

**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.

Commissioner Bledsoe added that he feels that over several meetings that this has been reviewed, the Planning Commissioners have done a diligent job in making sure there is protection in that it does not impact the Town as a whole and that it minimizes any negative impact to any community.

Commissioner Paciulli stated that it is pretty specific what you have to do with the homeowner's association as an independent body before it comes before the Planning Commission or the Board of Zoning Appeals.

Vice Chair Stein stated she feels this has been discussed thoroughly and feels the standards put in place will address the neighbor's concerns about the neighborhood, and while she appreciates the well run operation making the request that the Planning Commission needs to look at it more globally. She stated she would like to see it go forward and have a vote on it but stated she would like to make an amendment to the draft motion.

Chairman McCollum stated that the standards were compared with a number of jurisdictions and standards were selected that they believe are the most appropriate for the Town. Chairman McCollum added that the question is whether this is in the best interest of the Town.

Commissioner Ogelman stated that, not on this specific item necessarily but, on principal he is opposed to the Planning Commission putting together an agenda and then having the item turn into an action item. He prefers that it be disclosed in advance to make it more transparent to the citizens.

Chairman McCollum stated that he had asked Daniel Galindo that with any public hearing items that if they move to action that motions be prepared and available.

Commissioner Ogelman noted that his statement was not necessarily about this particular issue but a statement about the process.

Commissioner Paciulli noted he agrees with the general thoughts about the way it is set up and would like to discuss further under Discussion Items. Commissioner Paciulli added that he agreed with Commissioner Ogelman's comments.

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 with the following modification: that performance standard xviii be revised to strike the words "or allowed by this zoning ordinance" and that it end with "as may be required by the state family day home license."

Commissioner Bledsoe asked Chairman McCollum if the first motion needed to be acted upon first and asked if this was really an amendment to the motion. Chairman McCollum stated that the motion was made and a friendly amendment can be made if seconded which would make it a revised motion. Commissioner Bledsoe clarified that the first motion was to move it to an Action Item and that hasn't yet been voted on. Chairman McCollum agreed, and stated the vote needs to be held on moving the item to an Action Item.

The following reflects the vote to move the item to an Action Item:

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 his vote does not reflect how he feels about the item but that he votes against moving it to an Action Item.

Chairman McCollum stated the item is now an action item and there is a proposed motion with amendment which was seconded by Commissioner Ogelman. Chairman McCollum asked Commissioner Stein if the recommended reasons 1, 2, and 3 are included.

Commissioner Stein restated the entire motion as follows:

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.

Daniel Galindo noted that the presented motion was read and the proposed modification needs to be added.

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.

Commissioner Ogelman stated he was thinking about the clause in the context of this being the special exception process as opposed to the Planning Commission special use

permit process, and added it seems like the tool that is available to the Board of Zoning Appeals to discuss these kinds of things would be whether or not it is allowed by the zoning ordinance. Commissioner Ogelman asked what removing that clause does to the capabilities of the Board of Zoning Appeals to evaluate some parts of the ordinance. Commissioner Bledsoe added shouldn't it be an inclusive statement so it would have to be "and allowed by the zoning ordinance" meaning if it wasn't allowed by the zoning ordinance it wouldn't be provided for anyway, and confirmed he would prefer to change the word "or" to "and".

Vice Chair Stein stated the zoning ordinance does not require it. Daniel Galindo clarified where the "allowed" came from noting that the initial language was just "required by the state family day home license or by the zoning ordinance," but the zoning ordinance wasn't requiring anything in this case, and we wanted to give it the flexibility of "allowed." Daniel Galindo added that the intent is that there are very few things that any sort of home occupation can do in a residential district.

Commissioner Bledsoe stated that it now makes more sense than the original statement included the "or" because even if it is not required by the State is still under the zoning ordinance allowance.

Chairman McCollum added that by changing it to "and" you would have to have both requirements met before it could be done.

Commissioner Bledsoe added that as the motion stands that last phrase is struck and an additional amendment would be needed.

Daniel Galindo responded to earlier Commissioner statements by clarifying that the amendment has been formatted to give a HOA plenty of opportunity to speak, but even if the HOA is not on board the application would move forward. Daniel Galindo stated he does not read it that if the HOA says they are against an application that it binds the Board of Zoning Appeals in any way, but the language makes sure they are notified, can present any objections, and if the business is allowed to use any communal assets. He added that the HOA cannot just say they don't want it, and the BZA turns it down.

Commissioner Ogelman stated he understands that it is just a regular public hearing process, and the Board of Zoning Appeals makes the decision. Commissioner Ogelman noted the HOA is a player in that process if they want to be, but ultimately the BZA makes the decision under a special exception. Daniel Galindo confirmed and added that with a HOA there are potential overlapping regulations where the Town could allow something and the HOA would not or vice versa.

Vice Chair Stein stated she is ok with striking with language and if people want to put it back in they can vote against the motion.

Chairman McCollum stated the vote would be on the motion as presented by Vice Chair Stein which includes dropping the following language “or allowed by the zoning ordinance” from standard xviii.

Chairman McCollum further clarified that the motion as it stands is that Vice Chair Stein is proposing that the language in xviii stop after the word “license.”

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

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

Chairman McCollum invited Ms. Uceda to come forward and provide a statement.

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:

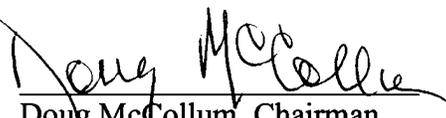
- a) November 19, 2015 Regular Meeting
- b) December 3, 2015 Regular Meeting

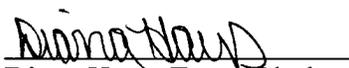
Vice Chair Stein made a motion to approve the minutes for November 19 and December 3, 2015. The motion was seconded by Commissioner Bledsoe and approved unanimously.

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