

Round Hill Planning Commission Meeting
September 7, 2010
7:30 p.m.

A regular meeting of the Round Hill Planning Commission was held Tuesday, September 7, 2010 at 7:30 p.m. at the Town Office, 23 Main Street, Round Hill, Virginia.

Planning Commissioners Present

Sarah Etro, Chair
Craig Fredericks, Vice-Chair
Betty Wolford
(2 vacancies currently exist on the Commission)

Staff Members Present

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

Other Members of the Public Present

Jeff Wolford, Surveyor - Wolford & Chen
John R. Milleson, Bank of Clarke County
John Hudson, Bank of Clarke County
Jane Ford
Amber K. Scharn, on behalf of Round Hill United Methodist Church
Jeffrey A. Witt, Pastor, Round Hill United Methodist Church

IN RE: CALL TO ORDER

Chairperson Sarah Etro called the meeting to order at 7:30. A roll-call determined that a quorum was present.

IN RE: PLEDGE OF ALLEGIANCE

Chairperson Etro led those present in the Pledge of Allegiance.

IN RE: PUBLIC COMMENT

None; all members of the public were present to address specific agenda items.

IN RE: APPROVAL OF THE AGENDA

Commissioner Wolford suggested that agenda items A & B under Old Business – the Bank of Clarke County, Round Hill Branch and the RHUMC Landscaping Plan, be moved directly after Disclosures and Commissioners' Comments. Commissioner Wolford moved to change the agenda order, with item numbers 9A & 9B to follow agenda item #5. Vice Chair Fredericks seconded the motion. The motion passed, **3-0-0**.

IN RE: DISCLOSURES AND COMMISSIONERS' COMMENTS

Commissioner Betty Wolford excused herself from any discussion or actions pertaining to the Bank of Clarke County, Round Hill Branch's petition to the Town for a Special Exception request. Commissioner Wolford left the Commissioners' table and took a place in the public seating area.

Chairperson Etro disclosed that she had received a nice letter from the Bank of Clarke County thanking the Commission for hearing their proposal at their August meeting.

IN RE: BANK OF CLARKE COUNTY, ROUND HILL BRANCH

In addressing this matter, Chairperson Etro said she would like to hear from the staff first on this application and then the Commission would give the applicant and/or their representative a chance to tell the Commission about the plan in detail. That would be followed by Commissioner's comments.

Rob Kinsley, Town Planner and Zoning Administrator, stated that he had received a Special Exception Application on behalf of the Bank of Clarke County on September 1, 2010 along with 2 attachments - a Special Exception plat and a drawing by the applicant's architect which depicts the new canopy. The Special Exception request currently refers to two parcels with the address 21 Main Street (at the intersection with Mulberry Street) totaling .41 acres. Mr. Kinsley was told that there was a consolidation plat that was being worked on currently. Both parcels are zoned Town Business, B-1; other adjacent parcels are zoned B-1 and R-2 (single-family residential).

The basics of the proposal are: to renovate the first floor of the building for bank use, to establish a canopy over a drive-thru window and install an outdoor ATM machine. The drive-thru is what is driving this Special Exception application; banks are allowed by right under the current zoning.

The SPEX Plat was sent to the review agencies for their comments: the Round Hill Utilities Department, Loudoun County Fire and Rescue, Loudoun County Building and Development (Erosion & Sediment Control office) and the Virginia Department of Transportation and we are awaiting their review. All comments are due back to the Town by September 24th.

A site plan must also be approved by the Planning Commission prior to any exterior changes or additions to the building or grounds being made.

The application was jointly submitted by the owner of the property, MAR MEG, LLC and the Bank of Clarke County. Proposed exterior improvements will include reactivating the drive-thru window, placing a canopy over it and a concrete island at the outer edge, installing an ATM machine, and installing new signage. In addition, the property owner will be repaving and restriping the entire parking lot.

No changes are proposed to the entrance and exit. Lighting improvements are limited to lighting directed immediately downward under the canopy (the same conditions that apply currently to the Exxon Station). Basically Mr. Kinsley said, what you have is an

existing building and parking lot without a lot of new items. He recommended to the Planning Commission that they schedule a joint public hearing after receipt of the comments from the various agencies on September 24th.

The property owner was not present. John Hudson, Marketing Director for the Bank, summarized the narrative and justification for their request, noting that in addition to renovating the 1st floor of the existing building, they do recognize the limitations on the property so what has been forwarded to the Planning Commission for review is a one-lane drive-thru with an ATM at the end of the lane and protected by the canopy. The ATM is facing the outside so in essence, it is a 2 lane flow of traffic. The architect believes there is adequate flow to also create a passing lane if the ATM is in use. Both the drive-thru and the ATM are to be accessed from Mulberry Street. The completion of the one story canopy would be located where the previous one used to be, and extends the same distance as the original once did.

John Milleson, also with the Bank of Clarke County, noted that the Bank has already received approval for the new branch location from both the Federal Reserve and the State of Virginia.

Commissioner Fredericks noted his surprise that there were actually two parcels, as these were not delineated on the Special Exception Application plat. Mr. Hudson said that the consolidation plat was already being worked on. Jeff Wolford said that they did not want to push that through unless the Special Exception approval was granted. Then the consolidation would be recorded. Chairperson Etro asked if they had a good feel where the smaller plat's boundaries were. Mr. Wolford said Rob Kinsley was given a copy of the 1961 survey, which shows the plat lines. (That survey was copied and distributed.) Chairperson Etro said she felt it was essentially a clean-up issue and it would be a good thing to dissolve the lot line that runs right through where the bank building exists as the construction of the current bank building did not respect the lot lines. Chairperson Etro expressed her dismay that the property owner was not present to discuss these issues.

Commissioner Fredericks expressed his further concern that parking regulations may also be an issue for further discussion, especially considering all the sub-uses of the building and their parking needs. According to Rob Kinsley, Town Planner and Zoning Administrator, the Bank's case would be similar to the expansion of the restaurant in the Patterson Building and would fall under section 12-8 in the Ordinance. The proposed special exception request showed 17 spaces for parking. According to his calculations – given the total square footage of the building on all three levels and using the 1 space for 250 sq ft. for the bank and 1 space per 300 sq ft required for general office uses, 19 spaces would have to be provided had this been a newly-constructed building. However, due to it being an existing building, the Town had leeway in allowing only the proposed 17 spaces.

Commissioner Fredericks asked for a written determination as to that effect. He also questioned the rationale for recommending a joint public hearing when the practice thus far has been to conduct joint hearings only when concerning Town business or when they

were changing Town code. Town Planner Rob Kinsley said the Town has also done it for other fairly simple Special Exception applications, like the Dentist's office. He felt that this was a fairly simple application.

Mr. Kinsley ran through some different time line scenarios for action on the permit. Best case scenario, he felt, with a joint public hearing was a decision being reached near the end of November. With separate hearings, he felt December would be more likely if there weren't a lot of conditions drafted and placed on the applicant. Chairperson Etro questioned Mr. Kinsley regarding holding a joint public hearing – she felt the Planning Commission typically tried to have some conditions drafted so the public could see them. “Do we have to have that for the hearing and if we go to a joint public hearing in early October, I think that would be difficult - there would not be much time to draft proposed conditions in advance. Some of the conditions might arise as a result of the public hearings,” according to Chairperson Etro, “and they should.” Commissioner Fredericks agreed that this was his major concern as well. There would also be time constrictions placed by the advertising requirements concerning public notice of the hearings. Commissioner Fredericks said that what they were going to vote on had to at least significantly resemble what was advertised. Chairperson Etro felt that they could still add recommended conditions to the Council after the hearings. I think the question is, “how developed do the conditions need to be? We need to make sure that the public has a fair assessment.”

Planning Commissioners Fredericks and Etro asked for further clarification and a formal determination to be made and submitted in writing addressing the parking space discrepancy between new and existing structures. Chairperson Etro also felt that the applicant needed to address the existing landscaping and protect the areas that are grass and fencing and submit some sort of lighting plan and specify the bank's operating hours. There was an existing bush that she felt helped screen the building from Mulberry Street, which was residential, and where a sign could also be integrated. She asked if there was any plan for further parking lot lighting or in the front of the building. The applicant said they really haven't talked about a lighting plan. “With your evening hours,” Chairperson Etro said, “I am sure you are going to want to have it lit and it would be a good idea to get it figured out now. I am not suggesting any parking lot lighting at all – I think it just needs to be clear what you would propose. Likewise for the sign – is it lit? Maybe you will do it as a separate application?” “Because it is a multi use building,” John Hudson said, “we want to figure out how to consolidate the signs. We are talking to the owner right now to get his input and then we would like to treat that as a separate application.”

Because neighbors may be interested, Chairperson Etro said it would be helpful to have a lighting plan for the public hearing and there may be some conditions placed on it. She also questioned whether the ATM would be available 24 hours a day, seven days a week. John Hudson, Bank of Clarke County said that the public's expectation concerning ATM's was that money would be available to them 24 hours a day at their convenience. However, he said that the usage of the machines, especially in areas similar to what is proposed, has never posed a security problem.

Commissioners Fredericks said that it would be helpful if the applicant would also address the proposed hours of operation of the business, with special attention to the lighting as these had been issues in past applications. Chairperson Etro said that in regarding the repaving of the parking lot, they needed to make sure some sort of plan was in place that retained the delineation of the sidewalk so that pedestrians crossing in front of the bank while the drive-thru or ATM lanes were being used knew where to cross safely. Because potentially 2 cars could be coming out at the same time they wanted the pedestrians to make sure they knew where to cross.

Chairperson Etro also questioned whether the existing landscaping met the requirements of the Town ordinance. Kinsley said that if they count the grassy areas behind the building it does meet the ordinance requirements, With a 10,000 sq ft parking lot and just over 5% required to be in landscaping – there was 480 sq ft. according to his calculations. Etro said that such a determination again would be good to have in writing, especially for the public. She did not know what arrangements the Town had made with the Sheriff's station and wondered if the building could also possibly share some spaces with the Town. According to Mr. Kinsley, the current lease the Town has with the Sheriff's office above Ford Store gives them the use of 20 out of the 26 spaces. Commissioner Fredericks reiterated that what Mr. Kinsley was saying concerning the ordinance requirement for parking spaces on new structures versus existing building is that we (the Town) have the discretion to let the 10 percent slide. Commissioner Fredericks also made mention of the Main Street Improvement project now in planning and engineering stages and to be potentially sent out for bid shortly which may significantly affect the existing sidewalk.

Commissioner Fredericks restated that he was uncomfortable with the proposed short time line not allowing for the opportunity to review comments and possible recommendations made by the appropriate agencies and therefore, the inability of the Planning Commission to subsequently develop conditions addressing those concerns. Chairperson Etro paraphrased Fredericks concern, stating that if she understood him correctly, he was not necessarily opposed to conducting a joint public hearing regarding the Bank of Clarke County's Special Exception application but he would like to have sufficient time to have reasonable conditions for the public to view based on recommendations from the various agencies as well as input from any other discussions they would be having. She suggested the Planning Commission add a special meeting to their calendar for Monday, September 20th at 7:00 p.m. to use as a special work session to review recommendations and draft conditions.

IN RE: ROUND HILL UNITED METHODIST LANDSCAPING PLAN

Commissioner Wolford rejoined the Commissioner's table at this time.

Town Planner Rob Kinsley said this was basically an information item because what was approved here becomes part of the site plan of the church. One of the conditions for the Special Exception approval concerning the expansion of the Round Hill United Methodist Church was for them to obtain a zoning permit and submit a plan for the type of fence to be constructed and the landscaping to go in the buffer area. The Church's plans consisted of using a combination of existing trees both on the applicant's property and the adjacent neighbor's property to meet the requirements of the landscaping

ordinance for having a canopy. Examples of fencing were also given and had the approval of the neighboring property owner. The landscape architect had substituted some tree species because they were favorites of deer. The circles on the plan show both the tree trunk and their canopies. The main question posed to the Commission was how neighbor's trees count toward meeting the canopy requirements as they are very close to the fence and wouldn't allow the planting of another large canopy tree so close to their existence. Amber Scharn, representing the RHUMC said that they want to protect existing trees especially on the neighbor's side. Chairperson Etro said that substituting species was not as much of a concern as long as they still met the canopy requirements. Commissioner Fredericks reviewed the submitted landscape plan and noted that there might be potential conflict with fences crossing property lines. Another area of concern was the combination of existing trees planted on neighbor's tree lines combining with newly planted trees by the church to help fulfill canopy requirements given in the Town Ordinance. Per Zoning Administrator Rob Kinsley – existing vegetation such as hedge rows or trees may be used to satisfy requirements in this section if the zoning administrator determines them to be adequate. Mr. Kinsley agreed to formalize a written determination regarding this.

IN RE: APPROVAL OF MINUTES, August 3, 2010

Commissioner Fredericks moved that the minutes from the August 3, 2010 meeting be approved as presented. Commissioner Wolford seconded the motion. The motion passed, **3-0-0.**

IN RE: LAND USE COMMITTEE REPORT

Rob Kinsley said that the Committee spent the majority of their time revising the Draft Park Master Plan and provided a summary of the changes made. There will be a new draft presented at the September 15th land use committee meeting, at which time he felt Committee members would recommend the draft master plan be forwarded to the full Council for further action.

Commissioner Fredericks inquired about the Easement Plat and draft deed of Easement on Hayman Lane. Mr. Kinsley has not heard back from the Town Attorney, Maureen Gilmore.

IN RE: TOWN PLANNER'S REPORT

Rob Kinsley stated that he arranged for a meeting between Phil Denino, Economic Development Department, and Dave Levinson, Founder and President of Cranial Tap, located at 21 Main Street. He also met with personnel at the Department of Historic Resources to obtain information as to who to contact regarding tax credits for the Town, and grant funding (there was none).

IN RE: PLANNING COMMISSION WORK PLAN

Chairperson Etro grouped the items and identified the responsible party in mind for presenting it to the Town Council at their September 16th meeting. She suggested reviewing the other issues but not as possible focus items for this year given the constraints placed on the Commissioner's time by other issues. Commissioners expressed

the thought that it was a good idea to organize their goals by quarter depending on how much Town Council support was garnered for the Plan and how much they could rely on the Town staff to support their efforts. Commissioner Fredericks suggested they delete any target dates period, and gave Chairperson Etro the go-ahead to present the work plan to the Town Council at their next meeting September 16th.

IN RE: NEW BUSINESS

Commissioner Fredericks moved to schedule Monday, September 20th at 7 pm as a special meeting specifically to address the Bank of Clarke County's Special Exception Request. Chairperson Etro seconded the motion. The motion passed, **2-0-1 with Commissioner Wolford abstaining.**

IN RE: OTHER BUSINESS

There was none.

IN RE: DRAFT AGENDA

Bank of Clarke County Special Exception - Rob Kinsley will contact Mark Albright, the property owner, regarding the need for him to attend the Commission's Special Meeting, and other meetings at which the proposed branch bank will be discussed. He will also issue a written determination on parking spaces, as well as the trees/neighbor contribution to the canopy requirements for the Round Hill United Methodist Church's proposed landscaping plan.

Commissioner Fredericks stated that he specifically wants to review VDOT'S recommendation and a full analysis of the traffic flow pattern of the Bank.

IN RE: ADJOURNMENT

With no further items for discussion, Chairperson Etro adjourned the meeting at 9:45 p.m.

Sarah Etro, Chairperson

Susanne Kahler, Meeting Recorder