

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

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

**PLANNING COMMISSION MEMBERS PRESENT**

Jean Daly  
Stephan Evers  
Lori Minshall

**PLANNING COMMISSION MEMBERS ABSENT**

Manuel Mirabal, Chairman  
Michael Hummel

**STAFF MEMBERS PRESENT**

Melissa Hynes, Town Planner/Zoning Administrator

**MEMBERS OF THE PUBLIC PRESENT**

Maureen Gilmore, Town Attorney

**IN RE: CALL TO ORDER**

Vice-Chairman Evers called the meeting to order at 7:03 p.m. Roll call was held; it was determined that a quorum was present. Commission Member Evers announced that, in the absence of Chairman Mirabal, he would be acting as Chair during this evening's meeting.

**IN RE: PLEDGE OF ALLEGIANCE**

Vice-Chairman Evers led those present in the Pledge of Allegiance.

**IN RE: PUBLIC COMMENT**

There was no Public Comment.

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

Commission Member Daly reported that she met with Mr. John Clark on Tuesday, May 23, 2017, regarding the proposed building of forty units on the twenty-acre parcel south of Round Hill; Vice-Chairman Evers reported that he also attended that meeting. Commission Member Minshall reported that she also met with Mr. Clark, along with Town Planner/Zoning Administrator Hynes, on a different date.

## **IN RE: APPROVAL OF AGENDA**

Commission Member Daly made a motion **to approve the Agenda as presented**; Commission Member Minshall seconded the motion. Vice-Chairman Evers stated that the Agenda was approved; a vote was not held.

## **IN RE: APPROVAL OF MINUTES**

### **a. May 2, 2017**

Vice-Chairman Evers reported that he spoke with Chairman Mirabal regarding all the items included on this evening's Agenda, including the minutes; Mr. Mirabal had no comments regarding the minutes. Vice-Chairman Evers noted that he had no corrections to the minutes. Both Commission Member Daly and Commission Member Minshall stated that they had no comments or concerns regarding the minutes. Commission Member Daly then moved **to approve the May 2, 2017 minutes, as presented**; Commission Member Minshall seconded the motion. Vice-Chairman Evers stated that the minutes have been approved.

## **IN RE: BUSINESS ITEMS**

### **a. Spring 2017 Zoning Ordinance Text Amendments - Definitions**

Town Planner/Zoning Administrator Hynes noted that the items reviewed at the Planning Commission Work Session will be reviewed further this evening, and, if the Commissioners are comfortable with these Text Amendments, they will be provided to the Town Council for review at its meeting next week. Ms. Hynes stated that she recommends a Joint Public Hearing be held, to be scheduled for July 20, 2017. Vice-Chairman Evers asked to clarify if the Planning Commission would make a motion to adopt the Text Amendments at the July 20<sup>th</sup> hearing; Town Planner/Zoning Administrator Hynes stated that it would. Ms. Hynes noted that the Public Hearing for these Text Amendments will be advertised on June 29 and July 6, 2017, and stated that correction/changes may be made up until the publication of the advertisement; following publication, no changes may be made. Town Planner/Zoning Administrator Hynes stated that the changes requested at the Work Session have been made, and asked how the Planning Commission would like to review this document this evening. Commissioner Daly noted that additional information seems to have been added to "Place of Worship," as found in Article 2; Town Planner/Zoning Administrator Hynes explained that additional information was added, in order to include the phrase *such uses as a church, synagogue, temple or mosque*, as well as to include the language *uses subject to Special Exception approval*. Town Planner/Zoning Administrator Hynes briefly reviewed other changes made, including: a correction for language regarding a *mentally and physically impaired person*; inclusion of the definition of *Home Occupation* provided by Vice-Chairman Evers; removal, in several places in the document, of the title *Commonwealth of Virginia*; the inclusion, as noted above, of all types of places of worship, and clarification that such uses are not necessarily by-right; and, inclusion of more up-to-date language under "Residential Care Home." Vice-Chairman Evers noted that all the changes he requested had been made, and the notes he provided had been incorporated. Mr. Evers also reported that Chairman Mirabal had no concerns regarding the "Definitions" portions of the document. Town Attorney Gilmore then provided the definition provided by the State, of a *mentally or physically impaired person*; Ms. Gilmore and Town Planner/Zoning Administrator Hynes explained that this language will be included in the "Use Standards" portion of the document. Discussion

ensued regarding the "Definitions" portion of the Zoning Ordinance, and if it must include that a mentally or physically impaired person is a resident of Virginia; Town Attorney Gilmore stated that she will determine if this is a requirement. Vice-Chairman Evers asked if including the requirement that a person receiving care be a resident of Virginia in the Definitions is restrictive in any way, or if there is a reason not to include this information in the Definitions; discussion ensued, with it being determined that inclusion of the phrase is dependent upon the property use being discussed/employed.

\*\* See additional information below.

#### **b. Spring 2017 Zoning Ordinance Text Amendments - Use Standards**

Town Planner/Zoning Administrator Hynes explained that restaurants, bed and breakfast establishments, and structures with drive-through windows were moved into this section from the B-1 Zoning District. Ms. Hynes noted that she did not make changes to the lighting requirements, as she was uncertain where these changes should be included; she stated that the information may be retained as it currently exists in the document, and that she will investigate further how best to notate this in the Zoning Ordinance. Town Attorney Gilmore noted that, as she recalled the Planning Commission discussion of this topic, it was preferred that lighting requirements have a full section in the "Use Standards" portion of the Ordinance; however, the reference should be retained in the document as it currently exists, pending Town Council review. There was further discussion regarding these lighting requirements, and if they should be included in each Zoning District, or in "Use Standards" only. Town Planner/Zoning Administrator Hynes noted that a third option of including a separate chapter for the lighting requirements exists. In response to a question from Commissioner Minshall, Town Planner/Zoning Administrator Hynes explained that these lighting requirements would apply only to new development. Ms. Hynes also explained the method by which Round Hill procures street lights from VDOT, through rental; only six designs are provided from which the Town may choose. If a municipality opts to buy its own lights, each is metered and the community pays a charge for each light, much like the purchase of electricity. It was noted that options for lighting could be presented to the Town Council for further consideration. Town Planner/Zoning Administrator Hynes asked the Commissioners if they felt the lighting requirements could be placed in the *Landscaping and Buffering* chapter; the Planning Commissioners agreed to this potential placement. There was also discussion of the method to be used to reference where these requirements may be found throughout the Zoning Ordinance. A straw poll was held, to determine if the lighting requirements should be moved; it was the consensus of the Planning Commission that it should not be moved until further study can be undertaken, although the Commissioners felt that, in time, these requirements should be placed in a different portion(s) of the Zoning Ordinance.

\*\* At this time the Planning Commission returned to discussion of Definitions, noted in section "a" above. Town Attorney Gilmore explained that, as defined by Virginia Code, a *mentally or physically impaired person* is a person *who is a resident of Virginia*. Therefore, Ms. Gilmore noted, the reference to being a resident of Virginia must be included in the Definitions. Discussion of this ensued, with Planning Commissioners voicing their concern that not all family members requiring assistance may be residents of the State. Town Attorney Gilmore explained that the State has not always been concise in its writing

of laws; additionally, Ms. Gilmore noted, Virginia is a "Dillon-rule State," which means that localities only have powers granted specifically by the State, and/or the necessary authority to implement rules. Town Attorney Gilmore further explained that this renders all of Virginia's statutes strictly construed, with municipalities having little ability to change them. Commissioner Minshall clarified that requirements may be tightened by municipalities, but not loosened, which Town Attorney Gilmore stated is correct. Ms. Gilmore also noted that the Commissioner's concerns, regarding providing assistance to family members who are not residents of Virginia, are well-founded. Town Planner/Zoning Administrator Hynes noted that it may be possible an out-of-State relative, moving to the community to be cared for by a family member, may live with that family member for the three-month period required for that person to be considered a resident of Virginia; this time period would allow for the caregiver to undertake building a temporary healthcare structure. In response to a question from Vice-Chairman Evers, Town Planner/Zoning Administrator Hynes explained that there are three terms which must be included in the Ordinance; these are: *Temporary Healthcare Structure*, *caregiver*, and *mentally or physically impaired person*. Following this discussion, it was decided by the Planning Commission that the reference to *a mentally or physically impaired person, who is a resident of Virginia*, as provided by Virginia Statute, must be included in the Zoning Ordinance; however, Commission Members voiced their unhappiness with this restriction.

The Planning Commission then returned to discussion of "Use Standards."

Town Planner/Zoning Administrator Hynes continued her review of the changes made to the "Use Standards" portion of the Zoning Ordinance, including to the requirements for play equipment, and the location of HVAC equipment, for Child Care Centers. There was discussion regarding inconsistencies in formatting throughout the Zoning Ordinance, with Town Planner/Zoning Administrator Hynes explaining that those changes may be made administratively. There was also discussion of the formatting and/or wording of Section 25.3.7, *Uses with Drive-Thru Windows*, with Town Attorney Gilmore explaining the reasons for including the language found in the section. Town Planner/Zoning Administrator Hynes explained the cross-referencing included in this document.

Commission Member Daly asked to clarify a change made to Section 25.3.5, *Restaurants*, Item "e," regarding a shared parking agreement; Town Planner/Zoning Administrator Hynes explained that she recommends the option for shared parking agreements be included in the "Use Standards." It was noted that a *shared parking agreement* is defined in Article 12 of the Parking Ordinance, with a brief recess called while pertinent information regarding shared parking agreements was accessed. Following receipt of the information, the Planning Commission continued its discussion of this issue, with it being determined that, as the term is not capitalized, it represents a general idea rather than a formal process. Changes were made to the language included in this section, to provide clarity regarding these agreements. The changes include: replacing the word *submit* with the word *provide*; ensuring that the term *shared parking agreement* is not capitalized; and, adding the reference, "*As described in Article 12, Section 12.5,*" throughout the document.

Commissioner Minshall referenced Section 25.3.6, *Temporary Family Healthcare Structure*, asking to clarify if the requirement that these structures be no more than 300 square feet is correct; it was noted that the requirement is correct.

**c. Spring 2017 Zoning Ordinance Text Amendments – Districts**

Town Planner/Zoning Administrator Hynes stated that she tried to ensure that the information provided in this section is uniform; she then reviewed the changes made, noting that most of the changes were made to Article 7, B-1 Business – Town Business District. Vice-Chairman Evers asked if the *Residential Care Home* use was added to Article 6, R-12 Residential – Multi-Family District; Town Planner/Zoning Administrator Hynes stated that the use was included, and noted that she would like to further discuss the use in the future, to allow for the addition of nursing homes and assisted-living facilities.

Town Planner/Zoning Administrator Hynes then asked the Planning Commission if it feels comfortable recommending these documents to the Town Council for review. Town Attorney Gilmore provided a summary of the process to be used in moving this to the Town Council, which includes providing a memorandum in packets which go out on Friday. The consensus of the Planning Commission was to provide the documents to the Town Council for review; however, Vice-Chairman Evers expressed concern regarding the July 20, 2017 date currently proposed for the Public Hearing, as Chairman Mirabal and Commission Member Hummel were not able to participate in the Commission's final review this evening. Mr. Evers requested that the information being sent to Town Council Members this Friday also be sent to Chairman Mirabal and Commissioner Hummel. Town Attorney Gilmore referenced "Zoning Districts," page 6-16, Section 7.10, *Use Limitations*, Item "c," which reads, "*Outside service and consumption must comply with section 7.11.*" Ms. Gilmore noted that the referenced section (7.11) was removed and placed in the "Use Standards;" therefore, it was suggested that Item "c" be worded as follows: "*Outside service and consumption must comply with applicable provisions in Article 25.*" Further discussion of Section 7.10 ensued, with it being decided to reword Item "b" to read as follows: "*No accessory structure shall be used as a dwelling or for lodging, except for a Temporary Care Structure.*" Town Planner/Zoning Administrator Hynes again asked if the Planning Commission is comfortable moving this document to the Town Council; the Commission indicated that it was comfortable doing so. Ms. Hynes thanked the Planning Commission Members for their hard work in this update. Town Attorney Gilmore stated her appreciation of the Planning Commission Members' thoughtfulness in its work on the update.

Town Planner/Zoning Administrator Hynes asked the Commissioners if they wish to hold a Work Session, during the next two months, to update the Accessory Dwellings and Bed and Breakfast ordinances; they indicated that they would like to hold a Work Session. Dates for this were discussed, with the tentative dates of July 13<sup>th</sup>, 18<sup>th</sup>, or 25<sup>th</sup> chosen; Chairman Mirabal and Commission Member Hummel will be asked for their input on scheduling of the session.

**d. Upcoming Land Development Applications**

Town Planner/Zoning Administrator Hynes reported that three applications have been submitted: for 8 East Loudoun Street; the Darling property on the corner of Bridge and Cedar Streets; and, the twenty-acre property on Airmont Road. There was brief discussion of the "quirks" associated with the Darling property. Ms. Hynes noted that a Comprehensive Plan Amendment for the twenty-acre property on Airmont Road has been

submitted; this property is located out-of-Town, but the applicant is requesting Town water service. It was further noted that the Comprehensive Plan Amendment was submitted previously for this property, but not completed; the property owner is asking that that amendment be reconsidered. Commission Member Minshall asked where the application for 8 East Loudoun Street is in the application process; Town Planner/Zoning Administrator Hynes reported that they are currently addressing comments she provided. Town Planner/Zoning Administrator Hynes explained that she will present these applications to the Planning Commission when they are as complete as possible. Ms. Hynes also noted that the owner of the Airmont Road property may attend an upcoming Planning Commission meeting, so that he may formally address the Commission. Commissioner Minshall asked for an explanation of the process followed in review of applications. Town Attorney Gilmore explained that a request for rezoning goes first to Staff, and then is presented to the Planning Commission for its review; Work Sessions may be held if desired, and the applicant is asked to make a presentation and/or answer questions for the Commissioners. The Planning Commission would then review the application and hold a Public Hearing, after which a recommendation is made to the Town Council. A rezoning likely will have proffers attached, which the Planning Commission will be involved in reviewing. After the request for rezoning is sent to the Town Council, that body undertakes its own review and holds its own Public Hearing. The Town Council makes the final decision regarding the application. For a subdivision, the Planning Commission makes the final decision, as the use is a by-right use; legally, if the developer complies with the Town's Subdivision Ordinance, and with State Code, the subdivision must be approved. A rezoning involves legislative discretion by the Town Council; however, this is being challenged more in the courts, and the General Assembly seems to be diluting some of that legislative authority. Rezoning are also called *ZMAPs*, as they will result in a change to the zoning map. Town Planner/Zoning Administrator Hynes also noted that a copy of a letter she sent to approximately ten people with expertise in Housing Diversity is included in Commission Members' packets. These individuals have been invited to a meeting to be held on June 14, 2017, to brainstorm ideas related to this topic, and to provide answers to questions Staff may have. Planning Commissioners are invited to attend the meeting; Ms. Hynes will provide notes from the meeting to the Planning Commission. Finally, Town Planner/Zoning Administrator Hynes reported that the owners of Blue Ridge Veterinary Services in Purcellville have bought the Round Hill Grocery; they will refurbish the building and operate it as a local food market. Ms. Hynes reported that the BRVA representatives informed her they are interested in property development and providing affordable housing for their employees.

### **IN RE: ACTION ITEMS**

There were no Action Items.

### **IN RE: TOWN PLANNER REPORT**

Town Planner/Zoning Administrator Hynes noted that her report has been provided in written form. Ms. Hynes also noted that negotiations regarding the contract for development of Sleeter Lake Park have broken down, and the contract will be put back out to bid. It was reported that the first Movie in the Park Night at the Town Park will be held next Friday. Town Planner/Zoning Administrator Hynes reported that the Town Council is expected to adopt a Transient Occupancy Tax and a Meals Tax, which will pair with the future Short-Term Rental legislation. Finally, Ms.

Hynes reported that the Council's Strategic Planning Retreat will be held in October; as that time nears, she will seek input from the Planning Commission of ideas/projects to be considered at the retreat.

**IN RE: TOWN COUNCIL REPORT**

As Commission Member Hummel, who serves as the Town Council representative to the Planning Commission, was not present, this Report was not provided. Town Planner/Zoning Administrator Hynes did report that the Council has been working on review of the FY2018 Budget.

**IN RE: NEXT PLANNING COMMISSION MEETING**

- a. Regular PC Meeting: Tuesday, July 11, 2017**
  
- b. Joint PC/TC Public Hearing: Thursday, July 20, 2017**

**IN RE: MEETING ADJOURNMENT**

Commission Member Daly moved **that the meeting be adjourned**; Commission Member Minshall seconded the motion. The meeting was adjourned by Vice-Chairman Evers at 8:50 p.m.

Respectfully submitted,

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Stephan Evers, Chairman pro tempore

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Debra McDonald, Recording Secretary