

Town of Lovettsville

Planning Commission Minutes of Public Hearing and Regular Meeting, June 1, 2011

The Public Hearing of the Lovettsville Planning Commission was called to order by Chairwoman Mari Bushway on Wednesday, June 1, 2011 at 7:31 PM. at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.

Welcomes and Introductions

Chairwoman Bushway introduced Planning Commissioners Lorraine Bauer, Jack Burden, Rodney Gray, Aaron Kahn and Joseph Mueller. She also introduced Mayor Elaine Walker, Zoning Administrator Steve McGregor and Town Clerk Judy Kromholz.

Absent

Commissioner Elaine Fischer
Manager Keith Markel

Audience

None

Explanation of Procedures and Opening of the Hearing

Chairwoman Bushway read the Public Notice of this Public Hearing on LVZA 2010-007 Itinerant Vending as it appeared in the *Purcellville Gazette* (Attachment I: Public Notice).

Presentation

Administrator McGregor made a presentation on LVZA 2010-007 Itinerant Vending (Attachment II: Staff Report). He noted that the Planning Commission has discussed this item at multiple meetings.

Public Speakers

No member of the public attended the Hearing. There were no written comments received for this public hearing. Chairwoman Bushway declared the hearing closed at 7:39 PM.

Chairwoman Bushway called the Regular Meeting of the Lovettsville Planning Commission to order at 7:40 PM.

Changes in Those Present at Meeting

None

Public Comment

No member of the public attended the meeting.

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 – April 20, 2011

Motion: To approve the Planning Commission Regular Meeting Minutes of April 20, 2011 as corrected.

By: Commissioner Kahn

Second: Commissioner Mueller

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

Nay: None
Abstain: None
Absent: Commissioner Fischer

B. Joint Public Hearing – April 28, 2011

Motion: To approve the Joint Public Hearing Minutes of April 28, 2011 as submitted.
By: Commissioner Mueller
Second: Commissioner Gray
Aye: Commissioners Bauer, Bushway, Burden, Gray, Kahn, Mueller
Nay: None
Abstain: None
Absent: Commissioner Fischer

C. Planning Commission Special Meeting – April 28, 2011

Motion: To approve the Planning Committee Special Meeting Minutes of April 28, 2011 as submitted.
By: Commissioner Bauer
Second: Chairwoman Bushway
Aye: Commissioners Bauer, Bushway, Burden, Gray, Kahn, Mueller
Nay: None
Abstain: None
Absent: Commissioner Fischer

D. Planning Commission Regular Meeting – May 4, 2011

Motion: To approve the Planning Commission Regular Meeting Minutes of May 4, 2011 as corrected.
By: Commissioner Mueller
Second: Commissioner Gray
Aye: Commissioners Bauer, Bushway, Burden, Gray, Mueller
Nay: None
Abstain: Commissioner Kahn
Absent: Commissioner Fischer

Action Items

A. LVZA 2010-0007 Itinerant Vending

Administrator McGregor presented this item. He asked the Commission for any additional input they had based on the presentation made during the public hearing. Mayor Walker noted that she has missed the prior conversations on this topic, but was wondering how they are going to address door-to-door sales. Commissioner Kahn stated that it would be covered in a separate ordinance and the Commissioners agreed, noting that they had discussed this and decided it was a separate issue. Mayor Walker stated that the Town would have to have some sort of adoption by the Council in order to rely on the Loudoun County Sheriff's Department to enforce the proposed ordinance.

Motion: I move that the Planning Commission recommend approval of the text to amend the Zoning Ordinance establishing regulations for itinerant vending, as presented; and to suggest to the Town Council that the Town include the consideration of developing a private recreation zoning district in the work program; and to suggest that there needs to be a different fee schedule for itinerant vending depending upon the length of the permit.

By: Commissioner Kahn
Second: Chairwoman Bushway

Chairwoman Bushway asked the Commissioners if they also wanted to recommend varying fees and to exempt nonprofits from fees. Commissioner Bauer stated that they had agreed to leave the fee issues up to Council.

Commissioner Kahn withdrew his motion with the concurrence of Chairwoman Bushway.

Motion: I move that the Planning Commission recommend approval of the text to amend the

Zoning Ordinance establishing regulations for itinerant vending, as presented; and to suggest to the Town Council that the Town include the consideration of developing a private recreation zoning district in the joint work session; and to suggest that there needs to be a different fee schedule for itinerant vending depending upon the length of the permit.

By: Commissioner Kahn
Aye: Commissioners Bauer, Bushway, Burden, Gray, Kahn, Mueller
Nay: None
Abstain: None
Absent: Commissioner Fischer

B. Planning Commission Rules of Procedure

The Commission reviewed the most current draft of the Rules of Procedure, which included all of the modifications they requested in prior discussions.

Motion: I move to adopt the Planning Commission Rules of Procedure as presented at this meeting.
By: Vice Chairman Burden
Second: Commissioner Mueller
Aye: Commissioners Bauer, Bushway, Burden, Gray, Kahn, Mueller
Nay: None
Abstain: None
Absent: Commissioner Fischer

Discussion Items

There were no discussion items on the agenda.

Information Items

Administrator McGregor informed the Commission that the single family lot size in the RC zoning district will have to be changed for Heritage Highlands. He will be bringing this amendment forward to the Planning Commission and will include the Comprehensive Plan policies the Town adopted for the RC zoning district.

Comments from the Mayor and Commissioners

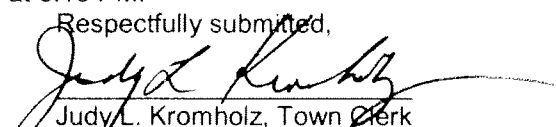
Chairwoman Bushway called for comments from the Mayor and the Commissioners. There were none at this time.

Adjournment/Recess

Motion: To adjourn the Planning Commission meeting of June 1, 2011
By: Commissioner Mueller
Second: Commissioner Kahn
Aye: Commissioners Bauer, Bushway, Burden, Gray, Kahn, Mueller
Nay: None
Abstain: None
Absent: Commissioner Fischer

The Meeting was adjourned at 8:15 PM.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: August 3, 2011

Attachment I: *Purcellville Gazette* Ad
Attachment II: Staff Report: LVZA 2010-007 Itinerant Vending
Attachment III: Speaker signup sheet

Written Submissions to Commission: None

Hometown

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20, ticket prices increase to \$17/adults and \$7/children. It is highly recommended to reserve tickets early for this event. Tickets are available through the Festival website and at the Town Office.

The Festival culminates in a post-dinner concert in the park starting at 7:30pm with an opening act at 6pm. Bring blankets or lawn chairs and sit back and enjoy a concert under the stars or bring your dancing shoes and boogie the night away. Rock and rollers Julia and the Ready Boys will be headlining the evening concert in the Town Park. The group features Julia Kasdorf of One Horse

Town. Round Hill favorites Acoustic Burgoon will open the evening's entertainment. Burgoon's set will start at 6pm during the Community Feast and Julia and the Ready Boys will take the stage directly after, at approximately 7:30pm. Lawn chairs and picnic blankets are encouraged, but we also hope folks will get up and dance!

Parking at the Festival is highly limited. Whenever possible, visitors to the Festival are asked to either walk or bike from their homes. Parking will be available at the Round Hill Center on High Street and at Woodgrove Park and the Round Hill Elementary School on Evening Star Drive. The Round Hill Baptist Church has

generously agreed to use its church van as a courtesy shuttle during the Festival. The free shuttle will run in a loop around Main Street, Evening Star Drive and East Loudoun Street, with stops at the parking lots of Woodgrove Park and Round Hill Elementary School, as well as key intersections along the route. Operating hours will be posted at signed shuttle stops.

For more information on the Festival, as well as event registration and advance purchase of Festival t-shirts and Community Feast tickets visit: www.hometownfestival.org. ♦

Public Hearing/Legal Notices

NOTICE OF PUBLIC HEARING AND SPECIAL MEETING TOWN OF PURCELLVILLE

The Purcellville Town Council will hold a public hearing in the Council Chambers located at 130 East Main Street, Purcellville, Virginia on Wednesday, June 1, 2011 at 7:00 PM for the purpose of receiving comments on the following item:

- SUP-11-01 Special Use Permit application** – Deborah Krenzer (DBA The Accomplished Child) is requesting a Special Use Permit to operate a child day care center of up to 40 children ages 3 through 5th grade at the premises located at 211 South 20th Street (commonly known as the former Rescue Squad Building) further identified by Loudoun County Tax Map Number: 735A1131/1/1 and PIN: 488-27-8461-000.

Additional information regarding the special use permit application is available for review at the Town Hall, 130 East Main Street, Purcellville, Virginia from 8:00 AM to 5:00 PM, Monday-Friday, holidays excepted. This meeting was originally scheduled for May 18, 2011 but due to an advertising error it was rescheduled for June 1, 2011.

The Purcellville Town Council will convene a special meeting immediately following the public hearing.

Hearing assistance is available for meetings in the Town Council Chambers. If you require any type of reasonable accommodation, as a result of a physical, sensory or mental disability, to participate in this meeting, contact Jennifer Helbert, Town Clerk at 540-751-2333. If possible please provide three days notice.

Robert W. Lazaro, Jr., Mayor
Purcellville Town Council

May 20 & 27, 2011

INVITATION FOR BID

Purcellville Town Hall Phones

The Town of Purcellville is requesting bids from Contractors interested in providing phone services for the Purcellville Town Hall located at 221 South Nursery Avenue, Purcellville, VA 20132. The project includes but is not limited to providing a new phone system. Download the Invitation for Bid (IFB) at the website <http://www.purcellvilleva.com> or contact Capital Projects & Engineering Manager at dlehning@purcellvilleva.gov or 540-751-2327. Bids will be accepted until June 7, 2011 at 02:00 PM, at the Town of Purcellville offices located at 130 East Main Street, Purcellville, Virginia 20132.

A mandatory pre-bid conference will be held on May 24, 2011 at 10:00 AM at the Town of Purcellville Maintenance Facility, 1005 South 20th Street, Purcellville, Virginia 20132.

Contractors may receive one set of Contract Documents at no charge at the Town Hall. All others may obtain Contract Documents from Purcellville Copy located at 125 Hirst Road, Suite 3-A, Purcellville, VA 20132, 540-338-7527, at actual printing cost. Business Hours for Purcellville Copy are: Monday through Friday from 8:30AM to 5:30PM.

VAABC

Retail License Application

Two Twisted Posts Winery LLC, trading as Two Twisted Posts Winery at 12970 Harpers Ferry Road, Purcellville, Loudoun County, Virginia 20132-2627. The above establishment is applying to the VIRGINIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL for a Farm Winery, Class A to sell or manufacture alcoholic beverages.

Owners: Theresa L.D. Robertson

May 20 & 27, 2011

Notice of Public Hearing Town of Lovettsville Planning Commission

The Lovettsville Planning Commission will hold a public hearing on the following item at their meeting on June 1, 2011 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue:

- LYVA 2010-0007:** Consider amending Article 4 - General Regulations of the Lovettsville Zoning Ordinance to add "4-14 Litterant Vending" to provide specific regulations for outdoor sales conducted on a temporary basis.

The staff report and detailed draft text for this item 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.

Town of Round Hill Proposed Rates and Fees for Fiscal Year 2012

A Public Hearing on the proposed rates and fees for the Fiscal Year 2012 will be held at the Town Office, 23 Main Street, on June 2, 2011 at 7:30 p.m. at which time all interested persons will be heard. Copies of the proposed rates and fees are available for review and copying at the Town Office between the hours of 8 a.m. and 5 p.m., Monday through Friday.

RATE SCHEDULE

General Fund

Real Estate Tax (Section 58.1-3201)

0.215% assessment (\$0.005 decrease)

Personal Property Tax (Section 58.1-3500)

\$1.15/\$100 assessment (no change)

Vehicle License (Section 46.2-752)

\$25.00 each (no change)

Motorcycle License (Section 46.2-752)

\$15.00 each (no change)

Business License (Section 58.1-3703)

Rate based on type (no change)

Zoning Fees (Section 15.2-2280)

Based on type of Application (no change)

Utility Tax (Section 58.1-3814)

\$0.80/\$100 (no change)

Cigarette Tax (Section 58.1-3830)

\$0.15 per pack

These actions are authorized by the captioned Sections of the Code of Virginia of 1950, as amended

Public Works Fund

Water User Rate (Section 15.2-2111)

\$7.37 per 1000 gallons (3% increase)
Minimum Charge - \$ 14.74 (2000 gals)

Out of Town User Rate - 150% of above rates

Sewer User Rate (Section 15.2-2111)

\$ 11.05 per 1000 gallons (3% increase)
Minimum Charge - \$ 22.10 (2,000 gals)

Out of Town User Rate - 150% of above rates

Water Availability Fee (Section 15.2-2111)

Rate based on different meter size
Minimum Size - 3/4" = \$ 4,946 (3% increase)
Out of Town Rate - 150% of above rate

Sewer Availability Fee (Section 15.2-2111)

Rate based on water meter size
Minimum Size - 3/4" = \$ 11,355 (3% increase)
Out of Town Rate - 150% of above rates

Consent Decree Total Availability Fees

\$6,526.67 - 1% increase

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Town of Lovettsville

STAFF REPORT

PLANNING COMMISSION

PUBLIC HEARING	
ITEM IDENTIFICATION	LVZA 2010-0007 Itinerant Vending
TYPE OF ITEM	Zoning Ordinance Amendment
DATE OF HEARING	June 1, 2011
APPLICANT	Town of Lovettsville

BACKGROUND: The Town Council authorized the Planning Commission and staff to develop recommendations for regulations to control itinerant vending activity. The Planning Commission considered and discussed the issues related to itinerant vending and draft recommendations at their meetings held on April 6, 20 and May 4, 2011. The Commission reached a consensus regarding the draft regulations for itinerant vending at the May 4, 2011 meeting and directed staff to schedule a public hearing. The Commission discussed numerous issues related to itinerant vending, which are summarized as follows:

1. The location of such uses. Should they be limited to non-residential land?
2. The environmental and traffic impacts of such uses should be mitigated.
3. Compliance with state, and local traffic, and health regulations.
4. Hours of operation and night lighting.
5. Would Christmas tree sales lie within the scope of itinerant vending?
6. Whether or not to require permits.
7. Whether or not fees should be required, and if so, for non-profit organizations.
8. Whether or not permits and fees should be required if an itinerant vendor were to share profits with a non-profit organization (e.g., helping to raise funds).
9. Should the property owner be a co-applicant for a permit and responsible for non-compliance if the vendor failed to comply with Ordinance regulations?
10. Should the use be required to have sanitary facilities for the employees?

11. Should itinerant vending at government-sponsored events be exempt from a permit and a fee?
12. Should fireworks sales be allowed?
13. Should itinerant vending be allowed at the same time there are outdoor events or activities, such as Oktoberfest, July 3?
14. What should the length of duration be for a permit since there are weekend itinerant sales and week long events where itinerant vending occurs?
15. There seems to be a need for a different fee structure based on the duration of the permit.
16. Can a single permit and fee suffice when there are multiple vendors on a site, or should each vendor be required to have a separate permit?

During the discussion, staff recommended that a new zoning district for private recreation uses be considered in order to allow the current private recreation uses, as well as itinerant vending, on the Lovettsville Game Protective Association (LGPA) property on S. Berlin Pike, which is zoned R-1. This was recommended because the R-1 district does not permit the existing private recreation use. The LGPA operation is a non-conforming use that has been in existence for many years. The Commission concluded that it would be most beneficial for the Town if regulations for itinerant vending were established as soon as possible; creating a new zoning district would be a lengthy process. The Commission also indicated that the staff should involve representatives from the LGPA in the process establishing regulations for itinerant vending along with any discussion of creating a new private recreation zoning district.

PLANNING COMMISSION RECOMMENDATION:

At the conclusion of their discussions the Planning Commission decided to recommend the following Zoning Ordinance regulations for itinerant vending be subject of public hearings:

AMEND: Article 4 GENERAL REGULATIONS, Section 4-14, to read:

~~4-14 DATE ARTICLE LAST AMENDED-ITINERANT VENDING~~

Outdoor sales conducted on a temporary basis are classified as itinerant vending and shall be subject to the following requirements:

- (a) Shall be located on non-residentially zoned land and on residentially zoned land on which non-residential uses are developed and active.
- (b) Shall not have an adverse impact on adjacent properties in terms of traffic, lighting, sound, and other environmental nuisances.

- (c) Shall conform to any applicable ordinance regulations in other Articles of this Ordinance.
- (d) Shall be subject to applicable federal, state, and local health and sanitation laws.
- (e) Shall be subject to applicable state and local traffic laws.
- (f) A permit is required.
- (g) A permit shall be for 72 consecutive hour increments, except for special events, in which case a permit for seven consecutive days can be obtained. One (1), seven consecutive day permit may be issued per calendar year, per site.
- (h) A permit fee is required in accordance with the Town of Lovettsville Schedule of Fees, except for non-profit organizations.
- (i) No itinerant vending permit is required for government-sponsored events.
- (j) An itinerant vendor who shares any portion of their sales proceeds with a non-profit organization is still required to obtain a permit and pay a permit fee.
- (k) A single permit can include multiple vendors if they are located on a single lot, or contiguous lots in a single ownership.
- (l) If an itinerant vendor does not comply with any applicable standard herein, the property owner of the lot shall be held responsible for compliance.
- (m) Non-compliance by a vendor or property owner shall result in the vendor and the property owner being denied a subsequent permit for a period of six months following the Ordinance violation.
- (n) Fireworks sales are not permitted.
- (o) The Town reserves the right to deny a permit if the sales operation would coincide with a planned outdoor civic activity whenever the Town reasonably concludes that itinerant vending may be expected to interfere with the health, safety and welfare of the participants in the civic activity by reason of proximity of the events, predictable traffic patterns, pedestrian patterns, or demand on personnel providing public safety and emergency response services.

~~September 21, 2006~~

[NOTE: Former Section 4-14 would become 4-15]"

In addition to the draft regulations for itinerant vending, the Commission recommended that the Town Council consider undertaking a study for a new private recreation zoning district, in order to codify and provide regulations for the uses now undertaken on the Lovettsville Game Protective Association property.

The Commission also recommended that the Town Council consider a different fee schedule for permits based on the length of the permit.

DRAFT MOTION: “I move that the Planning Commission recommend approval of the text to amend the Zoning Ordinance establishing regulations for itinerant vending, as presented; and to suggest to the Town Council that the Town include the consideration of developing a private recreation zoning district in the work program; and to suggest that there needs to be a different fee schedule for itinerant vending depending upon the length of the permit.”

County of Lovettsville

Speaker Sign - Up Sheet

Planning Commission Public Hearing & Regular Meeting - June 1, 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.