

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
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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.

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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.

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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.

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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.~~

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Sec. 134-1276. General regulations.

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

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- (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.

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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.

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(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> face 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 52nd 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 59th 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 40th 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 14th 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 29th 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 14th 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 109th 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 109th 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 63rd and Grand they call him. Businesses at 63rd 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 42nd 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 14th 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.

