

Town of Colonial Beach Planning Commission Minutes – Work Session

Date: Thursday, August 20, 2015 – Town Center, 22 Washington Avenue

Time: 5:30 p.m.

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

Absent: None

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

Item 1: Call to Order

Chairwoman Schick called the meeting to order at 5:32 p.m.

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

Ms. Tolson said there was a mistake on the July 2015 Regular Meeting minutes concerning the discussion of the Fishing Pier Improvements.

Ms. Haynes agreed to look into it.

Chairwoman Schick asked for a motion to approve the minutes of the July 2015 Regular Meeting, as amended. Vice Chairwoman McCabe made the motion to approve the minutes. Ms. Clopton seconded the motion.

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

That the minutes of the July 2015 Regular Meeting minutes be approved, as amended.

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 the Committee Report on the CIP.

Mr. McHugh explained that staff had recently met to discuss the upcoming CIP applications.

Vice Chairwoman McCabe asked if the Director of Public Works would be here.

Mr. McHugh replied that he did not know.

Ms. Clopton asked if the applications would go to Planning Commission before the Town Manager.

Mr. McHugh explained that the applications will be discussed with staff, including the Town Manager, and then will be sent to Planning Commission.

Vice Chair McCabe asked Mr. McHugh if the trash truck that was on this year's budget actually got purchased.

Mr. McHugh said he did not know, but he would find out once the CIP applications are submitted.

Chairwoman Schick recommended Mr. Busick to the Public Outreach Committee following Mr. Reinhart's resignation from the Planning Commission.

Mr. Busick accepted.

There was a general discussion on the legal protocol between Town Council and Planning Commission, as per the Town Attorney's counsel.

Item 5.1: Discussion on Article 9 Commercial Residential (Ordinance 641)

Mr. McHugh read the following Staff Report concerning Article 9 Commercial Residential/Ordinance 641:

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT		
PROJECT NAME: Article 9, Commercial Residential Amendment	Town Council Meeting Date:	
Case Number: ZOA-04-2015/Ordinance 641	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: N/A	
	Location: N/A	
	Voting District: N/A	
	Parcel Number: N/A	
	Total Site Area: N/A	
	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: 08-20-2015

PRIOR ACTIONS / CASE HISTORY:

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

BACKGROUND:

The Planning Commission reviewed and recommended amendments to the Commercial Residential (CR) District in October of 2013. Unfortunately, staff reviewed the amendments since then and found that the some of the original recommendations from the Planning Commission were not properly advertised.

DISCUSSION:

The following requested changes from the Planning Commission were not advertised:

- Fitness center/Gym should be listed under Personal Service Establishments.
- Golf Cart, Moped, Canoe, and Kayak Rental should be listed under Recreational or Outdoor Equipment Rental.

- Government Offices, Libraries, and Public Facilities should be listed under Government Facilities in Permitted Uses.
- Assisted Living Facility and Nursing Homes should be combined into Assisted Living Facility/Nursing Home.
- The sign setback should be changed from five to two feet.
- Government Offices as well as Accessory Structures should be stricken from Permitted Uses.
- Yard Sales should be added to Accessory Uses.
- Dwelling Unit should be added to Accessory Uses.
- Dwelling Unit should be added to Article 20 Definitions as: *Dwelling Unit: One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen; except hotels, boarding houses, lodging houses, tourist cabins, automobile trailers, recreational vehicles, campers, motels and rooming houses.*
- Medical and Veterinary Facilities should be added as a Conditional Use.
- The term “excluding adult bookstores” should be stricken from Conditional Use and “Adult Business” should be added as a Conditional Use. This will keep an Adult Business from being categorized as a Retail Establishment, as well as give the Town the chance to review impacts before on is permitted.

In reviewing the changes that needed to be made, staff also makes the following recommendations:

The following definitions need to be added to Article 20 Definitions:

- **Recreational/Outdoor Equipment Rentals:** A facility used for the sale and rental of minor recreational and outdoor equipment such as kayaks, canoes, mopeds, and golf carts.
- **Government Facilities:** A governmental facility or land area used exclusively for public use and benefit. Examples include but are not limited to: water/sewer pumps, water/sewer lines, meters, streets, sidewalks, drainage structures, administrative offices, police station/office, meeting rooms, libraries, parks and playgrounds, and similar facilities.
- **Adult Businesses:** Any commercial establishment which features the depiction, description or display of “specified anatomical areas” or “specified sexual activities” to the degree specified in the text. Adult establishments include:
 - Adult bookstores;
 - Adult eating or drinking establishments;
 - Adult theaters;
 - Other adult commercial establishments, or any combination of the above.

CONCLUSION:

Staff believes that by adding these advertised provisions and the requested provisions listed above, it promotes public health and safety and streamlines the zoning requirements for this district.

STAFF RECOMMENDATION:

After the Planning Commission considers these changes and provides staff with any additional recommendations, staff recommends that the Planning Commission vote on the amendments at the regular September Planning Commission Meeting.

Chairwoman Schick and Mr. McHugh explained that previous amendments to Article 9: Commercial Residential were advertised incorrectly. Additionally, new amendments had since been added to Article 9. The entire article will be re-advertised with the proper amendments in time for the next Planning Commission Regular Meeting in September, where it will go before a Public Hearing and would be eligible for a vote to pass it on to Town Council.

Ms. Clopton asked when it will go to Council.

Mr. McHugh said it would go before a Work Session in October, and the Regular Meeting in November.

Ms. Clopton asked about scrap yards/junk yards in the ordinance.

Mr. McHugh explained that a definition for “junk yard” needed to be added.

Chairwoman Schick identified incorrect article number references throughout Article 9. References to “Storage of Inoperable Vehicles” should be Article 13 instead of Article 18. She suggested doing a comprehensive proofread to remove other incorrect references to Article 18.

Item 5.2: Discussion on Article 18 Supplementary Regulations (Ordinance 649)

Mr. McHugh presented the following Staff Report on Article 18:

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT	
PROJECT NAME: Division of Article 18, Supplementary Regulations	Town Council Work Session Date: 07-23-2015
Case Number: ZOA-03-2015/Ordinance 649	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: N/A
	Location: N/A
	Voting District: N/A
	Parcel Number: N/A
	Total Site Area: N/A
	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: First Read	Staff: B. McHugh Date: 08-20-2015

PRIOR ACTIONS / CASE HISTORY:

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

BACKGROUND:

As the Planning Commission is aware, amendments to Article 18 – Supplementary Regulations were passed on to the Town Council with a favorable recommendation at the July 2015 Planning Commission meeting. Those amendments repealed Article 18 Miscellaneous, Article 24 Landscaping, Article 26 Home Occupations, and Article 13 Parking. The contents of those articles were streamlined and enhanced with the new Article 18 – Supplementary Regulations.

DISCUSSION:

The Town Council reviewed the amendments at the July Work Session. They made a few changes and passed the article back to the Planning Commission for review. The revisions that were made are as follows:

- The article was divided back to the original four articles (Article 13 Parking, Article 18 Miscellaneous, Article 24 Landscaping, and Article 26 Home Occupation) for easier navigation within the zoning ordinance. The proposed amendments were still carried over to the divided articles.
- The section stating, "Electrical extension cords shall not be used to provide power to these types of units" from section 13-1.C.6, concerning recreational vehicles was removed. This section can be enforced through the Virginia Statewide Fire Prevention Code.

STAFF RECOMMENDATION:

Staff believes that that by supporting these revisions, it promotes public health and safety and creates a more navigable ordinance. After the Planning Commission considers these changes and provides staff with any additional changes, staff recommends that the Planning Commission authorize advertisement for the September Planning Commission meeting.

Chairwoman Schick explained that Town Council members from several years ago had asked staff to review and update Article 18 to incorporate other articles deemed minor/supplementary. Planning Department Staff and the Planning Commissioners consolidated Articles 13, 18, 24, and 26 into a newly revised "Article 18, Supplementary Regulations." This version was sent to Town Council in July 2015. The current Town Council members requested Article 18 to be separated into the original Articles to make the ordinance more navigable.

Chairwoman Schick suggested taking time to re-review the newly separated Articles before sending them back to Council.

The Commissioners expressed concern about re-reviewing the Articles one at a time, as it could take even longer to get them passed through Council.

Chairwoman Schick expressed concerned about the extensive revision history of the Articles, and wanted to ensure the newly separated Articles would be accurate. She suggested pushing Article 26 Home Occupations first, along with Article 9, at the September meeting.

Ms. Clopton suggested having the remaining Articles ready by November.

Item 5.3: Discussion on Article 26 Home Occupations

Ms. Clopton expressed concern that Article 26 as amended would insufficiently support Artisan Trail participants.

Ms. Haynes explained that Staff modeled Article 26 after ordinances from equivalent residential districts in other Artisan Trail localities.

There was a discussion on permissible signs related to Home Occupations. Ms. Clopton explained that the Commercial Residential district allows a sign two feet from the right of way, while the proposed Article 26 amendment requires signs to be mounted on the principal structure (Article 26-3.3.k), which is too far from the road. She asked if Article 26 could follow the same sign provisions as Article 9.

The Commissioners and Staff agreed.

Ms. Clopton expressed concern about Minor Home Occupations only allowing client contact on a by-appointment basis. She explained most artists want to stay under a Minor Home Occupation, but can't if client contact is by-appointment only.

Mr. McHugh clarified that any amendments to the Home Occupation ordinance would affect all Home Occupations, not just Artisan Trail participants. He expressed concern about allowing unregulated traffic for all Minor Home Occupations.

Ms. Haynes explained that full client contact would be permissible under a Major Home Occupation, which requires a Conditional Use Permit (CUP). The CUP process includes a Public Hearing before Planning Commission and Town Council.

Mr. McHugh reiterated that the Home Occupation ordinance cannot just apply to the Artisan Trail.

Chairwoman Schick said the Conditional Use Permit process will help mediate concerns about businesses in residential districts before they can become a problem. She noted that the cost of CUP is less than leasing a commercial retail space.

Mr. McHugh noted that the current Home Occupation ordinance does not allow client contact of any kind.

Ms. Clopton expressed concern that some Home Occupations, such as a nano-brewery, would be more intense than the Artisan Trail yet still were permissible. She expressed concern that the ordinance is inconsistent.

Mr. McHugh reiterated that anything permissible as a Major Home Occupation has to first go through the Conditional Use Permit process. If a business is too intense for the district, those concerns can be addressed at a Public Hearing and conditions can be added to the permit.

Ms. Clopton reiterated her concern that the Home Occupation ordinance is inconsistent with the needs of the Artisan Trail. She explained that not all artists will be able to qualify as a Minor Home Occupation, and they may not be able to tackle the Major Home Occupation permitting process.

Chairwoman Schick called for a voice vote to move forward with Article 26 (including the sign revision in 26-3.3.k, as discussed):

McCabe: Aye
 Busick: Aye
 Clopton: Nay
 Tolson: Aye
 Schick: Aye

Item 6: Recommendation of the Re-Use of the Old Elementary School Property

Mr. McHugh read the following Staff Report:

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT		
PROJECT NAME: Future Use of the Old Elementary School		Town Council Work Session Date:
Case Number: N/A		Applicant: Town
Project Status:		Owner: Colonial Beach Schools
<input type="checkbox"/> Preliminary Sketch Application	<input type="checkbox"/> Rezoning	Location: Corner of Wilder and Douglas Avenues
<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:
<input type="checkbox"/> Final Plat	<input checked="" type="checkbox"/> Text Amendment	Total Site Area: 99,721 square feet, 2.34 acres
<input type="checkbox"/> Vacation	<input type="checkbox"/> Comp Plan Amendment	Site Area Developed: N/A
Existing Structures: Burnt school building, two trailers		CBPA: RMA
Flood Hazard: Lies partially in the AE Flood Zone		Additional Site Date: N/A
Current Zoning: R-2		
Action Request: Approval as Presented	Staff: B. McHugh	Date: 08-20-2015

PRIOR ACTIONS / CASE HISTORY:

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

BACKGROUND:

As the Planning Commission is aware, the Town Council requested that the Commission examine the potential future uses for the different vacant Town-owned properties throughout Town. The Planning Commission decided to examine the old elementary school as the first case study. At the July 2015 Planning Commission meeting, staff presented the Planning Commission with options on how to best market the site for sale.

DISCUSSION:

The following options were presented to the Planning Commission:

- **Concerning the current zoning options, the following ideas were presented:**
 - The current zoning for the property is R-2 which promotes single-family dwelling units and open areas. The district is established to protect and enhance the essential characteristics of residential communities and to promote a suitable environment for family life. The property can be subdivided into residential lots and sold.
 - Through a Conditional Use Permit, a Nursing Home/Convalescent Center could be permitted.
- **Concerning Rezoning Options, the following ideas were presented:**
 - Rezone the property to Commercial Residential. The western side of Washington Avenue is already zoned Commercial Residential. The Town could rezone the property which would be a fluid transition in that particular area. This would also give developers more options as well as promote walkability.
 - Rezone the property to Resort Commercial. The eastern side of Washington Avenue is zoned Resort Commercial. The Future Land Use Plan does not have a designation that is similar to Commercial Residential. A designation that most resembles Commercial Residential is Historic Resort Commercial. The current zoning designation that most resembles that designation is Resort Commercial. This option would also give developers more options as well as promote walkability.
 - Rezone the property to R-3. The R-3 district is designed to accommodate and foster high density forms of residential development. Provisions are made within this district for the mixed development of uses of both residential and non-residential nature within a single development site. This rezoning would promote more uses while keeping a generally residentially classification in the neighborhood.

STAFF RECOMMENDATION:

Staff believes that the best option for use of the old elementary school property is to rezone the property to Commercial Residential. Like what was stated earlier, the eastern side of Washington Avenue is already zoned Commercial Residential. This will just extend that zone slightly further west. Localities are moving toward this type of development throughout the country because it gives developers better and more creative options.

Staff recommends that the Planning Commission forward to the Town Council that the best option for the future development of the old elementary school is to rezone the property to Commercial Residential.

Chairwoman Schick led the Commissioners in a discussion/brainstorming session for the highest and best use of the elementary school property. The Commissioners agreed that rezoning the property to Commercial Residential (CR) would be the most appropriate option, as it would allow for more development potential than the current R-2 zoning. The Commissioners identified mixed-use development incorporating residential and year-round services as the primary development target. They recommended marketing the town’s four-season potential with permanent residents, rather than marketing the town as a seasonal resort town.

Chairwoman Schick then read the following paper:

PLANNING COMMISSION PAPER

AT THE WORK SESSION HELD THURSDAY, AUGUST 20, 2015 AT THE COLONIAL BEACH TOWN CENTER

Whereas, the Colonial Beach Planning Commission finds that public necessity, convenience, general welfare and good zoning practice would be served by recommending approval of the Marketing and Rezoning to Commercial Residential (CR) option for the re-use of the Old Elementary School Property.

Now therefore be it resolved that the Colonial Beach Planning Commission hereby recommends approval of the Marketing and Rezoning to Commercial Residential (CR) option for the re-use of the Old Elementary School Property and forwards the option 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:** Ms. Clopton

	<u>Aye</u>	<u>Nay</u>
Robin Schick, Chairwoman	x	
Maureen McCabe, Vice Chairwoman	x	
Robert Busick	x	
Diana Clopton	x	
Pam Tolson	x	

Item 7: Adjournment

There being no further business, the meeting was adjourned at 7:11 p.m.