

# Town of Lovettsville

## Town Council

### Minutes of Public Hearings and Regular Meeting May 13, 2010

#### **PUBLIC HEARINGS**

The Public Hearings of the Lovettsville Town Council were called to order by Mayor Elaine Walker on Thursday, May 13, 2010 at 8:05 PM at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.

#### **Welcomes and Introductions**

Mayor Walker welcomed the citizens attending the meeting and thanked them for coming. She introduced Vice Mayor Robert Zoldos II and Council Members Charlotte Coleman, Scott Dockum, and Michael Senate. She also introduced Town Manager Keith Markel, Zoning Administrator Steve McGregor and Town Clerk Judy Kromholz. Town Attorney Elizabeth Whiting arrived at 8:10 PM.

#### **Absent**

Council Members DiJon Jones and Shaun Staley

#### **Audience**

Among those present were applicant Dr. Peter Pruckowski, applicant Fred George, Reverend Lee Crosby, Tiffany Carder, and Ed Spannaus.

#### **Explanation of Procedures and Opening of the Hearings**

Mayor Walker read the Public Notice of these Public Hearings as they appeared in the *Purcellville Gazette* on April 30, 2010 and May 2, 2010 (Attachment I: Public Notices).

#### **Public Hearing: LVZA 2010-0004**

Mayor Walker opened the first Public Hearing on LVZA 2010-0004: Zoning Ordinance Amendment to allow Veterinary Offices as a Conditional Use in Zones C-1, C-2 and Town Center Planned Development Districts.

#### **Staff Presentation**

Administrator McGregor made a presentation on LVZA 2010-0004 (Attachment II: Staff Report).

#### **Applicant Presentation**

Dr. Pruckowski stated that he first tried to open a veterinary hospital in Lovettsville in 1995. The application he submitted at that time was rejected by the Town and he has since worked in other towns in the area. The recent vacancy of the old post office opened up the idea again and he has followed two paths simultaneously to determine the possibility of using that facility. The first is to again attempt to get the Town to permit a veterinary hospital at that location and the second is to look at the facility itself and determine if it is suitable. He is grateful to the many supporters who spoke in favor of his idea at the Planning Commission Public Hearing but he noted that they spoke about him, not about the need for such a facility in the Town. He feels that allowing the facility in an appropriate location is the issue at hand. However, the old post office is not looking as promising as he had hoped, given its size and the extensive renovations it would require. He is meeting with a veterinary architect next week to further evaluate the facility.

#### **Public Speakers** (Attachment III-Signup Sheet)

1. Howard Williamson      a. Asked the Council to approve the Ordinance change and to do whatever they can to accommodate Dr. Pruckowski.
2. Fred George (applicant)      a. Stated that he has been working with Dr. Pruckowski since 1995. He supported Dr. Pruckowski's statement, noting that if the proposed site proves unsuitable, another site in Town may be appropriate for the venture.  
b. This would be an attractive Business for the Town.
3. Ed Spannaus      a. Thinks this is a great idea for the Town.

Mayor Walker called for other speakers and there were none at this time. She declared this Public Hearing closed at 8:25 PM.

**Public Hearing: LVCA 2010-0001**

Mayor Walker called the second Public Hearing on LVCA 2010-0001: Consider a Request for a Conditional Use Permit to Allow a Veterinary Hospital Use on the Property Located at 2 East Broad Way to order at 8:26 PM.

**Staff Presentation**

Administrator McGregor made a presentation on LVCA 2010-0001 (Attachment IV: Staff Report). Attorney Whiting expressed concern about granting the CUP to a particular person and suggested substitute wording that would allow the applicant to transfer the permit with the approval of the Town Council without requiring another Public Hearing. This language was substituted in the proposed resolution.

**Applicant Presentation**

Dr. Pruckowski stated that he believes the CUP is needed and that he will do everything he can to make the proposed building suitable for this facility.

**Public Speakers** (Attachment III-Signup Sheet)

Mayor Walker introduced the speakers in the order in which they had signed up to speak on this item.

- 1 Howard Williamson
    - a. Stated that he is definitely in favor of granting this permit and wants to see Dr. Pruckowski here as soon as possible.
    - b. Everybody he has spoken to is in favor of granting this permit.
  - 2 Fred George
    - a. Asked the Council to approve this CUP.
    - b. Vice Mayor Zoldos asked Mr. George if he expected this project to go forward and Mr. George stated that it is an ongoing process and will not be inexpensive. Dr Pruckowski stated that these are parallel processes and he is working on all fronts.
    - c. Councilman Senate asked that, since the actual business deal is not done, would the applicants prefer that the Council approve the first part and not the second. Mr. George said that both applicants would be more comfortable having the CUP in hand as they go forward. Manager Markel noted that it does not take away any rights from the applicant if the Council approves this tonight. Attorney Whiting noted that there may be a time limit on how long the CUP is valid if it is not used. For example, she noted that there is a 12 month limit on installing landscaping which is explicit.
- Bob Barger
  - a. Stated that he came to speak for Dr. Pruckowski, but he thinks that even if this site does not work out it is obvious that the community wants this type of facility in the Town.

Mayor Walker confirmed that no additional member of the audience wished to speak on this item and declared this hearing closed at 8:45 PM. She declared a five minute break before the next Public Hearing.

**Public Hearing: LVZA 2010-0002 Fee Amounts**

Mayor Walker called the third Public Hearing on LVZA 2010-0002/LVCU 2010-0001: Fee Amounts in the Zoning and Subdivision Ordinances to order at 8:47 PM.

**Presentation**

Administrator McGregor made a presentation on LVZA 2010-0002 (Attachment V: Staff Report).

Attorney Whiting stated that this is a good structural change to both the Subdivision and Zoning Ordinances. She wanted to clarify that Public Hearings will still be required when fee changes are proposed.

**Public Speakers** (Attachment II-Signup Sheet)

Mayor Walker confirmed that no member of the audience wished to speak on this item and declared this hearing closed at 8:50 PM.

A one minute recess was called.

#### **REGULAR MEETING**

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 8:52 PM on Thursday, May 13, 2010.

#### **Present at Meeting**

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Charlotte Coleman, Scott Dockum, Michael Senate
- Town Manager Keith Markel
- Town Attorney Liz Whiting
- Zoning Administrator Steve McGregor
- Town Clerk Judy L. Kromholz

#### **Absent**

- Council Members Dijon Jones, Shaun Staley

#### **Audience**

Among those present were Dr. Peter Pruckowski, Reverend Lee Crosby, Ed Spannaus, and Tiffany Carder.

#### **Call to Order/Welcome/Pledge of Allegiance/Invocation**

Mayor Walker led the assembled in the Pledge of Allegiance.

#### **Comments from the Public**

Joy Pritz expressed a number of concerns to the Council:

- She asked the Council to aggressively pursue putting sidewalks into the downtown area.
- She asked about progress on the park across from the Community Center, stating that it seems as though nothing is happening.
- She asked when new middle and high schools will be built near Lovettsville, commenting on how long the commute is for middle school children.

Christina Metzger expressed similar concerns. She noted that children walk, bike ride, and skateboard in the middle of the road because there are no sidewalks in Town. She also noted that she had been told 2 ½ years ago that that there would be businesses in Town which have not materialized.

Mayor Walker requested that Mrs. Pritz and Mrs. Metzger remain at the meeting so that the Mayor and Council can respond to their concerns.

Ed Spannaus stated that he is also alarmed by the children skateboarding and bicycling at high speed on Broad Way.

Mayor Walker introduced Boy Scout Explorer Joseph Winters who was attending the Council meeting with his father in order to meet the requirements for his community citizenship badge.

#### **Community Presentations**

None

#### **Additions/Deletions/Modifications to the Agenda**

Mayor Walker and the Council agreed to address the areas of concern expressed by Mrs. Pritz and Mrs. Metzger, explaining the history, the costs and the current status of the downtown sidewalks, the Lovettsville Park, the siting of new schools and the development of the commercial portion of Lovettsville Town Center. Mayor Walker thanked them for coming and asked them to come back again.

#### **Presentations**

No presentations were scheduled.

### **Approval of Town Council Minutes**

Minutes were tabled due to the lateness of the hour.

- A. Town Council Meeting – March 11, 2010
- B. Town Council Meeting – March 25, 2010

### **Report from the Treasurer**

None

### **Staff Reports**

#### A. Report from the Zoning Administrator

Administrator McGregor presented his written reports for March and April, 2010. There were no questions from the Mayor or Council.

#### B. Report from the Town Attorney

The Town Attorney had no formal report.

#### C. Report from the Town Manager

Manager Markel reported on the following items.

The Town is moving forward on the historic district project. The recommended consultant has driven through the Town and is comfortable doing the project for the recommended price. The Town will receive funding from the Virginia Department of Historic Resources in the amount of \$15,500 that is to be combined with \$8,000 of Town funding. Manager Markel will bring this project forward to the Council for a vote at the next Council meeting. He verified that there are sufficient funds in the current budget under Contractual Services to allocate to this project.

Staff is working hard on meter lid replacement which involves modifying existing lids to allow for touch pad reading. About 60 have already been completed.

Two meters on Germanna Drive will be replaced this week and five more after that.

The Council needs to schedule a work session devoted to the utility rates study analysis. Mayor Walker polled the Council and they agreed to meet on Saturday, July 24<sup>th</sup>.

Along with Project Manager Fellers, he met with a consulting firm that had approached the Town about working on getting the necessary 35 easements for the Broad Way Sidewalk Project. This company does a lot of similar work in northern Virginia. Manager Markel suggested having the consultant make a presentation to Council and they agreed.

He announced the Town Welcome Sign Subcommittee is going to begin meeting again. Council agreed that the subcommittee could make decisions on materials without coming back to the entire Council.

### **Consent Agenda**

There were no items on the consent agenda.

### **Action/Discussion Items**

#### A. LVZA 2010-0004: Veterinary Hospital use in non-residential districts

Administrator McGregor had nothing to add to the presentation he made earlier at the Public Hearing.

**Motion:** I move that the Town Council adopt draft Ordinance No. 2010-05-01 to amend the Zoning Ordinance as presented in the May 13, 2010 memorandum for item LVZA 2010-0004 Veterinary Hospital Use and recommended by the Planning Commission (Attachment VI).

**By:** Vice Mayor Zoldos

**Second:** Council Member Coleman

Mayor Walker called for discussion. Councilman Dockum asked if pet stores would be permitted in commercial space under the current Ordinances. Administrator McGregor stated that they would be treated like any other retail outlet. There being no further discussion, Mayor Walker called for the vote.

**Aye:** Council Members Coleman, Dockum, Senate, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Members Jones, Staley

B. LVCU 2010-0001: Veterinary Hospital conditional use at 2 East Broad Way

Administrator McGregor noted that the Attorney Whiting had suggested, and he agreed, that the following change be made to Point 8 of the conditions:

FROM: This conditional use permit is valid only for Dr. Peter Pruckowski.

TO: This conditional use permit may be assigned with the approval of the Town Council.

**Motion:** I move that the Town Council approve the attached draft Ordinance No. 2010-05-02 as amended approving the conditional use permit request by Bernhart Corner to operate a veterinary hospital at 2 East Broad Way with the conditions recommended by the Planning Commission, April 7, 2010 and the staff, May 13, 2010. (Attachment VII).

**By:** Vice Mayor Zoldos

**Second:** Council Member Dockum

Mayor Walker called for discussion. Vice Mayor Zoldos stated that he is completely open to passing this, but typically the business owner and the property owner get together and are sure this is doable before they spend the money to come before the Council. He stated that this is a different way of going about it. Mayor Walker asked if Dr. Pruckowski would be required to submit another Condition Use Permit application if he selected different property and Attorney Whiting stated that would be required. She noted that if Dr. Pruckowski elects not to locate at this address, any other business can operate there. Manager Markel explained that Dr. Pruckowski would have to apply for another CUP if he picks another property. There being no further discussion, Mayor Walker called for the vote.

**Aye:** Council Members Coleman, Dockum, Senate, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Members Jones, Staley

C. LVZA 2010-0002/LVSA 2010-0001: Fee Amounts in the Zoning and Subdivision Ordinances

Administrator McGregor had nothing to add to the presentation he made earlier at the Public Hearing.

**Motion:** I move that the Town Council pass the attached Ordinance No.2010-05-03 approving the recommended ordinance text amendments presented in the May 6, 2010 memorandum for item LVZA 2010-0002 Fees. (Attachment VIII).

**By:** Council Member Senate

**Second:** Council Member Coleman

**Aye:** Council Members Coleman, Dockum, Senate, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Members Jones, Staley

D. JoAnnDo Subdivision (34 South Loudoun St) – Process for refunding cash contribution

Manager Markel presented this item. He stated that Staff has no problem with this request and that the applicant had requested that the Council express agreement.

**Motion:** I move that the Town Council return the cash contribution of \$23,602.29 to the applicant, Mr. Athey, should he choose to install the public street frontage improvements (curb, gutter, sidewalk and driveway aprons) himself, rather than wait for the Town to complete this work as part of its Capital Improvements Plan. The funds would not be returned to the applicant until construction plans are approved and a performance agreement and bond for the necessary work have been accepted by the Town.

**By:** Council Member Senate

**Second:** Council Member Coleman

Mayor Walker called for discussion. Councilman Dockum stated that if there is no detailed design for drainage in that area, it is likely that Mr. Athey's improvements would have to be torn out and rebuilt when the Town installs sidewalk in that area. Manager Markel stated that Mr. Athey can do the improvements himself by right and there is nothing the Town can do to stop him. Administrator McGregor noted that

VDOT would have to approve Mr. Athey's plans. Councilman Senate noted that the current Town ordinance only requires sidewalk, curb and gutters. Attorney Whiting stated that drainage is now required and she has discussed this with the applicant. Vice Mayor Zoldos asked why this motion was necessary. Manager Markel stated that Council had already voted to allow Mr. Athey to make a cash contribution in lieu of making the improvements himself. The question before Council now is whether they would return the payment if Mr. Athey elected to do the improvements himself. Attorney Whiting stated that this is simply confirming what the law already permits.

Councilman Dockum stated that he would be more comfortable if the word "drainage" was included. Attorney Whiting stated that the requested change was permissible. Councilman Senate withdrew his motion and Councilwoman Coleman withdrew her second.

**Motion:** I move that the Town Council return the cash contribution of \$23,602.29 to the applicant, Mr. Athey, should he choose to install the public street frontage improvements (curb, gutter, sidewalk, driveway aprons and drainage) himself, rather than wait for the Town to complete this work as part of its Capital Improvements Plan. The funds would not be returned to the applicant until construction plans are approved and a performance agreement and bond for the necessary work have been accepted by the Town.

**By:** Council Member Senate

**Second:** Council Member Coleman

There being no further discussion, Mayor Walker called for the vote.

**Aye:** Council Members Coleman, Dockum, Senate, Zoldos

**Nay:** None

**Abstain:** None

**Absent:** Council Members Jones, Staley

#### **Information Items**

No information items were presented.

#### **Comments from the Mayor and Town Council**

Councilman Dockum congratulated the newly elected officials. He stated that he is sad to see Councilman Jones leave the Council; it had been very good working with him.

Vice Mayor Zoldos reminded those present that the first Lovettsville Movie in the Park will be tomorrow night and reminded the Council that help is needed with the setup. He reported that the ball field movie was a big hit. He stated that the trolley helped with parking, but not as much as he had hoped. He congratulated Mrs. Carder on joining the Council and thanked Councilman Jones for all his hard work.

Mayor Walker reported the following:

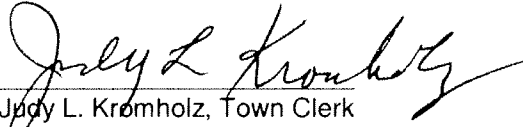
1. She attended a productive meeting with VDOT concerning the Bike path. She noted that of the fifteen people at the meeting, Manager Markel, Project Manager Fellers and Mayor Walker represented the Town. The Historic District Informational meeting went well and there will be another informational meeting before the survey begins.
2. The Town had a good Arbor Day celebration, planting a new dogwood tree. The local Daisy Troop planted three small bushes at the ceremony.
3. The movie on the ball field had perfect weather.
4. She attended the Loudoun County Volunteer Fire and Rescue banquet at which Chief Pozzo was honored for his service.
5. She attended the Neighborhood Watch Program given by the Sheriff's Office and is inviting the deputy to make a presentation on the topic to the Council.
6. The Loudoun County Health Council has announced that it will sponsor Loudoun Health for Life Day at the Rust Library in Leesburg on June 26<sup>th</sup>.
7. There will be a Lovettsville Park meeting on Monday at the Community Center. The Loudoun County Planning Commission will be discussing the Park Special Exception application on June 9<sup>th</sup>.
8. The Town Council Budget Public Hearing is next Thursday, May 20<sup>th</sup> at 8:00 PM in Town Hall.
9. She is planning a Memorial Day ceremony with Councilwoman Coleman. Further details will be announced.

10. She congratulated Vice Mayor Zoldos, Councilwoman Coleman and Mrs. Carder on their election. She stated for the record that she has offered to meet with Mrs. Carder to review Town matters.
11. She asked that staff present Councilman Jones' emergency preparedness plans to Council before his term expires.
12. Mayor Walker announced that she will open Town Hall two nights per month in June, July and August to meet with the public. She is inviting each Council member to attend one of the sessions.
13. She is working with Loudoun County administration to schedule training meetings in Loudoun County for all of the newly elected officials.

**Closed Session**

The Council moved into closed session at 10:15 PM (Attachment IX).

Respectfully submitted,

  
Judy L. Kromholz, Town Clerk

Date Approved: August 12, 2010

**Attachments:**

- I. Public Notices – *Purcellville Gazette*
- II. Staff Report: LVZA 2010-0004: Zoning Ordinance Amendment to allow Veterinary Offices as a Conditional Use in Zones C-1, C-2 and Town Center Planned Development Districts.
- III. Speaker Sign Up Sheet
- IV. Staff Report: LVCU 2010-0001: Consider a Request for a Conditional Use Permit to Allow a Veterinary Hospital Use on the Property Located at 2 East Broad Way
- V. Staff Report: LVZA 2010-0002/LVCU 2010-0001: Fee Amounts in the Zoning and Subdivision Ordinances
- VI. Ordinance No. 2010-05-01 to amend the Zoning Ordinance as presented in the May 13, 2010 memorandum for item LVZA 2010-0004 Veterinary Hospital Use and recommended by the Planning Commission.
- VII. Ordinance No. 2010-05-02 as amended approving the conditional use permit request by Bernhart Corner to operate a veterinary hospital at 2 East Broad Way with the conditions recommended by the Planning Commission, April 7, 2010 and the staff, May 13, 2010.
- VIII. Ordinance No. 2010-05-03 approving the recommended ordinance text amendments presented in the May 6, 2010 memorandum for item LVZA 2010-0002 Fees.
- IX. Closed session motions

PHOTO by Barbara Cook



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wanted to

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ing historical into their presentation, whether it was  
an, Vietnam War or the current wars, Declaration of  
s. It really was terrific. I suppose there were about  
to a bigger one next year.

n. I can no longer stand by while everyday Americans  
usly support the right of everyone in America to dissent  
r members, environmentalists, illegal immigrants, pro-  
pitalists – everyone except conservatives.  
none else say hypocrisy?

id participated in every DC antiwar march and protest  
to heaven in San Francisco – I've seen my share of  
n who sees how the Lamestream Media groupies who  
ran protest at Bush's Crawford Ranch, then kicked her  
ha's Vineyard – well, let's just say I'm just grateful I've  
commend that others teach their children too.

last year and has been to many similar events. I think

oturf.

ibel (fake grass- get it?) the Tea Party is the most  
ntiwar movement. There are no leaders, no sources  
ation and make our own signs. What's really Astroturf  
iss-produced signs.

it  
iese events. CNN recently ran a story on disgruntled  
orters who ask questions like "How do you feel about

-filled and violent.

can say truthfully that while there is a lot of political  
attended a political event before – there is a basic

imistic people who believe in America, freedom and  
white cracker girl like me have had a chance to rise  
woman I am today

taxpayers are feeling so powerless in the face of the  
that good, old-fashioned American right to dissent  
seven children because she feels like she has to do

of respect not liberal lies ♦

# W&OD

the annual 5k race was discontinued as part of the  
ere is no indication that the race will ever again be  
runners this year. Not ready to lace up your shoes, pull

## Public Hearing/Legal Notices

### Town of Purcellville

#### REQUEST FOR QUOTE

#### PRINTING OF 2011 CALENDAR FOR THE TOWN OF PURCELLVILLE

The Town of Purcellville is requesting a quote to obtain the services of a qualified printer to print the 2011 Town Calendar.

Download the Request for Quote (RFQ) at [www.purcellvilleva.gov](http://www.purcellvilleva.gov) or contact Cheryl Herman, Program Specialist, at (540) 751-2300. Quotes will be accepted until May 14, 2010 at 2:00 PM, at the Town Offices located at 130 E. Main Street, Purcellville, Virginia 20132. The RFQ will be issued on or about May 17, 2010.

### Notice of Public Hearing Lovettsville Town Council

The Lovettsville Town Council will hold public hearings on the following items at their meeting on May 13, 2010 at 8:00pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue.

**LYZA 2010-0004:** Consider amending Sections 3-7(j), 3-12(c), 3-13(v) & 3-14(f) of the Town's Zoning Ordinance to allow Veterinary Hospitals as a conditional use in the C-1, C-2, I-1 and Town Center Planned Development districts. Add standards in Section 3-1(b) and retitle that Section and a definition of Veterinary Hospitals to Section 13-2 of the Ordinance.

**LYCU 2010-0001:** Consider a request by Bernhart Comer LLC for a Conditional Use Permit per section 3-12(c) to allow a Veterinary Hospital use on the property located at 2 East Broad Way and identified as Loudoun County PIN 369107761000.

**LYZA 2010-0002/LVSA 2010-0001:** Consider amending Article 11 Fees of the Zoning Ordinance and Section 6.4.11 Service Fees of the Subdivision Ordinance to remove specific fee dollar amounts from these ordinances and instead reference the Town's approved Fee Schedule.

The text being considered is available at the Town Office between the hours of 9AM and 3PM weekdays or by special appointment, holidays excepted. Call 540-822-5788 for more information.



**Purcellville Children's Academy**  
www.mypcskids.com

**New Part time/ Full Time Half Day Pre School**  
Two/Three Five days a week - AM/PM Sessions  
Ages 3 - 5 - Must be potty trained

**New Half Day Junior Kindergarten**  
Five Days a week - AM/PM Sessions - Must be four by September 30<sup>th</sup>  
Testing is available for early admission must be four by December 31<sup>st</sup>

**Full Day & Half Day Kindergarten**  
AM/PM Sessions for Half Day - Must be five by September 30<sup>th</sup> - Testing is available for early admission must be five by December 31<sup>st</sup> - Enrollment starts May 17<sup>th</sup>

**Summer Camp starting at \$179\* a week**  
5-12 year olds - June 21<sup>st</sup> - September 3<sup>rd</sup> - 1 week sessions  
*\*If you register for 8 weeks or more.*

**www.mypcskids.com      540.338.6203**

on those shorts and running t-shirt, and enjoy a Saturday morning run (or walk) at the Purcellville's Run for Research 5k coming up on May 8, 2010

The course is a USATF Certified 5k. It begins in front of Nichol's Hardware in Purcellville and ends at the Old Train Station on the W&OD trail. Awards will be given to the top three runners and to the top runner in each age group. There is a \$25.00 entry fee. You can learn more about the race and register to run by visiting the website at [www.runforresearch.net](http://www.runforresearch.net).

This run is the branchchild and Eagle Project of Nico Pamparou of Boy Scout Troop #111. The troop

See W&OD on page 17



# Town of Lovettsville

## PUBLIC HEARING

**TO:** Mayor and Town Council

**FROM:** Stephen E. McGregor, Zoning Administrator

**DATE:** May 13, 2010

**SUBJECT: LVZA 2010-0004 Veterinary Hospital Use – Zoning Ordinance  
Amendment**

**CONCURRENT WITH:**

**LVCU 2010-0001 Bernhart Corner Veterinary Hospital –  
Conditional Use Permit**

**PURPOSE:** To provide a staff report on the desirability of amending the Zoning Ordinance to permit Veterinary Hospital use conditionally in the non-residential zoning districts, including the Town Center Planned Development T-C district; and to provide recommendations for the ordinance amendment.

**BACKGROUND and PROPOSAL:** A prospective tenant for the existing building that formerly housed the US Postal Service facility wants to operate a veterinary hospital in the building. Bernhart Corner LLC has submitted an application for a Conditional Use Permit and requests that the Town amend the Zoning Ordinance to permit the Veterinary Hospital use conditionally in the C-1 zoning district, which is the district that applies to the subject property.

**DISCUSSION:** The building being requested for the veterinary hospital use is on land zoned under the C-1 Community Commercial district, which does not permit the use either as a permitted or conditionally permitted use. The use, however, complies with the stated purpose of the C-1 district, which is stated in part:

"This district is designed to accommodate general commercial business to which the public requires direct and frequent access, but which is not characterized by constant heavy trucking other than stocking and delivery of retail goods."

The activity of the veterinary hospital use should be defined as being almost entirely contained within the facility. The only outdoor activity should be limited to brief periodic airing of the dogs on leashes. The facility does not need a full dog run as would be required for a kennel in which animals are boarded and where

the dogs would not be leashed. The veterinary hospital houses some animals but for short periods of time. The outdoor dog walking area should be limited in its area and fenced. Details of any outdoor features should be determined by each set of circumstances and based upon any relevant Comprehensive Plan policies, such as on page 53 of the Town Plan in the Land Use chapter under Implementation Policies, where it states that landscaping and beautification should be encouraged for new and existing developments. Therefore, such a use can occur if it requires a conditional use permit. General conditions should be outlined in the Zoning Ordinance in order to guide decisions to be made on individual cases.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission held a public hearing on April 7 and agreed that the veterinary hospital use is appropriate in all the non-residential zoning districts (C-1, C-2, I-1 and T-C), if it is a conditionally permitted use so that each application is evaluated in terms of the particular site involved and so its compatibility with any residential area is assured. The use is permitted "by-right" in the C-2 and I-1 districts and conditionally in the Town Center Planned Development T-C district currently in the Zoning Ordinance. The Commission made an editorial change in the proposed text for a set of standards for veterinary hospital use.

**CONCLUSION:** Not only is the veterinary hospital use appropriate for the C-1 district but it is appropriate for the I-1 Light Industrial district, which permits a large variety of commercial and light industrial uses as long as they do not have an impact on residential areas. A veterinary hospital is currently permitted conditionally in the Town Center Fringe Area (Section 3-7, j, (iii), (A)). If a conditional use permit were required in the C-1, C-2 and I-1 districts it would allow the Town to exercise some control of the site development of any veterinary hospital use. The veterinary hospital use that is now permitted in the C-2 district "by-right" should be changed for the same reasons as stated above.

As a format issue, the terminology for the veterinary hospital use should be made uniform in the Zoning Ordinance. The term used in the T-C Town Center Planned Development district, Fringe Area, is "Veterinary and Animal Hospital Facilities." In addition, there is no definition of the use in the Zoning Ordinance and there should be one.

The Planning Commission agrees with this assessment, as they voted to recommend approval of the item as brought forward by staff.

**RECOMMENDATION:** The staff and the Planning Commission are in agreement on the recommendations for this item, which are summarized as follows:

1. The Veterinary Hospital use should be conditionally permitted in the C-1, C-2 and I-1 zoning districts.

2. A set of standards should be established for the veterinary hospital use wherever it may be situated.
3. The term Veterinary Hospital should replace all similar terms found in the Zoning District, such as Veterinary Clinic.
4. A definition of the Veterinary Hospital use should be added to Article 13, Section 13-2 Definitions.

In order to implements these recommendations the following ordinance text amendments are recommended:

**ADD:** To Article 13, DEFINITIONS, Section 13-2 (in alphabetical order):

"VETERINARY HOSPITAL. A facility where pets and animals are given medical and/or surgical treatment and the indoor boarding of such animals is limited to short-term care incidental to the hospital use."

**MODIFY:** Article 3, Section 3-11, the title, to read:

COMMERCIAL AND LIGHT INDUSTRIAL ZONING DISTRICTS - GENERAL

**ADD:** To Article 3, Section 3-11, to read:

"(f) GENERAL STANDARDS FOR CERTAIN USES

The following identified uses, wherever permitted in a commercial or light industrial district, shall conform to the standards set forth in this section, unless otherwise specifically modified in the provisions authorizing such use in a district:

(i) VETERINARY HOSPITALS: This use shall be subject to the following development criteria:

(A) The entire business must be conducted wholly within a completely enclosed soundproofed, heated and air-conditioned building, except for a limited outdoor fenced dog walk area.

(B) Noise and odors created by activities within the facility shall not be perceptible beyond the property line or facility itself if the property has other buildings with human activity.

(C) No animals shall be housed outside the building at any time.

(D) Outdoor features shall comply with any appropriate design or amenity policies in the Town Comprehensive Plan.

(E) Additional buffering, screening or landscaping may be required under conditional use permits, especially to protect visual or other adverse impacts on residential areas."

**DELETE:** In Article 3, Section 3-13 Mixed Use Business District C-2, under (b) Permitted Uses: (v) Veterinary Hospital. [renumber subsequent numerals]

**ADD:** To In Article 3, Section 3-13 Mixed Use Business District C-2, under (c) Conditionally Permitted Uses:

(vii) Veterinary Hospital.

**ADD:** To Article 3, Section 3-12 Community Commercial District C-1, under (c) Conditionally Permitted Uses:

(xiv) Veterinary Hospital.

**ADD:** To Article 3, Section 3-14 Light Industrial District I-1, under (g), Conditionally Permitted Uses:

(viii) Veterinary Hospital.

**DELETE:** From Article 3, Section 3-14 Light Industrial District I-1, (f) (xiii) Veterinary Clinics

**MODIFY:** In Article 3, Section 3-7 Town Center Planned Development District T-C, (j) Conditionally Permitted Uses (iii) Town Center Fringe Area (A), to read:

~~Veterinary and Animal Hospital Facilities.~~ Veterinary Hospital.

**DRAFT MOTION:** "I move that the Town Council adopt the attached draft resolution to amend the Zoning Ordinance as presented in the May 13, 2010 memorandum for item LVZA 2010-0004 Veterinary Hospital Use and recommended by the Planning Commission."

**ATTACHMENT:** Draft resolution to approve LVZA 2010-0004 Veterinary Hospital Use Zoning Ordinance Amendment, Elizabeth Whiting, Town Attorney, May 6, 2010.

# Town of Lovettsville

DRAFT

**Ordinance No. 2010-XX-XX:**

**APPROVE LVZA 2010-0004 AMENDING LOVETTSVILLE ZONING ORDINANCE SECTIONS 3-7 (Town Center Planned Development District T-C), 3-11 (COMMERCIAL AND LIGHT INDUSTRIAL ZONING DISTRICTS-GENERAL), 3-12 (COMMUNITY COMMERCIAL DISTRICT C-1), 3-13 (MIXED USE BUSINESS DISTRICT C-2), 3-14 (LIGHT INDUSTRIAL DISTRICT), and 13-2 (DEFINITION OF CERTAIN TERMS): VETERINARY HOSPITALS**

**MOTION:  
SECOND:**

**WHEREAS**, the Town Council referred a request by Bernhart Corner LLC for a zoning text amendment to establish a veterinary hospital on land zoned C-1 Community Commercial to the Planning Commission for its review and recommendation as to how such use should be accommodated within the Town and in which districts it should be allowed; and

**WHEREAS**, the Lovettsville Planning Commission conducted a public hearing on the proposed amendments April 5, 2010, pursuant to notice given in accordance with the requirements of Va. Code section 15.2-2204; and

**WHEREAS**, the Planning Commission recommended approval of the text amendments to allow veterinary hospitals as a conditional use in the C-1 (community Commercial), C-2 (Mixed Use Business), I-1 (Light Industrial) and Town Center Fringe districts, together with a new definition of "Veterinary Hospital" as well as general conditions governing such uses; and

**WHEREAS**, following a public hearing on May 13, 2010, advertised in accordance with the aforesaid code provision, the Town Council has determined that the proposed amendments are consistent with good zoning practice and that the health, safety and welfare of the Town and its citizens will be promoted by adoption of the text revisions.

**NOW, THEREFORE, BE IT ORDAINED** by the Lovettsville Town Council that sections 3-7, 3-11, 3-12, 3-13, 3-14 and 13-2 of the Zoning Ordinance be repealed and reenacted as set forth in the text attached hereto.

**VOTE:**

**Ayes:**

**Nays:**

**Abstentions:**

**Absent for vote:**

**APPROVED** May \_\_, 2010

\_\_\_\_\_  
Elaine Walker, Mayor

\_\_\_\_\_  
Judy L. Kromholz, Town Clerk

# Town of Lovettsville

**ADD:** To Article 13, DEFINITIONS, Section 13-2 (in alphabetical order):

"VETERINARY HOSPITAL. A facility where pets and animals are given medical and/or surgical treatment and the indoor boarding of such animals is limited to short-term care incidental to the hospital use."

**MODIFY:** Article 3, Section 3-11, the title, to read:

COMMERCIAL AND LIGHT INDUSTRIAL ZONING DISTRICTS -  
GENERAL

**ADD:** To Article 3, Section 3-11, to read:

"(f) GENERAL STANDARDS FOR CERTAIN USES

The following identified uses, wherever permitted in a commercial or light industrial district, shall conform to the standards set forth in this section, unless otherwise specifically modified in the provisions authorizing such use in a district:

- (i) VETERINARY HOSPITALS: This use shall be subject to the following development criteria:
  - (A) The entire business must be conducted wholly within a completely enclosed soundproofed, heated and air-conditioned building, except for a limited outdoor fenced dog walk area.
  - (B) Noise and odors created by activities within the facility shall not be perceptible beyond the property line or facility itself if the property has other buildings with human activity.
  - (C) No animals shall be housed outside the building at any time.
  - (D) Outdoor features shall comply with any appropriate design or amenity policies in the Town Comprehensive Plan.
  - (E) Additional buffering, screening or landscaping may be required under conditional use permits, especially to protect visual or other adverse impacts on residential areas."

**REPEAL:** In Article 3, Section 3-13 Mixed Use Business District C-2, under (b) Permitted Uses: (v) Veterinary Hospital. [renumber subsequent numerals]

# Town of Lovettsville

**ADD:** To In Article 3, Section 3-13 Mixed Use Business District C-2, under (c)  
Conditionally Permitted Uses:

(vii) Veterinary Hospital.

**ADD:** To Article 3, Section 3-12 Community Commercial District C-1, under (c)  
Conditionally Permitted Uses:

(xiv) Veterinary Hospital.

**ADD:** Article 3, Section 3-14 Light Industrial District I-1, under (g), Conditionally  
Permitted Uses:

(viii) Veterinary Hospital.

**DELETE:** From Article 3, Section 3-14 Light Industrial District I-1, (f) (xiii) Veterinary  
Clinics

**MODIFY:** In Article 3, Section 3-7 Town Center Planned Development District T-C, (j)  
Conditionally Permitted Uses (iii) ~~Town Center Fringe Area~~ (A)

(A) ~~Veterinary and Animal hospital facilities~~ Hospital.

# Town of Southville

## Speaker Sign - Up Sheet

### Town Council Public Hearings & Regular Meeting - May 13, 2010

Please Print.

Name and Association	Address	Topic	Email Address (Optional) <sup>1</sup>
HOWARD VICKERSON	12609 LUTHERAN CHURCH RD LOVETTSVILLE	VET	howard@louclouwireless.com
JOY PNT 2	30 Lange Dr	Sidewalk/Park/Steps	mispitt@comcast.net
Christina Helberger	34 Lange Dr	Sidewalk / Steps	Christina@comcast.net
Fred Hays	13620 Berlin Rd	Vet	V Got it
Bob Spamer	52 E. Broad Ln	---	---
Pete Pruckaske	13504 Revere Wens Rd.	VET	

Each speaker will be limited to no more than three (3) minutes at the beginning of the meeting, or no more than five (5) minutes at the end of the meeting.

<sup>1</sup> If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.



# Town of Lovettsville

## PUBLIC HEARING

**TO:** Mayor and Town Council

**FROM:** Stephen E. McGregor, Zoning Administrator

**DATE:** May 13, 2010

**SUBJECT:** LVCU 2010-0001 Bernhart Corner Veterinary Hospital –  
Conditional Use Permit

**CONCURRENT WITH:**

LVZA 2010-0004 Veterinary Hospital Use – Zoning Ordinance  
Amendment

**PURPOSE:** To provide a staff report on amending the Zoning Ordinance to permit the applicant to operate a veterinary Hospital use conditioned upon the applicant providing certain elements for the use.

**PROPOSAL and DESCRIPTION OF THE SITE:** Bernhart Corner (LLC) has applied for a conditional use permit to operate a veterinary hospital in an existing building at 2 East Broad Way. The property identification number is 369107761 and it is zoned C-1. The property is .34 acres at the intersection of Berlin Turnpike opposite the Town Square and East Broad Way. The existing building has 1,645 gross square feet, not including the outdoor loading platform. The existing building, which formerly housed the post office, is proposed to be renovated in order for a tenant to operate a veterinary hospital. The applicant is offering to provide some landscaping and fencing features on the site, as indicated in the request letter and a sketch of the proposal (revised March 31). The applicant's proposed landscaping features include:

- Three (3) forsythia bushes along the eastern property boundary (next to the existing sidewalk).
- Retain the two (2) existing trees along the eastern property boundary (next to the existing sidewalk).
- Shrubs along the dog walk.
- Fence (8' wide and 6' high) to screen existing fuel tank facing the western property boundary and Berlin Pike.
- Two (2) ornamental grasses at either end of the fence screening the fuel tank.
- Raised flower bed (27'X3') along East Broad Way frontage

- Three (3) dwarf evergreens on the northwest corner of the property at the intersection of Berlin Pike and East Broad Way.
- Two (2) large flower buckets [planters] on the sidewalk running along the west façade of the existing structure.

It should be noted that a portion of the site is in the public road right-of-way, which at some point will be vacated by the Virginia Department of Transportation (VDOT) because of the realignment of Berlin Pike for the Town Square. Some existing parking spaces on the site are in the right-of-way. There are an indeterminate number of parking spaces on the property because some of the spaces currently used are in the current ROW and others are shared with the adjacent restaurant site.

**ANALYSIS:** In order for the Town to meet the applicant's request for a veterinary hospital on the subject property the property would have to be either rezoned to C-2, which permits the use "by-right", or, the C-1 district would have to be amended to include the use. The applicant chose to ask for the C-1 district to be amended with the understanding that the change would mean the use would be permitted conditionally so the Town can exercise some control of the external features of the new facility.

Therefore, this conditional use permit application is being evaluated and scheduled for public hearing concurrently with the Zoning Ordinance amendment to include the use in the C-1 district. The ordinance amendment has to be approved before the conditional use permit can be considered for approval.

As stated in the discussion section of LVZA 2010-0004 Veterinary Hospital Use Zoning Ordinance Amendment, the purpose and intent of the C-1 district would accommodate the veterinary hospital use. Assuming that the ordinance amendment is approved as proposed the veterinary hospital use proposed in this application would be a beneficial use in the Town as there is no veterinary service in the Town. Generally, the site can accommodate the use given the existing building and parking.

The site, however, has some deficiencies in terms of visual amenity. The Town Plan has the following Town-wide policy in the Land Use chapter under Implementation Policies (5<sup>th</sup> bullet) that states:

"Encourage landscaping and beautification in existing and new developments."

This policy applies to this site and this application. The landscaping improvements proposed by the applicant will add to the visual improvement of the facility but it would be more beneficial to the community if they were slightly altered. This site is one of the most visible in the Town and it is barren of

vegetation. Staff feels that the building is stark without many windows or relief from the brick façade, which has a negative visual impact.

The landscaping proposed by the applicant helps the visual amenity of the site but instead of three forsythia bushes placed along the eastern boundary of the property next to the existing sidewalk staff feels it would be better to have a continuous row of evergreen shrubs along the façade in order to help soften the harsh appearance of this façade. Also, because of the location of the western façade staff feels there should be four, not two large planters with evergreen shrubs. The Planning Commission agreed with staff on these points.

Planted landscaping takes time to install and has to be done only at certain times of the year. Therefore, permanent landscaping additions do not need to be installed upon occupancy. The Planning Commission felt that one year from approval of the permit is a reasonable amount of time for the applicant to complete these improvements. A sign permit for the picket fence around the dog walk should be submitted at the time the occupancy permit is submitted. The fence design, including materials and color, should be included in the fence application.

The Zoning Ordinance requires five parking spaces (one for every 300 square feet of the facility). There are more than enough parking spaces serving the site, even without those now located in the ROW. There is some expectation that the existing ROW when vacated by VDOT may accrue to the subject property.

**PLANNING COMMISSION RECOMMENDATIONS:** There were numerous speakers at the April 7 Planning Commission, who unanimously supported the proposed conditional use permit for the veterinary hospital. The Commission made a positive recommendation on the concurrent Zoning Ordinance Amendment item that would permit the veterinary hospital use conditionally in the C-1 district. The Commission discussed the amount of landscaping proposed by staff for the conditional use permit and concluded that the most helpful revision of the proposed condition regarding the timeframe for adding plantings would be to extend the installation period to one year from the date the Town Council approves the permit, should they do so. Therefore, the Commission recommends that the following conditions should be required of the applicant in order to approve the application:

1. The veterinary hospital should comply with provisions in Article 3, Section 3-11 Commercial and Light Industrial Districts – General, paragraph (f) General Standards for Certain Uses, paragraph (i) Veterinary Hospitals.

2. The exterior of the existing structures can only be altered to comply with the requirements of a building permit or building code safety requirements. Any exterior improvements shall comply with applicable major or minor improvements permits requirements of the Zoning Ordinance.
3. The applicant shall install four (4) large (36" minimum diameter) planters with evergreen plantings at least three (3) feet high (from the top of the planter) at planting on the existing sidewalk next to the western façade of the existing building. A continuous row of evergreen shrubs should be planted along the sidewalk along the east façade in addition to the two existing trees. Shrubs should be at least two (2) feet high at planting. A continuous row of evergreen shrubs, at least three feet high at planting, should be planted along the border of the dog walk. Two (2) tall ornament grasses should be planted at either end of the screening fence in front of the fuel tank. A raised flower bed, 27 feet by 3 feet should be planted in the front of the existing structure along the East Broad Way frontage. Three (3) dwarf evergreen trees or shrubs, at least two feet high at planting, should be planted near the intersection of Berlin Pike and East Broad way.
4. All plantings described in these conditions shall be installed no later than one year from the date of approval of this conditional use permit.
5. As stated in section 6-3 (b) the applicant shall maintain all existing and new landscape material in good condition.
6. All deliveries shall be made on site. Delivery vehicles shall not park on the public street for this purpose.
7. Ten business days prior to occupancy the applicant shall file a zoning certificate permit application with the Town for a conversion of use, a County required occupancy permit application and a fence application for the screening fence in front of the fuel tank and the picket fence around the dog walk.
8. This conditional use permit is not transferable from one tenant to another regardless of the type of business involved.

Upon review of the Planning Commission staff report and subsequent recommendation on the recommended conditions staff concludes that condition #8 should be modified as follows:

"This conditional use permit is only valid for Dr. Peter Pruckowski."

This is a much simpler way to express both the staff and the Planning Commission's intent to give the Town a chance to review the conditions and

implementation of the conditions should Dr. Pruckowski, who is the prospective tenant for the veterinary hospital, terminate his involvement in the business and it is subsequently operated by someone else.

**DRAFT MOTION:** "I move that the Town Council approve the attached draft resolution approving the conditional use permit request by Bernhart Corner to operate a veterinary hospital at 2 East Broad Way with the conditions recommended by the Planning Commission, April 7, 2010 and the staff, May 13, 2010."

**ATTACHMENT:** 1) Draft resolution to approve LVCU 2010-0001 Bernhart Corner Veterinary Hospital, Elizabeth Whiting, Town Attorney, May 6, 2010.  
2) Correspondence from Dr. Peter Pruckowski, March 13, 2010 and March 31, 2010

# Town of Lovettsville

Draft

## Ordinance 2010-XX-XX: APPROVING CONDITIONAL USE PERMIT LVCU 2010-0001 FOR BERNHART CORNER VETERINARY HOSPITAL

**MOTION:**

**SECOND:**

WHEREAS, Bernhart Corner LLC submitted a Conditional Use Permit application seeking approval of a veterinary hospital for property identified as 2 East Broad Way, Parcel Identification Number 369107761 located within the C-1 Commercial Zoning District; and

WHEREAS, the Town Council approved LVZA 2010-0004 immediately prior to action on this application, amending the text of the Lovettsville Zoning Ordinance so as to permit, *inter alia*, establishment of veterinary hospitals in the C-1 zoning district by conditional use permit; and

WHEREAS, the Lovettsville Planning Commission held a public hearing on the said application on April 7, 2010, pursuant to notice duly advertised in accordance with the provisions of Va. Code § 15.2-2204, and recommended approval of the application, subject to certain conditions; and

WHEREAS, the Lovettsville Town Council conducted a public hearing on the application May 5, 2010, pursuant to notice in accordance with the provisions of Va. Code section 15.2-2204; and

WHEREAS, Town Council finds that approval of the Conditional Use Permit is consistent with the objectives of the C-1 District, and will promote the public health, safety and welfare of the Town and its citizens; and is consistent with good zoning practice.

**NOW, THEREFORE, BE IT ORDAINED** by the Lovettsville Town Council that the Conditional Use Permit application LVCU 2010-0001 by Bernhart Corner LLC for establishing a veterinary hospital on the property identified above, be approved, subject however to the following conditions:

1. The veterinary hospital shall comply with provisions in Article 3, Section 3-11 Commercial and Light Industrial Districts – General, paragraph (f) General Standards for Certain Uses, paragraph (i) Veterinary Hospitals.
2. The exterior of the existing structures may only be altered to comply with the requirements of a building permit or building code safety requirements. Any exterior improvements shall comply with applicable major or minor improvements permits requirements of the Zoning Ordinance.
3. The applicant shall install four (4) large (36" minimum diameter) planters with evergreen plantings at least three (3) feet high (from the top of the planter) at planting on the existing sidewalk next to the western façade of the existing building. A continuous row of evergreen shrubs should be planted along the sidewalk along the east façade in addition to the two existing trees. Shrubs should be at least two (2)

# Town of Lovettsville

feet high at planting. A continuous row of evergreen shrubs, at least three feet high at planting, should be planted along the border of the dog walk. Two (2) tall ornamental grasses should be planted at either end of the screening fence in front of the fuel tank. A raised flower bed, 27 feet by 3 feet should be planted in the front of the existing structure along the East Broad Way frontage. Three (3) dwarf evergreen trees or shrubs, at least two feet high at planting, should be planted near the intersection of Berlin Pike and East Broad way.

4. All plantings described in these conditions shall be installed no later than one year from the date of approval of this conditional use permit.
5. As stated in section 6-3 (b) the applicant shall maintain all existing and new landscape material in good condition.
6. All deliveries shall be made on site. Delivery vehicles shall not park on the public street for this purpose.
7. Ten business days prior to occupancy the applicant shall file a zoning certificate permit application with the Town for a conversion of use, a County required occupancy permit application and a fence application for the screening fence in front of the fuel tank and the picket fence around the dog walk.
8. This conditional use permit is valid only for Dr. Peter Pruckowski.

## VOTE:

AYES:

NAYS:

ABSTENTIONS:

ABSENT FOR VOTE:

Adopted this \_\_ day of May, 2010.

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ELAINE WALKER, MAYOR

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JUDY L. KROMHOLZ, TOWN CLERK

March 13, 2010

Keith Markel  
Town Manager  
Lovettsville VA. 20180

Dear Keith,

Please excuse the paper work job. It was quite a rush to get it all together. I have enclosed a letter to you requesting to modify the C-1 zoning to accept a veterinary clinic with a conditional use permit. An application for a zoning certificate which may need additional information such as "inside use" and "outside use" is also included. Inside, there is an area of 1645 sq.ft., which will be used to provide veterinary services (i.e. exams, vaccinations, surgeries, medical treatments and hospitalized care.) Outside area of 250 sq. ft. will be used as a walking area for dogs needing to eliminate. It will be fenced (white picket to match the square.) There will be no outside runs.

The application for the conditional use permit for a veterinary clinic requires some additional information. On the plat labeled #1 Fred George has outlined the parcel in question. There will not be a division of the parking lot shared with Andy's. The parking spaces are drawn close to scale and total 19. The distances to the other properties are to the east 12 feet and to the southeast 37 feet. The front door is marked and it will be the route of entrance for clients and employees. The back door over the loading dock will be used for deliveries and possibly critical cases that cannot walk through the front door as well as patients needing to be walked during their stay. As stated before, a veterinary clinic provides services for cats and dogs to maintain a healthy life and reduce and eliminate disease if possible. The dog walk has been addressed. I could not find an application for a fence permit online and I would be happy to file one with the town.

The beautification plan (see plat marked #2) will encompass a 3ft. by 27.5 ft. flower bed in the front of the building composed of bulbs, perennials and annuals. A forsythia bush will marked the east boundary. Ornamental grass will be placed along side the outside oil tank, which will have a fence like barrier to deflect its unsightliness. The outside dog walk with picket fencing will also have a hedge row. And finally, the northwest corner (which still belongs to VDOT) will have some evergreen trees.

I hope I have covered everything. The sign permit is premature pending the zoning modification. I have included it with the other documents but without a fee. It is there for your perusal. The long sign on the west wall will be lighted. It will read LOVETTSVILLE VETERINARY CLINIC. A monument sign will be in the front of the building and have changeable letters to detail special events. A plaque-like wall sign will be placed to east side of the front door. Hours of operation will be included in the monument sign and on the front door.

One last thing, there are no fees stipulated for the applications other than the sign permit. I hope I am not overlooking anything. Please let me know if any fees are due and do not let my ignorance of this matter cause any delay in the application procedure. I look forward to hearing from you soon to discuss any omissions of my application.

Sincerely,



Peter Pruckowski DVM

MAR 15 2010



March 13,2010

To Keith Markel  
Town Manager  
Lovettsville, VA 20180

This letter is to document my desire to open and operate a small animal veterinary clinic in the town of Lovettsville, VA. The citizens of Lovettsville deserve quality veterinary care for their pets. At present they must travel either to Purcellville or Leesburg, VA or to Jefferson, MD. With the ever increasing population and density of the Lovettsville area, I believe that a full service veterinary clinic would be beneficial to the general population and enhance the standard of living.

Currently there is limited C-2 zoning available for a veterinary clinic. I am requesting the Town of Lovettsville to amend the Zoning Ordinance to allow the Veterinary Clinic use as a use permitted conditionally in the C-1 zoning district. This would allow for a veterinary clinic to be located in the "old post office" building in the heart of the town. With improvements to the building, a fresh coat of paint, and landscaping to the property, I believe that not only would a necessary service be provided, but the changes would beautify the area. It is understood that there would be no outside runs for the animals. A dog walk area with a quality fence would be built to insure protection for the dogs and limit the area that they could access.

I hope that the Town of Lovettsville, VA will accept my request. I look forward to working with you to answer any of your questions regarding this project. I also hope to accommodate further requests and/or changes or amendments to my proposal.

Sincerely,



Peter Pruckowski DVM  
13504 Picnic Woods RD.  
Lovettsville, VA 20180  
540-822-5223  
BMDOG@aol.com



Clarendon's original  
Submission

March 31, 2010

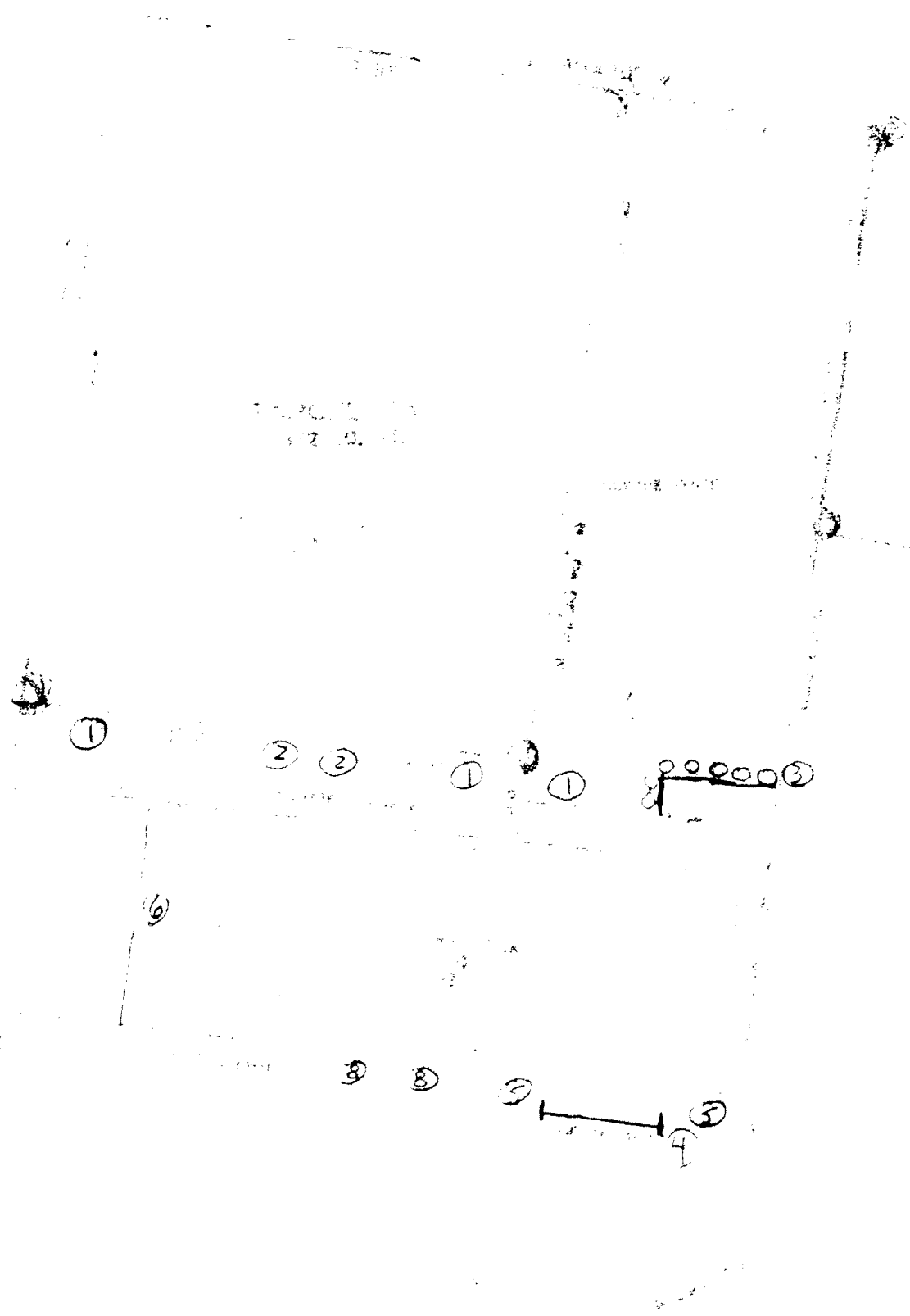
Dear Steve,

Please see proposed placement of shrubs, flowers, grasses, and fences. See numbers on plat for identification and positioning.

1. 3 forsythia bushes along east boundary
  2. 2 large trees, already present, along east boundary
  3. shrub border along fenced in pen
  4. privacy fence, 8'x6', to shield fuel tank on west side of building
  5. 2 ornamental grasses on west side of building
  6. raised flower bed, 27'x3', to include bulbs, annuals, and perennials
  7. 3 dwarf evergreens on northwest corner
  8. 2 large flower buckets on the west side of building
- B. white picket fence, 25'x10', east side of building

Talk to you soon,

*John (Dr. P.)*



# Town of Lovettsville

## PUBLIC HEARING

**TO:** Mayor and Town Council

**FROM:** Stephen E. McGregor, Zoning Administrator

**DATE:** May 13, 2010

**SUBJECT:** **LVZA 2010-0002/LVSA 2010-0001 Fee Amounts in the Zoning and Subdivision Ordinances** – Zoning and Subdivision Ordinance Amendment

**PURPOSE:** To provide a report on the desirability of eliminating the dollar amount of fees charged for various types of permit applications that is shown in the Zoning and Subdivision Ordinances; and to provide recommendations for the ordinance amendments.

**BACKGROUND:** On October 22, 2009 the Town Council directed staff and the Zoning Administrator to prepare a combined Zoning and Subdivision Ordinance amendment item to consider and make recommendations to the Council based upon their conclusion that specific dollar amounts for fees should be omitted from the ordinances. Specific fee dollar amounts are found in Article 11 Fees in the Zoning Ordinance; and in Article VI Administration and Enforcement, Sec. 6.4.11 Service Fees of the Subdivision Ordinance. The types of application that have specific fee dollar amount in the Zoning Ordinance are for a major improvement, a minor improvement, a conditional use permit, a zoning map amendment (referred to as a zoning concept plan or, commonly, as a "rezoning"), a sign, a building location permit, a zoning certificate for conversion of use, a home occupation business, and a variance requiring a public hearing. The types of application that have specific fee dollar amount in the Subdivision Ordinance are for a preliminary [subdivision] plat, a final [subdivision] plat, a boundary line adjustment, a minor subdivision, a preliminary site plan, a final site plan, a construction plan, a preliminary/final site plan, an inspection, a phasing plan, a bond reduction, a bond release, a variation, and a Street conveyance [into the public street system].

Both ordinances require that additional fees be paid for the specific dollar amounts billed to the Town for the review of applications by the Town Engineer, the Town Attorney, the Town Zoning Administrator (after two hours of review time for certain types of permit applications). These fees are collected separately from an application fee.

**DISCUSSION:** When specific dollar amounts for development fees are listed in the Zoning and Subdivision Ordinances it requires an ordinance amendment when the Town fee schedule changes. Specific dollar amounts are considered and established annually in the budget and advertised in accordance with the requirements of Va. Code Section 15.2-107 as applicable. Therefore, it is only necessary to refer to the current fee schedule in the ordinances instead of amending the ordinances every time the specific fee dollar amount is changed. Many other

May 6, 2010

Northern Virginia jurisdictions, including the Town of Purcellville, require fees as a general provision in their ordinances for development related applications and reference the jurisdiction's fee schedule for the specific dollar amount.

Removing specific dollar amounts for different types of applications from the ordinance does not change the Town's requirement that an applicant is responsible for other fees, such as those paid for the Town Attorney, Town Engineer or Town Zoning Administrator services. This requirement is not affected by the changes discussed above for application fees.

It would provide more uniformity if the titles of the sections on fees in both ordinances use the same terminology.

**PLANNING COMMISSION RECOMMENDATION:** On April 7 the Planning Commission held a public hearing. There were no speakers and the Commission did not raise any issues. The Commission made a positive recommendation for the draft amendments provided in the staff report.

**CONCLUSION:** It is more efficient for the Town to remove specific dollar amounts for fees from the ordinances and refer to the Town's Schedule of Fees. Therefore, the Town ordinances should be so amended, as recommended by the Planning Commission, as shown below.

**RECOMMENDATION:** The Zoning Ordinance and Subdivision Ordinance should omit dollar amounts for applications and permits. Instead, the ordinances should refer to the Town's approved Schedule of Fees.

**MODIFY:** On page 11-1 of the Zoning Ordinance, Article 11 FEES, to read:

(a) Reasonable fees may be charged to applicants sufficient to cover the costs of administration, inspection, publication of notice and similar matters for such permits as required for building location, major and minor improvements, signs, conditional use permits, zoning amendments (zoning map amendments, zoning concept plans), variances requiring a public hearing and home occupation permits. The amount of the fees charged shall be established by ordinance of the Town Council and known as the Schedule of Fees, which shall be filed with the Town Clerk.

(b) Fees shall be tendered with submission of a signed application or notice of appeal.

~~(a) For construction of major improvements as defined in section 10-4(d), the fee for filing the zoning permit shall be \$150.00.~~

~~(b) For construction of minor improvements as defined in section 10-4(d), the fee for filing the zoning permit shall be \$75.00.~~

- ~~(c) For Conditional Use Permit, the fee for filing the application shall be \$350.00.~~
- ~~(d) For Zoning Map Amendments, the fee for filing the application shall be \$500 for the first acre acres plus \$250 per acre for each additional acre.~~
- ~~(e) Review fees for all applications shall be imposed at cost to cover the Town's cost of legal, engineering and planning consulting fees, as applicable. Two (2) hours of Zoning Administrator review time is included with all Major and Minor Zoning Permit, Sign Permit, Home Occupation Permit and Zoning Certificate application fees.~~
- ~~(f) Applications for Sign Permits shall be filed on a form provided by the Zoning Administrator and shall contain information required herein and shall be accompanied by a fee of \$75.00 for approval of up to three signs.~~
- ~~(g) A new Zoning Certificate shall be secured from the Zoning Administrator prior to the reoccupation or reuse of any lot, building or structure in previously established use when such reoccupation or reuse is of a different character or type than that of the previously established use. The Zoning Certificate shall state that the extent and kind of use proposed to be made of the lot building or structure conforms to the provisions of this Ordinance. Each request shall be accompanied by a fee of \$20.00.~~
- ~~(h) The application fee for Home Occupation shall be \$50.00.~~
- ~~(i) Applications for a variance or an appeal, requiring an advertised, public hearing, shall be accompanied by a certified check for one hundred dollars (\$100.00) payable to the Treasurer of Lovettsville, Virginia.~~

## 11-2 ADOPTION OF FEES

All fees shall be adopted on an annual basis by the Town Council in conjunction with the annual budget process.

**MODIFY:** On page 43 of the Subdivision Ordinance, Section 6.4.11 Service Fees, to read:

### "6.4.11 SERVICE FEES

Applicants may be charged fees sufficient to recover incurred costs for the review of applications for a preliminary subdivision plat; a final subdivision plan; a boundary line adjustment; a minor subdivision; a preliminary site plan, a final site plan; a set of construction drawings; a preliminary/final site plan; an inspection; a phasing plan; a bond reduction; a bond release; and a variation. A Schedule of Fees applicable to such reviews, may be adopted in accordance with the provisions of § 15.2-107, Code of Virginia, 1950 (as amended).

The following nonrefundable application and review fees are hereby established:

- ~~(a) Preliminary Plat: \$300 + \$15 per lot~~
- ~~(b) Final Plat: \$500 + \$25 per lot~~
- ~~(c) Boundary Line Adjustment: \$150~~
- ~~(d) Minor Subdivision: \$300 + \$15 per lot~~
- ~~(e) Preliminary Site Plan: \$1,000 + \$50 per acre~~
- ~~(f) Final Site Plan: \$1,000 + \$50 per acre~~
- ~~(g) Construction Plan: \$1,000 + \$25 per lot~~
- ~~(h) Preliminary/Final Site Plan: \$1,000 + \$50 per acre~~
- ~~(i) Inspections: \$75 per visit~~
- ~~(j) Phasing Plan: \$300~~
- ~~(k) Bond Reduction: \$100 per reduction~~
- ~~(l) Bond Release: \$150~~
- ~~(m) Variation Request: \$100 per section varied~~
- ~~(n) Revisions: Actual staff & Admin costs~~
- ~~(o) Street Conveyance: \$150~~

**DRAFT MOTION:** "I move that the Town Council pass the attached resolution approving the recommended ordinance text amendments presented in the May 6, 2010 memorandum for item LVZA 2010-0002 Fees."

**ATTACHMENT:** Draft resolution to approve LVZA 2010-0002 Fees, Elizabeth Whiting, Town Attorney, May 6, 2010.



# Town of Lovettsville

DRAFT

**Ordinance No. 2010-XX-XX:**

**APPROVE LVZA 2010-0002 AMENDING LOVETTSVILLE  
ZONING ORDINANCE SECTION 11-1 FEES and LVSA 2010-0001  
LOVETTSVILLE SUBDIVISION ORDINANCE SECTION 6.4.11  
SERVICE FEES**

**MOTION:**

**SECOND:**

**WHEREAS**, the Town Council referred text amendments to the Lovettsville Zoning and Subdivision ordinances to substitute schedules of fees to be incorporated by reference into each ordinance to the Planning Commission for its review and recommendation; and

**WHEREAS**, the Lovettsville Planning Commission conducted a public hearing on the proposed amendments April 5, 2010, pursuant to notice given in accordance with the requirements of Va. Code section 15.2-2204; and

**WHEREAS**, the Planning Commission recommended approval of the text amendments to Section 11-1 of the Zoning Ordinance and Section 6.4.11 of the Subdivision Ordinance; and

**WHEREAS**, following a public hearing on May 13, 2010, advertised in accordance with the aforesaid code provision, the Town Council has determined that the proposed amendments are consistent with good zoning practice and that the health, safety and welfare of the Town and its citizens will be promoted by adoption of the text revisions.

**NOW, THEREFORE, BE IT ORDAINED** by the Lovettsville Town Council that section 11-1 of the Zoning Ordinance and section 6.4.11 be repealed and reenacted as set forth in the text attached hereto.

**VOTE:**

**Ayes:**

**Nays:**

**Abstentions:**

**Absent for vote:**

**APPROVED** May \_\_, 2010

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**Elaine Walker, Mayor**

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**Judy L. Kromholz, Town Clerk**

# Town of Lovettsville

Zoning Ordinance, Article 11 FEES, to read:

## 11-1 FEES

Fees and charges to be paid to the Town of Lovettsville upon application shall be as follows:

- ~~(a) For construction of major improvements as defined in section 9-4(d), the fee for filing the zoning permit shall be \$100.00.~~
- ~~(b) For construction of minor improvements as defined in section 9-4(d), the fee for filing the zoning permit shall be \$50.00.~~
- ~~(c) For Conditional Use Permit, the fee for filing the application shall be \$350.00. This application fee shall include all advertising costs.~~
- ~~(d) For Zoning Map Amendments, the fee for filing the application shall be \$5,000 for the first ten (10) acres plus \$500 per acre for each additional acre. This application fee shall include all advertising costs.~~
- ~~(e) Review fees for all applications shall be imposed at cost to cover the Town's cost of legal, engineering and planning consulting fees, as applicable.~~
- ~~(a) Applications for Sign Permits shall be filed on a form provided by the Zoning Administrator and shall contain information required herein and shall be accompanied by a fee of \$25.00. The fee for a temporary sign of any size is \$10.00.~~
- ~~(g) A new Zoning Certificate shall be secured from the Zoning Administrator prior to the reoccupation or reuse of any lot, building or structure in previously established use when such reoccupation or reuse is of a different character or type than that of the previously established use. The Zoning Certificate shall state that the extent and kind of use proposed to be made of the lot building or structure conforms to the provisions of this Ordinance. Each request shall be accompanied by a fee of \$20.00.~~
- ~~(h) The application fee for Home Occupation shall be \$20.00.~~
- ~~(i) Applications for a variance or an appeal, requiring an advertised, public hearing, shall be accompanied by a certified check for one hundred dollars (\$100.00) payable to the Treasurer of Lovettsville, Virginia.~~

(a) Reasonable fees may be charged to applicants sufficient to cover the costs of administration, inspection, publication of notice and similar matters for such permits as required for

# Town of Lovettsville

building location, major and minor improvements, signs, conditional use permits, zoning amendments (zoning map amendments, zoning concept plans), variances requiring a public hearing and home occupation permits. The amount of the fees charged shall be established by ordinance of the Town Council and known as the Schedule of Fees, which shall be filed with the Town Clerk.

(b) Fees shall be tendered with submission of a signed application or notice of appeal.

## 11-2 ADOPTION OF FEES

All fees shall be adopted on an annual basis by the Town Council in conjunction with the annual budget process.

Subdivision Ordinance, Section 6.4.11 Service Fees, to read:

### 6.4.11 FEES

Applicants may be charged fees sufficient to recover incurred costs for the review of applications for a preliminary subdivision plat; a final subdivision plan; a boundary line adjustment; a minor subdivision; a preliminary site plan, a final site plan; a set of construction drawings; a preliminary/final site plan; an inspection; a phasing plan; a bond reduction; a bond release; and a variation. A Schedule of Fees applicable to such reviews, may be adopted in accordance with the provisions of § 15.2-107, Code of Virginia, 1950 (as amended).

**Ordinance No. 2010-05-01:  
APPROVE LVZA 2010-0004 AMENDING LOVETTSVILLE  
ZONING ORDINANCE SECTIONS 3-7 (Town Center Planned  
Development District T-C), 3-11 (COMMERCIAL AND LIGHT  
INDUSTRIAL ZONING DISTRICTS-GENERAL), 3-12  
(COMMUNITY COMMERCIAL DISTRICT C-1), 3-13 (MIXED USE  
BUSINESS DISTRICT C-2), 3-14 (LIGHT INDUSTRIAL  
DISTRICT), and 13-2 (DEFINITION OF CERTAIN TERMS):  
VETERINARY HOSPITALS**

**MOTION: Zoldos**  
**SECOND: Coleman**

**WHEREAS**, the Town Council referred a request by Bernhart Corner LLC for a zoning text amendment to establish a veterinary hospital on land zoned C-1 Community Commercial to the Planning Commission for its review and recommendation as to how such use should be accommodated within the Town and in which districts it should be allowed; and

**WHEREAS**, the Lovettsville Planning Commission conducted a public hearing on the proposed amendments April 5, 2010, pursuant to notice given in accordance with the requirements of Va. Code section 15.2-2204; and

**WHEREAS**, the Planning Commission recommended approval of the text amendmentsto allow veterinary hospitals as a conditional use in the C-1 (community Commercial), C-2 (Mixed Use Business), I-1 (Light Industrial) and Town Center Fringe districts, together with a new definition of "Veterinary Hospital" as well as general conditions governing such uses; and

**WHEREAS**, following a public hearing on May 13, 2010, advertised in accordance with the aforesaid code provision, the Town Council has determined that the proposed amendments are consistent with good zoning practice and that the health, safety and welfare of the Town and its citizens will be promoted by adoption of the text revisions.

**NOW, THEREFORE, BE IT ORDAINED** by the Lovettsville Town Council that sections 3-7, 3-11, 3-12, 3-13, 3-14 and 13-2 of the Zoning Ordinance be repealed and reenacted as set forth in the text attached hereto.

**VOTE:**

**Ayes: Zoldos, Dockum, Senate, Coleman**

**Nays: None**

**Abstentions: None**

**Absent for vote: Jones, Staley**

**APPROVED May 13, 2010**

\_\_\_\_\_  
**Elaine Walker, Mayor**

\_\_\_\_\_  
**Judy L. Kromholz, Town Clerk**

**ADD:** To Article 13, DEFINITIONS, Section 13-2 (in alphabetical order):

“VETERINARY HOSPITAL. A facility where pets and animals are given medical and/or surgical treatment and the indoor boarding of such animals is limited to short-term care incidental to the hospital use.”

**MODIFY:** Article 3, Section 3-11, the title, to read:

COMMERCIAL AND LIGHT INDUSTRIAL ZONING DISTRICTS - GENERAL

**ADD:** To Article 3, Section 3-11, to read:

“(f) GENERAL STANDARDS FOR CERTAIN USES

The following identified uses, wherever permitted in a commercial or light industrial district, shall conform to the standards set forth in this section, unless otherwise specifically modified in the provisions authorizing such use in a district:

- (i) VETERINARY HOSPITALS: This use shall be subject to the following development criteria:
  - (A) The entire business must be conducted wholly within a completely enclosed soundproofed, heated and air-conditioned building, except for a limited outdoor fenced dog walk area.
  - (B) Noise and odors created by activities within the facility shall not be perceptible beyond the property line or facility itself if the property has other buildings with human activity.
  - (C) No animals shall be housed outside the building at any time.
  - (D) Outdoor features shall comply with any appropriate design or amenity policies in the Town Comprehensive Plan.
  - (E) Additional buffering, screening or landscaping may be required under conditional use permits, especially to protect visual or other adverse impacts on residential areas.”

**REPEAL:** In Article 3, Section 3-13 Mixed Use Business District C-2, under (b) Permitted Uses: (v) Veterinary Hospital. [renumber subsequent numerals]

**ADD:** To In Article 3, Section 3-13 Mixed Use Business District C-2, under (c) Conditionally Permitted Uses:

(vii) Veterinary Hospital.

**ADD:** To Article 3, Section 3-12 Community Commercial District C-1, under (c)  
Conditionally Permitted Uses:

(xiv) Veterinary Hospital.

**ADD:** Article 3, Section 3-14 Light Industrial District I-1, under (g), Conditionally  
Permitted Uses:

(viii) Veterinary Hospital.

**DELETE:** From Article 3, Section 3-14 Light Industrial District I-1, (f) (xiii) Veterinary  
Clinics

**MODIFY:** In Article 3, Section 3-7 Town Center Planned Development District T-C, (j)  
Conditionally Permitted Uses (iii) Town Center Fringe Area (A)

(A) ~~Veterinary and Animal hospital facilities~~ Hospital.

**Ordinance 2010-05-02: APPROVING CONDITIONAL USE PERMIT LVCU 2010-0001  
FOR BERNHART CORNER VETERINARY HOSPITAL**

**MOTION:**               **Zoldos**  
**SECOND:**             **Dockum**

WHEREAS, Bernhart Corner LLC submitted a Conditional Use Permit application seeking approval of a veterinary hospital for property identified as 2 East Broad Way, Parcel Identification Number 369107761 located within the C-1 Commercial Zoning District; and

WHEREAS, the Town Council approved LVZA 2010-0004 immediately prior to action on this application, amending the text of the Lovettsville Zoning Ordinance so as to permit, *inter alia*, establishment of veterinary hospitals in the C-1 zoning district by conditional use permit; and

WHEREAS, the Lovettsville Planning Commission held a public hearing on the said application on April 7, 2010, pursuant to notice duly advertised in accordance with the provisions of *Va. Code* § 15.2-2204, and recommended approval of the application, subject to certain conditions; and

WHEREAS, the Lovettsville Town Council conducted a public hearing on the application May 5, 2010, pursuant to notice in accordance with the provisions of *Va. Code* section 15.2-2204; and

WHEREAS, Town Council finds that approval of the Conditional Use Permit is consistent with the objectives of the C-1 District, and will promote the public health, safety and welfare of the Town and its citizens; and is consistent with good zoning practice.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council that the Conditional Use Permit application LVCU 2010-0001 by Bernhart Corner LLC for establishing a veterinary hospital on the property identified above, be approved, subject however to the following conditions:

1. The veterinary hospital shall comply with provisions in Article 3, Section 3-11 Commercial and Light Industrial Districts – General, paragraph (f) General Standards for Certain Uses, paragraph (i) Veterinary Hospitals.
2. The exterior of the existing structures may only be altered to comply with the requirements of a building permit or building code safety requirements. Any exterior improvements shall comply with applicable major or minor improvements permits requirements of the Zoning Ordinance.
3. The applicant shall install four (4) large (36" minimum diameter) planters with evergreen plantings at least three (3) feet high (from the top of the planter) at planting on the existing sidewalk next to the western façade of the existing building. A continuous row of evergreen shrubs should be planted along the sidewalk along the east façade in addition to the two existing trees. Shrubs should be at least two (2) feet high at planting. A continuous row of evergreen shrubs, at least three feet high at planting, should be planted along the border of the dog walk. Two (2) tall ornamental grasses should be planted at either end of the screening fence in front of the fuel tank. A raised flower bed, 27 feet by 3 feet should be planted in the front of the existing structure along the East Broad Way frontage. Three (3) dwarf evergreen

trees or shrubs, at least two feet high at planting, should be planted near the intersection of Berlin Pike and East Broad way.

4. All plantings described in these conditions shall be installed no later than one year from the date of approval of this conditional use permit.
5. As stated in section 6-3 (b) the applicant shall maintain all existing and new landscape material in good condition.
6. All deliveries shall be made on site. Delivery vehicles shall not park on the public street for this purpose.
7. Ten business days prior to occupancy the applicant shall file a zoning certificate permit application with the Town for a conversion of use, a County required occupancy permit application and a fence application for the screening fence in front of the fuel tank and the picket fence around the dog walk.
8. This conditional use permit may be assigned with the approval of the Town Council.

**VOTE:**

**AYES:** Zoldos, Dockum, Senate, Coleman

**NAYS:** None

**ABSTENTIONS:** None

**ABSENT FOR VOTE:** Jones, Staley

**Adopted this 13<sup>th</sup> day of May, 2010.**

\_\_\_\_\_  
**ELAINE WALKER, MAYOR**

\_\_\_\_\_  
**JUDY L. KROMHOLZ, TOWN CLERK**



**Ordinance No. 2010-05-03:  
APPROVE LVZA 2010-0002 AMENDING LOVETTSVILLE  
ZONING ORDINANCE SECTION 11-1 FEES and LVSA 2010-0001  
LOVETTSVILLE SUBDIVISION ORDINANCE SECTION 6.4.11  
SERVICE FEES**

**MOTION: Senate**  
**SECOND: Coleman**

**WHEREAS**, the Town Council referred text amendments to the Lovettsville Zoning and Subdivision ordinances to substitute schedules of fees to be incorporated by reference into each ordinance to the Planning Commission for its review and recommendation; and

**WHEREAS**, the Lovettsville Planning Commission conducted a public hearing on the proposed amendments April 5, 2010, pursuant to notice given in accordance with the requirements of Va. Code section 15.2-2204; and

**WHEREAS**, the Planning Commission recommended approval of the text amendments to Section 11-1 of the Zoning Ordinance and Section 6.4.11 of the Subdivision Ordinance; and

**WHEREAS**, following a public hearing on May 13, 2010, advertised in accordance with the aforesaid code provision, the Town Council has determined that the proposed amendments are consistent with good zoning practice and that the health, safety and welfare of the Town and its citizens will be promoted by adoption of the text revisions.

**NOW, THEREFORE, BE IT ORDAINED** by the Lovettsville Town Council that section 11-1 of the Zoning Ordinance and section 6.4.11 of the Subdivision Ordinance be repealed and reenacted as set forth in the text attached hereto.

**VOTE:**

<b>Ayes:</b>	<b>Zoldos, Dockum, Senate, Coleman</b>
<b>Nays:</b>	<b>None</b>
<b>Abstentions:</b>	<b>None</b>
<b>Absent for vote:</b>	<b>Jones, Staley</b>

**APPROVED May 13, 2010**

\_\_\_\_\_  
**Elaine Walker, Mayor**

\_\_\_\_\_  
**Judy L. Kromholz, Town Clerk**

Zoning Ordinance, Article 11 FEES, to read:

11-1 FEES

~~Fees and charges to be paid to the Town of Lovettsville upon application shall be as follows:~~

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- ~~(b) For construction of minor improvements as defined in section 9-4(d), the fee for filing the zoning permit shall be \$50.00.~~
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- ~~(d) For Zoning Map Amendments, the fee for filing the application shall be \$5,000 for the first ten (10) acres plus \$500 per acre for each additional acre. This application fee shall include all advertising costs.~~
- ~~(e) Review fees for all applications shall be imposed at cost to cover the Town's cost of legal, engineering and planning consulting fees, as applicable.~~
- ~~(a) Applications for Sign Permits shall be filed on a form provided by the Zoning Administrator and shall contain information required herein and shall be accompanied by a fee of \$25.00. The fee for a temporary sign of any size is \$10.00.~~
- ~~(g) A new Zoning Certificate shall be secured from the Zoning Administrator prior to the reoccupation or reuse of any lot, building or structure in previously established use when such reoccupation or reuse is of a different character or type than that of the previously established use. The Zoning Certificate shall state that the extent and kind of use proposed to be made of the lot building or structure conforms to the provisions of this Ordinance. Each request shall be accompanied by a fee of \$20.00.~~
- ~~(h) The application fee for Home Occupation shall be \$20.00.~~
- ~~(i) Applications for a variance or an appeal, requiring an advertised, public hearing, shall be accompanied by a certified check for one hundred dollars (\$100.00) payable to the Treasurer of Lovettsville, Virginia.~~

(a) Reasonable fees may be charged to applicants sufficient to cover the costs of administration, inspection, publication of notice and similar matters for such permits as required for building location, major and minor improvements, signs, conditional use permits, zoning amendments (zoning map amendments, zoning concept plans), variances requiring a

public hearing and home occupation permits. The amount of the fees charged shall be established by ordinance of the Town Council and known as the Schedule of Fees, which shall be filed with the Town Clerk.

(b) Fees shall be tendered with submission of a signed application or notice of appeal.

## 11-2 ADOPTION OF FEES

All fees shall be adopted on an annual basis by the Town Council in conjunction with the annual budget process.

Subdivision Ordinance, Section 6.4.11 Service Fees, to read:

### 6.4.11 FEES

Applicants may be charged fees sufficient to recover incurred costs for the review of applications for a preliminary subdivision plat; a final subdivision plan; a boundary line adjustment; a minor subdivision; a preliminary site plan, a final site plan; a set of construction drawings; a preliminary/final site plan; an inspection; a phasing plan; a bond reduction; a bond release; and a variation. A Schedule of Fees applicable to such reviews, may be adopted in accordance with the provisions of § 15.2-107, Code of Virginia, 1950 (as amended).

**Resolution 2010-05-01: AUTHORIZE CLOSED SESSION FOR  
DISCUSSION OF EVALUATION OF PERFORMANCE BY AND SALARIES OF  
SPECIFIC PUBLIC OFFICERS**

**MOTION: Dockum**

I move that the Lovettsville Town Council convene in closed session pursuant to Va. Code section 2.2-3711 A 1 for discussion of the evaluation of performance by and compensation or salaries of specific individuals, and thereafter reconvene in open session for action as appropriate.

**SECOND: Coleman**

**VOTE:**

<b>Ayes:</b>	<b>Zoldos, Dockum, Senate, Coleman</b>
<b>Nays:</b>	<b>None</b>
<b>Abstentions:</b>	<b>None</b>
<b>Absent for vote:</b>	<b>Jones, Staley</b>

When polled as to whether (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting, the following members stated "Aye:" Zoldos, Dockum, Senate and Coleman.

May 13, 2010

Certified:

  
Town Clerk