

Nags Head Local Business Ad Hoc Committee Meeting

August 20, 2015 Minutes

Nags Head Town Hall; Conference Room

Committee Members Present: Annette Ratzenberger, Anne Farmer, Bobbie Stager, Carole Sykes, Ralph Buxton, Gus Zinovis, Bob Sanders, Commissioner Renee Cahoon and Deputy Planning Director Kelly Wyatt.

Public Present: No members of the public present.

Commissioner Renee Cahoon opened the meeting and welcomed the committee members.

Adoption of Minutes: July 15, 2015. One correction to the minutes was noted, incorrect name. Annette Ratzenberger made a motion to approve the minutes with the correction noted. Gus Zinovis seconded the motion and the minutes were approved unanimously.

Staff member, Kelly Wyatt updated the committee on the status of two ordinances which originated with the Local Business Committee. The ordinance pertaining to landscaping/buffering which would allow for a more natural, clumping of vegetation as opposed to a linear approach was heard by the Planning Board at their August meeting. The Planning Board requested additional information be provided by staff regarding the types of vegetation encouraged throughout the Town (native, invasive) and what does well in this type of harsh environment. Additionally, the Planning Board noted an inconsistency in the required height and spacing of trees (3 ft. high/5 ft. centers vs. 5 ft. high/10 ft. centers) which staff needs to address. Based upon this, staff would like to organize a meeting with both the Planning Board and the Local Business Committee members with an expert in these items within the next month or so. Staff also updated the committee on an ordinance providing planning staff the ability to grant certain minor administrative adjustments – this ordinance was unanimously recommended for adoption and will be on the Board of Commissioners September 2nd Consent Agenda and Public Hearing on October 7th, 2015.

The Committee continued discussion on the draft ordinance relating to rooftop signs. The committee was generally in favor of the ordinance however Annette Ratzenberger noted that she would like to see language added to ensure that the height of the sign does not exceed the length, ensuring that the sign is more rectangular in nature with the longest part of the sign attached to the roof. Staff noted that language would be inserted and brought back for review at the Committee's September meeting.

At the July meeting committee members were curious about the regulation of outdoor displays of merchandise as it relates to signage. To help the discussion, staff provided numerous photographs of outdoor displays throughout Town and a few excerpts from other municipalities' ordinances and how they regulate outdoor displays. Specifically, there was an ordinance/response from the Town of Black Mountain, Town of Durham and **a Planner from the private sector provided**. Ralph Buxton stated the

Town of Kitty Hawk may regulate outdoor storage because his business in Kitty Hawk could not display kayaks however Walmart and Home Depot could display merchandise. Annette Ratzenberger noted the difficulty that could arise in regulating retail displays vs. food service/restaurant displays. Bobbie Stager stated that these displays (referring to the photographs) are of the articles of merchandise that the retail business shown sales (ie: floats, chairs, umbrellas, etc.) and, as Annette noted, how do you address restaurants. Could they have a blow-up figure advertising their goods, such as a smoothie or cup of coffee? Finding the balance could become difficult. Several committee members noted that in the photographs provided of outdoor displays the merchandise does look “cluttered” but when driving the beach these locations do not stand out as obtrusive and maybe we have just become accustomed to it on some level. The committee agreed that these displays are used as attention getting means. Annette Ratzenberger noted that while it does draw attention it distracts from the actual address of the structure and the importance of navigating by addresses for both tourists and emergency vehicles. Garry Oliver stated that one option to consider IF we chose to regulate the displays would be to require that all items be removed from the yards at the close of business. If they had to take back inside at the close of business everything that was set out that morning they may not be inclined to place as many items outside. Designating a specific area onsite for displays was also mentioned. Carole Sykes noted that sometimes these displays may be a result of over-ordering and needing somewhere to store merchandise, not necessarily for the purpose of drawing attention. Gus Zinovis followed up stating that the display at ACE Hardware is the actual inventory itself and likely a result of a large summer order. Again, the committee noted that if the regulations required the merchandise/items be taken in at night they may elect to not place as many items out each day. Anne Farmer noted that any regulations may be biased to non-food oriented operations – what is appropriate for one business to do, should it be appropriate for another? If a retail store is allowed floats, chairs, etc. should a restaurant not be allowed some type of display also? Ralph Buxton noted from the photographs that some businesses have their merchandise located within the right-of-way which is a violation and should be addressed. Ralph Buxton also inquired about the location of the required buffer yard and where businesses are locating their merchandise, ie: ACE Hardware. Commissioner Cahoon noted that some businesses were permitted and constructed prior to the Town’s buffering ordinance and therefore do not have the linear buffer yards adjacent to the right-of-way. These businesses are legally nonconforming with regard to buffering. Ralph Buxton also inquired about when/if a site would need to comply with regulations. Commissioner Cahoon and staff noted that if a site were re-developed it must then comply with current codes. Commissioner Cahoon also noted that ACE Hardware has a significant buffer area to the north, adjacent to residential construction. Committee members began to discuss current sign regulations, specifically what “conveys a message” in the sense that sometimes the merchandise displayed does convey a message. Bobbie Stager noted that depending on the location and configuration of the shopping center and number of tenants it may be worth staff considering the allowance of more flags, possibly one per business – and consideration given to the sign only being allowed when the business is in operation and must be removed when closed, similarly to what is recommended for outdoor display of merchandise. She noted that currently she is tasked with “scheduling” flag signs for Pirates Quay and it is cumbersome. Anne Farmer asked if anyone was aware of any studies that show how much/if any revenue is generated from the outdoor display of merchandise? Would requiring the removal of the merchandise hurt these businesses and is this is that what the Town desires given the seasonal nature of

businesses here. Committee members noted that they do feel these displays do peak the tourists interest in what each business offers. Ralph Buxton stated that determining what level of merchandise display is actually working for/benefiting a business versus when it becomes overdone or “clutter” is the difficult part. Commissioner Cahoon stated that there seems to be a concentration of the same types of businesses with displays and that they likely have a formula for advertising their businesses. In looking at the photos, Committee members noted that the display of colorful chairs at Outer Banks Mall/Kellogg’s was not overdone, did not appear “cluttered” and tastefully gave the passerby a sampling of what they had in stock within the principal building. Commissioner Cahoon thanked the committee for their input and informed the committee that this issue is scheduled to be discussed at the Board of Commissioners September Retreat and that their input would be shared at that time.

The Committee briefly discussed information regarding Shopping Center signage presented at an earlier meeting. Commissioner Cahoon and staff noted that with recent legislation governing signage that staff and the committee will need to revisit our discussions as we can no longer regulate a sign based upon the content of the sign. Gus Zinovis questioned if the new legislation regulated/captured regulations governing off-site advertising. Commissioner Cahoon responded that this is a complex new law that the Town is beginning to navigate and address however the Town has consistently prohibited off-site advertising. The committee noted, and staff agreed, that any regulation to *require* shopping centers to allocate signage to smaller, less visible tenants may be affected by the legislation. Ralph Buxton stated that doing business on the Outer Banks is very competitive and that businesses want to be in attractive locations and it is the landlord’s responsibility to make each site/center palatable for the tenant. Staff noted that the committee would be kept up to date on how our local ordinances were addressing the legislation.

Commissioner Cahoon updated the committee on the recent approval of the site plan for 7-Eleven and the recent adoption of text amendments related to large residential structures. Garry Oliver questioned the adequacy of the current parking standards, especially for the larger rental homes in South Nags Head. Commissioner Cahoon noted that, at the time of adopting the text amendment, they also instructed the Planning Board to revisit discussions on parking regulations.

Staff gave a very brief update on the status of the Comprehensive Plan and UDO Update (ie: Focus Nags Head).

Commissioner Cahoon thanked all the committee members for their participation during this very busy time of the season. The next meeting was scheduled for Thursday, September 24th, 2015 at 2:30 pm.

The meeting adjourned at 3:40 pm.