

Town of Lovettsville

Planning Commission Minutes of Public Hearing and Regular Meeting October 1, 2008

MINUTES OF PLANNING COMMISSION PUBLIC HEARING: LVRZ 2008-0002 Lovettsville Town Center Rezoning Application

Commission Chair Zachritz called the Public Hearing on LVRZ 2008-0002 Lovettsville Town Center Rezoning Application to order at 7:30 PM on Wednesday, October 1, 2008 at the Lovettsville Community Center, 57 East Broad Way, Lovettsville, VA 20180.

Commission Chair Zachritz introduced:

- Mayor Elaine Walker
- Commissioners Charlotte Coleman, DiJon Jones, Mari Bushway, Rodney Gray, Jack Burden
- Town Manager Keith Markel, Zoning Administrator Steve McGregor and Town Clerk Judy Kromholz

Absent:

- None

Among those in the audience were Frank Kromholz, Cliff Walker, Howard Williamson (Lovettsville Business Association), Council member Michael Senate *{arrived at 7:50 PM}*.

Commission Chair Zachritz read the Public Hearing Announcement as it appeared in Leesburg Today (Attachment I).

Administrator McGregor made a brief presentation on the application (See Attachment II: Staff Report) and invited the applicant to speak.

Kimberlee Welsh Cummings representing the applicant, Lovettsville Square, LLC, submitted an affidavit of proper notifications. She summarized the history of the project and explained that the new traffic pattern will support the neotraditional design of the project. She stated that this will not affect the square footage already approved for the commercial buildings. Mr. Rick Entsminger classified the requested changes as a combination of reality and opportunity based on feedback received from the public. Changing the one residential lot into parking there will result in an aggregate increase in parking. He noted that we are seven years into this project and broke ground in July of 2005. They are currently building the twelfth house, with a commitment for the thirteenth. Consumers in today's market want smaller houses. This change will redefine the back of the development to more closely resemble Fox Meadow. He stated that Elm Street Development remains firmly committed to this project.

Commission Chair Zachritz called on the speakers in the order in which they had signed up.

- | | | |
|---|---|--|
| 1 | Howard Williamson
Lovettsville Business
Association | a) Believes that the removal of alleys is a great idea and far prefers attached garages. |
| | | b) This will reduce the amount of pavement and yield more green space |
| | | c) It will be easier for the HOA to maintain roads, perform snow removal, etc. |
| | | d) Alleys can be used for mischief and are more difficult to patrol |

There being no further speakers signed up to speak, Commission Chair Zachritz asked Town staff if they had received any comments for this public hearing. Clerk Kromholz stated that no communications had been received from the public for this hearing.

There being no additional speakers, Commission chair Zachritz closed this Public Hearing at 8:02 PM and noted that it will be left open for comments for ten (10) business days.

MINUTES OF PLANNING COMMISSION MONTHLY MEETING

Commission Chair Zachritz called the Regular Monthly Meeting of the Lovettsville Planning Commission to order at 8:03 P.M. on October 1, 2008 at the Lovettsville Community Center, 57 East Broad Way, Lovettsville, VA 20180.

Present at Meeting

- Mayor Elaine Walker
- Commission Chair Robert Zachritz
- Commissioners Charlotte Coleman, DiJon Jones, Mari Bushway, Rodney Gray, Jack Burden
- Town Manager Keith Markel
- Zoning Administrator Steve McGregor
- Town Clerk Judy L. Kromholz

Absent

- None

Present In the Audience

Among those in the audience were Frank Kromholz, Cliff Walker, Howard Williamson (Lovettsville Business Association), Council member Michael Senate

Public Comment

Commission Chair Zachritz asked for public comment. There was none at this time.

Additions/Deletions/Modifications to the Agenda

Commission Chair Zachritz added the election of the Commission Vice Chair to the agenda.

Approval of Planning Commission Minutes

A. Planning Commission Meeting – August 6, 2008

- Motion:** To approve the minutes of the August 6, 2008 Planning Commission Meeting as presented.
By: Commissioner Burden
Second: Commissioner Jones
Aye: Commissioners Coleman, Jones, Bushway, Gray, Burden, Zachritz
Nay: None
Abstain: None
Absent: None

Zoning Administrator's Report

Administrator McGregor presented his monthly report for September 2008. There were no questions.

Action Items

Commission chair Zachritz explained that with the appointment of Mrs. Coleman to the Town Council, the Vice Chair position would be empty.

- Motion:** To name DiJon Jones as Vice Chair of the Planning Commission effective immediately.
By: Commissioner Zachritz
Second: Commissioner Coleman
Aye: Commissioners Coleman, Bushway, Gray, Burden, Zachritz
Nay: None
Abstain: None
Absent: Commissioner Jones

Commission Chair Zachritz congratulated both Commissioner Jones and Commissioner Coleman on their appointments.

Discussion Items

There were no discussion items on the agenda.

Information Items

There were no information items on the agenda.

Comments from the Commissioners

Commission chair Zachritz thanked the Oktoberfest Committee and congratulated them on another successful Oktoberfest event. He stated that he would like to continue a dialogue with Elm Street Development on this and on locating a grocery store.

Mayor Walker announced that the first Lovettsville Movie in the Park will be on Sunday, October 12, weather permitting.

Public Comment

Commission Chair Zachritz called for comments from the public. There were none.

Adjournment/Recess

Motion: To adjourn the Planning Commission Monthly Meeting of October 1, 2008
By: Commissioner Coleman
Second: Commissioner Bushway
Aye: Commissioners Coleman, Jones, Bushway, Gray, Burden, Zachritz
Nay: None
Abstain: None
Absent: None

The meeting was adjourned at 8:42 P.M.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: January 7, 2009

Attachment I: Advertisement in Leesburg Today for Public Hearing
Attachment II: Staff Report on LVRZ 2008-0002 Lovettsville Town Center Rezoning Application

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TOWN OF LOVETTSVILLE
NOTICE OF A PLANNING COMMISSION PUBLIC HEARING TO CONSIDER ZONING CONCEPT PLAN AMENDMENT (LVRZ 2008-0002) AND ZONING ORDINANCE MODIFICATION (LVZM 2008-0001) APPLICATIONS FOR LOVETTSVILLE TOWN CENTER

The Lovettsville Planning Commission will hold a public hearing at the Lovettsville Community Center, 57 East Broad Way, Lovettsville, Virginia, on October 1, 2008, at 7:30 p.m. to consider the following applications for the Lovettsville Town Center: Zoning Concept Plan Amendment (LVRZ 2008-0002) and Zoning Ordinance Modification (LVZM 2008-0001) filed by Lovettsville Square, LLC.

1. Zoning Concept Plan Amendment to amend the Concept Plan and Proffers that were previously approved by the Lovettsville Town Council on December 14, 2006, to remove some of the alleyways in the Town Center Residential Area, revise and update the Typical Lot Details and increase the Town Center Core Area to include the alleyway at the rear of Lots 40-43.
2. Zoning Concept Plan Amendment to amend the Concept Plan Town Center Residential designation for one parcel LCTM 9A210-126 (MCPI #369-20-2773) from the Town Center Residential Area to the Town Center Core.
3. The Applicant is also requesting approval of a modification pursuant Section 3-7(f) of the Town of Lovettsville, Virginia, Zoning Ordinance to permit an increase in the maximum front yard setback applicable under section 3-7(k)(ii)(C) from 25 feet to up to thirty five (35) feet for corner lots.

The Lovettsville Town Center is approximately 85 acres and is classified in the Town Center Planned Development District and is located to the south and west of West Broad Way (Route 673) and Berlin Turnpike (Route 287) within the Town of Lovettsville, Virginia.

The following list comprises the parcels subject to these applications:

Tax Map/Parcel	MCPI	Tax Map/Parcel	MCPI	Tax Map/Parcel	MCPI	Tax Map/Parcel	MCPI
9A210-136	369-10-0125	9A210-109	369-20-1715	9A210-143	369-19-7659	9A210-98	369-29-6234
9A210-130	369-10-0345	9A210-124	369-20-1886	9A210-142	369-19-7954	9A210-91	369-29-6400
9A210-135	369-10-0420	9A210-108	369-20-2110	9A210-141	369-19-8349	9A210-99	369-29-6630
9A210-129	369-10-0950	9A210-125	369-20-2379	9A210-B	369-19-8633	9A210-A8	369-29-6681
9A210-131	369-10-1039	9A210-102	369-20-2552	9A210-3	369-19-8886	9A210-D	369-29-6913
9A210-132	369-10-1433	9A210-126	369-20-2773	9A210-139	369-19-9040	9A210-100	369-29-6925
9A210-128	369-10-1554	9A211-5	369-20-2899	9A210-138	369-19-9435	9A210-90	369-29-7004
9A210-A1	369-10-1692	9A210-103	369-20-3047	9A210-155	369-19-9504	9A210-101	369-29-7220
9A210-133	369-10-1827	9A210-104	369-20-3443	9A210-137	369-19-9730	9A210-89	369-29-7508
9A210-127	369-10-2159	9A210-A10	369-20-3522	9A210-113	369-20-0040	9A210-88	369-29-8113
9A2-1-3	369-10-2192	9A210-105	369-20-3838	9A210-120	369-20-0211	9A210-115	369-29-8139
9A211-3	369-10-2939	9A210-106	369-20-3932	9A210-112	369-20-0335	9A210-116	369-29-8434
9A211-4	369-10-4715	9A211-1	369-20-4273	9A210-121	369-20-0605	9A210-A7	369-29-8558
9A211-2	369-10-5745	9A210-107	369-20-4527	9A210-111	369-20-0729	9A210-117	369-29-8829
9A211-OU1	369-10-6028	9A210-73	369-29-5251	9A210-122	369-20-0998	9A210-118	369-29-9124
9A2-4-3	369-18-3950	9A1-1-1	369-29-5447	9A210-C2	369-20-1111	9A210-119	369-29-9419
9A2-1-2A	369-18-8786	9A210-97	369-29-5840	9A210-123	369-20-1392	9A210-114	369-29-9645
9A2-4-2A	369-19-2554	9A210-A5	369-29-6166	9A210-110	369-20-1421	9A2-4-1	370-48-6381

Additional information regarding these applications is available at the Lovettsville Town Office, 6 East Pennsylvania Avenue during normal business hours (Monday-Friday, 9:00 a.m. to 3:00 p.m.).

At this hearing, all persons desiring to speak regarding this matter will be heard.

BY ORDER OF:
 Lovettsville Planning Commission
 Elaine Walker, Mayor
 Town of Lovettsville

9/19 & 9/26/08

Ad Size: 8x7.75
Run Dates: 9/19 & 9/26/08
Weekly Cost: \$930.00
Total Cost: \$1860.00

Please sign, date and return asap, if okay to place.

Signature: _____

Date: _____

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LVRZ 2008-0002
Zoning Concept Plan Amendment
LVZM 2008-0001
Zoning Ordinance Modification
Lovettsville Square, L.L.C. (Town Center)

STAFF REPORT

Planning Commission Public Hearing

October 1, 2008

**7:30 PM at the Lovettsville Community Center 57 E. Broad Way Town Office 6 E.
Pennsylvania Avenue Lovettsville, Virginia**

PROPERTY DESCRIPTION: The subject property, the Town Center, is generally located to the south and west of West Broad Way (Rt. 673) and Berlin Pike (Rt. 287). (See the attached public hearing notice for the property identification numbers). The subject property is approximately 65 acres of the total 85 acre Town Center properties and contains the commercial core and single-family residential area. Nine residential lots have been sold and, therefore, are not part of the applicant's remaining property.

APPLICANT: The Applicant is Lovettsville Square L.L.C. (Elm Street Development and NVRetail), who is represented by Kimberley Welch-Cummings of Walsh Colucci, Lubeley, Emrich & Walsh, 1 East Market Street 3rd Floor, Leesburg, Virginia 20176 (571) 209-5773.

PROPOSAL: The following are the applicant's requested changes to the concept plan that includes an ordinance modification:

1. Reduce the parking on the commercial core portion from 220 to 205 spaces. Reduce the portion of the commercial core parking in residential areas from 480 to 440 spaces. The required number of commercial parking spaces was always 470 so this reduction only reduces the parking to that required.
2. The alley that serves residential lots 40-43 is on the lot that is designated for commercial use. The alley is provided by an easement on the commercial property and it will be maintained by the commercial owners association.
3. The alleys in three of the residential blocks are removed. Access would be via the public streets only.
4. Approve an ordinance modification that would revise the typical lot diagram (Sheet #5) to show a maximum setback of 35 feet instead of 25 feet for corner lots.

5. Residential lot #14 is removed as a residential lot and the land becomes part of the commercial core area. The commercial core increases from 7.3 acres to 7.73 acres.
6. Figures are shown for the maximum lot width, 140 feet; and maximum lot size, 21, 780 square feet.

ISSUES AND ANALYSIS:

Reduce on-site commercial parking by ten (10) spaces.

There is no good rationale for planning even more parking spaces required for the commercial core on residential streets. This increases the frequency of vehicle activity in the residential area on streets that are only 28 feet wide curb to curb.

Include the alley serving four residential lots in the commercial core.

This provides a small amount of flexibility for the buffer between the commercial core and the four residential units adjacent. It causes no harm to the development concept.

Remove the alleys planned for three blocks.

The orientation of garages on thirty-seven lots would change so they would be directly from the public street. The Town Plan states on pages 50 and 51 that,

“The Town Center development pattern will...integrate residential uses...adjacent to the commercial area in a traditional neighborhood design.”

“Architectural design guidelines...will ensure that the Town Center has a traditional main street look...with building design that respects the Town’s architectural heritage.”

“The architectural design of this housing should be compatible with the historic character of the Town....”

The architectural character of the old downtown generally reflects that dwellings are close to the street and garage access is in the rear of the lot. One of the reasons the alleys were incorporated into the design of the residential areas in the Town Center (88 units are located with alley access on the approved concept plan. This would be a 42 percent reduction) is to remove driveway interruption along sidewalks so people could walk throughout the community without as much vehicle interference as in conventional subdivisions. It also helps remove the eyesore of having vehicles parked in driveways directly adjacent to the public street and the fronts of houses. With garages in the rear there is also an intangible safety benefit. Children can play more freely in front yards and walk along sidewalks without vehicles moving in this area. These are primary principles in the Main Street concept, which is contained in the Town Plan as a development guideline for both commercial and residential areas.

Increase the maximum front setback for corner lots.

This would allow the homes on about twenty-eight lots to be located ten feet farther from the street than they are on the approved concept plan. This moves the concept plan a little farther away from the original neo-traditional plan and Main Street concept than is reflected in the approved concept plan.

Convert one residential lot into the commercial core.

This is a minor shift in the commercial-residential land use distribution.

Show the Maximum lot width and size.

The ordinance requires this tabulation and it was not included in the approved concept plan.

Town Engineer analysis.

1. The increase in setback from 25 feet to 35 feet for corner lots provides safer ingress/egress for vehicles.
2. Maximum lot width and size are ordinance requirements
3. Building and parking layout for the commercial core area should be shown on the concept plan.
4. The applicant is subject to all approved proffers.
5. The approved alley width, modified to 25 feet, is inadequate.
6. No direct access to public street for lots 40-43.
7. The alley for lots 40-43 should be removed by moving the lots to the north.
8. Do not recommend parking for commercial use in residential areas. If such spaces are planned they should be identified on the concept plan.
9. Buffers between commercial and residential use should be provided per ordinance requirements.
10. A revised construction plans and profiles should be submitted when the residential lot 14 is removed.

Virginia Department of Highways referral.

In a letter dated September 12, VDOT has no objection to the application.

CONCLUSION: I have the following comments on the proposed concept plan revisions and the Town Engineer analysis:

1. The increase in setback from 25 feet to 35 feet for corner lots presents only a minor shift in the Main Street concept.
2. Maximum lot width and size should be included in the concept plan as required.
3. There is an approved site plan so it is not necessary to show the building and parking layout for the commercial core area. It will have to be revised to incorporate what is now lot #14 and the alley serving lots 40-43, however.
4. The applicant does have to abide by all approved proffers.

5. Changing the designation of the alley serving lots 40-43 from the residential area to the commercial area is a technical change that is required because the alley is an easement on the commercial lot, not the residential lots.
6. The proposed concept plan amendment does not include changes to the approved alley width so it is not an issue in this application. Presumably, this width reduction was to implement neo-traditional design principles that envision a closer spatial relationship between residential and commercial development.
7. The proposed concept plan amendment does not include changes to the access to lots 40-43 so it is not an issue in this application.
8. See #6.
9. Commercial use in residential areas was part of the concept in the approved concept plan without identifying them specifically. It is assumed people will park as close to the commercial core as they can and so there is no need to identify them on the concept plan. There is no rationale for changing this.
10. There is also no rationale for removing ten spaces from the commercial core and replacing them in the residential area.
11. A required buffer between the commercial core and residential use along Hammond Drive was not included in the approved concept plan or the commercial site plan. Presumably, this was allowed because of neo-traditional design principles where suburban standards were not desirable. A closer spatial relationship between residential and commercial development is desirable.
12. Revised construction plans and profiles for the residential area are required when the residential lot 14 is removed. A revised site plan is required to add lot 14 to the commercial core and the alley that serves lots 40-43.
13. The VDOT comment does not impact my conclusions about internal streets and alleys and parking.

RECOMMENDATION: I support all the proposed changes to the approved concept plan, except the following:

1. Ten parking spaces should not be moved from the commercial core area to the residential area because of the increase in vehicular use on streets that are narrower than standard.
2. The private alleys in three blocks should remain to support the neo-traditional and Main Street design concepts that were the basis for the design of the Town Center.

ATTACHMENTS:

- 1) Proposed Zoning Concept Plan amendment,
- 2) Public hearing notice that appeared in Leesburg Today, September 18, 2008
- 3) VDOT letter, September 12, 2008
- 4) Christopher Consultants letter, September 3, 2008
- 5) Applicant response to referrals, Kimberlee Welch Cummings, September 25, 2008