

.....
Date April 21, 2014.....

RESOLUTION GRANTING APPLICATION OF CLEAR CHANNEL OUTDOOR, INC., FOR RELIEF FROM THE MORATORIUM ON THE APPROVAL OF CONVERSION CREDITS FOR THE REMOVAL OF EXISTING OFF-PREMISES ADVERTISING SIGNS, TO ALLOW A CREDIT TO BE EARNED FOR THE REMOVAL OF THE SIGN AT 1300 KEOSAUQUA WAY

WHEREAS, on April 7, 2014, by Roll Call No. 14-0575, the City Council imposed a temporary moratorium effective until June 26, 2014, on the construction or placement of signs using an electronic display, on the conversion of existing signs to use an electronic display, and on the issuance of any new conversion credits or permits for any such construction or conversion activities; and,

WHEREAS, Clear Channel Outdoor, Inc. (hereinafter "Clear Channel") has requested relief from the moratorium to allow the approval of a conversion credit under the existing regulations for the removal of an existing off-premises advertising sign at 1300 Keosauqua Way.

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

1. The City Council hereby makes the following findings of fact:
 - a) On September 9, 2013, by the adoption of Ordinance No. 15,214 and the passage of Roll Call No. 13-1426, the City Council approved the application of Kum & Go, LC, to rezone the property at 1300, 1310 and 1330 Keosauqua Way to the PUD Planned Unit Development District and approved a PUD Conceptual Plan which provided for the removal of the existing off-premises advertising sign at 1300 Keosauqua Way and the redevelopment of the property for with a gas station/convenience store.
 - b) On October 17, 2013, Kum & Go, LC, submitted a site plan for the removal of the existing off-premises advertising sign and the redevelopment of the property at 1300, 1310, and 1330 Keosauqua Way with a gas station/convenience store in conformance with the previously approved PUD Conceptual Plan.
 - c) On March 31, 2014, a building permit was issued for the removal of the off-premises sign at 1300 Keosauqua Way.
 - d) Kum & Go, LC, and Clear Channel negotiated for the removal of the sign at 1300 Keosauqua Way in good faith reliance on the existing regulations that allow a conversion credit to be earned by the removal of that sign, that can be used to convert an existing legal non-conforming sign of the same size anywhere in the City to use an electronic display.

Date April 21, 2014

- e) Denial of a conversion credit under the existing regulations for the removal of the existing off-premises sign at 1300 Keosauqua will cause undue hardship to Kum & Go and to Clear Channel under the unique circumstances identified above.
- 2. The application of Clear Channel for relief from the moratorium as applied to the approval and use of a conversion credit in accordance with the existing regulations for the removal of the existing off-premises advertising sign at 1300 Keosauqua Way 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

G:\SHARED\LEGAL\BROWN\Ch134\Signs\Moratorium\RC Waiver - Clear Channel 1300 Keo.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
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

Clear Channel Outdoor, Inc.
4131 109th St.
Urbandale, IA 50322

FILED

2014 APR 16 AM 11:22

CITY CLERK
DES MOINES, IA

April 15, 2014

Via [Hand-Delivery]

Des Moines City Council
400 Robert D. Ray Dr.
Des Moines, IA 50309

Re: Conversion credit for removal of Billboard Structure at 1300 Keosauque Way

Dear City Council Members:

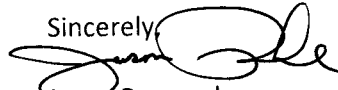
I serve as Director of Real Estate for the Des Moines Division of Clear Channel Outdoor, Inc. ("CCO") and submit the following request for relief from the Des Moines City Council resolution imposing a temporary moratorium on the approval of new electronic signs dated April 7, 2014 (the "Moratorium").

On March 31, 2014, CCO applied for and received a demolition permit for the removal of a billboard structure at 1300 Keosauque Way (a copy of the demolition permit is enclosed). Prior to the Moratorium, and relying on the existing ordinance, CCO applied for one (1) digital conversion credit point that would result from this removal pursuant to the current zoning regulations in Chapter 134 of the City Code.

Because the demolition permit was issued and the digital conversion credit was applied for under the current ordinance and prior to the Moratorium, CCO respectfully requests that the City Council issue the conversion permit subject to the existing ordinance in effect on the date CCO applied for the permits.

CCO respectfully requests approval of this request to avoid any unnecessary hardship.

Sincerely,



Jason Pomrenke

515-875-4017

jasonpomrenke@clearchannel.com

Clear Channel Outdoor, Inc. – Des Moines Division

Enclosures:

- 1) Demolition permit dated March 31, 2014
- 2) Des Moines City Council Resolution Scheduling Hearing on Proposed Amendment to the Zoning Ordinance to Further Regulate the Operation and Allowed Location of Electronic Signs, and Imposing a Temporary Moratorium on the Approval of New Electronic Signs dated April 7, 2014

60B

BUILDING PERMIT

INSPECTION RECORD

PERMIT NO. Bld 2014-00399 DATE 3-31-14

FOR CONSTRUCTION ALTERATION REMODELING CONVERSION
 DEMOLITION ADDITION REPAIR

OF Demo Billboard

AT 1300 Keosauque Way

TYPE CONST. <u>IB</u>
OCCUP. GR.

INSPECTIONS: CALL FOR INSPECTIONS MON - FRI BETWEEN 7:30 - 9:00 a.m. & 3:30 - 4:00 p.m.
 REQUESTS BY 9:00 a.m. CAN USUALLY BE MADE THAT DAY.

BUILDING	283-4217	_____	}	FOUNDATION, FRAMING & STRUCTURAL INSPECTIONS
ELECTRICAL	283-4925	_____		
MECHANICAL	283-4946	_____	}	INSPECTIONS MUST BE CALLED FOR BY LICENSED CONTRACTORS
PLUMBING	283-4961	_____		
FIRE	237-1367	_____		
ZONING	283-4200	<u>Erin 283 4759</u>	}	FINAL SITE INSPECTIONS
ENGINEERING	283-4200	_____		

INSPECTIONS	DATE	INSPECTOR	APPROVED		COMMENT
			YES	NO	
FOOTING TRENCH & REINF.					

NOTE - NO CONCRETE SHALL BE POURED UNTIL THE ABOVE ITEMS ARE COMPLETED

FOUNDATION WALL					
BUILDING SEWER / WATER					
PLUMBING (GROUNDWORK)					
ELECTRICAL (GROUNDWORK)					

NOTE - DO NOT POUR OR CONSTRUCT FLOOR UNTIL THE ABOVE ITEMS ARE COMPLETED

ELECTRICAL (ROUGH)					
PLUMBING (ROUGH)					
HEATING & VENT. (ROUGH)					
DO NOT CALL FOR FRAMING INSPECTION UNTIL ABOVE ITEMS ARE APPROVED					
FRAMING					

NOTE - NO WORK SHALL BE COVERED UNTIL THE ABOVE ITEMS ARE COMPLETED

WALLBOARD					
STRUCTURE (FINAL)					
PLUMBING (FINAL)					
ELECTRICAL (FINAL)					
HEATING & VENT. (FINAL)					