

Town of Lovettsville

Minutes of the Planning Commission Regular Meeting January 7, 2015

Call to Order/Welcome

Chairman Joseph Mueller called the Regular Meeting of the Lovettsville Planning Commission to order at 7:32 p.m. on January 7, 2015 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Present at Meeting

- Chairman Joseph Mueller
- Commissioner Thomas Ciolkosz
- Commissioner Frank McDonough
- Commissioner Dorri O'Brien
- Commissioner Anthony Quintana
- Commissioner Buchanan Smith

Absent

- Vice Chair Robert Gentile

Staff Present

- Zoning Administrator Joshua Bateman
- Town Clerk Harriet West

Public Comment

Vice Chair Mueller called for comments from the public.

Chris Hornbaker, 13 Black Forest Drive, came forward to speak about the R-3 Residential Zoning. He said he wanted to know what the Town will get out of the proffers. He referenced a project in Ashburn for 72 townhouses on 10.3 acres with 3 acres for public space. He also referenced a 7-acre lot in Town that developers are looking at and another 2-acre lot. He said the Town is putting a policy in place for making these types of projects possible.

Clinton Chapman said he represents NN&R Development in Purcellville. He was encouraged by his boss to come up here two years ago and look at different properties in Lovettsville. His job as a licensed real estate agent and the director of land acquisition for NN&R is to research properties. As he researched the 2011 Comprehensive Plan and Zoning Ordinance, he found 87% of the residential land in use is single family in the Town of Lovettsville. The Town's R-3 District has 45 acres and 36 of those acres currently have single family homes. There is no direction for townhouse or attached dwellings in the R-3 Zoning District. He has asked staff for direction. He said there are townhouses in Town but no designs or standards. A lot of people have said this is an increase in density. Mr. Chapman said the difference would be a maximum of 5 units on the undeveloped 9 acres in R-3. He is seeking direction.

Additions/Deletions/Modifications to the Agenda

There were no changes to the agenda.

Commissioner Ciolkosz asked for an update on Town Center commercial. Zoning Administrator Bateman said the Town Council will hold a public hearing on January 22 and the Planning Commission's recommendation will be presented at that time.

Approval of Planning Commission Minutes

A. May 7, 2014 – Regular Meeting

Motion: To adopt the minutes of the May 7, 2014 Regular Meeting.
By: Commissioner Quintana
Second: Commissioner McDonough
Aye: Commissioners Ciolkosz, McDonough, Mueller, O'Brien, Quintana, and Smith
Nay: None
Abstain: None
Absent: Commissioner Gentile

Staff Reports

Zoning Administrator Bateman said the December 2014 report will be presented at the next Planning Commission meeting.

Action Item

A. R-3 Residential Zoning Text Amendment

Zoning Administrator Bateman presented this item. The Planning Commission is being asked to consider potential amendments to Section 42-236 of Article VI of the Zoning Ordinance to allow additional dwelling types in the R-3 Residential Zoning District by conditional use permit.

Zoning Administrator Bateman discussed the background on this item which allows certain uses by Conditional Use Permit and gives the Town 100% discretion to approve or deny an application based upon its merits. This text amendment was under development when he started working for the Town in September 2014. He has been working with the Planning Commission to review different examples of projects and to refine the proposed amendment to the Zoning Ordinance. He said recent discussion has involved issues that were not consistent with his understanding of what the original purpose and intent of the amendment was. He has further researched this issue based on sound planning practices. He then reviewed the eight questions in the discussion section of his staff memo and noted the following:

- The 2011 Comprehensive Plan seems to encourage the establishment of townhouses in certain locations; however, the Zoning Ordinance does not allow townhouse in any of the Town's zoning districts. Duplexes are permitted in the retirement community zoning district and the planned infill district. Over the past year, the Planning Commission has been working on a text amendment to the Zoning Ordinance to allow for more housing options in the Town's zoning districts.
- The proposed zoning ordinance amendment does not automatically change the zoning of any properties in Town.
- The 2011 Comprehensive Plan includes several statements and policies which encourage the creation of alternative housing options in Town.
- Existing townhouses, duplexes, and multi-family dwellings are generally located in the R-3 Residential District which is scattered throughout the Town.
- The proposed amendment was not designed to be an affordable dwelling unit ordinance, rather it is to fix a deficiency between the Comprehensive Plan and Zoning Ordinance.
- The Planning Commission is not required to take action on this amendment since it was initiated by the by the Planning Commission. If this had been requested by a property owner or developer, then the Planning Commission would be required by State law and local ordinance to review it and reach a determination within a certain period of time.

Zoning Administrator Bateman then gave a PowerPoint presentation on R-3 Residential Zoning District: Density Analysis. He reviewed the Town's Zoning Map and the density of existing subdivisions in the R-3 Zoning Districts. He noted that the R-3 Residential District is essentially built out. He identified one, 10-acre parcel in R-3 and explained that the number of dwelling units could potentially increase from 74 single family detached dwelling units to 82 townhomes, a net increase of 8 dwelling units. There are also some scattered opportunities for apartment units and a few additional properties could potentially be rezoned to R-3 and developed.

Zoning Administrator Bateman recommended that the Planning Commission table the proposed zoning ordinance amendment indefinitely and conduct a review of the 2011 Comprehensive Plan's policies and recommendations regarding duplex and townhouse dwellings to ensure that the Commission's desired course of action is consistent with the policies in the plan. He further recommended that the Planning Commission consider amending the Comprehensive Plan, if desired, to better address:

- The desired general characteristics of townhouse and duplex dwellings including appearance, density, layout, and amenities.
- The desired general locations of such uses, described in either in the text of the document or on the Future Land Use Plan (Map 5), or both.
- Participation among the public and key stakeholders, including inviting prominent landowners to come in and discuss their vision and ideas regarding their property.

Zoning Administrator Bateman stated that once the plan has been updated, the Planning Commission could reconsider the proposed zoning text amendment and revise it to reflect the guidance provided in the plan, or consider an alternative amendment to allow such uses in a floating zoning district.

The Commissioners discussed the following:

- Adding some of the wording from the Comprehensive Plan regarding housing options to the text amendment.
- Using acreage to control the scale of projects.
- The social and economic impacts of certain types of projects on the community.
- A comparison of Lovettsville demographics and housing types with Middleburg.
- The history of some of the existing townhomes and those proposed for Town Center in 2007.

Motion: I move that the Lovettsville Planning Commission table the zoning ordinance text amendment (LVZA 2014-0003) until the Planning Commission has had time to address the Comprehensive Plan as it relates to this text amendment.

By: Commissioner O'Brien

Second: Commissioner Quintana

Aye: Commissioners Ciolkosz, Mueller, O'Brien, Quintana, and Smith

Nay: Commissioner McDonough

Abstain: None

Absent: Commissioner Gentile

The Commissioners agreed to start the process in motion tonight by having the Zoning Administrator develop a work plan and timeline, to including community outreach, and present it at the next Planning Commission meeting on January 21, 2015.

Discussion

Staff and the Commissioners discussed the upcoming Town Council public hearing on the Town Center commercial proffer amendments and agreed to have Chairman Mueller present the Planning Commission's recommendations at the meeting on January 22, 2015.

Chairman Mueller discussed the use of social media by Planning Commission members. He said that, as representatives of the Town, it is reasonable for the Commissioners to share what is going on provided they don't editorialize and that they keep it impersonal and just reflect the facts. He also suggested directing resident to the Town's website or to other documents that are available. He said the public hearing they had a couple of weeks ago on the text amendment is a good example of what can happen when public media is used, for the better or the worse, depending on how you feel about it.

Commissioner McDonough said he is probably the most active person on the Commission and he found out early on that the diligence the Chairman is talking about is very important. Commissioner McDonough said he is impressed by the way other Commissioners represent the Town. Commissioner

Ciolkosz noted that the Commissioners are appointed, not elected. Chairman Mueller said they still represent the Town and need to be factual.

Information Items

There were none.

Comments from the Mayor and Commissioners

Chairman Mueller discussed the dates for the Commissioners to provide updates at the Town Council meetings. Commissioner O'Brien agreed to attend the meeting on March 12 in place of Vice Chair Gentile.

Adjournment

There being no further business before the Planning Commission the meeting was adjourned at 9:07 pm.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: April 15, 2015

Attachments:
None