

**ROUND HILL PLANNING COMMISSION
REGULAR MEETING MINUTES
May 5, 2009**

The regular meeting of the Round Hill Planning Commission was held on Tuesday, May 5, 2009 in the Town Office, 23 Main Street, Round Hill, VA.

Present

Craig Fredericks, Chairman
Mike Hummel
Kathleen Luckard
Betty Wolford

Staff Present

Robert Kinsley, Town Planner/Zoning Administrator

Absent

Sarah Etro, Vice-Chair

Attachments

- A. Agenda, May 5, 2009
- B. Minutes of April 7, 2009 Regular Meeting
- C. Land Use Committee Notes dated April 10, 2009
- D. Town Planner/Zoning Administrator's Report , April 30, 2009
- E. Intent to Amend B-1 "Business – Town Business District #2008-6
- F. Suggested Text Changes to B-1 District
- G. Current B-1 Business – Town Business District Ordinance
- H. Intent to Amend Article 19 "Violations and Penalties" of the Round Hill Zoning Ordinance
- I. Town Attorney Memo regarding Civil Penalties, February 24, 2009
- J. Arborist's Report for Round Hill United Methodist Church Site

IN RE: CALL TO ORDER

Chairman Craig Fredericks called the meeting to order at 7:34 p.m., noting that with Commissioners Hummel, Luckard, and Wolford 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

No public comments were received.

IN RE: APPROVAL OF AGENDA

Chairman Craig Fredericks motioned approval of the agenda as presented. Commissioner Kathleen Luckard seconded the motion. Motion to approve the agenda, as presented, was passed unanimously by voice vote of the commissioners present, 4-0-1 (Vice Chair Etro absent for the vote).

IN RE: APPROVAL OF APRIL 7, 2009 MINUTES

Commissioner Luckard referred to the section pertaining to the VA Tech website as an additional source of information, stating that she had it in her notes that the Commission did want this reference to go onto the council. Discussion followed and it was agreed that the last sentence in the third paragraph under Old Business on page 2, be deleted.

Commissioner Hummel made the request that the Planning Commission set a policy pertaining to submission of materials for review. He asked that when a sufficient amount of proposed changes are presented to the commission for review/recommendations, the draft changes be submitted prior to the meeting (such as in the packets) to allow Commissioners plenty of time for proper review. A discussion followed on previous meeting deliberations. It was agreed that information for Meeting Agenda items must be submitted to members at least one week prior to the meeting; if not submitted by this timeframe, the item(s) will not be included for discussion at the meeting.

Discussion also followed on the National Register, reason for delay of submission by the state to the federal government

Chairman Craig Fredericks motioned adoption of the minutes of the April 7, 2009 Regular Meeting as amended with Commissioner Kathleen Luckard seconding. Motion to approve said minutes as amended passed by voice vote of the Commissioners, 3-0-2 (Vice Chair Etro absent, and Commissioner Hummel abstaining).

IN RE: LAND USE COMMITTEE REPORT

Commissioner Hummel noted that this Committee will be looking at the recommendations made by the Planning Commission on Landscaping and the PD-CC District. Because the recommended document has been changed sufficiently from the amendments presented at the Public Hearing, another Public Hearing may be required, depending on the Committee's recommendations to the Council.

Commissioner Luckard had made a short presentation to the Council at their April meeting on her thoughts on the Western Sheriff's Substation and the Eastern Commercial District – she submitted copies of this presentation to the commissioners present. It was noted that the council had passed onto the Land Use Committee this “document” for review. Discussion followed on sources of revenues for the town, effect of new commercial sites to the east of town on adjacent properties and current businesses in the center of the town.

It was noted that the Committee should complete the draft of the Boundary Line Adjustment Study this summer.

IN RE: TOWN PLANNER/ZONING ADMINISTRATOR'S REPORT

The Commission had received Mr. Kinsley's April 10th Report in their Packets.

Mr. Kinsley reported on the Franklin Park Trail project and the entrance to the medical building – VDOT may require a separate entrance to this property; the L.C. Department of Parks and Rec has asked the project engineer to design the entrances which will then need VDOT approval.

Chairman Fredericks asked the status of the Round Hill United Methodist Church. Mr. Kinsley made reference to the information (tree inventory) submitted in the packets. Commissioner Hummel reported that he had met with John McBride to discuss the project and Mr. McBride had remarked that the architect is making changes based on the comments received from the Planning Commission at the work session that was held.

IN RE: OLD BUSINESS

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

Chairman Fredericks stated that the Commission is basically looking to the Zoning Administrator to guide the commission through this review.

Mr. Kinsley said that the commission first needs to see what is in the current regulations and what should be included in this Article. He had submitted suggested changes to Article 7 which included several additions.

Chairman Fredericks noted that at some point the commission will become concerned about details of each section; but at this stage the commission needs an outline of what is needed, what should be in the Ordinance. Once this is obtained, the commission can look at what concepts are needed.

Mr. Kinsley said that the ordinance should allow businesses to be developed in the downtown district while protecting the residential properties. Discussion followed on Mr. Kinsley's suggested changes - accessory uses (including height restrictions), use limitations, and additional regulations for specific uses.

Mr. Kinsley will provide the members with an outline for changes/additions to the B-1 regulations for review and discussion at the next Planning Commission meeting.

B. Intent to Amend – Article 19 “Violations and Penalties” of the Zoning Ordinance

Commissioners had received the Memo from the town attorney pertaining to amending the Zoning Ordinance to allow civil penalties for zoning violations, rather than criminal penalties.

Mr. Kinsley had spoken to David Beniamino who is the Zoning Administrator for Hamilton and Middleburg concerning this proposed amendment. Hamilton has adopted it and Middleburg is in the process of adopting it.

After a discussion, Mr. Kinsley was requested to ask the town attorney the following:

- Is this a reality that the town may incur sufficient costs for misdemeanor convictions;
- To outline the overall process including flexibility and powers;
- Estimate of fees from the Commonwealth Attorney and Town Attorney for misdemeanor conviction.

The town attorney will be asked to attend the next Planning Commission meeting to address this issue.

IN RE: NEW BUSINESS

No new business was presented

IN RE: OTHER BUSINESS

Mr. Kinsley was asked to request a copy of the report by the arborist for the Round Hill United Methodist Church; when received, copies should be submitted to the members of the Commission.

Chairman Fredericks asked if there should be a limit on time spent on zoning applications – how frequently and how often can an application be brought before the town. Discussion followed on submission of preliminary application, resubmission of the application – is it possible to set a timeframe, number on how many “resubmissions” are allowed.

IN RE: DRAFT AGENDA FOR NEXT MEETING

Items to be placed on the May agenda include:

- 1) B-1 Business, Town Business District
- 2) Article 19 “Violations and Penalties”

IN RE: ADJOURNMENT

No further business appearing, **Chairman Craig Fredericks motioned the meeting be adjourned at 9:20 p.m. Commissioner Kathleen Luckard seconded. Motion to adjourn was approved by voice vote of the council present 4-0-1 (Vice Chair Etro absent for the vote).**

Craig Fredericks, Chairman

Elizabeth Wolford, Secretary