

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

Date: October 4<sup>th</sup>, 2012 – Town Center, 22 Washington Avenue

Time: 5:30 p.m.

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Present: Maureen Holt, Chairwoman  
Kent Rodeheaver  
Desiree Urquhart  
Ed Grant

Absent: Robin Schick  
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 5:28 p.m. Members Schick and Coombes were absent.

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

Chairwoman Holt asked for a motion to approve the minutes from the September 6<sup>th</sup>, 2012 regular meeting. Member Urquhart made the motion to approve the minutes, as written; Member Grant seconded the motion.

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

That the minutes of the September 6<sup>th</sup>, 2012 regular meeting be approved.

### **Item 3: PowerPoint Presentation on Signs**

Mr. Mitchell and Mr. Frederick made a presentation to the Commission highlighting the major revisions to Article 12 (Signs) of the Zoning Ordinance. They included the use of visuals to enhance the Commission's understanding of the changes.

### **Item 4: General Discussion on Proposed Sign Ordinance**

Chairwoman Holt commented positively on the "intensive" revisions to the Article.

Member Urquhart commended the work of the subcommittee in their efforts in drafting the revised sign ordinance, stating that the new ordinance is "user-friendly" and "...approaches the language as being positive, rather than negative."

Member Grant questioned who would administer this new ordinance and also what it would apply to.

Mr. Mitchell replied that Planning Staff would administer it, which would apply to all new signs and any existing temporary signs. Existing, permanent signs would be "grandfathered in." He also informed the Commission that they could consider setting a timeline for existing nonconforming signs to brought into conformity with the new article.

Member Grant asked about advertising signs in windows.

Mr. Mitchell replied that if they can't be seen from a public right-of-way, then they aren't regulated under the new ordinance.

Mr. Frederick added that such signs which can be seen from a public right-of-way are capped at a certain percentage of the window area, based on building code requirements related to natural light.

Member Urquhart asked if Planning Staff knew what percentage of existing signs would be considered nonconforming under the new ordinance.

Mr. Mitchell replied that it is only a handful.

Mr. Frederick elaborated that the majority of them are along Colonial Avenue.

Member Urquhart asked if there was a timeline set to require nonconforming signs to be brought into conformity.

Mr. Mitchell responded that Staff would have to do more research to determine the legality of such a requirement. He also added the fact that while the Town has taken over maintenance of all roads with the exception of Hwy. 205 and Colonial Ave., there are separate requirements in regards to signage administered by VDOT on those roads.

Member Rodeheaver questioned the permitting of vertical flags in residential areas but not in shopping centers.

Mr. Frederick replied that is because such flags cause driver distraction, which isn't as much a factor in residential areas where there is much less vehicular traffic, as compared to commercial areas.

Chairwoman Holt voiced agreement with Member Rodeheaver's comments, and clarified that the concern was why vertical flags weren't permitted in shopping centers.

Mr. Mitchell clarified that decorative flags, such as the ones in question, would be exempt from regulation. The regulation pertaining to vertical flags is relevant to those bearing commercial advertising.

Chairwoman Holt indicated that this particular language should be further clarified.

Member Rodeheaver, as a follow up to his previous question, stated that the size limit of twelve feet for vertical flags in residential districts seemed excessive; six feet would be appropriate.

Chairwoman Holt agreed.

Mr. Frederick indicated that the change would be made in the final draft of the ordinance.

Member Rodeheaver questioned the eight square feet sign area limit on so-called "sandwich board" signs.

Mr. Frederick replied that the eight square feet limit was based on a visual survey of existing sandwich board signs in Town and is a fairly typical size for such signs.

Member Urquhart offered some grammatical corrections to be made in the exempt signs section of the article.

#### **Item 5: Set Public Hearing Date for Sign Ordinance**

There being no further discussion, Chairwoman Holt requested a motion to authorize a public hearing for the sign ordinance revisions to be held at the Commission's regular November 2012 meeting. Member Rodeheaver made the motion; it was seconded by Member Urquhart.

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

To authorize a public hearing for the sign ordinance revisions to be held at the regular Planning Commission meeting in November 2012.

#### **Item 6: General Discussion on Resort Commercial Zoning District Revisions**

Mr. Mitchell presented the revised article, based on the Commission's discussion at the September 2012 regular meeting. He reminded them about their discussion regarding condominiums and whether or not they should be permitted in the Resort Commercial district.

Chairwoman Holt highlighted language in the article stating that "...any development or redevelopment project must have a harmonious and compatible relationship with the surrounding neighborhood." She indicated that condominiums do not conform to this provision in the Resort Commercial district; this use should be removed entirely.

Members Rodeheaver and Grant were in agreement.

Mr. Mitchell stated that the change will be made on the final draft of the ordinance.

Chairwoman Holt voiced another concern related to the *Mixed Residential/ Commercial Use Building* as a conditional use, which is essentially the same thing as a condominium.

Mr. Frederick stated that a height limit could be set on the use to prohibit a mixed use building from becoming a condominium.

Mr. Mitchell added that the same thing could also be accomplished through carefully defining the use in the definitions.

There was further discussion regarding the wording of the use in the article and potentially removing it. Member Urquhart stated that keeping a mixed-use building as a conditional use in the Resort Commercial would be attractive to potential developers and would conform to the vision set forth for the waterfront in various Town plans.

After brief further discussion, there was general agreement from the other Commission members.

Member Urquhart asked whether or not the definition for *Commercial Recreation Establishment* should be defined as either a public or private use.

Mr. Mitchell replied that the words “privately owned” could be added.

Member Urquhart asked if the definition for *Parks/Playgrounds* should be expanded to say the use is for the general public, rather than the citizens.

Chairwoman Holt agreed.

There was brief further discussion regarding the formatting of the article.

### **Item 7: Set Public Hearing Date for Resort Commercial Zoning District Revisions**

There being no further discussion, Chairwoman Holt requested a motion to authorize a public hearing for the Resort Commercial Zoning District ordinance revisions to be held at the Commission’s regular November 2012 meeting. Member Grant made the motion; it was seconded by Member Urquhart.

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

To authorize a public hearing for the Resort Commercial Zoning District ordinance revisions to be held at the regular Planning Commission meeting in November 2012.

### **Item 8: Adjournment**

Chairwoman Holt recognized that a public comment period was not included in the agenda and invited any members of the audience to speak.

Margaret McMullen, of 615 Washington Avenue, addressed the Commission with questions and comments regarding temporary signs, specific sign area size limits, signs related to a charitable body being excluded from regulation, and requested a clarification on the total aggregate sign area limitation included in the revised sign ordinance. She also had some comments for clarification on some wording in the Resort Commercial Zoning District ordinance language related to *Wayside Stands, Nightclubs, Antennas and Restaurants, excluding those with driving facilities*. She also stated that murals should not be excluded from regulation in the sign ordinance and should have some sort of permitting process.

Jay Jarvis, of 225 Boundary Street, informed the Commission of a recent lawsuit regarding Fairfax County’s zoning regulation regarding the number of times a digital sign can change copy in a given twenty-four hour period. Their regulation of a maximum rate of change of two times per day was deemed a violation of 1<sup>st</sup> Amendment rights, under the US Constitution, by the courts. He advised the Commission to mindful of the implications of this case when considering permitting digital signs in the revised sign ordinance.

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

There being no further business, the meeting was adjourned at 6:32 p.m.