

Town of Lovettsville

Planning Commission Minutes of Regular Meeting, January 19, 2011

Chairwoman Bushway called the Regular Monthly Meeting of the Lovettsville Planning Commission to order at 7:30 P.M. on Wednesday, January 19, 2011.

Present at Meeting

- Mayor Elaine Walker
- Chairwoman Mari Bushway
- Vice Chairman Jack Burden
- Commissioners Lorraine Bauer, Elaine Fischer, Rodney Gray, Aaron Kahn, Joe Mueller
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Zoning Administrator Steve McGregor
- Town Clerk Judy L. Kromholz

Absent

None

Present In the Audience

Among those present were Vice Mayor Robert Zoldos II, Councilwomen Tiffany Carder & Charlotte Coleman, Councilman Shaun Staley, Loudoun County Community Information and Outreach Senior Planner Rodion Iwanczuk, Howard Williamson, and Katherine Buck.

Public Comment

Chairwoman Bushway asked for public comment. There was none at this time (Attachment I: Speaker Signup Sheet). She explained that the Commissioners may ask questions of audience members during the Commission's discussion and asked for simple, direct answers to the question and that no speeches be made.

Additions/Deletions/Modifications to the Agenda

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

Lennar Presentation – Rezoning Application

Administrator McGregor made a presentation summarizing the history of the project so that the Commission may have a fuller understanding of what is being requested in this rezoning application. This item will be coming before the Planning Commission for a public hearing and consideration soon. Kimberlee Welsh-Cummings, a planner with the firm of Walsh, Colucci, Lubeley, Emrich & Walsh, P.C., also made a presentation on behalf of the applicant. Administrator McGregor then detailed staff concerns on this item. Chairwoman Bushway called for questions from the Commissioners. Commissioner Gray asked who would monitor the 90 day guest limit and Ms. Welsh-Cummings responded that monitoring guest stays would be the responsibility of the Home Owners Association. There were no further questions from the Commissioners at this time.

Approval of Planning Commission Minutes

A. Planning Commission Public Hearing & Regular Meeting – December 1, 2010

Motion: To approve the minutes of the December 1, 2010 Planning Commission Public Hearing and Meeting as presented.

By: Vice Chairman Burden

Second: Commissioner Mueller

Aye: Commissioners Bushway, Burden, Bauer, Gray, Kahn, Mueller

Nay: None

Abstain: Commissioner Fischer

Absent: None

Staff Reports

Administrator McGregor presented his written report for December 2010. He reported that Mr. Dykstra has withdrawn his second conditional use application. A major obstacle was the lack of sanitary facilities on the proposed site given that the County would have required these facilities for Mr. Dykstra's proposed use.

There were no questions from the Commissioners.
{Attorney Whiting left at 8:01 PM}

Action Items

A. LVPA 2010-0001: Comprehensive Plan

The Commission agreed to discuss the written comments and oral comments received at the Public Hearing on a point by point basis as detailed in the Staff Report (Attachment II).

The Commission began by discussing the written and verbal comments received from Mr. Bing Lam. Vice Chairman Burden read a statement into the record addressing points 1, 2 and 3 of Mr. Lam's transmittal (Attachment III). Commissioner Kahn expressed agreement with Vice Chairman Burden's statement, noting that the Comprehensive Plan is meant to be a living document addressing the future of the community. He stated that the option to develop the area north of the Retirement Community as described in the document is one possible scenario that would benefit the entire community. Commissioner Gray agreed with the statements made by Commissioners Burden and Kahn and questioned whether this issue would have been raised by Mr. Lam if the property under discussion had a different owner. He stated that these facilities would be a huge benefit to Town residents if they were developed sometime in the future. He also stated that he was also unaware of the owner of the property during the CPAC discussions. Commissioner Mueller stated that there is an interesting point in spreading new commercial development to two places in Town. He noted that neither may be built, both may be built or this one may be built first. He stated that the committee spent a great deal of time considering this and believes the current structure of the Plan is a good one and that these services should be located in this area. Commissioner Fischer stated that many citizens are looking at the Plan as happening immediately, not understanding that the committee was tasked with seeing an evolving situation and planning for the future. She also stated that she does not believe the committee members were aware of who owned the land during the discussions. Chairwoman Bushway stated that she understands Mr. Lam's comments on these issues, but does not agree with his conclusion. She mentioned that the eventual development of medical offices where suggested might pull business to the Town rather than moving it away from Town Center. She stated for the record that she did not believe that any of the committee members had any ulterior motives; most did not know who the land belonged to; and she believes that the Town's has more important issues to spend its time on than on hinted conspiracy theories.

The Commission moved on to the fourth point in Mr. Lam's email. Commissioner Kahn stated that Mr. Lam had provided a great deal of commentary via email, but had not attended any CPAC meetings. Commissioner Kahn noted that at the Public Hearing on January 5th, 2011 Mr. Lam had specifically requested that his concerns be addressed at the meeting tonight but he was not in attendance tonight to participate in the discussion. Commissioner Kahn noted that any industrial or townhouse application that might be received by the Town in the future would require public hearings at that time. He stated that he was aware of the Town's strong sentiment against townhouses in the past but noted that the newer residents, many of whom had considered townhouses before purchasing in Lovettsville, might be more receptive to them in the future. He noted that townhomes make a good buffer. He stated that if the people of the Town still hate townhomes, there would be time to address that if a proposal ever came forward.

Vice Chairman Burden noted that the Plan identifies some areas where increased density would be desirable. Chairman Bushway agreed, reiterating that when and if a townhouse proposal is made to the Town, the public will have ample opportunity to have input at that time. She noted that there are many

new residents and the Town will continue to change and the attitude towards townhomes may also change in years to come. She stated that she believes mixed occupancy is extremely healthy for a community and can be considered if a proposal ever comes forth. Commissioner Kahn noted that the only input received against townhomes throughout this entire Comprehensive Plan process was from Mr. Lam.

Chairwoman Bushway stated that the answer to the question posed in point 5 of Mr. Lam's email is that this issue would be tackled by the applicant at that time.

Chairwoman Bushway polled the Commission concerning whether they supported including any of these points in the final draft of the Plan and the Commission directed staff not to make any of these changes.

Chairwoman Bushway moved on to a discussion of the letter received from Mrs. Hummer. She stated that she believes this is a misunderstanding – no rezoning activity has, or will, take place based on this document. It is meant to look forward for 20 years and provide some guidance as to future development. Commissioner Kahn asked if anyone had spoken to Mrs. Hummer since this letter was received, noting that she would probably appreciate a personal visit. Mayor Walker volunteered to meet with Mrs. Hummer to explain the current zoning of her property and the intent of the Comprehensive Plan.

The Commission moved on to discuss the comments received from Loudoun County Senior Planner Rodion Iwanczuk. They noted that Mr. Iwanczuk had been a valued and active participant on the Advisory Committee and invited him to participate in the discussion tonight.

Commissioner Bushway opened the discussion on points 1 and 2. Mr. Iwanczuk noted that this might be a future project for the Committee or for the Commission, stating that he does not feel it is necessary to include these steps in the document itself. Chairwoman Bushway suggested that after the Plan is completed a first step might be holding a joint work session with the Council to discuss implementation and scheduling. Commissioner Mueller noted that Vice Chairman Burden had originally suggested adding timelines, but the idea was dropped by the Committee over time. He noted that the timeline for many of the topics is essentially unknown because it is dependent on when people have the money and the desire to develop in the Town. However, he suggested that public services and public utilities could be monitored on an ongoing basis. Vice Chairman Burden suggested that the Committee could meet once a year for an update and to evaluate if the Plan is being adhered to as circumstances change. He also pointed out that certain items, such as the development of the land dedicated to the Town by New Town Meadows, is a measurable, trackable project. Chairwoman Bushway asked what resources the Town would need in order to track development against the Plan and Administrator McGregor stated that would be a task he would undertake if the Council charged him with it.

Commissioner Kahn stated that the monitoring mechanisms do not need to be in the Plan itself. He suggested that one of the topics for the joint work session with Council would be developing lists of short, medium and long term goals. Administrator McGregor suggested that one of the areas they could immediately undertake is redefining the zoning regulations for old town in order to foster development and attract business and stated that this could be done independently of a proposal being presented to the Town. Chairwoman Bushway proposed that once the Plan has been enacted setting priorities could be a task at the proposed joint work session. Vice Chairman Burden emphasized that the Town should be careful not to mix policy and execution. Commissioner Bauer suggested adding a simple statement to the Plan saying that a yearly assessment meeting should be scheduled to evaluate progress and priorities. Commissioner Mueller agreed with this proposal and noted that the County is recommending this because it is a best practice, but it does not have to be included in this Plan at this time. Manager Markel suggested adding a sentence to the introduction saying that yearly joint sessions will be scheduled to evaluate progress and reset priorities. Chairwoman Bushway polled the Commissioners and they all agreed to add this statement.

The Commissioners all agreed to the wording changes proposed by Mr. Iwanczuk in points 3 and 4.

The Commission moved onto points 5 and 7 of Mr. Iwanczuk's comments. Commissioner Kahn stated that the Committee had already removed references to development in the County. Commissioner Mueller confirmed that the committee had already removed any references to expanding outside the current corporate limits. Chairwoman Bushway polled the commissioners and they all agreed that no changes were necessary.

Mr. Iwanczuk handed out a proposed sentence to be added to the Plan to address point 6. He explained that with this addition the discussion of fresh water treatment capacity would parallel the discussion of sanitary sewer treatment capacity. The Commissioners all agreed that this sentence should be added.

The Commissioners felt that point 8 had been discussed along with points 5 and 7. They stated that they want to include a discussion of Town/County proffers in their joint meeting with the Council.

The Commissioners confirmed with Mr. Iwanczuk that all of his concerns had been addressed and moved on to discussing the comments received from Mr. Robert Zachritz.

Commissioner Kahn stated that he strongly disagrees with the use of the word 'prevalent' in point 1, stating that it does not accurately reflect the percentage of students home schooled. Administrator McGregor suggested a less strongly worded statement to be added and all of the Commissioners agreed to add Administrator McGregor's statement.

The Commissioners agreed to add Charles Town, West Virginia as suggested in point 2.

Commissioner Gray suggested adding point 3 to the values section rather than to the goals section and all the Commissioners agreed.

Chairwoman Bushway said that point 4 is stated in other places in the Plan and the Commissioners all agreed that they do not want any changes on this item.

In discussing point 5, Vice Chairman Burden noted that the historic section is solely oriented towards the German heritage of the Town and there is nothing in that section about any of the other churches in Town. The Commissioners agreed that this item should be discussed with Mr. Spannaus (a committee member) and the Lovettsville Historical Society before any changes are made. They requested staff to include this as a discussion point when the Plan is referred to Council.

The Commission moved on to point 6 of Mr. Zachritz's comments. Commissioner Kahn pointed out that home schooling is not a public or County facility. Chairwoman Bushway polled the Commission and they all agreed that they did not want this change to be made.

The Commissioners expressed some confusion as to how they could 'strongly affirm' as suggested in point 7. They recommended that no change be made.

The Commissioners moved on to discuss the comments received from Ellen Polishuk of the Wheatland Alliance. Chairwoman Bushway noted that this is a comment, not a suggestion for action. They thanked Ms. Polishuk for her comments.

There being no further discussion from the Commissioners or from the audience, Chairwoman Bushway called for a motion.

Motion: I move that the Planning Commission recommend the draft revision of the Lovettsville Comprehensive Plan as revised at this meeting be considered by the Town Council.

By: Commissioner Kahn

Second: Chairwoman Bushway

Aye: Commissioners Bushway, Burden, Bauer, Fischer, Gray, Kahn, Mueller

Nay: None

Abstain: None

Absent: None

Discussion Items

There were no discussion items on the agenda.

Information Items

There were no information items on the agenda.

Comments from the Mayor and Commissioners

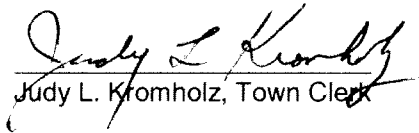
Chairwoman Bushway called for comments from the Mayor and the Commissioners. There were no comments at this time.

Adjournment

Motion: To adjourn the Planning Commission meeting of January 19, 2011.
By: Commissioner Mueller
Second: Commissioner Fischer
Aye: Commissioners Bushway, Burden, Bauer, Fischer, Gray, Kahn, Mueller
Nay: None
Abstain: None
Absent: None

The Meeting was adjourned at 9:27 PM.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: February 16, 2011

Attachments:

- I. Speaker Sign Up Sheet
- II. Staff Report - LVPA 2010-0001: Comprehensive Plan
- III. Vice Chairman Burden's response to Mr. Lam dated 1/19/11

Town of Lovettsville

TO: Planning Commission
FROM: Stephen E. McGregor, Zoning Administrator
DATE of MEETING: January 19, 2011
SUBJECT: **LVPA 2010-0001 Comprehensive Plan Revision**
Plan Amendment

PURPOSE: To provide a summary of the written and verbal public testimony for this item so that the Commission may have an outline for discussion and so the Commission may take action and make a recommendation to the Town Council.

SUMMARY OF PUBLIC HEARING TESTIMONY: Public hearing testimony was given verbally at the January 5, 2011 public hearing and in written form. The following summarizes the testimony:

Bing Lam (written with verbal summary). Residential homeowner, Town Center.

1. Professional office and commercial uses should not be planned at the south end of the Town in the vicinity of the retirement community because,
 - a. This will add competition for the land in and adjacent to the Town Center and make it more difficult for the Town Center to be the focus of such uses in the Town. It splits the focus of the Town. A basic planning principle is to concentrate similar uses.
 - b. It is unlikely that the residents of the retirement community will walk to these uses on adjacent land so the location of these uses here is not necessary.
 - c. There is already an additional cost burden on the Town Center developers because they are required to provide a higher architectural quality to their buildings.
 - d. There is enough land zoned for commercial use available in the Town near the Town Center for new commercial and office development.
 - e. Medical services traditionally locate around major health facilities in more urbanized areas. If medical services do not locate on the land for them near the retirement community, the land owners will ask for other types of commercial uses.
 - f. There is not enough additional residential population projected to create a market for medical services at the south end of Town.

2. Increased residential densities will not help the marketability of commercial land it will only place a greater burden on the public to serve residential development with public facilities.
3. Some land next to the retirement community (40 S. Berlin Pike) is zoned R-3, which allows profession office and other non-residential uses, under conditional use permits. This makes it look as if such uses are appropriate regardless of what the Comprehensive Plan land use policies might be. If the Comprehensive Plan shows the land for commercial use then commercial development is a forgone conclusion.
4. Opposes townhouse development based on past public sentiment. This refers to the townhouse option for the land zoned I-1 in the center of Town.
5. Asks how a second access for the land zoned I-1 can be implemented.

Grace Hummer (written). Residential homeowner, 44 S. Loudoun Street.

1. Does not want her property, currently zoned R-1, to be rezoned. If the Town has rezoned her property, she has not been informed of it.

Rodion Iwanczuk. (written with verbal summary). Loudoun County Department of Planning, Senior Planner, Community Information and Outreach.

1. Add policies that would require measuring success of other policies.
2. Add implementation policies for other policies.
3. Revise Historic Resources, policy 3, to read:

“Establish a complete Historic Landmarks Inventory in concert with the Lovettsville Historical Society and the Virginia Department of Historic Resources to be used, in part, as a basis for a nomination to the State Historic National Register ~~Nomination and inclusion in the Virginia Landmarks Register and the National Register of Historic Places~~ for the State and Federal Government to create an historic district for the historic part of Lovettsville.”

4. Revise Environment, policy 19, to read:

“Develop an environmental review checklist as part of the development evaluation process to identify potential environmental impacts of development proposals. Request the assistance of ~~the Loudoun County Building and Development Department~~ in reviewing environmental aspects of development.”

5. The Town should increase planned residential densities within the Town before considering increasing them adjacent to the Town in the County.
6. The Town’s Plan should address water supply and water treatment plant capacity the same way it contains policies for planning in terms of sanitary sewer capacity.
7. The Town should consider higher residential densities on land in the Town so that a greater variety of housing types could be provided for a full range of income levels. This would also increase the market demand required for a market for commercial development.
8. Any consideration of replanning residential densities adjacent to the Town should include an analysis of the sewer and water projected demand and facilities capacities.

Robert Zachritz. (written). Former Planning Commission Chairman.

Supports Plan policies that reinforce the small town character of Lovettsville. He recommends the following text changes:

1. Page 4, Introduction, at the end of the paragraph on clubs/organizations; include a sentence on homeschooling like: “Homeschooling is prevalent both in and around the Town as well.”
2. Page 4, Introduction, 3rd paragraph, 1st sentence could read: “Lovettsville is close enough to larger urban centers and towns (Leesburg, Purcellville, Virginia; Brunswick and Frederick, Maryland; and Charles Town, West Virginia), so that residents have access to more.....
3. Page 6, Introduction, add a goal #9: “Promote a healthy environment in which to raise children.”
4. Page 6, Introduction, add a value #6: “Encouraging of educational opportunities for children and youth.”
5. Pages 6 or 7, Introduction. Somewhere in the Short History of the Town, add a sentence on the African-American Methodist Episcopal church and school. I believe it is one of the first in Virginia.

6. Page 24, Public Facilities. Add a new point between #3 and #4 which states: “Encourage Loudoun County to continue and work closely and positively with the homeschooling community.”
7. Page 44, Land Use. Strongly affirm policy #7, which states: “New employment opportunities will be generated mainly by development on the vacant thirty-acre portion of the land zoned I-1 along N. Church Street for a combination of light industrial, commercial, residential, and office uses. The issue and future need is to assure that this development has a visual appearance that is compatible with Lovettsville’s small town character and does not have an adverse impact on adjacent residential areas in terms of visual and traffic impacts. It is also key to development on this land that an additional access point be provided. N. Church Street should not be the sole access point for the potential development.”

Ellen Polishuk (written). Wheatland Alliance.

The Alliance supports planning (purchase) a middle-high school on land known as the “Lovettsville Assemblage”, which is “off Lutheran Church Road, one-half mile northwest of the Fire Hall...”

RECOMMENDATION: The Planning Commission should consider the written and oral comments provided by the public and make any modification the Commission feels necessary. The Planning Commission should then recommend the final draft to Town Council for their consideration and adoption.

DRAFT MOTION: “I move that the Planning Commission recommend the draft revision of the Lovettsville Comprehensive Plan [as revised at this meeting] be considered by the Town Council.”

Attachments:

- Rodion Iwanczuk, Loudoun County Senior Planner, dated December 29, 2010 with Attachments
- Robert Zachritz letter dated January 4, 2011, unsigned received via email January 4, 2011
- Bing Lam letter, undated, unsigned received via email January 4, 2011
- Grace Hummer letter dated January 3, 2011 received January 4, 2011
- Ellen Polishuk (Wheatland Alliance) letter dated January 6, 2011 received January 11, 2011

01/19/2011

Statement by Commissioner Jack Burden
At the 01/19/2011 Planning Commission Meeting

I would like to address the comments received reference the property at 40 S. Berlin Pike, identified as Loudoun County Property Identification Number 370293746. This property is located just north of the Heritage Highlands Retirement Community of which I am a resident.

During the Comprehensive Plan Advisory Committee discussions on land use, I requested this parcel be identified in the plan as a potential location for medical related services - with the elderly in mind. The Heritage Highland community of senior housing and a planned assisted living facility, would benefit from services such as rehabilitation, hospice care, urgent care, and senior day care.

For the record, I had not talked to anyone before making the recommendation, including the owner. Being a new resident in Lovettsville, I am not sure I even knew who the owner was at that time. During the discussions that night and throughout the development of the plan the owner, while present at some of the CPAC meetings as liaison from Town Government, did not serve on the CPAC and did not speak about the property to the CPAC.

The Land Use section of the draft plan recommends the parcel be designated as Multiple Use as shown on Map 5 on page 47. This section also includes a definition of Multiple Use on page 37, a brief description of the need in the Issues and Future Needs section on page 43, and a description of services that may be appropriate, with limiting conditions, in the Policy section on page 52. The recommendation includes residential density up to six dwellings per acre and limits non-residential use to no more than two acres oriented to Berlin Pike with a single access from Berlin Pike.

The property is zoned R-3 and the draft plan makes no mention of changing the zoning on this parcel or any other parcel in the draft plan.

In sum, the Multiple Use designation allows for a grouping of medical services that will directly support the needs of senior citizens in particular but, in fact, will support all residents in the greater Lovettsville area.

This section was unanimously agreed to by the Comprehensive Plan Advisory Committee and I recommend that the Planning Commission concur.