

# Town of Lovettsville

## Planning Commission Minutes of Public Hearing and Regular Meeting, February 16, 2011

The Public Hearing of the Lovettsville Planning Commission was called to order by Chairwoman Mari Bushway on Wednesday, February 16, 2011 at 7:31 PM at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.

### Welcomes and Introductions

Chairwoman Bushway welcomed the citizens attending the meeting and thanked them for coming. She introduced Mayor Walker and Planning Commissioners Jack Burden, Elaine Fischer, Rodney Gray and Joseph Mueller. She also introduced Town Manager Keith Markel, Zoning Administrator Steve McGregor and Town Clerk Judy Kromholz.

### Absent

Commissioners Lorraine Bauer, Aaron Kahn

### Audience

Among those present in the audience were Thomas Lovell (Lennar Homes), Kimberlee Welsh-Cummings (Walsh, Colucci, Lubeley, Emrich & Walsh, PC), Tim Sparbanie, and Councilwoman Charlotte Coleman.

### Explanation of Procedures and Opening of the Hearing

Chairwoman Bushway read the Public Notice of this Public Hearing on LVZA 2011-0001 – Retirement Community District R-C Zoning Ordinance Amendment as it appeared in the *Purcellville Gazette* (Attachment I: Public Notice).

### Presentation

Administrator McGregor made a presentation on LVZA 2011-0001 (Attachment II: Staff Report). He explained that this is a zoning amendment proposed by the Town to accommodate the application of Lennar for Heritage Highlands, primarily to reference state and federal law relating to retirement community housing. Currently, the Town ordinances are more restrictive than the relevant state and federal regulations. This amendment also simplifies the language.

### Public Speakers

No one signed up to speak. (Attachment III: Speaker Signup Sheet). Chairwoman Bushway confirmed that no member of the audience wished to speak and that the Town had not received any written communications concerning this Public Hearing. Chairwoman Bushway declared the hearing closed at 7:37 PM.

Chairwoman Bushway called the Regular Meeting of the Lovettsville Planning Commission to order at 7:49 PM.

### Changes in Attendance at Meeting

None

### Public Comment

No member of the public had signed up to speak.

### Additions/Deletions/Modifications to the Agenda

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

**Approval of Planning Commission Minutes**

A. Planning Commission Regular Meeting – January 19, 2011

**Motion:** To approve the minutes of the January 19, 2011 Planning Commission Meeting as presented.  
**By:** Commissioner Mueller  
**Second:** Commissioner Gray  
**Aye:** Commissioners Burden, Bushway, Fischer, Gray, Mueller  
**Nay:** None  
**Abstain:** None  
**Absent:** Commissioners Bauer, Kahn

B. Planning Commission Public Hearing & Regular Meeting – February 2, 2011

Councilman Mueller noted that there was an inaccurate statement made during the meeting on February 2, 2011 that he will address in his comments at the end of this meeting.

**Motion:** To approve the minutes of the February 2, 2011 Planning Commission Public Hearing and Meeting as presented.  
**By:** Commissioner Mueller  
**Second:** Chairwoman Bushway  
**Aye:** Commissioners Burden, Bushway, Gray, Mueller  
**Nay:** None  
**Abstain:** Commissioner Fischer  
**Absent:** Commissioners Bauer, Kahn

**Staff Reports**

Steve presented his written report for January 2011. There were no questions from the Commission.

**Action Items**

A. LVZA 2011-0001, Retirement Community R-C District

Administrator McGregor presented this item. He had no comments to add to his earlier presentation. Chairwoman Bushway polled the Commissioners and none had any questions or concerns.

**Motion:** I move that the Planning Commission recommend approval of the Zoning Ordinance amendment as recommended in this item, LVZA 2011-0001 Retirement Community R-C Zoning District.  
**By:** Commissioner Mueller  
**Second:** Commissioner Gray  
**Aye:** Commissioners Burden, Bushway, Fischer, Gray, Mueller  
**Nay:** None  
**Abstain:** None  
**Absent:** Commissioners Bauer, Kahn

B. LVRZ 2010-0002, Lovettsville Retirement Village rezoning from R-1 to R-C

Administrator McGregor presented this item. Vice Chairman Burden recused himself and moved from the dais to the audience at the beginning of Administrator McGregor's presentation. Administrator McGregor explained that the Planning Commission discussed all the draft proffers dated January 14, 2011 that were part of the application and supported all but a few of them. Some issues were left to be resolved. He then detailed what the Commission wanted to see as part of a rezoning for the Lovettsville Retirement Village that was not included in the draft proffers and explained how the draft proffers dated February 7, 2011 respond to the Planning Commission concerns.

1. List the types of independent living units to accurately reflect those shown on the concept plan, which are 68 duplex units and 12 single-family detached units. The draft proffer states there are 70 duplex units and 10 single-family detached units.
  - Change satisfies Commission concern.
2. Change the occupancy qualification so that the third occupant in the independent living units would have to provide assistance in activities of daily living and/or medical assistance to an older occupant.

The draft proffer now states that the third person can provide any kind of unspecified type of assistance.

- Change satisfies Commission concern.
3. Change the “trigger” point for completion of the community center for the independent living units to the 40<sup>th</sup> occupancy permit for an independent living unit. The draft proffer now states that a zoning permit (building location permit) is needed in order for the development of independent living units to continue past the 40<sup>th</sup> unit. By using a zoning permit instead of the occupancy permit as the trigger, there is no firm date for the community center to be usable by the residents of the development.
    - Change satisfies Commission concern.
  4. Change the currently approved commitment for a “sketch plan” [architectural elevation] of the assisted living facility to a commitment that would provide compatible architectural treatment of the facility. Additionally, the architectural elevations would have to be approved by the Town as a condition for approving a zoning permit for the facility.
    - The applicant-owner of the parcel approved for assisted living within the Lovettsville Retirement Village has been contacted but has not responded to the change noted by the Planning Commission to provide for compatible architecture, approved by the Town before construction is approved for the facility.
  5. The definition of occupancy conditions for the assisted living facility should reflect those required by the applicable State law.
    - The revised proffers state that the age of occupants in the assisted living units should be the same as for the independent living units. This is confusing because of the split in age restrictions wherein 80 percent of units have one type of restriction and 20 percent have a different type. The Commission supported a staff recommendation that the occupancy conditions for assisted living reflect those defined in state law for such use. Examination of the State law defining assisted living and in consultation with the Town Attorney and the Heritage Highlands applicants, (and without being able to contact the owner of the assisted living parcel) the staff concludes that the current proffers for occupancy should be maintained for the assisted living parcel. The purpose of the rezoning application is to change certain occupancy requirements for the independent living portion, owned by Lennar/Heritage Highlands and the current Heritage Highlands homeowners, not the assisted living portion of the Lovettsville Retirement Community. The State law is more liberal with occupancy requirements for assisted living than the current proffers. For example, it allows individuals to be as young as 18 years old in such facilities. It was not the intent of the originally approved project to provide occupancy for persons of such a young age. The project was conceived as an age-restricted project, including the assisted living facility. Therefore, the current age limitation for occupants should be maintained for assisted living. This is a limit of two occupants per unit, one of whom shall be 55 years or older and the other may be 45 years or older.
  6. The staff should investigate the applicant's assertion that they have satisfied the \$250,000 proffer for development of the Town's water supply system.
    - The Town Attorney researched the documents that pertain to the proffer for \$250,000 toward the Town's water supply system and finds that the proffer has been satisfied by Lennar's provision of certain water supply-related facilities.
  7. The Commission agreed that specific policies for additional sewer capacity will have to be determined by the Town Council if the Council considers approving the requested increase in occupancy.
    - The February 7 draft proffers provided by Lennar have not been agreed to by the co-applicants (property owners with the development). No modified proffers may be approved by the Town Council until all co-applicants have signed the proffer agreement.

Chairwoman Bushway recognized the applicants to continue the presentation.

Ms. Welsh-Cummings stated that the February 11<sup>th</sup> version has been agreed to by all of the property owners at Heritage Highlands and by the developer, Lennar. This includes the definitions of "activities of daily living" and the reinsertion of the sewer tap issue. She stated that she has corresponded with Mr. Storch, the property owner of the assisted living property, and that he has been ill and unable to respond. She will be following up with him in the near future.

Mr. Burden spoke in his role as resident/owner/applicant and emphasized two points:

1. Lennar and the Heritage Highlands residents agree on all points in the current proffer.
2. He has initials from all Heritage Highlands residents for the current version of the proffers and will obtain signatures on the newly revised before the Town Council Public Hearing.

He read a prepared statement into the record (Attachment IV).

Chairwoman Bushway called for comments and questions from the Commissioners

Commissioner Mueller stated that 'residents of the assisted living units must meet the same age requirements' is ambiguous and Administrator McGregor pointed out where the proposed motion would define this in more detail.

Commissioner Mueller questioned the wording of the paragraph concerning water taps and Manager Markel explained that this verbiage is basically a place holder for whatever the Town Council approves. Mr. Burden suggested that the absolute number be removed and that a more general statement of intent be substituted. The Commission agreed.

Manager Markel noted that with Mr. Burden recused the Commission has lost quorum for a vote, but after consulting the by-laws he realized he was incorrect because the Chairwoman of the Planning Commission also has a vote. Vice Chairman Burden reported that Attorney Whiting had said that he had no conflict of interest and he returned to the dais at 8:02 PM. The Commissioners all agreed that they did not perceive a conflict.

Chairwoman Bushway called for a motion.

**Motion:** I move that the Planning Commission conditionally recommend approval of Lennar's revised draft proffers, including referenced exhibits, dated February 7, 2011 as modified at tonight's meeting, with the changes and additions noted in this memorandum in the recommendations section with the understanding that these proffers cannot be approved by Town Council until all of the co-applicants have signed the proffer agreement.

**By:** Commissioner Mueller

**Second:** Chairwoman Bushway

**Aye:** Commissioners Bushway, Fischer, Gray, Mueller

**Nay:** None

**Abstain:** Commissioner Burden

**Absent:** Commissioner Bauer, Kahn

Commissioner Gray thanked Commissioner Burden for his explanation of activities of daily living noting that it helped the Commissioners understand what was being proposed.

#### **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.

Commissioner Mueller noted that, at the Planning Commission meeting on January 19, 2011, Commissioner Kahn had stated that Mr. Lam had not attended any of the CPAC meetings, Commissioner Mueller noted that both Mr. and Mrs. Lam had attended a couple of the earlier meetings, before Commissioner Kahn had joined the committee.

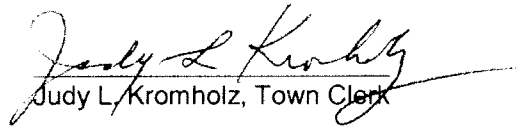
Manager Markel stated that the items voted on tonight will go before the Town Council on March 10<sup>th</sup> and that a work session will be scheduled prior to that meeting to discuss the tap issue.

**Adjournment/Recess**

- Motion:** To adjourn the Planning Commission meeting of February 16, 2011.  
**By:** Commissioner Gray  
**Second:** Chairwoman Bushway  
**Aye:** Commissioners Burden, Bushway, Fischer, Gray, Mueller  
**Nay:** None  
**Abstain:** None  
**Absent:** Commissioner Bauer, Kahn

The meeting was adjourned at 8:10 PM.

Respectfully submitted,

  
Judy L. Kromholz, Town Clerk

Date Approved: March 16, 2011

Attachments:

- I. *Purcellville Gazette* Public Hearing Notice
- II. Staff Report: LVZA 2011-0001 – Retirement Community District R-C Zoning Ordinance Amendment
- III. Speaker signup sheet
- IV. Burden statement dated February 16, 2011

# Church

Continued from page 15

and miracle anointing, with many instantly healed in his meetings. His ministry is also used to help spread the fires of revival and ignite a fresh passion in the hearts of believers to go deeper in their relationship with God. Contact the Church at 540-454-7796 for more information on the event.

## Sixth Annual Evolution Weekend February 11-13 at St. James

St. James United Church of Christ in Lovettsville will be one of

hundreds of congregations from across the country and around the world to participate in Evolution Weekend of February 11-13, a period designed to recognize that religion and science, two fields of critical importance to humans, should be seen as complementary rather than confrontational. This year many participating congregations are focusing on the environment as the theme for their discussions. Thirteen countries on six continents as well as all 50 states will be represented. More than 950 scientists on six continents, representing 30 countries, have signed on as consultants.

During Evolution Weekend, St. James' United Church of Christ

will host a screening and discussion of the documentary Renewal. Stories from America's Religious Environmental Movement, which presents eight stories of faith communities – Evangelical Christians, Muslims, Jews and interfaith groups – confronting mountaintop removal in Appalachia, climate change, food security and other "green" issues through a variety of ecological initiatives. The screening will be held Sunday, February 13 at 11:00AM, at 10 East Broad Way in Lovettsville. See [www.stjamesucc-love.org](http://www.stjamesucc-love.org) for further information or contact David Weintraub at 703.431.0882

## Harmony United Methodist Church Begins Soup-n-Salad Suppers

Soup and Salad Supper has started at Harmony United Methodist Church. Come and share dinner on Wednesday nights from 5:30-7:00PM. They will feature great soups, salad and homemade rolls along with macaroni and cheese. This is a free will offering. The funds raised go toward Mission initiatives throughout the year. The Church needs soup makers and helpers so if you have a soup you just love or want to try out, sign up for a date on the schedule posted in the Social Hall near the kitchen.

## Harmony United Methodist Church Begins Lenten Sermon Series

Harmony's new Sermon Series based on the book, "24 Hours That Changed The World" by Adam Hamilton will begin on Sunday, March 13 and will continue for seven weeks. They are looking for people to lead small group discussions. These leaders can decide on a place and time of their choosing. The classes will also be offered during the Sunday School hour starting on March 13. If you are interested, contact Pastor Steve or the Church office at 540-338-2937 or [harmonyva@aol.com](mailto:harmonyva@aol.com)



## Purcellville Community Market

"The Best Little Market in Loudoun"

Happy Valentine's Day!

We Love our Customers

Shop local for your sweets and fix a healthy, tasty dinner with our great products. Here's our Valentine specials.....

- Chef Chris: Gourmet chocolates
- Liberty Hill: Valentine cards and cookies
- Magnolia Girls: Valentine cookies and platters
- Herban Avenues: Romantic tea and sachets
- Cornerstone Bakery: Valentine cupcakes

Moon Music will be playing this week! We are now located indoors at "It's Bazaar" At 143 North 21st Street in Old Town Purcellville Next to Nichol's Hardware

Saturdays, 10am to 1pm in beautiful downtown Purcellville

[www.purcellvillecommunitymarket.com](http://www.purcellvillecommunitymarket.com)

loudounfarms.org • facebook • 703.967.0431

## Public Hearing/Legal Notices

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

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

- Economic Development/Advisory Committee
- Planning Commission
- Parks and Recreation Advisory Board

Any citizens interested in being considered for membership on the above Committee or Board 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. The deadline for applying is February 18, 2011. 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.

### 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 February 16, 2011 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue:

**LYZA 2011-0001, Retirement Community R-C District.** To amend Sections 3.6 (Retirement Community R-C) and 13.2 (Definition of Certain Terms) of the Town of Lovettsville Zoning Ordinance to allow for age restrictions consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) and the Virginia Fair Housing Law (Va. Code section 36-96.1 et seq.) for projects providing elderly housing and to edit the provisions to eliminate inconsistencies.

The item 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 2, 2011, at the same time and place.

### PUBLIC NOTICE

#### TOWN OF PURCELLVILLE

Business, Professional and Occupational License taxes for 2011 are due on March 1, 2011.

Failure to receive a renewal application does not relieve penalty and interest charges.

Elizabeth B. Krens, Treasurer  
Town of Purcellville

**The Purcellville Gazette is the official Paper of Record for Loudoun County.**

### Public Notice Snow Reminders

During a snow or ice event, vehicles, trailers, basketball hoops, trash cans and any other obstacles should be removed from the roadway. Crews are responsible for clearing the roadways to the edge of pavement or the curb. Obstructions delay the overall operations.

The Town of Purcellville Maintenance staff is responsible for removing snow and ice on town streets with the exception of Main Street (Bus. Route 7), Berlin Turnpike (Route 287) and Hirst Road (from Route 287 to Hatcher Avenue). These roadways are maintained by VDOT.

The primary objective is to clear the main streets, followed by primary roads with secondary subdivision and cul-de-sacs last. Every attempt is made to initially provide one passable lane. In the event of a life-threatening emergency, crews will work with emergency personnel to provide additional access.

It is strongly advised that you wait until the storm is over and significant plowing has been done on your street before removing snow from your driveway apron. Several passes are needed to clear a roadway. Crews cannot avoid pushing snow back onto your driveway apron, nor can they clear the apron for you. Therefore it is best to wait until the plowing activities have ceased before shoveling the end of your driveway. Snow from private driveways, business, or parking areas should NOT be pushed into the street.

And as a reminder, Town Ordinance requires sidewalks to be cleared within 24 hours of a snowfall. Please help keep Purcellville a walkable community. If ice is present and cannot be removed, it should be covered with sand, kitty litter, ashes or other substance that make for safe passage.

For questions or more information, contact the Town of Purcellville Public Works Department at (540) 751-2352 or visit the Town's Web site at [www.purcellvilleva.gov](http://www.purcellvilleva.gov).

### REQUEST FOR PROPOSALS

#### Professional Services for Project/Construction Management Services for Purcellville, Virginia

The Town of Purcellville is requesting proposals from professional Consultant companies interested in providing professional services Project/Construction Management Services for Purcellville, VA.

Download the Request for Proposal (RFP) at the website <http://www.purcellvilleva.com> or contact Samsir S. Beidas, P.E., CCM, Director of Public Works, Town of Purcellville, 540-751-2314, [sbeidas@purcellvilleva.gov](mailto:sbeidas@purcellvilleva.gov). Proposals will be accepted until March 15, 2011 at 2:00 PM, at the Town offices located at 130 E. Main Street, Purcellville, Virginia 20132.

A pre-proposal conference will be held on February 24, 2011 at 2:00PM, at the Purcellville Town Hall.

# Town of Lovettsville

## STAFF REPORT PUBLIC HEARING

**TO:** Planning Commission

**FROM:** Stephen E. McGregor, Zoning Administrator/Planner

**DATE of MEETING:** February 16, 2011

**SUBJECT:** LVZA 2011-0001 – Retirement Community District R-C  
Zoning Ordinance Amendment

### **PURPOSE:**

To provide proposed text to recommend amending the Zoning Ordinance for the Retirement Community R-C zoning district regulations in Section 3-6 and for related amendments to definitions in Section 13-2.

### **BACKGROUND:**

On December 2, 2010 US Homes/Lennar and the current land owners within the Lovettsville Retirement Village, submitted an application (LVRZ 2010-0002) to rezone the project from R-1 to the R-C district. They were required to rezone to the R-C district because they wanted to amend the proffers to lessen some of the age and design restrictions that apply to the project. The R-1 district was amended subsequent to the original 2003 approval of the project under R-1 zoning such that the retirement community use is no longer a permitted use. However, in order to achieve R-C zoning the district would have to be amended to allow the proposed changes in the Lovettsville Retirement Village. Specifically, the current regulation would not allow occupants 45 years or older to the extent desired by the applicant and would not allow a third occupant in the independent living units.

### **DISCUSSION:**

The rezoning application identified as LVRZ 2010-0002 by US Homes/Lennar and the current land owners within the Lovettsville Retirement Village development requests that the developer-owners be allowed up to twenty percent of the independent living units to have two occupants 45 years or older and an additional occupant with certain qualifications related to assistance to other occupants. The remaining 80 percent of independent living units would retain the current age limit of one occupant 55 years or older and one 45 years or older with a third occupant allowed with certain qualifications related to assistance to other occupants. The current R-C regulations limit occupants to 55 years or older. The current Zoning Ordinance regulations are more restrictive than those provided in the Federal Fair Housing Act and the Virginia Fair Housing Law . The Town's Ordinance must be in compliance with state and federal law. Therefore, the Zoning Ordinance regulations need to be changed. The definition of retirement community in the Zoning Ordinance should be removed from Section 13-2 because it is defined in the zoning district in Section 3-6. State law defines assisted living in terms of congregate living housing. Since there is

February 10, 2011

already a definition of congregate housing in the Zoning Ordinance, a definition of Assisted Living use should be added to Section 13-2, with reference made to congregate housing. The text of the R-C district should be amended to remove the term congregate housing and substitute assisted living for the sake of clarity. This will coincide with the use of the term assisted living as used in the Lovettsville Retirement Village proffers and draft proffers. In addition, the text for nursing homes is used inconsistently (“nursing home” and “nursing care”) in the R-C zoning district, as pointed out by the Town Attorney, and should be made consistent.

Ancillary services for retirement communities are provided for in paragraph (g) and do not need to be indicated in paragraph (c).

**RECOMMENDATION:** That the following text changes should be made to the Zoning Ordinance:

**MODIFY:**

3-6 RETIREMENT COMMUNITY R-C

- (a) ~~The purpose of the~~A Retirement Community R-C district is established for ~~the purpose of to providing multiunit housing specifically intended for elderly persons in accordance with the provisions of the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) or the Virginia Fair Housing Law (Va. Code Section 36-96.1 et seq.) (the “Act” and “Law”, respectively), of age 55 years and older, as allowed for in this Article as well as supportive commercial uses, as permitted by the provisions of this section.~~
- (b) ~~The facility shall consist of housing specifically designed and intended for, and occupation by at least one (1) person fifty five (55) years of age or older. One individual who has attained the age of eighteen (18) years may be domiciled with the elderly primary resident provided such residency is essential for the physical or economic support of the elderly person. The residential portions of any retirement community shall be subject to restrictions recorded in a declaration of covenants and restrictions recorded among the land records of Loudoun County limiting occupancy consistent with the requirements of the Act and Law.~~
- (c) ~~The community shall have facilities and/or services specifically designed to meet the physical or social needs of the elderly person.~~
- (d) ~~The community shall publish and adhere to policies and procedures which demonstrate an intent by the owner or developer to provide housing for elderly persons.~~
- (d) The retirement community may consist of any or all of the following living arrangements: independent living, ~~congregate care/~~assisted living;



~~convalescent care~~ and nursing home. A mix of living arrangements is encouraged within the community.

- (ef) Any or all of the following housing types shall be permitted within ~~at the~~ retirement community: single family detached, duplex, quadplex or multi-family dwelling units. The provision of more than one (1) housing type is encouraged.
- (fg) ~~A professional building may be permitted within the retirement community.~~ The following uses shall be permitted within a retirement community ~~the building~~: medical office including emergency medical treatment facility, dental office, pharmacy, accountant, lawyer, insurance agent, financial services, hairdresser, a commissary providing basic food and supplies, and other associated medical services. Ancillary uses which may be permitted within the community include: a clubhouse, solely for the residents, employees and their guests, including meeting rooms, auditorium, business office, recreational facilities and other uses related to adult community living, swimming pool, health or fitness center solely for the residents, employees and their guests, accessory apartment or semi-independent dwelling unit for the use of transient guests of residents of the retirement community and active recreation space.
- (gh) Off-street parking shall be provided at the rate of two (2) parking spaces per single family dwelling. Parking for assisted living ~~Congregate~~ housing shall be provided at the rate of one (1) parking space for each ~~dwelling~~ unit plus one (1) parking space for each five (5) beds not included in a dwelling unit, plus one (1) space for each employee. Parking for a nursing home care facility shall be provided at the rate of one (1) space for every ten (10) beds, plus one (1) space for each employee. Professional office building parking shall be provided at the rate of four (4) spaces per one thousand (1,000) square feet.

[The letters of the subsequent paragraphs should be changed accordingly]

## MODIFY:

### 13-2 DEFINITIONS

~~RETIREMENT COMMUNITY: A development that consists of housing specifically designed and intended for the occupation by at least one (1) person fifty-five (55) years of age or older, and shall contain facilities and/or services that are specifically designed to meet the needs of the elderly.~~

**ADD:** [in alphabetical order]

13-2 DEFINITIONS

ASSISTING LIVING: See CONGREGATE HOUSING

**DRAFT MOTION:**

“I move that the Planning Commission recommend approval of the Zoning Ordinance amendment as recommended in this item, LVZA 2011-0001 Retirement Community R-C Zoning District [and amended at this meeting].”

# *Town of Southfield*

## Speaker Sign - Up Sheet

### Planning Commission Public Hearing and Regular Meeting - February 16, 2011

Please Print.

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

02/16/2011 – Jack Burden, 16 Harpers Mill Way, Lovettsville, VA 20180

Statement at the 16 February 2011 Planning Commission meeting  
Reference the 11 February 2011 Draft Heritage Highlands Proffer

**Background**

A revised draft Heritage Highlands proffer (dated 7 February 2011) was prepared following the 2 February 2011 Planning Commission meeting. This draft included the changes suggested by the Planning Commission but also removed the sewer tap language (paragraph 10, page 5). The major change affecting the residents removed “assistance” and leaving only “medical assistance” as the rationale for a third resident (paragraph 1.b.ii, page 3).

**Discussion**

The residents did not agree that “medical assistance” alone would satisfy the basic premise of why they desire a provision allowing a third occupant. The value of a third occupant is to allow handicapped or elderly residents to live in their home beyond the point when they are able to care for themselves without assistance in activities of daily living. For most of the residents, this is the last home they will occupy and as they age they wish to stay in their home as long as possible (at least 11 of the units are occupied by persons over 70 years of age). The residents recommended that in place of the phrase “providing assistance and/or medical assistance” insert the phrase “providing assistance in Activities of Daily Living (ADLs) and/or medical assistance” in paragraph 1.b.ii, page 3. Activities of Daily Living (ADLs) is a recognized, defined term used in professional healthcare to refer to daily self-care activities within an individual’s place of residence, in outdoor environments, or both.

The residents also felt that the sewer tap text (removed from the 14 January 2011 version) be reinserted. This change would alert all new buyers that the Town may charge a proportional sewer tap charge for a third occupant. Actual imposition of such a charge would be up to the Town Council and could be done in a separate action in the future.

**Action Taken**

Lennar accepted the resident/owner/applicant suggestions and published an 11 February 2011 version and forwarded it the Town Manager and Zoning Administrator late on 11 February 2011. The resident/owner/applicants were individually briefed and provided copies of the changes. They agreed to the text in the 11 February 2011 draft proffer and they initialed a resident roster to indicate their agreement, and by virtue of initialing stated they would sign the draft proffer if the Planning Commission forwarded the 11 February 2011 draft proffer to the Town Council with the recommended changes.

