

★ Roll Call Number

Agenda Item Number

50

Date April 23, 2007

Communication from David Harkin, 535 East Army Post Road, requesting relief from the temporary moratorium on off-premises advertising signs and electronic displays.

Moved by \_\_\_\_\_ to receive and file comments.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED				APPROVED

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

50

**Rauh, Diane I.**

---

**From:** services@mycityhall.net  
**Sent:** Wednesday, April 18, 2007 1:27 PM  
**To:** Rauh, Diane I.  
**Cc:** davidharkin@mchsi.com  
**Subject:** Registration Form to Speak at City Council Meeting

**Registration Form to Speak at City Council Meeting.**

**To:** The Honorable Mayor and Members of the City Council  
City of Des Moines, IA  
C/O City Clerk

I/We David Harkin, ,

**hereby request permission to speak at the Des Moines City Council meeting of April 23, 2007 , regarding**

Currently I have an LED sign on my office. At the end of the month I will be moving my office to a new building 4 blocks away on the same street. I feel it is a hardship not to keep the sign and put it on my new building.

**Name:** David Harkin

**Address:** 535 East Army Post Road, Des Moines, IA 50315

**Daytime Phone:** 515 - 285 - 4529

**Your Email:** davidharkin@mchsi.com

**Procedural Rules of Des Moines City Council:**

Part III. Agenda

Rule 16. Citizen Agenda Requests.

Any citizen may request the right to have an item placed on the Agenda (including a request to speak) by filing such request in writing with the City Clerk prior to noon on the Wednesday preceding the Council meetin.

Part V. Citizen Participation

Rule 27. Citizen's Right to Address Council.

Persons other than Council Members shall be permitted to address the Council only upon specific Agenda Items.

Rule 28. Manner of Addressing Council.

A person desiring to address the Council shall step to the podium, state his or her name, address, and group affiliation (if any) and speak clearly into the microphone.

Rule 29. Time Limit on Citizen's Remarks.

Citizens shall be limited to five minutes soeaking time per item, unless additional time is granted by the presiding officer. Total citizen input on any subject under Council consideration can be limited to a fixed period by the presiding officer. A majority vote of the Council may extend the time limitations of this rule.



# Fort Des Moines Financial Services, Inc.

David Harkin, CFP®, CLU®, ChFC®  
535 East Army Post Road  
Des Moines, IA 50315

Bus (515) 285-4529  
Fax (515) 285-7529  
davidharkin@mchsi.com

50

April 11, 2007

Attention: Des Moines City Council

My name is David Harkin and I am a Financial Advisor with an office at 535 East Army Post Road that I currently lease. I recently purchased the building located at 2 Army Post Road and am moving my business. In doing so it has come to my attention that there is a temporary moratorium in effect regarding new off premises advertising signs with LED displays. This currently prohibits me from moving my LED sign from my existing office to my new office because it doesn't meet the size requirements. The current code says that it must be 4'x4' or smaller and the dimensions of my sign are 14"x 124". If this is true this causes me great financial hardship as the sign is a \$ 9,000.00 sign and will benefit my business as it draws attention and clients to the building. I have had this particular sign for over 6 years at my current office. The proposed temporary moratorium is to "prevent the construction of new electronic digital and video signs, and the conversion of existing signs to use an electronic display, at locations and with a size, setback, and separation that are incompatible with the existing and planned uses of adjoining property, and that may pose an unreasonable distraction to drivers".

I do not feel that my current situation meets any of the aforementioned criteria.

I am neither constructing a new sign nor converting an old sign. I am asking to move my standing sign from where I currently lease to where I now own merely 3 blocks away. Thank you for your consideration of my request. I have enclosed a picture of the sign for reference in your review.

David D. Harkin

285-4529 Office



**GeoParcel 7824-34-201-002**



Medium ▾

Get Photo

---

*Room 195, 111 Court Avenue, Des Moines, IA 50309  
Phone 515 286-3140 / Fax 515 286-3386  
[polkweb@assess.co.polk.ia.us](mailto:polkweb@assess.co.polk.ia.us)*



★ Roll Call Number

Date..... February 12, 2007

*see  
paragraph  
#3*

Agenda Item Number

*64A*

*50*

RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM  
ON NEW OFF-PREMISES ADVERTISING SIGNS  
WITH ELECTRONIC DISPLAYS

WHEREAS, the Zoning Ordinance of the City of Des Moines did not anticipate the recent changes in technology which make it economically feasible to construct large electronic digital signs with changing messages and full motion video signs; and,

WHEREAS, nothing in the current language of the Zoning Ordinance prevents most lawful on-premises or off-premises advertising sign in the "C-2" and less restricted districts from being converted to an electronic digital sign with a changing message or to a full motion video sign, with no reduction in the sign area or increase in the setback or separation; and,

WHEREAS, the impact of electronic digital and video signs on aesthetics, land use values and highway safety was not considered in the adoption of the current language of the Zoning Ordinance; and,

WHEREAS, a temporary moratorium on new electronic digital and video signs is necessary and appropriate to prevent the construction of new electronic digital and video signs, and the conversion of existing signs to use an electronic display, at locations and with a size, setback and separation that are incompatible with the existing and planned uses of adjoining property, and that may pose an unreasonable distraction to drivers; and,

WHEREAS, to be useful, the moratorium must extend through the City Council meeting of April 9, 2007, to permit the City staff and Plan and Zoning Commission to review the current sign regulations and to make a report and recommendation to the City Council on appropriate regulatory changes to address digital and video signs; NOW THEREFORE,

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

1. No sign over four square feet in area using an electronic display capable of displaying multiple messages in sequence or capable of displaying a video message shall be constructed or placed for advertising purposes at any location in the City of Des Moines where visible from a public street, and no existing sign in the City of Des Moines visible from a public street may be converted to use such an electronic display over four square feet in area.
2. This moratorium shall take effect immediately upon the adoption of this resolution and shall remain in effect until April 10, 2007.

( continued )

50

★ Roll Call Number

Agenda Item Number

*CHA*

Date February 12, 2007

- 3. Any party may by written application to the City Clerk request relief from the effect of this moratorium where necessary to avoid unnecessary hardship. The application shall identify the basis for the applicant's contention that the moratorium is causing unnecessary hardship. The application shall be considered by the City Council at the first regularly scheduled Council meeting more than ten days following the date such application is filed with the City Clerk. If the City Council determines that the application of this moratorium is causing the applicant unnecessary hardship, the City Council shall allow such relief from this moratorium as is necessary to remedy such unnecessary hardship.
- 4. The Community Development Department and Plan and Zoning Commission are hereby directed to diligently proceed with a review of the sign regulations as applied to electronic displays and off-premises advertising in general. The Community Development Department and Plan and Zoning Commission shall endeavor to make a report and recommendation to the City Council on or before April 9, 2007, on the appropriate changes to the sign regulations and a schedule for the implementation of those changes.

MOVED by \_\_\_\_\_ to adopt.

Sponsored by Council Member Vlassis.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown

Assistant City Attorney

C:\Rog\Zoning\Moratorium\Billboard\RC 07-02-12 Moratorium.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED	APPROVED			

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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk