

Town of Lovettsville

Minutes of the Planning Commission Regular Meeting and Public Hearing November 2, 2016

Call to Order/Pledge of Allegiance

Chairman Frank McDonough called the Regular Meeting and Public Hearing of the Lovettsville Planning Commission to order at 7:30 p.m. on November 2, 2016 at the Lovettsville Game Club, 16 South Berlin Pike, Lovettsville, VA.

Pledge of Allegiance

Chairman McDonough led those present in the Pledge of Allegiance.

Present at Meeting

- Chairman Frank McDonough
- Vice Chairman Nate Fontaine
- Commissioner Christopher Hornbaker
- Commissioner Joseph Mueller
- Commissioner Shiva Schilling
- Commissioner Thomas Ciolkosz

Absent

- Commissioner Stephanie Wolf

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

Chairman McDonough asked the Commissioners and staff whether there were any additions, deletions or modification to the agenda. There were none.

Zoning Administrator Monthly Activity Report

Chairman McDonough asked Mr. Bateman whether there was a monthly staff activity report for the month of October. Mr. Bateman replied that there was not.

Action/Discussion Items

A. Public Hearing on LVCP 2016-0001: Amendment to 2011 Comprehensive Plan

Chairman McDonough opened the public hearing and asked Mrs. Schilling to read the Rules for Public Comment. Mrs. Schilling did so. Chairman McDonough thanked Mrs. Schilling and asked Vice Chairman Fontaine to read the Notice of Public Hearing. Vice Chairman Fontaine read the notice, and Chairman McDonough thanked Mr. Fontaine.

Mr. Bateman gave a presentation on the proposed amendment to the Comprehensive Plan, which focused primarily on revisions to the Introduction, Public Facilities and Utilities, Housing, Economic Development, and Transportation chapters. Mr. Bateman stated that the plan review process began

almost 18 months ago and that the plan has had the benefit of considerable public participation. He presented on the state law which authorizes localities to plan and listed the required contents of comprehensive plans. Mr. Bateman summarized the process followed by the Commission in reviewing the plan and that of the topic-based committees. He explained the overall goals and described the rationale for amending the plan. He further described in detail what had changed in the Introduction, Economic Development and Housing, Land Use and Public Facilities chapters. He described the reason for increasing the number of future land use categories, which is to provide greater detail about desired future land uses throughout the Town.

Mr. Bateman gave the reason for deleting redundant policies, land planning bays, incompatible uses and special planning areas in the Town's commercial areas, except that the Town Entrance, Engle Tract and Walker Tract Special Planning Areas were retained. He explained that the reason for these changes is to make the comprehensive plan more consistent with the purposes of such plans generally and let the zoning ordinance govern precisely what is allowed where. With respect to the residential land use plan and housing policies, he explained the purpose of changes to the tables and updates to the data sources. He stated that affordable housing types such as workforce housing, townhouses and apartments were discussed at length and are addressed in the amended plan. He explained that the Town's policy is to limit growth such that its population remains below 3,500 for the purposes of public street maintenance and explained how the residential future land use categories have changed to accomplish this goal. Mr. Bateman read and explained changes to the demographic data, background information and the housing and residential land use policies.

Mr. Bateman presented on the overhead projector the current and proposed future land use plan maps and compared the two to highlight changes being made on the proposed map. He noted the locations of potential extraterritorial development areas where the Town may be willing to consider future annexations and stated his intent to add descriptions to the plan of these future development areas located outside the town limits. He noted that the current land bays are being eliminated and that the pedestrian and streetscape recommendations are being amended and are now entitled "Guidelines for Designing Developments."

Mr. Bateman explained changes to the Background Information, Issues and Future Needs, Goals and Policies of the transportation chapter and noted the locations of proposed street, pedestrian and bicycle improvements on the transportation plan map. He stated that the Commission deleted one policy and added nine more, including one aimed at supporting planning efforts by the County to facilitate commuting by Lovettsville area residents to regional employment destinations. Mr. Bateman noted that the locations of existing and proposed streets, trails and sidewalks on the transportation plan map.

Mr. Bateman discussed changes to the public facilities and utilities information and noted that these were intended to support a variety of infrastructure improvements and expansions. He stated that much has changed since the plan review began, requiring the Commission to revisit topics covered early in the review process and amend the plan further. He said he worries that if the plan is not adopted soon, additional information will need to change prior to adoption to reflect changing circumstances. Mr. Bateman read and explained the reason for changes to policies in the Public Facilities and Utilities chapters. He noted that the map of public facilities and utilities does not constitute a plan but is rather a map of existing facilities only. He said that the policies call for the creation of a Utilities Master Plan which will plan the extension of water and sewer lines to areas outside of town. Mr. Bateman reviewed the Public Facilities and Utilities Map and highlighted the locations of major facilities.

Mr. Bateman noted that the appendices include the results of the two surveys the Commission conducted on economic development and housing preferences. He said the specific responses from citizens to the survey questions are included for reference purposes.

Chairman McDonough asked whether there were any questions from Commissioners on the presentation. There being none, Chairman McDonough asked whether there were any questions from the public.

Roger Hatcher asked Mr. Bateman to explain the transportation plan's recommendations regarding the Engle Tract and the reason that the proposed streets extend to the edges of the property. Mr. Bateman explained how those proposed streets would connect to major thoroughfares and noted that these proposed streets extend to the property lines to allow for the possibility of extending them outside of the Town limits in the future by working through the County's transportation planning process.

Shirley Hale asked whether the surveys were distributed to residents of the Town only or to property owners as well. She said that if the latter is true, she did not receive a survey. Mr. Bateman said that he will look that up but indicated that the survey was likely only distributed to residents of the Town.

Mr. Hatcher inquired about the reason for having two entrances into the Engle Tract, and Mr. Bateman explained the reason for this recommendation.

Mr. Ciolkosz noted that Policy Number 25 on Page 61 addresses the need for a northern connector road across the Engle Tract. Mr. Bateman read the policy and agreed that it does support a northern connector road. He depicted the possible location of such a connector road on the map and explained how a study to determine the viability of a connector road would work.

Chairman McDonough announced that the Commission will entertain comments from the public. He asked the Vice Chairman to read the names of people who have signed up to speak and instructed speakers to indicate their name and the address where they reside while limiting their comments to three minutes.

Roger Hatcher of Hagerstown, Maryland introduced himself as one of the property owners of the Engle Tract. He indicated that he is one of five heirs, some of whom live locally. He indicated a desire to work with the Town on possible uses and ingress-egress since it would be in the owners' interests to do so. Mr. Hatcher stated his concern about the plan's proposal to have secondary access to the property once 15 acres of the Engle Tract is developed. He noted the requirement for a large buffer on the property where it adjoins the adjacent residential subdivision. Mr. Hatcher said that the plan seems like a thoughtful one and that he worked with the Commission early in the planning process, but that he is only now becoming aware of some of the proposals involving the Engle property. He said that this is a bit disconcerting. Chairman McDonough asked Mr. Hatcher whether he has found that working with Town staff is beneficial, and Mr. Hatcher replied that everyone on Town staff has been easy to speak to and work with. He said that that the specific items he mentioned are ones that he is seeing in the plan for the first time, and that that is a little disconcerting.

Shirley Hale of 3876 Jefferson Pike in Jefferson, Maryland introduced herself as Roger's sister and one of the co-executors of the Estate of Walter Engle. She said that she has two major concerns. The first is the requirement that 5 percent of land within developments must be provided as open space. Mrs. Hale stated this could render a significant amount of her 35-acre property unusable, which could create problems in enticing a buyer or developer for her property. Her second concern involves the small adjacent property she owns known as the Painter property which currently sits vacant. She stated that she has two individuals interested in purchasing that property, but that the plan states that access must be provided across the Engle Tract from North Church Street and, once that happens, vehicular access to the property via Keister Lane will be restricted. She questioned how the Town hopes to accomplish this given that she and her brother have a recorded deed of easement running down Keister Lane affording access to the property.

Mr. Bateman asked Mrs. Hale to state the page reference or policy number for the open space policy she cited, and Mrs. Hale gave the policy number as 17. Mr. Bateman said he believes she is citing an earlier version of these policies, and Mrs. Hale replied that she is working from the version Mr. Bateman sent her. Mr. Bateman said he believes the open space policy she cited has since been deleted. Chairman McDonough asked Mr. Bateman to follow up with Mrs. Hale regarding that policy, and Mr. Bateman reiterated that the policy was deleted.

Vice Chairman Fontaine announced that the next person signed up to speak is Jack Burden.

Jack Burden of 16 Harpers Mill Way said that he has reviewed all 62 pages during the past two days. He stated that the previous plan review process took 18 months but that the committee met 2 to 3 times per month, which was difficult. He said the organization of the committees and plan review process was better this time around. He said that the document is a very readable document and contains plenty of new information, especially in the revised tables. He commended staff for the quality of the final product. Mr. Burden also reviewed the document for grammar and punctuation and gave those edits to Mr. Bateman. He said that the amended plan is a good document and said he was surprised that the plan was amended rather than overhauled.

Rodion Iwanczuk of the Loudoun County Planning and Zoning Department identified two statements about which he has concerns. The first is regarding the Goals and Values in the Introduction chapter. He read Value Statement Number 2 which differentiates the Town's setting from that of other communities in northern Virginia. He recommended deleting the latter part of the policy comparing the Town to larger communities in northern Virginia. Mr. Iwanczuk said that the build-out analysis uses the word "predicts" with respect to future development, and that it should read "projects" instead. Chairman McDonough announced that Commissioners have received copies of Mr. Iwanczuk's comments.

Mr. Bateman informed Mrs. Hale that the open space policy she read earlier was from the 2011 plan and was included in an earlier draft of the land use policies distributed to committee members, and that he just now conducted a word search for the word "contiguous" to prove that the policy was deleted, and that the word search found no use of that word. He said that open space requirements by zoning district are and should be included in the zoning ordinance, not the comprehensive plan. He explained the policies regarding secondary access to the property and noted that the policy calling for a connection once 15 acres of the property has been developed has not changed since the 2011 plan.

Chairman McDonough asked whether Commissioners had any questions for staff regarding the Comprehensive Plan.

Mr. Ciolkosz said that some information may have been lost in the 61-page document and stated that the Commission decided early in the process to create measurable goals and objectives. He proposed adding the phrase "and measured" to the first bulleted item on Page 1 to reflect this decision. He stated that the third bullet on this page seems somewhat redundant and read that bulleted item. Mr. Ciolkosz said that the bullet contains the words "town" and "village" in the same sentence. He stated that in the first paragraph on Page 5, the plan says that the Lovettsville Town Center commercial area is "nearing completion" whereas it should state that Phase 1 has been completed. Mr. Ciolkosz further stated that the plan should include the potential square-footage of the entire retail area so that people in the Town knows what lies ahead.

Mr. Ciolkosz cited a concern on Page 18 under Parks and Recreation in Chapter 3. He said the first part involves wordsmithing and he would get to more specific policy issues on Page 20 momentarily. He said that that section discusses the use of public parks for annual events like MayFest, and as Lovettsville Oktoberfest Treasurer, he can inform the Commission that 11,718 beers were sold at Oktoberfest this year and 50,000 people were in attendance, and that he expected that "Oktoberfest" would be mentioned in this section. Chairman McDonough stated for the record that the Mayor did say that this was a rough estimate of attendance. Mr. Ciolkosz said the plan should refer to Oktoberfest as the Town's signature event and, as the Town moves forward, a more significant contribution to the economic drivers of this Town. He said that its \$117,000 budget this year is rather significant. He said the paragraph that describes Town parks should mention Oktoberfest, and he directed the Commission's attention to Page 20 under Goals and Policies. Mr. Ciolkosz said that Oktoberfest happens because of the availability of the Town office property, which enables the sale of 11,718 glasses of beer. He said the plan does not say what will happen if the Town office property is ever sold or used for parking, but more importantly, the policies should stress the importance not only of Town parks and recreational lands, but also of the Town

office property since it is the site of the annual Oktoberfest, which is a significant event. Mr. Ciolkosz noted that roughly 52,000 people attended Oktoberfest on the Town Office property and the Town Green, and stated that the plan does not currently cover that.

Chairman McDonough asked Mr. Ciolkosz whether he is asserting that the plan should cite every piece of property the Town owns and include a description of its proposed use, because it seems to him that the Town Office property is referred to as one piece of property, whereas it may consist of separate parcels. Chairman McDonough said the Town still does not know whether it intends to build a new Town Office facility on this site, so perhaps the plan should state that the Town will not decide to sell the property until alternative facilities for Town events are secured. Mr. Ciolkosz said that Oktoberfest is a significant event, such that if the property was ever sold, decisions would need to be made with respect to the event. He said he is more particular about Oktoberfest because of his involvement in this event and stated that other policies regarding Town parks which are less significant have been included in the plan. He stated that a policy referencing Oktoberfest should be left in.

Mr. Bateman said that he spoke about this previously with the Chairman, and that he is proposing to replace Policy Number 1 in Chapter 3, which currently discusses the provision of school programs in County schools, with a general events-related policy. He noted that this policy was proposed to be deleted in the past but was overlooked during the editing process. Mr. Ciolkosz said that that would be fine. Mr. Bateman proposed also adding a policy or language stating that the Town will maintain sufficient space within Town parks to host events. Mr. Hornbaker agreed with Mr. Ciolkosz and said that sufficient lands need to be provided as events grow. He said the policy should list each of the annual events and ceremonies by name, which he listed. Mr. Bateman stated that the current policy references certain events and not others because it was written before events like Oktoberfest or Concerts on the Green were conducted on the Town Green. Mr. Bateman proposed adding a sentence or two about the importance of Town events to the quality of life and tourism. Mr. Ciolkosz reiterated the importance of Oktoberfest to the Town of Lovettsville and events in general. Mr. Hornbaker said that all the events should be included by name in the plan or none at all. Mr. Bateman said his inclination is to make the policy broad enough to allow for adding events in the future, and Mr. Ciolkosz said he does not care if the plan says "Oktoberfest" or not, the fact remains that events are significant uses of Town public facilities and this needs to be stated. Mr. Bateman agreed.

Mr. Fontaine said that Page 18 which starts talking about events in the context of public facilities needs to include language to this effect, and he recommended editing Policy Number 4, which says that the Town will have sufficient public spaces for recreation, to include references to Town events as the two other Commissioners are proposing.

Mr. Ciolkosz cited Page 22 in the Utilities chapter in the Water Section and stated that it was his recollection that use of the term "mothballed" to describe unused wells was changed to "abandoned." Mr. Hornbaker stated that the word "abandoned" should not be used to describe unused Town wells, and Mr. Ciolkosz responded by saying it should be kept in the plan then. He cited Figures 4.1 and 4.2 on Page 26 which depict inflows and outflows of commuters. He said that the map only shows outflows into Virginia and Washington, D.C., not those commuters into Maryland, and that the numbers of workers commuting to various locations is inaccurate. Mr. Bateman said that the map and diagram are from the U.S. Census Bureau's website and not from his own data. Mr. Ciolkosz stated that the plan needs to reflect the fact that significant numbers of workers commute to Frederick, Rockville, and destinations to the east via the MARC train in Brunswick. Mr. Bateman says the chart indicates that only about 20 workers are currently commuting in this direction. Mr. Ciolkosz said that the chart does not properly reflect outflows of workers but that staff should leave it in there if that is what is desired.

Mr. Ciolkosz cited Page 32 under Housing and stated that this page contains paragraphs describing the history of housing, character of future housing, and planning and zoning policies aimed at preserving the Town's predominately single-family character. He stated that these paragraphs should address the need for affordable housing and noted that the housing policies call for the creation of an affordable housing task force. Mr. Bateman confirmed that the policy to which Mr. Ciolkosz refers has indeed been added.

Mr. Fontaine noted that Page 33 includes a statement about accessory apartments and stated that the policy language does include provisions for the creation of affordable housing. Mr. Bateman suggested that this statement in the plan should refer to workforce housing specifically.

Mr. Ciolkosz said that, on Page 47 under Issues and Future Needs, Issue Number 10 describes the future use of the Game Club property by stating that the property can support single-family development by-right but is also a prime location for commercial development. He suggested including language calling for research or the formation of a study group to determine the best future use of this property once commercial use of the property becomes viable. Mr. Bateman suggests that the plan punts on the question of the best long-term use of the property, and Mr. Ciolkosz replied that the plan should not punt on that issue. Mr. Ciolkosz recommended again the creation of a task force to study potential commercial use of the property, and Mr. Bateman said that the task force would likely consist of the Planning Commission and Town Council. Mr. Hornbaker asked whether the market study addressed this, and Mr. Bateman explained that the market study only listed the building area of projected future retail uses, and that the Town's responsibility is to determine the best locations and land areas associated with these supportable uses. He said that a commercial development was proposed on the site recently, but that the best use at this time is residential. If the owner decides to relocate the Game Club in the future, then the property does have prime frontage on Route 287 and that would be the time to change the future land use in the Town plan. A discussion followed on precisely what the current language on that page means. Mr. Ciolkosz stated that the plan needs to say that a study needs to be undertaken of the viability of the parcel for future commercial use compared to single-family residential use. He said the plan contains language for the Game Club property similar to that for the Engle Tract, and Chairman McDonough said that the Engle Tract is different because it is currently in play. Mr. Ciolkosz agreed to leave the plan as it is on this topic.

Mr. Ciolkosz said that Policy 25.d. contains the requirement for secondary access to the Engle Tract and suggested that it should contain alternative language since the Engle Tract owners are present and willing to work with the Town. Mr. Bateman explained that the owners of the tract have a deeded easement running down Keister Lane providing access to the Painter property, and that the Town recently completed construction in this area involving paving and slightly relocating the shared-use trail on Keister Lane. He stated that if the Painter property develops for commercial use, it would be unsafe to have vehicles and pedestrians using Keister Lane at the same time. Mr. Ciolkosz asked whether a safer means of affording access has been found, and Mr. Bateman replied that alternative access through the larger Engle Tract via an easement should be provided. He said that paragraph d. provides the rationale for this, but that alternative access could also be provided across one of the other adjacent properties fronting on North Berlin Pike if one of these owners were to purchase the Painter property. Mr. Hornbaker said that Keister Lane has not been used by a car in many years, and Mr. Bateman said that the discussion is about what happens in the future once that property is developed. A discussion followed about access to the Painter property and need to engage with the owners as to the precise wording of the policies regarding the Engle Tract properties.

Mr. Hatcher asked whether, once the Painter property is developed for commercial use, a shared-use trail should continue to cross this area of Keister Lane. Mr. Bateman said that Mr. Hatcher raises a good point and that the Town may want to investigate other future routes of the trail through this area, but the preference is to control vehicular access to the property by coming across one of the adjacent parcels from a public street. Mrs. Hale said that several individuals have expressed interest in purchasing the property who are not the adjacent property owners. Mr. Bateman said that a prospective buyer may not be able to develop the property until they address the issue of access.

Chairman McDonough noted that Mr. Ciolkosz has completed his comments and asked whether Commissioners had any other comments or questions for Mr. Bateman.

Mr. Hornbaker cited Page 16, Policy Number 24, which aims to facilitate the installation of energy-efficient technologies. He recommended that the policy include a statement that the Town will seek to minimize

the visual impact of such equipment. Chairman McDonough asked whether there was any objection, and there being none, Mr. Bateman was directed to amend the policy accordingly.

Chairman McDonough announced that the public hearing is being suspended until the next meeting on November 16th, at which time the Commission will reconvene on this topic.

Mr. Bateman described several amendments that he would like to make to plan at this time. These included updates to Appendix 7, which is reflected in the version available on the Town website. Mr. Bateman explained that updated Appendix 7 includes all the comments received from citizens for the housing and residential land uses survey. He said that it is important that citizens be given an opportunity to speak for themselves by including their written comments verbatim. He also stated his intention to make grammatical changes identified by Mr. Burden and to include a policy that the Town will seek to annex primarily for commercial, office, industrial and economic development purposes. Chairman McDonough noted that the committee went out of its way to ensure consistency between the plan and the adopted Annexation Policy.

Mr. Bateman thanked Mr. Iwanczuk for his recommended edits and suggested that the Commission discuss these in greater detail at the next meeting. He discussed policies that have changed since they were originally written and stated the need to update those. Mr. Bateman said that if he finds any other deficiencies in the draft plan he will bring those to the attention of the Planning Commission when we meet again in two weeks.

Chairman McDonough thanked Mr. Bateman and stated that the reason for continuing the public hearing until the next meeting is to ensure sufficient opportunity to amend the plan further based on discussions tonight and bring those amendments back for the Commission's consideration in two weeks before the Commission forwards its recommendation to the Town Council.

Information Items

Chairman McDonough asked whether there were any information items for the Commission as a whole. There were none.

Next Meeting

Chairman McDonough stated that the next meeting will be held at the Town Office on November 16, 2016.

Committee Reports

Chairman McDonough asked for brief reports from members of the Town Council committees. Vice Chairman Fontaine reported on upcoming events involving the Love America Committee. Town Council member Jennifer Jones reported on upcoming concerts organized by the Love Summer Committee. Mr. Ciolkosz reported on the recent Oktoberfest event. Mrs. Schilling reported on a recent meeting of the Love Winter Committee at which upcoming winter events were discussed, and Mr. Fontaine described upcoming events involving the Business and Tourism Committee. Chairman McDonough announced that the Parks Committee has a meeting tomorrow afternoon. Mr. Hornbaker announced that the Information Flow Committee has not yet met but will be meeting soon.

Comments from the Mayor and Commissioners

Chairman McDonough called for comments from the Mayor and Planning Commissioners. Mayor Zoldos thanked everyone who showed up as well as the Planning Commission and staff for their hard work in drafting the plan. Mayor Zoldos delivered an after-action report on the annual conference of the Virginia Municipal League in Virginia Beach which he and several Town Council members attended. He said everyone brought back important nuggets of information and indicated that the networking opportunity was important as well. He indicated his desire to teach a session on public events at next year's conference. The Mayor described the ribbon-cutting he attended involving the new Sheriff's Department office in Round Hill and listed topics coming before the Town Council at the next meeting on November 9th.

Adjournment

There being no further business, upon a motion by Mr. Hornbaker, seconded by Mr. Mueller, the meeting was adjourned at 9:09 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: April 18, 2018

Attachments:
None