



TO: Planning Commission
FROM: John Merrithew, AICP, Town Planner
DATE: September 30, 2021
SUBJECT: LVCU 2021-0002, Lovettsville Square South Phase II

Purpose: To review and make a recommendation regarding the conditional use permit application by Lovettsville Square LLC for Buildings A and B in the Town Center core area.

Background: The T-C, Town Center Planned Development zoning district building requirements limit the maximum commercial buildings to a floor area of 6,500 square feet unless the Council grants a conditional use permit. With an approved conditional use permit, building floor area may increase up to 18,500 square feet. Lovettsville Square South Phase II has applied to increase the floor area for a single building to 13,840 square feet. The applicant has at the same time filed a site plan for a three-building complex on the 2.67-acre site, as Phase II of the Town Center commercial core. The total proposed floor area of the three buildings is 22,970 square feet.

Proffers approved with Lovettsville Town Center, LVRZ 2014-0001, require four-sided architecture, staff review of building elevations prior to zoning permit issuance, and compliance with the concept plan. In 2007, Council approved a conditional use permit application for Lovettsville Square Phase I to allow a 18,500-square foot building footprint on approximately 1.89 acres.

Discussion:

The property is closely bordered by 4 single family homes on Wood Aster Lane, a private access easement, on the applicant's property, provides access to two homes. Maintenance for the Lane is the responsibility of the homeowners currently. The rear of the commercial building faces the homes and includes doorways opening to the easement.

With the building so close to existing residences, the scale, noise, lighting, and architectural finish of the structure is an important concern. The potential for commercial activity using Wood Aster Lane and maintenance of the Lane are also concerns.

Illustrative Plan from LVRZ 2014-0001



LVCU 2021-0001, Site Plan

The following are criteria that are to be used to evaluate a proposed conditional use permit.

1. Whether the proposed application and conditional use in the underlying zoning district is consistent with the comprehensive plan.

The approved Town Center rezoning established this site as part of the Commercial core of the community. The Town's Comprehensive Plan calls for commercial development on this site consistent with the Town center Master Plan, which encourages development that reflects the small-town character and creates an activity center. Economic Development policy 2, calls for commercial uses at a scale consistent with surrounding areas and neighborhoods. Economic Development Policy 12 promote the concept of Lovettsville Town Center commercial areas as a focal point for community activity. Town Center Phase II completes the commercial component of the approved Town Center core and is consistent the Comprehensive Plan.

2. Whether the proposal will not adversely affect health, safety, or the general welfare of the public, including from any noise or odor emanating from the site.

Entrances to the project have been located to minimize commercial traffic on residential streets. Sidewalks and lighting are proposed around the site perimeter. The application also extends the Berlin Turnpike shared use path. Street lighting will be consistent with the Phase I commercial area. Landscaping meets Town standards and consists of street trees (Linden, Maple), Mountain Laurel, Inkberry, and Nellie Stephens Holly. The impact on residents on Wood Aster Lane remains a

concern. Under the proposal, the applicant is proposing three doors exiting the building to Wood Aster Lane, security lighting on the building and a landscape consisting of Hollies and Mountain Laurels.

The applicant has submitted a revised deed of easement stipulating that the applicant will maintain the travelway including keeping the travelway reasonably free of trash and debris, removing snow and ice from the travelway in accordance with applicable law, and repairing, resurfacing, improving, and replacing the travelway as necessary.

The applicant proposes limiting the hours of operation as follows: The proposed commercial uses in Building A include the Lovettsville Co-Op which is the 'anchor' grocery store of approximately 7,737 SF, which will operate between the hours of 7 AM and 10 PM. The building includes 1,500 SF currently planned for office, which will operate between the hours of 8 AM and 7 PM. The remaining 4,890 SF is planned for retail tenants and will operate between the hours of 9 AM and 10 PM.

3. Whether the proposal is in harmony with the character of adjacent properties, surrounding neighborhoods and other existing and proposed development in the immediate vicinity of the subject property.

The elevations included with the application illustrate the architectural finish consists of a combination of brick and stone veneers, Exterior Insulated and Finish System (EIFS), wood, standing seam metal roof, architectural shingles fabric canopies, and solar panels. Similar in appearance to the existing commercial buildings. On the north façade facing Wood Aster Lane, the application proposes a simple architectural structure consisting of EIFS, a low brick veneer, and fabric canopies, again, like the existing commercial buildings. The western elevation of the building will be constructed using the same materials as the elevation facing the parking lot, exclusive of glazing. The building reflects the character of the existing commercial buildings in Town Center. Dumpsters and the loading bay on the west end of the building are enclosed and screened from view of the adjacent residences on Hammond Drive, using the same materials as the main building.

4. Whether the proposal is adequately served by essential transportation services, as applicable, such as streets and facilities for pedestrians and bicyclists, including connections to such existing facilities, and whether the pedestrian, bicycle and vehicular traffic generated by the proposed use will be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on streets and transportation facilities serving the site.

The commercial use of the property was anticipated during the initial approval of Town Center and incorporated into the construction of the street improvements. Entrances to the property are from Town Center Drive at Town Square (at the location of the existing parking lot), and from Hammond Drive at Kirche Street. VDOT has identified no issues with the entrance locations. The locations minimize the amount of traffic that would have to pass by nearby residences. Sidewalks and trails will be extended around the street frontage of the property. Parking is internal to the site.

5. Whether the proposal will be served adequately by essential public facilities and services including drainage, public safety, fire protection, and public water and sewer facilities.

No issues have been identified concerning sewer and water capacities and stormwater management. The commercial use of the property was anticipated during the initial approval of Town Center and incorporated into the construction of utilities. The applicant will be responsible for their proportionate share of stormwater facility maintenance. Temporary silt basins and silt fencing will be required during construction.

6. Whether the proposed use will be sited and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods or adversely affect the use or values of surrounding properties and structures.

Proximity of the building to Wood Aster Lane with no existing, intervening landscaping means the building will have a detrimental visual impact on the residents. Proposed landscaping meets Town standards and consists of canopy trees (Linden, Maple, White Oak), Understory trees (Inkberry and Nellie Stephens Holly) and shrubs (Mountain Laurel). The applicant is proposing three doors exiting the building to Wood Aster Lane, security lighting on the building and a landscape consisting of Hollies and Mountain Laurels. Most of the elevation will be screened with trees and evergreen plants that are a minimum 12 feet tall at planting.

Recommendations:

Staff can support a recommendation of approval subject to the following conditions:

1. The building shall be in substantial conformance with Exhibit 1, the elevations titled: Lovettsville Square South, Design Development Building A, Lovettsville Town Square by Profitt and Associates Architects and dated September 30, 2021.
2. Landscaping shall be in substantial conformance with Exhibit 2, the Lovettsville Square South Phase II, Landscape and Signage Plan, dated June 7, 2021, and prepared by Bowman subject to changes during site plan review in accord with these conditions. Deciduous and evergreen trees (minimum planted height of 12'), and evergreen shrubs (upright evergreens and shrubs) will be installed along Wood Aster Lane. The owner will maintain the plants in good health and dead and diseased trees will be replaced.
3. An amended deed of easement (attachment 6) requiring the applicant to maintain Wood Aster Lane and limiting use of the Lane will be approved by the Town Attorney and recorded prior to site plan approval.
4. Wood Aster Lane may not be used for the parking of any vehicles, except for temporary, non-overnight, parking for service vehicles making repairs to the Property or for emergency response vehicles. The Lane is not to be used for public parking, such as overflow parking for businesses or events.

5. Exterior lighting on the north side of the building shall be fully cut off and shielded.
6. Construction activity will be limited to Monday through Friday 7:00 AM to 8:00 PM.
7. During construction, barrier fencing shall be installed to prevent people and debris from reaching Wood Aster Lane. The Lane will be inspected and cleared of dirt and debris at the end of each working day during construction.

Motion:

Move to recommend approval of LVCU 2021-0002, Lovettsville Square South Phase II subject to the conditions of approval included in the October 6 staff report.

Or

Move to forward LVCU 2021-0002, Lovettsville Square South Phase II to a future Planning Commission meeting to address the following issues:

- a.
- b.
- c.

Attachments:

1. Conditional Use Permit Application
2. Revised Applicant Statement
3. Exhibit 1, Elevations Titled: New Commercial Development for Lovettsville Square South, Building A, Lovettsville Town Square, Exterior Elevations By Profitt And Associates Architects and dated August 24, 2021.
4. Cross Section Wood Aster Lane
5. Exhibit 2, The Lovettsville Square South Phase II, Landscape and Signage Plan, dated June 7, 2021, and Prepared by Bowman Consulting.
6. Geometric Layout Plan, Lovettsville Square South Phase II dated June 7, 2021, and Prepared by Bowman Consulting
7. Amended and Restated Deed of Easement (draft)
8. Comments from the Town center HOA