

Town of Lovettsville

Planning Commission Minutes Regular Meeting and Public Hearing March 19, 2014

Call to Order/Welcome

Vice Chair Mueller called the Regular Meeting of the Lovettsville Planning Commission to order at 7:31 p.m. on March 19, 2014 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Present at Meeting

- Vice Chair Joseph Mueller
- Commissioner Lorraine Bauer
- Commissioner Robert Gentile
- Commissioner Jennifer Jones
- Commissioner Frank McDonough
- Commissioner Anthony Quintana

Absent

- Chairwoman Deborah Miller

Staff Present

- Zoning Administrator Melissa Hynes
- Town Clerk Harriet West

Audience

- Mayor Robert Zoldos
- Former Mayor Elaine Walker

Public Comment

Vice Chair Mueller called for comments from the public. There were none.

Additions/Deletions/Modifications to the Agenda

Vice Chair Mueller called for changes to the agenda. There were none.

Approval of Planning Commission Minutes

A. Regular Meeting and Public Hearings – January 8, 2014

- Motion:** I move to accept the minutes of the January 8, 2014 meeting.
By: Commissioner Jones
Second: Commissioner Quintana
Aye: Commissioner Bauer, Gentile, Jones, McDonough, Mueller, and Quintana
Nay: None
Abstain: None
Absent: Chairwoman Miller

Staff Reports

Zoning Administrator Hynes gave updates on the Lovettsville Glen and Cooper Run subdivisions, the draft Housing Text Amendment to add townhouses and duplexes, the Old Town District, annual business license renewals, and the business directory.

Zoning Administrator Hynes explained the process for the Conditional Use Permit for the Lovettsville Community Center. The first step is to amend the Zoning Ordinance to add a new term and definition for "Recreation Facility" that the County can then use to apply for the new Community Center. Tonight's public hearing is just to add the new term and definition to the Zoning Ordinance. Staff has provided input to the County on the three design options.

Zoning Administrator Hynes explained that all of the houses along East Broad Way and the Community Center are non-conforming because they pre-date the Zoning Ordinance. Everything that was in place before the Zoning Ordinance was adopted is grandfathered in and certain requirements do not apply; however, if the property owner wants to tear down or rebuild a structure, then they would have to comply with the Zoning Ordinance. Commissioner McDonough asked if this would be required if modifications were made to the existing building. Zoning Administrator Hynes said that modifications 50% or under of the cost of reconstructing the entire structure would not trigger the need for a Conditional Use Permit.

The Zoning Administrator said the next step will be to schedule a public hearing on the County's Conditional Use Permit application. The Zoning Administrator responded to questions from a member of the audience regarding the proposed location and size of the new Community Center.

Mayor Zoldos explained that this is the County's project and they have not provided the Town with all of the information yet. He said there are two major concerns with the proposed new structure – that it is large enough to meet the needs of the Town, now and in the future, and that the design fits in with the Town's character. In response to comments from members of the audience, Mayor Zoldos said that, based on the ADA (American with Disabilities Act), there are five levels in the current building that you cannot get to if you are handicapped. Commissioner Gentile said it would be very difficult to make the current building ADA compliant.

Mayor Zoldos and Vice-Chair Mueller noted the questions from members of the audience regarding the cost estimates and said this is something the County would need to address since the Town does not have that information.

Vice Chair Mueller asked if there were any additional questions.

Janice Jacobs, 39580 Lovettsville Road, asked about lighting at the Community Center (Attachment 1). Zoning Administrator Hynes said lighting would be addressed as one of the conditions that the County would have to meet to make sure it is not a nuisance to neighbors. Ms. Jacobs said the lighting is a nuisance now because it is on at ridiculous hours when no one is out there.

Action/Discussion Items

B. LVZA 2014-0001 Amendments to Definitions and R-1 District ("Recreation Facility")

Vice Chair Mueller suspended the regular meeting at 8:01 p.m. and opened the public hearing for LVZA 2014-0001. He read the notice of public hearing.

Zoning Administrator Hynes presented this item. The Commissioners are being asked to amend Section 13 of the Town of Lovettsville Zoning Ordinance to add the new term and definition "Recreation Facility" and to amend Section 3-3 of the Town of Lovettsville Zoning Ordinance to list the new use "Recreation Facility" as a conditionally permitted use in the R-1 District.

Staff referred to the Leesburg Zoning Ordinance and the Loudoun County Zoning Ordinance to find examples of appropriate terms and definitions to apply to the Lovettsville Zoning Ordinance. Staff blended Leesburg's and the County's definitions into a new term/definition that could be applied to the Lovettsville Community Center, which reads:

"A facility, which may be publicly or privately owned, that is used for the recreational, social, educational and cultural activities of a neighborhood or community. These facilities may include, but are not limited to

indoor and outdoor swimming pools and athletic courts, gymnasiums, kitchens, classrooms, gardens, and communal meeting spaces.”

The Zoning Administrator discussed other similar conditional uses permitted in R-1. She noted that the conditional use process allows the Town to consider applications on a case-by-case basis and to address potential concerns and specific details regarding hours of operation, lighting, parking design, architecture, and noise.

The Zoning Administrator discussed the use of child care centers in the R-1 District as a conditional use in response to a question from a member of the audience.

Vice Mueller explained the Planning Commission’s role in making recommendations to the Town Council.

Clint Chapman asked if the change to the ordinance would apply to R-2 or R-3. Zoning Administrator Hynes stated the proposed amendment currently only applies to R-1 but they could easily include R-2 and R-3.

Commissioner Jones asked about including specific provisions for child care centers. The Commissioners discussed adding the following language to the “Recreation Facility” definition based on what was included in the Staff memo:

“Recreational facilities may operate child care centers as provided that they are licensed by the Virginia Department of Social Services as a child care center.”

- Motion:** I move that the Lovettsville Planning Commission recommend that the Lovettsville Town Council approve Zoning Ordinance Amendment LVZA 2014-0001, with the following modifications:
- Recreational Facilities may operate child care centers as provided that they are licensed by the Virginia Department of Social Services as a child care center; and include the definition of Recreation Facility in R-2 and R-3.
- By:** Commissioner Quintana
Second: Commissioner Jones
Aye: Commissioner Bauer, Gentile, Jones, Mueller, and Quintana
Nay: None
Abstain: Commissioner McDonough
Absent: Chairwoman Summitt

Vice Chair Mueller closed the public hearing at 8:20 p.m. and re-opened the regular meeting at 8:20 p.m.

Information Items

None

Comments from the Mayor and Commissioners

Mayor Zoldos gave updates on the following:

- The Lovettsville Illumination Team was recently formed to develop lighting recommendations for the East Broad Way Streetscapes project. Planning Commissioner Jennifer Jones has offered to represent the Planning Commission on the committee.
- Lovettsville PTO Bingo will be held on April 4.
- Harmony Middle School recently held a Family Fun Night.
- The Walker Pavilion won its first award. The Community Appearance Alliance of Northern Virginia presented the award to the Vice Mayor and Project Manager last week.
- Twenty people attended the recent Lovettsville Watch meeting. The topic was “Scams, Fraud, and Identity Theft.”

- There will be a Volunteer Fest planning meeting on March 26 and the event is scheduled for April 27.
- Loudoun County Youth Football has asked to use the future community park for football.
- The new recycling carts will soon be available from American Disposal. They are much larger and have a lid to prevent the recyclables from getting blown around.
- The Town has very little control in the process for the Lovettsville Community Center since this is a County project. The Town is working on getting a commitment from the County for the future expansion of the facility based on specific trigger points to meet the needs of the community 10-15 years from now. The trigger points would be based on usage.
- The easement acquisition process for the East Broad Way Streetscapes project is nearly completed. The next phase of the project is moving the utility poles to open up the roadway.
- The Town recently experienced a loss of water pressure with the elevated water tank. The problem was resolved within an hour; however, the state subsequently issued a "boil water notice" five hours later. The information was posted on the Town's website. The Town is looking at using alternate methods for notifying residents in case of an emergency including Alert Loudoun, the Friday email, and Reverse 911. If there is ever a situation where the water is unsafe the Town will drain the tank.

Mayor Zoldos addressed comments he had seen online regarding the Town's water quality and costs.

The date for the Planning Commission public hearing on the Community Center Conditional Use Permit was tentatively scheduled for April 23, 2014.

Adjournment

There being no further business before the Planning Commission, the meeting was adjourned at 8:42 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: July 2, 2014

Attachments:

1. Speaker Sign-Up Sheet

