



# PLANNING COMMISSION

## Regular Meeting

### Town Hall

### November 1, 2011

At 6:00 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 Commissioners Roger Munz, Joan Natali and Mike Strub. Commissioner Dennis McCoy arrived at 6:05 p.m. Commissioner Malcolm Hayward was not in attendance. 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 Mike Strub, seconded by Joan Natali and unanimously approved to accept the agenda format as amended.**

The Commissioners reviewed the minutes for the October 4, 2011 Regular Meeting.

Joan Natali pointed out a grammatical error on the bottom of page 1.

**Motion made by Joan Natali, seconded by Dennis McCoy, to approve the minutes from the October 4, 2011 Regular Meeting as corrected. The motion was unanimously approved.**

#### **REPORTS**

Tom Bonadeo reported the following: i) The Sinclair FM Tower had finally been permitted and work should be starting within the next 30 days; ii) The paving work on Mason Avenue was finally done. Lines for the parking spaces have been marked off and should be painted soon; and iii) Gamesa was still working on the environmental portion of the wind turbine application for a turbine to be placed in the Bay just off Cape Charles. The proposed location had moved slightly north of the original location about midway between the Old Plantation Light and Buoy 36A. Technical issues had been worked out for getting a wire to shore and connected to the grid. Roger Munz asked why the location was changed and Tom Bonadeo responded that the location change was due to the issue with the wiring coming ashore.

#### **OLD BUSINESS**

##### *Sign Ordinance Review – Draft Ordinance*

Tom Bonadeo stated the Sign Ordinance from the 2012 International Zoning Ordinance had been reformatted and the first half, which included the definition section, would be reviewed this evening. The Commissioners reviewed Sections 4.1.A. through 4.1.G. with Tom Bonadeo pointing out the areas that were different from the Town's current ordinance which would require some discussion.

Purpose (Sub-Section A): Tom Bonadeo stated that he would replace this language with the language taken from the City of Portsmouth which was approved by the Commissioners several months ago.

#### Definitions (Sub-Section B):

- **Animated Sign – Electrically activated:** Tom Bonadeo stated that the Town currently did not allow these types of signs but it was agreed to include the definition so residents would know what they were. Bruce Brinkley suggested deleting the last sentence in subparagraph 1 which went into detail regarding the amount of time between phrases stating that the language was not necessary since the Town did not permit flashing signs. Dennis McCoy stated his agreement.
- **Billboard:** There was some discussion regarding the language in the International Ordinance which refers readers to another definition. The Commissioners agreed that the Town's current definition was preferred and it could then refer readers to other sign definitions for "Off-premise sign" and "Outdoor advertising sign."
- **Frontage (Building) and Frontage (Property):** Tom Bonadeo stated that the current Town ordinance included size but did not include any reference to the side of the building which was covered by this language.
- **Ground Sign:** Tom Bonadeo stated that he had never had anyone ask about this type of signage and whether this should be included in the Town's ordinance. Joan Natali stated that she preferred to keep this definition in the ordinance and that it was better to have too much information than not enough.
- **Menu Board:** Tom Bonadeo explained that this sign was specific for menus for drive-through restaurants and not to be confused with a "Sandwich Board" which was used by several retailers in Town to advertise specials. Joan Natali pointed out that Rayfield's Pharmacy had a drive-through window and it also had a restaurant inside.

Tom Bonadeo added that the International Ordinance did not have a definition for "Sandwich Board" but a separate definition would be added. Joan Natali stated that she thought of a "Sandwich Board" when she read the definition for "V Sign." Tom Bonadeo explained that a "V Sign" was more in line with the Cape Charles Welcome Sign at Route 13. The definition stated that "the distance between the sign faces not exceeding 5 feet at their closest point" would not be appropriate for a "Sandwich Board" since they were typically hinged at the top.

- **Outdoor Advertising Sign:** Tom Bonadeo stated that this could include a billboard and asked the Commissioners what size would constitute a billboard. Bruce Brinkley stated that he had a friend who worked for Adam Signs and he would give them a call.
- **Projecting Sign:** The Town did not refer to this type of sign specifically, but it would be good to have especially since there was an example included in Section C.
- **Window Sign:** There was some discussion regarding this type of signage and Tom Bonadeo stated that a window sign was permitted if it related to something within the establishment. A business owner would not be permitted to hang a sign in their window advertising another business. Mike Strub asked if a sign were placed in a retail store in Town advertising an event at the Palace Theater would be included in this type of signage. Joan Natali stated that it would be considered more of a temporary sign since it was advertising an event.

The Commissioners went on to review the pictures (Sub-Section C) depicting the various sign types and agreed that all the examples should be kept because they depicted the defined signs whether they were permitted in Town or not. It would be good for the residents to see what they could or could not do in regard to signage.

General Provisions (Sub-Section D):

- Signs in rights-of-way: Tom Bonadeo stated that the current ordinance permits signage up to the right-of-way and the Commissioners agreed to delete the language “within 2 feet” from this paragraph.
- Projections over public ways: Tom Bonadeo recommended language stating that the Town Manager could permit this type of signage as a temporary sign. The Commissioners were in agreement.

Exempt Signs (Sub-Section E): The Commissioners discussed Item 7 in regards to the reference to the sign not exceeding 6 square feet in area and agreed that this size was too large.

Tom Bonadeo stated that the last two sections (Sub-Sections F & G) would be reviewed again later with the second half of the ordinance.

Prohibited Signs (Sub-Section F): Dennis McCoy stated that Item 2 did not account for the pole at the post office.

Permits Required (Sub-Section G): Dennis McCoy added that Items 1 and 3 did not account for the pole at the post office.

Tom Bonadeo asked the Commissioners to think about sizes for various signs for further discussion next month.

*Demolition of Structures – Section 8.22*

Tom Bonadeo explained that a house that was a contributing structure in the Historic District recently sold and the new owner was scheduling the house for demolition. The house was not on the Code Enforcement list but the owner was able to obtain an engineer’s report deeming the structure unsafe. Tom Bonadeo referred to Section 8.21 which requires an application to the Historic District Review Board (HDRB) to demolish a contributing structure adding that the process seemed to be fairly straight forward but in reality was difficult. It was very difficult to determine whether a structure was of “such architectural or historic interest that its removal would be to the detriment of the public interest.” Tom Bonadeo related information regarding his former home which he restored and added that it was the home of the first elected mayor of Cape Charles. This information was not recorded anywhere and the house might have been purchased by someone and demolished. The fact that the house was owned by the first elected mayor of Cape Charles should qualify as such historic interest that removal would be to the detriment of the public interest. Tom Bonadeo noted the history of other houses in Town. Tom Bonadeo went on to state that there was a big difference between the protection of the public safety and an eyesore.

Bruce Brinkley suggested that the 12-month timeframe to sell the property as outlined in the alternate procedure be reviewed since 12 months to sell a property in this economy was not very long.

The Commissioners reviewed Section 8.22 which allows demolition of any structure without consideration of the HDRB if the building was in such an unsafe condition that it would endanger life or property. This procedure required written approval of the “Town Administrator” which Cape Charles did not have. We have a Town Manager and a Zoning Administrator and the terminology should be updated to reflect one of these two positions. It was suggested that the ordinance should state “Town Manager or his/her designee.” Tom Bonadeo reviewed additional information which was required by staff to assure that abuse of this section did not allow the demolition of a structure that was not a hazard to life and property and suggested that these requirements be added to the ordinance. Bruce Brinkley questioned the requirement that the letter rendering the structure a hazard be from a structural engineer adding that the State Code required a “registered design professional” and since the State Code was what gave the Town authority to enforce these issues, we needed to stay consistent with the language in the Code.

Tom Bonadeo stated that he would draft language incorporating what was discussed this evening to be review by the Commissioners at the next meeting.

#### **NEW BUSINESS**

##### *Review of Harbor District Zone*

Tom Bonadeo stated that the current economic situation created new building challenges for real estate developers and the Harbor District Zone was the least developed area in Town. Two large projects were approved under this zoning ordinance which had positive growth potential while showing some of the potential weaknesses of the ordinance. Density was not defined in any zone except the basic residential zones but should probably be reviewed and added to the Harbor District and other commercial zones where residential use was allowed by Conditional Use Permit. Tom Bonadeo went on to state that the Commissioners should concentrate on the area along Mason Avenue which was designated as "Main Street Mixed Use." This portion of the Harbor District had the most effect on the Historic District.

Tom Bonadeo explained that the Wilson Building had a gross density of 72 per acre and the building would not meet the current parking requirements. The ordinance stated that if rebuilding in the Historic District, the owner did not have to meet the parking requirements, but staff tried to work with the owners to allow for parking on the property. This was able to be done on the Delisheries building but would not have worked on the Wilson building.

The Commissioners reviewed several tables and examples from the planning book "*Planning the Built Environment*" regarding density. Joan Natali noted that all the examples were for residential but "Main Street Mixed Use" was both commercial and residential. Tom Bonadeo stated that even though the zone was mixed use, it would be mostly residential since the Town permitted 50% of the first floor to be residential.

Joan Natali expressed her concern that if we did this, it would preclude hotels from being built. Tom Bonadeo stated that hotels were by-right in this zone and would not be included in density because it was not residential but hotels would still need to meet the parking and open-space requirements. Town Council's concern was the conditional use items which would include density for residential.

After some further discussion, the Commissioners agreed to move forward with their review.

#### **OTHER**

Bruce Brinkley encouraged everyone to go to the City of Chesapeake's website to look at the huge Jordan Bridge project. This bridge was 165' tall and was privately owned and funded. Bayshore Concrete was participating in the building of the new bridge.

#### **ANNOUNCEMENTS**

There were no announcements.

**Motion made by Mike Strub, seconded by Joan Natali, and unanimously approved to adjourn the Regular Meeting of the Planning Commission.**

---

Chairman Bruce Brinkley

---

Town Clerk