

Town of Colonial Beach Planning Commission Minutes

Date: August 2nd, 2012 – Town Center, 22 Washington Avenue

Time: 5:30 p.m.

Present: Maureen Holt, Chairwoman
Kent Rodeheaver
David Coombes
Desiree Urquhart
Robin Schick
Ed Grant

Staff: Director of Planning and Community Development, Gary Mitchell
Planning Manager, Josh Frederick

Also Present: Dr. Kathleen Fitzsimmons, applicant for Gateway Private School Conditional Use Permit request

Item 1: Call to Order

Chairwoman Holt called the meeting to order at 5:30 p.m. All members were present.

Item 2: Approval of Minutes

Chairwoman Holt asked for a motion to approve the minutes from the July 12th, 2012 regular meeting. Member Urquhart made the motion to approve the minutes, as written.

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

That the minutes of the July 12th, 2012 regular meeting be approved.

Item 3: Public Comment

There was no public comment.

Item 4: Public Hearing – To Consider a Conditional Use Permit application (case # CUP-02-2012) for Gateway Private School

Chairwoman Holt opened the public hearing. She requested that Mr. Mitchell introduce the case.

Mr. Mitchell read the staff report:

“Ms. Kathy Fitzsimmons (the applicant), has made an application for a conditional use permit (CUP) to operate a private school in the Bayview Baptist Church building, located at 204 Garfield Avenue in the Town of Colonial Beach. The school will offer specialized educational services to special needs children from 3rd to 12th grade. The school will have 8 employees and operate from 8:00 AM to 4:00 PM, Monday through Friday. The applicant has a contract to purchase the property upon receiving approval from the Town to operate the school.”

PREVIOUS ZONING APPROVALS:

Previously in 1999 the Town issued a CUP for the expansion of the Church and operation of a Sunday school. This original CUP only had one condition. This condition was:

The addition be constructed to the plans and specifications submitted with the application for the Conditional Use Permit.

Then, in 2005 the Town Council issued a second CUP to allow a day care center to be operated within the building. This CUP had the following conditions placed by Council:

- 1. Will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use*
- 2. Will not be detrimental to the public welfare or injurious to property or improvements to the neighborhood;*
- 3. Will not be in conflict with the purposes of the Comprehensive Plan of the Town of Colonial Beach;*
- 4. The owner shall comply with all Federal, State and Local laws and ordinances.*

The previous CUPs will become null and void if this CUP request is approved by Town Council.

ANALYSIS:

Use

The site is zoned Residential General R-2 and for this type of use a conditional use permit is required, per Article 6 of the Colonial Beach Zoning Ordinance. The Comprehensive Plan identifies this site as being located within the Central Area of Town. The plan continues by stating that the numerous schools, churches and other public/semi-public uses and use of these facilities helps to maintain activity levels in the core of the Town. Additionally, one of the goals of the plan states:

Provide an adequate level of public services to all people of the Town and recognize the regional aspects of certain facilities/services and the need for regional cooperation.

An objective under this goal states that the Town should support a top quality educational opportunity for all students. This private school has stated that it will supplement and work cooperatively with the existing public school system to address the special needs of children who may need additional education reinforcement and help them to be able to be returned to the public school system.

The existing building is located on 3 parcels of land. Upon approval and before a Certificate of Occupancy (CO) is issued the applicant will need to have a lot consolidation plat prepared, approved and recorded in the Westmoreland County Commissioner's office. A copy of the recorded document must be presented to the Town prior to CO issuance.

Transportation

The students attending the school will be transported to school by their parent/guardians or via a bus that the Gateway School operates. Additionally, the school is proposed to have a staff of 8 teachers, aids, and/or administrators. These individuals will most likely drive their motor vehicles to the site when school is open or during school activities. Based on the most recent VDOT traffic Counts the segment of the Garfield Avenue has approximately 1,400 vehicle trips per day. Based on the information provided by the applicant and the existing VDOT traffic count numbers, staff

estimates that there will be approximately an increase of 3% additional traffic generated by this use. VDOT has recommended, and staff has added it as a condition to this report, that the applicant installs a standard VDOT commercial entrance for this site. Staff believes that with the installation of the entrance will mitigate any negative effects on the road network that may occur by this use.

Additionally, as the Planning Commission and ultimately the Town Council is aware, the Town has adopted a Safe Routes to School Program. Part of this program is the installation of new sidewalks in and around the schools and to eventually connect the schools, library and the Town with a sidewalk system. This site has a sidewalk nearly all the way around the property. As another recommended condition staff is suggesting that extensions of that sidewalk be provided to the property line. As the Town expands its sidewalk network, this section of the network will be ready to be tied into the town-wide system.

Landscaping

The ordinance requires the planting of 1 flowering tree and 1 shade tree for every 20-foot of street frontage (Article 24.5 - Required Landscaping). Looking at the site and its relationship to the community staff suggests a Red Maple or similar type of tree to be planted on the opposing front corners of the property (Garfield & Dennison) and (Douglas and Dennison). The trees at time of planting should have a minimum of 2.5-inch caliper at breast height.

The ordinance (24.6 Required Landscaping – Parking Lots) also specifies that a low growing (ground cover type shrub) to be planted for every five (5) parking spaces. The primary purpose of such plantings is to provide screening of headlights (glare) from the existing street(s). Realizing that is an extremely small site staff will work with the applicant/owner via the minor site plan process to address this issue so that the intent of the ordinance shall be preserved.

Building

The Building Official has stated in his comments that the applicant needs to have a certified design professional review the building plan and supply a revised plan and/or letter explaining how the building will be modified to meet the educational use group in the Uniform Statewide Building Code.

Additionally, on the applicant's general development plan the engineer showed that the site is beyond the 36% impervious coverage ratio. Since this is an existing condition it is deemed to be "grandfathered". However, there is a condition placed on the CUP by staff that states any further increase in the impermeable surface would require stormwater mitigation by the applicant. This is consistent with the Town's Chesapeake Bay Act regulations. Other than these two (2) issues there are no other known issues associated with the building on this parcel in relation to the new proposed use.

Signage

The existing sign is located at the intersection of Dennison and Garfield. The sign is consistent with the Town's requirements.

STAFF RECOMMENDATION:

Staff recommends sending this proposal to the Town Council with a favorable recommendation with the following conditions:

1. *The applicant shall record the To-Witt (approval form) with the Westmoreland County Circuit Court Clerk's office within 30-days of receipt. Provide a copy of the recorded document to the Planning Department with the Deed Book and Page number;*
2. *All teachers and staff as well as the operator of the school shall have the proper licenses and endorsements from the State of Virginia Department of Education as required by law prior to opening for operation(s);*
3. *This CUP is for the operation of a private school for special needs children;*
4. *The applicant ceases all claims to previous CUPs that may have been issued for this property;*
5. *The applicant shall have a plat of consolidation prepared, approved and recorded prior to issuance of a Certificate of Occupancy (CO);*
6. *Trash cans/dumpster shall be located to the rear of the existing parking lot and to be screened with a board on board fence enclosure so as not to be visible from the public right-of-way;*
7. *There shall be no new entrance(s) into the site;*
8. *The applicant shall install extensions to the sidewalks in order to connect to the existing and/or planned sidewalks that will be installed by the Town via the Safe Routes to School Program.*
9. *The applicant shall install a standard commercial entrance within 6-months from the date of approval;*
10. *The parking lot shall limited to the existing lot on the north side of the property, and shall be maintained in accordance with the Town's zoning ordinance;*
11. *The applicant shall have a certified design professional prepare a plan for any modifications required by the USBC for the educational use group;*
12. *Upon inspection/review of the plan by the Building Official, the applicant shall install any life/safety measures required by the Building Official;*
13. *Any increase in the impermeable surface area shall require a mitigation plan to be submitted that brings the property into conformance with the standards of the Chesapeake Bay Act regulations.*
14. *A minor site plan/survey shall be provided to the Town for approval. The minor site plan shall address the commercial entrance and vehicle per day estimate as required by VDOT, delineate the parking spaces, and landscaping issues identified in this staff report;*
15. *The owner shall comply with all Federal, State, and Local laws and/or ordinances."*

Mr. Mitchell informed the Commission as to the contents of their packets, in regards to the documents related to this CUP application.

Chairwoman Holt thanked Mr. Mitchell and asked if the applicant would like to comment.

The applicant, Dr. Kathleen Fitzsimmons of 5506 Payne Drive, King George, VA 22485, spoke to the Commission about the growth and history of Gateway Private Schools. She stated that her schools serve the surrounding counties and their choice of the site in Colonial Beach was driven by the needs of the area.

Chairwoman Holt asked if there were any members of the audience who would like to speak.

Dr. Donna Powers, Superintendent of Colonial Beach Public Schools (CBPS), spoke to the Commission. She expressed concerns over funding for Gateway Private School, whether or not they had intentions of seeking a charter, and an apparent claim that Gateway Private School would be sponsored by CBPS.

Chairwoman Holt asked Mr. Mitchell if could clarify Dr. Power's last comment, to which he responded that he would rather the applicant address the concern.

Dr. Fitzsimmons stated that she had no knowledge of the claim that Gateway Private School would be sponsored by CBPS. There was brief discussion regarding this claim, which was a misunderstanding based on a comment in the application narrative that department heads had been contacted regarding the private school. All department heads submitted comments on the CUP application, as included in the Commission packets.

Chairwoman Holt clarified for the audience and Commission that this meeting was only to examine Gateway Private School's compliance with the requirements of the Comprehensive Plan and Zoning Ordinance.

There being no further public comment, Chairwoman Holt closed the public hearing and asked if the Commission members had any additional comments or questions.

Item 5: Discussion and Approval of CUP-02-2012

Member Grant – How many students are you [Dr. Fitzsimmons] anticipating serving?

Dr. Fitzsimmons – We are applying [to the state] for 25.

Member Grant – Is that on a full-time, 8-4 schedule?

Dr. Fitzsimmons – Yes, and the schedule will actually be 8:30 to 3.

Member Grant – Will there be food service?

Dr. Fitzsimmons – Yes.

Member Grant – Will the church be served as well?

Chairwoman Holt – The church is no longer there; they moved to a new location.

Member Grant – Then why is the impervious coverage grandfathered?

Mr. Mitchell – It is an existing building that was in place before the regulations were adopted. If the school wants to expand the building footprint, then the impervious coverage will have to be addressed.

Member Coombes – Have you [Dr. Fitzsimmons] seen the conditions that Staff has placed on this application?

Dr. Fitzsimmons – Yes.

Member Coombes – Do they meet your approval; do you have any concerns?

Dr. Fitzsimmons – I have no problem with the conditions placed on the application.

Member Coombes expressed concern over condition #2, as written in the staff report. He stated that the Commission should have no concern over whether or not the teachers and/or staff have proper licenses,

etc. This goes far beyond the bounds of the purview of the Planning Commission; the condition should come out.

Member Coombes – [to Mr. Mitchell] Why is a lot consolidation required for the school, if it was never required for the previous church?

Mr. Mitchell – It is very difficult to administer the conditions of the CUP if the property is on separate lots. Furthermore, the Zoning Ordinance requires a lot consolidation when such improvements are made.

Member Urquhart – Dr. Fitzsimmons, what is your proposed timeline for opening your school?

Dr. Fitzsimmons – September 4th of this year.

Member Urquhart – [to Mr. Mitchell] Does the obligation to construct sidewalks impact the Capital Improvements Plan at all?

Mr. Mitchell – No.

Member Schick – The property is currently over the impervious cover ratio, so how will the requirement to construct additional sidewalks impact this?

Mr. Mitchell – The sidewalks will be within the Town right-of-way, so it will not impact it at all.

Member Schick also expressed concern over the traffic to be generated by Gateway Private School, since it will coincide with the existing traffic caused by the nearby elementary school.

Member Rodeheaver stated that he had no comments to add.

Chairwoman Holt asked the Commission as well as Dr. Fitzsimmons if they had any further comments.

There being no further comments, Chairwoman Holt asked for a motion from the Commission.

Member Coombes made the motion for approval of CUP-02-2012, provided that condition #2, as written in the staff report, is removed. He then read aloud the Commission Paper, as included in the commission packets. Member Grant seconded the motion.

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

To recommend approval of Conditional Use Permit application (CUP-02-2012) for Gateway Private School, with condition #2 removed, to the Town Council.

Dr. Fitzsimmons requested a confirmation of the Town Council meeting date.

The Commission informed her that the meeting will have to be advertised twice and a special meeting will have to be held, likely to be on August 16th, 2012.

Item 6: Discussion – Revisions to Article 03 of the Zoning Ordinance (future advertisement)

Mr. Mitchell presented a revised copy of Article 03 to the Commission, which incorporates the statements of intent from each zoning district, as well as a couple of minor text changes. He then asked if the Commission members had any comments or questions.

Chairwoman Holt noted that the Mobile Home Park district was not listed under the residential districts under the first section of the Article. She also made note of the fact that *floor area ratio (FAR)* was not defined anywhere in the Article.

Member Coombes had a question about the use of the term *auto-oriented* and requested confirmation of its definition.

Member Schick clarified that the term indicates uses dependent upon automobiles as the primary mode of transportation to and from the use.

Member Urquhart indicated she had some minor grammatical changes to be made to the Article, but would discuss them with Staff after conclusion of the meeting.

Chairwoman Holt requested a motion to authorize advertisement of the amendment of Article 03 for a public hearing at the Commission's regular September 2012 meeting. Member Coombes made the motion, which was seconded by Member Urquhart.

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

To authorize advertisement of the amendment of Article 03 of the Zoning Ordinance for a public hearing at the Planning Commission's regular September meeting.

Item 7: Status Report for Progress of Subcommittee to Address Sign Ordinance Revisions

Mr. Frederick informed the Commission that he met recently with Members Schick and Urquhart, along with Dr. Peter Fahrney, representing the Colonial Beach Foundation, and Kyle Schick, representing the Chamber of Commerce. He provided a preliminary draft copy of the revised sign ordinance, which the subcommittee members commented on. Mr. Frederick stated that he would like the subcommittee to meet once more prior to presenting a final draft to the Commission at the September regular meeting.

Item 8: Adjournment

Chairwoman Holt asked for a motion to adjourn. Member Coombes made the motion.

There being no further business, the meeting was adjourned at 5:59 p.m.