

**Town of Round Hill  
Planning Commission Meeting  
March 7, 2017  
7:00 p.m.**

A regular meeting of the Town of Round Hill Planning Commission was held Tuesday, March 7, 2017, at 7:00 p.m. at the Town Office – 23 Main Street, Round Hill, Virginia.

**PLANNING COMMISSION MEMBERS PRESENT**

Manuel Mirabal, Chairman  
Jean Daly  
Stephan Evers  
Michael Hummel  
Lori Minshall

**STAFF MEMBERS PRESENT**

Melissa Hynes, Town Planner/Zoning Administrator

**MEMBERS OF THE PUBLIC PRESENT**

Joe Cascio

**IN RE: CALL TO ORDER**

Chairman Mirabal called the meeting to order at 7:02 p.m. Roll call was held; as all members of the Planning Commission were in attendance, there was a quorum.

**IN RE: PLEDGE OF ALLEGIANCE**

Commission Member Daly led those present in the Pledge of Allegiance.

**IN RE: PUBLIC COMMENT**

There was no Public Comment.

**IN RE: DISCLOSURES AND COMMISSIONERS' COMMENTS**

There were no Disclosures and Commissioners' Comments.

**IN RE: APPROVAL OF AGENDA**

Town Planner/Zoning Administrator Hynes requested that discussion of the housing amendments proposed by the Town Council in its Intent to Amend Resolution be added to the Agenda. There were no further amendments to the Agenda. Planning Commission Member Minshall then made a motion **to approve the Agenda**; Commission Member Evers seconded the motion. A vote was held; the motion was approved 5-0. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Manuel Mirabal	Aye
Jean Daly	Aye
Stephan Evers	Aye
Michael Hummel	Aye
Lori Minshall	Aye

**IN RE: APPROVAL OF MINUTES**

**a. February 7, 2017**

Commission Member Hummel referenced page four, paragraph one, line thirty-five, which reads *There was brief discussion of an upcoming rezoning for a property on Yatton Road.* Mr. Hummel suggested that the line read as follows: *There was brief discussion of potentially amending the Zoning Ordinance language for several properties on Yatton Road.* Additionally, Commission Member Hummel noted that the page numbering is incorrect, and should read *Page \_\_\_ of 5*, not *Page \_\_\_ of 6*. Chairman Mirabal asked if the property owner who previously attended a Planning Commission meeting regarding the Yatton Road issue has contacted the Town since that meeting; Town Planner/Zoning Administrator Hynes stated that he has not. Ms. Hynes also reported that the Town Council has taken the position that this potential rezoning should be taken up by the Town, rather than as an applicant-driven issue. Commission Member Hummel reported that he asked the Council why this issue was not included on the Work Plan; Mayor Ramsey explained that it is an item which may be initiated by the Planning Commission. Chairman Mirabal asked if the owner who attended the Planning Commission meeting regarding this issue has been provided with this information; Town Planner/Zoning Administrator Hynes stated that he has not, yet, but that when work begins on this potential rezoning, she will contact him. Town Planner/Zoning Administrator Hynes briefly reviewed the history of the rezoning request, noting that it was originally taken up in the period from 2005 to 2010. Chairman Mirabal again asked that the property owner be notified of the renewed discussion of the issue; Ms. Hynes stated that she will do so. Chairman Mirabal asked about the Planning Commission Work Plan; Town Planner/Zoning Administrator Hynes stated that that will be presented at the next Planning Commission meeting. There was no further discussion. Commission Member Daly then moved **that the minutes of the Planning Commission meeting be approved, as amended**; Commission Member Hummel seconded the motion. A vote was held; the motion was approved 3-0-2, with Chairman Mirabal and Commission Member Evers abstaining. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Manuel Mirabal	Abstain
Jean Daly	Aye
Stephan Evers	Abstain
Michael Hummel	Aye
Lori Minshall	Aye

## **IN RE: BUSINESS ITEMS**

### **a. Short-Term Rentals Amendment**

Town Planner/Zoning Administrator Hynes noted that the PowerPoint presentation on this topic, provided at a recent TANV meeting that she and Commission Member Hummel attended, was included in Commission Members' packets. Ms. Hynes provided an overview of issues surrounding short-term rental establishments, and explained that legislation is being proposed in the General Assembly which is designed to help homeowners participating in this type of service. However, Ms. Hynes noted, the proposed legislation does not address properties being rented on a short-term basis where the owner does not live in the home. Town Planner/Zoning Administrator Hynes explained that no hard data exists on short-term rentals in Virginia; however, the use does not require permits and/or licenses which are required for hotels and bed and breakfast establishments. Ms. Hynes explained that the Town Attorney has recommended Round Hill adopt its own requirements prior to the enactment of the State legislation, which is expected to go into effect on July 1, 2017; this will allow the Town's regulations to be "grandfathered in." Any regulations adopted by a municipality after July 1<sup>st</sup> may not be more stringent than the State-wide legislation. It was also noted that the State approved legislation allowing localities to regulate short-term rentals, and providing a one-year trial period for this effort; it is uncertain if the Governor will sign the legislation. Town Planner/Zoning Administrator Hynes recommended that the Planning Commission move forward with its study of short-term rentals, as directed by the Town Council, so that the Town may adopt its own legislation. Ms. Hynes also recommended that Round Hill adopt a format in which a separate chapter entitled "Use Regulations" is included in any text amendment undertaken. Town Planner/Zoning Administrator Hynes noted that the Town Attorney has provided the regulations adopted by Arlington County, as a template to use in devising Round Hill's regulations. Ms. Hynes noted that the Town will not take definitive action on this issue until certain of possible State action. Ms. Hynes also stated that adopting regulations for this use is in keeping with encouraging small, home-based businesses in Round Hill. The Planning Commission then briefly reviewed the Arlington County regulations. Additionally, the Commission discussed the use of the home at 7 Main Street as a short-term rental, noting that a permit for the use is not presently required. Town Planner/Zoning Administrator Hynes stated that the language included in the Arlington County regulations keeps the short-term rental use within the intent of a home occupation, noting that, in a home occupation, one should be able to drive by a house and not know that a business is located there. Ms. Hynes also noted that accessory uses, such as hosting a banquet or a luncheon, which are allowed at a bed and breakfast are not allowed at a short-term rental. Chairman Mirabal further explained that the legislation just passed by the General Assembly added another section to the existing Code, which provides some prohibitions on what is allowable in a locality. Mr. Mirabal reported that the additional regulations were just published today, and recommended that all Planning Commissioners read the legislation. Town Planner/Zoning Administrator Hynes stated that her goal, in addressing this issue, is to raise the bar on requirements for short-term rentals and lower the bar somewhat on requirements for bed and breakfast businesses. Chairman Mirabal stated that, in light of the legislation just passed today, Town Attorney Gilmore should review the Arlington County regulations and determine if they still apply as a template for Round Hill. There was also discussion regarding the thirty-day window allowed for the Governor to sign or veto the legislation, with the consensus of the Planning Commission

being that the Town should not do anything which could conflict with this new legislation. Town Planner/Zoning Administrator Hynes then provided a summary of the proposed Zoning Ordinance text amendment language for Planning Commission review. The Commission also reviewed the "Use Regulations for Home Occupations" section included in the Arlington County regulations; Chairman Mirabal noted that a similar list does not, now, exist for Round Hill, and asked that it be ensured that there are no conflicts between this proposal and currently existing regulations. In response to a question from Commission Member Daly, Town Planner/Zoning Administrator Hynes explained that a stay at a short-term rental may not exceed thirty days. Commission Member Evers asked about the use of an accessory dwelling as a short-term rental; Town Planner/Zoning Administrator Hynes noted that the use is presently not allowed. If the use is adopted in the future, amendment of the regulations would be required. In determining the types of regulations the Planning Commission may want to adopt for short-term rentals, Town Planner/Zoning Administrator Hynes asked Commissioners to think about what they would favor, if attempting to create this type of business themselves. The Planning Commission then turned to discussion of a permit process, determining that the permit may be for a two-year period, and that a permit may be revoked if regulations are not followed. Chairman Mirabal reiterated his concern that the sample regulations under consideration are structured in such a way that they may over-regulate this use, and asked to ensure that the regulations ultimately adopted work well for Round Hill. Regulations regarding "Home Occupations" were singled-out for discussion, with Town Planner/Zoning Administrator Hynes noting that most of the current Zoning Ordinance language regarding this use is not being changed; the only proposed change to this section is a determination of home occupations which the Town will, and will not, allow. Ms. Hynes also noted that, for this evening's meeting, she prefers to focus discussion on accessory home-stay regulations. Ms. Hynes highlighted the six standards included in her Staff Report titled "Short Term Rentals, Home Occupations & Accessory Homestays," and asked the Planning Commission to determine which of these standards it feels are applicable to Round Hill. The Planning Commission reviewed these standards, with Chairman Mirabal asking if uses which are allowed, and those which are not, should be listed separately. Mr. Mirabal also asked if the order in which the standards are listed should be rearranged. Town Planner/Zoning Administrator Hynes stated that she is open to any method of construction of the document the Commissioners wish to apply. Commission Member Minshall highlighted Standard #5, which deals with commercial meetings such as luncheons, weddings, and meetings, noting that some of the uses prohibited by this standard could possibly be allowed, dependent upon variables such as the size of the event and the size of the home at which the event is being held. Town Planner/Zoning Administrator Hynes also asked Commissioners to consider if the uses included in these standards could be regulated in a way which would encourage bed and breakfast businesses, noting that the present requirement, which necessitates going through the special exception process, is prohibitive to many seeking to operate such a business. Additionally, it was noted that requiring parking to be on-site for these rentals could help to limit the number of guests allowed. Commission Member Minshall asked if the State will collect data on these short-term rentals, which may be accessed by the public, to provide information on taxes due or collected. It was noted that Airbnb has refused to provide this data, and has attempted to collect and distribute tax revenues itself. Town Planner/Zoning Administrator Hynes asked Commissioners to consider if the Town should institute an occupancy tax. Ms. Hynes also

noted that she will ask Town Attorney Gilmore to compile a list of violations which would result in the loss of a permit. Chairman Mirabal noted that the list of uses disallowed without the proper permit, as noted in Standard #5, may be more important to a Town like Round Hill than to a large municipality such as Arlington. Chairman Mirabal then asked for a time table for completion of this project; Town Planner/Zoning Administrator Hynes stated that, if Commissioners' comments are received and the members are comfortable with the version provided at the April Planning Commission meeting, it could go to public hearing the first Tuesday in May, be voted upon, and proceed to the Town Council at their Work Session on the first Thursday in May. Council could review the document at that meeting, and could schedule its public hearing for June. This schedule would allow for adoption prior to the July 1, 2017 deadline. Commission Member Hummel noted that Chairman Mirabal suggested a joint public hearing be held, as a cost saving measure. Town Planner/Zoning Administrator Hynes stated that that could be done, as well. Chairman Mirabal asked if information related to this issue is available from surveys done in conjunction with the update of the Comprehensive Plan; Town Planner/Zoning Administrator Hynes stated that she could provide that data. Mr. Mirabal suggested that survey information be reviewed in conjunction with this, and any, update of regulations. Chairman Mirabal reviewed variables to be considered in addressing this issue, and suggested holding a Work Session for further consideration and update of these regulations. It was noted that a proposed Work Session, to be held on March 28<sup>th</sup>, has been included on this evening's Agenda; it was the consensus of the Commission to hold a Work Session on that date. Chairman Mirabal recommended that the following be provided for the Work Session: survey results, a list of existing regulations, and the assistance of the Town Attorney in the writing of these regulations. Commission Member Minshall stated her wish to revisit accessory dwellings in relation to these regulations; Town Planner/Zoning Administrator Hynes noted that Round Hill's Zoning Ordinance does allow guest houses, and stated that this provision could be used in lieu of accessory dwellings; Ms. Hynes stated that she will gather information regarding the regulations surrounding guest houses.

**IN RE: ACTION ITEMS**

**a. Planning Commission Election of Officers**

Planning Commission Member Hummel made a motion **to re-elect Manny Mirabal as Chairman and Stephan Evers as Vice-Chairman of the Planning Commission.** Mr. Hummel noted that he and the other Planning Commission Members present at last month's meeting discussed this issue; this was to provide background information to Mr. Mirabal and Mr. Evers, who were not in attendance at that meeting. Commission Member Daly then seconded the motion. There was no discussion. A vote was held; the motion was approved 5-0. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Manuel Mirabal	Aye
Jean Daly	Aye
Stephan Evers	Aye
Michael Hummel	Aye
Lori Minshall	Aye

**b. Board of Zoning Appeals Appointment**

Commission Member Hummel explained that he has formally resigned from the Board of Zoning Appeals, and that the BZA Charter requires a Planning Commission member be one of the five BZA members. Chairman Mirabal stated that a volunteer will be accepted to fill this position. Town Planner/Zoning Administrator Hynes explained that BZA meetings are scheduled for the fourth Wednesday of the month, and that the BZA has not had a hearing in three years; it generally only holds one meeting a year – the annual meeting during which officers are elected. The annual meeting is scheduled for July. Commission Member Minshall stated that she would be willing to serve, but would recuse herself if anything is brought to the BZA regarding her property. Commission Member Minshall stated that she is working to become a certified Planning Commission Member. Commission Member Hummel then made a motion **to appoint Lori Minshall as the Planning Commission representative to the Board of Zoning Appeals**; Commission Member Evers seconded the motion. A vote was held, and the motion was approved 4-0; Commission Member Minshall did not cast a vote. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Manuel Mirabal	Aye
Jean Daly	Aye
Stephan Evers	Aye
Michael Hummel	Aye
Lori Minshall	A vote was not cast

**IN RE: TOWN PLANNER REPORT**

Town Planner/Zoning Administrator Hynes noted that she wants to discuss administrative issues surrounding "granny pods," family day homes, and daycare facilities with the Planning Commission; it was decided to discuss these topics at the March 28<sup>th</sup> Work Session. Ms. Hynes recommended working on administrative text amendments for these items, in order to be in compliance with State Code, and using regulations recently instituted by a nearby jurisdiction as a guide. Ms. Hynes stated that she will bring preferred, generic language to the Work Session on the 28<sup>th</sup>. Town Planner/Zoning Administrator Hynes reported on the following:

- 1) Lake Ridge Estates is presently going through a bond release. Commission Member Hummel has offered to assist with this process; Commission Member Evers volunteered to assist with the walk-through.
- 2) Ms. Joan Wolford's application for Savoir Fare will be available for review at the next Planning Commission meeting. Town Planner/Zoning Administrator Hynes provided an overview of how work on this will proceed. Ms. Hynes briefly explained items which will be contained in the application. Commission Member Hummel clarified that the application is to rezone the property to commercial. Mr. Hummel noted that a reference to this in the minutes of the February 7, 2017 Meeting of the Planning Commission is incorrect; the sentence *Vice-Chairman Hummel asked to clarify if a Comprehensive Plan Amendment would be required for the application to be approved; Town Planner/Zoning Administrator Hynes stated that an amendment would be required* should read, *Vice-Chairman Hummel asked to clarify if a Comprehensive Plan Amendment would be required for the application to be approved; Town Planner/Zoning Administrator Hynes*

*stated that an amendment would not be required at this time.* Discussion ensued regarding changes made to this area of the Comprehensive Plan, during Town Council review. Commission Member Hummel then made a motion **to amend the minutes of the February 7, 2017 Planning Commission Meeting, as noted above;** Commission Member Daly seconded the motion. A vote was held; the motion was approved 5-0. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Manuel Mirabal	Aye
Jean Daly	Aye
Stephan Evers	Aye
Michael Hummel	Aye
Lori Minshall	Aye

Town Planner/Zoning Administrator Hynes explained how the application will go forward, and noted that VDOT comments may not be available prior to the date of the Public Hearing.

3) Consideration is being given to rezoning the Town Park to commercial is being considered to correct some parking and buffer issues at the Park. Commission Member Hummel noted that the Main Street Enhancement Project and the Franklin Park Trail Project may soon begin, with only a few easements remaining to be secured; both of these properties are involved in those projects.

4) The Hometown Festival is coming up; Town Planner/Zoning Administrator Hynes encouraged those in attendance to volunteer.

5) The application for the southern water tank special exception will soon be submitted. Town Planner/Zoning Administrator Hynes recently attended a pre-application meeting, and noted that the project was well-received by the County.

6) The Floodplain Ordinance was adopted and submitted in time.

7) Town Planner/Zoning Administrator Hynes received a phone call today from someone interested in reopening the Darling property cluster subdivision; this property is located near Cedar Street. Commission Member Hummel explained that Mr. Andre Fontaine owns three of these lots, which, he believes, are partially in the floodplain. Ms. Hynes reported that there also has been interest expressed in the Poplar Hill property, adjacent to Stoneleigh; this would be a County project.

8) Town Planner/Zoning Administrator Hynes reported that an on-line survey is currently being conducted by the Town, to determine residents who wish to volunteer in various capacities.

Commission Member Hummel reported that the Town Council is currently focusing on updating the Water and Sewer Ordinances, and working on the fiscal year 2018 budget. Chairman Mirabal

asked that Mr. Hummel provide a Town Council report at future Planning Commission meetings, and asked that this item be included on the Agenda.

Commission Member Minshall asked how issues members of the Planning Commission would like to discuss should be included on the Agenda; Chairman Mirabal and Commission Member Hummel noted that an amendment may be made to the Agenda at the time it is voted upon. Ms. Minshall noted that, in training she and Commission Member Daly recently completed, two items were raised – a Capital Improvements Plan and an Annual Report. Town Planner/Zoning Administrator Hynes stated that an annual report is something the Town should be doing, and that she hopes to implement this coming year. Regarding the Capital Improvement Program, Town Planner/Zoning Administrator Hynes noted that the Planning Commission is the body which is authorized to develop the CIP, and that Town Council members are not aware of this. The Town does not have a General Fund CIP program; Ms. Hynes will provide a copy of another town's CIP, and the Planning Commission may discuss initiating this. Ms. Hynes stated that September is a good time to put together a CIP.

**IN RE: NEXT PLANNING COMMISSION MEETING**

**a. Work Session – to be held on Tuesday, March 28, 2017**

**b. Regular Meeting – to be held Tuesday, April 4, 2017**

**IN RE: ADJOURNMENT**

The meeting was adjourned by Chairman Mirabal at 8:38 p.m.

Respectfully submitted,

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Michael Hummel, Vice-Chairman

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Debra McDonald, Recording Secretary