



PLANNING COMMISSION REGULAR MEETING

21 Main Street

Tuesday, October 15, 2024, at 7:00 PM

MINUTES

**A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF WARRENTON, VIRGINIA, WAS
HELD ON OCTOBER 15, 2024, at 7:00 PM**

Regular Meeting

PRESENT

Mr. Ryan Stewart, Chair; Ms. Darine Barbour, Secretary; Mr. James Lawrence; Mr. Steve Ainsworth; Ms. Denise Harris, Planning Manager; Martin Crim, Town Attorney

ABSENT

Mr. Terry Lasher, Vice Chair

The minutes laid out will be a brief recap of the agenda items. Please see recorded video for more in-depth information.

CALL TO ORDER AND ESTABLISHMENT OF A QUORUM.

The Chair opened the meeting at 7:01 PM and declared a quorum present.

ADOPTION OF MINUTES.

1. September 17, 2024, Draft Planning Commission Regular Meeting Minutes

Commissioner Lawrence moved to approve the minutes. Secretary Barbour seconded the motion.

Motion passed 4-0-1 (Lasher Absent) to approve the minutes.

HEARING OF PUBLIC HEARING ITEMS.

2. ZMA 2023-01 Warrenton United Methodist Church/Hero's Bridge – 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 9.8640 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. 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.

Ms. Harris gave a brief presentation on the application and covered the updates to the application since the September public hearing meeting.

The Applicant's representative John Foote gave overview and spoke to the updated staff analysis of the September 24th application submittal. He indicated the applicant will continue to work on the issues raised on the proffer language and concept development plan, including:

- Planning Director vs Community Development Director titles.
- Providing cross easements on parcels.
- Auto turn analysis for delivery and emergency services.
- Reciprocal parking on church property.
- "Level of quality" ambiguity for enforcement.
- Clarify lighting agreements
- Office/Community to be constructed in conjunction with residential units.
- Fitness station examples have been identified.
- Clarify to improve internal and external pedestrian improvements.

Mr. Foote went on to state the applicant can't speak to the definition of "routine" bus service at this time.

Mr. Foote believes the limitation on residents in the proffers can be enforced by the applicant if there is a complaint. He reinitiated the proposal is designed and intended for veterans. Restrictive covenants discussed.

Mr. Foote stated the engineer believes Stormwater Management can be adequately managed on and off site.

Mr. Foote stated the dedication of additional right-of-way on Moser Street has Constitutional considerations.

Chair Stewart continues the Public Hearing at 7:24 PM. The following speakers spoke to the application (Warrenton residents are in bold).

- **Prudence Sheffield – 197 Waterloo Street, Warrenton (Support)**
- **Don Bromley – 320 Church Street, Warrenton (Against)**
- **Laurie Karney – 167 Brenda Court, Warrenton (Against)**
- Mick Martin – 7208 Covington Corner Road, Bealeton, VA (Asked if decision made tonight)
- John Nash – 41035 Rolling Pasture Lane, Aldie, VA (Support)
- Mark Willemsen – 9651 Woodbrook Lane, Midland, VA (Support)
- **Nancy Gattie – 306 Church Street, Warrenton (Against)**
- **Brandon Shipe - 93 Moser Road, Warrenton (Against)**
- Laura Martin-Spetter – 5501 Merchant View Square #718, Haymarket, VA (Support)
- Lewis Ray – Midland, VA - (Support)
- **Molly Newman – 131 Moser Road, Warrenton (Against)**

Chair Stewart closed Public Hearing 7:55 PM

Secretary Barbour moved the Planning Commission into closed session 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.

Commissioner Ainsworth seconded the motion.

The motion passed 4-0-1 (lasher absent) and the Planning Commission moved to closed session.

Secretary Barbour moved to certify the closed session by stating 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 cited in the motion.

Commissioner Ainsworth seconded the certification.

The Planning Commissioner certified the closed session 4-0 (Lasher absent).

Commissioner Lawrence moved to recommend denial per the prepared resolution; Secretary Barbour seconded the motion. Chair Stewart restated the motion by reading the resolution's reasons for recommending denial to the Town Council. These included:

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.

Chair Stewart opened the discussion.

Commissioner Lawrence thanked the veterans on both sides of the application. He stated this was not a vote for or against the church, veterans, Hero's Bridge, or a number of other parties. He expressed his frustration with State Code for residential rezoning applications that prohibits the ability to discuss the proposal and voluntary proffers.

Commissioner Ainsworth stated this is a difficult decision. He stated the presented reasons for denial are the reason for the rezoning and proffers application. With the Church committed and expressing their willingness to support the proposal, he is inclined to support this segment of society.

Secretary Barbour thanked everyone for speaking out and stated this is not an easy decision. None of the application has been taken lightly; however, the Planning Commission needs to look at the land use and proffers as presented.

Chair Stewart stated he echoes the statements of other Planning Commissioners. He reviewed serving a critical affordable housing need, the need to create missing middle/attainable housing is a priority of the Town. However, the Planning Commission must separate programmatic user in the application from land use proposal itself. He stated they must review the Comprehensive Plan, its Future Land Use Map, and the legislative intent of the Zoning Ordinance. Then the Planning Commission must compare these documents to the application. The application proposes a development located outside of a designated character district in an existing neighborhood designated Medium Density Residential in the comprehensive plan since 2002. The definition for Medium Density Residential calls for providing definition a stable community. Proposed infill development should be a compatible density, lot size, and character to the existing neighborhood. The proposal's 3.9 acre parcel propose a density of 11 versus the comprehensive plan's designation of up to five dwellings per acre. The Planning Commission understands the comprehensive plan is guidance; however, to further review the underlying zoning allows for 16 by-right homes, while the proposal calls for 44 units. Residential Planned Unit Development (R-PUD) is intended to provide flexibility to emphasize the underlying residential base zoning, not change the underlying zoning. For example, the PUD overlays are supposed to be a minimum of 25 acres, the application is for approximately 9.8 acres. The density is too high for the site, the comprehensive plan, and the Zoning Ordinance. The Chair concluded by stating he credits the applicant for starting the meeting by stating they would continue the conversation to resolve outstanding issues and make an effort to clean up the application; however, as presented the Town cannot accept the proffers.

The motion passed 3-1-1 (Ainsworth Against; Lasher Absent)

WORKSESSION ITEMS.

4. Planning Commission Bylaws Update Discussion

Staff received no comments regarding the by-laws update by the October 1st deadline.

Chair Stewart discussed the need to review the meeting schedule.

Chair asked if the Planning Commission should defer to New Year for new commission to discuss.

Staff expressed the by-laws need to be brought into conformance with State Code.

COMMENTS FROM THE COMMISSION.

The Planning Commission offered no comments.

Chair Stewart offered how difficult this evening's decision was to make; yet, he enjoyed how the community came out to speak. The result made for better decision making by the Planning Commission.

COMMENTS FROM THE STAFF.

Staff explained there were no land use applications for the Planning Commission to review before the New Year.

The Planning Commission decided to meet on its November 19th Regular Meeting to hold a work session on the by-laws and cancel the remaining meetings for the year.

ADJOURN.

Commissioner Lawrence moved to adjourn the meeting, Commissioner Ainsworth seconded the motion. With no further business, the Chair Stewart adjourned at 9:12 PM.

I hereby certify that this is a true and exact record of actions taken by the Planning Commission of the Town of Warrenton on October 15, 2024.

Darine Barbour, Secretary
Planning Commission

DRAFT