

**ROUND HILL PLANNING COMMISSION
REGULAR MEETING MINUTES
February 3, 2009**

The regular meeting of the Round Hill Planning Commission was held on Tuesday, January 13, 2009 in the Town Office, 23 Main Street, Round Hill, VA.

Present

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

Staff Present

Robert Kinsley, Town Planner/Zoning Administrator
Maureen Gilmore, Town Attorney

Others Present

John McBride, RHUMC Attorney
Amber Scharn, RHUMC Attorney

There were 16 members of the public present.

Attachments

- A. Agenda
- B. Minutes, October 14, 2008 Regular Meeting and January 13, 2008 Special Meeting
- C. Land Use Committee Notes dated January 14, 2009
- D. Town Planner/Zoning Administrator's Report , January 26, 2009
- E. Proposed Round Hill Community Garden – Staff comments, Application, Statement of Justification, Drawing of Potts Barn Area
- F. Round Hill United Methodist Church SPEX Application and Plat
- G. Proposed Text Amendments - Article 15 “Board of Zoning Appeals”
- H. Proposed Text Amendments – Article 14 “Landscaping and Screening” of the Zoning Ordinance and Section 5.7 “Landscaping” of the SLDO
- I. Proposed Text Amendments to Section 4-200 (PD-CC District)
- J. B-1 Business – Town Business District Regulations
- K. Strategy for Reorganizing and Updating the Town's Zoning Ordinance

IN RE: CALL TO ORDER

Chairman Fredericks called the meeting to order at 7:34 p.m., noting that with a full Commission present, there was a quorum.

IN RE: PLEDGE OF ALLEGIANCE

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

IN RE: PUBLIC COMMENTS

Dickie Costello, 5 Church Street, expressed his support of the application submitted by the RHUMC, noting that as a neighbor of the church he was pleased with its growth over the years, the planned activities for their large youth group, and its community involvement.

Michelle Jones, 35355 Carnoustie Circle, felt the proposal by the RHUMC was an important project for the church because of the need to upgrade the existing building to properly serve the church community. She stated that once completed it would be a wonderful addition to the church and the town.

Jane Ford, 8 Church Street, considered the church and the town her home and knew that both had a good reputation in the area. She said that the purpose of the church is to serve those in need, to serve the community; and this expansion would offer adequate facilities to serve all and be a positive presence.

Cheryl Saunders, 19739 Woodtrail Road, stated that she fully supports the proposed expansion. She mentioned the many, various activities that now serve the youth of the area.

Phil Bzdyk, 9 Church Street, noted that this expansion would fulfill a long time need of the church. He stated that he was in support of this expansion but asked the Commission to pay close attention to traffic needs and safety issues on Church Street which is a very narrow roadway. He felt that it was vital that the church stay in town as it was a major part of the town community.

IN RE: APPROVAL OF AGENDA

Chairman Craig Fredericks motioned approval of the agenda with one change – move Item #8-b, Round Hill United Methodist Church SPEX Application and Plat to follow Agenda approval. Commissioner Kathleen Luckard seconded the motion. Motion to approve amended agenda was passed unanimously by voice vote of the commissioners, 5-0-0.

IN RE: OLD BUSINESS

A. Round Hill United Methodist Church SPEX Application and Plat

The Planning Commission had received a “Second Resubmission of Special Exception for Expansion of the Round Hill United Methodist Church” dated December 23, 2008 at their January 12th meeting. The first resubmission had been received in May. Since this May date the following has occurred: (1) a presentation was made to the Commission in September, 2008; (2) town attorney and applicant’s attorney had met to discuss issues; (3) the second set of referral comments had been received from VDOT, Loudoun County Department of Building and Development, and Loudoun Planning Department; and (4) received referral comments from the Town Attorney, Town Utility Staff, and the Town’s Consulting Engineers.

Mr. Kinsley had submitted to the Commission a staff report that included steps the Planning Commission should take; summary of the review evaluations as well as issues that remain; and listed recommended conditions for the SPEX.

Mr. Kinsley noted that total acreage for these four parcels total 2.2+ acres which are all zoned R-2. The Planning Commission is tasked with determining the impact that this expansion may have on the surrounding residents and neighborhood including roadways.

Commissioner Etro reported, for clarification, that at one time she had been a member of the RHUMC, but has not been a part of the Church for at least three years.

Chairman Fredericks stated that the Planning Commission must determine when the applicant and the Commission are at the point that a Public Hearing on this SPEX can be held.

Commissioner Luckard pointed out to the public in attendance that the Commission is composed of volunteer Town Residents; that the application before the Commission contains multi-uses in the R-2 Zoning; felt that the proposal was a lovely project; the Planning Commission needs to thoroughly review the SPEX documents to make sure everything meets the Town's Zoning Regulations.

Commissioner Etro, as a point of information, asked Mr. Kinsley the following questions:

- 1) Was the Application complete – response was in the positive;
- 2) Does the information on the plat that was submitted for the SPEX meet the elements of the Town's Zoning Ordinance regulations – response was in the positive.

Chairman Fredericks asked Mr. Kinsley if additional information had been requested, if he was waiting for additional information. Mr. Kinsley replied that there was a need for an updated application form from the applicant; and that some things need to be changed/corrected such as the loading space dimensions. Mr. Kinsley stated that he believed the application was complete, but there were issues remaining that need to be addressed between the applicant and the Commission. Ms. Gilmore stated that the Land Development Application that was submitted states that the proposed request is for the expansion; the application needs to include the use of the existing church as well. Mr. McBride stated that this issue would be corrected; that he had received this request on Jan. 30th and had not had time to revise the application. Mr. Kinsley noted that this wording is specifically shown on the Statement of Justification, but not on the application form. Ms. Gilmore noted that this addition (existing church) to the application was mentioned at an earlier meeting held in October.

Commissioner Etro asked about the status of lot consolidation. Mr. Kinsley stated that this consolidation would happen after approval of the Special Exception, be a part of the conditions placed on SPEX. Commissioner Hummel said the Commission had discussed the timeframe of the lot consolidation and decided on having it done after approval of the Special Exception – felt that if the SPEX is not approved, there would be no need for the applicant to have the lots combined. Ms. Gilmore noted that the lot consolidation would be processed while doing the Site Plan. She recommended not approving the Site Plan until the Lot Consolidation is recorded. Chairman Fredericks asked if there was a problem with this process, noting that, for this project, the lots need to be combined to meet Zoning Regulations. Ms. Gilmore responded that her preference would be to do the lot consolidation now during the SPEX process; but does understand that if the SPEX is denied, the expansion would not occur, and the consolidating of the lots might create a hardship for the applicant. Chairman Fredericks stated that he assumed by her statement that there was nothing in the law, no legal basis to require this consolidation during the SPEX process. Ms. Gilmore replied the Special Exception could not be satisfied unless they meet this condition (lot consolidation) during the Site Plan process; approval of the site plan is required before submission of the Zoning Application.

Commissioner Hummel stated that he was in support of this expansion, that the RHUMC were good neighbors. He felt that the Planning Commission cannot ignore the challenge to get this application approved while making sure that it meets the Town Ordinances. And that as a part of the Special Exception process, there is a need to help mitigate impacts on the surrounding uses such as VDOT issues and the impact this large expansion may have on the surrounding neighborhood.

Commissioner Hummel asked if all the comments from referral agencies as well as issues of concern have been passed onto the applicant. Mr. Kinsley responded yes.

Discussion followed on next step of the process; whether to hold a work session with the applicant; conditions set from previous submissions have not been met; need to review those conditions from 2006, set conditions for this application. Chairman Fredericks said the Commission should have a set list of conditions for this application before scheduling a Public Hearing date. Commissioner Luckard noted that the standards for a Historic District show that one doesn't "touch" the streets. It was also noted the need for the applicant to address stormwater issues and management during the Site Plan process.

Planning Commissioners then discussed the need to hold a work session prior to their regular meeting in March. Chairman Fredericks and Commissioner Luckard noted the need to get the issues of concern organized by category for Commissioners and Applicant to review before meeting in a work session. Mr. McBride said that he would welcome meeting with staff and the Commission to narrow the issues, discuss conditions. He noted that the church would have liked to have a hearing in February; their concern is the timeframe to complete this SPEX. Commissioner Etro felt the Commissioners need to fully understand the issues before them and not get "derailed"; to have the issues clearly articulated to insure that the Commissioners "do their duty". Ms. Gilmore stated that the town staff, Planning Commission Chairman and she had met several times with Mr. McBride; that she would be glad to participate in a Planning Commission work session. Work session was set for Thursday, February 12 beginning at 7:00 pm. Commissioners suggested that Mr. McBride, Ms. Gilmore and Mr. Kinsley converse by email/telephone on outstanding issues and have some type of agreement prior to the work session. Mr. Kinsley will contact VDOT on issues pertaining to roadway width. Mr. McBride will contact the Utility Staff to address water issues and have some answers for the Feb. 12th meeting.

Commissioner Etro asked if a brief chronology of the RHUMC zoning activities could be submitted to Commissioners prior to the February 12th work session.

Chairman Fredericks called for a brief recess before continuing with the regular meeting.

IN RE: APPROVAL OF OCTOBER 14, 2008 AND JANUARY 12, 2009 MINUTES

Chairman Craig Fredericks motioned the minutes of the October 14, 2008 Regular Meeting and the January 13, 2009 Regular Meeting be approved as presented with Commissioner Kathleen Luckard seconding. Motion to approve said minutes as presented passed by voice vote of the Commissioners, 4-0-1, (Vice Chair Etro abstaining).

IN RE: LAND USE COMMITTEE REPORT

A written report had been submitted in Commissioners' packets.

Discussion followed on regulations regarding blighted properties, state regulations, and eminent domain. Ms. Gilmore, town attorney, reported that if there is an immediate utility emergency, the Town Council can authorize and determine if it is necessary to acquire property for water/sewer reasons. If the owner of said property is not willing to sell, the town can file a petition for condemnation with the Circuit Court and file a Bond in the amount of the value of the property. A jury would then listen to experts testify on the value of the property and the amount decided by the jury would be the amount paid to the property owner. The locality is also responsible for paying for the property owners' attorney fees.

IN RE: TOWN PLANNER/ZONING ADMINISTRATOR'S REPORT

The Commission had received Mr. Kinsley's January 26, 2009 Report. Mr. Kinsley reported that:
Andre Fontaine submitted his revised deed (Darling Subdivision) yesterday.
There is nothing new to report on 7 Main Street

IN RE: OLD BUSINESS

B. Round Hill Community Garden – Commission Permit Application

Application has been revised to include Mayor Heyner's signature. Both the Town Council and the Planning Commission have deemed it not necessary to conduct a Public Hearing on this Application. Chairman Fredericks asked the town attorney if a precedent would be set if the Planning Commission does not hold a public hearing (town is property owner). Ms. Gilmore responded that there is no requirement to hold one and that from reading notes and minutes on this subject, it appears that there has been a lot of public input.

Commissioner Mike Hummel made a motion that the Planning Commission approve this Commission Permit and recommend to the Town Council approval for ratification. Commissioner Kathleen Luckard seconded.

Commissioner Hummel reminded members of the Commission that, if approved, this motion certifies that this use of the property complies with the Town's Comprehensive Plan. Discussion followed on timeframe for use of property as Community Garden, fundraising/donations, liability/insurance issues. It was noted that the Commission has before them an application for a Commission Permit; resolution on these other issues will be determined by the Town Council. Commissioner Wolford asked about the specifications for the Site Plan (Zoning Administrator had determined a Site Plan is needed). Mr. Kinsley responded that the Planning Commission would determine what they want on the Site Plan, not the Zoning Administrator.

Motion to approve and recommend to the Town Council ratification of the Community Garden Commission Permit was approved by unanimous voice vote 5-0-0, the ayes being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Mike Hummel	Aye
Kathi Luckard	Aye
Betty Wolford	Aye
Sarah Etro	Aye
Craig Fredericks	Aye

C. Proposed Text Amendments to Article 15 “Board of Zoning Appeals”

The Commission had received these proposed text amendments using Ms. Plowman’s formatting that had been decided upon at the last Planning Commission meeting. After review of the new format, Commissioners agreed to the following changes:

Page 2, delete the first number “1” just before “Required Standards for Variances; and

Last page, #13, change Section 15.5.2 to Section 15.5

Discussion followed on these regulations pertaining to “variances”; section on “Required Standards for Variances (BZA has to find all conditions applicable in order to grant variance).

Chairman Craig Fredericks motioned that the Planning Commission recommend to the Town Council approval of text amendments to Article 15 “Board of Zoning Appeals” of the Zoning Ordinance with the two changes shown above. Commissioner Kathleen Luckard seconded.

Commissioner Etro pointed out that these text amendments “clean up” our ordinance and bring this section into conformance with the State Code.

Motion to recommend to the Town Council approval of the text amendments to Article 15 was approved by unanimous voice vote of the Commission, 5-0-0, the ayes being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Mike Hummel	Aye
Kathi Luckard	Aye
Betty Wolford	Aye
Sarah Etro	Aye
Craig Fredericks	Aye

D. Proposed Text Amendments to Article 14 “Landscaping and Screening” of the Zoning Ordinance and Section 5.7 “Landscaping” of the SLDO

Vice Chair Etro clarified her Jan 13, 2009 handout outlining recommendations to Article 14 and the SLDO which included:

- 1) “Recommend that the Town Council identify the development of a Significant Tree Inventory as a priority voluntary, civic project to be produced by an aspiring Eagle Scout, etc.” – this is a request to the council to promote each project, not to amend the ordinances;
- 2) “Recommend that the Town Council modify the application review process to request formal review of landscaping and buffering plans by the County’s Arborist and Soils Engineer.” – recommending, that as a part of the application review process, the county Arborist and Soils Engineer be added to Zoning Administrator’s contact list for referrals. Zoning Administrator agreed to this addition – administrative action, not an ordinance amendment;
- 3) A. Tree Schedule – felt that having a detailed list would give direction to identify what is within the buffer area. Vice Chair Etro noted that this list comes directly from the list recently adopted by Loudoun County; it gives the applicant a flexible, variety list of trees

from which to choose and does not include “trash” trees. The applicant would identify on the plan the type of each tree and the Zoning Administrator would compare the list with the Tree Schedule. This would allow the town to identify the actual plantings which were certified by a nursery. Commission discussed tree schedule and whether one would be more appropriate in Section 14.4, not 14.9. Commissioner Luckard will investigate other sources for lists and submit to Commissioners for comparison with the county’s list. Commissioner Hummel will request the Town Arborist to review the county list. Vice Chair Etro stated that she felt strongly that such a list should be included in the ordinance to give better direction. The issue of the Tree Schedule will be discussed at the March meeting.

B. Berms – felt that a description of berm should be included. After discussion it was agreed that the definition submitted by Vice Chair Etro for Berms be placed in Section 2, Definitions. It was agreed to delete the last sentence in this description.

C. Rain Gardens – definition (to be submitted by Commissioner Hummel) will be included in Section 2, Definitions. A new section (#5.7.18) will be added to the SLDO which was suggested to read – Rain gardens shall be designed by a certified engineer. The design and specifications of a proposed rain garden shall be reviewed and approved by the Town’s engineer prior to installation. The Town Engineer must inspect and approve the rain garden installation. Prior to site plan approval, a Stormwater Maintenance Agreement of the rain garden must be approved by the Town.

4) Section 14.4 – agreed to remove the word “earthen” that is shown before the word berms in the second sentence.

5) Section 14.4-b – the following changes were made to the draft:

#3 – change the word “next” to adjacent (to be consistent)

#7 & #8 – add and commercial after the word Institutional

Commissioners discussed adding drawings/pictures to this section of the ordinances.

Chairman Fredericks will see if the drawing can be scanned and placed into a word document that could be inserted into the draft document.

E. Proposed Text Amendments to Section 4-200 (PD-CC) of the Zoning Ordinance

Vice Chair Etro will submit her comments for review prior to March meeting. Commissioners were reminded of Martha Semmes’ remarks pertaining to parking in front rather than in the back; and that the Town Council expects a recommendation from the Commission prior to their April meeting. Further discussion of PD-CC Draft Amendments (1/8/09 Draft) was tabled until the March meeting.

F. B-1 Business – Town Business District – Review of B-1 District Regulations

Commissioner Hummel read the Intent to Amend approved by the Council on September 18, 2008. This Resolution requests to the Commission to review Article 7 to see “if it may be appropriate to incorporate some supplemental regulations concerning uses allowed in the B-1 district”.

After a discussion, it was determined that the Commission needs to set a direction pointing out what is desired for the town and see what may be lacking in this Article. Commission was directed to review County and Town Ordinances, see what is appropriate and email any comments to the Zoning Administrator prior to the March meeting.

IN RE: NEW BUSINESS

A. Strategy for Reorganizing/Updating Zoning Ordinance

Mr. Kinsley had submitted an outline of the Zoning Ordinance, separating the contents by category and had suggested a way to reorganize the Ordinance.

Discussion followed on looking at all town regulations to see what needs to be done; determine how updates/amendments can be accomplished – whether in house or by contracting out; see what monies are available by way of grants.

IN RE: OTHER BUSINESS

A. Schedule for Public Hearings

Chairman Fredericks spoke on the idea of suggesting to the Council the desire to hold Public Hearings on Zoning Issues at set times throughout the year in order to save on expenses. This could be done by combining zoning issues for one hearing. A breakdown of expenses for hearings on zoning issues had been submitted to the Commissioners for review.

Ms. Gilmore, town attorney, noted that the Town of Purcellville had put out an RFP for their advertisements and had received a set rate from a local newspaper. She will get Round Hill a copy of the RFP Purcellville used

IN RE: DRAFT AGENDA FOR NEXT MEETING

Items to be placed on the March agenda include: (1) Article 14 “Landscaping and Screening” and Section 5.7 “Landscaping; (2) PD-CC; (4) B-1; and (5) reorganizing all town documents.

IN RE: ADJOURNMENT

No further business appearing, the meeting was adjourned at 11:26 p.m.

Craig Fredericks, Chairman

Elizabeth Wolford, Secretary