



## TOWN COUNCIL REGULAR MEETING

21 Main Street

Tuesday, August 13, 2024, at 9:00 AM

### MINUTES

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#### AN OPEN MEETING OF THE TOWN COUNCIL OF THE TOWN OF WARRENTON, VIRGINIA, WAS HELD ON AUGUST 13<sup>TH</sup>, 2024, AT 9:00 AM

##### Work Session

###### PRESENT

Mr. Carter Nevill, Mayor; Mr. William Semple; Mr. Brett Hamby; Mr. Paul Mooney; Mr. Eric Gagnon; Mr. Frank Cassidy, Town Manager; Mr. Stephen Clough, Town Clerk; Mr. Martin Crim, Town Attorney.

###### PRESENT

###### ELECTRONICALLY

Ms. Heather Sutphin

###### ABSENT

Mr. James Hartman, Vice Mayor; Mr. David McGuire

##### Regular Meeting

###### PRESENT

Mr. Carter Nevill, Mayor; Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney; Mr. Frank Cassidy, Town Manager; Mr. Stephen Clough, Town Clerk; Mr. M. Tolly Gwinn, Town Attorney.

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## I. WORKSESSION - 9:00 AM

The Mayor called the meeting to order at 9:10am. He stated that a physical quorum was present, and that Vice Mayor Hartman and Mr. McGuire were unable to attend. He stated that Ms. Sutphin was attending remotely via the electronic meeting policy. He asked Ms. Sutphin to state her location and the reason for her remote attendance.

Councilwoman Sutphin stated she was at her home due to medical reasons.

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### 1. EOTW Report

Mr. Frank Cassidy, Town Manager, introduced the topic. He stated that Ms. Joelle Fryman was unable to attend due to medical reasons and that she apologized for not being able to present.

Mr. Cassidy reviewed the report provided by Experience Old Town Warrenton and announced that the Town had a few new businesses including Goodness and Grace, WeirdDoughs, The Lucky Knot, Three Sisters, and more were coming. He described the working relationship between EOTW and the Town's Communications Manager and that the events that EOTW were partnering with the town on were going extremely well.

Mr. Cassidy called attention to the new branding incorporating the “Town Fox” and highlighted the positive work that EOTW was doing. He stated that if Council would like Ms. Fryman to return for more discussion to let him know.

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## **2. Town of Warrenton Parks and Recreation Department Overview**

Ms. Kelly Koernig, Director of Parks and Recreation, introduced the topic.

Ms. Koernig stated that her presentation would cover parks, playgrounds, events, future outlook and the behind the scenes as well. She highlighted that the Staff at Parks and Rec were one of their largest assets and praised the customer service they provide. She outlined various roles within the department and explained the impact those groups have. She began speaking about front desk staff who not only provide customer service to the pass holders and patrons of the WARF as well as interact with groups like the summer camps, signups for renting the pavilions, sign people up for the recreation programs and swim lessons as well as assist with setup for parties and other rental events.

She stated that Parks and Rec was the department partnered for the Warrenton Farmer’s Market to assist in processing payments, interacting with vendors and other things.

Ms. Koernig stated that the Parks and Rec Department processed all of the special event permits and applications.

She continued highlighting that the fitness instructors were not only teaching classes but taking the time to interact with people in those classes to build the personal relationships to better tailor their classes and training sessions to the participants.

Ms. Koernig spoke to the lifeguards who were not just seated on the stand but interacting with customers, reminding them of the rules, and addressing issues or questions that arise. Adding that the lifeguards also assist with large group events like the summer camps and swim teams that utilize the WARF.

The director also spoke about the Public Works staff of the Town who helped keep the parks safe and beautiful and the collaboration between the two departments.

Ms. Koernig stated that the WARF was an award-winning facility having won the Fauquier Times Reader’s Choice award for best gym and fitness club.

Behind the scenes, Ms. Koernig showed pictures of the equipment and staff that run the facility. She spoke to the efforts made to keep the systems running 24/7 to keep the building safe and operational.

Ms. Koernig discussed the upcoming projects that Parks and Rec were undertaking including the front walkway repair from a watermain break and a lighting project that came in lower than the project total listed in the Capital Improvement Plan. She also explained that this project could be

done without the expected major shutdown and would only need minimal closures. She continued outlining the current WARF shutdown and the work being done during this period.

The conversation continued on and shifted focus to the Parks. Ms. Koernig outlined a holistic approach to the parks amenities that would identify the needs of the parks and if equipment can or should be repaired or outright replaced. She stated this was going to be “needs”, not “wants” based. She explained that the approach would be equitable between all parks rather than focusing on just a few of them.

Ms. Koernig explained the collaborating between Parks and Recreation and the Public Works Department and complimented the work being done at Rady Park for the new sand volleyball courts. She provided an overview of some upcoming parks projects and explained that Eva Walker Park’s master plan was still in Phase 1. She continued explaining the projects that were being completed with ARPA funds and ensuring ADA compliance. An overview of the planned expansions and projects at multiple parks was discussed.

The Director outlined multiple classes, lessons, and opportunities for training that the Parks and Rec team offers. She included updates and information about multiple other programs offered including dogapoloosa, pickleball classes, kids’ days at the parks, festivals, game nights, biathlons, cardboard boat races, puzzle wars, and more.

Ms. Koernig discussed the special events process that the Parks and Rec Team manages and stated that they processed 43 outside events in 2023. She spoke to the future programs being offered and the need to find the balance between free and paid programs as well as identifying what is working and what has not been successful. The discussion continued to how the department was receiving feedback from the community.

Ms. Koernig spoke of the Parks and Rec Master plan and the hope that it would outline the long-term plan for the development of the Town’s open space and reflect the needs and priorities of our community.

Councilmen Hamby thanked the team for the event-by-event work that they did. He asked about the budget of the department and the utilities costs. He requested that the department work to find a way to make the budget items clearer for the next Council and the citizens. He asked for more detail and explanations rather than just figures to better understand the differences year to year. He thanked Ms. Koernig for her work.

Mr. Semple requested the pre-COVID numbers to compare the recent numbers to. He complimented the quality of the instructors and stated that he was mostly concerned with the finances. He outlined that if the WARF was a service being provided by policy decision it would be acceptable. He stated that when the WARF was created, they had hoped it would be a profit-making enterprise when the debt was paid off. Mr. Semple requested demographics including those who were residents of Warrenton vs. not.

Ms. Koernig said that data could be provided.

Mr. Semple asked what could be done with marketing in terms of making the WARF more profitable and advertising to the citizens the benefits that the facility could provide.

Mayor Nevill stated that for a point of clarification, there was confusion over the assumption the WARF would ever be profitable. He stated that generally speaking these types of facilities were rarely profitable and that he thought it was a known factor when it was built. He asked Ms. Koernig what the typical or target recovery ratio was that indicated a healthy revenue to cost.

Ms. Koernig responded that it was usually a 70% cost recovery.

Mr. Semple asked her to explain those numbers.

Ms. Koernig explained that the target is between 50%-70% cost recovery.

Mr. Semple stated that he had received the information from a previous member of Council that made that voted based on that.

Councilmen Gagnon asked how many years the debt service would be in place for the WARF.

Mr. Cassidy responded that it would be in place through 2032.

Mayor Nevill added that as part of the repaving he has seen a demand for more pickleball courts and suggested that staff find a location where lines would be added so that pickleballers could set up their own nets.

Ms. Koernig responded in the affirmative and explained that within the Eva Walker Park Master plan one thing that was being explored was relocating the basketball court and having two courts with the ability to add the lines for pickleball.

Councilmen Mooney stated he had questions on the debt service. He expounded on the statement that good cost recovery was between 50-70% and requested that staff include other examples of facilities that are hitting the 50-70% with what locality they're in.

He asked if a lot of the work being done at the WARF currently was by staff members or contractors.

Ms. Koernig responded that the HVAC work being done was by contractors as well as the Surge tank project, but most of the other work was being completed by staff.

Mr. Mooney asked when the Council could expect a draft of the Parks and Rec Master Plan.

Ms. Koernig responded that a draft was expected by the end of the fiscal year.

Mr. Mooney asked about the use of ARPA funds for repair vs. replacement and new construction.

Ms. Koernig responded that many of the necessary repairs had been identified and were in the process of being addressed.

Mr. Cassidy stated that the projects were being reassessed for what needs to be contracted out and what needs to be done vs. what's to be done. He added that community requests like the shades the town has gotten a lot of requests for and would not add too much maintenance so those would be done.

Mr. Cassidy thanked the member of Council that came up with the idea to add the budget review to the overview section and reminded Council that this was the purpose of what these presentations were all about. He reminded Council that this was not the only time they could discuss parks and rec nor the budget and encouraged council feedback. He outlined that the Police Department and Human Capital were on the deck for next month's presentations.

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### **3. Speed Limit Discussion**

Mayor Nevill introduced this topic reflective of a new law that went into effect July 1<sup>st</sup>, 2024. He introduced Mr. Crim to present on this topic.

Martin Crim, Town Attorney, explained that the previous law required a municipality to have a speed study done on a particular area before the Council could adopt a speed limit less than 25mph. He continued that the Virginia Department of Transportation was not too happy with the process and had put various obstacles in the way of localities. He stated that this year the Council got the ability to adopt an ordinance that would be local government action set the speed limit of down to 15mph in an area that is currently 25mph.

Mr. Crim stated that all that was required would be that the Council adopt an Ordinance which could state either exactly what they would want, similar to the Middleburg ordinance in the agenda packet, or Council could delegate that authority to the Town Manager or someone else in the Town Staff to make decisions as to where speed limits should be. The Town would be required to send a letter to the Commissioner of Highways thirty days in advance of enforcement. He added that this was a fairly simple process compared to what it was previously.

Mr. Crim stated that this item was on the agenda seeking direction from Council on their desire to move forward with this speaking of his Philosophy of the "Three Es" Engineering, Education, and Enforcement in that order. He explained that you see better results from traffic calming devices than you do from education programs, and you'll get better results from education programs than you do from enforcement. He continued stating that these are all a part of package to deliver safety for pedestrians, bicyclists, and everyone else using the roads around cars.

Mayor Nevill stated that this was responsible for one of the larger complaints that we see in requests to address speeding cross town. He asked if there was anything stopping us from Having 20mph Townwide unless otherwise posted?

Mr. Crim responded that the Town would need to post signs on each street to state what the speed limit was.

Mayor Nevill confirmed that the speed limit resolution could be sweeping like that similar to other municipalities.

Mr. Crim confirmed that an extra sign could be put up, but for the enforcement, signs would need to be on each street.

Mayor Nevill stated that if Council was in agreement, they could direct staff to come back with proposals and suggestions to apply this new law to our streets.

Councilmen Gagnon asked if the Town had any prior experience in areas where the speed limit was dropped and the impact it had on speeding.

Mr. Crim stated that he would defer to Chief carter and that there were some places in town that the speed limit has been decreased.

Timothy Carter, Chief of Police, stated that when the town has dropped speed limits they did see a reduction in speed but it did not always hold. He continued stating that to Mr. Crimps point, 15mph was hard to maintain and those were areas where the department found a significant number of violations. He stated that 20-25mph was a good middle ground. He said that he would be happy to bring back more specific data to the Council. He agreed with Mr. Crim that education was the most important way to fix the issue and that enforcement would only help if it was 24/7.

Mr. Cassidy added that staff included information for "Twenty is Plenty" as well as the vision zero concept was included in the agenda packet. He said that these ideas would help with consistency when it came to enforcement.

Chief Carter added that the combination of pieces would help prevent the back and forth of decreased speeds re-increasing.

Councilmen Semple recommended the book "Confessions of a recovering engineer" by Charles Marone of Strong Towns. He described that in the book the concepts agree with Mr. Crim on the nature of speed limits and the effect they have. He summarized that basically the design of the road would dictate the speed that people would travel on it. He commended the Town for looking at how to modify streetscapes, not just relying on speed signs.

Mr. Mooney confirmed what the Town Manager and Attorney were requesting of the Council.

Mr. Cassidy confirmed that he was requesting direction from council on if this measure was something that Council wanted to pursue. He said that if so, staff would prepare recommendations and details to return to Council.

Mr. Mooney asked how many speed studies the Town had done.

Mr. Cassidy responded that the Town had done a numerous amount of speed studies and that currently instead of studies the Town was implementing changes to the traffic pattern and mitigation. He compared it to the concept of road dieting and added that the staff were working to redesign some of the more problematic areas in town.

Mr. Mooney confirmed that with the new law, the studies they had done previously, they can now just adopt the changes at the local level.

Mayor Nevill thanked Mr. Crim. He spoke on the importance of economic development and increasing the Town's revenue stream to be able to have the money to take on the engineering. He identified that it had been a priority of this council and himself to put in the median refugees,

medians, bump outs, curves, chicaning, and all of the potential possibilities that require funding to enable their implementation. He said until then, he believed that going to a town wide speed limit would simplify and remove the confusion multiple speed limits in Town. He requested that staff come forward with options for the Council to consider and that the recommendations be equitable so that it is all neighborhoods, and all streets.

Councilmen Hamby added that the Council had tried to undertake projects that effect every street and found the major differences in them. He requested that the Staff come back with a street by street break down of the speed limits.

Mr. Crim responded that the map that accompanies the Middleburg ordinance did exactly what Mr. Hamby was requesting.

Mayor Nevill confirmed that the Council and staff were clear on the direction moving forward.

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#### **4. Planning Commission update**

Ms. Denise Harris, Planning Manager, updated the Council on the Planning Commission meeting held on July 16<sup>th</sup>, 2024. She stated that the PC held a work session on zoning amendment map amendment 2024-01 for United Methodist Church and Hero's Bridge for a residential planned unit development known as an R-PUD to allow construction of forty four duplex units for age restricted affordable housing with walking trails, office, a community center, a multipurpose recreation center, and an existing church.

Ms. Harris briefly described the project and stated that a second work session was scheduled for the Planning Commission Meeting in August.

Ms. Harris described the Public Hearing for the Zoning Text Amendment Initiated by the Town Council to remove articles four and five from zoning ordinance. She explained that this was the next step after the Town Council had approved the stand-alone stormwater management document as required by state code at the June 11<sup>th</sup>, 2024, Meeting. She said that there were no speakers at the public hearing and the Planning Commission recommended approval to the Town Council 4-0-1 with Commissioner Barbour absent.

Mayor Nevill thanked Ms. Harris for her report.

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- 5. SUP 2022-05 Warrenton Village Center, the Owners, Jefferson Associates LP and Warrenton Center, LLC with the Applicant, NewCastle Development Group, seek a Special Use Permit for two parcels totaling approximately 29.05 acres to create a mixed use development in the existing Warrenton Village Center. The proposal includes up to 320 apartments, 34 2 over 2s, and 32 townhomes with the addition of central plaza, parking garage, enhanced internal road network, and pedestrian infrastructure to promote walkability. The properties are zoned Commercial and**

**designated in the New Town Character District of Plan Warrenton 2040. (GPINs 6985-20-7247 and 6984-29-6753)**

Ms. Harris introduced the topic. She recapped the description of the project and the steps it had taken through the Planning Commission and Town Council at this time.

Ms. Harris began explain that the Town Council held its second work session on Special Use Permit 2022-05 for the proposed mixed-use development at Warrenton Village Center, a commercially zoned area bordered by West Lee Highway, Branch Drive, Oak Springs, and Broadview. The 29-acre site is designated as part of the New Town Character District in future land use plans.

She explained that the Planning Commission previously held three work sessions with subject matter experts to review design, affordable housing, public amenities, infrastructure, transportation, and environmental impacts. A public hearing was held on June 18, where the commission unanimously recommended approval with draft conditions. Meeting minutes and videos are available on the town's website.

Ms. Harris continued stating that last month, the Town Council held a work session with experts from public utilities, transportation, and zoning to discuss housing standards, parking, water and sewer, and transportation. Following the session, the applicant submitted letters committing to:

- Installing low-flush toilets
- Adding a parking garage arm to restrict Oak Springs access during Highlands Lower School drop-off hours
- Constructing a playground near the proposed apartments

She noted that these commitments were not part of the original Planning Commission review or the recommended conditions of approval.

Ms. Harris stated that the applicant is present to provide updates, and the team is available to answer any questions from the Town Council.

Mayor Nevill thanked Ms. Harris for her introduction and asked if the Council had any questions for her. Hearing none, the Mayor welcomed the applicant.

Kendrick Whitmore of Venable, LLP, introduced the project to the Council. He spoke to the efforts the team had made, speaking with the Highland School since the inception of the project. He gave Credit to Councilmember Mooney for his suggestions and told the Council that they would be entering into a private agreement with the Highland School to address their concerns.

Mr. Whitmore continued by addressing some of the points raised at previous meetings.

He addressed the height of the proposed construction being within the confines outlined within the Comprehensive plan. He outlined proposed benefits of the height of the construction

including the ability to include affordable housing units and building density without sprawl. He stated that there were examples of four-story buildings on Hastings Lane with the Warrenton Mannor apartments.

Mr. Whitmore discussed the parking for the proposal and the impact that the construction would have on the existing parking in the area, noting the garages proposed. He spoke to the parking garage screening the additional vehicles to lessen the visual impact.

He continued speaking of the density outlined in the proposal and the comparison with the density proposed for the "New Town Character District" in the Comprehensive plan. He outlined the impact that increasing density in this area would have on the Fauquier County Comprehensive plan. Mr. Whitmore explained the benefits of the density, including the ability for the developer to provide affordable housing.

Mr. Whitmore outlined the gateway of the town and the impact that the development would have on the views. He continued outlining the work that had gone into the review of the impact on the Town's water and sewer systems and explained that the addition of low flow fixtures would now be added after the Town Council's discussions. He reviewed the proposed impact on the Town's traffic and the agreement made with Highland School in that regard. He mentioned the planning work that had been done that outlined this project and the impacts it would have. Mr. Whitmore discussed the work done with the Planning Commission to ensure compliance with the Comprehensive Plan and how this proposal aligned with the mixed use, walkable space that it outlines. He reviewed the proposed waivers requested for the site.

The presentation continued with discussions about affordable housing and the Ordinance outlining 80% AMI as the definition for affordability. The presentation outlined the proposal for the inclusion of affordable housing units and compared the current stock for rental units in the Town. Mr. Whitmore's data showed that there were no apartments available and only a few single-family homes with the average year built being 1891. He explained that one home available for sale was built before Pearl Harbor. The discussion continued comparing average salaries of various roles and the ability to afford affordable housing.

Mayor Nevill turned the discussion over to the Council for questions.

Councilmen Gagnon inquired about the estimate for the number of occupants when the development was built out.

Jess Achenbach, NewCastle Development Group, stated that the number was calculated by reviewing the portfolio across Northern Virginia and calculated the number of residents vs. the number of units to average 1.56 residents per unit. He applied that number to the units proposed  $1.56 \times 386$  units and presented an estimated 602 residents at 100% occupancy.

Councilmen Gagnon asked if the Federal ratio of 2.5 residents from the US Census Bureau was used by the Town in its estimates.

Ms. Harris responded that the US census uses 2.5 residents across all types of units they have a definition in their data gathering that includes the types of homes and that presents an average including single family homes.

Councilman Gagnon stated he was confused about the number that the Council should use for guidance as the Census Bureau number is a US Government number provided as a benchmark. He continued that when factoring that number into the 386 units you would have an estimated population of 965 residents. He requested guidance on this.

Ms. Harris stated that the US Census number was a very high-level general number, and the applicant was proving their portfolio data, and it was up to the Council on what estimates to use. She added that Transportation studies are done based on very specific uses out of the Institute of Transportation Engineers.

Mr. Gagnon inquired about the traffic study and the calculations for the number of trips per day.

The applicants responded to the questions explaining the peak hours for commuting and the traffic study requirements outlined by the Town.

Mr. Gagnon asked how funding was secured for projects like this and if financing was secured ahead of time or if the applicant would seek funding after a decision was made. He asked if there were time limits that the lender would impose to start construction.

The applicants explained that every lender had different requirements and the variations that they could encounter. He stated there was no one size fits all approach.

Mr. Gagnon asked the developer if they would be receiving any tax brakes on the financing due to the affordable housing component of the proposal.

Mr. Whitmore explained that there would not be a tax break due to the affordable housing component.

Mr. Gagnon requested more information on the projected rental rates.

Jess Achenbach responded that it would be very difficult to predict the rental rates because there is no comparable rental properties in Warrenton. He mentioned that the figures presented were based on other localities like Chantilly or Manassas. He stated that the applicant anticipated the rental rate to be significantly lower to what was being seen in other nearby communities.

Mr. Gagnon inquired as to how the affordable housing would be monitored.

The applicant responded that they would be the ones monitoring it and annual reports would be provided to the Town.

Councilmen Gagnon explained that with the constituents he had talked to were primarily not in favor of the project and shared some concerns about the precedent it could set with approval. He asked if the project could work for the developer if it were scaled back.

Mr. Whitmore explained that any other applicant before the Council on any other project would be required to go through the same work that they had to prove the merits of their proposal independently. He continued, restating the steps that the proposal had gone through to this

point and the feedback received. He added that the project had been proposed as it is and it could take years to come back with revisions.

Councilmen Semple requested the elevation pictures be brought back up display for discussion. He asked if the view proposed would be consistent with what could be expected in a small town and expressed concerns over the project's size. He compared the project to the comprehensive plan and the differences he viewed in the frontages and scale.

Mr. Semple expressed concern over the statements made of availability in the housing market in Warrenton stating Warrenton had six LIHTC projects with four hundred and fifty-seven units.

Mr. Achenbach stated that Mr. Semple was correct and that there were zero available units currently.

Mr. Semple explained that he agreed with Mr. Gagnon that the scale could be rolled back and stated that it would be more acceptable. He also expressed concern with the market rate and the affordability of the rent. He continued expressing concerns about the scale of the project and the impact it could have at this scale and inquired if there were other aspects of the New Town Character district that could help soften the scale.

Mr. Whitmore thanked Mr. Semple for his statements and addressed the concerns listed. He explained that the proposal was developed to align with the Comprehensive Plan in ways to provide for other elements of the plan including open spaces, walkability, and mixed uses. He explained a critical need for housing units in the Town.

The discussion continued about the application of the Comprehensive plan and components of the proposal.

Councilmen Semple expressed concern with the setting of a precedent by the approval of this project creating a model for other developers.

Mr. Whitmore asked Mr. Crim if he was aware of any cases that had been deemed arbitrary and capricious as a result of precedent.

Mr. Crim responded that he was not aware of one and that the standard was that the item was fairly debatable. He added that just because he was not aware of any that it did not mean non existed.

Mr. Semple continued his statements on the concerns of the Live, work, play, aspect of the proposal.

Mr. Mooney requested to review the waivers being requested by the applicant.

Mr. Whitmore said that he would pull up another presentation with that information.

Mayor Nevill called for a short recess while the presentation was being accessed.

The meeting resumed at 11:30am after a brief recess. Mayor Nevill stated that for the efficiency of the meeting some items originally scheduled for this meeting would be moved to the

September regularly scheduled Town Council meeting. Those items were the ZTA 2024-2 and an amendment of the Town Code for building code violation enforcement. He stated that the Town Council would move to the next item in the agenda, the Code of Conduct Committee Discussion, then return to the Warrenton Village discussion to answer the questions posed by Mr. Mooney.

After the agenda review Mr. Whitmore provided a presentation on the waivers requested. He outlined the waiver requests related to density and setbacks. He outlined other waivers that included retaining wall height, commercial use adjacency, and landscape buffers.

The discussion continued around the setback distances and the potential for additional meetings to discuss the waivers.

The applicant explained their willingness to add additional waivers related to the Highland school adjacent to the property. They also explained the process to come to these waivers and how deviating from the proposal would affect the plans for the development.

Ms. Harris explained that while the Planning Commission was in review of the application it was brought to the attention of all that the Original Oak Spring was located on the site and that the applicant had modified plans to preserve the spring.

The applicant concluded the review of the waivers.

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## **6. Code of Conduct Committee Update**

Councilmen Mooney introduced the topic. He recapped the work done by the Committee. He stated that the Council members had been given a draft for review and the draft was based on recommendations from Ms. Jane Dittmar from the Virginia Institute of Government and other jurisdictions as well as the ICMA. He requested feedback by September 6<sup>th</sup> so that any changes could be implemented stating that this was the first step in a multiple step process with this update and that he was open to any feedback from the Council or Citizens.

Mayor Nevill complimented the draft provided by the committee and stated that it removed subjectivity and stated the proposed version was much more readable, usable, understandable, and, applicable.

Councilmen Semple asked if this draft would replace the Code of Ethics. He raised a concern about the inclusion of a Code of Conflict provision.

Mayor Nevill stated that this would replace the Code of Ethics, and the Code of Conflict provisions would be superseded by the State Code.

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## **7. Agenda Review**

Mr. Cassidy proceeded with agenda review. He explained there would be a closed session after the Warrenton Village discussion this morning. Moving onto the evening he stated there would

be a public hearing on SUP 2022- 05 Warrenton Village Center and on the consent agenda were the Quarterly reports and delinquent tax list. He stated it was standard procedure to publish the delinquent tax list to attempt to recover the funds. Further reviewing the agenda, Mr. Cassidy explained there was the BZA funding request on the Unfinished Business section.

Mayor Nevill asked if the delinquent Tax List would be published in the paper and further inquired as to the number of delinquent accounts.

Ms. Stephanie Miller, director of Finance responded that there was an email sent to Council with the list attached and bills less than \$5 the Town would choose to not pursue as it cost more in administrative fees to collect. She also said that there were a list of Personal Property Tax accounts that were delinquent that would be sent to third party collections. She said that she would be sending a list shortly to the Council for review.

Mr. Whitmore indicated he was ready to proceed and the agenda review concluded.

*The discussion on the Warrenton village item is listed on item number 5 in the minutes.*

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## 8. Closed Session

As permitted by Virginia Code § 2.2-3711 (A)(7), consultation with legal counsel or briefing by staff members or consultants pertaining to: the pending case of CFFC FOIA Lawsuit where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the City.

As permitted by Virginia Code § 2.2-3711 (A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to SUP Procedures

Councilmen Hamby moved to convene a closed session as permitted by Virginia Code 2.2-3711 (A)(7).

Councilmember Mooney Seconded. There was no discussion on the motion.

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. Eric Gagnon; Mr. Mr. Paul Mooney.

**Nays:**

**Abstention:**

**Absent:**

Upon reconvening from the closed session, Councilmen Hamby moved to adopt the following Certification of Closed meeting:

### **CERTIFICATION OF CLOSED MEETING**

**WHEREAS**, the Town Council of the Town of Warrenton has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3172 E of the Code of Virginia requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

Councilmember Mooney seconded. There was no discussion on the motion.

The vote for the motion was unanimous, as follows:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. Eric Gagnon; Mr. Mr. Paul Mooney.

**Nays:**

**Abstention:**

**Absent:**

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## 9. Adjournment

Mayor Nevill requested the addition of a closed session to the evening session and following the determination in closed session.

With no further business, this meeting was adjourned at 12:38 PM on Tuesday, August 13<sup>th</sup>, 2024.

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## II. REGULAR MEETING - 6:30 PM

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### INVOCATION.

Rabbi Rachel Schwartz from the Fauquier Jewish Congregation lead the invocation.

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**PLEDGE OF ALLEGIANCE.**

Mayor Carter Nevill lead the Pledge of Allegiance.

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**PROCLAMATIONS AND RECOGNITIONS.**

Town Manager Frank Cassidy stated that it was his pleasure to introduce several staff members they would recognize this evening for their Excellence in Action.

Public Utilities has recognized a new hire, Mr. John Hocter, as a new operator at the water treatment facility.

The Parks and Recreation department introduced Peter Zieg, David Zieg, Gwyn Frick, Ethan Homenik, and Caden O’Grady as new lifeguards.

Michael Fisher of Facilities and Fleet management was recognized for achieving the Biobased Certified Fleet Professional Certification and Peyton Cvengros was recognized for achieving the Biobased Certified Facilities and Property Professional Certification (BCPP).

Joseph Tanner was recognized for obtaining the Virginia Class II Wastewater Treatment Facility Operators License.

Ms. Denise Harris was recognized for being the first ever recipient of the American Planning Association (APA) Virginia’s Larson Distinguished Professional Award.

Ms. Brooke Campbell was recognized for being the recipient of the 2024 Fauquier Times Reader’s Choice Award for “Best Public Servant” as well as being the 1<sup>st</sup> Place winner for 3 jams and the “John Ward Cheese Pie” at the Fauquier County Fair.

Ms. Lauren Kruck was recognized for winning “Biggest Zucchini” at the Fauquier County Fair.

Mr. Cassidy concluded the recognitions and congratulated the staff on the Excellence in Action that they had shown.

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**CITIZEN'S TIME.**

Citizen's time Sign in Town Council Regular Meeting: January 9, 2024		
Name	Address	Topic
Ann Engel	7200 Woods Edge, Warrenton	Lot on Corner of Hastings & Oak Springs

Waldo Ward	192 Pinnacle Ct.	
Joeseeph Ficarelli	102 Winchester St.	Semple & Gagnon
Colleen Taylor	8301 Kine Rd.	Fauquier Juneteenth
Joseph A. Washington	8086	Fauquier Juneteenth

Anne Engel spoke regarding an abandoned property at the corner of Hastings and Oak Springs. She described the conditions and requested action by the town to remedy the situation. She also discussed the Brookside Nursing home and the lack of a place for the staff to eat lunch or take their brakes.

Waldo Ward expressed concerns about the Amazon data center and the perception of the Town Council by the citizens. He thanked the Town Clerk for the ADA Listening devices and their use.

Joe Ficarelli spoke regarding a voicemail received by Molly Brooks of Hero's Bridge from Mr. Semple. He described the voicemail and expressed concerns of an Ethics Violation by Mr. Semple and Mr. Gagnon.

Colleen Taylor thanked the Town for their support of the Juneteenth event and praised the event.

Joe Washington thanked the Town for their support of the Juneteenth event.

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## **APPROVAL OF THE AGENDA.**

Mayor Nevill sought a motion to approve the agenda.

Motion put forth by Councilman Hamby was to approve the agenda.

Seconded by Vice Mayor Hartman.

The vote was as follows:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney.

**Nays:**

**Abstention:**

**Absent:**

The motion passed unanimously; the agenda was approved.

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## **PUBLIC HEARINGS.**

**SUP 2022-05 Warrenton Village Center**, the Owners, Jefferson Associates LP and Warrenton Center, LLC with the Applicant, NewCastle Development Group, seek a Special Use Permit for two parcels totaling approximately 29.05 acres to create a mixed-use development in the existing Warrenton Village Center. The proposal includes up to 320 apartments, 34 2 over 2s, and 32 townhomes with the addition of central plaza, parking garage, enhanced internal road network, and pedestrian infrastructure to promote walkability. The properties are zoned Commercial and designated in the New Town Character District of Plan Warrenton 2040. (GPINs 6985-20-7247 and 6984-29-6753)

Mayor Nevill introduced the applicant. He stated that the applicant had prepared a presentation, and that Councilmen Gagnon had prepared a presentation as well. He stated the public hearing would follow the presentations.

Mr. Kendrick, Whitmore of Venable LLP representing applicant provided a presentation to the Council. His presentation spoke to misinformation in the press and other sources being provided about the project and addressed the concerns raised by the Council and Citizens. He spoke on flyers that had been distributed with misinformation before the public process had begun. He addressed concerns brought up in emails and circulated information that the project would add over a thousand residents to the town and stated that the projected number of residents was six hundred and two. He stated that the one thousand number came from the use of HUD numbers that would also include single family homes that were not present in the application. He talked about the affordability aspect of the project. He stated growth for growth's sake would not make a strong, healthy town.

Mr. Whitmore showed a citizen proposal for the Amazon Data center site that was presented to the council. He explained that the proposal was for a mixed-use community with walkability and supporting amenities, attainable work force housing and economic development driven by new residents. He explained that these goals were the goals of the New Town District and explained the connection of the proposal to the Comprehensive plan. He explained that the goals of the proposal for the Blackwell site aligned with the Warrenton Village goals of livability, attainability, and walkability.

The applicant outlined the process that the application had going through with the work sessions and public hearing through the Planning Commission. He outlined the proposal for the project highlighting the three housing blocks with different types of homes and the central plaza for recreation. He explained some of the changes made to the proposal through the public input process to provide different types of homes and their applicability to the Comprehensive Plan.

Mr. Whitmore spoke to the Economic white paper from RKG that was commissioned as part of the Comprehensive Plan and the findings of the paper show that without growth to the residential base the operational costs would start to outstrip the budget leading to a shortfall. He outlined the analysis in the white paper with the conclusion that the town could not continue to sustain itself as it was and it would need to grow. He outlined that the Comprehensive plan didn't call for just growth, but for smart growth that included walkability and outlines the elements of the character districts that would make the plan work.

Mr. Whitmore explained the Fauquier County Comprehensive plan called for service districts, like Warrenton, to contain the growth for the county to avoid sprawl through the rural areas of the county. He then discussed the lack of availability of rental apartments in the Town of Warrenton. He stated that the rental analysis showed the average year built for 1 bedroom homes to rent in the Town was 1891, 2 bedroom homes was 1918- and three-bedroom homes was 1007 highlighting the increased efforts required to maintain older homes.

The applicant spoke of the downward trends for consumer spending and the increase in commercial vacancies as well as the potential impact on the sales and meals tax for Warrenton. He stated that for the businesses to operate they would need workers and for workers to operate, they would need housing. He outlined the low rates of job growth in Warrenton.

Mr. Whitmore discussed the economic benefits from the proposed development and the potential ripple effects the increase in residents could bring.

The applicant then discussed the additional improvements to the area that would come with he proposal including a splash pad, village green, a restaurant, the restoration of old Oak Spring, the addition of a dog park, a tot lot, better connectivity, crosswalks, sidewalks, and an extension of Hastings Ln. He spoke on the modifications to the designs based on the feedback of the community and the Planning Commission to change the design from a more modern look to something that better reflected the character of Warrenton. He rehashed the history of the project and emphasized that if the project were approved tonight, it would not be just the next step in the process.

Mr. Whitmore addressed some concerns that were raised. He addressed concerns about the height, parking areas, density, water sewer systems, traffic, location, and affordability of the units. He explained that the proposal would not set a prescient allowing other developments of this nature in the future as each perspective development would have to go through the same process that Warrenton Village had.

The applicant addressed concerns of the affordability of the “affordable housing” as part of the proposal. He explained the economics of supply and demand and the impacts of the lack of supply. He addressed the 80% AMI value as required in the zoning ordinance and stated that the applicant would provide ten units at 80% AMI, ten units at 70% AMI, and five units at 60% AMI. He outlined that this proposal would bring forty-four new rent and income restricted apartments to Warrenton where there were none available today. He explained the cost of the units would be dictated by the market and showed comparable units in other jurisdictions. He provided a list of local public salaries that would be able to afford the units based on the listed salaries.

Mr. Whitmore concluded his presentation.

Mayor Nevill thanked Mr. Whitmore for his presentation and indicated that Mr. Gagnon had a presentation he wished to make as well.

Councilmen Gagnon began his presentation discussing some concerns of the proposal. He outlined his concerns including location, appropriateness, affordability, impact on traffic and Warer and Sewer infrastructure, and the long-term impact of the proposal.

Mr. Gagnon began stating that a project like Warrenton Village had never been built in Warrenton before. He added concerns of the density and questioned if the scale could be lowered to something that the residents of the town were more used to. He expressed concern that approval of the project would set a precedent that could lead to other high-density proposals.

He continued stating that one of the reasons residents of Warrenton moved here was because of the small town feel and that he wanted to keep it that way. He showed in his presentation some renderings of the proposal to show the scale of the project.

Mr. Gagnon highlighted the work of the developer in much larger areas and localities compared to Warrenton. He proposed the concern that the development would be much better suited for a larger area. He expressed concern of the location being attractive to commuters and the impact on the community.

He highlighted concerns of the affordability of the units and that the locals who needed homes may not be able to afford these units. He compared the proposal to a Reston style of commuter housing. He expressed concerns of the scale of the project being wrong for Warrenton. He spoke on some ideas for housing related to Strong Towns and proposed ADU developments and increasing density in apartments over Main street to solve the housing issues, rather than a new development.

Mr. Gagnon expressed concerns about the impact of this and other planned future developments on the infrastructure and the population of Warrenton. He stated that he believed the Planning Commission did not exercised the level of rigor and discipline and comprehensiveness that they should have exercised in this project.

Mr. Gagnon concluded his presentation.

Mayor Nevill stated that he would open the Public Hearing and that the applicant would have the privilege of the first statement.

The public hearing was opened at 7:58 p.m.

Public Hearing: SUP 2022-05 Warrenton Village Center		
Name	Address	Organization or Individual
Kendrick Whitmore	Applicant	Organization
Chris Bonner	602 Fauquier Rd.	Individual
Jane Nordstrom	6992 Ivy Hill Rd.	Individual
Jean Roberts	727 Cedar Crest Dr.	Individual
Ken Alm	194 Culpeper St.	Individual

Steve Wojack	621 Old Meetz Rd.	Organization
Ann Engel	7200 Woods Edge Ct.	Individual
Margaret Flannery	360 Culpeper St.	Individual
Roy Francis	147 N. View Dr.	Individual
PJ Leary	133 Copper Mill Dr.	Individual
Laurie Karnay	167 Brenda Ct.	Individual
Brett and Patti Mills	15198 Aikem Ct.	Organization
Joe Ficarelli	102 Winchester St.	Individual
Heidi Jameson	500 Hospital Dr.	Individual
David Norden	318 Falmouth St.	Individual
Cindy Burbank	6347 Barn Owl Ct.	Individual
Melanie Burch	98 Alexandria	Organization
Charla Malone	452 Ridge Ct.	Individual
Barbara Marmet	80 Fairfax St.	Individual
Fred Verdi	587 Foxcroft Rd.	Individual
Connor Hedges	102 Dorset Ln.	Individual
Lisa Kiplinger	172 Blue Ridge St.	Individual
Melissa Widenfield	12 Fishback Ct.	Individual
David Gibson	7548 Fox view Dr.	Individual
Ernie Hueier	7379 Legh Rd.	Individual
Whit Robinson	38E Lee St.	Individual
Geoffrey Arambo	300 Winchester St.	Individual
Shane Koehr	6797 Cartus run Rd.	Individual
Charlie Mulliss	721 Lancrel Rd.	Individual
Michael Fox	7241 Hastings Ln.	Individual

Colleen Taylor	8301 Kines Rd.	Individual
Larry Kovalik	39 Brookshire Dr.	Individual
Joseph W	8085 Shipyard	Individual
Waldo Ward	692 Pinnacle Ct.	Individual

Kendrick Whitmore responded to Mr. Gagnon's presentation.

The presenter expressed concerns regarding the accuracy and objectivity of the information presented in a prior report from March 2024, stating that it lacked public input and was not based on factual analysis. They emphasized the need for a fact-based, objective review of development applications and criticized the use of subjective language and anecdotal references.

Regarding the mentioned, proposed 90-unit downtown development, the presenter questioned its origin, feasibility, and density, contrasting it with the current proposal under review, which they asserted was based on established facts and discussions. They also refuted claims that there had been insufficient community engagement, stating that the comprehensive plan serves as the result of such a conversation and has guided development decisions.

The presenter further challenged the methodology used in growth projections, citing concerns over assumptions regarding unapproved projects, single-family unit metrics, and the absence of a clear timeline. Additionally, they questioned the inconsistencies in affordability concerns raised, noting that the project adheres to the Town's ordinance for affordable housing at 80% AMI. He concluded that the decisions made needed to be based on facts.

Chris Bonner talked about the work of Hope Porter in stopping development of Warrenton and Fauquier, so they did not resemble Reston. He read a statement from Ms. Porter that spoke against the proposal.

Jane Nordstrom expressed concern for the traffic impact of the development and the impact on the Public Schools. She urged the Council to not vote on the development until the school studies had been done.

Jean Roberts thanked Mr. Gagnon for his presentation and stated she lived across from the proposed development. She expressed concerns for the parking of the development and the waivers requested.

Ken Alm spoke on the income of the area and expressed concerns of the affordability of the units.

Steve Wojack spoke on behalf of the Fauquier Health Board. He stated that the Board employs over six-hundred people making it one of the largest employers of the county. He explained that finding housing nearby for their employees had been a challenge do to the lack of availability. He spoke on the preservation of Oak Spring. He expressed gratitude to the developer for working with the board and him to preserve the spring and the project.

Anne Engle stated that the traffic was what concerned her most. She expressed concerns about the pricing and affordability, the schools, and the traffic impacts.

Margaret Flannery stated she thought this project makes sense. She spoke on the mixed use component of the project and the use of space to offer more housing that was affordable. She stated that Small Town Warrenton wasn't sustainable on its own. She urged the Council to approve the project.

Roy Francis commended the Council for consideration of the project. He urged the Council to vote no based on the amount of waivers requested, density, building heights, setbacks, traffic, and infrastructure impacts. He stated the project should be delayed or reduced in size and scope.

PJ Leary expressed concerns with the traffic noting challenges on Oak Springs Dr. during Highland School pickup hours. She expressed concerns of affordability and the density of the project.

Laurie Karnay said that she was sitting next to a "find what you love in Fauquier" poster and that a Fairfax style apartment complex and parking garage was not what she loved about Fauquier.

Brett and Patti Mills stated that they represented Galaxy Strikes bowling center. They stated they understood concerns that people have addressed and that they were speaking because their employees needed a place to live instead of driving an hour or more to be able to work.

Joe Ficarelli stated that historically, families had lived in Warrenton for generations. He said that he and his wife had worked for ten years in their blue collar job to be able to afford a home in Warrenton. He explained that when his daughters graduated college, there were no jobs in Warrenton for them and no place they can move to but out of Warrenton. He spoke in favor of the development.

Heidi Jameson, the marketing and public relations officer at Fauquier Health, explained how the lack of housing was affecting recruiting of highly qualified staff at the Hospital. She told the Council that one of the major issues brought up during recruitment is the commute because the area lacked good housing options. She spoke of the potential roles that new development could bring to the hospital and the community.

David Norden stated he had no objection to the project but that he objected to the scale of the project. He expressed concerns about the amount of waivers and about the density of the proposal. He stated concerns with the increased demand on the water and sewer systems and compatibility with the comprehensive plan.

Cindy Burbank stated she was speaking at the request of Lucas Ragusa, a resident of Racecourse rd. who was out of Town tonight. She stated that the project was appealing, but it was too much for Warrenton.

Melanie Burch spoke on behalf of Fauquier Habitat for Humanity. She stated that the members of the Fauquier Affordable Housing Coalition neither support nor oppose the proposed Warrenton Village Center. She added that the coalition would welcome the additional rental housing and inclusion of affordable units. She added that Representatives from Fauquier Habitat for Humanity, Community Housing Partners, Community Touch, the NAACP Fauquier Branch,

and the Mental Health Association of Fauquier County submitted public comments in support of the proposed development. She emphasized the benefits of thoughtful development, including increased rental housing, economic growth, and enhanced walkability. Additionally, she highlighted that affordability is influenced not only by rental costs but also by access to jobs, services, and energy efficiency, which can reduce living expenses and environmental impact. Ms. Burch underscored the importance of ensuring that inclusionary zoning provisions lead to genuine affordability. She clarified that the U.S. Department of Housing and Urban Development (HUD) defines affordable housing as costing no more than 30% of a household's gross income, including utilities. She cautioned against misinterpreting this definition with subjective terms like "attainable" or "sustainable." Additionally, Ms. Burch addressed misconceptions regarding Section 8 housing vouchers, explaining that these federally administered vouchers provide rental assistance for families earning less than 80% of the area median income. She emphasized that the program benefits communities by preventing homelessness and ensuring landlords receive stable rental income. She explained that under Virginia law, landlords with more than four rental units cannot refuse tenants solely based on voucher use, and participating landlords must comply with regular inspections and reporting requirements.

Charla Malone stated that she had attended the planning commission meetings on the proposal and that if she wanted to see it in her town she would move. She stated that it she did not think the project in the current proposal fit the character of the small town.

Barbara Marmet spoke in favor of the proposal describing the AMI amounts and their impact. She encouraged others to support this project as it was presented and available rather than the perfect fit.

Fred Verdi spoke against the project stating that it was too big and too dense. He spoke on the parking challenges and aesthetics of the proposal.

Connor Hedges stated that he was part of the younger demographic and the challenges he and his generation faced in obtaining housing in Warrenton. He stated that the location looked perfect to him for the proposal and encouraged others to find what they love in Fauquier and supply housing to those so that they can find the love too. He spoke against Mr. Gagnon's presentation calling it disingenuous with the use of colors.

Lisa Kiplinger spoke of her walks to the development area and the traffic safety issues she encounters. She spoke of the proposal turning the Town into Centerville and spoke against the proposed density. She spoke of her commuting and suggested higher salaries to afford the area.

Melissa Widenfield thanked Mr. Semple for his work as a Councilmember. She spoke against the condescension of the developer and advocated for respect. She stated that the Town needed to rethink the proposed developments and that this proposal should be scaled back and rethought. She spoke against the waivers requested and advocated for the denial of waivers. She spoke against the parking garage in the proposal and the strain on the infrastructure the development would bring.

David Gibson, CFFC, stated that CFFC supported a project at this location but that they did not support the size and scale of this project. They cited four main issues: (1) a misleading density calculation using the entire 29-acre shopping center area, (2) the cumulative impact of numerous

waivers, which they argued effectively nullifies the intent of the Comprehensive Plan and borders on spot zoning, (3) unresolved secondary egress concerns, particularly with the proposed closure of the Oak Springs entrance and redirection of traffic through an inadequate alleyway that was not included in the traffic study, and (4) new, unclear information about the potential sale of townhomes that could affect affordable housing commitments. Mr. Gibson emphasized the need to scale down the project and revisit the plan to ensure better conformity with planning goals and community needs.

Ernie Huer thanked the developer and the planning commission for their work on the proposal and stated he appreciated the modifications to the design. He spoke on the difficulty of young people to buy homes and the lack of affordable housing for the hospital workers, service employees, fireman, first responders, and retail staff. He thanked the developer for including affordable housing in the proposal and the benefit it would add. He spoke in favor of the mixed use development that this would create and in favor of the project.

Whit Robinson stated that the applicant's description of the Gateway was disingenuous. He expressed concerns on the traffic study provided and the developers response to the increased density's effect on traffic. He urged the Council to go back to the table with the developer to discuss scale and to take additional time on this proposal before rubber stamping it.

Jeffrey Granbo urged the Council not to vote for the proposal for its given size comparing it to other Northern Virginia areas. He asked the Council to vote yes only if the size decreased.

Shane Koehler stated that he was a college student and his travels made him appreciate Warrenton more. He explained that he and his siblings have not been able to find housing in Warrenton and have had to move elsewhere. He asked the Council to let him live in the Town that he has always loved.

Charlie Mullis spoke in favor of the project for its increased walkability and interconnectivity. He stated that this project was necessary for someone like him and his friends who have been searching for jobs and living with their parents still because they're unable to afford something else. He said that he had seen projects like this come before the Council before and others had the same issues, the location, the scale, the impact to the area, but that the end result would be people like him, his generation, his skills, his talents, would have to move elsewhere out of Warrenton. He expressed support of the project.

Mike Fox stated that he came this evening to gain more information. He said that he could see the positives and the negatives of each side and that his biggest concern was the traffic impact. He asked the Council to consider the impact not only to those in town, but how this would affect others outside of town as well. He asked the Council to consider road modifications to dissuade people from using the access roads as cut throughs. He stated he felt the developers depiction of the gateway was disingenuous and a bad representation of the view.

Colleen Taylor spoke in favor of the development describing her history as a realtor, and volunteer. She spoke of the impact of the proposal not just on the younger generation, but also the older generation that would see a great benefit from an area designed for walkability and access. She spoke in favor of the development and the need for affordable housing in Town.

Larry Kovalik expressed his concerns on the project citing the traffic study and the scale and scope of the development. He expressed concerns about the number of waivers the applicant was requesting and asked about the developers interpretation of the affordable housing aspect of the proposal. He stated concerns of the growth of Warrenton and the potential increase in taxes.

Joseph Washington thanked the presenters and urged the Council to consider the pros and cons of what they put forth. He stated his main concern was affordable housing for low income. He stated diversity and Change were a good thing and were going to happen. He stated a need for the community to grow and we needed to needed to look out for everyone.

Waldo Ward stated that he was a blue collar guy and that no body could afford to live everywhere. He stated Warrenton was a fixed size and that not everyone could live where they want. He stated he saved his money and could afford to buy the house he wanted. He stated that he was a union guy and when people were saying that their employees couldn't afford to live here that they should pay them more to enable them to live there.

The public hearing was closed at 9:37 p.m.

Mr. Semple opened the discussion inquiring of the affordable housing rate expressing concern that the rates were too high for affordability.

Mr. Whitmore stated that the 80% AMI figure was from the Town's Ordinance and that the proposal met what the ordinance provides.

Mr. Semple stated his concern was the rent, and if that was affordable for the lower income groups.

Mr. Whitmore responded that the community would dictate what the level of affordability would be and that they had codified it at 80% AMI.

Mr. Semple expressed concern of the legality of the first condition and whether it would be in violation of the fair housing act.

Mr. Tolly Gwinn, Town Attorney, responded that with his understanding it was a legitimate condition. The discussion continued around the fair housing act and its implementation.

Mayor Nevill added that the part of the presentation highlighted the lack of stock of housing and with that demand the town is seeing upward pressure of pricing. He stated that the addition of projects like this, rental prices could be brought down overall. He spoke on the access of the new unites creating openings for those in older homes and rentals who may have issues with upkeep and wanted a change. He stated that this project addressed the missing middle and the approval of the development could have downstream affects.

Mr. Gagnon inquired about the difference in housing offered for sale vs. the rental for affordable housing.

Mr. Achenbach explained that there was a cap on the purchase price based on the AMI of the region.

Ms. Sutphin thanked the applicants for the work they had done on the proposal. She spoke on the definition of affordable housing vs. attainable housing. She spoke on the availability of the housing and the rising prices. She stated that the town needed the project because it was attainable.

Mr. Mooney explained that he appreciated and respected everyone's opinions on the project. He said he saw a great need for the project and that he met with multiple citizens, business owners, and that some people saw it as good, some saw it as bad. He stated he looked at the different lines of work that needed places for their staff to live. He continued offering praise to the planning commission adding it was their job to vet the projects like this and that he held them in high regard. He said that as a small business owner he talked to other owners and heard concerns that the Council was too focused on Main Street and that this would put people into their back yard and support businesses off Broadview.

Mr. Mooney expressed concern about the economic stagnation in the commercial district, noting that 14 storefronts on one side are currently vacant. He emphasized the importance of organic and incremental development and acknowledged both past and present administrations for making difficult decisions. He discussed the current development proposal, noting that while some waivers are required, particularly for height and setbacks, only three significantly impact surrounding properties. He urged respectful dialogue among citizens, developers, and council members and praised town staff for their accessibility. He expressed support for the project overall but acknowledged concerns regarding its scale and potential loss of affordable housing if downsized. He encouraged public participation in the upcoming zoning ordinance review and advocated for a 30-day extension to continue working collaboratively on potential improvements.

Mr. McGuire inquired about the first responders and medical professionals asking the representatives to elaborate on the program. He asked if they had spoken to the local Police departments.

Mr. Whitmore thanked Mr. McGuire for his question and stated that they had reached out to the local departments and that there was a provision within the local building ordinance that allowed for housing priority. He read the condition stating "ADUs will be first made available to the following persons with preference for the first three bullet items below, those working residing or working in the town or the county, teachers, first responders, military."

Vice Mayor Hartman stated that he understood the thought of another 30 days to consider the project. He added that he didn't think it would get the Council closer to a decision and offered a motion to approve Special Use Permit 2022-05 Draft conditions of approval dated August 13<sup>th</sup>, 2024. The motion was seconded by Councilwoman Sutphin.

Motion put forth by Vice Mayor Hartman to approve Special Use Permit 2022-05 Draft conditions of approval dated August 13<sup>th</sup>, 2024.

Seconded by Councilwoman Sutphin.

Councilmen Semple motioned to amend the motion to table the item.

Seconded by Councilmen Gagnon

Mr. Semple explained that the request to table the item was to allow for additional deliberation, citing unresolved questions and discrepancies in the developer's presentation. He expressed strong disagreement with the developer's interpretation of the Comprehensive Plan, arguing that the proposed development may violate the plan's form-based, transect approach. He described the project as transformative and emphasized the need for a more thorough review before making a decision with such significant implications for the town. He also noted that some council members were absent from this and prior work sessions, and that the council had not yet had the opportunity to fully review and question the developer. He concluded that, with public input now received, the council should take time to reach a more informed and deliberative decision.

Mr. Gagnon spoke supporting a 30-day delay, noting that substantial new information—particularly regarding affordable housing and rent tables—was received only earlier that day. He emphasized that although the proposal has been under staff review since 2019, the council only began formal deliberations last month. He highlighted the upcoming visit from Strong Towns representatives on September 9 as a valuable opportunity to gain expert, independent insight on development and zoning issues. He proposed potentially turning that presentation into a special work session involving the public and developers, stating that input from national experts could lead to better-informed decisions. He reiterated that the request for more time was not a delay tactic but a chance to improve the council's understanding and outcomes.

Councilman Hamby expressed confidence in the Planning Commission's thorough review and noted the importance of maintaining constructive alignment between the Council and the Commission. He was skeptical that a 30-day delay would lead to meaningful changes, given the project has been in discussion for years. He voiced doubt about the value of input from national experts, emphasizing the town's long experience with similar challenges. He acknowledged public input, highlighting that community members often oppose change, but also noted that affordable housing needs remain unmet town-wide. He said no single project will solve that issue, but developments like this one, along with others in the pipeline, contribute toward addressing the need.

He also pointed out that many of the waivers requested have minimal impact and that the developer has made significant concessions, including accommodations for a neighboring school. Traffic studies and other regulatory requirements were met, and he felt concerns about infrastructure, schools, and historic sites had been addressed. In his view, the process has been comprehensive—from the Planning Commission to staff and Council—and it is time to move forward. While he supports continued oversight, he emphasized that the project will unfold over time and that the developer has signaled a willingness to cooperate in good faith. He concluded by noting that public opinion appeared evenly divided among the approximately 37–38 speakers.

Mayor Nevill called the question on the motion to table.

Mr. Cassidy stated that the motion to table the vote for thirty days would take the vote past the Next Regularly scheduled Council meeting.

Mayor Nevill inquired with Mr. Semple if he wanted to modify the motion to the next Council Meeting instead of thirty days.

Mr. Semple agreed and modified the motion.

The motion on the table is to table the discussion until the next Town Council Meeting.

The vote on the motion to table was as follows:

**Ayes:** Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. David McGuire.

**Nays:** Mr. Paul Mooney; Mr. William Semple; Mr. Eric Gagnon.

**Abstention:**

**Absent:**

The motion to table the discussion on Special Use Permit 2022-05 Draft conditions of approval dated August 13<sup>th</sup>, 2024, failed 4-3.

Vice Mayor Hartman reflected on over 50 years of life in Warrenton, recalling the transformation of areas once used for agriculture, recreation, and community gatherings—such as the former Gold Cup fields and the drive-in theater site—into residential neighborhoods. He noted that while these developments were initially met with resistance, they have become successful, thriving parts of the community.

He cited numerous examples of past development projects, including Ivy Hill, Oak Street, the WARF and various multi-story buildings throughout town, asserting that development has been a consistent part of Warrenton's evolution. He emphasized that each project should be evaluated individually and that the concept of “precedent” should not deter thoughtful, responsible growth.

Vice Mayor Hartman acknowledged concerns about traffic, infrastructure, and affordability but stated that professional studies and staff data indicated adequate capacity and mitigation strategies. He expressed skepticism about the use of water/sewer capacity and traffic as scare tactics against development, affirming that such concerns had been thoroughly reviewed and addressed in this case.

He highlighted the need for attainable housing options to support young professionals, working families, and local employees, many of whom currently cannot afford to live in Warrenton. He described the proposed development as “responsible infill,” aligned with the Town's 2040 Comprehensive Plan, and commended the developer for being responsive to feedback—adjusting architecture, preserving historical features, and including community amenities.

Vice Mayor Hartman concluded by expressing that, although the project is not perfect and was initially met with his own skepticism, he kept an open mind, performed due diligence, and came to see it as an important step toward Warrenton’s continued vitality. He emphasized the importance of fostering a livable, economically diverse community and expressed his intent to support the proposal in service to the town’s future.

Councilmen McGuire thanked Vice Mayor Hartman for his sage council. He agreed with the Vice Mayor that young professionals could provide a shot in the arm to help boost recently closed businesses. He urged passage of the proposal.

Councilmen Semple expressed concern regarding the proposed development project, noting that while the Planning Commission held several public hearings and ultimately recommended approval, the Town Council has not always adhered to their recommendations in the past. He cited the Walker Drive project as an example where the Planning Commission's advice was disregarded.

Councilmen Semple emphasized the need to consider whether the town is at a tipping point where continued development may compromise Warrenton's small-town character. He questioned whether the scale and appearance of the proposed four-story residential buildings were appropriate for the town, stating that no similar housing developments currently exist in Warrenton. He argued that the project diverges from the Comprehensive Plan's vision, which emphasizes accessory dwelling units (ADUs) and context-sensitive infill development.

While acknowledging the broader need for affordable housing, he expressed skepticism that the proposed development would meet that need effectively. He raised concerns that, based on sample rent-to-income ratios, the housing may still be unaffordable to many residents.

Councilmen Semple advocated for a 30-day delay in voting to allow further evaluation of the project's affordability and community impact. He expressed frustration with colleagues who indicated additional time would not change their views, suggesting that decisions may have been made prematurely.

Additional concerns were raised about water and sewer capacity and the accelerated timeline of growth, referencing the Whitman report. Mr. Semple clarified that his prior communications to constituents were based on staff data and took issue with criticism suggesting otherwise.

He concluded by reaffirming his commitment to representing residents who value Warrenton's traditional character and who fear this project threatens that identity.

Councilmen Hamby acknowledged the long duration of various projects, including the ongoing Amazon data center development, which has been in progress for years. He noted the diverse range of opinions on the project, including feedback from residents both in-town and from surrounding areas.

Councilman Hamby expressed frustration with the notion that the council "rubber stamps" projects or that decisions are made without sufficient deliberation. He emphasized that decisions are made with careful research and consideration.

He highlighted the speed at which certain projects, like the middle school, were pushed through the approval process, noting that the community's reactions to development vary depending on convenience and perspective. The member stressed that, despite differing opinions, the process includes input from multiple commissions, councils, and staff, ensuring that projects are thoroughly reviewed before moving forward.

Mayor Nevill called the question.

The vote on the motion to approve Special Use Permit 2022-05 Draft conditions of approval dated August 13<sup>th</sup>, 2024.

**Ayes:** Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. David McGuire; Mr. Paul Mooney.

**Nays:** Mr. William Semple; Mr. Eric Gagnon.

**Abstention:**

**Absent:**

The motion to approve Special Use Permit 2022-05 Draft conditions of approval dated August 13<sup>th</sup>, 2024, passed 5-2.

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A short recess was called to allow those who had come for the Warrenton Village discussion to exit the chambers.

The meeting was called back to order at 10:44pm.

The Mayor called for a motion on the consent agenda.

### **CONSENT AGENDA.**

*BOND-24-2- Bond Release Request for Washington Street Development*

*Quarterly Reports*

*Police Department Report*

*Finance Department Report*

*Community Development Department Report*

*Parks and Recreation Department Report*

*Public Works and Utilities Department Report*

*Capital Improvement Program*

*Street Maintenance Report*

*Human Capital*

*Emergency Management*

*Fleet and Facilities Department Report*

*Delinquent Tax List*

*Approval of Draft Town Council Meeting Minutes*

*October 10<sup>th</sup>, 2023 Regular Town Council meeting minutes.*

Motion put forth by Vice Mayor Hartman was to approve the Consent Agenda as presented.

Seconded by Councilmen Hamby

The vote was as follows:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney.

**Nays:**

**Abstention:**

**Absent:**

The motion passed unanimously; the Consent Agenda was approved.

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## **NEW BUSINESS.**

### **Closed Session**

**As permitted by Virginia Code § 2.2-3711 (A)(7), consultation with legal counsel pertaining to: the pending case of Citizens for Fauquier County v. the Town regarding exemptions under the Virginia Freedom of Information Act, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the City.**

Vice Mayor Hartman moved to convene a closed session as permitted by Virginia Code § 2.2-3711 (A)(7).

Councilmember Mooney Seconded. There was no discussion on the motion.

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney

**Nays:**

**Abstention:**

**Absent:**

Upon reconvening at from the closed session, Vice Mayor Hartman moved to adopt the following Certification of Closed meeting:

### **CERTIFICATION OF CLOSED MEETING**

**WHEREAS**, the Town Council of the Town of Warrenton has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3172 E of the Code of Virginia requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business

matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

Councilmember Hamby seconded. There was no discussion on the motion.

The vote for the motion was unanimous, as follows:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney  
**Nays:**  
**Abstention:**  
**Absent:**

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### **Legal Action: Direction of the Town Council**

Upon reconvening the Mayor sought a motion on the discussion.

Vice Mayor Hartman moved to authorize the Town Attorney to file an appeal to the Virginia Supreme Court and citizens for Fauquier County versus the Town regarding exemptions under the Virginia Freedom of Information Act.

Seconded by Councilwoman Sutphin.

The vote was as follows:

**Ayes:** Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. David McGuire.  
**Nays:** Mr. Eric Gagnon; Mr. William Semple; Mr. Paul Mooney.  
**Abstention:**  
**Absent:**

The motion passed 4-3; the Town Attorney was authorized to file an appeal to the Virginia Supreme Court and citizens for Fauquier County versus the Town regarding exemptions under the Virginia Freedom of Information Act.

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### **UNFINISHED BUSINESS.**

#### **BZA Funding request**

Mr. Cassidy introduced the topic. He reminded the Council that staff was directed to find \$15,000 in the current budget that could be allocated to the Board of Zoning appeals for an attorney. He explained that there was a resolution proposed that states that prior to any release of the funds that the BZA must forward the attorney they are looking at to our Town Attorney

for review, to ensure that we have a qualified person. He Continued that it then it must be approved by the Town Manager prior to releasing the fifteen thousand dollars for their services.

Mayor Nevill sought a motion on the resolution.

Motion put forth by Councilmen Mooney was to approve the resolution to amend the fiscal year 2025 adopted budget by \$15,000 for outside legal council for the Board of Zoning Appeals.

Seconded by Vice Mayor Hartman.

Councilmen Mooney suggested that in the next fiscal year this money may be appropriated so that the Council did not have to take additional action.

Councilmen McGuire asked for a Point of Information on the request.

Mayor Nevill summarized that there had been a third-party appeal of a site development plan, noting that the appeal was rejected by the Town due to lack of standing. It was explained that third-party appeals of such plans are rare and typically not permitted. The Board of Zoning Appeals (BZA) declined to hear the appeal, and the matter has now moved to Circuit Court. The Town will seek a ruling to prohibit the BZA from hearing the appeal; however, the court may ultimately determine whether the BZA has jurisdiction. Legal counsel for the BZA would operate independently of the Town Attorney to represent them.

Councilmen McGuire clarified that the money would be for legal Counsel for the Board of Zoning Appeals independent of the Town Attorney.

The vote was as follows:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. James Hartman, Vice Mayor; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney.

**Nays:** Mr. Brett Hamby.

**Abstention:**

**Absent:**

The motion passed 6-1; the resolution to amend the fiscal year 2025 adopted budget by \$15,000 for outside legal counsel for the Board of Zoning Appeals was approved.

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## **TOWN ATTORNEY'S REPORT.**

Mr. Gwinn explained that there was a building code amendment that was coming up for Council discussion that had been delayed from this meeting.

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## **TOWN MANAGER'S REPORT.**

Mr. Cassidy showed off the Annual Year in Review and called out a QR code for a communications survey. He stated that there were paving projects on oak springs and moving through Ward 3 for resurfacing. He called out the First Street project that the Town was Cooperating with Denim and Pearls on to get their basement sealed up as well and that the project was proceeding towards brickwork. He welcomed the Fauquier County Department of Economic Development that had moved into shared office space at 21 Main street and stated the Town was glad they were there. He asked everyone to be safe and aware as school started tomorrow.

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## **COUNCILMEMBERS TIME.**

Councilmen McGuire motion to suspend the rules and adjourn to bypass Councilmember's time.

Seconded by Vice Mayor Hartman.

The vote was as follows:

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney.

**Nays:**

**Abstention:**

**Absent:**

The motion passed unanimously; the meeting was adjourned.

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## **ADJOURNMENT.**

With no further business, this meeting was adjourned at 11:31 PM on Tuesday, August 13th, 2024.

I hereby certify that this is a true and exact record of actions taken by the Town Council of the Town of Warrenton on August 13<sup>th</sup>, 2024.

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Stephen M. Clough  
Town Recorder

Attachments:

- 1) Handouts to Council from Citizen's time. August 13<sup>th</sup>, 2024.
- 2) Citizen Comment Emails and form submissions.
- 3) Signed legislation.



The Town of Warrenton  
P.O. Box 341  
Warrenton, VA 20188  
P (540) 347-1101  
F (540) 349-2414

## **August 13th, 2024, Regular Town Council Meeting Minutes**

### **Attachment 1: Handouts to Council.**

My statement:

This project brings affordable housing for the middle-class, a profit for the town and better retail options so people in Warrenton, and Fauquier as a whole, can also spend their money in Warrenton. Like many of you, I fully support preserving the countryside, and this does just that; it keeps the people and the business that they generate in town. Currently Warrenton is drowning, the shopping center is all but a ghost town and groups of some of our most important contributors, young professionals and teachers for example, can't even live here. It's not rocket science, it's necessary.

Erin Bannister  
Countryside Title & Escrow, LLC



703-568-0904  
540-301-0701 fax  
P.O. Box 130, Middleburg, VA 20118  
10 North Pendleton Street  
Building C, Suite 200-C  
Middleburg, VA 20117

## TALKING POINTS FAUQUIER AFFORDABLE HOUSING COALITION FOR WARRENTON TOWN COUNCIL MEETING AUGUST 13<sup>th</sup>

### WARRENTON VILLAGE CENTER

First and foremost, the members of the Fauquier Affordable Housing Coalition neither support nor oppose the proposed Warrenton Village Center (WVC). However, we welcome the additional rental housing and inclusion of affordable units that address our unmet economic, social and community needs. As the Planning Commission has approved the project and the Town Council will hold a public hearing on Tuesday, August 13, 2024, the following public comments are submitted on behalf of Fauquier Habitat for Humanity, Community Housing Partners, Community Touch, NAACP Fauquier Branch and the Mental Health Association of Fauquier County

1. It is our belief that thoughtful development could provide many benefits to the community including allowing residents to live where they work, increasing the number of rental units, encouraging economic development and promoting walkability. More households will result in more taxes, increased commerce and more community vitality. WVC is within walkable distance of shopping, recreational activities, schools, and other community resources. It is served by Circuit Rider, making the hospital, and town and county governments—from whose workforce many potential homeowners and renters will be drawn—extremely accessible. In addition to rental rates, part of what makes housing affordable is proximity to services, jobs and energy efficiency. This reduces the carbon footprint and utility bills. The project would provide housing alternatives to young people in their first jobs seeking housing, as well as to older, retired people who no longer wish to maintain larger homes and lots. These are the kinds of housing alternatives that the local community critically needs.
2. It is essential that the inclusionary zoning provisions result in actual affordability. There has been, and still is, a basic misunderstanding of the term “affordability.” The US Department of Housing and Urban Development defines “affordability” as housing on which the occupant is paying no more than 30% of gross income for housing costs, including utilities. The term “affordable” is recognized and accepted as definitive by HUD and the Commonwealth of Virginia and should not be confused with other subjective terms such as “attainable” and “sustainable.”
3. It is clear from the Council's previous public discussions that there is a basic misunderstanding of the term “Section 8 Vouchers”. Section 8 is part of the HUD code which applies to Housing Choice Vouchers. These vouchers are

administered by Central Virginia Housing through local agencies like Encompass Community Supports and Community Touch. These vouchers are a benefit to the community, prevent homelessness and should never be stigmatized. Families earning less than 80% of Area Median Income (AMI) may apply. Participating landlords benefit from all or part of the rent guaranteed by the government and a potential pool of tenants needing housing. According to legislation passed in 2020, Virginia landlords with more than four rental units *cannot refuse* to rent to a tenant solely based upon a housing voucher. Every other rental complex in the Town of Warrenton with more than four units is already subject to this law. Additionally, landlords participating in the Housing Choice Voucher program must meet specific requirements, including:

- a. Be re-certified at least annually.
- b. Abide by the lease.
- c. Report any changes in household income or number of occupants.
- d. Provide truthful information.
- e. Not engage in illegal drugs and/or violent criminal activity.
- f. Permit the program to conduct periodic inspections of the premises.

We hope that this information will be of assistance in your deliberations and appreciate your willingness to consider our collective feedback.

### **SPECIAL USE PERMIT CONDITIONS**

**Applicant: NewCastle Development Group, LLC ("The Applicant")**

**Owners: Jefferson Associates LP; Warrenton Center LLC**

**SUP 2022-05, Warrenton Village Mixed Use Center**

**GPINs 6985-20-7247-000; 6984-29-6753-000 (the "Property")**

**Special Use Permit Area: ± 29.05 acres**

**Zoning: Commercial (C)**

**Date: August 13, 2024**

In approving a Special Use Permit, the Town Council may impose such conditions, safeguards, and restrictions as may be necessary to avoid, minimize, or mitigate any potentially adverse or injurious effect of such special uses upon other properties in the neighborhood, and to carry out the general purpose and intent of this Ordinance. The Council may require a guarantee or bond to ensure that compliance with the imposed conditions. All required conditions shall be set out in the documentation approving the Special Use Permit (SUP).

- 1. General:** The property shall be developed in substantial conformance with these conditions and the plans titled "Special Use Permit for Warrenton Village Center, REVISION 3 – 5/31/2024", and prepared by Bohler Engineering. Minor changes and adjustments may be made to the road and street alignments, entrances, parking, dimensions and location of SWM/BMP facilities, the exact configuration and location of building footprints, and other similar features as shown on the SUP Plan, provided they meet the intent of these Conditions and are approved by the Director of Community Development or the Zoning Administrator.
- 2. Use Parameters:** The Special Use Permit shall apply to the entire +/- 29.05 acre property. The property may be constructed with not more than 320 apartments, 32 townhomes, and 34 two over twos. The Zoning Ordinance 9-25 requires that residential uses shall not exceed 1 dwelling unit per 500 gross square feet of non-residential floor space within the mixed use development unless approved by Town Council through a Special Use Permit.
- 3. Phasing:** The Applicant has the flexibility to develop Blocks 1-3 in any order. Mixed Use development approval includes the provision for construction of public amenities. To ensure that site improvements are completed in a timely manner along with the residential buildings, Applicant agrees that the Town of Warrenton will withhold Certificates of Occupancy (COs) in accordance with the following schedule:

  - A. Block 1:** Prior to issuance of the 1st CO within Block 1, all required infrastructure improvements for Block 1 and the following amenities shall be constructed and open for public use:

    - Central Plaza
    - Dog Park and Picnic Area
    - West Plaza

- East Plaza
- Reconfiguration of commercial parking
- Preservation and reconditioning of Oak Spring (natural spring)
- Crosswalk across Oaks Springs Drive at Highland School entrance and Hastings Lane

B. Block 2: Prior to issuance of the 17th CO within Block 2, all required infrastructure improvements for Block 2 and the following amenities shall be constructed and open for public use:

- Central Plaza
- Reconfiguration of commercial parking
- Crosswalk across Oaks Springs Drive at Hastings Lane

C. Block 3: Prior to issuance of the 26th CO within Block 3, all required infrastructure improvements for Block 3 and the following amenities shall be constructed and open for public use:

- Central Plaza
- Reconfiguration of commercial parking
- Crosswalk across Oaks Springs Drive at Hastings Lane
- New sidewalk section on east side of Broadview Ave (behind Galaxy Strike Bowling Center building)

**4. Architecture:**

A. The final design of the buildings to be constructed shall generally conform to the elevations and materials included with the Special Use Permit application (hereinafter, the "Elevations"). The Elevations may be subject to minor modification approved by the Zoning Administrator in connection with Site Development Plan review. Additional changes to the design and materials may be made provided that any such changes are approved by the Zoning Administrator prior to the issuance of a building permit. Such approval shall be based on a determination that the changes result in equal to or better than the quality shown on the Building Elevations developed by Dynamik dated February 14, 2024 and/or May 30, 2024

B. The following materials are prohibited from use: vinyl siding, EIFS, corrugated metal siding, and plastic panels.

C. All residential buildings shall be designed and certified to a National Green Building Standard (NGBS), Level Bronze or higher. If NGBS is not available for this project, an equivalent certification from an alternative third-party green building rating system will be acceptable.

D. The structured parking garage in Block 1 shall include a nonreflective screening on the façade on its south facing side.

5. Waivers and Modifications:

- A. Article 2-6.1: The maximum density specified in the zoning ordinance for a given zoning district shall not be exceeded. The maximum density is 5 units per acre or 10 units per acre with inclusion of 10% affordable dwelling units.
- Waiver #1: Increase density to 386 units or 13.28 per acre.
- B. Article 3-4.10.4: Required front yard setback from ROW greater than 50' is 40' minimum, if no parking or loading is proposed.
- Waiver #2: Decrease minimum setback to 14' along Broadview Avenue.
- C. Article 3-4.10.4: Required side/rear yard setbacks is 5' minimum.
- Waiver #3: Decrease side/rear yard setbacks to 0'.
- D. Article 8-8.5: Minimum buffer width for commercial uses adjacent to residential uses is 25', plus 1' for each foot of building height over 35'. Minimum buffer width for rear boundaries of residential uses from public ROW is 25'.
- Waiver #4a: Decrease buffer width between commercial and residential uses to 0'.
  - Waiver #4b: Decrease rear buffer width for residential uses from public ROW to 14'.
- E. Article 2-20: Height limit for dwellings may be increased up to 45' and up to three stories provided that front, side and rear setbacks increase 1' for each additional foot of building height over 35'.
- Waiver #5: Increase height limit for dwellings as follows:
    - 54' max height for Block 1, Oak Springs Drive Frontage
    - 36' max height for Block 1, Broadview Avenue Frontage
    - 36' max height for Block 2
    - 45' max height for Block 3
- F. Article 3-4.4.5.3: No more than six townhouse units shall be grouped contiguously to each other.
- Waiver #6: Increase maximum grouping of townhouse units from six to seven
- G. Article 2-19: Fences and walls may be erected up to a height of six (6) feet in all zoning districts, except for fences or walls that extend within the required front setback.
- Waiver #7: Allow retaining walls in excess of six feet on Oak Springs Drive and Hastings Lane; and around refuse and dumpster enclosures as approved by the Zoning Administrator.
6. Signage: All signage shall comply with the applicable provisions of Article 6 of the Town of Warrenton Zoning Ordinance.
7. Site Maintenance and Refuse Collection: The Applicant shall maintain the site in a clean and orderly manner and shall arrange for the pickup of trash, litter, and debris. Any refuse storage areas shall be screened with a solid enclosure constructed of materials that are compatible with the buildings on the property. Private refuse collection will be provided by the Homeowners' Association and non-residential businesses. The Association documents shall ensure that pickup times for refuse

from both residential and the non-residential follow Town Code. Deliveries and refuse collection shall follow Town Code Section 11-19(9).

**8. Transportation:**

A. Access - Access to the site shall be provided as shown on the SUP Plan, subject to changes as may be approved at Site Development Plan review.

B. Loading/Unloading - All loading and unloading of vehicles shall take place on the Subject Property during regular hours of operation and outside of peak travel hours, to the greatest extent possible, in the Loading Area depicted on the Special Use Permit Plan.

C. Obstruction of Travel Ways - No vehicles associated with the use shall obstruct the travel ways, fire lanes, adjoining road network or encroach upon landscaped areas as shown on the Special Use Permit Plan. No vehicles shall be located within site entranceways or otherwise impede ingress, egress, and internal circulation.

D. Parking - The Subject Parcel shall meet all parking requirements as outlined in Article 7. Should it be desired to expand the use in any of the buildings located on the Subject Property, the new proposed use shall be required to apply for approvals that meet Zoning Ordinance and additional parking requirements.

E. Sidewalks - The Applicant shall install sidewalks as shown on the SUP Plan, through these Conditions of Approval, and required by the Town of Warrenton regulations. All sidewalks will be a minimum of five feet (5') in width. The Applicant will install a new section of sidewalk along the east side of Winchester Street, between Lee Highway and Broadview Avenue (behind the Galaxy Strike Bowling Center building) as part of Block 3 improvements.

F. Oak Springs Drive Crosswalk(s) - new crosswalks will be installed on Oak Springs Drive at Hasting Lane and at the entrance to Highland School as provided for in the Phasing condition. Inclusion of these crosswalks will be contingent upon and subject to Town of Warrenton at time of Site Development Plan approval.

**9. Water & Public Sewer Connection:** The Property shall connect to public water and public sewer. A pre and post closed-circuit TV inspection will be required with inspection prior to residential occupancy permits.

**10. Stormwater Management:** The site is to be planned and designed as a redeveloped site under the State's Runoff Reduction requirements for Stormwater Management (SWM) and in compliance with the Town of Warrenton's SWM Ordinance at time of construction.

**11. Affordable Dwelling Units:**

A. The Applicant shall provide the following minimum number of Affordable Dwelling Units (ADUs):

- 10% of total dwelling units within each of the three blocks (Block 1,

Block 2 and Block 3) will be reserved as 80% AMI ADUs;

- Ten (10) additional dwelling units in Block 1 will be reserved as 70% AMI ADUs;

- Five (5) additional dwelling units in Block 1 will be reserved as 60% AMI ADUs

B. The Applicant shall maintain the ADU program on all rental units for a period of twenty-five (25) years from the issuance of the Special Use Permit (the "Affordability Period").

C. Within Block 1, allocation of the ADUs between 1-, 2- and 3-bedroom units will be at the discretion of the Applicant, so long as the minimum number of units defined above are maintained as ADUs. Within Block 2 and Block 3, wherein all units are 3-bedrooms, all ADUs will be 3-bedrooms. The ADUs shall be identical to the market rate units in architectural design, fixture/appliance selections and unit size. ADUs will be distributed so that no more than three (3) are adjacent in Block 1 and none shall be adjacent in Blocks 2 and 3. The ADUs shall be architecturally identical to the market rate units. The size of these units shall be identical to the market rate units.

D. "Qualified Parties" and "Rent Limits" for ADUs, are defined as:

- For the purposes of qualifying for the lease of an affordable rental ADU a Qualified Party shall be an individual or a family whose gross annual household income does not exceed 60%, 70%, or 80% (dependent on the specific ADU) of the current Multifamily Tax Subsidy Program (MTSP) Income Limits for Fauquier County as published by the Virginia Housing (formerly known as VHDA), at the time the rental application is opened for such Qualified Party ("AMI"). If Virginia Housing has not published the Income Limits used under this Condition 11 for a period of more than 365 days, the Zoning Administrator shall notify the property owner at the record address given in the Fauquier County tax records of a new comparable Income Limits program to be used based on the available information about income in the Warrenton or Fauquier County housing markets.

- For the purposes of determining the Rent Limits for all ADUs, monthly rental rate limits shall be equal to those published by Virginia Housing for 0-, 1-, 2-, and 3-bedroom units and corresponding 60%, 70% and 80% AMIs, with no utility allowances.

- For the purposes of qualifying for the purchase of an ADU in Block 2 or Block 3, a Qualified Party shall be an individual or a family whose gross annual household income does not exceed 80% of the current Multifamily Tax Subsidy Program (MTSP) Income Limits for a 4-person household in Fauquier County as published by Virginia Housing, at the time the purchase contract is executed for such Qualified Party.

- For purposes of determining the purchase price of any for-sale ADU, that price will not exceed the amount at which the monthly mortgage payment for such unit exceeds the monthly rent limits for 3-bedroom units and 80% AMI income, as published by Virginia Housing. Qualifying Parties must provide a market rate loan commitment prior to closing in order to calculate the proposed mortgage payment.

E. ADU status shall be set forth in a deed of restrictive covenants recorded against the Property and shall continue to bind the minimum ADU requirement within each block to the Property for a period of twenty five years from the issuance of this Special Use Permit; provided, however, that for rental units, the Applicant may recalculate the rental

rates for new leases or renewals in accordance with the then current rates published by Virginia Housing.

F. The Applicant shall establish in a deed of restrictive covenants a program for the administration of this ADU program according to the requirements of these conditions.

G. The Applicant shall designate on the Construction Drawings submitted for building permit approval which units will be the initial ADUs; however, the units that are selected as the initial rental ADU units are not required to remain as the designated rental ADUs for the entirety of the Affordability Period. The Applicant will have the authority to re-designate the rental ADUs from time to time based on leases and vacancies. The Applicant will maintain a building plan set at the leasing office located in the Block 1 at all times that shows which units are currently designated as rental ADUs, a copy of which shall be made available to the Zoning Administrator upon request.

H. The documents creating the ADU program shall be reviewed and approved by the Town Attorney prior to their recordation in the Land Records.

I. ADUs will first be made available to the following persons with preference to the first three bulleted items below:

- Those residing or working in the Town of Warrenton or Fauquier County
- Town of Warrenton or Fauquier County teachers
- Town of Warrenton or Fauquier County first responders
- Veterans and enlisted members of the United States Armed Forces

J. The Applicant shall contact the appropriate local Social Service and/or Housing Authority offices for help to identify and place of local residents.

K. The community's Property Management Team shall make annual reports to the Zoning Administrator as to the number, type and location of units hereunder that shall have been rented as ADUs and shall verify that they have been rented to Qualified Parties.

L. Separate entrances for ADU apartment entrances are not permitted.

M. All ADU occupants shall have the same rights and privileges to amenities as market rate unit residents, except for as provided under the condo sale provision.

N. All ADUs shall meet the US Department of Housing and Urban Development Accessibility Requirements for Multifamily Buildings under the Fair Housing Act.

**12. Site Surface:** All outdoor areas used for open spaces, amenities, facilities, parking, storage, loading, display and driveways shall be constructed and maintained in good repair, free of cracks or damage to the surface.

**13. Electric Vehicle Charging Stations:** a minimum of 2% of the total spaces

included within the Block 1 parking garage will include electric charging stations for tenant use. EV stations shall be reserved for electric vehicles only and enforcement will be monitored by the Property Management team.

**14. Landscaping:** All Zoning Ordinance requirements must be met for landscaping, except as provided for in approved waivers and/or modifications. The Owner shall be responsible for the maintenance and replacement of all plantings on site. Any diseased or dead landscaping shall be replaced within one season of dormancy.

**15. Emergency Services:**

A. All future Site Development Plans shall illustrate adequate access to the site for Emergency Service vehicles, subject to approval by the Community Development Director or Zoning Administrator. Nothing shall be placed or constructed on the site that would prohibit or restrict Emergency Service vehicles from mounting curbs or accessing structures. There shall be no parking of any vehicles in the travel ways. Mountable curbs will be required at new and/or modified entrances.

B. Fire hydrants shall be installed in locations acceptable to the Town of Warrenton.

C. Buildings shall have supra boxes installed on them with a fire alarm panel inside the front and rear entrances of the structures.

**16. Lighting:**

A. All outdoor lighting shall be in conformance with the Zoning Ordinance.

B. The Applicant shall prepare and submit a photometric plan in connection with Site Development Plan review.

C. All site lighting, to include both new fixtures within the new development areas as well as any non-residential area that is modified as a part of site development, must consist of fully-shielded, full cut-off fixtures to meet the requirements of Article 9, Section 9-8.

D. Color temperature of exterior light fixtures will be 3,000 degrees kelvin or lower.

E. Average horizontal illumination level of exterior light fixtures will be 3.0 footcandles or less.

**17. Open Space:** each residential block/parcel and the residual retail parcel will individually meet the 10% usable open space requirement. The Applicant will construct and maintain all open spaces in general conformance with the improvements noted and shown in SUP "Open Space Plan." Benches, bicycle racks, and other amenities shall be provided as shown on the SUP "Open Space Plan."

**18. Modified Alley:** The Applicant will build and maintain the Modified Alley in general conformance with the improvements shown in this area on the Plan.

19. Three Bedroom Unit Maximum: A maximum of 10% of the units located in Block 1 will be 3-bedroom units.

20. Condo Sale of Block 2 and Block 3: Applicant will maintain the ability to sell the entirety of Block 2 (Multi-Family Townhomes) and/or the entirety of Block 3 (Multi-Family 2-Over-2 and Townhomes) as Condos. The Applicant agrees to sell all or none of the units within Block 2 or Block 3, so as to prohibit a mix of for rent and for sale units in the same block.

All conditions of the SUP will continue to be enforced in a block sale scenario through the Declarations of Restrictive Covenants that the Applicant will record and encumber the Block 2 and/or Block 3 parcels.

In a block sale scenario, Homeowner Associations will be established to maintain all conditions of the SUP and will own the block parcel, while individual condo owners will own the condo dwelling units.

In a sale scenario, residents/owners of the condos will not be tenants of the apartment community and will not have access to the rental amenities located within Block 1. In a block sale scenario, 10% of the units within the sold block will be required to be sold as ADUs, in accordance with the language outlined in Affordable Dwelling Units of this Conditions of Approval.

21. Block 1 Amenities: All amenities located within Block 1 will be available for use by tenants of residential rental units owned by the Owner in all three blocks (Block 1, 2 and 3). If residential units within Block 2 and/or Block 3 are sold by the Owner in a condo sale, the fee simple owners of the residential condos will not have access to the Block 1 amenities contained within the apartment complex. All public amenities shall continue to be open to Block 2 and 3 residents.

22. Parking Garage: The Applicant will install a traffic control device upon completion of the construction of the garage restricting non-emergency egress from the northwest entrance of the multifamily garage, with operations not to exceed 140 minutes daily in the aggregate during peak pick up and drop off times at Highland School per weekday.

23. Play Area: The Applicant will install a small play area per the timing of 3.A listed above under Phasing in the general area shown on Special Use Permit Plans – Open Space Plan Sheet 6 labeled Dog Park, the cost of which shall not exceed \$55,000 in 2024 dollars adjusted for inflation using the CPI-U, including hard and soft costs, consisting of a seating area and play equipment. The HOA will be responsible for maintaining the play area, seating, and equipment.

## ***Please Deny SUP 2022-05 Warrenton Village***

The Planning Commission was myopic in approving New Castle Development's Warrenton Village scheme. *Please* do not blindly also vote *wrong*. *Please* do not destroy our *Experience Warrenton's* in-proportion small town bucolic character.

The bait is "affordable housing" - but not for 90% of the units. That is a deplorably *inept trade-off* for an out-of-scale 4-story colossus which would cram 400 apartments, townhouses, and a 4-story concrete parking garage all onto a fraction of Amazon's data center acreage.

Mixed retail-residential Gainesville does not have a parking garage. Culpeper does not have a garage. Neither Haymarket, or Marshall has a garage, nor New Baltimore, Vint Hill, Bealton, or Catlett. If an elevated concrete garage is *incongruous* for every one of our neighboring communities, who would our Town Council want us to be, *Experience Fairfax*?

Don't permit 4-stories where *no other* neighboring structures were allowed to exceed the 3-story limit. A mountainous 4-story complex would front, and unconscionably defile our Town's northern gateway in its 1-story setting of a nursing home, two senior residences, two schools, and family homes. *Please, please disallow 4-stories*. It is the wrong setting to cram-in *hi-rise towers*...the wrong, way-too-small setting for *unprecedented over-density*.

There is no comparable obesely-dense concentration of residences on such a small parcel anywhere in Warrenton - anywhere in Fauquier County. And 450 garaged cars will choke Oak Springs Drive to Broadview Avenue at its busiest bend-in-the-road every day of every year.

Warrenton Village's colossal structures and Amazon's forebodingly-massive data center would be only .4 of a mile apart! WHY must just this one area pay the punishing full-price for *all* of our town's expansion? Quaint schools-and-residential Oak Springs Drive would become overwhelmed - become Warrenton's 'Street from Hell.'

Warrenton *does not* have the infrastructure, and certainly *not* the *homeowner* tax base to carry the increased costs for 1,600 renters' added needs - 1,600 renters who will not contribute to our tax base. And no New Castle token proffer will ameliorate those deficiencies. You will condemn Warrenton *homeowners* to the quicksand of ever-ballooning costs if you wrongly vote to approve. A cost of community services for Culpeper estimated that for every \$1 generated by residential housing, it actually cost the County \$1.22. *Please* heed that *red flag*.

New Castle would clear-cut hundreds of mature trees and cement/asphalt over every acre of its existing green ground. This is antithetical to all intelligent, all conscientious modern development models - deterring an *entire* parcel's runoff from penetrating the ground by instead, washing rooftop and toxic parking lot surface run-off into our streets and sewers. *Please* don't act ignorantly, insolently by detrimentally aspersing green practices. Demonstrate that you are smarter than that; prove that you won't cause this irreparable harm.

Warrenton's 2040 comprehensive plan calls for "*creating a sense of place*" - *not* a place for the 'Tower of Babel' of rentals. A 4-story apartments-townhouses-garage complex would be incompatible here in every way, by every definition, and every precedent. *Please* do not *adulterate* and vote-away Warrenton's character and small-town soul only to benefit New Castle.

1406H DORNIKT

ALBERT DORRHOFF

**From:** "noreply@civicplus.com" on behalf of "noreply@civicplus.com"  
<noreply@civicplus.com>  
**Sent:** 11 Aug 2024 06:44:35 -0500  
**To:** "" <citizencomment@warrentonva.gov>  
**Subject:** Online Form Submittal: Public Comment

## Public Comment

Name	Dawn Arruda
Address	149 Pinnacle Ct
City	Warrenton
State	va
Zip Code	20186
Email Address	[REDACTED]
Phone Number	[REDACTED]
Committee, Board, or Commission Type	Town Council
Agenda Item	Proposed Warrenton Village Project
Comment	<p>I believe that this project will bring much needed housing for our working people of the town and will have a very pleasant appearance from the rendering i saw. Statisically you should look at how well shopping centers with living facilities near by work. This small town can only grow so much due to our water and sewer and people need to understand that. They also need to understand that growth is inevitable but if done smart and with good purpose it can be a real win for the Town and the County. I also believe that done well it will help bring back and also help keep our young next Gen from leaving and that is important to thrive as they will be the next stewarts and supporters that help keep us viable.</p> <p>If the Town and the County refuse to grow( all be it smart PLEASE) you will push people out and that is already happening. We need to recognize that some growth and prosperity is needed in order to thrive otherwise we will be taxed out of our homes. People say the schools will be</p>

crowded, have you asked the school board how the enrollment is? They are trending down because the 40 and under crowd are choosing to not have families or have smaller families late. It is hard out there to raise a family and it is also hard to retire. There is a shift in family size with the 40 and under crowd. I have first hand experience of this as a mother of two Phenomenal adult children.

You say that traffic is a concern but you are not doing what could have been done years ago to allow the 211 traffic to go around instead of through an already busy road. The town cries that the sewer is in desperate trouble but then give an A OK to the developers. The town says they want to stay quintessential Warrenton but they bring in a Data Center. Do you see the pattern here? The comp plan is there to guide you forward and there are a lot of great wins in it ( and a lot of money spent on it) Why not try to follow what " the vision for the towns future" will be.

Happy to sit down and chat any time.

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**From:** "Lisa Buchanan" <[REDACTED]>  
**Sent:** Mon, 12 Aug 2024 01:48:45 +0000  
**To:** "citizencomment@warrentonva.gov"  
<citizencomment@warrentonva.gov>  
**Subject:** Warrenton Village Center

[You don't often get email from lmbuch@msn.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Warrenton Town Council,

As a property owner at the Cedars of Warrenton, across the street from the proposed Village Center development, I believe the density and height will dwarf our wonderful community. I am totally against this proposed development. This is sized not for Warrenton, but Fairfax or its suburbs. The traffic alone will turn Oak Springs and Broadview into a Manassas or Leesburg setting. Please do not let this happen. There are other alternatives than this.

Regards,

Lisa Buchanan

Sent from my iPad

**From:** "noreply@civicplus.com" on behalf of "noreply@civicplus.com"  
<noreply@civicplus.com>  
**Sent:** 12 Aug 2024 08:46:32 -0500  
**To:** "" <citizencomment@warrentonva.gov>  
**Subject:** Online Form Submittal: Public Comment

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

## Public Comment

Name	Michael Wood
Address	293 High Ridge Rd
City	Front Royal
State	Va
Zip Code	22630
Email Address	[REDACTED]
Phone Number	[REDACTED]
Committee, Board, or Commission Type	Town Council
Agenda Item	Housing for service members
Comment	<p>1. My name is Michael Wood. I am a Warrant Officer in the United States Army and a native of Warren County, Virginia, though I am currently stationed in California. I first enlisted in 2000, and I have served in multiple combat deployments in Iraq and Afghanistan throughout that time. The views expressed here are not those of the Army, but my own personal views developed over my nearly quarter century of service. I write today to ask you to approve the Warrenton Village Center development proposal. Throughout my service career, I have seen my fellow soldiers and servicemembers struggle to find housing. As you may be aware, the requirement for base housing is to provide for at least 10% of the force. This base housing frequently has a 6-9 month wait time, or sometimes</p>

not available at all. The remainder of servicemembers who cannot be housed on base must seek housing in the private market. With rising housing costs and a difficult market, the housing allowance provided makes paying for housing difficult, particularly in a market like Warrenton. As a warrant officer with a wife and two children, I would receive a housing allowance of just under \$3,500 per month to live in Warrenton. This allowance must stretch to cover utilities, insurance, and all other costs associated with housing. The stress of moving is hard on a family, unforeseen costs, having to change schools, find new doctors, and moving into a new community take its toll. Having to find housing is the biggest concern and often the most arduous. My long tenure and rank allow me a housing allowance of this level. While this is far from adequate for rental housing in the area, many enlisted and junior officers face a far tougher challenge finding safe, suitable housing based on their allowances. If servicemembers cannot afford to live in your Town, or cannot find safe and adequate housing in your Town, something is wrong. Please approve this development to allow for additional housing that can be made available to our men and women in uniform.

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**From:** "noreply@civicplus.com" on behalf of "noreply@civicplus.com"  
<noreply@civicplus.com>  
**Sent:** 2 Aug 2024 14:56:40 -0500  
**To:** "" <citizencomment@warrentonva.gov>  
**Subject:** Online Form Submittal: Public Comment

## Public Comment

Name	Douglas C. Larson
Address	134 Mosby Circle
City	Warrenton
State	VA
Zip Code	20186
Email Address	
Phone Number	
Committee, Board, or Commission Type	Town Council
Agenda Item	Warrenton Village Center Hearing 8/13
Comment	<p>I wish to state my objection to the Warrenton Village Center project as it is currently proposed. While I realize that the site is appropriate for some well planned residential /mixed use development, I object to the scale of the project and the various problems that result from the proposed 386 housing units. By this I mean traffic, water and sewer demands, visual intrusion into town gateway.</p> <p>The developer traffic study says there will be no impact from this project which o the face of it seems absurd. Oak Springs is already well used by a number of residential units and institutional users. To say there is no impact call into question the quality of any traffic study.</p> <p>I urge the Council to demand a reduced scale proposal that would fit better onto the site and would be more in keeping with the Town of Warrenton.</p>

Douglas Larson  
Ward 5

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Draft

**From:** "noreply@civicplus.com" on behalf of "noreply@civicplus.com"  
<noreply@civicplus.com>  
**Sent:** 9 Aug 2024 14:19:30 -0500  
**To:** "" <citizencomment@warrentonva.gov>  
**Subject:** Online Form Submittal: Public Comment

## Public Comment

Name	Catherine
Address	<i>Field not completed.</i>
City	Heritage
State	va
Zip Code	20186
Email Address	98 Alexandria Pike
Phone Number	
Committee, Board, or Commission Type	Town Council
Agenda Item	Public Hearing Warrenton Village Center August 13, 2024
Comment	<p>PUBLIC COMMENTS</p> <p>FAUQUIER AFFORDABLE HOUSING COALITION</p> <p>FOR WARRENTON TOWN COUNCIL MEETING AUGUST 13th</p> <p>WARRENTON VILLAGE CENTER</p>

First and foremost, the members of the Fauquier Affordable Housing Coalition neither support nor oppose the proposed Warrenton Village Center (WVC). However, we welcome the additional rental housing and inclusion of affordable units that address our unmet economic, social and community needs. As the Planning Commission has approved the project and the Town Council will hold a public hearing on Tuesday, August 13, 2024, the following public comments are submitted on behalf of Fauquier Habitat for Humanity, Community Housing Partners, Community Touch, NAACP Fauquier Branch and the Mental

## Health Association of Fauquier County.

It is our belief that thoughtful development could provide many benefits to the community including allowing residents to live where they work, increasing the number of rental units, encouraging economic development and promoting walkability. More households will result in more taxes, increased commerce and more community vitality. WVC is within walkable distance of shopping, recreational activities, schools, and other community resources. It is served by Circuit Rider, making the hospital, and town and county governments—from whose workforce many potential homeowners and renters will be drawn—extremely accessible. In addition to rental rates, part of what makes housing affordable is proximity to services, jobs and energy efficiency. This reduces the carbon footprint and utility bills. The project would provide housing alternatives to young people in their first jobs seeking housing, as well as to older, retired people who no longer wish to maintain larger homes and lots. These are the kinds of housing alternatives that the local community critically needs.

It is essential that the inclusionary zoning provisions result in actual affordability. There has been, and still is, a basic misunderstanding of the term “affordability.” The US Department of Housing and Urban Development defines “affordability” as housing on which the occupant is paying no more than 30% of gross income for housing costs, including utilities. The term “affordable” is recognized and accepted as definitive by HUD and the Commonwealth of Virginia and should not be confused with other subjective terms such as “attainable” and “sustainable.”

It is clear from the Council's previous public discussions that there is a basic misunderstanding of the term “Section 8 Vouchers”. Section 8 is part of the HUD code which applies to Housing Choice Vouchers. These vouchers are administered by Central Virginia Housing through local agencies like Encompass Community Supports and Community Touch. These vouchers are a benefit to the community, prevent homelessness and should never be stigmatized. Families earning less than 80% of Area Median Income (AMI) may apply. Participating landlords benefit from all or part of the rent

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guaranteed by the government and a potential pool of tenants needing housing. According to legislation passed in 2020, Virginia landlords with more than four rental units cannot refuse to rent to a tenant solely based upon a housing voucher. Every other rental complex in the Town of Warrenton with more than four units is already subject to this law. Additionally, landlords participating in the Housing Choice Voucher program must meet specific requirements, including:

Be re-certified at least annually.

Abide by the lease.

Report any changes in household income or number of occupants.

Provide truthful information.

Not engage in illegal drugs and/or violent criminal activity.

Permit the program to conduct periodic inspections of the premises.

We hope that this information will be of assistance in your deliberations and appreciate your willingness to consider our collective feedback.

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**From:** "noreply@civicplus.com" on behalf of "noreply@civicplus.com"  
<noreply@civicplus.com>  
**Sent:** 12 Aug 2024 14:12:47 -0500  
**To:** "" <citizencomment@warrentonva.gov>  
**Subject:** Online Form Submittal: Public Comment

## Public Comment

Name	Suzanne Funesti
Address	7154 Academy Road
City	Warrenton
State	VA
Zip Code	20187
Email Address	[REDACTED]
Phone Number	[REDACTED]
Committee, Board, or Commission Type	Town Council
Agenda Item	Warrenton Village approval
Comment	<p>There are too many units included for the space proposed. If just half of the 320 rental units have 2 cars each and the remaining half have one car each, the number of parking spaces needed would be 480. This is with a garage of only 445 spaces, and doesn't address spaces needed for the condo and townhouse units.</p> <p>The number of rental spaces seems far beyond what is needed for a town of Warrenton's size. Why is there a need to increase the density of housing at such a huge rate? The project is too big by 286 units. Please do not grant approval for such a large impactful development!</p>

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**From:** "Kevin Ramundo" <[REDACTED]>  
**Sent:** Mon, 12 Aug 2024 19:11:05 -0400  
**To:** "" <citizencomment@warrentonva.gov>  
**Subject:** CFFC Comments on the Warrenton Village Center Application  
**Attachments:** CFFC Comments on WVC.docx

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[You don't often get email from ramundok@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Thank you for considering the analysis and recommendations that CFFC has provided in the attached letter, and please confirm that it will get into the hands of the town council members ahead of tomorrow's meeting.

Respectfully

Kevin Ramundo  
President, Citizens for Fauquier County

**From:** "Jennifer Coates" <jencoates41@gmail.com>  
**Sent:** Tue, 13 Aug 2024 09:10:51 -0400  
**To:** "" <citizencomment@warrentonva.gov>  
**Subject:** Warrenton Village Center

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[You don't often get email from jencoates41@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Good morning,

I'm writing to ask the council to approve the SUP 2022-05 Warrenton Village Center application. I know it's not perfect, and I would like some items to be different, but it's a good step forward for Warrenton. Warrenton needs affordable and additional housing that utilizes space already developed. It's my opinion that we need less large home development that few people can afford and that requires driving for every errand. I like the idea of using a developed area that is in need of revitalization. I'm hopeful that the community area with the splash pad and other family friendly activities will be a draw as well. If possible, please continue to push for affordable housing units in this development. I trust that the council will ensure that the buildings will keep the rural and small town feel that we love about our town. Warrenton will definitely benefit from this type of development and will be able to draw some better business opportunities as well.

Thank you,

Jennifer Coates  
Casanova, Va  
Sent from my iPhone

**From:** "Yoder Kelly - Fauquier" <kelly.yoder@fauquierhealth.org>  
**Sent:** Tue, 13 Aug 2024 15:02:22 +0000  
**To:** "citizencomment@warrentonva.gov"  
<citizencomment@warrentonva.gov>  
**Subject:** Housing for community

You don't often get email from kelly.yoder@fauquierhealth.org. [Learn why this is important](#)

To Whom It May Concern,

Fauquier county needs affordable housing for those not making a significant income. The laboratory in particular has staff that make \$20 an hour and less. (Phlebotomy, Lab Assistants). In order to make ends meet, particularly in the current economy, the staff need to hold two full time jobs just to pay rent and car payments let alone childcare, groceries etc.

The lab will be bringing in an Agency Med Tech to cover while recruiting efforts to fill a position. The agency tech makes a decent wage, however she is in shock as to the apartment rent in this area. \$1200 a month for a room in a house? That is twice what my mortgage was in PA and hers in NC.

Personally, I could not afford the property I have if I moved to this area in 2024 vs 2018. I'm thankful I moved when I did. However, I do consider moving to a more affordable area to make my salary go further.

People cannot afford the housing in this area and their truly needs to be a viable option or we will not be able to maintain staffing that are vital to patient care.

Please approve the affordable housing in Warrenton!

**Kelly T. Yoder BS MT (ASCP)SH, MS HSL**  
Laboratory and Respiratory Admin Director  
**Fauquier Health** | 500 Hospital Drive Warrenton, VA 20186  
o: (540) 316-5602 | f: (540) 316-5601 | [Kelly.yoder@fauquierhealth.org](mailto:Kelly.yoder@fauquierhealth.org)  
[facebook](#) | [twitter](#)

**I Miss SO MUCH**  
**Get A COVID-19 Vaccine**  
#VaccineHero

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entities other than the intended recipient is strictly prohibited. If you are the recipient of this e-mail transmission in error, please reply to the sender and delete the material from any computer. Thank you.

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**From:** "noreply@civicplus.com" on behalf of "noreply@civicplus.com"  
<noreply@civicplus.com>  
**Sent:** 13 Aug 2024 10:27:14 -0500  
**To:** "" <citizencomment@warrentonva.gov>  
**Subject:** Online Form Submittal: Public Comment

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

## Public Comment

Name	Shawna Cochran Breeden
Address	Field not completed.
City	Field not completed.
State	Field not completed.
Zip Code	Field not completed.
Email Address	shawna.cochran@fauquierhealth.org
Phone Number	4349066138
Committee, Board, or Commission Type	Town Council
Agenda Item	Warrenton Village Center Project
Comment	<p>I am a nursing director at Fauquier Hospital and would like to voice my concern for affordable housing in the county for our nursing and ancillary staff. We have found it to be a huge burden for staff to live farther away and commute in for shift and on call coverage for the operating room and procedural based units. I would like to respectfully ask for your consideration on this project. We truly need to have healthcare staff that live and work in this community rather than having to commute almost an hour away. I myself live over 45 minutes away because of the lack of housing when I took the leadership position in Surgical services. We have had a really hard time recruiting and retaining staff due to the cost of living and lack of housing options in the county. The hospital is thriving and in</p>

order to continue to offer amazing, quality care to our community, we are asking that new apartments and townhomes be allowed to come to Warrenton. Our aging population will need great caregivers that are able to remain within a reasonable drive to the hospital and other care locations within the county. I know that many of the council can remember when we did not have staff to care for patients or perform surgeries after COVID, but now we are thriving and need to have housing options for our staff to live here. In order to maintain this positive momentum, we need housing to continue growing our hospital-based services.

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**From:** "noreply@civicplus.com" on behalf of "noreply@civicplus.com"  
<noreply@civicplus.com>  
**Sent:** 12 Aug 2024 08:46:32 -0500  
**To:** "" <citizencomment@warrentonva.gov>  
**Subject:** Online Form Submittal: Public Comment

## Public Comment

Name	Michael Wood
Address	293 High Ridge Rd
City	Front Royal
State	Va
Zip Code	22630
Email Address	[REDACTED]
Phone Number	[REDACTED]
Committee, Board, or Commission Type	Town Council
Agenda Item	Housing for service members
Comment	<p>1. My name is Michael Wood. I am a Warrant Officer in the United States Army and a native of Warren County, Virginia, though I am currently stationed in California. I first enlisted in 2000, and I have served in multiple combat deployments in Iraq and Afghanistan throughout that time. The views expressed here are not those of the Army, but my own personal views developed over my nearly quarter century of service. I write today to ask you to approve the Warrenton Village Center development proposal. Throughout my service career, I have seen my fellow soldiers and servicemembers struggle to find housing. As you may be aware, the requirement for base housing is to provide for at least 10% of the force. This base housing frequently has a 6-9 month wait time, or sometimes not available at all. The remainder of servicemembers who cannot be housed on base must seek housing in the private market. With rising housing costs and a difficult market, the housing allowance provided makes paying for housing difficult, particularly in a market like Warrenton. As a warrant officer with</p>

a wife and two children, I would receive a housing allowance of just under \$3,500 per month to live in Warrenton. This allowance must stretch to cover utilities, insurance, and all other costs associated with housing. The stress of moving is hard on a family, unforeseen costs, having to change schools, find new doctors, and moving into a new community take its toll. Having to find housing is the biggest concern and often the most arduous. My long tenure and rank allow me a housing allowance of this level. While this is far from adequate for rental housing in the area, many enlisted and junior officers face a far tougher challenge finding safe, suitable housing based on their allowances. If servicemembers cannot afford to live in your Town, or cannot find safe and adequate housing in your Town, something is wrong. Please approve this development to allow for additional housing that can be made available to our men and women in uniform.

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August 12, 2024

Dear Warrenton Town Council:

Citizens for Fauquier County (CFFC) opposes this Special Use Permit for the Warrenton Village Center that the Town Council will consider on August 13<sup>th</sup> at a public hearing. While CFFC generally supports mixed-use development for the New Town District in Warrenton, it opposes this project because of its scale, density, and inconsistency with its comprehensive plan and current zoning. As currently proposed, we believe this project will cause severe impacts on traffic, further challenge our compromised water and sewer capacity, and bend the hard-won Comprehensive Plan to the breaking point. We all deserve better.

The following to-scale image CFFC developed accurately shows how big this development is compared to the surrounding area. I can't help but draw your attention to the campus of the Highland School, which appears in the upper middle area of the image, and a little history covered in a letter to the editor that appeared in this week's Fauquier Times written by Hope Porter, who founded CFFC over 55 years ago. As she wrote, the school opened its campus in 1957 and has continually expanded its footprint with low-rise structures and open spaces consistent with the attributes of a small historic town. The school and many others have decided to protect what makes Warrenton unique. Now, a developer with very different intentions seeks as many as ten waivers and modifications to the existing zoning. There is no reasonable justification for this abrupt shift offered by the applicant or included in the Staff Analysis.



The allowable density on the property is five units per acre or ten units per acre, including 10% “affordable” dwelling units. The applicants are requesting a density of 13.28 units per acre, which is deceiving since they have calculated this density by adding the adjoining 22-acre commercial parcel. However, they are putting all 386 units on only 9.8 acres, which is a density of almost 40 units per acre. You might find this density in Tysons, Fairfax Corner, and most other urban areas of Northern Virginia, with much higher populations and mass transit. Furthermore, on the west side of the existing shopping center, they are removing commercial uses to replace them with townhouses. CFFC strongly recommends that staff take another look at the developer’s density calculations and determine if they fit with the Zoning Ordinance and Warrenton 2040.

To put a finer point on CFFC’s concerns about scale, the project proposes 4-story buildings as high as 54 feet, far exceeding the 35-foot limit in the zoning ordinance and explicitly contravening the Comprehensive Plan, which calls for maximum heights at Lee Highway with gradual stepdown in scale toward Oak Springs Drive. The proposer’s statement that “Inclusion of four-story buildings along Oak Springs Drive will provide a more gradual step down from the six stories allowed along Lee Highway” is disingenuous at best – the four-story apartment complex will abut playing fields and single-story structures at Highlands and Brookside Rehabilitation. The ordinance also calls for an extra foot of setback for every foot over 35 feet, but the developer is asking for the opposite; in many cases, they propose zero setbacks.

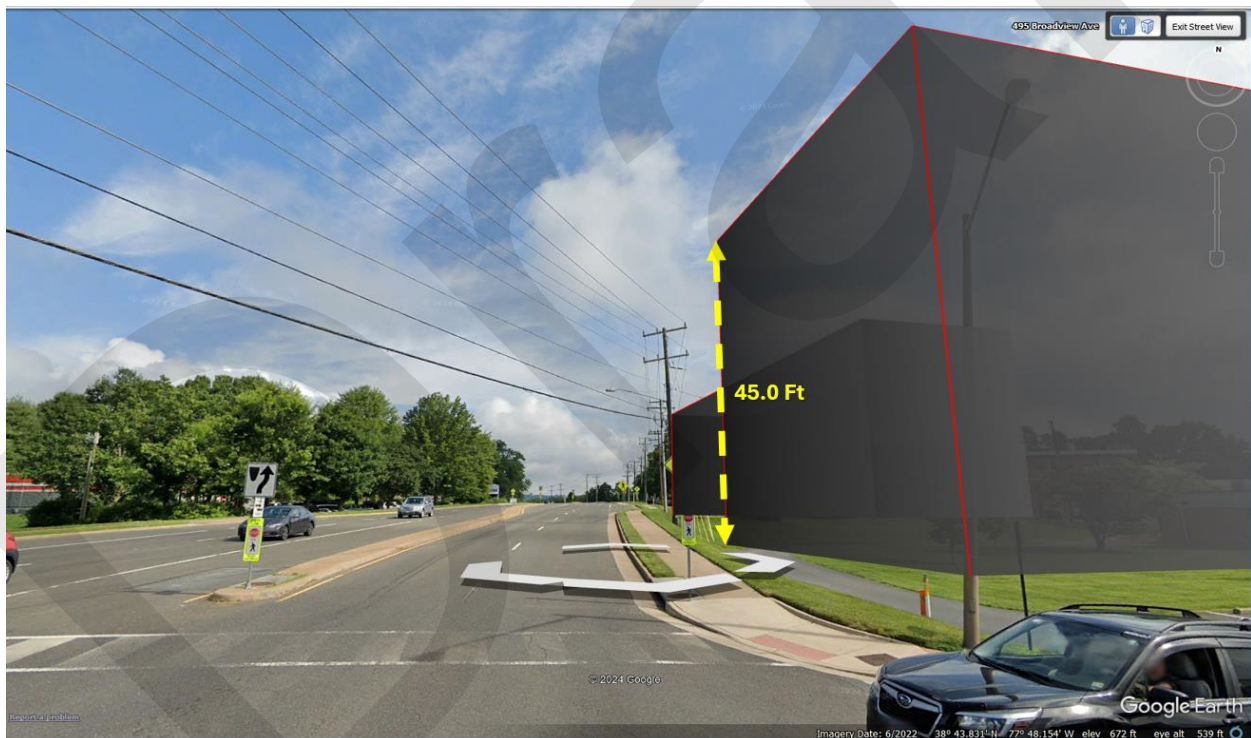
The developer’s traffic report also appears misleading, indicating only 154 trips in the morning and 197 trips in the evening and claiming no road or intersection improvements are necessary, even though there are almost 400 housing units and a single access point to the four-story parking garage on Oak Springs Drive. The developer says they will *“install signage and lighting at the Primary Garage Entrance to encourage residents to use the Secondary*

#### Summary of Waiver and Modifications Requested

- Waiver #1: Increase density to 386 units or 13.28 per acre
- Waiver #2: Decrease minimum setback to 14’ along Broadview
- Waiver #3: Decrease side/rear yard setbacks to 0’.
- Waiver #4a: Decrease buffer width between commercial and residential to 0’. (why?)
- Waiver #4b: Decrease rear buffer width for residential uses from public ROW to 14’.
- Waiver #5: Increase height limit for dwellings as follows:
  - ❖ 54’ max height for Block 1, Oak Springs Drive Frontage
  - ❖ 36’ max height for Block 1, Broadview Avenue Frontage
  - ❖ 36’ max height for Block 2
  - ❖ 45’ max height for Block 3
- Waiver #6: Increase maximum grouping of townhouse six to seven
- Waiver #7: Allow retaining walls in excess of six feet on Oak Springs Drive and Hastings Lane

*Garage Entrance at those times*” when Highland School traffic will be an obstacle. Unfortunately, the secondary garage access (they describe it as “the Modified Alley”) also serves as the trash and loading facility for the adjacent retail, and it empties into the Ace Hardware parking area or a very blind corner behind Joanne’s Fabrics and the Red Zone. None of these obstacles were mentioned in the Traffic Study, nor did they address the traffic patterns associated with Blocks 2 and 3. The Town Council should commission an independent traffic consultant to look at the applicants’ traffic report data for completeness and accuracy.

The increased demand for sewer and water is also a concern. The consumption for this use and at this density far exceeds what was expected to have occurred with the commercial zoning. A report shows that the buildout of this project pushes the capacities to the breaking point. What will the taxpayer's cost be to expand the sewer and water processing plants? We are talking tens of millions of dollars versus the predicted revenue to the town from this project of a paltry \$46,000.



The appendix to this letter includes a detailed analysis of this project by CFFC, and I ask that you review this information as well. It will only reinforce our belief that the Town Council should deny the particular use permit and send this plan back to the developers to address the concerns we and others have pointed out. And please keep in mind what your own Comprehensive Plan says in regards to applications such as Warrenton Village Center, *“The Character Districts are created to be a focal point for revitalization to allow*

Kevin Ramundo  
President, Citizens for Fauquier County



## **Appendix**

### **Additional CFFC Warrenton Village Center Comments**

#### **General**

- The transition from multi-family units to Highland's Lower School, playing fields, and the Brookside Rehabilitation Center is in sharp and unacceptable contrast, especially with the thoughtfulness of how the school campus was developed with its open space and smaller buildings.
- There are significant inconsistencies between the conceptual design, Bohler's SUP layout, and the traffic study that the PC should have cleared up should have cleared up. For example, Blocks 2 and 3 are not on Bohler's renderings; the proposed realignment of the roadways inside the Village parking areas has not been included or evaluated in the Traffic map; and the Concept Map in the July 9 packet shows five units in Block 2, not the three included in the Traffic Study. There should have been a final composite resolving the conflicts, changes, and omissions in the July 9 Packet.
- There are no setbacks clearly stated other than the justification of the plans, which is unacceptable. The Applicant has indicated that setbacks be measured from the roadside, not the ROW and sidewalk areas, for nonsensical reasons.
- The frontages of Blocks 2 and 3 are not parallel to the roadways they face. More striking—and not yet waived—is the fact that each of the three Blocks has units located on the first floor that front on the street or drive aisle, which is prohibited in the ordinance.
- The TC should demand that all of the drawings be updated to include all major changes, including parking road patterns and the egress and flow patterns anticipated from both entrances of the parking deck. This cannot be considered and approved without a comprehensive review!
- There are several places where the developer has "stretched" their canvass to suit their needs, and it is nearly impossible to get things to fit. The landscaping drawings will be impossible to implement, and there are several locations where they will never get the tree space they indicate on the drawings.
- To obtain an SUP, the developer needs to meet the entire list of requirements, which includes an appropriate review of potential impacts on adjacent areas, which does not appear to have been done.

#### **Traffic**

- There is no information on the height of the parking deck other than "4 levels precast garage." How many of the development cars will it hold? How will they manage this volume

at prime commuting times with Highlands Primary School entrance across the street? Signage in the parking deck and little red lights telling residents to slip out the back through a dangerous alley are not adequate safety measures

- The back-ups onto 17 north and south from Oak Springs are already horrific. The Traffic Plan did not fully address the impacts on Oak Spring and, eventually, Blackwell Ave.
- The Traffic Study indicates the 380 units will only generate 154 new trips during the AM peak hour, 197 new trips during the PM peak hour, and 2,602 new daily trips on a typical weekday. These numbers are not realistic.
- There seems to be a suggestion that the alley between the parking deck and the existing retail will be upgraded and usable even before they get the 0' setback they requested. A drive through this area reveals that this is neither desirable nor likely. This area should have very limited egress since blending foot traffic with delivery vehicles is dangerous. The "walkability" of anything except Oak Springs Road can be arguably bad.

### **Specifics**

- One unit in Blocks 2 and 3 exceeds the contiguous limit of six units without any apparent justification. Both units have roadside frontage, which is unacceptable.
- If density is allowed, the retail lease rates will skyrocket, effectively igniting the redevelopment of this entire end of the "New Town" area. This is the sort of thing down in Tysons and Fairfax with the hope that developers will all prefer the infrastructure into a "seamless" modern development, but we know better.
- The proposed "plaza" is laughable. It will sit in the middle of a parking lot with a new road pattern.

### **Waivers & Conditions**

There does not appear to be any explanation for why the Waivers and Modifications were necessary other than to allow more density and better economics for the developer. There seems to have been no attempt to justify these, and it would appear that they were already granted or approved by the Zoning before the Planning Commission approved this. This density is beyond what Warrenton 2040 ever contemplated.

- Waiver #1: Increase density to 386 units or 13.28 per acre (more like 30/ac now?)
- Waiver #2: Decrease minimum setback to 14' along Broadview Avenue. (why?)
- Waiver #3: Decrease side/rear yard setbacks to 0'. (why?)
- Waiver #4a: Decrease buffer width between commercial and residential to 0'. (why?)
- Waiver #4b: Decrease rear buffer width for residential uses from public ROW to 14'.

- Waiver #5: Increase height limit for dwellings as follows:
  - 54' max height for Block 1, Oak Springs Drive Frontage
  - 36' max height for Block 1, Broadview Avenue Frontage
  - 36' max height for Block 2
  - 45' max height for Block 3
- Waiver #6: Increase the maximum grouping of townhouse units from six to seven
- Waiver #7: Allow retaining walls over six feet on Oak Springs Drive and Hastings Lane

**From:** "Busy Bee Cleaning"  
**Sent:** Tue, 13 Aug 2024 12:38:48 -0400  
**To:** "" <citizencomment@warrentonva.gov>  
**Subject:** Warrenton village

[You don't often get email from mybbc10@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Good evening,

I recently was able to attend the chamber event in regard to the Warrenton Village project. I was unable to attend this evenings meeting, but wanted to go on record as to voice my appreciation for this beautiful project that I feel would help so many people with the housing problem that our city currently has. Most of our employees come in from neighboring towns as Warrenton is very limited on housing.

The project itself is beautiful and looks like a wonderful way to bring the community together.

Thank you for taking the time to read my opinion.

Respectfully

Stephanie Mongue

Busy Bee Cleaning, LLC.™

Phone: 703-628-7804

Email: mybbc10@gmail.com

Web: <http://www.mybusybeecleaning.com/>

Google: <https://g.page/Busy-Bee-Cleaning-LLC/review?id>

Yelp: <https://vulp.to/aTKa/8hOExb3Uh8>

Facebook: <https://m.facebook.com/BusyBeeCleaningLLC1/>

Tiktok: <https://www.tiktok.com/@busybeecleaningllc?>

Twitter: <https://www.twitter.com/BUSYBEECLEANING>

Linked-In: <https://www.linkedin.com/in/stephanie-mongue-852761123>

**From:** "Wood"  
**Sent:** Fri, 9 Aug 2024 20:54:00 +0000  
**To:** "citizencomment@warrentonva.gov"  
<citizencomment@warrentonva.gov>  
**Subject:** Housing for Military Service Members  
**Attachments:** Town Council Memo.pdf, smime.p7s

To Whom it may concern,

See attached.

Very Respectfully,

Michael C. Wood  
CW4, Aviation  
6-52<sup>nd</sup> TFWB, Aviation Safety Officer  
Phone: 850.559.1892  
Email: michael.c.wood.mil@army.mil



DEPARTMENT OF THE ARMY  
11TH EXPEDITIONARY COMBAT AVIATION BRIGADE  
5910 MAGRATH AVENUE, BUILDING 1362  
FORT CARSON, CO 80913-4004

FRAK-QTH-CO (900A)

9 August 2024

MEMORANDUM FOR Town of Warrenton Town Council

SUBJECT: Housing for Active Duty Service Members

1. My name is Michael Wood. I am a Warrant Officer in the United States Army and a native of Warren County, Virginia, though I am currently stationed in California. I first enlisted in 2000, and I have served in multiple combat deployments in Iraq and Afghanistan throughout that time. The views expressed here are not those of the Army, but my own personal views developed over my nearly quarter century of service. I write today to ask you to approve the Warrenton Village Center development proposal.
2. Throughout my service career, I have seen my fellow soldiers and servicemembers struggle to find housing. As you may be aware, the requirement for base housing is to provide for at least 10% of the force. This base housing frequently has a 6-9 month wait time, or sometimes not available at all. The remainder of servicemembers who cannot be housed on base must seek housing in the private market. With rising housing costs and a difficult market, the housing allowance provided makes paying for housing difficult, particularly in a market like Warrenton.
3. As a warrant officer with a wife and two children, I would receive a housing allowance of just under \$3,500 per month to live in Warrenton. This allowance must stretch to cover utilities, insurance, and all other costs associated with housing. The stress of moving is hard on a family, unforeseen costs, having to change schools, find new doctors, and moving into a new community take its toll. Having to find housing is the biggest concern and often the most arduous. My long tenure and rank allow me a housing allowance of this level. While this is far from adequate for rental housing in the area, many enlisted and junior officers face a far tougher challenge finding safe, suitable housing based on their allowances.
4. If servicemembers cannot afford to live in your Town, or cannot find safe and adequate housing in your Town, something is wrong. Please approve this development to allow for additional housing that can be made available to our men and women in uniform.

FRAK-QTH-CO (900A)

SUBJECT: Housing for Active Duty Service Members

2. The POC for this action is CW4 Michael Wood at (850) 559-1892 or michael.c.wood.mil@army.mil.

Michael C. Wood  
CW4, AV  
Aviation Safety Officer



The Town of Warrenton  
P.O. Box 341  
Warrenton, VA 20188  
P (540) 347-1101  
F (540) 349-2414

## **August 13th, 2024, Regular Town Council Meeting Minutes**

### **Attachment 3: Signed legislation**



# Motion for Convening a Closed Session

Council Meeting Date:

August 13<sup>th</sup>, 2024.

I move that the Council convene in closed session to discuss the following:

- ☐ As permitted by Virginia Code § 2.2-3711 (A)(1), a personnel matter involving:  
☐ Discussion, consideration or interviews of prospective candidates for employment or appointment; OR  
☐ assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Town; specifically dealing with \_\_\_\_\_ [Give department, job title(s), or job category].
- ☐ As permitted by Virginia Code § 2.2-3711 (A)(3), a matter involving:  
☐ discussion or consideration of the acquisition of real property for a public purpose; OR  
☐ disposition of publicly held real property specifically involving \_\_\_\_\_ [Give location of property], because discussion in an open meeting would adversely affect the City's bargaining position or negotiating strategy.
- ☐ As permitted by Virginia Code § 2.2-3711 (A)(4), a matter requiring the protection of the privacy of individuals in personal matters not involving the public business.
- ☒ As permitted by Virginia Code § 2.2-3711 (A)(7), consultation with legal counsel or briefing by staff members or consultants pertaining to:  
probable litigation involving; OR the pending case of **CFFC FOIA Lawsuit**  
where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the City.
- ☒ As permitted by Virginia Code § 2.2-3711 (A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to **SUP Procedures**
- ☐ As permitted by Virginia Code § 2.2-3711 (A)(29), discussion of the award of a public contract for \_\_\_\_\_ [Give nature of the contract] involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the City Council.
- ☐ As permitted by Virginia Code § \_\_\_\_\_, a matter involving: \_\_\_\_\_.

[IDENTIFY THE APPLICABLE PARAGRAPH OF § 2.2-3711(A) OR OTHER LAW AND GIVE THE SUBJECT MATTER AND PURPOSE FOR THE CLOSED SESSION.]

Votes: Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney.

Ayes:

Nays:

Absent from Vote: None

**CERTIFICATION MOTION AFTER RECONVENING IN PUBLIC SESSION:**

(requires a recorded roll call vote)

I move that the Council certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed in a closed session under the provisions of the Virginia Freedom of Information Act as cited in that motion.

Votes: Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney.

Ayes:

Nays:

Absent from Vote: None

For Information:

Town Clerk

Effective date: August 13<sup>th</sup>, 2024.

Stephen Clough, Town Recorder

A handwritten signature in black ink, appearing to read "Stephen Clough", is written over a horizontal line.



# Motion for Convening a Closed Session

Council Meeting Date: August 13<sup>th</sup>, 2024.

I move that the Council convene in closed session to discuss the following:

- \_\_\_ As permitted by Virginia Code § 2.2-3711 (A)(1), a personnel matter involving:  
\_\_\_ Discussion, consideration or interviews of prospective candidates for employment or appointment; OR  
\_\_\_ assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Town; specifically dealing with \_\_\_\_\_ [Give department, job title(s), or job category].
- \_\_\_ As permitted by Virginia Code § 2.2-3711 (A)(3), a matter involving:  
\_\_\_ discussion or consideration of the acquisition of real property for a public purpose; OR  
\_\_\_ disposition of publicly held real property specifically involving \_\_\_\_\_ [Give location of property], because discussion in an open meeting would adversely affect the City's bargaining position or negotiating strategy.
- \_\_\_ As permitted by Virginia Code § 2.2-3711 (A)(4), a matter requiring the protection of the privacy of individuals in personal matters not involving the public business.
- ☒ As permitted by Virginia Code § 2.2-3711 (A)(7), consultation with legal counsel pertaining to: the pending case of **Citizens for Fauquier County v. the Town regarding exemptions under the Virginia Freedom of Information Act,** where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the City.
- \_\_\_ As permitted by Virginia Code § 2.2-3711 (A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to \_\_\_\_\_
- \_\_\_ As permitted by Virginia Code § 2.2-3711 (A)(29), discussion of the award of a public contract for \_\_\_\_\_ [Give nature of the contract] involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the City Council.
- \_\_\_ As permitted by Virginia Code § \_\_\_\_\_, a matter involving: \_\_\_\_\_

[IDENTIFY THE APPLICABLE PARAGRAPH OF § 2.2-3711(A) OR OTHER LAW AND GIVE THE SUBJECT MATTER AND PURPOSE FOR THE CLOSED SESSION.]

Votes: Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney.

Ayes:

Nays:

Absent from Vote: None

**CERTIFICATION MOTION AFTER RECONVENING IN PUBLIC SESSION:**  
(requires a recorded roll call vote)

I move that the Council certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed in a closed session under the provisions of the Virginia Freedom of Information Act as cited in that motion.

Votes: Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman; Mr. Eric Gagnon; Mr. David McGuire; Mr. Paul Mooney.

Ayes:

Nays:

Absent from Vote: None

For Information:  
Town Clerk

Effective date: August 13<sup>th</sup>, 2024.

Stephen Clough, Town Recorder

---

A handwritten signature in black ink, appearing to read "Stephen Clough", is written over a horizontal line. The signature is stylized with a large, sweeping initial 'S'.

**RESOLUTION OF APPROVAL FOR SPECIAL USE PERMIT 22-05, WARRENTON VILLAGE CENTER MIXED USE, PURSUANT TO SECTION 11-3.10 OF THE ZONING ORDINANCE OF THE TOWN OF WARRENTON, VIRGINIA (GPINS 6985-20-7247 and 6984-29-6753)**

**WHEREAS**, NewCastle Development Group ("the Applicant"), along with the owners of Warrenton Village Center, Jefferson Associates LP and Warrenton Center, LLC, , have applied to the Town of Warrenton for a Special Use Permit approval on a parcel of land containing approximately 29.05 acres, identified as GPINS 6985-20-7247 and 6984-29-6753, located at the existing Warrenton Village shopping center bordered by Oak Springs Drive, Branch Drive, Lee Highway, and Broadview Avenue in the Town of Warrenton ; and

**WHEREAS**, the Applicant seeks a Special Use Permit pursuant to §3-4.10 and §9-25 of the Zoning Ordinance that would allow a mixed-use development in the existing shopping center with up to 320 apartments, up to 34 2-over-2s, and up to 32 townhomes with the addition of a central plaza, enhanced internal road network, and pedestrian infrastructure to promote walkability (the "Special Use Permit" or "SUP 22-05"); and

**WHEREAS**, the Applicant has requested waivers and modifications to the Zoning Ordinance for Article 2-6.1 to allow for density increase to 386 units at approximately 13.28 units/per acre; Article 3-4.10.4 to allow for 14' setbacks from Public Right of Way on the east side of Broadview Avenue and 0' setbacks along internal parcel lines within Warrenton Village Center; Article 8-8.5 to allow for 0' buffer width between commercial and residential uses within Warrenton Village Center and 14' buffer width between Public Right of Way and residential uses along the east side of Broadview Avenue; Article 2-20 to allow for maximum building heights of 54' along Oak Springs Drive (Block 1), 36' along Broadview Avenue (Block 1), 36' within Block 2, and 45' within Block 3; Article 3-4.4.5.3 to allow for seven multifamily townhome and/or 2-over-2 units to be grouped contiguously, and Article 2-19 to allow retaining walls in excess of six feet on Oak Springs Drive and Hastings Lane; and

**WHEREAS**, the Planning Commission held three public work sessions on the Special Use Permit on March 19, 2024; April 16, 2024; April 23, 2024; and

**WHEREAS**, pursuant to §11-3 of the Zoning Ordinance upon application of the Applicant for approval of the Special Use Permit, the Planning Commission upon advertisement and notice properly given pursuant to §15.2-2204 of the Virginia Code held a Public Hearing on June 18, 2024; and

**WHEREAS**, the Planning Commission evaluated the Special Use Permit based on Conditions of Approval and Virginia Code Section 15.2-2286.A.3; and

**WHEREAS**, the Planning Commission found that the Application meets the criteria for approval found in Section 11-3.10.3 in the Town of Warrenton Zoning Ordinance; and

**WHEREAS**, on June 18, 2024 the Planning Commission, in consideration of all of the foregoing, voted four to one, with one member absent, to recommend the Special Use Permit for approval to the Town Council subject to certain conditions; and

**WHEREAS**, the Town Council held work sessions on the application on July 9, 2024 and August 13, 2024; and

**WHEREAS**, pursuant to §11-3 of the Zoning Ordinance, the Town Council upon advertisement and notice properly given pursuant to Virginia Code Section 15.2-2204, held a Public Hearing on August 13, 2024; and

**WHEREAS**, the Town Council evaluated the Special Use Permit based on Conditions of Approval and Virginia Code Section 15.2-2286.A.3; and

**WHEREAS**, the Town Council finds that the Application meets the criteria for approval found in Section 11-3.10.3 in the Town of Warrenton Zoning Ordinance, and will serve the public interest;

**NOW, THEREFORE, BE IT RESOLVED** that the Warrenton Town Council on this 13<sup>th</sup> day of August, 2024, approves SUP 22-05 subject to the Conditions of Approval dated August 13, 2024 and Special Use Permit Plans dated June 30, 2023 and revised through May 31, 2024 by Bohler (Sheets 1-36), as presented.

**Votes:**

**Ayes:** Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Paul Mooney; Mr. David McGuire

**Nays:** Mr. William Semple Mr. Eric Gagnon.

**Absent from Meeting:** None

**ATTEST:** \_\_\_\_\_

  
Stephen Clough, Town Clerk

**SPECIAL USE PERMIT CONDITIONS**

**Applicant: NewCastle Development Group, LLC ("The Applicant")**

**Owners: Jefferson Associates LP; Warrenton Center LLC**

**SUP 2022-05, Warrenton Village Mixed Use Center**

**GPINs 6985-20-7247-000; 6984-29-6753-000 (the "Property")**

**Special Use Permit Area: ± 29.05 acres**

**Zoning: Commercial (C)**

**Date: August 13, 2024**

In approving a Special Use Permit, the Town Council may impose such conditions, safeguards, and restrictions as may be necessary to avoid, minimize, or mitigate any potentially adverse or injurious effect of such special uses upon other properties in the neighborhood, and to carry out the general purpose and intent of this Ordinance. The Council may require a guarantee or bond to ensure that compliance with the imposed conditions. All required conditions shall be set out in the documentation approving the Special Use Permit (SUP).

- 1. General:** The property shall be developed in substantial conformance with these conditions and the plans titled "Special Use Permit for Warrenton Village Center, REVISION 3 – 5/31/2024", and prepared by Bohler Engineering. Minor changes and adjustments may be made to the road and street alignments, entrances, parking, dimensions and location of SWM/BMP facilities, the exact configuration and location of building footprints, and other similar features as shown on the SUP Plan, provided they meet the intent of these Conditions and are approved by the Director of Community Development or the Zoning Administrator.
- 2. Use Parameters:** The Special Use Permit shall apply to the entire +/- 29.05 acre property. The property may be constructed with not more than 320 apartments, 32 townhomes, and 34 two over twos. The Zoning Ordinance 9-25 requires that residential uses shall not exceed 1 dwelling unit per 500 gross square feet of non-residential floor space within the mixed use development unless approved by Town Council through a Special Use Permit.
- 3. Phasing:** The Applicant has the flexibility to develop Blocks 1-3 in any order. Mixed Use development approval includes the provision for construction of public amenities. To ensure that site improvements are completed in a timely manner along with the residential buildings, Applicant agrees that the Town of Warrenton will withhold Certificates of Occupancy (COs) in accordance with the following schedule:

  - A. Block 1:** Prior to issuance of the 1st CO within Block 1, all required infrastructure improvements for Block 1 and the following amenities shall be constructed and open for public use:

    - Central Plaza
    - Dog Park and Picnic Area
    - West Plaza

- East Plaza
- Reconfiguration of commercial parking
- Preservation and reconditioning of Oak Spring (natural spring)
- Crosswalk across Oaks Springs Drive at Highland School entrance and Hastings Lane

B. Block 2: Prior to issuance of the 17th CO within Block 2, all required infrastructure improvements for Block 2 and the following amenities shall be constructed and open for public use:

- Central Plaza
- Reconfiguration of commercial parking
- Crosswalk across Oaks Springs Drive at Hastings Lane

C. Block 3: Prior to issuance of the 26th CO within Block 3, all required infrastructure improvements for Block 3 and the following amenities shall be constructed and open for public use:

- Central Plaza
- Reconfiguration of commercial parking
- Crosswalk across Oaks Springs Drive at Hastings Lane
- New sidewalk section on east side of Broadview Ave (behind Galaxy Strike Bowling Center building)

**4. Architecture:**

A. The final design of the buildings to be constructed shall generally conform to the elevations and materials included with the Special Use Permit application (hereinafter, the "Elevations"). The Elevations may be subject to minor modification approved by the Zoning Administrator in connection with Site Development Plan review. Additional changes to the design and materials may be made provided that any such changes are approved by the Zoning Administrator prior to the issuance of a building permit. Such approval shall be based on a determination that the changes result in equal to or better than the quality shown on the Building Elevations developed by Dynamik dated February 14, 2024 and/or May 30, 2024

B. The following materials are prohibited from use: vinyl siding, EIFS, corrugated metal siding, and plastic panels.

C. All residential buildings shall be designed and certified to a National Green Building Standard (NGBS), Level Bronze or higher. If NGBS is not available for this project, an equivalent certification from an alternative third-party green building rating system will be acceptable.

D. The structured parking garage in Block 1 shall include a nonreflective screening on the façade on its south facing side.

5. Waivers and Modifications:

- A. Article 2-6.1: The maximum density specified in the zoning ordinance for a given zoning district shall not be exceeded. The maximum density is 5 units per acre or 10 units per acre with inclusion of 10% affordable dwelling units.
- Waiver #1: Increase density to 386 units or 13.28 per acre.
- B. Article 3-4.10.4: Required front yard setback from ROW greater than 50' is 40' minimum, if no parking or loading is proposed.
- Waiver #2: Decrease minimum setback to 14' along Broadview Avenue.
- C. Article 3-4.10.4: Required side/rear yard setbacks is 5' minimum.
- Waiver #3: Decrease side/rear yard setbacks to 0'.
- D. Article 8-8.5: Minimum buffer width for commercial uses adjacent to residential uses is 25', plus 1' for each foot of building height over 35'. Minimum buffer width for rear boundaries of residential uses from public ROW is 25'.
- Waiver #4a: Decrease buffer width between commercial and residential uses to 0'.
  - Waiver #4b: Decrease rear buffer width for residential uses from public ROW to 14'.
- E. Article 2-20: Height limit for dwellings may be increased up to 45' and up to three stories provided that front, side and rear setbacks increase 1' for each additional foot of building height over 35'.
- Waiver #5: Increase height limit for dwellings as follows:
    - 54' max height for Block 1, Oak Springs Drive Frontage
    - 36' max height for Block 1, Broadview Avenue Frontage
    - 36' max height for Block 2
    - 45' max height for Block 3
- F. Article 3-4.4.5.3: No more than six townhouse units shall be grouped contiguously to each other.
- Waiver #6: Increase maximum grouping of townhouse units from six to seven
- G. Article 2-19: Fences and walls may be erected up to a height of six (6) feet in all zoning districts, except for fences or walls that extend within the required front setback.
- Waiver #7: Allow retaining walls in excess of six feet on Oak Springs Drive and Hastings Lane; and around refuse and dumpster enclosures as approved by the Zoning Administrator.
6. Signage: All signage shall comply with the applicable provisions of Article 6 of the Town of Warrenton Zoning Ordinance.
7. Site Maintenance and Refuse Collection: The Applicant shall maintain the site in a clean and orderly manner and shall arrange for the pickup of trash, litter, and debris. Any refuse storage areas shall be screened with a solid enclosure constructed of materials that are compatible with the buildings on the property. Private refuse collection will be provided by the Homeowners' Association and non-residential businesses. The Association documents shall ensure that pickup times for refuse

from both residential and the non-residential follow Town Code. Deliveries and refuse collection shall follow Town Code Section 11-19(9).

**8. Transportation:**

A. Access - Access to the site shall be provided as shown on the SUP Plan, subject to changes as may be approved at Site Development Plan review.

B. Loading/Unloading – All loading and unloading of vehicles shall take place on the Subject Property during regular hours of operation and outside of peak travel hours, to the greatest extent possible, in the Loading Area depicted on the Special Use Permit Plan.

C. Obstruction of Travel Ways – No vehicles associated with the use shall obstruct the travel ways, fire lanes, adjoining road network or encroach upon landscaped areas as shown on the Special Use Permit Plan. No vehicles shall be located within site entranceways or otherwise impede ingress, egress, and internal circulation.

D. Parking – The Subject Parcel shall meet all parking requirements as outlined in Article 7. Should it be desired to expand the use in any of the buildings located on the Subject Property, the new proposed use shall be required to apply for approvals that meet Zoning Ordinance and additional parking requirements.

E. Sidewalks - The Applicant shall install sidewalks as shown on the SUP Plan, through these Conditions of Approval, and required by the Town of Warrenton regulations. All sidewalks will be a minimum of five feet (5') in width. The Applicant will install a new section of sidewalk along the east side of Winchester Street, between Lee Highway and Broadview Avenue (behind the Galaxy Strike Bowling Center building) as part of Block 3 improvements.

F. Oak Springs Drive Crosswalk(s) – new crosswalks will be installed on Oak Springs Drive at Hasting Lane and at the entrance to Highland School as provided for in the Phasing condition. Inclusion of these crosswalks will be contingent upon and subject to Town of Warrenton at time of Site Development Plan approval.

**9. Water & Public Sewer Connection:** The Property shall connect to public water and public sewer. A pre and post closed-circuit TV inspection will be required with inspection prior to residential occupancy permits.

**10. Stormwater Management:** The site is to be planned and designed as a redeveloped site under the State's Runoff Reduction requirements for Stormwater Management (SWM) and in compliance with the Town of Warrenton's SWM Ordinance at time of construction.

**11. Affordable Dwelling Units:**

A. The Applicant shall provide the following minimum number of Affordable Dwelling Units (ADUs):

- 10% of total dwelling units within each of the three blocks (Block 1,

Block 2 and Block 3) will be reserved as 80% AMI ADUs;

- Ten (10) additional dwelling units in Block 1 will be reserved as 70% AMI ADUs;

- Five (5) additional dwelling units in Block 1 will be reserved as 60% AMI ADUs

B. The Applicant shall maintain the ADU program on all rental units for a period of twenty-five (25) years from the issuance of the Special Use Permit (the "Affordability Period").

C. Within Block 1, allocation of the ADUs between 1-, 2- and 3-bedroom units will be at the discretion of the Applicant, so long as the minimum number of units defined above are maintained as ADUs. Within Block 2 and Block 3, wherein all units are 3-bedrooms, all ADUs will be 3-bedrooms. The ADUs shall be identical to the market rate units in architectural design, fixture/appliance selections and unit size. ADUs will be distributed so that no more than three (3) are adjacent in Block 1 and none shall be adjacent in Blocks 2 and 3. The ADUs shall be architecturally identical to the market rate units. The size of these units shall be identical to the market rate units.

D. "Qualified Parties" and "Rent Limits" for ADUs, are defined as:

- For the purposes of qualifying for the lease of an affordable rental ADU a Qualified Party shall be an individual or a family whose gross annual household income does not exceed 60%, 70%, or 80% (dependent on the specific ADU) of the current Multifamily Tax Subsidy Program (MTSP) Income Limits for Fauquier County as published by the Virginia Housing (formerly known as VHDA), at the time the rental application is opened for such Qualified Party ("AMI"). If Virginia Housing has not published the Income Limits used under this Condition 11 for a period of more than 365 days, the Zoning Administrator shall notify the property owner at the record address given in the Fauquier County tax records of a new comparable Income Limits program to be used based on the available information about income in the Warrenton or Fauquier County housing markets.
- For the purposes of determining the Rent Limits for all ADUs, monthly rental rate limits shall be equal to those published by Virginia Housing for 0-, 1-, 2-, and 3-bedroom units and corresponding 60%, 70% and 80% AMIs, with no utility allowances.
- For the purposes of qualifying for the purchase of an ADU in Block 2 or Block 3, a Qualified Party shall be an individual or a family whose gross annual household income does not exceed 80% of the current Multifamily Tax Subsidy Program (MTSP) Income Limits for a 4-person household in Fauquier County as published by Virginia Housing, at the time the purchase contract is executed for such Qualified Party.
- For purposes of determining the purchase price of any for-sale ADU, that price will not exceed the amount at which the monthly mortgage payment for such unit exceeds the monthly rent limits for 3-bedroom units and 80% AMI income, as published by Virginia Housing. Qualifying Parties must provide a market rate loan commitment prior to closing in order to calculate the proposed mortgage payment.

E. ADU status shall be set forth in a deed of restrictive covenants recorded against the Property and shall continue to bind the minimum ADU requirement within each block to the Property for a period of twenty five years from the issuance of this Special Use Permit; provided, however, that for rental units, the Applicant may recalculate the rental

rates for new leases or renewals in accordance with the then current rates published by Virginia Housing.

F. The Applicant shall establish in a deed of restrictive covenants a program for the administration of this ADU program according to the requirements of these conditions.

G. The Applicant shall designate on the Construction Drawings submitted for building permit approval which units will be the initial ADUs; however, the units that are selected as the initial rental ADU units are not required to remain as the designated rental ADUs for the entirety of the Affordability Period. The Applicant will have the authority to re-designate the rental ADUs from time to time based on leases and vacancies. The Applicant will maintain a building plan set at the leasing office located in the Block 1 at all times that shows which units are currently designated as rental ADUs, a copy of which shall be made available to the Zoning Administrator upon request.

H. The documents creating the ADU program shall be reviewed and approved by the Town Attorney prior to their recordation in the Land Records.

I. ADUs will first be made available to the following persons with preference to the first three bulleted items below:

- Those residing or working in the Town of Warrenton or Fauquier County
- Town of Warrenton or Fauquier County teachers
- Town of Warrenton or Fauquier County first responders
- Veterans and enlisted members of the United States Armed Forces

J. The Applicant shall contact the appropriate local Social Service and/or Housing Authority offices for help to identify and place of local residents.

K. The community's Property Management Team shall make annual reports to the Zoning Administrator as to the number, type and location of units hereunder that shall have been rented as ADUs and shall verify that they have been rented to Qualified Parties.

L. Separate entrances for ADU apartment entrances are not permitted.

M. All ADU occupants shall have the same rights and privileges to amenities as market rate unit residents, except for as provided under the condo sale provision.

N. All ADUs shall meet the US Department of Housing and Urban Development Accessibility Requirements for Multifamily Buildings under the Fair Housing Act.

**12. Site Surface:** All outdoor areas used for open spaces, amenities, facilities, parking, storage, loading, display and driveways shall be constructed and maintained in good repair, free of cracks or damage to the surface.

**13. Electric Vehicle Charging Stations:** a minimum of 2% of the total spaces

included within the Block 1 parking garage will include electric charging stations for tenant use. EV stations shall be reserved for electric vehicles only and enforcement will be monitored by the Property Management team.

**14. Landscaping:** All Zoning Ordinance requirements must be met for landscaping, except as provided for in approved waivers and/or modifications. The Owner shall be responsible for the maintenance and replacement of all plantings on site. Any diseased or dead landscaping shall be replaced within one season of dormancy.

**15. Emergency Services:**

A. All future Site Development Plans shall illustrate adequate access to the site for Emergency Service vehicles, subject to approval by the Community Development Director or Zoning Administrator. Nothing shall be placed or constructed on the site that would prohibit or restrict Emergency Service vehicles from mounting curbs or accessing structures. There shall be no parking of any vehicles in the travel ways. Mountable curbs will be required at new and/or modified entrances.

B. Fire hydrants shall be installed in locations acceptable to the Town of Warrenton.

C. Buildings shall have supra boxes installed on them with a fire alarm panel inside the front and rear entrances of the structures.

**16. Lighting:**

A. All outdoor lighting shall be in conformance with the Zoning Ordinance.

B. The Applicant shall prepare and submit a photometric plan in connection with Site Development Plan review.

C. All site lighting, to include both new fixtures within the new development areas as well as any non-residential area that is modified as a part of site development, must consist of fully-shielded, full cut-off fixtures to meet the requirements of Article 9, Section 9-8.

D. Color temperature of exterior light fixtures will be 3,000 degrees kelvin or lower.

E. Average horizontal illumination level of exterior light fixtures will be 3.0 footcandles or less.

**17. Open Space:** each residential block/parcel and the residual retail parcel will individually meet the 10% usable open space requirement. The Applicant will construct and maintain all open spaces in general conformance with the improvements noted and shown in SUP "Open Space Plan." Benches, bicycle racks, and other amenities shall be provided as shown on the SUP "Open Space Plan."

**18. Modified Alley:** The Applicant will build and maintain the Modified Alley in general conformance with the improvements shown in this area on the Plan.

**19. Three Bedroom Unit Maximum:** A maximum of 10% of the units located in Block 1 will be 3-bedroom units.

**20. Condo Sale of Block 2 and Block 3:** Applicant will maintain the ability to sell the entirety of Block 2 (Multi-Family Townhomes) and/or the entirety of Block 3 (Multi-Family 2-Over-2 and Townhomes) as Condos. The Applicant agrees to sell all or none of the units within Block 2 or Block 3, so as to prohibit a mix of for rent and for sale units in the same block.

All conditions of the SUP will continue to be enforced in a block sale scenario through the Declarations of Restrictive Covenants that the Applicant will record and encumber the Block 2 and/or Block 3 parcels.

In a block sale scenario, Homeowner Associations will be established to maintain all conditions of the SUP and will own the block parcel, while individual condo owners will own the condo dwelling units.

In a sale scenario, residents/owners of the condos will not be tenants of the apartment community and will not have access to the rental amenities located within Block 1. In a block sale scenario, 10% of the units within the sold block will be required to be sold as ADUs, in accordance with the language outlined in Affordable Dwelling Units of this Conditions of Approval.

**21. Block 1 Amenities:** All amenities located within Block 1 will be available for use by tenants of residential rental units owned by the Owner in all three blocks (Block 1, 2 and 3). If residential units within Block 2 and/or Block 3 are sold by the Owner in a condo sale, the fee simple owners of the residential condos will not have access to the Block 1 amenities contained within the apartment complex. All public amenities shall continue to be open to Block 2 and 3 residents.

**22. Parking Garage:** The Applicant will install a traffic control device upon completion of the construction of the garage restricting non-emergency egress from the northwest entrance of the multifamily garage, with operations not to exceed 140 minutes daily in the aggregate during peak pick up and drop off times at Highland School per weekday.

**23. Play Area:** The Applicant will install a small play area per the timing of 3.A listed above under Phasing in the general area shown on Special Use Permit Plans – Open Space Plan Sheet 6 labeled Dog Park, the cost of which shall not exceed \$55,000 in 2024 dollars adjusted for inflation using the CPI-U, including hard and soft costs, consisting of a seating area and play equipment. The HOA will be responsible for maintaining the play area, seating, and equipment.

August 13, 2024  
Town Council  
Regular Meeting  
RES-24-08-02

**RESOLUTION TO APPROVE BOND RELEASE REQUEST BOND-24-2 FOR WASHINGTON STREET  
DEVELOPMENT (FP 2020-0125)**

**WHEREAS**, Warrenton, VA (Hereinafter "the Town") is a municipal corporation located within the County of Fauquier; and

**WHEREAS**, a final plat for the Washington Street Development, case number FP 2020-0125, was approved subject to the provision of a Public Improvements Bond placed on June 17, 2021, in the amount of \$104,166.24; and

**WHEREAS**, an As-Built Plan was submitted and subsequently approved on June 20, 2023, to demonstrate conformity with the approved final plat and the ordinances and regulations of the Town of Warrenton as required by Section 10-9 of the Ordinance; and

**WHEREAS**, the Developer submitted a request on June 8, 2022 to reduce the Public Improvements Bond by 85%; and

**WHEREAS**, the Warrenton Town Council granted the request to reduce the Public Improvements bond by 85% on August 8, 2023; and

**WHEREAS**, the Developer submitted a request on July 24, 2024 to release remaining the Public Improvements bond in the amount of \$15,624.94; and

**WHEREAS**, the Warrenton Town Council may grant period partial releases of any bond, escrow, letter of credit or other performance guarantee required for the completion of improvements which are to be bonded as provided in Section 10-8.5 of the Town of Warrenton Zoning Ordinance; and

**NOW THEREFORE BE IT RESOLVED**, by the Warrenton Town Council that the Public Improvements Bond in the amount of \$15,624.94 is hereby released.

**Votes:**

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. Eric Gagnon; Mr. Paul Mooney; Mr. David McGuire

**Nays:**

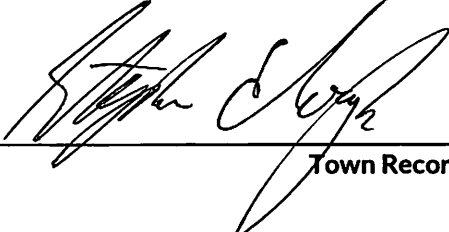
**Absent from Vote:**

**Absent from Meeting:**

**For Information:**

Community Development Director,  
Town Attorney

**ATTEST:**

  
\_\_\_\_\_  
Town Recorder

August 13, 2024  
Town Council  
Regular Meeting  
RES-24-08-03

**A RESOLUTION TO AMEND THE FISCAL YEAR 2025 ADOPTED BUDGET BY \$15,000 FOR OUTSIDE  
LEGAL COUNSEL TO THE BOARD OF ZONING APPEALS**

**WHEREAS**, the Warrenton Town Council is charged by the Code of Virginia with the preparation of an annual budget for the Town of Warrenton; and

**WHEREAS**, on June 11, 2024, the Town Council adopted the Town of Warrenton Fiscal Year 2025 Budget; and

**WHEREAS**, the Warrenton Board of Zoning Appeals has requested funding to engage outside legal counsel regarding recent applications to the Board and court filings listing the Board; and

**WHEREAS**, the Town Attorney shall review the legal counsel selected by the Board; and

**WHEREAS**, upon approval by the Town Attorney, the Town Manager will enter into an agreement with the selected legal counsel on behalf of the Town of Warrenton and notify the Chairman of the Board of Zoning Appeals that they may proceed to obtain the requested legal advice; and

**NOW, THEREFORE, BE IT RESOLVED**, that this 13<sup>th</sup> day of August 2024 the Warrenton Town Council hereby amends the Fiscal Year 2025 Adopted Budget to appropriate \$15,000 from the General Fund Balance for the Board of Zoning Appeals legal services.

**Votes:**

**Ayes:** Ms. Heather Sutphin; Mr. William Semple; Mr. James Hartman, Vice Mayor; Mr. Eric Gagnon; Mr. Paul Mooney; Mr. David McGuire

**Nays:** Mr. Brett Hamby

**Absent from Meeting:**

**For Information:**  
Budget Manager

**ATTEST:** \_\_\_\_\_  
Town Recorder



**Stephen Clough**  
TOWN CLERK  
T (540) 347-1101  
sclough@warrentonva.gov

**TOWN COUNCIL**  
H.E. Carter Nevill, Mayor  
Paul W. Mooney  
David A. McGuire  
Heather D. Sutphin  
William T. Semple II  
Brett A. Hamby  
James N. Hartman III, Vice Mayor  
Eric F. Gagnon

**Attestation to Motion of Legal Action: Direction of Council**

I Stephen Clough, Town Clerk and Town Recorder of the Town of Warrenton, Virginia, hereby attest the following motion was made by Vice mayor James Hartman, at the August 13<sup>th</sup>, 2024, Regular Town Council Meeting of the Town of Warrenton, Virginia. Seconded by Councilwoman Heather Sutphin.

*I move to authorize the Town Attorney to file an appeal to the Virginal Supreme Court in Citizens for Fauquier County v. the Town regarding exemptions under the Virginia Freedom of Information Act.*

**Votes on the Motion:**

**Ayes:** Ms. Heather Sutphin; Mr. Brett Hamby; Mr. James Hartman, Vice Mayor; Mr. David McGuire.

**Nays:** Mr. William Semple; Mr. Eric Gagnon; Mr. Paul Mooney.

**For Information:**

Town Attorney, Town Manager, FOIA Officer, Town Clerk

Stephen Clough, Town Clerk, Town Recorder

Town of Warrenton, Virginia.



The Town of Warrenton  
P.O. Box 341  
Warrenton, VA 20188  
P (540) 347-1101  
F (540) 349-2414

## **August 13th 2024, Regular Town Council Meeting Minutes**

**Attachment 2: Citizen Comment Emails and form  
submissions.**