

Town of Lovettsville

Planning Commission Minutes Regular Meeting April 3, 2013

Call to Order/Welcome

Chairwoman Summitt called the Regular Meeting of the Lovettsville Planning Commission to order at 7:33 p.m. on Wednesday, April 3, 2013 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Present at Meeting

- Chairwoman Deborah Summitt
- Vice Chair Joseph Mueller
- Commissioner Robert Gentile
- Commissioner Jennifer Jones
- Commissioner Anthony Quintana

Absent

- Commissioner Lorraine Bauer

Staff Present

- Town Manager Keith Markel
- Zoning Administrator Melissa Hynes
- Town Clerk Harriet West

Present In the Audience

- Mayor Robert Zoldos II
- Former Mayor Elaine Walker and Mr. Cliff Walker

Public Comment

Chairwoman Summitt called for comments from the public. There were none.

Additions/Deletions/Modifications to the Agenda

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

Approval of Planning Commission Minutes

No minutes were presented.

Staff Reports

There was no written report from the Zoning Administrator.

Action/Discussion Items

A. Business Hours of Operation Text Amendment

Zoning Administrator Hynes presented this item. The Planning Commission is being asked to review and discuss 3-11(c) Hours of Operation within the Zoning Ordinance.

At the February 14, 2013 Town Council meeting, Mr. Pardip Sidhu, the new owner of the 7-Eleven convenience store in Lovettsville, requested that the Council consider allowing his business to operate 24 hours a day. The current Zoning Ordinance states that the permitted business hours of operation are 6:00 a.m. to 12:00 a.m. or 6:00 a.m. to 11:00 p.m. if the business is located within 100 feet from a

residence. The only way the 7-Eleven could be granted 24-hour operation is by amending the Zoning Ordinance. Staff discussed options for amending the Business Hours of Operation based on a Conditional Use Permit and general standards for all business to meet.

Staff and the Planning Commissioners discussed the unintended consequences that could arise from expanding the business hour of operation, such as noise created from deliveries, trash collection, and construction, and different options for addressing the concerns raised. Staff will revise the draft text amendment based on the input from the Commissioners and bring it back to the Planning Commission for approval.

B. Open Space Text Amendment

Zoning Administrator Hynes presented this item. The Planning Commission is being asked to consider amendments to the R-1 Open Space Requirement within the Town's Zoning Ordinance Section 3-1 (d) (viii).

Zoning Administrator Hynes reviewed the current Open Space requirement for R-1 which states that 35% of the total space must be set aside for open space and that at least 50% must be "usable open space," such as basketball courts, pools, tot lots, and pedestrian trails. The Zoning Ordinance requires the open space and amenities by maintained by a Home Owners Associations and that the open space be preserved by means of a permanent easement. Staff noted these requirements are a burden for smaller developments or single landowners, and that they are difficult to enforce.

Staff presented options for addressing these concerns by either limiting the number of lots or the number acres within an R-1 Zoning District. Staff recommends the following modifications to the Minimum Open Space requirements:

- Adding language that the requirements are "for all developments with more than 25 lots."
- Deleting the open space easement requirement.

Staff also recommends adding definitions for "open space", "useable open space," and "recreational space" to Section 13-2, Definitions.

Following further discussion, the Commissioners agreed to modify the proposed open space text amendment for developments with more than 20 lots, rather than 25 lots, and to remove the open space easement from R-1, R-2, and R-3. Staff will revise the draft text amendment based on the input from the Commissioners and bring it back to the Planning Commission for approval.

In response to a question from Commissioner Jones, Manager Markel noted that if a project comes in for rezoning with fewer than 20 lots, the Planning Commission could make open space a requirement as part of the rezoning process.

C. Old Town Zoning District

Zoning Administrator Hynes presented this item. The Planning Commission is being asked to review the most recent draft of the Old Town Zoning District.

Staff reviewed the most recent changes to the following sections – permitted uses; minimum parking requirements; off-street parking requirements; minimum landscape requirements; standards for accessory apartments and semi-independent dwelling units, bed and breakfasts, vertical mixed use buildings, and outdoor seating; pedestrian oriented space; and the definition of "dwelling, semi-detached."

Commissioner Mueller asked about the requirement that all public utilities be located underground. Staff said this would apply to new construction only.

The Commissioners and Staff discussed the proposed provisions for accessory apartments which would eliminate the need for a Conditional Use Permit for residentially-zoned properties.

Staff will revise the draft Old Town Zoning District document based on the input from the Commissioners and bring it back to the Planning Commission for approval. Zoning Administrator Hynes said that Commissioner Mueller will be presenting the Old Town Study to the Town Council on April 11, 2013. She encouraged the other Commissioners to attend.

Information Items

Zoning Administrator Hynes said the Thai Food Truck will be open on Saturday and Sunday evenings at the QuarterBranch Technologies property on North Berlin Pike, on the condition that the food truck is open when the other business is closed.

Comments from the Mayor and Commissioners

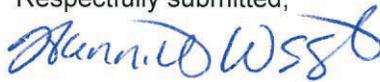
Mayor Zoldos gave updates on "We're In," the Town Seal Challenge, the Walker Pavilion, Volunteer Fest, and baseball opening day.

Adjournment

Motion: To adjourn the Planning Commission meeting of April 3, 2013.
By: Commissioner Summitt
Second: Commissioner
Aye: Commissioners Jones, Gentile, Mueller, Quintana, and Summitt
Nay: None
Abstain: None
Absent: Commissioner Bauer

The meeting was adjourned at 9:12 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: July 17, 2013

Attachments:
None