

**PURCELLVILLE PLANNING COMMISSION MEETING
THURSDAY, AUGUST 6, 2020, 7:00 P.M.
TOWN HALL COUNCIL CHAMBERS/VIRTUAL**

The meeting of the Purcellville Planning Commission convened at 7:11 P.M. in Council Chambers with the following in attendance:

PRESENT VIA REMOTE PARTICIPATION:

Chip Paciulli, Chairman, Planning Commission
Nan Forbes, Commissioner
Stanley Milan, Town Council Liaison
Stosh Kowalski, Commissioner
Ed Neham, Commissioner
Theresa Stein, Commissioner

PRESENT IN PERSON:

Boo Bennett, Commissioner

STAFF PRESENT:

Andrew Conlon, Senior Planner
David Mekarski, Town Manager
Sally Hankins, Town Attorney

STAFF PRESENT VIA REMOTE PARTICIPATION:

Dale Lehnig, Director of Engineering, Planning, Development
Diana Hays, Town Clerk/Executive Assistant

CALL TO ORDER:

Chairman Paciulli called the meeting to order at 7:00 P.M. The Pledge of Allegiance followed.

AGENDA AMENDMENTS (Planning Commission and Staff):

None

COMMISSIONER DISCLOSURES:

None

CITIZEN COMMENTS: (First Opportunity)

None

DISCUSSION ITEMS:

a. Zoning Ordinance Rewrite

David Mekarski talked about the rewrite and asked the Commissioners to think about what support they need from staff. Mr. Mekarski added that he and Sally Hankins have laid out eight questions and requested each question be read and responses be provided by each Commissioner. Sally Hankins noted another approach could be to go through the eight questions without comments and then decide which are important to tackle first.

Council member Milan stated he thought they would start looking at the districts and Comprehensive Plan, and this is taking too long to get done, and compared it to the Comprehensive Plan. Council member Milan talked about working from a baseline, and the priorities being the vacant land. Council member Milan stated Council discussed the water line Hirst project and he emailed the Town Manager several times for information on the status of the project and has not received a response. Council member Milan stated he went to the property and took video noting a path being created and wants to identify what is going on there. Council member Milan stated this caused flooding in Dominion Valley and insurance expense to the homeowners. Council member Milan talked about the property across from the fire station, and stated something needs to get done.

David Mekarski stated he sent an email to the Town's engineer to get elements and plans to finalize and send the memorandum. Mr. Mekarski added the project was approved by the Town Council approximately 12 years ago and they were issued a CLOMR, a modification of the flood zone. Mr. Mekarski added that the approval is consistent with what was authorized by the Town Council and FEMA and approved by the County. Mr. Mekarski stated the County issued a grading permit who has been conducting field elevations, and the developer has applied for a LOMR through FEMA, and the request generated a lot of inquiry from Old Dominion Valley. The administrative staff held two community meetings, and at the second meeting two representatives from FEMA attended as well as two individuals from Loudoun County. Mr. Mekarski stated it was explained at the meetings that the change in elevation was related to a change in flood plain methodology that was handled by the County calculating the stream going through Catoctin Creek.

Commissioner Neham requested that the meeting proceed back to the agenda. Commissioner Bennett stated she does not want to hear the eight questions and is very concerned with the process. Commissioner Bennett added the Planning Commission consists of 7 Commissioners and Andy Conlon, and asked that staff let the Commissioners do their jobs. Commissioner Bennett suggested taking the zoning ordinance and modifying it to the Comprehensive Plan, and added that all of the Commissioners are certified and asked that staff get involved at another point. Commissioner Stein respectfully stated that because a Commissioner is certified does not mean they are experts on the zoning ordinance and commended staff for taking the lead and offering guidance.

Commissioner Forbes talked about the need for a plan of action to identify priorities and paths and which places in the zoning ordinance that do not fit in the Comprehensive Plan and then select the most vulnerable area.

Chairman Paciulli suggested letting the Town Attorney share her information then the Commission would decide whether or not to move forward. Commissioner Bennett stated her concern is that it wasn't sharing information but directing the process. Council member Milan stated he preferred that the Commission were presented with the ideas prior to the meeting to save time, and was under the impression the most vulnerable district would be discussed with the Comp Plan and any corrections made. Council member Milan agreed that staff would be brought in as needed and it was up to the Commissioners to move forward.

Sally Hankins stated one approach is that this is not a rewrite but chapters of the zoning ordinance would be amended, and another approach is a rewrite of the zoning ordinance. Ms. Hankins asked if we want to keep the traditional format and go chapter by chapter or re-envision the form of the town and go subject by subject. Ms. Hankins added she feels that strong staff support will make a difference in the timeline for this project. David Mekarski referenced the eight questions and requested that each question be posed and responses provided by each Commissioner.

Council member Milan asked when the questions were formulated and Sally Hankins stated they were done today for a way to formulate the agenda, and were designed to work through as a collaborative work session and to determine an order. Council member Milan asked which districts are the most vulnerable in compared to the Comp Plan and those areas being immediately addressed and acted upon, and feels the questions should have been presented in advance. Chairman Paciulli talked about the three most important areas are West End, Hirst East and East End and does not know about pressures on the other areas. Chairman Paciulli added he feels many adjustments to the zoning ordinance need made. Sally Hankins added there may be different tools for different sections of Town. Council member Milan stated a decision needs made on where to start and suggested find the district, look at the zoning and compare it with the Comp Plan, and rewrite it as necessary. Commissioner Kowalski stated he feels the process needs identified first and suggested a Saturday work session for this meeting and welcomed a series of actions from staff. David Mekarski stated the team was trying to have a brainstorming session to define a process not dictated by staff but agreed on by consensus of the Commissioners. Commissioner Bennett added her advice is to keep it simple and adding two more people may not accomplish that.

Commissioner Stein stated she doesn't think she sees the Town staff as interference as writing a zoning ordinance is not an easy task, and that both Ms. Hankins and Mr. Mekarski have experience that could be valuable. Commissioner Bennett added that the Commissioners can consult with staff when needed. Ms. Hankins stated that staff is happy to take their leave and were happy to help but will come back once invited.

Commissioner Forbes stated she feels it is their rule to make policy decisions and to provide guidance to the people who write ordinances, not the Planning Commissioners, to have professionals draft it into the zoning ordinance for review, comment, edit and change.

Commissioner Forbes stated she does not see herself writing a zoning ordinance and the Commission should focus on the policy end and provide guidance to the people who do the guiding. Commissioner Forbes added they need to decide on the areas and who does gap analyses.

Commissioner Neham agreed with the responsibilities of the Commissioners and feels it would be foolish to take the job on their selves.

Council member Milan asked when the Comp Plan would be edited to be distributed as it has been a month in rewrite to cross "t's" and dot "i's". Mr. Conlon stated there were two items that were passed in the final adopted resolution that still need to be resolved; finding a photograph of a professional office as described in the plan and writing the definition for a term to describe a "small format", and this may take a week. Chairman Paciulli stated those two items have little to impact on what the Commission is working on and to accept the zoning ordinance as written and adjust it section by section. Commissioner Bennett agreed. Commissioner Forbes stated she feels they need to prioritize what has the most vulnerability; west end focus area, east end of main street and the Hirst Road area and to ask staff to do a gap analysis to identify how the existing zoning ordinance is different from what the Comprehensive Plan contemplates in those areas, then prioritize the items. Sally Hankins stated that mirrors staffs approach.

Commissioner Neham asked staff about any applications that have come to their attention for development whether or not in the three areas. Commissioner Kowalski mentioned redevelopment as well. Commissioner Stein stated she recommends continuing to use the service being offered and work on the gap analysis of vulnerable areas including those that have expressed interest in development and redevelopment. Ms. Hankins stated the other vulnerability is a lack of strength in our historic preservation regulations that we could make better as we are at risk of losing two houses that considered historically contributed on Hatcher Avenue as that demolition is allowed, and can be addressed sooner rather than later if added to the list.

Commissioner Forbes suggested starting with the priorities, the gap analysis, then area by area order them in priority. Sally Hankins stated there are certain properties zoned Transition X and are not likely to develop as Transition X because of the value. Commissioner Forbes stated it would be helpful if staff could identify those. Sally Hankins stated 21st Street has a large development approved that may or may not get built and if does not get built may want regulations in place on how the street can be developed. Council member Milan stated he thought that expired and Ms. Hankins confirmed it did not but is not far from expiration. Commissioner Forbes requested again a list of what is vulnerable and asked how long that would take. Ms. Hankins stated staff can create the list from their opinion however understands this to be directed by the Planning Commission. Commissioner Stein suggested by the next meeting, staff identify the top vulnerable parcels in town for the Commission to prioritize and do the gap analyses. Mr. Mekarski stated staff can respond to the top ten at the next meeting. Commissioner Forbes stated she has not done a gap analysis and requested that staff do those. Commissioner Bennett stated she feels the Commissioners can handle the gap analysis and would like to see the top ten prior to the meeting, although ten may be high. Commissioner Stein confirmed staff would come back with the most important projects a few days prior to the meeting, the

Commission would prioritize the list, then can identify what zoning districts need reviewed for the gap analysis, and whether the gap analysis is provided by staff or from Commissioners.

Council member Milan stated that sections of the zoning could affect other areas, and Commissioner Stein agreed and that staff would meet and review the proposed changes and determine where else there could be issues in the zoning ordinance that need to be considered. Commissioner Stein added there are pieces of form based code that could be valuable, and the zoning ordinance could be a hybrid. Council member Milan agreed with Commissioner Stein. Commissioner Forbes asked for the gap analysis timing. Sally Hankins stated she feels that it depends on decisions made at the next meeting, projects are not limited to ten, and then once the priorities are set, gap analysis can be done in priority area and turned in as they are completed on a rolling process. Commissioner Stein stated she doesn't feel the gap analysis needs to take long, that some districts will need more changes than others, and that the priority is for staff to determine the list. Discussion took place about the importance of stream, trees and buffers. David Mekarski talked about a fiscal impact ordinance as one of the first things in the development of the code, which places the burden on the developer to do a full fiscal impact analysis on service delivery, trash, traffic, etc. Sally Hankins suggested taking time to investigate the ability to mitigate impacts even under a by-right scenario, and creative ways to offset impacts.

Ms. Hankins stated at the next meeting staff would be back with a list of what they think are vulnerable areas or singular properties and identify in bullet points why we think they are vulnerable. At the next meeting, the Planning Commission will prioritize the vulnerabilities so a gap analysis can be done in the order indicated by the Planning Commission.

INFORMATION ITEMS:

None

COUNCIL REPRESENTATIVE'S REPORT:

Council member Milan stated Council appointed new committee members, discussed a COVID-19 prevention plan and the funding for the budget which will be discussed in greater detail on September 8. Commissioner Stein asked who was appointed to the Planning Commission and Council member Milan stated Nedim Ogelman and Boo Bennett were appointed.

CHAIRMAN'S COMMENTS:

Chairman Paciulli talked about meeting in Town Hall and asked if that is a possibility. Commissioner Forbes stated she would rather meet remotely.

APPROVAL OF MINUTES:


Commissioner Forbes made a motion to approve the minutes from the July 16, 2020 Planning Commission Meeting. The motion was seconded by Commissioner Stein and carried 7-0.

ADJOURNMENT:

With no further business, Council member Milan made a motion to adjourn the meeting at 8:33 PM. The motion carried 7-0.



Chip Paciulli, Chairman


Diana Hays, Town Clerk