

Date December 8, 2008

RESOLUTION SCHEDULING PUBLIC HEARING ON APPLICATION OF DANIEL OWEN, d/b/a OWEN AUTO, 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 November 10, 2008, by Roll Call No. 08-2010, the City Council extended the temporary moratorium through March 10, 2009; and,

WHEREAS, Daniel Owen, doing business as Owen Auto, seeks to expand his used car sales lot at 923 Army Post Road to include the adjoining property at 913 Army Post Road; and,

WHEREAS, Daniel Owen 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 Daniel Owen at a public hearing to be held on December 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

14

Date..... December 8, 2008

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MOVED by _____ to adopt.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

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

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December 1, 2008

Mayor Cownie & City Council Members,

My Name is Dan Owen. My wife and I are owners of Owen Auto, a used car lot at 923 Army Post Road. We purchased this property, along with 913 Army Post Road, in January of 2006. In October of 2007, the small rental house at 913 Army Post Road started on fire. We acquired the necessary permits to remodel the rental house into the car lot office, along with tearing down the old office. This helped the appearance 100%. Currently, we are seeking relief from the moratorium to be able to park cars on the small slab directly in front of our new office. We would greatly appreciate your help. Thank you very much for your time.

Sincerely,

A handwritten signature in black ink that reads "Dan Owen". The signature is written in a cursive style with a large, stylized "D" and "O".

Dan Owen