



STAFF REPORT

TO: Planning Commission
FROM: Daniel Galindo, AICP – Senior Planner
SUBJECT: RZ14-01 Mayfair Industrial
DATE: June 3, 2014

Application Information		
Applicant/Engineer Bowman Consulting Group, Ltd. 101 South Street, S.E. Leesburg, VA 20175	Property Owner Brookfield Autumn Hill, L.L.C. 8500 Executive Park Ave Ste 300 Fairfax, VA 22031-2228	
Submission Date March 4, 2014	Planning Commission Public Hearing Date June 5, 2014	Town Council Public Hearing Date June 10, 2014

Property Information				
PIN	Tax Map	Address	Current Zoning	Acres
487-36-5498	/35/////////14/	16901 Purcellville Road	X	70.81

Rezoning Request
RZ14-01
Rezone 19.01 acres in the southwest corner of the property from X, Transitional to M-1, Limited Industrial

SUMMARY

Bowman Consulting Group, Ltd. of Leesburg, Virginia has submitted a rezoning application (RZ14-01), on behalf of Brookfield Autumn Hill, L.L.C., that proposes to amend the Town's Zoning Map by changing the zoning district designation of 19.01 undeveloped acres from X (Transitional) to M-1 (Limited Industrial). The Planning Commission will hold a public hearing on this application at its June 5, 2014 regular meeting, and Town Council will hold a separate public hearing at its June 10, 2014 regular meeting. Staff is recommending approval of this application.

BACKGROUND

Application RZ14-01 proposes to rezone an undeveloped 19.01 acre portion in the southwest corner of the 70.81 acre parcel identified in the Loudoun County land records as Tax Map Number /35/////////14/ and Parcel Identification Number 487-36-5498 from X (Transitional) to M-1 (Limited Industrial). The applicant seeks this rezoning in order to have the right to develop the

property at a future time with the uses permitted by the proposed M-1 zoning district; no specific development plan is currently proposed. The remaining 51.8 acre portion of the parcel contains the Mayfair Planned Development (RZ13-01) approved by Town Council on December 10, 2013.

The portion of the property subject to the RZ14-01 application abuts the following zoning districts and land uses: PDH-8 (Planned Development Housing-8) to the north and east containing the future sites for single family detached dwellings and townhomes in the Mayfair Planned Development, X (Transitional) to the west containing Woodgrove High School and Mountain View Elementary School, and M-1 (Limited Industrial) to the south containing the Richardson Lane portion of the Valley Industrial Park.

The existing X, Transitional zoning district designation for the property is an interim zoning designation automatically assigned to land that is annexed from Loudoun County under one of the following County zoning district designations: AR1, JLMA2, JLMA3, and RC. Uses allowed in the Transitional zoning district include agricultural and forestry uses, single-family dwellings, private schools for 15 or fewer pupils, non-commercial fairgrounds, a temporary circus or carnival sponsored by a non-profit organization, churches, wildlife and game preserves, and bed and breakfasts. The proposed M-1, Limited Industrial designation would allow a variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses. A comparison of the dimensional regulations in each district is provided in the Table 1 below.

Table 1: Comparison of Dimensional Regulations

Standard	X, Transitional	M-1, Limited Industrial
Minimum Lot Size	3 acres	20,000 sq. ft.
Minimum Lot Width	200 ft.	100 ft.
Lot Depth	Maximum of 3.5x Lot Width	Minimum of 150 ft.
Maximum Building Coverage	-	50%
Maximum Height	35 ft.	45 ft.
- <i>If certain setbacks from the property line are met</i>	60 ft.	60 ft.
Minimum Front Yard	35 ft.	25 ft.
Minimum Side Yard	12 ft.	15 ft.
- <i>If adjacent to residential</i>	-	50 ft.
Minimum Rear Yard	25 ft.	40 ft.
- <i>If adjacent to residential</i>	-	50 ft.

Because of the seeming complexity of the documents involved with Town Council’s previous approval of the Mayfair Planned Development, Planning Commissioners have repeatedly asked staff to clarify any effects that those documents have on the RZ14-01 application and the accompanying RZ14-02 application. Staff has summarized these limited effects in the Table 2 below, and those documents with any effect on the current rezoning applications have been provided as attachments to this report.

The most important content found in any of these documents is contained in the Memorandum of Understanding. Within Section 12 of that document, both the Town and Brookfield acknowledge that the Town Council cannot legally bind itself in the exercise of discretionary legislative acts such as approvals of rezoning. Therefore, ***the Planning Commission and Town Council are under no obligation to recommend approval of or vote to approve either RZ14-01 or RZ14-02*** unless that body finds the requested rezoning to be in the best interest of Purcellville and its citizens.

Table 2: Effects of Mayfair Planned Development Documents on RZ14-01 & RZ14-02

Document	Effect on RZ14-01 & RZ14-02
Boundary Line Adjustment Agreement	The Town of Purcellville and Loudoun County agreed to incorporate the entirety of the 70.81 acre parcel (PIN: 487-36-5498) owned by Brookfield-Autumn Hill, L.L.C. and the 3.98 acre parcel (PIN: 487-47-4375) owned by Brookfield Washington, L.L.C. into the Town.
Memorandum of Understanding	Within 120 days of annexation, Brookfield agreed to: 1) submit a rezoning application for the remainder of the 70.81 acre parcel not included within the Mayfair Planned Development from its existing zoning to limited industrial (met by RZ14-01 application), and 2) submit a rezoning application for the separate 3.98 acre parcel from its existing zoning to limited industrial to PDH-8 (met by original RZ14-02 application requesting PDH-8). The Town and Brookfield also acknowledge that the Town Council cannot legally bind itself in the exercise of discretionary legislative acts such as approvals of rezoning.
Declaration of Covenants	None
Escrow Agreement	None
Proffer Statement with Concept Development Plan	Brookfield proffered a small area in the southwest corner of the property subject to application RZ14-02 to serve as part of a Collector Road Buffer. Similarly, the landscape buffer between the Mayfair Planned Development and the property subject to application RZ14-01 was proffered to maintain a minimum width of 50 feet while being entirely on one property or the other in certain areas. Both of these buffers are shown on the plan set for RZ14-01 and RZ14-02. Brookfield also restated its commitment to submit an application requesting that the remainder of the 70.81 acre parcel be rezoned to limited industrial.
Water & Sewer Agreement	The commitment to submit an application requesting that the remainder of the 70.81 acre parcel be rezoned to limited industrial is restated.
Payment Guaranty	None

REZONING ANALYSIS

There are certain relevant factors that should be considered for any rezoning request. Article 1, Section 3 of the Zoning Ordinance of the Town of Purcellville, Virginia states that zoning districts must be drawn and applied by reasonably considering the following: the comprehensive plan; trends of growth and change; current and future requirements of the community as to land for various purposes; the transportation requirements of a community; requirements for public facilities and services; conservation of natural and historic resources; the existing use and character of property; the suitability of the property for various uses; efficiency and economy in the process of development; encouragement of the most appropriate and best use of land throughout the locality; encouragement of good civic design and the creation of a convenient, attractive and harmonious community; and to promote the health, safety, morals, order, convenience, prosperity and general welfare of the Purcellville community.

Provided below are the factors found in Article 1 of the Zoning Ordinance, as stated above, along with corresponding staff comments. Please note that the lengthy analysis of the components of the comprehensive plan covers many of Article 1's factors, so duplicate analysis will not be provided. Also be sure to review the various agency comments that are provided as 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.

Consistency with the Comprehensive Plan

The Purcellville, Virginia 2025 Comprehensive Plan (PCP) was adopted in 2006 to "provide guidance for the coordinated and harmonious development of the territory 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" (PCP, p. 1). Accordingly, the Plan should serve as the basis for Town land use decisions, and staff provides the following analysis of its pertinent goals and policies.

Financial Planning for the Future

Purcellville continues to face costs for capital improvements and other enhancements designed to benefit the community, and this presents the challenge of maintaining fiscal balance and stability while paying for needed improvements. One method provided in the Plan to address this challenge is "*to better balance the Town's tax base by working toward 30 percent of the value of the Town's real property tax base from commercial property and 70 percent from residential property*" (PCP, p. 22).

1. This application would convert 19.01 acres from the Town's X, Transitional zoning district to M-1, Limited Industrial which should ultimately increase the commercial portion of the Town's real property tax base toward the goal of 30%. The X district allows a number of very low intensity uses with detached, single-family dwellings at a density of 1 unit per 3 acres likely its highest value use. M-1 allows a variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses which will have higher valuations upon build out.

A major source of Town revenue is also realized from sewer and water availability fees and usage fees.

1. The current zoning would allow a maximum of 6 single family dwelling units which typically utilize the smallest meter size and have small usage rates. M-1 uses are more likely to need larger, more expensive meters and to have higher usage rates.

Staff Determination: RZ14-01 is in compliance with this portion of the Plan.

2025 Housing Policies

The housing policy section of the Plan calls for a balance between residential and commercial development to "*promote a harmonious pattern of land development and a healthy land use balance that encourages community preservation, sustainable development and managed growth; increase the amount of commercial and light industrial development in Purcellville to provide a more balanced*

economy, local revenue structure, and cost effective public services; and provide more cost effective public services by achieving a real estate tax revenue ratio of at least 30 percent from commercial uses and no more than 70 percent from residential uses” (PCP, p. 28)

1. This property is mostly surrounded by undeveloped land and borders the existing industrial uses along the Richardson Lane portion of the Valley Industrial Park. A change to industrial zoning would be harmonious in this location.
2. This rezoning would eventually increase the amount of light industrial development thereby providing a more balanced economy, local revenue structure, and cost effective public services.
3. As noted above, this rezoning should ultimately increase the commercial portion of the Town’s real property tax base toward the goal of 30%.

Staff Determination: RZ14-01 is in compliance with this portion of the Plan.

2025 Parks, Recreation and Open Space Policies

Among the many goals in this section, the Plan strives to *“enhance the quality of life for the community by providing integrated park, recreational and environmental conservation efforts” (PCP, p. 37), “provide a broad range of recreational opportunities and programs” (PCP, p. 38), “conserve natural areas” (PCP, p. 39), “encourage the preservation of existing trees in new development” (PCP, p. 39), and “protect scenic, environmental and historic resources” (PCP, p. 40).*

1. Much of this section is not applicable to this rezoning, and it would be uncommon for an industrial development to directly address parks and recreation.
2. No important environmental or historical features have been identified on the property.
3. At staff’s request, the owner has proffered to save existing vegetation, including trees, where possible and incorporate it into buffers and plantings.

Staff Determination: RZ14-01 is in compliance with this section of the Plan to the limited extent that it is applicable.

2025 Historic Resources Policies

The Plan seeks to *“preserve and protect the historic character and integrity of Purcellville” (PCP, p. 64).*

1. As noted above, no important historical features have been identified on the property.

Staff Determination: This section of the Plan is not applicable to RZ14-01.

2025 Economic Development Guiding Principles

The Plan *“recognize[s] the importance of economic development to the health, well-being and quality of life for Purcellville’s residents” (PCP, p. 64).* Specific to industrial land, it contains policies to *“ensure the adequate availability of industrially-zoned land for light industry and major employers... [and] encourage the clustering of compatible industrial uses” (PCP, p. 67).*

1. This rezoning would increase the availability of industrial-zoned land and significantly increase the Town's stock of undeveloped industrial-zoned land.
2. This rezoning would encourage the clustering of compatible industrial uses as the property borders the existing industrial uses along Richardson Lane to the south.

Staff Determination: RZ14-01 is in compliance with this portion of the Plan.

2025 Public Services Policies

The Public Services section covers a wide spectrum of community services. The goals are to provide *"for quality educational programs and facilities"* (PCP, p. 75), *"a safe environment...by providing responsive police, fire and rescue facilities to serve residents"* (PCP, p. 75), *"quality health care facilities[that] are available and easily accessible"* (PCP, p. 76), and *"a coordinated system of community facilities and services...for all ages"* (PCP, p. 76).

1. While this rezoning would not directly provide any of the public services listed, the property's close proximity to the Town's primary police, fire and health care facilities make it a location that is well suited for industrial uses.

Staff Determination: RZ14-01 is in compliance with this portion of the Plan.

2025 Public Utilities Policies

The Plan includes policies to *"provide and operate a coordinated system of public water and sewer utilities that will enhance the quality of life for residents and businesses in Purcellville"* (PCP, p. 85), *"upgrade and maintain water, sewer and storm drainage facilities and systems to promote the public health welfare and safety"* (PCP, p. 85), *"provide facilities and services at reasonable costs that are equitably and fairly distributed"* (PCP, p. 86), and *"locate utilities underground"* (PCP, p. 87).

1. Per the Town's typical policy, the owner has proffered to make all necessary extensions of water and sewer lines at no cost to the Town.
2. At the request of the Director of Public Works, the owner has proffered \$20,000 to pay for an upgrade to the Valley Industrial Park pump station that will ensure adequate capacity for the site's future industrial uses.
3. As noted on the plan set, all utility distribution lines shall be placed underground.

Staff Determination: RZ14-01 is in compliance with this portion of the Plan.

2025 Transportation Policies

The Plan calls for *"a connected network of attractive public streets in Town that efficiently and effectively manage traffic flow"* (PCP, p. 94), *"a comprehensive transportation system that includes a multi-modal network of safe, adequate and efficient management opportunities for motor vehicles, pedestrians, and bicycles"* (PCP, p. 95), *"quality pedestrian and bicycle facilities and experiences for residents and visitors"* (PCP, p. 96), and *"safe, attractive and inviting streets throughout the Town"* (PCP, p. 97).

1. Per the Town’s typical policy, the owner has proffered to construct all roads on the property.
2. The owner has proffered to conduct a left turn lane warrant analysis at the intersection of Purcellville Road and East Nichols Lane for VDOT review.
3. The owner is proffering \$150,000 to be used by the Town to construct a left turn lane on Purcellville Road or other road improvements at its intersection with East Nichols Lane when one of the following occurs: (1) an occupancy permit is issued for 100,000+ square feet of limited industrial space within the limited industrial park, or (2) 25 AM peak hour trips into the limited industrial park.
 - a. The Director of Public Works estimates that a northbound left turn lane on Purcellville Road would cost \$150,000-\$200,000 if no right-of-way acquisition was required.
 - b. The Trip Generation Memo submitted by the applicant estimates a minimum of 125 AM peak hour trips entering the industrial park at buildout, so this threshold should be reached quickly.
4. In order to count actual peak trips in and out of the industrial park, the owner is proffering to install a trip counter in the roadway at the entrance to the future industrial park road at its intersection with East Nichols Lane. The owner further proffers to install the counter no later than the issuance of the first occupancy permit for an industrial user.

Staff Determination: RZ14-01 is in compliance with this portion of the Plan.

2025 Environmental Policies

The Plan seeks to “improve, maintain and protect the natural environment of the Town” (PCP, p. 103), “protect scenic and sensitive environmental areas (PCP, p. 103), and “protect important natural features such as wetlands, floodplains and forested areas” (PCP, p. 104)

1. As noted above, no important environmental features have been identified on the property.
2. There are very few trees located on the property.
3. At staff’s request, the owner has proffered to save existing vegetation, including trees, where possible and incorporate it into buffers and plantings.

Staff Determination: RZ14-01 is in compliance with this portion of the Plan to the limited extent that it is applicable.

2025 Land Use Polices

The Plan includes policies to “provide for managed community growth and land development that ensures harmonious, compatible and orderly land use patterns” (PCP, p. 111) and “provide a diversity of land uses that support the residential and business needs of Purcellville while ensuring economic, social and financial stability” (PCP, p. 111). The Plan also expresses a desire to “achieve a better balance between residential and commercial and industrial development” as well as “increase opportunities for commercial and industrial growth” (PCP, p. 110).

1. This rezoning would result in a harmonious and orderly land use pattern as the property abuts compatible industrial uses along Richardson Lane to the south.

2. This rezoning would support the business needs of Purcellville by increasing the availability of undeveloped industrial-zoned land and eventually increasing the amount of light industrial development thereby promoting economic and financial stability.

Because this property was not incorporated into the Town when the Comprehensive Plan was adopted in 2006, the 2025 Plan does not include a planned land use for it. However, this area was designated for Office/Light Industrial use by the Purcellville Urban Growth Area Management Plan since at least 1995.

1. This rezoning complies with the long standing planned land use for the property.

Staff Determination: RZ14-01 is in compliance with this portion of the Plan.

Trends of Growth and Change

The Town's existing industrial-zoned land has continued to be developed since the Comprehensive Plan was adopted in 2006, and by all appearances, the market for industrial development continues to be strong. In fact, the owner has reported numerous inquiries about this property by businesses seeking industrial land. This rezoning would provide an opportunity for that development to occur.

Existing Use and Character of Property & Suitability of the Property for Various Uses

Formerly a farm, the property is a prime site for development as it primarily consists of a flat, undeveloped field. There are no apparent physical constraints such as steep slopes or floodplains on the site that would limit its use for commercial, industrial, residential, or institutional use.

The Most Appropriate and Best Use of Land Throughout the Locality

Despite its lack of physical constraints, the property is not an ideal site for commercial office, retail or institutional uses due to its relative lack of visibility from and lesser access to major roadways when compared to other properties in Town. While the property could easily be developed for a residential use, the recent approval of the adjoining Mayfair Planned Development for up to 257 dwelling units will supply a significant stock of housing in the coming years. This lessens the need for additional residential development at this time, and when coupled with the Town's desires to increase the availability of industrial land and grow its commercial/industrial tax base, the most appropriate and best use for this property appears to be industrial as requested in RZ14-01.

Efficiency and Economy in the Process of Development

The same entity controls both of the LLCs that own the parcels containing the Mayfair Planned Development, the land subject to application RZ14-01, and the land subject to RZ14-02. Therefore, the approval of RZ14-01 and RZ14-02 would allow the owner to submit engineering plans for the entire area simultaneously or in quick succession. This should make the processing of those applications more efficient as staff will be able to easily address issues across the property and zoning boundaries. It should also make the development process more economic for the owner as fewer crews can complete more construction at once by being able to move from job to job on the three sites.

Proffer Review

The applicant has submitted draft proffers that cover the following items (some of which have been previously listed above):

1. Proffer 1(a) – The property shall be developed in accordance with the requirements of the M-1 district and the Concept Development Plan (CDP).
2. Proffer 2(a) – Owner shall submit a stormwater management plan and construct one or more ponds.
3. Proffer 3(a) – Owner shall construct all roads shown on the CDP.
4. Proffer 3(b) – Owner shall conduct a left turn lane warrant analysis that will be completed and approved by VDOT prior to approval of the first site plan for the industrial park.
5. Proffer 3(c) – Owner shall provide \$150,000 to the Town for road improvements at the intersection of Purcellville Road and East Nichols Lane when one of the following occurs: (1) an occupancy permit is issued for 100,000+ square feet of limited industrial space within the limited industrial park, or (2) 25 AM peak hour trips into the limited industrial park.
6. Proffer 3(c) – Owner shall install a trip counter in the roadway at the entrance to the future industrial park road at its intersection with East Nichols Lane no later than the issuance of the first occupancy permit.
7. Proffer 4(a) – Owner shall extend all necessary water and sewer lines at no cost to the Town to be served by Town water and sewer service subject to the Water and Sewer Agreement for Mayfair.
8. Proffer 4(a) – Owner shall pay \$20,000 to upgrade the Valley Industrial Park pump station.
9. Proffer 4(b) – Availability and Meter Fees shall be paid at the rate in effect on September 1, 2013.
10. Proffer 5(a) – A property owner’s association shall be established with its declarations recorded simultaneously with the first subdivision record plat. The associated documentation shall be submitted for Town review prior to approval of the first zoning permit.
11. Proffer 6(a) – Landscape buffers shall be installed with or before the construction of the industrial park.
12. Proffer 6(b) – Landscaping shall be installed as shown on the CDP with existing vegetation saved where possible, and berms may be utilized to enhance the buffer areas.

Staff recommends the noteworthy changes to the proposed proffers listed below. (See the attached Town Attorney’s June 2, 2014 Staff Report on the RZ14-01 Proffers for the list of all proposed changes.)

1. Proffer 1(a) – Revise to state that the property will be developed in accordance with all Town Ordinances and in substantial conformance with the CDP, and remove all reference to the M-1 zoning district.
2. Proffer 3(a) – Since no roads are shown on the CDP on the Property, please revise the proffer to state that the Owner shall construct all roads on the Property at no cost to the Town and shall construct such roads as public roads.
3. Proffer 3(b) – If the turn lane is warranted by the project, then the proffer should also include its construction by the Owner.
4. Proffer 3(c) – 1st Paragraph: Change timing mechanism from 1st occupancy permit to 1st zoning permit.
5. Proffer 3(c) – 2nd Paragraph:

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- a. Change timing mechanism from occupancy permit to zoning permit.
- b. Add a requirement by the Owner to submit to the Town an annual report of the trip data so that the Town will know when 25 AM peak hour trips have been reached.
6. Proffer 4(a) –
 - a. Delete all reference to the “Water and Sewer Agreement” as it does not apply to the property subject to this rezoning.
 - b. Amend the proffer to state that prior to issuance of the first zoning permit, the Owner shall create a looped water system and also to state at which two points the Owner will connect.
 - c. Amend the proffer to reference the first zoning permit for a structure, not the occupancy permit, as the timing mechanism for the cash proffer.
7. Proffer 4(b) – Delete; the Town is opposed to a proffer that obligates the Town to lock-in the availability fees that were in effect on September 1, 2013

FINDINGS

1. The documents involved with Town Council’s previous approval of the Mayfair Planned Development do not obligate the Town to approve RZ14-01.
2. RZ14-01 complies with all portions of the Purcellville, Virginia 2025 Comprehensive Plan that are applicable to it.
3. RZ14-01 complies with the long standing planned land use for the property.
4. The site is physically suitable for multiple land use types, but its best and most appropriate use is industrial as permitted by RZ14-01’s requested M-1, Limited Industrial zoning district.
5. The approval of RZ14-01 would provide for efficiency and economy in the process of development.

RECOMMENDATION

Staff recommends approval of RZ14-01 with the following suggested conditions:

1. Incorporate the proffer changes requested in the Town Attorney’s June 2, 2014 Staff Report on the RZ14-01 Proffers.
2. Provide separate plan sets for RZ14-01 and RZ14-02 in lieu of the current combined set.

MOTIONS

Suggested Motion – Conditional Approval

For the reasons stated in the staff report dated June 3, 2014, I move that the Purcellville Planning Commission forward to Town Council, with a recommendation to approve, RZ14-01 with the following recommendations:

1. Incorporate the proffer changes requested in the Town Attorney’s June 2, 2014 Staff Report on the RZ14-01 Proffers, and
2. Provide separate plan sets for RZ14-01 and RZ14-02 in lieu of the current combined set.

Alternative Motions

Approval

For the reasons stated in the staff report dated June 3, 2014, I move that the Purcellville Planning Commission recommend approval of RZ14-01 to Town Council as presented.

Disapproval

I move that the Purcellville Planning Commission recommend disapproval of RZ14-01 to Town Council, for the following reasons:

- 1.
- 2.
- 3.

Attachments for RZ14-01

- Draft Proffers for RZ14-01 – Fourth Submission (Revised May 29, 2014) – 5 pages
- Town Attorney’s June 2, 2014 Staff Report on the RZ14-01 Proffers – 3 pages

Attachments for RZ14-01 & RZ14-02

- Rezoning Plan Set – Fifth Submission (Revised May 27, 2014) – 5 pages
- Trip Generation Memo – 3 pages
- Review Comments – Community Development – 1 page
- Review Comments – Public Works – 2 pages
- Review Comments – VDOT – 6 pages
- Review Comments – Loudoun County Planning – 5 pages
- Review Comments – Loudoun County Building and Development – Fire Protection – 1 page
- Review Comments – Loudoun County Fire & Rescue – 1 page
- Review Comments – Kimley-Horn (Review of Trip Generation Memo) – 1 page

Mayfair PDH Reference Attachments

- Boundary Line Adjustment Agreement – 8 pages
- Memorandum of Understanding (*no exhibits*) – 10 pages
- Proffer Statement with Concept Development Plan – 15 pages
- Water & Sewer Agreement – 11 pages