

Town of Lovettsville

Joint Public Hearing Minutes November 20, 2008

The Joint Public Hearing of the Lovettsville Town Council and the Lovettsville Planning Commission on LVZA 2008-0001 – Underground Utilities was called to order by Mayor Elaine Walker at 8:04 P.M. on Thursday, November 20, 2008 at the Lovettsville Elementary School, 49 South Loudoun Street, Lovettsville, VA 20180.

Welcomes and Introductions

Mayor Walker welcomed the citizens attending the meeting and thanked them for attending. The Mayor introduced Vice Mayor Robert Zoldos II, Council Members Charlotte Coleman, Michael Senate and Shaun Staley. Planning Commission Chair Robert Zachritz introduced Planning Commissioners Mari Bushway, Rodney Gray and Jack Burden. The Mayor also introduced the town staff present, including Town Manager Keith Markel, and Town Clerk Judy Kromholz.

Absent:

Commissioner DiJon Jones

Explanation of Procedures and Opening of the Hearing

Cub Scout Bobby Zoldos Jr. led the assembled in the Pledge of Allegiance. Mayor Walker read the public notice of the Public Hearing as it appeared in Leesburg Today (Attachment I).

Presentation

Manager Markel gave a brief presentation (Attachment II: Staff Report).

Public Speakers

Mayor Walker called for comments from the public.

- 1 Donna Rumke a) Spoke in favor of placing lines underground because of safety issues, aesthetics, limiting weather related outages and reducing required tree maintenance.
38 Tritapoe Place

Mayor Walker asked if there were any further speakers and there were none. Mayor Walker asked if any comments had been received in the Town Office related to this Hearing and the Clerk stated that no correspondence had been received.

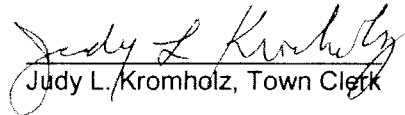
Closing Comments

Mayor Walker again asked if there were any additional speakers. There were none.

Declaration to close the Joint Public Hearing

Mayor Walker declared the Joint Public Hearing closed at 8:16 P.M.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Dates Approved:

Town Council: May 28, 2009
Planning Commission: April 1, 2009

Attachment I: Leesburg Today Public Notice
Attachment II: Staff Report – LVZA 2008-0001

PUBLIC HEARING NOTICE LOVETTSVILLE TOWN COUNCIL AND PLANNING COMMISSION

The Lovettsville Town Council and Planning Commission will hold a joint public hearing at 7:30 PM Thursday, November 20, 2008, to hear comments on the following:

1. LVZA 2008-0001 to amend the Lovettsville Zoning Ordinance Section 13-2, Definitions, to revise the definition of "Public Utility" and revise Sections 3-2(d), 3-3(e), 3-4(e), 3-5(e) in the Residential District CR-1, Residential District R-1, Residential District R-2, and Residential District R-3 and to add new Sections 3-6(q), 3-7(n), 3-8(n), 3-12(f), 3-13(f) and 3-14(k) to the Retirement Community R-C, Town Center Planned Development T-C, Planned Infill Development District PIDD, Community Commercial C-1, Mixed Use Business District C-2 and Light Industrial District I-1, modifying or adding, respectively, requirements for underground installation of utility facilities.
2. LVSA 2008-0001, to amend the Lovettsville Subdivision Ordinance Sections 5.3.1 and 7.3.12 (and renumber the definitions following 7.3.12) and add new Sections 5.3.3 through 5.3.7, to require that certain utility facilities be installed underground and provide standards governing such installations.

The hearing will take place at the Lovettsville Elementary School, 49 South Loudoun Street, Lovettsville, VA 20180. The text being considered is available at the Town Office between the hours of 9AM and 3PM weekdays, holidays excepted. Call 540-822-5788.

By Order of Elaine Walker, Mayor

11/7 & 11/14/08



LVZA 2008-0001 Underground Utilities
Zoning Ordinance Amendment

Town of Lovettsville

STAFF REPORT

Town Council and Planning Commission Public Hearing

November 20, 2008

**8:00 PM at the Lovettsville Community Center 57 E. Broad Way Town Office 6 E.
Pennsylvania Avenue Lovettsville, Virginia**

PROPERTY DESCRIPTION: None. It is a regulation that would apply to all zoning districts.

APPLICANT: The Town of Lovettsville.

PURPOSE: To amend the Zoning Ordinance to expand the requirement for new development to provide underground utilities under all zoning districts.

BACKGROUND: On October 23, 2008 the Town Council passed a motion requesting staff to advertise a public hearing as soon as possible for an item that would amend the Zoning Ordinance and Subdivision Ordinance to require that all utilities be placed underground for development under all zoning districts.

DISCUSSION: The Town Council discussed the desirability of requiring all new development to provide electrical and communications utilities underground. The residential zoning districts in the Zoning Ordinance require all utility distribution lines to be placed underground. The commercial, industrial and special zoning districts do not have this requirement. There is no regulation in the Subdivision Ordinance that requires underground utilities for the development of any land. In order to provide visual amenity in the community all new public utilities should be provided underground.

The definition of public utilities needs to be updated and reworded and included in the Subdivision Ordinance as well as the Zoning Ordinance. Steam and telegraph are no longer applicable utilities, for example.

The following recommendation contains proposed text amendments for the Zoning Ordinance and Subdivision Ordinance to assure that certain utilities are placed underground when new public or private development occurs.

RECOMMENDATION: The following text amendments are proposed to reflect the desire of the Town Council to require public utilities to be placed underground by new development.

Zoning Ordinance

Amend: Article 13, Definitions, Section 13-2 Definitions of Certain Terms, Public Utility; to read:

~~Public Utility: Any person, firm, corporation, municipal department, or board, duly authorized to furnish under Federal, State, or municipal regulations to the public, electricity gas, steam, communications, telegraph, transportation, or water.~~

“Public Utilities: A company, government agency, or other entity that is regularly engaged in providing electricity, water, sanitary sewer, gas, telephone, fiber optic, cable or similar communications and the facilities and appurtenances thereto, under Federal or State or local regulation.”

Amend: Article 3 District Regulations, Section 3-2 Residential District CR-1, to read:

~~“(d) UTILITY REQUIREMENT: All utility distribution lines located in the CR-1 district shall be located underground. All public utilities located within the CR-1 zoning district shall be located underground and shall be designed per the Subdivision Ordinance Article V Design Standards and Requirements, Section 5.3.”~~

Amend: Article 3 District Regulations, Section 3-3 Residential District R-1, to read:

~~“(d e) UTILITY REQUIREMENT: All utility distribution lines located in the R-1 district shall be located underground. All public utilities located within the R-1 zoning district shall be located underground and shall be designed per the Subdivision Ordinance Article V Design Standards and Requirements, Section 5.3.”~~

Amend: Article 3 District Regulations, Section 3-4 Residential District R-2, to read:

“(e) UTILITY REQUIREMENT: All utility distribution lines located in the R-2 district shall be located underground. All public utilities located within the R-2 zoning district shall be located underground and shall be designed per the Subdivision Ordinance Article V Design Standards and Requirements, Section 5.3.”

Amend: Article 3 District Regulations, Section 3-5 Residential District R-3, to read:

“(e) UTILITY REQUIREMENT: All utility distribution lines located in the R-3 district shall be located underground. All public utilities located within the R-3 zoning district shall be located underground and shall be designed per the Subdivision Ordinance Article IV Design Standards and Requirements, Section 5.3.”

Add: To Article 3 District Regulations, Section 3-6 Retirement Community R-C, a new paragraph:

“(q) UTILITY REQUIREMENT: All public utilities located within the R-C zoning district shall be located underground and shall be designed per the Subdivision Ordinance Article IV Design Standards and Requirements, Section 5.3.”

Add: To Article 3 District Regulations, Section 3-7 Town Center Planned Development District T-C, a new paragraph:

“(n) UTILITY REQUIREMENT: All public utilities located within the T-C zoning district shall be located underground and shall be designed per the Subdivision Ordinance Article IV Design Standards and Requirements, Section 5.3.”

Add: To Article 3 District Regulations, Section 3-8 Planned Infill Development District, a new paragraph:

“(n) UTILITY REQUIREMENT: All public utilities located within the PID zoning district shall be located underground and shall be designed per the Subdivision Ordinance Article IV Design Standards and Requirements, Section 5.3.”

Add: To Article 3 District Regulations, Section 3-12 Community Commercial District C-1, a new paragraph:

“(f) UTILITY REQUIREMENT: All public utilities located within the C-1 zoning district shall be located underground and shall be designed per the Subdivision Ordinance Article IV Design Standards and Requirements, Section 5.3.”

Add: To Article 3 District Regulations, Section 3-13 Mixed Use Business District C-2, a new paragraph:

“(f) UTILITY REQUIREMENT: All public utilities located within the C-2 zoning district shall be located underground and shall be designed per the Subdivision Ordinance Article IV Design Standards and Requirements, Section 5.3.”

Add: To Article 3 District Regulations, Section 3-14 Light industrial District I-1, a new paragraph:

“(k) UTILITY REQUIREMENT: All public utilities located within the I-1 zoning district shall be located underground and shall be designed per the Subdivision Ordinance Article IV Design Standards and Requirements, Section 5.3.”

SUBDIVISION ORDINANCE

Delete: Article V ~~Water Supply, Sewer and Other Improvements~~

Replace with: Article V: Public Utilities Installation Standards

Modify:

5.3.1 Water supply and distribution facilities shall be provided in accordance with the standards and specifications of the Town and the Loudoun Water County Sanitation Authority. Fire hydrants shall be provided in accordance with the requirements established by the Loudoun County Fire Marshal.

Add:

5.3.3. All public utilities, as defined in the Subdivision Ordinance, shall be installed underground in accordance with the Loudoun County Standards, Facilities Standards Manual and related ordinances and any applicable State or Federal Regulations, including the regulations in this section.

5.3.4. All underground installation of utilities shall be based upon proposed finished grade as shown on approved construction plans. No utility shall be at a depth less than required by the

State or Loudoun County regulations subsequent to final grading.

- 5.3.5. Equipment, such as electric distribution transformers, switchgear, meter pedestals, which normally are installed above ground, may be so installed.
- 5.3.6. Meters, service connections and similar equipment, normally attached to the outside wall of the premises they serve, may be so installed.
- 5.3.7. Temporary overhead facilities required for construction purposes shall be permitted.

Add: Article VII Definitions, insert “Public Utilities” under 7.3.12 and

“Public Utilities: A company, government agency, or other entity that is regularly engaged in providing electricity, water, sanitary sewer, storm sewer, gas, telephone, fiber optic, cable or similar communications and the facilities and appurtenances thereto, under Federal or State or local regulation.”

Renumber: Article VII Definitions, renumber all proceeding definitions after 7.3.12.

DRAFT MOTION (PLANNING COMMISSION):

“I move that the Planning Commission recommend approval of the proposed Zoning Ordinance and Subdivision Ordinance amendments as presented in item LVZA 2008-0001 and LVSA 2008-0001 Underground Utilities.”

DRAFT MOTION (TOWN COUNCIL):

“I move that the Town Council approve the proposed Zoning Ordinance and Subdivision Ordinance amendments as presented in item LVZA 2008-0001 and LVSA 2008-0001 Underground Utilities.”