

**BUSINESS OF THE CITY COUNCIL
WINDSOR HEIGHTS, IOWA
AGENDA STATEMENT**


Item No. 9
For Meeting of 09.07.10

ITEM TITLE: Consideration of a resolution establishing a temporary moratorium on the establishment of new or relocation of existing delayed deposit services businesses and pan businesses pending a comprehensive review of the applicable regulations.

CONTACT PERSON: Marketa George Oliver, City Administrator

SUMMARY EXPLANATION

The Planning and Zoning Commission met on Wednesday, August 25th and made a recommendation to implement a 6-month moratorium on pay day lenders and pawn shops in Windsor Heights, similar to what was done in Des Moines. The moratorium will give the Commission time to address regulations and make recommendations to the City Council.

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| <input checked="" type="checkbox"/> Resolution _____ Ordinance _____ Contract _____ Other (Specify) _____ |
| Funding Source _____ NA _____ |
| APPROVED FOR SUBMITTAL _____ <div style="text-align: right; margin-right: 50px;"></div> _____ |
| City Administrator |

STAFF RECOMMENDATION: The Planning and Zoning Commission recommends passage of this resolution.

COUNCIL ACTION:

Resolution 10-0907/

RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM
ON THE ESTABLISHMENT OF NEW OR RELOCATION OF EXISTING
DELAYED DEPOSIT SERVICES BUSINESSES AND PAWN BUSINESSES
PENDING A COMPREHENSIVE REVIEW OF THE APPLICABLE
REGULATIONS

WHEREAS, the proliferation of delayed deposit services businesses (commonly known as "payday lenders") and pawn businesses suggests a commercial corridor and the adjoining neighborhoods are in economic and social decline, negatively impacting reinvestment, economic development efforts and property values along the corridor and the adjoining neighborhoods; and,

WHEREAS, these businesses do not create much foot traffic for adjacent businesses and a proliferation of them at particular locations can overwhelm a neighborhood and can be a disincentive for the location of other neighborhood businesses in close proximity to them; and,

WHEREAS, it is reasonable and appropriate to regulate the placement and location of delayed deposit services businesses and pawn businesses so as to avoid the clustering of such businesses and to protect the surrounding neighborhoods from distress and the appearance of commercial districts in decline, and to avoid the adverse effects upon the overall business atmosphere of the City, which are likely to result from an over-concentration of such businesses within the commercial corridors; and,

WHEREAS, a temporary moratorium on the establishment of new or relocation of existing delayed deposit services businesses and pawn businesses is necessary and appropriate to prevent such businesses from locating at sites that are detrimental to the immediate area and the City as a whole, until appropriate regulations can be developed and implemented;

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Windsor Heights, Iowa, as follows:

1. The City Council hereby adopts the statements made in the preamble above as findings of fact.
2. No new delayed deposit services business or pawn business shall be established and no existing such business shall be relocated within the City of Windsor Heights. The City Staff shall not issue any permit for any use or development which is prohibited by this section.
3. This moratorium shall take effect immediately upon the adoption of this resolution and shall expire on March 6, 2010, unless repealed or extended by further action of the City Council.
4. Any party may by written application to the City Clerk request relief from the effect of this moratorium where necessary to avoid unnecessary hardship. The application shall identify the basis for the applicant's contention that the moratorium is causing unnecessary hardship. The application shall be considered by the City Council at the first regularly scheduled Council meeting more than ten days following the date such application is filed with the City Clerk. If the City Council determines that the application of this moratorium is causing the applicant unnecessary hardship, the City Council shall allow such relief from this moratorium as is necessary to remedy such unnecessary hardship.

5. The Community Development Department and Legal Department are hereby directed to diligently proceed to review and prepare recommendations to the Planning and Zoning Commission and City Council regarding whether additional or alternate regulation of delayed deposit services businesses and pawn businesses is needed and what the regulations should be, to prevent or minimize the detrimental impacts of such businesses upon the adjoining and neighboring properties.

6. The Community Development Department and Legal Department shall endeavor to make a report and recommendation to the City Council on the appropriate changes to the zoning regulations and map, site plan regulations and other City regulations applicable to delayed deposit services businesses and pawn businesses, and a schedule for the implementation of such changes prior to the expiration of the moratorium hereby imposed.

PASSED AND APPROVED THIS 7th DAY OF SEPTEMBER, 2010.

Diana Willits, Mayor Pro Tem

ATTEST:

Marketa George Oliver, City Administrator/Clerk