

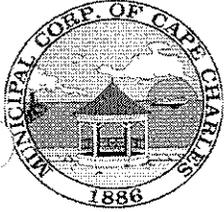
Planning Commission

Regular Session Agenda

May 1, 2012

6:00 P.M.

1. Call to Order – Regular Session
 - a. Roll Call – Establish a quorum
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda
 - a. Approval of Agenda Format
 - b. Approval of Minutes
 - c. Reports
5. Old Business
 - a. Sign Ordinance Review – Draft Ordinance
6. New Business
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION
Public Hearing & Regular Meeting
Town Hall
April 3, 2012

At 6:00 p.m. in the Town Hall, Vice Chairman Dennis McCoy, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In attendance were Commissioners Malcolm Hayward and Joan Natali. Chairman Bruce Brinkley and Commissioner Mike Strub were not in attendance. Commissioner Roger Munz tendered his resignation from the Planning Commission earlier in the evening. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were no members of the public in attendance.

Dennis McCoy announced that the evening's Public Hearing was to hear public comment regarding a zoning map amendment and conditional use permit for parcels 83A3-1-281 through 285 and part of 83A3-1-286 and 287 which were the parcels where the former Cape Charles School was located.

PUBLIC HEARING PUBLIC COMMENTS

There were no comments from the public nor any written comments submitted prior to the meeting.

Motion made by Joan Natali, seconded by Malcolm Hayward, to close the Public Hearing portion of the meeting. The motion was approved by unanimous consent.

A moment of silence was observed followed by the Pledge of Allegiance.

REGULAR MEETING PUBLIC COMMENTS

There were no comments from the public nor any written comments submitted prior to the meeting.

CONSENT AGENDA

Motion made by Malcolm Hayward, seconded by Joan Natali and unanimously approved to accept the agenda as presented.

The Commissioners reviewed the minutes for the March 6, 2012 Joint Public Hearing and March 6, 2012 Regular Meeting.

Mike Strub was out of town and unable to attend this evening's meeting, but submitted some comments via email. In discussion at the last meeting, Mike Strub stated that people in Northern Virginia and points to the west mainly went to Virginia Beach, St. Michaels, Ocean City and Rehoboth Beach to vacation. Mike Strub asked that the phrase "no where else" be stricken from the minutes. Mike Strub also noted a grammatical error at the bottom of page 1 and stated that there was some discussion regarding the basketball court being relocated but no location was noted in the minutes. Tom Bonadeo stated that the location for the basketball court had not been determined.

Motion made by Joan Natali, seconded by Malcolm Hayward, to approve the minutes from the March 6, 2012 Joint Public Hearing as presented and the March 6, 2012 Regular Meeting as amended. The motion was approved by unanimous consent.

REPORTS

Tom Bonadeo reported the following: i) Boytos & Boytos had completed the exterior of the building, all the mechanical rough in work and insulation. Drywall was scheduled to be installed

later this week; ii) The siding was being finished on the restaurant building at the Harbor and the electrical, heating and cooling was being installed. Only the kitchen area would be air conditioned at this time; iii) The boardwalk around the Harbor was completed and benches and rails had been installed. The connection to the railroad crossing was completed except for the installation of crushed clam shells. The crossing would be for pedestrians and golf cart traffic only; iv) The guns from the USS Missouri arrived earlier today by barge. There were approximately 100 people on the boardwalk and railroad tracks. One gun will remain in Cape Charles for several months before being transported to the Wildlife Refuge and the second gun would be transported by rail to Delaware; v) The new wastewater treatment plant was now taking the full load and was working towards certification with a short list of items to be completed. Patrick Christman passed his test and was now certified to run the plant. The final fence would be installed soon and the area where the trailers were currently located would not be in the fenced in area; vi) The Town rented equipment to move sand to the north end of the beach. The Tazewell and Randolph Avenue overpasses were inundated by dunes and the sand was being spread along the beach. The area around the Fun Pier was being cleaned up. Bids were advertised for sand replenishment. FEMA approved \$35K towards sand replenishment. Joan Natali asked about grain size. Tom Bonadeo stated that FEMA did not care and since there was no tiger beetle activity at the beach, the Town would get a coarse grain so the sand would not blow away; vii) The AT&T antennae were installed, connected and put in service on the new tower. The computer equipment for the 3G upgrade would be installed soon; viii) Gamesa's permit for a 5MW wind turbine was approved by the Virginia Marine Resources Commission (VMRC). Gamesa was awaiting information from the U.S. Coast Guard and the Army Corps of Engineers. Tower construction could begin in early 2013; ix) The Town's permit to add another set of breakwaters was extended and an application was submitted to the Virginia Port Authority for \$500K towards the cost of the breakwaters; x) The Wetlands Board approved the Gamesa project and the Bay Vista project for a breakwater to protect their property from further erosion. The VMRC issued a permit to install a new form of breakwater called Wave Attenuation Devices (WADs) which would extend from the existing Bay Creek system to the old ferry dock area. This system was much less expensive than the traditional stone breakwater and could be a possibility for the Town's breakwater; xi) The Broadband Network equipment was installed and the Town Hall and computer lab were connected and operational. The wireless testing was currently underway. After the testing was complete, a Request for Proposal would be advertised for a wireless service provider for Cape Charles; xii) Tom Bonadeo asked the Commissioners to go by the Hotel Cape Charles to see the big "H" on top of the building. The current sign ordinance did not allow signs above the roofline, but the owner would be raising the top edge of the roofline to allow for the doorway for the third floor balcony so the sign would be in compliance. The interior of the hotel looked great and Ned Brinkley would be managing the hotel. Joan Natali asked whether the first floor space would be rented commercially. Tom Bonadeo stated that one section would be a restaurant but thought that Dave Burden would be renting some space as well; xiii) The Bank of America building was advertised on the Internet for sealed bids. The deadline was the beginning of June and the building would go to the highest bidder. The building was assessed at \$990K for all four parcels. The Bank of America was moving forward with replacing the old oil tank and furnace; and xiv) Crews from the Accomack-Northampton Electrical Cooperative (ANEC) and VDOT were trimming trees throughout the Town. The ANEC was working their three-year cycle and trimming trees from within 10' of the power lines. VDOT was trimming trees above the streets in Town in preparation for the seal coat work later this spring.

OLD BUSINESS

Sign Ordinance Review - Draft Ordinance

The Commissioners continued their work on the Zoning Ordinance Section 4.1 - Sign Regulations update.

Section 4.1.D.5 - Computation of frontage: Tom Bonadeo explained the methodology using the Eastern Shore Custom Carts building as an example. Businesses were allotted 2 SQFT of signage for each frontage foot, not to exceed 50 SQFT. Malcolm Hayward asked whether a free-standing sign

would count towards the total amount permitted for the amount of frontage on a building. Tom Bonadeo stated that several signs could be placed but the total should not exceed the maximum size allotted for a particular building. Malcolm Hayward asked whether the frontage along the side of a building could be used to figure the allowance for a free standing sign. Tom Bonadeo stated that it could possibly be used. There was some discussion regarding free standing signage, specifically in regards to the Eastern Shore Custom Carts building and it was determined that a sign could be placed on both sides of the stand and count as one sign since only one side was visible at a time by travelers going along Randolph Avenue.

Section 4.1.H.2 - Temporary Signs: Tom Bonadeo asked the Commissioners to look at the two signs on Bayshore Road - the Gallagher sign and the CB Ellis sign which were real estate signs larger than 4 SQFT. In some cases, 4 SQFT was not big enough to advertise large parcels of land. In these instances, one parcel was 80 acres and the other parcel was 20 acres. Another instance of a larger sign was Watson's sign at the former Meatland which encompassed 14 lots.

Joan Natali asked whether the road frontage of a parcel could be used to determine the permitted size of a sign. Tom Bonadeo stated that a lot of information could be put on a 4' x 8' sign which equaled 32 SQFT.

Section 4.1.H.2.e - Portable signs: Tom Bonadeo explained that traditionally, portable signs were not allowed in Town but asked the Commissioners to think about it. The Cape Charles Volunteer Fire Company bought one several years ago, but have not requested to use it as yet. There could be some value to portable signs to eliminate other event signage. The Tall Ships and Blessing of the Fleet signs displayed around Town are too large and in violation of the current sign ordinance.

Section 4.1.H.2.f - Political signs: Tom Bonadeo stated that political signs can be no more than 4 SQFT and could be displayed for 45 days preceding the election and must be removed within 7 days after the election.

Joan Natali asked if the Town limited the height of signs. Tom Bonadeo stated that the Town did not have elevation regulations but the top of the sign could not exceed the roof height of the building.

Malcolm Hayward asked about billboards. Tom Bonadeo stated that the Town had one billboard, by the Reliable building, which was grandfathered. If anything happened to the sign and it had to be repaired, the company would not be permitted to do so. Tom Bonadeo pointed out that the Bay Creek sign going into the marina area could be considered a billboard since it advertised retail establishments and was located off the premises of the establishments. Tom Bonadeo also noted that a size needed to be established for billboards.

Dennis McCoy mentioned the community center signs displayed throughout the Town. Tom Bonadeo stated that a letter was sent to the group responsible for placing the signs informing them that the majority of the signs were placed in the VDOT right-of-way and on public property and needed to be removed by a specific date. Technically, each sign was a misdemeanor.

For the next meeting, Tom Bonadeo stated that he would make the changes discussed this evening and the sign ordinance review would continue.

CUP and Rezoning of Parcel

Tom Bonadeo stated that the Town Council asked the Commissioners to review the zoning map to amend the former school property designation from Open Space to the R-1 Zone to enable adaptive reuse of the school building for an apartment building and/or community center neither of which were permitted in the Open Space Zone. The Town Council also requested the Commissioners review a conditional use permit (CUP) for the adaptive reuse of the school building. The goal of the adaptive reuse was to enable the historic restoration of the former school building and to change

the long standing liability to an asset for the Cape Charles National Historic District. Tom Bonadeo reviewed the requirements of the CUP process. This application met all the requirements of the zoning ordinance for the CUP and the adaptive reuse in the R-1 Zone.

Tom Bonadeo stated that a public hearing was held earlier this evening and there were no members of the public in attendance nor any comments submitted in writing prior to the hearing.

Motion made by Malcolm Hayward, seconded by Joan Natali, to recommend Town Council schedule a public hearing and approve the proposed amendment to the Cape Charles Zoning Map and the Conditional Use Permit for the adaptive reuse of the former school building. The motion was approved by unanimous consent.

NEW BUSINESS

There was no new business to review.

For the next meeting, Tom Bonadeo asked the Commissioners to look at the real estate signs on Bayshore Road, the "H" on Hotel Cape Charles, and the Bay Vistas project.

ANNOUNCEMENTS

There were no announcements.

Motion made by Joan Natali, seconded by Malcolm Hayward, to adjourn the Planning Commission meeting. The motion was approved by unanimous consent.

Vice Chairman Dennis McCoy

Town Clerk

Planning Commission Staff Report

From: Tom Bonadeo

Date: May 1, 2012

Item: 4C – Reports

Attachments:

Item Specifics

1. The Northampton County website is www.co.northampton.va.us and contains the updated information from county meetings. The Northampton Planning Commission also meets on this night and a copy of their agenda is attached when available prior to printing.
2. The Harbor Redevelopment Plan –Boyto & Boyto has completed the interior tile, painting and trim. The sewer pump has been completed. The deck is ready for construction and the interior partitions are due May 15 for final inspection and Certificate of Occupancy.
3. The Restaurant Building for the Harbor now has electricity and the work is mainly on the kitchen. Hoping to open by Memorial Day.
4. The boardwalk along the south and west sides of the dock have been completed and we now have a great walkway with benches and rails. The parking design for the Harbor Area has been completed and should be laid out before Memorial Day.
5. The old WWTP is undergoing demolition. We hope to have the steel removed this month.
6. VDOT will be coating all the asphalt streets during May. You may have seen them removing white paint on some of the side streets. Watch for notification to move parked cars to make this work go smoothly.
7. Work on the beach has started for the summer. The Town has cut through some of the dune at the crossovers. We are adding sand on the north end of the beach to replace what was lost during the hurricane last summer.
8. The Historic Review Board met last month. The Board reviewed and approved one remodeling project.
9. Numerous remodeling project are underway throughout town. New homeowners are fixing up second homes as the prices continue to be low.
10. There some possible new restaurant offerings coming soon. Keep watching Mason Avenue for announcements. The Hotel Cape Charles is expected to open in early May, each day more is unveiled from the street.
11. The Broadband Network equipment is installed and the Harbor has been added to the network. The Harbormaster's Office is connected and there will be public access to the network for customers of the harbor and this service will be password protected.

12. There is a VDOT Six Year Plan and each County in the state is allocated money for projects in their area. Northampton County has worked on their priority and has chosen the Route 641/642 section of road as the first priority. Don't get your hopes up until you hear "the rest of the story". The VDOT allocation to the County is about \$43,000 per year for each of the six years totaling just over \$250,000 over the six years of the plan. The County chooses their top two priorities for this money and the estimate for each project is over \$4M each totaling over \$9M. At this rate it could be completely funded by 2097.

Planning Commission Staff Report

From: Tom Bonadeo
Date: May 1, 2011
Item: 5A – Sign Ordinance
Attachments: Ordinance

Background

The sign ordinance has had review and has been partially marked up. Attached are pages 16-19. This work session will be to mark up these pages.

Item Specifics

Please take time to read through the attached version and be prepared to mark up these pages..

Recommendations

Review the new code previously discussed.

- (3) Real estate signs advertising the sale or lease of space within commercial or *industrial* buildings shall be no greater than [JURISDICTION TO INSERT NUMBER] square feet in area nor [JURISDICTION TO INSERT NUMBER] feet in height, and shall be limited to one sign per street front.
- (4) Real estate signs advertising the sale or lease of vacant commercial or *industrial* land shall be limited to one sign per street front, and each sign shall be no greater than [JURISDICTION TO INSERT NUMBER] feet in height, and [JURISDICTION TO INSERT NUMBER] square feet for property of 10 acres (40 470 m²) or less, or 100 square feet (9.3 m²) for property exceeding 10 acres (40 470 m²).
- (5) Real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

b. Development and construction signs

Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

- (1) Such signs on a single residential lot shall be limited to one sign, not greater than [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] square feet in area.
- (2) Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built upon, and shall be no greater than [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] square feet in area.
- (3) Such signs for nonresidential uses in residential districts shall be limited to one sign, and shall be no greater than [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] square feet in area.
- (4) Such signs for commercial or *industrial* projects shall be limited to one sign per street front, not to exceed [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] square feet for projects on parcels 5 acres (20 235 m²) or less in size, and not to exceed [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] square feet for projects on parcels larger than 5 acres (20 235 m²).
- (5) Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 24 hours following issuance of an occupancy permit for any or all portions of the project.

c. Special promotion, event and grand opening signs

Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses in a residential district, and for all commercial and *industrial* districts subject to the following limitations:

- (1) Such signs shall be limited to one sign per street front.
- (2) Such signs may be displayed for not more than 30 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected no more than 5 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.
- (3) The total area of all such signs shall not exceed [JURISDICTION TO INSERT NUMBER] square feet in any single-family residential district, [JURISDICTION TO INSERT NUMBER] square feet in any multiple-family residential district and [JURISDICTION TO INSERT NUMBER] square feet in any commercial or *industrial* district.

d. Special event signs in public ways

Need to defer to VDOT since we don't own the streets & ROWs.

Signs advertising a special community event shall not be prohibited in or over public rights-of-way, subject to approval by the ~~code official~~ zoning administrator as to the size, location and method of erection. The ~~code official~~ zoning administrator may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.

e. Portable signs

Currently not allowed. TB asked the Commissioners to think about. Possibly could use to eliminate the number of event signs. 4/3/2012

Portable signs shall be permitted only in the C, CR and FI districts, as designated in this code, subject to the following limitations:

- (1) No more than one such sign may be displayed on any property, and shall not exceed a height of [JURISDICTION TO INSERT NUMBER] feet nor an area of [JURISDICTION TO INSERT NUMBER] square feet.
- (2) Such signs shall be displayed not more than 20 days in any calendar year.
- (3) Any electrical portable signs shall comply with NFPA 70, as adopted in this jurisdiction.
- (4) No portable sign shall be displayed prior to obtaining a sign permit.

f. Political signs

Political signs shall be permitted in all zoning districts, subject to the following limitations:

4/3/2012 changes made

- (1) Such signs shall not exceed an area of 4 square feet.
- (2) Such signs for election candidates or ballot propositions shall be displayed only for a period of ~~60~~ 45 days preceding the election and shall be removed within ~~10~~ 7 days after the election, ~~provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.~~
- (3) Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.

3. Requirements for specific sign types

Signs of specific type shall be in accordance with Sections H.3.a through H.3.g.

- a. Canopy and marquee signs
 - (1) The permanently-affixed copy area of *canopy* or marquee signs shall not exceed an area equal to 25 percent of the face area of the *canopy*, marquee or architectural projection upon which such sign is affixed or applied.
 - (2) Graphic striping, patterns or color bands on the face of a building, *canopy*, marquee or architectural projection shall not be included in the computation of sign copy area.

- b. Awning signs
 - (1) The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
 - (2) Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.

- c. Projecting signs
 - (1) Projecting signs shall be permitted in lieu of free-standing signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in height and area to [JURISDICTION TO INSERT NUMBER] square feet per each [JURISDICTION TO INSERT NUMBER] lineal feet of building frontage, except that no such sign shall exceed an area of [JURISDICTION TO INSERT NUMBER] square feet.

 - (2) No such *sign* shall extend vertically above the highest point of the building facade upon which it is mounted by more than [JURISDICTION TO INSERT NUMBER] percent of the height of the building facade.
 - (3) Such signs shall not extend over a public sidewalk in excess of [JURISDICTION TO INSERT NUMBER] percent of the width of the sidewalk.
 - (4) Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of [JURISDICTION TO INSERT NUMBER] feet.

- d. Under *canopy* signs
 - (1) Under *canopy* signs shall be limited to no more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed [JURISDICTION TO INSERT NUMBER] square feet.
 - (2) Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of [JURISDICTION TO INSERT NUMBER] feet.

- e. Roof signs
 - (1) Roof signs shall be permitted in commercial and *industrial* districts only.
 - (2) Such signs shall be limited to a height above the roofline of the elevation parallel to the sign face of no more than [JURISDICTION TO INSERT NUMBER] percent of the height of the roofline in commercial districts, and [JURISDICTION TO INSERT NUMBER] percent of the height of the roofline in *industrial* districts.
 - (3) The sign area for roof signs shall be assessed against the aggregate permitted area for wall signs on the elevation of the building most closely parallel to the face of the sign.

- f. Window signs.

Window signs shall be permitted for any nonresidential use in a residential district, and for all commercial and *industrial* districts, subject to the following limitations:

 - (1) The aggregate area of all such signs shall not exceed 25 percent of the window area on which such signs are displayed. Window panels separated by muntins or mullions shall be considered as one continuous window area.
 - (2) Window signs shall not be assessed against the sign area permitted for other sign types.

- g. Menu boards

Menu board signs shall not be permitted to exceed 50 square feet (4.6 m²).

I. Signs for Development Complexes

1. Master sign plan required

All landlord or single-owner controlled multiple-occupancy development complexes on parcels exceeding 8 acres (32 376 m²) in size, such as shopping centers or planned *industrial* parks, shall submit to the ~~code official~~ zoning administrator a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

- a. Proposed sign locations.
- b. Materials.
- c. Type of illumination.
- d. Design of free-standing sign structures.
- e. Size.
- f. Quantity.
- g. Uniform standards for nonbusiness signage, including directional and informational signs.

2. Development complex sign

In addition to the free-standing business identification signs otherwise allowed by this ordinance, every multiple-occupancy development complex shall be entitled to one free-standing sign per street front, at the maximum size