

Date..... September 14, 2009

RESOLUTION CLOSING PUBLIC HEARING AND DENYING
APPLICATION OF ANGEL GROFF
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 10, 2009, by Roll Call No. 09-1458, the City Council extended the temporary moratorium through September 29, 2009; and,

WHEREAS, Angel Groff seeks to establish a vehicle display lot for the sale of used cars at 4109 SE 14th Street; and,

WHEREAS, on August 24, 2009, by Roll Call No. 09-1545, it was duly resolved by the City Council that the application Angel Groff for relief from the moratorium to allow the redevelopment of the parcel at 4109 SE 14th Street for used as a vehicle display lot be set down for hearing on September 14, 2009, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on September 3, 2009, setting forth the time and place for such hearing; and,

WHEREAS, in accordance with said notice those interested in the application, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; NOW THEREFORE,

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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the application for relief from the moratorium are hereby sustained, and the hearing is closed.

(continued)

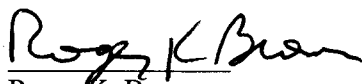
Date September 14, 2009

2. The City Council hereby makes the following findings:
 - a) Angel Groff seeks relief from the moratorium to allow her to develop a used car sales lot at 4109 SE 14th Street.
 - b) The proposed action constitutes the creation of a vehicle display lot within the intended meaning of the moratorium.
 - c) Angel Groff has failed to demonstrate that she is suffering any hardship by application of the moratorium.
 - d) The City Council has on this date scheduled a public hearing, to be held on September 28, 2009, to consider the enactment of an amendment to the Zoning Ordinance to establish a "VDL" Vehicle Display Lot Overlay District, and to rezone the SE 14 Street corridor to at overlay district.
 - e) The proposed new vehicle display lot is contrary to the intent and purpose of the "VDL" Vehicle Display Lot Overlay District, which would operate to prohibit the redevelopment of 4109 SE 14th Street for use as a vehicle display lot.

3. The application of Angel Groff for relief from the moratorium is hereby denied.

MOVED by _____ to adopt and DENY the request for relief from the moratorium. **(Council Communication No. 09-642)**

FORM APPROVED:



Roger K. Brown
Assistant City Attorney

C:\Rog\Zoning\Moratorium\Car Lots\Groff\RC hrg deny.doc

If the City Council desires to grant the request to waive the moratorium, an appropriate motion would be "to find that the Applicant has demonstrated the moratorium is causing her undue hardship, and to grant the request to release the property at 4109 SE 14th Street from the moratorium."

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

64
Mayor and City Council
400 Robert Ray Drive
Des Moines, IA 50310

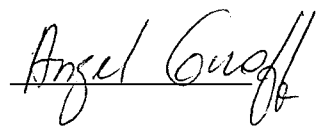
Re: Request for waiver of the moratorium to allow remodeling
of an empty lot at 4109 SE 14th street for a used car dealership.

Dear Mayor and City Council,

I currently have a used car dealership on East 14th street and I would like to open at a new location on S.E. 14th street to start fresh and create my own reputation as the reputation of the previous car dealership at the current location I am at is hindering the success of the business. If we are allowed to move the dealership to 4109 SE 14th st. we will make improvements to the property and we will bring it up to the city code requirements for this type of business as well as make additional improvements to enhance the overall look of the property. This includes building a fence in the back to shield the business from the view of the residents that live near by. The current property sits empty and we think our dealership will be a huge improvement to the current state of the property and it will improve the overall look of the area around it. Currently there is a car dealership right next to the empty space, in fact the pavement in the drive and parking area is shared by both properties and the addition of this dealership will not hinder, or create an eyesore for the area, as it will blend together with the adjacent lot.

Sincerely,

Angel Groff



64



4109 SE. 14th Street

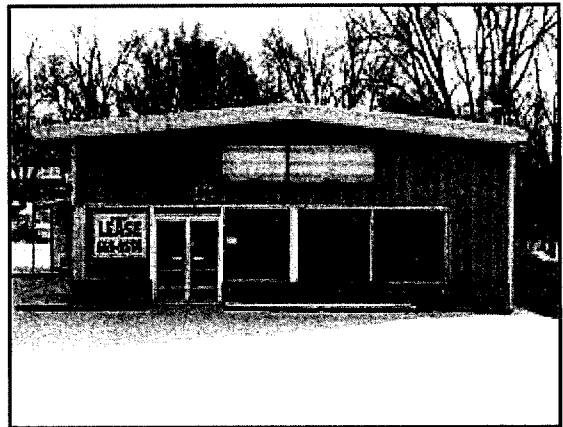
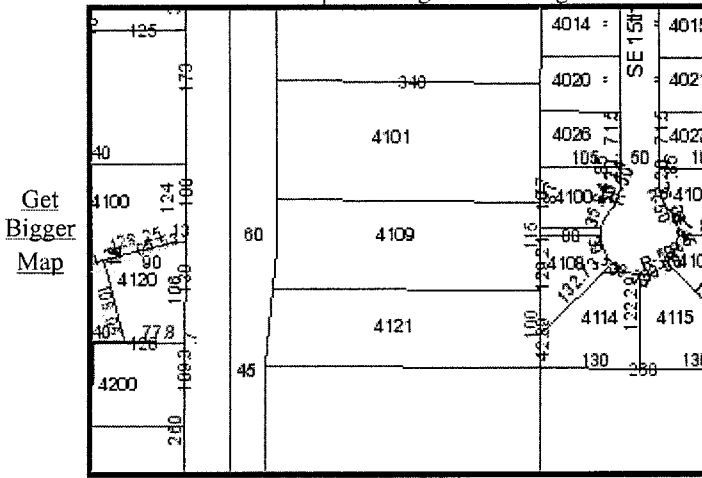
64

Polk County Assessor
Iowa

[[Home](#)] [[General Query](#)] [[Legal Query](#)] [[HomeOwner Query](#)] [[Book/Page Query](#)] [[Commercial Query](#)] [[Res Sales Query](#)] [[Comm Sales Query](#)] [[Help](#)]

District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
120/07164-000-000	7824-23-301-003	B178	DM37/B	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines					
Street Address			City State Zipcode		
4109 SE 14TH ST			DES MOINES IA 50320		

Click on parcel to get new listing



Approximate date of photo 12/18/2008

Mailing Address
GEORGE M CLAYTON 1725 6TH AVE DES MOINES, IA 50314-3304

Legal Description
-EX RD- S 115F N 230F W 400F S 1/2 NW 1/4 NW 1/4 SW 1/4 SEC 23-78-24

Ownership	Name	Transfer	Book/Page	RevStamps
Title Holder #1	CLAYTON, GEORGE M	2007-12-10	12474/639	

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Commercial	Full	120,000	20,000	0	140,000
Assessment Roll Notice Estimate Taxes Polk County Treasurer Tax Information Pay Taxes						

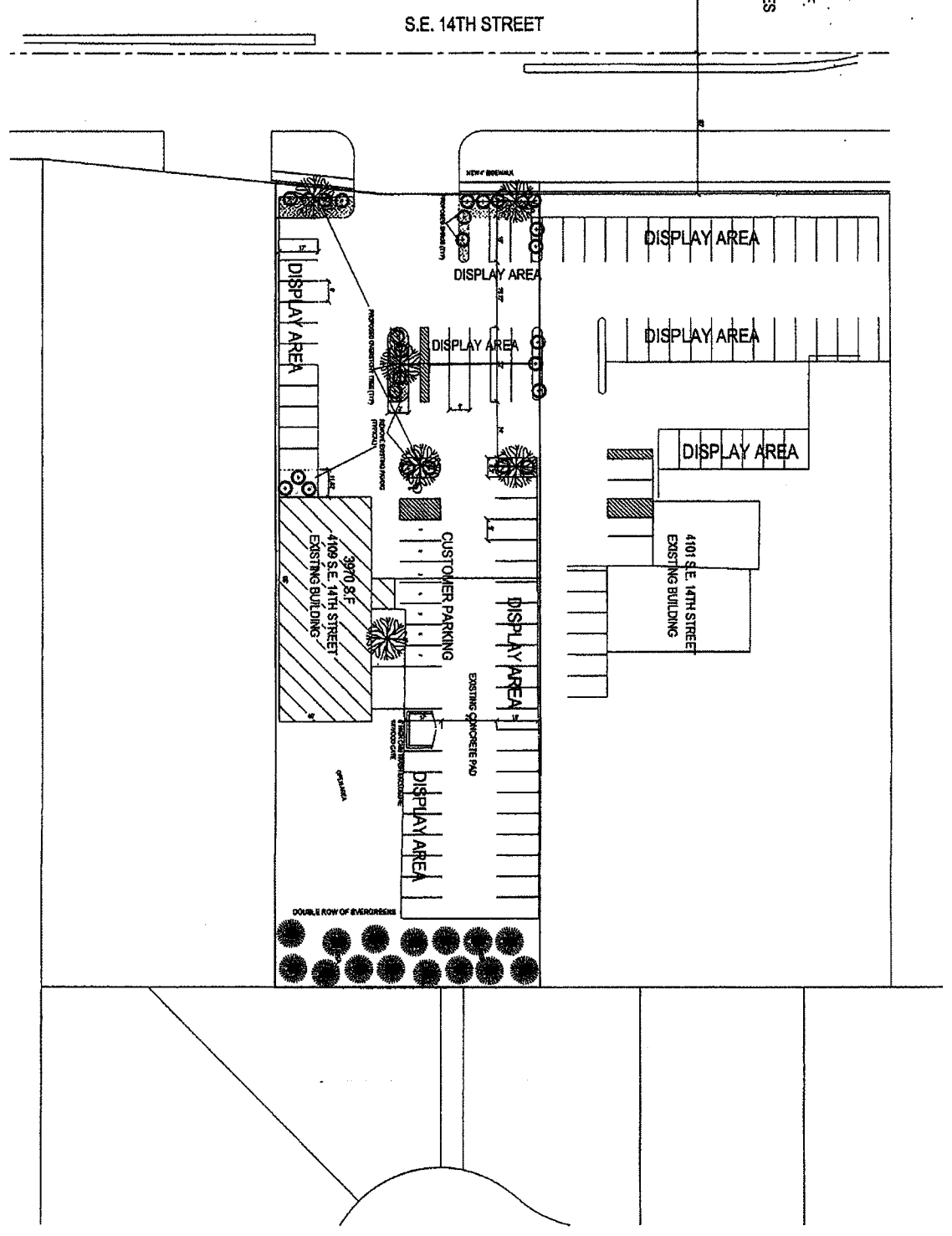
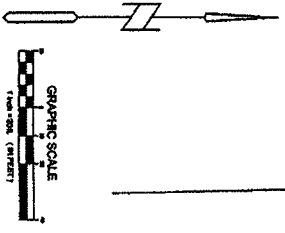
Zoning	Description	SF	Assessor Zoning

64

PREPARED FOR:
 ANGEL GROFF
 2721 SHOREVIEW CIRCLE
 DES MOINES, IOWA
 515-326-5777

ZONED: C-2.

PARKING REQ. = 1 SP/ 800 S.F.
 = 7 SPACES
 PARKING PROVIDED = 7 SPACES



N:\land projects\2009\090274\dwg\C2 LAYOUT.dwg 8/19/2009 2:45:21 PM CDT

C2.1	PROJECT NUMBER	090274
	DRAWN BY	
	CHECKED BY	
DATE		

GROFF USED CAR LOT
 4109 SE 14TH STREET

LAYOUT PLAN

Bishop Engineering
 "Planning Your Successful Development"

3501 104th Street
 Des Moines, Iowa 50323-9825
 Phone: 515-279-0667 Fax: 515-279-0077

Civil Engineering & Land Surveying Established 1959