

Surf Planning Board
Regular Meeting
March 12, 2020
Welcome Center
102 N Shore Drive

Members Present:

Larry Bartholomew, Chairman
Rick Benton
Jimmy Campbell
Gary Cavanaugh
Randy Cox
Renee Rhodes
Derek Arthur

Council Liaison: Teresa Batts

Town Staff:

Mayor Doug Medlin
Kyle Breuer, Town Manager
Amy Kimes, Planner
Steve Padgett, Building Inspector
David Price, Collections & Distribution Supervisor
Ron Shanahan, Police Chief
Jeff Johnson, Police Captain

A. Call to Order – Chairman Bartholomew

B. Approval of Minutes – Feb. 13, 2020

Motion by Randy Cox and seconded by Renee Rhodes. The motion carried unanimously.

C. Continued discussion regarding the Text amendment associated with Appendix A Section 6.19 Signs containing light emitting diode (LEDs)

Planner Amy Kimes reminded the Board that Town Council in 2016 amended the Town Ordinances with addition of Chapter 6.19 to Appendix A. Thus allowing light emitting diode (LED) signs to be placed in G1 Governmental district for all uses and in O&I and C3 districts for churches and schools, plus allowing gas stations in C3 district to display gas prices only.

Mrs. Kimes mentioned that the Community Development department had received two LED sign permit requests. Therefore direction from the Planning Board is essential in deciding the allowance of LED signs for all uses in the C-3 (entranceway) commercial district.

During the December Planning Board work session, the Board requested research on existing ordinances for LED Signs and report the findings at the next meeting.

At the February Planning Board meeting, Mrs. Kimes reported on correlated ordinances of counties/municipalities of southeastern N.C. with beach communities. The Planning Board voted to recommend to Town Council to allow LED signs. This recommendation was for C-3 Extended, G-1 and O&I districts, not to include MU or C-1.

Action Requested

Discuss the text amendment proposal

Mrs. Kimes referenced the provided map illustrating the three zoning districts; C-3, G-1 & O&I.

Mr. Campbell asked why C-1 was not allowed LED signs. Mrs. Kimes noted during the February meeting it was not discussed or included within the motion that carried. Mr. Campbell stated it seems only logical to include C-1 also. Mrs. Kimes stated C-1 is more limiting in what is allowed and it would be up to the Board to recommend C-1, which is on the island with a few on the mainland.

Mrs. Kimes reviewed the proposed text amendments with the Board. She mentioned Mr. Ward had called her prior to the meeting and requested animated signs not be allowed. This would be added to 6.19 (e)

During outreach to other counties/municipalities on why they did not allow LED's, was the general concern of becoming a Myrtle Beach. Mrs. Kimes noted that Pine Knoll Shores stated the LED signs would not keep with the character, history or beauty of their town.

Mrs. Kimes noted in regards to the brightness, the sign manufacturer would have to provide written certification that the light intensity would be factory programmed not to exceed 5000 nits during daylight hours and 150 during nighttime hours. Also the applicant or owner would have to submit a signed letter stating they would not alternate the factory programmed nits. Additionally, code enforcement text would need to be added to issue a violation warning if nighttime brightness was increased beyond allowance and if reoccurring, a fine assessed and ultimately a ceased illumination.

Mr. Benton asked if there was a definition of development in the zoning ordinance or did the Board need to clarify. Mrs. Kimes mentioned the intent from Board's last meeting, was for one free standing sign for each shopping center and a development not to have twelve.

Mr. Campbell and Mr. Benton addressed the static period and noted it needed to be defined.

Chairman Bartholomew recommended that the Board discuss if the allowance would be only for C-3 and not C-1. The Board ensued discussion about protection of the historical character and excluding the island. Mrs. Kimes shared the character is mentioned in the Land Use Plan. Mr. Benton thinks the Council should address if the island needs to be excluded in the zoning ordinance. Mr. Padgett mentioned as an advisory board, the Board might consider a recommendation to the Council.

Mr. Cox made a motion to exempt C-1 on the island for Ordinance 6.19 LED signs and to allow in C-3, G-1 and O&I. Mr. Benton seconded the motion. After continued discussion, Mr. Benton proposed an amendment addition to consider rezoning or have the option to rezone any C-1 parcels off the island and Mr. Cox seconded. The vote carried unanimously. (7-0)

Mrs. Kimes asked the Board if they would like to rename "freestanding" sign since it was suggested to her along with definitive perimeters. Mr. Benton prefers a distinctive title to differentiate from other type signs and not to exceed 10 feet in height.

The Board proposed 6.19 (m) to state; All electronic changeable copy signs located within 150 feet of an Agricultural or Residential Zoning District shall be off between 10 p.m. and dawn.

Mrs. Kimes asked the Board regarding 150 nits during nighttime hours, if that should be changed to 10 p.m. to dawn, or dusk to dawn. Questions were asked concerning the nits and Jake Allen with Thinksign, explained the sun emits 4000 to 6500 nits during the daytime prime. Therefore a sign must match or overpower those nits, or it will be washed out by the sun. The maximum of their sign capabilities are 10,000 nits, however they never run at that level, only sixty percent of that level. He recommended that the selected manufacturer include a dimmer for the sign, plus provide an FCC certificate, to state product will not interfere with cell towers or the military base.

Mayor Medlin questioned how the Town would measure the brightness in order to enforce compliance. He suggested not to adopt an item in the ordinance that could not be enforced.

Mrs. Kimes asked Jake Allen how did other towns monitor/enforce nighttime nits? The Sign Guy stated other towns have an employee to traverse the town to observe nits and can visibly tell if they are too bright.

Mrs. Kimes asked the Board if they wanted to continue with text amendments. Chairman Bartholomew noted that the 10 foot height is a point of reference and felt like this would be tabled. He commented there were considerable text to review and the details needed to be determined.

Mr. Benton made a motion to table amendment and direct staff to revise amendment based on discussion during the meeting. Mr. Arthur seconded the motion and it carried unanimously. Vote (7-0)

Mrs. Kimes reviewed the Updates as follows:

Planning Board Updates

- TRC approval of Serenity Bay given February 26,2020
- Jersey Mike's Building Permit under review
- Burrito Shak permit will be issued once permit fee has been received
- Surf Break Coffee upfit underway
- Brass Pelican has new owners and are starting to remodel
- 10th Street Bar (formerly Margarita's) will soon be under new ownership
- Sea Blue Coffee (old Pelican's) and Divers are working towards opening
- Swing Bridge Cork and Brew is under new ownership and is working towards a spring opening
- Topsail Steamer hopes to open within the next week or so
- Waterside has started submitting permits. We are still awaiting approval of the driveway permit and signal installation
- Evolve/Surf City Crossing Apartments have begun submitting permits – construction to begin mid to end of April
- Magnolia Reserve is working toward Final Plot approval for the first 20 lots
- Gogas will be requesting CO within the next few weeks
- Watkins Flooring to request CO within the next few weeks
- Beach Furniture Outfitters is moving off island next to the old Ace Hardware
- Pelicans has relocated next to Dominos
- Possible Concrete Plant located on the C-3 property fronting US17 with an access on Shepard's Road
- Code Enforcement will begin auditing the beach for addressing

Future Rezoning

- Existing Police Station – Staff initiated
- Waterside – PUD to MFC
- Rural Agriculture areas on JH Batts are looking at potential projects, be thinking about rezoning of RA within the City limits.

Mr. Padgett commented on the J.H. Batts topic and shared there is an existing mobile home park, plus across the street is James Avenue which is a PUD. J.H. Batts Road is already crowded. Once duplex development begins on the James Avenue parcels, traffic would greatly increase!

Chairman Bartholomew thanked Staff on behalf of the Board for their work.

ADJOURNMENT

Mr. Cox made a motion to adjourn which was seconded by Rick Benton. The meeting was adjourned by unanimous vote at 6:48 p.m. Vote (7-0).

Larry Bartholomew, Chairman

Respectfully Submitted,

Shelia Cox, Community Development