

# Town of Lovettsville

## Minutes of the Planning Commission Regular Meeting October 15, 2014

### **Call to Order/Welcome**

Chairman Joseph Mueller called the Regular Meeting of the Lovettsville Planning Commission to order at 7:30 p.m. on October 15, 2014 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

### **Present at Meeting**

- Chairman Joseph Mueller
- Vice Chair Robert Gentile
- Commission Thomas Ciolkosz
- Commissioner Frank McDonough
- Commissioner Dorri O'Brien (arrived at 7:38 p.m.)
- Commissioner Anthony Quintana
- Commissioner Buchanan Smith

### **Staff Present**

- Zoning Administrator Joshua Bateman
- Town Clerk Harriet West

### **Public Comment**

Chairman Mueller called for comments from the public. Mr. Clint Chapman indicated he would speak later.

### **Additions/Deletions/Modifications to the Agenda**

There were no changes to the agenda.

### **Approval of Planning Commission Minutes**

No minutes were presented.

### **Staff Reports**

Zoning Administrator Bateman said he would prepare a staff report for the next Planning Commission meeting.

### **Action/Discussion Items**

#### **A. R-3 Residential Dwelling Types**

Zoning Administrator Bateman presented this item. The Planning Commission is being asked to discuss and consider potential amendments to Section 42-236 of Article VI of the Zoning Ordinance to allow additional dwelling types in the R-3 Residential Zoning District by conditional use permit.

Zoning Administrator Bateman gave a PowerPoint presentation on the proposed amendments to allow additional dwelling types in the R-3 Residential Zoning District (Attachment 1). He reviewed the purpose and location of the R-3 District and noted that the primary difference between the R-1, R-2, and R-3 Districts is lot size. Additional dwelling types proposed for inclusion in the R-3 District include duplexes (semi-attached dwellings with two units located side-by-side), townhouses (three or more attached dwellings), multiple dwellings, and accessory apartments.

Zoning Administrator Bateman presented examples of townhouse projects in Purcellville, Leesburg, and Middleburg. He also presented examples of multiple dwelling units in Purcellville and Leesburg. He reviewed the lot size, lot width, minimum setbacks, and maximum building heights for the various projects.

Zoning Administrator Bateman said he is proposing to use a Conditional Use Permit process for all of the dwelling types being considered to encourage innovative layout and high-quality building design. He presented some additional examples of townhome projects that front on a common green and have rear-facing garages that are similar to other single-family subdivisions in Lovettsville.

The Commissioners had a lengthy discussion about the pros and cons of multiple dwellings units and the ability to control such projects through the Conditional Use Permit process. Zoning Administrator Bateman noted that the Town could add additional guidance in the Comprehensive Plan about where alternative dwelling units could be located. The Commissioners and the Zoning Administrator discussed the need for clarifying the terms for building types.

The Zoning Administrator then reviewed the proposed amendments Sec. 42-236, R-3 Residential District (Attachment 2). He noted there are conflicting requirements for lot coverage. He suggested doing away with the aggregate maximum lot coverage requirements (the footprint of all the buildings) in all residential zoning districts and replacing them with more appropriate lot coverage percentages. The Commissioners discussed the maximum density and building height for multiple dwellings and semi-detached dwellings.

Zoning Administrator Bateman then reviewed proposed modifications to other sections of Sec. 42-236, R-3 including utility requirements; streets and alleys; private access easements; parking; pedestrian access and circulation; landscaping, buffering and screening; site plan; maintenance to common areas; common green; architectural variations for townhouses; screening of refuse/recycling bins; and conflicting provisions.

The Commissioners and Zoning Administrator discussed street light requirements, limitations on the maximum number of units permitted, set back requirements, requirements for garages, and dark sky lighting standards.

**Motion:** I move to forward the amendment as presented to the Town Attorney for review. If no additional changes are required by the Town Attorney, I move to schedule a public hearing on the amendment on November 19, 2014.  
**By:** Commissioner O'Brien  
**Second:** Commissioner Smith  
**Aye:** Commissioners Ciolkosz, Gentile, McDonough, Mueller, O'Brien, Quintana, and Smith  
**Nay:** None  
**Abstain:** None  
**Absent:** None

#### **Information Items**

Zoning Administrator Bateman gave an update on the Town Center proffer amendments. The applicant, NVRetail, has asked to conduct a public open house meeting followed by a joint public hearing with the Town Council and Planning Commission. The Council will review this request at their meeting on October 23. In response to questions from the Commissioners, Zoning Administrator Bateman stated he has not seen the applicant make any significant movement on issues that have been raised, such as parking.

#### **Comments from the Mayor and Commissioners**

Former Mayor Elaine Walker clarified that the dwelling types on Frye Court are vertical duplexes. She also discussed the three-story townhouses shown in Purcellville. She noted there was a proposal to do something similar at the retirement community many years ago but that proposal was withdrawn. She also said that it has been brought to her attention that Lovettsville does not have ladder truck and that

they should limit the buildings to two stories. Zoning Administrator Bateman said the height limit on homes in Town Center is 33 feet.

Commissioner Ciolkosz said he provided an update at the recent Town Council meeting. Commissioner O'Brien will attend the Town Council meeting on October 23 and Commissioner Gentile will attend the Town Council meeting on November 6.

**Adjournment**

Chairman Mueller adjourned the meeting at 9:57 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: February 18, 2015

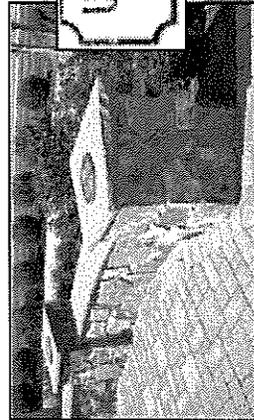
Attachments:

1. PowerPoint Presentation – Amendment to Allow Additional Dwelling Types in the R-3 Residential Zoning District
2. Proposed Amendments to Section 42-236 R-3 Residential District

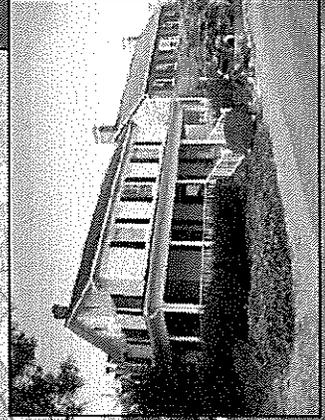
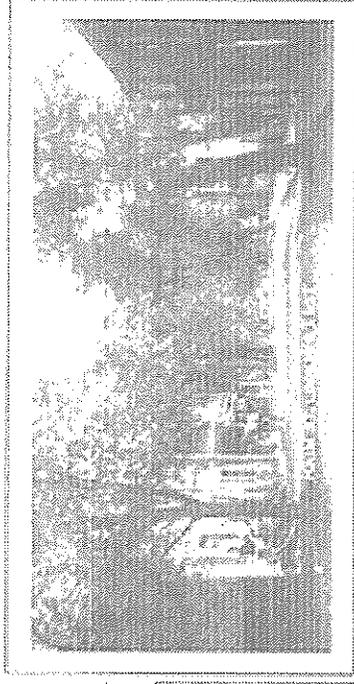


# Amendment to Allow Additional Dwelling Types in the R-3 Residential Zoning District

October 15, 2014 Planning Commission Meeting

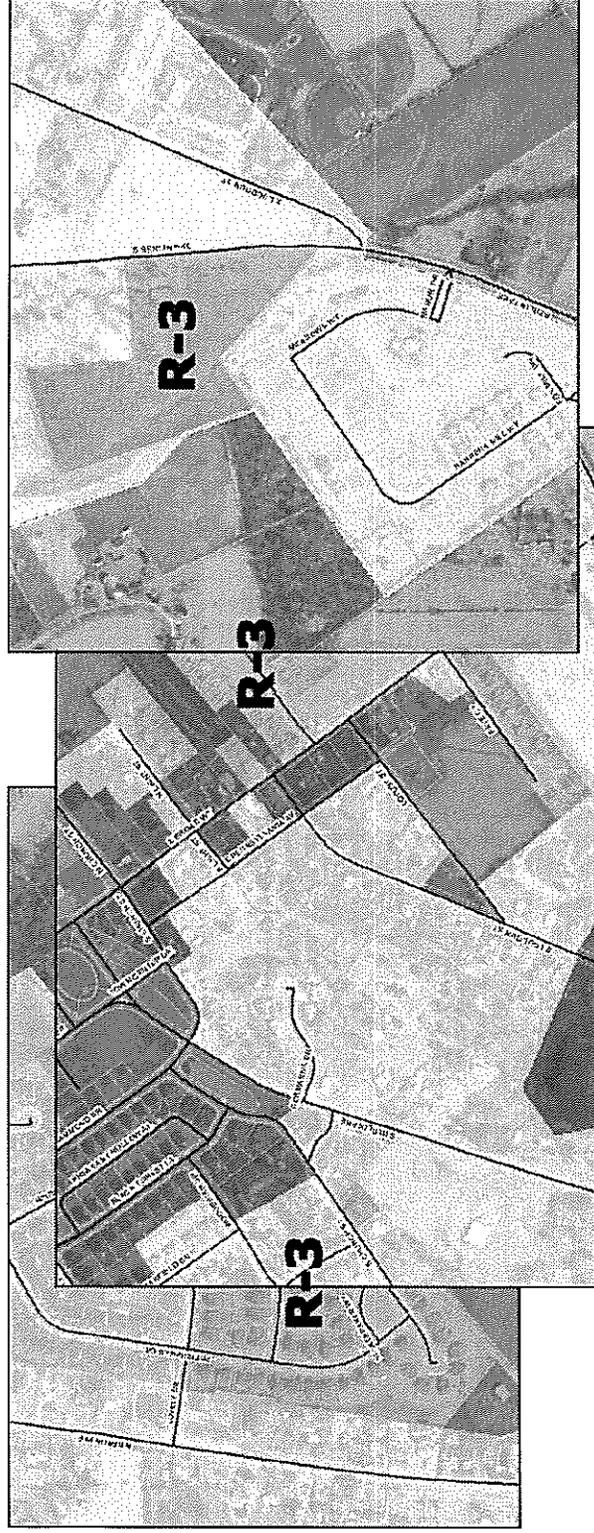


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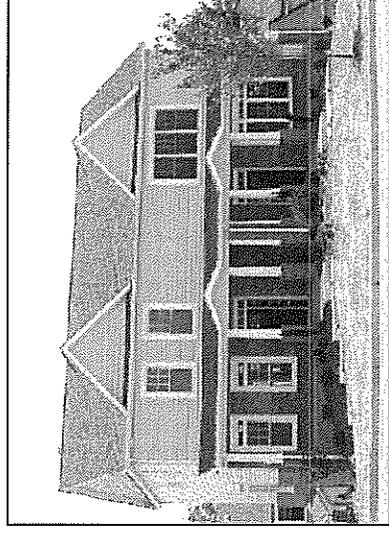
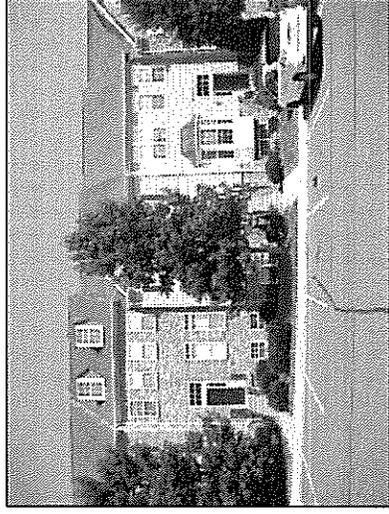
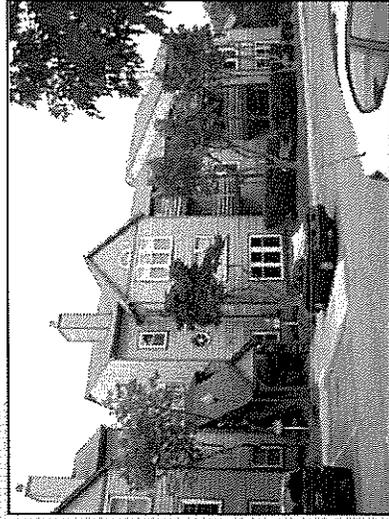
## R-3 District: Purpose & Location



- "Composed of certain higher-density residential uses."
- Regulations are "designed to stabilize and protect the essentially residential characteristics of the district."
- Scattered throughout the north, central and southern areas of town.



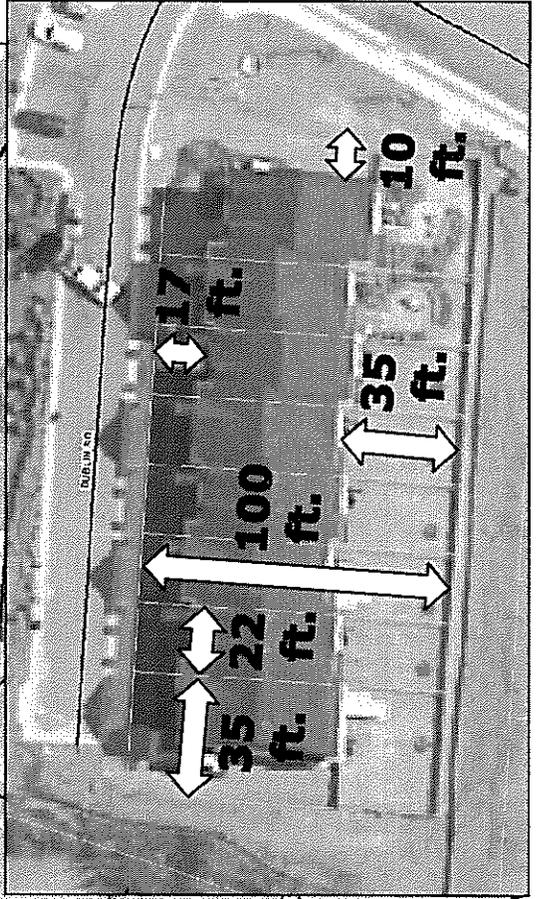
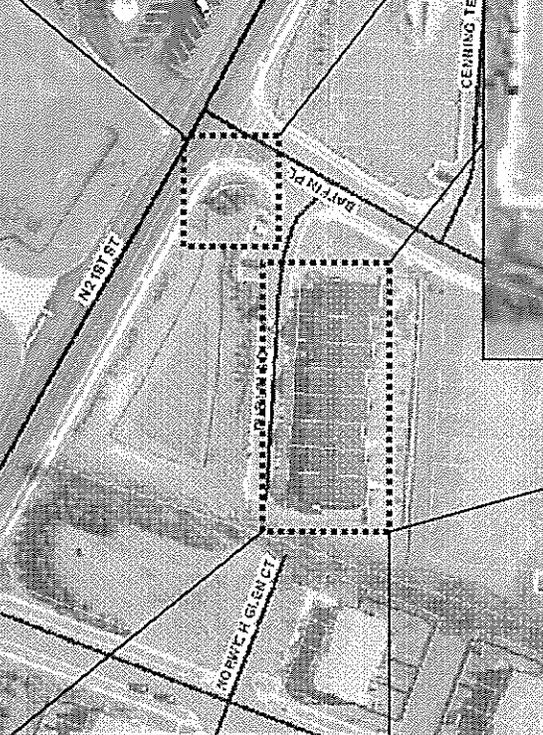
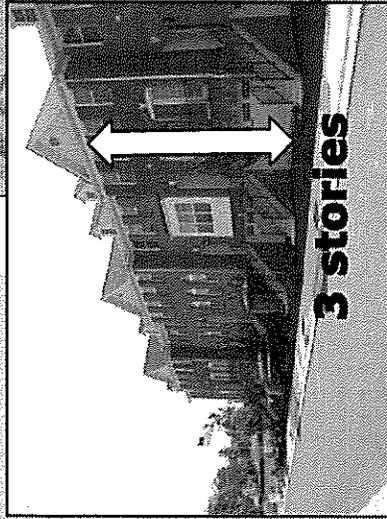
## Additional Dwelling Types Proposed for Inclusion in the R-3 District



- Duplexes (Semi-attached dwellings with 2 units located side-by-side)
- Townhouses (3 or more attached dwellings)
- Multiple Dwellings (Multi-family or apartment buildings)
- Accessory Apartments



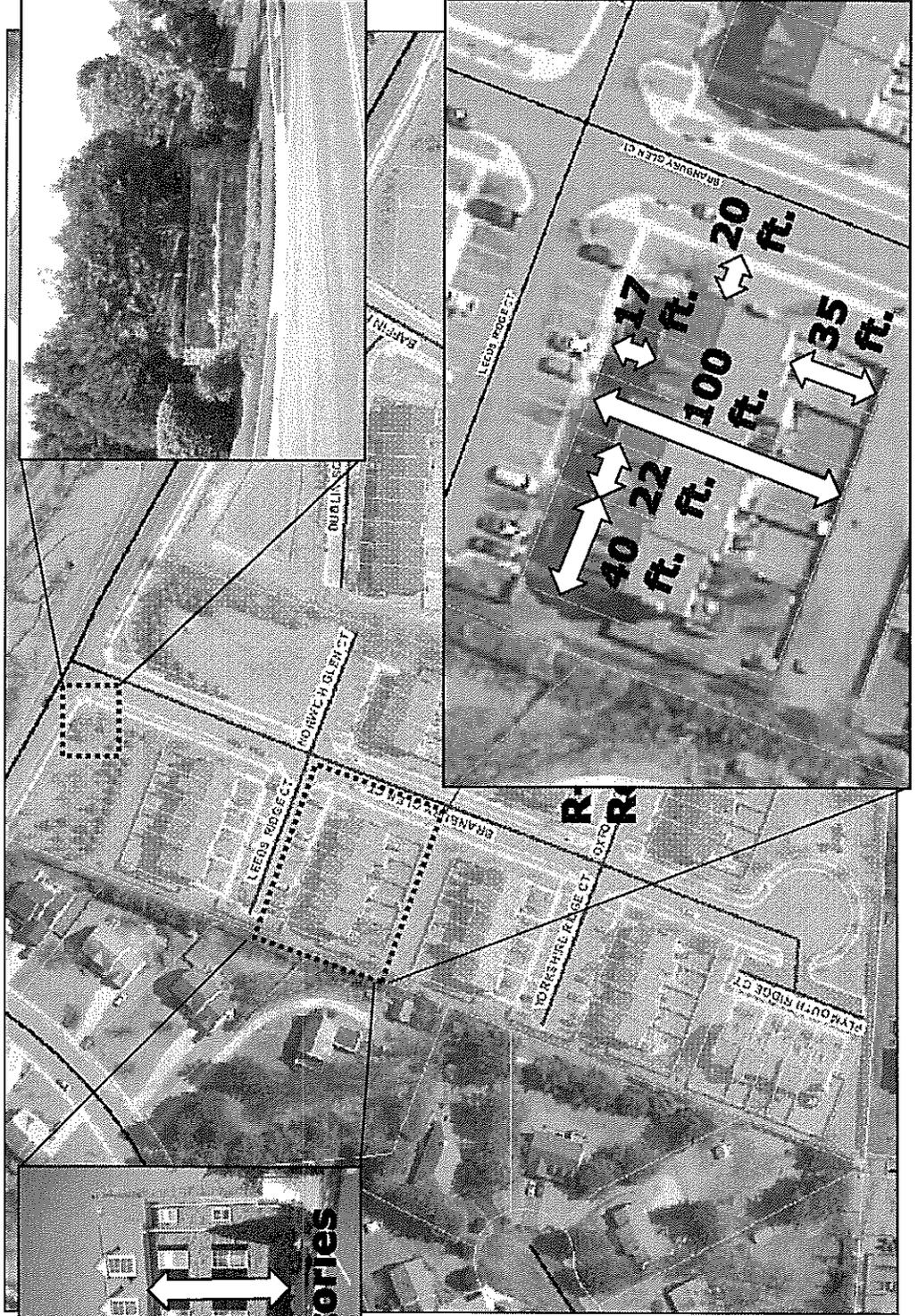
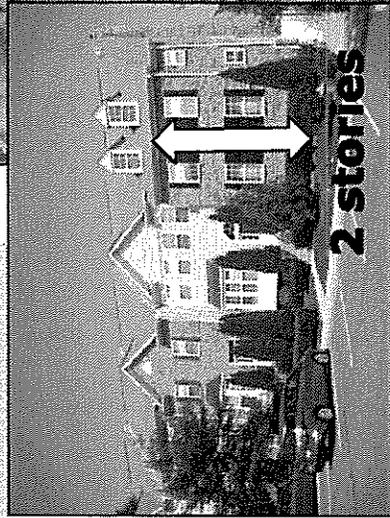
## Townhouses: Purcellville Green



R-8 District Standards	
Min. Lot Size	2,000 sq. ft.
Min. Lot Width	20 feet
Min. Lot Depth	100 feet
Min. FY Setback	15 feet
Min. RY Setback	25 feet
Min. SY Setback	10 feet (end units)
Max. Bldg. Height	35 feet (3 stories)



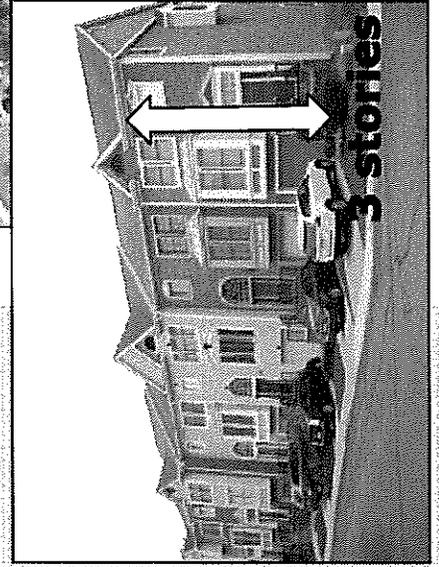
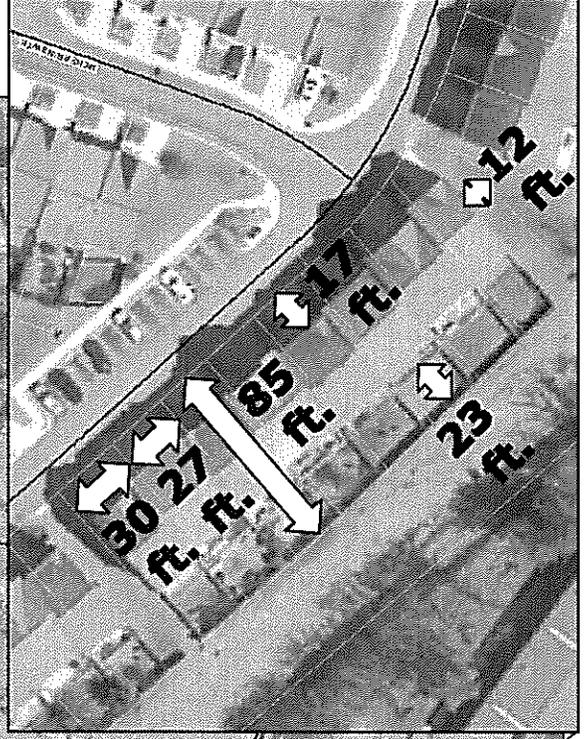
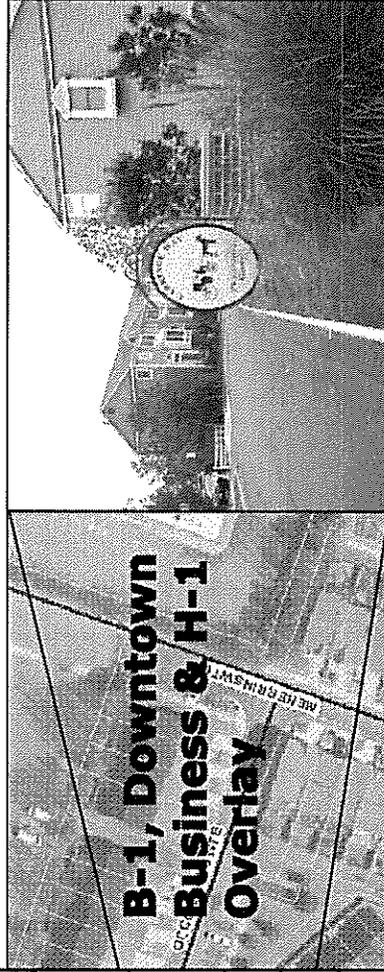
# Townhouses: Branbury Glen (Purcellville)





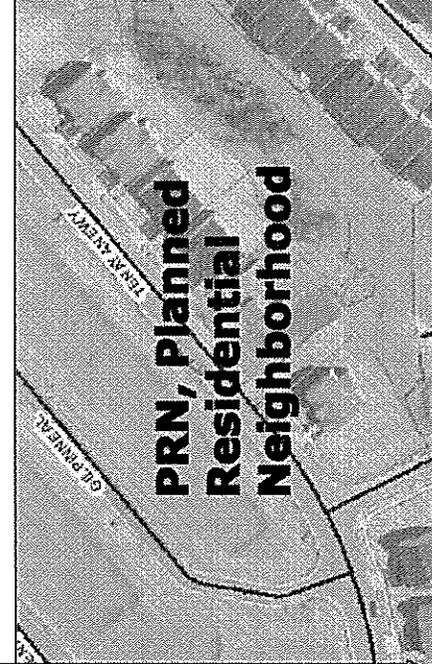
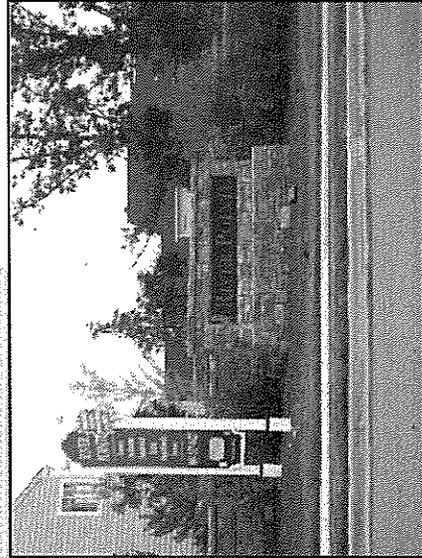
## Townhouses: Carriage Run (Leesburg)

B-1 District/H-1 Overlay District Standards	
Min. Lot Size	2,000 sq. ft. (3,000 for end lots)
Min. Lot Width	20 feet (30 ft. for end lots)
Min. Lot Depth	None
Min. FY Setback	1 foot
Min. RY Setback	20 feet
Min. SY Setback	5 feet (for end units)
Max. Bldg. Height	35 feet

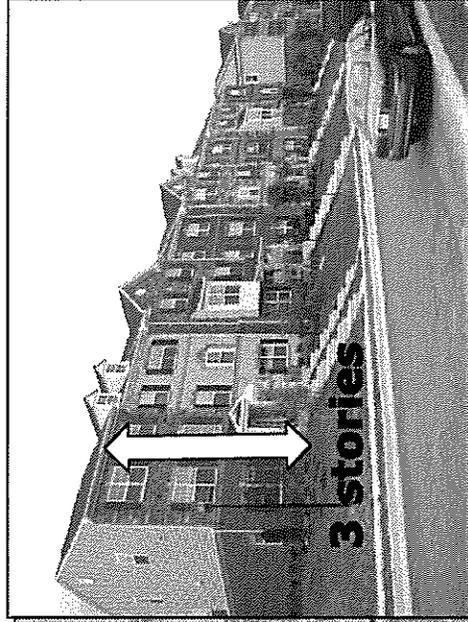




## Townhouses: River Pointe (Leesburg)



**PRN, Planned Residential Neighborhood**

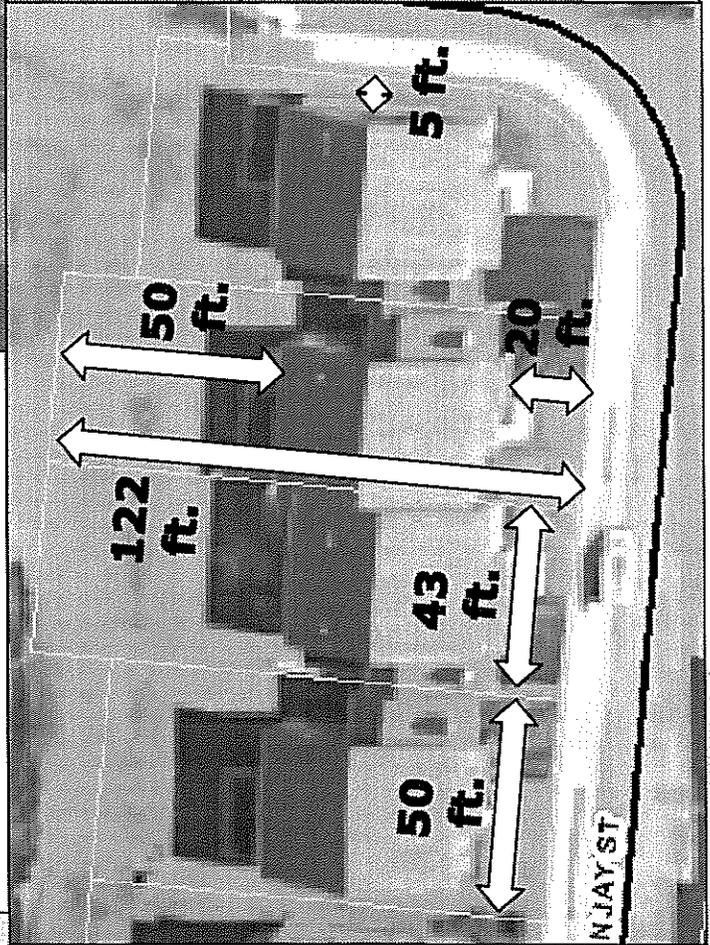
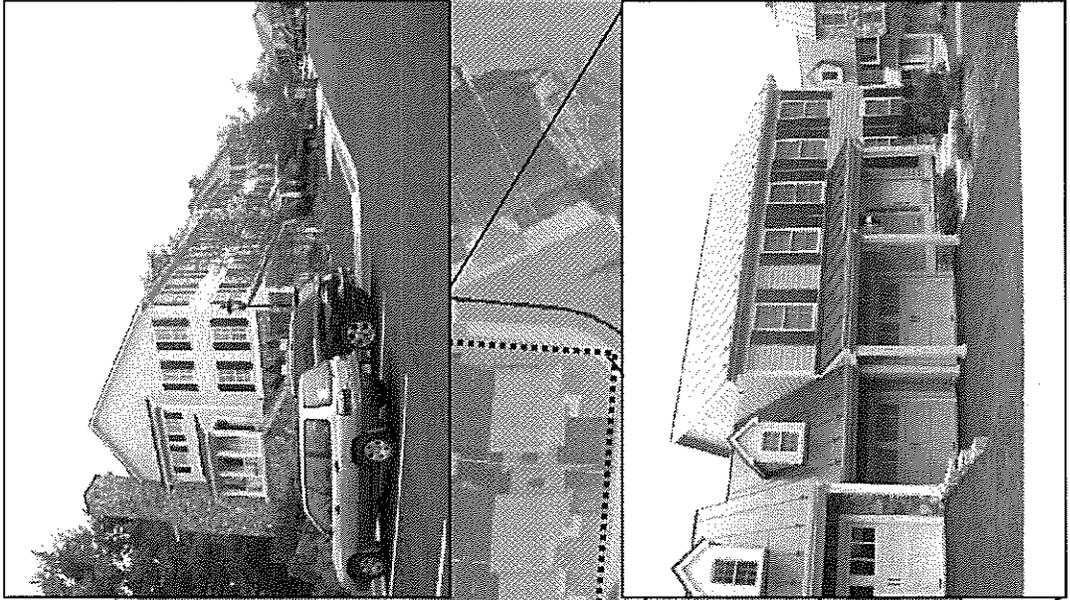
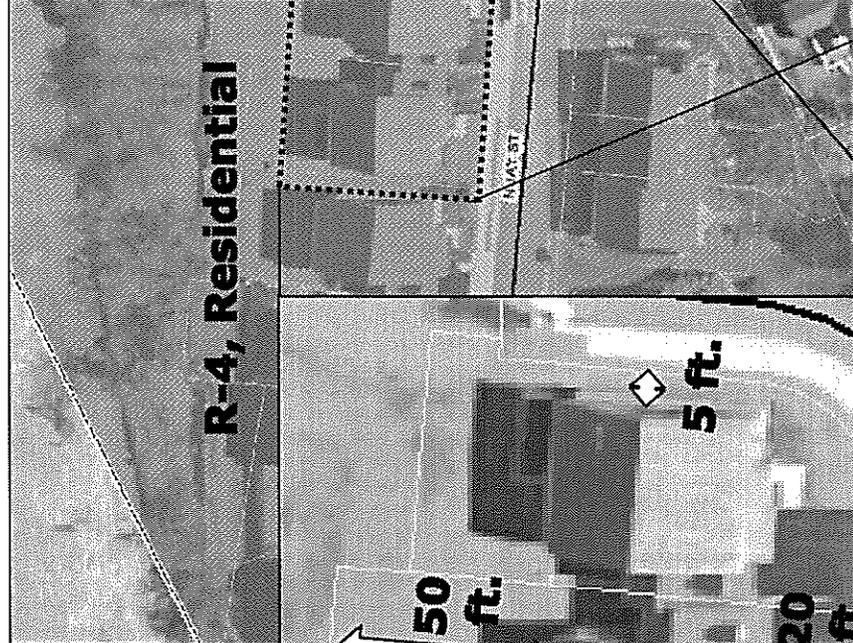
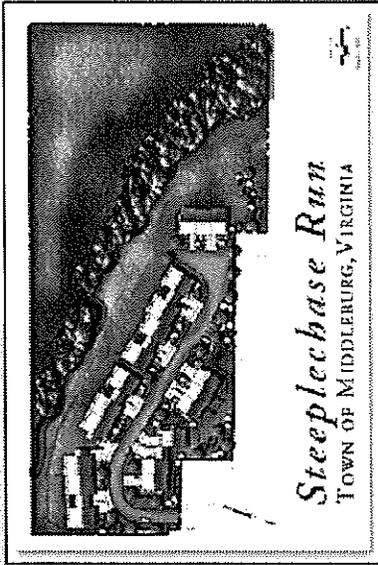


PRN District Standards	
Min. Lot Size	2,000 sq. ft. ( $\geq$ 75% of lots in a development) 1,600 sq. ft. ( $\leq$ 25% of lots in a development)
Min. Avg. Lot Size	2,000 sq. ft.
Min. Lot Width	20 feet (for lots $\geq$ 2,000 sq. ft.) 18 feet (for lots $<$ 2,000 sq. ft.)
Min. Setbacks	Per rezoning plan
Max. Bldg. Height	Per rezoning plan





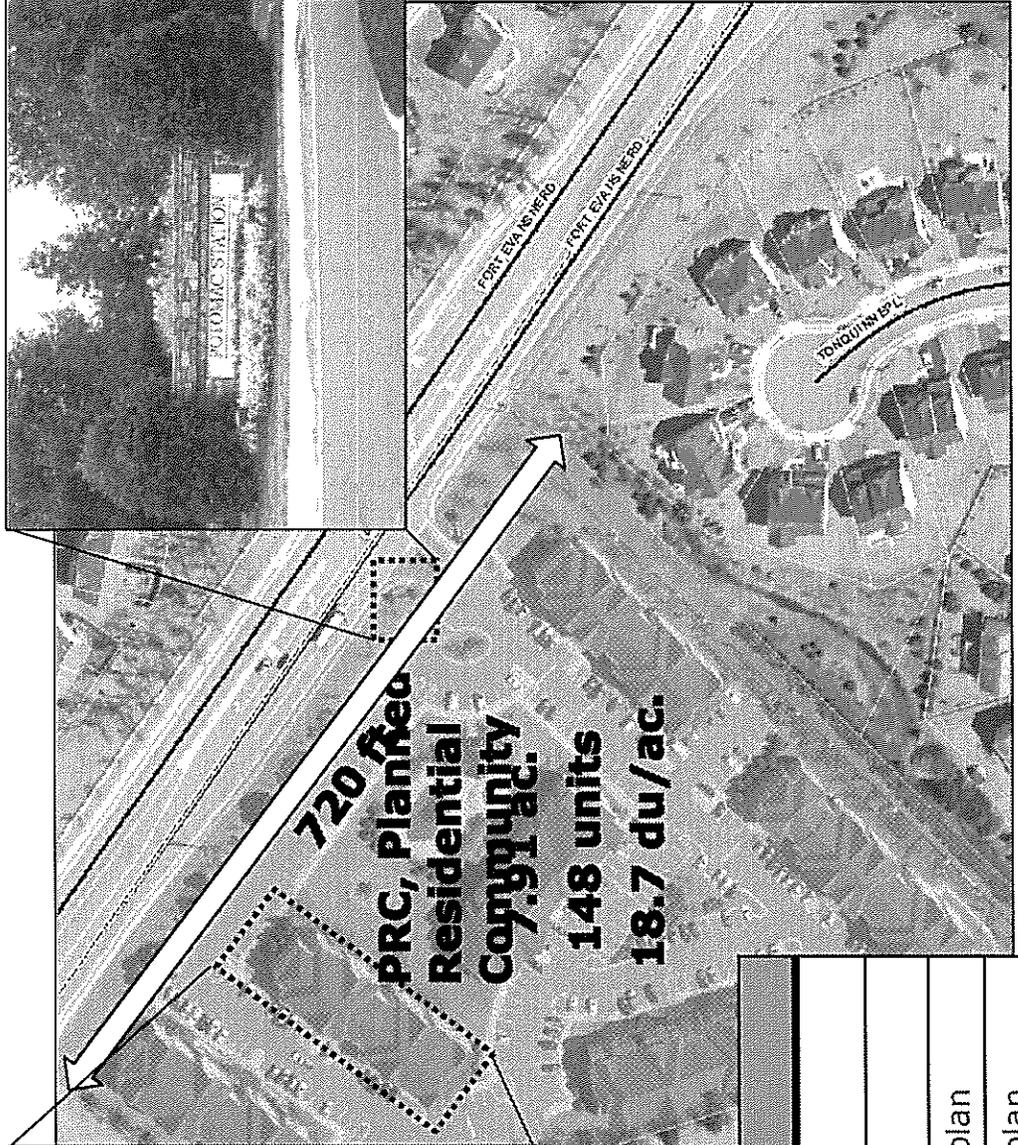
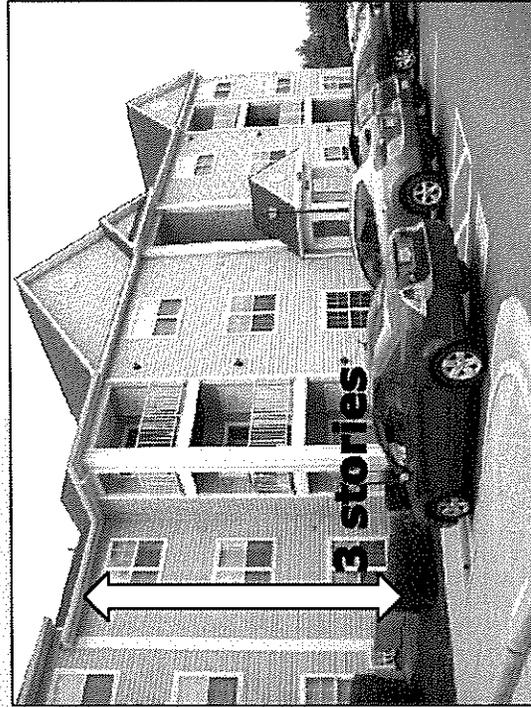
# Townhouses: Steeplechase Run (Middleburg)







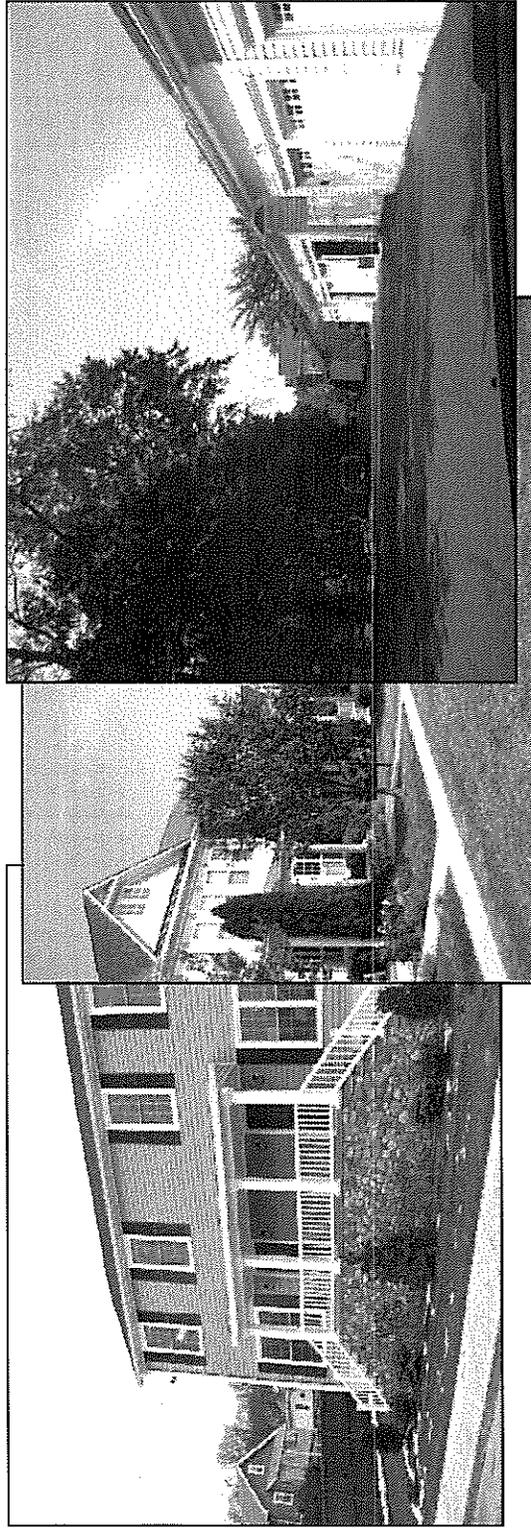
# Multiple Dwelling: Potomac Station (Leesburg)



PRC District Standards	
Min. Lot Size	10,000 sq. ft.
Min. Lot Width	75 ft.
Min. Setbacks	Per rezoning plan
Max. Bldg. Height	Per rezoning plan



## Use CUP Process to Encourage Innovative Layout and High-Quality Building Design

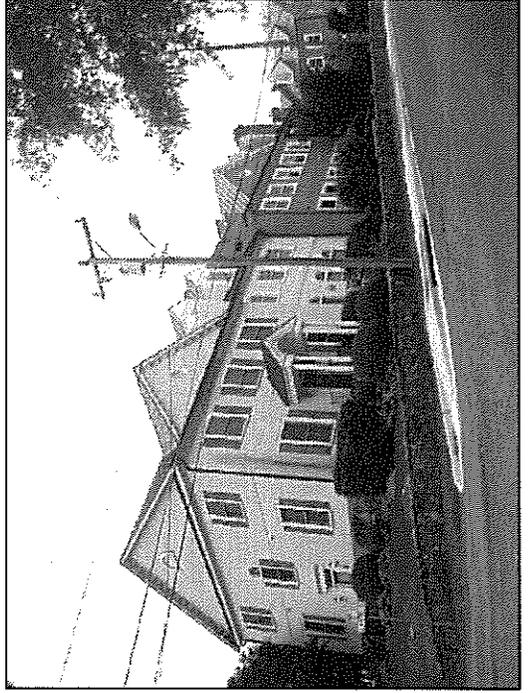
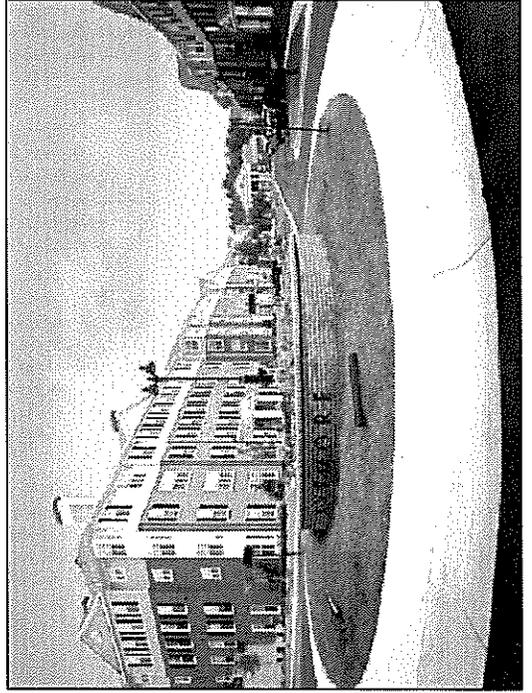
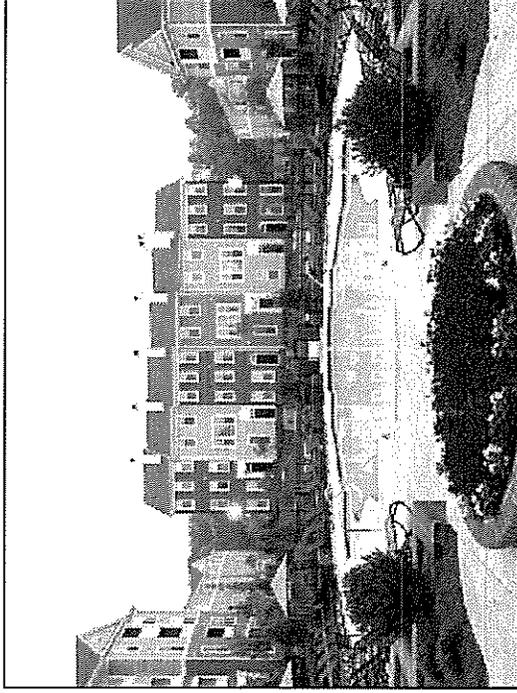
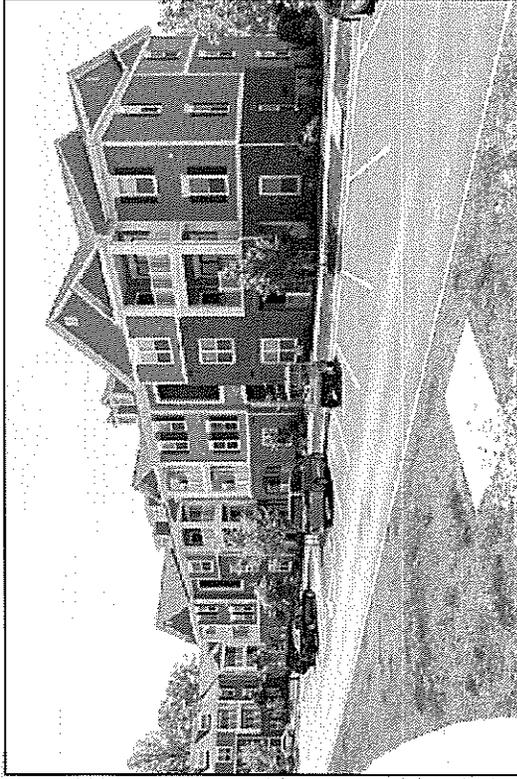


- In addition to bulk and height requirements, encourage the use of high-quality building materials
- Promote design features such as frontage on a common green and/or porches and facades that compliment architectural styles found in our area
- Encourage rear-facing garages with usable back yards

THE TOWN OF  
*Lovettsville*  
The German Settlement

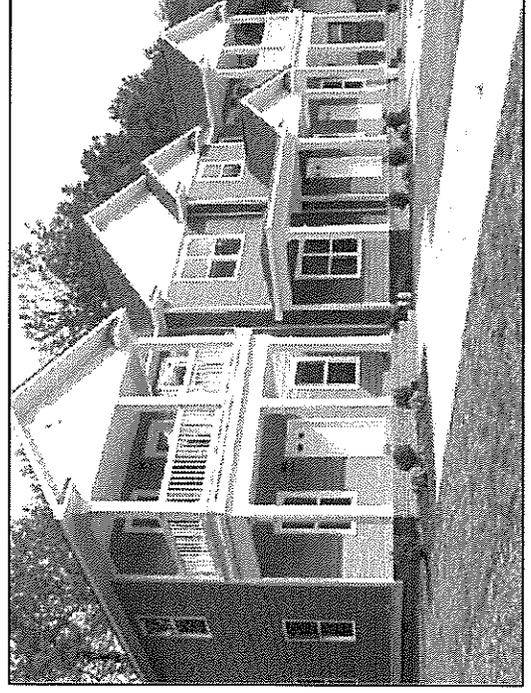
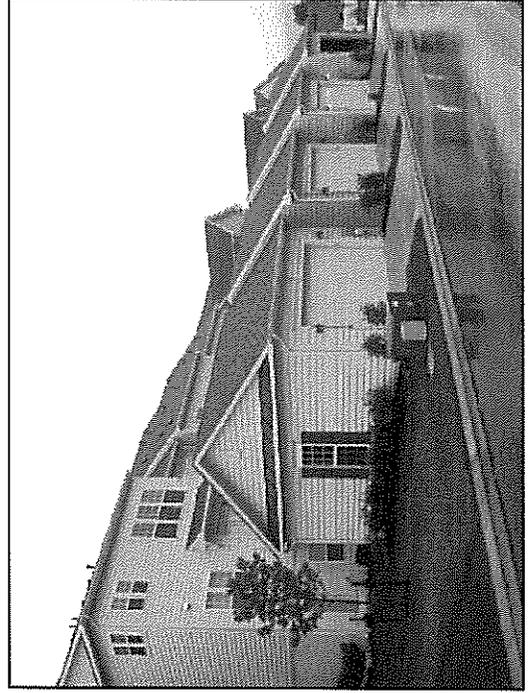
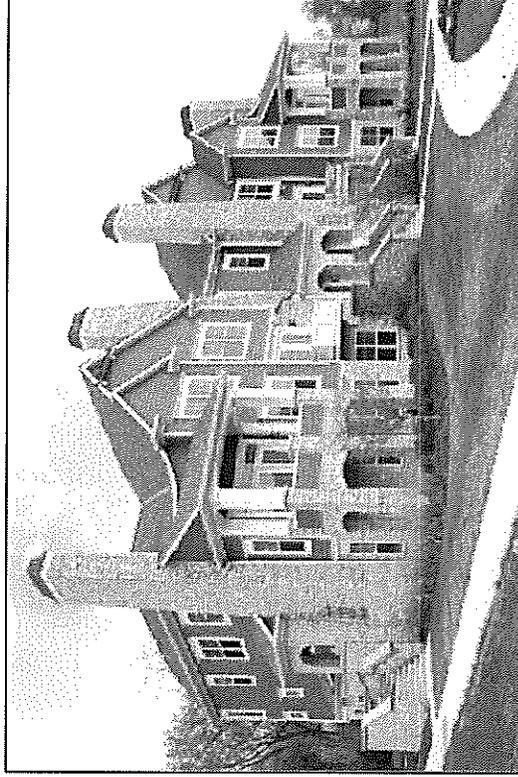
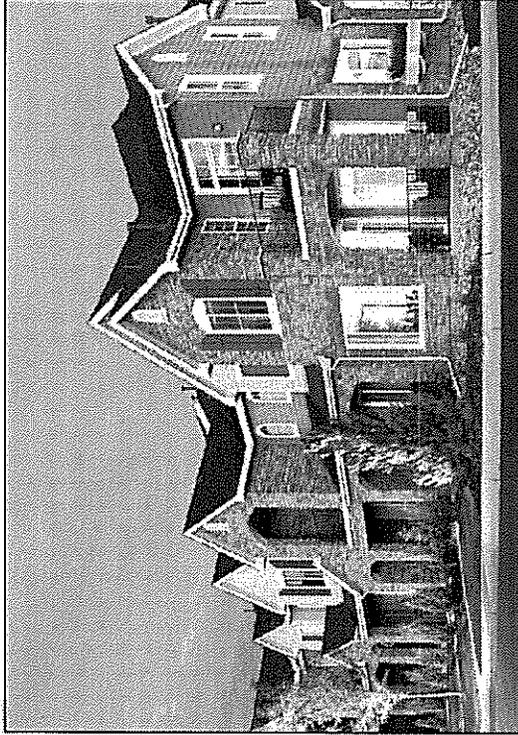


**Additional Examples**





## Additional Examples



**Sec. 42-236. R-3 Residential District.**

- (a) *Scope and purpose.* The provisions of this section apply to the R-3 Residential District. This district is composed of various certain higher- medium density residential and related non-residential uses. The ~~regulations for this district~~ regulations are designed to ~~stabilize and protect the essentially residential characteristics of the district, and to permit~~ certain commercial uses of a character unlikely to ~~develop a generate~~ a concentration of traffic, ~~crowds of~~ customers, and outdoor advertising. ~~To this end, retail activity is restricted and this district is protected against encroachment of general commercial or industrial uses.~~
- (b) *Permitted uses.*
- (1) Detached Ssingle-family dwelling, ~~detached~~.
  - (2) Public or private playgrounds or neighborhood parks.
  - (3) Child care home, subject to section 42-197.
  - (4) Home occupations, subject to section 42-199.
  - (5) Construction and/or sales trailers, subject to section 42-201.
  - (6) Model home, subject to section 42-204.
- (c) *Conditionally permitted uses.*
- (1) Attached (townhouse) dwelling.
  - (2) Semi-detached dwelling.
  - (3) Multiple dwelling.
  - (4) Private clubs and organizations.
  - (25) Professional offices.
  - (36) Accessory apartment ~~or semi-independent dwelling unit~~, subject to section 42-195.
  - (47) Schools, including colleges and universities.
  - (58) Churches.
  - (69) Child care center, subject to section 42-197.
  - (710) Libraries.
  - (811) Wireless communications equipment.

(d) Lot requirements.

(1) Minimum Zoning District Size:

Comment [TS1]: Added for clarity.

<u>Building Type</u>	<u>Minimum District Area (acres)</u>
Single Family Dwelling	None
Attached Dwelling	2
Semi-detached Dwelling	2
Multiple Dwelling	None 2
Accessory Dwelling	None

Comment [TS2]: Suggest adding a minimum district size identical to that for attached and semi-attached dwellings. This figure would represent the minimum size of the district in the event any property in Town was rezoned to R-3 for purposes of establishing the dwelling type(s) listed.

(2) Lot Size:

<u>Building Type</u>	<u>Minimum Size (square feet)*</u>	<u>Minimum Width (feet)</u>
Single Family Dwelling***	6,000	50**
Attached Dwelling	2,000	20
Semi-detached Dwelling	8,500 5,000	75 40
Multiple Dwelling	87,120 (2 ac.) 20,000	75
Accessory Apartment	See Sec. 42-195	See Sec. 42-195

Comment [TS3]: Added the word "minimum" for clarity.

Comment [TS4]: The changes proposed here are intended to bring the proposed minimum lot size/width requirements more in line with what we have here in the Town.

\* Exclusive of floodplains and wetlands

\*\* Measured at the front setback line

\*\*\* Maximum length/width ratio of lot is shall be 3:1

(1) Size: 6,000 square feet, minimum, exclusive of floodplains and wetlands.

(2) Width: The minimum lot width measured at the front setback line shall be 50 feet.

(3) Required Yards:

<u>Building Type</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
<u>Single Family Dwelling</u>	<u>Not less than 20 feet and not more than 40 feet from any street right-of-way. Detached garages shall be set back at least 20 feet from the front line of the main structure.</u>	<u>Minimum total width of the side yards for the main structure shall be 18 feet, with a minimum side setback of eight (8) feet.</u>	<u>Main structures shall have a minimum rear setback of 25 feet.</u>
<u>Attached Dwelling</u>	<u>15 feet</u>	<u>10 feet (end units)</u>	<u>25 feet</u>
<u>Semi-detached Dwelling</u>	<u>40 feet from street center line 20 feet</u>	<u>12.5 10 feet (for side of building not adjoining the adjacent dwelling)</u>	<u>25 feet</u>
<u>Multiple Dwelling</u>	<u>35 feet from the street right-of-way line ROW 15 feet from private ROW</u>	<u>25 feet</u>	<u>25 feet</u>
<u>Accessory Dwelling</u>	<u>Same as the principle structure</u>	<u>Structures not exceeding ten feet in height may be located not less than five (5) feet from a side or rear property line</u>	<u>Structures not exceeding ten feet in height may shall be located not less than five (5) feet from a side or rear property line</u>

**Comment [TS5]:** Amended for clarity and consistency. Also, whole numbers are best when establishing setback requirements.

**Comment [TS6]:** Amended for clarity and consistency.

**Comment [TS7]:** Amended to provide clear direction regarding setback requirements for accessory dwellings.

- (3) Front yard: Structures shall be located not less than 20 feet nor more than 40 feet from any street right-of-way. Garages shall be setback at least 20 feet from the front line of the main structure.
- (4) Side yards: The minimum total width of the side yards for the main structure shall be 18 feet, with a minimum side setback of eight feet. Accessory structures not exceeding ten feet in height may be located not less than five feet from a side or rear property line.
- (5) Rear yard: Main structures shall have a minimum rear setback of 25 feet. Accessory structures not exceeding ten feet in height may be located not less than five feet from a side or rear property line.

(4) Lot Coverage, Building Height, Minimum Number of Units, Maximum Density:

<u>Building Type</u>	<u>Lot Coverage Maximum (percent)</u>	<u>Building Height (feet)</u>	<u>Maximum Number of Units in a Building</u>	<u>Maximum Density**</u>
Single Family Dwelling	75* 50	30	N/A	N/A
Attached Dwelling	90 60	35	8	8
Semi-detached Dwelling	90 50	35	2	8
Multiple Dwelling	75 40	35	12	15 20
Accessory Dwelling	N/A	No higher than principle structure	N/A	N/A

**Comment [TS8]:** The maximum lot coverage was revised to reflect the research I performed on alternative housing types in neighboring localities. I will be sharing this information with the Commission at our meeting.

\*\* Dwelling units per acre based on district area  
 \*\* Or 2,000 sq. ft., whichever is less

**Comment [TS9]:** I propose eliminating the alternative requirement for an absolute maximum aggregate area for all buildings on a single-family lot. Lot coverage is typically expressed as a ratio or percentage of building area to lot area. Under the 2,000 sq. ft. standard, many properties in the Town's R-3 District would be considered nonconforming since, in practice, 2,000 sq. ft. will almost always be less than 75% of the lot area. The Commission may want to revise this 75% standard downward, however, as I am proposing.

- (6) Length/width ratio: 3.0:1 maximum.
- (7) Building height: 30 feet maximum. No accessory structure shall exceed the height of the principal structure.
- (85) Minimum open space area: A minimum of 25 percent of the net site area shall be provided as open space for all development projects creating more than 20 lots. For the purpose of open space calculations, net site area shall be determined as the total site area exclusive of public road dedications, private access easements and alleyways, floodplains, slopes in excess of 25 percent, and wetlands.
- (106) Modification of minimum lot size, width, and required yards: The lot size, lot width and required yards standards may be reduced by the town council in conjunction with approval of a conditional use permit for the development. Such application shall specifically outline the lot size, lot width and yard standards and define the need for the requested reduction. Permitted uses, conditionally permitted uses and unit density may not be modified by this provision.
- (7) All multi-family buildings shall be separated by a minimum horizontal distance of twenty-five (25) feet. All townhouse buildings shall be separated by a minimum horizontal distance of twenty (20) feet.

**Comment [TS10]:** Amended for clarity.

- (e) Utility requirements. All public utilities located within the R-3 zoning district shall be located underground and shall be designed per the in accordance with Section 30-157 of article VI of Chapter 30, Subdivisions, required installation of public

**Comment [TS11]:** Typically ordinances will specify a minimum distance between buildings for utilities, pedestrian walkways, useable open space, etc.

improvements, section 30-157, public utilities installation standards of the Town Code.

**Comment [TS12]:** Added a reference to our existing utility standards.

(f) Streets and alleys. Streets and alleys shall be designed and constructed in accordance with Article V of Chapter 30, Subdivisions, of the Town Code, as applicable.

**Comment [TS13]:** Added a reference to our existing standards for streets and alleys.

(g) Private access easements. Private access easements shall comply with the applicable requirements of Article V of Chapter 30, Subdivisions, of the Town Code. ~~Streets. Private streets may be provided to serve attached dwellings, semi-detached dwellings, multiple dwellings and accessory dwellings if they meet VDOT standards for local streets. See Administrative Matters for related requirements.~~

**Comment [TS14]:** Recommend not permitting private streets since HOAs may lack the capacity to fund maintenance and the Town currently has no private street design standards for private streets serving other (i.e. non-residential) uses or districts. The Ordinance currently permits private access easements to serve a maximum of one (1) lot.

(h) Parking. ~~Two off-street parking spaces must be provided for each unit. Driveway areas may not be used to satisfy this requirement.~~ Off-street parking shall be provided in accordance with the applicable requirements of Article VIII of this Chapter, provided that any common parking courts serving single-family attached (townhouse) dwellings shall be designed in accordance with the requirements of Section 30-125 of Chapter 30, Subdivisions, of the Town Code. All parking lots shall be paved with durable, dust-free hard surfacing designed and constructed in accordance with the applicable pavement design standards of the Virginia Department of Transportation Pavement Design Guide for Subdivisions and Secondary Roads in Virginia, latest edition, as determined by the Town Council in conjunction with approval of the conditional use permit for the development.

**Comment [TS15]:** This standard is already including in our off-street parking requirements.

(i) Pedestrian access and circulation. All parking lots and access courts shall provide permanent pedestrian and vehicular access between the lots created and a public street.

**Comment [TS16]:** Referenced VDOT's pavement design standards, which apply to subdivision street and secondary roads. This revision would allow the Council to apply the appropriate subdivision street cross-section to parking courts as part of the CUP process.

(j) Landscaping, Buffering and Screening. Landscaping, buffering and screening shall be provided for development projects requiring preparation of a landscaping plan in accordance with Article X of this chapter. Front yard areas and common areas shall be planted with lawn and/or appropriate trees and shrubs except on areas designated for walks and driveways.

**Comment [TS17]:** Revised to enhance pedestrian movements throughout the development and ensure connections with public sidewalks.

(k) Site Plan Design. ~~For development that includes attached, semi-detached, and multiple dwellings, a site plan shall be provided that is executed by a licensed engineer or land planner. The site plan shall show lot layout, street layout, street by type, housing type and location, usable open space, a landscape plan, the location of major stormwater facilities and any recreation facilities and historic structures.~~ Development site plans shall be provided for developments within the District as

**Comment [TS18]:** Added reference to existing landscaping, buffering and screening requirements.

required by Article IV of Chapter 30, Subdivisions, of the Town Code. If detached single-family dwellings are included in the as part of the development, these must in the District shall be shown on the overall plan of the development.

**Comment [TS19]:** Amended to reference our existing site plan requirements.

(l) Maintenance of common areas.

~~1. Development that includes attached, semi-detached, and multiple dwellings shall only be approved under the conditional use permit process.~~

**Comment [TS20]:** This statement is redundant; see paragraph (c) above.

~~1. If development includes attached, semi-detached, and multiple dwellings a homeowners association must be established after 50 percent of the units have been issued occupancy permits. Maintenance of areas to be held in common ownership by property owners within a development shall be ensured through the creation of a property owners' association established pursuant to the Property Owner's Association Act, Chapter 26 of Title 55 (§55-508 et al) of the Code of Virginia, and through the execution of appropriate agreements, deed restrictions and/or covenants ensuring the perpetuation and maintenance of such common areas in accordance with Sec. 42-328 of this chapter;~~

**Comment [TS21]:** Amended to provide clarification regarding the requirement for establishment of an HOA.

~~2. If development includes private streets, In accordance with Section 42-238 (5) of this chapter, the Town Council may require that an escrow account be established, as part of the approval of a conditional use permit for the development, providing for the maintenance of parking courts and alleyways held in common by property owners therein. at the time the homeowners association is established. The amount of this escrow account shall be based on a percentage of the projected cost of maintaining the streets over a ten-year period as determined by the Town Council at the time of approval of the conditional use permit.~~

**Comment [TS22]:** Itemized per the Commission's recommendation.

(m) Common green. A common green area may be provided within townhouse developments in lieu of a part of the minimum lot area, subject to the following provisions:

**Comment [TS23]:** Requires establishment of an escrow account at the Council's discretion.

~~1. When a common green area is provided, the minimum lot area may be reduced below 2,000 square feet where the planning commission and town council find that such reduction results in adequate space for a usable common green and/or the usable common open space for active recreational facilities such as swimming pools, tot lots, multipurpose courts or playing fields. In no event, however, shall the minimum lot area be reduced below 1,600 square feet, nor shall the maximum density be increased above ten (10) units per gross acre.~~

~~2. The common green area may be utilized for lawn, trees, plantings, ornamental pools, and similar features. No part of the common green area may be utilized for~~

automobile driveways or parking areas, for sidewalks or paved play areas, or for other similar paved areas.

3. In connection with approval of the conditional use permit for townhouse developments, provisions satisfactory to the town council shall be met by the developer to assure that nonpublic common green areas for use and enjoyment of occupants shall be properly maintained without expense to the Town.

**Comment [TS24]:** I'll be discussing the reason for my proposal to add this requirement with the Commission at our meeting.

(n) Architectural variation for townhouses. Within townhouse developments, architectural treatment shall avoid massive, monolithic and repetitive building types, facades, roof lines and setbacks. No more than two abutting townhouse dwellings shall have the same front yard setback. Building setback variations as required shall be at least three (3) feet. No more than two abutting townhouses shall have a common roof line. Townhouse dwellings abutting each other shall have complementary but not identical facades. Building elevations and architectural details sufficient to show compliance with this provision shall be submitted for approval.

**Comment [TS25]:** Added requirement for architectural variation for townhouses.

(o) Screening of refuse/recycling bins. Common refuse bins, recycling bins and dumpster pads shall be completely screened from view by means of an opaque fence or wall, and an appropriately designed gate which can be latched open and closed.

**Comment [TS26]:** Added requirement for screening of dumpster pads.

~~(p) Conflicting Provisions. If any provisions in this section conflict with regulations in Article VIII General Regulations, the provisions in this section shall take precedence.~~

**Comment [TS27]:** The provisions of this article do not appear to conflict with Article VIII.

(Ord. of 9-21-2006, § 3-5; Ord. of 11-20-2008; Ord. of 9-10-2009; Ord. No. 2009-11-001, 11-19-2011; Ord. of 6-27-2013(01), § 3-5)