

# Town of Lovettsville

## Planning Commission Minutes of Regular Meeting, October 5, 2011

Chairwoman Bushway called the Regular Monthly Meeting of the Lovettsville Planning Commission to order at 7:44 P.M. on September 23, 2011.

### Present at Meeting

- Mayor Elaine Walker
- Chairwoman Mari Bushway
- Commissioners Lorraine Bauer, Jack Burden, Elaine Fischer
- Town Manager Keith Markel
- Zoning Administrator Steve McGregor
- Town Clerk Judy L. Kromholz

### Absent

- Commissioner Rodney Gray, Aaron Kahn

### Public Comment

Chairwoman Bushway asked for public comment. There was none at this time.

### Additions/Deletions/Modifications to the Agenda

Chairwoman Bushway called for changes to the agenda. Administrator McGregor requested that LVZA 2011-0003 Home Occupation – Zoning Ordinance Amendment be handled as the first action item and the Commission agreed.

### Approval of Planning Commission Minutes

#### A. Planning Commission Work Session – July 20, 2011

**Motion:** To approve the minutes of the July 20, 2011 Planning Commission Work Session as presented.

**By:** Chairwoman Bushway

**Second:** Commissioner Fischer

**Aye:** Commissioners Bauer, Burden, Bushway, Fischer

**Nay:** None

**Abstain:** None

**Absent:** Commissioners Gray, Kahn

### Staff Reports

Administrator McGregor presented his written report for August 2011. There were no questions.

### Action Items

#### A. LVZA 2011-0003 Home Occupation – Zoning Ordinance Amendment

Administrator McGregor presented this item. The applicant is Ms. Wendy Fitt, residing at 25 Frye Court. She is requesting an amendment to Section 3-5 (b)(v) Home Occupations (A) that would allow one person who does not reside at the dwelling to be a home occupation employee. Ms. Fitt cites the Loudoun County home occupation regulation that allows a non-resident to participate in a home occupation provided an additional off-street parking space is provided. She is requesting that the Town regulation should also allow a non-resident to engage in a home occupation but that there should be no parking requirement for the additional employee. Administrator McGregor explained that he does not recommend allowing off-site parking for the employee because of the limited parking available in Town.

Ms. Fitt thanked the Commission for hearing her and thanked Manager Markel and Administrator McGregor for helping her prepare this application. She explained her business plan to the Commissioners. She stated that she realizes the impact of parking on the Town and is willing to build an additional parking space if required.

Commissioner Fischer asked if customers would be picking up from the home and Ms. Fitt said that under no circumstances would customers be coming to her home; her business would deliver. They are planning to develop a niche business – small and local. Commissioner Burden asked about meeting other segments of the zoning ordinance and she said that she was, although she had not originally realized that Lovettsville was incorporated and had its own ordinances on this matter. Commissioner Burden expressed concern that one full time equivalent (FTE) employee could mean four people working two hours all at one time, implying the need for four parking spots. Chairwoman Bushway noted that the recommended text says both one employee and one FTE. Chairwoman Bushway also noted that on street parking is available during normal business hours when most residents have gone to work, but she would have difficulty supporting any need for on-street parking after 5 PM. Administrator McGregor noted that this type of restriction would be difficult to enforce. Manager Markel noted that this could also be a second job for people who have full time jobs as well. Ms. Fitt stated that she understands that the Commission must decide what is good for the entire Town.

Commissioner Burden noted that this change would apply to every house in Town, and that the Commission had just spent two years doing the Comprehensive Plan which tried to separate residential and commercial. He suggested adding restrictions to the home occupation permit, as well as modifying the ordinance. He proposed deleting the FTE statement entirely and specifically limiting the business to one employee on the premises.

Chairwoman Bushway stated that requiring one extra parking space was not an issue to her, and Commissioner Fischer agreed.

Commissioner Bauer expressed concerned about the hours of operation. Chairwoman Bushway noted that any restrictions on hours of operation would be difficult for the Town to enforce. Mr. Fitt noted that the employee in their case would be their daughter, who might be at the home on evenings and weekends and may or may not be engaged in the business activity at those times.

**Motion:** I move that the Planning Commission authorize a public hearing on this item with the proposed amendments discussed tonight to the home occupation regulations as recommended by Wendy Fitt.  
**By:** Chairwoman Bushway  
**Second:** Commissioner Fischer  
**Aye:** Commissioners Bauer, Burden, Bushway, Fischer  
**Nay:** None  
**Abstain:** None  
**Absent:** Commissioners Gray, Kahn

Administrator McGregor stated that the public hearing will probably be scheduled for the first Planning Commission meeting in November.

The Planning Commission took a break at 8:19 PM and resumed at 8:22 PM.

**B. LVZA 2011-0002 Retirement Community R-C Zoning District – Zoning Ordinance Amendment**

Administrator McGregor presented this item. The Commission is being asked to authorize a public hearing on this item. The purpose of this item is to amend the Retirement Community R-C Zoning District to accommodate the approved single-family detached dwelling lots for Heritage Highlands; and the recently adopted Comprehensive Plan policies related to age-restricted housing; and to incorporate related changes and additions to this amendment suggested by the Town Attorney. The draft text proposed for discussion seeks to:

1. Accommodate the need to reduce the size of single-family detached lots to accommodate the lot sizes for such lots earlier in the year approved for the Lovettsville Retirement Village/Heritage Highlands rezoning; and

2. Incorporate the age-restricted housing policies in the recently adopted Comprehensive Plan with some modifications; and
3. Reformat the R-C zoning district so that it more closely resembles the other zoning districts; and
4. Add a requirement to commit to establishing a homeowners and business owners association that will manage and maintain the age-restricted community; and 5) add definitions for terms needed to regulate age-restricted housing.

Staff recommends that the Planning Commission consider authorizing a public hearing on this item after its discussion and any modifications made to the proposed text.

Commissioner Burden asked that the age definitions be made consistent before going to public hearing. He considers the second limitations under phasing (page 6), requiring that the all commercial space must be occupied before more than 75% of the residential space is occupied is an onerous requirement. Administrator McGregor noted that it would also be difficult to enforce. Manager Markel suggested removing the requirement from the ordinance, stating that it should be included in the proffers of any specific project that comes before the Town in the future. Chairwoman Bushway agreed that this should be defined on a case by case basis. The Commissioners agreed that a minimum requirement should be set, suggesting that 50% of commercial space must be occupied before going over 85% resident-occupied. Commissioner Burden stated that he does not object to the Heritage Highland project being explicitly grandfathered in, noting that this would be true in any case.

Manager Markel noted that the requirement for both indoor and outdoor accessory community use is new and that the existing development will not meet this requirement. The Commission agreed to require the use in the ordinance, but not set the size limit in the ordinance. Manager Markel noted that the parking requirements have also been changed.

- Motion:** I move that the Planning Commission authorize a public hearing on this item with the proposed amendments discussed at this meeting.  
**By:** Chairwoman Bushway  
**Second:** Commissioner Fischer  
**Aye:** Commissioners Bauer, Burden, Bushway, Fischer  
**Nay:** None  
**Abstain:** None  
**Absent:** Commissioners Gray, Kahn

#### Discussion Items

There were no discussion items on the agenda.

#### Information Items

There were no information items on the agenda.

#### Comments from the Commissioners

Chairwoman Bushway called for comments from the Commissioners.

Mayor Walker reported on the following items:

She learned a lot at the Mayors Conference and at the VML Conference. She will share this information once she has had a chance to collate the information.

She attended the Land Trust of Virginia meeting tonight at the Community Center. While there are probably no properties in Town that would comply with the regulations, there are properties near the Town already in the land trust and more properties may be eligible.

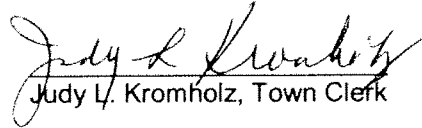
#### Adjournment/Recess

- Motion:** To adjourn the Planning Commission meeting of October 5, 2011  
**By:** Commissioner Fischer  
**Second:** Chairwoman Bushway  
**Aye:** Commissioners Bauer, Burden, Bushway, Fischer

**Nay:** None  
**Abstain:** None  
**Absent:** Commissioners Gray, Kahn

The Meeting was adjourned at 9:05 PM.

Respectfully submitted,



Judy L. Kromholz, Town Clerk

Date Approved: January 4, 2012

Attachments:

- I. Speaker Sign Up Sheet

Written Submissions to Commission: None

