

Town of Lovettsville

Planning Commission

Minutes of Public Hearing and Regular Meeting, January 4, 2012

The Public Hearing of the Lovettsville Planning Commission was called to order by Chairwoman Mari Bushway on Wednesday, January 4, 2012 at 7:40 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 Walker and Planning Commissioners Lorraine Bauer, Jack Burden, Elaine Fischer, and Rodney Gray. She also introduced Town Manager Keith Markel and Town Clerk Judy Kromholz.

Absent

Commissioner Deborah Summitt

Explanation of Procedures and Opening of the Hearing

Chairwoman Bushway read the Public Notice of this Public Hearing on LVZA 2011-0004: Sign Ordinance Modifications and on LVZA 2011-0006: Contractor Use in Non-Residential Zoning as it appeared in the *Purcellville Gazette* (Attachment I: Public Notice).

Presentation

No formal presentation was scheduled. (Attachment II: LVZA 2011-0004: Sign Ordinance Modifications Staff Report and Attachment III: LVZA 2011-0006: Contractor Use in Non-Residential Zoning Staff Report).

Public Speakers

No members of the public were present (Attachment IV: Speaker Signup Sheet).

Chairwoman Bushway declared the Public Hearings closed at 7:45 PM

Chairwoman Bushway called the Regular Meeting of the Lovettsville Planning Commission to order at 7:46 PM.

Changes in Attendance

There were no changes in attendance.

Public Comment

Chairwoman Bushway called for public comment. There was none.

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 – October 5, 2011

Motion: I move to approve the minutes of the October 5, 2011 Planning Commission Meeting as revised.

By: Commissioner Bauer

Second: Chairwoman Bushway

Aye: Commissioners Bauer, Bushway, Burden, Fischer

Nay: None

Abstain: Commissioner Gray

Absent: Commissioner Summitt

B. Planning Commission Regular Meeting – October 19, 2011

Motion: I move to approve the minutes of the October 19, 2011 Planning Commission Meeting as presented.
By: Commissioner Gray
Second: Chairwoman Bushway
Aye: Commissioners Bauer, Bushway, Burden, Fischer, Gray
Nay: None
Abstain: None
Absent: Commissioner Summitt

C. Planning Commission Public Hearing and Regular Meeting – November 2, 2011

Motion: I move to approve the minutes of the November 2, 2011 Planning Commission Public Hearing and Meeting as revised.
By: Chairwoman Bushway
Second: Commissioner Bauer
Aye: Commissioners Bauer, Bushway, Burden, Fischer, Gray
Nay: None
Abstain: None
Absent: Commissioner Summitt

D. Planning Commission Regular Meeting – December 7, 2011

Motion: I move to approve the minutes of the December 7, 2011 Planning Commission Meeting as revised.
By: Vice Chairman Burden
Second: Chairwoman Bushway
Aye: Commissioners Bauer, Bushway, Burden
Nay: None
Abstain: Commissioners Gray, Fischer
Absent: Commissioner Summitt

Staff Reports

Manager Markel presented Administrator McGregor's written report for November 2011. There were no questions from the Commission. Manager Markel reported that staff is actively pursuing the search for a new Zoning Administrator.

Action Items

A. LVZA 2011-0004 Sign Ordinance Modifications

Manager Markel presented this item. He explained that editorial oversights regarding the Sign ordinance revisions adopted early in 2011 have been brought to the staff's attention and need to be corrected. The Sign Committee, the Planning Commission and the Town Council each intended to allow pole signs for businesses. The adopted text for Section 7-5 Sign Standards includes pole sign standards, which indicates that the pole sign is meant to be permitted.

Another staff oversight involves the height allowed for monument signs. The maximum height for such signs in the adopted text of Section 7-5 Sign Standards is 10 feet. Staff failed to differentiate between monument signs for multiple business sites and single business sites. The distinction was, therefore, overlooked when the ordinance amendment was adopted by the Town Council. The standard should include a height limitation of 6 feet for monument signs related to single businesses and residential subdivisions. To allow a 10 foot monument sign for any single business or residential subdivision far exceeds the scale needed and would diminish the small town character of Lovettsville.

Staff has also identified the fact that the adopted Sign Ordinance amendment in 2011 does not prevent multiple OPEN signs for a business or subdivision sales office. It is staff's conclusion that a business should be allowed no more than one OPEN sign per street frontage.

Staff has rearranged the types of signs alphabetically and added flag signs for commercial and light industrial districts, as was the original intent of the Planning Commission and Town Council. Staff failed to keep this type of sign in the multiple drafts of the text preceding adoption of the Sign Ordinance in 2011.

Manager Markel noted that these changes were discussed with Council previously. Additionally, he found that section 7-6(2) limits monument signs to 5' and he is recommending making this 6' to be consistent with other sections of the ordinance.

Motion: I move that the Planning Commission recommend approval of the proposed text contained in the staff report for item LVZA 2011-0004 Sign Ordinance (Article 7), dated January 4, 2012 [with the revisions agreed upon] and recommend that Section 7-6 (2) be modified to allow monument signs for residential developments to be no higher than six (6) feet tall.

By: Vice Chairman Burden

Second: Chairwoman Bushway

Chairwoman called for comments and questions from the Commissioners. There were none.

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

Nay: None

Abstain: None

Absent: Commissioner Summitt

B. LVZA 2011-0006 Contractor Use in Non-Residential Zoning

Manager Markel presented this item. He explained that currently, contractors who need storage for equipment, materials and vehicles cannot undertake such a business in the Town. The Town needs to be able to attract a comprehensive array of businesses, including building contractors, lawn and snow removal services, swimming pool sales and service, kitchen and bath contractors and equipment sales and service. Staff inadvertently omitted this use from the Light Industrial District (I-1) when it was revised a few years ago. There are various contractor services that seem appropriate in both the C-2 Mixed Use Business District and the I-1 Light Industrial District. The C-2 Zoning District is designed to contain many quasi-industrial uses, not only retail commercial uses. The Light Industrial District (I-1) permitted such use by-right before it was inadvertently omitted by staff. These districts are appropriate for contractor offices with storage for equipment, material and vehicles needs. These uses also need permanent structures in order to provide office space and sanitation facilities.

The Planning Commission passed a motion at the December 7, 2011 meeting authorizing a public hearing on this item. The Commission requested staff to improve the description of the use and include vehicle storage as well as materials and equipment storage.

Motion: I move that the Planning Commission recommend approval of the proposed text contained in the staff report for item LVZA 2011-0006 Contractor Office, dated January 4, 2012.

By: Chairwoman Bushway

Second: Commissioner Gray

Chairwoman called for comments and questions from the Commissioners. There were none.

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

Nay: None

Abstain: None

Absent: Commissioner Summitt

C. LVSU 2011-0005 Administrative Approval of By-Right Applications

Manager Markel presented this item. This would amend the Subdivision Ordinance such that the Zoning Administrator is charged with the responsibility of taking action in approving or denying by-right development applications and administering development design standards. The Town Council in 2009 authorized staff and the Planning Commission to develop a report that would support changing the responsibility for approving by-right development applications (boundary line adjustments, construction drawings, preliminary and final subdivision plats, preliminary and final site plans) and administering development design standards from the Planning Commission to the Zoning Administrator. The

Subdivision Ordinance provides specific guidelines for all phases of development. Many times items such as boundary line adjustments, minor subdivisions, final plats, site plans and construction drawings require nothing more than complying with the detailed requirements of the Town's Subdivision Ordinance. If an applicant complies with the standards in the Subdivision Ordinance, the Town is required to approve the application. There are no subjective planning issues at this point in the development process and the Planning Commission does not need to be brought in to approve a plan they legally could not deny. In these cases the Zoning Administrator can review applications with the help of various outside agencies and the Town Engineer and Town Attorney and determine if the application is complete and conforms to the Town's requirements. Plans that require a variation to the standards and requirements of the Ordinance should still come before the Planning Commission for consideration and possible approval.

At the Planning Commission meeting held on December 7, 2011 there was some discussion over what aspects of the existing Subdivision Ordinance should change. Staff recommended that they provide a full draft of the modified text for Planning Commission review. There are still some issues that need to be addressed. One major issue is whether or not the Planning Commission wishes to review Preliminary Plats that do not require any variations to the Ordinance. The current draft shows this review being the full responsibility of the Zoning Administrator.

Staff recommends that the Planning Commission review the proposed modifications to the Subdivision Ordinance and direct staff to make any changes. The finalized draft text will be brought back to the Planning Commission for final approval before a public hearing is advertized.

Chairwoman Bushway called for discussion. Manager Markel noted that there are still a few things that may need changing depending on tonight's discussion. He suggested that they may always want to review preliminary plats; he believes it is good for the developer to come before a full group and discuss their plans with the Commission, even if the Commission does not have much discretion.

Vice Chairman Burden reviewed an early version of these revisions and stated that he believes the Commission needs to pick out the areas in which they want to have control. He has no problem with the by-right sections, but would like the document to specifically identify by-right items. Manager Markel explained the current procedure, and asked them to identify specifically which items they do not feel the need to review. He suggested they want to keep preliminary concept plan review which occurs early enough in the process that the Commission suggestions can be included in the design. There are items at that point where the Commission can have impact. Steps such as final plat submissions are pretty much settled, there is too much invested for design changes to be entertained by the developer at that point. The Commission would only review final plats if a variation is requested. The Commissioners all agreed to have the wording revised to reflect that the Planning Commission will review preliminary plats, but not the subsequent steps for a by-right development.

Manager Markel will revise the document, moving appropriate specifics to the preliminary design phase and will include Commissioner Summitts' prior recommendation that a Zoning Administrator-delegate be defined in the definitions section of the document.

The Commission will review the revised document before scheduling a public hearing.

Discussion Items

There were no discussion items on the agenda.

Information Items

The Planning Commission Work Program that was approved by the Council on October 27, 2011 was distributed to the Commissioners.

Comments from the Mayor and Commissioners

Chairwoman Bushway called for comments from the Mayor and the Commissioners.

Mayor Walker reported on the following:

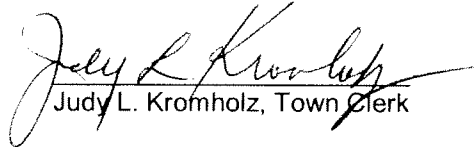
- The lantern parade and tree lighting was very successful.
- Christkindlemart at the Game Club and the Santa Breakfast at the Firehouse were both very successful events.
- The Parks Committee continues to work on the bandstand/gazebo
- The Town Council meets next Thursday
- She wished everyone a Happy New Year

Adjournment/Recess

Motion: To adjourn the Planning Commission meeting of January 4, 2012
By: Chairwoman Bushway
Second: Commissioner Fischer
Aye: Commissioners Bauer, Bushway, Burden, Fischer, Gray
Nay: None
Abstain: None
Absent: Commissioner Summitt

The Meeting was adjourned at 8:25 PM.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: February 1, 2012

Attachments

- I. *Purcellville Gazette* Public Hearing Notice
- II. LVZA 2011-0004: Sign Ordinance Modifications Staff Report
- III. LVZA 2011-0006: Contractor Use in Non-Residential Zoning Staff Report
- IV. Speaker Signup Sheet

Written Submissions to Commission: None

Public Notice

The Town of Purcellville is seeking bids from licensed contractors for snow removal, hauling and related services to use on all its needed bases. The town maintains approximately 55 line miles of roadways and multiple town-owned properties within the Town of Purcellville. The town will select multiple contractors to provide emergency on-call services including weekends and holidays, within a two-hour response time, as needed.

Interested bidders should go to the town's web site at www.Purcellville.gov and to open FB#40-12150011-01 on the bid tab page. Bids are due by 10:00 a.m. January 6, 2012. Any questions should be directed to Maintenance Superintendent Jason DeWick at jadewick@purcellville.org or 540-538-7440, ext. 222.

**PUBLIC HEARING NOTICE
TOWN OF PURCELLVILLE**

The Purcellville Town Council will hold a public hearing in the Court Chambers at 221 South Hursey Avenue, Purcellville, Virginia on Tuesday, January 10, 2012 at 7:00 PM for the purpose of receiving comments on the following items:

- 1) **SUP 11-03 Special Use Permit Application** – Paula Harne (DBA: Heal & Pay Veterinary Service, Inc.) is requesting to operate a Veterinary Clinic or Hospital for Small Animals at 211 South 20th Street (known as the former Rescue Squad building) further identified by Loudoun County Tax Map Number /35A11346717 and PH# 488-27-8461-000.
- 2) **Amendments to Codified Ordinances of the Town of Purcellville, Article, Chapter 28, Article 1, Section 78-4** – Amendments that adopt the Code of Virginia Article 46-2 Motor Vehicle laws by reference.

Copies of documents related to the above are available for inspection and copying at the Purcellville Town Hall during the hours of 8:00 AM to 5:00 PM Monday through Friday.

At this hearing, all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations are requested to contact Jennifer Heiber, Town Clerk at 540-751-2333 three days in advance of the meeting.

Robert W. Lizardo, Jr., Mayor

Jennifer Heiber, Town Clerk

**PUBLIC HEARING NOTICE
TOWN OF ROUND HILL**

The Round Hill Planning Commission will hold a public hearing on Tuesday, January 10, 2012 beginning at 7:00 p.m. at the Round Hill Town Office, 23 Main Street, Round Hill, Virginia for the purpose of receiving comments on the following:

Proposed bed amendments to the B-1 Business – Near Business District. These amendments will modify and simplify the uses permitted by right within the district, will add a section regarding accessory uses and structures, will modify and add new uses, allowed as Special Exception Uses, will reduce the minimum lot size to 10,000 square feet, and will modify and expand the bed indicators section to add new requirements and performance standards for proposed uses.

A complete copy of the proposed bed amendments may be reviewed in the Round Hill Town Office between the hours of 8:00 am to 5:00 pm, Monday through Friday. Please call 540-338-6181 if you have questions related to these proposed amendments. All interested persons are encouraged to attend the hearing.

Doug Bird, Chairman
Round Hill Planning Commission

**Public Hearing Notice
Lovettsville Planning Commission**

The Lovettsville Planning Commission will hold a public hearing at 7:30 PM Wednesday, January 4, 2012, to hear comments from any person on the following:

LVZA 2011-0004 Sign Ordinance Modifications:

To amend the Town of Lovettsville Zoning Ordinance Article 7, Section 7-5, 7-6, and 7-7 as follows: allow one open sign for each street frontage of a business; allow pole signs as a permitted sign type in various zoning districts; and reduce the height of monument signs for single businesses and subdivisions from 10 feet to 6 feet.

LVZA 2011-0006 Contractor Use in C-2 and I-1 Districts:

To amend the Town of Lovettsville Zoning Ordinance Article 3, Section 3-13, to allow contractor use in the C-2 Mixed Use Business District as a conditional use and Section 3-14 to allow contractor use in the I-1 Light Industrial District as a permitted use.

The text being considered is as follows:
Contractor office in a permanent building with indoor and outdoor storage of related equipment, materials, and vehicles.

The hearing will take place at the Town Office, c/o Pennsylvania Avenue, Lovettsville, Virginia 20180. The text under consideration is available for review on the Town's website (www.lovettsvilleva.gov) and at the Town Office between the hours of 9AM and 3PM weekdays or by special appointment. Call 540-822-5788 for more information.

Editor

(Continued from page 2)

be extreme pressure on budgets caused by the lack of revenue due to non-payment of taxes and foreclosing property values. Foreclosed houses don't pay many taxes and the taxes they pay are very late.

Ben Belrose
Purcellville

**What's on Foggy's Mind
by The Foggy Bottom boy**

Dear Santa

As we all get ready for Christmas this Sunday, FB8 would like to wish everyone a Merry Christmas from the Bottom Family. Foggy, Ms. Bottom and the two Batsy Bottoms! FB8 would also encourage everyone to help the less fortunate this time of year and to also remember our men and women in the military who are serving our nation in countless far away from home.

Last week, FB8 made a quick trip to the North Pole and got to sit down with the Man himself, and he shared some letters with me that are very appropriate to the sports fans in the Washington, DC metropolitan area. Below are four letters that Santa Claus shared with the Foggy Bottom boy.

Our first letter comes from "Danny" in Northern Virginia:

Dear Santa,

I've had a rough year (again)! In fact, I've had a rough couple of years... come to think of it, I've had a rough decade. Santa, Nothing I try to do for the Redskins seems to work. Santa, our needs are many... we need a rookie franchise quarterback, we need offensive linemen who drive in even, wide receivers, secondary personnel... Santa, we need a little bit of everything. My team has a bunch of "head" (and) do mean "head" cases... two of my best young players were smoking dope and it wasn't for medicinal purposes... the FB suspended them for the final four games of this season.

Santa, I also need an "Extreme Makeover" with my fan base. The season ticket holders are dropping like flies... I had to take 20,000 seats out of the stadium, so we wouldn't have "thick seats".

See **EDITOR** on page 3

Town of Lovettsville

STAFF REPORT

PLANNING COMMISSION

PUBLIC HEARING	
ITEM IDENTIFICATION	LVZA 2011-0004 Sign Ordinance (Article 7)
TYPE OF ITEM	Zoning Ordinance Amendment
DATE OF HEARING	January 4, 2012
APPLICANT	Town of Lovettsville

BACKGROUND and ANALYSIS:

Editorial oversights regarding the Sign ordinance revisions adopted early in 2011 have been brought to the staff's attention. These need to be corrected.

The Sign Committee, the Planning Commission and the Town Council each intended to allow pole signs for businesses. The adopted text for Section 7-5 Sign Standards includes pole sign standards, which indicates that the pole sign is meant to be permitted.

Another staff oversight involves the height allowed for monument signs. The maximum height for such signs in the adopted text of Section 7-5 Sign Standards is 10 feet. Staff failed to differentiate between monument signs for multiple business sites and single business sites. The distinction was, therefore, overlooked when the ordinance amendment was adopted by the Town Council. The standard should include a height limitation of 6 feet for monument signs related to single businesses and residential subdivisions. To allow a 10 foot monument sign for any single business or residential subdivision far exceeds the scale needed and would diminish the small town character of Lovettsville.

Staff has also identified the fact that the adopted Sign Ordinance amendment in 2011 does not prevent multiple OPEN signs for a business or subdivision sales office. It is

staff's conclusion that a business should be allowed no more than one OPEN sign per street frontage.

Staff has rearranged the types of signs alphabetically and added flag signs for commercial and light industrial districts, as was the original intent of the Planning Commission and Town Council. Staff failed to keep this type of sign in the multiple drafts of the text preceding adoption of the Sign Ordinance in 2011.

PLANNING COMMISSION RECOMMENDATION:

At their meeting on December 7, 2011, the Planning Commission passed a motion to authorize a public hearing on the proposed text in this item with some minor editorial adjustments.

MODIFY: Section 7-5 Sign Standards, B. Standards by Sign Type.

(18) **Monument.** i. Maximum Height: Ten (10) feet for sites with multiple Businesses; and six (6) feet for sites with single businesses and residential subdivisions.

MODIFY: Section 7-5 Sign Standards, B. Standards by Sign Type.

(19) **OPEN sign.** One OPEN sign is permitted per business, per street frontage. Sign area shall not exceed 1.5 square feet (See Section 7-5 A, (8), Sign ~~General~~ illumination (iii)) of for OPEN signs. (No permit required)

MODIFY: Section 7-6 Signs in Residential Districts, B. Non-Residential Uses in Residential Districts.

(1) Types of signs permitted: Flag, Monument, Pole, Projecting, Portable, and Wall.

MODIFY: Section 7-7 Signs in Commercial and Light Industrial Districts, B. Signs for Individual Businesses.

(2) Types of signs permitted: Awning, Canopy, Flag, Monument, Pole, Projecting, Portable, and Wall.

MODIFY: Section 7-7 Signs in Commercial and Light Industrial Districts, C. Signs for Multiple Business Developments.

(2) Types of signs permitted: Awning, Canopy, Flag, Monument, Pole, Projecting, Portable, and Wall.

As staff was reviewing the text for the Planning Commission public hearing it was discovered that Section 7-6 (2) of the Sign Ordinance specifies that monument signs for residential developments be no higher than five (5) feet in height. To make the Sign Ordinance consistent, staff recommends that the height for this section be increased to six (6) feet. If Planning Commission agrees, the modification to this Section could be included in the public hearing when the Town Council considers these Ordinance amendments.

DRAFT MOTIONS:

1. "I move that the Planning Commission recommend approval of the proposed text contained in the staff report for item LVZA 2011-0004 Sign Ordinance (Article 7), dated January 4, 2012 [with the revisions agreed upon]."
2. "I move that the Planning Commission recommend approval of the proposed text contained in the staff report for item LVZA 2011-0004 Sign Ordinance (Article 7), dated January 4, 2012 [with the revisions agreed upon] and recommend that Section 7-6 (2) be modified to allow monument signs for residential developments to be no higher than six (6) feet tall."

