

SPECIAL USE PERMIT CONDITIONS
Applicant: BROADVIEW HOLDINGS, LLC
Owners: FOG HOLDINGS, LLC and BROADVIEW HOLDINGS, LLC
SUP 22-1, Warrenton Junction
PINs 6984-18-3915, 6984-18-2709, 6984-18-2905, 6984-18-6837, 6984-18-5649,
6984-18-3854 (the “Property”)
Special Use Permit Area: ± 4.811 acres
Zoning: Commercial (C)
Date: August 10, 2022

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).

The Applicant shall file a site plan within one (1) year of approval of this Special Use Permit by the Town Council, and shall have up to five (5) years from the date of final site plan approval to commence the proposed use. Issuance of an occupancy permit constitutes commencement of the use.

1. General: This Special Use Permit is issued covering the entire Property pursuant to the provisions of § 9-25 of the Town of Warrenton Zoning Ordinance, authorizing a Mixed-Use Development Option in the C District to which the Property has been rezoned by action contemporaneous with the issuance of this Special Use Permit.
2. Site Development: The residential portions of the Property shall be developed in substantial conformance with the Special Use Permit Plan entitled, “Special Use Permit Plan for Waterloo Junction,” prepared by Bohler Engineering, dated March 22, 2022 and revised July 19, 2022, consisting of eight (8) sheets (the “SUP Plan”). 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.

3. Use Parameters: The Applicant may construct not more than 47 single-family attached front and rear-loaded townhouses 16 feet in width, and may renovate the 6 existing multifamily apartments in the existing restaurant on the Property. Those multifamily units shall be renovated prior to the issuance of Certificates of Occupancy for any unit, within 12 months after the issuance of this Special Use Permit.
4. Architecture: The single-family townhouses will be constructed to a height not greater than 45 feet, and in general conformance with the elevations that are found at Pages 6 and 7 of the SUP Plan.
5. Signage: All signage shall comply with the applicable provisions of Article 6 of the Town of Warrenton Zoning Ordinance.
6. 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 on a daily basis with particular emphasis on the restaurant. Private refuse collection will be provided by the Homeowners' Association, and residential units will employ curbside pickup. The Association documents shall ensure that pickup times for refuse from both homes and the restaurant are set after 8 a.m. and before 10:30 p.m.
7. Access: Access to the site shall be provided as shown on the SUP Plan. Internal streets shall be 22 feet in width. No parking signs shall be placed on both side streets. Mountable curbs shall be built on the entrances and exits, and on all internal streets. The applicant shall construct a right out only from the Property on to Bear Wallow Road.
8. Water & Public Sewer Connection: The Property shall connect to public water and public sewer.
9. Affordable Dwelling Units:
 - a. The Applicant shall construct or set aside 6 units as Affordable Dwelling Units (ADUs).
 - b. One such dwelling shall be one of the for-rent units in the renovated multifamily units in the existing restaurant. Five of the units will be for-sale townhomes, and will be distributed among the townhomes so as to preclude the clustering of such ADUs. The ADUs shall be

architecturally similar to the market rate units. The size of these units shall be similar to the market rate units.

- c. "Qualified Parties" who will be eligible to either rent or purchase one of the ADUs, are defined as follows:
 - i. For the purpose of qualifying for the lease of the affordable rental ADU a Qualified Party shall be an individual or a family (x) whose gross annual family income does not exceed 80% of the current Fauquier County Area Median Family Income ("AMI") at the time application is opened for such Qualified Parties, as the AMI is published by the United States Department of Housing and Urban Development or other approved source of such information such as the United States Census Bureau, and (y) for whom the monthly rental of such unit does not exceed 30% of the Qualified Party's gross monthly family income.
 - ii. For the purpose of qualifying for the purchase of an affordable townhome ADU a Qualified Party shall be an individual or a family (x) whose gross annual family income does not exceed 80% of the current Fauquier County AMI at the time application is opened for such Qualified Parties, as the AMI is published by the United States Department of Housing and Urban Development or other approved source of such information such as the United States Census Bureau, and (y) for whom the monthly mortgage payment for such unit does not exceed 30% of the Qualified Party's gross annual family income.
- d. The ADU status of the aforesaid six units shall be set forth in the HOA/POA Documents, and shall continue to bind such units for a period of 30 years from the issuance of this Special Use Permit; provided, however, that in the case of a renter the Landlord may recalculate the rental rate based on factors (x) and (y) above, and the owner/seller of a unit may similarly recalculate the sale price of an ADU townhome according to the same formula.
- e. The Applicant shall establish, or its successor or assign as Declarant, through the HOA/POA Documents, a program

for the administration of this ADU program according to the requirements of these conditions. The Applicant (or the Owners Association with respect to the rental unit if the Applicant is no longer the Declarant under the Association Documents) shall make each ADU available for rent or sale for a period of not less than 180 days following the issuance of a certificate of occupancy for each such unit. To assist this process, the Applicant shall designate which units are to be treated as ADUs at the time of site or development plan or subdivision plan approval, whichever is applicable and comes last.

- f. The documents creating the ADU program shall be reviewed and approved by the Town Attorney prior to their recordation in the Land Records.
- g. The Applicant may elect to advertise the availability of such ADUs to the Town of Warrenton first responders and Fauquier County teachers, consistently with any limitations imposed thereon by the federal or Virginia Fair Housing Acts.
- h. The HOA/POA and shall make biennial reports to the Zoning Administrator as to the number of units hereunder that shall have been rented and sold and shall verify that they have been rented or sold to Qualified Parties.

10. Waivers and modifications:

- a. The 5 acre minimum requirement for development of a Mixed-Use Develop Option is hereby waived.
- b. Increase in residential density.
- c. Reduction in front yard setback for future retail.
- d. All townhomes fronting Bear Wallow Road will be front loaded townhouses.
- e. Notwithstanding any provision of the Town of Warrenton Zoning Ordinance to the contrary, the townhouse lot development standards for the Property shall be as set out on page 5 of the RZP, pursuant to § 9-25.1, Subsection J of the Zoning Ordinance.

- f. A waiver is hereby granted to Article 8-8.5 of the Town Zoning Ordinance for the landscape buffer requirements between single-family homes located on Norfolk Drive and the proposed townhouses, and between the townhouses and commercial buildings, in order to advance the design purposes of the PUD.