

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

Date: September 02, 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  
Desiree Urquhart

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

---

### **CALL TO ORDER**

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

### **APPROVAL OF MINUTES**

Mr. Grant asked for approval of the minutes from the August 05, 2010 meeting. Ms. Holt moved to approve the minutes and Mr. Coombes seconded the motion. There was general agreement to approve the minutes without objection.

### **PUBLIC HEARING FOR A REQUEST TO VACATE A PORTION OF LAWRENCE LANE, ROWV-03-2010.**

Mr. Grant explained that the next item was a public hearing for a request to vacate a portion of a right of way known as Lawrence Lane. Mr. Grant asked Mr. Mitchell to go over the staff report. Mr. Mitchell reviewed the following Staff report with the Commission.

<b>PLANNING &amp; COMMUNITY DEVELOPMENT STAFF REPORT</b>	
<b>PROJECT NAME: Right of Way Vacation</b>	<b>Planning Commission Meeting Date: September 1, 2010</b>
<b>Case Number: ROWV-03-2010</b>	<b>Applicant: Bill &amp; Leslie Milleson</b>
	<b>Owner: Town of Colonial Beach</b>

	<b>Location: An underdeveloped extension of Lawrence Lane at approximately a 45 degree angle from Monroe Bay Avenue</b>	
	<b>Voting District: NA</b>	
	<b>Parcel Number: 3A-2-13-1A</b>	
	<b>Total Site Area: 7,700+/- sq. ft.</b>	
	<b>Site Area Developed: NA</b>	
<b>Existing Structures: None</b>	<b>CBPA: NA</b>	
<b>Flood Hazard: NA</b>	<b>Additional Site Data: Zoned R-2</b>	
<b>Current Zoning: None</b>		
	<b>Staff: G. Mitchell</b>	<b>Date: 8-11-10</b>

**Prior Actions / Case History**

<b>Rezoning: NA</b>
<b>Special Exceptions: NA</b>
<b>Variances: NA</b>
<b>Subdivisions: NA</b>
<b>Other Data: NA</b>

**DISCUSSION:**

Mr. & Mrs. Milleson have requested the Town to abandon a portion of this undeveloped right-of-way. They are willing to purchase the property. This right-of-way leads to Monroe Bay but in this location there is no beach area and where there is no feasible way to offer amenities to the Town residents as a whole. Additionally, there is another access point to the south which is an extension of Dandridge Street. The land lies to the rear and side of several homes.

There are no plans by VDOT to use this area for any future road extensions or bridges across Monroe Bay. Police Department supports the vacation of the right of way due to crime prevention and to prevent illegal dumping. Based upon estimates from Public Works it would cost the Town \$300 per square foot or annually to maintain a right-of-way of this size. Currently, there are no drainage easements or other Town owned facilities within this right-of-way. However, if a drainage easement is needed by the Town, upon the request the Millesons shall offer such an easement at no cost to the Town.

A portion of Lawrence Lane will remain under Town ownership after this vacation. This prevents the Millesons from having a non-conforming lot. The applicant has agreed to maintain this portion of Lawrence Lane since it is essentially his driveway.

A maintenance agreement will need to be executed by the applicant and shall be recorded in the Westmoreland County Clerk's office. This agreement will serve as an addendum to their deed.

The highlighted area in the attached aerial photo, from the Town's GIS system, illustrates the area associated with this request. The yellow area is the portion to be abandoned and the pink area shows the area subject to the maintenance agreement.

**COMPREHENSIVE PLAN:**

Throughout the Plan it is recognized that the Town's tax base needs to be expanded. By approving this abandonment the Town could save the approximate \$300 per square feet in potential maintenance costs as well as putting this land back on the tax rolls. Although the land is incorporated into an existing lot, this will most certainly raise the assessment of the lot and therefore increase the tax base of the Town.

Typically, a lot that is approximately 6,000 sq. ft., in this area of Town is assessed at \$156,000 based on Westmoreland County Commissioner's Office. While this parcel of land is not suitable to build a home due to its extreme narrowness and length, it does offer a significant addition to the yard of the Millesons. When added to the existing properties the new assessments for the properties should increase by approximately 15%+/- based upon an estimate from a local appraiser.

**PROCESS:**

Approving this vacation would result in the Town selling the rights to the right-of-way. The Town

will have an appraisal of the property performed and the applicant(s) will purchase the property from the Town based upon this appraisal and be responsible for the other closing costs. The applicants shall also provide a maintenance agreement to the Town for that 50-foot portion of the right-of-way that will remain under Town control. Finally, if requested by the Town the applicant shall provide at no cost to the Town a drainage easement along this abandoned right-of-way.

**STAFF RECOMMENDATION:**

Staff recommends sending this proposal to the Town Council with a recommendation of approval of this ROWV application with the conditions as outlined below.

**RECOMMENDED CONDITIONS OF SALE:**

1. The applicant shall prepare and pay for a plat of the property and if approved by Town Council and pay for all closing costs including all deeds, plats and recording fees.
2. The applicant shall purchase the property from the Town Council within 45-days of approval, based upon the appraisal (which shall include the costs of such an appraisal).
3. The applicant shall have a lot consolidation survey prepared to show how the right-of-way will be consolidated into his existing property. Upon approval the lot consolidation, the applicant(s) shall record the plat in the Circuit Court Clerk's Office of Westmoreland County.
4. The applicant shall execute and record a road maintenance agreement for that portion of Lawrence Lane that remains under Town Ownership. This agreement shall be binding on current owners as well as future owners, successors and/or heirs for the property.

Mr. Grant opened the public hearing. He asked for any public comment.

Mr. Marvin Wilson of 1301 Monroe Bay Avenue stated he owned the house on the left of Lawrence Lane and the property to the right. He stated that they always used this driveway to get to their property. He stated if it comes about he would like to have the right to buy his piece of Lawrence Lane.

Mr. Mitchell stated that yes he has the right to buy half of it. He stated that if the Town Council abandons the right of way then it will be offered to both parties. He stated that if he does not want to buy his part then Mr. Milleson can buy the whole thing.

Mr. Grant reiterated that this was just this extension of Lawrence Lane.

Mr. Mitchell showed the Commissioners were the fifty feet that are left is which would be under the road agreement. He stated that this section would not be touched and that the Milleson's had agreed to a road maintenance agreement with the Town. He stated this would be recorded with the deed so that

whenever the next person to own that property buys it they are aware that they must maintain the road.

Mr. Wilson stated he would be happy to be part of a road maintenance agreement also.

Mr. Grant asked if there was also some recommended conditions on the sale. Mr. Mitchell stated they had these conditions on the previous vacation right of ways that they did.

Ms. Jo Townsend of 1300 Esmond Lane asked to speak. She stated that she does not live adjoining this land. She said that Frances Tate a neighbor does live up to it. She asked if it includes the beach.

Mr. Mitchell stated it does not.

Ms. Townsend said that people may not know that there is a road that runs all the way around. She stated that her concern was once you close that off how do the people that back up to that get to their property. She said her concern is how do they get to the back of their property if we close that road off?

Mr. Grant stated that Dandridge is the next road down and is supposed to provide access to property on the waterfront. But it is a grown up road and not useful.

Ms. Townsend stated she did not want to cause enemies but she has been here her whole life and the person who designed the Town fixed the streets so everybody who lives in Town could have access to the water. She stated that they can walk down and fish on that and it belongs to the Town. She stated that once you start to close off all of these then you are denying access to people who do not own waterfront property. Ms. Townsend stated that the trash man now comes down and picks up the Milleson's trash and Frances's trash on the back as you make the turn going on the water. Ms. Townsend stated that Ms. Tate had asked her to please state that she would like this trash pickup to stay the same because she is ninety some years old. But we should all be interested in doing what is best for everybody. She said that is her concern. She said that she lives across the street and every bit of her water view is gradually eroding away because I do not live on the water. But these are things that should be considered. She said that when you close off access to the water and the views then you are lessing the value to the in land lots. She stated that another thing that concerns her is that never is there a worse time to sell real-estate and the Town is trying to sell property. She stated that it is almost worth nothing after the appraiser is done. She stated the prices are rock bottom. She stated that she is speaking as a neighbor but she is really speaking for Frances Tate who lives next to this right of way.

Mr. Bill Milleson of 1205 Monroe Bay Avenue came forward to speak and stated that the Council is the one who came to them to sell this land. He stated that he talked to several Council people about this and they and the Zoning Administrator stated that there were several parcels that they wanted to sell. He stated this was the reason that they were here today. He said that the Council wanted to sell off these alleyways. He stated that they said that he needed to make application and told him what to do so he did it. He said that he did not care if it stays like this forever. But if they were going to vacate these alleys and they adjoin his property then he would like to be involved in it. He said this was one

item. He said the other thing was that the entire road would not be vacated. He stated some of the road needs to come in front of his land 50 feet because he needs the legal lot frontage onto Lawrence Lane. He stated that the vacation would not begin until fifty feet into the road.

Mr. Mitchell shows on the overhead projector where the approximate vacation would start.

Mr. Milleson stated that the trash trucks will still come to the same spot. He pointed out where the pickup takes place and said it would not change. He also stated that he was just doing what he was told to do.

Mr. Wilson pointed out to the Commission that his land for his cottage comes back to a certain point and that is where they always park. He stated that it currently limits the number of cars he can get into his driveway.

Ms. Townsend asked if three people's land touches the section that they wanted to vacate.

Mr. Milleson stated that he did not think Ms. Tate's land touched the vacation.

Mr. Milleson stated that the question may not be able to be answered until they get an up to date survey.

Mr. Wilson stated that it does start prior to the beginning of this land. He stated that his stake is right by the tree on the photo.

Ms. Townsend stated that most people in Town have no idea what is going on when they are vacating these streets. Ms. Townsend pointed out that alot people think that the Town has to sell these right of ways because they have to pay taxes on them. She stated these are the types of things that the public needs to be educated on because the Town does not pay taxes on this land. Ms. Townsend said that very educated people believe that the Town pays taxes on this land.

Mr. Coombes reiterated that he believed that the Town does not pay taxes.

Ms. Townsend asked where would she refer somebody who has questions on this subject.

Mr. Coombes stated the Town Manager.

Mr. Grant closed the public hearing and stated that the Commission Members could discuss this.

Ms. Holt asked Mr. Mitchell to show them on the map if they vacate this land would it keep people from having access to this water.

Mr. Mitchell showed them where the right of way was that was to be abandoned and which section of Lawrence Lane would still remain in the Town's hands.

Mr. Mitchell stated that anybody along the rest of the right of way can come and request to abandon the other portion of this right of way. He stated that there is at least one Council member who is open

to discuss this. Especially when there are little strips of unusable property that could not be used for anything.

Ms. Urquhart stated that the question was really not answered. Can the public still have access to the water?

Mr. Mitchell stated that if you do not own it then you would not.

Mr. Grant stated that the path on Dandridge is overgrown and unusable.

Mr. Coombes stated that Dandridge has never been put through.

Mr. Mitchell stated that there is public access there because it is a public street.

Mr. Grant stated that it is his understanding that building a pier on public property requires an agreement with the Town to maintain the beach front. He said that this would require the Town to have access to inspect these piers. So he had concerns with access to the existing piers on this property.

Mr. Mitchell stated that with the other right of way abandonment they had done on Vernon Street the property owner had agreed to give the Town an easement to maintain the storm drains on the property. He stated that possibly if this was sold off this situation that Mr. Grant was talking about becomes a private responsibility and not a public one. He stated that essentially makes it less expensive on the Town.

Ms. Misicka stated she is just trying to get a clearer picture as to who is affected by this. She asked if the waterfront people currently do not own their waterfront and the public is able to get onto the beach in front of these properties. She asked if anybody really does this. She asked Ms. Townsend if the people who did not own waterfront property had the understanding that when they bought their properties that they could have access to the waterfront through this right of way.

Ms. Townsend responded yes.

Ms. Misicka asked Ms. Townsend to clarify what Ms. Tate's concern might be.

Ms. Townsend stated that Ms. Tate's concerns were if you close off this road then you close off access to get down to this strip of beach front land. Ms. Townsend also stated that there is a two story house located there that she believes does not have access to their rear yard through any other way but this right of way.

Ms. Misicka asked if there is a particular concern that Ms. Tate has with her property. Ms. Townsend stated that is her concern and she would rather have it stay as is.

Ms. Misicka asked if her property abuts any of this would she have the option to buy. Mr. Mitchell explained that she would.

Ms. Townsend expressed that they do not have the money to buy it.

Mr. Coombes stated he would like to bring this into perspective. He stated that he is not aware in the sixteen years he has been on the Planning Commission that there is a lot of activity on that right of way that goes down by the river. He stated that strangers do not go down there. He said the people that own it may go down there but he thinks this business of access may be overblown. He said that he is not aware of the general public even knowing that this road exists much less that they can go down there or fish or do anything else. He stated that his thinking to Ms. Townsend is that the general access to that area is very very limited. He stated that nobody traverses this road because on the Dandridge side it is all marsh and weeds and growth. He stated that there is no road coming up to Monroe Bay avenue. He stated you cannot drive there or ride a bike down there. He stated except on the back of those three houses. He stated he is unaware from everybody he asked that the general public ever goes down there. He stated access is a miss-nomenclature. He stated the only real interest in access would be from the three owners down there.

Mr. Grant stated or the Town.

Mr. Coombes said if you have a pier and an agreement with the Town and an inspection of the pier takes place why can't you just walk through the yard?

Mr. Coombes asked Mr. Mitchell where the \$300.00 a square foot in maintenance figures comes from.

Mr. Mitchell stated that it comes from the public works director.

Mr. Coombes stated that it seems absurd that it cost \$300.00 a square foot to maintain that waterfront. He stated that he is absolutely aghast at what he is hearing tonight. He said it seemed they were throwing figures out left and right.

Mr. Coombes asked the Chairman that they delay this subject until they can get some straight facts about what is going on here. Mr. Coombes stated he feels these figures are wrong. He asked Mr. Mitchell what is this easement all about. He stated that in the final document it is not a requirement that he provide an easement to the Town, he stated it is just a verbal some kind of an agreement.

Mr. Mitchell stated that it would be included in the contract. Mr. Coombes said it does not say that. Mr. Coombes stated the thing seems to be too loose to him.

Mr. Coombes stated that the figures are vastly inflated. Mr. Coombes stated that he feels that they need to back up with this and have staff get them real live figures.

Mr. Coombes stated that the public really does not use this property that they will go up to the park just up the road.

Ms. Townsend stated she walks her dog down there whenever she feels like it. She said this is not true.

Mr. Coombes stated that is fine but the general public does not. He stated that she may because she knows people there or has sold houses excreta.

Mr. Coombes stated that he is worried about the comment that Council asked Mr. Milleson to do this.

Mr. Milleson said that he talked to three Council members who said they would sell it. Mr. Milleson stated if it was going to be sold he wanted it but he really was just doing what he was told to do by these Council members.

Mr. Coombes asked if they vacate town property isn't the right of first refusal the people who abuts the property not just somebody off the street.

Ms. Erard stated it is but at the discretion of the Town Council.

Mr. Coombes said that he feels common sense prevails here and he feels that the Council would give preference to the people who abut the land.

Mr. Coombes asked Mr. Milleson if the motivation came from Council and not him. Mr. Milleson responded yes.

Mr. Rodeheaver stated that he agreed with a lot of people here. He stated that he agreed with Ms. Townsend that people in this Town should know what is going on. He stated that he had the feeling that the Town would do whatever it could to make money. He stated that he is against wholesale selling of this type of property which appears to be what Council wants to do. He stated that all the details have not been worked out here. He said it is still unclear who needs access to what points. He said he is totally against authorizing this tonight and would like to send a message to the Council what the heck is going on that they are telling people they are selling all this property. He stated he does not know what this Town is doing. He said they are nickeling and diming the Town which tells me they are not managing the Town properly.

Ms. Misicka stated she would just like to say that they have this before them to consider and they should do their job of considering it. She stated whether it costs the Town \$300.00 or \$40,000 a foot to maintain... well it is a small area of land and we know what the condition of it is and it does not cost a lot. She stated regardless of where figures come from they know it is not costing the Town an arm and a leg to maintain this. She said there is really not much to maintain. She said that whether or not the public is now using it...well we are the planning commission and part of their job was to consider what is the best use of that land regardless of what its current use is. She stated that right now it has the potential for the public who doesn't own that waterfront to get to that beach. Maybe they could launch kayaks or put a beach chair down on the sand. She said she is not saying that is a good thing but it is something that they need to consider when they talk about vacating rights of ways. She stated especially here where the property owners don't seem to care one way or another. It seems like the Town wants to do this to make some money and I don't know if that is a good thing or a bad thing. She stated that she is not incensed about this she said they have some of the answers and maybe not all of the answers but if this comes back to them with correct figures, how is that really going to change anybody's mind on what to do here.

Ms. Misicka stated she disagreed to postpone this to just get this kind of information. She said if they feel they have enough information to decide tonight then they should decide tonight.

Mr. Grant stated he was of the opinion that they should resolve the decision until they have more facts.

Ms. McMullen stated that she agreed with the previous speaker that she thought it would be in everybody's best interest to go ahead and decide on this. She said she says this because she is unable to vote in favor of this because the applicant really does not care one way or the other. She said her preference is to deny this request.

Mr. Coombes said the other thing that bothers him is that they have Ms. Tate and he knows where she lives and who she is. But they have two other houses that have the waterfront as well and before he votes one way or another he would like to hear from those two other residences to ask some questions.

Mr. Coombes stated that some of the information may be small like the square footage costs and all. He stated that there is also the overall big picture like Cynthia was saying of what has gone on down there.

Mr. Coombes stated that what gets him is that the applicant really does not care. He stated that they have never had this before here. He said that with other vacations the applicants have been vehement about the Town vacating it.

Mr. Coombes stated that there is the opinion of Council from when he was on that the unused land throughout town including bluff point should be considered for unloading. He stated that it isn't going to produce that much money and it certainly is not going to produce enough money to save this Town. He said he just does not want to rush into this tonight.

Mr. Grant said he agreed and maybe they should hear from the Town Council.

Mr. Mitchell asked that if the Planning Commission decided to carry this over then he would like them to specify to Staff what questions that they have.

Ms. Holt stated that she was going to make a motion and she felt they really do not need to postpone this to find out information because they are worried about public use now and the future and it is not going to change one way or the other with a few extra facts. If those properties owners decide that they truly want this vacated then my assumption would be that they come as a group and they would say that they want to buy all of it and not piecemeal as it is now. Since it did not actually start with the Milleson's I see no reason to postpone this. Let them come as a group when and if they decide they want it. So I make a motion to not recommend this request.

Ms. Misicka seconded the motion.

Mr. Coombes voted Aye.

Ms. Misicka voted Aye and stated this was advertised and some property owners were here and she stated that she strongly disagrees with postponing this for that reason.

Mr. Rodeheaver voted Aye to turn it down.

Ms. Urquhart voted Aye.

Ms. McMullen voted Aye.

Ms. Holt voted Aye.

Mr. Grant voted Aye.

Mr. Mitchell stated that the right of way vacation will be sent forward as a recommendation to deny it.

Mr. Coombes explains that the recommendation of denial can still be overturned by the Town Council if they so chose. He stated that they are not the final authority, that the Town Council is. He explained that they have another chance to address this whole thing with the Town Council.

Ms. McMullen stated that this does not prohibit the applicant from withdrawing their application on this matter.

Ms. Misicka thanked all who spoke.

### **PUBLIC COMMENT**

Ms. Townsend expressed to the Town Manager and Planning Commission that it is very hard to hear at the public hearings and something should be done.

### **PHASE III CHESAPEAKE BAY REQUIREMENTS**

Mr. Grant stated that they needed to review the Phase III Chesapeake Bay requirements.

Mr. Mitchell stated that they were obligated to make these changes by the Department of Conservation and Recreation.

Mr. Mitchell said that they needed to go through them.

(Mr. Mitchell goes over the power point slides describing the Phase III Chesapeake Bay requirements. These slides have been emailed to the Planning Commission and are available in the Zoning Office)

Mr. Mitchell stated that basically their review had two noncompliant issues. He stated that they did not have RMA listed on the plats and that they were to have policies and ordinances in place to lower impervious cover, preserve existing vegetation and minimize land disturbance. He said that the only way to get to the last item (minimize land disturbance) is to adopt an LID ordinance which he would be giving a presentation on.

Mr. Rodeheaver asked if they wanted to lower the percentage under the impervious coverage.

Mr. Mitchell stated no they are not lowering the percentage but whenever possible they would rather use something other than concrete. Mr. Mitchell explained that porous pavers were an option they are pavers that allow water to run through them.

Mr. Rodeheaver asked how do they put this into effect?

Mr. Mitchell explained that they have to put some development standards into effect. He stated that is what the LID (Low Impact Development) Ordinance does.

Mr. Mitchell stated that they would work on getting this together for the Planning Commission within the next few months and bring it back to the Commission in maybe December.

### **POWER POINT PRESENTATION ON LOW IMPACT DEVELOPMENT (LID).**

Mr. Mitchell explains that he had to do some research on this subject.

(Mr. Mitchell reads the Power Point presentation to the Commission. The slides have been emailed to the Planning Commission members and are available in the Zoning Office).

Ms. Urquhart inquired as to if they were discussing this because the next step was that they would be presenting this as an inclusion in...

Mr. Mitchell stated that to become phase III compliant they have to adopt an LID ordinance. He stated it is a model ordinance that DCR has. He stated that he did not just want to come in and drop this ordinance in front of them without going over it in advance.

Mr. Coombes said that it seemed too much to absorb right now. He asked if this could be reviewed digitally on their own time.

Mr. Mitchell stated that he would send them the slide presentation via email.

### **POWER POINT PRESENTATION ON RAIN GARDENS.**

Mr. Mitchell explains that he had one more small presentation regarding building a rain garden.

(Mr. Mitchell reads the Power Point presentation to the Commission. The slides have been emailed to the Planning Commission members and are available to the Zoning Office).

Mr. Mitchell explained that they could read this material at their leisure.

### **SUBDIVISION REGULATIONS – SECTION 4 DISCUSSION**

Mr. Mitchell stated that they all had received copies of the updated Section 4 of the Subdivision Regulations. He said that Mr. Coombes had come in with some issues that Mr. Mitchell appreciated. Mr. Mitchell explained that they had tried to correct a lot the errors but many were preexisting language.

Mr. Mitchell said they were just going to discuss this this evening and they were not ready yet for a public hearing on it.

Mr. Mitchell stated that at the last meeting they had approved the last three sections. He said they had agreed to do a section at a time. He said once they have the whole document how they like it then they will hold on public hearing on the entire document.

The underlined sections are the existing language and the strike throughs are what they would like to remove.

Mr. Mitchell stated that there is one paragraph that he wanted the Town Attorney to update for him regarding the bond language.

Mr. Coombes stated that the document looked okay to him however he stated that in the past couple of months he is having this problem with these very large dollar figures as they saw before. He stated but now he was having problems with new personnel designations. He asked for clarification as to who the subdivision agent was.

Ms. Urquhart stated she was having the same problem.

Mr. Mitchell explained that he was the Subdivision agent as well as the Zoning Administrator. He stated that he had to have the title as Subdivision agent in order to sign plats.

Ms. Urquhart asked if there should be a definition for subdivision agent.

Mr. Mitchell stated that it was in their last provisions in the definition section.

Mr. Coombes inquired about where the location of the definitions were.

Mr. Mitchell stated that he wanted to keep all the subdivision definitions in the Subdivision ordinance.

Ms. Urquhart stated she would like to submit to Mr. Mitchell her list of recommend edits.

Ms. Urquhart asked why was section 4-3-1 and 4-3-2 identified as "streets". She asked if it could be just one section.

Mr. Mitchell stated that it probably could be combined.

Ms. Urquhart asked if there was a definition for half streets and marginal streets. She stated both terms were used in 4-3-6 and 4-3-7.

Mr. Mitchell stated that they could come up with these definitions if they did not exist.

Ms. Urquhart stated she was wondering on 4-3-17, 4-3-20 and 4-3-21 at whose cost this was.

Mr. Mitchell stated it would be the subdivider.

Ms. Urquhart stated that in section 4-3-25 inquired about the term “energy star compliant” and in that same section on the last sentence “the light shall be shielded to reflect light to the ground”. She asked about the term *reflect*.

Mr. Mitchell said that it should be *direct*.

Mr. Rodeheaver asked what the definition of a subdivision is.

Mr. Mitchell explained that is anytime you create a new lot. He stated if you have a lot and cut it in half that is an act of a subdivision.

Mr. Mitchell stated that if you just create one new lot or do a boundary line adjustment then that is considered a minor subdivision. But if you create more than one lot than you have a major subdivision and then that plat comes before the Planning Commission.

Mr. Rodeheaver asked that this language be included.

Ms. Urquhart asked that under 4-3-24 that POA/HOA be spelled out. Mr. Mitchell explained that this stands for *Property owners association and Home owners association*.

Mr. Coombes asked that this be defined in the definitions.

### **OTHER MATTERS**

Mr. Coombes asked if the Town Manager could bring them up to date on the actions that the Town Council has taken up over the past several months.

Ms. Foulds stated that the Town Council will currently be considering the adoption of the Technology and Tourism zones, the Comprehensive Plan amendment which is the Level of service standards, proffer policy and the Capital Improvements Plan.

She also stated that the Town Council would also consider the right of way vacation that they just voted on at the October meeting.

Mr. Coombes stated that he thought it would be a good idea for the Town Manager to give them an update at these meetings on the Town Council actions.

Ms. Foulds agreed to follow up with them at the monthly meetings.

Mr. Grant asked Mr. Mitchell to discuss with them the possible change of meeting times or dates.

Mr. Mitchell stated that it had been expressed to him that there was a request to move the meeting to either a different week or different time.

Ms. Foulds explained that they were having some scheduling issues with the Town Attorney and also herself. She stated that she wanted to be able to continue coming to these meetings and had been told that no other Town Manager had attended the Planning Commission meeting. However it was her desire to continue attending.

Mr. Coombes asked that staff email the Commission a couple different dates and times that work for them and then they could decide.

Mr. Mitchell agreed to give the Commission some options.

### **ADJOURNMENT**

Ms. Holt moved to adjourn the meeting at approximately 7pm and Ms. Misicka seconded the motion.

Meeting was adjourned.

---

**Ed Grant, Chairman**