

Town of Lovettsville

Planning Commission Minutes of Regular Meeting, May 2, 2012

Chairwoman Bushway called the Regular Monthly Meeting of the Lovettsville Planning Commission to order at 7:31 PM on Wednesday, May 2, 2012.

Present at Meeting

- Mayor Elaine Walker
- Chairwoman Mari Bushway
- Commissioner Lorraine Bauer
- Commissioner Elaine Fischer
- Commissioner Rodney Gray
- Commissioner Tony Quintana
- Commissioner Deborah Summitt (arrived at 7:34 PM)
- Town Manager Keith Markel
- Zoning Administrator Melissa Hynes
- Town Clerk Harriet West

Absent

None

Public Comment

Chairwoman Bushway asked for public comment. No one came forward to speak. Fred George had signed up to speak but chose not to (Attachment 1: Speaker Sign Up Sheet).

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 Meeting – February 1, 2012

Motion: To approve the minutes of the February 1, 2012 Planning Commission Meeting as presented.

By: Chairwoman Bushway

Second: Commissioner Bauer

Aye: Commissioners Bauer, Bushway, Gray, and Quintana

Nay: None

Abstain: Commissioner Fischer

Absent: Commissioner Summitt

B. Planning Commission Meeting – February 15, 2012

Motion: To accept the minutes of the February 15, 2012 Planning Commission Meeting as presented.

By: Commissioner Gray

Second: Commissioner Fischer

Aye: Commissioners Bauer, Bushway, Fischer, Gray, Quintana, and Summitt

Nay: None

Abstain: None

Absent: None

C. Planning Commission Meeting – March 7, 2012

- Motion:** To approve the minutes of the March 7, 2012 Planning Commission Meeting as presented.
- By:** Commissioner Bauer
- Second:** Commissioner Quintana
- Aye:** Commissioners Bauer, Bushway, Fischer, Gray, Quintana, and Summitt
- Nay:** None
- Abstain:** None
- Absent:** None

Staff Reports

No report was presented.

Action Items

A. LVSU 2010-0002 Keena Development Preliminary Plat

Manager Markel presented the staff report and PowerPoint presentation for this item. The Commission is being asked to review the updated Preliminary Plat request and related variation requests for possible approval. This is the planned infill development district project for Mr. Keena. The project was rezoned in 2007 and it is now moving forward with the development process. The project includes two proposed streets – the extension of Pennsylvania Avenue to Frye Court and a new extension connecting Locust Street to Frye Court (Stone Jail Street). The developer has also proffered to bring Frye Court up to Virginia Department of Transportation (VDOT) acceptance standards. There are major storm drainage deficiencies in the area and this project will address those issues. He stated Locust Street will be widened and the developer will have to put in curb, gutter, and drainage on his side of the street, while the other side of the street will remain unimproved.

The developer has addressed several of the issues raised at the February 15, 2012 Planning Commission meeting including providing additional off-street parking for each of the single family detached homes, the addition of sidewalks on Pennsylvania Avenue, providing off-street parking for Lots 31 and 32, widening Stone Jail Street by two additional feet of asphalt surface to allow on-street parking, and reserving right-of-way along Lots 31, 32, and 33.

Manager Markel stated he has concerns about how the land will actually be gifted to the Town. They also need to determine the extent of setback encroachments of the barn. He also pointed out that the subdivision ordinance requires that trees over eight inches or larger in caliber cannot be removed without approval from the Planning Commission.

Manager Markel stated that another great enhancement to the project is a sidewalk being shown on Pennsylvania Avenue on the south side of the development. His preference is to see the sidewalks located in the public right-of-way so VDOT will maintain it. Now that it is outside of the public right-of-way it will be the responsibility of the Home Owners Association (HOA) to maintain the sidewalk and fund any improvements.

Staff does not support the gravel shoulder proposed for Stone Jail Street because it does not meet the Town's minimum standards. The other concern is the proposed drainage ditch section, especially on Pennsylvania Avenue. Staff's recommendation is to have underground storm water for Stone Jail Street and Pennsylvania Avenue. Having a curb and gutter section makes it easier to clearly define on-street parking and convey water from a swampy area.

He noted what has not changed:

- No addition of visitor parking or clearly defined on-street parking.
- No dedication of public right-of-way along the frontage of properties.
- Pennsylvania Avenue and Stone Jail Street do not meet the Town's minimum standards.
- The proposed drainage ditch section.

He discussed the three variation request being requested by the applicant:

- *4.3.4: Streets shall be graded and improved with pavement, street signs, sidewalks, driveway approaches, curbs, gutters, street lights and other public improvements required by this Ordinance.*
- *4.3.5: Streets shall have a minimum right-of-way width of 50 feet unless otherwise required by the Virginia Department of Transportation or the Planning Commission*
- *5.2.2: Sidewalks shall be built on both sides of each street, whether in the State System or not. Sidewalks shall be composed of concrete or brick and not less than four (4) feet wide and installed according to Town and Virginia Department of Transportation specifications. If the subdivision lies only on one side of an existing public street, sidewalks shall be required only as to that side of such street.*

Manager Markel discussed the process for the variation request and the justification standards. He stated another issue that came up at the last meeting was how much bearing does the concept plan that was approved as part of the rezoning in 2007 apply to this development, and how much leeway does the Planning Commission have to ask or insist on modifications. He referenced a memorandum from the Town Attorney that explains her ruling.

Commissioner Quintana asked about emergency vehicle concerns. Mr. Markel stated that there is sufficient emergency vehicle access on the public streets provided there is no public parking along those streets. He noted the gravel shoulders proposed for Stone Jail Street may become an issue over time if they are not properly maintained. The gravel shoulders tend to deteriorate over time and then people may park too far into the street, blocking the 20 feet of clearance the state fire code requires. He noted there is a discrepancy in the state fire code and VDOT standards, 18 feet for VDOT and 20 feet for fire.

Chairwoman Bushway asked for clarification about staff's recommendations for reserving land on Locust Street and the dedication of the frontage on Loudoun Street. Manager Markel stated staff recommends where there are building encroachments, that the land be reserved and dedicated at a future time, if and when the building ceases to occupy the space. All other land that is free and clear, should be dedicated now, rather having to negotiate the purchase of right-of-way with three individual property owners at a later date. He explained that further surveying is needed to determine the exact location of the buildings.

Chairwoman Bushway asked for clarification about the storm water drainage requirements. Manager Markel stated staff had discussed this with the Town's engineer and additional analysis will be needed during the site plan approval process.

Commissioner Gray asked if a retention pond may be required. Manager Markel confirmed that onsite retention may be needed.

Chairwoman Bushway asked if that had to do with the velocity of the flow of water. Manager Markel stated the Town engineer had flagged this as a concern and that additional calculations will have to be shown in the next phase of the development. It may require underground management, new innovative technologies, or a retention pond.

Chairwoman Bushway asked Mr. Keena if maintaining the sidewalks on Pennsylvania Avenue would be an exorbitant cost for the HOA. Mr. Keena stated it could be a problem if the HOA falls apart but he did not think VDOT did a whole lot.

Commissioner Bauer stated she envisioned the sidewalk would go over a drainage pipe and eliminate the ditch. Mr. Keena stated when this came about; the project included a 19 house subdivision with a storm water management pond in the corner. He listened to what everyone said and was told the Town wanted narrower streets and no curb/gutter because they did not want it to look like a new subdivision.

Commissioner Bauer stated people might get upset about the Town perpetuating the ditch design because it makes it hard to walk. Mr. Keena stated the main sidewalk that would carry children would have curb and gutter.

Chairwoman Bushway stated the applicant may find out later that a ditch is not conducive to the development, but that seems to be up in the air until the additional storm water drainage analysis is done. Mr. Keena stated his engineer, Mark Jeffries, has already done many of those calculations.

Mark Jeffries stated he was representing Mr. Keena on the preliminary subdivision plat. He stated they are at Step 2 of a three-step process. Step 1 was to rezone the property. Step 2 is to get the preliminary subdivision plat approved. Step 3 is to get the construction plans and profiles approved. The purpose of the preliminary subdivision plat is to map out a concept of street and lot configurations, but it does not commit anyone to the final design. Part of Step 2 includes the evaluations of variations being requested for the subdivision. They would like to know the results of the variation requests before they go to Step 3.

Mr. Jeffries explained the history of this project. A conditional use permit was approved in 2002 to allow three lots to be created on East Broad Way. Two previous subdivision plats were approved for this property, one in 2004 and one in 2005, under the zoning category that existed prior to the Planned Infill Development District (PIDDD). The Town approached Mr. Keena about creating a Planned Infill Development District zone to reflect the nature of the surrounding neighborhoods. That district was created and approved in 2006 specifically for this piece of property. The Town approved the rezoning of the property in 2007. In October 2010, they submitted the first preliminary subdivision plat based on the new PIDDD zone. The most recent submission represents the fifth preliminary subdivision plat for this project. There has been a lot of discussion about this project and they have incorporated changes to address the concerns that have been expressed. He stated the PIDDD district allows for private streets. Earlier versions of the plan proposed private streets; specifically, Pennsylvania Avenue was proposed in a 33 foot right-of-way as a private street. He stated that after meeting with VDOT, it became clear the 33 foot right-of-way was not acceptable. VDOT preferred a 40 foot right-of-way and they preferred the street to be public, so these changes were made. There have been many changes made based on comments received from Town staff, the Town's engineer, VDOT, and fire and rescue/emergency medical services personnel. There has been a lot of discussion about what the project would look like between the first submission in October 2010 and the fifth submission in February 2012.

Mr. Jeffries stated that this project, as proposed, is consistent with the goals and objectives of the Town's newly adopted Comprehensive Plan. The standards that apply to the streets they build in this subdivision have been applied for the last 40 years. The goals and objectives of the Comprehensive Plan are not reflected by the standards in the Subdivision Ordinance. The Planning Commission and the Council have the authority to vary those requirements under specific circumstances where it makes sense to do so. This is the first opportunity for the Town to modify its requirements to achieve the goals of the Comprehensive Plan for this particular project, including preserving the Town's historic, small town character. What they are proposing blends into the rest of the community which has no sidewalks or curb/gutter. The proposed streets are also consistent with the rest of the surrounding neighborhood.

Mr. Jeffries stated there has been a lot of discussion about drainage. He noted that in Manager Markel's staff report, the Town's engineer has gone on record that there needs to be a preliminary drainage study. He pointed out that the Town's engineer has had three chances to say he was concerned and needed additional calculations in Step 2 of this process. There is a total of 12.4 acres of drainage that drains through this property. Ninety percent of the drainage will be picked up in drainage structures along Locust Street and transferred to the storm sewer in Frye Court. The remaining 10 percent of the water will be conveyed to four different places. It is his professional opinion that this is an appropriate way to manage storm water. He discussed the amount of fall at Frye Court and Stone Jail Street, which is not really clear on the preliminary subdivision plat. He stated that based on the amount of fall, it is very feasible to create proper drainage for these streets. They are here to talk about the variations they need to the Town's design criteria to see if they can make this concept plan work in final design.

Mr. Jeffries discussed the dedication on 11 Locust Street. He stated they have no problem dedicating land when there is not an encroachment. Manager Markel stated that staff's preference is to make the building non-conforming and the Town can waive that issue so the right-of-way is there. Mr. Jeffries stated they are willing to do that as long as they are not being asked to dedicate property underneath one of those buildings. Mr. Jeffries summarized by saying this is a good project that fits into the surrounding neighborhood. It is the culmination of a lot of discussions over a long period of time. They are asking for guidance to decide what Step 3 looks like.

Chairwoman Bushway asked when the original preliminary plat was approved. Mr. Keena stated there were two preliminary plats previously approved – one in June 2004 and one in June 2005. She asked about the number of houses approved for the project. Mr. Keena stated there were approximately 19 houses. She asked if the new submission includes streets that are wide enough for at least one side of the street to have on-street parking. Manager Markel stated that conceivably Stone Jail Street is wide enough for parking on one side of the street, but not Pennsylvania Avenue. He stated staff had discussed possibly making Pennsylvania Avenue a one way street to make traffic flow more efficiently. This may also potentially allow for on-street parking along the gravel shoulder.

Mr. Jeffries stated the concept for this project is to provide parking in the rear of the houses. He added Frye Court is good example of a place where you have utility trailers, boats, and surplus vehicles parked along the street. What they are trying to create is the ability for property owners to put those types of things behind their homes and get them out of the streetscape so parking along the street would just be for overflow purposes. The suggestion that the street be wide enough for parking along one or both sides ignores the fact that the concept is to put the parking behind the unit.

Manager Markel stated Frye Court is a great example of what happens when you do not have enough off-street parking. He stated it's essential to have some sort of relief mechanism and that typically the Town's standard has been to have on-street parking. He added that a lot of people use on-street parking even if they have other options. The parking issue has been a concern since day one; especially as other projects develop, like the microbrewery which does not have sufficient parking on site. The options for providing additional parking include creating additional parking lots or looking at on-street parking. Having on-street parking is an advantage to the business community and residents, and the Town should promote it where ever they can. He stated there is little to no on-street parking on the surrounding streets.

Commissioner Fischer asked if they would consider garages in some of the single family homes. Mr. Keena stated that has always been the intention, but from what he understands they do not have to show garages on a preliminary plat. He added that they have always talked about having garages, but it might not be for every house. A lot of the houses would have garages and some might have breeze ways that connect to the house. Commissioner Fisher asked if they had any drawings with facades on the homes. Manager Markel stated they were proffered in 2007.

Chairwoman Bushway stated originally there were 19 homes proposed for the main piece of land. She could see with 19 homes there would be enough room for parking due to the larger lot size, but now there are 30 homes. Mr. Keena stated that includes five houses that are already there. She stated the concept fit the original plan because they had larger lots and there was more room for parking on each lot. Now, with this number of houses, on-street parking is very important. She asked if the streets are wide enough for emergency vehicles. Manager Markel stated they need at least 18 feet of clear space for the road. He added that VDOT allows an 18 foot wide asphalt surface, but the fire code says 20 feet. Chairwoman Bushway stated she sees the value and charm of keeping the streets narrow so that they match the rest of the Town, but she does not see the practicality, especially with 27 homes. She stated she likes the idea of a one-way street to allow for some on-street parking on Pennsylvania Avenue.

Mr. Jeffries stated the previously approved subdivision plats were approved under the zoning district that existed prior to the zoning district that exists now. The Town approached Mr. Keena about creating a new district that would make the lot sizes smaller than previously required, and this is the result. They

approached the Town twice with preliminary subdivision plats that were both subsequently approved. The Town created a new district for this piece of property.

Chairwoman Bushway asked if the concept for smaller streets was based on 19 houses or 27 houses. Mr. Jeffries stated the narrower streets reflect the character of the Town and it is also a way to provide low impact development. Chairwoman Bushway stated the off-street parking was based on a different set of parameters. Mr. Jeffries stated the primary parking would be behind the house with overflow parking on the street.

Commissioner Summitt stated there is an existing subdivision across East Broad Way that has full streets with sidewalks. It was built in two phases in 1973 and 1984.

Manager Markel stated Town Center has 40 feet of right-of-way, underground storm drainage, curbs on both sides of the street, and parking on one side of the street. The sidewalks are located outside of the right-of-way.

Commissioner Summitt referenced the two approvals in the past and asked if they had expired. Manager Markel stated that was correct. Mr. Jeffries stated two preliminary subdivision plats that were approved previously were based on the zoning that existed at the time. It was the feeling of the Town and those involved in 2006 that they wanted to see something else happen here and the property was rezoned in 2007 to create this type of subdivision. Manager Markel stated staff supports the concept but they want to try to mitigate concerns that could become issues in the future.

Commissioner Gray mentioned drainage on the back side of Pennsylvania Avenue and asked if there were any plans to prevent run off. Mr. Jeffries stated Step 3 of the process would address state and local criteria for drainage. When they get into the final design stage they have to show the reviewers they are not damaging off site properties and that they meet all of the appropriate criteria.

Commissioner Fischer commented about the amount of traffic that is going to come out onto Locust Street. Manager Markel stated the one-way traffic on Pennsylvania Avenue would potentially mitigate traffic on Locust Street. He added that the value of this development is that it creates a grid section and traffic can be dispersed in several directions.

Commissioner Gray asked what would be required to make Pennsylvania Avenue a one-way street. Manager Markel stated that would be a VDOT decision. It would require the endorsement of the Planning Commission and Town Council through a resolution that would be forwarded to VDOT.

Chairwoman Bushway asked if there were any further comments or questions. Commissioner Fischer stated she liked the proposed changes better than what had been submitted previously. Commissioner Summitt stated it makes more sense to have sidewalk and some form of curb/gutter, rather than a ditch, so the design is consistent with other connecting roads. Manager Markel stated this is called for in many places throughout the Comprehensive Plan and it is part of the subdivision standards. He added that the Town has not approved a reduction in this standard in more than 40 years. Commissioner Fischer stated having sidewalks is a safety issue for children, especially with the increase in traffic. Mr. Keena stated they proffered money for the sidewalk on the Loudoun Street side of the three lots in the triangle. They are putting a sidewalk in from Stone Jail along Locust Street, from Stone Jail to Frye Court, along Pennsylvania Avenue, and along parts of Broad Way. Mr. Jeffries asked if the Planning Commission is making a recommendation for final action to the Council. Manager Markel stated the Planning Commission would be making the final decision.

Manager Markel responded to questions from Chairwoman Bushway and other Commissioners regarding the specific variations regarding this preliminary plat. He stated that staff's preference it to have the sidewalks inside of the right-of-way.

Commissioner Bauer stated some HOA's do not allow on-street parking of recreational vehicles. She asked Mr. Keena if that is something he could do in his HOA. Mr. Keena said that would depend on whether he is the developer or builder and that most HOAs would not allow this.

Motion: I move that the Lovettsville Planning Commission grant the requested variations to Sections 4.3.5 and 5.2.2, but deny the requested variations to Sections 4.3.4 on both Stone Jail and Pennsylvania, and direct the applicant to make the necessary adjustment to the plan before returning to the Planning Commission for approval of the revised preliminary plat.

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

Discussion Items

There were no Discussion Items on the agenda.

Information Items

There were no Information Items on the agenda. Zoning Administrator Hynes stated the microbrewery and the Frye case will be going to public hearing.

Comments from the Commissioners

Chairwoman Bushway called for comments from the Mayor and the Commissioners. Commissioner Gray stated it was great to see 418 people at the polls yesterday. Chairwoman Bushway congratulated Commissioner Gray on his election to Town Council as well as those who were not here – Jim McIntyre and Mike Senate for Council and Bobby Zoldos for Mayor.

Mayor Walker stated there was a fantastic turnout at the election. She congratulated those who were elected, including Vice Mayor Bob Zoldos. She is passionate about the Town and has served in the Town Government for nearly 32 years. They have an excellent Council coming up. She gave an update on the Parks Committee which is reviewing drawings for the gazebo. She will be meeting with representatives from Inova Loudoun and reported they are close to having someone for the medical facility in Town. The Historic District public hearing is on May 15th. She stated it is a wonderful plan and she hopes it moves forward. MayFest is coming along very well. The first installation of the Veterans Memorial pavers will be at the Memorial Day Celebration on Monday at the Town Green.

Adjournment

Motion: To adjourn the Planning Commission meeting of May 2, 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 9:25 PM.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: September 5, 2012

Attachments:

- I. Speaker Sign Up Sheet

Written Submissions to Commission:

None

