

**MEETING MINUTES
PURCELLVILLE PLANNING COMMISSION MEETING
THURSDAY, NOVEMBER 18, 2021, 7:00 PM
TOWN HALL COUNCIL CHAMBERS**

Meeting recording can be found at the following link: <https://purcellvilleva.new.swagit.com/videos/148538>

PRESENT:

Nan Forbes, Chair/Commissioner
Mary Frances Bennett, Vice Chair/Commissioner
Stanley Milan, Town Council Liaison
Ed Neham, Vice Chair/Commissioner (Arrival 7:20pm. Participated remotely from residence due to medical disability)
Nedim Ogelman, Commissioner
Chip Paciulli, Commissioner

STAFF PRESENT:

Don Dooley, Director of Planning and Economic Development
Sally Hankins, Town Attorney (via remote participation)
Kimberly Bandy, Deputy Town Clerk

CALL TO ORDER:

Chair Forbes called the meeting to order at 7:02 PM and led the Pledge of Allegiance.

AGENDA AMENDMENTS:

None

CITIZEN COMMENTS (first opportunity):

None

COMMISSIONER DISCLOSURES:

Chair Nan Forbes gave instructions prior to public hearing, noted 3 minute time limits for citizens, a presentation would be given by Commissioner Ogelman under 10 minutes, and a report given by Don Dooley, Director of Planning and Economic Development, under ten minutes.

PUBLIC HEARING

a. New Historic Preservation Overlay Zone

Chair Forbes opened the public hearing at 7:05pm and gave the report.

Commissioner Ogelman's presentation is attached to these minutes and on file at the Clerk's office.

Comments by email were read into the record and are attached to these minutes and are on file at the Clerk's office.

Duek Young, 140 S. 20th Street, opposing
Beverly MacDonald, 110 North 28th Street, opposing
Randy Broadbudd, 150 S. 20th Street, opposing
Doreen Hope, 711 Sonata Way, Silver Spring, MD, re: 521 S. 11th Street, opposing

Comments in person were shared by the following:

Terry Martin, 126 S. 29th Street, opposing and concerns.
Alyce Martin, 126 S. 29th Street, opposing and concerns.
Scott Warner, 121 S. 29th Street, opposing and concerns.
Casey Chapman, 205 Hirst Road, Suite 106, opposing and concerns.
Brian Ducharme, 141 S. 29th Street, opposing and concerns.
Gordon Holsinger, 300 Orchard Drive, opposing and concerns.
Uta Brown, 37883 E. Main Street, in favor.

Comments online were shared by the following:

Ami Neiberger, 600 South Maple Avenue, opposing and concerns.
Leigh Anne Titterington, 150 S. 12th Street, opposing and concerns.
Martin L. Cook Jr., 521 S 11th Street, opposing and concerns.

Additional comments can be heard on the Town website at the following link:
<https://purcellvilleva.new.swagit.com/videos/148538>

DISCUSSION/INFORMATIONAL ITEM(S):

a. Town Hall Discussion Immediately Following Public Hearing

Comments and conversation can be heard on the Town website at the following link:
<https://purcellvilleva.new.swagit.com/videos/148538>

PLANNING COMMISSIONER COMMENTS

Council member Milan suggested that everyone read the Comprehensive Plan on file at the Planning Department and Town website.

SUMMARY AND NEXT STEPS/NEXT MEETING:

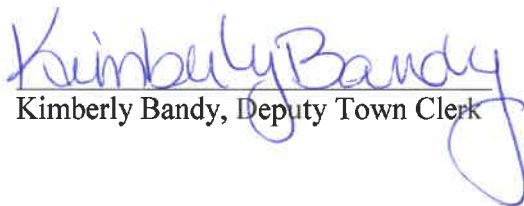
Chair Forbes summarized the public hearing and meeting. She shared remarks would be forwarded to the Town Council. Planning Commission would make recommendations and Town Council would deliver a decision.

The next Planning Commission meeting will be held on December 2nd and before then what was heard at this meeting would be considered and to the extent any changes would be made.

ADJOURNMENT:

With no further business, Commissioner Ogelman made a motion to adjourn the meeting at 9:30 PM. The motion was seconded by Council member Milan and carried 6-0-0 absent.


Nan Forbes, Chair/Commissioner


Kimberly Bandy, Deputy Town Clerk

Historic Preservation Overlay Zone

Purcellville Planning Commission

November 18, 2021

How did we get here?

- The 2030 Comprehensive Plan says the Town should expand protection of historic resources beyond what the existing Historic Corridor Overlay District (HCOD) provides because these historic resources contribute so much to the Town's character.
- Starting from the existing HCOD ordinance, the Planning Commission drafted Article 14B-Historic Preservation Overlay Zone (HPOZ), and Article 14C-Demolition using the lightest possible touch to protect our small town character.

The Town protects approximately 28 percent of the recognized historic properties, but 72 percent of the properties recognized by state and nation remain unprotected by the Town.

What properties would be affected?

- This proposed ordinance would apply strictly to historic properties that our state and nation have formally listed as contributing individually or as part of a recognized district.
- To be included in the HPOZ, a property must be:
 - Within the Town boundaries;
 - Outside the HCOD; and
 - Listed as contributing in the National or Virginia Historic Registries.

How we have engaged citizens?

- We have pursued the following public outreach efforts related to this proposed ordinance:
 - Letter included in Water Bill informing all citizens and businesses of effort (April 2021)
 - Public hearing (July 2021)
 - Public requested follow-up meeting (September 2021)
 - Letter for follow-up public hearing (November 2021)
 - Responded to every email we received
 - Second public hearing (today)

Outcomes of public meetings

REQUEST	RESPONSE	RESULT
Address convoluted language	Simplified the language, and separated the ordinance into three sections: Article 14A-Historic Corridor Overlay District; Article 14B-Historic Preservation Overlay Zone; and Article 14C-Demolition.	✓
Create a Town-wide demolition ordinance	The Town Attorney said the State Law says the Town can only legally discourage demolition of historically contributing properties.	✗
Exclude accessory structures	The ordinance only discourages demolition of principal use structures.	✓
Explain why properties are included or excluded	HPOZ properties must lie within the Town and contribute to a historic district or be individually listed.	✓
Allow opting out	The Town Attorney said the State Law says this is not legal.	✗
Provide additional opportunities for citizen input	In addition to regular meetings, public hearings, special meetings and town halls were held on 7/15, 7/28, 9/9 and tonight to engage the public and allow citizens to provide additional input and exchange views with the Planning Commission.	✓

Contrasting Historic Overlay Approaches

NOTE: These overlays are mutually exclusive.

Purpose:

Historic Corridor Overlay District

- Preserve all properties along the Corridor
- To protect the Town's unique historical and architectural character, ensuring that new development is in keeping with the small-town character of Purcellville, encouraging aesthetic treatment along the entrances to town to provide an attractive entry into the historic town core.

Claim:

Historic Preservation Overlay Zone

- Preserve individual historic properties outside the Corridor
- To retain and conserve the community's significant architectural and cultural heritage sites that best represent the Town's historical development patterns, and which helped influence and shape Purcellville's community character, and to protect the Town's Historic Resources from demolition.

Modifications:

- No BAR approval required for modification

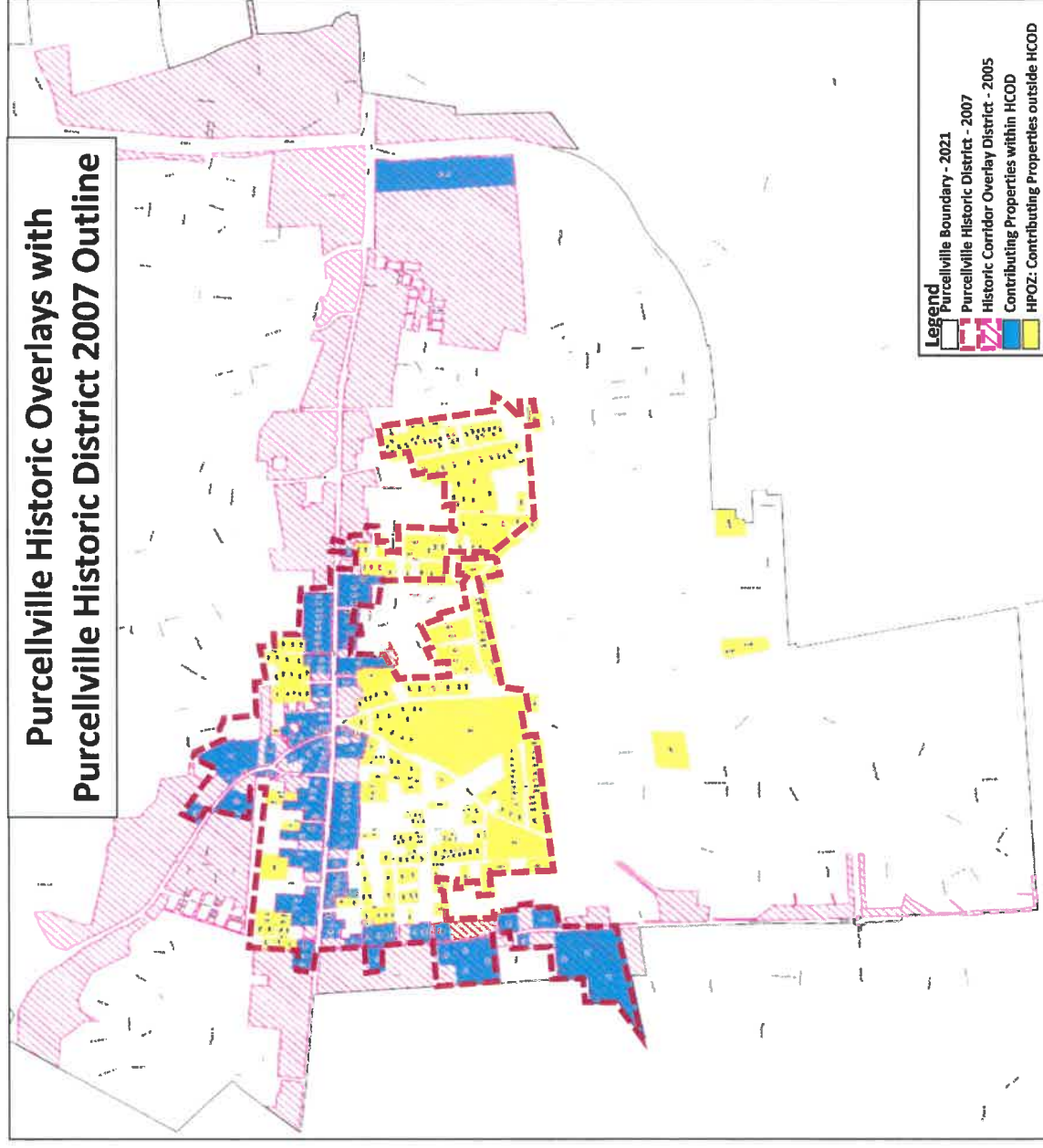
Demolition:

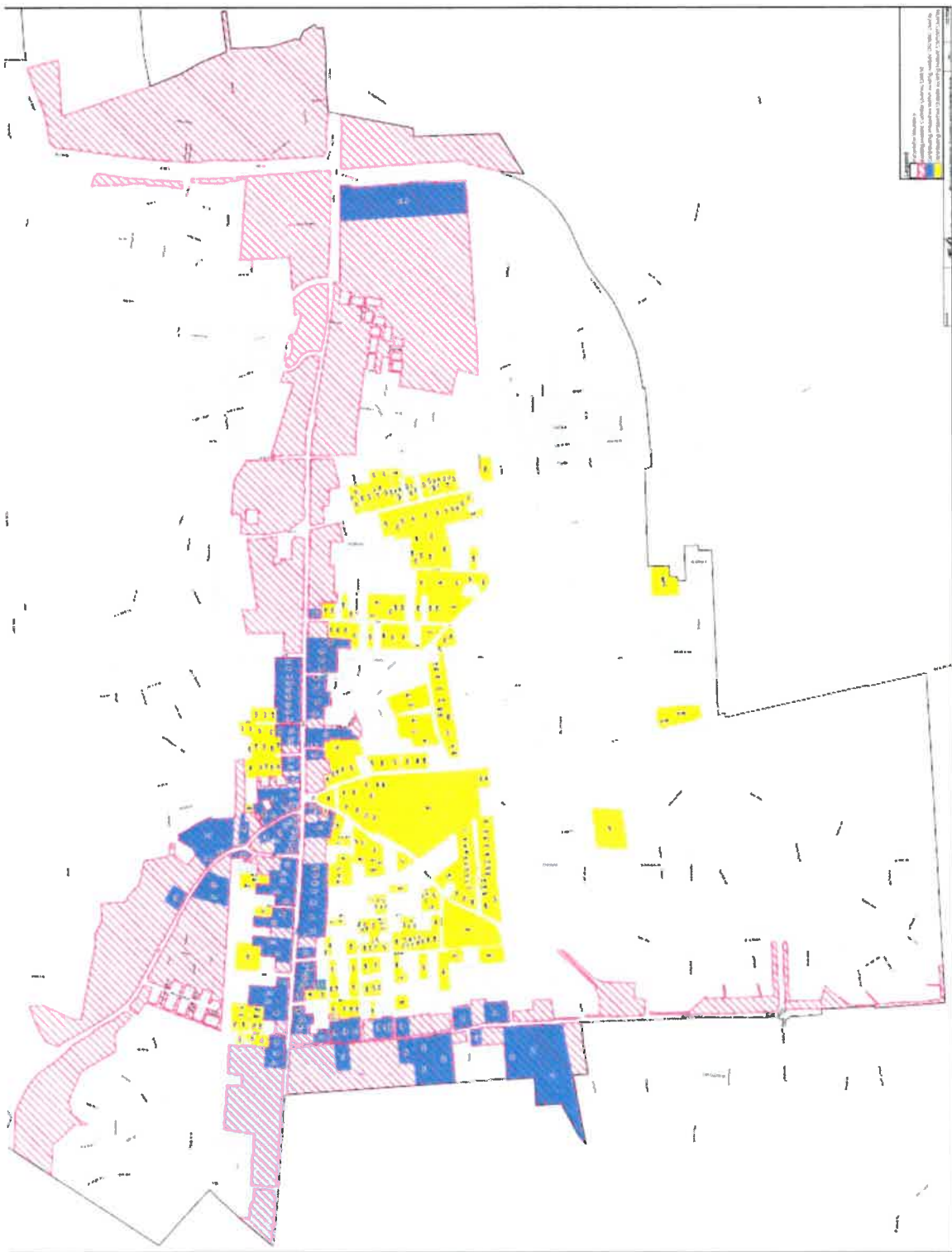
- BAR approval for primary structures only

EXTRA SLIDES

Orientation

- Historic Corridor Overlay District (HCOD) - Implemented in 2005 to protect the Town's unique historical and architectural character, to ensure that new development is in keeping with the small-town character of Purcellville, and to encourage aesthetic treatment along the entrances to the Town to provide an attractive entry into the historic Town core.
- Purcellville Historic District - Listed on the National Register of Historic Places in 2007, it encompasses 396 contributing buildings in the central business district and surrounding residential areas in the Town. The buildings represent a range of architectural styles popular during the 19th and 20th centuries in rural Virginia.
- Historic Preservation Overlay Zone (HPOZ) - Of the 396 contributing buildings in the Purcellville Historic District, 283 (72%) of them are outside the HCOD and are unprotected from demolition.





Hays, Diana

From: Dooley, Don
Sent: Friday, November 12, 2021 12:35 PM
To: Bandy, Kimberly; Hays, Diana; Hankins, Sally; Planning Commission
Subject: FW: Objection to HPOZ Ordinance & Regulations: 140 S. 20th St.

Diana/Kim:

Please include the email below in our public record. Would it be possible for you to print out a hard copy of this email for the PC members to review during the Nov. 18, 2021, PC meeting for their reference.

Thanks!!

Don

Don Dooley, MPA, MHP
Director of Planning and Economic Development



221 S. Nursery Avenue
Purcellville, VA 20132
ddooley@purcellvilleva.gov
Phone: (540) 751-2324

From: DEUK YEON <deukyeon@comcast.net>
Sent: Friday, November 12, 2021 12:20 PM
To: Dooley, Don <ddooley@purcellvilleva.gov>
Cc: Deuk Yeon <rainbowyeon@hotmail.com>
Subject: Objection to HPOZ Ordinance & Regulations: 140 S. 20th St.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Dooley,

I read many owners of HPOZ-affected area complained or objected HPOZ.
Did the Town Planning Commission receive enough votes or agreements to hold 11/18/21 hearing again?
Please send us this data if the data justified legal rights to move on with HPOZ.

We oppose HPOZ again because it takes our time, efforts, likely legal expenses while it eliminates our rights and needs against our flexibility for moving, remodeling, upgrading, repairing, and selling my property at 140 S. 20th St. Please delete my property from this HPOZ asap. Also, please count our objections in your and Town Planning Commission's decision making.

Thank you for your cooperation.

Regards,

Deuk and Kyong Yeon for Rainbow Realty & Investment, Inc.

Bandy, Kimberly

From: Beverly Macdonald <bevmacdonald99@aol.com>
Sent: Thursday, November 18, 2021 8:24 AM
To: Planning Commission
Subject: Historic Preservation Overlay

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning, Please accept this as my comments for the Public Hearing tonight on the Historic Preservation Overlay Zone.

I am not in favor of Purcellville moving forward with the Historic Preservation Overlay Zone. While my home is not currently in this new zone I anticipate it may be in the future.

Thru out the Planning Commission discussions Commissioners constantly refer to taking "baby-steps" when adopting this ordinance. It is well understood that this ordinance does little in protecting the "contributing" features of a home deemed historic. Therefore additional modifications will need to be added in the future. "Baby steps" will allow the Planning Commission to gain Public approval to just start this process.

The truly historic and iconic properties in Purcellville are already protected thru a current ordinance. This new layer of regulation may mean the difference in a Purcellville family being able to replace a home that is simple old (Pullen House) with a handicap accessible home, as in our families case, Those decisions are best left with the property owner.

For these reasons and more I do not agree with Purcellville adopting the Historic Preservation Overlay Zone.

Thank you,

Beverly Chiasson
110 North 28th Street
Purcellville, VA. 20132

Bandy, Kimberly

From: Randy Broaddus <broadview2105@gmail.com>
Sent: Thursday, November 18, 2021 11:24 AM
To: Planning Commission
Subject: Historic preservation overlay zone

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

We are the owners of the property at 150 S. 20th St. Purcellville VA.

In reference to being included in the proposed historic preservation overlay zone, we strongly oppose being included.

Loss of property value, unneeded regulation, and increased government oversight are some, but not all, of the numerous reasons.

It is not a "zone" if individual property owners have been removed from that "zone". It is targeted at individual property owners.

We request that our property be removed from the proposed historic preservation overlay zone.

Regards,

The Owners of 150 S. 20th St. Purcellville VA.

November 18, 2021

Town of Purcellville Planning Commission
c/o Office of the Town Clerk
221 South Nursey Avenue
Purcellville, VA 20132

RE: Public Comment on the New Historic Preservation Overlay Zone Affecting 521 S. 11th Street, Purcellville, VA 20132

Dear Commissioners:

On behalf of the owners of 521 S. 11th Street, Purcellville, VA, the following are our comments on the revised proposed changes to Article 14(B) and (C):

1. While the cover letter from Mr. Don Dooley dated November 8, 2021 transmitting the proposed changes states the revised draft articles exclude “ancillary structures, “like a shed” from requiring Town consent prior to demolition. However, the Article 14(B) fails to provide a definition of “ancillary structures”. There are many other “ancillary structures” other than a shed that exist on affected properties that fall into disrepair and require demolition.
2. Article 14(B) seeks to protect the Town’s Historic Resources from demolition, but if the entire parcel of land is listed as a Historic Resource, then it is imperative that an “ancillary structure” be clearly defined to properly exclude unintended structures from the 14(B) demolition process.
3. Article 14(B) references Article 14(C) which references the National Register Bulletin 15. However, the definitions set forth in Article 14(b), Section 3 fail to define categories of historic properties according to the National Register Bulletin 15 and it seeks to limit the definitions more than what is defined by the federally-issued National Register Bulletin 15.
4. Moreover, Article 14(B) Section 2 pertaining to the applicability of the Article should specifically state that it is not applicable to “ancillary structures.”
5. Regarding Article 14(C), the document itself is not identified as a “DRAFT” document and the formatting is incorrect, e.g., “14.C.”. Not being labeled properly misleads the public as it appears to be a provision already enacted verses being a mere draft.
6. Further, the process as outlined in Article 14(C) is fallible in that Section 6, as drafted, appears to require the landowner to sell the historic resource (the building structure or object”, but allows the landowner to keep the underlying land. If this interpretation is correct, then the provision does not meet the Town’s goal of protecting historic structures and does not allow a way for the purchaser of the historic structure to

actually get to the structure without crossing land that he or she does not own or have legal rights to access.

7. It is unclear what the proposed timeframes and sale limitations for sale offerings are based on. Therefore, they are arbitrary and capricious and would not sustain legal challenges.

Other areas of concern include:

- a. These documents are not in a format (e.g., "red-lined") to clearly delineate what was existing wording in the Articles and what is proposed to be changed – again, thereby misleading the public.
- b. At some points since the last hearing, which was not noticed to the public properly, documents for review and the status of this matter was not maintained on the Town's website as was told to the public during the July 15, 2021 hearing on this Historic District Overlay Project.
- c. The public, especially those whose properties are impacted by this HPOZ, has not been informed as to the benefits of being placed in the HPOZ other than the Town's intent to protect certain structures historical in nature from being demolished.
- d. Since the properties identified in the HPOZ are NOT included in the Town's designated Historical District, property owners in the HPOZ should be able to "opt-in" the HPOZ verses being forced into it by the Town. Subsequent purchasers know when they have bought into a Historic District and the limitation and benefits are widely known throughout. However, recent property purchasers may not know they have bought into a HPOZ which deprives them of knowing how his or her property can be used. As such, if this provision does pass, it should not be enacted until at least 5 years.

In sum, the draft Articles 14(B) and 14(C) should be rejected as they would not sustain legal challenge, they are arbitrary and capricious, overburdensome on landowners, they are based on subjective and arbitrary processes and the HPOZ list and map are based on erroneous data. As such, these draft Articles thereby substantially deprive certain property owners adequate due process.

Thank you for this opportunity to present and submit comments on this very important matter. Please include this letter into the public record on this hearing.

Respectfully submitted,



Doreen C. Hope, on behalf of myself and
Darryl A. Cook, Deborah C. Moten, and
Martin L. Cook, Jr.