

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

Date: October 07, 2010 – Town Center, 22 Washington Avenue

Time: 5:30 P.M.

Present: Ed Grant - Chairman  
Margaret McMullen  
Maureen Holt  
Kent Rodeheaver (arrived late)  
David H. Coombes  
Desiree Urquhart

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

Absent: Cynthia Misicka

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### **CALL TO ORDER**

Mr. Grant called the meeting to order at 5:30 P.M. All members were present with the exception of Ms. Misicka.

### **APPROVAL OF MINUTES**

Mr. Grant asked for approval of the minutes for the September 02, 2010 meeting. Mr. Coombes moved to approve the minutes and Ms. McMullen seconded the motion. There was general agreement to approve the minutes.

### **PUBLIC HEARING FOR A REQUEST TO VACATE TWO(2) RIGHT OF WAYS BY THE COLONIAL BEACH SCHOOL SYSTEM**

Mr. Grant asked Mr. Mitchell to give the Commission the Staff report on this public hearing.

Mr. Mitchell reads the following Staff report.

<b>PLANNING &amp; COMMUNITY DEVELOPMENT STAFF REPORT</b>	
<b>PROJECT NAME: Right of Way Vacation</b>	<b>Planning Commission Meeting Date: October 7, 2010</b>

<b>Case Number: ROWV-04-2010</b>	<b>Applicant: Colonial Beach School Board</b>	
<b>Project Status:</b>  <input type="checkbox"/> Preliminary Sketch Application <input type="checkbox"/> Rezoning  <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Conditional Use  <input type="checkbox"/> Preliminary Final Plat <input type="checkbox"/> Concept Plans  <input type="checkbox"/> Final Plat  <input checked="" type="checkbox"/> Vacation	<b>Owner: Colonial Beach School Board</b>	
	<b>Location: An undeveloped section of Garfield and Dwight Avenues</b>	
	<b>Voting District: NA</b>	
	<b>Parcel Number: NA</b>	
	<b>Total Site Area: 21,000 square-feet</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: NA</b>	
<b>Current Zoning: R-2</b>		
<b>Action Request: Approval with condition</b>		
	<b>Staff: G. Mitchell</b>	<b>Date: 9-17-10</b>

**Prior Actions / Case History**

<b>Rezoning: NA</b>
<b>Conditional Use Permit: NA</b>
<b>Variances: NA</b>

<b>Subdivisions: NA</b>
<b>Other Data: NA</b>

**DISCUSSION:**

The Colonial Beach School Board is requesting to have these two (2) right-of-ways vacated. The first right-of-way (ROW) is a small extension of Garfield Avenue that terminates in the existing elementary school site. The ROW is approximately 40-feet wide by 100-feet in length or 4,000 square feet. Currently, there is a mobile classroom placed on this site. The ROW serves no public purpose. There are no plans by VDOT to use this area for any future road extensions nor could such plans be implemented without obtaining a significant portion of the existing school property.

The second ROW is an extension of Dwight Avenue that extends through the present high school site and bisects the athletic fields to the west of the current high school building. This ROW also serves no public use and there are no plans by VDOT to use this right-of-way. The ROW is approximately 20-feet wide and 850-feet in length or 17,000 square feet.

The highlighted area in the attached aerial photo, from the Town's GIS system, illustrates the areas associated with this request. In conclusion, the ROWs compromise a total of approximately 21,000-square feet. The ROWs extend into or across sections of the school property representing hardships to the schools in providing services to the students.

**PROCESS:**

Approving these vacations would result in the Town giving the right-of-ways to the School Board. If approved the school board shall submit a survey plat to the Town showing these rights-of way vacated and incorporated into their existing property. The Town would sign the plats and they would be recorded in the Westmoreland County Clerk's office.

**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 have a lot consolidation survey prepared to show how the right-of-way will be consolidated into the existing property. Upon approval by Town, the lot consolidation plat shall be recorded in the Circuit Court Clerk's Office of Westmoreland County.

Mr. Mitchell stated that this was his staff report and he welcomed any questions.

Mr. Grant stated that he would like to open up the public hearing at this time. He asked if anybody wished to speak regarding this issue.

Dr. Power, Superintendent for the Colonial Beach Schools stood to speak. She stated that she would like to request that the right of ways be vacated. She said that they are trying to put together one comprehensive consolidated plat. She stated that amazingly these right of ways have structures already on them. She stated these have been part of the school system for forty plus years. She stated in working towards improving facilities at both campuses they need per the towns requirements one consolidated lot. So, therefore she was requesting that the Town relinquish the right of ways. She explained that it was the zoning offices requirements. She stated that the elementary school plat was completed this past school year and the high school consolidated plat is in the process of being complete. She stated these right of ways will be added to those.

Mr. Grant asked if anybody else wished to speak. There was no other public comment. Mr. Grant closed the public hearing.

Mr. Grant asked if any of the Commission members had any comments.

Ms. Urquhart asked Mr. Mitchell about the structures that are currently located on the right of ways and the fact that they had been there for forty years.

Mr. Mitchell stated that he was really unfamiliar with how this happened.

Ms. Urquhart stated that she was just curious on how the structures got on these right of ways.

Mr. Mitchell stated that he did not know. He stated that he thought that people just put them there.

Ms. Urquhart asked historically why the right of way exists. She stated that apparently somebody had it there for a reason. She stated that it extends from Dwight all the way to Lincoln Avenue. She said she was just curious on this.

Mr. Mitchell stated that it could have been the original way it was platted. He stated that it was his understanding that the high school land was donated at some point and it was probably all ready there.

Ms. Holt stated that it could have been that the athletic field came upon later and just happened to be on the other side of this right of way.

Mr. Grant stated that they just heard about this, this evening and had no previous knowledge about this before other than the inbox information. He stated that they were trying to find out the history on it and the purpose of what they were going to do with the property if it is deeded over to the school.

Dr. Power stated that the facilities improvements will be a Capital Improvements Plan for the next ten years. She stated that in order to do this they have trailers that are 25 years old and need replaced. She stated that they hoped to construct a modular middle school behind the high school at a future date. She stated that based on that proposed plan there are 15 zoning requirements that were given to the school board in order to construct a modular middle school behind the high school. She said that in

working with Mr. Deputy the surveyor who is doing the comprehensive plan and of course the direction from zoning and they were working on the boundary plats as well as the consolidated plats. She stated in order to do the consolidated plat the right of way needs to be abandoned.

Mr. Grant asked if the right of way for the elementary school site contains the library.

Dr. Power said yes sir.

Mr. Grant asked if that would be relocated.

Dr. Power said no, what would be replaced is the smaller trailer.

Mr. Grant asked if there was an issue at the high school regarding fire lines or fire access in that area.

Dr. Power stated that Mr. Mitchell has been wonderful in working with them and with VDOT. She stated that there are issues that can be resolved without major work.

Mr. Grant asked if there would be any building onto that site.

Dr. Power stated no sir. The construction of the modular middle school would be on existing open land.

Mr. Coombes asked Dr. Power to come up and show them where they would like to construct the middle school. He asked if she needed this in order to have future construction.

Dr. Power stated no that they needed to do this in order to have a consolidated plat. She said that the instructions from Zoning was that in order to eventually proceed with plans for construction they needed to have a boundary survey and a consolidated plat.

Mr. Coombes asked Dr. Power where her current thinking on the middle school is. Dr. Power showed Mr. Coombes on his map.

Mr. Coombes said they can't have public land running through this. Dr. Power stated correct. She stated this all has to be one big lot.

Mr. Coombes expressed his concern with a house off of Lincoln becoming land locked if the right of way is vacated as drawn on the map.

Mr. Coombes stated that there was no sign on this side.

Mr. Coombes stated again that a private home would be land locked if they made this section of the right of way private.

Mr. Coombes asked Mr. Mitchell what the situation was with this.

Mr. Mitchell stated that he would suggest vacating the line straight across further into the right of way to prevent land locking this house.

Mr. Coombes asked Dr. Power if they just drew the line in a little would it affect them.

Dr. Power stated that would be fine.

(Inaudible conversation between Mr. Coombes and Dr. Power)

Dr. Power and the Commission agreed on moving the line inward so not to land lock the house on Lincoln Avenue.

Mr. Coombes inquired as to whether all the neighbors were notified. Staff replied absolutely.

Mr. Grant asked if this should be stipulated in the conditions. Mr. Coombes said yes that maybe it should read that the line should be at the first gate on Lincoln Avenue going into the school property.

Ms. McMullen stated that maybe the person preparing the plat could make this distinction when preparing it.

Mr. Coombes stated that it needed to be put into the resolution in some fashion.

Mr. Coombes asked Dr. Power just so they understood that the sole reason for doing this at the high school was that they needed a consolidated plat.

Dr. Power responded yes.

Mr. Mitchell explained that this helps with the Chesapeake Bay Act situation and the impervious coverage.

Mr. Coombes asked if there were any costs at all to borne to the Town.

Ms. Erard said that normally it is required for the applicant to pay the costs for this.

Mr. Coombes stated that the applicant receives its money from the Town.

Dr. Power stated that she has paid for her application.

Mr. Coombes stated that he understands and was just making sure there was nothing major for the Town.

Ms. Holt stated that she understands why they need the vacation for the elementary school because they will be placing trailers onto that parcel. She said the middle school talk fell through the last time and she stated for very good reasons. She stated that she does not see why they don't wait on this until the plan is further along. She said not to give up that property until they are sure they will be building a middle school.