

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

Date: November 3, 2011 – Town Center, 22 Washington Avenue

Time: 4:30 p.m.

### Present:

Cynthia Misicka, Chairwoman  
Maureen Holt, Vice Chairwoman  
David Coombes  
Margaret McMullen  
Ed Grant  
Kent Rodeheaver

### Also Present:

Director of Planning and Zoning, Gary Mitchell  
Town Manager, Val Foulds  
Town Attorney, Andrea G. Erard  
Town Clerk, Kathleen Flanagan

### **Call to Order**

Ms. Misicka called the meeting to order at 4:30 p.m. All members of the Planning Commission were present with the exception of Desiree Urquart who was absent.

### **Approval of Minutes**

Minutes of the Planning Commission on September 1, 2011 were unanimously approved.

### **Commissioner's Reports**

Mr. Grant provided a report from the Town Council minutes from the September 8, 2011 meeting wherein Town Council approved the abandonments of several town-owned right-of-ways on Lawrence Lane. Mr. Coombes noted that the Planning Commission had forwarded to Town Council recommendations to "not approve" the vacations and abandonment on Lawrence Lane.

### **Public Comment on Planning Commission Matters (not scheduled for public hearing)**

No public comment was heard.

### **Preliminary Subdivision Plat Approval**

Commissioners heard a report from Gary Mitchell on the Preliminary Subdivision Plat. Mr. Mitchell recommended approval of the preliminary plat and asked the Commission authorize staff to sign the plat on behalf of the Commission.

The Planning Commission had the following comments and requested changes.

Mr. Grant asked Mr. Mitchell to expand on the Homeowner's Association.

Mr. Mitchell noted it would be an association of homes that would pay dues, maintain the grade facilities. If the developer puts covenants on the homes, the HOA would have control as a private contractual matter. Mr. Mitchell further noted the roads would be maintained by VDOT and, eventually, the town.

Mr. Coombes asked if Monroe Point has a homeowner's association, and, asked, if the road is not privately owned, who owns it.

Mr. Mitchell responded that it would be deeded to VDOT and, eventually, it would turn over to the town.

Mr. Coombes asked if there were more homes included in Sunset Cove since a plat prepared in 2007.

Mr. Mitchell replied there was one additional lot due to the cul-de-sac design.

Ms. Misicka asked the Commission for a vote.

Mr. Coombes moved to approve the Sunset Cove Preliminary Plat, MSUB-01-2011, as presented. Ms. Holt seconded the motion.

The Commission unanimously voted "aye."

The motion passed.

### **Public Hearing to consider revisions to the Zoning Ordinance, Article 4(R-1), Article 6(R-2) and changes to Article 20, Definitions**

No public comment was heard.

**Revisions to the Zoning Ordinance, Article 4(R-1), Article 6(R-2) and changes to Article 20, Definitions**

Mr. Mitchell provided a report to the Commission on revisions to the Zoning Ordinance, Article 4, Article 6 and changes to Article 20 with a favorable recommendation for implementation.

The Planning Commission had the following comments.

Mr. Grant wanted to know if this pertains to future development or existing structures.

Mr. Mitchell replied that it applied to future development, which includes renovations or additions.

Ms. Holt thanked staff for their hard work.

Mr. Coombes reminded Mr. Mitchell that the Planning Commission has been going over this document for several months and that most changes have been mandated by the State. The development standards were created by the Commissioners.

Ms. Misicka expressed concern over the sentence that includes the language: “collaborative and harmonious community” and would like to see that language stricken.

Mr. Rodeheaver did not agree.

Ms. Misicka reiterated that the language in question does not provide any helpfulness and could be used as a loop hole around development standards.

Ms. Holt reminded Commissioners that the language had been moved to this section after much discussion and was agreed on by the majority of Commissioners.

Mr. Coombes agreed with Ms. Holt, citing “laborious discussions two months ago.”

Ms. Misicka said she was in favor of No. 15 under Development Standards. However, she is objecting to the sentence under “Statement of Intent.”

Ms. Erard suggesting using the same language in Development Standards, No. 15 to replace the “collaborative and harmonious community” language in Article 4.

All Commissioners agreed to change the language as suggested by Ms. Erard.

Ms. Misicka noted that R-1 zoning areas have the “larger lots” and R-2 zoning areas have the “minimum lot area.”

Ms. Misicka inquired as to the definition of a “lodging house.” Ms. McMullen explained that it is people renting their houses out for weeks or weekends during the tourist season.

Ms. Misicka noted that R-1 does not include “tourist home” as a conditional use. Ms. Misicka would like to see “tourist home” included as a conditional use in R-1 zoning areas.

There were no objections by Commissioners to add “tourist home” to R-1 zoning areas. Ms. Misicka turned to fence heights, reminding Mr. Mitchell that the Commissioners had agreed that no fence would be allowed over 6 feet.

Ms. Misicka asked that Mr. Mitchell add that “the finished side would face the neighbor.”

Ms. Misicka asked that the language in R-1 and R-2 requirements that pertain to nursing homes be consistent and state “nursing homes/convalescent center.”

Ms. Misicka asked about the definition for “assisted living facility” and “B&B.” Ms. Misicka further noted that it is a code requirement that “the caregiver shall be related by blood, marriage or adoption.”

Ms. Misicka then addressed the language “nursing home/convalescent center” as an “age-restricted facility providing life-long care.” Ms. Misicka noted that it is not age-restricted and there are people there that come and go.

Ms. Misicka then addressed home garden and asked that the words “a variety” (of plants) be stricken.

Ms. Misicka then addressed the definition of “minor home occupation” and requested language be added to distinguish “minor” from “major.”

Mr. Mitchell noted that if you don’t live there and you’re not a member of the family, then you’re not minor, you are automatically major.

Ms. Misicka noted that major can be members of the family, too. She suggested “no outside employees” be added to the language for “minor home occupations.”

Ms. Erard suggested they keep the same language as in there.

Ms. Misicka suggested adding the word “solely” to cover her concerns.

Ms. Erard noted her understanding of home occupations has always been if there is one person doing it, there is less impact on the community. If there are more people working in the home occupation, there is more of an impact on the surrounding neighbors.

Ms. Erard suggested that insertion of the word “solely” is correct.

Mr. Coombes reminded Commissioners that several years ago there was a controversy in town involving real estate agents who were conducting business out of their home. According to Coombes “every Tom, Dick and Harry would show up at their home to get their assignments for the day.”

Ms. Misicka replied that the definition of “minor” home occupation does not solve that problem.

Ms. McMullen stated that it was recommendation that the Commission move on and look for better language for the definition to add in later.

Mr. Rodeheaver said he preferred to get it resolved now.

Ms. Misicka suggested striking “member of the family” and agreed to move on.

Ms. Misicka then moved on to signage, requesting Mr. Mitchell to add the language “other than the 3-foot sign” to the sentence that reads “there shall be no exterior display.”

### **Request for Public Comments**

No members of the public commented in response to a request by Ms. Misicka.

### **Continuation of Discussion**

Ms. Erard noted that in Henrico County, they limit the percentage of the dwelling that is used for the home occupation.

Ms. Misicka suggested the Commissioners table this discussion and that any changes can be made in the future to the home occupation language.

There were no objections from Commissioners to approve the text amendments as modified.

Mr. Coombes noted that there has never been a problem with minor or major home occupations and the Commission is currently in a process of “overkill.”

Mr. Coombes stated he is in favor of sending this on to Council.

Ms. Holt requested that the word “solely” not be added to the minor home occupation, as then it could not be a husband and wife or a parent and child.

Ms. Misicka agreed to leave the definition as is.

### **Motion to Approve**

Ms. Holt motioned to approve the VOA-805-2011 amendments and to forward it to Town Council.

The motion was amended by Ms. Misicka to add “revised per discussion.” Ms. McMullen seconded the amended motion.

Upon a voice vote, the ayes were unanimous and the amendments will be sent to Town Council revised per discussion.

### **Other Matters**

Ms. Erard suggested the Planning Commission assign numbers to each resolution for ease in voting.

### **Public Hearing on Text Amendment to the Comprehensive Plan concerning Urban Development Areas and Density requirements**

Mr. Mitchell read a report to the Commission with a recommendation by staff to recommend adoption of the text amendment in order to comply with State Code. According to Mr. Mitchell, the Town currently meets the requirements of the Urban Development Area (UDA).

Mr. Mitchell recommended the following density ranges be included in the Comprehensive Plan, The Point, 5.5 units per acre; Central Area, 2.8 to 6.8 units per acre; Classic Shores, 5.6 to 7.6 units per acre; Riverside Meadows, 3.3 to 3.6 units per acre; Bluff Point, 2.8 to 3.0 units per acre; and the Wilkerson Farm PUD has been zoned for a density of 4 units per acre.

### **Public Comment on Text Amendment to the Comprehensive Plan concerning Urban Development Areas and Density requirements**

There was no public comment.

Mr. Coombes noted he was “overwhelmed” and can’t tell what is going in and what is not going in, saying “I don’t know what part of these four pages is actually going into the Comprehensive Plan.”

Mr. Coombes asked for clarity in the document.

Ms. Misicka noted that all of the language provided in the Comprehensive Plan Amendment, from page 3 to page 5, goes in the Comprehensive Plan under “Maritime District” and density ranges are inserted as noted.

Mr. Mitchell explained the 40 percent minimum floor area ratio to the Commission.

Mr. Rodeheaver wanted to know if the Chesapeake Bay Act “trumps” this, and Mr. Mitchell explained they work together.

Ms. Misicka asked about specific areas to be stricken from the text amendment that contained examples as provided by Mr. Mitchell.

Ms. Misicka noted the Central Area, for development of commercial properties, has a floor area ratio of 5 percent.

There were no further comments from the Planning Commission.

It was agreed that Mr. Mitchell would prepare a revised draft for further review.

### **Introduction of the Highway Corridor Overlay District Concept as Recommended in the Comprehensive Plan**

Mr. Mitchell presented a report to Commissioners for initial review. The Overlay District would include Route 205, 500 feet on either side of the road and 200 feet for Colonial Avenue, which could be reduced to 100 feet.

The Commission had the following comments.

Ms. Erard noted a recent article in the Washington Post that talked about Walmart’s first inner city location on Rockville Pike. Walmart’s new business plan is to enter small, urban markets with a smaller floor plan.

Ms. Holt asked about “Motor Vehicle Sales Lot,” if they were mentioned specifically.

Mr. Mitchell answered that was just an example.

Mr. Rodeheaver asked if this was required.

Mr. Mitchell answered this was required by the Comprehensive Plan.

Mr. Erard noted it is optional, but is in the Comprehensive Plan as a goal.

Mr. Mitchell noted he looked at four districts, Caroline, King George, Stafford and Prince William in order to create the document.

Mr. Rodeheaver noted that one side of Route 205 is county-owned.

Mr. Mitchell responded that Westmoreland County could sign on to this Overlay District.

Mr. Rodeheaver remarked, in an editorial fashion, that the Commission attempted to keep the language in the Comprehensive Plan simple, and as we add documents/requirements, such as the Overlay District, it becomes harder to use.

Ms. Misicka asked that, as a practical matter, is this something we need.

Ms. Erard replied in the affirmative.

Mr. Mitchell noted if Potomac Crossing is developed, that's 2,000 houses, which is minimum 4,000 people, which increases the opportunity for business development.

### **Rescheduling of December Planning Commission meeting**

Ms. Holt made a motion and Mr. Rodeheaver seconded a motion to move the date for the December Planning Commission meeting to Thursday, December 8 at 4:30 p.m.

By a voice vote, the motion unanimously passed.

### **Adjournment**

The meeting was adjourned at 5:41 p.m.

Minutes Prepared by and Respectfully submitted:

Kathleen Flanagan,  
Town Clerk  
Town of Colonial Beach