

**ROUND HILL TOWN COUNCIL  
COMPREHENSIVE PLAN WORK SESSION  
SPECIAL MEETING MINUTES  
December 7, 2016**

A Comprehensive Plan Work Session was held by the Round Hill Town Council at the Town Office, 23 Main Street, Round Hill, Virginia, on Wednesday, December 7, 2016, at 7:30 p.m.

**Council Members Present**

Scott T. Ramsey, Mayor  
Mary Anne Graham, Vice-Mayor  
Janet L. Heston  
Frederick J. Lyne (arrived at 8:13 p.m.)  
Michael K. Minshall

**Council Members Absent**

Christopher J. Prack

**Staff Members Present**

Buster Nicholson, Town Administrator  
Melissa Hynes, Town Planner/Zoning Administrator  
Kimberly McGaha, Town Clerk

**Others Present**

Maureen Gilmore  
Sarah Etro  
Clinton Chapman  
Michael Hummel  
Joan Wolford  
John Harris  
Ted Britt

**IN RE: CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Mayor Ramsey called the meeting to order at 7:37 p.m. Vice-Mayor Graham led those present in the Pledge of Allegiance.

**IN RE: ROLL CALL**

Roll Call was held and it was determined that a quorum was present.

**IN RE: PUBLIC COMMENT**

Mayor Ramsey opened the meeting to public comment, noting that comments regarding the Comprehensive Plan will be allowed during the portion of the meeting dedicated to that topic. There was no public comment.

**IN RE: ADOPTION OF SPECIAL MEETING AGENDA (Amendments & Deletions)**

Vice-Mayor Graham made a motion **to adopt the Agenda as presented**; Councilperson Heston seconded the motion. A vote was held; the motion was approved 3-0, with Councilpersons Lyne and Prack absent. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mary Anne Graham	Aye
Janet L. Heston	Aye
Frederick J. Lyne	Absent
Michael K. Minshall	Aye
Christopher J. Prack	Absent

**IN RE: BUSINESS ITEMS**

**1. Comprehensive Plan**

**a. Falls Place Town Lots**

Mayor Ramsey stated his preference that a commercial use be allowed for the Potts barn foundation, and that there be flexibility in the Comprehensive Plan regarding uses for the other three lots at this site. Councilperson Heston and Vice-Mayor Graham stated their preference that these lots be retained for a future civic use, with Mayor Ramsey stating his belief that a residential use for the three lots adjacent to the Potts barn foundation would be in keeping with the residential character of the area and would be preferred by the homeowners there. Following in-depth discussion of possible designations for these lots, and the addition of language in the Comprehensive Plan which could set additional guidelines for their use, a straw vote was held by the Council. The vote determined that a majority of Council Members present favored a commercial use for the barn foundation; the vote on a residential versus civic use for the adjacent lots was tied, at two votes for each proposed use.

**b. Land Use Policy for 8 East Loudoun Street**

Town Planner/Zoning Administrator Hynes provided the revision made to the language in this section, which removes mention of the property at 10 East Loudoun Street while retaining the 8 East Loudoun Street property; Council reviewed this revision.

Ms. Joan Wolford, owner of the 8 East Loudoun Street property, then spoke. Ms. Wolford introduced her husband, who is a co-owner of the property. Ms. Wolford stated that she does not plan a high-traffic use for the site, and that only clients who will be sampling food will visit the premises. Ms. Wolford stated that she does not

intend to change the house. Ms. Wolford noted that she would like for Council to consider the proposed rezoning.

Town Planner/Zoning Administrator Hynes explained that the use proposed for the property will entail six to twelve employees being on-site, which is a larger number than allowed for a home occupation; Ms. Hynes noted that Savoir Fare is one of the Town's largest businesses. Ms. Wolford stated that, although it is a large business, it occupies a small footprint. Town Planner/Zoning Administrator Hynes explained that commercial, light industrial, and residential properties can all be seen from the 8 East Loudoun Street property. Additionally, Ms. Hynes noted, as the lot encompasses over an acre of land, and because there is parking on-site, the proposed use will not impact the downtown area of Round Hill. It was noted that, as the owner wants to preserve the house, the proposed use will allow for a nice transition from commercial to residential.

Vice-Mayor Graham asked how "commercial creep" may be avoided, if this use is allowed at the site; Town Planner/Zoning Administrator Hynes stated that language can be included in the Comprehensive Plan to assure this will not happen. Mayor Ramsey also noted that the best guarantee this does not occur is a Council which listens to residents.

Ms. Sarah Etro then spoke, stating that there are aspects of this property and its location which make it unique for a commercial use; however, Ms. Etro noted, there has been no discussion of the current neighborhood and how it will be protected. Ms. Etro suggested that two things should be considered in regards to rezoning the 8 East Loudoun Street property: 1) "why are you doing this?" and, 2) including a firewall in policy to prevent commercial uses from growing. Councilperson Heston noted that the impact on neighboring properties needs to be taken into consideration. Ms. Etro stated that, "...this is a neighborhood where properties are being cared for." Town Attorney Gilmore stated that policy may be written in a way which would state the uses desired at this site, and that Council must consider the future in this process. Town Planner/Zoning Administrator Hynes stated that she does not usually encourage allowing commercial in residential areas; however, she noted, this property has unique qualities for use as a commercial property, and may help to revitalize the core commercial area of the Town.

Mayor Ramsey then asked for comment from Council Members. Councilperson Minshall noted the history of Round Hill (as a vacation destination for residents of Washington, D.C.), and stated that allowing this to be used as a commercial property would return it to an historic use. Councilperson Heston noted that, prior to the railroad coming to Round Hill, these houses were used primarily as residences. Vice-Mayor Graham stated that allowing this use, with adequate limitations imposed, would

promote a more business-friendly atmosphere in Round Hill. Mayor Ramsey reminded Council Members that discussion of this issue is not specific to only the 8 East Loudoun Street property, and that Council should think in generic terms while debating this topic. Councilperson Lyne stated that targeted language should be included in the Comprehensive Plan which would put forth specific B-2 uses, with Mayor Ramsey noting that the current B-2 zoning regulations may require some "revitalization." Councilperson Lyne stated his objection to using B-1 zoning, as he does not foresee the property ever becoming B-1, and noted that he feels more comfortable with limiting uses at the site.

Ms. Etro explained that the Comprehensive Plan could include a "Such As" list in relation to this subject. Town Planner/Zoning Administrator Hynes stated that the current B-2 zoning is very generic, but could be made more specific.

Ms. Etro suggested removing the *restaurant* use. Council agreed, and suggested that the terms *catering*, *small country inn*, or *bed and breakfast* be included. Vice-Mayor Graham requested that it be insured these terms are included in the Glossary.

Mayor Ramsey requested that the driveway on the property, which is adjacent to other commercial uses, be noted as a unique characteristic of the property. This, Mr. Ramsey noted, will help to explain why the property has its own Land Bay.

There was brief discussion of the width of the driveway, and any possible impact use of this ingress/egress may have on Loudoun Street, with Mayor Ramsey noting that there will be future opportunities to comment on this aspect of the property.

**c. Urban Growth Boundary Line & Water and Sewer Service Boundary Line**

Mayor Ramsey explained that the Comprehensive Plan includes three different boundary lines; the boundary line for the Joint Land Management Area is set by the County, with the present Water/Sewer Service Line coincident to the JLMA line. Town Attorney Gilmore explained that the Town is required to provide utility service inside the Town's limits, and may serve in the JLMA, but is not required to do so. Ms. Gilmore provided a brief history of the JLMA, explaining that, at one time, all the boundary lines were more closely aligned, but are not as much so now.

Mayor Ramsey stated that the Urban Growth Line is of the greatest concern in the update of the Comprehensive Plan, and noted that it could be drawn smaller than the JLMA boundary line. Mr. Ramsey stated that he advocates conducting a study to determine a limit for the Urban Growth Line. Vice-Mayor Graham stated that she would like to restrict the Urban Growth Line, while other Council Members indicated some uncertainty as to how to deal with this subject. Following discussion, it was decided to include the qualifier *may* in language dealing with this topic.

**d. Land Bay Maps**

Town Planner/Zoning Administrator Hynes reviewed changes previously made to this section, to ensure that changes requested by Council were made. Mayor Ramsey recapped previous Council discussion regarding the Town Lots on Falls Place, to bring Councilperson Lyne up-to-date (as he arrived after the start of this evening's meeting). Town Planner/Zoning Administrator Hynes reviewed changes previously requested for the section entitled "Greater Round Hill Area Land Bays Map." There was no further discussion of this chapter.

**e. Mixed Use in the Eastern Commercial District**

Mayor Ramsey noted that, in previous discussion, the main controversy centered around the "Specific Land Use Policies for Round Hill Commercial Districts" section, subsection "Eastern Commercial District – Specific Planning Policies," Item 14(e). This Item deals with the required amount of residential-to-commercial development at the Eastern Commercial District parcel. Mayor Ramsey explained that the recently enacted proffer law must be considered in relation to this policy, and noted that the Round Hill Partners Group has been advised of concerns this new law attaches to discussion of uses at this site. Town Attorney Gilmore and Mayor Ramsey provided information from discussions held with Rep. Minchew regarding the effects this new law could have on a potential rezoning related to residential development at the Eastern Commercial District parcel. Councilperson Lyne read from a letter written by Rep. Minchew, and asked Town Attorney Gilmore for her interpretation; Ms. Gilmore replied that development at this site must comply with the Town's Comprehensive Plan, and noted that Del. Minchew had not considered that aspect in providing his written response. Town Attorney Gilmore also explained that new legislation will make conformance with the Comprehensive Plan a stronger reason to approve rezonings. However, the Town may not require contributions toward expansions. Ms. Gilmore further noted that portions of the law have not yet gone into effect. The Town Attorney also noted that, to date, challenges to the law have not risen to the State Supreme Court level. Town Attorney Gilmore explained that any areas in the Comprehensive Plan which assume contributions may not be viable. Mayor Ramsey spoke to his concerns regarding any wording contained in the Comprehensive Plan which may be construed to be unreasonable requirements for proffers. Discussion ensued regarding how language may be written which would help ensure that desired uses are included in the Comprehensive Plan, with Town Attorney Gilmore explaining that a new zoning district may be created. Ms. Gilmore also noted that there is, as yet, no case law related to this issue; however, the bar for allowing a suit to go forward is low. Planning Commission Member Hummel further addressed this issue, noting his belief that language included in this specific portion of the Comprehensive Plan is not in conflict with the new proffer law.

Mr. Ted Britt, of the Round Hill Partners Group, addressed the Council, noting his belief that the possibility of a law suit being filed, in relation to the new law, is far in the future. Mr. Britt also noted that there are a number of tools are available which would help to protect the Town. Mr. Britt stated that he expects a zoning amendment to be prepared, after the updated Comprehensive Plan is adopted, and asked if a special exception provision could be included for residential or mixed-use development at the Eastern Commercial District site. Mr. Britt stated that the proffers for the site are "already pretty well developed," and that no big limitation remains for development of the parcel. Mr. Britt stated that his group wants to work with the Town regarding development at the site, and does not want to become involved in a law suit and go to court.

Vice-Mayor Graham asked if rewriting the zoning ordinance could be construed as going against the proffer law. Town Attorney Gilmore noted that the rewritten zoning ordinance would not deal with proffers, but rather with development conditions. Ms. Gilmore also noted that there is a pending second legislation related to this issue. Vice-Mayor Graham reported that, during a program on the proffer law provided at a recent TANV meeting, the attorney who spoke stated that it is expected the General Assembly will amend the current proffer law during its 2018 session. Town Planner/Zoning Administrator Hynes provided some background information regarding concerns raised by the proffer law, noting there was apprehension over the possibility that the Town could be sued for denying an application, and explaining that the Planning Commission left the wording of the section vague due to the proffer law having not yet been enacted. Mayor Ramsey suggested that Council may discuss this issue further with the Town Attorney during its Executive Session; however, Mr. Ramsey stated, it would be best to have as much discussion as possible of these issues during the Council's Open Meeting. Mayor Ramsey stated that the following issues should be considered: 1) can we re-word the section; 2) do we want mixed-use; and, 3) should a cap on the development ratio be included?

Mr. John Harris, of 35688 Kelsey Hill Court, Round Hill, then spoke, explaining that he is opposed to mixed-use being allowed at the site. Mr. Harris expressed concern that mixed-use would allow for decreased buffers, and stated that the site needs to have maximum buffers in place. If mixed-use is allowed, Mr. Harris stated, it should be a minimum of the total development there. Finally, Mr. Harris stated his belief that adding a residential component at the Eastern Commercial District is "development for development's sake."

Councilperson Lyne noted his concerns regarding the proffer legislation, stating that it will be a "huge factor" in making a determination regarding development in the Eastern Commercial District. Mr. Lyne stated that he is not adamantly opposed to a mixed-use for the parcel; however, he noted, the model provided by the Round Hill Partners

Group, with townhouses fronted by commercial buildings, is not ideal and may be the reason the Planning Commission added the proportion language. Mr. Chapman and Mr. Britt, of the Round Hill Partners Group, stated that they would be more comfortable with restrictions based on acreage, rather than the ratio of commercial-to-residential currently included in the Comprehensive Plan. Town Planner/Zoning Administrator Hynes provided an example of a restriction based upon acreage, in which the parcel is divided into four quarters, with two used for commercial development only, one used for mixed-use, and one for residential development. Vice-Mayor Graham stated that the proffer legislation makes changing the designation of the parcel from commercial to mixed-use concerning, and suggested that Council may want to postpone further discussion of the issue. Mayor Ramsey stated that he is not opposed to mixed-use at the site, but would prefer residential-over-commercial, with the predominant use being commercial. Mr. Ramsey also noted that the language included in the Comprehensive Plan will not, ultimately, determine the future of the site – economic reality will determine the future of the site. Vice-Mayor Graham asked if a Comprehensive Plan amendment may be implemented, if needed; Town Attorney Gilmore stated that one may. Mayor Ramsey stated that it should not be assumed the current developer will implement a Comprehensive Plan amendment. Councilperson Lyne stated that future commercial development for the Town should be ensured, and noted that, until the parking situation in Round Hill is solved, much of the Central Commercial District will remain unviable. Mayor Ramsey then briefly reviewed opinions expressed by members of the Council, and asked that discussion be suspended until taken up in Executive Session; it was decided that the issue will be revisited during the Open Session portion of the Town Council's Regular Meeting of December 15, 2016.

#### **IN RE: COUNCIL COMMENTS**

Mayor Ramsey reported on the tree lighting, held on December 3<sup>rd</sup>; there were approximately 200 people in attendance, and the Woodgrove High School chorus sang for about 45 minutes. Mayor Ramsey commended Mr. Jeff Fitzgerald, of the Round Hill Volunteer Fire Department, who served as emcee of the event.

**IN RE: EXECUTIVE SESSION**

Vice-Mayor Graham moved that **the Round Hill Town Council recess its open meeting and convene a closed session to discuss real estate matters, as authorized by Code of Virginia of 1950, as amended, §2.2-3711(A)(3)**; Councilperson Heston seconded the motion. A voice vote was held; the motion was approved 4-0, with Councilperson Prack absent. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mary Anne Graham	Aye
Janet L. Heston	Aye
Frederick J. Lyne	Aye
Michael K. Minshall	Aye
Christopher J. Prack	Absent

Mayor Ramsey called for a recess at 10:06 p.m.

**IN RE: EXITING CLOSED SESSION**

Vice-Mayor Graham moved that **the Round Hill Town Council recess its Executive Session and convene its Open Session**; Councilperson Heston seconded the motion. A voice vote was held; the motion was approved 4-0, with Councilperson Prack absent. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mary Anne Graham	Aye
Janet L. Heston	Aye
Frederick J. Lyne	Aye
Michael K. Minshall	Aye
Christopher J. Prack	Absent

Mayor Ramsey stated that the Town Council is now in Open Session.

**IN RE: CERTIFICATION OF CLOSED SESSION**

Vice-Mayor Graham moved that **the Round Hill Town Council certify that, while in Executive Session, the Round Hill Town Council discussed only real estate matters, as noted in the agenda**; Councilperson Heston seconded the motion. A voice vote was held; the motion was approved 4-0, with Councilperson Prack absent. The vote is recorded as follows:

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mary Anne Graham	Aye
Janet L. Heston	Aye
Frederick J. Lyne	Aye
Michael K. Minshall	Aye
Christopher J. Prack	Absent

Mayor Ramsey stated that the Closed Session has been certified.

**IN RE: ADDITIONAL TOWN COUNCIL BUSINESS**

Mayor Ramsey asked Town Attorney Gilmore to provide information gathered from additional research she conducted regarding the current vacancy on the Town Council. Ms. Gilmore reported that the petition for holding the special election, and the order for the signature of a judge, has been filed with the court. Ms. Gilmore noted that she has also followed-up on this issue with both the State Board of Elections and the County Electoral Board. Mayor Ramsey asked if the Town has received assurances that the petition will be accepted; Town Attorney Gilmore stated that it has not, as yet, but that she did note in the petition the fees which would be assessed in the event the special elections does not go forward as hoped. Councilperson Lyne asked if the interim appointment to the Town Council has been made public. Town Planner/Zoning Administrator Hynes stated her understanding that it has, with Town Administrator Nicholson stating that he will verify this with Town Clerk McGaha.

In other business, Vice-Mayor Graham stated that Councilperson Prack, who had indicated he would be present at this evening's meeting, was not in attendance; Ms. Graham noted that he had informed Town Planner/Zoning Administrator Hynes that he would be absent this evening. Mayor Ramsey directed that the record reflect Councilperson Prack's absence.

**IN RE: MEETING ADJOURNMENT**

The meeting was adjourned by Mayor Ramsey at 11:28 p.m.

Respectfully submitted,

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Scott T. Ramsey, Mayor

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Debra McDonald, Recording Secretary