

# Town of Lovettsville

## Planning Commission Minutes of Public Hearing and Regular Meeting, March 7, 2012

The Public Hearing of the Lovettsville Planning Commission on LVSU 2011-0001: Subdivision Ordinance Modifications to Approval Process was called to order by Chairwoman Mari Bushway on Wednesday, March 7, 2012 at 7:31 PM at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.

### Explanation of Procedures and Opening of the Hearing

Chairwoman Bushway read the Public Notice of this Public Hearing as it appeared in the *Purcellville Gazette* (Attachment I: Public Notice).

### Welcomes and Introductions

Chairwoman Bushway welcomed the citizens attending the meeting and thanked them for coming. She introduced Mayor Elaine Walker and Planning Commissioners Lorraine Bauer, Jack Burden, Rodney Gray and Deborah Summitt. She also introduced Town Manager Keith Markel, Zoning Administrator Melissa Hynes and Town Clerk Judy Kromholz.

### Absent

Planning Commissioners Elaine Fischer, Tony Quintana

### Presentation

Manager Markel stated that there had been no changes since the Commissions' last review of this item. He explained that the Subdivision Ordinance provides specific guidelines for all phases of development. Many times items such as boundary line adjustments, minor subdivisions, final plats, site plans and construction drawings require nothing more than complying with the detailed requirements of the Town's Subdivision Ordinance. If an applicant complies with the standards in the Subdivision Ordinance, the Town is required to approve the application. There are no subjective planning issues at this point in the development process and the Planning Commission does not need to be brought in to approve a plan they legally could not deny. In these cases the Zoning Administrator can review applications with the help of various outside agencies and the Town Engineer and Town Attorney and determine if the application is complete and conforms to the Town's documented requirements. Plans that require a variation to the standards and requirements of the Ordinance should still come before the Planning Commission for consideration and possible approval. Manager Markel noted that there are also some grammatical and language clarifications.

There were no questions from the Commission

### Public Speakers

Chairwoman Bushway introduced the speakers in the order in which they had signed up to speak.

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| 1 | Mary Ann Polacek | Ms. Polacek stated that she is opposed to this item because it transfers too much power from elected officials to staff. For the record, she noted that there were no members of the press present. |
|---|------------------|---|

Chairwoman Bushway confirmed that there were no other speakers. There being no further speakers, Chairwoman Bushway declared the hearing closed at 7:37 PM.

Chairwoman Bushway called the Regular Meeting of the Lovettsville Planning Commission to order at 7:37 PM.

**Changes in Present at Meeting**

There were no changes.

**Public Comment**

Chairwoman Bushway called for any other public comments. There were none.

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

Chairwoman Bushway called for changes to the agenda. There were none.

**Approval of Planning Commission Minutes**

No minutes were presented.

**Staff Reports**

No Staff report was presented. Manager Markel updated the Commission on a few items:

- He welcomed Zoning Administrator Melissa Hynes to the Town and reported that she has already started dealing with numerous zoning issues. He expects her appointment to be confirmed by the Council at its next meeting tomorrow night.
- He reported that the signs posted by VDOT at various sites around Town serve to notify the citizens that the bike path project is moving forward and that the VDOT public hearing will be on April 11<sup>th</sup>. Manager Markel explained that the public hearing will vest the project.
- He explained that Mr. Keena is modifying his proposal for the infill project and additional consideration by the Commission is being delayed at the developer's request.
- He reported that the Town website is being updated and expanded to include more helpful information and resources.

**Action Items**

**A. LVSU 2011-0001: Subdivision Ordinance Modifications to Approval Process**

Manager Markel presented this item. The Commission is being asked to consider recommending amending the Subdivision Ordinance such that the Zoning Administrator is charged with the responsibility of taking action in approving or denying by-right development applications except for preliminary plats and those applications requesting variations to the subdivision and development design standards. At the Planning Commission meetings held on December 7, 2011 and January 4, 2012 there was some discussion over what aspects of the existing Subdivision Ordinance should change. The consensus of the Planning Commission and staff was that the Planning Commission should still review all preliminary plats and any other development or subdivision requests if a variation to the Town standards or requirements is being requested. At their meeting on February 1, 2012, the Planning Commission reviewed the final draft of the proposed text and directed staff to schedule a public hearing on this item.

Vice Chairman Burden asked Ms. Polacek to explain the relationship between her comments and the proposed ordinance revisions. She stated that she objects because the Planning Commission has been elected and have a responsibility that should not be passed off to staff. She stated that the Comprehensive Plan is the legal responsibility of the Planning Commission, not the committee appointed to create it. Chairwoman Bushway explained that the Planning Commission was the committee, with the addition of other citizens from the community. Chairwoman Bushway also explained that the Commissioners are appointed, not elected. Ms. Polacek asked if the Commissioners are paid and Chairwoman Bushway stated that they are paid \$100 per month.

Chairwoman Bushway explained that there is no legal requirement for a developer to apply to the Town for by-right development and that these changes would allow staff to say that a project is being done by-right and not require the developer to wait for Commission meetings to proceed with their project. If passed, it would relieve both the applicants and the commission and shorten the time it would take for a project to be implemented. Ms. Polacek stated that she felt this is an enormous amount of legal risk for the Commissioners. Manager Markel explained that an applicant would no longer be made to wait for the Commission to meet when the only legal recommendation the Commission can make is to approve a by-right application.

What they are saying is that if everything meets the subdivision ordinance requirements, they do not need to review the application.

- Motion:** I move that the Lovettsville Planning Commission recommend adoption of the proposed changes to the Subdivision Ordinance to the Lovettsville Town Council.  
**By:** Vice Chairman Burden  
**Second:** Chairwoman Bushway  
**Aye:** Commissioners Bauer, Burden, Bushway, Gray, Summit  
**Nay:** None  
**Abstain:** None  
**Absent:** Commissioners Fischer, Quintana

### Discussion Items

There were no discussion items on the agenda.

### Information Items

#### A. Parks Update

Manager Market reported the following:

1. The Parks Committee will be meeting at the proposed bandstand site on Monday at 5:00 PM and then returning to Town Hall to discuss the project.
2. There will be a public input session for the Quarter Branch Road Park at the Lovettsville Elementary School next Wednesday night. He explained that the community is being asked to contribute ideas for what should be in that park. There will be small group meetings and survey forms available. The goal is to get the master plan for the park completed before any construction starts.

### Comments from the Mayor and Commissioners

Chairwoman Bushway called for comments from the Mayor and the Commissioners.

Mayor Walker reported on the following:

1. She welcomed Zoning Administrator Hynes to her first Commission meeting and stated that she will be quite an asset to the Town.
2. The MayFest and Oktoberfest Committees continue to meet regularly.
3. The first set of pavers will be installed at the Veterans Memorial and dedicated on Memorial Day.
4. The Parks Committee meetings have been very productive and a lot of progress has been made.
5. The Town Green gazebo plans are progressing and she is working with the County on the Lovettsville Community Park.

Chairwoman Bushway extended a warm welcome to Zoning Administrator Hynes and stated that the Commissioners are looking forward to working with her.

### Adjournment

- Motion:** To adjourn the Planning Commission meeting of March 7, 2012.  
**By:** Chairwoman Bushway  
**Second:** Commissioner Summit  
**Aye:** Commissioners Bauer, Burden, Bushway, Gray, Summit  
**Nay:** None  
**Abstain:** None  
**Absent:** Commissioners Fischer, Quintana

The Meeting was adjourned at 8:06 PM.

Respectfully submitted,

  
Judy L. Kromholz, Town Clerk

Date Approved: May 2, 2012

Attachment I: *Purcellville Gazette* Public Notice

Attachment II: Speaker signup sheet

Written Submissions to Commission: None



February 24 & March 3

**RETAIL LICENSE APPLICATION – POSTING AND PUBLISHING**

Goose Creek Farms & Winery, LLC trading as Oltum Cellars  
18050 Tranquility Road, Purcellville, VA (Loudoun County) 20132-9031

The above establishment is applying to the VIRGINIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL for a Farm Winery - Class A license to sell or manufacture alcoholic beverages.

Berhard Bauer, Sole Member / Manager

Note: Objections to the issuance of this license must be submitted to ABC no later than 30 days from the publishing date of the first of two required newspaper legal notices. Objections should be registered at [www.abc.virginia.gov](http://www.abc.virginia.gov) or 800-552-3200

**PUBLIC HEARING NOTICE  
TOWN OF PURCELLVILLE**

The Purcellville Town Council will hold a Public Hearing in the Council Chambers located at 221 South Nursery Avenue, Purcellville, VA on Tuesday, March 13, 2012 at 7:00PM for the purpose of receiving comments on the following item:

- 1) Proposed Adoption of an Ordinance that Creates a Tourism Zone text amendment - to the Town Code of Purcellville, Virginia to Article 18 Businesses. The amendment is proposed to create Division 4 Section 18 for the purpose of allowing the creation of a Tourism Zone as provided for by VA Code 58.1 --- 3851. The purpose of such zone is to increase the town's tourism base by providing economic incentives and regulatory flexibility to eligible business entities that will attract visitors from the Loudoun County region and its surrounding environs and to have the eligible business entity make a substantial investment and create jobs in the Town of Purcellville.

Additional information regarding the proposed creation of Tourism Zones is available for review at the Community Development Department in Town Hall at 221 South Nursery Ave Purcellville VA from 8:00AM to 5:00PM Monday—Friday, holidays excepted.

Hearing assistance is available for meetings in the Town Council Chambers. If you require any type of reasonable accommodation, as a result of a physical, sensory or mental disability, to participate in this meeting, contact the Department of Community Development at 540-338-2304. Please provide three day's notice.

Robert Lazaro, Mayor  
Purcellville Town Council

**Business**

*Continued from page 18*

participating last year, the Tour weekend attracted approximately 9,000 visitors. Farmers who would like to participate should contact Coco Lyons at 703-737-8322 or by email at [coco.lyons@loudoun.gov](mailto:coco.lyons@loudoun.gov) to request an Application and a copy of the Tour Policies and Guidelines. Completed applications must be received at the Department of Economic Development by close of business on Friday, March 16, 2012.

**Notice of Public Hearing  
Town of Lovettsville Planning Commission**

The Lovettsville Planning Commission will hold a public hearing on the following item at their meeting on March 7, 2012 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue:

**LVSU 2011-0001, Modifications to the review and approval process for applications governed by the Subdivision Ordinance.** To amend various sections of the Town of Lovettsville Subdivision Ordinance to redefine the review and approval roles of the Planning Commission and Zoning Administrator for subdivision and development applications. In many cases, by right approvals will be transferred from Planning Commission approval to the Zoning Administrator's approval. All preliminary plat applications along with all subdivision and development applications that request a variation to Town requirements will be reviewed by the Planning Commission.

The draft text being considered is available for review at the Town Hall between the hours of 9AM and 3PM weekdays or by special appointment, holidays excepted. Call 540-822-5788 for more information or visit [www.lovettsvilleva.gov](http://www.lovettsvilleva.gov). In the event the meeting is cancelled due to inclement weather, the public hearing will be convened on March 21, 2012, at the same time and place.

**TOWN OF PURCELLVILLE COMMISSION,  
BOARD AND COMMITTEE POSITIONS**

The Purcellville Town Council will be reviewing applications for current and upcoming vacancies on the:

- Tree and Beautification Commission
- Economic Development Advisory Committee

Any citizens interested in being considered for membership on the above Commission or Committee should obtain an application form from the Town Hall during normal work hours or visit our website <http://www.purcellvilleva.gov> in order to download an application. Please attach a letter of interest or resume outlining your qualifications for consideration by the Town Council. If you have any questions concerning the vacant positions or the appointment process, please do not hesitate to contact Jennifer Helbert, Town Clerk at (540) 751-2333.

**Clarke and Turgeon Speak to Business Leaders**

Janet Clarke, Vice Chair, Board of Supervisors and Jill Turgeon, Vice Chair, School Board (both representing the Blue Ridge District) spoke to members of the Purcellville Business and Professional Association on Tuesday, February 14th at its monthly luncheon at the Loudoun Golf & Country Club. After opening remarks, Clarke and Turgeon entertained questions from the business leaders.

Topics of interest included the proposed Sheriff's Substation in Round Hill. The Board of Supervisors said her position is that the substation is not needed at this time and that the costly project should be removed. She said the three officers should be moved to a new leased space. She and Supervisor Eugene Delgaudio were the lone dissenters. Supervisor Ken Reid was absent.

Turgeon was asked about trimming down the school budget. She said she spent 40 hours going over all the administrative costs and said she would like to make more severe cuts "without causing harm." She said there is a definite disconnect between the school administration and what is actually going on in the schools. She does not advocate a "one size fits all" approach but taking into consideration the individual needs of schools in different areas of the County. She is pushing for teacher farms so that those who are in the schools with the children may share what works best. Clarke was asked about the Economic Development Commission and its relationship to the

*See BUSINESS on page 19*

# County of Lovettsville

## Speaker Sign - Up Sheet

### Planning Commission Public Hearing & Regular Meeting - March 7, 2012

Please Print.

| Name and Association | Address                     | Topic - Please Indicate Public Hearing or Other Topic |
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| Mary Ann Pollock     | 14 East Pennsylvania Avenue |   |
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Each speaker will be limited to no more than three (3) minutes.