

**ROUND HILL PLANNING COMMISSION  
REGULAR MEETING MINUTES  
January 5, 2010**

The regular meeting of the Round Hill Planning Commission was held on Tuesday, January 5, 2010 in the Town Office, 23 Main Street, Round Hill, VA.

**Present**

Craig Fredericks, Chairman  
Sarah Etro, Vice-Chair  
Kathleen Luckard  
Betty Wolford

**Staff Present**

Robert Kinsley, Town Planner/Zoning Administrator

**Others**

Mary Anne Graham

**Absent**

Mike Hummel

**Attachments**

- A. Draft Agenda, January 5, 2010
- B. Minutes of October 6, 2009 Regular Meeting
- C. Minutes of November 10, 2009 Regular Meeting
- D. Town Planner/Zoning Administrator's Report , January 4, 2010
- E. Planning Commission 2010 Calendar Resolution

**IN RE: CALL TO ORDER**

Chairman Fredericks called the January 5, 2010 meeting to order at 7:35 p.m., noting the meeting had a quorum with all members of the Commission present minus one, Commissioner Hummel.

**IN RE: PLEDGE OF ALLEGIANCE**

Commissioner Luckard led those present in the Pledge of Allegiance to the American Flag.

**IN RE: PUBLIC COMMENTS**

No comments were received.

**IN RE: APPROVAL OF AGENDA**

**Chairman Craig Fredericks motioned approval of the agenda as presented with Commissioner Kathleen Luckard seconding. Motion to approve agenda as presented was**

**approved by voice vote of the commissioners, 4-0-1, Commissioner Hummel absent for the vote.**

**IN RE: DISCLOSURES AND COMMISSIONERS' COMMENTS**

Commissioner Luckard noted the Town Council was to consider reappointing her at their December meeting. She asked the status of her reappointment to the Commission.

Chairman Fredericks called for a recess at 7:40 pm to have the Secretary check this issue.

Meeting was called back to order at 7:42 pm. It was reported that Mrs. Luckard had been reappointed to the Commission at the Council December 17<sup>th</sup> meeting, term to expire December 31, 2013.

No further disclosures/comments were received.

**IN RE: APPROVAL OF THE MINUTES**

Members reviewed the October and the November Minutes, page by page, making changes as they went.

**Chairman Craig Fredericks motioned approval of the regular Planning Commission Meeting Minutes for October 6<sup>th</sup> and for November 10<sup>th</sup> as presented and modified. Commissioner Kathleen Luckard seconded. Motion to approve the Planning Commission Regular Meeting Minutes for October and for November as revised passed by voice vote of the Commission present 4-0-1 (Commissioner Hummel being absent for the vote).**

**IN RE: TOWN PLANNER/ZONING ADMINISTRATOR'S REPORT**

Mr. Kinsley reported that Holtzman submitted an application for modification of the conditions set in their SPEX. The modifications apply to extending the hours of operation and allowing the pumps to operate 24 hours a day by use of a credit/debit card; and to allow the spotlights located at the bottom of the canopy to remain on at night. Mr. Kinsley stated that he would prepare a staff report on this new application for review by the Commission.

Discussion followed on the SPEX for Holtzman/Pennystone approved last year and making sure they are in compliance with all conditions set in this SPEX. Concerns were raised on the lighting (type, location and hours that they remain on) and the signage used (illuminated canopy sign); and the need to enforce the conditions and all ordinance regulations. Chairman Fredericks noted that the Town Council may have changed the conditions recommended by the Planning Commission. Vice Chair Etro stated that this particular application prompted her to ask to come onto the Commission; and she did follow it through the Town Council process, noting that some changes on lighting to tighten them up were made by the council. Mr. Kinsley said that the Commission did receive a report that included all council amended conditions. Vice Chair Etro

asked Mr. Kinsley to review, in addition to the SPEX conditions, the Zoning Ordinance regulations pertaining to signs, Section 13.10 which pertains to Service and Gasoline Stations, specifically about canopy signs. Vice Chair Etro spoke of the canopy which has a lighted Exxon sign; canister lights which hang below the canopy and the various lights that remain on or off at different times after closing.

Discussion followed on responsible party to see that conditions are met – both Holtzman (lessee) and Pennystone (owner), with the owner ultimately being responsible. Process for notification of violation(s) was discussed – informal call, verbal approach and, if still in violation, a formal letter is sent to both owner and lessee of property. Chairman Fredericks asked that the Zoning Administrator submit a report on the status of the compliance of this SPEX for Commissioners to review prior to any review, consideration of this new application.

Mr. Kinsley noted that the town should be receiving from Loudoun County a site plan referral review for a T-Mobile installation of their equipment/antenna on the town's water tower at the elementary school. This will go out for comments which will be sent back to Loudoun County.

Commissioner Luckard asked the status of the Main Street Enhancement Project. Mr. Kinsley responded that this project is under environmental review at the VDOT's district office.

### **IN RE: OLD BUSINESS**

#### **a. Resolution Setting Forth Meeting Dates for 2010**

It was noted that at the December meeting, the Commissioners had questioned the Town Council's May Election being the same night as the Planning Commission's scheduled meeting shown in the resolution presented. Mr. Kinsley checked the date and the Planning Commission meeting was changed to May 11 rather than May 4.

**Chairman Craig Fredericks motioned that the Round Hill Planning Commission adopt a resolution setting the following dates for the 2010 calendar year as follows:**

|                         |                          |                         |                         |
|-------------------------|--------------------------|-------------------------|-------------------------|
| <b>January 5, 2010</b>  | <b>January 26, 2010</b>  | <b>February 2, 2010</b> | <b>March 2, 2010</b>    |
| <b>April 6, 2010</b>    | <b>May 11, 2010</b>      | <b>June 1, 2010</b>     | <b>July 6, 2010</b>     |
| <b>August 3, 2010</b>   | <b>September 7, 2010</b> | <b>October 5, 2010</b>  | <b>November 9, 2010</b> |
| <b>December 7, 2010</b> |                          |                         |                         |

**And that whenever the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting, all matters to be considered at the cancelled meeting shall be placed on the agenda for the next regularly scheduled meeting. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. Commissioner Luckard seconded the motion.**

**Motion to adopt a resolution setting the 2010 meeting dates for the Planning Commission was unanimously approved by voice vote of the commissioners present 4-0-1, the votes being recorded as shown below:**

| <u>MEMBER</u>    | <u>VOTE</u> |
|------------------|-------------|
| Mike Hummel      | Absent      |
| Kathleen Luckard | Aye         |
| Betty Wolford    | Aye         |
| Sarah Etro       | Aye         |
| Craig Fredericks | Aye         |

**IN RE: NEW BUSINESS**

**a. Election of Officers**

After a discussion on who would agree to serve as Chair or Vice Chair, **Chairman Craig Fredericks motioned that the current officers be reappointed to their same positions: Craig Fredericks as Chairman, Sarah Etro as Vice-Chair and Betty Wolford as Secretary. Commissioner Kathleen Luckard seconded the motion.**

Chairman Fredericks asked if the Planning Commission representative to the Town Council was considered an officer. Commissioner Wolford stated that with the Commission, now having as a part of its body, a council representative who gave reports from the council, there was not a need for this type of representative.

When the vote started to be taken, Commissioner Luckard's vote was "present". Chairman Fredericks asked the reason for this vote. Commissioner Luckard stated that the vote of present indicated that she was in attendance, but had chosen not to vote. Commissioner Luckard stated that she did not feel comfortable reelecting two officers who displayed behavior she thought was problematic at the last meeting. She felt that the motion made by the Chairman and seconded by the Vice Chair to deny the RHUMC's SPEX application was based on some issues that all had agreed would need clarification from the Zoning Administrator.

**Vice Chair Sarah Etro motioned to table the election of Officers with Craig Fredericks seconding. Motion to table election of Officers was approved by voice vote of the Commissioners present 4-0-1, the votes being recorded as shown below.**

| <u>MEMBER</u>    | <u>VOTE</u> |
|------------------|-------------|
| Mike Hummel      | Absent      |
| Kathleen Luckard | Aye         |
| Betty Wolford    | Aye         |
| Sarah Etro       | Aye         |
| Craig Fredericks | Aye         |

Discussion followed on difference of opinions on language of the motion to deny at the December 8, 2010 Planning Commission meeting; parking issues – number of spaces required and yard/set back regulations, and timeframe of discussion of parking issues and motion.

**b. Commission Strategy Discussion**

**Chairman Craig Fredericks motioned to not discuss this Commission Strategy with Kathleen Luckard seconding. Motion to table discussion of the strategy of the Planning Commission was approved by voice vote of the Commissions present 4-0-1, the votes being recorded as shown below:**

| <u>MEMBER</u>    | <u>VOTE</u> |
|------------------|-------------|
| Mike Hummel      | Absent      |
| Kathleen Luckard | Aye         |
| Betty Wolford    | Aye         |
| Sarah Etro       | Aye         |
| Craig Fredericks | Aye         |

**IN RE: OTHER BUSINESS**

A discussion followed on the motion made by Chairman Fredericks at the last meeting to not recommend approval of the SPEX by the Round Hill United Methodist Church with Commissioners present having conflicting opinions. Chairman Fredericks stated that his motion was based on concerns presented by citizens at the public hearing. Commissioner Luckard felt the language included in the motion had not been previously discussed and makes it appear an abuse of office by the Commission. Commissioner Wolford said that she was surprised by the motion, feeling that the Commissioners had just agreed to have the Zoning Administrator make a written determination on parking issues before voting. Vice Chair Etro expressed her surprise and dismay that Councilperson Luckard would see her actions as unethical.

After a lengthy discussion, it was agreed to hold off on further discussions until the Commission has an opportunity to review the minutes and tapes of this December meeting.

**IN RE: DRAFT AGENDA FOR NEXT MEETING**

Items to be placed on the Commissions' January 26th Special Meeting agenda will be the SPEX of the Round Hill United Methodist Church. It was noted that all additional information should be submitted to the Commissioners prior to the 26<sup>th</sup> meeting.

The regular February Meeting will include the Holtzman/Penneystone SPEX application. The staff report (including status of compliance with current conditions set and adherence to Zoning Regulations; and current application) will be submitted and commissioners should be familiar with the town's Zoning Ordinance regulations that relate to this application.

**IN RE: ADJOURNMENT**

No further business appearing, Chairman Craig Fredericks motioned to adjourn the meeting at 9:30 p.m. with Commissioner Kathleen Luckard seconding. Motion to adjourn was approved by voice vote of the commissioners present, 4-0-1 (Commissioner Hummel being absent for the vote).

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Craig Fredericks, Chairman

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Elizabeth Wolford, Secretary