

**Town of Round Hill
Planning Commission Meeting
February 4, 2014
7:30 p.m.**

A regularly scheduled meeting of the Town of Round Hill Planning Commission, and a Joint Public Meeting held by the Planning Commission and the Town Council of the Town of Round Hill, were held Tuesday, February 4, 2014, at 7:30 p.m. at the Town Office – 23 Main Street, Round Hill, Virginia.

PLANNING COMMISSION MEMBERS PRESENT

Douglas Bird, Vice-Chairman
Christopher Prack
Elizabeth Welford

PLANNING COMMISSION MEMBERS ABSENT

George Hoddinott, IV, Chairman

TOWN COUNCIL MEMBERS PRESENT

Scott Ramsey, Mayor
Mary Anne Graham, Vice-Mayor
Daniel Botsch
Clarkson Klipple
Frederick Lyne
Christopher Prack

TOWN COUNCIL MEMBERS ABSENT

Janet Heston

STAFF MEMBERS PRESENT

Mickey Rhoades, Town Planner/Zoning Administrator

MEMBERS OF THE PUBLIC PRESENT

Yolanda Reyes

IN RE: CALL TO ORDER

Vice-Chairman Bird called the meeting to order at 7:32 p.m. Roll Call was held, and it was determined that a quorum was present.

IN RE: PLEDGE OF ALLEGIANCE

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

IN RE: APPROVAL OF AGENDA

There were no questions or comments regarding the Agenda. Commission Member Prack made a motion **to approve the Agenda as written**; Vice-Chairman Bird seconded

the motion. The Agenda was approved by a vote of 3-0, with Chairman Hoddinott absent for the vote. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Douglas Bird	Aye
George Hoddinott, IV	Absent
Christopher Prack	Aye
Elizabeth Wolford	Aye

IN RE: JOINT PUBLIC MEETING: TOWN COUNCIL AND PLANNING COMMISSION TO HEAR PUBLIC INPUT CONCERNING ZMAP-2013-01 PROFFER AMENDMENTS

Planning Commission Vice-Chairman Bird convened the Joint Public Meeting of the Planning Commission and Town Council. Town Planner/Zoning Administrator Rhoades noted that the Public Hearing was properly advertised and that copies of affidavits verifying this are before each member. Notices were provided to neighbors of the 7 Main Street property, and the advertisement of the meeting was posted in the The Loudoun Times-Mirror. Vice-Chairman Bird stated that meets all the requirements for notification.

Mayor Ramsey then called the Round Hill Town Council to order. Roll call was held, and it was determined that a quorum was present. Mayor Ramsey stated that that makes this a valid Joint Public Hearing.

Vice-Chairman Bird then asked if any of the membership had a conflict of interest, noting that this case is in regards to the Proffer Amendments for 7 Main Street; there were none. Vice-Chairman Bird asked if everyone is familiar with the property; everyone responded that they were. Town Planner/Zoning Administrator Rhoades then provided a Summary of the Applicant's Request, noting that this information is contained on the first page of the Staff Report. Mrs. Rhoades reported that the property owner is Jennifer Jenkins, of 3594 Bowen Place, Purcellville, Virginia, and the site location is 7 Main Street, Round Hill. Town Planner/Zoning Administrator Rhoades stated that this property is currently zoned B1-Business, with conditioned zoning; the property's current use is residential, and the property is now vacant. Adjacent properties are residential and B-1 Business, and adjacent land uses are residential and commercial. The application was property received on November 12, 2013; the date of the Staff Report was January 28, 2014. Town Planner/Zoning Administrator Rhoades referenced page one of the Staff Report and noted that the reason for holding the Public Hearing was a request for a Proffer Amendment. It was noted that the Town's zoning ordinance does not address holding a Public Hearing for a proffer amendment; Mrs. Rhoades noted the issues for which a Public Hearing is held, as addressed in the Town's Zoning Ordinance, are for text amendments and variances. The test of intensity required for those types of public hearings does not exist for Proffer Amendments. Town Planner/Zoning Administrator Rhoades discussed when, if ever, a re-hearing on this issue would be required, noting that *any change of use* would require a re-hearing. Town Planner/Zoning Administrator Rhoades referenced letter "c" in the proffer amendment, dealing with the issue of 40% usage for offices; it was noted that, if that language is removed at this evening's hearing,

this must be re-advertised because this will constitute a change of use. Mrs. Rhoades asked if there were any questions regarding this. There were none.

Town Planner/Zoning Administrator Rhoades reported that the applicant is not present at this evening's hearing. Mayor Ramsey asked if Mrs. Rhoades has completed a summary of the applicant's request; Mrs. Rhoades noted that she has. Vice-Mayor Graham asked if the applicant was notified of this evening's hearing; it was reported that she was. Mayor Ramsey noted that the applicant's presence is not necessary. Planning Commission Vice-Chairman Bird then asked for Public Comment. Yolanda Reyes, of 35 Main Street, Round Hill, spoke, noting that she is happy the property is being renovated, as opposed to being left vacant. Mayor Ramsey noted that written comments can be included in the report by reference; they don't need to be read aloud. Town Planner/Zoning Administrator Rhoades summarized, noting that this concerns an amendment to the proffers which were established in 2006; the proffers clearly separate residential use from commercial use. Mrs. Rhoades noted that an important consideration at this time is changes to storm water management provisions. Commissioner Wolford asked to clarify that the Town requested those changes. Town Planner/Zoning Administrator Rhoades noted that she made the recommendation to the applicant, during discussions of the proffers, and the applicant undertook the recommendation. Mayor Ramsey clarified that all revisions being reviewed at this evening's meeting were submitted by the applicant; it was noted that they were. Commission Member Prack clarified that there have been no additional changes since the last Planning Commission meeting; Town Planner/Zoning Administrator Rhoades stated that that is correct. Town Planner/Zoning Administrator Rhoades referenced the date at the top of the document, noting that that date may change dependant upon action at this evening's Public Hearing. Commission Member Prack referenced discussion at last month's Planning Commission meeting regarding additional by-right uses in the proffer statement, which were not present in the original version, and asked if those have been removed. Town Planner/Zoning Administrator Rhoades reported that they have been. Mayor Ramsey and Commission Member Prack briefly discussed reasons for ensuring that those references have been removed, with Commission Member Prack noting that he wanted to ensure clarity on this issue. Mayor Ramsey then called for Council comments. Vice-Mayor Graham referenced a letter dated June 13, 2007, regarding a shared parking agreement involving five off-site spaces, and asked if any agreements regarding this have been made. Town Planner/Zoning Administrator Rhoades stated that the conditions put forth in the letter were not met, and that time limits for that have expired. Mayor Ramsey asked for clarification of this issue; Mrs. Rhoades noted that the original site plan was conditionally approved, but the conditions were not met and the time limits, set by State Code, have expired, thus a new site plan would be required if commercial development were undertaken. Mayor Ramsey asked if there were any further Council comments; Councilperson Klipple stated that he would rather see a professional office, as opposed to a restaurant, and the way this proffer is written that use would not be possible; he stated that he finds that a little bit concerning. Town Planner/Zoning Administrator Rhoades noted that, if the property owner wishes to do something like this at a later date, she would need to offer another proffer amendment. Mayor Ramsey then asked if there were any further Council comments; there were none. It was noted by Mayor Ramsey that no action would be undertaken on this issue at this time; the Planning Commission will take

action at their meeting. Planning Commission Vice-Chairman Bird then closed the Joint Public Hearing at 7:56 p.m. Mayor Ramsey adjourned the Town Council.

Vice-Chairman Bird reconvened the Planning Commission meeting at 8:00 p.m.

IN RE: PUBLIC COMMENT

There was no public comment.

IN RE: DISCLOSURES AND COMMISSIONERS' COMMENTS

There were none.

IN RE: APPROVAL OF MINUTES – January 7, 2014

Commissioner Wolford noted that, on page three, it should be noted that Debra McDonald is the recorder and Mickey Rhoades is the Secretary of the Planning Commission; also, on page four, in the third line, the term for a Commission Member is four years, not three as stated. Following this discussion, Commission Member Wolford made a motion that **the Planning Commission's minutes for the regular meeting held on January 7, 2014, be approved as amended**; Commission Member Prack seconded the motion. The minutes were approved by a vote of 3-0, with Chairman Hoddinott absent for the vote. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Douglas Bird	Aye
George Hoddinott, IV	Absent
Christopher Prack	Aye
Elizabeth Wolford	Aye

At this point, Town Planner/Zoning Administrator Rhoades asked when the Planning Commission would like to resume discussion of ZMAP-2013-01; discussion ensued regarding how this should be handled, as this item is not on the Agenda for this evening's meeting, and in light of the fact that the hearing was a joint hearing. Ms. Rhoades stated she thought it would be understood that the Planning Commission would hold the vote once the regular meeting was reconvened. A discussion ensued as to how public hearing should be held in the future and Commissioner Prack suggested that the Commission check with Town Attorney Gilmore regarding this. Mrs. Rhoades suggested holding public hearings one-half hour ahead of a regularly scheduled meeting of a Town body; Commissioner Prack noted that that is customarily how this has been handled in the past. Commission Member Wolford noted that the Town Council is the body which sets a public hearing and the time it is to be held. Mrs. Wolford also noted that the first Thursday of each month was set aside for public hearings, following the decision that the Town Council would meet once monthly, rather than twice. Town Planner/Zoning Administrator Rhoades noted that there will be another public hearing on zoning text amendments next month or the month following. Commissioner Prack noted that there is ample time to decide upon this, and reiterated his feeling that it would be wise to check with the Town Attorney regarding this.

IN RE: LAND USE COMMITTEE REPORT

Town Planner/Zoning Administrator Rhoades noted that this report is included in each Planning Commission Member's packet for their review, and that she will add tonight's notes and actions. Mrs. Rhoades reported that a zoning permit was received today for 2 Chamblin Way, the most recent BZA case; the application met all setback requirements. The next Land Use Committee meeting will be held tomorrow. At this point, Mrs. Rhoades stated that the above information is actually the Town Planner/Zoning Administrator's Report. Town Planner/Zoning Administrator Rhoades again noted that the Land Use Committee meeting will be held tomorrow, and that the notes were not included in this evening's packet. The topics for tomorrow's meeting will be the Main Street Enhancement Project and through trucks on Main Street. The hope of the Committee is to enable the rerouting of trucks from Main Street to Evening Star Drive. Commissioner Prack reported that the goal is to avoid construction traffic on Main Street upon the commencement of building at the Creekside subdivision.

Commission Member Wolford referenced the Walraven Staff Report, asking who will approve construction plans for the Walraven subdivision. Town Planner/Zoning Administrator Rhoades noted that she will approve those; discussion ensued of what has been approved to date, and by whom. Concerning the Walraven Final Plat Review, Town Planner/Zoning Administrator Rhoades noted that there were questions regarding the deed, which was returned to Mr. Hummel, Mrs. Gilmore and Mr. O'Brien for their review. Commissioner Prack asked what was in question regarding the deed; Mrs. Rhoades noted that it was wording concerning the storm water easements on the deed. Vice-Chairman Bird noted that both the Land Use Committee Report and the Town Planner/Zoning Administrator's Report have been discussed at this point. Vice-Chairman Bird also asked if the Commission wants to make a motion regarding the public hearing, and suggested that this needs to be added as an agenda item, if there is no objection. There was no objection by Commission Members. It was decided to label this item in the agenda **Results of the Public Hearing**. Discussion of the proffer amendments ensued; it was noted that a new site plan is not required if the property is used for a residential use. Following this discussion, Vice-Chairman Bird made a motion **that the Planning Commission recommend to the Town Council approval of the Proffer Amendments submitted for ZMAP-2013-01**; Commission Member Wolford seconded the motion. Vice-Chairman Bird then restated the motion thus: **I move we recommend to Town Council the approval of the proffer amendments submitted through ZMAP-2013-01, the proposed proffer amendments promote the goals and objectives of the Round Hill Comprehensive Plan, Article IV, Land Use Plan, General Policies for all Commercial Districts. The amended proffers promote a slow and steady development of the central commercial district that is compatible with the history and character of the Town**; Commission Member Wolford seconded the restated motion. The motion was approved by a vote of 3-0, with Chairman Hoddinott absent for the vote. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Douglas Bird	Aye
George Hoddinott, IV	Absent
Christopher Prack	Aye
Elizabeth Wolford	Aye

IN RE: TOWN PLANNER/ZONING ADMINISTRATOR'S REPORT

Previously provided.

IN RE: OLD BUSINESS

a) Comprehensive Plan Updated File Review

Vice-Chairman Bird asked if there are updated files for review at this point; Town Planner/Zoning Administrator Rhoades stated that there are not. Mrs. Rhoades stated that she will assemble the goals and objectives from the existing plan for use in discussion. It was noted that this can be presented at the March meeting, if approved by the Chairman.

b. Walraven Final Plat

This was discussed previously at this evening's meeting.

IN RE: NEW BUSINESS

a. Consideration of Zoning Ordinance Amendments to Article 2

Definitions and Article 18 Administration and Enforcement

Vice-Chairman Bird asked for clarification of this item, which Town Planner/Zoning Administrator Rhoades provided. It was reported that this issue was initiated by the Round Hill Hometown Festival Committee; thus, there are time limitations, and Town Council would like a recommendation from the Planning Commission by March 7. Vice-Chairman Bird noted that the recommendations would need to be provided by the Planning Commission by March 7, 2014. Commissioner Prack stated that the recommendations should be returned by that date, if possible, but that he feels these shouldn't be rushed through, only to have to be revisited in six months. Commissioner Wolford asked for clarification of these text amendments; Town Planner/Zoning Administrator Rhoades explained that they are in regards to an update of temporary uses. The Zoning Ordinance only provides for Temporary Uses in that section of the code incorporated into the zoning ordinance in 2006. Town Planner/Zoning Administrator Rhoades elaborated upon Article 5 and Temporary Uses. Commission Member Prack asked that any document referenced in a meeting be provided in writing for Planning Commission review; Town Planner/Zoning Administrator Rhoades noted that this wasn't originally intended to be discussed, but was referenced in an answer to a question raised at this evening's meeting. Commission Member Wolford stated that she still doesn't understand the purpose of the amendments, which Town Planner/Zoning Administrator Rhoades explained. Commission Member Wolford referenced a discussion she held with Town Attorney Gilmore approximately two weeks ago regarding a waiver the Zoning Administrator may grant in instances such as these. Vice-Chairman Bird explained the Town Council's request regarding this item. Commissioner Wolford asked if the Council wants the Planning Commission to schedule a public hearing; Town Planner/Zoning Administrator Rhoades stated that they have asked the Commission to review and make a recommendation. It was the consensus of the Commission that they need more time to review this. Vice-Chairman Bird noted that, if this is to be finalized prior to the Hometown Festival in May, the Planning Commission needs to recommend to the Town Council that a joint public hearing be held; following the recommendation the Commission will have time to review the issue. Town Planner/Zoning Administrator Rhoades

and Commission Member Wolford discussed the location of this information in the zoning ordinance. Vice-Chairman Bird discussed a proposed resolution, and noted that the Commission will need to approve a resolution before this evening's meeting is adjourned; Town Planner/Zoning Administrator Rhoades provided a printed copy of the resolution. Vice-Chairman Bird recessed the Planning Commission meeting briefly, in order to provide time to review the resolution; the meeting was reconvened at 8:51 p.m. Following review, Vice-Chairman Bird summarized the proposal. Town Planner/Zoning Administrator Rhoades noted that Article 2 defines what the Commission is discussing. The Planning Commission then briefly reviewed this again, and discussed the time frame required in which to accomplish this task. Town Planner/Zoning Administrator Rhoades stated that the Town Council is suggesting that a public hearing be held prior to the next Planning Commission meeting. Various dates on which a public hearing could be held were discussed, as were the requirement that only the Town Council may recommend holding a joint public hearing, and that each body could hold separate public hearings. Vice-Chairman Bird stated that he does not see how this can be accomplished in the month of February; Commission Member Prack reiterated his desire that this be done in a thought-out manner. There was further discussion of how to schedule a public hearing regarding this issue, as well as reasons for the changes to the zoning ordinance. The costs related to these hearings were also briefly discussed. It was noted that the Planning Commission has never previously been given a deadline date. How the Town Council agenda was set was also discussed. The Planning Commission suggested that the recommendation be made to the Town Council, at their February 20, 2014 meeting, that a joint public hearing be held on March 4, 2014. Upon review, it was discovered that the required advertising could not be accomplished in that time frame. It was determined that the advertising could be accomplished in time for a hearing to be held on March 6, 2014. Commission Member Prack asked why advertising had been moved to The Loudoun Times-Mirror from The Purcellville Gazette. Town Planner/Zoning Administrator Rhoades stated that The Loudoun Times-Mirror publishes in a more timely manner, and that the costs are close to being equivalent, due to a discount provided. It was also noted that the applicant pays advertising costs. The Commissioners then reviewed a sample motion contained in the Staff Report. Following this, Commission Member Prack made a motion **to recommend that the Town Council hold a joint public hearing for the purpose of hearing public comments on the proposed amendments to Article 2 and Article 18 of the Round Hill Zoning Ordinance, pursuant to Resolution 2014-02**; Vice-Chairman Bird seconded the motion. The motion was approved by a vote of 3-0, with Chairman Hoddinott absent for the vote. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Douglas Bird	Aye
George Hoddinott, IV	Absent
Christopher Prack	Aye
Elizabeth Wolford	Aye

IN RE: OTHER BUSINESS

There was no discussion under Other Business.

**IN RE: DRAFT AGENDA FOR THE NEXT PLANNING COMMISSION
MEETING**

- Walraven Final Plat
- Comprehensive Plan Update
- Review Zoning Ordinance Amendments – ZMAP-2014-01

IN RE: ADJOURNMENT

Vice-Chairman Bird made a motion to adjourn; Commission Member Prack seconded the motion. The meeting was adjourned at 9:22 p.m.

Respectfully submitted,

Douglas Bird, Vice-Chairperson

Debra McDonald, Recording Secretary