

Town of Colonial Beach Planning Commission Minutes

Location: Town Center, 22 Washington Avenue

March 04, 2010 - 5:30 P.M

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

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

Absent: Kent Rodeheaver

CALL TO ORDER

Mr. Grant called the meeting to order at 5:30 P.M. Mr. Rodeheaver was absent from the meeting.

APPROVAL OF MINUTES

Mr. Grant asked for approval of the minutes from the February 04, 2010 meeting, he added that there was one correction on page 14. The words nominated were replaced by elected in bold. Ms. McMullen moved to approve the minutes and Ms. Urquhart seconded the motion. There was general agreement to approve the minutes.

CONTINUATION OF THE PUBLIC HEARING FOR ARTICLE 30, DEVELOPMENT STANDARDS.

Mr. Grant opened the public hearing and asked if there was any public comment on this matter. Hearing none he closed the public hearing. Mr. Grant asked for any discussion from the Commission Members on Article 30.

Ms. Erard stated that at this time the Planning Commission could either recommend the document to Town Council or not.

Ms. Urquhart stated that she really appreciated how Mr. Mitchell had put together this Ordinance. She stated that the work was impeccable. She thanked him for the pictures.

Ms. Urquhart stated that she had a question regarding item #9 and 10 on the multifamily standards. She stated that in her box this month they had a document from the Board of Supervisors regarding the transportation and service improvement district. She asked how does this document correlate to Article 30?

Mr. Mitchell stated that item numbers 4 through 9 are already in the ordinance under multi-family developments. He stated that from the advice of the Town Attorney they moved those standards over so that they apply to any multi-family district. He stated in terms of the roads part of it well that particular piece of legislation is basically for places that have substandard roads not only in the town but in the county. He stated that ordinance is a special tax district.

Ms. McMullen stated she would still like everyone to consider that it is possibly too restrictive on the number of dwelling units. She referred to section 30-2 number 1 and 2.

Mr. Mitchell stated that the eight dwelling units in a row is from the fire and building code. He stated the 16 (units) in the multifamily dwelling is because of the current height limitations.

Ms. McMullen stated that on the picture pages the dwelling single family semi attached and the dwelling attached seemed to not have much difference.

Mr. Mitchell explained that single family dwelling attached was similar to a duplex.

Ms. McMullen stated that she would prefer not to see these on the point.

Mr. Mitchell explained the reasoning behind putting this section in here with the pictures. He stated in the current ordinance this is not very defined. He explained that this helps when somebody applies for something that he can point to this and say this is what you are doing.

Ms. McMullen stated that this is very helpful but she hoped that as a Commission they would not have any more of these attached type homes in the Town.

Mr. Grant stated that this was good as a reference and he was looking for a recommendation to pass this on to the Town Council. He stated that they could vote on recommending it or not.

Ms. McMullen stated that she had a question regarding *Dwelling, attached*. She asked about the statement of zero lot line development.

Mr. Mitchell explained that this meant they had zero lot lines but were on separate lots. They do not have any setbacks and are right against each other but not physically attached.

Mr. Coombes stated he lived in a zero lot line home before and there were certain regulations for fire prevention. He stated that he thought you had to have 5 feet between the zero lot line.

Mr. Mitchell stated that they could fire rate the walls also.

Ms. McMullen stated that the definition seemed to imply that they share walls.

Ms. Holt stated that the definition stopped with the word openings. She stated that it goes on to say that it includes patio homes and zero lot line developments.

Ms. McMullen asked for the definition to be read again.

Ms. Urquhart stated that she agreed that it could be misunderstood. She stated that it is says that it could be without openings and zero lot lines but still be required to have 5 feet between.

Mr. Coombes stated whatever the fire code is.

Mr. Mitchell stated he could add the fire code requirements with the Commission's blessing.

They agreed for him to do that.

Ms. McMullen inquired if the zero lot line applied to the front lot line at the street.

Mr. Mitchell stated no it was for the side.

Ms. Misicka asked where these definitions came from.

Mr. Mitchell stated that they came from the American Planning Association.

Ms. Misicka stated that she would be very cautious to deviate from these definitions because they are already working definitions.

Ms. McMullen asked if everybody agreed that they need some sort of definition for the zero lot lines.

Ms. Misicka stated she does not agree.

Mr. Mitchell stated that if it was okay with the Commission he would reference the building code which relates to the fire protection language.

Mr. Coombes asked that he also reference his resource material. He asked if everybody felt that was okay.

The Commission seemed to agree to this.

Mr. Grant asked for a motion to forward this to the Town Council.

Ms. Holt stated that she would make a motion to forward this to Town Council as recommended by the Planning Commission.

Mr. Coombes seconded this motion.

Mr. Grant called for the vote.

Mr. Coombes voted Aye

Ms. Holt voted Aye

Ms. McMullen voted Aye

Ms. Misicka voted Aye
Ms. Urquhart voted Aye
The Chairman voted Aye and the motion carried.

PUBLIC COMMENT ON PLANNING COMMISSION MATTERS

Mr. Grant asked if there was any public comment on Planning Commission matters.

There was no public comment.

UPDATE ON THE MARITIME COMMERCIAL DISTRICT REVIEW

Mr. Grant asked Mr. Mitchell to go over the Maritime Commercial district review with the Commission.

Mr. Mitchell stated that they had met with the economic development committee and he felt that they endorsed what they had put together.

Mr. Grant stated that they had introduced this to them and they seemed to understand it.

Mr. Coombes stated they had also talked about the C-1 and C-2 in consort with this. He said that the Commission had discussed this in the prior meeting as well. He stated that the whole package goes together. He said that the economic development committee understood the revisions with the C-1 that make it more restrictive and the creation of the C-2 and then the changes to the Maritime Commercial. He said that they understood what they were doing and verbally gave the Commission the go ahead.

Mr. Grant said a big part of their understanding was realizing that they were not rezoning anything.

Mr. Mitchell stated that he would bring this to them at their next meeting.

Mr. Grant stated that they should schedule a public hearing on this.

Ms. McMullen stated that she was very concern about this and wanted to be clear. They were not going to take the current Maritime Commercial and make it into a zone, they are going to leave what is currently designated in the Comprehensive Plan as Maritime Commercial. C-1 will not be changed and Maritime Commercial is just floating out there. She stated that this really needs attention to make her feel comfortable. She stated that the way she sees it is that if you own property in what could potentially be designated as Maritime Commercial and is currently zoned C-1 it will stay C-1 unless I ask for it to be changed to Maritime Commercial. She stated that in her view this does absolutely nothing. She stated that then whoever has a business down there can do anything they want.

Mr. Grant asked if she had a question.

She stated that she wanted to know exactly what they were talking about.

Mr. Coombes explained that the C-1 changes and takes out the onerous stuff and then they establish the C-2 to put this onerous stuff into.

Mr. Mitchell stated they have the C-1 now and there are things that they can do by-right and this takes the intensive things and moves it to the C-2. He stated they are not taking away anybody's development rights.

Mr. Mitchell stated that if people wanted to do something that is not allowed in the existing zoning district then they can rezone but then you get into the Comprehensive Plan issue. Then you have to look at the land use issues. Mr. Mitchell stated that there are some things that require a conditional use permit which will require an additional review.

Ms. McMullen expressed her concerns with the committee meetings. She stated that the couple of meetings she has attended almost the entire Council was present. She said that these meetings are not advertised. She stated that what she sees is a small committee having a meeting (which is not part of our commission members) that is not advertised and sending back something that is their opinion. She stated they have not as a group gone through this line by line and looked at it. She stated that she would like to see a public hearing done with citizens.

Mr. Coombes stated that there will be.

Mr. Mitchell stated that they would have a public hearing before both the Planning Commission and the Town Council.

Ms. McMullen asked why do they even need to have Maritime Commercial. She stated if they are currently C-1 and wanted to do something other than that they can come to them and ask for it.

Mr. Grant stated that if Ms. McMullen is opposed to the vote than she may vote no.

Ms. McMullen stated that she shall do so when the time comes.

Ms. McMullen stated that she is asking for input because she stated that she does believe that they just invited businesses to the other meetings.

Mr. Grant stated that he would entertain a motion to move forward with a public hearing.

Mr. Grant recognized Mr. Steve Kennedy (Town Council).

Mr. Kennedy explained that committee meetings pass information to the Town Council. They do not decide anything at the committee level. He stated that no decisions are made there. He stated that the committee meetings do nothing more than pass a recommendation onto the Council.

Mr. Coombes recapped that at the last meeting the Planning Commission thought it to be a good

idea to run the concept by the appropriate committee. He stated that it just so happened that all Council Members were there except Mr. Lyburn. He stated that in general the consensus of the six people there was that they understood it. He stated that they made no decisions and it was just did they the support the idea. He stated that this was what the Planning Commission had decided at the last meeting to do.

Mr. Grant asked if there was a consensus to hold a public hearing.

Ms. Holt stated that it is time to move forward.

Mr. Grant asked for a motion to move forward with a public hearing.

Ms. Holt moved to hold a public hearing on this matter.

Ms. Misicka seconded the motion.

Mr. Grant asked for any further discussion.

Ms. McMullen expressed her concerns with the Commission not going through this as a group item by item. She stated that they had just discussed the concept.

Ms. Holt stated that she truly felt that they did go through this line by line and discussed this.

Mr. Coombes stated that he agreed they did do this.

Mr. Grant called for a vote.

Ms. Misicka voted Aye
Ms. Urquhart voted Aye
Ms. Holt voted Aye
Ms. McMullen voted Nay
Mr. Coombes voted Aye
The Chairman voted Aye

Mr. Rodeheaver being absent.

Mr. Grant stated that they would have a public hearing at the next meeting.

Mr. Coombes reminded the Commission that they did not have to vote on this at the public hearing. He stated that they can go back to review issues of concern. He said it does not need to go to the Council directly next month. He asked the Town Attorney if there is a time frame in which they must vote on this.

Ms. Erard stated she thought it was 100 days.

Mr. Mitchell invited any of the Commissioners to come by his office if they needed to go over

this with him.

UNIFIED DEVELOPMENT ORDINANCE (UDO) DISCUSSION

Mr. Grant asked Mr. Mitchell to explain the Unified Development ordinance.

Mr. Mitchell explained that he and Ms. Foulds were given the task of updating the town ordinances for the implementation of the Comprehensive Plan.

Mr. Mitchell stated that in completing this he would like to see the town implement what is called a Unified Development Ordinance.

Mr. Mitchell explained that a UDO was a comprehensive set of regulations that would enhance property values and preserve and protect neighborhoods, provide improved land uses, improve the quality of life for the citizens in the Town of Colonial Beach. He stated that this consolidates all regulations that govern land development into a single user friendly document. He stated that it normally includes charts, tables and graphics. He stated that it is more accessible than lots of verbiage. He stated that often zoning and subdivision ordinances are criticized by those who are not in the field because they tend to say what you can't do. He stated that this document would talk about what you can do. He explained that it would be a living document and evolve and grow. He stated they could make amendments to it just like any other document. Mr. Mitchell referred to a smart code or form based code.

Mr. Coombes asked what a smart code or form based code was.

Mr. Mitchell explained that these are all synonymous terms.

Mr. Mitchell explained that currently Suffolk, Portsmouth, Arlington County and Town of Leesburg have adopted a UDO. He also stated that Caroline, Chesterfield, Loudon County and the City of Virginia Beach are in the process of doing so.

Mr. Mitchell stated that he will sit down with the Town Attorney and iron everything out legally and then bring a section at a time to the Planning Commission.

Mr. Mitchell stated that this kind of leads into the work plan.

Ms. Erard stated that she thought that they were starting with Article 30.

Ms. Erard asked if he was talking about rewriting the entire code.

Mr. Coombes stated that was his question.

Ms. Erard expressed her concerns with the cost of advertising alone.

Mr. Mitchell stated that they would be doing it a little bit at a time.

Mr. Coombes asked what would be going into the existing code and what would be coming out.

Ms. Erard stated everything.

Mr. Mitchell responded that they would take what they have and reformat it as needed keeping the things that are there and add things when they need to add thingsí .

Mr. Coombes (inaudible)

Mr. Mitchell stated that it will replace it eventually.

Mr. Coombes asked if it was the ordinance of the Planning Commission but not the ordinance of the Town.

Mr. Mitchell responded that it would be the Subdivision Ordinance, Zoning Ordinance, E & S ordinance and those types of things would be made into one document. He stated it would prevent conflict.

Ms. Urquhart asked if this would make sure that things were in sync with the Comp Plan.

Mr. Mitchell replied yes.

Mr. Coombes asked how this relates to Article 30 which they just sent to Council.

Mr. Coombes asked if they would just be removing things from one ordinance and putting them into the new ordinance as they happened.

Mr. Mitchell replied that they would take things from the old ordinance and put them in there. He stated that it would be one or two chapters at a time.

Mr. Coombes stated that he did not understand the master game plan.

Mr. Mitchell stated that they would need to really rewrite the zoning ordinance. He stated if there were sections in there that are perfectly fine then they won't touch them.

Mr. Coombes expressed that he may not be prepared to write the entire ordinance. He stated there are things that may need immediate attention.

Mr. Mitchell stated that with the UDO they would first start with fixing the Subdivision Ordinance and then roll that into the Unified Development Ordinance.

Ms. Erard questioned if they did not already have a Subdivision Ordinance chapterí .

Mr. Coombes stated that clearly Staff was not on the same page and he asked the Chairman if Staff could present to them a paper of some sort saying and telling what the game plan is with a time frame.

Mr. Coombes expressed how important the revision of Subdivision Ordinance was right now and how important the proffer issue is. He stated these two items needed to be dealt with.

Mr. Coombes stated that he felt they needed more details.

Mr. Grant stated that this item came from the Planning Director and not the Town Council as most items do.

Mr. Coombes stated that Staff should be giving them their recommendations.

Mr. Coombes asked the Attorney if everything should come from Town Council.

Ms. Erard stated that Staff could give their recommendation but most things come from the Town Council.

Ms. McMullen stated that it has been less than a year since they started going through what they were talking about with parking, fences and signs. She said that the revised C-1, C-2 and Maritime have not even really been looked at. She stated that they had discussed doing exactly what he was talking about going through every single thing. She said that she always likes to consolidate to make things better but Mr. Coombes has made a good point here. She stated that they do not have a comprehensive plan staff she stated they have a staff that helps them.

Mr. Grant asked if they got a priority list from Mr. Mitchell.

Mr. Mitchell stated it was their work plan.

Ms. Misicka stated that she sees that what he is recommending is taking them into the present if not the future. She stated this is a valid goal. She said that she understands that as they update ordinances as prioritized that Mr. Mitchell is willing to reformat it into a more user friendly consistent document.

Ms. Misicka stated that this seemed to not be a revolutionary concept to her.

Ms. Erard stated that the cost of advertising and rewriting the zoning and subdivision ordinances would be huge. She stated that in addition to that she felt that they could not just pull out portions and have that as part of a UDO. She stated that they would probably have to rewrite it kind of from the beginning.

Ms. Erard stated it is a massive undertaking and it is not that it isn't a good idea, it is. She stated that if they had a staff of 20 people it would be fabulous.

Ms. Urquhart stated this subject came up with Land Studio when they did the Comprehensive Plan and it was recommended to them that they would need to do this. Ms. Urquhart stated that she did not know where they would get the money but this is what they were told they needed to do.

Ms. Erard expressed that there are very serious issues that need to be fixed right now. Ms. Erard stated that if you look at the amount of time that they spent on Maritime Commercial it could take 10 years to get this done.

Ms. Urquhart stated that in Gary's defense she felt he recognized this. She stated that he is pulling out even in the work plan those things that need to be looked at first. She said while they were looking at the first item the second item can be moved (inaudible)

Ms. Erard stated that they can't do that. She said they needed to start from the beginning. She said that is how they are set up and that is the beauty of these.

Ms. Urquhart asked if they couldn't pick the most important pieces.

Ms. Erard stated that she did not think so. She asked Mr. Mitchell if that wasn't the beauty of it that it fits together nicely.

Mr. Mitchell stated that in another County he worked that took this approach and approved each section separately. He stated that then in the end they rolled them all together into one ordinance and then renumbered it.

Ms. Urquhart asked how long it took.

Mr. Mitchell stated it took two years with a staff of three. Mr. Mitchell stated that he is perfectly willing to do so even if it takes four years.

Ms. McMullen stated that they had already started going through these.

She said that what may be throwing them is that they are looking at the conclusion here of pulling it all together after they have gone through the sections.

Mr. Grant asked if each require a public hearing.

Ms. Erard stated yes, public hearing and advertisement.

Mr. Mitchell stated that before they adopt them yes.

Ms. Misicka asked if it was possible to do all the substantive changes and then adopt it at the end.

Mr. Mitchell stated they could do that.

Ms. Erard stated that there are certain items that she really feels are critical like the subdivision ordinance.

Ms. Holt said that what she thought Mr. Mitchell was suggesting was as we do things then re-number them and then roll them in to this new ordinance.

Ms. Holt stated that she did not see this as skipping the subdivision ordinance.

Ms. Misicka suggested that it seemed to be a consensus that this is not priority and there is pressing issues to deal with. She stated that instead of getting hung up on this they could just table the idea until the pressing issues are taken care of.

Mr. Coombes asked if Mr. Mitchell was suggesting doing this piecemeal. He stated that the two pressing issues are the proffers and the subdivision ordinance. He asked if they were to tackle the subdivision ordinance and complete that then this would become the first piece of the UDO.

Mr. Mitchell replied yes.

Mr. Coombes stated then the second would be the proffers and that would become a piece of it.

Mr. Coombes stated it seemed more manageable now.

Mr. Coombes stated that he thought they should give Gary the green light on the concept of the UDO. He stated it should be down piecemeal, starting with the most important.

Ms. Erard asked that Mr. Mitchell present to them a cost estimate on what it will cost to implement this. Ms. Erard stated this should be done year by year.

Ms. Urquhart thanked Mr. Mitchell for the work plan.

Ms. Urquhart inquired about getting the end of the year report. She stated this will help them project how much they can get done in 2010.

Staff stated they would present that to them.

Mr. Coombes stated that the last time they went through the zoning ordinance it took them two or three years. He stated that they had to have two or three meetings a month.

Ms. Urquhart stated they Mr. Mitchell is very good at this type of process. She predicted that with the current members of the Commission they should be able to get through this process faster than in the past.

Mr. Grant stated that he thought they needed to list the first two or three things that need to be done right away.

Ms. McMullen suggested that on number 4 of the work plan place the word "concept" after UDO.

Mr. Grant stated the key items needed to be listed and done right away.

Mr. Mitchell stated that he wanted the Commission to prioritize the work plan.

Mr. Coombes stated that the proffer thing may be more important to the Town than the Subdivision Ordinance because it means money.

Mr. Coombes stated that they are still messing around with Lennar. He stated that he talked with Senator Stuart who is the attorney for Lennar and they are getting ready to do something out there.

Mr. Coombes explained that they may be coming back for a new rezoning and how important it is to have the proffers in place.

Ms. Misicka stated that she recalled reading a proffer draft or text.

Mr. Mitchell stated that he had shown her a draft of this. He said it had a level of service area and he was waiting on one person to get him information back. He stated that these would be the policies that are referenced in the proffer guidelines.

Ms. Erard asked if they are talking about cash proffers.

Mr. Coombes stated not necessarily.

Ms. Misicka asked if the next step was to receive something from him.

Mr. Mitchell stated yes, once he got the information he would present it.

Ms. Misicka asked if that was doable for next month.

Ms. Foulds stated yes.

Ms. Urquhart recommended that the Commissioners each prioritize the work plan items and send this information to the Chairman so he can send it to Mr. Mitchell.

Mr. Coombes stated that he agreed but he would like to leave here tonight with everybody having the understanding on the first two things. He stated that in his mind the proffers are first and the subdivision ordinance is second.

The Commission agreed.

Ms. Holt stated that she was prepared to put these items in order right now. She suggested that the order goes as follows;

1. Proffer Policy and LOS standards to be adopted by the PC and forwarded to Town Council.
2. Subdivision Ordinance
3. Address the issues of the Maritime Commercial District and existing Commercial zoning district by amending ordinance language and establishing a new Commercial District where more intense commercial development is permitted.

4. Draft a major highway corridor overlay district as recommended by the Comprehensive Plan. Such a district will primarily encompass Colonial Avenue and McKinney Boulevard.
5. Develop a Unified Development Ordinance (UDO) which will combine the zoning, subdivision and erosion and sediment control ordinances into a single document. During this process the ordinances will be updated so that the new unified ordinance is consistent with the goals and objectives of the new comprehensive plan. The end result will be an ordinance which is comprehensive and provides for more efficient administration. This project may spread over a 2-year time span to fully implement and adopt.
6. Work with the Northern Neck Planning District to establish an Enterprise Zone for the Town of Colonial Beach.
7. Seek out and explore grant opportunities for trails (SAFETEA) and economic development (CDBG) and environmental protection (Phase III Chesapeake Bay Implementation Grant via DCR).

Mr. Coombes recommended putting the Maritime Commercial item up top with proffers since it is already in the works. The Commission agreed.

Ms. McMullen asked if maybe they should make a motion that they agree on the first three items and will at some point get back on the other items.

Mr. Grant stated that there already was a consensus on that.

OTHER MATTERS – COMPREHENSIVE PLAN

Mr. Coombes stated that in the past they had not gotten all the materials and disks from the finished product of the Comprehensive Plan. He asked Mr. Mitchell if they were working on that.

Mr. Mitchell stated yes they would receive the Comprehensive Plan digitally. He stated that he should be getting the hard copies of the plan to distribute very soon.

Ms. Urquhart asked if they would be ready by the next meeting. Mr. Mitchell stated he would call Carol and see if she could speed it up.

Mr. Mitchell agreed that he would safeguard all the Comprehensive Plan materials.

Ms. Foulds suggested removing number 6, seek out and explore grant opportunities from the work plan. She stated that Mr. Mitchell was already working on that.

Ms. Holt asked that it stay on the list so he can report on it.

Ms. Foulds said okay to that.

Ms. Urquhart stated that they were given a copy of the Town Council By-Laws and the Westmoreland County Transportation Service document. She asked is this for their information.

Ms. Erard stated that this was for their information.

Ms. McMullen stated that she had requested that they receive the Town By-Laws. She said that she requested this so they could see the duties of the Town Council Committees.

Mr. Grant said to the Commission Members that they need to be very careful in placing things in and pulling things out of other people's boxes. Mr. Rodeheaver was missing his Planning Commission packet. He said maybe things should go through the secretary.

Ms. Urquhart suggested that the by-laws be gender friendly. Ms. Erard stated that she wrote it that way to be grammatically correct.

Ms. Foulds stated that she had placed an ad in the paper regarding the Maritime Commercial committee meetings.

Ms. Erard stated that if anybody has comments on the Transportation District Ordinance they could give those to the Town Manager and she could convey it to the County Administrator. She stated it was not a Town Council thing it is a County thing.

Ms. McMullen expressed her concerns that the Planning Commission minutes were not up to date on line. Ms. Foulds said that it is a budgeting issue. She explained that they buy blocks of time and if they utilize that with other maintenance issues then they have to wait to get these updated.

Ms. McMullen also reminded the Staff that the agenda is also supposed to be online three days prior to the meeting.

ADJOURNMENT

Mr. Grant adjourned the meeting at 6:35 P.M.

Ed Grant, Chairman