

**ROUND HILL PLANNING COMMISSION
REGULAR MEETING
May 11, 2010
7:30 P.M.**

The regular meeting of the Round Hill Planning Commission was held on Tuesday, May 11, 2010 at the Town Office, 23 Main Street, Round Hill, Virginia.

PLANNING COMMISSION MEMBERS PRESENT

Sarah Etro, Chairperson
Kathi Luckard, Vice-Chairperson
Michael Hummel
Betty Wolford
Craig Fredericks (arrived at 7:53 p.m.)

STAFF PRESENT

Robert Kinsley, Town Planner/Zoning Administrator
Susanne Kahler, Recording Secretary

OTHERS PRESENT

Margaret O'Brien, resident
Clarkson Klipple, resident
Teresa Albrittain, resident
R. Daniel Botsch, resident
Gene Hamman, Holtzman Oil

IN RE: CALL TO ORDER

The meeting was called to order by Chairperson Etro at 7:31 p.m.

IN RE: PLEDGE OF ALLEGIANCE

Vice Chairperson Luckard led those present in the Pledge of Allegiance

IN RE: PUBLIC COMMENTS

Margaret O'Brien, 5 Main Street, spoke against the Holtzman/Couls special exception request, stating that she did not want the gas station open all night with all the traffic that would bring and that the town needed to protect the residences next to the station. She feels that the small town atmosphere will be compromised.

Clarkson Klipple, 5 Main Street, spoke about the sign on the property next to him that shows the architectural drawing commissioned by the town which details the business district as every

house along the east side of Main Street. He felt that if the service station was allowed to extend their hours, it would set a precedent that would allow other businesses to stay open longer as well and said the town needed to weigh business use against residential usage.

Teresa Albrittain, 8 E. Loudoun, was opposed to the special exception and stated that she thought the conditions outlined in the original special exception permit were fair and balanced. She referred to the August 7, 2008 public hearing and the conditions that Holtzman agreed to at the time. She spoke in favor of retaining the original conditions, citing the negative impact on the character of the town and had circulated a petition amongst residents most directly affected by their proximity to the station. Seventeen signatures were collected in an hour, according to Ms. Albrittain. A copy of the petition with the above mentioned signatures was shared with Planning Commission members.

IN RE: APPROVAL OF AGENDA

Commissioner Luckard moved that the agenda be approved as written with the singular exception that item 9a (Holtzman Special Exception Request) be considered immediately following item number 5 – Disclosures and Commissioner’s Comments.

Commissioner Wolford seconded her motion. The motion carried by voice vote, 4-0-0, with Commissioner Fredericks absent for the vote.

IN RE: DISCLOSURES AND COMMISSIONERS’ COMMENTS

No comments were received.

IN RE: HOLTZMAN/PENNYSTONE/COULS SPECIAL EXCEPTION REQUEST

Chairperson Etro said that in addition to the public comment just heard, the Town had received additional email comments from Kim Ramsey on May 2, 2010 and an email from Daniel Botsch on May 11, 2010. Chairperson Etro noted that of the signatures on the petition submitted at the Public Hearing she had determined 19 total were both residents and 2 were business people that were within the town limits.

The initial action taken by Chairperson Etro was to ask the Holtzman Oil representative if he was agreeable to extend the time limit to consider the special exception permit to June 1, 2010 if discussion and action on the issue was unable to be completed during tonight’s meeting. Mr. Hamman agreed to extend the timeline if needed. Chairperson Etro noted that such agreement needed to be made in writing.

Commissioner Luckard questioned whether the security cameras at the facility would be on 24/7. Chairperson Etro suggested that they continue to first establish a timeline to complete discussion. Commissioner Fredericks joined the meeting in progress at 7:53 p.m. At Commissioner Fredericks’ request, Chairperson Etro briefed him on what had progressed thus far in the discussion, summarizing the public commentary and petitions received.

Chairperson Etro said there was a meeting scheduled for May 18th as a possible work session on this issue. Commissioner Hummel suggested they see how far the Commission got tonight before

they decided whether to keep the meeting in as scheduled. She asked that the Commission list the issues and frame their discussion around each.

Commissioner Luckard suggested letting the camera at the station run for 2 weeks and enlist the help of the boy and/or girl scouts to watch the tapes to determine what kind of traffic took place during the off-hours as actual evidence. After discussion, by consensus the Commission agreed that this may only provide information about the operation of the pumps and may not reflect the operation of 24/7 pumps.

Commissioner Hummel noted that there were 3 issues – hours of operation - which would lead to the majority of the discussion, the sign, and spotlights. Chairperson Etro questioned whether there was an additional issue related to the amount of signage on the lot. Mr. Kinsley said that the original site plan, while having a BP logo was within parameters and there was no Town ordinance issue related to the signage size.

Commissioner Luckard said that one other issue she felt that Vice Mayor Mary Anne Graham had brought up was the opening of the station at 5 a.m. for cash transactions and emergencies only. Hummel stated that currently the station could operate everything from 6 a.m. – 9 p.m. Commissioner Luckard raised the issue of public safety and said that Sheriff Simpson was less concerned about the hours/cash transactions being a safety issue than he was people running out of gas on Hwy 7. Chairperson Etro wondered if a lighted station would attract kids to the station during the late hours. Commissioner Luckard stated that along with the building of the Western Loudoun Sheriff's Substation, there will be the possibility for increased usage of the station by private vehicles. Chairperson Etro stated that she had done some inquiries with VDOT and found out that it was a relatively simple process to get logo signs of businesses posted on Rte. 7. There were different categories of signs, attractions, facility signs etc. such as the one for the Purcellville BP station. Chairperson Etro continued that she had looked at the Comprehensive Plan and stated that there was some guidance in the plan that helped the Commission with their decision. There was an amendment to the Central Commercial District in Feb 2006 so there are different districts. The central district includes the gas station. Limited special exceptions would be granted to create mixed use expansion of commercial sites beyond what exists today (when the document was written). The Town will promote the existence of tourist trade and small professional businesses in line with the character, identity of the town and historic district in order to balance with the residential neighborhoods. Amendments added were that in the central area the Town would promote the use of existing structures or new development with a look at a mix of uses, mixed use residential and commercial and would want them to be compatible. Chairperson Etro said she read somewhere that 90 % of Round Hill's tax revenue was from residential properties. She stated that adding 24 hour service to an already existing business is considered an expansion and the current business is not being limited.

Regarding rezoning applications for commercial use, Chairperson Etro noted that criteria listed in the Comprehensive Plan on page 28 were specific to the central business district area and stated that "proposed development will further mitigate noise and impact to surrounding residential uses, limit outdoor displays to original structure, and employ low-impact lighting and limited hours of operation". The amendment to the Comprehensive Plan was adopted on Feb. 2, 2006 and with the Plan being adopted in 1993. According to Town Planner Kinsley, the plan integrates the 2006 amendment language.

Commissioner Luckard requested to insert the quotation made by Sheriff Simpson from the Public Hearing transcript concerning public safety concerns over the extended hours of operation

by the station at this point, for the record quoting, "I know that some folks in the past have expressed public safety concerns that a station being open and people stopping there late night for gas and so on. I think our bigger concern would be somebody running out of gas on the bypass in the middle of the night trying to get from the eastern part of the county to the western part of the county over the mountain to Berryville which is the next gas station and that has been a concern in the past that I've seen for many years"

Commissioner Luckard also read part of Daniel Botsch's email to the Planning Commission which addressed public safety concerns cited by at least three speakers, including the sheriff and added that perhaps the Sheriff could provide statistics on these types of situations.

Commissioner Hummel reiterated his concerns regarding the attitude of the applicant at the Public Hearing and his adversarial nature towards the Town; saying he was having a hard time helping him with that attitude and was disappointed at how many speakers came out and totally dismissed the impact of the extended hours on their neighbors expressing the thought that all those people that lived around here needed to sacrifice so that a couple of people who could not keep gas in their car were not inconvenienced. He did not see a problem with the signage but thought that the lighting was a non-starter given all the studies done for the initial special exception and that the existing lighting was fine. The Commission briefly discussed the change to the monument sign in terms of use of the Exxon Logo on the white background and the rationale for excluding white as a background color in the original Special Exception due to the amount of light that an all white background would generate. By consensus, the Commission agreed with changing the Special Exception condition concerning the monument sign.

Chairperson Etro suggested waiting until all Commissioners had a chance to comment and went around the table soliciting comments from Commissioners who had not spoken yet.

Commissioner Wolford stated she had talked to the Purcellville Shell station about the concern of tractor trailers coming into town and was told that they would not since the pumps would take too long to fuel them. Purcellville's Town Manager has indicated that the Shell station was close to existing residences and that the town had never had received any complaints about the station having the pumps operational 24 hours a day; nor had any safety issues with the pumps. She addressed the conditions listed in the Zoning Ordinance one must take into consideration when granting a SPEX.

Commissioner Fredericks had no further comments.

Commissioner Etro expressed concern that the comprehensive plan was carried out through their actions and even though tractor-trailers may not appear an issue, there are a lot of different kinds of trucks on the road 24/7 who might make commercial arrangements with the station. An expansion to a 24 hour a day operation would pose significant impacts and they were making a decision that would last forever.

It was noted that in formulating a recommendation to the Town Council, Town Planner Rob Kinsley had some draft motions included in his staff report.

Mr. Hamman, Holtzman Oil's representative clarified that it was not their intent to alienate the town but Mr. Holtzman's position when he started the special exception process was that he originally had BP involved; as of 2008 they still had BP involved. He added that everything that had been requested of them to accommodate the Town's specific needs had been done. The spotlights came with the canopy as per Exxon's specifications. Mr. Hamman stated that it was clear in the lease that the station was restricted as to set hours of operation; and the station would definitely benefit from extended hours of operation but as far as Holtzman's part, they absolutely

had no ill will or disrespect for the Town of Round Hill.

Chairperson Etro expressed the feeling that they Commission might be at the end of their deliberations and their recommendations to the Council could incorporate all 3 modifications into one recommendation or address them singularly.

Commissioner Wolford noted that if the hours were extended an hour for cash sales only, they needed to be specific. Chairperson Etro said it was difficult to enforce an "emergency-only" provision as that left open what the exact definition of an emergency was.

After some discussion on incorporating specific wording, **Commissioner Hummel moved that the Planning Commission recommend approval to the Town Council of Modification Request Exception #6 with the following change in language: "Internally lit monument sign shall have an opaque background and translucent text and symbols or shall have a translucent background that is not white, off-white or yellow in color except for the Exxon logo in the upper corner of the existing monument sign."** Commissioner Hummel further moved that the Commission recommend that Modification Requests #1 and #7 be denied. **Commissioner Luckard seconded his motion.**

Chairperson Etro asked about addressing the spotlights in the motion, stating that they do not conform with the lighting plan or the Special Exception and that they should never have been installed as such to begin with. Commissioner Fredericks agreed, stating that special exception requirements were identical to a piece of legislation with exact specifications and requirements. Mr. Hamman stated that the only problem with taking them out would be that holes would be left in their place. It was possible to patch them but then the holes might leak on customer's heads; he would much rather just disconnect them and leave them in place.

Commissioner Hummel altered his motion to include allowing the lights to remain installed but disconnected. Commissioner Luckard agreed to the change. The motion passed by voice vote 3-2-0, with Chairperson Etro and Commissioner Fredericks voting no.

IN RE: APPROVAL OF MINUTES

Commissioner Wolford moved to accept the minutes from the regular meeting of the Planning Commission on April 6, 2010 as presented.

Commissioner Luckard seconded her motion.

The vote passed unanimously, 5-0-0 by voice vote of the Commissioners present.

IN RE: LAND USE REPORTS

Commissioner Hummel stated that there was a detailed summary of their meeting, primarily dealing with the Round Hill United Methodist Church's Special Exception request proposal.

Commissioner Luckard asked Commissioner Hummel if the committee was close to making a recommendation. Commissioner Hummel stated that they were close to the final meeting, with some analyzing of the wording regarding each condition requiring some revision.

Commissioner Wolford questioned the progress of the sidewalk replacement project, asking if N. Locust and W. Loudoun were target areas.

Commissioner Hummel stated that every area identified and recommended for the project had been approved by the Land Use committee and Town Council and was being sent out for bids. He further stated that he was told to exclude the area that could be affected by the outfall of the

Round Hill United Methodist Church's expansion project.

Town Planner Rob Kinsley said that the Town could always put the list in priority order if none of the bids came in under the amounts budgeted by the Town.

IN RE: TOWN PLANNER AND ZONING ADMINISTRATOR'S REPORT

Town Planner Rob Kinsley stated that he had nothing to add to the attached report.

Commissioner Luckard thanked Mr. Kinsley for his diligent work in obtaining information from various communities regarding their Park policies. She said that she was quite surprised by the dollar value of insurance that the Town of Leesburg required for public events held at their facilities.

Commissioner Hummel stated that he noted the new business on Hayman Lane and the new deck built on the furniture factory.

Chairperson Etro stated that she was unfamiliar with Dr. Cherry, a newly appointed member of the Town's Board of Zoning Appeals committee. It was duly noted that Commissioner Fredericks has not formally resigned from this Board and so was still considered a member of the BZA.

IN RE: PROPOSED TEXT AMENDMENTS TO ARTICLE 15 “BOARD OF ZONING APPEALS”

Chairperson Etro said that the proposed changes were discussed at the Public Hearing held April 20, 2010. Town Planner and Zoning Administrator Rob Kinsley said that he had the transcripts of the meeting and that all that will be changed is reference to length of time (45 days to 30 days) allowed in making an appeal after a decision is made. This change will align the Town of Round Hill's ordinance with the State Code. There was no further discussion on the issue.

Commissioner Wolford moved to recommend approval of the text amendment for Article 15, Section 15.4 “Appeals – Procedure” of Article 15 “Board of Zoning Appeals” of the Round Hill Town Ordinance to the Town Council. Commissioner Luckard seconded the motion. Motion passed unanimously by voice vote, 5-0-0.

IN RE: TOWN PARK MASTER PLAN AND POLICIES

Town Planner Rob Kinsley stated that the Commission needed to process the information recently received into a draft plan in order to act by the June deadline given the Planning Commission by the Town Council. He stated that he had looked at the Comprehensive Needs Assessment document which detailed all capital improvements until 2018 but it was of little help.

Commissioner Fredericks stated that one of the initial goals had been to get a policy concerning memorials put into place. Commissioner Wolford said she had found such a form designed when the original plans for the Town Park were first designed and developed. Chairperson Etro stated that the Commission need only enhance what already existed from the original committee.

Commissioner Luckard said that it would be quite inventive to have some sort of digital slideshow in place. She also felt that the issue of insurance needed to be addressed. Commissioner Wolford said she would investigate the issue and that it especially became an issue if the Town decided to start charging for usage of the Park facilities as a rental. Commissioner Fredericks then stated that the Town would need to decide what types of group usages would be permissible. Chairperson Etro said she would scan the existing original documents in PDF form into a Word document where they could make changes. The Commissioners agreed to take a close look at using Lovettsville as a model and tweak it to suit Round Hill's needs. Commissioner Wolford and Town Planner Kinsley decided that they would get together and send out a draft proposal to the remainder of the Commission members for comment.

IN RE: PLANNING COMMISSION WORK PLAN

Commissioner Hummel excused himself from the meeting at 9:45 p.m. Chairperson Etro commented that she had compiled the notes from the last meeting into issue statements and their progression to identifying goals. She stated that it was critical that the issues were couched correctly and from there, actions and target dates could be set. She asked the Commission to digest the issue statements as presented and come back in June with their thoughts. Commissioner Luckard stated that the economic impact of heritage tourism in the state was a great asset to consider. The work plan was forwarded to June's meeting agenda.

IN RE: NEW BUSINESS

Commissioner Luckard questioned whether the Town should consider adopting a leash law. Commissioner Wolford state that the Town had adopted Loudoun County's Animal Ordinance with leash law provisions included. Commissioner Fredericks noted that it would be valuable to add this information to the Town's website.

IN RE: OTHER BUSINESS

None

IN RE: DRAFT AGENDA FOR NEXT MEETING

It was agreed that work on the Town Park Master Plan and Policies took priority. Other items noted were the Planning Commission Work Plan - to finalize the draft of the issue statements and goals.

IN RE: ADJOURNMENT

With no other business or comments, Chairperson Etro adjourned the meeting at 9:53 p.m.

Sarah Etro, Chairperson

Susanne Kahler, Recording Secretary