

Town of Lovettsville

Planning Commission Minutes of Public Hearing and Regular Meeting, April 18, 2012

PUBLIC HEARING

The Public Hearing of the Lovettsville Planning Commission was called to order by Chairwoman Mari Bushway on Wednesday, April 18, 2012 at 7:32 P.M. at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.

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* on April 13, 2012 (Attachment I: Public Notice).

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, Elaine Fischer, Rodney Gray, Tony Quintana, and Deborah Summitt. She also introduced Town Manager Keith Markel, Zoning Administrator Melissa Hynes, and Town Clerk Harriet West.

Absent

None

Audience

Among the many citizens present were Vice-Mayor Robert Zoldos, Council Member Jack Burden, and applicant Jack Waghorn, Lovettsville Square LLC.

Chairwoman Bushway explained the rules for public comment.

Presentation

Manager Markel gave a PowerPoint presentation on LVRZ 2012-001. He reviewed the background and history of the Town Center Development District, the proffers for the original project, the applicant's proposed changes, and staff recommendations. He noted that the Town Center Development District allows for innovative uses and includes commercial/retail and a residential component. The land was originally zoned Town Center Planned Development District 10 years ago. The site plan was approved in 2008 for Buildings A and B. The concept plans and proffers have evolved and were most recently amended in 2009.

The key elements of the application include a rezoning component, approving a modified concept plan, and an amendment to the 2009 proffers. The applicant is requesting that the amount of land designated for commercial use be reduced from 7.70 acres to 6.25 acres and that the amount of commercial space be reduced from 140,000 square feet to roughly 90,000. There would also be a change in the building elevation and a reduction in the number of off-street parking spaces from 205 spaces to 185 spaces.

The proposed limits of the concept plan for the commercial area would be reduced and replaced with six residential homes. The second floor of the proposed Building B would be eliminated; however, the new proposed elevations would give the appearance of a second floor. There would be no rear customer entries into the shops; rather they would be used for deliveries and employee entrances only.

Manager Markel reviewed the key proffer elements:

- None of the six proposed homes could be constructed until Building B has been issued an occupancy permit.
- Town Council would approve the elevations and architectural elements for Building B as part of the proffer process.

Manager Markel then discussed staff recommendations for enhancements to the project including a landscaping plan and architectural accents for the rear of the building to make it look more inviting; proffers for elements such as lighting, benches, and trash receptacles; full brick elevations for the end caps of the building; and nuisance issues such as parking lot lighting, the location of dumpsters, and the hours the dumpsters would be emptied.

Applicant Presentation

Kimberlee Welsh Cummings, from Walsh, Colucci, Lubeley, Emrich & Walsh, P.C, submitted an affidavit of notices sent to the adjoining property owners (Attachment II: Affidavit Regarding Notification Requirements for Rezoning and Concept Plan Amendment Application for Lovettsville Town Center LVRZ 2012-0001).

The applicant, Mr. Jack Waghorn representing Lovettsville Square LLC, thanked the Planning Commission for the opportunity to discuss the proposed revisions of the proffers. He stated that over the past four years that he has been involved with the project, they have designed buildings for the Town Center, applied for building permits, and diligently tried to lease the commercial portion of the project. They have been attempting to pre-lease the space in order to get financing to build. The economic conditions over the past three years are the worst he has seen in the past 40 years. The recession, the lack of viable retailers, and the lack of population density in the Lovettsville area have thwarted their leasing efforts. As a result, they have determined there is far too much commercial space in the proposed project to be viable. Furthermore, their leasing efforts over the past four years have shown there is no interest the second-story space. They are now proposing to build a single story building, eliminating the un-leasable second floor, while maintaining the character of the building as originally proposed. In addition, some of the commercial space originally proposed for Broad Way would be repositioned to residential lots. What they want to do tonight is to set the tone and character for the Town Center to assure the Town that what they build will be of quality and is something they will ultimately be able to lease. They have designed the building to ensure the best presentation possible using high grade, high quality materials. The only point of disagreement with Town staff is that the ends of the buildings be all brick. They will provide a landscape plan for the back of the buildings. They want to drive all activity to the front of the building. He then showed examples of some of the suggested building materials, lighting fixtures, benches, and trash cans. The proposed design would simulate a second story and would be in line with the height of other buildings in Town.

Commissioner Quintana asked why the walk through was done in the middle of the building and not to the side. Mr. Waghorn stated they located the walk through in the most convenient spot based on the slope at the back of the building and the drop in grade.

Commissioner Gray asked if the reduction in the 50,000 square foot of commercial space included the elimination of the second floor. Mr. Waghorn stated that it does.

Commissioner Summit asked about the sidewalk and plantings at the rear of the building. Mr. Waghorn stated that the rear of the building will have a sidewalk with sunken and elevated planters, as well as trellises up the back of the building for plants. There will be lighting within the parking lot itself and lighting above each rear door, as required by law.

Commissioner Fischer asked if there will be deliveries at the rear of the building. Mr. Waghorn responded that these will be small retailers and deliveries will most likely be made every three to four days. He added that there will not be trucks sitting in the back idling.

Commissioner Summit asked if the planters are big enough for trees. Mr. Waghorn stated that trees will be planted in the front and both sides of the building. There is not enough room in the back of the building for trees but they will plant attractive shrubbery.

Public Speakers

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

1	Robert Zachritz 34 Stocks Street	<ul style="list-style-type: none"> a) He thanked the Town and the developer for their presentations. b) He is a former member of the Planning Commission. c) His first reaction was he was against the proposed changes, but once he got more information he was open to some of the changes. d) He wants the project to be successful and in order for that to happen there needs to be a cooperative relationship between the developer and the Town, with dialog, tough questions back and forth, and broad public input. e) He worked hard with the Mayor, the Planning Commission, and the business council to try to get Trader Joe's to consider opening a grocery store in Lovettsville. f) He encouraged the Planning Commission to ask questions of the developer. For example, what is the time frame they are they under? g) He provided several suggestions for getting broad public engagement on this issue including sending out a separate Town email, posting the PowerPoint presentation on the Town's website, having staff do a YouTube video summarizing the presentation, and sending out a postcard to everyone within a certain zip code. <p>Mr. Zachritz provided a written copy of his comments (Written Submissions, Attachment 1).</p>
2	George Molino 35 Town Center Drive	Mr. Molino chose not to speak.
3	Howard Williamson 12609 Lutheran Church Road	<ul style="list-style-type: none"> a) He wanted to address the design and commercial footprint that has been proposed. b) Over the years, he has attended the majority of the discussions on this project and every discussion has always been about a two-story building. c) This was to have been a nice two-story development around the Town Square, now we are walking away from that. d) A lot of people will be upset with one-story and it is starting to look like a strip mall. e) He found out today that the two-story building was never proffered and, if that is accurate, that was absolute deception on the part of the Town and the developer to not have proffered those conditions. f) The proposed footprint would reduce the Town's commercial engine by over one third, from 140,000 square feet to 90,000 square feet. g) There is a big imbalance in Town between commercial and residential, with home owners footing the bill for the Town's expenses. h) He does not understand why the Town cannot get any economic development going here when it is happening all around us.

		i) If the Town is serious about economic development, they will not give up the 140,000 square feet of commercial space.
4	Katherine Buck 12609 Lutheran Church Road	<p>a) They started <i>Talk of the Town</i> restaurant, which is now <i>Market Table Bistro</i>, and they have an investment in the Town.</p> <p>b) They have attended a lot of meetings and were told they would have stores with living areas above.</p> <p>c) They also thought the developer was also going to help pay for the gazebo but now the Town will have to pay for \$100,000 for this.</p> <p>d) Purcellville and Brunswick are growing.</p> <p>e) No one has gone out to market the stores.</p> <p>f) If we give up the second story, it looks like a warehouse.</p> <p>g) We have a lot of homeowners here who have been promised a grocery store and other types of stores who will have to continue to shop elsewhere, rather than spending their money in Town.</p> <p>h) The developers need to give back and work with the Town.</p> <p>i) If we give up the second story, we have no commercial in this Town.</p>
5	Bing Lam 2 Eisentown Drive	<p>He is requesting that the Planning Commission adopt the recommendation that the Town Council deny the request from Lovettsville Square LLC to modify the existing proffers, concept plans, and land use designs for the following reasons:</p> <p>a) The Town Center commercial center attracted people to move to this Town. The two-story buildings that were proposed are what everyone was expecting.</p> <p>b) A significant commercial base is needed to reduce the financial burden on Town residents. Downgrading the commercial space to add more single family homes will not meet that objective.</p> <p>c) Rick Entsminger, Elm Street Development, stated at a recent Town Center Home Owners Association meeting that the economic recovery process had started in the urban areas and was moving outwards to the suburbs and rural areas. We just need to have patience and wait for that to happen.</p> <p>d) In March 2006, a Planning Commission hearing addressed grocery store competition planned for Brunswick Crossing and the Harris Teeter in Purcellville. We are about to see the plans of these towns come to fruition. It is a complete fallacy to think that if the developer does not build Town Center that it will not be built by another developer.</p> <p>e) The memo prepared by Town staff supports the rezoning and is highly slanted in favor of the developer.</p> <p>f) There is no need to table the resolution tonight and waste more time. The Planning Commission should kill the proposal tonight.</p>
6	Amanda Staley 28 Tritapoe Place	<p>a) She and her husband moved here in 2006 and they have been patiently waiting for the Town Center since then.</p> <p>b) She is disappointed with what is being proposed.</p> <p>c) There are no fewer homes planned. People will be here.</p> <p>d) She would rather see an empty lot rather than what is being proposed.</p>
7	Bernadette DaCruz 20 Town Center Drive	<p>a) Ms. DaCruz read a letter from her neighbors, John and Wendy Kruck, 22 Town Center Drive (Written Submissions, Attachment 2).</p> <p>b) She lives at Town Center and is disappointed in the proposed changes.</p> <p>c) She moved here because of the Town Center and picked her lot</p>

		<p>specifically so she could walk to a community center area.</p> <p>d) Purcellville is building like crazy and Brunswick is being revitalized.</p> <p>e) The Planning Commission should veto these changes and require the developer to do what they said they would do.</p>
8	Dennis O'Keefe 7 Black Forrest Lane	<p>a) This is the latest of many broken promises by the developer.</p> <p>b) This proposal will eliminate 36 percent of the total commercial space, which is more than the average size of a grocery store according to the Food Marketing Institute.</p> <p>c) This is taking another several million dollars of value out of the Town.</p> <p>d) He was at the candidate's debate on Monday and every single candidate and sitting Council member said they are against this.</p>
9	Robert Gentile 9 Black Forrest Lane	<p>a) He purchased his home after someone had moved out so he did not hear what everyone was originally sold regarding the Town Center.</p> <p>b) He use to be a real estate developer, now he consults to investors and bankers regarding real estate.</p> <p>c) In order to get retail off the ground, you have to have an anchor.</p> <p>d) The second floor space would have been vacant unless it is converted to condominiums/apartments.</p> <p>e) The project would need a complete redesign in order to accommodate a grocery store.</p> <p>f) He has looked at more than 300 retail properties over the past six years and this type of commercial space is the hardest to lease, without an anchor store. The original design was not conducive to getting the space leased quickly.</p> <p>g) The project is not really commercially viable the way it is. The small 2,500 square foot spaces are difficult to market.</p>
10	Jenny Spagnoli 15 Tritapoe Place	<p>a) She is the New Town Meadows President and will be speaking on behalf of their residents.</p> <p>b) There are 150 homes in New Town Meadows.</p> <p>c) She has lost half the value of her home since she purchased it in 2005.</p> <p>d) She moved to this area because she was sold on the beautiful Town Square. She considered this an investment that would increase property values.</p> <p>e) Brunswick and Purcellville are developing, while Lovettsville is constantly compromising.</p> <p>f) We do not need any more houses, we need the commercial development.</p> <p>g) She just wants to see the project start happening.</p> <p>h) Whether it is one-story or two-story, do not give up on the commercial space.</p>
11	Bobby Zoldos 37 South Loudoun Street	<p>Vice Mayor Zoldos asked to sign up to voice his opinion. He stated that:</p> <p>a) This is the center of our Town and we have the chance to do the right thing. The original Town Center is what everyone moved here for, not a strip mall.</p> <p>b) The 50,000 square foot reduction in commercial space is a reduction is tax relief for the Town.</p> <p>c) There are no vacant retail spaces in Town, other than the funeral home.</p> <p>d) The number one reason the spaces in Town Center cannot be filled is because they are not built.</p>

		e) The Town Center is the chasis for the Town's economic engine. f) There are more residents in and around the Town now than when this project was originally proposed. g) This is our chance to have a classy design with a usable downtown. h) This project has been like boiling a frog – there have been many small but continuous changes over the years. i) Protect the Town by protecting those who live in Town Center, the commercial tax relief and the sewer/water rate relief, and all the members of the Town.
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Chairwoman Bushway asked if there were any additional comments. Mr. Lam stated he was in the Town of Warrenton a week or so ago and there are many little shops there. To say that cannot happen here is not good.

Chairwoman Bushway asked if there were any comments from the Planning Commission members. There were none. Chairwoman Bushway declared the hearing closed at 8:31 PM. She thanked everyone for attending the meeting and voicing their opinions.

Chairwoman Bushway called the Regular Meeting of the Lovettsville Planning Commission to order at 8:47P.M.

Changes in Present at Meeting

There were no changes.

Present In the Audience

Chairwoman Bushway recognized Mayor Elaine Walker and Town Council Member Jack Burden.

Appointment of Vice Chair of the Planning Commission

Chairwoman Bushway called for nominations for Vice-Chair of the Planning Commission. Commissioner Elaine Fischer nominated Deborah Summitt. Hearing no additional nominations, Chairwoman Bushway closed the nominations.

Aye:	Commissioners Bauer, Bushway, Fischer, Gray, and Quintana
Nay:	None
Abstain:	Commissioner Summitt
Absent:	None

Public Comment

Chairwoman Bushway called for any other public comments. There were none.

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 submitted.

Staff Reports

Administrator Hynes presented her written reports for January, February, and March 2012. She noted the following:

- Beauty on Broadway is now Catoctin Bible Church. The church opened with no permits and had to close temporarily while they went through the conversion of use process. Due to limited parking in the area, they will be sharing parking spaces with Lovettsville Pizza and Subs.
- The applicant for the proposed microbrewery inquired about the number of parking spaces that would be required. No permits have been submitted yet.

- She has been attending the Loudoun County Small Business Assistance Group meetings. The Town Council has authorized staff to conduct a small business breakfast the week of May 20th in honor of National Small Business Week.
- Next week is Arbor Day.
- She has started something new called Zoning Enforcement Cases to keep track of the various zoning cases she is working on.

Manager Markel reported that the Town Council approved the Planning Commission's recommended modifications to the sub-division ordinance.

Commissioner Summitt thanked Administrator Hynes for taking on the small business breakfast. She suggested staff may want to consider a "meet and greet" to showcase what local small businesses have to offer. Chairwoman Bushway said this would also be a good way for them to meet the Planning Commission and Town Council members. Manager Markel noted that the Lovettsville Business Association (LBA) use to do this but they have been less active recently. Commissioner Fischer stated that the LBA business directory is very helpful.

Action Items

A. LVRZ 2012-0001 Lovettsville Town Center Commercial

Chairwoman Bushway began the discussion. She stated she wants to be fair to both sides. The developer is trying to put forth a business model that will be successful, but the Town has bought into a concept and a vision that was put forth years ago. She is not opposed to making changes, but she is not happy with what is being proposed. This is not only the geographic center of the Town, but also the Town's identity. She stated there is a huge disconnect between the original concept drawing and what is being proposed now, which looks more like a strip mall. She thinks the Town can work with the developer to make changes, but what has been proposed is not the answer.

Commissioner Fischer stated she is not happy with what has been offered. She added they need to consider what the business does to the quality of life for the people who live here.

Commissioner Gray stated he sat in on the meetings for this project going back to 2004. One of the key elements was an anchor store to draw other businesses in. He does not understand how they will attract an anchor store when the square footage has been decreased by one third. He also does not understand why the developer would be willing to give up that much in possible rental space. According to his calculations, they would be cutting off \$1.2 million in potential annual revenue. Everyone wants to see something built, but the back side of what has been proposed reminds him of the Leesburg Corner Outlet Mall. That is not what he heard from the beginning that this would be. Brunswick and Purcellville are building. If he was a business owner he would have a hard time leasing space he has not seen any activity on in six years. He stated he does not see why they should give up one third of the economic engine for the Town.

Commissioner Bauer stated she wants to see something built soon to show businesses there will actually be something to move into. Although the concept plan is not guaranteed, people do not know that. They see it and think that is what they are going to get. She stated a similar look could be achieved with a partial two-story design. Office space above retail could be rented if it was there. She would like to see something closer to the original concept plan and she does not want to give up all of that commercial space. The Town will have more people and more of a customer base.

Commissioner Quintana stated that as a landlord of commercial real estate himself he did not know how the applicant had been able to hold on for so long. This is a business and he understands what they are trying to do, but he too wants to be fair to both sides. He sees a big difference between the original concept and what is now being proposed, but he also understands what they are trying to achieve. He thinks they will be successful if they build. He wants to see this get going. If they continue holding on to looking for something better, they will be having these conversations for a very long time.

He stated that NV Retail is not related to NVR, they are completely separate entities, and this project is being run as a commercial development. He understands there is a business rationale for reducing the amount of commercial space based on the current market. He is concerned that if the Town makes this more difficult, then the project may disappear entirely, probably for a decade. Although the proposed design is not perfect, it should proceed. He might be in the minority, but he certainly will support it.

Commissioner Summitt stated she shared the sentiment of her colleagues. The proposed design is too far away from what has been discussed, but they may have to compromise. There are three key elements she would like them to remember. The historical aspects of the Town are what brought a lot of people here, but there is a split between the old and new parts of the Town. She is concerned that the proposed design will further divide the Town, rather than bring it together as the original concept plan was intended to do. The proposed design looks like a strip mall. She referenced the development that had taken place in Haymarket and said she does not want to see that happen here. Her second concern is there are two other sections of the Town Center that have to be built and they need to maintain the elements of the original design. Her third point is they need to maintain a buffer between the residential neighborhood and the commercial space, rather than having back-to-back commercial and residential.

Commissioner Fisher stated that people just want to see something happen. No one likes the design that they are currently looking at, but they still want to talk about getting something going.

Commissioner Quintana asked Mr. Waghorn if he ever priced out the cost to build the original concept plan. Mr. Waghorn responded it would have been "way out of the ballpark." He added that when the original concept plan was proffered in 2002, the market was much different then. All they are asking for is to remove the second floor and drop the roof-line down. He stated that the architectural elements, character, and materials of the proposed design are still the same as original design. The original plan called for a two-story building facing the square. The two other buildings that were proposed on Broad Way (the library and the post office) would have been one level. He is confused by some of the comments because there are many strip malls that do not look nearly as good as what they are proposing. He does not know what other elements they can add to make it better. He too would like to have more retail space, if it were leased, since that is what he is in the business of doing. This is a multi-million dollar investment in the community. What they are trying to do is get that "spark" going, like the Giant Food store he brought to Purcellville. They have approached every single grocery store multiple times trying to get them to look at Lovettsville but the demographics are not here. The proffered plan that they have does not allow for a "big box" grocery store or a typical strip mall. What you see is the product of ten years of involvement of trying to work with what they were given. He wants to get something built to get the leasing momentum going. The second floor, which he does not think he will be able to lease, will add \$2.5 to \$3 million in additional construction costs. He added that a two-story building will be 45 to 50 feet high, which is way out of proportion and character with the rest of the Town. They are taking a big loss on this project but they are trying to avoid an even bigger loss by having the whole project go away. He is willing to make some modifications to the plan but he cannot completely redesign the project again. The commercial space that was proposed on Broad Way has no chance of being leased, that is why he is asking that it be converted to residential. This will add to the demographic base and it will look more like part of the Town. He is happy to work with Town staff on design issues and landscaping.

Commissioner Quintana asked Mr. Waghorn if he had ever considered selling the land and walking away from the project. Mr. Waghorn replied that they would only sell the land if they could recoup the money they had put into it and that is not likely to happen. He added that the partners who own the land are willing to move forward with the project if the Town approves the new design. He has told his partners that if they get the approval for a single-story building they will be able to lease it. He added they could build a two-story building for the second portion of project, if there is demand for the second story.

Commissioner Quintana asked Mr. Waghorn what would happen if he goes back to his partners with a decline from the Planning Commission. Mr. Waghorn stated he did not know what they would do. He added they would not be able to build the original design because it is functionally obsolete.

Chairwoman Bushway stated when she was first considering moving here, the developer pushed the concept of the Town Center, which looked like a southern square and would be the gathering point for the Town. There is a huge disconnect between the original design and what is now being proposed. Manager Markel explained the image that was provided to the Town in 2007 has been used on the website, at public meetings, and on signage around the Town Square. This is a more detailed rendering than the illustrative conceptual drawing. Chairwoman Bushway stated cutting out the second floor completely changes the character of the building. If they have to scale this back to one-story, she would prefer to see something that maintains the character of the original concept, which looks like row houses. She added she is concerned about losing commercial space.

Mr. Waghorn stated he cannot control the market, but he can control how much he can build and effectively lease. He can rework the plan and the facade of the building to give it more of a "village" feel. He can also do a better job of presenting what the back of the building will look like in terms of landscaping and articulation. He has the ability under the current proffers to build two stories in the other section, if the first building creates demand.

Commissioner Gray asked how the Town of Purcellville can have so much commercial activity going on. Mr. Waghorn stated Purcellville use to have a very restrictive zoning that did not allow any "big box" development, including grocery stores. When he was a developer for Giant Food, they went through a very difficult rezoning case to open the Giant in Purcellville. That store went on to be very successful financially, which has led to several other major retailers locating there. Lovettsville does not have the same population base and geographic advantages that Purcellville does. What they have to do here is start out with something modest and that is well designed. The second phase of the project will bring more momentum.

Commissioner Fischer asked Mr. Waghorn when the first building would be built, if he received approval tonight. Mr. Waghorn stated construction would start in September 2012 if he got all of the permits approved.

Commissioner Summitt stated if they commit to one-story for the first building, they may not have the luxury of making the second building two levels. Mr. Waghorn stated the second building could be designed as two stories, if there is demand for the space.

Administrator Hynes stated the rendering is very one dimensional and it is hard for people to visualize what it would look like.

Commissioner Summitt stated that the back of the Harris Teeter at Lansdowne is well designed. Mr. Waghorn stated there are things they can do to make the rear of the building more attractive. He added there will be nice enclosures for the trash dumpsters.

Chairwoman Bushway asked for clarification that they still do not want "big box" stores in Lovettsville, but rather they were seeking stores with a smaller footprint such as My Organic Market and Trader Joe's. Manager Markel stated that was correct, that is what the Planning Commission had decided. Mr. Waghorn described the square footage requirements for various large and small grocery stores. He has gotten no interest from the smaller grocery store chains. Over the past four years he has contacted all of the "mom-and-pop" grocery stores within a 100-mile radius to see if he could get any one of them to come to Lovettsville. He was willing to offer \$5.00 per square foot in rent for the first year to get them there. No one responded to his offer. His leasing team is continuing to market the space.

Chairwoman Bushway asked Mr. Waghorn if he had considered constructing fewer than six houses to provide for more buffering. Mr. Waghorn stated he is not the residential developer. All he will do is continue the houses that are there now. They will provide the same landscape buffer that was originally proffered. He is trying to recoup some of the land costs through the additional homes being requested.

Chairwoman Bushway asked about the residents who paid for premium lots and will now have a house built next to their yards. Manager Markel stated they do not know what they were told by the realtors. He stated those lots may have actually been devalued because they back up to a commercial area.

Commissioner Quintana asked Mr. Waghorn if he was going to sell the land back to NVR and let them build the homes. Mr. Waghorn stated that is something that would be decided in the future.

Commissioner Summit asked if there was ever a concept plan for the open space. Manager Markel stated that is what was shown in the illustrative drawing but it was not proffered. He confirmed that with the proposed plan, they will be losing the pad site and the space for Building A.

Commissioner Gray asked if the commercial space was proffered at a certain amount. Manager Markel stated the square footage was shown on the front page of the concept plan was not included in the narrative of the proffers. Mr. Waghorn stated that 140,000 square feet was the maximum proposed.

Chairwoman Bushway asked if Building A could be put back on the table if Building B was successful. Mr. Waghorn stated he would not be able to do that, but he could consider two stories on the other building. He added is very rare to ask for less square footage and this is the first time in 40 years had has done so.

Commissioner Quintana asked what happened to Inova. He thought they were supposed to be one of the original tenants. Mr. Waghorn stated they talked to Inova about leasing space in Building A or constructing a building on the pad site. After he negotiated with them for seven months, Inova ended up locating their facility in the old post office building because the rent was less expensive.

Mr. Waghorn stated he will work with staff on landscaping for the rear of the building and providing more articulation to the front to give it more of a "village look."

Chairwoman Bushway stated she really wants to see a two-story building but she understands businesses sometimes cannot spend the money on a project that has been sitting for so long. She added this is not the only commercial prospect the Town has. Although they are not getting what they wanted, there can be other opportunities to gain ground on other commercial projects. She wants to see this project move forward.

Commissioner Fischer stated she would be disappointed if nothing has changed by the later part of this year.

Mr. Waghorn stated if he gets approval on the proposed plans from the Planning Commission, he will work with Town staff and the Town Council on the final plans.

Commissioner Fischer and Chairwoman Bushway discussed the need to see more detailed architectural drawings of what had been discussed tonight before the Planning Commission would approve the proposed changes.

Mr. Waghorn stated he would need to get approvals from the Town and the County as soon as possible in order to meet the September 2012 time frame for construction. He will meet with his architect the next day to begin revising the plans.

Manager Markel stated a second public hearing is not required. He would need the revised plans by April 27, 2012 in order to schedule the next meeting before the Planning Commission on May 2, 2012. Mr. Waghorn stated he would have the revised drawings to Manager Markel by April 27 and that he could email the progress drawings to each of the Planning Commission members.

Commissioner Gray stated he is still not in favor of the proposed changes. He feels they are getting excited about something that may not happen. If they are operating on the basis of "build it and they will

come,” why not build what was originally proposed? Mr. Waghorn clarified this approach is a “spark” to try and get their leasing started.

Commissioner Gray stated he is not sold on the loss of 50,000 square feet and the pad site that could potentially house an anchor. Mr. Waghorn stated the layout of that building is not conducive to the anchor they are looking for. His approach is to construct the building, then pull an anchor in. Commissioner Gray asked if it would make more sense to find the anchor first, and then construct the building. Mr. Waghorn stated he has been looking for an anchor tenant for four years with no success. He agreed they are doing this in reverse and that is not his preference, but he needs 20,000 square feet in a square configuration to attract an anchor. The space they are eliminating, Building A, is 60-foot deep and two stories high and is something they would never lease to an anchor.

Mr. Waghorn stated he will come back to the Town by next Friday with a new plan on the basis of a single-story Building B.

Administrator Hynes mentioned a shopping center in Gaithersburg, Maryland that is 20-years old but that has the “village feel” discussed by the Commissioners. Mr. Waghorn asked the Commissioners if they like the new shopping center being built in Purcellville. Chairwoman Bushway stated she liked the conceptual drawing and the rustic look that incorporates the farm that was there. Commissioner Fischer stated she did not like the clapboard exterior of the buildings.

There being no further discussion, Chairwoman Bushway called for a motion.

- Motion:** I move that the Lovettsville Planning Commission table the request from Lovettsville Square, LLC and consider the proposed modifications at the next Planning Commission meeting.
- By:** Chairwoman Bushway
- Second:** Commissioner Summitt
- Aye:** Commissioner Bauer, Bushway, Fisher, Quintana, and Summit
- Nay:** Commissioner Gray
- Abstain:** None
- Absent:** None

The applicant, Mr. Waghorn, left the meeting at 10:29 P.M.

Information Items

Manager Markel mentioned the upcoming Arbor Day Ceremony and Rail Barrel Workshop. Administrator Hynes mentioned the upcoming Small Business Breakfast.

Comments from the Mayor and Commissioners

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

Chairwoman Bushway asked for additional comments from the public. In response to a question from someone in the audience, Manager Markel explained that an occupancy permit for the commercial space would have to be issued before the additional homes could be built. This does not mean all of the tenant space has to be leased.

Mr. Lam asked how do they know the developer will ever follow through with the additional commercial space after they sell those six lots. All they have heard is a sales pitch, there is nothing to go on. He does not see how they can approve this. The Planning Commission is not doing its job.

Commissioner Bauer asked if they could build Building A first, then Building B. Manager Markel stated Building B is the appropriate site for the anchor because it fronts onto the Town Square and it has the best visibility.

There was further discussion between the Commissioners, staff, and members of the public regarding the commercial buildings, the pad site, and parking spaces. Manager Markel suggested they schedule a workshop if they wanted to discuss this further. He also offered to forward any additional questions to Mr. Waghorn.

Commissioner Gray asked if it was appropriate to request additional financial information from Mr. Waghorn to support his request. Mr. Markel responded that the Planning Commission could request this type of information and that Mr. Waghorn had been forthcoming with financial information in the past.

Manager Markel reminded the Commissioners all communication should be sent directly to him and there should be no dialoging back and forth.

Adjournment

Motion: To adjourn the Planning Commission meeting of April 18, 2012.
By: Chairwoman Bushway
Second: Commissioner Fischer
Aye: Commissioners Bauer, Bushway, Fischer, Gray, Quintana, and Summitt
Nay: None
Abstain: None
Absent: None

The meeting was adjourned at 10:43 P.M.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: July 11, 2012

Attachment I: *Purcellville Gazette* Notice

Attachment II: Affidavit Regarding Notification Requirements for Rezoning and Concept Plan Amendment for Lovettsville Town Center LVRZ 2012-0001

Attachment III: Speaker Sign Up Sheet

Written Submissions to the Planning Commission:

1. Robert Zachritz
2. John and Wendy Kruck

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 April 18, 2012 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue:

LVRZ 2012-0001 Lovettsville Town Center - Rezoning and Concept Plan Amendment
 Consider a request by Lovettsville Square LLC to modify the proffered concept plan and proffers for several parcels within the Town Center Commercial Core. The properties are identified as Loudoun County PIN 369-20-4273, 369-20-2773 and 369-20-2899. The modifications include reducing the total commercial area from 7.73 to 6.23 acres. The creation of 6 single family home lots in land formerly zoned commercial core to be rezoned to Town Center Residential. The removal of two commercial buildings fronting West Broad Way, and the reduction in building height for building "B" fronting Town Square from two stories to one story.

The application and related documents being considered are available for review at the Town Hall between the hours of 9:00am and 4:30pm weekdays or by special appointment. Call 540-822-5788 for more information or visit www.lovettsvilleva.gov.



April 13 & April 20

RETAIL LICENSE APPLICATION – POSTING AND PUBLISHING

Maggie Mallick trading as Maggie Mallick Wine Caves, LLC
 12138 Harpers Ferry Rd., Purcellville, VA (Loudoun County) 20132

The above establishment is applying to the VIRGINIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL for a Wine Shipper/Farm Winery license to sell or manufacture alcoholic beverages.

Maggie Mallick, Owner

Note: Objections to the issuance of this license must be submitted to ABC no later than 30 days from the publishing date of the first of two required newspaper legal notices. Objections should be registered at www.abc.virginia.gov or 800-552-3200

Town

Continued from page 18

their fundraising goals by making purchases from the Flower Power website. For every purchase made PVRS receives 50% of the sale price which counts toward the squad's fundraising goal.

Sign up to be a team member. Team member's duties are to share the fundraiser with as many friends and family members as possible. Flower Power offers two great ways to do just that: Use the Flower Power Email Tool to automatically invite friends and family members to buy from the PVRS fundraiser <http://www.flowerpowerfundraising.com/campaign?id=10529> Personalize invitations and add email addresses to the fundraising drive and then Flower Power will do all the rest. Share fundraising message with Facebook friends. Set up personal fundraising homepages within the campaign. Once complete, Flower Power will ask you if you want to "Share Now", click yes and a small posting sharing the group's goals and results to date will appear on personal Walls.

Please help the PVRS achieve its fundraising goal. The personnel do so much on their own time to help the community.

Loudoun Do Something Now! Hosts Black Light Night

Loudoun Do Something Now!, a volunteer community service club, is planning a rising freshman dance and social for the 8th grade classes of both Blue Ridge Middle School and Harmony Middle

**TOWN OF PURCELLVILLE
 REQUEST FOR SEALED BIDS
 DISPOSAL OF SURPLUS PROPERTY**

The Town of Purcellville is offering for sale to the public, property including furniture, computer equipment, a Hasler M4000 envelope stuffer and a commercial shredder that have been deemed as surplus. A complete inventory list of all property for sale, Bid Instructions, Specifications and Sale Policies and bid forms may be picked up at the Town Hall located at 221 South Nursery Avenue or downloaded from the Town website at www.purcellvilleva.gov. Public inspection of the property will occur on April 19th, 2012 only rain or shine, from 1:00 PM to 4:00 PM, at the old Town Hall building located at 130 East Main Street, Purcellville, Virginia. All potential bidders are strongly encouraged to attend the property viewing prior to submission of a bid. All bids must be sealed and must be submitted pursuant to the Bid Instructions, Specifications and Sale Policies no later than 12:00 PM on Friday, April 20th, 2012 at the Purcellville Town Hall located at 221 South Nursery Avenue, Purcellville, Virginia. Please note that the Town reserves the right to refuse any and all bids or to remove any property from the sale at any time. Payment must be by cash, money order, certified or cashier's check only. No personal checks or credit cards accepted. For further information please contact Marty Kloeden at 540-751-2345 or email mikloeden@purcellvilleva.gov or call the Town Hall at 540-338-7421. All potential bidders please note that all property is sold on a strictly "as is, where is" basis with no warranty and no guarantees of any kind, whatsoever, expressed or implied. There will be absolutely no refunds for any reason whatsoever. All purchased property must be removed from Town property by 3 PM, Thursday, April 26th, 2012. Please be aware prior to placing a bid that all purchased property that is not removed on time may be sold to any interested party thereafter or otherwise disposed of by the Town with no refunds given to the original purchaser.

School at the Carver Center on Saturday, April 21 from 8 to 10:30pm. Planning is underway for a "black light night," dance with DJs, disco balls, and special effects lighting. Club members are doing the planning, and will chaperone the dance, along with some adults. This is how they earn their volunteer hours.

DoSomething.org, having club chapters all over the US, is one of the largest organizations for teens and social change and is a driving force in creating a culture of volunteerism. Western Loudoun's Do Something Now! Chapter is comprised of both Loudoun Valley and Woodgrove High School students.

As a new ongoing community service project, the club decided to plan a "rising freshman" dance and social for the 8th grade class of both western Loudoun middle schools, Blue Ridge Middle School and Harmony Intermediate School, each year. Their goal is to bring the two groups of kids who grew up together initially, but were separated when Woodgrove High School was built, back together. Then their friendships can continue as they split off into different high schools.

Surplus Equipment for Sale

The Town of Purcellville is once again offering equipment for sale to the public that has been deemed surplus to operations. The sale is set for Friday April 20th. Approximately 161 lots, more or less, of office equipment, chairs, furniture, computer monitors and printers, a commercial shredder and a Hasler M4000 envelope machine will be for sale to the public by sealed bid. Sealed bids are due at the Town Hall by noon on the 20th. No late bids will be accepted.

A public inspection of the property is scheduled for Thursday April 19th from 1PM to 4 PM, rain or shine, at the "old" Town Hall building located at 130 East Main Street in Purcellville. All prospective bidders are strongly encouraged to attend prior to submission of a bid. Please note that the Town reserves the right to refuse any and all bids or remove property from the sale for any reason. Payment must be by cash, money order, certified or cashier's check only. No personal checks or credit cards accepted.

All prospective bidders should be aware that all property shall be sold on a strictly "as is, where is" basis with no warranty or guarantee of any kind, whatsoever, expressed or implied. There will be no refunds and no exceptions. Purchased property must be removed from Town property by 3 PM on Thursday, April 26th. Purchased property that is not removed on time may be sold to any interested party thereafter or otherwise disposed of by the Town.

Bid Instructions, Specifications and Sales Policies and a property inventory list are available at the Town Hall located at 221 South Nursery Avenue in Purcellville and on the Town website at www.purcellvilleva.gov. Interested parties can also call Marty Kloeden at (540) 751-2345 or the Town Hall at (540) 338-7421 for further information. ♦

AFFIDAVIT

REGARDING NOTIFICATION REQUIREMENTS FOR REZONING AND CONCEPT PLAN
AMENDMENT APPLICATION FOR LOVETTSVILLE TOWN CENTER
LVRZ 2012-0001

STATE OF VIRGINIA
COUNTY OF LOUDOUN, to-wit:

I, Kimberlee Welsh Cummings, the undersigned, being first duly sworn, do hereby depose and certify as follows:

That in accordance with the Zoning Ordinance of the Town of Lovettsville and Section 15.2-2204 of the Code of Virginia (1950), as amended, the property owners listed on the attached sheet were notified of the Wednesday, April 18, 2012, public hearing before the Lovettsville Planning Commission, to be held at the Lovettsville Town Office at 6 E. Pennsylvania Avenue, Lovettsville, Virginia, at 7:30 p.m.

That said notification consisted of a written notification letter mailed to each listed property owner or their agent at least five (5) days before the referenced public hearing.

That a sample notification letter and a list of the names of landowners, their agents and occupants to whom notification was sent are attached.

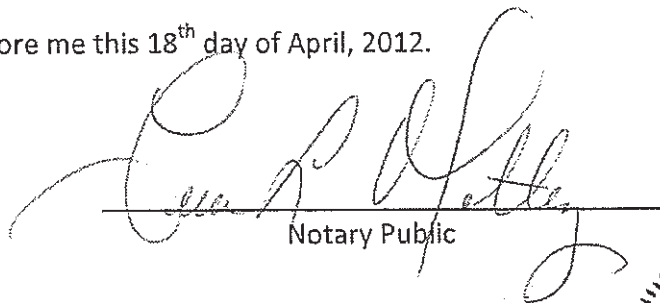
That said notification was mailed from the Leesburg, Virginia, Post Office on April 9, 2012, by certified mail.

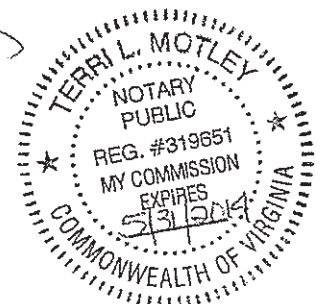

Kimberlee Welsh Cummings

Subscribed and sworn to before me this 18th day of April, 2012.

My Commission Expires:

May 31, 2014


Notary Public





WALSH COLUCCI
LUBBELEY EMRICH
& WALSH PC

Kimberlee Welsh Cummings, AICP
Land Use Planner
(571) 209-5773
kcummings@ldn.thelandlawyers.com

April 9, 2012

Via Certified Mail

Re: Lovettsville Town Center – Town Center Core - Rezoning and
Concept Plan Amendment LVRZ 2012-0001
Planning Commission Public Hearing
April 18, 2012 at 7:30 p.m.

Dear Property Owner:

The Lovettsville Planning Commission will hold a public hearing at the Lovettsville Town Offices, 6 East Pennsylvania Avenue, Lovettsville, Virginia, on April 18, 2012, at 7:30 p.m. to consider the above referenced application for the Lovettsville Town Center filed by Lovettsville Square LLC. (the "Applicant").

The property subject to this application is generally located west of W. Broad Way, north of Berlin Pike (Routes 673 and 287) and east of Town Center Drive within the Town of Lovettsville (the "Property"), is more particularly described as Loudoun County Parcel Numbers 369-20-2773, 369-20-4273 and 369-20-2899. See attached graphic for the location of the Property.

The Applicant is requesting to modify the proffered Concept Plan and proffers to reduce the Town Center Commercial Core area from 7.73 to 6.23 acres and create six (6) single family home lots by changing the designation from Town Center Commercial Core to Town Center Residential.

All members of the public will be heard as to their views pertinent to the matters at the aforementioned public hearing.

If you have any questions, please feel free to call me at (571) 209-5773. The application and related documents being considered are available for review at the Lovettsville Town Office, 6 East Pennsylvania Avenue between the hours of 9:00 a.m. and 4:30 p.m. weekdays or by special appointment. Call (540) 822-5788 for more information, or visit www.lovettsvilleva.gov.

Lovettsville Town Center – Town Center Core – Rezoning and Concept Plan
Amendment LVRZ 2012-0001
Planning Commission Public Hearing
April 18, 2012 at 7:30 p.m.

Sincerely,

WALSH, COLUCCI, LUBELEY,
EMRICH & WALSH, P.C.



Kimberlee Welsh Cummings, AICP
Land Use Planner

Enclosure: Vicinity Map

MCPI #369-10-5745 & 369-10-2159 & 369-20-2379 &
369-20-4345 & 369-20-4938 & 369-20-5331
Town Center Lovettsville LC
Elm Street Development
1355 Beverly Road, Ste 240
McLean, VA 22101-3649

MCPI #369-10-2939
Lovettsville Square LLC
8230 Leesburg Pke, Ste 620
Vienna, VA 22182-2641

MCPI #369-29-9476
Lovettsville, Town of
Attn: Treasurer
PO Box 209
Lovettsville, VA 20180-0209

MCPI #369-20-1886
Pek, John J. Jr.
20 Town Center Drive
Lovettsville, VA 20180-8542

MCPI #369-20-1392
Kruck, John & Wendy
22 Town Center Drive
Lovettsville, VA 20180-8542

MCPI #369-20-0998
Barker, Steven & Jodi
24 Town Center Drive
Lovettsville, VA 20180-8542

MCPI #369-20-2110
Cook, Julie A.
11 W. Broad Way
Lovettsville, VA 20180-8611

MCPI #369-20-3522
Lovettsville Town Center HOA
c/o GHA Community Mgt
3020 Hamaker Ct., Ste 300
Fairfax, VA 22031

MCPI #369-20-5824
Mabe, Timothy D. & Kelly A.
2 W. Broad Way
Lovettsville, VA 20180-8612

MCPI #369-20-6910
African Methodist Episcopal Church
c/o Vanessa Giles Trustee
PO Box 165
Lovettsville, VA 20180

MCPI #333-25-1081
New Town Meadows HOA
7700 Brickyard Road
Potomac, MD 20854-4817

MCPI #369-20-9002
George, Fred Lee III
13620 Berlin Tpke
Lovettsville, VA 20180-3034

Tim Hemstreet, County
Administrator – Loudoun County
1 Harrison Street, SE MS#02
Leesburg, VA 20175

Garrett Moore, P.E.
District Administrator, No. VA
4975 Alliance Drive
Fairfax, VA 22030

Kingsridge Estates HOA
c/o Select Community Services
PO Box 221350
Chantilly, VA 221350

Forest E. White, Registered
Agent for Lakeview Village HOA
4 Loudoun Street, SE
Leesburg, VA 20175

Dobbins Creek Commons
Assoc.
PO Box 164
Lovettsville, VA 20180

RECEIVED

MAR 09 2012

Town of Lovettsville

P.O. Box 209 | 6 East Pennsylvania Avenue
Lovettsville, VA 20180
(540) 882-5788

Town of Lovettsville

Rezoning Application

(Including Proffer and Zoning Map Amendment)

Property Owner's Name: Lovettsville Square LLC / Jack Waghorn Fee: \$50.00

Address (Mailing) 8230 Leesburg Pike, Suite 620 E-mail: jwaghorn@nvretail.com

Town/City: Vienna State: VA Zip: 22182-2641

Telephone: Work (703) 448-4311 Mobile _____ Fax _____

Owner's Representative (If Applicable): Kimberlee Welsh Cummings, AICP

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.

Address (Mailing) One East Market Street, 3rd Floor E-mail: kcummings@ldn.thelandlawyers.com

Town/City: Leesburg State: VA Zip: 20176

Telephone: Work (703) 737-3633 Mobile _____ Fax (703) 737-3632

Subject Parcel Information:

Location (Street Address): 3 Broad Way, Lovettsville & 16 Town Center Drive, Lovettsville

PIN (Property Identification Number): 369-20-4273 & 369-20-2773 & 369-20-2899 Zoning Waiver/Modification Requested? No

Lot Size: 2.03 ac; 0.20 ac; 0.82 ac Floor Area Ratio (Commercial Only): _____

Current Zoning District (example: C-1): T-C Town Center Planned Development

Proposed Zoning District: No change to Zoning - Proffer Amendment to LVRZ 2008-0002

Town Plan Land Use Designation: Commercial

Identify any existing improvements (example: 2 story brick house): No improvements

I hereby certify that I am the property owner and this application in all its parts, including the accompanying development plan proposal, is complete, correct and in compliance with the applicable Town of Lovettsville Ordinances, to the best of my knowledge. I acknowledge responsibility for all engineering, legal, zoning and planning review fees incurred by the Town in connection with the review of this application, and all outstanding debts owed to the Town of Lovettsville and Loudoun County have been paid prior to filing this application.

Signature of Property Owner(s) Printed Name of Property Owner(s) Date

(Attach sheet for additional Property Owners with their printed name(s) and date.)

-----Office Use Only-----

Date Application Received 03/09 Application Complete _____ Application Fee Paid Town Real Estate Taxes Paid

Loudoun County Personal Property Taxes Paid _____ All Fees Owed to Town Have Been Paid (Including Auto Decal) _____

Town of Sayreville

Speaker Sign - Up Sheet

Planning Commission Public Hearing & Regular Meeting - April 18, 2012

Please Print.

Name and Association	Address	Topic - Please Indicate Public Hearing or Other Topic
✓ Robert Zuchnick	34 Stocks St. Linttsville	Town Center
✓ George Marino	35 TOWN CENTER DR	Town Center
✓ HOWARD WILLIAMSON	12609 LUTHERAN CHURCH RD BOUETTTSVILLE, VA	Town Center
✓ <i>[Signature]</i>	2609 Lutter Church Rd Sayreville PA	Town Center
✓ <i>[Signature]</i>	2 Eisenstown Dr.	Town Center
✓ Amanda Staley	28 Tritapoe Place	Town Center
✓ Bernadette DaCruz	80 Town Center Dr.	TOWN CENTER
✓ Dennis O'Keefe	7 Black Forest Ln	Town Center
✓ Robert Conzatti	9 Black Forest Ln	TOWN CENTER
✓ Jeni Spagnoli	15 Tritapoe Place	Town center
✓ Bobby Zoldos		

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

Robert Zachritz's Comments
Citizen - Town of Lovettsville
LVRZ 2012-0001 Lovettsville Town Center
April 18, 2012 Public Input Session

I. Introduction

- Thank you Madam Chair and other Members of Planning Commission.
- I would like to address my comments more to process for moving forward and only briefly on the proposal.

II. Proposal

- I first heard of this proposal of changes to the commercial section of Town Center on Saturday, April 15.
- My first reaction, was I was against the changes but I wanted to learn more of the reasons why the changes were being proposed.
- The more I learned on the reasons for the proposal, the more open I became to them.
- I would recommend the Planning Commission and the Town continue to ask tough questions, gather broad public comment, seek to understand the needs of the developer, and find a way to move forward acceptable to the Town and the developer.

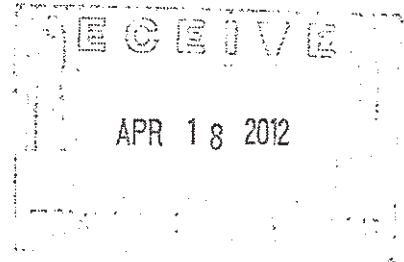
III. Process

- I think a lot of people may have a similar reaction to mine. First opposed, then have questions, and then open to changes based on a desire for success of this project.
- For the long-term success of commercial Town Center, we need the Town, Developer and the broader public to be working and moving forward together.
- I think it is critical that the Town go beyond the requirements of the law to ensure a large number of people are aware of these proposed changes and have a chance for input.
- I also think Planning Commissioners need to ask the developer what timeline they are working under. (Do they have a potential major commercial interest that wants to locate in Lovettsville Town Center and is working under a deadline?)
- The Town needs to move quickly to make the broader community aware of this request so the Town is empowered to make a decision on this request as soon as possible. (Two-Three month timeframe.)
- There is a balancing act here. Need to make the public aware and get broad public buyin vs. the need for the developer to get a Yes, Yes with changes, or No answer.
- Here are a few ideas on how to get the information out:
 1. At a minimum, the Town should send out an email just on this issue highlighting the future process and have links to the town webside with a posted powerpoint and the proposed changes to Town Center Commercial Core.
 2. Another idea is to have the Town Manager and/or the Developer recorded a YouTube video on what this proposal is and have a link to the town website.
 3. The Town may want to consider doing a post-card mailing to zip code 20180 highlighting the next public meeting on this issue to ensure the public knows about the proposal and the process.
- It is critical to educate the public on what this proposal is. It is also important for the public to understand what the developer/town can and cannot do. The public needs to help make the commercial center successful by helping to promote town center commercial core.

III. Conclusion

- Thank you for your consideration.

John R. Kruck
Wendy K. Kruck
22 Town Center Drive
Lovettsville VA 20180
540-247-7344
April 16, 2012



Kimberlee Walsh Cummings, AICP
Land Use Planner
1E Market Street
Third floor
Leesburg, VA 20176

Re: Lovettsville Town Center - Town Center Core - Rezoning and Concept Plan
Amendment LVRZ 2012-0001

Dear Ms Kimberlee Walsh Cummings:

I have asked my neighbor, John Peck to read this letter at the April 18, 2012 meeting, on my behalf, because my wife and I are unable to attend.

My name is John Kruck, my wife is Wendy Kruck, and we reside at 22 Town Center Drive in Lovettsville.

In March 2010, we purchased our Ryan home. We paid extra for a premium lot instead of a regular lot based upon information told to us by Ryan's representative and sales agent Jason Barr.

The following information was:

- The property behind our home is zoned for commercial property and was to have a split rail fence, secured with stone columns. It was to be professionally landscaped, which would provide some type of privacy.
- There was to be a buffer between the commercial property and our homes. A dead zone.
- The view from the back of our home and yard would be overlooking a two-story building.
- This view was preferable to us instead of looking at possible children's play areas, swimming pools, and so forth. Not only that, but we would not have any evening disturbances, i.e. parties, etc.
- Also, this would be a quiet area, no parking or drive thru traffic.

Last year we attended a meeting held by NVR at the Lovettsville fire hall. The NVR representative insured us that NVR were staying with their original plan of commercial development and continuing to pay the taxes on the property.

Now having learned that the commercial to residential property plans can be so easily changed, we would never have purchased this premium priced lot or possibly even this home in Lovettsville.

Additionally, we are disappointed in the lack of care given to the empty lot behind our home. It is weed filled, not maintained and making it difficult to fertilize my lawn and manicure my landscaping. We were told this area would be maintained.

I feel we were duped and misled regarding this development. At the very least, we should be compensated for the change in plans.

Sincerely,



Wendy K. Kruck

John R. Kruck

Wendy K. Kruck

Cc: Lovettsville Planning Commission
NVR

