

**ROUND HILL PLANNING COMMISSION
SPECIAL MEETING MINUTES
September 8, 2009**

A special meeting of the Round Hill Planning Commission was held on Tuesday, September 8, 2009 in the Town Office, 23 Main Street, Round Hill, VA beginning at 7:30 p.m.

Present

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

Staff Present

Robert Kinsley, Town Planner/Zoning Administrator

Others Present

Kevin Van Hise, Holtzman Engineer

Attachments

- A. Agenda, September 8, 2009
- B. Staff Report, August 31, 2009 on SPEX-2009-01 Proposed Amendment to Holtzman/Pennystone SPEX
- C. Proposed Text Amendment to Section 15-5.3.B "Required Standards for Variances" of Article 15 "Board of Zoning Appeals of the Round Hill Zoning Ordinance
- D. Proposed Text Amendments to Article 19 "Violations and Penalties" of the Round Hill Zoning Ordinance
- E. Proposed Text Amendments to Section 5-607 "Child Care" of the Round Hill Zoning Ordinance

IN RE: CALL TO ORDER

Chairman Fredericks called the meeting to order at 7:32 p.m., noting that with every member of the Commission present, the meeting had a quorum.

IN RE: APPROVAL OF AGENDA

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

Motion to approve the agenda as presented was approved unanimously by voice vote of the commissioners present, 5-0-0.

IN RE: OLD BUSINESS

It was noted that the public hearing on the following four items was held on September 3, 2009 with a quorum of the Planning Commission in attendance. No public comments were received.

a. Consideration of Holtzman/Pennystone Special Exception Application for amendment of SPEX-2008-01 to remove condition of a public access easement.

Rob Kinsley explained that the Planning Commission had before them a request to amend the conditions pertaining to “public access easement” included in the approval of SPEX-2008-01 and the ability to approve and “sign off” on the Site Plan only after this ingress/egress easement was recorded. This easement had been recommended by the town attorney and approved by VDOT in connection with the Franklin Park Trail system. The owner of the Service Station property would not sign the necessary documents related to the “public access easement”; and the adjacent property owner was opposed to it as well. Because this easement could not be recorded and was a part of the conditions of the SPEX, Mr. Holtzman was not able to continue his improvements to the station. Mayor Heyner and town staff met with VDOT, County Residency staff, and Park and Recreation staff to discuss alternatives to this easement. VDOT suggested that the public access easement be removed and two thirty foot entrances be constructed in its place on the Pennystone and the GEM RAM properties.

Discussion followed on Franklin Park Trail, entrance widths, access for tanker trucks, sidewalk area and pedestrian safety; need for property owners to be made aware of all issues and conditions during the zoning process; the four entrances shown on plat for entire property (service station and diner); VDOT recommendations on entrance widths shown as 20 feet and as 30 feet; possibility of decreasing the entrance width at the eastern end of the Pennystone property which would allow a longer sidewalk in this area and better pedestrian safety.

Commissioners discussed the need to separate the two issues – removal of condition(s) and length decrease of an entrance. Commissioners felt that it was important not to hinder/delay Mr. Holtzman in completing the improvements/modifications to the site, nor to delay the Franklin Park Trail project. After several attempts at wording, the following motion was made:

Commissioner Kathleen Luckard motioned that the Planning Commission recommend approval of the proposed amendment to remove the condition included in the Special Exception approval of SPEX-2008-01 of having a recorded public access easement prior to Site Plan approval by the Town Council; and the Planning Commission also recommends that the note stating “subject to the recording of the Public Ingress/Egress Easement Plat and Deed of Easement” clause be removed from the Site Plan and Special Exception Plat. Commissioner Mike Hummel seconded the motion.

The above motion was approved unanimously by voice vote of the Planning Commission, 5-0-0, the ayes being recorded as shown below:

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

A second motion pertaining to seeking a decrease in the eastern entrance on the Pennystone property was discussed and after several attempts the following motion was made:

Chairman Craig Fredericks motioned that because time was of the greatest essence, the Planning Commission requests the Town Staff and the Town Council explore with VDOT, the applicant and Loudoun County the possibility of a reduction in the eastern entrance of the Pennystone property from thirty (30) feet to twenty (20) feet, thereby providing additional pedestrian security. Vice Chair Sarah Etro seconded the motion.

The above motion was approved by unanimous vote of the Planning Commission 5-0-0, the ayes being recorded as shown below:

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

b. Consideration of a proposed text amendment to Section 15-5.3.B “Required Standards for Variances” of Article 15 “Board of Zoning Appeals” of the Round Hill Zoning Ordinance.

Mr. Kinsley stated that the proposed amendment simply removes two words “approaching confiscation” from Section 15.5.3B in order for the Town Code to conform to the State Code.

Commissioner Mike Hummel motioned that the Planning Commission recommend to the Town Council adoption of the proposed amendment to Section 15.5-3.B of Article 15 as presented with Commissioner Kathleen Luckard seconding. The motion was approved by the Commission by unanimous voice vote 5-0-0, the ayes being recorded as shown below:

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

c. Consideration of proposed text amendments to Article 19 “Violations and Penalties” of the Round Hill Zoning Ordinance.

Mr. Kinsley said that these text amendments institute a civil penalty procedure on zoning violations rather than violations being a criminal matter.

Commissioner Mike Hummel motioned that the Planning Commission recommend the Town Council adopt the proposed changes to Article 19 as presented. Commissioner Kathleen Luckard seconded. Motion was unanimously approved by voice vote of the Commission 5-0-0, the ayes being recorded as shown below:

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

d. Consideration of proposed text amendments to Section 5-607 “Child Care” of the Round Hill Zoning Ordinance.

Mr. Kinsley noted that the proposed changes pertained to removing the reference to “Home(s) and replacing it with facility (ies); and the deletion of #6 as the Commission felt it was important, for safety reasons, that each facility contain its own play area. The wording change would bring the Town Code in line with the County Code.

Chairman Craig Fredericks motioned that the Planning Commission recommend to the Town Council approval of the proposed changes to Section 5-607 of the Round Hill Zoning Ordinance as presented. Commissioner Kathleen Luckard seconded. The motion was approved by a 5-0-0 unanimous vote of the Commission, the ayes being recorded as shown below:

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

IN RE: ADJOURNMENT

There being no further business, Chairman Craig Fredericks adjourned the meeting at 8:22 p.m.

Craig Fredericks, Chairman

Elizabeth Wolford, Secretary