



# Council Communication

Office of the City Manager

<b>Date</b>	May 19, 2008
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<b>Agenda Item No.</b>	<b>54</b>
<b>Roll Call No.</b>	<b><u>08-</u></b>
<b>Communication No.</b>	<b><u>08-302</u></b>
<b>Submitted by: Larry Hulse, Community Development Director</b>	

## **AGENDA HEADING:**

Hearing on application from Penske Truck Leasing, represented by Douglas Saltgaver, for relief from the moratorium on the establishment or expansion of vehicle display lots as applied to its truck leasing business at 4101 E. 14th Street.

## **SYNOPSIS:**

Recommend Council hold hearing on application from Penske Truck Leasing for relief from the moratorium on the establishment or expansion of vehicle display lots as applied to its truck leasing business at 4101 E. 14th Street. The applicant proposes to demolish a portion of an existing structure on the site and to replace it with a paved surface for vehicle display and storage. The request constitutes the expansion of an existing vehicle display lot.

The existing vehicle display lot at 4101 E. 14<sup>th</sup> Street is a legal, non-conforming use. The site does not comply with existing vehicle display lot standards, which were adopted in 2001, including required parking and landscaping.

If relief to the moratorium is granted, the applicant will be required to submit a site plan. If the expansion of the car lot exceeds 50% of the area or 50% of the value of the existing lot, the entire lot must come into conformance with the existing site plan regulations for landscaping, setbacks, etc. If the expansion of the lot is less than 50% of the area or 50% of the value of the existing lot, only the new portion must comply with the site plan standards for landscaping, setbacks, etc. Finally, if the City Council ultimately decides to amend the site plan standards for vehicle display lots in the future, it is possible that a legal non-conforming use will be re-established on the subject property or the degree of non-conformity of the existing lot will increase.

## **FISCAL IMPACT: NONE**

Amount: N/A

Funding Source: N/A.

## **ADDITIONAL INFORMATION:**

On March 24, 2008, the City Council approved a temporary moratorium effective until June 24, 2008, which provides as follows:

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 that 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 that has been commenced under a valid permit and is diligently pursued to completion.

**PREVIOUS COUNCIL ACTION(S):**

Date: March 24, 2008.

Roll Call Number: 08-510A

Action: From Council Members Brian Meyer and Robert Mahaffey to discuss the proposed used car lot moratorium. Moved by Meyer to receive and file comments. Motion Carried 7-0.

(A) Approving temporary moratorium of 92 days (through June 24, 2008) on the creation or expansion of vehicle display lots pending a comprehensive review of applicable regulations and guidelines. Moved by Meyer to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

If relief is granted, the Plan and Zoning Commission will review the vehicle display lot according to existing standards.

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