in accordance with the procedures established in Roll Call No. 08-510A; NOW THEREFORE,

BE IT RESOLVED by the City Council for the City of Des Moines, Iowa, that the temporary moratorium on the creation and expansion of vehicle display lots initially imposed by Roll Call No. 08-510A of March 24, 2008 is hereby extended through September 29, 2009.

MOVED by _____ to adopt and continue the moratorium through September 29, 2009.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

(Council Communication No. 09-543)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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.

_____ City Clerk

MOTION CARRIED APPROVED

.....
 Mayor