



Office of the Town Manager

Christopher E. Martino

STAFF REPORT

Warrenton Town Council

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Council Meeting Date:	December 13, 2022
Agenda Title:	Post Zoning Master Development Plan for Walker Drive Rezoning (CONC-22-1)
Requested Action:	Determine if the proposed plan is consistent with applicable proffers, ordinances, and regulations
Department / Agency Lead:	Community Development
Staff Lead:	Rob Walton

EXECUTIVE SUMMARY

Mr. Michael Forsten, the property owner for the subject lot, has submitted a Post Zoning Master Development Plan (PZMDP) for consideration in accordance with proffer number 36 of the Walker Drive Rezoning (ZMA 16-01). This proffer establishes a Post Zoning Master Development Process to ensure the Property is developed in conformance with the Walker Drive Rezoning proffers and Town regulations. The PZMDP process is laid out in proffer numbers 36-39 and provided below.

The proffers state that the PZMDP is to be provided to Town Council for its consideration and its non-binding determination that a proposed PZMDP is consistent with applicable proffers, ordinances, and regulations. Town Council may review and provide Mr. Forsten any comments or recommendations as it may, at its discretion, elect to provide.

Also included with the proposed PZMDP is a wetlands delineation report, as required per proffer number 16, and proposed structure elevations.

BACKGROUND

Town Council approved the Walker Drive Rezoning on July 11, 2017. The rezoning includes several land bays, with general uses within each land bay. The PZMDP plan provided at this time is for Land Bay E, located on the corner of Walker Drive and Academy Hill Road. Land Bay E includes 20,000 square feet of office uses and 39 multi-family residential units (the rezoning allows up to 40 units within this land bay). The applicant had a pre-submission meeting with staff, per proffer number 37, on August 25, 2022. The PZMDP includes all the elements required by the director as noted under proffer number 38.

The PZMDP has been reviewed by Public Works and Utilities, Planning, Town Attorney, Fire Department, Police, and Zoning. All outstanding comments are attached and will need to be addressed before receiving site plan approval. The majority of the outstanding Zoning comments are associated with landscaping. Public Works and Utilities comments are advisory items that will need to be addressed at time of site plan submission. The Police Department has also provided some comments regarding transportation, lighting, and landscaping.

For reference below are the proffers associated with the PZMDP for the Walker Drive Rezoning:

ZMA 16-01 Proffers: Establishment of a Post Zoning Master Development Plan Process

36. Requirement for a Post Zoning Master Development Plan

- a. Prior to the approval of any site plan for the Property, the Applicant shall submit to the Planning Director a Post Zoning Master Development Plan ("PZMDP") to assure the orderly development of the Property. The PZMDP is intended to ensure that development occurs in a manner that comports with the approved zoning and these proffers, and that sets forth sufficient additional detail of any proposed development to demonstrate conformance with applicable ordinances or regulations, both in individual Land Bays and throughout the project as approved to permit. A PZMDP is not intended to replace a site plan with its attendant construction details submitted pursuant to applicable Town ordinances and standards, which shall remain in full force and effect.
- b. The PZMDP process set out herein is not mandatory upon the Town or Council, and no legal obligation is established for the Town's courtesy review of such a plan. No proffer may create obligations on the locality to which submitted, and this process is established solely to permit detailed review of specific development proposals against applicable requirements prior to site plan submittals.
- c. A PZMDP shall be submitted to the Planning Director for review, and shall thereafter be presented to the Council for its consideration and its non-binding determination that a proposed PZMDP is consistent with applicable proffers, ordinances, and regulations.
- d. Each PZMDP submission except for a submission for Land Bay E, shall include the entirety of the Property regardless whether development is proposed to commence on all or a portion of the Property, in order to permit the Planning Director to assess overall compliance with applicable requirements and consistency with the approved zoning, provided that detailed development information must be submitted for any Land Bay that is the Land Bay in which development is to be commenced. Land Bay E is sufficiently distinct from the remaining Land Bays that it may be submitted separately, provided that tabulations for other Land Bays shall include the data for Land Bay E to permit determination of zoning compliance.
- e. The Applicant may submit one or more PZMDPs during the course of site development. Subsequent submittals, if any, shall show cumulative data demonstrating continuing compliance with the requirements of the Zoning Ordinance and these proffers as further provided herein.

37. Pre-Application Conference

- a. Prior to submission of a PZMDP for review, the Applicant shall schedule a pre-application conference with the Planning Director and such other staff as the Planning Director deems appropriate. The purpose of the conference is to review and discuss a specific development proposal in relation to the requirements of the Town Code, the zoning of the Property, and other lawfully applicable requirements, and to discuss the requirements for the submission of a PZMDP.
- b. If requested by the Planning Director, the Applicant shall provide a draft land use plan in advance of the pre-application conference describing generally:
 - i. The specific location of the site.
 - ii. The location of proposed points of access.

- iii. The general location and types of uses, environmental features on the site, open space and other features associated with the approved rezoning of the Property but with such further detail as to permit an understanding and evaluation of actual construction of permitted structures and uses.

38. Submission and contents of PZMDPs

- a. Following the pre-application conference, the Applicant may submit a PZMDP. The following shall be required for a PZMDP and shall be shown clearly on the plan.
 - i. The scale shall be one inch equals 100 feet or larger (the ratio of feet to inches shall be no more than 100 feet to one inch) or at a scale acceptable to the Planning Director. The scale shall be sufficient so that all features are discernible.
 - ii. All PZMDPs shall include a North arrow, a scale and a legend describing all symbols.
 - iii. The PZMDP shall be based on a boundary survey of the entire Property related to true meridian and certified by a certified Virginia surveyor, architect or engineer. The total area of the Property shall be depicted on the PZMDP.
 - iv. The topography shall be shown at contour intervals acceptable to the Planning Director.
 - v. The title of the proposed project; the date, month, year the plan was prepared or revised; the name of the Applicant (s), owner(s) and contract owner(s); and the names of the individuals or firms preparing the plan shall be clearly specified.
 - vi. A plan, showing the location, arrangement and approximate boundaries of all proposed land uses on all or a portion of the Property sufficient to permit a reasonable determination that the requirements of the Land Bay Tabulations chart on the Land Bay Plan are met, and that parking and loading requirements can be satisfied with site or subdivision plans upon full buildout of the Property. The Zoning Administrator may reduce parking requirements by up to 20% if enhanced landscaping is used, to include higher quality plantings, trees of larger caliper, and increased planting units.
 - vii. Elevations of all proposed structures demonstrating their conformity with the Design Guidelines for such structures and any other applicable provisions of the zoning or these Proffers.
 - viii. The approximate acreage in common open space, each use, if applicable, roads, streets or rights-of-way for the subject property and total development, as applicable.
 - ix. The location and extent of proposed buffers and landscaping areas, with statements, profiles, cross sections or examples clearly specifying the screening and types of plantings to be provided.

- x. The location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels within the proposed development.
- xi. The location and arrangement of street entrances, driveways and parking areas.
- xii. A conceptual plan with preliminary computations for stormwater management with the location of stormwater facilities depicted.
- xiii. A history of all land divisions that have occurred in relation to the tract since the adoption of this requirement.
- xiv. The location of sewer and water mains with graphic depictions of the connection with and availability of existing facilities that are proposed to be made.
- xv. A wetlands delineation with the first PZMDP.
- xvi. A comprehensive sign program.
- xvii. Tabulations of parking, open space, gross square footage of structures and identification of uses and use categories, numbers of residential units, specification of transportation improvements as to be constructed in accordance with these Proffers and the Transportation Plan, stormwater management calculations, and other project elements necessary to demonstrate compliance with the requirements of these Proffers and applicable provisions of Town ordinances.
- xviii. A traffic control warrant study if requested by the Planning Director.
 - i. Other information that the Applicant believes demonstrate conformance of a proposed elements of the development with applicable requirements or as are required by the Planning Director.

39. Post Zoning Master Development Plan Submission.

- a. The Applicant shall submit the number of copies of the PZMDP as directed by the Planning Director.
- b. The Planning Director may circulate the PZMDP for review and comment by such staff or agencies deemed appropriate, with reasonable notice that the purpose of the PZMDP is to permit a preliminary determination as to compliance of specific development proposals with the approved rezoning and applicable ordinances and regulations, prior to the submission of site and subdivision plans, if any.
- c. The Planning Director may request, and the Applicant shall provide at its expense, updated traffic counts to be submitted if it is determined by the Planning Director that there have been substantial changes in conditions affecting traffic and transportation.

- d. When the Planning Director is satisfied that the PZMDP conforms to applicable requirements, the PZMDP will be transmitted to the Council, which shall review the PZMDP and provide the Applicant such comment or recommendations as it may, in its discretion, elect to provide.
- e. Site plans and final subdivision plats may be submitted concurrently with a PZMDP for review according to the procedures set forth in Town ordinances applicable thereto.

STAFF RECOMMENDATION

Staff recommends Town Council find, in a non-binding determination, that the PZMDP plan is consistent with applicable proffers, ordinances, and regulations, subject to any outstanding staff comments, and with the recommendation that the Applicant ensures all proffers, ordinances, and regulations are met before receiving site plan approval.

Service Level / Policy Impact

Approval of the plan offers economic and fiscal resilience and housing units as approved with ZMA 2016-01 Walker Drive.

Fiscal Impact

The proposal includes 20,000 square feet of non-residential floor space and thirty-nine (39) apartment units. Plan Warrenton 2040 includes policy and strategy goals related to Economic and Fiscal Resilience. This proposed development relates to these goals by: helping to grow a strong, diversified, and resilient economy that supports residents and businesses alike, increase the employment base to allow residents to live and work in Warrenton, and being proactive in the Town's economic development.

Legal Impact

The Post Zoning Master Development Plan (PZMDP) process is in accordance with the approved proffers associated with ZMA 2016-01 Walker Drive. The proffered PZMDP submission is designed to assure the orderly development of the property and is intended to ensure that development occurs in a manner that comports with the approved zoning and the proffers. The PZMDP does not replace a site plan which will be required subsequently to this application. Proffer 36(c) states, "a PZMDP shall be submitted to the Planning Director for review, and shall thereafter be presented to Council for its consideration and its non-binding determination that a proposed PZMDP is consistent with applicable proffers, ordinances, and regulations".

ATTACHMENTS

1. Walker Drive Properties Land Bay E - PZMDP
2. Walker Drive Properties Land Bay E – Architectural Elevations and Renderings
3. Walker Drive Properties – Wetlands Delineation Report
4. Signed Proffers ZMA 16-01
5. Staff 1st Submission Comments