



**PLANNING COMMISSION  
REGULAR MEETING AGENDA**

August 4, 2016

7:00 p.m.

- 1) **Call to Order** – Chairwoman Theresa Stein
- 2) **Pledge of Allegiance**
- 3) **Agenda Amendments** (Planning Commission and Staff)
- 4) **Commissioner Disclosures**
- 5) **Public Hearings**
  - a) SUP15-02 – Catoctin Corner Drive-through Facility
- 6) **Presentations**
  - a) None Scheduled
- 7) **Discussion Items**
  - a) SUP15-02 – Catoctin Corner Drive-through Facility
- 8) **Action Items**
  - a) None Scheduled  
*Note: Any Discussion Item may be added as an Action Item during the meeting by motion of the Planning Commission.*
- 9) **Information Items**
  - a) Status of Priority Work Items
- 10) **Citizen Comments** – All citizens who wish to speak about an item or issue that is not listed for a public hearing will be given an opportunity to speak (3 minute limit per speaker).
- 11) **Council Representative’s Report**
- 12) **Chairman’s Comments**
- 13) **Planning Commissioners’ Comments**
- 14) **Approval of Minutes**
  - a) July 21, 2016 Regular Meeting
  - b) July 21, 2016 Work Session
- 15) **Adjournment**

If you require any type of reasonable accommodation as a result of physical, sensory or mental disability in order to participate in this meeting **OR** if you would like an expanded copy of this agenda, please contact Tucker Keller at (540) 338-2304 at least three days in advance of the meeting. *Expanded copies of the agenda may not be available the night of the meeting, please request a copy in advance.*

USE OF ELECTRONIC DEVICES DURING MEETINGS For the comfort and consideration of others, all cellular phones must be turned off and cannot be used in the Council Chambers. Pagers must be set on silent or vibrate mode. This is requested because of potential interference with our recording devices and the transmittal of our hearing impaired broadcast.

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**STAFF REPORT**  
**PUBLIC HEARING ITEM**

Item # 5a

**SUBJECT:** SUP15-02 – Catoctin Corner Drive-through Facility

**DATE OF MEETING:** August 4, 2016

**STAFF CONTACT:** Daniel Galindo, AICP – Senior Planner

<b>Application Information</b>		
<b>Applicant/Attorney</b> Robert E. Sevila Sevila, Saunders, Huddleston & White, PC 30 North King Street Leesburg, VA 20176	<b>Property Owner</b> Purcellville Development, LLC c/o William B. Holtzman P.O. Box 8 Mount Jackson, VA 22842	<b>Designer/Engineer</b> Bowman Consulting Group, Ltd. 101 South Street, S.E. Leesburg, VA 20175
<b>Submission Date</b> November 3, 2015	<b>Planning Commission Public Hearing Date</b> August 4, 2016	<b>Town Council Public Hearing Date</b> Not Yet Scheduled

<b>Property Information</b>				
<b>PIN</b>	<b>Tax Map</b>	<b>Address</b>	<b>Current Zoning</b>	<b>Acres</b>
452-18-7178-002	/36////////18A2/	None	MC	6.53

<b>Special Use Requested</b>
<b>SUP15-02</b>
Drive-through Facility

**SUMMARY and RECOMMENDATIONS:**

Robert E. Sevila of Sevila, Saunders, Huddleston & White, PC in Leesburg, Virginia has submitted a special use permit application (coded by the Town as SUP15-02), on behalf of property owner Purcellville Development, LLC, that seeks to amend the previously approved location of a drive-through facility within the future Catoctin Corner development. A public hearing on SUP15-02 is scheduled before the Planning Commission on August 4, 2016. Staff is recommending approval of this application with conditions.

**BACKGROUND:**

On August 10, 2010, Town Council passed Resolution 10-08-06 approving six special use permits for the future Catoctin Corner development. Catoctin Corner will be constructed on a 6.53-acre parcel identified in Loudoun County Land Records as Tax Map Number /36/////18A2/ and Parcel Identification Number 452-18-7178-002. This property has a zoning district designation of MC (Mixed Commercial) and is located at the northeast quadrant of the roundabout intersection of the following four roadways: East Main Street, Berlin Turnpike (Route 287), West Colonial Highway, and William T. Druhan, Jr. Boulevard (aka Southern Collector Road).

In the years since approval, the property has been sold to Purcellville Development, LLC which has recently sought to redesign the layout of the development. As part of this redesign and based on an interpretation letter by the Zoning Administrator (Attachment 1), application SUP15-02 (Attachments 2-5) has been submitted to amend special use permit SUP09-07 by relocating a drive-through facility within the development. To summarize the Zoning Administrator's interpretation letter regarding Catoctin Corner, his initial review of an August 27, 2015 Merchandizing Plan showing a preliminary layout for the property found that:

1. Changing a "12,900 square foot drive-through pharmacy" (approved as SUP09-02) to a 1,800 square foot fast food drive-through located within the demarcated area of the original SUP is in substantial conformance with the initial approval;
2. Removing the "7,000 square foot restaurant with possible retail" (approved as SUP09-03) is allowed;
3. Changing a "3,300 square foot bank with drive-through" (approved as SUP09-04) to a medical office building with no drive-through is in substantial conformance with the initial approval;
4. Changing the location of a "restaurant over 4,000 square feet located in a building with other retail uses" (approved as SUP09-06) within the demarcated area of the original SUP is in substantial conformance with the initial approval; and
5. Changing the location of a "3,700 square foot drive-through restaurant" (approved as SUP09-07) to a location outside the demarcated area of the original SUP is NOT in substantial conformance with the initial approval.

**NOTE:** To aid the Planning Commission in following the changes between the earlier SUP approvals and the current design proposed for the site, Town Staff requested the *Approved SUP & Current Site Plan Comparison* document (Attachment 6) that has been supplied by the applicant.

Given the Zoning Administrator's interpretation and the applicant's subsequent applications, the overall site would now contain two drive-through facilities for eating establishments instead of three drive-through facilities for each of a pharmacy, bank and eating establishment. Vehicular ingress and egress to the overall site would now occur via: a northern driveway connecting through Patrick Henry College to the Purcellville Gateway

Drive and Berlin Turnpike intersection where there is a traffic light, and a southern driveway with a direct connection to Colonial Highway.

The Planning Commission should also note that the original SUP09-07 special use permit approved the special use of “a 3,700 square foot drive through restaurant” to be located in the northeastern corner of the property (see Attachment 6 for the currently approved location). This use was the equivalent of an “eating establishment with drive-through” then listed within the Zoning Ordinance as permitted by special use permit for the MC (Mixed Commercial) zoning district. Due to zoning ordinance text amendments approved by the Town in December 2015 after SUP15-02 was submitted, the current application now proposes to locate the special use of a “drive-through facility” (which is attached to an otherwise permitted eating establishment of approximately 2,800 square feet) closer to Colonial Highway near the middle of the property.

The Catoctin Corner property subject to the SUP15-02 application is surrounded by the following properties and uses:

- The site is bordered on the north by two properties owned by Patrick Henry College with zoning district designations of IP (Institutional and Public Use) and planned land use designations of Institutional/Government. The larger property to the northwest currently contains the educational, recreation and student housing facilities of Patrick Henry College; the smaller property to the northeast is undeveloped although a stormwater detention pond for Catoctin Corner is currently being constructed there.
- The site is bordered on the east by property owned by Patricia DiPalma-Kipfer with a zoning district designation of X (Transitional) and a planned land use designation of Mixed Use Commercial. This property currently contains a single-family detached dwelling.
- The site is bordered on the south by the Colonial Highway (Business Route 7) right-of-way. Across the roadway are two properties owned by Beverly O’Toole and a property owned by Harmony Meadows LLC.
  - The O’Toole properties have zoning district designations of X (Transitional) and no designated planned land use. The larger property to the southwest currently contains a single-family detached dwelling; the smaller property to the southeast is currently undeveloped.
  - The Harmony Meadows LLC property is located outside of the Town’s corporate limits and is partially developed for large lot single-family detached dwellings. A final subdivision plat for the property has never been approved.
- The site is bordered on the west by the Berlin Turnpike (Route 287) right-of-way. Across the roadway is a property owned by NSHE Fool Hollow Lake LLC with a zoning district designation of MC (Mixed Commercial) and a planned land use designation of Mixed Use Commercial. This property contains Harris Teeter as well as various eating establishments, retail businesses, and personal services businesses. In addition, the property is approved for a financial institution (i.e. a bank) that has yet to be built.

**ANALYSIS:**

There are certain relevant factors that should be considered for any special use permit application. Article 8, Section 1.2 of the Zoning Ordinance of the Town of Purcellville, Virginia states:

A special use permit should be approved only if it is listed as allowed by special use permit in the district regulations and only if it is found that the location is appropriate and not in conflict with the comprehensive plan, that the public health, safety, morals, and general welfare will not be adversely affected, that adequate utilities and off-street parking facilities, if applicable, will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values, and further provided that the additional standards of this article are complied with.

The requested use is listed in Article 4, Section 1.1 of the Zoning Ordinance as a use allowed by special use permit in the MC zoning district while the remaining factors to be considered are addressed in the applicant's Statement of Justification.

Since being submitted, the SUP15-02 application was distributed for three rounds of review by the Town and external review agencies. Following each round, the applicant submitted response comments and revised application documents. As a result of this process, staff now agrees with the contents of application (including the revised Statement of Justification) with one exception noted below. Overall, the requested special use complies with the comprehensive plan and satisfies the other issues listed for consideration in the Zoning Ordinance. It will allow a new business to further economic growth by offering a new drive-through facility which is generally compatible with its surrounding uses and will increase the convenience of the public. Furthermore, the necessary utilities will be constructed for the site by the applicant, and there should be no adverse impact to water quality or air quality. The new eating establishment will also possess a high quality architectural design that was approved by the Board of Architectural Review on May 25, 2016.

The only element of the application with which Staff continues to have a reservation is the proposed location of the intersection between the southern driveway connecting to Colonial Highway and the southern, interior driveway paralleling Colonial Highway. The offset alignment of the development's entrance with Harmony Meadows Court across Colonial and the future entrance in to the O'Toole property (which is subject to a rezoning application currently under review) creates tremendous potential for a number of conflicting turning movements in a small area of Colonial Highway in close proximity to the roundabout, but the current configuration of property boundaries appear to make this issue unavoidable at the present time. However, the proposed location of the aforementioned driveway will result in additional turning movements approximately 70 feet (3-4 car lengths) from Colonial that have the potential to lead to further conflicts that could cascade on to the public road and exacerbate its anticipated issues.

During the initial reviews of the application, Staff encouraged the applicant to consider an alternate configuration that would address these concerns, but the applicant chose to keep this design for the Planning Commission to consider. Therefore, Staff believes that the best solution to this concern is to remove the driveway intersection within the site thereby removing the possibility of left turns so close to Colonial Highway. This should improve the safety of both internal driveways and external roadways. The applicant could then choose to keep the remainder of the existing design which would result in vehicles taking a longer counterclockwise route through the center of the site in order to enter the parking lot and drive-through from the south, or the orientation of these entrances could be flipped to connect to the main west-east driveway on the site and allow entrance from the north.

**FINDINGS:**

1. The proposed special use is allowed in the MC district by special use permit (Zoning Ordinance – Article 4, Section 1.1).
2. The application complies with Article 8, Section 1 (Special Use Permit) of the Zoning Ordinance.
3. The proposed use advances the goals and strategies established in the Purcellville, Virginia 2025 Comprehensive Plan.

**MOTIONS:**

***Add as Action Item (if desired)***

I move that application SUP15-02 for a Drive-through Facility at Catoctin Corner be added to the Planning Commission's August 4<sup>th</sup> regular meeting agenda as an action item.

***If added for action:***

***Recommended Motion – Conditional Approval***

For the reasons stated in the staff report dated August 4, 2016, I move that the Purcellville Planning Commission forward to Town Council, with a recommendation to approve, SUP15-02 allowing a drive-through facility to be relocated within the Catoctin Corner development on the property identified in Loudoun County Land Records as Parcel Identification Number 452-18-7178-002 with the following condition(s):

1. The west-east driveway located near the southern border of the property and running approximately parallel to Colonial Highway shall not intersect with the north-south driveway serving as an ingress/egress point on Colonial Highway.
2. *Optional:*  
Vehicular ingress/egress to the drive-through facility and surrounding parking lot shall occur from the north and not the south as currently shown on the concept plan.

***Alternative Motions***

*Approval (as presented)*

For the reasons stated in the staff report dated August 4, 2016, I move that the Purcellville Planning Commission forward to Town Council, with a recommendation to approve as presented, SUP15-02 allowing a drive-through facility to be relocated within the Catoctin Corner development on the property identified in Loudoun County Land Records as Parcel Identification Number 452-18-7178-002.

-Or-

*Disapproval*

I move that the Planning Commission forward to Town Council, with a recommendation to disapprove for the following reasons, SUP15-02 allowing a drive-through facility to be located at the Catoctin Corner development on the property identified in Loudoun County Land Records as Parcel Identification Number 452-18-7178-002:

- 1.
- 2.
- 3.

**ATTACHMENTS:**

1. Zoning Administrator Interpretation Letter
2. SUP15-02 Application
3. SUP15-02 Written Statement
4. SUP15-02 Statement of Justification
5. SUP15-02 Plan Set
6. SUP15-02 Approved SUP & Current Site Plan Comparison

**AVAILABLE ONLINE:**

The following documents are available online at: <http://purcellvilleva.gov/784/SUP15-02-Catoctin-Corner-Drive-through>

- SUP15-02 Traffic Impact Analysis
- Previous versions of the SUP15-02 application documents
- Review comments from Town Staff and external reviewing agencies
- BAR-approved Architectural Drawings for Catoctin Corner

**This interpretation regarding SUP's for the Catoctin Corner development supersedes the interpretation by the Zoning Administrator in an email dated 7-31-2015**

The email regarding a SUP scenario for Catoctin Corner dated Friday July 31, 2015 after additional review is no longer valid and is to be replaced by a review that utilizes a more detailed set of requirements to determine whether a potential scenario can be utilized.

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Catoctin Corner Special Use Permit Concept Plan Potential Changes *date: September 10, 2008*

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The comments below are based on a draft SUP Permit Plan submitted by Bowman Consulting and received by the Zoning Administrator July 8, 2015. The draft concept plan is not a complete document and any interpretation by the Zoning Administrator is subject to change if new information becomes available. The Zoning Administrator is not able to issue a final determination until a complete concept plan has been submitted along with the appropriate fees. The responses to the requested changes below are based on a scenario submitted by the applicant and are designed to provide guidance on how to proceed. The scenario is not based on a final complete plan submittal it is rather a proposal, a what-if supposition and is therefore an interpretation and not an appealable determination based on facts.<sup>1</sup>

Approved SUPs are required to be in substantial conformance with the approved SUP plan. Changes to approved SUPs must still be found to be in substantial conformance with the plan otherwise a new SUP will be required.

**Definition of Substantial Conformity**

Substantial conformity shall mean that conformity which leaves a reasonable margin for adjustment to final engineering data; but, conforms to/with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations and other demonstrative materials presented by the applicant.

**Review of Requested Changes**

**SUP 2. Drive through 12,900 square foot pharmacy.**

*Requested Change. Change from a Pharmacy drive through to an 1,800 sf fast food drive through.*

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<sup>1</sup> A (zoning) decision, and in particular, a determination, must be based upon a set of existing facts, rather than upon a recitation of non-existent facts, hypotheticals, proposals, ideas, concepts, or "what-if" suppositions. See Lynch v. Spotsylvania County Board of Zoning Appeals, 42 Va. Cir. 164 (1997).

1. Does the change conform to/with the general nature of the development?
  - a. *Yes. The nature of the development is commercial which includes retail, restaurants and other commercial services (hair salons, etc.)*
  - b. *The all day trips for a 12,000sf pharmacy are 1,162 and for an 1,800sf fast food use the trips would be 1,191. Not a significant difference.*
2. Does the change conform to/with the specific uses of the development?
  - a. *Yes. The proffers provide a list of uses allowed and place a limit on the commercial development on the site. Fast food restaurant is an allowed use on this site and does not exceed the commercial development square footage, limited by the proffers.<sup>2</sup>*
3. Does the change conform to/with the general lay out?
  - a. *The general layout of the concept plan approved a drive through in the western area of the site. The ordinance definition of drive through does not differentiate between different types of uses. The types of drive through come under one definition, "Drive Through".*
4. Is there a specific layout required by the conditions for the SUP approval?
  - a. *Yes. The SUP must be located in the SUP09-02 Area of the permit Plat.*
  - b. *The drive through is still located in the appropriate area.*
5. Is the placement of the SUP arbitrary or are there detailed requirements as to where it must be located?
  - a. *Placement appears to be arbitrary. There are no specific requirements detailed by the SUP.*
6. Is there a stated reason the specific use cannot be replaced with another approved use?
  - a. *No.*

**SUP 3. 7,000 square foot restaurant (exceeds 4,000 sq ft).**

*Requested Change. Use deleted.*

1. Does the change conform to/with the general nature of the development?
  - a. *Yes.*
2. Does the change conform to/with the specific uses of the development?

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<sup>2</sup> Proffers limit development to 50,000 square feet of commercial development.

- a. Yes.
3. Does the change conform to/with the general lay out?
  - a. N/A
4. Is there a specific layout required by the conditions for the SUP approval?
  - a. N/A
5. Is the placement of the SUP arbitrary or are there detailed requirements for where it was located?
  - a. N/A
6. Is there a stated reason the specific use cannot be replaced with another approved use.
  - a. No, as long as the new use is permitted by right.

#### **SUP 4. Drive through for bank.**

*Requested Change. Change from a drive through for a bank to a medical office building with no drive through.*

1. Does the change conform to/with the general nature of the development?
  - a. Yes. *The nature of the development is commercial which includes retail and restaurants and other commercial services (hair salons, medical offices, etc.)*
2. Does the change conform to/with the specific uses of the development?
  - a. Yes. *The proffers provide a list of uses allowed and place a limit on the commercial development on the site. Offices are an allowed use on this site and fall within the size limitations.*
3. Does the change conform to/with the general lay out?
  - a. *The general layout of the concept plan envisioned an office building in this area.*
4. Is there a specific layout required by the conditions for the SUP approval?
  - a. *N/A Drive through has been eliminated.*
5. Is the placement of the SUP arbitrary or are there detailed requirements for where it was located?
  - a. *N/A SUP has been eliminated from this area.*
6. Is there a stated reason that the bank use can't be replaced with another approved use?
  - a. No.

**SUP 5. Automobile service station with 1,500 sq ft retail store in a building with other retail uses.**

*Change. NO CHANGE requested.*

**SUP 6. Restaurant over 4,000 located in building with others retail uses.**

*Requested Change. Large restaurant moved north west from original position but still within the 09-06 original area on the plan.*

1. Does the change conform to/with the general nature of the development?
  - a. *Yes. The nature of the development is commercial which includes retail and restaurants and other commercial services (hair salons, etc.)*
2. Does the change conform to/with the specific uses of the development?
  - a. *Yes. The proffers provide a list of uses allowed and place a limit on the commercial development on the site. Restaurants are an allowed use on this site.*
3. Does the change conform to/with the general lay out?
  - a. *The general layout of the concept plan delineates an area in which the SUP and its associated parking should be located. The restaurant remains in the aforementioned area.*
4. Is there a specific layout required by the conditions for the SUP approval?
  - a. *No. The only limitation is that the restaurant "...shall be developed in substantial conformance ... as to each respective Special Use Permit Area as shown on the Plat."*
5. Is the placement of the SUP arbitrary or are there detailed requirements for where it was located?
  - a. *Yes there is a location requirement. It shall be located in the SUP09-06 Area as shown on the Plat.*
  - b. *The placement of the restaurant is within the SUP Area for SUP 6*
6. Is there a reason the specific use can't be replaced with another approved use?
  - a. *N/A. Replacement not being requested.*

**SUP 7. Drive through for 3,700 sq ft restaurant.**

*Requested Change. Drive through moved from one area of the plan to another area of the plan.*

1. Does the change conform to/with the general nature of the development?
  - a. *Yes. The nature of the development is commercial which includes retail and restaurants and other commercial services (hair salons, etc.)*
2. Does the change conform to/with the specific uses of the development?
  - a. *Yes. The proffers provide a list of uses allowed and place a limit on the commercial development on the site. Restaurants are an allowed use on this site.*
3. Does the change conform to/with the general lay out?
  - a. *The general layout of the concept plan delineates an area in which the SUP should be located. The restaurant remains in the aforementioned area.*
4. Is there a specific layout required by the conditions for the SUP approval?
  - a. *Yes. This particular drive through needs to remain in the north eastern corner of the site as delineated on the special use permit plat*
5. Is the placement of the SUP arbitrary or are there detailed requirements for where it was located?
  - a. *The restaurant placement is limited to the SUP09-07 area of the site permit plat.*
7. Is there a stated reason the specific use can't be replaced with another approved use?
  - a. *N/A. Replacement not being requested.*

### **Conclusions.**<sup>3</sup>

Approved SUPs 2 (Drive through 12,900 square foot pharmacy), 4 (Drive through bank), and 6 (Restaurant over 4,000sf) appear to be in substantial conformance with the SUP Plat.

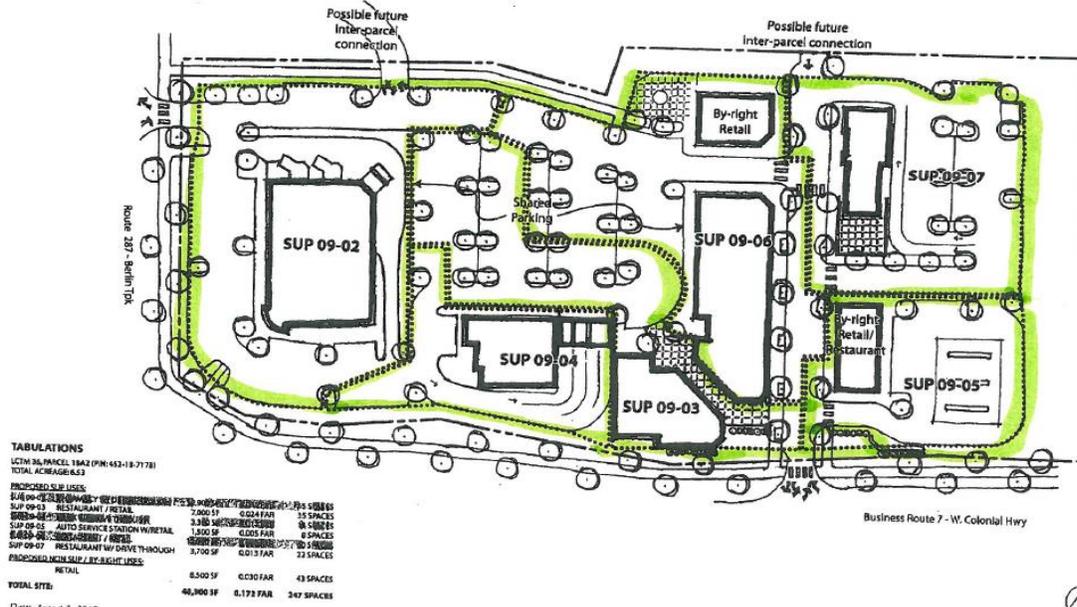
Approved SUP 3 (7,000 sf restaurant) has been deleted.

Approved SUP 5 (Gas station) has not changed and is ok as presented unless there are additional changes.

Approved SUP 7 (Drive through fast food restaurant) is not in substantial conformance and will require an amended SUP if it is to move to another area on the site

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<sup>3</sup> SUP 1 is part of another project and is not part of this development.



Bowman CONSULTING

ORIGINAL SUP PLAN

Catoctin Corner EXHIBIT A- SPECIAL USE PERMIT PLAT

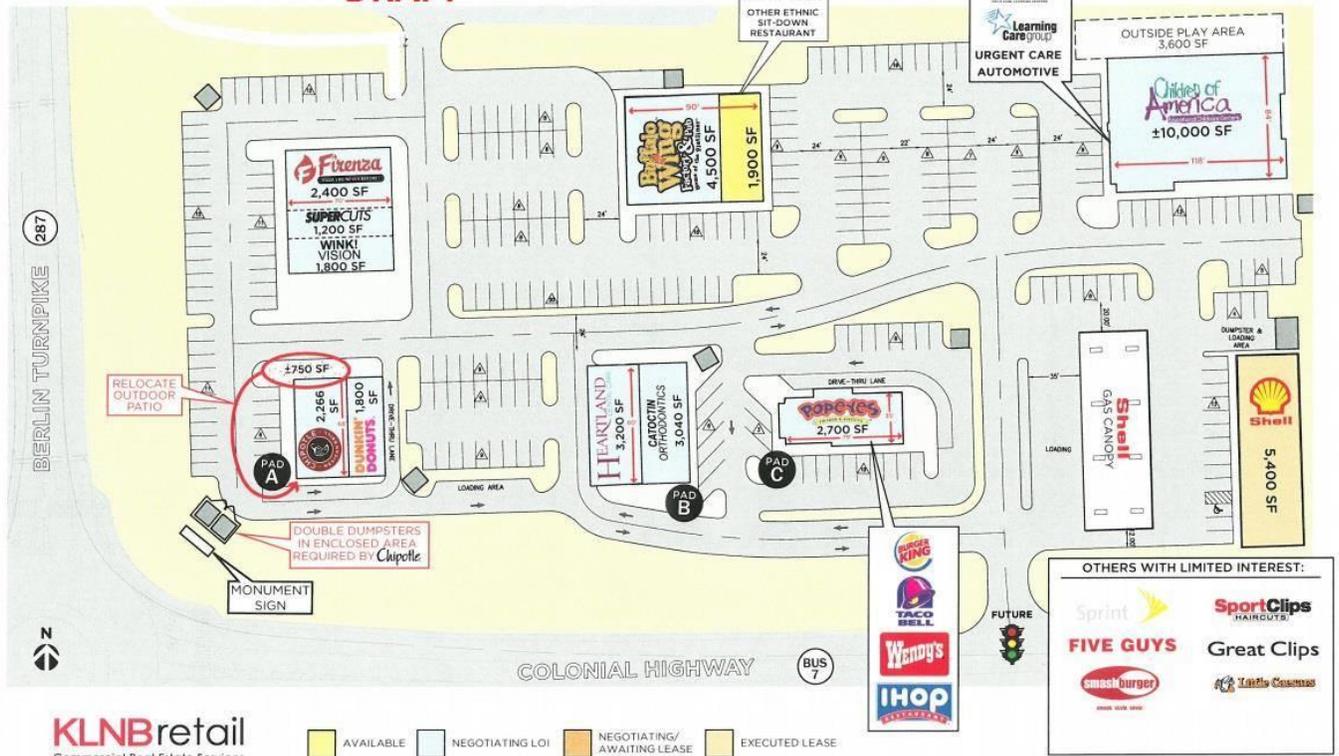
CATOCTIN CORNER

BERLIN TURNPIKE (ROUTE 287) & MAIN STREET (ROUTE 7 BUSINESS) PURCELLVILLE, VA 20132, LOUDOUN COUNTY

MERCHANDISING PLAN AUGUST 27, 2015

DRAFT

DRAFT Pending Lease Negotiations DRAFT



KLNBretail Commercial Real Estate Services



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

Special Use Permit  
 Application

SUP# 15-02

This application must be filled out in its entirety. An incomplete application form will result in rejection of the application prior to checklist review. Do not write in shaded areas.

A special use permit is requested for Eating establishments with drive-through service. 7.3.(9)  
 as per Article 4 Section 7 Subsection 9

**General Project Information:**

- 1 Project Title: Catoctin Corner
- 2 Location of Property: Berlin Turnpike and West Colonial Highway
- 3 Property Owner: Purcellville Development, LLC
- 4 Owner Address: c/o William B. Holtzman  
P. O. Box 8, Mount Jackson, VA 22842
- 5 Owner Telephone: 540-477-2686 Fax \_\_\_\_\_ Email \_\_\_\_\_
- 6 Applicant/Agent: Robert E. Sevila
- 7 Agent Address: Sevila Saunders Huddleston & White P C  
30 North King Street Leesburg VA 20176
- 8 Agent Telephone: 703-777-5700 Fax 703-771-4161 Email rsevila@sshw.com
- 9 Designer/Engineer: Chris Mohn, AICP, Director of Planning
- 10 Designer Address: Bowman Consulting  
101 South Street, S E, Leesburg, VA 20176
- 11 Designer Telephone: 703-443-2400 Fax: 703-443-2425 Email cmohn@bowmanconsulting.com

Correspondence to be sent to:  Owner;  Agent;  Designer;  Other: \_\_\_\_\_

12. Total Acreage of parcel: 6.53 acres
13. Acreage to be developed: 0.53 acres
- 14 Property Identification #(s): 452-18-7178
- 15 LC Tax Map #(s): 138/111/18A2
- 16 Current Zoning: MC

SUP# 15-02

- 17. Current Use(s) Vacant
- 18. Adjoining Property Uses(s) College, commercial, vacant residential
- 19. Adjoining Property ID #s & owners Please attach with a separate sheet provided below
- 20. Related Applications: CPA 08-04 RZ 08-05, SUP 09 02 through 09-07
- 21. Pre-submission meeting date (if any) \_\_\_\_\_

**Additional Submission Requirements:**

- A statement of justification and explanation* Applicant must file a statement in support of their request in accordance with the requirements of Article 8 Section 1 4D of the Purcellville Zoning Ordinance. This statement should address all issues for consideration located within that section. In a separate statement, the proposal should be explained/outlined including details such as hours of operation.
- A concept plan for the property* The Concept Plan does not need to be engineered however, it must be sufficiently detailed to be judged for its superiority to other forms of development. See Article 8 Section 1 4C for the requirements on the concept plan. If a concept plan is not applicable, please indicate with "n/a."
- Traffic Study* A traffic study is required for special use permits, unless waived by the Director of Public Works. The waiver or the traffic study must be provided at the time of submission.
- Payment of fee* The fee for a special use permit application must be paid at the time of submission. FEES ARE NON-REFUNDABLE.

**Property Owner:**

I have read this completed application, understand its intent and freely consent to its filing. The information provided is accurate and completed to the best of my knowledge and capabilities. 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 or inspections and tests they deem necessary. I also understand that someone must be present at all public meetings to represent my application and if no one is present, the item will be tabled to the next available meeting.

*[Handwritten Signature]*  
Owner's Signature

3-7-16  
Date

**Required Materials (as applicable, completed by Town Staff):**

**For all special use permit applications:**

Application (2 copies)     Concept Plan (12 folded Copies)     Required fees(s)

Completed Checklist     Statements of Justification & Explanation     Traffic Study or waiver of study

Application Complete \_\_\_\_\_ Fee \$ \_\_\_\_\_ Paid \_\_\_\_\_ Planning Initials \_\_\_\_\_

Taxes Paid \_\_\_\_\_ Finance Initials \_\_\_\_\_

Project Manager Assigned \_\_\_\_\_

File Number \_\_\_\_\_ Approved On \_\_\_\_\_ Valid Until \_\_\_\_\_

Ordinance/Resolution Number(s): \_\_\_\_\_

# CATOCTIN CORNER

Town of Purcellville

## Special Use Permit

### WRITTEN STATEMENT

November 2, 2015

Revised: June 13, 2016

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The Catoctin Corner development, as approved in 2010, is a small retail center which includes an approved Eating Establishment with Drive-Through, SUP 09-07. In the application which the previous owner submitted, the appropriateness of the use in this center was demonstrated. The applicant is seeking a Special Use Permit to change the location of the Drive-Through Facility to an area on the site that is better suited for this use and which will provide greater ease of access for its customers. Unlike the other approved uses on the site, a franchise fast food restaurant by nature desires greater exposure and visibility as well as ease of access.

The proposed location will provide this visual exposure, which is essential for the success of such eating establishments. Changing the location of the Drive-Through facility will have no negative impacts on the development of the property and will enhance the visual marketability and appeal of the site. The restaurant will be a Popeyes Chicken. Its hours of operation will be from 6:00 AM to 12:00 AM, seven days a week. The restaurant will be developed consistent with and subject to the proffers approved with RZ 08-05 and the conditions approved with SUP 09-07, copies of which are attached.

As stated in the Written Statement for the Catoctin Corner Property, dated February 9, 2009, in support of the original application,

“Purcellville needs additional dining opportunities, specifically in the fast food and sit-down family genres. There is currently only one fast food restaurant in all of western Loudoun County. According to Eric Schlosser in his book *Fast Food Nation*, “Americans

now spend more money on fast food than on higher education, personal computers, computer software, or new cars. They spend more on fast food than on movies, books, magazines, newspapers, videos, and recorded music – combined.” Drive-thru’s are an essential element in today’s fast food and quick serve restaurants. According to Chick-fil-A founder Truett Cathy, “More than half of our sales occur at the drive-thru, so we concentrate on continually improving our service there.”

These statements are not affected by the change of location and are still applicable today.

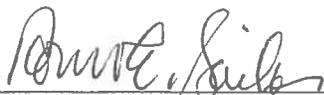
Since these statements were written the number of fast food restaurants in western Loudoun has increased to four, (including the drive-through Starbucks).

The change of location will serve the convenience, safety and best interests of the public, the Town and the applicant and will not result any negative impact or greater burden on the center, neighboring uses or the Town.

Respectfully Submitted,

PURCELLVILLE DEVELOPMENT, LLC

By Counsel



---

Robert E. Sevilla  
Sevila, Saunders, Huddleston & White, P.C.  
30 North King Street, P.O. Box 678  
Leesburg, Virginia 20178-0678  
(703) 777-5700  
FAX (703) 771-4161  
Counsel for Applicant

CATOCTIN CORNER, LLC

PROFFER STATEMENT

Dated October 14, 2008

Revised April 15, 2009

Revised January 6, 2010

Revised April 15, 2010

Revised July 7, 2010

Revised August 2, 2010

Pursuant to § 15.2-2303, Code of Virginia (1950), as amended, and § 6 of Article 10 of The Town of Purcellville Zoning Ordinance (1997), as amended (the "Zoning Ordinance"), Catoctin Corner LLC (the "Applicant"), the owner of the property identified as Tax Map Number 36, Parcel 18A2, Loudoun County Property Identification Number 452-18-7178-002 (the "Property") and their respective successors in interest, hereby voluntarily Proffer that the development of the Property which is the subject of this application shall be in strict conformance with the conditions set forth in this submission.

All Proffers made herein are in the event that: (i) RZ 08-05, rezoning the Property to the M-C Zoning District, are approved; and (ii) the Applicant receives all necessary permits Federal, State and Local including, but not limited to, water and sewer connections and/or authorizations to proceed in the development of the Property.

1. DEVELOPMENT

(a) General

The Property shall be developed with a maximum of 50,000 square feet of commercial development, all in strict compliance with the Zoning Ordinance, or, to the extent to which any particular use or type of structure may be permitted only by Special Use Permit in the M-C Zoning District, only as may be approved by Special Use Permit, and any such uses or structures shall be in substantial conformance with the Special Use Permit plats associated with such Special Use Permits.

The following M-C uses shall not be permitted on the Property:

funeral home or undertaking establishment,  
veterinary clinic or hospital for small animals,

laundries and laundromats (however, dry-cleaning establishments of not more than 2,500 square feet shall be permitted),  
radio and television stations and studios or recording studios,  
churches and other places of worship,  
automobile or truck sales, service or repair,  
automobile storage lot,  
automobile used car lot,  
boat and boat trailer sales and storage,  
car wash or automobile laundry, whether automatic, attended, or self-service,  
farm supply and service establishments,  
monument sales establishments,  
motorcycle or off-road vehicle sales and service,  
rental or sale of luggage trailers and pick-up truck caps,  
taxidermists,  
lawn mower, yard and garden equipment, rental, sales and service,  
lumber and building supply,  
nurseries,  
greenhouses  
multi-family residential dwellings.

(b) Architecture

Buildings on the Property shall reflect a high quality of design, characterized by varied vertical and horizontal articulation and finishing details which add texture and visual interest to building facades. The buildings on the Property shall be constructed of high-quality exterior materials such as stone, brick and stucco. Predominant major building points of entry shall be oriented toward the street frontage. Utility equipment and loading docks shall, to the maximum extent practically feasible, as mutually determined by the Town and the Applicant, be screened from view from any public street.

(c) Water Main

The Applicant agrees to construct up to a ten inch (10") water main from the Purcellville Gateway property onto the Property, at no expense to the Town of Purcellville (the "Town"). The Applicant furthermore agrees to connect to the termination point of the water main on the Patrick Henry College property nearest to the Applicant so as to create a loop.

(d) Sewer Main

The Applicant agrees to install and/or extend up to a ten inch (10") gravity sanitary sewer from the nearest termination point to the Property at no expense to the Town.

(e) Storm Water Management

The Applicant shall design, maintain and construct a storm water management system that accommodates applicable drainage requirements for storage, best management practices and water quality, related to all onsite improvements, at the time of site plan, at no expense to the Town.

## 2. ROAD IMPROVEMENTS

### (a) General

For purposes of this Proffer, the term "substantially complete" shall be defined as constructed and available for use by the public and/or bonded but not necessarily accepted by VDOT and/or the Town for maintenance purposes; provided, however, that Applicant shall remain responsible for maintenance and upkeep of proffered road improvements until final acceptance by VDOT and/or the Town as applicable.

### (b) West Colonial Highway/Berlin Turnpike

Prior to, and as a condition of, the issuance of the first certificate of occupancy for the Property, the Applicant shall substantially complete; (i) a right-in/right-out entrance off of Berlin Turnpike in accordance with VDOT standards; (ii) an entrance off of West Colonial Highway with full movements, as generally depicted on the plan entitled "Catoctin Corner Concept Plan", prepared by Bowman Consulting and dated June 14, 2010 (the Concept Plan), or as required by the Town and/or VDOT in accordance with VDOT standards. Adjustments to the road improvements depicted on the Concept Plan shall be permitted and may be necessary to address grading, drainage, environmental, cultural and natural features, development ordinance requirements and other final engineering considerations. This Proffer 2(b) shall not be interpreted to commit the Applicant to complete any improvement shown on the Concept Plan as generally depicted thereon, except for the road improvements expressly enumerated in Proffer 2(b)(i) and 2(b)(ii). To the extent to which the improvements constructed pursuant to this Proffer 2(b) requires dedication of additional portions of the Property as public right-of-way, the right-of-way will be dedicated by the Applicant at no cost to the Town.

### (c) Future possible additional entrances

The Applicant may, at the time of site plan approval, or subsequent to site plan approval, construct additional entrances on the north boundary of the Property, or on the east boundary of the Property for purposes of interparcel access, subject to any required Town or VDOT approvals for such entrances.

### (d) Internal roadways

Any roads or streets in the interior of the site shall either be (1) constructed to VDOT standards and dedicated to VDOT, or (2) maintained by the property owner.

### 3. PEDESTRIAN LINKS

#### (a) Trail

The Applicant shall construct a ten (10') foot wide asphalt pedestrian trail along the Berlin Turnpike and Main Street/West Colonial Highway frontage of the Property, in the existing right-of-way, at no expense to the Town, as permitted by VDOT and as approved at site plan by the Town, prior to final release of bonded public improvements.

### 4. CASH CONTRIBUTIONS

(a) The Applicant shall make a one-time contribution of \$5.00 per square foot of gross floor area approved on any site plan to the Town, towards offsite traffic improvements in the general vicinity of the Property. The contribution shall be allocated at the Town's discretion. The said amount shall be paid prior to the issuance of building/construction permits and shall be based upon actual square footage of the building which is the subject of said permit. The amount of the contribution will be adjusted annually from the date this document is fully executed to reflect changes in the Consumer Price Index for the Metropolitan Washington Statistical Area.

(b) The Applicant shall make a one-time contribution of \$0.10 per square foot of gross floor area approved on any site plan to the Town, to be distributed as determined by the Town to the Purcellville Volunteer Fire Department and Purcellville Volunteer Rescue Squad. The said amount shall be paid upon the issuance of building/construction permits and shall be based upon actual square footage of the building which is the subject of said permit. The amount of the contribution will be adjusted annually from the date this document is fully executed to reflect changes in the Consumer Price Index for the Metropolitan Washington Statistical Area.

### 5. SIGNATORY

The undersigned hereby warrant that all Applicants and Owners with a legal interest in the Property have signed this Proffer Statement, that they, together with all the others signing this document, have full authority to bind the Property to these conditions, and that the Proffers are entered into voluntarily and may be signed in counterparts.

[SIGNATURES TO APPEAR ON FOLLOWING PAGES]

CATOCTIN CORNER, LLC

By: [Signature], member

Title: Member

Date: 8-4-2010

COMMONWEALTH OF VIRIGIA

COUNTY OF Fairfax

I HEREBY CERTIFY THAT on this 4th day of August, 2010, before me, the subscriber, a Notary Public of the Commonwealth and County aforesaid, personally appeared Rogers Broot, known to me (or satisfactorily proven) to be the managing member of CATOCTIN CORNER, LLC who acknowledged the foregoing instrument for the purpose therein contained by signing, in my presence, his/her name as managing member of CATOCTIN CORNER, LLC.

Given under my hand and official seal, this 4th day of August, 2010

Joanne M. Cross  
Notary Public



My Commission Expires:

# 9679701\_v1

Mayor  
Robert W. Lazaro, Jr.

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



Town Manager  
Robert W. Lohr, Jr.

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. 10-08-06**

**PRESENTED: August 10, 2010**

**ADOPTED: August 10, 2010**

**A Resolution: RECOMMENDING APPROVAL OF SUP09-02 THROUGH SUP09-07 SPECIAL USE PERMITS FOR CATOCTIN CORNER**

**WHEREAS,** on February 9, 2009, Brent Campbell on behalf of Catoctin Corner, LLC submitted six special use permit applications to construct and operate the following uses: a 15,000 square foot drive through pharmacy, a 7,000 square foot restaurant, a 5,100 square foot bank with drive through, an automobile service station with 1500 square feet of convenience retail area located in a building with other retail uses, a 4,500 square foot drive through restaurant, and a 3,700 square foot drive through restaurant, all to be located on the property at 37994 W. Colonial Highway, Purcellville, Virginia; the property is further identified by Loudoun County Tax Map Numbers: 36////////18A1/ and 36////////18A2/ and PIN numbers: 452-18-7178-001 and 452-18-7178-002 These applications were submitted under Town of Purcellville Zoning Ordinance Article 4 Section 7.3.29.; and

**WHEREAS,** on March 10, 2010, Mr. Campbell submitted a revised special use permit plat and revised applications to construct and operate the following uses on the same property identified as 37994 W. Colonial Highway and further identified by Loudoun County Tax Map Number: 36////////18A2/ and PIN number: 452-18-7178-002 :

1. SUP09-02 for a 12,900 square foot drive through pharmacy,
2. SUP09-03 for a 7,000 square foot restaurant with possible retail,
3. SUP09-04 for a 3,300 square foot bank with drive through,
4. SUP09-05 for an automobile service station with 1,500 square feet of convenience retail area located in a building with other retail uses,
5. SUP09-06 for a restaurant over 4,000 square feet located in a building with other retail uses, and
6. SUP09-07 for a 3,700 square foot drive through restaurant; and

**A Resolution: RECOMMENDING APPROVAL OF SUP09-02 THROUGH SUP09-07 SPECIAL USE PERMITS FOR CATOCTIN CORNER**

**WHEREAS,** following required public notice, the Planning Commission held a public hearing on these applications on April 16, 2009 and another public hearing was held following the required public notice on April 15, 2010 for any applications which had significantly changed; and

**WHEREAS,** the Town Council held a public hearing on July 13, 2010 following the required public notice; and

**WHEREAS,** this Council finds that the uses proposed on the special use permit plat prepared by Bowman Consulting for Catoctin Corner and dated August 3, 2010 meet the general standards for special uses contained in Article 8, Section 2 of the Purcellville Zoning Ordinance and further finds that approval of such applications would be in the interest of the public necessity, convenience, general welfare and good zoning practice;

**THEREFORE, BE IT RESOLVED** that the Purcellville Town Council hereby approves SUP09-02 through SUP09-07, Special Use Permits for Catoctin Corner, LLC for the property located at 37994 W. Colonial Highway, Purcellville, Virginia, and further identified by Loudoun County Tax Map Number: 36/////18A2/ and PIN number: 452-18-7178-002 and subject to the following conditions imposed to protect the public health, safety, and welfare;

1. The Property subject to Special Use Permits SUP 09-02, SUP 09-03, SUP 09-04, SUP 09-05, SUP 09-06 and SUP 09-07 (the Special Use Permits) shall be developed in substantial conformance with the Special Use Permit Plat entitled "Catoctin Corner Special Use Permit Plat", prepared by Bowman Consulting dated August 3, 2010\_ (included by reference as Exhibit A) (the "Plat"), as to each respective Special Use Permit Area, as shown on the Plat.

2. The required parking for each use shall be provided as required by the Zoning Ordinance, and at least 75% of the parking provided on the Property will be located either (1) at least 150 feet from the centerline of Route 7 or (2) located completely behind buildings located on the Property, with relation to the Route 7 frontage of the Property. In the event that the Property is subdivided such that the individual resulting lots do not meet the parking requirements of the Zoning Ordinance at the time of Town subdivision review, the Applicant will submit a shared parking agreement for review and approval by the Town Attorney and record the approved agreement among the land records of Loudoun County at the owner's expense prior to and as a condition of subdivision approval.

3. The "By-right retail" and "By-right Retail/Restaurant" uses shown in the Special Use Permit Plat Area for SUP 09-06 are illustrative; they are not required to be built as a condition of SUP 09-06, but illustrate what may be constructed therein by right, subject to requirements of the Zoning Ordinance and any proffered conditions affecting the Property.

**A Resolution: RECOMMENDING APPROVAL OF SUP09-02 THROUGH SUP09-07 SPECIAL USE PERMITS FOR CATOCTIN CORNER**

4. All buildings will carry architectural materials and finishes around all four sides of the respective buildings, as more specifically determined at Board of Architectural Review approval.

5. All individual restaurants on the Property will be limited to a maximum of 6,500 square feet of gross floor area each; however, the total aggregate area of restaurant uses on the site is not limited by this condition.

6. The Special Use Permits shall each be valid for a period of two years from the date of the final Special Use Permit approval by the Town Council and shall expire unless (1) extended by action of the Administrator in accordance with the Zoning Ordinance or (2) a site plan application is submitted to the Town for the subject property.

Passed this 10<sup>th</sup> day of August, 2010.

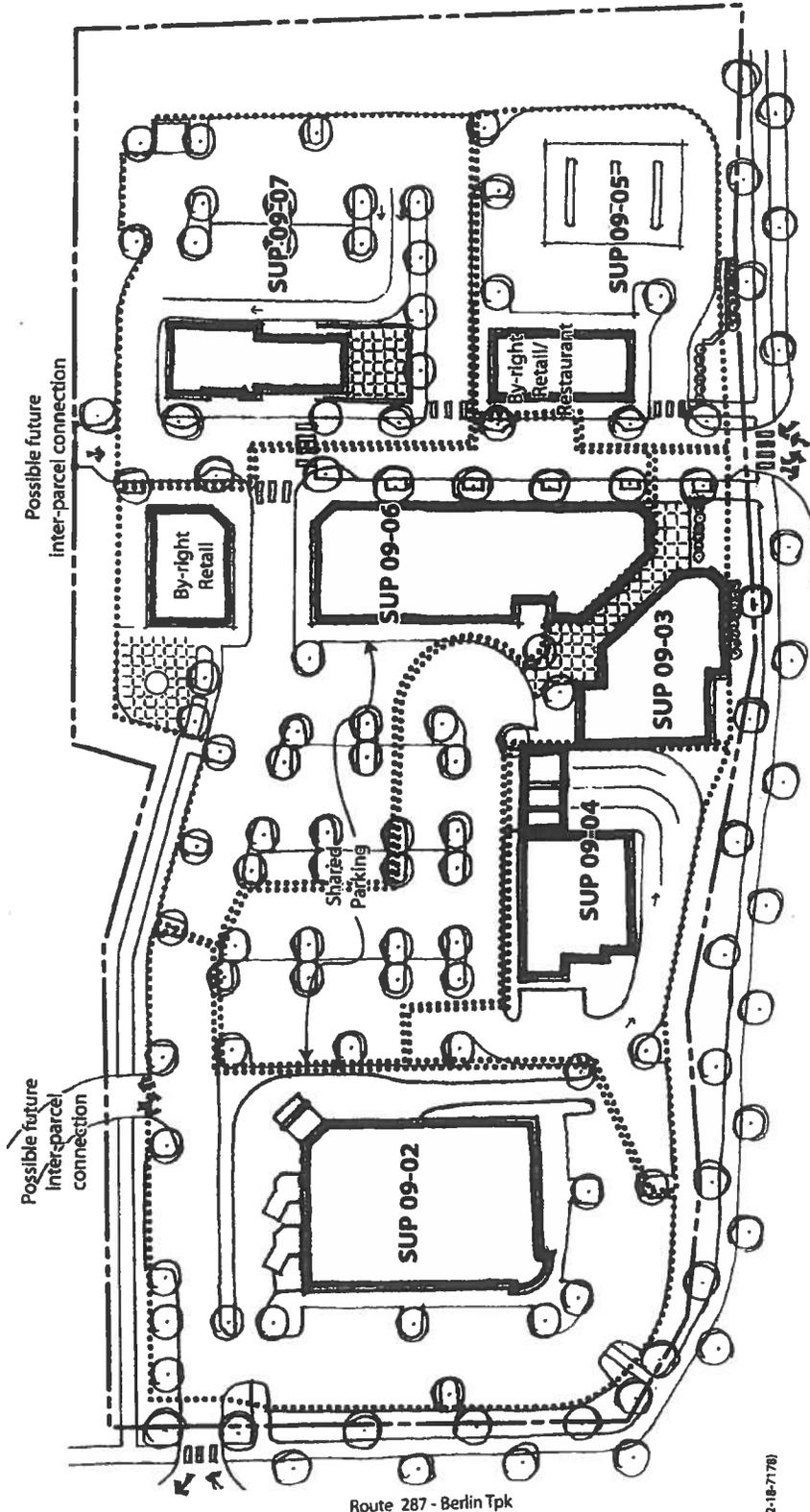


Robert W. Lazaro, Mayor

ATTEST:



Jennifer Helbert, Town Clerk



Business Route 7 - W. Colonial Hwy



*Catocin Corner*  
 EXHIBIT A- SPECIAL USE PERMIT PLAT

**TABULATIONS**

LCTH 36, PARCEL 1842 (PH: 432-18-7178)  
 TOTAL ACRES: 6.53

PROPOSED SUP USES:	AREA (SF)	COEFFICIENT	SPACES
SUP 09-02	7,000 SF	0.024 FAR	35 SPACES
SUP 09-03	3,140 SF	0.005 FAR	8 SPACES
SUP 09-04	1,500 SF	0.013 FAR	72 SPACES
SUP 09-05	3,700 SF	0.030 FAR	43 SPACES
SUP 09-06	48,900 SF	0.172 FAR	247 SPACES
SUP 09-07			
<b>PROPOSED NON SUP / BY-RIGHT USES:</b>			
RETAIL			
<b>TOTAL SITE:</b>			

Date: August 3, 2010  
 Scale: not to scale



**CATOCTIN CORNER**  
Town of Purcellville  
**Special Use Permit**  
**STATEMENT OF JUSTIFICATION**  
November 2, 2015  
Revised: June 13, 2016

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This Statement of Justification is submitted pursuant to Article 8, Section 1.4 of the Town of Purcellville Zoning Ordinance (“Zoning Ordinance”) in support of the request for a Special Use Permit to relocate an eating establishment with drive-through, that was approved by SUP 09-07, to the location shown on the attached Plat (“Plat”) titled Catoctin Corner, Drive-Through Facility, Special Use Permit, dated November 2, 2015 as revised through June 13, 2016, prepared by Bowman Consulting Group, Ltd., Leesburg, Virginia. The Property is zoned MC – Mixed Commercial and is subject to the proffers approved with RZ08-05.

The property subject to this application is owned by Purcellville Development, LLC, (“Applicant”), and is identified as Tax Map /36/////18A2/ - PIN: 452-18-7178 (“Property”).

**LOCATION:** The Property is located northeast of the intersection of Berlin Turnpike, State Route No. 287 and West Colonial Highway, Business Route No. 7. The property is adjoined by Patrick Henry College to the north and by the property of Patricia A. Dipalma-Kipper on the east.

**ZONING AND USE:** The Property is zoned MC – Mixed Commercial District.

**PROPOSED USE:** Purcellville Development LLC proposes to amend the special use permit approved August 10, 2010 (SUP 09-07), to relocate the Drive-through Facility from one land bay on the Property to another that has exposure to and access from Colonial Highway as depicted on the Plat.

**CRITERIA FOR SPECIAL USE PERMIT:** The proposed special use meets the criteria contained in Article 8 Section 1.4 (D) of the Town of Purcellville Zoning Ordinance to be addressed in this Special Use Permit application and the manner in which the criteria are either applicable or inapplicable by the proposed application.

***1. Whether the proposed application is consistent with the comprehensive plan.***

The proposed special use is consistent with the 2025 Comprehensive Plan by offering additional commercial development and increasing local revenue to the Town. It will enable the Town to meet the objectives of the Comprehensive Plan “To ensure the health, vitality and high quality of life for Purcellville, it is essential that the Town support economic development that provides local employment opportunities, needed services to residents, and fosters a healthy community and business environment.” (2025 Purcellville Comprehensive Plan, pg. 53, pp. 3).

***2. Whether the proposed special use at the specified location will contribute to or promote the welfare and convenience of the public.***

The location of the Property provides for convenient access from Berlin Turnpike, W.T. Druhan Jr Blvd., and West Colonial Highway as well as easy pedestrian access from Patrick Henry College to the north.

**3. *Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.***

The approved commercial use is compatible with the other commercial uses approved for Catoctin Corner as well as other uses in the immediate area.

**4. *Whether the level and impact of any noise or odor emanating from the site, including that generated by the proposed special use, negatively impacts the uses in the immediate area.***

It is not anticipated that there will be excessive noise or odor generated by the proposed use. However, in the event that any noise or odor is emanated from the site, it will not negatively impact any uses in the immediate area.

**5. *Whether the proposed special use will result in the preservation or damage of any existing habitats, vegetation, topographic or physical, natural, scenic, archeological, or historic feature of significant importance.***

The Property does not contain topographic, physical, natural, scenic, archeological or any historic features of significant importance. Therefore, the proposed use will not result in damage to existing features.

**6. *Whether the proposed special use will impact existing water quality or air quality.***

The proposed special use will not have a negative impact on existing water quality or air quality.

**7. *Whether the traffic generated by the proposed use will be adequately and safely served by roads, pedestrian connections, and other transportation services.***

The traffic generated by the proposed use will be adequately and safely served by roads, pedestrian connections, and other transportation services. See the Traffic Impact Analysis, Catoctin Corner, Town of Purcellville, Virginia, prepared by Pennoni Associates, Inc., Chantilly, Virginia, dated August 27, 2014.

**8. *Whether the proposed use will negatively impact orderly and safe road development and transportation in accordance with the comprehensive plan and all relevant transportation and corridor plans.***

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. See the Traffic Impact Analysis, Catoctin Corner, Town of Purcellville, Virginia, prepared by Pennoni Associates, Inc., Chantilly, Virginia, dated August 27, 2014.

**9. *Whether the proposed use will be served adequately by essential public facilities and services.***

The property will be served by Purcellville public utilities which have ample capacity for this use.

**10. *Whether, in the case of existing structures to be converted to uses requiring a special use permit, the existing structures can be converted in such a way that retains the character of the neighborhood in which the existing structures are located, especially when an application seeks to convert a building of historic significance.***

Not applicable.

***11. Whether the proposed special use contributes to the economic development needs of the town.***

Along with the other approved SUP uses in the Catoctin Corner development, the Drive-through Facility will contribute to the economic development goals and needs of the town.

***12. Whether adequate on and off site infrastructure is available.***

All necessary infrastructures shall be provided for through the development of the property.

***13. Whether the proposed special use illustrates sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and schools.***

All construction traffic will access major arterial roads and will not traverse any residential neighborhoods. Road improvements will comply with VDOT regulations and will be made in such a way as to minimize any impact on the existing traffic patterns.

**CONCLUSION**

As noted above, the use which the applicant seeks to relocate, Drive-through Facility, was approved in 2010 in application SUP 09-07. In the application which the previous owner submitted, the appropriateness of the use in this center was demonstrated. In this application, the applicant is seeking to relocate the use on the site. The proposed location will provide more visual exposure for the site which is essential for the success of such eating establishments and will provide greater ease of access for its customers. The

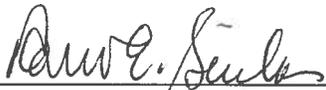
Drive-through Facility will be developed consistent with and subject to the proffers approved with RZ 08-05 and the conditions approved with SUP 09-07. The applicant respectfully submits that all land use issues and impacts have been addressed and resolved in the previous application. The change of location will serve the convenience, safety and best interests of the public, the Town and the applicant. The change of location will have no negative impacts.

For the reasons stated, the applicant respectfully requests that the Town approve this application to relocate the Drive-through Facility.

Respectfully Submitted,

PURCELLVILLE DEVELOPMENT, LLC

By: Counsel



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Robert E. Sevilla  
Sevila, Saunders, Huddleston & White, P.C.  
30 North King Street, P.O. Box 678  
Leesburg, Virginia 20178-0678  
(703) 777-5700  
FAX (703) 771-4161  
Counsel for Applicant

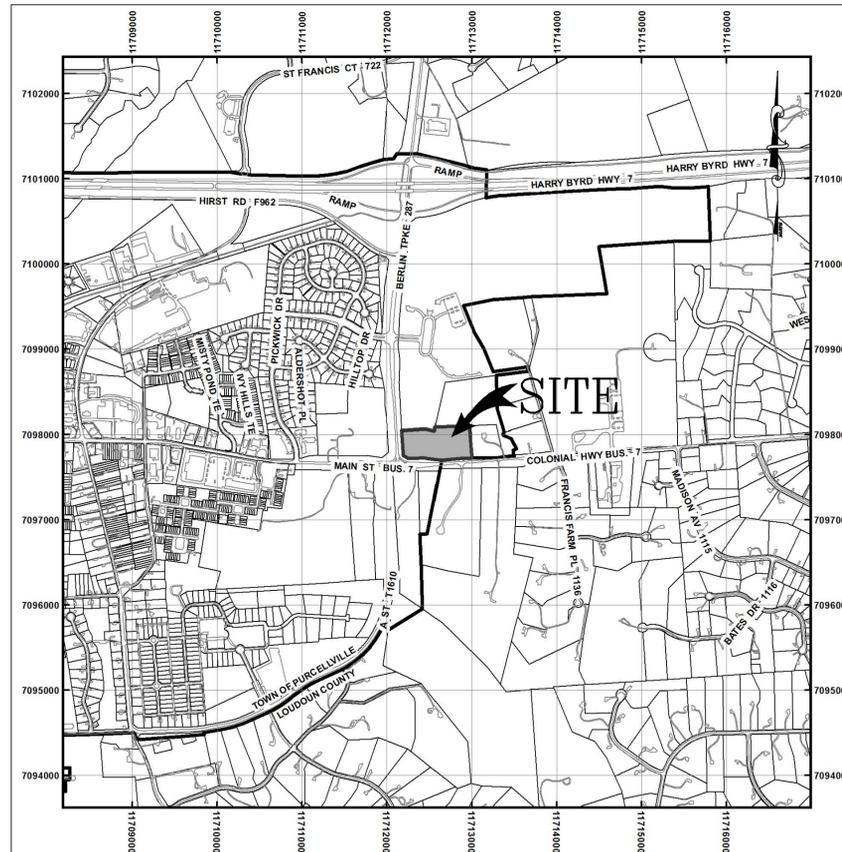
# CATOCTIN CORNER

## DRIVE-THROUGH FACILITY SPECIAL USE PERMIT (SUP 15-02)

BLUE RIDGE DISTRICT TOWN OF PURCELLVILLE, VIRGINIA

### GENERAL NOTES

1. THE BOUNDARY INFORMATION SHOWN HEREON WAS TAKEN FROM EXISTING RECORDS. THE PROPERTY CAN BE FOUND AS RECORDED UNDER INSTRUMENT NUMBER 20061117-0096716 AMONG THE LAND RECORDS OF LOUDOUN COUNTY, VIRGINIA.
2. THIS PROJECT CONSISTS OF A SPECIAL USE PERMIT FOR A DRIVE-THROUGH FACILITY COMPRISING 0.53 AC. OF THE 6.53 AC. CATOCTIN CORNER SITE. THIS SUP IS A REVISION TO PREVIOUSLY APPROVED SUP 09-07.
3. THIS SUBJECT PROPERTY, PARCEL PIN# 452-18-7178, IS CURRENTLY ZONED MC IN ACCORDANCE WITH THE TOWN OF PURCELLVILLE ZONING ORDINANCE.
4. EXISTING IMPROVEMENTS SHOWN HEREON WERE TAKEN FROM FIELD SURVEY AND THE FOLLOWING PLANS):
  - A. SOUTHERN COLLECTOR ROAD, VDOT-U000-286-R45, DATED MARCH 26, 2012, BY KIMLEY-HORN AND ASSOCIATES, INC.
  - B. PURCELLVILLE GATEWAY (AS-BUILT), TP08-14A, DATED APRIL 12, 2012, BY WALTER L. PHILLIPS, INC.
  - C. CATOCTIN CORNER ROUGH GRADING AND STOCKPILE PLAN, TP14-10, DATED JULY 8, 2015, BY J2 ENGINEERS, INC.
  - D. CATOCTIN CORNER FRONTAGE IMPROVEMENTS PLAN, TP 13-02, DATED 08/31/15, BY BOWMAN CONSULTING GROUP.



VICINITY MAP  
SCALE: 1" = 1000'

**APPLICANT/OWNER**  
**PURCELLVILLE DEVELOPMENT, LLC**  
 c/o WILLIAM B. HOLTZMAN  
 P.O. BOX 8  
 MOUNT JACKSON, VA 22842  
 PHONE: 540-477-2686

### SHEET INDEX

- 1 COVER SHEET
- 2 PROJECT CONTEXT MAP
- 3 FIRE TRUCK CIRCULATION MAP
- 4 CONCEPT PLAN



Bowman Consulting Group, Ltd.  
 101 South Street, S. E.  
 Leesburg, Virginia 20175  
 Phone: (703) 443-2400  
 Fax: (703) 443-2425  
 www.bowmanconsulting.com  
 © Bowman Consulting Group, Ltd.

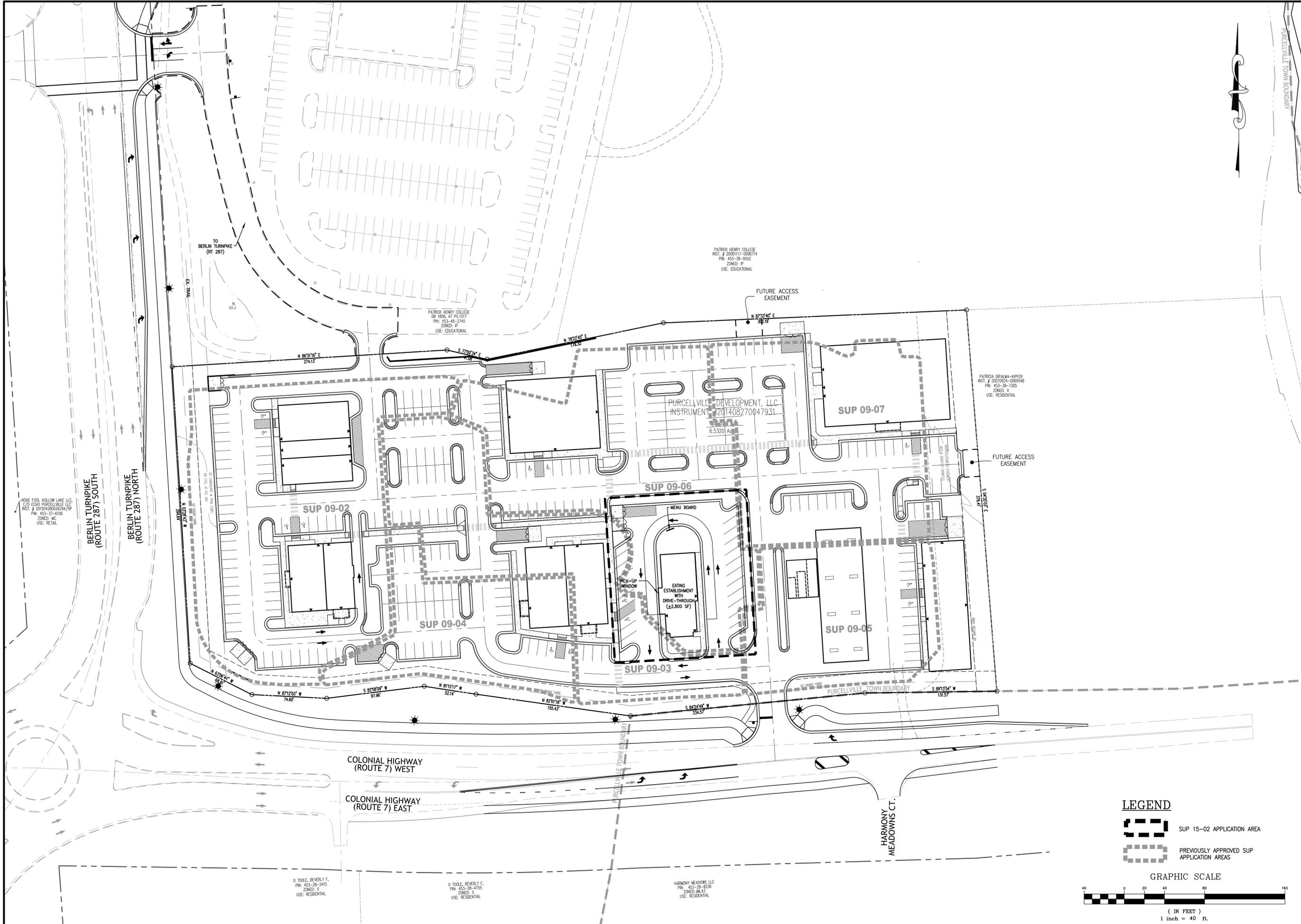
COVER SHEET  
**CATOCTIN CORNER**  
 DRIVE-THROUGH FACILITY  
 SPECIAL USE PERMIT  
 BLUE RIDGE ELECTION DISTRICT TOWN OF PURCELLVILLE, VIRGINIA

PLAN STATUS	
3/04/16	REV. PER STAFF COM
5/05/16	REV. PER STAFF COM
6/13/16	REV. PER STAFF COM

DATE	DESCRIPTION
JAE DESIGN	JAE DRAWN
	CMM CHKD
SCALE	H: AS NOTED
	V:

JOB No. 5203-02-001  
 DATE NOVEMBER 2, 2015  
 FILE No. 5203-D-ZP-002

SHEET 1 of 4



PLAN STATUS	
3/04/16	REV. PER STAFF COM
5/05/16	REV. PER STAFF COM
6/13/16	REV. PER STAFF COM

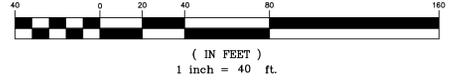
DATE	DESCRIPTION
JAE	JAE
DESIGN	DRAWN
SCALE	AS NOTED

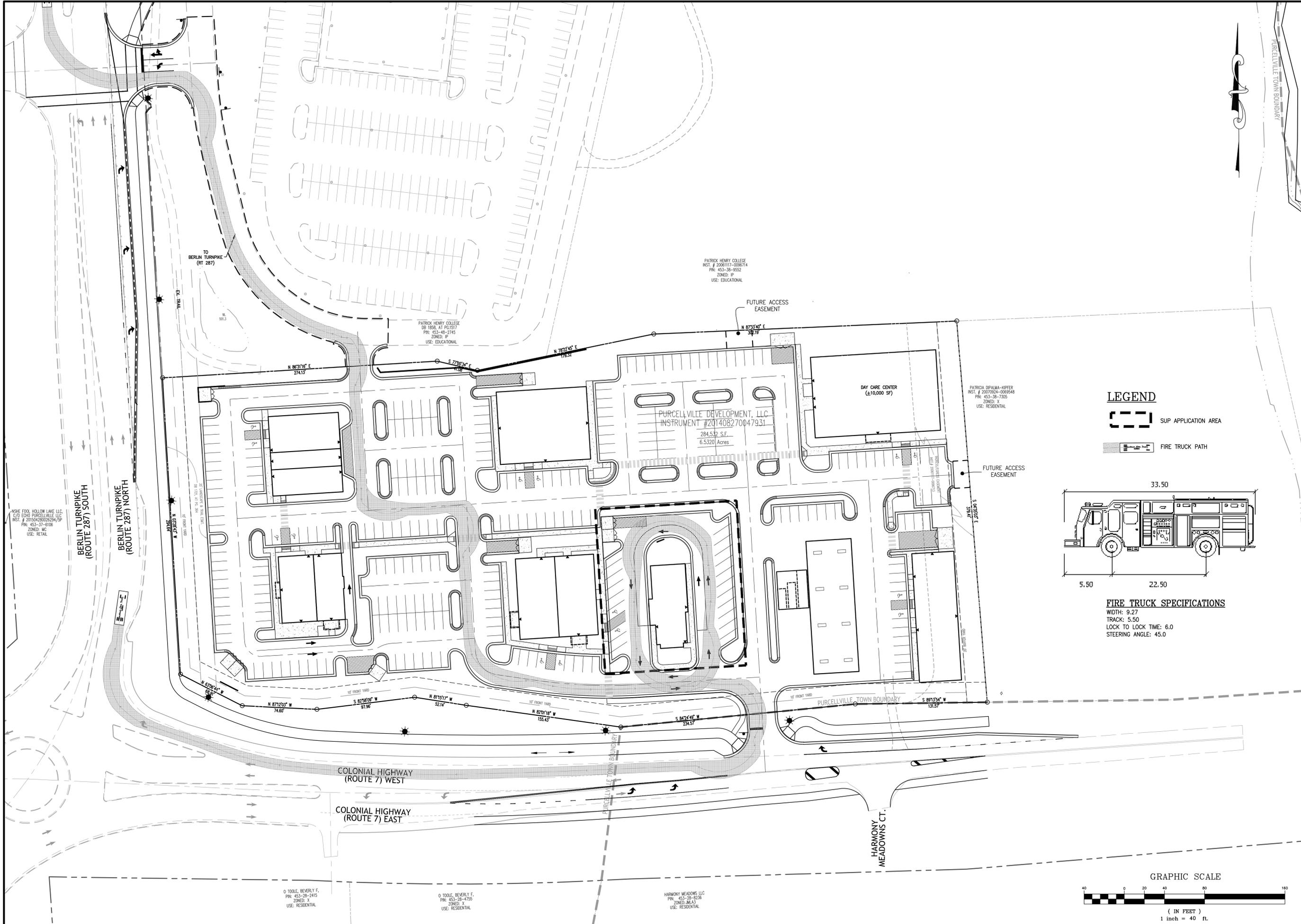
JOB No. 5203-02-001  
 DATE NOVEMBER 2, 2015  
 FILE No. 5203-D-ZP-002

**LEGEND**

- SUP 15-02 APPLICATION AREA
- PREVIOUSLY APPROVED SUP APPLICATION AREAS

**GRAPHIC SCALE**



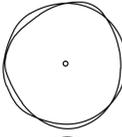


PLAN STATUS	
3/04/16	REV. PER STAFF COM
5/05/16	REV. PER STAFF COM
6/13/16	REV. PER STAFF COM

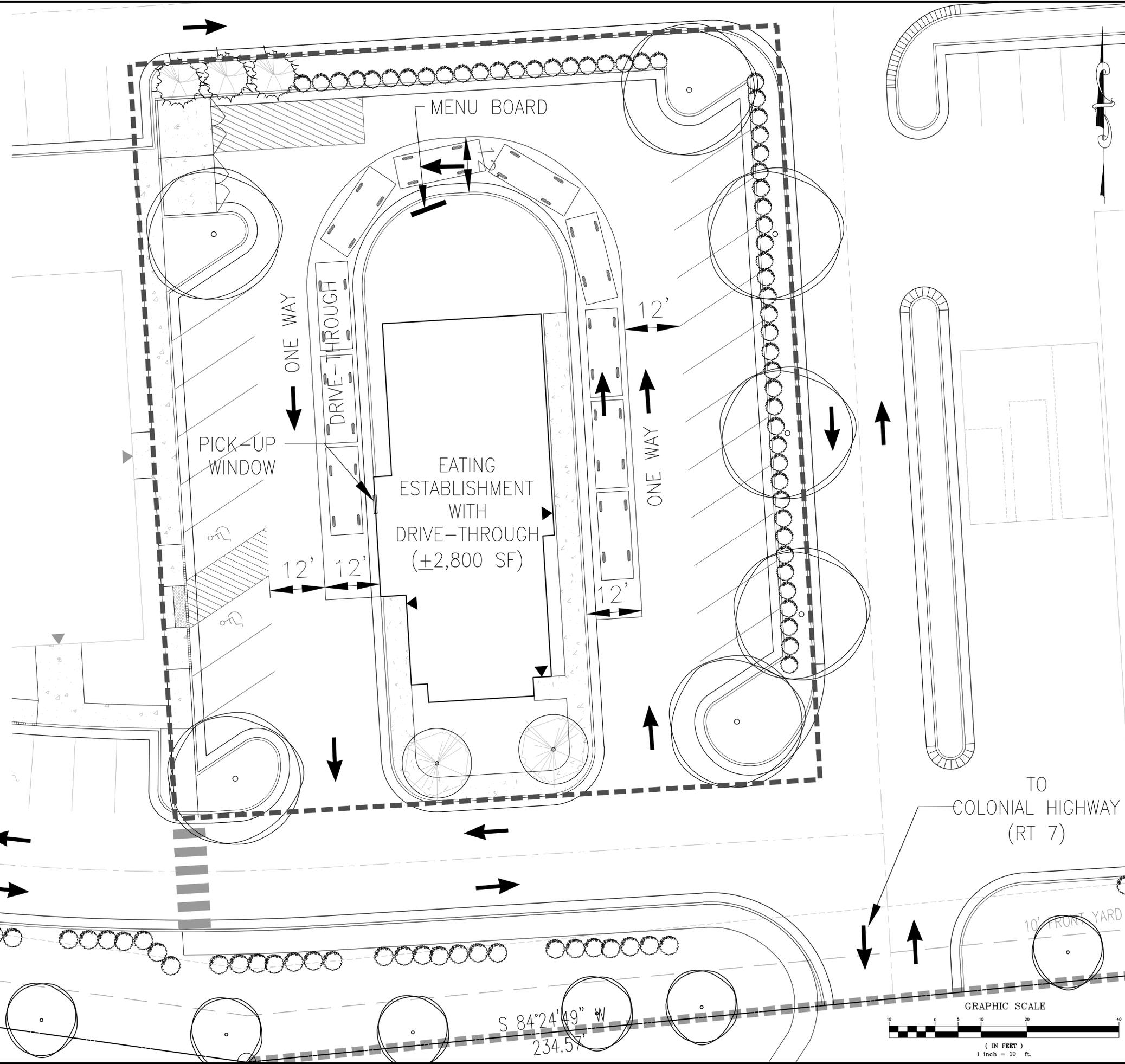
DATE	DESCRIPTION
JAE	JAE
DESIGN	DRAWN
SCALE	H: AS NOTED
	V:
JOB No. 5203-02-001	
DATE NOVEMBER 2, 2015	
FILE No. 5203-D-ZP-002	
SHEET <b>3 of 4</b>	

Catoclin Corner Gas & Convenience Store Planning\Est. Food SUP\Sheet\Fire Truck Circulation Map.dwg  
 Code file name: \\\jsh\view\_projects\5203 - Catoclin Corner\5203-02-001 (PDU) - Catoclin Corner Gas & Convenience Store Planning\Est. Food SUP\Sheet\Fire Truck Circulation Map.dwg

**LEGEND**

-  SUP APPLICATION AREA
-  CANOPY TREE
-  UNDERSTORY TREE
-  EVERGREEN TREE
-  SHRUB
-  TYPICAL PASSENGER CAR
-  DOOR LOCATION
-  DUMPSTER PAD LOCATION

ZONING TABULATIONS		
Property Area: 6.53 Ac		
SUP Area: 0.53 Ac		
Town of Purcellville Zone: MC (Mixed Commercial) District		
Use: Eating Establishment With Drive-Through		
	Required	Proposed
<b>Minimum Lot Requirements:</b>		
Area:	20,000 SF	284,447 SF
Width:	100'	325'
Depth:	150'	800'
Street Frontage:	50'	1,100'
<b>Minimum Yard Requirements:</b>		
Front:	10'	10'
Side:	15' (Res.)	0'
Rear:	0'	0'
Front:	40' (Res.)	20'
Rear:	20'	20'
<b>Building Requirements:</b>		
Maximum Height:	45'	45' Max.
Maximum Lot Coverage	40%	40%
Maximum FAR:	0.6	0.14
<b>Drive-Through Tabulations:</b>		
Minimum Distance from Residential Lot:	100'	>100'
Drive-through aisle widths	12' Min. on curves 11' Min. on straight sections	12' Min. on curves 12' Min. on straight sections
Minimum stacking behind drive-through menu board	6 Cars	6 Cars
Parking	Determined by User	21 spaces



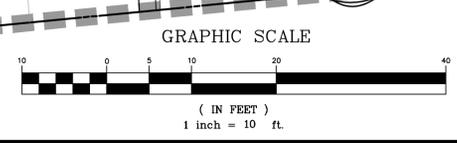
**Bowman**  
CONSULTING

Bowman Consulting Group, Ltd.  
101 South Street, S. E.  
Leeburg, Virginia 20175  
Phone: (703) 443-2400  
Fax: (703) 443-2425  
www.bowmanconsulting.com

CONCEPT PLAN  
**CATOCTIN CORNER**  
DRIVE-THROUGH FACILITY  
SPECIAL USE PERMIT  
BLUE RIDGE ELECTION DISTRICT TOWN OF PURCELLVILLE, VIRGINIA

PLAN STATUS	
3/04/16	REV. PER STAFF COM
5/05/16	REV. PER STAFF COM
6/13/16	REV. PER STAFF COM

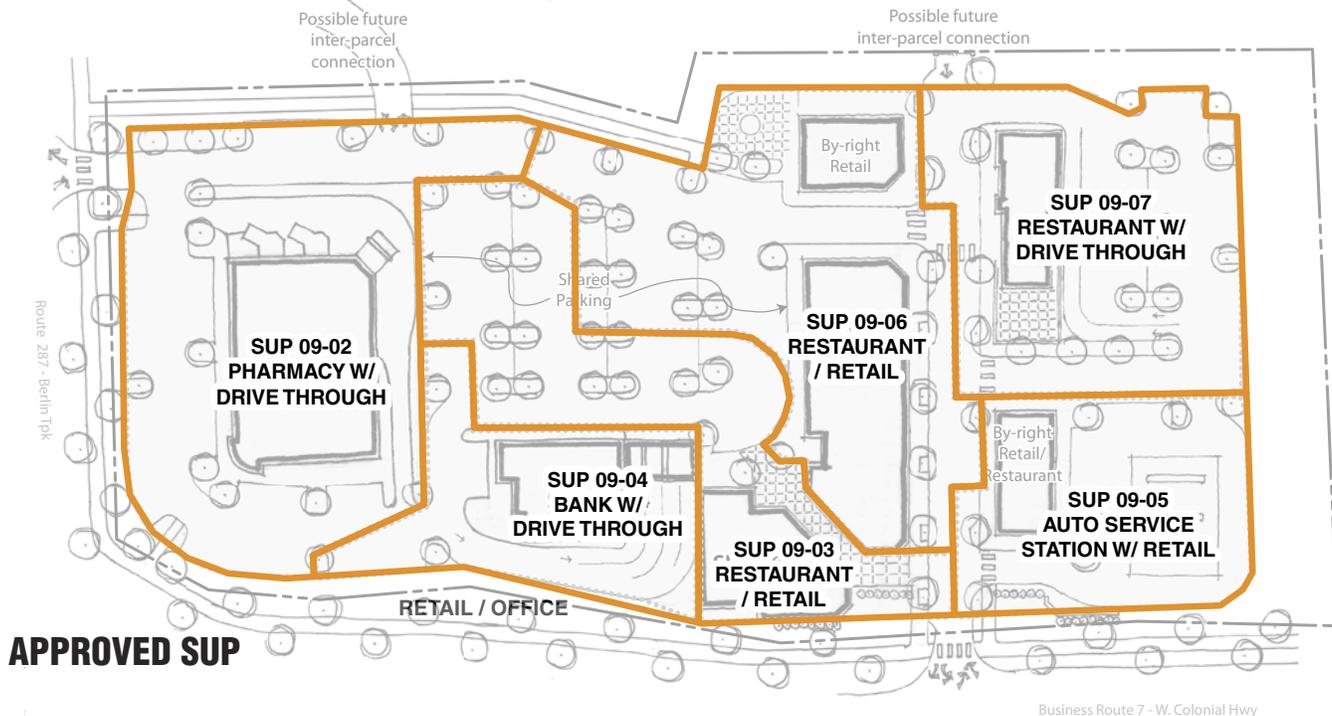
DATE	DESCRIPTION
JAE	JAE
DESIGN	DRAWN
SCALE	AS NOTED
JOB No. 5203-02-001	
DATE NOVEMBER 2, 2015	
FILE No. 5203-D-ZP-002	
SHEET 4 of 4	



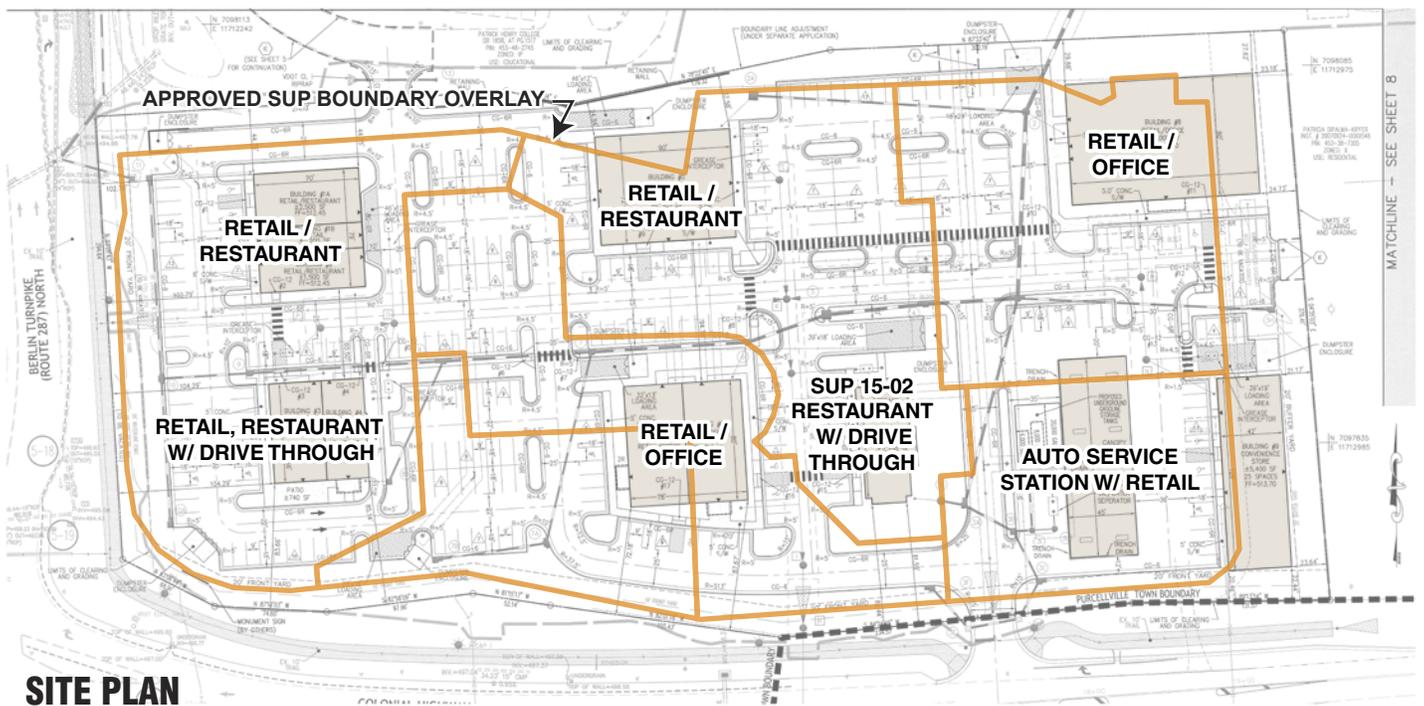
10' FRONT YARD  
N 82°01'18" W  
155.43'

S 84°24'49" W  
234.57'

Grid file name: \C:\pds\view\_projects\5203 - Catoctin Corner Gas & Convenience Store\Planning\Facility - Catoctin Corner Gas & Convenience Store\Planning\Facility - Catoctin Corner Gas & Convenience Store\Sheet\Sheet01.dwg



**APPROVED SUP**



**SITE PLAN**

**SUP COMPARISON TABLE**

	APPROVED SUP USES	SITE PLAN TP 15-08 & SUP 15-02 USES	NOTES
SUP 09-02	PHARMACY W/ DRIVE THROUGH	RESTAURANT W/ DRIVE THROUGH	SUP REVISED
SUP 09-03	RESTAURANT / RETAIL	RETAIL/OFFICE	SUP REMOVED
SUP 09-04	BANK W/ DRIVE THROUGH	NONE	SUP REMOVED
SUP 09-05	AUTO SERVICE STATION W/RETAIL	AUTO SERVICE STATION W/RETAIL	NO CHANGE
SUP 09-06	RESTAURANT / RETAIL	RESTAURANT/RETAIL	NO CHANGE
SUP 09-07	RESTAURANT W/ DRIVE THROUGH	RESTAURANT W/ DRIVE THROUGH RETAIL/OFFICE	SUP 15-02 ADDED SUP REMOVED
CHANGE			2 SUP'S REMOVED

**CATOCTIN CORNER**



**STAFF REPORT**  
**INFORMATION ITEM**

Item # 10a

**SUBJECT:** Status of Priority Work Items

**DATE OF MEETING:** August 4, 2016

**STAFF CONTACT:** Daniel Galindo, AICP – Senior Planner

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**SUMMARY:**

This report briefly summarizes any updates on the status of priority work items since the previous Planning Commission meeting.

1. Comprehensive Plan Update – Staff and the consultant team created draft reports covering the previous six months of the update process. Staff also prepared a draft public outreach plan for the comprehensive plan update. The Planning Commission began a series of weekly work sessions devoted to the comprehensive plan on July 21. At its July 21 work session, the Commission reviewed the draft reports. At its July 28 work session, the Commission reviewed the revised draft report for Round 3 and discussed revisions to the timeline of the draft public outreach plan.
2. Floodplain Regulations – No change.
3. Civil Penalties – No change.
4. Sign Regulations – No change.
5. Accessory Dwelling Standards – The Planning Commission discussed this item at its July 21<sup>st</sup> meeting.
6. Legislative Applications
  - a. *SUP15-02* – A public hearing on this special use permit application to authorize the relocation of a Drive-Through Facility within the Catocin Corner development is scheduled before the Planning Commission on August 4<sup>th</sup>.
  - b. *CPA15-01* – A revised application to amend the Town’s comprehensive plan by designating two properties located at the southeast corner of the roundabout with a planned land use of Mixed Use Commercial was submitted on July 1<sup>st</sup>.
  - c. *RZ15-02* – A revised application to rezone two properties located at the southeast corner of the roundabout from X, Transitional District to MC, Mixed Commercial District was submitted on July 1<sup>st</sup>.

- d. *SUP16-01* – An incomplete application to increase the number of fuel pumps at the 7-Eleven located at 700 East Main Street was submitted on June 3<sup>rd</sup>. Staff has notified the applicant of the items missing from the application and is awaiting their submission.
  - e. *Village Case PDH Amendment* – As discussed at the Commission’s January meetings, Jason Brownell has indicated that he plans to submit the necessary applications for approval to convert the undeveloped church and commercial sites in Village Case to single-family detached dwellings. A comprehensive plan amendment application and a proffered plan amendment application are expected to be submitted in the near future.
7. Other Items
- a. *Stream and Creek Buffer Zoning Ordinance Text Amendment* – The public hearing for the Planning Commission’s proposed amendment was temporarily postponed until: (1) Town Council provides guidance on how it wants items requiring public hearings to be handled/scheduled, and (2) issues raised by the Town Attorney about the draft text are addressed by Staff.

**MINUTES**  
**PLANNING COMMISSION REGULAR MEETING**  
**JULY 21, 2016, 7:00 PM**  
**TOWN HALL COUNCIL CHAMBERS**

The Regular Meeting of the Purcellville Planning Commission convened at 7:00 PM in Council Chambers:

**PRESENT:** Theresa Stein, Vice Chair  
Chip Paciulli, Planning Commissioner  
Tip Stinnette, Planning Commissioner  
EJ Van Istendal, Planning Commissioner  
Kelli Grim, Council Liaison

**ABSENT:** None

**STAFF:** Daniel Galindo, Senior Planner  
Tucker Keller, Planning and Zoning Technician

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE:**

The regular meeting of the Planning Commission was called to order by Vice Chair Stein at 7:00 PM. The Pledge of Allegiance followed.

**OFFICER ELECTIONS**

Commissioner Stinnette nominated Vice Chair Stein as the Chair. Commissioner Stein accepted the nomination to serve as Chair through her term which ends July 31, 2016. The nomination was seconded by Commissioner Van Istendal and passed unanimously with Vice Chair Stein abstaining.

Chairwoman Stein nominated Commissioner Paciulli as Vice Chair. The nomination was seconded by Commissioner Stinnette and passed unanimously.

Discussion took place as to whether or not Chairwoman Stein would need to be reappointed as Chair if reappointed to the Planning Commission. Daniel Galindo stated that elections would not need to be held in August if Chairwoman Stein is reappointed. Chairwoman Stein agreed to remain as Chair until November if reappointed to the Planning Commission.

**AGENDA AMENDMENTS**

None

**COMMISSIONER DISCLOSURES**

Council member Grim stated she met with Jason Brownell to address issues about the downtown clock and the PDH at Village Case which she did not discuss because of the proffer law.

**PUBLIC HEARINGS**

None

**PRESENTATIONS**

None

**DISCUSSION ITEMS**

- a) Accessory Dwelling Unit Zoning Ordinance Text Amendment

Daniel Galindo summarized via a question from Council member Grim that a resident had approached staff years ago about pursuing an accessory dwelling unit; however, the way that the ordinance is currently written there is a size restriction of no more than 25% of the dwelling with a minimum size of 500 sq. feet. With the resident's dwelling being approximately 1600 sq. feet, the minimum cannot be met as the ordinance is written.

Chairwoman Stein talked about concerns with the ADU not being permitted as a rental unit. Daniel Galindo noted he felt this was in place so the community would be more comfortable; however, it is open for discussion. Council member Grim asked about the legality of this item and asked the Commissioners to look at the areas of the community where this could be an option and to see some examples to see the impact. Council member Grim added that the effects need to be anticipated if this is an allowable use on the eligible properties.

Chairwoman Stein talked about making an amendment to the accessory dwelling unit that would base the square footage of the ADU on a percentage of the main dwelling rather than adding another category. Chairwoman Stein added she feels it would be difficult for staff to enforce an affidavit about renting.

Commissioner Stinnette talked about the list of priorities of the Planning Commission. Commissioner Paciulli added that this item is a priority item of zoning ordinance changes and had requested it be added to an agenda. Further discussion took place about the priority of this item versus others on the list.

Commissioner Van Istendal talked about taking action on the item since it has been outstanding for two years. Further discussion took place about the size of the dwelling and the location of the ADU being over the garage.

Chairwoman Stein summarized that the Planning Commission would like to do some additional research on the existing ADU requirements rather than creating a second category. Chairwoman Stein added that the current ADU requires that either the accessory or the main be owner occupied. Commissioner Paciulli agreed to do additional research on size restrictions, yards, height concerns, minimums, etc. and report back to the Commissioners in August.

**ACTION ITEMS:**

None

**INFORMATION ITEMS:**

**a) OA16-01 – Stream and Creek Buffer Zoning Ordinance Text Amendment**

Chairwoman Stein stated this item has been postponed due to concerns from the Town Attorney. Daniel Galindo added that the items that concerned the Town Attorney are the undefined term “mature trees” and the language that allows the zoning administrator to make a determination without being provided guidance on how to make that determination. In addition, the Town Manager requested that the Planning Commission first talk to Council before moving anything forward. Daniel Galindo stated he would provide an update as soon as he has one.

Discussion took place as to what the Planning Commission can do versus what has to go before Town Council. Council member Grim noted that these items were brought to Council as concerns from the Town Attorney and talked about further concerns with the public hearing ad being placed and then the possibility of Council taking no action.

Chairwoman Stein stated the Planning Commission will wait to hear back from the Town Manager as to how to proceed with the amendment and add this to a future meeting agenda.

**b) SUP15-02 – Catoctin Corner Drive-thru Facility**

Daniel Galindo stated that a public hearing ad for this item will be published in tomorrow’s paper which is for Catoctin Corner to move a drive through facility from the northeast corner of the property to the southern central area.

Council member Grim asked about the traffic impact analysis referenced in the statement of justification and the size that was slated for the location. Daniel Galindo noted he does not feel the building is larger than it was proposed. Council member Grim added that she sees two large traffic generating properties at the entrance and asked if it determined parking and building size.

Chairwoman Stein stated concerns for the new drive through location being centralized and close to the main and only entrance to the site. Further discussion took place about similar designs around the County.

Via a question from Commissioner Stinnette, Daniel Galindo stated that at the Aug. 4 meeting, there will be a public hearing on the item and then the Planning Commission has the option to vote that evening. Daniel Galindo added the Planning Commission can choose to make it an action item at the following meeting and that the Commissioners do have the ability to set conditions on the application.

Commissioner Paciulli requested a copy of the approvals from the Board of Architectural Review. Daniel Galindo stated he can provide that information.

**c) Status of Priority Work Items**

Daniel Galindo referred to the list and offered to provide additional information as needed. Mr. Galindo added per a request from Council member Grim that he will provide an updated list and summary of pending legislative applications.

**CITIZEN COMMENTS:**

Heather Green, 511 S. 32<sup>nd</sup> Street, stated she came to listen to the creek and river protection amendment that was proposed and that she is in favor of it. Ms. Green stated that the streams and creeks provide absorption and filtration as well as waterways for the aquatic life.

Ms. Green added she is shocked at what is going to happen at Catoctin Corner if there is not going to be a buffer and asked that the Planning Commission look into any type of protection that can be permitted there.

**CHAIRMAN'S COMMENTS & COUNCIL REPRESENTATIVE'S REPORT:**

Council member Grim stated Council had their first meeting and looks forward to discussing priorities at the strategic planning session in September. Council member Grim stated she met with Daniel Galindo and is concerned there is a lot to do and Council will need to fix this to be able to move forward. Council member Grim added Council is aligned with the items on the priority list and talked about getting staff support to make it possible to continue moving forward.

Chairwoman Stein encouraged members to attend the strategic planning session in September to hear Council's priorities and reminded the Commissioners to read the Town Attorney's memo on proffers which will impact how the Town does business for rezonings.

**PLANNING COMMISSIONERS COMMENTS:**

None

**APPROVAL OF MINUTES:**

**a) June 16, 2016 Regular Meeting**

Commissioner Stinnette made a motion to approve the June 16, 2016 regular meeting minutes. The motion was seconded by Commissioner Van Istendal and passed with Chairwoman Stein abstaining since she was absent.

**ADJOURNMENT:**

With no further business, Chairwoman Stein made a motion to adjourn the meeting at 8:22 PM.

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Theresa Stein, Chair

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Diana Hays, Town Clerk

**MINUTES  
PLANNING COMMISSION WORK SESSION  
JULY 21, 2016  
TOWN HALL HERITAGE ROOM**

The work session of the Planning Commission convened at 8:30 PM in the Heritage Room:

**PRESENT:** Theresa Stein, Chair  
Chip Paciulli, Vice Chair  
Tip Stinnette, Planning Commissioner  
EJ Van Istendal, Planning Commissioner  
Kelli Grim, Council Liaison

**ABSENT:** None

**STAFF:** Daniel Galindo, Senior Planner  
Tucker Keller, Planning and Zoning Technician

**CALL TO ORDER:**

The work session of the Planning Commission was called to order by Chairwoman Stein at 8:30 PM.

**CHAIRMAN'S COMMENTS:**

None

**DISCUSSION OF DRAFT SUMMARIES FOR ROUNDS 1-3 OF THE COMPREHENSIVE PLAN UPDATE:**

Daniel Galindo asked the Commissioners for comments on the summaries and stated he would like to have them out in final form the first week in August followed by presentations for the public.

Chairwoman Stein talked about utilizing the other Town committees to participate now as they will have to have a part in the comprehensive plan. Chairwoman Stein also talked about the length of the document and providing an executive summary.

Commissioner Stinnette talked about having a communications plan and asked Daniel Galindo for his vision. Daniel Galindo stated he plans to have a main presentation as well as reaching out to organizations to see if they are interested in seeing a presentation. Commissioner Stinnette stated he feels the legacy comprehensive plan for the Town and County should be discussed by the Commission. Further discussion took place on what should be discussed as far as the current comprehensive plan or focus on the new one.

The commissioners agreed that this needs to be vetted through others before it is posted online. Daniel Galindo noted he is comfortable with having the first presentation by mid-August. Commissioner Grim expressed concerns for this not having gone before all committee members or Town Council and that the timing is not good because of vacations. Commissioner Grim further talked about the many forms of communications needed to get the information out to the public. Commissioner Stinnette suggested rolling it first to the committees and Town Council and providing them with enough time to provide comment. Commissioner Stinnette also recommended that a communications plan proposal be included with the four documents.

**DISCUSSION OF COMPREHENSIVE PLAN UPDATE SCHEDULE:**

The Commissioners had extensive discussion on the format, timeline and location of the meetings.

**DISCUSSION OF WEEKLY WORK SESSION AGENDA ITEMS:**

The commissioners talked about scheduling the topics of the weekly work sessions.

**ADJOURNMENT:**

With no further business, Chairwoman Stein made a motion to adjourn the meeting at 10:00 PM.

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Theresa Stein, Chair

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Diana Hays, Town Clerk