

★ Roll Call Number
08-788

Agenda Item Number
20

Date May 5, 2008

RESOLUTION SCHEDULING PUBLIC HEARING ON 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, Penske Truck Leasing, represented by Douglas Saltgaver, 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; and,

WHEREAS, the temporary moratorium operates to prohibit Penske Truck Leasing from placing paving in the area previously occupied by the building; and,

WHEREAS, Penske Truck Leasing asserts that the City's refusal to allow it to finish its renovation project by installing paving in the area previously occupied by the building is causing it undue hardship; NOW THEREFORE,

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

1. The City Council of the City of Des Moines shall consider the appeal by Penske Truck Leasing at a public hearing to be held on May 19, 2007, at 5:00 p.m., in the Council Chambers.
2. The City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

(continued)

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MOVED by Mahaffey to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| HENSLEY | | | | ✓ |
| KIERNAN | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MEYER | ✓ | ✓ | | |
| VLASSIS | ✓ | | | |
| TOTAL | 5 | 1 | | 1 |

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 Fauh City Clerk

MOTION CARRIED

APPROVED

J. M. Franklin
Mayor