

## **Town of Colonial Beach Planning Commission Minutes**

Date: August 05, 2010 – Town Center, 22 Washington Avenue

Time: 5:30 P.M.

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

Absent: Desiree Urquhart  
Andrea Erard, Town Attorney

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

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### **CALL THE MEETING TO ORDER**

Mr. Grant called the meeting to order at 5:30 P.M. Ms. Urquhart was absent and Ms. Holt arrived a few minutes late for the meeting.

### **APPROVAL OF MINUTES**

Mr. Grant asked for approval of the minutes from the July 01, 2010 meeting. Mr. Coombes moved to approve the minutes and Ms. Misicka seconded the motion. There was general agreement to approve the minutes.

### **PUBLIC HEARING TO RECOMMEND AMENDMENT TO THE COMPREHENSIVE PLAN, APPENDIX B, LEVEL OF SERVICE STANDARDS.**

Mr. Grant stated that before he opened this up to public hearing he would like to go over the Town's proffer policy. He stated that it reflects the other two items they would be covering.

Mr. Grant asked Mr. Mitchell to go over the proffer policy.

Mr. Mitchell states that they had been working on this since last fall. He stated this was the final draft. He stated that the proffer policy does not have to have a public hearing. He said that it is based of the CIP as well as the level of service standards. He said that once they endorsed it, it would go to the Town Council to adopt. He stated the proffer policy is for the collection of cash proffers when a rezoning occurs. He said that when a property is rezoned for residential primarily there will be a cash proffer associated with that based upon the impact of

that on facilities like schools, fire, rescue and police. He said this money would be put into a capital account and the money would then be used for the capital expenses when needed. He stated that the money for proffers cannot be used for operations and this is what this policy talks about.

Mr. Grant stated that in order to have a proffer policy you need to establish the level of service reference point. He stated this was their first public hearing.

Mr. Mitchell stated they were definitely linked together very strongly.

Mr. Grant stated then the third item would be the Capital Improvements Plan.

Mr. Coombes stated that he had a few questions. He asked on the dollar figures where do these numbers come from (regarding the proffer policy).

Mr. Mitchell explained that the school number came from the department of education. Mr. Mitchell stated that the figures were based off of averages. He stated that you divide that number by students produced by housing units and that is how you come up with the number.

Mr. Coombes stated that getting to the bottom line number they appear to be inflated.

Mr. Mitchell stated that the numbers came from the actual departments listed.

Mr. Coombes asked how long would these numbers be valid.

Mr. Mitchell explained that next year they could readopt this and reevaluate it.

Mr. Coombes questioned the Leed Silver certification. He said he understood what it was. He asked about the study that was done.

Mr. Mitchell explained that there was a study done by an engineering company and they figured about 2.5% was the cost of building green vs. not building green. He stated the idea was that if somebody wanted to build a Leed Silver house they would receive a credit.

Mr. Coombes stated that what they would be doing was recommending to the Council that with every dwelling unit, some \$19,000 in proffers would be given with a rezoning and if it is green then it would be \$14,000.

Mr. Mitchell stated yes.

Mr. Rodeheaver asked if the Rescue Squad was in there. Mr. Mitchell stated on the second page.

Ms. McMullen asked to refresh her memory on what a jet truck was.

Ms. Foulds explained the importance of the jet truck. She stated that it was a piece of equipment that public works uses to help repair the water and sewer lines. She said that they were the only ones in the county with this piece of equipment.

Ms. McMullen asked if the county reimbursed them for the use of the jet truck. Ms. Foulds replied yes.

Mr. Grant explained to Ms. McMullen that it is like a huge vacuum cleaner.

Mr. Mitchell asked that the Commission vote on whether to forward the proffer policy to the Town Council or not.

Mr. Grant asked for a motion to send this document forward.

Ms. McMullen stated that if they were just considering this one section then **she so moved.**

Ms. Misicka seconded the motion.

Mr. Coombes:	Aye
Ms. Holt:	Aye
Ms. McMullen:	Aye
Mr. Rodeheaver:	Aye
Ms. Misicka:	Aye
Mr. Grant:	Aye

There was general agreement to send the proffer policy forward to the Town Council.

Ms. Misicka asked for a point of clarification that this included the proffer calculation sheet also. Mr. Mitchell replied yes.

**PUBLIC HEARING FOR THE AMENDMENT TO THE COMPREHENSIVE PLAN, LEVEL OF SERVICE STANDARDS DOCUMENT, APPENDIX B.**

Mr. Grant opened up the public hearing for the level of service standards document. He stated that this was the 24 page document that they all had that deals with the standards for things like road way systems, library, parks and recreation, public safety, schools, water and so on.

Mr. Mitchell stated that he would give them a brief preview of the document.

He stated the Transportation section was sent to VDOT and he met with some of their planners and they had a few edits in terms of traffic analysis.

He said that otherwise they have endorsed what they have here.

He said the next section was storm water facilities. He explained that this section was sent to the Department of conservation and recreation (DCR). He stated that their representative V'lent Lassiter sat down with their engineers and made a few changes on page 8 where it talks about the code section of Virginia 50-60-40 and 50-60-80. He stated these sections were added. He said everything else they agreed with and have done a good job with.

He said the public safety section came from the police department. He worked with Monroe Bryant on this. He said he worked with Mr. Ridgley on the Fire and Rescue section. He prepared the Library section based off of conversations he had with the Librarian. He said that parks and recreation as well as the solid waste section was done through the public works department. He stated the information was gathered and developed between himself and Mr. Murphy. The school section was written by Dr. Power. He stated that he sent her a draft and she edited it. The last section regarding the municipal building is based on conversations that he had with Ms. Foulds.

Mr. Mitchell stated that they had seen this document before and they have been looking at it for a few months. He said that they need to have this to reference the policy they just adopted.

Mr. Grant opened the public hearing and asked if anybody in the audience would like to come forward with a public statement.

There was no public comment.

Mr. Grant closed the public hearing.

Ms. Holt questioned on page 17. *6.2 provide and maintain a collection of 5 books per capita.* She said that she remembered that one of the drafts did not say books but said something else. Mr. Mitchell asked if she preferred the earlier wording. Ms. Holt stated that she thought it was more accurate. Mr. Mitchell stated that he would go back and look to see what it was. Ms. McMullen suggested using the word media.

Ms. McMullen stated that there was one section that she was concerned should be left out. She said it was the last part of the first paragraph where it says *this should be an appendix to the Comprehensive Plan.* She stated that she believed that what they were talking about was something that they want to enforce.

Mr. Mitchell replied yes that they want to enforce it.

She said in that regards she felt this was regulatory and it should be an ordinance as policy, whereas the Comprehensive Plan is a plan. She stated that she believed what they had there is

good. She said that she went on line and looked at the Comprehensive plan in other jurisdictions in Virginia and that she found nothing in any of them regarding these standards.

She stated that she thought that they should adopt this to send to Council but not as an appendix to the Comprehensive Plan.

Mr. Mitchell said that state code says in order to collect cash proffers you have to have the standards established in the Comprehensive Plan. He stated that if they put this in the Comprehensive Plan they could come back over the next year or so and develop regulatory language in the zoning ordinance to put these as enforceable language. He said these are basically broad and bold type statements and do not say you must have five foot setback on this or that.

Ms. McMullen said she thought they had standards established in general terms in the Comprehensive Plan.

Mr. Mitchell said this is more specific then what they have.

Ms. McMullen stated that she objects to having this in the Comprehensive Plan and using it as a regulatory document. She asked that the Commission consider sending this to Council but not as an appendix to the Comprehensive Plan.

Mr. Grant stated that this was a petition to Council and an appendix to the Comprehensive Plan and it is supposed to be pursuant to section 15-2-2223 of the code of Virginia.

Ms. Holt stated that this is to come first and then they can development more specifics.

Mr. Grant stated that they could recommend that this go to Town Council and then anybody who has an objection can object....

Ms. McMullen stated right that Council will make the final decision.

Ms. Misicka asked Mr. Mitchell if it was his understanding that the code requires that this be an appendix to the Comprehensive Plan.

Mr. Mitchell stated yes in order to collect cash proffers it has to be added to the Comprehensive Plan.

Mr. Mitchell stated that if something comes along that you do not want to approve then you go through the process and use this as a reason to deny the rezoning because it is not consistent with the Comprehensive Plan.

Mr. Mitchell stated if this is not in there and they are consistent with the plan then you may not be able to deny it.

Ms. Misicka stated that if the code demands this then they do not have a choice. Ms. Misicka suggested that they word the motion to say that the code requires this and then if it is not true then Council can consider whether to include it or not as an appendix.

Ms. McMullen suggested putting language in the Comprehensive Plan that states they will follow these standards as developed by the Town. She said that then they would not have to amend the Plan every time they change the standards.

Mr. Mitchell stated they would need a new public hearing if they do this. He said he did not advertise this as that.

Mr. Coombes stated they are talking process here and he is not sure how deeply they should get into that. He stated the final process will be determined by the Town Council. He said that there job was to get this to them and then the process will shake itself out.

Mr. Grant said he agreed.

Mr. Coombes asked if the 15-2-2223 was where the state statute talks about it being in the Comp Plan.

Mr. Mitchell replied yes.

Ms. Holt reads the Commission paper 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 recommending approval of the LOS Standards as an appendix to the Comprehensive Plan of the Town of Colonial Beach.

Now therefore be it resolved that the Colonial Beach Planning Commission hereby forwards this petition 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.

**Ms. Holt motioned and Ms. Misicka seconded the motion.**

Mr. Coombes:	Aye
Ms. McMullen:	Believes document should go to Council but <b>abstains</b>
Mr. Rodeheaver:	Aye
Ms. Misicka:	Aye
Ms. Holt:	Aye

Mr. Grant:                   Aye

**PUBLIC HEARING FOR THE CAPITAL IMPROVEMENT PLAN (CIP).**

Mr. Mitchell stated that they all had a revised CIP in front of them. He stated that he will apologize for one thing and that is since our last meeting his computer has crashed and this was one of the few documents he was able to recover. So, the column for grants should have an X all the way through. He suggested that if they adopt this tonight they should add language to the motion that says grant funding will be sought out first as a means of funding for these items as opposed to general funds, loans or whatever.

Mr. Mitchell stated that these numbers come from talking to the departments. He stated that the Town Attorney had advised them at the last meeting that they do not actually have to fund the CIP but they need to adopt one. He stated each year it would be relooked at.

Mr. Rodeheaver inquired about where the rescue squad was in this document.

Mr. Grant asked if anybody in the public would like to make a comment.

Nobody came forward for the public hearing.

Mr. Grant closed the public hearing.

Mr. Mitchell stated that he would add a section in there for the rescue squad and that he would use the numbers from the proffer policy. He stated he would also do the same for the fire department.

**Ms. Holt stated that she want to make a motion to accept.**

Ms. Holt reads the following commission paper 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 recommending approval of 2010-2011 Capital Improvements Program (CIP).

**With the addition to the CIP that the Town of Colonial Beach will seek grants as a funding source where appropriate prior to seeking other forms of funding.**

Now therefore be it resolved that the Colonial Beach Planning Commission hereby forwards this petition 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.

**Mr. Rodeheaver seconded the motion.**

Ms. Holt:	Aye
Ms. Misicka:	Aye
Mr. Coombes:	Aye
Mr. Rodeheaver:	Aye
Ms. McMullen:	Aye
Mr. Grant:	Aye

Mr. Grant stated that the motion passes and it gets forwarded to the Town Council.

**PUBLIC COMMENT ON PLANNING COMMISSION MATTERS**

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

There was no public comment.

**NEW BUSINESS**

**Subdivision Ordinance -**

Mr. Grant stated that the next order of business was to discuss the updates to the Subdivision Ordinance Regulations.

Mr. Mitchell stated that he provided them with just the first three sections of the Subdivision Ordinance for them to review. He stated that he had put strikethroughs and underlines to show the proposed changes.

Mr. Mitchell stated that they could work off of this document and the Commission could decide what they would like to change. He stated that once they are happy with this part they can review another section. He stated that back in the spring they had identified this as one of the things that was important for them to do.

Mr. Mitchell stated that he felt it was easier to review this thing in pieces rather than to take the whole ordinance at once.

Mr. Grant suggested everybody review it for discussion at the next meeting.

Mr. Coombes asked if they were going to discuss this now. Mr. Coombes stated that on page 5 he did not understand why if a plat plan was not approved why did they have to appeal it to circuit court rather than the Town Council.

Mr. Mitchell stated this was the law.

Mr. Coombes stated that it was then inaccurate in the past and Mr. Mitchell responded yes.

Ms. Misicka stated that she had a question. She stated that she understood that they had been given this two months ago. She stated she thought they were to be ready to discuss this at this meeting. She said why not go forward and discuss this.

Ms. Misicka stated that the one thing she saw that she had questions on was page 3, changing the definition of a corner lot in terms of what is considered the front. She said that the old definition meant that if your house was on a corner lot there was only one front. She stated the new definition states that you have two fronts.

Ms. Misicka stated that she felt this may have a huge impact on what people are able to do with their lots.

Mr. Mitchell stated that it depends on which zoning district they are in. They can go down to five feet.

Ms. Misicka asked what the front setbacks were.

Staff stated depending on the zoning district either 30 feet or 35 feet.

Ms. Misicka asked whether people who already have structures are grandfathered in.

Mr. Mitchell stated yes.

Staff explained that this applies to new development, new subdivisions.

Ms. Misicka asked if they were going to be in trouble at all because they were defining this in this way for the subdivision ordinance and not in the zoning ordinance.

Mr. Mitchell stated this is for new lots and subdivisions.

Ms. Misicka asked if they do not have to match up the two ordinances.

Mr. Mitchell stated no. He stated that in the zoning ordinance there is already some language that says that if it is on a corner lot that automatically one of the setbacks is reduced.

Ms. Misicka stated that so many of the lots are small in Colonial Beach.

Ms. Misicka stated that as she understands it both sides that face a street will be considered fronts.

Mr. Mitchell stated that the homeowner is allowed to determine which way he wants to orient his front door.

Ms. McMullen stated that they should vote on this and send it to Council.

Mr. Mitchell explained that they would need to have a public hearing first.

Mr. Coombes inquired if they would have a public hearing for just this section or for the whole document.

Staff stated that they should have just one public hearing.

Ms. McMullen asked if they could all agree that they are satisfied with this section.

There was general agreement that they were satisfied with this section with Mr. Rodeheaver stating that he would like the ability to come back and review this again if need be. Mr. Mitchell stated they could review it again.

Mr. Coombes asked how many more sections would they be reviewing.

Mr. Mitchell stated that there were about six more sections.

Mr. Mitchell stated that the next couple chapters were the main sections of the ordinance.

Mr. Coombes asked if they were looking at around December to get this all done. Mr. Mitchell responded yes.

#### **CHESEAPEAKE BAY PHASE III REQUIREMENTS**

Mr. Grant asked that they move on to the Chesapeake Bay Requirements phase III.

Mr. Mitchell explained to the Commission that this document contained changes that they will need to adopt to comply with DCR (Department of Conservation and Recreation) requirements.

Mr. Mitchell asked that the Commission review this document and prepare to discuss it at the September meeting.

The Commission agreed to review and discuss this in September.

#### **ADJOURNMENT**

Mr. Grant adjourned the meeting at approximately 6:30 P.M.

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Mr. Ed Grant, Chairman