



**PLANNING COMMISSION
REGULAR MEETING AGENDA**

January 7, 2016

7:00 p.m.

- 1) **Call to Order** – Chair Doug McCollum
- 2) **Pledge of Allegiance**
- 3) **Agenda Amendments** (Planning Commission and Staff)
- 4) **Public Hearings**
 - a) OA15-03 – Zoning Ordinance Text Amendment to Increase the Maximum Enrollment of a Home Child Care from Six to Twelve – Town Alternative
 - b) CPA15-02 – Comprehensive Plan Amendment for 781 South 20th Street – Institutional/Government to Residential - 2 Dwelling Units Per Acre
 - c) RZ15-01 – Zoning Map Amendment for 781 South 20th Street – IP to R-2
 - d) OA15-04 – Zoning Ordinance Text Amendment to Add Transitional Housing as a SUP in R-2, Add a Definition for Transitional Housing, and Add Use Standards for Transitional Housing
- 5) **Action Items**
 - a) None
- 6) **Discussion Items**
 - a) Amendment to Village Case Development Plan
 - b) OA15-03 – Zoning Ordinance Text Amendment to Increase the Maximum Enrollment of a Home Child Care from Six to Twelve – Town Alternative
 - c) CPA15-02 – Comprehensive Plan Amendment for 781 South 20th Street – Institutional/Government to Residential - 2 Dwelling Units Per Acre
 - d) RZ15-01 – Zoning Map Amendment for 781 South 20th Street – IP to R-2
 - e) OA15-04 – Zoning Ordinance Text Amendment to Add Transitional Housing as a SUP in R-2, Add a Definition for Transitional Housing, and Add Use Standards for Transitional Housing
- 7) **Information Items**
 - a) None
- 8) **Citizen Comments** – All citizens who wish to speak about an item or issue that is not listed for a public hearing will be given an opportunity to speak (3 minute limit per speaker).
- 9) **Chairman’s Comments & Council Representative’s Report**
- 10) **Planning Commissioners’ Comments**
- 11) **Approval of Minutes**
 - a) November 19, 2015 Regular Meeting
 - b) December 3, 2015 Regular Meeting
- 12) **Adjournment**

If you require any type of reasonable accommodation as a result of physical, sensory or mental disability in order to participate in this meeting OR if you would like an expanded copy of this agenda, please contact Tucker Keller at (540) 338-2304 at least three days in advance of the meeting. Expanded copies of the agenda may not be available the night of the meeting, please request a copy in advance.

USE OF ELECTRONIC DEVICES DURING MEETINGS For the comfort and consideration of others, all cellular phones must be turned off and cannot be used in the Council Chambers. Pagers must be set on silent or vibrate mode. This is requested because of potential interference with our recording devices and the transmittal of our hearing impaired broadcast.



STAFF REPORT
DISCUSSION ITEM

Item # 4a & 6b

SUBJECT: OA15-03 – Zoning Ordinance Text Amendment to Increase the Maximum Enrollment of a Home Child Care from Six to Twelve – Town Alternative

DATE OF MEETING: January 7, 2016

STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

SUMMARY and RECOMMENDATIONS:

Ana Maria Uceda of Purcellville, Virginia has submitted an application, coded by the Town as OA15-03, to amend Article 6, Section 7.1 of the Zoning Ordinance for the Town of Purcellville, Virginia to increase the maximum enrollment of a residential day care or home child care from six to twelve in all zoning districts. A public hearing on OA15-03 was held before the Planning Commission on November 19, 2015; see the November 19 staff report for additional information. At the Commission’s request, staff developed alternative regulations that should fulfill the basic intent of OA15-03 which were discussed on December 3, 2015; see the December 3 staff report for additional information. A public hearing on the alternative regulations is scheduled for January 7, 2016. Staff recommends approval of the Town’s alternative regulations.

BACKGROUND:

After the Planning Commission’s November 19 public hearing on OA15-03, the Commission discussed the possibility of alternative regulations with additional standards which would fulfill the intent of Ms. Uceda’s text amendment and requested that staff prepare draft regulations for the December 3 meeting. Based on the residential child care research that was presented to the Planning Commission at the November 19 meeting, staff developed a proposal which borrowed from the regulations of Leesburg, Culpeper, Loudoun County and Lovettsville. After discussion of staff’s proposal, the Commission requested changes which staff has incorporated in to the proposal that has now been formatted as it would appear in the zoning ordinance if adopted (Attachment 1). Specifically, the Commission requested the

changes listed in the table below; the location of the corresponding language in the proposed amendment is also noted.

Requested Change	Location of Change
1. Clarify the type of diagram (previously “sketch plan”) that must be submitted with the application.	Article 4, Section 1, Subsection 1.2.27.a.ii.2
2. Require that Homeowners Association (HOA) documentation submitted by the applicant must be notarized or on HOA letterhead.	Article 4, Section 1, Subsection 1.2.27.a.ii.3 & 4
3. Separately state that residential child cares must comply with state and Town regulations.	Article 4, Section 1, Subsection 1.2.27.a.iv & v
4. Clarify that the <i>location</i> of a residential child care must be the principal residence of the provider.	Article 4, Section 1, Subsection 1.2.27.a.vii
5. Allow a residential child care to have two non-resident employees.	Article 4, Section 1, Subsection 1.2.27.a.x
6. Clarify that the applicant may only use <i>HOA</i> community parking spaces for its employee parking.	Article 4, Section 1, Subsection 1.2.27.a.xi
7. Require HOA approval of a residential child care’s use of a HOA park or playground.	Article 4, Section 1, Subsection 1.2.27.a.xv
8. Clarify that no changes to the exterior appearance of the dwelling or lot housing a residential child care may be made unless required by the state license or <i>allowed</i> by the zoning ordinance.	Article 4, Section 1, Subsection 1.2.27.a.xviii

With the changes made since December 3, staff’s proposal would continue to fulfill the basic intent of OA15-03 and would differ from the standards of Loudoun County and/or Leesburg in the following significant ways:

- Residential child cares (RCC) would not be administratively approved in Purcellville and would always require a special exception.

- Purcellville would limit the location of RCCs to the provider's dwelling. This matches Loudoun but differs from Leesburg which has no such limitation.
- Purcellville would not limit the location of RCCs by lot size but rather by the type of dwelling within which they could be located. This allows townhomes that can meet the necessary standards to house a RCC but prevents RCCs from being located in apartments and accessory dwellings which are typically significantly smaller.
- The hours of operation for RCCs would be limited in Purcellville. This matches Loudoun but differs from Leesburg which has no such restriction.
- Two non-resident employees would be allowed for RCCs. This matches Loudoun but differs from Leesburg which only allows one.
- RCCs could use HOA community parking spaces for employees in Purcellville with the permission of a HOA.
- Purcellville would cap the maximum number of children in a RCC at 12 including the provider's children and/or any children living in the home. This matches Loudoun but differs from Leesburg which excludes the provider's children or any that reside in the home.

ISSUES:

See the November 19 staff report for the original discussion.

ANALYSIS:

Staff previously expressed concerns about Ms. Uceda's original request to double the size of residential child cares as a by-right use because there are very few standards for the use currently and no additional standards were proposed by the application; see the November 19 staff report for the original discussion. Staff believes these concerns would be largely addressed by the additional standards now being proposed by the Town. By requiring a special exception for residential child cares and ensuring that such uses meet the proposed standards:

1. Future residential child cares should be harmonious with their surroundings;
2. Such uses would better comply with the purposes of the Town's residential zoning districts; and
3. The possibility for negative town-wide effects would be limited.

FINDINGS:

1. The Town's alternative proposal would fulfill the basic intent of OA15-03.

2. The Town's alternative for OA15-03 is partially to generally supported by the *Financial Planning for the Future, 2025 Economic Development Guiding Principles* and *2025 Land Use Polices* sections of the Purcellville, Virginia 2025 Comprehensive Plan.
3. The Town's alternative for OA15-03 is generally supported by the purpose statements of the R-2, R-3, R-8 and R-15 Districts.
4. Town-wide effects from the Town's alternative for OA15-03 are possible but unlikely.

ATTACHMENTS:

1. Town's Proposed Zoning Ordinance Text Amendments for Residential Child Cares
2. OA15-03 Application

PROPOSED ZONING ORDINANCE TEXT AMENDMENTS FOR RESIDENTIAL CHILD CARES

Amend Article 4, Section 1, Subsection 1.1: Use Table as follows:

Use	R2	R3	R3A	R8	R15	C1	MC	C4	CM1	M1	PDH	X	IP	AC	RT	Use Standard
Child care, residential	P/SE	P/SE	P/SE	P/SE	P/SE		P/SE	P/SE			PPU/SE	P/SE		P/SE	P/SE	Art. 4, Sec. 1.2.27

Amend Article 4, Section 1, Subsection 1.2: Use Regulations as follows:

27. *Child care, residential*

a. General standards.

- i. Applicability. Pursuant to the Code of Virginia, a residential child care serving one to five children, exclusive of the provider's own children and any children who reside in the home, is exempt from the following regulations and is a permitted use in a residential dwelling. Any other residential child care requires a special exception to be granted by the Board of Zoning Appeals in accordance with Article 9: Board of Zoning Appeals. All such uses shall be subject to applicable state regulations specifically Code of Virginia, § 63.2-1701 *et seq.*
- ii. Application Submission Requirements. In addition to any application requirements for a special exception set forth in Article 9: Board of Zoning Appeals, a complete application for approval of a residential child care shall include the following: All applications to establish a residential child care use shall be accompanied by two (2) copies of a plan drawn to scale containing the following information:
 1. A completed special exception application form. The dimensions, boundary lines and area of the lot or parcel.
 2. A diagram drawn to a legible scale depicting: the boundary lines and dimensions of the lot, area of the lot, required yards, location and dimensions of any existing or proposed building or addition, the distance from all boundary lines to any existing or proposed building or addition, pathway to door of facility, child drop off and pick up locations, location of any permanent in-ground play equipment, location and area of any required on-site outdoor play area, location and area of any off-site park or playground, and location and height of any required fence. This diagram is not required to be certified by a registered engineer or surveyor. The location, dimensions and height of any building, structure or addition, whether existing or proposed.

3. If the proposed location of a residential child care is subject to a declaration of covenants, conditions, and restrictions for a homeowners association (HOA), then the residential child care provider shall provide the Town with certified documentation from the HOA stating whether or not the use is allowable under applicable HOA covenants, conditions, and restrictions. HOA documentation shall only be considered certified if printed on HOA letterhead or signed by an officer or employee of the HOA and notarized. ~~The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.~~
 4. If a residential child care proposes to utilize a parking space, park, playground, or any other facility owned by a HOA to meet any requirement of this ordinance, the applicant shall provide the Town with certified documentation from the HOA stating that the residential child care is authorized to use such facility. HOA documentation shall only be considered certified if printed on HOA letterhead or signed by an officer or employee of the HOA and notarized. ~~The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.~~
- iii. Public Notice Requirements. Prior to the issuance of a special exception for a residential child care, the applicant shall fulfill the notice requirements of Article 9: Board of Zoning Appeals and Article 11, Section 16: Public Notices. In addition, the applicant must send written notice of the application to the last known address of the owner of each adjacent property as shown on the current real estate tax assessment records of Loudoun County. If the proposed location of the residential child care is a member of a HOA, the applicant must also send written notice to such HOA. Any written notice shall be sent by certified or registered mail and must include the following information:
1. A statement that an application for a residential child care has been submitted to the Town;
 2. The address of the property subject to the application for the residential child care; and
 3. A statement informing the recipient that if they have any objection to the proposed residential child care that they can send a written objection, which shall include the specific issues that are the basis for their objection, to the Zoning Administrator who will transmit the written objection to the Board of Zoning Appeals. The address of the Zoning Administrator shall also be included in the notice letter.
- iv. A residential child care shall comply with any and all applicable requirements of the Code of Virginia including, but not limited to, obtaining a State Family Day Home License.

- v. A residential child care shall comply with any and all Town regulations, including, but not limited to, obtaining a Certificate of Occupancy and maintenance of a Town Business License.
- vi. A residential child care shall comply with any and all requirements of the County and State Building Codes.
- vii. A residential child care location shall be the principal residence of the residential child care provider.
- viii. A residential child care shall only be located within a single-family detached, duplex, or single-family attached dwelling.
- ix. The hours of operation for a residential child care shall be limited to five days a week between the hours of 6:00 AM and 7:00 PM.
- x. Two non-resident assistants/employees shall be permitted.
- xi. The applicant shall demonstrate availability of sufficient employee parking on-site or along the street. Alternatively, the applicant may utilize any available HOA community parking spaces for employee parking if the HOA provides certified documentation that the applicant is authorized to use such spaces.
- xii. Child drop off and pick up locations shall be designated to enhance the safety of children as they arrive and depart. A designated arrival and departure zone shall be located adjacent to the residential child care in such a manner that children do not have to cross a street to enter or exit the facility.
- xiii. A residential child care shall stagger pick up and drop off times such that there are never more than two vehicles picking up or dropping off at one time.
- xiv. There must be a continuous hard-surface pathway/sidewalk connecting the drop-off and pick-up locations to the entrance of the residential child care. The pathway shall be kept free of any snow or ice.
- xv. Seventy-five (75) square feet of outdoor play area must be provided on-site per child except as follows: No outdoor play area shall be required on-site when the applicant can demonstrate the residential child care is located within 1,000 feet of an existing park or playground that is at least twice the area otherwise required for the residential child care. The park or playground must be public or owned by the HOA to which the residence belongs and must be accessed without crossing an arterial or collector road. The applicant may only utilize a park or playground owned by the HOA if the HOA provides certified documentation that the applicant is authorized to use such space. The park or playground must be shown to scale on the diagram submitted at the time of application.
- xvi. Any outdoor play area must be enclosed by a fence with a minimum height of four feet.

xvii. No play equipment shall be located within any required front yard or within five feet of any side or rear lot line.

xviii. There shall be no change in the outside appearance of the dwelling or lot housing the residential child care nor other visible evidence of the conduct of a residential child care other than what may be required by the State Family Day Home License or allowed by this Zoning Ordinance.

b. Reserved.

Amend Article 15, Section 2: Definitions as follows:

Child care, residential. A program conducted within a residential dwelling which offers care, protection, supervision, and/or education to less than ~~six~~ 13 children under the age of 13, ~~exclusive of the provider's own children and any children who reside in the home, at a time~~ during any 24-hour period, and then only for part of any 24 hour day, for compensation or otherwise.



Ordinance Amendment Application

Department of Community Development
 221 S. Nursery Avenue, Purcellville, VA 20132
 (540)338-2304 Fax (540)338-7460

Permit # 0A15-03

**THIS APPLICATION FORM MUST BE FILLED OUT IN ITS ENTIRETY.
 AN INCOMPLETE APPLICATION WILL RESULT IN REJECTION OF THE APPLICATION.**

Applicant: Owner Purchaser Owner's Agent
 Name: Ana Maria Uceda
 Company: _____
 Address: 130 Misty Pond Terr.
 City: Purcellville State: VA Zip: 20132
 Phone Number(s): 540-751-0864
 Email Address: annie@annieschildcare.us

Owner:
 Name: _____
 Company: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone Number(s): _____
 Email Address: _____

Other (1):
 Attorney Architect Engineer
 Surveyor Contractor Other: _____
 Name: _____
 Company: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone Number(s): _____
 Email Address: _____

Other (2):
 Attorney Architect Engineer
 Surveyor Contractor Other: _____
 Name: _____
 Company: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone Number(s): _____
 Email Address: _____

Correspondence to be sent to: Applicant; Owner; Other (1); Other (2); Other: _____

An ordinance text amendment is hereby requested for Article 6, Section 7.1 of the
 Zoning Ordinance -or- **Land Development and Subdivision Control Ordinance by a**
 Property Owner -or- **Property Owner's Agent -or-** **Contract Purchaser**
as detailed on the following page.

Submission Requirements:

- . *Complete Application Form* – Must be signed by a property owner.
- . *Payment of Fee* – Any required fees must be paid at the time of submission. FEES ARE NON-REFUNDABLE.
- . *Statement of Justification* – A supporting statement providing the reason for the requested ordinance text amendment that must also address how the amendment complies with the Comprehensive Plan and any applicable sections of the Zoning Ordinance or Land Development and Subdivision Control Ordinance.

Date/Time Received: _____ <small>Comm. Dev.</small>	Received by: _____ <small>Comm. Dev.</small>	
Materials Provided: <input type="checkbox"/> Application <input type="checkbox"/> Fee Paid <input type="checkbox"/> Statement of Justification	Property Taxes Paid: _____ <small>Finance</small>	
	Application Complete: _____ <small>Comm. Dev.</small>	
Ordinance: _____	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Action Date: _____	<input type="checkbox"/> Modified <input type="checkbox"/> Withdrawn	



Ordinance Amendment Application

Department of Community Development
221 S. Nursery Avenue, Purcellville, VA 20132
(540)338-2304 Fax (540)338-7460

Permit # 0A15-03

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AN INCOMPLETE APPLICATION WILL RESULT IN REJECTION OF THE APPLICATION.**

Ordinance Text Requested to be Deleted: Article 6 Section 7.1 Residential day care or home child care.
Bullet 1 Maximum enrollment shall not exceed six at any one time.

Ordinance Text Requested to be Added: Bullet 1 Maximum enrollment shall not exceed twelve at any one time.
According to the code of Virginia 15.2-2292 bullet B which regulates zoning provisions for licensed family day homes as defined in § 63.2-100 serving six through twelve children.

"A local governing body may by ordinance allow a zoning administrator to use an administrative process to issue zoning permits for a family day home as defined in § 63.2-100 serving six through twelve children, exclusive of the provider's own children and any children who reside in the home."

The ordinance may require an approval letter from the corresponding HOA if applicable.

Type of Use - AS NECESSARY: Permitted -or- Special Use Permit

Additional Information: Revenue for the Town of Purcellville because of the anual BPOL tax.
Community benefit since we provide home care for children of working moms and dads in town.

Applicant Certification - REQUIRED FOR ALL APPLICATIONS:

I certify that: 1) I am a property owner, the authorized agent of a property owner, or the contract purchaser of property in the Town of Purcellville; 2) the information provided in this completed application form is accurate to the best of my knowledge; 3) I am submitting all required elements of a complete application; 4) I understand that incomplete applications will be rejected; 5) I understand that the Town may deny, approve, or approve with modifications that for which I am applying; and 6) I understand that someone must be present at all public meetings to represent my application or the item will be tabled to the next available meeting.

Applicant Signature _____

Date Signed 09/30/2015

Property Owner Certification - REQUIRED WHEN OWNER IS NOT THE APPLICANT:

I certify that: 1) I have read this completed application, understand its intent and freely consent to its filing; 2) the information provided is accurate to the best of my knowledge; and 3) the applicant is the contract purchaser of my property or is otherwise authorized to serve as my agent.

Property Owner Signature _____

Date Signed _____



STAFF REPORT
INFORMATION ITEM

Items # 4b-d & 6c-e

SUBJECT: RZ15-01 – Zoning Map Amendment for 781 South 20th Street;
CPA15-02 – Comprehensive Plan Amendment for 781 South
20th Street; &
OA15-04 – Zoning Ordinance Text Amendment to Add
Transitional Housing as a SUP in R-2, Add a Definition for
Transitional Housing, and Add Use Standards for Transitional
Housing

DATE OF MEETING: January 7, 2016

STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

SUMMARY and RECOMMENDATIONS:

The Town of Purcellville has initiated an application, coded as RZ15-01, to rezone a Town-owned property at 781 South 20th Street from IP, Institutional and Public Use District to R-2, Single-Family Residential District. This 0.3471 acre parcel (“Parcel A” on the attached diagram/plat) is currently in use by Mary’s House of Hope which provides transitional housing for single mothers and their children. The comprehensive plan’s planned land use for this property is Institutional/Government, so the Town has initiated an application, coded as CPA15-02, to amend the comprehensive plan to designate this property with a planned land use of Residential – 2 Dwelling Units Per Acre, in support of RZ15-01. In addition, Transitional Housing is not currently an allowed use in the R-2 district, so the Town has initiated a zoning ordinance text amendment, coded as OA15-04, to add it as a use allowed by special use permit (SUP) in the district. Public hearings on RZ15-01, CPA15-02 and OA15-04 are scheduled before the Planning Commission on January 7, 2016. Staff recommends approval of these applications.

BACKGROUND:

Property Description

Each application involves the same Town-owned, 0.3471 acre parcel (the “Property”). The Property is addressed as 781 South 20th Street, Purcellville, Virginia and is located southwest of the intersection of A Street and South 20th Street. The Property is further identified in the Loudoun County land records as Tax Map Number /44//43/////A/ and Parcel Identification Number 489-38-4477-000. The Property is bounded to the east by the

South 20th Street right-of-way and on the south, west and north by property owned by the Town of Purcellville. The Property has a planned land use designation of Institutional/Government and a zoning district designation of IP.

RZ15-01 Rezoning Description

The Town-initiated RZ15-01 application would amend the Town’s Zoning Map by changing the zoning district designation of the Property from IP, Institutional and Public Use District to R-2, Single-Family Residential District. The Property currently contains a building that was originally a single-family detached dwelling but is now occupied by Mary’s House of Hope which provides transitional housing to single mothers and their children. The Town has initiated RZ15-01 in preparation for the possible sale of the Property to the Good Shepard Alliance—the non-profit which operates Mary’s House of Hope. Good Shepard Alliance wishes to preserve their equity in the Property if the purchase is completed, so rezoning to R-2 would allow the building on the property to revert to its historic use as a single-family detached dwelling at a future time, if necessary. Good Shepard Alliance plans to continue to use the Property for transitional housing; no additional development is currently proposed.

The existing IP, Institutional and Public Use zoning district designation for the Property allows public, civic, and institutional uses. Uses allowed in the IP district include bus shelters, churches, colleges or universities, community gardens, community or cultural facilities, farm and community markets, fire stations, government offices and assembly rooms, libraries, minor public utilities, parks, playgrounds, police stations, private clubs, private schools, public parking lots, rescue stations, special instruction schools, special events, temporary food trucks/trailers, and buildings and uses accessory to permitted uses.

Table 1: Comparison of Dimensional Regulations

Standard	IP, Institutional and Public Use	R-2, Single-Family Residential
Minimum Lot Size	10,000 sq. ft.*	15,000-20,000 sq. ft.
Minimum Lot Width	-	100 ft.
Lot Depth	-	100-150 ft.
Minimum Front Yard	0 ft.^	25 ft.
Minimum Side Yard	0 ft.+	10 ft.
Minimum Rear Yard	0 ft.+	25 ft.
Maximum Height	-#,**	Residential: 35 ft.**

- * No minimum lot area for parcels without a substantial structure such as well and park sites.
- ^ Yards adjacent to a residential district shall have a setback equal to that district or the average setback of adjacent structures.
- + Yards adjacent to a residential district shall have a minimum yard of 10 feet.
- # Within 50 feet of a residential district, the maximum height of the nearest residential district shall apply.
- ** Up to 60 feet, if certain setbacks from the property line are met.

The proposed R-2, Single-Family Residential zoning district designation is intended to provide for low-density single-family detached residential development together with those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings. In addition, certain special care facilities and certain governmental, educational, recreational and utility uses are permitted by special use permit subject to such restrictions and requirements as will ensure compatibility with residential surroundings. Allowed uses in the R-2 zoning district include single-family detached dwellings, assisted living facilities for one to eight individuals, group homes, home occupations, playgrounds, minor public utilities, residential child cares, residential equestrian facilities, special events, yard sales or garage sales, and buildings and uses accessory to permitted uses.¹

A comparison of the dimensional regulations in each district is provided in Table 1 above.

CPA15-02 Comprehensive Plan Amendment Description

In support of RZ15-01, the Town-initiated CPA15-02 application would amend the Town's Planned Land Use Map, as published on page 116 of the *Purcellville, Virginia 2025 Comprehensive Plan (2025 Plan)*, by changing the planned land use for the Property from Institutional/Government to Residential – 2 Dwelling Units Per Acre. This designation would be consistent with the rezoning to R-2 proposed by the RZ15-01 rezoning application.

OA15-04 Zoning Ordinance Text Amendment Description

In support of RZ15-01, the OA15-04 application would amend the Town's Zoning Ordinance in the following ways:

1. Amend Article 4, Section 1, Subsection 1.1 to add "Transitional Housing" as a use listed in the Use Table and allow "Transitional Housing" as a use allowed by special use permit in the R-2 zoning district (i.e. shown as "SUP" in the Use Table);
2. Amend Article 4, Section 1, Subsection 1.2 to add standards for the "Transitional Housing" use; and
3. Amend Article 15, Section 2 to add a definition for the "Transitional Housing" use.

RZ15-01 & CPA15-02 ANALYSIS:

There are certain relevant factors that should be considered for any rezoning request. Article 1, Section 3 of the *Zoning Ordinance for the Town of Purcellville, Virginia* states that zoning districts must be drawn and applied by reasonably considering the following: the comprehensive plan; trends of growth and change; current and future requirements of the

¹ For a complete list of uses in the IP and R-2 districts, see Zoning Ordinance Article 4, Section 1.

community as to land for various purposes; the transportation requirements of a community; requirements for public facilities and services; conservation of natural and historic resources; the existing use and character of property; the suitability of the property for various uses; efficiency and economy in the process of development; encouragement of the most appropriate and best use of land throughout the locality; encouragement of good civic design and the creation of a convenient, attractive and harmonious community; and to promote the health, safety, morals, order, convenience, prosperity and general welfare of the Purcellville community.

Provided below are the factors found in Article 1 of the Zoning Ordinance, as stated above, along with corresponding staff comments. Please note that the analysis of the components of the comprehensive plan covers many of Article 1's factors, so duplicate analysis will not be provided.

Consistency with the Comprehensive Plan

The *2025 Plan* was adopted in 2006 to “provide guidance for the coordinated and harmonious development of the territory in accordance with present and future needs and resources that will best promote the health, safety, morals, order, convenience, prosperity and general welfare of the community” (*2025 Plan*, p. 1). Accordingly, the Plan should serve as the basis for Town land use decisions, and Staff provides the following analysis of its pertinent goals and policies.

Financial Planning for the Future

Purcellville continues to face costs for capital improvements and other enhancements designed to benefit the community, and this presents the challenge of maintaining fiscal balance and stability while paying for needed improvements. One method provided in the Plan to address this challenge is “to better balance the Town’s tax base by working toward 30 percent of the value of the Town’s real property tax base from commercial property and 70 percent from residential property” (*2025 Plan*, p. 22).

1. Whether used for transitional housing or single-family residential, this property would not increase the Town’s commercial property tax base.
2. The Town’s motivation for pursuing this application is to monetize a Town-owned asset, and while this specific strategy is not mentioned by the 2025 Plan, it is an attempt by the Town to support the maintenance of fiscal balance and stability.

Staff Determination: RZ15-01 is partially in compliance with this portion of the Plan.

2025 Housing Policies

The housing policy section of the Plan calls for a balance between residential and commercial development to “promote a harmonious pattern of land development and a healthy land use balance that encourages community preservation, sustainable development and managed growth; increase the amount of commercial and light industrial development in Purcellville to provide a more balanced economy, local revenue structure, and cost effective public services; and provide more cost effective public services by achieving a real estate tax

revenue ratio of at least 30 percent from commercial uses and no more than 70 percent from residential uses” (2025 Plan, p. 28). The Plan also seeks to “ensure a housing stock of sufficient size, diversity and quality for all residents to have a safe and sound place to live...ensure that new residential construction is compatible with the Town’s existing small town character, protect historic residential structures and neighborhoods,...[and] continue to encourage innovative housing development options that enhance community character, preserve open space, and provide a range of housing choices” (2025 Plan, p. 29).

1. Due to the site’s close proximity to the Hirst Farm and Valley Springs residential developments, the uses allowed by the requested R-2 zoning district are compatible with the pattern of land development surrounding the Property.
2. The site was formerly used as a single-family detached dwelling, and rezoning to R-2 would allow it to be used for that purpose in the future. However, the possible addition of this house at a future time would have no significant impact on the size, diversity and quality of the Town’s housing stock.

Staff Determination: RZ15-01 generally complies with this portion of the Plan.

2025 Land Use Policies

The Plan includes policies to “provide for managed community growth and land development that ensures harmonious, compatible and orderly land use patterns” (2025 Plan, p. 111) and “provide a diversity of land uses that support the residential and business needs of Purcellville while ensuring economic, social and financial stability” (2025 Plan, p. 111). The Property has a planned land use designation of Institutional/Government.

1. RZ15-01’s requested R-2 district zoning is not currently supported by the 2025 Land Use Policies because the Property is designated for Institutional/Government on the Planned Land Use Map. It is for this reason that CPA15-02 has been initiated by the Town in support of RZ15-01.

The Planned Land Use Map is a major component of the 2025 Plan which was developed after thorough analyses and evaluation to display the future land uses desired by the Town. It is this map which CPA15-02 seeks to amend. As stated in the 2025 Plan:

The [Planned Land Use Map] is reflective of the policies and initiatives discussed in the various elements of this Comprehensive Plan and the Town’s desire to:

- achieve a better balance between residential and commercial and industrial development;
- increase opportunities for commercial and industrial growth;
- provide development densities in residential neighborhoods that reflect the existing built density;
- ensure public facilities adequate to meet desired land development and growth patterns; &
- provide greater protection for public open space, environmentally sensitive areas, and historic properties (2025 Plan, p. 110).

Because the *2025 Plan* was created and adopted after many months of effort by the Town and its citizens, changing the map or decisions made contrary to it should not be taken lightly. It is for this reason that CPA15-02 has been initiated by the Town requesting a planned land use designation of Residential – 2 Dwelling Units Per Acre. The *2025 Plan* states, in part, about the “Residential” planned land use:

Five residential land use categories with different maximum density limits are shown on the Planned Land Use Map...These categories reflect existing residential development patterns and densities...The overall goal is to have development be compatible in density with the existing built density to maintain community character. (*2025 Plan*, p. 115).

1. CPA15-02’s requested designation of Residential – 2 Dwelling Units Per Acre respects the existing built density and residential character of the nearby Hirst Farm and Valley Springs neighborhoods.
2. If CPA15-02 is approved, the proposed designation is consistent with RZ15-01’s proposed rezoning to R-2.

Staff Determination: RZ15-01 is currently contrary to this portion of the Plan, but compliance would be achieved if CPA15-02 is approved.

CPA15-02 is a suitable amendment to the Planned Land Use Map as it respects the built density and residential character of nearby developments.

Other 2025 Policies

Staff Determination: RZ15-01 is not particularly applicable to the Plan’s policies for: Parks, Recreation and Open Space; Historic Resources; Economic Development; Public Services; Public Utilities; Transportation; or the Environment.

Trends of Growth and Change

While the housing market in Town appears to be strong as people continue to be attracted to Purcellville’s small town charm, Good Shepard Alliance would continue to use the Property for transitional housing, and no additional development is expected. If the use were ever to change, no more than one single-family detached dwelling would fit on the site under current zoning standards.

Existing Use and Character of Property, Suitability of the Property for Various Uses & The Most Appropriate and Best Use of Land Throughout the Locality

The Property currently contains a building that was originally a single-family detached dwelling but is now occupied by Mary’s House of Hope which provides transitional housing

to single mothers and their children. As a site of approximately 0.35 acres, its possible use is constrained due to its small size, but its continued use for transitional housing or possible use as a single-family detached dwelling, the primary use of the proposed R-2 district, would be suitable for the site.

OA15-04 ANALYSIS:

Any proposed amendment to the Zoning Ordinance for the Town of Purcellville, Virginia should comply with the various purposes noted in Article 1, Section 3. In the case of a request to add a specific use to a district, consideration of these purposes can be condensed in to the following questions:

1. Is the request supported by or contrary to the comprehensive plan?
2. Is the request suitable for the effected district(s)?
3. Are there any town-wide effects of the request?

Consistency with the Comprehensive Plan

The Purcellville, Virginia 2025 Comprehensive Plan (2025 Plan) was adopted in 2006 to “provide guidance for the coordinated and harmonious development of the territory in accordance with present and future needs and resources that will best promote the health, safety, morals, order, convenience, prosperity and general welfare of the community” (*2025 Plan*, p. 1). Accordingly, the Plan should serve as the basis for Town land use decisions, but its policies are silent regarding transitional housing.

Financial Planning for the Future

Purcellville continues to face costs for capital improvements and other enhancements designed to benefit the community, and this presents the challenge of maintaining fiscal balance and stability while paying for needed improvements. One method provided in the Plan to address this challenge is “to better balance the Town’s tax base by working toward 30 percent of the value of the Town’s real property tax base from commercial property and 70 percent from residential property” (*2025 Plan*, p. 22).

1. The addition of transitional housing as a permissible use would not help to increase the Town’s commercial property tax base.
2. The Town’s motivation for pursuing this application and the related RZ15-01 application is to monetize a Town-owned asset, and while this specific strategy is not mentioned by the 2025 Plan, it is an attempt by the Town to support the maintenance of fiscal balance and stability.

Staff Determination: OA15-04 is partially in compliance with this portion of the Plan.

2025 Land Use Policies

The Plan expresses a desire to “achieve a better balance between residential and commercial and industrial development” as well as “increase opportunities for commercial and industrial growth” (2025 Plan, p. 110). The Plan also includes policies to “provide for managed community growth and land development that ensures harmonious, compatible and orderly land use patterns” (2025 Plan, p. 111) and “provide a diversity of land uses that support the residential and business needs of Purcellville while ensuring economic, social and financial stability” (2025 Plan, p. 111).

1. Approval of OA15-04 would have no effect on the balance between residential and commercial development, as transitional housing could only be operated by a government or nonprofit agency.
2. By requiring a special use permit for transitional housing and ensuring that such uses meet the proposed standards, any necessary conditions could be imposed to ensure its compatibility with surrounding development.
3. Adding transitional housing as a use in the district would increase the diversity of land uses and could one day support a Town resident in need of such temporary housing.

Staff Determination: OA15-04 generally complies with this portion of the Plan.

Other 2025 Policies

Staff Determination: OA15-04 is not particularly applicable to the Plan’s policies for: Housing; Parks, Recreation and Open Space; Historic Resources; Economic Development; Public Services; Public Utilities; Transportation; or the Environment.

Suitability for the R-2 District

Article 2, Section 1 of the Zoning Ordinance for the Town of Purcellville, Virginia states that zoning districts are established “in order to regulate and restrict the location and use of buildings and land...in accordance with the comprehensive plan.” In addition, the same section notes that:

The purpose statements which accompany each district are intended to describe in a general way the character of uses to be encouraged in the district, to assist with selection of appropriate districts for application to various

conditions of land use, existing or planned, and to assist with interpretation of questions which may arise with respect to particular land uses in particular locations. In any case of difference between the purpose statement and the use regulations for the district the use regulations shall control.

The purpose of the R-2 District states that it provides for:

low-density single-family detached residential development together with those public and semi-public uses...as may be necessary or are normally compatible with residential surroundings[, and] certain special care facilities...are permitted by special use permit subject to such restrictions and requirements as will ensure compatibility with residential surroundings.

Since transitional housing would be restricted to being operated by a government or non-profit agency, it would be a public or semi-public use that could be a special care facility in certain situations. Additionally, the use would be restricted to a maximum occupancy of nine as well as a minimum separation of 250 feet from existing residential dwellings.

Staff Determination: The purpose of the Town's R-2 district supports OA15-04's request to add transitional housing as a SUP.

Town-wide Effects

The proposed requirement that transitional housing be at least 250 feet from any existing residential dwelling greatly limits the places it could be located in the Town's R-2 district. The Property and the Ball Property are the only locations staff has identified that could meet this requirement. Given the limited locations, few transitional housing facilities could be placed in Purcellville, so it is unlikely that there would be any town-wide effects if OA15-04 were approved.

Staff Determination: OA15-04 presents no obvious town-wide effects.

FINDINGS:

1. RZ15-01 is partially supported by the *Financial Planning for the Future* and generally supported by the *2025 Housing Policies* sections of the Purcellville, Virginia 2025 Comprehensive Plan; however, it is currently contrary to the *2025 Land Use Policies*. If CPA15-02 is approved, RZ15-01's proposed rezoning to R-2 would then be supported by the *2025 Land Use Policies*.

2. CPA15-02 is a suitable amendment to the Purcellville, Virginia 2025 Comprehensive Plan's Planned Land Use Map as it respects the built density and residential character of nearby developments.
3. OA15-04 is partially supported by the *Financial Planning for the Future* and generally supported by the *2025 Land Use Policies* sections of the Purcellville, Virginia 2025 Comprehensive Plan.
4. OA15-04 is supported by the purpose statement of the R-2, Single-Family Residential District.
5. There are no obvious town-wide effects of OA15-04.

ATTACHMENTS

1. RZ15-01 Application
2. RZ15-01 Statement of Justification and Explanation
3. Property Diagram (Copy of Subdivision Plat Creating the Parcel)
4. Proposed Zoning Ordinance Text Amendments for Transitional Housing

Town of Purcellville
Department of Planning and Zoning
 221 S. Nursery Avenue, Purcellville, VA 20132
 (540)338-2304 Fax (540)338-7460

**Rezoning &
 Proffered Conditional Amendment
 Application**

Date 9/10/2015 PIN 489 3844 77000
 Street Address 781 S. 20th Street, Purcellville VA
 Parcel Acreage 0.3471 acres Parcel Zoning District Institutional

Agent's Name _____
 Fax No. _____ Phone No. _____
 E-mail _____
 Mailing Address _____

Owner's Name Town of Purcellville
 Fax No. _____ Phone No. _____
 E-mail _____
 Mailing Address 221 S. Nursery Ave.
 Purcellville VA

Requested Zoning R-2 Proposed Density (Residential) _____
 Description of request Revise zoning from Institutional to R-2,
 single family residential

Justification for request Property use is residential currently.

Please Note – during review by the Town or other referral agencies, additional information may be requested to aid in the review process of this application.

Proffers are included with application (If so, please attach).

Please see reverse for application process.

Owner:
 I have read this completed application, understand its intent and freely consent to its filing. The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve that for which I am applying. Furthermore, I grant permission to the Town or authorized government agents to enter the property and make such investigations and tests as they deem necessary.

Robert White
 Owner Signature Date 9/10/15

For Town Use Only

Application Received:		Hearing Date:	T.C. P.C.	<input type="checkbox"/> Fees Paid Amount \$ _____ Rezoning # <u>RZ15-01</u>
Town Council Action:	Approved: Denied:		Ordinance # _____	

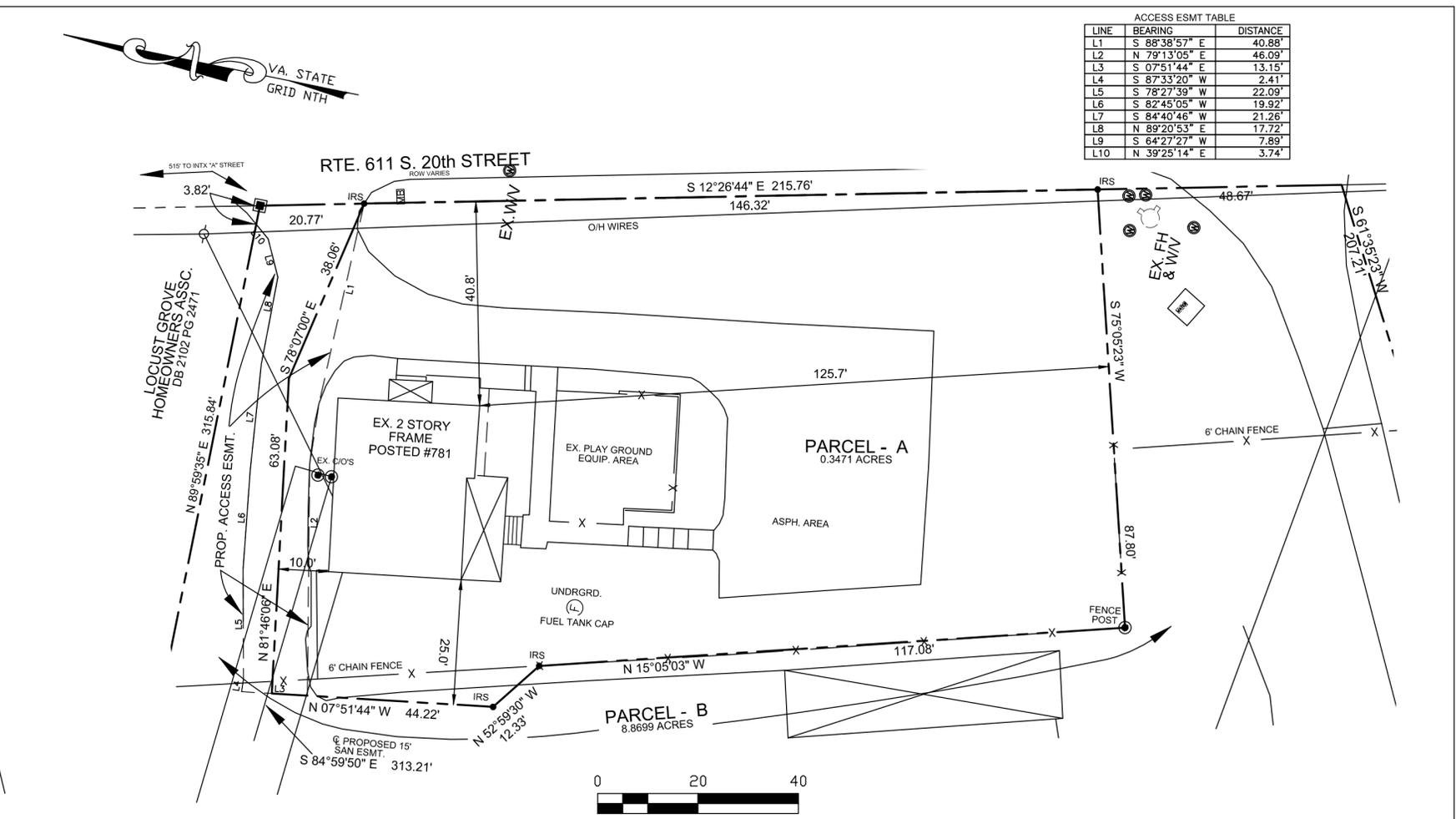
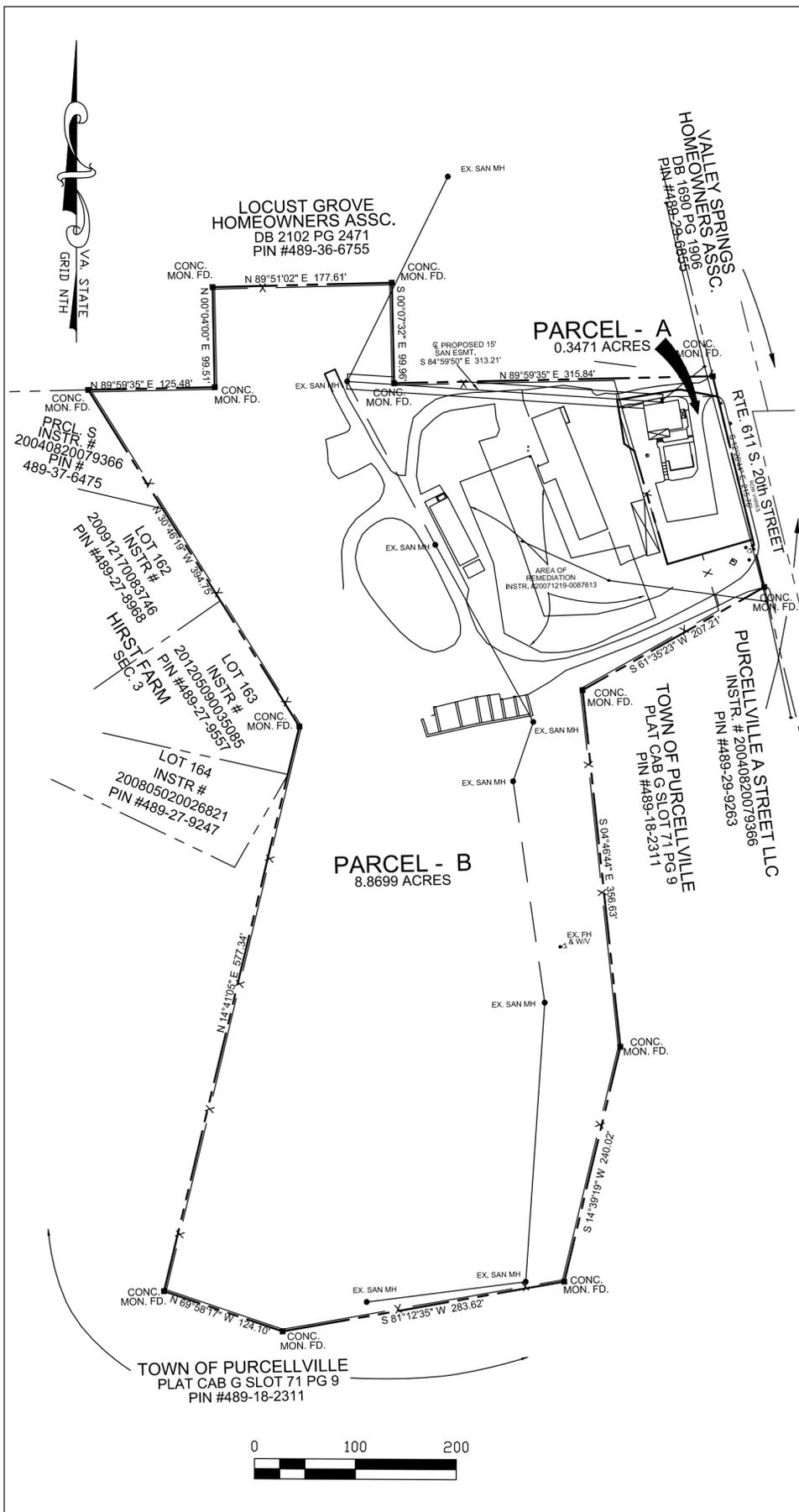
Statement of Justification and Explanation

The Town of Purcellville is requesting a rezoning of 781 S. 20th Street (PIN 489384477000) from IP Institutional and Public Use to R-2 Single-family Residential zoning. The property for which rezoning is being requested is a 0.3471 acre parcel with a house. The house is currently being used for transitional housing, and allows single mothers (and their children as old as 12 years old) up to two years to stabilize their living situation, become stable in their jobs and learn to be solid parents.

Properties to the north and east (across S. 20th Street) are zoned R-2. The Town property that borders this parcel to the west and south is zoned IP, and is the site of the old wastewater treatment plant and maintenance shop.

The Town of Purcellville acquired this property, as a part of a larger parcel, in 1973. The house continued to be used as a single family tenant home until May 2005, when the Good Shepherd Alliance leased the home and renovated the old tenant house. Since 2007, the home has been used for women's transitional housing, and has been well maintained by the Good Shepherd Alliance.

The current zoning is IP. The Town requests a rezone of this property, in combination with any necessary text amendment to the Zoning Ordinance, to allow the continued use of this property for transitional housing with a zoning of R-2. The proposed rezoning is consistent with the surrounding non-governmental property.



LINE	BEARING	DISTANCE
L1	S 88°38'57" E	40.88'
L2	N 79°13'05" E	46.09'
L3	S 07°51'44" E	13.15'
L4	S 87°33'20" W	2.41'
L5	S 78°27'39" W	22.09'
L6	S 82°45'05" W	19.92'
L7	S 84°40'46" W	21.26'
L8	N 89°20'53" E	17.72'
L9	S 64°27'27" W	7.89'
L10	N 39°25'14" E	3.74'

APPROVAL

BY: ZONING ADMINISTRATOR _____ DATE _____

OWNER'S CONSENT

THE ABOVE AND FOREGOING SUBDIVISION OF THE PROPERTY OF TOWN OF PURCELLVILLE AS APPEARS IN THE ACCOMPANYING PLAT, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

BY: TOWN OF PURCELLVILLE _____ DATE _____

NOTARY PUBLIC

STATE OF _____
 CITY/COUNTY OF _____
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2015
 BY _____ ON BEHALF OF TOWN OF PURCELLVILLE
 _____ NOTARY PUBLIC
 MY COMMISSION EXPIRES _____

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE LAND CONTAINED IN THIS SUBDIVISION IS THE SAME LAND CONVEYED TO THE TOWN OF PURCELLVILLE AS RECORDED IN DEED BOOK 1163 AT PAGE 1000 AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LOUDOUN COUNTY, VIRGINIA.



OWNER: TOWN OF PURCELLVILLE, VA
 221 S. NURSERY AVE.
 DEED BOOK 1163 AT PAGE 1000
 TAX MAP 44 PARCEL 66
 PARCEL ID 489-28-2069
 TOWN OF PURCELLVILLE PROJECT
 NO. TP15-06
 PROPERTY ADDRESS # 781 AND #785
 S. 20TH STREET
 BOUNDARY INFORMATION SHOWN
 HEREDON IS BASED ON VIRGINIA
 STATE GRID CONTROL FOR THE TOWN
 OF PURCELLVILLE.
 THIS PLAT MUST BE RECORDED
 WITHIN SIX MONTHS OF APPROVAL.

VICINITY MAP
 NO SCALE
 THIS PLAT HAS BEEN PREPARED
 WITHOUT THE BENEFIT OF A TITLE
 REPORT THEREFORE THIS PLAT MAY
 NOT SHOW ALL ENCUMBRANCES TO
 THE PROPERTY
 PARCEL A AND PARCEL B ZONED
 INSTITUTIONAL AT TIME OF PLAT
 APPROVAL
 ISSUANCE OF ZONING PERMITS SHALL
 BE SUBJECT TO PAYMENT OF WATER
 AND SANITARY SEWER CONNECTIONS.
 APPROVAL OF THIS SUBDIVISION
 DOES NOT GUARANTEE PROVISIONS
 OF WATER OR SEWER BY THE TOWN
 OF PURCELLVILLE.

AREA TABULATION

ORIGINAL PRCL. =	9.2170 ACRES
NEW PRCL. A =	0.3471 ACRES
NEW PRCL. B =	8.8699 ACRES
TOTAL =	9.2170 ACRES

DRAWN BY: DFS
 JOB NO.: 1503015
 SCALE: AS NOTED
 DATE: 05/22/15
 SHEET: 1/1



PAINTER-LEWIS, P.L.C.
 817 Cedar Creek Grade, Suite #120
 Winchester, Virginia 22601
 Telephone: (540) 662-5792
 Facsimile: (540) 662-5793
 Email: office@painterlewis.com

PROJECT:
 TOWN OF PURCELLVILLE
 PARCEL ID #489-28-2069
 LOUDOUN COUNTY, VIRGINIA

DRAWING TITLE:
 SUBDIVISION
 PLAT

NO.	DATE	DESCRIPTION	BY
	7/14/15	COUNTY COMMENTS	

PROPOSED ZONING ORDINANCE TEXT AMENDMENTS FOR TRANSITIONAL HOUSING

Amend Article 4, Section 1, Subsection 1.1: Use Table as follows:

Use	R2	R3	R3A	R8	R15	C1	MC	C4	CM1	M1	PDH	X	IP	AC	RT	Use Standard
Theater							SUP	SUP					SUP			
<u>Transitional housing</u>	<u>SUP</u>															<u>Art. 4, Sec. 1.2.179</u>
Upholstery shop							P	P	P	P						

Amend Article 4, Section 1, Subsection 1.2: Use Regulations as follows:

176-~~178181~~. *Reserved.*

179. Transitional housing.

a. General standards.

i. The facility shall have a maximum occupancy of three adults with up to two children each, excluding any resident staff persons.

ii. The facility shall be at least 250 feet from any existing residential dwelling.

b. Reserved.

180-181. Reserved.

Amend Article 15, Section 2: Definitions as follows:

Transitional housing. A residential facility managed by a government or nonprofit agency which provides temporary accommodations to women, with or without children, for a period of up to two years, and which also may provide meals, counseling, and other appropriate program activities designed to facilitate independent living.

MINUTES
PLANNING COMMISSION REGULAR MEETING
NOVEMBER 19, 2015, 7:00 PM
TOWN HALL COUNCIL CHAMBERS

The Regular Meeting of the Purcellville Planning Commission convened at 7:00 PM and the following attended:

PRESENT: Doug McCollum, Chairman
Theresa Stein, Vice Chair
Chris Bledsoe, Planning Commissioner
Nedim Ogelman, Planning Commissioner
Chip Paciulli, Planning Commissioner

ABSENT: EJ Van Istendal, Planning Commissioner

STAFF: Daniel Galindo, Senior Planner
Tucker Keller, Planning and Zoning Technician

CALL TO ORDER AND PLEDGE OF ALLEGIANCE:

The regular meeting of the Planning Commission was called to order by Chairman McCollum at 7:00 PM. The Pledge of Allegiance followed.

AGENDA AMENDMENTS:

Daniel Galindo stated that Vice Chair Stein had requested an update to items that will require public hearings. Daniel Galindo stated that he has provided this information to the Planning Commission and would like to add this to item #7 of tonight's agenda. Chairman McCollum approved the amendment.

PUBLIC HEARINGS:

- a) **OA15-03 – Zoning Ordinance Text Amendment to Increase the Maximum Enrollment of a Home Child Care from Six to Twelve**

Chairman McCollum opened the public hearing.

Tucker Keller stated written comments have been received from Diane Shook (President of Purcellville Ridge HOA), Laura Burgess (President of Courts of St. Francis HOA), Ken Beckstrom (Resident of Courts of St. Francis), and Patrick Red McCabe (President of Courtland Square HOA).

Meghann Donohue of 50 South Hughes Street stated that she was present tonight in support of Ms. Uceda and the increase in allowable children for a home child care. Ms. Donohue stated that they picked Ms. Uceda because she was state licensed and the standards that must be met to be state licensed. Ms. Donohue stated that she supports raising the number of children as long as the state's requirements are met because she feels confident that the state will be able to cover the proper regulations. Ms. Donohue noted that if the Planning Commission were to keep the limited number of children, then it could discourage home child care businesses from getting a state license. Ms. Donohue also noted that there are many home child care businesses that are presently in Purcellville that are not state licensed, and these businesses will not be impacted.

Courtney Bauder of 35471 Sassafras Drive came forward in support of Ms. Uceda and the increase in the number of children for a home child care. Ms. Bauder stated that her and her husband pulled their children out of a non-state licensed daycare because they felt more comfortable with the monitoring that comes with the state licensing. Ms. Bauder noted that she could enroll her children into a commercial child care facility to get the requirements set by the state but prefers the environment provided by a home based child care. Ms. Bauder stated that the Commonwealth states that a licensed home child care can have up to 12 children based off an age related scale. Ms. Bauder asked, "why is the Town trying to override the Commonwealth?" Ms. Bauder asked the Town to please allow Ms. Uceda to continue to follow the already established state regulations that she has been following for years.

Melanie Hamblin of 19320 Lancer Circle came forward in support of Ms. Uceda and the increase in the number of children for a home child care. Ms. Hamblin stated that many of the providers are inadequate including some of the commercial day cares in Town. Ms. Hamblin stated that Ms. Uceda is hands down the best provider she has ever had for her children and for many working moms it is of the utmost importance. Ms. Hamblin stated to limit the number of children for a "good daycare" would be a disservice to the community.

Sherrie Nutzman of 37833 Perkins Court came forward in support of Ms. Uceda and the increase in the number of children for a home child care. Ms. Nutzman stated that Ms. Uceda is a wonderful provider and has done wonders in the care of her son. Ms. Nutzman noted that if someone cannot take the time to get state licensed, then she didn't want them watching her child. Ms. Nutzman expressed her encouragement for the Planning Commission to allow Ms. Uceda the maximum enrollment of twelve children.

Greg Wishurt of 111 Misty Pond Terrace, neighbor and customer of Ms. Uceda, came forward in support of Ms. Uceda and the increase in the number of children for a home child care. Mr. Wishurt stated that he and his wife choose Ms. Uceda because of her being state licensed. Mr. Wishurt noted that Ms. Uceda is a great

provider, very flexible with her available hours, and he does not know what his family would do if Ms. Uceda could no longer care for his child.

Lloyd Mansfield of 207 Grassy Ridge Terrace, neighbor and customer of Ms. Uceda came forward in support of Ms. Uceda and the increase in the number of children for a home child care. Mr. Mansfield stated that his daughter has excelled at school and this can be directly contributed to Ms. Uceda. Mr. Mansfield noted that as a neighbor there is never any congestion or disturbance in traffic flow.

Matt Robbins of business address 121 East Main Street came forward in support of Ms. Uceda and the increase in the number of children for a home child care. Mr. Robbins stated that he lives in Maryland but works here in Purcellville, and he and his wife found Ms. Uceda and took their infant to her home daycare. Mr. Robbins expressed his satisfaction with Ms. Uceda as a provider and hopes that the Planning Commission can defer to the state's regulations.

Mark DeZogottis of 136 Ivy Hills Terrace came forward in support of Ms. Uceda and the increase in the number of children for a home child care. Mr. DeZogottis stated that as a neighbor to Ms. Uceda her business has no negative effect, and she is actually an enhancement to the community. Mr. DeZogottis noted that she is recognized throughout many organizations in Town and regarded highly. Mr. DeZogottis stated that for many of the children that cannot function in the large daycare facilities Ms. Uceda is a great alternative.

Annie Uceda of 130 Misty Pond Terrace came forward as the applicant to the requested increase in the number of children for a home child care. Ms. Uceda stated that there are many unlicensed home child care businesses in Purcellville and some that have as many as ten children. Ms. Uceda noted that if the Town increases the number of children it will encourage licensed home child cares and will increase the number of businesses in the Town. Ms. Uceda stated in response to the environmental and traffic concerns, one of the requirements will be a letter of approval from the Homeowners Association which will be another filter. Ms. Uceda noted that she has been a licensed home day care since 2008, and only this year did the State limit her number of children because of the ordinances set by the Town. Ms. Uceda stated that when she went to her neighbors to get their opinions on her business many did not even realize that she ran a daycare out of her home. Ms. Uceda also noted the difference in the Special Use Permit fee for the Town of Purcellville versus the fee in Loudoun County.

Ryan Murley of 18165 Sands Road came forward in support of Ms. Uceda and the increase in the number of children for a home child care. Mr. Murley stated that for the last five years he has always used a licensed daycare and thinks that to be state licensed is very important. Mr. Murley noted to be state licensed you must be CPR certified and be part of the FDA healthy food program. Mr. Murley stated in addition to wanting to find a licensed day care provider they wanted to

find someone in or around their neighborhood. Mr. Muley also pointed out that the limit will have a toll on the livelihood of Ms. Uceda and could make it impossible to continue her daycare business with the limited number.

Tom McMahan of 17734 Sweetgum Place stated that if the Planning Commission does not change the existing limit of children allowed in a home child care this will in turn limit a small business that is doing well and employs some other residence as assistants. Mr. McMahan noted that eliminating a small business will have an adverse effect on the Town's revenue and will encourage daycares to not be licensed. Mr. McMahan stated that it also restricts consumer options in price, quantity and quality. Mr. McMahan noted how great of a provider Ms. Uceda has been to his two girls and that it is like a second home.

Peggy Wishurt of 111 Misty Pond Terrace came forward in support of Ms. Uceda and the increase in the number of children for a home child care. Ms. Wishurt stated that she is also a neighbor and feels herself lucky to have Ms. Uceda in the neighborhood.

ACTION ITEMS:

None

DISCUSSION ITEMS:

a) OA15-03 –Zoning Ordinance Text Amendment to Increase the Maximum Enrollment of a Home Child Care from Six to Twelve

Daniel Galindo noted that the state does regulate differently than the towns and counties do as far as zoning is concerned. Daniel Galindo stated that the state has been authorizing Ms. Uceda twelve children for years despite the fact the Town capped the number at six for longer. Daniel Galindo also noted the comments about home daycares in Town that have over six children; he encouraged the citizens to let Town staff know about these illegal businesses. Daniel Galindo stated that the Planning Commission needs to keep in mind that the application is for a text amendment to the existing ordinance, and this amendment would change the language for all districts, not just Ms. Uceda.

Vice Chair Stein asked staff if the request is to have the increase from six to twelve children by-right in all residential districts. Daniel Galindo stated the request is to change the standard, and the use is by-right in the residential districts with the exception of R-3A and a PDH.

Commissioner Paciulli asked staff if there is a way to create standards that allowed the approval of the Homeowners Association to be the final say. Daniel

Galindo stated that if a matter is against a covenant of the Homeowners Association then the business would not be allowed by the HOA. Chairman McCollum stated that in the state statute the HOA has to approve, and some of the other jurisdictions that have adopted their own standards, as permitted by Virginia Code, have included in the conditions approval of the HOA.

Commissioner Ogelman noted some residential communities do not have a HOA, and asked staff in those circumstances would approval only be on the Town's rules, state's rules and County. Daniel Galindo stated that if the use is by-right, any residential child care with 6 children or more, by state code, would have to notify the adjoining neighbors.

Commissioner Paciulli inquired if the \$2,000 special use fee could be structured differently. Daniel Galindo stated that Council would need to approve an adjustment of the fees associated with a special use permit. Galindo noted that currently there is only one fee for a special use permit, but the amount of impact from home child care is very different than a 50,000 square feet grocery store.

Commissioner Bledsoe asked staff if there is a way to require a home child care business be state certified. Daniel Galindo stated it could be added that all home child care over six children be state certified, the only problem would be to make sure that the business stayed in compliance.

Commissioner Ogelman stated he believes there are three separate issues that need to be considered. The first issue would be the benefit of the Town to have such a respected daycare, based on the comments from tonight. The second issue would be licensing, and the third issue would be what the Town needs to do for the public health, safety and welfare with regard to daycares in general.

Chairman McCollum noted it is not a question for the Planning Commission if this is a "well run daycare facility; we take it for granted that it is." Chairman McCollum stated that the Planning Commission needs to take in to consideration that four written statements were received all in which opposed the application, three from HOAs and one from Purcellville Ridge HOA where Ms. Uceda lives. Chairman McCollum stated that he would like to call Ms. Uceda up to answer some questions based on the Town of Leesburg's standards for a home child care. Chairman McCollum explained that it must be considered that this is not for one particular residence, and this will effect a whole district if not more.

Vice Chair Stein asked staff if it has been considered to raise the number to six by-right and allow up to twelve with a special exception or having by-right up to twelve if the applicant can meet all the performance standards. Daniel Galindo stated it was considered as an option along with possibly adding another category of special use or making it an administrative permit if all standards are meet. Daniel Galindo stated that he would like feedback from the Planning Commission

on this issue. Vice Chair Stein noted that she feels it very important to consider the needs of the public but to also consider the impact if a whole row of town houses had an approved home child care with the maximum twelve children.

Commissioner Ogelman noted this goes back to what the citizens' vision is for their town and the importance of the comprehensive plan. Commissioner Ogelman stated another item to consider is to not have a "one-size fits all" special use permit.

The Planning Commission discussed how to incorporate standards and the process to receive public input.

Vice Chair Stein noted that this is the public hearing on the matter and recommended addressing the items that were brought up in the letters opposing the use. Vice Chair Stein stated that she would like to have staff draft up some performance standards, and maybe have another public hearing proposing the standards and take action on the matter. Chairman McCollum stated the Planning Commission could move the specific application to action and vote it up or down, and at the same time, the Planning Commission could direct staff to collect criteria for standards that the Planning Commission could consider and recommend to Council.

The Planning Commission along with staff and the applicant decided to not move the matter to an action item but to gather information on standards that would be appropriate to the Town and present the recommended standards at another public hearing.

Chairman McCollum stated that in the suggestions the Planning Commission will be sending staff, to also include in their recommendation if the home child care should be by-right or by special use permit and if the Commissioner thinks there should be a minor and major special use permit.

Ms. Uceda requested if the Planning Commission could temporarily allow her the maximum of twelve children until a final decision has been made. Chairman McCollum stated that the Planning Commission is not taking any action on the matter. Daniel Galindo stated that if it is a matter of providing a letter to the State saying the matter is under consideration that might be able to be done.

INFORMATION ITEMS:

a) Update on Forthcoming Items Requiring Public Hearings

Daniel Galindo provided the Planning Commission a list and brief description of various legislative items likely to come before the Planning Commission in the near future. The list consisted of eleven items. Daniel Galindo stated that numbers

one, two and three are already scheduled and numbers eight, nine, ten and eleven are sent out for review and will be scheduled for a public hearing following the review. Daniel Galindo noted items number four, five, six and seven are the only ones really under the discretion of the Planning Commission to set as priorities. Vice Chair Stein asked staff if for item number eight the Planning Commission will be looking at a Comprehensive Plan Amendment while reviewing the Comprehensive Plan. Daniel Galindo stated the parcel requesting the amendment is currently zoned X District and has never had a designation. He reminded the Planning Commission that applications are going to continue to come in, and an applicant may not be willing to wait until after the full comprehensive plan review.

Chairman McCollum noted that item numbers two and three are Town-initiated applications to ultimately transfer from Town-owned to the nonprofit organization that runs Mary's House of Hope. Chairman McCollum briefly went over the item and where it will be on the list of priorities.

Commissioner Ogelman stated that in regards to item number six, the sign regulations, he believes it would be helpful for an attorney to say what the parameters are of what the Supreme Court ruled and what the Town can say and do. Commissioner Bledsoe stated that the Town Attorney did send out something. Daniel Galindo stated that the Virginia Association of Local Government Attorneys has put together a model of changes to sign ordinances in response to the Supreme Court ruling. Daniel Galindo noted he spoke with the Town Attorney, and she said the work that the Planning Commission does on the sign ordinance will most likely be sent out for external review.

Chairman McCollum noted item numbers eight, nine, ten and eleven are driven by statutory requirements. Daniel Galindo stated that there is a limited timeframe for SUPs less so for the rezonings. For eight through ten there is not a firm timeline, but staff tries to treat the applications the same as administrative applications.

CITIZEN COMMENTS:

None

CHAIRMAN'S COMMENTS & COUNCIL REPRESENTATIVE'S REPORT

Chairman McCollum stated he would not be at the December 3rd Planning Commission meeting.

PLANNING COMMISSIONERS' COMMENTS:

Commissioner Paciulli stated that he attended the November 17th Town Council meeting, and it was a good experience. Commissioner Paciulli noted that discussion was had about the ordinance update that the Planning Commission had sent on to the Town Council. Commissioner Paciulli stated that it was very informative, and he is glad he attended.

Commissioner Paciulli asked if there is a timeframe for another Planning Commission member. Chairman McCollum stated that the plan is to start interviewing candidates in January.

Chairman McCollum added that he wanted to thank Commissioner Ogelman and Commissioner Paciulli for attending the Town Council meeting. Chairman McCollum stated that staff will be making the revisions that were requested by the Council, and it will be presented at the December 8th Town Council meeting. Daniel Galindo stated the revised matrix will be posted on the website.

Commissioner Ogelman asked staff what was the final determination from the Town Council meeting regarding retail in C-1. Daniel Galindo stated the use will stay the same. General retail sales will be allowed in C-1, but it will be subject to the 15% standard. SUP for the 10,000 square feet commercial uses will be pulled out of the C-1 district.

APPROVAL OF MINUTES:

- a) October 15, 2015 Regular Meeting
- b) November 5, 2015 Regular Meeting

Commissioner Ogelman requested a friendly amendment to the October 15, 2015 regular meeting minutes; Commissioner Ogelman noted in the statement he made regarding waiting on the election of the Planning Commission Chairman that he would like to add the reason he gave of the normal election taking place the first meeting in November.

Vice Chair Stein made a motion to approve the minutes and accepted the friendly amendment. Motion was seconded by Chairman McCollum.

Motion:	Vice Chair Stein
Second:	Chairman McCollum
Carried:	5-0-0

ADJOURNMENT:

With no further comments, Commissioner Ogelman made a motion to adjourn the meeting at 8:44 PM. The motion was seconded by Vice Chair Stein.

Motion:	Commissioner Ogelman
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Second: Vice Chair Stein
Carried: 5-0-0

Doug McCollum, Chairman

Diana Hays, Town Clerk

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**MINUTES
PLANNING COMMISSION REGULAR MEETING
DECEMBER 3, 2015, 7:00 PM
TOWN HALL COUNCIL CHAMBERS**

The Regular Meeting of the Purcellville Planning Commission convened at 7:00 PM and the following attended:

PRESENT: Theresa Stein, Vice Chair
Chris Bledsoe, Planning Commissioner
Nedim Ogelman, Planning Commissioner
Chip Paciulli, Planning Commissioner
EJ Van Istendal, Planning Commissioner

ABSENT: Doug McCollum, Chairman

STAFF: Daniel Galindo, Senior Planner

CALL TO ORDER AND PLEDGE OF ALLEGIANCE:

The regular meeting of the Planning Commission was called to order by Vice Chair Stein at 7:01 PM. The Pledge of Allegiance followed.

AGENDA AMENDMENTS:

None

PUBLIC HEARINGS:

None

ACTION ITEMS:

None

DISCUSSION ITEMS:

- a) **OA15-03 –Zoning Ordinance Text Amendment to Increase the Maximum Enrollment of a Home Child Care from Six to Twelve**

Daniel Galindo started the discussion regarding OA15-03. Daniel Galindo stated that in response to the November 19th Planning Commission meeting he has

prepared draft alternative standards. Daniel Galindo noted that in his staff report he has summarized his suggestions and how they differ from what Loudoun County and/or Leesburg does. Daniel Galindo stated that he has also provided in the staff report a short explanation to go along with the proposed regulation.

Vice Chair Stein stated that she would like to go through the proposed regulations as a commission and decide which they would like to bring forward so it could possibly be set for the January public hearing.

Commissioner Paciulli pointed out in the staff report it is mentioned that the applicant would have to request a special exception but there is no cost mentioned. Daniel Galindo stated that the current cost for a special exception is \$500 and a special exception is different than a SUP, a special exception is cheaper and less time consuming than a SUP. Commissioner Ogelman asked if this in lieu of last Planning Commission meeting suggestion of adding a whole new category for this type of Special Use. Daniel Galindo stated that for now, yes, eventually the Planning Commission might want to separate minor from major special uses but for now instead of creating that complete process for one use making this use a special exception and using the process that is already implemented makes more sense. Commissioner Ogelman asked staff if this would take care of the issue of the change being singular versus changing the whole district. Daniel Galindo stated yes, this would only be for the applicant applying for the special exception. Commissioner Paciulli suggested adding that no signage is allowed. Vice Chair Stein stated that should fall under the “no change in outside appearance.” Daniel Galindo stated that if the Planning Commission would like to completely prohibit signage it can be added. The Planning Commission discussed suggestions that the zoning administrator presented. Vice Chair Stein noted that in making suggestions for the regulations the Planning Commission needs to be cautious that the regulation can be viewed and can be verified for compliance. Commissioner Van Istendal noted that one of the proposed regulations is no more than two employees, Commissioner Van Istendal asked staff if that number is adequate for the amount of children per the state. Daniel Galindo stated that we could check with Ms. Uceda but his understanding is it is based on ages and numbers of the children. Commissioner Bledsoe suggested adding clarification for the number of resident employees versus nonresident employees. Commissioner Ogelman noted that in the comparison provided from Leesburg there is a lot size restriction, Commissioner Ogelman asked staff if the Town currently has a lot size component. Daniel Galindo stated in the Town’s current ordinance there is not a lot size requirement and he added that he felt it would be arbitrary to add a lot size requirement as long as the other sixteen standards are met. Commissioner Ogelman noted that he would like to know why Leesburg and Loudoun County felt it necessary to add lot size restrictions. Vice Chair Stein stated that from her knowledge for the County the lot size restriction regarding residential day care and lot size requirements per district is where the County is getting the numbers and trying to be able to control

to a degree the amount and location of the residential home day cares. Commissioner Paciulli noted that if the lot size requirement was added it would not allow for the use at most townhouses but adding the permission from the Home Owners Association the Town would not be excluding the use at townhomes and making sure that the community would be okay with the business. The Planning Commission discussed the benefits or disadvantage of adding lot size requirements.

Commissioner Van Istendal asked Ms. Uceda if she could explain the point system that the State has set up to determine how many children per provider. Ms. Uceda explained an infant up to fifteen months is 4 points, sixteen months to two years is 3 points, two years to four years 2 points and five years and up 1 point. One provider is allowed sixteen points. Ms. Uceda also added in regards to the lot size and restrictions the State already requires this information be provided for licensing.

Vice Chair Stein asked staff if a home child care with five children or less would continue to be permitted throughout Town with a home occupation permit. Daniel Galindo stated those home child care under the six would need the home occupation permit and not the special exception. Vice Chair Stein also noted that she would like for a sketch plan to be clearly stated as not needing to be an engineered plan. Vice Chair Stein noted she likes the suggestion from the Zoning Administrator regarding the letter from the HOA be notarized also noted that the proposed regulation number ten for the designated drop off and pick up areas will be very hard to enforce. Vice Chair Stein stated that she would like to come to some consensus tonight for the standards the Planning Commission would like to have advertised so this can be moved on. Commissioner Bledsoe suggested making the difference between a home child care business and a state licensed home child care business very clear and the expectations that go with it. Commissioner Bledsoe added that he does not see a reason for a notarized letter from the HOA because whoever will be notarizing will not know if that person has the authority to sign. Vice Chair Stein noted the changes to the proposed regulations.

Commissioner Ogelman stated that he is concerned about the neighbors being notified that are not in a HOA. Commissioner Paciulli noted that through the BZA process adjacent neighbors will be notified along with the newspaper notice.

Commissioner Bledsoe asked Ms. Uceda if she had any questions or comments. Ms. Uceda stated that she does not understand why after seven years of her business being established, she would need to post something in her yard stating her application. Daniel Galindo explained that this is the process stated in the Zoning Ordinance for an application for a special expectation.

INFORMATION ITEMS:

- a) **RZ15-01- Zoning Map Amendment for 781 South 20th Street-IP to R-2**
- b) **OA15-04- Zoning Ordinance Text Amendment to Add Transitional Housing as a SUP in R-2, Add a Definition for Transitional Housing, and Add Use Standards for Transitional Housing.**

Daniel Galindo stated these are Town initiated applications in the anticipation of the Town selling Parcel “A” as noted on the plat. Daniel Galindo explained that with the rezoning that is being asked for if the transitional housing use is not added it will make this nonconforming. Vice Chair Stein noted that she feels that the IP district is a good fit for transitional housing and is not quite sure why it should be changed to R-2. Daniel Galindo stated that the potential purchaser of the property has requested for when and if they move the facility or shut it down they can then sell the property as a single family home. Commissioner Paciulli asked staff if it could just continue as a nonconforming use. Daniel Galindo stated in order for it to be meet nonconforming status it must be a lawfully established use at the beginning and this property would not be. Commissioner Paciulli asked if this use will be allowed town wide in R-2. Daniel Galindo stated it will be allowed town wide but with the proposed standards there is only one other property in all of town that could meet the standards. Commissioner Van Istendal asked why transitional housing would need to be a special use. Daniel Galindo stated that the Planning Commission can recommend a special use or by right. Commissioner Ogelman noted that he agrees with Vice Chair Stein and this use fits better with the IP purpose. Commissioner Ogelman stated that he would like to not move this to an action item and take in to consideration the possibility of a parcel being annexed and being able to meet the proposed standards.

CITIZEN COMMENTS:

None

CHAIRMAN’S COMMENTS & COUNCIL REPRESENTATIVE’S REPORT

Vice Chair Stein stated that she would like for the Planning Commission to consider doing disclosures at the beginning of the Planning Commission meeting, similar to what is done in Loudoun County. The Commissioner would disclose any conversations or meeting they have had about a project and put that out to the public. Commissioner Ogelman noted that he believes this is a great idea and will bring more transparency.

PLANNING COMMISSIONERS' COMMENTS:

Commissioner Ogelman stated that he wanted to clarify with the recent emails from EDAC that there was some confusion regarding Data Centers and for the record it was not a use and it was decided to discuss this use during the Comprehensive Plan Review.

APPROVAL OF MINUTES:

None

ADJOURNMENT:

With no further comments, Commissioner Ogelman made a motion to adjourn the meeting at 8:45 PM. The motion was seconded by Vice Chair Stein.

Motion:	Commissioner Ogelman
Second:	Vice Chair Stein
Carried:	5-0-0

Theresa Stein, Vice Chair

Diana Hays, Town Clerk