

Town of Colonial Beach Planning Commission Minutes

Date: Tuesday, March 17, 2015 – Town Center, 22 Washington Avenue

Time: 4:30 p.m.

Present: Maureen McCabe, Vice Chairwoman
Robin Schick, Chairwoman
John Reinhart
Robert Busick

Absent: None

Staff: Planning and Zoning Administrator, Brendan McHugh

Item 1: Call to Order

Chairwoman Schick called the meeting to order at 4:35 p.m.

Item 2: Approval of the regular meeting minutes of February 2015.

Chairwoman Schick asked if there was any comment on the minutes. Chairwoman Schick asked for a motion to approve the minutes from the regular meeting on February 5, 2015. Vice Chairwoman McCabe made the motion to approve the minutes. Member Busick seconded.

Chairwoman Schick called for a voice vote; it was unanimously resolved:

That the minutes of the February 5, 2015 meeting be approved.

Item 3: Planning Commission recommendation of new members

Chairwoman Schick then announced that interviews were conducted with the applicants at previous meetings. She then expressed that they would be voting to recommend two new members to the Planning Commission to the Town Council. She then announced that there would be another vacant seat with Member Cirbees resignation. She then proceeded to read the following:

PLANNING COMMISSION PAPER

AT THE REGULAR MEETING HELD, THURSDAY, MARCH 17, 2015 AT THE COLONIAL BEACH TOWN CENTER

Whereas, the Colonial Beach Planning Commission has reviewed the application submitted by Ms. Tolson to serve on the Colonial Beach Planning Commission.

Now therefore be it resolved that the Colonial Beach Planning Commission hereby recommends the appointment of Ms. Pamela Tolson to the Planning Commission to the Town Council for a term expiring on March 17, 2019.

MOVED BY: McCabe **SECONDED BY:** Reinhart

	AYE	NAY		AYE	NAY
MS. SCHICK	<u> x </u>	___			
MS. MCCABE	<u> x </u>	___	MR. BUSICK	<u> x </u>	___
MR. REINHART	<u> x </u>	___			

ADOPTED BY _____ TABLED FOR _____

PLANNING COMMISSION PAPER

AT THE REGULAR MEETING HELD, THURSDAY, MARCH 17, 2015 AT THE COLONIAL BEACH TOWN CENTER

Whereas, the Colonial Beach Planning Commission has reviewed the application submitted by Ms. Clopton to serve on the Colonial Beach Planning Commission.

Now therefore be it resolved that the Colonial Beach Planning Commission hereby recommends the appointment of Ms. D.R. Clopton to the Planning Commission to the Town Council for a term expiring on March 17, 2019.

MOVED BY: Busick **SECONDED BY:** Reinhart

	AYE	NAY		AYE	NAY
MS. SCHICK	<u> x </u>	___			
MS. MCCABE	<u> x </u>	___	MR. BUSICK	<u> x </u>	___
MR. REINHART	<u> x </u>	___			

ADOPTED BY _____ TABLED FOR _____

PLANNING COMMISSION PAPER

AT THE REGULAR MEETING HELD, TUESDAY, MARCH 17, 2015 AT THE COLONIAL BEACH TOWN CENTER

Whereas, the Colonial Beach Planning Commission has reviewed the application submitted by Ms. Brubaker to serve on the Colonial Beach Planning Commission.

Now therefore be it resolved that the Colonial Beach Planning Commission hereby recommends the appointment of Ms. Linda Brubaker to the Planning Commission to the Town Council for a term expiring on March 17, 2019.

MOVED BY: Busick **SECONDED BY:** Reinhart

	AYE	NAY		AYE	NAY
MS. SCHICK	<u> </u>	<u> x </u>			
MS. MCCABE	<u> </u>	<u> x </u>	MR. BUSICK	<u> </u>	<u> x </u>
MR. REINHART	<u> x </u>	<u> </u>			

ADOPTED BY _____ TABLED FOR _____

Item 4: Staff Report on Breweries Amendment

Mr. McHugh then read the following staff report:

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT	
PROJECT NAME: Breweries Amendment	Town Council Meeting Date:
Case Number: ZOA-02-2015	Applicant: Town
Project Status: <input type="checkbox"/> Preliminary Sketch Application <input type="checkbox"/> Rezoning <input type="checkbox"/> Preliminary Plat Use <input type="checkbox"/> Conditional <input type="checkbox"/> Preliminary Final Plat Plans <input type="checkbox"/> Concept <input type="checkbox"/> Final Plat <input checked="" type="checkbox"/> Text Amendment <input type="checkbox"/> Vacation <input type="checkbox"/> Comp Plan Amendment	Owner: NA
	Location: NA
	Voting District: NA
	Parcel Number: NA
	Total Site Area: NA
	Site Area Developed: NA
Existing Structures: NA	CBPA: NA
Flood Hazard: NA	Additional Site Data: NA
Current Zoning: NA	
Action Request: First read	
	Staff: B. McHugh Date: 03-17-15

Prior Actions / Case History

Rezoning: NA
Conditional Use Permit: NA
Variances: NA
Subdivisions: NA
Other Data: NA

BACKGROUND:

As the Commission is aware, staff has been researching the addition of breweries to the current zoning ordinance. This would be a "use amendment" by adding breweries as a use to the different existing zoning districts.

DISCUSSION:

Staff researched breweries as a use in different localities, not only throughout the state, but also throughout the country. Staff then reviewed the current zoning districts throughout the Zoning Ordinance and added breweries to some of the districts according to the intensity of the district. Staff also added breweries to Major Home Occupations. Four different types of breweries were identified. The four types of breweries were: Microbreweries, Nanobreweries, Large Scale Breweries and Brew Pubs. Concerning, Nanobreweries, staff made a

recommendation of defining two types of Nanobreweries. The two types would be Commercial Nanobreweries and Home Nanobreweries. The Commercial Nanobreweries would be for more intense commercial districts and the Home Nanobreweries would be for Major Home Occupations. As a part of this amendment, the different types of breweries and “beer” and “barrel” will be defined and added to Article 20, Definitions of the Zoning Ordinance. Additionally, a statement will be added to each article concerning breweries in the “Additional Requirements” section stating, “All Breweries, Microbreweries, Nanobreweries and Brew Pubs shall be licensed by the Virginia Department of Alcoholic Beverage Control”.

STAFF RECOMMENDATION:

Staff believes, by adding these provisions, it will help update the ordinance according to the recent trend of craft breweries throughout the country. After the Planning Commission considers these changes and provides staff with any additional changes we should hold a public hearing in April to receive public input. Then based on the public hearing, the Commission can make further changes, if desired, and forward the amendments to the Town Council.

Mr. McHugh then explained that he spoke with Mr. Ted Staffos who informed him that ABC permits define three different levels of breweries. He explained that they were defined through permits. The different levels of permits were as follows:

- ≤ 500 barrels annually: \$350
- 501–10,000 barrels annually: \$2,150
- ≥ 10,001 barrels annually: \$4,300

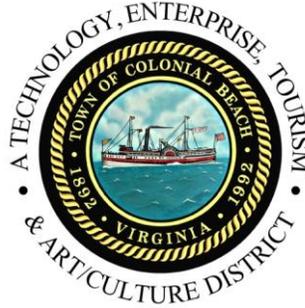
Mr. McHugh then explained that they could be defined in the ordinance as:

- Nano-breweries: ≤ 500 barrels annually: \$350
- Micro-breweries: 501–10,000 barrels annually: \$2,150
- Large Scale Breweries: ≥ 10,001 barrels annually: \$4,300

He explained that it would help align the ordinance with state regulations. Member Busick then asked if there was a permit required for someone who is home brewing. Mr. McHugh then explained that he looked through the Alcohol and Tobacco Tax and Trade Bureau regulations which defined brewing anything under four barrels a year for yourself and family legal without a permit. Chairwoman Schick then asked what the difference was between a brew pub and a brewery. Mr. McHugh then explained that a brewpub would serve food and brew beer and a brewery would not necessarily serve food. Mr. McHugh then explained that Virginia recently passed a law that breweries do not have to serve food. Mr. McHugh then explained that he read articles that described many nano-breweries which started in garages and then move to a commercial space. He explained that he created the “Home Nano Breweries” for people who maybe want to start a brewing business in a garage. He also explained that he placed it under Major Home Occupations to require the Home Nano Brewery to obtain a conditional use permit. He also explained that each district allows certain breweries based on the intensity of the district. Member Busick then asked Mr. McHugh to find craft brewery statistics from other localities that have adopted them.

Item 5: Discussion on By-Laws

Chairwoman Schick then introduced the following by-laws:



TOWN OF COLONIAL BEACH Planning Commission By-Laws 2015

I. State Statutes

The Planning Commission, authorized by Virginia Code §15.2-2210 shall execute its responsibility in a manner consistent with the provisions contained in state law.

II. Objective

The objectives of the Planning Commission are to advise the Town Council and to carry out all duties and functions described by the Code of Virginia, as amended. This commission strives to improve public health, safety, convenience and welfare of its citizens and to plan for future development of the community.

Additional Responsibilities

1. As governed by the Code of Virginia, the Commission shall direct the preparation of the Town Comprehensive Plan for presentation to the Town Council and periodically review/update this Plan as required by the Code of Virginia.
2. The Commission shall participate in the Capital Improvement Program and Zoning Ordinances to assure that they are in accordance with the Comprehensive Plan as required by the Code of Virginia.
3. The Commission shall receive direction from the Town Council regarding any special programs that they desire to be managed or evaluated by the Commission within the Code of Virginia.

III. Members, Terms

- A. In accordance with Virginia Code § 15.2-2212 the Colonial Beach Planning Commission shall consist of seven (7) voting members, all of whom shall be appointed by the Colonial Beach Town Council. All Planning Commission Members shall be residents of the Town of Colonial Beach, qualified by knowledge and experience to make decisions on questions of community growth and development and at least one-half of the members of the Planning Commission shall be owners of real property.

B. Terms and Vacancies:

1. All members shall be appointed terms of four (4) years.
2. Any vacancy in membership shall be filled by recommendation of the commission and formal appointment by the Town Council. Any appointed member may be removed by the Town Council for malfeasance in office.

IV. Meetings

- A. The Planning Commission shall meet in regular session on the first Thursday of each month at 5:30 p.m. at Town Center located at 22 Washington Avenue. With due and proper public notice (Virginia Code section 15.2-2214) the Commission may upon occasion meet elsewhere, within the boundaries of Colonial Beach.
- B. Special Meetings may be called by the Chairperson or by any two members in accordance with Virginia Code section 15.2-2214. The clerk shall mail to all members, at least five (5) days in advance of a special meeting, a written notice, fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting is *not* required if the time of the special meeting has been fixed at the regular meeting. Formal rules of procedure may be suspended for work sessions.
- C. Work sessions shall be held at the adjournment of regular meetings or at the time and place set by the Commission.
- D. A majority of the total members of the planning commission shall constitute a quorum.
- E. The Commission shall keep a written record of its transactions. This record shall be available for public inspection at the Town Hall, the Department of Planning & Community Development, and the Town's library. Also, copies of the minutes shall be available on the Town's website.

V. Officers

- A. The Commission shall consist of a Chairperson and Vice-Chairperson whose terms of office shall be for one year. These positions are elected by the Commission at its annual organizational meeting in January of each year. Any vacancy occurring in an office shall be filled for the unexpired term by the Commission at the regular monthly meeting following the occurrence of such vacancy.
- B. The Planning Manager for the Town of Colonial Beach shall serve as the Clerk of the Planning Commission.

VI. Duties of Officers

A. The Chairperson shall:

1. Preside at all meetings.
2. Appoint committees.
3. Rule on all procedural questions, but subject to a reversal by a majority vote of the members present.
4. Be informed immediately of any official communication.
5. Report official communications referencing positive and negative opinions.
6. Certify official documents involving the authority of the Commission.
7. Be the general spokesperson for the Commission.
8. Attend Town Council meetings or designate a liaison in lieu.

B. The Vice-Chairperson shall:

1. Act in the absence or inability of the Chairperson to act.
2. Perform such other duties as may be assigned by the Commission.

C. The Clerk shall:

1. Record attendance and minutes of all Commission meetings.
2. Notify all members of meetings.
3. Maintain a file of all official Commission records and reports.
4. Give notice and be responsible for publishing public notices of all Commission public hearings and public meetings.
5. Attend to the execution of the duties and functions of the Commission.
6. Provide Town Council reports and recommendations of the Commission

VII. Committees

- A. The Commission may establish committees necessary to accomplish its purpose.
- B. Members of the committees shall be appointed by the Chairperson. The Chairperson may request recommendations for the Commission or committee members on committee appointments.
- C. Members of the committees may be Commission members, employees of the Town or citizen volunteers.
- D. The Chairperson and Planning Director shall be ex-officio members of every committee.
- E. All committee reports written or oral shall be official record of the Commission.
- F. The following committees and their Chair shall be appointed by the Commission Chair within thirty days after the Chair takes office:

1. **Public Outreach Committee.** This Committee shall be composed of at least 2 members (at least 1 member shall be a Commission member) and have the following responsibilities:
 - A. Support public awareness to the matters of Public Planning and the Commission.
 - B. Provide insight and recommendations to the Commission in the field of public relations, marketing, and communication to better serve our community.
 - C. Assist the Commission in maintaining regular contact with Public Officials.
 - D. Represent to the Commission public concerns.

2. **Policy Committee.** This Committee shall be composed of at least 4 members (at least 2 members shall be Commission members) and shall have the following responsibilities.
 - A. Address the long-range goals of the Commission and explore strategies for achieving them; and
 - B. Address ways to maintain and improve working relationships between the Commissions, other County organizations, as well as with surrounding jurisdictions and organizations involved in planning initiatives.
 - C. Conduct the Commission's initial review of the Capital Improvement Plan.
 - D. Recommend and prepare new and revised policies for the Commission.
 - E. Conduct the Commission's initial review of the ordinance amendments, as directed by the Chair of the Commission.

VIII. Transaction of Business

The Commission shall follow the Robert's Rules of Order, Newly Revised 10th Edition, October 2000, and more specifically, the provisions which pertain to the "conduct of business boards" at page 469 et seq., in particular, the "Procedure in Small Boards." However, failure to strictly comply with Roberts Rules of Order shall not invalidate any actions of the Commission. The Town's Attorney shall preside as parliamentarian.

A. Agenda:

1. The activities at any regular meeting of the Commission shall be in accordance with a formal agenda. Such agenda shall be distributed to the Commission and made available to the public via hard copy at Town Hall and electronically at the Town's website not less than 3 days prior to the each regular meeting.
2. Order of Business for Regular Meetings: At regular meetings of the Commission, business shall be conducted in the following manner:
 - a. Call to order.
 - b. Approval of minutes of the last meeting
 - c. Public Comment on Non-Hearing Related Planning Commission Matters
 - d. Committee Reports (if applicable)
 - e. Old Business
 - f. New Business
 - g. Adjournment
3. The order of business at special meetings shall be in accordance with the agenda prepared by the clerk for such meeting.
4. Agendas may be amended and/or items added or deleted from the agenda, by a majority concurrence of the members.

B. Hearings:

1. The Commission shall hold public hearings on all items for which hearings are required by the Code of Virginia or by the Code of the Town of Colonial Beach. Such public hearings shall be advertised in accordance with State Code Section 15.2- 2204.
2. The Chairperson may establish special rules for any public hearing at the beginning of said hearing. These rules may include limitations on the time of the Clerk, petitioner, opposition, and public comment.
3. In addition to those required by law, the Commission may hold public hearings on any matter which it deems to be in the public interest. In such cases, the public hearings shall follow all procedures described for public hearing in these bylaws.

C. Procedure:

1. Each speaker wishing to address the Commission shall clearly state his/her name and address and shall abide by the time limitations set before public hearing.
2. Written comments in addition to or in lieu of public appearance may be

received by the Commission, such shall become part of the record.

3. Business items on the agenda shall be considered by a reading of the application, commentary by the Clerk and/or other Town staff, followed by presentations by the petitioner and those in favor, and then representatives of the opposition may speak without repetition. Representation of the petitioner will be allowed to rebut then the public hearing will be closed by the Chairperson. See *Protocol Specifics* for further details.
4. Commission Members shall limit their comments during public comment to ensure public participation without Commission interference. Questions for the petitioner or opposition by Commissioners for clarification or additional information will follow after public comment at the discretion of the Chair.
5. At the conclusion of the hearing the Commission shall proceed with motion and action on that item.
6. The Commission shall have the authority to postpone an agenda item for a specific period of time, stating reason.

D. Voting:

1. A majority of the total members of the planning commission shall constitute a quorum.
2. Questions submitted to the Commission shall be decided by vote with the action recorded in the minutes.
3. Members abstaining from voting on a question shall state the reason therefore, and such statement shall be made a part of the record of the meeting.

IX. Protocol Specifics

A. Protocol for Citizen Comments

- A. The Purpose of the citizen comment period is to allow any citizen of the Town to make statements to the Colonial Beach Planning Commission related to any matter under the auspices of the Planning Commission, which are not scheduled for discussion on the agenda.
- B. The Planning Commission will listen and consider the position and opinion of the citizens of Colonial Beach however the Commission shall not respond or ask staff to respond to issues identified by the public that may require additional research or investigation.

B. Public Hearing Protocol

1. The purpose of a public hearing is for the Colonial Beach Planning Commission to listen carefully to the position and opinion from the citizens of Colonial Beach.
2. All public hearings are advertised weeks prior to the scheduled hearings and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearing.
3. Public hearings are not question and answer sessions or debates and all statements should be addressed to the chair.
4. Public hearings are intended to give citizens an opportunity to influence the public decision process based on prior research and discussions with appropriate public officials.
5. When members of the public offer comment, they need to clearly state their name and address prior to making their comments.
6. Applicants, or representatives of the applicant, will be allowed fifteen (15) minutes to introduce information regarding the matter advertised for public hearing. All

comments are to be pertinent to the issue being considered.

7. Where an application is complex and contains multifaceted issues and approval by the chairperson the applicant may be granted additional time.
8. Persons speaking at public hearings are respectfully requested to keep comments brief, not to exceed three (3) minutes, and to address only those issues pertinent to the matters advertised for public hearing.
9. After the public hearing has been closed, the applicant or representatives of the applicant will be allowed fifteen (15) minutes to address any issues identified by the public where the Planning Commission needs clarification.
10. Written copies of statements made at public hearings are requested but not required.

C. Work Session Protocol

1. The Commission may hold work sessions at which the procedural rules of these bylaws shall not apply.
2. Notice of work sessions shall be sent to the Commissioners at least five days prior to the session.
3. The Chairperson shall lead the session and require orderly behavior and discussion.
4. No actions shall be taken or motions made at a work session.
5. Work sessions shall be open to the public. Public comment is not required at a work session.
6. The Clerk shall keep record of all work sessions and items discussed.
7. Work sessions may be joint sessions including participation by other Town employees, departments, and Town Council members.

VIII. Special Rules

A. Attendance:

Commission members are encouraged to attend all meetings (regular and special), including work sessions, and to notify the Secretary or the Chairperson if they will be unable to attend a meeting. Commission members who have missed three (3) consecutive regular meetings without contacting the Chairperson or Secretary will be notified by letter of their absences. A copy will be sent to Town Council. If more than three consecutive meetings are missed without contacting the Chairperson or Secretary, this will result in recommendation to Town Council by the Planning Commission to

remove the planning commissioner.

B. Objectivity:

Commission members shall make every attempt to remain neutral and uncommitted on issues before coming to the Commission until said issues have been presented to the Commission and the proponents and opponents concerning the same have been heard. Additionally, Commission members shall not represent any applicant before the Commission.

C. Conflict of Interest:

As “officers” of the Town of Colonial Beach, Commission members shall be directed by the Conflict of Interests Act.

D. Speaking:

All Commission members as well as staff members or the public in attendance, shall not be allowed to speak on any matter before the Commission without first gaining recognition of the Chairperson.

E. Training:

The Commission’s goal is to have all of its members to attend and complete training sessions sponsored by the ***Citizens Planning Education Association of Virginia (CPEAV)/Plan Virginia*** in order to more effectively carry out their responsibilities to meet the objectives of the Commission. Additionally, each month pending available time the Planning Director will have the Planning Manager present a topic for a mini-training session at the conclusion of other Commission business.

IX. Modification of By-Laws:

Modification of these By-Laws shall be approved by the Commission in regular session. Proposals for modification shall be submitted to the Commission at a regular meeting and shall be acted upon at the next regular meeting. An affirmative vote of two-thirds of the entire Commission shall be required to modify the By-Laws.

These by-laws have been adopted by the Planning Commission, all members thereof present on this ninth (9th) day of January 2014.

Chair
Commission

Brendan McHugh, Clerk of the

Chairwoman Schick then explained that the by-laws were reviewed in January and adjustments were made according to Planning Commission input. Mr. McHugh then explained that the by-laws could be adopted at the regular meeting in April.

Item 6: Discussion on Robin Grove Park and Sign Ordinance

Chairwoman Schick then explained that she had attended a council meeting where both of these topics were discussed. She explained that there was public concern about the temporary signs that are placed on public property. She explained that the signs are not permitted and need to be enforced. Mr. McHugh explained that he would work on enforcement. Chairwoman Schick then explained that the sale of Robin Grove Park could be a topic that the Planning Commission could be involved with concerning rezoning.

Item 7: Adjourned

There was no further business. The meeting was adjourned at 5:05 p.m.