

APPENDIX A

14-10502 REQUEST BY ADAMS OUTDOOR ADVERTISING FOR A MAJOR AMENDMENT TO THE REGENCY MALL PLANNED DEVELOPMENT TO ERECT A BILLBOARD AT 5200 DURAND AVENUE.

THAT THE REQUEST BY ADAMS OUTDOOR ADVERTISING FOR A MAJOR AMENDMENT TO THE REGENCY MALL PLANNED DEVELOPMENT TO ERECT A BILLBOARD AT 5200 DURAND AVENUE BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- a. That the plans presented to the Common Council on February 18, 2015 be approved subject to the conditions contained herein.
- b. That all codes and ordinances be complied with unless exceptions thereto are granted herein.
- c. That all applicable permits are acquired.
- d. That through the approval of this conditional use permit, and in consideration of the physical characteristics of the lands and uses surrounding the subject location, the Common Council authorizes the following exceptions to Municipal Code Section 114-1028(c):
 1. Decrease required offsets of 75 feet to offsets no less than 30.55 feet for the billboard's (advertising sign) distance to a residence district boundary line.
 2. Waving of the requirement for the complete screening of the view of a billboard (advertising sign) from a residential district.
- e. That the following design objectives shall be complied with:
 1. The overall height of this installation (from yard grade at base of planter area to top of sign) shall not exceed 20 feet.
 2. Lighting of the sign face shall be via downcast fixtures.
 3. A three-course decorative block planter shall be provided around the base of the sign.
 4. A landscape plan shall be implemented in accordance with an approved plan.
 5. All plans, materials and colors are subject to the review and approval of the Director of City Development.
 6. That the display shall be a static display and in no case shall be a digital billboard. The face of the display shall consist of vinyl or other outdoor material with a static, non-moving display. Any use of LED or other electronic variable message technology to create a digital and/or rotating or variable or moving display is strictly prohibited.
- f. That this permit is void if within 60 calendar days of the execution of the Agreement in Lieu of Board of Appeals Consideration of an Appeal to the City of

Racine Board of Appeals, Adams Outdoor Advertising, its assignee(s), or successor(s) fails to accomplish the following:

1. Permanent removal of three billboards, the building and other structures and appurtenances from the property located at 1601 Racine Street (Parcel ID 09088000). The concrete foundation and slab for the building may remain. Any resulting exposed soil shall be restored, at a minimum, with topsoil and grass within 12 months of the removal of structures and appurtenances. No new billboards, buildings, structures or appurtenances shall be constructed on this parcel and all prior or existing approvals or permissions are terminated.
 2. Record with the Racine County Register of Deeds a deed restriction for a prohibition at 5200 Durand Avenue (Parcel ID 23876031) of the installation of any electronic message signs as defined in Municipal Code Section 114-1033. Upon applying for a major amendment to this Conditional Use Permit, and the consent of the City of Racine Common Council, said prohibition may be lifted but no sooner than (5) years from the date of recording of said deed restriction. The form of the deed restriction shall be submitted to the Director of City Development for review and approval prior to its recording.
- g. If any improvements listed in condition "e. 3. & 4." cannot be completed prior to the affixing of advertising thereon, then the applicant or owner shall provide the City with a letter of credit, bond, or other acceptable financial security, equal in value to the required improvements, subject to the following:
1. The financial security documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City's favor, shall be in effect for one year from the date of issuance, shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of the financial assurance.
 2. The City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not implemented by the dates stated. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute.
 3. By operating under this conditional use, the applicant and owner give permission to the City to enter upon the property for purpose hereby described.

- h. That per Municipal Code Section 114-159 this conditional use permit shall be deemed null and void if it has not been established (substantially under way) within one year from the date of granting. For the purposes of this conditional use permit, “established (substantially underway)” shall mean that the main vertical support pylon (pipe column) has been properly installed following satisfaction of condition “f” above and the obtaining by Adams Outdoor Advertising of all applicable permits.
- i. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this approval without the approval of the Common Council.
- j. That Adams agrees to hold harmless the City, its departments, officers, agents and employees from and against any and all costs, without limitation, attorneys fees, damages, expenses or liability for actions included but not limited to personal injuries, bodily injuries, death or property damage or takings claims arising out of the acts or omissions of Adams Outdoor, its officers, employees, agents, volunteer workers, or frequenters of said area arising from Adams’ erection of its billboard on the property.
- k. That this permit is subject to Plan Commission review for compliance with the listed conditions.