

Town of Colonial Beach Planning Commission Minutes

Location: Town Center, 22 Washington Avenue

February 04, 2010 - 5:30 P.M

Present: David H. Coombes, Chairman
Ed Grant
Maureen Holt
Margaret McMullen
Kent Rodeheaver
Cynthia Misicka
Desiree Urquhart

Also Present: Val Foulds, Town Manager
Gary Mitchell, Director of Planning and Community Development
Andrea Erard, Town Attorney

CALL THE MEETING TO ORDER

Mr. Coombes called the February 04, 2010 meeting to order at 5:30 P.M. All Commission Members were present.

APPROVAL OF MINUTES

Mr. Coombes asked if the Commission Members all agreed with the changes that Ms. McMullen had proposed from the minutes of November 05, 2009. There was general agreement to approve these minutes as presented with the updates. Ms. Urquhart moved to approve both the January 07, 2010 minutes and the November 05, 2009 minutes. Ms. Holt seconded the motion. The minutes were approved.

DEVELOPMENT STANDARDS PUBLIC HEARING CONTINUATION

Mr. Coombes asked Mr. Mitchell to explain what the document was that he presented to the Commission that evening.

Mr. Mitchell explains that this past Tuesday the Town Manager and he had a conversation with the Town Attorney to review the standards. He explained that there were a number of issues that the Attorney had concerns with. He stated that these were the changes that she proposed in front of them tonight. He suggested that the Commission postpone their decision on this matter and allow him to redraft the document and bring it back to the Commission next month.

Mr. Coombes asked if the Commission wished to continue this public hearing until next month.

Ms. Erard stated that some of the changes were part of the rationale from the Planning Commission and asking if these were somewhere else in the code. She stated this was part of that. She stated that some of these things belong in the subdivision ordinance which is in desperate need of revisions.

Mr. Coombes reiterated that Ms. Erard had stressed at other meetings that the subdivision ordinance is in desperate need of updating and would be their next project.

Mr. Coombes asked Mr. Mitchell to come back with another table like he had done before.

Mr. Coombes expressed that the table format is very helpful and will be also for the Town Council to review.

Mr. Rodeheaver asked if they hadn't tabled this last time.

Ms. Urquhart stated that they had sent their suggestions to Mr. Mitchell.

Mr. Coombes stated that now the Town Attorney is suggesting that some of these things may belong in the subdivision ordinance. He stated that they had continued the hearing but did not table the whole thing.

Mr. Coombes explained to the Commission exactly what the documents were and that they represented updates that the Attorney had recommended.

Mr. Coombes stated that Mr. Mitchell is suggesting taking another month for him to update this.

Mr. Rodeheaver asked if they hadn't decided that they couldn't make this applicable to individual residents.

Ms. Erard stated that some of her suggestions were to remove some language and put it into the subdivision ordinance because it only applies to new subdivisions.

Mr. Coombes asked about number 17 and if he builds a house along an unpaved street and he is the only lot owner on that street that wants to build then how does he get a VDOT standard road.

Mr. Mitchell stated just like you do now when you have to extend the water sewer line you also have to build the road.

Mr. Coombes asked how can you build a road for example in Riverside Meadows that goes from Route 205 to the water and I happen to be the first to build on one of the lots. What size road do I have to build and to what standards.

Mr. Mitchell stated that they would have to build a road that meets the standards of VDOT.

Mr. Mitchell stated that the road would need to be built from where ever the existing paved road starts to the front of their house. But not throughout the entire subdivision.

Mr. Coombes stated that people will not build a home if they have to go from route 205 a fifth of

a mile down the road to where their lot is and build that road. He stated that this was absurd.

Mr. Mitchell stated that these were not intended to deal with Riverside Meadows. He stated these were to deal with new development.

Ms. Erard stated that one of the points of discussion that she raised was that she was not sure they have the ability to make somebody pave the roads in an existing subdivision. She stated that they do have the ability to make them pave the roads in a new subdivision. She stated that this was why she suggested moving it out of this general section and putting it in the subdivision ordinance.

Ms. Erard said that in terms of the roads this would not be applicable in Riverside Meadows.

Mr. Rodeheaver asked where in Town would this apply. Where would this new subdivision go?

Mr. Coombes replied the Wilkerson Farm. Ms. Holt stated that development was never built off of Lynnhaven.

Mr. Rodeheaver said this would be really rare.

Mr. Coombes stated that they needed to have something in place for when they subdivide Wilkerson Farm.

Mr. Coombes stated maybe with a boundary adjustment with the County.

Mr. Rodeheaver said they don't foresee that happening.

Ms. Holt stated they must have plans in place.

Ms. Misicka stated that if they had plans in place Riverside Meadows would not have these issues.

Mr. Rodeheaver stated he felt all of these things are in place and if there is a good reason to have it all in one section then he could go along with that.

Ms. Erard stated that the idea that she and Mr. Mitchell discussed was that they would have a new chapter devoted to development standards. These things talk about how far your shed can be from your house and how tall can it be. She said they are design oriented elements that are not in the current code. She stated that some things listed in here like Chesapeake Bay and Subdivision requirements should really be in those sections and then maybe cross referenced in here. She stated it is a good idea to have some sort of comprehensive guidelines. She said she supports this.

Mr. Rodeheaver stated he felt they should have something more important they should be doing.

Mr. Coombes asked that they all look at it over the next thirty days.

Ms. Erard said that Mr. Mitchell came here and saw that they had some pretty serious needs and was looking to find a band aid and she appreciated that. Ms. Erard stated that her take was after being here for awhile is that they have a tendency to put band aids on band aids on band aids. She said they really need to fix the wound.

She stated this was her and Mr. Mitchell's attempt to fix the wound.

Ms. McMullen asked if this didn't come as an emergency from one of the committees. She stated that this was what she had heard from Mr. Coombes.

Mr. Coombes stated this was correct and the emergency came from the public works committee. He stated it was primarily to address Riverside Meadows and now they were hearing that it was not applicable to Riverside Meadows.

Ms. Erard stated in terms of the roads.

Mr. Grant stated that he thought the Planned Unit Development included the roads.

Mr. Coombes asked that Mr. Mitchell come back with the newly drafted Article 30 at the next meeting.

There was general agreement to do this.

Mr. Rodeheaver said he would prefer to make a motion to table the whole thing because he stated this information was already found elsewhere in the ordinances. He stated it is a waste of time.

Mr. Grant asked if they could put Riverside Meadows to rest by saying the only way the roads could get paved is with a special tax district.

Ms. Erard stated there was that and she had recently become aware of the county establishing a transportation service authority and a jurisdiction of that would extend into Riverside Meadows.

Ms. Erard stated that Mr. Coombes has a copy of that draft ordinance that came from the County.

Mr. Coombes asked that Staff put this in all the Commission Members boxes.

Ms. McMullen stated that she thought Riverside Meadows had been discussed and decided on by the Town Council.

Mr. Coombes stated yes it had been and it just comes up when you start talking about zoning.

PUBLIC COMMENT

Dr. Peter Fahrney – Colonial Beach Foundation

Mr. Fahrney stated that they decided to postpone the Historic District event scheduled for February 20th. He stated that the Foundation had decided that maybe the timing was not right in regards to the citizenry of Colonial Beach. He stated the Commission will be one of first ones to be notified of the new date.

Mr. Coombes stated that when this date is decided on he hopes that the Commission Members will attend.

Mr. Fahrney stated the event was regarding the pros and cons of developing a historic district and conservation district.

OLD BUSINESS

- Maritime Commercial District discussion and update

Mr. Coombes stated they had an ad-hoc committee reviewing this. He stated that Mr. Grant was heading this committee up.

Mr. Grant stated he met with Mr. Mitchell on this.

Mr. Grant stated he was supportive of what Mr. Mitchell had presented.

Mr. Coombes stated it appeared to him that they had revised the C-1 and created a C-2 and revised the Maritime Commercial district. He asked to begin with reviewing the Maritime Commercial district.

Mr. Coombes stated that Mr. Mitchell was not suggesting that the Maritime be eliminated.

Mr. Mitchell stated right.

Mr. Mitchell stated that everything underlined was added.

Mr. Coombes asked if everybody was supportive of adding hotels and motels to the by- right section.

Mr. Mitchell explained that his reasoning for doing this was as a result of the meeting they had with property owners and it being one of their requests.

Mr. Mitchell stated single family attached dwellings, art/craft studios, hotels/motels and live/work units had all been added as permitted uses.

Mr. Mitchell stated they added a Maritime resort as a Conditional Use because one of the property owners down there suggested it and wanted it.

Mr. Mitchell stated that they tried to draft something that would give some things to the Commercial interests that wanted them but not give them the whole pot.

Mr. Grant stated that the Commercial properties are not going to be satisfied.

Mr. Grant expressed that the residents did not participate in the meeting.

Ms. McMullen expressed her concerns with Hotels/Motels and that they had reviewed this before and took into consideration traffic patterns and things like that and decided it was not a good idea as a permitted use.

Mr. Rodeheaver stated that they needed to stand up for what they thought was the right thing for this district. He asked what was wrong with doing that.

Mr. Grant reiterated the situation with the owners of the Parkers Restaurant Property and the fact that they threatened the Planning Commission with putting undesirable uses at this site. He stated this was the history of this.

Ms. Misicka stated that they not only had made some changes to permitted uses and conditional uses but they also put a set of development standards that addresses issues like setbacks, design structures and other core issues. She stated that it is not that the residents are opposed to the businesses. It is the things that come with the businesses like garbage, the site lines, screening, smells and traffic. She stated that the development standards address some of these things.

Ms. McMullen stated that the Council had already approved a Maritime Commercial ordinance. She stated the last time this came before the Town Council was when they were to rezone those properties. She stated they had already gone through this process of agreeing with what we felt the community had asked of them. She stated it was her understanding that they were asked to go through and look at the permitted uses and conditional uses to see if they could compromise and assist those people with concerns. She stated that she felt that they had done some of that but she disagreed with some of it. She asked to go over some of it. She asked what a single family attached dwelling was.

Mr. Mitchell replied a single family home that is attached, in example a Town House.

Ms. McMullen expressed her concerns with not being able to review a hotel/motel use.

Ms. McMullen stated that she did not want to see Town Homes down on the point. She stated it is not appropriate and there may be better locations in another part of Town.

She stated they had made some good recommendations like arts and crafts studios in permitted uses and adding the Maritime Resort to conditional uses. She stated that she thought that Hotels and Motels needed to be moved down with Maritime Resort to conditional use permit.

She stated that all that was asked of them was to look at this list. She reiterated the importance of being able to review the location of hotel and motels.

Mr. Coombes stated that Ms. McMullen was right that they wanted to add the review of hotels and motels.

Mr. Coombes suggested sending these ordinance recommendations to Council and having a joint meeting with them.

Mr. Grant stated that he agreed.

Ms. McMullen stated that she would like them to forward the Maritime Commercial and let them know that this is what we think it should be.

Mr. Mitchell moves forward with explaining the other ordinances that are recommended. The C-1 and the C-2.

Mr. Coombes asked Mr. Mitchell to give them a practical overview of why he recommending this. He asked for the thinking and rationale behind all of this.

Mr. Mitchell stated that basically there are a number of uses in the C-1 that are more intensive. He stated that these uses were taken out of the C-1 permitted uses and moved to conditional uses. He stated that these more intensive uses are listed as permitted uses in the C-2 which would be a new zoning district. He stated that they could petition to rezone to that based on the Comprehensive Plan land use map. He stated that the rationale was to take the things that are objectionable from the beginning that are extremely intense and move them to Conditional Use permit in the C-1. Then create a new district with the C-2 for the more intensive uses.

Mr. Mitchell stated that they will eventually get a big box retailer and they currently don't even have that as a use. He stated that this would be a Conditional Use in the C-2 in which they would have to rezone to and then the Town could ask for proffers.

Mr. Coombes asked how all of this impacts Maritime Commercial.

Mr. Mitchell stated it takes Maritime Commercial back to just those few uses.

Mr. Coombes stated that Ms. McMullen was right and it does that anyway.

Mr. Mitchell stated that right now the current zoning is C-1 and there are some objectionable uses that are by-right.

Mr. Grant explained that the Commercial property owners down there right now want to have the right to have all the things that are in C-1. He stated it affects their finances.

Mr. Mitchell stated that he was not taking them away but just making them conditional uses.

Ms. Holt stated that this is just going to affect them if they decide to build something.

Mr. Coombes stated that he had no problem going back to the Town Council and telling them that the Planning Commission does not want to see Commercial down there if that is their wishes.

Mr. Coombes stated that he still needed to digest the C-1, C-2 and Maritime Commercial.

Mr. Rodeheaver expressed that this seemed too complicated. He asked why couldn't they just do the Maritime Commercial like they had originally recommended.

Mr. Grant stated that it was up to Town Council and that they needed to make sure they understand.

Ms. McMullen stated that she thought that they made a good decision in the past and would like to know what each person thinks.

Ms. Holt stated that she felt this whole setup makes perfect sense and it is exactly what the Planning Commission should recommend to Town Council. Ms. Holt stated that she had no problems understanding it.

Mr. Grant stated that he agreed with Ms. Holt.

Mr. Rodeheaver stated that this was great but politically it will not go.

Mr. Coombes stated that nothing ventured is nothing gained.

Ms. Urquhart stated that when she read this she tried to read it in isolation with no history behind it and like Ms. Holt it made sense to her. She stated that she understands that some people may not be happy with it but the Town is now small and at some point it may not be and they need to move forward. She stated that she felt a level of balance when she read this.

Ms. Misicka stated that she agreed with both Ms. Holt and Ms. Urquhart. She stated that she did not feel this needed to be presented in stone. She said she had met with Mr. Mitchell and there

were things that she wanted to add and take out and that is going to happen. She said it is a fantastic starting point.

Ms. Misicka stated that some people are not going to be happy because they may be more limited than they have been. But in order to not be so limited they will need to seek rezoning to C-2.

Ms. Micicka said that she did not think there was a way to make both the residents on the point and the businesses on the point both perfectly happy.

Dr. Peter Farney stated that the Commission has an excellent document with the Comprehensive Plan which was approved by the Town Council. He stated that the Planning Commission is the leader in the vision of the Town. He stated the Comprehensive Plan should give them the tools to say this is our vision. He stated that when you go to the Town Council they should not be wishy washy. He stated that they should say that this is what is necessary and right for the community to achieve the Comprehensive Plan. He stated that there are people with special interests but when they go to the Town Council they should say this is the vision expressed in the Comprehensive Plan. He stated they had an excellent Comprehensive Plan and professional that can guide them.

Mr. Grant stated that he felt they should schedule a joint meeting with the Town Council to get them clear on what they are trying to do.

Mr. Coombes stated that what he heard from all the Commission with the exception of Mr. Rodeheaver was that this is appropriate to send to Council.

Ms. McMullen stated that she thought that herself and Mr. Coombes felt that they had not digested it enough.

Ms. McMullen stated that she recommended that they fiddle with it a little longer.

Ms. Misicka stated that they had one month to look at this and that any fiddling that could have been done should have been done at this meeting.

Ms. Misicka stated that she felt the month they had to look at this should have been sufficient.

Ms. Miscicka stated that she was going to make a motion to recommend this to Town Council now.

Mr. Grant and Ms. Holt seconded it.

Mr. Rodeheaver moved to adjourn the meeting. Mr. Rodeheaver stated that he felt this would trump the other motion.

Ms. McMullen stated that she will second it.

Mr. Coombes asked Ms. Erard what trumped what.

Ms. Erard stated the motion to adjourn trumped it .

Mr. Rodeheaver stated that the reason they were doing all this effort was to get the Maritime Commercial resolved and he stated that he would recommend sending the Maritime Commercial back to Council saying this is what we want and we are not fooling with it anymore.

Mr. Rodeheaver asked why can't they send the Maritime Commercial forward right now as they originally recommended it and tell them that they want this just as Mr. Farhney stated.

Mr. Rodeheaver stated that they had been through this a number of times and if they go with this C-1 and C-2 stuff they will be at it for another year.

Ms. McMullen stated that she felt that they did not have two views here. She said they really had one view. She said she had wanted to look at C-1 for years. She expressed that she felt they should stay on track and get the job done. She stated how important this is. She stated that the review of C-1 and C-2 is really horrendous and requires a lot of community input and not by just some little committee. She expressed how serious this was. She stated that she agreed with Kent that they should either close this meeting or decide what to do with Maritime Commercial. She stated that they were all most there with that. She stated they had looked at it at nauseous and modified it every time and they were almost close to what it should be now.

Ms. McMullen stated that she did not see them at a controversial area here it was just some things need more time.

Mr. Coombes stated it is controversial when you have a motion on the floor that the majority agree with and another person motions to adjourn the meeting.

Ms. Holt stated that maybe Mr. Rodeheaver mistakenly thinks that majority of the Commission wants to go back to the way it was with Maritime Commercial. She stated it wasn't working and this works.

Mr. Grant stated that if they send Maritime Commercial back to Council they will find something for them to look at that they did not look at.

Mr. Rodeheaver stated what do you think they are going to do with the changes to the C-1 and C-2.

Mr. Grant said this is the reason for the joint meeting.

Ms. Erard asked about the original motion prior to the motion to adjourn. She stated that she thought that motion was to get feedback and maybe have a work session.

Mr. Coombes stated no this was not true. It was to send to Council a recommendation from the Commission that this is our position on this and to sit down and explain it. But it was not a feely thing. He stated it was just a normal sending forward.

Ms. Erard stated that they needed to have a public hearing first.

Mr. Coombes stated they needed to dispose of some of these motions because they cannot move forward without the public hearing.

Ms. Misicka stated that Mr. Mitchell would be the best person to explain this to the Council.

Mr. Coombes asked if there was any discussion regarding adjourning the meeting or not adjourning it.

Ms. McMullen stated that she would like to adjourn the meeting so they have time to look at this.

Mr. Coombes stated that they had other business to do.

Ms. McMullen suggested tableing this subject and continuing with the rest of the meeting.

Mr. Rodeheaver stated that the vote would not allow them to adjourn anyways.

Mr. Rodeheaver withdrew his motion to adjourn. Ms. McMullen stated that she would not withdraw her second on the motion.

Mr. Coombes called for the vote to adjourn.

Ms. Misicka -	Nay to adjourn.
Ms. Urquhart -	Nay to adjourn.
Mr. Rodeheaver -	Aye
Ms. Holt -	Nay to adjourn.
Mr. Grant -	Nay to adjourn.
Ms. McMullen -	Aye
Mr. Coombes -	Nay to adjourn.

Mr. Coombes stated that they were still in session.

Mr. Coombes stated that there is another motion on the board to send all documents related to the Maritime Commercial including the proposed C-1 and C-2 to Town Council.

Ms. Erard asked if there is any interest in sending this to a committee for feedback prior to spending the money to advertise for a public hearing.

Mr. Coombes asked the Town Manager if this would first show up at a committee before going to the Council.

Ms. Foulds stated yes. The economic development committee likely.

Mr. Coombes encouraged the Commission to attend the economic development meeting.

Ms. McMullen stated that she had asked two months ago about the change in process of Town Council. She asked if they had by-laws.

Mr. Coombes asked the Staff to put a copy of these by-laws in their boxes.

Mr. Coombes stated that if any Commissioner has questions on the Town Council actions the Town Manager is only a phone call away.

Ms. Misicka stated that she would like to revise her motion. Ms. Holt stated that she was okay with Ms. Misicka revising her motion.

Ms. Misicka stated that she would like to make a motion to send the Maritime Commercial documents to the economic development committee, the whole package, the tri-part thing for review and feedback.

Ms. Holt seconded it.

Ms. McMullen expressed her concerns with no advertising taking place for this meeting.

Ms. Misicka explained that advertising will take place at the public hearings. She explained that this was just for a review and feedback.

Ms. Misicka stated that her reasoning for revising the motion is to get the feedback so that if it seems that Town Council is not going to go for it they can then look at it again. She stated that Mr. Rodeheaver believes that the Town Council is not going to go for it and they can learn that and act accordingly.

Mr. Coombes stated that the Town Council needed to be educated and the economic development committee is the place to do it. He stated some Commissioners need to attend.

Mr. Coombes called for a vote.

Ms. Holt - Aye.
Mr. Grant - Aye.
Ms. McMullen - Nay.
Mr. Rodeheaver - Nay.
Ms. Urquhart - Aye.
Ms. Misicka - Aye.
Mr. Coombes - Aye.

Mr. Coombes stated that it goes to the economic development committee. The Committee meets the last Thursday of the month at 3pm.

Ms. Erard suggested maybe inviting the business owners who were interested in the past.

Ms. McMullen stated that she strongly supports local business owners but she felt that it was not fair to invite them in which they have a vested interest and not invite the entire community including the residents.

Ms. Urquhart agreed.

Mr. Coombes asked that the Town Manager do some sort of advertisement maybe in the paper letting people know what is taking place at the committee meeting.

Mr. Coombes stated that the Chairman of the economic development committee be called regarding this.

Ms. McMullen suggested putting it online.

NEW BUSINESS

-Election of Chairman and Vice-Chairman

Mr. Coombes stated that he felt it was time for somebody else to sit in the Chairman's seat. He asked not to be re-elected as Chairman. Mr. Coombes suggested that they consider moving the Vice-Chairman into this position.

Mr. Mitchell asked for nominations for Chairman ó

Ms. Misicka nominated Maureen Holt. Mr. Grant seconded it.

Ms. McMullen nominated Ed Grant. Ms. Holt seconded it.

Ms. Holt stated that she respectfully declined as Ms. McMullen has pointed out many times she had not participated in the training. Ms. Holt stated that she was not qualified.

Mr. Grant nominated Ms. Misicka and Ms. Holt seconded.

Ms. Misicka declined because she had not been through training and felt she had not enough experience.

Mr. Rodeheaver nominated Mr. Coombes for one more year and Ms. Holt move to Vice-Chairman.

Mr. Coombes stated he feels that he needs to come off from the Chairman.

Mr. Mitchell stated all the nominations had declined the Chairman with the exception of Mr. Grant. He asked all those who were in favor of Mr. Grant say aye.

All Commission Members voted Aye. Mr. Grant was elected as the Chairman.

Mr. Grant asked for nominations for Vice-Chairman.

Mr. Rodeheaver and Ms. Misicka nominated Maureen Holt and Ms. Urquhart seconded it.

Ms. Holt nominated Cynthia Misicka and Mr. Rodeheaver seconded it.

Mr. Grant asked for all those in favor of Maureen Holt for Vice-Chairman raise their hands. All Commission Members raised their hand.

Mr. Grant asked for all those in favor of Cynthia Misicka to raise their hands. There were no hands raised.

Ms. Holt was elected as Vice-Chairman

- **Work Plan Discussion**

Mr. Mitchell explained that he and the Town Manager were developing a road map for the next year for the Planning Commission. He stated that he would bring this document to the Planning Commission in March.

Ms. McMullen stated to Mr. Coombes that regardless of her and him going back in forth she felt he has done a wonderful job. Ms. Holt agreed as did the rest of the Commission.

ADJOURNMENT

Mr. Grant adjourned the meeting at 7:00 p.m.

Ed Grant, Vice Chairman