

Town of Lovettsville

Planning Commission Minutes of Regular Meeting, May 5, 2010

Chairwoman Bushway called the Regular Monthly Meeting of the Lovettsville Planning Commission to order at 7:35 P.M. on May 5, 2010.

Present at Meeting

- Mayor Elaine Walker
- Chairwoman Mari Bushway
- Commissioners Lorraine Bauer, Jack Burden, Elaine Fischer, Rodney Gray, Aaron Kahn, Joe Mueller
- Town Manager Keith Markel
- Zoning Administrator Steve McGregor
- Town Clerk Judy L. Kromholz

Absent

None

Present In the Audience

Among those present in the audience were James Athey, Alton Athey, Howard Williamson, and Tiffany Carder.

Public Comment (Attachment I: Sign in Sheet)

Chairwoman Bushway asked for public comment. There was none at this time.

Additions/Deletions/Modifications to the Agenda

Chairwoman Bushway called for changes to the agenda. There were none.

Approval of Planning Commission Minutes

A. Planning Commission Meeting – March 3, 2010

Motion: To approve the minutes of the March 3, 2010 Planning Commission Meeting as presented.

By: Commissioner Mueller

Second: Commissioner Fischer

Aye: Commissioners Bauer, Burden, Bushway, Fischer, Gray, Kahn, Mueller

Nay: None

Abstain: None

Absent: None

Zoning Administrator Report – March 2010

Administrator McGregor presented his written report for March 2010. There were no questions from the Commissioners.

Action Items

A. Athey Minor Subdivision

Administrator McGregor presented this item. James C. and Jo Ann D. Athey submitted an application for approval of a minor residential subdivision for property located at 34 South Loudoun Street. The 2.6 acre parcel, identified by Loudoun County property identification number 370302852, is currently improved with one single family dwelling. The applicants have requested to subdivide the parcel into four lots for residential dwellings, with three of the lots fronting South Church Street and with the fourth lot without public street frontage. The lot sizes would be 21,329, 12,894, 15,332 and 62,848 square feet. The parcel is zoned R-1 (minimum lot size: 8,000 square feet) and the Town Land Use Plan shows the property for low density residential use. A 24-foot wide private access easement is provided to lot 4 through lot 3, with a 12 foot gravel surface. Administrator McGregor noted that the proposed lot sizes are within the

size required by the Zoning Ordinance. The proposed layout provides more than the required 35% open space: .87 acres required (net site area: 2.49 acres); .95 acres are provided. The private access easement to lot 4 is permitted in Section 4.4, Private Access Easements, of the Subdivision Ordinance. The easement width, travelway width and surface material conform to ordinance requirements. VDOT has reviewed and has no issues with the amount of street frontage dedicated for future improvement. VDOT had determined that the existing fire hydrant located along South Loudoun Street is in conflict with the proposed private access easement serving lot 4 and will need to be moved down the street several feet to allow for an acceptable driveway entrance. The applicant agrees to a condition of approval that requires moving the hydrant to a location approved by the Town, Loudoun Water and VDOT prior to issuance of a building location zoning permit. Building envelopes shown on the plat are in conformance with ordinance requirements. The open space calculation is based on the land outside these building envelopes. The proposed subdivision density conforms to the Town Plan density policy for low density residential development.

The applicant is required provide public street frontage improvements, per Section 4.3.4 of the Subdivision Ordinance. The Town Council, on April 22, 2010 passed a motion allowing the applicant to provide a cash contribution for curb and gutter and sidewalk improvements. The calculation for the amount of the contribution is \$23,602.29, which includes the cost of curb, gutter, sidewalk, four driveway aprons and thirty percent for design and engineering. The applicant is choosing to make this cash contribution with the understanding that if he wishes to install frontage improvements before the Town constructs this infrastructure, he must have construction plans approved and bonded before the cash contribution would be returned. Administrator McGregor noted that the Town has received the indicated payment.

Commissioner Mueller asked how the contribution figure was calculated. Administrator McGregor stated that Loudoun County has standard cost and the Town then vetted those figures with the Town engineer.

Chairwoman Bushway asked if the existing house will remain and the applicant replied that it would. There being no further discussion, Chairwoman Bushway asked for a motion.

- Motion:** That the Planning Commission approve Resolution 2010-05-01: Conditional Approval Of Minor Subdivision, JoAnnDo Subdivision (Attachment II).
- By:** Commissioner Mueller
- Second:** Commissioner Kahn
- Aye:** Commissioners Bauer, Burden, Bushway, Fischer, Gray, Kahn, Mueller
- Nay:** None
- Abstain:** None
- Absent:** None

B. LVZA 2010-0003: Outdoor Residential Swimming Pools

Administrator McGregor presented this item. On February 11, 2010 the Town Council directed staff and the Zoning Administrator to develop an evaluation of the private outdoor swimming pool regulations because it is not practical to enforce the current regulations. The Council voiced interest in simplifying the regulations so that they only address the visual impact of swimming pools on adjacent properties and do not entail the necessity of the Town undertaking electrical inspections or regulating safety aspects. The Council also voiced interest in modifying the regulations so they are similar to County regulations for swimming pools.

Commissioner Mueller asked if there currently are duplicate inspections and Administrator McGregor said that there are. Commissioner Gray asked if these regulations apply to blow-up pools and other seasonal structures. Administrator McGregor stated that the County regulates any pool with a depth of 24 or more inches. Commissioner Kahn asked if staff is suggesting enforcing any aesthetic rules and Administrator McGregor stated that only zoning rules will be enforced by the Town.

- Motion:** That the Planning Commission authorize and direct staff and the Zoning Administrator to schedule a public hearing for Zoning Ordinance amendment item LVZA 2010-0003 Outdoor Residential Swimming Pools, for June 2, 2010.
- By:** Chairwoman Bushway

Second: Commissioner Gray

Chairwoman Bushway called for additional discussion. Commissioner Burden stated that he wanted to see the proposed text before approving the scheduling of the public hearing. Commissioner Kahn stated that he is comfortable going forward at this time, requesting that the proposed text be posted and distributed to the Commission before the public hearing itself. Manager Markel reminded the Commissioners that they are not required to take action the night of the Public Hearing; the purpose of the hearing is to obtain input from the public before the amendment is voted upon. Commissioner Mueller stated that he would not like to see this delayed an entire month since pool season is rapidly approaching. He also requested that the proposed ordinance changes be distributed to the Commission as soon as possible.

There being no further discussion, Chairwoman Bushway called for the vote.

Aye: Commissioners Bauer, Bushway, Gray, Kahn, Mueller

Nay: Commissioners Burden, Fischer

Abstain: None

Absent: None

Discussion Items

None

Information Items

None

Comments from the Mayor and Commissioners

Chairwoman Bushway called for comments from the Commissioners.

Mayor Walker said that the movie on the ball field last Saturday night was a good beginning for the summer movie series and noted that the weather was perfect.

Adjournment

Motion: To adjourn the Planning Commission meeting of May 5, 2010

By: Commissioner Kahn

Second: Commissioner Mueller

Aye: Commissioners Bauer, Burden, Bushway, Fischer, Gray, Kahn, Mueller

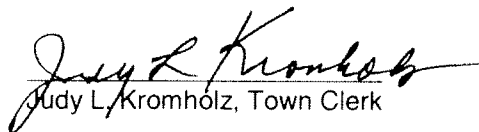
Nay: None

Abstain: None

Absent: None

The Meeting was adjourned at 8:15 P.M.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: June 2, 2010

Attachments:

- I. Sign in Sheet
- II. Resolution 2010-05-01: Conditional Approval Of Minor Subdivision, JoAnnDo Subdivision

Town of Lovettsville

RESOLUTION 2010-05-01: CONDITIONAL APPROVAL OF MINOR SUBDIVISION, JOANNO SUBDIVISION

MOTION: Mueller
SECOND: Kahn

WHEREAS, James C. Athey and Jo Ann D. Athey are the owners of property depicted on plat number C-963-54 dated December 8, 2009 and revised through April 28, 2010, prepared by Horton & Taylor, Inc; and

WHEREAS, the Zoning Administrator recommends that the proposed minor subdivision be approved in accordance with the election by the Town Council to accept a cash contribution toward the cost of certain public improvements in lieu of requiring such improvements be engineered and constructed as part of the subdivision, if such approval is appropriately conditioned.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Lovettsville that the record plat numbered C-963-54, dated December 8, 2009 and revised through April 28, 2010, prepared by Horton & Taylor, Inc., for the minor subdivision entitled JoAnDo be approved in accordance with section 2.9 of the Subdivision Ordinance subject to the following conditions:

1. The applicants shall provide not later than 3:00pm Friday, May 7, 2010, a certified check payable to the Town of Lovettsville in the amount of \$23,602.29 as a cash contribution for curb and gutter and sidewalk improvements to be constructed as part of Loudoun Street improvements, in lieu of construction by the applicants.
2. The record plat shall be signed on behalf of the applicant and the Town and the applicant shall record the plat, with a deed of dedication approved in form by the Town Attorney, with the Clerk of the Circuit Court of Loudoun County within six (6) months of the date of final approval and shall furnish the Zoning Administrator with proof of recordation of the final plat, three prints and one reproducible copy of the executed final plat.

VOTE:

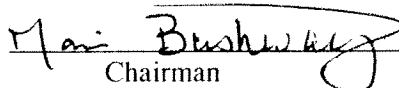
AYE: Bauer, Burden, Bushway, Fischer, Gray, Kahn, Mueller

NAY: None

ABSTAIN: None

ABSENT FOR VOTE: None

Dated: May 5, 2010


Chairman

The German Settlement