

★ Roll Call Number

09-850

Agenda Item Number

31

Date

May 18, 2009

RESOLUTION SCHEDULING PUBLIC HEARING ON APPLICATION OF
IMPERIAL PROPERTIES, INC.,
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, on November 10, 2008, by Roll Call No. 08-2010, and on March 9, 2009, by Roll Call No. 09-430 the City Council extended the temporary moratorium through June 9, 2009; and,

WHEREAS, Imperial Properties, Inc., represented by Bill Moyer, an officer, seeks to expand its used car sales lot at 4131 E. 14th Street to include the adjoining property at 4141 E 14th Street; and,

WHEREAS, Imperial Properties, Inc., asserts that the City's refusal to allow it to proceed with the expansion of its used car sales lot at this location is causing it 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 Imperial Properties, Inc., at a public hearing to be held on June 8, 2009, 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)

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-2-

MOVED by Kiernan to adopt.

FORM APPROVED:


Roger K. Brown

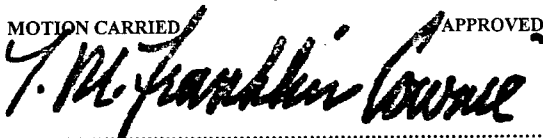
Assistant City Attorney

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			1

MOTION CARRIED

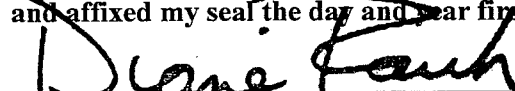
APPROVED


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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.


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City Clerk