

Town of Lovettsville

Planning Commission Minutes Regular Meeting and Public Hearings July 17, 2013

Call to Order/Welcome

Chairwoman Summitt called the Regular Meeting of the Lovettsville Planning Commission to order at 7:30 p.m. on Wednesday, July 17, 2013 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Commissioners Present

- Chairwoman Deborah Summitt
- Vice Chairman Joseph Mueller
- Commissioner Jennifer Jones
- Commissioner Anthony Quintana

Commissioners Absent

- Commissioner Lorraine Bauer
- Commissioner Robert Gentile

Staff Present

- Town Manager Keith Markel
- Town Clerk Harriet West

Public Hearings

Chairwoman Summitt read the Notice of Public Hearings for LVCU 2013-0002 and LVCU 2013-0003 as they appeared in the *Purcellville Gazette* (Attachment 1).

LVCU 2013-0002 AT&T Telecommunications Equipment on Elevated Tank

Chairwoman Summitt opened the Public Hearing for LVCU 2013-0002 AT&T Telecommunications Equipment on Elevated Tank at 7:31 p.m.

Presentation

Manager Markel presented this item. The Planning Commission is being asked to consider a request from AT&T to modify the existing communications equipment on the Town's elevated water tank.

Manager Markel provided the background on this item. AT&T has been co-located on the Town's elevated water tank for over 10 years. Their current Conditional Use Permit with the Town allows for them to have up to twelve antennas mounted to the tank, however, at this time they only have six antennas in place. The current request from New Cingular Wireless (doing business as AT&T Mobility) is to supplement the existing antennas with three new antennas (one four foot, and two six foot antennas) to provide additional data service coverage. These antennas would not carry voice communications. As part of this request they also want to install six remote radio heads (RRH), two units for each antenna. The new equipment will allow AT&T to transmit LTE (Long -Term Evolution) from this site. The LTE is similar technology to what other providers refer to as 4G service. AT&T would also need to install two additional base cabinets within their current fenced-in leased space on the ground near the tank.

The three new antennas are currently permitted, as they are part of the original CUP, however, the new RRH devices and the two cabinets are additional equipment that must be approved by the Town.

The Town's tank structural engineer, KCI, has reviewed the proposed modifications and stated the tank is structurally adequate to support the proposed loading if installed in accordance with the drawings. The structural analysis also took into consideration the other equipment on the tank.

Staff supports the Conditional Use Permit request from AT&T to modify equipment on the elevated tank with the following recommended conditions.

- 1) This approval is for equipment as shown on the Site Plan & Project Summary dated April 9, 2013; six (6) Remote Radio Heads and related cables; as well as two cabinets to be mounted inside the fenced, leased space on the ground near the elevated tank. (The three proposed antennas are a permitted use under the previous conditional use permit)
- 2) Antennas, cables and associated equipment located on or attached to the tank must be painted to match the color of the tank; except for the Remote Radio Heads (RRH), which will be enclosed in a colored covering to match the tank.
- 3) Regular maintenance activities for this facility shall be limited to the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday. For maintenance or replacement activity that requires entering the fenced in water tank area, the applicant shall notify the Town Office at least twenty four (24) hours in advance.
- 4) No outdoor storage, other than what is shown on the site plan, shall be permitted in association with this use.
- 5) The proposed use shall be passive and will not generate noise, dust, light, glare, vibrations, traffic or odors.
- 6) The proposed use shall not interfere with area telephone, radio, television reception or the signal of other co-located communications equipment.
- 7) This Conditional Use Permit shall be coextensive with any lease entered between the applicant and the Town as owner of the real property on which the approved facilities are to be located. The Permit shall terminate upon expiration or termination of such lease.

Manager Markel noted these conditions are the same as those required of the other carriers with equipment on the tank. Staff will take the Planning Commission's recommendation to the Town Council for final action. If the request is approved by the Council, then the next step will be to modify the AT&T contract with the Town for the lease rental.

Commissioner Quintana asked if the structural analysis for the tank included the weight for the additional cabling. Manager Markel said that it did.

Public Speakers

Chairwoman Summitt asked if anyone wished to speak. Bobbi Culberlson, 9200 Berger Road, Columbia, Maryland, said she is with Bechtel and was here to answer any questions on behalf of their client, AT&T Wireless. Commissioner Quintana asked if Bechtel will be doing the work. Ms. Culberlson said that is correct, Bechtel will be doing the work. She said her company was the first to step up to help refurbish the tank and that the equipment upgrades will make everyone's devices work faster.

Hearing no further comments, Chairwoman Summitt closed the Public Hearing for LVCU 2013-0002 at 7:41 p.m.

Public Hearing – LVCU 2013-0003 7-Eleven Hours of Operation

Chairwoman Summitt opened the Public Hearing for LVCU 2013-0003 7-Eleven Hours of Operation at 7:42 p.m.

Manager Markel presented this item. The Council is being asked to consider a request from the 7-Eleven Convenience Store to allow the business to operate 24 hours a day, 7 days a week.

7-Eleven store owner Pardip Sidhu recently requested that the Town Council consider modifying the existing Town Zoning Ordinance that required all Town businesses close to the public between the hours of 12:00 am and 6:00 am. The Town Council directed the Planning Commission and staff to consider the

request and provide a recommendation back to the Council. The Planning Commission recommended that the Town keep the current by-right hours of operation but modify the Zoning Ordinance to allow businesses to apply for a Conditional Use Permit to expand public business hours on a case by case basis. The Planning Commission also developed specific requirements that all business must adhere to, even if their hours of operation are expanded. These requirements were intended to mitigate the negative impacts on adjacent properties to commercial uses. Town Council approved these ordinance modifications on June 27, 2013.

Following the approval of the Zoning changes, Mr. Sidhu moved forward with applying for a Conditional Use Permit per Section 3-11(d) of the Lovettsville Zoning Ordinance that would allow the 7-Eleven store to remain open 24 hours a day, 7 days a week. He has cited that having the store open around the clock will allow his staff to keep up with cleaning and restocking the store, when customer traffic is low. Being open 24 hours a day may also make the store a less attractive target to crime. The store was robbed in June during the overnight hours when the store was closed. The Loudoun County Deputy Sheriff assigned to the Lovettsville area has also suggested that having the business open around the clock will serve as a deterrent to criminal activity. The store will also enable police officers to get coffee or something to eat during the overnight hours; thereby helping to maintain a police presence in Town.

In his letter dated July 12, 2013, Mr. Sidhu also cites the fact that the 7-Eleven is the only full service convenience store in Town and when it is closed, Lovettsville area residents must travel to Purcellville or Brunswick for their needs.

Manager Markel reviewed the adjacent land use. The store, located at 1 East Broad Way, is approximately 2,400 square feet in size and is zoned C-2, Mixed Use Business. The closest residential use is located approximately 240 feet to the south east at 6 East Broad Way. The parcel is zoned for commercial use, but is currently used as a residence. The 7-Eleven store is adjacent to the Post Office. The closest property line of a residential use in New Town Meadows, the development to the rear of the store is over 530 feet away. Staff feels that the store's location makes it appropriate to allow for expanded hours of operation, as the likelihood that any residential uses would be adversely impacted is very minimal.

Staff supports the request to expand the current hours of operation for the 7-Eleven store to a full 24 hours a day with the understanding that the business operator will fully comply with all Town ordinance requirements along with the following recommended condition.

1. The Conditional Use Permit will be reviewed administratively each year. If violations are found, the Zoning Administrator will bring the permit back to the Planning Commission for their full review.

Public Speakers

Chairwoman Summitt asked the Applicant if he would like to speak. Mr. Pardip Sindhu, said he would like to be open 24 hours a day for the convenience of his customers and the community, and to help prevent crime in Town.

Commissioner Quintana said it would be convenient for him if the store was open 24 hours a day as he often has to leave very early in the morning to get to the airport.

Chairwoman Summitt closed the Public Hearing for LVCU 2013-0003 at 7:48 p.m.

Regular Meeting

Chairwoman Summitt resumed the Regular Meeting at 7:48 p.m.

Changes in Attendance at Meeting

None

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. Commissioner Mueller made the following motion:

Motion: To move the Action/Discussion Items to Item 4 of the agenda.
By: Vice Chairman Mueller
Second: Chairwoman Summitt
Aye: Commissioners Jones, Mueller, Quintana, and Summitt
Nay: None
Abstain: None
Absent: Commissioners Bauer and Gentile

Action/Discussion Items

A. LVCU 2013-0002 AT&T Telecommunications Equipment on the Elevated Water Tank

Motion: I move that the Lovettsville Planning Commission recommend approval of the Conditional Use Permit to allow AT&T to modify its equipment on the Town's Elevated Water Tank with staff's recommended conditions to the Town Council.
By: Vice Chairman Mueller
Second: Commissioner Quintana
Aye: Commissioners Jones, Mueller, Quintana, and Summitt
Nay: None
Abstain: None
Absent: Commissioners Bauer and Gentile

B. LVCU 2013-0003 7-Eleven Hours of Operation

Motion: I move that the Lovettsville Planning Commission recommend approval of the Conditional Use Permit to allow the 7-Eleven store to operate twenty-four hours a day, seven days a week with staff's recommended condition to the Town Council.
By: Commissioner Quintana
Second: Commissioner Jones
Aye: Commissioners Jones, Mueller, Quintana, and Summitt
Nay: None
Abstain: None
Absent: Commissioners Bauer and Gentile

Commissioner Jones said she appreciates that the 7-Eleven will be open 24 hours a day to better meet the needs of the community and she wished them much success.

Manager Markel said that both of these items will be on the Town Council's agenda for the August 8, 2013 meeting.

Approval of Planning Commission Minutes

A. Planning Commission Regular Meeting – April 3, 2013

Motion: I move to approve the minutes of the April 3, 2013 Planning Commission Regular Meeting, as presented.
By: Commissioner Mueller
Second: Commissioner Quintana
Aye: Commissioners Jones, Mueller, Quintana, and Summitt
Nay: None

Abstain: None
Absent: Commissioner Bauer and Gentile

Staff Reports

No staff report was presented.

Information Items

There were none.

Comments from the Mayor and Commissioners

Mayor Zoldos gave updates on "We're In," Oktoberfest, the Neighborhood Watch program, the Dolphins Swim Team, his recent meeting with the New Town Meadows Home Owners Association, Youth Football in Lovettsville, Movies on the Green, the Healthy Eating and Living Program, and the Walker Pavilion dedication.

Manager Markel said National Night Out will be held August 6 at the Community Center beginning at 6:30 p.m.

Adjournment

Chairwoman Summitt made a motion to adjourn. The motion was approved by all those present. The meeting was adjourned at 8:07 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: August 21, 2013

Attachments:

1. Public Notice

3 A PAPER OF LEGAL RECORD!

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g/Legal Notices

Notice of Public Hearing Town of Lovettsville Planning Commission

The Lovettsville Planning Commission will hold a public hearing on the following items at their meeting on Wednesday, July 17, 2013 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue:

LVCU 2013-0002 14A Quarter Branch Road

Consider a request by AT&T Wireless, for approval of a Conditional Use Permit to Section 3-3 (c)(xi) of the Lovettsville Zoning Ordinance, to allow for the installation of wireless communications equipment as a conditionally permitted use. The parcel is located at 14 A Quarter Branch Road and is identified as Loudoun County PIN 333-45-9227.

LVCU 2013-0003 1 East Broad Way (7-11 Hours of Operation)

Consider a request from Pardip Sinhu, for approval of a Conditional Use Permit pursuant to Section 3-11(d) of the Lovettsville Zoning Ordinance, to allow for the 7-11 convenience store to expand its hours of operation to be open twenty-four (24) hours a day, seven (7) days a week. The parcel is located at 1 East Broad Way and is identified as Loudoun County PIN 369-10-9147.

The applications and related documents being considered are available for review at the Town Hall between the hours of 8:30am and 4:30pm weekdays, or by special appointment, holidays excepted. Call 540-822-5788 for more information or visit www.lovettsvilleva.gov.

TOWN OF HAMILTON PLANNING COMMISSION VACANCY

The Town of Hamilton is currently accepting applications for a Planning Commission member to fill an unexpired term through June 30, 2015. All interested qualified residents of the Town are encouraged to submit a resume or letter of intent to the Town of Hamilton, PO Box 130, Hamilton, VA 20159-0130, or e-mail to hamilton.va@comcast.net by 4:30 pm on Wednesday, August 7, 2013.

Greg K. Wilmoth
Mayor