

★ Roll Call Number

14-0657

Agenda Item Number

60 B

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.

( continued )

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- 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 Hensley 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 ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
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.

T. M. Franklin Cownie Mayor

Diane Rauh City Clerk