

**TOWN OF DUCK
PLANNING BOARD
REGULAR MEETING
January 14, 2009**

The Planning Board for the Town of Duck convened at the Duck Municipal Offices at 6:30 p.m. on Wednesday, January 14, 2009.

Present were Chairman Jon Britt, Vice Chair Joe Blakaitis, Ron Forlano, John Fricker and Claiborne Yarbrough.

Absent: None.

Also present were Director of Community Development Andy Garman, Permit Coordinator Sandy Cady and Council Liaison Dave Wessel.

Others Present: Lisa DeFilipo of the Coastland Times.

Absent: None.

Chairman Britt called to order the Regular Meeting of the Planning Board for January 14, 2009 at 6:35 p.m.

PUBLIC COMMENTS

None.

OLD BUSINESS

Discussion of Electronic Message Board Signs and Vehicle Signs

Director Garman stated that staff had taken the discussion from last month's meeting and drafted it into a text format for the Board's review. He went on to review the draft with the Board and audience.

Vice Chair Blakaitis asked if the Board had discussed flashing signs at their last meeting. Director Garman noted that there was already a section in the ordinance that covered flashing signs. He added that those signs were prohibited in Town.

Director Garman stated that the section that will lead to more discussion was the vehicular sign one. He stated that last month the Board discussed coming up with an ordinance to help staff better enforce the provisions related to signs on vehicles. He stated that the discussion was regarding signs placed on vehicles that were continuously parked adjacent to NC 12 so as to serve as additional advertising for businesses. He stated that there had been some enforcement issues with the language in the current ordinance in that it states that the Town does not regulate signs that were used for business purposes. He stated that he has had some debates with business owners about what constitutes a business purpose. He stated that one of the main things he was

looking at doing was eliminating this language so the enforcement of the ordinance would no longer rely on that language. He added that at the last meeting, the Board had discussed looking at having an actual distance from NC 12 that the sign had to be. He stated that staff used GIS to develop the distance.

Director Garman stated that staff had measured sixty (60), eighty (80) and one hundred (100) feet from the center line of NC 12 and looked at what would pull the vehicles back from the first row of sight but also recognized that some locations would only have two (2) rows of parking that would not prohibit them from parking altogether. He added that the eighty (80) foot mark seemed to work well in Town. He stated that there would be exceptions if there was no other possible location available, such as at Wee Winks Market.

Member Forlano asked if the issue was with regard to usage of a vehicle. He stated that a rental company would need a large truck and thought if they needed to have a sign on the side of their truck, it should be allowed. He stated that he questioned whether a tackle shop would need a panel truck for their business. He asked if it could be legislated or determined. Chairman Britt thought it would be tough. Director Garman added that they would argue that they need it for deliveries. Vice Chair Blakaitis agreed and noted that he had seen people take displays out of the back of trucks and then moved the truck. Member Forlano wondered what the purpose was for a real estate company to have a panel truck in front of their office building. Member Fricker thought the truck could be used by their maintenance crew that was getting supplies from the office. Chairman Britt stated that rental companies like to have their name on the trucks for security purposes when they service the rental homes.

Member Fricker stated that he had wondered why real estate company trucks would need to be regulated with a certain sized sign. He thought it was a slippery slope the Planning Board was heading toward with trying to dictate the size of a sign. Member Forlano agreed. Members Fricker and Forlano thought that everyone had a right to advertise. Member Fricker thought that deciding on a distance from the center line was fine but was concerned with an absolute size and square footage of the signage. He thought the Board needed to think about proportionality.

Chairman Britt asked if the Board was in agreement that eighty (80) foot from the center line was good. Member Yarbrough stated she was fine with it. Vice Chair Blakaitis asked if there were any glaring inconsistencies with regard to the eighty (80) foot distance. Director Garman stated that there were no inconsistencies but he was concerned about some properties that would be totally precluded from having a vehicle sign unless a fail-safe was added to the language.

Member Fricker suggested that the language from the Town of Cary could be used. Director Garman agreed. Vice Chair Blakaitis felt that the language from the Town of Cary could work. Chairman Britt agreed but stated that the word “reasonable” could be argued. He asked that it be stricken from the language.

Director Garman stated that the language regarding vehicles operating during the normal course of business had been giving staff problems. He stated that it could be eliminated. Member Fricker pointed out that the ordinance was not trying to regulate signs but where they could be parked. He didn't think the Board had any right to decide what vehicles could pass through Town or not. Director Garman agreed.

Member Forlano felt it was ironic that the Board was so harsh on how much square footage a free-standing sign could be, but were allowing a panel truck with a sign. Member Yarbrough noted that the Board had not considered whether they were going to limit the size of the sign on a truck. Chairman Britt agreed and stated that the Board took care of vehicles being used as roadside signs and now they needed to define how big it can be. He agreed with Member Fricker that proportionality was a big part of it. Member Forlano, Vice Chair Blakaitis, Chairman Britt and Member Yarbrough all agreed that they did not want to regulate the size of signs on vehicles. Chairman Britt stated that the Board needed to come up with a definition to enforce the eighty (80) feet.

Director Garman suggested the Board look at exemptions for small vehicle signs so staff would not have to enforce upon the local business owner who puts a business magnet on the side of the vehicle. Member Fricker stated that it goes back to why the Board was trying to regulate these types of signs. He asked if they were viewing them as additional signage or were they trying to protect the health and welfare of the general public that goes by the signs and is distracted by them. Director Garman stated that the language would be based on the findings.

Member Forlano stated he had a problem with driving past a business that is obviously closed but has a truck sitting in the parking lot with a sign on it. He stated that no matter where it is located off of Duck Road, it does not belong there. He thought if the Board comes up with something, it should be allowed for normal business hours only. Member Fricker asked why the truck could not park in front of their business when they are closed if it was more than eighty (80) feet from the center line. Member Yarbrough pointed out that it was just a business vehicle and the employees were not driving it to and from work. Chairman Britt thought a minimum sized sign would be a good idea so staff does not have to deal with the smaller signs.

Member Fricker asked if the Board wanted to adopt a square footage law, and if staff would have a recommendation. Member Yarbrough thought one already existed. Chairman Britt agreed. Member Yarbrough asked if the existing one could be used. Chairman Britt thought it could be done cumulatively, such as three (3) square feet on each door, as that would cover the vehicle door signs. Director Garman stated that his initial thought was ten (10) square feet cumulatively for the entire vehicle. Chairman Britt thought the Board may be over-legislating. Member Forlano agreed.

Chairman Britt suggested having sufficient language with “normal vehicle”, which would not be a panel truck or van, and would be ok to be on the vehicle. He thought ten (10) square feet would cover it. Director Garman thought that certain vans that continue to park against the right-of-way would have visual impact, giving them an advantage.

Member Fricker asked if the Board should be looking at the cumulative square feet on a vehicle or on one surface. Chairman Britt thought they could, but there could be a loophole. He thought cumulative may not be a good thing. Member Yarbrough asked why size needed to be mentioned if the vehicles associated with a property on which they are located would have to be back eighty (80) feet from the center line. Member Forlano stated that it was due to some properties where the eighty (80) feet could not be addressed. Member Yarbrough pointed out that there was language for those situations where there was no other alternative. Director

Garman thought that if the language was included it should include: "...on a continuing or repetitive basis..." Chairman Britt thought the language could be kept simple. Members Yarbrough and Forlano agreed.

Director Garman clarified that the eighty (80) foot standard was related to the property for which the vehicle sign was located. Member Yarbrough suggested adding the language regarding no other alternative. Director Garman stated he would strike the word "reasonable", modify the definition and delete everything from the parenthesis on. Chairman Britt thought it was now simple with a clear intent. Member Fricker suggested leaving out any language regarding advertising purposes.

Chairman Britt reviewed what the Board was asking Director Garman to draft – the eighty (80) foot rule; the exception if there was no other alternative and taking the parenthesis out. Director Garman added that there has to be a sign that advertised the business on the actual property. He added that he would bring back the ordinances with findings at the next meeting.

NEW BUSINESS

Discussion of Commercial Parking Regulations

Director Garman stated that there have been special exception permits for several businesses recently. He stated that the Aqua-S and Twiddy projects were approved under the Village Commercial Development option, which allowed flexibility. He stated that in all three (3) cases there were standards permitted that weren't allowed by the ordinance. He stated that he would like to pull in clear justification for the standards that were currently in place and if the Town continually approves a reduced standard for something, then the Board may want to look at those standards to see if they need to be tweaked. He noted that the office space standard in Duck was somewhat restrictive in comparison to other areas.

Chairman Britt stated that the Village Commercial Development option was set up to deal with nonconformities. He stated that he liked the Village Commercial Development option as it gave people a chance and did not confine them. He thought if the Board backed the standards off, it would make things less restrictive. He stated that he would like to leave the parking standard tough. He added that the Town was not difficult to work with. Member Forlano noted that every property in Town was unique. He stated that the Board could look at tweaking some parts of the regulations, but should keep the standards. He thought the perks have been great for the Town and the commercial owners. He thought the Board could look at certain items in the parking ordinance that could be tweaked. Chairman Britt thought the Board should look at the number of parking spaces required.

Member Yarbrough asked if it was premature to discuss reducing parking for pedestrian boardwalk traffic. Chairman Britt thought the way things are gives the Board and Council an opportunity to review projects. Director Garman stated that he did not want to make it easy but wanted to make it justifiable. He and the Board went on to discuss the issue.

Member Yarbrough clarified that the Board was not accepting staff's recommendations on the issue. Chairman Britt stated she was correct but added that he wanted to see the number of parking spaces reviewed since it was old language.

It was *consensus* of the Board not to forward anything to Council on the issue.

APPROVAL OF MINUTES

Planning Board Meeting December 10, 2008

Chairman Britt directed the Board to review the minutes from the December 10, 2008 meeting.

Vice Chair Blakaitis moved to approve the minutes as presented. Member Fricker seconded.

Motion carried 5-0.

OTHER BUSINESS

Wind Energy Forum – January 30, 2009 at the Vernon G. James Research and Extension Center in Plymouth, NC

Chairman Britt stated that he was going to try to attend the forum. Member Fricker stated he would be unable to attend. Director Garman clarified that four (4) members of the Board were planning to attend. Chairman Britt, Vice Chair Blakaitis, Member Forlano and Member Yarbrough stated that they would be attending. Council Liaison Wessel stated that he would be attending as well.

STAFF COMMENTS

None.

BOARD COMMENTS

None.

ADJOURNMENT

Chairman Britt moved to adjourn the meeting.

Motion carried 5-0.

The time was 7:45 p.m.

Approved: _____
/s/ Jon Britt, Chairman