

Town of Lovettsville

Planning Commission Minutes of Regular Meeting, December 7, 2011

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

Present at Meeting

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

Absent

- Commissioners Elaine Fischer, Rodney Gray, Aaron Kahn

Additions/Deletions/Modifications to the Agenda

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

Public Comment

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

Approval of Planning Commission Minutes

Planning Commission Meeting – August 17, 2011

Motion: To approve the minutes of the August 17, 2011 Planning Commission Meeting as presented.

By: Vice Chairman Burden

Second: Chairwoman Bushway

Aye: Commissioners Bauer, Burden, Bushway

Nay: None

Abstain: Commissioner Summitt

Absent: Commissioners Fischer, Gray, Kahn

Staff Reports

Administrator McGregor reported that the Board of Zoning Appeals had ruled in favor of staff's position on the Frye application. He also reported that he has approved the Montessori school application for 4A South Church Street. The neighbor has asked for no plantings on the border at this time, and the applicant agreed, understanding that this may be required in the future.

Action Items

A. Lovettsville Town Center – Section 3 Construction Plans (7:35 PM)

Administrator McGregor presented this item. He introduced Patrick Veltri from Bowman Consulting who is present to answer any questions the Commission might have. Administrator McGregor explained that Bowman Consulting, the engineering firm representing the applicant, Town Center Lovettsville, LC (Elm Street Development, Inc.), submitted revised Construction Drawings for Section 3 of the Lovettsville Town Center, which was previously approved by the Town. The revised plans submitted were originally dated June 10, 2010, with an amended date of September 12, 2011. The Section 3 revised Construction Drawings were submitted for review to Loudoun Water, the Loudoun County Department of Building and Development, Erosion and Siltation section; and Christopher Consultants, the Town's Engineer. All the

engineering issues have been resolved so the proposed Construction Drawings comply with all applicable Town ordinances. Staff recommends that the Planning Commission approve the Lovettsville Town Center Section 3 Construction Drawings, as revised.

Chairwoman Bushway called for questions from the Commissioners, and there were none.

Motion: I move that the Planning Commission approve the Lovettsville Town Center Section 3 revised Construction Drawings, dated June 10, 2010, revised as of September 12, 2011, and certified, October 13, 2011.

By: Vice Chairman Burden

Second: Commissioner Bauer

Aye: Commissioners Bauer, Burden, Bushway, Summitt

Nay: None

Abstain: None

Absent: Commissioners Fischer, Gray, Kahn

The Commission took a brief recess at 7:38 PM so the approved plans could be signed by the Chairwoman Bushway. The meeting reconvened at 7:40 PM.

B. LVZA 2011-0004 Sign Ordinance Modifications (7:40 PM)

Administrator McGregor presented this item. He noted that two editorial oversights have been brought to the staff's attention in regard to the Article 7 Signs amendment that was approved in February 2011.

The first oversight concerned allowing pole signs in Section 7-7 Signs in Commercial and Light Industrial Districts. The sign committee, the Planning Commission and the Town Council all intended to allow pole signs for businesses. The adopted text for Section 7-5 Sign Standards includes pole sign standards, which indicates that the article intended to permit pole signs.

The second oversight involves the height allowed for monument signs. The maximum height for such signs in the adopted text of Section 7-5 Sign Standards is 10 feet. Staff failed to indicate that this height should apply only to sites with multiple businesses, such as shopping centers or industrial parks. The standard does not but should include a height limitation of 6 feet for monument signs related to single businesses or subdivisions because allowing a 10 foot monument sign far exceeds the scale needed for any single business and would diminish the small town character of Lovettsville.

Staff has also identified the fact that the adopted sign text allows multiple OPEN signs for a business or subdivision. Businesses should be allowed no more than one such sign per street frontage of the property involved.

The Commissioners noted a few typographical errors in the proposed document and noted a numbering inconsistency. Administrator McGregor will make these changes to the text prepared for the public hearing.

Chairwoman Bushway stated that the updates reflect what had been discussed at the time and she is in favor of them. There being no further discussion, she called for a motion.

Motion: I move that the Planning Commission authorize a public hearing on the proposed text amendments stated in item LVZA 2011-0004, as presented in the Recommendations section of the staff memo on this item as modified at this meeting.

By: Chairwoman Bushway

Second: Commissioner Bauer

Aye: Commissioners Bauer, Burden, Bushway, Summitt

Nay: None

Abstain: None

Absent: Commissioners Fischer, Gray, Kahn

Manager Markel stated that the hearing will be held at the Commissions first meeting in January.

C. LVZA 2011-0006 Contractor Use in Non-Residential Zoning (7:46 PM)

Administrator McGregor presented this item. Currently, contractors who need storage for equipment, materials and vehicles cannot undertake such a business in the Town. The Town needs to be able to attract a comprehensive array of businesses, including such businesses as building contractors, lawn and snow removal services, swimming pool sales and service, kitchen and bath contractors, and equipment sales and service.

There are various contractor services that seem appropriate in both the Mixed Use Business District (C-2) and the Light Industrial District (I-1), including lawn and snow removal services, kitchen and bath contractors, building contractors and swimming pool contractors. The C-2 Zoning District is designed to contain many quasi-industrial uses, not only retail commercial uses. The Light Industrial District (I-1) permitted such use by-right before it was inadvertently omitted by staff. These uses need to have permanent structures in order to provide office, sales and sanitation facilities.

Commissioner Summitt asked if this use would only be by right for the light industrial district and Administrator McGregor said that was correct. Commissioner Summitt asked how this would affect the newer districts discussed in the Comprehensive Plan and Manager Markel explained that those districts would be more residential in nature.

Commissioner Burden asked if a permanent building constructed to house this equipment would be required to have sanitary facilities. Administrator McGregor stated that any building permit requires sanitary facilities.

Administrator McGregor noted that vehicles were inadvertently omitted from both sections and will be added to the text prepared for the public hearing. Commissioner Summitt requested that it be clarified that only business equipment and supplies would be allowed to be stored on the site.

There being no further discussion, Chairwoman Bushway called for a motion.

Motion: I move that the Planning Commission authorize a public hearing on the proposed text amendments with revisions noted tonight in item LVZA 2011-0006 Contractor Use, as presented in the Recommendations section of the staff memo on this item.

By: Chairwoman Bushway

Second: Vice Chairman Burden

Aye: Commissioners Bauer, Burden, Bushway, Summitt

Nay: None

Abstain: None

Absent: Commissioners Fischer, Gray, Kahn

D. LVSU 2011-0001 Administrative Approval of By-Right Applications (7:57 PM)

Administrator McGregor presented this item. The Commission is being asked to consider amending the Subdivision Ordinance such that the Zoning Administrator is charged with the responsibility of taking action in approving or denying by-right development applications and administering development design standards. The Town Council in 2009 authorized staff and the Planning Commission to develop a report that would support changing the responsibility for approving by-right development applications (boundary line adjustments, construction drawings, preliminary and final subdivision plats, preliminary and final site plans) and administering development design standards from the Planning Commission to the Zoning Administrator. The Subdivision Ordinance provides specific guidelines for all phases of development. After zoning, rezoning or proffered rezonings are established, the development process becomes a matter of complying with what amounts to the detailed blueprint for each type of development step whether it is a boundary line adjustment, a preliminary subdivision plan, a site plan, construction drawings or utility and street and parking lot design standards. Most of these require some level of engineering. If an applicant complies with the standards in the Subdivision Ordinance the Town is required to approve the application. There are no planning issues at this point in the development process. Therefore, the Planning Commission does not need to be a resource for planning considerations and the Zoning Administrator can review applications with the help of various outside agencies and the Town Engineer and Town Attorney and make decisions about these types of applications. The Towns of Purcellville and Leesburg both assign various combinations of their Zoning Administrator, Director of Plan Review and

Director of Utilities to act on by-right applications. The Planning Commissions of these towns do not act on such applications or administer design standards in their Subdivision Ordinances. Staff recommends that the Zoning Administrator be made responsible for acting on by-right development applications and administering design standards in the Subdivision Ordinance.

Administrator McGregor stated that staff worked very closely with Attorney Whiting on this matter. This change would allow the Town to expedite by-right applications without having to wait for Planning Commission meetings.

Vice Chairman Burden said that he would not have any concern with Administrator McGregor assuming this responsibility because he knows how meticulous he is; however, he is concerned with making this change without knowing who the next Administrator will be.

Vice Chairman Burden continued to suggest a number of changes to the Subdivision Ordinance. He noted that changes in Section 6.4 might require changes in Section 6.3 that are not on the list provided tonight and is concerned that these changes might not be in compliance with Virginia code.

Commissioner Summit proposed that all sections read 'the Zoning Administrator or his appointed agent' and the Commissioners agreed to this change.

Manager Markel suggested staff provide the Commissioners with a strike through of the entire subdivision ordinance at the next meeting. The Commissioners agreed to review this document at their next meeting.

Discussion Items

There were no discussion items on the agenda.

Information Items

Manager Markel reminded the Commission that this is Administrator McGregor's last meeting before his retirement. Manager Markel thanked Administrator McGregor and noted that he has been a huge asset to the Town.

Chairwoman Bushway echoed Manager Markel's thoughts and told Administrator McGregor that he will definitely be missed.

Administrator McGregor thanked everyone and said how the Commission has always made him feel respected. He hoped he had been able to educate some people along the way and that he has the greatest possible respect for government and hopes he has been able to pass that along.

Comments from the Commissioners

Chairwoman Bushway called for comments from Mayor and the Commissioners.

Mayor Walker stated that the tree lighting was fantastic and that several hundred people attended the event. The Christkindlmarkt sponsored by the Loudoun German Society was a great success and very well attended also. She reminded everyone that the Santa breakfast at the firehouse will be this Saturday.

Commissioner Summitt reported that she attended the Veterans Memorial dedication ceremony and it was wonderful.

Manager Markel announced that the second Commission meeting in December is cancelled because it is so close to the holiday.

Chairwoman Bushway commended the Park Committee for the beautiful memorial and asked about progress on the band shell. Manager Markel reported that they have spoken with an architect and are making progress towards an agreement. They are looking into having it designed and then putting the

design out for bids, which may take the project into midsummer. There will be a public input session in late January/early February.

Adjournment/Recess

Motion: To adjourn the Planning Commission meeting of December 7, 2011

By: Chairwoman Bushway

Second: Commissioner Bauer

Aye: Commissioners Bauer, Burden, Bushway, Summitt

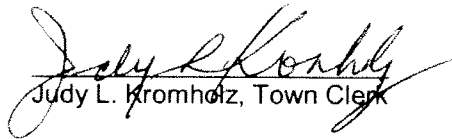
Nay: None

Abstain: None

Absent: Commissioners Fischer, Gray, Kahn

The Meeting was adjourned at 8:26 PM.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: January 4, 2012

Attachments:

I. Speaker Sign Up Sheet

Written Submissions to Commission: None

Town of Lovettsville

Speaker Sign - Up Sheet

Planning Commission Regular Meeting - December 7, 2011

Please Print.

Name and Association	Address	Topic - Please Indicate Public Hearing or Other

Each speaker will be limited to no more than three (3) minutes.