

**Town of Round Hill
Planning Commission Meeting Minutes
March 7, 2023**

A meeting of the Town of Round Hill Planning Commission was held on Tuesday, March 7, 2023 at 7:00 p.m. at the Town Office, 23 Main Street, Round Hill, Virginia. Instructions for participating remotely were provided on the agenda.

Planning Commission Members Present

Manuel Mirabal, Chairperson
Peter Buxton, Vice-Chairperson
Frank Etro
Michael Hummel
Todd Tschantz

Staff Members Present

Bobby Lohr, Town Planner
Martha Semmes, Zoning Specialist
Maureen Gilmore, Town Attorney
Harriet West, Town Clerk

PLANNING COMMISSION PUBLIC HEARING

1. Comprehensive Plan Amendment (CPAM) 2022-01 Future Land Use Map

Chairman Mirabal introduced members of the Planning Commission and recognized members of the Town Council who were in the audience, Vice-Mayor Mary Anne Graham and Councilperson Sean Lloyd. Chairman Mirabal explained the procedures for the public hearing.

Mr. Lohr stated that the public hearing was advertised in *Loudoun Now* on February 23, 2023 and March 2, 2023 and that all associated documents were posted on the Town of Round Hill's website. Mr. Lohr gave a PowerPoint presentation and noted the following:

- On July 6, 2022 the Town Council adopted Resolution No. 2022-06: Intent to Amend the Comprehensive Plan Future Land Use Map and provided a Scope of Work and Draft Map Amendment.
- The Town Council requested that the Planning Commission review the Future Land Use Map (11-3) of the Comprehensive Plan and provide a recommendation on proposed map amendment(s).
- The properties proposed for study included 11, 12, 13, 14, 15, 18, 22, 26, and 28 Main Street and 3 Mulberry Street.
- The Planning Commission met to discuss CPAM 2022-01 on September 6, 2022 and October 4, 2022; there were no recommendations about whether to extend the Central Commercial District at either of these meetings. The Planning Commission reported this to the Town Council at the October 5, 2022 Town Council meeting. The Town Council requested the Planning Commission continue to study the parcels and report back to the Council.
- After further discussion at the January 3, 2023 Planning Commission meeting, 28 Main Street was removed from the study area with the recommendation that it remain Institutional on the Future Land Use Map. In addition, only the portion of 3 Mulberry Street with frontage on Main Street was included in the map for the public hearing.

Mr. Lohr then explained the next steps in the Comprehensive Plan amendment process.

Chairperson Mirabal further explained the procedures for public comment. He noted that the Planning Commission will consider the public comments received at this meeting and that a recommendation to the Mayor and Town Council may or may not be made at this meeting.

Chairman Mirabal opened the public hearing at 7:17 p.m. and called for comments from the public. Commissioner Hummel then called the following individuals by name from the sign in sheet:

Michele Peterson, 17050 Flint Farm Drive, stated that she and her husband have lived in the Round Hill community for the past six years. She spoke in favor of expanding opportunities for Round Hill to increase the number of locally owned, small businesses. She did not believe this would adversely affect Round Hill's appeal. The addition of sidewalks has added to the Town's walkability. She noted that when owners are willing to improve their historic buildings it creates a sense of pride and patronage among residents and promotes a "greener" environment. She noted there is a difference between big chains coming into Town, and someone who lives here and is invested in the community.

Dorri O'Brien, 29-31 Main Street, stated that her father had a transportation business at 29 Main Street in the 1970s and 1980s and noted that Round Hill has had commercial uses along Main Street and north of High Street in the past. She believes that all towns need a commercial tax base, and that Main Street and Loudoun Street are the logical locations for commercial development in Round Hill. She believes that the entire parcel at 3 Mulberry Street should be considered; carving out only the Main Street frontage is short sighted. She acknowledged that on-street parking is a challenge and said it is her understanding that off-street parking is proposed for the project. She supports the proposed use for 22 Main Street and noted that this is already a thriving, growing, award-winning business located in Town; it makes sense to allow the business owners to expand their business in Round Hill, rather than having to find a location elsewhere.

Sarah Etro, 11 East Loudoun Street, said she is opposed to the recommendation to the Town Council to change the Town's Land Use Map from residential to commercial for these properties. She did not see anything in the staff report that supported the proposed change, nor was there any rationale for the change. The Comprehensive Plan does not call for an expansion of commercial to the subject properties, except for a reference to the use of 22 Main Street as the antique store. She stated that the Comprehensive Plan does talk about how to approach commercial uses in Town, specifically the Central Commercial District; what it says is that studies will be done. Mrs. Etro stated those studies should be done before the Town makes dramatic changes to the amount of commercial property available in the Town. One specific reference on page 55 of the Comprehensive Plan, under Economic Development Goal 1, says to create a Central District Master Plan. Mrs. Etro said this would be helpful to understanding why we are doing this and what properties are involved. She does not believe the vision for the Central Commercial District is clear. If the Future Land Use map is amended it would be difficult to deny a rezoning. Her understanding is that only the map would be changed; there would be no changes to Town policies. She raised concerns about parking and the need for a parking study. Seven of the proposed properties to be included in the amendment contain contributing structures to the historic district. She is concerned about how this change could affect the historic character of the Town. New businesses could also impact existing businesses and change the balance of residential and commercial uses. She also expressed concerns about the impact on property values and building code requirements for commercial properties. She disagreed that revitalization is an issue for

Round Hill and noted that properties in Town are generally well taken care of. She also stated to be careful about suggesting someone could get a rezoning, and then turning around and telling them they cannot get rezoned, by simply changing the Land Use Map to enable that use.

Joan MacIsaac, 35800 Park Heights Circle, said she and her family have lived in Round Hill for the past 16 years. She said the slow, methodical growth has served to enhance residents in this area. She spoke in favor of the proposed Future Land Use Map amendment, in particular the proposed expansion of the local doctors' practice, which would further enhance the area.

Mahendra Patel, 17164 Magic Mountain Drive, said he has lived in Round Hill for four years and has seen the improvements in the Town's sidewalks and roads. He was appreciative of the sidewalks and being able to walk safely from his home to downtown. He also indicated that the Town needs to take all age groups into consideration. He said that the Town has to control and plan for development, while growing the economy of the Town.

Dr. Sean Grady, 2 West Loudoun Street, spoke in support of the Shahs and said they have a fantastic medical practice. He noted that the Town took a chance on him 15 years ago and that there is now a thriving practice at his location in Town. He stated that having two medical doctors in Town would be beneficial.

Abi Byrd, 35179 Round Knoll Court, stated that she and her family are appreciative of the positive changes the Town has undergone in the last 12 years since they moved here. She spoke in favor of supporting the Shah family and also believed that small businesses are an asset to the community. She asked the Planning Commission to support the Shahs in growing their business in a way that would preserve the historic feel of the Town; what they are offering to do would not take away from that. She stated it would be wonderful to have doctors back in the doctor's house (referring to 22 Main Street). Allowing current business owners who are a known entity is much safer and very different than encouraging a large, unknown company to come in.

Ronak Shah and Kunal Shah, 22 West Loudoun Street. Dr. Ronak Shah disclosed that he and his wife, Kunal Shah, own the property at 22 Main Street and they live at 22 West Loudoun Street. They have lived in Round Hill for nine years and have owned a business in Town for five years. Their practice is located on the second floor of the Smile Design building, which they rent from Dr. Grady. Their business has grown to the point where they need to find a new location. All the desirable commercial properties are occupied, or the space is too small for their use. They are trying everything they can to keep their business near their home, friends, and neighbors. Their children attend school locally and they brought the grandparents here too. They are asking the Planning Commission to approve the amendment to allow commercialization up to High Street and they purchased 22 Main Street with that hope. Dr. Ronak Shah noted that the building they are interested in occupying was once the home and practice of Dr. Copeland at the turn of the 19th century. They hope to bring it back to its medical heritage and they have no plans to change the façade of the building. Since they have been in Round Hill, the population of the Town has grown, and he believes that economic growth should be commensurate to support the population. He noted that the east side of Main Street is already commercial and that there is an existing business on his property at 22 Main Street that they wish to use for their medical practice. The additional business revenue would be good for the Town. He believes that adding commercial uses will increase patronage at other Round Hill businesses. They are aware of the parking issues and are exploring ways to meet the Town's ordinance to build parking on the property itself. He noted that until the Future Land Use Map is amended, he will not be able to apply for a rezoning.

Julia Rutland, 36110 Ashby Farm, stated that even though she is not a resident of Round Hill, how the Town is developed affects her day-to-day activities. She felt it was important to stay consistent and maintain the character of the community and for everyone to have the opportunity to present their vision for business opportunities in Round Hill, which is important for the fiscal stability of a small town.

Cassandra Ferrigno, 55 Main Street, said she is in full support of the Shahs.

Wendy Ferrigno, 55 Main Street, stated only rezoning a single property rather than the entire block may be preferable if that is possible. She loves living in Town and being able to walk to where she needs to go. She said it would be great to preserve the building and bring in additional business taxes to help relieve her taxes as a property owner.

Laura Duhring, 17614 Sweetwood Court, stated she is a dentist in Dr. Grady's practice on Loudoun Street. She grew up in Round Hill and came back home after living in a lot of big cities. She supports the growth of local businesses on a small scale. She shares a space with the Shahs and spoke of their outstanding character and the way they run their business.

Cory Joseph, 23 West Loudoun Street, said she has lived at this address off and on for 45 years. She spoke in favor of the amendment. She said it provides an opportunity for the Town to grow small, family-owned businesses who live in the community, like the Shahs.

Mary Anne Graham, 27 Main Street, said she was speaking tonight as a resident. While she was sure that the Shahs would be good stewards of the property at 22 Main Street, she has concerns about the long-term effects of designating these properties as commercial in the Comprehensive Plan. Even though current staff, Planning Commission, and Town Council members are conscientious about preserving the historic nature of Round Hill, she encouraged the Planning Commission to look only at a particular piece of property and not the whole area that has been identified. She noted that times change, and future members of the Planning Commission and Town Council may not be as concerned about preserving the historical character. She suggested making an exception for the Shahs, rather than making a carte blanche recommendation.

Kim Ramsey, 14 West Loudoun Street, said she has lived at this address for more than 20 years and raised her family here. In that amount of time, she has seen a lot of growth, including entirely new neighborhoods. The growth in population includes the need for additional services and businesses to provide those services. For that reason, the Town needs to be forward-thinking and to diversify and increase the number of properties that are permitted to have commercial uses, such as small, locally owned businesses in the Central Commercial District. She is aware that there are properties in this District that could be rezoned and are not being rezoned, but these properties may not be suitable or may not be currently available. Increasing the potential number of properties that could be rezoned to commercial would actually help bring in businesses that might not fit into the rezonable properties currently available. As was noted earlier, new businesses that come in provide customers for existing businesses and contribute to the Town's commercial tax base, which helps keep the Town vibrant.

Ryan Clegg, 35625 Snickersville Turnpike, said he grew up in Loudoun County. One of his best friends lived in Round Hill and he has fond memories of running around the neighborhood. He has lived all over Virginia and he and his wife decided to come back to Western Loudoun County because of the people and the small-town feel. Mr. Clegg spoke in support of the Shahs. He also

spoke favorably of the convenience of having small, local businesses available to him and his family. He supported expanding opportunities for other businesses in Round Hill to maintain the Town's vibrancy. He stated that, "if something isn't growing, it's dying." He said it would be nice to restore a historic building to its former glory and have doctors back in there. This is still a small town with small businesses. He expressed his full support for the Shahs.

Karl Reidel, participating via Zoom, said he and his wife own 28 Main Street and they live in Waterford. Mr. Reidel stated that his property was on the market for a number of years. There were not any churches that wanted to take the property on; however, there were a fair number of local businesses that made inquiries about the property. He did not believe it was likely that this property would be occupied with an "institutional" use, but if it were included in the commercial grouping, they already know by recent history there is interest for small commercial businesses.

Sean Lloyd, 8 High Street, said that while he is on the Town Council he is speaking as a resident. He has lived here for almost 20 years. He does a lot of walking not only in Round Hill but in other towns he visits. Since this idea came up of expanding the Central Commercial District, he has been paying a lot more attention to the places he visits. The kinds of things you see going into these older homes are the types of services the Shahs represent and include doctors, dentist, financial advisors, and counseling services. He believes that old homes tend to attract a certain type of home owner and business owner, people who are willing to work with the property and find ways to preserve its integrity. He personally is not concerned that the Town is opening the floodgate to the destruction of the historical character and integrity of the Town, if anything it expands the options for preserving those properties. He is excited about what the Shahs represent and by what the future represents by having other services available within the Town.

Mr. Lohr read written comments into the record that were received from the following individuals prior to the public hearing:

- **Ryan and Grace Wigfield**, 18 High Street, wrote in favor of amending the land use map to include the proposed properties on Main Street and 3 Mulberry Street and in support of the Shahs who hope to make 22 Main Street their future medical office location.
- **Al Van Huyack**, Appalachian Trail Road, wrote that he is not taking a position on the issue but rather he raised several questions that require further study and analysis before a decision is made.
- **Lisa and Joe Cammarota**, 44 Main Street, wrote in support of the medical office proposal as long as ample parking is provided.

Chairperson Mirabal closed the Public Hearing at 8:10 p.m. and the Planning Commission took a short break before convening the Regular Meeting.

PLANNING COMMISSION MEETING

CALL TO ORDER, ROLL CALL, AND QUORUM DETERMINATION

Chairperson Mirabal called the meeting to order at approximately 8:14 p.m. Roll call was held. Chairperson Mirabal, Vice-Chairperson Buxton, and Commissioners Etro, Hummel, and Tschantz were physically present, constituting a quorum.

PLEDGE OF ALLEGIANCE

Vice-Chairperson Buxton led the Pledge of Allegiance.

PUBLIC COMMENTS

Betty Wolford, 3 Mulberry Street, questioned why her entire property was not included in the proposed Future Land Use Map amendment. She stated that many years ago when she served on the Round Hill Planning Commission, a similar plan for land use was discussed and her entire property was included for the parking benefits her back yard could provide. If her entire property is not included in the current proposal, the back yard would not be available for parking.

Mary Anne Graham, 27 Main Street, suggested that 22 Main Street could be included as commercial without being considered “spot zoning” because there is commercial property nearby at the bank and Round Hill Grocery

DISCLOSURES AND COMMISSIONERS’ COMMENTS

There were none.

APPROVAL OF THE AGENDA

Commissioner Tschantz moved **to approve the agenda as written**; Commissioner Etro 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>
Peter Buxton	Aye
Frank Etro	Aye
Michael Hummel	Aye
Manuel Mirabal	Aye
Todd Tschantz	Aye

APPROVAL OF MINUTES

1. January 3, 2023

Commissioner Hummel stated that Line 105 and Line 147 refer to the same property, but the minutes reflect two different addresses. The address noted in Line 105 is incorrect and should be changed to “28.” Vice-Chairperson Buxton noted that Line 111 is the same and should be changed to “28.” Commissioner Hummel moved **to approve the January 3, 2023, minutes with corrections to Lines 105 and 111, changing 18 Main Street to 28 Main Street**; Commissioner Tschantz 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>
Peter Buxton	Aye
Frank Etro	Aye
Michael Hummel	Aye
Manuel Mirabal	Aye
Todd Tschantz	Aye

BUSINESS ITEMS

1. Discussion of CPAM-2022-01 Future Land Use Map Amendment

Commissioner Etro noted that most of the comments centered on rezoning which is not part of the Future Land Use amendment. He has difficulty with the Town Council’s request of the Planning Commission to just look at the Land Use Map and not making a comprehensive review. In the Comprehensive Plan, Chapter 7, Economic Development, Section 2, the last paragraph states:

“The Central Commercial District is unique because it is a mixed-use area with residential uses interwoven among commercial uses. It is comprised of two separate commercially zoned areas along Main Street and Loudoun Street separated by a small residential area.”

Commissioner Etro stated that currently this District contains 28 properties: 13 properties are used as B1 (Commercial) representing 47% of the District and 14 are used as R2 (Residential) or 53% of the District. Based on the existing Comprehensive Plan, the full potential for the 28 properties could be 18 properties for B1 (64%) and 11 to remain as R1 (39%). Under the proposed amendment, 100% of the properties could be used commercially. He stated that this is just one of the many inconsistencies of amending the Land Use Map without studies. The Comprehensive Plan contains numerous references to studies and Commissioner Etro argued that there have been no studies associated with the proposed amendment with data to support the changes. There has been a lack of community engagement and participation, which is also spelled out in the Comprehensive Plan. There has been a lack of comprehensive review of the potential impact of the amendments on the Central Commercial District. Existing businesses have not been discussed. Traffic and vehicle maneuverability through Town has not been studied. Parking needs have not been studied. Pedestrian safety and access have not been studied. Lighting has not been studied. The effects of commercial uses on adjacent property owners have not been studied. Comments during the public hearing referenced tax benefits. What are the tax benefits, if there are any, of expanding the potential for commercial uses? Building guidelines and building code requirements have not been studied. Impact on utilities going from residential usage to commercial usage have not been studied. There has been a lack of comprehensive review on the impact of the Eastern and Western Commercial Districts. He contended that revitalization of downtown has been occurring and expansion is not necessary for that to occur. If the map is to be changed, the Town needs to reinvestigate the majority of the Comprehensive Plan to avoid inconsistencies in the policies, which in his opinion, would make the Comprehensive Plan invalid. The Town needs to do the work to make the Land Use Map change: re-evaluate the Comprehensive Plan and do the studies. As someone who thinks of himself as a planner and as a member of the Planning Commission, he cannot support this type of change without doing a comprehensive review of the Comprehensive Plan and doing the proper studies.

Commissioner Hummel stated when the current Comprehensive Plan was being developed over a two-year period, a considerable amount of time was spent holding meetings with business owners. What was forwarded to the Town Council matched this map and all of the text in the document matched this map; however, at a Town Council meeting that he was unable to attend, the map was eliminated, and he was not able to speak up about it. He did not believe it was out of line to amend the map, so it corresponds to the text in the Comprehensive Plan.

Commissioner Tschantz stated that all properties affected by the Future Land Use Map amendment will not be automatically rezoned to commercial if the amendment is approved. Property owners will need to go through the rezoning process and meet all requirements before it can be considered for a commercial zoning designation.

Following further discussion, Chairperson Mirabal asked for a straw opinion as to whether the Planning Commission has enough information to make a recommendation or whether it would be beneficial to let the Council know that they need additional information.

Commissioner Tschantz was comfortable moving forward with a recommendation.

Commissioner Hummel was comfortable moving forward; he believes this amendment corrects what was previously approved by the Town Council.

Commissioner Etro stated that the community was not engaged in this process. Two weeks' notice to adjacent property owners is insufficient; they should have been engaged in the process from the beginning.

Commissioner Hummel noted that the Commissioners also need to discuss the property owners' requests for 28 Main Street to be put back into the amendment and to include the entire property at 3 Mulberry Street. The Town Attorney noted that if these properties were to be added to the proposed Future Land Use Map amendment, it would need to be advertised again and another hearing would be necessary. Mr. Lohr explained that the legal advertisement mistakenly listed the entire study area and included 28 Main Street and all of 3 Mulberry Street; however, the map did not include those properties. Since the properties were included in the advertisement it was determined the Commission could add them back in after discussing the merits of each property.

A discussion ensued about the church property at 28 Main Street. Mr. Lohr stated that the church has a two-year window to keep the church use under a special exception. Less than a year of that two-year window remains. Staff indicated that inquiries were received from approximately 10 parties interested in this property for commercial purposes. About two weeks ago a religious nonprofit organization inquired about moving into the building but under the current use and the special exception, they were not able to continue investigating the property. If an appropriate use is not found before the two-year period expires, the zoning for the property reverts to residential.

Commissioner Etro stated he did not understand how 3 Mulberry Street could contribute to the parking situation unless 7 Main Street became commercial, and only then if other properties are developed in between 7 Main Street and 3 Mulberry Street.

Vice-Chairperson Buxton said he is interested in hearing everyone's opinion. He understands both sides of the argument; however, he noted there are checks and balances in place to discourage uses that are not within the Town's vision for downtown.

Chairperson Mirabal stated that the Town Council was opposed to the Commission's earlier request for additional studies. The alternative is to do nothing or to trust the system which involves a number of checks and balances. If the Town Council wants to proceed with these amendments, they will have to hold another public hearing, and the Planning Commission can encourage that body to broaden its outreach with respect to the proposed map amendments. Commissioner Hummel noted that four Town Council members are in attendance at tonight's Planning Commission meeting.

Commissioner Tschantz moved **that Round Hill Planning Commission recommend that Round Hill Town Council approve CPAM 2022-01, a Comprehensive Plan Amendment to Expand the Central Commercial Future Land Use Area to include 12, 14, 18, 22, 26, 28, 11, 13, 15 Main Street and 3 Mulberry Street;** Commissioner Hummel seconded the motion. Commissioner Etro expressed his disappointment in the legal advertisement since the discussion at the last Planning Commission meeting specifically excluded 28 Main Street and included only a portion of 3 Mulberry Street. The motion on the floor changes the Commission's earlier intent based on an incorrect legal advertisement. Without making changes to the Comprehensive Plan to match the new Land Use Map, he believes it creates opportunities for unintended consequences.

Chairman Mirabal called for the vote; the motion was approved 4-1. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Peter Buxton	Aye
Frank Etro	Nay
Michael Hummel	Aye
Manuel Mirabal	Aye
Todd Tschantz	Aye

TOWN COUNCIL REPORT

Commissioner Hummel reported on these items:

- The Town Council will once again equalize the real estate tax rate.
- Water/sewer rates will be considered next, but there will likely be sharp increases in the coming years due to aging infrastructure and declining availability fees.
- The Town Council will be forwarding to the Planning Commission the Comprehensive Plan amendment for the area on the west side that was recently added. A section needs to be added to the plan to address that area.
- The fire station site plan will be provided to the Planning Commission to review and provide comments.

STAFF UPDATES

Mr. Lohr explained that the fire station site plan is not ready for Planning Commission review. Staff have not received anything beyond the pre-submission for zoning review. A more developed site plan submission is expected soon. Once staff receives the site plan and reviews it for completeness, it will be presented to the Planning Commission for review.

Mr. Lohr provided updates on the new crosswalks, speeding in Town, wayfinding signage, parking in front of 19 Main Street, the Transportation Map update, and the security cameras at the tunnel.

Chairperson Mirabal excused himself from the meeting at 9:22 p.m. during Mr. Lohr's staff updates and asked Vice-Chairperson Buxton to preside over the remainder of the meeting.

ADJOURNMENT

Vice-Chairperson Buxton adjourned the meeting at 9:28 p.m.

Respectfully submitted,

Manuel Mirabal, Chairperson
Debbie Calhoun, Recording Secretary

CERTIFIED:



Harriet West, Town Clerk

APPROVED: May 2, 2023