



**PLANNING COMMISSION  
REGULAR MEETING AGENDA**

June 2, 2016

7:00 p.m.

- 1) **Call to Order** – Chair Doug McCollum
- 2) **Pledge of Allegiance**
- 3) **Agenda Amendments** (Planning Commission and Staff)
- 4) **Commissioner Disclosures**
- 5) **Public Hearings**
  - a) None Scheduled
- 6) **Presentations**
  - a) None Scheduled
- 7) **Discussion Items**
  - a) Stream and Creek Buffer Zoning Text Amendment
- 8) **Action Items**
  - a) None Scheduled  
*Note: Any Discussion Item may be added as an Action Item during the meeting by motion of the Planning Commission.*
- 9) **Information Items**
  - a) Status of Comprehensive Plan Update
- 10) **Citizen Comments** – All citizens who wish to speak about an item or issue that is not listed for a public hearing will be given an opportunity to speak (3 minute limit per speaker).
- 11) **Chairman’s Comments & Council Representative’s Report**
- 12) **Planning Commissioners’ Comments**
- 13) **Approval of Minutes**
  - a) May 5, 2016 Regular Meeting
- 14) **Adjournment**

**If you require any type of reasonable accommodation as a result of physical, sensory or mental disability in order to participate in this meeting OR if you would like an expanded copy of this agenda, please contact Tucker Keller at (540) 338-2304 at least three days in advance of the meeting. Expanded copies of the agenda may not be available the night of the meeting, please request a copy in advance.**

**USE OF ELECTRONIC DEVICES DURING MEETINGS** For the comfort and consideration of others, all cellular phones must be turned off and cannot be used in the Council Chambers. Pagers must be set on silent or vibrate mode. This is requested because of potential interference with our recording devices and the transmittal of our hearing impaired broadcast.

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**STAFF REPORT**  
**DISCUSSION ITEM**

Item # 7a

**SUBJECT:** Stream and Creek Buffer Zoning Text Amendment

**DATE OF MEETING:** June 2, 2016

**STAFF CONTACT:** Daniel Galindo, AICP – Senior Planner

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**BACKGROUND:**

At the Planning Commission’s previous meeting, the Commission discussed the draft amendment created by Vice Chair Stein and Commissioner Paciulli for Article 14 of the Zoning Ordinance which regulates buffering along streams and creeks. During that discussion, the Commission asked Town Staff to review the draft amendment and provide its feedback.

**ANALYSIS:**

The Director of Public Works, Zoning Administrator, and Senior Planner have reviewed and discussed the text of the draft amendment as requested. (The Zoning Administrator’s comments are contained in the letter attached to this report.) While Staff has no issues with the changes proposed for the minor stream buffer, we believe that the proposed requirement for special use permit approval of the listed exceptions (including the overly broad “land disturbance” term) would lead to lengthy delays and substantial negative effects on the Town’s operations. Therefore, Staff has revised the subcommittee’s draft amendment (attached) to remove the special use permit requirement and “land disturbance” term.

If there are specific negative consequences of the listed exceptions that the subcommittee or Planning Commission believes should be avoided, it is Staff’s recommendation that implementing performance standards would be a better method to ensure appropriate mitigation.

**ATTACHMENTS:**

1. Zoning Administrator’s Letter: Changes to Article 14 Stream and Creek Buffer
2. Town Staff’s Revision of the Subcommittee’s Draft Amendment

May 25, 2016

Re: Changes to Article 14 Stream and Creek Buffer

Planning Commissioners,

My interpretation, as Zoning Administrator, of the changes to Section 5 would be that the listed uses (land disturbance, utilities, road crossings, etc.) are “exceptions” to the rules found in the other Sections and they therefore override those other exceptions and require any land disturbance to go through a special use permit process, even though Section 2 allows for some of these uses to be approved administratively. It should be pointed out that the term “exception” and “exemption” have different meanings. As far as I can tell there are no exemptions under this Article of the ordinance. The exceptions separate out the presently allowed uses and place a higher level of review on uses that have been previously permitted by the Zoning Administrator. As an example, placing a bench in the buffer area previously could be done with the approval of the ZA. Under the new language any land disturbance is an “exception” and it would have to be processed through a Special Use Permit (SUP).

I do have a concern with the term “... land disturbance”. It is too broad and lacks clarity. It is this term that requires anything that happens within the buffer to require an SUP. Planting trees, building and maintaining a footpath, adding signage, benches, fencing etc. would all be considered land disturbance. Where some of these items are allowed in other sections (Section 2) they are preempted by the “Exceptions” Section which would allow them but only after an SUP is approved.

By way of example, I have just recently approved two projects for the Chapman Demary Trail (which follows Catoctin Creek) to be constructed by two Boy Scouts working towards their Eagle Scout designation. All the work would occur within the 100 foot stream buffer area. The first project was the construction of a short boardwalk to traverse a very wet portion of the existing path. The second project is to delineate the walking path by railroad ties and mulch in areas that have not been completed. Both these projects would be required to get an SUP under the new language which requires a public hearing and a review by the Planning Commission and another public hearing and review and approval from the Town Council. It



Community Development Department  
Town of Purcellville  
221 South Nursery Avenue  
Purcellville, VA 20132  
540-338-2304 [www.purcellvilleva.gov](http://www.purcellvilleva.gov)

requires staff time, PC time and TC time (including Town Attorney review). Each year I get one or two requests for projects from potential Eagle Scouts. I have a feeling that if you were to approve this wording as written that the enhancement and maintenance of the trail could come to a halt in successive years.

This type of change will most likely only impact existing situations. New construction will require extensive review by the Town, State and Federal Government. Major development occurring within the buffer is unlikely. The present wording has been adequate and I am not aware of any situations where there have been problems or impacts on the streams and creeks.

Having said that I have no objections to adding the wording in Section 2. 4. I have strong objections to the proposed language changes in Section 5.

If you have questions please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Sullivan", with a long horizontal stroke extending to the right.

Patrick Sullivan, AICP CED  
Zoning Administrator  
Town of Purcellville

# Town Staff's Revision of the Subcommittee's Draft Amendment

## ARTICLE 14. - STREAM AND CREEK BUFFER

### Section 1. - Purpose and intent.

The Stream and Creek Buffer is established to govern the construction of buildings, structures, parking, and other impervious surfaces in areas adjacent to major stream areas draining greater than 640 acres and minor stream areas draining less than 640 acres, but more than 100 acres by providing for a setback area from the channel scar line in which construction of improvements would not occur except as set forth below. These streams and creeks within the Town of Purcellville Corporate limits include, but are not limited to the South Fork of Catoctin Creek, North Fork of Goose Creek and Crooked Run, as shown on the Town of Purcellville "Major & Minor Floodplains - Purcellville and JLMA" map.

The intent is to (1) promote water quality and the preservation of significant environmental resource areas, wildlife habitat and corridors, and native vegetation areas; (2) protect and enhance water and groundwater recharge processes by protection of the natural capacity of vegetative areas along rivers and creeks to filter and purify stormwater runoff; (3) protect aquatic environments from the warming effects of solar radiation by preserving riparian tree canopy cover; (4) promote tourism and high quality corporate investment by maintaining to the extent reasonably possible, existing high water quality; (5) to maintain the scenic beauty of the streams of Loudoun County; and (6) implement the comprehensive plan.

### Section 2. - Stream and Creek Buffer established.

The following setbacks are established along major and minor streams and creeks in areas where the 100-year floodplain is less than the setbacks provided below:

1. *Major stream buffer.* For streams with major floodplains (streams where the watershed is greater than 640 acres): A minimum of 100 feet on each side of the creek measured from the channel scar line of each creek or stream.
2. Within the 100 foot buffer, a streamside forested area of at least 25 feet on each side of the creek or stream shall be provided. The streamside forested area shall consist of mature trees where they exist prior to the development of a property and shall be supplemented with new tree plantings if required by the town. When no mature trees exist, the streamside forested area shall be created with new tree plantings. All new tree plantings shall comply with the minimum size requirements for plantings found in article 7 of this ordinance. New tree plantings shall be of a species compatible with the stream, creek, and/or wetlands. Unless otherwise exempted by this ordinance, land uses permitted within the streamside forested area shall be limited to pedestrian footpaths (preferably constructed of a porous material); well-designed watercourse crossings, designed in accordance with accepted Best Management Practices; passive recreation areas such as gazebos or benches; and other such uses, as determined by the zoning administrator, which do not negatively impact the adjoining stream, creek, or wetlands.
3. *Minor stream buffer.* For streams with minor floodplains (streams with a watershed of less than 640 acres, but greater than 100 acres): A minimum of 35 feet on each side of the stream or creek measured from the channel scar line of the stream or creek.

4. Within the 35 foot buffer, a streamside forested area of at least 25 feet on each side of the creek or stream shall be provided. The streamside forested area shall consist of mature trees where they exist prior to the development of a property and shall be supplemented with new tree plantings if required by the town. When no mature trees exist, the streamside forested area shall be created with new tree plantings. All new tree plantings shall comply with the minimum size requirements for plantings found in article 7 of this ordinance. New tree plantings shall be of a species compatible with the stream, creek, and/or wetlands. Unless otherwise exempted by this ordinance, land uses permitted within the streamside forested area shall be limited to pedestrian footpaths (preferably constructed of a porous material); well-designed watercourse crossings, designed in accordance with accepted Best Management Practices; passive recreation areas such as gazebos or benches; and other such uses, as determined by the zoning administrator, which do not negatively impact the adjoining stream, creek, or wetlands.
5. Where wetlands exist adjacent to a major or minor stream buffer, a setback of at least 35 feet shall be maintained from all wetlands for all structures and impervious surfaces. When any part of this ordinance requires a setback of more than 35 feet, the larger setbacks shall be provided.

### **Section 3. - Effect of buffer.**

The construction of buildings, structures, impervious parking lots, or other impermeable surfaces within the stream and creek buffer is prohibited, except as stated herein. Existing buildings and structures within the stream and creek buffer are not considered nonconforming, i.e., they can be added to and, if destroyed by fire or casualty, they can be rebuilt to the same or an equivalent footprint. The town encourages the growth, through plantings or natural succession, of vegetative and forestal cover within the Scenic Creek Buffer area.

### **Section 4. - Development criteria.**

The stream and creek buffer is not intended to, and shall not, limit development density (gross floor area or units per acre) otherwise allowed on land within the stream and creek buffer area, and off-street parking requirements shall be reduced as necessary to accommodate the buffer without limiting such otherwise permitted development. The stream and creek buffer shall be administered like any other setback provided for in this ordinance in allowing otherwise developable land within the setback area to be counted for density computation purposes and applied toward the construction of improvements outside the setback area.

### **Section 5. - Exceptions.**

Public utility installations and repairs, outfalls, road crossings and driveways shall be permitted subject to applicable federal and state regulations, ~~to this ordinance,~~ and to such performance standards as may be contained in the facilities standards manual. Said public utility installations and repairs, outfalls, road crossings and driveways shall be designed in such a way as to minimize impacts on the natural features of the streams and creeks.

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**STAFF REPORT**  
**INFORMATION ITEM**

Item # 9a

**SUBJECT:** Status of Comprehensive Plan Update

**DATE OF MEETING:** June 2, 2016

**STAFF CONTACT:** Daniel Galindo, AICP – Senior Planner

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**BACKGROUND:**

Staff will provide a verbal report on the status of the comprehensive plan update at the June 2<sup>nd</sup> meeting.

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**MINUTES  
PLANNING COMMISSION REGULAR MEETING  
MAY 5, 2016, 7:00 PM  
TOWN HALL COUNCIL CHAMBERS**

The Regular Meeting of the Purcellville Planning Commission convened at 7:03 PM in Council Chambers and the following attended:

**PRESENT:** Doug McCollum, Chairman  
Theresa Stein, Vice Chair  
Chip Paciulli, Planning Commissioner  
Nedim Ogelman, Planning Commissioner  
Tip Stinnette, Planning Commissioner  
Chris Bledsoe, Planning Commissioner (arrived 7:32 PM)

**ABSENT:** EJ Van Istendal, Planning Commissioner

**STAFF:** Daniel Galindo, Senior Planner  
Tucker Keller, Planning and Zoning Technician

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE:**

The regular meeting of the Planning Commission was called to order by Chairman McCollum at 7:03 PM. The Pledge of Allegiance followed.

**AGENDA AMENDMENTS:**

Commissioner Paciulli stated he would like to discuss the stream edge setbacks. Chairman McCollum approved the request and stated it would be added as a Discussion Item.

**COMMISSIONER DISCLOSURES:**

None

**PUBLIC HEARINGS:**

None

**PRESENTATIONS:**

None

**DISCUSSION ITEMS:**

a. Stream Edge Setbacks

Commissioner Paciulli handed out documents to the Commissioners. Commissioner Paciulli noted that he and Commissioner Stein have been reviewing the Stream Edge Setback that is in the current zoning ordinance which was adopted in September 2009 and does not feel it was protective of the 100 ft. buffer. Commissioner Paciulli added he copied the 2025 Comprehensive Plan Environmental Issues and Opportunities and Environmental Policies and Implementation Strategies which he highlighted and read from. Commissioner Ogelman asked about the 100 foot wide buffers being on each side of a creek or shared across and asked what information was found in other materials about this. Commissioner Paciulli noted that copies of this were provided and that he would review those. Commissioner Paciulli noted he highlighted in yellow a proposed change for discussion. Commissioner Paciulli requested staff input on commission permits. Commissioner Stein added that they are trying to provide some additional protections that do not currently exist.

**ACTION ITEMS:**

a. Makersmiths Zoning Recommendation

Daniel Galindo introduced the staff report and recommended that the Planning Commission provide a recommendation to Town Council on how to proceed. Commissioner Ogelman asked how this would be different from classes that are offered through schools and the use. Daniel Galindo stated that he tried to breakdown the proposal and functions which are comparable to several uses the Town has; however, Makersmiths does not necessarily fit into any particular use.

Commissioner Stinnette added he does not understand why this does not fit into the School, Special Instruction designation under the IP district. Daniel Galindo stated this would not be a school although has an educational component to it at times. Tom Hill, Manager of the Makersmiths location in Purcellville, stated they do not consider themselves a school; however, education is a large part of their activities but not the only item.

Pat Scanell, Founder and Executive Director of Makersmiths, noted Makersmiths does not fit cleanly into any mode. Further discussion took place as to possible locations in the light industrial areas of Town as well as operating hours.

Chairman McCollum expressed concerns for the proposed location being close to a residential area. Commissioner Ogelman stated he feels the discussion should be open to the public. Commissioner Stein noted concerns for making amendments for one use, and added she would not support a rezoning or a comprehensive plan amendment. She believes a place can be found under something currently in place. Commissioner Paciulli

noted he is in favor of establishing a special use to accommodate hours and restrictions specifically for residential impact. Daniel Galindo talked about a use for Public or Government Building, Facility, or Use Not Otherwise Defined and talked about the advantages and disadvantages. The Commissioners discussed the advantages of holding the public hearings and the timeline.

Commissioner Stein made a motion that the Purcellville Planning Commission recommend that Town Council work with the Makersmiths to initiate an application for a Public or Government Building, Facility, or Use Not Otherwise Defined to be allowed by special use permit in the IP Institutional and Public Use zoning district so that the proposed Makerspace would operate in compliance with the Purcellville Zoning Ordinance. The motion was seconded by Commissioner Bledsoe and approved unanimously with one absent.

Motion: Commissioner Stein  
Seconded: Commissioner Bledsoe  
Carried: 6-0-1 Absent

**INFORMATION ITEMS:**

- a. Status of Comprehensive Plan Update

Daniel Galindo noted that the next workshop is scheduled for May 19<sup>th</sup> from 7:00 – 9:00 PM and talked about the format for the workshop and looking forward. The Commission determined that there would be no regular meeting of the Planning Commission on May 19<sup>th</sup>.

**CITIZEN COMMENTS:**

None

**CHAIRMAN’S COMMENTS & COUNCIL REPRESENTATIVE’S REPORT:**

Chairman McCollum congratulated Commissioners Bledsoe and Ogelman for their recent elections to Town Council and added that as of July 1<sup>st</sup> the Planning Commission will have at least two openings.

**PLANNING COMMISSIONERS’ COMMENTS:**

Commissioner Paciulli stated he was part of a review of the downtown building heights on the BZA and had to make a decision on what they felt were the facts. Commissioner Paciulli noted he read the comp plan briefly and asked if it is ok to review the building height requirements of the zoning ordinance, which he feels is the issue in the downtown area, and possibly recommend a zoning text amendment. Commissioner Ogelman stated he feels in talking with people that there would be interest from citizens in having a

discussion about height regulations downtown. Commissioner Stein noted she feels this item will be addressed as part of the comp plan results.

Commissioner Bledsoe noted he spoke with Mike Chandler and noted there will be possibly five certified Planning Commissioners on the Town Council starting in July.

**APPROVAL OF MINUTES:**

- a) April 7, 2016 Regular Meeting

Commissioner Ogelman made a motion that the Planning Commission approve the minutes of the April 7, 2016 meeting wave reading. The motion was seconded by Commissioner Stein and approved unanimously.

Motion:	Commissioner Ogelman
Seconded:	Commissioner Stein
Carried:	6-0-1 Absent

**ADJOURNMENT:**

With no further business, Commissioner Ogelman made a motion to adjourn the meeting at 8:58 PM. The motion was seconded by Commissioner Bledsoe and approved unanimously with one absent.

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Doug McCollum, Chairman

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Diana Hays, Town Clerk