

**Town of Nags Head
Planning Board
January 19, 2016**

The Planning Board of the Town of Nags Head met in regular session on Tuesday, January 19, 2016 in the Board Room at the Nags Head Municipal Complex.

Deputy Town Manager/Planning Director Andy Garman called the meeting to order at 2:35 p.m. as a quorum was present. Mr. Garman called for nominations for Chair for Calendar Year 2016.

Members Present

Mark Cornwell, Kate Murray, Ben Reilly, Mike Siers, Jim Troutman

Members Absent

Clyde Futrell, Pogie Worsley

Others Present

Andy Garman, Kelly Wyatt, Holly White, Lily Nieberding

Election of Chair and Vice Chair for Calendar Year 2016

Ben Reilly moved to nominate Mark Cornwell to continue on as Chairman. Jim Troutman seconded the motion. There being no other nominations a vote was taken and the motion passed by unanimous vote.

Mr. Garman turned the meeting over to newly appointed Chairman Cornwell. Chairman Cornwell asked for nominations for Vice-Chair.

Jim Troutman moved to nominate Ben Reilly as Vice Chair. Kate Murray seconded the motion. There being no other nominations a vote was taken and the motion passed by unanimous vote.

Approval of Agenda

There being no changes to the agenda, Ben Reilly moved that it be approved as submitted. Jim Troutman seconded the motion and it passed by unanimous vote

Approval of Minutes

There being no changes, Ben Reilly moved that the minutes be approved as presented. Jim Troutman seconded the motion and it passed by unanimous vote.

Audience Response

None

Workshop with Property Managers

Deputy Town Manager/Planning Director Andy Garman explained that since April 2015, the Planning Board had been reviewing revisions to sign regulations to address freestanding signs on residential properties.

As background, the Town has an ordinance that allows a single-family dwelling to have a "for rent" sign attached to the structure for the purpose of identifying the rental house number and the contact information for the property management company. The signs may be up to six square feet in area. In cases where structures are located more than 100 feet from the street right-of-way, the ordinance allows a freestanding rental sign to be placed in the yard. There is no minimum height for these signs and no required setback. This allowance has been provided to increase the visibility of rental signs where they would be difficult to see from the road. These signs are primarily located on the east side of Virginia Dare Trail where oceanfront lots are deep and houses are located further from the road. Over the years there has been a proliferation of these signs.

Mr. Garman noted that Board members have received several complaints related to the negative impact on the appearance of the beach road caused by the proliferation of real estate rental signs. The Commissioners directed Staff to look at alternative language to lessen the visual impact of these signs. The Planning Board discussed this and requested that Staff present an analysis of the problem at its May meeting.

Staff conducted an inventory of freestanding rental signs and discovered quite a few existing signs. Mr. Garman also noted that the Town currently has less than half the number of rental signs that could be placed if a sign were to be placed at each eligible property. Given the potential for additional signs, it was the Planning Board and Staff's opinion that this level of signage would have a significant impact on the appearance of the community. Staff recommended that the Planning Board consider modifications to the sign regulations pertaining to freestanding "for rent" signage.

Some of the proposed modifications include:

- 1) Allowing one, six square foot "for rent" sign to be on the dwelling and a smaller freestanding sign to be placed in the yard to communicate only the information necessary to identify the rental number and rental company name. Staff would recommend a size limit of 1.5 square feet for these signs; this would allow the sign to include the rental unit # and company logo;
- 2) In addition to the 1.5 SF size limit, establishing a height limit of no more than two feet above the adjacent grade - this option would only be recommended in instances where dwellings are more than 100 feet from the right-of-way; and
- 3) Establishing an amortization clause on the timeframe for compliance.

The Planning Board requested a work session to discuss these proposed changes with real estate property management companies. Staff contacted property management company representatives to request their attendance at today's meeting.

In attendance at the workshop were:

Elaine Breiholz, Carolina Designs Realty; David Pergerson, Resort Realty; J.W. Fuller and Dorie Fuller, Village Realty; Dan Hardy, Joe Lamb Jr.; and Emily Coppersmith, Stan White Realty

First to speak was Dan Hardy with Joe Lamb realty. Mr. Hardy stated he is a former Zoning Administrator with the Town of Nags Head and is familiar with the Town's regulations with regards to signs; the sign ordinance has not changed much in 30 years. This is an important issue for rental companies and does not see a need for change. Riding up the beach road he saw multiple violations. Maybe need more regulation from the Town to provide uniformity.

He does not like the idea of changing the size of the signs. His company has made a substantial expenditure on signs based on good faith reliance that ordinance would not change. Feels like the "rug is being pulled out from under us." They would not have made that investment if they'd seen this change was coming. Feels that it's not reasonable to change the ordinance for one industry and not looking at signage as a whole. There are multiple non-conforming signs throughout the Town. Does not understand where this is coming from.

There would be an impact if signs are turned parallel; it will be harder for their customers to see the signs as they drive down the road. He would not mind a height limit or a minimum setback from right of way but does not want to change the size.

Their signs are aluminum and cost over \$100 a piece; they have over \$10K invested in signs, would be very difficult and expensive to replace. Would they need a permit to replace each sign? That also could get expensive. They have already replaced all the free-standing signs for the properties that qualified and are getting ready to replace all their signs.

Webb Fuller with Village Realty spoke next. Mr. Fuller stated he is a former Town Manager for Nags Head and stated that the ordinance as it relates to signs has not changed since 1982. He understands the need for rules and regulations. However, there are numerous violations with other signs that are not being addressed. He agrees with most of what Mr. Hardy stated. He also believes that signs could use more regulation but does not agree with the proposed language. The real estate community is a small business. What is being proposed takes away from and negatively affects small businesses. Is this really a big concern? Could not find where this issue is coming from.

From a personal standpoint agrees the signs could use some regulation, uniformity but feels there are more egregious sign issues (such as multiple flags) out there; feels like the real estate community is being "attacked". He doesn't like how beach road looks either, believes there is a lot of opportunity for compromise, right now there is a Hodge podge, could use some uniformity. Mr. Fuller stated that it is not to their benefit for it to look badly. Would consider a height reduction but not sure about a reduction in size. He wants signs to be able to convey the necessary information such as the address for their renters as they are driving down the road.

Ms. Dorie Fuller stated that the Village signs were constructed by Ambrose signs. They were originally particle board or some type of Masonite composite material but now most are aluminum, at least the house signs are. When asked about a depreciation schedule for their signs, Mr. Fuller stated that he expects the signs to last 5 to 7 years.

Elaine Breiholz of Carolina Designs Realty spoke on behalf of Monica Thibideoux who is out of town at a meeting. They discussed the issue and agree that a smaller sign would not work for them. They have already had complaints about sign visibility from customers who rent houses in The Village. Ms. Breiholz did agree that the signs need uniformity.

David Pergerson with Resort Realty spoke next. The language seems very tailored to one type of signage (rental signs). The biggest issue is one of practical application. Placement of signs is based upon what customers express they need. Smaller signs are harder to see when you are driving 35 miles per hour down the beach road.

Mr. Pergerson confirmed that the house numbers are different depending on the rental company, the numbers are not in any order. Not just about immediate cost but impact on future rentals, difficulty in finding houses especially at night.

The overall consensus from the real estate representatives was that the proposed 1.5 SF sign is not practical. They also continually questioned how and why this issue came about, is this really a big issue? How many complaints were received?

Mr. Garman gave some more background on how and why the proposed changes came about and confirmed that the request to look into the issue came directly from the Commissioners at their April Board Meeting. The content neutral ruling notwithstanding, the Town still has the authority to regulate signage. The Town has always had different rules on signage depending on the type of use, especially when it comes to residential areas.

When asked what they thought would be a good size for a sign, Mr. Fuller stated he did not believe it was one size fits all; what works in a cul-de-sac in The Village is different than on the beach road. On the beach road, the current sized sign has worked for 30 years; it would be hard to get info from a sign (while driving) if it went much smaller. If anything it may be placement to the road and height that is more of a concern however that would also need to vary depending on where; for instance there is reduced visibility in south Nags Head.

Mr. Hardy is not looking for a change in area, however uniformity of placement, location and of height within reason are all valid points and will visually look better.

Dorie Fuller suggested looking at the houses across from Souvenir City at Whalebone; Bob Oakes lowered signs there.

Mr. Siers asked if the purpose of the sign was for branding or for information. He pointed out that in some of the signs you can see the Company logo and phone number better than the house number.

Mr. Reilly stated that that he understands their concerns; it's not a branding issue, it's all about identifying the house. If the size of the signs is reduced they would be harder to see. Would reducing the height rather than the size make a difference?

Ms. Murray agreed stating that they should reconsider the 1.5 SF size as it was not a popular choice, instead maybe consider other sizes that may be more agreeable.

Chair Cornwell said he initially had liked the 1.5 SF sign and had not considered height. All you really need is the Company Logo and the house number; less information might make the signs easier to see.

Mr. Reilly noted that they are not targeting real estate companies they are targeting signs on residential houses on the beach road, which happen to be real estate signs.

Mr. Garman reminded the Board that the beach road is primarily residential, the Town wants to be business friendly but there needs to be a balance. This issue came to the Planning Board because

people thought the balance was out of whack. Mr. Garman suggested reconsidering the size but also looking at height again.

Chair Cornwell asked for Staff to take another look at the ordinance and bring back some suggestions.

Mr. Garman stated that they will come back and give the Board a few options; Staff will look at the Village Realty signs across from Souvenir City and give that as one option. Mr. Garman also stated that he will ensure that the signs are exempt from permitting requirements.

Action Items

None

Establishment of Regular Meeting Dates for Calendar Year 2016

Deputy Planning Director Kelly Wyatt presented the Draft Submittal Calendar for 2016. Ms. Wyatt noted that historically the December Planning Board meeting has been bumped up a week so as not to coincide with holiday travel plans. This would put the meeting on December 13th. Ms. Wyatt confirmed that the date for tech review would stay the same. After some discussion it was Board consensus to keep the meeting on the 20th.

Report of Board of Commissioners Actions

Ms. Wyatt reported on recent Board Actions:

A Public Hearing is scheduled for February 3rd, 2016 Board of Commissioners meeting for consideration of amendments to the Town's landscaping and buffering ordinances and amendments to Town Code Chapter 22, Floods to define "free and clear of obstruction".

Town Updates

Principal Planner Holly White updated the Board on Focus Nags Head. Ms. White stated that they have had two Advisory Committee Meetings since the last update, one was held in December and the second was held on January 12. The first meeting was geared towards orienting the members towards the task at hand (the Comprehensive Plan) and updating of the vision statement. Ms. White then reviewed the definitions of Vision, Goals/Principles, Policies and Actions and how and where they fit in the process. The next Advisory Committee meeting will be held on January 26. A Community meeting is scheduled for February 11th.

Ms. White confirmed for Mr. Reilly that the time listed for the Community Meeting are tentative and will be determined at a future date.

Planning Board Members' Agenda

Mr. Reilly requested an update on the 7-Eleven. Mr. Garman stated that project is still in progress but was stalled due to issues related to the underground storage tanks. The demo permit is ready to issue but has not yet been picked up.

Planning Board Chairman's Agenda

None

Adjournment

There being no further business to discuss, a motion to adjourn was made by Ben Reilly. Kate Murray seconded the motion and the motion passed unanimously. The time was 4:31 PM.

Respectfully submitted,

Lily Campos Nieberding