



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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Building Inspections  
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To: Eric Campbell, City Manager  
From: Adam Fletcher, Director – Department of Planning and Community Development  
Date: December 4, 2018  
Re: Sign Ordinance Amendment to Section 11-7-8 Interstate 81 Overlay Sign District to Increase the Allowable Freestanding Sign Heights at Exit 243

### **Summary:**

Consider a request from Holtzman Oil Corporation, with representative Todd Rhea, to amend the Interstate 81 Overlay Sign District Section 11-7-8 of the Sign Ordinance. Among other things, Section 11-7-8 currently allows parcels within a boundary surrounding interstate interchanges the ability, based upon specific mean sea level elevations, to install signs that are taller than the maximum permitted sign height of 35 feet. The proposed amendment would increase the maximum sign height abilities for properties only located within the overlay boundary at Exit 243, where the maximum mean sea level elevation that signs may reach would increase 50 feet from 1299.6 feet to 1349.6 feet. The amendment would effectively give the requestor the ability to install a sign at about 100 feet in height on the property addressed at 3335, 3355, and 3365 South Main Street (tax maps 104-G-8 & 9).

### **Background:**

On November 14, 2017, after staff met with Todd Rhea of Clark and Bradshaw PC, who was representing Holtzman Oil Corporation (Holtzman) regarding allowing taller freestanding signs near Interstate 81 (I-81) interchanges, the City received an official request from Holtzman to amend the Interstate 81 Overlay Sign District (the overlay district) Section 11-7-8 to, in the best way advised by staff, accommodate a sign that could reach 100 feet in height. After some review, staff had suggested that the amendment could eliminate the existing increased sign height provisions that are based upon mean sea level elevations at each interstate interchange with a more straightforward approach of allowing businesses within the overlay district the ability to install signs taller than 35 feet in height but not exceeding 100 feet in height.

After researching the issues and considering the implications that such an amendment could have on the City, staff prepared a memorandum for the January 9, 2018 City Council agenda, in which we recommended denial of the amendments. Staff had provided a draft copy of that memorandum to Holtzman's representative, who, after reading the document, tabled the request to reevaluate their options.

On July 25, 2018, Holtzman submitted a new request to amend the overlay district, but rather than proposing to increase the maximum height abilities at all three I-81 interchanges, they focused only on the maximum height abilities of the interchange at Exit 243. At that time, Holtzman's proposal included increasing the maximum height that signs can reach from 1299.6 to 1349.6 feet above mean sea level. Due to the elevation of Holtzman's property, the additional 50 feet would have provided them with the additional elevation needed to install a sign at about 100 feet tall on their property.

Staff presented the Sign Ordinance amendment request to City Council at the August 14, 2018 meeting. The written memorandum and the presentation provided a great deal of information, some of which included: a brief history of how the current increased sign height abilities as allowed within the overlay

district became part of the City Code; an explanation as to how some of the taller than typical signs that exist in the City were allowed to be installed; information about how in all zoning districts, buildings and structures are allowed to be taller than any freestanding sign; and specific information about Holtzman’s existing billboard advertising along I-81, which provides more advertising beyond the onsite signage. (The August 14, 2018 memorandum along with the supporting material that was included for that agenda item are included within this packet.)

During the August 14<sup>th</sup> City Council meeting, staff was not in favor of amending the overlay district as was presented and was further not convinced that if there was a desire to allow increased heights at Exit 243, that 100 feet should be the allowed height. In the end, City Council instructed staff to investigate this issue further.

If the amendment is approved as requested, the modification would not only impact the two properties that Holtzman owns near Exit 243, but it would impact all 32 properties that have at least a portion of the overlay district touching the limits of those properties. Per the City’s GIS data, the lowest elevation contour within the limits of the overlay district is 1240 feet. This means if a sign were located at a ground elevation of 1240 feet above mean sea level, then the structure could be 109.6 feet tall or 74.6 feet taller than the maximum height of signs outside of the overlay district.

Section 11-7-8 currently states:

“Any business or industrial zoned property located within an eight hundred (800) foot radius of the center of any Interstate 81 exit ramp intersection with the closest boundary of an intersecting street shall be defined as the Interstate 81 overlay sign district. Within this Interstate 81 overlay sign district, the maximum height allowance for freestanding signs, other than directional signs, including pylon or post structures shall be limited to thirty-five (35) feet above average grade conditions or be determined by the nearest interstate exit number and based on an elevation above mean sea level as set out below:

Exit Number	Maximum Sign Height (Feet Above Mean Sea Level)
243 (Pleasant Valley Road)	1299.6
245 (Port Republic Road)	1341.8
247 (East market Street)	1452.6

Elevations must be determined by a licensed surveyor from a city Global Positioning System (GPS) point. Signs located within the Interstate 81 overlay sign district shall not project over any lot line and shall not exceed a sign area of three hundred (300) square feet for one sign or when more than one qualifying use is located on a single parcel within the Interstate sign overlay district, a single support structure may be erected which contains a combined sign area not to exceed five hundred (500) square feet provided no single sign size shall exceed three hundred (300) square feet.”

As was included in the August 14<sup>th</sup> agenda item packet, an aerial and zoning map demonstrating the overlay districts at each interstate interchange are included within this packet to illustrate the properties that can take advantage of the current provisions. Also included is the 1998 cross section illustrations showing examples of how tall freestanding signs could have been at the Ramada Inn property and at the truck terminal property near Exit 243 under the provisions of the overlay district.

**Key Issues:**

Since the August 14<sup>th</sup> City Council meeting, Holtzman’s amendment request has remained the same. Staff has also received additional information from the applicant about existing sign heights along the I-81 corridor and the I-77 corridor in western Virginia. The data about existing signage along the interstate corridors was provided by Eddie Edwards Signs (EES). Furthermore, staff looked into how other localities within the I-81 corridor regulate freestanding signage near the interstate and performed additional research.

Based upon the information from EES, the average height of the 211 existing signs that they provided information on is 91 feet. This information is attached to this memorandum titled “Interstate Sign Summary Provided by Eddie Edwards Signs.” Of the 211 signs, 58 of them (or 27.5 percent) are known numbers as EES has either serviced or installed those signs. Of the remaining 153 signs, if staff understands correctly, EES either estimated the heights by visually inspecting the signs or by using Google Earth imaging and based upon other nearby structures as well as in using their institutional knowledge of the type of sign and its material, estimated the sign heights. EES noted that there is some level of inaccuracy, but the heights should not be too far off from the actual heights.

Staff has hesitation to accept the accuracy of all the estimated heights of the signs. For example, the EES spreadsheet lists the Olive Garden sign at 100 feet and the Double Tree sign at 50 feet, which per the City’s permit applications indicate a height of 95 feet and 30 feet, respectively. These comparative examples alone demonstrate that the estimated numbers from EES likely cannot provide a reliable average of all the sign heights along I-81.

As noted above, staff also investigated how other localities within the I-81 corridor regulate the height of freestanding signs and whether they have additional regulations that allow taller signs near the interstate. Attached to this memorandum is a document titled “Summary of Sign Height Regulations” that provides a synopsis of the different approaches; note that some jurisdictions have interstate specific regulations while others do not. In brief, the document lists towns, cities, and counties along I-81 from Frederick County to the north to Washington County and the City of Bristol to the south. Of the 24 listed jurisdictions (Pulaski County’s regulations remained unknown at the time this memorandum was completed), the regulations range from having no height limitations within several counties in southwestern Virginia (but also including Augusta County) to having special regulations to limit signs to 8-feet in the Town of Strasburg. The approaches include: providing a maximum height with no special regulations near the interstate; methods similar to Harrisonburg’s that are based upon mean sea level or established heights above the elevation of the interstate; allowing taller signs by special use permit; and to having no regulations controlling signage.

Of the 23 locations on the list that have known regulations, the following information is derived:

- five jurisdictions allow signs to reach at least 100 feet in height by right (four of these localities do not have sign regulations),
- four jurisdictions allow signs to reach taller than 35 feet up to 85 feet by right,
- eight jurisdictions regulate signs to 35 feet or less by right, and
- six jurisdictions either allow heights to be waived through approval of a SUP or regulate the height to a taller height due to elevation or by way of a comprehensive sign package.

In considering the information provided by EES and in understanding the regulations from the different jurisdictions, it appears that many signs along the I-81 corridor are non-conforming. In brief conversations with representatives of a couple of the jurisdictions, they noted that some of their taller signs were nonconforming.

As written in a letter submitted by Holtzman’s representative, they want their interstate visibility to be consistent with other truck centers along the interstate, including the Pilot Truck Center located north of the City at Exit 251 in Rockingham County, which received a SUP in 2014 for the sign to reach 100-feet in height. Since the August 14<sup>th</sup> City Council meeting, staff has learned that Rockingham County’s current regulations no longer allow taller signs by SUP. As noted within the summary document listing the different approaches as to how other jurisdictions allow taller signs, Rockingham County currently allows increased sign heights through a comprehensive sign package and only within planned districts.

Holtzman also noted that allowing the amendment to occur “...will almost certainly result in a material increase in traffic to businesses located in the City and result in positive fiscal impacts from increased sales, use and business taxes.” (Note: Holtzman submitted a document showing estimations of additional income resulting from the installation of a higher sign; that information is part of the August 14, 2018 agenda packet.) In August, staff noted that “it is possible that increased sign heights might ‘result in positive fiscal impacts from increased sales, use and business taxes.’” With assistance from the City Attorney’s office, research was performed using Google Scholar and research tools available at Montgomery County (MD) Public Libraries to search their database of academic journal articles for anything related to signs, sign height, revenue, effectiveness, etc. Staff was unable to find any research suggesting a relationship between the height of the sign and increased effectiveness.

With the additional data and research that has been completed, staff believes the existing overlay district provisions are sufficient and recommends denial of the request. Furthermore, even if there was evidence that taller signs provided high profits by luring people from interstates, given the significant technological innovations that have occurred over the past 10 to 20 years, including navigation systems and “apps,” the need for taller signs will likely diminish. Apps can assist in many ways including: where to find truck stops and travel plazas, the cost of fuel, truck parking availability, weigh station status, and other useful information. Also, it appears that trucking companies already use “fuel optimizer” algorithms that instruct drivers on when to stop for gas and how much to pay.

If there is a desire to increase the sign height abilities at Exit 243 by increasing the height above the mean sea level elevation, the list below provides examples of the elevation numbers that would be necessary to allow particular sign heights (using the Holtzman property as the example):

- 1349.6 feet above mean sea level = about 100 feet above ground
- 1344.6 feet above mean sea level = about 85 feet above ground,
- 1319.6 feet above mean sea level = about 70 feet above ground.

(Note: After staff provided an advanced copy of this memorandum and packet of information to the applicant’s representative, a memorandum and several exhibits were submitted. This information is included herein and is titled “Holtzman Memo & Exhibits A, B, C, & D.”)

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the amendment as requested by Holtzman Oil Corporation;
- (b) Approve an amendment by allowing greater or lesser height; or
- (c) Deny the amendment request;

**Community Engagement:**

There was no public engagement. Amendments to the Sign Ordinance do not require advertisements in the local newspaper, public hearings, or review by Planning Commission.

**Recommendation:**

Staff recommends alternative (c) to deny the amendment request.

**Attachments:**

- 1. Interstate Sign Summary Provided by Eddie Edwards Signs (14 pages).
- 2. Summary of Sign Height Regulations (2 pages).
- 3. August 14, 2018 City Council Agenda Item Sign Ordinance Amendment Request Packet (27 pages).
- 4. Holtzman Memo & Exhibits A, B, C, & D (7 pages).

**Review:**

N/A