

Town of Lovettsville

Minutes of the Planning Commission Regular Meeting January 6, 2016

Call to Order/Pledge of Allegiance

Chairman Frank McDonough called the Regular Meeting of the Lovettsville Planning Commission to order at 7:30 p.m. on January 6, 2016 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Pledge of Allegiance

Chairman McDonough led those present in the Pledge of Allegiance.

Present at Meeting

- Chairman Frank McDonough
- Commissioner Thomas Ciolkosz
- Commissioner Nate Fontaine
- Vice Chair Robert Gentile
- Commissioner Joseph Mueller
- Commissioner Buchanan Smith
- Commissioner Shiva Schilling

Staff Present

- Zoning Administrator Joshua Bateman
- Town Manager Laszlo Palko
- Town Clerk Harriet West

Public Comment

Chairman McDonough called for comments from the public. There were none.

Additions/Deletions/Modifications to the Agenda

There were no changes.

Approval of Planning Commission Minutes

There were none.

Committee Reports

There were none.

Staff Reports

Mr. Bateman stated that he would prepare and distribute the staff report for December at the next meeting.

Action/Discussion Items

A. Public Hearing, LVZA 2016-0001: Zoning Ordinance Amendment Regarding Height of Fuel Canopies
Mr. Fontaine read the Notice of Public Hearing. Chairman McDonough recessed the regular meeting at 7:36 p.m. and convened the public hearing. Mr. Ciolkosz read the rules for public comment.

Mr. Bateman thanked Mr. Gentile for raising this as an issue at the previous meeting where he presented on a separate zoning amendment. The Commission is being asked to consider an amendment to Section 42-294 to add an exception to the maximum height requirements for fuel canopies. He explained that the amendment establishes a maximum height of 18 feet 3 inches to the top and 15 feet to the ceiling of a fuel canopy. Mr. Bateman recommended that the Planning Commission forward the amendment to the Town Council with a recommendation for approval.

There were no comments from the public. Kimberly Welsh Hise introduced herself as Land Use Planner with Walsh, Colucci and Associates and indicated that she is working with 7-Eleven on their conditional use permit application. She stated that the current height limit in the zoning ordinance for fuel canopies is not appropriate, and that it therefore needs to be increased to allow vehicles to pass underneath them.

Mr. Fontaine asked whether the ordinance had been field tested to confirm that a diesel truck could pass underneath the canopy. Mr. Bateman replied that 15 feet is more than adequate for standard tractor trailer trucks since the building code requires only 13 feet 6 inches.

Chairman McDonough adjourned the public hearing and resumed the regular meeting at 7:41 p.m.

- Motion:** I move to recommend adoption of LVZA 2016-0001 to the Town Council as presented and hereto (Attachment 1).
By: Commissioner Mueller
Second: Commissioner Ciolkosz
Aye: Commissioners Ciolkosz, Fontaine, Gentile, McDonough, Mueller, Schilling, and Smith
Nay: None
Abstain: None
Absent: None

B. Comprehensive Subdivision Ordinance Amendment

Mr. Bateman presented this item and asked the Planning Commission to initiate an amendment to the subdivision ordinance to update references, improve organization, and provide more specificity with respect to the street lighting requirements. He said that most of the changes he intends to draft are merely housekeeping, but that the Town also needs to amend the ordinance to bring it into compliance with changes to the state enabling law stating that localities may now require a preliminary subdivision plat only for subdivisions of 50 lots or more. He explained that the Planning Commission currently reviews and approves all preliminary subdivision plats, so this new provision represents a significant change. Chairman McDonough asked staff whether, since all subdivisions hereafter will have fewer than 50 lots, the Planning Commission is essentially out of the business of reviewing preliminary plats. Mr. Bateman replied that the ordinance used to require Planning Commission review of subdivision construction drawings and site plans as well, but that the requirements were amended in 2013 or 2014.

Mr. Fontaine asked staff whether the ordinance could be amended to allow Planning Commission review of the final plat, and Mr. Bateman replied that final or record plats merely effectuate approvals of subdivisions as represented on the preliminary plat and construction plans approved previously, and so everything has been decided and there is little opportunity to change features of the subdivision at that point. He explained that the Planning Commission has relatively little discretion in the approval of preliminary plats, so the effect of the change will simply be to shorten the administrative process of reviewing and approving of subdivisions.

Chairman McDonough stated there were 500 pages on this and asked staff how long it would take to draft changes to the subdivision ordinance, and Mr. Bateman stated that the ordinance is perhaps 20 pages and that he did not know how long it would take. He stated that he feels the Planning Commission still has considerable latitude to consider subdivisions where modifications are requested. He indicated his intent to draft something that allows the Town Council to accept or reject proposed public utilities.

Chairman McDonough asked if there were any other questions. There being none, Chairman McDonough asked for a motion.

- Motion:** I move to initiate an amendment to the Subdivision Ordinance to address deficiencies with respect to organization, consistency, and compliance with the state code as identified in the attached memo from staff dated January 6, 2016.
- By:** Commissioner Smith
- Second:** Commissioner Mueller
- Aye:** Commissioners Ciolkosz, Fontaine, Gentile, McDonough, Mueller, Shilling, and Smith
- Nay:** None
- Abstain:** None
- Absent:** None

Information Items

A. Planning Commission Rules of Procedure

Chairman McDonough asked whether everyone had read through the changes to the rules of procedure and whether it was necessary to review them line by line. Mr. Mueller stated that he did not feel there was a need to go through it line by line because the changes are fairly modest. Chairman McDonough explained the purpose of the changes and said that it will make the Commission more formal in terms of how they conduct meetings. Mr. Mueller agreed and said that it would bring the Planning Commission's rules more in line with the Town Council's rules.

Next Meeting

Chairman McDonough stated that the next meeting will be held on January 20, 2016 and will include the Comprehensive Plan Transportation Committee meeting. Mr. Bateman stated that the meeting would be the last of the Transportation Committee, and explained that he would be presenting changes to the transportation policy and map.

Comments from the Mayor and Commissioners

Mayor Zoldos was not present. Chairman McDonough notified the Commission that there will be a free webinar on drafting sign ordinances next Wednesday from 12:00 p.m. to 1:00 p.m. sponsored by the Virginia Tech Land Use Education Program.

Mr. Bateman informed the Commission that Mr. Fontaine and Mr. Smith are registered for the 86th Planning Commissioner Training Program taking place in March and May in Short Pump, Virginia.

Mr. Ciolkosz stated that he would arrive late on February 3 due to an event scheduled at the Lovettsville Elementary School from 7:30 p.m. to 8:30 p.m.

Adjournment

There being no further business before the Planning Commission the meeting was adjourned at 7:59 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: December 20, 2017

Attachments:

1. LVZA 2016-0001

Sec. 42-294. Exceptions to height limitations.

The maximum height limitations established within this chapter shall not apply to the following structures:

- (1) Barns, silos, windmills and related agricultural structures;
- (2) Water towers, fire and observation towers;
- (3) Chimneys, church spires, belfries, clock towers and governmental monuments;
- (4) Air conditioning units and related mechanical structures when completely screened from the view of public rights-of-way and adjoining properties, such screening to be an integral architectural design element of the building;
- (5) Parapet walls extending no more than four feet above the maximum height limit;
- (6) Residential antennas, attached to the principal structure, not including satellite dish antennas, up to maximum of ten feet above the height of the structure.
- (7) Gasoline and fuel canopies, provided the canopy height as measured from the finished grade to the lowest point on the canopy fascia shall not exceed fifteen (15) feet, and provided the overall height of canopies shall not exceed 18 feet 3 inches (18'3").

(Ord. of 9-21-2006, § 4-11)