

**PURCELLVILLE PLANNING COMMISSION MEETING  
THURSDAY, OCTOBER 15, 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 and via GoTo Meeting 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  
Diana Hays, Town Clerk/Executive Assistant  
Heather Spadaccini, Finance Clerk

**CALL TO ORDER:**

Chairman Paciulli called the meeting to order at 7:08 P.M. The Pledge of Allegiance followed.

**AGENDA AMENDMENTS: (Planning Commission and Staff):**

Commissioner Ogelman made a motion to move item 9e to 9a on the agenda. The motion was seconded by Council member Milan and carried 7-0.

Commissioner Neham asked the status of the consultant. Council member Milan stated he could provide that information as part of his Council update.

**COMMISSIONER DISCLOSURES:**

None

**PRESENTATIONS:**

None

**CITIZEN COMMENTS: (First Opportunity)**

None

## **DISCUSSION ITEMS:**

### **a. Presentation to Town Council and EDAC by JK Land Holdings**

Hobe Mitchel stated they had met in front of the EDAC and Town Council to talk about a piece of property owned by Mr. Kuhn and to figure out a way, without residential houses, economic development that the town could realize in the form of commercial tax base, business tax fees and availability fees. Mr. Mitchel stated there is no predetermined project and is a blank paper at this point.

Mr. Kuhn stated the property covers a couple hundred acres and is a blank canvas, and believes the last thing needed is residential due to infrastructure. Mr. Kuhn talked about adding something to bring more employment to the western part of the County and Town, and increase the tax base and reduce the number of residential growings coming in. Mr. Kuhn stated the first parcel is adjacent to the industrial park just outside the town limits, and feels the area would be good to expand commercial light industrial and move some of the commercial off of Main Street. Mr. Kuhn stated the land does not have to be annexed but could help the Town with the water and sewer "crisis". Mr. Mitchel added they are not requiring the businesses on Main be relocated but would provide an economic incentive to move. Mr. Kuhn added they are reaching out to the Town with a blank canvas asking what is in the best interest of the Town, County and citizens, and that the property is too valuable to remain open space. Mr. Kuhn proposed developing a plan together.

Commissioner Neham asked about the kind of commercial light industrial that would occupy the space. Mr. Kuhn stated the zoning he is contemplating if the Town, County, and citizens agree would be PDIP, Commercial Light Industrial, and could include businesses such as a dog groomer, electrician, and warehousing, and that data centers would generally fall under PDIP however is not being proposed. Commissioner Neham asked about the economic incentives that would make sense for businesses to relocate from Main Street, and Mr. Kuhn stated he has spoken to several of the businesses and they are interested because of limited expansion space on Main Street.

Commissioner Forbes referenced taking the businesses off Main Street and expressed concerns about the main streets not thriving in small towns and asked the vision of what would be on Main if businesses move. Mr. Kuhn referenced the County and that industrial is in Eastern Loudoun and because of the cost of land in that part of the County, businesses are looking to move west. Mr. Mitchel talked about a "lifestyle center" and places where people are attracted to downtown. Commissioner Kowalski asked if the discussion was just for the Warner Brook property or all properties on the map provided. Mr. Kuhn asked the Commission to consider the best use for the County, Town and citizens for all of the land. Mr. Kuhn added he does not feel more residential dwellings are needed in Purcellville. Mr. Kowalski stated concerns of screening the industrial section as trees appear to be coming down. Mr. Mitchel stated there are many things that can be done for screening/buffer. Mr. Kuhn added there is plenty of land for buffer. Mr. Kowalski talked about the moving trucks in and out down Purcellville Road and would like that looked at. Mr. Mitchel stated the planned interchange would help mitigate the traffic. Mr. Kuhn stated if a light industrial park were to be built would recommend a traffic study, and that road

improvements and traffic enhancements need done regardless of what goes in. Mr. Kuhn stated again that the land is not going to remain open space.

Commissioner Ogelman talked about the western part of the County keeping its heritage and the eastern part would be more for this type of use. Commissioner Ogelman talked about the Comprehensive Plan (*inaudible*) use that they wanted was green and open space while the second was single family residential. (*the remainder of the comments were inaudible*). Commissioner Ogelman added the discussion needs to be much more imaginative than these options, and in reference to water and sewer as problems in the town, the town has an excess of sewer capacity.

Lydia Clark, resident of Wright Farm, asked for clarification on the proposal for the property as Mr. Mitchel was proposing a lifestyle center and feels it is contradictory to what might be in a light industrial park. Mr. Mitchel stated the example is what is existing on Main Street, so if those businesses have the opportunity to move into a light industrial area, what would be done with Main Street once the businesses may decide to relocate. Mr. Mitchel added that rather than promoting the same use, to look at some commercial uses that create the lifestyle centers, to include retail. Ms. Clark thanked Mr. Mitchel for his explanation. Mr. Kuhn addressed Commissioner Ogelman's comments and stated there is a precedence set with commercial light industrial in the industrial park across the street. Mr. Kuhn added he has the property because the group that had it under contract for residential had so much opposition they dropped the contract and put it up for sale for something other than residential. With respect to water and sewer, Mr. Kuhn stated they are not asking the town for annexation and has the option to go to the County and have the conversation and not include the town, and that light industrial can be done off of well and/or septic, and talked about the opportunity he is presenting to Purcellville. Mr. Kuhn stated there are major wells in the area that have been offered to the town to correct the water deficit they are facing but needs the town to act. Mr. Mitchel stated Purcellville has its own scale, use and architecture, as does Leesburg. Chairman Paciulli stated it is not inappropriate to listen to citizens and asked that they not be disregarded.

Commissioner Ogelman stated he agrees they are brainstorming with the town but feels it is being construed in some ways, and believes the people of the town are concerned with high density tightly packed buildings based on meetings about the Comprehensive Plan.

Commissioner Ogelman stated that citizens would become involved if an annexation discussion came about, otherwise town citizens are also citizens of the County and have the opportunity to speak at the County level. Mr. Mitchel stated that part of moving forward would include forming a focus group that would include citizens, the Planning Commission, Planning staff, and Council members for feedback similar to a charette as to how this project would look.

Chairman Paciulli thanked Mr. Kuhn and Mr. Mitchel for their comments. Mr. Mitchel stated he looks forward to working together and coming up with solutions.

#### **b. East Main Focus Area; review and vote**

Commissioner Ogelman stated after reviewing past minutes on this item and that the minutes capture the process about not reviewing the entire document just the recommendations, feels the minutes do not capture anything he said about the recommendations and proposed that as long as

the minutes are the legal record that it is more important to capture the top line of the substance than capturing the top lines of the process. Chairman Paciulli asked if a copy of the paper could be added to solve the inquiry. Commissioner Ogelman stated if the document provided is an official part of the minutes that this would be ok, although he did not get that impression. Diana Hays stated a copy of the document could be attached as part of the minutes. Commissioner Ogelman stated that when votes take place, the minutes should include the top lines of what people are saying or recommending and are the most important for each of the focus areas. Ms. Hays asked for a consensus from the Planning Commission on whether or not they would like detailed minutes. Commissioner Ogelman stated he is not asking for details but the details should be substantively what was proposed to be changed. Commissioner Neham suggested that Ms. Hays and Commissioner Ogelman get together offline to discuss further, and feels a very limited amount of detail is what would be appropriate, and that a very limited amount of detail and a limited set of circumstances is what would be appropriate, otherwise a top level summary would be best.

Commissioner Ogelman stated that since the last meeting, the only real changes to the document are to strip some redundancy and he moved the discussion of green infrastructure and open space from the east main area to a general recommendation as it applies to more than just the east main area. Commissioner Ogelman added that in his calculations had the open space ratio calculation was reversed in its order for the other ones in the table and made those the same.

Commissioner Ogelman made a motion that the Planning Commission accept the five general recommendations and the six East Main Focus Area specific recommendations that came out of the gap analysis for the East Main Focus Area and move them to the Planning staff for including and incorporating them into the zoning ordinance being created. The motion was seconded by Commissioner Bennett.

Commissioner Neham asked Mr. Conlon if this was clear enough for him to move forward and Mr. Conlon confirmed.

Motion:	Commissioner Ogelman
Second:	Commissioner Bennett
Carried:	7-0

Ogelman:	Aye
Paciulli:	Aye
Forbes:	Aye
Milan:	Aye
Kowalski:	Aye
Bennett:	Aye
Neham:	Aye

**c. Downtown South Focus Area; presentation and discussion**

Council member Milan stated there are a lot of considerations for downtown south and it is currently zoned C-4 mixed use neighborhood scale and that there are a lot of homes and businesses in the area, and recommends introducing language into the zoning ordinance that

reflects the form, scale and uses that the Town would like be applied to the Downtown South Focus Area. Council member Milan added there are houses that are not in the historic district overlay and needs recognized by changing the ordinance to add language to what applies in the Comprehensive Plan. Council member Milan stated he asked the Council to approve requesting the staff to review and investigate turning the town into a historical town, which will be discussed at the October 21 Council meeting. Council member Milan stated the Shell station was not included in the report because they had requested renovation for the building and it was denied, and needs looked at again.

Chairman Paciulli stated he does not believe there is an official deny on the Shell station but a "possibility presentation" was given and no action was taken. Mr. Conlon confirmed as the discussions were preliminary and the applicant withdrew and no longer has a contract to purchase the property. Commissioner Forbes believes the situation was that Holtzman Oil wanted to purchase and build a twenty-four hour eating establishing with eight gas pumps, which was not consistent with the Comprehensive Plan at that time.

Several Commissioners stated they had not received the analysis from Council member Milan. Council member Milan stated he sent it a week ago, but resent it to the Commissioners.

Commissioner Neham asked the best procedure for communicating back and forth and suggested everything go through Mr. Conlon, and Mr. Conlon agreed. Commissioner Kowalski suggested activating delivery and read receipts on emails, and confirmed he had just received the email from Council member Milan.

Commissioner Neham first referenced procedure and did not believe they had finished with Downtown South and all Commissioner should have the opportunity to provide comments to Council member Milan so he could prepare for the next meeting. Council member Milan stated he had four recommendations:

- 1) Introduce regulatory language into the Zoning Ordinance reflecting the form, scale and uses that the Town would like to be applied to the Downtown South Focus Area as a neighborhood scale mixed use district at its western gateway, in the historic corridor overlay district, and where recognized historic structures are present.  
Council member Milan stated this is the reflection of the 3 parcels that are subject to be demolished, and does not know where that is in the process.
- 2) Determine whether form-based code approach will be used in the Downtown South Focus Area. If so, and if the Downtown South Focus Area is one of the first to make its way through the Zoning Ordinance updating process, it may serve as a guideline for applying the form-based approach to other areas.
- 3) Regardless of whether form-based code is used or not, it should be a priority of the Town to enforce the historic protections given to the historical properties located throughout the Town, including the three properties at 141, 151 and 161 Hatcher Avenue.
- 4) Introduce into the Zoning Ordinance the form, and scale expectations expressed in the 2030 Comprehensive Plan for the Downtown South Focus Area and reconcile/adjust the uses provided in the C-1 and MC district regulations of the current Zoning Ordinance to bring it into alignment with the Comprehensive Plan.

Council member Milan stated there is still no definition of an apartment and his concept and understanding would be a single individual dwelling within a structure that has multiple

apartments within it. A multi family structure is up for debate, and apartments in that area are typically one or two apartments above a business. Council member Milan added that with the proposed Hatcher apartments are talking 30-40 apartments in a larger structure, which is an issue to work with along with the three historical buildings. Council member Milan added he introduced the recommendation for the Town Council to approved that staff investigate having the Town as a historical town which will be discussed on October 21. Council member Milan requested the Commissioners review the document and send recommendations to him. Council member Milan talked about the types of businesses in the area and those with apartments above, and referenced the 2018 zoning map and talked about allowable uses in the areas.

Commissioner Ogelman referenced the second bullet of recommendations and suggested it would be good to take a stand on that item during a vote (in reference to form-based or Euclidean), and feels some form-based components need incorporated. Commissioner Ogelman referenced the issue with apartments if there were some parameters in which people could do things by-right, and if outside those parameters would need to go through a special use process (Planning Commission and Town Council public hearings). Commissioner Ogelman talked about 21<sup>st</sup> Street being more vertical mixed use and the median height being two stories, and that the Hatcher part is horizontal mixed use to include a house, a house serving a business, etc. Commissioner Ogelman stated form-based accommodates this but would still be a hybrid and can select what the Commissioners feel is compatible with the Comprehensive Plan. Commissioner Ogelman added that he saw on slides that 98% of all zoning ordinances are a combination of the two.

Council member Milan welcomed comments from the Commissioners.

**d. Hirst East Focus Area; presentation and discussion**

Chairman Paciulli stated it was difficult to understand how the form used was written/produced, and that he sent the information out today, and does not have a presentation prepared. Chairman Paciulli asked for guidance on how the presentation should be done.

**e. Downtown North Focus Area; presentation and discussion**

Commissioner Kowalski stated he sent out his information, and after looking at the area, the Planning Commission does not have much to worry about as there are very few open lots. Commissioner Kowalski referenced the lot behind the post office that has been purchased for a restaurant and the open lots on either side of the Dillon House, which are owned by Vulcan Materials Cardinal Concrete, who has no intent to do anything with the lots. Commissioner Kowalski stated the only concerns are for redevelopment, and when the ramps for the 7/690 interchange will increase traffic in the gateway into town. Commissioner Kowalski talked about possible open land west of the trail end of the W&OD and the town working with the state entity and extending the trail west to 28<sup>th</sup> Street.

Commissioner Ogelman referenced the 7/690 interchange and feels that is a key item and is not sure the Comprehensive Plan talks much about how to mitigate issues as much as it should, and the Commissioners may want to spend time reviewing the Plan and looking at how to mitigate

impacts. Commissioner Kowalski stated there will be traffic regardless and should consider traffic calming alternatives.

Commissioner Forbes asked when the interchange would be built as she was not aware of the project. Commissioner Kowalski stated it's a County project and Mr. Conlon added he believes construction will start within the next five years.

Chairman Paciulli requested input related to the items he wrote for structuring the presentation.

**f. Addition of Planning Commission Special Meeting – Thursday, October 29, 2020**

Chairman Paciulli recommended adding a meeting on October 29, 2020 because of the November recess. The request was supported.

Council member Milan brought up the consultant and asked if that was for the zoning ordinance or something else. Commissioner Neham confirmed it is for the zoning ordinance. Council member Milan stated they could get a formal proposal to the Town Council to present, and the last time he spoke with Mr. Mekarski he asked that he not move forward until there was something to present to a consultant, and now that there are packages completed, he would bring it up at the October 21 Council meeting. Mr. Conlon stated he does not feel the packages are ready to be presented to the consultant and that the process for bringing in a consultant is a lengthy process, which has hardly begun. Commissioner Neham asked if a consultant was on board if the documents would be ready to move forward and Mr. Conlon confirmed.

Commissioner Neham stated the meeting on the 29<sup>th</sup> would include review and vote on three focus areas: Downtown South (Milan), Hirst East (Paciulli) and Downtown North (Kowalski). Once voted on, those would be moved to staff. In addition, initial discussion will take place on East End (Forbes) and Hirst West (Bennett). The Commission will reconvene on December 3 for final review on vote on East End and Hirst West, which will finalize the exercise.

Commissioner Forbes noted that once the Commission approves the areas and the move to staff, asked what staff would be doing prior to the consultant, and asked about the timing on the consultant. Commissioner Neham stated that once to staff, staff would review and work the staff analyses and coming back to the Planning Commission for recommendations for review and then to Council as zoning ordinance amendments. Commissioner Neham asked that once to Council, the idea is to have a joint Town Council and Planning Commission public hearing. Commissioner Forbes questioned when the consultant would be used. Commissioner Neham stated the commission would be just setting up the gap analysis to review zoning regulations and determine where it falls short compared to the Comprehensive Plan, which he believed staff would be doing in addition to writing the actual zoning ordinance regulations. The consultant could help with those activities but will not wait for that. Andy Conlon stated Council has made it clear their priority is for staff to focus on a different RFP at this time and the zoning ordinance rewrite has been placed behind that.

Commissioner Forbes asked if that means the rewrite is waiting on the consultant. Andy Conlon stated it is not waiting as the Commissioners are doing the preliminary gap analysis, which will continue. Council member Milan added his understanding from the last Town Council meeting is

the only RFP being worked on is for nutrient credits, and input was given to Sally Hankins with a final expected at the end of this month.

Commissioner Ogelman stated his understanding is the Commissioners are doing the gap analysis and that this process is not wasted time. Commissioner Ogelman added he feels the Commission is not ready to work with a consultant at this time and to continue adding ideas as recommendations, and are giving Mr. Conlon what he needs to either write the ordinance or to assess the amount of work necessary for the ordinance so he would know what to ask the consultant help with. Commissioner Ogelman stated he is viewing the consultant as supporting Mr. Conlon since Mr. Conlon has the skills to craft the zoning ordinance. Commissioner Ogelman stated he expects Mr. Conlon to communicate with the Planning Commission when it is time to move to Council for support.

Council member Milan understands that there is an advertisement out for a Planner and does not remember discussing that with Council and is not sure where that process stands. Council member Milan added that there are other people that can be assigned, such as Parks and Recreation, to assist Sally Hankins with the RFP work/procurement. Council member Milan asked when the Commissioners can expect to receive the final proofread Comprehensive Plan. Andy Conlon stated the consultant recently said she would send the final version (for staff to proofread) last week, which staff has not received. Mr. Conlon added he cannot address the staffing question since he is not involved in the process. Council member Milan asked if the Commission has adopted how to address the structures for zoning whether form-based or Euclidean. Commissioner Ogelman stated his impression is that they are learning as they go, and while doing the analysis are also identifying things as tools. Commissioner Ogelman stated both have been identified as well as design standards, green space buffer and traffic mitigation. Commissioner Ogelman talked about the values the citizens put forth in the Comprehensive Plan.

Council member Milan talked about identifying areas that might compromise others, and is trying to figure out the common good for all the districts that can be applied across all areas to where it minimizes conflict. Commissioner Ogelman stated he feels a mixture of things is being done in every district, and that form-based may prevent a building from going up in a district that is completely unlike other buildings and does not smoothly transition from business to residential.

Commissioner Forbes made a motion the that Planning Commission hold a special meeting on Thursday, October 29. The motion was seconded by Commissioner Bennett and carried unanimously.

**g. November Recess**

No Planning Commission Meetings will be held in November due to the scheduled recess.

**h. December Meetings**

Chairman Paciulli stated the Planning Commission will resume meetings on December 3 and December 17. The Commissioners confirmed.



**ACTION ITEMS:**

**a. Election of Planning Commission Chair**

Commissioner Neham stated that since Town Council has called for recess in November, and since the bylaws state that nomination of officers shall be made at the first regular November meeting each year or shall follow immediately or as soon as possible thereafter. Since the Planning Commission cannot follow the bylaws due to no meetings in November, requested the Planning Commission suspend section 3.2 of the bylaws to have an election of officers prior to November 2020. The motion was seconded by Commissioner Bennett. The motion carried unanimously.

Chairman Paciulli made a motion to nominate Nedim Ogelman as Chair of the Planning Commission for the next term. The motion was seconded by Commissioner Forbes and carried with 1 abstention (Ogelman).

**b. Election of Planning Commission Vice Chair**

Council member Milan made a motion that the Planning Commission appoint Ed Neham to serve as Vice Chair of the Planning commission from November 1, 2020 through October 31, 2021. The motion was seconded by Commissioner Kowalski and carried unanimously.

Chairman Paciulli unsuspended section 3.2 of the bylaws.

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

Council member Milan stated the Council listened to a presentation for the Warner property and discussed the RFP for nutrient credits which is in the final stages, and the approval of the CPAC ordinance is scheduled for the next meeting. Council member Milan added they also talked about budget issues with the proposal for obtaining a \$3 million line of credit which will be completed on October 21. Council member Milan presented a proposal for approval for staff to investigate the town becoming a historical town. Council member Milan asked for information presented by Commissioner Ogelman on historical documentation so it can be presented to Town Council for a better understanding. Commissioner Ogelman stated he would write something up so it could be shared at the October 21 meeting. Council member Milan added Council talked about structures at the community garden and what to do with the property.

**CITIZENS COMMENTS: (Second Opportunity)**

None

**CHAIRMAN'S COMMENTS:**

Chairman Paciulli feels the Commissioners have a good plan and are working towards an end result.

**PLANNING COMMISSIONERS' COMMENTS:**

Commissioner Ogelman thanked Chairman Paciulli for Chairing the Commission and for initiating the Comprehensive Plan converting to Zoning Ordinance process. The Commissioners agreed.

**DISCUSSION/APPROVAL OF MINUTES:**

- a. August 20, 2020 Planning Commission Meeting**
- b. October 1, 2020 Planning Commission Meeting**

Commissioner Neham asked when the minutes become available on the Town's website. Commissioner Ogelman stated he believes they need approved before they are posted. Commissioner Neham asked how much time they can have to review before they are in the agenda. Ms. Hays stated they are included in the agenda packet, which is the soonest the Commission sees them, but they can be sent as soon as they are completed. Commissioner Neham requested the minutes as soon as they are available in draft form. Council member Milan asked how soon after the meeting are the minutes available. Ms. Hays stated that each hour of a meeting takes about three hours to turn into minutes, and that staff tries to have them done prior to the next meeting. Ms. Hays talked about getting the packets out no later than two to three business days prior to the meeting, and will email minutes as soon as they are available.

Commissioner Ogelman stated he does not feel the minutes are needed quickly since there are recordings almost immediately, and that the minutes are the official record of the meeting. Ms. Hays confirmed. Commissioner Ogelman agreed that receiving the minutes in advance for review would be helpful and also refers to the recordings. Commissioner Neham stated he prefers to read the minutes rather than listen to a lengthy recording.


Commissioner Forbes made a motion that the vote on the minutes be deferred to the next meeting. The motion was seconded by Commissioner Kowalski and carried unanimously.

Commissioner Paciulli asked if there was some information he could have that could help him write in the proper form. Commissioner Ogelman stated he would provide assistance.

**ADJOURNMENT:**

With no further business, Council member Milan made a motion to adjourn the meeting at 9:11 PM. The motion was seconded by Commissioner Ogelman and carried unanimously.

  
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Chip Paciulli, Chairman

  
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Diana Hays, Town Clerk