

★ Roll Call Number
08-915

Agenda Item Number
54A

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 Mahaffey to adopt and approve the application for relief from the moratorium.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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(Council Communication No. 08-302)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

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.

Diane Rauh City Clerk

MOTION CARRIED

APPROVED

T. M. Franklin Council

Mayor