

★ Roll Call Number  
08-916

Agenda Item Number  
54B

Date May 19, 2008

Alternative Resolution

RESOLUTION CLOSING PUBLIC HEARING AND DENYING  
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 Saltgaver, 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 9, 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 sustained, and the hearing is closed.
2. The City Council hereby makes the following findings:
  - a) Penske Truck Leasing seeks relief from the moratorium to allow it to pave an area previously occupied by a building.
  - b) The area proposed to be paved may be used for the display of trucks for rental, or may be used in a manner that frees up other existing paved area on the site for the display of trucks for rental.

( continued )

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- c) The proposed paving constitutes the creation or expansion of a vehicle display lot within the intended meaning of the moratorium.
  - d) Penske Truck Leasing has failed to demonstrate that it is suffering any hardship by application of the moratorium and the temporary prohibition against additional paving that may be used to expand its vehicle display area.
3. The application of Penske Truck Leasing for relief from the moratorium is hereby denied.

MOVED by \_\_\_\_\_ to adopt and DENY the request for relief from the moratorium.

FORM APPROVED:

*Roger K. Brown*  
Roger K. Brown  
Assistant City Attorney

(Council Communication No. *08-302*)

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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