



STAFF REPORT
INFORMATION/DISCUSSION ITEM

Item # 10.a.

SUBJECT: Amendment to ZO Art 4, Sect 9.8 Maximum Building Height in C-4 District

DATE OF MEETING: December 17, 2020

STAFF CONTACT(S): Commissioner Neham

MOTION(S):

I move that the Planning Commission adopt Resolution 20-12-01, initiating amendments to the Purcellville Zoning Ordinance Article 4, Section 9, Subsection 9.8, to reduce the maximum by-right building heights in the C-4 zoning district to two stories and 30 feet, to allow buildings exceeding those heights by special use permit or special exception granted by the Town Council, and to consider the need for special height regulations for certain architectural building features, flag poles, and television antennas.

ATTACHMENTS:

**Resolution 20-12-01
Project Plan**

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

RESOLUTION NO. 20-12-01

PRESENTED:

DECEMBER 3, 2020

ADOPTED: _____

A PLANNING COMMISSION RESOLUTION

INITIATING AMENDMENTS TO THE PURCELLVILLE ZONING ORDINANCE ARTICLE 4 (“DISTRICT REGULATIONS”), SECTION 9 (“C-4 CENTRAL COMMERCIAL DISTRICT”), SUBSECTION 9.8 (“HEIGHT STANDARDS”), TO REDUCE THE MAXIMUM BY-RIGHT BUILDING HEIGHTS IN THE C-4 ZONING DISTRICT, TO ALLOW BUILDINGS EXCEEDING THOSE HEIGHTS BY SPECIAL USE PERMIT OR SPECIAL EXCEPTION GRANTED BY THE TOWN COUNCIL, AND TO CONSIDER THE NEED FOR SPECIAL HEIGHT REGULATIONS FOR CERTAIN ARCHITECTURAL BUILDING FEATURES, FLAG POLES, AND TELEVISION ANTENNAS

WHEREAS, on June 30, 2020 the Town Council adopted *Plan Purcellville, the 2030 Comprehensive Plan* (“Comprehensive Plan”); and

WHEREAS, the Comprehensive Plan states that the charming small town character of Purcellville is a major part of its identity and should be maintained as the Town evolves; and

WHEREAS, the Comprehensive Plan, expressing the will of the Town’s citizens, provides (a) that the Town should preserve it’s unique historical and architectural character, (b) that the size and scale of development should remain consistent with its existing small, compact, and walkable scale, and (c) that the Town should promote tourism and visitor opportunities through preservation of the Town’s historic buildings, architectural style, and small-town character; and

WHEREAS, the Town’s small-town character and architectural style is comprised overwhelmingly of one- and two-story buildings, including in the C-4 zoning district; and

WHEREAS, the Planning Commission finds that the existing maximum building heights in the C-4 zoning district do not comport with the goals of preserving the Town’s small-town character and architectural style, as described in the Comprehensive Plan; and

WHEREAS, the Planning Commission finds that the public necessity, convenience, general welfare, and good zoning practice require amendment to the building height provisions governing the C-4 zoning district, as set forth in Article 4, Section 9.8 of the Zoning Ordinance, so that they align with, and execute the vision of, the Comprehensive Plan.

THEREFORE BE IT RESOLVED that the Planning Commission hereby initiates amendments to Article 4, Section 9.8 of the Zoning Ordinance, in order to:

1. Reduce the maximum building height allowed by-right from three stories and 45 feet, to two stories and 30 feet.
2. Allow the Town Council to grant additional height by special exception or special use permit, provided that the maximum height allowed by special exception or special use permit shall be no greater than three stories and 45 feet.
3. Set forth the factors to be considered by Town Council when considering applications for special use permit or special exception, including proximity to residential uses and districts.
4. Address any special height standards needed for publicly-owned buildings and places of worship, which may currently be erected to a maximum height of 60 feet so long as required front, side and rear yards are increased one foot for each foot in height over 50 feet.
5. Address any special height standards needed for certain building elements, including church spires, belfries, cupolas, monuments, water towers, chimneys, and flues, which are currently exempt from height regulations in the C-4 zoning district.
6. Address any special height standards needed for flag poles and television antennas in the C-4 zoning district, with flag poles currently allowed to be unlimited in height, and television antennas currently allowed to be erected up to 125 feet.
7. Address any special height standards needed for parapet walls, which may currently be installed up to four feet above the height of the building on which the walls rest.
8. Protect, to the extent possible, existing buildings that were constructed in excess of the proposed height limits from 'non-conforming' status.

BE IT FURTHER RESOLVED that the Planning Commission hereby refers these proposed amendments to the Town Council for its concurrence, and requests that the Town Council direct Staff to prepare the draft Zoning Ordinance amendments described herein, together with Staff's findings and recommendations, for consideration by the Planning Commission and Town Council at an advertised joint public hearing to be held on either **Tuesday, January 12, 2021, or Tuesday, February 9, 2021.**

PASSED THIS ____ DAY OF DECEMBER, 2020.

Nedim Ogelman, Planning Commission Chair
Town of Purcellville

ATTEST:

Diana Hays, Town Clerk

**SUPPLEMENTARY INFORMATION FOR
PLANNING COMMISSION PROJECT PLAN: 2020-2021**
December 13, 2020

Recap of Significant Tasks in the Planning Commission Project Plan: Near-Term

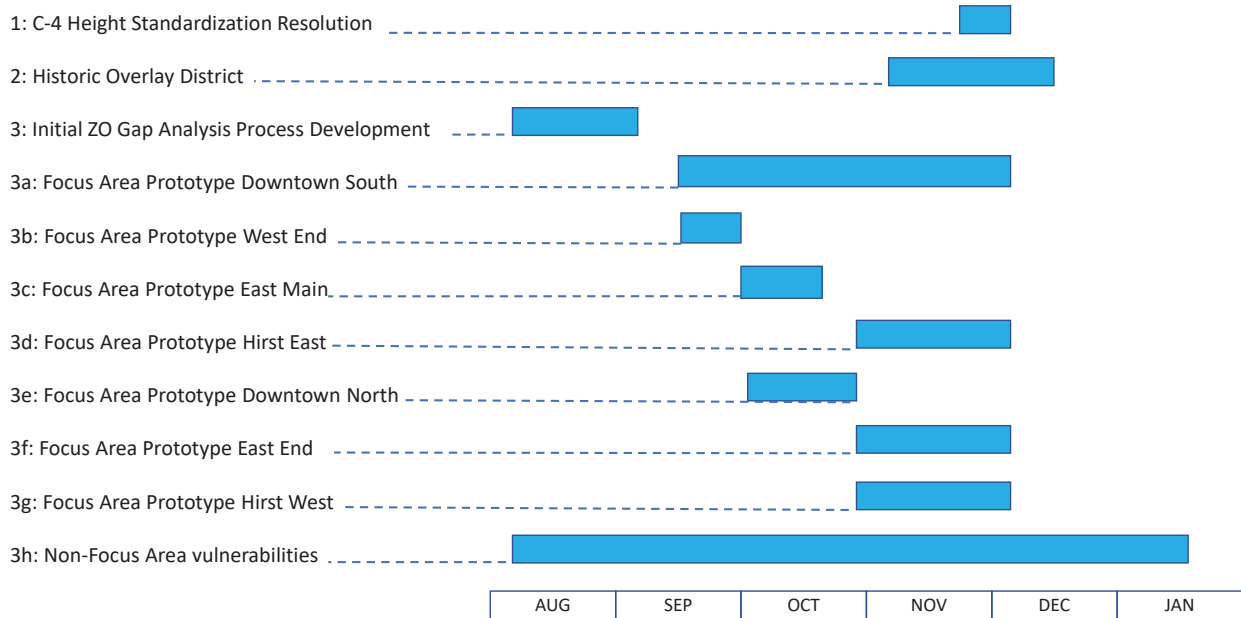
During its regular meeting on August 20, 2020, the Planning Commission, together with Town Staff, agreed on a method for revising the Zoning Ordinance based on the new Comprehensive Plan the Town Council adopted at the end of June 2020 (see Appendix A). At the same August 20, 2020 meeting the Planning Commission prioritized the vulnerable properties the Town Staff had identified in consultation with Town Staff (see Appendix B). The consensus prioritization based on the seven focus areas defined in the Comprehensive Plan, with the top priority first, is: (1) the Downtown South Focus Area; (2) West End Focus Area; (3) East Main Focus Area; (4) Hirst East Focus Area; (5) Downtown North Focus Area; (6) East End Focus Area; and (7) Hirst West Focus Area.

This chart and the accompanying graph show the near-term tasks for the Planning Commission’s work program for 2020-2021 based on the prioritization above. The main thrust of this program is to bring the Town’s Zoning Ordinance into alignment with the new Comprehensive Plan. The near-term covers the period from inception of this work through January, 2021. Other tasks covering the post-January time period, the most prominent of which are the rewriting of the Zoning Ordinances, are specified in the Zoning Project Plan distributed by the Planning Commission on Monday December 7th.

Pty	Category	Item	Start Dt	Finish Dt	Status
1	C4 Height Standardization Resolution - 2 stories & 30ft by-right	Draft Resolution & Suggested ZO amendments	11/23/2020	11/24/2020	Complete
		Staff review	11/24/2020	12/2/2020	Complete
		PC Deliberation & Vote	12/3/2020	12/3/2020	Complete
2	Historic Overlay District	Draft ZO Article 14A modification & resolution	11/5/2020	11/27/2020	Complete
		Review ZO Article 14A modification & Resolution	11/27/2020	12/17/2020	Started
		PC Vote to forward resolution to TC	12/17/2020	12/17/2020	Pending
3	Initial ZO Gap Analysis Process Development	Assessment/Prioritization of focus areas, other properties based on vulnerability	8/6/2020	9/3/2020	Complete
		Adopting dynamic, focused project management strategy (Adopt as ready, modular)	8/6/2020	8/20/2020	Complete
		Assigning PC members to the vulnerable areas/focus areas	8/20/2020	8/20/2020	Complete
3a	Focus Area Prototype Downtown South 1 of 7 in order of focus area prioritization	PC Gap Analysis: Downtown South: Identify gaps	9/17/2020	12/2/2020	Complete
		PC Gap Analysis: Downtown South: Vote to move gap recommendations to staff for zoning	12/3/2020	12/3/2020	Complete
3b	Focus Area Prototype West End	PC Gap Analysis: West End Focus Area: Identify gaps	9/17/2020	10/1/2020	Complete

Pty	Category	Item	Start Dt	Finish Dt	Status
	2 of 7 in order of focus area prioritization	PC Gap Analysis: West End Focus Area: Vote to move gap recommendations to staff for zoning	10/1/2020	10/1/2020	Complete
3c	Focus Area Prototype East Main 3 of 7 in order of focus area prioritization	PC Gap Analysis: East Main: Identify gaps	10/1/2020	10/1/2020	Complete
		PC Gap Analysis: East Main: Vote to move gap recommendations to staff for zoning	10/1/2020	10/15/2020	Complete
3d	Focus Area Prototype Hirst East 4 of 7 in order of focus area prioritization	PC Gap Analysis: Hirst East: Identify gaps	10/29/2020	12/3/2020	Complete
		PC Gap Analysis: Hirst East: Vote to recommend adjusting language in Comprehensive Plan, p.71 to reconcile nonresidential land use categories with inclusion of "residential" from items "d" & "e"	10/29/2020	10/29/2020	Pending
		PC Gap Analysis: Hirst East: Vote to move gap recommendations to staff for zoning	12/3/2020	12/3/2020	Complete
3e	Focus Area Prototype Downtown North 5 of 7 in order of focus area prioritization	PC Gap Analysis: Downtown North: Identify gaps	10/1/2020	10/15/2020	Complete
		PC Gap Analysis: Downtown North: Vote to move gap recommendations to staff for zoning	10/29/2020	10/29/2020	Complete
3f	Focus Area Prototype East End 6 of 7 in order of focus area prioritization	PC Gap Analysis: East End: Identify gaps	10/29/2020	12/3/2020	Complete
		PC Gap Analysis: East End: Vote to move gap recommendations to staff for zoning	12/3/2020	12/3/2020	Complete
3g	Focus Area Prototype Hirst West 7 of 7 in order of focus area prioritization	PC Gap Analysis: Hirst West: Identify gaps	10/29/2020	10/29/2020	Complete
		PC Gap Analysis: Hirst West: Vote to move gap recommendations to staff for zoning	12/3/2020	12/3/2020	Complete
3h	Non-Focus Area vulnerabilities	Residential lots vulnerable to by-right subdivision	8/6/2020	1/?/2021	Pending
		Substandard (narrow) recorded residential lots vulnerable to new housing development	8/6/2020	1/?/2021	Pending

NEAR-TERM PLANNING COMMISSION PROJECT PLAN TIMELINE



Nonconforming Structures

The Planning Commission is fully aware that any reductions in Zoning Ordinance height limitations will result in certain existing structures being above the limits. This is by intent in that these buildings, typified by Magnolias at the Mill, the Trail’s End mill, the White Palace, the former bank building housing Valley Energy, and Bethany United Methodist Church in the C-4 District, are “monumental” in nature and meant to stand out and above the surrounding buildings. The existence and ‘handling’ of these buildings that became nonconforming through a change in the Zoning Ordinance is addressed in the existing Zoning Ordinance in Article 5: Nonconformities and Article 14A: Historic Corridor Overlay District.

Existing Zoning Ordinance Regulations for Nonconforming Structures:

ARTICLE 5. - NONCONFORMITIES

Section 3. - Buildings nonconforming in height, yard area, or bulk.

A building nonconforming only as to height, yard areas, or bulk requirements may be altered or extended, provided such alteration or extension does not increase the degree of nonconformity in any respect.

Section 5. - Destruction of nonconformities.

The owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God shall be permitted to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance ... If such building is damaged greater than 50 percent and cannot be

repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so.

ARTICLE 14A. - HISTORIC CORRIDOR OVERLAY DISTRICT—HC

Section 5. - Nonconformities.

5.2 Repair and maintenance of nonconforming structures.

An owner may repair and maintain a nonconforming structure or a structure occupied or used by a nonconforming use, upon determination by the zoning administrator that such repair or maintenance would not be contrary to the purpose and intent of this article 14A.

Building Heights and Form-Based Code Transect

A visual survey of the buildings in the C-4 District shows there is a distinct difference in building styles, densities, Floor Area Ratios, setbacks and Open Space Ratios between the west side of the district centered on 21st Street and the east side of the district centered on Hatcher Avenue. In the map below, these two ‘zones’ are divided by the dashed black line that bisects the core of the area north of Main Street and then runs down Nursery Avenue. Generally, the properties in the east zone are smaller and have more green space than those in the west zone. The buildings in the east zone are residential in nature, although some have commercial uses (as permitted by the Zoning Ordinance), and moving from east to west, this zone provides a gentle transition from residential to commercial (transect).

Building Heights:

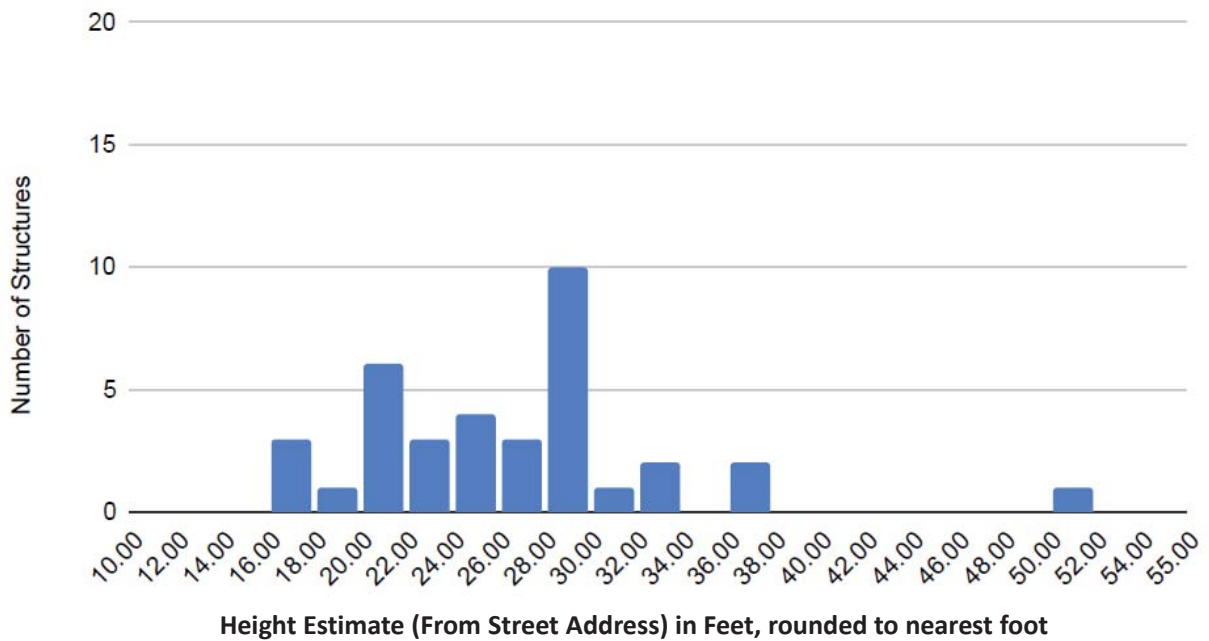
The three figures below portray the height characteristics of 86 of the buildings in the west and east zones, and combined.

- There are three buildings (4%) taller than 50 feet in the two zones.
- There are five buildings (6%) between 35 and 50 feet tall in the two zones.
- There are six (7%) buildings between 30 and 35 feet tall in the two zones.
- There are 25 (29%) buildings that are 30 feet tall in the two zones.
- There are 27 (31%) buildings less than 30 feet tall in the west zone and 20 buildings (23%) less than 30 feet tall in the east zone.

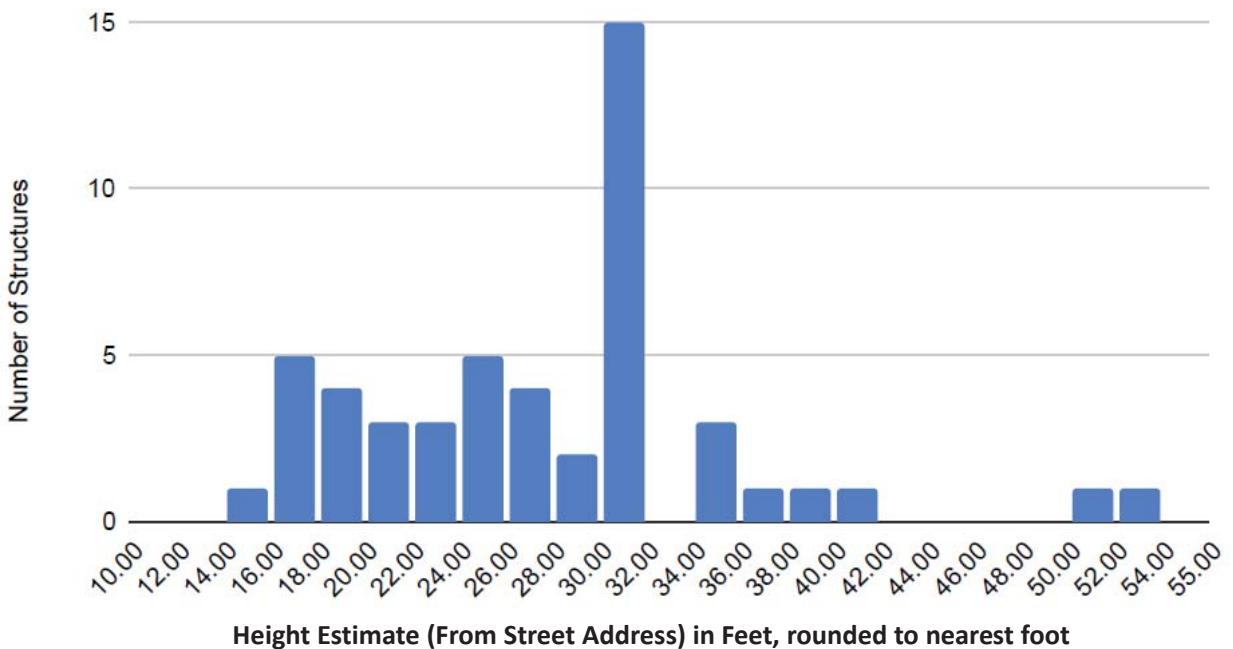
Recommend modifying Resolution No. 20-12-01 to be:

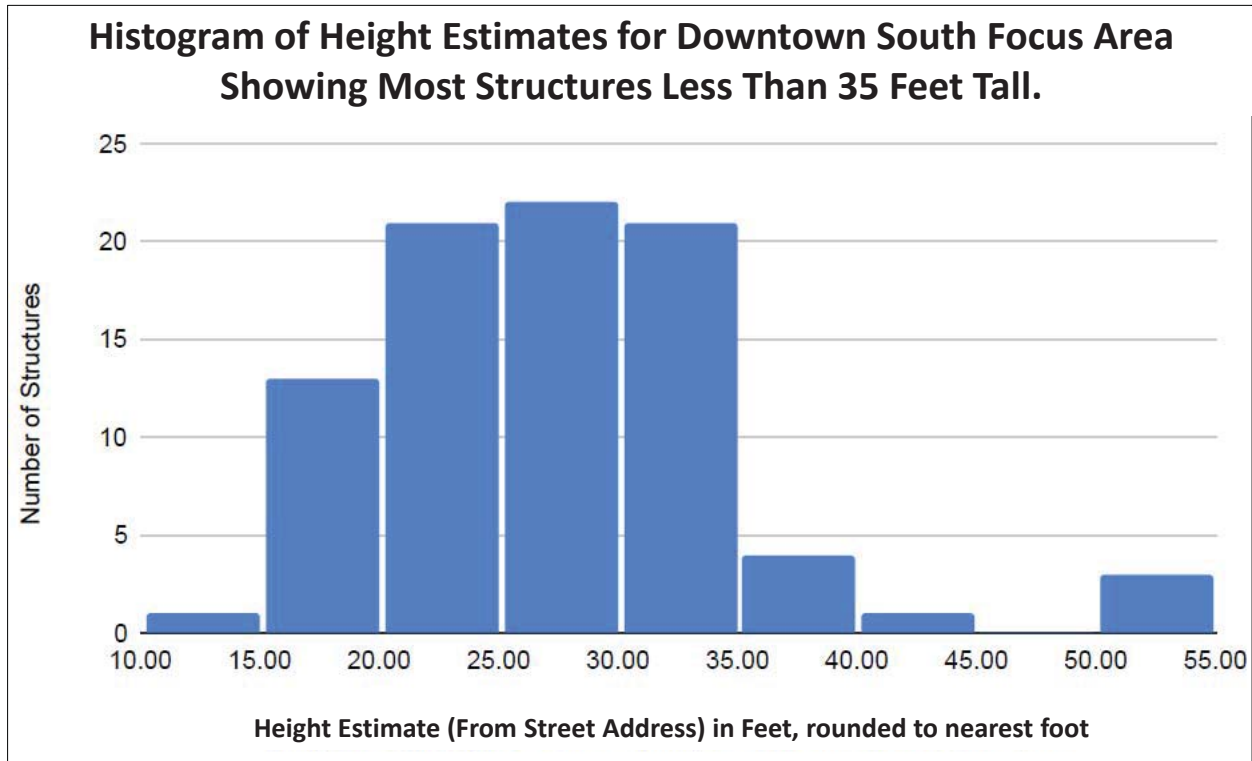
1. Reduce the maximum building height allowed by-right from three stories and 45 feet, to two stories and ~~30~~35 feet.

Distribution of Structures in the Eastern Part of Downtown South Focus Area By Their Estimated Height in Feet.



Distribution of Structures in the Western Part of Downtown South Focus Area By Their Estimated Height in Feet.

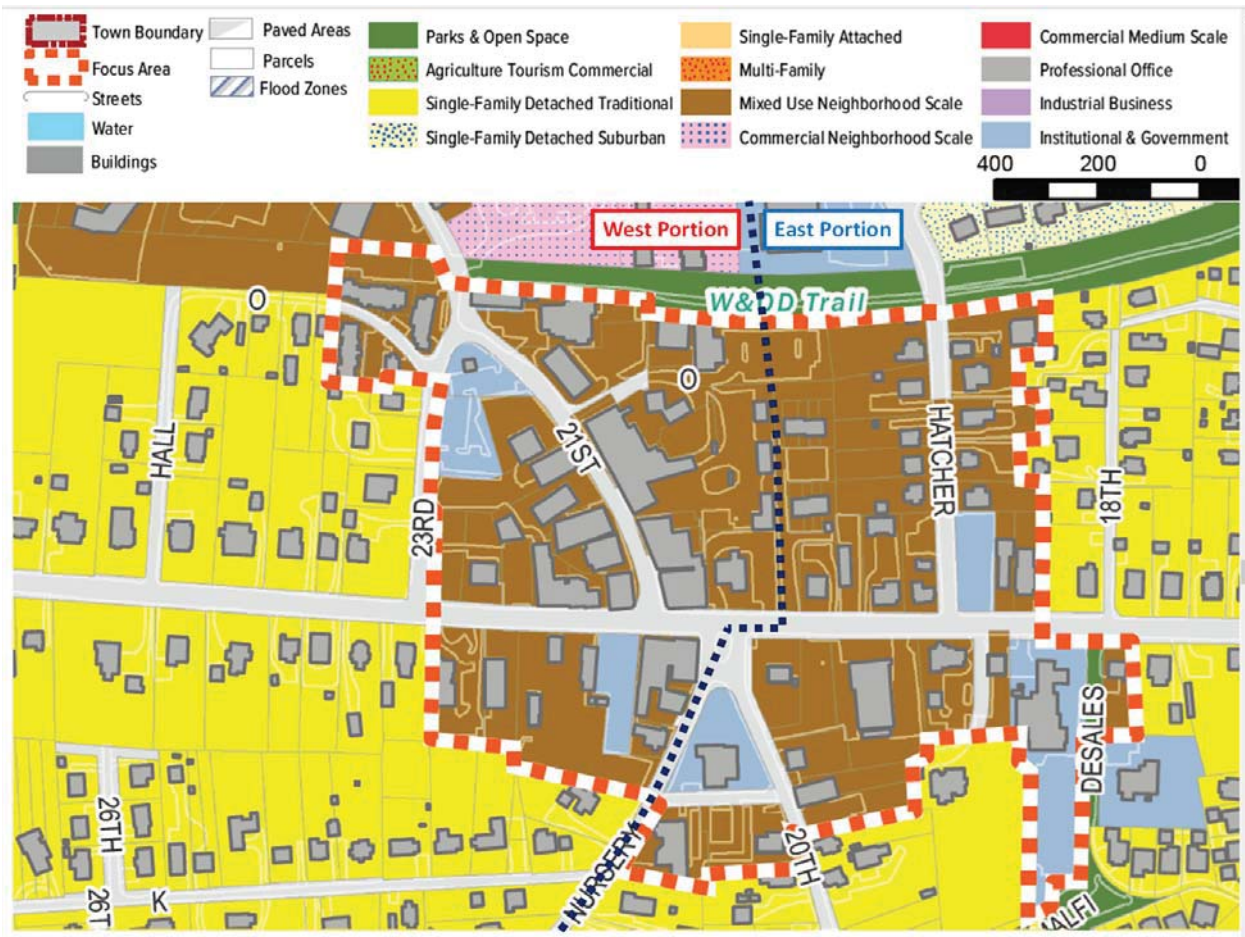




Form-Based Code Transect:

Many form-based codes are organized using the concept of a rural-to-urban “transect,” in which zones are primarily classified by the physical intensity of the built form, the relationship between nature and the built environment, and the complexity of uses within the zone. This allows for a gradual transition between different areas in a community. Applying the concept of the transect to a particular planning area often results in a modified version that responds to local conditions.¹

¹ Form-Based Codes: A Step-by-Step Guide for Communities, Chicago Metropolitan Agency for Planning (CMAP), August 2012.



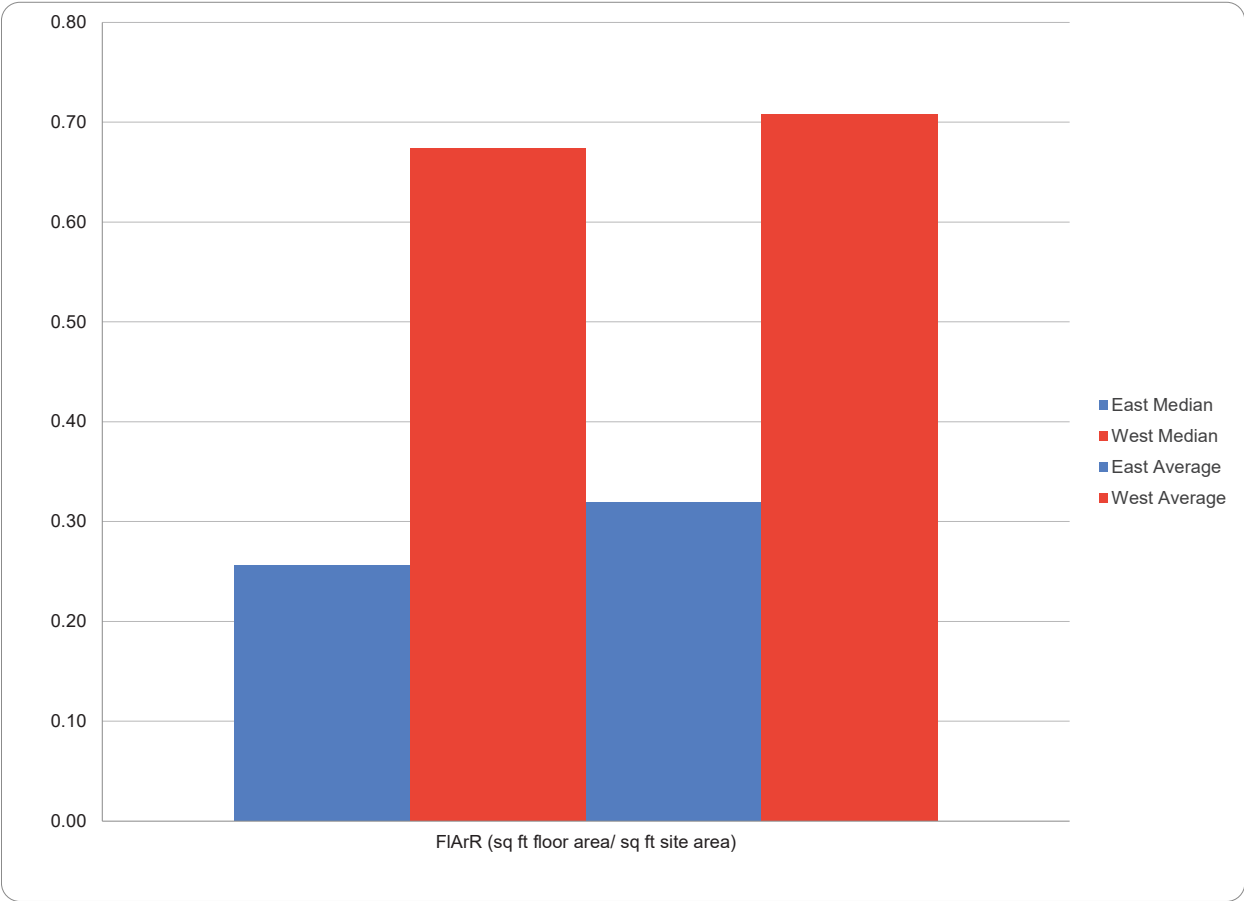
Form-Based Code Measures

According to the Form-Based Coding section of *The Small Town Handbook*² on p. 219, five key standards help ensure the overall desired quality of new development: (1) an open space ratio; (2) an impervious surface ratio; (3) dwellings per acre; (4) a floor area ratio; and (5) visual appearance details for buildings, signs and landscaping. The new Comprehensive Plan provides details on citizen desires and values related to all of these standards in the Community Design sections as well as the details on the seven Focus Areas. For the Downtown South Focus Area, the articulated citizen desire to maintain scale, design and character of the C-4 District warrants baselining the standards for future development and redevelopment based on existing ratios.

Floor Area Ratios:

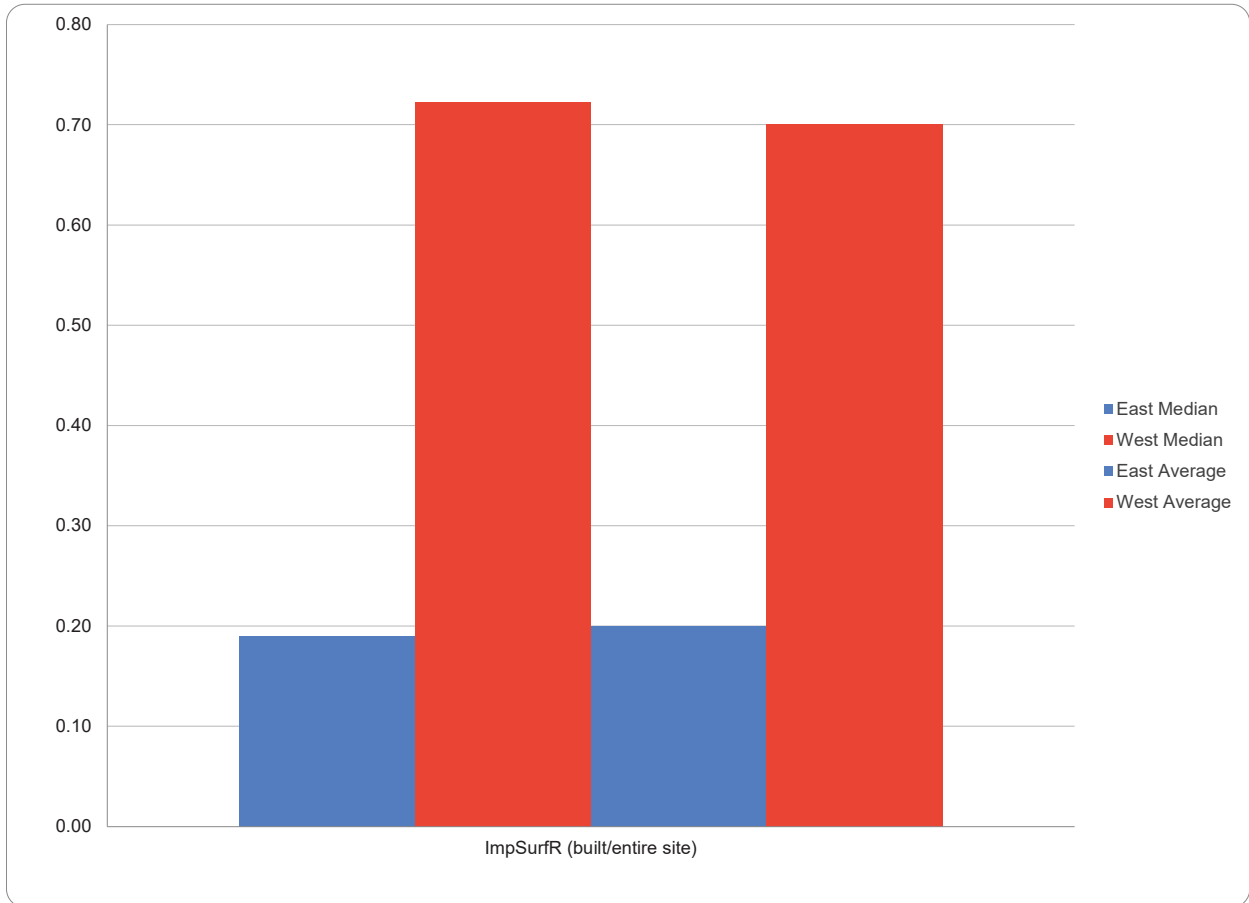
Floor Area Ratios (FARs) measure the total square feet of floor area in a building as a share of the area in square feet of the entire site. The FARs in Western Part of Downtown South are significantly greater than in the eastern part of Downtown South.

² Daniels, Thomas L, John W. Keller, Mark Lapping, Katherine Daniels and James Segedy, *The Small Town Planning Handbook, Third Edition*, Planners Press, American Planning Association, Chicago, IL 2007



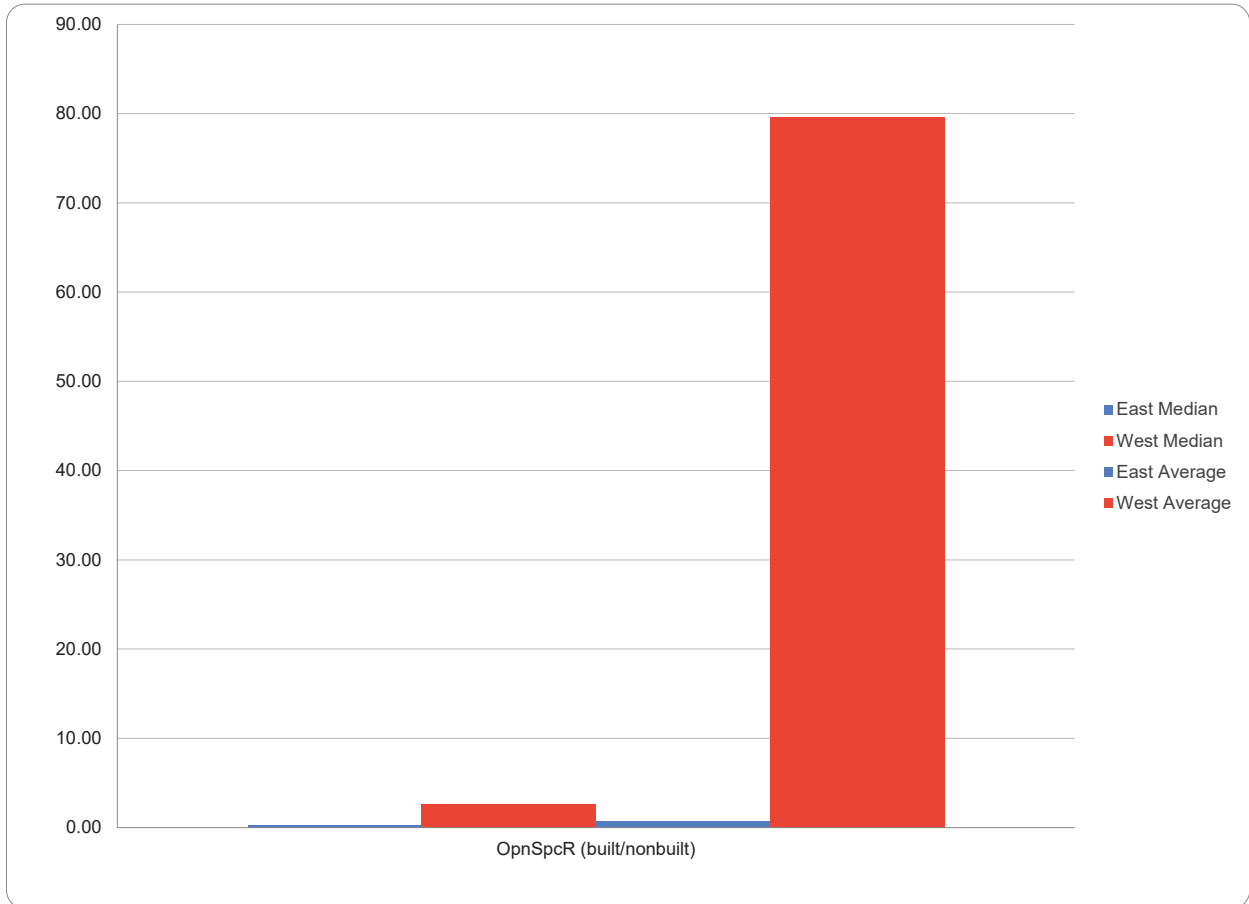
Impervious Surface Ratios:

Impervious Surface Ratios (ISR) measure the amount of space in square feet covered by roads, sidewalks, rocks, parking lots and buildings relative to the entire site. ISRs are significantly higher in the western than in the eastern part of Downtown South



Open Space Ratios:

Open Space Ratios (OSR) measure the amount of built space in square feet compared to the amount of non-built or open space in square feet on a site. OSRs in Downtown South show significantly higher built to non-built proportions in the western part of the Focus Area compared to the eastern part of the focus area.



APPENDIX A

See separate document.

APPENDIX B

Properties vulnerable to development or redevelopment in a manner that is inconsistent with the Town Plan*¹

1. Downtown South.
 - a. This area is zoned C-4 and is planned for Mixed Use Neighborhood Scale. The C- 4 zoning regulations currently allow a scale that is larger than neighborhood scale.
 - b. A Site Plan for a project known as Vineyard Square was approved on February 16, 2016, and is valid for 5 years, or through Tuesday, February 16, 2021.
 - c. Additionally, the property located at 140 West Main Street consists of 1.25 acres and is currently occupied by the Shell station across from Grutos; interest has been expressed in redeveloping that property.

2. Downtown North.
 - a. This area is currently zoned C-4, and is planned for “neighborhood scale” uses, whether mixed-use or straight commercial. The C-4 zoning regulations currently allow a scale that is larger than neighborhood scale.
 - b. Three parcels addressed as 226, 230, and 240 North 21st Street are undeveloped and owned by Cardinal Concrete.
 - c. The parcel located at 250 North 21st Street is the former home of the Dillon family, and is reported to have been built in 1795. It is also owned by Cardinal Concrete, and is adjacent to the vacant Cardinal Concrete properties. Cardinal Concrete’s four parcels fronting on 21st Street comprise about 2.5 acres collectively.
 - d. Zoning staff is unaware of any expressed interest to develop or redevelop in this area.

3. East End. This area has undeveloped parcels, zoned Transition-X. The planning commission should review the uses allowed in Transition-X, to determine the priority of amending the zoning regulations that apply to the undeveloped lands in this area.

4. East Main.
 - a. Many parcels in this area are used for outdoor storage; the Planning Commission may want to investigate to what extent such storage is allowed under the zoning ordinance and how to address the issue.
 - b. An interest has been expressed in redeveloping the 1.5-acre property located at 871 East Main Street (Purcellville Sports Pavilion)
 - c. The Comp Plan calls for a new design for parking lots serving the properties in this area, as the area redevelops.
 - d. Motivating auto-oriented or farm-oriented businesses to relocate off of Main Street, so that Main Street can become more pedestrian and retail-oriented, can be accomplished through various techniques, which can be discussed upon request.

5. Hirst East Focus Area.
 - a. Potential land use incongruity at Area 1, which is planned for “commercial neighborhood scale” and “small format” development. The existing building is a metal warehouse-type building containing an exercise business.

- b. Area 2 is planned and zoned for Industrial business, so the zoning is currently aligned with the Plan, at least as to land use.
 - c. Area 3 is planned and zoned for Commercial Office, and so the Zoning is currently aligned with the Plan, at least as to land use.
6. Planning Commission may wish to identify the location of large residential lots vulnerable to further by-right subdivision (eg; Nichols property located at 330 South Nursery Ave.)
 7. Substandard (narrow) recorded residential lots are vulnerable to new housing development. Planning Commission may want to consider whether substandard narrow lots should be forced to combine with adjacent lots when under common ownership. If not, then the Planning Commission may want to consider the proper scale of new housing on narrow lots, and amend the zoning ordinance accordingly. (numerous examples of narrow lots in old residential parts of Town)
 8. Historically Contributing Properties (see Va. Dept. of Historic Resources Records), which include 2 vulnerable properties located on Hatcher Ave.

Problematic Areas of the Zoning Ordinance to Administer

1. Sign Ordinance is inconsistent with law
2. Noise Ordinance is inconsistent with law
3. BZA rules and guidance are inconsistent with law
4. Authority of Planning Commission to issue modifications is inconsistent with law
5. Architectural design regulations are contained in both Code and ZO, and are inconsistent;
6. Tree clearing has been an issue in the past
7. Fence Height for Residential Corner Lots is a common issue
8. Outdoor storage or sale of retail goods on 21st Street and Main Street sidewalks / yards is not permitted, but commonly occurs and may be desired
9. Food trucks are a common issue

Note:

1. West End. This area contains land that appears to be susceptible to redevelopment. It is planned for Mixed Use Neighborhood Scale and is zoned Mixed Commercial, which requires certain design standards. There is no obvious disconnect between the planned land use and the zoning regulations. A property formerly owned by “Rust” is located at 625 West Main Street in the west end; land records indicate the property consists of 3.4 acres and was sold in September 2019, which could indicate the potential for redevelopment.
2. Hirst West. No vacant or vulnerable lands identified at this time.

DISCUSSION ITEMS:

a. Discussion of Amendment to Resolution 20-1-02, including Section 9.8 Maximum Building Height in C-4 District (Commissioner Neham)

Commissioner Neham noted this item is being addressed since it was brought up at the last Town Council meeting. Chairman Ogelman measured the heights of approximately 89 buildings in town using the County’s base measurements for buildings as provided in WebLogis, and used Google street view with a ruler to measure the ratio of the length he had the proper measurement for the height of the building at their highest point. The mean and median of the building heights for the C-4 district was less than 30 feet on the east and west ends. Commissioner Neham stated the proposal is to change the height from 30 to 35 feet to allow more flexibility. The Commission discussed how heights were measured, and Andy Conlon read the zoning ordinance definition of how height is to be measured. Sally Hankins talked about defining “monuments” to allow for exceptions to the height limits and conduct a survey to know what falls within the definition.

Sally Hankins stated that the purpose of the resolution is to present the idea that needs to be explored and does not have to be as specific at this time. Commissioner Kowalski suggested looking to see if other jurisdictions may have something in place the town can use. Chairman Ogelman said the purpose of the monument idea is to preserve things that already exist while trying not to make them non-confirming but not allowing the creation of something that isn’t wanted. Chairman Ogelman suggested researching “monuments” and discussing at the next meeting.

Commissioner Paciulli made a motion that the Planning Commissioner amend Resolution 20-12-01 to adjust from “two stories and 30 feet” as the by right height to “two stories and 35 feet”. The motion was seconded by Commissioner Forbes.

Motion: Commissioner Paciulli
Second: Commissioner Forbes
Carried: 7-0

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

b. Discussion of Sending Supplementary Information Paper to Town Council

This item was put together as Council had inquired about the status of items the Planning Commission is working on. Commissioner Neham reviewed the document, and proposed the document be forwarded to the Town Council before their next meeting. The Commissioners agreed unanimously to forward the document from the Chair by email to the Town Council.