

Town of Lovettsville

Minutes of the Planning Commission Regular Meeting December 2, 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 December 2, 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 (arrived at 7:44 p.m.)
- Commissioner Joseph Mueller
- Commissioner Buchanan Smith

Commissioners Absent

- Commissioner Nate Fontaine

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.

Approval of Planning Commission Minutes

There were none.

Staff Reports

There was none.

Action/Discussion Items

A. Zoning Amendment Regarding Height of Fuel Canopies

Mr. Bateman presented this item. The Planning Commission is being asked to initiate and schedule a public hearing on a zoning ordinance amendment to specify the maximum height of fuel canopies. Mr. Bateman noted that, in response to an issue raised by Mr. Gentile at the previous meeting, staff is recommending an amendment to Section 42-294 to allow fuel canopies to be up to 18 feet 3 inches above grade provided the height of the fascia does not exceed 15 feet above grade.

Mr. Bateman explained that he had recently received architectural elevations from the applicant demonstrating that the height of the canopy's ceiling will be 14.5 feet above grade, and that the canopy's fascia adds 3 feet to the structure's height. In addition, the proposed canopy includes a fake mansard roof which is actually a parapet wall extending 3.6 feet in height above the roof. Mr. Bateman explained that parapet walls are already exempt from building height requirements if they do not exceed 4 feet in height above the roof. Since the height of the canopy is 17.5 feet, the proposed height restriction of 18 feet 3 inches provides a cushion of 9 inches. Mr. Bateman recommended that the Commission schedule a public hearing on this item at their first meeting in January.

- Motion:** I move to initiate the attached amendment to Section 42-294 drafted by staff and schedule a public hearing on the matter on January 6, 2016.
- By:** Commissioner Mueller
- Second:** Commissioner Smith
- Aye:** Commissioners Gentile, McDonough, Mueller, and Smith
- Nay:** None
- Abstain:** None
- Absent:** Commissioner Fontaine and Ciolkosz

Recess Planning Commission Meeting

Chairman McDonough recessed the regular meeting at 7:35 p.m.

Convene Housing and Residential Land Uses Advisory Committee Work Session

Commissioner Gentile convened the Housing and Residential Land Uses Advisory Committee Work Session at 7:36 p.m.

Housing and Residential Land Uses Survey Results

Mr. Bateman presented the results of the housing and residential land uses public opinion survey and reported the following:

1. Question 1: Residents indicated that controlling growth in terms of residential density was their greatest concern as it was indicated by more than 50 percent of respondents, followed by controlling growth in terms of the total number of dwelling units and quality and appearance of residential units.
2. Question 2: Single-family dwellings were by far the most favored types of dwellings. The average score for single-family dwellings was 1.36, whereas it was 3.14 for senior dwelling units and 3.15 for townhouses. In response to a question from Mr. Mueller, Mr. Bateman explained that he is still in the process of compiling and combining the results of the survey conducted in hard copy format and online using Google Forms.
3. Question 3: This question contained images of different single-family homes containing nuanced differences in terms of their appearance and features. Respondents indicated a discernible preference for neo-traditional homes featuring prominent front porches and rear-facing garages. Mr. Bateman highlighted some of the reasons respondents said they selected these examples.
4. Question 4: This question contained examples of townhouses. Respondents indicated a preference for Example 1 because it is similar in appearance to single-family dwellings and appears to be high quality.
5. Question 5: Apartments were unpopular as the comment responses make clear. Example 3 was selected by 10 respondents due to the presence of a garage and balcony.
6. Question 6: Staff has not yet compiled comments on the reasons people moved to Lovettsville, but some common themes emerged including: small-town charm, no traffic lights, peaceful, low crime, and a great place to raise a family.

Mr. Bateman asked whether there were any questions. Mr. Palko asked Mr. Bateman what the response rate was. Mr. Bateman replied that the response rate of 15% for this survey was less than half of that for the commercial land uses survey distributed earlier in the year.

Existing and Proposed Land Use Plan

Mr. Bateman reviewed changes to the housing and residential land use chapters, policy table, and land use plan map and explained the process by which the plan amendment would be drafted. He explained that the three land use categories for residential areas were low-density, medium-density, and high-density and described the densities permitted in each. He explained the changes proposed to these category descriptions to make them more understandable to the reader.

Mr. Gentile asked whether there were any problems with the low-, medium- and high-density residential categories. Mr. Palko asked whether the categories would have an impact on the build out of the Heritage Highlands Retirement Community, and Mr. Bateman explained that he did not feel the proposed changes would have an adverse impact on that development.

Mr. Mueller asked how the language could encourage low-density rather than high-density townhouses. Mr. Bateman explained that the policies discourage high-density townhouses by requiring a rezoning before such a development could occur.

Mr. Bateman reviewed the existing land use plan map and proposed land use plan map and noted that he added categories for uses such as public facilities, parks, and private open space to differentiate developable and undevelopable parcels. He pointed out the proposed land uses of various residential properties in Town to determine the Commission's preferences regarding the best future uses of those properties. Chairman McDonough asked about a property on the west side of South Loudoun Street and why it is being planned for medium-density rather than low-density use. Mr. Bateman responded that it was medium density in the current plan and can be changed. He pointed out the locations of various properties planned for medium-density residential.

Mr. Bateman noted that the assisted living parcel and Game Club properties are currently proposed for low-density residential, and asked the Commission for feedback on the planning designation of these properties and whether low-density residential is the best use.

Mr. Gentile asked for staff's recommendation as to the assisted living parcel, and Mr. Bateman responded that he does not have a recommendation presently since he is still researching the proffers to determine what is permitted on that lot. Mr. Bateman stated that it is unlikely it will ever have an assisted living center on it.

Mr. Bateman explained that the Game Club is currently planned for future private recreation and housing, and noted that the existing land use categories include one for private recreation even though no such areas are included on the map. Mr. Mueller noted that the Game Club felt they should be zoned commercial during the last review process, and that the current plan contains a planning description for that parcel that would leave the property as it is. Mr. Bateman stated that his proposal does exactly the same thing, which is to allow the property to develop in accordance with the current zoning requirements, despite the fact that staff believes there may be a higher or better future use of the property since it fronts on Route 287.

Mr. Hornbaker noted that Fred George indicated during his speech to the committee that one such use would be a Dollar General, and Mr. Bateman replied that was why he felt it prudent to leave the property in a residential planning designation since planning the property for commercial would tend to support a future rezoning of the property to commercial. He stated that the property behind the bank would be a more suitable location for a Dollar General store. He asked the Commission to consider the potential for a future grocery store on the Game Club property since the property is larger and more suitable for a grocery store than Lovettsville Town Center.

Mr. Ciolkosz asked whether, in the event the Game Club burned down today, it could it be rebuilt, and Mr. Bateman responded that it could. Mr. Ciolkosz asked whether a gun or bow range would be permitted in the R-1 District, and Mr. Bateman stated the owner can build under the regulations and restrictions

established in that zoning district. A discussion ensued about the Game Club's plans with respect to their property.

Mr. Bateman stated that he feels the Game Club at some point soured on the idea of a dollar store on their property, and Mr. Hornbaker stated that he believes the Game Club was open to some type of commercial use of the property, but that professional offices and other types of commercial would be preferable to a drive-through restaurant or dollar store. Mr. Bateman explained why leaving it residential in the plan discourages the establishment of a dollar store since an owner would have to not only rezone the property but amend the comprehensive plan, which is not something typically done for such a development proposal. Mr. Ciolkosz stated that the Commission's role is to plan not for what may happen tomorrow, but to think about the best use ten or twenty years from now. He asked whether the Game Club currently pays County and Town real estate taxes, and Ms. Walker replied that it does not. Mr. Ciolkosz stated that allowing a grocery store and making the property commercial makes sense, and Mr. Bateman said that the Commission has time to consider the best way to plan this project since the market study has not yet been completed. A discussion took place about whether the Town can support a grocery store and whether the Game Club property should be planned for a future grocery store. Mr. Ciolkosz reiterated the need to plan the Game Club for eventual commercial use, but no consensus or agreement emerged on this question.

Mr. Hornbaker asked about the high-density designation, and Mr. Gentile explained what the present zoning allows and planning designation proposes for these areas. Mr. Hornbaker asked about the retirement community and what is proposed on those properties, and Mr. Bateman explained what the R-C District allows versus what the planning designation authorizes. Mr. Hornbaker suggested creating a new category specifically for the retirement community, and Mr. Bateman agreed to change either the map or the category description to include senior housing.

Ms. Walker requested clarification on what the planning designation is for her property. Mr. Bateman explained that the property is planned for highway mixed-use, and read the proposed description of that category. He further explained that the land use map proposes a future land use for her property, but that the zoning ordinance governs what an owner can do today and any owner can exercise the rights conferred to them under the existing zoning. He noted that the previous committee proposed a mixed-use planning designation for her property, but that the housing committee or Planning Commission can change it if they desire. He described the lot sizes allowed in the R-1, R-2 and R-3 districts and noted that the property is zoned R-3 Residential.

Mr. Hornbaker read the proposed policy regarding townhouses and duplexes, and noted that the committee previously agreed to keep townhouses and duplexes out of the R-1, R-2 and R-3 districts. He stated that the language should allow an owner to rezone to one of the current districts wherein townhouses and/or duplexes are permitted, such as R-C or PIDD. Mr. Bateman proposed language to address this, and Mr. Hornbaker explained that the language also needs to disallow amendments to the existing R-1, R-2 and R-3 districts. Mr. Bateman responded that any owner has the legal right to rezone a piece of property to one of the Town's existing residential zones, regardless of what the comprehensive planning policy states.

Mr. Gentile asked if there were any more questions. There being none, the committee meeting was adjourned.

Reconvene Planning Commission Meeting

Chairman McDonough reconvened the regular meeting at 9:04 p.m.

Discussion Items

There were none.

Information Items

A. Planning Commission Revised Bylaws

Chairman McDonough introduced this item and stated that the Planning Commission has 30 days to review the proposed amendment before the body can act upon it. Mr. Bateman indicated that December 16th was the earliest the Commission could act on any such amendment under the existing bylaws.

Next Meeting

Chairman McDonough indicated that the next meeting is scheduled for December 16, 2015. Mr. Palko reminded the group that the Light-Up Lovettsville awards ceremony would be held at the beginning of the meeting.

Mr. Gentile stated that he would be unable to attend the next meeting.

Comments from the Mayor and Commissioners

Mayor Zoldos reported on events and happenings coming up in the Town, including the agenda for the next Town Council meeting.

Adjournment

There being no further business before the Planning Commission the meeting was adjourned at 9:19 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: December 20, 2017

Attachments:
None