



**PLANNING COMMISSION
REGULAR MEETING AGENDA**

July 21, 2016
7:00 p.m.

- 1) **Call to Order** – Vice Chair Theresa Stein
- 2) **Pledge of Allegiance**
- 3) **Officer Elections**
- 4) **Agenda Amendments** (Planning Commission and Staff)
- 5) **Commissioner Disclosures**
- 6) **Public Hearings**
 - a) None Scheduled
- 7) **Presentations**
 - a) None Scheduled
- 8) **Discussion Items**
 - a) Accessory Dwelling Unit Zoning Ordinance Text Amendment
- 9) **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.
- 10) **Information Items**
 - a) OA16-01 – Stream and Creek Buffer Zoning Ordinance Text Amendment
 - b) SUP15-02 – Catoctin Corner Drive-through Facility
 - c) Status of Priority Work Items
- 11) **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).
- 12) **Council Representative’s Report**
- 13) **Chairman’s Comments**
- 14) **Planning Commissioners’ Comments**
- 15) **Approval of Minutes**
 - a) June 16, 2016 Regular Meeting
- 16) **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.



STAFF REPORT

Item # 3

SUBJECT: Officer Elections
DATE OF MEETING: July 21, 2016
STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

Chairman Doug McCollum's term as the Town Councilmember appointed to the Planning Commission ended with Council's appointment of Councilmember Kelli Grim to a two-year term on July 12th. This means that the Chair position is now vacant, so the Commission must nominate and elect another Commissioner to fill the position for the remainder of the annual term (through the first Planning Commission meeting in November).

NOTE: Should the current Vice Chair be elected to fill the Chair position, the Planning Commission will then need to elect a new Vice Chair at the July 19th meeting.

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STAFF REPORT
DISCUSSION ITEM

Item # 8a

SUBJECT: Accessory Dwelling Unit Zoning Ordinance Text Amendment

DATE OF MEETING: July 21, 2016

STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

SUMMARY:

Commissioner Paciulli would like to begin working on a Zoning Ordinance text amendment regarding accessory dwelling units, and he requested that the previous staff report on this topic be provided to the Planning Commission again as a starting point for discussion.

ATTACHMENTS:

1. Discussion of Accessory Dwelling Unit Regulations Staff Report – September 16, 2014



STAFF REPORT

TO: Planning Commission
FROM: Daniel Galindo, AICP – Senior Planner
SUBJECT: Discussion of Accessory Dwelling Unit Regulations
DATE: September 16, 2014

INTRODUCTION

The goal of this discussion is for the Planning Commission to determine if there is a need for a zoning text amendment regarding accessory dwelling units (ADU). A description of the current regulations was provided in the August 12th staff report and another is provided in Option 1 below. If the Commission determines that an amendment is warranted or at least worth further discussion, then it should select one or more of the presented options which staff will then refine into draft regulations.

As mentioned previously by staff, ADUs can be a very complicated issue, so this report is meant to briefly touch on key issues by providing the minimum amount of information necessary to be useful. With this in mind, there are three main areas of focus: the personal reasons a citizen would desire an ADU, the possible benefits or detriments of ADUs on the whole of Purcellville, and the various potential options on how to best regulate ADUs.

PERSONAL REASONS FOR AN ADU

In the vast majority of cases, there are three primary reasons that a property owner would desire an ADU:

1. Housing for a family member;
2. Housing for an employee such as a caretaker or housekeeper; or
3. Housing providing rental income.

The Commission should consider whether any of these reasons should be specifically supported or prevented because that will have an effect on the development of draft regulations. For example, the current regulations for ADUs could remain the same, but a separate category for non-rental family or caretaker housing could be created with more flexible regulations. Some of these alternatives are discussed in further detail below.

POSSIBLE BENEFITS AND DETRIMENTS TO THE COMMUNITY

The following is a general list of potential effects that ADUs may have on the Town. Some are supported by the Comprehensive Plan or research findings while others are often simply expressed by concerned citizens. They are provided to give the Planning Commission issues to consider as members mull over and discuss ADUs generally. Staff offers no value judgments on these items at this time although those mentioned in the Comprehensive Plan are indicated with endnotes provided. If Commissioners desire more specific information on any of these items, staff is happy to discuss them during the meeting or provide greater details in a future staff report.

Possible Benefits

1. May Provide Affordable Housing^{1,2}
2. Can Offer the Potential to “Age in Place”^{2,3}
3. May Provide Additional Housing Options for Young Adults and Senior Citizens^{2,3,4}
4. Can Be Relatively Low Density Compared to Other Types of Housing Development^{5,6}
5. Small Units are Often More Compatible with Older, Smaller Homes than Other Types of Housing Development^{4,5,6,7}
6. Units Would Utilize Existing Infrastructure
7. May Provide Ability to Care for Family Members^{2,3}
8. Would Place Additional Residential Development Within Existing Residentially Zoned Properties^{4,5,8}

Possible Detriments

1. May Increase Density of Established Neighborhoods^{5,6}
2. No Town Control Over Architectural Compatibility Other Than Basics of Setbacks, Mass, and Height^{6,7}
3. Can Introduce a More Transient Renter Population to Established Neighborhoods
4. Potential for Increase in Neighbor Complaints Prior to or After Construction of an ADU
 - a. Common Complaints Expressed About Population Growth:
 - i. Increased Utility/Infrastructure Costs
 - ii. Increased School Costs
 - iii. Increased Traffic
 - iv. Increased Crime
 - b. Common Complaints Expressed About New Development:
 - i. Decrease in Property Values
 - ii. Lack of Compatibility
 - iii. Increased Noise

REGULATORY OPTIONS

While there are limitless potential regulatory details that could be considered for draft ADU regulations, there are five primary options for the Planning Commission to consider at this time. The first would be to simply maintain the status quo of the Town’s existing

regulations if the Commission does not see a reason to warrant an amendment. The others (#2-5 below) are then listed from most to least strict:

1. Maintain Status Quo of Existing Regulations
2. Forbid ADUs Completely
3. Modify Regulations to Provide Stricter Regulation of ADUs
4. Modify Regulations to Loosen Regulation of ADUs
5. Allow ADUs as a Permitted Use

Within the options that would require an amendment, the details would still have to be figured out. There is also the potential to create different categories of ADUs where one category might have stricter regulations placed on it while another is less strict.

Option 1: Maintain Status Quo

As previously noted in the August 12th staff report, an ADU is currently permitted as a special exception granted by the Board of Zoning Appeals (BZA) in Article 9, Section 5.1 of the Zoning Ordinance as stated in the following:

An accessory dwelling unit in a single-family dwelling or in an accessory building in a residential district as permitted in the district regulations, provided that either the main dwelling or the accessory dwelling unit be occupied by the owner of the property, that the accessory dwelling unit shall not exceed 25 percent of the total floor area of the main dwelling nor contain less than 500 square feet of floor area, that the general appearance of a single-family dwelling shall be maintained, that no exterior stairways to a second floor be constructed at the front of the main building, and that at least three off-street parking spaces are available on the property for use by the owner-occupant and the tenant. If the accessory dwelling unit is to be located in an accessory structure, such structure must have the following minimum setbacks from side and rear property lines:

- a. Side yard: Same as principal structure;
- b. Rear yard: Same as side yard for principal structure, but not less than ten feet.

Commissioners should note that the dual restrictions on size limit the potential use of an ADU to lots which contain homes of at least 2,000 square feet. As an example, 25% of a dwelling with a floor area of 1,500 square feet is only 375 square feet; therefore, the lot containing that dwelling is ineligible for an ADU because the maximum allowable size of that ADU could not meet the required minimum of 500 square feet. Staff estimates that these restrictions result in the inability of approximately 40% of the Town's residential lots to contain an ADU, and it is currently assumed that the majority of those lots are located in the older R-2 area of Purcellville south of Main Street between 32nd Street and 9th Street.

Under the current regulations, there have been very few ADUs created with staff being unaware of any created within the past four years.

Option 2: Forbid ADUs Completely

If the Commission were to determine that none of the personal reasons for ADUs were worth supporting or that the detriments to the community completely outweighed the potential benefits, then the Zoning Ordinance could be amended to forbid ADUs by completely removing the language authorizing their approval as a special exception by the BZA. Staff does not believe that either of those findings is supportable and does not recommend this option.

Option 3: Stricter Regulation of ADUs

Considering the extremely limited use of ADUs under the Town's current regulations, there does not appear to be any reason to make the regulation of ADUs stricter than what is currently in effect. However, if multiple categories of ADU were to be created, it is possible that one or more could be more strictly regulated than the other(s).

Option 4: Loosen Regulation of ADUs

This is the option preferred by Susan Eidelheit who first brought the issue forward, and it is an option that would need to be studied further to hammer out the details. The following is a list of potential changes that could make ADUs more broadly available or otherwise provide additional flexibility when creating ADUs:

- a. Remove the requirement that either the main dwelling or the ADU be occupied by the property owner. This would allow both dwelling units to be rented simultaneously.
- b. Increase or remove the percentage (currently 25%) of the total floor area of the main dwelling that establishes the maximum size permitted for an ADU.
- c. Decrease or remove the minimum square feet of floor area (currently 500 sq. ft.) required for an ADU.
- d. Create absolute minimum and/or maximum sizes (e.g. 400-800 sq. ft.) for ADUs not tied to the size of the main dwelling.
- e. Eliminate minimum and maximum sizes for ADUs completely. This would allow an ADU to be larger than the main dwelling.
- f. Reduce the number of off-street parking spaces required to have an ADU.
- g. Reduce the required setbacks (currently the same as the main dwelling) for an ADU in an accessory structure.
- h. Create one or more additional categories of ADU with at least one type that has more flexible regulations applied to it (e.g. Staff's recommendation below).

More than one of these changes could be used in concert to loosen regulation of ADUs, but this option would preserve the use of BZA approval of ADUs as a special exception. Commissioners should also note that some of these changes would not solve Ms. Eidelheit's specific problem. Since any amendment would affect the entire town, the Planning Commission's goal should be to adopt regulations that fit the entire town.

As a reminder, Ms. Eidelheit has proposed the following change to the Town's currently adopted language: "...that the accessory dwelling unit shall not contain less than 500 square

feet nor exceed 750 square feet or 25 percent of the total floor area of the main dwelling, whichever of the latter two is greater." This modified language would allow the roughly 40% of residential lots that cannot comply with the existing regulations to contain an ADU of 500-750 square feet regardless of the size of the principal dwelling if the other required standards are met and the BZA approves the special exception application.

Option 5: Allow ADUs as a Permitted Use

ADUs could be added as a permitted use in residential districts with or without use standards; however, staff does not recommend this approach without use standards under any circumstances. The primary benefit of this option to property owners would be to simplify the process to an administrative approval if the proposed ADU meets certain use standards. These standards could be similar to the current regulations or modified in one or more of the ways listed under Option 4.

STAFF COMMENTS AND RECOMMENDATIONS

During the previous discussion of ADUs, the Commission requested more information from staff and asked specifically for data on how many properties would be effected by any changes. Town staff has been working with Loudoun County staff for the past couple of weeks in order to obtain the necessary data to conduct a town-wide analysis. The County hopes to provide this information soon, but staff has decided to release this staff report now in order to provide the Planning Commission with sufficient time to review it before the upcoming meeting. The results of staff's analysis will be provided when available, but this may not be before the Planning Commission meeting on September 18th. Unfortunately, staff has been waiting on this data in order to develop specific recommendations, so this report remains more general than initially hoped.

Without better data allowing staff to fully measure the effects of potential changes to the Town's existing ADU regulations, staff currently proposes the creation of a second category of ADU as the best option for the Planning Commission to consider. This new type of ADU would have a requirement to be non-revenue producing with a minimum square footage of 400 square feet and a maximum of 800 square feet. It would be administratively approved, and the applicant/owner would have to sign an affidavit that acknowledges the prohibition on renting the ADU. Potentially, this could also be recorded in the land records for the property, but staff would have to research this issue further. Staff expects that enforcement would generally be initiated through complaints by neighbors, and staff would keep an inventory of ADUs and check on compliance on an occasional basis.

This proposal should provide most of the potential benefits listed in this report while minimizing the detriments. It would also support the goals of property owners that desire to provide housing for family members or household employees, but it would explicitly not support any desires to build an ADU solely for rental income. Proposals for ADUs that could be rented would still have to follow the existing process with the existing limitations. If the results of staff's future analysis demonstrate that these existing limitations could be adjusted without numerous detrimental effects, then they will be revisited at a future meeting.

¹ p. 27 - "With housing costs expected to continue increasing over the long-term, finding affordable housing will be more of a challenge in Purcellville and the entire region."

² p. 29 - "Housing Availability and Choice: Ensure a housing stock of sufficient size, diversity and quality for all residents to have a safe and sound place to live; and ensure that housing is provided for elderly, disabled and other persons with special needs to meet the needs of Purcellville's residents...Consider revisions to the zoning regulations that would promote a variety of senior housing options and additional affordable housing."

³ p. 27 - "With a rising senior population and no senior-oriented housing within the Town, there will be increasing demand for specialized housing to meet this future need, which was identified in the 1998 Comprehensive Plan, as well as during public work sessions for this Plan update."

⁴ p. 29 - "Innovative Housing Development: Continue to encourage innovative housing development options that enhance community character, preserve open space, and provide a range of housing choices."

⁵ p. 27-28 - "The demand for housing renovation or redevelopment likely will increase, as will the possibility of "tear-downs", where older and usually smaller dwellings are demolished to make way for larger homes. The December 2006 listing of a large portion of pre-1950 Purcellville as a historic district on the Virginia Landmarks Register and nomination to the National Register of Historic Places offers the possibility for homeowners and investors to take advantage of State and Federal historic tax credits that can offset building rehabilitation costs. To encourage investment and preserve the historic character of Purcellville, special care must be taken by the Town to ensure that contributing properties in this district are protected from development pressures, especially given the continued rise in real estate values, the prices of new housing, and the dwindling supply of vacant residentially-zoned land."

⁶ p. 29 - "Housing Compatibility: Ensure that new residential construction is compatible with the Town's existing small town character; and protect historic residential structures and neighborhoods."

⁷ p. 120 - "The established front and side yard setbacks in older existing neighborhoods should be maintained in new development." & "New buildings should be compatible with the mass and scale within the neighborhood."

⁸ p. 53 - "Since land for commercial and industrial development is limited, every effort must be made to ensure that land is utilized in a manner that will maximize its contribution to the Town's tax base, while ensuring that development is complementary to Town character and goals for the future."

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STAFF REPORT
INFORMATION ITEM

Item # 10a

SUBJECT: OA16-01 – Stream and Creek Buffer Zoning Ordinance Text Amendment

DATE OF MEETING: July 21, 2016

STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

SUMMARY:

Over the past months, the Planning Commission has discussed potential changes to the Zoning Ordinance’s stream and creek buffer regulations at the request of Commissioner Chip Paciulli. Commissioner Paciulli and Vice Chair Theresa Stein created a first draft of the text a possible amendment, and after reviewing the draft, Town Staff recommended alternative text for an amendment. At its June 16, 2016 meeting, the Planning Commission voted to move Staff’s version of the amendment, now coded as OA16-01, forward to a public hearing. This public hearing is scheduled before the Planning Commission on August 4, 2016.

BACKGROUND:

OA16-01 would amend Article 14 “Stream and Creek Buffer” of the Zoning Ordinance for the Town of Purcellville, Virginia as shown in Attachment 1. The Commission should note that Staff has made three minor changes since the June 16th meeting to improve the proposed amendment’s cross-referencing and use of terminology:

1. Section 2, #2 – Replaced the existing cross-reference to Article 7 by directly referencing the article’s title: *Landscaping, Buffering, and Open Space Regulations*. The addition of a reference title is a best practice that helps a reader locate the proper regulations even if they are unfamiliar with the structure of an ordinance.
2. Section 2, #4 – Replaced previously proposed cross-reference text as noted above.
3. Section 3 – Replaced the “Scenic Creek Buffer” term, which is neither defined nor used elsewhere within the ordinance, to “stream and creek buffer” to match the terminology used within Article 14.

ATTACHMENTS:

1. Proposed Zoning Ordinance Text Amendments for Steam and Creek Buffer

PROPOSED ZONING ORDINANCE TEXT AMENDMENTS FOR STREAM AND CREEK BUFFER

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: Landscaping, Buffering, and Open Space Regulations](#) ~~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: Landscaping, Buffering, and Open Space Regulations. 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 stream and creek buffer~~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 # 10b

SUBJECT: SUP15-02 – Catoctin Corner Drive-through Facility

DATE OF MEETING: July 21, 2016

STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

Application Information		
Applicant/Attorney Robert E. Sevila Sevila, Saunders, Huddleston & White, PC 30 North King Street Leesburg, VA 20176	Property Owner Purcellville Development, LLC c/o William B. Holtzman P.O. Box 8 Mount Jackson, VA 22842	Designer/Engineer Bowman Consulting Group, Ltd. 101 South Street, S.E. Leesburg, VA 20175
Submission Date November 3, 2015	Planning Commission Public Hearing Date August 4, 2016	Town Council Public Hearing Date Not Yet Scheduled

Property Information				
PIN	Tax Map	Address	Current Zoning	Acres
452-18-7178-002	/36////////18A2/	None	MC	6.53

Special Use Requested
SUP15-02
Drive-through Facility

SUMMARY:

Robert E. Sevila of Sevila, Saunders, Huddleston & White, PC in Leesburg, Virginia has submitted a special use permit application (coded by the Town as SUP15-02), on behalf of property owner Purcellville Development, LLC, that seeks to amend the previously approved location of a drive-through facility within the future Catoctin Corner development. A public hearing on SUP15-02 is scheduled before the Planning Commission on August 4, 2016.

BACKGROUND:

On August 10, 2010, Town Council passed Resolution 10-08-06 approving six special use permits for the future Catoctin Corner development. In the years since approval, the property has been sold to Purcellville Development, LLC which has recently sought to redesign the layout of the development. As part of this redesign and based on an interpretation letter by the Zoning Administrator, application SUP15-02 has been submitted to amend special use permit SUP09-07 by relocating a drive-through facility within the development. The original special use permit approved the special use of an “eating establishment with drive-through” to be located in the northeastern corner of the property. Due to zoning ordinance text amendments approved by the Town in December 2015 after SUP15-02 was submitted, the current application now proposes to locate the special use of a “drive-through facility” (which is attached to an otherwise permitted eating establishment) closer to Colonial Highway near the middle of the property.

Catoctin Corner will be constructed on a 6.53-acre parcel that has a zoning district designation of MC (Mixed Commercial) and is located at the northeast quadrant of the roundabout intersection of the following four roadways: East Main Street, Berlin Turnpike (Route 287), West Colonial Highway, and William T. Druhan, Jr. Boulevard (aka Southern Collector Road).

ATTACHMENTS:

1. Zoning Administrator Interpretation Letter
2. SUP15-02 Application
3. SUP15-02 Written Statement
4. SUP15-02 Statement of Justification
5. SUP15-02 Plan Set
6. SUP15-02 Approved SUP & Current Site Plan Comparison

This interpretation regarding SUP's for the Catoctin Corner development supersedes the interpretation by the Zoning Administrator in an email dated 7-31-2015

The email regarding a SUP scenario for Catoctin Corner dated Friday July 31, 2015 after additional review is no longer valid and is to be replaced by a review that utilizes a more detailed set of requirements to determine whether a potential scenario can be utilized.

Catoctin Corner Special Use Permit Concept Plan Potential Changes *date: September 10, 2008*

The comments below are based on a draft SUP Permit Plan submitted by Bowman Consulting and received by the Zoning Administrator July 8, 2015. The draft concept plan is not a complete document and any interpretation by the Zoning Administrator is subject to change if new information becomes available. The Zoning Administrator is not able to issue a final determination until a complete concept plan has been submitted along with the appropriate fees. The responses to the requested changes below are based on a scenario submitted by the applicant and are designed to provide guidance on how to proceed. The scenario is not based on a final complete plan submittal it is rather a proposal, a what-if supposition and is therefore an interpretation and not an appealable determination based on facts.¹

Approved SUPs are required to be in substantial conformance with the approved SUP plan. Changes to approved SUPs must still be found to be in substantial conformance with the plan otherwise a new SUP will be required.

Definition of Substantial Conformity

Substantial conformity shall mean that conformity which leaves a reasonable margin for adjustment to final engineering data; but, conforms to/with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations and other demonstrative materials presented by the applicant.

Review of Requested Changes

SUP 2. Drive through 12,900 square foot pharmacy.

Requested Change. Change from a Pharmacy drive through to an 1,800 sf fast food drive through.

¹ A (zoning) decision, and in particular, a determination, must be based upon a set of existing facts, rather than upon a recitation of non-existent facts, hypotheticals, proposals, ideas, concepts, or "what-if" suppositions. See Lynch v. Spotsylvania County Board of Zoning Appeals, 42 Va. Cir. 164 (1997).

1. Does the change conform to/with the general nature of the development?
 - a. *Yes. The nature of the development is commercial which includes retail, restaurants and other commercial services (hair salons, etc.)*
 - b. *The all day trips for a 12,000sf pharmacy are 1,162 and for an 1,800sf fast food use the trips would be 1,191. Not a significant difference.*
2. Does the change conform to/with the specific uses of the development?
 - a. *Yes. The proffers provide a list of uses allowed and place a limit on the commercial development on the site. Fast food restaurant is an allowed use on this site and does not exceed the commercial development square footage, limited by the proffers.²*
3. Does the change conform to/with the general lay out?
 - a. *The general layout of the concept plan approved a drive through in the western area of the site. The ordinance definition of drive through does not differentiate between different types of uses. The types of drive through come under one definition, "Drive Through".*
4. Is there a specific layout required by the conditions for the SUP approval?
 - a. *Yes. The SUP must be located in the SUP09-02 Area of the permit Plat.*
 - b. *The drive through is still located in the appropriate area.*
5. Is the placement of the SUP arbitrary or are there detailed requirements as to where it must be located?
 - a. *Placement appears to be arbitrary. There are no specific requirements detailed by the SUP.*
6. Is there a stated reason the specific use cannot be replaced with another approved use?
 - a. *No.*

SUP 3. 7,000 square foot restaurant (exceeds 4,000 sq ft).

*Requested Change. **Use deleted.***

1. Does the change conform to/with the general nature of the development?
 - a. *Yes.*
2. Does the change conform to/with the specific uses of the development?

² Proffers limit development to 50,000 square feet of commercial development.

- a. Yes.
3. Does the change conform to/with the general lay out?
 - a. N/A
4. Is there a specific layout required by the conditions for the SUP approval?
 - a. N/A
5. Is the placement of the SUP arbitrary or are there detailed requirements for where it was located?
 - a. N/A
6. Is there a stated reason the specific use cannot be replaced with another approved use.
 - a. No, as long as the new use is permitted by right.

SUP 4. Drive through for bank.

Requested Change. Change from a drive through for a bank to a medical office building with no drive through.

1. Does the change conform to/with the general nature of the development?
 - a. Yes. *The nature of the development is commercial which includes retail and restaurants and other commercial services (hair salons, medical offices, etc.)*
2. Does the change conform to/with the specific uses of the development?
 - a. Yes. *The proffers provide a list of uses allowed and place a limit on the commercial development on the site. Offices are an allowed use on this site and fall within the size limitations.*
3. Does the change conform to/with the general lay out?
 - a. *The general layout of the concept plan envisioned an office building in this area.*
4. Is there a specific layout required by the conditions for the SUP approval?
 - a. *N/A Drive through has been eliminated.*
5. Is the placement of the SUP arbitrary or are there detailed requirements for where it was located?
 - a. *N/A SUP has been eliminated from this area.*
6. Is there a stated reason that the bank use can't be replaced with another approved use?
 - a. No.

SUP 5. Automobile service station with 1,500 sq ft retail store in a building with other retail uses.

Change. NO CHANGE requested.

SUP 6. Restaurant over 4,000 located in building with others retail uses.

Requested Change. Large restaurant moved north west from original position but still within the 09-06 original area on the plan.

1. Does the change conform to/with the general nature of the development?
 - a. *Yes. The nature of the development is commercial which includes retail and restaurants and other commercial services (hair salons, etc.)*
2. Does the change conform to/with the specific uses of the development?
 - a. *Yes. The proffers provide a list of uses allowed and place a limit on the commercial development on the site. Restaurants are an allowed use on this site.*
3. Does the change conform to/with the general lay out?
 - a. *The general layout of the concept plan delineates an area in which the SUP and its associated parking should be located. The restaurant remains in the aforementioned area.*
4. Is there a specific layout required by the conditions for the SUP approval?
 - a. *No. The only limitation is that the restaurant "...shall be developed in substantial conformance ... as to each respective Special Use Permit Area as shown on the Plat."*
5. Is the placement of the SUP arbitrary or are there detailed requirements for where it was located?
 - a. *Yes there is a location requirement. It shall be located in the SUP09-06 Area as shown on the Plat.*
 - b. *The placement of the restaurant is within the SUP Area for SUP 6*
6. Is there a reason the specific use can't be replaced with another approved use?
 - a. *N/A. Replacement not being requested.*

SUP 7. Drive through for 3,700 sq ft restaurant.

Requested Change. Drive through moved from one area of the plan to another area of the plan.

1. Does the change conform to/with the general nature of the development?
 - a. *Yes. The nature of the development is commercial which includes retail and restaurants and other commercial services (hair salons, etc.)*
2. Does the change conform to/with the specific uses of the development?
 - a. *Yes. The proffers provide a list of uses allowed and place a limit on the commercial development on the site. Restaurants are an allowed use on this site.*
3. Does the change conform to/with the general lay out?
 - a. *The general layout of the concept plan delineates an area in which the SUP should be located. The restaurant remains in the aforementioned area.*
4. Is there a specific layout required by the conditions for the SUP approval?
 - a. *Yes. This particular drive through needs to remain in the north eastern corner of the site as delineated on the special use permit plat*
5. Is the placement of the SUP arbitrary or are there detailed requirements for where it was located?
 - a. *The restaurant placement is limited to the SUP09-07 area of the site permit plat.*
7. Is there a stated reason the specific use can't be replaced with another approved use?
 - a. *N/A. Replacement not being requested.*

Conclusions.³

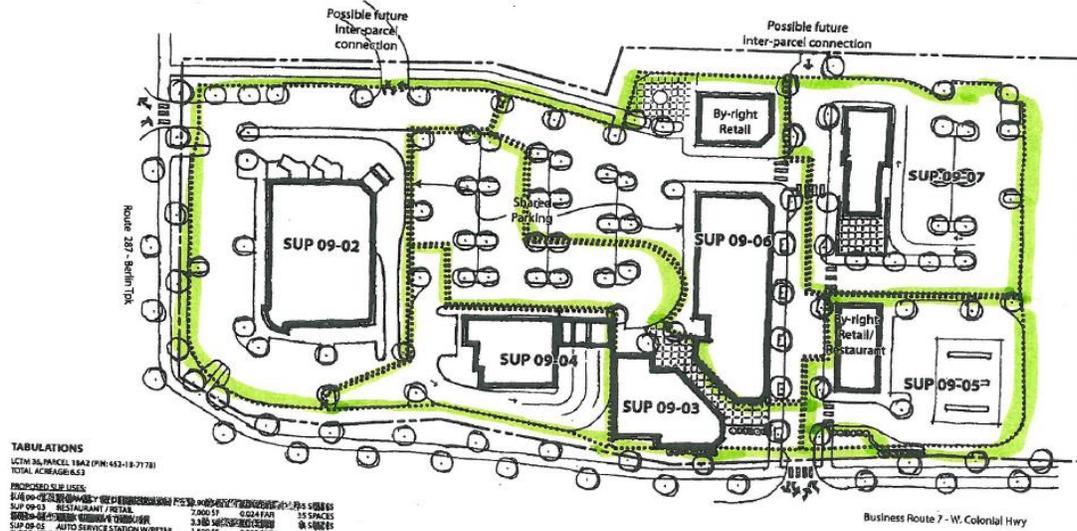
Approved SUPs 2 (Drive through 12,900 square foot pharmacy), 4 (Drive through bank), and 6 (Restaurant over 4,000sf) appear to be in substantial conformance with the SUP Plat.

Approved SUP 3 (7,000 sf restaurant) has been deleted.

Approved SUP 5 (Gas station) has not changed and is ok as presented unless there are additional changes.

Approved SUP 7 (Drive through fast food restaurant) is not in substantial conformance and will require an amended SUP if it is to move to another area on the site

³ SUP 1 is part of another project and is not part of this development.



TABULATIONS
 UTM 36 PARCEL 18A2 (PINE-43-18-2178)
 TOTAL ACRES: 66.63

PROPOSED S.U.P. LINES	AREA (SQ. FT.)	AREA (SQ. YD.)	SPACES
SUP 09-02 - RESTAURANT / RETAIL	7,000 SF	804 YD.	35 SPACES
SUP 09-03 - AUTO SERVICE STATION / RETAIL	3,300 SF	380 YD.	15 SPACES
SUP 09-04 - RESTAURANT / RETAIL	1,900 SF	218 YD.	8 SPACES
SUP 09-05 - RESTAURANT / RETAIL	3,700 SF	426 YD.	15 SPACES
SUP 09-06 - RESTAURANT / RETAIL	4,500 SF	517 YD.	19 SPACES
SUP 09-07 - RESTAURANT / RETAIL	1,900 SF	218 YD.	8 SPACES
TOTAL SITE:	48,900 SF	5,623 YD.	247 SPACES

Date: August 3, 2010
 Scale: not to scale
Bowman CONSULTING

Catoctin Corner
 EXHIBIT A- SPECIAL USE PERMIT PLAT

ORIGINAL SUP PLAN

CATOCTIN CORNER

BERLIN TURNPIKE (ROUTE 287) & MAIN STREET (ROUTE 7 BUSINESS)
 PURCELLVILLE, VA 20132, LOUDOUN COUNTY

MERCHANDISING PLAN
 AUGUST 27, 2015

DRAFT

DRAFT
 Pending Lease Negotiations
DRAFT



KLNBretail
 Commercial Real Estate Services



Department of Planning and Zoning
 130 E. Main Street Purcellville, VA 20132
 (540) 338-2304 Fax (540) 338-7460

Special Use Permit
 Application

SUP# 15-02

This application must be filled out in its entirety. An incomplete application form will result in rejection of the application prior to checklist review. Do not write in shaded areas.

A special use permit is requested for Eating establishments with drive-through service. 7.3.(9)
 as per Article 4 Section 7 Subsection 9

General Project Information:

- 1 Project Title: Catoctin Corner
- 2 Location of Property: Berlin Turnpike and West Colonial Highway
- 3 Property Owner: Purcellville Development, LLC
- 4 Owner Address: c/o William B. Holtzman
P. O. Box 8, Mount Jackson, VA 22842
- 5 Owner Telephone: 540-477-2686 Fax _____ Email _____
- 6 Applicant/Agent: Robert E. Sevila
- 7 Agent Address: Sevila Saunders Huddleston & White P C
30 North King Street Leesburg VA 20176
- 8 Agent Telephone: 703-777-5700 Fax 703-771-4161 Email rsevila@sshw.com
- 9 Designer/Engineer: Chris Mohn, AICP, Director of Planning
- 10 Designer Address: Bowman Consulting
101 South Street, SE, Leesburg, VA 20176
- 11 Designer Telephone: 703-443-2400 Fax: 703-443-2425 Email cmohn@bowmanconsulting.com

Correspondence to be sent to: Owner; Agent; Designer; Other: _____

- 12 Total Acreage of parcel: 6.53 acres
- 13 Acreage to be developed: 0.53 acres
- 14 Property Identification #(s): 452-18-7178
- 15 LC Tax Map #(s): 138/111/18A2
- 16 Current Zoning: MC

- 17. Current Use(s) Vacant
- 18. Adjoining Property Uses(s) College, commercial, vacant residential
- 19. Adjoining Property ID #s & owners Please attach with a separate sheet provided below
- 20. Related Applications: CPA 08-04 RZ 08-05, SUP 09 02 through 09-07
- 21. Pre-submission meeting date (if any) _____

Additional Submission Requirements:

- A statement of justification and explanation* Applicant must file a statement in support of their request in accordance with the requirements of Article 8 Section 1 4D of the Purcellville Zoning Ordinance. This statement should address all issues for consideration located within that section. In a separate statement, the proposal should be explained/outlined including details such as hours of operation.
- A concept plan for the property* The Concept Plan does not need to be engineered however, it must be sufficiently detailed to be judged for its superiority to other forms of development. See Article 8 Section 1 4C for the requirements on the concept plan. If a concept plan is not applicable, please indicate with "n/a."
- Traffic Study* A traffic study is required for special use permits, unless waived by the Director of Public Works. The waiver or the traffic study must be provided at the time of submission.
- Payment of fee* The fee for a special use permit application must be paid at the time of submission. FEES ARE NON-REFUNDABLE.

Property Owner:

I have read this completed application, understand its intent and freely consent to its filing. The information provided is accurate and completed to the best of my knowledge and capabilities. I understand that the Town may deny, approve, or conditionally approve that for which I am applying. Furthermore, I grant permission to the Town or authorized government agents to enter the property and make such investigations or inspections and tests they deem necessary. I also understand that someone must be present at all public meetings to represent my application and if no one is present, the item will be tabled to the next available meeting.

[Handwritten Signature]
Owner's Signature

3-7-16
Date

Required Materials (as applicable, completed by Town Staff):

For all special use permit applications:

Application (2 copies) Concept Plan (12 folded Copies) Required fees(s)

Completed Checklist Statements of Justification & Explanation Traffic Study or waiver of study

Application Complete _____ Fee \$ _____ Paid _____ Planning Initials _____

Taxes Paid _____ Finance Initials _____

Project Manager Assigned _____

File Number _____ Approved On _____ Valid Until _____

Ordinance/Resolution Number(s): _____

CATOCTIN CORNER

Town of Purcellville

Special Use Permit

WRITTEN STATEMENT

November 2, 2015

Revised: June 13, 2016

The Catoctin Corner development, as approved in 2010, is a small retail center which includes an approved Eating Establishment with Drive-Through, SUP 09-07. In the application which the previous owner submitted, the appropriateness of the use in this center was demonstrated. The applicant is seeking a Special Use Permit to change the location of the Drive-Through Facility to an area on the site that is better suited for this use and which will provide greater ease of access for its customers. Unlike the other approved uses on the site, a franchise fast food restaurant by nature desires greater exposure and visibility as well as ease of access.

The proposed location will provide this visual exposure, which is essential for the success of such eating establishments. Changing the location of the Drive-Through facility will have no negative impacts on the development of the property and will enhance the visual marketability and appeal of the site. The restaurant will be a Popeyes Chicken. Its hours of operation will be from 6:00 AM to 12:00 AM, seven days a week. The restaurant will be developed consistent with and subject to the proffers approved with RZ 08-05 and the conditions approved with SUP 09-07, copies of which are attached.

As stated in the Written Statement for the Catoctin Corner Property, dated February 9, 2009, in support of the original application,

“Purcellville needs additional dining opportunities, specifically in the fast food and sit-down family genres. There is currently only one fast food restaurant in all of western Loudoun County. According to Eric Schlosser in his book Fast Food Nation, “Americans

now spend more money on fast food than on higher education, personal computers, computer software, or new cars. They spend more on fast food than on movies, books, magazines, newspapers, videos, and recorded music – combined.” Drive-thru’s are an essential element in today’s fast food and quick serve restaurants. According to Chick-fil-A founder Truett Cathy, “More than half of our sales occur at the drive-thru, so we concentrate on continually improving our service there.”

These statements are not affected by the change of location and are still applicable today.

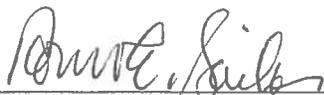
Since these statements were written the number of fast food restaurants in western Loudoun has increased to four, (including the drive-through Starbucks).

The change of location will serve the convenience, safety and best interests of the public, the Town and the applicant and will not result any negative impact or greater burden on the center, neighboring uses or the Town.

Respectfully Submitted,

PURCELLVILLE DEVELOPMENT, LLC

By Counsel



Robert E. Sevilla
Sevila, Saunders, Huddleston & White, P.C.
30 North King Street, P.O. Box 678
Leesburg, Virginia 20178-0678
(703) 777-5700
FAX (703) 771-4161
Counsel for Applicant

CATOCTIN CORNER, LLC

PROFFER STATEMENT

Dated October 14, 2008

Revised April 15, 2009

Revised January 6, 2010

Revised April 15, 2010

Revised July 7, 2010

Revised August 2, 2010

Pursuant to § 15.2-2303, Code of Virginia (1950), as amended, and § 6 of Article 10 of The Town of Purcellville Zoning Ordinance (1997), as amended (the "Zoning Ordinance"), Catoctin Corner LLC (the "Applicant"), the owner of the property identified as Tax Map Number 36, Parcel 18A2, Loudoun County Property Identification Number 452-18-7178-002 (the "Property") and their respective successors in interest, hereby voluntarily Proffer that the development of the Property which is the subject of this application shall be in strict conformance with the conditions set forth in this submission.

All Proffers made herein are in the event that: (i) RZ 08-05, rezoning the Property to the M-C Zoning District, are approved; and (ii) the Applicant receives all necessary permits Federal, State and Local including, but not limited to, water and sewer connections and/or authorizations to proceed in the development of the Property.

1. DEVELOPMENT

(a) General

The Property shall be developed with a maximum of 50,000 square feet of commercial development, all in strict compliance with the Zoning Ordinance, or, to the extent to which any particular use or type of structure may be permitted only by Special Use Permit in the M-C Zoning District, only as may be approved by Special Use Permit, and any such uses or structures shall be in substantial conformance with the Special Use Permit plats associated with such Special Use Permits.

The following M-C uses shall not be permitted on the Property:

funeral home or undertaking establishment,
veterinary clinic or hospital for small animals,

laundries and laundromats (however, dry-cleaning establishments of not more than 2,500 square feet shall be permitted),
radio and television stations and studios or recording studios,
churches and other places of worship,
automobile or truck sales, service or repair,
automobile storage lot,
automobile used car lot,
boat and boat trailer sales and storage,
car wash or automobile laundry, whether automatic, attended, or self-service,
farm supply and service establishments,
monument sales establishments,
motorcycle or off-road vehicle sales and service,
rental or sale of luggage trailers and pick-up truck caps,
taxidermists,
lawn mower, yard and garden equipment, rental, sales and service,
lumber and building supply,
nurseries,
greenhouses
multi-family residential dwellings.

(b) Architecture

Buildings on the Property shall reflect a high quality of design, characterized by varied vertical and horizontal articulation and finishing details which add texture and visual interest to building facades. The buildings on the Property shall be constructed of high-quality exterior materials such as stone, brick and stucco. Predominant major building points of entry shall be oriented toward the street frontage. Utility equipment and loading docks shall, to the maximum extent practically feasible, as mutually determined by the Town and the Applicant, be screened from view from any public street.

(c) Water Main

The Applicant agrees to construct up to a ten inch (10") water main from the Purcellville Gateway property onto the Property, at no expense to the Town of Purcellville (the "Town"). The Applicant furthermore agrees to connect to the termination point of the water main on the Patrick Henry College property nearest to the Applicant so as to create a loop.

(d) Sewer Main

The Applicant agrees to install and/or extend up to a ten inch (10") gravity sanitary sewer from the nearest termination point to the Property at no expense to the Town.

(e) Storm Water Management

The Applicant shall design, maintain and construct a storm water management system that accommodates applicable drainage requirements for storage, best management practices and water quality, related to all onsite improvements, at the time of site plan, at no expense to the Town.

2. ROAD IMPROVEMENTS

(a) General

For purposes of this Proffer, the term "substantially complete" shall be defined as constructed and available for use by the public and/or bonded but not necessarily accepted by VDOT and/or the Town for maintenance purposes; provided, however, that Applicant shall remain responsible for maintenance and upkeep of proffered road improvements until final acceptance by VDOT and/or the Town as applicable.

(b) West Colonial Highway/Berlin Turnpike

Prior to, and as a condition of, the issuance of the first certificate of occupancy for the Property, the Applicant shall substantially complete; (i) a right-in/right-out entrance off of Berlin Turnpike in accordance with VDOT standards; (ii) an entrance off of West Colonial Highway with full movements, as generally depicted on the plan entitled "Catoctin Corner Concept Plan", prepared by Bowman Consulting and dated June 14, 2010 (the Concept Plan), or as required by the Town and/or VDOT in accordance with VDOT standards. Adjustments to the road improvements depicted on the Concept Plan shall be permitted and may be necessary to address grading, drainage, environmental, cultural and natural features, development ordinance requirements and other final engineering considerations. This Proffer 2(b) shall not be interpreted to commit the Applicant to complete any improvement shown on the Concept Plan as generally depicted thereon, except for the road improvements expressly enumerated in Proffer 2(b)(i) and 2(b)(ii). To the extent to which the improvements constructed pursuant to this Proffer 2(b) requires dedication of additional portions of the Property as public right-of-way, the right-of-way will be dedicated by the Applicant at no cost to the Town.

(c) Future possible additional entrances

The Applicant may, at the time of site plan approval, or subsequent to site plan approval, construct additional entrances on the north boundary of the Property, or on the east boundary of the Property for purposes of interparcel access, subject to any required Town or VDOT approvals for such entrances.

(d) Internal roadways

Any roads or streets in the interior of the site shall either be (1) constructed to VDOT standards and dedicated to VDOT, or (2) maintained by the property owner.

3. PEDESTRIAN LINKS

(a) Trail

The Applicant shall construct a ten (10') foot wide asphalt pedestrian trail along the Berlin Turnpike and Main Street/West Colonial Highway frontage of the Property, in the existing right-of-way, at no expense to the Town, as permitted by VDOT and as approved at site plan by the Town, prior to final release of bonded public improvements.

4. CASH CONTRIBUTIONS

(a) The Applicant shall make a one-time contribution of \$5.00 per square foot of gross floor area approved on any site plan to the Town, towards offsite traffic improvements in the general vicinity of the Property. The contribution shall be allocated at the Town's discretion. The said amount shall be paid prior to the issuance of building/construction permits and shall be based upon actual square footage of the building which is the subject of said permit. The amount of the contribution will be adjusted annually from the date this document is fully executed to reflect changes in the Consumer Price Index for the Metropolitan Washington Statistical Area.

(b) The Applicant shall make a one-time contribution of \$0.10 per square foot of gross floor area approved on any site plan to the Town, to be distributed as determined by the Town to the Purcellville Volunteer Fire Department and Purcellville Volunteer Rescue Squad. The said amount shall be paid upon the issuance of building/construction permits and shall be based upon actual square footage of the building which is the subject of said permit. The amount of the contribution will be adjusted annually from the date this document is fully executed to reflect changes in the Consumer Price Index for the Metropolitan Washington Statistical Area.

5. SIGNATORY

The undersigned hereby warrant that all Applicants and Owners with a legal interest in the Property have signed this Proffer Statement, that they, together with all the others signing this document, have full authority to bind the Property to these conditions, and that the Proffers are entered into voluntarily and may be signed in counterparts.

[SIGNATURES TO APPEAR ON FOLLOWING PAGES]

CATOCTIN CORNER, LLC

By: [Signature], member

Title: Member

Date: 8-4-2010

COMMONWEALTH OF VIRIGIA

COUNTY OF Fairfax

I HEREBY CERTIFY THAT on this 4th day of August, 2010, before me, the subscriber, a Notary Public of the Commonwealth and County aforesaid, personally appeared Rogers Broot, known to me (or satisfactorily proven) to be the managing member of CATOCTIN CORNER, LLC who acknowledged the foregoing instrument for the purpose therein contained by signing, in my presence, his/her name as managing member of CATOCTIN CORNER, LLC.

Given under my hand and official seal, this 4th day of August, 2010

Joanne M. Cross
Notary Public



My Commission Expires:

9679701_v1

Mayor
Robert W. Lazaro, Jr.



Town Manager
Robert W. Lohr, Jr.

Council
Gregory W. Wagner
Christopher J. Walker, III
Thomas A. Priscilla, Jr.
James O. Wiley
Joan Lehr
J. Keith Melton, Jr.

Assistant Town Manager
J. Patrick Childs

130 E. Main Street
Purcellville, VA 20132
(540) 338-7421
Fax: (540) 338-6205
www.purcellvilleva.gov

**TOWN OF PURCELLVILLE
IN
LOUDOUN COUNTY, VIRGINIA**

RESOLUTION NO. 10-08-06

PRESENTED: August 10, 2010

ADOPTED: August 10, 2010

A Resolution: RECOMMENDING APPROVAL OF SUP09-02 THROUGH SUP09-07 SPECIAL USE PERMITS FOR CATOCTIN CORNER

WHEREAS, on February 9, 2009, Brent Campbell on behalf of Catoctin Corner, LLC submitted six special use permit applications to construct and operate the following uses: a 15,000 square foot drive through pharmacy, a 7,000 square foot restaurant, a 5,100 square foot bank with drive through, an automobile service station with 1500 square feet of convenience retail area located in a building with other retail uses, a 4,500 square foot drive through restaurant, and a 3,700 square foot drive through restaurant, all to be located on the property at 37994 W. Colonial Highway, Purcellville, Virginia; the property is further identified by Loudoun County Tax Map Numbers: 36/////18A1/ and 36/////18A2/ and PIN numbers: 452-18-7178-001 and 452-18-7178-002 These applications were submitted under Town of Purcellville Zoning Ordinance Article 4 Section 7.3.29.; and

WHEREAS, on March 10, 2010, Mr. Campbell submitted a revised special use permit plat and revised applications to construct and operate the following uses on the same property identified as 37994 W. Colonial Highway and further identified by Loudoun County Tax Map Number: 36/////18A2/ and PIN number: 452-18-7178-002 :

1. SUP09-02 for a 12,900 square foot drive through pharmacy,
2. SUP09-03 for a 7,000 square foot restaurant with possible retail,
3. SUP09-04 for a 3,300 square foot bank with drive through,
4. SUP09-05 for an automobile service station with 1,500 square feet of convenience retail area located in a building with other retail uses,
5. SUP09-06 for a restaurant over 4,000 square feet located in a building with other retail uses, and
6. SUP09-07 for a 3,700 square foot drive through restaurant; and

A Resolution: RECOMMENDING APPROVAL OF SUP09-02 THROUGH SUP09-07 SPECIAL USE PERMITS FOR CATOCTIN CORNER

WHEREAS, following required public notice, the Planning Commission held a public hearing on these applications on April 16, 2009 and another public hearing was held following the required public notice on April 15, 2010 for any applications which had significantly changed; and

WHEREAS, the Town Council held a public hearing on July 13, 2010 following the required public notice; and

WHEREAS, this Council finds that the uses proposed on the special use permit plat prepared by Bowman Consulting for Catoctin Corner and dated August 3, 2010 meet the general standards for special uses contained in Article 8, Section 2 of the Purcellville Zoning Ordinance and further finds that approval of such applications would be in the interest of the public necessity, convenience, general welfare and good zoning practice;

THEREFORE, BE IT RESOLVED that the Purcellville Town Council hereby approves SUP09-02 through SUP09-07, Special Use Permits for Catoctin Corner, LLC for the property located at 37994 W. Colonial Highway, Purcellville, Virginia, and further identified by Loudoun County Tax Map Number: 36/////18A2/ and PIN number: 452-18-7178-002 and subject to the following conditions imposed to protect the public health, safety, and welfare;

1. The Property subject to Special Use Permits SUP 09-02, SUP 09-03, SUP 09-04, SUP 09-05, SUP 09-06 and SUP 09-07 (the Special Use Permits) shall be developed in substantial conformance with the Special Use Permit Plat entitled "Catoctin Corner Special Use Permit Plat", prepared by Bowman Consulting dated August 3, 2010_ (included by reference as Exhibit A) (the "Plat"), as to each respective Special Use Permit Area, as shown on the Plat.

2. The required parking for each use shall be provided as required by the Zoning Ordinance, and at least 75% of the parking provided on the Property will be located either (1) at least 150 feet from the centerline of Route 7 or (2) located completely behind buildings located on the Property, with relation to the Route 7 frontage of the Property. In the event that the Property is subdivided such that the individual resulting lots do not meet the parking requirements of the Zoning Ordinance at the time of Town subdivision review, the Applicant will submit a shared parking agreement for review and approval by the Town Attorney and record the approved agreement among the land records of Loudoun County at the owner's expense prior to and as a condition of subdivision approval.

3. The "By-right retail" and "By-right Retail/Restaurant" uses shown in the Special Use Permit Plat Area for SUP 09-06 are illustrative; they are not required to be built as a condition of SUP 09-06, but illustrate what may be constructed therein by right, subject to requirements of the Zoning Ordinance and any proffered conditions affecting the Property.

A Resolution: RECOMMENDING APPROVAL OF SUP09-02 THROUGH SUP09-07 SPECIAL USE PERMITS FOR CATOCTIN CORNER

4. All buildings will carry architectural materials and finishes around all four sides of the respective buildings, as more specifically determined at Board of Architectural Review approval.

5. All individual restaurants on the Property will be limited to a maximum of 6,500 square feet of gross floor area each; however, the total aggregate area of restaurant uses on the site is not limited by this condition.

6. The Special Use Permits shall each be valid for a period of two years from the date of the final Special Use Permit approval by the Town Council and shall expire unless (1) extended by action of the Administrator in accordance with the Zoning Ordinance or (2) a site plan application is submitted to the Town for the subject property.

Passed this 10th day of August, 2010.

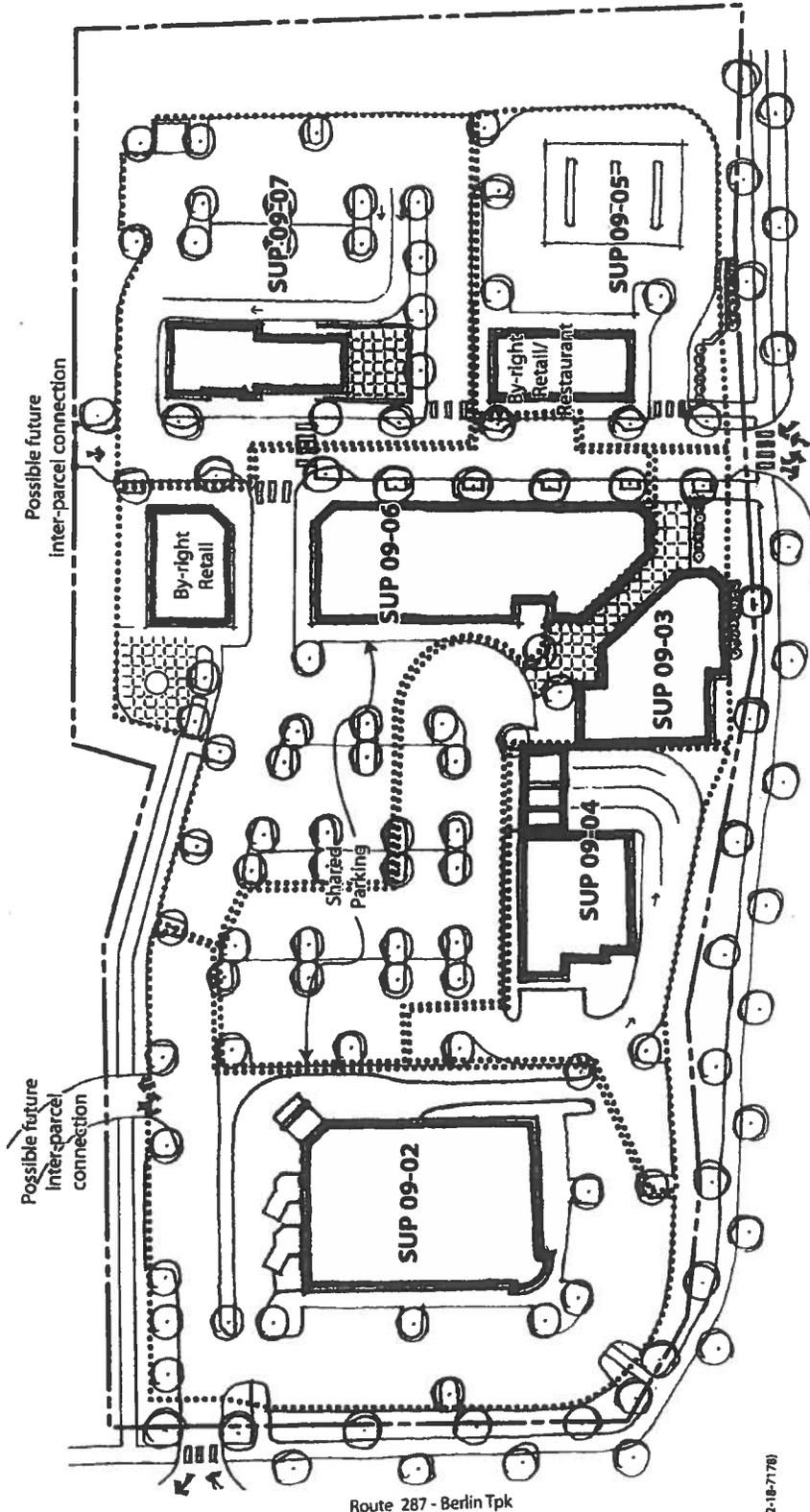


Robert W. Lazaro, Mayor

ATTEST:



Jennifer Helbert, Town Clerk



Business Route 7 - W. Colonial Hwy



Catocin Corner
 EXHIBIT A- SPECIAL USE PERMIT PLAT

TABULATIONS
 LCTM 36, PARCEL 1842 (PH: 432-18-7178)
 TOTAL ACRES: 6.53

PROPOSED SUP USES:	AREA (SF)	COEFFICIENT	SPACES
SUP 09-02	7,000 SF	0.024 FAR	35 SPACES
SUP 09-03	3,140 SF	0.005 FAR	8 SPACES
SUP 09-04	1,500 SF	0.013 FAR	72 SPACES
SUP 09-05	3,700 SF	0.030 FAR	43 SPACES
SUP 09-06	48,900 SF	0.172 FAR	247 SPACES
SUP 09-07			
PROPOSED NON SUP / BY-RIGHT USES:			
RETAIL			
TOTAL SITE:			

Date: August 3, 2010
 Scale: not to scale



CATOCTIN CORNER
Town of Purcellville
Special Use Permit
STATEMENT OF JUSTIFICATION
November 2, 2015
Revised: June 13, 2016

This Statement of Justification is submitted pursuant to Article 8, Section 1.4 of the Town of Purcellville Zoning Ordinance (“Zoning Ordinance”) in support of the request for a Special Use Permit to relocate an eating establishment with drive-through, that was approved by SUP 09-07, to the location shown on the attached Plat (“Plat”) titled Catoctin Corner, Drive-Through Facility, Special Use Permit, dated November 2, 2015 as revised through June 13, 2016, prepared by Bowman Consulting Group, Ltd., Leesburg, Virginia. The Property is zoned MC – Mixed Commercial and is subject to the proffers approved with RZ08-05.

The property subject to this application is owned by Purcellville Development, LLC, (“Applicant”), and is identified as Tax Map /36/////18A2/ - PIN: 452-18-7178 (“Property”).

LOCATION: The Property is located northeast of the intersection of Berlin Turnpike, State Route No. 287 and West Colonial Highway, Business Route No. 7. The property is adjoined by Patrick Henry College to the north and by the property of Patricia A. Dipalma-Kipper on the east.

ZONING AND USE: The Property is zoned MC – Mixed Commercial District.

PROPOSED USE: Purcellville Development LLC proposes to amend the special use permit approved August 10, 2010 (SUP 09-07), to relocate the Drive-through Facility from one land bay on the Property to another that has exposure to and access from Colonial Highway as depicted on the Plat.

CRITERIA FOR SPECIAL USE PERMIT: The proposed special use meets the criteria contained in Article 8 Section 1.4 (D) of the Town of Purcellville Zoning Ordinance to be addressed in this Special Use Permit application and the manner in which the criteria are either applicable or inapplicable by the proposed application.

1. Whether the proposed application is consistent with the comprehensive plan.

The proposed special use is consistent with the 2025 Comprehensive Plan by offering additional commercial development and increasing local revenue to the Town. It will enable the Town to meet the objectives of the Comprehensive Plan “To ensure the health, vitality and high quality of life for Purcellville, it is essential that the Town support economic development that provides local employment opportunities, needed services to residents, and fosters a healthy community and business environment.” (2025 Purcellville Comprehensive Plan, pg. 53, pp. 3).

2. Whether the proposed special use at the specified location will contribute to or promote the welfare and convenience of the public.

The location of the Property provides for convenient access from Berlin Turnpike, W.T. Druhan Jr Blvd., and West Colonial Highway as well as easy pedestrian access from Patrick Henry College to the north.

3. *Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.*

The approved commercial use is compatible with the other commercial uses approved for Catoctin Corner as well as other uses in the immediate area.

4. *Whether the level and impact of any noise or odor emanating from the site, including that generated by the proposed special use, negatively impacts the uses in the immediate area.*

It is not anticipated that there will be excessive noise or odor generated by the proposed use. However, in the event that any noise or odor is emanated from the site, it will not negatively impact any uses in the immediate area.

5. *Whether the proposed special use will result in the preservation or damage of any existing habitats, vegetation, topographic or physical, natural, scenic, archeological, or historic feature of significant importance.*

The Property does not contain topographic, physical, natural, scenic, archeological or any historic features of significant importance. Therefore, the proposed use will not result in damage to existing features.

6. *Whether the proposed special use will impact existing water quality or air quality.*

The proposed special use will not have a negative impact on existing water quality or air quality.

7. *Whether the traffic generated by the proposed use will be adequately and safely served by roads, pedestrian connections, and other transportation services.*

The traffic generated by the proposed use will be adequately and safely served by roads, pedestrian connections, and other transportation services. See the Traffic Impact Analysis, Catoctin Corner, Town of Purcellville, Virginia, prepared by Pennoni Associates, Inc., Chantilly, Virginia, dated August 27, 2014.

8. *Whether the proposed use will negatively impact orderly and safe road development and transportation in accordance with the comprehensive plan and all relevant transportation and corridor plans.*

The proposed use will not negatively impact orderly and safe road development and transportation in accordance with the comprehensive plan and all relevant transportation and corridor plans. See the Traffic Impact Analysis, Catoctin Corner, Town of Purcellville, Virginia, prepared by Pennoni Associates, Inc., Chantilly, Virginia, dated August 27, 2014.

9. *Whether the proposed use will be served adequately by essential public facilities and services.*

The property will be served by Purcellville public utilities which have ample capacity for this use.

10. *Whether, in the case of existing structures to be converted to uses requiring a special use permit, the existing structures can be converted in such a way that retains the character of the neighborhood in which the existing structures are located, especially when an application seeks to convert a building of historic significance.*

Not applicable.

11. Whether the proposed special use contributes to the economic development needs of the town.

Along with the other approved SUP uses in the Catoctin Corner development, the Drive-through Facility will contribute to the economic development goals and needs of the town.

12. Whether adequate on and off site infrastructure is available.

All necessary infrastructures shall be provided for through the development of the property.

13. Whether the proposed special use illustrates sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and schools.

All construction traffic will access major arterial roads and will not traverse any residential neighborhoods. Road improvements will comply with VDOT regulations and will be made in such a way as to minimize any impact on the existing traffic patterns.

CONCLUSION

As noted above, the use which the applicant seeks to relocate, Drive-through Facility, was approved in 2010 in application SUP 09-07. In the application which the previous owner submitted, the appropriateness of the use in this center was demonstrated. In this application, the applicant is seeking to relocate the use on the site. The proposed location will provide more visual exposure for the site which is essential for the success of such eating establishments and will provide greater ease of access for its customers. The

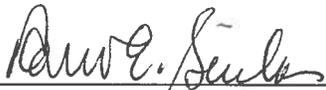
Drive-through Facility will be developed consistent with and subject to the proffers approved with RZ 08-05 and the conditions approved with SUP 09-07. The applicant respectfully submits that all land use issues and impacts have been addressed and resolved in the previous application. The change of location will serve the convenience, safety and best interests of the public, the Town and the applicant. The change of location will have no negative impacts.

For the reasons stated, the applicant respectfully requests that the Town approve this application to relocate the Drive-through Facility.

Respectfully Submitted,

PURCELLVILLE DEVELOPMENT, LLC

By: Counsel



Robert E. Sevilla
Sevila, Saunders, Huddleston & White, P.C.
30 North King Street, P.O. Box 678
Leesburg, Virginia 20178-0678
(703) 777-5700
FAX (703) 771-4161
Counsel for Applicant

CATOCTIN CORNER

DRIVE-THROUGH FACILITY SPECIAL USE PERMIT (SUP 15-02)

BLUE RIDGE DISTRICT TOWN OF PURCELLVILLE, VIRGINIA

GENERAL NOTES

1. THE BOUNDARY INFORMATION SHOWN HEREON WAS TAKEN FROM EXISTING RECORDS. THE PROPERTY CAN BE FOUND AS RECORDED UNDER INSTRUMENT NUMBER 20061117-0096716 AMONG THE LAND RECORDS OF LOUDOUN COUNTY, VIRGINIA.
2. THIS PROJECT CONSISTS OF A SPECIAL USE PERMIT FOR A DRIVE-THROUGH FACILITY COMPRISING 0.53 AC. OF THE 6.53 AC. CATOCTIN CORNER SITE. THIS SUP IS A REVISION TO PREVIOUSLY APPROVED SUP 09-07.
3. THIS SUBJECT PROPERTY, PARCEL PIN# 452-18-7178, IS CURRENTLY ZONED MC IN ACCORDANCE WITH THE TOWN OF PURCELLVILLE ZONING ORDINANCE.
4. EXISTING IMPROVEMENTS SHOWN HEREON WERE TAKEN FROM FIELD SURVEY AND THE FOLLOWING PLANS):
 - A. SOUTHERN COLLECTOR ROAD, VDOT-U000-286-R45, DATED MARCH 26, 2012, BY KIMLEY-HORN AND ASSOCIATES, INC.
 - B. PURCELLVILLE GATEWAY (AS-BUILT), TP08-14A, DATED APRIL 12, 2012, BY WALTER L. PHILLIPS, INC.
 - C. CATOCTIN CORNER ROUGH GRADING AND STOCKPILE PLAN, TP14-10, DATED JULY 8, 2015, BY J2 ENGINEERS, INC.
 - D. CATOCTIN CORNER FRONTAGE IMPROVEMENTS PLAN, TP 13-02, DATED 08/31/15, BY BOWMAN CONSULTING GROUP.



VICINITY MAP
SCALE: 1" = 1000'

APPLICANT/OWNER
PURCELLVILLE DEVELOPMENT, LLC
 c/o WILLIAM B. HOLTZMAN
 P.O. BOX 8
 MOUNT JACKSON, VA 22842
 PHONE: 540-477-2686

SHEET INDEX

- 1 COVER SHEET
- 2 PROJECT CONTEXT MAP
- 3 FIRE TRUCK CIRCULATION MAP
- 4 CONCEPT PLAN

Bowman
CONSULTING

Bowman Consulting Group, Ltd.
 101 South Street, S. E.
 Leesburg, Virginia 20175
 Phone: (703) 443-2400
 Fax: (703) 443-2425
 www.bowmanconsulting.com

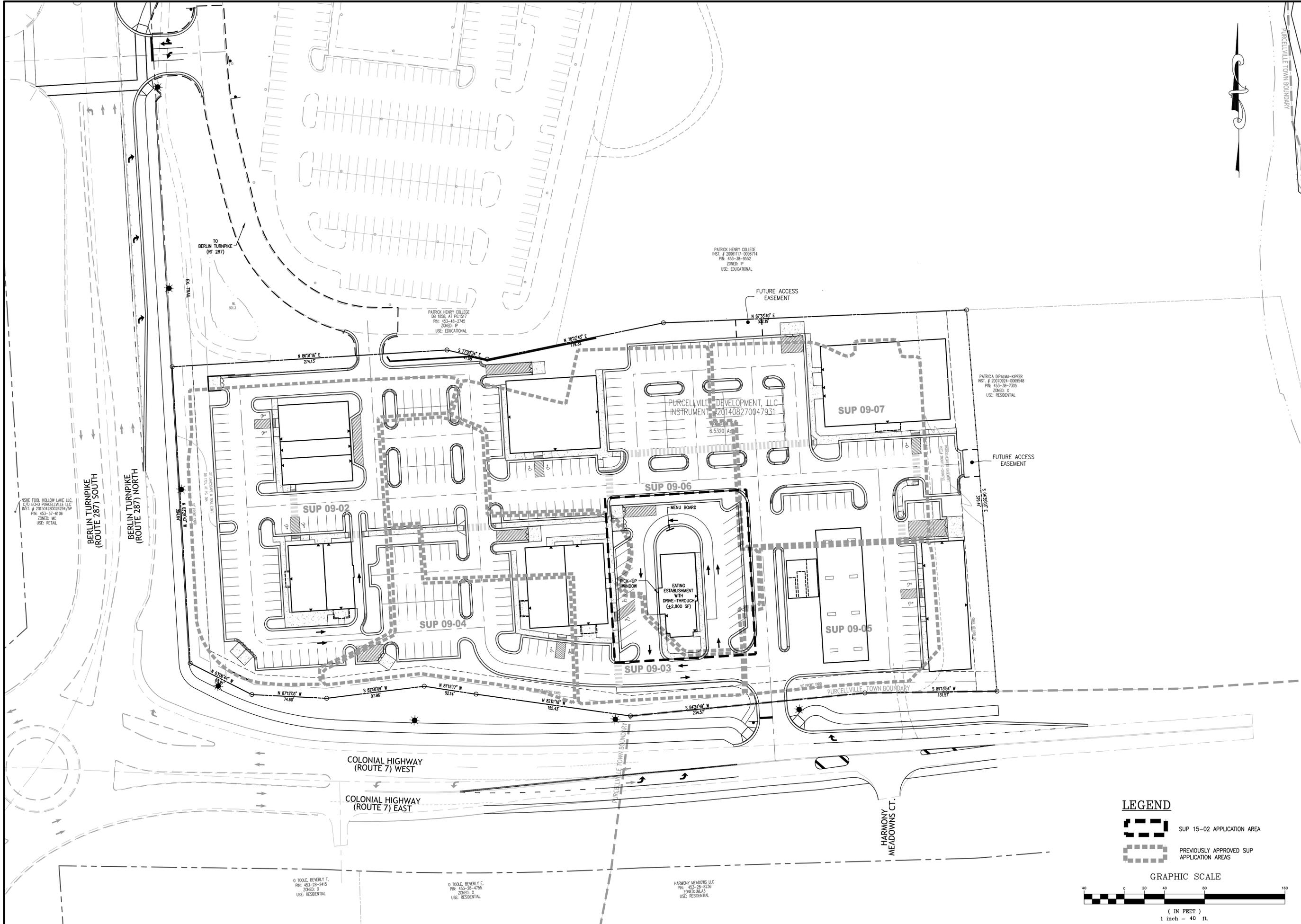
COVER SHEET
CATOCTIN CORNER
 DRIVE-THROUGH FACILITY
 SPECIAL USE PERMIT
 BLUE RIDGE ELECTION DISTRICT TOWN OF PURCELLVILLE, VIRGINIA

PLAN STATUS	
3/04/16	REV. PER STAFF COM
5/05/16	REV. PER STAFF COM
6/13/16	REV. PER STAFF COM

DATE	DESCRIPTION
JAE DESIGN	JAE DRAWN
	CMM CHKD
SCALE	H: AS NOTED
	V:

JOB No. 5203-02-001
 DATE NOVEMBER 2, 2015
 FILE No. 5203-D-ZP-002

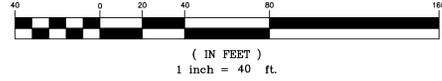
SHEET 1 of 4



LEGEND

- SUP 15-02 APPLICATION AREA
- PREVIOUSLY APPROVED SUP APPLICATION AREAS

GRAPHIC SCALE



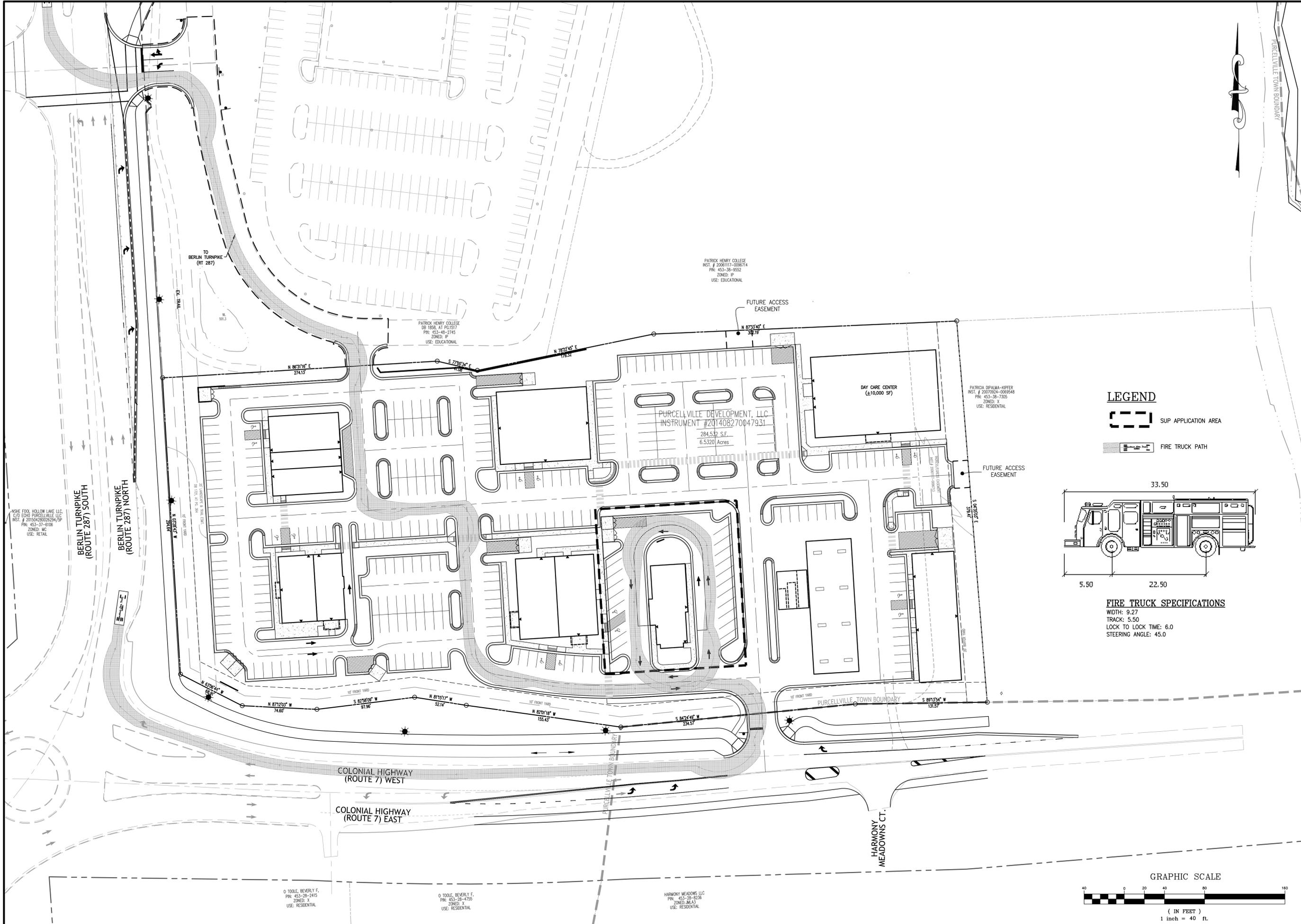
Bowman Consulting Group, Ltd.
101 South Street, S. E.
Leeburg, Virginia 20175
Phone: (703) 443-2400
Fax: (703) 443-2425
www.bowmanconsulting.com

PROJECT CONTEXT MAP
CATOCTIN CORNER
DRIVE-THROUGH FACILITY
SPECIAL USE PERMIT
BLUE RIDGE ELECTION DISTRICT TOWN OF PURCELLVILLE, VIRGINIA

PLAN STATUS	
3/04/16	REV. PER STAFF COM
5/05/16	REV. PER STAFF COM
6/13/16	REV. PER STAFF COM

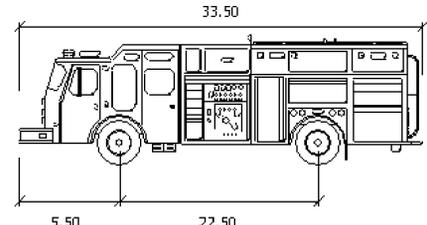
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JAE	JAE
DESIGN	DRAWN
SCALE	AS NOTED

JOB No. 5203-02-001
DATE NOVEMBER 2, 2015
FILE No. 5203-D-ZP-002

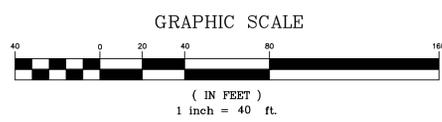


LEGEND

- SUP APPLICATION AREA
- FIRE TRUCK PATH



FIRE TRUCK SPECIFICATIONS
 WIDTH: 9.27
 TRACK: 5.50
 LOCK TO LOCK TIME: 6.0
 STEERING ANGLE: 45.0



Bowman Consulting Group, Ltd.
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 Leesburg, Virginia 20175
 Phone: (703) 443-2400
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FIRE TRUCK CIRCULATION MAP
CATOCTIN CORNER
 DRIVE-THROUGH FACILITY
 SPECIAL USE PERMIT
 BLUE RIDGE ELECTION DISTRICT TOWN OF PURCELLVILLE, VIRGINIA

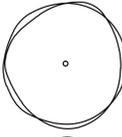
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5/05/16	REV. PER STAFF COM
6/13/16	REV. PER STAFF COM

DATE	DESCRIPTION
JAE	JAE
DESIGN	DRAWN
SCALE	H: AS NOTED
	V:

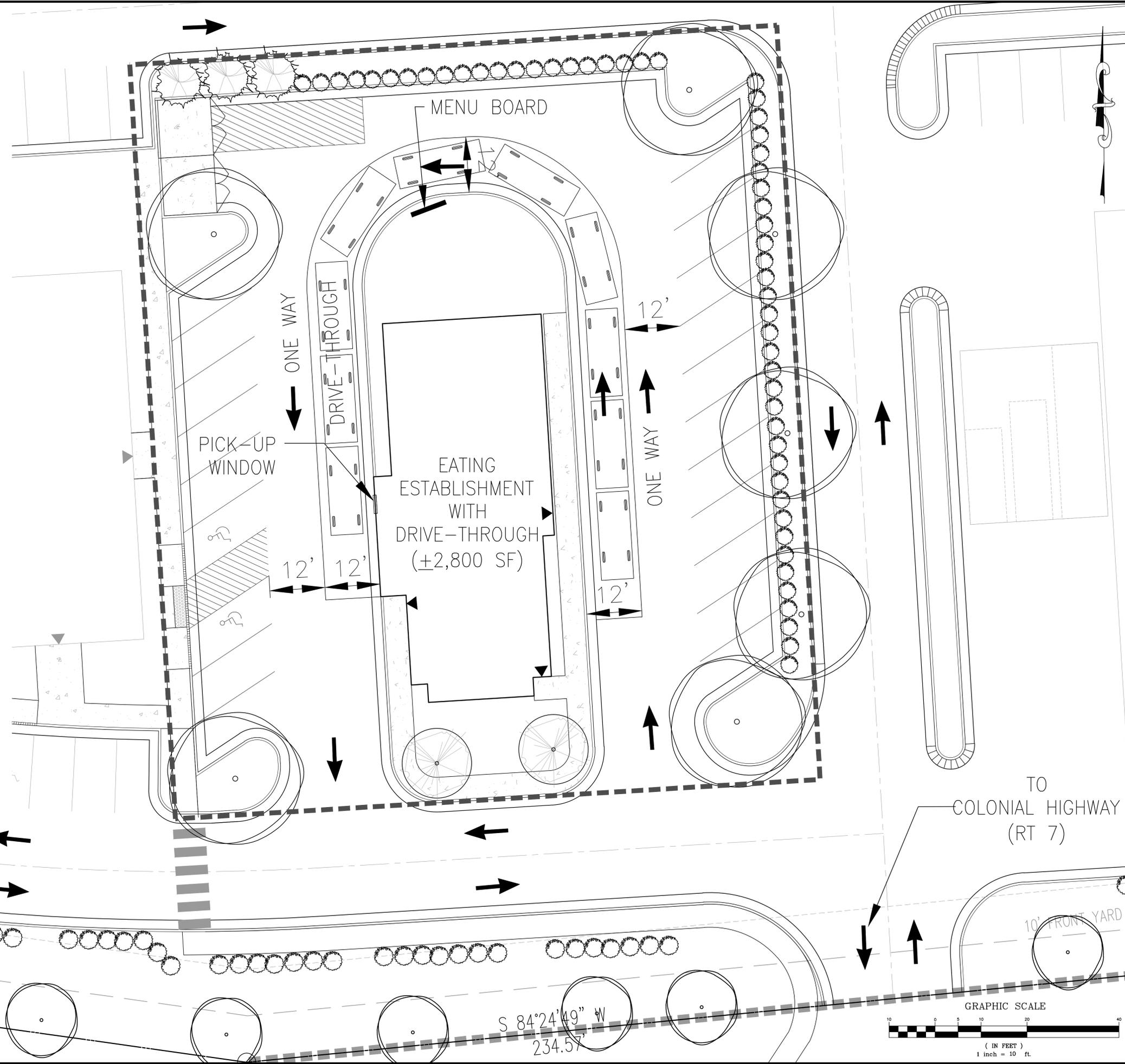
JOB No. 5203-02-001
 DATE NOVEMBER 2, 2015
 FILE No. 5203-D-ZP-002

Code file name: \\c:\pds\view_projects\5203 - Catoctin Corner Gas & Convenience Store\Planning\Final Fire Truck Circulation Map.dwg
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 Date: 11/2/2015 10:58:11 AM

LEGEND

-  SUP APPLICATION AREA
-  CANOPY TREE
-  UNDERSTORY TREE
-  EVERGREEN TREE
-  SHRUB
-  TYPICAL PASSENGER CAR
-  DOOR LOCATION
-  DUMPSTER PAD LOCATION

ZONING TABULATIONS		
Property Area: 6.53 Ac		
SUP Area: 0.53 Ac		
Town of Purcellville Zone: MC (Mixed Commercial) District		
Use: Eating Establishment With Drive-Through		
	Required	Proposed
Minimum Lot Requirements:		
Area:	20,000 SF	284,447 SF
Width:	100'	325'
Depth:	150'	800'
Street Frontage:	50'	1,100'
Minimum Yard Requirements:		
Front:	10'	10'
	15' (Res.)	
Side:	0'	0'
	40' (Res.)	
Rear:	20'	20'
Building Requirements:		
Maximum Height:	45'	45' Max.
Maximum Lot Coverage:	40%	40%
Maximum FAR:	0.6	0.14
Drive-Through Tabulations:		
Minimum Distance from Residential Lot:	100'	>100'
Drive-through aisle widths	12' Min. on curves 11' Min. on straight sections	12' Min. on curves 12' Min. on straight sections
Minimum stacking behind drive-through menu board	6 Cars	6 Cars
Parking	Determined by User	21 spaces



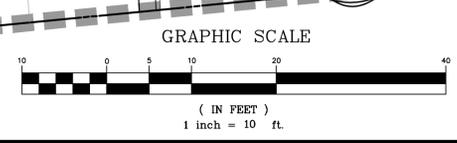
Bowman
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CONCEPT PLAN
CATOCTIN CORNER
DRIVE-THROUGH FACILITY
SPECIAL USE PERMIT
BLUE RIDGE ELECTION DISTRICT TOWN OF PURCELLVILLE, VIRGINIA

PLAN STATUS	
3/04/16	REV. PER STAFF COM
5/05/16	REV. PER STAFF COM
6/13/16	REV. PER STAFF COM

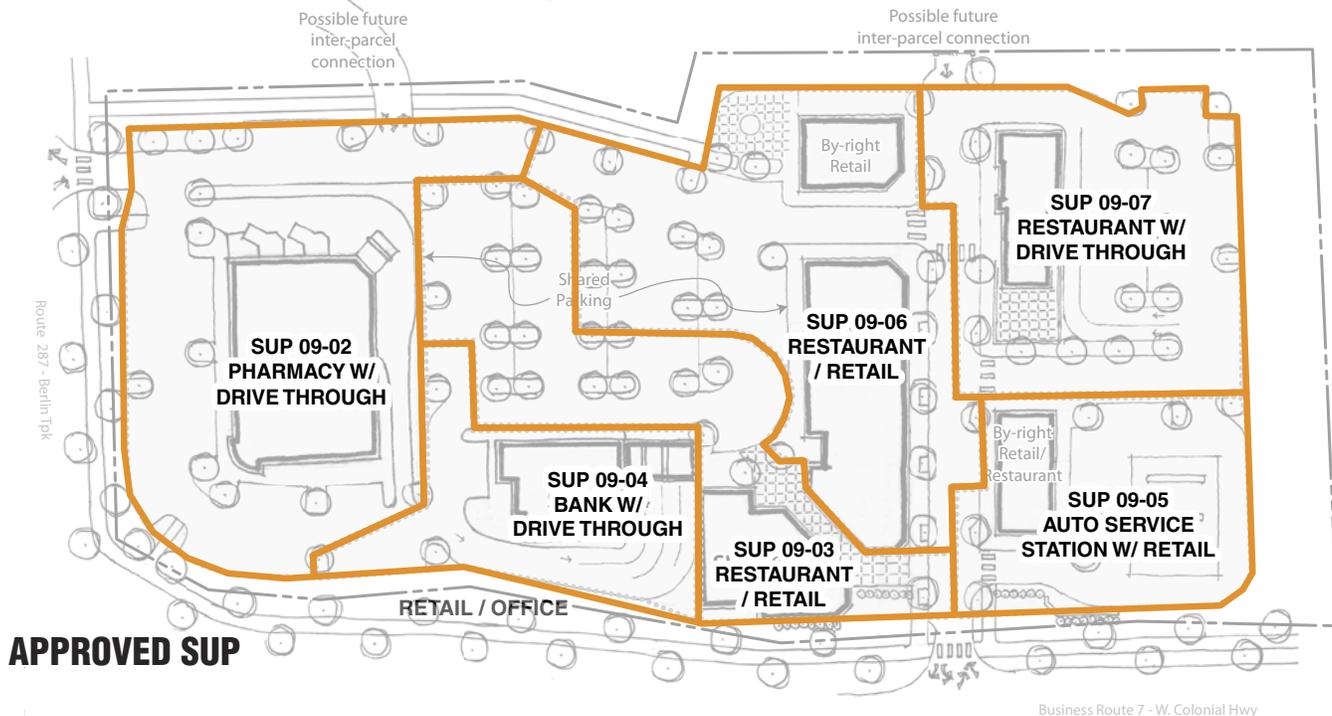
DATE	DESCRIPTION
JAE	JAE
DESIGN	DRAWN
SCALE	AS NOTED
JOB No. 5203-02-001	
DATE NOVEMBER 2, 2015	
FILE No. 5203-D-ZP-002	
SHEET 4 of 4	



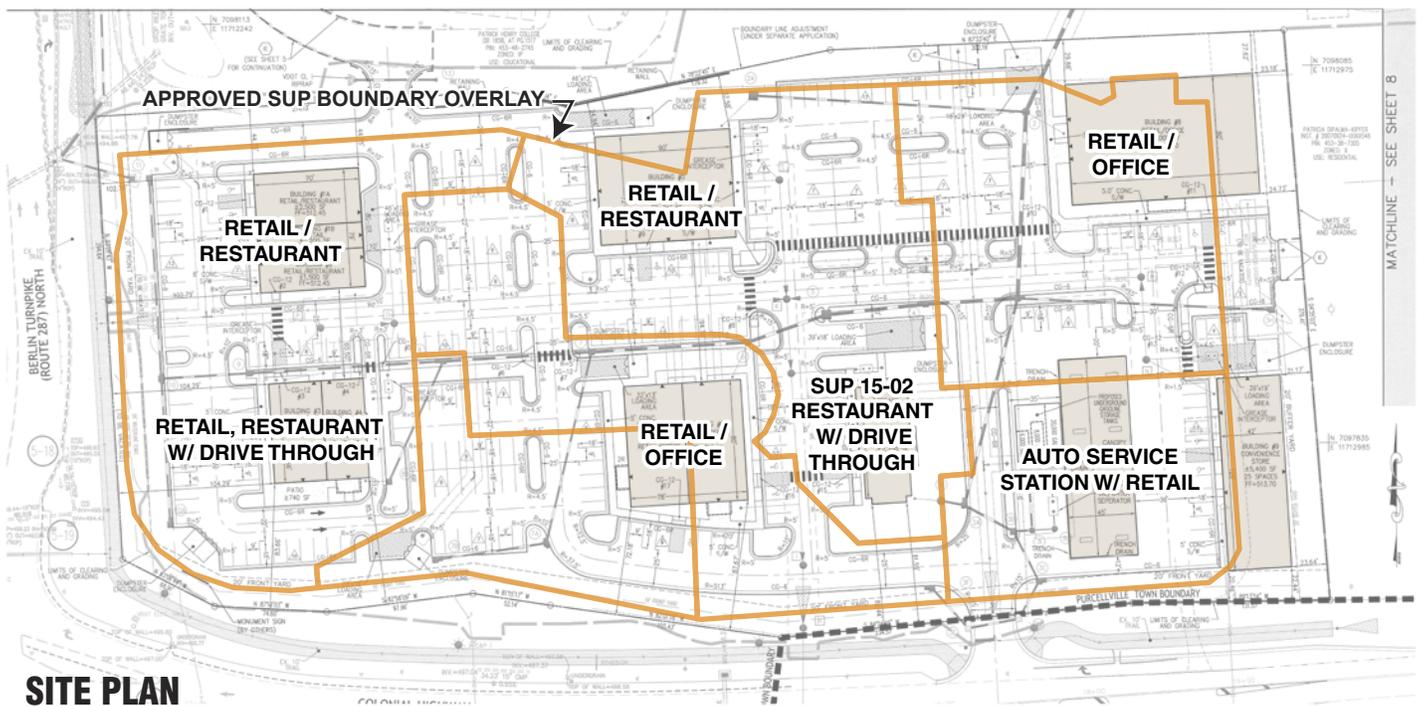
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N 82°01'18" W
155.43'

S 84°24'49" W
234.57'

Grid file name: \C:\pds\view_projects\5203 - Catoctin Corner Gas & Convenience Store\Planning\Facility - Catoctin Corner Gas & Convenience Store\Planning\Facility - Catoctin Corner Gas & Convenience Store\Sheet\Sheet01.dwg



APPROVED SUP



SITE PLAN

SUP COMPARISON TABLE

	APPROVED SUP USES	SITE PLAN TP 15-08 & SUP 15-02 USES	NOTES
SUP 09-02	PHARMACY W/ DRIVE THROUGH	RESTAURANT W/ DRIVE THROUGH	SUP REVISED
SUP 09-03	RESTAURANT / RETAIL	RETAIL/OFFICE	SUP REMOVED
SUP 09-04	BANK W/ DRIVE THROUGH	NONE	SUP REMOVED
SUP 09-05	AUTO SERVICE STATION W/RETAIL	AUTO SERVICE STATION W/RETAIL	NO CHANGE
SUP 09-06	RESTAURANT / RETAIL	RESTAURANT/RETAIL	NO CHANGE
SUP 09-07	RESTAURANT W/ DRIVE THROUGH	RESTAURANT W/ DRIVE THROUGH RETAIL/OFFICE	SUP 15-02 ADDED SUP REMOVED
CHANGE			2 SUP'S REMOVED

CATOCTIN CORNER

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STAFF REPORT
INFORMATION ITEM

Item # 10c

SUBJECT: Status of Priority Work Items

DATE OF MEETING: July 21, 2016

STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

SUMMARY:

During the Planning Commission’s previous discussion of project prioritization, Chairman McCollum suggested that staff provide a regular update for the Commission on the status of priority work items. This report briefly summarizes any updates on these items since the previous Planning Commission meeting.

1. Comprehensive Plan Update – The third round of public engagement has ended. Staff and the consultant team are currently working to finalize draft reports covering the previous six months of the update process. The Planning Commission will begin reviewing and discussing these reports at the July 21 work session.
2. Floodplain Regulations – A draft amendment was created and submitted to the Virginia Department of Conservation and Recreation (DCR) for review. DCR has replied with comments to be addressed.
3. Civil Penalties – No change.
4. Sign Regulations – No change.
5. Accessory Dwelling Standards – No change.
6. Other Items
 - a. *Stream and Creek Buffer Zoning Ordinance Text Amendment* – The Planning Commission’s proposed amendment is scheduled for a public hearing on August 4th.
 - b. *SUP15-02* – A public hearing on this special use permit application to authorize the relocation of a Drive-Through Facility within the Catoctin Corner development is scheduled before the Planning Commission on August 4th.

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MINUTES
PLANNING COMMISSION REGULAR MEETING
JUNE 16, 2016, 7:00 PM
TOWN HALL COUNCIL CHAMBERS

The Regular Meeting of the Purcellville Planning Commission convened at 7:00 PM in Council Chambers and the following attended:

PRESENT: Doug McCollum, Chairman
Chip Paciulli, Planning Commissioner
Tip Stinnette, Planning Commissioner
Chris Bledsoe, Planning Commissioner
EJ Van Istendal, Planning Commissioner

ABSENT: Theresa Stein, Vice Chair
Nedim Ogelman, Planning Commissioner

STAFF: Daniel Galindo, Senior Planner

CALL TO ORDER AND PLEDGE OF ALLEGIANCE:

The regular meeting of the Planning Commission was called to order by Chairman McCollum at 7:00 PM. The Pledge of Allegiance followed.

AGENDA AMENDMENTS:

Staff had no amendments.

Chairman McCollum referenced the Supplemental Agenda that was emailed to the Commissioners.

Commissioner Bledsoe requested the addition of two items: The cost of a water bill insert and the status and schedule for comprehensive plan review input. Chairman McCollum approved both items as discussion items.

COMMISSIONER DISCLOSURES:

None

PUBLIC HEARINGS:

None

PRESENTATIONS:

None

DISCUSSION ITEMS:

a. Stream and Creek Buffer Zoning Text Amendment

Commissioner Paciulli stated he met with Patrick Sullivan and understood his view on the subject, and feels the major difference is the requirement for special exceptions. Commissioner Paciulli added that he would like for the Commission to send this forward, and asked the Commissioners for feedback on the two options.

Commissioner Stinnette stated that the Commissioners should select one of the two instead of sending both forward, and talked about the differences. Commissioner Stinnette added he supports the staff's position, and Commissioner Paciulli stated he is fine with moving forward with the staff's position.

Commissioner Bledsoe stated he is fine with the staff's position.

Commissioner Van Istendal stated he feels the staff's position provides the bulk of the information and addresses the issues in question.

Chairman McCollum made a motion that the Planning Commission move the staff's recommended amendment forward for a public hearing. The motion passed unanimously with two absent.

Commissioner Van Istendal summarized the item since a Town Council member joined the meeting.

b. C-4 Height Standards Zoning Text Amendment

Commissioner Paciulli summarized the staff report and, referencing page 114 of the comprehensive plan, talked about new buildings being designed and constructed to be compatible with adjacent buildings. Commissioner Paciulli talked about the wording for the C-4 district that was provided by Daniel Galindo in the agenda packet and added that it supports his thoughts. Commissioner Paciulli reviewed his edits under Section 9.8, Height Standards and other edits throughout the document as noted in the staff report. He then suggested that the Commission move forward with the changes.

Chairman McCollum asked about the ordinance in Municode as referenced in the staff report. Daniel Galindo clarified that the height standards in the ordinance that is online are incorrect. Chairman McCollum asked Commissioner Paciulli what his objective is or the issue he is trying to address. Commissioner Paciulli stated he is trying to leave the

character of downtown as it is built or as the comprehensive plan calls for, and he feels the proposed adjustments address this.

Commissioner Stinnette proposed leaving the language as is in the new paragraph four in regards to the water tower. Commissioner Paciulli agreed. Commissioner Stinnette added he would also leave paragraph 5, delete paragraph 3 and clarify the wording in paragraph 2 so that it is more intent driven.

Commissioner Van Istendal suggested that a surveyor come out and get a measurement so that the information is available at the public hearing. Chairman McCollum noted that several Commissioners would like to see the revised text from staff to determine further review or public hearing. Commissioner Stinnette added that the Planning Commission should provide input to staff on how to clean up paragraphs two and three with possible consolidation for the Commissioners review.

Further discussion took place about the number of items being discussed and the amount of staff work involved. Commissioner Stinnette added that the comprehensive plan has been and should be the number one priority, and agrees with the top five priorities as noted in the staff report. Commissioner Van Istendal agreed with the comprehensive plan being the priority and suggesting moving Accessory Dwelling Standards to before Civil Penalties since the issue was brought up a couple of years ago by a resident.

Commissioner Paciulli suggested leaving a subcommittee in place to look at the items.

c. Prioritization of Projects

Dan Galindo talked about the projects on the list, staff's schedule and turnaround time. Commissioner Stinnette requested a comprehensive listing of projects and confirmed with Commissioner Paciulli that the priority items fall under six and seven in the staff report. Commissioner Stinnette suggested taking items six, seven and eight as a group and prioritizing those activities and provide the Commission's intent to staff while staff is working on items one through five.

Commissioner Paciulli asked for permission to work on the four items as part of a committee and then bring it to the Commission.

Commissioner Stinnette summarized that the Commissioners agree that the top five items are the priority and that Commissioner Paciulli will continue to move forward with the items and the remaining items are to be prioritized. Daniel Galindo suggested that Commissioner Paciulli or a subcommittee work on items six and seven to start. Chairman McCollum suggested that after July 1st the Planning Commission have an agenda item that provides an update on the priority items.

d. Update of Planning Commission Ordinance

Commissioner Stinnette asked about contracts with consultants in section 2-338 and asked why it was included. Daniel Galindo noted that a lot of state planning statutes are based on the same model where Planning Commissioners had more authority, and that the section could remain or be struck. Chairman McCollum added that the statutory references are incorrect and need modified to reflect the current code.

e. Cost of Water Bill Insert

Daniel Galindo stated that there is an option to include something in the August issue of the Purcellville Post but not for an individual mailing. The October billing could be an option for an individual insert. Daniel Galindo added that the cost for a color, duplex print would be approximately \$325.

Daniel Galindo noted that the visioning exercise closes Friday and that a small Facebook ad was bought to promote the previous posts.

ACTION ITEMS:

None

INFORMATION ITEMS:

None

CITIZEN COMMENTS:

Kelli Grim, Council member and resident of 812 Devonshire Circle, came forward and stated that the last mailer in the water bill that went out was about the Wine Festival and Solarizing and that the fliers were in color and one-sided which left space for other items. Ms. Grim stated that the majority of Council has a list of items that citizens have directed them to handle, and thanked Mr. Paciulli for his aggressiveness with the issues which have captured the majority of those. Ms. Grim stated she attended a law seminar where the proffer law was discussed and stated the Planning Commission, staff and new Council need to be up to speed on it. Ms. Grim added the height limits in the C-4 are not just a 21st Street issue but carry throughout the district, including Hatcher. Ms. Grim referenced the most recent citizen survey and the strong input received compared to the previous survey which was not mailed to residents. Ms. Grim talked about the online visioning exercise and the number of responses and talked about it being printable for citizens that do not have computer access.

Daniel Galindo stated in response that the guiding principles is the same document that was available the evening of the work shop and that the development scenarios are online but not in printable form because the large maps would have to be reformatted for small pages.

Commissioner Stinnette stated he provided a proposal that provided targets on outreach and expressed concerns for the counting and reporting methods. Commissioner Stinnette requested that Daniel bring all of the numbers to the next meeting for review and discussion in order to set targets.

CHAIRMAN’S COMMENTS & COUNCIL REPRESENTATIVE’S REPORT:

Chairman McCollum reminded the Commissioners that the July 7th meeting has been canceled due to lack of quorum. Chairman McCollum stated that he attended the PBA luncheon this week where representatives from Mayfair and Catocin Corner provided updates on their developments. Chairman McCollum stated the meeting tonight was his last meeting on the Planning Commission as council liaison and that he has served since 2010. He thanked the Commissioners for their support.

PLANNING COMMISSIONERS’ COMMENTS:

Commissioner Paciulli thanked Chairman McCollum for his work.

Commissioner Van Istendal talked about the AT&T project at Short Hill Mountain and the 3 acre building and stated that the application has been withdrawn; however, it could be resubmitted with changes.

Commissioner Bledsoe expressed appreciation to Chairman McCollum for leading the Planning Commission, and he thanked the other Planning Commissioners and staff for their work as this may be his final meeting. Commissioner Bledsoe talked about the importance of the planning commission certification.

Commissioner Paciulli requested that in the appointment letters to Planning Commissioners that something be added so that members know about the certification.

APPROVAL OF MINUTES:

a) June 2, 2016 Regular Meeting

Commissioner Stinnette noted that on page 12 of the packet under the meeting minutes a sentence attributed to Ms. Grim is not clear and asked that it be revised.

Commissioner Paciulli requested that on page one under amendments that his comment be edited to read as “Commissioner Paciulli stated he would like to discuss Building Heights in the Historic Town District.”

Chairman McCollum requested that Ms. Grim revise her comments and submit them for the minutes.

Commissioner Bledsoe made a motion that the Planning Commission approve the minutes of the June 2, 2016 subject to the revision and clarification under citizen comments from Ms. Grim and waive further reading of the minutes. The motion was seconded by Commissioner Van Istendal and approved unanimously with two absent.

ADJOURNMENT:

With no further business, Commissioner Bledsoe made a motion to adjourn the meeting at 8:52 PM. The motion was seconded by Commissioner Van Istendal and passed unanimously.

Doug McCollum, Chairman

Diana Hays, Town Clerk