

# **Mark Nelis, P.C.**

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Planning Commission  
Town of Purcellville  
221 S. Nursery Avenue  
Purcellville, VA 20132

**RE: Response to Comments - 2/27/14 Staff Report; Catoctin Creek Towne Center**

Mr. Chairman and Members of the Commission:

Our development group is in receipt of a town staff report dated 2/27/2014. Staff has recommended a number of changes to the Proffer Statement dated 1/15/2014 and accompanying application.

It should be noted that a Proffer Statement revised through 3/5/2014 was distributed earlier today. That draft Proffer Statement does not respond to all of the comments contained the 2/27/2014 staff report. It is the purpose of this letter to provide a comprehensive response.

**Staff recommends that the Proffers be revised to include:**

- 1. Please include a statement that all VDOT required transportation improvements will be constructed.**

Please review Proffer 2(a), I believe this statement is clear.

- 2. Include a warrant study for traffic signals at Hirst Rd/Maple St and #1, #2 and #3 entrances to the residential and commercial portions of the site.**

Proffer 2 will be amended to include the requirement for a warrant study.

- 3. More detail for internal pedestrian pathways prior to site plan approval. System must connect to W&OD Trail.**

Appropriate language will be added to Proffer 3.

- 4. A 100 foot ROW dedication for future transportation needs along the North Maple section of the property in case additional turn lanes are required. The ROW would extend from the site entrance on Maple Street across from the High School to the corner of the property at Hirst and Maple**

This appears to be an excessively large ROW and is not supported by the Comprehensive Plan. Bowman Group is reviewing this issue. This represents a major change in the Concept Development Plan.

- 5. Provide street and trail lighting at all intersections and areas that pedestrians may be crossing roadways and the W&OD Trail.**

Appropriate language will be added to Proffer 3.

- 6. Residential development in the PDH-15 and commercial development in the MC will be constructed concurrently. No more than two residential buildings shall be completed prior to the commercial site obtaining required grading and building permits and grading of the site in the MC area has commenced.**

This language is incorporated in Proffer 1(e).

- 7. The applicant will preserve the 4+ acre site at the western end of the property as a tree preservation and scenic area. Walking trails will be open to the general public.**

Preservation of the open space is guaranteed by Proffer 5 and the depiction on the CDP. Appropriate language will be added to Proffer 3 to indicate the trails are open to the

public. The trails will need to include signs at the entrance to the apartment complex advising pedestrians of the assumption of liability and that polluters will be prosecuted.

- 8. All site improvements will be constructed in accordance with applicable local and state standards.**

Appropriate language will be added to Proffer 1(a).

- 9. A tree inventory per the requirements of the ZO shall be conducted prior to grading.**

Please see last sentence in Proffer 1(e). It is my understanding that such an inventory has been completed and filed with the Town.

- 10. Appropriate traffic mitigation shall ensure that the background level of service is maintained or improved.**

Bowman Group continues to work with VDOT and will address this issue with the Commission.

- 11. The applicant will construct an all-purpose trail around the perimeter of the site that connects to the W&OD Trail.**

Sheet 5 of the Bowman Group drawings and the CDP illustrate this trail. In addition, Proffer 3 includes language obligating the Owners to the construction of the trail.

- 12. Prior to the approval of any site plan, an internal pedestrian/bicycle network shall be defined on the site plan.**

We need more definition of what is being requested by this comment.

- 13. Parking and landscaping requirements shall be constructed in accordance with the ZO.**

Appropriate language will be added to Proffer 1(a).

**14. Reduce density to 140 units.**

This issue was addressed in my February 28, 2014 response letter to the Planning Commission.

**15. Provide a cash contribution of \$\_\_\_\_\_ to the police department to help offset capital expenditures.**

The real estate taxes generated by the development of the property will provide adequate funds for this matter. Franklin Johnston will have the apartment complex patrolled by a private security firm.

**16. Construct a \_\_\_\_\_ square foot visitor's center by the W&OD Trail. Include bike racks.**

Please review Proffer 1(e).

**17. Add the following uses to the prohibited use list:**

- a. Funeral Homes**
- b. Auto Sales and Service**
- c. Auto Repair**
- d. Auto Used Car Lot**
- e. Auto Truck and Sales**
- f. Motorcycle or Off Road Vehicle Sales and Service**

Appropriate language will be added to Proffer 1(a).

**18. The preservation of the 4 acre forest should be done through a conservation easement given to the Town. However, the land must always remain with the 13 acre parcel so that density requirements are met. In order to qualify for 176 units in a PDH-15 there needs to be a minimum of 11.75 acres.**

Please review Proffer 5.

**19. The applicant will obtain Earth Craft Multi-family certification for the residential site and buildings.**

Appropriate language will be added to Proffer 1(b).

**20. Provide an access to the Mason and Mercke property that does not require an at grade crossing of the W&OD Trail.**

Please review Proffer 2(b).

I hope this response is a benefit to the Planning Commission. We look forward to our meeting on March 6<sup>th</sup>.

Very Truly Yours,



Mark Nelis

cc: Patrick Sullivan  
Tom Johnston  
Chris Mohn  
Bill Tilley  
Mark Fontaine  
Erich Strohhacker  
Eric Zimmerman