

Date May 19, 2014

HEARING ON PROPOSED AMENDMENTS TO THE ZONING ORDINANCE  
REGARDING THE ALLOWED OPERATION, SIZE AND LOCATION OF ELECTRONIC  
SIGNS AND MULTI-VISION DISPLAY SIGNS AND THE USE OF CONVERSION  
CREDITS EARNED BY THE REMOVAL OF AN OFF-PREMISES ADVERTISING SIGN,  
AND CONDITIONALLY APPROVING SAME

WHEREAS, on April 7, 2014, by Roll Call No. 14-0575, the City Council directed that a public hearing be held on May 19, 2014, at 5:00 p.m., in the Council Chambers at City Hall, to consider the following amendments to the Zoning Ordinance then recommended by the City staff:

- a) Change the credit system to limit the use of any new conversion credit to the conversion of a nonconforming off-premises advertising sign along the same scenic corridor or City street from which the credit was earned by the prior removal of another off-premises advertising sign;
- b) Change the operational standards on the use of electronic signs to require that all electronic signs, regardless of size, remain static for at least 8 seconds between any change in the message displayed, and that the change between static messages be instantaneous; and,
- c) Make other changes to the regulation of electronic signs and off-premises advertising signs as appropriate; and,

WHEREAS, by said Roll Call No. 14-0575, the City Council further directed the Community Development Department and Plan and Zoning Commission to diligently proceed with a review of the proposed amendments to the Zoning Ordinance; and,

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 1, 2014, its members voted 11-0 in support of a motion to recommend approval of proposed amendments to the Zoning Ordinance to further regulate the allowed operation, size and location of electronic signs and multi-vision display signs and the use of conversion credits earned by the removal of an off-premises advertising sign, as more fully shown by Exhibit "A" attached hereto; and,

WHEREAS, due notice of this hearing was published in the Des Moines Register as provided by law on May 8, 2014; and,

WHEREAS, in accordance with the notice, those interested in the proposed amendments, 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,

Date May 19, 2014

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon consideration of the facts, statements of interested persons and arguments of counsel, the objections to said proposed amendments to the Zoning Ordinance be and the same are hereby overruled, and the hearing closed.

( Council Communication No. 14- )

MOVED by \_\_\_\_\_ to adopt and approve the proposed amendments, subject to final passage of the enacting ordinance.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown, Assistant City Attorney  
G:\SHARED\LEGAL\BROWN\Ch134\Signs\Elect\RC Hrg.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

## Exhibit "A"

Proposed amendments to Chapter 134, Zoning, to clarify the prohibition of Video Display Signs, to further regulate the allowed operation, size and location of electronic signs and multi-vision display signs and the use of conversion credits earned by the removal of an off-premises advertising sign.

### Sec. 134-3. Definitions.

.....

*Sign, electronic display* means any portion of a sign upon which alphabetic, pictographic or symbolic informational content can be changed or altered on a display screen composed of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices, including but not limited to programmable microprocessor controlled electronic displays; and, the projection of images or messages with these characteristics by any other means onto the sign face.

.....

*Sign, multi-vision display* means any portion of a sign where the display surface is comprised of rotating elements that permit the display of different messages by the rotation of the elements.

.....

*Sign, window* means a sign within a building which is located and placed so as to evidence an intent for the sign to be viewed from a public right-of-way.

.....

~~*Video display* means an electronic display sign upon which multiple color pictures or graphics are displayed in a series of frames which give the illusion of motion. This definition includes, but is not limited to, television screens, plasma screens, LED screens and holographic displays used to display video images.~~

.....

### Sec. 134-1276. General regulations.

.....

(i) *Signs permitted in all zones.* The following designated signs shall be permitted in all zoning districts:

.....

(7) *Window signs.* Such signs which are displayed inside a window or within a building. However, an electronic display sign shall not be used as a window sign, and neon window signs shall be permitted only in those districts where neon signs are permitted.

.....

(j) *Prohibited signs.* The following designated signs shall be prohibited in all zoning districts:

.....

(9) Electronic display signs and multi-vision signs which do not conform with the operational standards in section 134-1277. *Video display signs.*

(10) Electronic display signs used as window signs in violation of section 134-1277.

.....

**Sec. 134-1277. Regulation of electronic signs.**

(a) Any sign utilizing an electronic display or multi-vision display ~~more than 24 square feet in area~~ must meet the following operational standards:

- (a1) *Display Type.* No such sign shall display multiple color pictures or graphics in a series of frames which give the illusion of motion or video, including but not limited to television screens, plasma screens, LED screens and holographic displays used to display video images.
- (2) *Duration.* The display area and each portion thereof must be static for at least 8 seconds between any change in the ~~message displayed~~ display.
- (b3) *Transition.* The change between static ~~messages~~ displays must be instantaneous.
- (e4) *Brightness.* No lighting shall be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of any street, or is of such low intensity or brilliance as to not cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle. In no event may such a sign exceed a maximum illumination of 5,000 candelas per square meter during daylight hours and a maximum illumination of 500 candelas per square meter between dusk to dawn as measured from the sign's face at maximum brightness.
- (d5) *Dimmer control.* Electronic display signs must have an automatic dimmer control to automatically reduce the illumination at night and during times of reduced ambient light.
- (e6) *Separation from Residential.* No such sign shall be permitted within 100 feet of (i) any lot in an R district which either is used for residential purposes or is vacant, or (ii) any portion of a PUD district devoted to single- or two-family use.
- (7) *Window signs.* An electronic display sign shall not be used as a window sign.
- (b) Any on-premises advertising sign utilizing an electronic display or multi-vision display shall be a monumental sign and no more than 24 square feet of the allowed sign area shall be utilized for the electronic or multi-vision display.
- (c) The duration and transition standards set forth in this section shall supersede any more restrictive duration and transition requirements applicable to any electronic or multi-vision sign previously permitted.
- (d) Statement of intent. The amendments to this section are intended to clarify the prohibition on video display signs imposed by Ordinance No. 14,668, effective July 23, 2007, and the interpretation thereof that any electronic sign which does not comply with paragraphs (a)(1), (a)(2) and (a)(3) above is a prohibited sign.

**Sec. 134-1352. Use of land, use of structures and structures in any R district.**

- .....
- (e) *Conversion of non-conforming off-premises advertising signs.* An off-premises advertising sign which lawfully exists at the effective date of the ordinance adopting or amending this chapter, that could not be built under the terms of this chapter because of the district in which such sign is located or the lack of required separation from another sign, district or use, may be converted to use an electronic display or multi-vision display only under the following circumstances:
    - (1) The owner of an existing lawful conforming or non-conforming off-premises advertising sign may apply to the community development director for a conversion credit for the removal of that sign. The application shall be approved

and a conversion credit allowed for the removal of the existing lawful off-premises advertising sign if the following conditions are satisfied:

- i. The sign and the entire supporting structure above grade are subsequently removed; and,
- ii. The parcel from which the sign was removed cannot again be used for the placement of an off-premises advertising sign by reason of the district or corridor in which it is located; the lack of required separation from another district; or the recording of a restrictive covenant in a form approved by the city legal department that prohibits the use of the parcel for off-premises advertising.

(2) If a conversion credit is allowed, the amount and usage of the conversion credit to be allowed shall be as follows:

- i. One credit shall be ~~allowed~~ earned for each sign face on the removed sign structure that was at least 600 square feet in area; and,
- ii. One-half credit shall be ~~allowed~~ earned for each sign face on the removed sign structure that was at least 300 square feet in area, and less than 600 square feet in area; ~~and,-~~
- iii. Any conversion credit earned after May 1, 2014, shall be used for the conversion of an existing sign located in and designed to be viewed from the same gateway or scenic corridor or street as the removed sign structure.

(3) An applicant for a permit to convert an existing non-conforming sign structure to a sign structure using an electronic display or multi-vision display shall relinquish previously earned conversion credits in the amounts set forth below for each sign face on the converted sign structure converted to an electronic display or multi-vision display. The total area utilized for an electronic display or multi-vision display on each face of the sign shall be no larger than the area of the previously existing sign face.

Size of electronic display <u>or multi-vision display</u> <del>face</del> placed on the converted sign structure:	Number of conversion credits to be relinquished for that sign face:
over 600 square feet	1.0 conversion credit
at least 300 square feet and less than 600 square feet	0.5 conversion credits

.....

Date \_\_\_\_\_

Agenda Item 39.1

Roll Call # \_\_\_\_\_



May 9, 2014

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held May 1, 2014 the following action was taken regarding a City Council initiated request to amend the Zoning Ordinance Text in Chapter 134 to regulate operational standards of electronic display signs regardless of size, and to regulate the use of conversion credits earned by the removal of existing non-conforming off-premises signs.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 7-5 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Dory Briles		X		
JoAnne Corigliano		X		
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty	X			
Jann Freed				X
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee		X		
CJ Stephens	X			
Vicki Stogdill		X		
Greg Wattier		X		

**APPROVAL** of the proposed text amendment and for creation of a sign taskforce.  
(10-2014-5.02)

## **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the proposed text amendment.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

Pursuant to Roll Call 14-0575 which was approved on April 7, 2014, the City Council set a hearing for May 19, 2014 to consider proposed amendments to the Zoning Ordinance to further regulate the operation and allowed location of electronic signs. The same action imposed a temporary moratorium on the approval of new electronic display signs.

On April 2, 2014 the Regulation and Ordinance (R&O) subcommittee of the Plan and Zoning Commission considered alternatives to regulation of electronic signs.

Attached are the proposed revisions to the Zoning Ordinance text as prepared by the City Legal Department in response to direction from the City Council, the R&O, and Community Development staff. In summary, the proposed regulations would:

- Clarify the existing prohibition on video display signs;
- Further regulate the allowed size of a sign face that can be occupied by an electronic or multi-vision display;
- Regulate the use of electronic signs as window signs; and
- Further regulate the use of conversion credits earned by the removal an off-premises sign after May 1, 2014

### **II. ADDITIONAL APPLICABLE INFORMATION**

On April 24, 2014 Community Development Staff held an informational meeting on proposed Zoning Ordinance text revision regarding electronic display signs and limitations on their operation and location. Approximately 30 neighbors, business owners, electronic sign owners, sign contractors, and representatives of the off-premises sign industry were in attendance to get information and ask questions about the proposed changes.

In general, owners of existing on-premises electronic signs disagree with having to comply with operational standards that currently apply to larger off-premises advertising signs (billboards) and with the proposed 24 square foot size restriction for on-premises electronic signs. There was minimal discussion about the proposed requirement that billboard conversion credits be used on the same corridor where they were earned. However, neighborhood representatives have expressed desire for additional regulation of electronic/digital billboards and the use of conversion credits. To date, staff has suggested that changes beyond what is proposed in the current ordinance draft should be part of the Comprehensive Plan Update and Zoning Code update project that has been funded by City Council effective July 1, 2014.

## **SUMMARY OF DISCUSSION**

Mike Ludwig presented the staff report and recommendation for both Item #4 and Item #5 (see attached PowerPoint Presentation). Noted that public hearing comments would be made on both items but the Commission would vote on each item by a separate motion.

CJ Stephens asked if a project manager has been hired yet for the Comprehensive Plan and Zoning Code Update. Asked if they will be given priorities such as items that have been brought from the public and will part of the code be approved at a certain time or will the approval process have to wait until the entire project is completed.

Mike Ludwig stated the project manager has not been hired yet. For the Comprehensive Plan and Zoning Code update, staff has identified a three year time frame. There is an upcoming workshop with the City Council to outline the time schedule for everything. The first activity is hiring the project manager. This has been delayed because of staff's work on the items that are in front of the Commissioners tonight. There is an RFP drafted and it is currently being reviewed. Based on timelines, responses and availability of whatever candidate is selected it will probably be an August or September time range for having someone start. It does not mean that staff cannot start getting ready but if this issue is still being dealt with it will continue to delay things.

Dann Flaherty explained because the City of Des Moines is the applicant he is opening the public hearing. He also explained that any discussion the public wants to bring before the Commission for either or both Items #4 and #5 this will be done together. If they want to point out specifically the item they are addressing, that will be okay too. However, Item's #4 and #5 will be voted upon separately.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

Alvin Martindale representing the Fraternal Order of Eagles 6567 Bloomfield Road stated his organization raises money for a lot of charities. They have a small monumental sign that meets all of the requirements. They put their messages on the sign to get the public in to raise money. However, because they are only allowed 8 seconds and they have a 3 line message the cars passing by do not get a chance to read the full message. He asked that the Commission look at the eight second requirement and possibly consider making it a little longer for text messages rather than graphics.

Jason Pulliam 2113 52<sup>nd</sup> Street speaking as a resident and the President of Merle Hay Neighborhood Association (MHNA) referenced a letter emailed to staff earlier today. He thanked the City leaders for their continued efforts to address long-standing concerns about visual clutter along Des Moines commercial corridors. MHNA believes the monument standard being proposed is reasonable. In recent weeks they have been trying to talk to residents regarding the 24 square foot digital signs to get their input. Most of what is being said is they are not too concerned about the slow crawl or scrolling text but they do not want video or exploding graphics. MHNA believes that it is prudent to require removals on the same corridor to earn conversion credits. The reason is corridors like Merle Hay Road there are approximately 18 billboard faces within about a mile of each other between Urbandale and Aurora Avenue. Two miles west into Urbandale on Douglas Avenue there are about 3 billboard faces within two miles. Within Johnston City limits along Merle Hay



Road there are no billboards. Comparatively the difference is striking. The conversion credit system should also be looked at. Currently, the 2 to 1 ratio does not do a whole lot to de-cluster or de-concentrate billboards in the type of area mentioned above. On Merle Hay corridor the separation distance between residential property lines and billboards in a lot of cases is only around 100 feet which is a zoning code from a different time. Now that digital billboards are beginning to surface we should be cognizant of what the separation distance should be.

William Schoenenberger 5131 Merced Street Meredith Neighborhood Association president and Des Moines Neighbors board member stated he is representing both tonight. He stated that they echo what Mr. Pulliam has already said. He added that the City of Des Moines has a policy for parks that limits neighborhood signs and sculptures. These code changes have prohibited sculptures because the City did not want to change the look of the parks. The hope is to have their neighborhood attractive for those looking to move into the neighborhood. Businesses are their neighbors and they are treated as part of the neighborhood and they are not anti-business. He also noted that having a flashing lighted sign is a huge distraction. The Meredith Neighborhood Association and Des Moines Neighbors support the Merle Hay Neighborhood Association.

Dr. Claudia Addy 3818 Pleasant Street stated she also echoes what the previous people said and she is in support of the changes staff has recommended. Because of comments made implicating the neighborhood is anti-business she wanted to address them. The changes will cause the reduction of noise and distraction. The purpose of the sign is to bring attention to the business that actually is located there not the businesses that have moved away and their signs are still there. She questions what the mechanism will be to identify old pole signs and old signs that are no longer in use. One suggestion she has is perhaps an inexpensive hot line similar to the one done for pot holes. Another idea is to recycle the materials from the signs left that are not being used. She believes there should be a time limit on the renewal of permits for all signs. People are not interested in signs. They want their information to be at the top of the list in google, twitter and all other social media so signs will probably be obsolete in the next generation. Finally, she wanted to know what is the meant by "non-conforming" in regards to the signs.

Mike Ludwig explained that a legal non-conforming sign is a sign that complied with code prior to the code being changed. Such a sign is allowed to remain subject to conditions.

Marilyn Nizzi 3501 59<sup>th</sup> Street Merle Hay Neighborhood Board Association board member and resident since 1978 stated she has witnessed a lot of changes along Merle Hay corridor from being predominately single-family to now strip malls and single businesses and with that happening she now has a billboard on both sides of her back yard. Therefore she supports staff recommendation.

Colleen Kinney 632 40<sup>th</sup> Street submitted a copy of Section 134-1352 & Section 134-1278. She stated that conversion credits allow off-premises static billboards to be converted and replaced with electronic billboards even though Section 134-1278 prohibits off-premises electronic billboards near residential. She pointed out a couple of places that are in violation according to the code. She asked that action be taken to fix the conversion credit system and recommended to the City Council that no more conversions take place within

500 feet of residential, schools, historic districts and within 500 feet or so of another such sign.

JoAnn Hanover 1406 Merle Hay Road stated the number of billboards is disturbing. The biggest concern she has is the remaining billboard foundation with rods sticking up from where the poles were taken down. She believes this to be dangerous. She showed pictures and told approximately how long those dangerous situations have existed. When a pole sign is taken down she believes the sign foundation should be removed to grade. She noted all of the billboards on Merle Hay Road and SE 14<sup>th</sup> Street and suggested if there are going to be a lot of billboards, the City of Des Moines should charge them more than just once when they take a permit out.

Brian Meyer 5417 SE 29<sup>th</sup> Street, attorney for Dave Harkin stated they are in opposition of some parts and ambivalent about other parts. Their concern is the LED signs and the less than 24 square feet signs. They believe that this is a major change and not just a clarification in the code as has been presented. They are asking that the City of Des Moines take a step back from dealing with those smaller signs, those less than 24 square foot. Their concern is not the pole signs and billboards, but because the way the proposed ordinance is written they believe it is very detrimental to Mr. Harkin and some of the others who bought these type of signs. They believe that there is opportunity to take a look at some changes that would benefit both sides and look at what other metro communities have done. Their request is to at least grandfather what has already been approved by the City of Des Moines, sit down with the residents and business owners to try and negotiate a compromise and see what other metro communities do and what can be done in the future. Finally, he thanked the staff of returning his calls and answering questions.

David Harkin 2 East Army Post Road Fort Des Moines Financial Services, passed out a timeline for receiving a response to his request. His request was a list companies with LED signs affected. He notes that it was one complaint from a neighborhood resident on a car wash located on Ingersoll Avenue resulting in a decision to combine all LED signs under the same 8 second rule. He believes the rules for the big signs should be different than the rules for smaller signs and not all combined just for the ease of enforcing the rules. He pointed out that his sign is not interfering with anything. He has invested a lot of time and money into his building and requested that the smaller signs are given consideration for a different set of codes.

Kenneth Peskin International Sign Association representative located 1001 N. Fairfax Street, Suite 301, Alexandria Virginia stated he is speaking on both the electronic sign issue and the pole sign issue. He stated he works primarily with on-premises sign codes. Billboards are not really his issue. He does planner education, APA certification maintenance seminars on a bunch of subjects including legal issues involving sign regulations. One of his concerns about the electronic sign regulations deals with a concept that is called regulatory takings. That is changing the rules in a way that takes or diminishes the use of value of someone's property and doing it without compensation. Applying that to the existing signs that have permits may cross that line and might not be in the best interest of the community. Also noted the proposed prohibition on electronic signs being located in windows. He believes that the same rules should apply to signs such as the lottery signs that display what the current value of the jackpot even though more limited display they are still electronic signs mounted in windows. The pole sign issue seems to be

aesthetic. Instead of getting rid of pole signs he suggested mandating pole sign covers. This will improve the appearance. The masonry or brick requirement for monument signs will greatly increase the cost and likely the people will have to invest thousands of dollars on something unrelated to the sign. The lowering of the sign, when it is brought under 8 feet the MUTCD which governs how traffic signs are constructed requires that the bottom of all signs be at least five feet above the ground, seven feet in high traffic areas. The American Planning Association says a simple presence of other vehicles on the road can potentially prevent a driver from detecting a sign. If a sign is situated at or below five feet above grade other vehicles may block the driver's view.

Steve Davis 805 Army Post Road one of the owners of Touch and Go Car Wash stated when they bought their sign it cost \$27,000. He followed the rules and the sign was permitted by the City of Des Moines. He believes that his LED sign is not a video sign contrary to being on the list of signs that are affected. His sign scrolls up and down and left to right. He needs to get the messages out about his business to the customers who are driving in front of his site. He believes a television is a video not his LED sign with a scrolling message.

Jeff Nicholson 2715 E. University owner of P&P Small Engines stated he believes that the rules for large signs should not be the same as the rules for small signs in order to make enforcement easier. He believes that it would not be an inconvenience for the City staff to have a list that shows what signs can change messages quicker than 8 seconds. He is asking that the Commission consider separating the on-premises under 24 square foot signs when they are just 3% the size of the gigantic billboard next to him. He cannot display the same amount of information on his sign. He spent \$35,000 on his sign two years ago. It is an investment that will take him a long time to recover. It is a great way to get his message out to traffic that is coming by. In reference to the 2020 Character Plan there is language in there that refers to businesses being able to compete in a global environment. They are competing with resellers on the internet and he needs his message loud and clear at home. His concern regarding the pole sign regulations is causing his business to be in limbo. They are at a point where they would like to expand. If he wanted to change or expand he would have the room to do so. However, if he changes his site plan he would have to redo his whole sign and put up a monument sign. A monument sign would not be safe because it would block traffic as they are trying to come up to the stop sign and look to cross. This is a very big concern and he asked that the Commission take all of this into consideration.

Siobhan Harmon representing Kum and Go Convenient Stores 6400 Westown Parkway, West Des Moines stated the proposed amendments to Chapter 134 are a broad range. Kum and Go submitted a letter to the Commission with their position on this proposal. Part of the change they hear is to regulate LED billboard type signs and even though the regulation is not aimed at them they have gotten caught up in it. They use LED for their fuel cost signage. That sign is 30 square feet and the numerical number are 15 inches high. They use LED for a number of reasons. The main reason being is they are LEED certified. They are the first convenience store organization to be LEED volume certified. What that means is starting January 1, 2014 all of the new stores automatically go into the LEED program. They get a number of points using LEED technology in both signage, interior lighting and exterior lighting. Maintenance is another reason they use LED signage they have a longer life period so it does not need routine maintenance of bulbs. They have

440 stores in eleven states and gas is a commodity so prices do change and with LED technology they are able to change price signage. Their concern on the pole signage is depending on what type of road they are located on such as a 4 lane road that has higher speeds, pole signs give a driver more visibility to see the sign before they get up to it. They use both pole signs and monument signs. They spend a lot of time with their signage contractors going out to the sites and using measurement techniques with traffic studies to understand how drivers see signage. One of their main concerns is driver safety so they want to make sure that people have enough time to make turns before they go too far. Kum and Go is requesting that the revisions that are being proposed to Chapter 134 be reconsidered.

Vicki Stogdill asked what is the largest square footage of their biggest pricing sign.

Siobhan Harmon stated she believes the 30 square feet sign would be the largest that they use on their monument signs. Their pole sign has a 30 foot pole and the LED component is 42 square feet.

John Nagle owner of both Nagle Signs out of Waterloo and Eagle Sign in Des Moines 5130 Park Avenue brought pictures of signs that have masonry bases. He brought them to show what they look like. Masonry bases add over \$6,000 in cost to the customer to put them in. He requested a separation of the billboards and the on-premises signage issues. He believes the 8 second hold time for on-premises signs is excessive. If the on-premises owner was allowed to have a 600 square foot digital board above his business he could live with an 8 second hold time. Fuel station electronic signs are stagnant unless the cost goes up or down. He believes they will comply with either the billboard regulation or the on-premises regulations as to electronics. He would like to see the square footage of the electronic portion of any on-premises gas price sign be incorporated into the total square footage that premises would be allowed. The biggest price sign that Kum and Go has is over 8 feet tall and over 30 feet long. He believes this issue should be tabled and let it become part of the comprehensive zoning code update that is going to start after July 1, 2014.

Jessica Fasselius Eagle and Nagle Sign 5130 Park Avenue suggested some solutions to some of the concerns. She has heard that the message centers and billboards are distracting. She referenced a study that Texas A & M has put out. They studied over 135 locations of message centers that were put up between 2006 and 2007 so they could study the before and after effects for a several year period. The EMC is not the distraction that people want to think they are. Another issue people seem to be having is the brightness and not the motion itself. A study that Dr. Lewing who is a doctor of lighting science put out saying his recommendations for a night time brightness is .3 footcandles or another industry standard if measured in nits 715 nits at night time or between 7500 and 10,000 nits daytime. If lighting restrictions are put on this (which could be done by putting a photo cell on the sign so it would automatically regulate itself) or maybe specifying a midnight to 5 a.m. off time. Maybe if changes for brightness are made perhaps some concession can be made towards the business owners to allow them the motion that they want. If not the full video, then maybe between a 1 and 3 second message hold time so they can get more of their information out there.

Pole signs are something that should be looked at along highways and interstates in Des Moines. A 22 ½ foot tall sign is not going to do anything if people cannot see it because your property sits low. She asked that this process be slowed down. References she has pointed to and points others have brought up can be looked into so the right decision can be made for the City. There is time to do it right.

Mark Lyle Ultimate Auto Wash 4411 SE 14<sup>th</sup> Street stated he has no fight in the billboard sign discussion. It is all about the 8 second rule for signs 24 square feet or less. He has a small business with an operating budget. The sign was bought four years ago out of his advertising budget. It is a great way to advertise. His business is located at the bottom of a hill so it is hard to see when people drive by. That is why he purchased the LED sign. He spoke to his sign people and the City of Des Moines Permit Department about the size they should purchase. It was very specific that if he purchased a sign bigger than 24 square feet then the 8 second rule applied. He has met with a couple of neighborhoods and they expressed they had no complaints about the scrolling and changing signs. They are concerned about the billboards. He has not heard of any complaints against his sign and believes that it is not fair that the rules get changed in the middle of the game. Putting the 24 square feet sign in the same category as the billboards for the 8 second rule is not right. He cannot compete with the billboards. At least there should be grandfathering rights for existing EMC's that are less than 24 square feet in size.

Donovan Chestnut Chestnut Signs 971 NE Broadway asked that the Commission step back get more resources put together so an educated decision is made. He is in opposition of both the pole sign and EMC regulations. The pole signs are a cost issue when a business goes out of business. It is left up because that business doesn't have the money to pay contractors to remove the sign and base so he believes that rule would be difficult to comply with. There are safety, visibility and advertising concerns when lowering a pole sign that the business must be aware of. The City of Des Moines has a different infrastructure than the suburbs in regards to telephone poles and power supply. Suburban buildings are set off further from the street and their streets are wider. Their streets start off with less clutter. Masonry base will raise the cost significantly. He pointed out options to requiring a masonry bases. He believes that the EMCs that are less than 24 square feet need to be separated from the billboards. There is a difference between the large billboards and the smaller signs.

Jason Pomrenke Clear Channel Outdoor 4131 109<sup>th</sup> Street Urbandale passed out map to show they have removed 19 structures and 42 faces since 2008 when the current ordinance went into effect, showing that the ordinance is working. They are down to 138 structures out of the previous number of 157 structures in the City of Des Moines. They have converted approximately 26 faces since 2008 to digital billboards on 19 existing structures. He does not agree that digital billboards are popping up all over. There has not been a new on-premises billboard built by Clear Channel since 2006 showing that the ordinance is working.

Tim Jameson President of Clear Channel Outdoor 4131 109<sup>th</sup> Street Urbandale stated Clear Channel is over 100 years old, licensed, tax paying and aided the City, County and State so many times he cannot count. In the last year they have given back \$1 million dollars back for public service and event messaging. When the Police Department, City Council and FBI come to him requesting a billboard sign they all want digital. They have

partnered with the City of Des Moines on gun buy-back programs with the Sheriff, they have partnered against prescription drugs, wanted felon and amber alerts. When there is a flood they call him, when there is a road closed or a bridge closes like at 63<sup>rd</sup> and Grand they call him. Businesses at 63<sup>rd</sup> and Grand were up on digital billboards for free the entire time that bridge was closed. They have helped neighborhoods such as Waterbury and Easter Lake. To date he does not believe that Clear Channel has broken one law. They are the most regulated company there is. What does Wells Fargo, Principal, Blue Cross & Blue Shield, Methodist, Mercy do without billboards? Something that is being missed is the reality that businesses are prospering and growing in Des Moines because they have a product to move. Billboards help them move their product. How is it that everybody wants what the billboards offer but it is such a bad product?

John "Jack" Hilmes asked how many digital signs are in their inventory.

Tim Jameson stated they have a total of 31 digital signs in the Des Moines metro and 26 are in the City of Des Moines.

Greg Jones asked Mr. Jameson if he knew how many signs they have built prior to the threat of the ordinance in 2007 along Martin Luther King for instance. There are four signs along the Martin Luther King corridor that got put up during that time so Clear Channel may not have had a lot recently but they built a whole bunch before that in anticipation of that ordinance.

Tim Jameson stated he disagreed. In reference to the billboard across from the school at one time there were nine billboards. There were two at 42<sup>nd</sup> and Crocker, five billboards on the roof of the Roosevelt Shopping Center and two in front of the Playhouse. Today there are only two. So the numbers are coming down.

Kent Reed Eagle Sign Company 5130 Park Avenue stated on-premises signs serve as one of the most important marketing tools their customers have. Especially with the online world as it is becoming. Brick and mortar shops have to fight and scrape to stay competitive and to pay the bills for their buildings, utilities, etc. There are a lot of things they can do to improve their business but one of the most important things is their on-premises signage. Either the signage on their building or their pole sign must be noticeable from a distance as well as when the company is approached. He has a customer that installed an EMC and it paid for itself within a couple years and for that reason he purchased another sign for his other business because he knew it was a good investment. Sales revenues generated from those signs equal sales tax that is spent on the consumers' behalf.

Kim Gilmore 2219 E. University one of the owners of Dairy Zone stated they have had their pole sign for five years and it helps display their special for the day. They advertise a lunch special and a night ice cream special. Their concern is the 8 second rule. The 8 second rule will not work for her business because when the message is too slow, people stop on the street to read the sign. They would not be able to advertise a special because by the time they would put sale and what it is there is not enough room. They were given a sign permit so they have been using the sign for what it was meant to be used for. A monument sign would not be safe because of the driveway locations. She asked the non-conforming sign provisions work.

JoAnne Corigliano asked the size of the Dairy Zone sign.

Kim Gilmore stated 24 square feet. There have not been any complaints and if they have to go to the 8 second rule it would be very difficult for them.

Allen Hansen Spot Free Car Wash 3535 Merle Hay Road stated they bought the business in 2001. He spent his own money, lowered his pole sign to a monument level and put landscaping around it. Now they are preparing a \$75,000 remodeling project at that location and as part of that they were going to put in a smaller box sign with an EMC. Now his understanding is they are going to have to go through a reapplication process because it is a large project he is not sure if they will be in compliance of being in the proper setbacks. He does not believe the ordinance should be general rule for all signs but different rules for the large billboards than the 24 square feet signs. He addressed the biggest issue with a monument sign versus a pole sign in certain instances. Narrow drives making it hard to maneuver if the monument sign with a large base is in the way versus a pole sign. Overall he believes it is a bad idea to enforce a general overlay for all signs in the entire city. He also believes that this is a rush to judgment and has not been given enough time to be studied.

Steve Britton 6401 SE 14<sup>th</sup> Street Cozy Café operator stated he believes the electronic sign has helped his business. Since they installed their sign they have seen a growth in their sales and believes it would affect his business if their sign has to go away.

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Vicki Stogdill stated she has the following concerns:

- They should not consider small signs the same as billboards.
- Regulating smaller signs will hurt locally owned small business.
- The complaints have not been about the small signs.
- The City of Des Moines needs to define terms better (video, animation, static, graphics) because technology is changing and we need to be prepared.
- There need to be some alternatives to just masonry bases instead of causing thousands of dollars of cost.
- She believes that this ordinance is being rushed and should be considered in greater detail. Give people time to comment and come together and work out a compromise.

Both the neighborhood associations and businesses made good points. There needs to be more discussion between those two parties.

Christine Pardee stated she would be curious to hear from the representatives of the neighborhood associations on whether or not they perceive their members and residents have more of a problem with the billboards or the smaller signs.

Jason Pulliam Merle Hay Neighborhood Association stated people distinguish between the billboards and the smaller sign. Generally, billboards are the concern.

JoAnn Hanover stated she perceives the problem for people who live on Merle Hay Road because they get all those changing lights and colors on billboards but not smaller signs.

William Schoenenberger Meredith Neighborhood Association stated pole signs are clutter. He hears complaints about electronic signs on poles. Splitting operational standards for small signs and billboards is acceptable. Scrolling text is better than video.

Colleen Kinney stated the moratorium is the reason for a deadline. She believes pole signs need to be addressed. The conversion credit system needs to be addressed.

Christine Pardee explained she was taking a tally and it seems that the topic of not grouping the billboards with the smaller signs was one of the biggest concerns. She believes that it is extremely important for the billboards and smaller signs be split apart.

JoAnne Corigliano stated she agrees with Commissioner Pardee and would like to see no regulation of scrolling text. Scrolling is usually done in readable fashion, colors and speed. Pole signs create the biggest problem because there is so much junk up there anyway causing visual clutter. The same problem will exist if everything comes to the ground. Something needs to be done to alleviate some of this visual clutter. She does not like conversion credit system for non-conforming billboards. Smaller signs should be grandfathered and separated completely from this issue. They do not create the problems that the larger signs create. She also agrees that this issue does not need to be rushed.

Ted Irvine asked does staff partially agree with some of the concerns and would staff have a problem waiting to address this in a comprehensive effort.

Mike Ludwig stated staff has tried to keep the scope of what is being presented limited. There has been a lot of push for expanding the scope of what staff is presenting tonight through the workshops and public meetings and felt that a very narrow scope needs to be maintained. He believes that there are other items that need to be addressed through a comprehensive approach. His concerns are another three years without any change while working on a new code is also potentially detrimental. There has been an uptick in billboards and even though Clear Channel indicated they had not put up any digital billboards in 18 months prior to February 2014 there is another company in town who owns nine billboards and is proposing to put up at least two digital sign faces in the near future. The purpose of the moratorium that Council adopted was to give staff some breathing time to look at options. The proposed regulations would not necessarily prohibit that company from doing digital conversions. It would force them to remove a billboard on the same corridor where they want to convert a static billboard to digital display. With a three year timeframe for a comprehensive plan and zoning code update and thinking about how many more 24 square foot signs could be added during that timeframe, then grandfathering after that point becomes an even larger issue. He does not propose that they have everything figured out the absolute best way. Staff has tried to present a recommendation that is limited in scope and establishes a single standard for ease of enforcement. He believes the 24 square foot signs should not go unaddressed.



Ted Irvine asked do the individual businesses have potential relief from the Board of Adjustment for these signs.

Mike Ludwig stated there was a provision added in the proposed amendment for an exception from the Board of Adjustment to have a pole sign if there are extenuating circumstances on the site, such as vision clearance triangle or such a small parcel there is nowhere a monument sign can fit on the property. Exceptions have to meet a lesser standard than a Variance from the Board of Adjustment. There has not been any relief granted to the message and timing for billboards. The Board of Adjustment recently upheld staff's interpretation of the existing prohibition of video display signs. More stringent regulations for billboards were considered at multiple points along this process and the code is what it is.

CJ Stephens stated she believes that some businesses use the signs to identify where they are located and some businesses use the sign for marketing. All of these signs create light pollution and various cities adopted dark sky ordinances. The reduction of light could help kids with ADHD. She also would like to hear from the Traffic and Transportation Division about the safety of these signs. She also believes they should rethink this ordinance. Some small businesses should qualify for grandfathering with the expenses that they have committed and perhaps grandfathering needs to be looked at for a certain number of years. As the City and economy grows there will be more signs put up unless they are regulated. The suggestion of a renewal fee on signs is a good idea. The public has brought some good ideas to the Commission and thanked them for attending and sharing. To address Clear Channel president who spoke about the sign that benefitted Waterbury Neighborhood she thanked them and stated if that sign was facing her neighborhood and not 63<sup>rd</sup> Street it would be a totally different story.

Tim Fitzgerald stated that technology has changed. He stated the smaller signs are those businesses bread and butter. However the signs need to be regulated. If the Commission does chose to separate the billboards and smaller signs there still need to be some sort of regulations on the smaller signs. He also suggested a taskforce would be a good idea to possibly come to an agreement.

John "Jack" Hilmes stated he was curious about grandfathering and asked staff to explain.

Mike Ludwig stated there are signs that exist that were built under previous codes. Codes change over time and the concept of grandfathering says as long as you continue to operate, or it stays in the same location, or it does not increase in size or it is not damaged beyond 60% of its value, it can continue to operate. The request for grandfathering the electronic signs or EMCs that are 24 square feet or less is really an argument they are not video display signs. Video display has been prohibited since 2007 in the code. If they don't think they are video display then the option to them is to appeal to the Board of Adjustment. The Zoning Enforcement Officer's determination is they are a video sign and the Board of Adjustment has previously agreed with staff's interpretation. Grandfather rights only apply to legal non-conformities. One sign professional said their client's electronic message sign paid for itself in two years. Multiple people tonight said they had their sign for five years. There has been a suggestion to give another 5 or 10 years to amortize the value they invested. That would be something to look at if they are going to be grandfathered

because he agrees that it should not be in perpetuity. That is the issue right now with billboards.

JoAnne Corigliano asked for a friendly amendment to allow signs under 24 square feet to display text that scrolls or changes at less than 8 second intervals.

CJ Stephens did not accept the friendly amendment because there are so many issues.

Tim Fitzgerald asked for a friendly amendment to request that a taskforce be created.

CJ Stephens accepted the friendly amendment because of the volume of what is going on and so many issues.

Greg Wattier asked the Commission for consideration of the following:

- There is a concern or empathy for those who have purchased signs that now there is a debate about what is video. He believes this is a separate topic that needs to be worked through.
- He believes the terms aesthetic and clutter are both subjective terms. He believes that it makes no sense to lump pole signs or billboards as a category of unaesthetic pleasing.
- There is a significant difference between prescriptive zoning and form base zoning. Putting brick on the bottom of a building or brick on the bottom of a sign is prescriptive. Creating a one size fits all check box for things and he believes it does not work. He would like to see more opportunity for form base zoning where the intent needs to be proven.

He is not comfortable moving staff and will probably vote in opposition.

Dann Flaherty asked Commissioner Jones how R&O felt about this.

Greg Jones stated R&O Committee supported staff recommendation as a piece of the bigger puzzle and forwarding it on to Council. His personal opinion is they have worked on many things in R&O that goes on to Council that is contrary and radically different and frustrating that they spend all the time and energy on. When the zoning ordinance rewrite was started in 2003 or 2004 and he was involved in the R&O they did some of the things that Commissioner Wattier asked for but it was never finished. So they were hoping to have a livelier ordinance rather than stuck in the way that it has been. The ordinance is a living document and his point of view is they are not rushing into this. They have been working on this task forever and they keep picking away at the billboards and pole signs and can't quite get to where they would like to be. He is confident that the Commission needs to send it on and Council will work on it.

Dann Flaherty thanked R&O and staff for their hard work.

**COMMISSION ACTION:**

CJ Stephens moved staff recommendation to approve the proposed text amendment and for creation of a sign taskforce.

Motion passed 7-5 (Greg Jones, CJ Stephens, John "Jack" Hilmes, Dann Flaherty, Will Page, Tim Fitzgerald and Ted Irvine voted in favor. JoAnne Corigliano, Dory Briles, Greg Wattier, Christine Pardee and Vicki Stogdill voted in opposition)

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

cc: File

# Pole Signs & Electronic Signs

---

PLAN AND ZONING COMMISSION MEETING

MAY 1, 2014

## Planning Theory

---

Regulate signs based on aesthetics and other public interests NOT content

Comprehensive Plan provides policy basis for zoning code

## Billboard Regulations

---

### Four major ordinance changes since 1998

- Bans were possible and discussed
- Decisions made to regulate not ban billboards
- Regulations increased significantly
- Most existing billboards are legal non-conforming
- Overall numbers are declining
- Digital conversion continues along high traffic corridors

## Billboard Regulations 1998

---

### Ordinance 13,627

- 200' separation from R district
- 500' separation from church, school, public park, library, or cemetery
- 500' separation from designated city landmark or historic district or a National Historic District
- 500' separation between billboards
- Scenic corridors designated
- No billboards within 500' or facing designated Scenic Corridors
- Created size limits
- Prohibited in C-1 Districts

## Billboard Regulations 2000

---

### Ordinance 13,863

- Large billboard must have must have 1000 feet separation from any other billboards
- Small billboards must have 1000 feet separation from large billboards and 500 feet separation from small billboards (except Major Commercial Corridors)
- 500 foot separation between all billboards allowed on designated Major Commercial Corridors

## Billboard Regulations 2007

---

### Ordinance 14,668

- Video sign display defined and prohibited regardless of size
- Regulations for electronic signs over 24 square feet
  - ❖ Duration - 8 seconds minimum
  - ❖ Transition – instantaneous
  - ❖ Brightness - max 5000 candelas/m<sup>2</sup> daytime,  
max 500 candelas/m<sup>2</sup> nighttime
  - ❖ Automatic dimmer control required
  - ❖ 100 feet separation from “Residential” Districts

## Billboard Regulations 2008

---

### Ordinance 14,761

- Scenic Corridors revised per 2020 Community Character Plan
- Gateway Corridors created per 2020 Community Character Plan
- Merle Hay Road removed from list of Major Commercial Corridors
- Merle Hay Corridor (Franklin to north City limits) added as Gateway Corridor per Council directive
- No new billboards within 500' of or facing Scenic and Gateway Corridors
- Conversion of non-conforming billboards to electronic display allowed per "conversion credit" system

## Reasons for Change

---

### 2020 Community Character Plan

- Adopted August 7, 2000
- Special Corridor Policies
  - ❖ "Prohibit the erection of pole signs and off-premises signs along any of the specially designated corridors"
- Special Corridor Map
  - ❖ "Gateway, Scenic, and Design Integrity Corridors" identified
- Character Analysis

## Reasons for Change (cont.)

---

### Comprehensive Code Revisions Delayed

- Budget cuts, resource limitations and other priorities

### Complaints

- Example: <http://youtu.be/9ezwR84pcCk>
- Enforcement letters sent in 2013
- Continued non-compliance with existing code

### Merle Hay Corridor Request in 2013

## City Actions in 2014

---

- March 10, 2014: Council Workshop Visual Clutter  
March 10, 2014: Council Meeting – CIP and Budget  
April 7, 2014: Moratorium and set hearing (electronic signs)  
April 21, 2014: Council Workshop  
April 24, 2014: Public Information Meeting  
**May 1, 2014: P&Z Hearing (pole signs and electronic signs)**  
**May 5, 2014: Council meeting - set hearing (pole signs)**  
**May 19, 2014: City Council Hearing**  
**June 9, 2014: Second Reading (unless waived)**  
**June 23, 2014: Third Reading (unless waived)**  
**June 26, 2014: Moratorium on electronic signs expires**  
**July 1, 2014: Funding available for Comprehensive Plan and Zoning Code Update**



## Pole Signs

---

### Currently incent conversion of pole signs

- Rezoning, Board of Adjustment, Tax Abatement

### Long-Term

- Address sign issues during Comprehensive Plan/Zoning Code update (after July 1, 2014)

### Short-Term

- City-wide Overlay District

## Pole Signs

---

### Pole Sign / Monument Sign Overlay District

- New, on-premises, free-standing signs setback <25'
  - ❖ Must be monumental style
  - ❖ No more than 8 feet tall
- New, on-premises, free-standing signs setback >25'
  - ❖ Must be monumental style
  - ❖ No more than 15 feet tall
- Minimum design standards for monumental signs
- Existing pole signs become legal non-conforming
- Remove pole sign if premises vacant > 6 months or if amended site plan required

## Electronic Signs

---

### Long-Term

- Address major billboard and electronic sign issues through comprehensive plan/zoning code update (after July 1, 2014)

### Short-Term

- Minor revisions to existing ordinance

## Electronic Signs

---

### Short Term Code Revisions

- Use conversion credits on same corridor where earned
- New, on-premises, free-standing electronic signs must be part of a monumental sign
  - ❖ Where permitted by existing code
  - ❖ Electronic display area cannot exceed 24 square feet in size
  - ❖ Existing pole mounted electronic signs are legal non-conforming
- Clarify that compliance with operational standards is required under existing prohibition, regardless of size
- Prohibit electronic sign inside building designed to be viewed from outside building

## Comprehensive Plan & Zoning Code Update

---

Start after July 1, 2014

Key policy direction by Council will be needed:

- Prohibit new billboards regardless of corridor?
- Prohibit new electronic billboards?
- How to regulate existing legal and non-conforming billboards in the future?
- Prohibit or regulate new electronic displays over 24 square feet along scenic and gateway corridors?
- Further regulate electronic signs under 24 square feet?
- Others?

## Questions/Comments

---

THANK YOU

**Sec. 134-1352. Use of land, use of structures and structures in any R district.**

(e) Conversion of non-conforming off-premises advertising signs. An off-premises advertising sign which lawfully exists at the effective date of the ordinance adopting or amending this chapter, ~~that could not be built under the terms of this chapter because of the district in which such sign is located or the lack of required separation from another sign, district or use,~~ may be converted to use an electronic display only under the following circumstances:

(1) The owner of an existing lawful conforming or non-conforming off-premises advertising sign may apply to the community development director for a conversion credit for the removal of that sign. The application shall be approved and a conversion credit allowed for the removal of the existing lawful off-premises advertising sign if the following conditions are satisfied:

- i. The sign and the entire supporting structure above grade are subsequently removed; and,
- ii. The parcel from which the sign was removed cannot again be used for the placement of an off-premises advertising sign by reason of the district or corridor in which it is located; the lack of required separation from another district; or the recording of a restrictive covenant in a form approved by the city legal department that prohibits the use of the parcel for off-premises advertising.

**iii. No conversions within 500 feet from residential, school, historic districts, and from another such sign (see 134-1278 (5 and 6) below**

**iv. Public notification and hearings required**

**Sec. 134-1278. Regulation of off-premises advertising signs.**

Off-premises advertising signs shall be permitted only in those zoning districts where such signs are specifically classified as permitted or conditionally permitted uses by applicable district regulations. In each zoning district where off-premises advertising signs are classified as a permitted or conditionally permitted use, such signs shall be subject to the following additional restrictions:

(5) No such sign shall be permitted within 200 feet of (i) any lot in an R district which either is used for residential purposes or is vacant, or (ii) any portion of a PUD district devoted to single- or two-family use. No such sign shall be permitted within 500 feet of (i) any lot on which is located a public square, public park, public or parochial school, church, synagogue, funeral home, cemetery, or public library, or (ii) any lot which is part of a designated city landmark or historic district or a National Register historic district.

(6) Except as otherwise allowed by paragraph (7), below, no such sign greater than 300 square feet in size shall be located within 1,000 feet of any other such sign, regardless of the size of the other sign. Except as otherwise allowed by paragraph (7), below, no such sign 300 square feet or less in size shall be located within 1,000 feet of any other such sign which is greater than 300 square feet in size, nor shall it be located within 500 feet of any other sign which is 300 square feet or less in size.

## David Harkin

---

**From:** David Harkin [harkin@2armypost.com]  
**Sent:** Wednesday, April 30, 2014 7:02 PM  
**To:** 'David Harkin'  
**Subject:** Timeline City Staff on LED Signs

**DECEMBER 2013 – Mr. Harkin requested from Phil Poorman list of Companies with LED Signs affected.** Phil went to SuAnn Donovan’s office then came back and said I could not go to her office. He said was not going to looking for non-compliant signs unless specifically complained on.

**Feb. 12<sup>th</sup> 2014 - Brian Meyer’s requests FULL LIST LED SIGNS Affected from Phil Delafield**

**Feb. 13<sup>th</sup> 2014 – Phil requests a list from SuAnn to send to Brian.**

**Feb. 14<sup>th</sup> 2014 - SuAnn provides list of only 17 business names location.**

**Mar 20<sup>th</sup> 2014 – Mr. Meyer asks again for a full list ... Phil responds ... no “full list”.**

**Mar 21<sup>st</sup> 2014 - 55 companies on new list provided. (I.E. 2 Signs on Army Post Rd not included.)**

**Emails went all over back and forth between City Staff who were reluctant to provide any list of those affected. SuAnn Delovan was told by Phil Poorman in Mid December when I was in their office why I wanted this list of names. ONE COMPLAINT from a neighborhood resident on a Car Wash on Ingersoll resulted in a decision to lump all LED Signs under the same 8 SECOND STATIC MESSAGE Rule applied to Clear Channel Billboards.**

**We had to ask 3 times for a more complete list received on March 31<sup>st</sup>. Staff left sign owners unprepared to organize and effectively understand their New Rules not enforced written ordinances.**

**Mr. Delafield – stated at a meeting in Sign Owner – David Harkin’s office with a group of LED owners that the City Staff “does not have a dog in the fight”. City Staff have been scrambling ever since to defend one person’s overreaching decision based on 1 complaint.**

**60 + signs average of \$25,000 = \$1,500,000**

**From: Donovan, SuAnn M.** Neighborhood Inspection Zoning Administrator City of Des Moines

**Sent:** Thursday, February 13, 2014 4:37 PM **To:** Delafield, Phil M.

**Subject:** RE: Electronic Signs This is the list we are working from. It is possible we missed some that changed without permits but we are continuing to monitor signs.

1. BP Gas Station - 727 SE 14<sup>th</sup> St
2. Alvarez Car Lot 908 SE 14<sup>th</sup> St
3. McDonalds 1400 Des Moines St
4. McDonalds 3000 SE 14<sup>th</sup> St
5. SlumberLand 1600 E Army Post Rd
6. SQ Liquor 1824 Hubbell Av
7. Montana Mikes – 5030 E 14<sup>th</sup> St

- |                        |                             |                                     |
|------------------------|-----------------------------|-------------------------------------|
| 8. Okaboji Grill –     | 6050 SE 14 <sup>th</sup> St |                                     |
| 9. Car Wash –          | 4411 SE 14 <sup>th</sup> St |                                     |
| 10. Walgreens -        | 3140 SE 14 <sup>th</sup> St |                                     |
| 11. Walgreens -        | 6200 SE 14 <sup>th</sup> St |                                     |
| 12. Arbys -            | 208 Johnson Ct              |                                     |
| 13. Community Bank -   | 615 Army Post Rd            |                                     |
| 14. Financial Center - | 2 E Army Post Rd            |                                     |
| 15. Walgreens -        | 4555 Fleur Dr               |                                     |
| 16. Walgreens -        | 105 E Euclid                | 17. Laundry 532 31 <sup>st</sup> St |

*David Harkin* CFP, CLU, ChFC

**Fort Des Moines Financial Services**

2 East Army Post Road | Des Moines, IA 50315

Office: **515.285.4529**

Locations of LED/HYBRID/TV TYPE SIGNS

Name of Business	Address	Sign Typ type	BOA	restrictions	size sq ft
East High School	815 E 13th St	LED	03/28/2012		22.5
McDonalds	1400 Des Moines S TV	TV			21
Arby's	208 Johnson Ct	pole			24
BP Gas Station	727 SE 14th St	LED			
Alvarez	908 SE 14th St	TV		message area 21	21
McDonalds	3000 SE 14th St	TV			21
Tradesman Credit Union	2930 SE 14th St	LED			
Walgreens	3140 SE 14th St	Hybrid			
Car Wash	4411 SE 14th St	TV			39.5
Okabogi Grill	6050 SE 14th St	LED			
Walgreens	6200 SE 14th ST	Hybrid			40.33
Slumberland	1600 E Army Post F	LED			
Affinity Credit Union	1700 E Army Post F	LED			
Bankers Trust	655 E Army Post Rc	LED	rezoning		10
Financial Center	2 E Army Post Rd	TV			14
Community Bank	612 Army Post Rd	Hybrid			
Car Wash	805 Army Post Rd	LED			9.33
Owen Auto Sales	923 Army Post Rd	Hybrid			13
Fort DM Open Bible Church	1116 Army Post Rd	LED		09/28/2011 static 60 sec between me	
Walgreens	4555 Fleur Dr	LED			
Airlanes	4200 Fleur Dr	LED			
Christian Church	3938 Fleur Dr	LED			36.67
Christ the King Church	5711 SW 9th St	LED		monument 09/23/2009 static 8 sec	
Lincoln High School	2600 SW 9th St	LED			
Walgreens	105 E Euclid Av	LED			
Bankers Trust	150 E Euclid Av	LED			16
Taco Johns	921 E Euclid Av	Hybrid			
PayDay Express	3947 E 14th St	Hybrid			
Montana Milkes	5030 E 14th St	Hybrid		03/26/2008 static 8 sec	40
Walgreens	2545 E Euclid Ave, ;	LED			32
	2542 E. Euclid Ave, ste 140	pole/wall			

Taco Johns	2121 Hubbell Av	Hybrid	
DM Feed and Garden	2019 Hubbell Av	LED	
SQ Liquor	1824 Hubbell Av	LED	pole
Medicap Pharmacy	1302 E 14th St	LED	07/28/2010 static 8 sec
Dairy Zone	2219 E University A	LED	
A&W/Long John Silvers Rest	2552 E University A	LED	pole
P&P Small Engines	2715 E University A	Hybrid	pole
Walgreens	2930 E University A	LED	02/22/2012
Medicap Pharmacy	2527 Easton Blvd	LED	monument

Total Signs	39		
Busy Bubbles	532 31st	LED	monument
Walgreens	3030 University	LED	monument
Knapp Center	2601 Forest Ave	LED	yes
Shopping center	3839 Merle Hay Rd	LED	monument
Travis TV	4931 Douglas Ave.	LED	pole
Caseys	6120 Douglas Ave.	LED	monument
Trophys	2701 Douglas Ave	LED	pole
Walgreens	4415 Douglas Ave.	LED	pole
Caseys	4151 Merle Hay	LED	pole
Dahl's Fuel	4341 Merle Hay Road		
Econolodge	4755 Merle hay Rd		
Car Wash 3333	3333 Merle		le Hay R wall
Medicap	2804 Beaver Ave		Hay Rd monument
Westminster Church	4114 Allison		monument
Mercy Heath Sciences	928 6th Ave		monument

15.2



**ONE PERSON COMPLAINS** – the people and neighborhoods who complain the loudest will have an overriding influence of how new rules are written. Many of these groups are upset about Pole Signs and overhead Power Lines. 55 + Signs are effected. Many businesses spent \$30,000 on up for LED Msg. minimally over \$2,000,000 in value of property.

I would not have purchased my sign knowing 2 yrs later I would not be able to use it in an effective way. Many others feel the same.

City is inept grouping 24 sq ft signs with 50 ft by 30 ft Clear Channel Billboards. It's an easy enforcement having 1 set of rules regardless of previous sign permits. Staff is recommending new changes not existing and enforced set of rules. Changing the rules hurts business. Attorney Brian Meyer – former Councilman was on board 7 yrs ago when Clear Channel Rules came about and smaller LED signs were not an issue.

**[Staff determination that video display signs are currently prohibited (those not meeting the electronic display requirements) remains unchanged, and has been supported at appeal hearing by the Board of Adjustment. Phil Delafield - Community Development Director ]**

Company with Signs are Brick N Mortar who pays: Property Taxes, Payroll Taxes, Support the Community

LED Signs are the future of advertising. This is not clutter. My sign can have thousands of colors. It provides life like images. They are creative, provide a valuable information on products, services or discounts to consumers. LED Signs are effective and affordable means to advertise and help our businesses grow so we can pay our Property Taxes, Payroll Taxes for EE's who live in the neighborhood and allow Brick N Mortar companies to compete vs. online.

LED Signs are Expensive. The signs are not a crate stuffed with a small computer and a word document program. LED Pixels are expensive, provide thousands of colorations. The LED bulbs are very expensive and wear out. I had mine in repair yesterday. I have to hire an EE of Translux to create messages to the sign. A picture is worth a 1000 words.

ANIMATIONS make THINGS INTERESTING – Show Pictures... DJIA TICKER TAPE; Christmas Snow Flakes; ... people driving by WON'T LOOK if its providing Valued Offering ... CLEAR CHANNEL BILLBOARDS on Interesections Can Not Be Ignored. I agree we don't want HYVEE Shopper Ads every 3 sec's on major traffic areas.

Cars flying by 40 mph. My sign FACES NO HOUSE, NO other Business, Not even East / West Traffic. There is no issues about intensity of illumination on a business corridor. My pole light in the back of my parking lot shined in a neighbor's window – Simple Solution "Shut your blinds."

Many small existing LED Signs TOO SMALL to do anything but SCROLL – my road COZY CAFÉ – new small sign, Eagles; Affinity Credit Union, Steve Davis Car Wash. These signs would either be Worth Less or worthless.

City Staff Bob Knutson – Authority on Sign Permits and usages. Sign staff knew exactly the type of sign being put up and how they worked. Immediate responses were requested from business that were out of compliance. There are NO ISSUES for signs within or inside Windows. You did what they said or they sent a letter with a fine to follow.

Request:

- 1. 24 sq. ft. sign will have no restrictions**
- 2. Grandfathered In ... current sign or future signs.**

Those not required to uphold the 8 second rule. Principal Park, Cubs, Event Center, Civic Center, Schools



*David Harkin* CFP, CLU, ChFC

Financial Advisor

Web -- [www.fdmfinancial.com](http://www.fdmfinancial.com)

**Fort Des Moines Financial Services**

2 East Army Post Road | Des Moines, IA 50315

Office: 515.285.4529 | Fax: 515.285.7529



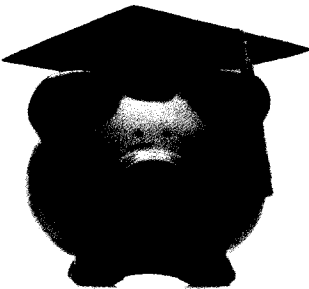
shutterstock - 64114147



**INVESTMENTS**



**Fort Des Moines  
Financial Services**



**285-4525**



*Need  
Help  
?*

**START INVESTING**

**RETIREMENT  
SOLUTIONS**

**David Harkin**  
CFP®, CLU, ChFC





April 30, 2014

Dan Flaherty, Chairman  
Plan & Zoning Commission  
City of Des Moines  
602 Robert D. Ray Drive  
Des Moines, Iowa 50309

Mr. Chairman and Commission Members:

The purpose of this letter is to clarify the position of Kum & Go, L.C. on the proposed amendments to Chapter 134 of the Municipal Code, as it pertains to LED signage and pole signage.

Certain proposed amendments to Chapter 134 seek to regulate LED signage by restricting, among other items, location, message duration, brightness and size. This is a generalized attempt to regulate a minority of existing signs which have incurred complaints from the public.

Kum & Go has recently proposed to build several new stores in Des Moines. Each of our proposed new stores is able to be LEED Certified, in large part due to the utilization of LED lighting throughout the building and site. While most of our LED fixtures can easily be defined as lighting and not signage, our price signage cannot. Kum & Go utilizes LED technology in our fuel price signs due to the ability to manage the system remotely, the durability of the technology and as a part of our efforts in the LEED program. These LED signs are larger than the proposed 24 SQ FT limit and we oppose specifically limiting our price signs in this manner.

Additional proposed amendments to Section 134 will outlaw pole sign construction, with a small exception for physical site constraints. We feel that certain corridors and sites will continue to require pole type signs in order to adequately direct the public to the businesses. Any new code amendments should not contain wholesale restrictions.

Our new sites, two of which are scheduled to start construction this spring, all contain signage which would immediately become nonconforming if the proposed code amendments are adopted as written. Each of these signs is standard in nature to our prototypical site and can be found across the Des Moines Metro area, as well as the Midwest.

We respectfully request that the Plan & Zoning Commission direct City Staff to further work with the business community in order to better address the specific issues and to not unintentionally penalize individual businesses, existing or future.

Very truly yours,

A handwritten signature in black ink, appearing to read "Nick Halfhill".

Nick Halfhill, AICP  
Site Development Manager  
Kum & Go, L.C.

**Ludwig, Michael G.**

---

**From:** Ludwig, Michael G.  
**Sent:** Wednesday, April 30, 2014 9:45 AM  
**To:** 'Jessie Fasselius'; John Nagle  
**Cc:** Delafield, Phil M.; Brown, Roger K.; Frank, Glenna K.  
**Subject:** RE: EMC recommendations/pole sign question

Jessica,

The comments you submitted on April 25 were included in the packet that was mailed to the Plan and Zoning Commission that same date.

In addition, City staff researched some of the issues or questions you raised, and offers the following responses:

- Freestanding "gas-price signs" are a type of on-premises advertising sign and will be subject to the proposed FSO Freestanding Sign Overlay District.
- Directional signs, clearance bar signs, drive-thru signs, parking lot signs without advertising are not considered on-premises advertising signs and will NOT be subject to the proposed FSO Freestanding Sign Overlay District. Such signs are permitted in all zoning districts by existing code Section 134-1276, which provides in part as follows:

**Sec. 134-1276. General regulations.**

(a) *Conformance required.* Except as specified, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this chapter for the district in which the building or land is located.

.....  
(i) *Signs permitted in all zones.* The following designated signs shall be permitted in all zoning districts:

.....  
(4) *Private traffic direction.* Such signs directing traffic movement into a premises or within a premises, but the signs shall not exceed four square feet in area per sign. For every acre over one acre or major fraction thereof, the sign may be increased 1.5 square feet up to 20 square feet in area per sign face. Illumination of such signs shall be permitted in accordance with the zoning district regulations in which the premises are located. Horizontal directional signs painted on or installed flush with paved streets shall not be subject to the regulations in this subsection.

Please let me know if you have additional questions. Please also attend the Plan and Zoning Commission meeting on May 1, 2014 at 6PM in the City Council Chambers to share any additional comments.

Respectfully,

Michael Ludwig, AICP  
Planning Administrator  
City of Des Moines  
(515)283-4810

# NYEMASTER

NYEMASTER GOODE PC

Robert A. VanOrsdel  
Richard J. Sapp  
G. R. Neumann  
Gregory P. Page  
Bradford L. Austin  
Sara J. Sersland  
Hayward L. Draper  
Michael W. Thrall  
Mark C. Dickinson  
Gregory B. Wilcox  
John F. Lorentzen  
Rod Kubat  
Steven J. Roy  
Frank B. Harty  
James C. Wine  
Bruce W. Baker  
Anthony A. Longnecker  
Kevin H. Collins  
Joseph A. Quinn  
Wade H. Schut

Mark D. Aljets  
G. Thomas Sullivan  
Thomas H. Walton  
Willard L. Boyd III  
Jeffrey W. Courter  
Hallie E. Still-Caris  
David W. Benson  
Brian J. Humke  
Paula S. Dierenfeld  
Coreen K. Sweeney  
Antonio Colacino  
Angel A. West  
Mary E. Funk  
Randall D. Armentrout  
Thomas M. Cunningham  
Denise M. Mendt  
Robert D. Andeweg  
Debra L. Hulett  
Mark A. Schuftheis  
John T. Clendenin

Neal K. Westin  
Stephanie L. Marett  
Stephanie G. Techau  
Brad C. Epperly  
Scott A. Sundstrom  
Angela C. Brick  
Benjamin P. Roach  
Victoria A. Feilmeyer  
Jason L. Giles  
K. Dwayne Vande Krol  
Kathleen K. Law  
Mitchell R. Kunert  
Michael J. Dayton  
Matthew R. Eslick  
Kristina M. Stanger  
David T. Bower  
Stacey L. Hall  
Christian P. Walk  
Ryan G. Koopmans  
Frances M. Haas

Jess W. Vilsack  
David J. Bright  
Jay P. Syverson  
Michael C. Joyce  
Jonathan H.P. Foley  
Neal A. Coleman  
Katie L. Graham  
Colin C. Smith  
Ryan W. Leemkuil  
Amanda M. Atherton  
Rachel N. Parker  
Lee D. Henderson  
Keith P. Duffy  
Genevieve M. Reinkoester

## REGISTERED PATENT ATTORNEYS

Glenn Johnson  
Robert W. Hoke  
Wendy K. Marsh  
Ryan N. Carter  
Sarah J. Gayer

## OF COUNSEL

James B. West  
Edgar F. Hansell  
Jay Eaton  
R. Craig Shives  
Terry C. Hancock  
Steven H. Lytle  
Jill M. Stevenson  
John W. Blyth  
Gerald J. Newbrough

April 30, 2014

Roger K. Brown, Assistant City Attorney  
City of Des Moines - Legal Dept  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309

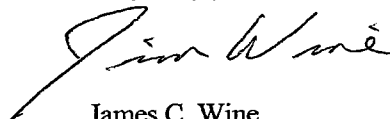
Re: Proposed City of Des Moines Ordinance Regulating Sale of Alcoholic Beverages by Tobacco Stores

Dear Roger:

Thank you for the draft of the zoning ordinance referenced above relating to the sale of alcoholic beverages by tobacco stores. On behalf of our client, Kwik Trip, Inc., we wish to express strong support for the proposed ordinance. As you know, without either the adoption of this ordinance, or obtaining a use variance, Kwik Trip would likely not be able to continue to operate its store located at 3409 SW 9<sup>th</sup> Street in Des Moines. Kwik Trip has operated a store in this general location for approximately 17 years.

I understand that Kwik Trip will also have someone in attendance at the public hearing. Thank you for your consideration of this ordinance.

Very truly yours,



James C. Wine

JCW/jjf

**JAMES C. WINE**

Direct Number: (515) 283-3188 | Facsimile: (515) 283-3108 | E-Mail: [jwine@nyemaster.com](mailto:jwine@nyemaster.com)  
700 Walnut, Suite 1600 | Des Moines, IA 50309-3899 | (515) 283-3100

Attorneys at Law | Offices in Des Moines, Ames and Cedar Rapids

[www.nyemaster.com](http://www.nyemaster.com)

**Community Development Department**

Laura Peters  
2110 55<sup>th</sup> Street  
Des Moines, Iowa 50310

**MAY 1 2014**

**RECEIVED**

May 1, 2014

Honorable Mayor Frank Cownie & City Council  
Plan and Zoning Commission Members  
City of Des Moines  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309

Re: Proposed Changes to the City of Des Moines Signage Ordinance

Dear Mayor Cownie, City Council Members, and Plan and Zoning Commissioners:

As a resident in the Merle Hay neighborhood and a member of the Merle Hay Planning Committee, I want to express my appreciation to the Council, the Planning and Zoning Commission, and City staff as we work together to address the issue of signage regulations in the City. Adopting a new sign ordinance that better regulates billboards, video displays, and requires new businesses signs to be monument in style will help improve the appearance of our City's commercial corridors and residential neighborhoods alike.

My biggest complaint has been directed towards the plethora of billboards in the Merle Hay corridor, particularly the new digital billboards becoming commonplace in the industry. I have owned my home at 2110 55<sup>th</sup> Street for nearly ten years. Early in 2013, I looked out my kitchen window to see a bright, slowly flashing light in the sky. Confused at first, I realized I was seeing the digital billboard placed at the corner of Merle Hay & Hickman. This billboard is three blocks west of my house, a block north, the billboard is relatively small (in comparison to most on Merle Hay Road), and also faces northeast. I couldn't believe that it was visible at my house! Needless to say, I wanted to make the City aware of just how illuminating these new digital signs are, penetrating far into our surrounding neighborhoods and living room windows. In fact, measuring it on Google Earth, this billboard is approximately 1,500 feet from my house. There is a standard billboard that stands near Richard's Pharmacy, approximately 750 feet from my home. I have never once noticed it from my house. There was also a large billboard that once stood over George the Chili King, about 1,000 feet from my house. Again, I never once noticed it, even though it was much larger and closer. My point is, digital billboards are extremely visible, bright, and a true concern for residential property owners in this area.

As such, I very much support the recommendations from City staff and the Merle Hay Neighborhood Board of Directors:

1. When a static outdoor billboard is converted to digital, the ordinance shall require removal of at least two existing billboard on the same street in the same neighborhood.
2. Digital billboard permits shall not be approved administratively, but by the appropriate City board or commission, with public notice, and an appeal mechanism to protect the public from potentially negative impacts.
3. Digital billboards shall not be allowed when they can be seen from the windows of nearby residential properties. Other negative impacts shall also be considered prior to approval to avoid decreased property values.
4. Billboard amortization shall be pursued. Billboards are already plentiful, with well over 300 in Des Moines.
5. Reduce current maximum size of billboards and digitals, and increase the distance between them.

I also attended the April 24<sup>th</sup> public information meeting, where a number of local business owners expressed concern with the proposed changes regarding video display. I realize that this is perhaps a challenging conversation with business owners, and leaves a lot of gray area for City staff to regulate. It is my opinion, and I believe that of the MHNA Board, that a "slow crawling" message board, no taller than a few feet, is perfectly acceptable. These boards might advertise upcoming events at a school or church, or advertise business specials. However, the flashing video display on the sign at 31<sup>st</sup> Street is indeed quite distracting and out-of-character for the surrounding area. These signs detract greatly from the neighborhood, and are certainly a distraction for motorists. In a commercial corridor such as Merle Hay Road or SE 14<sup>th</sup> Street, once such sign might not appear overly obnoxious, but a corridor full of them is indeed a visual nightmare. I know that striking a balance that protects our residential property values, while also supporting the local business community, is indeed a challenge we need to work through, but I am confident that this is in the best long-term interest of the City.

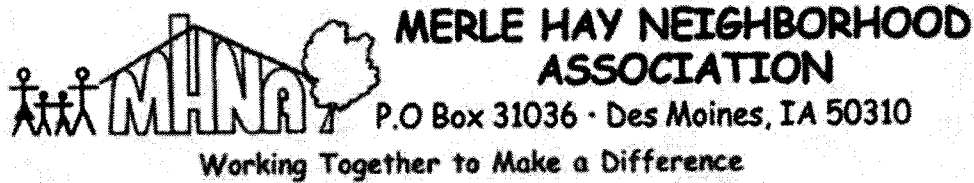
Again, thank you for your hard work and diligence to this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Peters". The signature is fluid and cursive, with the first name "Laura" being larger and more prominent than the last name "Peters".

Laura Peters





May 1, 2014

Des Moines Plan and Zoning Commission  
City of Des Moines  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309

Dear Plan and Zoning Commission Members:

The Merle Hay Neighborhood Association (MHNA) Board of Directors wishes to thank city leaders for their continued efforts to address long-standing concerns about visual clutter along Des Moines' commercial corridors. As part of that broader effort, the MHNA Board offers its support for proposed ordinance changes that would generally require new, freestanding business signs to be monument in style, and require billboard removals on the same corridor where companies want to install a new digital billboard.

For a number of years, the MHNA Board has been on the record that low-profile monument signs should be the standard for on premise, freestanding business signs. This position has been taken in the interest of reducing visual clutter and beautifying our commercial corridors. At MHNA's April 17, 2014 general meeting, members in attendance unanimously approved taking the general position that billboards in our neighborhood should be de-concentrated, and city regulations should prevent clustering of digital billboards.

It should be emphasized that seeking to tone down the type, size, and volume of business signage that is allowed is ***not*** anti-business. Suggestions to the contrary are inaccurate and regrettable. We firmly believe that improving our commercial streetscapes will strengthen the appeal and viability of our business corridors. As such, it is important to note the intent, tone, and spirit of the City of Des Moines' *2020 Community Character Plan* (approved by the City Council in August 2000) and the *Merle Hay Neighborhood Plan* (approved by the City Council in October 2008). The applicable section of the 2020 plan that covers "significant corridors" reads as follows:

*Prohibit the erection of pole signs and off-premises signs (billboards) along any of the specially designated corridors in the City.*

The applicable section of the Merle Hay plan covering "Commercial Development" reads as follows:

*The streetscape in the area surrounding the mall needs enhancements. The asphalt on Douglas Avenue east of Merle Hay Road is breaking up. Many of the medians are in need of improvements, and off-center power lines, signs, and billboards create a visual environment that is not appealing.*

With those plan elements in mind, the MHNA Board offers the long-term recommendations outlined below to address various concerns with what has generally been referred to as visual clutter. Some of these recommendations are specific to the Merle Hay neighborhood. It should be noted that while these recommendations included considerable input from MHNA's general membership, some residents and business owners in our neighborhood believe current sign and billboard regulations are adequate. As a board, we do our utmost to advance positions that reflect the majority of those who provide feedback.

## **Commercial Signage**

- Establish low-profile monument signs as the standard for on premise business signs. Monument signs should generally not exceed eight-feet in height, and four-feet in width.
- Pole signs shall only be allowed with a variance approved by the ZBOA, and only when it can be shown that a monument sign would create safety-related visual obstructions.
- Pole signs approved by variance shall generally not exceed 12 feet in height. Cabinets atop the poles shall generally not exceed dimensions of 24 square feet.
- Require removal of pole-stubs and their protruding metal rods in the interest of pedestrian and bicyclist safety.

## **Billboards**

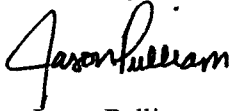
- When a static outdoor billboard is converted to digital, the ordinance shall require removal of *at least* four existing billboards on the same street in the same neighborhood.
- Digital billboard permits shall not be approved administratively, but by the appropriate City board or commission, with public notice, and reasonable mechanisms to protect the public from potentially negative impacts.
- Digital billboards shall not be allowed within *at least* 500 feet of residential property lines and/or school facilities. Other negative visual impacts shall also be considered prior to approval to avoid decreased property values and diminishment of the right to enjoy one's property.
- Long-term, billboard amortization shall be pursued. Billboards are already plentiful, with well over 300 in Des Moines.
- Reduce current maximum size of billboards and digitals, and increase the distance between them.

## **Overhead Power-Lines**

- Pursue the strategic burying of overhead power-lines in the immediate vicinity of Merle Hay Road and Douglas Avenue to make the area an aesthetically pleasing, visual focal point for the neighborhood, befitting its status as a gateway to the capital city.
- Power-line poles shall be required to be straight.

Thank you for your consideration. Once again, we appreciate the collective time and attention to these issues.

Sincerely,



Jason Pulliam

President, Merle Hay Neighborhood Association



INTERNATIONAL SIGN ASSOCIATION

## Summary of FHWA Study Digital Sign Safety

28 January 2014

On 27 December 2013, the US Department of Transportation Federal Highway Administration (FHWA) released the results of a multiyear research study of driver visual behavior in the presence of digital billboards (CEVMS; "changeable electronic variable message signs" is the preferred FHWA term). This research had been long anticipated, but had been delayed for several years as the report's release has been contested. Updates from FHWA and USDOT staff at key conferences (TRB, NAHBA, AASHTO R-O-W) have mentioned discussions on the language in the cover memo and an objection raised in the peer review of the raw data.

In any event, the study (based on data collected in September 2009 -April 2010) has been released and the authors' conclusions are consistent with the favorable outcome expected by members of the on-premise sign and outdoor advertising industries.

### Key Conclusions

"The results of the study are consistent with research and theory on the control of gaze behavior in natural environments. **The demands of the driving task tend to affect the driver's self-regulation of gaze behavior.**" (emphasis added; pg i)

The study attempted to address three research questions:

**(1) DO CEVMS ATTRACT DRIVERS' ATTENTION AWAY FROM THE FORWARD ROADWAY AND OTHER DRIVING RELEVANT STIMULI?**

"On average, the drivers in this study devoted between 73 and 85 percent of their visual attention to the road ahead for both CEVMS and standard billboards. This range is consistent with earlier field research studies. In the present study, the presence of CEVMS did not appear to be related to a decrease in looking toward the road ahead." (emphasis added; pg 2)

**(2) DO GLANCES TO CEVMS OCCUR THAT WOULD SUGGEST A DECREASE IN SAFETY?**

"The results did not provide evidence indicating that CEVMS, as deployed and tested in the two selected cities, were associated with unacceptably long glances away from the road. When dwell times longer than the currently accepted threshold of 2,000 ms occurred, the road ahead was still in the driver's field of view. This was the case for both CEVMS and standard billboards." (emphasis added; pg 2)

**(3) DO DRIVERS LOOK AT CEVMS MORE THAN STANDARD BILLBOARDS?**

"When a gaze was to an off-premise advertising sign, the drivers were generally more likely to gaze at a CEVMS than at a standard billboard." (pg 3)



INTERNATIONAL SIGN ASSOCIATION

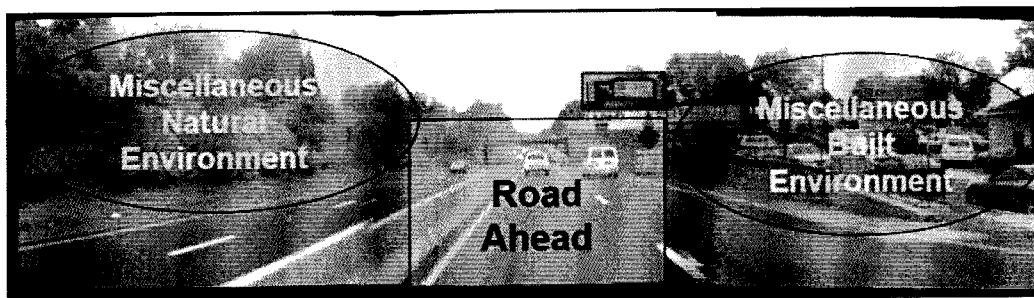
Overall:

The present data suggest that the drivers in this study directed the majority of their visual attention to areas of the roadway that were relevant to the task at hand (e.g., the driving task). Furthermore, it is possible, and likely, that in the time that the drivers looked away from the forward roadway, they may have elected to glance at other objects in the surrounding environment (in the absence of billboards) that were not relevant to the driving task. When billboards were present, the drivers in this study sometimes looked at them, but not such that overall attention to the forward roadway decreased. (pg. 4)

**Details about the Study Itself**

The need for further study of CEVMS was highlighted in a 2007 FHWA memorandum (that declared digital billboards operating with a message change rate of 4-10 seconds did not violate earlier prohibitions against “flashing”). In 2009, FHWA conducted a literature review (FHWA-HRT-09-018) to examine the overall body of research on the subject of safety effects of digital billboards. Following that literature review, this larger study began.

# Glance Target Category definitions



Small Green Dot =  
Tracked Eye Movement





INTERNATIONAL SIGN ASSOCIATION

The researchers (employees of SAIC) conducted field studies in Reading, PA and Richmond, VA. Using a specially equipped test vehicle, drivers followed two specified routes (1 freeway; 1 arterial roads). Each route took 25-35 minutes to drive and was 13-20 miles long. In Reading, 43 drivers ages 18-64 (median age 46-47) were recruited to participate, though only 31 produced useable data (14 night; 17 day). In Richmond, 41 drivers ages 18-64 (median ages 25-28) were recruited to participate, though only 24 produced useable data (14 day; 10 night). The participants were not told the purpose of the drive; at the end, they were debriefed with questions about the presence of an in-car navigation system giving audible directions.

#### **Key Numbers from the Study**

- Drivers devote 73-85% of visual attention to the roadway
- Average "fixation" duration to digital billboards were 379ms (335 for standard), "similar to the average fixation duration to the road ahead"
- Longest fixation to a digital billboard was 1,335ms (1,284ms for standard), well below widely accepted threshold of 2,000ms resulting in higher crash risk.
- Four (of 55) individuals had billboard dwell (aggregate of consecutive fixations on same object) times in excess of 2,000ms, but three were to standard billboards, and all were positioned close to forward view (drivers still could see road in peripheral vision).



## **Summary - Statistical Analysis of On-Premise Digital Signs and Traffic Safety**

INTERNATIONAL SIGN ASSOCIATION

### **Background**

In 2012, a comprehensive study examining the traffic safety impact of on-premise digital signs, also known as electronic message centers (EMCs), was released by the Texas A&M University and presented at the annual National Signage Research and Education Conference by Prof. Gene Hawkins, Ph.D., P.E.. This research is the first of its kind and answers a long-standing question that often arises in sign code development, namely – do EMCs constitute a traffic safety hazard? The answer, according to this exhaustive research, is a resounding “No.”

Many communities justify restricting the use of EMCs in the name of promoting traffic safety, citing concerns that the changing messages are dangerously distracting to drivers. This despite the fact that local officials would be hard-pressed to find any concrete examples of drivers getting into accidents because they were busy reading EMCs (as compared to texting and driving, where examples of tragic crashes are commonplace).

In recent years various studies regarding the effect of digital billboards have been conducted by universities and private consultants. However, digital billboards differ in several significant ways with EMCs (such as in size, placement and hold times), so although this recent research always concluded that digital billboards are safe when it comes to driver behavior, it is not always precisely on-point when it comes to EMCs. This is why Texas A&M University’s research is so compelling and unprecedented, because it is the first study of its kind focusing on EMCs.

### **The Research Project**

The study, "Statistical Analysis of the Relationship between On-Premise Digital Signage and Traffic Safety," covered 135 EMCs in four states over the span of four years, and used crash/accident data from the Federal Highway Administration's (FHWA) Highway Safety Information System (HSIS) database. This included EMCs installed in 2006 and 2007 in California, North Carolina, Ohio and Washington. By including only those signs erected during that time frame, researchers had a significant amount of data in the period two years before and two years after the signs' installations. The four states were chosen because they contribute to the HSIS database. In addition, the EMC locations were chosen because they were located on major roads and had experienced at least one crash record in the before or after period.

As a result of this study, researchers found:

- No statistically significant change in crashes after the installation of EMCs. The results were consistent in each of the four states.
- There were no statistically significant differences when comparing single vehicle crashes and those involving multiple vehicles.
- There was no measurable difference for signs with single or multi-colored EMCs.

### **Conclusion**

For the first time, a major study has been conducted researching the impact that EMCs have on traffic safety, and the results confirm what sign companies and drivers have known intuitively and through experience – that these kinds of signs are not dangerously distracting. This traffic safety study, along with research establishing night-time brightness recommendations for EMCs and surveys extolling the economic value of EMCs to small businesses, will help provide communities and stakeholders with the evidence they need to draft, enact and enforce reasonable and beneficial sign codes.

To see the entire report, please visit [www.thesignagefoundation.org](http://www.thesignagefoundation.org).



INTERNATIONAL SIGN ASSOCIATION

## **Examples – Requirements For Pole Sign Covers**

### **Stillwater, Oklahoma**

Pylon sign means a sign utilizing a pole or other support structure hidden by a decorative cover which extends to the ground. Pylon signs are subject to the following:

- (1) The width of the decorative cover shall not exceed seven feet when the sign is located in the minimum building setback area.
- (2) No sign copy shall be permitted below the sign face

### **Marco Island, FL**

Pole signs shall provide a pole cover, width of which shall be a minimum of 20 percent and a maximum of 50 percent of the sign structure and extending from the bottom of the sign structure to the ground, completely covering the supporting pole(s). The height of the pole cover shall be a minimum of 5 feet.

### **Tucson, Arizona**

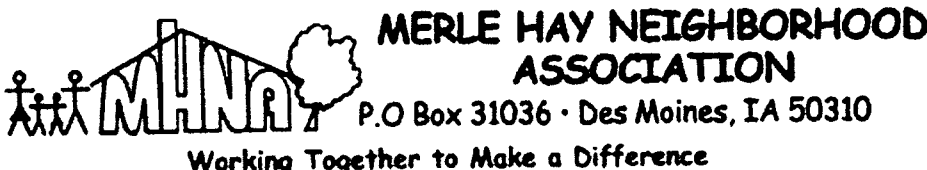
Pole cover: The sign structure configuration must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angles, iron, cables, internal back framing, bracing, etc.). Minimum requirement is eighteen (18) inches by six (6) inches. The pole cover or architectural embellishment shall require a plan check for construction specifications in accordance with applicable technical codes.

### **Fremont, California**

Cladding: Cladding that covers the pole is required in the case of pole signs. Cladding may not be used to display copy. Cladding shall be a complementary color to the main building on the site.

### **Tualatin, Oregon**

Pole, Pylon or Column Support Width – The width of pole, pylon or column support is a minimum of 36 inches.



May 15, 2014

Honorable Mayor Frank Cownie and City Council Members  
 City of Des Moines  
 400 Robert D. Ray Drive  
 Des Moines, Iowa 50309

Dear Mayor Cownie and City Council Members:

The Merle Hay Neighborhood Association (MHNA) Board of Directors wishes to thank city leaders for their continued efforts to address long-standing concerns about visual clutter along Des Moines' commercial corridors. As part of that broader effort, the MHNA Board offers its support for proposed ordinance changes that would generally require new, freestanding business signs to be monument in style, and require billboard removals on the same corridor where companies want to install a new digital billboard.

For a number of years, the MHNA Board has been on the record that low-profile monument signs should be the standard for on premise, freestanding business signs. This position has been taken in the interest of reducing visual clutter and beautifying our commercial corridors. At MHNA's April 17, 2014 general meeting, members in attendance unanimously approved taking the general position that billboards in our neighborhood should be de-concentrated, and city regulations should prevent clustering of digital billboards.

It should be emphasized that seeking to tone down the type, size, and volume of business signage that is allowed is not anti-business. Suggestions to the contrary are inaccurate and regrettable. We firmly believe that improving our commercial streetscapes will strengthen the appeal and viability of our business corridors. As such, it is important to note the intent, tone, and spirit of the City of Des Moines' 2020 *Community Character Plan* (approved by the City Council in August 2000) and the *Merle Hay Neighborhood Plan* (approved by the City Council in October 2008). The applicable section of the 2020 plan that covers "significant corridors" reads as follows:

*Prohibit the erection of pole signs and off-premises signs (billboards) along any of the specially designated corridors in the City.*

The applicable section of the Merle Hay plan covering "Commercial Development" reads as follows:

*The streetscape in the area surrounding the mall needs enhancements. The asphalt on Douglas Avenue east of Merle Hay Road is breaking up. Many of the medians are in need of improvements, and off-center power lines, signs, and billboards create a visual environment that is not appealing.*

With those plan elements in mind, the MHNA Board offers the long-term recommendations outlined below to address various concerns with what has generally been referred to as visual clutter. Some of



these recommendations are specific to the Merle Hay neighborhood. It should be noted that while these recommendations included considerable input from MHNA's general membership, some residents and business owners in our neighborhood believe current sign and billboard regulations are adequate. As a board, we do our utmost to advance positions that reflect the majority of those who provide feedback.

### Commercial Signage

- Establish low-profile monument signs as the standard for on premise business signs. Monument signs should generally not exceed eight-feet in height, and four-feet in width.
- Pole signs shall only be allowed with a variance approved by the ZBOA, and only when it can be shown that a monument sign would create safety-related visual obstructions.
- Pole signs approved by variance shall generally not exceed 12 feet in height. Cabinets atop the poles shall generally not exceed dimensions of 24 square feet.
- Require removal of pole-stubs and their protruding metal rods in the interest of pedestrian and bicyclist safety.

### Billboards

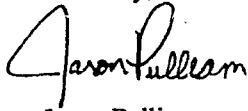
- When a static outdoor billboard is converted to digital, the ordinance shall require removal of *at least* four existing billboards on the *same* street in the *same* neighborhood.
- Digital billboard permits shall not be approved administratively, but by the appropriate City board or commission, with public notice, and reasonable mechanisms to protect the public from potentially negative impacts.
- Digital billboards shall not be allowed within *at least* 500 feet of residential property lines and/or school facilities. Other negative visual impacts shall also be considered prior to approval to avoid decreased property values and diminishment of the right to enjoy one's property.
- Long-term, billboard amortization shall be pursued. Billboards are already plentiful, with well over 300 in Des Moines.
- Reduce current maximum size of billboards and digitals, and increase the separation distance between them.

### Overhead Power-Lines

- Pursue the strategic burying of overhead power-lines in the immediate vicinity of Merle Hay Road and Douglas Avenue to make the area an aesthetically pleasing, visual focal point for the neighborhood, befitting its status as a gateway to the capital city.
- Power-line poles shall be required to be straight.

Thank you for your consideration. Once again, we appreciate the collective time and attention to these issues.

Sincerely,



Jason Pulliam  
President, Merle Hay Neighborhood Association