

**MEETING MINUTES  
PURCELLVILLE PLANNING COMMISSION REGULAR MEETING  
THURSDAY, FEBRUARY 18, 2021, 7:00 PM**

**PRESENT VIA REMOTE PARTICIPATION:**

Nedim Ogelman, Chair/Commissioner  
Boo Bennett, Commissioner  
Nan Forbes, Commissioner  
Stosh Kowalski, Commissioner  
Stanley Milan, Town Council Liaison  
Ed Neham, Vice Chair/Commissioner  
Chip Paciulli, Commissioner

**ABSENT:**

None

**STAFF PRESENT VIA REMOTE PARTICIPATION:**

Andrew Conlon, Senior Planner  
Don Dooley, Director of Planning and Economic Development  
Sally Hankins, Town Attorney  
Diana Hays, Town Clerk/Executive Assistant  
Dale Lehnig, Director of Engineering, Planning & Development

**CALL TO ORDER:**

Chair Ogelman called the meeting to order at 7:00 PM and Commissioner Neham led the Pledge of Allegiance.

**AGENDA AMENDMENTS:**

Chair Ogelman added a progress report on Downtown South as new discussion item “h”.

Commissioner Milan requested to add an update on the Vineyard Square application as discussion item “a”.

**COMMISSIONER DISCLOSURES:**

None

**CITIZEN COMMENTS (first opportunity):**

None

**DISCUSSION ITEMS:**

**a. Update on Vineyard Square Determination (this item was added via amendment)**

Sally Hankins stated a site plan was approved in February 2016 and is normally valid for 5 years. If construction did not commence within the 5 years, which expired this week, the site plan would become void and the process would need to recommence. In 2020 the General Assembly, in a special session, passed remedial legislation for relief due to COVID and extended by state law the expiration dates for plans valid as of July 1, 2020, which applies to the Vineyard Square application. Ms. Hankins added there is a legal argument that allows the town to take a different position that the remedial legislation did not have the effect of extending this particular site plan, and needs to consult with Town Council what position they would like the town to take, which will not matter unless action is requested pursuant to the site plan. Ms. Hankins confirmed the extension would be to July 1, 2022.

Commissioner Milan asked why this was not explained to Council and others as they thought this expired in February 2021, and that there had to have been significant progress on the project. Ms. Hankins stated normally this is true but since the General Assembly passed the law that the validity of the site plan is extended even if you do not take significant steps in getting it developed, that makes this site plan valid and actionable until July 1, 2022 and will expire if it has not been acted upon.

Sally Hankins added that the legislation that accomplished this was adopted in the 2020 General Assembly but the effective date of the legislation was made effective March 1, 2021. So the law does not come into effect until March 1, 2021, and the site plan expired this week, which causes a case to be made and that the legislation did not operate to extend the validity of this site plan, and the town will need to take a position.

Ms. Hankins stated there is no action for the town to take at this time, and the question of whether Vineyard Square is a valid site plan is does not come into play until something is done with the plan/action is taken.

Chair Ogelman stated that as of today the site plan is expired and there is no relief as of today since the legislation is not yet in effect. Ms. Hankins stated the certificate of design has a different expiration/approval process than a site plan, and site plan is expired as of today and the legislation was enacted in March 2020 but not yet effective. Don Dooley talked about the process with permits with the County and the town.

Chair Ogelman stated this has been an issue of high interest for the citizens of the town and the Planning Commission would like to be kept informed on the project, even if not a decision point for the Planning Commission.

**b. Discussion of ZTA21-01; ZTA221-02; ZTA21-03; & ZTA21-04 concerning method of measuring height; height in C-4 District; & nonconformities: all scheduled for Joint Public Hearing on March 9, 2021**

Don Dooley stated the item has been advertised for a joint public hearing on March 9. Staff is working on issues to incorporate into the final ordinance for discussion on March 9. Mr. Conlon noted the ad is included in the agenda packet. Mr. Dooley added the ad is a summation of the ordinance and not the ordinance itself.

**c. Mapping of Historic Assets**

Commissioner Neham stated the Commission has agreed on the properties to be mapped to support the historic overlay district. Dale Lehnig confirmed the information has been sent and something is expected back in mid-March. Chair Ogelman and Dale Lehnig agreed the map could be reviewed at the second Planning Commission Meeting in March.

**d. R-2 Single-Family (Detached) Residential vs. R-3 Duplex Residential Zoning Districts**

Chair Ogelman stated during the last Town Council meeting, the R-3 District and Pullen House were discussed and in the zoning ordinance duplexes are a by right use. Chair Ogelman added that the official zoning map conflicts with the comprehensive plan. Chair Ogelman stated according to existing zoning, about one third of the residential area of town could be duplexes with a by right use and asked how this came about, if it is the intent, and talked about bringing the areas into compliance with the comprehensive plan.

Don Dooley confirmed the R-3 zoning by right permits currently single family detached and the option of duplex units, two units in one structure. The code allows for a true duplex on a common property line with reduced setbacks. This may have been to provide flexibility to substandard lots less than 50 feet wide.

Council member Milan asked the percentage of lots in town that fall into this category, and Don Dooley stated he would look into this with the Town's GIS staff. Chair Ogelman estimated one-fifth to one-third area of the residential town, and the R-3 does not conform as written in zoning ordinance with the new comprehensive plan.

Further discussion took place about the disconnects between the zoning code and the new comprehensive plan.

**e. Narrow Lot Historic Land Subdivision Pattern**

Chair Ogelman stated the town has a lot of very small parcels, specifically in older parts of town, and when looking at the zoning map, appear more like townhouse lots rather than single family, and they do not fit into the zoning ordinance or comprehensive plan. Don Dooley stated this

would covered in the zoning code update, and talked about reasons why the lots may be the way they are.

Commissioner Forbes requested that staff determine how many houses cross property lines, how many as individual lots there are, and what could be done about the small lots. Don Dooley talked about accessibility of information to determine that information. Chair Ogelman stated he would look at some of the properties until staff has time to assist.

**f. Zoning Ordinance Text & Map Amendments to Article 14A, Historic Overlay District – Status Check**

Sally Hankins stated this was discussed presenting to the Planning Commission at the March 4 meeting, and the production of the map has been moved to the March 18 meeting and requested the extra time for the text. Ms. Hankins reviewed the scope as forwarded to the Chair. Sally Hankins confirmed the map and the text are independent. Commissioner Neham anticipated receiving the text on March 4. Chair Ogelman stated turning the comprehensive plan into zoning is a priority and can take the issue to Council for prioritization, if needed. Chair Ogelman added that he would approve the March 18 extension because the ad and map go to public hearing together. Chair Ogelman added that by law are required to send a letter to affected properties, and asked where the letter stands in the process. Sally Hankins stated the legally required letter has to explain what the letter is doing and until the changes are drafted, reviewed and agreed upon by the Planning Commission, the letter cannot go out but the envelopes could be prepared. Mr. Dooley suggested holding off on the letter until the Planning Commission has the draft ordinance to speak from. Chair Ogelman stated Commission Neham proposed sending a letter out on April 1, and suggested an informational press release. Commissioner Neham referenced the one page, two sided informational notice in the packet, and asked for input from Mr. Dooley. Chair Ogelman asked how the schedule can be followed for the legal letter using the Planning Commission as a resource.

Sally Hankins suggested publishing a news release and posting on social media like was done for the building heights item. Chair Ogelman agreed that this should go out this week. Chair Ogelman added that the project plan has a joint public hearing scheduled for April 13 and asked when the legal letter that is part of the process will go out.

**g. Zoning Ordinance Amendments Public Outreach (bill insert)**

Commission Neham suggested adding an insert to the next water bill. Chair Ogelman stated he feels it would be valuable to give public notice and if any part of an existing letter can be used to save time and resources, it should be used. Don Dooley suggested providing a letter without the ordinance will not provide the details needed and cause confusion. Chair Ogelman confirmed the notice would go out April 8. Commissioner Neham requested feedback from Mr. Dooley on the insert. Commissioner Neham requested creating a webpage, using the town's Facebook page and an information booth at an event and consider an advisory committee.

Commissioner Paciulli expressed concerns for the Planning Commission being referenced in the insert and talked about shortening the letter and adding information to the website. Commissioner Bennett and Chair Ogelman feels the language about the Commission is ok as is. Commissioner Kowalski stated aside from getting the information out through the water bill, social media would be a quick way to get citizens engaged. Don Dooley requested if the Commission desires to send this out, they identify the forums the information go in keeping in mind budget constraints. Mr. Dooley added that going above the legal requirements would set a precedence on future items.

**h. Project Plan Update**

Chair Ogelman stated the next dates regarding the building heights: joint Planning Commission/Town Council Public Hearing on March 9; deliberate and vote on zoning ordinance language on March 18 and have Council adopt on March 23.

For the Historic Overlay District: on March 18 would receive a readout of the ordinance; ad due to paper with map and summary of text changes on March 19 to be published March 26. Commissioner Milan suggested a special meeting for Council to review. Chair Ogelman asked Commissioner Milan if Council could attend the meeting on March 18 as a joint meeting with the Planning Commission on the draft zoning ordinance on Article 14.A. overlay modification. A joint public hearing would be held April 13.

**i. Downtown South (this item added via agenda amendment)**

Commissioner Forbes made a motion to table the remaining items and to move to citizen comments and approval of minutes. The motion was seconded by Commissioner Bennett and carried 7-0.

**j. Review of Existing Zoning Ordinances: Progress Report**

Tabled to next meeting.

**k. Letter to Owners of Historic Properties**

Tabled to next meeting.

**l. Town Webpage, Updating Page on Historic Overlay Districts**

Tabled to next meeting.

**PLANNING STAFF REPORT:**

**a. Update on Focus Area Zoning Reviews and Recommendations**

**b. Update on Potential Comprehensive Plan Amendments**

**c. Charting Land Development Process Update**

**d. Other Inquiries of Interest to the Planning Commission**

In the interest of time, no updates were provided.

**COUNCIL REPRESENTATIVE'S REPORT:**

In the interest of time, no report was provided.

**CITIZEN COMMENTS (second opportunity):**

None

**PLANNING COMMISSIONERS' COMMENTS:**

Commissioner Neham requested that the deferred item on Downtown South be a priority item on the next agenda. The Commissioners agreed.

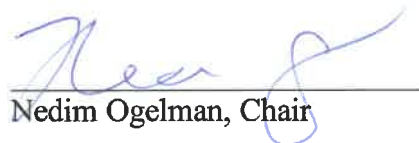
**APPROVAL OF MINUTES:**

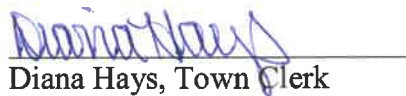
**a. February 4, 2021 Regular Meeting**

Commissioner Neham made a motion that the Planning Commission approve the minutes from the February 4, 2021 meeting and waive reading. The motion was seconded by Commissioner Bennett and carried unanimously.

**ADJOURNMENT:**

With no further business, Commissioner Milan made a motion to adjourn the meeting at 9:30 PM. The motion was seconded by Commissioner Kowalski and carried unanimously.

  
Nedim Ogelman, Chair

  
Diana Hays, Town Clerk