

**ROUND HILL PLANNING COMMISSION
REGULAR MEETING MINUTES
March 2, 2010**

A regular meeting of the Round Hill Planning Commission was held on Tuesday, March 2, 2010 in the Town Office, 23 Main Street, Round Hill, VA.

Present

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

Staff Present

Robert Kinsley, Town Planner/Zoning Administrator

Others

Gene Hamman, Holtzman Oil
Mary Anne Graham, Vice Mayor

Attachments

- A. Draft Agenda, March 2, 2010
- B. Minutes
 1. December 1, 2009 – Regular Meeting
 2. December 8, 2009 – Special Meeting
 3. January 5, 2010 – Regular Meeting
 4. January 26, 2010 – Special Meeting
- C. Land Use Committee Reports – January 20, 2010 and February 17, 2010
- D. Town Planner/Zoning Administrator’s Reports – Jan. 28, 2010 & Feb. 16, 2010
- E. Request for Modification to SPEX 2008-01 – Exxon Station
- F. Town Council Resolution 2010-2 – Town Park Master Plan and Policy
- G. Draft Amendment to Section 15.4 “Appeals – Procedure” of the Zoning Ordinance

IN RE: CALL TO ORDER

Chairman Fredericks called the March 2, 2010 regular meeting to order at 7:30 p.m., noting that with the entire commission in attendance, 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

No comments were received.

IN RE: APPROVAL OF AGENDA

Chairman Fredericks motioned approval of the agenda as presented with two modifications – moving Items #10-a and 10-b prior to Item 6, approval of Minutes. Commissioner Luckard seconded the motion. Motion to approve agenda as modified was approved unanimously by voice vote of the commissioners, 5-0-0.

IN RE: DISCLOSURES AND COMMISSIONERS' COMMENTS

Commissioner Wolford reported that the council was beginning work on the upcoming year's budget and asked members to give consideration to issues that may require expenditures by the Planning Commission.

Chairman Fredericks stated that, acting as Planning Commission Chairman, he had filed an appeal to the BZA on the Zoning Administrator's determination on parking in the yard setbacks pertaining to the Round Hill Methodist's Church' SPEX. He noted that he had originally signed the application as a citizen and had submitted a check; but upon further discussions with the Town Administrator and Zoning Administrator, had signed the application as Chairman of the Planning Commission. This signature change was made after considering the amount of time the Planning Commission had spent on reviewing parking issues and voicing their concern on same.

Discussion followed on the filing with all agreeing that Mr. Fredericks had a right to file such an appeal. But each Commissioner felt that the appeal, with his signature shown as Planning Commission Chairman, gave the public the impression that it was filed on behalf of the entire Commission. Members felt that with no discussion or action taken by the Planning Commission, it was inappropriate to sign the application in this way.

No further comments were received.

IN RE: NEW BUSINESS

a. Exxon Station – Request for Modification of SPEX Conditions

Mr. Kinsley stated that this was the second application for modification of the conditions, with the first pertaining to changes to the entrance at the east end of the property. The three changes requested are as follows:

1. Revise operating hours (current condition is 6 a.m. to 9 p.m.) to:
 - a. increase hours of operation by one hour – to open at 5 am rather than 6 am; still to close at 9 pm;
 - b. pumps to be operational 24 hours a day – use of a credit/debit card after 9 pm and prior to 5 am;
2. Delete condition requiring internally lit signs to have opaque or translucent background that is not white, off-white or yellow in color to:

Allow the background color in to be white in one area;
3. Delete condition requiring lighting to be turned off when station closes, no later than 9 pm to:

Allow spot lights in canopy to remain on to shine directly on pumps from dusk to dawn

Gene Hammon, representing Holtzman Oil, gave a summary of the proposed changes:

1. Extension of operating hours and dispenser use instigated by customers;
2. Station was originally to be a BP, but was changed to Exxon; small logo on monument sign is presently showing red lettering on white background due to corporate requirements;
3. The lighting plan showed six recessed lights with limited candle power; when built two additional lights (spotlights) were put in for the pumping stations – he noted that these meet the footlight requirements. The spotlights help illuminate the dispenser area (for safety purposes).

Commissioners discussed the following – other jurisdictions that allow use of dispensers/pumps after manned operational hours; use of fleet cards; lighting- types, standards, regulations; safety issues; proximity of station to residential homes; better communication between town, business, subcontractor; traffic, large trucks; state and federal regulations pertaining to price signs.

Vice Chair Etro suggested, that in reviewing this application, commissioners go through the application while reviewing all sections of the zoning ordinance that relate. Discussion followed on scheduling a public hearing (jointly or separately), and timeframe for advertisements.

Mr. Kinsley noted that he had submitted a staff report that outlined which conditions of the SPEX were in compliance and which were not.

A request was made to Mr. Hamman to provide Mr. Kinsley with a listing of those gas stations in this vicinity that have pumps/dispensers operational 24 hours a day. Mr. Kinsley will then distribute said list to Commissioners. Mr. Hamman indicated that he would submit this list within two weeks.

Chairman Fredericks motioned that a Public Hearing be scheduled to hear public comments on the application by Couls Automotive for modifications to SPEX 2008-01 for 7:30 pm on Tuesday, April 20, 2010. Commissioner Luckard seconded. Motion to schedule a public hearing was approved by unanimous voice vote of the Planning Commission 5-0-0, the ayes being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Commissioner Hummel	Aye
Commissioner Luckard	Aye
Commissioner Welford	Aye
Vice Chair Etro	Aye
Chairman Fredericks	Aye

b. Town Park – Council Resolution 2010-2, Round Hill Town Park Master Plan and Policy

Mr. Kinsley reported that the Town Council had passed this resolution requesting the Planning Commission to develop a Master Plan and Special Use Policy for the Town Park. Vice Mayor

Graham spoke of the need for the town to have a formal policy for park use as well as guidelines for handling requests for memorials.

After a short discussion, it was agreed that commissioners would meet at the park on April 6, 2010 (regular meeting date) at 7:00 pm for a brief walk through of the site. This will be an agenda item for the April regular meeting.

IN RE: APPROVAL OF MINUTES

a. December 1, 2009 and December 8, 2009

No action was taken. Commissioners will submit any proposed changes to Commissioner Wolford for incorporation into these drafts for action at the next meeting. It was noted that the tapes for these meetings had not been returned by the former town recorder.

b. January 5, 2010 and January 26, 2010

January 5, 2010 - Vice Chair Etro noted that on page 3, second paragraph, the words "Vice Mayor" should be deleted.

Commissioner Luckard pointed out the typo error on same page, under Meeting Dates – change November "6" to the 9th.

January 26, 2010 – Chairman Fredericks stated that the wording in the last paragraph on page 4 should be changed. After discussion it was agreed that in the last sentence, after the words "forward to the council", the sentence should read where each commissioner had reservations regarding the application.

Chairman Fredericks motioned approval of the minutes of the January 5, 2010 Regular Planning Commission meeting and of the January 26, 2010 Special Planning Commission meeting as amended above. Commissioner Luckard seconded the motion. Motion to approve the January minutes as amended was approved by voice vote of the Commission, 4-0-1, the votes being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Commissioner Hummel	Abstain
Commissioner Luckard	Aye
Commissioner Wolford	Aye
Vice Chair Etro	Aye
Chairman Fredericks	Aye

IN RE: LAND USE COMMITTEE REPORTS – Jan. 20, 2010 and Feb. 17, 2010

Written reports for the two meetings had been submitted for review. A short discussion followed on the Community Garden sign, inquiry on allowed types of business within the town, and the Round Hill Arts Center.

IN RE: TOWN PLANNER/ZONING ADMINISTRATOR'S REPORTS – Jan. 28, 2010 and February 16, 2010

Commissioners had reviewed these reports submitted in their packets. Members briefly discussed the 16 Bridge Street property pertaining to zoning regulations.

IN RE: OLD BUSINESS

a. Election of Officers

Chairman Fredericks stated that there was a motion on the table pertaining to appointments of the Chairman, the Vice Chair and the Secretary.

Chairman Fredericks motioned to move from the table the motion from the January Regular Planning Commission meeting to reelect the current officers. Commissioner Luckard seconded. Motion was approved by voice vote of the Commission present, 5-0-0, the ayes being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Commissioner Hummel	Aye
Commissioner Luckard	Aye
Commissioner Wolford	Aye
Vice Chair Etro	Aye
Chairman Fredericks	Aye

Commissioner Wolford asked that her name as Secretary be removed, stating that after review of the section of Planning Commission By-Laws pertaining to duties of the Secretary, she felt the position was unnecessary as the Zoning Administrator performed all the outlined duties.

Chairman Fredericks stated that with this action, the motion to reelect the current officers could be voted down or the office of Secretary could be removed from the motion.

Vice Chair Etro asked that her name be removed from consideration as Vice Chair, feeling uncertain as to the rights of an officer and their ability to voice opinions as an officer.

Chairman Fredericks motioned that the motion on the table to reappoint the current officers be postponed indefinitely, which means to basically kill the motion. Commissioner Luckard seconded. The motion to postpone indefinitely reappointment of current officers was approved by voice vote of the Commissioner 5-0-0, the ayes being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Commissioner Hummel	Aye
Commissioner Luckard	Aye
Commissioner Wolford	Aye
Vice Chair Etro	Aye
Chairman Fredericks	Aye

Commissions then nominated other commissioners for the two positions, with most declining to be nominated. Vice Chair Etro suggested that perhaps the members needed to have a detailed discussion on how the Planning Commission should operate. What followed was a rehash of remarks made at the January 5, 2010 Commission meeting.

The ByLaws of the Planning Commission were reviewed and it was noted that in Article 3, Section 3, it states that an officer will “serve for one year or until his successor shall take office”. It was agreed that current officers are still in place until an election is held. The election of officers will be placed on the agenda for the April meeting.

A discussion followed on the BZA appeal and process with Chairman Fredericks explaining that his reasons for the appeal were based on the lengthy discussion by the Commission on parking and setbacks with different opinions and interpretations; and he felt that the Commission was not doing justice to the process by allowing one person's determination which becomes law; that more than one person should be allowed to make a determination; thus the appeal to the BZA. Further discussion followed on setbacks, parking in setback area; disallowance of parking within the setback and the effect this would have on residential properties.

Chairman Fredericks wished to address his position as representative to the BZA, noting that when appointed to this position he was not aware that the BZA meetings were held on Wednesday evenings. He reported that he could not make meetings on this day due to another obligation. Because of this meeting conflict, he thought he should resign as Planning Commission representative to the BZA. After a short discussion, Vice Chair Etro agreed to be nominated to the Town Council as Planning Commission representative on the BZA, but asked not to take a seat on the BZA until after the current appeal is heard and a decision is made by the BZA.

b. Commission Strategy Discussion

Vice Chair Etro suggested that, after the Exxon SPEX, a special work session be held to focus and identify what needs to be done and how to "attack" it. After discussion, it was agreed that this work session would be held on May 18, 2010.

The April 6th Regular Meeting will include the walk through the town park walk and review of a template submitted by Vice Chair Etro. The Public Hearing on the Exxon SPEX will be held on April 20th. In May, Commissioners will hold their regular meeting on the 11th and the Strategy Plan Discussion on the 18th.

IN RE: NEW BUSINESS cont.

c. Draft Amendment to Section 15.4 "appeals – Procedure" of the Zoning Ordinance

Mr. Kinsley noted that the proposed change only involves the timeframe as to when an appeal needs to be filed after the date of the decision – from 45 days to 30 days. This corrects the Town Code to be in conformance with the State Code.

Commissioner Luckard motioned that the Planning Commission recommend to the Town Council to conduct a Joint Public Hearing at 7:00 pm on April 20, 2010 for amending Section 15.4 "Appeals – Procedure" of the Round Hill Zoning Ordinance. Commissioner Hummel seconded. Motion to recommend holding a Joint Public Hearing was approved by voice vote of the Commissioners, the ayes being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Commissioner Hummel	Aye
Commissioner Luckard	Aye
Commissioner Wolford	Aye
Vice Chair Etro	Aye
Chairman Fredericks	Aye

IN RE: OTHER BUSINESS

Vice Chair Etro mentioned the future possibility, from a budget standpoint, of producing the minutes as a summary with tapes being the “record of minutes” – by use of a digital recording system which would reduce paper consumption as well as reduce the use of personnel.

IN RE: DRAFT AGENDA FOR NEXT MEETING

Items to be placed on the Commissions’ April 6, 2010 Regular Meeting agenda will be:

- Park Meeting and Discussion at park site at 7:00 pm;
- Regular meeting to follow at town office;
- Work Plan Template;
- Exxon Station – SPEX request on conditions, modifications;
- Minutes – December 1, 2009, December 8, 2009 and March 2, 2010;
- Possible Election of Officers

IN RE: ADJOURNMENT

No further business appearing, Chairman Fredericks motioned to adjourn the meeting at 11:22 p.m. with Commissioner Luckard seconding. Motion to adjourn was approved by voice vote of the commissioners present, 5-0-0.

Craig Fredericks, Chairman

Betty Wolford, Secretary