

Staff Analysis
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**PURPOSE:** The purpose of the staff analysis is a consolidation of the review of commenting agencies based on adopted policies and regulations. It is not a recommendation as that is the role of the decision makers. The staff analysis exists to highlight how an application’s proposed governing documents might be implemented. The Staff Analysis was written based on the September 17, 2024, Planning Commission public hearing submission. There are updates provided based on the October 15, 2024, Planning Commission public hearing submission and again based on the Town Council November 1, 2024, Work Session submission.

**BACKGROUND**

Applicant/Owner: Trustees of Warrenton United Methodist Church/ Hero’s Bridge

Representative: Walsh, Colucci, Lubeley & Walsh, PC

Request: 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. The Applicant is requesting waivers and modifications. The Future Land Use Map designates the parcels as Medium Density Residential.

**Planning Commission Update:** The Applicant revised the application to remove Phase 2 with the Multipurpose Recreational Center.

Site Location: The Application is for four parcels bounded by Sullivan Street to the west, residential to the north, Moser Drive to the east, and Church Street to the south. One parcel (GPIN 6984-16-5101) contains the church parsonage across Church Street, which is not subject to the rezoning proposal. The four parcels that are part of the application (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) contain the existing church, parking lot, and undeveloped land.

Comprehensive Plan: All parcels are designated Medium Density Residential in the Future Land Use Map, which includes an excerpt of “single family detached residential dwellings at densities up to five dwellings per net acre, contingent upon pedestrian and vehicular access, compatibility with surrounding properties and mitigation of potential impacts...” (Plan Warrenton 2040; Page 72). The properties are located outside of a designated Character District. More information is found below.

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

Surrounding Land Uses:

The following table summarizes the area characteristics:

Direction	Land Use	Future Land Use Map Designation	Zoning
North	Single Family Residential	Medium Density Residential	R-10 Residential
South	Single Family Residential	Medium Density Residential	R-10 Residential
East	Single Family Residential	Medium Density Residential	R-10 Residential
West	Commercial	Re-Planned Commercial	Commercial

### Comprehensive Plan Future Land Use Analysis

Plan Warrenton 2040 labels these parcels in the Future Land Use Map as Medium Density Residential which includes single family detached residential dwellings at a designation of up to five dwellings per net acre, contingent upon pedestrian and vehicle access compatibility with surrounding properties and mitigation of potential impacts.

The plan states “much like the designated low density residential areas, the medium density areas are made up largely of established single family neighborhoods. The neighborhoods are located in many areas of the Town and have access to all Town services.

Medium density areas are composed of high concentrations of residential uses. The areas that border the Central Business District (CBD) have been developed over the years along the vehicular entryways to the CBD. Many have now been incorporated into the policies of the Old Town Character District. It is the intent to protect and enhance these areas, while at the same time permitting changes to occur in an effort to ensure that the use of these areas is economically feasible. Since the areas adjacent to the CBD consist of predominantly single family houses, that character must be protected. Approving nonresidential uses should be done in a very limited fashion and in a manner that maintains the essential character of the residential areas. Small scale, non-residential uses like home occupations and offices may be appropriate in some of these areas.

The designation of medium density residential is also applied to established residential neighborhoods which should be conserved and/or expanded in a manner similar to, and compatible with, the existing surroundings. Many neighborhoods in these areas have older homes and are characterized by mature vegetation and social interaction between neighbors. Medium density areas are intended to permit densities of up to five dwelling units per net acre, and new lots within established subdivisions should contain an area that approximates the size and configuration of existing lots in the neighborhood. The higher densities should be considered as more appropriate near major thoroughfares and commercial areas. Recreational facilities and other neighborhood amenities should be provided in developments when densities exceed three units per net acre.

New subdivisions and lots within this designation should complement and enhance the area in which it occurs. Residential infill areas should be compatible in density, lot size, and placement of structures on the lots with existing neighboring structures and lots. The exterior elevations of the structures should complement and respect the surrounding neighborhood's existing design and architectural elements.

*Retaining the high quality of established neighborhoods is a continual challenge. Since the low density and the medium density areas are a desirable place to live, they are becoming attractive for infill development. The medium density residential areas are located so as to protect the character of existing neighborhoods and to provide quiet residential areas attractive for single family housing. Where site characteristics permit, and where negative impact to adjacent properties is minimal, non-residential, home occupations and businesses may be permitted as provided for in the Zoning Ordinance. Mature vegetation should be retained.*

*In order to support the goals and objectives of medium density residential areas, the Plan seeks to preserve the integrity of existing residential neighborhoods. In order to do so, the plan limits and discourages incompatible uses in established residential neighborhoods, maintaining and improving neighborhood qualities by eliminating substandard housing and improving its physical features such as, streets, sidewalks, street lights, and other public improvements."*

The Housing Chapter sets a vision that states "In 2040, Warrenton will have inclusive and attainable housing for all ages, incomes, and needs that is compatible with existing Town character to create walkable communities with shared open space and a sense of place. Existing housing stock is improved and maintained to preserve established residential neighborhoods, while expanding housing options in Character Districts to ensure that the Town supports infill development that contributes to the Town's small town feeling where neighbors know their neighbors. Key aspirations related to this vision:

- Allow for housing types that cater to the needs of a diverse community: include young families, professionals early in their careers, essential workforce (e.g. teachers and police officers), and those entering retirement.
- Design new housing developments as walkable interconnected communities with shared open spaces, creating a sense of place.
- Promote Character Districts as the place to accommodate a range of housing typologies. Place an emphasis on physical form of the housing (e.g. number of stories, building profile, and appropriate transitions to adjoining neighborhoods), while protecting the character of existing residential neighborhoods."

Standard	Analysis
Criteria for Consideration of Zoning Map Amendments (Zoning Ordinance)	
<i>Whether the rezoning request, if granted, would further the public interest, and whether it conforms with the goals, objectives, and policies of the Comprehensive Plan.</i>	The Application's Statement of Justification states the proposal furthers the public interest by providing elderly veterans with affordable housing and services. Plan Warrenton 2040 Housing recommendations includes goals for a diverse housing type and attainable housing.
<i>Whether the rezoning is consistent with the town's Future Land Use Plan, as identified in the Comprehensive Plan, and established character of the area and land use patterns.</i>	The Future Land Use Map designates this area as Medium Density Residential that calls for single family residential up to 5 dwelling units per acre and is located outside of a designated Character District.
<i>Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes, including housing and business, as determined by population and economic studies.</i>	The Statement of Justification states the Application addresses the need for affordable housing and meets an "imminent" need for services for veterans.

Standard	Analysis
<b>Criteria for Consideration of Zoning Map Amendments (Zoning Ordinance)</b>	
<i>The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of the Town.</i>	The Statement of Justification and proffers include a provision for the residential units to be affordable housing pursuant to Article 9-3 of the Zoning Ordinance.
<i>The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.</i>	The Applicant states the uses are consistent with the services already provided by the church. The adjacent neighborhood is majority single family residential units. The proposed 22 two-family units to accommodate 44 seniors would be single story with a proffer that no structures will exceed 35.'

### Staff Findings

Plan Warrenton 2040 encourages both the preservation of existing, established neighborhoods and the development of 'missing middle' housing options. This proposal meets many of the housing goals like:

H-1 "Ensure equitable, attainable housing opportunities across residents of all ages, incomes, and abilities by catering to the needs of a diverse community, including young families, professionals early in their careers, essential workforce, and those entering retirement."

H-3 "Preserve existing neighborhoods and promote infill that supports the character and heritage of Warrenton."

H-4 "Create regional partnerships to address and enhance attainable housing supply."

The proposal falls within the Medium Density Residential Future Land Use Map with 49 allowable residential units when calculating the full 9.8 acres included in the R-PUD rezoning proposal. However, with the removal of Phase 2 from the application of the multi-use recreational center, the only portion of the property being proposed to be developed is the 3.9 acre parcel zoned R-10, as opposed to an integrated Planned Unit Development. If this parcel were viewed without the parcels containing the existing church and stormwater parcels, then the Future Land Use Map Medium Density Residential would allow a density of 19 units.

The Applicant is proffering to provide the affordable housing to seniors age 65 and older that will be screened for any record of being convicted for a "barrier crime" as defined by the Code of Virginia. The Applicant is proposing construction of 22 two family (aka duplex) one story, one-bedroom units to accommodate 44 veterans. However, due to the Fair Housing Act, there is concern regarding the Town accepting a proffer that specifically limits the development to senior veterans. Therefore, the Applicant included a proffer in the November 1, 2024, submission that states under 2.a.iv that states the Applicant shall "enter into a restrictive covenant enforceable by the Owner of the Property, and by the Town if it so elects, that restricts tenancy in the residential units to military veterans." This is different language from the proffer statement the Planning Commission reviewed and spent considerable time through multiple Work Sessions, Public Hearings, and Closed Sessions reviewing.

The Applicant has proffered that all residential units on the property shall be affordable dwelling units pursuant to Article 9-3 of the Zoning Ordinance. The November 1<sup>st</sup> proffer submission removed the language the Planning Commission reviewed that did not include the units be made available to Town of Warrenton and Fauquier County residents first as called for in Article 9-3.

The Applicant provided proffered a Concept Development Plan and elevations. The proffers state no structure shall exceed 35.' The proffers also state a small office/community center, bike racks, outdoor amenities, and internal pedestrian improvements will be made. The November 1 submission added to the proffers language related to construction materials and fitness facilities that were not reviewed by the Planning Commission.

While the Housing Chapter promotes a diverse housing stock and attainable housing, the Future Land Use Map helps to designate how densities might be applied across Town, how infill should be guided to protect existing neighborhoods, and growth within the designated Character Districts is envisioned. Ultimately, it is a question of if the updated Application meets the vision of Plan Warrenton 2040 Future Land Use Map for Medium Density Residential (Note: the descriptions for Medium Density Residential have remained unchanged since the adoption of the 2002 Comprehensive Plan) in balance with the Housing Chapter's goals of attainable housing, specifically for Medium Density Residential:

- *New subdivisions and lots within this designation should complement and enhance the area in which it occurs. Residential infill areas should be compatible in density, lot size, and placement of structures on the lots with existing neighboring structures and lots.*
- *The exterior elevations of the structures should complement and respect the surrounding neighborhood's existing design and architectural elements.*
- *The designation of medium density residential is also applied to established residential neighborhoods which should be conserved and/or expanded in a manner similar to, and compatible with, the existing surroundings.*
- *Medium density areas are intended to permit densities of up to five dwelling units per net acre, and new lots within established subdivisions should contain an area that approximates the size and configuration of existing lots in the neighborhood.*
- *Recreational facilities and other neighborhood amenities should be provided in developments when densities exceed three units per net acre.*
- *...maintaining and improving neighborhood qualities by eliminating substandard housing and improving its physical features such as, streets, sidewalks, street lights, and other public improvements.*

**November 1 Submission Update:** The Town Council Work Session submission revised several factors discussed above. Including:

- The Applicant removed the Statement of Justification language related the "mission" and added to the proffers a military veteran's preference.
- The Applicant removed the proffer language that would have removed the Town of Warrenton and Fauquier County resident preference for affordable housing per the Zoning Ordinance.
- The Applicant added proffer language related to materials that may be used in construction of new structures.
- The Applicant added proffer language related to fitness trail stations.

### Zoning Analysis

The legislative intent of the Planned Unit Development District (PUD) is, *"to encourage innovations in residential and nonresidential development so that the growing demands of Warrenton may be met by greater variety in type, design and layout of buildings and housing types and to achieve the purposes set out in Section*

15.2-2283 of the Code of Virginia, the Town's Comprehensive Plan, and the following specific purposes of..." the Residential PUD.

Section 3-5.2.1.1 of the Zoning Ordinance states for R-PUDs:

1. Providing increased flexibility in the laws governing the development of those areas in Warrenton which are now substantially open land and encouraging such development in directions that will recognize both the changes in design and technology in the building industry and the new demands in the housing market;
2. Ensuring that the uniform regulations appropriate to previously developed residential neighborhoods do not operate to discourage efficient and imaginative development of said substantially open areas consistent with the reasonable enjoyment of neighboring properties;
3. Encouraging the more efficient allocation and maintenance by private initiative of Common Open Space ancillary to new residential areas;
4. Encouraging the more efficient use of those public facilities required in connection with new residential development;
5. Encouraging the creation of human-scaled development with pedestrian-friendly streets, in a traditional neighborhood pattern;
6. Encouraging compatible infill development; and
7. Encouraging the development of affordable housing for local residents

Standard	Analysis
<b>Criteria for Consideration of Zoning Map Amendments (Zoning Ordinance)</b>	
<i>Whether the rezoning is justified by changed or changing conditions.</i>	Applicant states the proposal addresses a housing need for senior veterans after unsuccessfully securing land in the Vint Hill area of the County.
<i>Whether the rezoning, if granted, would create an isolated district unrelated to adjacent districts.</i>	The property is proposed to be rezoned R-PUD which would be an isolated district.
<i>Whether the rezoning will be compatible with properties and uses in the vicinity and not have an adverse impact on these properties or their values.</i>	The proposal is surrounded by single family residents on three sides. Proposed residential to be co-located with an existing church that has a Special Use Permit to run a pre-school, the proposed attached two unit housing would be one bedroom and one story.
<i>Whether there are adequate sites available elsewhere in the Town for the proposed use, or uses, in districts where such uses are already allowed.</i>	Warrenton United Methodist Church is working with the non-profit Hero's Bridge to offer a 79 year ground lease to build the proposed land use. While there may be other properties in Town where this use is viable, it is unclear if the non-profit entity could make the model work from a fiscal standpoint. The Applicant states the adjacency to an existing church is "extraordinarily beneficial."

### Staff Findings

Staff has raised concerns reviewing landscaping, setbacks, open space, lighting, phasing, parking, refuse, and affordable dwelling unit provisions. The Applicant did adjust the landscaping, provided refuse locations, removed the phasing, and modified the proffers. However, there are several Zoning Ordinance standards being proposed for modification.

The Town's adopted Zoning Ordinance requires a minimum of 25 acres for a Planned Unit Development with associated setback, landscaping, parking, and other requirements. However, the Virginia Supreme Court stated in *Rowland vs. the Town of Warrenton* that "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 amended regulations for the proposal through the proffers.

Therefore, the decision makers need to carefully consider if the proposal is beneficial to the community and if the proffer's suggested amendments to the Zoning Ordinance meet the fairly debatable standard in relation to the public health, safety, morals, or general welfare.

Careful review of the details normally covered in the Zoning Ordinance need to be reviewed against the proffered Concept Plan. Highlighted items include:

- Existing Roads (Moser and Church streets are substandard)
- Parking (does not meet the minimum parking requirements for proposed residential uses)
- Open Space (majority of open space is provided on a separate parcel and cannot provide it on the parcel with the proposed residential)
- Standard required PUD acreage (a PUD is normally a minimum of 25 acres)

Staff raised concerns, in part, because if this proposal is approved and submitted for Site Development Plan, the Applicant will need to meet the Zoning Ordinance requirements not addressed as part of the proffered rezoning, including bonding and permitting. Outstanding comments state:

- The uses must operate independently of one another if the parcels cannot be consolidated. All amenities and open space must be provided on each individual lot. Staff notes that if the church lot were to sell in the future, the residential component risks losing access to all amenities provided on the adjacent parcel. The Applicant should demonstrate that cross-parcel amenities will remain available on a permanent basis through recorded agreements, easements, etc.
- Staff acknowledges the drainage plan provided by the engineer shows no increase in post-development flows. However, the submitted materials do not appear to show adequacy of the existing downstream drainage facilities. If not shown as a part of the rezoning, then this issue must be addressed at the time of site plan. Staff notes that infrastructure improvements to address inadequate drainage facilities may be costly.
- Staff acknowledges that the roadway improvements along Church Street may help to alleviate traffic impacts to Church Street that could be generated by this development, and restricting access to Moser Road solely to emergency vehicles should prevent traffic impacts to Moser Road.
- Right-of-way dedication along Church Street and Moser Road should be addressed; staff notes that the minimum right-of-way width per the PFM is 50 feet (25 feet from the centerline of the pavement).

- The Applicant should demonstrate that the modified turn-around is adequate for delivery vehicles, trash trucks, and other large vehicles that can be expected in the development; staff notes that this typically takes the form of a vehicle turn analysis.
- The Applicant should demonstrate that the emergency access connection to Moser Road is adequate for the largest expected emergency/fire response vehicle. Staff notes that a recent application provided a combination of mountable curb, along with permeable grass reinforcement that can bear the weight of a fire truck (e.g. grasscrete), from the proposed back of curb to the edge of pavement of the public road. Additionally, staff notes that a vehicle turn analysis would be necessary to demonstrate that a connection is wide enough for a fire truck to turn off of/on to the public road.

### Transportation and Circulation Analysis

Plan Warrenton 2040, with the incorporated Walkability Audits and Complete Streets Report, identifies the existing streets of Church, Sullivan, and Moser as neighborhood streets on the Transportation Map. The transportation goals and strategies lay out a vision for linkages and connectivity that reduces dependence on the car for local trips, addresses accessibility gaps and barriers currently limiting mobility, and promoting a network for a pleasurable travel experience for all modes.

Standard	Analysis
<b>Criteria for Consideration of Zoning Map Amendments (Zoning Ordinance)</b>	
<i>Whether the impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning provides sufficient measures to mitigate such impacts.</i>	The Applicant believes the transportation impact of the proposal will be low due to the limited number of elderly that own or drive a car. The Applicant is proposing a sidewalk connection from Sullivan Street to Moser Road along Church Street and an internal sidewalk connection to Moser Road.
<i>Whether the proposed use will facilitate orderly and safe road development and transportation.</i>	Church Street and Moser Road are substandard neighborhood streets with no curb and gutter. A sidewalk exists only along the frontage of the existing church.

### Staff Findings

The Applicant states “With respect to the signal issues of transportation and parking, few of Hero’s residents will have cars, which will result in a low traffic volume. The only other vehicles will be for deliveries and occasional visits (many, if not most, of the residents do not have family to support them). Hero’s Bridge has committed to provide a shuttle bus service (see Proffer #11).

*The proposal only requires 1 parking space per home, even with the occasional outside vehicle. Because of the low traffic volume, there will be little impact on the existing roads surrounding the site. Principal access will be by Church Street, but Church is not a signalized intersection at Broadview and so it can be assumed that vehicles may also use Sullivan Street to access Waterloo. The total number of parking spaces required and provided is shown on the General Development Plan. “*

Staff previously questioned the Applicant’s submission on trip generation, provided parking, and lack of street frontage improvements. The proposal appears to argue it will function like an assisted living facility



with residents having limited use and/or ability to drive cars. Yet, the design of the site indicates these residents will be “independent” in that no on-site dining is provided. The Applicant states they will provide a shuttle service, or similar transportation service. There is a designated bus stop on the Concept Plan. The proffers state the Applicant will provide bus service with no trigger to when it shall be provided or how frequently.

Public Works and Zoning have raised concerns about parking repeatedly. There is a provision in the Zoning Ordinance under Article 9-3.6 that allows for a reduction in parking considerations for Affordable Dwelling Units that states:

- Single Room Occupancies – 1.0 parking spaces per unit
- Studio/Efficiency – 1.25 parking spaces per unit
- One Bedroom – 1.5 parking spaces per unit
- One Bedroom and Den – 2.0 parking spaces per unit

Public Works is, and remains, concerned there will be a strong motivation to park along Moser Road, which the current street design does not support. Since the Applicant removed the proposed Phase 2 from the application, there may be an opportunity for existing church parking to be designated for the residential uses through a cooperative parking agreement and on the Concept Development Plan, as mentioned in the updated proffers.

The Applicant’s November 1 resubmission modifies the Concept Plan to provide the required 44 parking spaces in the Site Tabulation but fails to identify them on the plan. The updated proffers state in 2.d that the Applicant will enter into a reciprocal agreement with the owners of all parcels for additional shared parking spaces, access to pedestrian walkways, and means to ingress and egress to the property, per the review and approval of the Town Attorney. The new proffer contains no trigger.

The Applicant is proffering internal pedestrian improvement and sidewalk improvements on Church Street. The Applicant is not providing any sidewalks or curb and gutter Moser Road. Nor has the Applicant addressed the minimum right-of-way of 25’ from centerline on Moser Road. Staff has indicated that the Town’s goals and policies state these shall be provided with development; however, the Applicant indicated through their conversations with the neighborhood that a sidewalk was not desired by existing residents and have chosen to exclude them from Moser Road on the proffered Concept Plan. After the Planning Commission public hearings and review, the Applicant submitted an updated Concept Development Plan that incorporates an internal sidewalk connect to Moser Road where the emergency access point is located.

Finally, staff analyzed the previous proposed internal road connection to Moser Road where it meets with Frazier. Ideally, a connection would improve this substandard road intersection to ensure adjacent property owners are not impacted. However, the Applicant’s resubmission removed the connection to Moser Road and instead added a mountable curb for emergency access. The internal private street now contains a turnaround. Staff is unable to further analyze the viability of the provided turnarounds without vehicle turning radius information. The Applicant’s intent is to use the access off Church Street as the primary ingress and egress for the development.

### Community Facilities and Services Analysis

Public community facilities in the Town are provided by the Town, Fauquier County, and other public groups for the benefit of all residents. The availability and quality of these facilities, that include, schools, libraries, hospitals, parks, police and fire and rescue services, are evaluated when people are considering moving into the Town or nearby area. The provision of these facilities adds to the desirability of living in the Town. The Comprehensive Plan's primary community facilities and services goals for the Town of Warrenton are:

- *Foster high-quality, equitable, and accessible community facilities that meet the Town's service requirements and support a high quality of life for the community.*
- *Make responsible and strategic community facility investments that support the Town's vision for a live/work community, sustaining its fiscal well-being and economic resiliency.*
- *Promote sustainability in all Town-owned facilities.*
- *Reinforce the role of County community facilities into the Town fabric.*
- *Promote livability through properly located Town services, schools, libraries, courts, and County administrative functions.*
- *Support the connection of residential dwellings to public water and sewer.*
- *Provide a high quality of life to capture economic benefits through diverse businesses, employers, and residences.*

Public services are essential to the community structure and quality of life, as well as to long-term economic vitality. They support existing and planned developments and contribute to the health, safety, education and general welfare of Warrenton residents.

Standard	Analysis
Criteria for Consideration of Zoning Map Amendments ( <i>Zoning Ordinance</i> )	
<i>Whether utility, sewer and water, transportation, school, recreation, stormwater management and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.</i>	The existing church uses about 29,000 gallons a month which equates to approximately 960 gallons a day. With the proffer restricting the development to one person occupancy, the Department of Public Utilities calculated 150 gpd for a total of 6,600 gpd. The total usage would be estimated at 7,860 gpd. According to Public Utilities the by-right water and wastewater use would be around 12,900 gallons per day.

### Staff Findings

#### *Water and Sewer:*

Under the previous proposed use, maintaining the existing church, 44 elderly/age restricted apartment units, and a 2-story 19,000 square foot Recreational Center with a non-defined water demand, is estimated to require a water demand between 10,000 and 13,000 gallons per day. The Applicant provided proffers restricting the residential units to one bedroom with no more than one person occupying the unit. The Small Office/Community Center might include, but is not limited to, per the proffers, a movie viewing area, senior technology library, arts and crafts area, music area, pet therapy, and

a fitness room. The Multipurpose Recreational Center in Phase 2 was updated to be removed from the application.

With the removal of Phase 2, the uncertainty of the water and sewer usage of the 19,000 multi-use recreational center is no longer an issue. Now Public Utilities states after reviewing the updated submission of the Proffer Statement, specifically on page 2 under the residential section “i”, that states only one person may occupy each dwelling unit, Public Utilities used 150gpd per proposed dwelling in their calculations totaling 6,600gpd, plus the churches’ 960gpd average and a standard 300gpd for the parsonage’s daily usage. This brings the total projected water usage per day to 7,860 gallons. The by-right water usage of the property is 12,900 gallons per day.

### *Emergency Services/Building Official:*

The proposal works to provide 360 degree access to the proposed residential units by providing a 20’ trail around units 1-23 for emergency service access. However, the Building Official has requested the proposed 12’ asphalt trail adjacent to units 26-38 also be upgraded to accommodate a similar 20’ trail for emergency services. The Applicant removed the access to Moser Road and replaced it with a 24’ mountable curb emergency access. Staff is unable to evaluate without a vehicle turn analysis if the internal street with the turnaround will accommodate delivery vehicles, trash trucks, and other large vehicles.

### *Schools:*

The Applicant is proffering the residents will be age restricted to age 65 and above. There will be no impact on the school system.

### *Stormwater Management:*

The existing Stormwater Management Facility located on PIN#6984-15-1967-000, which is not included in this rezoning, will need to be upgraded to meet the stormwater requirements for quality and quantity. A new Stormwater Management Agreement will be required.

There are existing flooding and drainage concerns at the intersection of Sullivan and Church Street that could be exacerbated. Hydrology and hydraulics grade line calculations will need to be provided to ensure adequacy and prevent further flooding and drainage issues.

The project is being shown to be built over an existing channel between the neighborhood on Moser Road and existing church parcel. Staff has raised questions regarding how will water conveyance be addressed with this project since it is taking flow from the neighborhood? The existing channel will need to be evaluated to determine if any additional Federal or state permitting is required. The Concept Development Plan shows a 36” storm sewer from Moser Road to the connection at the existing Church parking lot.

Storm drainage will be a major concern during design development. A portion of this project is shown to be in the 500 year floodplain. While this does not inhibit the potential for developing and making improvements to the property, it creates the need for special considerations in the design of any building foundations under the ground surface and the infrastructure to convey drainage through and off the site.

If approved, conformance with erosion and sediment control (ESC) requirements is required at the time of Site Development Plan submission. The Concept Plan does not appear to show Erosion and Sediment Control measures and/or calculations. They will need to meet the requirements of the Site Conservation Manual Article 4, 9VAC25-840, Virginia and Erosion and Sediment Control Law, and State Regulations.

If approved, conformance with stormwater requirements is required at the time of Site Development Plan submission. No calculations were provided with the Concept Plan. The Applicant will need to meet the requirements of the Stormwater Management Ordinance Article 5, 9VAC25-870, and the Virginia Stormwater Management Regulation for new development. This will be critical to ensure the size and area of the two SWM locations will be adequate to meet the regulations for both quantity and quality of surface water runoff.

As was discussed above in the Zoning Section, many items may be dealt with at time of Site Development Plan if the entitlement is granted. Staff raises these concerns during legislative applications as a means to avoid potential “fatal flaws” that may arise in the future. By the Applicant choosing not to explore solutions until later in the process, they may find cost prohibitive engineering. That said, Applicants may choose not to expel the required financial resources required to answer all outstanding issues until an entitlement is approved. Please note, Virginia is a “Build versus Bond” State which means the Applicant may choose to build before any performance guarantees for items like stormwater. The Applicant could obtain a Land Disturbance Permit while only providing the E&S bond, and then build the units. Only at time of Occupancy Permit are the remaining bonds required to be issued.

### Economic Resources Analysis

The Town of Warrenton seeks to strengthen its economic base through business development and tourism promotion. The goals of the Economic Resources section of the Comprehensive Plan are to:

- *Create a robust strategy for housing and employment, become more proactive in business retention and recruitment, and locate major employers within the Town’s Character Districts.*
- *Promote the Town as an integral part of the regional economy that is manageable, maintains a small-town character, and reduces the percentage of Town residents out commuting for work.*
- *Promote the Town’s Character Districts as the focal point for revitalization to allow for mixed-use and multi-family development at an appropriate scale compatible with the Town’s character and existing neighborhoods. Transform aging commercial corridors to vibrant mixed-use neighborhoods.*

Standard	Analysis
<b>Criteria for Consideration of Zoning Map Amendments (Zoning Ordinance)</b>	
<i>Whether a reasonable and viable economic use of the subject property exists under the current zoning;</i>	The parcels are currently zoned RO (Residential Office) and R-10 (Residential) both of which are economically viable.
<i>Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base;</i>	The Comprehensive Plan does not envision employment or economic development activities in residential areas located outside of Character Districts. The RO zoned parcels of the land currently serve the existing church’s stormwater management needs and provide open space.

### Staff Findings

The Applicants of this proposal, a church and a non-profit organization, seek to serve a housing need for low-income veterans over the age of 65. The Applicant states that Hero's Bridge has expanded to nine employees and foresees potential growth. However, the organization points out that the non-profit will continue to operate from its offices located off Alexandria Pike and not at this proposed site.

### Proffers for ZMA

The Applicant submitted updated and redlined proffers on November 1, 2024, that were not considered at Planning Commission. However, the topics in the new proffers were discussed during the Planning Commission Work Sessions and Public hearings. The Applicant's Proffer Statement for the R-PUD rezoning request states that the property will be developed in substantial conformance with the Concept Plan and proffers. Staff's concerns with the proffers and Concept Plan, in addition to the above analysis, is ultimately this is a land use entitlement. The updated proffers submitted September 24, 2024, worked to try to address how the property will be managed and maintained as it ages and who is accountable for the long-term success of the project. While the Applicants' mission is commendable, staff has encouraged the separation of the goals of the church and non-profit from the land use decision for entitlement purposes because rezoning entitlements run with the land, not the Applicant. This is done with every legislative application to ensure if the Applicant ceases to operate or if the property is sold, the entitlement is passed on in a manner that ensures the success of the development and future residents quality of life in the long term. Normally in the case of residential development, there is a private property owner, Homeowners Association, or condos. In this case, the Applicant is not proposing any of the above. Best case scenario, the Applicant church and non-profit would exist in perpetuity and remain solvent. Unlike Special Use Permits that allow the Town Council to place Conditions of Approval, rezoning decisions are based on the Concept Plan and proffers provided by the Applicant.

More specifically, proffers need to be aligned with the Concept Plan. The sheets referenced in the proffers must match the sheets in the Concept Plan or it may result in an enforcement issue. There is continued concern regarding whether Title VII has an express exception for veteran preferences resulting in the proffers limiting the rentals to seniors 65 and older. The Applicant did try during the Planning Commission to tie the rezoning to serving veterans through proffer 2.a.iv by stating the property will rent in accordance to the mission as set out in the Statement of Justification. However, this was removed in the November 1 proffer submittal with the new language stating the Applicant will place a restrictive covenant enforceable by the Owner of the property and by the Town if it so elects that restricts tenancy in the residential units to United State military veterans. The veteran restriction was discussed at Planning Commission and removed from the proffers the Planning Commission acted upon. Members of the Planning Commission researched the websites of the examples provided by the Applicant to find the communities are not restricted to veterans but marketed to them. For example, in the case of Vinson Hall, the website specifically states "Our independent Living community, which originally served only military officers, their families, and government employees, has now lifted this requirement."

Overall, the proffers will prove difficult to enforce due to lack of specificity and triggers. The Zoning Administrator whose responsibility it is to enforce accepted proffers cautions:

**Proffer 2.a.i:** Staff notes that the proffered limitation of one (1) occupant per dwelling unit will be difficult to enforce.

**Proffer 2.a.iv:** Staff notes that the new proffer adds back in the veteran restriction and questions how it will be enforced.

**Proffer 2.a.v:** Staff notes that using the term “currently addicted to” may not be the appropriate language to use if the intent is to filter out those who are currently using controlled substances versus those who are receiving or have received treatment for a substance use disorder - but are not actively taking that substance. The Applicant may want to consult with an appropriate medical professional for specific language to achieve the desired result.

**Proffer 5.c:** Staff notes that the proffer are updated to include building materials that were not reviewed by the Planning Commission.

**Proffer 7 and 9:** Staff notes that walking trails, signage, and landscape features such as a gazebo and flagstone area are not considered active recreation; senior-appropriate fitness trail stations have been added to the proffers. There is no language regarding how many will be installed or the trigger by which they will be required to be installed making enforcement difficult. The Planning Commission did not review this new proffer.

**Proffer 13:** Staff is not certain as to the number/frequency of shuttle bus service, or similar transportation service; staff notes that the successful enforcement of proffers is greatly enhanced by the use of specific, quantifiable terms.