

**Planning Board Meeting –
May 15, 2017
Minutes**

Members Present: Harold Broadwell, Ashley Anderson, Lloyd Lancaster, Victoria Curtis, Allen Swaim, Ruth Van der Grinten.

Members Absent: Kathe Schaecher, Errol Briggerman, Gilda Wall

Staff Present: Planning Director David Bergmark

Guests Present: Aaron Guyton (applicant)

1. Meeting Called to Order

Mr. Broadwell called the meeting to order.

2. Welcome and Recognition of Guests

Mr. Broadwell welcomed the public.

3. Chairman and Board Members' Comments

There were no comments.

4. Adjustment and Approval of Agenda.

Ruth van der Grinten made a motion to accept the agenda. Victoria Curtis seconded the motion. The motion passed.

5. Public Comments

Paul White said he had signed up for public comment, but he would hold his comment until the text amendment was discussed if that is what the board wanted. Mr. Broadwell said that would be best.

6. Approval of Minutes

Victoria Curtis made a motion to accept the April 17, 2017 minutes. Ashley Anderson seconded the motion. The motion passed.

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

Item 7A – Discussion and Action on proposed amendments to Chapters 2 and 12 of the UDO to allow Electronic Billboards with specific standards.

Mr. Bergmark gave the following report, in italics:

Fairway Outdoor Advertising has expressed an interest in constructing an electronic billboard along US 64. This group has recently constructed a similar electronic billboard in Rolesville near the new bypass. Currently, Chapter 12 of the UDO prohibits billboards of any type. As a result of these regulations, the applicant has submitted a zoning text amendment request to remove the language from Chapter 2 and Chapter 12 of the UDO which would prohibit billboards, and has included specific standards related to the size, height, location, and operation of electronic billboards. A similar process was taken in Rolesville in order to allow

the electronic billboard to be constructed there. A copy of the standards used in Rolesville is included as Attachment C.

Proposed Amendments:

The specific language proposed by the applicant as part of this amendment request is included as Attachment A. In general, the applicant's proposal would allow electronic billboards in the Community Center zoning district along US-64 and portions of US 64 Business (Wendell Boulevard). Such signs would have a 3 mile separation requirement from other billboards, could be up to 50 feet in height, and have a sign face of up to 672 square feet. The applicant has also proposed to remove language from Chapter 2 which references billboards as a prohibited use.

Staff Amendments to the Applicant's Proposal:

After reviewing both the applicant's proposal, as well as Rolesville's ordinance language related to Billboards, staff has created a revised version of the applicant's request, which is included as Attachment.

Notable changes to the applicant's request include:

- 1. The inclusion of a 10 foot minimum setback from property lines
 - a. The applicant had a 0 foot minimum setback. Rolesville had a 10 foot setback.**
- 2. Amending allowed locations to include the CH and M&I zoning districts, but prohibiting billboard signs along Wendell Boulevard.
 - a. The applicant only allowed billboard signs in the CC zoning district, but allowed them on portions of Wendell Boulevard in addition to US-64.**
- 3. The inclusion of landscaping standards*
- 4. Amending the separation requirement (3 miles in both versions) to apply to ALL billboards along US-64 – including those outside Wendell's jurisdiction.
 - a. The applicant's language would not consider billboards placed outside Wendell's jurisdiction, which could allow more frequent spacing if such signs were constructed in the County's jurisdiction.**

Staff Recommendation:

If the Planning Board is in favor of this request, staff recommends using staff's revised version (Attachment B).

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.”*

Mr. Bergmark clarified that the 3 mile separation between billboards should only refer to electronic billboards (not existing non-conforming billboards which were not electronic).

Following staff’s presentation, Paul White addressed the Planning Board. He said the applicant was looking at placing the electronic billboard on property he owned along US 64. He said he did not want a 10 foot setback or landscaping standard applied to the electronic billboard. He said the 10 foot setback would push the billboard further into his lot and would make it less visible. He said the base of the site sat down in a valley and would not be visible from the road. He said he wanted to be able to mow up to the sign. Mr. White said the billboard would be used to promote Wendell. He said the Town would be able to use the billboard for advertising.

Allen Swaim said he was concerned that the billboard would use only one support pole. He asked where that requirement came from. Mr. Bergmark said staff did not create that language. He said the language requiring one pole was in the proposal submitted by the applicant. Mr. Bergmark said the billboard would need to be permitted to ensure structural safety.

Aaron Guyton (the applicant) distributed pictures of the proposed billboard sign in order to demonstrate the general size, placement, and construction of the pole. He said the billboard could withstand 150 mph winds. He said there was no need for multiple poles. He said his organization partnered with the crime-stopper program and amber alerts to share emergency information. He said he saw this sign as a public safety benefit.

Allen Swaim said Paul White had spoken against the setback proposed by staff. He asked Aaron to comment on the proposed setback. Aaron Guyton said Rolesville’s site had sat up on a hill. He said the setback there would be fine. He said in Wendell’s case, he wanted the sign as close to the road right-of-way as possible. Mr. Guyton asked that a 0 ft. setback be applied to Wendell’s rules.

David Bergmark said his concern with the building setback related more to the adjacent property owners; not the proximity to the road right-of-way. He proposed that a 0’ front setback be applied along US 64, but that a 10 foot setback be applied along the side and rear. Paul White and the applicant indicated they would not have a problem with this standard.

Mr. Bergmark said he had already included language to remove the landscaping requirement when the base of the sign is not visible from a public right-of-way. He said if what Mr. White said was true and the base was not visible from the road, then no shrubs would be required. Mr. Lancaster said he did not think the Town had any business requiring a property owner to plant shrubs on his property. Mr. Guyton said his company would be willing to amend the proposed language to allow the applicant the option of either planting the required shrubs, or paying \$1000 to the Town to be used for beautification elsewhere.

Victoria Curtis asked if there would be a shrubbery requirement if the billboard was placed on farmland. Mr. Bergmark said the way it was written, shrubbery would be required. She said she did not think

landscaping should be required if the billboard was placed in the middle of a field, as the farmer could still plant crops beneath it. Mr. Bergmark said an exception could be made for farmland. Mr. Lancaster said they shouldn't have a standard where so many exceptions were needed.

Lloyd Lancaster asked if the billboard company paid a lease to the property owner. Mr. Guyton said that was typically done.

Mr. Swaim asked how the 3 mile separation standard between electronic billboards was derived. Mr. Bergmark said that separation standard was included in the applicant's proposal, and was identical to the standard used in Rolesville. Mr. Swaim asked if such a standard would only allow just this one electronic billboard. Mr. Bergmark said that was possible, but there was no guarantee that the billboard discussed tonight would actually be the first one built. Mr. Guyton said there were some NCDOT regulations that would still apply to billboard placement. He said someone else would be hard-pressed to find another location along this corridor which met all the requirements. Mr. Swaim said he did not like the 3 mile rule. Mr. Guyton said he thought the state rule was half a mile separation, but that other factors such as viewing angles and the location of existing vegetation further limited placement.

Ashley Anderson said she understood Mr. Swaim's concern, but she would hate to see US 64 lined with billboards. Paul White said most of US 64 is not in Wendell's jurisdiction, which would be needed for our Town's regulations to apply. Mr. Swaim said the site where the Republican Party holds their turkey shoot is in Wendell's jurisdiction and could be a potential billboard site.

Mr. Lancaster said the Town had to make a rule that applied to more than just this one property, but with that said he did not support the shrubbery requirement. He said he also agreed with Mr. Swaim about the 3 mile rule. He said the Planning Board should remove the separation requirement, or make it 1 mile along the same side of the road.

Mr. Swaim made a motion to accept planning staff's recommended language, with the following exceptions:

1. Delete section 1b, which contains the separation requirement
2. Delete section 1d, which contains the landscaping requirement
3. Amend section 1j to specify that the maximum height is measured above the surface of the road.

Ruth van der Grinten asked if the separation requirement was going away entirely under Mr. Swaim's motion. Harold Broadwell said that was his understanding. Ashley Anderson said she was not comfortable removing the separation requirement. Mr. Swaim said it was his understanding that the state already had rules that applied to spacing. Mr. Guyton said if the separation requirement were removed entirely, Wendell would be the only jurisdiction he was aware of without one.

Mr. Lancaster asked if Mr. Swaim could amend his motion to include a 1 mile linear separation (along the same side of the road). Mr. Swaim said he would be willing to do so. Ashley Anderson asked how many billboards could be allowed along this corridor if a 1 mile rule were applied. Mr. Bergmark said based on the distance between Wendell Falls Parkway and Lizard Lick Road, possibly 10. Ashley Anderson said she thought 10 signs were too many. Mr. Lancaster suggested that a 2 mile linear separation requirement be applied. **Mr. Swaim said he amended his previous motion to include a 2 mile linear separation between electronic billboards in section 1b.** Mr. Lancaster seconded the motion. The motion passed 4-2, with Ashley Anderson and Harold Broadwell voting against the motion.

8. Adjourn to Next Regularly Scheduled Meeting

Lloyd Lancaster made a motion to adjourn the meeting. Victoria Curtis seconded the motion. The motion passed unanimously.