



Community Development
Department

STAFF REPORT COVER MEMO

Commission Meeting Date:	November 12, 2024
Agenda Title:	ZMA 2023-01 Warrenton United Methodist Church/Hero's Bridge
Requested Action:	Hold a Work Session
Staff Lead:	Denise M. Harris, Planning Manager
Decision Deadline:	December 20, 2024 Unless Applicant Defers

EXECUTIVE SUMMARY

The Owner, Trustees of Warrenton United Methodist Church, and the Applicants, Warrenton United Methodist Church and Hero's Bridge, seek a Zoning Map Amendment of approximately 9.864 acres from R-10 (Residential) and RO (Residential Office) to R-PUD (Residential Planned Unit Development) located on and adjacent to the existing church located at 341 Church Street. The proposal requests approval to develop 22-two-family residential dwelling units for a total of 44 units to provide affordable senior housing to ages 65 and older. The application includes a Small Office/Community Center to be constructed. The Applicant is requesting waivers and modifications. The Future Land Use Map designates the parcels as Medium Density Residential. The GPINS are 6984-16-5101 portion (approximately 5.22 acres of the approximately 6.31 acre parcel), 6984-16-7013, 6984-15-1823 and 6984-15-1930.

BACKGROUND

The application for ZMA 2023-01 was accepted for processing on December 21, 2023. Agency reviews took place over two rounds of resubmissions. On July 16, 2024, the Planning Commission held a Work Session during which the Applicant provided an overview of the proposal. The Planning Commission raised questions about Plan Warrenton 2040, water and sewer capacity, transportation, and draft proffers.

The Planning Commission held a second Work Session on August 27, 2024, at which the Town Attorney and Director of Public Utilities answered inquiries.

On September 3, 2024, the Applicant submitted updated executed proffers that were routed for agency reviews. The Attachment B Staff Analysis reviews the proffers, which include:

- Concept Plan entitled "Warrenton United Methodist Church / Hero's Bridge Zoning Map Amendment," prepared by Rinker Design Associates, PC, dated October 30, 2024, consisting of two sheets.

- Elevation entitled "Warrenton UMC Proposed Housing Elevation," prepared by Design Concepts Architecture + Interiors, and dated March 16, 2023.
- Fitness Trail/Stations Exhibit dated October 22, 2024.

The Applicants are proposing a type of development that is not encompassed in the Zoning Ordinance but is discussed in the "missing middle" part of the comprehensive plan that will be reviewed and addressed in the Zoning Ordinance update. The Applicants chose to proceed with the application by utilizing the Virginia Supreme Court ruling under *Rowland vs. the Town of Warrenton* that states "Because the acceptance of proffers by a locality has the force of law, the acceptance of a proffer which alters the rezoning requirements of a particular property is the functional equivalent of an amendment to the zoning ordinance." This means the Applicant may, in essence, propose their own suggested zoning regulations for the proposal through the proffers.

On September 17, 2024, the Planning Commission held a Public Hearing. Twenty-eight citizens spoke to the application, both for and against the proposal. The Applicant indicated the intention of revising the Rezoning application to remove Phase 2 and update the proffers. There were concerns regarding the legal considerations around the veterans' preference contained in the proffers. Based on these items, the Planning Commission determined to hold open the Public Hearing until its October 15, 2024, Regular Meeting.

On September 24, 2024, the Applicant submitted updated Statement of Justification, executed proffers, and concept plans. Highlights of the modifications to the application included:

Proffers:

- Language related to the Fair Housing Act with the substitution of the word "veterans" with "persons".
- Remove Phase 2 and the 19,000 square foot multi-purpose recreational center.
- Add maintenance and operations provisions, including continuance requirements if the owner/operator should change.

Rezoning Concept Plan:

- Removal of Phase 2 and the 19,000 square foot multi-purpose recreational center.
- Addition of sidewalk the length of Church Street.
- Removal of the road connection to Mosby Road; internal private street turnaround added with mountable curbs to Moser Road.
- Additional landscaping provided.

On October 15, 2024, the Planning Commission continued the Public Hearing based on the updated executed proffers. Eleven people from the public spoke to the application. After the public hearing was closed, the Planning Commission went into a Closed Session with the Town Attorney 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 rezonings with proffers.

After the Closed Session, the Planning Commission moved to recommend denial of the application to the Town Council. The motion passed 3-1-1 (Ainsworth against; Lasher Absent).

On November 1, 2024, the Applicant submitted updated proffers and Concept Development Plan. The new submission includes:

Proffers:

- Added back the Veterans preference in proffer 2.a.iv;
- Added language in 2.d related to a reciprocal parking agreement for shared parking;
- Struck language in 4.e that would have removed the preference to Town and Fauquier County residents; added language in 5.c speaking to the dwelling units materials;
- Added proffer 9 regarding fitness trail facilities; and
- Added proffer 11 stating the transportation improvements to sidewalks and public streets shall be made concurrently with the construction of the residential units.

Rezoning Concept Plan

- Revised the Site Tabulations
- Added an internal sidewalk to connect to Moser Road adjacent to the mountable curb for emergency access.

Previous staff concerns related to the proffers, parking, density, and transportation remain as outlined in the Staff Analysis.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends denial to the Town Council 3-1-1 (Ainsworth against; Lasher Absent) based on the following:

1. The legislative intent of Zoning Ordinance 3-5.2.1.1 for Residential Planned Unit Development is to provide compatible infill, use currently open areas in a way that is consistent with the reasonable enjoyment of neighboring properties, and create pedestrian friendly streets in a traditional neighborhood pattern, but the Application proposes incompatible infill, the use of currently open areas in a way that is inconsistent with the reasonable enjoyment of neighboring properties, and a development that would not create pedestrian friendly streets or a traditional neighborhood pattern; and
2. The Warrenton Comprehensive Plan's Future Land Use Map designates Medium Density Residential for compatible infill in density, lot size, and placement of structures on the lots with existing neighboring structures and lots, but the Application provides for incompatible infill; and
3. The Warrenton Comprehensive Plan's Future Land Use Map designates Medium Density Residential as providing new lots in an established subdivision that contains an area that approximates the size and configuration of existing lots in the neighborhood, but the Application proposes a single large lot with 22 two-family attached dwellings in an established subdivision of single-family detached dwellings; and
4. The Warrenton Comprehensive Plan's Future Land Use Map calls for Medium Density Residential development to enhance physical features such as streets, street lights and

other public improvements, but the Application does not adequately address such improvements; and

5. The Application would create adverse impacts by not meeting the PUD minimum acreage requirements, removing the affordable housing preferences for Town of Warrenton and Fauquier County residents called for in Town Zoning Ordinance 3-5.2.1.1 (7) and 9-3.5, and not providing active recreation facilities; and
6. The Proffers contain vague, conflicting, and unenforceable language, such as paragraph 4.b.'s provision for future agreement on the language of a restrictive covenant, paragraph 11's reference to "routine" bus service, and the succession planning in paragraph 13.