

**MINUTES
PLANNING COMMISSION REGULAR MEETING
AUGUST 4, 2016, 7:00 PM
TOWN HALL COUNCIL CHAMBERS**

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

PRESENT: Theresa Stein, Chairwoman
Chip Paciulli, Planning Commissioner
Tip Stinnette, Planning Commissioner
EJ Van Istendal, Planning Commissioner
Kelli Grim, Planning Commissioner and Council Liaison

ABSENT: David Estey, Planning Commissioner

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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE:

The regular meeting of the Planning Commission was called to order by Theresa Stein, Chairwoman, at 7:00 PM. The Pledge of Allegiance followed.

AGENDA AMENDMENTS:

None

COMMISSIONER DISCLOSURES

None

PUBLIC HEARINGS

- a) SUP15-02 – Catoctin Corner Drive-through Facility

Theresa Stein, Chairwoman, opened the Public Hearing at 7:04 PM and granted speakers five minutes.

Patti DiPalma Kipfer, 38038 W. Colonial Hwy., came forward and stated she had been properly notified of the public hearing and read and submitted her comments for the record.

Chairwoman Stein stated there had been some question as to whether there was appropriate public hearing notice and stated that the public hearing has been extended to August 18, 2016 at 7:00 PM at Town Hall.

Commissioner Van Istendal made a motion to extend the Public Hearing to August 18, 2016, at 7:00 PM at Town Hall. The motion was seconded by Commissioner Stinnette and approved unanimously with one absent.

Motion:	Commissioner Van Istendal
Second:	Commissioner Stinnette
Carried:	5-0-1 Absent

PRESENTATIONS

None

DISCUSSION ITEMS

- a) SUP15-02 – Catocin Corner Drive-through Facility

Dan Galindo summarized the application which is to relocate a previously approved drive-through facility approved as SUP09-07 and added that application located the drive-through in the northeast corner of the site and is being proposed to be moved from the northeast location to a more southern central location closer to Business 7/Colonial Highway. Mr. Galindo added that the original approval was for a 3,700 square foot drive through restaurant and when submitted the language in the zoning ordinance remained the same regarding the listing of that use. After the Town passed the text amendment late last year, the use that is now listed as a special use permit in the MC district is strictly listed as a drive through facility, and the application is really about whether or not the restaurant that is allowed by-right in the southern central portion of the property can have a drive-through facility or not.

As noted in the staff report, Dan Galindo stated he agrees with what the applicants have included in the application however one item of concern is the southern driveway into the overall site off Colonial Hwy. is in close proximity of the other internal driveway which parallels Colonial Hwy. Dan Galindo added the Town has received a rezoning application for the O'Toole property which is located directly south from the Catocin Corner site and that none of the various entries into the different places are aligned nor can they easily be given the current property lines. Dan Galindo stated his recommendation would be for the Planning Commission recommend to Council to approve the application with the condition that at a minimum the intersection of the two internal driveways is closed off and noted the optional option to the motion regarding the ingress/egress.

Bob Sevila, 414 Mosby Highway/applicant's representative, came forward and stated that this was their third and final submission which includes solutions to the issues in the application. Mr. Sevila stated it is their preference to maintain the existing proposed entrance with access to the drive-through off of the entrance and that VDOT has approved it and it has been bonded. Mr. Sevila added he would come back at the August 18th meeting since the Public Hearing will continue then and will have more materials on the entrance and the front facade.

Patricia DiPalma-Kipfer, 38038 W. Colonial Highway, asked Daniel Galindo to repeat his comments on how he would like to see this changed in regards to north, east, etc. Dan Galindo restated his comments and showed the location of concern on a visual and stated that the left portion of the intersection just inside the site are where he would make changes. Mr. Galindo stated his recommendation would be to close that off so that there are two remaining alternatives that are mentioned in the staff report – the traffic can flow up and around or the site can be flipped and the entrances and exits in and out of the site would be through the east/west driveway.

Further discussion took place on the subdivision across the street, width of driving lanes, community engagement, traffic study, parking analysis at Purcellville Gateway after completion of project, and the timeline of the SUP.

Commissioner Grim noted that the traffic study talks about the entrance and the conflicts with the subdivision. The representative stated the striping has been removed and there is still separation for vehicles to get through without it which is shown on the current site plan as well as the other five items in question. Commissioner Grim compared similarities between this development and McDonalds and Purcellville Gateway. Discussion took place on the buffer between the center and the residence and that the easement is either vacated or will be vacated with the site plan.

Chairwoman Stein strongly encouraged the applicant to look at an alternative location for the drive-through entrances and would like to review those at the August 18th meeting and requested to see the elevation plan at that time.

Commissioner Paciulli talked expressed concerns with the location of the dumpster enclosure.

Commissioner Stinnette requested to see alternate traffic flows at the August 18th meeting if possible.

ACTION ITEMS:

None

INFORMATION ITEMS:

a) Status of Priority Work Items

Dan Galindo stated he added the legislative application section as requested but had nothing else to add that wasn't already in the staff report.

Commissioner Paciulli asked about the proposals for zoning ordinance changes, and stated he went to the Council meeting and attempted to raise the issue that the items are outstanding however does not know if the item went anywhere. Commissioner Grim explained that the stop on the item came from the Town Manager when the item was about to go to a public hearing without Council having received any information about it. Commissioner Grim noted she and another Council member are concerned with the internalized process of things happening without Council's knowledge, and that Council will discuss this further in the September strategic planning session.

Chairwoman Stein talked about attending the strategic planning session and talking with Council about what they would like to propose as well as to receive direction on moving forward.

CITIZEN COMMENTS:

Chairwoman Stein granted speakers three minutes.

Patricia DiPalma-Kipfer, 38038 W. Colonial Hwy., referenced page 2 of 4 of the site plan that shows the 50 ft. easement that is included and has not seen anything stating that it was ok to change it. Ms. DiPalma-Kipfer stated her 3 acre property was annexed into the Town in December 2008 by a Town initiated annexation along with Catoctin Corner and Patrick Henry College. Ms. Kipfer stated that although her property has been zoned transition x with a land use designation of mixed use commercial, it has never been put on the land use map and hopes it will be during this comprehensive plan review. Ms. Kipfer stated it has been the perception of the previous Town Council and Planning Commission that she wanted to be the developer, and stated she is a residential property owner and not the developer and is not part of an HOA and does not have the support of people that are. Ms. Kipfer added that meetings should always include the resident whose property is impacted by the development and should ensure the best outcome for all involved to avoid litigation.

COUNCIL REPRESENTATIVE'S REPORT:

Commissioner Grim stated that at the last Town Council Meeting Council initiated the Real Parties of Interest Disclosure policy that will come forward in September.

Commissioner Grim stated it is important that the Planning Commissioners attend Council's strategic planning session in September or provide a report on ideas or challenges they would like to see addressed.

CHAIRWOMAN'S COMMENTS:

Chairwoman Stein stated that Loudoun County is holding a training session for their Planning Commissioner's and is working with the Planning Office to see if the Town may be able to attend.

PLANNING COMMISSIONERS COMMENTS:

Commissioner Van Istendal stated he is sensing a lack of buy-in from the community on the Catoctin Corner project and thinks it is worth re-examining on a community level.

Commissioner Grim stated she has been heavily involved and the initial buy-in was not positive and noted the outstanding issues.

APPROVAL OF MINUTES:

- a) **July 21, 2016 Regular Meeting**
- b) **July 21, 2016 Work Session**

Commissioner Stinnette made a motion to approve the June 21, 2016 regular meeting minutes and waive reading. The motion was seconded by Commissioner Van Istendal and passed unanimously with one absent.

Commissioner Van Istendal made a motion to approve the June 21, 2016 work session minutes and waive reading. The motion was seconded by Commissioner Stinnette and passed unanimously with one absent.

ADJOURNMENT:

With no further business, Chairwoman Stein made a motion to adjourn the meeting at 8:24 PM.



Theresa Stein, Chairwoman



Diana Hays, Town Clerk

**Thursday, August 4, 2016 7p
P-Ville Planning Commission
Public Hearing/Catoctin Corner LLC**

Good evening Planning Commissioners.

My name is:

**Patricia DiPalma-Kipfer
38038 W. Colonial Hwy.**

I have been properly notified of this Public Hearing for Catoctin Corner development now owned by Purcellville, LLC to Amend Special Use Permit SUP09-07 to SUP15-02.

However, per the advertised Public Hearing Notices dated 7/22/16 & 7/29/16 signed by Theresa Stein, Vice Chair Planning Commission, and the certified letter I received from the law firm of Sevila, Saunders, Huddleston & White dated July 21, 2016 whereas both notices state information related to Special Use Permit SUP15-02 is available for review on the Town's website or at the Town Hall was inaccurate.

On Friday July 29th I checked the web site for this info. It was not posted. I then called Community Development on Monday August 1st when I was told this information would not be available until late afternoon on this date.

Per an e-mail I received from Daniel Galindo on 8/1/16 at 9:16p stating The Agenda Packet had been uploaded to the website noting that some of the Planning Commissioners received a full size set of plans on 7/21 and new members received a set in in their mail boxes. To Daniel's credit he did e-mail to me the links needed to locate these documents. Thanks to Kelli Grim for e-mailing additional links and to Tucker for making copies for me in the 11th hour.

As a residential property owner adjacent to and impacted by this development, I feel it is wrong to advertise a Public Hearing when the backup documents needed to make an informed decision are not available for review at the same time as the required posting. Not having the necessary backup information at minimum the weekend before the Public Hearing Date is unacceptable. If a Public Hearing is to credible, all citizens need to receive this information to review in a timely manner.

Since 2006 I attended Planning and Town Council Meetings and Public Hearings. This is a full two years before my property, Catoctin Corner, LLC and Patrick Henry College were annexed by Town Initiation in December 2008. I have the original concept plans, and was present when Catoctin Corner, LLC presented their application for six Special Use Permits and one by right retail.

I feel it is fair to say, the development of Catoctin Corner has had more than its share of challenges, financial or otherwise, which in August 2014, ultimately resulted in the sale and change of ownership from Catoctin Corner LLC to Purcellville Development, LLC.

Since that time, the new owner, and the Community Planning Dept. have continued to change the look and feel of this development from the original concept plan, and original SUP's claiming as long as they were somewhat similar it was OK! I guess this is to be expected when a project is so

long in the process that it renders the development in "piece meal" mode. For instance: first, by clearing the property, before plans were approved, then grading the property, before plans were approved, putting in storm drains, before plans were approved, determining where water would be looped on the property and connected through Patrick Henry College. Now this was approved, then rescinded and plans would change again to bring water lines in front of the property as was originally presented and approved... THEN will be looped through property....

This development has been on the Town books 10 years. Given the considerable personnel turnover in the Community Development Dept., a recent virtual clean sweep of the Town Council and new members added to the Planning Commission, I would like to make the following suggestion:

BEFORE the Planning Commission takes anymore action on additional changes and/or additions to this project, you should require the Developer to provide a new concept plan to include all changes, additions, and deletions.

The most recent concept plan on page 24 is a Draft Merchandising Plan submitted by KLNB retail dated August 27, 2015 which now indicates Popeye's as the potential lessee.

Specifically, I would require the Plan be submitted in color, to scale and large enough to read without a magnifying glass. Show number and exact location and sq.ft. of each building and identify if leasing contracts have been signed and by whom. This plan should also include the original 10'wide bike trail in front of property on Colonial Hwy., along with sidewalks and curbs. It should show the Main Entrance on Colonial Hwy, the Entrance Location on Rt 267, and the interparcel connection to my property. It should include location of parking spaces and the number of spaces assigned to each building. It should indicate all right and left hand turn lanes and how traffic will flow through the development. I would hope drive lanes will be wider than the Harris Teeter parking lot, where you take your life in your hands every time, you drive in. I want to know how will pedestrians safely walk between buildings? It should show all landscaping, berms, buffering, fences, lighting and signage. In other words, we should see how the plan has changed from the original concept plan, and then determine if this is the same vision the Town currently has for this space.

Before any action to approve is called, I would want to see the most current Traffic Study and not the one from 2014 that was based on original plan. I would want to hear from VDOT regarding the impact this change may have. For instance, will VDOT require a traffic light? If not, how will the entrance and turn lanes impact the traffic circle and the flow of traffic on Colonial Hwy and in and out of the double drive through which may or may not overflow back into the street like McDonalds's does at peak times.

Lastly, to be sure my comments are entered into the record accurately; I will provide a copy of my comments to the Town Clerk and ask that it be attached to the minutes for future reference.

Thank you for your time and consideration.

Patricia A. Di Palma-Kipfer

38038 W. Colonial Hwy.

Hamilton, VA 20158

540-338-4553

Planning Commission Public Hearing



Special Use Permit for Drive-Through Facility

Catoctin Corner

SUP 15-02

8-4-2016

Bowman
CONSULTING

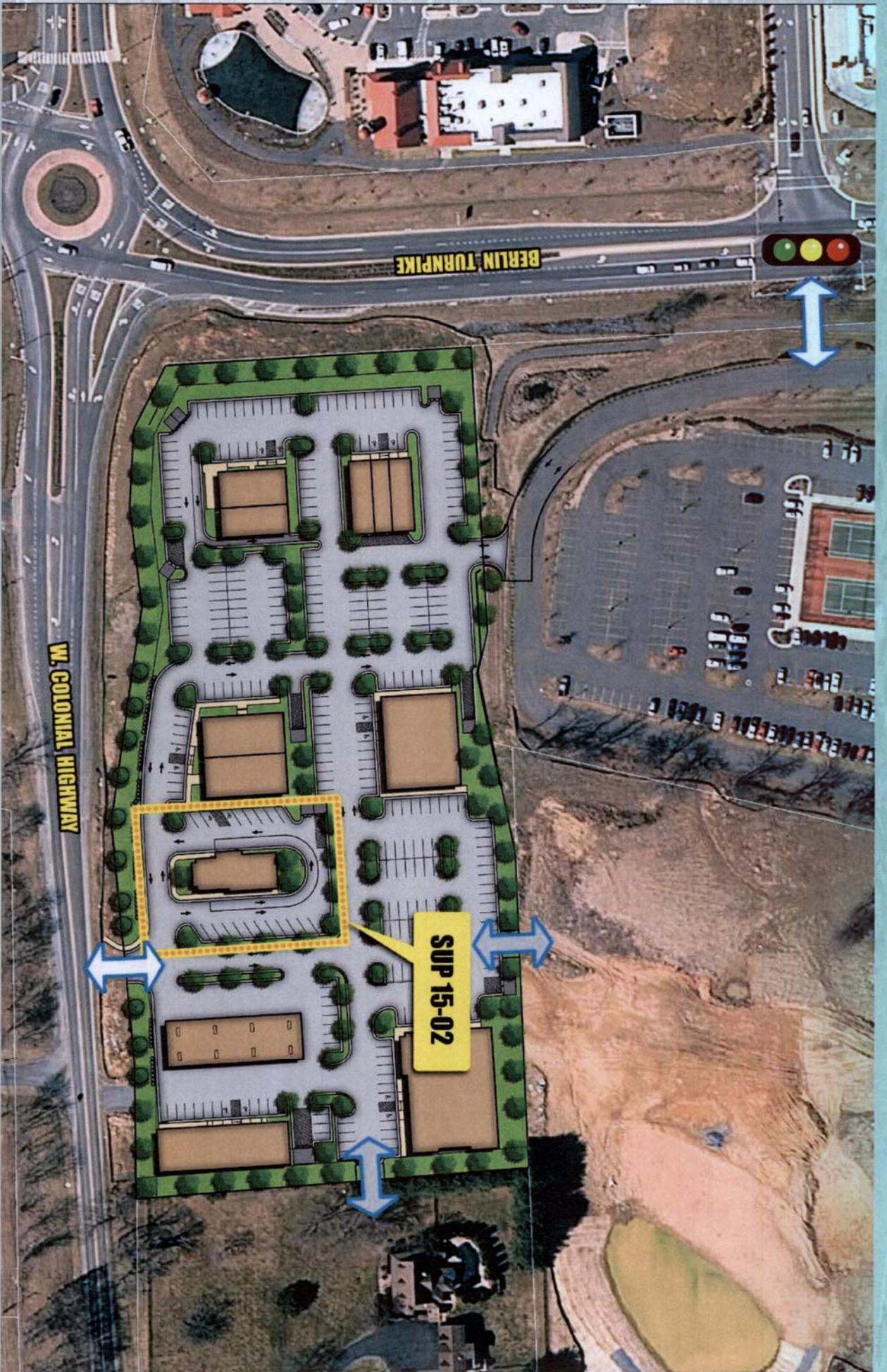


Catoctin Corner

SUP 15-02

8-4-2016

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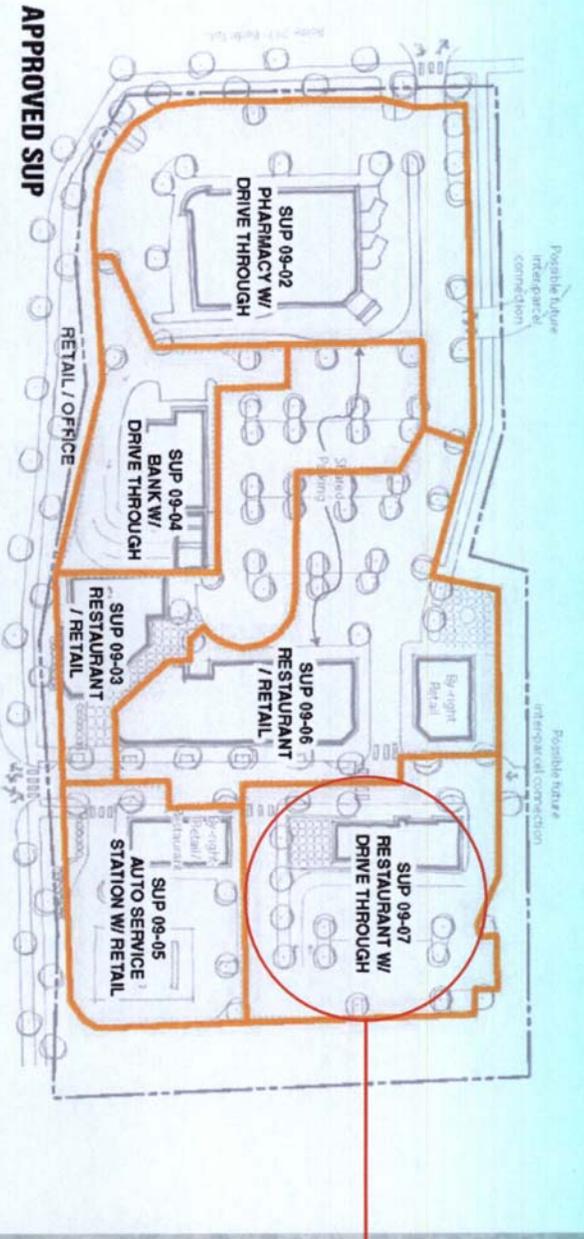


Catoclin Corner

SUP 15-02

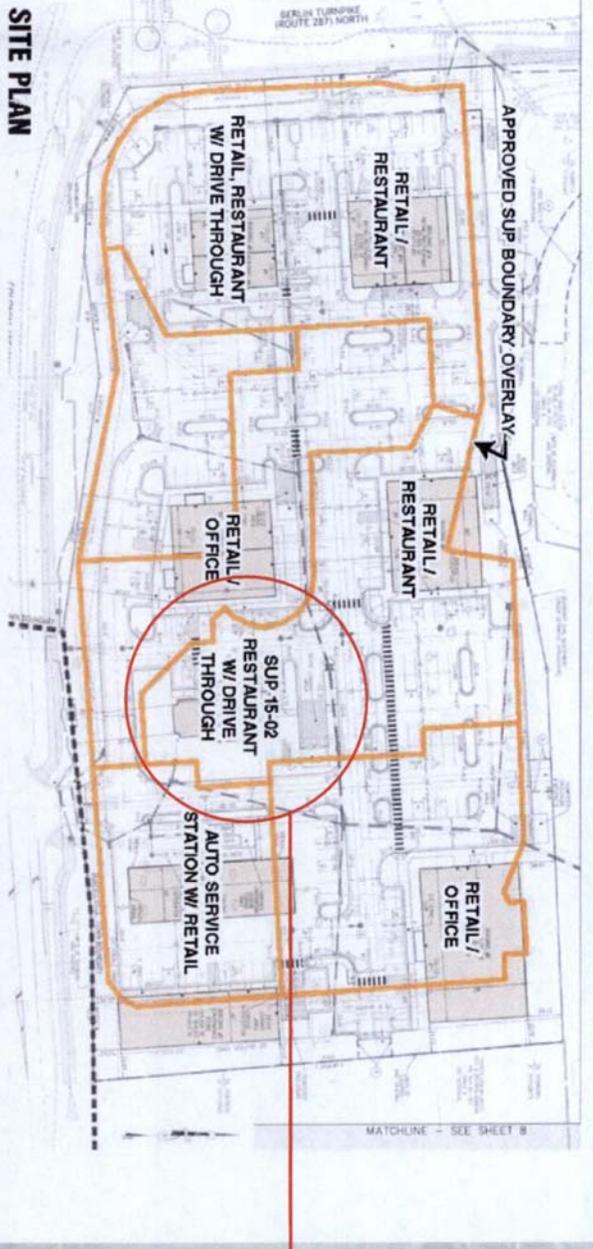
8-4-2016

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SUP 09-07
3,700 SF

MOVED TO FRONT



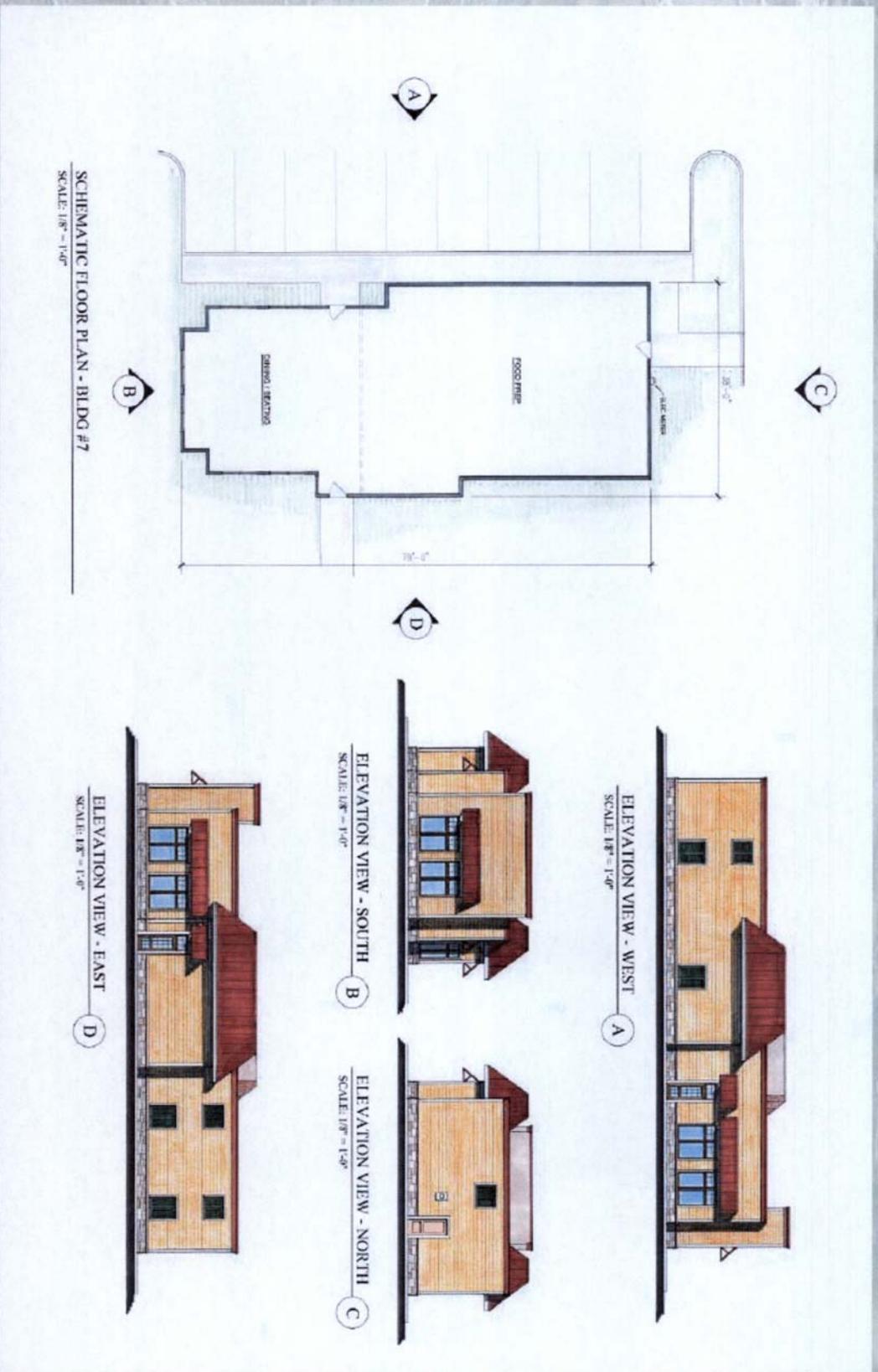
SUP 15-02
2,800 SF

Catoctin Corner

SUP 15-02

8-4-2016

APPROVED BAR ELEVATIONS



Catoctin Corner
SUP 15-02

8-4-2016

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STAFF FINDINGS

- **Complies with Comprehensive Plan**
- **Furtheres Economic Growth**
- **Generally Compatible with Surrounding Uses**
- **Increases Convenience of the Public**
- **No Adverse Impact to Water Quality or Air Quality**
- **High Quality Architectural Design**

Catoctin Corner

SUP 15-02

8-4-2016

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Q & A



Catoctin Corner

SUP 15-02

8-4-2016

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