

★ Roll Call Number

09-1029

Agenda Item Number

63A-1

Date June 8, 2009

RESOLUTION SCHEDULING A PUBLIC HEARING ON THE PROPOSED REGULATIONS  
AND REZONING TO CREATE A VEHICLE DISPLAY LOT OVERLAY DISTRICT  
AND  
EXTENDING THE TEMPORARY MORATORIUM ON THE CREATION OR EXPANSION  
OF VEHICLE DISPLAY LOTS PENDING SUCH HEARING

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 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 March 9, 2009, by Roll Call No. 09-430, the City Council continued the moratorium until June 9, 2009, to allow time for the review and consideration of further amendments to the Zoning Ordinance or Site Plan Regulations to address the City Council's concerns regarding the appearance and impacts of vehicle display lots; and,

WHEREAS, the Community Development Department has proposed an amendment to the Zoning Ordinance to create a "VDL" Vehicle Display Lot Overlay District to be applied to those portions of E. 14th Street, SE 14th Street and E. University Avenue currently zoned to the "C-2" General Retail and Highway Oriented Commercial District, as further described in the accompanying Council Communication; and,

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WHEREAS, a continuance of the temporary moratorium on the approval of site plans for the construction or expansion of vehicle display lots is necessary and appropriate to maintain the status quo and to prevent new development from occurring before the City Council has an opportunity to consider adoption of the proposed amendment to the Zoning Ordinance and the proposed rezoning as described above; 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, as follows:

1. The recommendation from the Community Development Director set forth in the accompanying Council Communication is hereby received and filed.
2. The Community Development Department is hereby directed to hold a neighborhood meeting to discuss the proposed amendment to the Zoning Ordinance and the proposed rezoning with the affected property owners prior to consideration by the Plan and Zoning Commission.
3. The City Council hereby refers the proposed amendment to the Zoning Ordinance and the proposed rezoning as described above to the Plan and Zoning Commission for report and recommendation. The Commission is requested to submit its report and recommendation prior to the hearing before the City Council scheduled below.
4. The meeting of the City Council at which the proposed amendment to the Zoning Ordinance and proposed rezoning will be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on August 10, 2009, at which time the City Council will hear both those who oppose and those who favor the proposal.
5. That the City Clerk is hereby authorized and directed to cause notice of said proposals and of the public hearing therein to be given in a form approved by the Legal Department by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

( continued )



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- 6. 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 August 11, 2009.

( Council Communication No. 09- **391** )

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				
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