

Town of Lovettsville

Planning Commission Minutes of the Special Meeting September 17, 2014

Call to Order/Welcome

Chairman Joseph Mueller called the Special Meeting of the Lovettsville Planning Commission to order at 7:30 p.m. on September 17, 2014 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Present at Meeting

Chairman Joseph Mueller
Vice Chairman Robert Gentile
Commissioner Thomas Ciolkosz
Commissioner Frank McDonough
Commissioner Tony Quintana

Absent

Commissioner Dorri O'Brien
Commissioner Buchanan Smith

Staff Present

Town Manager Keith Markel
Acting Zoning Administrator Steve McGregor
Zoning Administrator Joshua Bateman

Public Comment

Chairman Mueller called for comments from the public. Mr. Clinton Chapman stated he would hold his comments for later in the work session. There was no objection from the Planning Commission.

Manager Markel introduced Josh Bateman, the Town's new Zoning Administrator. Mr. Bateman said he has been getting up to speed by reading the Town's Ordinances and Comprehensive Plan, as well as discussing the Town's projects with the Town Manager. He said that he looks forward to working for the Town.

Action/Discussion Items

A. R-3 Residential Housing Options

Zoning Administrator McGregor presented this item. The Commission is being asked to determine what text amendments should be made to the R-3 zoning district in order to allow alternative housing type options.

Mr. McGregor presented the draft proposal for modifications to the R-3 Zoning District (Attachment 1), which is currently limited to single family detached housing with a 6,000 square foot minimum lot size. He reviewed the following proposed changes:

1. Adds duplex, townhouse, apartment and accessory dwellings to the permitted uses under certain circumstances.
2. Adds minimum district sizes when the new housing types are developed.
3. Adds lot sizes and widths when the new housing types are developed.

4. Adds front, side and rear yard restrictions for the new housing types.
5. Adds the ability to develop private streets using VDOT standards when the new housing types are developed.
6. Adds off-street parking requirements when the new housing types are developed.
7. Includes a requirement that when the new housing types are developed a site design is required to show lot, street layout and other features, such as open space.
8. Includes a requirement for a conditional use permit when the new housing types are developed.
9. If private streets are included in a development with the new housing types an initial escrow account must be established by the developer for the homeowners association to help offset future maintenance costs.

Mr. McGregor clarified that the staff recommended lot size for Semi-Detached Dwellings is 8,500 square feet for two dwellings or 4,250 for each dwelling unit.

The Commissioners had a lengthy discussion with staff regarding several of the proposed modifications including Recommendations 3, 5, and 9. Zoning Administrator Bateman said he will research lot widths for townhouses.

Mr. Clinton Chapman noted that the Zoning Ordinance currently authorizes the Town Council to modify minimum lot size, width, and required side yards through the conditional use permit process. Mr. Chapman further stated that he was brought up here from North Carolina to work for his brother who owns NN&R Development in Purcellville. He has been looking at residential development properties in Lovettsville, Round Hill, and the Leesburg area. When he started looking around Lovettsville he studied the Town's Comprehensive Plan. He said that, according to the Plan, 87% of the residential land in use is single family. He referenced several sections of the Comprehensive Plan that call for a stronger mixture of housing types; however, he noted that nowhere does it say that he could build a townhouse or duplex in Lovettsville. The only option he has as a developer is to build single family and the only variation between R-1, R-2, and R-3 is the lot size. He came to the Town Manager and Zoning Administrator in October 2013, when he first started this process, and asked them for some guidance. They indicated they were willing to look at some options. One of the things he told them back then is to make it a conditional use, not a by-right. That would still allow the Town to maintain control over the design. Mr. Chapman said he cannot submit an application to the Town to build townhouses because of the Zoning Ordinance. Also, if an existing townhouse in Town burned down, the homeowner would not be able to get a permit to rebuild. Manager Markel confirmed that is correct – it would be a legal, non-conforming use.

Staff and the Commissioners continued to discuss the proposed modifications and the potential impacts on specific parcels in Town. Zoning Administrator Bateman noted that he would conduct additional research regarding private street standards and lot width and size requirements. The Commissioners directed the Zoning Administrator to prepare a revised draft text amendment and present specific examples of other housing options with setbacks for discussion at a subsequent Planning Commission meeting.

Information Items

Manager Markel announced that Commissioner Lorraine Bauer has submitted her resignation. Mayor Zoldos will contact the other applicants who recently applied for vacancies on the Planning Commission. Manager Markel said the relocation of the utility poles on East Broad Way began today. In response to questions from Commissioner McDonough, he explained the process for phase one and two of the East Broadway Streetscapes project and gave an update on the County's Community Park project.

Adjournment

The meeting was adjourned at 9:19 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: January 21, 2015

Attachments:

1. Proposed Modifications to Section 42-236. R-3 Residential District

Sec. 42-236. R-3 Residential District.

- (a) *Scope and purpose.* The provisions of this section apply to the R-3 Residential District. This district is composed of various certain higher medium density residential and related non-residential uses. The ~~regulations for this district~~ regulations 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 generate~~ a 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.~~
- (b) *Permitted uses.*
- (1) Single-family dwelling, ~~detached~~.
 - (2) Public or private playgrounds or neighborhood parks.
 - (3) Child care home, subject to section 42-197.
 - (4) Home occupations, subject to section 42-199.
 - (5) Construction and/or sales trailers, subject to section 42-201.
 - (6) Model home, subject to section 42-204.
- (c) *Conditionally permitted uses.*
- (1) Attached dwelling.
 - (2) Semi-detached dwelling.
 - (3) Multiple dwelling.
 - (4) Private clubs and organizations.
 - (25) Professional offices.
 - (36) ~~Accessory apartment or semi-independent dwelling unit,~~ subject to section 42-195.
 - (47) Schools, including colleges and universities.
 - (58) Churches.
 - (69) Child care center, subject to section 42-197.
 - (710) Libraries.
 - (811) Wireless communications equipment.

(d) *Lot requirements.*

(1) Minimum District Size:

<u>Building Type</u>	<u>Minimum District Area (acres)</u>
<u>Single Family Dwelling</u>	<u>None</u>
<u>Attached Dwelling</u>	<u>2</u>
<u>Semi-detached Dwelling</u>	<u>2</u>
<u>Multiple Dwelling</u>	<u>None</u>
<u>Accessory Dwelling</u>	<u>None</u>

(2) Lot Size:

<u>Building Type</u>	<u>Size (square feet)*</u>	<u>Width (feet)</u>
<u>Single Family Dwelling***</u>	<u>6,000</u>	<u>50**</u>
<u>Attached Dwelling</u>	<u>2,000</u>	<u>20</u>
<u>Semi-detached Dwelling</u>	<u>8,500</u>	<u>75</u>
<u>Multiple Dwelling</u>	<u>87,120 (2 ac.)</u>	<u>100</u>
<u>Accessory Apartment</u>	<u>See Sec. 42-195</u>	<u>See Sec. 42-195</u>

* Exclusive of floodplains and wetlands

** Measured at the front setback line

*** Maximum length/width ratio of lot is 3:1

(1) Size: 6,000 square feet, minimum, exclusive of floodplains and wetlands.

(2) Width: The minimum lot width measured at the front setback line shall be 50 feet.

(3) Required Yards:

<u>Building Type</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
<u>Single Family Dwelling</u>	<u>Not less than 20 feet nor more than 40 feet from any street right-of-way. Garages shall be setback at least 20 feet from the front line of the main structure.</u>	<u>Minimum total width of the side yards for the main structure shall be 18 feet, with a minimum side setback of eight feet.</u>	<u>Main structures shall have a minimum rear setback of 25 feet.</u>

<u>Building Type</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
<u>Attached Dwelling</u>	<u>15 feet</u>	<u>10 feet (end units)</u>	<u>25 feet</u>
<u>Semi-detached Dwelling</u>	<u>40 feet from street center line</u>	<u>12.5 feet without common wall</u>	<u>25 feet</u>
<u>Multiple Dwelling</u>	<u>35 feet from public ROW</u> <u>15 feet from private ROW</u>	<u>25 feet</u>	<u>25 feet</u>
<u>Accessory Dwelling</u>	<u>Same as the principle structure</u>	<u>Structures not exceeding ten feet in height may be located not less than five feet from a side or rear property line</u>	<u>Structures not exceeding ten feet in height may be located not less than five feet from a side or rear property line</u>

(3) — Front yard: Structures shall be located not less than 20 feet nor more than 40 feet from any street right-of-way. Garages shall be setback at least 20 feet from the front line of the main structure.

(4) — Side yards: The minimum total width of the side yards for the main structure shall be 18 feet, with a minimum side setback of eight feet. Accessory structures not exceeding ten feet in height may be located not less than five feet from a side or rear property line.

(5) — Rear yard: Main structures shall have a minimum rear setback of 25 feet. Accessory structures not exceeding ten feet in height may be located not less than five feet from a side or rear property line.

(4) Lot Coverage, Building Height, Minimum Number of Units, Maximum Density:

<u>Building Type</u>	<u>Lot Coverage Maximum (percent)</u>	<u>Building Height (feet)</u>	<u>Minimum Number of Attached Units</u>	<u>Maximum Density**</u>
<u>Single Family Dwelling</u>	<u>75*</u>	<u>30*</u>	<u>N/A</u>	<u>N/A</u>
<u>Attached Dwelling</u>	<u>90</u>	<u>35</u>	<u>6</u>	<u>8</u>
<u>Semi-detached Dwelling</u>	<u>90</u>	<u>35</u>	<u>6</u>	<u>8</u>
<u>Multiple Dwelling</u>	<u>75</u>	<u>35</u>	<u>3 minimum</u> <u>12 maximum</u>	<u>15</u>

<u>Building Type</u>	<u>Lot Coverage Maximum (percent)</u>	<u>Building Height (feet)</u>	<u>Minimum Number of Attached Units</u>	<u>Maximum Density**</u>
<u>Accessory Dwelling</u>	<u>N/A</u>	<u>No higher than principle structure</u>	<u>N/A</u>	<u>N/A</u>

* Dwelling units per acre based on district area

** Or 2,000 sq. ft., whichever is less.

~~(6)~~ Length/width ratio: 3.0:1 maximum.

~~(7)~~ Building height: 30 feet maximum. No accessory structure shall exceed the height of the principal structure.

~~(85)~~ Minimum open space area: A minimum of 25 percent of the net site area shall be provided as open space for all development projects creating more than 20 lots. For the purpose of open space calculations, net site area shall be determined as the total site area exclusive of public road dedications, private access easements and alleyways, floodplain, slopes in excess of 25 percent and wetlands.

~~(406)~~ Modification of minimum lot size, width, and required yards: The lot size, lot width and required yards standards may be reduced by the town council in conjunction with a conditional use permit. Such application shall specifically outline the lot size, lot width and yard standards and define the need. Permitted uses, conditionally permitted uses and unit density may not be modified by this provision.

(e) *Utility requirements.* All public utilities located within the R-3 zoning district shall be located underground and shall be designed per the article VI of chapter 30, required installation of public improvements, section 30-157, public utilities installation standards.

(f) Private Streets. Private streets may be provided to serve attached dwellings, semi-detached dwellings, multiple dwellings and accessory dwellings if they meet VDOT standards for local streets. See Administrative Matters for related requirements.

(g) Parking. Two off-street parking spaces must be provided for each unit. Driveway areas may not be used to satisfy this requirement.

(h) Site Design. For development that includes attached, semi-detached, and multiple dwellings, a site plan shall be provided that is executed by a licensed engineer or land

planner. The site plan shall show lot layout, street layout, street by type, housing type and location, usable open space, a landscape plan, the location of major stormwater facilities and any recreation facilities and historic structures.

(i) Administration. Development that includes attached, semi-detached, and multiple dwellings shall only be approved under the conditional use permit process. If single family dwellings are included in the development, these must be shown as part of the overall design of the development. If development includes attached, semi-detached, and multiple dwellings a homeowners association must be established after 50 percent of the units have been issued occupancy permits. If development includes private streets an escrow account shall be established and provided at the time the homeowners association is established. The amount of this escrow account shall be based on a percentage of the projected cost of maintaining the streets over a five year period as determined by the Town at the time of approval of the development.

(j) Conflicting Provisions. If any provisions in this section conflict with regulations in Article VIII General Regulations, the provisions in this section shall take precedence.

(Ord. of 9-21-2006, § 3-5; Ord. of 11-20-2008; Ord. of 9-10-2009; Ord. No. 2009-11-001, 11-19-2011; Ord. of 6-27-2013(01), § 3-5)