



# PLANNING COMMISSION

## Regular Meeting

### Town Hall

### May 1, 2012

At 6:02 p.m. in the Town Hall, Chairman Bruce Brinkley, having established a quorum, called to order the Regular Meeting of the Planning Commission. In attendance were Vice Chairman Dennis McCoy and Commissioners Malcolm Hayward and Joan Natali. Commissioner Mike Strub was not in attendance. There were currently two (2) vacancies on the Commission. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were no members of the public in attendance.

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 Dennis McCoy and unanimously approved to accept the agenda as presented.**

The Commissioners reviewed the minutes for the April 3, 2012 Public Hearing & Regular Meeting.

Joan Natali suggested that the first item under Reports should state that the building being referenced was the Harbor Bath House. Item vii) under Reports should state that one section of the new Hotel Cape Charles could be a restaurant vs. would be a restaurant since there were no definite plans.

**Motion made by Malcolm Hayward, seconded by Dennis McCoy, to approve the minutes from the April 3, 2012 Public Hearing & Regular Meeting as amended. The motion was unanimously approved.**

#### **REPORTS**

Tom Bonadeo reported the following: i) VDOT would be coating all the asphalt streets in Town later this month. Staff would be meeting with VDOT and the contractor to review more details. The slurry coating is a fast-drying coating and residents would be notified by the contractor prior to work beginning on their street. All vehicles, trailers, boats, etc. must be removed from the street in order for the work to be done; ii) The restaurant building at the Harbor now had electricity and the remaining work was mainly in the kitchen area. The owner was hoping to open by Memorial Day; iii) Boytos & Boytos completed the interior tile, painting and trim for the Harbor Bath House. The sewer pump was completed and the deck was ready for construction. The interior partitions were due by May 15<sup>th</sup> for the final inspection and Certificate of Occupancy (CO); iv) Staff was working on the parking plan for the Harbor. Parking spaces needed to be lined out before COs could be issued for the Bath House and restaurant. The parking plan needed to ensure that emergency vehicles could get through and turn around in the area; v) Work on the beach was underway in preparation for the summer. Staff had cleared out some of the dune at the crossovers and sand had been added to the north end of the beach to replace what was lost during the hurricane last summer. Bruce Brinkley asked if the Town was adhering to the Chesapeake Bay Preservation Act. Tom Bonadeo stated that the Town was very careful in regards to compliance with the Chesapeake Bay Preservation Act and could do beach nourishment down to the mean low water. There were no tiger beetles in the area. Tom Bonadeo went on to explain that the Town of Cape Charles was one of

the first Towns to adopt the Chesapeake Bay Preservation Act and the first Town to undergo a 10-year audit; vi) VDOT reviewed their 6-year plan and the highest priority project was the Routes 641 & 642 corridor in Cape Charles. \$43K per year was allotted to the project for six (6) years. Unfortunately, the estimated cost of the project was \$4M+. Staff was working with VDOT regarding possible less costly alternatives; vii) Bruce Brinkley noted the glass balconies on the Hotel Cape Charles and asked whether they had been approved. Tom Bonadeo stated that the plans were reviewed and approved by the Historic District Review Board and added that ornamental ironwork would be added. Once the glass was cleaned, it would be clear and give the appearance of being open; viii) The Brown Dog Ice Cream Parlor should be opening soon in the former Harbor Grill location; ix) A Yogurt Bar was being planned in the former Delisheries building. Several sets of plans have been submitted but they did not meet the Code standards. The owners were planning to add two (2) stories to the building, but the plans could not be approved without engineering plans; and x) A glass artisan was planning to open later this summer on Mason Avenue next to Malcolm Hayward's former store. xi) Malcolm Hayward stated that he heard that the Old Fire House would be reopening and that a chef had been hired.

## **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.H.2 – Temporary Signs: Tom Bonadeo referred to current signage on the Gallagher property, which was 20 acres, the South Port property which was 80 acres, and the former Meatland building as examples for the following:

#### Real Estate Signs:

Item a.(2): There was some discussion regarding whether this section should be kept or deleted since currently, the only area where this was applicable was Bay Creek and their covenant covered signs. It was decided to keep this section since the Keck property could possibly be developed in the future. The signage could be no greater than 32 square feet in area nor 6 feet in height. All signs shall be removed within 7 days after sale of the last original lot.

Item a.(3): The Commissioners agreed that real estate signage advertising commercial or industrial buildings should be no greater than 12 square feet (3'x4') in area nor 8 feet in height and limited to one (1) sign per street front.

Item .(4): Real estate signage advertising vacant commercial or industrial land should be no greater than 20 square feet (4'x5') in area nor 8 feet in height for properties of 10 acres or less. For properties exceeding 10 acres, the signage should be no greater than 32 square feet (4'x8') in area nor 8 feet in height.

Item a.(5): Signage should be removed no later than 7 days after execution of a lease or closing of the sale of a property.

#### Development and Construction Signs:

Item b.(1): Signage on a single residential lot should be limited to one (1) sign not greater than 6 feet in height and 32 square feet (4'x8') in area.

Item b.(2): Signage for a residential subdivision or multiple residential lots should be limited to one (1) sign at each entrance to the subdivision or on the lots to be build upon should be no greater than 6 feet in height and 32 square feet in area. Currently in Bay Creek, individual signs were not permitted.

Item b.(3): Signage for non-residential uses in residential districts should be limited to one (1) sign no greater than 6 feet in height and 4 square feet (2'x2') in area.

Item b.(4): Signage for commercial or industrial projects should be limited to one (1) sign per street front no greater than 6 feet in height and 12 square feet (3'x4') in area for projects on parcels 5 acres or less. For projects on parcels larger than 5 acres, signage should be no greater than 6 feet in height and 32 square feet in area.

Item b.(5): Development and construction signage must be removed not later than 7 days following issuance of an occupancy permit for any or all portions of the project.

There was some discussion regarding how temporary was temporary. Joan Natali stated that some signs had been in place for over 4 years such as "For Sale" signs and developer signs on properties without any activity. Tom Bonadeo stated that the Town could not limit the time to sell a property to which Bruce Brinkley agreed. Malcolm Hayward asked what would happen to a sign if the developer of the property were to go bankrupt. Tom Bonadeo stated that typically, another entity, such as another developer or financial institution, would take over the property.

Joan Natali suggested the addition of language requiring signage be maintained in good condition to which the Commissioners were in agreement.

Photos of various signs in Town which were not in compliance to the ordinance were reviewed. Tom Bonadeo stated that letters had been sent to the individuals placing the signs giving them 30 days to remove the signs. The 30 days had lapsed, so the Town would be removing the signs accordingly.

#### **NEW BUSINESS**

There was no new business to review.

#### **OTHER**

Bruce Brinkley noted that a portion of the exterior wall of the old school had collapsed. Tom Bonadeo stated that the wall had collapsed several months ago shortly after the earthquake. The Town had filed an insurance claim which was included as part of the sale of the building to Echelon Resources.

Dennis McCoy asked about the status of appointing new members to fill the two (2) vacancies on the Commission. Tom Bonadeo stated that two (2) applications had been received and interviews needed to be scheduled with the Town Council. With the number of issues currently under review, it was difficult to schedule another meeting with Council. At this point, it was determined to wait until the new Council was in place before interviews were scheduled with the applicants.

Malcolm Hayward stated that something was needed to allow businesses to advertise during the summer months. Joan Natali stated that there were two (2) issues: i) Advertising of services off premises such as the wave runners at the Harbor; and ii) Businesses on side streets. There was much discussion and Malcolm Hayward suggested that the Town could place signage at the Harbor and in Town listing the names of the various businesses and added that if the Town were to accommodate the business owners through the 3-month summer season, maybe the business owners would not abuse the signage ordinance. Tom Bonadeo stated that he would like to publish a Signage Brochure. Business owners were aware that the Town had a sign ordinance and a permit was required but the majority of the business owners did not come to the office to apply for a permit or to ask questions regarding what was allowed. Bruce Brinkley asked whether the businesses on the side street, such as Drizzles, the Old Fire House, etc., place hanging signs on their buildings similar to the sign at Kelly's. Tom Bonadeo stated that they could, but have not come to the office to ask about it.

**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.**

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Chairman Bruce Brinkley

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Town Clerk