

Town of Colonial Beach Planning Commission Minutes

Date: Thursday, March 28, 2024 – Town Center, 22 Washington Avenue

Time: 5:30 p.m.

Members Present: Vicki Luna, Chair
Bailey Thompson, Vice-Chair
Bryon Mack
Nathan Howell
Pat Kuhrtz
Bob Christiansen
William Hutchins

Members Absent: None

Town Council Liaison: David Williams

Staff: Don Dooley, Director of Community Development
Darla Odom, Zoning Administrator
Powell Duggan, Town Attorney
Spencer Ligon, Community Enhancement Officer

1) Call to Order

Chair Luna called the meeting to order at 5:34 p.m.

2) Roll Call of Members

Present were Commissioners Christiansen, Kuhrtz, Hutchins, Howell (at 5:44 p.m.), Vice-Chair Thompson (at 5:41 p.m.), and Chair Luna.

3) Pledge of Allegiance

Chair Luna led the Planning Commission in the Pledge of Allegiance.

4) Approval of the Agenda

Approved 4-0 (Commissioner Howell and Vice-Chair Thompson not yet arrived), as drafted.

5) Public Comment on Non-Hearing Planning Commission Related Matters

a. Alan Griffey (Colonial Beach, Virginia) provided the following public comments.

He explained that he works with homebuilders and is very active in Westmoreland County and Colonial Beach. He said that given this is a work session, the Commission would lay out a lot of their plans and work for the next two years, 2024 and 2025. He said that he wanted to stop by to ask that some of these things related to builder issues be placed on that plan.

Mr. Griffey said that he had just a few items. The first of which is the hope that they can develop a plan to staff the Zoning Office five days a week. He said that he did not know if the Commission has any control over that, but it would be very helpful.

Secondly, he would like to ask that an incentive plan be developed to encourage the completion of the unfinished streets in town. Particularly for 4th, 8th, 10th, 11th Streets as well as White Avenue into the Riverside Meadows. Mr. Griffey said that there is also the 14th Street Estates, and likely other unfinished areas in town, that should be finished. He said that an incentive plan should help builders, developers, and landowners move forward with some of their projects on those streets.

Mr. Griffey is also hoping the Commission can develop a non-conforming lot, building guideline, program to allow narrow lots in Town to be developed with affordable housing such as in Classic Shores. He said that if they have not seen them already, they may want to see the recently completed narrow lot product on 1st Street. He said that some of those guidelines would certainly help with affordable units throughout town. Mr. Griffey stated that when he references a “narrow lot product,” he was not talking about tiny houses; there were a lot of definitions for what is a tiny house and what is a narrow lot house. Mr. Griffey said that some builders offer tiny houses as small as 200 square feet, about the size of a small RV. He was speaking about 1,000 to 1,400-square foot homes that could be built on a 25-foot wide by 2,500 deep lot.

Mr. Griffey spoke about the Town’s current floor area ratio (FAR) requirements. He asked the Commission to re-examine the FAR limitation issue to enable new homes to be constructed that exceed an FAR of 0.40 or to remove the FAR as a building restriction altogether. He said that an FAR is unique to the surrounding area. Mr. Griffey said that the Town’s Zoning Ordinance has setback restrictions, height restrictions, and impervious coverage restrictions. Therefore, an FAR limitation was a bit burdensome.

He hoped the Commission could also find time to review the accessory structure guidelines in the Zoning Ordinance to allow the footprint of an accessory structure to exceed 20’x20’. Mr. Griffey said that they had lots of varying sizes throughout the Town. To construct an accessory structure that is limited to 20’x20’ is burdensome to residences that want something just a little bigger.

- b. Michael Whelan (Colonial Beach, Virginia) provided the following public comments.

He said he was here in support what Mr. Griffey previously stated.

Mr. Whelan thanked the Planning Commission for listening to the community and understanding its needs. He said this is an amazing coastal town that attracts people and provides opportunity for younger generations that reside here and for those that continue to come to Colonial Beach.

Mr. Whelan said that it would be a shame if housing opportunities were limited in Town so young people could not reside here. He said the Town needs to consider not only what suits their needs, at present, but also look forward for future generations.

Mr. Whelan said that his understanding is that a vast percentage of the existing homes in Colonial Beach are only utilized for the summer crowd. He said that there is a lack of available rentals as well as homes for people to purchase here. He said the Town needs to make changes to promote their year-round occupancy for residential use. He believes there is a need for change in the Town's zoning and building statutes. The Town needs to think in a sustainable, long-term, manner for the benefit of future generations.

Mr. Whelan said that such cities as New York and Tokyo offer a glimpse into how they can provide living environments for people. Those metropolitan areas are promoting live, work, and play within their neighborhoods. He thinks that could also be achieved in Colonial Beach.

Mr. Whelan thought it would be a wise decision to take advantage of the non-conforming lots that are limited in size as well as increase floor area ratio for residential developments.

Mr. Whelan requested the Planning Department to consider changes that would allow more people to live within the Town limits to pave the way for more accessible housing. If that requires changing the Town's existing zoning, so be it. His hope is for open-mindedness, generational thinking, and sustainability to guide this town in the right direction for years to come.

- c. Mike Muller (Colonial Beach, Virginia) provided the following public comments:

Although he did not come to speak, he appreciated the invitation to do so. He stated that when he lived in Fairfax County, he was president of an employee group for 16 years and served on an affordable housing group.

His role was to provide a face for people who were in need of affordable housing such as: firefighters, police officers, teachers, public works employees, etc. because Fairfax is pretty expensive. Mr. Muller stated he would lend his voice and energy to a similar effort.

Mr. Muller said that he is a person who likes to put their money where their mouth is. He currently has, in his home, a couple who grew up here and are living with him until they can find a permanent place to live. He said there are a lot of different models they can use. A friend of his builds homes and has employees who live as far away as Sterling and Manassas. He said they bought Robertson's home on Locust specifically for the purpose to house his workers.

- d. Michael Fitzpatrick provided the following public comments to the Planning Commission, via e-mail. Mr. Ligon read his letter into the public record which states,

"Dear Planning Commission members,

I am unable to attend the meeting this week since I am out of the country. I am asking that this be read into public comments and taken under consideration by the Commission. I have brought both of these topics up in the past to you as well as the Town Council. I believe that our current situation and ordinances in Town are a detriment to development and are hindering business opportunities for our builders in Colonial Beach.

1. I recommend that the current FAR of 0.4 either be eliminated or at a minimum be increased to 0.8 for residential houses. The current FAR is restrictive makes it very difficult on most lots in Colonial Beach to build the type of house a family with multiple children needs. The rules concerning attached vs. detached garages counting towards the FAR just further confuses things. I believe that Westmoreland County's model is a better fit and should be followed here.

2. My other concern is regarding the non-conforming lots especially in Classic Shores. Standards need to be developed by the Commission that will enable homes to be built on these lots to help address the growing demand for housing inventory in Colonial Beach. These will obviously be smaller and more affordable homes which may help with the workforce housing issues we face. Again, Westmoreland County has developed a workable solution by adjusting setbacks for the non-conforming lots.

I sincerely hope that you will consider these suggestions and make some recommendations to the Council for changes. I believe this will be good for our community, good for the builders, will add to our tax base and will promote economic development.

Thank you for your consideration.”

With no further speakers, Chair Luna closed public comment.

6) Old Business

A) To Establish and Adopt the Planning Commission Work Plan for 2024-2025

1) PC Discussion

Chair Luna stated that the issue of housing came to the forefront of the Planning Commission’s Work Plan through prior Commission discussion on the subject as well as public input on the need for affordable housing. She said the Commission needed to address the topic of permitting duplex housing in the R-2 District Zone. She opined that the Commission did not want to create a housing overlay that had no opportunity for inclusionary housing.

Mr. Dooley said that staff would review the Commission Work Plan and make suggestions on potential steps they could take over the next 12 months. He agreed that the issue of housing was important to the Town and it would be essential in providing the critical mass needed to attract new businesses to the Town.

Mr. Dooley gave a presentation regarding the Draft Planning Commission Work Plan for 2024- 2025. He also provided information on the current 2023-2024 Work Plan. He stated it was staff’s suggestion to review and update the residential and commercial zoning district classifications.

Mr. Dooley explained that staff’s suggestions for inclusion in the 2024-2025 Work Plan included reviewing and updating of the R-1 and R-2 Zoning District Regulations and creating an ordinance to allow for administrative variances in the Town’s development standards.

Ms. Luna noted that previous Commission discussion had acknowledged that the issue of housing should come after the discussion on the zoning district updates to the R-2 District.

Ms. Luna said that the Commission’s concerns for facilitating housing production were more specific to communities within the R-2 District Zone, rather than in the Town as a whole. She referenced Mr. Griffey public comments by stating that the R-2 District Zone is where many of the non-conforming residential lots in Town are extant. They would benefit from administrative variances. She asked if they could first discuss the R-2, R-3,

and R-4 District Zones in terms of how to facilitate more multi-family housing within them?

Ms. Kuhrtz thought the Commission was approaching this issue piecemeal. She asked if the Commission could determine what the high-level goals are for the revised Work Plan and see how those filtered into the individual zoning districts..

Ms. Luna said the Commission should not focus on the entire zoning map. Instead, the Commission should have a more narrow focus.

Ms. Kuhrtz said that it should be clarified that by looking at specific areas, they would be addressing broader issues, rather than looking at the issues separately.

Mr. Howell said that he believed there was a theme that could be applied, broadly, across the individual zoning districts. However, the Commission must specifically look at what they needed to update.

Ms. Odom said that the Commission must determine if the uses for the districts were up-to-date and review the development standards.

Mr. Christiansen asked Ms. Odom if she was referring to the development standards that are part of the zoning ordinance or if everything in the zoning ordinance were development standards?

Ms. Odom said development standards referred to the appropriate siting, design features, and use limitations or requirements in each zoning district. She said that the standards for a duplex would differ from those of a single-family home.

Mr. Christiansen noted that there were many inconsistencies in the Town's Zoning Ordinance. Therefore, he did not believe the Commission could look at the R-1 and R-2 District Zones separately because there was crossover.

Mr. Dooley said that it was normal to change specific things that needed to be immediately fixed within the zoning ordinance. However, updating the entire zoning ordinance to align with the Town's, overall, Comprehensive Plan would require a holistic approach that requires significant time to complete. At present, it is beyond the Community Development Department's current staffing capacity to do.

Ms. Luna said that the comprehensive plan had identified the need to update and change the zoning to facilitate housing.

Mr. Dooley said that to facilitate the implementation of a consistent and effective, inclusionary, housing policy, it must be grounded in the zoning ordinance's consistency with the public policy statements in the Town's Comprehensive Plan. However, he thought the Town could surgically address specific elements within the residential zoning districts that can be immediately helpful until they reached the comprehensive plan update.

Ms. Luna said that the current comprehensive plan included a housing assessment, so they could continue working with that data. She said that much of what they needed was already in place.

Mr. Howell said that it would behoove them to identify priorities for residential and commercial zoning, identify what they were capable of handling now, and then solicit input from the public to determine what could be accomplished within their work plan for the year. He said that recognizing the limitations of staff and their available resources, they must be impactful with reducing the burden in a way that would facilitate the outcome they wanted.

Ms. Luna said that regarding residential zoning, they may want to incorporate into the work plan the unique uses mentioned such as vegetable gardens and public athletic fields.

Ms. Kuhrtz said that regarding residential zoning, she would like clarification about whether it was referring to inclusionary housing or duplexes.

Ms. Odom explained that before they could have an inclusionary housing program that could be implemented, the Town must determine the variety of housing types and densities to be allowed within the targeted zoning districts. Thereafter, the Town could implement an inclusionary housing program which would provide incentives to developers in exchange for a certain percentage of affordable housing in a new development.

Mr. Dooley noted that inclusionary housing incentives to developers may involve providing waivers or reductions to development requirements for building setbacks, parking or permitting increased density. There are numerous ways of approaching incentives. As with any inclusionary housing program, the key is to incentivize developers to provide a diversity of housing products/types to address the housing needs for all income levels in the community.

Mr. Dooley said the purpose of development incentives is to indirectly help reduce development cost to indirectly subsidize the production of inclusionary housing stock by making it for affordable for housing developers to construct. He said that once that production occurred, there must be someone to administer that and ensure that

affordability covenants are maintained and that the income levels for subsequent buyers were at the rate established by those covenants.

Ms. Luna mentioned that non-profit housing corporations and church groups could take responsibility for administering an affordable housing program.

Ms. Kuhrtz asked if non-conforming lots could be addressed at the same time as part of the 2024-2025 Work Plan?

Ms. Luna said that they should all list their individual priorities and then compare them to find the common top three priorities.

Ms. Odom said that the purpose of tonight's meeting was to ensure that the Commissioners had a clear understanding of all the proposed Work Plan items listed so they could prioritize them.

Mr. Howell said that the listed comprehensive plan amendments had related to the zoning updates.

Mr. Dooley said that when they had the resiliency plan published, it would be appropriate to discuss a grading and drainage ordinance for the Town. He said that this likely would not be accomplished during this calendar year.

Ms. Luna said that the housing issues they had discussed would not be going away until they updated the Town's Comprehensive Plan.

Mr. Dooley said that staff could research how these listed items could be addressed with surgical changes to the code to help facilitate some aspects of inclusionary housing. He said that the update to the entire zoning ordinance should not be attempted until they began work on the comprehensive plan update.

Ms. Luna asked if three to five Work Plan items for residential and commercial zoning could be provided by the next meeting?

Mr. Dooley said that he could not provide those changes by the next meeting, but could do so for regularly scheduled Planning Commission meeting for May.

Ms. Luna said that the Commission would not take up that subject until the May meeting.

Mr. Hutchins concurred that it would be appropriate to narrow down the list of Work Plan items so the Commission's goals for 2024-2025 were more achievable.

Mr. Dooley said that the dates for the other Work Plan items, that are not anticipated to be completed in 2024-2025, could still be listed as future Work Plan items. However, no specific date for their start or completion would be listed. These items would simply be forecasted as future projects on the Work Plan for the Commission to address. Of course, the list could evolve during the year.

Mr. Dooley said that the draft revisions to Article 19 was stalled due to prior Council directives and staff limitations. He said that it was important to update this ordinance so the Town could make more informed decisions on rezoning applications in the future.

Mr. Howell noted that it would be an important context for their conversation about residential zoning.

Ms. Odom clarified that their residential zoning conversation could occur before completion of that ordinance because they could determine what they were looking for in terms of applications. However, the other areas of that ordinance must be in compliance with State law.

Mr. Dooley said that the Commission should specifically determine which items on the Work Plan list the Commission would like to achieve between now and March of next year.

Mr. Howell said that CR and RC District Zones should be combined together as an item. He said that C-1 District Zone could be crossed off the list. He said that they could have separate conversations on mixed-use residential and commercial.

Ms. Luna said that regarding the non-conforming ordinance, that would be a good place to discuss inclusionary housing.

Mr. Howell said that it would be a part of the context for the updates to the R-1 and R-2 District Zones.

Mr. Dooley said that if they were doing some type of inclusionary housing, perhaps there would be provisions in the non-conforming ordinance that allowed for an existing use to be retained if it was used for inclusionary housing.

Ms. Luna said that a possibility was that a standard lot with a nonconforming lot adjacent to it could have two duplexes for a total of four units. She said that this item should remain on the list.

Ms. Odom noted that the last update to the Town's Non-conforming Ordinance was in May 1989. It needed to be updated to reflect all the changes in State law.

Mr. Dooley said that regarding the proposed duty to maintain ordinance, this was a staff suggestion to facilitate regulations to require owners to maintain their properties in good condition to protect the public's health, safety, and welfare. He said that there was already some language addressing this issue in the Town's Municipal Code, but it could be enhanced in the Town's Zoning Ordinance.

Mr. Howell said that the current method of code enforcement in Town was reactive or complaint-based, per Council policy.

Mr. Dooley said that the Town Attorney will certainly be involved with such an ordinance to validate what could be included and enforced under State law.

Mr. Ligon noted that if a building was not deemed structurally unstable, there was not much staff could do about enforcing basic building maintenance.

Mr. Howell clarified that enforcement must be oriented in terms of health and safety, and not related to aesthetics.

Mr. Dooley said that the discussion on the creation of an urban development area (UDA) could be combined with the discussion on the RC District Zone update.

Ms. Luna said that development in relation to that could be awarded grant funds. It had been explored in the past. She said Colonial Beach is ideal for this type of development because it is a walkable community.

With respect to vertical mixed-use development in the Washington and Colonial Avenue corridors, Mr. Howell thought the Commission might consider whether it should be classified in only the C-1 District Zone, outside of the shopping center [Colonial Plaza], or if it would be better served in the RC District Zone to fulfill the vision in the Town's Comprehensive Plan.

Mr. Dooley said that vertical mixed-use would allow for increased commercial development to compensate for smaller lots, while taking into account aesthetics and the Town's design guidelines. He said that it could also allow for the introduction of efficiency housing units, for inclusionary housing, and create a live-work environment.

Ms. Luna said in that case, Item Nos. 19 and 20 should be included in the RC District Zone conversation for potential inclusion in the Commission's 2024-2025 Work Plan.

Mr. Dooley asked the Commission to pick out their top four or five priorities for 2024-2025 from the ten items they had identified. The remaining items would then be referenced as potential work plan items for future Commission consideration.

Mr. Howell thought that since the parking ordinance and the update to Article 9 were already in progress, they should be included in the Commission's 2024-2025 Work Plan.

Mr. Thompson said that in the grand scheme, they were also looking at updating the R-1 and R-2 Residential District Zones, the Town's Non-Conforming Ordinance, and the commercial district zone ordinances.


2) Action

The Planning Commission provided input and changes to their Draft 2024-2025 Work Plan. They directed staff to bring back the revisions to the Commission for their regularly scheduled meeting of May 9, 2024. The Commissioners will then identify the exact order of Planning Commission Work Plan priorities for 2024-2025.

7) **Adjournment**

Mr. Christiansen moved to adjourn the meeting. The motion was seconded and passed, unanimously, by voice vote (7-0). Chair Luna adjourned the meeting at 7:35 p.m.

I certify that these Planning Commission Meeting Minutes were reviewed, approved, and adopted by the Planning Commission on May 9, 2024.



Victoria Luna, Planning Commission Chair

Attest:



Don Dooley, Planning Commission Clerk

