

**ROUND HILL PLANNING COMMISSION  
REGULAR MEETING MINUTES  
October 5, 2010**

The regular meeting of the Round Hill Planning Commission was held on Tuesday, October 5, 2010 in the Town Office, 23 Main Street, Round Hill, VA.

**Present**

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

**Absent**

Jenny Grafton Theodore

**Staff Present**

Robert Kinsley, Town Planner/Zoning Administrator

**Others Present**

John Milleson, Bank of Clarke County  
James McCarty, Jr., Bank of Clarke County  
Jeff Wolford, Wolford & Chen, PC  
John Andrews, Andrews Community Investment Corp  
Jordan Dimoff, Andrews Community Investment Corp

**Attachments**

- A. Draft Agenda, October 5, 2010
- B. Minutes of September 7, 2010 Regular Meeting
- C. Minutes of September 20, 2010 Special Meeting
- D. Land Use Committee Meeting Notes, September 15, 2010
- E. Town Planner/Zoning Administrator's Report , October 1, 2010
- F. Revised Staff Report, SPEX-2010-02, Bank of Clarke County/MAR MEG, LLC SPEX Application, dated October 5, 2010
- G. Revised SPEX Plat for Bank of Clarke County, dated October 4, 2010
- H. Revised Architect's drawings, dated October 1, 2010
- I. Copy of Deed of Conveyance between First American Bank of Virginia and Town of Round Hill
- J. Staff Report, BLAD-2010-01, MAR MEG, LLC Lot Consolidation Application, dated September 20, 2010
- K. Letter dated September 30, 2010 from Andrews Community Investment Corp. pertaining to ZMAP 2006-02

**IN RE: CALL TO ORDER**

Chairperson Etro called the meeting to order at 7:32 p.m., noting the meeting had a quorum with three of the four members of the Commission present.

**IN RE: PLEDGE OF ALLEGIANCE**

Commissioner Wolford 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**

Vice Chairman Craig Fredericks motioned approval of the agenda as presented with the following changes – move agenda items 9-a Bank of Clarke County Round Hill Branch, 10-a BLA/Lot Consolidation 21 Main Street, and 10-b Lake Ridge Estates Subdivision Sewage System to immediately follow item #5, Disclosures and Commissioners' Comments. Commissioner Betty Wolford seconded the motion.

Motion to approve the agenda with the changes was approved unanimously by voice vote of the commissioners present 3-0-1, Commissioner Jenny Theodore absent for the vote.

### **IN RE: DISCLOSURES AND COMMISSIONERS' COMMENTS**

Commissioner Wolford stated that she would continue to recuse herself from any discussions and/or actions by the Planning Commission pertaining to the Bank of Clarke County's SPEX (#9-a) and Lot Consolidation (#10-a) applications.

Chairperson Etro reported that John Milleston, Bank of Clarke County, had contacted her to apologize for his non attendance of the Planning Commission's Special Meeting held on the 20<sup>th</sup> of September.

John Andrews, Andrews Community Investment Corp, said that he was present to discuss with the commissioners the Sewage System for Lake Ridge Estates Subdivision shown as #10-b on the agenda.

### **IN RE: OLD BUSINESS**

#### **a. Bank of Clarke County Round Hill Branch**

Mr. Kinsley noted that the commissioners had before them this evening the revised SPEX Plat dated October 4, 2010 and the revised Architectural Plat dated October 4, 2010 which shows the proposed drive-through canopy and the proposed location of the ATM machine. Also presented to the commission was a "Narrative and Justification" for the SPEX.

Mr. Kinsley reported that he did get some comments from the referral agencies notified (referral agencies were asked to submit comments by September 24<sup>th</sup>). They were:

1. Round Hill Utility – no comments on water/sewer as services are existing and no changes proposed; the staff did note their concern on vehicle parking on the east side of Main Street in front of the building and of a possible sight distance problem for the exit lane from this site onto Main Street.
2. Fire and Rescue – no comments
3. Loudoun County Building and Development – no comments, but usually do want to review for erosion and sediment control issues when projects gets to the site plan stage.

4. VDOT – contacted them again on September 30<sup>th</sup> – are in the process of reviewing and may have something in one week or more.

Mr. Milleson spoke of the concerns raised by the commission on lighting. He reported that bank regulations require adoption of a security program that allows for interior night lighting of the vault door, teller and customer service areas, plus exterior lighting in the areas of the Night Depositor and the ATM machine. Proposed hours of operation are:

Lobby

Monday - Friday 8:30 am – 4:00 pm

Friday – 8:30 am – 6 pm

Saturday – 8:30 am – 12 noon

Drive Thru

Monday – Friday 8:30 am – 6:00 pm

Saturday – 8:30 am – 12 noon

ATM

24 hours a day, 7 days a week

Discussion followed on

- lighting over canopy, over ATM – illumination, size
- Main Street Enhancement Project and proposed street parking – Mr. Kinsley noted that Stantec is currently working on a draft but believed that the proposal may not allow parking on the east side of Main Street in front of this site as well as the town office.
- Easement and parking agreement between town and previous bank (bank allowed egress from town parking lot through bank's parking lot onto Main Street; town to provide 6 parking spaces for use by bank)
- ATM location – ease of traffic flow for drive through; concerns brought up on this use in conjunction with adjacent residential properties.
- Basement use restricted to conference room/storage - #7 of conditions

Vice-Chair Fredericks commented on the proposed condition by the town (#5) that allows for inter-parcel connection with the Town's parking lot to be reactivated. He voiced his concern on the current wording of the above mentioned agreement (#3 bullet) that includes a clause that allows for a 30 notice that can be given by the bank property to terminate vehicular egress. He felt this clause should be eliminated.

He also suggested placing restrictions on the allowed number of tenants as this would have an impact on parking. Chairperson Etro noted that the required number of parking spaces is governed by floor area, not number of tenants.

Vice-Chair Fredericks spoke of the proposed operating hours in the Justification Statement and felt that the commission needs to be consistent with the limits that were placed on other SPEX applications. He asked Mr. Kinsley to submit a listing of SPEX conditions pertaining to hours of operation, such as the gasoline station, the church, 7 Main Street and the dentist's office. Mr. Milleson noted that if the operating hours are changed from what appears in the Justification Statement, they will have to go back to their Bank Board to request a change of hours (hours submitted are standard hours of operation for all Bank of Clarke County branches). Mr. Fredericks said that setting hours of operations for SPEX is in response to public comments and concerns.

Chairperson Etro addressed the lighting for this site: (1) no proposal for additional lighting on the exterior; (2) lighting for the canopy will be flat lights under the canopy; and (3) lights for the ATM will be directed downward to the unit. She asked if pictures of similar ATM machines and drive ways could be provided prior to the Public Hearing. Vice Chair Fredericks suggested that the bank also provide calculations of the foot candle lighting. Chairperson Etro recommended that non reflective materials be used for the ceiling of the canopy of the drive through, thus minimizing reflection of light. She also suggested that condition #3 be deleted as hours are outlined in the bank's Justification Statement. Mr. Milleson addressed the fact that some times bank employees come into the branch to work but not open the bank to the public – would this be considered part of the "hours of operation". Chairperson Etro responded that from her perspective, hours of operation are when the bank is "open to the public".

Chairperson Etro spoke of previous SPEX and submission of lighting plans (wattage, type of light, location and direction of light flow) and the possible negative effect of lighting on adjacent neighbors.

Chairperson Etro stated that the Town Council and Planning Commission have scheduled a Joint Public Hearing on this SPEX for October 21, 2010 at 7:30 pm. The Commission's next meeting is scheduled for November 9, 2010 at 7:30 pm. Mr. Milleson asked if the Commission would take action on the 9<sup>th</sup>, would make a recommendation to the Town Council. Chairperson Etro replied that it would be placed on the agenda for the November meeting, but she could not guarantee that action would be taken. Vice-Chair Fredericks stated that the Commission is allowed 30 days from the Public Hearing to take any action. Commissioners spoke of the architectural plans and the SPEX plat with Chairperson Etro suggesting that we make sure that the record ties the two plats together for clarification and references.

### **IN RE: NEW BUSINESS**

#### **a. BLA/Lot Consolidation – 21 Main Street**

Mr. Kinsley reported that there was nothing new in the report. The plat shows the entire parcel with the light dashed line as the lot line that divides the parcel into two lots. This application is to consolidate the two lots into one lot. The new consolidated lot would be 0.41 acres.

Vice-Chair Fredericks felt that this would be the time to prepare a new deed of easement, deleting the wording about 30 day notification for termination of egress from the town parking lot. Chairperson Etro felt that this was something for the Council to discuss and recommend as the wording also includes shared parking. Vice-Chair Fredericks stated that the Lot Consolidation starts and ends with the Planning Commission not the Town Council; he recommended modification of the deed of easement to revoke the 30 day notice. Chairperson Etro asked where the deed would come into the process. Mr. Kinsley replied that because the property is under a Deed of Trust, the trustee would have to agree to the Lot Consolidation. Chairperson Etro asked if the Commission has any review responsibility of the deed. Mr. Kinsley recommended that the town attorney review and make any recommendations to modifications of the deed.

Vice-Chair Fredericks asked if the sidewalk which is part of the parcel and also is part of VDOT right-of-way would have any effect on the Main Street Enhancement Project. Mr. Kinsley will check on this issue.

Chairperson Etro asked Mr. Fredericks if he was ready to make a motion. Mr. Fredericks stated no, that before making a motion, he wanted a copy of the deed in order to put language in a motion that

would address the issue on the 30 day notification. Copies of the Deed of Conveyance dated May 18, 1986 were submitted to the Commissioners.

**Vice-Chair Craig Fredericks motioned to defer action on BLAD-2010-01, MAR MEG, LLC Lot Consolidation until the Planning Commission's next meeting as it is a matter of putting together the language to delete the clause pertaining to the 30 day notification.**

Chairperson Etro asked if Mr. Fredericks wanted this modified deed to be ready for review by the next meeting. Vice-Chair Fredericks replied that the deed needs to be revised/prepared before the next meeting. He felt it would be easier to act upon the consolidation if the restrictions are removed. Chairperson Etro said that this issue needs to be clear so that the Commission can take action at their November meeting. Mr. Wolford did not think that this consolidation was the right avenue for this revision; suggested that the town contact the town attorney on the correct process.

**Chairperson Etro seconded the motion. Motion to defer action on the Lot Consolidation until the Planning Commission's November 9, 2010 Meeting was approved by a vote of 2-0-2, (Commissioners Theodore and Wolford absent for the vote) as shown below.**

| <u>MEMBER</u>    | <u>VOTE</u> |
|------------------|-------------|
| Jenny Theodore   | absent      |
| Betty Wolford    | absent      |
| Sarah Etro       | aye         |
| Craig Fredericks | aye         |

**b. Lake Ridge Estates Subdivision – Sewage System**

Mr. Kinsley reported that Lake Ridge had received conditional approval of their preliminary plat in 2007. He noted that when Andrews Community Investment Corp had submitted their application, they initially requested using grinder pumps but then went with the gravity system which would feed into the Westlake utility system. Because the development of this system has not occurred, Andrews has submitted a letter, dated September 30, 2010 (attached) stating that they would like to revisit the issue of using grinder pumps.

Mr. Andrews noted that in 2007 when Lerner (Oak Hill) was moving forward, they did not oppose the gravity sewer system. But now that nothing is being done (no pump station, no WTP, no wells, no submission of plans, no easement movement) and no one appears to know when the treatment systems, etc. will be built, they would like to move ahead with the development of Lake Ridge with an alternative sewage system since gravity will not work without the improvements by Oak Hill in Westlake (sewer lines, pump station). Mr. Andrews noted that three different utility systems approved the use of individual grinder pumps - the Towns of Hamilton and Purcellville and Broad Run Farms (Loudoun Water). Mr. Andrews and Mr. Dimoff spoke of how Hamilton addressed utilizing grinder pumps and agreements with individual homeowners on purchase, installation and maintenance.

Vice-Chair Fredericks asked if there was an expiration date on the preliminary plat approval. Mr. Kinsley replied that it was conditionally approved, and Andrews was to make minor modifications on the plat. This has not been done so Plat has not been signed. He noted that the conditions set have not been met, and the proffer payment has not been received. Mr. Kinsley stated that he was not sure if there was a time limit on a conditional approval.

Chairperson Etro requested Mr. Kinsley to supply information on the preliminary plat review and conditional approval. She felt that the commission also needed information on grinder pumps and how they work.

General discussion followed on DEQ permit and expiration date, preliminary plat process, need for background information on individual grinder pumps, Utility Committee and Utility Staff input. It was noted that the Utility Committee will meet on October 19<sup>th</sup> at 8:00 am. Mr. Andrews asked that his request be placed on their agenda. Chairperson Etro asked Mr. Kinsley to submit the background information on the preliminary plat and conditional approval. This issue will be placed on the Commission's November agenda.

#### **IN RE: APPROVAL OF MINUTES OF SEPTEMBER 7, 2010 and SEPTEMBER 20, 2010**

Commissioner Wolford noted the need for a change on the September 20, 2010 Meeting Minutes – under “Disclosures and Comments”, second paragraph, first sentence, change the word “presented” to presenting. Vice Chair Fredericks remarked that he had not had an opportunity to read the September draft minutes.

**Commissioner Betty Wolford motioned adoption of the minutes of the September 7, 2010 regular meeting as presented and the September 20, 2010 special meeting as corrected with Chairperson Sarah Etro seconding. Motion to approve said minutes passed by unanimous voice vote of the Commissioners present, 3-0-1, Commissioner Theodore absent for the vote.**

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

Mr. Kinsley had submitted the September meeting notes in the commissioners' packet. Issues discussed included the proposed Chesapeake Bay Preservation Ordinance and, if adopted, the possible impact on town facilities outside the corporate limits. Chairperson Etro noted that a Supervisor has asked for reconsideration of this proposal so as to get more input.

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

The Commission had received Mr. Kinsley's October 1st written report in their Packets. Vice-Chair Fredericks asked Mr. Kinsley if he was confident that the RHUMC was meeting all their deadlines for design, building and the like. Mr. Kinsley replied in the positive.

#### **IN RE: OLD BUSINESS**

##### **b. Update on Work Plan & Preparation for B-1 Ordinance Review**

Chairperson Etro reported that she had presented the Planning Commission's draft work plan to the council at their September meeting, noting that the commission had made the top four items (B-1 Zoning, Lighting and noise standards, accessory structures and Floor Area Ratio standards) their top priority as well as any required land use review.

Chairperson Etro stated that the Council had determined that the two issues to be undertaken were the B-1 Zoning and the standards for lighting and noise. The Council also noted the Boundary Line Adjustment process that was presently being discussed by the Land Use Committee and would at some point involve the Planning Commission.

Discussion followed on the B-1 district, BLA, increasing tax base and town revenues; how to accomplish work plan – whether in house or hired experts; readily available resources; council direction on how to proceed.

### **IN RE: OTHER BUSINESS**

**Vice-Chair Craig Fredericks motioned that the Planning Commission request the Zoning Administrator to ask the Town Administrator to provide a branded email address for Planning Commission members. Commissioner Betty Wolford seconded the motion.**

Discussion followed on the town address for commissioners to receive email; when responding, commissioners have to use their personnel email.

**Motion to request branded email addresses was approved by a voice vote of 3-0-1, Commissioner Theodore absent for the vote, as shown below:**

| <b><u>MEMBER</u></b> | <b><u>VOTE</u></b> |
|----------------------|--------------------|
| Jenny Theodore       | absent             |
| Betty Wolford        | aye                |
| Craig Fredericks     | aye                |
| Sarah Etro           | aye                |

Vice Chair Fredericks asked Chairperson Etro to reconsider putting motions on the table. Discussion followed on Robert's Rules of Order, Planning Commission By-Laws. Vice-Chair Fredericks stated that the Planning Commission had previously discussed this issue and when revising the By-Laws, had addressed this. Chairperson Etro said that she would review Robert's Rules of Order and the Planning Commission's By-Laws for the role of the chair in making motions.

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

Items to be placed on the Commissions' November 9<sup>th</sup> Meeting agenda include:

- 1) SPEX – Bank of Clarke County Round Hill Branch
- 2) BLA Consolidation Plat – 21 Main Street
- 3) Lake Ridge Proposal on Grinder Pumps – get information from an engineer, Loudoun Water.
- 4) B-1 Ordinance – initial steps for proceeding on update

### **IN RE: ADJOURNMENT**

No further business appearing, Chairperson Sarah Etro adjourned the meeting at 10:08 p.m.

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Sarah Etro, Chairperson

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Elizabeth Wolford, Temporary Secretary