

Town of Lovettsville

Planning Commission Minutes of Regular Meeting, December 10, 2008

Chairman Zachritz called the Regular Monthly Meeting of the Lovettsville Planning Commission to order at 7:30 PM on December 10, 2008.

Present at Meeting

- Mayor Elaine Walker
- Chairman Bob Zachritz
- Commissioners Jack Burden, Mari Bushway, Rodney Gray
- Town Manager Keith Markel
- Zoning Administrator Steve McGregor
- Town Clerk Judy L. Kromholz

Absent

- Commissioner DiJon Jones

Present In the Audience

Representatives of the Lovettsville Town Center applicant

Public Comment

Chairman Zachritz called for comments from the public. There were none at this time.

Additions/Deletions/Modifications to the Agenda

Chairman Zachritz called for changes to the agenda. There were none.

Approval of Planning Commission Minutes

No minutes were presented for approval.

Town Council Representative's Report

There is no Town Council Representative at this time. Mayor Walker reported that there will be a Town Council work session tomorrow night.

Zoning Administrator's Report

Administrator McGregor presented his report as previously distributed. He noted that the Town Council will hold a Public Hearing on the Town Center Focus Area Plan Amendment on January 29th, 2009 at 7:00 PM at the Community Center. He urged the Commissioners to attend the hearing.

Action Items

A. LVZA 2008-0002 Town Center Zoning Concept Plan Amendment and LVRZ 2008-0001 Zoning Modification

Administrator McGregor introduced the applicant, Rick Entsminger of Elm Street Development, Ben Rose of Bowman Engineering, Rod Brana of NVRetail and Kimberly Welsh-Cummings a planner with Walch Colucci Lubeley Emrich and Walsh PC who was representing the applicant. Mr. Entsminger provided an introduction to the requested amendment. He explained the overall rationale for the request to remove alleyways, stating that the approved configuration of detached garage homes has not been saleable and would continue not selling in the current market. He reported that Fulton Research and Consulting, a firm that does large scale market studies and tracks development processes, had been hired by Elm Street to help them target and reposition this project. Mr. Entsminger noted that the revised amendments include a proffer for the developer to install an attractive picket fencing around the neighborhood park that will be developed in a later construction phase, addressing one of the primary concerns expressed at previous meetings. He stated that removing the alleys is necessary economically to create a viable product that can be sold as the market improves.

Chairman Zachritz asked for the cost differential in building a detached versus attached garage and Mr. Entsminger estimated that, at this price point, there is a 20% difference in construction costs. He stated

that there is an unwillingness to even look at neotraditional houses by builders. The alleys that are already built in Phase I will remain, but he estimated that Elm Street will probably not be able to sell those lots for two to three years.

Chairman Zachritz stated that when he was purchasing his home he felt that an attached garage was a necessity. Commissioner Burden stated that he has lived in all kinds of houses and would only live in a house with an attached garage. Commissioner Gray stated that he is also partial to attached garages. In reviewing the proposal, Commissioner Gray calculated that there would be 67 houses where alleys already exist and that the remainder of Phase 1 homes would have attached garages. He asked the applicant what would happen if the Town did not approve this amendment and Mr. Entsminger stated that Elm Street would not be able to attract a builder by early next year and that Lovettsville Town Center might become a bank owned property which would result in a very poor project.

Commissioner Burden asked what has changed since their first presentation four months ago and Mr. Entsminger responded that first, of course, they had addressed the safety concerns about the neighborhood park, but more importantly he felt that he had not presented his case properly the first time – that he had not gotten across how dire the situation will become without this change.

Commissioner Bushway noted that none of the roads near the neighborhood park are through roads which minimizes the safety risks but added that she strongly approves of adding the fence around the park. She expressed concern over the length of time this application has taken.

Chairman Zachritz and Commissioner Bushway stated that they are ready to support this application now. Commissioner Gray stated that he is leaning towards supporting it and stated that he also approves of adding the fence around the park.

Mayor Walker stated that she had heard two presentations at the County level concerning how serious the economic situation is becoming in the County. She stated that we need to do everything possible to support Elm Street Development and NVRetail. She noted that Elm Street has completed all of their proffers up front and the Town is already using the new town park and the square. She stated that Elm Street has always kept their word in their dealings with the Town. She reported that she has heard wonderful things throughout the County about Elm Street and has been told that the Town is lucky to have them building here. She stated that the Town has to step forward and help these people get started again.

Mayor Walker also noted that she is truly concerned about the future of the retirement community because they have pulled out their sales trailer and are not marketing the project.

Commissioner Bushway stated that she agreed whole-heartedly with the Mayor. The Town of Lovettsville is blessed to have this proposed community and we need to build the houses so that commercial development can begin.

Chairman Zachritz called for additional discussion and there was none.

Motion: I move that the Lovettsville Planning Commission recommend approval of LVRZ 2008-0002 Lovettsville Town Center Zoning Concept Amendment and LVZM 2008-0001 Lovettsville Town Center Zoning Ordinance Modification as submitted by the applicant with proffers dated October 8, 2008, revised October 22, 2008 and revised December 8, 2008.
By: Chairman Zachritz
Second: Commissioner Bushway
Aye: Commissioners Burden, Bushway, Gray, Zachritz
Nay: None
Abstain: None
Absent: Commissioner Jones

B. LVPA 2008-0001 Town Center Park and Town Square Master Plan – Plan Amendment

Chairman Zachritz explained that if the Planning Commission recommends this amendment the Town Council will be able to move forward with development plans for the park and the square. Commissioner Burden expressed concern that the plan, while it is not law, will develop into a legal standard and that projects will be defended based on whether or not they were included in this plan. Chairman Zachritz

noted that this plan includes many of the improvements suggested by the public at their input sessions. He noted that implementation can be phased in over any time period. Commissioner Bushway noted that the plans had been changed twice, both in response to input from the community.

Motion: I move that Planning Commission recommend that Town Council approve LVPA 2008-0001 Town Center Park and Town Square Master Plan Town Plan Amendment. I further move that the Planning Commission recommend that Town Council make the following amendments to the Town Square and Town Park Master Plan:

1. Relocate the springhouse to the rain garden area of the Town Center Park.
2. Add a note that gravel and mall mix may be used as an alternative to concrete or other materials for trails.
3. Add a note to consider evergreen trees as a wind break on the western side of the Town Center Park.
4. Add a note encouraging alternative energy lighting as funding allows.

By: Commissioner Burden

Second: Commissioner Gray

Aye: Commissioners Burden, Bushway, Gray, Zachritz

Nay: None

Abstain: None

Absent: Commissioner Jones

Information Items

Mayor Walker reported the following:

1. The original plan for the Alleghany Power Transmission Line was to use the current easement. They have now planned to submit two proposals to the State Corporation Commission – one of which includes a large loop very close to the outskirts of the Town. Another community meeting will be scheduled by Alleghany Power to show what they will be presenting to the State Corporation Commission.
2. She presented the letter Chairman Zachritz had drafted to send to grocery chains promoting a smaller footprint store in Lovettsville Town Center. This letter would go to Rod Brana to be used as part of NVRetail's marketing efforts.

Comments from the Commissioners

Chairman Zachritz reported that the Planning Commissioner's training program was excellent and that all of the commissioners are completing their assignments.

Commissioner Gray stated that he really appreciated the class. He then asked about the status of the Kingsridge stop signs and crosswalks. Manager Markel explained the VDOT street acceptance process and reported that VDOT had determined that from both liability and maintenance standpoints, they will not accept either the signs or the crosswalks. The residents have requested a meeting with VDOT and Manager Markel is trying to expedite the meeting.

Commissioner Burden reported that the December 4th LBA sponsored tour of Lovettsville was wonderful, especially the historic information provided. He also went to the Christkindl mart and thought that for the first one it was excellent.

Mayor Walker said that she is very proud of all of the Commissioners for attending the training sessions and believes it was money well spent. She reported that the tree lighting event was well attended by about 400 people.

Because a number of Commissioners will be unable to attend the work session on December 17th, they agreed to cancel the work session.

Public Comment

Chairman Zachritz called for comments from the public and there were none.

Adjournment/Recess

Motion: To adjourn the Planning Commission meeting of December 10, 2008

By: Commissioner Bushway

Second: Commissioner Gray

Aye: Commissioners Burden, Bushway, Gray, Zachritz

Nay: None

Abstain: None

Absent: Commissioner Jones

The Meeting was adjourned at 10:30 P.M.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: May 6, 2009

No Attachments