

## **TOWN OF COLONIAL BEACH PLANNING COMMISSION MINUTES**

**Date: April 01,2010 - Town Center, 22 Washington Avenue**

**Time: 5:30 P.M.**

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

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

---

### **CALL TO ORDER**

Mr. Grant called the meeting to order at 5:30 P.M. All members were present.

### **APPROVAL OF MINUTES**

Mr. Grant asked for approval of the minutes from the March 04, 2010 meeting. Mr. Coombes moved to approve the minutes and Ms. Holt seconded the motion. There was general agreement to approve the minutes.

### **PUBLIC HEARING FOR AMENDMENTS TO MARITIME COMMERCIAL (MC), COMMERCIAL LIMITED (C-1) AND THE ADDITION OF COMMERCIAL GENERAL (C-2)**

Mr. Grant stated that they would be having a public hearing regarding the amendments to the Zoning Ordinance.

Mr. Grant described the very detailed ad that was put into the Westmoreland News. He stated that it was very well done. He stated that he wanted to touch on a few of the highlights. He stated that it was Ordinance 581 and it amends the Zoning Ordinance, Article 8 the C-1 district. He stated it also adds to the Zoning Ordinance Article 8a the C-2 district. He said that it also amends Article 5, Maritime Commercial of the Zoning Ordinance.

He stated that he particularly liked the bottom paragraph that reads;

*Ordinance No. 581 is considered pursuant to the grants of authority contained in Virginia Code sections 15.2-2280, 15.2-2283 and 15.2-2285.* He stated this means it is legal.

Mr. Grant stated that with this said he would open the public hearing.

Mr. Grant asked if anybody in the audience would like to comment on these ordinance changes and if so please come forward.

Mr. Grant stated that there was no public comment.

He stated that he would open this up to discussion with the Commission Members.

Mr. Grant reminded them that they already had plenty of discussion on this subject.

Ms. McMullen stated that she had some questions.

She asked Mr. Mitchell if he could show on the map where the proposed C-2 would go.

Mr. Mitchell stated that the C-2 could go wherever the Comprehensive Plan designates as Commercial. He reminded Ms. McMullen that they were not rezoning anything.

He stated that somebody would have to come in and apply to rezone to this district if they wanted it.

He stated that the C-2 would be the district which would have the intense uses that are not desirable in the existing Commercial areas that are south of Boundary.

Ms. McMullen asked if he could explain where these properties are.

Mr. Mitchell stated that they are not rezoning. He stated it is based on the Comprehensive Plan map for land use designation.

Ms. McMullen stated that it is her views that the Comprehensive Plan indicates around town where commercial exists. She asked why is it necessary to modify the C-1. She stated that the easiest way to explain her question was that this ordinance now (inaudible).

She asked what the purpose of this was.

Mr. Mitchell explained that the purpose for this was because there are areas to the south that are undesirable to have what is currently in the C-1 as a by-right use. So, to keep those uses available to the people in the Town they are creating a C-2 district in which one can rezone to in order to have those more intensive uses.

Ms. McMullen stated that the Council has approved the Maritime Commercial as a zoning district. She stated that they were asked to designate the areas for Maritime Commercial and that was when they asked the Planning Commission to look at this. She stated that if they were adding another commercial just so somebody can rezone well if a property owner along Route 205, Washington Avenue or what was supposed to be the Maritime Commercial district wanted permission to build, start or open a business couldn't they just come ask to?

Mr. Mitchell stated that it depends what type of business you want to open and how that parcel is zoned.

Ms. McMullen stated she understands that but why do they need the C-2.

Mr. Mitchell stated that they are amending the intensive uses that are currently in the C-1 and putting them into the C-2.

Ms. McMullen stated that she knows that they are going round and round with this but she thinks everybody is confused. She stated that they were asked to look at Maritime Commercial and what is proposed here will not create a Maritime Commercial. She stated that they are jumping to look at all the Commercial properties in Town. She stated they were talking apples and oranges. She said that they were to designate a part of Town in which they wanted to keep a certain amount of ambiance and now they are proposing to modify other zoning districts.

Mr. Mitchell said that this is a complex problem that has existed for many years. He stated that it takes a complex text amendment to address it unless you are going to deny people their development rights. Which this does not do it expands them.

Ms. McMullen asked if she wanted to build something that is not listed in C-2 then she cannot just go and ask to rezone. She asked if she would have to rezone to another C. She asked what the purpose was.

Mr. Mitchell stated that it was to move the really intense uses that are currently in the C-1 to a C-2 district. Then the C-2 district would be anywhere that is designated as commercial in the Comprehensive Plan and they would have the right to petition to ask for a rezoning .

Ms. McMullen stated that nothing was designated as C-2 in the Comprehensive Plan.

Mr. Mitchell stated that the Comprehensive Plan does not show zoning districts. It just indicates where commercial is. Mr. Mitchell explained that the Zoning Ordinance and the Comprehensive Plan are two different documents. He stated that one is general in nature and one is specific.

Ms. McMullen said then they were talking general.

Mr. Mitchell said yes if you are talking about the plan. He said it seemed as though she was talking specifics.

Ms. McMullen stated that she thought the idea of moving things that are industrial in nature like parking lots for buses in town and gigantic service stations and to have those located in a certain area is commendable. She stated that they are not designating, they are just coming up with a category. She stated that she would like somebody to explain to her on how this responds to Council's request for another review of the Maritime Commercial before they designate the specific properties. She stated it would be in consort with the Comprehensive Plan and would also be in consort with the fact that Maritime Commercial has already been approved by Council. The only thing left to do is designate the properties. She stated that they were asked to relook at that.

Ms. McMullen stated that Council can change anything that they send to them. She stated that they are just recommending. She asked if Mr. Mitchell could explain how this responds to Council's request.

Mr. Mitchell stated that Council had decided to not do the rezoning . They asked this body to consider doing some text amendments. He said that one property owner down there actually said that text

amendments was really all they needed to do. The ad-hoc committee which was part of this body did this back around Christmas and January. We modified it based on that and presented it to you in February. At the February meeting the Commission asked to take this to the Town Council committee to review and make sure that they understood what was going on. The result of that meeting in which all the Council members were present except one gentleman was that they understood it and were on board with it. So we are back here tonight with the public hearing.

Ms. McMullen said so they created a whole new district and all of that to approve the Maritime Commercial properties.

Mr. Mitchell stated that they were not rezoning properties.

Mr. Rodeheaver asked if the plan was to rezone these properties.

Mr. Mitchell stated that they were not rezoning anything.

Mr. Rodeheaver stated then what are we doing any of this crap for.

Mr. Rodeheaver stated that this is ridiculous. He stated this was taking it through the back door. He said they should face the issue in which they began with which was the Maritime Commercial. He stated that they had fixed it and had it to the point where business owners had accepted it, then why did they not go ahead and do it. They should have rezoned.

Mr. Mitchell stated that the Town should not proactively rezone anything because they cannot place proffers on it.

Mr. Rodeheaver asked what proffer were they going to get from any property on the point.

Mr. Mitchell stated that it depends on the use is.

Mr. Rodeheaver asked if they were going to rezone after this.

Mr. Mitchell stated no.

Ms. Misicka stated that she would like to make a comment that it seems that the comments being made tonight have already been made earlier. There are people on the Commission with different views. She said that if they still do not understand what the purpose or point is then their time might be better spent with private meetings between individuals. We are rehashing the same issues. She stated that she is aware of Kent's views and Margaret's questions because they have been voiced before. She said that it seemed to her that it is time to take action on this.

Ms. McMullen stated that she appreciates that they want to expedite this but we have been playing basketball for a long time. She stated it seemed as though they have postponed this and accomplished nothing. She stated that they do not want the same problems for example as Westmoreland County as you see in the papers. We do not want to have a training vocational center or a training center just thrown in here. We do not want go-cart tracks which are allowed in the C-1, she stated they could have a go-cart track with no input what so ever.

Ms. Holt stated that they are not in permitted uses and they have gone over this many many times. Ms. Holt stated that they may request it but it is not by-right and it can be denied.

Ms. McMullen said thank you but then why do they have something they don't want in this town in here.

**Ms. Misicka stated that she would like to make a motion that they vote and submit this proposal as written to the Town Council.**

Ms. Erard stated procedurally that calling the question means they can have no more discussion.

Mr. Grant reads into the record –

### **Ordinance 581**

Whereas the Colonial Beach Planning Commission finds that public necessity, convenience, general welfare and good zoning practice would be served by the adoption of ordinance 581 to revise the existing Limited Commercial (C-1) and Maritime Commercial (MC) and adding a new commercial district known as General Commercial (C-2).

Now therefore be it resolved that the Colonial Beach Planning Commission, after duly advertised public hearing on the matter in regular session, April 01, 2010, hereby recommends adoption of this ordinance (581) to the Colonial Beach Town Council, in accordance §15.2-2285 of the code of Virginia, 1950 as amended.

**MOTION : MS. MISICKA**  
**2<sup>ND</sup>: MS. HOLT**

Ms. Holt -	Aye
Ms. McMullen -	Nay
Ms. Misicka -	Aye
Mr. Coombes -	Aye
Ms. Urquhart -	Aye
Mr. Rodeheaver –	Nay (I vote no because it doesn't take care of the original situation we started with)
Mr. Grant -	Aye

Motion Passes - Vote 5-2

Mr. Grant stated that is an ordinance that is wide reaching and affects a good portion of the Town. He stated that he felt it is a good thing to have. He stated that it can be changed if needed at some point.

Mr. Grant stated that in either May or June the Town Council will have this on their agenda and will advertise their own public hearing. He stated that between now and then if anybody has questions about these changes they can be directed to Mr. Mitchell at the Building and Zoning office.

**PLANNING COMMISSION MATTERS PUBLIC COMMENT**

Mr. Grant asked if there was anybody in the audience who wished to speak in regards to Planning Commission matters.

Hearing none, he closed the public comment.

**UPDATE ON PROFFER GUIDELINES**

Mr. Mitchell stated he had drafted a proffer policy and a level of service policy. He stated that he had submitted those to the Town Attorney to make sure that they were okay legally. He said that he would be submitting this to the Commission as soon as Ms. Erard is done reviewing them.

Mr. Coombes asked if the schedule for them was to put this on next month's agenda.

Ms. Erard asked Mr. Mitchell if he had done the calculations.

Mr. Mitchell stated that he would be working on those.

Ms. Erard stated that the calculations are generally the most complicated part. She stated that it would depend on how quickly those get done.

Mr. Mitchell asked Ms. Erard if she could be done with the text part. She stated that the text part is easy.

Mr. Coombes stated that he would really like to see a little urgency on this. He stated that the sooner they get it the better off they will be.

Ms. Erard stated that they would give it priority.

Mr. Rodeheaver stated that they needed to work on the capital improvements plan first because they can't have proffers without it. He stated that it should be the number one priority. He stated the one they have is five years old.

Mr. Mitchell stated that it will be brought up to date.

**DISCUSSION ON THE ANNUAL REPORT**

Mr. Mitchell stated that the Annual report was done in the same format that was used in the past. Mr. Mitchell stated that Ms. Mills puts this together and they had agreed to maybe revise it next year. He stated that any comments or changes that they would like to see would be appreciated.

Mr. Coombes asked if Mr. Mitchell had seen other localities report and how does this compare.

Mr. Mitchell stated that he has seen some that are more chart and not as much text. Mr. Mitchell stated that this has a lot of reflection on your actual discussion. He stated the others that he has seen just show that this was done and that was done.

Mr. Coombes asked what they did in Caroline.

Mr. Mitchell said it was more of a chart and it is given to them each month so they can see where they are. He stated that at the end of the year it is all done.

Ms. Urquhart asked if he could bring them a copy of Carolines.

Mr. Mitchell stated yes.

Ms. McMullen stated that would be helpful. She said that this is a lot of narrative.

**Mr. Coombes made a motion to approve this as presented and forward it to the Town Council.**

**Ms. Urquhart seconded the motion.**

Mr. Grant called for the vote -

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

#### **OTHER MATTERS**

Mr. Grant stated that they had Mr. Schick's letter to add to the record for the Zoning Ordinance Amendments.

Ms. Erard asked that somebody make a motion to add Mr. Schick's letter to the public hearing portion of the Zoning Amendments (ordinance 581).

Ms. Holt stated that she made a motion to submit the letter of Mr. Schick's to the public record of the public hearing portion of tonight's meeting.

Mr. Grant seconded it.

Ms. McMullen stated that it should be noted that he disagrees with this.

Ms. Erard asked if the motion was to include Mr. Schick's letter which is opposed to ordinance 581, in the public comment portion of tonight's meeting.

Ms. Misicka stated that she did not read Mr. Schick’s letter as opposing she said she read it as he would be supportive if we changed one of the text amendments.

Staff stated that in general he has indicated that he supports it.

Ms. Erard suggested submitting the entire letter into the record and letting the letter speak for itself.

(see attached letter)

Mr. Grant called for the vote –

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

Mr. Grant asked if there was any more business this evening.

Ms. Urquhart inquired about the status of the Comprehensive Plans.

Mr. Mitchell stated that Ms. Rizzio was close to completion she was just doing the final edits.

Mr. Mitchell explained that once they are finished with these edits she will send it to the printer.

Ms. Urquhart asked when did they think this might happen.

Mr. Mitchell said he hoped by the next meeting.

Ms. Misicka stated that she would like to thank the Staff for all the work they had done on the Maritime Commercial ordinance. She said it was a very creative solution to the extent that it would satisfy most everybody.

Ms. Misicka also said the annual report was great.

#### **ADJOURNMENT**

**Mr. Grant adjourned the meeting at 6pm**

---

Ed Grant, Chairman