

**Town of Colonial Beach Planning Commission Minutes**  
**JOINT MEETING WITH TOWN COUNCIL**

Date: May 13, 2010 – Town Center, 22 Washington Avenue  
Time: 7:00 P.M.

Present: Ed Grant - Chairman  
Margaret McMullen  
David Coombes  
Kent Rodeheaver

Absent: Cynthia Misicka  
Maureen Holt  
Desiree Urquhart

Also Present: Val Foulds, Town Manager  
Gary Mitchell, Director of Building and Zoning  
Andrea Erard, Town Attorney

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**CALL TO ORDER**

Mr. Grant called the meeting to order at 7:00 P.M. He stated they had a quorum present. He stated that Ms. Misicka, Ms. Holt and Ms. Urquhart were absent from the meeting.

**PUBLIC HEARING FOR THE CONDITIONAL USE PERMIT TO OPERATE A BED AND BREAKFAST AT 100 DENNISON STREET.**

Mr. Grant stated that he would turn the public hearing over to Mayor Rummage at this time.

Mayor Rummage asked if anybody from the public wished to make a statement or had any comments regarding this issue.

Ms. Erard stated that this was joint public hearing by the Planning Commission and the Town Council for Mr. Cantor to obtain a conditional use permit to operate a Bed and Breakfast.

Mayor Rummage stated seeing no hands or nobody approaching the podium they would conclude that nobody wished to testify.

**STAFF REPORT FOR THE BED AND BREAKFAST – CONDITIONAL USE PERMIT – 100 DENNISON STREET**

Mr. Grant asked that Mr. Mitchell present his staff report on this issue.

Mr. Mitchell reads the following staff report into the record. **(see below)**

The owner of the property, Mr. Cantor wishes to open the existing house as a bed and breakfast and be operational this tourist season. Mr. Cantor is in the process to renovating the house so as to have it ready for use this summer. The property is zoned as Resort Commercial and is located in the approximate center of the downtown portion of Colonial Beach.

The property is zoned Resort Commercial and as such Bed and Breakfasts are permitted only via a conditional use permit. The property will utilize existing on-street parking for its guests.

The Comprehensive Plan designates this area as historic resort commercial. The Plan continues by saying that future uses in this area are intended to provide recreational and business opportunities designed to foster tourism. The Plan states that future development within the area should preserve the historic integrity of the area.

Mr. Cantor is renovating the existing house and will maintain the architectural characteristics of the house in order to promote his Bed and Breakfast and the historic designation of this area.

**GENERAL STANDARDS – All use permits shall satisfy the following general standards:**

1. The use shall not adversely affect the character and established pattern of development of the area in which it wishes to locate.
2. The use shall be in harmony with the uses permitted by right under a zoning permit in the zoning districts and shall not affect adversely the use of neighboring properties.
3. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and buildings or impair the value thereof.
4. The use shall not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.
5. The use shall not be detrimental to the public health, safety or welfare or injurious to property or improvements in the neighborhood.

6. The use shall be in accordance with the purposes of the zoning regulations contained in this Ordinance and the Comprehensive Plan of Colonial Beach.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.
8. The use shall be such that air quality, surface and groundwater quality and quantity, are not degraded or depleted to an extent that would hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.
9. The use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on roads serving the site.

Staff has determined that this application meets all of these general standards.

**CONDITIONS:**

The Town Council may specify conditions in granting use permits as it deems necessary in the public interest to assure compliance with the general and specific standards and that it will continue to do so. Conditions may include, but are not limited to the following:

1. The hours of operations.
2. Provisions for adequate parking, ingress, and egress to public streets and roads.
3. The protection of surface and groundwater.
4. Limitations on site lighting including intensity and shielding, so as not to adversely affect adjacent or nearby property owners.
5. The provision of adequate sewer and water facilities.
6. Noise abatement measures.
7. The location, size, height, design of buildings, walls, fences, landscaping and buffers.
8. Underground utilities.

9. Abatement measures for smoke, dust, odor, noise or other elements.
10. Performance bonding to ensure standards are met and plans are implemented.
11. Setbacks and yard requirements necessary for orderly expansion and to prevent traffic congestion.

**STAFF RECOMMENDATION:**

Staff recommends approval of this Conditional Use Permit application with the conditions as outlined below.

**RECOMMENDED CONDITIONS:**

1. The site shall be developed in substantial conformance with the Zoning Application including, but not limited to the General Development Plan (the ~~plat~~ prepared by Richard B. Allison dated 7-17-96 as amended.
2. The applicant will record the To-Witt with the Westmoreland County Clerk's Office within 30-days of receiving the To-Witt from the Department of Planning and Community Development (DPCD) and provide a copy of the recorded document to the DPCD.
3. The exterior architecture of the existing house will be preserved and enhanced by the owner.
4. No inoperable motor vehicles shall be stored or parked on the property.
5. The applicant shall provide two (2) off-street parking spaces and utilize on-street parking for guests.
6. The applicant shall have the Building Official inspect the property before opening to the public to ensure the building meets all building and safety codes. The Building Official shall post the maximum occupancy of the building.
7. Signage shall be limited to a single monument sign not to exceed 32 square feet in size and no more than 8 feet in height.
8. The maximum occupancy of the bed and breakfast shall be limited to two (2) adults per guest room.
9. The applicant shall trim the dead sections out of the tree on the corner of Dennison and Irving Avenue

### **Discussion on the Conditional Use Permit**

Mr. Grant thanked Mr. Mitchell for his report and asked if any of the Commissioners had any discussion on this matter.

Mr. Rodeheaver asked if they were going to include with the Conditional Use permit all the legal law language and so forth.

Ms. Erard stated that they could add the language that the property must be in compliance with all federal, state and local laws.

Ms. McMullen asked if by limiting the occupancy to 2 does that exclude children.

Mr. Mitchell stated it was 2 guests per room. He stated it depends on how many guest rooms he has.

Mr. Coombes asked how many guest rooms are there.

Mr. Mitchell stated that there are 4 bedrooms and he did not know how many he planned to use.

Ms. McMullen stated that she would like them to be able to consider two parents with an infant being able to share a room or something that would allow some flexibility.

Mr. Mitchell stated that they were not specifying how many people were anywhere. He stated that they were just specifying total occupancy. He stated if you have 4 bedrooms and 8 people that where they stay at is up to them.

Mr. Coombes stated that they have parking regulations that states that Bed and Breakfasts should have 2 spaces for the Bed and Breakfast plus 2 spaces for on street parking.

Mr. Mitchell stated yes and they also have an agreement with the neighbor to have secure off street parking.

Mr. Coombes stated that it is not written here. He asked what other unwritten agreements does this owner have with someone else.

Mr. Mitchell stated none that he knows of.

Mr. Rodeheaver asked if 2 spaces would be enough.

Mr. Mitchell stated that you have 4 bedrooms and two people to a car. He stated that would be 4 spaces if you have the entire place rented.

Mr. Grant asked if that compared favorably with other Bed and Breakfasts in Town.

Mr. Mitchell stated of the ones he is aware of yes it does.

Mr. Grant stated that he thought this was a great idea.

Ms. Erard asked Mr. Mitchell if they needed to make a provision about the other parking. She stated that since this will be recorded. She said that it states that the applicant is only required to provide two off street parking spaces.

Mr. Mitchell stated they can increase it. He stated they have a driveway that is capable of handling maybe six cars.

Ms. Erard asked Mr. Mitchell what his recommendation is as far as number 5 goes. She asked if he felt it is sufficient as is.

Mr. Mitchell said he felt it was sufficient as is.

Mr. Coombes asked if it meets the requirements of our other article for parking in the zoning ordinance.

Mr. Mitchell stated yes it does.

Mr. Rodeheaver stated that he thought there is a conflict for parking there because across the street is the tides inn which has maybe 8 or 10 rooms. He said then you have a business on the corner. Mr. Rodeheaver stated that he did not know how you have a parking agreement with a neighbor but if he has the right number then there is nothing to say.

Ms. McMullen stated that this was the type of business that we want in town. She stated that she felt comfortable because it is the right thing to do.

Mr. Rodeheaver reads the recommendation into the record.

Whereas, the Colonial Beach Planning Commission finds that public necessity, convenience, general welfare and good zoning practice would be served by the approval of the conditional use permit application filed by Mr. Russell B. Canter to operate a Bed and Breakfast establishment located on tax map# 3A2-2-80-6 aka 100 Dennison Street.

Now therefore be it resolved that the Colonial Beach Planning Commission hereby recommends approval of this conditional use permit with the recommended conditions to the Colonial Beach Town Council, in accordance with §15.2-2285 of the Code of Virginia, 1950 as amended.

*Ms. Erard stated that this includes the nine conditions outlined in the staff report as well as the 10<sup>th</sup> one that they added.*

Moved -	Coombes
2 <sup>nd</sup> -	McMullen
Ms. McMullen -	Aye
Mr. Coombes -	Aye
Mr. Rodeheaver -	Aye
Mr. Grant -	Aye

Mr. Grant stated that the motion passes.

Mayor Rummage asked if they were making a favorable recommendation to the Town Council.

Mr. Grant responded yes they were.

**THE MEETING WAS THEN TURNED OVER TO THE MAYOR AND TOWN COUNCIL .**

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Ed Grant, Chairman