

# Planning Commission Meeting December 21st, 2010

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(Minutes reflect both verbatim comments and a summary of the discussions.)

## **Town of Round Hill Special Meeting Planning Commission December 21, 2010**

A special meeting of the Planning Commission was held Tuesday, December 21, 2010 at 5:30 p.m. at the Town Office, 23 Main Street, Round Hill, Virginia.

### **PLANNING COMMISSION MEMBERS PRESENT**

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

### **PLANNING COMMISSION MEMBERS ABSENT**

Jennifer Grafton Theodore

### **STAFF MEMBERS PRESENT**

Rob Kinsley, Town Planner and Zoning Administrator  
Susanne Kahler, Recording Secretary

### **MEMBERS OF THE PUBLIC PRESENT**

John Milleson, Jim McCarty, John Hudson, Jon Elliott, Bank of Clarke County  
Mark Albright, resident and owner, MAR MEG, LLC.  
Jeff Wolford, resident and partner, Wolford and Chen  
Scott Ramsey, Mayor

### **IN RE: CALL TO ORDER**

Chairperson Etro called the meeting to order at 5:33 p.m. A roll-call was taken and it was determined that a quorum was present.

### **IN RE: PLEDGE OF ALLEGIANCE**

Chairperson Etro led those present in the Pledge of Allegiance.

### **IN RE: PUBLIC COMMENT**

None

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

**Commissioner Wolford made the motion to move item 6B – discussion of the Bank of Clarke County/MAR MEG LLC Site Plan to become item 6A. The Commission would then discuss the resolution setting meeting dates for 2011 as item 6B.**

**Vice Chair Fredericks seconded her motion. The motion passed 3-0-0 with Commissioner Grafton Theodore absent for the vote.**

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

Commissioner Wolford stated that she would again be recusing herself from any discussion or voting concerning the Bank of Clark County/MAR MEG LLC site plan.

Chairperson Etro wanted to let the commission know that she had received 2 phone calls from the Town Attorney, Maureen Gilmore, this afternoon. Ms. Gilmore felt the site plan was in order and the various deeds were ready to go; however, she thought that the documents had not been signed.

## **IN RE: BANK OF CLARKE COUNTY/MAR MEG LLC. SITE PLAN**

Commissioner Wolford recused herself at this time.

Chairperson Etro noted that several comments on the site plan were made at the Planning Commission's regular meeting two weeks ago and she suggested that Rob Kinsley review how those items had been addressed.

Mr. Kinsley provided a summary of what changes needed to be made to the site plan from the last meeting in order to approve it.

1. A note was to be added to the effect there would be no change in the drainage pattern as a result of expanding and resurfacing the lot. That note is now #15 on the plan.
2. Signage details needed to be added. They are now in the upper right hand corner of first sheet.
3. The details of the lighting fixtures needed to be added. They are on page 3 lower right hand corner.
4. The lighting plan and actual fixtures that were to go in needed to be changed so that the average maximum of no more than ten candle feet as measured at the surface level was met. A new plan with changes to all 5 of the bulbs was submitted. It reduced the lumens to 3200.

Mr. Kinsley also briefed the Commission on the other documents required to meet the conditions for approval. The boundary line adjustment plot consolidation plan had already been approved by the Planning Commission and the document sent to the attorneys. He has not yet received back a recorded copy; there is also to be a deed accompanying it.

On December 14<sup>th</sup>, Maureen sent the applicant's attorney a request to make a couple changes in the Deed of Ingress/Egress and Confirmation of Parking Reservation. The changes were made in a draft and other discussions have since taken place. They now have agreed on wording but the document has not yet been sent to Trustees for signature. The third deed, a temporary construction easement and reservation for permanent easement also has not been signed.

None of these deeds have been recorded to date and delivered back to the Planning Commission to-date. These documents refer to conditions 3, 9 and 10 as set forth by the Town Council's approval of the Special Exception on November 18, 2010.

Chairperson Etro said that it sounded like things were in good shape but because of the conditions set forth, they could not take action on this. Mr. Milleson, Bank of Clarke County, asked if the site plan

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could be approved based upon staff's review as the Bank has been waiting and waiting and has already hired staff...and were very frustrated. Chairperson Etro explained that once the conditions were adopted by the Town Council, they effectively became law and the deeds needed to be recorded prior to approval of the site plan. "We have to operate this way, we don't have a choice." Etro said.

Mr. Mark Albright, MAR MEG LLC, said that what they were asking for was simple, conditional approval to get things moving - that all could sign once the deeds were recorded.

Chairperson Etro said it might seem like a simple thing but they had to protect any citizen's interest in this, "they are expecting that we are going to follow proper process, that we can't bend the rules or break the law to do this. We cannot legally do what you are asking us to do. If you think it can be ready by next week and we can reconvene, we can do it."

Mr. Albright said that was up to the Town attorney, "she is still changing verbiage...she came back with the changes she changed...it has been going on even as late as this afternoon."

Mr. Milleson said that "we will meet on Christmas Day if we have to get this thing done. We are so frustrated; honestly we could almost pull out."

Mr. Albright said that just for the record, this has been going on with the Town Attorney. These should have been finished by her over a week ago; you don't change documents the day of the meeting. I just want it for the record, that's all."

It was discussed whether the applicant would have the necessary documents in time for a special meeting the following week or if the Commission should address the issue at their January 4<sup>th</sup> meeting. Mayor Ramsey interjected that a special meeting could always be scheduled and then cancelled if necessary, should the documents still not be ready.

**Vice Chair Craig Fredericks moved that the Planning Commission hold a special meeting December 30, 2010 at 5:30 to potentially take action on SPEX 2010-02.**

**Chairperson Etro seconded the motion. The motion passed 2-0-1 with Commissioner Wolford abstaining and Commissioner Grafton Theodore absent.**

## **IN RE: RESOLUTION SETTING MEETING DATES FOR 2011**

There were two possible January dates, January 4<sup>th</sup> and January 11<sup>th</sup>.

**Vice Chair Craig Fredericks moved that the Planning Commission keep January 4<sup>th</sup> as a special meeting at 5:30 p.m. if needed to discuss STPL-2010-01.**

**Commissioner Wolford seconded the motion. The motion passed 3-0-0 with Commissioner Grafton Theodore absent for the vote.**

**Vice Chair Craig Fredericks moved that the Planning Commission adopt the 2011 meeting schedule as presented.**

**Commissioner Wolford seconded his motion. The motion passed 3-0-0 with Commissioner Grafton Theodore absent for the vote.**

## **IN RE: ADJOURNMENT**

Hearing no other business or commentary, Chairperson Etro adjourned the meeting at 6:15 p.m.

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Sarah Etro, Planning Commission Chairperson

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Susanne Kahler, Recording Secretary