

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

Date: September 01, 2011 – Town Center, 22 Washington Avenue

Time: 4:30 P.M.

**Present:** Cynthia Misicka, Chairman  
Maureen Holt  
Ed Grant  
Margaret McMullen  
Kent Rodeheaver  
David H. Coombes  
Desiree Urquhart

**Also Present:** Val Foulds, Town Manager  
Gary Mitchell, Director of Planning and Community Development  
Andrea Erard, Town Attorney

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## **CALL TO ORDER**

Ms. Misicka called the meeting to order at 4:30 P.M. All members of the Planning Commission were present.

## **APPROVAL OF MINUTES**

Ms. Misicka asked if there was any objection or changes to the minutes of August 04, 2011. Ms. McMullen inquired about the lack of roll-call votes. Ms. Misicka stated if the Commission preferred to have roll-call voting then she would start to do that. Minutes were approved without objection.

## **PUBLIC COMMENT ON PLANNING COMMISSION MATTERS**

Mr. J. Jarvis of 225 Boundary Street stated that that the Town and Public works had done a good job with the clean up process after the storm. He stated in regards to vacation of properties, he honestly believe that with the pennies and dollars they receive for waterfront property it is going to be insignificant to future problems that arise. He stated he means with waterfront property he is talking about public property that may be on the other side of a road and it may be a beach. He stated there may be storms that erode away this property and if there are easements because of infrastructure and this starts to erode is it the property owner's responsibility to pay to have this buffered. He stated he does not think land owners have the kind of money to deal with this kind of erosion he said whereas the Town through the core of engineers could get it done. He stated that if infrastructure is located in this area then the Town will suffer and have to pay the bill. He stated that he does not think that any vacation should be done waterfront on the opposite side of a road.

## **REVIEWING DOCUMENTS REGARDING THE R-1 AND R-2 ZONING DISTRICTS AMENDMENTS**

Mr. Mitchell reviewed the changes he proposed to these zoning districts with the Commission.

- **The Planning Commission had the following comments and requested changes.**

Ms. Urquhart stated she did not have any comments at the moment.

Mr. Rodeheaver stated he did not have any comments at the moment.

Mr. Grant inquired about the definition of a floor area ratio.

Mr. Mitchell explained it is the area of the floor in relation to the area of the lot.

Ms. Holt had no comments.

Ms. McMullen asked about changing Public Utilities to Public Facilities. She expressed her concerns with residential areas having public facilities located in them. She stated she personally cannot think of a public facility she would want in a residential area.

Mr. Mitchell explained that public facilities encompasses public utilities. He stated that the ordinance has already been changed to allow this and is in the hands of the Town Council. Mr. Mitchell explained that this was done because they have set-back issues with public utilities.

Ms. McMullen stated that she does not think they want major home occupations in residential neighborhoods.

Ms. Misicka asked for a definition of a major home occupation.

Mr. Coombes stated he felt they should have major home occupations in residential areas. He stated it is not a gas station or something like that. He said it is usually something like a doctor's office and is a conditional use permit. He stated they had allowed a psychologist on Boundary Street with a conditional use permit and he sees nothing wrong with that.

Ms. McMullen stated that she would like to modify this definition a little. She is concerned with what could potentially be allowed in residential neighborhoods.

Mr. Mitchell stated he would define a major home occupation in the definitions.

Ms. McMullen inquired about fence regulations.

Mr. Mitchell explained that currently the fence requirements allow for an 8 foot fence without any permits. But this needs to be updated because building codes require a building permit for anything taller than six feet.

The Commission had some discussion on this matter and Ms. Misicka asked for a vote.

**Allowing fences less than six feet -**

Mr. Coombes - Aye  
Ms. McMullen - Aye  
Mr. Grant – Aye  
Mr. Rodeheaver – Aye  
Ms. Urquhart – Aye

(this was not a roll call vote)

**Allowing fences more than six feet –**

Ms. Holt - Aye with a Conditional Use Permit

Ms. Misicka expressed that her personal view is to allow an eight foot fence for safety issues.

Mr. Rodeheaver stated that lower fences allow for less illegal activity.

Ms. McMullen stated she had thought they had regulated the allowing of chain link fences in Town.

Staff stated they had not done this.

Ms. McMullen stated she would like to see this done.

Ms. Misicka asked for a vote on who would like to restrict fences to a six foot height limitation.

Ms. Coombes voted yes to this  
Ms. McMullen voted yes to this  
Mr. Rodeheaver voted yes to this  
Ms. Urquhart voted yes to this

Ms. Misicka voted no to this  
Ms. Holt voted no to this  
Mr. Grant voted no to this

**The majority of the Commission voted to limit the fence height to six feet.**

Mr. Coombes inquired about section 4-7, number 11. He stated he does not see why we need to list all the types under this section.

The Commission agreed to limit this section so that it reads “Setbacks are measured to the foundation.” and leave out all the other language.

Ms. Misicka asked if they were going to add “minor home occupations” into the definitions.

Ms. Misicka asked to add “Parish house” in the definitions.

Ms. Misicka asked if the “Accessory Use” section is new. Mr. Mitchell stated yes.

Ms. Misicka expressed her concerns with limiting “Accessory Uses” to just these things. She stated that they could not possibly think of all the types of accessory uses.

Ms. Erard explained that they would want to have an accessory use that is related to the primary use of the property.

Mr. Coombes stated his concern with not being able to put a garden on a lot that he owns.

Mr. Coombes stated that a home garden should be taken out, he said it seems ridiculous.

Ms. Holt stated she did not understand why yard sale was in there being that it could only take place a few times a year.

The Commission agreed to take this out.

Ms. Misicka asked about what the Commission felt about leaving or removing the home garden use. She stated that unless she hears some consensus on home gardens she was going to move on. Hearing none Ms. Misicka stated she was moving on.

Ms. Misicka inquired about why they need section 4-5 Buffer yard Screening.

Mr. Mitchell explains why they may need this section, stating that it keeps individuals from removing necessary buffers.

Ms. Erard said she feels comfortable removing this section if the Planning Commission wishes to. She stated that she does not really see it being a problem in Colonial Beach.

The Commission agreed to remove this section completely.

Ms. Misicka asked Mr. Mitchell if he had come up with any language regarding putting the finished side of fences towards your neighbors.

Mr. Mitchell stated he would add this language however it is hard to enforce.

Ms. McMullen expressed the importance of putting all this zoning information on line.

Ms. Misicka requested that in the Home Garden definition they strike “Variety”.

Ms. Misicka asked if anybody was in favor of restricting chain link fences. The Commission did not agree to this.

Ms. Misicka stated that the other change to be made was decided in the work-session and was to be added to the development standards under 4-7, number 13. The sentence to be added should read;

“The proposed redevelopment project must have a harmonious and compatible relationship with the surrounding neighborhood”.

Ms. Erard confirmed with Ms. Misicka that she thought this could be enforceable.

Mr. Mitchell stated that in November they would go to public hearing on these changes. The Commission agreed to place this as a public hearing on the November agenda.

### **UDA REQUIREMENTS AND COMPREHENSIVE PLAN AMENDMENT**

Mr. Mitchell reads to the Commission the UDA document provided to them in their Planning Commission Packet.

Mr. Mitchell explains that they will need to sit down and do a Comprehensive Plan amendment to address the UDA. He stated this will probably just be a paragraph. He said they would then add the density ranges based on the information given to them by Land Studio.

Mr. Mitchell stated that the housing and shoreline management section will require the help of a consultant.

Mr. Mitchell stated that in terms of the road improvements and cost estimates they would work with VDOT officials on this section.

Mr. Mitchell stated that the UDA will need to come before the Planning Commission by December. And the other items they can work on through the course of the next year or so.

Mr. Mitchell stated that with the UDA amendment he would have this information to the Commission for them to review and have a public hearing in November so that it could go before Council hopefully by December.

### **OTHER MATTERS**

#### **- Planning Commission By-Law Amendment**

Mr. Mitchell suggested that the Planning Commission amend their By-Laws to state that any tie vote would automatically go to the Town Council with a "no recommendation status".

Ms. Erard suggested no doing this and just acting as they did previously when this happened.

The Commission agreed to continue with the vote of no recommendation and not amend the by-laws.

#### **- Representative at Town Council Meetings.**

Ms. Misicka stated that Mr. Grant had agreed to report to the Planning Commission the actions of the Town Council. She stated that Mr. Grant attends most Town Council meetings and has graciously agreed to give the Commission a report on the actions taking place at the Town Council meeting.

Ms. Misicka also suggested that maybe they could rotate Commissioners to attend the Westmoreland County Planning Commission meetings so that they would be up to date on the happenings in Westmoreland County.

After much conversation the Commission decided not to attend these meetings unless something was happening that would affect Colonial Beach.

Ms. Urquhart stated if the Westmoreland County Planning Commission meeting was on a Monday and there was something on the agenda of interest to Colonial Beach she would be willing to stay over and attend the meeting.

Ms. Misicka stated that she would try to have the agenda from the Westmoreland County Planning Commission emailed to the Commissioners to review.

Ms. McMullen asked to also have the Town Council agenda emailed to the Commissioners. Ms. Foulds stated she would take care of that.

The Planning Commission requested that the Town Council receive their minutes to review.

#### **ADJOURNMENT**

Ms. Misicka adjourned the meeting at 6:10 P.M.

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Ms. Cynthia Misicka, Chairperson