

Town of Colonial Beach Planning Commission Minutes

Date: November 1st, 2012 – Town Center, 22 Washington Avenue

Time: 5:30 p.m.

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

Absent: Kent Rodeheaver

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

Also Present: Judith Carter, applicant for Pretty Pets Inc. Conditional Use Permit request
Kristine Guido, applicant for 37 4th Street B&B Conditional Use Permit request

Item 1: Call to Order

Chairwoman Holt called the meeting to order at 5:30 p.m. Member Rodeheaver was absent.

Item 2: Approval of Minutes

Chairwoman Holt asked for a motion to approve the minutes from the October 4th, 2012 regular meeting. Member Urquhart made the motion to approve the minutes. Member Coombes noted an error with the October minutes in regards to membership; he was not present, as otherwise indicated in the minutes. Mr. Frederick responded that the official minutes will be corrected. Member Coombes seconded the motion to approve the minutes, as amended.

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

That the minutes of the October 4th, 2012 regular meeting be approved, as amended.

Item 3: Public Comment on Planning Matters

There was no public comment.

Item 4: Public Hearing – Conditional Use Permit Application (CUP-03-2012) to Operate a Major Home Occupation (Pet Grooming Services) at 2 2nd Street

Mr. Mitchell presented the Staff Report:

INTRODUCTION:

Ms. Judith Carter (the applicant) has made an application for a conditional use permit (CUP) to operate a major home occupation for dog grooming services aka *Pretty Pets, Inc.* Ms. Carter is planning to move her business (pet grooming) from Alexandria to Colonial Beach in early 2013. She is applying for a major home occupation since she will have clients bring their pets to her residence to receive grooming services.

ANALYSIS:

Comprehensive Plan

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 *Classic Shores* section of Town. The plan continues by stating that there are several small commercial operations located along First Street and State Route 205 (McKinney Blvd.). Additionally, one of the goals of the plan states:

Build and diversify the town's local tax base. Expand local tourism, retail, and professional office enterprises.

An objective under this goal states that the Town should:

Attract new businesses and support existing businesses that serve the needs of our residents and provide local employment.

While this is a small business which currently only has a single employee it is plausible that this business enterprise could grow and offer additional employment opportunities to the area residents of the town.

The existing building is located on 2 parcels of land. Upon approval, and before a Business License 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 issuance of the business license. The purpose of the lot consolidation is to ensure that the whole parcel will be subject to any and all conditions that the governing body may place on this conditional use permit.

Transportation

The clients who use this business for pet grooming services will bring their pets to this location. This most likely involves the use of motor vehicles for such transport. The applicant shall be required to supply at least one-off street parking space on their property. The most recent VDOT traffic count for this segment of 2nd Street is 280 annual average daily trips (AADT). A low intensity use such as this is anticipated by staff to generate approximately 3.5 additional daily trips along 2nd Street. This is based upon discussions with staff at the Virginia Department of Transportation (VDOT) and the Institute of Traffic Engineers (ITE) reference book entitled, *Trip Generation*. These additional trips represent an increase of 1.25% in the daily traffic along this segment of roadway. Staff and VDOT believe that a paved apron (see conditions) for the entrance into the property will mitigate any impacts that may affect the street.

Landscaping

The existing landscaping meets the intent of the ordinance; additional plantings are not required.

Noise

The applicant has stated that all pets receiving services shall be kept inside the house in carriers. Therefore, excessive dog barking and similar noises associated with pets shall be within the standards of the Town ordinance for excessive noise. Enforcement of the noise ordinance is a police matter and if complaints occur they will be referred to the police department for enforcement. At no time will pets be permitted to be housed overnight (see conditions). Additionally, the applicant shall not be permitted to provide veterinarian services for the pets in her care.

Signage

The sign shall be consistent with the Town's requirements.

STAFF RECOMMENDATION:

Staff recommends sending this proposal to the Town Council with a favorable recommendation and 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. This CUP is for the operation of a major home occupation for the provision of pet grooming services;
3. Trash cans/dumpster shall be located to the rear of the existing parking area and shall be screened so as not to be visible from the public right-of-way;
4. There shall be no new entrance(s) into the site;
5. The applicant shall install or cause to be installed an asphalt apron approximately 4 feet by 10 feet in size to prevent any degradation to the existing street;
6. The applicant shall provide at least one (1) off-street parking space;
7. 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;
8. A minor site plan and lot consolidation plat shall be provided to the Town for approval. The plan shall address the paved entrance and delineate the required parking space;
9. No pets (other than the owner's personal pets) shall be housed or kept overnight nor shall any veterinary services be offered by the applicant;
10. The owner shall comply with all Federal, State, and Local laws and/or ordinances.

Chairwoman Holt opened the public hearing and invited Judith Carter, the applicant, to address the Commission if she so desired.

Mr. Carter indicated that she had nothing further to add.

Councilmember Tommy Edwards, of 11 2nd Street, addressed the Commission. He spoke positively regarding Pretty Pets, Inc. being the only dog grooming business in Town as well as to the aesthetic quality of the applicant's home on 2nd Street. He further questioned the traffic counts provided and elaborated that, as an appointment-based service, the area will see minimal traffic impact from the proposed business. He concluded with encouraging the Commission to approve the CUP application.

Natalie Whetzel, of 1004 Lee Street, addressed the Commission. She spoke positively about her desire, as well as some of her friends' desire, to have a pet grooming service in Town. She also encouraged the Commission to approve this CUP application.

There being no further public comment, Chairwoman Holt closed the public hearing and asked if there were any questions or comments from the Commission.

Item 5: Discussion and Vote for Approval of CUP-03-2012

Member Schick, referencing the applicant's site plan, confirmed that the asphalt apron, as included as condition #5 in the staff report, will be installed on the 2nd Street entrance to the property.

Member Coombes confirmed with the applicant that she understands and is in agreement with the conditions placed on the application. Ms. Carter responded that she had seen the conditions and was comfortable complying with them.

Member Urquhart confirmed with the applicant that her hours of operation would be a few days per week, by appointment, as she transitions her business from Alexandria to Colonial Beach. As the business grows the hours will be expanded. Member Urquhart also referenced the comments provided by the consulting Town Engineer, specifically in regards to the recommendation that the applicant install a "hair and lint separation device." Member Urquhart confirmed with Mr. Mitchell that this will be included as the eleventh condition on the CUP application (the Engineer's comments arrived after Commission Members' packets had already been delivered to them) and confirmed with the applicant that she was in agreement with this.

Member Urquhart asked the applicant whether or not she had dogs of her own, and if so, would they cause a problem with customers' dogs during appointments.

Ms. Carter responded that she has a Golden Retriever that is well-tempered; she will be kept in another part of the house during clients' visits.

Mr. Mitchell confirmed with the Commission that the conditions placed on the application will include those in the Staff Report, as well as the additional condition requiring a hair and lint separator.

There being no further discussion, Chairwoman Holt requested a motion to approve Conditional Use Permit application CUP-03-2012. Member Coombes made the motion; it was seconded by Member Urquhart.

Chairwoman Holt called for a voice vote; all members except Member Grant voted in favor of the proposal.

Therefore, it was resolved:

To recommend approval of CUP-03-2012, with eleven conditions, to the Town Council.

Item 6: Public Hearing – Conditional Use Permit application (CUP-04-2012) to operate a Bed & Breakfast at 37 4th Street

Mr. Mitchell presented the Staff Report:

INTRODUCTION:

Ms. Kristine Guido (the applicant), has made an application for a conditional use permit (CUP) to operate a bed and breakfast located at 37 4th Street. The property is zoned as R-2 and in order to operate a Bed and Breakfast (BNB) a conditional use permit is required.

ANALYSIS:

Comprehensive Plan

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 *Classic Shores* section of Town. The plan continues by stating that there are several small commercial operations located along First Street and State Route 205 (McKinney Blvd.). Additionally, one of the goals of the plan states:

Build and diversify the town's local tax base. Expand local tourism, retail, and professional office enterprises.

An objective under this goal states that the Town should;

Attract new businesses and support existing businesses that serve the needs of our residents and provide local employment.

Ms. Guido's application is consistent and furthers the intent of the 2 goals of the Comprehensive Plan as identified above. Additionally, this BNB will foster further development of the Town's desire to be a destination and tourism center for the Town and the region as a whole. She may also offer space to her guests for special occasions, such as birthdays and anniversaries, as part of her marketing plan for the BNB. This would represent an important source of revenue for her business in the off-season (winter).

There are several parcels of land where her home is located. She will combine the lots so as to ensure that the operations of the business are on a single parcel of land. Upon approval and before a Business License 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 issuance of the business license. The purpose of the lot consolidation is to ensure that the whole parcel will be subject to any and all conditions that the governing body may place on this conditional use permit.

The applicant is limiting the BNB to use only 4 bedrooms. The historic and architectural character of the property will be supported and preserved. The Building Official will also inspect the property to ensure that life and safety measures have been appropriately addressed.

Transportation

The clients who come to this BNB most likely will travel by a motor vehicle. The applicant will provide up to 4 off-street parking spaces on her property for the clients who visit the facility.

The most recent VDOT traffic counts for this segment of 4th Street is 90 annual average daily trips (AADT). Euclid Avenue which is along the eastern border of the subject property has an AADT of 2,401. A use of this low intensity is anticipated by staff to generate approximately an average of 4.2 additional daily trips along Euclid and 2.1 trips along 4th Street. This is based upon discussions with staff at the Virginia Department of Transportation (VDOT) and the Institute of Traffic Engineers (ITE) reference book entitled, *Trip Generation*. These additional trips represent an increase of less than 1% along Euclid and 2.3% along 4th Street. Staff and VDOT believe that a paved apron (see conditions) for the entrance into the property will mitigate any impacts that may affect the street and protect the existing roadway from impacts associated with the increased traffic.

Landscaping

The existing landscaping meets the intent of the ordinance and additional plantings are not required.

Signage

The sign shall be consistent with the Town's requirements.

STAFF RECOMMENDATION:

Staff recommends sending this proposal to the Town Council with a favorable recommendation and 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, and provide a copy of the recorded document to the Planning Department with the Deed Book and Page number;
2. This CUP is for the operation of a Bed and Breakfast;
3. Trash cans/dumpster shall be located to the rear and shall be screened so as not to be visible from the public rights-of-way;
4. There shall be no new entrance(s) into the site;
5. The applicant shall install or cause to be installed an asphalt apron approximately 4 feet by 10 feet in size to prevent any degradation to the existing street;
6. The applicant shall provide at least four (4) off-street parking spaces;
7. 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;
8. A minor site plan and lot consolidation plat shall be provided to the Town for approval. The plan shall address the paved entrance, delineate the location of trash receptacles and delineate the required parking spaces;
9. Prior to opening the applicant will schedule an inspection with the Building Official who will check for life and safety issues such as but not limited to ingress/egress, fire extinguishers, and assign a maximum occupant load based on the build code use group;
10. The owner shall comply with all Federal, State, and Local laws and/or ordinances.

Chairwoman Holt opened the public hearing and invited the applicant, Kristine Guido of 37 4th Street, to address the Commission if she so desired.

Ms. Guido addressed the Commission. She indicated that she is beginning to transition from her life in Northern Virginia to her home in Colonial Beach and would like to supplement her income by utilizing the home as a bed and breakfast. She indicated her concern over condition #5 of the application requiring a paved apron to be installed on her driveway.

Chairwoman Holt requested the Mr. Mitchell respond to this and elaborate on why such a condition is placed on the application.

Mr. Mitchell responded that VDOT recommends paved aprons be installed in these areas of increased vehicular traffic to maintain the integrity of the connection between the driveway and road surface.

Chairwoman Holt asked if any members of the audience would like to speak on this application.

Mary Mercer addressed the Commission on behalf of Curt and Melinda Fields, owners of the adjoining property at 18 5th Street. The Fields' submitted a letter to the Commission voicing concerns related to this Conditional Use Permit application and discouraged its approval.

Chairwoman Holt summarized the content of this letter for the audience and the record and offered a copy to anyone who would like to read it. She then asked if any other members of the audience would like to speak.

Linda Farneth, of 121 5th Street, addressed the Commission. She indicated that VDOT's traffic counts for this section of Town are influenced by Euclid Avenue being often utilized as a "cut-through."

Ms. Guido responded to the Fields' letter in stating that her home at 37 4th Street was built in 1911 and has been in her family since then. She stated that it is not her intention to alter the aesthetics of the home or degrade the character of the neighborhood.

There being no further public comment, Chairwoman Holt closed the public hearing and asked if there were any questions or comments from the Commission.

Item 7: Discussion and Vote for Approval of CUP-04-2012

Member Coombes asked Ms. Guido if she understands and is in agreement with the conditions placed on the application.

Ms. Guido responded that she had not seen all of the conditions or the Staff Report.

Member Coombes expressed reservations in proceeding with the vote unless the applicant had read and fully understood the conditions being placed on the application.

Chairwoman Holt suggested that this agenda item be tabled until the end of the meeting in order to give the applicant an opportunity to completely read the Staff Report and the conditions. Member Coombes made the motion to do so.

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

To table Item 7 on the agenda, the vote for approval of CUP-04-2012, until the end of the meeting.

Item 8: Public Hearing – To Consider an Amendment (CPA-01-2012) of the 2009 Comprehensive Plan to Include the Business District Revitalization Plan as an Addendum

Mr. Mitchell presented the Staff Report:

INTRODUCTION:

As the Planning Commission is aware, the Town has spent over a year developing the Downtown Revitalization Plan. The Town of Colonial Beach's 2009 Comprehensive Plan (recognized by CPEAV in 2010 with a Distinguished Award) specifically outlined the need to renovate and redevelop the downtown core area and the boardwalk. In implementing the plan, the Town obtained a planning grant from the Virginia Department of Housing & Community Development (DHCD) in the fall of 2010 and began the process to develop a plan for the redevelopment of the downtown business district and boardwalk area. This planning effort involved over 300 citizens and at least a half-dozen community-wide meetings. Citizens were divided into teams to collect initial data and put together a proposal to DHCD. Subsequently, a project management team was formed and it continued to meet every 2 weeks during the late summer and fall of 2011. The results of this highly motivated group of citizens resulted in the Colonial Beach Downtown Revitalization Plan and lead to a grant application to DHCD for Phase 1 of the revitalization efforts. These efforts and the quality of the plan were recognized by CPEAV in October 2012 with an award.

DISCUSSION:

The plan includes specific actions and identifies which agencies are responsible or the lead in a particular effort. The plan also contains cost estimates for each phase of development and provides a time line as to when the various segments of the plan will be implemented.

This planning effort included representatives of the Chamber of Commerce, the Colonial Beach Foundation, the Tourism Commission, the School system, the Historical Society, the Artist's Guild and a number of interested citizens and residents. The process was a collaborative process to bring about a consensus on the most important assets of the Town – the boardwalk & beach. The boardwalk and beach are the driving forces behind the Town's major industry – tourism. The planning efforts developed a synergy among the various interests of the Town to bring about a unified plan. The Council adopted the planning efforts in February of 2012 and passed a resolution in its support of the planning process and the grant application.

Concurrently, the Town is either in the process or has applied for other grants which are directly related to the Plan or contribute significantly towards the Plan. The other efforts include a beach nourishment grant from the Army Corps of Engineers (already implemented, \$200,000), Safe Routes to School grant (\$482,000 already awarded) for the replacement/installation of sidewalks in and around the elementary school and directly adjacent to the Downtown District. The Town has also receive a VHDA planning grant for mixed use/mixed income housing. This planning process began in June of 2012. The Town has also applied to the National Fish and Wildlife Fund, under the Chesapeake Bay Stewardship Grant Program, for funding to replace a section of public parking area in the Downtown with porous pavers to improve stormwater quality runoff entering the river and ultimately the Bay. Finally, the Town will be seeking transportation

enhancement funds to address the terminus of Colonial Avenue for streetscape improvements and restoration/extension of the northern end of the Boardwalk.

CONCLUSION:

As the Business District Revitalization Plan will be instrumental in guiding the redevelopment of the historic core of Colonial Beach, the town as a whole will be well-served by incorporating this small-area plan into the 2009 Comprehensive Plan. The Business District Revitalization Plan builds upon the objectives of the Comprehensive Plan and places even more emphasis on this important part of town. Including the plan as part of the Comprehensive Plan gives it more “teeth,” so to speak, in shaping future growth and development and guiding Colonial Beach toward our vision of a vibrant, attractive resort town.

STAFF RECOMMENDATION:

Staff recommends sending this proposal to Town Council with a favorable recommendation.

Chairwoman Holt opened the public hearing.

Dr. Peter Fahrney, of 3419 Riverview Drive, addressed the Commission. He spoke positively on the importance of incorporating the Business District Revitalization Plan into the Comprehensive Plan as the two plans share a common goal. Considerable public input, and time and effort on behalf of various committees, has gone into the creation of this plan. He strongly encouraged the Commission to forward this Comprehensive Plan amendment to Council with a favorable recommendation.

There being no further public comment, Chairwoman Holt closed the public hearing and asked if there were any questions or comments from the Commission.

Item 9: Discussion and Vote for Approval of CPA-01-2012

Member Urquhart echoed Dr. Fahrney’s comments. There was further agreement among the remaining Commission members.

There being no further discussion, Chairwoman Holt requested a motion to approve this proposal. Member Urquhart made the motion, which was seconded by Member Coombes.

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

To recommend approval of the addition of the Business District Revitalization Plan as an addendum to the 2009 Comprehensive Plan to the Town Council.

Item 10: Public Hearing – To Consider an Amendment (ZOA-07-2012) of Article 7 (RC – Resort Commercial District) of the Zoning Ordinance

Mr. Mitchell presented the Staff Report:

BACKGROUND:

As the Commission is aware, in January we began the process of updating and streamlining our Zoning Ordinance. Since that time we have revised the R-1 & R-2 districts as well as Articles 1, 2 and 3. We also updated Article 14 to be more “business friendly” by not requiring a site plan for the reuse of an existing commercial building. The next ordinance section is the Resort Commercial District. These draft revisions were provided to the Commission in August to review. In September we revised the regulations a second time and the Commission authorized Staff to advertise for a public hearing.

DISCUSSION:

The revised ordinance adds a section for accessory uses such as, but not limited to, accessory structures, antennas, automatic teller machines and similar uses that may be accessory to a principal use. The ordinance also expands the permitted uses by adding several business categories to the district, which are as follows: *Business Service Establishments* (e.g., an office supply or art supply store); *Churches*; *Financial Services Establishments* (e.g., a bank or insurance carrier);

Personal Service Establishments such as barber/beauty shops; *Public Parks/Playgrounds*; and *Farmer's Markets/Wayside Stands*.

The conditional use section of the Resort Commercial District was altered slightly by adding *Restaurants with drive-in facilities* as a conditional use. While this type of use may typically be located in other commercial areas of Town, having this as a conditional use opens the possibility that, with proper conditions, such a facility could possibly be located in an area where tourists will frequent. There was some discussion at the last meeting about requiring someone to rezone for this type of use. However, such a rezoning would not be consistent with the land use designation in the current comprehensive plan. Another use that was added is a *Tourist Home*. This use exists in other sections of the Zoning Ordinance and is harmonious with the Resort Commercial designation. Additionally, at our last meeting the Commission amended the *Commercial Recreation Establishment* to read as a *Private Commercial Recreation Establishment*. Finally, staff combined the bulk and lot area regulations into a table for easier use and administration.

CONCLUSION:

Staff believes that Article 7, with the additions and insertions as outlined herein and as discussed in the public hearing, should be recommended by the Planning Commission for adoption by Town Council.

STAFF RECOMMENDATION:

Staff recommends sending this proposal to the Town Council with a favorable recommendation (see Council Paper).

Chairwoman Holt opened the public hearing.

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

Item 11: Discussion and Vote for Approval of ZOA-07-2012

Member Coombes, while absent at the October 2012 regular meeting, recollected previous conversations among Commission members about not permitting condominiums in the Resort Commercial District. He asked if there is any language that may be construed as permitting condominiums or similar structures in the RC District.

There was discussion that *Mixed Residential/Commercial Use Buildings*, permitted as a conditional use, could be construed in this manner. However, since it is a conditional use, a proposed project under this use would still have to go through public hearings and be acted upon by Council. This was done so as not to completely remove this sort of development from potential uses in the RC District.

Member Urquhart made the suggestion that the name of the article, *Resort Commercial District*, be included in the Statement of Intent at the beginning of the article. There was general agreement among the Commission.

There being no further discussion, Chairwoman Holt requested a motion to approve this proposal. Member Schick made the motion; it was seconded by Member Urquhart.

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

To recommend approval of the amendment of Article 7 of the Zoning Ordinance to the Town Council.

Item 12: Public Hearing – To Consider an Amendment (ZOA-06-2012) of Article 12 (Signs) of the Zoning Ordinance

Mr. Mitchell presented the Staff Report:

BACKGROUND:

At the request of the Town Council, the Planning Commission established a “sub-committee” in July to address updating and improving Article 12 (Signs) of the Zoning Ordinance. The primary reasons for doing so were to address numerous inconsistencies, redundancies and poorly written language throughout the article, as well as to address the pros and cons of permitting digital signage in the Town. The subcommittee was comprised of Mr. Frederick representing Staff, Ms. Urquhart and Ms. Schick representing the Commission, Mr. Kyle Schick representing the Chamber, and Dr. Peter Fahrney representing the Colonial Beach Foundation. Through numerous meetings, discussions and multiple text revisions, the draft amended Sign Ordinance was discussed at the October Commission meeting and subsequently scheduled for a public hearing at the regular November meeting.

DISCUSSION:

The amended sign ordinance accomplishes a number of objectives:

- 1) It aligns itself and is consistent with the aesthetic and “place-making” provisions of the Comprehensive Plan;
- 2) Numerous pieces of redundant language have been removed or condensed into one, in order to reduce the size of the article;
- 3) The “Signs Excluded From Regulation” portion of the article has been greatly reduced in length, in order to make it easier to read and comprehend;
- 4) Restrictions on temporary signs have been loosened in the pursuit of being “more business friendly”;
- 5) The revised article now clearly details how to measure a sign’s dimensions, by way of illustrations, in an effort to promote fairness to every business;
- 6) Signage options have been greatly expanded to address the needs of businesses and are now clearly depicted using illustrations and graphs to show which sign types are permitted by zoning district;
- 7) Relevant sections of Virginia state code (enabling legislation) are now referenced in the article.

In addressing Council’s request to examine the impacts of digital signage, Staff had to consider a number of issues. The first, as indicated in the Comprehensive Plan, is the need for an improved streetscape and citizens’ desire to improve the appearance of the Town in general. This had to be balanced among various concerns of not wanting the Town to “look like the Vegas strip.” The second concern relates to public safety, as digital signs cause a high level of distraction in motorists. This is particularly important, since Colonial Beach is a very pedestrian-oriented place in which the roadways are shared by cars, golf carts, scooters, bicycles, walkers, runners, etc. Introducing this level of distraction along the roads in such an environment would be a very poor decision without the appropriate restrictions on how often the sign copy changes and in what manner. The Police Department has shared similar concerns as well. The third concern is related to the desire to be business-friendly. In light of these concerns, Staff feels that permitting digital signs only with an approved Conditional Use Permit (CUP) is the best way to address these concerns fairly. Additionally, such digital signs should be attached or incorporated as part of a monument sign.

Other updates to the ordinance include:

- A ten (10) foot setback for signs along VDOT primary routes (i.e. Colonial Ave. and Hwy. 205), which reflects existing state regulations;
- A provision for requiring removal of obsolete/abandoned signs, as provided by state-enabling legislation;
- Restrictions on the removal of vegetation to enhance sign visibility, in order to further the goals of the Chesapeake Bay Act;
- Clearly defined options for signage for shopping centers, in anticipation of future commercial development;

CONCLUSION:

The draft Sign Ordinance, as written in the attached text, represents the efforts of various members of the community and is a vast improvement over the existing article. Most importantly, it adequately addresses the needs of businesses, the desires of the citizenry and guidance offered by the Comprehensive Plan.

STAFF RECOMMENDATION:

Staff recommends sending this sign ordinance amendment, as written in the attached text, to the Town Council with a favorable recommendation.

Chairwoman Holt presented to the audience a letter from the Chief of Police regarding the safety concerns of digital signs. She concluded by commenting positively on the efforts in developing the revised sign ordinance as well as the final draft ordinance that resulted from these efforts.

Chairwoman then opened the public hearing.

Wendy Selquist, owner of the barber shop at 616 Colonial Avenue, addressed the Commission. She expressed concerns over the ten-foot setback for signs along VDOT primary routes (Colonial Avenue and

McKinney Blvd). Her concern was related to existing banner flag signs currently erected in front of her business and the implications of adhering to a setback distance of ten feet.

Member Schick explained that such flag signs have an inherent safety concern because they are not static, necessitating a larger setback than primary signs which do not move.

Chairwoman Holt commented that the setback distance of ten feet along VDOT primary routes is based upon their existing regulations, which take precedence over local regulations.

Member Schick added that the revised ordinance is a practice in compromise. Such flag signs, as well as numerous other things, are not permitted under the current ordinance. The revised ordinance not only permits them, but gives much greater flexibility to businesses in terms of signage.

Councilmember Tommy Edwards, of 11 2nd Street, addressed the commission. He questioned who would be responsible for enforcing these regulations along VDOT primary routes. He went on further to make comments regarding permitting digital signs in Town and encouraged the Commission to act on this matter in a manner that will be as friendly to businesses as possible.

There being no further public comment, Chairwoman Holt closed the public hearing and asked if there were any questions or comments from the Commission.

Item 13: Discussion and Vote for Approval of ZOA-06-2012

Member Coombes stated that whatever is done, it is important to strike a balance. He requested a summary of the findings of the subcommittee regarding digital signage.

Mr. Frederick explained that the subcommittee determined that the best way to ensure that digital signs have no adverse impacts to the public safety and the aesthetics of the Town was to permit them through a conditional use permit.

Member Coombes clarified that anyone wishing to erect a digital sign under the new ordinance will have to come before the Planning Commission and go through a series of public hearings in order to obtain approval.

Member Schick, referencing Ms. Guido's proposed bed and breakfast, stated that this is necessary because there are areas in Town in which the citizens would not want digital signs or where they may not be appropriate.

There was brief further discussion regarding digital signage.

Chairwoman Holt requested that Mr. Mitchell address the previous question regarding enforcement.

Mr. Mitchell explained that the Zoning Administrator or designee will enforce this ordinance in a complaint-based manner. He added that once this ordinance is passed, Planning Staff will document existing signage in Town, which will be grandfathered in. Redevelopment will conform to the new ordinance.

Chairwoman Holt requested a response to the other question regarding the ten-foot setback distance of signs.

Mr. Mitchell responded that is based on a "safety zone" required by VDOT in which they don't allow anything within ten feet of the edge of pavement.

Chairwoman Holt confirmed that the edge of pavement is the roadway and not inclusive of sidewalks or other additional hardscaping.

Member Coombes noted, for the audience and the record, that the ordinance permits nonconforming signs to be maintained until the use or business changes. He then asked what the process would be if someone simply refused to comply with the ordinance.

Mr. Mitchell responded that the matter would be turned over to the Town Attorney.

Member Coombes questioned whether or not that should be included in this particular Zoning Ordinance article.

Chairwoman Holt responded that the relevant procedures for such an event are covered in the existing Town Code.

Member Uruqhart asked if a timeline to bring nonconforming signs into conformity with the new ordinance, a so-called "sunset clause," was included in this new ordinance, as previously discussed.

Mr. Mitchell indicated that this sort of clause is a legal gray area in the state of Virginia and is unlikely to be passed.

There was further brief discussion regarding existing nonconforming signs.

Member Schick added that the needs of businesses were taken into consideration along with the aesthetic needs of the Town, as referenced in the Comprehensive Plan. Considerable care and detail went into the new ordinance.

Linda Farneth, who addressed the Commission earlier, asked about the regulations on temporary signs.

Mr. Frederick explained that each business is permitted one temporary sign or banner, for thirty days, up to six times per year.

Member Schick added that such signs are temporary in nature and should be treated as such.

Councilmember Tim Curtain, of 801 Elkins Street, addressed the Commission. He urged the Commission, regardless of their decision on matters, to give the "widest possible latitude to property rights."

There being no further discussion, Chairwoman Holt requested a motion to approve this proposal.

Member Coombes, in responding to Mr. Curtain's comment, commented that the new ordinance truly addresses his concern over the "widest possible latitude" and is such an improvement over the existing ordinance. He then made a motion to approve ZOA-06-2012.

Member Uruqhart seconded the motion.

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

To recommend approval of the amendment of Article 12 of the Zoning Ordinance to the Town Council.

Item 14: Adjournment

Prior to adjourning, the Commission revisited item 6 on the agenda, which was tabled earlier until the end of this meeting.

Member Coombes asked Ms. Guido if she had time to read and understand the Staff Report and the conditions being proposed on her conditional use permit application.

Ms. Guido stated that she still had questions regarding conditions #5 and #6

There was continued discussion regarding condition #5, which requires a paved apron connecting the property's driveway and the road surface.

In regards to condition #6, which requires four off-street parking spaces be delineated on the site-plan, Chairwoman Holt explained that because the use is going from residential to commercial, the off-street parking is required by the Zoning Ordinance.

There was brief further discussion with the applicant regarding explanation of the conditions.

There being no further discussion, Chairwoman Holt requested a motion to approve this proposal.

Member Coombes made the motion to approve CUP-04-2012; Member Urquhart seconded.

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

To recommend approval of CUP-04-2012, with ten conditions, to the Town Council.

Prior to adjourning, Mr. Mitchell informed the Commission that Council had requested that options for the site previously occupied by Eleanor Trailer Park be developed by the Commission over the next few months. He also informed them that Staff will be pursuing options for permitting secondary dwellings on single-family properties, and presenting this to the Commission in the coming months.

There being no further public or Commission comments, Chairwoman Holt asked for a motion to adjourn. Member Coombes made the motion.

There being no further business, the meeting was adjourned at 7:20 p.m.

Chairperson, Colonial Beach Planning Commission