

**Town of Round Hill  
Planning Commission Meeting  
August 1, 2017  
7:00 p.m.**

A regular meeting of the Town of Round Hill Planning Commission was held Tuesday, August 1, 2017, at 7:00 p.m. at the Town Office – 23 Main Street, Round Hill, Virginia.

**PLANNING COMMISSION MEMBERS PRESENT**

Jean Daly  
Michael Hummel  
Lori Minshall

**PLANNING COMMISSION MEMBERS ABSENT**

Manuel Mirabal, Chairman  
Stephan Evers

**STAFF MEMBERS PRESENT**

Melissa Hynes, Town Planner/Zoning Administrator

**MEMBERS OF THE PUBLIC PRESENT**

Maureen Gilmore, Town Attorney  
Donna Hughes  
Ian Holley  
Andre Fontaine

**IN RE: CALL TO ORDER**

Chairman pro-tempore Minshall called the meeting to order at 7:02 p.m. With three members of the Planning Commission in attendance, a quorum was present.

**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 stated that Item "a" – CPA-2017-01 Comprehensive Plan Amendment, and Item "b" – ZOAM-2017-02 Zoning Ordinance Amendment, under Business Items, will be presented first to the Town Council, and should be removed from this evening's Agenda. Commission Member Hummel made a motion **to approve the Agenda, subject to**

**deleting 7(a) and 7(b);** Commission Member Daly seconded the motion. A vote was held; the motion was approved 3-0, with Chairman Mirabal and Commission Member Evers absent. The vote is recorded as follows:

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

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

**a. July 11, 2017**

Commission Member Daly moved **to approve the minutes, as they stand;** Commission Member Hummel seconded the motion. A vote was held; the motion was approved 3-0, with Chairman Mirabal and Commission Member Evers absent. The vote is recorded as follows:

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

#### **IN RE: BUSINESS ITEMS**

**a. Fall 2017 Zoning Ordinance Text Amendments – Definitions**

Town Planner/Zoning Administrator Hynes presented this item, noting that she used zoning ordinance documents from both Arlington and Charlottesville in preparing the definition for Accessory Dwellings. Ms. Hynes explained that she split the idea of an Accessory Dwelling into three concepts, which include: 1) a Family Caregiver Suite – located in the home, but not technically a dwelling unit; 2) an Accessory Dwelling/Interior – located in the home (e.g., in the basement), but with facilities which qualify it as a dwelling unit; and, 3) an Accessory Dwelling/Exterior – which is located outside of the home, but on the property, such as in the backyard or above a garage. Items related to Accessory Dwelling Units were then discussed, with more detailed descriptions of the concepts noted above presented. Town Planner/Zoning Administrator Hynes noted that the term *addition* was included in research she conducted related to this topic; Ms. Hynes explained that Round Hill currently does not have a definition of an *addition*, but that including a definition of the term is important. Commissioner Hummel, during this discussion, also suggested that the abbreviation *A.D.U.* be removed from the definitions. Following her presentation of this detailed information, Town Planner/Zoning Administrator Hynes noted that the Planning Commission should determine which information from this draft document should be retained, and how various terms presented should be defined; lengthy discussion ensued. Commission Member Hummel provided illustrations of these types of dwellings, using his own home as an example. Town Attorney Gilmore asked how regulations governing a Family Caregiver Suite would be

enforced; Town Planner/Zoning Administrator Hynes explained how Arlington provides for enforcement, utilizing a packet of information which includes an affidavit. Ms. Hynes also noted that she has concerns regarding zoning enforcement of a family dwelling. The fact that a Family Caregiver Suite is differentiated from other Accessory Dwellings in that it does not have a kitchen was discussed, as well. Commissioner Minshall expressed her feeling that 500 square feet for this type of accessory dwelling seems small; Town Planner/Zoning Administrator Hynes explained that it is rather small, as it is supposed to blend in with the family home. Ms. Hynes also noted that an apartment would be different from a suite, as an apartment can be 600 square feet or larger; additionally, with an apartment, the resident does not have to leave the unit for meals and other household needs, such as laundry. Finally, it was noted that a suite would be a permanent feature of the home, unlike a temporary healthcare structure (granny pod). Town Planner/Zoning Administrator Hynes stated that she feels it may be wise, in the future, to consider instituting rental licensing.

**b. Fall 2017 Zoning Ordinance Text Amendments – Use Standards**

Town Planner/Zoning Administrator Hynes explained that she did not break out the standards for interior and exterior dwelling units at this time, but may do so later. The following Accessory Dwelling standards were presented: 1) the owner of the property must live on-site; 2) there may only be two residents of the accessory unit, to be determined by the number of cars present; and, 3) there must be one parking space for the apartment. Further rules for interior apartments were presented, which include: 1) the unit must not be a duplex; 2) the interior apartment must have its own entrance, not located on the front facade; 3) it must be located entirely within the primary structure; and, 4) its use must be secondary to the home. Finally, these further rules for exterior apartments were presented: 1) it may not be larger than the primary home; 2) it must meet Round Hill's Accessory Structure rules; 3) it must be located in the rear or side yard; and, 4) it must be ensured that the percentage of built area is controlled. In relation to this last item, requirements for the location of buildings from the property line were presented. Town Planner/Zoning Administrator Hynes also explained that an Exterior Accessory Dwelling Unit should mimic the design of the main house. It was noted that a definition will be needed for the term *efficiency kitchen*. Additionally, Ms. Hynes explained, regardless of the use originally intended for the apartment, if the house is sold the apartment will be noted as a potential source of rental income.

Commission Member Hummel asked to clarify that the document under discussion this evening will become the Accessory Dwelling portion of Round Hill's Zoning Ordinance; Town Planner/Zoning Administrator Hynes stated that it will serve as this portion of the Ordinance. Mr. Hummel further asked to clarify that the term *Accessory Dwelling* will no longer be used; Ms. Hynes noted that it will not, stating that she prefers the term *apartment*. Discussion ensued regarding the term *Accessory Dwelling*, with it being noted that the term will be retained in the "Definitions" section of the Zoning Ordinance.

Town Planner/Zoning Administrator Hynes explained that the work being done now on these accessory dwelling uses will assist with work to be done on Short-Term Rental uses, and that it will help to provide a record of the types of rentals. Town Attorney Gilmore asked if the Planning Commission feels the term/use *Guest House* should be deleted from

the Zoning Ordinance, in light of the changes discussed this evening, especially the inclusion of an "Exterior Apartment" use in the Ordinance. Town Planner/Zoning Administrator Hynes noted that rent may not be charged for a Guest House, and that residents of a Guest House might not be family members; therefore, a mechanism to determine if this use is taking place may be necessary in the Zoning Ordinance. It was the consensus of the Planning Commission to delete the term. Town Planner/Zoning Administrator Hynes presented the items to be reviewed at the next Planning Commission meeting, including Short-Term Rentals, Bed and Breakfast establishments, and Guest Houses; these constitute the three transient uses under consideration. Discussion then returned to Guest Houses, with Town Attorney Gilmore clarifying that, under the criteria developed thus far, a Guest House would always be an exterior structure/unit. Additionally, Ms. Gilmore noted, the Zoning Administrator would ask a property owner if rent is to be charged occupants of an exterior unit. Discussion of this ensued, with the permits/licenses required for various uses, and ways to determine if a use is allowed, highlighted. Following this discussion, Town Planner/Zoning Administrator Hynes stated that she will edit the draft document for further review at the Planning Commission's September meeting; Commission Members were asked to provide their comments.

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

##### **a. SUB-2017-01 Subdivision of Darling Property**

Town Planner/Zoning Administrator Hynes presented background information on the Darling Property Subdivision, which had been previously approved. Ms. Hynes introduced Mr. Andre Fontaine, the applicant, and Ms. Donna Hughes, his representative. A drawing of the original subdivision was provided to the Planning Commission for its review; this drawing showed the eight lots proposed for development on the Bridge Street parcel. Town Planner/Zoning Administrator Hynes highlighted the lots which are now considered Phase 2 of the project. During review of these plans several items related to this development were discussed, including: 1) access easements; 2) concerns regarding runoff and storm water management at the parcel; 3) any bonds related to, or required by, the project; 4) the building of driveways in a floodplain area, with the recently adopted Floodplain Ordinance discussed in relation to this issue at this site, and concerns raised that the proposed lots may be unbuildable; 5) the possibility that Phase 1 of the project may be "grandfathered," as the original proposal was not broken down into phases when approved; 6) setbacks which would be required for the lots; 7) confirmation that the Record Plat was signed in 2005; 8) a change in zoning of the parcel, which occurred in 2008; 8) the minimum amount of frontage needed for Lots 9 and 10; 9) that an ingress/egress easement may take the place of a private access easement at the site; and, 10) requirements for access for emergency vehicles. Commission Member Hummel then made a motion **to approve the subject Record Plat, pending receipt of a revised plat which changes the private ingress/egress easement on Lots 9 and 10 to private access easements for each lot, and with a revision of the bond estimate to cover the storm sewer crossings under the driveways for Lots 9 and 10, subject to approval by Town Staff;** Commission Member Daly seconded the motion. Discussion of the motion ensued, with particular attention paid to the bonding required for the project; Commission Member Hummel explained that, once the project is bonded, the developer will not be released from the bond until Town Staff is satisfied that installation and materials conform to requirements set forth by the approved construction plans. Mr. Hummel also explained that the developer will be required to post a separate

bond with the County for any grading and clearing done at the site. Town Attorney Gilmore raised a question regarding the material proposed for construction of the driveways, and if it will be sufficient for construction and will allow the storm water pipes to work properly. Commission Member Hummel suggested that a condition be added which requires the construction plans to show a gravel base and asphalt top layer on the driveways, as they cross the floodplain, with a commitment to undertake construction in this manner provided in writing. Mr. Fontaine requested that he be allowed to obtain one bond for the project, rather than two separate bonds. A vote on the motion on the table was then held; the motion was defeated 3-0, with Chairman Mirabal and Commission Member Evers absent. The vote is recorded as follows:

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

Commission Member Hummel then made a motion **to approve the Record Plat, Phase 2, property of GS Round Hill, LLC, subject to changes to the driveway easements for Lots 9 and 10, from fifteen-foot private ingress/egress easements, and utility easements, to fifteen-foot private access and utility easements, one for Lot 9 and one for Lot 10; similarly, the language in the deed must be amended to correspond to these requirements. This is subject to Town Staff review of the revised plat and deed.** Commission Member Minshall seconded the motion. There was no further discussion. A vote was held; the motion was approved 3-0, with Chairman Mirabal and Commission Member Evers absent. The vote is recorded as follows:

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

Mr. Fontaine thanked the Planning Commission for its assistance. The cluster development originally proposed for this project was briefly discussed. Ms. Hughes also thanked the Planning Commission.

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

Town Planner/Zoning Administrator Hynes apologized for the changes to the Agenda for this evening's meeting, explaining the reasons that the items deleted from the Agenda must first go to the Town Council. Town Attorney Gilmore further explained that the property in question, in the deleted Agenda items, is outside the Town's limits, therefore the Town may not have jurisdiction. Additionally, it was noted that a Comprehensive Plan Amendment should, as a matter of routine, first be reviewed by the Town Council. Town Planner/Zoning Administrator Hynes explained the process for undertaking a Zoning Ordinance Amendment, and noted that the application in

question may be affected by a possible future boundary line adjustment. Town Attorney Gilmore noted that the applicant could simultaneously process Town and County requirements; however, the Town Council needs to be aware of this application, to determine proper use of Planning Commission time and resources on the application. Town Planner/Zoning Administrator Hynes stated that she will present this to the Town Council at its upcoming Work Session. It was also noted that the application could be rejected, if it does come before the Planning Commission. Ms. Hynes also reported that the Board of Zoning Appeals will hold its annual meeting tomorrow evening; a practice hearing will be held at that meeting. Town Planner/Zoning Administrator Hynes reported that the first public information meeting for possible boundary line adjustment is scheduled for Thursday, August 1<sup>st</sup>, at 7:00 p.m., and requested that any questions the Commissioners may have be directed to her prior to that meeting. It was also noted that a story regarding this effort will be printed in the three local newspapers, as well as in the Town newsletter and on the Town's website.

#### **IN RE: TOWN COUNCIL REPORT**

Town Attorney Gilmore reported that the Performance/Utility bond for the Lake Ridge subdivision has been released. It was also reported that RHI has entered into a contract with Brookfield Homes; Commission Member Hummel stated that the parties closed that transaction today. Town Attorney Gilmore explained that eighty-seven lots in that subdivision will be served by Town utilities, and that building is likely to begin soon. Commission Member Hummel reported that Creekside Park has been officially named – Niels Poulsen Park was the name chosen. Town Planner/Zoning Administrator Hynes reported that KHovnanian has been imposing part of the costs related to the bond release onto the homeowners; the Town has no legal recourse in this matter. A meeting will be held at the Town Office on Thursday regarding closing out the work on this subdivision. Town Planner/Zoning Administrator Hynes reported that the contract for construction of Sleeter Lake Park has been approved, and that construction should begin on September 1<sup>st</sup>. In response to a question from Commission Member Minshall, Town Attorney Gilmore reported that the Board of Supervisors has adopted a Resolution for Condemnation for construction of the Franklin Park Trail Project. Ms. Gilmore also reported that, in the area subject to these condemnations, sidewalks must be constructed; therefore, the project will be known as the Franklin Park Sidewalk Project. Finally, it was reported that the Town Council will discuss, at its September meeting, possible condemnations related to the Main Street Enhancement Project.

#### **IN RE: NEXT PLANNING COMMISSION MEETING**

##### **a. Regular Planning Commission Meeting: Wednesday, September 6, 2017**

#### **IN RE: MEETING ADJOURNMENT**

The meeting was adjourned by Chairman pro-tempore Minshall at 9:06 p.m.

Respectfully submitted,

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Lori Minshall, Chairman pro tempore

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Debra McDonald, Recording Secretary