

Town of Lovettsville

Minutes of the Planning Commission Regular Meeting and Public Hearing April 15, 2015

Call to Order/Welcome

Chairman Joseph Mueller called the Regular Meeting of the Lovettsville Planning Commission to order at 7:30 p.m. on April 15, 2015 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Present at Meeting

- Chairman Joseph Mueller
- Commissioner Thomas Ciolkosz
- Vice Chair Robert Gentile
- Commissioner Buchanan Smith

Absent

- Commissioner Frank McDonough
- Commissioner Anthony Quintana

Staff Present

- Zoning Administrator Joshua Bateman
- Town Manager Laszlo Palko
- Town Clerk Harriet West

Public Comment

Chairman Mueller called for comments from the public. There were none.

Additions/Deletions/Modifications to the Agenda

There were none.

Approval of Planning Commission Minutes

A. January 7, 2015

- Motion:** Approve the minutes as presented.
By: Commissioner Smith
Second: Commissioner Gentile
Aye: Commissioners Gentile, Mueller, Smith, and Ciolkosz
Nay: None
Abstain: None
Absent: Commissioners McDonough and Quintana

Staff Reports

Chairman Mueller inquired as to the difference between a major improvement and a minor improvement. Mr. Bateman gave examples from the zoning ordinance of construction that would be considered major improvements. Mr. Bateman further clarified for Chairman Mueller the projects in the staff report that are considered minor improvements.

Mr. Ciolkosz asked whether there was a way in the staff report to identify next steps for projects such as the community park and Town Center. Mr. Bateman gave a brief summary of where the project stands to date and highlighted the fact that the project is probably not the best example of one in which steps can be listed out since it is a County project and the County does not always communicate with the Town

about where they are in the design process. Mr. Bateman explained that Town staff has requested the construction plans and profiles for the frontage improvements and submitted a first round of comments on the site plan back in January. Mr. Ciolkosz asked about whether it was possible to add something about where we are in the process for other projects such as the Town Center commercial site plan. Mr. Bateman explained the Town site plan approval process and progress to date on review of the Town Center commercial site plan. A discussion ensued regarding timetables in the staff report and Mr. Bateman indicated that he will identify next steps with timetables in future monthly reports to the extent feasible.

Mr. Gentile asked staff for an update on the new 7-Eleven convenience store. Mr. Bateman stated that he did not have much to add but indicated that he had recently discussed signage and whether fuel pumps are permitted in the zoning ordinance with various consultants for 7-Eleven. A brief discussion followed about the potential for a new 7-Eleven with fuel sales in the Town.

Action/Discussion Item

A. LVZA 2015-0001: Adoption of the Official Zoning Map

Chairman Mueller suspended the regular meeting and opened public hearing at 7:45 p.m. He then read aloud the Notice of Public Hearing (Attachment 1).

Mr. Bateman delivered a brief summary of the staff memorandum and gave a presentation on this agenda item. Mr. Bateman stated that, based on his research, he did not believe that adoption of an official map had ever been undertaken by the Town and recommended that the Planning Commission recommend adoption of the enclosed zoning district map to the Town Council as the Official Zoning Map of the Town of Lovettsville (Attachment 2).

Clint Chapman from Round Hill asked whether the proposed official map included any changes to the existing map available to the public. Mr. Bateman identified two changes: one to the zoning of the Heritage Highlands Retirement Community from R-1 Residential to R-C Retirement Community and another to the zoning of the parcel at 5 North Berlin Pike from R-1 Residential to C-1 Commercial. Mr. Bateman explained that these changes were made to reflect the rezoning of those properties by the Town Council and that he added a hatched symbol for properties that were rezoned with proffered conditions.

Elaine Walker stated that the Town adopted an updated zoning map back in 2006 as part of adoption of a new zoning ordinance at that time. Mr. Bateman indicated that that map is not attached to the adopting ordinance but is included in the version of the 2006 zoning ordinance in his possession. Mrs. Walker asked whether the proposed official map accurately reflected the most recent zoning of the retirement community as well as Quarter Branch Park property and Mr. Bateman responded that he believed it did.

Chairman Mueller closed the public hearing at 7:53 p.m. and called for a motion.

Motion: I move that the Planning Commission recommend approval to Town Council of Case Number LVZA 2015-0001 to amend Article 14 of the Zoning Ordinance and adopt the attached zoning district map as the Official Zoning Map of the Town of Lovettsville.

By: Commissioner Ciolkosz

Second: Commissioner Smith

Aye: Commissioners Ciolkosz, Gentile, Mueller, and Smith

Nay: None

Abstain: None

Absent: Commissioners McDonough and Quintana

B. Comprehensive Work Plan Review – Committee Composition

Mr. Bateman presented on this item. Mr. Bateman requested that the Planning Commission appoint commissioners to chair each of the four committees responsible for reviewing the Comprehensive Plan, and to appoint Planning Commissioners to serve on the committees in an auxiliary capacity, as discussed during the last meeting. Mr. Bateman requested further that the project kickoff meeting be scheduled for the next meeting on May 6th. Chairman Mueller read aloud the names of the Planning Commissioners selected to serve as chairperson and auxiliary members for each of the committees and stated that he

wished to appoint newly-appointed commissioner Nate Fontaine to serve as an auxiliary on several committees as well.

A discussion followed about the date of the project kickoff meeting, the agenda for that upcoming meeting and the process and rationale for assigning roles to citizens likely to attend. Mr. Bateman expressed a desire to invite stakeholders such as the heirs to the Walter Engle estate to attend committee meetings corresponding to their topic of interest. A discussion followed about the need to appoint other such key stakeholders, including Fred George and Elaine Walker, to serve as subject matter experts to the Economic Development Committee and other appropriate committees.

Motion: I move to schedule the project kickoff meeting on May 6, 2015 and to appoint the following Planning Commission members to serve on the Comprehensive Planning Committees:

- Economic Development and Non-Residential Land Use Committee
Chairperson: Buck Smith.
Auxiliary member: Rob Gentile;
- Housing and Residential Land Use Committee Chairperson: Robert Gentile.
Auxiliary member: Tom Ciolkosz;
- Transportation Committee Chairperson: Tony Quintana.
Auxiliary member: Tom Ciolkosz; and
- Public Facilities and Utilities Committee Chairperson: Frank McDonough.
Auxiliary member: Buck Smith

By: Commissioner Gentile
Second: Commissioner Ciolkosz
Aye: Commissioners Ciolkosz, Gentile, Mueller, and Smith
Nay: None
Abstain: None
Absent: Commissioners McDonough and Quintana

C. Pledge of Allegiance

Chairman Mueller introduced the item and suggested holding off on taking any action until the full Commission is present. The Planning Commission is being asked by staff to decide whether to recite the Pledge of Allegiance at the beginning of its meetings. The Commission discussed whether to postpone action until the next meeting.

Staff stated that, although he did not feel it was staff's role to recommend that the Planning Commission recite the pledge or not, his recommendation to the Commission is to decide one way or the other tonight since the Town Council was prepared at its previous meeting to take action compelling the Planning Commission to recite the pledge, thereby leaving the Commission with no discretion in this regard.

Mr. Smith stated that he was trying to find a nice way to state precisely what Mr. Bateman had just said.

Motion: I move to add recital of the Pledge of Allegiance to the agenda of future Planning Commission meetings.
By: Commissioner Ciolkosz
Second: Commissioner Smith
Aye: Commissioners Ciolkosz, Gentile, and Smith
Nay: Chairman Mueller

Abstain: None
Absent: Commissioners McDonough and Quintana

D. Nonconforming Uses, Buildings and Lots

Mr. Bateman presented on this item and requested that the Planning Commission initiate the process of amending the zoning ordinance to resolve deficiencies in Division 2, Article II regarding nonconforming uses, buildings and lots. Mr. Bateman stated that the Town should be proactive in addressing problems in terms of how the zoning ordinance deals with nonconformities since this has real world implications for property owners in the Town. He recommended that the Commission authorize staff to proceed with drafting an amendment that would be brought back before the Commission at a later meeting for consideration.

Mr. Smith stated that he did not understand why ambiguities in the current ordinance regarding nonconformities existed in the first place. Mr. Bateman stated that he did not know but explained that the definition of a nonconforming building or structure is inclusive of the definition of a nonconforming use, which obscures the distinction between these two different types of nonconformities. He cited as an example that the building next to the Town Office at 2 East Pennsylvania Avenue is a nonconforming building only because portions encroach into the required setback area, and not a nonconforming use since the building contains a legally conforming commercial use. He further cited the need to clear up this confusion by having clear definitions and rules for nonconforming buildings and nonconforming uses. Mr. Bateman stated that the Town's zoning requirements pertaining to the maintenance of nonconforming buildings are not consistent with the Virginia zoning enabling statute.

Mr. Smith thanked staff for the clarification and Chairman Mueller called for the motion.

Motion: I move to initiate an amendment to the Zoning Ordinance by requesting that staff draft an amendment to Article I, Section 42-2 and Article II, Division 2 in order to address deficiencies in the provisions pertaining to nonconformities.
By: Commissioner Ciolkosz
Second: Commissioner Gentile
Aye: Commissioners Ciolkosz, Gentile, Mueller, and Smith
Nay: None
Abstain: None
Absent: Commissioners McDonough and Quintana

Information Items

There were no information items.

Next Meeting

Chairman Mueller informed the Commission that the next meeting is scheduled for May 6, 2015. Mr. Bateman stated that Mr. McDonough had indicated that he would be unable to attend the next meeting.

Mr. Ciolkosz inquired as to whether Planning Commissioners could attend future meetings by calling in by telephone as the Town of Leesburg allows. Mr. Bateman stated that he had researched the state code enabling authority and that it only allows Commissioners to attend meeting via electronic means in very limited circumstances. A discussion followed about whether the law pertains to Planning Commissions or only Town Councils, and Mayor Zoldos stated that he would be willing to engage with the local state senator or delegate if needed to obtain additional changes to the law if necessary.

Mr. Bateman stated that he discourages the practice since democratic bodies require active participation on the part of members and that if citizens can make the effort to attend public meetings than Commissioners should also. Mr. Ciolkosz said that the world is changing and the Town should consider allowing electronic participation. Mr. Bateman stated that the state code addresses town councils specifically but is typically construed by local government attorneys to apply to planning commissions as

well. Mr. Bateman stated that making a public statement by telephone or by posting something on social media is more anonymous and therefore easier than doing so at a public meeting or in a face-to-face setting. Mr. Bateman stated that democracy is participatory and requires public attendance.

Comments from the Mayor and Commissioners

Mayor Zoldos thanked the Commission for electing to recite the Pledge of Allegiance and delivered an update on issues, events and happenings in the Town and on the Town Council. He further stated that he will look into allowing Planning Commissioners to participate by electronic means and that the Town Council would undertake the process of posting an advertisement for filling the vacancy on the Planning Commission and reviewing applications in the near future.

Adjournment

There being no further business before the Planning Commission the meeting was adjourned at 8:40 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: August 2, 2017

Attachments:

1. Notice of Public Hearing
2. Official Zoning Map of the Town of Lovettsville

**Notice of Public Hearing
Lovettsville Planning Commission**

The Lovettsville Planning Commission will hold a public hearing on the following item at their meeting on April 15, 2015 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, in Lovettsville, Virginia:

LVZA-2015-0001 Amendment to Adopt an Official Zoning Map:

The proposed amendment adds Article XIV to the Zoning Ordinance, Chapter 42 of the Town Code, which will contain the Official Zoning Map of the Town of Lovettsville as referenced in Section 42-148 of the chapter. The Official Zoning Map displays the locations and boundaries of the Town's zoning districts including properties where proffered conditions are attached to a zoning map amendment previously approved.

The item being considered is available for review at the Town Hall between the hours of 8:30 a.m. and 4:30 p.m. weekdays or by special appointment, holidays excepted. Call (540) 822-5788 for more information or contact the Zoning Administrator at jbateman@lovettsvilleva.gov. In the event the meeting is cancelled for any reason, the public hearing will be convened at the next regularly-scheduled meeting at the same time and place.

Insertion Dates:

April 3

April 10



Legend

- TOWN LIMITS
- STREETS
- PARCELS

PROFFERED CONDITIONS

- YES

ZONING

- CR-1 Countryside Residential
- R-1 Residential
- R-2 Residential
- R-3 Residential
- R-C Retirement Community
- Planned Infill Development District
- T-C Town Center
- C-1 Community Commercial
- C-2 Mixed Use Business
- I-1 Light Industrial

