

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

Date: June 7<sup>th</sup>, 2012 – Town Center, 22 Washington Avenue

Time: 4:30 p.m.

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Present:	Maureen Holt, Chairwoman Kent Rodeheaver Ed Grant Desiree Urquhart
Absent:	David Coombes
Staff:	Director of Planning and Community Development, Gary Mitchell Planning Manager, Josh Frederick

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

Chairwoman Holt called the meeting to order at 4:30 p.m. Member Coombes was absent.

Chairwoman Holt informed the Commission that Ms. Robin Schick was interviewed last week for one of the vacant Planning Commission seats. The interview committee will recommend, to the Town Council, her appointment to the Planning Commission.

### **Item 2: Approval of Minutes**

Chairwoman Holt asked for a motion to approve the minutes from May 3<sup>rd</sup>, 2012 regular meeting. Member Grant made a motion to approve the minutes from the May 3<sup>rd</sup>, 2012 regular meeting, as written. Member Rodeheaver seconded the motion.

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

That the minutes of the May 3<sup>rd</sup>, 2012 regular meeting be approved.

### **Item 3: Public Comment**

There was no public comment.

### **Item 4: Public Hearing – To Consider an Amendment to Article 8 of the Zoning Ordinance**

Chairwoman Holt opened the public hearing.

There being no public comment, Chairwoman Holt closed the public hearing.

Chairwoman Holt requested that Mr. Mitchell provide an overview of the amendment to Article 8.

Mr. Mitchell opened the item, as presented in the staff report:

“As the Commission is aware, the joint meeting of the Council and the Planning Commission failed due to the lack of a quorum. Therefore, at our meeting this evening we will be taking up this Council-sponsored zoning text amendment. The proposed text is attached to this staff report.

The text amendment deals with exterior display of merchandise offered for sale, as well as site plan requirements. Currently, the ordinance states that exterior display of merchandise offered for sale shall not exceed 5% of the gross floor area of the structure dedicated to this use. For example, a 1,000-square foot building would have a maximum exterior area of 50-square feet to display merchandise for sale. The proposed amendment would increase the 5% cap to 30%. Staff does not have a problem with this concept generally. However, without a square footage cap the 30% could have a major impact as to how a commercial enterprise may appear in the future. Regarding the site in particular for which this limit is being increased, there is little to no direct negative impact. However, if a larger format store were to open here in Colonial Beach in the future the impact could be substantial.”

Mr. Mitchell provided examples of this concept, based on the typical square footage of various retail uses.

“While these scenarios may not happen today or tomorrow that does not mean these scenarios should not be considered when making this type of a text amendment. Staff feels obligated to point out this issue to you so as to prevent a future ‘crisis’ from occurring. At this time staff would be willing to discuss options with the Commission to address this issue or we could re-visit this issue at a later date. The introductory statement to both the permitted and conditionally permitted uses within the C-1 district is currently worded as:

*Within this Zoning District, a building and/or land shall be used for the following purposes with an approved site plan*

The proposal takes out “...with an approved site plan.” While Staff has no problem generally with this change it does pose a problem in regards to certain aspects of the administration of the ordinance. First, in order to issue a new business zoning permit as required by *Article 2-1 Zoning Permit Required*, a site plan is required as part of the zoning permit application. In reviewing the permit in relation to zoning requirements staff has to determine the number of parking spaces, the amount of impermeable surface area (Chesapeake Bay Act) and landscaping as required by *Article 24*. The only way to accomplish this is via a site plan.

Alternatively if a totally new business wants to locate within the Town but construct a new building instead of renting an existing facility a site plan would be required in order to construct the building.

Staff, the Planning Commission and the Town Council want to make the ordinance and processes as seamless as possible to assist new businesses wishing to locate within the Town. However, staff has to ensure that totally new structures go through a site plan process to review for things such as parking, drainage, Chesapeake Bay regulations, traffic/roadway requirements, and so forth. Staff advises that the Planning Commission consider retaining the existing phrase, *with an approved site plan*, for the reasons cited above. A possible solution to this situation may be that an exception is granted for the re-use of an existing commercial structure provided that the impermeable surface area is not increased.”

Mr. Mitchell informed the Commission that Staff feels this is ideal, since the phrase, *with an approved site plan*, is used in many other articles. To remove it from each article would be costly, in terms of the required advertising, and cumbersome. The proposal, to be considered and heard at the July Planning Commission meeting, is a text amendment to the *Statement of Intent* within Article 14 which would read:

“The re-use of an existing commercial structure is not subject to the requirements herein provided that the impermeable surface area is not increased.”

The recommendation of Staff, as proposed in attachment 2 of the staff report, is to retain the phrase, *with an approved site plan*, and forward this to Town Council with a favorable recommendation. A cap on the square footage of outdoor display should be addressed at a subsequent meeting. Additionally, Staff also recommends the amendment to Article 14, as stated above. Mr. Mitchell further informed the Commission that all members of the Council Committee meeting, held last Thursday on May 21<sup>st</sup>, agreed with these proposed changes.

Chairwoman Holt thanked Mr. Mitchell for his overview and asked if there were any comments from the Commission.

Member Grant stated that he agreed with the proposed amendments. He also wanted to clarify for the record that this “Town Council-sponsored zoning text amendment” is related to the request of a new golf-cart rental business, *Custom Cartz LLC*, to open for business within Town.

Member Rodeheaver related back to the first joint meeting between the Town Council and Planning Commission, during which a few members of the business community suggested an outdoor display limit of 20%. He questioned why that figure was not kept.

Mr. Mitchell stated that the 30% figure came from the town attorney, based on the input from various sources. He also reiterated that the percentage is not the biggest concern. The biggest concern should be a cap on the total square footage for outdoor display.

Chairwoman Holt reminded the Commission that the 30% figure was agreed upon based on back-and-forth discussions between the elected officials and Planning Commission members at the previous joint meeting.

Member Grant questioned the extent of applicability of this provision.

Mr. Mitchell informed him that it applies to all businesses within the Town, and reiterated the importance of the square footage cap in anticipation for larger format stores in the future.

Member Rodeheaver asked if this applied specifically to the ground-floor area of a business. His question was in regards to a multi-floor business.

Mr. Mitchell replied that it refers to the footprint of the building.

Member Urquhart thanked Staff for explaining the implications of this issue, as detailed in the staff report. She also stated that she was in favor of the text amendment language, as recommended by Staff.

There was further discussion of the existing language of Article 8-12, provision a-i, and whether or not the term *golf carts* should be included. Mr. Mitchell stated that this was not advertised for the public hearing this evening, and would need a separate advertisement if the Commission wishes to alter the language.

**Item 5: Approval of the amendment of Article 8 of the Zoning Ordinance**

There being no further discussion, Chairwoman Holt requested a motion for approval.

Member Urquhart made a motion to recommend approval of the text amendment to Article 8 of the Zoning Ordinance, as written in attachment 2 of the staff report, to Town Council.

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

To recommend approval of Article 8 of the Zoning Ordinance, as amended, to the Town Council.

**Item 6: Discussion – Revisions to Article 14 of the Zoning Ordinance**

Mr. Mitchell presented the proposed text amendment of Article 14 of the Zoning Ordinance, as discussed earlier under Item 3 of the Agenda.

Member Urquhart presented a slight change to the format of the amendment, which would create provision B under Article 14-1. Provision B would contain the amendment language pertaining to the site plan requirements for existing commercial structures, rather than it being included as #6 under provision A. There was general agreement of the Commission members.

**Item 7: Authorize Advertisement of Revisions to Article 14 of the Zoning Ordinance**

Chairwoman Holt asked for a motion to authorize advertisement of the amendment of Article 14 for a July public hearing.

Member Grant made the motion, with the language as amended by Member Urquhart.

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

To authorize the advertisement of Article 14, as amended, for a July public hearing.

**Item 8: Discussion – Revisions to Article 2 of the Zoning Ordinance (for future advertisement)**

Mr. Mitchell opened the item.

Chairwoman Holt asked the Commission if they had a chance to review the revisions, and asked the members to present their comments and/or questions.

Member Urquhart requested the following changes:

Provision B6-(b), within Article 2-2: “Immediately...” shall be placed at the beginning;

Provision B6-(i), within Article 2-2: “Performing...” shall be placed at the beginning;

Provision D4-(a), within Article 2-2: Insert the dollar amounts numerically in addition to their current alphabetic format;

Provision D4-(a), within Article 2-2: In the last sentence, change “An owner...” to “The owner(s)” and “...the tenant...” to “...the tenant(s)...”;

Provision A1, within Article 2-4: Keep the last sentence, “This body shall also be known by the

name 'Planning Commission' or 'Commission.'", which had previously been requested to be removed;

Provision B3, within Article 2-5.1: Remove "...and all the..."

Member Grant made a comment about the wording of provisions 5 and 6 within Article 2-2, with regards to the granted powers and duties of the Director.

Chairwoman Holt asked for a motion to authorize advertisement of the amendment of Article 2 for a July public hearing. Member Grant made the motion.

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

To authorize the advertisement of Article 2, as amended, for a July public hearing.

**Item 9: Informational Item – “Now Coveted – A Walkable, Convenient Place” NY Times Article**

There was brief discussion about the article, which reported the findings of recent research showing the correlation between walkability and property values. Mr. Frederick highlighted the timeliness of the article, with the recent awarding of the Safe Routes to School grant to install sidewalks, and summarized the major points included in the research.

**Item 8: Adjournment**

There was discussion about changing the regular Planning Commission meeting time, as the Commission's newest member, Robin Schick, has a conflict with the usual 4:30 p.m. meeting time. There was general agreement among the Commission to change the regular meeting time to 5:30 p.m.

Member Grant commented that it will be nice to have a new member.

There was further discussion of the Commission's next meeting date, since it falls on July 5<sup>th</sup>. It was agreed to move the meeting to July 12<sup>th</sup>, at 5:30 p.m.

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

There being no further business, the meeting was adjourned at 5:01 p.m.

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Chairperson, Colonial Beach Planning Commission