



**AGENDA  
PURCELLVILLE TOWN COUNCIL MEETING  
NOVEMBER 8, 2016, 7:00 PM  
TOWN HALL COUNCIL CHAMBERS**

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- 1. CALL TO ORDER OF REGULAR MEETING** (Mayor Fraser)
- 2. PLEDGE OF ALLEGIANCE**
- 3. INVOCATION** (Mayor Fraser)
- 4. SUMMARY OF MOTIONS** (*provided separately*)
- 5. AGENDA AMENDMENTS/APPROVAL** (Town Council and Staff)
- 6. PROCLAMATIONS/RECOGNITIONS**
  - a. None
- 7. PUBLIC HEARINGS**
  - a. None
- 8. PRESENTATIONS**
  - a. None
- 9. STANDING COMMITTEE/COMMISSION/BOARD REPORTS**
  - a. Planning Commission (T. Stein, Chairman/K. Grim, Council Liaison)
  - b. Board of Architectural Review (P. Giglio, Chairman/N. Ogelman, Council Liaison)
  - c. Parks and Recreation Advisory Board (E. Coy, Chairman/R. Cool, Council Liaison)
  - d. Economic Development Advisory Committee (D. Abramson, Chairman/C. Bledsoe, Council Liaison)
  - e. Purcellville Arts Council (Liz Jarvis, Chair/D. McCollum, Council Liaison)
- 10. CITIZEN/BUSINESS COMMENTS**

*(All citizens who wish to speak will be given an opportunity. Limits will be imposed on all speakers. All speakers should sign up prior to speaking. Town residents will be given the first opportunity to speak.)*

**11. MAYOR AND COUNCIL COMMENTS**

**12. DISCUSSION/INFORMATION ITEMS**

- a. 2016 Wine and Food Festival Summary (D. Davis/M. Scoggins) (pgs. 5-13)
- b. Carver Center Bus Stop Update (Council member Grim)

**13. CONSENT ACTION ITEMS**

- a. Town Council's 2017 Legislative Agenda\* (R. Lohr/S. Hankins) (pgs. 15-25) (Motion pg. 16)
- b. RFP #PW-2016-02 Nursery Avenue Roadway and Drainage Improvements, Design and Engineering Services\* (A. Vanegas) (pgs. 27-28) (Motion pg. 28)
- c. 12<sup>th</sup> Street Drainage & Pedestrian Improvements Revenue Sharing Application and Resolution\* (A. Vanegas) (pgs. 29-31) (Motion pg. 30)
- d. 32<sup>nd</sup> & Main Street Traffic Signal Installation Revenue Sharing Application and Resolution\* (A. Vanegas) (pgs. 33-35) (Motion pg. 34)
- e. Crosswalk (various locations) Revenue Sharing Application and Resolution\* (A. Vanegas) (pgs. 37-39) (Motion pg. 38)

**14. ACTION ITEMS**

- a. SUP16-03 Mary's House Hope\* (D. Galindo) (pgs. 41-48) ***Motions forthcoming in supplemental agenda***
- b. SUP16-04 Makersmiths\* (D. Galindo) (pgs. 49-58) ***Motions forthcoming in supplemental agenda***
- c. Zoning Ordinance Text Amendment OA16-02 Disclosure of Real Parties in Interest\* (S. Hankins) (pgs. 59-80) (Motion pg. 61)
- d. Proposed Amendment to Resolution 15-01-02 to Initiate a Complete Review of the Town's Comprehensive Plan\* (Town Council) ***staff report to be issued in a supplemental agenda***
- e. Procedures for Using Polco Online Polling System\* (D. Davis) (pgs. 81-83) (Motion pg. 82)
- f. Process for Handling Complaints Against Public Officials\* (S. Hankins) (pgs. 85-99) (Motion pgs. 90-91)
- g. Committees, Commissions and Boards: Amending the Town Code to add the Purcellville Arts Council as a Standing Committee of the Town Council (S. Hankins/M. Scoggins) (pgs. 101-104) (Motion pg. 102)

- h. Committees, Commissions and Boards: Amending the Town Code Provisions Governing the Tree and Beautification Commission, to add an Environmental Sustainability Component (S. Hankins/M. Scoggins) (pgs. 105-110) (Motion pg. 106)
- i. Kline/Purcellville Crossroads Annexation Request\* (S. Hankins/R. Lohr) (pgs. 111- 211) (Motion pgs. 114-115)
- j. Town Code and Zoning Ordinance Amendment Policy\* (R. Lohr/S. Hankins) (pgs. 213-216) (Motion pg. 215)

**15. DISCUSSION OF ITEMS PROPOSED FOR FUTURE PRESENTATIONS / RECOGNITION**

- a. None

**16. APPROVAL OF MINUTES** (pgs. 217-243)

- a. October 17, 2016 Town Council Special Meeting
- b. October 25, 2016 Town Council Regular Meeting

**17. ADJOURNMENT**

**\*Roll Call Votes**

IF YOU REQUIRE ANY TYPE OF REASONABLE ACCOMMODATION AS A RESULT OF PHYSICAL, SENSORY OR MENTAL DISABILITY IN ORDER TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT DIANA HAYS, TOWN CLERK, AT 540-338-7421. THREE DAYS NOTICE IS REQUESTED.

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**STAFF REPORT**  
**INFORMATION ITEM**

Item #12a

**SUBJECT:** 2016 Wine and Food Festival Summary

**DATE OF MEETING:** November 8, 2016

**STAFF CONTACTS:** Melanie Scoggins, Division Manager - Parks and Recreation  
Daniel Davis, Assistant Town Manager

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**SUMMARY AND RECOMMENDATIONS:**

This is an informational item to provide council with a review of the 2016 Purcellville Wine and Food Festival Event. Staff asks for any feedback from Council on the event, activities, and cost structure of tickets.

**2016 PURCELLVILLE WINE AND FOOD FESTIVAL SUMMARY**

Despite the weather causing an evacuation of the event site, the 2016 Purcellville Wine and Food Festival was an overall success with approximately 2,200 people in attendance. Below is an overview of the event with some recommendations and insights. The attachments will show direct and indirect costs in addition to overall revenues and compare 2016 to past years' events.

**Weather**

Unfortunately the weather during the 2016 Wine and Food Festival included a thunderstorm beginning at around 3:30 PM that necessitated an evacuation of Dillon's Woods due to lightning striking close to the event. The evacuation was coordinated safely and successfully and many attendees sheltered in the Skating Rink while the event was temporarily closed. The timing of the storm heavily impacted day of ticket purchases because it occurred soon after gates were opening to the general public. After the lightning moved a safe distance from the event site, the grounds were reopened to the public and it turned into a beautiful afternoon and evening. The event was closed for a little over an hour.

*Recommendation* – while the evacuation was executed safely and efficiently, a more concise reopening/reentry plan that will allow for vendors and staff to have more time to prepare for reopening needs to be put into place. Staff also noted that we can provide better communication during the time patrons are sheltered so they know the latest status of the weather and the event.

### **Emergency Management and Communication**

The emergency plan for evacuation had to be implemented for the first time during 2016 and staff is pleased with the efficiency and effectiveness of how this plan was executed. It is always disappointing when weather adversely affects any program, but the safety of attendees, participants, and staff is always the most important element in any event.

*Recommendation* – create a more inclusive communication plan that includes shuttle operators and a centralized radio system that will more easily allow communication between staff, event management firm, PD, shuttles, and other important entities.

### **Operations/ Logistics**

This was the first year with the Town’s new Event Management firm, which is extremely experienced in operating festivals. Staff is very pleased with the contractor and the logistical support. Staff and the contractor noted that gate operations need to be more controlled, especially following a reentry/reopening.

*Recommendation* - the event should have only one entry point. This allows for more control on the part of PPD, staff, and cash handlers. Staff is recommending only one gate entry, which will be the primary gravel road between Haske Field and Fireman’s Field.

*Recommendation* - Lines for “ticket sales”, “VIP entry”, “advance ticket holders” and “ID check” need to be more clearly marked and managed more effectively.

### **Marketing**

The Town was again awarded the Visit Loudoun matching tourism grant for the 2016 Wine and Food Festival. The award amount was increased to \$5,000 for a total of \$10,000 in spending to market outside of Loudoun County.

*Recommendation* – evaluate the overall marketing budget and determine if the amount of matching spending required by the grant is working effectively to bring attendees to the event from outside of the County. Explore reducing the grant request to require less of a spending match from the overall event budget and freeing up funding for other needed items. Through evaluation and reallocation of marketing funds, staff may be able to make the same or greater impact using less of the overall event budget.

### **Waste management**

Less was spent on waste management for the 2016 event than in the past and it was well managed. All empty wine bottles from wineries were recycled.

*Recommendation* - add a recycling option for attendees. This is always a challenge because even with the best recycling containers, attendees typically comingle recycling with trash. Staff may use different colored trash bags to help differentiate between trash and recycling in addition to identified recycling containers.

### **Ticket sales operations and impact**

The Town collected \$15,350 in advance ticket sales. Had it not been for the advanced sales the revenue associated with this event would have suffered greatly. Only \$6,752 (about 337 entries) was collected at the gate. Staff suspects this low number was due to the weather.

Surveys indicated that the resident coupon code was very popular and appreciated; however, there was bleed over and nonresidents were able to purchase tickets at the lower “resident” price.

Due to the cost of the complimentary glass and tastings, the least expensive resident ticket (at \$5) actually resulted in lost revenue to the Town.

*Recommendation* – price the least expensive resident ticket so that it covers the hard cost for each ticket. Those costs include the glass and the tasting tickets provided during entry.

*Recommendation* – This was the first year the Town included tasting tickets, and the reimbursement to the wineries was likely set too high. Building off this year’s success and the need to balance revenues with expenses, the Town will likely reduce the reimbursement to wineries for the tasting tickets.

### **Budget Information**

The Town’s revenues came in just over \$35,000, while direct expenses tallied nearly \$45,000, representing a 78% recovery rate (our stated goal is 90%, although staff’s long-term goal is to cover all direct AND indirect expenses). This difference would have been offset if an additional 500 day-of tickets had been sold. As referenced above, without the weather complications, staff anticipates the event would have easily been revenue positive.

It is important to note that the Town will be spending less money on the preparation for the 2017 event because there are supplies left from the 2016 event that will be the start up inventory for next year’s event. For instance the Town purchased approximately 5000 wine glasses and has about 3000 left.

**REQUEST FOR COUNCIL FEEDBACK:**

Town Staff and the Event Management Firm believe the Wine and Food Festival is a great event that has the potential to continue its success. Opportunities remain to build upon this year's event and experience by bringing in additional activities, increasing awareness, and improving logistics.

Regarding the cost of the event, staff recommends keeping a similar pricing structure, with discounts available to Town residents. Although we did see this "coupon" get applied to purchases from outside of Town, Town residents expressed appreciation for the reduced cost. As mentioned above, staff will evaluate the pricing structure based on similar events, revenue needs, and anticipated expenditures.

Should Council have feedback, staff requests it as soon as possible as we will begin preparing for the 2017 event in January/February.

**ATTACHMENT:**

1. Pricing Structure for 2016 Event
2. Event Cost Comparison

**2016 Wine and Food Festival Pricing Structure**

<b>Date</b>	<b>Resident (w/ code)</b>	<b>Non-Resident</b>
Until July 5 <sup>th</sup>	\$5	\$10
Until July 15 <sup>th</sup>	\$7.50	\$15
Day of Event/At Gate	\$20	\$20
Designated Driver & Ages 16-21	\$5	\$5
Under 15	Free	Free

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# Summary of Event Cost Comparisons

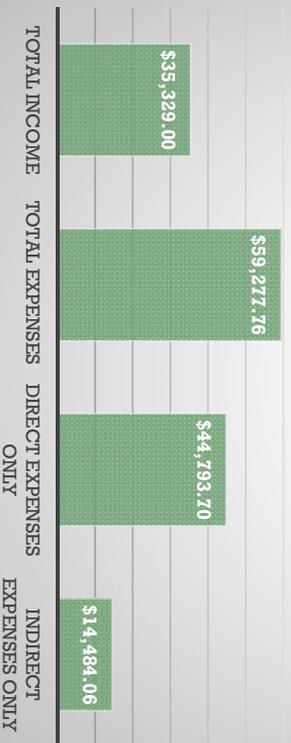
For purposes of this summary direct costs are costs associated with the event and taken out associated expense line items and the Event Management Services line item. Indirect costs include :

- Town staff hours
- Street sweep if applicable
- Town equipment costs
- PW administrative costs

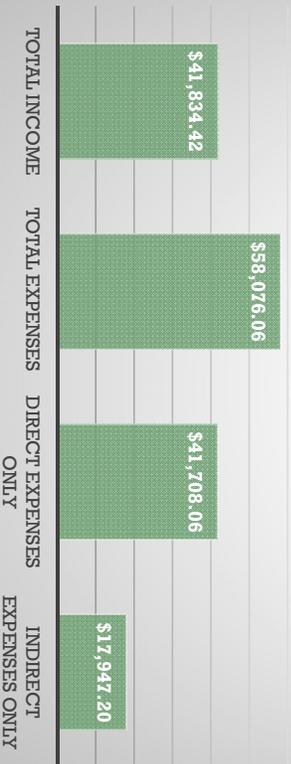
\*\*\* It is important to note that the Town receives a grant for \$5000 in advertising paid directly to the vendor by Visit Loudoun. This \$5000 is not shown as income because the payments are not shown in the revenue line associated with the event.

# Wine and Food Fest Cost Comparisons

**FY 17 Wine Fest 2016 Income and Cost Breakdown**

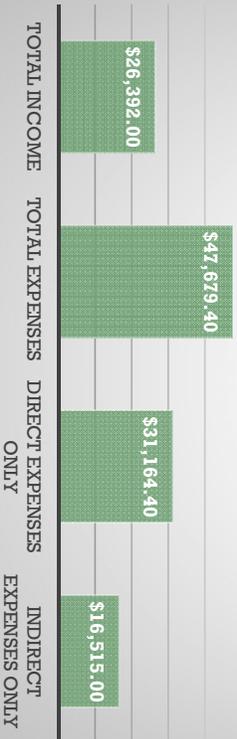


**FY 16 Wine Fest 2015 Income and Cost Breakdown**



# Wine and Food Fest Cost Comparisons

## FY 15 Wine Fest 2014 Income and Cost Breakdown



## FY 13 Wine Fest 2012 Income and Cost Breakdown



## FY 14 Wine Fest 2013 Income and Cost Breakdown



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**STAFF REPORT**  
**ACTION ITEM**

Item #13a

**SUBJECT:** Town Council’s 2017 Legislative Agenda

**DATE OF MEETING:** November 8, 2016

**STAFF CONTACTS:** Robert W. Lohr, Jr., Town Manager  
Sally Hankins, Town Attorney

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**SUMMARY and RECOMMENDATIONS:**

At the Town Council meeting on October 25, 2016, Council directed Staff to prepare a Resolution that adopts the following Legislative Agenda for the 2017 General Assembly regular session as follows:

Council member Grim made a motion that Town Council place the following items on its legislative agenda for the 2017 General Assembly regular session, and direct staff to bring this item back to Town Council in the form of a Resolution for adoption at the November 8, 2016 Town Council Meeting: 1 through 8 from Council member McCollum (See **Attachment 2**), and number 2 and 3 from Sally Hankins (See **Attachment 3**), and all of the remaining items from the document entitled *DRAFT 2017 Legislative Priorities* as submitted by: Council member Grim (See **Attachment 4**). The motion was seconded by Council member Bledsoe, and adopted 7-0-0.

The attached Resolution 16-11-04 is ready for adoption at Council’s discretion.

**BACKGROUND:**

At the Town Council meeting on October 11, 2016, the following occurred:

Council Member Grim introduced her suggested legislative agenda, stating that many of her suggested items are supportive of Loudoun County’s legislative agenda.

Council Member McCollum reviewed Council Member Grim’s suggested agenda and stated that he would prefer to shorten the number of items on the list to eight from nineteen. Council Member McCollum requested that Council take into consideration that the upcoming General Assembly session is a “short session” (the short session occurs in odd numbered years; the

legislature meets for 30 days instead of 60 days; however, the short session is traditionally extended to 45 calendar days), and to think about priorities.

Mayor Fraser noted that the list needs to be prioritized and to make the top items highlighted so they have visibility.

Rob Lohr added that the Town likes to get the list to the delegation by the middle of November and that Council has time to discuss the lists again at the next two Council meetings if they desire.

Mayor Fraser stated that the recommendation is that Council review both lists and determine which items are the top priority and label them as such prior to the end of October.

Council Member Bledsoe added that per Council Member McCollum's comments that the list needs paired down as well as identifying priorities. Mayor Fraser added that the priorities will be determined as the top ten on the list.

**ISSUES:**

None.

**BUDGET IMPACT:**

None.

**MOTION(S):**

"I move that Town Council adopt Resolution 16-11-04, establishing the Town's Legislative Agenda for the 2017 General Assembly regular session."

**ATTACHMENTS:**

1. Resolution 16-11-04
2. Email containing suggested legislative agenda items from Council Member McCollum
3. List of Legislative Amendments from Sally Hankins, Town Attorney
4. List of suggested legislative agenda items from Council Member Grim

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

**RESOLUTION NO. 16-11-04**

**PRESENTED: November 8, 2016**  
**ADOPTED: \_\_\_\_\_**

**A RESOLUTION: ESTABLISHING THE TOWN'S LEGISLATIVE  
PRIORITIES FOR THE 2017 GENERAL ASSEMBLY**

**BE IT RESOLVED** that the Town Council hereby requests the following legislative amendments from the 2017 General Assembly, and adopts the following position statements:

**Amendment to Va. Code § 15.2-2286(B)**

Amend Va. Code § 15.2-2286(B) to authorize a Town to require payment of taxes and other charges constituting a lien on the property, whether such taxes or charges are owed to the Town or to the County within which the Town is located.

**Amendment to Va. Code § 15.2-2119.2**

Amend Va. Code § 15.2-2119.2, to authorize the Town of Purcellville (or all Towns) to provide discounted water and sewer fees and charges for low-income, elderly, or disabled customers.

**Phase II Watershed Implementation Plan/State funding for agricultural BMP and other cost-sharing programs**

Purcellville supports efforts to increase state appropriations for cost-sharing programs, including but not limited to the Virginia Natural Resources Commitment Fund (VNRCF). The VNRCF supports Virginia Agricultural Cost-Share programs including installation of cost-effective best management practices that are necessary to meet Phase II Watershed Implementation Plan local pollution reduction goals.

**Conditional Zoning (Cash and In-Kind Proffers)**

Purcellville supports actions to suspend or revise dramatically the new Proffer Law: SB549. Purcellville supports local authority to accept cash and in-kind proffers from developers to assist localities in financing the capital facilities and infrastructure on site and off site that is

needed to serve new development. Purcellville opposes legislation to eliminate or restrict that authority.

### **Community Maintenance**

Purcellville opposes any diminution of community maintenance authority including: any loss of authority to regulate telecommunication facilities; any limitation on local land use authority through the statewide building code; any weakening of authority related to inoperative motor vehicles, residential overcrowding, weeds, grass, spot blight, noise, or signage.

### **Connection Fees**

Purcellville supports the existing authority of localities or locally created authorities to impose connection fees and rates adequate to support the full cost of water, wastewater and storm water utility systems, and opposes any legislation that would limit that authority.

### **Erosion and Sediment Control/Storm water Management**

Purcellville opposes legislation that reduces or eliminates local authority in the areas of erosion and sediment control, and storm water management.

### **Line of Duty Benefits for Public Safety Personnel**

Purcellville supports efforts to shift responsibility for Line of Duty benefits back to the state. Should localities continue to be required to pay these benefits, they should at the very least be authorized to establish the level of benefits, instead of the state mandating benefits.

### **Worker's Compensation**

Purcellville supports the current Virginia Worker's Compensation Act and opposes any expansion of the heart/lung/cancer presumption statute.

### **Adopt state schedule for Worker's Compensation medical services**

Purcellville supports legislation to implement a schedule for medical services provided under a worker's compensation claim that reduces such costs for the county and provides more uniformity and predictability in the rates.

### **Expanded Benefits**

Purcellville opposes any legislation mandating new and/or expanded benefits on local governments that are not fully funded in perpetuity by the State, and oppose new or expanded employment benefits for public employees and/or volunteers unless a local option is provided.

**Collective Bargaining**

Purcellville opposes any attempt by the state government to impose collective bargaining or to stipulate grievance procedures for state and local employees.

**Election Districts**

Purcellville supports technical corrections to the state legislative election districts in the County as a part of the omnibus election district “clean-up” legislation. This will avoid unnecessary local costs resulting from election precincts with very small numbers of voters, and will help limit the inconvenience to some voters that resulted from the recent decennial redistricting.

**Retention of Election Ballots**

Purcellville supports legislation to authorize Circuit Court Clerks to retain digital images of election ballots instead of the actual paper ballots for the required (2 year) time period.

**No-Excuse Absentee Voting**

Purcellville supports no-excuse absentee voting in the interest of increasing voter turn-out, promoting efficient and effective election administration, and as a way of avoiding long lines for voters.

**Northern VA Road priority**

Purcellville supports the completion of the Route 7/690 interchange.

**Revenue Sharing Program**

Purcellville supports continued use of this program as an effective way to leverage local/state funds and oppose decreasing the recent funding allocations for this program.

**Virginia Department of Transportation Staffing Levels**

Purcellville supports state funding for providing additional staffing of VDOT personnel designated for and preferably located in Loudoun County for the purposes of greater efficiency.

**Dulles Greenway**

Purcellville supports measures and legislation that address toll rate concerns including but not limited to potential state acquisition of the Dulles Greenway and distance-based and time-based tolling structures to reduce the costs for Greenway users and to reduce toll-induced traffic congestion on alternative routes.

**New State Mandates & Shifting Responsibility to Localities**

Purcellville opposes any new state mandates that are not fully funded by the Commonwealth, and opposes the shifting of fiscal responsibility from the state to localities for existing programs.

**State Corporation Commission Public Hearings**

Purcellville supports a requirement that the State Corporation Commission conduct a local public hearing for projects that significantly impact Loudoun County.

**BE IT FURTHER RESOLVED** that the Town shall promptly transmit these requested legislative changes and position statements to the Senator representing Senate District 13 and the Delegate representing House of Delegates District 33.

**PASSED THIS 8<sup>TH</sup> DAY OF NOVEMBER, 2016.**

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Kwasi A. Fraser, Mayor  
Town of Purcellville

ATTEST:

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Diana Hays, Town Clerk

## Hays, Diana

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**From:** Doug McCollum - Personal  
**Sent:** Tuesday, October 04, 2016 3:05 PM  
**To:** Jimmerson, Karen; Lohr, Rob; Grim, Kelli; Fraser, Kwasi; Bledsoe, Chris; Cool, Ryan; Ogelman, Nedim  
**Cc:** McCann, Hooper; Hays, Diana; Doug McCollum - Personal  
**Subject:** Re: DRAFT Legislative Priorities for 2017 from Kelli Grim

The list is very detailed and shows us what issues are likely to be before the General Assembly in 2017 but I think it is too long and inclusive. I prefer to identify the issues most important to Purcellville as a municipal entity. I don't think our state representatives will respond to such a lengthy list given that there are other municipalities and cities also submitting their legislative priorities.

In my view, using the list Council member Grim prepared, I would focus on:

1. Conditional Zoning (# 2 on Kelli's list)
2. Community Maintenance (#3)
3. Connection Fees (#4)
4. Northern VA Road Priority (#1 under Transportation)
5. Revenue Sharing Program (#2 under Transportation)
6. Dulles Greenway (#4 under Transportation)
7. New State Mandates and Shifting Responsibility of Localities (#5 under Transportation)
8. State Corporation Commission Public Hearings (#6 under Transportation)

The other 11 are interesting but I don't see them as having as big an impact on Purcellville as a municipal entity as the 8 above.

Doug McCollum

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**From:** "Jimmerson, Karen" <kjimmerson@purcellvilleva.gov>  
**To:** "Lohr, Rob" <rlohr@purcellvilleva.gov>; "Grim, Kelli" <kgrim@purcellvilleva.gov>  
**Cc:** Town Council <TownCouncil@purcellvilleva.gov>; "McCann, Hooper" <hmccann@purcellvilleva.gov>  
**Sent:** Tuesday, October 4, 2016 9:57 AM  
**Subject:** RE: DRAFT Legislative Priorities for 2017 from Kelli Grim

While my list was not as thorough, it includes several that Councilwiman Grim included in her list so I will concur with this list. Great job Kelli.

Karen Jimmerson  
Vice-Mayor  
Purcellville Town Council  
221 S.Nursery Avenue

### Potential General Assembly Requests

NOTE: All requests for drafts of legislation to be pre-filed to Legislative Services by 5:00 p.m. on **December 5, 2016**.

1. Va Code 15.2-1427(G):

“In towns, no tax shall be **imposed** except by a two-thirds vote of the council members.”

- Clarify whether “imposed” refers to the initial adoption of a tax, or to the initial adoption and any subsequent increases to that tax. (note that the term “increase” is used elsewhere in the Code when “increase” was intended, supporting the argument that “impose” does not include “increase.”)
- Clarify whether “council members” means (i) all Council seats (not persons) regardless of whether the seats are vacant or occupied, present or absent (on a 7-member Council, the vote must always be two-thirds of 7), or (ii) all Council Members who occupy a seat, excluding vacant seats but including absences (on a 7-member Council with 1 vacancy and 1 absence, the vote must be two-thirds of 6).

2. 15.2-2286(B): Amend to authorize a Town to require payment of taxes and other charges constituting a lien on the property, whether such taxes or charges are owed to the Town or to the County within which the Town is located.

3. Amend Va. Code § 15.2-2119.2, to authorize the Town of Purcellville (or all Towns) to provide discounted water and sewer fees and charges for low-income, elderly, or disabled customers.

**DRAFT 2017 Legislative Priorities**

Submitted by: Councilwoman Kelli Grim

Date: October 3, 2016

**Land Use, Zoning, and Property Maintenance**

**Phase II Watershed Implementation Plan/State funding for agricultural BMP and other cost-sharing programs**

Support efforts to increase state appropriations for cost-sharing programs, including but not limited to the Virginia Natural Resources Commitment Fund (VNRFCF). The VNRFCF supports Virginia Agricultural Cost- Share (Cost-Share) programs including installation of cost-effective best management practices that are necessary to meet Phase II Watershed Implementation Plan local pollution reduction goals.

**Conditional Zoning (Cash and In-Kind Proffers) NEW**

Purcellville supports the General Assembly actions to suspend or revise dramatically the new Proffer Law: SB549. Support existing local authority to accept cash and in-kind proffers from developers to assist localities in financing the capital facilities and infrastructure on site and off site that is needed to serve new development and oppose legislation to eliminate or restrict that authority.

**Community Maintenance**

Purcellville opposes any diminution of community maintenance authority including: any loss of authority to regulate telecommunication facilities; any limitation on local land use authority through the statewide building code; or weakening of issues relating to inoperative motor vehicles, residential overcrowding weeds and grass, spot blight, noise, sign statutes, or

**Connection Fees**

Support the existing authority of localities or locally created authorities to impose connection fees and rates adequate to support the full cost of water, wastewater and storm water utility systems, and oppose any legislation that would limit that authority.

**Erosion and Sediment Control/Storm water Management**

Oppose legislation that reduces or eliminates local authority in the areas of erosion and sediment control and storm water management.

**Employment and Benefits**

**Line of Duty Benefits for Public Safety Personnel**

Support efforts to shift responsibility for Line of Duty benefits back to the state which pushed this long time program back to local governments. Should localities continue to be required to pay these benefits, they should at the very least be authorized to establish the level of benefits, instead of the state mandating benefits.

**Worker's Compensation**

Support the current Virginia Worker's Compensation Act and oppose any expansion of the heart/lung/cancer presumption statute.

**Adopt state schedule for Worker's Compensation medical services**

Support legislation to implement a schedule for medical services provided under a worker's compensation claim that reduces such costs for the county and provides more uniformity and predictability in the rates.

**Expanded Benefits**

Oppose any legislation mandating new and/or expanded benefits on local governments that are not fully funded in perpetuity by the State, and oppose new or expanded employment benefits for public employees and/or volunteers unless a local option is provided.

**Collective Bargaining**

Oppose any attempt by the state or federal government to impose collective bargaining or stipulate grievance procedures for state and local employees.

**Elections**

**Election Districts**

Support technical corrections to the state legislative election districts in the County as a part of the omnibus election district “clean-up” legislation. This will avoid unnecessary local costs resulting from election precincts with very small numbers of voters, and will help limit the inconvenience to some voters that resulted from the recent decennial redistricting.

**Retention of Election Ballots**

Support legislation to authorize Circuit Court Clerks to retain digital images of election ballots instead of the actual paper ballots for the required (2 year) time period.

**No-Excuse Absentee Voting**

Purcellville supports no-excuse absentee voting in the interest of increasing voter turn-out, promoting efficient and effective election administration, and as a way of avoiding long lines for voters.

**Transportation**

**Northern VA Road priority**

Purcellville supports the completion of the Route 7/690 interchange.

**Revenue Sharing Program**

Support continued use of this program as an effective way to leverage local/state funds and oppose decreasing the recent funding allocations for this program.

**Virginia Department of Transportation Staffing Levels**

Support state funding for providing additional staffing of VDOT personnel designated for and preferably located in Loudoun County for the purposes of greater efficiency.

**Dulles Greenway**

Support measures and legislation that address toll rate concerns including but not limited to potential state acquisition of the Dulles Greenway and distance-based and time-based tolling structures to reduce the costs for Greenway users and to reduce toll-induced traffic congestion on alternative routes.

**MISCELLANEOUS ISSUES TO DISCUSS**

**Unfunded Mandates**

**New State Mandates & Shifting Responsibility to Localities**

Oppose any new state mandates that are not fully funded by the Commonwealth, and oppose the shifting of fiscal responsibility from the state to localities for existing programs.

**State Corporation Commission Public Hearings**

Seek changes to the Code of Virginia to require a local public hearing, by request of a local governing body, of State Corporation Commission proceedings that involve projects that significantly impact Loudoun County.

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## **STAFF REPORT**

### **ACTION**

Item #13b

**SUBJECT:** RFP #PW-2016-02, for Nursery Avenue Roadway and Drainage Improvements, Design and Engineering Services

**DATE OF MEETING:** November 8, 2016

**STAFF CONTACTS:** Alex Vanegas, CPM, Director of Public Works

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### **SUMMARY and RECOMMENDATIONS:**

The staff recommends that the Town Council approve the selection of ATCS, PLC for the Design and Engineering Services for the Nursery Avenue Roadway and Drainage Improvements Project.

### **BACKGROUND:**

Nursery Avenue, in the Town of Purcellville, is one of the oldest roads within the Town. It provides access to many residential roadways and is a direct corridor to many major public venues such as Town Hall, Fireman's Field, Bush Tabernacle, Emerick Elementary School, and the Loudoun Valley Community Center. A majority of the elements of the roadway do not meet the current standards, needs, and capacities of the roadway. The Town applied for and received VDOT Revenue Sharing funding for design and construction of the roadway and drainage improvements, from the roadway's north terminus to just north of School Street. In addition to the VDOT Revenue Sharing funding, the Town also received Local NVT A HB2313/Chapter 766 funding and is a participant in the Urban Construction Initiative. The project is to be designed and constructed in accordance with all applicable VDOT requirements that must be met per the VDOT Locally Administered Projects (LAP) Manual and in accordance with AASHTO standards. This project is in the Capital Improvement Project (CIP) Budget.

On July 22, 2016, the Town advertised for proposals for Design and Engineering Services to prepare plans and specifications from the 30% plans to 100% plans for the Nursery Avenue

Roadway and Drainage Improvements project. On August 9, 2016, the Town received five (5) proposals. After reviewing the proposals, two firms (Contractors), ATCS, PLC and Pennoni Associates, Inc., were selected to interview. After the interviews and review of additional information submitted, staff recommends award of the contract to ATCS, PLC.

**ISSUES:**

None.

**BUDGET IMPACT:**

The total amount to complete plans to the 100% level for the Nursery Avenue Roadway and Drainage Improvements is \$263,610.10. Funding is available within the CIP budget to complete the design.

**MOTION(S):**

“I move that the Town Council approve of and authorize the Town Manager to approve of the award of a Contract to ATCS, P.L.C. for the Nursery Avenue Roadway and Drainage Improvements design to the 100% level for the amount of \$263,610.10.”

**ATTACHMENT(S):**

1. None.



**STAFF REPORT**  
**ACTION ITEM**

Item #13c

**SUBJECT:** 12<sup>th</sup> Street Drainage & Pedestrian Improvements Revenue Sharing Application and Resolution

**DATE OF MEETING:** November 8, 2016

**STAFF CONTACTS:** Alex Vanegas, CPM, Director of Public Works

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**SUMMARY and RECOMMENDATIONS:**

The attached resolution is required by the Commonwealth Transportation Board and the Virginia Department of Transportation (VDOT) in order to submit a Revenue Sharing Grant Application. Staff recommends that Town Council approve the resolution for the 12<sup>th</sup> Street Drainage & Pedestrian Improvements Revenue Sharing Grant application.

**BACKGROUND:**

The Town has received multiple complaints regarding drainage and the condition of the asphalt and shoulder sections of S. 12<sup>th</sup> Street, between Main Street and E. G Street. This is one of the oldest streets in the Town formerly known as Janney's Lane. The overall area is very flat, with no storm sewer system and no system of defined roadside ditches/culverts. No immediate solution to the complaints is readily apparent. In addition, prior to a full re-paving project, the Town typically considers the condition of the underground infrastructure (water and sanitary sewer), so that essential underground work is completed prior to the roadway work. Earlier this year, staff procured a consultant to conduct a feasibility study to look at possible solutions based on a topographical survey and field analysis. The study indicated that one of the most efficient ways to improve the drainage issue, is to install curb and gutter along 12<sup>th</sup> Street. In order to pay for the

improvements, the Town applied for a revenue sharing grant which requires a resolution by the Town Council specifying that the Town Council supports the allocation of \$1,000,000 through the Virginia Department of Transportation Revenue Sharing Program, with required matching funds provided by the Town.

**ISSUES:**

The installation of a drainage improvements and pedestrian enhancements will require negotiating with property owners in the area to ensure proper drainage and ROW space is available to build the necessary improvements. The preliminary design will allow the Town to determine what ROW would be required and which parties will be involved.

**BUDGET IMPACT:**

The VDOT Revenue Sharing Grant requires an equal match by the Town. It is anticipated that this match would be achieved from a combination of the allocation of NVTA 30% local funds and Town enterprise funding sources.

**MOTION(S):**

"I move that the Town Council approve the attached Resolution Number 16-11-02 requesting Revenue Sharing grant funding for the 12<sup>th</sup> Street Drainage & Pedestrian Improvements project.

**ATTACHMENT(S):**

1. Resolution Number 16-11-02

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

**RESOLUTION NO. 16-11-02**

**PRESENTED: NOVEMBER 8, 2016**

**ADOPTED: \_\_\_\_\_**

**A RESOLUTION: SUPPORTING A REVENUE SHARING APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR 12<sup>th</sup> STREET DRAINAGE & ROAD IMPROVEMENTS AND AUTHORIZING THE TOWN MANAGER TO APPLY FOR AND EXECUTE AGREEMENTS RELATING TO SUCH FUNDS**

WHEREAS, the Council of the Town of Purcellville desires to submit an application requesting funds of up to \$ 1,000,000 from the Virginia Department of Transportation Fiscal Year 2018, Revenue Sharing Program; and,

WHEREAS, these funds are requested to fund the 12<sup>th</sup> Street Drainage & Road Improvements, so as to address drainage issues, safety concerns and pedestrian accessibility along 12<sup>th</sup> Street.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Purcellville hereby supports and directs the submission of an application requesting \$1,000,000 from the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED that the Council of the Town of Purcellville hereby authorizes the Town Manager to execute said application for funds, and to execute all project administration agreements for any approved revenue sharing projects.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Kwasi A. Fraser, Mayor  
Town of Purcellville

ATTEST:

\_\_\_\_\_  
Diana Hays, Clerk of Council

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**STAFF REPORT**  
**ACTION ITEM**

Item #13d

**SUBJECT:** 32<sup>nd</sup> & Main Street Traffic Signal Installation Revenue Sharing Application and Resolution

**DATE OF MEETING:** November 8, 2016

**STAFF CONTACTS:** Alex Vanegas, CPM, Director of Public Works

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**SUMMARY and RECOMMENDATIONS:**

The attached resolution is required by the Commonwealth Transportation Board and the Virginia Department of Transportation (VDOT) in order to submit a Revenue Sharing Grant Application. Staff recommends that Town Council approve the resolution for the 32<sup>nd</sup> & Main Street Traffic Signal Installation Revenue Sharing Grant application.

**BACKGROUND:**

The intersection is located in the western part of Purcellville and has three approaches. The northbound approach (32<sup>nd</sup> Street) is stop controlled while the eastbound and westbound approaches (W. Main Street, Business Route 7) are uncontrolled. All roadways have a posted speed limit of 25 mph. In the vicinity of the intersection, W. Main Street is a two-lane road with curb and gutter to the east of 32<sup>nd</sup> Street and paved shoulders to the west. The eastbound approach to the intersection includes an exclusive right-turn lane with an effective storage length of approximately 130 feet. 32<sup>nd</sup> Street is a two lane road that has a right-turn only lane and a very short left-turn lane along the northbound. Due to constant complaints of the inability for vehicles to make turns unto Main Street, staff reached out to VDOT to determine if a traffic signal was warranted. Based on VDOT's analysis, they indicated a traffic signal was not needed. The Town Council directed staff to procure a

traffic consultant to conduct an independent study based on recent collected traffic data. This study indicated that the respective intersection does warrant a traffic signal due to meeting the minimum requirements. In order to fund this project, staff prepared an application for revenue sharing grant funds. The grant requires a resolution by the Town Council specifying that the Town Council supports the allocation of \$450,000 through the Virginia Department of Transportation Revenue Sharing Program, with required matching funds provided by the Town.

**ISSUES:**

The installation of a traffic signal may require negotiating with property owners in the area to ensure adequate space exists. The preliminary design will allow the Town to determine what ROW would be required and which parties will be involved.

**BUDGET IMPACT:**

The VDOT Revenue Sharing Grant requires an equal match by the Town. It is anticipated that this match would be achieved from the recent submission to NVTA requesting 30% local funds.

**MOTION(S):**

“I move that the Town Council approve the attached Resolution Number 16-11-03 requesting Revenue Sharing grant funding for the 32<sup>nd</sup> & Main Street Traffic Signal Installation.

**ATTACHMENT(S):**

1. Resolution Number 16-11-03

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

**RESOLUTION NO. 16-11-03**

**PRESENTED: NOVEMBER 8, 2016**

**ADOPTED: \_\_\_\_\_**

**A RESOLUTION: SUPPORTING A REVENUE SHARING APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF 32<sup>ND</sup> & MAIN STREET AND AUTHORIZING THE TOWN MANAGER TO APPLY FOR AND EXECUTE AGREEMENTS RELATING TO SUCH FUNDS**

WHEREAS, the Council of the Town of Purcellville desires to submit an application requesting funds of up to \$ 450,000.00 from the Virginia Department of Transportation Fiscal Year 2018, Revenue Sharing Program; and,

WHEREAS, these funds are requested to fund the Installation of a Traffic Signal at the Intersection of 32<sup>nd</sup> & Main Street to improve vehicular traffic flows and pedestrian accessibility.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Purcellville hereby supports and directs the submission of an application requesting \$450,000.00 from the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED that the Council of the Town of Purcellville hereby authorizes the Town Manager to execute said application for funds, and to execute all project administration agreements for any approved revenue sharing projects.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Kwasi A. Fraser, Mayor  
Town of Purcellville

ATTEST:

\_\_\_\_\_  
Diana Hays, Clerk of Council

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**STAFF REPORT**  
**ACTION ITEM**

Item #13e

**SUBJECT:** Crosswalk (various locations) Revenue Sharing Application and Resolution

**DATE OF MEETING:** November 8, 2016

**STAFF CONTACTS:** Alex Vanegas, CPM, Director of Public Works

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**SUMMARY and RECOMMENDATIONS:**

The attached resolution is required by the Commonwealth Transportation Board and the Virginia Department of Transportation (VDOT) in order to submit a Revenue Sharing Grant Application. Staff recommends that Town Council approve the resolution for the Crosswalk Improvements (various locations) Revenue Sharing Grant application.

**BACKGROUND:**

Crosswalks at various locations within the Town need to be upgraded to meet current Virginia Department of Transportation (VDOT) requirements. The estimated cost to improve these crosswalks is \$40,000. In order to help fund these improvements, Revenue Sharing monies may be available upon application to the Virginia Department of Transportation. Staff is preparing an application for the VDOT Revenue Sharing Grant program. The grant requires a resolution by the Town Council specifying that the Town Council supports the allocation of \$20,000 through the Virginia Department of Transportation Revenue Sharing Program, with required matching funds provided by the Town.

**ISSUES:**

Existing crosswalks do not meet current VDOT requirements. The location of the crosswalks are (4) on North Maple Avenue near Loudoun Valley High School, (1) Hatcher Avenue and

the W&OD Trail, (1) Blue Ridge Middle School on A Street, (3) Intersection of 20<sup>th</sup> Street & A Street.

**BUDGET IMPACT:**

The VDOT Revenue Sharing Grant requires an equal match by the Town. It is anticipated that this match would be from maintenance funds from the VDOT Urban Maintenance Program.

**MOTION(S):**

“I move that the Town Council approve the attached Resolution Number 16-11-01 requesting Revenue Sharing grant funding for the Crosswalk Improvements at Various Locations, and authorizing the Town Manager to execute said application for funds and to execute all project administration agreements for any approved revenue sharing projects.”

**ATTACHMENT(S):**

1. Resolution Number 16-11-01

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

**RESOLUTION NO. 16-11-01**

**PRESENTED: NOVEMBER 8, 2016  
ADOPTED: \_\_\_\_\_**

**A RESOLUTION: SUPPORTING A REVENUE SHARING APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR CROSSWALK IMPROVEMENTS AT VARIOUS LOCATIONS AND AUTHORIZING THE TOWN MANAGER TO APPLY FOR AND EXECUTE AGREEMENTS RELATING TO SUCH FUNDS**

WHEREAS, the Council of the Town of Purcellville desires to submit an application requesting \$20,000.00 from the Virginia Department of Transportation Fiscal Year 2018, Revenue Sharing Program; and,

WHEREAS, these funds are requested to fund Crosswalk Improvements in various locations within the Town.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Purcellville hereby supports and directs the submission of an application requesting \$20,000.00 from the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED that the Council of the Town of Purcellville hereby authorizes the Town Manager to execute said application for funds, and to execute all project administration agreements for any approved revenue sharing projects.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Kwasi A. Fraser, Mayor  
Town of Purcellville

ATTEST:

\_\_\_\_\_  
Diana Hays, Clerk of Council

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**STAFF REPORT**  
**ACTION ITEM**

Item #14a

**SUBJECT:** SUP16-03 – Mary’s House of Hope (Transitional Housing)

**DATE OF MEETING:** November 8, 2016

**STAFF CONTACT:** Daniel Galindo, AICP – Senior Planner

<b>Application Information</b>		
<b>Applicant</b> Vickie Koth The Good Shepherd Alliance, Inc. 20684 Ashburn Road Ashburn, VA 20147	<b>Property Owner</b> Town of Purcellville 221 South Nursery Avenue Purcellville, VA 20132	<b>Designer/Engineer</b> N/A
<b>Submission Date</b> October 6, 2016	<b>Planning Commission Public Hearing Date</b> November 3, 2016	<b>Town Council Public Hearing Date</b> November 3, 2016

<b>Property Information</b>				
<b>PIN</b>	<b>Tax Map</b>	<b>Address</b>	<b>Current Zoning</b>	<b>Acres</b>
489-38-4477-000	/44//43/////A/	781 South 20th Street	R-2	0.3471

<b>Special Use Requested</b>
<b>SUP16-03</b>
Transitional Housing

**SUMMARY and RECOMMENDATIONS:**

The Town of Purcellville and The Good Shepherd Alliance, Inc. have initiated an application, coded as SUP16-03, to authorize the special use of “transitional housing” on a Town-owned, 0.3471 acre parcel addressed as 781 South 20th Street, Purcellville, Virginia (the “Property”). The Property has a zoning district designation of R-2 (Single-Family Residential), and currently contains a building that was originally a single-family detached dwelling but is now occupied by Mary’s House of Hope which provides transitional housing to single mothers. No additional development is currently proposed for the Property. A joint public hearing on SUP16-03 was held before the Planning Commission and Town Council on November 3, 2016.

In the staff report for the November 3, 2016 public hearing, Town Staff recommended that the Planning Commission defer action on SUP16-03 until the Commission's November 17, 2016 regular meeting. If the Planning Commission approved a motion to defer, then Town Council must also defer action, and this item will be scheduled for action at Town Council's December 13, 2016 regular meeting. However, if the Planning Commission approved a motion recommending that the Town Council approve or deny SUP16-03, Staff will provide a revised staff report for this item in a supplemental agenda.

For additional background and analysis on SUP16-03, the staff report for the November 3, 2016 public hearing is attached without its attachments. If Staff provides a revised staff report in a supplemental agenda, all relevant documents will be included as attachments at that time.

**ATTACHMENTS:**

1. SUP16-03 Staff Report for November 3, 2016 Public Hearing

All materials pertaining to SUP16-03 can be found at:  
<http://purcellvilleva.gov/DocumentCenter/Index/256>



**STAFF REPORT**  
**PUBLIC HEARING ITEM**

Item # 3a

**SUBJECT:** SUP16-03 – Mary’s House of Hope (Transitional Housing)

**DATE OF MEETING:** November 3, 2016

**STAFF CONTACT:** Daniel Galindo, AICP – Senior Planner

<b>Application Information</b>		
<b>Applicant</b> Vickie Koth The Good Shepherd Alliance, Inc. 20684 Ashburn Road Ashburn, VA 20147	<b>Property Owner</b> Town of Purcellville 221 South Nursery Avenue Purcellville, VA 20132	<b>Designer/Engineer</b> N/A
<b>Submission Date</b> October 6, 2016	<b>Planning Commission Public Hearing Date</b> November 3, 2016	<b>Town Council Public Hearing Date</b> November 3, 2016

<b>Property Information</b>				
<b>PIN</b>	<b>Tax Map</b>	<b>Address</b>	<b>Current Zoning</b>	<b>Acres</b>
489-38-4477-000	/44//43/////A/	781 South 20th Street	R-2	0.3471

<b>Special Use Requested</b>
<b>SUP16-03</b>
Transitional Housing

**SUMMARY and RECOMMENDATIONS:**

The Town of Purcellville and The Good Shepherd Alliance, Inc. have initiated an application, coded as SUP16-03 (Attachments 1 & 2), to authorize the special use of “transitional housing” on a Town-owned, 0.3471 acre parcel (displayed on Attachments 3 & 4) addressed as 781 South 20th Street, Purcellville, Virginia (the “Property”). The Property has a zoning district designation of R-2 (Single-Family Residential), and currently contains a building that was originally a single-family detached dwelling but is now occupied by Mary’s House of Hope, a facility that is owned and operated by The Good Shepherd Alliance to provide transitional housing to single mothers. No additional development is currently proposed for the

Property. A joint public hearing on SUP16-03 is scheduled before the Planning Commission and Town Council on November 3, 2016.

The Town has yet to receive review comments from all referral agencies to which the SUP16-03 application was sent, so Town Staff recommends that the Planning Commission take no action until such time as all review comments have been received and fully considered. Town Council must defer any action on SUP16-03 until the Planning Commission has adopted a recommendation or until sufficient time has passed without a recommendation.

### **BACKGROUND:**

#### **Property Description**

Special use permit application SUP16-03 involves a Town-owned, 0.3471 acre parcel addressed as 781 South 20th Street, Purcellville, Virginia (the "Property") and further identified in the Loudoun County land records as Tax Map Number /44//43/////A/ and Parcel Identification Number 489-38-4477-000. The Property, located southwest of the intersection of A Street and South 20th Street, is bounded to the east by the South 20th Street right-of-way and on the south, west and north by property owned by the Town of Purcellville which is subject to the SUP16-04 application. The Property has a planned land use designation of "Residential – 2 Dwelling Units Per Acre" and a zoning district designation of R-2 (Single-Family Residential).

#### **SUP16-03 Description**

The SUP16-03 application consists of the following documents:

1. A Completed Special Use Permit Application Form;
2. A Statement of Justification (including the Written Statement describing the proposed use);
3. A Special Use Permit Concept Plan;
4. An Aerial Image of the Property; and
5. A Traffic Impact Analysis Waiver Letter from the Director of Public Works.

SUP16-03 seeks authorization for the special use of "transitional housing" on the Property. The transitional housing use is defined by the *Zoning Ordinance for the Town of Purcellville, Virginia* as "a residential facility managed by a government or nonprofit agency which provides temporary accommodations to women, with or without children, for a period of up to two years, and which also may provide meals, counseling, and other appropriate program activities designed to facilitate independent living." The Property currently contains a building that was originally a single-family detached dwelling but is now occupied by Mary's

House of Hope which has provided transitional housing to single mothers and their children for the past nine years. No additional development or change in use is currently proposed by SUP16-03. The Good Shepherd Alliance plans to continue to use the Property for transitional housing, and approval of SUP16-03 would bring the existing use in to compliance with the Town's Zoning Ordinance.

### **Previous Action on Related Applications**

In order to prepare the Property for sale, the Town took the following actions earlier this year:

1. RZ15-01, approved via Ordinance 16-04-05 on April 12, 2016, rezoned the Property from IP, Institutional and Public Use District to R-2, Single-Family Residential District;
2. CPA15-02, approved via Ordinance 16-04-05 on April 12, 2016, amended the comprehensive plan to designate the Property with a planned land use of Residential – 2 Dwelling Units Per Acre; and
3. OA15-04, approved via Ordinance 16-04-06 on April 12, 2016, amended the Zoning Ordinance to:
  - add transitional housing as a use listed in the Use Table and allow transitional housing as a use allowed by special use permit in the R-2 zoning district (i.e. shown as “SUP” in the Use Table);
  - add standards for the transitional housing use; and
  - add a definition for the transitional housing use.

The Town initiated these three applications in preparation for the possible sale of the Property to The Good Shepherd Alliance—the non-profit which operates Mary's House of Hope—and because the rezoning to R-2 allows the building on the Property to revert to its historic use as a single-family detached dwelling at a future time, if necessary. However, as noted above, no additional development or change in use is currently proposed.

### **ANALYSIS:**

There are certain relevant factors that should be considered for any special use permit application. Article 8, Section 1.2 of the Zoning Ordinance of the Town of Purcellville, Virginia states:

A special use permit should be approved only if it is listed as allowed by special use permit in the district regulations and only if it is found that the location is appropriate and not in conflict with the comprehensive plan, that the public health, safety, morals, and general welfare will not be adversely affected, that

adequate utilities and off-street parking facilities, if applicable, will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values, and further provided that the additional standards of this article are complied with.

The requested use is listed in Article 4, Section 1.1 of the Zoning Ordinance as a use allowed by special use permit in the R-2 zoning district while the remaining factors to be considered are addressed in the applicant's Statement of Justification. Article 4, Section 1.2 of the Zoning Ordinance also requires transitional housing to "have a maximum occupancy of three adults and six children, excluding any resident staff persons" as well as be located "at least 250 feet from any existing residential dwelling." Mary's House of Hope complies with both standards.

Since being submitted, the SUP16-03 application was distributed for review by the Town and external review agencies; however, the Town has yet to receive responses from all referral agencies. At this time, Town Staff provisionally agrees with the contents of application, but this may change based on the contents of the review comments that have yet to be received. Overall, the requested special use complies with the comprehensive plan and satisfies the other issues listed for consideration in the Zoning Ordinance as demonstrated during its nine years in operation on the site. The necessary utilities are already in place on the site, and there should be no adverse impact to water quality or air quality. After reviewing SUP16-03, the Director of Public Works waived the requirement for a Traffic Impact Analysis, as permitted by Article 8, Section 1.4.C.6 of the Zoning Ordinance, in a letter dated October 5, 2016 (Attachment 5). The letter stated that vehicle traffic associated with Mary's House of Hope will "not generate additional significant vehicle trips during peak hours." Finally, as noted in the Background section above, approval of SUP16-03 would also bring Mary's House of Hope in to compliance with the Town's Zoning Ordinance.

**BUDGET IMPACT:**

There is no budget impact with this item.

**FINDINGS:**

1. The proposed use is allowed in the R-2 district by special use permit (Zoning Ordinance – Article 4, Section 1.1).
2. The proposed use complies with all applicable use standards (Zoning Ordinance – Article 4, Section 1.2).

3. The application complies with Article 8, Section 1 (Special Use Permit) of the Zoning Ordinance.
4. The proposed use advances the goals and strategies established in the *Purcellville, Virginia 2025 Comprehensive Plan*.

**MOTIONS:**

***Recommended Motion – Defer Action on SUP16-03***

I move that the Planning Commission move SUP16-03 to its meeting on November 17, 2016, for discussion and possible action.

***Alternative Motions***

***Add as Action Item***

I move that the Planning Commission amend the November 3, 2016 agenda to add SUP16-03 as an action item.

**IF ADDED FOR ACTION:**

***Approval (as presented)***

For the reasons stated in the staff report dated November 3, 2016, I move that the Purcellville Planning Commission forward to Town Council, with a recommendation to approve, SUP16-03 allowing transitional housing to be located at 781 South 20<sup>th</sup> Street as shown on the concept plan submitted with the application entitled “Concept Plan, 781 S. 20<sup>th</sup> Street, Purcellville, VA,” dated October 4, 2016.

***Conditional Approval***

For the reasons stated in the staff report dated November 3, 2016, I move that the Purcellville Planning Commission forward to Town Council, with a recommendation to approve, SUP16-03 allowing transitional housing to be located at 781 South 20<sup>th</sup> Street with the following condition(s):

1. The use shall be developed as shown on the concept plan submitted with the application entitled “Concept Plan, 781 S. 20<sup>th</sup> Street, Purcellville, VA,” dated October 4, 2016.
- 2.
- 3.

*Disapproval*

I move that the Purcellville Planning Commission forward to Town Council, with a recommendation to disapprove for the following reasons, SUP16-03 allowing transitional housing to be located at 781 South 20<sup>th</sup> Street:

- 1.
- 2.
- 3.

**ATTACHMENTS:**

1. SUP16-03 Application
2. SUP16-03 Written Statement and Statement of Justification
3. SUP16-03 Concept Plan
4. SUP16-03 Aerial Image of the Property
5. SUP16-03 Traffic Impact Analysis Waiver Letter

These materials and others pertaining to SUP16-03 can be found at:

<http://purcellvilleva.gov/DocumentCenter/Index/256>



**STAFF REPORT**  
**ACTION ITEM**

Item # 14b

**SUBJECT:** SUP16-04 – Makersmiths (Public or Government Building, Facility, or Use Not Otherwise Defined)

**DATE OF MEETING:** November 8, 2016

**STAFF CONTACT:** Daniel Galindo, AICP – Senior Planner

<b>Application Information</b>		
<b>Applicant</b> Thomas Hill 17256 Pickwick Drive Purcellville, VA 20132	<b>Property Owner</b> Town of Purcellville 221 South Nursery Avenue Purcellville, VA 20132	<b>Designer/Engineer</b> N/A
<b>Submission Date</b> October 7, 2016	<b>Planning Commission Public Hearing Date</b> November 3, 2016	<b>Town Council Public Hearing Date</b> November 3, 2016

<b>Property Information</b>				
<b>PIN</b>	<b>Tax Map</b>	<b>Address</b>	<b>Current Zoning</b>	<b>Acres</b>
489-28-1645-000	/44//43/////B/	785 & 787 South 20th Street	IP	8.8699

<b>Special Use Requested</b>
<b>SUP16-04</b>
Public or Government Building, Facility, or Use Not Otherwise Defined (for a “makerspace”)

**SUMMARY and RECOMMENDATIONS:**

The Town of Purcellville and Thomas Hill (on behalf of Makersmiths Inc.) have initiated an application, coded as SUP16-04, to authorize the special use of “public or government building, facility, or use not otherwise defined” on a Town-owned, 8.8699 acre parcel addressed as 785 South 20th Street and 787 South 20th Street, Purcellville, Virginia (the “Property”). The Property has a zoning district designation of IP (Institutional and Public Use), and contains buildings and structures previously used by the Town for vehicle storage and water treatment. These existing facilities and surrounding outdoor area would be repurposed by Makersmiths Inc. to conduct “makerspace” activities; no additional

development is currently proposed for the Property. A joint public hearing on SUP16-04 was held before the Planning Commission and Town Council on November 3, 2016.

In the staff report for the November 3, 2016 public hearing, Town Staff recommended that the Planning Commission defer action on SUP16-04 until the Commission's November 17, 2016 regular meeting. If the Planning Commission approved a motion to defer, then Town Council must also defer action, and this item will be scheduled for action at Town Council's December 13, 2016 regular meeting. However, if the Planning Commission approved a motion recommending that the Town Council approve or deny SUP16-04, Staff will provide a revised staff report for this item in a supplemental agenda.

For additional background and analysis on SUP16-04, the staff report for the November 3, 2016 public hearing is attached without its attachments. If Staff provides a revised staff report in a supplemental agenda, all relevant documents will be included as attachments at that time.

**ATTACHMENTS:**

1. SUP16-04 Staff Report for November 3, 2016 Public Hearing

All materials pertaining to SUP16-04 can be found at:

<http://purcellvilleva.gov/DocumentCenter/Index/257>



**STAFF REPORT**  
**PUBLIC HEARING ITEM**

Item # 3b

**SUBJECT:** SUP16-04 – Makersmiths (Public or Government Building, Facility, or Use Not Otherwise Defined)

**DATE OF MEETING:** November 3, 2016

**STAFF CONTACT:** Daniel Galindo, AICP – Senior Planner

<b>Application Information</b>		
<b>Applicant</b> Thomas Hill 17256 Pickwick Drive Purcellville, VA 20132	<b>Property Owner</b> Town of Purcellville 221 South Nursery Avenue Purcellville, VA 20132	<b>Designer/Engineer</b> N/A
<b>Submission Date</b> October 7, 2016	<b>Planning Commission Public Hearing Date</b> November 3, 2016	<b>Town Council Public Hearing Date</b> November 3, 2016

<b>Property Information</b>				
<b>PIN</b>	<b>Tax Map</b>	<b>Address</b>	<b>Current Zoning</b>	<b>Acres</b>
489-28-1645-000	/44//43/////B/	785 & 787 South 20th Street	IP	8.8699

<b>Special Use Requested</b>
<b>SUP16-04</b>
Public or Government Building, Facility, or Use Not Otherwise Defined (for a “makerspace”)

**SUMMARY and RECOMMENDATIONS:**

The Town of Purcellville and Thomas Hill (on behalf of Makersmiths Inc.) have initiated an application, coded as SUP16-04 (Attachments 1 & 2), to authorize the special use of “public or government building, facility, or use not otherwise defined” on a Town-owned, 8.8699 acre parcel (displayed on Attachment 3) addressed as 785 South 20th Street and 787 South 20th Street, Purcellville, Virginia (the “Property”). The Property has a zoning district designation of IP (Institutional and Public Use), and contains buildings and structures previously used by the Town for vehicle storage and water treatment. These existing facilities and surrounding outdoor area would be repurposed by Makersmiths Inc. to conduct “makerspace” activities; no additional development is currently proposed for the Property.

A joint public hearing on SUP16-04 is scheduled before the Planning Commission and Town Council on November 3, 2016.

The Town has yet to receive review comments from all referral agencies to which the SUP16-04 application was sent, so Town Staff recommends that the Planning Commission take no action until such time as all review comments have been received and fully considered. Town Council must defer any action on SUP16-04 until the Planning Commission has adopted a recommendation or until sufficient time has passed without a recommendation.

**BACKGROUND:**

**Property Description**

Special use permit application SUP16-04 involves a Town-owned, 8.8699 acre parcel addressed as 785 South 20th Street and 787 South 20th Street, Purcellville, Virginia (the "Property"), located southwest of the intersection of A Street and South 20th Street, and further identified in the Loudoun County land records as Tax Map Number /44//43/////B/ and Parcel Identification Number 489-28-1645-000. The Property is bounded to the east by the South 20th Street right-of-way and the 781 South 20<sup>th</sup> Street property which is subject to the SUP16-03 application, on the south by property owned by the Town of Purcellville, on the west by property owned by the Town of Purcellville as well as residential lots and an open space parcel owned by the Hirst Farm Homeowners Association, and on the north by an open space parcel owned by the Locust Grove Homeowners Association. The Property has a zoning district designation of IP (Institutional and Public Use) and three planned land use designations. A rectangular projection on the north of the Property is designated "Private Open Space," the remainder of the northern half of the Property (i.e. the area where structures are present that is generally wider from west to east than the southern portion of the Property) is designated "Institutional/Government," and the remainder of the southern half of the Property (i.e. the area where no structures are present that is generally narrower from west to east than the northern portion of the Property) is designated "Public Open Space."

**SUP16-04 Description**

The SUP16-04 application consists of the following documents:

1. A Completed Special Use Permit Application Form;
2. A Statement of Justification (including the Written Statement describing the proposed use);
3. A Special Use Permit Concept Plan; and
4. A Traffic Impact Analysis Waiver Letter from the Director of Public Works.

SUP16-04 seeks authorization for the special use of “public or government building, facility, or use not otherwise defined” on the Property. This use is defined by the *Zoning Ordinance for the Town of Purcellville, Virginia* as “any facility owned or operated by a public utility or an agency of local, regional, state or federal government and not otherwise defined within this article.” The Property currently contains buildings and structures previously used by the Town for vehicle storage and water treatment, and approval of SUP16-04 would specifically allow Makersmiths Inc. to conduct “makerspace” activities on the Property by repurposing these existing facilities and the surrounding outdoor area. No additional development is currently proposed for the Property.

A “makerspace” is a workshop that allows members of the community to work with and learn about old and new technologies where a wide range of activities may occur. Possible “makerspace” activities on the Property may include but are not limited to: woodworking, metalworking, electronics and robotics fabrication, classroom instruction, computer coding, 3-D printing, and crafting.

### **Previous Consideration**

At the Town Council meeting on January 12, 2016, Mayor Fraser first discussed a proposal submitted by Makersmiths to use the Town’s former maintenance facility at the Property for a makerspace, and Patrick Scannell of Makersmiths gave a presentation to Council about the proposal at its February 9, 2016 meeting. In the spring, Makersmiths submitted a Letter of Intent with a lease proposal for the Property, and at its April 12, 2016 meeting, Town Council directed Town Staff to move forward with the proposal including beginning the necessary zoning process and the process to enter into a lease arrangement with Makersmiths. Council also agreed with the Town Manager’s suggestion that the Planning Commission be consulted and asked to recommend the best option to pursue that would allow Makersmiths to operate in compliance with the Town’s Zoning Ordinance.

At the Planning Commission’s meeting on May 5, 2016, the Commission considered the zoning issues presented by Makersmiths. The staff report noted that the various functions of a makerspace were not clearly encapsulated by any existing use allowed by the Zoning Ordinance (with one possible exception). For the Commission’s consideration, the staff report included four primary options for further action that would allow Makersmiths to operate in compliance with the Zoning Ordinance at the proposed location of the former Maintenance Building:

1. Rezone the Property to CM-1, Local Service Industrial or M-1, Limited Industrial;

2. Amend the text of the Zoning Ordinance to allow a newly created use in the IP district that would be defined broadly enough to fit a makerspace but narrowly enough to avoid any use that would be a significant departure from the public and institutional uses allowed in the district (in conjunction with standards for the new use, if needed);
3. Rezone the Property to another zoning district in conjunction with a text amendment that would allow a makerspace in that district; or
4. Submit a special use permit application utilizing the “public or government building, facility, or use not otherwise defined” land use allowed in the IP zoning district by special use permit.

Staff recommended the second option and specifically recommended creating a new land use (and accompanying definition) that would be allowed in the IP district by special use permit. This option would have resulted in the creation of a long-term solution. Instead, the Planning Commission recommended the fourth option which has resulted in the submission of SUP16-04. The downside of this option is that it only results in a short-term fix because the use is only valid on a publicly-owned property. If Makersmiths or some other private or non-profit entity were to buy the property in the future, the Makerspace would become a nonconforming use that could not be expanded.

**ANALYSIS:**

There are certain relevant factors that should be considered for any special use permit application. Article 8, Section 1.2 of the Zoning Ordinance of the Town of Purcellville, Virginia states:

A special use permit should be approved only if it is listed as allowed by special use permit in the district regulations and only if it is found that the location is appropriate and not in conflict with the comprehensive plan, that the public health, safety, morals, and general welfare will not be adversely affected, that adequate utilities and off-street parking facilities, if applicable, will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values, and further provided that the additional standards of this article are complied with.

The requested use is listed in Article 4, Section 1.1 of the Zoning Ordinance as a use allowed by special use permit in the IP zoning district while the remaining factors to be considered are addressed in the applicant’s Statement of Justification.

Since being submitted, the SUP16-04 application was distributed for review by the Town and external review agencies; however, the Town has yet to receive responses from all referral agencies. Although Staff's opinion is subject to change based on the contents of the review comments that have yet to be received, Town Staff largely agrees with the contents of application at this time, but a few possible concerns are noted below. Overall, the requested special use complies with the comprehensive plan and generally satisfies the other issues listed for consideration in the Zoning Ordinance. The necessary utilities are already in place on the site, and there should be no adverse impact to water quality or air quality. After reviewing SUP16-04, the Director of Public Works waived the requirement for a Traffic Impact Analysis, as permitted by Article 8, Section 1.4.C.6 of the Zoning Ordinance, in a letter dated October 5, 2016 (Attachment 4). The letter stated that "it does not appear that the facility will generate significant peak hour trips" which he calculated at a total of 20 or less.

However, the primary concern with the makerspace use has always been the element of uncertainty caused by the broad mix of possible activities that may or may not be conducted. As noted in an email from applicant Thomas ("Tom") Hill that the Town Manager forwarded to the Planning Commission and Town Council on April 22, 2016 (Attachment 5), Makersmiths has a mission of "providing knowledge, space, equipment, community & programs to enable you to learn, design, make, launch, work and play." This mission is carried out in a makerspace which jointly functions as a fabrication workshop, classroom, and meeting area utilized by the members of the organization. While a number of anticipated and possible activities are listed on the first two pages of the Statement of Justification, dated September 28, 2016, the April 22<sup>nd</sup> email also noted that "equipment changes frequently." Such change is not necessarily good or bad, but from a zoning perspective, it causes uncertainty which can lead to unintended issues.

For example, a Makersmiths representative that spoke at a Town Council meeting in the spring mentioned the possibility of a community garden on the site. This led to confusion because Town Staff and some members of Council did not consider that to be part of a makerspace as we understood it. Additionally, gardening on portions of the Property could pose dangers to human health. The portion of the Property shown as an "Area of Remediation" on the concept plan is subject to restrictive covenants in order to protect human health and the environment. Specifically, the groundwater in this area shall not be used for any purpose other than environmental monitoring and testing, and the area shall not be used for residential purposes or for children's daycare facilities, schools or playground purposes. Thankfully this idea came up during initial discussions of the project rather than Makersmiths simply starting a community garden in a couple of years without consulting the Town.

While the Town does not desire to be unrealistically strict, this serves as a useful example of the issues that can arise from otherwise good intentions. Therefore, it will be in the best interest of all parties involved to ensure that everyone is in agreement regarding the general parameters of what kinds of activities would be allowed on the site (and possibly the locations where such activities may be conducted) if SUP16-04 were to be approved. The Planning Commission and Town Council should consider what conditions, if any, should be placed on the use to protect the health, safety and general welfare of the Town and its citizens.

During consideration of Makersmiths' proposal, Town Staff has previously expressed concerns about operating hours and noise, so Makersmiths has proposed possible solutions to address these community concerns. Although it desires for the makerspace to be open 24 hours a day, Makersmiths has proposed quiet hours from 10 PM – 8 AM. Similarly, the third page of the Statement of Justification states that "Makersmiths believes that there will be only occasional daytime noise emanating from the site, and no odors from the site," yet the organization has still proposed to "[maintain] a 'hotline' whereby residents can report any disturbing noise or odor, so they can be immediately ameliorated" on the fourth page.

**BUDGET IMPACT:**

There is no budget impact with this item.

**FINDINGS:**

1. The proposed use is allowed in the IP district by special use permit (Zoning Ordinance – Article 4, Section 1.1).
2. The application complies with Article 8, Section 1 (Special Use Permit) of the Zoning Ordinance.
3. The proposed use advances the goals and strategies established in the *Purcellville, Virginia 2025 Comprehensive Plan*.

**MOTIONS:**

***Recommended Motion – Defer Action on SUP16-04***

I move that the Planning Commission move SUP16-04 to its meeting on November 17, 2016, for discussion and possible action.

***Alternative Motions***

*Add as Action Item*

I move that the Planning Commission amend the November 3, 2016 agenda to add SUP16-04 as an action item.

**IF ADDED FOR ACTION:**

*Approval (as presented)*

For the reasons stated in the staff report dated November 3, 2016, I move that the Purcellville Planning Commission forward to Town Council, with a recommendation to approve, SUP16-04 allowing a “makerspace” as a “public or government building, facility, or use not otherwise defined” to be located at 785 and 787 South 20<sup>th</sup> Street as shown on the concept plan submitted with the application entitled “Concept Plan, 785 S. 20<sup>th</sup> Street, Purcellville, VA,” dated October 4, 2016.

*Conditional Approval*

For the reasons stated in the staff report dated November 3, 2016, I move that the Purcellville Planning Commission forward to Town Council, with a recommendation to approve, SUP16-04 allowing a “makerspace” as a “public or government building, facility, or use not otherwise defined” to be located at 785 and 787 South 20<sup>th</sup> Street with the following condition(s):

1. The use shall be developed as shown on the concept plan submitted with the application entitled “Concept Plan, 785 S. 20<sup>th</sup> Street, Purcellville, VA,” dated October 4, 2016.
- 2.
- 3.

*Disapproval*

I move that the Purcellville Planning Commission forward to Town Council, with a recommendation to disapprove for the following reasons, SUP16-04 allowing a “makerspace” as a “public or government building, facility, or use not otherwise defined” to be located at 785 and 787 South 20<sup>th</sup> Street:

- 1.
- 2.
- 3.

**ATTACHMENTS:**

1. SUP16-04 Application

2. SUP16-04 Written Statement and Statement of Justification
3. SUP16-04 Concept Plan
4. SUP16-04 Traffic Impact Analysis Waiver Letter
5. Email from Tom Hill forwarded by Rob Lohr to the Planning Commission and Town Council on April 22<sup>nd</sup>

These materials and others pertaining to SUP16-04 can be found at:

<http://purcellvilleva.gov/DocumentCenter/Index/257>



**STAFF REPORT**  
**ACTION ITEM**

Item #14c

**SUBJECT:** Disclosure of Real Parties in Interest

**DATE OF MEETING:** November 8, 2016

**STAFF CONTACTS:** Sally Hankins, Town Attorney

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**SUMMARY:**

On September 13, 2016, Town Council adopted Resolution No. 16-09-02, initiating an amendment to Article 11 of the Zoning Ordinance to add a requirement that all applicants for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance make a full public disclosure of the legal and equitable ownership interests in the real property that is the subject of such application, and periodically affirm such disclosure. Such a disclosure is referred to as a *Disclosure of Real Parties in Interest*. The purpose of the proposed Ordinance is to increase transparency and avoid conflicts of interest.

On November 3, 2016, the Planning Commission and Town Council are conducting a joint public hearing to receive public comment on this proposed ordinance, attached hereto as Ordinance No. 16-09-01.

**RECOMMENDATION:**

At the conclusion of the joint public hearing, the Planning Commission may discuss and act upon the proposed ordinance. The Planning Commission may then elect to add this item to its agenda for action at the November 3, 2016 meeting, or it may defer such discussion and action to a subsequent meeting or meetings of the Planning Commission. Town Council must defer any action on the proposed ordinance until the Planning Commission has adopted a recommendation, or until sufficient time has passed without a recommendation. The timing of such recommendation by the Planning Commission and action by Town Council is at the discretion of the respective bodies.

**BACKGROUND:**

Virginia Code Section 15.2-2289 authorizes a locality's Planning Commission, Town Council, or Board of Zoning Appeals to require the complete disclosure of the equitable ownership interests in real property that is the subject of one of the following types of application: Special Exception, Special Use Permit, Zoning Ordinance Map Amendment, Zoning Ordinance Text Amendment, and Variance. The statute provides that, in the case of corporate ownership, such ordinance may require disclosure of the stockholders, officers, and directors, provided that such disclosure shall not be required when the corporation is traded on a national or local stock exchange and has more than 500 shareholders. The statute also exempts those who own fewer than 10% of the units within a condominium building.

A principal purpose of the *Disclosure of Real Parties in Interest* is to make elected and appointed officials aware of the individuals who have an interest in the application before them. Once that information has been disclosed, it is the obligation of the elected or appointed official to review the information and determine whether or not a conflict of interest exists, in accordance with the Virginia Conflicts of Interest Act. A secondary purpose of the *Disclosure* is to give full awareness to the public of the various parties who have an interest in a land development application, whereas sometimes that information can be difficult to obtain due to the creation of LLCs and other similar corporate entities.

**ISSUES:**

It should be noted that Zoning Ordinance Article 11, Section 18 addresses Conflicts of Interests in zoning matters, and appears to be intended to prohibit participation by public officials who have a conflict of interest in zoning matters. Such a prohibition has the effect of disallowing participation by a public official that is allowed in some cases under the Virginia Conflict of Interest Act. The Town Attorney has opined that Zoning Ordinance Article 11, Section 18 is preempted by the Virginia Conflict of Interest Act. For that reason, the proposed Ordinance (Section 19.8) has been drafted such that if a conflict of interest exists, the affected member is required to take the minimum actions required under the Virginia Conflict of Interest Act, but may *elect* to go further and refrain from participation.

**BUDGET IMPACT:**

During the application review process, additional staff time will be needed to review the Disclosure of Real Parties in Interest for completeness and to review the required Affirmations. Further, there will likely be additional requests to the Town Attorney for determinations of conflict under the Virginia Conflict of Interest Act.

**PLANNING COMMISSION MOTIONS:**

1. I move that the Planning Commission move this item to its meeting on November [17], 2016, for discussion and possible action.

**OR**

2. I move that the Planning Commission amend the November 3, 2016 agenda to add this item as an action item.

**AND** *(when ready to take action)*

I move that the Planning Commission recommend [adoption or rejection] of Ordinance 16-09-01, which would amend the Zoning Ordinance to require that land development applicants make a full public disclosure of the legal and equitable ownership interests in the real property that is the subject of such application, and periodically affirm such disclosure.

**TOWN COUNCIL MOTIONS**

***(To be used only if the Planning Commission has made a recommendation to Town Council on this item. If the Planning Commission moves this item to a future Planning Commission meeting for discussion, the Town Council should make no motion and take no action regarding this item on November 3, 2016.)***

1. I move that the Town Council [adopt or reject] Ordinance 16-09-01, amending the Zoning Ordinance to require that land development applicants make a full public disclosure of the legal and equitable ownership interests in the real property that is the subject of such application, and periodically affirm such disclosure.

**OR**

2. I move that the Town Council move this item to its meeting on \_\_\_\_\_, \_\_\_\_\_, for discussion and possible action.

**ATTACHMENTS:**

1. Ordinance Number 16-09-01, amending Zoning Ordinance Article 11 to require that land development applicants make a full public disclosure of the legal and equitable ownership interests in the real property that is the subject of such application, and periodically affirm such disclosure.

2. Redline of Ordinance number 16-09-01. The redline highlights changes made to the Ordinance since it was presented to Town Council at its meeting on September 13, 2016.
3. Form and instructions for the *Affidavit of Disclosure of Real Parties in Interest*
4. Form and instructions for the *Affirmation of Disclosure of Real Parties in Interest*

TOWN OF PURCELLVILLE  
IN  
LOUDOUN COUNTY, VIRGINIA

**ORDINANCE NO. 16-09-01**

**PRESENTED: September 13, 2016**  
**ADOPTED:**

**AN ORDINANCE: AMENDING ARTICLE 11 OF THE TOWN OF PURCELLVILLE ZONING ORDINANCE TO ADD SECTION 19, REQUIRING ALL APPLICANTS FOR SPECIAL USE PERMIT, SPECIAL EXCEPTION, ZONING MAP AMENDMENT, ZONING CONCEPT PLAN AMENDMENT, PROFFER AMENDMENT, ZONING TEXT AMENDMENT, ZONING ORDINANCE MODIFICATION, AND VARIANCE TO COMPLETE AN AFFIDAVIT OF DISCLOSURE OF REAL PARTIES IN INTEREST AND TO AFFIRM SUCH DISCLOSURE**

**WHEREAS,** the Town Council desires that applicants for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance make a full public disclosure of the legal and equitable ownership interests in the real property that is the subject of such application, and periodically affirm such disclosure; and

**WHEREAS,** the Town Council finds that such disclosures will enhance transparency, will avoid conflicts of interest, and will serve the public necessity, convenience, and general welfare.

**THEREFORE,** the Council of the Town of Purcellville, Virginia hereby ordains:

**Section 1.** That Zoning Ordinance Article 11 (“Administration and Enforcement”) is hereby amended to add Section 19 as follows:

Section 19. Disclosures of Real Parties in Interest

19.1 An applicant for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance shall include as part of the minimum application submission requirements a completed *Affidavit of Disclosure of Real Parties in Interest* form, disclosing the legal and equitable ownership interests in the real property that is the subject of such application.

19.2 In accordance with Virginia Code 15.2-2289, such disclosure shall not be required of a corporation having more than 500 shareholders whose stock is traded on a national or local stock exchange, nor shall it be required from a condominium owner, contract purchaser, or lessee who owns less than 10% of the units in the condominium.

19.3 A “real party in interest” shall include all parties who have a legal, equitable or beneficial interest in the subject property, including applicants, title owners, contract purchasers, lessees, trustees, beneficiaries (including beneficiaries under a trust, an easement, or a restrictive covenant), and executors.

19.4 Any real party in interest that is a PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, or TRUST shall name its owners, partners (general and limited), shareholders, and beneficiaries, each of whom must be broken down successively until: (a) only individual persons are listed or (b) the listing is a business entity having more than 100 owners (eg; partners, shareholders, or members), in which case only those individual persons who own 10% or more of the business entity must be listed. Limited liability companies, sole proprietorships, and real estate investment trusts and their equivalents shall be treated as corporations, with members and managing members deemed the equivalent of shareholders.

19.5 Prior to each and every hearing for a Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, or Variance, and again prior to action by the Planning Commission, Town Council, or Board of Zoning Appeals, the applicant shall complete and submit to the Town an *Affirmation of Disclosure* form, affirming that the Disclosure remains complete, or providing any changed or supplemental information. If there are no changes or supplemental information to provide, the applicant shall nonetheless complete the *Affirmation of Disclosure* confirming so.

19.6 The Town Council authorizes and directs Town Staff to prepare, maintain, and modify as needed an *Affidavit of Disclosure of Real Parties in Interest* form and an *Affirmation of Disclosure* form.

19.7 The "Disclosure" and the "Affirmation of Disclosure" forms shall not be altered or modified in any way by the applicant. Any form that is altered or modified in any way will not be accepted.

19.8 Each member of the Planning Commission, Town Council, and Board of Zoning Appeals shall, prior to participating in a meeting concerning an application for which a Disclosure is required, examine the Disclosure and all Affirmations of Disclosure to determine whether he, or a member of his immediate family, has a relationship with any Disclosed parties in interest. If such a relationship exists, the affected member of the

public body shall seek a determination from the Town Attorney, or other person authorized under the Code of Virginia to render a Conflict of Interest Opinion, concluding whether a conflict exists under the Virginia Conflict of Interest Act. If such a conflict is determined to exist, the affected member shall, at a minimum, take action to address the conflict as required under the Virginia Conflict of Interest Act. The affected member may voluntarily go beyond what is required under the Virginia Conflict of Interest Act and refrain from all participation in the matter.

**Section 2.** That all prior ordinances in conflict herewith are hereby repealed.

**Section 3.** That this ordinance shall be effective upon its adoption and shall apply to applications commenced after its effective date.

**Section 4.** That if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid by the courts, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid.

#### **Cross References**

Va. Code § 15.2-2289 (“Localities may provide by ordinance for disclosure of real parties in interest”)

**PASSED THIS \_\_\_ DAY OF \_\_\_\_\_, 2016.**

\_\_\_\_\_  
Kwasi A. Fraser, Mayor  
Town of Purcellville

ATTEST:

\_\_\_\_\_  
Diana Hays, Town Clerk

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TOWN OF PURCELLVILLE  
IN  
LOUDOUN COUNTY, VIRGINIA

**ORDINANCE NO. 16-09-01**

**PRESENTED: September 13, 2016**  
**ADOPTED:**

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**WHEREAS,** the Town Council desires that applicants for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance make a full public disclosure of the legal and equitable ownership interests in the real property that is the subject of such application, and periodically affirm such disclosure; and

**WHEREAS,** the Town Council finds that such disclosures will enhance transparency, will avoid conflicts of interest, and will serve the public necessity, convenience, and general welfare.

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19.2 In accordance with Virginia Code 15.2-2289, such disclosure shall not be required of a corporation having more than 500 shareholders whose stock is traded on a national or local stock exchange, nor shall it be required from a condominium owner, contract purchaser, or lessee who owns less than 10% of the units in the condominium.

19.3 A “real party in interest” shall include all parties who have a legal, equitable or beneficial interest in the subject property, including applicants, title owners, contract purchasers, lessees, trustees, beneficiaries (including beneficiaries under a trust, an easement, or a restrictive covenant), and executors.

19.4 Any real party in interest that is a PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, or TRUST shall name its owners, partners (general and limited), shareholders, and beneficiaries, each of whom must be broken down successively until: (a) only individual persons are listed or (b) the listing is a business entity having more than 100 owners (eg; partners, shareholders, or members), in which case only those individual persons who own 10% or more of the business entity must be listed. Limited liability companies, sole proprietorships, and real estate investment trusts and their equivalents shall be treated as corporations, with members and managing members deemed the equivalent of shareholders.

19.5 Prior to each and every hearing for a Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, or Variance, and again prior to action by the Planning Commission, Town Council, or Board of Zoning Appeals, the applicant shall complete and submit to the Town an *Affirmation of Disclosure* form, affirming that the Disclosure remains complete, or providing any changed or supplemental information. If there are no changes or supplemental information to provide, the applicant shall nonetheless complete the *Affirmation of Disclosure* confirming so.

19.6 The Town Council authorizes and directs Town Staff to prepare ~~and~~ maintain and modify as needed an *Affidavit of Disclosure of Real Parties in Interest* form and an *Affirmation of Disclosure* form.

19.7 The "Disclosure" and the "Affirmation of Disclosure" forms shall not be altered or modified in any way by the applicant. Any form that is altered or modified in any way will not be accepted.

19.8 Each member of the Planning Commission, Town Council, and Board of Zoning Appeals shall, prior to participating in a meeting concerning an application for which a Disclosure is required, examine the Disclosure and all Affirmations of Disclosure to determine whether he, or a member of his immediate family, has a relationship with any Disclosed parties in interest. If such a relationship exists, the affected member of the

public body shall seek a determination from the Town Attorney, or other person authorized under the Code of Virginia~~Code~~ to render a Conflict of Interest Opinion, concluding whether a conflict exists under the Virginia Conflict of Interest Act. If such a conflict is determined to exist, the affected member shall ~~in all cases handle, at a minimum, take action to address~~ the conflict ~~so as to satisfy~~required under the Virginia Conflict of Interest Act ~~and, in addition, shall handle the conflict so as to satisfy Town ordinance requirements governing conflicts, to the extent such ordinances are permitted by law.~~ The affected member may voluntarily go beyond what is required under the Virginia Conflict of Interest Act and refrain from all participation in the matter.

**Section 2.** That all prior ordinances in conflict herewith are hereby repealed.

**Section 3.** That this ordinance shall be effective upon its adoption and shall apply to applications commenced after ~~theits~~ effective date.

**Section 4.** That if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid by the courts, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid.

#### Cross References

Va. Code § 15.2-2289 (“Localities may provide by ordinance for disclosure of real parties in interest”)

**PASSED THIS \_\_\_ DAY OF \_\_\_\_\_, 2016.**

\_\_\_\_\_  
Kwasi A. Fraser, Mayor  
Town of Purcellville

ATTEST:

\_\_\_\_\_  
Diana Hays, Town Clerk

Document comparison by Workshare Professional on Monday, October 31, 2016  
11:58:29 AM

Input:	
Document 1 ID	file://Y:\Zoning Ordinance Text Amendments\Disclosures of Real Parties in Interest\Staff Report for 9.13.16 TC Meeting\Ordinance 16-09-01 (Included In 9.13.16. Agenda Packet).docx
Description	Ordinance 16-09-01 (Included In 9.13.16. Agenda Packet)
Document 2 ID	file://Y:\Zoning Ordinance Text Amendments\Disclosures of Real Parties in Interest\Staff Report for 11.3.16. PH\Ordinance 16-09-01 v2 (PH Packet).docx
Description	Ordinance 16-09-01 v2 (PH Packet)
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Legend:	
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Padding cell	

Statistics:	
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Insertions	10
Deletions	7
Moved from	0
Moved to	0
Style change	0

Format changed	0
Total changes	17

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**TOWN OF PURCELLVILLE**  
**AFFIDAVIT OF DISCLOSURE: REAL PARTIES**  
**IN INTEREST IN LAND USE PROCEEDINGS**

**A. INTRODUCTION**

Under authority of Va. Code Ann. § 15.2-2289 and Zoning Ordinance Article 11, Section 19, the Town requires each applicant for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance to submit with its initial application a completed *Disclosure of Real Parties in Interest* form, and to update and affirm such disclosure prior to each public hearing and, again, prior to action by the Planning Commission, Town Council, or Board of Zoning Appeals.

The Town Council has directed Town Staff to prepare and maintain forms for the *Disclosure of Real Parties in Interest* and the *Affirmation* of such disclosures. **The "Disclosure" and "Affirmation of Disclosure" forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.**

**B. INSTRUCTIONS**

1. An applicant for Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, and Variance shall include as part of the minimum application submission requirements a completed *Disclosure of Real Parties in Interest* form, disclosing the legal and equitable ownership interests in the real property that is the subject of such application.
2. In accordance with Virginia Code 15.2-2289, such disclosure shall not be required of a corporation having more than 500 shareholders whose stock is traded on a national or local stock exchange, nor shall it be required from a condominium owner, contract purchaser, or lessee who owns less than 10% of the units in the condominium.
3. A "real party in interest" shall include all individual persons and business entities who have a legal, equitable or beneficial interest in the property that is the subject of an application, including applicants, title owners, contract purchasers, lessees, trustees, beneficiaries (including beneficiaries under a trust, an easement, or a restrictive covenant), and executors.
4. Any real party in interest that is a PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, or TRUST shall name its owners, partners (general and limited), shareholders, and beneficiaries, each of whom must be broken down successively until: (a) only individual persons are listed or (b) the listing is a business entity having more than 100 owners (eg; partners, shareholders, or members), in which case only those individual persons who own 10% or more of the business entity must be listed. Limited Liability Companies, sole proprietorships, and Real Estate Investment Trusts and their equivalents shall be treated as corporations, with members and managing members deemed the equivalent of shareholders.

5. In addition to real parties in interest, the agent of any real party in interest must also be disclosed in the same manner as a real party in interest.
6. Prior to each and every public hearing for a Special Use Permit, Special Exception, Zoning Map Amendment, Zoning Concept Plan Amendment, Proffer Amendment, Zoning Text Amendment, Zoning Ordinance Modification, or Variance, and again prior to action by the Planning Commission, Town Council, or Board of Zoning Appeals, the applicant shall complete and submit to the Town an *Affirmation of Disclosure* form, affirming that the Disclosure remains complete, or providing any changed or supplemental information.
7. The "Disclosure" and the "Affirmation of Disclosure" forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

**C. AFFIDAVIT OF DISCLOSURE: REAL PARTIES IN INTEREST IN LAND USE PROCEEDINGS**

I, \_\_\_\_\_, do hereby state that I am an:

\_\_\_ Applicant

\_\_\_ Applicant’s Authorized Agent

in Application Number(s): \_\_\_\_\_ (“Application”)

and that to the best of my knowledge and belief, the following information is true:

**C.1. REAL PARTIES IN INTEREST**

That the following constitutes a listing of the names and addresses of all parties who have a legal, equitable or beneficial interest in the land described in the Application, including the applicants, title owners, contract purchasers, lessees, trustees, beneficiaries (including beneficiaries under a trust, an easement, or a restrictive covenant), and executors. In addition, the following includes the names and addresses of all agents authorized to act on behalf of any real party in interest.

For a multiple parcel application, list the Parcel Identification Number (“PIN”) of each parcel for each owner(s).

<i>PIN</i>	<i>NAME (First, M.I., Last)</i>	<i>ADDRESS (Street, City, State, Zip Code)</i>	<i>RELATIONSHIP</i>

Check if applicable:

\_\_\_\_\_ There is/are \_\_\_\_\_ more additional “Real Parties in Interest” sheet(s) attached.

**C.2. CORPORATION INFORMATION** (see Instructions, Paragraph B.4 above)

That the following constitutes a listing of all the corporations and shareholders required to be disclosed under Instruction B.4. This “Corporation Information” sheet has been completed for each such corporation.

**Name and Address of Corporation:** (complete name, street address, city, state, zip code)

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**Description of Corporation:**

\_\_\_\_\_ *There are 100 or fewer shareholders and all shareholders are listed below.*

\_\_\_\_\_ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

\_\_\_\_\_ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

\_\_\_\_\_ *There are more than 500 shareholders and stock is traded on a national or local stock exchange, so no shareholders are listed below.*

**Names of Shareholders:**

<i>SHAREHOLDER NAME (First, M.I., Last)</i>	<i>SHAREHOLDER NAME (First, M.I., Last)</i>

Check if applicable:

\_\_\_\_\_ There is/are \_\_\_\_\_ more additional “Corporation Information” sheet(s) attached.



**C.4. COMPLETENESS**

That the information contained in this Affidavit of Disclosure is complete and fully complies with the requirements set forth in the Instructions.

That prior to each public hearing on this Application and, again, prior to action on this Application by the Planning Commission, Town Council, or Board of Zoning Appeals, I will submit an Affirmation of Disclosure that either affirms this Disclosure remains complete and in full compliance with the Instructions, or provides any changed or supplemental information.

WITNESS the following signature:

\_\_\_\_\_ check one:  Applicant or  Applicant's Authorized Agent

\_\_\_\_\_ (Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, in the State/Commonwealth of \_\_\_\_\_, in the County/City of \_\_\_\_\_.

\_\_\_\_\_ Notary Public

My Commission Expires: \_\_\_\_\_

Notary Registration Number: \_\_\_\_\_

TOWN OF PURCELLVILLE

*AFFIRMATION OF THE  
AFFIDAVIT OF DISCLOSURE OF REAL PARTIES IN INTEREST*

**Instructions:**

1. On or before the close of business **twenty-two (22) business days prior to each public hearing** before the Planning Commission, the Town Council, and the Board of Zoning Appeals, the Applicant or the Applicant's Authorized Agent, which agent must be listed in Section C of the Applicant's *Affidavit of Disclosure*, shall submit a completed *Affirmation of Affidavit of Disclosure* that either:
  - a. Affirms that the Affidavit of Disclosure submitted with the application is complete and accurate; or
  - b. Attests that the *Affidavit of Disclosure* is no longer complete and accurate, identifying the Sections in the *Affidavit of Disclosure* that require revisions or supplemental information. In such case, the Applicant shall submit, also prior to the close of business 22 days before to the public hearing, a complete and accurate *Affidavit of Disclosure*.
2. If, subsequent to the timely submission of the *Affirmation of Disclosure* or new *Affidavit of Disclosure* as described above, the Applicant's *Affidavit of Disclosure* becomes inaccurate or incomplete at any time prior to the commencement of a scheduled public hearing, the Applicant must submit a complete and accurate *Affidavit of Disclosure* on the Town's form. Failure to submit such *Affidavit of Disclosure* prior to 5:00 p.m. seven (7) business days before the scheduled public hearing shall constitute cause for the Town to reschedule the application to a subsequent public hearing date that accommodates all notice and readvertising requirements. If the hearing for the application is deferred by the Town, the Applicant shall be responsible for all required notice to property owners and readvertising.
3. If the Applicant's hearing before the Planning Commission, Town Council, or Board of Zoning Appeals is deferred to a date that is more than twenty-two business days after the previously scheduled hearing date, the affirmation procedure described above shall be repeated.
4. At each and every hearing on the Application before the Planning Commission, Town Council and Board of Zoning Appeals, the Applicant or the Applicant's Authorized Agent, who must be listed in Section C of the Applicant's Affidavit, shall be required to make an oral statement that the affirmed affidavit or the new affidavit is accurate and complete as of the date of the hearing.

**AFFIRMATION OF AFFIDAVIT OF DISCLOSURE FORM**

In reference to the *Affidavit of Disclosure* dated \_\_\_\_\_

For the Application \_\_\_\_\_  
[Application name(s)]

Identified as Application Number(s) \_\_\_\_\_  
[Application number(s)]

I, \_\_\_\_\_, do hereby state that I am the

check one:            \_\_\_\_\_ Applicant (must be listed in Paragraph C of the above-described affidavit)  
                             \_\_\_\_\_ Applicant's Authorized Agent (must be listed in Paragraph C of the above-described Affidavit)

in the above-referenced Application and to the best of my knowledge and belief, the following information is true:

check one:            \_\_\_\_\_ I have reviewed the above-described *Affidavit of Disclosure*, and certify that the information contained therein is true and complete as of \_\_\_\_\_, or; (date)

                             \_\_\_\_\_ I have reviewed the above-described *Affidavit of Disclosure*, and I am submitting a new complete and accurate *Affidavit of Disclosure* that includes changes, deletions or supplemental information to the following paragraphs of the above-described Affidavit:

- \_\_\_\_\_ Paragraph C
- \_\_\_\_\_ Paragraph C-1
- \_\_\_\_\_ Paragraph C-2
- \_\_\_\_\_ Paragraph C-3
- \_\_\_\_\_ Paragraph C-4

\_\_\_\_\_  
WITNESS the following signature:

\_\_\_\_\_ check one [ ] Applicant or [ ] Applicant's Authorized Agent

\_\_\_\_\_  
(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, in the State/Commonwealth of \_\_\_\_\_, in the County/City of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Notary Registration Number: \_\_\_\_\_



**STAFF REPORT**  
**ACTION ITEM**

Item # 14.e

**SUBJECT:** Procedures for Using Polco Online Polling System

**DATE OF MEETING:** November 8, 2016

**STAFF CONTACTS:** Daniel C. Davis, Assistant Town Manager

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**SUMMARY and RECOMMENDATIONS:**

At the September 27, 2016 meeting, the Town Council approved a one-year contract with Polco to provide online, real-time polling of residents on various topics of interest to the Town. Staff is proposing specific procedures guiding the development of poll questions and how to get consensus from Council on proposed questions.

**BACKGROUND:**

Staff recognizes that asking polling questions of Town residents can require discretion and careful choice of wording/phrasing. In addition, staff wants to ensure that polling questions facilitate discussion and do not influence decisions one way or another. Finally, staff recognizes that Council Members will have individual opinions on topics and issues, so staff wants to ensure that questions are not asked in a way that appears to give preference for one particular position over another.

In order to provide the most effective and diplomatic process for asking questions of the public, staff recommends that all Polco questions be reviewed by Council prior to posting. The attached procedure details the process and is summarized below:

- Staff will develop a list of questions to be sent to each Council Member (individually) for review. Council Members will be given 24 hours to provide comments/feedback, and lack of response indicates consent to the questions as presented.
- Council Members should propose alternative language, if there is disagreement with the draft provided by staff
- If there is disagreement among Council, then the question will come to a Council meeting for approval.

## **ISSUES:**

Council should consider the following implications of this discussion:

- If a Council Member does not see the email or forgets to respond in the timeframe requested, he/she will be assumed to agree with the question even if he/she does not
- In order to avoid the appearance of a “public meeting,” staff will have to communicate with each Council Member individually. The Council should avoid a “back-and-forth” or “email conversation” with each other, as that could constitute a meeting or “voting” by means of electronic communication.
- A concern has been raised that one Council Member could delay all potential questions by objecting to each question, which slows the entire process down. Council is asked whether one Council Member should be able to delay or “veto” a question simply by disagreeing with the rest of Council.
  - o It has been suggested that Council may wish to consider deferring to an informal “majority opinion” so that these questions do not have to come back to Council meetings for a formal vote. Staff would have to take individual input from Council Members and determine whether there is general consensus on a particular topic, even if one or more Council Members disagree.
  - o Guidance from Council on this issue is requested.

## **BUDGET IMPACT:**

There is no direct budget impact. Staff is committed to posting 1-2 questions every week or two weeks. The number of questions will depend on the topics facing the Town and issues that Council would like to have citizen feedback on. Topics can also be submitted by Council Members and Advisory Bodies to gauge citizen input.

## **DRAFT MOTIONS:**

1. I move that the Town Council approve the proposed Procedures for Using Polco Online Polling System (dated November 8, 2016). I further move that staff return to Council in six months to report on the progress of Polco and the success to-date of implementing the procedures.

OR

2. I move an alternate motion.

## **ATTACHMENT:**

Procedures for Using Polco Online Polling System – Dated November 8, 2016

## **Procedures for Using Polco Online Polling System**

The Town Council approved a one-year pilot program with Polco, a software company that offers online, real-time polling solutions for organizations. These procedures are developed to ensure that the questions posted for the public to review and vote on capture the information Council is looking for. This is also meant to give all of Council a chance to weigh-in on topics and questions on which to receive input.

1. It is staff's intent to post at least one or two questions every week to two weeks. Typically, these questions will be related to Council agendas and topics before Council. Additional topics may include:
  - a. Ideas from Advisory Groups related to their activities (EDAC, PRAB, PC, etc)
  - b. Large policy questions facing Council, which may not be on an agenda but which would help Council in making future decisions
  - c. Community sentiment surveys, such as "How would you rate the services you receive from the Town?" (scale of 1-5) or "What is your favorite Town event during the year?" (multiple choice).
2. Staff will close questions after two to four weeks (or longer, depending on the topic). Results will be made available to Council at the time questions are closed and will be posted with a break-down by those who live within the Town limits and those who live outside of Town. Council members will have the ability to view results at their convenience by logging into Polco.
3. Only staff should have the authority to post questions on the Polco website. Council Members should refrain from posting questions or removing questions.
4. Prior to submission of questions to the public, staff will send the list of questions to each Council Member (individually) for review/revision. It is requested that each Council Member provide comments within 24-hours so that questions can be posted online in a timely manner. Nonresponse by a Council Member after 24 hours will be considered consent to the questions as drafted.
  - a. Council Members who disagree with a question as presented should suggest alternative language to facilitate moving forward with the poll.
  - b. If there is disagreement among Council Members on the type of question(s) or language of the question(s) proposed, staff will bring an item to the next Council meeting for review and adoption by Council.
  - c. Members of Council may request a topic/question to be posed to the public. The preferred process would be for that member of Council to email staff (Town Manager and Asst. Town Manager) with suggested topic/wording. That request will be included in the next communication of proposed questions.

Staff notes that the procedure above can also be used for the CommunityVoice portal on the Town's website, should additional questions/issues/ideas need to be considered. However, Council Members may wish to retain the authority to create "ideas" on the CommunityVoice portal in order to work on Council initiatives. If so, staff requests that Council Members specifically note that their idea is not representative of a formal Council position but of their own opinion as an individual Council Member.

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**STAFF REPORT**  
**ACTION ITEM**

Item #14f

**SUBJECT:** Process for handling complaints against public officials

**DATE OF MEETING:** November 8, 2016

**STAFF CONTACTS:** Sally Hankins, Town Attorney

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**SUMMARY:**

Town Council is asked to act upon the draft *Policy for Handling Complaints Against an Elected or Appointed Public Official ("Policy")*, governing how the Town will handle complaints filed against elected and appointed public officials.

The Policy is ready for adoption, if that is the desire of Town Council. Please review the Section below (*Previously Unresolved Issues and Recommended Approaches*) to understand how the policy has been drafted to respond to the issues raised by Town Council.

**ISSUE:**

I recently received comments from Council Members that they are concerned about the ability of Town Council to adequately undertake the fact-finding and adjudicative roles required by the Policy. They expressed some interest in having a different approach. One approach would be to create a form letter that is sent from the Town Manager to a complainant upon receipt of a complaint, providing the complainant with a list of resources for handling complaints against public officials. A draft of such a form letter is attached to this Staff Report at **Attachment II**. Another option, raised at the Town Council meeting on September 27, 2016, would be to amend the Town Charter to allow for recall elections under more lenient conditions than provided for under State Code.

**PREVIOUSLY UNRESOLVED ISSUES (black) & RECOMMENDED APPROACHES (red):**

**The unresolved issue is stated in black font, and Staff's recommendation is stated in red font.**

1. Should the policy apply only to Town Council members, or also to appointees on the Town's committees, commissions and boards?

**The Policy (See Policy #1) will apply to elected and appointed public officials, however the policy will not apply to those appointed public officials who are also employees of the Town.**

2. The Ad Hoc Ethics Hearing Committee will be a "public body" under the Virginia Freedom of Information Act. Its meetings must be open to the public, but minutes are not required under the Act. Town Council should consider whether the Ad Hoc Hearing Committee will need legal or other advice, and, if so, who will provide such advice. If the Council would like to provide the committee with an advisor, then (a) how the advisor is selected will need to be determined, and (b) Staff recommends that the advisor not be an employee of the Town.

**The Town's Draft Policy has been amended to remove reference to the Committee advisor, and a sentence is included in Policy #4 to provide that no employee of the Town will advise the Committee, for the following reasons:**

**Staff has heard concern from several Council Members about the cost of hiring an advisor to the Ad Hoc Ethics Hearing Committee. Given that the Committee is not operating under any legal constraints other than those established by the Town's Policy for Handling Complaints, which are fairly straightforward, it is Staff's opinion that an advisor to the Committee is not necessary. The Committee will be charged with answering its own questions, should they arise.**

**While employees of the Town should not serve as advisor to the Committee for conflict of interest reasons, the Town Clerk may assist the committee with scheduling and placing the hearing on the Town Calendar in accordance with FOIA rules.**

3. Under the Draft Policy (Policy #4), Town Council should decide whether it would like to add language that would preclude the same council member or the same citizen from being randomly selected to sit on the Ad Hoc Ethics Hearing Committee for two consecutive complaints.

**Given that the pool of candidates to serve on the Committee is rather small, I recommend that we not constrain the pool further. However, I have added**

**language that precludes someone with a personal interest from serving, and have allowed either party to determine that such an interest exists (see Policy 4.d. and 4.e.).**

4. Council should decide whether it would like to include in the Policy sanctions or discipline when a Council Member is found to have violated the Council's Code of Ethics, or when any public official is found to have violated the public trust to a significant degree.

**It is recommended that no sanctions are imposed unless it is the removal of an appointee from his appointed position after consultation with the Town Attorney. The Draft Policy is currently written to reflect this recommendation. The reasons for this recommendation are as follows:**

- i. **the imposition of sanctions leaves the Town more vulnerable to legal claims, including claims about due process; and**
  - ii. **sanctions are preempted by state law when the behavior being sanctioned arises from a conflict of interest governed under the Conflict of Interest Act.**
5. Under the Draft Policy, anyone can file a complaint against an elected or appointed public official, including other elected and appointed officials. If Town Council wishes to limit this process to complaints filed by persons who are not public officials, then the policy will need to be amended to reflect that.

**It is recommended that the Town not limit who may file a complaint, and the policy is currently written to reflect this recommendation.**

6. At the Town Council meeting on September 27, 2016, Council Member Grim suggested that the Ad Hoc Ethics Hearing Committee membership consist of two Council Members and three Citizens, in lieu of two Council Members and one Citizen.

**Staff recommends against the larger Committee size because of the short deadline within which the Committee must assemble and decide the case.**

7. At the Town Council meeting on September 27, 2016, Council Members questioned whether the Town's policy should (i) require attendance of the complainant at the Council meetings and the Committee meeting at which the complaint is heard, and (ii)

provide that if the complainant fails to attend, the Town will not process the complaint.

**Staff recommends that all complaints be processed by the Town in the same manner, even when the complainant does not appear. Some people are embarrassed by public attention or speaking in public, but such embarrassment should not be a bar to having a complaint heard. For the same reason, Staff recommends that the complainant be allowed to have an agent represent him or her at the Committee hearing.**

**Notwithstanding the above, it is the obligation of the complainant to ensure that all information the complainant would like to have considered is properly before the Town Council and the Committee. If the complainant's failure to appear results in unanswered questions of the Town Council or the Committee, then the burden of that insufficiency falls on the complainant. Both the Town Council and the Committee may give weight to any insufficiencies in the information presented. (See Policy # 9.e)**

8. At the Town Council meeting on September 27, 2016, Council Member Grim suggested that Council be required to meet "at the next scheduled town council meeting after the Committee renders its findings of fact," in lieu of "promptly" as was drafted in the Policy.

**Staff continues to recommend that the Policy require Council to meet "promptly" to provide a small amount of flexibility in scheduling for Town Council.**

9. More than one Council member commented on the Ad Hoc Ethics Committee's hearing format. One Council member suggested more time be allotted for argument and rebuttal, and another suggested that the Committee decide the time limits rather than impose limits by policy.

**Staff recommends against allowing the Committee to decide the time limits for argument and rebuttal because it is important that the hearings be consistent over time, and the nature of the ad hoc committee is that the membership will change over time. Consistency is more likely when the time limits are established by Policy. Staff had originally proposed 15 minutes for each party to present its case. A suggestion of 30 minutes for argument and 10 minutes for**

**rebuttal was made by Council Member Grim, which Staff can support. The policy is now drafted to reflect Council Member Grim's recommendation.**

10. Protected Speech: In the original Draft Policy, Policy #3 required the Town Council to consult with the Town Attorney about protected speech prior to allowing the complaint to move forward. However, because the Draft Policy no longer includes sanctions to be imposed upon a public official, there is no longer a need for the Town Attorney to engage in this analysis. That portion of the policy has been deleted.

**Staff recommends that the Town Attorney analysis in Policy #3, which was to occur prior to moving the case forward, be deleted.**

11. In speaking with a Council Member on this subject, a basic concern was raised that this proposed process for handling complaints goes too far beyond the legislative nature of the Town Council, and is instead adjudicatory in nature. He expressed concern that the Town Council is not an adjudicative body and is not equipped to handle fact-finding investigations. He expressed some interest in letting the existing system continue to work to resolve these issues, whether that be through the political process, the criminal process, or other official channels.

**Staff thinks this concern has merit. The process Town Council has developed is as well developed as it can be, but it is not yet tested. In its pure form, the draft Policy should function and serve its purpose. However, there are risks associated with this type of undertaking: It is possible that the Ad Hoc Ethics Committee may, in good faith, render a mistaken finding of fact. There is no opportunity for appeal under this process. Given the political nature of the legislative body, it is possible that this process may be used politically or become politicized (although the Policies should help to avoid that outcome). While the 60-to-90 day process is underway, the issue raised may be divisive. It is possible that complaints may be filed and processed during election season. It is also possible that the process may prolong the focus on an act that may not warrant so much attention. While the Policy drafted by Town Council mitigates these risks, they nonetheless remain present.**

**BACKGROUND:**

The Town Council has undertaken to adopt a policy that governs how to handle complaints against those public officials who are elected, or who are appointed to serve on Town Committees, Commissions and Boards.

At its meeting on May 24, 2016, the Town Council seemed to reach consensus on two outstanding issues: (1) one or more citizens would be appointed to the Committee that hears complaints against elected and appointed Town officials, and (2) that an initial hearing would occur to determine whether such a complaint had merit and should move forward. Over the course of a few worksessions, the Town Council arrived at a Draft Policy that addressed, among other things, the following key concerns:

1. Established a threshold test for determining whether a complaint merited investigation.
2. Established a committee that would conduct a full fact-finding hearing concerning the complaint, and prescribes the hearing rules and format.
3. Established that at least 4 affirmative votes by Town Council members will be required to find that a violation occurred, regardless of the number of Council members present or voting.

At the Town Council meeting on June 14, 2016, Council Member Grim indicated that she would like to see changes made to the draft policy and would distribute sample policies to the Town Council for consideration. On June 22, 2016, by email, Council Member Jimmerson circulated policies from several jurisdictions for consideration by Town Council. On June 27, 2016 Council Member Grim circulated a new draft policy to Town Council for consideration that included not only a policy for handling complaints, but also included new ethical rules governing conduct of public officials. Given the number of new Council members taking their seats on July 1, this item was deferred to July 27<sup>th</sup> for discussion by Town Council.

At its meeting on July 27, 2016, the Town Council asked Council Member Grim and the Town Attorney to produce a policy that combines the Draft Town Policy and the policies of other jurisdictions, for Town Council's consideration on September 27, 2016. The Town Council directed that the policy be limited to the *process* for handling complaints, and to defer any substantive amendments to the Council's Code of Ethics for a later time.

**BUDGET IMPACT:**

None.

**TWO ALTERNATIVE MOTIONS ARE SUGGESTED:**

"I move that Town Council adopt as Town Policy the *Process for Handling a Complaint Against an Elected or Appointed Official* dated November 8, 2016, as it is attached to this Staff Report."

OR

“I move that Town Council adopt a policy of sending a letter upon receipt of a complaint that is substantially similar to the letter included as *Attachment II* in this November 8, 2016 Staff Report, which sets forth the options a citizen has for handling a complaint against an elected or appointed public official.”

**ATTACHMENTS:**

1. Draft Policy, “Process for Handling a Complaint Against an Elected or Appointed Official,” dated November 8, 2016.
2. Form Letter to respond to complaints about elected or appointed officials.

**Town Policy**  
**Process for Handling a Complaint Against an Elected or Appointed Official**

**1. Applicability**

This Town Policy applies to complaints about the conduct of public officials who are either elected, or appointed to serve on Town committees, commissions, or boards.

**2. Routing the Complaint**

When a complaint is received by anyone on Town Staff or Town Council, or by another Town official or public body, the complaint will be promptly forwarded to the Town Manager for processing. The Town Manager will acknowledge receipt of the complaint to the complainant in a dated email or letter, and, within 3 business days of receiving the complaint, will distribute the complaint to the person who is the subject of the complaint, copying Town Council. The Town Manager will then add to the agenda for the next Town Council meeting for which an agenda has not yet been published: Hearing of Complaint against an appointed or elected public official; possible appointment of Ad Hoc Ethics Hearing Committee. The Town Manager will notify the complainant of the date and time of the Town Council meeting at which the complaint will be heard.

**3. Town Council to Determine Merit of Complaint**

- a. **Standard for Meritorious Complaint.** At the Town Council meeting at which the complaint is first heard, the Town Council will decide, by a simple majority vote of those present and voting, whether the complaint on its face merits a fact-finding hearing. A complaint that merits a fact-finding hearing is one that alleges facts that, if true, would either (i) violate the Council's adopted Code of Ethics when the subject of the complaint is a Council member, (ii) violate the Code of Conduct for Committees, Commissions, and Boards, when the subject of the complaint is a member of a committee, commission, or board, or (iii) violate the public trust to a degree that impugns the integrity of the Town government. The Town Council will base its decision only on the complaint as it was filed, and will not hear testimony to make its decision.
- b. **Attendance of Complainant.** The complainant need not attend this Town Council meeting in order for the complaint to be found meritorious of a fact-finding hearing. However, if the complainant's failure to appear results in unanswered questions of the Town Council, then the burden of such insufficient information falls on the complainant and may be a factor

**Town Policy**  
**Process for Handling a Complaint Against an Elected or Appointed Official**

considered by the Town Council when deciding whether to move the case forward.

**4. Appointment of Ad Hoc Ethics Hearing Committee**

The Ad Hoc Ethics Hearing Committee (the “Committee”) will consist of two Council members and one Citizen member. No Council member who is the subject of the complaint, nor citizen who filed the complaint, will be eligible to serve on the Committee. To avoid conflicts of interest, no employee of the Town may advise the Committee. All members of the Committee will be selected randomly for each complaint by the following method:

- a. Each member of Town Council must submit his or her name to the random selection process and serve on the Committee if selected (unless a personal relationship exists as explained in more detail later in this section). The Town Council will randomly select the Council Member to serve on the Committee, and will also select a first and second alternate from among the eligible Council Members.
- b. Upon taking office, each Council Member will identify a single citizen to serve on the Committee, with no two Council members identifying the same person. Each citizen must be at least 18 years of age. The Town Council will randomly select a single citizen from among the seven citizens identified by Town Council to participate on the Committee, and will also select a first and second alternate from among the seven citizens.
- c. If a Council Member or Citizen is randomly chosen who has a personal relationship or personal history with either the complainant or the person who is the subject of the complaint, the person will be disqualified to serve on the Committee and will be replaced by the first alternate under the same rules as above. If the first alternate cannot serve under the rules, then the second alternate will be called to serve.
- d. A complainant who attends the Town Council meeting at which the Committee is appointed shall have the right to object to any person who has been chosen to sit on the Committee, on the grounds that a personal relationship or personal history exists. The Town Council will hear the

## Town Policy

### Process for Handling a Complaint Against an Elected or Appointed Official

objection and may respond by either continuing with the appointment over the objection, or selecting the first or second alternate, as applicable.

- e. A public official who is the subject of a complaint and who attends the Town Council meeting at which the Committee is appointed shall have the right to object to any person who has been chosen to sit on the Committee, on the grounds that a personal relationship or personal history exists. The Town Council will hear the objection and may respond by either continuing with the appointment over the objection, or selecting the first or second alternate, as applicable.

#### **5. Committee Chairperson**

The Committee will elect a Chairperson from among the three members.

#### **6. Fact-Finding Hearing will be Public and will be Recorded**

It will be the policy of the Town Council to disclose to the public complaints about appointed and elected officials, and not to exclude them from production under the Virginia Freedom of Information Act (FOIA). Meetings of the Committee will be open to the public, even if they may properly be closed under FOIA, and will be recorded.

#### **7. Meritorious Complaints That Will Not Be Processed By Town Council**

The Committee will not hear complaints for which the State Code establishes a process. For example, complaints alleging a Conflict of Interest under the Conflict of Interest Act are made to the Commonwealth's Attorney, who will investigate and bring charges if warranted. The Town Attorney will advise the Town Council upon receipt of a complaint if the State Code directs such complaints to another agency of the government. Criminal complaints will be lodged with the police.

#### **8. Scheduling the Fact-Finding Hearing**

The Committee's fact-finding hearing will be held within 60 days of the Town Manager's dated acknowledgement of the complaint to the complainant. The Committee is a public body and is governed under FOIA. Members of the Committee must meet in a properly-noticed open meeting in order to discuss scheduling the fact-finding hearing. To facilitate the scheduling of a hearing, hearings may be conducted during business hours. In selecting a hearing date and time, the

**Town Policy**  
**Process for Handling a Complaint Against an Elected or Appointed Official**

Committee shall give weight and preference to the dates and times at which the complainant, and the subject of the complaint, are available.

**9. Fact-Finding Hearing Format**

- a. **Time Limits.** At the outset of the hearing, the Committee will announce the time allotted to each party for (i) presentation of its case (30 minutes), (ii) rebuttal (10 minutes), and (iii) closing arguments (5 minutes), giving both parties equal time. In the event that more than one person signs onto a complaint, the collective complainants will be treated as a single party for the purpose of allotting time.
- b. **Witnesses.** Each party may call witnesses during the presentation of its case, within the allotted time. No cross examination is allowed by either party.
- c. **Committee Questions.** The Committee may ask questions of both parties and the witnesses, but only after both parties have fully presented their case and made rebuttal arguments. The time for Committee questions will not count against the parties' time for presentation, rebuttal, or closing argument.
- d. **Written Argument Submitted in Advance.** Prior to the hearing date, each party may submit written arguments to the Committee. Provided such written arguments are submitted at least 7 days in advance of the hearing, the Committee will have read the arguments prior to the hearing. All written arguments submitted to the Committee shall be concurrently submitted to the opposing party.
- e. **Representation of the Parties; Attendance.** Both parties may be represented by agents at the hearing. Neither the complainant nor the subject of the complaint is required to attend the hearing. However, if either party's failure to attend results in unanswered questions or otherwise results in insufficient information being presented to the Committee, such insufficiency may be a factor when the Committee determines its findings of fact.

## **Town Policy**

### **Process for Handling a Complaint Against an Elected or Appointed Official**

#### **10. Ad Hoc Ethics Hearing Committee Issues Findings of Fact to the Town Council**

The Committee will report its findings of fact to the Town Council, through the Town Clerk, no later than two weeks after the fact-finding hearing. The Committee has final fact-finding authority, but shall not render a judgment or opinion as to whether such facts (i) constitute a violation of the Council's adopted Code of Ethics when the subject of the complaint is a member of Council, (ii) constitute a violation of the Code of Conduct for Committees, Commissions, and Boards, when the subject of the complaint is a member of a committee, commission, or board, or (iii) violate the public trust to a degree that impugns the integrity of the Town government.

#### **11. Town Council Determines Whether Violation Occurred**

The Town Council will promptly review the Committee's Findings of Fact and determine whether such facts result in (i) a violation by a Council Member of the Town Council's adopted Code of Ethics, or (ii) a violation of the public trust to a degree that impugns the integrity of the Town government.

A minimum of four affirmative votes will be required to find that either of such violations occurred, regardless of the number of Council members present or voting.

#### **12. The Town Council's Ruling Concludes the Process**

The Town Council's ruling on whether the facts of the case arose to (i) a violation by a Council member of Town Council's adopted Code of Ethics, or (ii) a violation of the public trust to a degree that impugns the integrity of the Town government, will end the proceeding and no discipline will be imposed, with the following exception: if the subject of the complaint was a Town Council appointment to a Town committee, commission or board, the Town Council may elect to remove the appointee from the appointed position provided removal is allowed under state law. Town Council will consult with the Town Attorney prior to removing from office a person serving on a Town committee, commission, or board.

**Town Manager**  
Robert W. Lohr, Jr.

**Assistant Town Manager**  
Daniel C. Davis

221 S. Nursery Avenue  
Purcellville, VA 20132  
(540) 338-7421  
www.purcellvilleva.gov



**Town Attorney**  
Sally G. Hankins

**Chief of Police**  
Cynthia A. McAlister

**Department Directors**  
Elizabeth Krens, Finance  
Alex Vanegas, Public Works  
Patrick Sullivan, Community Development  
Shannon Bohince, Information Technology  
Hooper McCann, Administration

[DATE]

[ADDRESSEE NAME]  
[ADDRESS LINE 1]  
[ADDRESS LINE 2]

Re: Complaint about a Member of a Town Committee, Commission, or Board

Dear Mr. / Ms. [\_\_\_\_\_],

The Town received your complaint dated \_\_\_\_\_. Your complaint pertains to the behavior of one or more members of a Town Committee, Commission, or Board.

Members of the Town’s Committees, Commissions, and Boards are accountable to Town Council, and your complaint has been shared with each member of the Town Council. Town Council handles such complaints as personnel matters.

In addition to submitting a complaint, citizens are invited to share their views with the Town Council through personal meetings, correspondence, or speaking publicly at Town Council meetings. Further, there are various channels available through the state government for citizens who have a complaint about a public official’s conduct, depending on the nature of the complaint.

The avenues that may provide some assistance to you are as follows:

1. You may meet privately with the Council Member about whom you have complained to discuss your concerns. Each Council Member may be contacted directly at his or her email address below:

<a href="mailto:kfraser@purcellvilleva.gov">kfraser@purcellvilleva.gov</a>	<a href="mailto:cbledsoe@purcellvilleva.gov">cbledsoe@purcellvilleva.gov</a>
<a href="mailto:kjimmerson@purcellvilleva.gov">kjimmerson@purcellvilleva.gov</a>	<a href="mailto:rcool@purcellvilleva.gov">rcool@purcellvilleva.gov</a>
<a href="mailto:dmccollum@purcellvilleva.gov">dmccollum@purcellvilleva.gov</a>	<a href="mailto:nogelman@purcellvilleva.gov">nogelman@purcellvilleva.gov</a>
<a href="mailto:kgrim@purcellvilleva.gov">kgrim@purcellvilleva.gov</a>	

2. You may speak publicly about your concerns at a Town Council meeting during the citizen comment period, or write a letter to the Town Council expressing your concerns. You need not make an appointment or call in advance to speak at the Town Council meeting. Letters to Town Council may be sent by email, or addressed as follows:

Purcellville Town Council  
c/o Diana Hays, Town Clerk  
221 South Nursery Avenue  
Purcellville, VA 20132

3. If you believe a Council Member has violated Virginia's State and Local Government Conflict of Interests Act (located at Va. Code Section 2.2-3100, et seq.), then you may: (i) file a report with the Commonwealth's Attorney for Loudoun County, or (ii) seek a declaratory judgment or other judicial relief as provided by law. (Reference Va. Code Section 2.2-3126.B.) The Commonwealth's Attorney for Loudoun County is Jim Plowman, and the phone number for his office is 703-777-0242.
4. You may petition the Loudoun County Circuit Court to remove a Council Member from office. The petition must be signed by at least 10% of the people who voted in the last election for the office at issue and submitted to the Loudoun County Circuit Court, who may remove from office a person who has been elected or appointed to fill an elective office when the following has been found to occur: neglect of duty, misuse of office, or incompetence in the performance of duties when that neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse effect upon the conduct of the office. (Reference Va. Code Section 24.2-233)
5. You may report corruption to the FBI Hotline for reporting corruption that occurs in the Northern Virginia area by calling 703-686-6225.
6. If you believe a crime has been committed that is not described above, you may report the incident to the Town Police. For non-emergencies, their phone number is 540-338-7422.

I hope this letter provides helpful information to you.

Sincerely,

Robert W. Lohr, Jr.  
Town Manager

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**STAFF REPORT**  
**ACTION ITEM**

Item #14g

**SUBJECT:** **Committees, Commissions, and Boards:** Amending the Town Code to add the Purcellville Arts Council as a Standing Committee of the Town Council

**DATE OF MEETING:** November 8, 2016

**STAFF CONTACTS:** Sally Hankins, Town Attorney  
Melanie Scoggins, Division Manager, Parks and Recreation

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**SUMMARY and RECOMMENDATION:**

The Town Council would like to establish a Purcellville Arts Council as a standing committee of the Town Council to perform the following functions:

- (1) Identify and pursue grant funding for art purposes
- (2) Review proposed annual budgets for town expenditures related to art and make budgetary recommendations to the town council
- (3) Recommend polices for the expansion of art in town and the provision of an array of active and passive art opportunities
- (4) Help identify possible improvements to community services, both public and private, which enhance the residential and business community

The Town Council's standing committees are established by ordinance, and included in the Town Code. The Town Code requires a public hearing prior to amending the Town Code. Hence, staff recommends that Town Council direct staff to schedule a public hearing for the purpose of receiving public comment on the proposed Town Code amendment. The proposed Town Code amendment is attached to this Staff Report.

**BUDGET IMPACT:**

The Purcellville Arts Council will be staffed by a member of the Town Staff, adding to the overall staff hours worked and compensated. However, since the Purcellville Arts Council has been operating unofficially for a period of time, this Budget Impact should be similar to the impact of previous years.

**MOTION(S):**

“I move that Town Council direct Staff to advertise a Town Council public hearing to be held on December 13, 2016, or as soon thereafter as possible, to receive public comment on an amendment to the Town Code that would create a Purcellville Arts Council to perform the duties enumerated in the November 8, 2016 Staff Report.”

**ATTACHMENT(S):**

1. Draft ordinance creating the Purcellville Arts Council

ARTICLE xxx. PURCELLVILLE ARTS COUNCIL

Sec. XX-XX. Established; membership; meetings.

- (a) Composition, appointments and terms. The Purcellville Arts Council is hereby established. The Arts Council shall consist of at least five but no more than eleven members, all of whom are appointed by Town Council.

Five of the members shall be residents of the town unless there is a deficiency of town residents interested in membership on the Arts Council, then the Town Council may appoint members from outside the corporate limits of the town.

One seat on the Arts Council shall be reserved for a member of Town Council, who shall be appointed by the Town Council to serve as an ex officio member of the Arts Council.

Two seats on the Arts Council shall be reserved for Junior Members, who shall serve as ex officio members but for a term no longer than one-year. Junior members must currently be attending public/private school, college or home school and cannot exceed the age of 21. Junior Members shall be appointed by Town Council, and the term may begin upon appointment.

All members who are not “ex officio” members shall be appointed to the Arts Council for a two-year term, beginning on September 1 of the year of appointment, provided, however, that of the initial eight non “ex officio” appointments, the first four shall be for two-year terms, and the remaining four appointments shall be for a one-year term. Thereafter all non “ex-officio” appointments shall be for a two-year term.

- (b) Election of officers; meetings. The Arts Council shall elect its chairperson and vice chairperson annually. The town manager, or his designee, shall serve as secretary. The Arts Council shall meet as often as necessary to accomplish its duties, with such meetings called by the chairperson, or the vice chairperson in the chairperson’s absence. A member may be removed from the Arts Council by the Town Council if he or she is absent from three or more meetings within a calendar year.
- (c) The Arts Council shall adopt bylaws for the conduct of meetings, after review by the Town Attorney.

Sec. XX-XX. Powers and duties.

The Arts Council shall have the following powers and duties:

- (1) Adopt rules governing the conduct of its business and meetings.
- (2) Identify and pursue grant funding for art purposes.
- (3) Review proposed annual budgets for town expenditures related to art and make budgetary recommendations to the town council.
- (4) Recommend policies for the expansion of art in town and the provision of an array of active and passive art opportunities.
- (5) Help identify possible improvements to community services, both public and private, which enhance the residential and business community.



**STAFF REPORT**  
**ACTION ITEM**

Item #14h

**SUBJECT:** **Committees, Commissions, and Boards:** Amending the Town Code provisions governing the Tree and Beautification Commission, to add an Environmental Sustainability Component

**DATE OF MEETING:** November 8, 2016

**STAFF CONTACTS:** Sally Hankins, Town Attorney  
Melanie Scoggins, Division Manager, Parks and Recreation

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**SUMMARY:**

In 2004, the Town Council created the Tree and Beautification Commission (“Commission”), which is governed under Town Code Sections 26-38, and 26-39. The Commission is currently authorized to undertake educational and advocacy actions within the Town as relates to tree preservation and planting, and is also authorized to initiate and execute beautification projects within the Town that are related to landscaping. The Town Council would like to broaden the educational, advocacy, and project-management roles of the Commission to include all aspects of environmental sustainability.

A suggestion was made to change the name of the Commission to reflect its broader environmental role. Such a name change is within the discretion of Town Council. However, it should be noted that a change to the name of the Commission would trigger approximately 20 amendments to the Town Code and Zoning Ordinance, collectively, where the “Commission” is referenced. Any such amendment to the Zoning Ordinance must be properly initiated, then sent to the Planning Commission for review and public hearing before the amendment can come before the Town Council for review and a public hearing.

**RECOMMENDATION:**

Staff has recommended amendments to the existing ordinance, which are attached to this Staff Report. Staff supports Town Council’s initiative to broaden the Commission’s role to encompass all aspects of environmental sustainability, and recommends that Town Council

direct Staff to advertise the attached amendments for a Town Council public hearing on December 13, 2016.

**BACKGROUND:**

The Town does not currently have an environmental committee. In 2008, the Town Council created the *Committee on the Environment*, as an ad hoc committee for the purpose of determining whether the Town could provide incentives for residents and businesses to engage in more environmentally friendly practices. The committee was established for a one-year period, which expired without extension. Consequently, the Committee on the Environment no longer exists.

**ISSUES:**

The Town has been designated a “Tree City USA,” which requires that the Town designate a person or body that is responsible for the care of all trees on town-owned property, and recommends that an advisory tree committee be established. Currently, the Town assigns that duty to the Commission. Broadening the role of the Commission should have no impact on that function of the Commission.

**BUDGET IMPACT:**

None.

**MOTION(S):**

“I move that Town Council direct Staff to advertise a Town Council public hearing to be held on December 13, 2016, or as soon thereafter as possible, to consider amendments to Town Code Sections 26-38 and 26-39 that would expand the role of the Tree and Beautification Commission to include all aspects of Environmental Sustainability.”

**ATTACHMENT:**

1. Town Code Sections 26-38 and 26-39, showing proposed amendments in redline form that would broaden the role of the Tree and Beautification Commission to include all aspects of environmental sustainability.

## TOWN CODE ARTICLE V. – TREE AND BEAUTIFICATION COMMISSION

### Sec. 26-38. – Commission Established; Membership, Meetings.

(a) *Composition, appointments and terms.* The Purcellville Tree and Beautification Commission is hereby established. Such commission shall consist of at least five but no more than ~~seven~~nine members, ~~four~~five of which shall be residents of the town unless there is a deficiency of town residents interested in membership on the commission, then the council may appoint members from outside the corporate limits of the town. ~~Of the three or more nonresident members of the commission as qualified above, at~~At least one member shall be an arborist. A member of council, appointed by the council, shall serve as an ex officio member of the commission. An appointment to fill a vacancy shall be for the unexpired term. ~~Two members' terms shall expire on September 1, 2006. Thereafter, members~~Members shall serve two-year terms.

(1) *The commission shall elect its chairperson annually.* The commission shall meet monthly or more often as necessary upon the call of the chairperson or his designee. A member may be dismissed by the Town Council if he or she is absent for three or more meetings within a calendar year.

(Ord. No. 04-09-01, 11-9-2004; Ord. No. 05-04-02, 4-12-2005)

### Sec. 26-39. - Duties.

The Purcellville Tree and Beautification Commission shall have the following duties:

- (1) The tree and beautification commission shall recommend tree preservation and enhancement ordinances that promote environmental sustainability.
- (2) The tree and beautification commission shall disseminate technical information for professional groups and developers, and shall strive to inform the general public on the need for environmental and tree planning and preservation.
- (3) The tree and beautification commission shall advise the town council in the development and maintenance of the policies, standards and guidelines of the Town Code and zoning ordinance which will provide guidance for persons involved in planting, preserving, protecting or replacing trees with consideration for environmental sustainability (tree management program).
- (4) The tree and beautification commission shall act as an advocate group to increase the tree canopy in the community by assisting in coordinating the efforts of the town council with public/private groups such as homeowners associations.

(5) The tree and beautification commission shall promote programs that educate citizens about trees and their benefits and assist in choosing appropriate trees and sites for planting.

(6) The tree and beautification commission shall ~~develop a capital tree management program for the public and private sector. This plan will be updated every five years.~~ promote, practice, and advance environmental stewardship and education activities.

(7) The tree and beautification commission shall establish partnerships with citizens, business owners, and other stakeholders to plan and implement measurable environmentally responsible and sustainable initiatives.

(8) ~~(7)~~ The tree and beautification commission shall present an annual report each calendar year to the town council, such report shall include:  
a. A description of the activities conducted.  
b. A report of activities ongoing and forecast for future projects.

(9) ~~(8)~~ The tree and beautification commission may shall enact by-laws ~~as may be required~~ to aid in its efficient operation ~~and such by laws shall be incorporated by reference in part.~~

(10) ~~(9)~~ All beautification projects related to landscaping, tree planting and other similar projects will be undertaken and coordinated by this commission.

(11) ~~(10)~~ To assist in such other duties as assigned.

(Ord. No. 04-09-01, 11-9-2004)

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Rendering set	Standard

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Insertion

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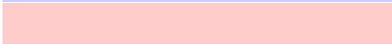
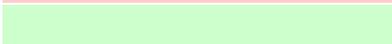
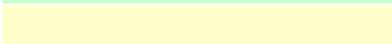
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**STAFF REPORT**  
**ACTION ITEM**

Item #14i

**SUBJECT:** Kline/Purcellville Crossroads Annexation Request

**DATE OF MEETING:** November 8, 2016

**STAFF CONTACTS:** Robert W. Lohr, Jr., Town Manager  
Sally G. Hankins, Town Attorney

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**SUMMARY and RECOMMENDATIONS:**

Based on input from Supervisor Buffington and members of Town Council, the Town has been asked to consider returning the Purcellville Crossroads Annexation Application to the Town Council for a decision and not have it further reviewed at the County level. Staff recommends that the current Town Council provide direction for staff on this issue but also recommends evaluating all the options with our financial advisor, rate consultant and discuss the project at length in our upcoming budget session before taking any final or permanent action on this application.

**BACKGROUND:**

This application for annexation of the Purcellville Crossroads property has taken many formats in the last fifteen years and prior to the elimination of PUGAMP, they had filed a previous annexation application with the Town. The current application that is before the Town and County of Loudoun was dated March 31, 2015 and a copy of this application is included under *Attachment III*.

After the elimination of PUGAMP, the Town Council considered whether the Town should accept and process applications for annexation at all. A majority of Council members decided that the Town should fully analyze and evaluate applications, which may then be approved or denied. Pursuant to that direction, staff worked with Town Council to develop a formal annexation process which was originally adopted on January 27, 2015. After additional feedback from Loudoun County, amendments were made to the process and the current guidelines dated October 27, 2015 have been our policy since. A copy of the revised Annexation Process that is in place today is included under *Attachment IV*.

On December 8, 2015, the Town Council formally took up the Purcellville Crossroads Annexation Application. The initial motion that was put on the floor directed staff to discontinue review and not move forward with the application. This motion failed 3-4-0 and a subsequent motion was placed on the floor to adopt Resolution 15-12-02, under which the Town would process the Purcellville Crossroads Annexation application in accordance with the Town's adopted Annexation Process. This motion passed 4-3-0. Accordingly, the Town transmitted to the Loudoun County Board of Supervisors the adopted Resolution, the Town's Staff Report (dated December 8, 2015), and the Purcellville Crossroads Annexation Application. A copy of the December 8, 2015 Staff Report and the adopted Resolution 15-12-02 are included under *Attachment V*.

As part of the staff/Town Council review, the Town generated a Fiscal Impact Analysis for Purcellville Crossroads. An updated copy is provided under *Attachment II*.

Since the time that the application was transmitted to the County in December of 2015, there has been no formal action taken by the County on this application.

In May 2016, the Town held elections and on July 1, 2016, four new Council members joined the Town Council. Four of our current seven Council members have not had the opportunity to discuss this project and staff has received feedback that the Council would like to have an opportunity to discuss how the Town proceeds with this current application.

**ISSUES:**

Since the original resolution was adopted and transmitted to the County in December 2015, a new Board of Supervisors and Purcellville Town Council have been seated. In fairness to all parties, including the applicant, it makes sense that the Council should revisit this issue to make sure that the direction that the Town is proceeding in is in compliance with the wishes of the new Board of Supervisors and the Town Council. At the request of Mayor Fraser, the Town staff has put together a preliminary Strengths, Weaknesses, Opportunities, and Threats ("SWOT") analysis, evaluating the potential positive and negative impacts of the Purcellville Crossroads Annexation to the Town. A copy of this analysis is included under *Attachment I*.

Moving forward, the following issues or discussion points will need to be addressed by Town Council depending on the actions taken:

- Does the Town Council want more feedback on fiscal, cultural and community impact that this proposed project or any annexation project would have before taking any actions?
- Does Town Council want to accept any more annexation applications in the near future?
- What does Council want to do with the existing annexation applications that exist in addition to Kline?
- What if any changes do you want to make to the existing Annexation Process which provides a framework for an applicant and the Town staff to process annexation applications?
- If the Town Council chooses to discontinue review of any pending applications, the Town will be obligated to refund the difference of the cost the Town spent on the application review versus the application fee, however, Town Council can elect to refund the entire fee.

**BUDGET IMPACT:**

It is staff's assessment based on current information that, if incorporated, Purcellville Crossroads would have a positive fiscal impact on the Town; however, that is not to say that all annexations would have a positive fiscal impact. From previous budget discussions, it is clear that additional properties brought into the corporate limits can have both positive and negative fiscal impacts, depending upon the type of development and some of the following factors:

- Commercial vs. residential
- Mixed used development
- Types of businesses that generate additional consumer taxes such as meals tax/transient occupancy taxes
- Unique businesses or institutions that bring new or additional people to our community such as recreational/sportsplexes, entertainment areas or specialized restaurants or retail
- Private streets vs. public streets
- Town taxpayer vs. County taxpayer (which we are both)
- Utility system vs. general fund operations

In addition, the Town Council clearly understands that any annexation request must be evaluated on more than just its fiscal impact. These applications must also be judged on their impacts to the Town's culture, aesthetic, and quality of life by considering:

- Desires of our residents
- Integration into the cultural fabric of our community
- Congestion and Transportation impacts
- Pedestrian access

Clearly there can be positive and negative impacts from any potential development. However, to fully understand the entire impact, a proposal needs to be reviewed thoroughly with public input at both the Town and County level.

**THREE ALTERNATIVE MOTIONS ARE SUGGESTED:**

- (1) “I move that Town Council direct staff to continue processing the Purcellville Crossroads Annexation Application in accordance with the Town’s Annexation Policy and to reiterate the Town’s request that the County respond to the proposed annexation.”

**OR**

- (2) “I move that Town Council deny the Purcellville Crossroads Annexation Application because the proposed development is not in keeping with the Town’s existing scale, culture, and sense of community. I further move that Town Council direct staff to refund the Purcellville Crossroads applicant [*the full application fee*] or [*75% of the application fee*].

**AND**

I further move that the Town continue to process any other annexation applications in accordance with the Town’s Annexation Policy dated October 27, 2015.”

**OR**

- (3) “I move that Town Council hereby revise the Town’s Annexation Policy to state that no applications for annexation will be accepted or processed by the Town unless the proposed annexation is submitted by a local governing body or a governmental agency for reasons concerning public health, safety or welfare. I further move that Town Council direct staff to cease processing all pending annexation applications

submitted by applicants other than those submitted by a local governing body or a governmental agency, and to refund such applicants the full application fee.”

**ATTACHMENT(S):**

1. Preliminary SWOT Analysis
2. Updated Fiscal Impact Analysis for Purcellville Crossroads
3. Kline/Purcellville Crossroads Annexation Application
4. Revised Town Annexation Process
5. December 8, 2015 Staff Report and Proposed Resolution 15-12-02

## SWOT Analysis of Kline Annexation Request for Purcellville Crossroads

### STRENGTHS

- Provides the Town with a greater economy of scale to provide government services under the General and Utility Funds.
- Helps absorb existing utility capacity and contributes to debt service needs.
- Provides needed capital to help address future unfunded mandates with over \$4,000,000 in available capital funds without negatively impacting existing customer rates.
- Can provide potential annual recurring revenues of \$782,633 in the General and Utility Funds with annual expenses of \$531,150.
- Can generate \$5,245,279 in one time revenues in the Utility Fund based on capital availability and meter fees with expenses of \$900,000.
- Ability to generate specific consumer taxes such as meals tax and transient occupancy taxes that could specifically be designated for specific funds or projects in the Utility Department.
- Allows us to continue to diversify and expand our business community.

### WEAKNESSES

- Puts pressure on Town to expand further north of the bypass.
- Lack of a critical link to pedestrian and bike access between the main portions of the Town and the new development to the north of the bypass.
- Will provide additional competition for retail and commercial square footage at the interchange which could increase vacancies in the older business section.
- Must insure that the project does not push us over any of our design capacities without fully covering cost.
- Project will be a challenge to work on integrating the businesses into our existing network without having negative impact on our existing business community.
- Challenge of integrating a new modern mixed use community into our small town fabric and atmosphere.
- Making sure that all impacts needed for this type of development are properly captured and placed on the development and taxpayers in that project.

## OPPORTUNITIES

- Provides for an attractive interchange location for specific businesses wanting that exposure (hotels, specific restaurants and other specialized operations).
- Develops first key interchange on Route 7 Bypass located between Berryville and Leesburg.
- Helps create a business and revenue generating use that could eliminate competition from businesses and operations that can currently locate out in the County and not pay any Town taxes or fees under the County's rural commercial zoning district.
- Creates additional events/cultural area with arts center and barn open space.
- Sets tone for development of second interchange in the future.
- Eliminates future development of this area on a package plant or traditional well and septic.
- Eliminates additional traffic from coming into Town if they only need to shop at certain business locations and also attracts the traveling public off of Route 7 Bypass that may not want to take the extra time to come into Town.
- Provides some additional unique youth and children recreation and entertainment.
- Gives Town control over development patterns, architecture, and uses at the Northern Gateway into the Town.
- Capitalizes on approximately 44,000 average daily trips along Route 7 Bypass (VDOT number).

## THREATS

- Need to ensure project provides suitable gateway character since it is the first thing you see when getting off of Route 7 Bypass to come into Town.
- May lead to loss of "small-town feel" and character of Purcellville.
- Could result in negative impacts to existing businesses, especially smaller "mom-and-pop" shops.
- Increases the current density of this parcel from one unit per three acres (JLMA-3) to four units per acre, which may not be in keeping with surrounding properties.
- Creates additional transportation impact to an already busy intersection.
- Strong opposition from many County residents in this immediate area.
- Increased school impacts due to residential component.
- Compact development will aesthetically impact rural setting north and west of the bypass.
- Future challenges with private streets.

## Purcellville Crossroads - Potential Revenue

74 Houses and Commercial (75,000 sq. ft. Retail or Restaurant, Hotel and Tilley Entertainment)

Tax/Fee	Commercial (Annually)	Residential (Annually)	Commercial (One Time Revenue Source)	Residential (One Time Revenue Source)	Totals
<b>Real Estate</b>	\$ 91,450	\$ 82,732 (\$1,118/unit)			\$ 174,182
<b>Business Personal Property</b>	\$ 1,350				\$ 1,350
<b>Personal Property</b> (Tax on 2 vehicles valued at \$8k & \$15k)		\$ 13,394 (\$181/unit)			\$ 13,394
<b>Meals Tax</b>	\$ 200,000	\$ 7,400 (\$100/unit)			\$ 207,400
<b>Utility Tax</b>	\$ 1,500 (\$75/unit)	\$ 1,998 (\$27/unit)			\$ 3,498
<b>Sales Tax</b>	Increase expected but based on percentage of school age children in Purcellville vs. County	Increase expected but based on percentage of school age children in Purcellville vs. County			
<b>BPOL</b>	\$ 73,277				\$ 73,277
<b>BPOL (Home Occupation)</b>		\$ 200			\$ 200
<b>BPOL (Developer/Contractor) Estimated</b>			\$ 30,000	\$ 50,000	\$ 80,000
<b>Utility User Fees (W&amp;S)</b>	\$ 131,250	\$ 103,082 (\$1,393/unit)			\$ 234,332
<b>Availability/Meter Fees</b>			\$ 1,566,883	\$ 3,524,546 (\$47,629/unit)	\$ 5,091,429
<b>Zoning/Occupancy Fees</b>			\$ 38,400	\$ 35,450	\$ 73,850
<b>Transient Occupancy</b>	\$ 75,000				\$ 75,000
	\$ 573,827	\$ 208,806	\$ 1,635,283	\$ 3,609,996	\$ 6,027,912

# Purcellville Crossroads - Potential Expenses

<u>General Fund</u>		<u>Water Fund</u>	
GF Capital (Impact)	50,000	Water Capital Fund (Capacity Upgrades)(Impact)	500,000
Waste Collection (74 @ \$181)(Impact)	13,394	Water Operator (.5 FTE)(.25 Impact/.25 Enhancement)	31,250
Finance (.5 FTE)(.25 Impact/.25 Enhancement)	40,800	Production & Operational Cost (Impact)	86,166
Police (1.5 FTE)(.50 Impact/1 Enhancement)	128,540		<u>\$ 617,416</u>
Maintenance (.5 FTE)(.25 Impact/.25 Enhancement)	39,000		
Community Development (Contract Support)(Enhancement)	35,000	<u>Sewer Fund</u>	
	<u>\$ 306,734</u>	Sewer Capital Fund (Impact)	325,000
		WW Operator (.50 Impact/.50 Enhancement)	39,000
		Treatment & Operational Cost (Impact)	78,000
			<u>\$ 442,000</u>
<u>Parks &amp; Rec</u>			
P&R Capital Fund (Impact)	25,000		
Events Specialist (.5 FTE)(Enhancement)	40,000		
	<u>\$ 65,000</u>		
		<b>Total Operating Expenses - All Funds</b>	<b>\$ 531,150</b>
		<b>Total Capital Expenses - All Funds</b>	<b>\$ 900,000</b>

## ASSUMPTIONS

- Project will have private streets like Gateway Shopping Center, Shoppes at Maple and Main, Village Case, Purcellville Ridge and other residential and commercial mixed developments within our community.
- By having private streets, this eliminates the largest and most expensive direct service that we provide to our residents through our Public Works Department which includes responsibilities for street maintenance/repair, snow removal, storm water management, pedestrian/trail networks and other similar services.
- In the Police Department, when looking at call volumes at our three major shopping centers along with similar residential neighborhoods in Old Dominion Valley, Village Case and Purcellville Ridge, the new project does not generate the call volume to justify a full-time officer but it provides the income which gives us the ability to upgrade our staffing to meet the overall Town's needs for increased police services. These new funding opportunities, particularly from the commercial side, allows the Town to address more specialized services such as detective/investigation and put more patrol officers on the street during each shift. This would also allow us to get closer to the capital staffing levels that we had identified as optimum for the community years ago. As a result, rather than listing a percentage of an FTE, I will include a fully funded officer and a civilian support team that was frozen from the Department's budget during the recession. The civilian administrative support will provide more time for patrol officers to be in the field and less time doing paperwork in the office.
- In the Utilities Department, we looked at both our existing utility capacity and determined that this project could be easily handled under our existing capacity at the Wastewater Treatment Plant and would sell some of the needed capacity to help offset debt service that we had been paying for this plant. In the Water Department, we will have an opportunity to expand our water system by adding the nature park wells that have been developed. This will increase our capacity by 187,000 which will cover this project given our existing capacity levels. The Town has shown this cost under Water Capital which is more than covered by the availabilities. It is important to note that the developer will be responsible for all costs associated with extending the lines and addressing any capacity issues with any needed pump stations in addition to building any pump stations needed on-site.
- Capital costs for the General Fund and Parks & Recreation has been identified and this includes facilities, software and fleet vehicles needed to address an increase in the size in our community. Even though most of the costs would not be required due to private streets, we took this opportunity to use the revenue and expand our system's reliability and functional response.
- If this property is annexed into the Town, the developer and Town Council will have the opportunity to enter into proffer discussions at the time of rezoning which will allow the Town to address transportation and other operational/community items. Several things that we can consider in these discussions include the following:
  - a) Contribution to a new police station
  - b) Financial software upgrades
  - c) Transportation upgrades and continued improvements to the Route 287/7 Bypass Interchange
  - d) Cost of the current Town Hall or Fireman's Field projects

## Purcellville Crossroads - Potential Revenue/Expense Comparison

<u>General Fund / Parks &amp; Rec Fund</u>		<u>Water/Sewer Funds</u>	
Annual Revenue	\$ 548,301	Annual Revenue	\$ 234,332
Annual Expenses	<u>\$ (296,734)</u>	Annual Expenses	<u>\$ (234,416)</u>
Net Annual Impact	251,567	Net Annual Impact	\$ (84)
One Time Revenue	\$ 153,850	One Time Revenue	\$ 5,091,429
Capital Expenses	<u>\$ (75,000)</u>	Capital Expenses	<u>\$ (825,000)</u>
Net One Time Impact	\$ 78,850	Net One Time Impact	\$ 4,266,429

**Town of Purcellville  
Department of Community Development**

221 S. Nursery Avenue Purcellville, VA 20132  
(540)338-2304 Fax (540)338-6205

**Annexation  
Application**

Date March 31, 2015 PIN Numbers 452-38-0026; 452-28-0080; 452-26-7298; 452-37-4904  
 StreetAddress 37887, 37903, & 37927 St. Francis Court, Purcellville, VA  
 Parcel Acreage 50.4 acres +/- Parcel Zoning District JLMA-3

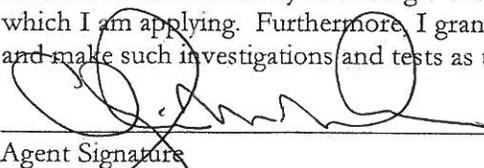
Agent's Name Bowman Consulting Group, Ltd.\*  
 Fax No. 703-443-2425 Phone No. 703-443-2400  
 E-mail pquante@bowmancg.com; cmohn@bowmancg.com  
 Mailing Address 101 South Street SE  
Leesburg, VA 20175  
 \*Patrick D. Quante, P.E.  
 Christopher M. Mohn, AICP

Owner's Name Pleasants Kline - Loudoun, LLC  
 Fax No. 703-744-1328 Phone No. 301-299-2099  
 E-mail Brad@Klineassoc.com  
 Mailing Address 24012 Frederick Road  
Clarksburg, MD 20871-9718  
 PIN # 452-26-7298  
 Additional Property Owners - See Attachment A

Description of request See attached Statement of Justification.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Justification for request See attached Statement of Justification.  
 \_\_\_\_\_  
 \_\_\_\_\_

Please see reverse for application process.

**Agent/Owner:**  
 I have read this completed application, understand its intent and freely consent to its filing. The information provided is accurate to the best of my knowledge. 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 and tests as they deem necessary.

  
 Agent Signature \_\_\_\_\_ Date 3/31/2015

See attached Schedule A  
 Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Town Use Only**

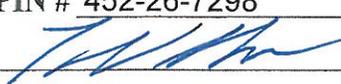
Application Received:		Hearing Date:	T.C.	<input type="checkbox"/> Fees Paid Amount \$ _____
			P.C.	
Approved:		Denied:		Annex. # _____

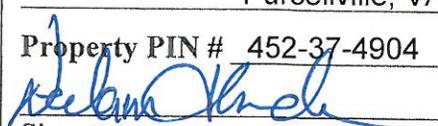
**Schedule A**

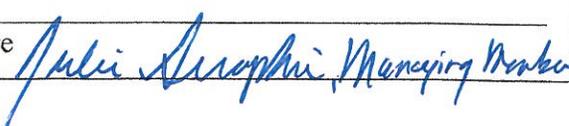
Date 3/10/2015 PIN: 452-26-7298; 452-37-4904; 452-38-0026; 452-28-0080  
 Street Address 37887, 37903, & 37927 St. Francis Court, Purcellville, VA  
 Parcel Acreage 50.4 acres Parcel Zoning District JLMA-3

**Owners:**

I have read this completed application, understand its intent and freely consent to its filing. The information provided is accurate to the best of my knowledge. 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 and tests as they deem necessary.

Owner's Name Pleasants Kline - Loudoun, LLC  
 Fax No. \_\_\_\_\_ Phone No. (301) 299-2099  
 E-mail Brad@Klineassoc.com  
 Mailing Address 24012 Frederick Road  
Clarksburg, MD 20871-9718  
 Property PIN # 452-26-7298  
 Signature 

Owner's Name DAS Henderson Holdings, LLC  
 Fax No. \_\_\_\_\_ Phone No. (703) 737-8927  
 E-mail Neelam.Henderson@loudoun.gov  
 Mailing Address 37887 St. Francis Court  
Purcellville, VA 20132-9639  
 Property PIN # 452-37-4904  
 Signature 

Owner's Name St. Francis, LLC  
 Fax No. \_\_\_\_\_ Phone No. (703) 203-6417  
 E-mail vchinc@roadstarinternet.net  
 Mailing Address 19440 Silcott Lane  
Purcellville, VA 20132-4247  
 Property PIN # 452-38-0026; 452-28-0080  
 Signature 

Owner's Name \_\_\_\_\_  
 Fax No. \_\_\_\_\_ Phone No. \_\_\_\_\_  
 E-mail \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 Property PIN # \_\_\_\_\_  
 Signature \_\_\_\_\_

ANNEX.# \_\_\_\_\_

# STATEMENT OF JUSTIFICATION

## ANNEX-XXXX

### PURCELLVILLE CROSSROADS

Annexation Application

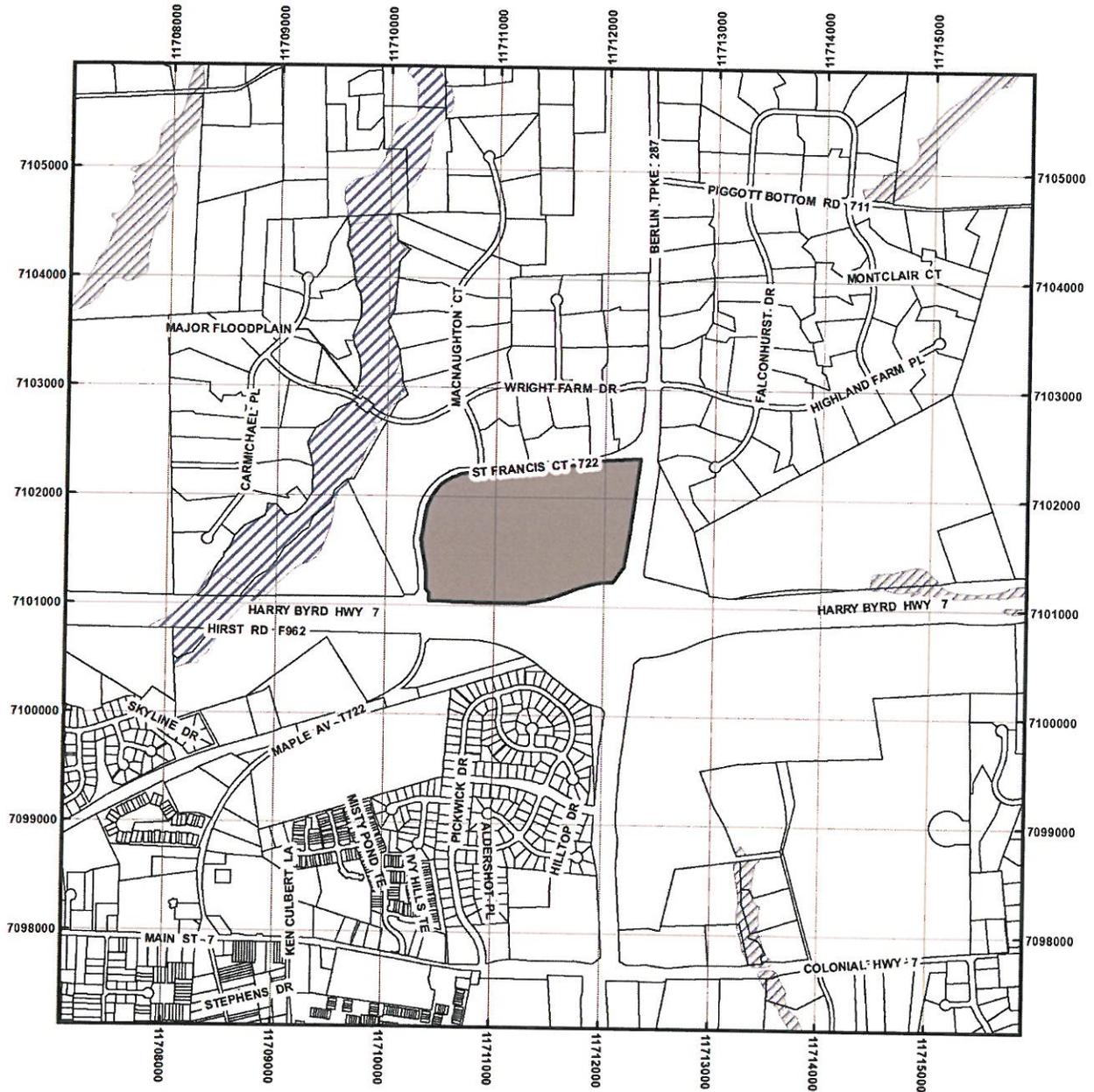
March 2015

## INTRODUCTION

Pleasants Kline, LLC (the “Applicant”) is requesting the **annexation** of approximately 50.4 acres of real property (the “Property”) located in the Blue Ridge District of Loudoun County into the corporate limits of the Town of Purcellville. The Property is an assemblage of four parcels identified in the Loudoun County Assessment records as Tax Map 36 Parcel 18C-1A (PIN 452-26-7298), Tax Map 36 Parcel 18C-2 (PIN 452-37-4904), Tax Map 36 ((8)) Parcel 1 (PIN 452-38-0026) and, Tax Map 36 ((8)) Parcel 2 (PIN 452-28-0080), which are owned by Pleasant Kline – Loudoun, LLC, DAS Henderson Holdings, LLC, and St. Francis, LLC, respectively (collectively the “Owners”).

The Property is currently zoned JLMA-3 (Joint Land Management Area – 3) District and is located on the northwest corner of the intersection of Berlin Turnpike (VA Route 287) and Harry Byrd Highway (VA Route 7), and is further bound to the north and west by St. Francis Court (VA Route 722). The Property is adjoined to the north by residential lots in the Wright Farm subdivision zoned JLMA-3; to the east by Carlisle and Anderson zoned RC (Rural Commercial) District; to the south, within the Town’s corporate limits, by the right of way of Harry Byrd Highway zoned X (Transitional) District and the Purcellville Volunteer Fire and Rescue Station zoned IP (Institutional and Public) District; and to the west by St. Francis de Sales Catholic Church zoned JLMA-3. The Property is governed by the policies of the Purcellville JLMA Policy area defined in the Revised General Plan, and is designated for Rural – JLMA (Joint Land Management Area) land use.

Purcellville Crossroads  
ANNEX-XXXX  
Statement of Justification  
March 2015



VICINITY MAP

## PROPOSAL

The Applicant is requesting annexation of approximately 50.4 acres into the corporate limits of the Town of Purcellville (the “Town”) to enable development of a mixed use neighborhood. The proposed neighborhood will consist of single family detached dwellings, mixed commercial uses, public/civic uses, commercial recreation facilities, and a hotel. The diversified use program envisioned by the Applicant will facilitate balanced growth that complements the Town’s distinctive sense of place and promotes its continued economic vitality.

### **Eligibility of Property for Annexation**

Pursuant to § 15.2-3202 and § 15.2-3203 of the Code of Virginia, territory adjacent to any city or town may be annexed into the corporate limits through a variety of methods and upon completion of specific procedural steps. The fundamental qualification for annexation is the adjacency of the territory to the corporate limits of the city or town into which it is proposed to be annexed. The parcels proposed to be annexed with this application are immediately adjacent to the existing corporate limits of the Town of Purcellville. As such, the parcels are qualified for annexation by the Town of Purcellville upon completion of one of the processes enabled by the applicable provisions of the Code of Virginia.

### **Project Description**

The Property is located at the northwest corner of one of the most prominent crossroads in western Loudoun County that further serves as a primary point of entry to the Town. Annexation of the Property will facilitate the physical growth of the Town in a logical manner and enable Town control of the Property’s development intensity and design character. Such control will ensure that the Property’s unique locational attributes are not lost to low density rural development, but instead are translated into a distinctive node of activity that will promote the Town’s land use and fiscal policies, while also providing new and varied opportunities for shopping, entertainment, and cultural engagement.

As depicted on the Annexation Concept Plan, the Applicant envisions development of the Property with sixty four (64) single family detached dwellings, seventy-five thousand (75,000) square feet of mixed commercial uses, indoor/outdoor commercial recreation facilities, and a hotel. The Applicant further intends to dedicate roughly nine (9) acres for civic/public uses. Specifically, five (5) acres containing an existing barn will be dedicated for its adaptive reuse as a community arts center with public open space, and approximately four (4) acres will be provided for County development of a park and ride facility.

To achieve this program, the Applicant will seek application of multiple planned land use designations to the Property, to include Mixed Use Commercial, Residential – 3 Dwelling Units per Acre, and Institutional/Government. Implementation of these designations is anticipated to occur via rezoning to the R-3 Cluster (Residential) and MC (Mixed Commercial) Zoning Districts. All proposed uses would be served by public water and sewer provided by the Town.

## **Consistency with the Comprehensive Plan & Benefit to the Town**

The mixed use development concept envisioned by the Applicant is consistent with multiple inter-related policy objectives enumerated by the Purcellville, Virginia 2025 Comprehensive Plan (the “Plan”). In general, Plan policies encourage new development that achieves a balance of residential and commercial land uses, and further promote development that increases opportunities for growth of the commercial tax base. Specific Plan policies of relevance to the proposed annexation are as follows:

### ***Fiscal Policy Goal (Chapter II, p. 22)***

*“Purcellville’s fiscal goal is to better balance the Town’s tax base by working toward 30 percent of the value of the Town’s real property tax base from commercial property and 70 percent from residential property in order to sustain the quality of life in Purcellville and to better distribute the real estate tax burden between commercial and residential property owners.”*

### ***2025 Housing Policies (Chapter III, p. 28)***

- “1. **Balanced Housing/Commercial Development:** Promote a harmonious pattern of land development and a healthy land use balance that encourages community preservation, sustainable development and managed growth; increase the amount of commercial and light industrial development in Purcellville to provide a more balanced economy, local revenue structure, and cost effective public services; and provide more cost effective public services by achieving a real estate tax revenue ratio of at least 30 percent from commercial uses and no more than 70 percent from residential uses.”*

### ***2025 Land Use Policies (Chapter III, p. 111)***

- “1. **Harmonious, Compatible and Orderly Land Development:** Provide for managed community growth and land development that ensures harmonious, compatible and orderly land use patterns, enhances the unique community character of Purcellville and preserves landmarks (i.e., Cole Farm, Train Station, Dillon's Woods and Tabernacle).”*
- “2. **Balanced Distribution of Land Uses:** Provide a diversity of land uses in suitable locations to support the residential and business needs of Purcellville while ensuring economic, social and financial stability.”*

As detailed in the Town’s *Adopted Fiscal Year 2015 Fiscal Plan & Capital Improvement Program Fiscal Year 2015-2019*, the 2014 assessed value of all property within the Town’s corporate limits totaled \$1,093,743,250.00, of which commercial/industrial acreage comprised \$234,891,510.00, or 21% of the real property tax base (p. 31). Assuming development of Purcellville Crossroads as envisioned by the Applicant, the Town’s real estate tax base is projected to grow by roughly \$63,900,000.00, with the value of the commercial/industrial and residential categories increasing by approximately \$35,850,000.00 and \$28,050,000.00, respectively. As such, based on 2014 assessed values, the addition of Purcellville Crossroads would increase commercial/industrial land uses to 23% of the Town’s real property tax base.

**Purcellville Crossroads  
ANNEX-XXXX  
Statement of Justification  
March 2015**

In addition to the positive impact on the Town's real estate tax base, Purcellville Crossroad's mixed use program would generate tax revenue from other sources, such as BPOL, meals, and transient occupancy taxes. In total, Purcellville Crossroads is projected to yield almost \$680,000.00 in tax revenue to the Town annually, inclusive of real estate taxes. The fiscal benefit to the Town is further enhanced by the water and sewer availability fees that will be required for the project, which are projected to total roughly \$5,900,000.00, and would provide a significant contribution toward retirement of debt associated with past improvements to the Town's utility infrastructure. The revenue projection calculations for Purcellville Crossroads are provided on the attached worksheet (Appendix A).

The annexation of the Property and its ultimate development as a mixed use neighborhood would therefore advance the Town's inter-related fiscal, housing, and land use policies. Indeed, the increase in the proportional share of the commercial/industrial tax base would be achieved in a balanced development context, with commercial development complemented by single family detached residential and civic uses. Such diversification of land uses will create a synergistic dynamic within the neighborhood that will maintain its vitality and promote long term growth in property values.

It is further noted that annexation of the Property is simply the first step in the development process. Subsequent to annexation, the Applicant will be required to complete comprehensive plan amendment and rezoning applications, which together will define the project's design characteristics and ensure sufficient infrastructure commitments to mitigate impacts and address community needs. This multi-step process will enable the Town to exert considerable influence over development of this critical gateway location, and in so doing make certain that Purcellville Crossroads is a complementary and harmonious extension of the Town's existing fabric.

### **Consistency with Loudoun County Policies**

The Property has long been envisioned as an eventual addition to the Town of Purcellville, and previous joint planning efforts between the Town and Loudoun County formalized this expectation. Specifically, the Property was included within the Urban Growth Area established pursuant to the 1991 County General Plan, which was subsequently augmented by the Purcellville Urban Growth Area Management Plan (PUGAMP) and corresponding Joint Annexation Agreement, which were adopted by the Town and Loudoun County in May 1995 and November 1994, respectively, and remained in effect until their repeal in July 2013. PUGAMP further designated the planned land uses for the Property as office/industrial, signaling the mutual intent of the Town and Loudoun County to facilitate its ultimate transition to a more intensive form of development.

Although PUGAMP is no longer in effect, it is instructive that it anticipated and encouraged the Property's eventual annexation and development for the duration of its nearly twenty year existence. This expectation was neither challenged nor revised despite evolving land use patterns in the vicinity of the Property. That said, in the absence of PUGAMP, the vision for

future use and development of the Property is derived from the policies of Loudoun County's Revised General Plan (the "RGP).

The RGP applies the JLMA (Joint Land Management Area) land use designation to the Property, the policies of which are enumerated in Chapter 9, *The Towns*. In general, the Land Use Policies of Chapter 9 support varied forms of development within the JLMA. The following policies more specifically support consideration of the mixed-use concept envisioned by the Applicant (emphasis added):

- "3. ***Mixed-use development is encouraged in the existing Towns and JLMA areas around the Towns to reinforce the traditional growth patterns, to reduce auto trips, to minimize the need for additional road improvements, and to encourage walking to employment and shopping. Specific land use plans will be adopted jointly by the County and Towns to cooperatively plan JLMA's or to plan areas around Towns without JLMA's.***"
- "4. ***Within JLMA's, the County encourages the development of a variety of housing types in an urban pattern of compact neighborhoods extending in a contiguous, rational and convenient manner from the existing Town.***"
- "10. ***Commercial retail and service development in Town JLMA's will consist of businesses that are compatible with the rural economy and the existing businesses of the Towns. This also may include innovative recreational or institutional uses or home-occupation uses out of residents' homes. A neighborhood center may be appropriate when proposed in conjunction with a residential community development or where it can be integrated with an existing residential area.***"

Moreover, Chapter 9 includes language acknowledging the value of annexation, as follows:

*"Annexation is a logical extension of the increased role played by Towns in the provision of public facilities, services, utilities and commercial products and services. Annexation will allow system providers a larger role in managing the services and facilities in each Town. Potentially annexation could result in the enhancement of the towns' tax revenues...All Towns can work with the County on possible annexations."*

The RGP is therefore supportive of a development pattern and use mix within the JLMA that effectively extends the fabric of the Town, and the RGP further recognizes the value of annexation as a means of achieving this objective. Indeed, the applicable policies of the RGP discourage a homogenous pattern of development within the JLMA, and instead encourage land uses to evolve in intensity and form to complement the Town, distinct from the large lots and low densities of the surrounding rural areas. The annexation proposed by the Applicant is consistent with the adopted vision of the RGP.

## CONCLUSION

The 50.4 acres comprising Purcellville Crossroads are properly situated to enable annexation into the Town of Purcellville pursuant to the applicable provisions of the Code of Virginia, and such annexation is consistent with the policies of the Purcellville, Virginia 2025 Comprehensive Plan and Loudoun County Revised General Plan. The mixed use development program envisioned by the Applicant will promote the Town's fiscal objectives by facilitating a more balanced real estate tax base, generating recurring tax revenues, and contributing significant funding toward retirement of debt associated with past improvements to the Town's utility infrastructure. Annexation of the Property will further enable Town control over subsequent stages of the development review process, thereby ensuring that the neighborhood's design, public amenities, and infrastructure reflect the expectations and needs of the community. In short, the requested annexation will advance the interests of the Town, its citizens, and the broader Purcellville community, and therefore merits favorable consideration.

## APPENDIX A

### Purcellville Crossroads Annexation Application Revenue Calculations/Estimates

Project Area & Use Mix	Area (AC)
Commercial	20.1
Residential	21.5
Public - Arts Center & Park	5
Public - Park and Ride	3.8
<b>Project Total</b>	<b>50.4</b>

#### Real Estate Valuation/Assessment Projections

##### Commercial Real Estate Value Projection (Assessed)

	GFA (SF)	Area (AC)	Projected Value: \$ per SF GFA*	Projected Value: \$ per Acre**	Total Projected Value:
Land		20.1		\$ 359,961	\$ 7,235,226
Retail/Restaurant Buildings	75,000		\$ 215.04		\$ 16,128,000
Hotel Buildings (80 room)†					\$ 3,500,000
Commercial Rec Improvements††					\$ 9,000,000
<b>TOTAL COMMERCIAL</b>					<b>\$ 35,863,226</b>

\*Projected building valuation rate based on 2014 assessed building/improvement value of Purcellville Gateway.

\*\*Projected land valuation rate based on 2014 assessed land value of Purcellville Gateway.

†Hotel building value derived from Dulles Aloft at Dulles Parkway Center value (60% of \$5.8M; 80 rooms v. 136 rooms).

††Commercial recreation improvements include 27,000 SF indoor facility and outdoor facilities (improvement value of outdoor facilities per Tilley estimates).

##### Residential Real Estate Value Projection (Assessed)

	Quantity (units)	Projected Value: Land/Lot (\$ per lot)	Projected Value: Building (\$ per unit)	Projected Value: Land + Building	Total Projected Value
Single Family Detached (SFD)*	64	\$ 124,000	\$ 314,500	\$ 438,500	\$ 28,064,000
<b>TOTAL RESIDENTIAL</b>	<b>64</b>				<b>\$ 28,064,000</b>

\*Projected SFD value based on 2014 assessment of single family small lots in The Village Case subdivision.

##### Total Project Real Estate Value Projection (Assessed)

	Projected Value	% of Total
Commercial Component	\$ 35,863,226	56.10%
Residential Component	\$ 28,064,000	43.90%
<b>Total Project</b>	<b>\$ 63,927,226</b>	<b>100.00%</b>

#### Town of Purcellville - Balance of Housing/Commercial Calculation ("70/30 Objective")

##### Town Assessments by Land Use Category - 2014 (Per Town Budget)

Land Use Classification	Assessed Value	% of Total
Single Family Dwelling	\$ 679,040,520.00	
Townhouse	\$ 141,827,630.00	
Other Residential	\$ 23,705,080.00	
Multi-Family (5+ units)	\$ 14,278,510.00	
Commercial/Industrial	\$ 234,891,510.00	21%
<b>TOTAL</b>	<b>\$ 1,093,743,250.00</b>	

*Current Commercial Tax Base*

##### Town Assessments by Land Use Category - 2014 + Purcellville Crossroads

Land Use Classification	Assessed Value	% of Total
Single Family Dwelling	\$ 707,104,520.00	
Townhouse	\$ 141,827,630.00	
Other Residential	\$ 23,705,080.00	
Multi-Family (5+ units)	\$ 14,278,510.00	
Commercial/Industrial	\$ 270,754,735.95	23%
<b>TOTAL</b>	<b>\$ 1,157,670,475.95</b>	

*Commercial Tax Base with Purcellville Crossroads*

#### Town of Purcellville - Water & Sewer Availability Fees (i.e. "Tap Fees")

	Water & Sewer Availability Fee* (\$ per connection)	Quantity (connections)	Total Availability Fee
<b>RESIDENTIAL</b>			
Single Family Detached (3/4")	\$ 71,359	64	\$ 4,566,976
<b>TOTAL RESIDENTIAL FEE</b>			<b>\$ 4,566,976</b>
<b>COMMERCIAL</b>			
Tilley Entertainment Ctr. (1")	\$ 118,779	1	\$ 118,779
Commercial Center (1")	\$ 118,779	3	\$ 356,337
Commercial Center (1.5")	\$ 237,334	2	\$ 474,668
Hotel (2")	\$ 379,541	1	\$ 379,541
<b>TOTAL COMMERCIAL FEE</b>			<b>\$ 1,329,325</b>
<b>Town of Purcellville - TOTAL WATER &amp; SEWER PROJECT AVAILABILITY FEES:</b>			<b>\$ 5,896,301</b>

\*Water and Sewer Availability Fees, March 2013

3/4" Connection = \$71,359 @ \$38,631 (water fee) + \$32,400 (sewer fee) + \$328 (meter fee)

1" Connection = \$118,779 @ \$64,385 (water fee) + \$54,000 (sewer fee) + \$394 (meter fee)

1.5" Connection = \$237,334 @ \$128,770 (water fee) + \$108,000 (sewer fee) + \$564 (meter fee)

2" Connection = \$379,541 @ \$206,032 (water fee) + \$172,800 (sewer fee) + \$709 (meter fee)

**Town of Purcellville - PROJECTED ANNUAL COMMERCIAL TAX REVENUE @ PROJECT BUILD-OUT**

**Commercial Center @ Build-out (75,000 SF Restaurant/Retail + 80 Room Hotel)**

Tax	Taxable Value	Tax Rate	Annual Tax Revenue
Real Estate*	\$ 24,739,446	\$0.225 per \$100	\$ 55,663.75
Meals Tax**	\$ 4,000,000	5% of gross	\$ 200,000.00
Transient Occupancy (Hotel)	\$ 2,500,000	3% of gross	\$ 75,000.00
BPOL† Retail	\$ 25,000,000	\$0.17 per \$100	\$ 42,500.00
BPOL† Restaurant	\$ 4,000,000	\$0.17 per \$100	\$ 6,800.00
BPOL† Hotel	\$ 2,500,000	\$0.17 per \$100	\$ 4,250.00
<b>Commercial Center Annual Tax Revenue:</b>			<b>\$ 384,213.75</b>
<b>Tilley @ Build-out</b>			
Real Estate*	\$ 11,123,769	\$0.225 per \$100	\$ 25,028.48
Meals Tax**	\$ 3,747,500	5% of gross	\$ 187,375.00
BPOL†	\$ 11,575,000	\$0.17 per \$100	\$ 19,677.50
<b>Tilley Entertainment Annual Tax Revenue:</b>			<b>\$ 232,080.98</b>
<b>TOTAL PROJECTED ANNUAL COMMERCIAL TAX REVENUE</b>			<b>\$ 616,294.73</b>
*Assumes 14.2 acres for commercial center uses, 5.9 acres for Tilley Center.			
**Meals tax based on gross receipts ("Taxable Value").			
†BPOL (Business License Tax) based on gross receipts ("Taxable Value").			
<b>Residential Tax Revenue</b>			
Real Estate	\$ 28,064,000	\$0.225 per \$100	\$ 63,144.00
<b>Town of Purcellville - Total Projected Annual Tax Revenue:</b>			<b>\$ 679,438.73</b>

March 27, 2015

Mr. Patrick Sullivan, AICP, CED  
Director of Community Development  
Town of Purcellville, Virginia  
221 South Nursery Avenue  
Purcellville, VA 20132

**Re: Purcellville Crossroads  
Traffic Impact Statement  
Town of Purcellville, Virginia  
Bowman Project #004946-01-001**

Dear Mr. Sullivan:

Bowman Consulting Group (BCG) has prepared a traffic impact statement in support of the proposed Purcellville Crossroads annexation and development. The site is generally located north of the Route 7 Bypass, west of Route 287 (Berlin Turnpike) and south/east of St. Francis Court in Loudoun County, Virginia.

The approximately 50.46 acre site is currently located outside the Town of Purcellville limits and is under consideration for annexation into the Town. The purpose of this memorandum is to provide existing traffic data and the proposed trip generation for the development. The memorandum is not a full traffic impact analysis and does not identify any road improvements that may be required in the future with or without the development of the project. It is our understanding that the site would still have to go through the rezoning process if it is annexed. At that time a full traffic impact analysis may be required by the Town/Virginia Department of Transportation (VDOT) depending on the size of the development.

Based on current plans, access to the site would be provided by entrances on Route 287 (Berlin Turnpike) and St. Francis Court. It should be noted that the Townwide Transportation Plan has identified the portion of St. Francis Court that runs east-west as along the right-of-way for the Future Northern Collector.

#### **Existing Traffic Conditions**

According to the latest VDOT data available (2013), Route 287 (Berlin Turnpike) carries approximately 6,100 vehicles per day in the vicinity of the site.

VDOT does not have any recent data (within the last ten years) for St. Francis Court.

A review of the most recent 5 years (2009-2013) of available crash data shows that there have been 8 crashes during that time frame. Of the 8 crashes, six were related to deer, one was rear end, and one was head on. All of the crashes resulted in property damage only (no injuries).

### **Site Trip Generation**

A trip generation analysis was completed to estimate the trips that would be generated by the proposed Purcellville Crossroads development. The trip generation is based on the most recent proposed development plans and is subject to change if those plans change.

For trip generation purposes the development was assumed to consist of the following:

- 64 single family dwelling units
- 75,000 S.F. of shopping center
- An 80 room hotel
- 5.9 acres of multipurpose recreation facility space
- A 200 space park and ride lot
- A community arts center located in the existing barn (+- 6,000 S.F.)
  - o The arts center is not expected to generate trips during the peak hours and would be a minimal generator on a daily basis and therefore was considered negligible from a trip generation standpoint.

The average weekday AM and PM peak hour, and weekday average daily trips that would be generated were estimated using the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9<sup>th</sup> edition and are shown in Table 1.

As shown in Table 1, the proposed development would generate approximately 293 new trips during the AM peak hour (193 in and 100 out), 313 new trips during the PM peak hour (126 in and 187 out), and 3,054 average daily trips.

Should you have any questions or comments, please contact our office at (804) 616-3240.

Sincerely,  
BOWMAN CONSULTING GROUP, LTD.



Stephen O. Schmidt, PE, PTOE  
Transportation Project Manager

**Table 1 - Purcellville Crossroads ITE Site Trip Generation Analysis**

Land Use	Size	Units	Land Use Code	AM Peak Hour			Weekday PM Peak Hour			Daily Trips
				In	Out	Total	In	Out	Total	
<b>Proposed Purcellville Crossroads Development</b>										
<u>Residential</u>										
Single Family Detached	64 D.U.		210	14	41	55	44	26	70	697
<u>Commercial</u>										
Shopping Center	75,000 S.F.		820							
Hotel	80 Rooms		310	25	17	42	24	24	48	654
<u>Recreation</u>										
Multipurpose Recreational Facility	5.9 Acres		435	8	3	11	18	16	34	533
<u>Commuter Facility</u>										
Park and Ride Lot <sup>(3)</sup>	260 Spaces		90	146	39	185	40	121	161	1,170
<b>Total Proposed Purcellville Crossroads Trips</b>				<b>193</b>	<b>100</b>	<b>293</b>	<b>126</b>	<b>187</b>	<b>313</b>	<b>3,054</b>

Notes: (1) Based on the Institute of Transportation Engineers Trip Generation, 9th Edition.

(2) In/Out distributions based on specialized land use data within Land Use Code 435.

(3) ITE data is for a Park and Ride Lot with Bus Service. While this site likely won't have bus service it is the closest fit available within ITE.

**Town of Purcellville**  
**Process for Annexation**

Without limiting or amending the statutory processes by which annexations may occur, the following describes the process by which the Town of Purcellville will generally accept, review, and act upon applications for Annexation. The following process may be condensed or modified to the extent permitted by state law when the Town Council finds that the land area proposed for annexation results in a minor adjustment to the municipal boundary or when the reason for annexation is unrelated to a proposed development project.

1. **Community Briefing prior to Application.** A person desiring to file an application to annex property into the Town of Purcellville will first schedule and conduct a Community Briefing for the purpose of informing the public of the anticipated application and any proposed land development. The person desiring to file a Boundary Line Adjustment application must notify the public of the Community Briefing by (a) sending a letter (with a copy to the Town Clerk of the Town of Purcellville) by certified mail, return receipt requested, at least 15 days and no more than 30 days prior to the Briefing, to each property owner adjacent to the land proposed for Annexation and, if one or more of the adjoining properties belongs to a Homeowners' Association, then also to each affected Homeowners' Association, (b) placing a weatherproof placard that (i) is clearly visible from each public road abutting the property proposed for Annexation, (ii) measures at least 24" by 24," (iii) states, "Proposed Annexation – Community Meeting on [Date] - Call [phone number] for information," and (c) publishing an advertisement in a newspaper of general circulation in the Town of Purcellville that is authorized by the Loudoun County Circuit Court to publish legal notices, which advertisement shall state the date, time, and location of the Community Briefing, and shall describe the property proposed for Annexation by address, location, and parcel identification number. Said advertisement must first appear in the newspaper at least seven days prior to the Community Briefing. The applicant shall provide to the Town evidence that all required notices of the Community Briefing were completed. Such evidence is considered part of a complete Annexation application.
2. **Application Submission.** Applications for Annexation to adjust the jurisdictional boundary line between the Town of Purcellville and Loudoun County will be submitted to the Department of Community Development for processing. Applications will be accepted subject to an application fee, as such fee may be adopted by Council from time to time and reflected on the Town's Master Tax and Fee Schedule. The following application materials are required:

- a. A plat of the proposed boundary line adjustment that shows both a detail of the proposed boundary line adjustment and the boundary line adjustment in the context of the surrounding properties. The plat shall include the following information for the subject property and surrounding properties: zoning designation, existing use, parcel identification number, natural features, existing streets and driveways, and ownership information. This plat must be submitted in both digital and paper forms.
  - b. A description of the proposed project, including a concept development plan showing: (i) proposed land uses, (ii) the general location of proposed structures, (iii) a vehicular and pedestrian circulation plan, (iv) open space, (v) minimum and maximum proposed densities for each use, (vi) proposed Town zoning district(s), (vii) special amenities, and (viii) existing site features such as floodplain, steep slopes, and tree cover. The concept development plan and proposed project is not binding on either the applicant, or the Town.
  - c. A Statement of Justification, describing how the subject property is eligible for incorporation into the Town boundary under Virginia Code and how the proposed development will benefit the Town. The Statement of Justification should include a description of how the proposed development meets goals of the Town's Comprehensive Plan, and a proposed planned land use designation. The Statement of Justification should also describe how the land is planned and zoned under Loudoun County's plans and ordinances.
  - d. A traffic evaluation describing the capacity of surrounding roads, providing an estimate of existing traffic volumes (using available data to the greatest extent possible), and providing an estimate of the traffic generated by potential future land uses.
  - e. Evidence of a Community Briefing for which notice was provided as required herein.
3. Notification of Town Council and Loudoun County by Staff. The following persons will be notified of the Town's receipt of a Community Briefing notice letter, and notified again upon receipt of an application for annexation: all members of Town Council, the Loudoun County Administrator, the Blue Ridge District Supervisor, the Catoclin District Supervisor, and the Chair of the Loudoun County Board of Supervisors.
  4. Application Review by Staff. Once the Department of Community Development receives a complete application for Annexation, including evidence of the applicant's notice to surrounding neighborhoods and the applicant's published advertisement for a Community Briefing, the Department of Community Development will distribute the Annexation application for review and comment to all Town departments and VDOT. The Town

departments will evaluate the proposal for its impact on: (a) water and sanitary sewer capacity and infrastructure, (b) storm water, (c) emergency services, (d) recreational facilities, (e) tax revenues, (f) schools, (g) transportation infrastructure, (h) trash collection, snow removal, and other Town services, and will evaluate whether the proposal furthers goals set forth in the Town's Comprehensive Plan. Once these initial evaluations are complete, Community Development Staff will assess the various departmental evaluations, request additional information from the applicant as needed in order to finalize the evaluations, accept from the applicant any proposed revisions to address staff comments, and, finally, prepare a Staff Report to Town Council. The Staff Report will include a recommendation to either approve or deny the application for Annexation, and will describe what information, if any, would assist in further evaluating the application.

5. Town Council Briefing. Community Development Staff will present its Staff Report to Town Council at a public meeting.
6. Town Council Meetings. The Town Council will discuss at one or more of its regular public meetings the recommendations of Staff. The applicant should attend these meetings and be prepared to answer questions and provide requested information. Town Council may direct Staff to conduct further analysis, and may request that the application be amended.
7. Town Council Decision; Transmittal to Loudoun County. The Town Council will vote to either deny the annexation application, or to proceed with it. If the Town Council decides it would like to proceed with the annexation, then the Town will transmit the annexation application and related materials to Loudoun County with a request that Loudoun County commence work with the Town to reach an annexation agreement.
8. Negotiations. If the County agrees to work with the Town to reach an annexation agreement, the Town and County will negotiate the agreement and reduce it to writing.

**If there are no conditions attached to the annexation by the Town or County, then the agreement will most likely take the form of a Boundary Line Adjustment Agreement under Va. Code 15.2-3106, and the following process will apply:**

BLA-1 Staff Drafts a Boundary Line Adjustment Agreement AND a Water/Sewer Agreement. Town Staff will work with the County of Loudoun to draft a Boundary Line Adjustment Agreement. Town Staff will also prepare a Water and Sewer Agreement that is conditioned upon incorporation of the property into Town limits, which will detail the minimum and maximum water usage by the annexed property, any new or upgraded infrastructure necessary to serve the annexed property, the party responsible for installing

the new or upgraded infrastructure, and the party who will own and maintain the new or upgraded infrastructure.

BLA-2 Public Hearing. The governing bodies of the Town and County shall each hold a public hearing on the proposed Boundary Line Adjustment Agreement as required under Va. Code § 15.2-3107, as amended. Notice of the proposed Boundary Line Adjustment Agreement shall be served upon the owners of all parcels proposed to be incorporated into the Town limits. One notice sent by first class mail to the last known address of the owners of such parcels as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of each local governing body shall make affidavit that such mailings have been made and file such affidavit with the localities' petition to the Circuit Court.

BLA-3 Council Votes on Water and Sewer Agreement. The Town Council will vote to either approve or deny the Water and Sewer Agreement associated with the proposed Annexation. This vote will occur prior to a vote on the Boundary Line Adjustment Agreement. The Water and Sewer Agreement will be conditioned upon issuance of an annexation order by the Court.

BLA-4 Council Votes to approve or deny the Boundary Line Adjustment Agreement. The Town Council will vote to either approve or deny the Boundary Line Adjustment Agreement. This vote will occur after the Water and Sewer Agreement is fully executed by the Town and affected property owners.

BLA-5 Process Duration. It is expected that a Boundary Line Adjustment Agreement could be processed within 12 to 15 months of receiving a complete application.

BLA-6 Circuit Court. If the Boundary Line Adjustment Agreement is approved by both jurisdictions, the Town will coordinate with Loudoun County to petition, in accordance with all statutory requirements, the Loudoun County Circuit Court for approval of the Agreement.

BLA-7 Subsequent Rezoning. If the owner of property that has been incorporated into the Town limits seeks a rezoning of the property within 12 months of its incorporation, the Town will utilize in its review of the rezoning application the annexation application materials and referrals to the greatest extent possible.

BLA-8 Comprehensive Plan Amendment. After property is brought into the Town's jurisdictional limits, the Town Council may elect to amend the Comprehensive Plan to assign a planned land use designation to the newly-incorporated property, and will refer such amendment to the Planning Commission for public hearing and recommendation, all pursuant to Va. Code § 15.2-2229, as amended.

**If there are conditions attached to the annexation by either the Town or County, then the agreement will most likely take the form of a Voluntary Settlement of Annexation Agreement under Va. Code 15.2-3400 et seq., and the following process will apply:**

VSA-1. Staff Drafts a Voluntary Settlement of Annexation Agreement AND a Water/Sewer Agreement. Town Staff will work with the County of Loudoun to draft a Voluntary Settlement of Annexation Agreement. The agreement may address the following: fiscal arrangements, land use arrangements, zoning arrangements, subdivision arrangements, infrastructure arrangements, revenue and economic growth sharing arrangements, arrangements for the joint exercise of powers, and such other provisions as the parties deem in their best interest. Town Staff will also prepare a Water and Sewer Agreement that is conditioned upon incorporation of the property into Town limits, which will detail the minimum and maximum water usage by the annexed property, any new or upgraded infrastructure necessary to serve the annexed property, the party responsible for installing the new or upgraded infrastructure, and the party who will own and maintain the new or upgraded infrastructure.

VSA-2. Commission on Local Government. The Town and County will present their proposed Voluntary Settlement of Annexation Agreement to the Commonwealth's Commission on Local Government as required under Virginia Code. The Commission will take all actions required under Virginia Code, which may include reviewing the proposed agreement, conducting a public hearing, and issuing an advisory report to the localities that sets forth its findings and recommendations as to whether the proposed agreement is in the best interest of the Commonwealth. The Commission should issue its report within 6 to 8 months of receiving the proposed Agreement.

VSA-3. Revisions and Public Hearing. The Town and County will review the Commission's report and may elect to amend the proposed Voluntary Settlement of Annexation Agreement accordingly. Once the Agreement is finalized, the governing body of each locality will hold one or more public hearings on the Agreement prior to voting on the Agreement as required under the Code of Virginia. Notice of the proposed Agreement shall be served upon the owners of all parcels proposed to be incorporated

into the Town limits. One notice sent by first class mail to the last known address of the owners of such parcels as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of each local governing body shall make affidavit that such mailings have been made and file such affidavit with the localities' petition to the Circuit Court.

VSA-4. Council Votes on Water and Sewer Agreement. The Town Council will vote to either approve or deny the Water and Sewer Agreement associated with the proposed Annexation. This vote will occur prior to a vote on the Voluntary Settlement of Annexation Agreement. The Water and Sewer Agreement will be conditioned upon issuance of an annexation order by the Court.

VSA-5. Council Votes to approve or deny the Voluntary Settlement of Annexation Agreement. The Town Council will vote to either approve or deny the Voluntary Settlement of Annexation Agreement. This vote will occur after the Water and Sewer Agreement is fully executed by the Town and affected property owners.

VSA-6. Process Duration. It is expected that a Voluntary Settlement of Annexation Agreement could be processed within 18 to 24 months of receiving a complete application.

VSA-7. Special Court. If the Voluntary Settlement of Annexation Agreement is approved by both jurisdictions, the Town will coordinate with Loudoun County to petition, in accordance with all statutory requirements, the Loudoun County Circuit Court for approval of the Agreement. The Loudoun County Circuit Court will notify the Virginia Supreme Court, which shall appoint a Special Court to hear the case, composed of three circuit court judges from outside the Loudoun Circuit. The Special Court shall affirm or deny the proposed Voluntary Settlement of Annexation Agreement unless the parties agree to amendments of the agreement. If affirmed, the Voluntary Settlement of Annexation Agreement will become binding on the localities effective as of a date specified, or, if no date is specified, on the first day of the month following the Special Court's affirmation of the Agreement.

VSA-8. Subsequent Rezoning. If the owner of property that has been incorporated into the Town limits seeks a rezoning of the property within 12 months of its incorporation, the Town will utilize in its review of the rezoning application the annexation application materials and referrals to the greatest extent possible.

VSA-9. Comprehensive Plan Amendment. After property is brought into the Town's jurisdictional limits, the Town Council may elect to amend the Comprehensive Plan to assign a planned land use designation to the newly-incorporated property, and will refer such amendment to the Planning Commission for public hearing and recommendation, all pursuant to Va. Code § 15.2-2229, as amended.

**If the jurisdictions cannot agree upon the proposed annexation and the Town believes the annexation is necessary, then the Town can pursue a Traditional Annexation as set forth under Va. Code 15.2-3200 et seq., and the following process will apply:**

- TA-1. Town creates a metes and bounds or other reasonably certain description of the territory it seeks to annex.
- TA-2. Town notifies the Commission on Local Government of its intention to file an annexation lawsuit.
- TA-3. Town notifies Loudoun County of its intention to file an annexation lawsuit.
- TA-4. Town may be required by the Commission on Local Government to submit a list of persons providing witness testimony by a certain date.
- TA-5. The Commission on Local Government holds a public hearing pursuant to advertised notice as required by the Code of Virginia.
- TA-6. The Commission on Local Government investigates and analyzes the proposed annexation, then produces a report within 6 months that is admissible as evidence before the Special Court.
- TA-7. Town adopts an Annexation Ordinance containing a metes and bounds description of the property to be annexed, after conducting a public hearing that is advertised for 4 weeks as required by the Code of Virginia.
- TA-8. Town serves the Annexation Ordinance on the County.
- TA-9. Town petitions the circuit court for annexation of the subject property, and the circuit court notifies the Supreme Court which shall appoint a Special Court to hear the case.

TA-10. Qualified voters of the Town and of the territory proposed to be annexed may become parties to the proceeding by petitioning the Special Court.

TA-11. The Special Court conducts an evidentiary hearing. The Town carries the burden of proof. The Special Court shall determine whether the Annexation is “necessary” and “expedient” and in the best interest of the people of the County and the Town, which involves consideration of the following:

- a) the need for urban services in the area proposed to be annexed,
- b) the current relative level of services in the town and county,
- c) compliance of the respective jurisdictions with state laws and policies,
- d) natural boundaries that may exist between the jurisdictions,
- e) any arbitrary refusal of either jurisdiction to enter into cooperative agreements regarding joint activities that would have benefited the citizens of both political jurisdictions,
- f) the need for a town to expand its tax base,
- g) the need for a town to acquire land for industrial or commercial use together with the adverse effect on the County of losing such land area,
- h) the adverse impact on agricultural operations, and
- i) the adverse effect of the loss of tax resources and public facilities on the ability of the county to provide service to the people in the remaining portion of the county

TA-12. Special Court Rules Upon the Petition. If a majority of the Special Court finds the annexation is necessary and expedient, it shall enter an order granting the petition for annexation, which order shall set forth all terms and conditions of the annexation.

TA-13. Subsequent Rezoning. If the owner of property that has been incorporated into the Town limits seeks a rezoning of the property within 12 months of its incorporation, the Town will utilize in its review of the rezoning application the Annexation application materials and referrals to the greatest extent possible.

TA-14. Comprehensive Plan Amendment. After property is brought into the Town’s jurisdictional limits, the Town Council may elect to amend the Comprehensive Plan to assign a planned land use designation to the newly-incorporated property, and will refer such amendment to the Planning Commission for public hearing and recommendation, all pursuant to Va. Code § 15.2-2229, as amended.



**STAFF REPORT**  
**INFORMATION/ACTION**

Item # 12A

**SUBJECT:** Kline/Purcellville Crossroads Annexation Request

**DATE OF MEETING:** December 8, 2015

**STAFF CONTACTS:** Patrick Sullivan, Director Community Development  
Rob Lohr, Town Manager  
Sally Hankins, Town Attorney

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**SUMMARY and RECOMMENDATIONS:**

The item is an action item that requests a vote by Town Council to either deny, proceed forward or postpone the request for annexation of Kline/Purcellville Crossroads.

Staff recommends that Town Council vote to move forward and transmit the application to Loudoun County for action on their part.

**BACKGROUND:**

The Council, at its meeting on October 27, 2015 reviewed the most recent submission for the Purcellville Crossroads annexation. At that time Council members had additional questions of staff. It was agreed that Council would forward to staff in writing, any questions they might have that would help them to better understand and review the annexation request. In response to that request staff has received questions from Council members and has completed a question and answer matrix that addresses the questions. The Q&A Matrix was provided to all members of Town Council on Wednesday, November 23<sup>rd</sup>.

In addition to the Q&A matrix there was additional information provided by the applicant showing an analysis of the impact of the annexation at the base level of land use entitlement. "The objective of this information is to remind everyone that with annexation comes a "floor" or base threshold of development, which cannot be exceeded without affirmative actions on both a Town Plan amendment and rezoning. In effect this scenario establishes the other end of the development spectrum in comparison to the concept submitted with the annexation application." (*Chris Mohn, Bowman Consultants, see attachment.*) This information was provided to Town Council along with the matrix on November 23<sup>rd</sup>.

The next step in the process, as outlined in our ordinance (a revised process was adopted October 27, 2015), is to vote to either deny the annexation application or to proceed with the annexation and transmit the annexation application to Loudoun County with a request that the County

commence work with the Town to reach an annexation agreement. Following this if the County agrees to work with the Town to reach an annexation agreement the Town and County will negotiate the agreement and reduce it to writing.

**ISSUES:**

At this point in the annexation process there are three main issues to be resolved.

1. The first issue to be resolved is: Does a majority of Town Council want to proceed with the annexation. If Council votes in the affirmative then the next step is to send the annexation request to the County for action.
2. The second issue will be: Does a majority of town Council want to postpone any action until after the Comprehensive Plan has been revised. If Council decides to postpone then, in effect, the annexation will be postponed for at least the next 18 months.
3. The third issue will then be: Does a majority of the Loudoun County Board of Supervisors want to proceed with the annexation. If answered in the affirmative then the next step will be to draw up an agreement to determine what vehicle will be used to complete the annexation (boundary line adjustment, etc), determine any required conditions, and then reduce the agreement to writing, followed by public hearings.

In the furtherance of this application it would seem appropriate to vote this item up or down and if voted in the affirmative, to send it to the County for their comments.

**BUDGET IMPACT:**

N/A

**MOTION(S):**

"I move that Purcellville Town Council proceed with the Purcellville Crossroads Annexation by adopting Resolution 15-12-02, and direct Staff to transmit the adopted Resolution to the Loudoun County Board of Supervisors along with the Staff Report for the Purcellville Crossroads application dated December 8, 2015."

-OR-

"I move that the Purcellville Town Council take no action on resolution #15-12-02 at this time and direct staff to bring this item back to Town Council for further consideration after a review of the comprehensive plan is completed."

-OR-

"I move that Purcellville Town Council discontinue review and not move forward with the annexation of Purcellville Crossroads at this time."

**ATTACHMENT(S):**

1. Resolution # 15-12-02
2. Question and Answer Matrix (includes follow up questions by the Mayor)
3. Kline annexation base land use scenario (provided by applicant)
4. Community Services Analysis
5. Water and Sewer Capacity report
6. Latest Staff Report for Purcellville Crossroads (There have been no changes to the report since last presented to the Council on October 27, 2015.)

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

**RESOLUTION NO. 15-12-02**

**PRESENTED:**  
**ADOPTED:**

**December 8, 2015**

**A RESOLUTION: TO INITIATE A CHANGE OF THE MUNICIPAL BOUNDARY LINE  
SHARED WITH LOUDOUN COUNTY, VIRGINIA**

**WHEREAS,** the Town Council of Purcellville, Virginia (“**Town**”) has considered a request from Pleasants Kline – Loudoun, LLC to incorporate certain property into the Town’s corporate limits, consisting of approximately 50 acres located generally at the northwest quadrant of Berlin Turnpike/Route 287 and Harry Bird Highway / Route 7, adjacent to the existing corporate limits of the Town; and

**WHEREAS,** land within the existing corporate limits of the Town is almost fully developed; and

**WHEREAS,** the Town desires to attract land uses that will provide cultural, entertainment, commercial, and hospitality opportunities for its citizens and visitors; and

**WHEREAS,** the Town considers non-residential development to be appropriate at the intersection of Route 287 and Route 7. Incorporation of the property into the municipal limits will allow for the extension of municipal water and sewer services to the property, which in turn will allow for non-residential development on the property; and

**WHEREAS,** the Town finds that incorporation of the property into the municipal limits will generate increased revenues for the Town and the County that will serve the public interest; and

**WHEREAS,** the Town finds that incorporation of the property into the municipal limits will allow for the more effective and efficient provision of public services to the property; and

**WHEREAS,** the Town finds that incorporation of the property into the municipal limits will promote orderly growth and the continued viability of the Town.

**NOW THEREFORE,** the Town hereby requests that Loudoun County engage in discussions with the Town regarding the proposed municipal boundary change, and cooperate in developing an agreement between the jurisdictions that could effect such boundary change, subject to public input and approval by the courts as set forth under Virginia Code.

PASSED THIS \_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
Kwasi A. Fraser, Mayor  
Town of Purcellville

ATTEST:

\_\_\_\_\_  
Diana Hays, Town Clerk

Mayor Fraser Questions	Staff Response
<p><b>1. With the proposed Catoctin Corner and Vineyard Square, the in progress Mayfair residential and industrial, and any in town undeveloped properties, what will be the projected impact on our water and sewer treatment capacity and operations as a result of the proposed Purcellville Crossroad project?</b></p> <ul style="list-style-type: none"> <li>a. Current daily available water capacity</li> <li>b. Current daily water use</li> <li>c. Estimated daily water use with Catoctin Corner, Vineyard Square, Mayfair residential and industrial</li> <li>d. Estimated daily water use for the proposed development</li> <li>e. Estimated daily water capacity with the above development</li> <li>f. Current daily sewer treatment capacity</li> <li>g. Current daily sewer use</li> <li>h. Estimated daily sewer use with Catoctin Corner, Vineyard Square, Mayfair residential and industrial</li> <li>i. Estimated daily sewer use for the proposed development</li> <li>j. Estimated daily sewer treatment capacity with the above development</li> </ul>	<p>These questions are best answered by the Public Works staff.</p>
<p><b>2. What is the carrying cost of bringing this property into town</b></p> <ul style="list-style-type: none"> <li>a. Storm water management</li> <li>b. Police for hotel, residential, and retail</li> <li>c. Staff Operations – Billing, tax treatment, customer care, collection</li> <li>d. Water facilities and operations</li> <li>e. Sewer facilities and operations</li> </ul>	<p>Carrying costs will be dependent on the final development and its component parts.</p> <p>Storm water management will be the financial responsibility of the developer.</p> <p>Staff operations should not be affected by the increase. Finance, Community Development and</p>

	<p>Administration have not identified any extra ordinary costs associated with this annexation.</p> <p>Finance&gt; There is some impact to workload and customer service but financial software improvements should help mitigate impact and improve efficiencies.</p>
<p><b>3. What risks are being transferred from the county to the town if we were to annex this property?</b></p>	<p>Legal and Admin&gt; There appear to be minimal risks: (i) transportation (the major roads are county /state roads whether the property is incorporated or not, so there seems to be no risk there), (ii) schools (again, no risk transferred), (iii) revenues (revenues are transferred to town more favorably), (iv) cost of town services (cost of water/sewer is captured in rates; cost of police is marginal; cost of road maintenance is captured in tax rate plus the roads are private and the HOA maintains them; cost of trash pick-up is captured in tax rate. I see no risk provided our water/sewer capacity can accommodate the development. There is no known risk to the Town based on the information provided by the applicant. Town services would be extended to the site, if it were annexed, at the expense of the property owner.</p> <p>Staff also notes that the Town would likely introduce greater control into the zoning and type of development permitted on site than if the property were to remain as part of the County.</p>
<p><b>4. Are there any migratory birds or protected species on the property?</b></p>	<p>No. Not to staff's knowledge. Any environmental or archeological reports would be required as part of a rezoning application.</p>
<p><b>5. How much will the county need to invest to bring water and sewer to the property and maintain and manage it to support the current proposed plan?</b></p>	<p>Admin&gt; This question is unclear. The County does not extend water and sewer to any property; that is the responsibility of the property owner. Additionally, the County's <u>Revised General Plan</u> does not envision central utilities to</p>

	<p>be extended by Loudoun Water into the Rural Policy area (with limited exceptions).</p> <p>The area is zoned JLMA-3 by the County which is 3 acres per dwelling unit. Sewer and water would be the responsibility of each landowner if the property was not annexed into the Town.</p>
<b>6. What brand of hotel is envisioned?</b>	We do not know what hotel brand is being considered for the site. We do know that they are considering an 80 room hotel.
<b>7. Is it guaranteed that the roads and sidewalks will be privately managed with no cost to the town?</b>	All the internal roads will be built and maintained privately if that is what the Town desires. St Francis Court and Route 287 would remain in the county and be maintained by the County and the State.
<b>8. What is the school board's estimate of impact on classroom size?</b>	Preliminary estimates would put the school impact at 57 new students spread throughout elementary, middle school and high school.
<b>9. Is the estimate of school age population provided by the developer in line with the school boards estimate?</b>	<p>The developer did not provide an estimate at this point in the process. Staff did some research and came up with the number of expected students based on previous school board policies. Additional review that includes comments from the school district will be part of the rezoning process once the final layout and number of dwelling units is confirmed.</p> <p>Finance&gt; A point about school age children- The Town's % of Loudoun County Sales Tax is determined by a formula based on % of school aged children. As the County grows, Purcellville's % share declines so any pick up in Town number mitigates this impact.</p>
<b>10. Granted that the County communicated the need for the development to be consistent with the surrounding property district what is</b>	Staff is not able to answer for the County.

<p><b>the likelihood that the county will approve the plan and rezone to support it?</b></p>	
<p><b>11. What impact will the hotel have on Police budget?</b></p>	<p>The Town’s Chief of Police is best prepared to answer this question.</p>
<p><b>12. In your estimate what percentage of Purcellville citizens supports</b></p> <ul style="list-style-type: none"> <li><b>a. This annexation?</b></li> <li><b>b. This proposed rezoning and plan?</b></li> <li><b>c. The property being a primary point of entry to the town?</b></li> </ul>	<p>Staff does not have sufficient data to provide an answer to this question.</p>
<p><b>13. What will be the impact to existing and currently planned businesses?</b></p>	<p>There is no way to know this. There are too many variables to answer this question.</p> <p>Admin&gt; It is important to note that the Town encourages a mix of retail uses and services throughout the Town (note the diversity of uses on the zoning ordinance). It is important to support downtown and ensure that it remains vibrant and viable. Similarly, it is important to introduce new retail and amenities to serve the growing population of Purcellville and the surrounding areas.</p>
<p><b>14. Will the proposed businesses cannibalize existing and planned businesses in Purcellville?</b></p>	<p>The Arnett/Muldrow market study update suggests that there is still significant leakage which presumes there is sufficient room for new businesses to locate in Purcellville.</p> <p>Finance&gt; 59.1-9.5 “Every contract, combination or conspiracy in restraint of trade or commerce of this Commonwealth is unlawful”.</p> <p>I don’t believe we can restrict types of business in order to protect others.</p>

<p><b>15. What will be the impact on traffic based on VDOT estimates?</b></p>	<p>VDOT has not provided any estimates. A full traffic impact analysis will be required at the rezoning phase.</p>
<p><b>16. It is stated that there will be traffic issues and pressure put on the ramps to Route 7, but does not give any indication of the magnitude of those issues and pressure. Is there no way to estimate this prior to the rezoning phase based on your projected traffic flows?</b></p>	<p>This type of review will have to be done during the rezoning phase of the development.</p>
<p><b>17. There are some claims on page 5 of 9 that indicates that higher density development will not lower home values. What if the higher density development is not consistent with the style and character of the surrounding homes, does that play a factor?</b></p>	<p>Research indicates that different styles of development does not play a factor in property values.</p> <p>Additional information on this subject is available in the Urban Land Institutes white paper “High Density Development, Myth and Fact”.  <a href="http://uli.org/wp-content/uploads/ULI-Documents/HigherDensity_MythFact.ashx .pdf">http://uli.org/wp-content/uploads/ULI-Documents/HigherDensity_MythFact.ashx .pdf</a></p>
<p><b>18. How does the developer’s traffic impact analysis compare to VDOT’s?</b></p>	<p>The developer utilized VDOT traffic numbers in providing traffic count information. The Traffic Impact Analysis study will not be done until a rezoning application is received.</p>
<p><b>19. How is the current design consistent with the surrounding environs of 1 house per 3 acre residential?</b></p>	<p>That is a question better asked of the rest of Council. Each Council member will have to decide what type of development density is appropriate for the site.</p> <p>I wouldn’t use the word “surrounding” as the property abuts commercial and industrial on at least two sides with the third side being church property. The land is adjacent to an arterial highway and is at a quadrant of two major roads. Given its location, application of land use planning principals would result in this land being planned for commercial use.</p>

<p><b>20. Without the proposed rezoning to R3, IP, and MC</b></p>	<p>??</p>
<p><b>21. How did we arrive at an estimate of \$400,000 per year in meals tax revenue and does it take into account the increase competition with our existing restaurants?</b></p>	<p>There are two standalone restaurants along with the Tilley indoor food and rec building. There would be additional meals tax from the hotel and possibly the arts center. A more realistic figure might be \$5,000,000 in sales that produces \$250,000 in tax revenue.</p> <p>Finance&gt; Meals tax of \$400k is equivalent to \$8 million in food gross receipts. The total gross receipts applicable to meals tax of the entire town in FY15 was @32 million. Therefore, there new restaurant(s) would be equivalent to 25% of total Town sales. I'm not sure how many or what type of restaurant is being proposed but that seems over confident.</p> <p>Staff cannot predict how this could impact existing businesses.</p>
<p><b>22. What's the percentage likelihood that the retail and restaurant buildings will carry a value of \$215.04 per Sq. Ft.?</b></p>	<p>Very good. Previous new construction have square foot values as follows: Rite Aid \$203, Subway plaza \$200, Dr Grisius \$192, the Eye Doctor \$216, Inova Building \$196, Bank of Clark County \$422. Averages = \$201 per sf.(without the bank outlier) If the developer is held to a high design standard a \$215 value per sf is certainly a reasonable expectation.</p> <p>Admin&gt; Staff also notes that this site is highly visible and provides easy access for persons who are making a brief stop during a long trip or who would not normally stop in Purcellville while traveling Route 7.</p>
<p><b>23. Is it realistic to derive the projected hotel value based on what's in the Dulles market which has a higher demand than western Loudoun?</b></p>	<p>Staff does not have the expertise to answer this question.</p>

<p><b>24. How did they arrive at the \$9 million value for Tilley improvement?</b></p>	<p>Tilley provided the estimated value based on his research.</p>
<p><b>25. It is stated on page 4 of 9 that an increased tax base would help maintain a lower tax rate. So placed on the proposed development within what timeframe can the residents realize a lower tax rate?</b></p>	<p>Too many variables for staff to provide an adequate answer.</p>
<p><b>26. It is stated that the real estate tax base growth as a result of this project could be as high as \$64 million in new assessments. What can it be low as and what can it be most likely as?</b></p>	<p>Lowest would be \$12,000,000 based on three acres per dwelling at \$750,000 per unit.</p> <p>I would imagine it would be somewhere in between.</p>
<p><b>27. What's the percentage likelihood that the project will result in up to \$680,000 in new taxes?</b></p>	<p>Admin&gt; Staff cannot provide a percentage likelihood. Based on the assumptions listed, the revenues appear to be reasonable at the stated buildout. Nonetheless, there are many variables that affect tax revenues (development timeframe, assessed value, and tax rates).</p>

<b>John Nave Questions</b>	<b>Staff Response</b>
<p><b>What effect will an annexation have on our police department ?</b></p>	<p>Chief McAlister commented that additional staffing is needed for the whole community whether we annex more property or not. She would be better able to answer if this size development will place an undue burden on her staff.</p>
<p><b>What effect will the annexation have on our present water operation?</b></p>	<p>Public Works will have to answer this question.</p>
<p><b>Other points : what overall effect will this will have on DPW?</b></p>	<p>Public Works will have to answer this question.</p>
<p><b>We should see a forecast on the effect of the tap fees relative to our debt line ....</b></p>	<p>Finance or PW is perhaps better qualified to answer this question.</p>

<p><b>Will additional businesses hurt the existing businesses?</b></p>	<p>There appears to be some significant leakage in the fast food segment according to the Arnett/Muldrow market study update and there is even more substantial leakage in other segments. (e.g. there is still an identified need for additional gas stations).</p> <p>There are positive outcomes to an increase in business as it can benefit the community by creating competition in the market place and ultimately providing a better product and encourage additional investment in the community. There are always businesses that will not survive for a variety of reasons. Overall, every indication we have points to a strong market that will be able to absorb additional commercial square footage. As an example: Our meals tax continues to grow as does BPOL. The Arnett/Muldrow study was bullish on Purcellville's market update, and the bond rating agencies are also bullish. All good indications that business is stable and can take more growth.</p> <p>The proximity to Route 7 By-pass will bring more customers to this area of Town. By providing an easy off, easy on environment it will allow us to increase the customer base by attracting those potential customers that normally would continue to drive on by on their way to western Loudoun and points beyond.</p>

<b>Joan Lehr</b>	<b>Staff Response</b>
<p><b>What is the impact on water usage? What buildout would use the most water? And what buildout would use the least? Is there enough water for both scenarios?</b></p>	<p>This is a question for Public Works</p>

<b>Ben Packard</b>	<b>Staff Response</b>
<b>What will be the impact on road maintenance?</b>	The developer is prepared to build and maintain all the roads in the development if the Town so desires. St. Francis Court would continue to be serviced by the County.

<b>Patrick McConville</b>	<b>Staff Response</b>
<b>Has adequate information.</b>	

<b>Doug McCollum</b>	<b>Staff Response</b>
<b>No comments to date.</b>	

<b>Karen Jimmerson</b>	<b>Staff Response</b>
<b>No comments to date.</b>	

See next page for Mayor Fraser’s follow up questions. 

Mayor Fraser Follow up Questions	Staff Response
<p><b>Question based on #2 - All storm water infrastructure and management for the proposed development will solely be the financial responsibility of the developer?.</b></p>	<p>Yes. All storm water infrastructure will be the financial responsibility of the developer.</p>
<p><b>Relative to the comment from staff that the town would likely introduce greater control into zoning and type of development permitted on the site than if property were to remain as part of the county; How so, granted that the county has it zoned as residential today and any rezoning will be subject to public hearing and input from both county and town residents?</b></p>	<p>Staff’s intent in stating a “greater control over zoning” is that if the property were annexed into the Town, the Town Council would have the ultimate say in approving/denying any development proposal. That is greater control than leaving the final zoning up to the County Board of Supervisors (this isn’t meant to imply that the Board would disregard the Town’s position on any proposal for a County rezoning, but that ultimate decision would be up to the Board). Staff also notes that development within the Town would require review by the BAR as it relates to architectural design, which would likely give the Town greater input on design elements than the County would require.</p>
<p><b>Question based on #5 - Ok to position question 5 differently: Were the property to remain in the county, and the developer obtained County rezoning for commercial, IP, and higher density residential, could such a proposed development be allowed on well and septic system or would there need to be an investment in a centralized water and sewer treatment facility or will a system like the one maintained by Loudoun Water for Beacon Hill suffice?</b></p>	<p>Staff is not able to speculate based on the many possibilities of development under a County rezoning. The County would have to review any proposal based on the uses, size of the parcel, and the County’s regulatory and planning documents. Staff was merely pointing out that the County does not anticipate the extension of central utilities into the Rural Policy Area.</p>
<p><b>Question based on #8 - Were the estimates on school age children provided by Loudoun County Public School?</b></p>	<p>The developer did not provide an estimate nor did the school district at this point in the process. The estimate will be required as part of the rezoning if and when it gets to that point. To provide an indication of <i>potential</i> school impact at the annexation phase, staff used a School District 2014 multiplier of .77 students per household for single family homes to determine how many children will</p>

	<p>require space. This provided an indication of the potential impact.</p>
<p><b>Question based on #9 - Based on the estimated number of school age children from the proposed annexation application how much additional sales tax revenue does Finance project the town obtaining from Virginia per child?</b></p>	<p>The Sales Tax amount the Town receives is not a fixed amount per child but rather a formula that changes over time based on the % of school-age children living in Town compared to the overall school-age population in the County. In addition, the Loudoun County sale tax fluctuates monthly based on sales. The school-age population estimate is provided by Weldon Cooper every year- <a href="http://www.coopercenter.org/demographics/school-age-population-estimates">http://www.coopercenter.org/demographics/school-age-population-estimates</a>. Based on 2014 data, the current Purcellville percentage of County sales tax is 1.47%, down from 1.49% in 2010. Although we do not have adequate information to reliably predict future demographic trends we can use the most recent 2014 Weldon Cooper school-aged population data to estimate annual revenue associated with our 2,603 children.</p> <p>\$1,034,482 (last 12 months of sales tax revenue)/2603 Purcellville school age children = <b><u>@ \$397 per child annually</u></b></p> <p>What is important to note is that if the property develops as residential and is outside of the Town limits, the Town will not get any additional sales tax revenue as a result of those additional school-age children.</p>
<p><b>Question based on #13 – Stated differently; what will be the potential impact on existing and future businesses – Can staff venture to estimate as such from a planning perspective?</b></p>	<p>There is no way to estimate or anticipate the impact of this development on other businesses. There are many variables and uncertainties, many of which are outside of the Town’s control (economy, federal government, housing, other approvals in the County, etc). Again, staff looks at the retail market study as guidance that the Town may be losing potential visitors and spending due to a lack of certain commercial amenities.</p>

<p><b>Question based on #14 - Is Finance stating that Virginia Antitrust law may consider it a conspiracy with the intent to restrain trade or commerce, if a legislative body was to use its delegated “police power” to apply zoning and planning to determine what development and use goes where in a potential district?</b></p> <p><b>I believe that section of the Virginia Antitrust Act speaks to conspiring to hinder existing trade and commerce, and not in planning and zoning for potential trade and commerce that may or may not materialize through legislative action. If my belief is wrong then new planning and zoning action which results in certain businesses not being allowed in certain districts may be viewed as a conspiracy to constrain such trade and commerce and diminish all economic use of the property.</b></p> <p><b>I further believe this section of the code is actually more applicable to Finance’s prior recommendation, during the zoning use changes effort, to make existing Self Storage a nonconforming use because it did not generate sufficient tax revenue. However, even if that scenario was alleged to be a conspiracy, under Virginia law, a plaintiff must still prove the following three elements to state a prima facie cause of action under Virginia’s business conspiracy statute:</b></p> <ol style="list-style-type: none"> <li><b>1. A combination of two or more persons;</b></li> <li><b>2. For the purpose of willfully or maliciously inuring a plaintiff in reputation, trade, business, or profession; and</b></li> <li><b>3. Resulting in damage to the plaintiff</b></li> </ol> <p><b>On item one alone, being that council is a single entity, courts have held the following:</b></p> <ol style="list-style-type: none"> <li><b>1. A single entity cannot conspire with itself</b></li> </ol>	<p>Finance only meant to relay the information we received from legal counsel in the past during discussions of business taxes. The intent was that the Town should not use its taxing structure to inhibit free trade or certain classes of businesses. Similarly, Zoning must be applied consistently. However, it is fully at Council’s discretion whether to consider an annexation request, and the response from Finance was not intended to indicate any limitation on Council’s authority in this decision.</p>
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<p><b>2. A corporation cannot conspire with its wholly-owned subsidiary;</b></p> <p><b>3. Partners cannot conspire when they are acting within the scope of their partnership;</b></p> <p><b>4. If the conspiracy involves the breach of a contract, one of the conspirators must be a third party to that contract</b></p> <p><b>Further I believe there can be no conspiracy to do an act the law allows. In our case, Virginia’s police power in the land-use arena has been delegated to our local government</b></p>	
<p><b>Question based on #20 - Without the proposed rezoning to R3, IP, and MC, how else can this annexation be of any projected economic value to the town?</b></p>	<p>Any iteration of a proposed development would project a different economic impact. The Town is reviewing a specific request and does not have the time nor the expertise to do scenario building. At the time of a formal rezoning submission, staff can review the fiscal analysis for potential economic value to the Town.</p>



## MEMORANDUM

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**TO:** Patrick Sullivan, CED, AICP, Director  
Department of Community Development, Town of Purcellville

**FROM:** Christopher Mohn, AICP

**DATE:** November 23, 2015

**RE:** Kline Assemblage Annexation – Base Land Use Scenario

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Per Article 2, Section 6 of the Town of Purcellville Zoning Ordinance, land added to the corporate limits of the Town of Purcellville (“the Town”) via annexation or boundary line adjustment is zoned X (Transitional) District until such time a zoning map amendment (“rezoning”) application is approved . Prior to any such rezoning, an amendment to the Town Plan will be adopted designating the planned land use(s) applicable to the property as well as corresponding policies setting expectations regarding development intensities, design, and public facilities/infrastructure.

Approval of the rezoning application will depend upon consistency of the proposal relative to the applicable policies of the Town Plan, as well as the sufficiency of proposed proffers to mitigate project-related impacts (i.e. road improvements, school contributions, etc.). The formulation of the Town Plan amendment and evaluation of the rezoning application will both occur with substantial public input, and will ultimately be approved at the sole discretion of Town Council.

As such, the by-right uses of the X District establish the base land use scenario for all annexed acreage in the Town. Indeed, there is no statutory requirement for the Town to rezone annexed property within any specific timeframe, and no assurance to either the Town or property owner that there will be mutual agreement on the details of a rezoning application upon submission. It is therefore conceivable that the property owner could opt to develop the property pursuant to the X District, either in whole or in part, depending on their progress with rezoning, or lack thereof. To fully assess the potential outcomes and implications of an annexation request, the base development threshold of the X District must be considered along with more intensive conceptual programs.

***Permitted Uses and Development Scenarios – X District***

The following land uses are proposed to be permitted by-right in the X District pursuant to the pending Zoning Ordinance amendment, and could therefore develop on the site upon annexation:

- Agriculture/Horticulture
- Assisted Living Facility (serving 1 to 8 individuals)
- Bed and Breakfast
- Bus Shelter
- Child Care, Residential (i.e. “in home” child care)
- Church or other Place of Worship
- Community Garden
- Dwelling, Single Family Detached (3 acre min. lot size)
- Equestrian Facility, Residential
- Group Home
- Home Occupation
- Public Utility, Minor
- Special Event

In addition to the permitted by-right uses listed above, the following land uses may be established in the X District upon approval of a Special Use Permit (SUP):

- Communications Tower
- Lighted Sports Field
- Public Utility, Major
- School, Public

The subject acreage could develop either with a single land use or combination of land uses pursuant to approval of the required site plan(s) and/or subdivision plan(s).

***X District Residential Development Scenario***

The most probable by-right development scenario under the X District would be subdivision of the acreage into single family detached lots. The X District permits development of single family detached lots at a minimum lot size of 3 acres (minimum 200’ width). The estimated residential lot yield under this scenario is as follows:

Gross Site Area	50.46 acres
Road Right of Way, Drainage, SWM/BMP (+/-)	2.46 acres
Net Site Area, Available for Lots	48.00 acres
Lot Yield @ 3 acre minimum lot size	<b>16 lots (SFD)</b>

**Projected Real Estate Value – X District Residential Scenario**

	Qty (units)	Projected Value: Land/Lot (\$ per lot)	Projected Value: Building (\$ per unit)	Projected Value: Land + Building	Projected Value: Total
Single Family Detached	16	\$165,000	\$500,000	\$665,000	\$10,640,000

**Projected Residential Tax Revenue – X District Residential Scenario**

Total Projected Value	Real Estate Tax Rate	Annual Tax Revenue
\$10,640,000	\$0.225 per \$100	\$23,940.00

**Projected Water & Sewer Availability Fees – X District Residential Scenario**

Connection Type (Meter Size)	Water & Sewer Availability Fee* (\$ per connection)	Quantity (connections)	Total Availability Fee
Single Family Detached (5/8")	\$47,629	16	\$762,064

*\*5/8" Connection = \$47,629 @ \$25,754 (water fee) + \$21,600 (sewer fee) + \$275 (meter fee), Water/Sewer Availability Fees, March 2013*

**ITE Site Trip Generation – X District Residential Scenario**

Land Use	Size	Land Use Code	AM Peak Hour	PM Peak Hour	Daily Trips
Residential - SFD	16 D.U.	210	12	16	152

Note: (1) Based on the Institute of Transportation Engineers Trip Generation, 9<sup>th</sup> Edition.

**Projected Water Usage – X District Residential Scenario**

Water Consumption Rate	Units	Projected Usage
187 GPD/unit	16	2,992 GPD (.003 mgd)

***Comparison to Existing JLMA-3 District Zoning***

The current zoning of the assemblage is JLMA-3 District as administered under the Revised 1993 Loudoun County Zoning Ordinance. While there are similarities with the permitted use list of the X District, the JLMA-3 District permits a more diverse array of by-right land uses, as follows:

Agricultural/Agriculture Support/Animal Services Uses:

- Agriculture/Horticulture/Animal Husbandry, and Agricultural Support Uses Directly Associated with said Agriculture/Horticulture/Animal Husbandry uses, to include:
  - Agricultural Processing
  - Animal Care Business
  - Custom Operators
  - Direct Market Business for Sale of Agricultural Products Produced On-Site
  - Equestrian Facilities
  - Farm Based Tourism Events
  - Farm Co-ops
  - Farm Machinery Repair
  - Farm Markets
  - Nursery, Production
  - Pet Farms
  - Stable, Private
  - Virginia Farm Winery
  - Wayside Stand
  - Wetland Mitigation Bank
- Kennel, Indoor
- Veterinary Service

Residential Uses:

- Dwelling, Single Family Detached (@ density if 1 dwelling/3 acres; 20,000 SF min. lot size)
- Accessory Apartment or Dwelling
- Guest House

Public and Institutional Uses:

- Child Care Home
- Bus Shelter
- Commuter Parking Lot, Less than 50 Spaces
- Public School (Elementary, Middle, or High)
- Private School, for fifteen (15) or Fewer Pupils (Elementary, Middle, or High)
- Community, Neighborhood or Regional Park, Passive Recreational Uses
- Church, Synagogue or Temple, with Seating Capacity of 300 or Less in Sanctuary
- Recycling Drop Off Collection Center, Public
- Utility Substation, Dedicated
- Sewage and Water Pumping Station

Commercial Uses:

- Small Business
- Bed and Breakfast Homestay
- Guest Farm or Ranch, no more than Three (3) Guest Rooms

In addition to the land uses permitted by-right, the JLMA-3 District allows a variety of more intensive uses with Special Exception (SPEX) approval by the Board of Supervisors. While the Town would be included as a referral agent for any such application, the authority to approve a SPEX resides exclusively with the County. The SPEX uses that may be permitted in the JLMA-3 District include the following (note that multiple SPEX uses could conceivably be approved for a given site):

- Continuing care, congregate housing facility, convent/monastery/seminary
- Equestrian facility with more than 10 special events per year and/or on lots less than 50 acres
- Farm machinery sales, rental and service
- Mill feed and farm supply center
- Commercial nursery
- Production nursery
- Neighborhood stable
- Animal hospital
- Kennel
- Child or adult day care center
- Community center
- Commuter parking lot with greater than 50 spaces
- Library
- Federal, state, County, or local government structure
- Medical office
- Hospital

- Arboretum
- Cemetery
- Mausoleum
- Crematorium
- Community, neighborhood or regional park, active recreational uses
- Fire and/or rescue station
- Police station or substation
- Church, synagogue or temple, with seating capacity of more than 300 in sanctuary, or with accessory schools, day care centers with more than 50 children, recreational facilities.
- Public utility service center and storage yard
- Sewage and water treatment plant
- Utility substation, transmission
- Utility transmission line, overhead
- Water storage tank
- Rural agricultural corporate retreat
- Banquet/event facility
- Restaurant
- Educational or research facility related to the uses in this district
- Camp, day and boarding
- Country club
- Golf course
- Private club or lodge
- Recreation establishment, outdoor
- Artist studio
- Farm market (off-site production)
- Country Inn with restaurant
- Telecommunications monopole
- Telecommunications tower

***JLMA-3 District Residential Development Scenario***

The residential scenario permitted in the JLMA-3 District offers an “apples to apples” comparison of what could be developed on the site today against the base entitlement of the X District. The JLMA-3 residential scenario highlights the risk to the applicant associated with annexation given the comparatively reduced development intensity permitted by the X District. The “conservation design” subdivision approach enabled in the JLMA-3 District permits attainment of a gross residential density (1 du/3 acres) with smaller lots (20,000 SF minimum/60’ wide) in order to maximize open space preservation (50% minimum).

Gross Site Area	50.46 acres
Lot Yield @ Gross Density of 1 du/3 acres	<b>16 lots (SFD)</b>
Area in Common Open Space, Minimum (50%)	25.23 acres
Area in Lots, Minimum (20,000 SF minimum per lot)	7.35 acres
Residual Area (Road Right of Way, Drainage, SWM/BMP)	17.88 acres

***Summary***

The comparison to the JLMA-3 residential scenario quantifies the impact of annexation to the Town at the base level of land use entitlement. In the absence of future affirmative Town Plan amendment and rezoning actions, the site's development potential upon annexation will be substantively unchanged from what is permitted by-right under current County zoning. At a maximum of sixteen (16) single family dwellings, the Town's exposure to impacts would be only nominally greater than what would be experienced if the acreage developed in the County, yet it would realize the accrual of revenues from real estate taxes and utility services, a notable benefit. While development of the site under the X District is not the intended outcome of annexation, this base land use scenario is nevertheless helpful in framing the opportunities and implications of annexation for both the Town and applicant, particularly in comparison to more intensive concepts.

PROJECT	DESCRIPTION	PIN	PARCEL ACREAGE	ESTIMATED AVERAGE DAILY FLOWS (ADF) IN GPD	MAXIMUM PEAK FACTOR 1.2	SEWER PEAK FLOW = 2.5 X ADF IN GPD
CATOCTIN CORNER	Commercial development including pharmacy, restaurants, bank, auto service station	452-18-7178	6.53	47,000	56,400	117,500
O'TOOLE	Commercial development-hotel	453-28-2415	9.62	62,300	74,760	155,750
VINEYARD SQUARE	Mixed Use -retail & condos	488-37-5267	0.57	37,360	44,832	93,400
MORGAN MEADOWS	5 single family residential			1,750	2,100	4,375
BALL PROPERTY	42 single family residential-attached	488-25-0854	10.08	14,700	17,640	36,750
VILLAGE CASE-Section 2	18 single family residential	454-46-1136	5.1	6,300	7,560	15,750
VILLAGE CASE	8 single family residential	454-46-0687	2.13	2,800	3,360	7,000
PATRICK HENRY COLLEGE	dorms, additional college facilities	453-38-9552	9.44	61,200	73,440	153,000
MAYFAIR	111 single family residential 151 Townhomes per Loudoun water, 350 gpd/ SF units 280 gpd/townhome is flow estimate	487-36-5498	70.8	81,130	97,356	202,825
MAYFAIR	Industrial 8 Pad Sites	"	"	52,690	63,228	131,725
<b>IN-TOWN TOTAL</b>				<b>367,230</b>	<b>440,676</b>	<b>918,075</b>
KLINE PROJECT	mixed use -commercial development & 74 SF Residential	452-26-7298 452-37-4904 452-38-0026	50.46	62,500	75,000	156,250
KLINE PROJECT	74 single family residential	"	"	25,900	31,080	64,750
WARNER BROOK TRACT	160-units	487-38-8931	131.29	56,000	67,200	140,000
WARNER BROOK TRACT	Mixed -light industrial & Commercial	487-28-1679	"	83,000	99,600	207,500
<b>OUT OF TOWN TOTAL</b>				<b>227,400</b>	<b>272,880</b>	<b>568,500</b>
			<b>Totals</b>	<b>594,630</b>	<b>713,556</b>	<b>1,486,575</b>

3-5 years

24 month

**Current Water Demand Impact of Development on Existing Capacity**

Water Supply/Source Daily Production	Existing VDH Capacity Daily Production	Operational Capacity	Water Supply	Average Daily Production (GPD)	Max Daily Production (GPD)	Additional Development In Town(GPD)	Sum of Avg Daily Production & Add'n Development	Sum of Max Daily Production & Add'n Development	Additional Development In & Out of Town(GPD)	Sum of Max Daily Production & Add'n Development
MS1	78,400	78,400	78,400							
MS2	80,000		80,000							
MSS	40,000		40,000							
VC	100,000	100,000	100,000							
Cornwell	62,400	62,400	62,400							
Nature Park	56,000	56,000	56,000							
HF#2	129,600	129,600	129,600							
Mountain View	80,000	80,000	80,000							
Marsh Farm B	137,600	137,600	137,600							
Jefferies	39,600	39,600	39,600							
Aberdeen Wells			205,000							
Nature Park #2 &3			187,000							
WTP/Reservoir	300,000	300,000	300,000							
Existing Permit Capacity	1,103,600	983,600	1,495,600	563,000	635,000	367,230	930,230	1,002,230	594,630	1,229,630

Difference Btwn Existing VDH Capacity & Sum of Average Daily w Development	Add'n Available Capacity (GPD)	Add'n Available Capacity (GPD)	Add'n Capacity Needed (GPD)	Add'n Capacity w/new wells(GPD)
Difference Btwn Existing VDH Capacity & Sum of Average Daily w Development	173,370			
Difference Btwn Existing VDH Capacity & Sum of Max Daily w Development		101,370		
Difference Btwn Existing VDH Capacity Sum of Max Daily with In & out Town Development			(126,030)	265,970

**Cost Estimate for New wells**  
 Nature Park \$450,000-500,000  
 Aberdeen \$3,000,000

**Notes**

- Based on Existing VDH Capacity and the sum of the average daily flow along with the new developments demands there should be capacity to accommodate these projects.
- Based on Existing VDH Capacity and the sum of the max daily flow along with the new development, the Town will need additional capacity to accommodate these projects or require the developer to place the new wells into the treatment process to expand our capacity.

### Current Sewer Flows the Impact of Development on Capacity

<b>DEQ Permit Capacity</b>	<b>Annual Average Effluent Flows (GPD)</b>	<b>Annual Maximum Influent Flows (GPD)</b>	<b>Additional In Town Development (GPD)</b>	<b>Additional In &amp; Out Town Development (GPD)</b>	<b>Sum of Average Effluent Flows &amp; Add'n In Town Development</b>	<b>Sum of Max Influent Flows &amp; Add'n Development</b>	<b>Sum of Average Effluent Flows &amp; Add'n In &amp; Out Town Development</b>	<b>Sum of Max Effluent Flows &amp; Add'n In &amp; Out Town Development</b>
<b>1,500,000</b>	570,386	893,000	367,230	594,630	937,616	1,260,230	1,165,016	1,487,630

<b>Current Available Capacity</b>	<b>Difference btw DEQ Capacity &amp; Average Eff. Flows w/ In Town Development</b>	<b>Difference btw DEQ &amp; Max Inf. Flows w/ Development</b>	<b>Difference btw DEQ Capacity &amp; Average Eff. Flows w/ In &amp; Out Town Development</b>	<b>Difference btw DEQ &amp; Max Inf. Flows w/ In &amp; Out Town Development</b>
607,000	562,384	239,770	334,984	12,370

**Notes**

1. These figures are using practical application high end figures
2. Does not include design peak factors

## Purcellville Crossroads - Potential Revenue

74 Houses and Commercial (75,000 sq. ft. Retail or Restaurant, Hotel and Tilley Entertainment)

Tax/Fee	Commercial (Annually)	Residential (Annually)	Commercial (One Time Revenue Source)	Residential (One Time Revenue Source)	Totals
Real Estate	\$ 91,450	\$ 82,732 (\$1,118/unit)			\$ 174,182
Business Personal Property	\$ 1,350				\$ 1,350
Personal Property (Tax on 2 vehicles valued at \$8k & \$15k)		\$ 13,394 (\$181/unit)			\$ 13,394
Meals Tax	\$ 200,000	\$ 7,400 (\$100/unit)			\$ 207,400
Utility Tax	\$ 1,500 (\$75/unit)	\$ 1,998 (\$27/unit)			\$ 3,498
Sales Tax					\$ 0
BPOL	\$ 73,277				\$ 73,277
BPOL (Home Occupation)		\$ 200			\$ 200
BPOL (Developer/Contractor) Estimated			\$ 30,000	\$ 50,000	\$ 80,000
Utility User Fees (W&S)	\$ 131,250	\$ 103,082 (\$1,393/unit)			\$ 234,332
Availability/Meter Fees			\$ 1,566,883	\$ 3,524,546 (\$47,629/unit)	\$ 5,091,429
Zoning/Occupancy Fees			\$ 38,400	\$ 35,450	\$ 73,850
Transient Occupancy	\$ 75,000				\$ 75,000
	\$ 573,827	\$ 208,806	\$ 1,635,283	\$ 3,609,996	\$ 6,027,912

# Purcellville Crossroads - Potential Expenses

## General Fund

GF Capital	50,000
Waste Collection (74 @ \$181)	13,394
Finance (.5 FTE)	40,800
Police (1.5 FTE)	128,540
Maintenance (.5 FTE)	39,000
Community Development (Contract Support)	35,000
	<u>\$ 306,734</u>

## Parks & Rec

P&R Capital Fund	25,000
Events Specialist (.5 FTE)	40,000
	<u>\$ 65,000</u>

## Water Fund

Water Capital Fund (Capacity Upgrades)	500,000
Water Operator (.5 FTE)	31,250
Production & Operational Cost	86,166
	<u>\$ 617,416</u>

## Sewer Fund

Sewer Capital Fund	325,000
WW Operator	39,000
Treatment & Operational Cost	78,000
	<u>\$ 442,000</u>

## **Total Expenses - All Funds**

\$ 1,431,150

## ASSUMPTIONS

- Project will have private streets like Gateway Shopping Center, Shoppes at Maple and Main, Village Case, Purcellville Ridge and other residential and commercial mixed developments within our community.
- By having private streets, this eliminates the largest and most expensive direct service that we provide to our residents through our Public Works Department which includes responsibilities for street maintenance/repair, snow removal, storm water management, pedestrian/trail networks and other similar services.
- In the Police Department, when looking at call volumes at our three major shopping centers along with similar residential neighborhoods in Old Dominion Valley, Village Case and Purcellville Ridge, the new project does not generate the call volume to justify a full-time officer but it provides the income which gives us the ability to upgrade our staffing to meet the overall Town's needs for increased police services. These new funding opportunities, particularly from the commercial side, allows the Town to address more specialized services such as detective/investigation and put more patrol officers on the street during each shift. This would also allow us to get closer to the capital staffing levels that we had identified as optimum for the community years ago. As a result, rather than listing a percentage of an FTE, I will include a fully funded officer and a civilian support team that was frozen from the Department's budget during the recession. The civilian administrative support will provide more time for patrol officers to be in the field and less time doing paperwork in the office.
- In the Utilities Department, we looked at both our existing utility capacity and determined that this project could be easily handled under our existing capacity at the Wastewater Treatment Plant and would sell some of the needed capacity to help offset debt service that we had been paying for this plant. In the Water Department, we will have an opportunity to expand our water system by adding the nature park wells that have been developed. This will increase our capacity by 187,000 which will cover this project given our existing capacity levels. The Town has shown this cost under Water Capital which is more than covered by the availabilities. It is important to note that the developer will be responsible for all costs associated with extending the lines and addressing any capacity issues with any needed pump stations in addition to building any pump stations needed on-site.
- Capital costs for the General Fund and Parks & Recreation has been identified and this includes facilities, software and fleet vehicles needed to address an increase in the size in our community. Even though most of the costs would not be required due to private streets, we took this opportunity to use the revenue and expand our system's reliability and functional response.
- If this property is annexed into the Town, the developer and Town Council will have the opportunity to enter into proffer discussions at the time of rezoning which will allow the Town to address transportation and other operational/community items. Several things that we can consider in these discussions include the following:
  - a) Contribution to a new police station
  - b) Financial software upgrades
  - c) Transportation upgrades and continued improvements to the Route 287/7 Bypass Interchange
  - d) Cost of the current Town Hall or Fireman's Field projects

## Purcellville Crossroads - Potential Revenue/Expense Comparison

### General Fund / Parks & Rec Fund

<b>Annual Revenue</b>	<b>Annual Expenses</b>	<b>Balance</b>
548,301	296,734	251,567
<b>One Time Revenue</b>	<b>Capital Expenses</b>	<b>Balance</b>
153,850	75,000	78,850

### Water/Sewer Funds

<b>Annual Revenue</b>	<b>Annual Expenses</b>	<b>Balance</b>
234,332	234,416	(84)
<b>One Time Revenue</b>	<b>Capital Expenses</b>	<b>Balance</b>
5,091,429	825,000	4,266,429



**STAFF REPORT**  
**INFORMATIONAL ITEM**

Item #17.e.

**SUBJECT:** Kline Annexation Discussion

**DATE OF MEETING:** October 27, 2015

**STAFF CONTACTS:** Patrick Sullivan, Community Development Director

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**SUMMARY:**

A discussion of the Kline Annexation with particular emphasis on identifying outstanding issues and information.

**BACKGROUND:**

On September 22, 2015 the applicant submitted a revised concept plan in response to neighbor concerns. The revision eliminated the 260 space commuter parking lot and increased the number of single family dwelling units from 64 to 74. These changes also required a revision to the traffic counts and the revenue calculations. The traffic counts went down and the revenue calculations went up.

Additional current information can be found in the updated Annexation Report which is attached to this staff report.

**DISCUSSION**

If Council has additional questions and needs more information it would be helpful to identify those items that will help Council make a decision on whether to move forward with the annexation or not. Once the issues are identified staff can research and provide information to help Council in its decision making.

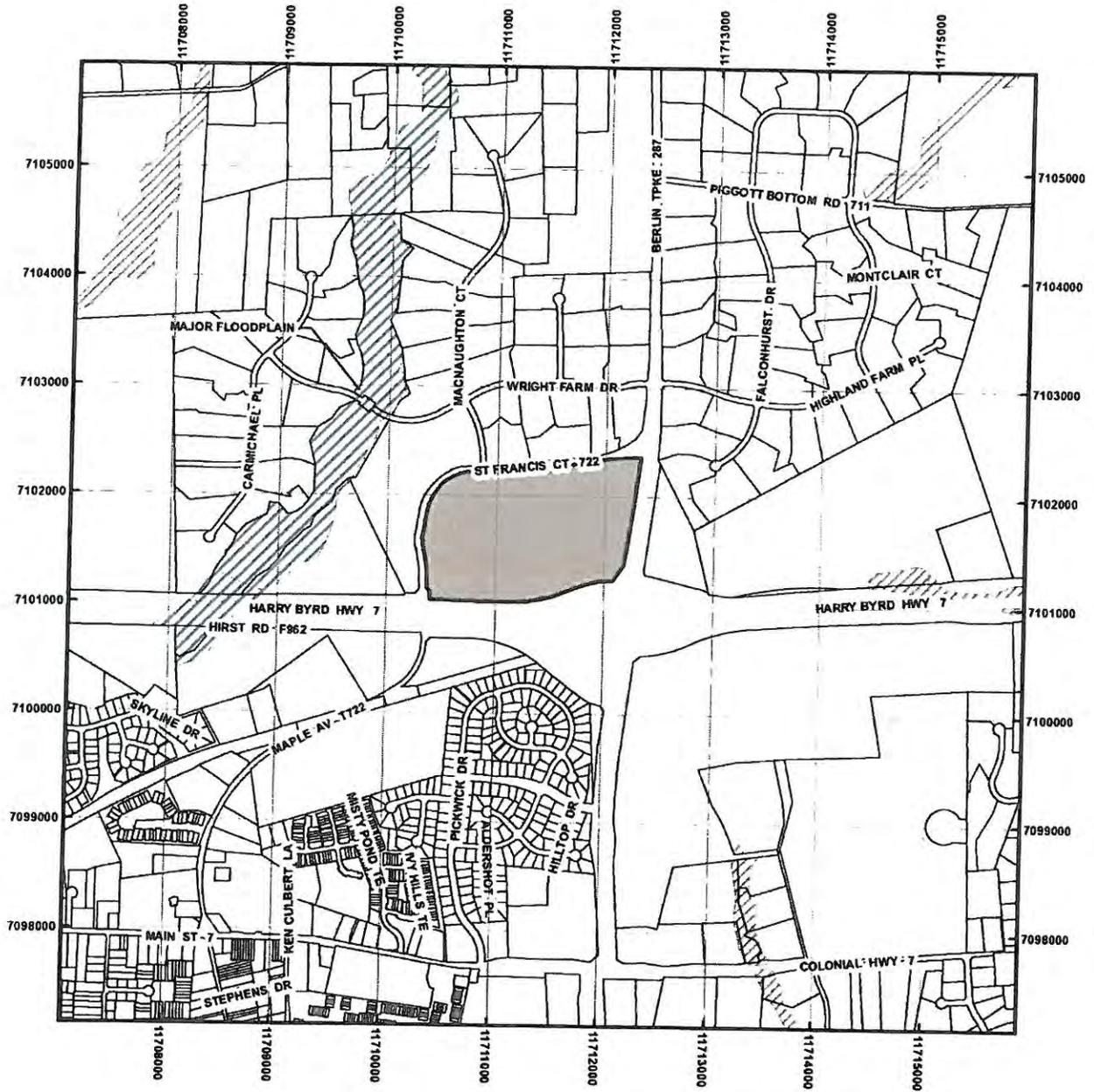
**ATTACHMENT(S):**

1. Kline Annexation revised staff report.

# CROSSROADS ANNEXATION REPORT

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Purcellville Crossroads  
ANNEX-XXXX  
Statement of Justification  
March 2015



VICINITY MAP

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1. Staff report
2. Appendix
  - A. Community Input Letter of Invitation
  - B. Statement of Justification
  - C. Traffic Impact Statement
  - D. Concept Development Plan
  - E. Finance Department Report
  - F. Loudoun County Report
  - G. Application



Community Development Department  
 Town of Purcellville  
 221 South Nursery Avenue  
 Purcellville, VA 20132  
 540-338-2304 www.purcellvilleva.gov

Annex15-01		
July 21, 2015		
Name of project:	Purcellville Crossroads Annexation	50.4 Acres
Address/location:	37887, 37903, 37927 St Francis Court Purcellville, VA  Corner of Route 287 (Berlin Turnpike) and St Francis Court	Parcel is in the County and is zoned JLMA-3
Owner(s):	Pleasants Kline – Loudoun, LLC <a href="mailto:brad@klineassoc.com">brad@klineassoc.com</a> 301-299-2099 St Francis LLC <a href="mailto:vchinc@roadstarinternet.net">vchinc@roadstarinternet.net</a> 703-203-6417 Das Henderson Holdings, LLC <a href="mailto:neelam.henderson@loudoun.gov">neelam.henderson@loudoun.gov</a> 703-737-8927	Principal Contact: Brad Kline
Agent(s):	Bowman Consulting Group, LTD <a href="mailto:cmohn@bowmancg.com">cmohn@bowmancg.com</a> 703-44-2400	Principal Contact: Chris Mohn
Parcel numbers(PIN):	452-38-0026 452-28-0080 452-26-7298 452-37-4904	
Request:	To annex approximately 50.4 acres into the corporate limits of the Town of Purcellville to enable the development of a mixed use neighborhood	

Staff Contact:

Patrick Sullivan, AICP CED  
 Community Development Department  
 Town of Purcellville

[psullivan@purcellvilleva.gov](mailto:psullivan@purcellvilleva.gov)

## **Crossroads Annexation Staff Report**

### **Town of Purcellville Process for Annexation, Analysis**

#### **Annex15-01 Pleasants Kline, LLC**

##### **Community Briefing.**

The applicant scheduled and conducted a community briefing as required by the Town of Purcellville Process for Annexation (TPPA). The meeting was held on 10/21/2015. It was held at the St Francis DeSales Catholic Church. Abutting landowners were notified through the local HOA and advertisements were placed in the Gazette and Blue Ridge Leader newspapers.

An additional meeting, the purpose being to update the community on the development application process was held on 5/27/2015 at the Carver Senior Center located in Purcellville. (Exhibit A)

##### **Application Submission.**

Following the initial community briefing, Brad Kline, principle for Pleasants Kline, LLC through his agent, Bowman Consulting, LTD filed an application to adjust the jurisdictional boundary line between the Town of Purcellville and Loudoun County. The applicant paid the appropriate fee and submitted a check for \$13,000 with the application.

*Staff Comments. The applicant has provided a complete application and has paid the appropriate fee.*

##### **Description of the Proposed Project.**

The applicant must provide a concept development plan that includes land uses, location of structures, vehicular and pedestrian circulation, open space, densities for each use, proposed zoning districts, special amenities and existing features such as floodplain, slopes and tree cover. The concept development plan proposes up to three zoning districts, Mixed Commercial (MC), Residential (R-3), and Institutional/Public (IP). With the removal of the commuter parking lot the residential portion of the

site increases from 64 to 74 single family detached dwellings, no townhouses, no apartments. The MC area will contain up to 75,000 thousand square feet of mixed commercial districts. The IP district would make way for up to 5 acres to be used for institutional use. The old barn on five acres of the site would be renovated and dedicated for adaptive reuse as a community arts center with public open space. At the request of nearby neighbors the commuter parking lot has been eliminated. There are still plans for an indoor/outdoor recreation area on the southernmost portion of the site. The details of this have not been worked out as yet but there is talk of a miniature golf site. The developer has agreed to eliminate bumper cars and bumper boats from the mix of recreation and entertainment. There will be no lighted sports fields. Lastly is the addition of a 60-80± room hotel on the southwestern portion of the site. The site is fairly level and lends itself to a network of pedestrian and bike trails with a connection to the W&OD Trail which have been delineated on the CDP. Planned open space accounts for approximately 36% of the site. The Zoning Ordinance calls for 25% minimum open space. There are no floodplains on the site. Special amenities would be the arts building, children's splash pad and Performers Park, large indoor/outdoor recreation area and access to the W&OD Trail. Tree cover and future tree preservation have not been addressed as yet by the applicant. These issues are normally reviewed and discussed at the rezoning phase of the development.

*Staff comments. Concern has been expressed that the Park and Ride facility would create traffic issues since the entrance is at the southwestern corner and that the number of buses and vehicles coming and going would have to circumnavigate most of the property. There was additional concern that the existing road could not accommodate this amount of traffic. As a result the developer has eliminated the park and ride facility.*

*The proposed project has a diversity of uses and land uses being proposed.*

*It is recommended at the time the applicant submits a rezoning request that proffered uses be limited to those uses appropriate for this type of development, and strives for a retail and service mix of uses that provides for a variety of tenants but at the same time creates a significant driver of customer visitation. Which ultimately attracts a diverse yet complimentary mix of uses.*

### **Statement of Justification.**

The applicant is required to provide a justification statement. The statement should include a justification as to why the site is eligible for inclusion into the Town and how it will benefit the Town. In addition it should describe how it meets the goals of the comprehensive plan; and how the land is planned and zoned under Loudoun County's plans and zoning. The applicant has provided a 7 page response for justification (Exhibit B ). The site abuts the Town so it is eligible for annexation. The

development is said to maintain a ratio of 30% commercial to 70% residential which is a fiscal goal of the Plan.

Benefits to the Town would be significant financial enhancements. An increase in the tax base would help maintain a lower tax rate. Tap fees and usage fees would help offset cost increases and in many cases would help reduce those costs. The real estate tax base growth as a result of this project could be as high as \$64 million in new assessments. Tap fees could top \$6 million. In total the project is projected to pump into the Town's tax base up to \$680,000 in new taxes, each and every year.

The application reviews Loudoun County policies with particular emphasis placed on County policies that encourage more dense growth around existing urban perimeters. The County's Revised General Plan encourages development of a variety of housing types and mixed use commercial development. The County plan recognizes that small towns have difficulty in maintaining full utility service and that expansion of that market through annexation is appropriate around the towns.

*Staff Comments. This project will have the potential to provide significant revenue enhancements. The Town can expect increases in real estate taxes, in the meals tax, BPOL and lodging tax with the construction of a hotel on the property. However, even if the development of the property was limited to one DU per three acres as it is now it would still provide the Town with an increase in real estate taxes of \$40,000 to \$60,000 per year with minimal impact on services. It makes sense to annex the property and then manipulate the development so that the Town gets the final say in what happens to the site.*

*In addition to the potential revenue enrichments the proposed development provides enhanced cultural amenities with the addition of a significant cultural venue in the renovated barn. The developer has agreed to renovate the structure and turn it over to either the Town or a non-profit arts management group. The resulting facility could have potential limited only by our collective imaginations that could include art studios, educational resources, performance venues (similar to the Barns at Rose Hill), gardens, exhibits, workshops, museum space, etc. Given its location north of the by-pass and off a major arterial road (287), access to the site will be less impactful. Because of its location on the edge of Town it will be important for the developer to plan for this site to be a destination venue. Upkeep and maintenance would be an ongoing issue with the center*

*The annexation of this land could result in a significant increase in density on the 50 acres. While the ultimate buildout will depend how the parcel is rezoned and what conditions the rezoning will dictate there is no doubt that the rezoning will request an increase in density that will be mismatched with the adjoining land uses in the Wright Farm development.*

*There will definitely be traffic issues and pressure put on the ramps to Route 7. These are issues that will be reviewed during the rezoning phase. At which time proffers can be offered to help mitigate any increase in traffic congestion. At the time of rezoning if the Council feels that traffic impacts cannot be adequately mitigated then they do not have to approve the project.*

*There is much concern for the loss of property values due to increased density in the area. I have been unable to find any research that indicates higher density development will lower home values in the area.*

“No discernible difference exists in the appreciation rate of properties located near higher-density development and those that are not. Some research even shows that higher-density development can increase property values.” (Urban Land Institute, *High Density Development, Myth and Fact* 2005)

“Indeed, a body of academic and government research indicates that common held beliefs that nearby higher-density development lower home values and increases congestion, are not true.

“Higher-density affordable housing that is well designed not only does not adversely affect property values, but may even enhance the value of existing homes in the neighborhood,” according to a 2011 report by the Center for Housing Policy, the research arm of the non-profit National Housing Council.”

It noted that researchers at Virginia Tech University concluded that “attractively designed and landscaped higher-density units actually increased the overall value of area single-family housing.” (Denver Real Estate Watch 2011)

**Traffic Evaluation. (Revised September 21, 2015 due to elimination of the Park and Ride)**

The applicant has provided a revised trip generation analysis based on the Institute of Transportation Engineers Trip Generation, 9<sup>th</sup> Edition. The outcome showed a PM peak hour generation of approximately 440 cars and total daily trips to be 5,186.

*Staff Comments. The following table provides perspective on the 5,186 trips when it is compared to other local business and residential uses.*

*Trip Generations (all day – 24 hours):*

<i>Catoctin Corner (proposed)</i>	<i>8501</i>
<i>Shoppes at Main and Maple</i>	<i>6077</i>
<i>Gateway Shopping Center</i>	<i>8977</i>

Village Case	1400
Old Dominion Valley	1540
Kingsbridge	1850
Wright Farm	1140

*It should be noted that these trip numbers are raw data and as such are expected to change when a more detailed transportation impact analysis (TIA) is conducted. This would occur during the rezoning phase. The following statement was provided by the applicant.*

In follow-up to our discussion, I asked Steve Schmidt (traffic engineer) to clarify the “raw” trip projections based on ITE ratios. He provided the following feedback that may be helpful when considering this information:

- The projections are raw/unrefined numbers. They do not take into account any internal trip reduction (i.e. residents or hotel guests that use the shopping center) which is typically 10-15%. The full TIA at rezoning would account for internal trip reduction, which would reduce the +/- 5,186 VPD (vehicles per day) number to +/- 4,400 to 4,680 VPD.
- The projected trip numbers also do not take into account any pass-by trips, which are trips already on the road that stop to use our development before continuing on. These are not new trips to Route 287 but would already come from there. Typically that reduction (depending on our final mix of uses) is anywhere from 30-65% of retail traffic. The full TIA at rezoning would account for pass-by trips, would reduce the +/- 4,400 to 4,680 VPD number down to +/- 3,900 VPD.

“As we discussed, the “rawness” of the data included in a “traffic letter” results in somewhat inflated values, which can be easily misinterpreted. While the trip generation numbers will certainly be significant, the full TIA will provide a refined projection that will be closer to realistic expectations.

Again, there is no disputing that the project will impact the existing road network, but the Applicant will be expected to mitigate those impacts through proffered improvements included with the rezoning. Such improvements will be defined by the full TIA, and will further be based on the refined trip projections noted above.”

### **Departmental Reviews.**

The annexation plan is required to go through a general process of review by the Town's departments, the County Administrator and VDOT. The purpose being to evaluate general risks and impacts that annexing such a property might entail, including compliance with the Comprehensive Plan. The purpose is not to identify specific site plan issues at this stage of the process.

Public Works commented on the sewer and water layout with specific emphasis on connection points and flows. The water and sewer use will have to be modeled to determine if there is enough capacity. No comments were received regarding storm water management. However, there will be extensive review of storm water management during the site plan phase. There are local, county, state and federal regulations that must be adhered to. Storm water will be managed appropriately. Extensive review of these issues will occur at the rezoning phase.

*Staff Comment. The developer understands the various problems and costs associated with providing infrastructure to the site. Staff suggests that the developer provide a more detailed plan for tapping into water and sewer and provide preliminary modeling that shows that water availability will be adequate.*

Emergency services are less than a half mile from the site. There does not appear to be any significant issues at this stage. The police department is concerned about having enough staff to cover issues that might occur. They did not provide any statistics or projected manpower needs. This will be fully vetted at the rezoning phase.

*Staff Comment. The applicant should discuss and explore the coverage issue with the department.*

There are proposed pedestrian and bike trails throughout the site. Playgrounds, parks and activity areas for the residential portion of the site should be considered.

VDOT has chosen not to provide comments.

*Staff Comment. There will obviously be an impact on the Berlin Turnpike and route 7 By-Pass intersection. During the rezoning process the developer will offer proffers that will provide for traffic improvements in the area. See Traffic Evaluation section above.*

Projected school age children living on the site would be approximately 57<sup>1</sup>. The 74 housing units plus the commercial assessments would provide approximately \$770,366<sup>2</sup> in real property taxes to the County. Town real estate tax revenue would be approximately \$152,715<sup>3</sup> per annum from the site.

*Staff Comment. Over the buildout term of the project 54 additional students should not have a significant impact on the schools as they are distributed throughout elementary, middle and high school. Further analysis by the School District will be forthcoming during the rezoning phase.*

Significant revenues would come from meals tax, BPOL, and lodging tax which would produce in the aggregate \$535,602. The projected income for the meals tax appears high at 4 million for two restaurants and almost 4 million on the Tilley piece. A conservative estimate would be closer to \$400,000 per year in additional tax revenue to the Town. 3.5 million in revenue from sewer taps is a reasonable projection as it is based on known units. Their original projections were higher due to projecting a ¾ inch meter which is not needed. A 5/8 meter is more appropriate.

*Staff Comment. While these numbers are probably the best case scenario and are overstated, they are still considerably higher than a 3 acre per unit build out and considerably higher than if the land stays in the County which would produce \$0 in revenue for the Town.*

There were no comments regarding issues with Town services. However, the internal roads are planned to be private and therefore would not require additional manpower and funds to maintain these roads.

Loudoun County reviewed the potential annexation and pointed out these issues for consideration:

- Compatibility with existing large-lot residential and institutional development.
- Additional traffic directed to Route 287.
- Accommodation for the Northern Collector Road.
- County policies support commercial areas within the Towns being located within their downtown areas as the preferred location.

The final evaluation is whether the proposal furthers the goals of the Comprehensive Plan (Plan). In their statement of justification the applicant addresses the consistency of the proposal with the Plan. They note that the proposal furthers fiscal policy goals, and land use goals. Their conclusion is that the annexation will facilitate a more balanced real estate tax base, town managed community growth, and a

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<sup>1</sup> Based on a census count of 3.0 persons per single family dwelling unit.

<sup>2</sup> School tax rate of \$1.135 per hundred based on a \$67,873,715 assessment.

<sup>3</sup> Tax rate of .225 per hundred.

balanced distribution of land uses. It will do this by increasing revenues and providing an appropriate mix of commercial and residential uses on the site.

*Staff Comments. Comprehensive plans are general by nature and as a result can provide a pro or con argument depending on the section used to make the point. Staff suggests that the Town Council evaluate the applicant's response on how it's project will further the goals of the Plan, based on how reasonably they have interpreted those goals. For example, as it envisions growth the Plan discusses the need for balancing commercial and residential growth by achieving a 30 – 70 percent assessment distribution with the ultimate goal being to reduce residential taxes by increasing commercial taxes. The question for evaluation becomes does the application achieve this goal. Is the response believable and is it a reasonable interpretation of the Comp Plan.*

**Recommendation.**

Staff recommends that Town Council move forward with the Crossroads Annexation for the following reasons.

1. Future development would enable the development of a cultural amenity in the form of an arts center in the old barn. The adaptive reuse would be built out by the developer and turned over to the Town or a Town designated arts organization. The cost of maintaining the structure and grounds would have to be worked out.
2. There would be a significant influx of revenue from this project. At full buildout the Town can expect to receive \$680,000 in annual taxes and fees. Availability fees would produce \$4.5 million.
3. The project would provide a hotel. Purcellville currently does not offer hotel accommodations.
4. The 50+ acres abut the Town and are eligible for annexation.
5. Annexation provides for Town oversight on the development of this property which will ensure that the development will reflect the expectations of the Town of Purcellville in its ultimate buildout.

Staff also recommends that preliminary building design criteria be established.

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# *APPENDIX*

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October 8, 2014

**RE: Purcellville Crossroads – Community Input Session**

To Whom It May Concern:

On behalf of our client, Brad Kline, the applicant on the Purcellville Crossroads annexation application, I would like to invite you to a **Community Input Session** on **October 21, 2014** from **7 to 9 p.m.** The meeting will take place in Classroom 102 at St. Francis de Sales Catholic Church located at 37730 St. Francis Ct., Purcellville, Virginia.

The Purcellville Crossroads site consists of approximately 50 acres located at the northwest corner of the Route 287/Route 7 interchange, and is further bounded by St. Francis Ct. to the north and west. The Property is more specifically identified in Loudoun County land records as PINs 452-26-7298, 452-37-4904, 452-38-0026, and 452-28-0080 (“the Property”). A vicinity map is enclosed for your reference.

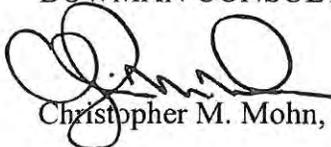
Mr. Kline has requested annexation of the Property by the Town of Purcellville, and proposes its future development as a mixed use neighborhood.

A brief presentation about preliminary concepts for Purcellville Crossroads will be provided, followed by an opportunity for dialogue with Mr. Kline about the neighborhood’s intended components, layout, and design opportunities.

Should you have any questions before the meeting, please feel free to contact me at [cmohn@bowmanconsulting.com](mailto:cmohn@bowmanconsulting.com).

Sincerely,

BOWMAN CONSULTING GROUP, LTD

  
Christopher M. Mohn, AICP

Enclosure

**STATEMENT OF JUSTIFICATION**  
**ANNEX-XXXX**  
**PURCELLVILLE CROSSROADS**  
**Annexation Application**  
**March 2015**

**INTRODUCTION**

Pleasants Kline, LLC (the “Applicant”) is requesting the **annexation** of approximately 50.4 acres of real property (the “Property”) located in the Blue Ridge District of Loudoun County into the corporate limits of the Town of Purcellville. The Property is an assemblage of four parcels identified in the Loudoun County Assessment records as Tax Map 36 Parcel 18C-1A (PIN 452-26-7298), Tax Map 36 Parcel 18C-2 (PIN 452-37-4904), Tax Map 36 ((8)) Parcel 1 (PIN 452-38-0026) and, Tax Map 36 ((8)) Parcel 2 (PIN 452-28-0080), which are owned by Pleasant Kline – Loudoun, LLC, DAS Henderson Holdings, LLC, and St. Francis, LLC, respectively (collectively the “Owners”).

The Property is currently zoned JLMA-3 (Joint Land Management Area – 3) District and is located on the northwest corner of the intersection of Berlin Turnpike (VA Route 287) and Harry Byrd Highway (VA Route 7), and is further bound to the north and west by St. Francis Court (VA Route 722). The Property is adjoined to the north by residential lots in the Wright Farm subdivision zoned JLMA-3; to the east by Carlisle and Anderson zoned RC (Rural Commercial) District; to the south, within the Town’s corporate limits, by the right of way of Harry Byrd Highway zoned X (Transitional) District and the Purcellville Volunteer Fire and Rescue Station zoned IP (Institutional and Public) District; and to the west by St. Francis de Sales Catholic Church zoned JLMA-3. The Property is governed by the policies of the Purcellville JLMA Policy area defined in the Revised General Plan, and is designated for Rural – JLMA (Joint Land Management Area) land use.

## PROPOSAL

The Applicant is requesting annexation of approximately 50.4 acres into the corporate limits of the Town of Purcellville (the “Town”) to enable development of a mixed use neighborhood. The proposed neighborhood will consist of single family detached dwellings, mixed commercial uses, public/civic uses, commercial recreation facilities, and a hotel. The diversified use program envisioned by the Applicant will facilitate balanced growth that complements the Town’s distinctive sense of place and promotes its continued economic vitality.

### **Eligibility of Property for Annexation**

Pursuant to § 15.2-3202 and § 15.2-3203 of the Code of Virginia, territory adjacent to any city or town may be annexed into the corporate limits through a variety of methods and upon completion of specific procedural steps. The fundamental qualification for annexation is the adjacency of the territory to the corporate limits of the city or town into which it is proposed to be annexed. The parcels proposed to be annexed with this application are immediately adjacent to the existing corporate limits of the Town of Purcellville. As such, the parcels are qualified for annexation by the Town of Purcellville upon completion of one of the processes enabled by the applicable provisions of the Code of Virginia.

### **Project Description**

The Property is located at the northwest corner of one of the most prominent crossroads in western Loudoun County that further serves as a primary point of entry to the Town. Annexation of the Property will facilitate the physical growth of the Town in a logical manner and enable Town control of the Property’s development intensity and design character. Such control will ensure that the Property’s unique locational attributes are not lost to low density rural development, but instead are translated into a distinctive node of activity that will promote the Town’s land use and fiscal policies, while also providing new and varied opportunities for shopping, entertainment, and cultural engagement.

As depicted on the Annexation Concept Plan, the Applicant envisions development of the Property with sixty four (64) single family detached dwellings, seventy-five thousand (75,000) square feet of mixed commercial uses, indoor/outdoor commercial recreation facilities, and a hotel. The Applicant further intends to dedicate roughly nine (9) acres for civic/public uses. Specifically, five (5) acres containing an existing barn will be dedicated for its adaptive reuse as a community arts center with public open space, and approximately four (4) acres will be provided for County development of a park and ride facility.

To achieve this program, the Applicant will seek application of multiple planned land use designations to the Property, to include Mixed Use Commercial, Residential – 3 Dwelling Units per Acre, and Institutional/Government. Implementation of these designations is anticipated to occur via rezoning to the R-3 Cluster (Residential) and MC (Mixed Commercial) Zoning Districts. All proposed uses would be served by public water and sewer provided by the Town.

### **Consistency with the Comprehensive Plan & Benefit to the Town**

The mixed use development concept envisioned by the Applicant is consistent with multiple inter-related policy objectives enumerated by the Purcellville, Virginia 2025 Comprehensive Plan (the “Plan”). In general, Plan policies encourage new development that achieves a balance of residential and commercial land uses, and further promote development that increases opportunities for growth of the commercial tax base. Specific Plan policies of relevance to the proposed annexation are as follows:

#### ***Fiscal Policy Goal (Chapter II, p. 22)***

*“Purcellville’s fiscal goal is to better balance the Town’s tax base by working toward 30 percent of the value of the Town’s real property tax base from commercial property and 70 percent from residential property in order to sustain the quality of life in Purcellville and to better distribute the real estate tax burden between commercial and residential property owners.”*

#### ***2025 Housing Policies (Chapter III, p. 28)***

*“1. Balanced Housing/Commercial Development: Promote a harmonious pattern of land development and a healthy land use balance that encourages community preservation, sustainable development and managed growth; increase the amount of commercial and light industrial development in Purcellville to provide a more balanced economy, local revenue structure, and cost effective public services; and provide more cost effective public services by achieving a real estate tax revenue ratio of at least 30 percent from commercial uses and no more than 70 percent from residential uses.”*

#### ***2025 Land Use Policies (Chapter III, p. 111)***

- “1. Harmonious, Compatible and Orderly Land Development: Provide for managed community growth and land development that ensures harmonious, compatible and orderly land use patterns, enhances the unique community character of Purcellville and preserves landmarks (i.e., Cole Farm, Train Station, Dillon’s Woods and Tabernacle).”*
- “2. Balanced Distribution of Land Uses: Provide a diversity of land uses in suitable locations to support the residential and business needs of Purcellville while ensuring economic, social and financial stability.”*

As detailed in the Town’s *Adopted Fiscal Year 2015 Fiscal Plan & Capital Improvement Program Fiscal Year 2015-2019*, the 2014 assessed value of all property within the Town’s corporate limits totaled \$1,093,743,250.00, of which commercial/industrial acreage comprised \$234,891,510.00, or 21% of the real property tax base (p. 31). Assuming development of Purcellville Crossroads as envisioned by the Applicant, the Town’s real estate tax base is projected to grow by roughly \$63,900,000.00, with the value of the commercial/industrial and residential categories increasing by approximately \$35,850,000.00 and \$28,050,000.00, respectively. As such, based on 2014 assessed values, the addition of Purcellville Crossroads would increase commercial/industrial land uses to 23% of the Town’s real property tax base.

**Purcellville Crossroads  
ANNEX-XXXX  
Statement of Justification  
March 2015**

In addition to the positive impact on the Town's real estate tax base, Purcellville Crossroad's mixed use program would generate tax revenue from other sources, such as BPOL, meals, and transient occupancy taxes. In total, Purcellville Crossroads is projected to yield almost \$680,000.00 in tax revenue to the Town annually, inclusive of real estate taxes. The fiscal benefit to the Town is further enhanced by the water and sewer availability fees that will be required for the project, which are projected to total roughly \$5,900,000.00, and would provide a significant contribution toward retirement of debt associated with past improvements to the Town's utility infrastructure. The revenue projection calculations for Purcellville Crossroads are provided on the attached worksheet (Appendix A).

The annexation of the Property and its ultimate development as a mixed use neighborhood would therefore advance the Town's inter-related fiscal, housing, and land use policies. Indeed, the increase in the proportional share of the commercial/industrial tax base would be achieved in a balanced development context, with commercial development complemented by single family detached residential and civic uses. Such diversification of land uses will create a synergistic dynamic within the neighborhood that will maintain its vitality and promote long term growth in property values.

It is further noted that annexation of the Property is simply the first step in the development process. Subsequent to annexation, the Applicant will be required to complete comprehensive plan amendment and rezoning applications, which together will define the project's design characteristics and ensure sufficient infrastructure commitments to mitigate impacts and address community needs. This multi-step process will enable the Town to exert considerable influence over development of this critical gateway location, and in so doing make certain that Purcellville Crossroads is a complementary and harmonious extension of the Town's existing fabric.

#### **Consistency with Loudoun County Policies**

The Property has long been envisioned as an eventual addition to the Town of Purcellville, and previous joint planning efforts between the Town and Loudoun County formalized this expectation. Specifically, the Property was included within the Urban Growth Area established pursuant to the 1991 County General Plan, which was subsequently augmented by the Purcellville Urban Growth Area Management Plan (PUGAMP) and corresponding Joint Annexation Agreement, which were adopted by the Town and Loudoun County in May 1995 and November 1994, respectively, and remained in effect until their repeal in July 2013. PUGAMP further designated the planned land uses for the Property as office/industrial, signaling the mutual intent of the Town and Loudoun County to facilitate its ultimate transition to a more intensive form of development.

Although PUGAMP is no longer in effect, it is instructive that it anticipated and encouraged the Property's eventual annexation and development for the duration of its nearly twenty year existence. This expectation was neither challenged nor revised despite evolving land use patterns in the vicinity of the Property. That said, in the absence of PUGAMP, the vision for

future use and development of the Property is derived from the policies of Loudoun County's Revised General Plan (the "RGP).

The RGP applies the JLMA (Joint Land Management Area) land use designation to the Property, the policies of which are enumerated in Chapter 9, *The Towns*. In general, the Land Use Policies of Chapter 9 support varied forms of development within the JLMA. The following policies more specifically support consideration of the mixed-use concept envisioned by the Applicant (emphasis added):

- "3. *Mixed-use development is encouraged in the existing Towns and JLMA areas around the Towns to reinforce the traditional growth patterns, to reduce auto trips, to minimize the need for additional road improvements, and to encourage walking to employment and shopping. Specific land use plans will be adopted jointly by the County and Towns to cooperatively plan JLMAs or to plan areas around Towns without JLMAs.*"
- "4. *Within JLMAs, the County encourages the development of a variety of housing types in an urban pattern of compact neighborhoods extending in a contiguous, rational and convenient manner from the existing Town.*"
- "10. *Commercial retail and service development in Town JLMAs will consist of businesses that are compatible with the rural economy and the existing businesses of the Towns. This also may include innovative recreational or institutional uses or home-occupation uses out of residents' homes. A neighborhood center may be appropriate when proposed in conjunction with a residential community development or where it can be integrated with an existing residential area.*"

Moreover, Chapter 9 includes language acknowledging the value of annexation, as follows:

*"Annexation is a logical extension of the increased role played by Towns in the provision of public facilities, services, utilities and commercial products and services. Annexation will allow system providers a larger role in managing the services and facilities in each Town. Potentially annexation could result in the enhancement of the towns' tax revenues...All Towns can work with the County on possible annexations."*

The RGP is therefore supportive of a development pattern and use mix within the JLMA that effectively extends the fabric of the Town, and the RGP further recognizes the value of annexation as a means of achieving this objective. Indeed, the applicable policies of the RGP discourage a homogenous pattern of development within the JLMA, and instead encourage land uses to evolve in intensity and form to complement the Town, distinct from the large lots and low densities of the surrounding rural areas. The annexation proposed by the Applicant is consistent with the adopted vision of the RGP.

## CONCLUSION

The 50.4 acres comprising Purcellville Crossroads are properly situated to enable annexation into the Town of Purcellville pursuant to the applicable provisions of the Code of Virginia, and such annexation is consistent with the policies of the Purcellville, Virginia 2025 Comprehensive Plan and Loudoun County Revised General Plan. The mixed use development program envisioned by the Applicant will promote the Town's fiscal objectives by facilitating a more balanced real estate tax base, generating recurring tax revenues, and contributing significant funding toward retirement of debt associated with past improvements to the Town's utility infrastructure. Annexation of the Property will further enable Town control over subsequent stages of the development review process, thereby ensuring that the neighborhood's design, public amenities, and infrastructure reflect the expectations and needs of the community. In short, the requested annexation will advance the interests of the Town, its citizens, and the broader Purcellville community, and therefore merits favorable consideration.

**APPENDIX A**

**Purcellville Crossroads**

**Revenue Calculations/Estimates**

Revised 9/11/2015

Project Area & Use Mix	Area (AC)	% of Project
Commercial	20.1	40%
Residential	25.3	50%
Public - Arts Center & Park	5	10%
<b>Project Total</b>	<b>50.4</b>	<b>100%</b>

**Real Estate Valuation/Assessment Projections**

**Commercial Real Estate Value Projection (Assessed)**

	GFA (SF)	Area (AC)	Projected Value: \$ per SF GFA*	Projected Value: \$ per Acre**	Total Projected Value:
Land Overall (Center + Tilley)		20.1		\$ 359,961	\$ 7,235,226
Retail/Restaurant Buildings	75,000		\$ 215.04		\$ 16,128,000
Hotel Buildings (80 room)†					\$ 3,500,000
Tilley Improvements††					\$ 9,000,000
<b>TOTAL COMMERCIAL</b>					<b>\$ 35,863,226</b>

\*Projected building valuation rate based on 2014 assessed building/improvement value of Purcellville Gateway.

\*\*Projected land valuation rate based on 2014 assessed land value of Purcellville Gateway.

†Hotel building value derived from Dulles Aloft at Dulles Parkway Center value (60% of \$5.8M; 80 rooms v. 136 rooms).

††Tilley Improvements include 27,000 SF indoor facility and outdoor facilities (improvement value of outdoor facilities per Tilley estimates).

**Residential Real Estate Value Projection (Assessed)**

	Quantity (units)	Projected Value: Land/Lot (\$ per lot)	Projected Value: Building (\$ per unit)	Projected Value: Land + Building	Total Projected Value
Single Family Detached (SFD)*	73	\$ 124,000	\$ 314,500	\$ 438,500	\$ 32,010,500
<b>TOTAL RESIDENTIAL</b>	<b>73</b>				<b>\$ 32,010,500</b>

\*Projected SFD value based on 2014 assessment of single family small lots in The Village Case subdivision.

**Total Project Real Estate Value Projection (Assessed)**

	Projected Value	% of Total
Commercial Component	\$ 35,863,226	52.84%
Residential Component	\$ 32,010,500	47.16%
<b>Total Project</b>	<b>\$ 67,873,726</b>	<b>100.00%</b>

**Town of Purcellville - Balance of Housing/Commercial Calculation ("70/30 Objective")**

**Town Assessments by Land Use Category - 2014 (Per Town Budget)**

Land Use Classification	Assessed Value	% of Total	
Single Family Dwelling	\$ 679,040,520.00		
Townhouse	\$ 141,827,630.00		
Other Residential	\$ 23,705,080.00		
Multi-Family (5+ units)	\$ 14,278,510.00		
Commercial/Industrial	\$ 234,891,510.00	<b>21%</b>	<i>Current Commercial Tax Base</i>
<b>TOTAL</b>	<b>\$ 1,093,743,250.00</b>		

**Town Assessments by Land Use Category - 2014 + Purcellville Crossroads**

Land Use Classification	Assessed Value	% of Total	
Single Family Dwelling	\$ 711,051,020.00		
Townhouse	\$ 141,827,630.00		
Other Residential	\$ 23,705,080.00		
Multi-Family (5+ units)	\$ 14,278,510.00		
Commercial/Industrial	\$ 270,754,735.95	<b>23%</b>	<i>Commercial Tax Base with Purcellville Crossroads</i>
<b>TOTAL</b>	<b>\$ 1,161,616,975.95</b>		

**Town of Purcellville - Water & Sewer Availability Fees (i.e. "Tap Fees")**

	Water & Sewer Availability Fee* (\$ per connection)	Quantity (connections)	Total Availability Fee
<b>RESIDENTIAL</b>			
Single Family Detached (3/4")	\$ 71,359	73	\$ 5,209,207
<b>TOTAL RESIDENTIAL FEE</b>			<b>\$ 5,209,207</b>
<b>COMMERCIAL</b>			
Tilley Entertainment Ctr. (1")	\$ 118,779	1	\$ 118,779
Commercial Center (1")	\$ 118,779	3	\$ 356,337
Commercial Center (1.5")	\$ 237,334	2	\$ 474,668
Hotel (2")	\$ 379,541	1	\$ 379,541
<b>TOTAL COMMERCIAL FEE</b>			<b>\$ 1,329,325</b>
<b>Town of Purcellville - TOTAL WATER &amp; SEWER PROJECT AVAILABILITY FEES:</b>			<b>\$ 6,538,532</b>

\*Water and Sewer Availability Fees, March 2013

3/4" Connection = \$71,359 @ \$38,631 (water fee) + \$32,400 (sewer fee) + \$328 (meter fee)  
 1" Connection = \$118,779 @ \$64,385 (water fee) + \$54,000 (sewer fee) + \$394 (meter fee)  
 1.5" Connection = \$237,334 @ \$128,770 (water fee) + \$108,000 (sewer fee) + \$564 (meter fee)  
 2" Connection = \$379,541 @ \$206,032 (water fee) + \$172,800 (sewer fee) + \$709 (meter fee)

**Town of Purcellville - PROJECTED ANNUAL COMMERCIAL TAX REVENUE @ PROJECT BUILD-OUT**

**Commercial Center @ Build-out (75,000 SF Restaurant/Retail + 80 Room Hotel)**

Tax	Taxable Value	Tax Rate	Annual Tax Revenue
Real Estate*	\$ 24,739,446	\$0.225 per \$100	\$ 55,663.75
Meals Tax**	\$ 4,000,000	5% of gross	\$ 200,000.00
Transient Occupancy (Hotel)	\$ 2,500,000	3% of gross	\$ 75,000.00
BPOL† Retail	\$ 25,000,000	\$0.17 per \$100	\$ 42,500.00
BPOL† Restaurant	\$ 4,000,000	\$0.17 per \$100	\$ 6,800.00
BPOL† Hotel	\$ 2,500,000	\$0.17 per \$100	\$ 4,250.00
<b>Commercial Center Annual Tax Revenue:</b>			<b>\$ 384,213.75</b>
<b>Tilley @ Build-out</b>			
Real Estate*	\$ 11,123,769	\$0.225 per \$100	\$ 25,028.48
Meals Tax**	\$ 3,747,500	5% of gross	\$ 187,375.00
BPOL†	\$ 11,575,000	\$0.17 per \$100	\$ 19,677.50
<b>Tilley Entertainment Annual Tax Revenue:</b>			<b>\$ 232,080.98</b>
<b>TOTAL PROJECTED ANNUAL COMMERCIAL TAX REVENUE</b>			<b>\$ 616,294.73</b>
*Assumes 14.2 acres for commercial center uses, 5.9 acres for Tilley Center.			
**Meals tax based on gross receipts ("Taxable Value").			
†BPOL (Business License Tax) based on gross receipts ("Taxable Value").			
<b>Residential Tax Revenue</b>			
Real Estate	\$ 32,010,500	\$0.225 per \$100	\$ 72,023.63
<b>Town of Purcellville - Total Annual Tax Revenue:</b>			<b>\$ 688,318.36</b>



September 21, 2015

Mr. Patrick Sullivan, AICP, CED  
Director of Community Development  
Town of Purcellville, Virginia  
221 South Nursery Avenue  
Purcellville, VA 20132

**Re: Purcellville Crossroads  
Traffic Impact Statement  
Town of Purcellville, Virginia  
Bowman Project #004946-01-001**

Dear Mr. Sullivan:

Bowman Consulting Group (BCG) has prepared a traffic impact statement in support of the proposed Purcellville Crossroads annexation and development. The site is generally located north of the Route 7 Bypass, west of Route 287 (Berlin Turnpike) and south/east of St. Francis Court in Loudoun County, Virginia.

The approximately 50.46 acre site is currently located outside the Town of Purcellville limits and is under consideration for annexation into the Town. The purpose of this memorandum is to provide existing traffic data and the proposed trip generation for the development. The memorandum is not a full traffic impact analysis and does not identify any road improvements that may be required in the future with or without the development of the project. It is our understanding that the site would still have to go through the rezoning process if it is annexed. At that time a full traffic impact analysis may be required by the Town/Virginia Department of Transportation (VDOT) depending on the size of the development. The trip generation information contained herein represents "raw" trips and does not account for development specific factors such as internal capture and pass-by trips which would reduce the overall trips that would impact the surrounding roadway network. These trip reductions will be analyzed with the full traffic impact analysis.

Based on current plans, access to the site would be provided by entrances on Route 287 (Berlin Turnpike) and St. Francis Court. It should be noted that the Townwide Transportation Plan has identified the portion of St. Francis Court that runs east-west as along the right-of-way for the Future Northern Collector.

**Existing Traffic Conditions**

According to the latest VDOT data available (2014), Route 287 (Berlin Turnpike) carries approximately 6,500 vehicles per day in the vicinity of the site.

According to the most recent VDOT data available (2014), St. Francis Court carries approximately 340 vehicles per day. BCG also conducted a 24-hour count on St. Francis Court near the intersection with Route 287 in April, 2015. The results of the count indicate that St. Francis Court carries approximately 207 vehicles per day.

A review of the most recent 5 years (2009-2013) of available crash data shows that there have been 8 crashes during that time frame. Of the 8 crashes, six were related to deer, one was rear end, and one was head on. All of the crashes resulted in property damage only (no injuries).

#### **Site Trip Generation**

A trip generation analysis was completed to estimate the trips that would be generated by the proposed Purcellville Crossroads development. The trip generation is based on the most recent proposed development plans and is subject to change if those plans change.

For trip generation purposes the development was assumed to consist of the following:

- 74 single family dwelling units
- 75,000 S.F. of shopping center
- An 80 room hotel
- 5.9 acres of multipurpose recreation facility space
- A community arts center located in the existing barn (+- 6,000 S.F.)
  - o The arts center is not expected to generate trips during the peak hours and would be a minimal generator on a daily basis and therefore was considered negligible from a trip generation standpoint.

The average weekday AM and PM peak hour, and weekday average daily trips that would be generated were estimated using the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9<sup>th</sup> edition and are shown in Table 1.

As shown in Table 1, the proposed development would generate approximately 187 new trips during the AM peak hour (94 in and 93 out), 440 new trips during the PM peak hour (225 in and 215 out), and 5,186 average daily trips. As noted above, these are "raw" trips and do not account for development specific reductions (internal trips and pass-by trips) which will be accounted for in the full traffic impact analysis.

Should you have any questions or comments, please contact our office at (804) 616-3240.

Sincerely,  
BOWMAN CONSULTING GROUP, LTD.



Stephen O. Schmidt, PE, PTOE  
Transportation Project Manager

**Table 1 - Purcellville Crossroads ITE Site Trip Generation Analysis**

Land Use	Size	Units	Land Use Code	AM Peak Hour			Weekday PM Peak Hour			Daily Trips
				In	Out	Total	In	Out	Total	
<b><u>Proposed Purcellville Crossroads Development</u></b>										
<b><u>Residential</u></b>										
Single Family Detached	74 D.U.		210	16	46	62	50	30	80	796
<b><u>Commercial</u></b>										
Shopping Center	75,000 S.F.		820	45	27	72	133	145	278	3,203
Hotel	80 Rooms		310	25	17	42	24	24	48	654
<b><u>Recreation</u></b>										
Multipurpose Recreational Facility	5.9 Acres		435	8	3	11	18	16	34	533
<b>Total Proposed Purcellville Crossroads Trips</b>				<b>94</b>	<b>93</b>	<b>187</b>	<b>225</b>	<b>215</b>	<b>440</b>	<b>5,186</b>

Notes: (1) Based on the Institute of Transportation Engineers Trip Generation, 9th Edition.

(2) In/Out distributions based on specialized land use data within Land Use Code 435.

# PURCELLVILLE CROSSROADS CONCEPT DEVELOPMENT PLAN ANNEXATION

ANNEX-15-01

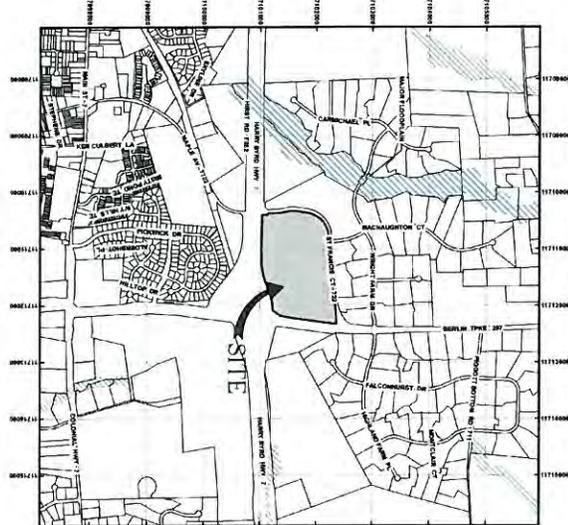
## NOTES:

- CURRENT OWNER INFORMATION WAS TAKEN FROM THE LOUDOUN COUNTY REAL ESTATE TAX ASSESSMENT AND PARCEL DATA. THIS PROJECT IS COMPOSED OF PORTIONS OF THE FOLLOWING PARCELS AMONG THE LAND RECORDS OF LOUDOUN COUNTY.
 

Parcel	Parcel ID	Owner	Acres
452-26-7288	176/111/16C-1A	PLEASANTS KLINE-LOUDDON LLC	40.42 AC.
452-31-4694	176/111/16B-2	DAS HENDERSON HOLDINGS LLC	3.50 AC.
452-38-0028	176/111/17/1	ST. FRANCIS LLC	4.03 AC.
452-28-0080	176/111/17/1	ST. FRANCIS LLC	5.22 AC.
- THE BOUNDARY INFORMATION SHOWN HEREON WAS TAKEN FROM A TITLE SEARCH PREPARED BY BOWMAN CONSULTING GROUP DATED MARCH 2015.
- THE SUBJECT PROPERTIES ARE CURRENTLY ZONED CLAMA AND GOVERNED BY THE EXCISED 1993 LOUDOUN COUNTY ZONING ORDINANCE.
- THE INTENT OF THIS APPLICATION IS TO ANNEX THE SUBJECT PARCELS INTO THE CONCEPT PLAN OF THE TOWN OF PURCELLVILLE. THE PROPOSED ZONING FOR THE SUBJECT PARCELS WILL BE MIXED COMMERCIAL (MDC), RESIDENTIAL (R-3) (CLUSTER), AND RESIDENTIAL AND PUBLIC USE (P3).

**Table 1: Parcel Data Summary (By Site ID)**

Site ID	Parcel ID	Area (Acres)	Area (Sq. Ft.)	Area (Sq. Ft.)	Area (Sq. Ft.)	Area (Sq. Ft.)
1	452-26-7288	40.42	1,748,000	1,748,000	1,748,000	1,748,000
2	452-31-4694	3.50	151,000	151,000	151,000	151,000
3	452-38-0028	4.03	174,000	174,000	174,000	174,000
4	452-28-0080	5.22	227,000	227,000	227,000	227,000
<b>TOTAL</b>		<b>53.17</b>	<b>2,300,000</b>	<b>2,300,000</b>	<b>2,300,000</b>	<b>2,300,000</b>



**PROPERTY OWNER**  
 PLEASANTS KLINE-LOUDDON LLC  
 24012 FREDERICK ROAD  
 CLARKSBURG, MD 20671-9718

**DAS HENDERSON HOLDINGS LLC**  
 37887 ST. FRANCIS COURT  
 PURCELLVILLE, VA 20132-9639

**ST. FRANCIS LLC**  
 19440 SILCOTT LANE  
 PURCELLVILLE, VA 20132-4247

APPROVED BY THE TOWN OF PURCELLVILLE, VA  
 DATE: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_

**Table 2: Project Area Summary**

Project Area	Area (Acres)	% of Project	Area (Sq. Ft.)
Commercial Center (C-1)	2.1	3.9%	91,000
Residential Center (R-3)	2.1	3.9%	91,000
Public Use (P-3)	5.1	9.6%	221,000
<b>TOTAL</b>	<b>9.3</b>	<b>17.3%</b>	<b>383,000</b>

**Table 3: Projected Values**

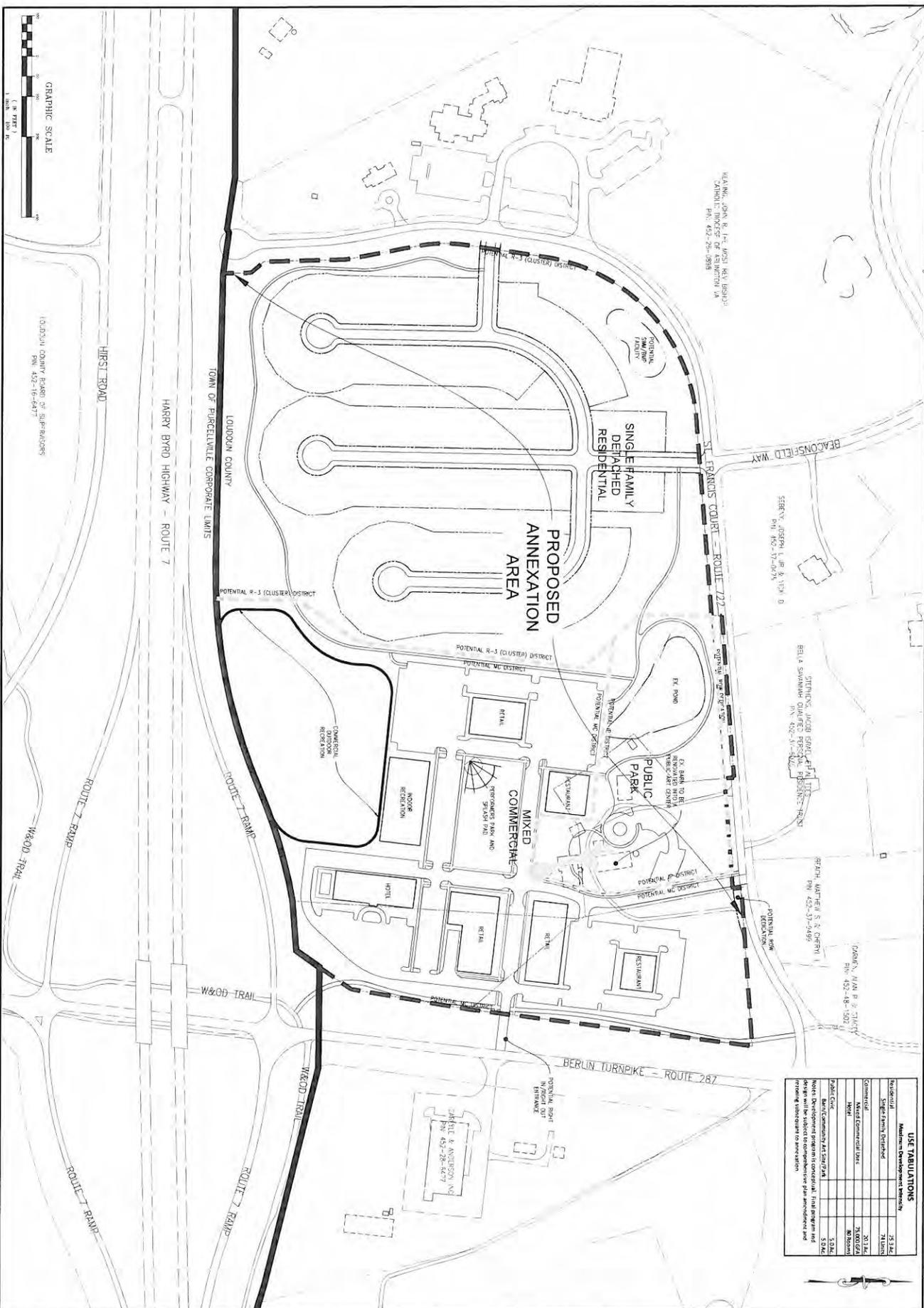
Category	Area (Acres)	Value per Sq. Ft.	Projected Value	Total Projected Value
Commercial Center (C-1)	2.1	\$100.00	\$210,000	\$2,300,000
Residential Center (R-3)	2.1	\$100.00	\$210,000	\$2,300,000
Public Use (P-3)	5.1	\$100.00	\$510,000	\$2,300,000
<b>TOTAL</b>	<b>9.3</b>	<b>\$100.00</b>	<b>\$930,000</b>	<b>\$2,300,000</b>

**Table 4: Projected Values (Continued)**

Category	Area (Acres)	Value per Sq. Ft.	Projected Value	Total Projected Value
Commercial Center (C-1)	2.1	\$100.00	\$210,000	\$2,300,000
Residential Center (R-3)	2.1	\$100.00	\$210,000	\$2,300,000
Public Use (P-3)	5.1	\$100.00	\$510,000	\$2,300,000
<b>TOTAL</b>	<b>9.3</b>	<b>\$100.00</b>	<b>\$930,000</b>	<b>\$2,300,000</b>

**Table 5: Projected Values (Continued)**

Category	Area (Acres)	Value per Sq. Ft.	Projected Value	Total Projected Value
Commercial Center (C-1)	2.1	\$100.00	\$210,000	\$2,300,000
Residential Center (R-3)	2.1	\$100.00	\$210,000	\$2,300,000
Public Use (P-3)	5.1	\$100.00	\$510,000	\$2,300,000
<b>TOTAL</b>	<b>9.3</b>	<b>\$100.00</b>	<b>\$930,000</b>	<b>\$2,300,000</b>



USE TABULATIONS	
Residential	42,136
Single Family Detached	24,000
Commercial	20,136
Mixed	20,000
Public City	5,000
Notes: 1. This summary is for informational purposes only. Final figures will be determined after design and construction plan amendments and zoning adjustments to execution.	

DATE	4/16/21
SCALE	AS SHOWN
PROJECT	PURCELLVILLE CROSSROADS ANNEXATION
CLIENT	BOWMAN CONSULTING GROUP, LLC
PROJECT NO.	200
SHEET NO.	2 OF 6

**ANNEXATION CONCEPT DEVELOPMENT PLAN**  
**PURCELLVILLE CROSSROADS**  
**ANNEXATION**  
 BLUE RIDGE ELECTION DISTRICT 200 LODOUN COUNTY, VIRGINIA

Bowman Consulting Group, LLC  
 10000 Old Dominion Blvd., Suite 200  
 Loudoun County, Virginia 20115  
 Phone: (703) 443-2400  
 Fax: (703) 443-2425  
 www.bowmanconsulting.com











E.

**Sullivan, Patrick**

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**From:** Krens, Liz  
**Sent:** Tuesday, May 05, 2015 4:13 PM  
**To:** Sullivan, Patrick  
**Cc:** Lohr, Rob; LeMarr, Connie  
**Subject:** Purcellville Crossroads

Patrick,

I took a look at the Purcellville Crossroads application. See comments below:

- They used a real estate tax rate of .225. The 2015 rate has been set at .22 with the Fireman's Field rate of .035. There will be a slight difference in revenue based on the actual tax 2015 and future rates.
- I cannot confirm or refute the assessed value or sales projections but they appear to be on the high side.

Liz

**County of Loudoun**  
**Department of Planning and Zoning**  
**MEMORANDUM**

**DATE:** June 2, 2015

**TO:** Patrick Sullivan, Director  
Purcellville Department of Community Development

**FROM:** Rodion Iwanczuk, Senior Planner *RI*  
Department of Planning and Zoning

**SUBJECT:** Purcellville ANX15-01 Purcellville Crossroads Annexation

**BACKGROUND**

An application submitted to the Town of Purcellville seeks annexation of 50.4 acres located in the Purcellville Joint Land Management Area (JLMA) northwest of the Route 7/Route 287 interchange. The 50.4-acre subject property includes four parcels – Lot 1, PIN 452-26-7298, Lot 2, PIN 452-37-4904, Lot 3, PIN 452-38-0026, and Lot 4, PIN 452-28-0080, that would be included within a proposed project known as Purcellville Crossroads.

The purpose of this referral is to review the proposed annexation application and identify potential process and land use planning issues of concern. The subject property is located in the Purcellville Joint Land Management Area and governed under policies of the Revised General Plan.

**ANALYSIS**

The subject property adjoins existing Town boundaries located along the northern right-of-way of Route 7. A farm machinery dealer is located across Route 287 to the east in a Rural Commercial (RC) zoning district; single-family residential dwellings are located to the north in a Joint Land Management Area-3 (JLMA-3) zoning district; and St. Francis Catholic Church is located to the west in a JLMA-3 district. The applicant submitted a potential mixed-use development proposal and Concept Development Plan (CDP) to the Town; however, County staff understand that such proposal is not binding upon the applicant or the Town. The annexation application contemplates a development scenario that could contain single-family detached homes, mixed commercial uses including retail, indoor/outdoor recreation facilities, lodging, and civic and public uses

including a community arts center and a park and ride lot<sup>1</sup>. Primary access to and from Route 287 would be provided along St. Francis Court, and a new right-in/right-out driveway entrance along southbound Route 287 approximately 550 feet north of the Route 7 interchange. Such a driveway configuration, however, would direct traffic coming from the south, including from within Purcellville, to enter the subject property via existing St. Francis Court. According to the submitted development scenario, the proposed project would generate approximately 3,054 average daily trips, including 293 new trips during the AM peak hour and 313 new trips during the PM peak hour. According to 2014 Virginia Department of Transportation (VDOT) data, the Annual Average Daily Traffic for Route 287 in the vicinity of the subject property is 6,500 vehicles per day.

Town staff and the applicant both note that several means of annexation are available under Virginia law. The simplest mechanism is a Boundary Line Adjustment by agreement, which requires public hearings by both affected jurisdictions followed by submission to the appropriate Circuit Court to determine whether proper procedures have been followed and proper boundaries established. If the owners of at least one third of the affected parcels object to the change, they are permitted to intervene in the court proceedings. Other methods available for annexation – Agreements Defining Annexation Rights, Voluntary Settlements of Annexation, or traditional Annexations - require additional review and public hearings by the Virginia Commission on Local Government and review by a special three-judge panel established by the Virginia Supreme Court. County staff notes that conditions may be placed on the affected property only pursuant to the several annexation processes noted above. Boundary Line Adjustments may not include any conditions on the property.

Should annexation occur, and if the Town thereafter considers the future land use map designation and zoning for the 50.4-acre property, County staff would encourage the Town to apply land use policies and zoning districts that are compatible with the surrounding development pattern. With regard to the land uses proposed by the applicant, County comprehensive plan policies support commercial areas within the Towns being located within their downtown areas as the preferred, principal location for retail and service businesses, office development, and major civic uses (*Revised General Plan, Chapter 9, The Towns, Land Use Policies 14 and 9*).

### ISSUES FOR CONSIDERATION

1. Town's Annexation Guidelines indicate that Voluntary Settlement of Annexation Issues could be accomplished via Circuit Court; however, the only annexation procedure that may be completed solely through the Circuit Court is a Boundary Line Adjustment.
2. Compatibility with existing large-lot residential and institutional development.

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<sup>1</sup> Loudoun County is currently updating its Transit Development Plan, a six-year guide to bus operations between 2016 and 2022. It is anticipated that the TDP will identify where bus operations could operate in tandem with park and ride lots.

3. Additional traffic directed to Route 287 – applicant indicates that project could generate an increase of 50 percent over current estimates of traffic on Route 287. No improvements are programmed for Route 7/287 interchange.
4. Future development should accommodate the alignment of Purcellville Northern Collector Road which is depicted on the County's Countywide Transportation Plan.

### **RECOMMENDATIONS**

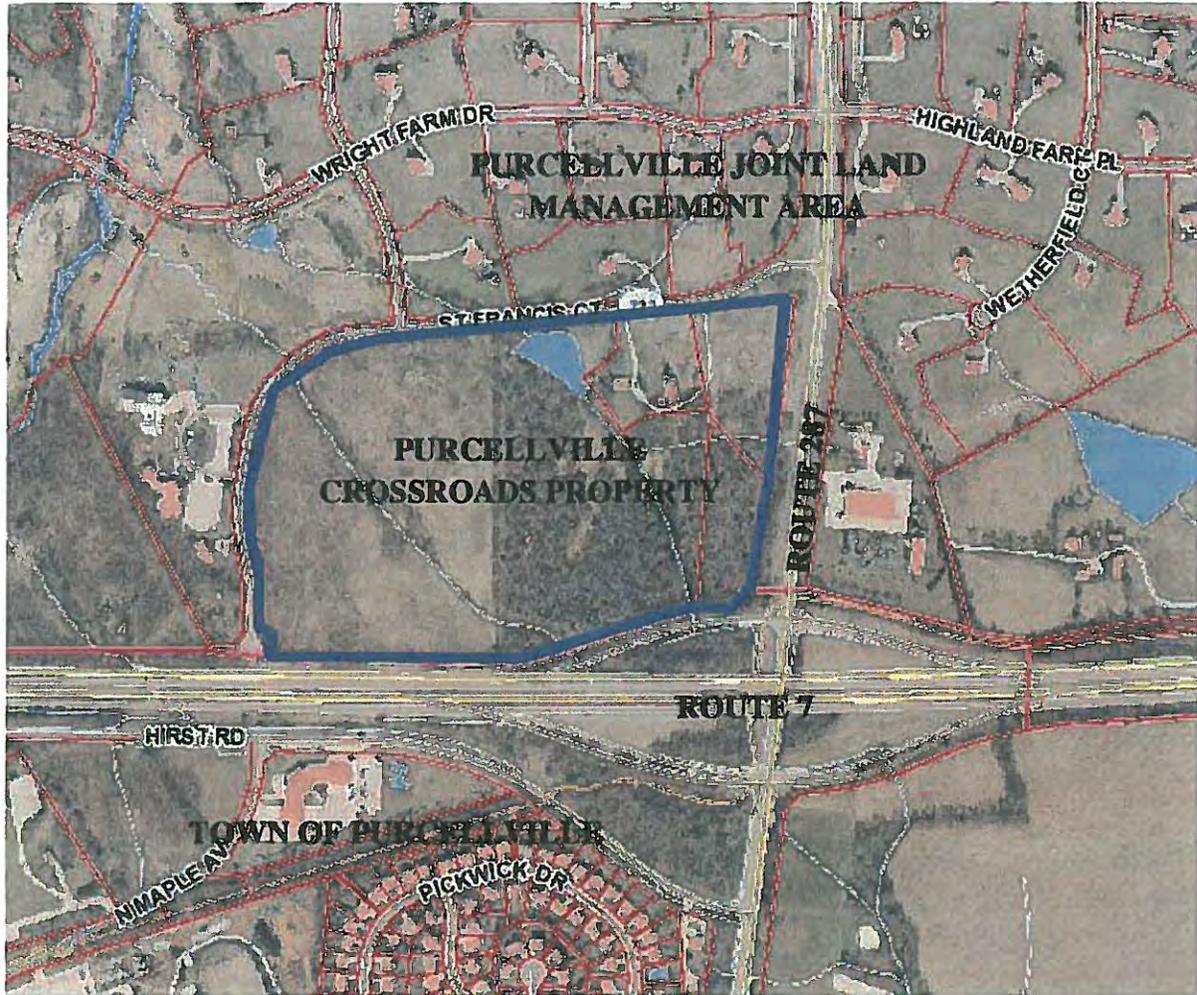
The Department of Planning and Zoning recommends that the Town of Purcellville consider the issues listed above as the Town contemplates annexation of the subject property.

Thank you for the opportunity to comment. We look forward to providing further evaluation and comment should additional material and/or justification for this annexation proposal become available.

cc: John Merrithew, AICP, Acting Director of Planning and Zoning  
Joe Griffiths, Program Manager, Community Information and Outreach

Attachment: Vicinity Map

**VICINITY MAP**



G.

**Town of Purcellville  
Department of Community Development**

221 S. Nursery Avenue Purcellville, VA 20132  
(540)338-2304 Fax (540)338-6205

**Annexation  
Application**

Date March 31, 2015 PIN Numbers 452-38-0026; 452-28-0080; 452-26-7298; 452-37-4904

Street Address 37887, 37903, & 37927 St. Francis Court, Purcellville, VA

Parcel Acreage 50.4 acres +/- Parcel Zoning District JLMA-3

Agent's Name Bowman Consulting Group, Ltd.\*  
 Fax No. 703-443-2425 Phone No. 703-443-2400  
 E-mail pquante@bowmancg.com; cmohn@bowmancg.com  
 Mailing Address 101 South Street SE  
Leesburg, VA 20175

\*Patrick D. Quante, P.E.  
 Christopher M. Mohn, AICP

Owner's Name Pleasants Kline - Loudoun, LLC  
 Fax No. 703-744-1328 Phone No. 301-299-2099  
 E-mail Brad@Klineassoc.com  
 Mailing Address 24012 Frederick Road  
Clarksburg, MD 20871-9718

PIN # 452-26-7298  
 Additional Property Owners – See Attachment A

Description of request See attached Statement of Justification.

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Justification for request See attached Statement of Justification.

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**Please see reverse for application process.**

**Agent/Owner:**  
 I have read this completed application, understand its intent and freely consent to its filing. The information provided is accurate to the best of my knowledge. 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 and tests as they deem necessary.

[Signature] 3/31/2015  
 Agent Signature Date

See attached Schedule A  
 Owner Signature Date

**For Town Use Only**

Application Received:	Hearing Date:	TC:	<input type="checkbox"/> Fees Paid Amount \$
Approved:	Denied:	P.C.	
			Annex. #

Annexation.doc 7/02

Town of Purcellville  
Department of Community Development  
221 S. Nursery Avenue Purcellville, VA 20132  
(540)338-2304 Fax (540)338-6205

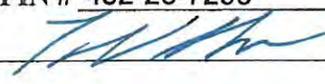
Annexation  
Application

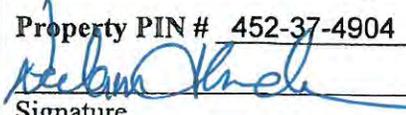
Schedule A

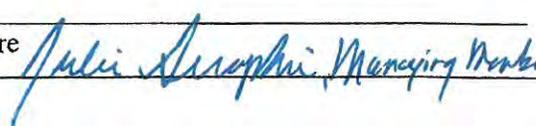
Date <u>3/10/2015</u>	PIN: <u>452-26-7298; 452-37-4904; 452-38-0026; 452-28-0080</u>
Street Address <u>37887, 37903, &amp; 37927 St. Francis Court, Purcellville, VA</u>	
Parcel Acreage <u>50.4 acres</u>	Parcel Zoning District <u>JLMA-3</u>

Owners:

I have read this completed application, understand its intent and freely consent to its filing. The information provided is accurate to the best of my knowledge. 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 and tests as they deem necessary.

Owner's Name <u>Pleasants Kline - Loudoun, LLC</u>
Fax No. _____ Phone No. <u>(301) 299-2099</u>
E-mail <u>Brad@Klineassoc.com</u>
Mailing Address <u>24012 Frederick Road</u> <u>Clarksburg, MD 20871-9718</u>
Property PIN # <u>452-26-7298</u>
Signature 

Owner's Name <u>DAS Henderson Holdings, LLC</u>
Fax No. _____ Phone No. <u>(703) 737-8927</u>
E-mail <u>Neelam.Henderson@loudoun.gov</u>
Mailing Address <u>37887 St. Francis Court</u> <u>Purcellville, VA 20132-9639</u>
Property PIN # <u>452-37-4904</u>
Signature 

Owner's Name <u>St. Francis, LLC</u>
Fax No. _____ Phone No. <u>(703) 203-6417</u>
E-mail <u>vchinc@roadstarinternet.net</u>
Mailing Address <u>19440 Silcott Lane</u> <u>Purcellville, VA 20132-4247</u>
Property PIN # <u>452-38-0026; 452-28-0080</u>
Signature 

Owner's Name _____
Fax No. _____ Phone No. _____
E-mail _____
Mailing Address _____
Property PIN # _____
Signature _____

ANNEX.# \_\_\_\_\_

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**STAFF REPORT**  
**ACTION ITEM**

Item #14J

**SUBJECT:** Town Code and Zoning Ordinance Amendment Policy

**DATE OF MEETING:** November 8, 2016

**STAFF CONTACTS:** Robert W. Lohr, Jr., Town Manager  
Sally G. Hankins, Town Attorney

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**SUMMARY and RECOMMENDATIONS:**

Over the last six months, there has been interest from our Committees, Commissions and Boards to look at potentially completing text or ordinance amendments to the Town Code and Zoning Ordinance. Over the years, there have been different formal and informal policies on how to initiate these changes and given the volume of work that will be undertaken in the next several years, Town Council has recommended that we develop a process that can be approved by Town Council and handled administratively. Staff recommends that Town Council adopt a formal process that can be shared with all of our Committees, Commissions and Boards.

**BACKGROUND:**

Historically, the Council has moved back and forth on this issue but many communities have either a formal or informal process that identifies the communication and steps needed prior to an issue being scheduled for public hearing. This is done for the following reasons:

- The cost to proceed with a public hearing is not inexpensive and the Town Council needs to monitor the resources which include staff, advertisement cost, public notifications and other items that are required for any type of public hearing. If individual committees, commissions and boards can schedule public hearings and amendment without any type of oversight, we can easily end up with a situation where our budget does not match the resources needed for projects.
- Once an item is released to the public and scheduled for public hearing, significant concerns and issues can develop if Council is not fully aware of the

proposed process. By having Council involved in the initial approval, it ensures that a clear line of communication is being maintained between the committees, commissions and boards and Town Council.

- It gives the Town Council the ability to help control and manage their agenda based on the number of public hearings and other critical issues that have to be managed during our tight monthly schedules.

In the 1990's, the Town Council had meetings with their Planning Commission to specifically discuss the need to have these items run through the Town Council through some form of approval process. The Council at the time clearly directed staff and the committees, commissions and boards to make sure that all items were run through Council before a public hearing occurred. This remained in place until the fall of 2009 when we further developed a formal agenda process and the Mayor controlled the agenda development process. After communicating individually with Council members, the Mayor directed a change in the public hearing authorization process and on November 30, 2009, the Town issued a memorandum to all Department Heads and the Town's Planning Department discussing the Council's desire the streamline meetings and operations. During the years leading up to this process, the approval for public hearings were put on the consent agenda but they still took up space on very busy agendas. Under this direction, the Town Council transferred the authority to the Town Manager or Assistant Town Manager especially for items which were legislative in nature and that had mandated time periods under the State Code such as rezonings, special use permits and other similar activities. Based on this memorandum, the Town Manager could communicate any sensitive issues or concerns that may develop to the Town Council and they would decide whether to add it to a future committee or Town Council agenda for further discussions.

Under this process, the Town Manager always forwarded any type of new code or zoning ordinance amendment to the Town Council for discussions but we were able to proceed with general operational public hearings such as budget and other management items along with state mandated legislative processes which involved applicant driven requests.

**ISSUES:**

As the Town has grown over the last ten years, we have more active committees, commissions and boards that are addressing challenging and aggressive agendas. Not having a formal process in place could result in a member or group on a committee, commission or board pushing code or ordinance changes that have not been communicated to Town Council nor inline with the Strategic Initiatives that have been adopted by Town Council. It can also create a situation where resources that are provided to specific

departments can be exhausted on projects that are not established as priorities or Strategic Initiatives of the Town Council.

**BUDGET IMPACT:**

Without a formal process in place, unnecessary resources can be applied to projects that may not have the support of Town Council and the community. By putting a process in place, the Town will incur minimal cost and exposure while limiting future problems that could be extremely costly.

**MOTION(S):**

“I move that we adopt the attached administrative policy dealing with public hearings for Town Code and Zoning Ordinance amendments.”

**ATTACHMENT(S):**

1. Town Code and Zoning Ordinance Amendment Policy

Town Policy

**TOWN CODE AND ZONING ORDINANCE**  
**AMENDMENT POLICY**

*Original Draft Date: November 8, 2016*

The purpose of this policy is to provide guidelines to our staff, committees, commissions, and boards on the process needed to advertise a public hearing for a change to the Zoning Ordinance, Subdivision Ordinance, Comprehensive Plan, or Town Code.

**POLICY**

It is the policy of the Town of Purcellville to properly notify and receive authorization from Town Council based on the policy process below before advertising a public hearing on any change or modification to the Zoning Ordinance, Subdivision Ordinance, Comprehensive Plan, or Town Code.

**PROCEDURES FOR SCHEDULING A PUBLIC HEARING**

- 1) With the exception of administrative public hearing that are required the by the Code of Virginia for tax and fee rates, budgets and legislative actions with mandated processes such as variances, special use permits, rezonings and other similar processes, all public hearings will require a formal review by the Town Council. Any staff, committee, commission or board looking to modify our documents through a public hearing process will need to develop a basic staff report which will be submitted to Town Council for consideration. The staff report should contain the following items:
  - Explain the recommended timeline.
  - Explain how the amendment is a public necessity, a public convenience, serves the general welfare and is in good government practices.
  - Explain which sections of the ordinance are proposed to be amended and what language will be inserted to address the identified issue.
- 2) The Town Council can then choose to place it either on a consent agenda, action agenda or discussion item at an upcoming meeting.
- 3) If Town Council concurs with moving forward with the requested amendment, staff will be directed to schedule a public hearing and coordinate this process with all impacted organizations and committees, commissions and boards.



**STAFF REPORT**  
**ACTION ITEM**

Item #16

**SUBJECT:** Approval of Meeting Minutes

**DATE OF MEETING:** November 8, 2016

**STAFF CONTACTS:** Diana Hays, Town Clerk/Project Manager

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**SUMMARY and RECOMMENDATIONS:**

Attached are the meeting minutes from the October 17, 2016 Town Council Special Meeting and the October 25, 2016 Regular Meeting for review and approval by Town Council.

**MOTION(S):**

“I move that we approve the minutes of the October 17, 2016 Town Council Special Meeting and the October 25, 2016 Regular Meeting and waive reading.”

**ATTACHMENT(S):**

1. October 17, 2016 Town Council Special Meeting Minutes
2. October 25, 2016 Town Council Regular Meeting Minutes

**MINUTES  
PURCELLVILLE TOWN COUNCIL SPECIAL MEETING  
OCTOBER 17, 2016, 6:30 PM  
TOWN HALL COUNCIL CHAMBERS**

The special meeting of the Purcellville Town Council convened at 6:30 PM in Council Chambers.

**PRESENT:** Kwasi Fraser, Mayor  
Karen Jimmerson, Vice Mayor  
Kelli Grim, Council member  
Nedim Ogelman, Council member  
Doug McCollum, Council member  
Chris Bledsoe, Council member  
Ryan Cool, Council member

**ABSENT:** None

**STAFF:** Robert W. Lohr, Jr., Town Manager  
Danny Davis, Assistant Town Manager  
Sally Hankins, Town Attorney  
Alex Vanegas, Assistant Director of Finance  
Liz Krens, Director of Finance  
Scott House, Superintendent, Waste Water Treatment Plant  
Connie LeMarr, Assistant Director of Finance  
Dale Lehnig, Capital Projects & Engineering Manager  
Sheryl Hood, Executive Assistant/Project Coordinator  
Diana Hays, Town Clerk

**CALL TO ORDER OF SPECIAL MEETING:**

Mayor Fraser called the special meeting to order at 6:30 PM.

**SPEAKERS/PRESENTATION FROM MUNICIPAL & FINANCIAL SERVICE GROUP (MFSG):**

Eric Callocchia, Manager, MFSG, gave a presentation on the Town's water and sewer rates (attached).

**TOWN COUNCIL QUESTIONS AND ANSWERS SESSION:**

- Council member Ogelman asked about the capital investment and infrastructure where most of the investment comes from in this type of project.

Mr. Callochchia stated from a combination of federal, state, county and local, and Alex Vanegas added that the Town has made an investment in the water and sewer infrastructure and made improvements to the collections system and reduced inflow and infiltration by 27%. Mr. Vanegas added the wastewater plant has been upgraded to meet the current Chesapeake Bay standards. In regards to the Water Treatment Plant, Mr. Vanegas added the facility was built in 1986 and an upgrade was made in 2000 to add an extra filter but will eventually need to make upgrades on the water side to improve the infrastructure, including line upgrades and/or replacements due to their age.

- Council member Ogelman asked for a comparison in Purcellville's water investment compared to others around the country. Mr. Edward Donahue, President of MFSG, stated there has never been much federal funding on the water side and most have loans through the state revolving loan fund with little or no interest cost loans however it is likely Purcellville would not qualify for grants for hardship or low income because of demographics, and added that most of the costs for building water and sewer infrastructure and all of the operating costs falls on the local community. Alex Vanegas added the Town received a federal grant of 16% which was tied to the Chesapeake Bay to meet the current regulations.
- Council member Grim stated she has concerns for the water plant and what is coming mandated and the five year plan as well the needed investment for it. Rob Lohr added that the water plant was purchased using cash in 1985 which was obtained by selling an easement on the water shed property to the Appalachian Trail and was expected to last around 30 years. Rob Lohr talked about using availability fees to help fund future growth.
- Mayor Fraser asked about the annual revenue requirement as shown on slide 11 and asked if that when rates are set how much of the revenue is coming from rates versus the miscellaneous category, and Mr. Callochchia stated he could provide that percentage. Mayor Fraser talked about using existing resources without going to a growth model. Mr. Donahue talked about the increased operating costs and late payment policies.
- For comparison, Council member Cool asked if there are other clients with a similar community and what works best for them for tier structure. Mr. Callochchia noted there are several close by with similar structures with unit rates being the most popular because they were set a long time ago and that most of the dollars come from the first three or four tiers. Mr. Callochchia talked further about condensing tiers and then deciding how punitive to make the rate structure keeping it simple with minimal customer impact.
- Mayor Fraser talked about using meals tax to pay off debt. Mr. Donahue stated that can be done however the challenge is that the meals tax is less reliable and predictable and will have more fluctuations in cash flow which could affect credit ratings. Kyle Laux with Davenport talked about protecting the credit rating while working with utility issues. Further discussion took place about the possibility of extending service.

- Council member Grim asked if the larger amount that is above the standard tied to the debt. Mr. Laux talked about growth, availabilities and the infrastructure to support the growth and the risk associated with the growth. Council member Grim talked further about trying to stop the annual increases.
- Council member Cool asked if a policy can be created that says a certain percentage based on income and transfer it as to not affect the credit rating. Mr. Callocchia stated it is discretionary spending based on non-dependable revenue. Council member Cool talked about the goal being to simplify rates, define what a fair model is, expand the green box and better communication to the citizens.

Council member Jimmerson left the meeting at 8:04 PM.

Mr. Donahue stated he can work with the Council to show the impacts of doing different things.

Mayor Fraser talked about monthly rates being high and the residents asking for relief and the need to be creative in ways to reduce the expense.

Council member Ogelman requested to hear ways to lobby any of the other constituencies to get support and relief. Mr. Donahue stated Council and citizens should go to their local representative and Senator.

**ADJOURNMENT:**

With no further business, Council member Ogelman made a motion to adjourn the meeting at 8:12 PM. The motion was seconded by Council member Bledsoe and approved unanimously with one absent.

---

Kwasi A. Fraser, Mayor

---

Diana Hays, Clerk of Council



## Town of Purcellville Water and Sewer Utilities



### Water and Sewer Rates Discussion

October 17, 2016

Presented By:  
Edward J. Donahue III  
Eric Callocchia



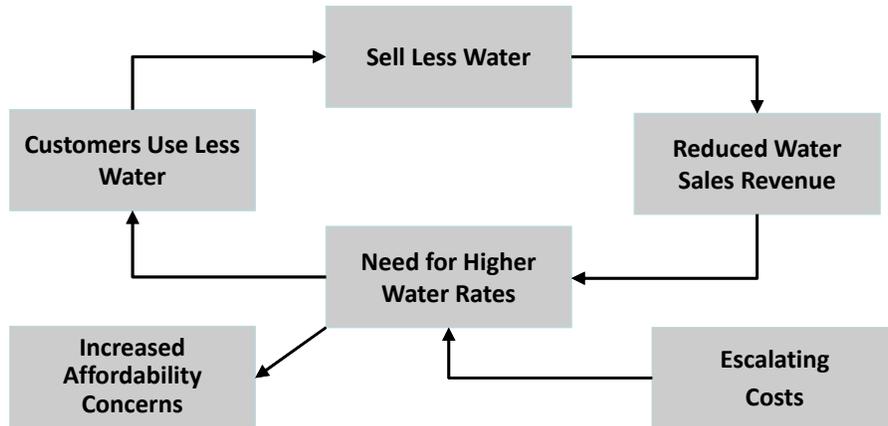
## State of the Industry What is causing the need for utility rate increases across the Country?

- Declining Water Use - Declines of per capita consumption of 20% to 30% over the past several decades
  - ▶ Water fixture replacement
  - ▶ Declines in average household size
  - ▶ Commercial/industrial water use efficiency
  - ▶ Conservation ethic
  - ▶ Economic conditions
- Significant Capital Investments will be needed in the future
  - ▶ Majority of water and sewer systems were constructed 70 plus years ago
  - ▶ Nationwide estimated replacement costs over next 30 years:
    - Water systems - \$1 trillion
    - Sewer systems - \$2.5 trillion



## State of the Industry

### How do these issues influence rates?



3



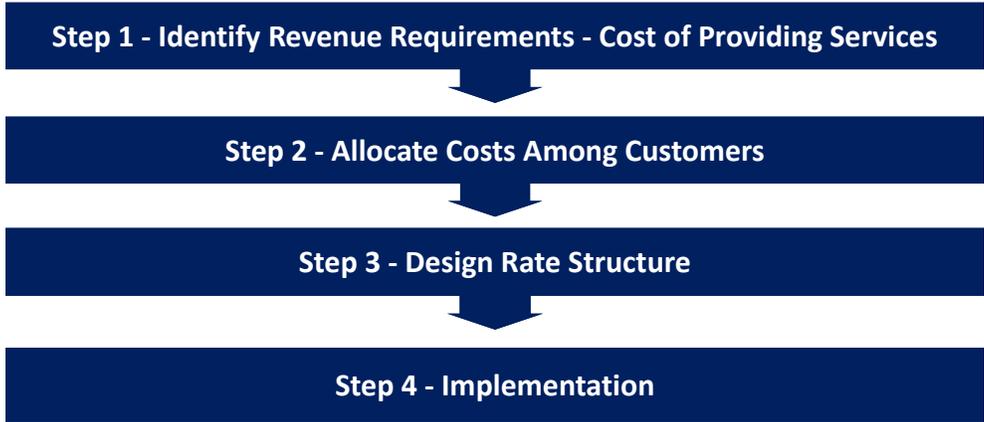
## Basic Principles of Rate Setting

- **Water and Sewer Operations are self-supporting**
  - ▶ Rates and fees are set to recover cost of providing service
  - ▶ No profit to General Fund
  - ▶ Operations function as a business
  - ▶ Utilities reimburse General Fund for support services
- **Water and Sewer Rates are user fees rather than taxes and therefore are designed to charge customers based on their use of the service.**
  - ▶ Three part test for a user fee (Bolt v. City of Lansing, MI) (1988):
    - 1) Must serve a regulatory purpose rather than a revenue-raising purpose; and
    - 2) Must be proportionate to the necessary costs of the service; and
    - 3) Must be voluntary— users must be able to refuse or limit their use of the commodity or service.

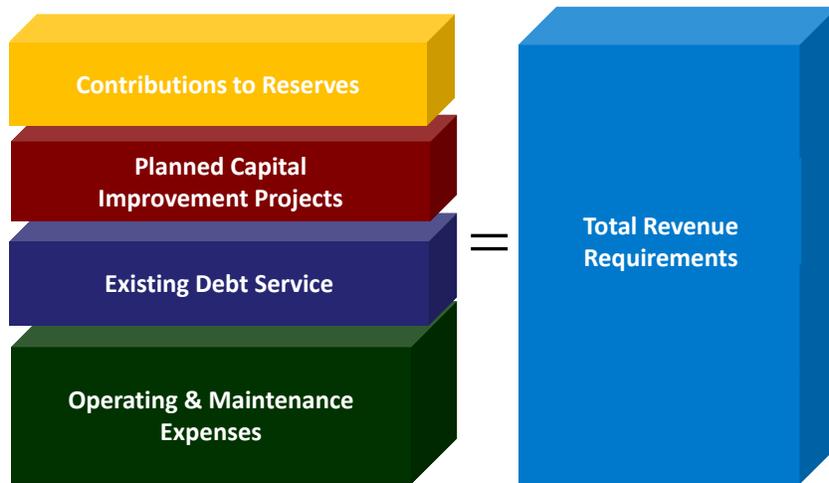
4



### Overview of Rate Setting Process



### “Building Blocks” of Revenue Requirements





## Operating and Maintenance Expenses

- Day to day operating and maintenance of the system including:
  - ▶ Source of Supply (water)
  - ▶ Treatment
  - ▶ Disposal (sewer)
  - ▶ Storage (water)
  - ▶ Pumping
  - ▶ Transmission and Distribution (water mains and lines)
  - ▶ Collection (sewer)
  - ▶ Customer Service
  - ▶ Administrative and General

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## Debt Financing Plans

- Existing debt: Requirements to make existing payments and maintain any coverage requirements
- Future debt: Based on how the capital improvements plan will be funded, key considerations include:
  - ▶ Life of asset to funded (longer lived assets typically debt funded)
  - ▶ Type of improvement (routine replacement ideally cash funded)
  - ▶ Overall debt level considerations including percentage of total revenues used to pay debt service
- Debt Service places additional requirements on utility:
  - ▶ Debt coverage requirements (revenue bonds)
  - ▶ Debt service reserves (revenue bonds)
  - ▶ Use of Governing Body's debt capacity (general obligation bonds)

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## Capital Improvement Plan

- Capital needs of the water and sewer system required to:
  - ▶ Repair and replace existing infrastructure (rates)
  - ▶ Meet existing and new regulatory requirements (rates)
  - ▶ Upgrade and increase efficiency of the systems (rates)
  - ▶ Provide service to new customers (availability fees)
  
- Capital costs have significant impact on water and sewer rates due to the fact that:
  - ▶ Most water and sewer infrastructure is constructed in “lumps” rather than incrementally
  - ▶ Costs of projects fluctuate year over year depending on type
  - ▶ General approach used to fund projects:
    - ▶ Cash funded = immediate impact
    - ▶ Debt funded = long-term impact

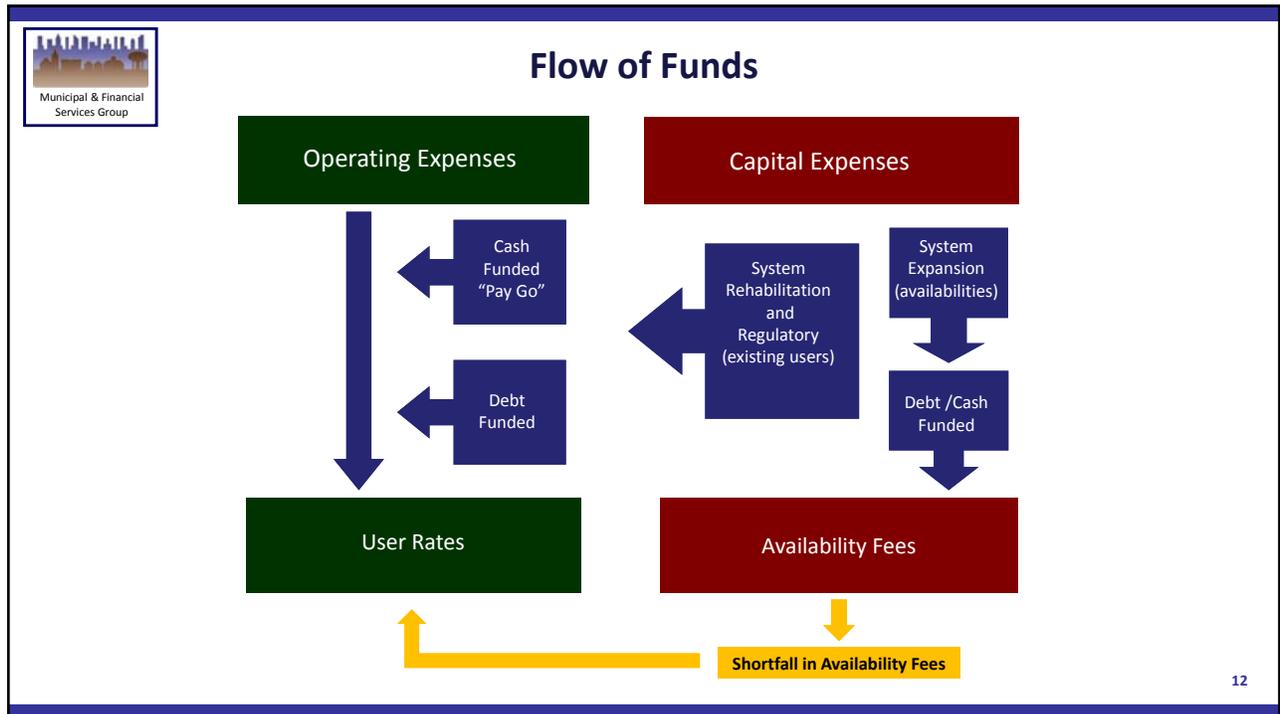
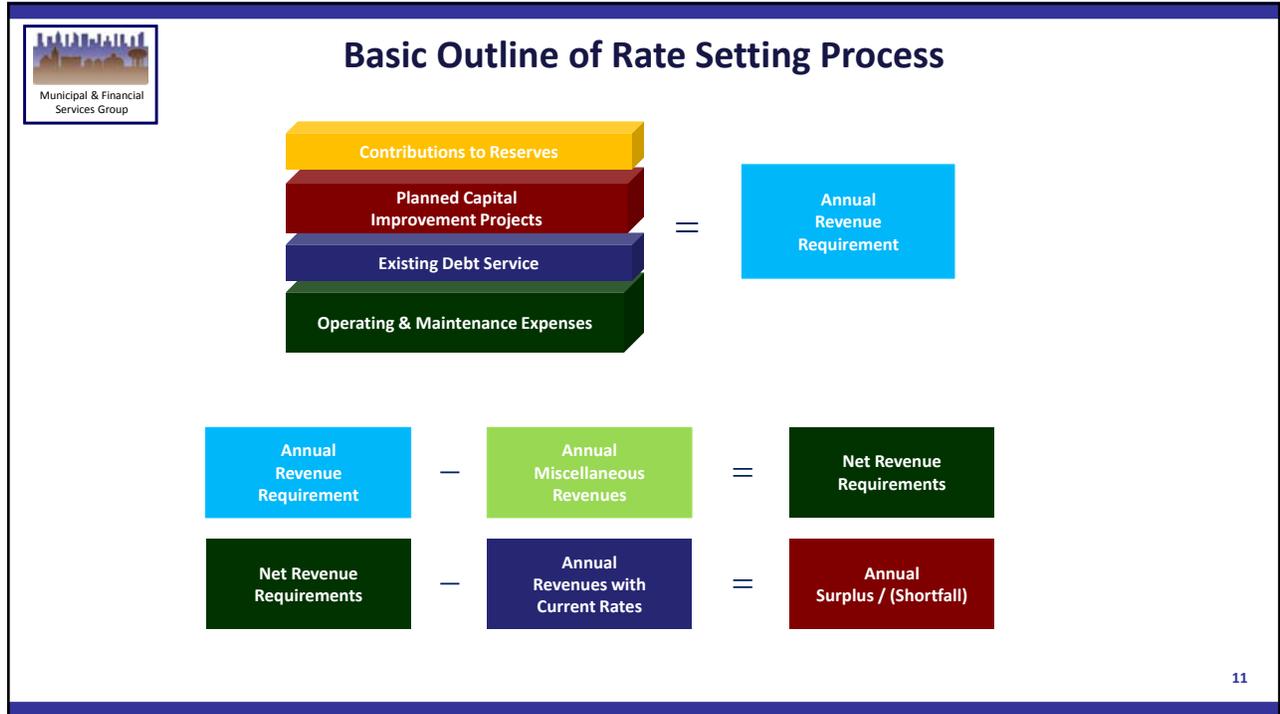
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## Contributions to Reserves

- Water and Sewer Funds should maintain reserve balances related to:
  - ▶ Debt Coverage
    - ✓ According to bond covenants / loan requirements
  - ▶ Operating and Maintenance
    - ✓ Typically 90 days cash on hand
    - ✓ Serves as “rainy day fund” for immediate and unexpected expenses
  - ▶ Capital Replacement
    - ✓ Based on value, useful life, and condition of assets
    - ✓ Serves as rate increase mitigation (“smoothing factor”) when assets must be refurbished/replaced
    - ✓ Decreases the need to borrow for major projects

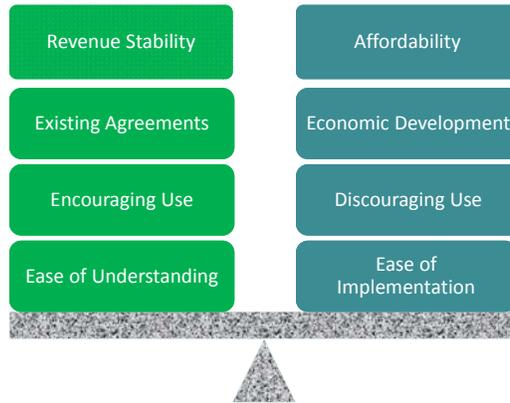
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### Rate Design – Pricing the Service

Rate design is largely influenced by policy objectives of the utility.



### Rate Design – Fixed Portion

**What Costs to Recover**

- Meter Reading
- Billing & Collection
- Customer Service
- Debt Service
- Other

- Higher the fixed charge the greater the revenue stability
- Higher the fixed charge the more expensive service is for smallest user

**Basis for Applying the Charge**

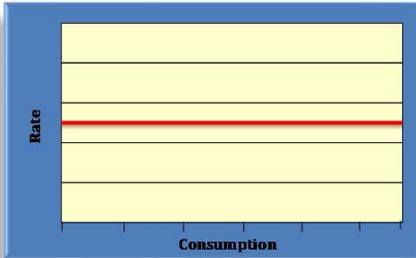
- Account
- Meter size
- Equivalent Residential Unit (EDU)

- Basis selected should be consistent with costs recovered

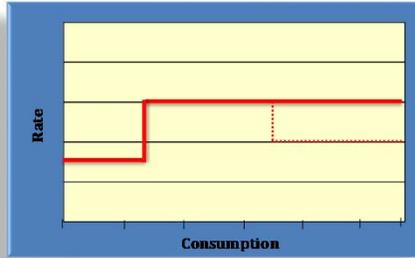


### Rate Design – Variable Portion

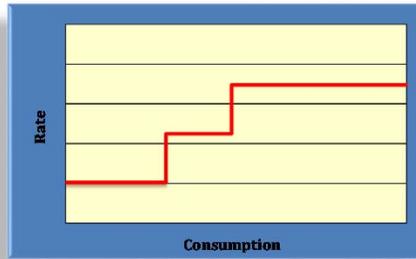
Uniform



Lifeline Block



Inclining



Combination

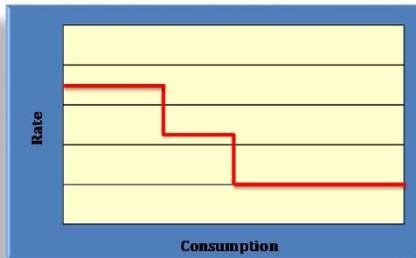


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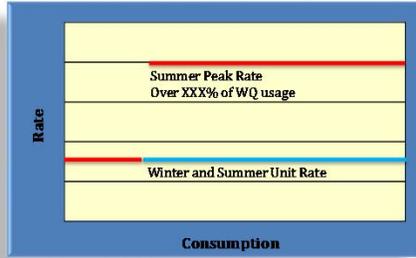


### Rate Design – Variable Portion

Declining



Seasonal / Peak Usage



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## Summary

- Utility rates should be set to cover the operating and capital expenses of the utility system.
- Sometimes, there is no “right” answer: Town policy influences which rate structure is used to collect utility fees.
- Utility financing is a long term endeavor:
  - Early small increases mitigate the need for large future increases
  - Debt financing distributes costs among current / future users
  - Ultimate Goal – Keep utility rates and fees as low as possible over time.

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## Discussion

Edward J. Donahue III  
President

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Eric Callocchia  
Manager

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## Discussion Items

- The specific rate setting philosophy of the Town Council
- Methods of cost allocation between small and large users
- The Town's policy on special discounts / subsidies (low income, elderly, etc.)
- Monthly billing opportunities
- Reducing the tier system from 17 tiers down to 5 tiers
- Water only metered accounts for specific businesses whose water consumption is not comparable to their sewer usage
- Development of reserves & replacement funds.
- Minimum usage fees.

**MINUTES  
PURCELLVILLE TOWN COUNCIL MEETING  
OCTOBER 25, 2016, 7:00 PM  
TOWN HALL COUNCIL CHAMBERS**

---

The regular meeting of the Purcellville Town Council convened at 7:00 PM in Council Chambers with the following in attendance:

**PRESENT:** Kwasi Fraser, Mayor  
Karen Jimmerson, Vice Mayor  
Kelli Grim, Council member  
Nedim Ogelman, Council member  
Chris Bledsoe, Council member  
Doug McCollum, Council member  
Ryan Cool, Council member

**ABSENT:** None

**STAFF:** Robert Lohr, Jr., Town Manager  
Danny Davis, Assistant Town Manager  
Sally Hankins, Town Attorney  
Alex Vanegas, Director of Public Works  
Patrick Sullivan, Director of Community Development  
Chief Cynthia McAlister, Police Dept.  
Diana Hays, Town Clerk/Project Manager

**CALL TO ORDER OF REGULAR MEETING:**

Mayor Fraser called the regular meeting to order at 7:00 PM. The Pledge of Allegiance followed.

**AGENDA AMENDMENTS/APPROVAL:**

Council member Bledsoe requested that the Purcellville Volunteer Rescue Squad provide their report prior to proclamations/recognitions due to another meeting engagement. Mayor Fraser approved the request.

**PUBLIC SAFETY REPORTS:**

- i. Purcellville Volunteer Rescue Squad

Aaron Kahn, President of the Purcellville Volunteer Rescue Squad came forward and talked about the increase in heroin usage in the County and asked citizens to be aware. Mr. Kahn also stated that the Purcellville Rescue is the only car seat installation in the area and that over 95% of

car seats are installed incorrectly. The rescue squad installs car seats the last Saturday of each month from 8:00 a.m. to 11:00 a.m. free of charge.

**PROCLAMATIONS/RECOGNITIONS:**

**a. Proclamation – Richard Gillespie**

Mayor Fraser introduced Mr. Gillespie and issued the proclamation.

**b. Proclamation – Shenandoah Valley Young Marines Red Ribbon Week**

Mayor Fraser introduced Young Marine Austin Dowdney and issued the proclamation.

**c. Recognition – ICMA Certificate in Performance Management**

Mayor Fraser introduced Danny Davis who explained the award for performance management.

**PUBLIC HEARINGS:**

None

**PRESENTATIONS:**

**a. Virginia Storm Basketball**

Norman Blowe, owner of the Virginia Storm professional basketball team, came forward and talked about the team which has been existence for six years. Mayor Fraser thanked the team for coming to the area.

**b. America's Quilt of Faith – Religion City, USA**

Mr. Stevenson came forward and thanked the members of Council for individually meeting over the summer. Mr. Stevenson shared two short videos and a brief presentation (attached).

**c. Boundary Line Adjustment, Parcel #453288236000**

Clinton Chapman came forward and introduced John Sabo. Mr. Chapman explained the parcel which is approximately 16 acres known as Harmony Meadows consisting of five residential lots. Mr. Sabo came forward to talk about another plan for the property.

Council member Ogelman talked about traffic concerns in that area and the zoning. Mr. Chapman stated that studies would be done to see what the traffic effects would be.

Council member Grim talked about communications with neighboring properties.

Mayor Fraser asked about a timeline for a decision and Mr. Sabo stated he would like to continue dialogue with Council to see if an opportunity exists for annexation.

Vice Mayor Jimmerson talked about Polco and asking citizens about this. Mayor Fraser stated that this should be marketed towards the citizens so they can provide input.

**CITIZEN AND BUSINESS COMMENTS:**

None

**MAYOR AND COUNCIL COMMENTS:**

Council member Cool thanked the Mayor and Council member Ogelman for their efforts against the Storm basketball team. Council member Cool stated he responded to a question from the press about the water rates. Council member Cool stated it is Council's job to provide facts to the citizens and sat with staff and put together a fact sheet and has shared it with Council for review before determining methods of distribution.

Council member Bledsoe stated the Halloween Block Party is this Saturday on 21<sup>st</sup> Street.

Council member Ogelman also thanked Council for their efforts in the fundraising basketball game. Council member Ogelman talked about two resolutions passed last year and since then an election has been held and does not support sections of the resolutions. Council member Ogelman requested that Council review resolutions 15-01-02 to initiative the review of the comprehensive plan, and resolution 15-12-02 which talks about annexation. Council member Ogelman requested these be brought back for vote to see if this Council would like to talk to the County.

Council member McCollum stated he attended the seminar on October 12<sup>th</sup> on internet safety held by the Purcellville Police Department and was disappointed with attendance. Council member McCollum thanked Alex Vanegas and staff for getting the Hirst well running again and recognized the fluoridation award. Council member McCollum congratulated the residents and students and faculty at Patrick Henry College and the Purcellville Police Department for achieving the ranking of the 21<sup>st</sup> safest college town in the United States. Council member McCollum stated that during Council's Strategic Planning Session in September that council deferred the issue of vacant businesses in Town to the Economic Development Advisory Committee and urged the committee to get started. Council member McCollum stated he is looking forward to the Halloween Block Party. Council member McCollum stated he will be attending the NVRC meeting this week and will report back to Council on any necessary items.

Council member Grim stated she supports Council member Ogelman in his request to bring the two items back and talked about an adjustment to the boundary line adjustment policy. Council member Grim stated she attended a pre-application meeting for the Ball property. Council member Grim brought forward a concern from the Carver Center about adding their location as a bus stop and will bring information to the next meeting. Council member Grim stated Council has received two letters from residents expressing opposition about Valley Springs 2.

Council member Grim added that the Planning Commissioner's certification course will be coming to Loudoun in 2017 in February and in May. Council member Grim stated she attended the ribbon cutting for the Dance Academy of Loudoun and stated she will provide information about the Lincoln Historic Home Tour which will be held on Sunday, November 6<sup>th</sup>. Council member Grim stated she attended the Loudoun Coalition Meeting. Council member Grim submitted information from the workshops as Loudoun County's comprehensive plan meetings come together and added the Coalition has targeted November 15<sup>th</sup> as a meeting date.

Vice Mayor Jimmerson stated she and Council member Grim attended a program sponsored by the Chamber of Commerce at the AOL building and she attended the ribbon cutting for the Dance Academy of Loudoun. Council member Jimmerson stated she will be a judge at the Halloween Block Party this weekend. Council member Jimmerson stated on November 12<sup>th</sup> a meeting will be held at Town Hall for citizens interested in serving on the Tree and Beautification Committee or the Committee on the Environment.

Mayor Fraser stated he is looking forward to the Halloween Block Party and will also attend the Storm basketball season opener. Mayor Fraser stated he received a request to pardon a turkey and will work with Council on how to do this. Mayor Fraser stated he met with Loudoun County about Fireman's Field for the first time with staff in attendance to discuss terms and conditions moving forward with the Fireman's Field lease. Mayor Fraser added the County has no interest in paying rent and that the Town and County has agreed to extend the lease for an additional year while the town looks into ways to support Fireman's Field. Mayor Fraser stated he and Council member Ogelman met with members of staff and the Golden Eagle Development Group about Valley Springs 2 who is looking to seek annexation to develop 116 homes. Mayor Fraser added that prior to an application requested they market the surrounding area and gauge citizen interest.

**DISCUSSION/INFORMATIONAL ITEMS:**

**a. Public Safety Reports**

- ii. Purcellville Volunteer Fire Company

No verbal report.

- iii. Purcellville Police Citizens Support Team

Chief McAlister stated that the support team met October 12<sup>th</sup> and they helped with the drug take back day and will assist with the Halloween Block Party and the Turkey Trot.

- iv. Purcellville Police Department

Chief McAlister stated the town collected 184 pounds of unwanted prescription drugs while the County collected 586 pounds. Chief McAlister stated staff is adjusting to the new records management system. Chief McAlister talked about a new program starting on Tuesday,

November 1<sup>st</sup> for eight weeks called “Books and Badges” to be held at the Purcellville Library over.

**b. Public Works Monthly Operations Report**

Alex Vanegas introduced the report and noted the new graphs provided per Council’s request.

Council member Bledsoe requested that the charts be numbered for easier reference and will email additional questions to Alex Vanegas.

Council member Ogelman stated that they hear consistently from residents on 12<sup>th</sup> Street about their drainage issues. Alex Vanegas stated that this is a priority project identified by Council and the town has applied for funding which is pending.

Vice Mayor Jimmerson talked about the non-compliant crosswalks and Alex Vanegas stated he will follow up with VDOT.

**c. Economic Development Update**

Council had no questions.

**d. Financial Software System Project Tracking/Implementation Update**

Danny Davis reviewed the change in the implementation schedule to the tax module which will be implemented first because it is the most critical and added that it is on schedule. Mr. Davis added that the real estate portion will go live in January and the personal property tax module will go live in April once the new file is received from the County. Danny Davis added that most of the meetings have been held via the web to save on expenses. Mr. Davis added that due to challenges of adding payroll prior to the financials, the financials module will begin in March of 2017 and will be complete by the end of next year while the business license module will start next summer and the HR/Payroll module in the fall of 2017 and utility billing will be the final module and the overall implementation is on track to be completed in 2018.

Council member Cool asked about the possibility of monthly utility billings. Danny Davis stated he can work with Tyler to get additional information about this. Council member Jimmerson added she believes the prior Council did a study on monthly billings and believes monthly billings are expensive but asked if Munis would lower the expense. Rob Lohr added he feels there are more options with Munis. Council member Grim added that when the study was done and if the town went to monthly billing that policies and procedures would need reviewed. Danny Davis talked about the additional workload involved with monthly billings.

Mayor Fraser asked about on utility billing for August 2018 if the town would be receiving the latest version. Danny Davis stated that major updates are provide approximately every two years and will confirm with Munis.

**ACTION ITEMS:**

**a. Town Council's 2017 Legislative Agenda**

Sally Hankins introduced the report and stated the items are being brought back from the last Council meeting and the items are at Council's discretion as to what to move forward with as well as the timing.

Sally Hankins stated that the pre-submission filing deadline is December 5<sup>th</sup> and feels that most of the items are statements of support or opposition to other legislation which is different than trying to achieve an amendment which requires more work. Ms. Hankins added Council can submit a list of statements of support or opposition in the form of a resolution and move it forward. Sally Hankins added that should would like to present to Council later this year or early next year the list of legislative amendments that Council may want to move forward in the 2018 General Assembly.

Council member Grim talked about items to include to move forward and priority lists that she has reviewed from other municipalities.

Council member Grim made a motion that Town Council place the following items on its legislative agenda for the 2017 General Assembly regular session, and direct staff to bring this item back to Town Council the form of a Resolution for adoption at the November 8, 2016 Town Council Meeting. And those items would include 1 through 8 from Council member McCollum and number 2 and 3 from Sally Hankins and the remaining of the list will be supportive legislative priorities with the county.

Council member Grim deferred to the Town Attorney for clarification. Ms. Hankins confirmed Council member McCollum's list and her list and asked if the rest are supportive of Loudoun County whatever their agenda is that the Town will send a general resolution of support for their items and Council member Grim confirmed. The motion was seconded by Council member Bledsoe.

Motion: Council member Grim  
Second: Council member Bledsoe  
Carried: 7-0

Cool - Aye  
Bledsoe- Aye  
Ogelman - Aye  
McCollum - Aye  
Grim - Aye  
Jimmerson - Aye  
Mayor - Aye

**b. A Street Trail from Blue Ridge Middle School to Maple Avenue**

Danny Davis stated that this item had come up previously when discussing transportation improvements throughout Town and that this would be to move the resolution forward to the County requesting funding for this potential trail. Mr. Davis added he has sent this information to Principal Bell, Assistant Principal Bolen and Kevin Lewis, Superintendent for Transportation at LCPS. Mr. Davis added that Mr. Kirby, HOA President for Gardener Meadows, is supportive of the idea.

Vice Mayor Jimmerson talked about other schools in the area with sidewalks in front of them and asked if this may be a requirement or policy of LCPS.

Council member Ogelman made a motion that the Town Council adopt Resolution 16-10-03 which requests funding from the Loudoun County Board of Supervisors as part of its FY2018 CIP, and further move that the Town Manager transmit this information to the County for discussion as part of the Board of Supervisors budget process. The motion was seconded by Council member Cool.

Motion: Council member Ogelman  
Second: Council member Cool  
Carried: 7-0

McCollum - Aye  
Grim - Aye  
Jimmerson - Aye  
Bledsoe - Aye  
Ogelman - Aye  
Mayor - Aye  
Cool - Aye

**d. Process for Formal Pre-Submission Conferences for Land Use Applications**

Rob Lohr stated this interim process has been put in place at the request of Council until a formal process can be adopted. Mr. Lohr stated in the past there was just the application, and has met with the County and Leesburg to understand their process which has led to the creation of the formal process that is included in the staff report.

Council member Grim stated a sign in sheet should be included for each meeting to include names and contact information of those in attendance as well as meeting notes.

Council member McCollum talked about developers scheduling public input sessions and feels those are beneficial and should be included in the pre-application process.

Council member Ogelman stated he does not feel that the meetings should happen without the community being represented by elected officials or the applicants should attend Town

Mayor  
Kwasi A. Fraser

Council  
Chris Bledsoe  
Ryan J. Cool  
Kelli Grim  
Karen Jimmerson  
Douglass J. McCollum  
Nedim Ogelman



Town Manager  
Robert W. Lohr, Jr.  
Assistant Town Manager  
Daniel C. Davis

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

**RESOLUTION NO. 16-10-03**

**PRESENTED:**

**October 25, 2016**

**ADOPTED:**

**October 25, 2016**

**A RESOLUTION: REQUESTING CIP FUNDING FROM LOUDOUN COUNTY FOR THE DESIGN AND CONSTRUCTION OF A TRAIL ALONG A STREET**

**WHEREAS,** Loudoun County is soliciting requests for FY 2018 Capital Improvement Program Funding from Towns; and

**WHEREAS,** the Town of Purcellville has been the recipient of prior funding for a Trail along A Street and wishes to continue this trail east to Maple Avenue; and

**WHEREAS,** this trail would serve a County (LCPS) facility at Blue Ridge Middle School, would provide multimodal access for residents of the Town and County, and would extend the trail network to provide a continuous trail from Main Street to 32<sup>nd</sup> Street; and

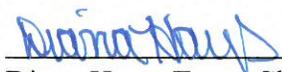
**WHEREAS,** funding of this project would be supplemented by in-kind resources from Town staff, to include managing the design and construction of the project.

**NOW THEREFORE,** the Town hereby requests funding be included in the Loudoun County CIP in the earliest year possible in the amount of \$875,000 for the A Street Trail Project between BRMS and Maple Avenue, and the Town further requests that this funding request be submitted to the Board of Supervisors for consideration in the CIP during the FY 2018 budget deliberations.

**PASSED THIS 25<sup>th</sup> DAY OF OCTOBER, 2016.**

  
Kwasi A. Fraser, Mayor  
Town of Purcellville

ATTEST:

  
Diana Hays, Town Clerk

meetings. Council member Ogelman added he feels whatever is discussed in the meetings are disclosed to Council as well as the public.

Council member Grim stated she feels this is a good starting point and is in line with other municipalities have and revisions can be made at any time.

Council member Grim made a motion that Council adopt the attached Process for Formal Pre-Submission Conferences for Land Use Applications as included under *Attachment 1* and include as number seven on the pre-submission conferences that the Town encourages the developer or property owner to engage the public. The motion was seconded by Council Ogelman.

Council member Bledsoe stated he is in support of the motion and shares some of the some that Council member McCollum has but feels this is a good starting point and should be revisited once it has been practiced.

Motion: Council member Grim  
Second: Council member Ogelman  
Carried: 7-0

McCollum - Aye  
Grim - Aye  
Jimmerson - Aye  
Bledsoe - Aye  
Ogelman - Aye  
Mayor - Aye  
Cool - Aye

Council member McCollum added that with the understanding that this is a work in progress and will be modified as learned, voted in favor of the motion.

**DISCUSSION OF ITEMS PROPOSED FOR FUTURE PRESENTATIONS/ RECOGNITION:**

None

**APPROVAL OF MINUTES**

**a. October 11, 2016 Town Council Meeting**

Council member McCollum made a motion to approve the minutes of the October 11, 2016 Town Council Meeting and waive reading. The motion was seconded by Vice Mayor Jimmerson.

Council member Bledsoe had two changes to make to the minutes – page 2 under EDAC the number should be \$36,000 and on page 3 is should reference Mike instead of Dave.

**ADJOURNMENT**

With no further business, Council member Bledsoe made a motion to adjourn the meeting at 9:09 PM. The motion was seconded by Council member Ogelman and approved unanimously.

---

Kwasi A. Fraser, Mayor

---

Diana Hays, Clerk of Council

- George Washington – two indispensable supports: morality and religion
- Social scientist Nobel Prize Winners such as James Buchanan, Douglass North and Elinor Ostrom have recognized that strong local institutions, including religion, support self-government and foster economic growth.
- [Clayton Christensen, Professor Harvard Business School, author of \*How Will You Measure Your Life\*, coined the term “disruptive innovation”](#)
- [Brian Grim, President, Religious Freedom and Business Foundation](#)
- Religions perform these absolutely essential roles in this fragile American experiment in self-government because they are totally independent from the state



Championing the indispensability of faith to the American experiment in self-government.



***Capitalize on Purcellville’s healthy mix of assets, location, and heritage to diversify, grow, and strengthen the community and economic well-being of citizens and businesses alike.***

Town of Purcellville Strategic Initiatives  
2016



# Religion City USA



*"Of all the dispositions and habits which lead to political prosperity, Religion [is an] indispensable [support]."*

*- George Washington*

## Religion City, USA

1. the elected body shall issue this declaration: "\_\_\_\_\_ hereby endorses President George Washington's statement in his farewell address that 'Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. ... Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.'"

2. the elected body shall facilitate an annual religious liberty conference or day



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