

Town of Colonial Beach Planning Commission Minutes

Date: Thursday, May 7, 2015 – Town Center, 22 Washington Avenue

Time: 5:35 p.m.

Present: Robin Schick, Chairwoman
Maureen McCabe, Vice Chairwoman
Robert Busick
Diana Clopton
Pam Tolson

Absent: John Reinhart, late

Staff: Planning and Zoning Administrator, Brendan McHugh

Item 1: Call to Order

Chairwoman Schick called the meeting to order at 5:35 p.m.

Item 2: Approval of Minutes from the February and March 2015 Special Meetings and the April 2015 Regular Meeting

Chairwoman Schick asked for a motion to approve the minutes from the February and March 2015 Special Meetings and the April 2015 Regular Meeting. Vice Chairwoman McCabe made the motion to approve the minutes. Member Busick seconded the motion.

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

That the minutes of the February and March 2015 Special Meetings and the April 2015 Regular Meeting be approved.

Item 3: Public Comment on Planning Commission Matters Not on the Agenda

Chairwoman Schick asked if there was any public comment on Planning Commission matters not on the agenda. There was no comment.

Item 4: Introduction of New Staff Member Tori Haynes and Community Planning Liaison Emery Nauden

Chairwoman Schick explained that new staff member Tori Haynes was absent due to illness, and would be introduced at the next Planning Commission meeting. Chairwoman Schick recommended stopping in the Planning Office to meet Mrs. Haynes.

Chairwoman Schick introduced new Community Planning Liaison Emery Nauden. Mr. Nauden is a representative of the Naval Bases locally and would like to become a non-voting member of the Planning

Commission. Chairwoman Schick explained that Mr. Nauden and the Planning Commission would be a mutually collaborative resource.

Mr. Nauden introduced himself as the Community Planning Liaison Officer for South Potomac. He represents both Dahlgren and Indian Head, and is responsible for all encroachment and land use issues. Mr. Nauden explained that they have their own Community Planning session, and that he is the liaison to Colonial Beach and other local communities. There are about seventy people in the same role nationwide, all in the Navy. As Liaison, Mr. Nauden has a working relationship with Planning Commissions in a non-voting position, or some other creative position. Mr. Nauden reiterated that he and the Planning Commission will be mutually beneficial resources.

Mr. Nauden explained that he is a community planner by trade. He earned his planning degree at Florida State University and has been doing community planning for over a decade at the local, state, and federal levels. Mr. Nauden said he hopes to work with the Commission as a resource when needed. He then explained that his direct supervisor is Captain Mary Feinberg, Installation Commander for Southern Potomac.

Vice Chairwoman McCabe welcomed Mr. Nauden.

Chairwoman Schick asked if there were any questions for Mr. Nauden.

Q: Are there any issues that you see that you think may be of immediate concern?

Mr. Nauden: Not so much as a concern as an opportunity to work together. The JLUS – Joint Land Use Studies – that's one of the big things on my plate. That's actually one of the tools I use to inform the Installation Commander. So when the JLUS were completed I was given a copy, I sit down with her, we look at the implementation and recommendations in there, and it's my job to work with committees like this and try to get those pushed.

Q: And is our Mayor on that – Are you a part of that process?

Mayor Ham: Yes.

Chairwoman Schick: And they've been in contact already.

Mr. Nauden: There will be an Implementation Board created. A representative from Colonial Beach will be on it. It will be whoever you guys designate to be the point of contact. It's to go through the Joint Land Use Study, pick up on recommendations and find a way to implement them.

Chairwoman Schick then explained that Mr. Nauden would become a non-voting member of the Planning Commission, and that he is to be forwarded minutes and other information from the Planning Commission.

Item 5: Public Hearing on Agricultural District

Chairwoman Schick explained that this item was addressed at the previous meeting, but there was no vote because there was no quorum.

Mr. McHugh then presented the following staff report:

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT NAME: Article 10-Agricultural District	Town Council Meeting Date:	
Case Number: ZOA-01-2015 (Ord.661)	Applicant: Town	
Project Status: <input type="checkbox"/> Preliminary Sketch Application <input type="checkbox"/> Rezoning <input type="checkbox"/> Preliminary Plat Use <input type="checkbox"/> Conditional Use <input type="checkbox"/> Preliminary Final Plat Plans <input type="checkbox"/> Concept Plans <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: Approval as presented		
	Staff: B. McHugh	Date: 05-07-15

Prior Actions / Case History

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

BACKGROUND:

As the Commission is aware, the proposed zoning changes were presented at the November Planning Commission meeting. To date, no property in town is zoned in this district. This would apply if there was a rezoning or possibly an annexation.

DISCUSSION:

Staff reviewed the current Agricultural District and updated the ordinance according to the surrounding areas of Colonial Beach. Some of the uses were moved and some new uses were added to the district.

Like past amendments, we have utilized a table to show the specifications for bulk and area regulations and eliminated excess text. Additionally, we added Development Standards and Fencing Standards. We eliminated the section concerning the removal of trees because this section is already mentioned in the article concerning the Chesapeake Bay regulations. Staff also added the following definitions to Article 20: Private Airports, Golf Driving Range, Golf Course, and Farm Winery.

STAFF RECOMMENDATION:

In order to simplify, condense and update the Zoning Ordinance as well as make its administration more efficient and effective, staff recommends to the Planning Commission that this text amendment be sent forward to the Town Council with a favorable recommendation.

Chairwoman Schick opened the Public Hearing on the Agricultural District at 5:45 p.m.

Mr. Nauden of NSASP, South Potomac, asked for clarification on how a private airport could work with the surrounding restricted airspace.

Chairwoman Schick explained that nothing is currently zoned Agricultural in the Town.

Mr. McHugh explained that private airports would be considered a Conditional Use Permit, and would have to go before a public hearing and clear any FAA or military restrictions before it could go forward.

Chairwoman Schick then explained that the section would have to be rezoned completely, which is also a process.

Mike Looney of 3 Marshall Avenue asked if the Agricultural District would have any effect on the Community Garden.

Chairwoman Schick explained that the Community Garden is currently zoned Public Open Space and is zoned appropriately.

Mr. McHugh reiterated that nothing in Colonial Beach is currently zoned Agricultural.

Chairwoman Schick explained that the Agricultural District exists mainly for legal reasons. She confirmed that the Community Garden is not likely to be rezoned Agricultural.

Chairwoman Schick closed the Public Hearing on the Agricultural District at 5:48 p.m.

Member Busick asked if there needs to be any certain reference to the Chesapeake Bay Act Overlay.

Mr. McHugh explained that the Chesapeake Bay Act Overlay District is already in the Zoning Ordinance and applies to all of Colonial Beach.

Chairwoman Schick then read the following paper:

PLANNING COMMISSION PAPER

AT THE REGULAR MEETING HELD, THURSDAY, MAY 7, 2015 AT THE COLONIAL BEACH TOWN CENTER

This recommended adoption *amends Article 10-Agricultural District of the Colonial Beach Zoning Ordinance*. Additionally, Article 20, definitions will be amended with added or updated definitions. Whereas, the Colonial Beach Planning Commission finds that public necessity, convenience, general welfare and good zoning practice would be served by the recommending approval of Zoning Text Amendment (ZOA-01-2015, Ordinance 661);

Now therefore be it resolved that the Colonial Beach Planning Commission hereby recommends approval of Zoning Text Amendment ZOA-01-2015, Ordinance 661 and forwards the amendment to the Town Council with a favorable recommendation in accordance with §15.2-2200 of the *Code of Virginia, 1950* as amended.

MOVED BY: Vice Chairwoman McCabe **SECONDED BY:** Member Busick

	Aye	Nay
Robin Schick, Chairwoman	x	
Maureen McCabe, Vice Chairwoman	x	
Robert Busick	x	
Diana Clopton	x	
John Reinhart		
Pam Tolson	x	

ADOPTED BY _____ TABLED FOR _____

Item 6: Public Hearing on Breweries Amendment

Mr. McHugh read the following Staff Report:

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT		
PROJECT NAME: Breweries Amendment	Town Council Meeting Date:	
Case Number: ZOA-02-2015 (Ord.662)	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: Approval as presented		
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Staff: B. McHugh</td> <td style="width: 50%;">Date: 05-07-15</td> </tr> </table>	Staff: B. McHugh
Staff: B. McHugh	Date: 05-07-15	

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 and/or permitted by the proper national and state agencies concerning breweries.”

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. Staff recommends to the Planning Commission that this text amendment be sent forward to the Town Council with a favorable recommendation.

Chairwoman Schick opened the Public Hearing on the Breweries Amendment at 5:50 p.m.

There was no public comment.

Chairwoman Schick closed the Public Hearing on the Breweries Amendment at 5:51 p.m.

There was a discussion on waste management of the byproduct produced by breweries. Mr. McHugh agreed to do more research before the Town Council meeting.

Chairwoman Schick then read the following paper:

PLANNING COMMISSION PAPER

AT THE REGULAR MEETING HELD, THURSDAY, MAY 7, 2015 AT THE COLONIAL BEACH TOWN CENTER

This recommended adoption *amends the Colonial Beach Zoning Ordinance by adding Microbreweries, Large Scale Breweries, Commercial Nanobreweries and Home Nanobreweries.* Additionally, Article 20, definitions will be amended with added or updated definitions. Whereas, the Colonial Beach Planning Commission finds that public necessity, convenience, general welfare and good zoning practice would be served by the recommending approval of Zoning Text Amendment (ZOA-02-2015, Ordinance 662);

Now therefore be it resolved that the Colonial Beach Planning Commission hereby recommends approval of Zoning Text Amendment ZOA-02-2015, Ordinance 662 and forwards the amendment to the Town Council with a favorable recommendation in accordance with §15.2-2200 of the *Code of Virginia, 1950* as amended.

MOVED BY: Member Tolson **SECONDED BY:** Member Reinhart

	Aye	Nay
Robin Schick, Chairwoman	x	
Maureen McCabe, Vice Chairwoman	x	
Robert Busick	x	
Diana Clopton	x	
John Reinhart	x	
Pam Tolson	x	

ADOPTED BY _____ TABLED FOR _____

Item 7: Adoption of By-Laws

Chairwoman Schick called for a voice vote to adopt the 2015 Planning Commission By-Laws. It was unanimously resolved:

That the Town of Colonial Beach Planning Commission By-Laws 2015 be adopted.

In accordance with the new By-Laws, Chairwoman Schick requested that the Vice-Chairperson of the Planning Commission be in charge of reviewing the Planning Commission Minutes.

Chairwoman Schick then nominated Member Tolson to the Public Outreach Committee and Member Clopton to the Policy Committee. Both Members accepted.

Item 8: Discussion on Article 9 – Commercial Residential District, Article 18 – Supplementary Regulations, and Vacant Town Owned Properties

Chairwoman Schick explained that Articles 9 and 18 were amended and passed by the Planning Commission over a year ago, but never got passed by Council due to agenda delays and a change of Council members. She explained that it had been such a long delay that Town Staff asked the Planning Commission to re-review the Articles and re-recommend them to Council.

Chairwoman Schick noted that when reviewing the Articles there may be a place to include artisan goods in a residential Home Occupation service, as local artists have expressed interest in being able to sell their goods out of their house. Chairwoman Schick said she is aware that the current regulations do not allow goods to be sold from the home, but there should be research conducted on how to appropriately integrate artisan goods in a Home Occupation.

Vice Chairwoman McCabe expressed concern about adding another layer of regulation to artists selling on the open market.

Chairwoman Schick expressed concern about protecting the businesses that are already appropriately permitted and sell artwork commercially.

Vice Chairwoman McCabe expressed confusion over Home Occupations in a residential district.

Mr. McHugh clarified that no Home Occupation permit allows the sale of goods directly in the home.

Chairwoman Schick clarified that Home Occupations can provide services.

Mr. McHugh clarified that residents can be artists in their home with a Home Occupation, or have an art gallery in their home, but nothing can be sold from the home.

Vice Chairwoman McCabe asked how the Artisan Trail would work with the Home Occupation ordinance.

Chairwoman Schick explained that the Artisan Trail is a promotion, not part of an ordinance. She said that she wants the Artisan Trail to flourish, but also needs to protect existing businesses, and also legalize artists who may already be selling art from their homes.

Mr. McHugh confirmed the Artisan Trail is not going to be a zoning ordinance.

Chairwoman Schick suggested moving discussion of the Artisan Trail to Other Topics.

Chairwoman Schick then introduced the Vacant Town-Owned Properties document, which showed each parcel's location and zoning. Chairwoman Schick said the first step is to prioritize each parcel by importance and discuss one parcel per Planning Commission Meeting.

There was a discussion on whether the Elementary School and Water Tower properties had yet been deeded to the Town by the School Board.

Mayor Ham explained that the school board passed a resolution a few months ago authorizing to deed it over to the town, and that the town attorney is working with the school board to get the deeds straight. He said the school Chairman has authorized to sign the deeds over.

There was continued discussion on which entity owns the Water Tower field.

Chairwoman Schick suggested moving the Water Tower field to last priority, to give time to research the property.

Member Busick asked why Eleanor Park and Robin Grove were not included in the list.

Chairwoman Schick agreed and also asked about the Municipal Parking Lot across the boardwalk on Taylor Street and Wilder Avenue.

Mr. McHugh agreed to look into it.

Chairwoman Schick then asked about properties on Washington Avenue between Dennison and Boundary Streets, where the Community Garden and Playground are located. She clarified that they might not be included in the document since they are not in consideration for sale. Chairwoman Schick then asked for input from the Commission on prioritizing the parcels into an action plan.

Vice Chairwoman McCabe suggested grouping the Klotz Building, Old Town Hall, and Old Police Station into one item.

Chairwoman Schick agreed. She then recommended the Elementary School property as the first action item.

Member Reinhart asked if the Elementary School was a historical area.

Chairwoman Schick explained that the façade grant money cannot be used for the school because it is Town-owned and thus ineligible to participate in the façade restoration.

Mr. McHugh confirmed.

Chairwoman Schick explained the School property is to be sold, but the Planning Commission can make recommendations to the Council on how to move forward. She then summarized the following priority action list:

1. Elementary School Property
2. Klotz Building, Old Town Hall, Old Police Station
3. Municipal Parking Lot area
4. Water Tower and Town Hill

Member Busick asked about the approach.

Chairwoman Schick said the process would be similar to Eleanor Park. Staff will do a comprehensive study on each parcel and make a presentation highlighting its history and role in the community, along with the available options for its future. There will then be a series of discussions on the pros and cons of each option, culminating in a recommendation to Council from the Planning Commission.

Item 9: Other Topics

Chairwoman Schick re-introduced the Artisan Trail discussion.

Susan Tilt of 35 12th Street explained the origins of the Artisan Trail system in Virginia and how it will benefit the Northern Neck region by increasing tourism and boosting the economy. She explained that it is a permanent Trail, similar to a wine trail and other tourist trails. She then listed neighboring localities that are also participating. She explained that it already has the support of Lisa Hall and Jerry Davis of the Northern Neck Planning Commission.

Chairwoman Schick explained that Minor Home Occupations do currently allow for artists, sculptors, authors, composers, architects, photographers, and similar occupations. Art Studios are allowed under Major Home Occupations.

There was a discussion on the definition of “art studio.”

Mr. McHugh explained that Home Occupation guidelines prohibit on-premises sale of merchandise or materials.

There was a discussion on the definition of “merchandise.”

Chairwoman Schick explained that she is not trying to prohibit the sales, but is trying to find a way to allow home sales within the existing ordinance, as there cannot be a vote at this meeting.

Ms. Tilt conveyed a sense of urgency to make a decision. She said she understands if she has to get a business license, although most jurisdictions are not requiring a business license as part of the Artisan Trail.

Vice Chairwoman McCabe asked if Ms. Tilt collects taxes.

Ms. Tilt confirmed she does.

Chairwoman Schick reiterated that she wants to support the Artisan Trail, but due to the urgency expressed by Ms. Tilt, she is hoping to find a way to allow home sales under the current ordinance. Chairwoman Schick asked Ms. Tilt if the Artisan Trail artists are exempt from Home Occupation regulations in other jurisdictions.

Ms. Tilt said they were going in that direction.

Member Busick expressed concern over the Planning Commission making exemptions to regulations. He stated that it is an enforcement issue. He suggested the Planning Office call neighboring localities and ask how they are handling the Artisan Trail.

Mr. McHugh agreed.

Chairwoman Schick recommended a future Special Meeting if necessary. She agreed there needs to be research on how other localities are working with the Artisan Trail, so that the Town can cooperate cohesively.

Ms. Tilt agreed to give Mr. McHugh the contact information for the Artisan Trail’s Executive Director, Sherry Smith.

Member Busick recommended that Mr. McHugh also contact Jerry Davis of the Northern Neck Planning Commission.

Mr. McHugh agreed.

Vice Chairwoman McCabe asked about the time line.

Ms. Tilt said the trail would be operating by the end of the year.

Chairwoman Schick said that would be enough time to conduct research and have a special meeting.

Vice Chairwoman McCabe asked if each artist has an identifier.

Ms. Tilt said each artist has a metal sign. She then said the Chamber of Commerce was the first to give money to the Artisan Trail.

Chairwoman Schick recommended that the Chamber of Commerce show their approval for the Artisan Trail in writing to the Planning Commission.

There was no further discussion on the Artisan Trail.

Vice Chairwoman McCabe then introduced the topic of the Capital Improvement Plan (CIP). She explained that the CIP will be integrated into future Planning Commission meetings as a regular agenda item, to ensure accountability and cohesiveness with the Comprehensive Plan. She explained that there is supposed to be fifteen minutes of Comprehensive Plan review at each Planning Commission meeting. She then noted that the Commission received a draft copy of the Annual Report but never received a final copy of the Annual Report.

Mr. McHugh agreed to look into it.

Vice Chairwoman McCabe then explained that she and Member Busick had brought a list of issues that had been studied at the conference they attended. She explained that they had started to answer questions on that report but stopped after issue number two.

Member Busick recommended that the Commission regroup and start with number one again.

Vice Chairwoman McCabe agreed.

Chairwoman Schick agreed. She said that the fifteen minute Comp Plan review was delayed due to the CIP issue, but now it can get back on track. She confirmed that it will be on the agenda for next month.

10. Adjournment

There being no further business the meeting was adjourned at 6:40 p.m.