

**Town of Round Hill
Planning Commission Meeting
August 2, 2016
7:00 p.m.**

A regular meeting of the Town of Round Hill Planning Commission was held Tuesday, August 2, 2016, at 7:00 p.m. at the Town Office – 23 Main Street, Round Hill, Virginia.

PLANNING COMMISSION MEMBERS PRESENT

Manuel Mirabal, Chairman
Stephan Evers
Michael Hummel
Elizabeth Wolford

PLANNING COMMISSION MEMBERS ABSENT

Michael Minshall

MEMBERS OF THE PUBLIC PRESENT

Clinton Chapman
Rick Widman
Andrew Christensen

IN RE: CALL TO ORDER

Chairman Mirabal called the meeting to order at 7:04 p.m. Roll call was held, and it was determined that a quorum was present.

IN RE: PLEDGE OF ALLEGIANCE

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

Chairman Mirabal welcomed the guests in attendance at this evening's meeting.

IN RE: PUBLIC COMMENT

Mr. Clinton Chapman spoke, stating that he attended the July Town Council meeting, at which he expressed concerns regarding the process for the Comprehensive Plan, as well as the possibility of a conflict of interest concerning the Eastern Commercial District. Mr. Chapman stated that this is not anything personal against anyone, but, "as a member of the public, and as someone who is working with a group which is getting ready to invest millions of dollars in this area, we want to be sure we're getting a fair shake for what we are trying to put towards the Town in developing this property." Mr. Chapman stated that two years ago his group came to the Town and asked for its vision for the Eastern Commercial District; over that time, Mr. Chapman noted, a group of highly regarded businessmen was assembled to develop plans for the parcel. Mr. Chapman stated that, of late, he and his group have felt that their treatment by representatives of the Town has not been business-like, and that has caused them concern. Mr. Chapman also noted his group's concern regarding the possibility of a conflict of interest on the part of a Planning Commissioner, stating that that Commissioner, who is also a local developer, expressing his opinion on issues and

discussing a part of Town which is slated for development seems to constitute such a conflict. Mr. Chapman noted that the Commissioner in question has a business relationship with another developer in regards to a parcel outside of the Town limits. A draft map of the development proposed for that parcel by Round Hill West, LLC, was provided to the Planning Commissioners for their review. Mr. Chapman stated that, when taking this factor into consideration, along with the potential for the rezoning of the property (Eastern Commercial District) under discussion by the Planning Commission at this time, and upon which residential properties could be located, it seems to his group that the potential for a conflict of interest exists. Mr. Chapman closed by stating that his group just wanted to bring their concerns to the Commission; Mr. Chapman thanked the Commission. Chairman Mirabal asked if the property his group is involved with is shown on the map that Mr. Chapman presented to the Planning Commission. Mr. Chapman noted that it is not, but is on the west side of Town. Commission Member Wolford asked for the date of the map; Commission Member Hummel stated that it is dated 2005. Commission Member Wolford asked how the parcel and development shown on the map is pertinent to the discussion of a conflict of interest; Mr. Chapman stated that the person who owns part of that property has expressed a desire to bring the property into the Town limits as a residential development, which constitutes competition. Chairman Mirabal asked what the property shown on the map has to do with the Eastern Commercial District property; Mr. Chapman stated that it would be direct competition to development at that site. Commission Member Wolford asked what the zoning is for the property represented on the map; Mr. Chapman was not sure. Commission Member Hummel stated it was JLMA-1. Commission Member Wolford then asked what the zoning is for the property which makes up the Eastern Commercial District; Mr. Chapman stated that it is zoned commercial. Commissioner Wolford asked Mr. Chapman if the owner of the western parcel, which is zoned residential, has the right to build residential properties on that parcel; Mr. Chapman stated that he does. Chairman Mirabal stated that the western parcel is zoned for residential development, and is not directly related to the eastern parcel Mr. Chapman and his group are proposing to develop, and asked if Mr. Chapman's point is that a potential for economic competition exists; Mr. Chapman stated that that is correct, if the western parcel is brought into the Town limits, and if the eastern parcel is approved for mixed-use. Mr. Chapman stated that this potential for competition is one concern, and noted that another concern is the Commissioner's direct ties to the property development firm Wormald, which has contacted the attorney for the current owners of the Eastern Commercial District and expressed an interest in possibly buying that property, if the Round Hill Partners Group contract does not go through. Mr. Chapman also noted his understanding that the Wormald Firm may be interested in purchasing residential lots only at the site, and stated that that Wormald Firm may be one the groups that Round Hill Partners would be contacting to develop the residential portion, if the mixed-use for the property is allowed. Mr. Chapman stated that, if verbiage is not included in the update of the Comprehensive Plan which would allow his group to develop the Eastern Commercial District property as mixed-use, his group would have to walk away from the project. Commission Member Wolford asked Mr. Chapman if he knew which Commission Member pushed for mixed-use on that parcel, when the other members of the Commission were not in favor of that use; Mr. Chapman stated that he did not, as he was not present at the meeting during which this was discussed. Commissioner Wolford stated that Commission Member Hummel was the member of the Planning Commission who supported mixed-use at the parcel. Commissioner Hummel stated that he was the only member of the Commission who "pushed in your favor on your request." Commission Member Evers stated that changes to verbiage were included in the update of the Comprehensive Plan on behalf of Mr. Chapman's group, as recommended by Commission Member Hummel; Mr. Chapman

acknowledged that those changes were made. Mr. Chapman reiterated that “this is not a personal attack against Mike Hummel,” and explained that he is expressing his concerns as a businessman looking to invest in the Town of Round Hill; Commission Member Hummel stated that Mr. Chapman has the right to do so. Chairman Mirabal also stated that Mr. Chapman has an absolute right to bring his concerns to the Planning Commission during the Public Comment portion of the meeting, and pointed out that Commissioner Hummel has, on more than one occasion, indicated his relationship to work being done, or proposed, or anticipated, in Round Hill, and has recused himself from those discussions, where he has felt it appropriate to do so. The Chairman noted that the members of the Planning Commission are all aware of this, and that it is included in the public record. Chairman Mirabal stated that the property indicated on the map presented by Mr. Chapman, which is not directly connected to the Eastern Commercial District, is not an issue the Planning Commission has dealt with, although the Commission understands his concern regarding competition. Mr. Mirabal stated that there is no plan, and there is no application, before the Commission for this parcel, unlike the Eastern Commercial District, which the Planning Commission has been working on for more than a year. Chairman Mirabal stated that he respects the presentation Mr. Chapman made at the recent work session held by the Planning Commission. Mr. Mirabal also noted that, during the work session, it was pointed out that Mr. Hummel had been in conversations with members of the Town Council regarding a similar presentation made before the Council. The Chairman stated that, due to the fact that the Comprehensive Plan has not been completed, the Town Council has not looked at it, nor have public hearings been held on the final version, the one “if” existing right now in the discussion of all these issues is that this plan is not complete. There is an enormous amount of review still remaining, Mr. Mirabal noted, during which you can voice additional concerns. Chairman Mirabal then asked Mr. Hummel for his remarks. Commission Member Hummel stated that the plan for which Mr. Chapman presented the map was contracted by Mr. Powers Thomas, with Mr. Hummel’s consent to potentially add his adjacent property to the project; this project was never submitted. Commissioner Hummel further stated that he resigned his positions on the Town Council and the Planning Commission during the development of the western parcel, of which he is part-owner and which is located partially inside the Town limits. Mr. Hummel also explained that this property was developed by-right, with no rezoning involved, and that he developed five of the potential nine lots possible on the parcel. Mr. Hummel stated that the five-acre parcel, of which he is part-owner, could be subdivided into five lots if it remains in the County, and ten lots if brought into the Town; however, he is presently working with Hero Homes to build one house for a wounded veteran on the five-acre parcel, which will never be subdivided. Commission Member Hummel stated that he does not see any conflict there; additionally, he stated that he does not see how large, single-family homes present competition for lower-priced townhouses. Commission Member Hummel reiterated that he has been extremely careful to avoid any impropriety, and noted that he feels he has been Mr. Chapman’s biggest advocate on the Planning Commission. Mr. Hummel stated that he takes offense to the fact that it’s alluded that he would try to do something to help the Wormald firm years from now, if the proposal made by Mr. Chapman’s group does not work out, noting that the Wormald firm is one of approximately fifty clients with which he works. Commission Member Hummel stated that anyone who has known him, throughout his entire career, knows that is not how he works. Commissioner Hummel repeated his statement, made last week, that he sees zero conflict of interest in this matter. Chairman Mirabal asked if there were any other comments; there were none. The Chairman thanked Mr. Chapman.

IN RE: DISCLOSURES AND COMMISSIONERS' COMMENTS

There were no Disclosures and Commissioners' Comments.

IN RE: APPROVAL OF AGENDA

Commission Member Wolford moved **for approval of the Agenda, as submitted, for the meeting of August 2, 2016, of the Planning Commission;** Commission Member Hummel seconded the motion. A vote was held; the motion was approved 4-0, with Commission Member Minshall absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Manuel Mirabal	Aye
Stephan Evers	Aye
Michael Hummel	Aye
Michael Minshall	Absent
Elizabeth Wolford	Aye

IN RE: YATTON ROAD PROPERTY OWNER PRESENTATION

Chairman Mirabal introduced Mr. Rick Widman, the owner of the Yatton Road property under discussion this evening. Mr. Widman stated that he owns two lots on Yatton Road, and presented a map depicting the location of those lots for the Commissioners' review. Mr. Widman explained that, recently, a builder had placed a contract on one of the lots; however, the builder was told by the Town Administrator that the lots are zoned AR-1, which allows for one house per twenty acres, and thus decided against pursuing the project. Mr. Widman asked why the lots are zoned AR-1, noting that originally they were located outside of Town, but were incorporated into the Town in 2005, at which time zoning changes were to be made to correct this designation. Commission Member Hummel stated that he thought those changes did go through, and noted that he wrote the ordinances. Mr. Hummel stated that those lots were not zoned AR-1 at that time. Chairman Mirabal asked if there are any structures on the other two lots at this site; it was noted that all of these lots are vacant. Chairman Mirabal asked who researched the zoning for Mr. Widman; Mr. Widman stated that that information is located on the Town's website. Mr. Widman also presented a copy of a Notice of Public Hearing letter he received from the Town in 2006, concerning proposed zoning changes related to this property; this letter states that Mr. Widman's property was to be rezoned to R-1B, Low Density Residential. Mr. Widman stated that the County has been taxing these lots as buildable, and noted that, if someone is interested in building a single-family home on one of the lots, he would like to be able to sell the lot. Chairman Mirabal assured Mr. Widman that the Planning Commission will look into this issue for him. The Commissioners discussed various forms of documentation which may be available in order to research this issue, and ensured that they know how to contact Mr. Widman. There was also brief discussion of the history of these parcels. Chairman Mirabal thanked Mr. Widman for his presentation, and again assured him that the Commission will look into this for him.

IN RE: APPROVAL OF MINUTES

A. July 5, 2016 Regular Meeting

Commission Member Hummel moved **to approve the minutes;** Commission Member Wolford added **of July 5, 2016, as submitted,** and seconded the motion. A vote was held; the motion was approved 3-0-1, with Commission Member Evers abstaining, and Commission Member Minshall absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Manuel Mirabal	Aye
Stephan Evers	Abstain
Michael Hummel	Aye
Michael Minshall	Absent
Elizabeth Wolford	Aye

IN RE: BUSINESS ITEMS

A. Comprehensive Plan

Review of Transportation Chapter Goals, Objectives and Strategies

This section, and the maps for inclusion, were reviewed and edited by the Planning Commission. Following this review, Commission Member Hummel made a motion **to approve the Transportation section, subject to the changes made to date;** Commission Member Evers seconded the motion. A vote was held; the motion was approved 4-0, with Commission Member Minshall absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Manuel Mirabal	Aye
Stephan Evers	Aye
Michael Hummel	Aye
Michael Minshall	Absent
Elizabeth Wolford	Aye

Review of Community Facilities Chapter

The section, and the maps for inclusion, were reviewed and edited by the Planning Commission. Review of the Goals, Objectives and Strategies was deferred to a future meeting.

The Land Use Maps and the Regional Land Bays Maps were reviewed. The Heritage and Community Character chapter was reviewed and edited.

B. Review & Approval of Final Draft

The Joint Land Management Area, Public Utility System, Regional Land Bays, Transportation (Parts 1 and 2), and the Land Use & Growth Management chapters were reviewed for approval. Following review, Commission Member Wolford made a motion **that the Planning Commission approve the final drafts of the Joint Land Management Area section, the Public Utility System section, Regional Land Bays section, Transportation Parts 1 and 2 section, and Land Use & Growth Management section, as submitted this evening;** Commission Member Evers seconded the motion. A vote was held; the motion was approved 4-0, with Commission Member Minshall absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Manuel Mirabal	Aye
Stephan Evers	Aye
Michael Hummel	Aye
Michael Minshall	Absent
Elizabeth Wolford	Aye

IN RE: SCHEDULE WORK SESSION

The Planning Commission decided to hold a work session on Tuesday, August 16, 2016 at 5:30 p.m.

IN RE: ADJOURNMENT

The meeting was adjourned by Chairman Mirabal at 10:32 p.m.

Respectfully submitted,

Manuel Mirabal, Chairman

Debra McDonald, Recording Secretary