

**Town of Bethany Beach
Planning Commission Minutes
September 20, 2014**

The Bethany Beach Planning Commission held a meeting on September 20, 2014 at 9:00 a.m. in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, Chairman, who presided; Mike Boswell; Jerry Morris; and John Gaughan.

The following members were excused: Fulton Loppatto and Faith Denault.

Also present: Susan Frederick, Building Inspector; John Murphy, applicant for partitioning request; Bruce Frye, Council member; Diane Fogash, newly appointed member of the Planning Commission; Nathalie Fernandes, Administrative Assistant; and interested members of the public.

OPENING OF MEETING

Mr. Killmer called the meeting to order at 9:00 a.m.

Approval of Agenda

Mr. Gaughan made a motion to approve the agenda. The motion was seconded by Mr. Morris and unanimously approved.

Discussion/Approval of the Planning Commission Minutes of August 16, 2014

Mr. Morris made a motion to approve the minutes dated August 16, 2014. The motion was seconded by Mr. Gaughan and unanimously approved.

Announcements/Comments/Updates

Non-Residential Design Review Update (Killmer)

Mr. Killmer reported the following:

There was a Non-Residential Design Review Committee meeting held on September 12, 2014. An application for proposed new wall sign for “Resort Renovations,” was discussed and approved. The business is located in the C-2 zoning district on Garfield Parkway, on Route 26. Mr. Killmer explained that it was a simple sign that replaces that of the previous business and complied with the Town’s Sign Ordinance and Design Guidelines.

Comments/Updates Regarding the September Town Council Meeting

Mr. Killmer reported the following:

A regular Town Council meeting was not held this month due to the Town Council Election held on September 6, 2014 and the Special/Organizational meeting of Town Council held on September 15, 2014. The Town Council welcomed new members Rosemary Hardiman and Bruce Frye. At the Special/Organizational meeting they discussed and approved the appropriation of \$60,000 for the completion of the Streetscape Project.

Comments, Q&A and Discussion for Planning Commissioner Members (All)

Mr. Gaughan congratulated Mr. Killmer on his reelection to the Town Council as well as the new members. He thanked Ms. Margaret Young for all her hard work with the Town Council and added that he hopes she stays involved with the Town on other committees.

PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION

There were no comments or questions at this time.

NEW BUSINESS

A partitioning application has been requested. Mr. Killmer asked if residents in a 200-yard radius of said property had been notified by first class mail and information in regards to this partitioning request were advertised properly. Ms. Frederick stated that Town residents had been notified by mail and through postings.

Ms. Frederick explained that John Murphy, the trustee of Lot 10, westerly half of Lot 8 and easterly half of Lot 12, Block 6, had requested that the lot be portioned into two separate lots. The property is located at 208 Second Street, zoned R-1 Residential, and is 10,000 square feet. All of the lots are interior lots. Originally, the lots were improved with a single-family dwelling that was located in the center of the property, but the dwelling has already been demolished.

The easterly parcel is proposed to be ½ of Lot 8 and ½ of lot 10. The new parcel will be 40 feet wide on Second Street and 125 feet in depth. The westerly parcel is proposed to be ½ of Lot 10 and ½ of Lot 12. The new parcel will also be 40 feet wide on Second Street and 125 feet in depth. Both of the parcels will each be a total area of 5,000 square feet. Pursuant to Appendix 3, Table of Dimensional Requirements, in the R-1 District, the minimum street frontage for interior lots is 40 feet and the minimum lot area for single dwelling lots is 5,000 square feet. Ms. Frederick added that parcels meet all the criteria for lots in the R-1 Residential Zoning District.

Mr. Morris asked if there were any residents that had objections to the partitioning request and Ms. Frederick stated that there were no objections.

Mr. Gaughan stated that on the survey it indicates: “No title report was provided...survey is subject to any encumbrances, restrictions, easements and/or rights of way that might be revealed by a thorough title search.” He wanted clarification if the Trustee has the title of the properties and the authorization to request any changes to be made.

John Ford Murphy, the Trustee of the property being discussed, stated that the property is in revocable trust, he is the Trustee and he has all the benefits to make any changes to the property. Mr. Gaughan asked if the deeds on file reflect that Mr. Murphy is the trustee. Mr. Murphy affirmed that he has all the documents on hand if needed to show to the Commissioners. Mr. Killmer stated that there was no need.

After no further discussion, Ms. Frederick confirmed that if approved today, once all the correct forms are signed by all voting members of the Planning Commission, everything will be filed with Sussex County.

Mr. Gaughan made a motion to approve the Partitioning Request for Block 6, Lot 10, westerly half of Lot 8 and easterly half of Lot 23, known as 208 Second Street. Mr. Morris seconded the motion and it was unanimously approved.

OLD BUSINESS

The Planning Commission is updating “Chapter 530: Signs” of the Town Code to include signage requirements for the Commercial Lodging Zoning District (CL-1). Mr. Killmer explained that the Commissioners are attempting to address the signage for the hotel because of its unique size and the signs need to be within scale of the building.

Mr. Killmer stated that he researched other communities in comparison to Bethany Beach and that a lot of input was given from the hotel’s architect, Mr. Schoellkopf. Mr. Morris asked what towns Mr. Killmer used in his comparisons and Mr. Killmer explained that he used Ocean City, Maryland, and Rehoboth Beach, Delaware, as well as other locations. None of the comparisons are industrial settings.

The following document covers the entire chapter in regards to signs allowed in the Town. Each section was discussed and any changes or additions made are in red type.

Proposed Updates to “Chapter 530 Signs” of the Town Code to Include Signage Requirements for the Commercial Lodging Zoning District (CL-1)

Chapter 530: SIGNS: Article IV Sign Standards **§ 530-12 Permitted signs in the C-1, C-2 and CL-1 Zoning Districts**

Current Code §530-1: Intent and Purpose.

C. Signs have an important design component and must be architecturally compatible with affected structures and the character of the surrounding area in order to maintain the overall quality of a neighborhood or commercial district.

Update:

C. Signs have an important design component and must be architecturally compatible with affected structures and the character of the surrounding area in

order to maintain the overall quality of a neighborhood, commercial or commercial lodging districts.

Current Code §530-3: Definitions.

Commercial Districts: Commercial districts refers to all nonresidential districts, that the property is zoned commercial.

Update:

Commercial/Commercial Lodging Districts: Commercial districts refers to all nonresidential districts, that the property is zoned commercial or commercial lodging.

Current Code §530-4: Types of signs exempt from sign permit

(2) Temporary commercial speech signs. (a) Real estate signs [1] On site: signs indicating that the property on which the sign is located for sale or lease.

[b] Commercial districts: one (1) freestanding real estate sign, no larger than *thirty-two (32)* square feet in total sign area, nor exceeding eight (8) feet in height, advertising the sale or lease of each property, and located on the property for sale or lease. Such signs may be illuminated in accordance with the provisions of § [530-9](#). Window signs shall not exceed, in the aggregate, *thirty-two (32)* square feet in total sign area. Real estate signs advertising the sale of a property shall be removed within *ten (10)* days following final closing or exchange; real estate signs advertising that a property is for lease shall be removed when no leasehold terms remain available for the remainder of that calendar year.

Update:

[b] Commercial/Commercial Lodging districts: one freestanding real estate sign, no larger than thirty-two (32) square feet in total sign area, nor exceeding eight (8) feet in height, advertising the sale or lease of each property, and located on the property for sale or lease. Such signs may be illuminated in accordance with the provisions of § [530-9](#). Window signs shall not exceed, in the aggregate, thirty-two (32) square feet in total sign area.

Real estate signs advertising the sale of a property shall be removed within ten (10) days following final closing or exchange; real estate signs advertising that a property is for lease shall be removed when no leasehold terms remain available for the remainder of that calendar year.

New Regulation:

(b) Yard and garage sale signs.

[3] Commercial lodging district: Yard and garage sale signs are not permitted in the Commercial Lodging District.

Current Code §530-4: Types of signs exempt from sign permit

H. Temporary signs in the C-1 and C-2 Commercial Districts

Update:

H. Temporary signs in the C-1, C-2 and CL-1 Commercial Districts

Current Code §530-12: Permitted signs in the C-1 and C-2 Districts

Update: §530-12: *Permitted signs in the C-1, C-2 and CL-1 Districts*

Current Code: §530-12

F. Windblown displays may be flown or displayed in the C-1 and C-2 Zoning Districts, subject to the following limitations:

Update:

F. Windblown displays may be flown or displayed in the C-1, C-2 and CL-1 Zoning Districts, subject to the following limitations:

§530-14 Sign standards by sign type

A. Wall signs.

(1) Location and number: Wall signs may be located on a building face that has a public entrance. The maximum number of wall signs permitted is two per tenant space. *In the CL-1 zoning district one primary wall sign per building and two (2) secondary wall signs per building are permitted.*

(2) Size: Wall signs may be a maximum of *fifty (50) square feet or fifteen percent (15%)* of the building face where the sign is attached, whichever is less. Wall signs with changeable copy are limited to *six (6) square feet. In the CL-1 zoning district the single primary wall sign per building cannot exceed two-hundred and sixty (260) square feet per sign and the two (2) secondary wall signs per building cannot exceed seventy (70) square feet per sign with the sign lettering not to exceed thirty (30) inches high.*

(3) Illumination: Wall signs may be illuminated by any means consistent with the illumination section of these Sign Regulations. *In the CL-1 zoning district the primary signs may be externally lit or internally lit with all internally lighted signs facing away from the surrounding residential structures. The secondary wall signs in the CL-1 zoning district can be either externally or internally lit.*

(4) Zoning: permitted in the C-1, C-2, the *CL-1* and More Zoning Districts and be subject to review and approval of the Nonresidential Design Review Committee.

B. Window signs.

(4) Zoning: Window signs are allowed in the C-1, C-2, *CL-1* and MORE Zoning Districts and subject to review and approval of the Nonresidential Design Review Committee.

C. Awning signs.

(4) Zoning: Awning signs may be located in the C-1, C-2, and CL-1 Zoning Districts. Installation of awnings is subject to the review and approval of the Nonresidential Design Review Committee.

D. Projecting signs.

(1) Location and number: Projecting signs may be attached to building facades that have a public entrance and must maintain a minimum clearance of eight (8) feet above the public-right-of way or private sidewalk area. One projecting sign is allowed per tenant space.

(2) Size: In the C-1 and C-2 Zoning Districts, projecting signs may have a maximum of twelve (12) square feet. For the CL-1 Zoning District a maximum of two (2) projecting signs per building and not to exceed sixty (60) square feet per sign and an additional five (5) projecting signs per building not to exceed twelve (12) square feet per sign.

(3) Illumination: Projecting signs may be illuminated by any means that is consistent with the illumination section of these Sign Regulations.

(4) Zoning: Projecting signs are allowed in the C-1, C-2, CL-1 and the MORE Zoning Districts and may be subject to review and approval of the Nonresidential Design Review Committee.

I. Sandwich-board signs.

(4) Zoning: Sandwich-board signs are permitted in the C-1, C-2 and CL-1 Zoning Districts.

J. Murals.

(4) Zoning: Murals may be located only in the C-1, C-2 and CL-1 and MORE Zoning Districts, subject to the approval of the Nonresidential Design Review Committee.

K. Electronic message centers.

(1) Location and number: Electronic message centers (EMCs) are not permitted in the Town of Bethany Beach. Electronic signs that display only the date, time and temperature may be permitted in the C-1, C-2, CL-1 and MORE Zoning Districts, if approved by the Nonresidential Design Review Committee.

N. Flags.

(4) Zoning: Official flags (federal, state, local) may be located in all zoning districts. Flag signs may be located in residential districts, subject to the limitations for windblown displays in residential districts found in §530-11H. No flag signs shall be displayed in the C-1, C-2 and the CL-1 Zoning districts without prior approval by the Nonresidential Design Review Committee following its review of submitted plans.

O. Directory signs.

(4) Zoning: Directory signs are allowed in the C-1, C-2, CL-1 and MORE Zoning Districts and are subject to review and approval by the Nonresidential Design Review Committee.

While reviewing the proposed updates, there was some discussion on whether the size of the wall signs were too big and out of character for Bethany Beach. Mr. Killmer explained that the maximum proposed size of the wall signs are to scale with the size of the building.

Tracy Mulligan, full time resident of Bethany Beach, compared two hundred and sixty (260) square feet, the maximum size for the wall sign, to two (2) windows in the Town Hall Meeting Room. He stated that visually, it is a very large sign for the small streets in the Town. He added that it could affect the character of Bethany Beach because of the big size. Mr. Killmer explained that his initial reaction was the same, but the hotel is a four (4)-story building and after reviewing the design plans, the proposed signage is in scale and the signs fit structurally. Mr. Killmer showed the design plans that include the wall signs to the Commissioners and those in attendance.

Mr. Gaughan commented that it is important that this is discussed and revised so that community members who are listening, or for those who may come to discuss in the future about the regulations, can understand the rationale behind the amendments. He added that the size of the wall sign initially struck him as being too large as well, but was reassured after discussion and viewing the size-to-scale. Mr. Morris mentioned that after seeing the design plan, the size of the wall sign looks a lot less than originally thought, based on the façade.

Mr. Gaughan made a motion to approve the proposed updates to Chapter §530, Signs, of the Town Code to include signage requirements for the Commercial Lodging Zoning District (CL-1) as discussed. Mr. Morris seconded the motion and it was unanimously approved.

There was some discussion in regards to the Addy-Cooper property on Kent Avenue and storm drain easements to and from the properties.

ADJOURN

Mr. Morris made a motion to adjourn the meeting. Mr. Gaughan seconded the motion and it was unanimously approved. The meeting was adjourned at 9:38 a.m.

Welcome Diane Fogash to the Planning Commission Committee.

Respectfully Submitted:

Nathalie Fernandes, Receptionist