
(Minutes reflect both verbatim comments and a summary of the discussions.)

**TOWN OF ROUND HILL
Planning Commission Meeting
November 9, 2010**

A regularly scheduled meeting of the Planning Commission took place Tuesday, November 9, 2010 at 7:30 p.m. at the Town Office, 23 Main Street, Round Hill, Virginia.

PLANNING COMMISSION MEMBERS PRESENT:

Sarah Etro, Chair
Craig Fredericks, Vice Chair
Betty Wolford
Jennifer Grafton Theodore

MEMBERS OF THE STAFF PRESENT:

Rob Kinsley, Town Planner and Zoning Administrator
Susanne Kahler, Recording Secretary

MEMBERS OF THE PUBLIC PRESENT:

Jeff Wolford, Wolford and Chen PC
John Hudson, John Milleson, Jim McCarty, Bank of Clarke County

IN RE: CALL TO ORDER

Chairperson Sarah Etro called the meeting to order at 7:32 p.m. A roll-call was taken and with all members present, it was determined that there was a quorum. Chairperson Etro welcomed Town Council Member and Planning Commissioner Jennifer Grafton Theodore to her first meeting and thanked her for her willingness to serve in the position.

IN RE: PLEDGE OF ALLEGIANCE

Commissioner Wolford led those present in the Pledge of Allegiance

IN RE: PUBLIC COMMENT

None

IN RE: APPROVAL OF THE AGENDA

Vice Chair Craig Fredericks moved that the agenda be approved as presented.
Commissioner Betty Wolford seconded the motion.

The motion passed, 4-0-0.

IN RE: COMMENTS FROM COMMISSIONERS

Commissioner Betty Wolford stated that she would be recusing herself from discussion and voting concerning agenda items 9A and 9B, which pertained to the Bank of Clarke County's

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Special Exception request and Lot Consolidation request of 21 Main Street (the site of the Bank's proposed place of operation) due to a conflict of interest.

Chairperson Etro mentioned that she had tried to get someone from the Sanitation and Health Department to speak about item 9C – the proposed Lake Ridge Estates subdivision proposal to utilize a grinder pump sewage system, but could not.

IN RE: APPROVAL OF MINUTES OCTOBER 5, 2010 and JOINT PUBLIC HEARING OCTOBER 21, 2010

Commissioner Wolford noted that Jeff Mitchell should be listed as Town Auditor under the Public Hearing minutes.

Vice Chair Craig Fredericks moved that the minutes from the October 5, 2010 Planning Commission meeting be approved as presented. Commissioner Betty Wolford seconded his motion. **The motion carried, 3-0-1 with Commissioner Jennifer Grafton Theodore abstaining as she was not present at the meeting.**

Vice Chair Craig Fredericks moved that the minutes from the October 21, 2010 Joint Public Hearing be approved with the one modification noted above.

Commissioner Betty Wolford seconded his motion. **The motion passed 3-0-1 with Commissioner Jennifer Grafton Theodore abstaining from the vote.**

IN RE: LAND USE COMMITTEE REPORT

Vice Chair Fredericks asked if there was any additional information available concerning the Main Street Enhancement Project storm water connection.

Rob Kinsley stated that they had a subsequent meeting with the Department of Parks and Recreation. Vice Chair Fredericks said there were two issues - one is that the Franklin Park trail project changed their engineering design. The second issue is that the Town's current engineer doesn't think that the size of the pipe that previously noted in the plans is adequate. Kinsley felt that they would probably ask the County to change the size of the pipe.

Vice Chair Fredericks also asked if the Town had received anything from the Community Garden asking to renew their permit. Town Planner Rob Kinsley stated that the Town Council had already approved it.

IN RE: TOWN PLANNER AND ZONING ADMINISTRATOR'S REPORT

Vice Chair Craig Fredericks asked Rob Kinsley about the delay in issuing the zoning permit for the RHUMC if it had been reviewed by the Town Attorney determined feasible. To date, Mr. Kinsley had not.

IN RE: BANK OF CLARKE COUNTY ROUND HILL BRANCH

Please note that Commissioner Wolford recused herself at this time from discussion on agenda items 9.a. SPEX-2010-02 Bank of Clarke County Round Hill Branch and 9. b. BLA/Lot Consolidation - 21 Main Street.

Rob Kinsley, Town Planner and Zoning Administrator had prepared a revised report and discussed it with Mayor Ramsey - they Town has finally heard back from all review agencies

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and received their comments. Mr. Kinsley recommended that the Planning Commission eliminate Condition #2 to satisfy the Bank's security requirements and concerns. Included in the packet presented to Commissioners was a copy of the Bank's summary of security regulations, which were in fact a combination of both the bank's own security procedures and Federal regulation. Etro asked if the regulations and policies were directly from a manual or paraphrased. According to Mr. John Hudson from the Bank of Clarke County, some of it was directly out of a manual which was put together by a security officer of the bank so it is a combination of their policy and Fed regulations that address security.

Vice Chair Craig Fredericks stated that the direct quote for lighting regulation didn't specify that it must be maintained 24 hours a day (item C. Security Program; Security Devices).

Chairperson Etro felt there were some options as lighting was not required to be done solely by overhead canopy.

Mr. Hudson: "Our intention this evening was to get you as much information as possible to be available to you - both with the site plan and the special exception plat so we have been working with Rob (Kinsley) and keeping track of the questions and trying to get the answers so hopefully we have at least everything we need and it is here on the table for your consideration."

Commissioner Jennifer Grafton Theodore: "Are there any lights in this parking lot?"

Mr. John Hudson: "There is one pole light, yes."

Commissioner Grafton Theodore: "Is that adequate?"

Mr. Hudson: "Possibly not. We are going to present a lighting plan. I am assuming...I have been leaving a lot of this up to the engineer and the architect. But we are going to look at the adequacy of the lighting for say, employee parking at night and we'll see if what is there is adequate. If not, we will certainly tell you what we think we would like to see."

Chairperson Etro: "I know there is a light on the corner of the building and one light faces this way and the other faces I guess to the backside I am not sure I have ever seen that light on."

Mr. Hudson: "I haven't either."

Chairperson Etro: "That is an existing light."

Chairperson Etro: "When would the lighting plan become part of the site plan process?"

Town Planner Rob Kinsley: "I have received a proposed site plan but it did not include a lighting plan on it."

Chairperson Etro: "If the plats are recommended for approval and those lights are there then we would be approving those lights. I am not sure if that would limit the lighting plan or just that you would have those lights approved."

Commissioner Grafton Theodore: "The only place I can see that anyone would have a reasonable objection is if there was a whole bunch of extra lighting in the parking lot, I can see the residents potentially being upset. To those people surrounding and living around it, that seems to be a big issue. To me the canopy and ATM lighting doesn't seem intrusive. I personally don't have any objection to it."

Chairperson Etro: "I am going to suggest that unless there are more questions about the plat we just go through the conditions and see where we are on this. Is that acceptable?"

The Planning Commission proceeded to review every condition required for special exception approval.

Condition #1: Commissioner Fredericks questioned the standard measure of the amount of light

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needed. "We know what 20 is because that is the maximum allowed for the gas station but the RHUMC said that 5 foot candles was sufficient for them so why wouldn't it be sufficient for the bank?"

Mr. Hudson, Bank of Clarke County stated that their architect said that a 20 foot candle would be adequate.

Chairperson Etro: "I am all for reducing the amount of light. I would also like to add the sentence under that condition that states that the canopy ceilings be non-reflective."

Mr. Hudson: "Ours are non-reflective so we would have no problem with that requirement."

Commissioner Fredericks expressed that his goal was to reduce light emission off the property. He noted that he had hoped that the Bank's architect would work with the provision under Condition #8 as far as coming up with a conceptual plan.

He suggested that they use whatever the minimum lighting was by Federal regulation and call it done. It would be up to the zoning administrator and the applicant to determine what the Federal minimum requirements were.

Chairperson Etro: "Until the public hearing somehow I had missed that there was a canopy over the ATM. From the design perspective, is there a way to work a way around the ATM that is not a canopy - so you are containing the light to the core - that isn't up as high as a canopy to ...that is where the wing walls come in."

Commissioner Grafton Theodore: "I think it seems silly to put wing walls on this little ATM when we have this canopy that is emitting way more light. If we don't understand - is it really going to have an impact? So how can we require them to do that?"

Chairperson Etro: "We are suggesting that they don't do a canopy, that they find some other way to light it, if there is a different way to do it."

Commissioner Grafton Theodore: "It seems silly for this little canopy to have wing walls when we have this much larger canopy that is emitting way more light. We don't even know what these wing walls are, we can't even define it."

Vice Chair Fredericks: "The goal is to reduce offsite lighting emissions. That is my goal. If I were living in one of the houses around there that is what I'd want....I don't want to be sitting on my back porch having a scotch and a cigar and having a lot of light shining in my backyard. There also is the safety concern. The minimum Federal regulations - should such an item exist - should cover the safety perspective."

Commissioner Grafton Theodore: "I'm saying from a business perspective, if I were applying for this Special Exception, I would want to know what the requirements were clearly before I built it or paid an architect to design something we are requiring ...and we cannot define it - how can we expect them to fulfill it? That is my standpoint."

Vice Chair Fredericks: "Exactly. And that is why we put in the smallest possible light emission measure that we can put in. That way there is flexibility to the design."

Commissioner Grafton Theodore: "That is not my personal goal. I plan on being a patron and I know several elderly business owners close by that are in danger of being targeted while making their night drops and to me that is a greater risk than someone's evening on their porch. A safety issue far trumps."

Chairperson Etro: "I think we have 3 different views: 1. Reduce the foot candle on the canopy over the ATM to reduce the glare. We are just talking about the ATM. What might be cause for

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concern for the ATM is maybe it doesn't have a canopy at all - that there is a way to create the structure and light it - and maybe it is with wing walls - so that it achieves the safety objective - that it is light enough for that but it but reduces the amount of light that comes on another property and I am not sure the Bank has explored that at all."

Mr. Hudson: "The canopy serves a couple purposes. Our assumption is that the canopy will have the same type of recessed light that directs the light straight down onto the machine but it is also a weather prohibitor. If it is a torrential downpour and someone tries to access the machine they are going to get soaking wet so the design that is being proposed is also a weather prohibitor as well."

Vice Chair Fredericks: "It is meant to be a drive - up ATM. The way I interpret 'wing wall' is just an enclosed structure on 3 sides; whether or not they are obtuse angles."

Commissioner Grafton Theodore: "How far will they come out?"

Chairperson Etro: "When the time that the wing wall (provision) came out - we did not know that the canopy would be sitting there."

Mr. Hudson: "One more consideration, the enclosure that you are talking about - we get law enforcement all the time to come by and advise us about the shrubbery that we have around our building - potential problems for customers...an enclosure would allow somebody to lurk behind it and could possibly create a security issue. The canopy that is coming out 2 feet over - the lighting that is proposed for that is theoretically designed to illuminate straight down and if we can come to some sort of agreement on the amount of illumination but possibly leave the sides open for a customer to be able to sense their surroundings, that may be a solution."

Vice Chair Fredericks: "I am with you - I think the issue is agreeing on what the right level of illumination is. Why isn't 5 sufficient? I understand your concern about safety, I don't want to minimize that."

Commissioner Grafton Theodore: "And I don't want to minimize your concern about the impact on residents."

Chairperson Etro: "So we have a question as to whether to strike it."

Vice Chair Fredericks: "I say strike it and we will deal with any illumination issues either by revisiting Condition #1 or by lobbying the Council."

Chairperson Etro: "I think we have agreement to strike Condition #8."

The Commissioners agreed with her consensus.

Chairperson Etro: So are there any additional conditions you want to add?

Vice Chair Fredericks: "My first one is the one that I wrote before that is an extension of Condition #3: "An instrument shall be prepared and recorded in the Loudoun County land records that permanently establish an easement providing the Town the necessary ability to complete Main Street Enhancement Project improvements on the East and South property boundaries. This shall be delivered to the Town Office prior to the Town's approval of the Special Exception application.

Vice Chair Fredericks: I also have 2 more:

1. This is regarding the next item on our agenda. The lot consolidation between parcel 584-20-3745 and 584-20-3639 shall be properly recorded in Loudoun County land records prior to the potential approval of the Round Hill Town Council of this Special Exception application.

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2. Then we also need to address lighting...if you go back to the regulations then the question becomes what kind of lighting is required for employee parking. Are street lights sufficient? If they are, that is great. But if they are not sufficient to meet this, then what is required? Regulation H requires exterior lighting. If municipal street lighting is sufficient for employee parking then we don't have to worry about it.

Commissioner Grafton Theodore: "Yes, I think we need additional clarification. Will we need additional lighting in the parking lot?"

Chairperson Etro: "So the additional condition will have to come back for approval? Remember the two lights on the back of the bank building are part of the plat. They'll be approved. They aren't on tonight."

Vice Chair Fredericks: "That is a great suggestion. We can say, 'Any additional lighting required per Regulation H and maybe by the time this gets to Council we will have clarification on what Regulation H requires....'"

Commissioner Grafton Theodore: "To me that poses a much greater lighting pollution risk than the canopy. To me that (the canopy) is minor compared to the parking lot."

I don't think we should cite what regulation. We don't even know what that is from. We should just say employee parking, period. If this is from the Federal regulation, it doesn't seem too specific to me. We want additional specifications because if that is all there is, I don't think we need to cite that.

Vice Chair Fredericks: "So what you're saying is that if they decided to put in additional lighting and it isn't required by Regulation H then the condition doesn't apply."

Commissioner Grafton Theodore: "No, I'm saying we don't need to cite this. We don't need to cite this at all. I think we should just say additional lighting period because we don't even know what this is from."

Chairperson Etro and Vice Chair Fredericks agreed

Chairperson Etro: "The Condition I had, that has been addressed. So we have reviewed the Conditions. So do you want to take a look at the plat to make sure that we are comfortable?"

Commissioners agreed that they were comfortable with the plat.

Town Planner Rob Kinsley: "What I can see is that a lot of the details on here will be incorporated right into the site plan and we do want them to have the lighting on there."

Commissioners took a 10 minute recess to allow Town Planner and Zoning Administrator Rob Kinsley to incorporate the new language into the proposed conditions of the Special Exception application review.

The Planning Commission meeting reconvened at 9:25 p.m. Each Commissioner had a draft condition of the conditions for their perusal.

Vice Chair Fredericks: "I also included the specific parcel identification numbers on Condition #10 and they are not shown here."

Mr. Kinsley: "Noted. I will add them."

Chairperson Etro: "Commissioners, any comments about the version that is typed up?"

Chairperson Etro: "I do have a question and that is - from the staff report prepared November 8th - proposed Condition #2 has not been included in this set of Conditions. I know there was

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discussion, Commissioner Grafton Theodore did not support striking it but I am not sure we collectively agreed to striking it. So I guess the question remains, should Condition two remain on these proposed typed up conditions?"

Vice Chair Fredericks: "I think because of the uncertainty of the Federal regulations requiring it, whether or not they actually require 24 hour illumination everywhere, I don't have any problem leaving it there. It looked like some of it was corporate policy and some of it was Federal regulations."

Chairperson Etro said: "So what I am hearing you say is that this typed list should include Condition number 2 from the staff report."

Rob Kinsley/Commissioner Grafton Theodore: "We were under the impression that we struck it."

Commissioner Grafton Theodore: "I said, Are you recommending, Rob, that we strike number 2 and you said 'yes.'"

Chairperson Etro: "There are 2 more Commissioners sitting here."

Commissioner Grafton Theodore: "Then I thought we all agreed on it."

Vice Chair Fredericks: "You can break the tie."

Chairperson Etro: "I guess that's the thing...we should reincorporate that into this list."

Vice Chair Fredericks: "Yes, as item number 13."

Chairperson Etro: "I know there was not full agreement on it but I know there wasn't agreement to take it out either. I very carefully went through every condition for that reason. So Condition number 13 would be "canopy lighting to the drive through will be limited to the bank's operating hours."

Mr. Hudson: "Can I ask for clarification on that? Our banks close at 6 p.m. so this condition says that the canopy lights will go off at 6 pm. That is how I am interpreting this condition. The night deposit lighting is part of the canopy lighting."

Chairperson Etro: "We understand that. I don't think we want to get into that debate again. Part of our discussion is that canopy lighting is not the only way to light that night deposit box. We understand there are regulations. There is just not full agreement here among the Commissioners. Commissioners, does everyone understand what this condition says?"

The Commissioners answered in the affirmative.

Chairperson Etro: "We have been through the conditions and the plat and A-1. What is your pleasure Commissioners?"

Vice Chair Fredericks: "I move that the planning Commission recommend approval of the Bank of Clarke County Special Exception application SPEX 2010-02 and the SPEX plat dated August 27, 2010 as amended through October 18, 2010 supplemented by the architectural drawing dated October 4, 2010 with the inclusion of the modified conditions proposed at this meeting."

Chairperson Etro: I will second that motion. I do have a reservation about Condition #13 as from my perspective it should address both canopies and not just the drive through window. I also want to make the comment that I support the use, I think it is a good use. I appreciate the work we have been able to do with the bank and the positive atmosphere but the lighted canopy is an issue for me. Call for the question."

The motion passed 3-0-1 with Commissioner Wolford abstaining.

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IN RE: AGENDA ITEM 9B LOT CONSOLIDATION

Chairperson Etro: "You all have a report which includes the attached plat."

Vice Chair Fredericks: "Have there been any changes?"

Rob Kinsley: "No, none at all."

Vice Chair Fredericks: "I am prepared to make a motion. I move that the Planning Commission approve the BLAD-2010-01 boundary line adjustment consolidation plat subject to the Town Attorney's review and approval of the BLA consolidation."

Commissioner Grafton Theodore: "Seconded."

There was no discussion. **The motion passed 3-0-1 with Commissioner Wolford abstaining.**

IN RE: LAKE RIDGE ESTATES SEWAGE SYSTEM

Commissioner Wolford rejoined the PC table at this time

Chairperson Etro: "We do have some information from Loudoun Water concerning grinder pumps."

Rob Kinsley: "The only thing that has happened since the last meeting is that I have had one email from Jordan Dimoff that said that he was contacting the same person that you had heard from Loudoun Water and that he is having his engineering firm provide information as to the proposed layout of the subdivision of this system that he proposes. That was the last I heard."

Chairperson Etro: "I did speak with Alan Brewer who is the Chief of Environmental Health for the County and talked to him a little bit about grinder pumps. He didn't have a lot of information but he did give Alan Wolverton of the Round Hill staff a really good strong recommendation that Alan would be able to provide a good strong insight into the system and then also suggested several people at Loudoun Water to talk to but I was unable to get anyone to come talk to us."

Rob Kinsley: "I was able to get one other piece of information that I don't have a timeline for. I was also in contact with the engineer who is now under contract to do the final engineering for West Lake subdivision utilities. He said that theoretically construction could begin in the spring time. So there is some movement on West Lake at this time. They have reactivated their application for plat approval with the County."

Vice Chair Fredericks: "I think with Creekside coming back into play, the argument that was being used for the grinder pump movement is gone. The research that I did from the County's perspective on grinder pumps is that it is a last resort; that all other options need to be considered. They strongly recommend against it, against using grinder pump systems as there are always significant issues to the homeowner with their use and the County's system also maintains the grinder pumps. They may charge back to the homeowner if there are repeated problems."

Commissioner Wolford: "Obviously there is a problem if part of it is talking about maintenance right away and I know from talking to Lori in Hamilton because that was one of the communities that used it and what they did was the Town of Hamilton contracted with the maintenance company for each household - they cover it and that way they know that they maintenance will be done by this company and the Town won't have to do it but that maintenance is \$321 dollars a year per connection. Now they are looking at the out-of-Town connections contracting for maintenance themselves."

Vice Chair Fredericks: "It is not only an expense and maintenance issue but it is a customer

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service issue also from a Town's customer service standpoint. And there are still additional costs to the Town from a safety perspective.”

Chairperson Etro: “I appreciate all the research us that everyone has done but it sounds like we don't have an issue before us at the current time.”

IN RE: UPDATE ON WORK PLAN AND PREPARATION FOR B-1 ORDINANCE REVIEW

Chairperson Etro: “At the last meeting after reporting what the Council had approved in terms of our work plan it was suggested that it might be a good idea for Rob and I to sit down and kind of start getting into some of the details and that is what this reflects. The first element is to compile information and data relevant to the B-1 district. As far as establishing a special study committee - that was an element of the work plan - some of the people we came up with - none have been contacted yet. The last part of this is "how do we tackle it?" Do we tackle this as part of the regular Planning Commission work or should the study committee come forward with a draft? The time commitments are different between the two. Realistically we thought it didn't make sense to start until the beginning of the year. Is it a good start? Agreement on the concepts?”

Commissioner Wolford: “I think having a special study committee is a good idea and to me, that would be a good place to start and do a draft of it.”

Commissioner Grafton Theodore: “That is exactly what I was going to say.”

Chairperson Etro: “It gives a real opportunity to vet it, more than if it was done in-house.”

Commissioner Grafton Theodore: “I think that once we form the special study committee - because this really affects our zoning laws potentially, I think we should have the same committee members throughout. I think that once you are on this committee, I think everyone should start from the beginning and be very informed from the beginning.”

Vice Chair Fredericks: “I think the hard thing is setting a scope. What are the possibilities? How many people actually have an idea of what the purpose of the ordinance is, what the content of the ordinance is, what the implication of the ordinance is? I hear you but how can that committee be prepared because previous planning commissions have sought the opinion of businesses before and I don't think there has been enough input at the right time to actually shape an ordinance. On one end of the spectrum you can say the Town really needs to have tight ordinance in place, consistent ordinance so that it can be managed and managed fairly. You can write a good tight ordinance that allows anybody to do anything. I can easily see all the business owners saying, ‘yeah I want to do whatever I want, you guys just get out of my way.’ We need controls but what are acceptable controls? How do you go about it?”

Commissioner Grafton Theodore: “This is something that requires some thought. I think that we should form our stance as a Commission on how this is going to start to be implemented in January 2011 once we have thought about our position and then streamline it as a united front rather than flounder around. I need to think about this. I don't even know what direction I think it should go in. I need some time to figure out what my opinion is.”

Commissioner Wolford: “You just jump in. I think you just take each section of the ordinance, study it, look at other ordinances, look at some of the Town's comprehensive plan, its streetscape plan, etc.”

Vice Chair Fredericks: “So the issue is really a cleaning up of the ordinance which will require

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more than just a review of the B-1 section...if we get a significant number of business owners involved they may be looking at it from just the perspective of their individual property and that's it - which is good from that standpoint but and maybe that's the guidance that we want to, the perspective we want to elicit and maybe coming out of it we decide this is great but this may lend itself to more of a fragmented and haphazard development in this district, then we need to change focus and start thinking about comprehensive planning and long term use planning which would have a vastly different impact on the ordinance.”

Chairperson Etro: “I think the idea is to try to have a diverse study committee that is coming to the table so that you are getting a balance because you are getting some diversity, so it doesn't get pulled one way or the other. So one approach would be to have the group identify the zoning issues from the beginning - what are the problems, what are the opportunities and start at it from that perspective. That way you are not restricted to what we already have.”

Vice Chair Fredericks: “So once we find out what the issues are, we are going to find out what we are going to study and then we are going to know what is going to be the result of that.”

Chairperson Etro: “The Council has told us it has to be B-1 so you do have that parameter. If you start out with what do you see the problems are; what are the opportunities? I think there are a lot of really good ideas out there that never get to the table.”

Commissioner Grafton Theodore: “I just really feel strongly that we make sure that once we start this project that we don't have people who are uninformed voting on something that they just sat in on. Not a lot of people would abstain if they came to something like this and they were uninformed.”

Chairperson Etro: “One way is to get the Council to sanction the committee. Certainly any changes to the ordinance will go through a public hearing process as well.”

IN RE: NEW BUSINESS

Town Planner and Zoning Administrator Rob Kinsley noted that he had received the site plan application from the Round Hill United Methodist Church.

IN RE: OTHER BUSINESS

None

IN RE: DRAFT AGENDA FOR DECEMBER 7TH MEETING

Work plan approach. Commissioner Jennifer Grafton-Theodore noted she would be absent but send in her written comments.

Site plan review for the Bank of Clarke County

IN RE: ADJOURNMENT

With no further business or comments, the meeting was adjourned by Chairperson Etro at 10:20 p.m.

Planning Commission November 9th, 2010

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Sarah Etro, Planning Commission Chairperson

Susanne Kahler, Recording Secretary