

Town of Lovettsville

Planning Commission Minutes of the Regular Meeting July 2, 2014

Call to Order/Welcome

Vice Chair Joseph Mueller called the Regular Meeting of the Lovettsville Planning Commission to order at 7:30 p.m. on July 2, 2014 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Present at Meeting

- Vice Chair Joseph Mueller
- Commissioner Robert Gentile
- Commissioner Frank McDonough
- Commissioner Anthony Quintana

Absent

- Commissioner Lorraine Bauer

Staff Present

- Zoning Administrator Melissa Hynes
- Town Manager Keith Markel
- Town Clerk Harriet West

Public Comment

Vice Chair Mueller called for comments from the public.

Clinton Chapman, 37310 E. Richardson Lane, Purcellville, came forward to speak. He distributed copies of the Planning Commission's October 16, 2013 meeting minutes (Attachment 1) and the Zoning Administrator's February 5, 2014 staff memorandum for Town Residential Districts (Attachment 2).

Mr. Chapman from said he works for NN&R Development out of Purcellville. Back in October 2013, he brought public comment forward to the Planning Commission asking for direction on development in this Town. The reason he addressed the Commission at that time was because one of the action/discussion items that night was the review of the Planning Commission's work plan. He was hoping to get on the work plan discussion for moving forward with housing choices. Mr. Chapman then read the following from the Planning Commission's October 16, 2013 meeting minutes:

"The Zoning Administrator asked Mr. Clinton Chapman to discuss housing choices from his perspective as a developer. Mr. Chapman said he has looked at several different properties in Town as sites for potential projects but nowhere in the Town's Zoning Ordinance does it say if townhouses are permitted. He was hoping to get some guidance from the Town."

Mr. Chapman said that Zoning Administrator Melissa Hynes discussed amending the R-3 zoning requirements to allow for smaller lot sizes and permitted uses for townhouses and duplexes, and adding additional requirements such as height limitations.

Mr. Chapman then referenced the February 5, 2014 meeting where the Planning Commission was asked, *"To review and discuss Section 3 Residential Districts to consider additional permitted housing options beyond single family detached."* He then read the following from the February 5, 2014 staff memorandum:

*"There are three different residential districts, each outlining in their purpose statement a gradual increase in density (low, moderate, high). However, the only difference between the three districts is 1,000 square feet in lot size. Furthermore, all three districts only permit Single Family Detached Homes."
"The 2011 Comprehensive Plan offered support for a mixture of housing types and increased density in Lovettsville."*

He said that the Town's Comprehensive Plan is saying that they need to move in that direction. He then read the additional sections from the February 5, 2014 staff memorandum:

"There are people who are in the market for housing options that are not currently available (or limited) in Lovettsville. Staff recognizes that a diverse housing stock means a healthy mix of people living in Lovettsville..."

"At their December 4, 2013 meeting, the Planning Commission discussed this issue...and directed Staff to move forward with drafting some modifications to the Zoning Ordinance that would permit new building types and development."

Mr. Chapman said the Planning Commission has had their hands full with the Community Center and other subdivisions that have come before them. He said he was hoping that now that those things are behind them, that maybe the Planning Commission can possibly move this forward.

Vice Chair Mueller thanked Mr. Chapman for his comments. He said this is something that the Planning Commission wants to do and they will keep it going.

Additions/Deletions/Modifications to the Agenda

Vice Chair Mueller asked if there were any changes to the agenda. There were none.

Approval of Planning Commission Minutes

A. Regular Meeting – March 19, 2014

Motion: I move to approve the Planning Commission minutes for March 19, 2014.
By: Commissioner Quintana
Second: Commissioner Gentile
Aye: Commissioner Gentile, McDonough, Mueller, and Quintana
Nay: None
Abstain: None
Absent: Commissioner Bauer

Staff Reports

Zoning Administrator Hynes presented her staff reports for April and May 2014. She noted a slight increase in building permits due to the fact that Ryan Homes and Richmond American Homes are both building in Town Center. She gave updates on the status of the Community Center site plan, the Lovettsville Glen and Cooper Run subdivisions, Town Center commercial, and 5 North Berlin Pike.

Manager Markel noted that all of the documents submitted on proposed projects are public record and he encouraged the Commissioners to direct members of the public to meet with staff if they have questions.

Zoning Administrator Hynes said that Steve McGregor, the former Zoning Administrator, will start after she leaves.

Action/Discussion Items

A. Rules of Procedure

Manager Markel presented this item. The Planning Commission is being asked to approve the Rules of Procedure.

Manager Markel noted one proposed change to Section G.1 Quorum, Definition. He suggested the definition be changed from "*a plurality of members of the Commission*" to "*a simple majority of the seated members of the Commission.*"

Commissioner McDonough asked about the need to have a Town Council member on the Planning Commission. Manager Markel noted that this is not in the Rules of Procedure but will be addressed in the Town Ordinance.

Motion: I move to approve the Lovettsville Planning Commission Rules of Procedure with modifications stated.
By: Commissioner Quintana
Second: Commissioner Gentile
Aye: Commissioner Gentile, McDonough, Mueller, and Quintana
Nay: None
Abstain: None
Absent: Commissioner Bauer

B. Election of Officers

Before proceeding with the election of Planning Commission officers, Vice Chair Mueller asked Zoning Administrator Hynes to explain staff's recommended changes to Zoning Ordinance regarding the requirement that a member of the Town Council shall serve as a nonvoting member of the Planning Commission, which he noted will be presented as the next agenda item. Zoning Administrator Hynes said staff is recommending that the word "shall" be removed and replaced with the word "may." She noted that the role of the Council Member at Planning Commission meetings has been to serve as liaison to the Town Council and not an active participant. Currently the Mayor serves as the liaison between the Town Council and Planning Commission. Staff recommends that there should be separation between the Planning Commission and the Town Council to avoid the impression that a Council Member would receive a "double vote" on an application.

Vice Chair Mueller then called for nominations for office.

Motion: I move to nominate Vice Chair Mueller as the Chairman of the Planning Commission.
By: Commissioner Quintana
Second: Commissioner Gentile
Aye: Commissioner Gentile, McDonough, Mueller, and Quintana
Nay: None
Abstain: None
Absent: Commissioner Bauer

Vice Chair Mueller called for self-nominations for Vice Chair. Hearing none, he made the following motion.

Motion: I nominate Commissioner Rob Gentile as Vice Chair.
By: Commissioner Quintana
Second: Commissioner Gentile
Aye: Commissioner Gentile, McDonough, Mueller, and Quintana
Nay: None
Abstain: None
Absent: Commissioner Bauer

Zoning Administrator Hynes noted that the Planning Commission would need to nominate a recording clerk.

Motion: I nominate Harriet West, the Town Clerk, to be the Planning Commission's recording clerk.
By: Vice Chair Mueller
Second: Commissioner Quintana
Aye: Commissioner Gentile, McDonough, Mueller, and Quintana
Nay: None
Abstain: None
Absent: Commissioner Bauer

The Zoning Administrator also noted that they need to recommend a Planning Commission member to serve on the Board of Zoning Appeals. Commissioner Quintana said he would like to serve as the Planning Commission's representative. Manager Markel said staff will forward the recommendation to the Town Council for approval.

C. Planning Commission Text Amendment

Vice Chair Mueller noted that this is the item Zoning Administrator Hynes just presented.

Motion: I move that the Lovettsville Planning Commission direct Staff to present the proposed text amendment to Section 42-28 of the Zoning Ordinance to the Town Council and request Town Council to authorize the Planning Commission to schedule a Public Hearing.
By: Commissioner Quintana
Second: Commissioner Gentile
Aye: Commissioners Gentile, McDonough, Mueller, Quintana
Nay: None
Abstain: None
Absent: Commissioner Bauer

D. Landscape Ordinance Text Amendment

Zoning Administrator Hynes presented this item. The Planning Commission is being asked to consider amending "Article X: Landscape, Buffering and Screening" of the Zoning Ordinance in order to adopt the recommendations of the Parks and Environment Board.

Staff would like to divide the review and amendments to Article X into two phases. The first phase would be to amend Article X to adopt the recommendations made by the Town's Parks and Environment Board, with input from the Loudoun County Master Gardeners Tree Stewards. The second phase would require a longer, more technical review of Article X and would consider such complex items as the percentages of landscaping, the width of landscaping, and the landscape triggers in the development process. This technical review and forthcoming amendments could take six to nine months. Zoning Administrator Hynes reviewed the proposed changes to the Zoning Ordinance and responded to questions from the Commissioners about the proposed changes.

Motion: I move that the Lovettsville Planning Commission hold a Public Hearing to initiate the amendment of Article X: Landscape, Buffering and Screening of the Zoning Ordinance.
By: Commissioner Quintana
Second: Commissioner McDonough
Aye: Commissioners Gentile, McDonough, Mueller, and Quintana
Nay: None
Abstain: None
Absent: Commissioner Bauer

Information Items

Manager Markel provided updates on the East Broad Way utility easements, the Town's utility operations (which have been brought in house), and the Household Hazardous Waste Day scheduled on July 26 at the Lovettsville Elementary School.

He noted that the Town recently purchased 12A East Pennsylvania Avenue. The property will be subdivided and a portion of the parcel will be retained for Town Hall's future use. The house and remaining lot will be sold as soon as the property is subdivided.

He reminded the Commissioners about upcoming events including the Movie on the Green and the July 3rd Parade.

Manager Markel also discussed efforts underway with VDOT to address a citizen's concerns about speeding on S. Loudoun Street.

Comments from the Mayor and Commissioners

Commissioner Quintana said he will be shadowing the auxiliary during the parade tomorrow.

Adjournment

The meeting was adjourned at 8:23 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: January 21, 2015

Attachments:

1. Planning Commission Meeting Minutes, October 16, 2013
2. Zoning Administrator Memorandum (February 5, 2014), Town Residential Districts

Town of Lovettsville

Planning Commission Minutes

Regular Meeting

October 16, 2013

Call to Order/Welcome

Vice Chair Mueller called the Regular Meeting of the Lovettsville Planning Commission to order at 7:34 p.m. on Wednesday, October 16, 2013 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Present at Meeting

- Vice Chair Joseph Mueller
- Commissioner Lorraine Bauer
- Commissioner Robert Gentile (arrived at 7:41 p.m.)
- Commissioner Jennifer Jones
- Commissioner Frank McDonough
- Commission Anthony Quintana

Vice Chair Mueller welcomed Mr. McDonough as the newest member of the Planning Commission.

Absent

- Chairwoman Deborah Summitt

Staff Present

- Zoning Administrator Melissa Hynes
- Town Clerk Harriet West

Public Comment

Vice Chair Mueller called for comments from the public. Clinton Chapman, with NN&R Development, said they are looking at property in Town and, as they studied the Comprehensive Plan, they did not see anything about townhomes. He was hoping this might come up as part of the Planning Commissions' discussion on the work plan.

Additions/Deletions/Modifications to the Agenda

Vice Chair Mueller called for changes to the agenda. There were none.

Approval of Planning Commission Minutes

A. Planning Commission Regular Meeting – August 21, 2013

Motion: I move to approve the minutes of the August 21, 2013 Planning Commission Regular Meeting as presented.

By: Vice Chair Mueller

Second: Commissioner Quintana

Aye: Commissioners Bauer, Jones, McDonough, Mueller, and Quintana

Nay: None

Abstain: None

Absent: Gentile and Summitt

Staff Reports

Zoning Administrator Hynes presented her staff report. She gave updates on the proposed residential development project on N. Berlin Pike (known as the Lovettsville Cluster); the subdivision process and frontage improvements for the proposed coffee shop and cooperative market at 5 N. Berlin Pike; and a recent meeting the Mayor and Staff had with the developer of Heritage Highlands to address residents concerns.

Action/Discussion Items

A. Fence Height Requirements

Zoning Administrator Hynes presented this item. The Planning Commission is being asked to review and discuss *4-7 Uses and Structures Permitted in Required Yards (a) Fences and Walls* within the Zoning Ordinance.

Zoning Administrator Hynes reviewed the Town's current residential fence height requirements which limits fence height to three-feet in the front yard and six-feet for side and rear yards. She said that this has been an issue with some owners of corner lots who have two front yards. In addition, some of the local Home Owners Associations allow four-foot fences in front yards and this has caused confusion for some property owners because it conflicts with the Town's fence height requirements.

She reviewed the background for the current fence height requirements and the results of research she conducted with 15 random jurisdictions in Virginia. Most of the other jurisdictions allow a maximum four-foot tall fence in the front yard. Only Lovettsville and one other jurisdiction (Caroline County) limit fence height to three feet in the front yard. Some other jurisdictions allow for a four-foot fence provided it does not block visibility at the corner. The Zoning Administrator referenced the Visibility Triangle or Clear Sight Triangle diagram (Attachment 1). Staff discussed options for modifying the fence height requirements.

The Commissioners discussed considering higher fence heights for corner lots, as well as the use of setbacks and transparent style fencing. Staff will prepare draft language that addresses fence height requirements for corner lots, including defining the front yard and secondary front yard.

B. Review of Planning Commission Work Plan

Zoning Administrator Hynes presented this item. She reviewed the status of the various Work Plan Elements. Staff and the Commissioners discussed reviewing residential zoning districts and commercial design guidelines.

The Zoning Administrator asked Mr. Clinton Chapman to discuss housing choices from his perspective as a developer. Mr. Chapman said he has looked at several different properties in Town as sites for potential projects but nowhere in the Town's Zoning Ordinance does it say if townhouses are permitted. He was hoping to get some guidance from the Town.

The Commissioners expressed their support for townhomes as a housing option in Town. Vice Chair Mueller said that while there is not much area in the land use plan slated for townhomes, he believes more density may lead to better commercial development. He that there may be mixed feelings about large townhome developments, but they may be suitable lots for smaller projects. Commissioner Quintana encouraged Mr. Chapman to bring forward a proposal. Commissioner Jones said townhomes could provide a more affordable housing alternative. Commissioner Gentile said that infill townhouse projects are a natural progression. Commissioner McDonough said the smaller footprint townhomes would lend themselves to infill projects.

The Commissioners discussed the issue of affordability and noted that some townhomes can be very expensive. Mr. Chapman said they could bring townhomes to the area that would cost less than single family homes. He also discussed a single-story option that would be accessible for seniors.

Commissioner McDonough asked what size property would be needed and how many units could be built. Mr. Chapman said they are looking for a 10-acre parcel in Town and that the number of units would

be determined by the Town's Zoning Ordinances. Zoning Administrator Hynes discussed amending the R-3 Zoning requirements to allow for smaller lot sizes, add permitted uses for townhomes and duplexes, and address additional requirements, such as height limitations.

Staff will prepare draft language to address the residential districts.

Information Items

There were none.

Comments from the Mayor and Commissioners

Zoning Administrator Hynes gave updates on Movies on the Green and Trunk-or-Treat.

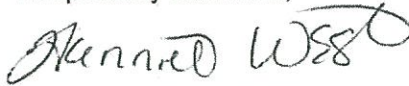
Commissioner Jones asked about the East Broadway Streetscapes Project. Zoning Administrator Hynes said the meeting with the property owners went well and the Town is working on obtaining easements.

Adjournment

Motion: To adjourn the Planning Commission meeting of October 16, 2013.
By: Commissioner Jones
Second: Commissioner Gentile
Aye: Commissioners Bauer, Gentile, Jones, McDonough, Mueller, and Quintana
Nay: None
Abstain: None
Absent: Chairwoman Summitt

The meeting was adjourned at 8:52 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: December 4, 2014

Attachments:

1. Visibility Triangle or Clear Sight Triangle Diagram

Town of Lovettsville

MEMORANDUM

TO: Planning Commission
FROM: Melissa Hynes, Town Planner & Zoning Administrator
DATE: February 5, 2014
SUBJECT: Town Residential Districts

ISSUE:

To review and discuss Section 3 Residential Districts to consider additional permitted housing options beyond single family attached

BACKGROUND:

Currently the Purpose Sections of Section 3 of the Zoning Ordinance read as follows:

- **RESIDENTIAL DISTRICT R-1**
PURPOSE: This district is established to provide locations for low to medium density residential uses. R-1 is the lowest density residential zoning and is intended primarily for single family detached houses and other such uses as may be compatible with low density residential development.
- **RESIDENTIAL DISTRICT R-2**
PURPOSE: This district is composed of moderate density residential uses. This district includes residential development and selected compatible uses.
- **RESIDENTIAL DISTRICT R-3**
PURPOSE: This district is composed of certain higher density residential uses. The regulations for this district are designed to stabilize and protect the essentially residential characteristics of the district, and to permit certain commercial uses of a character unlikely to develop a general concentration of traffic, crowds of customers, and outdoor advertising. To this end, retail activity is restricted and this district is protected against encroachment of general commercial or industrial uses.

There are three different residential districts, each outlining in their purpose statement a gradual increase in density (low, moderate, high). However, the only difference between the three districts is 1,000 square feet in lot size. Furthermore, all three districts only permit Single Family Detached Homes.

The following types of homes that are not permitted in the R-1, R-2 and R-3 Zoning Districts:

- Single Family Attached
- Duplex
- Townhouse
- Condominium
- Apartment Building (accessory apartments are allowed)

There are people who are in the market for the above housing options that are not currently available (or limited) in Lovettsville. Staff recognizes that a diverse housing stock means a healthy mix of people living in Lovettsville from varied backgrounds, incomes and localities.

There is a precedence in the Zoning Ordinance for housing options other than Single-Family Detached. However, these alternative housing choices are only allowed in the Retirement Community (R-C) district. The following types of homes are permitted in the R-C district:

- Semi-detached dwelling
- Attached dwelling
- Multiple dwelling
- Congregate housing

There are some neighborhoods in Town which offer housing options other than Single-Family Detached:

- Heritage Highlands
- Lakeview Village
- Frye Court
- East Broad Way

The 2011 Comprehensive Plan offered support for a mixture of housing types and increased density in Lovettsville. The following policies were adopted as part of the 2011 Comprehensive Plan:

- Support and promote a mixture of housing types for a variety of income levels that also helps provide affordable housing.
- Increase the diversity of housing costs by providing land use densities and building types that accommodate various income needs.
- Provide infill within existing residential areas that is compatible (but not necessarily similar) in terms of density, building type, and visual appearance.

DISCUSSION:

At their December 4, 2013 meeting, the Planning Commission discussed this issue and reviewed different housing options. The Commissioners also reviewed the following options:

- To reduce lot sizes in residential zones to allow greater flexibility in building and design
- To permit new building types and development
- To develop Standards for detached, duplex, & townhouses

The Commissioners were in agreement that they were opposed to large scaled developments of higher density housing, but would like to consider options for infill housing developments with a mixture of housing and/or with a limited amount of higher density.

They directed Staff to move forward with drafting some modifications to the Zoning Ordinance that would permit new building types and development.

DRAFT TEXT AMENDMENT:

Please see the attached comparison chart of the three residential districts: R-1, R-2 and R-3. Staff recommends a change in minimum lot sizes, as well as adding additional permitted or conditionally permitted housing options. Staff recommends no change in the permitted uses or conditionally permitted uses.

Staff has created the comparison chart to also offer the Commissioners the opportunity to review all of the permitted uses and conditional permitted uses in each residential district. Please use this chart to make notes on whether or not you feel the use listed is appropriate for each district.

Other Specific Recommended Changes:

- Garages shall be setback at least twenty (20) feet from the front line of the main structure.

No other action is required at this time.

ATTACHMENTS:

Residential Zoning Comparison Chart

The Housing Choices are Recommendations
The Uses are the Current Text in the Zoning Ordinance up for Discussion

Housing Choices	R-1		R-2		R-3	
Single Family Detached	Permitted		Permitted		Permitted	
Lot Size (minimum)	(8,000) square ft		(6,000) square ft		(4,000) square ft	
Semi-Detached (Duplex)	Conditional Use		Permitted		Permitted	
Attached (Townhouse)	XXX		Conditional Use		Conditional Use	
Multiple Dwelling	XXX		XXX		Conditional Use	
Uses	R-1		R-2		R-3	
Public or Private Playground or Park	Permitted		Permitted		Permitted	
Child Care Home	Permitted		Permitted		Permitted	
Home Occupation	Permitted		Permitted		Permitted	
Construction Trailer	Permitted		Permitted		Permitted	
Model Home	Permitted		Permitted		Permitted	
Private Clubs & Organizations	Conditional Use		Conditional Use		Conditional Use	
Professional Offices	Conditional Use		Conditional Use		Conditional Use	
Bed & Breakfast Homestay	Conditional Use		XXX		XXX	

The Housing Choices are Recommendations
 The Uses are the Current Text in the Zoning Ordinance up for Discussion

Uses	R-1		R-2		R-3	
School	Conditional Use		Conditional Use		Conditional Use	
Church	Conditional Use		Conditional Use		Conditional Use	
Child Care Center	Conditional Use		Conditional Use		Conditional Use	
Library	Conditional Use		Conditional Use		Conditional Use	
Accessory Apartment or Semi-Dwelling Unit	Conditional Use		Conditional Use		Conditional Use	
Playing Fields & Courts, Lighted	Conditional Use		Conditional Use		XXX	XXX
Large Lot Community	Conditional Use		XXX		XXX	
Wireless Communications Equipment	Conditional Use		Conditional Use		Conditional Use	