

PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE

Rezoning: ZMA 2023-01 Warrenton United Methodist Church / Hero's Bridge

Record Owner: Trustees of the Warrenton United Methodist Church

Property: PINs 6984-16-5101 (portion), 6984-16-7013, 6984-15-1823 and 6984-15-1930, approximately 9.8640 acres (hereinafter the "Property")

Zoning: R-10 (Residential) and RO (Residential Office) to R-PUD (Residential Planned Unit Development)

Project Name: Warrenton United Methodist Church / Hero's Bridge

Date: ~~August 28~~ September 20, 2024

Preliminary Matters:

Pursuant to Va. Code Ann. §§ 15.2-2296, 15.2-2297, 15.2-2298, 15.2-2303 or 15.2-2303.1, and § 11.3.9.17 of the Town of Warrenton Zoning Ordinance, the undersigned hereby voluntarily proffers that the development and use of the Property shall be in substantial conformance with the following conditions unless an amendment thereto is approved by the Town Council, upon proper application. In the event this rezoning is granted as applied for by the Applicant, then these Proffers shall supersede and replace in their entirety all other Proffers made prior hereto with respect to the Property. In the event this rezoning is not granted as applied for by the Applicant, then these Proffers shall be deemed withdrawn and shall be null and void, and any existing Proffers will remain in full force and effect.

The headings of the Proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the Proffers. Any improvements proffered herein below shall be provided at the time of development of the portion of the site served by the improvement, unless otherwise specified. The terms "Applicant" and "Developer" shall include all future owners and successors in interest. These Proffers shall apply to the entirety of the Property and the development referenced in these Proffers is the "Project."

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For purposes of this Proffer Statement, the "General Development Plan" or "GDP" shall be ~~sheets 3,4,5 and 6 of~~ the plan entitled "Warrenton United Methodist Church / Hero's Bridge Zoning Map Amendment," prepared by Rinker Design Associates, PC, dated ~~April 26~~September 19, 2024, and consisting of two sheets.

DEVELOPMENT AND USE

1. Development: The Property, comprised of approximately 9.8640 acres, shall be developed as a Residential Planned Unit Development (R-PUD), notwithstanding any requirement for a larger parcel size for rezoning to that zoning, in substantial conformance with the GDP and these proffers. Upon submission of final ~~site development plans~~Site Development Plans, 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 GDP, provided they meet the intent of these Proffers and are approved by the Director of Community Development.
2. Land Use Mix: Notwithstanding the provisions of §§ 3-5.2.4.1 and 3-5.4.2.2 of the Zoning Ordinance, the land use mix on the Property shall consist of the following, as depicted on the GDP:
 - a. Residential:
 - i. The maximum number of ~~duplex-residential~~ units shall be forty-four (44), which shall be in twenty-two (22) two-family residential ~~dwelling~~ units (forty-four (44) ~~dwelling-residential~~ units total) and available for rent only. The Applicant shall not be required to subdivide these ~~duplex-residential~~ units and said ~~duplex-residential~~ units will be provided as depicted on the GDP. For the purposes of these proffers each building shall contain two ~~dwelling-residential~~ units and not more than one (1) person may occupy each dwelling unit.
 - ii. Each individual residential unit shall have one bedroom and all units shall be ADA accessible.
 - iii. The Property may be developed with one unit type.

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- iv. The Applicant shall, pursuant to the provisions of the federal the federal Fair Housing Act, including the Housing for Older Persons Act, 42 U.S.C. § 3601, et seq., and the Virginia Fair Housing Law, Va. Code Ann. § 36-96.1 et seq., rent homes on the Property only to ~~veterans~~ persons 65 years of age and older, in accordance with its mission as set out in the Statement of Justification submitted with this rezoning.
 - v. All prospective tenants shall be screened for any record of having been convicted of a "barrier crime" as defined in Va. Code Ann. ~~§19.2-392.02~~ § 19.2-392.02. No person who has been convicted of such a crime~~-, nor any person currently addicted to, or using, a controlled substance,~~ shall be accepted as a tenant.
- b. Small Office / Community Center: A Small Office / Community Center will be constructed ~~during Phase I of the project~~ in the location shown on the GDP. The Small Office / Community Center shall include, but shall not be limited to, a movie viewing area, a senior technology library, an arts and crafts area, a music area, an area for pet therapy for residents, and a fitness room. The Small Office / Community Center shall be shown on the Site Development Plan for the twenty-two (22) two-family residential dwelling units.
- ~~c. Multipurpose Recreational Center: A Multipurpose Recreational Center may be constructed during Phase II of the project in the location shown on the GDP. The Multipurpose Recreational Center shall not exceed nineteen thousand (19,000) square feet and may include, but shall not be limited to, multi-purpose gym/event space, meeting areas, a kitchen, educational space, an indoor walking track, and multi-purpose office space.~~
- d. d.Existing Uses and Structures: The existing uses and structures (including, but not limited to, the church and associated houses) on the Property may remain.
3. Height: No new structure on the Property shall exceed 35 feet in height.
- ~~4. Phasing: Development of the Property may be phased as generally depicted on the GDP. The Applicant may construct Phase I initially and thereafter~~

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~~construct Phase II improvements at any time, provided that parking, landscaping and stormwater management improvements are provided at the time each phase is constructed.~~

5. ~~5.~~ Affordable Dwelling Units:

- a. The homes constructed on the Property shall be deemed Affordable Dwelling Units pursuant to the provisions of § 9-3 of the Zoning Ordinance for not less than the period of time set forth in that Section.
- b. ~~a.~~ The Applicant shall record a restrictive covenant or other form of legal and binding agreement approved by the Town Attorney and Town Council to ensure that the homes are so maintained, under such approved terms and conditions as may be mutually agreed.
- c. ~~b.~~ Because of the nature and purpose of the Applicant's housing program, it shall not be required to make the homes available first to persons residing or working in the Town of Warrenton or Fauquier County but shall be permitted to rent to persons qualifying under its rules and regulations developed for that purpose.

COMMUNITY DESIGN

6. ~~6.~~ Architecture:

- a. Housing Units: The level of quality of the housing units shall be in general conformance with the elevation entitled "Warrenton UMC Proposed Housing Elevation," prepared by Design Concepts Architecture + Interiors, and dated March 16, 2023 (hereinafter, the "Housing Elevations"), provided that minor modifications may be made in connection with final design.
- b. Small Office / Community Center: The level of quality of the Small Office / Community Center shall be compatible with the Housing Elevations.
- ~~c. Multipurpose Recreational Center: The level of quality of the Multipurpose Recreational Center shall be in general conformance with the elevations entitled "Warrenton UMC Multi-Purpose Building," prepared by Design Concepts Architecture + Interiors,~~

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~~dated November 18, 2022 and consisting of two sheets, provided that minor modifications may be made in connection with final design.~~

7. ~~7.~~ Landscaping: Landscaping of the Property shall be provided in ~~general~~ substantial conformance with the GDP. All new landscaping/plantings shall be non-invasive, indigenous species, native to Virginia. All landscaping shall be maintained by the Owner/Applicant.
8. ~~8.~~ Outdoor Amenities: Outdoor amenities ~~constructed with Phase I,~~ shall include, but shall not be limited to, walking trails, senior appropriate fitness trail signage, a gazebo, and an existing flagstone garden.
9. ~~9.~~ Lighting: All outdoor lighting shall be designed so as to avoid light spillover onto adjacent properties.

TRANSPORTATION

10. ~~10.~~ Phase I Pedestrian Improvements: ~~In connection with Phase I the~~ The Applicant shall install all of the internal pedestrian improvements that are depicted on the GDP at the time of construction.
- ~~11. Phase II Pedestrian Improvements: In Phase II the Applicant shall construct pedestrian improvements within existing right of way along Church Street from the western most access along Church Street to Sullivan Street, as generally depicted on the GDP. The final design and location of the sidewalk and road improvements shall be determined in connection with site plan review for Phase II.~~
12. ~~12.~~ Bike Rack: The Applicant shall provide a bike rack ~~in connection with Phase I~~ at the time of construction, the location of which shall be depicted on the Site Development Plan.
13. ~~13.~~ Shuttle Bus Service: The Applicant shall provide routine shuttle bus or similar service on-site, with a dedicated on-site parking and loading location, to provide resident transportation for off-premises purposes such as shopping, appointments, and other similar activities. The Applicant may coordinate with Virginia Regional Transit or similar agency to utilize the Circuit Rider or similar service near the Property to satisfy or supplement this proffer.

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MISCELLANEOUS PROFFERS

14. Maintenance and operations. That portion of the Property that is controlled and used by the Church shall be maintained by the Church, and that portion that is controlled by the Applicant shall be maintained by the Applicant in good, clean, and habitable condition.

15. Continuing maintenance and operations in certain circumstances.

a. Recognizing that any successor to the ownership and/or operation of the Project is bound by these Proffers and covenants, in the event that the Applicant elects or is compelled to cease operation of the Project at any time, it shall provide written notice thereof to the Senior Pastor of Warrenton United Methodist Church, or other Owner, and the Director of Planning, not less than six (6) months prior thereto, identifying the said successor.

b. If there is no identifiable successor owner/operator of the Project, the Applicant shall make arrangements with, and suitable to, the Warrenton United Methodist Church or other Owner and the Director of Community Development for the continued maintenance of the said homes in a good, clean, and habitable condition, for so long as those structures remain on the Property. Nothing contained in these Proffers shall preclude the Warrenton United Methodist Church or other Owner from being a successor owner/operator of the Project, should it so elect.

[Signatures on following pages]