

**ROUND HILL PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 6, 2009**

The regular meeting of the Round Hill Planning Commission was held on Tuesday, October 6, 2009, in the Town Office, 23 Main Street, Round Hill, VA beginning at 7:30 p.m.

Present

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

Staff Present

Robert Kinsley, Town Planner/Zoning Administrator

Others Present

John McBride, Odin, Feldman & Pittleman, PC

Attachments

- A. Agenda, October 6, 2009
- B. Draft minutes - September 1, 1009; September 8, 2009
- C. Town Planner/Zoning Administrator's Report
- D. Round Hill United Methodist Church SPEX:
 - Staff Report
 - Letter of Submittal (09/04/09)
 - Statement of Justification
 - Exhibits A-1 through A-4
 - Applicant's Proposed Development Conditions
 - PC Work Session Notes
 - SPEX Application
- E. West End Neighborhood Concept Plan
- F. B-1 Business - Town Business District Regulations
- G. Comprehensive Plan Update Process
- H. Building Height Regulations
- I. Byway Designation for Business Route 7 in Western Loudoun

IN RE: CALL TO ORDER

Chairman Fredericks called the meeting to order at 7:33 p.m., noting that with every member of the Commission present, the meeting had a quorum.

IN RE: PLEDGE OF ALLEGIANCE

Chairman Fredericks 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 moved approval of the agenda as presented with one change, moving agenda item 8A: Round Hill United Methodist Church Special Exception to be heard immediately following the approval of the agenda.

Commissioner Mike Hummel seconded the motion.

Motion to approve the agenda as presented with one change was approved unanimously by voice vote of the Commissioners present, 5-0-0.

IN RE: OLD BUSINESS

8a: Round Hill United Methodist Church Special Exception

Rob Kinsley, Town Planner/Zoning Administrator presented the staff report dated September 30, 2009, which is on file in the Town Office.

Commissioner Luckard complimented staff on their comprehensive report. She asked if the Church would be the emergency location for the Round Hill Elementary School. She also asked for clarification of the number of parking spaces.

Applicant John McBride responded that the lower number of 84 parking spaces was the existing number of spaces and the proposal is to provide a total of 93 parking spaces with one loading space.

The Commissioners voiced their concerns about the following issues:

- Clarification of the recommended conditions
- Applicant requiring additional time to fundraise for such a large project, since if the Town approved the Special Exception, it would go dead in two years if the final Site Plan was not on file
- Building height
- Fencing and screening
- Landscaping along the parking lot to the rear of the Parsonage and facing Church Street
- Consistency with the new Zoning Ordinance
- Boundary Line Adjustment process

Mr. McBride responded that the timeline could be a problem for the Church. He also realized that some of his conditions did overlap with the staff's conditions. He stated that they

were hoping that the Planning Commission would set a date certain for the public hearing, and before that date, they would work with staff to finalize the list of conditions. He added that there were one or two conditions that they disagreed with, but if they could not come to an agreement, they would wait to hear public comment. He explained that the first condition they would like to discuss dealt with the two year deadline, stating that most jurisdictions give 30 to 36 months to file the Site Plan. He stated that his problem with this condition arose out of the current economic climate, in which raising funds and requesting funding from the umbrella Methodist organization would take longer than two years. Mr. McBride confirmed that the proposed height would be 29 feet rather than 35 feet, and offered to modify the sketch showing the fencing and landscaping for review at the public hearing.

Mr. Kinsley advised the Commission that the applicant had received a copy of the revised Ordinance and staff had reviewed the plan to ensure that it was consistent with the new language in the Ordinance. In response the question about the boundary line adjustment process, Mr. Kinsley explained that usually it would be done before the project starts, but due to the fact that there would be two separate structures on one lot, they may need some time to accomplish the adjustment. He stated that the boundary line adjustment would probably come in at the same time as the Site Plan.

Chairman Fredericks stated that they would need to take the applications in order: Waiver, Special Exception, Boundary Line Adjustment recordation, and then Site Plan.

Vice-Chair Etro moved that the application for Special Exception SPEX 2007-01 and the accompanying Special Exception Plat be scheduled for Planning Commission Public Hearing on November 3, 2009, at 7:30 p.m. Commissioner Hummel seconded the motion.

Mr. McBride stated that it would not matter to the applicant, but he advised the Commission that November 3, 2009 was election night.

The Commissioners discussed their options for both the regular meeting and the public hearing.

Vice-Chair Etro amended her motion to move the public hearing from November 3, 2009, to November 10, 2009, at 7:30 p.m. Commissioner Hummel agreed to the amended motion.

Chairman Fredericks asked for clarification of the abbreviation BMP.

Vice-Chair Etro responded that it stood for Best Management Practice. Commissioner Hummel explained that when managing stormwater on a site, they must contain the quantity off of the site to prevent flooding, but also to manage the quality of the water that is leaving the site to prevent phosphorous or other contaminants from leaving the site. The BMP is the best method of managing the quantity and quality of the stormwater.

Chairman Fredericks asked for clarification of the materials that would be made available to the public, since there were discrepancies between the application and staff's recommendations. He asked if the advertisement would mention both versions.

Mr. Kinsley responded that the staff report was available upon request, but he and the applicant could work together to finalize the list of conditions before the advertisement goes out.

Chairman Fredericks stated that it was his understanding that once the advertisement has been published, then the application could not be changed.

Vice-Chair Etro responded that additional conditions could be added, since they would be considering issues raised by the public during the public hearing. She suggested that the staff report include staff's recommended conditions along with the applicant's proposed conditions.

Chairman Fredericks stated that the timing was an issue, since they only have 30 days after the public hearing to take action. He stated that if they were aware of discrepancies that needed to be addressed, he felt they should work on them before they scheduled the public hearing or they needed to work on them after the public hearing, but they would be limited to the 30 day period. They would only have one meeting to review any work that was done after the public hearing. He added that they could extend the amount of time after the public hearing, if the applicant were to agree to allow the Commission more time to reach a mutually agreed upon set of conditions. He stated that he was inclined for the applicant and staff to merge the list of conditions prior to scheduling the public hearing or they could schedule the public hearing in December, rather than in November.

Mr. McBride advised the Planning Commission that since the application was not for a Zoning Text Amendment where the text has to be advertised and the changes are limited. He explained that the Special Exception application, the governing body, on the Planning Commission's recommendation, imposes conditions that can change based on public comment or based on the applicant's testimony. He added that they had attempted to help the process by working with staff in advance, to reach fewer disagreements prior to the hearings. He stated that he believed that the applicant and staff could merge the two lists rather quickly, and he did not see the need for them to wait an additional month to schedule the public hearing. Mr. McBride suggested that they include staff's recommended conditions in the staff report, and it would be up to staff whether the applicant's proposed conditions would be included in that report, since it was not required.

Chairman Fredericks reiterated that he was concerned that nothing changes between the time of the advertisement and the time of the public hearing. The Commissioners discussed several possibilities, including having another work session after the public hearing, combining the lists prior to Monday, October 12, 2009, which was the advertising deadline, or leaving the dates set as outlined in the motion.

In response to the Commissioner's questions, Mr. Kinsley responded that the advertisement was posted in a local newspaper, signs were posted on the property in question, and adjacent property owners were notified by mail.

Chairman Fredericks concluded that they would leave the public hearing set for November 10, 2009, at 7:30 p.m., with the regular meeting immediately following the public hearing, with the agenda limited to this application; and that the Planning Commission should be ready to vote at the December regular meeting. With that, he called for a vote on the motion.

The above motion was approved unanimously by voice vote of the Commissioners present, 5-0-0, the ayes being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Mike Hummel	Aye
Kathleen Luckard	Aye
Betty Wolford	Aye
Sarah Etro	Aye
Craig Fredericks	Aye

Chairman Fredericks called for a five minute recess to allow the public to clear the room. The Planning Commission reconvened at 8:15 p.m.

IN RE: DISCLOSURES AND COMMISSIONERS' COMMENTS

Commissioner Luckard disclosed the fact that she had made contacts with respect to item 9B: Byway Designation for Route 7 Business. She noted that when she and Vice Chair Etro had attended the public information session for the Western Loudoun Substation in August, she had asked questions regarding the Byway and she was told that it had been denied twice. She stated that it did not make any sense, because the Board of Supervisors had voted in favor of the Byway, 9-0. She contacted VDOT and was told that they had not received any information. She conducted more research, and found that VDOT works with the Department of Conservation and Recreation to review the application, and then it goes to a state board, which actually comes to inspect the road before it is designated a Byway. With this information, she returned to Lewis Rauch's office and he put her in touch with Heidi Siebentritt, who advised her that Councilman Greg Wagner of Purcellville was instigating this process. She also learned that residents must write the nomination, or at least compile the information as to why this or any road should be a Byway, and then all of the local jurisdictions must support the effort, which had already happened with Loudoun's Board of Supervisors, for the leg between Purcellville and Round Hill.

Chairman Fredericks recalled that the Planning Commission recommended that the Town Council support this effort, as well.

Mr. Kinsley commented that staff had drafted a Resolution in March 2008, but at that time, the Town Council discussed the issue, but there was concern that adopting the Resolution could delay the Franklin Park Trails project, so no action was taken at that time.

Commissioner Luckard stated that she spoke with Councilman Wagner, who told her that he found the process very difficult to handle with his schedule demands, so he was trying to encourage his son to follow through as his Eagle Scout project. She stated that she had delivered Round Hill materials to his home, and offered her assistance toward this effort. She added that the designation is honorary, like being on the National Registry of Historic Places, and it does nothing to change land use. The state publishes a map of Virginia Byways, which they could offer to tourists. She also advised the Planning Commission that recently in the Washington Post, she had seen a map of Virginia's Wineries, which included a large number in the vicinity of Round Hill, and suggested that they should tie into tourism using these resources.

The Commissioners discussed tourism and the fact that Loudoun County is #2 in Virginia tourism, second to Fairfax, with \$1.43 Billion spent in 2008 on Loudoun tourism.

Chairman Fredericks asked if there was grant money available to help with the Historic District.

Commissioner Luckard responded that this was a state program, and she did not know of any money connected with it. She added that she believed that they were lucky to receive the funding for being on the National Register of Historic Places, since the budgets have been cut recently.

Vice Chair Etro commented that she believed that VDOT had to pay attention to these designations when they decide about road improvements. It does not impose anything specific, but VDOT must give consideration to Scenic Byways.

Commissioner Hummel updated the Commission on the recent Town Council meeting: Landscaping Amendments, Amoco Station, Variances, Child Care Revision in the Violation Section were discussed.

Vice Chair Etro asked if they would be receiving amended Ordinances to include in their binders.

Mr. Kinsley responded that he had asked that the Amendments be posted on-line, but he was not sure if that had been done. He offered to distribute Word documents of the Amendments to the Commissioners, which they agreed would be helpful.

IN RE: APPROVAL OF SEPTEMBER 1, 2009, AND SEPTEMBER 8, 2009, MINUTES

Chairman Craig Fredericks moved to approve the September 2, 2009, and September 8, 2009, minutes, as presented. Commissioner Kathleen Luckard seconded the motion.

The motion to approve said minutes passed by unanimous voice vote of the Commissioners present, 5-0-0.

Commissioner Luckard asked that the Commissioners contact Supervisor Burton to ask for his support of the Byway designation.

IN RE: TOWN PLANNER/ZONING ADMINISTRATOR'S REPORT

The Commission received Mr. Kinsley's October 1, 2009 written report in their packets.

Commissioner Luckard asked if Mr. Kinsley had reviewed the Countywide Transportation Plan.

Mr. Kinsley and the Commissioners discussed several streets that had been on the plan, including a possible interchange on the bypass at Route 7 and Simpson Creek and the connector road between 719 and Evening Star.

Chairman Fredericks asked for the status of the proposed down-zoning of the property.

Mr. Kinsley responded that it had not been rezoned.

Vice Chair Etro asked if the property had reached final subdivision stage.

Mr. Kinsley responded that the plan went all the way up to final subdivision, but Richmond American had walked away.

Commissioner Luckard asked about the status of the Main Street entrance of the Franklin Park Trails project.

Mr. Kinsley responded that he believed the engineering was scheduled to begin this fall.

IN RE: OLD BUSINESS

8b. West End Neighborhood Concept Plan

Mr. Kinsley reviewed the background information that was included in the Commissioner's packets and advised the Commission that a public input meeting needed to be scheduled.

Commissioner Hummel recused himself from the discussion and left his place at the dais.

Commissioner Wolford asked if the applicant was holding a charrette on this item.

Chairman Fredericks responded that the applicant was holding the charrette.

Mr. Kinsley added that the applicant had obtained permission to use the Council room for the session.

Chairman Fredericks noted that there was some discussion about the language in the letter announcing this charrette, as to whether or not the Planning Commissioners were supposed to attend. He added that even though the Commissioners were not required to attend, he felt it would be in the Town's best interest for them to attend the charrette. Chairman Fredericks stated that he felt the letter was fine; it conveyed that the Planning Commission was working with the applicant and aware of the charrette.

Commissioner Hummel returned to his seat.

8c. B -1 Business - Town Business District

Mr. Kinsley reviewed the latest version of Article 7, which was included in the Commissioner's packets.

Commissioner Luckard commented that she had done some research into other jurisdictions including Fairfax, Middleburg and Leesburg. She found a town in Dexter, Michigan that had a shorter list of uses.

Commissioner Wolford stated that she had presented the two lists to the Planning Commission, because there was a conflict. The Town Code allows certain businesses in the B-1 District, and the Zoning Ordinance specifically states businesses and excludes others in the Town. She offered to condense the list from the Business License requirements and submit a draft to the Planning Commission.

Chairman Fredericks suggested that the Town needed to adopt the same list for both the Zoning Ordinance and the Town Code.

Mr. Kinsley suggested including the wording "such as" to make the language more flexible.

Chairman Fredericks asked Mr. Kinsley if he could submit a revised list of B-1 permitted uses for the Commission's review at the next meeting.

Vice Chair Etro commented that the Commission had, at a previous meeting, proposed changing the height of accessory structures to 15 feet, and the draft Ordinance should reflect that change on page 7-3.

The Commissioners discussed height restrictions in other jurisdictions.

Commissioner Hummel stated that many jurisdictions do not have restrictions for accessory structures. He voiced his concern about changing the height restrictions when the application for the Church includes the Parsonage, which is 25 feet in height.

Vice Chair Etro asked if the structure would be considered a non-conforming structure.

Mr. Kinsley responded that the height of the Parsonage is 24.5 feet, and the Ordinance height limit is 25 feet.

Chairman Fredericks suggested that staff submit updates to the B-1 language, with the maximum height for accessory structures being 15 feet in the new draft.

Commissioner Hummel stated that he felt strongly that the building height for accessory structures be the same throughout the entire Town.

The Commissioners continued to discuss the height restrictions in various zoning districts and decided to continue the discussion at the next meeting.

8d. Comprehensive Plan Update

Mr. Kinsley reviewed the Comprehensive Plan update process outline, which was distributed to the Commissioners at the meeting. He asked if the Planning Commission would like to handle the update, or if they wanted to appoint a Comprehensive Plan Update Committee.

Chairman Fredericks responded that he thought they needed to evaluate the Comprehensive Plan and determine what belongs and what does not belong. They need to educate themselves on what is in the current Comprehensive Plan, and before invited others into the process, they need to lay out a structure and be ready to offer their ideas. He suggested that they break the Plan into individual components that need updating, and schedule work sessions to work on them. He asked if the Commissioners felt it would be better to read the Comprehensive Plan on their own, or if they would like staff to take a section at a time and dedicate 15 minutes at each meeting for discussion.

The Commissioners agreed that there was a lot of material to absorb, and discussed their options.

Chairman Fredericks concluded that it would better for Mr. Kinsley to educate the Commissioners about the Comprehensive Plan over the next six months. As they discuss each section, the Commissioners would create a list of changes that they would like to see implemented. He suggested that at some point, they include the potential of inviting the Town Council to a Planning Commission meeting to participate in the discussion.

IN RE: NEW BUSINESS

9a. Building Height Regulations

Commissioner Hummel reviewed the Accessory Height Standards Comparison that was included in the Commissioner's packets, and reiterated that he was amazed at how differently other jurisdictions handle the height restrictions; several of which had no rules at all. He felt that Round Hill had the most complicated rules out of all of the jurisdictions that he reviewed.

Chairman Fredericks commented that they could not gain any clear guidance from a comparison of surrounding jurisdictions. He noted that he believed that the Commissioners agreed that the potential massing was too large, so perhaps they needed to work on reducing the massing. He asked if the Commissioners felt they should arbitrarily decide on height limitations, or if they should take a survey of existing accessory structures in the Town to get an idea of what already exists.

The Commissioners engaged in a discussion of possible sources for the heights of existing accessory structures, such as Town files, Loudoun County database or National Register of Historic Places. A comment was made about Loudoun County having issues with structures that were built that did not conform to the 2005 Ordinance, and the idea of allowing larger lots to have larger accessory structures. The issue was raised that there might be a backlash from the residents if the size of accessory structures is limited.

Commissioner Hummel stated that he felt the Herndon Ordinance language was the most well thought out and concise.

Chairman Fredericks asked for staff to pursue the data that could easily be accessed from the Loudoun County Real Estate Assessment Database.

9b. Byway Designation for Route 7 Business

The Commissioners reviewed the draft Town Council Resolutions of Support, both of which were included in the Commissioner's packets.

Commissioner Luckard suggested that they correct the language to reflect that Round Hill's Historic District had already been listed in the Virginia Landmark's Registry and the National Registry of Historic Places.

Commissioner Wolford noted that her concerns still stood regarding changes to be made at the Franklin Park Trail entrance and Main Street Enhancements, if Route 7 is designated as a Scenic Byway.

Chairman Fredericks asked staff to consult with the Town Attorney, to get her opinion as to whether the Virginia Byway designation would impact the Franklin Park Trail project or the Main Street Enhancement project.

Vice Chair Etro asked for staff to check on requirements in the Virginia State Code, as well.

Commissioner Luckard suggested that they move forward with the Resolutions as soon as possible, since Purcellville and Loudoun County had already endorsed the nomination. She stated that she would forward Erica Jeter's e-mail to the other Commissioners, so they could submit questions directly to her.

Commissioner Wolford commented that if the Commission wanted the Town Council to address this item at its next meeting, they would need to make a motion that evening.

Chairman Fredericks asked what language needed to be changed in the Resolutions.

Mr. Kinsley responded that the draft states that the Town was previously eligible to be listed on the National Register, and it is currently listed.

Commissioner Wolford suggested that staff draft a simple motion for the Town Council to use in their approval of the two Resolutions. She added that she did not believe that VDOT could widen a Virginia Byway.

Commissioner Hummel asked if this action could potentially preclude the two projects slated for Route 7.

Chairman Fredericks responded that staff would be asking the Town Attorney, and Erica Jeter of VDOT prior to the Town Council meeting.

Commissioner Hummel asked if there was a grant from VDOT for these projects.

Mr. Kinsley responded that it was a Federal grant managed by VDOT.

Commissioner Luckard commented that Ms. Jeter was very helpful and went to a lot of trouble to track down the information that was requested. She stated that she was sure that Ms. Jeter would give them any information that they needed.

Chairman Craig Fredericks moved to recommend that the Town Council approve the revised Resolution of Support for the Designation of State Route 7 (Business), From the Eastern Corporate Limits of the Town of Round Hill West to the Intersection with State Route 7 Bypass as a Virginia Byway, with the following correction to Paragraph 7, which shall read: WHEREAS, the Round Hill Historic District is listed on the Virginia Landmark Register and the National Registry of Historic Places, to include most of Route 7/Loudoun Street; and the Revised Resolution of Support For the Designation of State Route 719 Through the Corporate Limits of the Town as a Virginia Byway, with the following correction to Paragraph 5, which shall read: WHEREAS, the Round Hill Historic District is listed on the Virginia Landmark Register and the National Registry of Historic Places, to include most of Route 719/Main Street/New Cut Road; provided that the VDOT personnel and the Town Attorney provide opinions that this designation will not adversely affect the proposed Franklin Park Trail and Main Street Enhancement programs.

Commissioner Kathleen Luckard seconded the motion.

Vice Chair Etro clarified that they were not adopting the Resolution, but rather recommending that the Town Council consider acceptance of the Resolutions.

Chairman Fredericks responded that they were not passing the Resolution, they were merely recommending that the Town Council consider acceptance, based on VDOT personnel and Town Attorney opinions.

Commissioner Luckard asked if they should include more reasoning behind why they were asking for this Resolution.

Chairman Fredericks responded that it had already been explained.

Commissioner Luckard commented that the whole reason behind this request was to give unity to the other jurisdictions which had already supported this designation. She added that the Loudoun Board of Supervisors approved its Resolution in February 2008, so this discussion had been going on since before then. She stated that she certainly did not want to damage the Town in any way, and she was sure that Ms. Jeter would be able to answer their questions.

Commissioner Hummel stated that they should be sure to verify the information they receive from the other organizations.

Commissioner Luckard responded that she would review the website for Virginia Byways and verify the responsible parties.

Chairman Craig Fredericks tabled the motion until the next meeting.

IN RE: OTHER BUSINESS

Commissioner Mike Hummel moved to reschedule the November 3, 2009, regular meeting of the Planning Commission until Tuesday, November 10, 2009, immediately following the Round Hill United Methodist Church public hearing due to the National Elections to be held that day. Seconded by Commissioner Kathleen Luckard.

The above motion 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
Kathleen Luckard	Aye
Betty Wolford	Aye
Sarah Etro	Aye
Craig Fredericks	Aye

Chairman Fredericks commented that when he was researching grants from the Virginia Department of Historical Resources, he found the term "Certified Local Government" and asked how the Town could get that designation.

Commissioner Luckard responded that she believed it was a Department of the Interior designation, requiring that a Historical Preservation Association be in place. She added that she had not looked into this recently, but in the past, she was told by Purcellville that they had an Association for their business district, which may be the way for Round Hill to go.

Chairman Fredericks noted that benefit would be that this could be another potential source for grants.

Commissioner Luckard offered to research the requirements for the Town to become a Certified Local Government.

IN RE: DRAFT AGENDA FOR THE NEXT MEETING

Items to be placed on the Commissions' November Meeting agenda include:

- 1) The United Methodist Church Application;
- 2) Answers regarding the Byway Resolutions; and to
- 3) Postpone all non-urgent items until the December meeting

There being no further business, Chairman Craig Fredericks adjourned the meeting at 9:43 p.m.

Craig Fredericks, Chairman

Patsy Tappan, Secretary