

**Non- Residential Design Review Committee Meeting Minutes
February 13, 2015**

The Bethany Beach Non-Residential Design Review Committee (NRDRC) held a meeting on Friday, February 13, 2015 at 10:00 a.m. in the Town Council Meeting Room, 214 Garfield Parkway, Bethany Beach, DE.

Members present: Lew Killmer, who presided; John Hendrickson; Jerry Morris; Jim Weisgerber; Susan Frederick, Building Inspector

Also present: Bill Fox, applicant for two new hanging signs for "The Black Pearl" and "Beach Belle"; Scott Edmonston, architect for "Penguin Diner" and representing the applicant for a façade remodel and second floor addition; Jack Burbage and Jeff Schoellkopf, applicants for 12 new signs for "Bethany Beach Ocean Suites"; Bruce Frye, Council Member; Nathalie Fernandes, Administrative Assistant; and interested members of the public.

Call to Order

Mr. Killmer called the meeting to order at 10:00 a.m.

Approval of the Agenda

Mr. Morris made a motion to approve the agenda. Ms. Frederick seconded the motion and it was unanimously approved.

New Business

The purpose of the meeting is to discuss and vote on three applications.

- A. *The first application was submitted by Bill Fox, tenant at 98 Garfield Parkway, Unit 109, "The Black Pearl" and "Beach Belle." He has requested approval for two new hanging signs (one for each business) for property located at Lot 7-12, Block 106, in the C-1 Commercial Zoning District, Bethany Beach, DE.*

Mr. Fox began by describing the two businesses in which he has requested hanging signs for. He stated that he runs "The Black Pearl" and his wife runs "Beach Belle." His business is intended to have two services: 1.) A vinyard, bar, and brewery tour bus in and around the local towns and 2.) A designated driver service. "Beach Belle" is intended to be a tanning salon which offers spray tan, UV tan, sunscreen protection, foot baths, and infrared sauna.

Mr. Killmer suggested the Committee begin discussion with the application for the hanging sign for "Beach Belle." Mr. Morris asked if the tanning beds are traditional and how many will be available. Mr. Fox replied that there will be three traditional tanning beds. Mr. Weisgerber asked what type of material the hanging sign is and Mr. Fox explained that it is made of carved wood, similar to the ones used elsewhere at the Blue Surf. Mr. Weisgerber made a motion to approve the hanging sign for "Beach Belle." Mr. Hendrickson seconded the motion and it was unanimously approved.

Mr. Killmer began the discussion for the hanging sign for "The Black Pearl." He stated that there are no signs in Bethany Beach that have their phone number displayed and opened the question on whether to permit this sign to have it or not. Mr. Killmer's other concern was whether the skull and swords symbol on the sign was necessary because it does not fit the character of Bethany Beach.

Mr. Fox explained that the logo is on all his documents and it has been approved by the public carrier's office and cannot be changed. He also acknowledged that there was no concern about the trademark on The Black Pearl, despite the films' use of the name.

Mr. Hendrickson asked why Mr. Fox needs both the website and telephone number on the sign. Mr. Fox explained that as a public carrier, a website and phone number are the only ways that others can use him, he cannot be hailed down. Mr. Killmer inquired what would happen to his business if Uber were to be established in the area. Mr. Fox replied that Uber would only work if it was seasonal, but his business is year round.

Mr. Morris questioned again whether it is necessary that the skull and swords are used on the sign. Mr. Fox emphasized that he owns "The Black Pearl Designated Driver Services." He doesn't have to have the logo on the sign, but all his buses are pirate ships on wheels and any merchandise related to his business has the logo on it as well. He also argued that the pirate theme ties in with the history that the towns from Lewes down to Fenwick Island were the most pirated areas in the world during the pirate era.

After some discussion, it was confirmed that the Town has the right to restrict what images can appear on signage because there is a need to maintain control over what images are shown. The NRDRRC members want to prevent future signage that may, for example, show a silhouette of a nude woman.

Mr. Weisgerber stated that he doesn't believe a pirate reference at the beach is inappropriate. The Black Pearl goes along with the Disney movie, The Pirates of the Caribbean. He added that it may be a slippery slope, but that the logo is tame.

Ms. Frederick wanted to discuss the use of the website and phone number on the sign. She stated that the signs in Town are meant to advertise the physical location of the business and his sign is acting more like a billboard for the business instead of a business location sign. Mr. Fox explained that there will be information in the store front related to his business and the location will be the headquarters but his vehicles will not be parked there.

Mr. Hendrickson wanted to clarify that the designated driver services should be the main emphasizes of the sign. Ms. Frederick and Mr. Morris inquired why Mr. Fox would need both the website and phone number. Mr. Fox explained that people cannot flag him down or come into the store and ask for a ride. He either needs to be called or have an appointment made online.

After some discussion, the committee members agreed that Mr. Fox should swap the size and emphasizes of the website with the “Designated Driver Services” and make the phone number and website smaller.

Mr. Morris made a motion to approve the sign with the changes agreed upon. Mr. Hendrickson seconded the motion and it was unanimously approved.

B. The second application was submitted by Mark Neumann, tenant at 105 Garfield Parkway, “Penguin Diner,” and Mr. Scott Edmonston, Architect, was in attendance in behalf of Mr. Neumann. The request is for approval for façade remodel and a second floor addition for property located at Lot 5, Block 105, in the C-1 Commercial Zoning District, Bethany Beach, DE.

Mr. Edmonston began by stating that the restaurant’s owners had found that customers will eat breakfast for dinner but won’t eat dinner at a breakfast spot. That got the owners thinking and they decided to expand their business and make “The Penguin Diner” more of a restaurant and less of a diner. The renovations would create a second floor and additional space for outdoor seating.

As the members looked over the proposed plans, Mr. Killmer stated that the use of a flat roof is not permitted and was concerned that it looks more like a Hollywood set rather than a restaurant. It was suggested that they run the gable roof all the way to the back of the building.

Mr. Hendrickson said that with the suggested changes that it will look nice. Mr. Killmer agreed and added that the front view is beautiful and it will be a nice addition to the Town.

Mr. Killmer asked what the doors will be like for the outdoor seating upstairs. Mr. Edmonston explained that it would have garage style glass doors that would enclose the indoor seating during inclement weather.

There was discussion on the lighting design and noted that durable materials should be used that can withstand the elements at the beach.

Mr. Killmer inquired about the rear of the building and if the placement of trash receptacles behind the restaurant will be impacted because of the expansion. Mr. Edmonston explained that the changes have included relocating two walk-in freezers closer to the building and moving the electrical boxes. This allows the trash containers to be kept where they are.

Mr. Hendrickson asked about the schedule on when these changes will occur. Mr. Edmonston stated that interior work and first floor upgrades will commence now and the second floor is scheduled to start in the fall.

Ms. Frederick noted there are requirements to flood proof the front entrance since building was being modified. The base flood elevation may have changed and the new flood maps will need to be consulted.

All Committee members agreed that they are pleasantly happy with the overall design and that these sorts of upgrades are what the Town wants for the downtown area.

Mr. Morris made a motion to approve the application with the following changes: extension of the partial front roof, gable the back edition, acquire appropriate materials for the awnings, and flood proof the framing. Mr. Hendrickson seconded the motion and it was unanimously approved.

C. The final application was submitted by Jack Burbage, tenant at 96 and 99 Hollywood Street, "Bethany Beach Ocean Suites," as well as architect, Jeff Schoellkopf. They have requested approval for nine wall signs, two projecting signs, and one hanging sign for property located at Lot 1, 9-12, Block 106 and 110, in the CL-1 Commercial Lodging Zoning District, Bethany Beach, DE.

Mr. Killmer noted that the Planning Commission had been provided with ideas and plans of what signage would be used for the hotel prior to developing the code for signage in the new CL-1 Commercial Lodging District. Mr. Killmer suggested they discuss and vote for each sign.

Mr. Weisgerber recused himself from the discussion and votes for any of the proposed signs, due to the fact that Mr. Burbage is his landlord.

1. **Primary wall sign-** will be located on the gable on the north side of the building. The sign is yellow internally lit channel letters.

Mr. Killmer stated that this type of sign is in regulation with other communities that have hotels and added that the sign is quiet attractive. He asked Mr. Burbage if he intends to have the sign lit 24 hours a day. Mr. Burbage stated that it will be on a timer. Ms. Frederick added that the sign does not directly face residential property.

Ms. Frederick made a motion to approve the primary wall sign. Mr. Morris seconded the motion and it was unanimously approved.

2. **Blade sign-** two sided projecting sign of carved letters and raised border and brown with gold/yellow lettering. This sign will be attached to a steel bracket at the front of the building on S. Atlantic Avenue.

It was noted that brown and gold/yellow will be the color theme for the hotel.

There was some discussion in regards to terminology and whether this sign is to be a blade sign or projecting sign. Mr. Schoellkopf explained that the sign will be fixed and won't swing and will project about 3 feet out.

Mr. Killmer made a motion to approve this sign as a projecting sign. Mr. Hendrickson seconded the motion and it was unanimously approved.

3. **Reception sign**- a directory wall sign. It is a vinyl sign located above the driveway entrance on Hollywood Street. It is brown with gold/yellow lettering and will not be illuminated.

Mr. Killmer made a motion to approve the reception sign. Mr. Hendrickson seconded the motion and it was unanimously approved.

4. **Garage height sign**- a suspended directory sign at the garage entrance.

It was stated that this sign is an interior and directional sign and is permitted. There is no vote required.

5. **Exit only sign** - free standing vinyl sign located at the garage exit on N. Atlantic Avenue.

Ms. Frederick asked where the sign will be located. Mr. Schoellkopf explained that it will be between the transformer and driveway. Mr. Killmer asked if the sign will be sturdy. Mr. Schoellkopf replied that it is set in concrete.

Ms. Frederick made a motion to approve the exit only sign. Mr. Morris seconded the motion and it was unanimously approved.

6. **Restaurant sign**- an externally lit wall sign with 2 gooseneck lights located at the restaurant entrance from the beach front porch.

Mr. Killmer asked how the name "Jack Spot" came about for the restaurant. Mr. Burbage explained that he has a restaurant in Chincoteague named "Jack Spot," but the name of the restaurant may be changed. Mr. Killmer stated that the location of the sign is appropriate.

Mr. Hendrickson made a motion to approve the restaurant sign. Ms. Frederick seconded the motion and it was unanimously approved.

7. **South main sign**- primary wall sign for Building 2 located above the stairwell in a gable on Hollywood Street.

Mr. Killmer stated that Building 2 has very little signage. Mr. Schoellkopf explained that there is no commercial use in that building.

Mr. Morris made a motion to approve the south main sign. Mr. Hendrickson seconded the motion and it was unanimously approved.

8. **Parking notice**- a directional vinyl wall sign.

After some discussion, committee members suggested that the proposed wording, "Parking by Permit Only," be changed to "Guest Parking Only" to help ensure that those who have a Town parking permit will not think they are allowed to park in the garage. Another suggestion made was that the parking notice sign be combined with the garage height sign.

Mr. Killmer made a motion to approve the new sign to state “Guest Parking Only” and to be combined with the garage height sign. Ms. Frederick seconded the motion and it was unanimously approved.

9. **Boardwalk blade sign-** a two sided projecting sign of carved letters and raised boarder. The sign is brown with gold/yellow lettering and attached to a steel bracket on Building 1 at the east ocean front side. The projection of the sign scales approximately 3 feet off the face of the building.

Ms. Frederick noted this sign would also be considered a projecting sign and that the code limits projecting signs to two per building, and the two-sided sign on Atlantic counted as two signs on its own. Mr. Killmer emphasized that the committee had dealt with a similar situation with a sign proposed by the Bethany Beach Fire Department. Mr. Hendrickson suggested that they change the type of sign to one that wouldn't exceed the limits. Ms. Frederick suggested that they place wall signs on each side of the corner of the building, noting that this is the only hotel in Town and people would recognize that.

Mr. Schoellkopf and Mr. Burbage emphasized that they really wanted to maintain the visibility from the boardwalk. They suggested changing the just-approved hanging restaurant sign to have hotel's name and have the restaurant sign be relocated.

Mr. Hendrickson said he thought that they would want to make an effort to bring people in from the boardwalk to the restaurant. He added that he thinks the hotel recognition happens in the front seat of the car.

After some discussion and alternative solutions, Mr. Burbage suggested that they sacrifice the one sign on Building 2. Mr. Schoellkopf stated that they would reduce the sign to 3 feet by 4 feet as well in order to be approved.

Mr. Killmer made a motion to approve the Boardwalk projection sign to be reduced to 3 feet by 4 feet. Ms. Frederick seconded the motion and it was unanimously approved.

10. & 11. **Shower signs-** small direction wall signs

It was noted that these two signs are informational signs and no vote is required.

12. **Residence Inn plaque-** bronze wall sign located near the entrance of Building 1 on Hollywood Street.

Mr. Killmer made a motion to approve the Residence Inn plaque. Mr. Morris seconded the motion and it was unanimously approved.

Mr. Schoellkopf wanted to verify that the 3 areas needed to be approved by the NRDR are: landscape, lighting, and signage. Mr. Killmer stated that that was correct. Mr. Schoellkopf gave a

brief overview of those plans for committee members and stated that it will be formalized for their next meeting.

Approval of Minutes from the Meeting held January 9, 2015

Ms. Frederick made a motion to approve the minutes. Mr. Morris seconded the motion and it was unanimously approved.

Motion to Adjourn

Mr. Hendrickson made a motion to adjourn the meeting. Ms. Frederick seconded the motion and it was unanimously approved. The meeting was adjourned at 11:53 a.m.

Respectfully Submitted:

Nathalie Fernandes
Administrative Assistant