

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

Date: Thursday, December 4, 2014 – Town Center, 22 Washington Avenue  
Time: 5:30 p.m.

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Present: Robin Schick, Chairwoman  
Robert Busick  
Maureen McCabe, Vice Chairwoman  
Steve Cirbee  
John Reinhart

Absent: Kent Rodeheaver

Staff: Acting Zoning Administrator, Brendan McHugh

### **Item 1: Call to Order**

Chairwoman Schick called the meeting to order at 5:35 p.m.

### **Item 2: Approval of the regular meeting and work session minutes of November 2014.**

Chairwoman Schick asked if there was any comment on the minutes. Member Busick mentioned that he was mentioned in the meeting on November 19, 2014 on item number two, however he was not at the meeting. Mr. McHugh mentioned that he would correct it. Chairwoman Schick asked for a motion to approve the minutes from the regular meeting on November 6, 2014 and the work session on November 19, 2014 with the correction. Member Cirbee made the motion to approve the minutes. Vice Chairwoman McCabe seconded.

Chairwoman Schick called for a voice vote; it was unanimously resolved:

That the minutes of the November 6, 2014 and November 19, 2014 meetings be approved.

### **Item 3: Public Comment on Planning Commission matters (not on the agenda)**

Chairwoman Schick then asked if there was public comment on Planning Commission matters not on the agenda. There was no public comment.

### **Item 4: Public Hearing on the Official Zoning Map**

Mr. McHugh then read the following staff report:

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT		
<b>PROJECT NAME:</b> Adoption of the Official Zoning Map	<b>Town Council Meeting Date:</b>	
<b>Case Number:</b> ZOA-05-2014 (Ord. 656)	<b>Applicant:</b> Town	
<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"/> Zoning Amendment  <input type="checkbox"/> Vacation <input type="checkbox"/> Comp Plan Amendment	<b>Owner:</b> NA	
	<b>Location:</b> NA	
	<b>Voting District:</b> NA	
	<b>Parcel Number:</b> NA	
	<b>Total Site Area:</b> NA	
	<b>Site Area Developed:</b> NA	
<b>Existing Structures:</b> NA	<b>CBPA:</b> NA	
<b>Flood Hazard:</b> NA	<b>Additional Site Data:</b> NA	
<b>Current Zoning:</b> NA		
<b>Action Request:</b> Approval as presented		
	<b>Staff:</b> B. McHugh	<b>Date:</b> 12-4-2014

**Prior Actions / Case History**

<b>Rezoning:</b> NA
<b>Conditional Use Permit:</b> NA
<b>Variances:</b> NA
<b>Subdivisions:</b> NA
<b>Other Data:</b> NA

**Background:**

As specified in the Code of Virginia, 15.2-2200 the Town may adopt an official zoning map and by reference incorporate this map into the zoning ordinance of Colonial Beach.

**Discussion:**

Staff has researched the town's records and files and incorporated all the rezonings, conditional use permits, variances, and bay act exceptions on the official map. By adopting this map we **are not** rezoning any property – the official map only represents the current zoning within the Town.

**STAFF RECOMMENDATION:**

Staff recommends to the Planning Commission adopt this official zoning map and forward it to Town Council with a favorable recommendation for adoption. (See Commission Paper Attached).

Mr. McHugh explained that the map is simply more detailed. Chairwoman Schick asked if there was any public comment. There was no public comment. Chairwoman Schick opened and closed the public comment at 5:40 p.m. Chairwoman Schick asked the Planning Commission if there was any comment. Member Busick asked if they had already approved the map. Mr. McHugh confirmed that the map was approved in the past but the wording was incorrect on the approval. Mr. McHugh confirmed that the current wording was correct and approved by the Town Attorney. Member McCabe then read the following paper:

**PLANNING COMMISSION PAPER**

**AT THE REGULAR MEETING HELD, THURSDAY, DECEMBER 4, 2014 AT THE COLONIAL BEACH TOWN CENTER**

This recommended adoption amends the zoning ordinance of the Town of Colonial Beach by adoption of an official zoning map. The Official Zoning Map shall show current zoning designations of all parcels and locations of public roads with in the Town of Colonial Beach and is incorporated herein by reference and is hereby made part of the Town's Zoning Ordinance. 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 Zoning Text Amendment (ZOA-05-2014/Ordinance #656);

Now therefore be it resolved that the Colonial Beach Planning Commission hereby recommends approval of Zoning Text Amendment ZOA-05-2014/Ordinance #656 and forwards the amendment to the Town Council with a favorable recommendation in accordance with §15.2-2200 of the Code of Virginia, 1950 as amended.

**MOVED BY: McCabe                      SECONDED BY: Cirbee**

	AYE	NAY		AYE	NAY
MS. SCHICK	<u>  x  </u>	___	MR. CIRBEE	<u>  x  </u>	___
MS. McCabe	<u>  x  </u>	___	MR. BUSICK	<u>  x  </u>	___
MR. GRANT	___	___	MR. RODEHEAVER	___	___
			MR. REINHART	<u>  x  </u>	___

ADOPTED BY \_\_\_\_\_ TABLED FOR \_\_\_\_\_

**Item 5: Public Hearing on the Floodplain Overlay District**

Mr. McHugh then read the following staff report:

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT	
<b>PROJECT NAME: Floodplain Overlay Zoning</b>	<b>Town Council Meeting Date:</b>
<b>Case Number: ZOA-06-2014 (Ord. 658)</b>	<b>Applicant: Town</b>
<b>Project Status:</b>  <input type="checkbox"/> Preliminary Sketch Application <input type="checkbox"/> Rezoning  <input type="checkbox"/> Preliminary Plat Use <input type="checkbox"/> Conditional  <input type="checkbox"/> Preliminary Final Plat Plans <input type="checkbox"/> Concept  <input type="checkbox"/> Final Plat <input checked="" type="checkbox"/> Text Amendment  <input type="checkbox"/> Vacation <input type="checkbox"/> Comp Plan Amendment	<b>Owner: NA</b>
	<b>Location: NA</b>
	<b>Voting District: NA</b>
	<b>Parcel Number: NA</b>
	<b>Total Site Area: NA</b>
	<b>Site Area Developed: NA</b>
<b>Existing Structures: NA</b>	<b>CBPA: NA</b>
<b>Flood Hazard: NA</b>	<b>Additional Site Data: NA</b>
<b>Current Zoning: NA</b>	
<b>Action Request: Approval as presented</b>	<b>Staff: B. McHugh</b>
	<b>Date: 12-04-2014</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>

**BACKGROUND:**

The Federal Emergency Management Agency (FEMA), part of the Federal Department of Homeland Security, will be updating the floodplain maps for the Town and Westmoreland County. Part of this process involves updating our flood plain zoning regulations. This zoning designation will be an overlay zoning district that adds additional regulations to properties that lie within the floodplain.

**DISCUSSION:**

These additional regulations will apply to any new construction within the floodplain or in cases where there is a flood and damage that results from the flooding of a property where flood insurance has been issued. For example if you are building a new home within the floodplain then the additional construction criteria would apply. Also, if your home is in the floodplain and it gets flooded by a storm the repairs have to meet the new criteria. There are also a number of new or amended terms the must be included in the ordinance.

If the Town chooses not adopt these new FEMA requirements anyone with flood insurance will lose their coverage. The ordinance language is exactly what FEMA requires and cannot be altered by the Town. I have submitted the ordinance to the Department of Conservation and Recreation (DCR) via FEMA. It has been approved by the agencies in its current form.

**CONCLUSION:**

In this case there is no alternative but to accept these regulations in order to provide protection to our citizen's, their properties and the Town's general welfare.

**STAFF RECOMMENDATION:**

Staff recommends approval of the revised FEMA regulations and that the Planning Commission forwards this ordinance amendment to the Town Council with a favorable recommendation. A Commission Paper is attached.

Member Schick then asked if there was public comment. There was no public comment. Public hearing was closed at 5:45 p.m.

Member Cirbee then asked if the new ordinance was consistent with state and federal regulations. Mr. McHugh confirmed. Mr. Cirbee then asked if the audit was completed and if there were changes in the Town concerning the floodplain. Mr. McHugh then explained that there were parts of town that have changed concerning the floodplain. Mr. McHugh explained that the floodplain ordinance needed to be readdressed because when the past ordinance revisions were sent to Department of Conservation and Recreation, there were changes that needed to be made. Member Schick then asked why there was not a copy of the ordinance in the packet. Mr. McHugh explained that he forgot the ordinance. Chairwoman Schick then explained that they may not be able to vote on the ordinance without seeing it. Mr. McHugh explained that it may be an issue as the Business Revitalization Grant might be affected in a positive manner concerning the ordinance. Vice Chairwoman McCabe then confirmed that the ordinance needed to be passed for the Revitalization Grant. The Planning Commission then decided to approve the Floodplain Ordinance with the condition that they get copies of the edits.

Chairwoman Schick then read the following paper:

**PLANNING COMMISSION PAPER**

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**AT THE REGULAR MEETING HELD, THURSDAY, DECEMBER 4, 2014 AT THE COLONIAL BEACH TOWN CENTER**

This recommended adoption deletes from Chapter 7, Buildings and Construction Regulations, Article II, Building Code, Sections 7-29 through 7-39.11 and amends Article 21 Floodplain Overlay District, by repealing and replacing Article 21 Floodplain Overlay District, with Article 21 Floodplain Overlay District. Additionally, Article 20, definitions will be amended with added or updated definitions in accordance with FEMA requirements. 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 Zoning Text Amendment (ZOA-06-2014/Ordinance #658). The Commission will be provided with documentation supported by the code.

Now therefore be it resolved that the Colonial Beach Planning Commission hereby recommends approval of Zoning Text Amendment ZOA-06-2014/Ordinance #658 and forwards the amendment to the Town Council with a favorable recommendation in accordance with §15.2-2200 of the Code of Virginia, 1950 as amended.

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**MOVED BY:**   Busick                        **SECONDED BY:**   McCabe  

	AYE	NAY		AYE	NAY
MS. SCHICK	<u>  x  </u>	___	MS. CIRBEE	<u>  x  </u>	___
MS. McCabe	<u>  x  </u>	___	MR. BUSICK	<u>  x  </u>	___
MR. GRANT	___	___	MR. RODEHEAVER	___	___
			MR. REINHART	<u>  x  </u>	___

ADOPTED BY \_\_\_\_\_ TABLED FOR \_\_\_\_\_

**Item 6: Presentation by Andrea Errard concerning By-Laws and Robert’s Rules**

Chairwoman Schick then explained that Ms. Errard’s presentation will be postponed until the January regular meeting. Mr. McHugh then explained that there were two different types of by-laws that Ms. Errard will be talking about during the presentation.

**Item 7: Discussion on Annual Reports and Article Amendment Update**

Mr. Cirbee asked if there was a more detailed report. Mr. McHugh then explained that the Annual Report was a simple version that showed in a chart what the Planning Commission had passed over the last year and included what needed to be passed by council. Mr. McHugh also explained that he needed to add the Elementary School Conditional Use permit to the Annual Report. Chairwoman Schick then explained that she would like to do a goals and objectives meeting in January. Chairwoman Schick then explained that responsibilities were divided up between the members of the Planning Commission. Vice Chairwoman McCabe then explained that she noticed that different Town websites had a flow chart existed concerning the relationships of the Council and the Planning Commission and the other

government entities. Member Cirbee explained that there needed to be content concerning the Capital Improvement Plan. Vice Chairwoman McCabe then explained that technology was a section of the Capital Improvement Plan and that it should be included in the Town's CIP. Mr. Cirbee then asked where the lists of open issues were. Chairwoman Schick then explained that the Annual Report explained those issues. Member Cirbee then explained that he was talking about informal issues handed down to the Planning Commission from the Town Council. Mr. McHugh was unaware of any such issue. Chairwoman Schick then made a recommendation that the Planning Commission ask the Town Council if they had any issues they needed the Planning Commission to rectify. Then Member Cirbee asked if there were any other updates to the ordinance. Mr. McHugh explained that there were still more updates needed to the ordinance. Chairwoman Schick then explained that the document helped her to understand what she needed to do to get some of the amended ordinances passed through Town Council. Vice Chairwoman McCabe then asked if the Planning Commission was going to go through the Comp Plan chapter by chapter for updates. Chairwoman Schick then explained that once the Capital Improvement Plan is addressed the Comp Plan will follow.

### **Item 8: Other Topics**

Chairwoman Schick then explained that Mr. Grant resigned from the Planning Commission. Member McCabe then explained that she will ask Revitalization Grant volunteers if they were interested in being on the Planning Commission. Mr. McHugh then explained that he would put up ads at Town Hall for the Planning Commission member opening. Member McCabe then asked if Mr. McHugh could look into the Town Flow Chart. Chairwoman Schick then explained that she remembered a flow chart for the Town from a long time ago. She explained that she would try to find it. Member McCabe then explained that she saw one that was really good online. Chairwoman Schick then asked Member McCabe to send it to her so she could present it to Town Council. Chairwoman Schick then asked if there was any more business. Linda Farneth then asked if the Floodplain District was a zoning designation and if it was on the Zoning Map. Member Busick then explained that it was an overlay district. Mr. McHugh then explained that it was on the Development Constraints Map. Member Cirbee then asked if there was any news on the Zoning Administrator position. Mr. McHugh then explained that there would be news after the move to the new office. He explained that they were moving on Wednesday.

### **Item 9: Adjourned**

There was no further business. The meeting was adjourned at 6:20 p.m.