

Date..... April 7, 2008

INFORMAL HEARING ON APPLICATION OF TOYOTA OF DES MOINES FOR RELIEF FROM TEMPORARY MORATORIUM

WHEREAS, on March 25, 2008, by Roll Call No. 08-510A, the City Council approved a temporary moratorium effective until June 24, 2008, 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, Toyota of Des Moines, represented by Dennis Hanson, seeks to construct an expansion of its indoor showroom and a new parts storage building upon its property at 4475 Merle Hay Road, and had applications pending seeking approval of a building permit and site plan for such improvements when the moratorium was imposed; and,

WHEREAS, Toyota of Des Moines asserts that the proposed improvements are not subject to the moratorium because the improvements do not involve the creation or expansion of any outdoor area devoted to the display of vehicles for sale, rental or hire; and,

WHEREAS, Toyota of Des Moines further asserts that if the improvements are subject to the moratorium, it should be granted relief from the moratorium because the application of the moratorium and the resulting delay in completing the planned improvements will cause it undue hardship; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the request for relief from the moratorium is hereby granted for the reason that the moratorium is not intended to apply to the expansion and construction of buildings that do not involve any increase in pavement or expansion of any outdoor area devoted to the display of vehicles.

MOVED by _____ to adopt.

(continued)

★ **Roll Call Number**

Agenda Item Number

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Date April 7, 2008

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FORM APPROVED:

Roger K Brown

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