



**PRELIMINARY STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Daniel Galindo, AICP – Senior Planner  
**SUBJECT:** Comprehensive Plan Amendment and Rezoning for the Brown Property  
**DATE:** November 19, 2014

Application Information		
<b>Applicant</b> Town of Purcellville 221 South Nursery Avenue Purcellville, VA 20132	<b>Property Owner</b> Crooked Run Properties, LLC 37883 East Main Street Purcellville, VA 20132	<b>Engineer/Land Planning</b> N/A
<b>Initiation Date</b> October 14, 2014 <i>by Resolution No. 14-10-02</i>	<b>Planning Commission Public Hearing Date</b> December 9, 2014	<b>Town Council Public Hearing Date</b> December 9, 2014

Property Information				
PIN	Tax Map	Address	Current Zoning	Acres
454-49-1512-000	/36/////////51/	37883 East Main Street	X	8.09
<i>None</i>	<i>None</i>	<i>None</i>	X	2.00±

Application Requests	
<b>RZ14-04</b>	Rezone an 8.09-acre property and a 2.00± acre property from X, Transitional to AC, Agricultural Conservancy/Commercial
<b>CPA14-01</b>	Incorporate an 8.09-acre property and a 2.00± acre property into Future Land Use Map with designations of Agricultural/Tourist Commercial

**SUMMARY**

In response to the Town’s recent settlement agreement with Howell Samuel Brown, Jr., Town Council has initiated a rezoning application (coded by the Town as RZ14-04) for the Brown Property and the Town Property (as described below) to change the zoning district designation of the properties from X, Transitional to AC, Agricultural Conservancy/Commercial. In addition, a comprehensive plan amendment application (coded as CPA14-01) would designate the properties with a planned land use of “Agricultural/Tourist Commercial.” Joint public hearings before the Purcellville Town Council and Purcellville Planning Commission have been scheduled for these applications on December 9, 2014. In order to better prepare the Planning Commission for the hearings, an information item on

the two applications is being added to the Commission's November 20<sup>th</sup> meeting agenda that will cover the basic facts provided in this preliminary staff report. Comprehensive staff reports including analysis and recommendations will be provided for each application prior to the public hearings.

## **BACKGROUND**

On October 8, 2014, the Town of Purcellville and Howell Samuel Brown, Jr. reached a settlement agreement to resolve litigation regarding the Town's previous condemnation of 7.1724 acres of land for construction of the Southern Collector Road (now named William T. Druhan, Jr. Boulevard). As part of the settlement, both parties agreed that:

On or before November 30, 2014, the Town shall, pursuant to Virginia Code § 15.2-2286(A)(7) and Article 10 of the Town of Purcellville Zoning Ordinance initiate by resolution a rezoning of the Owner's Property (including the land described in the Certificate) to the AC (Agricultural-Commercial) zoning district (the "Rezoning Application"). Owner believes such rezoning will provide reasonable uses of the Owner's Property and agrees not to file any applications for amendment of the Town's Comprehensive Plan, zoning, or special use permit during the pendency of the Rezoning Application and further agrees not to challenge the Rezoning Application or decisions of the Planning Commission and Town Council with respect to the Rezoning Application. The Rezoning Application shall be processed for review and public hearing in accordance with standard procedures. The Town's resolution to initiate a rezoning of the Owner's Property to the AC zoning district is not indicative of any given outcome of the rezoning process and the Town may approve or disapprove the Rezoning Application. (pg. 3-4, *Agreement After Certificate*)

Pursuant to this portion of the settlement, the Purcellville Town Council initiated consideration of rezoning the subject property through the passage of Resolution No. 14-10-02 on October 14, 2014 (attached). In order to maintain and promote compliance with the Town's Comprehensive Plan, Town staff has interpreted the approved resolution to also warrant a comprehensive plan amendment application. Joint public hearings before the Town Council and Planning Commission on the rezoning and comprehensive plan amendment applications have been scheduled for December 9<sup>th</sup> at 7:00pm.

## **REZONING APPLICATION DESCRIPTION**

The RZ14-04 application would amend the Town's Zoning Map by changing the zoning district designation of two properties from X, Transitional to AC, Agricultural Conservancy/Commercial. The first property is an 8.09-acre parcel that is currently owned by Crooked Run Properties, LLC and was previously owned by Howell Samuel Brown, Jr. (the "Brown Property"). The Brown Property is located to the southwest 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), and is addressed as 37883 East Main Street, Purcellville, Virginia. The Brown Property is further identified in the Loudoun County land records as Tax Map Number /36/////////51/ and Parcel Identification Number 454-49-1512-000. The Brown Property is bounded to the east by the William T. Druhan, Jr. Boulevard right-of-way, to the north by East Main Street, to the south by a property owned by the Village Case Homeowner's Association with a zoning district designation of PDH-5 that is preserved for open space, and to the west by a 41-acre property also owned by Crooked Run Properties, LLC with a zoning district designation of AC that has been placed in a permanent conservation easement.

The second property is owned by the Town of Purcellville and consists of 2.0± acres of the 7.1724 acres originally taken from Crooked Run Properties, LLC and Howell Samuel Brown, Jr. (the "Town Property"). The Town Property runs along the entire length of the Brown Property's eastern boundary, at variable widths; however, it is not assigned a parcel number or address. The Town Property is shown on the attached aerial overview diagram which is a duplicate of an exhibit in the settlement agreement. The Town Property is abutted to the west by the Brown Property, to the north by East Main Street, to the east by the William T. Druhan, Jr. Boulevard trail and the paved portion of William T. Druhan, Jr. Boulevard, and to the south by the same open space property owned by the Village Case Homeowner's Association that borders the Brown Property.

This rezoning would allow the Brown Property and the Town Property to develop at a future time with the uses permitted by the AC zoning district. No specific development plan is currently proposed. Pursuant to the settlement agreement, the Town Property will be returned to Mr. Brown and ultimately absorbed into the Brown Property as shown on the attached aerial overview diagram.

#### **COMPREHENSIVE PLAN AMENDMENT APPLICATION DESCRIPTION**

The CPA14-01 application would amend the Town's Planned Land Use Map, as published on page 116 of the Purcellville, Virginia 2025 Comprehensive Plan, to incorporate the Brown Property and the Town Property with an "Agricultural/Tourist Commercial" planned land use designation. This designation matches the designation of the adjoining 41-acre property also owned by Crooked Run Properties, LLC and is consistent with the proposed rezoning to AC. The Town's Planned Land Use Map, which predates the Town's annexation of the Brown Property and the Town Property, does not currently show a planned land use or planned density for either property.

The Town's Comprehensive Plan states, in part, about the "Agricultural/Tourist Commercial" planned land use:

[The "Agricultural/Tourist Commercial"] land use category was created to protect and enhance the last remaining agricultural property in Purcellville, Crooked Run Orchard ... The category is intended to permit the continuation of the existing agricultural uses on the property, while allowing future

commercial uses that may be compatible with agriculture, but provide additional options for income from the property.

Buildings should be limited to a maximum height of 35 feet and should be setback from Main Street by at least 100 feet. Buildings and parking should cover no more than 30% of the property. (pg. 115)

**ATTACHMENTS**

- Resolution No. 14-10-02
- Aerial Overview Diagram