



**PLANNING COMMISSION
REGULAR MEETING AGENDA**

January 21, 2016

7:00 p.m.

- 1) **Call to Order** – Chair Doug McCollum
- 2) **Pledge of Allegiance**
- 3) **Oath of Office**
- 4) **Agenda Amendments & Commissioner Disclosures** (Planning Commission and Staff)
- 5) **Public Hearings**
 - a) None
- 6) **Discussion Items**
 - a) Amendment to Village Case Development Plan
 - b) Draft 2015 Annual Report of the Planning Commission
- 7) **Action Items**
 - a) None
- 8) **Information Items**
 - a) None
- 9) **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).
- 10) **Chairman’s Comments & Council Representative’s Report**
- 11) **Planning Commissioners’ Comments**
- 12) **Approval of Minutes**
 - a) January 7, 2016 Regular Meeting
- 13) **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.

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STAFF REPORT
DISCUSSION ITEM

Item # 6a

SUBJECT: Amendment to Village Case Development Plan

DATE OF MEETING: January 21, 2016

STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

BACKGROUND:

Prior to the January 7th Planning Commission meeting, Jason Brownell requested to speak to the Commission regarding his proposal to amend the Village Case Development Plan. At that meeting, the Commission briefly discussed Mr. Brownell's proposal, and staff provided the Commission with the Zoning Administrator's written interpretation of the process that Mr. Brownell would follow to accomplish such an amendment (Attachment 1). The Commission will discuss this matter further at the January 21st meeting.

ATTACHMENT:

1. Zoning Administrator Interpretation Letter on Proposed Amendment to Village Case Development Plan – December 7, 2015

December 7, 2015

Mark Nelis, P.C.
196 North 21st Street
Purcellville, VA 20132

Re: Village Case

Dear Mr. Nelis,

I have been reading over the PDH guidelines in hopes of figuring out how to proceed with Village Case. It is not an easy task but I think I have a clear thought on how to move forward.

First, there is no question that you will need a comp plan amendment. The comp plan specifically mentions neighborhood commercial in Village Case and that alone will trigger an amendment. When combined with the present Institutional Government designation for the church lot we definitely have to do a comp plan amendment that changes the land use designation from NC and I/G to low density residential or as stated in the Comp Plan "Residential 2-Dwelling Units Per Acre."

Regarding zoning. A PDH is a zoning designation, it is essentially the same as the MC or IP district; it has allowed uses, standards, etc. just like the other zoning districts. Some of the allowed uses in a PDH are residential uses, church uses, child care and convenience stores. The Village Case FDP designates certain areas within the PDH to be used for a Church and a commercial center. Those uses do not require a change in the zoning district as they are already allowed uses in the PDH zone/district. However, changes in location within the FDP will require an amendment to the FDP. Once the FDP has been amended to remove the church and commercial center, the permitted residential use can be used on those sites. The zoning doesn't change; only the location of allowed and permitted uses is changed and that is done through an amendment to the FDP.

It doesn't appear that the intent was to force these two land sites to have only commercial and church usage but rather if the market so dictated they were available for that type of use.

So what is the next step? Next is the determination of what review process is required by the PDH ordinance. Fortunately, there is guidance in the ordinance (Article 11 Section 6.2.9.a). The PDH has a specific requirement for amending an FDP once a final development plan has been approved. The zoning ordinance states in part that:

"Once a final development plan has been approved, and there is cause for amendment of the same, such amendment shall be processed as follows:

a. Upon a determination by the zoning administrator that the amendment will result in a final development plan which is still in accordance with the approved conceptual development plan, then such amendment shall be processed according with the provisions of this section.

b. Upon a determination by the zoning administrator that the amendment will cause the final development plan to not be in conformance with the approved conceptual development plan, then an amendment to the conceptual development plan shall be required in accordance with the provisions in paragraph 5.1(11)[sic] above. The amendment to the final development plan shall also be the subject of review by the planning commission in accordance with the provisions of this section." (emphasis added)

Since required review by the planning commission only appears in Section b. it seems reasonable to assume that an amendment that is in conformance with the FDP (Sec a.) is not required to be reviewed by the planning commission. Therefore, one can assume that the amendment only requires administrative review and approval as long as it is in conformance with the FDP. One final point, an FDP does not require approval from the Town Council (Article 6 Section 6.2) therefore, it stands to reason that the Town Council would not review an amendment to the FDP.

Conclusions.

1. A Comprehensive Plan Amendment will be required. In order to be in conformance with the Comprehensive Plan the NC and I/G land uses will have to be changed to Residential 2-dwelling units per acre.
2. There are two types of PDH FDP amendment processes:
 - a. Those in conformance with the existing FDP; and
 - b. Those not in conformance with the existing FDP.

The construction of single family homes at a density of 2 dwelling units per acre in those areas now designated as church and commercial will be consistent with the rest of the PDH requirements (same density, allowed use, lot size, open space, etc.) and therefore conforms to the FDP.

3. The established zoning district is PDH-2 for Village Case. Single family homes are a principal permitted use in this district. Therefore the single family use is in conformance with the FDP.
4. The new requested individual single family homes do not appear on the approved FDP. Therefore, an amendment to the FDP is required that shows the additional dwellings. Chapter 11 Section 6.2.9.a. provides for an administrative review of an amended FDP.



Community Development Department
Town of Purcellville
221 South Nursery Avenue
Purcellville, VA 20132
540-338-2304 www.purcellvilleva.gov

5. Once the CPAM has been approved and the FDP has been amended the applicant may proceed to submit a site plan.

If you have further questions please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Sullivan", with a long horizontal stroke extending to the right.

Patrick Sullivan, AICP CED, Director
Department of Community Development
Town of Purcellville

This letter is being offered as an interpretation of "Article 4 Section 12 PDH Planned Development Housing District" and "Article 11. Section 6. Procedures for review and approval of all PDH districts" and is not intended to be an official zoning determination. Further research and/or specific questions could result in a different set of conclusions.



STAFF REPORT
DISCUSSION ITEM

Item # 6b

SUBJECT: Draft 2015 Annual Report of the Planning Commission

DATE OF MEETING: January 21, 2016

STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

BACKGROUND:

Chairman McCollum has created a draft of the 2015 Annual Report of the Planning Commission (attached) which will be shared with Town Council in the near future. Staff recently distributed the draft report to the Commission for its review, and the Commission will discuss the draft at the January 21st meeting.

ATTACHMENT:

1. Draft Annual Report of the Purcellville Planning Commission for the Year 2015

Draft Annual Report of the Purcellville Planning Commission
For the Year 2015

Pursuant to Code of Virginia, § 15.2-2221(6), the Purcellville Planning Commission (“Commission”) hereby submits its Annual Report concerning the operation of the commission and the status of planning within the Commission’s jurisdiction.

Citizen Input & Related Matters

In each regular meeting, the Commission heard from citizens during the Citizen Comment portion of the Commission’s agenda. The Commission also expanded the public’s opportunity to contact the Commission by the creation of a public email address for the Commission. During the summer, the Commission’s Staff was assisted by Heidi Mitter, a recent graduate of U.Va. with a BA degree in Urban & Environmental Planning. Lovettsville Planning Commissioner Ciolkosz observed the Commission as part of his training under the Certified Planning Commission Training conducted by Mike Chandler. The Commission elected Commissioner McCollum as Chair for the upcoming year, Commissioner Stein as Vice Chair, and Tucker Keller as Recorder.

Hearings

The Commission held Public Hearings covering text amendments. One such text amendment addressed CM-1 zoning district to make above ground storage, distribution but not refining of petroleum, propane and other flammable liquids, which the Commission voted to recommend that the Council adopt this text amendment. The Commission voted that no additional performance and/or safety standards be adopted for above ground petroleum storage tanks. The Commission held a Public Hearing on a proposed zoning text amendment to add automobile and truck maintenance, service and repair as a permitted use to the C-1 Office Commercial district. The Commission voted to recommend to the Council to deny this proposed text amendment. After a Public Hearing, the Commission also voted to recommend to the Council that it approve a proposed text amendment to add commuter parking lot as a Special Use in the CM-1 Local Service Industrial District.

The Commission held a Public Hearing on the application of the operator of a home child care service for a text amendment to increase the maximum enrollment from 6 to 12 children in residential districts. The Commission received 4 written comments from local HOAs that were generally against the application and heard from 12 citizens who appeared in person. These persons spoke about the quality of the home child care operation of the applicant. The Commission decided to defer any action on this application until each commissioner had considered the language adopted by jurisdictions that have addressed similar applications.

The Commission also held a Public Hearing on the proposed Zoning Uses, at which 18 people appeared in person to present their views and 14 persons submitted written comments for the Commission’s consideration. After the adjournment of the regular meeting, the Commission

Draft Annual Report of the Purcellville Planning Commission
For the Year 2015

met in a public work session to weigh whether any comments made during the public hearing warranted adjustments by the Commission.

Other Zoning Ordinance Issues

The Commission also held extended discussions on a variety of subjects. Included in these discussions were the adoption of civil penalties regulations and revisions to the sign regulations. The Commission decided that any action on civil penalties or sign regulations should be deferred until 2016 after the zoning use effort had been completed.

The Commission heard presentations from representatives of developers for a proposal to rezone property on 32nd Street to provide for senior housing. The commissioners posed questions for the representatives, and it appears that the representatives are considering their options.

Comprehensive Plan

The Commission acted on the Council's endorsement of a review and possible revision of the current Comprehensive Plan. Several commissioners suggested ways to publicize the meetings involved with the review of the Comprehensive Plan so as to increase citizen participation. The Commission held a work session on April 18, facilitated by Mike Chandler, as part of the Commission's preparation for the upcoming Comprehensive Plan review. Mr. Chandler noted that he has not seen a project management plan (PMP) for the review of a comprehensive plan that is as detailed and as well developed as the PMP developed by Chair Paist and Daniel Galindo. The Commission supported the selection committee's decision to retain McBride Dale Clarion as the consultant to facilitate the upcoming Comprehensive Plan review and possible revision during 2016.

Use Review

Acting under the direction of the Council and with guidance of the Town Staff, the Commission spent extensive time in multiple public work sessions throughout the year addressing the district zoning uses with the purpose, among other things, to simplify the list of zoning uses by removing redundant uses and consolidating multiple related uses under a single use with a description of the various uses that are covered by this simplified use. The Commission was careful not to change the purpose of any zoning district nor consolidate zoning districts although the distinctions between CM-1 and M-1, for example, are minor. The Commission held 3 Public Input Sessions in July to hear from members of the public about their concerns or suggestions about the results of the Commission's Use review. Each Public Input Session addressed specific zoning uses to facilitate substantive and useful comments. These sessions served their purposes. After the conclusion of each input session the Commission met in a work session to discuss what changes, if any, should be made based on the information presented at the input session. The Commissioners made a number of modifications. Those persons who missed one or more of these Public Input Sessions were able to present their

Draft Annual Report of the Purcellville Planning Commission
For the Year 2015

views during the Public Hearing held later in the year. The Public Input Sessions and the Public Hearing provided the Commission with specific concerns for the Commission to consider and adjust. As a result of the Commission's efforts the number of uses in the Town's zoning ordinance was reduced from 315 to 113, a number that still exceeds the number of uses in the Towns of Leesburg and Herndon, both of which are significantly larger than Purcellville.

**MINUTES
PLANNING COMMISSION REGULAR MEETING
JANUARY 7, 2016, 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
Chip Paciulli, Planning Commissioner
EJ Van Istendal, Planning Commissioner
Nedim Ogelman, Planning Commissioner

ABSENT: None

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 requested to add to Information Items a review of the draft agenda for the January 21 Planning Commission Work Session and the January 23 public meetings on the comprehensive plan. Chairman McCollum approved the request.

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

Chairman McCollum opened the public hearing at 7:02 PM. Staff had nothing new to report.

Pat Nevin of 121 Ivy Hills Terrace stated she lives in Purcellville Ridge and is on the HOA and that she is not speaking as an HOA representative. Ms. Nevin's added that she cannot support the proposed changes in the amendment. Ms. Nevin's talked about the increased traffic that would come with the proposal and feels it would be a nuisance. Ms. Nevin's also talked about the possible need for additional staff that would use parking.

Ana Maria Uceda of 130 Misty Pond Terrace noted she has been in business for seven years for twelve kids as the state allows and is not asking for an increase in the number but is asking the Town to respect the twelve kids she already has since 2008. Ms. Uceda added that she pays HOA dues and is entitled to visitor parking.

With no further speakers, Chairman McCollum closed the public hearing at 7:07 PM.

- 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

Chairman McCollum opened the public hearings at 7:08 PM.

With no comments from the public or staff, Chairman McCollum closed the public hearings at 7:09 PM.

ACTION ITEMS:

None

DISCUSSION ITEMS:

- a) Amendment to Village Case Development Plan

Jason Brownell came forward to talk about the two undeveloped parcels in Village Case. Mr. Brownell added he represents the land ownership group as well as Brownell Inc. which has been contracted to manage the land use and the development process. Mr. Brownell stated he is looking for a comprehensive plan amendment so that Village Case PDH can be allowed to change the use of both undeveloped parcels of land. Mr. Brownell added that the first parcel is approximately two acres designated as NC (Neighborhood Commercial) and the second parcel is five acres designated as IG (Institutional Government). Mr. Brownell is pursuing an amendment that would allow them to build single family homes on both parcels, approximately 24 lots, similar in size to most of the existing residential lots in Village Case. Mr. Brownell stated his concerns that his application to change the use could be delayed due to the comprehensive plan review.

Mr. Brownell clarified via a question from Chairman McCollum that the two acre parcel is located within the Village Case HOA while the five acre parcel is not; however, there

is the ability to create a separate HOA. Mr. Brownell stated he does not want to submit an application and be told to wait eighteen months due to the comprehensive plan review.

Chairman McCollum added the Planning Commission may not be able to provide an immediate answer because they will need to talk amongst themselves and with staff.

Jeffrey Sheldon, 604 S. Maple Ave., President of the Village Case HOA, spoke on behalf of the Village Case residents. Mr. Sheldon stated that a survey went out to the Village Case residents, and a director's meeting was held after the survey at which Mr. Brownell gave a presentation about his proposal. Mr. Sheldon added that the consensus of the residents was that the site is unsightly and difficult to maintain, and the majority agreed that they would like to see the strip of Kinvarra taken out and more buffered. He added that flipping from a commercial to residential site would be a benefit. Mr. Sheldon stated he has concerns with what Mr. Sullivan has written to Mr. Brownell and talked about the proposed traffic circle (Kinvarra and Yaxley) that has not been built. He also commented on the traffic to and from the Community Garden.

Chairman McCollum stated he lives in a HOA community that has a private street that serves the library, and they have to maintain it although they have considered asking the Town to take it over.

Semon Samaha, 604 Greysands Lane stated the community would like to see a change in the commercial area and is in support of the request.

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

Commissioner Ogelman requested an explanation of the special exception process which Daniel Galindo provided and stated involves the Board of Zoning Appeals.

Vice Chair Stein made a motion to move Public Hearing item OA15-03 Zoning Ordinance Text Amendment to Increase the Maximum Enrollment of a Home Child Care from Six to Twelve to an Action Item. The motion was seconded by Commissioner Bledsoe.

Motion: Vice Chair Stein
Second: Commissioner Bledsoe
Carried: 5-1-0

Paciulli -	Aye
Ogelman -	Nay
Stein -	Aye
McCollum -	Aye
Van Istendal -	Aye
Bledsoe -	Aye

Commissioner Ogelman stated that in general, he is opposed to putting together an agenda and moving an item to action, and would prefer that if this is done that it be disclosed in advance.

Vice Chair Stein made a motion that the Purcellville Planning Commission forward OA15-03 to Town Council with a recommendation to approve the Town’s alternative to OA15-03 for the following reasons:

- 1. The Town’s alternative proposal would fulfill the basic intent of OA15-03 while ensuring future residential child cares are harmonious with their surroundings;
- 2. The Town’s alternative proposal is partially to generally supported by the *Financial Planning for the Future, 2025 Economic Development Guiding Principles and 2025 Land Use Policies* sections of the Purcellville, Virginia 2025 Comprehensive Plan; and
- 3. The Town’s alternative proposal is generally supported by the purpose statements of the R-2, R-3, R-8 and R-15 districts.

Vice Chair Stein further motioned that she would like to make the following modification:

- 1. That the words “or allowed by this zoning ordinance” be struck from standard xviii and that it end with “what may be required by the State Family Day Home License.”

The motion was seconded by Commissioner Paciulli.

Motion:	Vice Chair Stein
Second:	Commissioner Paciulli
Carried:	4-2-0

Paciulli -	Aye
Ogelman -	Nay
Stein -	Aye
McCollum -	Nay
Van Istendal -	Aye
Bledsoe -	Aye

Ms. Uceda stated that at the last public hearing she provided the letter from the HOA where they supported the increase in children and that the Planning Commission said it would accept that letter. Chairman McCollum added that two letters were received from the HOA with different positions. Ms. Uceda stated that at the first hearing it was decided that the first letter supporting the increase would be used for the request, and that she was not aware that another hearing would be needed. Chairman McCollum stated that the procedure is to forward the item to Board of Zoning Appeals as a special exception under the current zoning ordinance and that the BZA would need something from the applicant

(at the applicants discretion), and that a hearing is required and procedures must be followed.

- 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

The Planning Commission discussed the rezoning request to R-2 from transitional housing in IP. Daniel Galindo added that the applicant may not be interested in purchasing the property if the rezoning does not go through. Commissioner Paciulli asked about notices being sent to the residences that are near the applicant's location. Daniel Galindo stated that he could not remember whether the notices were sent and requested time to check the records for the application.

Chairman McCollum approved a recess at 8:17 PM. The Commission reconvened at 8:23 PM.

Daniel Galindo stated Public Works put together the application on behalf of the Town, and it was then forwarded to Community Development. He stated that it had not been clear who would send out the letters and that the three letter mailing did not go out. Daniel Galindo added that the Public Hearing would need to be rescheduled and proposed February 4.

Chairman McCollum requested that staff include notations on the agenda under discussion items that may have the potential for action, or relocate discussion items before action items on the agenda and alert the public that it could be possible for discussion items to take action the same evening.

Chairman McCollum stated that items 6c, 6d, and 6e would be deferred until the notifications have been sent.

INFORMATION ITEMS:

- a) Draft Agenda for Comprehensive Plan Work Session on January 21 and January 23

Daniel Galindo introduced the agenda provided by the consultants and noted that there are roles that need to be filled. Daniel Galindo added that there is not a requirement that states that Planning Commissioners must attend the meeting(s) on January 23. Daniel Galindo requested that by the January 21st Work Session the Commissioners let him

know if they will be attending on January 23 and what meeting(s) and what station they would be interested in assisting.

Chairman McCollum, Commissioner Ogelman and Commissioner Bledsoe stated they would attend both meetings. Commissioner Stein stated she would attend the morning meeting and would assist with station one. Chairman McCollum handed out a diagram of the Carver Center.

CITIZEN COMMENTS:

None

CHAIRMAN'S COMMENTS & COUNCIL REPRESENTATIVE'S REPORT

Chairman McCollum stated he has put together a draft of the annual report which will be circulated to the Planning Commissioners for feedback. After Planning Commission approval, it will be forwarded to Town Council. Chairman McCollum encouraged Planning Commissioners to make comments on items. Chairman McCollum added that at the last meeting Commissioner Stein talked about disclosures that the Loudoun County Planning Commissioners do and is in favor of adding it to future meeting agendas. Chairman McCollum clarified that an example of disclosure would be meeting with anyone that has an application. The Commissioners were in favor of this suggestion and discussed further where to locate this item and determined it would fit best after the Pledge of Allegiance.

PLANNING COMMISSIONERS' COMMENTS:

Commissioner Bledsoe stated that he will be out of Town the week of April 7. Commissioner Bledsoe reminded the Commissioners about the webinar on sign ordinances next week. Commissioner Bledsoe asked about the status of the website for the Comprehensive Plan Review. Daniel Galindo noted he would send out an email soon regarding the status.

APPROVAL OF MINUTES:

- a) November 19, 2015 Regular Meeting
- b) December 3, 2015 Regular Meeting

Vice Chair Stein made a motion to approve the minutes for November 19 and December 3, 2015. The motion was seconded by Commissioner Bledsoe and approved unanimously.

Daniel Galindo stated he had released a press release earlier in the week announcing the meetings and would also place an ad in the newspaper.

ADJOURNMENT:

With no further comments, Commissioner Ogelman made a motion to adjourn the meeting at 8:56 PM. The motion was seconded by Commissioner Van Istendal and approved unanimously.

Doug McCollum, Chairman

Diana Hays, Town Clerk