

July 1, 2014

Mark Nelis, P.C.
196 North 21st Street
Purcellville, VA 20132

Re: Zoning Determination for properties along North 21st Street and O Street

Dear Mr. Nelis:

This letter is in response to your request for a zoning determination for properties located on North 21st Street, Purcellville, Virginia and further identified in the Loudoun County land records as parcel numbers 488-37-7354, 488-37-5267, and 488-37-5457 (the "Property"). The Property is located in the C-4 District. This Property is also located in Purcellville's Historic Overlay District.

You have requested a determination on nine (9) specific items concerning this Property in a letter dated May 15, 2014. Your letter is attached for reference. In response to your questions (**in bold**) I offer the following determinations (*in italics*).

Question 1. You are requesting a determination that the Zoning Map of the Town of Purcellville indicates that the Property is zoned C-4 as set forth in the district regulations of the Purcellville Zoning Ordinance ("Zoning Ordinance").

Answer 1. The Zoning Map indicates that the Property is located in the C-4 zoning district.

Question 2. You are requesting a determination that the permitted land uses in the C-4 zoning district includes but is not limited to the following land uses: residential use (apartments), retail, restaurants, office, and parking, both above ground parking and structured parking.

Answer 2. Permitted land uses in the C-4 District currently include but are not limited to apartments within the upper stories of a building, retail establishments, eating establishments without drive-in or drive-through facilities, general business or professional offices, structured parking garages and parking lots.

Question 3. You are requesting a determination that the Project Drawings, defined as the drawings prepared by O'Brien and Keane presented to the Purcellville Town Council at the January 14, 2014 Town Council meeting (copy attached) depict a development of the Property that is permitted by the applicable provisions of the Purcellville Zoning Ordinance. According to a take-off prepared by TMG Construction (attached), the Project Drawings depict 173,791 square feet of building space, terraces and structured parking area. The Project Drawings include 42 residential condominium units.

Answer 3. Question three has two separate questions.

a. The first question asks if the attached drawings depict a development of the property that is permitted by the Purcellville Zoning Ordinance.

The drawings depict a proposed building design submitted to attain a required Certificate of Design Approval (CDA) from the Board of Architectural Review (BAR). The design plans, with the exception of the massing diagram, have not been updated to include the final conditions required by the Town Council. In addition, without information normally provided in a site plan I am unable to make a blanket determination that the "depiction" of the development is permitted by the provisions of the Zoning Ordinance.

b. The second question asks if the proposed specific use and density of the development is permitted by the Zoning Ordinance.

Under the C-4 district regulations, 173,791 square feet of permitted uses could be achieved depending on the ability to meet applicable zoning and other regulations regarding height, scale, mass, size and configuration of a lot, open space requirements, storm water management regulations and setbacks. The specific uses mentioned in answer 2 above are currently permitted uses in the C-4 District. Residential apartment units within the upper stories of a building or group of buildings containing office, retail or other commercial uses are presently a permitted use in the C-4 zoning district.

Question 4. You are requesting a determination that the proposed development of the Property as set forth above is permitted by the C-4 district regulations.

Answer 4. The proposed development as set forth in your letter of May 15, 2014 is currently permitted within the C-4 Zoning District as to density, types of requested uses as mentioned in Question 2, and the maximum height of buildings as set forth in Article 4 Section 9.8.3. and Section 9.8.4. provided that it conforms in all other respects to applicable zoning and other regulation.

Question 5. You are requesting a determination that except as noted in Section 9.2.3 of the C-4 district regulations, the C-4 district does not contain any Floor Area Ratio limitation or restriction on residential density.

Answer 5. The C-4 District does not currently contain any Floor Area Ratio requirements.

There are no stated limitations on residential density in the C-4 zoning district except as noted in Article 4 Section 9.2.3. of the Zoning Ordinance which restricts 1st floor apartment units to no more than 50% of the gross floor area of the ground floor provided that such residential living space is at the rear of the

building and the front half of the ground floor habitable space is used for other, non-residential permitted uses.

Question 6. You are requesting a determination that the proposed development of the Property as depicted on the Project Drawings meets the requirements of the Purcellville Zoning Ordinance including height, bulk and setback regulations.

Answer 6. There is not enough information to determine if the Property meets all the requirements of the Zoning Ordinance.

A final determination as to compliance for height and setbacks cannot be made until the appropriate materials such as a completed site plan or updated elevations have been submitted and accepted as complete and the plans are shown to conform in all respects to applicable zoning requirements, conditions and other regulations.

Question 7. You are requesting a determination that Section 9.8.3 and Section 9.8.4 of the C-4 district regulations establish the maximum height of any building constructed on the Property.

Answer 7. Section 9.8.3. and Section 9.8.4. of the C-4 District regulations currently establishes the maximum allowable height for buildings on the Property which may be affected by the Board of Architectural Review determinations regarding scale and mass.

Question 8. You are requesting a determination that the Massing Diagram presented as part of the record of the Town Council meeting on January 14, 2014 is in compliance with the Town Council resolution of the same date and complies with the height requirements of the C-4 district.

Answer 8. The massing diagram is a graphic depiction of the Town Council required changes to the overall height of the building at the northwest end of the Property. The 21st Street and O Street elevation submittals have not been updated to reflect the change in height of the building. Updated elevations and appropriate measurements on the massing diagram are required in order to determine if the massing diagram meets the height conditions imposed by Town Council,

Question 9. You are requesting a determination that Article 6, Section 4 of the Purcellville Zoning Ordinance imposes no additional requirements on the development of residential condominiums.

Answer 9. Article 6 Section 4 Subsection 4.1 of the Purcellville Zoning Ordinance does not impose any additional requirements on the development of residential condominiums.

Right of Appeal:

This letter constitutes a decision by the Zoning Administrator that shall be final and unappealable if not appealed within thirty (30) days from the date shown on this letter. Section 15.2-2311 of the Code of Virginia, as amended, allows any person aggrieved by this decision to submit an appeal. An appeal package must be *received* by the Zoning Administrator and Board of Zoning Appeals within 30 days from the date shown on this letter at the following address: Town of Purcellville Zoning Administrator and Board of Zoning Appeals, 221 South Nursery Avenue, Purcellville, Virginia, 20132.

An appeal package must include all of the following: (1) a completed appeal application form, which is available from the Town of Purcellville Department of Community Development, located in Town Hall, 221 South Nursery Avenue, Purcellville, VA 20132, and is also available on the Town's website at www.purcellvilleva.gov; (2) a copy of this letter; (3) a written statement specifying the grounds for your appeal; and (4) an appeal fee in the form of a check payable to the Town of Purcellville in the amount of \$500.

Information regarding the submission of an appeal may be found in the Town of Purcellville Zoning Ordinance, Article 9, Sections 11, 12, and 13, which may be viewed at the Town of Purcellville Department of Community Development, located in Town Hall, 221 South Nursery Avenue, Purcellville, VA 20132, and may also be viewed on the Town's website at www.purcellvilleva.gov. Questions about the submission of an appeal may be answered by contacting the Town of Purcellville Department of Community Development at 540-338-2304.

This determination applies solely to the referenced properties and is not binding upon the Town, the Zoning Administrator, or any other Town official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

If you have further questions please don't hesitate to contact me.

Sincerely,

Patrick Sullivan, AICP CED
Zoning Administrator
Town of Purcellville

Cc: Sally Hankins, Town Attorney
Rob Lohr, Town Manager

Mailing Address: