



STAFF REPORT

TO: Planning Commission
FROM: Daniel Galindo, AICP – Senior Planner
SUBJECT: RZ14-02 Mayfair Residential Addition
DATE: June 3, 2014

Application Information		
Applicant/Engineer Bowman Consulting Group, Ltd. 101 South Street, S.E. Leesburg, VA 20175	Property Owner Brookfield Washington, L.L.C. 8500 Executive Park Ave Ste 300 Fairfax, VA 22031-2225	
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
487-47-4375	/35/////////17/	N/A	X	3.98

Rezoning Request
RZ14-02
Rezone the property from X, Transitional to R-3, Duplex Residential

SUMMARY

Bowman Consulting Group, Ltd. of Leesburg, Virginia has submitted a rezoning application (RZ14-02), on behalf of Brookfield Washington, L.L.C., that proposes to amend the Town's Zoning Map by changing the zoning district designation of an undeveloped 3.98 acre property from X (Transitional) to R-3 (Duplex Residential). 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 RZ14-02 proposes to rezone the undeveloped 3.98 acre parcel identified in the Loudoun County land records as Tax Map Number //35/////////1/17/ and Parcel Identification Number 487-47-4375 from X (Transitional) to R-3 (Duplex Residential). The applicant has proffered to restrict the number of residential units on this property to no more than 8 single family detached dwelling units. However, the applicant's original request sought PDH-8 (Planned

Development Housing) with a maximum density of 32 units, and a subsequent request sought R-8 (Townhouse Residential) with a maximum density of 16 units before the current request was submitted.

The property subject to the RZ14-02 application abuts the following zoning districts and land uses: JLMA-3 (Joint Land Management Area-3) to the north containing single family detached dwellings in the Chestnut Hills subdivision, PDH-8 (Planned Development Housing-8) to the west and south containing the future sites for single family detached dwellings in the Mayfair Planned Development, and Purcellville Road (Route 611) to the east.

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 R-3, Duplex Residential designation typically allows detached single-family dwellings and duplex dwellings, public utility facilities and structures, yard sales or garage sales, home occupations, residential day cares or home child cares, and buildings and uses accessory to permitted 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	R-3, Duplex Residential for detached dwelling on public water and sewer
Minimum Lot Size	3 acres	10,000 sq. ft.
Minimum Lot Width	200 ft.	75 ft.
Lot Depth	Maximum of 3.5x Lot Width	Minimum of 100 ft.
Maximum Height	35 ft.	35 ft.
- <i>If certain setbacks from the property line are met</i>	<i>60 ft.</i>	<i>60 ft.</i>
Minimum Front Yard	35 ft.	25 ft.
Minimum Side Yard	12 ft.	10 ft.
Minimum Rear Yard	25 ft.	25 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 RZ14-02 application and the accompanying RZ14-01 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 RZ14-02 Staff Report

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 3.98 acres from the Town's X, Transitional zoning district to R-3, Duplex Residential and would not increase the commercial portion of the Town's real property tax base. In fact, the increased density of 8 dwelling units in R-3 (limited by proffer) versus the 1 unit otherwise allowed in X might cause a very slight shift away from this goal. However, the 8 units are very likely to have a higher total valuation than the 1 unit allowed by X, so the Town would still increase its tax revenues.

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

1. If rezoned to R-3, the 8 dwelling units should provide \$381,032 in availability and meter fees versus \$47,629 for 1 unit in X.

Staff Determination: RZ14-02 partially complies with this portion of the Plan.

2025 Housing Policies

The housing policy section of the Plan seeks to "*promote...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*" (PCP, p. 28), "*ensure a housing stock of sufficient size, diversity and quality for all residents to have a safe and sound place to live*" (PCP, p. 29), and "*ensure that new residential construction is compatible with the Town's existing small town character*"(PCP, p. 29).

1. This rezoning would not significantly affect the amount of commercial and light industrial development in Purcellville.
2. The proffered cap of 8 dwelling units averages out to roughly ½ acre lots which would be larger than most recently created lots in Town, and these lots are proposed to be clustered so as to encourage the preservation of open space and natural features. However, the proposed single family detached unit type does little to increase diversity in the Town’s housing stock.
3. Because the property is located between the Chestnut Hills subdivision with lot sizes of multiple acres and the recently approved Mayfair Planned Development with townhomes and single family detached lots of approximately 1/5 of an acre, the ½ acre lots would act as a transition between the two and help to maintain compatibility with Purcellville’s small town character.

Staff Determination: RZ14-02 partially complies 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), “*recognize the importance and significant contributions that quality recreation facilities and programs make to overall health, well-being and quality of life of the community*” (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. The owner is proffering passive recreation on the property, but details are not provided.
2. As shown in the proffers, the owner plans to functionally attach this property to the larger Mayfair development, so future property owners on this site should have access to the active recreation facilities to be built south of the Northern Collector Road (NCR).
 - a. Staff previously expressed concern about the lack of active recreation facilities on the north side of the NCR during review of the Mayfair Final Development Plan because it forces children to cross the NCR to reach the facilities. This increases the risk of vehicular accidents with walking or biking children (and adults). Therefore, staff continues to recommend the inclusion of active recreation facilities on the north side of the NCR, and this property may be a suitable spot due to the proffered unit cap and site constraints.
3. Sheet 4 of the Concept Development Plan (CDP) notes that the Town’s cluster subdivision provisions will be used, and this will better preserve natural features such as the delineated wetlands which divide the site.
4. 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: RZ14-02 partially complies with this section of the Plan.

2025 Historic Resources Policies

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

1. No important historical features have been identified on the property.

Staff Determination: This section of the Plan is not applicable to RZ14-02.

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).

1. While the 8 proposed units would provide a small number of additional patrons for the Town’s businesses, this rezoning would have no significant economic effect on the Town.

Staff Determination: This section of the Plan is not applicable to RZ14-02.

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 new residences.

Staff Determination: RZ14-02 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. As noted on the plan set, all utility distribution lines shall be placed underground.

Staff Determination: RZ14-02 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 road serving this property will be an extension of a future public road currently designed to end at the western property line shared with the Mayfair Planned Development.

Staff Determination: RZ14-02 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, the utilization of the Town’s cluster subdivision provisions will help to protect the delineated wetlands located on the property.
2. The property is entirely forested, and 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: RZ14-02 is in compliance with this portion of the Plan.

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 *“provide development densities in residential neighborhoods that reflect the existing built density” as well as “provide greater protection for...environmentally sensitive areas” (PCP, p. 110).*

1. This rezoning would result in a harmonious and orderly land use pattern as the property will be incorporated into the adjoining Mayfair development.
2. As noted above, the property’s larger lot sizes will serve as a transition between the existing density of Chestnut Hills and the proposed density of Mayfair.
3. As also noted above, the utilization of the Town’s cluster subdivision provisions will provide greater protection for the property’s wetlands than would be found in a traditional subdivision.

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 Low-Density Residential uses, which includes single-family residences ranging in

density from one to three dwelling units per acre, 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: RZ14-02 is in compliance with this portion of the Plan.

Trends of Growth and Change

People continue to be attracted to Purcellville's small town charm, and the market's desire to construct more housing in Town remains constant. If approved, the result of this rezoning would only be an increase of 7 dwelling units, and the incorporation of the property into the larger Mayfair development is better than alternative designs that would likely result in a small cul-de-sac design with direct access onto Purcellville Road.

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

The parcel is wooded and would require the removal of trees to be developed. The scale of tree removal required would be dependent upon the scale of the proposed use, and uses requiring significant areas for structures, parking, or outdoor storage such as commercial, industrial and institutional are likely to first pursue other sites. The delineated wetlands which roughly divide the parcel in half from north to south would also present issues to certain uses.

The Most Appropriate and Best Use of Land Throughout the Locality

Given the physical constraints of the parcel, residential use is most appropriate for the site as dwellings can be carefully placed on the property to best protect its natural resources. Alternatively, small scale non-residential uses only interested in utilizing a small portion of the site may find it suitable for their needs; however, the Town should be weary of rezoning a 4 acre site for a non-residential use without a proffered plan as it increases the likelihood that a permitted use could more easily harm the site's trees and wetlands in the future. This makes residential dwellings the best use of the site.

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 R-3 district and the CDP.
2. Proffer 1(b) – Owners restrict the usage of the property to no more than 8 single family detached dwelling units.
3. Proffer 1(c) – Free and clear fire protection and emergency response access shall be provided to all units.
4. Proffer 2(a) – Owner shall provide passive recreation on the property near a stormwater management pond with both to be owned and maintained by the homeowners association (HOA).
5. Proffer 2(b) – Owner shall provide open space in conformance with the CDP to be owned by the HOA.
6. Proffer 2(c) – Owner shall submit a stormwater management plan and construct one or more ponds.
7. Proffer 3(a) – Owner shall construct all roads shown on the CDP.
8. 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.
9. Proffer 4(b) – Availability and Meter Fees shall be paid at the rate in effect on September 1, 2013.
10. Proffer 5(a) – An HOA shall be established with its declarations recorded simultaneously with the first subdivision record plat.
11. Proffer 5(b) – The HOA documentation shall be submitted for Town review prior to approval of the first zoning permit for a dwelling.
12. Proffer 5(c) – The HOA shall own and maintain all recreation facilities, open space areas, storm drainage, storm water management pond, trails, etc.
13. Proffer 6(a) – Landscape buffers shall be installed with or before the construction of the residential units.
14. 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 3, 2014 Staff Report on the RZ14-02 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 R-3 zoning district.
2. Proffer 1(b) – Given the title of the R-3 zoning district, clarify in this proffer that duplex style homes are prohibited.
3. Proffer 2 – No active recreational facilities are proposed on the Property. Active recreational facilities should be provided in order to meet Town Plan goals and promote safety.
4. 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.

5. Proffer 3: As requested by VDOT, add an off-site proffer stating that the Owner will remove, or escrow funds to remove, the temporary cul-de-sac located at the western end of the Northern Collector Road with an appropriate timing mechanism.
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.
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 RZ14-02.
2. RZ14-02 generally complies with all portions of the Purcellville, Virginia 2025 Comprehensive Plan that are applicable to it.
3. RZ14-02 complies with the long standing planned land use for the property.
4. The ability to carefully place residential dwellings in locations that best protect the site’s natural resources make RZ14-02’s requested R-3, Duplex Residential zoning district with a proffered cap of 8 dwelling units the best and most appropriate use for the property.
5. The approval of RZ14-02 would provide for efficiency and economy in the process of development.

RECOMMENDATION

Staff recommends approval of RZ14-02 with the following suggested conditions:

1. Incorporate the proffer changes requested in the Town Attorney’s June 3, 2014 Staff Report on the RZ14-02 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, RZ14-02 with the following recommendations:

1. Incorporate the proffer changes requested in the Town Attorney’s June 3, 2014 Staff Report on the RZ14-02 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 RZ14-02 to Town Council as presented.

Disapproval

I move that the Purcellville Planning Commission recommend disapproval of RZ14-02 to Town Council, for the following reasons:

- 1.
- 2.
- 3.

Attachments for RZ14-02

- Draft Proffers for RZ14-02 – Fourth Submission (Revised May 29, 2014) – 5 pages
- Town Attorney’s June 3, 2014 Staff Report on the RZ14-02 Proffers – 3 pages
- Review Comments – Loudoun County Public Schools – 3 pages
- Review Comments for RZ14-02 – Community Development (Insufficient Acreage for PDH-8 Letter) – 1 page

Attachments for RZ14-01 & RZ14-02 *(Attached to RZ14-01 Staff Report)*

- 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 *(Attached to RZ14-01 Staff Report)*

- 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