

**MINUTES  
PLANNING COMMISSION REGULAR MEETING  
APRIL 20, 2017, 7:00 PM  
TOWN HALL COUNCIL CHAMBERS**

**PRESENT:** Theresa Stein, Chairman  
Tip Stinnette, Planning Commissioner  
EJ Van Istendal, Planning Commissioner  
David Estey, Planning Commissioner  
Kelli Grim, Planning Commission/Council Liaison

**ABSENT:** Chip Paciulli, Vice Chairman/Planning Commissioner  
Britt Adkins, Planning Commissioner

**STAFF:** Daniel Galindo, AICP, Senior Planner  
Sally Hankins, Town Attorney  
Michele Snyder, Planning and Zoning Assistant

**CALL TO ORDER OF REGULAR MEETING:**

Chairman Stein called the Planning Commission Regular Meeting to order at 7:02 PM. The Pledge of Allegiance followed.

**AGENDA AMENDMENTS:**

Daniel Galindo noted that materials for both items were placed at the dais for the Commissioners.

**COMMISSIONER DISCLOSURES:**

None

**PUBLIC HEARINGS:**

- a. **OA16-05 – Zoning Ordinance Text Amendment to Reduce Maximum Building Heights in the C-4 District**

Chairman Stein opened the public hearing at 7:04 PM and stated the purpose of the hearing. Daniel Galindo gave the staff presentation, reviewed the seven proposed amendments and the potential effects of the amendments as noted in the staff report, and provided potential solutions to the noted effects.

Michele Snyder noted that emails from Mary Frances Bennett and Lydia Clark had been received and are on file in the Clerk's office.

Chairman Stein granted speakers three minutes.

Bill Murphy, owner of Valley Energy, 115 E. Main Street, came forward and provided the history of his building, known as the "Old Bank Building." Mr. Murphy stated that when it was built in 1915 it was a one level dwelling and that a second floor was added in 1960. Mr. Murphy added that the building is currently built next to a residential house and they bought a house with a driveway in between. Mr. Murphy added that back in 1915 the building was likely 10-15 feet higher than the buildings next door and feels the building is a historical asset to the Town. Mr. Murphy stated he feels the setbacks are pedestrian friendly and does not see the need for the changes and that they would be made at the expense of the current landowners. Mr. Murphy asked the reason behind this and added that, in looking forward, what impact the Town is proposing to put on current landowners because of a restriction the Planning Commission may want to make to prohibit someone else down the road. Mr. Murphy stated that the Town has plenty of resources to stop these types of things including the Architectural Review Board, the Planning Commission, Board of Zoning Appeals and the Town Council. Mr. Murphy restated that he feels this item is unnecessary and suggested leaving things as status quo.

Mark Nelis, 196 N. 21<sup>st</sup> Street, came forward and talked about the things that make a difference in the Town including the W&OD Trail, Bush Tabernacle, Fireman's Field and downtown. Mr. Nelis referenced the downtown buildings and their significance including the two mills, Mr. Murphy's building, the White Palace and the church at the tear drop. Mr. Nelis encouraged the Planning Commission to be careful as to how they are treating non-conforming users. Mr. Nelis referenced the owner of the red mill and that that building is clearly non-conforming and that a lot of money had been spent recently renovating the building. He stated that he does not understand the consequences of this item. Mr. Nelis stated that there would be at least a dozen buildings that would be effected by this change, and while he is aware of the notice requirements, asked why the Commission would not reach out to these people and explain the consequences of the non-conforming use. Mr. Nelis stated that years ago he measured the Magnolia's building from the back and got 57 to 59 feet and that he saw some notes from a prior meeting and that those numbers were a great variance from that and encouraged that the buildings be measured.

Susan Athey, 107 W. O Street, came forward and stated she is across from the Train Station and hears a lot of positive comments about 21<sup>st</sup> Street. Ms. Athey stated she was happy to receive the memo and is hoping if the restriction does go through that it will prevent any large development on 21<sup>st</sup> Street. Ms. Athey asked if the restrictions could not apply to buildings like the mill building and Magnolia's that are already constructed. Ms. Athey added she would not like to see 21<sup>st</sup> Street change and that it sounds fair to keep anything out of control from happening.

Mary Ellen Stover, 120 N. 21<sup>st</sup> Street, came forward as a business owner and spoke in favor of the ordinance moving forward and that she is aware of the structures lining up with the period of time of the Town and talked about other towns being appealing and inviting. She stated that she does not see anything else being done with Purcellville. Ms. Stover added she feels it is an

important feature of the Town to manage whatever is going to be done with the rest of the area in the C-4 district.

Donna Adelman, 101 N. 28<sup>th</sup> Street, stated she would like to withhold her comments until the next group but said she objects to the comment that Purcellville is like any other Northern Virginia Town and does not feel it is.

Dale Thompson, 141 E. Main Street and owner of the Purcell Store, stated the Town was named after the store in 1820. Mr. Thomspon stated that the Town is no longer Mayberry and they let the growth and change go at the other end and the businesses on this end of Town have been handicapped. Mr. Thompson added that he has been voted into a historic district that he did not want to be in. Mr. Thompson stated he was told he needed to see the Board of Architectural Review and that every time he has tried to do an addition to his building has been met with roadblocks for the last 23 years. Mr. Thompson stated he does not feel this is needed and that the buildings that are memorable in the Town are the larger buildings. Mr. Thomspon referenced the stack of certified letters that he has received from the Town, and that he would like to put on an addition and after a BAR review there is always someone does not like it. Mr. Thompson stated he does not want to be at a handicap and would like to grow and improve his business, and that he has given up on trying to expand. Mr. Thompson stated that you have to let people change their buildings and that they do not have to be 75' tall and referenced the Chapman Building being allowed to be built but not his. Mr. Thompson stated he is sad how the Town has turned out and that it is not like every other Town because of the people.

David Eno, 351 E. Main Street, stated he has been here since 1979 and has seen a lot of changes in Town. Mr. Eno stated he commends the Planning Commisison's attention back to the last election where they heard loud and clear from the people on the development issue. Mr. Eno stated he feels it is outrageous that someone was proposing a skyscraper on 21<sup>st</sup> Street with modern architecture which does not fit the neighborhood. Mr. Eno added that everyone in Town was upset and that a panel of distinguised citizens, democratic, republican, independent, and radicals got together and put some fresh faces on the Board who most won by margins over two to one and looks at that as a mandate to leave things alone. Mr. Eno stated he feels the Commission would do well reverting everything to what it was in 2008 before all the changes were put in place and that people do not understand conforming and non-conforming.

With no further comments, Chairman Stein closed the Public Hearing at 7:29 PM.

**PRESENTATIONS:**

None

**DISCUSSION ITEMS:**

- a. **OA16-05 – Zoning Ordinance Text Amendment to Reduce Maximum Building Heights in the C-4 District**

Commissioner Stinnette referenced the 200' offset and asked if that is from the 2008 ordinance or if it was a change. Daniel Galindo stated it is what was in effect prior to the 2008 ordinance. Commissioner Stinnette asked if the 30' was compliant in the 2008 ordinance. Daniel Galindo confirmed. Commissioner Stinnette stated that what is being proposed is not different than what was in place prior to 2008. Daniel Galindo confirmed. Commissioner Stinnette asked for an explanation on what happens when there is a nonconforming building. Daniel Galindo stated that when there is a nonconforming building, the building cannot be expanded in any way that would increase the nonconformity. Commissioner Stinnette asked if the building can continue to exist as is but cannot be expanded or changed so that it exceeds the current height. Daniel Galindo confirmed and stated that if you wanted to put an addition onto a building that was taller than the current height and the addition was beneath the current standard, the addition would be allowed. Daniel Galindo added that Valley Energy would not be subject to the 30' foot provision and that it would be in the core area where 45' would be allowed. Commissioner Stinnette referenced the offset and the increase in the number of affected buildings asked how many of those buildings have been put up since 2008. Daniel Galindo stated that within the 200', he does not believe that any have. Mr. Galindo added that since 2008 what may have been nonconforming prior has now been made to conform and the amendment would be putting them back into nonconforming status.

Commissioner Grim asked if a one story building could still add on two additional stories to reach a maximum of three stories and that a two story building could add an additional story to be three stories. Daniel Galindo confirmed. Commissioner Grim asked if this affects any of the setbacks other than the ones discussed. Commissioner Grim asked that if someone was to add a room onto the back of building if that would be permitted. Daniel Galindo stated that it would not affect property setbacks and that the amendment only mentions heights.

Commissioner Van Istendal asked for Mr. Galindo to refer to what Magnolia's was previously measured at and was surprised to hear the measurement of 57'. Commissioner Stinnette stated it was measured at 39.41'. Commissioner Van Istendal asked Mr. Nelis his measurement method for comparison purposes. Mr. Nelis stated that he used a drone with a laser measurement and that he measured many of the buildings. Chairman Stein asked if that building would be subject to a site plan. Mr. Nelis stated that it was, and Chairman Stein noted that the site plan should include the height. Daniel Galindo stated that if a site plan was done in the past 15 years the Town would have it and could check the height. Mr. Nelis stated that his measurement was from the back and that the zoning ordinance provides for an average grade line around the building. Commissioner Stinnette stated he checked the height from the street side using a clinometer and that he also checked the site plan for the red barn mill and feels Magnolia's is not 10-15' higher than the red barn in terms of height from the street. Commissioner Van Istendal thanked Commissioner Stinnette for his facts.

Chairman Stein clarified that currently the proposal is to be 45' and a maximum of three stories and that one could not necessarily get an additional story if it was already at the 45'. Chairman Stein referenced the Adams Mill Building and stated that it was already nonconforming with the pre-2008 ordinance. Daniel Galindo stated they could add on assuming that the addition meets the current standards.

Chairman Stein referenced the buildings that would become nonconforming if the recommended changes were implemented.

Commissioner Grim disclosed that she has encouraged the phone callers that she spoken with to state their support of this as it was written.

Chairman Stein stated she agrees with staff recommendation to eliminate the stories because, as a professional planner, she has not liked when there is a height and a story limitation and does not feel the Planning Commission should be dictating the architecture of a building. Chairman Stein added that she feels going from 200' to the 50' would require those buildings to be less than the adjacent residential which does not seem fitting.

Commissioner Stinnette asked if the story limitation was in effect pre-2008. Daniel Galindo confirmed that it was.

Daniel Galindo clarified that by closing discussion without a motion the item would be brought back for action at the next meeting. Chairman Stein confirmed.

Chairman Stein made a motion to recess the regular meeting and convene a closed meeting, and that authorized under Section 2.2-3711(A)(7) of the Code of Virginia, I move that the Purcellville Planning Commission convene in a closed meeting to consult with legal counsel employed or retained by the public body concerning the following specific legal matter that requires legal advice:

- 1) The laws pertaining to setbacks and buffers from streams and other water bodies.

The presence of the following individuals are requested in the closed meeting:

- 1) All Planning Commissioners
- 2) Sally Hankins, Town Attorney
- 3) Daniel Galindo, Senior Planner

The motion was seconded by Commissioner Van Istendal.

Motion: Chairman Stein  
Second: Commissioner Van Istendal  
Carried: 4-1-2 Absent

Istendal: Aye  
Estey: Aye  
Grim: Aye  
Stein: Aye  
Stinnette: Nay  
Adkins: Absent

Paciulli: Absent

Chairman Stein made motion that the Purcellville Planning Commission reconvene in an open meeting and that the minutes reflect no formal action was taken in the closed meeting. The motion was seconded by Commissioner Van Istendal.

Motion: Chairman Stein  
Second: Commissioner Van Istendal  
Carried: 5-0-2 Absent

Istendal: Aye  
Estey: Aye  
Grim: Aye  
Stein: Aye  
Stinnette: Aye  
Adkins: Absent  
Paciulli: Absent

Chairman Stein made a motion that the Purcellville Planning Commission adopt Resolution 17-04-05 certifying the closed meeting of April 20, 2017. The motion was seconded by Commissioner Stinnette.

Motion: Chairman Stein  
Second: Commissioner Stinnette  
Carried: 5-0-2 Absent

Istendal: Aye  
Estey: Aye  
Grim: Aye  
Stein: Aye  
Stinnette: Aye  
Adkins: Absent  
Paciulli: Absent

**b. OA16-01 – Zoning Ordinance Text Amendment to Repeal and Replace the Stream and Creek Buffer**

Daniel Galindo stated he spoke with Dale Lehnig, Capital Projects and Engineering Manager, to review this item. Mr. Galindo added that Ms. Lehnig stated she did not see anything in the ordinance that allows stormwater conveyance or management within the stream buffer. Mr. Galindo added that stormwater management, specifically ponds, are generally not allowed within the 100 year floodplain but conveyance may be if detention is not required and feels that this should be included. Daniel Galindo referenced the draft ordinance and that item five reads “minor public utilities as defined in the zoning ordinance” and that when the zoning uses were updated, a lot of the minor utilities were defined. Mr. Galindo added that Ms. Lehnig asked about

the uses that might be allowed within the agricultural conservancy zoning, the Brown property, and if this would restrict their ability to plant orchard trees. Daniel Galindo noted that there is nothing that makes that clear. Mr. Galindo added that the Ms. Lehnig's interpretation of the old ordinance is that the stream buffer restrictions are only where the floodplain is identified and not along the streams themselves as shown on the old map. Mr. Galindo stated that the current ordinance mentions three creeks by name and says "as shown" on the 2008 map and that it also says that the buffers correspond to creeks that have major and minor floodplain listed. He added that it is not clear, the way it is worded, whether it is just within the floodplain or any stream associated with a floodplain; however, he feels it would include anything. Daniel Galindo stated that if the Commission feels a 200' swath along the streams may not be the best policy, it could be an alternative to where the scale is limited back and defined based on those floodplain areas. Daniel Galindo noted that at the current scale it can be hard to see where some of the buildings are located within the buffer, but especially along the creek running almost directly south through Locust Grove, Hirst Farm, and the Town's Maintenance and Wastewater property, there are some back yards contained within the buffer as currently shown as well as a couple of houses. Mr. Galindo talked about adding something to the minor public utilities definition about sewer facilities or both of the major public utilities and minor public utilities definitions.

Commissioner Stinnette asked if staff has spoken with the County on how they handle stream and creek buffers. Sally Hankins clarified the questions that if the Town has talked with the County on how they handle the setbacks from their streams that continue into the Town's jurisdiction and stated they have not looked into this.

Chairman Stein stated she feels the Planning Commission may need to look into this further and possibly speak with the County and talked about how to handle utilities and about not restricting some of the residential properties from having accessory structures. Chairman Stein proposed that Sally Hankins conduct research and report back to the Planning Commission and requested that Commissioner Grim update Town Council on the progress. Chairman Stein asked Daniel Galindo if he could look into the utility issues and then bring that back and have further discussion.

**ACTION ITEMS:**

None

**INFORMATION ITEMS:**

**a. Status of Priority Work Items**

Chairman Stein referenced the updated attachment to show recent changes. Daniel Galindo had no further changes.

Commissioner Grim referenced the Comprehensive Plan Update and asked Daniel Galindo if there are draft documents that the consultant has provided that staff is editing but that the Commissioners can begin to review. Daniel Galindo noted that there are preliminary drafts that

the consultant has provided that he has been trying to make notes on; however, with the level of work that had to go into items on the current agenda tonight, he has not had time to work on it. Mr. Galindo added that he hopes to have something cohesive available soon. Commissioner Grim stated she is not looking for cohesive and as a Planning Commisisoner feels disconnected from the process for reviewing what the consultant has brought together and provided.

Daniel Galindo noted that it would be his preference for the Commission to grant the time to put something together that is not a final draft but something cohesive to ensure the different parts work together. Mr. Galindo added that the Planning Commission has many priorities, and he wants to feel comfortable presenting this to the Planning Commission.

Commissioner Stinnette talked about creating a critical path and milestones.

**CITIZEN COMMENTS:**

None

**COUNCIL REPRESENTATIVE'S REPORT:**

Commissioner Grim stated that at the last Council meeting, Chuck Izzo and Daniel Abramson were recognized for their terms on EDAC. Commissioner Grim stated that timber sales on the Town property will net approximately \$220,000 to the Town. Commissioner Grim added there is a new subcommittee being formed to discuss the policy of recreational access to the reservoir property that has been drafted by the Mayor. Commissioner Grim noted that the subject of the outside storage and required screening has been deferred to the next meeting as there were issues to be answered before it came before Council. Commissioner Grim stated that Council has set May 1<sup>st</sup> as a meeting and probable deadline for finalizing this year's budget, and is looking to hear from residents, Commissioners and committee members on any concerns.

**CHAIRMAN'S COMMENTS:**

None

**PLANNING COMMISSIONERS' COMMENTS:**

Commissioner Stinnette asked where they stand with OA16-05. Chaiman Stein stated that it will be up for action at the next meeting. Commisisoner Stinnette asked if there is any notice that goes out to the Town with respect to the item. Daniel Galindo stated that, for text amendmdnts, the required notice is what goes in the newspaper; however, since it affects buildings in C-4, a notice was mailed to all of the individual property owners. Commissioner Stinnette asked if it would be reasonable to send out notices to those properties that would be specifically impacted. Daniel Galindo stated he could send something out and that, of the three properties noted, the status of two of the properties hinges on the story requirement and that the ordinance defines a half story which cannot be determined without going into the building. Daniel Galindo asked



Sally Hankins if there would be a consequence if he missed a location. Sally Hankins stated as long as the minimum legal notice requirement is met, there would be no risk.

Commissioner Grim asked if the red mill/building was nonconforming in 2008. Daniel Galindo confirmed. Commissioner Grim stated that nothing would actually be changing in going back to the original. Chairman Stein stated that the 2008 changes made it conforming and now it would be made nonconforming again.

Commissioner Stinnette recommended sending notification to those properties that will be nonconforming.

Commissioner Grim asked how the ordinance would be passed and where would it make the difference in talking about the original wording which was 200' and the recommendation was down to 50'. Daniel Galindo stated he would send a letter based on what has been presented this evening. Since the Commission did not give any direction to adopt or not adopt his recommendations, the letter would focus on the buildings that have been identified as it is. Chairman Stein requested that Mr. Galindo send out the notices. Commissioner Grim requested that the Planning Commissioners receive a copy of the notices.

Commissioner Stinnette asked if there is any notice to the public that the Commission will be taking action on this item at the next meeting. Daniel Galindo stated that the public notices that were sent out were for the public hearings and that it would be included on the meeting agenda.

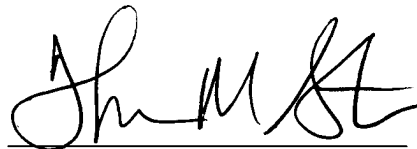
**APPROVAL OF MINUTES:**

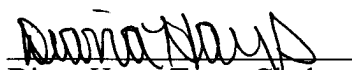
**a. April 6, 2017 Regular Meeting**

Commissioner Stinnette made a motion to approve the minutes of the April 6, 2017 Regular Meeting and waive reading. The motion was seconded by Chairman Stein and carried with two absent.

**ADJOURNMENT:**

With no further business, Commissioner Van Istendal a motion to adjourn the meeting at 8:36 PM. The motion was seconded by Commissioner Stinnette and carried with two absent.

  
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Theresa Stein, Chairman

  
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Diana Hays, Town Clerk

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Mayor  
Kwasi A. Fraser

Council  
Chris Bledsoe  
Ryan J. Cool  
Kelli Grim  
Karen Jimmerson  
Douglass J. McCollum  
Nedim Ogelman



Town Manager  
Robert W. Lohr, Jr.  
Assistant Town Manager  
Daniel C. Davis

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**TOWN OF PURCELLVILLE  
IN  
LOUDOUN COUNTY, VIRGINIA**

**RESOLUTION NO. 17-04-05**

**PRESENTED: APRIL 20, 2017  
ADOPTED: APRIL 20, 2017**

**A RESOLUTION: CERTIFYING THE CLOSED MEETING ON  
APRIL 20, 2017**

**WHEREAS,** the Planning Commission of the Town of Purcellville, Virginia, has this day convened a closed meeting in accordance with an affirmative recorded vote of the Purcellville Planning Commission and in accordance with the Virginia Freedom of Information Act.

**NOW, THEREFORE, BE IT RESOLVED** that the Purcellville Planning Commission does hereby certify that to the best of each member's knowledge, i.) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the closed meeting to which this certification applies; and ii.) only such public business matters as were identified in the motion by which the said closed meeting was convened were heard, discussed or considered by the Purcellville Planning Commission.

**PASSED THIS 20<sup>TH</sup> DAY OF APRIL, 2017.**

A handwritten signature in black ink, appearing to read 'Theresa Stein', written over a horizontal line.

Theresa Stein, Chair  
Purcellville Planning Commission

**ATTEST:**

A handwritten signature in black ink, appearing to read 'Diana Hays', written over a horizontal line.

Diana Hays, Town Clerk

J

J

J