

**Town of Round Hill
Planning Commission Meeting
October 10, 2017
7:00 p.m.**

A regular meeting of the Town of Round Hill Planning Commission was held Tuesday, October 10, 2017, at 7:00 p.m. at the Town Office – 23 Main Street, Round Hill, Virginia.

PLANNING COMMISSION MEMBERS PRESENT

Manuel Mirabal, Chairman

Jean Daly

Michael Hummel

PLANNING COMMISSION MEMBERS ABSENT

Stephan Evers

Lori Minshall

STAFF MEMBERS PRESENT

Melissa Hynes, Town Planner/Zoning Administrator

MEMBERS OF THE PUBLIC PRESENT

Maureen Gilmore, Town Attorney

Clinton Chapman

IN RE: CALL TO ORDER

Chairman Mirabal called the meeting to order at 7:04 p.m. Roll Call was held; with three members of the Planning Commission in attendance, a quorum was present.

IN RE: PLEDGE OF ALLEGIANCE

Town Attorney Gilmore led those present in the Pledge of Allegiance.

IN RE: PUBLIC COMMENT

Mr. Clinton Chapman, of the Stoneleigh subdivision in Round Hill, spoke regarding the reference to "Definitions" as found in the minutes of the August 1, 2017 Planning Commission Meeting. Mr. Chapman asked if those definitions were new; Town Planner/Zoning Administrator Hynes stated that new definitions for two items were included. Mr. Chapman asked if a definition for a *boutique hotel* was included, as well; Ms. Hynes stated that the topic of a boutique hotel was slated for discussion at this evening's meeting. Mr. Chapman asked about the specific number of rooms allowed for this use, as noted in materials included for discussion this evening; Ms. Hynes explained that the Planning Commission has not yet discussed any aspect of this use, but would do so this evening. Mr. Chapman asked if he may provide input during the discussion; it was noted that he would be able to do so. There was no further Public Comment.

IN RE: DISCLOSURES AND COMMISSIONERS' COMMENTS

Commission Member Hummel stated that he has been contacted, by a potential buyer, regarding the four vacant lots on Yatton Road; Mr. Hummel directed that person to Town Administrator Nicholson and Town Planner/Zoning Administrator Hynes, noting that his two primary concerns are a potential rezoning of the lots, and provision of water and sewer services to the site. Ms. Hynes further noted that the greatest concern is provision of water and sewer. Chairman Mirabal asked for clarification regarding previous Town Council involvement with these parcels; Ms. Hynes explained that a Public Hearing was held by the Town Council several years ago, and that this is being viewed by the Council as a "housekeeping request."

Commission Member Hummel also reported that an attorney for a resident of Hayman Lane has asked that a method be devised to upgrade the road; Mr. Hummel referred him to Ms. Hynes and Mr. Nicholson. In response to a question from Chairman Mirabal, Ms. Hynes and Mr. Hummel explained that the Town Council has discussed the issue of upgrading that road, further noting that the Town owns one lot on Hayman Lane. Mr. Hummel also explained that the Town may not legally maintain the road now, as this would constitute trespassing on the part of the Town.

There were no further Disclosures and Commissioners' Comments.

IN RE: APPROVAL OF AGENDA

Commission Member Daly made a motion **to approve the Agenda, as submitted**; Commission Member Hummel seconded the motion. A vote was held; the motion was approved 3-0, with Commission Members Evers and Minshall absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Manuel Mirabal	Aye
Jean Daly	Aye
Stephan Evers	Absent
Michael Hummel	Aye
Lori Minshall	Absent

IN RE: APPROVAL OF MINUTES

a. August 1, 2017

Commission Member Hummel noted two changes: on page four, in the second line, the phrase *parts of which have previously been approved* should include *in Phase One*; and, on page six, in line ten, the date of the public information meeting for proposed boundary line adjustments should be *August 3*, not *August 1*. Town Attorney Gilmore noted that she also was concerned about the reference to approval of the proposed subdivision at the Darling Property, as shown on page four, but that Mr. Hummel's correction made the reference more clear and correct. There were no further corrections. Commission Member Hummel made a motion **to approve the minutes, with the changes noted**; Commission Member Daly seconded the motion. A vote was held; the motion was approved 3-0, with Commission Members Evers and Minshall absent. The vote is recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Manuel Mirabal	Aye
Jean Daly	Aye
Stephan Evers	Absent
Michael Hummel	Aye
Lori Minshall	Absent

IN RE: BUSINESS ITEMS

a. Fall 2017 Zoning Ordinance Text Amendments – Overview

Town Planner/Zoning Administrator Hynes summarized the work to be done, noting that work on "Accessory Homestay" and "Short-Term Rentals (Airbnb's) are "interlocked," and that the Planning Commission needs to consider, in its discussions, how these uses are related. Discussions held at the previous Planning Commission meeting were reviewed, with Ms. Hynes noting that the items discussed at that meeting will be deferred, so that Accessory Homestay and Short-Term Rentals may be addressed. Concepts regarding these two uses, as discussed previously, were reviewed. Rules governing these uses in Montgomery County, Maryland, were provided as a "template" for use in devising Round Hill's rules. Proposed regulations, to be implemented by the Town, and their impact on the property at 7 Main Street, which is currently being used as a short-term rental, were discussed by the Planning Commission. Legislation currently under consideration by the General Assembly, which will allow the owning and running of an "Airbnb" to be easier here than operating a bed and breakfast, was also discussed by the Commission. Town Planner/Zoning Administrator Hynes presented information highlighting differences in the operation of the two types of businesses in Round Hill, under regulations proposed by the Planning Commission; these differences include the length of stay allowed, and approvals/permits required by the Town. Town Planner/Zoning Administrator Hynes stated that she would like to propose "lodging legislation," which would govern these uses, and which would provide more equity throughout the process. Ms. Hynes provided examples of lodging uses which are currently not allowed in Round Hill, but which may be desirable as uses in the Eastern Commercial District; the types of uses, and regulations governing them, which may be considered in Round Hill were provided.

Discussion then turned to the "Definitions," as included in Commission Members' packets, with particular attention paid to a *Vacation Cottage* and an *Accessory Homestay*. Discussion ensued regarding houses in Round Hill's Central Commercial District which may be eligible for such a use, and regarding the need to "tighten" the language included in Round Hill's regulations regarding Accessory Homestay uses. Town Planner/Zoning Administrator Hynes explained that Round Hill's rules governing bed and breakfast establishments seem more restrictive than those governing "Airbnb's;" Ms. Hynes stated that she would like to make these regulations more equitable, with a bed and breakfast being a "step up" from an "Airbnb." To this end, Ms. Hynes proposed that a bed and breakfast be a by-right use in this specific area. Ms. Hynes also noted that enacting this type of regulation may help to preserve some of the historic homes located on both Loudoun Street and Main Street. In response to a question from a Commission Member, Ms. Hynes explained that the bed and breakfast use in other areas of Town would still require a special exception. Ms. Hynes explained that there are currently thirty-two homes in Round Hill which could qualify for this use; a map depicting the location of these homes

was reviewed by the Commissioners. The Planning Commission also discussed homes, not included on the Historic Register, which they feel could also be included in the list under consideration. Members of the Planning Commission expressed their approval of including the concept of a *Gateway Corridor* in proposed regulations, as well as the inclusion of size requirements to ensure that adequate parking is provided. The Planning Commission then discussed definitions of a *Country Inn* and a *Boutique Hotel*, with it being noted that a *Country Inn* may be allowed to provide meals, beyond the scope of a breakfast provided to lodgers. The number of guest rooms allowed for each use was discussed, with Mr. Chapman noting that many hospitality websites stated that a *Boutique Hotel* may provide as many as one-hundred guest rooms. Ms. Hynes explained that she chose the number of guest rooms for each use, as noted in the materials provided to Commission Members, and that these were chosen at random.

Chairman Mirabal addressed the issue of "blending" these regulations with items put forth in the Comprehensive Plan, expressing his concern that moving on too many items, in an expansive way, may not be in keeping with the goals of the Comprehensive Plan. Town Planner/Zoning Administrator Hynes explained that there is no rush in addressing any of these issues. Chairman Mirabal suggested that the basic issue be addressed first, upon which the Planning Commission may move onto other issues under discussion. Mr. Mirabal also noted that residents, and potential residents, may look at these uses/issues differently than the Planning Commission does. Town Attorney Gilmore asked to clarify that Mr. Mirabal wishes to proceed on these issues in a more "organic" way; Chairman Mirabal stated that that is correct. Town Planner/Zoning Administrator Hynes explained the goals of this process, which include: 1) following the direction of the Town Council; 2) ensuring that it is not more difficult to open and operate a bed and breakfast in Round Hill, as the current regulations "make having a B&B null-and-void;" and, 3) considering allowing a boutique hotel, which may be a good use at the Eastern Commercial District (PDCC) parcel. Ms. Hynes stated her belief that the items under discussion this evening meet the vision of the Town. Town Planner/Zoning Administrator Hynes stated that, if the Planning Commission is uncomfortable with this topic, discussion of it may be deferred.

Commission Member Daly noted her concern that allowing a *Vacation Cottage* may have allow for more commercial development of Loudoun Street, which, she stated, could lead to many empty houses on Loudoun Street, rather than more productive businesses. Chairman Mirabal stated, in response to these concerns, that, "(s)pecial cases make bad law." Town Attorney Gilmore stated that there are some uses currently allowed at the 7 Main Street property which may be eligible to be "grandfathered." Ms. Gilmore also noted her belief that the concern regarding the impact of *Vacation Cottages* on Loudoun and Main Streets, voiced by Commission Member Daly, is valid. Discussion ensued regarding if *Vacation Cottages* should be removed from the list of uses under consideration, with Chairman Mirabal suggesting that the Planning Commission and Town Staff determine where this use may apply throughout the Town in the future. Town Planner/Zoning Administrator Hynes reiterated that, if changes being considered by the Planning Commission are implemented, "grandfathering" may be necessary for some uses currently existing at the 7 Main Street property.

Town Planner/Zoning Administrator Hynes then turned to the topic of bed and breakfast establishments. Discussion ensued regarding the potential placement of a cap on the number of these businesses allowed in the Town, with Commission Member Hummel stating his opposition to this idea. Ms. Hynes provided the following list of regulations proposed for bed and breakfasts:

- The use should be the property's principle use
- The owner, or his/her representative, must be present at the property
- Up to six guest bedrooms would be allowed
- There should be one bathroom for every two guest bedrooms
- An appropriate/adequate number of parking spaces will be required
- A cap of fourteen days will be placed on guest stays
- One meal will be prepared per day
- A list of guests must be maintained
- An affiliated store will not be allowed
- There will be no parking waivers, or shared-parking agreements
- Landscaping must be provided/will be considered in the approval of the use
- Dark-sky requirements must be met
- The proprietor must provide a site plan
- All guests must be informed of rules and regulations
- Strict consequences will be enforced in re: a permit, for an infraction of the rules
- An inspection by the fire department must be conducted
- The use will be subject to Town taxes

Chairman Mirabal expressed concern regarding possible use of a subject property for illegal purposes, and suggested that language be included in the regulations to address this issue; Town Attorney Gilmore provided wording for inclusion in the regulations. Ms. Gilmore asked Chairman Mirabal if his concern is chiefly related to the protection of the owner of the business; Mr. Mirabal stated that it is. Town Attorney Gilmore asked if it is the Town's responsibility to protect the owner; Chairman Mirabal stated that it is not, but it is the Town's responsibility to protect other residents. Town Attorney Gilmore stated that she saw no issue with including this type of provision in the regulations. Commission Member Daly raised the issue of guests bringing pets, particularly dogs, with them, and asked if regulations governing this should also be considered; discussion of the issue ensued, with Town Planner/Zoning Administrator Hynes stating that it could be noted in the regulations that a permit for operation of a bed and breakfast could be lost if regulations regarding pets are not followed.

Commission Members indicated their appreciation of the way this issue was presented, noting that it was easy to follow and understand. The Planning Commission stated that they found no reason for further review of the topic. Town Planner/Zoning Administrator Hynes stated that she will work on the following: 1) inclusion of these proposed regulations in the Zoning Ordinance; 2) holding discussions with Mr. Chapman regarding potential placement of a boutique hotel in the Eastern Commercial District; and, 3) highlighting sections of the Comprehensive Plan which are pertinent to this topic. Ms. Hynes asked if the Planning Commission wished to ensure that only one "Airbnb" be allowed per property, and if it wished to cap the number of accessory homestays allowed;

discussion ensued, with the Planning Commission requesting that further discussion/exploration of the issue take place.

Town Planner/Zoning Administrator Hynes noted that she also included, for Planning Commission review, applications for these uses gathered from other jurisdictions; there was some discussion of these various application forms.

Town Planner/Zoning Administrator Hynes recapped the Planning Commission's discussion this evening, noting that inclusion of *Vacation Cottages* as a potential use, and the necessity of a property being on the *National Register* to be considered for one of these uses, will be "shelved" at this time.

b. Lodging Legislation – Presentation

The topic of a *boutique hotel* was discussed by the Planning Commission, in regard to *Lodging Legislation*, with Chairman Mirabal asking to clarify if the regulations for this use should be provided by the Town, or be provided by an applicant proposing the use. In response, Town Planner/Zoning Administrator Hynes provided proposals she has put forth for this use, as well as those suggested by the Town Council, regarding the use in the Eastern Commercial District (PDCC). Chairman Mirabal asked if the work required for the Planning Commission to write these regulations should be undertaken, considering that the regulations could be rejected or substantially altered; Town Attorney Gilmore elaborated upon the Planning Commission's role in this process. Chairman Mirabal stated his concern that the Planning Commission could, ultimately, create commercial requirements which may not meet the needs of a developer for the parcel; Ms. Gilmore explained that legislation within a town is not designed to cater to a proposal. Chairman Mirabal also noted the need to determine if standards are being proposed which may not allow for including this use at the parcel. Town Planner/Zoning Administrator Hynes explained, to provide more clarity to the discussion, that the number of rooms she proposed for a boutique hotel at the site are not arbitrary and could be changed; Ms. Hynes also read the section of the Comprehensive Plan which addresses a *boutique hotel*. Town Planner/Zoning Administrator Hynes stated that going forward with proposed regulations for this use may help to entice a hotel owner to invest in the site. Following this discussion, it was agreed by the members of the Planning Commission that any regulations proposed for this use not be so stringent as to discourage the use at the Eastern Commercial District site.

Town Planner/Zoning Administrator Hynes noted that she will provide the Planning Commission more refined information regarding the items discussed this evening, and that there is no hard deadline for dealing with these topics.

IN RE: TOWN PLANNER REPORT

Town Planner/Zoning Administrator Hynes reported on the following:

- Phase One of construction at Sleeter Lake Park has been completed and work is beginning on Phase Two – elements included in this phase of construction were provided.
- A "soft opening" of Sleeter Lake Park will be held in December.
- In response to a question from Chairman Mirabal regarding improvements to Lakefield Road, Town Planner/Zoning Administrator Hynes explained that a request will be made to the County, for the next fiscal year, for funding for those improvements.
- Savoir Fare will not be moving into the house at 8 East Loudoun Street.
- The Round Hill Grocery, located on Main Street, will open in the fall.
- The bank building, next door to the Town Office, is for sale; an open house will be held on Saturday, October 14, 2017.
- The Old Furniture Factory, on West Loudoun Street, which is also for sale, will hold an open house as well.
- The Light Industrial parcel on Bridge Street has been sold to the proprietor of an auto restoration business; he is moving his business here from Leesburg.
- The Appalachian Trail Community committee will host an art show in February; this is to meet one of the requirements for Round Hill to be eligible to become an Appalachian Trail Community.
- Andrew Christensen, who helped provide the maps included in the updated Comprehensive Plan, is working with the Town.

IN RE: TOWN COUNCIL REPORT

Commission Member Hummel reported on the following:

- Two public meetings have been held regarding potential Town expansion.
- Town Planner/Zoning Administrator Hynes added that the Town Council has determined tax and utility rates, and that an additional public information meeting will be held to provide this information to residents. Areas which will be considered for inclusion into the Town's limits have not yet been determined.
- Commission Member Hummel explained issues being discussed regarding areas with HOAs which may be brought into the Town.
- Resolution 2017-08 – Reimbursement of South Tank Project was passed.
- Apple House Carpentry has expressed interest in renting two of the offices located on the second floor of the Town Office building.
- A Town Council Strategic Planning Meeting will be held on Saturday, October 28, 2017.
- Copies of the book detailing the history of Round Hill, written by Mrs. Ann Thomas, are currently available for purchase from the Town.
- The Town's wells are still producing adequately, despite the recent drought conditions.

Chairman Mirabal asked if the Resolution will be on the Agenda for the next Planning Commission meeting; Town Planner/Zoning Administrator Hynes stated that it will.

IN RE: NEXT PLANNING COMMISSION MEETING

a. Regular PC Meeting: November 7 (Election Day), or November 14

The Planning Commission decided to hold its next regular meeting on Tuesday, November 7, 2017, at 7:00 p.m.

IN RE: ADJOURNMENT

The meeting was adjourned by Chairman Mirabal at 8:52 p.m.

Respectfully submitted,

Manuel Mirabal, Chairman

Debra McDonald, Recording Secretary