

Date..... September 8, 2008

RESOLUTION SCHEDULING PUBLIC HEARING ON APPLICATION OF
EFRAIN MAYORGA, d/b/a AZTEC MOTORS,
FOR RELIEF FROM TEMPORARY MORATORIUM

WHEREAS, on March 25, 2008, by Roll Call No. 08-510A, the City Council approved a temporary moratorium 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.

WHEREAS, on August 25, 2008, by Roll Call No. 08-1533, the City Council extended the temporary moratorium through November 11, 2008; and,

WHEREAS, Efrain Mayorga, doing business as Aztec Motors, seeks to expand his used car sales lot at 908 SE 14th Street to include the adjoining property at 824 SE 14th Street; and,

WHEREAS, Efrain Mayorga asserts that the City's refusal to allow him to proceed with the expansion of his used car sales lot is causing him undue hardship; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council of the City of Des Moines shall consider the appeal by Efrain Mayorga at a public hearing to be held on September 22, 2008, at 5:00 p.m., in the Council Chambers.
2. The City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

(continued)

★ **Roll Call Number**

Agenda Item Number

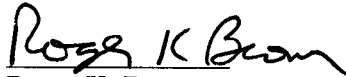
16-I

Date..... September 8, 2008

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MOVED by _____ to adopt.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

C:\Rog\Zoning\Moratorium\Car Lots\Aztec\RC set hrg.doc

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

MOTION CARRIED

APPROVED

.....
Mayor

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

September 2, 2008

Mayor and City Council
City Clerk
City of Des Moines
400 E 1st Street
Des Moines, IA 50309

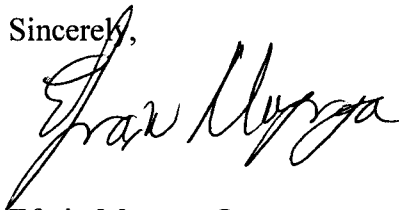
Dear Madam and Sirs:

I am requesting release from application of the temporary moratorium of the expansion of my vehicle display, Aztec Motors, lot located in the city of Des Moines, Iowa at 908 SE 14th Street and zoned in the C-2 District.

I have recently completed the 1st phase of Aztec Motors and wish to expand the location. I have met the existing regulations, guidelines and design standards as set for by the Planning and Zoning Commission. I am requesting your approval to move forward with the development of a site plan for the expansion of Aztec Motors. Approval will avoid the possibility of undue hardship to my company and me.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Efrain Myorga". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Efrain Myorga, Owner
1301 SE Watrous
Des Moines, IA 50315
(515) 360-6046

Attachment: Photographs – Aztec Motors