

Town of Lovettsville

Planning Commission Minutes of Regular Meeting, April 6, 2011

Chairwoman Bushway called the Regular Monthly Meeting of the Lovettsville Planning Commission to order at 7:31 PM on April 6, 2011.

Present at Meeting

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

Absent

- Mayor Elaine Walker
- Commissioner Aaron Kahn

Present In the Audience

Among those present in the audience were Council Members Tim Sparbanie and Charlotte Coleman.

Public Comment

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

Additions/Deletions/Modifications to the Agenda

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

Approval of Planning Commission Minutes

A. Planning Commission Regular Meeting – March 16, 2011

Motion: To approve the minutes of the March 16, 2011 Regular Planning Commission Meeting as presented.

By: Commissioner Mueller

Second: Commissioner Fischer

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

Nay: None

Abstain: Commissioner Bauer

Absent: Commissioner Kahn

Staff Reports

None

Action Items

None

Discussion Items

A. LVZA 2010-0007 Temporary Outdoor Sales

Chairwoman Bushway explained that the Commission is being asked to give policy direction to staff so a public hearing can be authorized. There are a number of regulation issues related to temporary sales on a specific site and to business activities that involve people who go door-to-door attempting sales of various products and services. There are a number of types of temporary outdoor sales activities that can be undertaken on a specific site in addition to the itinerant furniture sales activity that caused the issue of

regulation to be raised. The Commission began by discussing the potential impact on permanent businesses in Town. Chairwoman Bushway expressed concern over applying any regulations to events held at the Lovettsville Game Protective Association and Manager Markel noted that Town wide events, such as Oktoberfest would also have to be considered. Commissioner Mueller noted that specific requirements (such as truck size) must be regulated in a consistent way for both for-profit and not-for-profit organizations. Chairwoman Bushway stated that any ordinance must take into consideration the limited resources the Town has to enforce regulations. Commissioner Burden suggested that enforcement of these regulations could come back to the lot owner. Administrator McGregor stated that Purcellville charges \$500 for these types of permits, thereby discouraging a lot of vendors. He also noted that the Loudoun County Health Department will only become involved in enforcement of issues such as requirement of restroom facilities if the Town issues a permit of some sort.

Commissioner Mueller stated that the regulations should be as simple as possible in order to be fair, impartial and even handed. Commissioner Bauer asked if this is a long-term problem or a temporary reflection of the economy. Commissioner Mueller asked if the Commission wants to limit vendors such as the furniture truck to commercially zoned properties only, noting that the LPGA property is zoned residential. Administrator McGregor stated that he perceives two major issues with the stationary uses - traffic/parking and sanitary facilities. Manager Markel noted that the complaints the Town received concerning the furniture truck were aesthetic in nature.

The Commission then turned to discussing how the temporary character of the use would impact the community's vision for itself; the perception of what type of community is desirable. Commissioner Bauer suggested regulating the setback from the road. Administrator McGregor stated that they could also recommend that the Town could require the temporary use be a specific distance away from the Town Square. Commissioner Mueller stated that sanitary concerns and traffic impact are valid regulatory issues, the rest not so much.

The Commission then turned its attention to discussing how often a use should be allowed in terms of consecutive days and calendar years. Commissioner Gray suggested charging a reasonable fee for a set period of time. The Commission discussed the possibility of making the property owner ultimately responsible for obtaining any permits.

Administrator McGregor asked for direction from the Commission. They agreed that they would like to regulate temporary outdoor sales, but in a simple and direct manner. Commissioner Gray suggested limiting the text to where such vendors are allowed, the hours of operation and the length of permit. It was also suggested that a limit be placed on the number of permits issued per property. Chairwoman Bushway suggested the ordinance list exclusions, rather than trying to list everything that would be allowed. Commissioner Bauer suggested limiting the number of permits issued for any given period. Commissioner Burden said that he would like to see a list similar to the one used by Leesburg.

The Commission proposed that staff prepare an ordinance addressing the following concerns:

- Vendors should not be allowed on residential sites, although this could present problems in mixed use areas and at the Game Club.
- Activity should only be allowed during daylight hours.
- Develop a list of excluded products.
- Permits should be limited to three days.
- Reserve the right to deny a permit if there is a government sponsored event during that time period.
- No limit on the number of permits granted per year, but each occurrence must be permitted.
- Allow only one permit per site per time period.
- Develop a list of fees.
- Permit must be signed by the landowner.

B. Review of Planning Commission By-Laws and Rules of Procedure

At the Planning Commission meeting of March 16, 2011, Planning Commission members began discussing the Planning Commission's policy for receiving public comment during meetings. This

discussion was raised by Planning Commission members who were closely following the current discussion with the Town Council on the same topic. After some discussion among the Planning Commission, it was decided that the body should review the existing By-Laws and Rules of Procedure that govern the Planning Commission meetings. Staff was to add the item to the next Planning Commission meeting as a discussion item. Staff sent digital copies of the current By-Laws and Rules of Procedure to all of the Planning Commission so they could begin thinking of what modifications may be necessary. The recently approved Mayor and Town Council Rules and Procedures can serve as a good reference as the Planning Commission begins discussing this item.

Staff reported that they had researched the issue of including written comments in the minutes, both as to legal and FOIA requirements and the current practices of local councils and commissions and recommended the following guidelines:

1. Any member of the public speaking for an organization must submit a letter from the Board of that organization authorizing them to speak for the organization. Written comments must also be accompanied by an authorizing letter.
2. Written comments must be received by 3:00 PM the day before the meeting to be distributed to the members of the body at the meeting. Items received before the packet deadline (generally, 9:00 AM the Friday before the meeting) will be included in the packet.
3. Written communications must contain the writer's name and physical address.
4. Written comments meeting the above criteria and all other criteria established by the body (e.g. – profanity, personal attacks) will be distributed to the members by the Town Clerk. Minutes of the meeting will contain a section at the end of the document listing the name and address of anyone submitting written comments distributed at the meeting or in the meeting packet. Those comments will be available under normal FOIA procedures.

The Commissioners agreed to include these guidelines in their revised rules and procedures. Manager Markel will revise the existing rules and procedures and distribute a revised draft at the next Commission meeting.

Information Items

Manager Markel updated the Commissioners on the status of the Lennar/Heritage Highland application.

Comments from the Commissioners

Chairwoman Bushway called for comments from the Commissioners. There were none at this time.

Adjournment/Recess

Motion: To adjourn the Planning Commission meeting of April 6, 2011

By: Commissioner Mueller

Second: Chairwoman Bushway

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

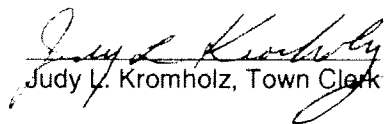
Nay: None

Abstain: None

Absent: Commissioner Kahn

The meeting was adjourned at 9:27 PM.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: April 20, 2011

Attachments:

- I. Speaker Sign Up Sheet



Speaker Sign - Up Sheet

Planning Commission Regular Meeting - April 6, 2011

Please Print.

Name and Association	Address	Topic - Please Indicate Public Hearing or Other

Each speaker will be limited to no more than three (3) minutes.