

**ROUND HILL PLANNING COMMISSION  
REGULAR MEETING MINUTES  
January 13, 2009**

The regular meeting of the Round Hill Planning Commission was held on Tuesday, January 13, 2009 in the Town Office, 23 Main Street, Round Hill, VA.

**Present**

Craig Fredericks, Chairman  
Mike Hummel  
Kathleen Luckard  
Betty Wolford

**Staff Present**

Robert Kinsley, Town Planner/Zoning Administrator

**Also Present**

1 gentleman, Purcellville Planning Commission

**Absent**

Sarah Etro, Vice Chair

**Attachments**

- A. Agenda
- B. Minutes, December 9, 2008 Regular Meeting and December 18, 2008 Special Meeting
- C. Town Planner/Zoning Administrator's Report , January 5, 2009
- D. Proposed Round Hill Community Garden – Staff comments, Application, Statement of Justification
- E. Proposed Text Amendments - Article 15 “Board of Zoning Appeals”, Legal Comments
- F. Proposed ZMAP of 29-31 East Loudoun Street from PD-CC to B-1 – Draft Motion
- G. Proposed Text Amendments – Article 14 “Landscaping and Screening” of the Zoning Ordinance and Section 5.7 “Landscaping” of the SLDO; Commissioners Suggested Changes, dated January 13, 2009
- H. Proposed Text Amendments to Section 4-200 (PD-CC District)
- I. Proposed Text Amendments to Section 5-607 “Child Care Facilities”
- J. B-1 Business – Town Business District Regulations

**IN RE: CALL TO ORDER**

Chairman Fredericks called the meeting to order at 7:30 p.m., noting that with 4 members of the Commission present, there was a quorum.

**IN RE: PLEDGE OF ALLEGIANCE**

Commissioner Luckard led those present in the Pledge of Allegiance to the American Flag.

### **IN RE: PUBLIC COMMENTS**

No comments were received.

### **IN RE: APPROVAL OF AGENDA**

**Chairman Craig Fredericks motioned approval of the agenda with two modifications – under Line Item #5, Approval of Minutes, delete October 14<sup>th</sup> minutes and add December 18, 2008 Special Meeting minutes; and under Line Item #7, add “g”, Round Hill United Methodist Church Special Exception. Commissioner Kathleen Luckard seconded the motion. Motion to amend agenda was approved unanimously by voice vote of the commissioners present, 4-0-1, (Vice Chair Etro absent).**

### **IN RE: APPROVAL OF DECEMBER 9, 2008 AND DECEMBER 18, 2008 MINUTES**

**Chairman Craig Fredericks motioned the minutes of the December 9, 2008 Regular Meeting and the December 18, 2008 Special Meeting be approved as presented with Commissioner Kathleen Luckard seconding. Commissioner Luckard noted a need for spelling correction on page 2 of the Special Meeting – change “caries” to carries. Motion to approve said minutes with the correction was approved by voice vote of the Commissioners, 4-0-1, (Vice Chair Etro absent).**

### **IN RE: TOWN PLANNER/ZONING ADMINISTRATOR’S REPORT**

A written report had been submitted for review by the Commissioners. Highlights include the re-submission of the Round Hill United Methodist Church’s SPEX for expansion. The applicant has requested the scheduling of a public hearing for February 3, 2009. Mr. Kinsley noted that he had reviewed said application and forwarded it to the town attorney for comments. Application is complete and reflects a request for an addition; applicant expressed concern on VDOT’s recommendation to widen Church Street, pointing out the historic nature of this area.

Discussion followed on:

- Timeframe for required action after a public hearing is held on the church’s special exception – 30 days;
- the Round Hill Amoco/BP station property ingress/egress easement issue (Pennystone, property owner, has not agreed to sign said easement document unless adjacent property owners gives an easement on their property at the same time);
- Mr. Schneider property – owner wishes to re-zone his property back to JLMA-1; county has suggested that Mr. Schneider get with the adjacent owners within this “Creekside Development” to request rezoning for all parcels. Also discussed the relationship of this property with the BLA the Land Use Committee is reviewing; zoning status of property when brought into town (town can designate zoning category when bringing a property into town).

## **IN RE: OLD BUSINESS**

### **A. Round Hill Community Garden – Commission Permit Application**

Planning Commission had received an application for a Commission Permit for use of town property for a community garden. The Planning Commission had requested from the council clarification on some issues. Mr. Kinsley had also submitted a status report on this application.

Discussion followed on:

- use appears to comply with the town's Comprehensive Plan;
- as owner of the lots, the Town must be a co-applicant, must sign application;
- use of these lots as a community garden will have no effect on the proffers as these lots were not involved;
- Public Hearing – town council voted to not conduct a hearing; Planning Commission agreed that with the previous public input meetings, there was no need to hold one either;
- Zoning Administrator determined that a site plan would be required – Town Council will need to decide who is responsible for expenses for this;
- Town Administrator had contacted the town attorney on liability concern – she had indicated that this is town property and will be covered under the town's insurance.

Further discussion followed on Council actions/decisions on (1) liability concerns – barn and creek sites and potential safety concerns; (2) maintenance responsibilities; (3) established rules and regulations; (4) need for town to sign application before taking action on the application on Commission Permit.

**Commissioner Mike Hummel made a motion that the Planning Commission agrees that on this application for a Commission Permit for use of town property as a Community Garden:**

- 1. no Planning Commission Public Hearing will be needed; and**
- 2. the application needs to be complete with the addition of the proper signature (both town and group spearheading project) before the Commission will take any action.**

**Commissioner Kathi Luckard seconded the motion. Motion on process of reviewing this Commission Permit was approved by unanimous voice vote of the Planning Commission present 4-0-1, the ayes being recorded as shown below:**

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mike Hummel	Aye
Kathi Luckard	Aye
Betty Wolford	Aye
Sarah Etro	Absent
Craig Fredericks	Aye

### **B. Consideration of December 11, 2008 Joint Public Hearing Items – Recommendations**

#### **1. Proposed Text Amendments to Article 15 “Board of Zoning Appeals”**

Mr. Kinsley submitted proposed amendments to this Article which included comments from Angela Plowman, Assistant Town Attorney, and his proposed changes. Commission went through Ms. Plowman's comments, comparing them to the draft ordinance. Discussion followed on need to clarify this section, concerns on variance issues/state code. Mr. Kinsley will incorporate Ms.

Plowman's comments into these proposed amendments for final review. Commission will take action on this at their February meeting.

**2. Proposed ZMAP of 29-31 E. Loudoun St. from PD-CC to B-1**

Commission discussed the purpose of rezoning, present zoning and non-conforming status of property.

**Commissioner Kathi Luckard motioned to recommend to the Town Council approval of the rezoning of Loudoun County MCPI number 555255402 from PD-CC Planned Development –**

**Commercial Center zoning district to the B-1 Business – Town Business zoning district for the following reasons:**

- **per directions from the Town Council in their “Intent to Amend”;**
- **with its present zoning, this parcel is a non-conforming lot; and**
- **the allowed uses within the B-1 Business-Town Business zoning district are more appropriate uses for this parcel.**

**Commissioner Betty Wolford seconded. Motion to recommend approval of this rezoning was approved by unanimous voice vote of the Commission present 4-0-1, the ayes being recorded as shown below:**

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mike Hummel	Aye
Kathi Luckard	Aye
Betty Wolford	Aye
Sarah Etro	Absent
Craig Fredericks	Aye

**C. Proposed Text Amendments to Article 14 “Landscaping and Screening” of the Zoning Ordinance and Section 5.7 “landscaping” of the SLDO**

Commissioners had received the “marked up” version in their packets.

Commissioner Luckard reported that she and Vice Chair Etro had met to discuss additional changes. These proposed additions were submitted to Commissioners this evening.

Discussion followed on Ms. Luckard's proposed additions to buffer yards – Institutional use. It was agreed to not add this use to the buffer yard list. Commissioner Luckard noted that the proposed paragraph outlining buffer yards/screening was taken straight from the regulations in Middleburg's Ordinance. Commission felt this was helpful and should remain.

In Ms. Etro's recommendations, Commission felt that the first identified projects and should not be included in regulations; the second recommendation could be done by the Zoning Administrator – add to his list of referral agencies. Commission then discussed the section pertaining to Rain Gardens and felt that the town should not require this facility - presently it is an option included in the Stormwater Management Plan and should remain an option. Commissioners felt #3, Tree Schedule may be too extensive.

Further discussion followed on clarification of protection of existing trees (5.7.6) and new trees (5.7.16); duplication in Article 14, Zoning Ordinance and Section 5.7, SLDO.

Commission will wait until the next meeting before further discussion and/or taking any action, allowing Vice Chair Etro the ability to give input to her comments.

**D. Proposed Text Amendments to Section 4-200 (PD-CC) of the Zoning Ordinance**

Commissioner Hummel reported that he had made a request to the Town council for an extension of review time of this Section. The council replied that they expect a recommendation on proposed text amendments by their April meeting.

Commissioners had received an updated draft dated January 8, 2009 in their packets. Commissioners need to review the parking issues (front – back) brought up at the last meeting. Chairman Fredericks will contact Ms. Etro concerning her request to submit additional amendments/comments.

**E. Proposed Text Amendments to Section 5-607 “Child Care Facilities”**

Discussion followed on concerns with fencing, other regulations, and regulatory authority.

It was noted that the draft included in the packet should be corrected – Section 5-607-A-5 should be changed from 5-609(B) (1) (a) to 5-607(B) (1) (a). The Commission has already made a request (December Planning Commission Meeting) asking the council to schedule a Joint Public Hearing when doing a number of zoning issues.

**F. B-1 Business – Town Business District – Review of B-1 District Regulations**

Commission was given an “Intent to Amend” to review Article 7 of the Zoning Ordinance to see if it may be appropriate to incorporate some supplemental regulations concerning the uses allowed in the B-1 business district. Council had indicated that the Commissioner may want to revisit the L.C. language for businesses and see if it would be appropriate to put some of the language back in this section; and to also make sure this section is compatible with the Town’s Comprehensive Plan that addresses the Central Commercial District.

Mr. Kinsley will research the sections added from the county ordinance and submit his findings to commissioners via email for review. Chairman Fredericks asked the Zoning Administrator to come up with a work plan/plan schedule which would organize the Commission in the best way to “attack and revise” ordinances.

**G. SPEX – Round Hill United Methodist Church Expansion**

Mr. Kinsley stated that he would submit a staff report on this application for Commission review. He had submitted information on this application to the town attorney for review and comments, requesting that her comments be submitted to the town prior to the next Planning Commission meeting. He noted that the applicant had requested the Planning Commission to schedule a public hearing on Feb. 3. Letter, pictures of proposed expansion and plat were submitted to Commissioners for review. Commissioners discussed the past comments of concerns on parking, size, lot consolidation issues, noting their concern to scheduling a public hearing without the ability to have reviewed neither application nor comments from staff. Chairman Fredericks asked the Zoning Administrator to give a summary of any changes from the first application. Mr. Kinsley responded that the addition is now one continuous structure; the parking set back issues have been resolved; it has been determined that the existing structure can qualify as an accessory building; and the three lots will be consolidated.

Commissioner Hummel indicated that he needed to leave the meeting early and asked if the action item on election of officers could take place now. Commissioners agreed.

**IN RE: NEW BUSINESS**

**A. Election of Officers**

**Commissioner Mike Hummel motioned that the present officers be reelected – Craig Fredericks as Chairman, Sarah Etro as Vice Chair and Betty Wolford as Secretary. Commissioner Kathi Luckard seconded. The above motion on election of officers for 2009 was approved by voice vote of the commissioners present 4-0-1 (Vice Chair Etro absent), with the ayes being recorded as shown below:**

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
Mike Hummel	Aye
Kathi Luckard	Aye
Betty Wolford	Aye
Sarah Etro	Absent
Craig Fredericks	Aye

**IN RE: OLD BUSINESS**

**G. SPEX – Round Hill United Methodist Church Expansion (cont.)**

Commissioners were encouraged to review current ordinances when looking at this application, including the Stormwater Management Plan, the Comprehensive Plan as well as the Zoning Ordinance. Water and sewer usage will be a concern.

Public Hearing was discussed with Mr. Kinsley noting that input received at these hearing helps determine decisions. Chairman Fredericks agreed but felt the Commission would not be doing their due diligence if a hearing is scheduled before having a chance to review and discuss the application, before communicating any concerns with the applicant.

Mr. Kinsley will submit his staff report on this application prior to the next meeting. February Planning Commission meeting will include discussions on this SPEX as well as the scheduling of a Public Hearing.

**IN RE: OTHER BUSINESS**

**A. Preservation – Historic District**

Commissioner Luckard reported that Loudoun County had adopted their “Loudoun County Heritage Preservation Plan” and also had a Historic District Guidelines. She noted that these documents are not ordinances/regulations, just suggestions, just resources. Ms. Luckard stated that Loudoun plans to offer a tax exemption for revitalized properties. She felt that along with the federal and state tax credits, this county exemption would be a real incentive to preserve buildings.

**B. Schedule for Review, Public Hearings**

Chairman Fredericks noted the need for the town to decide on a public hearing schedule for ordinance updates, such as twice a year in order to keep costs down.

Chairman Fredericks asked for a breakdown of costs associated with Public Hearing on Planning Commission issues. It would help to have this information when reviewing hearing schedules.

**IN RE: DRAFT AGENDA FOR NEXT MEETING**

Items to be placed on the February agenda include: (1) Review of hearing costs, Ordinance Adoption Schedule; (2) Article 14 "Landscaping and Screening" and Section 5.7 "Landscaping; (3) PD-CC; (4) B-1 with Mr. Kinsley's report on Loudoun County Ordinance language; (5) Final version of Article 15 "Board of Zoning Appeals"; (6) Community Garden/Commission Permit; and (7) RHUMC.

**IN RE: ADJOURNMENT**

No further business appearing, the meeting was adjourned at 10:15 p.m.

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Craig Fredericks, Chairman

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Elizabeth Wolford, Secretary