

Town of Lovettsville

Minutes of the Planning Commission Regular Meeting October 21, 2015

Call to Order/Pledge of Allegiance

Chairman Frank McDonough called the Regular Meeting of the Lovettsville Planning Commission to order at 7:30 p.m. on October 21, 2015 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Pledge of Allegiance

Chairman McDonough led those present in the Pledge of Allegiance.

Present at Meeting

- Chairman Frank McDonough
- Vice Chair Robert Gentile
- Commissioner Thomas Ciolkosz
- Commissioner Nate Fontaine
- Commissioner Joseph Mueller
- Commissioner Buchanan Smith (arrived at 8:28 p.m.)

Commissioners Absent

- Commissioner Anthony Quintana

Staff Present

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

Public Comment

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

Additions/Deletions/Modifications to the Agenda

There were none.

Planning Commission Minutes

There were none.

Staff Reports

Chairman McDonough introduced this item and asked whether there were any questions regarding Mr. Bateman's staff report. Chairman McDonough asked staff when the public hearing would be held on the application from 7-Eleven to amend the zoning ordinance making convenience stores with fuel sales a conditional use in the C-2 Zoning District. He stated that he had hoped originally to schedule the public hearing on November 4th, but that the applicant was comfortable with moving the hearing back to November 18th to give the applicant time to finalize the site layout. Chairman McDonough inquired about the Loudoun County Buildout Analysis and Mr. Bateman summarized the project and its purpose.

Action Items

A. Keena Subdivision Rezoning Concept Plan and Proffer Amendment

Mr. Bateman reported that the applicant submitted the enclosed exhibit proposing a temporary parking lot on Lot 2 to meet parking demand for the Mad Horse Brewpub. Mr. Bateman stated that the proffers and concept plan need to be amended to hold the applicant to this commitment to establish additional parking for the brewpub. Mr. Bateman stated that he did not feel the parking exhibit warrants a change to staff's recommendation. Chairman McDonough asked whether the proposal provides 18 off-street parking spaces for the brewpub, and Mr. Bateman explained that, combined the eight required spaces in the parking lot behind the brewpub, the eight additional parking spaces in the temporary lot would yield a total of 16 off-street spaces. Mr. Bateman asked the applicant to explain why the Quonset hut is not being demolished to provide more parking. Mr. Keena stated that it will be removed at some point in the future. Mr. Bateman explained that demolishing the Quonset hut could provide 3 or 4 additional off-street parking spaces for the brewpub.

Mr. Ciolkosz stated that he remembered staff indicating at the previous meeting that the recommended number of parking spaces for the brewpub was in the twenties. Mr. Bateman stated that the business owner recently informed him that the maximum occupancy of the building was 110, and, if true, the total required number of parking spaces would be 28 based on the requirement of one space per four occupants. Mr. Ciolkosz asked whether the current proposal was for 18 off-street spaces, and Mr. Bateman replied that the current plan proposes 16 off-street parking spaces supplemented by on-street parking. Mr. Bateman stated that perhaps 50 percent of the on-street parking spaces in the vicinity of the brewpub could reasonably be considered "designated" for that particular use, which yields five additional spaces on East Pennsylvania Avenue and two to three more spaces on East Broad Way.

Mr. Ciolkosz asked whether staff was recommending that the applicant pave the temporary parking lot, and Mr. Bateman replied that his recommendation did not specify paving materials. Mr. Keena stated that the parking lot would have a concrete entrance, but would be comprised of gravel in case the lot ever reverts to a residential building lot. Mr. Keena stated that if a parking license agreement is attached to the deed for Lot 2, then the County would not tax the lot as a building lot. Mr. Ciolkosz asked whether the storage shed constitutes a building, and Mr. Keena stated that the shed is just a shed and will not change how the County taxes the property. A discussion of the parking license agreement ensued. Mr. Bateman read his recommendation and explained that a parking license agreement like the one recorded for the Lovettsville Town Center commercial area would be required and remain in effect until the proffers and concept plan were amended in the future.

Mr. Ciolkosz stated that the applicant's parking proposal constitutes a temporary solution, and asked whether the parking lot would have to be paved if the brewpub is still in business fifteen years from now. Mr. Keena stated that he expects there will be changes down the road, but does not know when those will occur. He stated that he does expect the Quonset hut to go, but that the tenant renting that house has been renting from him since the 1980s. Mr. Ciolkosz asked whether paving would be required by the agreement, and Mr. Bateman responded that unless the applicant proffers paving, the lot would not be paved. Chairman McDonough said that he understands that whatever is put there would continue indefinitely, but wondered whether it would be in the best interests of both the applicant and the Town to require that the lot be paved. Mr. Ciolkosz asked, if in ten years the lot is still gravel, is there some provision in the agreement requiring it to be reviewed. Mr. Mueller asked about the barrier between the parking lot and Lot 36, and Mr. Keena replied that he planning to install a PVC fence similar to the one between that lot and the brewpub.

Chairman McDonough asked the Commission whether there was any further discussion regarding the orientation of driveways and garages, and asked whether alleys would need to be added to effectuate the outcome recommended by staff. Mr. Bateman explained that alleys are not needed to achieve side-loaded garages on the corner lots, and Mr. Keena stated that only Lots 28 and 29 on S. Loudoun Street would be rear loaded. Mr. Bateman stated that the idea behind requiring certain lots to be side and rear loaded is to limit the number of new driveway entrances on Locust Street, thereby reducing the potential

for traffic conflicts. He stated that it does not make sense to create a traffic issue when it can be avoided by requiring the corner lots on Locust Street to be side-loaded. Mr. Mueller asked for clarification regarding staff's recommendation that the corner lots on Frye Court be side-loaded and whether the same traffic problem exists on that street. Mr. Bateman stated that the public safety concerns were not as significant on the corner lots on Frye Court. Mr. Keena asked staff, since Lots 28 and 29 require residents to back up onto Locust Street, would that not likewise present a safety concern. Mr. Bateman replied that there was really no alternative since this situation is preferable to requiring residents to back out on to S. Loudoun Street. Mr. Bateman noted that people currently driving down Locust will have to adjust their driving habits to prevent collisions with vehicles backing out on to that street, and that safety would be an issue until drivers learn to do so.

Chairman McDonough asked the applicant what the effect on the project would be if the Commission acts in accordance with staff's recommendation. Mr. Keena replied that builders have indicated to him that the neotraditional building form is less desirable, and that he wants to let the market and builders decide whether to construct front- or side-loaded garages on the corner lots. Mr. Mueller stated that he felt the public safety concerns raised by staff were legitimate, and asked the applicant whether he would be willing to build side-loaded garages on the corner lots on Locust Street. Mr. Keena replied that he would be willing to do that.

Chairman McDonough asked for a motion that reflected the Commission's stance on the parking issue and included all of staff's recommendations except for Number 7 and the one pertaining to the corner lots. He asked whether the Commission had any ideas regarding staff's recommendation for a timetable for construction. Mr. Keena stated that he would have liked to have this project done yesterday, but that he is already bound by a number of timetables.

Motion: I move to recommend approval to the Town Council of the attached application from property owners George C. Keena, Timothy F. Keena, and James M. Keena (Case No. LVRZ 2015-0001) with the modifications and recommendations listed in the staff report dated October 7, 2015, as amended with the discussions tonight regarding the parking on Lot 2 as submitted by the applicant, and with the agreement on side-loading the corner lots on Locust Street at the intersections of that street with East Pennsylvania Avenue and Stone Jail Street.

By: Commissioner Mueller
Second: Commissioner Ciolkosz

Commissioner Fontaine asked whether the motion reflected the applicant's promise to construct a fence between the temporary off-street parking lot on Lot 2 and the existing residence on Lot 36. Mr. Keena responded that constructing the fence was a given, and that he would install a fence as he stated earlier. Mr. Bateman asked whether there was any objection to amending the motion to recommend an opaque fence in the location indicated by Mr. Keena. There was no objection.

Aye: Commissioners Ciolkosz, Fontaine, Gentile, McDonough, and Mueller
Nay: None
Abstain: None
Absent: Commissioners Quintana and Smith

Adjourn Planning Commission Meeting

Chairman McDonough adjourned the meeting at 8:01 p.m.

Convene Housing and Residential Land Uses Advisory Committee Work Session

Commissioner Gentile convened the Housing and Residential Land Uses Advisory Committee at 8:02 p.m. The committee members present were Nate Fontaine, Tom Ciolkosz, Chris Hornbaker, Rob Gentile, and Tom Troxell.

Discussion Items

A. Comprehensive Plan Review: Housing and Residential Land Uses

i. Guest Speaker Presentations

Mr. Gentile introduced the first guest speaker, former Mayor Elaine Walker. Mrs. Walker presented on the history of residential development in the area of Town where she resides. She described how the Red Bud Acres Subdivision was created when the Route 287 Bypass was established, and stated that she and her husband have lived in that community for 57 years. Mrs. Walker's father purchased land on the west side of Route 287 and created a subdivision, and her husband purchased ten acres of land in that subdivision. She pointed out the location of her property and noted that it was one of the last remaining undeveloped tracts of land in the Town. She noted the location of the neighboring property where independent living units and an assisted living facility are planned. Mrs. Walker explained the history of how that property was planned for development and ultimately annexed into the Town, including the proffers approved for the retirement community project. Mrs. Walker stated that she had spoken with several builders about constructing an assisted living center on her property, but that they had indicated they wanted to build a three- or four-story building, and she felt that would not be in keeping with the prevailing character of buildings in that part of Lovettsville. She stated that a rumor that she wants to put townhouses on her property is untrue, and that she plans now to build single-family dwellings having a downstairs master suite to accommodate the elderly, with additional bedrooms for guests upstairs.

Mrs. Walker explained that, although staff recently proposed that the land use plan include a commercial component on her property, she feels that the areas currently planned for commercial in the Town are sufficient. She sees her property as a gateway to the Town and wants something beautiful that everyone can enjoy. Mrs. Walker stated that she wants to do something soon, and explained that she can sell the property outright but would lose control over how it develops, and would rather develop the property herself. This will include houses fronting on Berlin Pike and houses for single people. Mrs. Walker indicated that she likes Southern Living homes, and concluded by saying that the homes built on her property would be high quality and allow people to "age in place."

Mr. Gentile asked Mrs. Walker whether she planned to keep the R-3 zoning on her property, and Mrs. Walker replied that she has no plans to change the zoning. Mr. Gentile stated that the R-3 zoning allows for the small house on a small lot like she is looking for, and Mrs. Walker responded that people could also build larger houses if they chose to do so. Mr. Bateman noted that an assisted care or palliative care facility is not currently permitted in a residential zoning district, but is typically allowed as a conditional use in a commercial zoning district. Mr. Bateman explained that this was the purpose of staff's proposal for mixed uses on the property, and pointed to the map of the property to demonstrate where the property could be divided between commercial and residential land uses. He stated that the current plan also proposes mixed-use, but does so in a way that is vague. Mr. Bateman indicated that he wanted to provide unambiguous guidance in the comprehensive plan should someone desire to construct a traditional nursing home or assisted living facility on her property in the future.

Mrs. Walker stated that, at one time, nursing homes were permitted as a conditional use in the R-3 District. Mr. Bateman explained how the owner of the property in West Virginia on which he resides sold a portion of her property for the construction of the Hospice of the Panhandle. Mrs. Walker said that, after talking with developers who build assisted living facilities, they want to

build up rather than out and she did not want to do that. Therefore, her plans have changed and her current plan is to build houses that can accommodate seniors rather than an assisted living facility.

Mr. Ciolkosz asked whether the residential zoning could accommodate what Mrs. Walker wants to do, and Mr. Bateman said that it could, but that the Retirement Community Zoning District may be more suitable. He summarized the characteristics and features of houses designed for senior citizens, and Mrs. Walker stated that such features were not necessarily requirements of the locality. Mr. Bateman said that he does not know how a locality would require that. Mrs. Walker said that she wants to create a product that anyone could come in and enjoy, but that senior citizens could buy so they do not have to move into a residential care facility. She stated that she wanted to build before she is no longer here. Mr. Bateman thanked Mrs. Walker for her presentation.

ii. Staff Presentation – Residential Construction Presentation

Mr. Bateman gave a presentation on residential growth in the Town and projections for future residential growth. He explained trends with respect to housing occupancy and presented a map showing properties available for future residential development by grouping vacant or re-developable properties into three categories: those that are vacant but committed to development, vacant but uncommitted to development, and other re-developable, infill parcels.

Mr. Bateman gave projections for future residential growth by explaining that he anticipates 246 additional housing units by 2025 within the Town's current corporate limits, or 802 additional residents based on the mean household size of 3.26, assuming that all of the new units are single-family dwellings. Under this scenario, the Town population would grow to 2,600 people, which is still well below the population threshold of 3,500 whereby VDOT would require the Town to maintain its public streets. Mr. Bateman concluded his presentation by pointing out that there is still a lot of land available for residential development in the Town, and the Town should manage the buildout of those parcels before the Town considers annexing properties outside of the Town limits. He listed several factors which could affect the residential growth projections he provided and how the Town is managing and will manage this growth. Mr. Bateman noted that annexing for residential growth could mean the Town will reach 3,500 people, and once a town is responsible for maintaining its streets and highways, it cannot go back to having VDOT maintain them. He further explained that as the supply of land diminishes, the price for the remaining undeveloped land will increase.

Mrs. Walker asked about the acreage of the undeveloped property next to Lakeview Village Townhouses, and Mr. Bateman replied that he did not have that information. Mrs. Walker indicated that she did not believe that the Town allowed the density Mr. Bateman is projecting when it annexed the property into the Town, and that the number of units on that will likely be lower. She recommended that staff review the minutes of the Town Council meeting when the decision was made to annex the property by simple boundary line adjustment.

Mr. Ciolkosz asked how the Town's median income compares to the County's, and Mr. Bateman indicated that the Town has a slightly lower median income than the County as a whole and that housing prices reflect that trend since they are lower in Lovettsville than in the eastern part of Loudoun.

Mr. Smith asked about the buildout of Lovettsville Town Center, and Mr. Bateman said that he estimates that there are 58 lots remaining.

iii. Staff Presentation – Housing and Residential Land Uses Survey Form

Mr. Bateman reviewed the draft survey form he developed for obtaining public opinion on various housing types and on residential growth issues generally. He read and explained the purpose of

each question and asked whether there were any comments or questions. In response to a request for clarification from Mrs. Walker about the survey question regarding growth outside of the Town limits, Mr. Bateman reread the question and list of potential responses. A discussion followed about growth outside of the Town limits and whether the question should mention that issue. Mr. Fontaine stated that the question about the geographical expansion of the Town is unclear, and Mr. Bateman stated that he would be open to suggestions for changing the question and possible responses. Mr. Hornbaker suggested that the three possible answers be subcategories of the question about controlling growth, and Mr. Bateman agreed to make that change.

Mr. Ciolkosz stated that the term "blue-collar" is not a proper term to use but is rather a bad word, and explained that perhaps "less-skilled" could be used instead to describe this category of workers. A discussion ensued about the use of the term and suitability of various terms to replace "blue-collar." Mr. Ciolkosz suggested that the occupations be listed because economists assign dollar values to those various occupation categories, not to "blue-collar" workers. No consensus emerged regarding the use of an alternative term.

Mr. Fontaine asked staff to explain the difference between options 2 and 3 for the question about single-family dwellings, and Mr. Bateman explained the difference in the two photographs and the examples generally. Mr. Fontaine asked why staff did not use as an example one of the houses in Section 4, and Mr. Bateman explained that he did not want to photograph occupied houses lest it lead to a confrontation with the homeowner about why Town staff is photographing a private residence.

Mr. Bateman explained the differences between the options presented as responses to questions about townhouses and multifamily dwellings and why the various examples were used. He asked if the Commissioners had any questions.

Mr. Fontaine asked why more examples were not included, and Mr. Bateman explained the importance of keeping the survey simple for both the hard copy and electronic versions.

Mr. Ciolkosz indicated he would send Mr. Bateman a spreadsheet containing nine or ten job classifications so that he could add that to the survey for the purpose of determining whether there is a lack of affordable housing for such workers, and Mr. Bateman responded that he simply wanted to find out whether Town residents identify affordable housing as an issue or not. Mr. Palko asked Mr. Ciolkosz whether he wanted the question expanded to include specific occupations, and Mr. Ciolkosz responded that he did. Mr. Bateman said he did not feel that the question should be expanded as Mr. Ciolkosz wants because it would make the question more confusing, and that the term "workers making less than medium income" should be substituted for the term "blue-collar workers" instead. Mr. Fontaine suggested including the actual medium income, and Mr. Bateman indicated he would seek to identify a better term to use and email that term to the group. Mr. Gentile asked whether there were any further questions. There were none.

iv. Committee Discussion – Current Housing and Residential Policies of the Comprehensive Plan and Staff's Recommended Changes

Mr. Bateman summarized changes he made recently to the list of residential land use goals and policies in the comprehensive plan. He explained that there was no overarching residential or housing goal or values. He read the overall goal that staff is proposing and asked for feedback. Mr. Mueller asked whether the Town is expanding the layout of housing, or simply the housing. Mr. Bateman proposed substituting the term "pattern of development" for "layout of housing", and Mr. Mueller stated that staff's proposed term was acceptable.

Mr. Bateman read through staff's proposed changes to the housing policies in Chapter 4 of the current comprehensive plan, including the new policies proposed by staff. Mr. Gentile asked Mr. Bateman to display the spreadsheet on the projector screen, and Mr. Bateman did so.

Mr. Bateman read and explained the policy he drafted to identify areas of Town which may be suitable to accommodate future townhouses or duplexes, and Mr. Gentile suggested deleting the term "by-right" to make it clear that such uses should only be allowed by conditional use permit. Mr. Bateman agreed to do so, and asked whether there were any other questions or comments to the proposed Chapter 4 policies. There were none.

Mr. Bateman read through staff's proposed changes to the residential land use policies in Chapter 5 of the current comprehensive plan, including new policies drafted by staff. Mr. Hornbaker asked whether the policy on townhouses and duplexes was intended to change the existing residential zoning districts or create a new district, because those are two very different things. Mr. Bateman said that the policy is vague on this question, but that the Town has historically created new zoning districts to accommodate specific development proposals. Mrs. Walker asked whether R-3 use to allow 8,000 square-foot lots at a minimum, and Mr. Bateman replied that he did not know, but that the R-1, R-2 and R-3 are standard zoning classifications, whereas the PIDD and T-C are clearly developer-initiated zoning districts. Mr. Hornbaker asked whether the policy should read "outside of the standard R-1, R-2 and R-3 districts." Mr. Bateman replied that the policy could be made more specific than it is currently, and is open-ended as it reads now. He asked Mr. Hornbaker whether he wanted the Town to create a zoning district specifically for townhouses and duplexes, or amend one of the existing standard residential zoning designations. Mr. Hornbaker stated that he wanted the former. Mr. Bateman suggested language that would require the creation of a zoning district specifically for townhouses and duplexes, and require approval of a rezoning to that new classification, before any such project would be authorized. Mr. Hornbaker stated that, because the Town only has a few remaining, vacant parcels for such uses, all of which are relatively small, a developer wanting to construct such a project should be required to work with the Town to create a new zoning district specifically for a particular property and project. Mr. Bateman proposed draft language to that effect, and proposed adding the requirement that townhouses and duplexes require approval of a conditional use permit.

Mr. Fontaine asked why the policy requires a conditional use permit if it already requires both the creation of a new zoning district in addition to approval of a rezoning. Following a discussion, Mr. Bateman agreed to eliminate language from the policy that would allow an amendment to one of the Town's existing residential zoning classifications. Mr. Mueller inquired as to whether the policy would allow the Town to create a new zoning district or compel the property owner or developer to do so, and Mr. Bateman said that the Town could create a new zoning district, but doing so would eliminate the first step in the approval process from the developer's standpoint. Mr. Mueller stated that doing so would indicate that the Town is willing to open the door to such uses, and he said that leaving in language about amending the existing zoning districts is preferable. Mr. Bateman said he remembers the recent public hearing concerning a proposed amendment to the R-3 District, and noted that there were considerable objections and concerns expressed by the public. A discussion followed regarding the process a property owner or developer would have to follow to construct such a project. Mr. Bateman agreed to rewrite the policy to read: "Amend the zoning ordinance to permit townhouses and duplexes through the creation of a new zoning district wherein such uses are authorized, upon petition of the property owner." The committee agreed to the proposed policy without objection.

Mr. Bateman continued reading through staff's proposed changes to the policies in Chapter 5 of the plan. The committee discussed the proposed change to the policy involving properties where the Town boundary crosses the interior of that property, and Mrs. Walker stated that this has

been an issue for 30 years. Chairman McDonough noted that the change proposed by staff is both more flexible and fair to those property owners.

Mr. Bateman read through several new policies that he is proposing to add to Chapter 5. The committee agreed without objection to the new policies proposed by staff. Mr. Palko stated that he had a problem with a policy proposed by staff that prohibits the Town from annexing properties for residential development before existing residential properties in the Town are approved for development because this would take away the Town's flexibility and the Town Council has not yet developed its annexation policy. Mr. Bateman replied that the policy is only a draft and that the committee can change it later during the planning process after the Council has weighed in. Mr. Palko asked what the committee thinks, and the committee discussed the proposed policy before agreeing to amend the policy by stating that the Town merely "encourages" development in the Town first.

Mr. Bateman explained, and the committee discussed, staff's proposed change to Policy Number 29 regarding the design of independent, age-restricted dwelling units and assisted living facilities. There were no objections to staff's proposed change.

In response to a question from Mr. Gentile, Mr. Bateman explained that Policy Number 31 pertains to land use, and that staff would be bringing a proposed land use map to the committee for consideration at their next meeting.

Adjourn Housing and Residential Land Uses Advisory Committee Work Session

Mr. Gentile adjourned the work session at 10:02 p.m.

Reconvene Planning Commission Meeting

Chairman McDonough reconvened the regular meeting of the Planning Commission at 10:03 p.m.

Information Items

A. Amendment to the Planning Commission Bylaws

Chairman McDonough stated that he would have something for Planning Commission consideration after the Bylaws Committee meeting on Monday, October 26th.

Next Meeting

Chairman McDonough stated that the next regular meeting of the Planning Commission will be held on November 4, 2015.

Comments from the Mayor and Commissioners

Mr. Gentile noted that Mr. Bateman has done an excellent job on developing proposed changes to the comprehensive plan, and Chairman McDonough seconded Mr. Gentile's comment.

Mayor Zoldos delivered a report on recent events taking place in the Town and explained issues currently being considered by the Town Council.

The Mayor noted that there was a vacancy on the Board of Zoning Appeals. Chairman McDonough asked whether there were any volunteers among Planning Commissioners to serve on the Board. Commissioner Ciolkosz indicated that he would be willing to do so. Chairman McDonough called for nominations to the Board of Zoning Appeals.

Motion: To appoint Commissioner Ciolkosz to serve on the Town of Lovettsville Board of Zoning Appeals.
By: Commissioner Mueller
Second: Commissioner Gentile
Aye: Commissioners Fontaine, Gentile, McDonough, Mueller, Ciolkosz, and Smith.

Nay: None
Abstain: None
Absent: Commissioner Quintana

Adjournment

There being no further business before the Planning Commission the meeting was adjourned at 10:19 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: November 1, 2017

Attachments:
None