

April 4, 2019



**MINUTES
PLANNING COMMISSION REGULAR MEETING
APRIL 4, 2019 7:00PM
TOWN HALL COUNCIL CHAMBER**

PRESENT: Tip Stinnette, Chair/Town Council Liaison
Theresa Stein, Vice-Chair/Planning Commissioner
Mary Frances Bennett, Planning Commissioner
Nan Forbes, Planning Commissioner
Stosh Kowalski, Planning Commissioner
Ed Neham, Planning Commissioner
Chip Paciulli, Planning Commissioner

STAFF: Patrick Sullivan, Director of Community Development
Andy Conlon, Senior Planner

ABSENT: Stefanie Longerbeam, Planning and Zoning Technician

Note: The audio recording of this meeting is available at:

<https://www.purcellvilleva.gov/ArchiveCenter/ViewFile/Item/4980>

Selected references to specific locations in the audio recording are given in square brackets. For example, a discussion that began at 1 hour, 5 minutes and 55 seconds after the beginning of the recording would appear as [1:05:55].

CALL TO ORDER OF REGULAR MEETING:

Tip Stinnette, Chair, called the Planning Commission Meeting to order at 7:02 PM. The Pledge of Allegiance followed.

AGENDA AMENDMENTS:

- Moved Discussion Item 8(d) Purcellville Planning Commission Annual Report to Action Item 9(c).
- Reordered Action Items: Action Item 9(a) becomes RZ17-01- Purcellville Gateway and Action Item 9(b) became PCA17-01- Purcellville Gateway.
- Created Discussion Item 9(d) Diagnostic Study for Zoning.

COMMISSIONER DISCLOSURES:

None.

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PUBLIC HEARINGS:

None.

PRESENTATIONS:

None.

CITIZEN COMMENTS:

None.

DISCUSSION ITEMS:

Comprehensive Plan Critical Path Discussion: [5:00] The critical path will need to be revised to allow the Planning Commission enough time to deliberate and adjudicate any additional citizens' comments that may arise from the Commission's May 2, 2019 public hearing, and to give the Town Council at least 90 days for its review after the Commission passes its resolution of support of the Comprehensive Plan, tentatively scheduled for July 18, 2019.

Comprehensive Plan Updated Errata: [12:35] The errata sheet was briefly reviewed and appears to track the Version 5.0 "baseline" Comprehensive Plan.

Comprehensive Plan Public Hearing: [14:45] The draft briefing package was reviewed and two minor typos/grammatical errors identified. Commissioner Neham will make updates to the Public Hearing briefing package, including the inclusion of the updated critical path.

Diagnostic Study for Zoning: [22:20]. Chair Stinnette stated this should be a recurring item for discussion at every Planning Commission meeting. Chair Stinnette stated that given the Community Development Department's presentation to the Town Council the previous evening, we recognize that the Department is short-staffed and is challenged to keep pace with their daily workload. Thus, in thinking about updating the Town's Zoning Ordinance, the Planning Commission will need to rely upon consultant support; the diagnostic work for this has been budgeted for by the Town Council. Still to be done prior to the diagnostic study is a "tree-top" level analysis by the Staff to assess the impact of the Comprehensive Plan on the Zoning Ordinance. Chair Stinnette asked the Staff to provide a date estimate for this "tree-top" analysis at the next regular Planning Commission meeting.

ACTION ITEMS:

RZ17-01: Purcellville Gateway: [27:25] It was noted that there were maybe 10 to 12 community members who attended the applicant's community meeting on March 15, 2019.

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MOTION [31:20]

Vice-Chair Stein moved that the Planning Commission recommend to Town Council RZA17-01 Purcellville Gateway, a request by NSHE Fool Hollow Lake, LLC for a conditional zoning amendment from proffered R-3, Duplex Residential District to a proffered MC, Mixed Commercial District, for a .81 acre portion of an approximately three acre parcel within the Purcellville Gateway Shopping Center development, thereby enlarging the mixed use commercial area, and reducing the residential area, in order to accommodate a proposed child care center, **be denied** because the reduction in residential area originally committed to had not been adequately justified. Further, the increase in commercial [use] has not been sufficiently mitigated.

The motion was seconded by Commissioner Forbes.

Discussion: [33:05]

Commissioner Paciulli stated he supports the motion to deny but noted: (1) that there is no 50-foot rear yard listed in the conditions – which was agreed to; (2) that the 140-student maximum should be part of the conditions; and (3) there was no commitment to put evergreen plantings at the rear of the property. He also stated that he rode around the town and looked at several different child care centers and observed that they all have residences close by with no objective noise complaints recorded. He questioned if community concern over noise associated with the Gateway childcare center is objectively valid.

Commissioner Bennett stated she support the motion to deny and that her concerns about the traffic within the Gateway center were not abated by the applicant.

Vice-Chair Stein expressed her appreciation to the applicants for the community outreach that they did on more than one occasion and offering to make changes to improve traffic flow within the Gateway center. However, in reviewing the application, it seemed that a number of commitments previously talked about did not appear in the proffers. She didn't think the rezoning request was justified and it didn't seem to have any true mitigation of impacts; rezonings represent changes and if we are going to make changes, we owe it to the community to explain the rationale behind the changes. The reduction of the residential acreage will have an impact on the lot sizes in the area that remains.

Commissioner Kowalski stated one of the things he learned in his recent Planning Commissioner training was that there are guidelines giving thirteen permissible considerations for a zoning action, and he would have a hard time applying any of these guidelines and approve this application.

Commissioner Forbes stated that the issue is whether or not there should be a rezoning and whether this small parcel should be rezoned. It seems that when we have zoning, our citizens ought to be able to rely on it and it should not be done piecemeal, also known as spot zoning. The question isn't why shouldn't we do this but why should we do it – why should we increase the commercial use; the applicant did not speak to why this project would be a benefit to the town and our community in this particular location; most of the information was about what they needed to make the project work for them but that is not the lens through which we should be looking at this – it should be why and how this benefits the town, not how does it benefit the applicant.

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Commissioner Neham stated he supports the motion to deny and has the following concerns: (1) no convincing reasons were given for changing what was laid out in the 2025 Comprehensive Plan – the land use should be kept as envisioned; (2) the child care center would likely increase the noise levels experienced by the residential neighbors who have stated that the existing noise levels are too high; the noise emanating from the outdoor playground situated behind the child care center’s building could be disruptive and detrimental for those residents who have home-based businesses; the Town Zoning Administrator stated that a wall (limited to 7 feet in height) would not establish a meaningful sound barrier; and increased noise is liable to have a negative effect on the property values of the neighboring residences; and (3) the increased traffic due to the child care center operations would contribute to the congestion and frustration already being experienced by the shopping center’s current users and the Wells + Associates memorandum states that the “traffic circulation patterns operate efficiently”, but effectiveness is really what we should be after here.

Chair Stinnette stated that he characterizes this project as having ten pounds of stuff in a five-pound sack; why should we do it vs. why shouldn’t we do it is an excellent question and is a good lens to look at this project through. He acknowledged that the Purcellville Gateway has always been an emotional development and recognized the applicant for being flexible and responsive. Whereas the revenue stream would be nice and we probably need a child care center of this caliber in Purcellville, Gateway may not be the right place to put it. Moreover, there is a commitment to the existing and future community and to the residential development that is already programmed for that area.

Vote: [49:40]

The motion to deny was voted on and passed: 7-0.

PCA17-01: Purcellville Gateway: [50:25]

MOTION:

Vice-Chair Stein moved that the Planning Commission recommend to Town Council PCA17-01 Purcellville Gateway, a request by NSHE Fool Hollow Lake, LLC for a proffer condition amendment to the MC, Mixed Commercial District and R-3, Duplex Residential District conditional zoning (i.e. proffers) and concept plan as approved through RZ06-01, in order to accommodate a proposed child care center, for properties within the Purcellville Gateway Shopping Center development, **be denied** because the zoning necessary to accommodate the proposed use has been denied.

The motion was seconded by Commissioner Forbes.

Discussion: [51:45]

Commissioner Paciulli questioned whether the \$100,000 is a fair share for a traffic signal that could cost up to \$400,000, to be used at Gateway or elsewhere.

Vice-Chair Stein stated that conditions and the proffers were minimal and there was very little on commitments that should have been there.

Commissioner Neham stated that the Staff report of a slight positive revenue impact exclusive of traffic problems was not in any way sufficient, and that the \$100,000 contribution to be used anywhere within the town seemed insignificant.

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Vote: [54:25]

The motion to deny was voted on and passed: 7-0.

Purcellville Planning Commission Annual Report: [55:20] The revised draft of the Annual Report was presented; there were no Commissioner comments. Chair Stinnette stated that this should be adopted as the official record of the Planning Commission's activities for 2018.

INFORMATION ITEMS:

None.

COUNCIL REPRESENTATIVE'S REPORT: [56:45]

Chair Stinnette stated that there were multiple discussions with Town Council about the cell tower, and what they seemed to agree to was that it is not a matter of public safety but one of improving coverage in the southeast quadrant of the town. There are lingering issues regarding carriers' antennas on the water tower that the Staff will address. The Town Council is holding budget meetings, reviewing the data for each department one at a time. Furthermore, there will be a vote next week to retain the current property tax rates.

CHAIR'S COMMENTS: [1:00:00]

Chair Stinnette stated that the County has a schedule of upcoming public hearings with public input on their Comprehensive Plan in April, work sessions May into June, with adoption potentially on June 20.

PLANNING COMMISSIONERS' COMMENTS: [1:02:30]

Commissioner Paciulli observed that the Town's tax rates may remain the same but that property assessments will be increasing.

APPROVAL OF MINUTES: [1:04:20]

Vice-Chair Stein made a motion to waive reading and to approve the minutes of the January 31, 2019 Planning Commission Regular Meeting, the February 7, 2019 Planning Commission Regular Meeting, the February 21, 2019 Planning Commission Regular Meeting, and the March 21, 2019 Planning Commission Regular Meeting. Seconded by Commissioner Paciulli. Passed: 7-0.

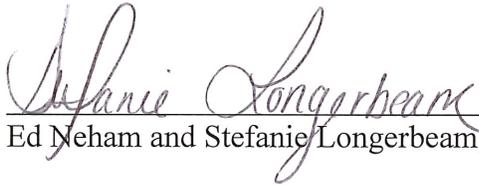
OTHER BUSINESS: [1:05:40]

The next regular Planning Commission meeting is scheduled for Thursday April 18. At this time, staff has no items pending for that meeting. A decision whether or not to cancel that meeting will be made on Thursday April 11. If it is canceled, the next regular meeting will be the public hearing on May 2.

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ADJOURNMENT:

With no further business, Chair Stinnette adjourned the meeting at 8:09 PM.



Ed Neham and Stefanie Longerbeam, Recorders



Tip Stinnette, Chair