

**ROUND HILL PLANNING COMMISSION  
REGULAR MEETING MINUTES  
June 2, 2009**

The regular meeting of the Round Hill Planning Commission was held on Tuesday, June 2, 2009 in the Town Office, 23 Main Street, Round Hill, VA.

**Present**

Craig Fredericks, Chairman  
Sarah Etro, Vice-Chair  
Mike Hummel  
Kathleen Luckard  
Betty Wolford

**Staff Present**

Robert Kinsley, Town Planner/Zoning Administrator  
Maureen Gilmore, Town Attorney

**Attachments**

- A. Agenda, June 2, 2009
- B. Minutes of May 5, 2009 Regular Meeting
- C. Town Planner/Zoning Administrator's Report , May 26, 2009
- D. Town Attorney Memorandum, Civil Enforcement of Zoning Violations dated May 28, 2009 (in relation to Article 19 – “Violations and Penalties” of the Round Hill Zoning Ordinance)
- E. Suggested Text Changes and Proposed Outline to B-1 “Business – Town Business” District Regulations
- F. Proposed Outline for Re-organizing and Updating Round Hill Zoning Ordinance

**IN RE: CALL TO ORDER**

Chairman Fredericks called the meeting to order at 7:35 p.m., remarking that there was full membership of the Commission present.

**IN RE: PLEDGE OF ALLEGIANCE**

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

**IN RE: PUBLIC COMMENTS**

No public comments were received.

**IN RE: APPROVAL OF AGENDA**

**Chairman Craig Fredericks motioned approval of the agenda as presented with Commissioner Kathleen Luckard seconding.**

Vice Chair Etro asked about inserting additional line items for the agenda – Public Disclosure and/or Commissioner Comments. Commissions agreed this should be included.

**Chairman Fredericks and Commissioner Luckard accepted the amendment to the motion to add a new item to Planning Commission regular meeting agendas - “Commissioner Comments/Public Disclosure”.**

**Motion to approve the agenda with the addition was approved unanimously by voice vote of the commissioners present, 5-0-0.**

This item will be inserted immediately after “Agenda Approval” and prior to “Approval of the Minutes”.

#### **IN RE: COMMISSIONER COMMENTS/PUBLIC DISCLOSURE**

Vice Chair Etro reported that prior to the Planning Commission’s May meeting, John McBride (RHUMC attorney) had requested a meeting with her to discuss the Methodist Church SPEX. Ms. Etro stated that she declined meeting with him individually. She felt such types of meetings may cause confusion for the applicant when meeting with the Commissioners as a whole.

Chairman Fredericks stated that Jeffrey Witt, pastor of the RHUMC, had asked if he would like to review the proposed Landscaping Plan. Mr. Fredericks indicated that he had declined.

Commissioner Hummel said that he had met with Mr. McBride and had suggested he contact Mrs. Etro pertaining to concerns on the setback and height of the proposed building addition.

#### **IN RE: APPROVAL OF MAY 5, 2009 MINUTES**

**Chairman Craig Fredericks motioned adoption of the minutes of the May 5, 2009 regular Meeting as presented with Commissioner Kathleen Luckard seconding.**

Commissioner Luckard noted that on page 3, under Intent to Amend, first bullet – change “occur” to incur. Chairman Fredericks asked that the letter s be added to his name under Call to Order.

**Chairman Fredericks and Commissioner Luckard agreed to these changes.**

**Motion to approve said minutes as amended passed by voice vote of the Commissioners, 4-0-1 (Vice Chair Etro abstaining).**

#### **IN RE: LAND USE COMMITTEE REPORT**

Commissioner Hummel noted that this Committee had not met since the last Planning Commission meeting. Chairman Fredericks asked the status of the Land Use Study. Commissioner Hummel noted that the Land Use/BLA Study should be completed this summer.

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

The Commission had received Mr. Kinsley’s May 26th Report in their Packets.

Mr. Kinsley reported that he had talked to Mr. Holtzman who has a renter for the old Amoco Station and is anxious to get started. The access easement is still an issue (condition of the SPEX and Site Plan Approval is that the access easement be recorded prior to the Planning Commission Chairman’s signature). The owner of the gas station property is not willing to sign the access easement shown on the plat; the adjoining property owner is not willing to sign a proposed joint easement. Discussion followed on easement width, location; VDOT standards; and the SPEX process.

Vice Chair Etro asked about the “Western Loudoun Towns’ meeting. Mr. Kinsley stated that the meeting pertained to the status of economic development in Loudoun and involved those towns and county staff members involved with economic development. Short discussion followed on possible use/changes in the Eastern Commercial District.

Chairman Fredericks felt the town needed to have Visionary Sessions on what Round Hill wants to do, pulling in specialists for their input; and to prioritize/organize town ordinance updates and/or additions. Commissioner Luckard suggested the commission review the Comprehensive Plan before tackling the Zoning Ordinance. Discussion followed on tools of ordinances (to protect, to regulate) and the Comprehensive Plan (to guide); importance of each. Chairman Fredericks suggested that the Commission meet with the Council at a scheduled Town Council Meeting to get their input on what should be done first. He suggested the Commission may need to meet twice in July or in September for review of documents. Chairman Fredericks will contact the Mayor to see about scheduling a joint meeting between the Council and the Commission.

**Chairman Craig Fredericks motioned that the Planning Commission cancel the regular scheduled August meeting. Commissioner Kathleen Luckard seconded. Motion to cancel the August Planning Commission meeting was approved by unanimous voice vote of the council, 5-0-0.**

## **IN RE: OLD BUSINESS**

### **A. Article 19 “Violations and Penalties” of the Zoning Ordinance**

Maureen Gilmore, Town Attorney, stated that this change in the regulation would pertain to civil enforcement of zoning violations. It would allow the Zoning Administrator to issue a Notice of Violation showing a deadline on which the violation needs to be remedied. If the violation is not corrected, then the Zoning Administrator would issue a ticket which would state the violation and date of trial. The recipient could waive the trial and pay the fine, or go to trial in the Loudoun County General District Court. If the town prevails, the conviction would be a civil offense not a criminal conviction. The town would be reimbursed for fines, filing fees and town attorney fees.

Discussion followed on fees, fines; prosecution process; civil action versus criminal; authority of the Zoning Administrator in resolving violations prior to legal action. Ms. Gilmore and Mr. Kinsley will work on language for the text amendment to the appropriate section of the Zoning Ordinance

Ms. Gilmore spoke of new zoning issues coming through the State Legislature pertaining to the Board of Zoning Appeals – variance standards (demonstrative hardship) and procedural (determination by Zoning Administrator can be overturned by majority of members present, not majority of membership).

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

Mr. Kinsley had submitted to the commission suggested changes to this section including Accessory Uses, Use Limitations, Temporary Uses, and Additional Regulations for Specific Uses. Mr. Kinsley will expand the outline for Amended Regulations for discussion at the July meeting. It was noted that noise standards should be included in the Nuisance Section of the Ordinance to reflect regulations for all districts, not just the B-1.

**C. Re-organizing and Updating Zoning Ordinance**

Mr. Kinsley had reviewed the Zoning Ordinance, outlining the current contents and had presented suggestions for an overall clean up of the Ordinances. During this process the Commission will reorganize the sections and identify revisions needed. Commissioners should review Mr. Kinsley's recommendations, determine if it makes sense, and be prepared for discussion at the July Planning Commission meeting.

**IN RE: NEW BUSINESS**

No new business was presented

**IN RE: OTHER BUSINESS**

Nothing was presented.

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

Items to be placed on the July agenda include:

- 1) B-1 Business, Town Business District
- 2) Article 19 "Violations and Penalties" if ready
- 3) Reorganization of Zoning Ordinance

Chairman Fredericks will report on a possible Joint Council and Planning Commission meeting after contacting the Mayor.

**IN RE: ADJOURNMENT**

No further business appearing, **Chairman Craig Fredericks motioned the meeting be adjourned at 9:22 p.m. Commissioner Kathleen Luckard seconded. Motion to adjourn was approved by voice vote of the council present 4-0-1 (Vice Chair Etro absent for the vote).**

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Craig Fredericks, Chairman

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Elizabeth Wolford, Secretary