

1 **PRESENT:** Ernest Cutler, *Chair*; Iris Wooliever, *Vice Chair*; Jackie Attaway;  
2 William Alfred Gray

3  
4 **EXCUSED:** Bob Warren

5  
6 **UNEXCUSED:** Joshua Monnens

7  
8 **STAFF PRESENT:** Katrina Marshall, *AICP, Planning Director*; Sue Steinhauser,  
9 *Planner/ Zoning Code Enforcement Officer* and Sandra Gahlinger,  
10 *Clerk to the Board*

11  
12 **ALSO PRESENT:** Commissioner Joshua Kohr; Michael Sutherland, *Agent for Scotty*  
13 *Outdoor, LLC*; Scotty Shivar, *Owner of Scotty Outdoor, LLC*

14  
15 **A. CALL TO ORDER & ROLL CALL**

16 Chair Ernest Cutler called the January 3, 2023, Planning Board meeting to order at 5:30 p.m.

17  
18 **B. MOMENT OF SILENCE**

19  
20 **C. PLEDGE OF ALLEGIANCE**

21  
22 **D. SWEAR IN NEW MEMBER NICOLE BRUNS**

23 Nicole Bruns was sworn in. Chair Ernest Cutler reviewed the attendance policy.

24  
25 **E. APPROVAL OF MINUTES**

26 Ms. Wooliever moved to dispense with the reading of the November 1, 2022, minutes. Ms.  
27 Attaway seconded. The vote passed unanimously (4-0).

28  
29 Ms. Wooliever moved that the minutes be accepted as presented. Mr. Gray seconded. The vote  
30 was unanimous (4-0).

31  
32 **F. OLD BUSINESS** NONE

33  
34 **G. NEW BUSINESS**

35  
36 **AGENDA ITEM G-1** **ZONING TEXT AMENDMENT**  
37 **UDO SECTIONS 157.09(B)(5) and (E)**  
38 **MICHAEL SUTHERLAND FOR SCOTTY**  
39 **OUTDOOR, LLC**

PLANNING BOARD  
REGULAR MEETING

January 3, 2023

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41 Ms. Marshall introduced Michael Sutherland, Agent for Scotty Outdoor, LLC, and Scotty Shivar,  
42 Owner of Scotty Outdoor, LLC, to present their case for the proposed zoning text amendment.

43

44 Mr. Shivar provided an overview of their text amendment request to increase the square footage  
45 of billboards from 200 to 600 square feet and reduce the setbacks from a public right-of-way and  
46 residential dwelling from 50 feet to 20 feet. They presented pictures to the Board of two billboards  
47 that had been removed and explained that these are the only two legal locations for billboards and  
48 that they had been 600 square feet in area.

49

50 They are making the request to be allowed to rebuild the two billboards and do so at the same size  
51 they were which was 600 square feet (12x50). Since the City's ordinance allows a maximum of  
52 200 square feet, they are requesting the text amendment to permit them to rebuild and match their  
53 competitors. He stated that the other billboards in the vicinity are 600 square feet and his firm  
54 wants to be competitive. He also stated that he was not aware that the request would change the  
55 size of all signs.

56

57 Ms. Steinhauser presented the proposed zoning text amendments to the Unified Development  
58 Ordinance.

59

60 The current maximum sign size permitted is 200 square feet. The setbacks for billboards (outdoor  
61 advertising) is 50 feet from the public right-of-way or residential dwelling.

62

63 Research of old City of Havelock codes indicates that the current maximum size and setback  
64 requirements have been in effect since at least 1976. They did not change with the adoption of the  
65 UDO in 2011.

66

67 Since many of the billboards came under the City's ETJ extension in 2016, staff also researched  
68 Craven County's outdoor advertising regulations. Their maximum size is 378 square feet. and the  
69 setback from the public right-of-way for that size sign is 20 feet.

70

71 At this meeting, the Planning Board must review the proposed amendment and the  
72 recommendation from the TRC and submit its own comments and recommendations to the Board  
73 of Commissioners, including consistency with the CAMA Land Use Plan. **UDO Sections 160.03**  
74 **and 160.04** address the process for review of proposed text amendments and **160.06(B)** identifies  
75 the criteria the Board of Commissioners should consider in reviewing applications to amend the  
76 text of the UDO (Exhibit C)

77

78 The Technical Review Committee (TRC) reviewed this request at the December 13, 2022, meeting  
79 and the notes are attached (Exhibit D).

80

81 ***Section 157.09(B)(5):***

82

83 The applicant indicated during the TRC meeting that they currently have two (2) approved permits  
84 to install new billboards at the current size and setbacks. Mr. Sutherland stated that there were  
85 previously billboards in these locations that were 600 square feet and the aim of the text

86 amendment is to allow them to install the same size billboards. As noted in the TRC notes, Mr.  
87 Robert Parker, VOLKERT/NC DOT Outdoor Advertising Region 1 Coordinator, researched the  
88 former billboards and informed staff that the billboards were only 378 square feet.

89  
90 Mr. Sutherland also indicated that the other billboards in the area are also 600 square feet and the  
91 600 square feet would maintain consistency with the existing signs. Staff's research of the sign  
92 companies with billboards along US Hwy 70 indicates that very few exceed 378 square feet.

93  
94 If approved, all the billboards in the ETJ could be increased to 600 square feet. (Billboards are  
95 not permitted inside the City limits. The existing signs inside the City are non-conforming and  
96 may remain and may not be modified.)

97  
98 Additionally, since Section 157.09(B) is titled "General provisions" any change to subsection (5)  
99 will apply to all signs within the City's jurisdiction. This section is not specific to billboards;  
100 therefore, any business with sufficient street frontage, such as Walmart and Lidl, could have 600  
101 square foot signs.

102  
103 **Section 157.09(E):**

104  
105 The applicant is requesting to reduce the setback from the public right-of-way or a residential  
106 dwelling from 50 feet to 20 feet. Staff's opinion is that moving billboards closer to a residential  
107 dwelling is potentially hazardous, particularly at a much larger size.

108  
109 Staff reviewed the setbacks of the existing billboards along US Hwy 70. Most of them appear to  
110 be set back 20 feet. Reducing the required setback from 50 feet to 20 feet would provide  
111 consistency along the highway.

112  
113 For any text amendment, Section 160.06(B) of the UDO outlines the criteria the Board of  
114 Commissioners should consider for a text amendment:

115  
116 *(B) Approval criteria for text amendments. In reviewing applications to amend the*  
117 *text of the UDO, the Board of Commissioners should consider the following criteria:*

118 *(1) Whether the proposed amendment corrects an ambiguity or error or meets the*  
119 *challenge of some changing condition, trend or fact;*

120 *(2) Whether the proposed amendment is consistent with the city's CAMA*  
121 *Comprehensive Land Use Plan and the stated purposes of the UDO;*

122 *(3) Whether the proposed amendment will protect the health, safety, morals or*  
123 *general welfare of the public; and*

124 *(4) Whether the proposed amendment will result in significant adverse impacts on*  
125 *the natural environment, including air, water, noise, stormwater management, wildlife*  
126 *and vegetation.*

127  
128 Staff's opinion is that the proposed amendments do not meet all the criteria listed and the  
129 application as proposed should be denied.

131 The proposed text amendments are not consistent with the Future Land Use Map in that they are  
132 not compatible with the proposed Neighborhood – Mixed Use areas along the highway corridor  
133 which will include residential development as well as commercial.  
134

135 Additionally, the amendments are not consistent with the Land Use Plan’s Policy/Implementing  
136 Action 2.1.3 which states: Provide public streetscape improvements and strongly encourage  
137 private property improvements to maintain and improve the attractiveness of the City. Future  
138 growth of the City will be along the US 70/I-42 corridor and, to receive services such as water  
139 and sewer, the growth areas will request annexation.

140

141 **Discussion**

142 There was discussion about changing the sign size for billboards without changing the  
143 general sign regulations.

144

145 Mr. Shivar stated that he was not aware that this would change the size for all signs and  
146 that his intent was to be able to rebuild the billboards to their previous sizes.

147

148 Staff informed the Board that the largest size billboard in the ETJ is close to 500 square  
149 feet while the average billboard sign was 378 square feet. Mr. Shivar said that if the board  
150 could approve 378 square feet, he would be satisfied with a solution that permitted this size  
151 and the requested right of way setback.

152

153 After significant discussion of increasing the size of billboards without changing the maximum  
154 size for all signs, the Board members determined that recommending adding a specific maximum  
155 size for billboards of 378 square feet to Section 157.09(E) would be advisable.

156

157 There being no further discussion, Ms. Attaway made a motion to forward the application to  
158 amend UDO Sections 157.09(B)(5) and 157.09(E) to the Board of Commissioners  
159 recommending disapproval. The amendments do not meet the criteria identified in Section  
160 160.06(B) of the UDO.

161

162 The proposed amendments are not consistent with the Future Land Use Map as they are not  
163 compatible with the proposed Neighborhood-Mixed Use areas along the highway corridor which  
164 will include residential development as well as commercial.

165

166 Additionally, the amendments are not consistent with the Land Use Plan’s Policy/Implementing  
167 Action 2.1.3 which states: Provide public streetscape improvements and strongly encourage  
168 private property improvements to maintain and improve the attractiveness of the City. Future  
169 growth of the City will be along the US 70/I-42 corridor and, to receive services such as water  
170 and sewer, the growth areas will request annexation.

171

172 The Planning Board recommends that the Board of Commissioners consider amending UDO  
173 Section 157.09(E) to specify that the maximum size of billboards be 378 square feet, that the



174 setback from the public right-of-way be 20 feet, and that the setback from a residence remain at  
175 50 feet.

176

177 It is the opinion of the Planning Board that these recommendations would be consistent  
178 with the Land Use Plan.

179

180 Ms. Wooliever seconded. The vote was unanimous (4-0).

181

182 **AGENDA ITEM G-2 RESCHEDULE MEETING OF JULY 4, 2023**

183 Ms. Wooliever made the motion to move the July 4<sup>th</sup> Planning Board meeting to July 6<sup>th</sup>. Ms.  
184 Attaway seconded. The vote was unanimous (4-0).

185

186 **H. UPDATE FROM THE PLANNING DIRECTOR**

187 Ms. Marshall announced that the new Commissioner, Tyrone Cantey, had been sworn in and said  
188 Board assignments had not yet been made. She also announced that the property at 1 Jaycee is now  
189 owned by the City, and the building has been demolished. There were questions about the lot next  
190 to 1 Jaycee. Ms. Marshall said that there had been discussion about the possible purchase of that  
191 lot by the City and possibilities for use. Ms. Marshall also announced the Board of Commissioners  
192 Listening Session series will begin on January 17<sup>th</sup> from 7-9 pm at Big Apple Pizza.

193

194 **D. ITEMS FROM THE CHAIR AND/OR BOARD**

195 The Board shared concerns about abandoned vehicles and the security of Havelock's water tower  
196 and substations.

197

198 **E. ADJOURNMENT**

199 Ms. Wooliever made the motion to adjourn. Ms. Attaway seconded. The motion carried  
200 unanimously (4-0). The meeting was adjourned at 7:49 pm.

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202

Respectfully Submitted,

203



204

Sandra Gahlinger, Clerk to the Board

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206

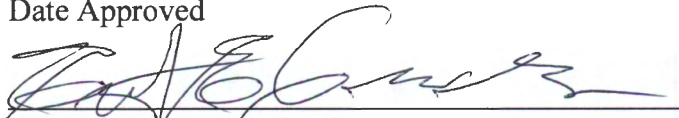
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2 . 7 . 23

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Date Approved

209



210

Ernest Cutler, Chair

211

