

Town of Colonial Beach Planning Commission Minutes

Date: Thursday, June 4, 2015 – Town Center, 22 Washington Avenue

Time: 5:35 p.m.

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

Absent: John Reinhart

Staff: Brendan McHugh, Planning and Zoning Administrator
Tori Haynes, Planning Assistant

Item 1: Call to Order

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

Item 2: Approval of Minutes from the May 2015 Regular Meeting

Chairwoman Schick asked for a motion to approve the minutes from the May 2015 Regular Meeting. Vice Chairwoman McCabe made the motion to approve the minutes. Mr. Busick seconded the motion.

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

That the minutes of the May 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: Committee Reports

Chairwoman Schick asked for Committee Reports on the Capital Improve Plan (CIP).

Vice Chairwoman McCabe introduced the updated CIP timeline. She explained that the timeline starts in August each year. It will be part of the Planning Commission agenda so that they can keep abreast of the Capital Improvements that are going on. She then explained the progress report and the application form process, which will be used by department heads to have a project approved by Planning Commission. A follow-up progress report would occur in May to further review the status of projects in relation to the CIP. She explained that this is an improved stream-lined process that serves the Planning Commission better than in the past.

Chairwoman Schick asked who the environmental inspector is.

Mr. McHugh replied that it is Charlie Wrightson, who reviews applications if there is an environmental impact.

Ms. Tolson asked if this is the first time this process has been implemented.

Vice Chairwoman McCabe confirmed that it is, so this August will begin the projects for the next budgeting year. She further explained that the 2009 plan was not put into effect, so Mr. McHugh summarized all that had or hadn't been completed. Department heads would be filling out the forms for the first review in August.

Chairwoman Schick asked if staff will be resubmitting items that were already on the antiquated version of this CIP.

Vice Chairwoman McCabe confirmed that they would.

Mr. Busick added that it would then go to Town Council as part of their budgeting process.

Chairwoman Schick clarified that it would go to Council in November.

Vice Chairwoman McCabe said the timeline would be useful for everyone to keep readily in sight so that we know exactly what we're doing each month.

Chairwoman Schick asked if the August meetings are just between the department heads, or also with the CIP committee?

Mr. McHugh explained that in August, applications would be handed out to department heads to fill out. In September they would turn in the forms to the Planning Commission to review.

Linda Farneth of The Journal asked why the forms aren't submitted to Council in May when they do their budget?

Chairwoman Schick clarified that it goes to Council in November for the following year's budget.

Vice Chairwoman McCabe added that this process will stay ahead of the budget.

Chairwoman Schick further explained that the process starts in August and goes to Council in November. Council has until December to make a ruling or proceed, and by January hopefully it will help direct the budget.

Susan Pietras-Smith of the Westmoreland News asked if the CIP has been updated for the next five year cycle.

Vice Chairwoman McCabe and Chairwoman Schick responded that this is part of that process.

Vice Chairwoman McCabe noted that there will also be time for public comment on the CIP.

Chairwoman Schick then asked for a report from the Public Outreach Committee.

Ms. Tolson said that she and Mr. Reinhart hadn't had a chance to officially meet yet, but they have been discussing some topics through email that they want to put on the agenda. They want to make the community more aware of this new process, and where/how public input can be provided.

Chairwoman Schick asked if there could be a plan of action by next month.

Ms. Tolson confirmed that was their plan.

Item 5: Staff Report on Article 26, Home Occupation Amendments

Chairwoman Schick asked why the Home Occupation amendments were made to current Article 26 instead of future Article 18, which will replace Article 26.

Mr. McHugh explained that Article 26 is the current ordinance. Since the Artisan Trail participants want the Home Occupation amendments passed quickly, he wanted to amend Article 26 first and then amend Article 18.

Chairwoman Schick explained that the point of Article 18 is to eliminate Article 26. The proposed amendments should be included in Article 18, which already includes the updated changes. Otherwise Article 18 will continue to get pushed back and it defeats the purpose of the consolidation that Planning Commission worked on last year.

There was a general discussion on how to formally proceed with Article 18 before it goes to Council.

Chairwoman Schick reiterated her concern with amending Article 26, which would hold back Article 18. Before it goes to Public Hearing, the amendments need to go in Article 18.

There was another general discussion about procedures for Article 18.

Mr. McHugh agreed to move all Article 26 changes to Article 18 before the Public Hearing next month.

Mr. McHugh then presented the following Staff Report:

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT NAME: Article 26-Home Occupation		Town Council Meeting Date:	
Case Number: ZOA-03-2015		Applicant: Town	
Project Status:		Owner: N/A	
<input type="checkbox"/> Preliminary Sketch Application	<input type="checkbox"/> Rezoning	Location: N/A	
<input type="checkbox"/> Preliminary Plat Use	<input type="checkbox"/> Conditional	Voting District: N/A	
<input type="checkbox"/> Preliminary Final Plat Plans	<input type="checkbox"/> Concept	Parcel Number: N/A	
<input type="checkbox"/> Final Plat	<input checked="" type="checkbox"/> Text Amendment	Total Site Area: N/A	
<input type="checkbox"/> Vacation	<input type="checkbox"/> Comp Plan Amendment	Site Area Developed: N/A	
Existing Structures: N/A		CBPA: N/A	
Flood Hazard: N/A		Additional Site Date: N/A	
Current Zoning: N/A			
Action Request: Review		Staff: B. McHugh	Date: 06-04-15

PRIOR ACTIONS / CASE HISTORY:

Rezoning: N/A
Conditional Use Permit: N/A
Variances: N/A
Subdivisions: N/A
Other Data: N/A

BACKGROUND:

Colonial Beach is currently in the process of joining the Northern Neck Artisan Trail Network. The Northern Neck Artisan Trail is part of the Artisan Trail network of Virginia which is supported by the Artisans Center of Virginia. The Artisans Center of Virginia (ACV) is a non-profit 501(c)3 corporation that develops and implements systems and strategies to improve economic outcomes for the Virginia artisans and their communities while assisting them in promoting their local artisan culture. The trail network offers a unique opportunity to form strategic alliances with artisans, venues, galleries and retailers in order to enhance regional tourism activity. Each artist that participates can create their own business schedule by listing hours or simply opening "by appointment only." Currently, there are artists in Colonial Beach who are interested in using their homes as locations for the Artisan Trail.

DISCUSSION:

The current Colonial Beach Zoning Ordinance allows for artists and sculptors as a by-right use for Minor Home Occupations. For any artist that would like customer or client contact, a Major Home Occupation would be required. Major Home Occupations need a Conditional Use Permit in the R-1 and R-2 Districts. The ordinance also states that "No on premises sale of merchandise, equipment or materials, outside store or display shall be permitted." This would mean that the artists participating in the Artisan Trail would need a Conditional Use Permit to have customer/client contact and could not sell art out of their homes.

STAFF RECOMMENDATION:

Staff researched different localities in the network. Through studying the different localities, the current zoning ordinance and the Artisan Trail network, staff makes the following recommendations:

- To amend the Home Occupation Article by eliminating the uses "sculptors, photography studios, authors and composers", then defining the term "artists" as "A person regularly engaged in the production of art or creative work either written, composed, created or executed for a "one of a kind, limited" production. Such use may include the fine and applied arts including painting, traditional and fine crafts, sculpture, writing, creating film or animation, the composition of music, choreography and the performing arts."
- To amend the term "No on premises sale of merchandise, equipment or materials, outside storage or display shall be permitted" and replacing with "No on premises sale of merchandise, equipment or materials except for "one of a kind, limited" productions that are not mass produced and are handcrafted on premises." This would be further amended by adding "No on premises outside storage or display shall be permitted."
- Amending the section, "No advertising sign shall be displayed" and replacing with "Advertising signs shall follow the provisions of section 12-4.B of the Colonial Beach Zoning Ordinance and shall be placed in a window of the home and removed at the end of the business day."
- The ordinance already allows for the use of artists in the home with customer/client contact with a Major Home Occupation which requires a Conditional Use Permit. By leaving this section in the ordinance, the artists would need to go before both Planning Commission and Town Council to determine the conditions needed for this type of business in the home.

Staff believes that these recommendations will help accommodate the Artisan Trail Network while promoting and improving the health, safety and general welfare of the people of Colonial Beach.

Chairwoman Schick opened the discussion on the Home Occupation amendments.

Ms. Clopton asked about signs only being allowed during business hours. She explained that Artisan Trail signs stay up permanently.

Mr. McHugh explained that the Sign Ordinance currently allows signs with a total area of 4 square feet or less without a permit. However, no signs are currently permitted with a Home Occupation, so this allows artists to display their signs when they have people on the Trail.

Ms. Clopton clarified that artists could have people on the trail 24/7.

Susan Tilt of 35 12th Street confirmed this is the case.

Mr. McHugh explained that he saw on the Artisan Trail brochures that a lot of people are going by appointment only, or they have specific hours. He asked Ms. Tilt if she is going to be open 24/7.

Ms. Tilt said that it's up to each individual artist. She explained that the sign is usually displayed on the artists' property, on a fence or some permanent place that visitors can easily see.

Ms. Clopton said the sign is a very important part of the trail, because every sign that goes up means more people are involved. Participants need to be able to keep their signs up all the time.

Chairwoman Schick suggested keeping the section that says "Advertising signs shall follow the provisions of Section 12-4.B of the Colonial Beach Zoning Ordinance," and removing "removed at the end of each business day."

Mr. McHugh agreed.

Chairwoman Schick explained that 12-4.B says that a sign less than 4 square feet can be installed as long as a bunch of signs aren't installed to make a bigger sign.

Mr. McHugh said that this would apply to all Home Occupations, not just the Artisan Trail.

Chairwoman Schick said she understood.

Ms. Clopton asked if an exemption could be made for the Artisan Trail.

Chairwoman Schick and Mr. Busick said they did not like that idea.

Mr. Busick suggested making the permissible size smaller than 4 square feet.

Ms. Tilt presented a sample sign for the Commission to review.

There was a discussion on the appropriate sign size for Home Occupations.

Mr. McHugh explained that sign amendments would be an amendment to the Sign Ordinance, not the Home Occupation ordinance. He suggested defining a specific sign size within the Home Occupation ordinance.

Chairwoman Schick said it should technically be in the Sign Ordinance.

Vice Chairwoman McCabe agreed and said the two ordinances should match.

Chairwoman Schick recommended leaving it at 4 square feet and removing the second part, with a period after the word "ordinance."

Vice Chairwoman McCabe agreed.

Ms. Clopton asked if 26-6.D (“No electrical or mechanical equipment shall be employed other than machinery of equipment customarily used in the home or associated with a hobby or avocation”) would be restrictive for some artists.

Chairwoman Schick replied yes.

Ms. Clopton asked if there was a way to amend that.

Chairwoman Schick said she didn’t want to amend it. She explained that businesses can be allowed in residential districts, but at the same time they should not be disruptive.

Ms. Clopton reiterated that there should be a legal way to allow artists to use specialized equipment that is an integral part of the production process.

Chairwoman Schick clarified that it’s not necessarily illegal to use equipment, but the ordinance prevents industrial arts such as heavy metalwork that would require professional studio. The ordinance will not limit the average artist.

Vice Chairwoman McCabe said it’s protecting the neighbors.

Chairwoman Schick added that it’s also protecting the residential zoning.

Mr. Busick said 26-6.D doesn’t seem too restrictive because of the clause “normally associated with a hobby or avocation.”

Chairwoman Schick questioned whether “D” is included in the Article 18 revisions.

Ms. Tolson accessed Article 18 on an electronic device.

Mr. Busick asked which localities were researched by staff for Home Occupations.

Mr. McHugh listed Fredericksburg, New Market and Albemarle County, among others.

Mrs. Haynes explained that New Market was the most restrictive, as they did not allow any on-premises sales for any Home Occupation in a residential district. Albemarle’s Home Occupation amendments were not necessarily relevant to Colonial Beach due to the rural nature of the County, versus Colonial Beach’s residential density. She explained that staff tried to meet in the middle and make the Artisan Trail possible in residential zones, but heavy arts should be encouraged to find a commercial space.

There was a general discussion on metal sculptors.

Chairwoman Schick explained the other point of the ordinance is safety. She said some specialist equipment may require an inspection.

There was a discussion on the conversion from Article 26 to Article 18.

Ms. Farneth asked if the Articles are online.

Mr. McHugh said it hasn’t been passed yet.

There was a discussion on Article 18's revision history.

Ms. Tilt asked about the permitted size for studio space. She explained that some artisans' studios are larger than their house, and hers is 800 square feet.

Mr. Busick asked if there is an inspection in the Home Occupation permitting process.

Mr. McHugh explained that Major Home Occupations go through Planning Commission and Town Council.

Chairwoman Schick said the applicant submits a plan of their house and the area that is involved. She asked if the inspector actually goes out.

Mr. McHugh said the inspector does not go out, but a floor plan has to be provided. He said there is also a questionnaire.

There was a general discussion about the size of homes.

Chairwoman Schick explained that if they get a Conditional Use Permit for a Major Home Occupation, it can still be approved. Staff can approve Minor Home Occupations, and for CUPs the Commission can assess the situation and allow for a larger studio if it is suitable.

Mr. Busick asked about preventing commercial people in residential areas that go beyond other provisions than just square footage.

Chairwoman Schick reiterated that they have to get a Conditional Use Permit anyway, so each situation can be evaluated as a whole.

Ms. Farneth asked isn't the purpose of zoning to control the impact on the environment, such as parking spaces, and not so much safety?

Chairwoman Schick clarified that zoning protects the welfare of the community, safety-wise and health-wise, not just parking.

Mr. Busick reiterated safety and well-being.

Chairwoman Schick asked if everyone could hear her.

Ms. Farneth said she could hear everyone except the new staff member.

Chairwoman Schick introduced new staff member Tori Haynes.

Item 6: Discussion on PC Issues, Annual Report, and Comprehensive Plan

She then moved the discussion to Planning Commission Issues and Annual Report. She introduced the Planning Commission Area of Study, with the issues and questions Ms. McCabe and Mr. Busick brought back after attending the class. She said some of the questions on the Area of Study coincide with the Public Outreach Committee. She proposed a work session to review it.

The Commissioners agreed.

Chairwoman Schick introduced to the Annual Report. She commended the Commissioners for being a cohesive group. She said we're still awaiting Town Council action on Article 18 and VDOT.

Mr. McHugh clarified that the VDOT action is for a Transportation Chapter in the Comp Plan.

Chairwoman Schick asked if there is a deadline.

Mr. McHugh said he didn't think so, but he would look into it.

Chairwoman Schick asked if we got somebody to work with the Northern Neck Planning District.

Vice Chair McCabe asked if we developed the Housing Chapter.

Mr. McHugh explained that there's a grant for the Housing Chapter, and that staff is in the process right now.

Vice Chair McCabe asked if the By-Laws got approved.

Mr. Busick confirmed that they did.

Chairwoman Schick explained that they will be on the next year's report.

Mr. Busick said he liked Case Numbers CPA-01,02,03,04-2014 on Page 3. He asked when the systematic review will begin.

Chairwoman Schick replied technically today. She said that the way in which the Comp Plan was previously reviewed started at the beginning, with recommendations on how to update it chapter by chapter, much like an article.

Mr. Busick said that he attended a work session in Fredericksburg as part of the training. Their systematic review included outreach to the community and getting more input from citizens.

Chairwoman Schick recommended starting with Chapter 1.

Vice Chair McCabe recommended starting with the Implementation Chapter first, because it shows what things have been done and what still needs to be done.

Chairwoman Schick agreed. She asked if there were any other topics to discuss.

An audience member from King George asked about the Planning Commission training because he is about to start the training.

Vice Chair McCabe and Mr. Busick explained the training process.

Item 7: Adjournment

There being no further business the meeting was adjourned at 6:30 pm.