

**PURCELLVILLE TOWN COUNCIL SPECIAL MEETING  
THURSDAY, JANUARY 16, 2020, 7:00 P.M.  
TOWN HALL COUNCIL CHAMBERS**

The Special Meeting of the Purcellville Town Council convened at 7:00 P.M. in Council Chambers with the following in attendance:

**PRESENT:** Kwasi Fraser, Mayor  
Tip Stinnette, Council member/Vice Mayor  
Joel Grewe, Council member  
Ted Greenly, Council member  
Nedim Ogelman, Council member(arrived 7:06pm)

**ABSENT:** Chris Bledsoe, Council member  
Ryan Cool, Council member

**STAFF:** David Mekarski, Town Planner  
Andrew Conlon, Senior Planner  
Patrick Sullivan, Director of Community Development  
Diana Hays, Town Clerk/Administrative Assistant

**CALL TO ORDER:**

Mayor Fraser called the meeting to order at 7:00 P.M. Mayor Fraser stated that this is our Special Town Council Meeting to go forward with our Comprehensive Plan Review.

**PLEDGE OF ALLEGIANCE:**

The assembly recited the Pledge of Allegiance.

**INVOCATION:**

Mayor Fraser asked everyone to remain standing for a brief moment of silence and reflection.

**DISCUSSION/INFORMATIONAL ITEMS:**

**a. Plan Purcellville Comprehensive Plan, Version 6.0-Review of Council Matrix/P. Sullivan**

Mayor Fraser asked the Town Manager, Mr. David Mekarski, to layout the strategy plan and then we can move forward from where we left off yesterday. He stated that prior to that, we do have some citizen comments.

**CITIZEN/BUSINESS COMMENTS:**

Mayor Fraser stated that we have Casey Chapman. For the record, last name, first name, and address.

Mr. Casey Chapman stated that his business address is 151 North Hatcher Avenue. The property that he will be speaking about tonight is 205 Hirst Road. It's the Loudoun Medical Building located on the corner of Hirst and Hatcher Avenue. Currently, it is a 45,000 square foot medical facility. It houses a lot of Loudoun Medical Groups. It's the largest medical manager in the County. He stated Leesburg Sterling Family Practice, a lot of pediatrics, a lot of the community business there for their medical needs. It has been a pretty critical building we built to have in the town and to be a part of our community to get back these medical services.

Mr. Chapman stated that he just wanted to say on the record, at first look, taking it from a Commercial Use and labeling it as Industrial/Business we're not in favor of that. However, seeing the way that the District is laid out in

that area of Future Land Use there's not much we can seem to do about it. He guesses that we will just have to make the best. He just wants to make it clear that our preference would just be to keep the same zoning as we have now. We are not asking for anymore and we are not asking for any less. If that occurs under the new label of Industrial/Business per the zoning definitions and uses that you find later on down the road, then so be it. Just as long as the right to continue practicing the medical uses that are at that facility, and if you ever rebuild the structure if it was ever burnt down or had catastrophic damage, was able to be done, then that is okay by us. Thank you. Mayor Fraser stated thank you.

Mayor Fraser stated Mary Boo Bennett. He stated Mrs. Bennett, your first name, last name, and address for the record. Ms. Bennett stated that her name is Mary Boo (Her nickname) Bennett, of 160 North Hatcher Avenue, Purcellville. Ms. Bennett stated that she is just going to read a short statement here specifically regarding the East End Focus Area. "In a sentence, do not let anymore dominos fall. We have Catoctin Corner. We have the Harris Teeter Shopping Center. No more. The three remaining parcels in that area, the DiPalma-Kipfer property, the O'Toole property, and Crooked Run Orchard, combined they still hold a winning amount of land that represents the Rural Heritage of this town. Keep it Agricultural/Commercial. And don't water that turn down with Commercial Uses, more Commercial Uses to give it what the citizens don't want, more traffic, noise, more congestion and unsightly lighting, to say nothing about the costs that are going to be put on the citizens backs. The Comprehensive Plan has been thought through thoroughly. Listen to the people. Stick with the recommendations the Planning Commission report. No more unnecessary growth."

Ms. Patricia DiPalma-Kipfer, of 38038 West Colonial Highway, stated that she is seeing all of this for the first time tonight. Standing with her is Bev O'Toole who owns the property on Colonial Highway as well. Ms. DiPalma-Kipfer stated that she is going to read you an email that she mailed to everyone this morning at 8:30. "Tip, first let me thank you for extending the Mixed Use Neighborhood Scale Land Use alternative to Areas 2 and 3 on the East End. I know you will agree it has been a long, hard journey through the development of this Plan. And as you've publicly acknowledged, I have fought the good fight, stood my ground, and have been consistent in staying the course regarding the Land Use of my property. But we need to move on. I appreciate your interest and forward thinking effort to move the Plan forward with the objective of eliminating discord where there needs to be none. I've spoken with Walt Peter representing Bev O'Toole." By the way, he is here tonight. "And as we voiced at last night's meeting, we jointly agree that we both can live with the Mixed Use Neighborhood Scale designation for our respective properties. Looking at the future map, this designation for these two East End properties will also be consistent with the Mixed Use Neighborhood Scale designation for the West End property also discussed last night. This will then make the East and West entry portals to Purcellville the same from both a visual perspective as well as from a transitional Land Use perspective to the neighboring communities. This truly appears to be a win-win for all. So, let's move forward with your Mixed Use Neighborhood Scale proposition for Areas 2 and 3 in the East End, and begin moving this Plan closer to implementation. I thought that this was the compromise last night that we agreed on, and that we were going to work toward, and this is what was going to be given to us today, not Agricultural/Tourism/Commercial. That is solely for Crooked Run Farm. That was a designation given to Crooked Run Farm. It has nothing to do with my property. It has nothing to do with Bev O'Toole's property. You guys took away Commercial Median Scale. You didn't want to hear that. You didn't. You didn't want to hear Mixed Use Median Scale. You took away that Land Use designation. You've virtually left us no Land Uses that we could fit in. Ideally, the best one was Mixed Use Median Scale, which was eliminated. Now, you've come up with something called "Agricultural/Tourism/Commercial." It doesn't fit. It never fit. It will never fit. I can't be any clearer. I don't know what it's going to take, but I've been doing this for well over six, seven years now. And frankly, enough is enough. I fought the compromise that we came to. And frankly, I didn't ask for that compromise. That was offered to us last night and that's what we agreed to. This is not acceptable. And I defy anybody to tell me that it is." Thank you.

Mayor Fraser stated and now we will hear from Ms. Beverly O'Toole. Ms. O'Toole stated that she just stands in agreement with what was just said. She stated that her understanding last night and what was represented to her, and what we've agreed to has now appeared to change. And that's what we found acceptable last night. She has

been involved in this process for 12 years. She and Walt Peter have been working together. She agrees with the statements just made and would like it to be reconsidered. Thank you.

Mr. Phillip Message, of 17738 Lincoln Road, Purcellville, Virginia, stated that he wanted to seek clarification as to whether or not this Comprehensive Plan affects his property. Now, before you say, "No, it doesn't because he lives in the County," the history of this home before Village Case was put in, and he has lived there for 20 years or close to it. His property resides adjacent to the Village Case Subdivision. So, when the road was put in that left some dead man's land between the road and his property. He purchased that dead man's land from the developer. The orphanage property consists of two lots, or possibly two acres. And he pays town taxes on those. His question is, those two lots are County zoned Residential Usage. He questioned "Is this Plan affected by that?"

Council member Stinnette stated that if you look at the map and it does not appear that it is consistent with that. Staff will correct that to reflect what you are under currently right now. Mr. Message stated thank you. It is very hard to see. It is a small sliver of land. It's superimposed with the colors of the dots. The usage will remain the same? Council member Stinnette stated yes, sir, it will. Mr. Message stated thank you very much. Mayor Fraser stated that correction will be made.

Mr. Stanley Milan stated that he lives at 232 East Skyline Drive in Purcellville in the Old Dominion Housing Development. He was here last night and he heard the discussion about the two properties in question in Area 2 and Area 3. It was stated that those are individually owned properties. His question was prior to this rezoning or re-identifying this property, was it always designated as Agriculture in the past, and it is now being re-designated for a different use? And the purpose for the Multi-Use Mixed Property, he read in the Plan that it covers small businesses, Residential, and some Commercial. When he sees that, he envisions something like One Loudon, which is Mixed Use Property, and there's a cluster over there. It looks pretty from the outside but when you get inside of it, it is all clustered out. Since that is a Gateway to Purcellville, is that going to represent what Purcellville is before you enter it? You go to St. Louis you see the Arch. You go to San Francisco you see the Golden Gate Bridge. It will identify that area. The Mayor mentioned the emblem here with the wheat, the library, and the key. The wheat is the heritage of the area being farmland. The library is for knowledge, and the key is the cops in the community.

Mr. Milan stated that he also read in the Plan that there is a space program in the area which is futuristic. So, are we looking to have this Gateway into the City identify us from the past to the future, or are we just trying to designate the small property for the sitting individuals benefit? Is it for the City or for the individuals? That was his question. As he said last night, do what's right for the people, because there is nothing in the area for the teenage kids to go to. His daughter and her three children all live with him. They are all seven years and younger. On his street he can count 20 children that will eventually be going to the high schools or the elementary schools. He stated with that you are going to have to add more teachers, more law enforcement, fire, and safety. Who is going to burden that cost? The citizens. He doesn't write the check but he endorses it because he voted for you and he also pays his taxes. They've increased this year. He pays County taxes and he pays City taxes. So, he is getting hit from both sides. So, if you are going to use this property for a Gateway introduction to the City, have it represent the people and the benefit for the people. Let them see what they are paying their taxes for. He doesn't want to go through another lawsuit. He wants to see something that his grandchildren and their children can come back to. Mr. Milan stated that they mentioned also last night about the college students staying in the area because there is no affordable housing here. His daughter graduated from Virginia Tech. She's here as a D.C. worker. His daughter graduated from VCU. She's not here. She's in Colorado with her husband. That discussion about college students staying in the area is not valid. They don't stay where they go to school. If they do that, because he understands is for their Bachelor's. They go all over the world. There are more civil positions, technical or engineering, which can help the community. Like he said before, just do what's right for the people. They are paying the taxes. Thank you.

Mr. David Eno of 351 East Main Street. He is just here with a word of caution. He sat through some of the sessions, not all of the sessions, when a lot of these issues were being reviewed. The word of caution is this, with regard to that traffic circle at the Gateway Shopping Center that is busy right now. He doesn't think that you

should entertain anything that is going to dump more traffic into that circle. Ironically, he had dinner this evening with a survivor of one of the crashes on the circle. Her car was totally damaged. She is not a resident of Purcellville. He mentioned that there was this meeting tonight, and she said, "Well, let them hear the voice of the people. There is enough going on already on that circle." He can speak with a little bit of authority on traffic circles. Mr. Eno stated in our family, back in the 1800s, early 1900s there was a William Phelps Eno who was founder of the Eno Foundation. They use to be located here in Loudoun County. They relocated back to Washington, D.C. because of the traffic. The Eno Foundation is the top professional group in all traffic management. The traffic, about 10-years ago, drove them back to the inner-city. They were losing too much staff time driving between eastern Loudoun County out there at Lansdowne, and the other. So, he would just say look before you leap. That's busy enough already. He has talked to an awful lot of people and that traffic circle gets much talked about. He got his initiation the first day it was open. A pickup truck came through that traffic circle and he would estimate at 60-miles an hour. Mr. Eno doesn't know how the truck missed hitting him. But he went on and didn't stop. You find an awful lot of that. He is picking up from other police agencies in the area whom he knows; they are talking about the high number of accidents on that traffic circle. He stated that you would do well to check with the police department to find out what the number of accidents has been. He was quite surprised, but he heard it third hand from another agency. He thinks that you ought to check that out. That is a high frequency area for accidents, that circle alone. Thank you.

#### **DISCUSSION/INFORMATIONAL ITEMS:**

##### **a. Plan Purcellville Comprehensive Plan, Version 6.0-Review of Council Matrix/P. Sullivan**

Mayor Fraser stated that we will move right along into the Comprehensive Plan. He stated that the intent for tonight is to be out of here by 9 o'clock.

Mr. Mekarski stated that our primary focus tonight is to iron out the Land Use Map as we have a goal to publish that no earlier than Monday. We recognize that Monday is a holiday. So, our hope is to take some of the remaining areas that we still have some debate and deliberation on. One of the areas that we still had a debate on was on the East End Area 2 and Area 3. This is for the East End Focus Area Map, commonly called "Patty's property" and the "O'Toole property." There were two competing possibilities for that. There was a consensus by the landowners towards setting that for a Mixed Use Neighborhood Scale as you heard at the podium. Some of the Council members were looking towards the "Agricultural/Tourism/Commercial" designation, the old designation that stood in our 2025 Plan, our existing Comprehensive Plan.

Mr. Mekarski stated that the difficulty of that Land Use designation was it really was designed for a large farm area, such as the Brown property. And it has significant limitations on coverage of activity. Maximum coverage for any kind of economic activity on a parcel in that Land Use category was only 30%. It really was designed for preserving the family farm and recognizing that family farming is very difficult in today's economy, and giving some economic opportunity to keep large parcels and the family with some kind of economic opportunity to survive. What the Council asked us to do, and we just took a first brush at it, it certainly hasn't been refined through a lot of debate and deliberation, and getting the elements, the economic and tourism elements from your existing Comp Plan in the Agricultural/Tourist District, and see if we could design something that they could stand alone for some smaller parcels. The Kipfer property as you know is three-acres with 2.5 acres that is of useable land. The O'Toole property he believes, is 15-acres with about seven-acres of useable land. Our Town Attorney and our Planning Staff, and his office did some brainstorming. We took the best of the two Districts. The one District that the landowners had a consensus on with some members of the Council was the Mixed Use Neighborhood Scale. And then we took the tourism elements and saw the economic development elements from the existing Agricultural/Tourism/Commercial District. It is a blend, but really recognizing the heritage of the area. He doesn't want anybody to get hung up on the word "Agricultural/Tourist/Commercial" because there are a number of other possible names. Earlier in the afternoon we had it as a Heritage Mixed Use. It doesn't embrace agriculture. It embraces the heritage of our agriculture culture.

Mr. Mekarski stated to let him read that out loud because it really speaks to the blend of those two Districts. The request of the Administration, he was going to get some feedback on this blended District and then have some debate and deliberation as to the ultimate Land Use category that should exist for these areas. As it reads now: "This future Land Use category marks the transition from the Rural Agricultural and large lot Residential property surrounding the Town to the small Town of Purcellville, and defines important Gateways into the Town. This Land Use category blends a Residential component with office, retail, cultural, agricultural and viticultural, institutional, or tourist oriented uses. Personal service uses are discouraged. The design of structures within this Land Use category should reflect the agricultural heritage of the Town. The Land Use mixture within this designation should include uses that support tourism, and relate to the Town's farming heritage. Examples of the use that support tourism and related to the Town's farming heritage include: Small Scale Hotels; Bed and Breakfast; Unique Drinking or Eating Establishments; Serving Goods from the local farm and viticultural community; Artist Exhibits; Specialty Shops; and other uses that reflect Purcellville's eclectic character. The scale of this Land Use category should reflect the quaint nature of a small Town, balanced with the Town's evolving identity as a weekend tourist destination and a center for services in western Loudoun. This Land Use category accommodates vertical and horizontal mixed uses. Uses established at the ground level should be vibrant and should create a spirit of community, discovery or exchange between the merchants, residents, and visitors. Outdoor amenities and seating are encouraged. Office space at the ground level is discouraged. Parking should be located to the rear of the buildings. Land within this designation should be walkable, both internally and in connection to the greater community, and should incorporate well designed green spaces. The Agricultural/Tourist/Commercial Land Use Classification should include undeveloped parcels within the Town's East End Focus Area. The East End Focus Area is anchored and defined by Crooked Run Orchard, a working farm that has been operated by the same family for over 100-years, now permanently protected by the conservation easement. The Agricultural/Tourist/Commercial land classification is intended to extend the spirit of Crooked Run Orchard to other parcels within the East End Focus Area, and to serve as a meaningful gateway into the East End of the Town."

Mr. Mekarski stated and then we had other possible names: "Heritage Mixed Use, Bucolic Mixed Use, East End Gateway, Tourism-Focus Commercial." He stated that Andrew Conlon has passed out a Future Land Use comparison spreadsheet. The first bar is the existing Agricultural/Commercial designation. The brown bar is the newly created Land Use category. It has a blend of some of the elements from that Mixed Use Neighborhood Scale District, as well as the former Agricultural/Tourist/Commercial. And again, as it was only the first blush and we had just a handful of hours to get this completed, it obviously needs the input from both the community and the Council. The remaining Land Use areas have relatively been resolved. There may be some need to look at Hirst Road. The other request that the Council made was for us to put on the Land Use Map the professional office category. As you know, that was eliminated in the drafting of the new Comp Plan. It was recommended at the last workshop to allow the Hirst property adjacent to the medical facility to be designated as a professional office which is consistent with the existing zoning, and that possibly the Council would revisit that once the FEMA/Clomar/Lomar is resolved.

Mayor Fraser thanked Mr. Mekarski. He opened it up for questions and comments from the Town Council. Before we get to that, was there any agreement made in this chamber yesterday with Ms. Kipfer. Mr. Mekarski stated no. The Council really laid out a division of the Council. Pretty much half were leaning towards the Agricultural/Commercial designation. Half were suggesting the Mixed Use Neighborhood Scale. Clearly, the landowners, once they went over the Mixed Use Neighborhood Scale generated a consensus on it, and appealed to the Council to accept that consensus. But no vote or straw vote was taken on either.

Council member Ogelman stated you used the word "consensus." Just to be clear, that's a consensus among the landowners. Mr. Mekarski stated correct. There was no consensus on the Council. The Council recognized yes, it's true the existing Agriculture/Tourist District was designed for a large farm, specifically for Crooked Run Orchard, and that the limitations on land coverage would be very limiting and very constraining. And the gateways should

be looked in a special classification, and possibly we can create a hybrid. That's what the Town Attorney, the Planning Department, and my office attempted to do.

Mayor Fraser thanked Mr. Mekarski. He stated so no agreement was made. Mr. Mekarski stated that is correct. Mayor Fraser stated with that said, he will open it up for Council's comments relative to the East End of Purcellville, and the action item. Mayor Fraser stated to have discussion on "Agricultural/Tourism/Commercial."

Council member Greenly stated that as he reads that the Agricultural/Commercial and then the Commercial Mixed Use, the only difference that he sees is "services," line 27. Everything else seems to line up. He inquired if he was reading the wrong column. Mr. Mekarski stated that it eliminated the traditional Agricultural and Horticultural Uses. It eliminated some of the farm stand uses. It's really intended not to have a tax office, or an attorney, or a dentist, or a barbershop, but activities that congregate the community and visitors. And looking towards breweries, cideries, and wineries, or farm to table kind of restaurants, at scale much consistent with the Mixed Use Neighborhood Scale which is reflective of the old downtown character, the retail below and residential above. It could be student housing. It could be affordable housing. It could be smaller luxury housing that could accommodate or fit into there. One thing it did allow in both the old Agricultural/Tourist/Commercial and the new one is the recognition that we do get a tremendous amount of tourists during season every weekend, and there's no hospitality, there's no Bed and Breakfast, there are no inns, there are no cottages. We are not talking about a Holiday Inn or Clarion. We are talking about a boutique inn, a small scale homey, kind of town feel to it.

Council member Greenly stated that the other question is an easier one. Just for the record, can you define "services," for me again, line 27? Mr. Mekarski stated yes, the services would be personal services. You don't want simply a real estate office, or a tax service office, or an attorney. It will shy against even the medical services. We want activities downstairs specialty shops, restaurants, wineries, and farm to table to congregate, art galleries, things that generate activity that really welcome the community, welcome the residents to integrate each and every weekend.

Council member Greenly stated so looking at what we are talking about here is the compromise. So one of the things that landowners are talking about and what citizens are expressing are the traffic. This new definition, wouldn't that increase traffic flows going through and back? Mr. Mekarski stated that it is a reasonable question. There are some elements where obviously it will increase traffic. He thinks everybody in the community and the audience here tonight needs to understand this is not zoning. It's a broad brush Land Use category. If this is adopted, no one's Land Use rights will change. The existing Zoning Ordinance is the existing Zoning Ordinance. We will then take the hard job over the next year or even more to rezone our properties comprehensively across the town. And in the Zoning Ordinance we can define critical areas. We obviously know that the East End Area, Berlin Turnpike, and Main Street have some traffic capacity concerns. We also know the County is making traffic improvements on the Berlin Turnpike and Harry Byrd Highway system and haven't come out with a final design. We certainly know the condition of Main Street each and every day at peak periods. He stated that what we can do in the Zoning Ordinance is do an overlay on the East End on these parcels that are subject to future development. And require performance measures and/or impact statements to be conducted as part of the Site Plan Review process. He stated for development to occur in Area 3 or Area 2, if traffic is a concern, we would ask for a Traffic Analysis to be done by the developer or the landowner. It will be scrutinized by the Planning Commission and they would incorporate mitigative measures, or that might be used for denial of the Land Use and denial for the development. Likewise, if there are areas that require environmental sensitivity, floodplain, wetlands, habitat, "we" in the Zoning Ordinance can create performance standards limiting impact to those natural features, and that natural habitat, or the environmental of diversity, or require environmental analysis, and again mitigation measures and/or outright prohibitions. Council member Greenly thanked Mr. Mekarski. He stated so those mitigation measures you were just speaking about, those would also apply for a Mixed Use Neighborhood Scale as well. Mr. Mekarski stated yes, you can do that, absolutely. There is so much more refinement to be made once you take this from a broad brush aspirational vision to the next stage which is a Land Use Regulatory Code that requires conscientious review by the Planning Commission with citizen involvement, recommendations with conditions,

approval or denial by that Planning Commission, and ultimately a final decision by the Council. There will be all kinds of layers of protection that would help mitigate traffic and environmental impact or other associated elements. Council member Greenly thanked Mr. Mekarski.

Council member Grewe stated that he did not have any comments.

Council member Stinnette stated that it occurs to him that we are all kind of encumbered by labels, because when you look at the language behind the labels in the context of the Comprehensive Plan, and the choices that we have available, that we made available to ourselves this evening, it is relatively a fine line that spells the difference between the labels. And staff has correctly pointed out that the labels and the supporting language in the Comp Plan actually guides and directs with intent the effort to pull together a Zoning Ordinance which is a follow on activity, which is really the operative piece that we are all kind of struggling with trying to forecast what that's going to look like. Council member Stinnette stated that there are a couple of points here that he would like to make. One is that we cannot, nor should we legislate green space. We are not allowed to do that. He stated that to do so would amount to a taking. We can however, and should insure form, fit, and function, consistent with the desires of the community. He understands the importance of labels for property owners as Betty mentioned yesterday, it boils down to marketability. He stated for the community, it boils down to articulating spirit, intent, and vision. He stated that to this point his personal approach has been to try and reach accommodation where everybody wins a little bit or everybody gives a little bit. Inasmuch as he hasn't been able to do that through compromise to this point, he is compelled to evaluate a binary choice. A binary choice that he sees before us this evening is the choice between Mixed Use Neighborhood Scale and Agricultural/Tourism/Commercial. That is proposed by staff in the handout. He wants to thank staff for putting that together. He can tell that it was a group effort, and that you all put a lot of time and thought into that. Council member Stinnette stated with that binary choice in mind, looking at the staff rework of Agricultural/Tourism/Commercial he is compelled to support five – years of planning and discussion in multiple forms conducted as a member of the Planning Commission, their position, on the label of Agricultural/Tourism/Commercial. He thinks the refinement that staff has provided behind that label is an improved refinement that comports with the intent that we provided you last night. In terms of where he kind of falls down on this is, he is less than happy, but he can support Agricultural/Tourism/Commercial Land Use language that is proposed by staff this evening.

Council member Ogelman stated that he thinks that labels in this kind of situation do matter. In a sense that's what this document is envisioning is all about. That's what the Planning Commission and all of us have been working on for these past five-years, because it does not give zoning. It doesn't identify zoning. It is saying what aspirationally we want to do. He has seen a Comprehensive Plan that tried to give all things to everybody. He has been on the Planning Commission when we tried to interpret what that means for zoning. He remembers Patrick saying as much. He could find something in the Comprehensive Plan before that said we want it to be Bucolic and Agricultural, and he could find something somewhere else in it and find the exact same area except we want to have more intense uses, and greater heights, and more density. And it would apply to the same exact theme. He thinks that labels are important. The cliché that came to his mind about not taking labels seriously is lipstick on a pig kind of thing. Meaning you set it up. You make it look like something. And is that really what it was meant to be or what you intended it to be, or most importantly what the citizens aspirational vision was for what it was supposed to be. He would not dismiss the importance of labels in this process. Council member Ogelman stated that he looked at these uses and he looked at the definition. He thinks that the language in there that was important to him is "Transition from Rural Agricultural and large lot Residential property surrounding the Town to the small Town of Purcellville ..." he thinks that is right. The Gateway is meant to have that kind of characteristic. When he is reading through this thing and he sees these as the gentleman from Old Dominion was saying about what Loudoun looks like or something like that. He stated that vertically and horizontally Mixed Uses, that doesn't sound very transitional to him. Unless there is something that really goes in there and focuses on that scale aspect of it. He knows we are not talking about uses here, but when he looked through the uses that are connected to it, or at least helping us to conceptualize this; he sees some that have a scale concept to them, a Small Scale Hotel. Then he sees things that have nothing like that attached to them defined in the same District, retail, office, two to three

story buildings common. He stated two to three story buildings coming off of the edge of Rural Agricultural and large lot Residential does not sound very transitional to him. That sounds very interfaced. You know, step up to something new. We have those kinds of buildings that you are describing there in the center of our Town. That's how he would describe downtown Purcellville. Council member Ogelman stated likewise, he is not sure he understands, and he is sure you have a reason, but he sees a category called "Lodging," and then a category called "Small Scale Hotel." He doesn't understand what the difference is between those or what that means. And in addition, he is looking at why would we want to absolutely exclude the idea of having a plant nursery? You don't have to have a farm to have a plant nursery. You just have a nursery. He sees those businesses in the middle of Town. It seems like to some extent this list of uses is going out of its way to avoid Agriculture. He doesn't think that it makes sense to have the maximum coverage at 30% something like that. At the same time, how is something like a plant nursery not reflecting the agricultural heritage of the Town, or a use that relates to the Town's farming heritage, or reflecting the quaint nature of a small Town any of those?

Mr. Mekarski stated those are great recommendations that can easily be added. That is merely what happens when we receive a directive at 10:30 at night, and we had about four quality hours to do a little brainstorming because it was not scheduled and everybody had various activities. He loves those suggestions. If you want to look at the scale or what we were thinking about, it really was trying to blend the Mixed Use Neighborhood Scale. If you look on Page 41, it has a lot of pictures from our historic downtown with some type of activity, retail, restaurant. We had a brewery downtown with some type of Residential component upstairs. Now, the 35 feet does reflect three stories. And that was in the original Agricultural/Tourism/Commercial. He stated two stories would be more than fine.

Council member Ogelman stated that if we are building a new District, he thinks getting rid of the 35-feet.

Mr. Mekarski stated just make it two stories and add the traditional Agricultural or Horticultural uses.

Council member Ogelman inquired what was the lodging as opposed to the small hotel. Mr. Mekarski stated lodging would be a Bed and Breakfast, a small inn. Council member Ogelman stated that there is a Bed and Breakfast. Those are other uses that are in this list of uses.

Mr. Sullivan stated that we put those together fairly quickly since last night. Mr. Ogelman stated that he appreciates that Mr. Sullivan stated that he thinks the lodging could go.

Mr. Mekarski stated he agrees. These are refinements that are going to come out in the Zoning Ordinance for this particular Land Use category. That Zoning District might be three or four pages with special criteria, and photographic imagery, and other elements of scale.

Council member Greenly stated that you ran off some really good things here. Is the real sticking point with you the "two to three story buildings common" piece, is that where the bang of your concern is?

Council member Ogelman stated that is reflecting a concern. The concern that it reflects to him is it does not feel to him it is consistent with the transition concept that starts off the description. Mixed Use in the center of Town, having transitioned up from other parts of the Town, that makes sense to him. It makes sense to see three story buildings in the center of our Town. He doesn't think we have that many of that either. The reason for this transition label, we are talking about the edge of our Town and what's on the other side of that as described here, Rural Agricultural and large lot Residential properties. That doesn't seem consistent to him to go from that to right away if he takes the extreme, common three story buildings.

Council member Stinnette inquired if he could respond to that. He stated that it isn't to debate it because he gets his point. We are not going to put this document into the Comprehensive Plan. We are working on the language to this



extract that Scott gave us. If you want to make adjustments to the language in here, if he thinks it is helpful for us to do that.

Council member Ogelman stated that he would, specifically to this issue, he would make an adjustment to that "Vertically and horizontally Mixed Uses." Council member Stinnette stated that he would agree with that. We can strike that whole sentence. Council member Ogelman stated or you could include it in there and put a concept of scale or attachment to what's next to it. He stated you can strike it. He stated because he thinks what he is talking about is actually covered in the very first sentence of the entire definition. Council member Stinnette stated yes, it is. Council member Ogelman stated that there is a benefit to doing this the way we are doing this. We have something that is very aspirational, and very broad and strategic here in this definition. But when we look at these uses, he thinks we get a little bit of a tangible idea in articulating to one another what we are talking about here, what it is that these things are.

Mr. Mekarski stated for the audience and for the Council, if you look at that Future Land Use comparison sheet, following Council member Ogelman's suggestions, we are adding number 5, "Traditional Agricultural and Horticultural Uses." We are adding number 14, "Way side stands." We are adding 15, "Similar farm based activities." We are eliminating 35, which is "Lodging." We're adding 41, "Farm Store." We are adding 42, "Plant nursery." Anything else that you see we will be happy to adjust. And 35 (b), we are just making it two stories.

Council member Ogelman stated that to Tip's earlier point, he is not using this to talk about these uses. He is using what you all gave to help me articulate and understand what he thinks has to happen with the vision document. This is helping him articulate. So this Land Use category accommodates vertically and horizontally Mixed Uses, he would like that to not be in there, or if it is going to remain in there, to have a clause. Council member Stinnette stated strike it. Mr. Mekarski stated yes, strike it. These are great ideas and it doesn't hurt the District at all. It enhances it. He appreciates those comments.

Council member Ogelman stated that this just goes to him to show that the scale issue there as with other parts of the Town, especially with the added flexibility that is entering from foreign based zoning. That scale issue is a critical issue that needs to be covered. It not only needs to be covered for aesthetic issues. It needs to be covered for structural, infrastructural, traffic, all of those kinds of issues. He understands why there is an interest in form zoning and the flexibility that brings. This is elsewhere in what we are going to be talking about later. He is going to need to see actual limits on size that reflects our citizens desire to maintain the "small" Town character. Mr. Mekarski stated excellent. Mayor Fraser inquired so with those changes, any other comments from Town Council.

Council member Grewe stated that one of the crucial aspects to our responsibility as a Council is to balance the holistic desires of the Town, the fiscal position of the Town, and the burden of government on citizens and businesses. We have to match those in some way. Delegitimizing one of them or harming one for the benefit of the other ends poorly every time. It means that we also have to occasionally act as a buffer between what some want and what less want, because we have to balance. In the process of decisions, we have to have some aspect of justice. That means that we are protecting people even when they are the minority. In fact, that's a core component of our country. It's an important component of our country. When we get to a place we have multiple competing goods, with multiple different groups that need it, it frankly makes this job really thankless. As you've said, he thinks we have seen too much of each other in the last week or so.

Council member Grewe stated that Tip has worked very, very hard to achieve as much consensus and compromise. And in many cases, not all cases, has succeeded in that. Honestly, if we look at this Plan, we are arguing over five or 10% of it really. The rest of this is largely agreed on. The vast majority of us, the Council as a whole, even with very different perspectives we shoulder from it, we come to this and say, "Yeah, we find points of commonality." That's what we look for. It's these sticking points at the edge, literally in the case of this property, but in general, it's these that can become problematic. He wants to commend specifically the Mayor and Nedim to holding quite dearly to the principles they felt compelled not only to run on, but to serve under. And that's right. That's what

should happen. In fact, on Council, you are going to get by nature of represented government a fairly broad diversity of principles, and goals, and aspirational components. That's healthy. And when they get mixed together and first of all, when you compromise that means we both get a shot at from both sides, but also hopefully a balanced approaching government. When one moves out of that that's when we get ourselves in trouble.

Council member Grewe stated that for himself, one of the principles that he ran on, and was elected on, and firmly believes in still to this day is to minimize the intrusive able government in individual lives. That, if at all possible, he will have a minimal impact on. Largely that principle works its way out when we talk about taxes, or water and sewer rates, or the fact where the government directly reaches into your pocketbook or reaches in to tell you what you may or may not do. He thinks, as a rule, individuals are better suited to choose what they should and shouldn't do than someone else who sits behind a desk and doesn't live your life to tell you what to do. It is better to be free than to be unfree always. There are places where people are violating other people's freedoms and yeah, we have to step in there. There is a place for that. That's why we have police forces. That's why we have lanes on our streets. You have to do that. But, if at all possible, he wants to use the phrase that he used last night which is "least intensive intrusive means." We will act only as far as we need to, to preserve justice, and to preserve equity. And frankly, that means we treat everyone equally even when we don't like someone else. He is sure that he is probably not Nedim's favorite person. And that's okay. I do not want to be his enemy. But there's a natural component where we look at each other and I'm like, "I disagree with you." And even when I disagree with you, we are obligated as Council, just like a Judge, or someone else, to do our very best to find a just solution that treats the person I like just the same way as someone I don't. The business I like the same as the business I don't like, balancing the needs of the community. We have to do that. And he understands that. That's the big principles that come into play here. Council member Grewe stated that when we get to the smaller stuff here, he grew up in a farm town. It was a much smaller one than this. It was called "Latah." It was a population of 386. His grandparents where everyone called "Rockford." It was two or 3,000. So, what Purcellville maybe was 15 years ago? It was a farm town. His grandpa ran the Grain Growers Association. We were surrounded by agriculture in pretty much every direction for about 30 miles, which was also 30-minutes because everyone drove at 60 and you could just measure how far you were going by miles of time. He stated what was interesting, was in that town the largest buildings in the town were ironically not in the center. They were on the edge. Why? Because those were the ag buildings. Those were the Grain Growers Association. Those were the places you use to order the grain, or the rye, or the different stuff we would harvest and grow. He stated in our case a lot of Kentucky Blue Grass. He stated don't ask me why we grew it in Washington State but we did, lots of it. Those buildings were 50, 70-foot high. Very much unlike what we are talking about as a transition from a Rural Agriculture into a town. The lower buildings were more center. Frankly, in terms of scale, the center of those towns was not too different than the center of this one. Maybe a few feet shorter, but not significantly. And what they did by design, was take those larger structures and put them on an edge of town, for the purpose of making sure what happened there didn't disrupt the people that lived within the town. And you also didn't want big, heavy equipment going through, or to keep your traffic on the edges and not flowing through the town, which he thinks is actually healthy if you have driven down Main Street. We have succeeded in that, at least in part. And we have failed in others to be fair. Let me make sure I recognize that. We've taken this idea of this Industrial/Business Corridor and put it up on Hirst to create a section where that sort of traffic routes to. We are also trying to not mix a lot of Residential traffic with a lot of business traffic because that ends badly. But if you can, and you can group things in like form, you can accommodate the sorts of scale of traffic, impact, and these corridors that move in on an area. It also means that if you understand those things you can start customizing solutions that were better because we have a very Mixed Use format. You literally have to have a solution for all the problems at the same time. That's really hard. When we group like types, you are going to do a better job here. He stated here we have an issue because we have a grouping of Commercial Median Scale. And we have a grouping of Agriculture right next to each other. Frankly, it doesn't make sense. And it can't make sense except that Crooked Run Orchard has existed for a 100 plus years. That's their private property and they were there before it and they get to stay there because we have a high respect of private property. And that's a good thing. It puts us in a hard spot here of trying to figure how we can do that sort of balancing process. You don't want one person's decision, whether you like it or not, to flow over and harm another. And that works both ways. Just as he would say the decision to put, for example, Crooked Run Orchard by

the owners in permanent conservation which they most certainly have a right to do, and he is grateful they did. He likes having an orchard in town. He likes having that green space. He also likes that they did that of their own free will versus someone as Tip said earlier, trying to force someone to do it. He doesn't like the government being the pushy one. He would rather people make those choices on their own. Now, that also means that some of the discourse that has happened here, he would traditionally prefer be happening in the community outside the walls of this building. It means the communities have conversations with business owners, and say, "Hey, is there a place we can have a way to make this work?" It means that he would prefer that the folks that live on Skyline Drive, and on King James, and Loudoun Valley, and the rest of it, sit down and talk to the chap and say "Hey, I know you have a property that borders up to ours is there someplace that we can find that agrees?" We have seen that happen here before. He stated just over by Blue Ridge Middle as it's coming around the southern Bypass, there was some growth happening and there was an HOA, and there was some discussion. At that point, it was Residential in format. They sat down and had a conversation. This happened right before he got in Council. He was sitting out here listening to it where they had gone through and talked to people, the residents. They talked to the HOA. They talked to the business owners. They had way more conversations than they probably needed at that point. They filed a grievance. They walked in and said, "Council, here's what we wish to do. We are the business owners. We are the residents. And we are the affected parties. We all think this is a great idea." He remembers watching the discussion happening and going, "Well, that's not what any of us have in the plan, but literally everybody is in agreement. Great. It was easy though. Why? Because the community had consensus. Council member Grewe stated that when it comes here though, and the community doesn't have consensus, then we are put in the hard spot of having to like pick winners and losers. He doesn't like that terminology, but he also doesn't like the government going in and getting to pick who gets to do which thing. We have to balance those. He understands that. He doesn't want to put high traffic environments right next to an elementary school that ends badly. You are looking for safety. We talk about health, safety, and welfare as far as where we intervene. Traditionally, we are on far more firm ground and frankly, far more legally defensible ground when we intervene in questions of public health, but also public safety. When it gets to public welfare, it is a very broad term. If we are not careful in how we define it, it becomes an anything term. You can justify anything as for the common welfare. He finds if we don't put some limits, the Kissinger quote was, "The purpose of every community is to try to take over the world." There are no limits whether he disagrees with him or not on that one, he thinks he was right. He has served on too many Committees. We are going to be the solution. And frankly, as talented as the seven of us up here are, and frankly, he is very proud to serve with six very talented men with incredible experience. We are the solution to everything. We just, unfortunately, are acting more as a jury where we have to decide between hard cases. It's not a fun place to be, particularly in places like this. He would much prefer, and he thinks the Mayor does too, when we get to walk down and give Proclamations and recognitions to people who have done amazing things in the community, but that's an agreeable thing. We all concur that's good and we want more of that. This one is harder.

Council member Grewe stated that he hasn't taken the time to articulate how he has been approaching the Plan, as Tip, who has articulated for the last five or six years, he wanted to make sure there was an explanation to the approach on it. He understands the balances here. When we take someone small and we don't like what they are doing and we say, "No," then we are quite liable to be able to take someone who is a little bigger than that and say, "No," or a must "Yes," and that scales upward. And then the question is at a certain point, when do we say, "I'm sorry, that's not something government can regulate or dictate." He is pretty cautious on doing it at a small scale level. When you do it there it becomes easier and easier to pull that plug. You head toward a thing that is labeled imminent domain. He stated or you head toward a thing that's a taking. He grew up as a 14-year old with someone attempting to do a taking on his parent's property. They were putting high transmission power lines through. That was needed in that case for California to access power. That was not okay. They didn't talk to us in advance. So, we fought it. We won. But the government was very much permissible to do that. That doesn't end well. So, he is very cautious in doing that. That will inform his decision.. He likes freedom more than not. That's what he wanted to make sure is conveyed as far as the reason why he does it. He is not pro development. He is not trying to pave anything. He is not actually in favor of growth. He wants to make sure we can pay our bills and he wants to take the least amount of money out of the taxpayers pocket as he possibly can. Frankly, you are going to be a better spender of your money than we are by far. He wants to make sure we protect the individual rights of each person.

Each of those people is a part of our Town. As we carve this away, we take away those opportunities that grow, and more and more disenfranchisement that happens. It is always a pressure to do it. He is very leery to pick up that tool because if we do it, it's easier to pick it up again. He stated that he is done. Thank you much.

Mayor Fraser commended Council member Grewe on being authentic. He knows what to expect, although we might not agree, but he knows what to expect from him. Council member Grewe stated that discourse. Mayor Fraser stated with that said, he thinks it is time to vote. He wanted to commend Tip and the community at large for getting us to this point of making a selection on this chief corridor within the Town of Purcellville. The citizens were involved. We can't please everyone. But we have to make a decision. He inquired whether or not we make a Motion to do this. Council member Stinnette stated no, just a straw vote. Mayor Fraser stated just as a straw vote he would align his choice with the statement that the Town Manager and team developed, and crafted with the changes that were suggested taking out the line item starting with the third paragraph. He inquired whether or not anyone disagreed with those changes.

Mr. Mekarski stated and taking the suggestions of Council member Ogelman that he outlined for the Public Record on the new sheet.

Mayor Fraser stated that he stands corrected, thank you, David. Council member Stinnette stated that new sheet is not part of the Comprehensive Plan. Mr. Mekarski stated that is correct. It's an easy way to designate a summary of what Council member Ogelman's suggestions were, which he thought were excellent.

Council member Ogelman stated that he will reinforce what he said before he was using this to illustrate and articulate what he thought needed to happen with these definitions. He was not making zoning use choices.

Mayor Fraser stated thank you again for the dream and the vision. It seems like we are all in agreement straw vote wise to support those changes.

Council member Ogelman inquired did we do the straw vote. Mayor Fraser inquired of Council member Ogelman what his thoughts were. Agree or not? Council member Ogelman stated that with the changes he supports this.

Council member Greenly stated that he does not support it, although, he thinks that Council member Ogelman brought up a point that he really likes. He wants to take a look at that height piece. He still likes Mixed Use Neighborhood Scale, although, he looks forward to additional comments because his discussions really resonated there somewhere. But he is still where he was at last night.

Council member Stinnette stated that the height piece is going to come into the Zoning Ordinance. It's not necessarily going to be in the Comprehensive Plan language, although the language should point to that. So, he is trying to understand what you mean by that.

Council member Greenly stated that he liked what Nedim was talking about the transition piece. And then he talked about the two to three stories. He read it as two stories and that was just looking through the packet here real quick. When he looked down he realized it is not part of the document, but he used it much like he did. And then listening to our Town Manager, since there are mitigation pieces that we could put in place, he still thinks we are going to get some of that traffic piece in there. And then finally, when he listened to Joel, when he talks about he doesn't like the fact of what he considers may be overreach. He ran on a platform of slow, sustained, steady growth, smart growth. So, it is kind of in the middle. He listened to everybody here. It was a good discussion. It is something to go back and look. Right now, his straw vote would be to remain where he is at.

Council member Stinnette stated that as he articulated earlier, he is for the vision of Agricultural/Tourism/Commercial. He is for what the staff has provided us as a definition for the Comprehensive Plan. He is for the removal of the first sentence in the third paragraph. Council member Grewe stated the

Agricultural/Tourism/Commercial as provided, as documented, he thinks is a marked improvement over the previous version. He thinks it's better. He is still with that Mixed Use Neighborhood Scale. That would be where he lands. He thinks this is an improvement to mitigate what he would say would be greater harm if we had gone with the previous one. Again, a compromise gets paved by everyone. This is better. It's not good enough to get his vote, but it is better.

Mayor Fraser stated for the record, we have three to two. Thank you all. Council member Ogelman stated that he thinks in the aspiration of the Town, he believes as an agent of his principals who are the citizens of our Town, scale is big as to what people have told us they value. So, even aspirationally, and especially given the flexibility of the farm zoning, not addressing scale at this aspirational level to give clear guidance, to the zoning part of the conversation is just not reflective of what people are asking us for. He just wanted to respond to that issue.

Council member Stinnette stated that we actually spent a fair amount of time on the issue of scale. He knows that you sat in on a lot of that discussion on the Planning Commission. The scaling that you are looking at in the Comprehensive Plan by design is relative scaling, and so we took all of the Land Uses and banged them up language side by side to make sure the scaling was graduated with each type of Land Use. The debate that the Planning Commission had on scaling really revolved around this idea of putting in square footage limits into the Comprehensive Plan. Those right now, and normally, are articulated in the Zoning Ordinance. Now, the argument for putting them into the Comprehensive Plan is then if someone comes in and wants to make an exception, they have to do both an amendment to the Comprehensive Plan and to the Zoning Ordinance. And that means that the community gets two bites at the apple from a Public Hearing perspective.

Council member Ogelman stated that he likes it. It doesn't seem like they are that important of an issue. Council member Stinnette stated there were at least two and perhaps three Planning Commissioners that were of the same mind. After a fair amount of debate, the majority of the Planning Commission understood that really this is the province of the Zoning Ordinance. The whole design of the Comprehensive Plan is a vision document and not necessarily a prescriptive 35-foot, three stories. That's even covered in the Ordinance. We thought it was important to echo that because Town Council passed that Ordinance change while we were going through the planning process. It gets pretty cumbersome when you start looking at the Zoning Ordinance and banging it up against the Land Use. He stated what you will find is in the Zoning Ordinance the square footage limitations are not uniform for one Land Use. Actually, it can go parcel by parcel, or area by area, or overlay by overlay. So, it becomes a very tangled web of documents and artifacts that you kind of have to synchronize. We thought that the relative scaling language that we provided in the Comprehensive Plan was sufficient, although he will tell you there was some disagreement on the Planning Commission on this. We thought that it would be wisest to defer the square footage figures to the Zoning Ordinance. Most professional planners will advise you similarly. You can certainly poll staff if you want to check with them. He does remember his graduate degree time on that, and they made it very clear that would be the province of the Zoning Ordinance. That's kind of his point there on that.

Council member Stinnette stated one other point that he wanted to make. He apologized if you thought he was belittling labels. He probably didn't say it with the greatest clarity that labels are important for a community to express spirit, intent, and vision, which he thinks is what you said. He just wanted to make sure that you understood that he is in alignment with you on the importance of labels when it comes to a planning document. But he also acknowledges the importance of labels to the individual property owner. At the end of the day, the interest of the community from vision, intent, and spirit, carry the day for him. That's why he supported the Agricultural/Tourism/Commercial label. He thinks when you look at the language that underpins that label, even with the elimination of that first sentence on the third paragraph; there is a wide amount of latitude for Commercial development under that label. And the heavy lifting is going to occur when the applicant comes in for zoning, and we are going to have to go figure that out.

Council member Ogelman stated in our sort of matrix, the scale issue comes up in there actually. He takes it that we will eventually come around to that wheel of entries. Council member Stinnette stated yeah, and that's why he

gave you the long explanation. Council member Ogelman stated that he is ready when we straw vote that. He understands what you are saying and he hears it, but what this Comprehensive Plan does that is different from the existing Comprehensive Plan is its vision categories through form zoning are much, much more flexible in what they allow than the existing Comprehensive Plan. And in that context, and given not just dots or anything else, elections, surveys that the Town has held, (*inaudible*), everything like that, scale is a defining characteristic. He is prepared to not have complete finite scale discussions of course. But articulating scale and putting upper limits on things, given the flexibility, is very important for what he understands the citizens of our Town to be wanting. Council member Stinnette stated okay. So, then right now is exactly the time that we need to discuss this because if we are going to incorporate square footage limits to further describe scaling here, then that changes substantively the advertisement that we are working towards, and would require us to actually adopt square footages associated with each Land Use now rather than at some time in the future because that will be substantive to the advertisement. Council member Ogelman stated that this wasn't like square footages for every place. There was some that in the Planning Commission discussions came up. You all worked through them that to him not in a way that had a clear resolution. You all took a vote. You adopted them. Then you talked about them again. He doesn't know if you had another vote. You went through at least one cycle, sort of like what we have been doing here, at least one cycle of voting among yourselves. He noted them specifically and the language of things to return. In fact, some of the Planning Commissioners had proposed this language. He thinks you all actually voted on it.

Council member Stinnette stated yes, we did. Council member Ogelman stated that initially adopted it. Council member Stinnette stated no.

Mr. Mekarski stated that he just wanted to make a suggestion. When we go through a Comprehensive Rezoning Process, we are going to be working with a professional consultant. We are going to be working with myself, the Town Attorney, the Town Planning Department. It is going to be a year or longer. We will go through a lot of deliberation with the Planning Commission and again, a second level of deliberation with the Council. The Future Land Use Plan that you are working on today, is not a stagnant document. It is a living, breathing, dynamic document. As we take a deep dive into the Industrial/Business District or this Agricultural/Tourism/Commercial District, and if we feel as a professional staff, professional consultants, or if the Planning Commission or the Town Council, or the citizens think it needs that double-check that Council member Stinnette was talking about, getting an amendment of the Comp Plan, we can go back and make minor amendments to the Plan. He is sure as we go through the Zoning Ordinance we are going to be doing incremental amendments because we want to insure that the Comp Plan is in sync with ultimately our final regulatory tool. He said that he wouldn't concern you too much with it. You are going to have more than an ample opportunity and we will be offering you suggestions where we think it is necessary to reinforce it. He is sure that both the Council and the Planning Commission will as well, especially in those areas of sensitivity. Environmental or traffic sensitive areas.

Council member Stinnette stated just so he can answer because he has the record there of our discussion, Nedim, and you are specifically talking about Commercial Median Scale which is on Page 44, and Industrial/Business which is on Page 45. On Page 44 of a previous version, it had, "Grocery and multi-store office buildings are common uses with individual footprints not exceeding 40,000 square feet." That was in a previous iteration of the Comp Plan. Council member Ogelman stated just so this doesn't look like it is coming out of nowhere, number 160 of our comments there, he sees that the staff wants to extract and not have it, but he has been on the Planning Commission. He knows how that stuff works. He has had the training. He stated Page 12, that's one of the places, and to our way of mapping things. You will also note that he did his due diligence as to the criticality of that issue to him as well. It's the very top line of the sheet. He only points this out since this came up. You are saying it is the time to talk about it. Council member Stinnette stated it is. So, bottom line, you want to keep the number that is there. He told you why he wouldn't put the number there. He disagrees with you on that. He is happy to put that before the Council and see what everybody wants to do. Council member Ogelman stated like not starting here with this discussion, just on his own when he was working through this that is something that he noted as critical. Council member Stinnette stated the same thing on the Industrial/Business where we basically eradicated 20,000 square feet. That was on Page 45 of a previous version.

Mayor Fraser inquired what is the item here. What are we suggesting? Council member Grewe stated that the square foot discussion we very much should have. It's a great thing that Nedim brought up and we most certainly should deal with that. He stated to make sure that we get out of here with the deliverable that we need for the sake of the Public Hearing, is that something that we need to have in the Public Hearing if that is being changed? Council member Stinnette stated in the Public Hearing yes, in the Notice, absolutely. Council member Grewe stated so if we are adding square footage designation, we have to figure that out tonight. Council member Stinnette stated yes. Council member Grewe stated then we probably should accelerate that. Other than that, he thinks it is the Hirst property. Those are the two things that he is aware of that we must have picked up tonight. Is that correct? Council member Stinnette stated yes. Mayor Fraser inquired this square footage issue, is it anywhere else on this sheet. Council member Ogelman stated yeah. Mr. Mekarski stated just so the staff can clarify the record, you are talking about comment line 138. Council member Ogelman stated that he tried to follow the guidance that he thought we were given about going in here and communicating, articulating to the others what we thought was critical, and what was substantive. He has a series of eight critical. Council member Stinnette stated that you have a lot of critical and you had a majority of substantive. He is not debating that. Council member Ogelman stated that his point is that in our whole process and how that is described, that category. Council member Stinnette stated that is a red line for you. Council member Ogelman stated yes. Council member Stinnette stated that doesn't mean that we have to adopt it. You can just vote against it when it comes time for the vote for the Plan if we don't adopt your square footage. He understands that. Council member Ogelman stated but it does matter for this kind of discussion. So, you all could deny it tonight. Council member Stinnette stated yeah. Mayor Fraser stated yes, because we need to make a decision. Council member Ogelman stated that he is saying that because shouldn't all those critical ones, are the other critical items not on here. Council member Stinnette stated that we are going to go through all the critical ones tonight. We are going to try and clean those up tonight.

Mr. Mekarski stated that this is an amendment that can be made after the maps are published. When you hold a Public Hearing you receive a lot of comments, and you are going to make additional changes in the text. And you could include those in the final adjudication process after the Public Hearing. And then it is just a matter of adopting the red line text. And then we will publish accordingly. If we make a lot of text changes and try to make this before our deadline on Friday/Monday, we might not be able to achieve our objective.

Mayor Fraser inquired whether or not we can go through these critical items in the next 30 minutes. Council member Ogelman stated other than the map, we do not have to cover these other -- Mr. Mekarski stated substantive language we have to include in the text. Council member Ogelman stated so then we do have to do it tonight.

Council member Stinnette stated that Sally will tell you that if we add in square footage, square footage limits should be reflected in the advertisement. He stated that all square footage limits were not reflected in the previous Comprehensive Plan, so this would be a significant change for the community.

Mr. Mekarski stated and again, this document is not going to change anybody's Land Use rights whatsoever until we do the zoning change. We will have ample opportunity as we create each and every new Zoning District or amend Zoning Districts, and then at that time if you want that double protection because it's that important which he can understand, we amend the Comprehensive Plan.

Council member Ogelman stated as you said, it's not going to make any difference for the zoning, so there's no real problem with putting the language in. Mr. Mekarski stated that it is for the time that we have to construct the ad and make the deadline. We have a holiday on Monday. He stated that Sally might be only limited to Friday. She's out of town. We are going to be working with her by telephone. Council member Ogelman stated that anything that he put in that was like that, he provided line text. He did everything that he can do to not have that (*inaudible*).

Council member Stinnette stated that you did. Here is what David is proposing. There are actually two ways that you can approach this. We can debate this tonight and try to get it added into the advertisement, or we can defer



this. In other words, we can say that we are not going to include it in the Comprehensive Plan. We are going to go do the Zoning Ordinance. We are going to figure out what the square footage is associated in the Zoning Ordinance. After we figure it out in the Zoning Ordinance, then we are going to go back to the Comprehensive Plan which we already passed, and make an amendment to reflect the square footage limits. That's one approach to doing it, versus the approach to add them in now.

Mr. Mekarski stated that he is confident that we will be asking for dozens of amendments because it is so important that the Comp Plan reinforce the final Zoning Ordinance District and the Zoning Ordinance language. Council member Ogelman stated that he intended to debate. He is putting in every bit as much time in addition to his job as anybody else here is. That's a critical item for him. He thought that through. He attended the sessions. Mr. Mekarski stated that he is not minimizing it at all. He thinks it is important. He just wants ample opportunity to put it in.

Mayor Fraser stated for the next 20 minutes, let's address the critical items. Mr. Mekarski inquired whether or not Council is finished with the map amendments. Council member Stinnette stated that we can finish this up in about three minutes. Last night we agreed on the Hirst East, Lots 3 and 4 to go to Business/Industrial. Last night we agreed to adopt the Legacy Professional Office space for Lot 5. And he guesses that we want to confirm that we agreed because last night we agreed to them.

Mr. Mekarski asked Council to look at the revised map and make sure that the color denotations that we made are reflective of the comprehensive changes. Council member Stinnette stated that they are with the exception of the East End. Mr. Mekarski stated the East End. The East End we did show Agricultural/Tourism/Commercial. It's the new Agricultural/Tourism/Commercial because we killed the other Brown. Council member Stinnette stated then he guesses his question to you is Agricultural/Tourism/Commercial is different than Agriculture. Mr. Mekarski stated one with Agriculture is with plants growing and the Brown is just earth. Mayor Fraser stated that there is no Agricultural. That entire corridor is all Brown. Mr. Mekarski stated no, no, no, the Conservation Easement on Brown's property is Agriculture. And you still should have those same uses. You could still have those Agricultural/Commercial Uses from the previous Comp Plan.

Council member Ogelman stated that the title of the existing category is "Agricultural/Tourism/Commercial." Council member Stinnette stated the intent was to have Brown, Lot 3, and Lot 2, all to reflect Agricultural/Tourism/Commercial. Mr. Mekarski stated okay, that's fine. Mayor Fraser stated that we need to switch that. He stated delete Agricultural. And make Crooked Run into Brown. Perfect. Council member Grewe stated instead of making all of the Agriculture space Brown, why don't we just make it all green.

Mayor Fraser stated where you see "Agricultural/Tourism/Commercial" we will make that the green with the dots, and we will delete the brown with the dots. Council member Ogelman stated the farm which is, in fact, a farm; does it fit with what we just defined? Council member Stinnette stated yes, it does. If you look at the zoning that is associated with the Brown's property, it has all those arms. Council member Ogelman stated it has Agricultural, Viticultural. Mayor Fraser inquired if we are clear, Patrick on this. Mr. Mekarski stated that he is glad that you clarified that. Where you have Agricultural on this map, we will just replace it to Agricultural/Tourism/Commercial, and delete that brown. Mr. Mekarski inquired whether or not there were any other map changes that we have to make. Council member Grewe stated that he believes we did note one. There was a typographical error. Do we want to take a straw vote on this map, or do we want to look specifically at that last piece on Hirst again? Then we are done with the map. Then we can get into the substantive and critical comments. Council member Stinnette stated that we did it last night. We can do it again.

Mayor Fraser stated on Page 67, item 5, if Mr. Browning needs to put a shed to cover his tractor after this is passed, is that allowable. Mr. Sullivan stated yes. We wouldn't consider the Comprehensive Plan under a Site Plan Review. Mayor Fraser stated so if he wants to put those tractors that are right now exposed to the elements in a



shed on the property. Mr. Sullivan stated that right now it is zoned for MC for Commercial. Mayor Fraser inquired when the zoning is changed, can he do that? Mr. Sullivan stated no. Council member Stinnette stated that in this particular case our advice would be to not change the zoning for Brown. Council member Grewe stated that you have discontinuity by attachment. Council member Stinnette stated yes, and that happens all the time. Mayor Fraser stated that until such a time when the zoning is changed, can he make changes to the property? Council member Grewe stated that we leave it disconnected until he's done and that property goes to a totally different business or a different thing, and then the idea was to conform the zoning to the Plan. But, up until that point, that tractor supply store has been here and been a vital part of our community it can continue to do so. That would include the appropriate upgrades or environmental changes it needs, or accommodations for how you stores things, et cetera, as part of that. Up and until it is no longer that. And then it needs to conform into what we are designating it here in the Land Use and update the zoning at that time. Council member Stinnette stated yes. Mr. Mekarski stated that's correct. Council member Greenly stated so what you are saying is that Mr. Browning can't decide to change his business model, his footprint and say he wants to go into a Big Box. Mayor Fraser stated but he can put his tractor into a cover. Council member Grewe stated yes, because that would fit under Mixed Commercial Zoning which is what he is currently in. We are going to keep it that way, correct? Mr. Sullivan stated as long as he meets the zoning regulations.

Mayor Fraser stated that the other question that Mr. Browning had is in number 5, he believes that that entire five is not all of his land. He believes a portion to the left belongs to the resident to the left. So, basically he drew a line where you see the five begins. He drew a line right down. The question is, did we out zone someone? This is Page 67. Mr. Sullivan stated that he thinks that would be a Scribner's error. Just a mistake. It wasn't meant to add in more land as far as he can remember. Council member Stinnette stated no, it wasn't. Mayor Fraser stated that he is good then. We are done with the map. Let's go on to these critical items.

Mr. Conlon stated that we created a new Professional Office Future Land Use. He has given you a copy of the 2025 Comp Plan with the two paragraphs it uses to describe Professional Office. We are going with those. Council member Stinnette stated that's right but please pay attention to the 45-foot height. And just match that up against our most current coordinates on heights. Mr. Sullivan stated that is correct. We changed the heights, but we only changed it in C-4.

Mayor Fraser stated now to the critical items. Council member Stinnette stated let's start on Page 138 and nail that discussion down right now. He has already said his peace on that. He respects Nedim's position on that. He also acknowledges that it was Ed, Nedim, and Nan who both wanted to include square footage limits in the Comprehensive Plan. We did resolve that on the Comprehensive Plan.

Council member Ogelman stated that he thought Boo Bennett also supported it, and possibly Stosh Kowalski. Council member Stinnette stated no, there was a majority. He has the page right here, on Page 44. The way we resolved this was to change the language. And when we changed the language in the descriptor everybody was in agreement. So, the language in the descriptor, what we added there was, "This category represents" we added in "Small Town Median Scale Commercial." We also added in, "It contemplates retail and commercial buildings larger than Neighborhood Scale, compatible with their surrounding architecture, but not approaching the size of Big Box Stores." That's how we got around the specific square footage. On the Industrial/Business we just struck the language there because we didn't think it was particularly additive to that. That's how we got to agreement on the Planning Commission.

Council member Ogelman inquired what would the size of Big Box Stores be? Council member Stinnette stated that we put Big Box Store in quotes. Council member Ogelman inquired what does that mean. Council member Stinnette stated not approaching the size of a Giant/Harris Teeter. Council member Ogelman inquired what is the size of a Giant/Harris Teeter. Mr. Mekarski stated 60,000, 80,000. Council member Stinnette stated that the Zoning Ordinance says there will not be anything greater than 40,000 square feet in the Town of Purcellville period. So, Giant and Harris Teeter were both exceptions that Council's approved. He stated to equate that square footage that

is involved with Harris Teeter and Giant is actually incorrect. When we say, "Big Box," it's certainly not greater than 40,000 square feet. But we did not put that value in here by design because that specificity is designed to be in the Zoning Ordinance and is not designed to be in the Comprehensive Plan. But, if by majority of the Council wants that, giddy up, he got it. He understands it is a critical issue for you. What he is trying to describe to you is how we mitigated this on the Planning Commission.

Council member Ogelman stated that what you are telling me is that when he asked what "Big Box," means, our own Town Manager identified sizes that are 20,000 square feet to double the size of what is allowed in the Town. Mr. Mekarski stated it was being compared to Harris Teeter or Giant. All he was doing was adding to the comparison. Council member Greenly stated that he understands where the Councilman is going here. He is looking for a scale of reference is what he is trying to do. So, "Big Box Store" is it possible to put such as the Harris Teeter or something like that? That's what he is trying to nail. Council member Stinnette stated that we did not want to go down the road of such as, because the such as, are exceptions to the Zoning Ordinance. This was really an exercise in getting to the form approach to the Comprehensive Plan and going down all the different Land Uses, and to make sure that the language was descriptive enough to discern a difference in scale between the different uses.

Mayor Fraser inquired what is the risk of putting in 40,000 square foot. What's the risk of just putting a number in there? What's that big risk? Council member Stinnette stated so there's a discontinuity potential. If you say 40,000 square feet okay, got it. I will go build a 40,000 square foot building because my Comprehensive Plan says I can put a 40,000 square foot building in there. Do you want a 40,000 square foot building in there? No, you don't want a 40,000 square foot building in there. You probably want something less than a 40,000 square foot building. Can you design a Zoning Ordinance that says well, for that Land Use we want 20,000 square feet in that particular area? And then the guy is going to say, well that's not in conformance with the intent and direction of the Comprehensive Plan. It is a double-edged sword by having numbers in two documents. You have a vision document that is supposed to guide the zoning document. The zoning document is designed to give you the greater fidelity and efficacy of the intent of the Comprehensive Plan. We have continued throughout this process to debate around these ideas of putting greater detail into the Comprehensive Plan. His only caution on that is you do that at some peril. There is goodness in that, because what you do is you are creating two hurdles from a Public Hearing perspective. He said he has to tell you, if you get an entirely pro-growth Town Council, then okay, great. They will do what they did. He stated Nedim was part of the Planning Commission that said we don't want Catoctin Corner. Guess what? We ended up with Catoctin Corner.

Council member Ogelman stated no, he was not part of the Planning Commission. Council member Stinnette stated that there was discontinuity between the Planning Commission and the Town Council on Catoctin Corner. He will tell you that. Council member Ogelman stated and there was discontinuity between the staff and the Town Council. Council member Stinnette stated exactly. The point being here, he can try and build all these different hurdles here and that's fine, and we can do that. He is just trying to caution us, if we start putting these numbers in, and we start picking the largest number in there that is currently in the Zoning Ordinance and assigning it to the Comprehensive Plan, there are some potential consequences. Mr. Mekarski stated that is absolutely right. If you think of Main Street, as you are graduating from east to west the scale of Main Street goes down to the level of the neighborhood single-family homes. A form based Ordinance has some variability in it which requires the Planning Commission and the Council to make that judgment according to the character of the Town, the character of the neighborhood, the scale, the form, the fit of the particular surrounding Land Use. He stated having it variable is going to protect the community because it is going to fit into that particular portion of Main Street or Hirst Road because it requires the Planning Commission and the Council to go through that deliberative process. And if you have a solid number, you are then going to be stuck with the 40,000 square foot and it's going to be surrounding possibly existing buildings that are 5,000 or 10,000 square foot. Council member Ogelman stated that he believes that logic is flawed. He believes it is fully flawed. If you read the text, what it does is it puts an upper limit, a cap on size. It does not say this is the size that you should be at. There are groups like this Institute for Local Self Reliance that has done studies on what Big Box Stores are.

Mr. Mekarski stated but take a look at the principles of applying a form based code, and why that flexibility is in there is it requires you making a decision based on the particular neighborhood, the particular Land Use, the character of the neighborhood, the character of the Town, and our character changes up and down Main Street. Council member Ogelman stated that he sees form based code as providing a whole lot of flexibility. Mr. Mekarski stated correct. Council member Ogelman stated and the essential check in that context for the character of the Town, for the stress on the infrastructure, for a whole host of other things, the tradeoff of having that kind of flexibility that comes with the form based zoning is to address scale. And if we are not going to do that, what he views what you are describing as is let's give a whole lot of flexibility and let's give a whole lot of additional flexibility on size, and the victim from all of that logic from his perspective will be this concept of small Town character. Mayor Fraser stated so Council member Ogelman you see this as critical. That number needs to be in there. His question to all of you, is there a Big Box Store that goes below 40,000 square foot? Mr. Mekarski inquired what does that mean. Sure, there's a Big Box Store, 38,000 square feet, 36,000 square feet. He doesn't understand where you are going. Council member Stinnette stated that he is asking for an example. What's the square footage on Walgreen's? Mr. Sullivan stated that he has those figures someplace downstairs. Council member Stinnette stated that he believes that Walgreens is smaller than 40,000 square feet. Council member Ogelman stated it is like 13,000. Council member Stinnette stated that he would consider Walgreens a small Big Box Store. Council member Ogelman stated if you would consider Walgreens a Big Box Store, he would be happy to pin the size that articulate that size around the Walgreens. Mr. Mekarski inquired of Council member Grewe what the average size of Walgreens is. Council member Grewe stated that according to Google the average size of a Walgreens in America is like 14,500 square feet.

Council member Stinnette stated that he doesn't want to characterize this through an argument. The design of the Zoning Ordinance is to add the specificity of this. If this Town Council wants to make an exception to the Zoning Ordinance, they have done it. If they want to make an exception to the Zoning Ordinance, putting it in the Comprehensive Plan isn't going to want to have them make it less of an exception. The Zoning Ordinance is the directive. It is the legislative requirement that drives the specificity in sizes associated with Land Uses. That is the design of the Zoning Ordinance. That is not the purpose of the Comprehensive Plan. So, absent that in the Comprehensive Plan doesn't mean you forego the ability to legislate the size of different parcels associated with Land Uses. You still have that ability. So, it's not an if you don't do it, we're going to get a bunch of Big Boxes all over the place, no. Because that is in the Zoning Ordinance. Mr. Mekarski stated that it would still require a Public Hearing at the Planning Commission and a Public Hearing at the Council.

Council member Ogelman stated the fact of the matter is he is ready to vote anyway. But the fact of the matter is scale is a very significant part of the aspiration of the Town. This is a scale issue. There is nothing wrong with an aspiration that articulates an upper limit as an aspiration. All that this would do is give some context on the upper limit to what a Big Box means. If someone wants to make that upper limit something different, we could talk about that, but absent that, having the word "Big Box" in there, he heard the conversation right now, and he didn't have to say anything. He just heard the 40,000 that is the limit and 60,000 to 80,000. Council member Stinnette stated that's a wrong answer. Council member Ogelman stated that's the answer that was given. Council member Stinnette stated it's the wrong answer because you should go to the Zoning Ordinance. Council member Ogelman stated that he is not talking about zoning. He is talking about something aspirational here. Mayor Fraser stated so it is 40,000 square foot, Council member Ogelman, so a 40,000 square foot building in the Town of Purcellville. That's okay? Council member Ogelman stated no. That is the upper limit that was described in the literature that he has seen and frankly what the Planning Commission discussed. Mayor Fraser stated but by virtue of us putting this sentence, "The building's median scale should not exceed 40,000 square feet." Council member Ogelman stated that is the largest zoning category in our Town. Mayor Fraser stated and you are okay with that? Council member Ogelman stated it is what exists. In fact, it's smaller than what exists. It is giving a label, a precision in the aspiration to what that term means. His thought is that if you don't have that, like Council member Stinnette is saying, that is going to be the lower limit. But the fact of the matter is if we just had a Big Box Store in, what he heard from our Town Manager was 60,000 to 80,000 square feet. Mr. Mekarski stated that he was giving examples

of the specific stores that were mentioned. Council member Ogelman stated those were the numbers that came to your head. Mr. Mekarski stated Harris Teeter and Giant.

Mayor Fraser stated in the interest of time folks, Council member Ogelman, you list this as critical of such nature that will cause rejection of the entire document without change. Mayor Fraser stated Tip; you stated that by virtue of us putting in this number, it would not be consistent with the process because those numbers are supposed to be stated in the Zoning Ordinance. Right?

Council member Stinnette stated yeah. Let me just add something here. If we put a number here, it needs to be more than a ballpark upward limit. If we are going to go through the exercise of applying numbers to Land Uses, and we want the aspiration there, we do not want to put 40,000 there. We want some number smaller than 40,000. He doesn't think that is the appetite of our community. So, when we get into the Zoning Ordinance, he knows that we are going to revisit this upper limit. So, the point being here is if we are going to put a number in there, it should be a right number and a deliberated number rather than the current upper limit of Median Scale Commercial. Mayor Fraser stated so that number would be less. Council member Stinnette stated yes. Council member Ogelman stated that he is okay with that. Mayor Fraser inquired what number needs to go in now. Council member Stinnette stated we don't know. Council member Greenly stated if we put a number in there, would we not have to go back and look at the businesses that are within that zone to make sure they are not out of scope. Council member Stinnette stated they could be non-conforming. That's perfectly fine. Council member Grewe stated if we are averaging 40 minutes per critical, we are going to be here until tomorrow. They are important and they should be discussed. He is willing to sit here that long if he has to. Maybe we could do this. We could do a straw poll by the Council because Nedim stated that he is ready to vote. He appreciates that. And we can just say the straw poll is simply this, should we add a number. And then if the answer is yes, then we'll figure out what the number is. If the answer is no, and we are going to go on the Zoning Ordinance, then we don't need to deliberate the number and we can move to the next critical item. Mr. Mekarski stated that he just wants to reiterate one of the basic principles of a form based code. A form based code typically provides for an appropriate mix of uses and encourages strong relationships between a building and its context including public spaces, and surrounding buildings. And if we put some kind of up to 40,000 and it's next to a pocket park it is going to be totally out of context. It limits the Planning Commission and the Council's ability to go ahead and look at its context on public spaces and surrounding buildings. And we may want something much smaller than 40,000 just because of where it is situated on Main Street or another location in the Town. Council member Ogelman stated that he is good with putting that upper limit at a smaller size than 40,000. You are reading a definition for a form based, and that sounds like a good definition. Our Town doesn't have form based zoning exactly. There are form based components and there are a whole bunch of areas of our Town that we have not touched at all that are completely Euclidian. So, my point is, small is part of it. The whole purpose of putting the word not to approach Big Box was because people were interested in saying something about scale. If somebody has some other definition of not to approach Big Box means, we should put it in there. Council member Stinnette stated that it is in the Zoning Ordinance. It is actually dependent on where that Land Use is along the Main Street Corridor to be completely honest with you. That goes to David's point. You could express an upper limit, that's fine. That upper limit doesn't apply to all of those Land Uses depending where they are situated in the community because form based Land Use is designed to look at the adjacent parcels to make sure that the development is consistent with the architecture and size. It's all about relativeness. So, when you put a number in there, to be completely honest with you, for a Land Use definition, it's an interesting number. It could be an upper limit number, but it doesn't mean a whole lot until you start taking that Land Use and evaluating it in the context of where it actually is situated relative to other buildings.

Mayor Fraser stated so 40,000 might be too big or it might be too small. Council member Stinnette stated that we will get hanged if we put 40,000 in here. He will tell you that right now, because there is no appetite for a 40,000 square foot building in this Town. Mayor Fraser stated exactly. So, what number is the right number? He doesn't think we have that number. Council member Stinnette stated right. Council member Ogelman stated that he is ready for a smaller number. But let's put in context what we are talking about here, because we are talking as though this was something for 40,000 square feet anywhere in Town. There are exactly four areas that are

Commercial Median Scale. Those are the Gateway, the Catoclin Corner, where the Giant is, and the other side where the Purcellville Pub and all those things are.

Council member Stinnette stated so the idea we had there, to be quite honest with you is when you start redeveloping those areas, if you were to blow those places upward and incentivize redevelopment, we want it to be more consistent than it is right now with the pink areas that are adjacent to the red areas. That's the whole idea of not expressing an upper limit when it comes to form based Land Use. He stated but he got it. He thinks we have beaten this one to death. He would encourage us to take a straw vote.

Council member Grewe inquired can we poll whether we wish to do a number. And if the answer is no, then we can move to the next one. If the answer is yes, we can continue to beat on this. Would that be acceptable?

Council member Ogelman stated that would be acceptable to him. Council member Grewe stated excellent. Council member Ogelman stated he wishes to do a number. He doesn't think there is the specificity. Our Town Manager's response to the question shows that defining that will be a political discussion that is outside of the scope of the values of the members of the Town.

Mayor Fraser inquired do you know what that number should be? Council member Ogelman stated no. He did research on it. As an upper limit for those Commercial areas, that is the size of a large supermarket. He stated to make those non Giant or nonconforming, or to make a grocery store nonconforming, that was the size that he thinks Ed Neham had used for example. He is perfectly happy with someone saying that scale should be smaller.

Council member Stinnette stated that he thinks it needs to be smaller. His personal opinion on this is that once you start talking numbers and start putting numbers in the Comprehensive Plan, anything that starts getting bigger than Walgreens is problematic for our community. So, you could say that limit is 15,000. Once again, that's a fairly arbitrary number that was extracted, but nonetheless, he can tell you that number shouldn't be 40,000.

Council member Ogelman stated that he will support it being smaller. That was the number for that District. He stated let me be clear. He has sympathy for the arguments about this flexibility. What he is concerned about is that term being meaningless. What we are really debating here is do we want a number to lock us in on upper limit? Or do we want a term that just from our experience in this room right now, means something very different. It did not mean going down in a lower direction. It meant going up to 60,000 or 80,000 square feet. That was the answer that he heard.

Mayor Fraser stated so let's vote. Council member Ogelman stated that he already did. Mayor Fraser stated that he gets a number is needed, but absent no data he doesn't know what that number is. He will vote no. He doesn't know what the number is.

Council member Grewe stated that he finds himself on his part wanting to trust the process to go through the zoning. He thinks there is a place for numbers. That's where it is. We do it there. And he thinks the aspiration here is that we don't want a Big Box. And frankly, we have talked about this on DAR on occasion looking at architecture, and we are like no, that's not conforming. It needs to be smaller, or you need to lower the height on this to get it into conformity and that sort of thing. If we had a number, they could say well, no the Plan can go up this big depending where you are in Town. They could push. He thinks it preserves the flexibility to make sure that the individual case-by-case use is better conforming to the character of the Town in the unique position of wherever that happens to be in the Town. So, he would say no. He thinks the number goes in, in the zoning. He thinks that Tip's approach to that and the professional idea is the correct one.

Council member Stinnette stated that he totally gets where Nedim is going. He wanted to try to reach an accommodation. He doesn't think that we can reach an accommodation now. He certainly wants that accommodation to be informed. His personal position on this is no number for now. We will obviously vote on

whether we want to adopt the Comprehensive Plan, and since this is critical for Nedim he will make his position known at that point. He would make this commitment as a member of the Council is, he would revisit thinking an amendment to the Comprehensive Plan after we have given some thought on the Zoning Ordinance to what the new number should be and take the upper limit number and then go back to the Comprehensive Plan and make an amendment to it to reflect those upper limits. He totally agrees with that approach. He doesn't necessarily support taking an uninformed number and putting it in there now to get this passed with seven votes.

Council member Greenly stated that he is going to take the recommendation of the staff. He thinks there is some good discussion going on both sides of the table. He does think the number that David gave out would be like us asking how many stop signs do we have in the Town. He took a swag. He believes that's where that came from. He sees where Council member Nedim is going. He agrees with what the staff recommendation is.

Mayor Fraser stated it is done then. We will revisit it when we get a real number. Council member Stinnette stated and if we could make sure that the Minutes reflect that commitment that would be helpful. Now, we are going to go back and do this in order. He thinks we are pretty much at ghost speed for the advertisement. We will quickly go through the other critical comments tonight. He thinks we are going to be able to get through them. That one was probably the toughest one for us to go through based on his preview. He would recommend that we go to the top and just go through in sequence.

Council member Grewe stated Page 5, he believes it is line 49, 131 is the next one. Council member Stinnette stated Page 17, introduction in the Plan. What paragraph are you changing there, Nedim? Which paragraph are you replacing there? Mr. Mekarski inquired what page and what number are we on? Council member Stinnette stated that you are on Page 17 of the Comprehensive Plan. You are on line number 49 on the change matrix. He believes

Council member Ogelman stated this is language he was adding in. He can tell you his broader issue here. Council member Stinnette inquired where you would put this language. Can you help us out with that? Council member Ogelman stated that he would put it just at the end. Council member Stinnette stated you would put it at the end of Page 19. Council member Ogelman stated he guesses so, yeah. He can tell you what his point is for putting that in. There are statistics that are cited in this graphic and in this section. He does not believe that the source of that data, what they used, he does not believe that it is sort of balanced. It is data generated by a lobbying organization for development. He thought that there needed to be a balance in that for data and context for that kind of concept. He sees where the staff comments were. It doesn't seem to fit here. He thinks that the data that was being used, like he said, it wasn't really Census Bureau data, as analyzed by the Census Bureau. It was information that was developed by the Urban something. He wanted to introduce a paragraph.

Council member Stinnette stated that he wants you to win on this one. He thinks at the end of the language on Page 19, adding this language in is fine. He would not recommend that we retain the language between the first two dashes, "Political and economic constituencies that act on their common financial interest to perpetuate growth." He would not say, "The Planning Commission." He would say, "The Plan." What he tried to do is get rid of the political element in this document and just try to keep to the more objective elements if at all possible.

Mayor Fraser stated team, how do you feel about that? Take out the political between the dashes. Change "The Planning Commission," to "The Plan."

Council member Stinnette stated and add this as the last paragraph on Page 19. Council member Ogelman stated he is fine. Mayor Fraser stated that they are taking out from where the dash begins in Council member Ogelman's statement to where it ends, so "Political to growth does" deleted. And the last sentence starts with "The Plan," not "The Planning Commission." Mayor Fraser inquired whether or not we have to keep those references in there or delete them. Council member Stinnette stated you can leave the references in there.

Council member Grewe stated that he thinks that you are trying to strip out any sort of political component to it. The reference to "strong town suburb" also has a political component to advocacy. He has done a bit of research on them. He would suggest that might be worth removing for the sake of keeping the point there and not having someone dismiss it because they don't like the source. He stated have them argue with the logic of it inherently, rather than dismissing it because of the reference it comes from. Council member Stinnette stated so strike the two sources. Council member Grewe stated the Plan is the source. It is the authority. If we are going to adopt it into authority, in doctrine it into the authority, he would suggest removing elements that would cause unnecessary conflict. Council Member Ogelman stated that's okay to take that out. He would ask for consistency of this, which was the source of all of this in the first place, is we also take out the reference to the organization that is saying that the town is going to go into it. Council member Grewe stated that is the source of the Study. Is that not correct? There's not a Study specifically of Purcellville here. He stated that its guidance principles that we are trying to reach toward to reference for the town to guide by. Council member Ogelman stated that he is fine with that. This wasn't just his opinion that he had of an analytic source. We can take it out. He wants the language in there. Council member Stinnette stated you've got it. Mr. Mekarski stated you are taking out the source, as well as the Strong Town (*inaudible*).

Council member Grewe stated that in the last sentence where we change from "The Planning Commission" to "The Plan," the Plan has sought to incorporate this check on special interest by encouraging public interest ... And it goes on. He thinks there is a majority of components in the term "special interest." He suggests that we say, "The Plan has sought to incorporate this check by actively encouraging public participation." Then it is a positive statement and there isn't that feeling that you are being demonized in the process. Council member Stinnette stated that he agrees with that. Mr. Mekarski stated that you are taking out "special interest." Council member Stinnette stated that is a good catch. Council member Ogelman stated that he didn't have a problem with that. Council member Grewe stated that the second part of the line is really good of wanting to avoid having a Committee (*inaudible*) with a dark financial interest in Land Use decisions. He would just say, "Of direct financial interest." There are components of that going back and forth. That's the reason we don't have a traffic engineering company that's hired by the developer doing the traffic engineering. He would tighten the end of it with "a direct financial interest." That's stronger language because it's a little broader. It's even more aspirational to having a good, independent analysis. His last suggestion was just "financial interest." Council member Ogelman stated that his home is an investment. Council member Grewe stated well, sure. A financial interest he is thinking for example, if you have a traffic engineer who has an interest in conducting the studies that is on the advisory commission, he has a financial interest in looking at the traffic impact of a property. That would not be an appropriate person to have on that. They could be selected by the Committee, but you wouldn't want them on the Review Committee itself. It's like our statement of conflict of interest in our economic statements of public interests that we file. This is heading towards that same aspiration. He would make that a little stronger. Council member Ogelman stated then do you want to say, "With a direct conflict of interest." Council member Grewe stated "conflict of interest," that's a great way of putting it, yes. He would go with that, "a direct conflict of interest." Council member Ogelman stated and people would understand that to be a financial conflict of interest. Council member Grewe stated that would definitely be included. It is subject to interpretation, of course. Council member Ogelman suggested, "Financial conflict of interest." Mayor Fraser stated that it doesn't always have to be financial. Council member Ogelman stated that he is fine with just saying, "conflict of interest."

Mr. Mekarski stated that he will read it into the public record to make sure we have it. "Advocates for small, economically vibrant towns have pointed out that a failure to recognize and respond to the ability of the growth industry to divert local resources to accommodate growth is one of the main challenges to preserving the small town character of a place like Purcellville. In this context local government can champion responsible growth policies by ensuring that its policies reflect the views of an informed, active majority of citizens. The Plan has sought to incorporate this check by actively encouraging public participation and by appealing to a broad citizen participation instead of forming advisory committees (*inaudible*) with a direct "conflict of interest." Council member Greenly stated that he is going to nitpick here. "This active majority of the citizens," he doesn't think we have ever gotten that. Council member Grewe stated that's true. Council member Greenly stated that he likes the



informed citizen piece. Maybe this majority piece has to come out of citizens. Council member Ogelman stated that he wants to articulate why that is in there. He is open to having it changed. Council member Grewe stated that he would actually argue in favor of Nedim's point, which is kind of an oddity for him he knows on occasion. That is specifically speaking to the active engaged citizenry. One of the ways that has worked out is in an election. He thinks that is a real, practical and tangible thing. They become active and engaged in having a vote. They put us here as stewards of that vote. That's not a bad thing. He is comfortable leaving it there. Originally, he was going to suggest what you were. Council member Greenly stated that to him it doesn't make sense but he is okay.

Council member Grewe stated that it is on Page 8, line 86, number 155. It is on Page 25 in the Plan itself. Council member Ogelman stated that he was doing line edits. He struck something out. He pulled something out that was in there. Whoever on staff said the language already exists, it is true that it exists, but in this case the line does not exist anymore in what he had. Council member Grewe inquired do we know what was struck. Council member Ogelman stated that he struck a bullet. Council member Stinnette stated that we previously adjudicated the 73<sup>rd</sup>. We are getting rid of it. Council member Ogelman stated that he is happy with that.

Council member Stinnette stated that on line 86, what he wants to do is basically eliminate the first bullet. That's where it talks about the 73<sup>rd</sup> and Commercial. Council member Grewe stated can we just say, "Maintain the appropriate balance between Commercial and Residential property tax revenue?" That's a good thing to do. We should have a balance. Then we take out the rest of it. Mayor Fraser stated we don't know what the balance is. Council member Grewe stated that it is worth having a balance. Council member Ogelman stated aspirationally. The point that he would make there is, he thinks what he was getting hung up on was in a discussion about Land Uses having a 70/30. People have home-based businesses and other things. As far as tax revenue goes, aspirationally trying to balance that out is a good objective. Council member Stinnette stated that actually the issue is bigger than tax revenue. He thinks we are in agreement. Mr. Mekarski stated so you are taking the term *(inaudible)* out? Council member Grewe stated no. We are striking the first bullet after the word, "Revenue." "Maintain the appropriate balance between Commercial and Residential property tax revenue." And then the second bullet. Cut everything else of the first bullet after that. Council member Ogelman stated why don't we take out the property tax part and just say, "Revenue." Council member Grewe stated we are also striking the word "Property" then at the end of the first line.

Council member Grewe stated Page 11, line 134, this is when we took out the "Mixed Median Use." He is suggesting since we struck the Median Mixed Use out of the Plan in the Land Use Map, that we strike it also from the Plan in the description of the Land Use category. Council member Ogelman stated that what is happening here is we removed the category of Median Scale Mixed Use. This is removing Page 42 which is the description of Median Scale Mixed Use. Mr. Mekarski stated okay. Council member Grewe stated Page 14, line 182. This is from Walt Peter. This is basically the East End Land Use thing. This is essentially, what do we do with the East End, right? We just figured that out on the Land Use Map earlier.

Mayor Fraser stated Page 14, row 178. Council member Ogelman stated that we have already dealt with this. That's the Agricultural/Tourism/Commercial. Council member Grewe stated that's done.

Council member Grewe stated that the next one down has also been dealt with. This is us doing the zoning on the East End. Council member Ogelman stated that is his understanding as well.

Council member Greenly stated Page 15, 184. Council member Grewe stated those are also on the Jimmy Reynolds and Kipfer. That's the same thing as 182. Council member Greenly stated 183 and 184. Council member Grewe stated those are done as well.

Council member Greenly stated Page 16, 207. Council member Grewe stated Page 74 in the Plan. Council member Ogelman stated that he added a bullet to that process. This is saying how to go through that process. We should put some thought into what the impacts are going to be. We should do impact assessments that are long-term.



Council member Stinnette stated this is on Page 74. He basically reconstructed Bullet 14. He doesn't have a problem with that. The staff has said that new development should be defined. So, basically just ensure development occurs in a way that addresses full, long-term costs, rather than new. Council member Ogelman stated that he agrees with that. Council member Stinnette stated eliminate the word "new" in Nedim's recommendation on line 207 and adopt that. Mr. Mekarski stated that the rest of his paragraph stands. Council member Stinnette stated yes.

Council member Greenly stated Page 20, line 252. It looks like it has been accepted. That was the Mayor's. Council member Grewe stated Page 80 of the Plan, 254. Council member Stinnette stated that 254 is an editorial. This has been accepted. He thinks it is miscoded as critical. Council member Grewe inquired of Diana what she thought. It has been accepted without us looking at it. He said it is "E" on that side. It is just miscoded. Council member Ogelman stated that he is happy with that.

Council member Stinnette stated line 256. It has "substantive" and then it has "C" for critical in the far column. Mr. Mekarski stated hang on. You are talking about "Expand Purcellville a Historic Overlay District to include all structures of the Virginia Department of Historic Registry recognizes historically contributing structures." Council member Ogelman stated yeah. He thought Patrick had indicated that he pulled those from the State and it is literally the entire town. Council member Ogelman stated that there are like 533 some odd structures that they have identified as historically contributing structures. We got the list from the Department of Historic Registry. The issue is that those structures are not contiguous. Council member Stinnette stated David; your staff has already accepted this. So, are you guys not accepting this now? Mr. Mekarski stated well, no. He just recalls staff having this discussion and they are not contiguous. Council member Ogelman stated that an Overlay District does not have to be contiguous. Council member Grewe stated that if we expand the Historic Overlay District, if he is not mistaken, that significantly changes how we would go about affecting or doing anything within the District, not just the affected historic homes, correct? Council member Ogelman stated no, that is what he is saying. The District does not have to be contiguous. Council member Grewe stated that you are just putting spot District pieces on all of the historic parcels. Council member Ogelman stated yes, but based on a broad covering concept. Council member Grewe stated that he gets the concept. He stated that to do that that will tie, if he is not mistaken, somewhat the capacity of the owners of this property, correct? Council member Grewe stated that if we are going to expand it outward to houses that are not in that, have we talked to these owners of those residences or buildings before we do this? Council member Ogelman stated (*inaudible; without mic*) Council member Ogelman stated that he has spoken with some of the people that live in those homes. They are not in the Historic District but they want their properties to be preserved. Council member Grewe stated that he thinks before we accept that in here, he thinks this is something we very much should come back to. He thinks that Nedim makes a very compelling point. Before we put it in the Plan that we reach out to each one of those homes and try to have a conversation.

Council member Stinnette stated if you go to Page 80, go to the "Recommendation" Section, it's not a have to do. These are things that the town recommends we work on. This doesn't take any type of action. Rather than labeling it number one, he would probably label it number six in the recommendations.

Council member Ogelman stated that they aren't listed in order of priority. Council member Stinnette stated that he is trying to make the flow of it work here. It's either going to be a new five or a new six. Council member Ogelman stated as long as there is no priority to them, he doesn't care if it is one, five, or six. Council member Stinnette stated so make it a new five, and begin the thing with "Consider expanding ..." Council member Grewe stated that he likes that. Mr. Mekarski stated that's good. That relieves all the concern that he had.

Council member Greenly stated that it is on Page 24, line 324, 325. He believes they are both editorials. Council member Grewe stated that on Page 22, there is one tagged "C." It is line 300, Page 97. It is the Mayor's substantive comment, but it is tagged as a "C" on the far right.

Council member Ogelman stated that he is not understanding column I. Council member Grewe stated neither is he. Council member Grewe stated there are eight bullets. If it is substantive we can come back to it. If it is critical he wants to make sure we deal with it now. Council member Stinnette stated this is not critical he doesn't think. He thinks it is substantive. He thinks it is easy to adopt to be completely honest with you. Mr. Mekarski stated it is okay to adopt. Council member Grewe stated yes.

Council member Greenly stated Page 24, line 324 and 325. Council member Stinnette stated that they were both accepted. He thinks we are good since they have both been accepted. We got rid of the Mixed Use Median Scale.

Council member Greenly stated that 329 and 330 both have critical at the end line. One says, "Editorial." Council member Ogelman stated that one says, "Substantive," and the other says, "Editorial." Council member Greenly stated that they both list critical at the end on row 5. Council member Stinnette stated we are going back to the beginning now, 9 through 11. It is Page 9 through 11. This is about the planning process. "I need to understand who induced the flexibility of the Mixed Use categories into the process. Was that citizen initiated? Was that initiated by the planning team, Planning Commission, just staff, or just the consultants?" No, it wasn't the consultants. So, Council member Ogelman wanted to know why we came up with the different Mixed Use categories. He thinks you were trying to set the table for eliminating the Mixed Use Median Scale, but beyond that he already briefed you guys, we took the Commercial and basically trifurcated that for form scale. That was a Planning Commission initiative. Council member Ogelman stated that was a passive sentence. He wanted to know who the actor was. It wasn't necessarily for him, but for the document and the citizens so they could say in our process these were the agents that were tasked with doing this. Council member Stinnette stated that it kind of says in each phase the Planning Team on Page 9, 10, and 11. Council member Ogelman stated that when he was going through with his edits, what he had given you a year and a half ago back in the summer, he had said what he thought the agent was. Council member Stinnette stated would you agree it has already been done. Council member Ogelman stated okay. Council member Stinnette stated just say, "Previously addressed, no change required."

Mayor Fraser stated Alex Vanegas was missing as Interim Town Manager in the document. You said do not add. Mr. Mekarski stated please, do not add. Mayor Fraser inquired why. Mr. Mekarski stated malfeasance. He thinks it is irresponsible. Council member Stinnette stated that he understands why we have acknowledgements because it's a worthy professional staff. It's important for accreditation, and it gives you stature. He gets all that. He also recalls that this was a moving target since we have had over a five year period, virtually everybody and his uncle involved in this. He had recommended, and he believed the Planning Commission had supported putting the acknowledgements in the back of the Plan, as an attachment, or amendment, or a supplement, or whatever. If you use that strategy then he doesn't think that Kwasi's point is necessarily a bad point. It is what it is. But it's not front and center. Mayor Fraser stated right, because he thought your acknowledgement meant everyone that contributed to this. Mr. Mekarski stated well, the operative word there was "Professional." Mayor Fraser stated let's leave it at that. Council member Grewe stated that's fair. Council member Stinnette stated so we agreed to not include him in the acknowledgements.

Council member Grewe stated the last that is labeled as critical is Page 25, 339, entire Plan. Council member Stinnette stated that this has been previously addressed. When the Planning Commission had its Public Hearing, just so the rest of the Council understands it, we had the Public Hearing. Members of the community came to the Public Hearing and they made their comments. We told everybody when they made their comments that we were not going to adjudicate their comments at the Planning Commission level. We were going to forward it to the Town Council to adjudicate. In the case of Uta she came forward and said she is against all growth, all pavement, it's bad for the environment. We kind of said, "Okay. That's fair." He believes the discussion we went through tonight on the East End, and on many of the parcels, were true to Uta's concern. So, he would say that it was addressed.

Council member Grewe stated that is the end of the critical stuff. Mr. Mekarski stated that new Agricultural/Tourism/Commercial no longer contains that 30% maximum coverage. He guesses we don't have to worry about it with the Uta Brown's property because she has it in conservation. If she didn't have conservation, it would be a concern because you certainly don't want that developed with all those economic potentials without that limitation. Council member Stinnette stated once again, that's a Zoning Ordinance issue, not a Comprehensive Plan issue. Mr. Mekarski inquired is that Conservation Easement in perpetuity? Council member Stinnette stated yes.

Council member Stinnette stated a recap, we have basically gone through and given you all the direction you needed with respect to the critical issues. We have basically locked down the Land Use Map and you now have everything that you need to have to pull together the advertisement. And he will say this one more time, we did commit to revisit the square footage limits after we go through the Zoning Ordinance update, and to go back and make an amendment to the Comprehensive Plan to reflect the upper limits that we determine from the Zoning Ordinance. Mr. Mekarski stated that could be varying up and down the corridor, depending on the form and surrounding areas. Council member Stinnette stated that's correct. He stated to Nedim's point, it adds a little bit more definition to the relativeness which, okay he is happy to get to that. But we just need to get to the right number and do that through process. Mr. Mekarski stated that is good. Council member Stinnette stated that he thinks we are in a good place. He stated that next was the substantive comments and that is what we are going to work on next week. The goal for next week is to basically get this to a point where we get through all of the remaining comments, staff can then begin to work through the consultant on a version 7, or final version that will eventually go to a Public Hearing. Mr. Mekarski inquired when is the special meeting. Council member Stinnette stated that it should be Tuesday and Wednesday of next week. Council member Grewe thought it was Wednesday and Thursday. Council Stinnette stated that it is Wednesday and Thursday. Mr. Mekarski inquired if we could finish in one day instead of two. Council member Stinnette stated that he thinks we can get done with this by Thursday next week.

**ADJOURNMENT:**

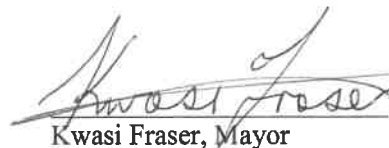
**Motion by Council member Grewe, Second by Council member Greenly to Adjourn the Special Town Council meeting of January 16<sup>th</sup>, 2020 at 9:59 P.M.**

**Roll Call:                      Ayes (5)    Nay (0)    (2) Absent. (Council members Ryan Cool and Chris Bledsoe, absent)**

**Motion Carried:            5-0**

Respectfully submitted by Faith Stine.

  
Kimberly Bandy, Deputy Town Clerk

  
Kwasi Fraser, Mayor

