

PLANNING COMMISSION
STAFF REPORT
Comprehensive Plan

SUBJECT: CPA #13-01; Comprehensive Plan Amendment (CPA)

ACTION ITEM: X

PUBLIC HEARING: YES X NO

Memo Date: March 28, 2014

STAFF CONTACTS: Patrick Sullivan, Director, Community Development Department, Dan Galindo, Planner II; Community Development Department; Tucker Keller, Planning Aide, Community Development Department.

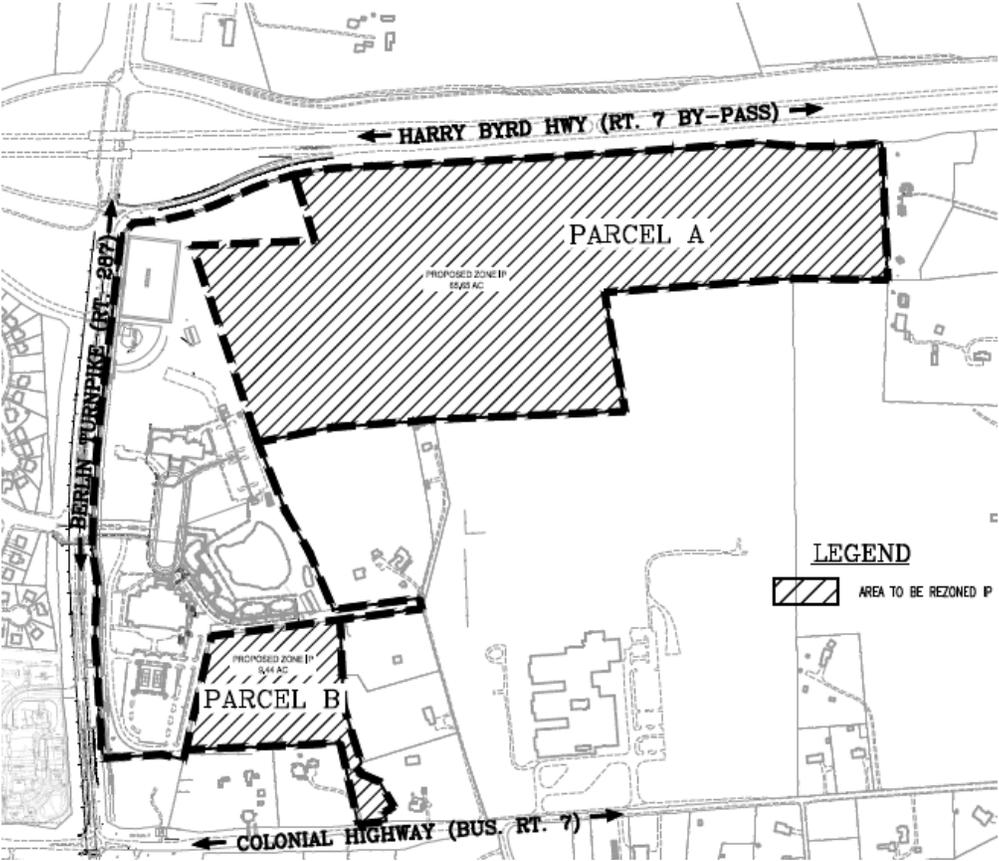
Application Information CPA #13-01		
Applicant Michelle Rosati Holland & Knight LLP 1600 Tysons Blvd Tysons Corner, VA 22102	Agent Michelle Rosati Holland & Knight LLP 1600 Tysons Blvd Tysons Corner, VA 22102	Engineer/Land Planning Bowman Consulting Group, LTD 101 South Street SE Leesburg, VA 20175
Owner Patrick Henry College 1 Patrick Henry Circle Purcellville, VA 20132		

Parcels				
PIN #	Tax Map #	Address	Applications	Acres
453-48-2745	/36////////71A2/	N/A	CPAM #13-01	65.65
453-38-9552	/26////////72B		Patrick Henry College	9.44

CDP Completeness Date December 20, 2013	Location 1 Patrick Henry Circle, Purcellville, VA 20132
Zoning Ordinance 1997 LDSCO November 2009	Existing zoning - Transition X Proposed Zoning - Institutional Public (IP)
Comprehensive Plan December 19, 2009	Existing Planned Land Use – Office / light industrial Proposed Land Use – Institutional/Government
Abutters	North – By Pass West - Residential and Commercial South - Residential East -- Residential

Purpose (see map CPA 1 below): This application is a request to amend the Purcellville Comprehensive Plan and designate the land use of parcel A and parcel B as noted on map CPA 1 as Institutional/Government.

Map CPA 1



Section	Pg	Section	Pg
CPA Report	4	Rezoning Report	11
CPA Analysis	5	Rezoning Analysis	
		Proffers	12
Motions CPA	3	Staff Recommendations	12
Motions ReZone	9		
		Attachments	13

Suggested Motions

1. For reasons stated in the Staff Report dated February 4, 2014, I move that the Planning Commission recommend that the Town Council adopt amendments to the Purcellville Virginia 2005 Comprehensive Plan that will designate the planned land use of Areas A and B on Map CPA-1 of this report as Institutional/Government and forward CPA #13-01 Patrick Henry College to the Purcellville Town Council for action.

2. For reasons stated in the Staff Report dated February 4, 2014, I move that the Planning Commission recommend that the Town Council adopt amendments to the Purcellville Virginia 2025 Comprehensive Plan that will designate the planned land use of Areas A and B on Map CPA-1 of this report as Institutional/Government and forward CPA #13-01 Patrick Henry College to the Purcellville Town Council for action with the following recommendations: _____

3. I move that the Planning Commission recommend that the Town Council deny the amendments to the Comprehensive Plan for the following reasons:

This page is intentionally left blank

Background.

In 2009 the Town of Purcellville annexed approximately 65.65± acres (Parcel A) of College owned property into the Town for the purpose of enabling Patrick Henry College (PHC) to expand its college operations. In addition to the 65.65± acres the College acquired a 9.44± acre parcel (Parcel B) locally known as Rebel Hill with the intent of providing for future student housing in the southeast quadrant of the College property. This acquisition also provides access to the College grounds from Colonial Highway. It was annexed into the Town on December 16, 2008.

Following the annexations, the Town did not subsequently designate the planned land use for the two properties. The College desires to have that corrected and designate the planned land use Institutional/Government so that the land use is consistent with the remainder of the property.

There are no immediate plans for expansion or construction. The College is preparing for future expansion.

Comprehensive Plan Amendment (CPA) Request

Patrick Henry College has applied for a Comprehensive Plan Amendment to designate a 65.65± acre parcel and a 9.44± acre parcel located on Berlin Turnpike Route 287 Purcellville, VA (map CPA 1). The 65.65± acre parcel is further identified as part of parcel number 453-48-2745 and the 9.44± parcel is identified as parcel 453-38-9552. The application is a request to amend the Purcellville Virginia 2005 Comprehensive Plan (PCP) to designate the land use of the 75.09± total acres as Institutional/Government (I/G). The amendment request will be evaluated using the PCP adopted by the Town December 19, 2006.

The 65.65± acre property was originally located in the County and was part of PUGAMP. It was annexed to the Town in 2009 and was subsequently consolidated into parcel number 453-48-2745 which contains the present college buildings and dormitories. The 9.44± acre site was annexed from the County in 2008. It remains a separate parcel owned by the College.

A land use designation of Institutional/Government allows for the use of the property as a college/university.

The requested designation of "Institutional/Government" is a land use in the PCP and allows for Institutions such as Patrick Henry College. The Land Use section of the Plan states that *"The overall goal is to have development be compatible in density with the existing built density to maintain community character."* (PCP Land Use page 112)

The property abuts the following land use designations: To the south, mixed commercial, 3 Units; to the east, residential; to the west, mixed commercial and residential; to the north, the Route 7 By-Pass.

Designating the land use as Institutional/Government is consistent with the present land use and provides for compatibility in design and density.

The applicant is requesting an amendment to the Comprehensive Plan through a Comprehensive Plan Amendment. (CPA #13-01)

Amending the Comprehensive Plan.

In order to properly evaluate a request for a change in land use the applicant needs to provide sufficient data and justification that addresses the reasons for amending the PCP. This CPA submittal requests a land use designation for two separate parcels, A & B (map CPA 1). The applicant has requested a land use designation of Institutional/Government for both parcels. In reviewing a comprehensive plan amendment, consideration should be based on the overall impact of all the proposed land uses. . Specific issues such as traffic lights and turning lanes, specific landscaping, parking, etc. are more properly explored in the rezoning application and at the site plan phase.

ANALYSIS

The Comprehensive Plan was adopted in 2006. At the time of adoption the plan delineated numerous land uses throughout the corporate limits of the town. *“The purpose of the plan is to provide guidance for the coordinated and harmonious development ... in accordance with present and future needs and resources that will best promote the health, safety, morals, order, convenience, prosperity and general welfare of the community. ...The development policies and strategies set forth in this Plan provide a framework for managing growth while sustaining the small town character and sense of place unique to Purcellville.”* (PCP page 1)

The request to designate the land use of the 75.09± acre site to Institutional/Government should be evaluated by considering the long term impacts and how they relate to the adopted plan.

These parcels have not been included on the Town’s Comprehensive Planned land use maps. In this case the applicant is requesting a land use designation of Institutional/Government which matches the existing parcels owned by the college. Any other land use designation for this site would be out of character with the existing College parcel. It is reasonable and forward thinking to plan for future expansion of the College and incorporate the new parcels, which are already owned by the College, into the existing land use designation of Institutional/Government.

The continued development of the property for college use is consistent with the Comprehensive Plan. It would expand the existing land use designation of Institutional/Government to the additional 75.09± acres. It is sited at the gateway to the Town and has developed architecturally as a show piece for the community with its colonial and Jeffersonian style buildings and manicured grounds. The continued growth and viability of the College fits well into the future community goals as set forth in the PCP as it provides *scenic views, a healthy environment, education opportunities, recreational amenities, diverse housing, quality social activities and a diverse community that welcomes all persons.* (PCP pg 2)

Housing. The PCP calls for the provision of balanced housing growth in accordance with the planned land use map adopted as part of the PCP. This amendment will provide additional Institutional/Government lands to become part of the existing I/G designation and allow for the housing of future students, which in turn will eliminate the need for additional student housing in the community. It will provide for a balanced growth of both regular and student housing. (PCP page 28)

Transportation

The PCP calls for “*alternative forms of transportation and strives to create a community that is accessible for pedestrians and bicycles. It encourages a connected, efficient street network that efficiently and effectively manages traffic flow; quality pedestrian and bicycle facilities; and safe, attractive and inviting streets and desires to meet acceptable levels of service on all streets in Town..*”. The goal is to make sure future development does not add to existing congestion and delay. As the college expands, mitigation must be provided to insure that levels of service do not deteriorate as a result of development. (PCP page 94)

Economic Development.

The PCP asks that we “*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*”. A college/university provides jobs and economic growth. Students and faculty contribute to the local economy. (PCP page 64)

Public Utilities.

Appropriate stormwater management will be required as part of the site plan review. Water and sewer facilities are available for this site. Site plan regulations will ensure that they are adequate. (Purcellville’s Facilities Standards Manual page 46-47)

Environment.

The PCP states, “*When considering future development, special attention should be given to those areas that are environmentally sensitive...*”. (PCP page 102) The owner will be providing a detailed landscape plan for each site plan submitted for future development as required by the Zoning Ordinance. There are no identified environmentally sensitive lands in this area.

Land Use.

The PCP calls for a “*Balanced Distribution of Land Uses and Harmonious, Compatible and Orderly Land Development.*” This amendment helps provide for a diversity of land uses while ensuring economic, social and financial stability. The College is an active member of the community and provides numerous facilities for community use. Its position along the gateway/entrance to the community assures the Town of a harmonious, compatible, and quality land use pattern at the entrance to the Town.

Staff Recommendations. The request for a comprehensive plan amendment to designate the 75.09± acre site Institutional/Government conforms to the overall goals of the Plan. The PCP is clear in that it supports the continued growth and development of Patrick Henry College.

Staff's recommendation is to approve the land use designation of the 75.09± acre parcels as Institutional/Government.

The remainder of this page is intentionally left blank.



Hearing Date: April 17, 2014

PLANNING COMMISSION
STAFF REPORT
Rezoning

SUBJECT: RZ # 13-02 Rezoning

ACTION ITEM: X

PUBLIC HEARING: YES X NO

Memo Date: March 28, 2014

STAFF CONTACTS: Patrick Sullivan, Director, Community Development Department, Dan Galindo, Planner II; Community Development Department of Planning; Tucker Keller, Planning Aide, Community Development Department.

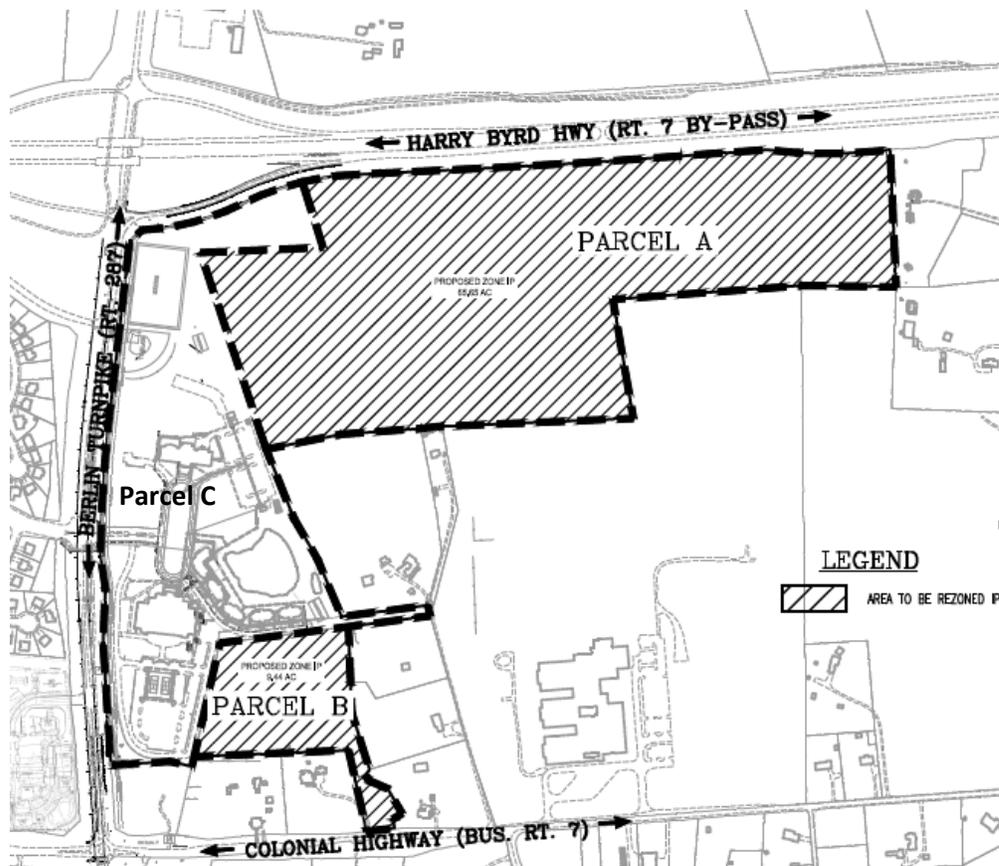
Application Information RZ #13-02		
Applicant Michelle Rosati Holland & Knight LLP 1600 Tysons Blvd Tysons Corner, VA 22102	Agent Michelle Rosati Holland & Knight LLP 1600 Tysons Blvd Tysons Corner, VA 22102	Engineer/Land Planning Bowman Consulting Group, LTD 101 South Street SE Leesburg, VA 20175
Owner Patrick Henry College 1 Patrick Henry Circle Purcellville, VA 20132		

Parcels				
PIN #	Tax Map #	Address	Applications	Acres
453-48-2745	/36////////71A2/	N/A	RZ #13-02 Patrick Henry College	65.65
453-38-9552	/26////////72B			9.44

CDP Completeness Date December 20, 2013	Location 1 Patrick Henry Circle, Purcellville, VA 20132
Zoning Ordinance 1997 LDSCO November 2009	Existing zoning - Transition X Proposed Zoning - Institutional Public (IP)
Comprehensive Plan December 19, 2009	Existing Planned Land Use – Office / light industrial Proposed Land Use – Institutional/Government
Abutters	North – By Pass West - Residential and Commercial South - Residential East -- Residential

Purpose: This application is a request to rezone Parcel A and Parcel B as noted on Map RZ 1 from Transition X to IP (Institutional and Public Use)

Map RZ 1



The request is to rezone Parcels A and B from Transition X to Institutional and Public Use (IP). This would provide for Parcels A and B to match the existing college zoning of IP which is shown as Parcel C on the above map (Map RZ 1).

Suggested Motions

1. For the reasons stated in the Staff Report dated February 4, 2014, I move that the Planning Commission recommend that Town Council amend the Zoning Ordinance for the Town of Purcellville, Virginia and designate Parcel A and Parcel B as noted on Map RZ 1 as an Institutional and Public Use zoning district and forward RZ #13-02 Patrick Henry College to the Purcellville Town Council for action.

2. For the reasons stated in the Staff Report dated February 4, 2014, I move that the Planning Commission recommend that Town Council amend the Zoning Ordinance for the Town of Purcellville, Virginia and designate Parcel A and Parcel B as noted on Map RZ 1 as an Institutional and Public Use zoning district and forward RZ #13-02 Patrick Henry College to the Purcellville Town Council for action with the following recommendations:

3. I move that the Planning Commission recommend that Town Council deny the amendments to the Zoning Ordinance for the Town of Purcellville, Virginia for the following reasons:

This page is intentionally left blank

Background.

In 2009 the Town of Purcellville annexed approximately 65.65± acres (Parcel A) of College owned property into the Town for the purpose of enabling Patrick Henry College (PHC) to expand its college operations. In addition to the 65.65± acres the College acquired a 9.44± acre parcel (Parcel B) locally known as Rebel Hill with the intent of providing for future student housing in the southeast quadrant of the College property. This acquisition also provides access to the College grounds from Colonial Highway. Parcel A is presently split zoned. Parcel C as shown on Map RZ 1 is zoned Institutional and Public Use, Parcel A as depicted on the same map is zoned Transition X. These two areas are on one consolidated parcel; thus, the split zoning. The IP zoning designation is better designed to accommodate an institute of higher education. It will provide the college more flexibility in design and function than Transition X zoning.

Following annexation Parcels A and B were designated as Transition X zoning. The College desires to have the zoning changed from Transition X to Institutional and Public Use so that the zoning use for Parcels A and B is consistent with the remainder of the property and will eliminate the split zoning.

Specific construction plans are not part of this application.

Rezoning review.

Any rezoning requires that certain relevant factors be considered. Article 1 Section 3 of the Zoning Ordinance of the Town of Purcellville, Virginia (ZO) states that zoning districts must be drawn and applied by reasonably considering the following: the existing use and character of property; the comprehensive plan; the suitability of the property for various uses; the trends of growth and change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies; the transportation requirements of a community; the requirements for public services; the conservation of natural resources; the encouragement of the most appropriate use of land throughout the locality and to promote the health, safety, morals, order, convenience, prosperity and general welfare of the Purcellville community.

Provided below are standards found in Article 1 of the zoning ordinance as noted above, along with staff comments. The relevant factors to be analyzed as part of the rezoning process can be found in Article 1, Section 3 of the ZO.

Please review the various agency comments that are located in the attachments to this report. The comments do not necessarily reflect the position of staff and should be reviewed as independent comments. The comments may or may not have been mentioned or included in the body of this staff report. However, please remember that the commenting agency has a particular expertise in their field and their comments should be reviewed with that expertise in mind.

General standards and Staff Comments

Rezoning factors: Consider the existing use and character of the property.

The existing use is Patrick Henry College, an established facility of higher education. Expansion and additions to the college will be consistent with the present design and placement of buildings and site compatibility. This will help ensure that the character of the property to be rezoned will be consistent with the existing property and uses.

ZO Factor to be considered: *Consistency with the comprehensive plan* (ZO Article 1 Section 3).

As is noted in the CPA application above, the application for a land use designation of Institutional/Government is in compliance with the Comprehensive Plan for the reasons noted in that review.

In addition to the areas covered in the Comprehensive Plan review the following standards for rezoning should be considered in the review.

Rezoning factors: Consider transportation needs; and public service's needs. (ZO Article 1 Section 3)

- a) The zoning ordinance and the Comprehensive Plan calls for transportation facilities to be adequate for the uses proposed. The Transportation Plan calls for a level of service (LOS) C for the Town. Proposed uses shall not as a result of their traffic generation reduce the LOS from the background traffic on the impacted road system to less than an LOS C and intersection delay shall not increase where the LOS is already below C. The college fronts on the busiest street in the Town. Additional traffic studies should be required prior to construction of new residential facilities on site and mitigation required if the additional transportation impacts increase congestion and intersection delays at any entrance to the College. As requested by Public Works, due to some complaints that the street crossing is unsafe after dark, Street lighting should be provided on both sides for all present and future crosswalks across Route 287 and Colonial Highway to provide for present and future pedestrian safety.

Rezoning factors: Consider the requirements for transportation efficiency. (ZO Article 1 Section 3)

- a. Future college construction may impact the efficiency of the transportation system and how it interfaces with Route 287. The applicant has not provided a plan on how they will address potential future transportation issues if they arise. A traffic impact analysis should be conducted prior to the addition of new housing on campus and should be a condition of this rezoning.

Rezoning Factor: Consider the trends of growth and change; encourage the most appropriate use of the property. (ZO Article 1 Section 3)

Utilizing the acreage as a college/university is the most appropriate use of the property considering that part of the land is at present being utilized as an institute of higher education and will continue to do so. The additional land area will provide areas for expansion and growth. The Concept Development Plan (CDP) identifies areas where classrooms, dormitories, and sports fields will be built. The College will be required to substantially conform to that approved CDP.

Rezoning Factor: Consider the requirements for Public Services.

The College has access to town water and sewer and has entered into an Infrastructure Agreement with the Town. Future additions are not expected to place an unreasonable demand on public services. However, public services will still be needed and used. An annual contribution, plus a onetime contribution for fire and rescue in lieu of taxes would help offset the demand on public services. An updated Infrastructure Agreement should be required for the entire property.

Rezoning Factor: Consider the conservation of natural resources.

The College has been judicious in the protection of its existing and built landscape. Future development will have to conform to the Town's landscape standards.

Staff recommends approval of the rezoning requests with the following conditions:

1. Street lights, as approved by the Purcellville Public Works Department for style and functionality, should be erected on both sides of the crosswalk just south of the Eastgate, Patrick Henry Drive and Route 287 intersection in order to allow illumination for pedestrian safety when crossing.
2. Any additional crossings of Route 287 and Colonial Highway in the future are to be lighted for pedestrian safety.
3. Prior to the construction of student dormitories or housing, a Traffic Impact Analysis will be required prior to site plan approval for new construction. Mitigation will be required if the TIA indicates that the LOS on the impacted roadway as a result of the new construction will be reduced below a level of C as required by the Comprehensive Plan.
4. Patrick Henry College shall update, where it is determined necessary by the Town, the Infrastructure Agreement dated December 7, 2009 and adopted by Town Council December 8, 2009.
5. Any requested site plan will require that the following standards will be reviewed and approved by the Zoning Administrator prior to site plan approval:
 - a. The proposed application is consistent with the development plan.

- b. The traffic generated by the proposed use will be adequately and safely served by roads, pedestrian connections, and other transportation services.
- c. The proposed use will not negatively impact orderly and safe road development and transportation in accordance with the comprehensive plan and all relevant transportation and corridor plans.

Proffers.

The applicant has not provided draft proffers that might address outstanding issues as of the date of this staff report.

Attachments

1. Purcellville Public Works Comments pg. 19
2. LC Department of Building & Development ---- Fire Protection Plans Reviewer/Inspector pg. 20
3. Infrastructure Agreement pg. 21
4. Applications pg. 31
5. Master Plan pg. 33
6. Applicant's Statement of Justification pg. 34
7. Street Light Request from Public Works pg. 38
8. VDOT Comments (comments are overdue) pg.
9. Proffers pg.

This page intentionally left blank



MEMORANDUM

DATE: January 3, 2014

TO: Daniel Galindo, Planner II (via e-mail)

CC: Alex Vanegas, CPM, Director of Public Works (via e-mail)
Patrick Sullivan, Director of Community Development (via e-mail)

FROM: Dale E. Lehnig, PE, CFM

RE: Patrick Henry College
Rezoning and Comprehensive Plan Amendment

Public Works staff has reviewed the following:

1. Application for Patrick Henry College Rezoning and Comprehensive Plan Amendment.

Based on our review, we offer the following comments:

1. The applications should reference, and include a copy of, the 2009 Infrastructure Agreement between the Town and Patrick Henry College (attached).
2. The Master Plan includes a property that is currently outside of the Town of Purcellville Town limits. The 3.01 acre parcel, PIN 453395081, is not within the Town. Please clarify this for the application.
3. It has been suggested that the pedestrian crosswalk that crosses the Berlin Turnpike just south of Patrick Henry Circle and Eastgate Drive be lighted. With this rezone and proposed additional development, please include the lighting of this crosswalk.



County of Loudoun

Leroy Locke, Fire Protection Plans Reviewer/Inspector
Department of Building and Development
1 Harrison Street SE
P.O. Box 7000
Leesburg, Virginia 20177-7000
Inspection Information 703-777-0220, Fax 703-771-8546

Date: February 18, 2014

Project Name: Patrick Henry College

Project Address: 10 Patrick Henry Circle

Submitting Company: Patrick Henry College/Carl W. Schreiber

Permit/Type: Land Development

Purcellville-RZ13-02

Town: Purcellville, Virginia

To whom it may concern,

Please find attached, comments resulting from the review of the above referenced project.

1 – We offer no comments for this review.
Thank you.

Should you have any questions, please feel free to contact us.

Sincerely,

Leroy Locke
Fire Protection Plans Reviewer/Inspector
Department of Building & Development
Telephone - 703-771-5450
Cell - 571-252-0611
Leroy.Locke@loudoun.gov

Mayor
Robert W. Lazaro, Jr.



Town Manager
Robert W. Lohr, Jr.

Council
Gregory W. Wagner
Christopher J. Walker, III
Thomas A. Priscilla, Jr.
Stephen Varnecky
James O. Wiley
Joan Lehr

Assistant Town Manager
J. Patrick Childs

130 E. Main Street
Purcellville, VA 20132
(540) 338-7421
Fax: (540) 338-6205
www.purcellvilleva.gov

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

RESOLUTION NO. 09-12-04

**PRESENTED: December 8, 2009
ADOPTED: December 8, 2009**

**A RESOLUTION: APPROVING THE PATRICK HENRY COLLEGE
INFRASTRUCTURE AGREEMENT**

WHEREAS, Patrick Henry College (the "College") has submitted an annexation application, ANX05-01, requesting annexation of a 65.77031-acre portion of its property currently located outside the corporate limits, but contiguous to the Town of Purcellville corporate limits; and

WHEREAS, the College and the Town have negotiated an Infrastructure Agreement to address the impacts of proposed expansions of the College campus on Town utility systems, as well as on transportation and storm drainage infrastructure and on Town services; and

WHEREAS, the Town Council of the Town of Purcellville held a duly advertised public hearing on ANX05-01 on December 8, 2009 to receive comment on the annexation application and the Town Council's intent to adopt an annexation ordinance; and

WHEREAS, the Town Council of the Town of Purcellville, following a review of the Property and the receipt of public comment, has determined that the annexation of the Property into the Town is in the best interests of the citizens of the Town of Purcellville; and

WHEREAS, the Annexation Agreement provides that the Town may adopt an ordinance of annexation that includes a metes and bounds description of the Property; a map showing the property to be annexed and provisions regarding utilities and other public improvements to the annexed area; and

WHEREAS, the Town and Patrick Henry College have approved the negotiated Infrastructure Agreement for the Property, which is attached hereto and incorporated by reference, and the Town has determined that sufficient infrastructure exists to serve the Property as it is currently zoned;

A RESOLUTION:

APPROVING THE PATRICK HENRY COLLEGE INFRASTRUCTURE AGREEMENT

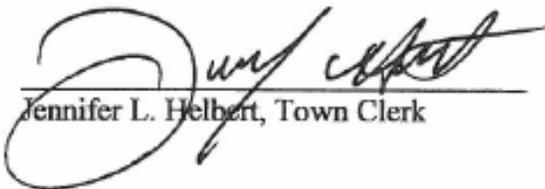
NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Purcellville hereby approves the Patrick Henry College Infrastructure Agreement dated December 7, 2009, attached hereto and made a part hereof and authorizes the Mayor to sign the Infrastructure Agreement on behalf of the Town Council.

PASSED THIS 8th DAY OF DECEMBER 2009.



Robert W. Lazo, Jr., Mayor
Town of Purcellville

ATTEST:



Jennifer L. Helbert, Town Clerk

PATRICK HENRY COLLEGE
INFRASTRUCTURE AGREEMENT

THIS INFRASTRUCTURE AGREEMENT (hereinafter referred to as the "Agreement") is hereby entered into this 7th day of December, 2009 by and between PATRICK HENRY COLLEGE, a Virginia nonstock corporation (hereinafter referred to as the "College"), and the TOWN OF PURCELLVILLE, VIRGINIA, a municipal corporation, (hereinafter referred to as the "Town").

W I T N E S S E T H

WHEREAS, the College is the owner and proprietor of certain real property in the Town of Purcellville identified on the Loudoun County Tax Map as /36/////71A2/, further identified by PIN: 453-48-2745-002, containing 40.64272 acres, more or less, (hereinafter referred to as the "In-Town Parcel") as shown on plat dated February 22, 2005, and entitled "ANNEXATION PLAT," and prepared by Eric. E. Zicht of Zicht Engineering Limited, certified land surveyors; and

WHEREAS, the College is the owner and proprietor of certain real property in the County of Loudoun identified on the Loudoun County Tax Map as /36/////71A1/, further identified by PIN:453-48-2745-001, containing 65.77031 acres, more or less, (hereinafter referred to as the "JLMA Parcel") that is immediately adjacent to and contiguous with the In-Town Parcel as shown on plat dated February 22, 2005, and entitled "ANNEXATION PLAT," and prepared by Eric. E. Zicht of Zicht Engineering Limited, certified land surveyors; and

WHEREAS, the In-Town Parcel, and the JLMA Parcel, together comprise the contiguous geographical area identified as the College's campus (hereinafter referred to as the "Property"); and

WHEREAS, a WATER AND SEWER AGREEMENT, executed on December 9, 1997, guarantees 18,000 gallons per day of water and sewer capacity and availability for the buildings and uses shown on the Concept Plan approved by the Purcellville Town Council on the In-Town Parcel as part of RZ98-1 and SUP98-2 prepared by Clint Good Architects, et al, dated October 30, 1998; further revised by PCA05-01 approving the revised "Patrick Henry College Student Life Building Campus Overview" concept plan prepared by Zicht Engineering Ltd dated as revised through November 11, 2005; and further revised through PCA07-01 approving a revised concept plan entitled, "Patrick Henry College Dorm #6 Zoning Concept Plan Amendment" prepared by Zicht & Associates, PLC and dated August 3, 2007; and

WHEREAS, a SUPPLEMENTAL WATER AND SEWER AGREEMENT was executed on February 28, 2006 to address proposed expansions to the College campus and establish methods for monitoring and reporting water use and managing breaches of the 18,000 gallon per day maximum limit; and

WHEREAS, the current Proffered Zoning Map Amendment and Special Use Permit on the In-Town Parcel, RZ98-1 and SUP98-2, allow the College to grow to a size capable of serving 600 students by 2011; and

WHEREAS, serving up to 600 students will likely exceed the current 18,000 gallon per day maximum limit for water and sewer capacity; and

WHEREAS, the College desires to include the JLMA Parcel in its plans to develop its campus to a size capable of serving 1,600 students by 2033; and

WHEREAS, the JLMA Parcel is located within the Urban Growth Area established in the 1995 Purcellville Urban Growth Area Management Plan, and has been ruled eligible for annexation by the Joint UGA Policies Review Committee; and

WHEREAS, the 1995 Purcellville Urban Growth Area Management Plan recognizes the Town as the exclusive purveyor of water and sewer to areas within the Urban Growth Area;

WHEREAS, the College has filed an annexation application with the Town and has requested that the Town annex the JLMA parcel into the Town corporate limits.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

I. WATER AND SEWER SERVICE

1. The College shall be responsible for all costs and for the design and construction of the water and sewer facilities on-site and off-site needed to properly accommodate water and wastewater flows for the approved zoning uses on the Property, in accordance with all regulatory requirements, including but not limited to, all utility mains, service lines, pump stations, conveyance systems and appurtenances thereto as deemed necessary by the Town for the provision of water and sewer services to the Property. The College shall be responsible for all costs to extend to, across, and within the Property from the existing Town facilities at no expense to the Town. The College, at its own expense, shall upgrade existing Town owned facilities when deemed necessary by the Town as part of any future land development application on the Property and/or to accommodate the College's cumulative flows.
2. In the event that the College's cumulative flows on the Property for any two consecutive billing periods exceed an average of 16,200 gallons per day, the College shall commence reboring, chemical analysis, and drawdown test of the existing well on the Property identified as Loudoun County Well Permit #T50114000001. The College shall commence engineering and design and submittal of same for development of said well and treatment facilities ("facilities") to Virginia Department of Health ("VDH") municipal water supply

standards. Following VDH approval, the College shall proceed with construction of said facilities and connect them to the Town's existing municipal system at no cost to the Town. Upon completion and acceptance by the Town, said facilities shall be conveyed in fee simple at no cost to the Town by Deed of Conveyance to the Town for its perpetual use and maintenance. The conveyance shall include the requisite amount of land in and around the well, as determined by the Town, and access thereto. The construction, connection and conveyance of the water facilities described in this Paragraph 2 shall be completed prior to the issuance of any future occupancy permits for the Property.

3. At the Town's request, the College shall permit the Town to explore and locate additional water resources on the Property. In the event that additional water resources are discovered, the College shall convey such sites to the Town in fee simple at no cost to the Town. The parties agree that such sites shall be at mutually agreeable reasonable locations and sizes that do not interfere with the construction, use and operation of the College facilities.
4. In the event that the water supplies described in the Paragraphs 2 and 3 of this Agreement do not yield sufficient municipal water resources to meet the College's desired increase in capacities on the dates set forth in Paragraph 10, then the College shall make a monetary contribution sufficient to pay for the purchase of the increased gallons per day set forth in Paragraph 10, from other sources. Such payment shall be calculated based on the Town's then existing contracts, if any, to purchase raw water plus the costs of processing and producing finished water. In the event that there are no existing contracts to purchase water, then the payment shall be based on the Town's actual costs to locate raw water plus the costs of processing and producing finished water.
5. The College shall pay all applicable availability and connection fees (also referred to as "taps") assessed by the Town for connection of the approved zoning uses to the Town public water and sewer service in accordance with the Town's published fee schedule in effect at the time of application and applicable Town policies. Such fees shall be calculated by the Town based on the information submitted by the College on the Town Business Utility Forms and in this Agreement for the approved zoning uses on the Property. The cost for the purchase of such availability and connection fees associated therewith shall be as provided by the Town at the time of purchase of each tap. Taps will be allocated to the College upon payment of the availabilities and connections, and no taps shall be approved for non-College residential uses on the Property.
6. The College shall design and construct the water main loop from the Property identified by LCTM No: 453377269 ("Purcellville Gateway") across State Route 287 to connect to the existing ten (10)-inch waterline. The water main loop facilities shall be dedicated to the Town at no cost to the Town. The design construction and dedication of the loop shall be completed prior to the issuance of any future occupancy permit(s) for the Property.

7. All on-site water and sewer lines, grinder pumps, pump stations and related appurtenances on the Property shall be placed within "access easements" conveyed to the Town in a form customarily used by the Town and approved by the parties. The easements shall be conveyed free and clear of any and all liens and encumbrances at no cost to the Town.
8. All such service lines and appurtenances which shall be connected to existing Town water and sewer infrastructure shall be constructed and installed and inspected for approval according to Town standards.
9. Except as otherwise provided herein, all infrastructure on the Property shall be owned and maintained by the College. The Town shall own, operate, and maintain the developed municipal water resources, facilities and appurtenances described in Paragraphs 2 and 3 of this Agreement.
10. The Town agrees that so long as the College complies with its obligations pursuant to this Agreement, including the obligations set forth in Paragraphs 2, 3 and 4, as applicable, the water and sewer capacity and availability will be available to the College for the Property in incremental increases according to the schedule set forth below.
 - a) by August 2012, up to a "maximum average daily limit" of 25,000 gallons per day; and
 - b) by August 2016, up to a "maximum average daily limit" of 35,000 gallons per day; and
 - c) by August 2019, up to a "maximum average daily limit" of 45,000 gallons per day; and
 - d) by August 2022, up to a "maximum average daily limit" of 55,000 gallons per day; and
 - e) by August 2028, up to a "maximum average daily limit" of 65,000 gallons per day.
11. For purposes of this Agreement, "maximum average daily limit" is hereby defined as the sum of the net water use, determined by all campus water meters, in a given billing period divided by the number of days within that same billing period.
12. Each year, the College will provide a written report to the Infrastructure Committee at least one month prior to its December meeting, or the next available meeting after that, documenting the gallon per day water use for the past year, identifying any changes that have occurred over the past year that has affected the water use or any changes that are expected to occur, and expressing any issues or concerns.
13. If the "maximum average daily limit" for any two consecutive billing periods exceeds 90% of currently applicable maximum average daily limit as set forth in

Paragraphs 2 and 10 , the College will present a plan at the next Infrastructure Committee meeting demonstrating the measures they will take to ensure that the currently applicable maximum is not exceeded.

14. If the “maximum average daily limit” for any given billing period is documented to be in excess of the currently applicable maximum average daily limit guaranteed in this Agreement as set forth in Paragraphs 2 and 10, the College agrees to take the following steps immediately:
 - a) The College shall pay 200% of the normal water and sewer rate for each gallon in excess of the currently applicable maximum average daily limit.
 - b) The College shall measure and curtail its daily on-campus water use to below the currently applicable maximum average daily limit and present their plan and findings to the Infrastructure Committee at their next meeting.
 - c) The College shall cap its on-campus enrollment in the next academic year to reduce its water and sewer use to below the currently applicable maximum average daily limit.
 - d) The College and the Town shall enter into negotiations to amend this Agreement.

II. TRANSPORTATION

15. The College shall reserve the necessary right of way to accommodate the widening of State Route 287 in accordance with the Town Wide Transportation Plan.
16. The College acknowledges that related transportation improvements will be negotiated as part of land development applications on the Property. To mitigate its contributory traffic impacts, the College shall contribute financially toward and/or construct such agreed-upon transportation improvements, including applicable facilities shown on the Town Wide Transportation Plan, as in effect at the time of such land development applications.

III. DRAINAGE

17. The College shall design and construct all storm water utility facilities necessitated by future land development applications on the Property using low impact design and other environmentally sustainable development practices, as determined by the Town, in conformance with regulations in effect at the time of plan submissions.
18. Notwithstanding any tax-exempt status of the Property, the College shall be subject to the imposition of assessments and fees for the Town’s storm water

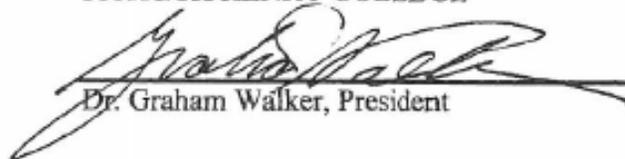
management program as adopted.

IV. GENERAL

19. Each fiscal year, College shall make a payment of at least \$2,500 to the Town to cover the reasonable costs of the Town providing police and other municipal services to the College. Such payment shall be in addition to user fees paid by the College including but not limited to water/sewer fees/charges and land development fees. The Town shall calculate the costs of providing such services on an annual basis and provide such analysis/calculations to the College, and the College shall pay the annual amount no later than June 30 of each fiscal year or ninety (90) days after the College's receipt of the analysis/calculations, whichever occurs later.
20. In the event that any provision in this Agreement conflicts with a land development/subdivision control, previous water/sewer agreement, zoning and/or other statute, ordinance or regulation, then the stricter provision shall apply.
21. In the event that the College is in default of any obligation under this Agreement, which default is not cured within ninety (90) days after written notice of said default by the Town of Purcellville, the Town shall not be obligated to increase water and sewer availability as set out herein until such default is cured.
22. This Agreement shall remain in full force and effect after annexation of the JLMA Parcel, if annexed, and shall be binding upon the successors and assigns of the parties hereto. Provided, however, that this Agreement shall not be assigned by the College without the prior written consent of the Town.
23. Execution of this Agreement shall supersede and replace any and all previous WATER AND SEWER AGREEMENTS and SUPPLEMENTAL WATER AND SEWER AGREEMENTS between the parties rendering any and all such previous WATER AND SEWER AGREEMENTS and SUPPLEMENTAL WATER AND SEWER AGREEMENTS null and void; provided however, that any outstanding land use approval commitments and Water and Sewer Agreement commitments that have not yet been performed as of the date of execution of this Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed after a vote of its members and by resolution of the Town Council.

PATRICK HENRY COLLEGE



Dr. Graham Walker, President

TOWN OF PURCELLVILLE

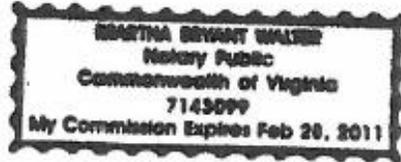
[Signature]
Robert W. Lazaro, Jr., Mayor

STATE OF VIRGINIA
COUNTY OF LOUDOUN, To-wit

I, the undersigned Notary Public, in and for the jurisdictions aforesaid, do hereby certify that Dr. Graham Walker, whose name as President of Patrick Henry College is signed to the foregoing Agreement, has this 7th day of December, 2009, appeared before me and personally acknowledged the same in my jurisdiction aforesaid, and has made oath that the same was executed on behalf of Patrick Henry College and by its authority.

[Signature]
Notary Public

My Commission Expires: 2/28/2011



STATE OF VIRGINIA
COUNTY OF LOUDOUN, To-wit

I, the undersigned Notary Public, in and for the jurisdictions aforesaid, do hereby certify that Robert W. Lazaro, Jr., whose name as Mayor of The Town of Purcellville is signed to the foregoing Agreement, has this 8th day of December, 2009, appeared before me and personally acknowledged the same in my jurisdiction aforesaid, and has made oath that the same was executed on behalf of the Town of Purcellville and by its authority.

[Signature]
Notary Public

My Commission Expires: 4/30/13



Town of Purcellville
Department of Planning and Zoning
 130 E. Main Street Purcellville, VA 20132
 (540)338-2304 Fax (540)338-7460

**Rezoning &
 Proffered Conditional Amendment
 Application**

Date 12/6/13 PIN 453-48-2745 (Tax Map# /36/////71A2/)& 453-38-9552 (Tax Map #

Street Address 1 Patrick Henry Circle, Purcellville, VA 20132 /36/////72B)

Parcel Acreage /36/////71A2/ - 65.65 acres Parcel Zoning District X
/36/////72B - 9.44 acres

Agent's Name Holland & Knight LLP c/o Michelle Rosati
 Fax No. 703-720-8610 Phone No. 703-720-8079
 E-mail michelle.rosati@hklaw.com
 Mailing Address 1600 Tysons Blvd, Suite 700
Tysons Corner, VA 22102

Owner's Name Patrick Henry College c/o Michelle Rosati
 Fax No. 703-720-8610 Phone No. 703-720-8079
 E-mail michelle.rosati@hklaw.com
 Mailing Address 1600 Tysons Blvd, Suite 700
Tysons Corner, VA 22102

Requested Zoning IP Proposed Density (Residential) _____

Description of request _____
 This Application applies to the 78.13 acres located within Zone X and proposes to
 amend the zoning designation to IP for development of an institution of higher
 learning and accessory facilities

Justification for request _____

 See attached

Please Note – during review by the Town or other referral agencies, additional information may be requested to aid in the review process of this application.

Proffers are included with application (If so, please attach.)

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] Agent for Owner Date 12/6/13

For Town Use Only

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

Town of Purcellville
Department of Planning and Zoning
 130 E. Main Street Purcellville, VA 20132
 (540)338-2304 Fax (540)338-7460

**Comprehensive Plan
 Amendment Application**

Date 12/6/13 PIN 453-48-2745 (Tax Map# /36/////71A2/)& 453-38-9552 (Tax Map #
 Street Address 1 Patrick Henry Circle, Purcellville, VA 20132 /36/////7.
 Parcel Acreage /36/////71A2/ - 65.65 acres Parcel Zoning District X
/36/////72B - 9.44 acres

Agent's Name Holland & Knight LLP c/o Michelle Rosati
 Fax No. 703-720-8610 Phone No. _____
 E-mail michelle.rosati@hklaw.com
 Mailing Address 1600 Tysons Blvd, Suite 700
Tysons Corner, VA 22102

Owner's Name Patrick Henry College c/o Michelle Rosati
 Fax No. 703-720-8610 Phone No. 703-720-8079
 E-mail michelle.rosati@hklaw.com
 Mailing Address 1600 Tysons Blvd, Suite 700
Tysons Corner, VA 22102

Description of request (Identify specific policies, maps, etc. to which you are requesting changes and the specific language, map changes, etc. you are proposing. Attach additional sheets if necessary.)
Designating the above listed unplanned lots to institutional, because they were annexed into the town after the Comprehensive Plan was adopted/amended.

Additional Submission Requirements:

- An application properly completed.* The application must be filed in the name of the owner or contract owner. The statement of consent below must be signed by the property owner claiming knowledge and agreement with the request for a Comprehensive Plan amendment.
- A statement of support.* Applicant must file a statement in support of their request stating the purpose and nature of their request and how it will better serve the community that the current Comprehensive Plan policies.
- A concept plan for the property.* A concept plan must be included, drawn to scale and showing all existing buildings including accessory buildings and any proposed development.
- Payment of fee.* The fee for a Comprehensive Plan amendment application must be paid at the time of submission. FEES ARE NON-REFUNDABLE.
- Applicant must attend meetings.* Applicants or their agents must be present at all Town meetings relating to the application, including advertised public hearings.

Owner:

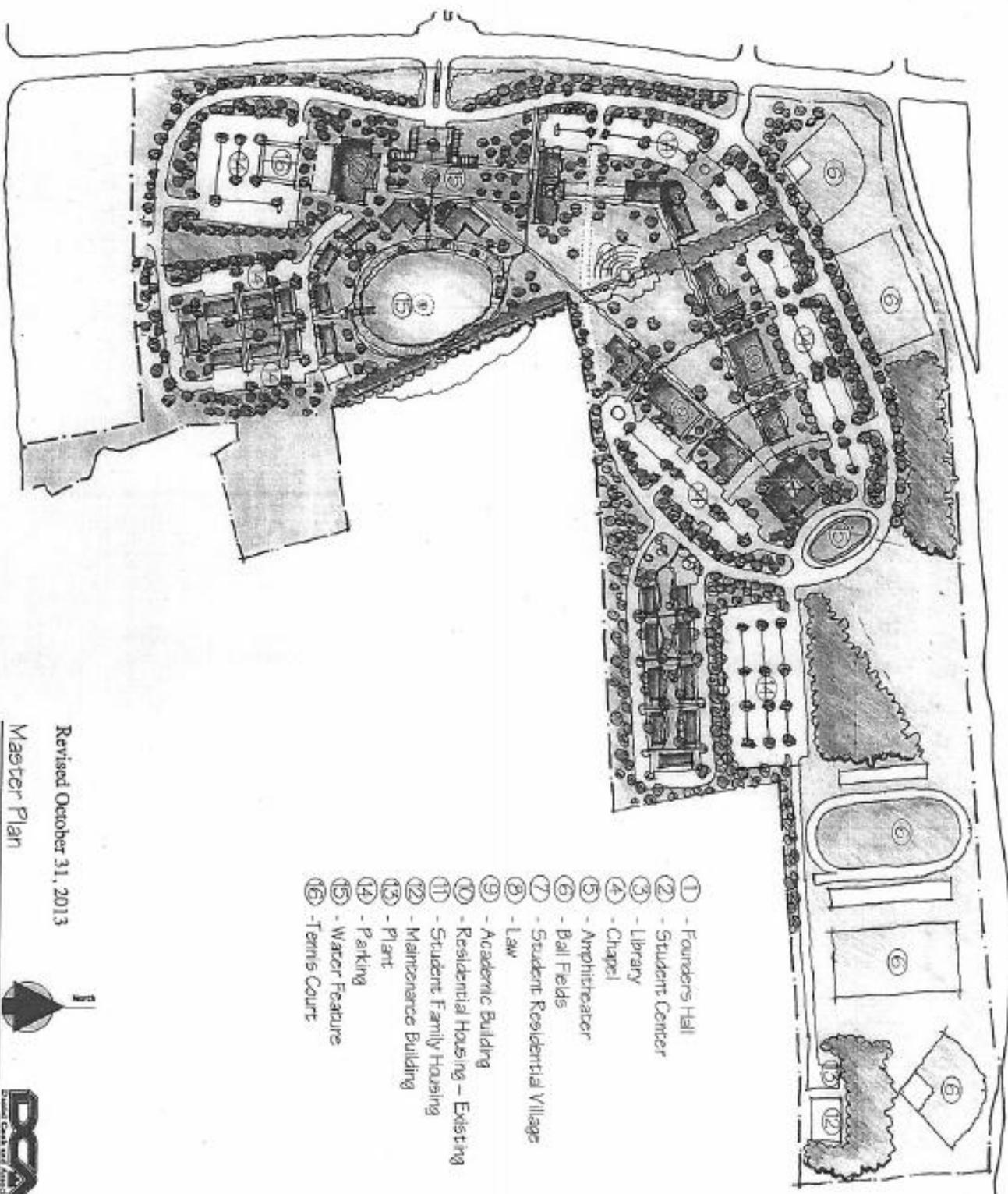
I have read this completed application, understand its intent and freely consent to its filing. The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve that for which I am applying. Furthermore, I grant permission to the Town or authorized government agents to enter the property and make such investigations and tests as they deem necessary.

[Signature]
 Owner Signature

12/6/13
 Date

For Town Use Only

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



- ① - Founders Hall
- ② - Student Center
- ③ - Library
- ④ - Chapel
- ⑤ - Amphitheater
- ⑥ - Ball Fields
- ⑦ - Student Residential Village
- ⑧ - Law
- ⑨ - Academic Building
- ⑩ - Residential Housing - Existing
- ⑪ - Student Family Housing
- ⑫ - Maintenance Building
- ⑬ - Plant
- ⑭ - Parking
- ⑮ - Water Feature
- ⑯ - Tennis Court

Revised October 31, 2013

Master Plan

Patrick Henry College
January 23, 2005



Not to Scale



Holland & Knight

1600 Tysons Boulevard, Suite 700 | McLean, VA 22102 | T 703.720.8600 | F 703.720.8610
Holland & Knight LLP | www.hklaw.com

Michelle A. Rosati
(703) 720-8079
michelle.rosati@hklaw.com

December 6, 2013

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

Dear Mr. Sullivan:

On behalf of the Applicant, Patrick Henry College, we respectfully submit the following information in support of its application for its Comprehensive Plan amendment and proposed rezoning of 78.13 acres in the Town of Purcellville:

BACKGROUND

In December 2009 the Town annexed approximately 66 acres of the current College property into the Town of Purcellville in order to enable the College to expand operations. This 66-acre area is immediately adjacent to the 40 acres which was already in the Town, this land was incorporated into a single 106-acre parcel by boundary line adjustment. The only boundary bifurcating the parcel was the Town-County boundary, which the annexation dissolved as to this parcel. The land which the Town annexed was zoned X, a transitional zoning district resulting from the annexed JLMA-3 zoning designation, and the remainder of the parcel is zoned I-P. Subsequent to the 2009 annexation, the college acquired a 9.44 acre parcel called Rebel Hill. This parcel is also zoned X. These two areas

are the only portions of the property owned by the College within the Town of Purcellville which are not currently designated in the I-P zoning district. In short, the College seeks to rezone these parcels so that the entire portion of the campus which lies within the Town of Purcellville is zoned I-P.

THE PATRICK HENRY COLLEGE MASTER PLAN

The development of the Patrick Henry College campus, a high-quality integrated design dominated by signature colonial-style buildings, has been illustrated on its Master Plan for development. While minor adjustments are made as the campus takes shape over the course of years, this Master Plan is virtually unchanged from the version which the Town reviewed in connection with the 2009 annexation. A copy of the Patrick Henry College Master Plan is attached for illustrative purposes only as a part of this submission.

Patrick Henry College sits at the primary entrance gateway to the Town. The College provides an attractive view of colonial architecture and manicured grounds to all who enter Town through this gateway, making a statement to the visitor about the quality of this community. The College is committed to maintaining this statement, as it is critically and logically tied with its mission. While the long-term growth and development of the College is anticipated to take place over the course of years, this core commitment remains, and will remain, vital to that process. Similarly, the relationship of the College to the Town, which is characterized by the integration of the Patrick Henry College campus into the Town visually as well as in other important ways, remains a core commitment and an integral part of the mission of the College.

Patrick Henry College periodically serves as a venue for meetings hosted by the Town, and other groups within the community. The College's Master Plan includes substantial facilities to host even larger gatherings, both indoor and outdoor. Patrick Henry College cooperates with Loudoun County Parks & Recreation to schedule use of its softball and soccer fields by organized youth leagues. The

character of the student body supports and strengthens a positive impression for the Town. Organized volunteer service projects by PHC students have benefited, and will continue to benefit the community. Many students and College Staff volunteer with the Purcellville Volunteer Rescue Squad and other community organizations. In addition, many students are employed at businesses in Town. College staff, faculty, and students purchase goods and services from businesses in Town. We believe the college is, and will continue to be, the largest private employer in Purcellville, and so the College is a net-positive contributor to the Purcellville economy.

THE COMPREHENSIVE PLAN AMENDMENT

The 66-acre parcel and the Rebel Hill parcel, while adjacent to and part of the Patrick Henry College campus, have no Comprehensive Plan designation as they were annexed into the Town after the 2006 date of the land use map. As these properties are adjacent to other land planned for institutional/government use, it is entirely appropriate to designate them consistently on the Comprehensive Plan. This Comprehensive Plan amendment requests that both parcels be designated institutional/government. This is consistent with the use as well as the Plan designation of the Patrick Henry College Campus, as well as the following Comprehensive Plan description of the use:

"The areas shown on the Planned Land Use Map designated as institutional/government include various public and semi-public buildings and facilities or those associated with public functions. Public uses include schools, community centers, Town-owned property (train depot, parking lots, Town Hall, wastewater treatment and water treatment plants). Public utilities such as electric power, telephone and other providers are included in this government category. Semi-public uses include institutions such as churches and the college, as well as Firemen's Field. "

The applicant notes, additionally, that the Comprehensive Plan recommends creation of a "unique land use category" for these land uses -- which did occur subsequent to the 2006 map publication date. That category is the I-P category, and the balance of the Patrick Henry College's campus which

lies within the Town of Purcellville is already zoned to that category. Thus, the Comprehensive Plan Amendment will support consistent and logical implementation of that land use designation.

THE REZONING

As shown on Sheet 4 of 4, the Concept Development Plan, the ultimate development of the 66-acre parcel and the Rebel Hill parcel is identified by land bay. This gives the Town the ability to understand how the uses which comprise an active, integrated college campus will relate to each other, and to the surrounding area, while permitting for some measure of flexibility for finer adjustments of placement within that envelope as the development of the campus unfolds over the course of years. For example, Land Bay D, on the Rebel Hill parcel, is designated for student housing, as is Land Bay B. These locations provide housing opportunities in close walking proximity to the academic core of the campus, while providing more diverse context -- close proximity to nearby commercial amenities in Land Bay D (with a possible future inter-parcel connection to the Catoclin Corner project to the south), and closer proximity to athletic fields and open space in Land Bay C (which may also contain certain College maintenance facilities). Land Bay A continues the concentration of academic buildings at the heart of the campus, and the layout, in totality, supports and furthers the concepts and aesthetic and practical principles of the Master Plan.

On behalf of Patrick Henry College, we look forward to working with the Town through the rezoning process.

Sincerely yours,

Holland & Knight LLP



Michelle A. Rosati

Patrick,

The impetus for the lighting issue at the cross walk on Rt. 287 Berlin Turnpike near the intersection of the entrance of Patrick Henry College comes from a citizen's inquires to the Police Department and a concern from an official of the College. The crosswalk was installed as a proffer but the lighting was not included in the language for Purcellville Gateway project. Since the businesses within the Roadside Development and Patrick Henry College are the primary beneficiaries of this respective crosswalk, I think it is great that PHC steps up to offer this item as potential proffer. Thanks.

Best regards,

Alex

Alex Vanegas, CPM

Director of Public Works

221 South Nursery Avenue

Purcellville, Virginia 20132

Office: (540) 751-2314

Cell: (540) 454-3632

Email: avanegas@purcellvilleva.gov

2012 National Sustainable Community Award Winner

Virginia Governor's Environmental Excellence Gold Award Winner



Please consider the environment before printing this email.

This e-mail may contain confidential or privileged information. If you are not the intended recipient, please advise by return e-mail and delete immediately without reading or forwarding to others. Thank you.

