

SPECIAL USE PERMIT PROPOSED CONDITIONS

Applicant: NewCastle Development Group, LLC ("The Applicant")

Owner: Jefferson Associates LP; Warrenton Center LLC

Special Use Permit: SUP 22-5, Warrenton Village Mixed-Use Center

Address: 360 Oak Springs Drive, Center District, Town of Warrenton, Virginia 20186

GPIN #: 6984-20-7247-000; 6984-29-6753-000

Zoning: Commercial District

Special Use Permitting Area: +/- 6.46 acres; +/- 22.59 acres

Date: May 31, 2024

In approving a Special Use Permit, the Town Council may impose such conditions, safeguards, and restrictions as may be necessary to avoid, minimize or mitigate any potentially adverse or injurious effect of such special uses upon other properties in the neighborhood, and to carry out the general purpose and intent of this Ordinance. The Council may require a guarantee or bond to ensure that compliance with the imposed conditions. All required conditions shall be set out in the documentation approving the Special Use Permit (SUP).

1. Site Development – The property shall be developed in substantial conformance with these conditions and the plans titled "Special Use Permit for Warrenton Village Center, REVISION 3 – 5/31/2024", and prepared by Bohler Engineering. 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 SUP Plan, provided they meet the intent of these Conditions and are approved by the Director of Community Development or the Zoning Administrator.
2. Use Parameters
 1. Special Use Permit Area – The Special Use Permit shall apply to the entire +/- 29.05-acre property.
 2. Use Limitations – Use shall be limited to residential and retail.
3. Waivers and modifications
 1. Article 2-6.1: The maximum density specified in the zoning ordinance for a given zoning district shall not be exceeded. The maximum density is 5 units per acre or 10 units per acre with inclusion of 10% affordable dwelling units.
 - Waiver Request #1: Increase density to 386 units or 13.28 per acre.
 2. Article 3-4.10.4: Required front yard setback from ROW greater than 50' is 40' minimum, if no parking or loading is proposed.
 - Waiver Request #2: Decrease minimum setback to 14' along Broadview Avenue.

3. Article 3-4.10.4: Required side/rear yard setbacks is 5' minimum.
 - Waiver Request #3: Decrease side/rear yard setbacks to 0'.
 4. Article 8-8.5: Minimum buffer width for commercial uses adjacent to residential uses is 25', plus 1' for each foot of building height over 35'. Minimum buffer width for rear boundaries of residential uses from public ROW is 25'.
 - Waiver Request #4a: Decrease buffer width between commercial and residential uses to 0'.
 - Waiver Request #4b: Decrease rear buffer width for residential uses from public ROW to 14'.
 5. Article 2-20: Height limit for dwellings may be increased up to 45' and up to three stories provided that front, side and rear setbacks increase 1' for each additional foot of building height over 35'.
 - Waiver Request #5: Increase height limit for dwellings as follows:
 - 54' max height for Block 1, Oak Springs Drive Frontage
 - 36' max height for Block 1, Broadview Avenue Frontage
 - 36' max height for Block 2
 - 45' max height for Block 3
 6. Article 3-4.4.5.3: No more than six townhouse units shall be grouped contiguously to each other.
 - Waiver Request #6: Increase maximum grouping of townhouse units from six to seven.
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4. Architecture – The final design of the buildings to be constructed shall generally conform to the elevations and materials included with the Special Use Permit application (hereinafter, the "Elevations"). The Elevations may be subject to minor modification approved by the Zoning Administrator in connection with Site Development Plan review. Additional changes to the design and materials may be made provided that any such changes are approved by the Town prior to the issuance of a building permit. Such approval shall be based on a determination that the changes result in equal to or better than the quality shown on the Elevations.
 5. Materials – the following materials will be prohibited from use:
 1. Vinyl siding
 2. EIFS
 3. Corrugated metal siding
 4. Plastic panels
 6. Garage Screening – the structured parking garage in Block 1 will include a mesh or fabric screening on its south facing façade.

7. Green Building Design -- all residential buildings will be designed and certified to a National Green Building Standard (NGBS), Level Bronze, or higher. If NGBS is not available for this project, an equivalent certification from an alternative third-party green building rating system will be acceptable.
8. Electric Vehicle Charging Stations – a minimum of 2% of the total spaces included within the Block 1 parking garage will include electric charging stations for tenant use.
9. Affordable Dwelling Units
 1. The Applicant shall provide the following minimum number of Affordable Dwelling Units (ADUs):
 - 10% of total dwelling units within each of the three blocks (Block 1, Block 2 and Block 3) will be reserved as 80% AMI ADUs;
 - Ten (10) additional dwelling units in Block 1 will be reserved as 70% AMI ADUs;
 - Five (5) additional dwelling units in Block 1 will be reserved as 60% AMI ADUs
 2. The Applicant shall maintain the ADU program on all rental units for a period of twenty-five (25) years from the issuance of the Special Use Permit (the “Affordability Period”).
 3. Within Block 1, allocation of the ADUs between 1-, 2- and 3-bedroom units will be at the discretion of the Applicant, so long as the minimum number of units defined above are maintained as ADUs. Within Block 2 and Block 3, wherein all units are 3-bedrooms, all ADUs will be 3-bedrooms. The ADUs shall be similar to the market rate units in architectural design, fixture/appliance selections and unit size. No more than three ADU units will be positioned adjacent to one another at any given time.
 4. “Qualified Parties” and “Rent Limits” for ADUs, are defined as:
 - For the purposes of qualifying for the lease of an affordable rental ADU a Qualified Party shall be an individual or a family whose gross annual household income does not exceed 60%, 70%, or 80% (dependent on the specific ADU) of the current Multifamily Tax Subsidy Program (MTSP) Income Limits for Fauquier County as published by the Virginia Housing & Development Authority (VHDA), at the time the rental application is opened for such Qualified Party (“AMI”).
 - For the purposes of determining the Rent Limits for all ADUs, monthly rental rate limits shall be equal to those published by

VHDA for 0-, 1-, 2-, and 3-bedroom units and corresponding 60%, 70% and 80% AMIs, with no utility allowances.

- For the purposes of qualifying for the purchase of an ADU in Block 2 or Block 3, a Qualified Party shall be an individual or a family whose gross annual household income does not exceed 80% of the current Multifamily Tax Subsidy Program (MTSP) Income Limits for a 4-person household in Fauquier County as published by VHDA, at the time the purchase contract is executed for such Qualified Party.
 - For purposes of determining the purchase price of any for-sale ADU, that price will not exceed the amount at which the monthly mortgage payment for such unit exceeds the monthly rent limits for 3-bedroom units and 80% AMI income, as published by VHDA. Qualifying Parties must provide a market rate loan commitment prior to closing in order to calculate the proposed mortgage payment.
5. The ADU status shall be set forth in a deed of restrictive covenants recorded against the Property and shall continue to bind the minimum ADU requirement within each block to the Property for a period of twenty-five years from the issuance of this Special Use Permit; provided, however, that for rental units, the Applicant may recalculate the rental rates for new leases or renewals in accordance with the then current rates published by VHDA.
 6. The Applicant shall establish in a deed of restrictive covenants a program for the administration of this ADU program according to the requirements of these conditions. The Applicant (or Owners Associations with respect to any purchase units if the Applicant is no longer the Declarant) shall make each ADU available for a period of not less than 90 days for rental units and 180 days for purchase units, following the issuance of a certificate of occupancy for each unit.
 7. The Applicant shall designate on the Construction Drawings submitted for building permit approval which units will be the initial ADUs; however, the units that are selected as the initial rental ADU units are not required to remain as the designated rental ADUs for the entirety of the Affordability Period. The Applicant will have the authority to re-designate the rental ADUs from time to time based on leases and vacancies. The Applicant will maintain a building plan set at the leasing office located in the Block 1 at all times that shows which units are currently designated as rental ADUs.

8. The documents creating the ADU program shall be reviewed and approved by the Town Attorney prior to their recordation in the Land Records.
9. ADUs will first be made available to the following persons:
 - Those residing or working in the Town of Warrenton or Fauquier County
 - Town of Warrenton or Fauquier County teachers
 - Town of Warrenton or Fauquier County first responders
 - Veterans and enlisted members of the United States Armed Forces

The Applicant shall contact the appropriate local Social Service and/or Housing Authority offices for identification and placement of local residents.

10. The community's Property Management Team shall make annual reports to the Zoning Administrator as to the number, type and location of units hereunder that shall have been rented as ADUs and shall verify that they have been rented to Qualified Parties.

10. Block Sequencing and Required Site Improvements

1. The Applicant can develop the three blocks included within the Site Development in any order.
2. To ensure that site improvements are completed in a timely manner along with the residential buildings, Applicant agrees that the Town of Warrenton will withhold Certificates of Occupancy (COs) in accordance with the following schedule:
 - Block 1: the 215th CO within Block 1 will not be issued until such time as all Block 1 site improvements have been substantially completed;
 - Block 2: the 19th CO within Block 2 will not be issued until such time as all Block 2 site improvements have been substantially completed;
 - Block 3: the 33rd CO within Block 3 will not be issued until such time as all Block 3 site improvements have been substantially completed.
3. Site improvements allocated to each individual block are shown in SUP Sheets 4 & 5 and generally include the following:

- Block 1:
 - Multi-family building and parking garage
 - Central Plaza
 - West Plaza
 - East Plaza
 - Hastings Lane extension
 - Reconfiguration of commercial parking
 - Modified Alley, all improvements
 - Dog park and picnic area
 - Preservation and reconditioning of Oak Spring (natural spring)
 - Sidewalks included in Block 1 Improvements – Sheet 4 of SUP
 - Two crosswalks across Oaks Springs Drive at Hastings Lane and Highland School entrance
- Block 2:
 - Townhome dwelling units and parking
 - Sidewalks included in Block 2 Improvements – Sheet 5 of SUP
- Block 3:
 - 2-over-2 dwelling units and parking
 - Townhome dwelling units and parking
 - Sidewalks included in Block 3 Improvements – Sheet 5 of SUP
 - New sidewalk section on east side of Broadview Ave (behind Galaxy Strike Bowling Center building)

11. Site Surface – All outdoor areas used for shared open spaces, amenities, facilities, parking, storage, loading, display and driveways shall be constructed and maintained in good repair, free of cracks or damage to the surface.

12. Traffic

1. Access - Access to the site shall be provided as shown on the SUP Plan, subject to changes as may be approved through at Site Development Plan review.
2. Loading/Unloading – All loading and unloading of vehicles shall take place on the Subject Property during regular hours of operation and outside of peak travel hours, to the greatest extent possible, in the Loading Area depicted on the Special Use Permit Plan.
3. Obstruction of Travel Ways – No vehicles associated with the use shall obstruct the travel ways, fire lanes, adjoining road network or encroach

upon landscaped areas as shown on the Special Use Permit Plan. No vehicles shall be located within site entranceways or otherwise impede ingress, egress, and internal circulation.

13. Parking – The Subject Parcel shall meet all parking requirements as outlined in Article 7. Should it be desired to expand the use in any of the buildings located on the Subject Property, the new proposed use shall be required to apply for approvals that meet Zoning Ordinance and additional parking requirements.

14. Sidewalks

1. The Applicant shall install sidewalks as shown on the SUP Plan.
2. All sidewalks will be a minimum of 5'.
3. The Applicant will install a new section of sidewalk along the east side of Winchester Street, between Lee Highway and Broadview Avenue (behind the Galaxy Strike Bowling Center building) as part of Block 3 improvements.

15. Oak Springs Drive Crosswalk(s) – new crosswalks will be installed on Oak Springs Drive at Hasting Lane and at the entrance to Highland School as part of Block 1 improvements. Inclusion of these crosswalks will be contingent upon and subject to Town of Warrenton and VDOT approvals as Site Development Plan.

16. Refuse Storage Area – Any refuse storage areas shall be screened with a solid enclosure constructed of materials that are compatible with the buildings on the property.

17. Site Maintenance – The Owner shall maintain the site in a clean and orderly manner and shall pick up trash, litter and debris on a daily basis.

18. Landscaping – The Owner shall be responsible for the maintenance and replacement of all plantings on site. Any diseased or dead landscaping shall be replaced within one season of dormancy.

19. Stormwater Management – The site is to be planned and designed as a redeveloped site under the State's Runoff Reduction requirements for Stormwater Management (SWM) and in compliance with the Town of Warrenton's SWM Ordinance at time of construction.

20. Water and Sewer – The Subject Parcels shall be served by public water and sewer. The Property Owner is responsible for all improvements required in order to meet the demand of the Subject Uses associated with the Property.

21. Emergency Services

1. All future Site Development Plans shall illustrate adequate access to the site for Emergency Service vehicles, subject to approval by the Planning Director or Zoning Administrator. Nothing shall be placed or constructed on the site that would prohibit or restrict Emergency Service vehicles from mounting curbs or accessing structures. There shall be no parking of any vehicles in the travel ways.
2. Fire hydrants shall be installed in locations acceptable to the Town of Warrenton.
3. Buildings shall have supra boxes installed on them with a fire alarm panel inside the front and rear entrances of the structures.

22. Signs – All signage shall be permitted in accordance with the Plan as shown and shall comply with any Zoning Ordinance regulations at that time.

23. Lighting

1. All outdoor lighting shall be in conformance with the Zoning Ordinance.
2. The Applicant shall prepare and submit a photometric plan in connection with Site Development Plan review.
3. All site lighting, to include both new fixtures within the new development areas as well as any non-residential area that is modified as a part of site development, must consist of fully-shielded, full cut-off fixtures to meet the requirements of Article 9, Section 9-8.
4. Color temperature of exterior light fixtures will be 3,000 degrees kelvin or lower.
5. Average horizontal illumination level of exterior light fixtures will be 3.0 footcandles or less.

24. Open Space – each residential block/parcel and the residual retail parcel will individually meet the 10% open space requirement. The Applicant will construct and maintain all open spaces in general conformance with the improvements noted and shown in Sheet 6 of the SUP – “Open Space Plan.”

25. Modified Alley – The Applicant will build and maintain the Modified Alley in general conformance with the improvements shown in this area on the Plan.

26. 3-Bedroom Unit Maximum – A maximum of 10% of the units located in Block 1 will be 3-bedroom units.

27. Condo Sale of Block 2 and Block 3 – Applicant will maintain the ability to sell the entirety of Block 2 (Multi-Family Townhomes) and/or the entirety of Block 3 (Multi-Family 2-Over-2 and Townhomes) as Condos. The Applicant agrees to sell all or none of the units within Block 2 or Block 3, so as to prohibit a mix of for rent and for sale units in the same block.

All conditions of the SUP will continue to be enforced in a block sale scenario through the Declarations of Restrictive Covenants that the Applicant will record and encumber the Block 2 and/or Block 3 parcels. In a block sale scenario, Homeowner Associations will be established to maintain all conditions of the SUP and will own the block parcel, while individual condo owners will own the condo dwelling units.

In a sale scenario, residents/owners of the condos will not be tenants of the apartment community and will not have access to the rental amenities located within Block 1.

In a block sale scenario, 10% of the units within the sold block will be required to be sold as ADUs, in accordance with the language outlined in Section 9 – Affordable Dwelling Units of this Conditions of Approval.

28. Block 1 Amenities – All amenities located within Block 1 will be available for use by tenants of residential rental units owned by the Owner in all three blocks (Block 1, 2 and 3). If residential units within Block 2 and/or Block 3 are sold by the Owner in a condo sale, the fee simple owners of the residential condos will not have access to the Block 1 amenities.