

# Planning Commission meeting March 1, 2011

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

**Town of Round Hill  
Planning Commission Meeting  
Tuesday, March 1, 2011  
7:30 p.m.**

A regularly scheduled meeting of the Planning Commission took place Tuesday, March 1, 2011 at 7:30 p.m. at the Town Office, 23 Main Street, Round Hill, Virginia.

**PLANNING COMMISSION MEMBERS IN ATTENDANCE**

Sarah Etro, Chair  
Betty Wolford  
Jennifer Grafton Theodore

**STAFF MEMBERS IN ATTENDANCE**

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

**MEMBERS OF THE PUBLIC**

Craig Fredericks, resident  
Jordan Dimoff, John Andrews – Andrews Community Investment Corporation  
One additional unidentified spectator

**IN RE: CALL TO ORDER**

Chairperson Sarah Etro called the meeting to order at 7:30 p.m. A roll call was taken and it was determined that a quorum was present.

**IN RE: PLEDGE OF ALLEGIANCE**

Commissioner Wolford led those present in the Pledge of Allegiance

**IN RE: PUBLIC COMMENT**

Craig Fredericks, 21 W. Loudoun Street, spoke concerning the February 18, 2011 determination made by Town Zoning Administrator Rob Kinsley to allow the parking expansion of the Round Hill United Methodist Church to take place in phases. “How do you define what the standards were for determining substantial conformance with a special exception plan?” Mr. Fredericks asked. By his calculation of square footage, Mr. Fredericks determined that the parking structure that the RHUMC was planning on putting up was approximately 25 percent smaller than the numbers that were previously given. He stated that he hoped the Planning Commission would potentially seek guidance from the Town Attorney regarding the standard for determining conformance, especially as it applies to this determination..

Item #2 on Mr. Frederick’s commentary dealt with the Special Exception process. Mr. Fredericks stated that, “Originally it was discussed that phasing would be included in the application. But that was taken off the table by the applicant. The fact that it was taken off the table by the applicant, took that conversation... any conversation on phasing off

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the table for public discussion. By the Zoning Administrator allowing phasing now, it circumvents the public process and doesn't allow the Town or public the opportunity to weigh in on any of the potential impacts of phasing in the discussion. And I think that in itself is a reason to change the nature of the determination. The Zoning Administrator in the determination mentioned that the applicant was now under financial constraints. A timing standpoint is one of the influencing factors in the determination to allow phasing. And just as the other applications that have come before the Planning Commission, the business decisions that an applicant makes should not have an effect on how the Town operates its business and I think if nothing else, it is just bad form to have it mentioned in the determination. That shouldn't influence the determination." He again emphasized that he hoped the Town Council would seek further guidance on what constituted substantial conformance before allowing this determination to circumvent public process and if necessary, seek an appeal.

### **IN RE: APPROVAL OF AGENDA**

Commissioner Wolford moved that the agenda be approved as presented with one change. She proposed moving item 10A (Lake Ridge revised preliminary plat) under item #5, with the other items on the agenda to remain in their current order.

Commissioner Grafton-Theodore seconded her motion. **The motion passed, 3-0-0.**

### **IN RE: COMMISSIONER'S COMMENTS AND DISCLOSURES**

They were none.

### **IN RE: LAKE RIDGE REVISED PRELIMINARY PLAT**

Rob Kinsley, Town Planner and Zoning Administrator, reviewed the current situation. The applicant had submitted their preliminary plat design utilizing a gravity flow sewage system, as requested by the Town's utility staff. However, they have now redesigned the project to utilize grinder pumps in the subdivision and made this 3rd submission of the plat rather than continuing to wait for the implementation of the pump station at West Lake. The applicant has suggested using a grinder pump system that requires each individual homeowner to have a system that must be installed by a certified installer from this company that makes them as well as a service maintenance contract.

The Town water and sewer ordinance at this time does not have any mention of anything other than the standard gravity flow system. The Town Utility Committee is now looking at this question, because the applicant has also approached them, to see whether the ordinance should be changed to at least explore the possibility of such a system on a case by case basis, depending on the topography of the area and similar things. The engineering report by Peed & Bortz was included in Mr. Kinsley's staff report explaining that a gravity system was not necessarily in the best interest of the Town due to its excessive installation depths. The Utility Committee was in the process of looking at the ordinance to draft new language covering the use of grinder pumps and that draft revision was attached to his staff report as well.

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Commissioner Grafton Theodore asked how grinder pumps work and if there was some controversy as to the use of grinder pumps. Chairperson Etro explained that these would grind stuff up in the house and force it to the pipe and there were possibilities that the motor on the pump could break down, which could cause some problems and sewage back up. The homeowners might not understand that they are responsible for getting the sewage from their house to the road as well, Etro pointed out. Commissioner Wolford said that initially the utilities staff was not in favor of it but from listening to the Utility Committee meeting, the staff - upon the recommendation of the Town engineer - is now in favor of it. She felt that the Commission was getting ahead of their selves because, "From a process standpoint, they were trying to have a discussion with the applicant without a preliminary being approved but they had no sewer policy that addressed this policy. The draft sets it up so that the very question, the decision whether to allow these to be installed, doesn't go to us (the Planning Commission) at all. The way the language reads thus far, the approval of grinder pumps is a Town Council decision. The policy has not been approved but based on the language in the draft, it is not even going in the Commission's direction to decide. Therefore, the Planning Commission would not have a voice or vote on the matter. Until the ordinance actually was in place, however, she felt that the Planning Commission could not act on the plat proposal before them and was just "shooting in the dark".

"When this first came before us I said, "Why would we be deciding on the type of utility system a developer uses? That is something that the Utility Committee and Town Council would look at," Commissioner Wolford said. Chairperson Etro agreed, stating that she thought they would want to look at it in the context of the whole design of the sewer for that area to make sure that it would work and that we would want to have our own engineer participate in the meeting so everyone understands what we are getting into. "It is a very large decision for just one committee to make in my opinion," Commissioner Grafton Theodore added, "are we voting on this?"

Chairperson Etro said, "Right now we are just discussing it. But I know where I am coming from is I don't think I have the information and I don't think I have the authority to take action on the grinder pump question or the change to the sewer system because of the Town sewer policy. So I don't think that we can even deal with the preliminary until that question is answered. So that is why I think we should get a joint meeting together. Especially if the Town Council adopts this language, it says very clearly 'for all alternatives to gravity connections, designs plans must be reviewed and approved by Town staff and engineers...final approval will be by the Town Council.' It doesn't say anything about the Planning Commission so it is clearly heading in the direction that this will be a Council decision."

The applicant sought to perhaps obtain conditional approval based on the Town Council adding language to the sewer ordinance that encompassed the use of grinder pumps. "Right now we have a preliminary plan approved with gravity," John Andrews of Andrews Community Investment pointed out, "the Town Council can't approve preliminaries...they can approve the policy but not the preliminary."

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“But that is not the way this is written,” Chairperson Etro stated, “They may not be approving these set of plans but they have to approve that Lake Ridge can have an alternative system to gravity so you’ll have...”

“So make that condition on here – on the preliminary,” Andrews interjected, “So that that is a condition of the approval. But once the Town Council adopts the ordinance, I don’t want to have to come back here again.”

Chairperson Etro said, “I don’t think we are prepared to approve your preliminary without this issue...I don’t want to preempt you all Commissioners, but I think that the Council has to decide on this alternative system; you need to change your plan so that you can bring it back to us and we can review the plan.”

The applicant had already revised the plan to show grinder pumps in the current submission.

Commissioner Wolford asked why they couldn’t give it conditional approval based on the Council’s decision.

Andrews added that doing this would allow for flexibility.

Rob Kinsley, Zoning Administrator, said. “At this point we can’t approve it because it is not in our policies or our ordinances, so that is the bottom line for me. That would have to occur first and then we would have to take a look at this and approve it as part of the subdivision. In addition to this, there is a question as to the ownership of this property. “ Andrews said they still own it but as they said back in September, the Bank was putting them under a lot of pressure and the banks are running out of patience but they as of today’s date, they still owned the property.

An aspect that comes into play is the proffers that must be implemented before final approval of the preliminary plat can take place.

Chairperson Etro pointed out that some of the proffers related to the sewer system and she would want to make sure they fit with the grinder pump system.

Commissioner Grafton Theodore said as a business owner she that she could see how it was an arduous and frustrating process because there were so many different answers from so many different places.

Chairperson Etro, “I agree with that, but I think we are in the same place that we were the last time you were here and we can’t do anything...we don’t have any sewer policy. Until that question gets answered. I don’t know why the Utility Committee and the Council has not finished up their work on this.”

Rob Kinsley, “They were really only just starting a couple months ago. And the wording in here may get changed before the Utility Committee refers it to the full Council for action. But there has been very much of a change in the Town’s Utility staff and engineering thinking. The concept of having solely a gravity system in the subdivisions or taking a look on a case by case basis to alternatives...there were no alternatives until now.”

Chairperson Etro, “I understand. I’m still stuck on I don’t know how we can take action.”

Rob Kinsley, “I don’t think we can. We have nothing to go on. We do not have a policy or ordinance that we can approve this based on”

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Chairperson Etro, “What I think we can do is work on the other components of the plat so that we are as ready as possible to go when the Council does approve a change to the ordinance.”

Commissioners Wolford and Grafton-Theodore were amenable to the suggestion of conditional approval with Commissioner Grafton-Theodore continuing to express the sentiment that such a process had to indeed be extremely frustrating to the applicant. Rob Kinsley, Town Planner and Zoning Administrator and Chairperson of the Planning Commission Sarah Etro felt that if no policy or ordinance existed, the Planning Commission had no information or authority to take action and such a preliminary plat would be negated based on the fact that it is represented on something whose primary component does not exist in any Town ordinance. The Planning Commission took no action on the issue.

### **IN RE: APPROVAL OF MINUTES**

November 9, 2010

Commissioner Wolford moved that the minutes be approved as presented with a slight change at the Chairperson’s signature line.

Commissioner Grafton-Theodore seconded her motion.

Chairperson Etro requested that a statement be added under the heading for all future minutes taken that read, “minutes reflect both verbatim and summary.” She also wished to add a statement to the body of page 3, “that the Planning Commission proceeded to review each condition in order as required by the Special Exception.”

**With those changes, the motion passed 3-0-0.**

December 7, 2010

Commissioner Wolford moved that the minutes be approved as presented, with one addition of the word “to.”

Chairperson Etro seconded her motion. **The motion passed 2-0-1 with Commissioner Grafton-Theodore abstaining.**

December 21, 2010

Chairperson Etro moved that the minutes be passed as presented.

Commissioner Wolford seconded her motion.

**The motion passed 2-0-1 with Commissioner Grafton-Theodore abstaining.**

February 9, 2010

Commissioner Wolford moved that the minutes be approved as presented with a correction made to the adjournment time to 5:47 p.m.

Chairperson Etro seconded her motion.

**The motion passed 3-0-0.**

### **IN RE: LAND USE COMMITTEE REPORT**

Rob Kinsley stated that they had discussed the Western Loudoun Sheriff’s Substation and the question remained whether Town access to the well site would be through easement or fee simple process.

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The Main Street Enhancement Project was currently on hold to see if the changes made to the Franklin Park portion would be incorporated.

The Committee discussed the pros and cons of adding a derelict building ordinance.

### **IN RE: TOWN PLANNER'S REPORT**

Rob gave a written copy of his report. There were no further questions.

### **IN RE: OLD BUSINESS – B-1 ZONING DISTRICT**

Commissioner Grafton-Theodore felt that the Planning Commission should offer a public information session about the Historic District.

It was decided that the Planning Commission should attend the next Round Hill Business Association meeting and ask for volunteers to serve on the special committee to address any changes to B-1. Commissioner Grafton Theodore has agreed to chair this study committee, whose initial meeting will be held March 29, 2011 at 5:30 p.m.

### **IN RE: TEXT AMENDMENTS TO THE SPECIAL EXCEPTION**

Rob Kinsley stated that the main objective was for the Town to remove the time limits that existed for the Planning Commission to make any necessary recommended changes, to keep the Town in line with the County's language.

### **IN RE: ELECTION OF OFFICERS**

Commissioner Wolford moved that Sarah Etro be reappointed as Chairperson and Jennifer Grafton-Theodore be appointed Vice-Chairperson. Chairperson Etro seconded her motion. **The motion passed 3-0-0.**

### **IN RE: REQUEST TO APPEAL RHUMC PHASING DECISION**

Mr. Kinsley reviewed the reasons for his decision. There were 2 items requested from Amber Burke, RHUMC's attorney. Since the total square footage of the structure would equal over 70 percent of the proposed expansion and all improvements that the Town had asked for would take place in the first phase, he concluded that it would be in substantial conformance with the Special Exception Plat. Regarding the surface of the parking lot, various alternatives could be considered to form a "hard dust-free surface" and that issue should be addressed by the Planning Commission during the site plan review. Vice Chair Grafton-Theodore stated that she thought the report was reasonable, and the other Commissioners concurred.

### **IN RE: DRAFT AGENDA**

- SPEX language change
- B-1
- Lake Ridge (possibly)

### **IN RE: ADJOURNMENT**

With no further comments or questions, Chairperson Etro adjourned the meeting at 9:42 p.m.

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Respectfully submitted,

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Sarah Etro, Planning Commission Chair

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Susanne Kahler, Recording Secretary