

Town of Colonial Beach Planning Commission Minutes

Date: June 03, 2010 – Town Center, 22 Washington Avenue

Time: 5:30 P.M.

Present: Ed Grant - Chairman
Margaret McMullen
Maureen Holt
Cynthia Misicka
Kent Rodeheaver

Absent: David Coombes
Desiree Urquhart

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

CALL THE MEETING TO ORDER

Mr. Grant called the meeting to order at 5:30 P.M. Mr. Coombes and Ms. Urquhart were absent from the meeting.

APPROVAL OF MINUTES

Mr. Grant asked for approval of the minutes from the May 06, 2010 meeting. Staff stated that the Commission had two amendments in front of them to also approve. Staff said that with Ms. McMullen's help they were able to determine the language for the inoperable sections. (see below)

Page 4 - Where it reads inaudible after Ms. McMullen's name it should read as follow;

“She believes that recycling is managed by the County.”

Page 11 - Where it reads inaudible after Ms. McMullen's name it should read as follows;

“Ms. McMullen stated that this was an approved right of way that was a town easement. The owner has built a fence that obstructs this area. The documents of sale did not include it as a public right of way, as recommended by the Planning Commission. She said that she believes this may be an issue. Ms. McMullen moved that they adopt this but not retroactive. “

Ms. Holt moved to approve the minutes and the amendments and Ms. Misicka seconded the motion. There was general agreement to approve the minutes.

Mr. Grant asked for approval of the minutes from the May 13th joint meeting with Town Council. Ms.

McMullen moved to approve the minutes and Mr. Rodeheaver seconded the motion. There was general agreement to approve the minutes.

PUBLIC HEARING - ORDINANCE #588 – AMENDMENT TO THE COLONIAL BEACH ZONING ORDINANCE- ZONING OF TOWN RIGHT OF WAYS.

Mr. Grant stated that the first order of business was a text amendment to the zoning ordinance known as ordinance #588. He said that this ordinance was to zone public right of ways.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWN OF COLONIAL BEACH, ARTICLE 3, BY ADDING SECTION 3-4, ZONING OF TOWN RIGHT OF WAYS

Section 3-4. Zoning of Town Right of Ways.

All right-of-ways owned by the Town shall have the same zoning designation as the contiguous and adjoining parcel(s) of land. In the event that the contiguous and adjoining parcel(s) have different zoning designations on either side of the right-of-way, the right-of-way shall have the same zoning as the contiguous and adjacent parcel to the centerline of the right-of-way.

In the event that the Town Council shall properly advertise and formally vote to vacate and/or abandon any Town right-of-way, the parcel of land formerly consisting of the right-of way shall be zoned in accordance with this section until rezoned to another zoning designation.

This Ordinance shall be retroactive to January 1, 2009.

Mr. Grant opened the public hearing. There was no public comment. Mr. Grant closed the public hearing.

Mr. Grant asked Mr. Mitchell to explain to them what this ordinance pertained to.

Mr. Mitchell explained to the Commission that this amendment would clarify what the zoning would be for right of ways which currently have no zoning. He stated this would assist them if the town abandons or sells these right of ways. He stated that in order to establish consistent zoning for these right of ways then this text amendment is needed to protect unzoned land when it is transferred to private interests. He stated that it keeps it from being wide open in that anything could go onto this property. Mr. Mitchell stated that unzoned property means the Town has no control over it at all. He stated that the proposal is that whatever the zoning is on either side of the right of way is what the right of way will automatically be zoned to. He stated that if there are two different zoning districts then you go to the middle of the right of way with each zoning district.

Mr. Grant stated that this sounds perfectly reasonable to him. He asked if anybody had any comments.

Ms. McMullen stated that she has a couple of comments. She said her primary concern is that the property that they are talking about abuts many, many owners. She stated that she understood it that this requires notification to these property owners.

Mr. Mitchell stated that they are not rezoning any land. He stated this takes place only when the Town abandons the right of way and it is sold to a private person. Then that right of way would not have a zoning designation on it so this covers this by zoning this land to whatever the property next to it is currently zoned.

Ms. McMullen stated that the other concern she has is that in the past minutes it states that "Mr. Mitchell said that there was a piece of property that the Town recently sold which was a right of way and they needed to zone it."

Ms. McMullen stated that it is her understanding that if a property owner wants something to rezoned then they should just petition them to zone it.

Ms. McMullen expresses her concerns with the Town not identifying the property in which they were having issue with. She stated that this may be a reason not to approve this.

Ms. McMullen refers to the code of Virginia chapter 20 section 15.2-2006 it says "when locality may require to give notice."

Ms. McMullen explained that the code of Virginia states that adjacent property owners are to be notified before rezoning.

Ms. McMullen stated these are the reasons why she would not approve this.

Ms. Holt stated that they are not rezoning anything. She stated they would notify the property owners if the Town decides to sell the property. She stated this needs to be cleared up.

Ms. Holt stated to Ms. McMullen they are not rezoning anything.

Ms. Holt stated that she would make a motion to forward the Planning Commission's recommendation (Ordinance 588) to the Town Council. (as presented below)

Ms. Misicka seconded the motion.

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 zoning text amendment # 588 to designate the zoning of right-of-ways abandoned by the Town of Colonial Beach.

Now therefore be it resolved that the Colonial Beach Planning Commission hereby

forwards this ordinance amendment to the Town Council of Colonial Beach with a favorable recommendation in accordance with §15.2-2200 of the *Code of Virginia*, 1950 as amended.

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|-----------------|------|
| Ms. Misicka: | Aye |
| Mr. Rodeheaver: | Aye |
| Ms. McMullen: | Nay |
| Ms. Holt: | Aye |
| Mr. Grant: | Aye. |

Recommendation is forwarded to the Town Council.

Draft CIP DISCUSSION

Mr. Grant stated that the next discussion would be the review of the Capital Improvements Plan (CIP). Mr. Grant asked if this was necessary to adopt the proffer guidelines to accept cash proffers. Ms. Erard stated yes it was.

Ms. Erard stated that this document does not represent funds available but is more of a wish list. She stated that it helps if they get money then they know where to put it.

Mr. Mitchell explained that this is a starting point for discussion on this topic. He stated that if there are other items missing on here then they could be brought up. He stated that Val, Andrea and himself had thought of something the other day that is missing. Mr. Mitchell stated that basically this is a shopping list or wish list. He stated that the project costs are based off of estimates that Staff has developed as well as looking at the past CIP four years ago. He stated that there is no money to put towards these things.

Mr. Mitchell stated the original CIP from 6 years ago reflected 26 million but now they were looking at 11 million. Mr. Mitchell explained that basically the numbers are there and are shown and they are programmed in. He stated that the code of Virginia states that the Planning Commission needs to review this. He stated this is the first time the Commission is looking at this.

Mr. Mitchell stated that they were open to changes and suggestions.

Mr. Mitchell stated that the one thing that Staff had come up with was a new radio system for communications with the police and fire. Mr. Mitchell stated he was not certain what the technology is to make this happen.

Ms. Holt inquired about the lack of rescue squad information in the CIP.

Mr. Mitchell stated that he is waiting for that information from them.

Ms. Holt asked if they were still considering a new building at this point.

Ms. Foulds stated she wasn't sure and that she had talked to Mr. Ridgley briefly about getting this

information.

Mr. Rodeheaver stated that they were still working on getting the building.

Mr. Mitchell stated that if there are other areas that they feel need to be added on to other departments then let him know.

Ms. Holt asked why the school system was not on there.

Mr. Mitchell stated that the school system is not on there because he is not sure what is coming about with the middle school at this point.

Ms. Erard stated that this was one of the things they had talked about this morning. She said it may be appropriate because if they get a new facility it may need some capital upkeep. Ms. Erard stated that they need to get that information from the school.

Ms. Misicka asked if this document was prioritized.

Mr. Mitchell stated that once it is finalized the Planning Commission can prioritize it. He stated however it will go to the Town Council who makes the final decision.

Mr. Rodeheaver explained that they would prioritize whether it was short range, mid range or long range.

Ms. McMullen said that this was not at all what they should be doing she stated that it says in the Virginia code section 15.2-22, local Planning Commissions to prepare and submit annual capital improvement program. A local Planning Commission should prepare and revise annually a Capital Improvement program based on the Comprehensive Plan and the locality for period not to exceed 5 years. The Capital Improvement program should include the Commission's recommendation and estimates of the cost of the facility.

She stated she would stop there because she thought they talked before that in their Comprehensive Plan there is a recommendation for what should be in the Capital Improvements Plan and their goals. She stated that it also listed potential sources for funding. She stated a CIP could be used for proffers and a basis for requesting grants. She stated that the majority of what was proposed here and recommended here is for the CIP. She stated that the majority has recommended funding sources in here. She suggested looking at the Comprehensive Plan 5-12 and that be the beginning and the basis for reviewing and developing a CIP. She stated that the CIP is supposed to be more of a vision and it is up to them to figure out the source of the money. She stated it could be a proffer or a grant.

She said that she recommended that they do a thorough review of section 5-12 of the Comprehensive Plan. She stated it goes into many descriptions about block grants and so forth.

Ms. Holt asked if she was recommending using the Comprehensive Plan to prioritize the CIP.

Ms. McMullen stated she was recommending using the Comprehensive Plan information as a basis.

Ms. McMullen stated that they needed to begin to look at the CIP on the lines as a tool and not a budget.

Mr. Grant stated that he did not think they were using it as a budget and certainly the Staff needed to contribute to the CIP.

Mr. Rodeheaver stated that Capital Improvements were not a budget and do not have anything to do with the yearly budget unless Town Council puts money towards a Capital Improvement.

Ms. McMullen stated that she looked at 16 governments CIPs and Comprehensive Plans. She stated that what the state code describes as proffers are supplemental regulations to the zoning ordinance and the CIP is meant to help identify improvements in the Comprehensive Plan. She stated that when they look at proffers and the CIP the CIP helps developers identify where they would like to provide financing.

Ms. Misicka stated that she would like to make a comment. She stated that she recalled that at the time when that CIP showed up in the Comprehensive Plan that she had concerns because it was done by Land Studio who she knows is very competent and skilled. But still it was done by Land Studio without input from this body.

She stated that this was the recommendation of Land Studio and that this is the recommendation of their Staff based on input from each entity. She said she agreed that they need to prioritize but this covers every entity of the Town and the current pressing needs. She stated that what is in the Comprehensive Plan could be used to prioritize but she did not think they should just scratch this document and use that information. She said it is her understanding that the goal of this is that they want a proffer policy to be in place ASAP so they can get proffers from major developments that are perhaps imminent. She stated they cannot do that without a CIP. She stated that it can always be changed and amended. She said that they could look at the Comprehensive Plan to prioritize it but she asked that they not start from the get go. She stated that she does not see this as being inconsistent with the Comprehensive Plan.

Ms. McMullen stated she agreed that they should not start from the get go but they should rely on the information in the Comprehensive Plan and the community that shows what needs to be done for the future. She said they should expedite this but not provide a budget that is already going before Council. She stated this has no prioritization that is recommended in the Comprehensive Plan.

Ms. Misicka stated that they could certainly interpret it. She stated that she did not think they needed to get that specific in the CIP. She said when they look at the money and what they want to do with it then they can look at the Comprehensive Plan and say the boat ramp is the first thing to do let's do that.

Ms. McMullen stated that copier listed for \$3,000 in the CIP should not be listed here because it should be part of a budget. She stated that they need to clear this up and if she is the minority again then fine.

Ms. Misicka asked Ms. Erard if they needed to prioritize this before they send this to Council for their approval.

Ms. Erard said yes.

Ms. Misicka stated to Ms. McMullen she was raising a great point that in prioritizing this they should refer to the Comprehensive Plan. She stated that they needed to do that.

Ms. Holt stated to Ms. McMullen that they were not disagreeing with her on using the Comprehensive Plan to prioritize the CIP.

Mr. Mitchell stated that he would appreciate if they look at the CIP and if they want to add some categories then they could do it. He stated that he wanted them on their own time to look at the priorities and let him know what they think they should be. He asked that they give this information back to him before the next meeting. He said then they can come to something that is prioritized.

Mr. Rodeheaver expressed the sense of urgency with this.

Ms. McMullen stated if they turned to page 2 then she could quickly go over her concerns. She stated she questioned a copier and office furniture being in the CIP. She stated she did not know what a roll off is or a jet truck.

Ms. Foulds explained to Ms. McMullen that a jet truck is a piece of equipment that saves labor and manpower on dealing with sewer line issues. She explained the importance of having this piece of equipment and that it sometimes has to be used out in the County.

Ms. McMullen asked if the County was going to help pay for this new equipment. Ms. McMullen stated she sees water meters which she stated they haven't had in forever. She said this may not be a top priority because they are extremely expensive. She stated considering their fiscal situation this may not be priority. She asked if this was in the current budget that they were proposing.

Ms. Foulds stated no it was not.

Ms. McMullen stated she was pleased to see beach replenishment. Ms. McMullen asked if they thought it was going to be difficult to look at these items and then utilize the Comprehensive Plan for the source of revenue.

Mr. Mitchell stated that the last column of the sheet was for funding and had not been filled in as of yet.

Ms. McMullen stated some of this is from the budget and others came from other sources.

Ms. Misicka asked if the CIP was independent from the budget. She asked if nothing in the CIP needed to be budgeted.

Ms. Erard stated that is correct.

Ms. Misicka stated that the CIP does not need to specify where we intend to get this money. She asked if this was correct.

Ms. Erard stated that the way that it works is that the cash proffers system goes towards something that is designated to the CIP. She stated that it is supposed to be kind of a road map. She stated that there is a link between the cash proffers and CIP.

Ms. Misicka asked if they do not specify sources of funding it would have no effect on them not getting cash proffers. She said she is not sure why they are even talking about it, she said it is going to be hard enough agreeing on prioritizing.

Ms. Misicka stated going to the level of specifying funding sources does not contribute to the goal of getting anything done.

Ms. McMullen stated that the state code says that when developing a capital improvements plan...

Ms. Misicka reminded Ms. McMullen that they had an attorney on staff

Ms. McMullen stated she was going to read this.

She stated that it says under the state code that when developing a capital improvements plan that they would advise the means of financing them. She stated she concludes her statement.

Mr. Grant asked if they could move on.

Mr. Rodeheaver said that they may not know where funding can be found but they will just have to take their best guess. He stated that was what they did last time. He stated that they put down that it could be bonds or grants. He stated that somehow they will have to take a shot at putting something down. He stated that it should not be something they should argue about. He said they should just put their best guess down.

Mr. Rodeheaver stated that if the Director or whoever is putting this together is aware of any grants or moneys available that they check that off.

Ms. Misicka stated that she wanted to just reiterate that the goal right now is the proffer policy and it cannot be adopted without a CIP. She stated that they pay an attorney to give them legal advice. She stated that she has asked the Town Attorney twice throughout the meeting to adopt a CIP do they have to put sources of funding and her answer was "no". She stated that she simply thinks that they should be abiding by what the attorney for the Town is recommending to this panel for what is and is not required for a CIP. She stated that they should not be abiding by an laypersons interpretations of a CIP.

Ms. Erard stated that they could say for the funding that it is simply cash proffers.

Ms. Erard stated that they can come back and update this section later.

Ms. Misicka stated if they had all the time in the world then she could see arguing about this but she

stated that what she is hearing is that it is not necessary to put the sources of funding in here. She asked why spend time doing it.

Mr. Rodeheaver stated that he hated doing it last time. He stated that he certainly did not want to do it if they didn't have to.

Ms. Misicka and Mr. Rodeheaver agreed the simpler the better.

PUBLIC COMMENTS ON PLANNING COMMISSION MATTERS

Mr. Grant asked if anybody in the audience had any public comments. Hearing none he closed the public comment period.

PROFFER GUIDELINE CALCULATIONS

Mr. Mitchell stated that Ms. Urquhart had asked him to put his assumptions in here and he stated he had. He stated there were footnotes throughout the spreadsheet.

Mr. Mitchell reads the line by line items in the spreadsheet. Mr. Mitchell goes over how he did the mathematics to come up with figures.

Ms. Holt commented that she thought it was extremely sad that they were only asking for \$19.74 per house for the Police Department and \$660.00 per house for Parks and Recreation.

Ms. Erard stated the numbers can be manipulated however the numbers come from the CIP and Level of Service.

Ms. Holt asked if they were not losing Police Officers because of low pay.

Mr. Mitchell explained that they cannot use this for pay.

Ms. Holt asked if it can only be used for cars and buildings... Mr. Mitchell replied yes and it cannot be used for salaries.

Ms. Erard explained that this is why it is important what they put in this document.

Mr. Grant asked if the expenses of the Town are kept separate from the Rescue squad and Fire Department.

Mr. Mitchell stated that they would collect the money and disperse it to them.

Mr. Mitchell stated that the number that he came up with that would take place during a rezoning process was \$17,213.76.

Mr. Mitchell stated that last month he had a number in there for dwellings built with the leed silver certification (green house). He stated that he had done some research and that \$5,000 credit is based on the US building code in two reports he had found. Basically it is about 2.5%. He stated that this

figure would result in a \$12,214.00 per unit proffer.

Ms. Holt asked if replacing the water and sewer lines could not be in the proffer policy.

Ms. Erard stated that this was one of things that Staff had talked about yesterday. She said she recommended that Mr. Mitchell talk with Mr. Murphy regarding the infrastructure issues in terms of the age. Ms. Erard stated that this is very much a working document. She stated that she and Ms. Foulds were just talking about the cost of the rent for the police department and or a new facility. She stated that they are trying to think of everything.

Mr. Grant asked where do they go from here.

Ms. Erard stated that they should look at it and give them input.

Mr. Grant asked if they needed a public hearing on this.

Mr. Mitchell stated the CIP yes but not the policies. He stated that it is not an ordinance. Mr. Mitchell stated however they will need a public hearing on the next item.

Mr. Rodeheaver asked that when they go to use the proffer policies is it locked in concrete. He asked don't they negotiate things.

Ms. Erard stated that this does lock them in concrete and what this does is say that if you are going to build a house you are going to pay \$17,000 in cash proffers to the locality and it is considered voluntary.

Mr. Mitchell stated that however if somebody had a big piece of land and they wanted to donate it to the Town, then the town could take the value of that land and credit it if the Town Council decided that is what they wanted to do.

Ms. Erard reminded the Commission that all these documents work together.

Ms. Misicka asked if they were not looking at revised versions of this document. Mr. Mitchell stated yes that it was revised from the last document.

Ms. Misicka asked why could they not just approve this now.

Mr. Mitchell stated that he had hoped that he could include their comments in this.

Ms. Misicka asked if they could shoot for having a final document at the next meeting to approve.

Mr. Mitchell stated that he needed their comments two weeks prior to the next meeting for him to revise this document.

Ms. Erard stated that in order of importance to approve. The first item being CIP and then Level of Service and then Proffer policies and calculations.

Mr. Mitchell stated that the CIP and Level of Service needed a public hearing.

Ms. Erard said these are amendments to the Comprehensive Plan.

Ms. Holt asked if they would be approving all three at the same time and sending them to Council rather than piece meal.

Ms. Erard responded correct.

Ms. McMullen stated that just to expedite this she would propose that the verbiage for this policy be approved now. She stated that she felt they should vote on this now and state that it should be a supplement to the other two documents. She asked can they do that.

Ms. Erard stated that they could do this by consensus and then include it later with a formal vote.

Ms. McMullen stated that she would move to approve this. There was general consensus from all Commission Members to recommend this document.

LEVEL OF SERVICE DOCUMENT

Mr. Mitchell stated that he was actually going to skip the first three pages of this document. He stated they are general information.

Mr. Mitchell stated that he wanted to discuss the Transportation section first. He stated the main thing that changed here was that he talked to VDOT again and item 2.6, 2.7 and 2.8 on page 5 have been reoriented a bit in terms of what a traffic impact study is versus when you have to do for a regional impact analysis. He stated that what this states is that a traffic impact study is less of a document and less expensive and is for smaller projects. He stated that these are triggered by the number of trips generated. He stated they could see on this document that the number of trips increases with each one.

Mr. Mitchell explained that based on the size of the business and type of business would dictate the type of study that needed to be done.

Mr. Mitchell stated that the rest of the document VDOT was in favor of.

Ms. Misicka asked if she could make a suggestion. She stated that in order for her to see what was different in each document she had to pull out the old one and compare it to the new one. She asked if Mr. Mitchell could from this point on show on the document what was changed.

Mr. Mitchell agreed.

Mr. Mitchell stated that the Storm Water management section which starts on page 8 was sent to the Department of Conservation and Recreation. He stated everything from Regional Storm water section all the way to number 6 on the top of page 9 are revisions. He stated that DCR basically rewrote this section. He stated that they are basically happy with this document with these changes.

Mr. Mitchell describes the level of services for Storm Water management.

Mr. Mitchell stated that the Police Department section is fine.

Mr. Mitchell stated that the Fire and Rescue section is the part that he is having Mr. Ridgley look at. He stated that Mr. Ridgley does not have a problem with the calls for service but needs to look at some of the more technical aspects.

Mr. Mitchell stated that one of the things that they were going to delete was the joint County and Town fire and rescue commission.

Ms. McMullen asked for a rationale for this.

Ms. Erard stated that at this time it is not something that the Council has designated and they can come back and add it in later.

Mr. Mitchell stated that in the Community Facilities they have libraries which he stated they actually meet that standard. He stated if anything they surpass it.

He said that with the Parks and Recreation other than land area they probably meet that. He stated they would like to have some additional park land developed.

Mr. Mitchell said they may want to reorganize in terms of making the first thing there establishing a separate parks and recreational department and make that 7.5 and bringing 7.2 up. Mr. Mitchell stated in terms of budgeting that is down the road having as separate parks and recreation department.

Mr. Mitchell stated the schools section was written by Dr. Power and he does not have a whole lot to say about it. He stated he can't comment on it or take away from it.

He stated that responding to last times concerns with 8.10 he reworded it a bit. He said he put "begin planning for new facilities prior to the need" instead of waiting to the day they are needed.

Mr. Mitchell stated the rest of the document is pretty straight forward.

He said that Mr. Murphy gave the information for Water Utilities and solid waste.

He stated that Administration reflects the administration building.

He said the one thing he still needed to do was dove tailing this to the CIP and making a reference in this document.

Mr. Mitchell stated that if they have individual comments that they would like to make he would like them 2 weeks before the next meeting.

Mr. Grant asked if any of the VDOT requirements change when the Town inherits the roads.

Ms. Foulds responded that they inherit the maintenance but none of the standards will change.

Mr. Mitchell stated that they would just call them their standards.

Mr. Rodeheaver asked how do they treat things like water capacity and sewage capacity that are adequate now but may not be for the future.

Ms. Erard stated under the water and sewage facilities any expansions that are capital in nature should be anticipated.

Mr. Mitchell stated that it is his understanding from talking to Mr. Murphy that when they redid the plant that the number they used per house was higher because they have a lot of groundwater getting into the lines.

Mr. Rodeheaver asked if they would recalculate the proffer every year when the CIP gets updated.

Mr. Mitchell stated yes they would. Mr. Mitchell stated that they can tie it into the price of things so with inflation that the price goes up.

Ms. Erard stated that these do directly relate to the budget every year. Ms. Erard stated to Ms. Foulds that she may want to look into developing an annual time line for this.

Mr. Grant stated that where they stand is that they needed to review these documents and get them to Gary before the next meeting. He stated for the next meeting they can schedule a public hearing to recommend to Town Council.

Ms. McMullen stated that on the CIP these documents as well as the Comprehensive Plan will be used to determine the financing. She asked if they should not see that before they open to a public hearing.

Mr. Grant stated that yes they would need to advertise it so it will be further down the line at another meeting.

Mr. Grant asked for any other comments. Hearing none he adjourned the meeting.

ADJOURNMENT

Mr. Grant adjourned the meeting at 6:45 P.M.

Ed Grant, Chairman