



**STAFF REPORT**  
**INFORMATION/DISCUSSION ITEM**

Item # 13.d.

**SUBJECT:** Recommendation from the Planning Commission to Decrease the Maximum By-Right Height in the C-4 Zoning District (Sally Hankins)

**DATE OF MEETING:** December 8, 2020

**STAFF CONTACT(S):** Sally Hankins, Town Attorney  
Andy Conlon, Senior Planner

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**SUMMARY and RECOMMENDATIONS:**

The Planning Commission intends to act on the attached Resolution 20-12-01 at its meeting on December 3, 2020, and, if adopted, requests that the Town Council take action to direct staff to undertake the described Zoning Ordinance amendment. The proposed Zoning Ordinance amendment would, if adopted, reduce the by-right height allowed in the C-4 zoning district from three stories and 45 feet, to 2 stories and 30 feet.

**MOTION(S):**

I move that Town Council direct staff to prepare a zoning ordinance amendment consistent with the amendments described in Planning Commission Resolution 20-12-01, which would, in part, reduce the maximum by-right height in the C-4 zoning district from three stories and 45 feet, to two stories and 30 feet.

**ATTACHMENTS:**

**Planning Commission Resolution**

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

**RESOLUTION NO. 20-12-01**

**PRESENTED:**

**DECEMBER 3, 2020**

**ADOPTED:**

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**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.**

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Nedim Ogelman, Planning Commission Chair  
Town of Purcellville

**ATTEST:**

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Diana Hays, Town Clerk

Motion: Vice Mayor Williams  
Second: Council member Grewe  
Carried: 7-0

Greenly: Aye  
Grewe: Aye  
Bertaut: Aye  
Stinnette: Aye  
Williams: Aye  
Milan: Aye  
Fraser: Aye

**c. CARES Funding Update and Allocation of Remaining Funds**

Council member Grewe made a motion that the Town Council authorize staff to submit the amended high level spending plan to the County of Loudoun, as identified with this staff report as Attachment 2, formally allocating any remaining Town of Purcellville CARES funds to the federally eligible Purcellville Police Department payroll expense, for the period of July 1 – December 30, 2020. Vice Mayor Williams second the motion.

Motion: Council member Grewe  
Second: Vice Mayor Williams  
Carried: 7-0

Greenly: Aye  
Grewe: Aye  
Bertaut: Aye  
Stinnette: Aye  
Williams: Aye  
Milan: Aye  
Fraser: Aye

**d. Recommendation from the Planning Commission to Decrease the Maximum By-Right Height in the C-4 Zoning District**

Sally Hankins, Town Attorney, introduced this item and shared that several members of the Planning Commission were online and Commissioner Ogelman shared information on his research with this subject matter.

Ms. Hankins stated since the adoption of the Comprehensive Plan on June 30<sup>th</sup>, the Planning Commission has commenced the large task of comprehensively amending the zoning ordinance so that the zoning ordinance can give effect to the vision that was laid out in the plan. The Planning Commission has developed a work plan for this task, which has them beginning with developing zoning regulations for the seven focus areas with prioritization of the focus areas. Ms. Hankins continued that a survey of the buildings that exist in the C4 Zoning district, downtown south, was done by the Planning Commission to ascertain what would be compatible and execute the vision of the Comprehensive Plan which was discussed at the Planning Commission meeting on December 3<sup>rd</sup>. She shared that there was a unanimous consensus of the Planning Commission that the existing height, the existing maximum heights allowed were out of scale with the existing development in that C4 area and because the Comprehensive Plan's vision of it, is to maintain the small town character of the town, the Planning Commission's recommendation is that the town

initiate a height as a zoning ordinance amendment to reduce the maximum height in the C4 zoning district, from what it currently is at 45 feet and 3 stories, down to 2 stories and 30 feet and with preserving an option for getting to the existing height of 45 feet and 3 stories through a special exception or special use permit process. The resolution was adopted and because this would entail commitment of some town resources, the Planning Commission seeks Town Council's concurrence and affirmation of that approach so that staff can begin working on it and be collectively coordinated. A discussion continued between Council members and Planning Commissioners.

Council member Greenly made comment to oppose this idea.

Council member Grewe stated that he would like a timeline established for this process with Commissioner Forbes stating that there was an email dated September 3<sup>rd</sup> at 3:11pm to the Planning Commission from Andy Conlon that listed properties vulnerable to development or redevelopment in a manner that is inconsistent with the town plans.

Council member Milan made a motion that Town Council direct staff to prepare a zoning ordinance amendment consistent with the amendments described in Planning Commission Resolution 20-12-01, which would, in part, reduce the maximum by-right height in the C-4 zoning district from three stories and 45 feet, to two stories and 30 feet. Council member Bertaut second the motion.

Council member Milan commented at the past Town Council meetings he had reported to Council on updates from Planning Commission meetings.

Council member Stinnette questioned if staff is able to align themselves with the timeline that Planning Commission recommends and he would also like a joint discussion with Planning Commission before a public hearing on this item.

Ms. Hankins stated that she would need to research more information and update Council at the first January meeting. She would deliver a draft of the ordinance and would be able to update Council at that time if they are ready or need more time.

Motion: Council member Milan  
Second: Council member Bertaut  
Carried: 5-2

Greenly: No  
Grewe: No  
Bertaut: Aye  
Stinnette: Aye  
Williams: Aye  
Milan: Aye  
Fraser: Aye

**DISCUSSION/INFORMATIONAL ITEMS (5 minutes per Council member)**

**a. Status of RFP for Nutrient Credits**

Sally Hankins, Town Attorney, stated that an RFP has been posted and published today with already said interests that are in contact with the procurement officer. She stated that the posting is on the town bid board and also the State of Virginia Procurement website with a deadline response time of January 29, 2021.

**b. Update on Access to and Training for Stantec Utility Model**

Council had given staff direction at the Oct. 27, 2020 meeting to receive training from Stantec on the Excel-based utility rate model that did occur on Nov. 30, 2020 which included a user manual. The