



Date June 4, 2007

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held May 17, 2007, the members voted 9-3-1 in support of a motion to recommend **APPROVAL** of a set of proposed amendments to Chapter 134 (Zoning Ordinance) to place limitations on electronic signs and off-premises advertising signs generally as follows, and as more specifically described in the accompanying communication:

- Add new definitions for Electronic Display Sign, Multi-vision Display Sign, and Video Display.
- Add regulations for electronic display signs over 24 square feet in area restricting the duration of any message to 20 seconds minimum, requiring transition to be instantaneous, establishing maximum brightness, requiring dimmer control mechanism to adjust to changing light conditions, and establishing residential separation of 100 feet for Electronic and Multi-Vision Display Signs.
- Add Video Display signs to the general list of prohibited signs.
- Add several additional locations (see included map) to the list of Designated and Gateway scenic corridors where off-premises signs are prohibited within 500 feet.
- Add provisions changing the standards for legal non-conforming signs prohibiting them from being converted to electronic display and limiting the ability of any type of sign reuse by changing the way destruction of a sign is defined.
- As part of the changes to the non-conforming provisions, an existing legal non-conforming off-premises advertising sign on a Designated Scenic and Gateway corridor could be converted to an electronic sign only if the applicant agrees to cause a second existing legal non-conforming sign of equal or larger size to be removed from the same Designated Scenic and Gateway corridor prior to such conversion.

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

1. That the meeting of the City Council at which the proposed amendments to the Zoning Ordinance are to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on June 18, 2007, at which time the City Council will hear both those who oppose and those who favor the proposal.

(continued)

★ **Roll Call Number**

Agenda Item Number

28

June 4, 2007

Date

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2. That notice of said proposal be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.
3. The notice referred to shall be in the form hereto attached, and the City Clerk is hereby authorized and directed to publish such notice as provided above.

(Council Communication No. 07-340)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown
Assistant City Attorney

(10-2007-5.01)

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

Date 28
 Agenda Item 28
 Roll Call #

June 4, 2007

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 17, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-3-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels				X
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Kaye Lozier	X			
Jim Martin	X			
Brian Millard			X	
Brook Rosenberg		X		
Mike Simonson		X		
Kent Sovern	X			
Tim Urban		X		
Marc Wallace	X			

APPROVAL of a set of proposed amendments to Chapter 134 (Zoning Ordinance) to place limitations on electronic signs and off-premises advertising signs generally as follows, and as more specifically described in the accompanying communication:
 (10-2007-5.01)

- Add new definitions for Electronic Display Sign, Multi-vision Display Sign, and Video Display.
- Add regulations for electronic display signs over 24 square feet in area restricting the duration of any message to 20 seconds minimum, requiring transition to be instantaneous, establishing maximum brightness, requiring dimmer control mechanism to adjust to changing light conditions, and establishing residential separation of 100 feet for Electronic and Multi-Vision Display Signs.
- Add Video Display signs to the general list of prohibited signs.
- Add several additional locations (see included map) to the list of Designated and Gateway scenic corridors where off-premises signs are prohibited within 500 feet.
- Add provisions changing the standards for legal non-conforming signs prohibiting them from being converted to electronic display and limiting the ability of any type of sign reuse by changing the way destruction of a sign is defined.



CITY PLAN AND ZONING COMMISSION
 ARMORY BUILDING
 602 ROBERT D. RAY DRIVE
 DES MOINES, IOWA 50309 -1881
 (515) 283-4182

ALL-AMERICA CITY
 1949, 1976, 1981
 2003

- As part of the changes to the non-conforming provisions, an existing legal non-conforming off-premises advertising sign on a Designated Scenic and Gateway corridor could be converted to an electronic sign only if the applicant agrees to cause a second existing legal non-conforming sign of equal or larger size to be removed from the same Designated Scenic and Gateway corridor prior to such conversion.

By separate motion and vote members moved 12-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels				X
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Kaye Lozier	X			
Jim Martin	X			
Brian Millard	X			
Brook Rosenberg			X	
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			

APPROVAL of a motion to recommend to the City Council that the City work with the appropriate authorities to determine the proper assessed values of land and/or structures that contain very valuable billboards, and to encourage the City Council to work with billboard companies to promote community service announcements such as Amber Alerts; and,

by a separate motion the members further voted 12-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels				X
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Kaye Lozier	X			
Jim Martin	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern		X		
Tim Urban	X			
Marc Wallace	X			

in support of a motion to recommend to the City Council that it would be in the public's interest to phase out billboards in the community.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the proposed text amendments as attached. Based on input from the stakeholders meeting on May 14 and the Regulation and Ordinances Committee meeting on May 16, a revised recommendation may be forthcoming at the meeting.

STAFF REPORT

I. GENERAL INFORMATION

On February 12, 2007 the City Council established a temporary moratorium on off-premises signs with electronic displays. The Plan and Zoning Commission created a sub-committee in response to the moratorium on February 15, 2007. The sub-committee along with staff was charged with investigating issues surrounding electronic signs. On April 9, 2007 the finding of the sub-committee and the Regulation and Ordinances Committee of the Plan and Zoning Commission reported to the City Council with the following findings:

- Electronic/digital display signs (both off-premises and on-premises) can present a direct and substantial impact to community aesthetics, property values, traffic and pedestrian safety.
- Electronic/digital display advertising signs are highly visible from long distances and at wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time.
- Without changes in the City of Des Moines Zoning Ordinance with regard to Electronic/Digital Display signs (in particular billboard sized signs), these signs will continue to present an increased threat to community aesthetics, property values, and traffic safety.

At that time the City Council then voted to extend the moratorium to develop proposed changes to the Zoning Ordinance text to mitigate potential impacts related to those findings. The Council also required that stakeholders in the sign industry be included in the review of any proposed Ordinance changes.

The attached Ordinance text changes recommended by the Regulation and Ordinances Committee will be presented at a stakeholders meeting on Monday, May 14, 2007. The Committee will review the input provided at the meeting on Wednesday May 16, 2007 prior to the Commission final consideration of text amendments. The City Council required that a recommendation from the Commission be forwarded on to them for their consideration at their June 4, 2007 meeting.

The proposed text changes generally make the following modifications to the sign regulations in the Zoning Ordinance:

- Add new definitions for Electronic Display Sign, Multi-vision Display Sign, and Video Display.
- Add regulations restricting the duration, transition, brightness, dimmer control, and residential separation for Electronic and Multi-Vision Display Signs.
- Add Video Display signs to the general list of prohibited signs.
- Add several additional locations (see included map) to the list of Designated scenic corridors where off-premises signs are prohibited within 500 feet.
- Add provisions changing the non-conforming provisions for signs prohibiting non-conforming signs to be converted to electronic display and limiting the ability of sign reuse by changing the way destruction of a sign is defined.

(Revisions noted in discussion and motion)

SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation. Noted the subject request was originally before the City Council on February 12, 2007 in response to a sign that was installed at SW 63rd & Grand Avenue. The Plan and Zoning Commission followed up and established a subcommittee, which met once; Brian Millard was the Chairman. He thanked Commissioner Millard and the members of the R&O Committee and the contributions of all the Commissioners in the process. He explained it is not desired for moratoriums to be continually extended.

Larry Hulse: Commended Commissioner Millard for the research he did and noted there are few cities that have responded to the subject issue. Commissioner Millard found some websites that helped in the research of ordinances. Indicated if the installation is regulated there will be more calls. It has been cutting-edge review.

Brook Rosenberg: Expressed concern with regard to the 20 seconds and suggested people that slow down to view the signs would create a hazard.

Erik Lundy: Suggested the 20 minutes in the original language was looked at by R&O and determined that to be longer than necessary to reduce an impact. The idea behind setting a duration was to limit the number of messages that would be viewed. The thought was to reduce the duration to 20 seconds from the 20 minutes.

Mike Ludwig: Noted the discussion was to limit the number of sign changes to 2-3 times per minute. Most of the billboards are visible from 1/3 to 1/4 of a mile in travel distance from the billboard, which is roughly 1600 feet. At the speeds that are on most of the streets, 20 seconds covers between 700 and 1000 feet. On average the sign will change 2-3 times while the sign is visible.

Bruce Heilman: The Committee did not specifically consider the 20-second duration as a safety issue. R&O did not consider people slowing down so they could view all the changes the signs would have. The issue has to do not with the frequency, but whether changing signs should be allowed at all.

Brian Millard: Noted the Bloomington, MN ordinance details 20 minutes between sign changes. Suggested that was due to the speed of the vehicles going by so that in most cases there would be zero changes as they go high speed down the highway.

Mike Ludwig: Noted staff emailed the staff in Bloomington and indicated their intent was to have no change in signs.

Brian Millard: Asked how R&O decided the 20 seconds would be appropriate for the Des Moines Ordinance.

Bruce Heilman: Explained the email from Bloomington disavowed any safety concerns for establishing the 20 minutes. Static billboards are a distraction or they would not exist because they are advertising designed to attract attention. The introduction of changes could increase the distraction for people driving by. R&O discussed traffic light changes and estimated they average approximately 20 seconds in Des Moines. Noted that could be increased or decreased. The industry standard of 8-seconds was set by the industry.

Tim Urban: Noted he called municipalities to inquire how they regulate off-premise signs and whether they would address the use of electronic messaging. None of the five jurisdictions he spoke with had directly grappled with electronic messaging as a current technology issue. Most of them have provisions in the ordinances to disallow animated or electronic devices on off-premise signs at all; they would not allow them. He also discovered most of Des Moines' suburban neighbors do not allow off-premise advertising at all other than industrial districts. Also discovered 20-30 years ago the City Council grappled with the issue to set up an amortization plan to put them

out of business except for industrial areas. Council changed its mind in 2000 and opened the door again allowing multiple panels on single poles. West Des Moines stuck with an amortization plan from 1973 to 1983 and they are basically gone with the exception of Fuller Road, which is an industrial district. Expressed concern that the real subject discussion should be what to do with off premise signs. Noted the safety issue of the electronic signs could not be proven.

Bruce Heilman: Noted the Commission could not dismiss the directive from the City Council.

Larry Hulse: Suggested the Commission could do both. The primary part of the discussion was digital, changeable signs. The Mayor brought up the possibility of the issue being the off-site advertising in general and asked for a report on that issue as well. Noted the Commission could address and give policy recommendations on both.

Tim Urban: Noted the ordinance has a section on scenic corridors that prohibits billboards and argued that was a new initiative and would have nothing to do with the electronic signs.

Larry Hulse: Noted it would because signs that are existing could still be there.

Tim Urban: Argued how non-conforming signs are dealt with is an entirely different issue. How signs are characterized as appropriate or inappropriate in the urban landscape of Des Moines compared to the rest of the metropolitan community is the issue.

Mike Simonson: Agreed with the direction of Commissioner Urban's arguments and suggested if the Commission does not like the billboards, suggested allowing them to change them once per week and there won't be any because they won't be able to afford to put them up.

Bruce Heilman: Noted the Commission has to have a reason for doing what they do. Noted there is precedent for amortization of billboard for lack of aesthetics and the Commission has discussed it, but it is not what they are being tasked with. It would be within the Commission's purview to turn the request down and recommend eliminating all billboards within 10 years.

Mike Ludwig: Noted there were two actions by City Council. The first was to determine regulations for digital billboards; the second was a referral from the City Manager's office to the Community Development department to discuss amortization of billboards.

Erik Lundy: Completed the staff report and recommendation and highlighted the suggestions of changes in the language of the ordinance that resulted from the discussion at the stakeholders' meeting relative to the following:

- Definition of Electronic Display Signs;
- Dimmer controls;
- Roof mounted sign restrictions;
- Non-conforming provisions.

Noted the members of the stakeholders' group were very open to being involved in the process.

Brian Millard: Asked if any of the stakeholders had met with staff or talked to staff about any other ideas since the meeting with the stakeholders.

Erik Lundy: Indicated none had specifically.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak in favor of this request.

The following individuals spoke in opposition:

Tim Jamison General Manager of Clear Channel, 3101 SW 61st Street: Noted their industry has been around for 150 years and is in every major metropolitan market in the United States and globally and noted Clear Channel has 57,000 employees. He indicated the digital billboards are on the cutting edge; it is technology that has evolved. Explained Clear Channel has over 600 of the digital billboards. Noted 98% of all boards are on 8-second spots. The premise of the City Council's concern was on safety. He noted that according to the Des Moines Police Department's accident records, on SW 63rd & Grand there was one accident in February of 2006 and since the billboard was converted to digital, there was one accident in March of 2007. Suggested if digital billboards were causing traffic accidents it would be all over the news. Asked if anyone asked Bloomington, MN if they had digital billboards. He noted they don't because of the 20 minutes intervals. Minneapolis, St. Paul, Maple Grove and Minnetonka, MN all have digital billboards, all of which were 8-second intervals, which is the average. Cedar Rapids, Waterloo and Dubuque, Iowa all have 8-second digital billboards. Questioned how Des Moines could be progressive if they don't want to participate in new technology.

Mike Simonson: Questioned how much it cost to construct the electronic billboard on SW 63rd and Grand. Also asked if they own the piece of property the billboard sits on.

Tim Jamison: Indicated the cost of the structure is less than \$400,000 because they buy them in bulk. Noted they not only own the property the existing digital billboard sits on, but they deeded a piece of it over to the City of Des Moines for the new bike trail. They placed the billboard legally and promoted the City of Des Moines for approximately \$60,000 worth of free advertising.

Mike Simonson: Noted he does not like billboards and he felt there is appropriate discussion about whether or not to have them and stressed that not having them does not mean Des Moines is not progressive. Indicated he would prefer the electronic over paper because they look better.

Dann Flaherty: Noted the easement for the bike trail was required because the bike trail was redirected.

Tim Urban: Noted billboards were a hot issue when he was on the City Council. Indicated he would vote for 20-minute intervals if it would eliminate the ability to have electronic billboards, although the real issue is the appropriateness of large signs in the cityscape.

Tim Jamison: Noted Clear Channel has built one new billboard in the last 24 months. They have taken down six due to natural attrition. Billboards disappear slowly with development. There are over 100 less billboards in the Des Moines than there were 24 years ago. Currently there are 653 faces, which would be 320 plus signs.

Brian Millard: Asked if Mr. Jamison had asked West Des Moines about traffic accident reports since it faces West Des Moines.

Tim Jamison: Noted he had not because the billboard is in Des Moines. They chose that location because it is a high traffic area. Indicated the City of Windsor Heights has contacted them to place digital billboards.

Brian Millard: Stressed it is a critical issue that needs to be covered thoroughly.

Mike Ludwig: Explained the City Council directed the Commission to review it. Indicated a motion be made and suggested if the Commission wants amortization, a motion needs to be made as well. Noted one of the provisions considered by the R&O was that on scenic/gateway corridors an existing legal non-conforming billboard could be converted to digital only if a second billboard of equal or larger size on the same corridor was removed.

Larry Hulse: Reminded the Commission that they were to be making a recommendation to the City Council and suggested if the discussion goes toward the elimination of billboards, adding what they think should happen if the Council does not agree with the recommendation.

Kaye Lozier: Suggested that the entire 235 freeway be designated as a scenic corridor.

David Cupp: Suggested the issue to be very important and noted he did not like billboards flopping in the wind and thought the electronic billboards to be a great alternative to what is there now. He also noted the instant Amber Alerts, which are public service announcements are important. Noted the Committee put a lot of time in the issue and he would vote in favor of their recommendations.

CHAIRPERSON CLOSED THE PUBLIC HEARING

David Cupp: Moved staff recommendation.

Bruce Heilman: Appreciated the support, but asked that the Commission not let the time and efforts the R&O spent influence their decision. He stressed the Commission owes a recommendation to the City Council, but suggested if they wanted to share their overall view of where they feel billboards should go, a separation motion could be made.

Brian Millard: Suggested the Commission has offered advice to the City Council before that was not sought of them. Suggested if the Commission believes a large sign that changes images is aesthetically pleasing, then the status quo is sufficient and there does not need to be an ordinance. Stressed bus benches are heavily regulated. A screen to change every 8 seconds is less aesthetically pleasing than one that changes every 20 minutes or even 20 seconds. Felt 20 seconds to be too short and did not ever remember sitting at a traffic light that was only 20 seconds. Without solid justification he was at a loss of what would be appropriate. Noted he sent out an email to Des Moines neighborhood associations and read it to the Commission. He read some of the replies and indicated the consensus was opposition to the billboard. Stressed the need for facts, information and input from the community. Frustrated that the subcommittee that was formed only met once and then R&O took over. Did not know what was appropriate. Suggested whether a changing image is aesthetically detrimental to a neighborhood.

Tim Urban: Reiterated it is in the Commission's purview to determine if electronic billboards are appropriate or not. His position was that they are inappropriate. Did not think there was time to get into a broader discussion about whether or not to eliminate billboards.

Bruce Heilman: Reminded the Commission that they cannot regulate the message; it is a free speech issue, however they can regulate the structure based on aesthetics. Suggested if someone could come up with why electronic messaging is not appropriate to the City of Des Moines where static is, they could make that argument, but he did not think they could. Relative to the distraction and nuisance issue, they could make a recommendation on the frequency of change and when the 20-second interval was decided the information of the 8-second industry standard was not available. Indicated he did not have enough information to recommend the interval and noted the standard was set by the industry and is not necessarily in the best interest of the community where the billboards are.

David Cupp: Did not think the discussion was about electronic messaging, but was about billboards in general and suggested updating the billboards and get rid of the paper billboards. The electronic displays could do a lot of public good, thus he moved to accept the report and forward it to the City Council.

Kent Sovern: Noted it is difficult to narrow a decision down to yes or no on such a complex issue. Indicated there were other land use issues the Commission has struggled with, but regardless of

how badly they would like to get rid of them they are beneficial to the City and the Commission has to determine the appropriateness to the citizens. He did not buy the safety argument. He did not think there is ample evidence as to what constitutes a distraction, however the Commission can appropriately deal with the aesthetic argument. Believed the electronic message boards are positive for the industry because they produce more revenue per board. Suggested the industry is motivated by monetary reasons to work with the City to improve the aesthetics and reach the goals of the R&O. He would be supportive of the 20-second interval. Suggested the issue needed to be moved forward and the broader issues could be dealt with relative to whether or not to move for the elimination of billboards overall by either separate motion or at a separate meeting.

Jeff Johannsen: Thought R&O had done a good job and commended Commissioner Millard. Noted he is not a big fan of billboards, but was pleased with the proposal.

Jim Martin: Noted the idea of the progressive nature caught his attention, but he bristled at the idea that being progressive is being like everybody else whether it is the cycling issue or what the suburbs are doing. He would prefer to see more interval than 20-second cycling, but suggested it is a good place to start.

Mike Simonson: Noted the cost of the signs has gone down already so there will be more. He was supportive of R&O's strive to put further restrictions on them. He concurred there is no safety issue. He would like to see the length of time increased substantially and would like to make another motion about the City working with the County to establish taxation of land that has million dollar billboards on it. The land the subject sign is on is flood plain, which probably has virtually no value with the exception of a valuable sign. The City and County should be entitled to some of the revenues being received from the billboard company or the landowners where the billboards sit.

Greg Jones: Noted he is on R&O and is therefore in support of the recommendations, however, he supported the further discussion about amortizing the signs over some period of time. He thought they were aesthetically challenged.

Larry Hulse: Noted the dates of the moratorium were set by City Council and the Commission could request an extension of time to study or could make a recommendation, which does not mean it cannot be looked at further.

Dann Flaherty: Thanked staff and R&O for their efforts and commended Commissioner Heilman and the other commissioners on R&O. He noted where he travels there are no billboards. He would entertain another motion that offsite billboards not be permitted. Would vote in favor of the current motion.

Mike Ludwig: Clarified the motion was to include the draft plus the amendments the R&O discussed.

Kent Sovern: Noted Commissioner Millard saved the Commission dozens of hours in research and commended him.

Mike Ludwig: Noted staff would want copies of the emails Commissioner Millard received. Explained minor changes to the proposed ordinance after input from the Stakeholders' meeting.

Bruce Heilman: Noted the motion included the information and changes staff presented, which included the legal non-conforming sign language.

Roger Brown: Suggested the Commission's action be to ask the City Council to continue the moratorium for another two weeks to allow the Commission to have the exact language available for discussion at the next Plan and Zoning meeting. Noted the matter is an important one, but there should not be a sense of urgency.

David Cupp: Withdrew his motion and moved to request a continuance of the moratorium until the June 7, 2007 meeting at which time it would be in writing for the Commission to discuss further.

Brian Millard: Expressed concern because there were already two City Council members who voted against extending the moratorium.

Roger Brown: Noted the Moratorium currently is extended until June 5, 2007. He suggested that the Commission make a recommendation to the City Council that at their meeting on June 4th they extend the moratorium to allow the Commission to come forward with a recommendation based on language in front of them. If the moratorium is or is not extended for two weeks Clear Channel could push the issue to get another off-premise display using digital format, although he did not think they would want to do that.

Mike Ludwig: Read the recommendation and explained the non-conforming sign language.

Kent Sovern: Noted staff is in the process of contacting the County Assessor to determine how the billboards are assessed. If they are assessed based on a measure of value as to the construction or digitization or by their potential to produce revenue.

Tim Urban: Asked if another amortization plan is adopted, it would be the taking value of the asset that becomes appraised and not the land value. The cost of digital billboards would be substantially more than the cost of the static billboards.

Roger Brown: Noted if the City needs to take down a billboard for any reason, it is the value of the billboard and what it is assessed at for tax purposes might be one thing that would be considered in determining that value, however it is extraordinarily rare that a piece of property can be condemned for its assessed value. It is only one factor that is considered in determining the value. It is true that if the sign is being condemned and being taken down, a digital billboard may drive the value of the sign up. He further explained amortization to involve the value and rate at which the value is amortized. The value will go way up but the amortization of a digital sign is also much faster.

Brian Millard: Asked if there were any non-conforming issues that would not allow the 2 for 1 swap; if all legal non-conforming signs would be eligible for the 2 for 1 swap.

Roger Brown: Noted the language only applies it to the scenic or gateway corridors. Outside those corridors there is a separation requirement. The Subcommittee thought where they were made non-conforming by the separation requirement, the solution is to separate the billboards by taking one down. The difference is there it becomes conforming by eliminating a sign or two and spreading them out. The setback from adjoining residential would be a common reason for nonconformity. In this case the language would limit the ability to swap the 2 for 1 for electronic displays along the scenic or gateway corridors. The language would need to be changed to apply it elsewhere.

Kent Sovern: Moved staff recommendation with the inclusions presented including the language intended by the R&O to reduce the number of advertising faces along scenic corridors.

Dann Flaherty: Asked legal counsel if he was comfortable.

Roger Brown: Noted he was comfortable after the detailed explanations and discussion.

Mike Simonson: Seconded the motion and asked for a friendly amendment to change the frequency time from 20 seconds to 20 minutes.

Kent Sovern: Would not accept the amendment.

Mike Simonson: Asked fellow Commissioners to reject the motion so he could make another motion.

Kent Sovern: Noted he could ask to make an amendment to that section.

Mike Simonson: Moved the amendment.

Dann Flaherty: Noted the amendment would be voted on first, then the motion.

Amendment failed 4-8-1 (Greg Jones, Brook Rosenberg, Jeffrey Johannsen, Kent Sovern, Kaye Lozier, David Cupp, Bruce Heilman, and Marc Wallace were in opposition; Brian Millard abstained due to a lack of information on the rationale to the duration chosen).

Motion passed 9-3-1 (Tim Urban, Brook Rosenberg and Mike Simonson were in opposition; Brian Millard abstained due to a lack of information on the rationale to the duration chosen).

Mike Simonson: Noted there would be some positive things accomplished as a result of the action; there would be half the number of billboards and the rest would be electronic because the cost will come down. Moved that City Council work with entities to determine proper assessed values of land and/or structures that contain very valuable billboards.

Kent Sovern: Would support the motion because it would help to understand how State law and the actions of the County Assessor work with this particular type of commercial activity, which will offer a better understanding of its impact both positively and negatively on the City.

Bruce Heilman: Noted the more information the Commission gets the better and if they get into an amortization discussion they will need this type of information anyhow and if the City realizes how much tax revenue they could get from the billboards it may change their appetite for amortization down the road.

David Cupp: Offered a friendly amendment to the motion to encourage the City Council to work with billboard companies to promote community service announcements such as Amber Alerts.

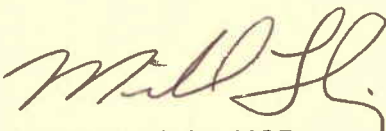
Mike Simonson: Accepted the friendly amendment.

Motion passed 12-0-1 (Brook Rosenberg abstained).

Tim Urban: Moved that the Commission go on record as indicating to the City Council that it is in the public's interest to phase out billboards in the community.

Motion passed 12-1 (Kent Sovern was opposed).

Respectfully submitted,

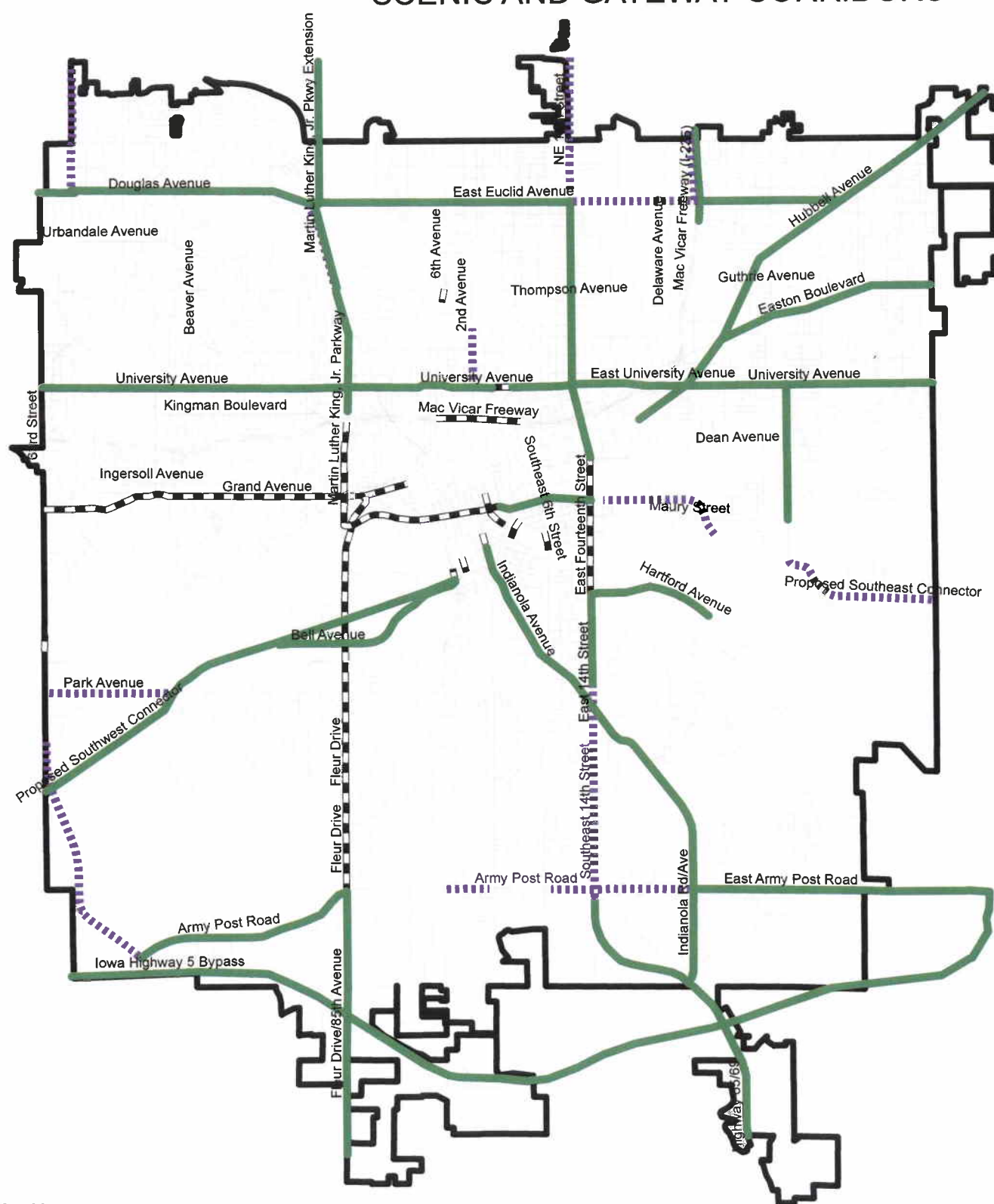


Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

PROPOSED ADDITIONAL DESIGNATED SCENIC AND GATEWAY CORRIDORS



- Corridors**
- Corridor Type**
- PROPOSED ADDITIONAL DESIGNATED SCENIC AND GATEWAY CORRIDOR
 - - - Designated Scenic and Gateway Corridor (Section 134-1276(q)(8))
 - ... Designated Major Commercial Corridor (Section 134-1276(q)(7))

City of Des Moines'
Designated Corridors

28

Exhibit "A"

Regulation of Electronic Signs and Billboards

Sec. 1. Purpose, Intent and Findings

The city council finds it necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size, conspicuity, brightness, legibility, operational characteristics and maintenance of billboards be controlled. Billboards have a direct and substantial impact on community aesthetics, property values, traffic safety and pedestrian safety. The city council recognizes that a great percentage of billboards that are blighted, unattractive, or provide an unsafe distraction to motorists can be corrected by sensible quality control through adequate maintenance, inspection and operational guidelines. With respect to electronic billboards, the city council finds that they are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic billboards can constitute a traffic safety threat. Studies conducted by the Federal Highway Administration (FHWA), *Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction*, Sept. 11, 2001 and *The Role of Driver Inattention in Crashes: New Statistics from 1995*; the University of North Carolina Highway Safety Research Center, *Distractions in Everyday Driving*, May 2003 and *The Role of Driver Distraction in Traffic Crashes*, May 2001; the Wisconsin Department of Transportation, *Synthesis Report of Electronic Billboards and Highway Safety*, June 10, 2003; and the Veridan Group, *Video Signs in Seattle*, Gerald Wachtel, May 2001, reveal that electronic signs, including billboards, are highly distracting to drivers and that driver distraction continues to be a significant underlying cause of traffic accidents.

The city council intends by this section of the city code to establish a legal framework for billboard regulation in the city, while protecting and promoting the public health, safety, welfare and aesthetics of the community. It is not the purpose or intent of this section of the city code to prefer or favor commercial messages or speech over non-commercial messages or speech or to discriminate between types of non-commercial speech or the viewpoints represented therein. The owner of any billboard which is otherwise allowed by this Section of city code may substitute non-commercial copy or message in lieu of any other commercial or non-commercial sign copy or message without any additional approval or permitting subject to the operational standards set forth herein. The purpose of this provision is to prevent any inadvertent favoring of commercial speech or message over non-commercial speech or message. This provision prevails over any more specific provision to the contrary. The purposes of the regulations promulgated in this Section include:

- (1) To safeguard and enhance property values;
- (2) To control nuisances;
- (3) To eliminate potential hazards to motorists and pedestrians using public streets, sidewalks, and rights-of-way;
- (4) To protect government investments in public buildings, streets, sidewalks, traffic control and utility devices, parks, and open spaces;
- (5) To preserve and improve the appearance of the city through adherence to aesthetic principles, in order to create a community that is attractive to residents and to non-residents who come to live, visit, work, or trade;
- (6) To discourage excessive and confusing sign displays;

- (7) To implement the city's comprehensive plan;
- (8) To encourage signs which by their design are integrated with and harmonious to the surrounding environment and the buildings and sites they occupy;
- (9) To promote the public health, safety, and general welfare; and
- (10) To provide for fair and consistent enforcement of the regulations set forth herein.

Sec. 2. New definitions to be added to Section 134-3

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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.

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. 3. Regulation of Electronic Signs (add new section to Chapter 134)

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

- (a) *Duration.* The display area and each portion thereof must be static for at least 20 seconds between any change in the message displayed.
- (b) *Transition.* The change between static messages must be instantaneous.
- (c) *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.
- (d) *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.
- (e) *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.

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Sec. 134-1276. General Regulations.

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- (j) Prohibited signs. The following designated signs shall be prohibited in all zoning districts:
- (1) Obsolete signs. Signs that advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.
 - (2) Banners, balloons, posters, and the like. Signs which contain or consist of banners, balloons, posters, pennants, ribbons, streamers, spinners or other similarly moving devices, except as specifically provided in subsections (i)(1)d and (i)(1)f of this section. These devices when not part of any sign shall also be prohibited.
 - (3) Swinging signs. Such signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment.
 - (4) Portable signs. Such signs that are not permanently anchored or secured to either a building or the ground.
 - (5) Off-premises signs on public property. Such off-premises signs located on public property which is being used for public purposes.
 - (6) Painted wall signs. Such off-premises signs painted on building walls.
 - (7) Fascia signs. Such signs which encroach more than 18 inches on or over a street right-of-way or a required yard.
 - (8) Building or wall signs. Such signs which extend more than four feet above the roofline, except in areas where roof signs are permitted.
 - (9) Video display signs.
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- (q) 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:
- (1) The height of any such sign, if freestanding, shall not exceed 45 feet.
 - (2) Such signs shall meet applicable zoning district yard requirements for principal structures, except that the district front yard setback requirement shall apply only if there is no immediately adjacent principal structure with a front yard setback of less than the district requirement on either side of the property where such a sign is located. If there is an immediately adjacent principal structure with a front yard setback of less than the district requirement on only one side of the property where the sign is located, the minimum front yard setback requirement for the sign shall be the average of the district front yard setback requirement and the setback of such adjacent structure. If there are immediately adjacent principal structures with front yard setbacks of less than the district requirement on both sides of the property where the sign is located, the minimum front yard setback

requirement for the sign shall be the average of the setbacks of said adjacent structures.

- (3) Such sign may contain separate side-by-side, back-to-back or V-type sign faces, provided such separate faces are attached to a single supporting structure. Single faced off-premises advertising signs in existence on July 1, 2000, which are located at least 500 feet from any other such sign and comply with the separation requirements in paragraph (5), below, may be altered to add a back advertising panel which conforms to the current size limitations for the zoning district in which it is located.
- (4) Where off-premises advertising signs and roof signs are both permitted by the applicable district regulations, off-premises advertising signs Such signs may be located on roofs of buildings, subject to the following restrictions:
 - a. Such signs shall not exceed a height of 35 feet above the roof level from the point of mounting.
 - b. The back of any such sign shall be effectively shielded from public view by a building wall, by backing the face with another such sign face to conceal the exposed backs or by painting the exposed back a neutral color. Structural supports shall be painted a neutral color.
 - c. The total combined height of any such sign and the building upon which it is placed shall not exceed the zoning district height limitation applicable to the building.
- (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 1000 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 1000 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.
- (7) Along the designated major commercial corridors listed in this subsection, in lieu of the separation requirements identified in paragraph (6), above, no such sign shall be located within 500 feet of any other such sign. The designated major commercial corridors are:
 - a. Second Avenue (east side) from University Avenue to Washington Avenue.
 - b. Euclid Avenue from East Fourteenth Street to Mac Vicar Freeway.
 - c. Mac Vicar Freeway (west side) from extension of Tiffin Avenue to north city limits.
 - d. Southeast Diagonal from Southeast Fifteenth Street to Southeast Twenty-fourth Street, and from Southeast Thirtieth Street to east city limits.

- e. Southeast Fourteenth Street from Pleasantview Drive to Bloomfield Road.
 - f. Army Post Road (south side) from Southwest Ninth Street to Southwest Second Street, and from Southeast Sixth Street to and including the 2100 block of Army Post Road.
 - g. Sixty-third Street/ Iowa Highway 28 from Watrous Avenue to Army Post Road.
 - h. Park Avenue from Southwest Forty-sixth Street to Southwest Sixty-third Street.
 - i. Merle Hay Road (west side) from Douglas Avenue to Aurora Avenue.
 - j. Merle Hay Road (east side) from Aurora Avenue to north city limits.
 - k. Martin Luther King Jr. Parkway (east side) from Hickman Road to Euclid Avenue.
 - l. Northeast Fourteenth Street From Douglas Avenue to north city Limits.
- (8) No such sign shall be located within 500 feet or face any of the designated scenic or gateway corridors listed in this subsection. These scenic and gateway corridors have been so designated because they provide significant views from the public right-of-way to the Des Moines or Raccoon River, downtown, state capitol, or large areas of open space, or serve as major entryways into distinct residential, institutional or commercial districts. The designated scenic and gateway corridors are as follows:
- a. Army Post Road and Relocated Army Post Road from Fleur Drive to Iowa Highway 28.
 - b. Bell Avenue
 - c. Douglas Avenue from Martin Luther King, Jr. Parkway to west city limits.
 - d. East 14th Street and Southeast 14th Street from East Park Avenue to East Euclid Avenue.
 - e. East Army Post Road from Indianola Avenue to east city limits.
 - f. East Euclid Avenue from MacVicar Freeway to Hubbell Avenue.
 - g. East University Avenue.
 - h. Easton Boulevard from Hubbell Avenue to east city limits.
 - i. Euclid Avenue and East Euclid Avenue from Martin Luther King, Jr. Parkway to East 14th Street.
 - j. Fleur Drive from Grand Avenue to south city limits.
 - k. Grand Avenue from Twelfth Street to the west city limits.
 - l. Hartford Avenue from Southeast 14th Street to Southeast 22nd Street.
 - m. Hubbell Avenue.
 - n. Indianola Avenue.
 - o. Iowa Highway 5.
 - p. MacVicar Freeway between 7th Street and East 6th Street, and except the west side thereof from the extension of Tiffin Avenue to the north city limits.
 - q. Martin Luther King, Jr. Parkway from north city limits to East 14th Street, but excluding the east side thereof from Hickman Road to Euclid Avenue. For that portion of E. Martin Luther King Jr. Parkway not yet constructed, the Zoning Enforcement Officer shall obtain review and reasonably

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utilize the available data from the state department of transportation, the city engineering department and from any other reliable source in determining the location of the future right-of-way.

- r. Southeast 30th Street from East University Avenue to Maury Street.
 - s. Southwest 1st Street from Raccoon River Bridge to Depot Street.
 - t. Southwest Connector. For the portions of the Southwest Connector not yet constructed, the Zoning Enforcement Officer shall obtain, review and reasonably utilize the available data from the state department of transportation, the city engineering department and from any other reliable source in determining the location of the future right-of-way.
 - u. Thomas Beck Road
 - v. University Avenue
 - w. U.S. Highway 65/69 from East Army Post Road to south city limits.
-
- a. Grand Avenue from Twelfth Street to the west city limits.
 - b. Fleur Drive from Grand Avenue to 200 feet south of Army Post Road.
 - c. Martin Luther King, Jr. Parkway from MacVicar Freeway to the east bank of the Des Moines River.
 - d. MacVicar Freeway from Seventh Street to East Sixth Street.
 - e. East Fourteenth Street from Hartford Avenue to Governor Square Drive.
 - f. Southwest First Street from Raccoon River Bridge to Depot Street.
 - g. Embankments of the Raccoon River Bridges at Southwest Third Street, Southwest Seventh Street, Southwest Ninth Street and Sixty-third Street.
 - h. Embankments of the Des Moines River Bridges at Southeast First Street, Southeast Sixth Street, Second Avenue, Sixth Avenue, Euclid Avenue and University Avenue.

- (9) The maximum size of any such sign shall not exceed the following limits:
 - a. Within the NPC and C-3A districts, 300 square feet.
 - b. Within the C-2, M-1, M-2, PUD, PBP, U-1 and FW districts, 672 square feet plus an additional 20 percent for temporary extensions.

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

-
- (c) Nonconforming structures other than signs. Where a structure other than a sign 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 restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following:
 - (1) No such structure may be enlarged or altered in a way which increases its nonconformity.
 - (2) If such structure is destroyed by any means to an extent of 60 percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with this chapter. This subsection does not apply to nonconforming

structures within an R-HD residential historic district. Any single-family semidetached or two-family dwelling which was a conforming structure on December 31, 1996 may be structurally altered, and if destroyed may be reconstructed and used as before, provided such reconstruction is commenced within six months of such destruction and diligently pursued to completion.

- (d) Nonconforming signs. Where a sign 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 size, height, setback, separation, or other characteristics of the sign or its location, such structure may be continued so long as it remains otherwise lawful, subject to the following:
- (1) No such sign may be enlarged or altered in a way which increases its nonconformity.
 - (2) No such sign may be converted to use an electronic display. However, a legal non-conforming sign on a scenic or gateway corridor may be converted to an electronic display sign if the applicant agrees to cause a second existing legal non-conforming sign of equal or larger size to be removed from the same corridor prior to such conversion.
 - (3) If such sign is destroyed by any means to an extent of 60 percent or more of its replacement cost at the time of destruction exclusive of the foundation and supporting elements below the bottom face of the sign, such sign shall not be reconstructed except in conformity with this chapter. If the sign be less than 60 percent destroyed above the bottom face of the sign, it may be reconstructed and used as before provided it is done within six months of such happening and is built of like or similar materials.

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THE ADVERTISING ADVANTAGE

Erik M. Lundy, Senior Planner
Community Development Department
602 Robert Ray Drive
Des Moines, IA 50309

RECEIVED
MAY 14 2007
COMMUNITY DEVELOPMENT
DEPARTMENT

RE: Proposed changes to Sign Ordinance

Mr. Lundy:

MediaQuest Outdoor formally objects to the following rules changes that have been prepared for consideration by the Des Moines Planning Commission and City Council relating to electronic signs and billboards.

Sec. 3(a) Duration. The proposal to require each message to be displayed for at least 20 seconds is not consistent with rules being proposed by the Iowa Dept. of Transportation, which is six (6) seconds.

Sec. 3(c) Brightness. The proposed reduction in maximum candelas from daylight to nighttime hours between dusk to dawn is excessive.

Sec. 134-1276 General Regulations.

(q) 8. The addition of all or parts of more than 20 existing and proposed streets and roadways where outdoor advertising structures would be prohibited is unrealistic and would provide an unfair advantage to companies with existing structures in the City. This proposal would effectively eliminate any new firms from entering the market, which would constitute restraint of trade.

Section 1. **Purpose, Intent and Findings** includes many general statements in support of the "need" for additional restrictions of electronic signs, including billboards. It is incumbent on the City to prove that outdoor advertising signs are "blighted, unattractive, or provide an unsafe distraction to motorists" and require additional controls. Most of the proposed regulations challenge free speech rights of any business or organization that uses billboards for advertising purposes.



Subj: **Fwd: Billboard Input Needed**
Date: 5/10/07 11:28:13 A.M. Central Daylight Time
From: DMNeighbors1
To: Bmillarddsm

See what's free at AOL.com.

Forwarded Message:

Subj: **RE: Billboard Input Needed**
Date: 5/10/07 11:10:14 A.M. Central Daylight Time
From: jslife@thepioneergruop.com
To: DMNeighbors1@aol.com
Sent from the Internet (Details)

I think the time change should be at least 1 minute or more.

Size is OK.

Jim Slife
10 Lincoln Place Dr.
D.M.

-----Original Message-----

From: DMNeighbors1@aol.com [mailto:DMNeighbors1@aol.com]
Sent: Monday, May 07, 2007 8:38 AM
To: DMNeighbors1@aol.com
Subject: Billboard Input Needed

Dear Des Moines Neighbors members:

The Des Moines Plan & Zoning Commission is contemplating an ordinance that will restrict Electronic Billboards and large Video Display Signs. The current digital LED billboard at 63rd & Grand has an image that changes every 8 seconds. Some cities have adopted ordinances that restrict the image change from 8 seconds to as much as once every 20 minutes or not allowed a change at all. Also, most existing billboards in Des Moines are approximately 14' X 48'. (672 square feet) Some cities have restricted the size of digital/electronic/LED billboards, others have not restricted the size.

We need input regarding two issues from the residents of Des Moines:

1. What do you think is an appropriate time between digital/electronic/LED image changes?
2. Should the digital/electronic/LED image size be restricted?

Please e-mail me back with your thoughts and concerns.

Thanks!
Brian L. Millard
bmillarddsm@aol.com

28

Subj: **Fwd: Billboard Input Needed**
 Date: 5/9/07 4:22:55 P.M. Central Daylight Time
 From: DMNeighbors1
 To: Bmillarddsm

***** See what's free at <http://www.aol.com>.

Forwarded Message:

Subj: **Re: Billboard Input Needed**
 Date: 5/9/07 10:34:29 A.M. Central Daylight Time
 From: swanson515
 To: DMNeighbors1

I think all bill boards within any city limits should not be allowed. Electronic or otherwise.
 Delos Swanson

—Original Message—

From: DMNeighbors1@aol.com
 To: DMNeighbors1@aol.com
 Sent: Mon, 7 May 2007 8:38 AM
 Subject: **Billboard Input Needed**

Dear Des Moines Neighbors members:

The Des Moines Plan & Zoning Commission is contemplating an ordinance that will restrict Electronic Billboards and large Video Display Signs. The current digital LED billboard at 63rd & Grand has an image that changes every 8 seconds. Some cities have adopted ordinances that restrict the image change from 8 seconds to as much as once every 20 minutes or not allowed a change at all. Also, most existing billboards in Des Moines are approximately 14' X 48'. (672 square feet) Some cities have restricted the size of digital/electronic/LED billboards, others have not restricted the size.

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Thanks!
 Brian L. Millard
bmillarddsm@aol.com

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Subj: **Fwd: Billboard Input Needed**
Date: 5/9/07 9:40:48 A.M. Central Daylight Time
From: DMNeighbors1
To: Bmillarddsm

See what's free at AOL.com.

Forwarded Message:

Subj: **Re: Billboard Input Needed**
Date: 5/9/07 9:19:48 A.M. Central Daylight Time
From: MichaelKEberle
To: DMNeighbors1

I would favor a longer term delay, such as 30 minutes and I would support a size limitation. We seem to have enough distractions for drivers already, so I would assume this could be sold as a safety issue. Thanks for asking.

—Original Message—

From: DMNeighbors1@aol.com
To: DMNeighbors1@aol.com
Sent: Mon, 7 May 2007 8:38 AM
Subject: Billboard Input Needed

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2. Should the digital/electronic/LED image size be restricted?

Please e-mail me back with your thoughts and concerns.

Thanks!
Brian L. Millard
bmillarddsm@aol.com

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Subj: **Fwd: Billboard Input Needed**
 Date: 5/9/07 9:36:26 A.M. Central Daylight Time
 From: DMNeighbors1
 To: Bmillarddsm

See what's free at AOL.com.

Forwarded Message:

Subj: **RE: Billboard Input Needed**
 Date: 5/8/07 10:55:24 P.M. Central Daylight Time
 From: k.booth@mchsi.com
 To: DMNeighbors1@aol.com
Sent from the Internet (Details)

We don't want any billboards in our neighborhood and would like to see all signage restricted to monument type signs. If you must have them we would certainly restrict the size.

South Park Neighbors would like to see a sunset on all billboards.

Thanks for all you do Brian

Karon Booth, President
 South Park Neighborhood

From: DMNeighbors1@aol.com [mailto:DMNeighbors1@aol.com]
Sent: Monday, May 07, 2007 8:38 AM
To: DMNeighbors1@aol.com
Subject: Billboard Input Needed

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2. Should the digital/electronic/LED image size be restricted?

Please e-mail me back with your thoughts and concerns.

Thanks!
 Brian L. Millard
bmillarddsm@aol.com

LED Billboards

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Subj: LED Billboards
 Date: 5/8/07 9:19:26 A.M. Central Daylight Time
 From: lmccormick@mercydesmoines.org
 To: bmillarddsm@aol.com

Brian:

I work in the Mondamin Presidential Neighborhood. But I commute from West Des Moines and turn at 63rd and Grand each workday.

When the LED billboard first arrived it was intriguing...superb pictures and colorful ads. As time has passed, the "newness" has worn off.

Has the City of WDM seen any increase in traffic accidents at that particular intersection since the LED display was launched?

One would think it is a distraction, primarily to young drivers—who tend to be distracted easily anyway.

But I would think drivers on cell phones pose an equal, if not bigger threat.

From what I gather, the level of regulation for these billboards is still under discussion by road safety experts.

1. What do you think is an appropriate time between digital/electronic/LED image changes?

8 seconds seems too short and 20 minutes too long. Are there any studies on effectiveness of 5-10 minutes?

2. Should the digital/electronic/LED image size be restricted?

No, unless research indicates smaller size equals fewer road safety issues.

Lynn McCormick

Operations Manager
 House of Mercy, 1409 Clark St., Des Moines, IA 50314
 Ph: 515-643-6512 / Fax: 515-643-6598 lmccormick@mercydesmoines.org

This message and accompanying documents are covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, and contain information intended for the specified individual(s) only. This information is confidential. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, copying, or the taking of any action based on the contents of this information is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message. "Este mensaje puede contener información confidencial y/o privilegiada. Si usted no es el destinatario o no está autorizado para recibirlo por parte del destinatario, usted no puede usar, copiar, revelar, o tomar ninguna acción basada en este mensaje o cualquier información en el mismo. Si usted ha recibido este mensaje por error, favor de notificarle al remitente inmediatamente al responder a este correo electrónico y borre este mensaje. Gracias por su cooperación."

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Subj: **Fwd: Billboard Input Needed**
 Date: 5/8/07 1:48:13 P.M. Central Daylight Time
 From: DMNeighbors1
 To: Bmillarddsm

See what's free at AOL.com.

Forwarded Message:

Subj: **Re: Billboard Input Needed**
 Date: 5/7/07 11:19:33 A.M. Central Daylight Time
 From: melpins@prodigy.net
 To: DMNeighbors1@aol.com
 Sent from the Internet ([Details](#))

Brian, my comments as a neighborhood leader would be the following:

- 1) Cycle time of messages should be limited to no more than once every 60 seconds.
- 2) Sizes should be limited to a similar size of other non-electronic billboards. A 14' x 48' size sounds reasonable.

I would also encourage you to consider that the "brightness" of such billboards could also be distracting to motorists or area residents. A rapidly changing e-billboard could be compared to seeing a flickering television image at night, only on a huge scale. Not sure how to measure this, but again, something for consideration.

Thanks for the opportunity to provide input.

Sincerely,

Mel Pins
 president
 Somerset Neighborhood Association
 210 E Bundy Ave
 Des Moines, IA 50315
 515-577-2341 (cell)

DMNeighbors1@aol.com wrote:

Dear Des Moines Neighbors members:

The Des Moines Plan & Zoning Commission is contemplating an ordinance that will restrict Electronic Billboards and large Video Display Signs. The current digital LED billboard at 63rd & Grand has an image that changes every 8 seconds. Some cities have adopted ordinances that restrict the image change from 8 seconds to as much as once every 20 minutes or not allowed a change at all. Also, most existing billboards in Des Moines are approximately 14' X 48'. (672 square feet) Some cities have restricted the size of digital/electronic/LED billboards, others have not restricted the size.

We need input regarding two issues from the residents of Des Moines:

1. What do you think is an appropriate time between digital/electronic/LED image changes?

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Subj: **Fwd: Billboard Input Needed**
Date: 5/8/07 9:13:46 P.M. Central Daylight Time
From: DMNeighbors1
To: Bmillarddsm

***** See what's free at <http://www.aol.com>.

Forwarded Message:

Subj: **Re: Billboard Input Needed**
Date: 5/8/07 4:38:17 P.M. Central Daylight Time
From: Joc2611
To: DMNeighbors1

The time between revolutions should be no less than a minute. Preferably, they should not be allowed. I find bill boards as a whole to be visual clutter. To fill every view with advertising makes me irritated and lessens the natural beauty there may be in any given area. I feel the size does not seem to make any difference. Certainly, they should not be any larger than existing bill boards. Jo C

See what's free at AOL.com.

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Subj: **FORWARD: Re: Electronic Billboard ordinance - your input needed - please distribute**
Date: 5/6/07 10:57:05 P.M. Central Daylight Time
From: nstillians@earthlink.net
To: Bmillarddsm@aol.com, nstillians@earthlink.net, nstillians@earthlink.net, nstillians@earthlink.net,
nstillians@earthlink.net
CC: nstillians@earthlink.net, nstillians@earthlink.net, nstillians@earthlink.net

PLEASE RESPOND DIRECTLY TO BRIAN MILLARD, bmillarddsm@aol.com

Nan:

The Des Moines Plan & Zoning Commission is contemplating an ordinance that will restrict Electronic Billboards and large Video Display Signs. The current digital LED billboard at 63rd & Grand has an image that changes every 8 seconds. Some cities have adopted ordinances that restrict the image change from 8 seconds to as much as once every 20 minutes or not allowed a change at all. Also, most existing billboards in Des Moines are approximately 14' X 48'. (672 square feet) Some cities have restricted the size of digital/electronic/LED billboards, others have not restricted the size.

We need input regarding two issues from the residents of Des Moines:

1. What do you think is an appropriate time between digital/electronic/LED image changes?
2. Should the digital/electronic/LED image size be restricted?

Please e-mail me back with your thoughts and concerns.

Thanks!
Brian L. Millard
bmillarddsm@aol.com

=====
Brian,
Having lived in several cities where large billboards were banned (totally),
I see Des Moines as schizophrenic in spending so much for enhancements
(millions for beautifying Fleur Drive, etc.) at the same time wimping out to
advertising and other hustlers. My choice: NO billboards, especially along Fleur and
especially that one on Grand & 63rd.

I'd like to see a committee of volunteer lawyers, environmentalists, and
politicians work a way to get rid of all the Fleur Drive billboards and all
the other billboards throughout town every where.

Thanks.
Nan

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Subj: Re: FORWARD: Re: Electronic Billboard ordinance - your input needed - please ...
Date: 5/6/07 11:12:26 P.M. Central Daylight Time
From: XXVhrsaday
To: Bmillarddsm

With an aging population in Iowa, I know I have trouble driving at night with light halos, and find the LED billboards at street level to be a hazard. I also hate those extremely bright halogen lights. Lady Bird Johnson had it right about the billboards—get rid of them. As for the lights, we need to think about light pollution and our addiction to electricity use for senseless things. Some day we'll wish our cold grandchildren could reclaim some of the frivolous energy we have used. How can our "environmental mayor" even consider support for such gluttony.

In a message dated 5/6/2007 10:57:05 P.M. Central Daylight Time, nstillians@earthlink.net writes:

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Brian L. Millard
bmillarddsm@aol.com

See what's free at AOL.com.

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Subj: **LED billboards**
Date: 5/6/07 11:57:28 P.M. Central Daylight Time
From: rwgernes@hotmail.com
To: Bmillarddsm@aol.com

Dear Mr. Millard:

I understand you are seeking input from Des Moines residents regarding proposed regulations on LED billboards.

I think the prototype LED billboard at 63rd and Grand is fine. An eight-second image time seems appropriate. I'd hope this type of billboard will be allowed anywhere billboards are permitted. The argument that they draw too much attention, distract drivers, and will lead to more accidents seems to portray Des Moines residents as ignorant hicks so incapable of adapting to anything new that we must be protected from all these "big-city distractions that will lead us astray," or drivel such as that.

Please don't fall for such demeaning arguments and disallow the LED billboards. They're simply a high-tech version of the tri-paneled billboards that have been installed for quite a while on Court Avenue and along I-235 in the vicinity of Euclid Avenue. I can't imagine that those billboards have caused many accidents.

Thank you for listening.

Sincerely,
Robert W. Gernes
1011 45th Street
Des Moines, IA 50311
Phone: 515-274-3976

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Subj: **billboard inquiry**
Date: 5/7/07 8:35:44 A.M. Central Daylight Time
From: MomMurrayFour
To: Bmillarddsm

Brian,

Mike and I are discussing your question about the billboards, specifically the electronic changing ones. We believe they are a dangerous distraction, especially at the busy intersection the one in question is currently located at.

Mike says they are cool, but should be out on the outskirts of town on the interstate, not 235 through town, but I 80 or I 35....

That is our two cents worth...

They should not be in town at all at they are highly distracting.

Good luck
Gayle Murray

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28

Subj: **Electronic Billboards**
Date: 5/7/07 2:49:05 P.M. Central Daylight Time
From: gary_lee_kaufman@yahoo.com
To: bmillarddsm@aol.com

I think that the City Council Paranoia about electronic billboards is ridiculous. A new technology comes out and the city council is running around wondering what to do. You are making Iowa look ridiculous as Harold Hill stirring up the city folk about a Pool Hall going up in the town!

We should embrace electronic technology. We have had signs that changed their image for decades, doing it by moving panels. Now it can be done by electronic imagery. Why should that suddenly require restrictions. Electronic billboards are much more exciting and liven up the city. We should be glad we got a few. This city needs livening up.

Gary Kaufman
1537 4th Street
Des Moines, IA 50314
282-9581

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Subj: **Fwd: Billboard Input Needed**
 Date: 5/7/07 9:43:24 A.M. Central Daylight Time
 From: DMNeighbors1
 To: Bmillarddsm

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Forwarded Message:

Subj: **RE: Billboard Input Needed**
 Date: 5/7/07 9:35:15 A.M. Central Daylight Time
 From: cdiebel@orchestrate-mgmt.com
 To: DMNeighbors1@aol.com
Sent from the Internet (Details)

I think they are actually really neat. They remind me more of pop-art and less like a boring, dingy billboard. I certainly wouldn't want a billboard of any size bigger than the one at 63rd St, but I don't know why it would need to be any smaller in commercial areas of town. I also don't see a need to restrict image change.

Chris Diebel

From: DMNeighbors1@aol.com [mailto:DMNeighbors1@aol.com]
Sent: Monday, May 07, 2007 8:38 AM
To: DMNeighbors1@aol.com
Subject: Billboard Input Needed

Dear Des Moines Neighbors members:

The Des Moines Plan & Zoning Commission is contemplating an ordinance that will restrict Electronic Billboards and large Video Display Signs. The current digital LED billboard at 63rd & Grand has an image that changes every 8 seconds. Some cities have adopted ordinances that restrict the image change from 8 seconds to as much as once every 20 minutes or not allowed a change at all. Also, most existing billboards in Des Moines are approximately 14' X 48'. (672 square feet) Some cities have restricted the size of digital/electronic/LED billboards, others have not restricted the size.

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 Brian L. Millard
bmillarddsm@aol.com

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Subj: **Fwd: Billboard Input Needed**
Date: 5/7/07 11:15:22 A.M. Central Daylight Time
From: DMNeighbors1
To: Bmillarddsm

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Forwarded Message:

Subj: **Re: Billboard Input Needed**
Date: 5/7/07 11:11:03 A.M. Central Daylight Time
From: Fostersdc
To: DMNeighbors1

Brian...The billboard you are referring to is in the Waterbury Association. We recently polled our membership, and if I remember correctly the vote was 3 to 2 in favor of keeping it, as is. It not only enhances the entrance to our neighborhood, but actually welcomes folks to Des Moines from the West, on what otherwise is a very ugly intersection. Many also liked the idea that it could be used for Amber Alerts.

The past few weeks I had the opportunity to visit other cities where this type of sign is in operation. It seems to be no different from a rolling/flashing electronic sign at churches, banks, fast foods etc. Des Moines has spent so much time and money on improving our City, let's not impede progress of this nature. I'm sure there are places where the sign would not be appropriate, and should have some restrictions.

CJ Stephens
4900 Woodland

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Subj: **Billboard Signs**
Date: 5/7/07 11:24:06 A.M. Central Daylight Time
From: belldsm@dwx.com
To: bmillarddsm@aol.com

I haven't heard of any accidents at 63rd and Grand nor have I read any statistics on accidents near other digital signs in other cities. If there is significant incidence, perhaps a longer display time would be appropriate...such as the length of time it takes the light to change. I certainly think the sign at 63rd and Grand should be maximum size.

Barbara Bell
Westwood Neighborhood

304 52nd St
Des Moines, IA 50312
Voice: 515-277-4860
FAX: 515-277-1913
Email: belldsm@dwx.com

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Subj: **my 2 cents on electronic billboards**
Date: 5/7/07 12:43:49 P.M. Central Daylight Time
From: MKundrat11
To: Bmillarddsm

Hi, Brian,

My concerns are with distractions that take drivers' eyes away from the road, and the general asthetic value of large billboards of all kinds. I'm for less billboards, period, and am concerned about the safety issues with electronic ones. Hope this is helpful, Mary Kundrat

AOL now offers free email to everyone. Find out more about what's free from AOL at AOL.com.

Outdoor advertising is a fact of life, and there are already too many limitations in Des Moines and other jurisdictions. When located in commercial and industrial zoned districts, they are "integrated with and harmonious to the surrounding environment." They provide an alternative to more expensive forms of advertising, an additional source of revenue to property owners and additional tax revenue to the city.

We would like our objections to be part of the record when this matter is reviewed by the Planning Commission and Council.

Respectfully,



Dale Brodt

Compliance Manager

MediaQuest Outdoor

300 I Avenue NW

Cedar Rapids, IA 52405

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Subj: **digital billboards**
Date: 5/10/07 3:23:49 P.M. Central Daylight Time
From: kevconlan@yahoo.com
To: bmillarddsm@aol.com

Throw them all out. I've already found myself sitting in traffic behind someone enthralled by it all oblivious to the cars stopped behind him waiting for him to get moving. Just what we need...one more distraction on the road.

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Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>