

**PLANNING COMMISSION NOTE: CONCERN WAS RAISED ON THE ACCURACY OF THE
MINUTES SHOWN BELOW; COMMISSION WAS UNABLE TO VERIFY CORRECTNESS DUE TO
THE TAPES BEING UNAVAILABLE**

**ROUND HILL PLANNING COMMISSION
REGULAR MEETING MINUTES
DECEMBER 1, 2009**

The regular meeting of the Round Hill Planning Commission was held on Tuesday, December 1, 2009, in the Round Hill Center, 20 High Street, Round Hill, VA beginning at 7:30 p.m.

Present

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

Staff Present

Robert Kinsley, Town Planner/Zoning Administrator
Patsy Tappan, Recorder

Others Present

John McBride, Odin, Feldman & Pittleman, PC
Mary Anne Graham, Vice Mayor
Approximately 6 members of the public

Attachments

- A. Agenda, December 1, 2009
- B. Draft minutes - October 6, 2009, November 10, 2009 Regular Meeting;
November 10, 2009 Special Hearing
- C. Land Use Committee Report, dated
- D. Town Planner/Zoning Administrator's Report, dated November 25, 2009
- E. Round Hill United Methodist Church SPEX:
 - Revised Staff Report, dated December 1, 2009
 - Statement of Justification
 - Applicant's Response to Issues Raised at the PCPH November 10, 2009
 - Applicant's Proposed Development Conditions, dated November 24, 2009

IN RE: CALL TO ORDER

Chairman Fredericks called the meeting to order at 7:41 p.m., noting that with every member of the Commission present, the meeting had 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

There were no public comments.

IN RE: APPROVAL OF AGENDA

Chairman Craig Fredericks moved approval of the agenda as presented with one change, moving agenda item 6. Approval of Minutes be postponed until the next regular meeting. Commissioner Mike Hummel seconded the motion.

Commissioner Wolford suggested that proposed changes to minutes be forwarded to Town staff for incorporation into the draft minutes prior to the packet delivery.

Commissioner Hummel advised the Commission that the Town Attorney had notified the Town Council at its last meeting that the approval of minutes should be handled differently. Ms. Gilmore had stated that the corrections and changes should be submitted first, then the amended minutes could be moved for approval, rather than moving the minutes as presented, then making corrections and amending the motion.

Vice Chair Sarah Etro offered an amended motion to move item 9.a Round Hill United Methodist Church Special Exception to be heard after item 5 - Disclosures and Commissioners' Comments. Commissioner Kathleen Luckard seconded the Amended Motion.

The Amended Motion to approve the agenda as amended with two changes was approved unanimously by voice vote of the Commissioners present, 5-0-0.

IN RE: DISCLOSURES AND COMMISSIONERS' COMMENTS

Commissioner Betty Wolford thanked Mr. Kinsley for preparing his staff report under duress. The Town offices were vandalized and the computers were damaged the previous week.

Vice Chair Sarah Etro disclosed that she and her family, at one point, were members of the Round Hill United Methodist Church. They have not attended the church or made any monetary contributions to the church in at least five years, but she still receives mailings from the church. Vice Chair Etro also disclosed that she was contacted by Jeff Browning the previous day at her office, and he was asking if she knew of the standard lot coverage for a church. She could not think of anything off the top of her head, so she suggested that Mr. Browning speak to planners, and she suggested John Merrithew with County Planning, Susan Berry-Hill with the

Town of Leesburg, and Martha Mason Semmes with the Town of Purcellville. She added that she had encouraged Mr. Browning to call these planners because they may have a perspective about this issue. She was encouraged, if the church was thinking about trying to alter the size, based on comments they heard at the public hearing.

Commissioner Betty Wolford disclosed that she did not know why it had taken so long to realize this, but the plat that was submitted for the Round Hill United Methodist Church had been done by Wolford and Chen, but she had spoken to her husband and he assured her that Mr. Chen had done all of the work on this project.

IN RE: OLD BUSINESS

9a: Round Hill United Methodist Church Special Exception

Rob Kinsley, Town Planner/Zoning Administrator presented the revised staff report dated December 1, 2009, which is on file in the Town Office. He outlined the changes that had been submitted since the public hearing of November 10, 2009, and offered the following five major issues raised by the citizens at the public hearing:

- The inadequacy of the church facilities to serve the current congregation and the surrounding community through its outreach programs;
- The mass and size of the proposed building and it does not seem to fit with the character of the area;
- Parking will not be sufficient to handle all the cars needed for total capacity of the buildings;
- Traffic flow would still be a problem that will adversely affect the surrounding neighborhood streets; and
- Stormwater management is already a major problem, and the expansion will make it worse.

Vice Chair Etro asked Mr. Kinsley to walk the Commission through the proposed changes to the Special Exception Plat, which was displayed at the meeting.

Mr. Kinsley highlighted the following proposed changes to the plat:

- Request for a zoning modification for the buffer area
- Two additional parking spaces were added near the loading ramp
- Two additional spaces were added on Church Street
- The heights of all buildings will be verified after construction

Mr. Kinsley advised the Commission that he had researched the addition made to the Hamilton Baptist Church, and found that in 2001 a Special Exception was granted for that expansion. He found that many of the issues were the same as the Planning Commission is encountering with this Special Exception, including the size of the building, parking, traffic,

landscaping, and lighting. He reviewed the County assessment records and found that the Hamilton Baptist had expanded the church to a size of 21,575 square feet, and they provided 119 parking spaces on-site and have several agreements with adjacent businesses to use additional spaces, which they do not have yet in Round Hill.

Commissioner Hummel advised the Commission that he had received an e-mail from the Hamilton Baptist Church, which reiterated what Mr. Kinsley had reported, except for the acreage of the property, which is 2.85 acres. Commissioner Hummel interviewed the church representatives and found that the main hall has 500 person seating capacity, but they said they average 325 to 350 attendees per service. They showed him the parking lots that had arrangements for overflow parking, which were pretty large, and he stated that it was unfortunate that Round Hill did not have adjacent businesses that were not in use on Sundays. Commissioner Hummel stated that he had tried to contact the architect for the Hamilton Baptist Church, but he did not receive a call back from him.

Vice Chair Etro asked if Hamilton used four seats per space for their parking ratio.

Commissioner Hummel concurred. He added that the standard is one parking space to four seats, and when he made the parking count for the Round Hill United Methodist Church, he confirmed that the current condition was not meeting the standard of one parking space to four seats, and the proposed conditions would not meet the standard either. Commissioner Hummel stated that, originally, the proposal had 111 spaces on this site, and now the proposal is down to 90 spaces, so parking continues to worry him.

Chairman Fredericks noted that over the past couple of meetings, there were some additional comments or potential conditions that were not included in the list that had been submitted. He noted that the applicant's Proposed Development Conditions, dated November 24, 2009 included 26 conditions, and Mr. Kinsley's Revised Staff Report, dated December 1, 2009 included three recommended conditions for the Special Exception, as well.

Mr. Kinsley stated that proposed condition #11 should be modified to reduce the current 6 month time frame for installation of the buffer to 90 days. He also advised the Commission that his proposed condition #3 was actually covered in the applicant's proposed development condition #7.

Applicant John McBride added that Mr. Kinsley's proposed condition #2 was not included because the Ordinance includes similar language.

Chairman Fredericks asked Mr. Kinsley if he had had the opportunity to review the conditions for the previously approved Special Exceptions for this property to see if the conditions were being met, or if there were conditions that needed to be included for the proposed Special Exception.

Mr. Kinsley responded that he had reviewed the previous conditions and found that the fencing and landscape buffer for the temporary gravel parking lot had not been installed (addressed in recommended condition #1).

Vice Chair Etro asked if the Parsonage being used for housing was consistent with the previous Special Exception.

Chairman Fredericks responded that the version that was passed by the Commission did not include the residential component.

Mr. McBride noted that the proposed language, if approved, would supersede the previous language, and it includes housing as a potential use for the Parsonage. He added that they had carried over some language from the previous Special Exception, including "no changes to the exterior of the Parsonage," "the maximum number of 25 persons" has been reduced to 20 persons in the proposed language.

Chairman Fredericks noted the slight change in the proposed use to include an option for housing or residential use for the Parsonage.

Vice Chair Etro noted that she had only been on the Commission for one year, and she was not on the Commission at the time that the previous Special Exception had been approved.

Chairman Fredericks asked if the approved Special Exception for the Parsonage had included the "three year sunset" that they had originally proposed.

Mr. McBride responded that he did not see that in the approval.

Chairman Fredericks summarized the status of the application before them.

Mr. Kinsley confirmed that if the Special Exception was approved, the approval would supersede all previous Special Exceptions for the property.

Mr. McBride added that it would bring the entire site into conformance.

Chairman Fredericks noted that the Parsonage would be considered an accessory structure after the boundary line adjustment, and the Ordinance specifically states that accessory structures are not meant for long term use as residences. He asked if that would be a concern for the Commission.

Mr. Kinsley responded they would need to modify the language for long term residence.

Mr. McBride added that he believed that the language could be modified by Special Exception. He stated that they were trying to allow options that fit into the community for the use. The community very clearly voiced its desire for the Parsonage structure to remain and it is "somewhat of an albatross" as far as a use for the church. They have committed to keep it, and

keep it looking like a residence, so they wanted the opportunity, should it present itself, for an associate minister or other minister to have the opportunity to use it as a residence. He noted that the Parsonage was only 1100 square feet, which was rather small for a long term residence, so if there was a way to quantify what was considered "long term" he thought they would be happy to add that length of time into the conditions for a residential use.

Chairman Fredericks stated that he wanted to clarify if they could modify the Ordinance with a condition, or if they needed to consult the Town Attorney for clarification.

The Commissioners and Mr. Kinsley discussed several options regarding the language of condition #5.

Mr. McBride stated that would accept that, but suggested that they request a determination from the Town Attorney regarding the definition, so they could craft the wording into the conditions to give them some short term flexibility.

Vice Chair Etro stated that if the Ordinance was clear that you could not use an accessory structure for long term residence, then they could not modify that. She added that she did not have a problem with the residential use, just that the Planning Commission did not have the power to change the Ordinance through the Special Exception process

Commissioner Wolford noted that she would prefer to see the building used as a Parsonage, but agreed that the Commission did not have the ability to modify the Zoning Ordinance.

Mr. McBride commented that Round Hill's Ordinance was rather unique, in that it did not allow more than one principal structure.

Commissioner Wolford stated that it could be used temporarily.

Chairman Fredericks noted that the Ordinance addresses the duration and lists the specific length of time per year that the structure could be used as a residence.

Mr. Kinsley stated that it would be more of a "guesthouse use."

Chairman Fredericks stated that it was an issue, and that the Planning Commission needed to be sure they were doing the right thing as they moved forward. He suggested that they strike the last sentence of proposed condition #5: "The Parsonage Building may be used as a rectory or single family residence for church ministers, assistant ministers or employees, if all required building, occupancy and fire code permits are obtained." He stated that he could not see an issue with them striking the language for now, although it would not be taken completely off the books for the future, once they had received an answer from the Town Attorney.

Commissioner Hummel asked if all Commissioners had received the e-mail from Kim Ramsey. Several Commissioners stated that they had not received the e-mail.

Chairman Fredericks called for a five minute recess at 8:21 p.m. to allow Mr. Kinsley to make some copies of the e-mail to distribute to the Commissioners and to the Applicant, since the e-mail was sent to the Planning Commission's e-mail address, the e-mail becomes part of the record.

Chairman Fredericks reconvened at 8:28 p.m.

Vice Chair Etro noted that the Town of Leesburg Planning Commission staff report from November 5, 2009 and the Special Exception Approval for the Parsonage and the Gravel Parking lot that were distributed by email should also be included in the record.

Chairman Fredericks noted that the proposed conditions had been before the Commission for some time, and they had made several revisions to them, but he asked the Commissioners if there were significant changes that should be discussed, or if there were additional conditions that the Commissioners would like to see added. He advised the Commissioners that he did not want to go through the list, but rather he was trying to gauge the workload for the evening.

Commissioner Luckard stated that she had a couple of small issues to discuss regarding the existing conditions, but she had nothing new to add.

Commissioner Hummel stated that he had significant issues to discuss regarding parking and the size of the building.

Commissioner Wolford stated that she had issues with parking and how it relates to the Zoning Ordinance.

Vice Chair Etro stated that she was hoping they could go through the issues that surfaced at the public hearing, to see if they had been addressed or not. She had reviewed the transcript from the public hearing, as well as her own notes, and came up with a pretty long list, which addresses major and minor issues. She stated that she did not think they were far enough along to decide if this set of conditions was the right set or not. She stated that she felt there was more discussion that needed to occur. She asked the applicant if they planned to stick within the 30 days, or if the applicant was willing to try to address some of the outstanding issues.

Chairman Fredericks noted that the deadline was the following Thursday, or potentially next Wednesday, December 9, 2009. He stated that before they could ask that question of the applicant, the Commissioners needed to ask themselves whether they wanted to continue to work on issues. He said he felt it would be great to address the issues that were raised at the public hearing and look at the responses, but after that, they would need to decide if they wanted to ask the applicant for an extension, and then it would be up to the applicant if he wanted to grant them an extension.

Commissioner Hummel stated that he believed it would be much more effective to do exactly what Vice Chair Etro had suggested, except to have interaction from the group at the

same time, instead of having the Commissioners debating without input from the applicant. He likened it to a work session, with interaction followed by taking a vote, but he realized that it may take the Commission two more meetings to go through all of the issues. If the applicant was not willing to make further changes, then they need not bother, but if the applicant was open to working through additional changes, then he felt that they should move forward accordingly.

Chairman Fredericks stated that he did not believe that the Planning Commission could handle the meeting as suggested. He felt it should be an additional work session, if for no other reason than from a courtesy standpoint, it should be advertised. He stated that the question was whether the applicant was willing to modify the application or agree to other potential conditions. He commented that the Commission had been working on this application, rather consistently, for the majority of the year, and he did not recall anything of significance being raised recently, that had not been brought up in the past. He noted that the change may be coming from concerns that the Commission had been trying to address during its due diligence, which were reiterated by some of the comments made during the public hearing. He asked if they were looking to extend the time, if the Commission wanted to act on extending the time, and reasons for wanting to do that. If there was significant public comment that had not been raised by the Commission, then why should they expect any additional movement or anything new? He added that the application was "the application", and concessions had been made, but he felt it was a work in progress all along. He felt they had had a nice, orderly progression of the application before the Commission. He stated that if the Commission was interested in reviewing the issues raised at the public hearing, then he was fine with that approach, as well. He suggested that if they could discuss the issues raised at the public hearing in the next hour, then that would be acceptable, but if the Commissioners felt it would take until 3:00 a.m., then that was another issue to consider and they should say that they should schedule another meeting for December 8, 2009 and they would progress as far as they wanted to that night, and adjourn until the next meeting.

Commissioner Luckard stated that she was leaning toward what Chairman Fredericks was saying, because her sense from reading the transcript of the public hearing, the e-mail comments and Mr. Kinsley's summary, that there were some core issues, such as the size of the building, the parking and the stormwater management, but she felt they could cross off the stormwater management because it seems that it would be taken care of. She commented that Commissioner Hummel's information from Hamilton had been instructional in terms of confirming that four seats per parking space was the number that they should consider. She noted that they may feel that these issues may not be resolved, so that could be why the Commission was hesitant to discuss them further. She added that this was the most intricate project that she had worked on for the Town, and she had come to appreciate the intricate planning process, even though it may seem tedious, but she had realized what really mattered and what did not matter. She stated that she did not want to lose the church, like Purcellville lost St. Francis, which is now completely outside of the Town limits. She noted that St. John's church in Leesburg had absolutely no parking, so the church had developed a new location out by Ida Lee Park. She stated that the applicant's proposed conditions had been instructional regarding the FAR, which was very important, because even though they are proposing a large building, it is a large lot. She concluded by stating that she had some small things to discuss

regarding the conditions, and she wanted to raise condition #26, regarding the potential agreements with the Round Hill Elementary School and the Round Hill Baptist Church for additional parking. She noted that they would have to use shuttle buses for the Round Hill Elementary Parking Lot, but it would certainly resolve the issue of additional parking.

Chairman Fredericks asked if Commissioner Luckard was looking for additional agreements.

Commissioner Luckard responded that she did not have anything that she would propose, but from what she had read, it seemed to address a lot of the issues. The final issues were the size of the building, and she did not know how they would resolve that, because they are within their rights with the size of the lot. The FAR of the building, and they had certainly made concessions, but that was her sense of the issues.

Chairman Fredericks noted that they had three options:

1. Take action;
2. Review the public hearing results; or
3. Enter into discussion with the applicant.

Vice Chair Etro stated that she was not sure that the proposed building size conformed to the Zoning Ordinance. She stated that she thought that was an issue, and she wanted to make it clear that she did not agree with Commissioner Luckard's assessment that this building fits the Zoning Ordinance.

Chairman Fredericks surmised that the Commissioners wanted to continue their discussion.

Commissioner Wolford agreed that churches in a small town like Round Hill, were the core of the Town and they want them to stay in Town.

Vice Chair Etro agreed, but noted that she had not heard that the Town is in an "either or" situation. She stated that the church needed to tell them if that was the case. It seemed that her colleagues were saying that it was either this proposal or nothing, but she had not heard the applicant say that. She stated that she wanted the applicant to answer that question before they moved too much farther forward. She added that she felt it was too simplistic to think that it was either this design or the church would move.

Chairman Fredericks summarized:

1. Option of extension of time;
2. Potential question of "all or nothing"; and
3. Option of reviewing public hearing comments.

Commissioner Wolford stated that she felt that they had gone through the public hearing comments, which they did at the meeting when it was fresh in their minds. She suggested that they go through the conditions and say "yeah or nay" to each one.

Vice Chair Etro stated that they had just heard the public hearing comments, but she had not had a chance to really absorb and study what the public had to say, which she felt was an important part of their consideration. She stated that she had hoped they could go back through the conditions and see how they apply.

Commissioner Hummel stated that he recommended a work session, so they could have an exchange with the applicant to see if he bought into their recommendations. He agreed that he did not want to see the church relocate, but he also did not want to see the Town dictating what it felt was appropriate to the applicant.

Chairman Fredericks explained that if the Commission took no action, then the application would go forward to the Town Council with an approval recommendation de facto (without conditions).

John McBride of Odin, Feldman & Pittleman, PC, stated that the discussion that the Commissioners just had was the same discussion that the church had had. They want to stay in Round Hill and they want it to work. He stated that they view the conditions as "joint conditions" and he admitted that they would not have imposed all of the conditions upon themselves. He suggested, whichever way the Commission chose to move forward, either reviewing the issues, or the conditions, they would like to see this Commission come up with conditions that it is comfortable with and conditions that they were comfortable with. He explained that when the Town Council approves conditions that are unworkable for this congregation and to the District, which controls this congregation, then it becomes a "here or there" issue, but they do not want to see that happen. The real issues, from what he had heard, were size and parking. As far as stormwater management, they have a very specific condition that goes beyond Round Hill's Ordinances, that says that they will do slow release, low-impact design techniques. The end result, drainage calculations at Site Plan would show that the surface water flow from this site, which pretty much flows down High Street onto the site and branches to Locust and Church will be less than it is now after their development. The way they will do that is through the low-impact techniques of cisterns and filtration, etc. He stated that he thought that issue was dealt with, so the real issues were parking and the size. He stated that the problem was "it's too big." The consensus was that the church should be able to expand and handle its ministry, but the question is "how big is too big." Mr. McBride stated that their problem is the lack of an FAR regulation in the Zoning Ordinance, and the Ordinance requires one parking space per four seats of occupancy. They have gotten down to one space per 3.3 seats. He advised the Commission that if he could get something that gives them all a comfort level that says "this will work," for example a reduction of 2,000 or 3,000 square feet, whatever the Town feels would be appropriate, and then he could go back to the District with that information. He stated that it was one thing to reduce the square footage, which would also reduce mass and scale, but parking was a different issue. He noted that almost every jurisdiction determines parking based on occupancy, rather than on square footage. Churches are different, and with this

church, everybody goes into Worship and after Worship, everybody goes to the Sunday School, which is in all the classrooms. If they were designing the building in the most cost effective and smallest way, that would not be the way to run your services. He stated that there were efficiencies that they could create to cut back the size, they've had the architect make some suggestions, but in order for them to move forward, they would have to spend about \$6,000 for the architect to change the plans. If they had an indication of what the Town felt that "paring back" should be, and if they had consensus of a benchmark that people were comfortable with, then they could spend some money to rework it and take it to the District. Mr. McBride added that they need to know if the Town is thinking a reduction of 10,000 square feet or 2,000 square feet, and right now he had no idea what the Town was thinking. He agreed that Hamilton would be a good project to look at, and perhaps they could see the ratios of what they built. He advised the Commission that he did not feel they were that far out of line with the size, but before they made the investment, they needed to know what the Town thought would be an appropriate reduction. Since it would take them three to five years to build the facility, they wanted it to be something they could all be proud of, and something that would work for the future. They would not want to go through this process again in five years; they want it to be long term; they want it to be an asset to the community both visually and serving the congregation. Mr. McBride stated that it was not their intention to push the Town into making a quick decision, but if they had some guidelines for these reductions, they could consider an extension to take the proposal back to the District.

Commissioner Luckard noted that she drove around the site and she saw a house that had added a large addition to the rear, but it was a lovely house and you could not see the addition from the street.

Chairman Fredericks noted that the key was "what is acceptable to the Planning Commission." If they were looking to get to that point, then how could they get to that point. He offered his personal opinion: using their own Ordinance and what had happened in other local jurisdictions."

Vice Chair Etro suggested that it might be beneficial to have an architectural expert come and talk to the Commissioners, if they had time to call someone in.

Chairman Fredericks responded that an architect normally dealt with structure, and would not necessarily deal with urban planning.

Commissioner Hummel commented that he had been trying to contact the architect who designed the Hamilton Baptist Church addition, Clint Goode, but he had not called him back. He added that the numbers were not making sense to him: 21,000 square feet in Hamilton accommodated 500 people and 28,000 square feet in Leesburg accommodated 1,100 people. He asked how does this building, which is of comparable size, only accommodate 300 people. He suggested that the citizens were concerned that this building would hold many more people, requiring many more parking spaces, and the Town would have no ability to enforce the occupancy.

Commissioner Wolford agreed that the applicant had said that 300 people could sit in the multipurpose room, plus 180 in the old sanctuary. She stated that in the future, she would expect there to be full capacity for their Sunday services.

Chairman Fredericks suggested that they consider striking the condition that limits the number of people, since it is unenforceable. He asked if there was another authority that could be used to enforce this condition.

Commissioner Luckard suggested the Fire Marshall, who evaluates the building's capacity.

Vice Chair Etro noted that for the other examples in the area, they should consider how the churches were configured. For example, the Hamilton church is multistory, which might make a difference. She cited the St. John's building in Leesburg as a massive building, most of which was the Sanctuary. There were differences that she did not feel compare with the proposal. She agreed with Commissioner Hummel that there was a concern about the capacity and how that would work with the parking standard.

Chairman Fredericks asked, if they could get an expert to come in, what topic would they hope to address. Would it be the maximum capacity of the proposed structure; the ability of the land to support an additional structure; or were they looking to address the maximum size that the structure needed to be to support a proposed maximum number of people. He reiterated that if they were going to call in an expert, they would need to agree on the questions to ask that expert and the expert would need to ensure the Commission that he/she could provide "maximums and minimums and industry standards" before agreeing to bring that person in. He asked if the Commission were able to receive that information, if it would feel comfortable moving forward; or if the Commission had that information, if the applicant would feel comfortable moving forward.

Vice Chair Etro commented that they were asking some really big questions, and the expert would need time to prepare for that meeting.

Commissioner Luckard noted that she did not believe that an architect would be able to address all of these issues.

Chairman Fredericks noted that the following issues had consumed their discussion: mass, size, number of people, parking and traffic flow. He noted that the sole purpose for conditions on a Special Exception was to mitigate the impact of these. They had been trying to work on that, but it had been an issue that they had talked about indirectly, or quietly, but size is the main issue. He asked if they wanted to have one more focused work session to work on the size issue. He suggested that since this was the last major hurdle, that perhaps they could sit down for three hours, talk about how they could potentially get around it, or instead of having the expert give them a presentation, perhaps the expert could participate in the discussion. They would get the benefit of another opinion without putting someone on the spot.

Commissioner Luckard asked if this building was within the setbacks and not more than two stories, what more could they say.

Chairman Fredericks responded that he was in favor of continuing discussion as a Commission. He suggested that if they had one more meeting, prior to that meeting they would need to do a lot of analysis on ten different Special Exception applications for expansions of religious organizations in neighboring jurisdictions. If they did that analysis, they find a suitable expert and bring that person in for a work session, the applicant brings their research, and the expert would join them in the discussion. He noted that it would be a minimum of two months for them to accomplish such a work session.

Mr. McBride suggested that, although he felt that bringing in an expert was a good idea, in order for them to expend the money, they were still looking for parameters. He reminded the Commissioners that the main reason for the Parsonage and Sanctuary areas not becoming parking or greenspace was because of their historic character. The comments from the public were very strongly in favor of keeping those buildings intact. The two buildings total 3,892 square feet of the overall total square footage, and the Sanctuary can only accommodate 180 fixed seats, and they need 324 seats to stay on this site. He added that he did not believe that they should base the parking on the occupancy, since they would not have both areas being used at the same time. He suggested they look at Hamilton's FAR and subtract 3,892 to see where they stand.

Commissioner Luckard asked the applicant to calculate the number of parking spaces that could be used at the Baptist Church and the parking lot behind the Round Hill Post Office.

Vice Chair Etro advised against considering the parking at the Baptist Church, because they would be holding services at the same time. She suggested that they look at zoning parameters, which may inform the change in size. She asked if the setbacks with reductions were at issue. She referenced Zoning Ordinance 12.7.4 Parking: no required parking shall be located in any required buffer or setback. She wondered if they could use the plan as proposed on both sides.

Mr. McBride responded that the Ordinance allows, with fencing, reductions to the buffers.

Vice Chair Etro checked the Ordinance and verified that the language only applied to commercial and industrial districts. She asked for clarification of buffers and setbacks.

Commissioner Hummel responded that setbacks are specified distances from the lot lines, but parking is allowed in the setbacks in residential districts. He read from the Ordinance, "The following buffer yards shall be provided between uses; institutional against residential: 25 feet; a solid wall or fence at least six feet in height may be used to reduce the required buffer by 50%." In that case the buffer could be 12.5 feet.

Vice Chair Etro noted that the building was 12.5 feet from the property line in most areas. She asked if that was too close, given the scale of the building.

The Commissioners reviewed the Special Exception Plat with Mr. McBride and discussed the setbacks and building locations, buffers and surrounding uses.

Commissioner Hummel asked if the landscaping and fencing amounted to a "solid wall" in order to reduce the buffer area by 50%.

Mr. McBride responded that the Council could interpret the solid wall as the boards coming together. He explained that when you look at the fence, it appears solid.

Vice Chair Etro asked if the setbacks would change when the lots were consolidated.

Mr. McBride responded that they would end up with three front yards, with the corner that has the same setback as a front yard.

Vice Chair Etro asked for clarification that the parking, as it is configured, was completely consistent with the Zoning Ordinance.

Mr. McBride responded that it did.

Chairman Fredericks asked if the Parsonage conformed to the Ordinance.

Mr. Kinsley responded that as far as height and square footage, it did meet the requirements for an accessory structure.

Chairman Fredericks noted that they had resolved the parking from an Ordinance standpoint. There was a question as to whether the Parsonage meets the setback requirements for an accessory structure, because the County website information showing property boundaries indicated that it was 12 feet from the property line.

Mr. McBride responded that he believed that the Parsonage was more than 14 feet from the property line.

Vice Chair Etro asked if Section 5-1100 applies. She stated that it appeared that they had two parking standards, Chapter 12 and Section 5-1100.

Mr. Kinsley responded that it was explained in the introduction to Article 5. Several Commissioners explained that the Ordinance had been revised to specify that Section 5-1100 only applies to the BLA areas of Town. It was confirmed that Vice Chair Etro did not have the amendment in her copy of the Ordinance.

Vice Chair Etro asked for staff to provide the current Ordinance to her.

Chairman Fredericks noted that the County website information depicting property boundaries indicated that the property just north of the Parsonage crossed the property line.

Mr. Kinsley responded that information was not always accurate, and they would have to have a survey to see if the house crossed the property line.

Vice Chair Etro commented that they heard comment at the public hearing to base parking on the square footage or an overall occupancy, but it was clear that the Ordinance guides them to base parking on the number of seats. Section 5-1100 addresses square footage, but it does not apply.

Commissioner Wolford responded, for "places of worship, one space per four seats."

Mr. McBride commented that they had included the development condition stipulating the maximum occupancy, which would be included in the Occupancy Permit. The enforceability would be the same as for any other Zoning Ordinance provision, it relies upon complaints.

Vice Chair Etro noted that she appreciated the condition that addressed opportunities for additional parking off-site, but she was not sure if the condition was firm enough, or if there was additional work they would like the applicant to perform on that condition, such as identifying how many spaces. She referred to condition #26, which refers to additional parking, and asked if that condition was well worded or if there was a provision to require additional parking "close in" for every Sunday. She added that the Ordinance allowed for parking within 300 feet of the site.

Chairman Fredericks responded that in order for the parking to count towards the capacity, it must be within 300 feet of the facility.

Commissioner Wolford noted that the Ordinance requires a written agreement with the owner of the property.

Vice Chair Etro stated that she thought that condition #26 was a good start for special events, but she felt that they should include language for additional parking for every Sunday. She was trying to satisfy the public's concern that there would not be enough parking, and it would not be clearly identified as to when it is needed. She asked how they could either reword condition #26 or add another condition that would set in place additional parking.

Commissioner Wolford read from the Ordinance, "...in addition, the owner's of the off-site parking area shall be bound by a recorded covenant, easement or agreement..."

Mr. McBride responded that he believed they would need an agreement if they were using the off-site parking to meet the minimum Ordinance standard. They already meet the Ordinance standard, and they are going beyond that requirement, so all they have to do is make whatever arrangements the Commission would be comfortable with. He added that he thought they could brainstorm and come up with locations that could be used, and they could also broaden the options for the off-site condition.

Vice Chair Etro advised Mr. McBride that she would look for a clear agreement that was in place with the approval of the Special Exception, so it would be clear to the public that there are designated off-site parking places.

Commissioner Luckard suggested that the Council would want the same agreements, so whatever they could get into place prior to being heard before the Council would be to the applicant's advantage.

Vice Chair Etro suggested that they add a separate condition regarding off-site parking on Sundays, rather than amending condition #26. She added that in condition #13 they refer to parking in the loading space, which the Ordinance would not count toward the required parking.

Mr. McBride responded that they were already above the Ordinance requirement for parking, and they would not have any loading taking place during services.

Vice Chair Etro noted that there was another issue regarding traffic gridlock, and the safety issues with getting out when there were large events. She asked if there was a condition that addressed traffic.

Commissioner Wolford noted that condition #14 addressed the entrances.

Pastor Witt responded that there was a combination of conditions that addressed the traffic, and they had addressed this issue in their responses to the public comment.

Chairman Fredericks suggested that they review the individual conditions listed in the Applicant's Proposed Development Conditions dated November 24, 2009. The following lists the proposed changes made by Mr. Kinsley and the Planning Commissioners:

- Mr. Kinsley suggested that Condition #13 should be changed in line 16 to remove Zoning Administrator and replace it with Planning Commission.
- Commissioner Luckard suggested that Condition #2 be changed to indicate the total maximum square footage of 29,142.

Commissioner Wolford asked if the basement would be used for storage.

Mr. McBride responded that they were hoping to use the basement for a library or music room.

Commissioner Luckard commented that she thought there was a question of even having a basement due to the soil conditions.

Vice Chair Etro asked if the basement needed to be 6,000 square feet.

Mr. McBride responded that they were trying to maximize the square footage while keeping the character of the building.

Chairman Fredericks asked for clarification of the 24 month period for expiration after the date of approval unless a Site Plan has been submitted to the Town.

Mr. Kinsley responded that the condition had previously listed a 36 month period before expiration.

Chairman Fredericks asked if they were trying to define the event and create a timeline for submission.

- Commissioner Hummel suggested a change to the first paragraph from "submitted for approval" to accepted for review by the Town.
- Chairman Fredericks suggested that they add the Town Council may grant additional time to file.

Vice Chair Etro asked for a "walk through" of the proposed widening of Locust Street.

Chairman Fredericks asked if VDOT would allow it.

Mr. McBride responded that they had asked the VDOT representative and he had told them yes.

Vice Chair Etro asked for clarification that Condition #14 addressed Locust Street widening.

Mr. McBride responded that it did, and as shown on Exhibit "C".

Chairman Fredericks asked for clarification of Condition #15 Stormwater Management Plan.

Mr. McBride responded that both the County and State Ordinances for Institutional and Commercial uses require on-site stormwater detention that reduces the sheet flow that is leaving the site. The proposed stormwater management plan for sheet flow and outfall goes above and beyond the Town's requirements. He added that pipe and ditch might be adequate, but they had committed to follow the Town's plan.

- Vice Chair Etro suggested a change to the language in Condition #15 from "a manner consistent" to in conformance with...

Vice Chair Etro asked for clarification of Condition #25.

Mr. McBride responded that Condition #25 dealt with the stormwater that was generated and stored on the property for slow discharge. He explained that they were proposing a bladder

system that was broken up in different areas of the property, but it was most common to store the stormwater underground.

Commissioner Hummel asked if they needed to include 3,000 gallons in the condition. Mr. McBride responded that they could take it out, that it was based on an example.

- Commissioner Hummel suggested a change to the language of Condition #25 to remove "by impervious surfaces" and "of no less than 3,000 gallons" and add an adequate storage capacity.
- Vice Chair Etro suggested Condition #10 be changed to remove "A tree preservation and landscaping plan shall be submitted for review and approval at the time of Site Plan review." and add in general conformance with Sheet 5 of the SPEX Plat and Commissioner Hummel suggested adding unless modified by the Planning Commission to the end of that sentence.
- Commissioner Hummel suggested changing Condition #11 to remove "90" and adding and diligently pursue approval of such permits within 30 days.

Vice Chair Etro asked for clarification of Condition #19, which specifies the connection of public water and sewer, and asked if there was sufficient capacity.

Mr. McBride responded that pressure and capacity were their responsibility.

- Commissioner Hummel recommended changing Condition #19 to add including the cost and construction of any water and sewer capacity improvements that may be required by the demand of this application.

Chairman Craig Fredericks moved to schedule a Special Meeting of the Planning Commission for December 8, 2009 at 7:30 p.m. Seconded by Commissioner Kathie Luckard.

The motion to schedule a Special Meeting of the Planning Commission for December 8, 2009 at 7:30 p.m. was approved unanimously by voice vote of the Planning 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 |

Commissioner Hummel offered to incorporate the changes suggested by the Planning Commissioners and present a red-line version of the Proposed Development Conditions to the Commissioners for the Special Meeting on December 8, 2009.

IN RE: LAND USE COMMITTEE REPORT

The Commission received the Land Use Committee's Meeting Notes dated November 18, 2009, in their packets.

Commissioner Hummel noted that the Land Use Committee had discussed the Round Hill Community Garden, the Scenic By-Way and Signs at their meeting.

Commissioner Kathleen Luckard moved to approve a Resolution to thank Commissioner Mike Hummel for his service to the Planning Commission. Chairman Craig Fredericks seconded the motion.

The motion to approve a Resolution thanking Commissioner Mike Hummel for his service the Planning Commission was approved by voice vote of the Commissioners present, 4-0-1, the votes being recorded as shown below:

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

IN RE: TOWN PLANNER/ZONING ADMINISTRATOR'S REPORT

The Commission received Mr. Kinsley's November 25, 2009, written report in their packets.

Commissioner Wolford asked why the Round Hill gas station was called Exxon rather than BP.

Mr. Kinsley responded that he believed that Holtzman must have gotten a better deal with Exxon. He explained that the station went from Amoco to BP because BP bought out Amoco, but Mr. Holtzman has multiple gas stations using different distributors.

Chairman Fredericks complimented the station's landscaping.

The Commission discussed the lights at the station, which continue to burn after the station closes. Mr. Kinsley stated that staff is looking into enforcement of the conditions.

IN RE: NEW BUSINESS

There was no new business.

IN RE: OTHER BUSINESS

There was no other business.

IN RE: DRAFT AGENDA FOR THE NEXT MEETING

Items to be placed on the Commissions' December 8, 2009 Special Meeting agenda include:

- 1) Round Hill United Methodist Church Special Exception

Chairman Craig Fredericks moved to adjourn the meeting. Commissioner Kathi Luckard seconded the motion.

The motion to adjourn was approved unanimously by voice vote of the Commissioners present, 5-0-0.

There being no further business, Chairman Craig Fredericks adjourned the meeting at 11:02 p.m.

Craig Fredericks, Chairman

Patsy Tappan, Secretary