

Town of Lovettsville

Minutes of the Planning Commission Regular Meeting and Public Hearing November 16, 2016

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 November 16, 2016 at the Town Hall, 6 East Pennsylvania Ave, Lovettsville, VA.

Pledge of Allegiance

Chairman McDonough led those present in the Pledge of Allegiance.

Present at Meeting

- Chairman Frank McDonough
- Vice Chair Nate Fontaine
- Commissioner Christopher Hornbaker
- Commissioner Joseph Mueller
- Commissioner Shiva Schilling
- Commissioner Stephanie Wolf

Absent

- Commissioner Thomas Ciolkosz

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

Chairman McDonough asked staff and Commissioners whether they had any additions, deletions or modifications to the agenda. There were none.

Planning Commission Minutes

There were none.

Zoning Administrator Monthly Activity Report

Mr. Bateman delivered a report on staff activities for the month of October. Chairman McDonough asked Mr. Bateman how fast homes would be built in Cooper Run Estates now that the first home has been constructed. Mr. Bateman said the rate of construction of new homes by Ryan Homes in that subdivision would likely be similar to that in the Lovettsville Town Center. Mr. Fontaine asked about the status of the Lovettsville Community Center and whether that was put on hold until improvements to the corner of Broad Way and Lovettsville Road are completed. Mr. Bateman said the project is on hold because of design issues, and Mr. Palko confirmed that there are issues with the design that the County must decide how to correct.

Action/Discussion Items

- A. LVCP 2016-0001: Amendment to the 2011 Comprehensive Plan

Chairman McDonough reconvened the public hearing and asked Mr. Bateman to report on actions he has taken since the previous meeting. Mr. Bateman stated that he made all changes recommended by the Commission at the public hearing, including adding references to each Town event in the Public Facilities Chapter while keeping it open-ended to allow the Town Council to add events in the future. Mr. Bateman also said the grammatical edits recommended by Mr. Burden have likewise been incorporated where appropriate. Chairman McDonough asked whether there were any questions.

Jim Miller introduced himself as an employee of Landmark Group Commercial, real estate agents representing the owners of the Engle Tract. Mr. Miller asked about the recommendation in the comprehensive plan stating that once 50 percent of the tract is developed, the property cannot be further developed until additional connections to public roads are made. He said the two connections shown on the plan go nowhere but simply extend out into farmland. He said there are no roads to connect to. Mr. Miller said the owners have questioned whether, should a developer seek to purchase and develop the property, would that developer be prevented from developing beyond 50 percent of the property's acreage if there are no roads to connect to. He said this provision has not been changed in the revised plan.

Chairman McDonough explained that there were two logical points of connection to the property, one of which is located entirely in the County. Since the Town does not control this territory, the Commission did not add this to the Town plan. Mr. Miller asked how the Town can restrict the development of the property if the required road connections are not located in the Town. Mr. Bateman replied that the recommendation does not constitute a restriction since it is advisory only. Mr. Bateman said the developer or future owner of the Engle Tract would be required to stub the street to the property lines where shown to allow for future connections. This would allow for the connections to be completed upon development of the adjacent parcels. Chairman McDonough stated that the comprehensive plan lacks the force of law and essentially provides guidance only. Mr. Bateman explained that the plan would carry more weight if the owner of the Engle Tract seeks to rezone the property in the future. However, an owner would not be required to construct a street across property that they do not own. A brief exchange took place between Mr. Bateman and Mr. Miller about what the policy is proposing, and Mr. Miller stated that Mr. Bateman has answered the question to his satisfaction.

Chairman McDonough asked whether there were any additional comments. There being none, Chairman McDonough closed the public hearing.

Mr. Mueller said that the most recent set of changes are consistent with his notes. He stated that the amended plan is a good document.

Chairman McDonough called for a motion.

Motion: I move to adopt Resolution CP 2016-11-0001 recommending to the Town Council that the enclosed amendment to the *2011 Comprehensive Plan*, as amended through November 16, 2016, be approved and adopted as presented.

By: Commissioner Hornbaker

Second: Commissioner Mueller

Discussion: The Planning Commission read the resolution aloud.

Aye: Commissioners Fontaine, Hornbaker, Mueller, McDonough, Wolf, and Shilling

Nay: None

Abstain: None

Absent: Commissioner Ciolkosz

Information Items

Chairman McDonough announced that Mrs. Wolf and Mrs. Schilling will be attending the Purcellville Planning Commission meeting next week as required by the Planning Commission certification program. The following week these same individuals will be attending the second session of the training, at the completion of which both will be fully trained. He further announced that the next training course will be held next March in Purcellville. He stated that Commissioner Hornbaker will attend that session, at the conclusion of which the entire Commission will consist of certified members.

Mr. Bateman reported that the recent Town Association of Northern Virginia (TANV) meeting was held in Lovettsville and involved a presentation by a local land use attorney on the state proffer law and its impact on localities. Mr. Bateman stated that the potential for litigation is high and said he will do a presentation about the potential effects of the law in the near future.

Next Meeting

Chairman McDonough announced that the next Planning Commission meeting is scheduled on December 7, 2016.

Committee Reports

Mr. Fontaine reported on activities and events involving the Love America Committee, including the recent Veterans Day ceremony on the Town Square. Mrs. Wolf highlighted key topics discussed at the recent Love Summer Committee meeting including the size of summer concerts next year. Mrs. Schilling reported on the Love Winter Committee's activities and upcoming events. Mr. Fontaine highlighted the Brunswick business expo last week. Mrs. Wolf discussed the purchase of clock tower ornaments and effort to name the distelfink by the Business and Tourism Committee. Mr. Mueller announced that the newly-named Infrastructure, Environment and Utilities Committee will meet for the first time tomorrow to cover the work plan for the Town Engineer. Mr. Hornbaker announced the Catoctin Holiday Arts Tour and said information would start flowing soon on the Information Flow Committee once the committee meets as planned on December 5th to discuss the social media policy, among other topics.

Comments from the Mayor and Commissioners

Chairman McDonough asked each Planning Commission to comment on his or her experience working on the comprehensive plan.

Mr. Mueller stated that the process was well-organized and well-managed. He said an advantage this time around is that the basic structure was in place for this plan review, whereas previously the Commission did not have something that was nearly as structured. Mr. Mueller said that Mr. Bateman did an excellent job translating what the Commission wanted into the plan, noted that the small committees worked well, and stated that the Commission stuck to the work plan. The result, he said, is a very good product.

Mr. Hornbaker stated that he wishes to echo everything Mr. Mueller said, that Mr. Bateman did a great job, and that a considerable amount of public input was included in plan. He said the ownership of the plan is something the entire Town can enjoy and that the review process resulted in a great product.

Mrs. Schilling stated that the plan review process taught her a lot about planning generally and the Town plan specifically, made her a better Commissioner, and that the final product reflects everyone's vision for the future of the Town. She said she enthusiastically endorses it.

Mr. Fontaine said that the public input has been outstanding and gave thanks to Mr. Bateman, Town staff and his fellow Commissioners for putting this together. He said that he canvassed the neighborhood pretty hard to invite his neighbors to join the committees so that the public participation was maximized. Mr. Fontaine stated that he believes this was the right time to come in and review the plan on a regular basis. He said the maps and visuals are excellent additions for those who learn that way, and he said

that the effort to preserve what we have as a community while seeking ways to diversify the economic and tax base of the Town is important.

Mrs. Wolf stated she is happy to be a part of the comprehensive planning process, if even for a short time and that she is happy with the document and looks forward to holding the Town to its vision as the plan is implemented.

Chairman McDonough used a Star Wars reference to say that he thinks of the Planning Commission in a way that is similar to the Jedi who guarded the Old Republic; he feels the Planning Commission's job is to be the guardians of the comprehensive plan. He said that everything the Commission does involves the zoning ordinance or the comprehensive plan, and that he wants the Town Council to feel confident that the Commission will review every plan that comes through the Town against the approved plan. Chairman McDonough said he hopes that, once the Council approves the plan, all Commissioners will feel a sense of ownership in implementing the plan. He said that each Commissioner should now have a better understanding of what they are here to do when they attend future meetings, and all Commissioners should now approach the role of Planning Commissioner with a certain degree of soberness. He concluded by saying that he is proud of the product the Commission has now forwarded to the Town Council.

Mayor Zoldos shared on the overhead projector screen drone photographs taken by his brother of the clock tower and Town Center commercial area. The Mayor thanked the Planning Commission and stated his view that people are comfortable with the direction in which the Commission and Council have taken the Town. He said that the Town Council held a retreat on the Comprehensive Plan amendment earlier in November and stated his belief that the plan will come through the process relatively cleanly. He said that one of the lessons learned from this process is that perhaps next time the Town Council should conduct one or more meetings at the beginning of the process to establish the direction of the plan and provide clearer guidance to the Planning Commission. Mayor Zoldos said that most of the items identified by the Council thus far involve minor technical issues, so he is encouraged by that.

Mayor Zoldos reported on a noise complaint to which he responded recently at the Mad Horse Brewpub. He also reported on the recent TANV meeting in which he participated. He said that COLT was likely to be a more important organization in which to participate as a Town in the future. Mayor Zoldos reported on upcoming activities at the Lovettsville Elementary School and the recent VML meeting he and Mr. Palko attended in Fredericksburg.

Mr. Fontaine asked whether formation of a COLT-style group comprised of Planning Commissioners was brought up at the recent COLT meeting. Mayor Zoldos welcomed Mr. Fontaine to attend the next COLT meeting to push for the creation of a regional group of representatives from town Planning Commissions.

Adjournment

There being no further business, upon a motion from Mr. Hornbaker, seconded by Mr. Mueller, the meeting was adjourned by unanimous consent at 8:12 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: April 18, 2018

Attachments:

None