

STATEMENT TO ACCOMPANY COMPREHENSIVE PLAN AMENDMENT

Revised: September 30, 2013

Statement of Ownership

The property subject to this Comprehensive Plan Amendment (MCPI 452-25-4468) (“Stupar Property”) is comprised of 20.43 acres and according to the Loudoun County land records is owned by Branko Stupar, Trustee (“Stupar”) and two properties owned by Brent H. Mercke (“Mercke”) (MCPI 425-15-3658 and 487-10-9228) (“Mercke Property”) comprised in total of 12 acres. Mr. Stupar’s daughter, Dr. Maryls Rixey, is the Successor Trustee and is now acting in the capacity of Trustee. Catoctin Creek Limited Partnership, headquartered in Norfolk Virginia, is a contract purchaser and Applicant for the portion of the Stupar property proposed for residential use. The residential development group is comprised of a partnership between S.L. Nusbaum Realty Co. and The Franklin Johnston Group, (“Catoctin Creek”) which consists of Wendell Franklin and Tom Johnston who managed Nusbaum’s multi-family group up until just recently. Nusbaum was founded in 1906 and is one the largest multi-family developers in the Southeast. Nusbaum and the principals from the Franklin Johnston Group have won many awards both for construction quality and management expertise. This Comprehensive Plan Amendment is also accompanied by a Special Use Permit filed by Tilley Entertainment (“Tilley”).

Introduction

This Statement accompanies the Comprehensive Plan Amendment filed by the parties for a property located at the west side of the intersection of Maple Avenue and Hirst Road Drive. The property (MCPI 452-25-4468) (“Stupar 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. This Statement also supports the Comprehensive Plan Amendment for the Mercke property which is comprised of two contiguous parcels that front on Maple Avenue immediately to the west of the Loudoun Valley High School.

Stupar and Catoctin Creek propose that the western portion of the Stupar Property be designated for multi-family residential use (13.72 acres). Stupar proposes that the eastern portion of the Stupar Property be designated for mixed use commercial (6.71 acres). Likewise the Mercke property is proposed to be designated for a mixed use commercial designation (12 acres). The 2006 Comprehensive Plan designates the Mercke Property for Professional Office. In the seven years since the adoption of that plan, it is clear that there is minimal demand for an exclusive land development pattern of professional offices.

This Plan amendment related to the Stupar Property 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 Stupar Property. At the time of the adoption of the Comprehensive Plan, the Stupar 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), and while the Loudoun County General Plan does include a land designation for the Property (light industrial), this designation was never formally adopted by the Town of Purcellville. The Town has elected to abandon the PUGAMP land plan in light of a recent decision by the Supreme Court of Virginia. Likewise the County of Loudoun repealed the PUGAMP land use plan in March, 2013.

The Stupar Property is presently vacant. The Stupar 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 the Mercke Property and an excavation yard and industrial buildings (“Mason Property”). In addition, the Stupar 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 Stupar Property does not propose development adjacent to the common boundary with the Old Dominion Valley Subdivision except for a water and sewer connection.

The Mercke Property is partially developed and utilized as the Loudoun Stairs manufacturing site. The Mercke Property is generally level and open with substantial street frontage on Maple Avenue. The Mercke Property is contiguous to both the Stupar Property and the Mason Property. The Mercke property along with the Stupar property is also subject to a SUP application filed by Tilley Entertainment.

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 industrial land use designation and the CM-1 zoning district of the Stupar Property 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 Stupar Property under the existing zoning district will not produce any proffers. Such proffers will offset 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. The Concept Development Plan incorporates a significant pedestrian linkage with a pedestrian trail from the Subject Property to the intersection of Maple Avenue and Hirst Road.

The Comprehensive Plan Amendment will further achieve a more dynamic and aesthetically appealing use mix at such a prominent location, especially in comparison to the heavy commercial and industrial uses currently permitted by right. Indeed, mixed commercial uses at the corner of Maple Avenue and Hirst Road will visually complement the established civic use on the opposite corner to form a compelling gateway into the Town. The proposed multi-family residential use and the associated environmental preservation area will facilitate an appropriate transition from the intensity of the mixed commercial uses to the established single family residential use of Old Dominion Valley Subdivision. Moreover, the multi-family residential and mixed commercial uses will be horizontally integrated by pedestrian facilities, which in turn will connect to the surrounding community, thereby promoting walkability and mitigating vehicular traffic.

In regard to the Mercke Property, the change in designation of the property from professional office to mixed use commercial places the property in a land use designation that will promote the development of the property for a broad range of commercial land uses. Based on the persistently high vacancy rates for professional office in Purcellville, it is apparent that the Purcellville market is too small to support significant amounts of professional office space. In contrast the properties designated for mixed use commercial development have seen significant development and success in leasing. Moreover the change in the Comprehensive Plan designation for the Mercke Property will accommodate the rezoning of the Mercke property to the MC zoning district. The MC zoning district permits all of the land uses proposed by Tilley Entertainment with the exception of the proposed outdoor recreational use which is subject to a SUP application.

Comprehensive Plan Policies- Residential Development

While there is no land use recommendation contained in the Town's Comprehensive Plan concerning the Subject Property, the Comprehensive Plan does contain a number of policies 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.

The proposed development of the residential portion of the Subject Property supports several of these policies. The housing stock in Purcellville has a lack of high quality and affordable rental housing. Catoctin Creek will add to the housing choices for families and individuals who want to make Purcellville their hometown. The financing programs that Catoctin Creek is pursuing, either tax exempt bonds or tax credits, provide housing for residents with incomes up to 60% of the median household income in the Metropolitan Statistical Area (“MSA”). All of the proposed units will be subject to this program. The median household income of the Washington DC MSA is \$107,300.00, resulting in qualifying incomes adjusted for family size of up to \$64,380.00. The target rents will provide high quality housing for a largely unaddressed portion of housing stock.

The proposed rent structure is \$1,000.00, \$1,250.00 and \$1,500.00 per month for one, two and three bedroom units, respectively. Such rents are affordable to the community’s essential work force, providing a much needed housing alternative for teachers, police officers, firefighters, and service sector employees in close proximity to their jobs. The Town of Purcellville is presently advertising for a police officer. The salary range is consistent with the program eligibility requirements.

The demand for this type of housing product is overwhelming. Attached to this application is an occupancy report from May, 2013 which reports the occupancy rates of properties owned or managed by S.L. Nusbaum. The occupancy rate for the Northern Virginia is 99 percent. As part of the application for financing Catoctin Creek was required to engage a qualified appraiser. The appraisal report concluded that the demand for the proposed product is 1,133 dwelling units in the market area. Tom Johnston, principal in Catoctin Creek, has had the opportunity to review the County housing study referenced in the Department of Planning memorandum dated March 5, 2013. Mr. Johnston spoke with the economist, Jill Kaneff, who was responsible for the preparation of the housing study referred to in the memorandum. Ms. Kaneff explained that the forecast of the number of future multi-family units to be built in the County is based upon the areas in the County comprehensively planned for multi-family and not based on zoned land or proposed development. Ms. Kaneff also indicated that this forecast did not take into consideration affordability or whether the potential use will be for rent or sale.

S.L. Nusbaum keeps a demographic profile of residents in its apartment communities. The two most comparable communities are located in South Riding (The Abbey in South Riding) and in Gainesville (Somerset). The South Riding community has 168 units and a resident count of 329 persons- 1.95 persons per units. The Gainesville community has 172 units with a resident count of 270 persons – 1.57 residents per units. Using an average of these occupancy rates we can project that Catoctin Creek Apartments will have 310 residents. The Department of Planning and Pupil Services of the County of Loudoun has projected 43 school age children.

The proposal in fact qualifies as an Innovative Housing Development (Policy 4) in so much as 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. Community character is enhanced by the substantial protection of land adjacent to the Chapman DeMary trail in perpetuity. Catoctin Creek will be the first and only residential community with Earth Craft House certification which protects the environment by conserving natural resources and using less energy, thus reducing the amount of pollution and greenhouse gases that are created in the production of electricity

and the fuels we burn. The recreational center will provide residents with a premier social and fitness facility, exceeding the quality of any comparable facility in the corporate limits. A color photograph of the pool facility constructed in a Nusbaum community is attached. The mix of one, two and three bedroom units provides a diversity of housing choices that addresses a pressing affordable housing 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. This facility will include a high quality pool, eating and grilling areas. Residents will have pedestrian access to the Chapman DeMary nature trail

which adjoins on the western side of the 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 property. The portion of the property subject to development will be landscaped in accordance with or surpassing the policies and ordinances of the Town of Purcellville. Pedestrian access is provided along the Hirst Road foot trail. The Concept Development Plan has been significantly revised to improve on-site pedestrian access and the development of the property will include bike racks to promote exercise and non-vehicular transportation. The pedestrian access to the Tilley recreational facility will provide significant recreational and social opportunities.

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.

The accompanying Statement of Justification for the Zoning Map Amendment includes an analysis generated from the two development styles- the permitted land use pursuant to the CM-1 zoning ordinance and the proposed PDH zoning.

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 support 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 5) will preserve a valuable forest and will

provide watershed protection to the South Fork of the Catoctin Creek. All elements of these related applications will comply with dark sky policies.

Comprehensive Plan Policies- Mixed Use Commercial Development

While there is no land use recommendation contained in the Comprehensive Plan for the Stupar Property, the Plan does contain a number of policies that support this Comprehensive Plan Amendment. As discussed earlier this application also proposes in regards to the Mercke Property the amendment of the comprehensive plan from a Professional Office designation to a Mixed Use Commercial designation. Market demand for land designated for Professional Office is quite insubstantial and does not promote the state goal of achieving 30% of the tax base being comprised of commercial properties. Listed below are policies contained in the Economic Development and Land Use Chapters of the Comprehensive Plan that support the commercial components 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 Stupar 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, and offices) that will promote the economic vitality of the Town. The designation of the Mercke Property and the Stupar Property for mixed use commercial will permit nearly all of the land uses proposed by Tilley

Entertainment, only the outdoor recreational component will be subject to a special use permit. Keeping the Mercke Property with a professional office designation does not promote the goal of achieving 30% commercial tax base.

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 multi-family residential land use. 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. There is considerable trade and service uses located on Hirst Road including the Valley Industrial Subdivision. The addition of Mixed Use Commercial at this location creates additional diversity of land uses, which follows the historic development pattern of the Town given the fact that there is insubstantial demand for professional office in the Purcellville Market