

**Planning Board Meeting
October 16, 2017
Minutes**

Members Present: Ashley Anderson, Michael Clark, Gilda Wall, Terry “Allen” Swaim, Jonathan A. Olson, Errol Briggerman, Victoria Curtis, Lloyd Lancaster, and Kathe Schaecher

Members Absent: none

Staff Present: Planning Director David Bergmark and Wyatt McGhee

Guests Present: Chris Seamster with McKim & Creed

1. Meeting Called to Order

Chairwoman Ashley Anderson called the meeting to order at 7:01 pm and recognized that a quorum was present.

2. Welcome and Recognition of Guests

Chairwoman Anderson welcomed the public.

3. Chairman and Board Members’ Comments

No comments were made.

4. Adjustment and Approval of Agenda.

Chairwoman Anderson asked if there were any adjustments to the agenda; as there were none, she then asked for a motion to approve. Gilda Wall made a motion to approve the agenda; Jonathan Olson seconded the motion.

5. Public Comments

Chairwoman Anderson asked if anyone signed up for public comments; there were no public comments.

6. Approval of Minutes

Chairwoman Anderson asked if there were any adjustments to the minutes or a motion to approve the minutes. Vice-Chairman Clark made a motion to approve the minutes of the previous (September 18, 2017) meeting as submitted by staff. Victoria Curtis seconded the motion. The motion passed unanimously.

7. Discussion, Consideration, and Action on the Following Items:

7A. Discussion and Action on Proposed Text Amendments to Chapter 12 of the Unified Development Ordinance (UDO) as it Relates to Temporary Electronic Message Board Signs.

Chairwoman Ashley Anderson introduced this case and Mr. Bergmark presented the following staff report shown in *italics* below. (Note: This Item was #7B in the planning Board packets, but it was changed to #7A at the meeting to match the Agenda.)

Item Title:

7A. Discussion and action on proposed text amendments to Chapter 12 of the UDO as it relates to temporary electronic message board signs.

Planning Board Meetings:

Monday, October 16, 2017
Tuesday, January 17, 2017

Town Board Meetings:

Monday, September 25, 2017
Monday, November 28, 2016

Specific Action Requested:

- The Planning Board is asked to discuss and consider making a recommendation to the Town Board on proposed amendments to the Town's temporary sign regulations related to electronic message board signs.

Item Summary:

In January of 2017, the Planning Board reviewed and made a recommendation on several proposed changes to Chapter 12 of the UDO related to temporary signage. At their February 6, 2017 meeting, the Town Board voted to extend the suspension on temporary sign regulations for an additional year, but otherwise did not make any changes to the Temporary Sign Section (12.7D) of the UDO at that time.

In early September, an electronic message board sign placed in the back of a pickup truck was positioned along Wendell Boulevard near Wendell Elementary. The Town Board expressed concern over the appearance and safety of having this type of sign located on Wendell Boulevard. In order to avoid these types of signs from reoccurring in the future, the Town Board directed staff at the September 25, 2017 meeting to initiate a text amendment to add Temporary Electronic Message Board signs to the prohibited sign section of Chapter 12 (Section 12.9).

In addition to this change, staff recommends that Section 12.7D3 (Mobile Signs) be deleted for clarity. While Section 12.7D3 does not speak specifically to electronic message board signs, it does address the type of sign on a mobile framework which would commonly be used for a temporary electronic message board sign.

These changes would not prevent NCDOT, police, or other governmental bodies from erecting temporary directional and informational signs, as these are permitted by Section 12.8 (Signs Not Requiring a Permit). Language has also been added to Section 12.9 to clarify this point. Likewise, these changes would not prevent a permanent electronic message board sign from being erected, as part of a permitted monument or wall sign.

Proposed Amendments:

The proposed text amendments to Section 12.9 and 12.7D are included below. Amended text is shown in red.

12.9 Prohibited Signs

All signs not expressly permitted under this ordinance or exempt from regulation hereunder in accordance with this Chapter are prohibited. Such signs include but are not limited to:

- A. Signs that Impact Traffic Safety:** *No sign shall be erected or continued that:*
 - 1.** *Obstructs the sight distance along a public right-of-way or at intersections;*
 - 2.** *Would tend by its location, color or nature to be confused with or obstruct the view of traffic signs or signals or would tend to be confused with a flashing light of an emergency vehicle; or*
 - 3.** *Uses admonitions such as “stop,” “go,” “slow,” “danger” and the like which might be confused with traffic directional signals.*

- B. Flashing Signs:** *No flashing or intermittent illumination shall be permitted on any advertising sign or structure.*
 - 1.** *Electronic message board signs shall not be considered flashing or intermittent provided the graphic message does not change faster than every 8 seconds.*

(Amended 12-8-14)

- C. Animated, Rotating or Moving Signs.** *No animated, rotating, or moving signs shall be permitted.*
 - 1.** *Electronic message board signs shall not be considered an animated sign simply due to the changing nature of its graphic message.*

(Amended 12-8-14)

- D.** *Permanent off premise signs.*

- E.** *Billboards*

- F.** *Pennants and strings of lights strung between poles, pillars or buildings unless they are from a recognized non-profit or charitable organization.*

- G.** *Signs on vehicles that are parked or placed in a stationary position.*

- H.** *Roof signs*

- I. Pole signs
- J. Temporary Electronic Message Board Signs
 - 1. This provision shall not include directional or information signs erected and maintained by public agencies or governmental bodies, which are permitted by Section 12.8.

12.7D Temporary Signs Requiring a Permit

A temporary sign permit, obtained from the Administrator, shall be required for the following sign types. No more than 4 total sign permits combined (excluding "Ground Signs – Small") may be issued to any party within the same calendar year. Signs enumerated below shall be located either behind a sidewalk or ditch line, or where neither is present, signs must be located at least 5 feet from the edge of pavement. Ground mounted signs (excluding lighter-than-air and mobile signs) shall be limited to 7 feet in height. The applicant must obtain permission from the property owner to post the sign. All temporary signs shall be properly maintained and kept in an upright position, or may be subject to removal by the Town.

- 1. **Lighter-Than-Air Signs:** *A lighter than air sign may be permitted on the premises of any given business up to two times per year for no longer than three consecutive calendar days per use. The sign shall be situated so that the height of the sign is directly proportional to the distances to the property lines, not to exceed 100 feet in height.*
- 2. **Seasonal Farm Product Signs:** *Off-premise signs advertising the seasonal sale of farm products may be permitted for a maximum period of 60 calendar days. Signs are not to exceed 3 square feet in size and are to be located on private property. No more than six signs will be allowed at any one time.*
- 3. **Mobile Signs:** *Signs mounted on a mobile framework, trailer, or other movable apparatus other than vehicles used for transporting are prohibited on a permanent basis. One mobile sign will be permitted on a temporary basis at grand openings, open houses or special events in any commercial or manufacturing district for a 14 day calendar period.*
- 4. **Banners and Pennants.** *Banners and pennants may be displayed on a commercial building under the following conditions:*
 - a. *Only one banner may be displayed by each business at any time and shall be no greater than 32 square feet in area. Banners may be erected for 30 days at a time no more than four times per calendar year.*
 - b. *No banner and/or pennant may be displayed unless the commercial message contained in the banner relates to a specific, special promotion of limited duration.*
 - c. *No banner and/or pennant may be displayed or used as a general or ongoing advertisement of the business or its customary activities.*
 - d. *No banner and/or pennant may be displayed or used as a replacement for permanent signage.*
 - e. *The administrator may exempt the applicant from the requirements listed in b - d of this section if they have obtained an approved commercial building permit for a permanent sign.*

- f. *The Administrator shall have the authority to order the removal of any banner and/ or pennant that:*
 - i. *Is, or appears to be, out of date.*
 - ii. *Is, or appears to be deteriorated, or in a state of disrepair, wear, or neglect.*
 - iii. *Is, or appears to be, abandoned.*

- 5. **Ground Signs – Small:** *Ground mounted signs not exceeding 3 square feet in size and erected by a non-profit operating within the Town’s jurisdiction or a business located within the Town’s jurisdiction must adhere to the following conditions:*
 - a. *Such signs shall not exceed 12 per business or non-profit.*
 - b. *No more than 2 signs shall be permitted on any single property.*
 - c. *Signs adhering to these standards shall have no limit on the duration of the permit.*
 - d. *Such signs shall be properly maintained and kept in an upright position, or may be subject to removal by the Town.*

- 6. **All Other Temporary Signs:** *All other temporary signs not enumerated in section 12.7D shall be limited by the additional standards herein. Such signs shall not exceed six per event and the combined square footage of the signs shall not exceed 32 square feet. If more than one ground-mounted sign is placed on the same property, the sign area allowed per sign shall be reduced to 3 square feet each. The sign permit shall be valid for 14 calendar days.*

Staff Recommendation:

Staff recommends approval of the proposed text amendments.

Statement of Plan Consistency and Reasonableness

- *Any recommended change, if deemed necessary, should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.*
- *Such statements could refer to the general principles of the Comprehensive Plan, including but not limited to:*
 - *Principle Number 5: “Promote Wendell’s attractiveness to business and people of all walks of life...”*

Attachments:

A. *none*

At the conclusion of his presentation, Mr. Bergmark answered questions from the Board, as follows:

Gilda Wall asked whether the proposed UDO section 12.9 Prohibited Signs, subsection J. Temporary Electronic Message Board Signs, needed to be revised to clarify whether it would cover moving or only stationary signs. Mr. Bergmark answered that the intent was not to prohibit vehicles with signs from driving through town. Lloyd Lancaster then asked if the existing subsection G addressed the question of signs on vehicles. Mr. Bergmark answered that subsection 12.7D 3. Mobile Signs is proposed to be removed in order to reduce potential confusion with subsection G. Michael Clark pointed out that such signs might not be located on a vehicle. A discussion of the definition of a vehicle then took place among the Planning Board. Lloyd Lancaster then asked about the citizen complaint that initiated this issue, and Mr. Bergmark gave a summary of the complaints and the concerns of the Town Commissioners. Lloyd Lancaster stated his opinion that there is no need for a new rule, because subsection G prohibits signs on parked vehicles; a discussion among the Planning Board regarding this perspective then took place. Lloyd Lancaster also stated that “we don’t want to stop this man [*the one with the electronic sign in the back of his truck*] from operating his business”.

Allen Swaim and Jonathan Olson then asked, what is the difference between the controversy at hand and a downtown food vendor who has illuminated signs on his vehicle? Victoria Curtis noted that there are food trucks, which have electronic message boards. Gilda Wall noted that the situation being discussed is similar to the Town’s electronic message board, which can cause problems at night and at other times. She also inquired as to how the proposed ordinances changes would apply to an A frame menu board sign located in a truck. Jonathan Olson wondered if such signs would be a problem, if the truck was parked in the middle of a parking lot, like at Tropicana for example, where it would be away from schools, traffic, and pedestrians. Ashley Anderson questioned how a prohibition on signs on parked vehicles would be applied when the driver of such a vehicle stops to get food, etc. Allen Swaim asked if a phone call to the driver of the truck in question was what actually solved this problem. Mr. Bergmark replied that the proposed amendments were developed to address electronic message board signs in general, not just those located on vehicles.

Michael Clark then made a motion that the proposed amendments be tabled until next month’s meeting to give staff time to address the issues that the Planning Board had brought up, including the issue of signs on stationary vehicles. Kathe Schaecher indicated that she would like to know what other town’s do regarding electronic message board signs. Errol Briggerman then seconded Michael Clark’s motion. Allen Swaim asked if the Planning Board didn’t approve or deny the proposed amendments, wouldn’t that be considered an approval. Mr. Bergmark replied that the Planning Board is not required to make a recommendation at the same meeting at which a proposal is introduced, and that the Board of Commissioners generally gives the Board 45 days from when a proposed amendment is first considered to take action.

Victoria Curtis then asked whether a church with a sign that is used periodically would be allowed to continue to do so, under the proposed amendments. Michael Clark indicated that the Town of Knightdale prohibits vehicular signs that are not permanently attached to a vehicle. Victoria Curtis asked how that would apply to a magnetic sign placed on a vehicle. After some additional discussion among the Planning Board, Mr. Bergmark asked for clarification as to which items the Planning Board would like staff to investigate further. The consensus of the Board was that staff should look into the issue of signs on food trucks and amount of time that a vehicle with a sign would be allowed to stop before it would be considered a stationary sign. Victoria Curtis asked, without objection from the other members of the Planning Board, that magnetic signs also be included.

As there was no additional discussion or comments from the public, Chairwoman Ashley Anderson called for a vote on Michael Clark’s motion to table the proposed amendments until next month’s Planning Board meeting. The motion passed with 6 members (Anderson, Clark, Wall, Briggerman, Curtis, Schaecher) voting for the motion and 3 (Olson, Swaim, Lancaster) against it. At the conclusion of the

vote, Allen Swaim made a motion to recommend that the Board of Commissioner deny the proposed amendments and leave the existing regulations unchanged; Errol Briggerman seconded the motion. After some additional discussion, Chairwoman Ashley Anderson called for a vote on the motion. This motion also passed with 7 members (Swaim, Olson, Lancaster, Anderson, Wall, Curtis, Schaecher) voting for the motion and 2 (Clark, Briggerman) voting against it.

7B. Discussion and Action on Proposed Text Amendments to Chapter 9 of the Unified Development Ordinance (UDO) as it Relates to Sight Triangle Regulations.

Chairwoman Ashley Anderson introduced this case and Mr. Bergmark presented the following staff report shown in *italics* below. (Note: This Item was #7A in the planning Board packets, but it was changed to #7B at the meeting to match the Agenda.) Mr. Bergmark presented the following staff report shown in *italics* below.

Item Title:

Discussion and Action on proposed text amendments to Chapter 9 of the UDO as it relates to Sight Triangle Standards.

Planning Board Meetings:

Monday, October 16, 2017

Specific Action Requested:

- *The Planning Board is asked to discuss and consider making a recommendation to the Town Board on proposed amendments to the Town's Sight Triangle regulations.*

Applicant:

Nash Wendell Falls LLC

Item Summary:

The applicant has submitted a zoning text amendment to change Section 9.3.E.3, which describes the Town's Sight Triangle Provisions. Sight Triangles represent an imaginary triangular area along street intersections which must be kept free of any structures taller than 3 feet in height in order to maintain visibility for motorists approaching an intersection.

As currently stated in Section 9.3.E.3, the Town's sight triangle requirements call for a triangular area which extends 25 feet in either direction from the right-of-way point of

intersection. The standard sight triangle for NCDOT calls for a 10' x 70' sight triangle easement, which does not extend as far down the secondary road, but which ensures greater visibility along the primary road.

Both sight triangle standards have their merits. For the intersection of two local, low traffic roads, the Town's current sight triangle standard may be better suited. However, when one road is higher speed or planned to receive significantly more traffic than the other, NCDOT's sight triangle standard is often preferable.

As can be seen in Attachment A, the applicant is proposing to amend the UDO in order to provide the zoning administrator the option of applying either sight triangle standard, based upon which is more appropriate in a given situation. The amended text within Attachment A is shown in red.

Staff Recommendation:

Staff recommends approval of the proposed text amendment. Under the proposed amendment, the Town would retain its current sight triangle, but would also have the option of using the NCDOT sight triangle where deemed appropriate.

Statement of Plan Consistency and Reasonableness

- *Any recommended change, if deemed necessary, should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.*
- *Such statements could refer to the general principles of the Comprehensive Plan, including but not limited to:*
 - *Principle Number 8: "Ensure local and regional transportation interconnectivity and options while also maintaining and enhancing Wendell as a walkable community."*

Attachments:

B. Proposed Amendment to Section 9.3.E.3 (changes shown in red)

At the conclusion of Mr. Bergmark's presentation, the applicant described the issue on Big Falls Drive in Wendell Falls that had prompted the request. (To summarize those comments, the applicant would like to have the option of using the typical NC Department of Transportation [NCDOT][10 foot by 70 foot] sight triangle to enable developers to locate units closer to the street in situations where such a standard would promote and not harm vehicular safety.) Jonathan Olson then asked if the Town has any restriction on parking vehicles within the 10 foot portion of NCDOT sight triangles. Mr. Bergmark replied that the Town Code allows the Town to designate no parking areas on public streets. After some additional discussion among the Planning Board and staff, Chairwoman Ashley Anderson asked if there were any public comments on this project; there were none.

Jonathan Olson made a motion to recommend approval to the Town Board of this request to amend the sight triangle requirements of Chapter 9 of the Town's Unified Development Ordinance, as recommended by staff. Victoria Curtis seconded the motion. The motion passed unanimously.

8. Adjourn to Next Regularly Scheduled Meeting

Chairwoman Ashley Anderson asked for a motion to adjourn. Lloyd Lancaster made a motion to adjourn the meeting; Allen Swaim seconded the motion. The motion passed unanimously and the meeting adjourned at approximately 7:43 p.m.

Immediately after adjournment, Mr. Bergmark updated the Board on recent actions by the Town Commissioners.