STATEMENT TO ACCOMPANY COMPREHENSIVE PLAN AMENDMENT

Statement of Ownership

The property subject to this Comprehensive Plan Amendment (MCPI 452-25-4468) ("Subject Property") is comprised of 20.43 acres and according to the Loudoun County land records is owned by Branko Stupar, Trustee ("Owner"). Mr. Stupar's daughter Dr. Maryls Rixey is the Successor Trustee and is now acting in the capacity of Trustee. S.L. Nusbaum Realty Co. ("Nusbaum" and "Applicant"), headquartered in Norfolk Virginia, is a contract purchaser and Applicant for the portion of the property proposed for residential use. Nusbaum was founded in 1906 and is one the largest multi-family developers in the Southeast. Nusbaum and its principals have won many awards both for construction quality and management expertise.

Introduction

This Statement accompanies the Comprehensive Plan Amendment filed by S.L. Nusbaum Realty ("Applicant") and Branko Stupar, Trustee ("Owner") for a property located at the west side of the intersection of Maple Avenue and Hirst Road Drive. The property (MCPI 452-25-4468) ("Subject Property") is comprised of 20.43 acres. The property has a peculiar shape in the nature of a bow tie, oriented to and fronting on Hirst Road.

The Owner and Applicant propose that the western portion of the property be designated for multi-family residential use (13.72 acres). The Owner proposes that the eastern portion of the property be designated for mixed use commercial (6.71 acres).

This Plan amendment is unusual given the fact the 2025 Purcellville Comprehensive Plan adopted on December 19, 2006 ("Comprehensive Plan") in fact has no land use recommendation for the Subject Property. At the time of the adoption of the Comprehensive Plan, the Subject Property was located in the County of Loudoun and therefore outside of the jurisdiction of the Town of Purcellville. The Town and the County of Loudoun previously adopted a joint land management plan (PUGAMP). The Town has elected to abandon that land plan in light of a recent decision by the Supreme Court of Virginia.

The Subject Property is presently vacant. The Subject Property adjoins Hirst Road on the north, vacant land to the immediate west and Maple Avenue on the east. To the south, the Subject Property is bordered by Loudoun Stairs and an excavation yard and industrial buildings. In addition, the Subject Property shares a common boundary of approximately 230 feet with two residential lots in the Old Dominion Valley subdivision and a common boundary of approximately 260 feet with an open space lot associated with the Old Dominion Valley Subdivision. It should be noted that the Concept Development Plan for the Subject Property does not propose development adjacent to the common boundary with Old Dominion Valley Subdivision.

Comprehensive Plan Policies- Residential Development

While there is no land use recommendation contained in the Comprehensive Plan, the Comprehensive Plan does contain a number of polices that support this Comprehensive Plan Amendment. Listed below are policies contained in the Housing, Parks Recreation and Open Space, Economic Development, and Environmental Chapters of the Comprehensive Plan that support the residential component of the Comprehensive Plan Amendment.

Housing Policies

Policy 2

2. ***Housing Availability and Choice:*** **Ensure a housing stock of sufficient size, diversity and quality for all residents to have a safe and sound place to live; and ensure that housing is provided for elderly, disabled and other persons with special needs to meet the needs of Purcellville's residents.**

Implementation Strategies:

2.3 As part of early development discussions with Town administrators, work with developers of new housing projects and coordinate with appropriate agencies to include affordable housing, compatible senior-oriented housing, or other special needs housing in new residential projects.

Policy 4

4. ***Innovative Housing Development:*** **Continue to encourage innovative housing development options that enhance community character, preserve open space, and provide a range of housing choices.**

p. 29, 5th paragraph

With housing costs expected to continue increasing over the long-term, finding affordable housing will be more of a challenge in Purcellville and the entire region. Loudoun County defines "affordable housing" as that which fulfills the housing needs of County residents with incomes ranging from 30 percent to 70 percent of the county's median household income. For Purcellville, this income range in 2005 was $23,500 to $54,750, based on the 2005 median income of $78,185.

The proposed development of the residential portion of the Subject Property supports several of these policies. The Concept Development Plan ("CDP") prepared by Bowman Consulting preserves nearly a third of the site and preserves one of the most valuable forests in Purcellville. The mix of one, two and three bedroom units provide a diversity of housing choices that addresses a pressing need in western Loudoun.

Parks, Recreation and Open Space Policies

Policy 1

1. *Quality of Life:* **Enhance the quality of life for residents and community appeal through integrated park, recreational and environmental conservation efforts to meet the Town's and the region's physical, social, educational, cultural, and aesthetic needs.**

Policy 5

5. *Open Space:* **Conserve natural areas. Preserve, protect and acquire significant open space. Expand public ownership of open spaces and greenways in Purcellville where feasible. Promote sensitive growth and development that preserves and integrates open space in community planning.**

Implementation Strategies:

5.2 Implement the Open Space Preservation Program adopted by the Town Council in 2006 by working with the owners of existing significant private open space to encourage its preservation through means acceptable to the owners and the Town.

Policy 6

6. *Tree Preservation, Planting and Maintenance:* **Encourage the preservation of existing trees in new development. Encourage tree planting and beautification of public and private land to increase Purcellville's tree canopy. Promote partnerships in tree retention, replacement and planting**

The Concept Development Plan includes a recreational center for the use of residents of the Catoctin Creek Apartments. Residents will have pedestrian access to the Chapman DeMary nature trail which adjoins on the western side of the Subject Property. The proposed development as illustrated in the Concept Development Plan of the site preserves significant tree cover, such preservation not guaranteed by the by-right development of the Subject Property.

Economic Development Policies

Policy 1

1. *Economic Development as Contributor to Quality of Life:* **Recognize the importance of economic development to the health, well-being and quality of life for Purcellville's residents. Encourage innovative economic development initiatives that enhance community character and the environment.**

Policy 2

2. *Strong Fiscal Environment:* **Advance fiscally responsible economic development strategies where there is value for taxes paid and commercial and industrial development is stimulated. Promote public/private economic development partnerships.**

Policy 10

10. *Environmental Protection by Businesses:* **Encourage businesses to conserve natural resources, protect environmental health and maintain the aesthetic quality of Purcellville.**

As discussed in a housing study conducted by George Mason University and cited later in this statement, the provision of multi-family rental housing is a key element in the promotion and growth of jobs in the region. As set forth in the Urban Land Institute publication cited later in this statement, multi-family units do not require the same levels of public services as compared to others forms of residential development- town houses and single family development.

Environmental Policies

Policy 1

1. *Environmental Protection and Monitoring:* **Improve, maintain and protect the natural environment of the Town. Ensure that growth meets the needs of people and protects the environment. Preserve the natural beauty and function of the environment as a habitat for people, plants and animals. Monitor and protect the quality of air, water, flora, fauna and other physical features of the Town and its surroundings.**

2. *Sensitive Environmental Areas and Water Resources:* **Protect scenic and sensitive environmental areas. Conserve and protect water resources. Monitor, maintain, and improve water quality in surface and groundwater sources used by the Town. Integrate wellhead protection and watershed planning into Town planning.**

3. *Environmental Quality of Life:* **Maintain high standards for environmental quality to enhance the quality of life for residents and businesses. Protect important natural features such as wetlands, floodplains, and forested areas. Encourage landscaped buffers, tree planting, and the retention of heritage landscapes (e.g., stone walls, fences and trees) to preserve environmental character of Purcellville. Preserve important views of natural features at Town gateways, in public spaces and parks, between residential and commercial areas, and along major transportation corridors.**

6. *Lighting and the Environment:* **Preserve the dark sky environmental qualities of Purcellville at night. Minimize light pollution in Town and encourage lighting, where necessary, that is directed, shielded and contained to the minimal amount required for safe access.**

The Comprehensive Plan Amendment and the CDP supports all of these Environmental Policies. The application provides that the proposed growth meets the needs of people, by providing additional options for rental housing, and protects the environment with a generous amount of open space and tree protection. The Tree Preservation and Scenic Area as depicted on the CDP (see Sheet 4) will preserve a valuable forest and will provide watershed protection to the South Fork of the Catoctin Creek.

Comprehensive Plan Amendment Will Better Serve the Town

The Comprehensive Plan Amendment will better serve the Town than the current comprehensive plan recommendation and the existing zoning district. The CM-1 district permits the property to be developed with a variety of commercial and industrial uses with little protection of the environment. In addition, the development of the Subject Property under the existing zoning district will not produce any proffers. Such proffers will offset any impacts of the proposed development, including proffering to the development of the Subject Property in accordance with the Concept Development Plan which incorporates the preservation of a significant forest and the contribution towards significant public street improvements.

Comprehensive Plan Policies- Commercial Development

While there is no land use recommendation contained in the Comprehensive Plan, the Plan does contain a number of polices that support this Comprehensive Plan Amendment. Listed below are policies contained in the Economic Development and Land Use Chapters of the Comprehensive Plan that support the commercial component of the Comprehensive Plan Amendment.

Economic Development Policies

Policy 1

1. *Economic Development as Contributor to Quality of Life:* **Recognize the importance of economic development to the health, well-being and quality of life for Purcellville's residents. Encourage innovative economic development initiatives that enhance community character and the environment.**

Policy 2

2. *Strong Fiscal Environment:* **Advance fiscally responsible economic development strategies where there is value for taxes paid and commercial and industrial development is stimulated. Promote public/private economic development partnerships.**

In regards to the commercial designation, the designation of the eastern portion of the Subject Property for Mixed Use Commercial will attract land uses which are more consistent with a gateway to the Town. Such a designation is more likely to produce a development pattern (retail, restaurants, offices) that will promote the economic vitality of the Town.

Land Use Policies

Policy 1

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.**

A Mixed Use Commercial land use designation is an appropriate transition between the fire station located on the east side of Maple Avenue and the proposed Catoctin Creek apartments. A Mixed Use Commercial land use designation provides a better opportunity to provide services to the community as opposed to the existing CM-1 zoning which largely prohibits retail uses and restaurants.

STATEMENT OF JUSTIFICATION- ZONING MAP AMENDMENT

Relationship to Existing Comprehensive Plan for the Town

Essentially there is no comprehensive plan adopted by the Town for this property. This property was annexed by the action of the Town Council. Prior to such annexation, the Subject Property has never been the subject of a comprehensive plan. Therefore, this Comprehensive Plan Amendment essentially starts with a blank slate.

There are a number of policies contained in the Comprehensive Plan that support the development of this property as depicted on the Concept Development Plan. Please refer to the statement that accompanies the Comprehensive Plan Amendment for a discussion of those policies.

Protection of Adjoining Properties

The designers of the Catoctin Creek project have taken great effort to provide a substantial setback from the adjoining Old Dominion Valley subdivision. A detailed tree survey was completed and it was determined by the Applicant and the Owner to pursue a plan that preserves over 3 acres of prime forest stand. This forest adjoins parcels owned by the Old Dominion Valley HOA and the Chapman DeMary conservation easement, insuring the preservation of perhaps the most significant forest stand within the corporate limits.

The proposed zoning of the property for multi-family residential, including the proposed environmental protection and generous setbacks from adjoining residences (380 feet), in fact provides better protection of the adjoining properties than the existing zoning district. The CM-1 district, as discussed below, permits a wide range of commercial and industrial land uses including the possibility of outdoor storage and contractor's yards.

The proposed "Tree Preservation and Scenic Area" areas as depicted on the CDP are mature forested areas that will be protected in accordance with a Deed of Easement. The Town of Purcellville will be a Grantee of the Deed of Easement and as such will be able to enforce all terms of the Deed of Easement. Thirty three (33%) percent of the site is a preserved forest, certainly a remarkable amount of open space for development within a corporate limits.

Existing Zoning District

The Purcellville Zoning Map indicates that the property is zoned CM-1. The purpose clause of this district provides as follows.

Section 10. – CM-1 Local service industrial area district

10.1 ***Purpose of the district.***

The purpose of this district is to provide for a wide variety of local and farm service industrial operations, including repair services, building supplies, and open or enclosed storage of products, supplies and equipment, but to restrict or prohibit those service industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district, in accord with the purposes and goals of the comprehensive plan. Limited manufacturing is also permitted, including open storage of products and materials. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, retail and business service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

Ordinance Provisions

To the best knowledge of the designers of the Catoctin Creek project, the application conforms to all applicable zoning regulations with the exception of a landscape buffer adjacent to two industrial properties- a stair company and a contractor yard. The application proposes a reduction of the landscape buffer from 50 feet to 20 feet. Given the anticipated re-development of these adjoining sites, it is unnecessary to provide a wider buffer.

Special Amenities

As discussed above from a community standpoint, the preservation of the 3 acre forest is the most significant amenity. In addition, the Applicant has proposed a clubhouse and swimming pool for the benefit of the residents of Catoctin Creek. Residents will have access to the Chapman-DeMary nature trail which adjoins the Subject Property on the west.

Water and Sewer Demand

The Applicant has been in consultation with the Department of Utilities to discuss and review this matter. Preliminary review indicates that each building shall be separately metered, including the clubhouse facility.

It is important to note S.L. Nusbaum Realty Co.'s commitment to water conservation by specifying all Water Sense certified low- flow plumbing fixtures. The Applicant has recently contracted with an engineering firm to provide a water demand analysis for a similar apartment project located in Norfolk, Virginia. This project, the Pointe at Pickett Farm, includes demand projections for one, two and three bedroom units. Based on the demand per unit size, the projected water and sewer demand for the Catoctin Creek project is as set forth below.

1 BR – 30 units @ 103 GPD/unit = 3,090 GPD
2 BR – 113 units @ 154 GPD/unit = 17,402 GPD

3 BR – 33 units @ 205 GPD/unit = 6,765 GPD
Total Project – 176 units = **27,257 GPD** (AVG = 155 GPD/unit)

Development Schedule

S. L. Nusbaum Realty Co. is an experienced builder and manager of multi-family projects. Given the enormous demand for this project, Nusbaum proposes to build the project in a single phase. After all Town approvals are in place, the Applicant expects to be able to develop and market the project within a 2 year time period.

Demands for Multi-Family Housing

With the continued growth of employment opportunities in the Town of Purcellville and the surrounding metropolitan area, the need for work force housing increases. Residential growth for the past five year period has lagged behind historic growth rates by both national and regional standards. According to a study conducted by George Mason University, **Housing the Region's Workforce** (October 25, 2011) the region's economy will be inhibited by both a lack of residential units and more particularly a lack of mutli-family housing. The study concludes that the region will need a housing mix with significantly more multi-family units. Loudoun County is projected to add 146,000 new jobs from 2010 to 2030 (see page 4, Table 1- Net New Jobs:2010-2030). The housing demand in Loudoun generated by such jobs is 59,000 houses, including single family house and townhouses, and 38,400 multi-family units (page 6, Table 3 Estimates of Housing Demand by Unit Type 2010-2030). Essentially the study finds a market need for a high percentage of multi-family units to support the projected job creation.

Characteristics of Multi-Family Housing

The Urban Land Institute in conjunction with the Sierra Club, the American Institute of Architects and the National Multi Housing Council collaborated on a report entitled **Higher-Density Development, Myth and Fact** (2005, ULI Catalog Number:N27). The purpose of this report was to explore some of commonly held beliefs regarding multi-family development and determine whether such commonly held beliefs represented facts or myths. Below in summary form are the series of Myths and Facts as set forth in the report.

MYTH: Higher-density development overburdens public schools and other public services and requires more infrastructure support systems.

FACT: The nature of who lives in higher-density housing – fewer families with children – puts less demand on schools and other public services than low-density housing. Moreover, the compact nature of higher-density development requires less extensive infrastructure to support it.

MYTH: Higher-density developments lower property values in surrounding areas.

FACT: 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.

MYTH: Higher-density development creates more regional traffic congestion and parking problems than low-density development.

FACT: Higher-density development generates less traffic than low-density development per unit; it makes walking and public transit more feasible and creates opportunities for shared parking.

MYTH: Higher-density development leads to higher crime rates.

FACT: The crime rates at higher-density developments are not significantly different from those at lower-density developments.

MYTH: Higher-density development is environmentally more destructive than lower-density development.

FACT: Low-density development increases air and water pollution and destroys natural areas by paving and urbanizing greater swaths of land.

MYTH: Higher-density development is unattractive and does not fit in a low-density community.

FACT: Attractive, well-designed, and well-maintained higher-density development attracts good residents and tenants and fits into existing communities.

MYTH: No one in suburban areas wants higher-density development.

FACT: Our population is changing and becoming increasingly diverse. Many of these households now prefer higher-density housing, even in suburban locations.

MYTH: Higher-density housing is only for lower-income households.

FACT: People of all income groups choose higher-density housing.

Conclusion

S.L. Nusbaum Realty is an experienced builder and manager of multi-family projects. They have identified a market need for the construction of the Catoctin Creek apartments. The proposed development of the Subject Property as depicted on the Concept Development Plan is a superior alternative to the development of the Subject Property for trade and service uses, such land uses permitted by the existing zoning district (CM-1). The rezoning of this property will result in a better development alternative, both aesthetically and environmentally and will provide much needed housing stock for the growing marketplace. The proffer statement that will accompany this application will obligate the Applicant to build in accordance with the Concept Development Plan and to make contributions to offset the impact of the development on the community. If the property develops in accordance with the existing zoning district CM -1, no such proffer package can or will be provided in accordance with applicable provisions of the Code of Virginia.