

**PURCELLVILLE PLANNING COMMISSION MEETING
THURSDAY, SEPTEMBER 3, 2020, 7:00 P.M.
TOWN HALL COUNCIL CHAMBERS/VIRTUAL**

The meeting of the Purcellville Planning Commission convened at 7:00 P.M. in Council Chambers with the following in attendance:

PRESENT VIA REMOTE PARTICIPATION:

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

PRESENT IN PERSON:

Boo Bennett, Commissioner

STAFF PRESENT:

Andrew Conlon, Senior Planner
Dale Lehnig, Director of Engineering, Planning, Development
Diana Hays, Town Clerk/Executive Assistant

OTHERS PRESENT VIA REMOTE PARTICIPATION:

CALL TO ORDER:

Chairman Paciulli called the meeting to order at 7:11 P.M. The Pledge of Allegiance followed.

AGENDA AMENDMENTS (Planning Commission and Staff):

Chairman Paciulli stated that under Item 7, "Discussion Items," we are going to go through the Downtown South Focus Area. He stated that if we have some additional time, we will cover a couple of other points. We will make sure that everybody on the Commission is kind of on the same page, as far as what was shared with Item Number 1, the Downtown South. If we get through those steps, then Ed is ready to talk a little bit about the West End. We will just have to see where the time is at that point in time.

COMMISSIONER DISCLOSURES:

Chairman Paciulli stated that no one had any Commissioner Disclosures.

CITIZEN COMMENTS: (First Opportunity)

Chairman Paciulli stated that there were no Citizen Comments. Mr. Conlon stated none here in Chambers.

DISCUSSION ITEMS:

a. Downtown South Focus Area

Chairman Paciulli stated that the first one is, "Downtown South Focus Area." He asked Council member Milan to move forward with that.

Council member Milan stated that Downtown South is starting to get a lot of attention because of the proposed demolition of three properties that were identified by the State and the County as Historical Buildings, that the previous Town Council never approved or accepted that definition and designated that area as a Historical District. So, we may have to adopt that ourselves in order to amend that zoning.

Council member Milan stated that he went through the zoning document and the Comp Plan. He sent out a spreadsheet that identified the C-4 area, and some of the items that were in compliance and not in compliance that might need to change. Right now, his understanding is that the Chapmans obtained the Demolition Permit to demolish three of the buildings there off of Hatcher, that according to the Comp Plan and the zoning, those areas cannot be used for multiple unit complexes. Council member Milan stated that his understanding is that he has modified his Plan from 40 units up to 70 units. There is no way that that can go in there. He has to submit a new Plan, and design, and everything for that to happen. He is not clear on how we adopt the Historical Region that the State and the County has designated for that area. There are no signs that even identify that area as Historic. He doesn't know. Anybody knows how that is done, or what needs to be done?

Mr. Conlon stated Mr. Chairman he would just like to make a point of order. Clearly, three properties, 141, 151, and 161 Hatcher Avenue are within the Downtown South Focus Area. We need to GAP analysis of the entire focus area. Of course, that can vary from block to block, building to building, but we do need to look at the entire area. The Demolition Permit and the Board of Architectural Review Application are not before the Planning Commission tonight. That's not something that the Commission is in a position to address tonight. Council member Milan addressed Mr. Conlon that he trailed off and couldn't be heard. Chairman Paciulli stated Andy, just the last sentence or so.

Mr. Conlon stated that he is sorry. Those Applications are not before the Planning Commission tonight. Council member Milan stated that the documentation is not in front of us but it is going to be an issue if we don't act to preserve that area. It may be down the road, two or three months from now, but if we don't start something now we are going to be behind the curve of getting that area designated as a Historical area. That is what he is saying. It may not be presented to us now, but it's coming.

Chairman Paciulli inquired whether or not he has some additional comments about that area. Council member Milan stated that yes, he does. He is trying to get up what Andy sent out. He sent out the cover letter. Okay. The focus area “is zoned C-4 and is planned for Mixed Use Neighborhood Scale. The C-4 zoning regulations currently allow a scale that is larger than neighborhood scale.

- b. The 21st Street and 23rd Street linkages to the Downtown North and Downtown South Focus Areas will experience increased traffic due to the opening of the planned Route 7 and Hillsboro Road Interchange.
- c. A segment of 21st Street is one-way, and this sometimes creates confusion for motor vehicles traveling from the north.
- d. There has been discussion of extending O Street to connect with Hatcher Avenue, thereby creating a grid street network within this area of Town.”

Council member Milan stated which is going to make it crazy for traffic.

- e. “The Town has created significant parking in the 21st Street corridor, but there is demand for more. It is noted there is no designated horse trailer parking for users of the W&OD horse trail.
- f. A Site Plan for a project known as “Vineyard Square” was approved on February 16, 2016, and is valid for 5 years, or through Tuesday, February 16, 2021.
- g. There are three “vulnerable” parcels on Hatcher Avenue, containing three existing residential appearing structures. The property owner has been discussing the demolition of the structures and redeveloping a mixed use project of ground floor commercial and upper floors apartments. These properties lie outside of the Historic Corridor Overlay District, but are deemed contributing structures (see the Virginia Department of Historic Records).” Those are the ones that were created that he was talking about earlier.
- h. “Additionally, the property located at 140 West Main Street consists of 1.25 acres and is currently occupied by the Shell station across from Grutos; interest has been expressed in redeveloping that property.
- i. The historic building, prominently located at the northwest quadrant of the intersection of Main and 21st Street, popularly known as “The White Palace” has been vacant for approximately a year.
- j. 130 Main Street East, most recently “Dragon Hops,” is vacant. The approximately 1.23 acre property (consisting of two parcels) includes the existing building and parking lot. Among the uses the C-4 Central Commercial Zoning District could permit are a “hotel, inn, or bed and breakfast facility.”

Council member Milan stated that those are some of the comments on that area.

Chairman Paciulli stated good details. Council member Milan stated that he went through the C-4 matrix and made some comments on what he found to be of concern, but different than the Comp Plan. He doesn't know if it was adequate enough or do a GAP Analysis, but that's what he did. He sent that out for people to see. He doesn't know if you had an opportunity to look at it.

Commissioner Nan Forbes inquired when did that go out. Council member Milan stated about three hours ago. Commissioner Nan Forbes stated when she gets to her office tomorrow she will be able to get it. She is sorry she doesn't have it. Commissioner Milan stated that he will make sure that he gets it out sooner the next time. That's all he has right now for that.

Council member Milan stated that he saw Commissioner Ed Neham's West End document. He stated that he guesses we have to do something similar with the maps, and all that stuff.

Commissioner Neham stated that is something that he wanted to discuss after a while, what we want to do or not do. Council member Milan stated okay. He stated that with that being said, are there any comments or anything that he needs to elaborate on more.

Commissioner Neham stated that he doesn't see Stan's email from three hours ago. Council member Milan stated that Commissioner Stosh Kowalski got it. Maybe you didn't. He doesn't know. Commissioner Neham stated that he is looking for email now. Commissioner Kowalski stated that it went out at 5:30 P.M. and it went out to the Planning Commission email address. Chairman Paciulli stated that he just focused on what he had before 5:30. He didn't open it. It is his fault. Chairman Paciulli stated that you are all on Town email. Commissioner Neham stated that he is not on Town email. Council member Milan stated that he is having trouble with his email. Chairman Paciulli stated that it went to your purcellvilleva.gov email. You are on the list. Commissioner Neham stated he sees a response from you at 5:40 to Stan. Commissioner Kowalski stated that if you go down on that thread and look at the bottom, you may need to click to expand it, you should see Stan's email at the bottom of that, his original one. Commissioner Neham stated that he sees it but it doesn't have the table. Commissioner Neham stated it doesn't have an attachment with it. Council member Milan stated that he can resend it. Commissioner Neham stated that the Plan Commission was the addressee. He did not get the original message. It appears to be marked 5:28-5:30. He doesn't understand. Commissioner Kowalski stated that he is sending it to Commissioner Neham's personal email. Council member Milan is sending it again.

Commissioner Forbes stated that this is a procedural question. She is looking at the Comp Plan that we just passed. She stated that the Comp Plan talks about the Downtown South Focus Area. It talks about Hatcher and some of the surrounding area. One of the things it says is, that we are supposed to limit the bulk of redevelopment in the Historic District to small footprint to existing buildings. She is confused about this issue of urgency. Has there been a Demolition Permit not just requested, but actually approved? What, if anything, can the Town do to slow that down, or is it too late? She doesn't understand the timing issue behind what is going on. If we are going to modify the building in order to conform with the Comp Plan, how long is that likely to take, due to these Public Hearings and all of that? What do we have to do? How long is it going to take to do it? What's going to happen until we get it done? Council member Milan stated that's his point. That's why he brought it up. That's why he is asking for guidance on this. He doesn't know the process and how long it takes. He knows it takes forever to get anything done in this

Town. He stated that with that Permit already being allowed, he asked the question earlier about who issues the Permit.

Mr. Conlon stated that he is reluctant to get too deeply into specific Applications. This is a question that is quite valid, and the answer is totally available. That is, that the three Demolition Permits for the three parcels, that would be for the principal structures and the accessory structures on those three parcels, those Permits have already been submitted and are under review, and are expected to be approved very shortly, within a matter of days quite probably. They are approved administratively just at the Staff level, and they are approved by the Town. The County doesn't have to approve these. It's noteworthy that though the properties were deemed to be contributing structures to the Historic District, neither the County nor the State has any say in the demolition of the properties at this point. The regulation is entirely up to the Town. And once more, these properties are outside the Historic Corridor Overlay District, and the Historic District was never given any regulatory power.

Council member Milan stated that's his point. That's his point. It was never done. So, what do we need to do as a Plan Commission to make that happen?

Chairman Paciulli stated that what he thinks we need to do is to keep proceeding with the Comp Plan. It's his understanding that the Town has requested proposals for the Zoning Ordinance. He stated that Andy can correct that. The information that he was given today, was that there was going to be nobody here tonight. And he guesses maybe an RFP and maybe there were no responses yet. He stated Andy; you can help me with that.

Mr. Conlon stated that you are referring to what we have been calling generically, "a Consultant." Chairman Paciulli stated yes, for the Zoning Ordinance. Mr. Conlon stated the Town is still looking into that. It doesn't even require an RFP as he understands the request for proposal. The Town is looking at hiring a Consultant to do essentially a demonstration. Their primary focus would be to create drawings, graphics of what the Comprehensive Plan has described. He stated what that might look like for various areas. We could certainly start with this area Downtown South. Basically, the Commission would have a drawing of what a streetscape might look like, and then we could go about trying to reflect that picture in regulations. That would be a form base code.

Chairman Paciulli stated that they brought up the gas station too. You're not just looking at the one area that is going to be demoed. It needs to be the whole area. But you know that.

Council member Milan stated that he is looking at the whole area, but this one, specific location, particularly. It eminently the whole downtown area by demolition and the proposed development of a 70 unit apartments or structure, which would impact the traffic on Main Street which we discussed, and the points that Andy brought up. It's going to affect the whole area.

Commissioner Forbes inquired whether or not the current zoning permits a 70 unit housing structure.

Council member Milan stated that from what he looked at in Zone C-4, its uses allowed by Special Use Permit. That Special Use Permit is Article 8, Section 1, which requires the developer

to provide a lot of documentation on Impact Study, on traffic, the purpose for the development, and how it would impact the community.

Commissioner Forbes stated that if it requires a Special Use Permit, if the Town doesn't believe that it is suitable for that location, then the Town doesn't have to grant a Special Use Permit. The concern is what they can do by right. The most immediate and empowering issue is what is it actually permitted by right that we may not have time to alter the zoning to conform with the Comp Plan. What is the risk? Her question earlier was, how long it will take us to get to the point where we can restructure the zoning and get a zoning thing passed that does conform to the Comp Plan. Obviously, we need to figure out what the gap is. If the "by right" does not conform with the Comp Plan in this area, then we need to be able to make proposals and recommendations. How many Public Hearings have to be had? What is the timing between now and when we can get this done? By right, what is the risk? What is actually permitted "by right?" If it is a Special Use, there is a way to slow it down.

Council member Milan stated that is the part he doesn't know, the by right. He is just looking at the Ordinance, "Article 8, Section 1, Special Use Permit." It has a lot of things that needs to be done. "General guides and Standards, Procedures for Approval." We can do the concurrent review of the property and the design. It says under that "Procedures for Approval," you have to do a pre-application meeting. Need to do a concurrent review. A review of Application for Completeness. There are fees associated with it. Statement of Justification. The Concept Plan. Under the Concept Plan there is "boundaries of the property, total area of the property in square feet and acres. General location, size in square feet, and use of all proposed structures. Location and size of existing public rights-of-way." The public rights-of-way are small coming on 21st Street because that's a small street. There's no way for them to exit that area except for going straight through 21st Street. If they want to connect to Hatcher, they have to cut through O Street. That would be another burden on the Town to widen the street to allow access to Hatcher.

Chairman Paciulli stated there are at least two issues here. One is the building itself. They're getting tear down Permits. They are going to proceed under current Ordinances. He doesn't know how long that approval process takes. He read those Ordinances for a couple of hours. Every once in a while he thought he had something to grab onto, but then he beat himself down. This is him talking, not the lawyer, not the Planning Staff, they can move forward now. That's what they are doing. Council member Milan stated exactly. Chairman Paciulli stated he doesn't want to give up, or sound like he is, but that's off the table. That literally right now is something that he doesn't know. He doesn't know that we can do anything there. He looked at it from multiple directions. Every time he thought he had something, he came back to it a couple of hours later and it was just not there. The area itself is something that this group needs to move forward with. That's going to create the Zoning Ordinance that will try to address any change in the current Ordinance to what the Comp Plan suggests.

Commissioner Kowalski inquired of Mr. Conlon and staff whether or not this sounds right that this is all being demolished and built "by right," and it is pretty much a done deal.

Mr. Conlon stated that it is absolutely the Applicant, the property owner, developer's intent that this all be "by right". It is their understanding that the proposal is by right. Commissioner Kowalski stated their understanding, but is it the Town's as well. Mr. Conlon stated that the

Town is just researching this, but we are dealing with the C-4 Zoning District, the existing zoning. He stated Dwelling Apartment is a permitted by right use within the C-4 Zoning District.

Council member Milan stated yes, that's right. It says, "Dwelling apartment, duplex." Just "Dwelling apartment" under the current C-4 it is permitted.

Commissioner Neham stated for Chip to take control. A lot of people have things to say. He does. Chairman Paciulli stated that there was discussion going on right then. He inquired of Commissioner Kowalski if he was done. Commissioner Kowalski stated not entirely. He just wanted to ask if the zoning says that an apartment is permitted there, is there any limitation, laws or rules set on the size of the apartment. That could be a duplex. Does it accommodate all the way up to the big building that they are talking about making?

Mr. Conlon stated at this point, we just received the Applications. The review is just beginning. The Zoning Ordinance does not limit the number of units. It does address bulk regulations, most particularly height. It doesn't say there are a maximum number of units that would be permitted in this situation.

Chairman Paciulli stated that what he read was that there's a scale. You can break up in a series, two or three defined by walkways. Some of these things are just tweaking what the drawing is in trying to make it more accessible. These are the types of things that he wrote. Divide visually into smaller components, walkways in between the buildings. Three stories or 45 feet. You have to make sure that is adhered to. Change up some of the elevations. Four sided architecture there too. If that's the case which he thinks it needs to be, somebody would like to see it when it gets a little bit further. There are landscaping requirements which they did not get into on Page 35. He wrote down Page 36, and by then he had to move on. He stated that Page 32, and 686 in the Zoning Ordinance, has information about these properties in this area. Mr. Conlon stated you are correct. Chairman Paciulli stated again, he thinks that while this is upsetting, or annoying, or whatever the right adjective is, we should try to look at the whole and see what is our best way to proceed through this area, and not keep tripping on this area. He stated that every time he thinks about it he immediately goes there and starts trying to find stuff but he can't.

Chairman Paciulli inquired whether or not there are other comments or input on this overall area, Downtown South. Council member Milan stated other than the items that he mentioned, that's it.

Commissioner Ogelman stated that he thinks when we have discussions, we should just go in order or something like that, because everybody is going to have something to say. He stated that there needs to be some kind of structure.

Commissioner Ogelman stated first of all, Andy, his understanding is that they also applied for Board of Architectural Review. Mr. Conlon stated that is correct. Commissioner Ogelman stated that you already know that there are some hurdles other than "by right". If it was completely "by right", it would not need to even go before the Board of Architectural Review at all.

Mr. Conlon stated that's correct. So, the process involves a Site Plan, and then the Board of Architectural Review Certificate of Design Approval. Commissioner Ogelman stated that the Board of Architectural Review can say, "No, this structure is not in conformance with the

Architectural Design Standards that we have for this District,” and things like that. Mr. Conlon stated that’s it, but it is limited to appearance essentially, aesthetics. The Board of Architectural Review doesn’t consider Use whatsoever. They do not consider the Site Plan whatsoever. It’s limited to the appearance of the structure. Commissioner Ogelman stated that they can reject the appearance. Mr. Conlon stated that they have guidelines. He stated that through the issuance of their Certificate of Design Approval, they give guidance. Commissioner Ogelman stated that they can say that the design that has been put before them doesn’t conform. They can reject it. Mr. Conlon stated yes. Commissioner Ogelman stated okay. So, already it’s not a completely “by right” because if they were rebuilding some residential houses there, it would not go through that process. It would not go before the Board of Architectural Review. Mr. Conlon stated that the words “by right” refer to Use. That’s the issue. The Use by right, or does it require rezoning, or a Special Use Permit.

Commissioner Ogelman stated that his understanding of what Nan was asking, and what Stan was asking, and what Chip said, there is a process, and there are gaps or hurdles that they need to go through before they could produce this.

Mr. Conlon stated yes, but this is not a Legislative Act. This does not require a rezoning. It’s permitted or permissible, meaning that there may be a Use Permit required in some instances. As long as it is deemed to be a use that is permitted or permissible within the District, no rezoning is required, therefore, no competent plan amendment would be triggered. He stated yes, there are steps that are involved, but they are steps that are not considered Legislative Acts.

Commissioner Ogelman stated that’s fine. He doesn’t need them to be Legislative Acts. He is just saying that they cannot go and start tomorrow doing what they want to do. Mr. Conlon stated correct. Commissioner Ogelman stated that’s not true, okay.

Commissioner Ogelman stated after that, the other thing is if it was completely “by right,” and we didn’t talk about it, then he thinks that we would be doing something wrong because as a Legislative Body and as a body that articulates the values on health, safety, and welfare in this Town related to zoning, we have every right to be vocal and make sure that our silence wouldn’t mean consent. He thinks that it is perfectly fine for us to say the design, what they are proposing, what they are planning on tearing down, that’s not what the people of our Town want. It doesn’t conform to their health, safety, or welfare values as articulated in the Comprehensive Plan that we passed. It is perfectly legitimate and fine to say that. In fact, it is important to say that because otherwise, it looks like they have the support of the Town to do what they are saying they want to do. He doesn’t believe that conforms to the values on health, safety, and welfare that the people of our Town have articulated. Council member Milan stated exactly. Commissioner Ogelman stated so there is something for us to say here regardless.

Commissioner Ogelman stated on the issue of going through all these Districts, he votes for the Comprehensive Plan section that was universally applicable to all areas so that pre-phase area and all of the initial part of the Land Use Section into a whole set of questions. Yes or no questions. And specifically saying, does whatever we are talking about suggest that the zoning uses answer the questions reflecting the values in that Comprehensive Plan in the affirmative? And if so, how? That’s going to be his approach going through all of these. The biggest issue by

far that comes up is not what Use is allowed, but scale, and appearance, and affect and impact on traffic, and things like this.

Commissioner Ogelman stated that if they do something that's going to disrupt traffic, or if they do something where they build a lot of units, but they don't explain how they would deal with how people would come in and out of those units, or get to and from those units, that's more than just an aesthetic or even a safety issue. That is definitely a safety issue. Council member Milan stated exactly.

Mr. Conlon stated yes, and those sorts of issues again, are not the purview of the Board of Architectural Review at all. They can come up in the Site Plan Review.

Commissioner Ogelman stated that for now, that's all he wants to say. He stated that to him, the issue is that even like the notion of three story height, when he looks around that area, there are very few things other than the Monumental Buildings in our Town that are more than two stories. He stated that when you do have three stories, it is usually within the roof line of the building that the third story is like in (inaudible), dormers, or things like that. He even thinks like saying that three stories is the standard, especially if you are going to expand uses a lot, in the MC District. He stated that most of the MC District isn't three stories. It is predominantly two stories. That's his main input into that southern downtown area.

Chairman Paciulli stated that he believes that there is a height limitation now. There was then. There is one now for that general area, he believes. Commissioner Ogelman stated that it is too high. That's what he is saying, three stories. When we look at the median or average height of the buildings, there are very few (inaudible). Chairman Paciulli stated that he is not taking issue. Let's move on.

Commissioner Forbes stated that she thinks we need to figure out what the generic step is. She is looking at Page 75 of the Comp Plan, which is the Downtown South Focus Area. She is looking at what is recommended. The map that she has on Page 75 has a central area, 21st Street and Hatcher around the triangle in front of the church as Mixed Use Neighborhood Scale. She stated surrounding is Single Family Detached Residential. She thinks that what we have to do very rapidly is figure out to what extent the existing zoning is not in conformance with that, and then figure out whether or not we are interested in form base, or whether we want to do some mix, and then figure out when and how to come back with specific recommendations for how to change the existing Zoning Ordinance to deal with this area. What is the game plan for how we do that? Council member Milan stated that is what he was asking.

Chairman Paciulli stated what he thought was happening, which is happening, is that we were going to get a planning company, whatever that appropriate name would be on the Staff to share the comments of what we are sharing. He has a whole list of things that mirror what Nan said and what Stan said, and Stosh said. We're not getting anywhere. We all are thinking generally the same place. He stated that unless this group decides that they are going to write a Zoning Ordinance Section, which he would initially not think is a good idea, we kind of are stuck. He stated that what he is hearing is that most of us are saying similar, if not the same words.

Commissioner Forbes stated that Commissioner Neham had his hand up so she would ask that he call on Ed. Commissioner Paciulli stated that he doesn't see Ed here. He stated that you are not on my picture here, so he apologized.

Commissioner Neham stated is that right. Commissioner Neham stated that he also texted him. Chairman Paciulli stated that he is using his phone to talk to him.

Commissioner Neham stated that he wanted to remind everyone what he thinks is correct is that when you have a Comp Plan that is out of sync with your Zoning Ordinance, and the Comp Plan is an aspirational document, and the Zoning Ordinance is the law, that the law wins.

Commissioner Neham stated secondly, in terms of the timing issue, he is not sure that you are not sticking your head in a noose at being overly reactive in trying to immediately change the Zoning Ordinance to correspond with the Comp. That seems like an unnatural, incorrect thing to do. He stated that he doesn't know what a Judge would say, he doesn't know. He just doesn't see that happening. Even if we were able to write a Zoning Ordinance piece and get it in front of a Public Hearing at the Commission level, then go through the changes and send it to the Council, and have them have a Public Hearing, that's going to take quite a while. Again, he doesn't think it is legal. He stated that Nan might have a better idea.

Commissioner Forbes stated that she has two points. At one of our prior meetings we talked about whether or not we would try to change the Zoning Ordinance in one fell swoop, or whether we would address it in pieces. She understood at our last meeting that it was agreed that it would be okay if you addressed it in pieces because otherwise, it may take five years. She stated God knows what will happen in that five year period. She thinks that as long as we go through the Legislative process, as long as we do the Public Hearings, and what have you, and let them take their creative time. She stated that again, she is no expert on this type of law. She would submit that an argument could be made that such purpose is proper. That's why we prioritized the areas (inaudible) this last time.

Commissioner Forbes stated that the second point she wants to make is at our last meeting, she understood Sally to say that by today, this meeting, that a Consultant would have been identified and perhaps hired. She would like to know what the status of that is. It would seem to her that to be able to move forward today, and actually make forward progress, is to identify who this Consultant is, and to provide through our comments at this meeting, what we want the Consultant to look at and do with regard to the first order of priority which may be this Downtown South Focus Area, or the West End Focus Area, and to make their recommendations with regard to how you change the Zoning Ordinance to conform with the Comprehensive Plan.

Chairman Paciulli stated that is what he tried to share earlier. He emailed with Sally yesterday. They do not have anybody onboard. He saw David today, and he also said that they do not have anybody onboard. He stated that Andy might be able to shed some better words on this.

Mr. Conlon stated that taking a quick aside, he thinks that we are doing a fair job of referring to each other by name. We should have said at the very beginning of this meeting that we should try to continue to announce ourselves by name each time we speak. He stated that this is Andy Conlon. In answer to the question, we don't have anyone onboard. We do have some firms that

we are looking at. We are also working with our Finance Department basically, on what process we need to follow to be able to bring someone on, essentially for a demonstration project rather quickly. He stated that the sort of work that we envision them doing dovetails quite nicely with what Commissioner Ogelman had said just a few moments ago, when he spoke about height. That is a prime example of the sort of thing that we would do. We would try to create drawings with dimensions for the future Land Use categories in the Comprehensive Plan, and we would look at those pictures with specifications, and do a Gap Analysis, and see how that does or doesn't reflect the current zoning. He stated and where it doesn't reflect the current zoning that would sort of shine a light on potential Zoning Ordinance Amendments.

Mr. Conlon stated once more, using height as an example, if the Ordinance allows a higher building than we want to see in the Town then, of course, we craft some regulation that would require that that we want to see in the Town. Has that answered your question?

Commissioner Forbes stated that her question also goes to volume and scale. It's not just height. When she hears that we are talking about 70 units which could contain at least four times that many people, with God knows how many cars on Hatcher Avenue. She stated that because someone wants to put in a development of that size, to what extent is the Town required to provide the infrastructure to provide for it. Is that a requirement? That doesn't sound rational to her. If the location will not accommodate that volume of traffic for safety reasons, or will not accommodate the utilities and all of that, to what extent does that provide some control or limitation with regard to the volume, not just the scale, but the volume of the use in that area. How many people are flushing the toilet? Driving the car and using the road, and all of that. This is an area she is not familiar with. Is the Town required to provide that infrastructure just because somebody wants to build, or can the Town say, "No, no. We can't handle it?"

Mr. Conlon stated that he sees some hands up. Other Commissioners want to speak. The facilities either have to be adequate or have to be improved to a level of adequacy so that would mean from water and sewer capacity through the road network, any of those public services. He stated that if they are not adequate, through the Site Plan Process we will be working with the developer to improve those. He stated a simple example possibly, if the diameter of the sanitary sewer line is inadequate, then it might have to be increased. That increase in diameter could fall on the developer.

Commissioner Forbes stated but if the Town Sewer System cannot handle the volume, regardless of the size of the pipe, if the Sewer System can't handle the extra people that it would bring in, if the road can't handle the extra people that it would bring in, the developer may say, "I'll improve the road in front of my site," doesn't change the fact that the rest of the road may be well overcrowded. Does that provide some natural ability for the Town to say, "No, this site can't handle it?"

Mr. Conlon stated that it's not a simple answer. In the most general terms, the Town provides the services and the Town works with the property owners to improve services if that's needed. It just so happens that the Town has excess capacity in our Sewage Treatment Plant, so maybe that is not the best of examples. There are obvious limitations to the transportation network. The Town does have limitations to its water supply. Again, those sorts of issues are examined

through the Site Plan Process. It is, of course, our intention that the facilities be brought up to the capacity needed for the proposed development.

Ms. Dale Lehnig, Capital Projects and Engineering Manager stated that she will weigh-in a little bit. Any Application that comes in for a Site Plan, we require them to do a Water Model. That is usually done through our Consultant. They would be looking at the downstream pipe. She stated that in this case all the way downstream to the Pumping Station to make sure that the Pumping Station has the capacity to handle any additional flow. She stated that with the water, we will be looking to make sure that we do have enough water available for the subdivision, or for apartments, or whatever it is. We do look at that. Typically, we also ask for an Analysis which would also be reviewed as part of it. She stated that Andy is absolutely right, the Site Plan stage we are a ways off from that.

Commissioner Kowalski stated that he thinks the last two pretty much answered his question. He inquired that if construction is going to impose burdens upon the Town, is the Town simply obligated to accept those burdens and be responsible for them. He thinks that Council member Milan answered those. That's it for right now.

Council member Milan stated he had a similar question. He had a tour at the Water Plant last week. He specifically asked them the question that if 40 or 50 more homes were added to the Water System, would we be able to provide services to them. They told him no. At our current state, even with bringing on the two additional wells. He stated like Nedim alluded to earlier about the safety and welfare of the citizens in Town, this development would put a burden on the Town. In addition, to what Stosh was saying, who would brunt the cost of upgrading the system to support a development of this size? Would the developer pay that burden, or would that be placed upon the citizens, that cost? He is not familiar with "by right," and all those terms yet. It would be impractical for anything to be approved that would put an undue pressure or strain on the citizens to provide someone with their profit of an apartment building, which would not benefit the majority of the people in the Town, which would be a long-lasting burden on the Town for years to come. We are at 90% he understands with the water use now. He stated that adding 70 more units, in addition to a proposed business in that area, that will put an undue burden on the Town. He spoke to the Water Engineers. The largest consumer of water in the Town is the commercial and the high school. Depending on what day of the week, the high school may use 22,000 to 25,000 gallons of water a day. The average home uses 150 gallons per day. You are adding an additional 70 units, plus commercial, that will definitely deplete what we have available.

Council member Milan stated that at the reservoir, they have to dredge the reservoir to get a larger capacity. That's a burden on the Town currently, just to maintain the water level that we currently have. He stated or to increase the water level. There is a damaged drain valve that needs to be replaced. An additional development of this size would put us in financial straits.

Commissioner Bennett stated that you guys have raised excellent points. She appreciates the chat comments and the vocal comments. She does think that this is going to be a burden on the Town. She stated that since she lived here, it's rare that the developer absorbs the cost. Even if they did, in this situation, the traffic is just a huge issue. She stated get rid of COVID and at 4:30 on any given afternoon from Hatcher and Main all the way back to Blue Ridge sits the traffic. And you

are going to put 70 more, let's just say they are all single home units. Let's not make ourselves too crazy.

Commissioner Bennett stated that her real problem she thinks, to get away with this a little bit is the burden being put on the Planning Commission Consultant that is going to draw us pictures. This is a small Town. She doesn't need a picture of a two or three story building. She thinks that is just a big cog in the wheel. She doesn't know who writes the regulations. She believes that these seven people, herself included, and the six of the other people, we can say yes or no to these Uses and move on. There is a serious problem here. We are looking at a project that is coming down the pike and probably pretty fast. Council member Milan stated oh, yeah.

Commissioner Bennett stated that no one really answered the question about a timeline. Are we looking at two months? She knows they can knock down those buildings tomorrow. The rest of the stuff, does that happen in two months? Six months? A year? Somebody must have a clue.

Chairman Paciulli inquired of Mr. Conlon whether or not he knows how long it takes the process, or do you have a person that is there.

Mr. Conlon stated that we may ask Dale Lehnig to come back into the conversation with regard to the Site Plan Process. He stated that what we are looking at right now is, essentially as Boo had said. The Demolition Permits are expected to be issued very shortly. That would authorize the property owner to go forward with the demolition immediately at that point. The Board of Architectural Review meeting is scheduled for September 15th, he believes. He stated Tuesday, a week out. The BAR can act the night of their meeting. If necessary, it could get carried on to a further Board of Architectural Review Meeting, but there again, we are talking about a matter of months for those architectural approvals and Certificate of Design approval.

Mr. Conlon stated the Site Plan, at this point, the property owner would have to engineer that work. He has no idea at what stage they might be in that. It is prudent for them to not make a large investment until they have assurance the project is moving forward. They may not have done a lot of engineering at this point. Those drawings would have to be prepared and submitted for Town review. But once more, it is what we call administerial. It's all review it at the Staff level. That review would include all agencies within the Town. It would also include VDOT. He doesn't know if it would involve any outside agencies at this point. That process, Dale might be able to give you a more thorough answer. That process could take a couple of months also. Once the Site Plan and approval were granted, we are essentially moving into the Town Zoning Permit, County Building Permit Process. We are essentially talking about construction at that point.

Ms. Lehnig stated that she will go back to what Andy said. First of all, as we discussed, the Demolition Permit has to be approved. Next, is where they've gone to the BZA. They have gone to the BZA. She stated that it's three lots there. They would need to do a lot consolidation as well, in order to turn it into one lot, because you cannot build a building across a lot line. So, there is that that they would have to do. They have to do the Site Plan. They have to do a Water Model or Sewer Model or have our Consultant run that for them. That would identify any lines that were under capacity and then they would need to decide whether they are willing to pick up the cost for doing that, because that is up to them to do that.

Commissioner Ogelman stated that this is what he doesn't ever understand. How is it their sort of responsibility, or their right to do the Impact Analysis? That's kind of the fox and the hen house. Every time he has ever seen anything like this, somebody that is like wanting to develop something is going to come back with a Study that says, "Traffic Impact is minimal. There aren't going to be any violations to health, safety, and welfare, and this is all just going to be peachy."

Commissioner Ogelman stated that one thing we do have in our new Comprehensive Plan that's not related to the site per se, we need to make sure that we are acting on is administratively, our Comprehensive Plan, is we need to put the onus on the developer, but we do them independently, all that Impact Analysis. He stated that David Mekarski said that we have some kind of an Escrow Account where they would put the money in and we would draw out on it to do these kinds of things. He stated the long-term impact on many of these things is really what's going to make our citizens suffer. There won't be any impact on the developer itself.

Chairman Paciulli thanked Commissioner Ogelman for that thought. He stated that you can bring it up again if you wish.

Commissioner Neham stated Andy started talking about this a while ago. He stated you were talking about the Demolition Permit. What he thought he heard, and maybe he didn't hear exactly was something like the Demolition Permit will be approved, or when it is approved. He stated not if it is approved. Are there any conditions on a Demolition Permit where somebody says, "Oh, no. You don't conform to this. You can't do this." Or is it just a piece of paper that we rubberstamp?

Mr. Conlon stated that he is still going to caution us as he did very early in the conversation this evening that this project serves as a good example of development within the Town. He wants to be careful that we are not reviewing this Application. It's not before us at this point.

Mr. Conlon stated that as far as the Demolition Permits, the Town has said that there are certain concerns such as a right-of-way Permit to protect the Town right-of-way. That's the street right-of-way that includes, not only the street itself, but the curb, gutter, storm drainage, sidewalks, that sort of thing. We have a public interest in protecting the Town right-of-way. We have a public interest in insuring that the Water and Sewer System is protected. In this case, what are three water meters and three connections to the Sanitary Sewer System, those sorts of things are protected. We are looking at that right now. There are no other grounds for denial. Most importantly, as has been expressed by many, there are no grounds for denial based on the historic nature of these homes. He can certainly say that we expect the Demolition Permits to be issued very shortly. The Town Attorney is looking at it, but again, there are very little grounds for denial of something like this.

Chairman Paciulli inquired of Commissioner Neham whether or not he had anything else to ask. Commissioner Neham stated no. That is sufficient. Thank you.

Commissioner Forbes stated that she has a question. She inquired if our task is to make recommendations with regard to revisions to the Zoning Ordinance to conform to the Comprehensive Plan, what then, is our next step with regard to this particular focus area that she

is looking at on Page 75 of our Comp Plan. She stated that when she looks at it, it is one small exception. It says that we need to address the issue of what we want the zoning to look like for Mixed Use Neighborhood Scale. What is in the existing Zoning Ordinance that is not consistent with Mixed Use Neighborhood Scale? What specific things do we have to do in order to recommend changes? Who tells us what the specific things are? Do we get general feedback with regard to what we want to see, or do we do what Boo said and sit down and say Paragraph A on Page 7 we want to change it from this to that? She inquired and consistent with that, can Andy send us the specific pages of the Zoning Ordinance, or a memo that has the specific pages of the Zoning Ordinance that we ought to be looking at in order to compare with Page 75 so that we can make those recommendations? She stated that we need to get on to making the recommendations.

Chairman Paciulli stated that he wanted to add one thing real quick here. The entire Zoning Ordinance is what you just asked for. He stated that it is pieces of the entire Zoning Ordinance that goes into each parcel's development. He stated and clearly, some areas are not involved. It's throughout the whole Ordinance. He wanted to have Stan add his comments. And see if there are any other comments. Then what he wanted to try to do is to briefly talk about was this productive tonight. We've covered the first area tonight. We are going to have to move on to six more. If there is any tweaking that can go on, he definitely believes that it is going to be important for the Town to have this outside person in the room with Andy during these meetings. Obviously, they know how to structure it.

Council member Milan stated that you stated it. He was going to comment on what Nan said. He went through the Use Table. That's what he sent out. He highlighted the C-4 area. And what is in there he made comments on specific points that address the entire area of Downtown South. Specifically, he looked at the Dwelling Apartment section which is permissible. That falls under this project on Hatcher, which is permitted, but the volume, and the size of the apartment, and the Use, and the amount of people that will be coming off of that area will impose a large traffic burden on the Town. And also, would have to widen O Street to accommodate people coming to and from there and also coming on 21st Street. That's an entry point to there.

Council member Milan stated that he understands what Andy is saying about we may be venturing into an area that has not been presented to us. But these are issues that we are seeing with the Comp Plan and the zoning, even though there's nothing, broken ground or anything. These are concerns that we have with the discrepancy between the Comp Plan, which is aspirational as you stated, and the current zoning. If this project were to go on and continue, then the Town's burden would result if the previous zoning was not adequate for the Town's progress, and put a burden on the Town's taxpayers.

Council member Milan stated that if we don't address these things and bring it to the attention to ourselves, this may happen at another area. There may be a need to come up with millions of dollars if the developer doesn't take responsibility for the burden they have put on the Town. He can't accept that because he lives here too. He stated that coming down Hatcher is a nightmare because it is a two lane highway. There are no sidewalks there. He stated people walking down the street; you have to take your life in your own hands. That's all he has to say.

Chairman Paciulli inquired whether or not there were any more rough comments about this evening. He stated when he says, "rough," he means anymore comments about the downtown area?

Commissioner Neham stated that he has a question. He stated that he needs a little help understanding what a dwelling unit is, or dwelling is in the Zoning Ordinance, and how one distinguishes an apartment. He stated whatever an apartment is, from a multi-family dwelling. There is an annotation in Stan's table that says, "An apartment is one to eight units." He stated that he sees that Stan pulled it out of the text.

Council member Milan stated no. That was a restriction to the size because of the area. He stated that Article 4, Section 1, 2.61, let him find that. Commissioner Neham stated that he doesn't need it exactly. He is just looking for a sense of what this is. He stated that if it really means that he can have an apartment dwelling of one to eight units, is that a maximum for C-4? He stated as opposed to what an apartment is, which he thinks means a single unit. Council member Milan stated that he was referring to the number of units. Commissioner Neham inquired so what's a unit. Council member Milan stated that a Dwelling Apartment. It doesn't really define it. It just says, "Dwelling apartment: Reserved. District Standards. In the MC and C-4 Districts, apartment units may be served by ground floor entrances or lobbies, but no greater than 50 percent of the gross floor area..." It doesn't give you the number of units. He is saying in that area with an eight unit apartment, you are going to have at least eight to 16 cars coming out of that unit. The parking there is small. There isn't a lot of area for parking. We talked about the concerns for that downtown area is there is limited parking. Parking was an issue. Limited to eight units, maybe 16 cars. He stated that a family of four or five there may be more cars. He stated teenagers, whatever. That was his thinking.

Chairman Paciulli stated that Ed was asking what a dwelling unit was. You will find some definitions of that in the Zoning Ordinance. He can't get to it.

Mr. Conlon stated that the series of terms that we are touching on are defined in the Zoning Ordinance. Article 15, Section 2. He is going to first give you the words that are defined, and then we can go back and look at the definition of each one. The pertinent words that are defined are: "Dwelling. Dwelling, Apartment, Dwelling, Multi-Family, and finally, Dwelling Unit." There are other types of dwellings that are defined, but these are the ones that apply in the situation we are dealing with now. The definitions require some interpretation. He will start with "Dwelling Unit." He will read that to you very quickly, and let you know what we are dealing with. "A room or a group of rooms occupied or intended to be occupied as separate living quarters by a single-family or other group of persons living together as a household or by a person living alone and having its own permanently installed cooking and sanitary facilities." That's our definition of "Dwelling Unit." That's the concept of a unit. The dwelling, the structure, is defined as: "A dwelling: A building or portion thereof, designed or used exclusively for residential occupancy, as an independent housekeeping unit, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities, but not including boats, trailers, mobile homes, motor homes, hotels, motels, motor lodges, tourist courts, or tourist homes." That's an overall framework for all sorts of residential uses and structures.

Mr. Conlon stated then we start getting into “Dwelling, Apartment” and “Dwelling, Multiple-Family.” The definitions could potentially seem to conflict with each other, and certainly they raise questions. He will read those to you very quickly. “Dwelling, Multiple-Family: A building designed for or occupied exclusively by three or more families living independently of each other.” The implication here, he believes, is if there are less than three, it is either a single-family or a duplex dwelling unit. That’s the definition for Dwelling, Multiple-Family. Three or more units.

Mr. Conlon stated then we go on to the definition of “Dwelling, Apartment: A part of a building containing cooking and housekeeping facilities, consisting of a room or suites of rooms intended, designed, and used as a residence by an individual or a single-family; a building is an apartment building if it contains three or more such apartment units, that are not in a townhouse configuration.” He stated a Townhouse being attached single-family. That’s our series of definitions in our current Zoning Ordinance. Once more, he thinks what we are all focusing on at this point, and certainly what Nan was describing is a Gap Analysis. This is what our Comprehensive Plan says. This is what our Zoning Ordinance says. Where’s the gap? How do they not match up? He will also throw in Commissioner Ogelman brought up another example, but it has nothing to do with the specific Land Use areas, when he talked about the items that are subject to review when a development application comes in. Once more, the Comprehensive Plan that the Town Council has just adopted, that aspirational document says this is what we want to see, but now we have to turn that into law through a Zoning Ordinance or some other mechanism. We see there are differences between the Plan and the regulations we have right now. What we are engaged in is how do we craft regulations that will implement that Plan?

Commissioner Forbes stated that she has a question. She stated that one of the things that we talked about a little while ago is the fact that some of this area in the Downtown South Focus Area is not in a Historic District. It occurs to her that there may be other parts of our Town, and other parts of focus areas in our Town, that are also not in a Historic District that we may want to put in a Historic District for a variety of reasons. Is it possible as part of our Gap Analysis for all of these areas, to ascertain what we might want to do to change or expand the Historic District? What’s involved in doing that?

Chairman Paciulli stated that here is the map that would show those types of details. It is the current Zoning Map. He believes that it will show hash marks that will answer your question.

Commissioner Neham stated to answer the question. He believes the question is can you start with places that are not contiguous to each other. That is an item that has been under discussion by various Commissioners from time to time. It is one that he would really like to continue. There is an area in Comp Plan of a map of Historic sites that are not in the Historic District. That’s a good starting place. Chairman Paciulli stated great.

Mr. Conlon stated that the Town has Historic Corridors Overlay Zoning District. He emphasizes the word “Corridors.” Right now, the only areas of Town that have this Historic District protection are in the corridors of Main Street, the eastern most edge of town to the western most edge of town. He stated Route 287, Berlin Turnpike the northern terminus to the roundabout. He stated 32nd Street from Main Street South to Silcott Springs Road in the County, and 21st Street from Main Street up to again the northwest edge of the corporate limits. That is it. It is just those

corridors. The way that the Ordinance was drafted was its any parcel of land, recorded parcel of land that fronts on any of those roadways for the full distance, the full depth of that parcel.

Mr. Conlon stated that we get unusual situations such as, the W&OD trail fronts on 21st Street. The W&OD trail is in the Historic Corridors Overlay Zoning District only to Hatcher and then it stops. There is just this one little segment of the trail. We have properties on Main Street that again, through the overall parcel, runs up close to other properties on Hatcher. He stated that Hatcher is not included. He stated that "A Street" is not included. Maple Avenue is not included. None of those corridors are included.

Mr. Conlon stated that he thinks what has been suggested is that there be an entirely separate Historic Overlay District that once more can be contiguous. There is no requirement that Zoning Districts have to be contiguous. They can be individual parcels. They can be a few parcels here and a few parcels there. They do not have to be contiguous. The properties that we may be considering right now, might very well not be on one of these four corridors. There are examples in the middle of existing subdivisions and that sort of thing. Those properties can be placed in a Historic District, probably not the current Corridor District. He will say one more time; they do not have to be contiguous.

Commissioner Neham stated that they wouldn't be in the regular Historic District either because they wouldn't get the kind of protections he thinks we want to give them.

Chairman Paciulli stated that the protection you want to give them, it was his understanding, and this is just old information that he wasn't even focused on, he was in a room and heard of that at Town Hall, is that there was resistance up and down Main Street for all the residential properties to be restricted in what they could do. This is an old, old information five or eight years ago. He heard a piece of the conversation for some reason. This is what we are in a way talking about and wishing we had, was some control over the architectural details or the way that a property is being used. Some of his words may not be totally complete. He stated that he will be quiet now.

Commissioner Neham stated that he feels that we are talking about architectural preservation and prevention of demolition for significant structures. He doesn't think we are talking about what color shutters you have or anything of that nature.

Chairman Paciulli stated that he is just telling you what he heard back then, that the residents on Main Street resisted it because they didn't want their houses controlled. Let's just move on.

Commissioner Ogelman stated that his understanding on this is that yes, if you make those restrictions so tight, it is just like having a Homeowners Association. If you make the restrictions so tight, you say someone can't redesign their kitchen, or add an extension or something. He stated people will say, no, we don't want that. It is throwing the baby out with the bath water. That's what happened before. So, essentially you don't have a protection (inaudible). The truth is (inaudible) it includes the Gateway. Those kinds of buildings on the Berlin Turnpike are in the Historic Corridors Overlay District. In contrast, we have all sorts of buildings that aren't in there. He stated the Locust Grove House for example, are not in any kind of protected status. The truth is, we have like a Historic District that has been recognized by the Virginia Department of Historic Resources and by the US Historic Resources. Many of the buildings are in both of

those. But they are not protected by any rules or laws in the town. The Historic Corridors Overlay District, the only buildings that we have any control over are the commercial buildings. Usually the ones that are going to be (inaudible) because then the Board of Architectural Review can weigh-in on it.

Commissioner Ogelman stated that like Nan was saying before, there all sorts of, most Comp Plan have to do with scope of buildings (inaudible)harmonized with the surroundings. He stated like in the area that we have been talking about. If you have a bunch of houses and one story buildings there that you don't all of a sudden have one (inaudible). If the (inaudible) Comprehensive Plan and us creating zoning that reflects that the Comprehensive Plan, if we can do that in respect to size, scale, scope architectural design then that building (inaudible) that is the zoning would be what people are asking it to be something under (inaudible).

Commissioner Ogelman stated that he thinks that we should try to get this done as soon as we can and try to be very (inaudible) and the value (inaudible)as a Planning Commissioner (inaudible) we should be able to say (inaudible)that is what our job should be.

Chairman Paciulli stated so what we've got here is that we talked about the first choice area, and what we have on our list of things to do, not tonight, but to talk about Area 2, 3, 4, 5, 6. Let me pose this question. After everyone has experienced the review of that area, unfortunately there is an action going on there that really stirred him up. What is our logical way to approach this? This is his opinion, and you all have your opinions. He doesn't want us to write this Ordinance. We need somebody that's going to. We need somebody that has been a part of some of these discussions he assumes. What he is saying is, as a Town, we need to move forward with getting somebody online, unless there's a group here that really wants to try to write those Ordinances. It's not fun. He stated no matter what you come up with it will be shot down, but it will be a lot of work. We have the next item to move on to he thinks. He just wants to get an agreement on that. He does not want to walk away from Downtown South because it's obviously a thorn, at least, in his side. We also need to move through this process. He stated let's listen to some Commissioners and then maybe Andy can comment. He inquired whether or not he has his arms around this the right way, or should we be thinking about it some other way?

Commissioner Ogelman inquired what would that Consultant be doing. Chairman Paciulli stated writing an Ordinance. Commissioner Ogelman stated he thinks similar to what Ed produced. He hasn't seen Stan's yet. We need to have six bullet points for each District say these are the top values. These are the top values out of our Comprehensive Plan that have to be considered for any zoning units in that District. Until we do that for the Districts, at least one of them, that we have that and we agree on that, some sort of value parameters, he doesn't know what the Consultant, if there is a technical expert, what would they do?

Chairman Paciulli did we hear everything that contradicted what Stan wrote to me this evening?

Commissioner Ogelman stated that he hasn't had a chance to see what Stan wrote. Chairman Paciulli stated Andy; you are good with these things. He isn't trying to call you out. He was just curious if you have an opinion.

Council member Milan stated that he had stated what his concerns are. Like he said before, (inaudible) to a unit at large. This is a major undertaking by the developer that is going to impact that small area of the downtown area. It's not very big at all. It's going to change the whole mixture of that area. That's his main concern. It is going to deter from a small town atmosphere. It's going to be a burden on us financially, because in order to adequately provide service to them the Town is going to have to expend maybe half a million dollars to get those reservoirs dredged, the pipe installed, and the front reservoir and the shutoff valve replaced, and grade the road to get to and from there because it is not adequate for the heavy equipment that has to move in that area. That's just at the reservoir to get water to the facility.

Chairman Paciulli stated that he agrees with what you just said. How about the Shell station?

Council member Milan stated that he hasn't looked at the Shell station. He is looking at the impact of any development that is moving as rapidly as what Hatcher Road is. That's going to mess up traffic in that whole area, regardless of the gas station. The gas station can be upgraded or removed, and put a Community Center there or something that could benefit the Town, great.

Chairman Paciulli stated that he understands what you are saying. Did we focus too much on one piece of the Comp Plan, changing the Comp Plan to the Zoning Ordinance? Or everything that was being talked about covers everything in that area at least from this point of view at this point in time?

Council member Milan stated that everything that we talked about covers the majority of that area, because that's the biggest impact for that area. If that was to go through, 24th Street is going to have to be widened. Hill Street is going to have to be widened. Water runoff is going to be an issue. Environmental impact is going to be an issue. There's a lot going on there, not just putting in 70 units.

Chairman Paciulli stated that he agrees. Commissioner Forbes inquired how long will it take until we know who our Consultant is so they can start working on the modifications to the Zoning Ordinance based upon the comments that we make.

Mr. Conlon stated that he wants to approach an answer in two ways. One, what he is hearing from you all on the Commission tonight, is that you would like to basically write the RFP. There are things that you would like to see a Consultant accomplish. That's where it begins. What can a Consultant do to help you? What sort of things would you want them to look at?

Chairman Paciulli stated that he hears what you are saying, but he doesn't know that he heard anybody say that. That definitely wasn't what is in his mind. A Consultant would listen to what is going on; he agrees whether it is in place or remote, or however it works. And they understand the concerns of this Commission, individuals, and they would, he thinks, at least help to take it to the next step. This is his thinking of how it was going to work. He does not think that this group should write the Zoning Ordinance.

Commissioner Ogelman stated that he understands that they would write the Zoning Ordinance. . We would tell the Consultant, here are the values that we think our Comprehensive Plan articulates, so go and make laws with technical expertise that fulfills this.

Chairman Paciulli stated that you are saying the same thing that he is saying. Commissioner Ogelman stated okay. Commissioner Ogelman continued at that point, the idea that we would have control over somebody doing something specific tailored to what we are asking them to do. It was his understanding that the Planning Commission (inaudible) was trying to achieve and thoughts to hire a consultant.

Chairman Paciulli stated that he apologizes. He couldn't follow what you said. He thinks that he agrees with what you said. Commissioner Ogelman stated that (inaudible). Chairman Paciulli stated obviously he said something goofy. Does anybody have something to contribute here? We are approaching 9 o'clock. We probably should try to move forward.

Commissioner Forbes stated that her question is when are we going to have a Consultant so that we can tell them what we think, so they can start giving us a redraft of the Ordinance. She understood that we were going to have a Consultant by tonight. And we don't. When are we going to have a Consultant so we can get on with this process?

Chairman Paciulli stated agreed. Council member Milan stated yes. They said two weeks. We would have it now.

Mr. Conlon stated obviously, the Town Manager and the Town Attorney could not be with us tonight, so they are not a part of this conversation. We, at a Staff level to include Town Manager, Town Attorney, Planner and our Finance Department are looking into basically, how we can finance a Consultant. At the same time, we are looking at what we want a Consultant to do. What has been proposed for a Consultant to do is basically create visuals for the future Land Use categories. He stated to create a visual of what this would look like. That would be brought to the Planning Commission. The Planning Commission could say yes, this is, or this isn't what we envision Purcellville looking like in these various Land Use categories. And do a Gap Analysis. He stated when he says, "Do a Gap Analysis," really he thinks that we are expecting that the Planning Commission wanted to be directly involved in that. He stated doing a Gap Analysis of this is what we want it to look like. This is what our current Zoning Ordinance basically forces us to look like. Where are they different? Where are they not in alignment? What would it take to bring them into alignment? What sort of regulatory tools do we need in order to create the Purcellville that we want to see in the future?

Mr. Conlon stated in his interim, focusing very heavily on the visual, the form base sort of things. It would also include exactly the sort of things that Commissioner Ogelman has mentioned a couple of times. What are the review processes we need? Again, do we need a new Historic District because there are historic properties in the Town that aren't receiving any historic recognition? Those are the sorts of things.

Mr. Conlon stated and finally, back to Nan's question, repeatedly, how soon? He thinks that we are still looking at this being at least a couple weeks out before we could bring a Consultant in to even do a demonstration. He stated choose a Land Use category and start depicting that so that the Commission would have something to look at.

Commissioner Forbes stated suppose for the moment that you can get somebody in two weeks. Frankly, she is skeptical that is going to happen, but do suggest that it won't. She is going to use terms which is bandwidth. She has learned all these new words listening. She inquired what kind of bandwidth do you have to do this on a preliminary basis and get us started without waiting for a Consultant. She stated that a Consultant isn't going to know anything about Purcellville. They are a stranger to Purcellville, but you're not. The Town Staff knows the Town. They know the problems. They know the Ordinance. What does it take for the Town to get started, and then pass it over to a Consultant as one is developed? If we wait for a Consultant, we are going to be another 30, 60 days behind the power curve, and having to educate somebody and bring them up to snuff. She stated frankly, that doesn't make her a happy camper.

Chairman Paciulli stated maybe you are on the spot there.

Mr. Conlon stated the bandwidth is what it is to use a cliché. He stated that what we've got is a Department of Engineering and Community Development that includes him. It includes his supervisor, Dale Lehnig who has lots of experience in this area. In addition, the Town has the benefit of a Town Manager and a Town Attorney, both have planning education and experience. We've got these people to draw on. He certainly wouldn't want to begin to mislead you, that we are also spread thin. You probably understand that our planning, full time equivalence consists of two people. There is him and Brian Roden who would not be involved in these projects probably to any appreciable extent. He is completely tied up with permitting, inspection functions. Mr. Conlon stated and for his own sake, you probably understand that he is handling the planning functions that include, not only the Planning Commission, but the Board of Architectural Review, the Economic Development Advisory Committee, and when needed the Zoning Board of Appeals. Those are just the CCB's. There are lots of other projects. At this point, he is Acting Zoning Administrator. That means he has some review responsibility for every single Zoning Permit, Occupancy Permit, all the other Permits that come through in the planning/zoning functions. There's not much time, but this is our job. This is what he does. This is what Dale does. This is what David and Sally do. We will endeavor to devote the time that is necessary.

Chairman Paciulli stated and don't take us wrong. He stated in working with you, and we just started working with Dale, and then clearly Sally and David, they all have excellent input. It's a group that would be beneficial to this Commission to work with.

Commissioner Forbes stated that she is not trying to be obnoxious about it. She is just trying to figure out if there is another resource. She stated that unless you ask you don't know. She is hearing that your plate is pretty full. She is just trying to see if there is any room on it to at least get us partly down the road while we wait for the Consultant. We have no idea when that is going to happen. She stated that delay is not our friend.

Chairman Paciulli stated so why isn't reviewing the five or seven areas productive work, and getting all of us, whether we have the same opinion about each area after we talk about it or not, it seems to him that it would at least get this Commission, like he said, it might not be on the exact same page, but going in a direction that is -- He doesn't even know what the right word would be. He stated that each one of us spent an enormous amount of time looking at the downtown. He stated that Stan's report was very complete. He stated that Ed was ready to go tonight. Chairman Paciulli stated that he decided that it was important to talk through downtown

clearly, and then the process itself. He thinks that is what we spent some time on here. He stated that initially, last week and the week before, he didn't like this Plan. He is starting to buy into it. He is just wondering that maybe we should just go through the seven areas, and see how that ends up shaking us out. He thinks that we are all aware of thinking of similar things, not necessarily the same on the downtown area now. Unless there is a strong suggestion to go in a different direction than we laid out last time, he would suggest that we do West End. He stated that what we did this week was Ed was ready to go with West End. He thought, and it clearly felt from you all, that it was important to talk one, downtown, but the process also. He stated that if he can get any feedback on move forward with the West End, then the East End, the list of the seven areas and how we decided to do it. Chairman Paciulli inquired whether or not there were any comments.

Commissioner Ogelman stated that first of all, Andy, if we have specific questions as we are going through this process, we will just take what you can give us. He thinks that makes a huge difference. He does believe that is true, and if, and when we meet, the additional resources.

Commissioner Ogelman suggested that at the next meeting we prepare to do two Districts at the next meeting. He thinks that Chip is right. He feels like if we are not aligned at a strategic level on what the main things are for each of those Districts, he feels like when we have a Consultant, or if we were talking to Staff, we are still going to have to have that conversation where we say we are on the same page with what we want to happen. Are we on the same page with what we want to happen on the West End? Are we on the same page with East Main? He stated or all of that. He doesn't think it is a waste of time, provided that we use these next sessions to hammer out a consensus or figure out what we want to do with each of these Districts. He stated that a model like what Ed has, the very front of the document says, "These are my top eight, or top six findings for this District." He stated the direction of what should happen. He thinks that would be a good way to go through this.

Chairman Paciulli stated that's fine. Commissioner Neham stated that he will go back to something that Stan said early on about (inaudible). It does bring up the question of what should we be doing individually and as a group so that when we pass these things around, we have a better recognition of what the documents are and how they lay out. He is arguing for like standardization, if we can stomach it, of at least what the basic format or outline of the document would be. Then whatever detail you put in there, it's detail that you are capable of putting in there, plus it's the detail that the (inaudible) requires. If you need a map, get a map. If you can't draw a map on the computer, use a napkin.

Chairman Paciulli stated to make sure that we add anything that strikes us emotionally. He stated realistically, but emotionally. He knows that what you were laying out there was A., B., C., D., E., F., G. As soon as he heard about these apartments, he spent hours and hours studying the Zoning Ordinance and all these things. He stated that he will be quiet now. He stated to Commissioner Neham that he is sorry.

Commissioner Neham stated that he did a document in kind of an outline form. He would suggest that we could all follow the same outline. If it doesn't work for you, and you want other people to follow your outline, then let's make a suggestion and we can do that however you

want. Commissioner Neham stated that its an idea of when received one of these things; they are all going to look approximately the same way.

Chairman Paciulli stated that he agrees. Commissioner Neham stated that is all he wanted to say about that. Council member Milan stated that he didn't have anything more. Commissioner Forbes didn't have any further comments. Commissioner Ogelman stated that he said his peace. Commissioner Kowalski stated that he thinks he is good at this time. He sent materials to the Public Relations Department. He hasn't heard back yet from them. Before you put him on deck for whatever week you are going to do it, make sure to get in touch with him before putting it on the agenda to make sure that he actually heard back from them.

Chairman Paciulli stated that you are Number 5. He assumes that we will do two, maybe three next week. He doesn't know. We will see how far we get. Commissioner Forbes stated that she is good. Mr. Conlon stated that he doesn't have anything else to add at this point.

Commissioner Neham stated that he has one little thing to mention. We brought this up several weeks ago. It was about the vacant properties, or properties without structures on them. There certainly are a number of them in and around town. Some of them are quite small. When you do your focus or your work on, you should try to pay attention to whether or not there are any vacant properties in that area. He stated how big they are, and how vulnerable they might be in terms of what we are thinking about. There are a couple of documents. He thinks that they have already been distributed. If you can't find yours on vacant property and stuff, let him know and he will send them out to you. It's an idea. It's something to get you started thinking about it.

Chairman Paciulli stated that he has the one that the Town did a year or so ago with all the little blue parcels identified. He stated that if anybody wants that one just let him know. He thought it was residential, but maybe it was commercial also. He inquired of Mr. Conlon whether or not he had anything to add.

Mr. Conlon stated no, he doesn't have anything else to add.

COUNCIL REPRESENTATIVES REPORT: (Matters of concern to the Planning Commission)

Council member Milan stated that a focal point at Council meeting is trying to get a \$3,000,000.00 line of credit loan. That was the main focal point. We talked about Hemp Farming and briefly discussed the Nutrient Credit Project. Nothing came about on the Nutrient Credits. We are trying to write an RFP for that. He doesn't think we really need it because looking at the Carbon Credits and the Nutrient Credits, one company is capable of doing both. He stated that from what he understands, they are the only company in the area that does both. We are hashing that around. That's all there is.

CITIZENS COMMENTS: (Second Opportunity)

Chairman Paciulli inquired whether or not there were any citizens that had a comment. There were no citizen comments.

CHAIRMAN'S COMMENTS:

Chairman Paciulli stated thank you all for working through this this evening. This was a hard one for him. He feels like we made progress. Anybody want to add anything?

PLANNING COMMISSIONERS' COMMENTS:


Commissioner Ogelman stated that he just wanted to know the setup for the next meeting. Is it going to be the next two down below? Is it going to be the West End and the East End?

Chairman Paciulli stated yes, as far as he knows. Mr. Conlon stated that is what he would suggest. Follow your priorities. Chairman Paciulli stated two and three. He will be ready for four in case things move really fast. Commissioner Ogelman stated that is all he had.

ADJOURNMENT:

With no further business, Council member Milan made a motion to adjourn the meeting of September 3, 2020 at 9:18 PM. The motion was seconded by Commissioner Kowalski and carried 7-0. Voice Vote: All Ayes

Respectfully submitted by Faith Stine.



Chip Paciulli, Chairman



Kimberly Bandy, Deputy Clerk

