

Date May 19, 2008

RESOLUTION CLOSING PUBLIC HEARING AND APPROVING  
APPLICATION OF PENSKE TRUCK LEASING  
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, on May 5, 2008, by Roll Call No. 08-788, it was duly resolved by the City Council that the application of Penske Truck Leasing, represented by Douglas Saltsgaver, for relief from the moratorium as applied to its truck leasing business at 4101 E. 14th Street, be set down for hearing on May 19, 2008, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on May 8, 2008, setting forth the time and place for such hearing; and,

WHEREAS, in accordance with said notice those interested in the application, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the application for relief from the moratorium are hereby overruled, and the hearing is closed.
2. The City Council hereby makes the following findings:
  - a) Penske Truck Leasing is renovating its truck leasing facility at 4101 E. 14th Street by removing part of an existing building and renovating the balance of the building and providing exterior enhancements to improve the overall appearance of the property.
  - b) The temporary moratorium operates to prohibit Penske Truck Leasing from placing paving in the area previously occupied by a building.

( continued )

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- c) The completion of the renovation project started by Penske Truck Leasing, by paving an area interior to its existing site for truck leasing formerly occupied by a building, does not constitute the creation or expansion of a vehicle display lot within the intended meaning of the moratorium.
- 3. The application of Penske Truck Leasing for relief from the moratorium as applied to its truck leasing business at 4101 E. 14th Street to permit it to pave the area formerly occupied by a building, is hereby granted.

MOVED by \_\_\_\_\_ to adopt and approve the application for relief from the moratorium.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown

Assistant City Attorney

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

(Council Communication No. 08-302)

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

08-284  
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# ER(G) ENGINEERING RESOURCE GROUP, INC.

ENGINEERS & SURVEYORS

PH. 515 / 288-4823 • FAX 515 / 288-3860 • Email: erg@ergcorp.com

April 29, 2008

Ms. Diane Rauh  
Des Moines City Clerk  
400 Robert D. Ray Dr.  
Des Moines, Iowa 50309

**RE: Penske Truck Leasing  
4101 E. 14<sup>th</sup> St.**

FILED  
2008 MAY - 1 AM 10:41  
CITY CLERK  
DES MOINES, IOWA

Dear Ms. Rauh:

On behalf of our client, Penske Truck Leasing, we ask to be placed on the next available council meeting in order to ask for relief from the recently imposed moratorium on display lots.

The project is located at 4101 E 14<sup>th</sup> Street and is owned and operated by Penske Truck Leasing, a well-established national corporation. The project consists of removing part of a somewhat unattractive building addition and renovation of the office portion of the building and exterior enhancements to provide more curb appeal. Additional paved parking would be placed in the area previously occupied by the building addition. A licensed architect has prepared detailed drawings for the building renovation which have been submitted to the building department.

This is not a used car lot and has been operating as Penske Truck Leasing for about 13 years. A previous site plan was approved by City staff in 1995 for some site improvements. Penske knows it must get City approval to perform work on site and building improvements and took the correct steps in 1995 and is doing so today as they have hired an architect and a Civil Engineer to design the improvements.

A pre-application conference was held on January 29<sup>th</sup> with the Permit and Development staff to discuss the proposed improvements. During this meeting there was no mention by staff that this site was considered a vehicle display lot.

A site plan was submitted for review on February 29<sup>th</sup> and a staff comment letter was prepared on March 5 with a few minor comments. After the council took action on the moratorium, I received a phone call from City staff explaining they had determined this site was considered a vehicle display lot and the site plan could not be approved.

We ask the council to grant relief from the moratorium as the property owner will suffer undue hardship as they will not be able to complete their proposed improvements as they had planned.

Ms. Diane Rauh  
Des Moines City Clerk  
April 29, 2008  
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The improvements proposed to the site and building exterior will greatly enhance the appearance of the facility and the E. 14<sup>th</sup> Street corridor.

If you have any questions or concerns, please contact me at your earliest convenience.

Sincerely,

**ENGINEERING RESOURCE GROUP, INC.**

A handwritten signature in black ink, which appears to be 'Douglas J. Saltgaver', is written over a horizontal line. The signature is stylized and cursive.

Douglas J. Saltgaver, P.E.