



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: August 14, 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:

Title 11 Chapter 7 of the City Code is titled “Signs,” and is commonly referred to as the Sign Ordinance. Currently, the Sign Ordinance is part of the City’s Building Code Regulations, which is Title 11. Prior to 1996, sign regulations were part of Title 10, the Zoning Ordinance. Although the Sign Ordinance is associated with land uses, since the regulations are part of Title 11, unlike amendments to the Zoning Ordinance, modifications to the City’s sign regulations do not require public hearings nor is there a requirement for such requests to be reviewed by Planning Commission prior to being reviewed and a decision made by City Council.

In April 1996, a comprehensive re-write of the Zoning, Subdivision, and Sign Ordinances were approved. Among many other changes, the sign regulations were relocated from the Zoning Ordinance to the City’s Building Code Regulations; one reason being concerns that the Board of Zoning Appeals’ variance process was being abused for too many sign regulation deviations. At the time of the rewrite, the Sign Ordinance was within Chapter 5 of Title 11, rather than the current location within Chapter 7.

As part of the comprehensive re-write, the Sign Ordinance included a new set of provisions that allowed properties within certain distances of Interstate 81 (I-81) interchanges to have larger sign area square footages. The Interstate 81 Overlay Sign District (the overlay district) regulations were within Section 11-5-8 and stated:

“Any business or industrial zoned property located not more than six hundred (600) feet from the outer boundary line of the Interstate 81 right-of-way or within an eight hundred (800) foot radius of the center of any Interstate 81 exit ramp’s 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, free-standing signs, other than

directional signs, including pylon or post structures shall be limited to a maximum height of thirty-five (35) feet above average grade conditions, shall not project over any lot line and shall not exceed a sign area of three hundred (300) square feet for one sign and five hundred (500) square feet for two signs, provided no single sign size shall exceed three hundred (300) square feet.”

In other words, properties that were located within the overlay district could exceed the maximum freestanding sign area regulation of any one sign—typically restricted to 240 square feet in area—to as much as 300 square feet in area if the property had 300 feet of linear public street frontage. If there was more than one use on the site and the property had enough public street frontage, one freestanding support structure could contain more than one sign, where all signs could total up to 500 square feet of sign area. Note, however, that at that time, the height of signs was still restricted to 35 feet.

It was not until June 1998 that the Cracker Barrel restaurant company approached the City to allow taller signs for properties located within the overlay district. Although the Sign Ordinance was not part of the Zoning Ordinance at that time, staff and Planning Commission studied the concept of allowing taller signs within the overlay district before a proposal was presented to City Council. Planning Commission held a work session in July 1998 and discussed the matter during the August, September, and October regular Planning Commission meetings. Different approaches and ordinances from 20 other localities were reviewed to determine the best method for the City to utilize. During the discussions, the group favored the mean sea level approach and debated whether they wanted to add 35 or 50 feet to the determined elevations. The determined elevations were based upon the elevations of each of the intersecting public street bridges that crossed I-81.

Staff recommended in favor of the ordinance amendment believing it created an “even playing field” for signs. Staff also pointed out that using the bridge elevation plus 35 feet was more equitable than adding 50 feet because there would be dramatic height differences for the locations that could take advantage of the overlay district compared to other locations. Ultimately, during the October 1998 meeting, Planning Commission recommended unanimously for City Council to adopt the ordinance that currently makes up Section 11-7-8, where the provisions gave businesses in lower elevations a sign height comparable to businesses at higher elevations within the defined boundary. Planning Commission further recommended for City Council to hold a public hearing on the matter. After holding a public hearing, City Council adopted the ordinance in December 1998. 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.

An aerial and zoning map demonstrating the existing 800-foot radii at each interstate interchange—effectively illustrating the Interstate 81 Overlay Sign Districts—are included within the packet to illustrate the properties that can take advantage of the current provisions. Also included within the packet 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 district.

It appears the “truck terminal” site in the 1998 cross section illustration is the same property that is now owned by the amendment requestor, Holtzman Oil Corporation, where they want to install a 100-foot sign. As indicated on the 1998 illustration, and so long as the elevations are still the same, the truck terminal/truck stop property could take advantage of the provisions in the existing Section 11-7-8 and erect a freestanding sign at a height of about 50 feet—15 feet higher than the 35-foot maximum height regulation.

As was identified in 1998, Section 11-7-8 would have allowed the Cracker Barrel sign to increase its freestanding sign height to 42 feet; however, Cracker Barrel kept their sign at 35 feet in height even though they were the entity that requested the amendments to the sign regulations to allow for taller signs.

Key Issues:

On November 14, 2017, after staff met with Todd Rhea, the City received an official request from Holtzman Oil Corporation (Holtzman), represented by Todd Rhea with Clark and Bradshaw, P.C., to amend the Interstate 81 Overlay Sign 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 the parcels within the defined 800-foot radii locations 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.

Holtzman continues to want the ability to install a 100-foot sign, and now, rather than proposing to increase the maximum height abilities at all three I-81 interchanges and allowing all properties within the overlay district the ability to have a 100-foot sign, the focus is only on the maximum height abilities of the interchange at Exit 243 by increasing the mean sea level elevation above the bridge over the interstate by 50 feet. Due to the elevation of Holtzman’s property, increasing the maximum mean sea level elevation by 50 feet provides the additional elevation height needed to install a sign at about 100 feet tall on their property.

As noted in their submitted letter, Holtzman wants 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 special use permit in 2014 for the sign to reach 100-feet in height. Holtzman believes allowing “[the] change 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; the document is attached herein.)

If approved, the amendment 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 interstate 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 elevation 1240, the structure could be 109.6 feet tall or 74.6 feet taller than the maximum height of signs outside of the overlay district.

For sign height comparisons throughout the City, staff believes the tallest sign in the City is the non-conforming, freestanding Olive Garden sign, which reaches just over 95 feet in height. It appears the original installation of this sign occurred sometime in 1986 when the City and the owners of the Shoney’s Inn and Restaurant company, through discussion, agreed that since the City’s sign rules only specified a height restriction for signs made of wooden structures—at 24 feet in height—that since the “high rise” sign would be made of steel and aluminum, the sign could be erected at a taller height. At that time, the City noted that an ordinance amendment would occur to speak to this particular issue since the code was “silent” for regulations on such signs. On January 27, 1987, the City amended the Sign Ordinance to restrict all ground signs to 35 feet in height, thus making the Shoney’s sign non-conforming. The original height of this sign is not exactly known, but it is presumed to have been no taller than 100 feet in height because the first sign application on record that replaced this sign is when Shoney’s Inn was converted to the Guesthouse International Inn and the sign application shows the sign to be installed at exactly 100 feet in height.

It also appears, by utilizing Google Earth Pro’s 3-D measuring tool, that the non-conforming Exxon sign that is located at 84 Pleasant Valley Road (tax map 104-A-2) and only about one quarter of mile from the Holtzman truck stop site, could be over 90 feet in height. Staff believes this sign was annexed into the City in 1983.

Another tall, non-conforming sign is also located nearby on the Super 8 motel property. On January 14, 1987, about two weeks before the Sign Ordinance was amended on January 27, 1987, the Super 8 motel at 3330 South Main Street (tax map 104-C-2 & 3), near the Exit 243 interchange, received approval to erect a 75-foot tall sign. A letter submitted with the 1987 application indicates that the property owner was aware that their sign would become non-conforming if the City adopted new regulations that restricted the height of signs below their intended installation. When the ordinance was amended two weeks later, their sign became non-conforming.

To date, it appears there have been only three properties that have utilized the provisions of Section 11-7-8. Both the Comfort Inn sign at 1440 East Market Street (tax map 13-A-4A) and the Harrisonburg Crossing sign (tax map 14-P-6) located near the northbound interstate exit ramp toward eastbound Route 33, utilized the ability to have larger sign areas. The third site, at 1400 East Market Street (tax map 13-A-3), which is now the Double Tree Inn, has utilized the increased sign area and height provisions. The sign near the northbound interstate exit ramp toward westbound Route 33 was installed when the site was the Four Pointes Sheraton and appears to have been erected at about 35 feet in height. This property

was not annexed into the City until 1983. At some point in time, this sign was increased in height to 48 feet, but there is no record indicating when that happened. In 2006, when the hotel site converted to the Holiday Inn, the sign company ensured that the sign was kept at 48 feet in height. Then, in 2010, when the Holiday Inn updated their company logo, the sign was decreased in height to 42 feet, but took advantage of Section 11-7-8's larger sign area capabilities. Most recently, this hotel site has been renovated and rebranded as the Double Tree Inn, where the sign height was reduced to 30 feet, and therefore, no sign on this parcel currently utilizes the advantages of the overlay district.

In general, staff believes it is possible that increased sign height might "result in positive fiscal impacts from increased sales, use and business taxes," but from a land use and planning perspective, at this time, staff does not believe an amendment should be made. It is obvious there was considerable effort made by staff and Planning Commission in 1998 to study the different approaches, which we continue to believe resulted in a reasonable solution.

When evaluating the Comprehensive Plan (the Plan) for guidance for this matter, staff believes the ideals associated with recognized City Gateways and Corridor Enhancement Areas as found in Chapter 4 could be undermined. As identified in the Plan, the properties that fall within the overlay district also are located within recognized City Gateways and Corridor Enhancement Areas (the Plan Framework Map, from the current Comprehensive Plan, which depicts City Gateways and Corridor Enhancement Areas is included within the packet). The Plan states that City Gateways "serve as the community's front door, establishing first impressions and reinforcing images and perceptions of Harrisonburg's character, quality of life and vitality." The Plan further states that "an evaluation [should be performed] of the visual quality and entry experience at each gateway and plan for appropriate improvements." With regard to Corridor Enhancement Areas, which includes South Main Street, the Plan identifies that they are "important local and regional travel routes into and through the City, many of which are commercial destinations. Their quality and character strongly influence the city's accessibility, attractiveness and economic vitality." The Plan goes on to state "that a special study of each of these corridors be carried out to address such issues such as:

- Land use and design quality
- Streetscape improvements
- Vehicle, pedestrian and bicycle circulation
- Access management
- Development, redevelopment and reuse opportunities
- Conservation of special features
- Improvements to utilities and public facilities, and
- Signage."

Such studies have not been performed and thus it is unknown exactly what the community's interest is in allowing taller signs beyond what is already permitted in the overlay district.

As part of the consideration for this matter, a couple of miscellaneous points of information should be known. First, the B-2 and M-1 zoning districts currently allow (and have since 1978) buildings and structures to reach 75 feet in height by right even though sign heights are restricted to 35 feet. In fact, in all zoning districts, buildings and structures are allowed to be taller than any freestanding sign. In addition, the site on which Holtzman is hoping to utilize the proposed amendment to install a taller freestanding sign to attract interstate traffic already has interstate billboard advertising signs located both north and south of the Exit 243 interchange. Although staff is not aware of the size of the sign south of the interchange, which is located in Rockingham County near the intersection of Cecil Wampler Road

and Crowe Road, the billboard to the north of the interchange is located in the City on tax map parcel 2-B-5 and based upon the Lamar advertising company's website, that particular billboard is 1,200 square feet in area. Both billboards advertise the truck stop, the on-site restaurant, have digital gas price displaying capabilities, and identify the interstate exit number Exit 243.

As noted above, staff is not in favor of amending the Interstate Overlay Sign district at this time. Staff is further not convinced that if there is a desire to allow increased heights, that it should be allowed to reach 100 feet in height. When the overlay district was approved in 1998, the belief was that allowing signs to be installed at 35 feet higher than the intersecting public street bridges' elevations created an "even playing field." As explained earlier, the drafting of the ordinance included a debate as to whether the increased height above the bridges' elevations should be 35 feet or 50 feet. The City declined 50 feet believing there would be dramatic height differences for the locations that could take advantage of the overlay district compared to other locations. If the proposed amendment is approved, then signs would be allowed to reach 85 feet above the Exit 243 bridge elevation over the interstate, which would be 35 feet higher than what was previously believed to be too tall.

Earlier this year, staff thought a more reasonable starting point of discussion for a potential height above the standard 35 feet could be to increase the maximum elevations, at all interchanges, to a point that would allow signs to be about 70 feet in height, which is double the 35-foot height sign provisions of the B-2 and M-1 districts. If that concept were approved at Exit 243 only, where the lowest ground elevation point is 1240 feet, the maximum elevation would be 1310 feet, which would allow the Holtzman property to have a sign as tall as 62 feet above ground elevation. Yet, without more in-depth research and a better understanding of the desires of the community, it is difficult to determine an appropriate height to allow taller signs.

If City Council would like for staff to investigate this issue further and to evaluate how other localities currently regulate signage at their interstate interchanges, this work can be done. If desired, we can also seek community input. Given current workloads and other projects, it would take staff several months to provide a more detailed evaluation and recommendation.

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 with allowing greater or lesser height;
- (c) Deny the amendment request; or
- (d) Direct staff to investigate this issue and provide a detailed evaluation and recommendation.

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) or (d).

Attachments:

1. Letter from Todd Rhea requesting the Sign Ordinance amendment (1 page)
2. Email and pictures of Exit 243 with a crane representing a 64-square foot sign at 100 feet in height (6 pages)
3. Harrisonburg Truck Center Estimated Additional Income Resulting from High Rise Sign (2 pages)
4. GIS aerial and zoning images demonstrating Interstate 81 Overlay Sign District boundaries at each exit and identifying the subject parcel at Exit 243 (6 pages)
5. 1998 Sign Height Cross Section Example of Exit 243 (1 page)
6. 2011 Plan Framework Map from Current Comprehensive Plan (1 page)

Review:

N/A