

TOWN OF COLONIAL BEACH
PLANNING COMMISSION



PLANNING COMMISSION MEETING FOR
Thursday, June 8, 2023, at 5:30 PM

Town Center, 22 Washington Avenue, Colonial Beach, Virginia

- 1) Call to Order
- 2) Roll Call of Members
- 3) Approval of the Agenda
- 4) Approval of Minutes
 - a. January 26, 2023
- 5) Public Comment on Non-Public Hearing Related Planning Commission Matters

Old Business

- 6) **Zoning Text Amendment 23-03 – Zoning Map (Rezoning) and Text Amendment (Article 19) Revisions**
 - a. Update and Discussion

New Business

- 7) **Zoning Text Amendment 23-04 - Short-Term Rental Ordinance**
 - a. Update and PC Discussion
- 8) Adjournment

ATTACHMENT

1

DRAFT

Town of Colonial Beach Planning Commission Minutes

Thursday, January 26, 2023 – Town Center, 22 Washington Avenue

Time: 5:30 p.m.

Members Present: Nathan Howell
Vicki Luna
Bob Christiansen
Will Nuckols
Bryon Mack

Members Absent: Steve Ale

Council Liaison: Caryn Self Sullivan, Councilmember

Staff: Don Dooley, Director of Community Development and Zoning
Darla Odom, Zoning Administrator
Kaylynn DeBernard, Planner

Call Meeting to Order – Planning Director

Zoning Administrator Odom began by introducing Mr. Don Dooley, the new Director of Community Development and Zoning. Director Dooley called the meeting to order.

Election of Officers for 2023

Director Dooley opened the floor for nominations for the Planning Commission chair. Commissioner Luna nominated Commissioner Mack. Commissioner Christiansen nominated Commissioner Howell. Commissioner Nuckols seconded the nomination for Commissioner Mack as chair. Commissioner Mack seconded the nomination for Commissioner Howell as chair. Director Dooley began a voting process for chair, the Commissioners are to say the last name of the Commissioner they choose for chair.

Vote for Chair:

Bob Christiansen: Commissioner Howell

Bryon Mack: Commissioner Mack

Nathan Howell: Commissioner Howell

Vicki Luna: Commissioner Mack

Will Nuckols: Commissioner Mack

Bryon Mack is appointed Chair of the Planning Commission. Director Dooley has turned the meeting over to Chair Mack. Chair Mack asks for nominations for Vice Chair. Commissioner Christiansen nominates Commissioner Howell. Commissioner Luna seconded the nomination of Commissioner Howell. Chair Mack calls for a voice vote since no other commissioners were nominated. All in favor.

Vote for Vice Chair:

Bob Christiansen: Aye
Bryon Mack: Aye
Nathan Howell: Aye
Vicki Luna: Aye
Will Nuckols: Aye

Nathan Howell is appointed Vice Chair of the Planning Commission.

Approval of Agenda

Commissioner Nuckols requested to move the “Bylaws Update” item to the beginning of the meeting. Chair Mack moved the “Bylaws Update” item to after the approval of the agenda.

Planning Commission Bylaws Revisions

Discussion: Zoning Administrator Orr explained to the Commission which document is most recent that corrects typos from the previous Bylaw version. Chair Mack asks the Commission if they have any other amendments. Questions arose about the resilience committee and the date of the regular meeting. All questions were answered in the most recent version of the Bylaws. The Bylaws state the Chair of the Commission must appoint a Clerk of the Commission. Commissioner Nuckols motioned to adopt the bylaws with changes presented tonight. Commissioner Luna seconded.

Vote:

Bob Christiansen: Aye
Bryon Mack: Aye
Nathan Howell: Aye
Vicki Luna: Aye
Will Nuckols: Aye

2023 Bylaws adopted by unanimous vote.

Chair Mack appoints Don Dooley, Director of Community Development and Zoning as the Clerk of the Commission. Commissioner Luna seconds. All in favor.

Bob Christiansen: Aye
Bryon Mack: Aye
Nathan Howell: Aye
Vicki Luna: Aye
Will Nuckols: Aye

Director Dooley is appointed Clerk of the Commission.

Approval of Minutes

September 8 2022: Commissioner Luna would like to strike the minutes for this meeting because the meeting did not meet a quorum and was not an official meeting. Zoning Administrator Orr advises

to change the word “minute” to “notes”. Chair Mack also recommended to make a note that “no quorum was present at the time of meeting therefore no official meeting was held.”

September 29 2022: Commissioner Christiansen has question about verbiage under “Referral to Town Council” regarding the master plan and PUD discussion. Zoning Administrator Orr and other Commissioners clarified. Commissioner Nuckols asked to change the verbiage under “Referral to Town Council” regarding the master plan and PUD to “The Commissioners are looking for tools to provide some consistency in decision making inclusive of master plans and other tools in undeveloped areas.

Vote to approve the September 29 2022, minutes as amended:

Bob Christiansen: Aye

Bryon Mack: Aye

Nathan Howell: Aye

Vicki Luna: Aye

Will Nuckols: Aye

The September 29, 2022, minutes are approved.

October 2022: No revisions or questions. Motion to approve the September 2023 and October 2023 minutes, as amended made by Vice Chair Howell. Seconded by Commissioner Luna.

Vote:

Bob Christiansen: Aye

Bryon Mack: Aye

Nathan Howell: Aye

Vicki Luna: Aye

Will Nuckols: Abstain

October minutes approved by vote 4-0-1 with Commissioner Nuckols abstaining.

Public Comment on Non-Hearing Related Planning Commission Matters

Mr. Bailey Thompson at 306 Douglas Avenue introduced himself and gave his background. He submitted an application for the Planning Commission vacancy. Mr. Thompson stated that he is eager to serve his community and be involved.

Public Hearing: ZOA-01-2023 Amendments to Zoning Ordinance Article 12 – Signs

Discussion: Zoning Administrator Orr presented the amendments to the sign ordinance, to include allowing flutter flags to be a temporary use instead of prohibited. Additional restrictions have been added under the temporary use in the ordinance. Other amendments include general text edits and reorganization.

Public Input: No public input.

Action: Motion to approve Article 12 amendments made by Commissioner Luna. Seconded by Commissioner Christiansen. Commissioner Nuckols had a question about the striking of language

about seasonal displays. Zoning Administrator Orr explains the change to the language. The Commission decided to keep the language in the ordinance and not strike. Commissioner Nuckols asks to simplify the stricken language to flutter flags only and not the other moving flags included in the prohibition. Vice Chair Howell would like to go with the staff recommended version of the ordinance. Zoning Administrator Orr explains the intention of including other moving flags than flutter flags. Ms. Orr further explains the wording in the ordinance should change where it only says “fluttering” to “fluttering, rotating, or otherwise moving” to ensure clarity.

Vote:

Bob Christiansen: Aye

Bryon Mack: Aye

Nathan Howell: Aye

Vicki Luna: Aye

Will Nuckols: Nay

Amendments to Zoning Ordinance Article 12 Signs has been recommended to Town Council by vote 4-0-1 with Commissioner Nuckols Nay. 1:20

Subdivision Ordinance Amendments

Discussion: Zoning Administrator Orr explains amendments made to the Ordinance. The amendments made currently include clarification and checking for compliance with State code as these were provided by the former Town Attorney. Changes to the ordinance are being referred to as “clean up items” as there are no substantive changes to the requirements. Chair Mack asks about the “Agent, Subdivision” being stricken. Ms. Orr explains that term is still in the definitions just reorganized. Commissioner Nuckols asks for the rational of the changes in the comment sections. Director Dooley has additional, suggested, changes to be made to the Ordinance, but these have not been given to the Commissioners yet. Chair Mack asks to defer the Ordinance for further discussion to the next Planning Commission meeting so the Commission will have a better explanation of the proposed, substantive, changes being made to the Ordinance. Chair Mack asks Director Dooley to read through his suggested additions to the Ordinance changes. Commissioner Luna explains the correction to “Appendix A” and “Appendix B”. Commissioners Luna and Nuckols requested to defer further review of the Ordinance to the March Planning Commission meeting. Chair Mack would like to place the Ordinance review on the Workplan for February 1, 2023.

Workforce/Affordable Housing

Discussion: Chair Mack believes this is a long discussion and would like to postpone the conversation to the workplan meeting session.

Committee Reports

Appointment Committee Recommendation: Chair Mack and Commissioner Luna are a part of the Planning Commission Appointment Review Committee. Commission candidate applications have been

provided to each of the Commissioners for review. The recommendation of the Planning Commission Appointment Review Committee is for the appointment of Mr. Bailey Thompson. Commissioner Christiansen makes a motion to recommend Mr. Bailey Thompson to the Town Council for appointment to the Planning Commission. Seconded by Vice Chair Howell.

Vote:

Bob Christiansen: Aye

Bryon Mack: Aye

Nathan Howell: Aye

Vicki Luna: Aye

Will Nuckols: Aye

Recommendation to Council: Recommendation to Town Council to appoint Mr. Bailey Thompson to Planning Commission.

Upcoming Business

February 1, 2023, Planning Commission Training: Being held at the Mary Washington Campus in King George from 9-4. Lunch will be provided. Chair Mack invites Mr. Bailey Thompson to the training and reminds everyone this is a public meeting.

Adjournment

ATTACHMENT

2



TO: Town of Colonial Beach Planning Commission
FROM: Don Dooley, Director of Community Development
COPY: Darla Odom, Zoning Administrator
SUBJECT: ZONING TEXT AMENDMENT (ZTA) 23-03 – ARTICLE 19 (ZONING MAP (REZONING) AND TEXT AMENDMENTS) REVISIONS
DATE: June 8, 2023

SUMMARY

The Planning Commission identified revisions to Article 19 (Zoning Map (Rezoning) and Text Amendments) as a Quarter 2/Quarter 3 priority in its 2023-2024 Work Plan. The targeted goal identified for this work plan item is to strengthen the submittal requirements for map amendments (rezonings) and ordinance text amendment applications.

BACKGROUND

At the Planning Commission Meeting of May 11, 2023, the Commission reviewed the first draft of the proposed revisions to Article 19 (Zoning Map (Rezoning) and Text Amendments) for its initial evaluation and comment. The staff report also explained the purpose of the changes to each of the various sections in Article 19. The general tenor of the proposed text changes included:

1. Clarifying the number of copies required for plans as part of a rezoning application.
2. Updating the position of “Planning Director” to “Director of Community Development.”
3. Amending the text to Article 19, where necessary, for clarity, consistency, and compliance with State law.
4. Updating the list of information required to be shown on submitted plans and codifying the professional studies needed or that can be required to accompany applications to better understand short-term and long-term project impacts.
5. Adding the option for the Director of Community Development to waive codified submittal requirements or request additional information, as deemed appropriate, to customize the appropriate level of evaluation for the scale and context of each project. The intent is to provide reasonable flexibility to meet project evaluation needs.

Upon initial review by the Commission, there were no directed changes or suggestions to the proposed revisions to Article 19. Therefore, staff forwarded the draft changes to the Town Attorney’s Office for further review and comment.

DISCUSSION

Based on the comments received from the Town Attorney’s Office on May 31, 2023, staff will need additional time to further revise the draft ordinance. The most significant issues for further consideration involve:

- 1) Modifying the revised (proposed) submittal requirements for a development plan to accompany a rezoning application to address potential environmental considerations associated with a project. The Town Attorney’s Office has expressed concern about legal preemptions of what can be required by a municipality under this Ordinance. Other changes to the Town’s Zoning Code may also have to be addressed simultaneously with Article 19 to require/justify more detailed information to study the potential impacts associated with larger and more complex development projects associated with a rezoning, if necessary.
- 2) To further review the conditional zoning provisions in Article 19;
- 3) To await the outcome of potential State legislation concerning public notification (advertising) requirements for projects to ensure the revisions to Article 19 align with any new, State, statutory amendments. The Town Attorney’s Office has suggested these potential changes may occur this month (June 2023).
- 4) Addressing various comments and suggestions made by the Town Attorney’s Office to enhance the Ordinance and further align the provisions of Article 19 with existing State law, as necessary.

As of this writing, staff is continuing to diligently work with the Town Attorney’s Office to return to the Commission in July with further modifications to Article 19.

RECOMMENDED ACTION

This is an informational item.

Attachments:

None.

ATTACHMENT

3



TO: Town of Colonial Beach Planning Commission

FROM: Don Dooley, Director of Community Development and Zoning

COPY: Darla Odom, Zoning Administrator

SUBJECT: ZONING TEXT AMENDMENT 23-04 - SHORT-TERM RENTAL ORDINANCE UPDATE

DATE: June 8, 2023

BACKGROUND:

During the April 13, 2023, Planning Commission Meeting, staff informed the Commission that the Town Council directed staff and the Commission, with input from a STR subcommittee, to develop a draft short-term rental (STR) ordinance for their consideration by June 2023. Following the April Planning Commission meeting, Chairman Mack appointed six (6) members to the STR Subcommittee to review staff's draft ordinance. The STR Subcommittee includes two members from the Planning Commission (Chair Mack and Commissioner Luna), two members from the Economic Development Committee (Lorrie Gore and Cathy Bokman) and two members at-large with STR experience (Jackie Steward and Eric Nelson).

DISCUSSION:

The STR Ordinance Subcommittee met on April 27, May 9, and May 25, 2023. At their May 25th meeting, the STR Subcommittee appeared to reach a consensus on their recommended changes to the draft STR Ordinance and a follow-up meeting is planned the week of June 12th for the Subcommittee to review the final language before staff brings the Ordinance to the Commission for consideration. With Council's June 2023 timing in mind, Chairman Mack intends to update Council on the Subcommittee's progress at the Town Council meeting of June 7th, advising that the Commission should receive the Subcommittee's recommendations in July.

Generally, the STR Subcommittee is recommending modifications to the draft Ordinance that would:

- Modify language to read STR registration (not a separate zoning permit approval);
- Keep the annual registration requirement, but combine STR registration with business license application/renewal;
- Require a one-time registration fee for each STR instead of an annual registration fee;
- Eliminate the need for the STR host to maintain a guest logbook or post a host's 24-hour contact number;
- Define maximum occupancy based on building code vs. establishing occupancy maximums in the ordinance;
- Allow parking in designated on- and off-site spaces (not front yards, etc.);
- Eliminate the prohibition on signs by permitting one (1) four-square foot sign at a maximum height of four (4) feet tall; and,
- Provide for general language clean-up as necessary for clarity.

**Planning Commission Memorandum – Revised Draft 2023-2024 Planning Commission Work Plan
June 8, 2023**

RECOMMENDATION:

This is an informational item.

Attachments:

None