

Town of Lovettsville

Planning Commission Minutes of Public Hearing and Regular Meeting, July 1, 2009

The Public Hearing of the Lovettsville Planning Commission was called to order by Chairman Robert Zachritz on Wednesday, July 1, 2009 at 7:30 PM at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.

Welcomes and Introductions

Chairman Zachritz welcomed the citizens attending the meeting and thanked them for coming. He introduced Mayor Walker and Planning Commissioners Lorraine Bauer, Mari Bushway, Jack Burden, Joanne Cooper, Elaine Fischer and Rodney Gray. He also introduced Town Manager Keith Markel, Zoning Administrator Steve McGregor, and Town Clerk Judy Kromholz.

Absent

None

Audience

Tracey Senate (*Brunswick Citizen*)

Presentation

Administrator McGregor made a presentation on Zoning Ordinance Amendment LVZA 2009-0005 Wireless Communications Equipment (Attachment I: Staff Report)

Explanation of Procedures and Opening of the Hearing

Chairman Zachritz read the Public Notice of this Public Hearing as it appeared in *Leesburg Today* on June 19, 2009 and June 26, 2009 (Attachment II: Public Notice).

Public Speakers

No member of the public had signed up to speak at this Hearing. Chairman Zachritz confirmed that no member of the audience wished to speak. Clerk Kromholz confirmed that no written communication had been received for this Hearing.

There being no further speakers, Chairman Zachritz declared the hearing closed at 7:36 PM.

Opening of Regular Monthly Meeting

Chairman Zachritz called the Regular Monthly Meeting of the Lovettsville Planning Commission to order at 7:36 PM on Wednesday, July 1, 2009.

Public Comment

Chairman Zachritz called for public comment. There was none at this time.

Additions/Deletions/Modifications to the Agenda

Chairman Zachritz called for changes to the agenda and added the election of Chairman and Vice Chairman as the first order of business.

Election of Chair and Vice Chair

Chairman Zachritz nominated Commissioner Bushway as Vice Chair of the Planning Commission and Commissioner Fischer seconded the nomination. There being no further nominations, Chairman Zachritz called the vote.

Motion: To elect Mari Bushway as Vice Chair of the Planning Commission.
By: Commissioner Zachritz
Second: Commissioner Fischer
Aye: Commissioners Burden, Bauer, Bushway, Cooper, Fischer, Gray, Zachritz
Nay: None
Abstain: None
Absent: None

Commissioner Bushway nominated Commissioner Zachritz as Chairman of the Planning Commission and Commissioner Gray seconded the nomination. There being no further nominations, Chairman Zachritz called the vote.

Motion: To elect Robert Zachritz as Chairman of the Planning Commission.
By: Commissioner Bushway
Second: Commissioner Gray
Aye: Commissioners Burden, Bauer, Bushway, Cooper, Fischer, Gray, Zachritz
Nay: None
Abstain: None
Absent: None

Approval of Planning Commission Minutes

A. Planning Commission Meeting – February 4, 2009

Motion: To approve the minutes of the February 4, 2009 Planning Commission Meeting as presented.
By: Commissioner Bushway
Second: Commissioner Zachritz
Aye: Commissioners Burden, Bauer, Bushway, Cooper, Fischer, Gray, Zachritz
Nay: None
Abstain: None
Absent: None

B. Planning Commission Reconvened Meeting – February 18, 2009

Motion: To approve the minutes of the February 18, 2009 Planning Commission Reconvened Meeting as presented.
By: Commissioner Burden
Second: Commissioner Gray
Aye: Commissioners Burden, Bauer, Bushway, Cooper, Fischer, Gray, Zachritz
Nay: None
Abstain: None
Absent: None

Zoning Administrator's Report

Administrator McGregor reviewed his report for May 2009. There were no questions from the Commissioners.

Action Items

A: LVZA 2009-0005: Wireless Communication Equipment

Chairman Zachritz reviewed the purpose of this amendment and noted for the record that there had been no speakers at the Public Hearing. There being no further discussion, Chairman Zachritz called for the vote.

Motion: I move that the Planning Commission recommend to the Town Council approval of proposed Zoning Ordinance amendment LVZA 2009-0005 Wireless Communications Equipment, as stated in the attached report (Attachment I: Staff Report)
By: Commissioner Bushway
Second: Commissioner Gray
Aye: Commissioners Burden, Bauer, Bushway, Cooper, Fischer, Gray, Zachritz
Nay: None
Abstain: None
Absent: None

Discussion Items

There were no discussion items on the agenda.

Information Items

Manager Markel presented the July 2009 – June 2010 Town Calendar as approved by the Town Council (Attachment III: Town Calendar).

Comments from Mayor and the Commissioners

Chairman Zachritz called for comments from the Commissioners.

Chairman Zachritz stated that he had sent the grocery store packet to a corporate manager at Trader Joe's and is waiting for a response. He asked Administrator McGregor for the status of the proposed Sign Ordinance. Administrator McGregor stated that Attorney Whiting is reviewing the Ordinance.

Manager Markel noted that Attorney Whiting has been performing a number of time sensitive reviews on engineering issues, including the I&I and Germanna Drive proposals.

Chairman Zachritz stated that all lots in New Town Meadows have been sold and the roads should be ready for VDOT acceptance in the near future.

Chairman Zachritz asked that copies of the commercial proffers from Elm Street Development for Lovettsville Town Center be distributed to the Commissioners in order to expedite review when it comes to the Commission.

Commissioner Burden requested that the Comprehensive Plan Advisory Committee schedule be emailed to the members the Friday before a scheduled meeting. Administrator McGregor stated that the schedule will be better established after the next CPAC meeting. It was agreed that the meetings will be posted to the Town Hall website calendar once the schedule is established.

Commissioner Gray asked for the status of the bike path and Manager Markel reported that they are still performing the survey work for the path.

Commissioner Bauer asked about the status of the Streetscape Plan and Manager Markel stated that it is moving forward as the Town works with VDOT and PRH+A. It will then go forward to the Town Council. He noted that the Town may have to work with VDOT to arrange a number of exceptions citing the narrow streets and utility poles encroaching on the right of way.

Commissioner Bushway asked if the Town had received any updates from the commercial developer at Lovettsville Town Center. Manager Markel reported that the agent has been using the packet developed by the Town since February to solicit renters and have had their own marketing literature for years.

Commissioner Fischer stated that while she is aware that there is contentiousness at Lovettsville Town Center she hopes that the existing residents will reach out to the new residents and make them feel welcome. Manager Markel reported that 15 homes are under contract at the development and that two of those will have detached garages and full front porches.

Mayor Walker endorsed Commissioner Fischer statement and thanked her for making it. She then reported the following:

- She reminded those present about the Lovettsville July 3rd celebration.
- The Movie in the Park on July 10th will be *Duck Soup*.
- Along with Manager Markel and representatives of other Northern Virginia organizations she met with Governor Kaine about the PATH project.

Commissioner Bushway asked what time the streets will be closed for the July 3rd parade and Manager Markel said they would be closed around 5:30 PM and that the best place to park will be in Lovettsville Park.

Administrator McGregor reported that he is in the process of enforcing swimming pool regulations and has identified at least two pools in Town that do not have permits. He noted that swimming pools of a certain size must have both Town and County permits.

Public Comment

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

Adjournment

Motion: To adjourn the Planning Commission meeting of July 1, 2009
By: Commissioner Zachritz
Second: Commissioner Bushway
Aye: Commissioners Burden, Bauer, Bushway, Cooper, Fischer, Gray, Zachritz
Nay: None
Abstain: None
Absent: None

The Meeting was adjourned at 8:15 PM.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: October 7, 2009

Attachment I: Zoning Ordinance Amendment LVZA 2009-0005 Wireless Communications Equipment

Attachment II Public Hearing Announcement – *Leesburg Today*

Attachment III: July 2009 – June 2010 Town Calendar

STAFF REPORT

Town of Lovettsville

PLANNING COMMISSION PUBLIC HEARING

JULY 1, 2009

LVZA 2009-0005 Wireless Communications Equipment
(Zoning Ordinance Amendment)

Applicant: Town of Lovettsville

Location of Hearing: Town Office at 6 E. Pennsylvania Avenue

Time of Hearing: 7:30PM

Call for Information: Steve McGregor (540)-822-5788

smcgregor@lovettsvilleva.gov

Town Office Hours: 9AM-4:30PM (except holidays)

PURPOSE: To amend the Zoning Ordinance to allow the wireless communications equipment on all land throughout the Town with a conditional use permit.

BACKGROUND: On April 23, 2009 the Town Council authorized a zoning ordinance amendment by the Town to amend the Zoning Ordinance in order to allow wireless communications equipment use on all land throughout the Town with a conditional use permit to assure that there would be no adverse impact by its installation.

A national wireless communications provider approached the Town about the possibility of installing wireless communications antennas and related equipment on the Town's elevated water storage tank. The Town ordinance does not permit such use, although it has in the past. The 1987 ordinance permitted antennas in residential and commercial zoning districts. The 1992 ordinance permitted communications uses in the C-1 district with a conditional use permit. A number of antennas have been approved for installation in the past on the Town water tower under conditional use permits.

On June 6 the Planning Commission authorized a public hearing for July 1 on this item.

DISCUSSION: Wireless communications equipment is a necessary public utility (provided by private companies licensed for operating such service) for public use. The Town should help provide such service where there is a need by people in the Town and surrounding area. Various companies provide such service and the public expects they can partake of such services from any company they choose. Therefore, the Town ordinance needs to be amended if the Town wishes to accommodate wireless communications providers. In order to assure that such facilities are designed and maintained in a satisfactory manner, the use would need to be allowed only under a conditional use permit. The Council requested that the use be available on any property under any zoning district in the Town in case it may be appropriate on other sites than the Town water tower. A definition of wireless communications equipment needs to be included in the ordinance if the use is added to the ordinance.

The following should be considered when evaluating the conditions applicable to wireless communications equipment use:

1. Dimensions of antenna.
2. Visual impact of antenna.
3. Specifications for ancillary cabinets or similar equipment, including materials.
4. Height of antenna from the ground.
5. Location of all equipment, including if it is co-located on existing structure.
6. Screening of equipment on the ground.
7. Location of connecting wires/cables (underground or over ground).
8. Material and color of all equipment, including separate tower if applicable
9. Access details.
10. Details of maintenance and repair schedule and responsibility.
11. Lighting and impact on adjacent and nearby property.
12. Backup power and alarm system to determine if sound is an issue.
13. Security (fences or other).
14. Any adverse visual impact or adverse impact on other utilities or equipment.

15. Contract details with property owner.

RECOMMENDATION: The Town is advised that allowing wireless communications equipment use under a conditional use permit will enhance the communications options for residents, businesses and workers in the Town. Therefore, the Zoning Ordinance should be amended as follows:

ADD: Sec. 3-2 Residential District CR-1 (c) Conditionally Permitted Uses (xxiii) Wireless Communications Equipment.

Sec. 3-3 Residential District R-1 (c) Conditionally Permitted Uses (xi) Wireless Communications Equipment.

Sec. 3-4 Residential District R-2 (c) Conditionally Permitted Uses (ix) Wireless Communications Equipment.

Sec. 3-5 Residential District R-3 (c) Conditionally Permitted Uses (viii) Wireless Communications Equipment.

Sec. 3-6 Retirement Community R-C (r) Wireless communications equipment is permitted under a conditional use permit.

Sec. 3-7 Town Center Planned Development District T-C (j) Conditionally Permitted Uses (iv) Wireless communications equipment.

Sec. 3-8 Planned Infill District (g) Conditionally Permitted Uses (iv) Wireless communications equipment.

Sec. 3-12 Community Commercial District C-1 (c) Conditionally Permitted Uses (ix) Wireless communications equipment.

Sec. 3-13 Mixed Use Business District C-2 (c) Conditionally Permitted Uses (vii) Wireless communications equipment.

Sec. 3-14 Light Industrial District I-1 (g) Conditionally Permitted Uses (viii) Wireless communications equipment.

ADD: Sec. 13-2 Definition of Certain Terms [Insert in alphabetical order]

“WIRELESS COMMUNICATIONS EQUIPMENT:
Sending and receiving antennas attached to a tower or similar structure, such as a steeple or silo, and a prefabricated or modular structure of cabinets containing electronic hardware. For purposes of this ordinance, amateur radio transmission equipment is not classified as wireless communications equipment.”

DRAFT MOTION:

“I move that the Planning Commission recommend to the Town Council approval of proposed Zoning Ordinance amendment LVZA 2009-0005 Wireless Communications Equipment, as stated in this report.”

PUBLIC/LEGAL NOTICES

GINIA: And, it is further ORDERED that this order be published once a week for four successive weeks in Leesburg Today, a newspaper of general circulation in the County of Loudoun; that a copy of this order be posted at the front door of the courthouse wherein this court is held; and that a copy of this order be mailed to Bobby K. Gonzales at the address shown by the aforesaid affidavit.

Entered this 7th day of May, 2009.

James H. Chamblin
Judge of the Circuit Court of Loudoun County

I ask for this:
Januario G. Azarcon
Sawyer &
Azarcon, P.C.
10605 B2

Judicial Drive a.m., before this Court
Sharon Emery in its Courtroom why
cause, if they can, on
10 July, 2009 at 10:00

ORDER OF PUBLICATION

FOR SHOW CAUSE HEARING

Leesburg, VA 20175
703-777-3788

29, 2009, at 8:30 AM, improvement on, situate, being in the

the following described on, situate, being in the property located at being in the This property will be sold "AS IS", with ties. The real estate will be offered Hidden Springs Lane, north of Pu

**Public Hearing Notice
Lovettsville Planning Commission**

The Lovettsville Planning Commission will hold a public hearing at 7:30 PM Wednesday July 1, 2009, to hear comments from any person on the following:

LVZA 2009-0005: To amend the Town of Lovettsville Zoning Ordinance to **Add** to Sections 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-12, 3-13, and 3-14 of the Zoning Ordinance under Conditionally Permitted Uses, Wireless Communications Equipment as a use; and **ADD** to section 13-2 of the Zoning Ordinance, DEFINITION OF CERTAIN TERMS, a definition of Wireless Communications Equipment.

The hearing will take place at the Town Office, 6 E. Pennsylvania Avenue, Lovettsville, Virginia 20180. The text under consideration is available at the Town Office between the hours of 9AM and 3PM weekdays, holidays excepted. Call 540-822-5788.

- 6/19 & 6/26/2009

**PUBLIC AUCTION
JUNE 24, 2009
11:00A.M.**

**A PUBLIC AUCTION OF ALL
PERSONAL PROPERTY FOUND
IN STORAGE UNITS:**

- Unit # 335 Mildred Cadag
- Unit #257 Eric Green
- Unit # 208 Lynn Nickens
- Unit #245 and #34 – PGM
- Unit #307 Jessica Bolainex
- Unit #82 Carl Frye
- Unit #455 Glorida Barbour
- Unit #456 Property Management

LOCATION:

Fort Knox Self-Storage
755 Gateway Dr. S.E.
Leesburg, VA 20175
Manager: Carolyn Conlee
Terms of Sale: CASH

6/19/09

TUESDAY, JUNE 30

TERMS OF SALE: Cash. \$10.00 will be required at the sale, with balance due 30 days of sale. Settlement shall be made at the time of sale unless otherwise postponed. The sale is subject to the covenants, conditions, and easements, if any, contained in the deed of title to the property. The proper time shall be of the essence with respect to the closing. In the event of failure to complete settlement by the date of sale, in accordance with the terms of the deed, the deposit shall be forfeited and applied to the credit of the seller and the property shall be resold at the discretion of the Purchaser. Current real estate taxes shall be paid at closing.

FOR INFORMATION, APPRAISERS:
William E. Shmidheiser, III
Suzanne F. Thomas
Acting Substitute Trustees
Lenhart Obenshain P.C.
90 North Main Street, Suite 201
Harrisonburg, VA 22803
(540) 437-3137 (Shmidheiser)
(540) 437-3101 (FAX)
wes@lolawfirm.com

Town of Lovettsville

July 2009 - June 2010

July 2009

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

1: Planning Commission Meeting
 3: Parade & Fireworks
 4: Independence Day
 9: Town Council Meeting
 23: Town Council Meeting

January 2010

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

1: New Year's Day
 6: Planning Commission Meeting
 14: Town Council Meeting
 15: Lee-Jackson Day
 18: Martin Luther King Day
 28: Town Council Meeting

August 2009

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

No Planning Commission Meeting
 4: National Night Out
 13: Town Council Meeting
 27: Town Council Meeting

February 2010

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

3: Planning Commission Meeting
 11: Town Council Meeting
 15: President's Day
 25: Town Council Meeting

September 2009

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

2: Planning Commission Meeting
 7: Labor Day
 10: Town Council Meeting
 17: Town Council Meeting
 25-27: Oktoberfest

March 2010

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

3: Planning Commission Meeting
 11: Town Council Meeting
 25: Town Council Meeting

October 2009

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

7: Planning Commission Meeting
 8: Town Council Meeting
 12: Columbus Day
 22: Town Council Meeting

April 2010

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

7: Planning Commission Meeting
 8: Town Council Meeting
 22: Town Council Meeting

November 2009

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

4: Planning Commission Meeting
 11: Veterans' Day
 12: Town Council Meeting
 19: Town Council Meeting
 26-27: Thanksgiving Day Holiday

May 2010

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

5: Planning Commission Meeting
 13: Town Council Meeting
 27: Town Council Meeting
 31: Memorial Day

December 2009

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

2: Planning Commission Meeting
 10: Town Council Meeting
 17: Town Council Meeting
 24: Christmas Eve (1/2 day)
 25 - Christmas

June 2010

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

2: Planning Commission Meeting
 10: Town Council Meeting
 24: Town Council Meeting

- Town Council Meetings on the second and fourth Thursday of the month, except in September, November and December.
- Planning Commission Meetings are on the first Wednesday of the month, except in August.
- Code: Yellow: Town Hall Closed
 Blue: Town Council Meetings
 Green: Planning Commission Meetings
 Orange: Town Events