

Planning Commission Meeting December 7th | 2010

(Minutes reflect both verbatim comments and a summary of the discussions.)

**Town of Round Hill
Planning Commission Meeting
December 7, 2010
7:30 p.m.**

A regularly scheduled meeting of the Planning Commission was held on Thursday, December 7, 2010 at 7:30 p.m. at the Town Office, 23 Main Street, Round Hill, Virginia.

PLANNING COMMISSION MEMBERS PRESENT

Sarah Etro, Chair
Craig Fredericks, Vice-Chair
Betty Wolford

PLANNING COMMISSION MEMBERS ABSENT

Jennifer Grafton-Theodore

STAFF MEMBERS PRESENT

Rob Kinsley, Town Planner and Zoning Administrator
Susanne Kahler, Recording Secretary

MEMBERS OF THE PUBLIC PRESENT

Jeff Wolford, resident and partner, Wolford and Chen
John Hudson, Jim McCarty, John Milleson, Jon Elliott, Bank of Clarke County
Mark Albright, resident and partner, MAR MEG LLC.

IN RE: CALL TO ORDER

The meeting was called to order by Chairperson Sarah Etro at 7:30 p.m. A roll-call was taken and it was determined that a quorum was present.

IN RE: PLEDGE OF ALLEGIANCE

Vice Chairperson Craig Fredericks led those present in the Pledge of Allegiance.

IN RE: PUBLIC COMMENT

None

IN RE: APPROVAL OF THE AGENDA

Vice Chair Fredericks moved that the agenda be approved as presented with the following changes: Item 10 A to follow #5 with item #9A directly following 10A. Commissioner Wolford seconded the motion.

The motion passed 3-0-0 with Commissioner Grafton-Theodore absent for the vote.

IN RE: DISCLOSURES AND COMMISSIONER'S COMMENTS

Vice Chair Fredericks noted that he would have to leave tonight's meeting early. He also stated that after 6 years of community service in local government, he would not be

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seeking reappointment to the Planning Commission after his current term expires at the end of the year.

Commissioner Wolford noted that she would be recusing herself from any discussion and voting concerning item 10 A – the Bank of Clarke County/MAR MEG LLC site plan.

Chairperson Etro stated that she wished to thank Craig Fredericks for his years of service to the Town and understood his need to take a break from his years in local civic service.

IN RE: BANK OF CLARKE COUNTY/MAR MEG LLC. SITE PLAN

(Let the record show that Commissioner Wolford left the table at this time.)

Town Planner and Zoning Administrator Rob Kinsley had reviewed the site plan and determined that all the necessary documentation had been presented by the applicant.

In their November 5, 2010 letter to Town Planner and Zoning Administrator Rob Kinsley, Wolford & Chen requested that several of the requirements of the Town of Round Hill Land Development Ordinance be waived due to the relatively small amount of actual land disturbing activities associated with the project.

Mr. Kinsley: I should mention that also included are the list of conditions that must be met. Two or three of those conditions reference deed materials that have to be recorded prior to site plan approval and we have now for the first time received a draft of those materials.

Chairperson Etro: Because the condition states that those things must be recorded prior to approval, other than trying to get our questions answered and so forth, we would not be able to act on this until those things are recorded. And you all understand that right?

It is a condition of special exception. “

Mr. Jeff Wolford: Do you think there is a chance we can discuss most if not all of the issues associated with the site plan?

Mr. Mark Albright: We could be at a Mexican standoff here. There is no reason for me to record these deeds if you are not going to approve the site plan. So if I record those and you don't approve the site plan, I will have recorded them for nothing. You can't rescind them. So you really need to figure out a way to get past that.

Chairperson Etro: We can't do that. Legally the condition is binding. We can't do that. The condition tells us what to do.

Mr. Mark Albright: I understand that but I think probably you can approve the site plan based upon the recording of it and as soon as recording...

Chairperson Etro: We can't do it because of this condition. The way the condition was passed and adopted by the Council. My intention is not to be argumentative with you but I think it is clear that legally we cannot do that.

Mr. Mark Albright: I think it is clear that if I record it and you don't record the site plan, the Bank doesn't get to open and I've recorded stuff that you require that doesn't have to do with any of the Bank issues so...

Chairperson Etro: What I would suggest is let's look at the site plan and go through our review and that might give you a sense of where the Commission is on this. That might make you feel better and that you don't have that jeopardy.

Mr. John Hudson: So do I understand that you can't start until next month?

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Chairperson Etro: Because we don't have the recorded documents, per the condition adopted by the Town Council, we are not in a position to approve the site plan. We are not making that up - it's in this condition, telling us that we can't approve the site plan until we have those documents. That is something the Council did when they took action, this is not something the Planning Commission is making up right now.

Mr. Kinsley: That is what I discussed with John today, before the meeting. The primary thing is to discuss those waivers and see if the Planning Commission wants to agree with all those waivers. But there were other things that need to come in before we take action. Also, we need to refer these to our Attorney for her legal comments. I don't know if it would be possible to schedule another special meeting to take another look at this. I don't think it is going to be a big problem. Everyone is just looking to make sure things are in order.

Chairperson Etro: I suggest we go through the components and walk-through the review of the site plan. So from subdivision and land development ordinance of the town we are looking at section 3.10.1 Land development procedures just to make sure we have all the components. We are doing the preliminary and final all in one.

Vice Chair Fredericks: Rob, have you had the opportunity to apply the ordinance to the site plan and do you have any concerns about the site plan?

Mr. Kinsley: I think except for the waivers that are requested, it does meet the ordinance. I have one item that is not consistent with the conditions and one item that just needs some more details. On the first page for example, on the site plan itself, the only thing I found not listed on here is we are going to need some more details on signage. The size and location need to be shown.

Mr. John Hudson: The intention is to place it exactly where the old sign currently exists. It is going to be a sign like we presented with two posts going up, same location. A 3' X 5' sign which is 15 square feet, the ordinance standard.

Vice Chair Fredericks: If we included language in the notes on the site plan that state that no additional signage will be placed on the property aside from that which is already there – will that allay your concerns?

Mr. Kinsley: Absolutely.

On the first page, the only thing that is not on there now which is called for in condition #9 which was to reserve an easement on the site plan for the location of sidewalk for streetscape improvements for 10 years after approval. This is in relation to our Main Street Enhancement Project.

Chairperson Etro: Note 14 states that an easement is reserved for the location of sidewalk, drainage, and streetscape improvements for 10 years from the November 18, 2010 approval of SPEX-2010-02. So the easement is one of the documents we received tonight?

Mr. Kinsley: Again we will have to have this reviewed by Maureen (Gilmore, Town Attorney).

Chairperson Etro: I think Note 14 addressed the condition and is tied to the deed of easement which we got tonight so it is on there.

Mr. Wolford: It is not physically on there, it just says "we are reserving this" because we don't know what the plans will look like and probably it will result in a dedication,

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because VDOT is not going to maintain the easement, but they will be able to take care of the dedication so ultimately that is probably what is going to happen.

Chairperson Etro: I think we are seeing actual light locations...one light over the ATM and 4 lights over the canopy.

Mr. Kinsley: Page 3 is the photometric lighting plan. I think it does show what we asked for as far as what the measurements would be. These are foot candle measurements.

Vice Chair Fredericks reiterated the condition for the Commissioners and noted the keywords were “maximum average” measured horizontally at “grade level.”

Chairperson Etro said that having a maximum average gave the applicant some flexibility to go lower if they chose. She noted that the Commission had struggled with the issue of what is the right amount of light and she had located some standards and some lighting guidelines.

Vice Chair Fredericks: You are bringing up the point that I made in my public comments at the Council meeting – in all the research that I had done, the amount of light that is required here is much greater than what lighting experts in the industry say is required for safety and in fact too much light in a particular area can actually decrease safety and the feeling of safety and potential safety when they are in a brightly lit area because the surrounding area beyond isn't lit. The numbers I put up were 10 foot candles maximum during the day, 5 maximum during the night with 22 foot high foot candles. I agree with you that I know what the condition says and it allows for a maximum but there is no reason the Bank couldn't on its own decide to decrease the amount of light required. I would just hope that the Bank would take that into consideration when moving forward with this. Again, only 3 states have lighting guidelines, nobody else does, nor does the Federal government. There is nothing compelling bright lights. Having said that, speaking specifically about the plan I see that the drive through has an average of 13.79, under the maximum of 20 which would meet the operating hours requirement for the condition but it wouldn't meet the non-operating hours requirement.

I think that how the lighting plan is going to conform to the condition needs to be spelled out on the lighting plan. If the numbers given right here show that it's not going to meet the condition, we can't approve it. There needs to be somewhere a detailing of how the condition is going to be met.

Mr. John Hudson: Can I just add something to clarify this operating and non-operating? In talking to the architect, our intention would be to have a level of lighting that is not necessarily flipped off depending on the hour of the day. So that is why you're seeing an average of 13. We were trying to get closer to 10 than 20 in average illumination. During the day it is irrelevant but during night time hours, which are the majority of our non operating hours, that is what we were trying to set by going for the ten but that would be the level for 24 hours. So if that average number needs to come down a little more, just understand what we are intending to do is set that level 24 hours a day instead of lights going up and down.

Chairperson Etro: What this condition says is that it will not exceed 10 foot candles. So this is the standard we have to meet.

Mr. John Hudson: It is easily done to define an average of 10 but our intention is not to turn lights on and off. We are trying to meet the 10 all the time.

Chairperson Etro: So this will be amended then?

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Mr. John Hudson: Yes. We have talked with the architect about pushing it down.

Chairperson Etro: Other than looking at the request for the waivers, that is the extent of our comments on the site plan. So it is not a lot. Let's look at the request for the waiver. So we have the request to waive the topographic map, preliminary layout for collecting water, sanitary and sewer calculations and erosion and sediment control plans.

The Commissioners agreed to waive the requirement for a topographical map.

Vice Chair Fredericks: My ONLY concern in all of these is potentially shifting the drainage patterns. I remember reading in these somewhere in one of the applications that the entire parking lot was going to be resurfaced. Then with the resurfacing again my only concern would be shifting drainage patterns and I would like to be able to see that depicted so you could know based on the resurfacing plus the additional surfacing and what the impacts of those are. Given the amount of time and effort that the Town is spending on storm water management with the Main Street improvement plan it behooves us to be cautious. Two of these to me say that they could be helpful in understanding if there is going to be a change in drainage patterns....the 4th one and the 5th one. Everything else I am fine with.

If the drainage and grading plans are talking about how the surface water is moving across the project then yes... What I am looking is something that can show that the existing drainage plans are not going to change.

Chairperson Etro: Will the repaving have an impact on any existing drainage pattern?

Mr. Rob Kinsley: I'm not an expert in that field, I don't know but I can't imagine that it would. We are not going to change the elevation.

Mr. Jeff Wolford showed on the map where the high points are in the parking lot, "I talked to Dave Bowers (Stantec) and their intent is to get this water underground as soon as possible. What the applicant wants to do is resurface this once everything has been taken care of. The numbers and stuff on the parking lot are part of the plan. He'd like to keep it as a one day operation. Rob has taken it to the County – they have told you there is no problem with erosion control."

Vice Chair Fredericks: I'll take your comment as an official position that #5 won't get us there."

Mr. Kinsley: That is correct. All it is going to do is show what area is going to be paved and what area is going to be grass.

Vice Chair Fredericks: So getting a drainage plan won't better help us understand.

Mr. Wolford: What if we put a note in the site plan to that effect? That the resurfacing will not result in a change to the drainage plan, is that agreeable?

Vice Chair Fredericks: Yes.

He agreed that his issues in relation to these waivers were resolved.

Vice Chair Fredericks motioned that in reference to the staff report regarding site plan 2010-01 that the Planning Commission waive the waivers suggested.

Chairperson Etro seconded his motion.

The motion passed 2-0-1, the votes being recorded as follows:

Aye: Chairperson Etro and Vice Chair Fredericks

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Nay: None

Abstain: Commissioner Wolford

Absent: Commissioner Theodore

After discussion of the timeframe for submittal of recorded documents, a special meeting to take action on the Bank of Clarke County/MAR MEG LLC Site Plan was set for December 21, 2010 at 5:30 p.m. at the Town Office.

IN RE: LAKE RIDGE SUBDIVISION/GRINDER PUMPS

Vice Chair Fredericks stated that he got the feeling that the Lake Ridge developers think that the use of grinder pumps is acceptable to the Town and a “done deal.”

Commissioner Wolford stated that she was “surprised to read that utility staff had recommended it.”

Vice Chair Fredericks expressed his concern that the Planning Commission needed to make their position clear to the applicant – that every other option would be evaluated first because there was a lot of issues of concern surrounding the use of grinder pumps. He noted that the approach of the utility staff to the use of grinder pumps was different once they found out that homeowners would bear the responsibility for their maintenance.

Rob Kinsley stated that there was nothing in the Town ordinance that addressed their use. Vice Chair Fredericks said the Planning Commission should then draft a resolution in opposition to their use, however, Commissioner Wolford expressed that she was uncomfortable voting on such a resolution until more was known about the use of grinder pumps and the maintenance issues surrounding their use.

Chairperson Etro asked what format should be used for the Commission to convey their feelings.

It was the general consensus of the Commission that Zoning Administrator Rob Kinsley should notify them that the Planning Commission still had a lot of issues with grinder pumps. Vice Chair Fredericks said that most communities used them only as a last resort and there were still a lot of other options on the table.

IN RE: APPROVAL OF MINUTES November 9, 2010 meeting

With Vice Chair Craig Fredericks departure from the meeting at 8:53 p.m., there was no longer a quorum present so the item was tabled until the next regularly scheduled meeting.

IN RE: LAND USE COMMITTEE REPORT

The report was presented in written form. There were no additional questions.

IN RE: TOWN PLANNERS REPORT

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Rob Kinsley stated that while it was previously reported that the developers of Creekside had contacted the County about reactivating their application, a formal application to reactivate it has not yet been submitted to-date.

IN RE: OTHER BUSINESS

The resolution adopting Planning Commission meeting dates for 2011 was tabled until the December 21, 2010 special meeting.

IN RE: DRAFT AGENDA FOR JANUARY 2011 MEETING

Agenda for this Planning Commission regular meeting should include the following:

- approval of November 9, 2010 meeting minutes
- B-1 Ordinance review (Rob Kinsley said that the ordinance had been previously amended on October 6, 2006.)

IN RE: ADJOURNMENT

With no further business or comments, Chairperson Etro adjourned the meeting at 9:03 p.m.

Sarah Etro, Planning Commission Chairperson

Susanne Kahler, Recording Secretary