



Office of the Town Manager
Frank Cassidy

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STAFF REPORT

Council Meeting Date:	July 11, 2023
Agenda Title:	Waterloo Junction Restrictive Covenant Removal
Requested Action:	Hold a Public Hearing
Department / Agency Lead:	Department of Community Development
Staff Lead:	Rob Walton

EXECUTIVE SUMMARY

The Town Council approved a mixed-use development proposal for Waterloo Junction on November 9, 2022. The applications included a Comprehensive Plan Amendment (CPA 22-01), Rezoning (ZMA 22-01), and a Special Use Permit (SUP 22-01) that approved a total of 53 residential units, 7,600 square feet of restaurant, and 3,600 square feet of retail space. The existing restrictive covenant would prohibit the construction of the proposed 3,600 square feet of retail space. The applicant found the restrictive covenant exists during a title examination and seeks to have the Town remove the restrictive covenant in order move forward with their proposal. The covenant covers approximately 32,134 square feet of the property.

BACKGROUND

On March 16, 2000, a restrictive covenant was created (Deed Book 863, Page 971), between the Town and Goal, LC, that precludes the construction of any structure located along Broadview Avenue as shown in Exhibit B. The covenant prohibits the construction of buildings and structures in this area. The only uses permitted consists of signage and parking lots. The subject parcels are currently vacant with the exception of PIN# 6984-18-5649 which contains O'Brien's restaurant. The three parcels are approximately 3.543 total acres and were subject to a recent Comprehensive Plan Amendment (CPA 22-01), Rezoning (ZMA 22-01), and Special Use Permit (SUP 22-01) approvals approving a total of 53 residential units, 7,600 square feet of restaurant, and 3,600 square feet of additional commercial space.

The restrictive covenant was found during a title search and it was found that the only permitted uses along the Broadview Avenue frontage were signage and parking. This area on the subject parcels was approved to allow the 3,600 square foot commercial space during the review of the Waterloo Junction application.

STAFF RECOMMENDATION

Hold the public hearing and adopt the attached Resolution.

Service Level / Policy Impact

The Waterloo Junction applications were unanimously approved during the Town Council's November 9, 2022 Regular Meeting. Removal of the restrictive covenant would allow the project to move forward with the proposal as approved.

Fiscal Impact

The removal of the restrictive covenant would allow the development of a new commercial building and use within the Town.

Legal Impact

Denial of the petition to vacate the restrictive covenant may force the owner/applicant to revise the SUP design.