

Town of Lovettsville

Planning Commission

Minutes of Public Hearing and Regular Meeting, October 6, 2010

The Public Hearing of the Lovettsville Planning Commission was called to order by Chairwoman Mari Bushway on Wednesday, October 6, 2010 at 7:32 PM at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.

Welcomes and Introductions

Chairwoman Bushway welcomed the citizens attending the meeting and thanked them for coming. She introduced Mayor Elaine Walker and Planning Commissioners Lorraine Bauer, Jack Burden, Elaine Fischer, Aaron Kahn and Joseph Mueller. She also introduced Town Manager Keith Markel, Zoning Administrator Steve McGregor and Town Clerk Judy Kromholz.

Absent

Commissioner Rodney Gray

Audience

Among those present in the audience were Mayor Elaine Walker, Howard Williamson, Katherine Buck, Robert Miller, Councilman Michael Senate, Councilman Scott Dockum, Alan Dykstra and Councilwoman Charlotte Coleman.

Explanation of Procedures and Opening of the Hearing

Chairwoman Bushway read the Public Notice of this Public Hearing as it appeared in the *Purcellville Gazette*. (Attachment I: Public Notice).

Presentation

Administrator McGregor made a presentation on LVCU 2010-0002: Dykstra/Wheeler Conditional Use Permit (Attachment II: Staff Report)

Public Speakers

Chairwoman Bushway introduced the speakers in the order in which they had signed up to speak (Attachment III: Speaker Signup Sheet).

- 1 Alan Dykstra
 - Thanked everyone for coming.
 - Thanked Administrator McGregor and Manager Markel for helping him prepare his application.
 - He has been in the service industry for many years.
 - He has been a resident of the Town for 10 years.
 - He wanted to put this business in Lovettsville rather than in Maryland with his other businesses for a number of reasons:
 - To provide work for local residents, including teenagers.
 - To maintain this neglected property the way he improved and maintains his home.
 - To provide a needed service to the Lovettsville community.
- 2 Attorney Forest Whyte
 - Retained by the Lakeview HOA to represent them in this issue.
 - The CUP requested is not a true retail business; this provides a service not on the site, but elsewhere. Therefore the Town is applying the wrong ordinance.
 - The intent of this business is to store equipment on the site, not be a retail outlet.
 - The public is not going to require access to this back lot.
 - Two different and separate lots and involved and he believes each lot must qualify for the CUP separately.
 - The Lakeview HOA members are concerned about property values and

a possible unpleasant view.

- Snow removal equipment has to be accessed at any time, not just during the business hours stated.
- The potential harm could be mitigated by not waiving the potential buffer zone – recommends they require the trees and bushes.

Commissioner Kahn requested and was granted permission to ask a clarifying question. He asked Attorney Whyte how he had been hired. After consultation with Robert Miller, Attorney Whyte stated that he had been hired by a majority vote of the HOA members.

3 Howard Williamson,
Lovettsville Business
Association

- In favor of allowing this business to be established.
- Lovettsville needs new businesses.
- He thinks it is a noble effort to try to employ some of the local teenagers.
- He explained that he needed to have a similar waiver granted when he established his business explaining that the old part of Town does not lend itself to these buffer requirements.
- If he had been required to have these setbacks he would not have been able to establish the restaurant.
- He believes this is a very good use of the property, which has been vacant for a long time.
- He noted that there had been a lot of snow last year creating an emergency situation and this business would be a valuable resource in such a situation.

4 Robert Miller
President, Lakeview
Home Owners
Association

- The HOA is not in favor of the location of the business.
- The HOA is not anti-business, it objects to the location of the business.
- Eight homes will be directly affected; two of which are occupied by older residents, others have young children.
- This business will be a visual blight for those looking out of second story of any of the homes.
- Not good for home value.
- There would be no way to mitigate the noise that will originate from this type of business. Residents could not have dinner on their back patios.
- During a snow event the impact will be 24 hours, even when it is not an emergency.
- There are already plenty of landscaping companies in the area. His main concern is that this business will cause an overall decline in the quality of life for eight households.

5 Janet McLean
Resident Lakeview
Estates

- This business is not compatible with a residential neighborhood.
- The business sounds great, but not outside her back door.
- Her primary concern is the noise the vehicles will generate.
- This business would dump traffic, including large trucks, right onto Broad Way.
- Understands that the landscaping will be paid for by the Town and asked how the Town would pay for it.

6 Molly Beck
Resident
Lakeview Estates

- Agrees that the business is a great idea but not in the proposed location.
- Asked if there would be fuel stored on the premises.
- Believes the business should be in a more industrial area.

7 Aidalyn Cordisco
17 East Broad Way

- Asked the Zoning Administrator what would qualify as a valid complaint once the business was in place.

8 Katherine Buck

- In favor of granting this CUP.
- Knows that many young people in Town want and need jobs.

- 9 Scott Wallace
 - The property is currently attracting unsavory activity.
 - The Town needs new businesses.
 - Would be glad to see this lot cleaned up but is concerned about the noise.
- 10 Lisa Niblock
29 Park Place
 - Questioned the age of children who would be employed, noting that this is dangerous equipment.

Mr. Dykstra requested and received permission to respond and stated that the minimum age would be 16 years old.

Chairwoman Bushway confirmed that no other member of the audience wished to speak. Town Clerk Kromholz confirmed that no written statements had been received for this public hearing. There being no further speakers, Chairwoman Bushway declared the hearing closed at 8:16 PM and called for a five minute break.

Chairwoman Bushway called the Regular Meeting of the Lovettsville Planning Commission to order at 8:21 PM.

Changes in Present at Meeting

None.

Present In the Audience

No change.

Public Comment

Chairwoman Bushway called on the public for comment in the order in which they had signed up to speak.

Alan Dykstra stated that he understood the noise level concern and that all measures would be taken to minimize the noise, especially in the morning. Loading would be done in the evening. Gasoline would only be kept in small containers or in the vehicles themselves. The noise level in the morning would be minimized as much as possible. The residents that bought the townhouses knew they backed to a commercial property when they bought the homes.

Additions/Deletions/Modifications to the Agenda

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

Approval of Planning Commission Minutes

No minutes were presented.

Staff Reports

Steve presented his written report for August 2010. There were no questions from the Commission.

Action Items

1. LVCU 2010-0002: Dykstra/Wheeler Conditional Use Permit

Administrator McGregor had presented his report during the Public Hearing. Chairwoman Bushway called for comments from the Commissioners.

Commissioner Mueller stated that when he originally read the request and analysis he was concerned about the noise impact. He understands the Mr. Dykstra will minimize noise. He believes that there is a real need for business in the Town and is aware that the lot is an eyesore as it is. He asked staff to further explain what would constitute a valid complaint and what actions the Town would take as a result.

Commissioner Kahn stated that this location is currently an unattractive vacant lot and therefore he does not understand the visual blight argument – he believes that well maintained equipment will not be any less attractive than the current situation. He understands that noise can be an issue but it sounds as though the applicant is willing to mitigate the impact as much as possible. He noted that the noise level

would be similar to the sound of a pickup starting up in the parking lot. He asked Mr. Dykstra if he plans to do equipment repair on site and Mr. Dykstra stated that even the grinding of blades will go to another business offsite. He might add fluids but all the equipment is new and under warranty; it will go out to be serviced. Commissioner Kahn stated that this lot was zoned commercial a long time ago even though it happens to be next to a residential development. He stated that snow removal has been an issue in the Town and that other companies in the area were unwilling to come to Lovettsville Town Center during last years' storms. He himself would consider a complaint valid if it is not simply a result of dissatisfaction that the CUP was granted, but was a result of real time occurrences.

Commissioner Fischer disclosed that she will be directly impacted by this decision. She asked Mr. Dykstra if the current property owners would be involved in the business. Mr. Dykstra explained that they will only be his landlord and will have no involvement in the business itself. Additionally, Mr. Dykstra will assume all maintenance of the property. Commissioner Fischer expressed concern that when the equipment returns to the site there will be considerable noise.

Commissioner Bauer asked if the hours of operation would be specified as part of the CUP and, if so, would they be enforced during a snow emergency. Manager Markel stated that the Commission could modify the suggested conditions, but as they are currently written, exceptions to the hours of operation have not been granted. Commissioner Bauer asked if all of the landscaping requirements have been waived. Staff explained that the proposed permit does waive all landscaping requirements, but requires a fence built to specification. She stated that she would like to see tall slim trees planted in the 5 foot buffer between the residents' parking area and the fence. Administrator McGregor asked what height she suggested and she replied that they could grow to a height of approximately 15 feet.

Commissioner Burden noted that the applicant would be starting a new business and that the suggested buffering would be a significant expense. He also noted that if there are valid complaints, the Town would have to give the applicant the opportunity to mitigate the problem before revoking the permit. He suggested that the Planning Commission include in their recommendation to Town Council that staff address the concerns presented by the attorney, noting that only the Council has the authority to modify or waive ordinance requirements.

Chairwoman Bushway stated that when a snow emergency is pending it is unlikely that Mr. Dykstra would leave his equipment in the lot, but would stage it appropriately throughout the area. As a resident herself, she could have a noisy truck or motorcycle and start it up at any hour and that would be just as disturbing as Mr. Dykstra's equipment. She also stated that the lot is currently a blighted area and Mr. Dykstra's efforts to clean up the area are unlikely to result in a decline of the visual quality of life. She also noted that opportunities for employment and additional businesses are really needed in Town. She agreed with Commissioner Kahn's definition of a valid complaint, but requested that a definition be included in the CUP. She stated that she does not feel that additional landscaping should be required, noting that Mr. Dykstra is already offering a number of enhancements to the property.

Commissioner Kahn suggested that there are local plants that are narrow and grow tall quickly. However, they are expensive for a startup business and asked if the CUP could require such buffering within five years. Mr. Dykstra noted that the area being discussed is owned by the HOA and asked if they would be willing to share in the expense of landscaping their own property. Commissioner Kahn stated that the HOA could not be bound by the CUP granted to Mr. Dykstra, but noted for the record that Mr. Dykstra has repeatedly offered to contribute to installing landscaping on the HOA property. The HOA and the business owner would have to negotiate this outside this venue.

Commissioner Mueller reiterated that the Town would have no input into such negotiations.

In response to a question from the audience, Town staff explained that the Town is waiving the buffering requirements, not volunteering to do the buffering itself.

Commissioner Mueller asked that a limit be placed on the idling time in the morning. After discussion the Commissioners agreed to add a conditional use that limits idling time to 5 minutes.

Commissioner Burden asked if Attorney Whyte was correct in stating that the Town was applying the wrong ordinance to this property and request. Manager Markel stated that staff has already made the determination that this is the correct ordinance and any appeals on this issue would have to go before the Board of Zoning Appeals.

Motion: I move that the Planning Commission recommend approval of the Dykstra-Wheeler and Wheeler, Inc. conditional use permit for a lawn mowing, snow removal and light excavation business with the conditions presented in the staff report for item LVCU 2010-0002, dated October 6, 2010 as modified at this meeting.

By: Commissioner Burden

Second: Commissioner Mueller

Chairwoman Bushway called for additional discussion. Commissioner Bauer stated that while she is still concerned about additional buffering and plantings, she does not want to delay the establishment of the business. Commissioner Kahn stated that the applicant has agreed to make significant improvements to a property he does not own and has indicated he is willing to work with the HOA in the future.

Commissioner Kahn stated that he is not comfortable with asking the applicant to make expensive changes in addition to what has already been agreed to. Commissioner Mueller stated that his primary concern is the possible noise and he does not believe that interior plantings will alleviate the noise concerns. Chairwoman Bushway stated that she agrees with Commissioners Burden and Kahn that it is not reasonable to expect the applicant to bear this additional cost. She stated that the commissioners hope that the business will be able to develop a strong relationship with its neighbors and the community at large. There being no further discussion, Chairwoman Bushway called for the vote.

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

Nay: Commissioner Fischer

Abstain: None

Absent: Commissioner Gray

Manager Markel announced that the Town Council public hearing for this item will be held on October 28th. *{Commissioner Fischer left at 9:16 PM}*

2. LVZA 2009-0004: Sign Ordinance

Administrator McGregor explained that at their August 4 meeting the Planning Commission discussed the proposed revised draft of Article 7 Signs and requested that a small committee be established to review the changes. This committee has reviewed the proposed draft and suggested some minor changes.

The Commission is being asked to establish the next steps in the process of making a recommendation on this text to the Town Council. Administrator McGregor explained that the Commission may authorize a public hearing, or direct that a public information session should be scheduled before a Commission public hearing. The public information session would help inform the public about the proposed changes so they may better understand them and the ordinance before they give formal testimony at a public hearing.

After discussion of what format an informational meeting would take and what the purpose would be, the Commissioners agreed to recommend a public information session as part of the approval process.

Motion: I move that the Planning Commission authorize a public hearing on the revised draft of Article 7 Signs, as amended tonight, and a public information session prior to the public hearing.

By: Commissioner Burden

Second: Chairwoman Bushway

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

Nay: None

Abstain: None

Absent: Commissioner Fischer, Gray

The Commissioners agreed to October 27th as the proposed date for the public information session. *{Councilman Dockum, Howard Williamson and Katherine Buck left at the conclusion of this discussion at 10:05 PM}*

3. LVPA 2010-0001: Comprehensive Plan, Plan Amendment

Administrator McGregor presented this item. The Planning Commission is being asked to request authorization from the Town Council to hold a Community Forum at which the Comprehensive Plan Advisory Committee (CPAC) will present its draft of the revised Comprehensive Plan for discussion and will listen to comments from the community.

Motion: I move that the Planning Commission direct staff to schedule a second Community Forum, on an appropriate date, for a presentation by the Comprehensive Plan Advisory Committee (CPAC).

By: Commissioner Burden

Second: Commissioner Mueller

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

Nay: None

Abstain: None

Absent: Commissioner Fischer, Gray

Discussion Items

None

Information Items

None

Comments from the Mayor and Commissioners

There were no comments from the Commissioners.

Adjournment

Motion: To adjourn the Planning Commission meeting of October 6, 2010.

By: Chairwoman Bushway

Second: Commissioner Mueller

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

Nay: None

Abstain: None

Absent: Commissioner Fischer, Gray

The Meeting was adjourned at 10:15 PM.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: January 5, 2011

Attachment I: *Purcellville Gazette* Notice of Public Hearing

Attachment II: Staff Report LVCU 2010-0002: Dykstra/Wheeler Conditional Use Permit

Attachment III: Speaker signup sheet

Public Hearing/Legal Notices

Notice of Public Hearing Town of Lovettsville Planning Commission

The Lovettsville Planning Commission will hold public hearings on the following item at their meeting on October 6, 2010 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue.

LYCLU 2010-0002: Consider a request by Wheeler & Wheeler Inc. with owner's representative Alan Dykstra for a Conditional Use Permit per Section 3-12(c-viii) of the Zoning Ordinance to operate a lawn care, light excavation and snow removal facility with outdoor storage on the property located at 19 East Broad Way East Broad Way and identified as Loudoun County PIN 333154704 & 333155813.

The application being considered is available for review at the Town Hall between the hours of 9AM and 3PM weekdays or by special appointment, holidays excepted. Call 540-822-5788 for more information or visit www.lovettsvilleva.gov.

September 24 & October 1, 2010

Notice of Public Hearing Town of Lovettsville

The Lovettsville Town Council will hold a public hearing at 8:00 PM Thursday, October 14, 2010, to hear comments from any person on the following:

LYZA 2010-0003 Outdoor Residential Swimming Pools, by the Town of Lovettsville to amend the Town of Lovettsville Zoning Ordinance to:

Modify Article 4, General Regulations, Section 4-8 Private Outdoor Swimming Pools to include Hot Tubs and Spas along with integrating Town Ordinances with County and State Wide Building Code regulations.

LYZA 2010-0005 Deck Regulations, by the Town of Lovettsville to amend the Town of Lovettsville Zoning Ordinance to:

Modify Article 4, Section 4-7 USES AND STRUCTURES PERMITTED IN REQUIRED YARDS, (e), to modify setback requirements.

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

The Purcellville Gazette is an OFFICIAL Paper of Record for Loudoun County

The Purcellville Infrastructure Committee will be accepting applications from Town residents interested in serving on a newly established Committee.

The Purcellville Town Council Infrastructure Committee has approved a Neighborhood Traffic Calming ("NTC") Program in recognition of the growing desire of residents within many neighborhoods in the Town to address speeding on residential streets. To implement the program, the Town Council proposed the creation of a citizen advisory committee, the Neighborhood Traffic Calming Committee ("NTCC"), which participates in and oversees the program.

The NTCC supports the Town Council's vision of an urban Town by reducing the adverse impact of speeding on residential streets. Traffic calming is intended to improve safety for pedestrians, bicyclists and motorists, and raise the quality of life in residential neighborhoods.

Any citizens interested in being considered for membership on the above Committee should obtain an application form from the Town Hall during normal work hours or visit our website <http://www.purcellvilleva.gov> in order to download an application. Please attach a letter of interest or resume outlining your qualifications for consideration by the Infrastructure Committee. The deadline for applying is October 15, 2010. If you have any questions concerning the vacant positions or the appointment process, please do not hesitate to contact Samar Beidas, Director of Public Works via email at sbeidas@purcellvilleva.gov or (540) 751-2314.

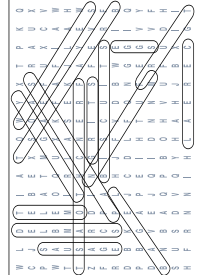
Come Check Us Out Online at:

purcellvillegazette.com

Puzzle Answers

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A Fair to Remember

by Ben Weber

If you have forgotten, let us remind you, the Waterford Fair is this weekend, October 1-3 from 10am to 5pm. If you haven't been yet, you are missing one of the most popular events in Northern Virginia. For 67 years, Waterford has played host to this popular event, showcasing the life and times of the 18th and 19th centuries in rural Virginia.

Over 155 juried heritage craftspeople, many of whom are known nationally for their craft, will be on hand to demonstrate and sell their products. This event is clearly one that appeals to all walks. From the art lovers to the vintage tractor builders; to the foodie to the civil war buff, this is an event not to be missed.

In addition to the fair itself, many of the periods style homes and buildings will be open for tours. In fact, the entire village of Waterford becomes 100% pedestrian. The streets are filled with the past as soldiers from the Revolutionary War and the Civil War take to the streets as if walking out of a history book. Combined with music and song, the Waterford Fair is not to be missed.

All proceeds from the sale of tickets helps benefit the Waterford Foundation and its mission to preserve the historic buildings and open spaces of this National Historic Landmark District as well as increase the public's knowledge of life and work in a rural community.

As with past fairs, one item is selected to be raffled off as a means to help raise funds for the donation. This year is to be no different. An exquisite reproduction of an 18th-century Newport Writing Table in the Goddard style, donated by fine furniture maker and long-time Waterford Fair exhibitor, E. J. Masalitis of Rayburn, Massachusetts will be raffled off for \$5 per ticket or 5 tickets for \$20. According to Masalitis, he estimates the value close to \$2,800. The winner will be announced at 4pm on Sunday at the Corner Store and the winner need not be present to win.

See you at the Fair!

Loudoun

Continued from page 23

warning, the loss of a job, illness, fire, storm, death of a parent can create a very difficult situation. Food becomes something that suddenly fights with water, power, propane, gas and telephone on the priority list in the fight to keep a family going. "The Tree of Life Food Pantry regularly supports 20-30 families and is hoping more families will come forward for confidential help.

The Tree of Life Pantry accepts donations year-round at the Purcellville Library, Purcellville Town Hall, and Middleburg Bank. Donations especially needed at this time of the year are cereal, bottled water, healthy snacks in single serving portions such as raisin boxes, crackers and granola bars, coffee, all purpose cleaners, Clorox, vinegar, laundry detergent, cake mixes and frosting, peanut butter, all food staples and canned tuna. Perishable food may be donated and pickup service is provided. Cash donations may be made through the Purcellville Baptist Church. For assistance, call 703-554-3595. ♦

Town of Lovettsville

STAFF REPORT

PLANNING COMMISSION

PUBLIC HEARING	
ITEM IDENTIFICATION	LVCU 2010-0002 Dykstra /Wheeler
TYPE OF ITEM	Conditional Use Permit
DATE OF HEARING	October 6, 2010
APPLICANT	Wheeler & Wheeler, Inc. with representative, Alan Dykstra

APPLICANT PROPOSAL:

Property owner, Wheeler and Wheeler, Inc., and Alan Dykstra, their representative, want to obtain a conditional use permit that would allow Mr. Dykstra to operate a lawn mowing, snow removal, and light excavation business with an ancillary office at 19 East Broad Way, zoned C-1. The subject property is identified in the Loudoun County land records as PIN 333155813 and 333154704. (See attached plat showing the front lot as lot 1 and the rear lot as lot 2). The outdoor equipment storage would be located on lot 2, the rear lot. The office would be located in the existing garage on lot 1, the front lot, which would also be used for minor repairs and storage of related materials. No structures would be built to accommodate this business.

The applicants are proposing to store a variety of pieces of equipment, including pickup trucks with attached snow plows, skid steer loaders, equipment trailers, mowers, and snow blowers. Other related equipment would also be stored outdoors. (See attached proposal list).

The applicant is proposing two on-site employees and ten employees that park on the site but work off-site. These employees will be entering and leaving the site 7AM-9AM and 4PM-7PM during the work week and Saturday; and for an unspecified, minimal time on Sunday.

The applicant wants to have the landscaped buffer yard requirements waived. He feels that the townhouse development adjacent to the east and north boundaries of the subject property has a permanent buffer area to protect the residential living environment from the equipment use he is proposing. He also states that he cannot

place all the equipment on the site that he needs for his business if buffer yards are provided. In addition, the applicant is committing to:

1. Replace existing fence with a 6-foot board-on-board type fence to make it continuous around the area used for storage equipment and parking.
2. Add a locking gate for area.
3. Landscape portion of east buffer yard to a width of 42 inches.
4. Add landscaping in front of new fence on west side of garage to a width of two feet.
5. Clean storm drain (rear, east side)
6. Remove old fence, posts, gate (rear)
7. Paint garage.
8. Install lighting on rear of garage (10-15 feet from ground) facing downward.

The applicant has permission from the property owner to have access through lot 1 to the area that is proposed to be used for equipment storage and parking.

ZONING ORDINANCE REGULATIONS:

The subject site is zoned C-1 Community Commercial. The following Zoning Ordinance regulations apply to the evaluation of the applicant's proposal:

The district allows "retail sales and/or service with outdoor storage" use, conditionally permitted in Section 3-12 (c) of the Zoning Ordinance.

The C-1 district, as stated in Section 3-12 (a), 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...The Town intends that existing residential buildings be converted to commercial use rather than have new buildings constructed...."

Article 6 Landscaping, Buffering, and Screening, Section 6-10 (a), the Zoning Ordinance indicates that:

"The Council recognizes that the landscaping, buffering and screening requirements...cannot address every situation because of the wide variety of potential developments and the relationships between them. Subject to the recommendation of the Zoning Administrator, the Planning Commission may approve alternate proposals that deviate from the requirements...whenever it concludes that the proposal meets or exceeds the standards of this article."

TOWN PLAN POLICIES:

The following Town Plan policies are relevant to the consideration of this proposal:

Land Use Chapter VII states under Goals:

“Diversify commercial land uses to promote a wider variety of employment opportunities within the Town.” (page 53, 4th bullet)

Land Use Chapter VII states under Objectives:

“Consolidate existing commercial and employment areas along East Broad way and integrate these areas with the new Town Center project to create a cohesive downtown core.” (Page 53, 2nd bullet)

Land Use Chapter VII states under Policies:

“Encourage employment uses, which are well designed, adequately landscaped and buffered from adjoining, less intensive uses.” (Page 53, 6th bullet)

Business Development Chapter V states under the Goal section:

“An adequate variety and high-quality of local-serving businesses that target the needs of the...community within a traditional downtown environment and that promote[s] a stable tax base...” (page 36)

Business Development Chapter V states under Objectives:

“Encourage the development of town-scale commercial and employment uses consistent with the existing character of Lovettsville. (page 36, 3rd bullet)

Business Development Chapter V states under Policies:

“Discourage the spread of commercial development in a way that distracts from existing downtown business...or intrudes into existing residential neighborhoods.” (Page 36, 3rd bullet)

ANALYSIS:

The proposed use can be considered retail sales with outdoor storage use, as stated in the Zoning Ordinance as a conditionally permitted use in the C-1 district. The proposed use complies with the district purpose of a business with frequent access to the public (although business done with the public is with telephone or internet in this case) that does not have constant heavy truck traffic.

A synthesis of the Town Plan policies that apply to this proposal suggests that the Town wishes to encourage such a business in the old downtown in the western portion of the E. Broad Way corridor where there are a number of businesses and many lots with commercial zoning. The proposed use provides for the needs of the community, as the Plan states, as there is no such service business in the Town. It is reasonable to assume that many residents in the Town and surrounding area have a need for lawn mowing and snow removal.

The issues related to this proposal primarily involve potential impact on residential use, which is adjacent to the site on three sides. The Lake View townhouse development is adjacent to the site on the north and part of the eastern boundary for a total of 222 feet. A single family detached dwelling is located adjacent to a portion (28 feet) of the western boundary, primarily next to the front lot on the site, which is used for a real estate office.

The buffering requirements shown in Table 6-1 of the Zoning Ordinance would require the proposed use to install and maintain a Type C buffer area adjacent to residential use. This buffer area requires a 35-foot buffer yard planted with 1 per 1,000 square feet canopy trees; 1 per 500 square feet understory trees; 1 per 500 square feet evergreen trees and 1 per 100 square feet shrubs. A six-foot high opaque fence can be substituted for one-third of the width of the buffer yard with plant reductions accordingly. With a one-third reduction in the buffer yard width the total square feet of buffer yard required would be 2,068. This would require two canopy trees (2.5 inch diameter at planting), four understory trees (6-foot height at planting), four evergreen trees (6-foot height at planting), and twenty shrubs (18 inch height at planting).

The Town Plan states a policy for businesses to be attractive in the eye of the public. This would imply a need for on-site landscaping in this case, as there would be no new construction, and a need for the business to be attractive from off-site.

For this proposal to be viable from a business perspective, according to the applicant, some relief from the buffer yard and related landscaping would have to be provided by the Town. One possible justification for an alternative buffer yard on this site is that the Lake View townhouses development has a buffer yard of open space that is about twenty feet wide that provides some separation from the subject site off-site. Arguably, the use proposed is less intensive than the townhouse use although it is a commercial use next to a residential use. If the applicant were to provide an eight-foot fence around his storage yard (lot 2), for example, it would help screen the equipment storage from the townhouses to a limited extent at ground level. The townhouses have privacy fences around their back yards that face the subject site so the outdoor living space is already protected visually from the subject site. The planted areas offered by the applicant also help make the site more attractive from adjacent development to the limited extent that people off-site can see onto the site itself.

The applicant's proposal includes outdoor lighting on the area where the equipment would be stored. The lighting fixtures are proposed to be mounted 10-15 feet above grade. This is a reasonable security feature, even with a locked yard. However, such lighting would have to be designed and located such that it would not spill over and cause off-site glare on adjacent residential property.

The business may have to improve the entrance to the property to meet VDOT standards for a commercial entrance if VDOT chooses to enforce its standards for this

use. It is not within the Town's jurisdiction to impose VDOT's commercial entrance standards and, therefore, the Town does not make it an issue in considering this proposal.

The Sunday hours of operation are only listed as minimal. Certain hours of operation would allow neighbors to know when to expect activity on the site.

CONCLUSIONS:

The value of the proposed use to the community is strong enough to give it positive consideration if certain conditions are met as it meets most of the relevant Town Plan policies and complies with the applicable Zoning Ordinance regulations.

There is a need to ameliorate some of the potential visual impact of the equipment on residential development. There is no way to visually screen equipment on the site from the second story windows of the Lake View townhouses. The ground floor level of these units is already screened as part of the design of the development. If fencing were added to the subject site by the applicants it would provide a double sight barrier. Outdoor lighting needs to be designed so there is little or no glare off-site onto residential development. Hours of operation on Sunday should be specified.

RECOMMENDATION: It is recommended that the proposed conditional use permit be approved with the following conditions.

1. The subject property (PIN 333155813 and part of PIN 333154704) be used for a lawn mowing, snow removal and light excavation business.
2. Hours of operation shall only be 7AM-8:30PM, Monday-Saturday; and 1PM-5PM, Sunday.
3. An eight-foot opaque fence shall be installed around the perimeter of lot 2, the rear lot to enclose the equipment stored outdoors. A two-foot clearance shall be maintained between the fence and the property boundary for maintenance purposes.
4. Rail ties shall be placed around the perimeter of lot 2, the rear lot, at a distance of at least five feet from the fence, to prevent vehicles from being too close to the fence.
5. The fenced area in which the equipment is stored outdoors shall be locked when the site is unattended or the business is closed.
6. There shall be a minimum of twelve parking spaces for employees that shall be marked by wheel stops or rail ties. These wheel stops or ties shall not be closer to the fence than five feet.
7. Buffer yard and landscaping requirements of the Zoning Ordinance are waived.
8. The garage will house office space ancillary to the business and some storage space for related equipment.

9. Lighting for the outdoor storage of equipment shall be mounted on the rear of the existing garage. It will be designed so that it is directed downward and does not create spillage off-site and it will have a low level of brightness.
10. All delivery trucks will load and unload on-site.
11. This conditional use permit is not transferable to any other type of business.
12. This conditional use permit is subject to review if valid complaints about the operation of the business are made to the Town.

DRAFT MOTION: “I move that the Planning Commission recommend approval of the Dykstra-Wheeler and Wheeler, Inc. conditional use permit for a lawn mowing, snow removal and light excavation business with the conditions presented in the staff report for item LVCU 2010-0002, dated October 6, 2010.”

ATTACHMENTS: 1) Detailed business proposal, Dykstra, supplement to application, September 24, 2010
2) Plat of subject property, submitted with application, Dykstra, August 20, 2010

Conditional use permit application



VALLEY LAND & LAWN, LLC

September 24, 2010

Per the Conditional Use permit we had to list retail sales and or service and or storage of equipment outdoors. We will not have retail sales or services on site the only service will be the normal service of equipment i.e. sharpening lawn blades lubrication and oil changes. Any breakdown or repair will be done at an authorized repair center not on site in Lovettsville. What I need is the Town Counsel to do is wave any Applicable landscape buffer yard requirement according to zoning ordinance 6. The Town can authorize on a Lot-by-Lot Basis. And approve the plan I have drafted on the plat that I have provided. I have put together for your review a plan of what I would like to do with the Lots that we have applied for conditional use.

We are a small Lawn Mowing and Light excavation/Snow removal Company we do not consider ourselves to be landscapers. Although a lot of our services do overlap.

Proposals for Improvement on City Lots # 33315581300 Lot 1 on Plat & 333154704000 Lot 2 on Plat:

- Tear Down and Replace dilapidated Fence currently on Property with board on board 6' fence similar to that of neighbor on west side of property and keep fence in excellent repair
- Install New Fence 6' Tall to replace old fence where it already exists and close off area on west side of the garage with new fence. And add locking Gate near rear of Garage on the east side (12'-15'gate) entrance for trailers, vehicles and equipment storage
- Landscape existing area on east property line where existing railroad ties already exist. Area will be landscaped with Boxwoods and Lariope. Existing Area is approx. 42" from existing fence. Add 48" landscaped area in front of new fence on west side of Garage.
- Clean out and maintain responsibility for cleaning of storm drain that is now full of debris, shrubs and trees located on the rear of the east side of the property
- Remove old fence, posts and gate in rear quarter of property
- Paint Garage if necessary

- Add low light security lighting on rear of garage facing downward approx. 10'-15' from ground positioned in middle of garage as not to disturb residents in the townhomes adjacent to the lot in rear and east side of lot, front light is motion detection already installed.
- Maintain lot from becoming overgrown and a haven for our youth
- Received permission from land owner to access lot from Broadway

Hours of Activity on Property Proposed:

- Monday-Saturday

7:00 AM – 9:00 AM	Active
9:00 AM – 4:00 PM	Minimal
4:00 PM – 6:30 -7:00pm	Active
- Sunday

Minimal Use after 12 o'clock noon

Anticipated Trips Onto Broadway from Lot Proposed:

- | | | |
|--|----|---|
| • Arriving in Morning employees | 10 | Employees will park in fenced area of lot 7:00 AM |
| • Departing lot to go to Job locations | 6 | 7:30 AM – 9:00 AM |
| • Returning to lot from work | 6 | 4:00 PM – 6:30 PM |
| • Employees departing lot for home | 10 | 4:00 PM – 7:00PM |
| • Misc Trips per day | 5 | Throughout work day |

List of Equipment:

- Proposed
 - 2 John Deere 4720 Tractor Loaders with Backhoe with Misc. attachments (i.e. scrappers, rakes, rotary cutters “Bush hog”, etc.)
 - 2 Bobcat or other brand Skid Loader with Misc attachments (Parking Lot Sweepers, buckets, augers for post hole drilling, etc.)
 - 5 Pickup trucks with snow blades
 - 3 other company vehicles (one being a debris hauling truck)
 - 2 Equipment Trailers
 - 1 Hay Wagon will purchase used
 - 1 Hay Ride Wagon
 - 5 Landscape Trailers
 - 6 Zero Turn Mowers (one will be used as extra in case of Breakdown)
 - 6 Ride Behind Mowers (one will be used as extra in case of Breakdown)
 - 7 21' Walk behind Commercial Mowers
 - 10 Snow Blowers
 - Misc., Snow shovels, Weed Eaters, Blowers, Rakes, Pruning equipment, Edger’s, Pressure Washers, And other small equipment
 - All equipment will be 2010 or newer except Hay Wagon, Hay Ride, may buy used skid loaders in excellent condition, hay ride wagon is 2010

- Any additions to this list will go before the Zoning Commissioner and Town Manager before purchase to review if overcrowding is an issue

Number of Employees:

- Present
 - Myself and my Wife
- Proposed
 - Up to 10 employees plus myself and my wife within 3 yrs

LAKE VIEW

931°12'47"E 78.80'

FENCE 78.80'

Lot 2

333155813000

0.2539 AC.

LAKE VIEW

CHILD SAFELY
HIRE POOLING

POOL
DB 1941-1983

POOL
DB 1941-1983

FENCE
29°39'17"E 92.11'

28.21

FRAME SHED

Lot 1

333154704000

FRAME
GARAGE
103

0.2562 AC.

0.3977 AC.

FRAME
SHED

DECK

2 STORY
BRICK &
FRAME
#17
28.9
CONCRETE
DRIVEWAY

1 STORY
FRAME
#19
12.2

106.41'

N 57° 20' 11" E

FIELD

GRAVEL DRIVEWAY

GRAVEL

N 29° 50' 09" W

94.72' E. BROAD WAY

REPORT

Town of Soyettsville

Speaker Sign - Up Sheet

Planning Commission Public Hearing & Regular Meeting of October 6, 2010

Please Print

Name and Association	Address	Topic	Email Address (Optional)
Forest E. White Esq. ^{Like View Village} HCA	4 Loudon St, E Leesburg	District/Wharfed Court. Use	
Howard Williamson	12609 Lur Weaver Church Rd Leesburg, VA 20180	District/Wharfed	
Rob Miller	5 Park Place, Leesburg, VA 20180	District/Wharfed	
Jessie M. Myles	27 Park Place		
Molly Beck	28 Park		
Aidlyn Cardise	11		
Scott Walker	11 East Broadway		
Lisa Nibbe	29 Park Place		

If you provide your email address, you will be added to the Town Council & Planning Commission Meeting Notification List.

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.