



WALSH COLUCCI
LUBELEY & WALSH PC

John H. Foote
(703) 680-4664 Ext. 5114
jfoote@thelandlawyers.com
Fax: (703) 680-2161

August 23, 2024

Via Hand Delivery

Denise M. Harris
Town of Warrenton
P.O. Box 341
Warrenton, VA 20188

RECEIVED
TOWN OF WARRENTON

AUG 23 2024

Community Development

Re: ZMA 2023-01, Warrenton United Methodist Church/Hero's Bridge
Resubmission and Comment Response Letter

Dear Denise:

As a response to the agency comments received to date, and in preparation for the Planning Commission hearing on September 17, 2024, please find the following resubmission materials compiled into ten (10) individual packages.

1. Copy of the draft Proffer Statement, dated August 13, 2024, with copies of the executed signed pages. Please note that the top Proffer Statement is an original and fully executed document;
2. Copy of the redlined proffers reflecting revisions from the version dated June 12, 2024;
3. Copy of the Order of Confirmation of Current Church Trustees and Authorization of Trustees to Sign Land Use Application Affidavit; and
4. Copy of the approval documentation associated with the special use permit for Warrenton United Methodist Church to operate a pre-school program.

Please note that only weaknesses/items to be addressed are listed below.

ATTORNEYS AT LAW

703 680 4664 • WWW.THELANDLAWYERS.COM
4310 PRINCE WILLIAM PARKWAY • SUITE 300 • WOODBRIDGE, VA 22192-5199

ARLINGTON 703 528 4700 • LOUDOUN 703 737 3633

Planning Staff, dated July 15, 2024	
Agency Comment	Applicant's Response
<p><u>General</u></p> <p>Va. Code section 57-8 et seq. pertains to any encumbrance or conveyance of a church property requires the execution of a deed by all trustees appointed by the Circuit Court at the request of church authorities. The submission includes the signed affidavits from two trustees; however, a copy of the latest appointment order is needed to ensure the rezoning application is authorized. Please provide.</p>	<p>A copy of the Order of Confirmation of Current Church Trustees and Authorization of Trustees to Sign Land Use Application Affidavit is included with this resubmission. The executed proffers are signed by all trustees. Trustee Harry Zullo is deceased and Trustee John Urego has resigned.</p>
<p><u>General</u></p> <p>The Statement of Justification states that residents are screened for barrier crimes, sex offenses, and active drug use (page 4 of 6, #7), however those restrictions are not enforceable unless proffered.</p>	<p>The proffers have been amended to accommodate this comment. Please see Proffer #2.a.v.</p>
<p><u>General</u></p> <p>The Applicant clarified the unit type in Proffer 2.a.i and the cover letter at page 4, stating that the units are duplexes, however R-PUD doesn't allow duplexes. The Council can craft a waiver for this provision, but it adds to the impression that this proposal is contrary to the Comprehensive Plan. This impression is increased by the failure to include any residential uses permitted in the underlying base zoning district and by the failure to provide more than one dwelling type.</p>	<p>Please see the revised proffers. The residential unit has been further clarified. Proffer #2.a. now says "twenty-two (22) two-family residential dwelling units (forty-four (44) dwelling units total)."</p>
<p><u>General</u></p> <p>As worded, Proffers 2.b. and 2.c. make no commitments, merely referencing what the small office/community center and the multipurpose recreational center "may include."</p>	<p>This language was used to allow for flexibility for Warrenton United Methodist Church and Hero's Bridge. The Applicant has changed "may" to "shall" for the Small Office / Community Center, but still requires flexibility for the Multipurpose</p>

	Recreational Center. The Center may not be built for years yet to come, and is dependent upon the financial ability of the parties to construct it.
<p><u>General</u></p> <p>In the cover letter, at pages 5-6, the Applicant disclaims any ability under applicable law to limit residency to veterans. Despite this, the Application contains many references to services to veterans – even though the Applicant admits that it has no ability to limit its services to that population. The Applicant has offered no age-restricted covenant to be recorded as a property restriction. Virginia Code § 36-96.7 (A) provides for three different ways to lawfully limit housing for older persons, and the Applicant has not indicated which it seeks to use. There is reference to age 65, but § 36-96.7 does not offer that as an option. One provision of Section 36-96.7, namely (A)(iii), merely requires one person 55 or older to occupy a unit, and the other occupants can be of any age.</p>	<p>Additional research into the Housing for Older Persons Act suggests that it is possible to limit the class of tenants to veterans, so long as there is no discrimination on any statutorily or constitutionally prohibited basis.</p> <p>This firm has extensive experience with age restricted housing in Virginia. Virginia Code § 36-96.7 is modeled directly on federal law. Without these statutes, age discrimination would be illegal under both federal and state law.</p> <p>Under both, there are two principal classifications for housing that may be lawfully restricted to older persons. The first is a restriction of at least 80% of the occupied units such that they are occupied by “at least” one person 55 years of age or older per unit, and the second is housing intended for and solely occupied by persons 62 years of age or older.</p> <p>A revised proffer has been drafted to reflect the Applicant’s commitment to the latter of these provisions, and a commitment that all such units will be so restricted. Please see Proffer #2.a.iv.</p>
<p><u>General</u></p> <p>Please call out the bicycle rack identified in the proffers in the plans. Or revise proffer 14 to remove the reference to the plans.</p>	<p>Proffer #14 has been revised. The location of the bike rack will be shown with future revisions to the plans.</p>
<p><u>General</u></p> <p>There is no commitment to build Phase II in the proffers. In the cover letter on page 3, Hero’s</p>	<p>This language was used to allow for flexibility for Warrenton United Methodist Church and Hero’s Bridge. The Applicant</p>

Bridge proposes but does not commit to any staffing levels, rendering any discussion about services irrelevant to consideration of the rezoning.	has changed may to shall for the Small Office / Community Center, but still requires flexibility for the Multipurpose Recreational Center. That Center may not be built for years yet to come, and is dependent upon the financial ability of the parties to construct it.
<p><u>General</u></p> <p>The Statement of Justification at page 3 says that “few of Hero’s residents will have cars,” but offers no support for such a statement. Other such observations could be made, such as the limited amenities, the failure to proffer against spill over lighting, and the lack of a commitment to screening for illegal drug use, and all these observations lead to one key question. The Application speaks to the mission of the applicants; however, please keep in mind this is a land use entitlement requires that runs with the land. If approved, what would happen to the residential units should the church or non-profit cease to be involved in the land?</p>	<p>In Hero Bridge’s extensive experience, it has observed that few of its clients have cars. As its engineer has reported, there is no ITE classification for this use so he has employed the closest equivalents possible to estimate trip generation.</p> <p>With respect to what might happen to this property should Hero’s Bridge or the Church cease to own and operate the homes that are proposed in this rezoning, the answer is that another user would be at liberty to acquire the site — in the recognition that it could not be used for any other purpose than that which is proffered in this application, and that the land would have to be used consistently with those proffers or that a proffer amendment would be required.</p>
<p><u>General</u></p> <p>Please clarify the “portion of GPIN 6984-16-5101 being proposed to be rezoned.” Will this create a split zone parcel or is the Applicant proposing a different solution. Staff recommends the entirety of a parcel be contained in a rezoning request.</p>	<p>We do not have the ability to include all of GPIN 6984-16-5101 in the rezoning. This has not been amended.</p>
<p><u>General</u></p> <p>The Applicant should carefully review the Zoning Ordinance to ensure all waivers and modifications requests are captured.</p>	<p>Please see the earlier comments with respect to the effect of the Rowland opinion, which holds that accepted proffers are not waivers or modifications of a zoning ordinance, but become</p>

	<p>provisions of the zoning ordinance applicable to a given parcel.</p> <p>It should be noted that all proffers must, of course, be approved by the Town Council. The same would be the case with respect to those matters that the Town considers waivers and modifications, but waivers and modifications are not part of the zoning ordinance. A proffer is a part of the zoning ordinance, once accepted by the Town Council.</p>
<p><u>General</u></p> <p>Please provide information regarding the existing Special Use Permit for the Planning Commission and how it relates to the current proposal.</p>	<p>Approval documentation for the existing special use permit for Warrenton United Methodist Church to operate a pre-school program dated August 1, 1989, is included with this resubmission. There are no restrictions on the use. Following this rezoning the Church and pre-school program will be permitted by-right.</p>
<p><u>Plan Warrenton 2040</u></p> <p>Staff Comment: Please update the Statement of Justification to address these components of the comprehensive plan and address how the Concept Development Plan and elevations meet the comprehensive plan goals. Of particular concern is the varying descriptions of the rezoning proposal makes it is impossible at this time to determine if the application is in conformance with the Future Land Use Map Medium Density designation that states up to 5 dwelling units per acre. Please advise as a Comprehensive Plan Amendment may be required with the rezoning application.</p> <p>Update: The resubmission states the Application meets the medium density identified in the Comprehensive Plan. There are no elevations included in the Concept Development Plan resubmission to assess if the proposal meets</p>	<p>The proposal allows for a transitional area between the existing Church and residential homes. The proposal is context sensitive and respects the existing character of the area. The Comprehensive Plan states that “the Town supports infill development that contributes to the Town’s small town feeling where neighbors know their neighbors.” The Church is partnering with Hero’s Bridge to provide a needed service with the community, and the Applicant has met with the neighbors to discuss the proposal. Hero’s Bridge wants to become part of the community the way the Church and residents nearby have done.</p>

attractive infill development that protects the existing character of the neighborhood.	
<p><u>Transportation and Circulation Goals</u></p> <p>Staff Comment: The Applicant should review these goals and address them in the resubmission. In addition, the Applicant should further explain the provided bus/van service, how it will be utilized, and if infrastructure (shelters, etc.) will be provided for it. Likewise, the Statement of Justification indicates “daily visits from social workers, assistance with veterans’ benefits, visitors. The Applicant states there will be a total of 947 vehicle trips per day, an increase from the estimated current volume of 182 trips per day generated by the church. This is a substantial increase on neighborhood streets with no proposed improvements.</p> <p>Update: The Town has a goal of walkability. While the resubmission addresses sidewalks to the west of the property, it does not include sidewalks around the entire proposed R-PUD. There remain concerns about the amount of new traffic this site may generate. Although the Applicant states few residents will drive, there is nothing to substantiate this statement leaving staff to use the ITE Trip Generate manual to determine potential outcomes. Assuming the Applicant will guarantee in some fashion the age restriction, the following is an example from the 9th Edition of the ITE Trip Generation Manual (there are newer editions of the ITE Manual that should be utilized):</p> <ul style="list-style-type: none">• Senior Adult Housing – Attached Average Rate 3.44 per Dwelling Unit• Church 1000 square feet Average Rate 9.11• Private School (K-8) for the SUP Approved Private Pre-School Needs to be Calculated on number of students and employees	<p>The ITE numbers that are referenced in this comment do not apply to the use proposed. Thus, for example, the senior adult housing trip generation assumes, at the very least, a husband and wife in independent living. That is not what is proposed here, and that trip generation estimate has no application. Single resident units, and few vehicles owned, will not generate the vehicle trips referenced in the comment.</p> <p>The Applicant’s engineer has already engaged in the exercise of calculating estimated traffic generation from each of the other buildings in determining the trip generation from the site.</p>

<ul style="list-style-type: none"> • Office General/Medical/Community Center needs to be developed on number of employees and square footage • Recreational Community Center please determine appropriate category and trip generations for proposed use <p>Please reference how the vehicle trips were developed and the break down of proposed uses with peak hours in more specificity to be reviewed.</p>	
<p><u>Community Facilities Goals</u></p> <p>Update: The Applicant widened the trail to 20' to accommodate emergency services. The water and sewer capacity remains a key issue that needs to be addressed at this time. Public Utilities needs an assessment of the impacts this proposal may have above the by-right capacity.</p>	<p>The Applicant is working with Public Utilities to develop a comparison of the existing / contemplated versus proposed water and sewer capacity. As proposed, these units are most like senior homes, which use only 100 GPD. Further analysis will be provided.</p>
<p><u>Housing Goals</u></p> <p>Staff Comment: As stated above, bungalow courts, and defined in the Housing Chapter, are recommended as a potentially appropriate land use in R-10. However, the Zoning Ordinance has not yet been updated to incorporate this. The Applicant is proposing a form of goal H-4; however, it is unclear who will maintain control of the property the residential units will be built upon. Likewise, it is unclear who is responsible for the building and maintaining of the community building or where the proposed senior services will be provided on site (e.g., the offices, the community building, the church, etc.). Finally, the Applicant should take into account the existing character of the neighborhood and consider if the proposed elevations are in keeping with the scale, character, and heritage.</p> <p>Update: As mentioned above, comment remains. Concerns about the land use entitlement,</p>	<p>As the Applicant has previously stated, the land will continue to be owned by the Warrenton United Methodist Church, and it will enter into a 79-year ground lease with Hero's Bridge. The housing units that are proposed are intended to be one-bedroom units in what are essentially duplex arrangements (twenty-two (22) two-family residential dwelling units (forty-four (44) dwelling units total). They will be under the operation, maintenance, and control of Hero's Bridge, which will fund their construction. The Church will maintain that portion of the property that it retains for its own use.</p> <p>With respect to the long-term use of the property, as noted above its use as proposed will be governed by the approved proffers, any other zoning ordinance provisions not altered or added to thereby, and there is no evident reason why the long-term use of the property would not be</p>

elevations, and long-term use need to be further detailed.	as proposed, unless the Town Council simply prefers not to have the use in this location.
Zoning Comments, dated July 2, 2024	
Agency Comment	Applicant's Response
<p><u>General – Staff Comment:</u></p> <p>Advisory Comment remains: Aerial imagery and topography show a significant drainage feature running across the width of the 3.9-acre portion of the property; Soil Survey maps show that soil type 17B, described as having potential hydric inclusions and an elevated ground water table, are located in a broad swath following the general location of this drainage feature.</p> <p>a. Staff notes that should any hydric soils be found, that a Jurisdictional Determination by the USACE will be required as a part of any future Site Development Plan application, to include required permits for wetland/stream channel disturbance from the USACE and DEQ.</p> <p>Clarification: A Jurisdictional Determination will be required at the time of Site Development Plan. This comment remains advisory.</p>	<p>If required, a Jurisdictional Determination will be provided at the time of Site Development Plan. The Applicant's engineer is well aware of this feature.</p>
<p>General – Staff Comment:</p> <p>Advisory Comment remains: The application does not provide sufficient information to show that adequate stormwater management can be provided for the property.</p> <p>a. Staff notes that the existing outfall on PIN 6984-15-1967 is known to have issues with adequate conveyance of storm flows; the proposed development will add a significant amount of new</p>	<p>The Applicant's civil engineer will contact staff directly regarding this.</p>

<p>impervious area leading to an increase in runoff volume that could negatively impact neighboring properties and existing drainage facilities. Ensuring the adequacy of the off-site receiving facilities and structures must be considered.</p> <p>Clarification: 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.</p>	
<p><u>General – Staff Comment:</u></p> <p>Advisory Comment remains: The plan does not address the current conditions of Church Street, Moser Road, or the intersection of Church Street with Sullivan Street/Broadview Ave.; address. The existing edge of pavement, pavement markings, signage, curb/gutter and sidewalk, existing drainage features, etc. should be shown so that the proposed impacts to area roadways can be evaluated.</p> <p>Clarification: Staff notes that the proposal does not provide continuing sidewalk and curb and gutter along the Moser Road and Church Street Road frontages. (10-6.10 ZO)</p>	<p>The Applicant has provided sidewalk in the locations that will provide the most connectivity. The connection from the westernmost access to the Church along Church Street to Sullivan Street will bridge an existing gap in pedestrian connectivity.</p>
<p><u>General – Staff Comment:</u></p> <p>Comment remains: The property currently exists as two separate parcels, however the statement of justification speaks to cross-use of facilities and services; either show the separating parcel line as “To be Vacated” or revise the plan and application materials to show that the residential/office component are stand-alone facilities that are completely sperate from the church and recreational facility.</p>	<p>Tabulations can be provided in connection with Site Development Plans for Phase I and II. It is physically impossible to provide all amenities and open space on each individual lot and to develop the property as proposed. It must also be kept in mind that all of the land that will be subjected to the proffers will be subject to a 79 year ground lease, effectively eliminating any risk of sale such as the comment references for the next century.</p>

<p>Clarification: 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. If the church lot were to sell in the future, the residential component risks losing access to all amenities provided on the adjacent parcel.</p>	
<p><u>Proffer – Staff Comment:</u></p> <p>Comment remains: The proffer statement provided for review includes multiple statements that repeat minimum zoning ordinance requirements that must be addressed by all development projects and are not proffers as such.</p> <p>Clarification: The revised proffer statement continues to state that the project will provide items as required by the Zoning Ordinance. Revise.</p>	<p>The Applicant has revised Proffer #9 regarding lighting accordingly. The Applicant did not revise Proffer #5.a. regarding affordable dwelling units because this is an important commitment.</p>
<p><u>Proffer – Staff Comment:</u></p> <p>Comment remains: The elevation drawings that were submitted as a part of the application materials are not addressed as a part of the proffer statement, in terms of proffered materials, color palette, architectural treatments, or style. Either remove the elevations from the application as extraneous or include the elevations as a part of the plan set and address the elevations as a part of the proffer statement in defined, enforceable terms.</p> <p>Clarification: The “Architecture” proffer (6) states that the quality of the proposed duplex units shall be in general conformance with the elevations prepared by Design Concepts, but the elevations were not provided for review. Define “Quality” as used in the proffers and statement of justification.</p>	<p>The elevations were not provided with the resubmission dated June 14, 2024 because there were no revisions made to the elevations after the initial submission. The elevations are those entitled “Warrenton UMC Proposed Housing Elevation” prepared by Design Concepts architecture + interiors, dated March 16, 2023 and those entitled “Warrenton UMC Multi-Purpose Building” prepared by Design Concepts architecture + interiors, dated November 18, 2022 and consisting of two sheets.</p>

<p><u>Proffer – Staff Comment:</u></p> <p>Comment remains: Staff notes that the statement of justification speaks to the intent to serve older and/or disabled veterans, however nothing in the proffer statement speaks to this intent, nor to how the church use is an integral part of the services to be provided to the residents.</p> <p>Clarification: Partially addressed via proffer 2.a.iv. The church appears to no longer be utilized as an integral part of the project; However, the land area of the church is used to provide justification for the proposed density and a future phase II multipurpose recreational center. The multipurpose recreational center appears to be an expansion of the existing church use; justify. An expansion of the church use in the R-10 Zoning District requires the approval of a Special Use Permit.</p>	<p>The proffers have been revised to make provide greater specificity as to what these housing units are designed for. The Church is an active participant in this project both as an advocate for its approval, and as its landlord. It is leasing all of the area necessary for the conduct of the Hero’s Bridge mission. Consequently, the property may be used as justification for the proposed density and for a future Phase II.</p> <p>The Multipurpose Recreational Center would be a shared use between Hero’s Bridge and the Church. If the entire property is rezoned to R-PUD as the Staff has suggested, the Church will no longer require a Special Use Permit and will become a lawful use under that zoning since churches are a permitted use in R-PUD.</p>
<p><u>Proffer – Staff Comment:</u></p> <p>Comment remains: The statement of justification includes the provision of bus service, and nursing, physical and mental health services, however the proffer statement does not include any of these services. Either amend the statement of justification to remove these items or revise the proffer statement to include these services as integral to the intent and function of the project.</p> <p>Clarification: Not addressed.</p>	<p>These items were included in the Statement of Justification as part of the description of Hero’s Bridge. It is what Hero’s Bridge does, and it was appropriate to include that information. How it provides its services may change over time, and it would be imprudent to freeze those services by proffer, and thereby require a proffer condition amendment should those changes occur.</p>
<p><u>Proffer – Staff Comment:</u></p> <p>Comment remains: Should the project be intended to serve the elderly, disabled persons, veterans, or other groups with identifiable needs, then the proffers and plan drawing should include facilities that cater to the needs of persons that meet those demographic</p>	<p>The elevations were not provided with the resubmission dated June 14, 2024 because there were no revisions made to the elevations after the initial submission. The elevations are those entitled “Warrenton UMC Proposed Housing Elevation” prepared by Design Concepts architecture +</p>

<p>characteristics such as accessible/universal design features for both outdoor facilities and interior building design.</p> <p>Clarification: Not addressed. No elevations have been provided to show the interior/exterior building design or accessibility features.</p>	<p>interiors, dated March 16, 2023 and those entitled “Warrenton UMC Multi-Purpose Building” prepared by Design Concepts architecture + interiors, dated November 18, 2022 and consisting of two sheets.</p>
<p><u>Proffer – Staff Comment:</u></p> <p>Comment remains: Section 1, proffer 1.6 does not provide a defined trigger for when the office or recreation center will be constructed in relation to construction of the residential units; either address by including a defined, enforceable trigger, or remove the office and recreation center from the application materials altogether.</p> <p>Clarification: Not addressed. The enforceable trigger for the construction of the recreation center is not defined. (How many duplexes will be built prior to the recreation center?). In addition, the square footage of the facility is broadly defined. Provide separate square footage for the portion of the building used for each use (office and recreation center).</p>	<p>The maximum square footage for the Multipurpose Recreational Center is 19,000 square feet. Please see Proffer #2.c.</p>
<p><u>Proffer – Staff Comment:</u></p> <p>Comment remains: Section 2, proffers 2.1 and 2.2 are unclear, lacking detail or an explanation of intent; address.</p> <p>Clarification: Proffers have been revised to be “5a and 5b”. The proposed proffers are unclear in their intent, and do not appear to be proffers but rather, a waiver request of the requirements of the referenced articles of the Zoning Ordinance. Revise.</p>	<p>Please see other responses to these comments with respect to whether proffers constitute waivers or modification requests. The Applicant request further clarification from the Staff as to what lack of clarity is perceived in these proffers since they seem clear enough to it.</p>
<p><u>Proffer – Staff Comment:</u></p> <p>Comment remains: Section 4, proffer 4.1 does not address any buffering or screening beyond the minimum requirements of the zoning</p>	<p>Landscaping tabulations were included on the plan that was part of the resubmission from June 14, 2024.</p>

<p>ordinance that must be met by all projects, and the landscaping shown on the plan does not meet minimum ordinance requirements; address.</p> <p>Clarification: Proffer has now been revised to be number “7”, but the original comment remains. The landscaping shown within the proposed buffer areas (C, D, E, G) do not meet minimum Zoning Ordinance requirements. Staff is unable to determine that minimum Zoning Ordinance requirements have been met. Revise. (8-8.5 ZO)</p>	
<p><u>Proffer – Staff Comment:</u></p> <p>Comment remains: Section 4, proffer 4.2 does not specify a minimum number of type of amenities to be provided, nor are any such shown on the plan drawing; revise.</p> <p>Clarification: Proffer has now been revised to be number “8”, but the original comment remains. Outdoor amenities are not defined, and are not shown/labeled on the plan. Revise. In addition, “senior appropriate fitness trail signage” is not an amenity. Revise.</p>	<p>Proffer #2.b. has been revised to change “may” to “shall.”</p>
<p><u>Proffer – Staff Comment:</u></p> <p>Comment remains: Section 5, proffer 5.1 is a minimum zoning ordinance requirement and not a proffer.</p> <p>Clarification: Proffer has now been revised to be number “9”, but the original comment remains. The “proffer” is stating minimum Zoning Ordinance requirements, and as such, is not a proffer.</p>	<p>This is now Proffer #9 and the reference to the Zoning Ordinance has been removed.</p>
<p><u>Proffer – Staff Comment:</u></p> <p>Comment remains: Section 6, proffers 6/1 and 6/2 are minimum requirements that all developments must provide, and not a proffer.</p> <p>Clarification: Not addressed.</p>	<p>These have been removed.</p>

<p><u>Article 3-5.2.3.1 – General Planning Considerations (R-PUD) – Staff Comment:</u></p> <p>Comment remains: The plan does not clearly illustrate the use of open space required, but the statement of justification does not address the use of open space by the residents.</p> <p>Clarification: An open space calculation has been provided on the plan, but labels are not indicated showing the open space areas and the amenities within these areas for use by the residents. Revise.</p>	<p>The Applicant has shown what is known at this time. Additional details will be provided in connection with Site Development Plan for each phase.</p>
<p><u>Article 3-5.2.3.1 – General Planning Considerations (R-PUD) – Staff Comment:</u></p> <p>Comment remains: The application does not address pedestrian connectivity; resolve.</p> <ul style="list-style-type: none">a. Provide crosswalk connections from the residential area to the church and recreational center across the internal accessway.<ul style="list-style-type: none">i. Clarification: One crosswalk does not appear sufficient.b. Provide sidewalk connections from the proposed development areas to the outer perimeter of the site.<ul style="list-style-type: none">i. Clarification: Curb cuts and crosswalks are not provided at the sidewalk connections for Church Street and Moser Road. Revise.c. Provide sidewalk along all street frontages.<ul style="list-style-type: none">i. Clarification: Not addressed.d. Address how residents will access the larger pedestrian network outside of the project boundaries.<ul style="list-style-type: none">i. Clarification: Not addressed.	<p>The Applicant has provided sidewalk in the locations that will provide the most connectivity. The connection from the westernmost access to the Church along Church Street to Sullivan Street will bridge an existing gap in pedestrian connectivity</p>

<p><u>Article 3-5.2.4.1 – Standards and Criteria for Planned Unit Developments – Staff Comment:</u></p> <p>Comment remains: Staff is unable to determine that open space requirements are met at this time. The 25% minimum required open space is not delineated on the plan nor is the use of the open space for amenities for the residents.</p> <p>Clarification: Unaddressed.</p>	<p>An open space calculation was provided on the plan. Additional details including open space tabulations will be provided in connection with Site Development Plan for each phase.</p>
<p><u>Article 3-5.2.4.2 – Other Criteria for Residential Planned Unit Developments – Staff Comment:</u></p> <p>Comment remains: The proposal exceeds the maximum allowable 50% multi-family units.</p> <p>Clarification: A detailed list of all requested waivers of Zoning Ordinance standards is required.</p>	<p>As discussed, these units are twenty-two (22) two-family residential dwelling units (forty-four (44) dwelling units total). This has been revised in the proffers.</p>
<p><u>Article 3-5.2.4.2 – Other Criteria for Residential Planned Unit Developments – Staff Comment:</u></p> <p>Comment remains: The required open space is not delineated on the plan.</p> <p>Clarification: Unaddressed.</p>	<p>An open space calculation was provided on the plan. Additional details including open space tabulations will be provided in connection with Site Development Plan for each phase.</p>
<p><u>Article 3-5.2.4.2 – Other Criteria for Residential Planned Unit Developments – Staff Comment:</u></p> <p>Comment remains: The applicants have indicated that the proposed recreational facility may or may not be constructed in Phase II dependent on funding; However, applicable recreational facilities must be constructed prior to construction of the next phase.</p> <p>Clarification: Proffer #4, phasing, does not tie construction of the recreational facilities to a</p>	<p>Proffer #2.b. has been revised to clarify that the Small Office / Community Center must be shown on the Site Development Plan for the twenty-two two-family residential dwelling units. The proffers are specifically written so that there is no commitment to construct the Phase II Facilities as a trigger to any specific number of dwelling units, since the purpose that Hero's Bridge serves would be largely defeated by requiring it to build, for example, one half of the units, and then being required to raise funds for</p>

<p>specific number of dwelling units or another enforceable trigger.</p>	<p>recreational facilities as a precondition to building the second half. It is imperative that if this project is approved it construct all of its units in one phase.</p>
<p><u>Article 3-5.2.5 – Use Regulations-Residential Planned Unit Developments (R-PUD) – Staff Comment:</u></p> <p>Advisory Comment remains: The Zoning Ordinance does not specifically allow the proposed use. The applicant is requesting consideration from the Town Council to allow the use within the R-PUD district. Similar by-right uses are an apartment building, Senior/disability housing, and two, three, and four-family dwelling units. In comparison, a similar use that would require approval of a special use permit is affordable dwelling units (ADU) within areas designated for multifamily development.</p>	<p>Pursuant to the Rowland decision proffers become a part of the zoning ordinance applicable to a given parcel.</p>
<p><u>Article 3-5.2.7 – Density/Intensity and Area Regulations – Staff Comment:</u></p> <p>Comment remains: Interior side yard setback adjacent to the church is not provided. This must be a minimum of 15’ unless a waiver of setback is requested from the Town Council.</p> <p>Clarification: Add setback line labels throughout the plan to aid review.</p>	<p>The property that will be subjected to the proffers will be subject to a 79-year ground lease, effectively eliminating any risk of sale such as the comment references for the next century. The parcels are both owned by the church.</p>
<p><u>Article 6 – Signs – Staff Comment:</u></p> <p>Advisory comment remains: No signs included as part of the application. Any proposed signs will need to meet the regulations noted under Article 6 of the Zoning Ordinance.</p>	<p>Acknowledged.</p>
<p><u>Article 7 – Parking – Staff Comment:</u></p> <p>Comment remains: Staff is unable to verify that parking requirements are met with this submission. The plan mentions a parking</p>	<p>Further information regarding parking can be provided in connection with Site Development Plan.</p>

<p>demand study, but staff did not receive a copy of this. Parking requirements must be met at the time of site development plan.</p> <p>Clarification: The parking calculations depicted on sheet C.05 of the plan do not show the minimum required parking for one-bedroom units let alone the parking needed for the office use. If a waiver of parking requirements is desired, the request must be made to the Town Council.</p>	<p>Pursuant to the Rowland decision proffers become a part of the Zoning Ordinance applicable to a given parcel.</p>
<p><u>Article 7 – Parking – Staff Comment:</u></p> <p>Comment remains: The parking calculations provided as based on the unprovided parking demand study; Staff is unable to verify.</p> <p>Clarification: Unaddressed.</p>	<p>Further information regarding parking can be provided in connection with Site Development Plan.</p> <p>Pursuant to the Rowland decision proffers become a part of the Zoning Ordinance applicable to a given parcel.</p>
<p><u>Article 7 – Parking – Staff Comment:</u></p> <p>Comment remains: The application documents include a description of a bus service; however, the plan sheets do not indicate how this will be accommodated on site with adequate loading spaces and facilities.</p> <p>Clarification: Only one loading area is designated on site. Staff suggests adding at least one additional area on site. Staff is unable to determine that the size of the loading area will meet minimum requirements per article 7-18 of the Zoning Ordinance.</p>	<p>According to the Applicant’s engineer, there is no loading requirement for residential. The closest loading requirement is that for the Multipurpose Recreational Center, which could require 1 loading space. The size of that loading space would need to be 300 total square feet. We are proposing a loading space that is 12’ by 40’ or 480 square feet. We will add this to the plan with our next set of plan revisions.</p>
<p><u>Article 8 – Landscaping – Staff Comment:</u></p> <p>Advisory comment remains: Staff is unable to verify landscaping requirements are met and the statement of justification does not adequately address this requirement. No landscaping details have been provided at this time. Conformance with Landscaping requirements will be required as part of the site development plan.</p>	<p>More details can be provided in connection with Site Development Plan review.</p>

<p><u>Article 8 – Landscaping – Staff Comment:</u></p> <p>Comment remains: Landscaping for parking area calculations is not provided but will be required at time of SDP submission.</p> <p>Clarification: Landscaping calculations are provided but are incorrect based on the number of required parking spaces. A minimum of one space per one-bedroom unit must be provided, equivalent to 44 spaces for this development.</p>	<p>More details can be provided in connection with Site Development Plan review.</p>
<p><u>Article 8 – Landscaping – Staff Comment:</u></p> <p>Advisory comment remains: This project area abuts two existing single-family homes off of Moser Road, PIN 6984-16-8079 (Thompson) and PIN 6984-16-8042 (McLaughlin), but does not address how any impacts to these two property owners will be addressed. As a recommendation, the applicant should consider enhanced screening and buffering between the two uses.</p>	<p>The Applicant is providing a fence, landscaping, and retaining existing vegetation where feasible.</p>
<p><u>Article 8 – Landscaping – Staff Comment:</u></p> <p>Comment remains: The project area abuts four single family homes to the north, PIN 6984-16-7459 (Hunt), PIN 6984-16-8433 (Southard), PIN 6984-16-9430 (Fransella), and PIN 6984-26-0337 (Church), but does not address how any impacts to these property owners will be addressed. As a recommendation, the applicant should consider enhanced screening and buffering between the access road and the property boundary.</p> <p>Clarification: A stronger buffer in this area is advisable, such as a double-staggered row of evergreen trees to provide adequate screening.</p>	<p>The Applicant is providing a fence, landscaping, and retaining existing vegetation where feasible.</p>
<p><u>Article 8 – Landscaping – Staff Comment:</u></p> <p>Comment remains: The application does not clearly describe how refuse will be addressed on</p>	<p>If required, this will be addressed in connection with Site Development Plan review.</p>

<p>site for all uses. Refuse facilities but must be screened from view of adjacent properties, the public right-of-way, and from within the lot per Article 8-8.2. See Public Utilities Public Works for when refuse pick-up is provided by the Town.</p> <ul style="list-style-type: none">a. Provide adequate dumpster areas that are convenient to the differing uses.b. Address refuse area screening via landscaping, solid walls or fencing, and gates.<ul style="list-style-type: none">i. Clarification: The potential dumpster area labeled on sheet C.03 does now show a parking area/loading zone for a trash service. Provide dimensions and turn radius for a trash truck to service the dumpster.	
<p><u>Article 9-8 – Lighting– Staff Comment:</u></p> <p>Advisory comment remains: The Statement of Justification acknowledges all lighting must meet requirements of Article 9 of the Zoning Ordinance, but overall does not address site lighting. All fixtures on site will require conformance to current lighting standards. Staff suggests that the applicant should consider how sidewalk/trail lighting and parking area lighting will be provided, the general type and height of outdoor lighting fixtures, and the potential for glare, light trespass, and light pollution affecting surrounding properties.</p>	<p>If required, this will be addressed in connection with Site Development Plan review.</p>
<p><u>Article 9-3 – Affordable Dwelling Unit Provisions – Staff Comment:</u></p> <p>Comment remains: The proposal does not meet the eligibility requirements as stated under Article 9-3.1 of the Zoning Ordinance. The applicant has suggested a “proffer” for offering these ADU to qualifying individuals based on</p>	<p>This reflects a misunderstanding of the holding of the Rowland decision. It is not a waiver. Please see above.</p>

<p>Hero's Bridge rules and regulations. This may be considered as a waiver, but not a proffer.</p> <p>Clarification: Not addressed. Revise proffer statement and include waiver request for consideration by the Planning Commission and Town Council.</p>	
<p><u>Article 9-3 – Affordable Dwelling Unit Provisions – Staff Comment:</u></p> <p>Comment remains: The plans do not indicate how many bedrooms the units are intended to have, and staff is not able to determine the parking reduction allowance as provide for in Article 9-3.6.</p> <p>Clarification: The proposed parking on site does not meet the minimum required for 44 one-bedroom units. Advise if a waiver of parking requirements is requested form the Town Council.</p>	<p>For reasons that have been previously stated, the Applicant does not believe that the parking for the project will remotely approach the Town's estimates as to the required parking. As noted elsewhere, this is not a waiver when using proffers.</p>
<p><u>Article 9-12 – Open Space – Staff Comment:</u></p> <p>Comment remains: Open space must be used for the benefit of the residents. The plan does not indicate what recreational facilities will be used within the open space for the enjoyment of the residents. The applicant should ensure that adequate facilities will be provided to support intended outdoor recreation uses.</p> <p>Clarification: The open space calculation has been provided, but the areas have not been labeled on the plan. Revise.</p>	<p>Further details can be provided in connection with Site Development Plan review.</p>
<p>Public Works and Utilities, dated July 11, 2024</p>	
<p>Agency Comment</p>	<p>Applicant's response</p>
<p><u>Grading, E&S and Stormwater Management – Kerry Wharton, Stormwater Administrator</u></p> <p>SW1. Conformance with erosion and stormwater requirements is required at the time of SDP</p>	<p>This is correct and acknowledged. This will all be provided at the time of site development plan.</p>

<p>submission. No calculations were provided with the concept plan. They will need to meet the requirements of the Erosion and Stormwater Management Ordinance, 9VAC25-875-210, and the Virginia Erosion Stormwater Management Regulation for erosion control and 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.</p>	
<p><u>Grading, E&S and Stormwater Management – Kerry Wharton, Stormwater Administrator</u></p> <p>SW2. The existing Stormwater Management Facility located on PIN#6984-15-1967-000 will need to be upgraded to meet the stormwater requirements for quality and quantity. A new Stormwater Management Agreement will be required.</p>	<p>If required, this will be addressed in connection with Site Development Plan.</p>
<p><u>Grading, E&S and Stormwater Management – Kerry Wharton, Stormwater Administrator</u></p> <p>SW3. 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.</p>	<p>If required, this will be addressed in connection with Site Development Plan.</p>
<p><u>Grading, E&S and Stormwater Management – Kerry Wharton, Stormwater Administrator</u></p> <p>SW4. The project is being shown to be built over an existing channel. 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.</p>	<p>If required, this will be addressed in connection with Site Development Plan.</p>
<p><u>Public Utilities – Paul Bernard, Town Engineer</u></p>	<p>The Applicant is discussing this with Public Facilities and will have more</p>

<p>PU1. The site proposes 44 Senior Living rental units, a recreational building, and the existing church remaining in place. At this time, the existing church uses about 29,000 gallons a month which equates to approximately 960 gallons a day. The application indicated the total site land area is 9.14 acres and is zoned R-10. Based on this, the by-right water and wastewater use for up to 39 residential units would be around 11,700 gallons per day. Under the 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.</p>	<p>information to share regarding the existing and planned capacities versus the proposed capacity. The proposed use is not the same as a single-family dwelling (300 GPD), but more in line with a senior home (100 GPD).</p>
<p><u>Public Utilities – Steven Friend, Director of Public Utilities</u></p> <p>1. It is my recommendation that council take careful consideration in approving any increase to density that results in the increase of water demand that is above what the current by-right amount is. See above comment PU1 for reference to overage of existing by-right amount, which is an approximation using the industries 300 gallons per day per home for an amount of 1,300 gallons per day, or an extra 4.3-5 homes.</p>	<p>The Applicant is discussing this with Public Facilities and will have more information to share regarding the existing and planned capacities versus the proposed capacity. The proposed use is not the same as a single-family dwelling (300 GPD), but more in line with a senior home (100 GPD).</p>
<p><u>Public Utilities – Paul Bernard, Town Engineer</u></p> <p>PW1. Parking for units 13 through 24 and 37 through 44 is questionable as currently shown. Based on this layout, it would appear there would be strong motivation for routine parking along Moser Road, which the current street design would not support.</p>	<p>For reasons that have been previously stated, the Applicant does not believe that the parking for the project will remotely approach the Town's estimates as to the required parking. Consequently, it does not have reason to believe that there will be routine parking along Moser Road.</p>
<p><u>Public Utilities – Paul Bernard, Town Engineer</u></p>	<p>This is acknowledged and will be addressed in connection with Site Development Plan.</p>

PW2. Storm drainage will be a major concern during design development.	
--	--

Please do not hesitate to contact me if you have any questions or need additional information. Thank you for your assistance in connection with this application.

Very truly yours,

WALSH, COLUCCI,
LUBELEY & WALSH, P.C.



John H. Foote

JLP/mac

cc: Pastor Davies
Sarah Newton
Molly Brooks
Rob Seidel
Jeremy Karls

PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE

Rezoning: ZMA 2023-01 Warrenton United Methodist Church / Hero's Bridge

Record Owner: Trustees of the Warrenton United Methodist Church

Property: PINs 6984-16-5101 (portion), 6984-16-7013, 6984-15-1823 and 6984-15-1930, approximately 9.8640 acres (hereinafter the "Property")

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

Project Name: Warrenton United Methodist Church / Hero's Bridge

Date: August 16, 2024

Preliminary Matters:

Pursuant to Va. Code Ann. §§ 15.2-2296, 15.2-2297, 15.2-2298, 15.2-2303 or 15.2-2303.1, and § 11.3.9.17 of the Town of Warrenton Zoning Ordinance, the undersigned hereby voluntarily proffers that the development and use of the Property shall be in substantial conformance with the following conditions unless an amendment thereto is approved by the Town Council, upon proper application. In the event this rezoning is granted as applied for by the Applicant, then these Proffers shall supersede and replace in their entirety all other Proffers made prior hereto with respect to the Property. In the event this rezoning is not granted as applied for by the Applicant, then these Proffers shall be deemed withdrawn and shall be null and void, and any existing Proffers will remain in full force and effect.

The headings of the Proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the Proffers. Any improvements proffered herein below shall be provided at the time of development of the portion of the site served by the improvement, unless otherwise specified. The terms "Applicant" and "Developer" shall include all future owners and successors in interest. These Proffers shall apply to the entirety of the Property and the development referenced in these Proffers is the "Project."

PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres

For purposes of this Proffer Statement, the "General Development Plan" or "GDP" shall be sheets 3,4, 5 and 6 of the plan entitled "Warrenton United Methodist Church / Hero's Bridge Zoning Map Amendment," prepared by Rinker Design Associates, PC, dated April 26, 2024.

DEVELOPMENT AND USE

1. Development: The Property, comprised of approximately 9.8640 acres, shall be developed as a Residential Planned Unit Development (R-PUD), notwithstanding any requirement for a larger parcel size for rezoning to that zoning, in substantial conformance with the GDP and these proffers. Upon submission of final site development plans, 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 CDP, provided they meet the intent of these Proffers and are approved by the Director of Community Development.
2. Land Use Mix: Notwithstanding the provisions of §§ 3-5.2.4.1 and 3-5.4.2.2 of the Zoning Ordinance, the land use mix on the Property shall consist of the following, as depicted on the GDP:
 - a. Residential:
 - i. The maximum number of duplex units shall be forty-four (44), which shall be in twenty-two (22) two-family residential dwelling units (forty-four (44) dwelling units total) and available for rent only. The Applicant shall not be required to subdivide these duplex units and said duplex units will be provided as depicted on the GDP. For the purposes of these proffers a "duplex" shall mean a building containing two dwelling units with not more than one person occupying each dwelling unit.
 - ii. Each individual residential unit shall have one bedroom and all units shall be ADA accessible.
 - iii. The Property may be developed with one unit type.

PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres

- iv. The Applicant shall, pursuant to the provisions of the federal Housing for Older Persons Act, 42 U.S.C. § 3601, et seq., and the Virginia Fair Housing Law, Va. Code Ann. § 36-96.1 et seq., rent homes on the Property only to veterans 65 years of age and older, in accordance with its mission as set out in the Statement of Justification submitted with this rezoning.
 - v. All prospective tenants shall be screened for any record of having convicted of a "barrier crime" as defined in Va. Code Ann. §19.2-392.02. No person who has been convicted of such a crime shall be accepted as a tenant.
- b. Small Office / Community Center: A Small Office / Community Center will be constructed during Phase I of the project in the location shown on the GDP. The Small Office / Community Center shall include, but shall not be limited to, a movie viewing area, a senior technology library, an arts and crafts area, a music area, an area for pet therapy for residents, and a fitness room. The Small Office / Community Center shall be shown on the Site Development Plan for the twenty-two (22) two-family residential dwelling units.
 - c. Multipurpose Recreational Center: A Multipurpose Recreational Center may be constructed during Phase II of the project in the location shown on the GDP. The Multipurpose Recreational Center shall not exceed 19,000 square feet and may include, but shall not be limited to, multi-purpose gym/event space, meeting areas, a kitchen, educational space, an indoor walking track, and multi-purpose office space.
 - d. Existing Uses and Structures: The existing uses and structures (including, but not limited to, the church and associated houses) on the Property may remain.
- 3. Height: No new structure on the Property shall exceed 35 feet in height.
 - 4. Phasing: Development of the Property may be phased as generally depicted on the GDP. The Applicant may construct Phase I initially and thereafter construct Phase II improvements at any time, provided that parking, landscaping and stormwater management improvements are provided at the time each phase is constructed.

PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres

5. Affordable Dwelling Units:

- a. The homes constructed on the Property shall be deemed Affordable Dwelling Units pursuant to the provisions of § 9-3 of the Zoning Ordinance for the period of time set forth in that Section. The Applicant shall record a restrictive covenant or other form of legal and binding agreement approved by the Town Attorney and Town Council to ensure that the homes are so maintained, under approved terms and conditions.
- b. Because of the nature and purpose of the Applicant's housing program, it shall not be required to make the homes available first to persons residing or working in the Town of Warrenton or Fauquier County but shall be permitted to rent to persons qualifying under its rules and regulations developed for that purpose.

COMMUNITY DESIGN

6. Architecture:

- a. Duplex Units: The level of quality of the duplex units shall be in general conformance with the elevation entitled "Warrenton UMC Proposed Housing Elevation," prepared by Design Concepts Architecture + Interiors, and dated March 16, 2023 (hereinafter, the "Housing Elevations"), provided that minor modifications may be made in connection with final design.
 - b. Small Office / Community Center: The level of quality of the Small Office / Community Center shall be compatible with the Housing Elevations.
 - c. Multipurpose Recreational Center: The level of quality of the Multipurpose Recreational Center shall be in general conformance with the elevations entitled "Warrenton UMC Multi-Purpose Building," prepared by Design Concepts Architecture + Interiors, dated November 18, 2022 and consisting of two sheets, provided that minor modifications may be made in connection with final design.
7. Landscaping: Landscaping of the Property shall be provided in general conformance with the GDP. All new landscaping/plantings shall be non-invasive, indigenous species, native to Virginia. All landscaping shall be maintained by the Owner/Applicant.

PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres

8. Outdoor Amenities: Outdoor amenities constructed with Phase I, shall include, but shall not be limited to walking trails, senior appropriate fitness trail signage, a gazebo, and an existing flagstone garden.
9. Lighting: All outdoor lighting shall be designed as to avoid light spillover onto adjacent properties.

TRANSPORTATION

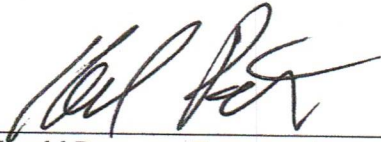
10. Phase I Pedestrian Improvements: In connection with Phase I the Applicant shall install all the internal pedestrian improvements that are depicted on the GDP.
11. Phase II Pedestrian Improvements: In Phase II the Applicant shall construct pedestrian improvements within existing right-of-way along Church Street from the western most access along Church Street to Sullivan Street, as generally depicted on the GDP. The final design and location of the sidewalk and road improvements shall be determined in connection with site plan review for Phase II.
12. Bike Rack: The Applicant shall provide a bike rack in connection with Phase I.

[Signatures on following pages]

Signature Page

PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres

Signature Page



Harold Peters as Trustee of Warrenton United
Methodist Church

COMMONWEALTH OF VIRGINIA
COUNTY OF Fauquier, to wit:

Subscribed and sworn to before me this 15 day of August, 2024, in my
county and state aforesaid, by the aforementioned principal.



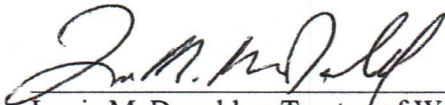
NOTARY PUBLIC

My Commission Expires: 03/31/28



PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres
#

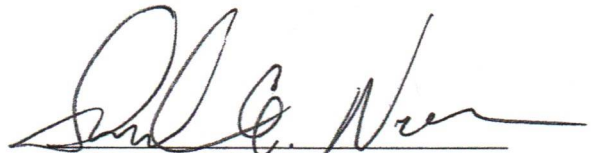
Signature Page



Louis McDonald as Trustee of Warrenton United
Methodist Church

COMMONWEALTH OF VIRGINIA
COUNTY OF Fauquier, to wit:

Subscribed and sworn to before me this 13 day of August, 2024, in my
county and state aforesaid, by the aforementioned principal.


NOTARY PUBLIC

My Commission Expires: 03/31/28



PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres

Signature Page

Melanie Sanfilippo

Melanie Sanfilippo as Trustee of Warrenton United
Methodist Church

COMMONWEALTH OF VIRGINIA

COUNTY OF Fauquier, to wit:

Subscribed and sworn to before me this 13 day of August, 2024, in my
county and state aforesaid, by the aforementioned principal.

Sarah E. Newton
NOTARY PUBLIC

My Commission Expires: 03/31/28



PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres

Signature Page

Gail Lane
Gail Lane as Trustee of Warrenton United
Methodist Church

COMMONWEALTH OF VIRGINIA
COUNTY OF Fauquier, to wit:

Subscribed and sworn to before me this 12 day of August, 2024, in my
county and state aforesaid, by the aforementioned principal.

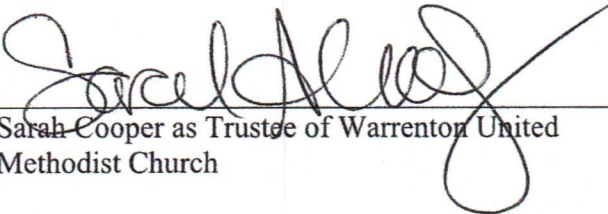
Sarah E. Newton
NOTARY PUBLIC

My Commission Expires: 03/31/28



PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres

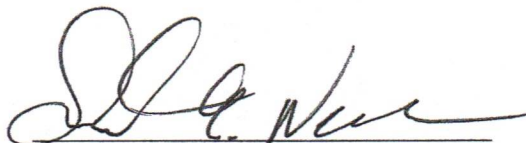
Signature Page



Sarah Cooper as Trustee of Warrenton United
Methodist Church

COMMONWEALTH OF VIRGINIA
COUNTY OF Fauquier, to wit:

Subscribed and sworn to before me this 13 day of August, 2024, in my
county and state aforesaid, by the aforementioned principal.



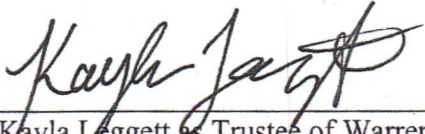
NOTARY PUBLIC

My Commission Expires: 03/31/28



PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres

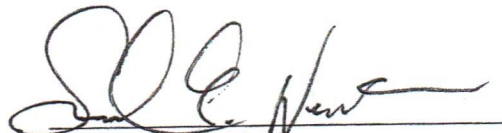
Signature Page



Kayla Leggett as Trustee of Warrenton United
Methodist Church

COMMONWEALTH OF VIRGINIA
COUNTY OF Fauquier, to wit:

Subscribed and sworn to before me this 13 day of August, 2024, in my
county and state aforesaid, by the aforementioned principal.


NOTARY PUBLIC

My Commission Expires: 03/31/28



PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres

Signature Page

Marcia L. Payne
Marcia Payne as Trustee of Warrenton United
Methodist Church

COMMONWEALTH OF VIRGINIA
COUNTY OF Fauquier, to wit:

Subscribed and sworn to before me this 13 day of August, 2024, in my
county and state aforesaid, by the aforementioned principal.

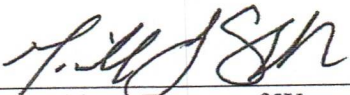
Sarah E. Newton
NOTARY PUBLIC

My Commission Expires: 03/31/28



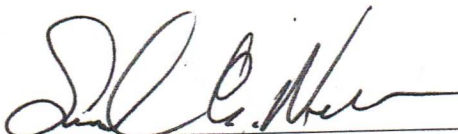
PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres

Signature Page


Michael Shankle as Trustee of Warrenton United
Methodist Church

COMMONWEALTH OF VIRGINIA
COUNTY OF Fauquier, to wit:

Subscribed and sworn to before me this 13 day of August, 2024, in my
county and state aforesaid, by the aforementioned principal.


NOTARY PUBLIC

My Commission Expires: 03/31/28



PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres

Signature Page

Cynthia J. Myhre
Cynthia Myhre as Trustee of Warrenton United
Methodist Church

COMMONWEALTH OF VIRGINIA
COUNTY OF Fauquier, to wit:

Subscribed and sworn to before me this 12 day of August, 2024, in my
county and state aforesaid, by the aforementioned principal.

[Signature]
NOTARY PUBLIC

My Commission Expires: 03/31/28



DRAFT

**PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE**

9.154 ACRES

Rezoning: ZMA 2023-01 Warrenton United Methodist Church / Hero's Bridge

Record Owner: Trustees of the Warrenton United Methodist Church

Property: PINs 6984-16-5101 (portion), 6984-16-7013, 6984-15-1823 and ~~6984-15-1930~~, 6984-15-1930, approximately 9.8640 acres (hereinafter the "Property")

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

Project Name: Warrenton United Methodist Church / Hero's Bridge

Date: ~~June 12~~ August 16, 2024

Preliminary Matters:

Pursuant to Va. Code Ann. §§ 15.2-2296, 15.2-2297, 15.2-2298, 15.2-2303 or 15.2-2303.1, and § 11.3.9.17 of the Town of Warrenton Zoning Ordinance, the undersigned hereby voluntarily proffers that the development and use of the Property shall be in substantial conformance with the following conditions unless an amendment thereto is approved by the Town Council, upon proper application. In the event this rezoning is granted as applied for by the Applicant, then these Proffers shall supersede and replace in their entirety all other Proffers made prior hereto with respect to the Property. In the event this rezoning is not granted as applied for by the Applicant, then these Proffers shall be deemed withdrawn and shall be null and void, and any existing Proffers will remain in full force and effect.

The headings of the Proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the Proffers. Any improvements proffered herein below shall be provided at the time of development of the

PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres
#

portion of the site served by the improvement, unless otherwise specified. The terms "Applicant" and "Developer" shall include all future owners and successors in interest. These Proffers shall apply to the entirety of the Property and the development referenced in these Proffers is the "Project."

For purposes of this Proffer Statement, the "General Development Plan" or "GDP" shall be sheets 3,4, 5 and 6 of the plan entitled "Warrenton United Methodist Church / Hero's Bridge Zoning Map Amendment," prepared by Rinker Design Associates, PC, dated April 26, 2024.

DEVELOPMENT AND USE

1. Development: The Property, comprised of approximately 9.8640 acres, shall be developed as a Residential Planned Unit Development (R-PUD), notwithstanding any requirement for a larger parcel size for rezoning to that zoning, in substantial conformance with the GDP and these proffers. Upon submission of final site development plans, 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 CDP, provided they meet the intent of these Proffers and are approved by the Director of Community Development.
2. Land Use Mix: Notwithstanding the provisions of §§ 3-5.2.4.1 and 3-5.4.2.2 of the Zoning Ordinance, the land use mix on the Property shall consist of the following, as depicted on the GDP:
 - a. Residential:
 - i. The maximum number of duplex units shall be forty-four (44), which shall be in ~~22 one-story homes~~ twenty-two (22) two-family residential dwelling units (forty-four (44) dwelling units total) and available for rent only. The Applicant shall not be required to subdivide these duplex units and said duplex units will be provided as depicted on the GDP. For the purposes of these proffers a "duplex" shall mean a building containing two dwelling units with not more than one person occupying each dwelling unit.
 - ii. Each individual residential unit shall have one bedroom and all units shall be ADA accessible.

PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres
#

- iii. The Property may be developed with one unit type.
 - iv. The Applicant shall, ~~to the extent permitted by federal and state law~~ pursuant to the provisions of the federal Housing for Older Persons Act, 42 U.S.C. § 3601, et seq., and the Virginia Fair Housing Law, Va. Code Ann. § 36-96.1 et seq., rent homes on the Property only to veterans 65 years of age and older ~~who served in Vietnam, Korea, and World War II~~, in accordance with its mission as set out in the Statement of Justification submitted with this rezoning.
 - v. All prospective tenants shall be screened for any record of having convicted of a "barrier crime" as defined in Va. Code Ann. §19.2-392.02. No person who has been convicted of such a crime shall be accepted as a tenant.
- b. Small Office / Community Center: A Small Office / Community Center will be constructed during Phase I of the project in the location shown on the GDP. The Small Office / Community Center ~~may~~ shall include, but shall not be limited to, a movie viewing area, a senior technology library, an arts and crafts area, a music area, an area for pet therapy for residents, and a fitness room. The Small Office / Community Center shall be shown on the Site Development Plan for the twenty-two (22) two-family residential dwelling units.
 - c. Multipurpose Recreational Center: A Multipurpose Recreational Center may be constructed ~~on the Property and shall not exceed 19,000 square feet~~ during Phase II of the project in the location shown on the GDP. The Multipurpose Recreational Center ~~shall not exceed 19,000 square feet~~ and may include, but shall not be limited to, multi-purpose gym/event space, meeting areas, a kitchen, educational space, an indoor walking track, and multi-purpose office space.
 - d. Existing Uses and Structures: The existing uses and structures (including, but not limited to, the church and associated houses) on the Property may remain.
3. Height: No new structure on the Property shall exceed 35 feet in height.

PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres
#

4. Phasing: Development of the Property may be phased as generally depicted on the GDP. The Applicant may construct Phase I initially and thereafter construct Phase II improvements at any time, provided that parking, landscaping and stormwater management improvements are provided at the time each phase is constructed.
5. Affordable Dwelling Units:
 - a. The homes constructed on the Property shall be deemed Affordable Dwelling Units pursuant to the provisions of § 9-3 of the Zoning Ordinance for the period of time set forth in that Section. The Applicant shall record a restrictive covenant or other form of legal and binding agreement approved by the Town Attorney and Town Council to ensure that the homes are so maintained, under approved terms and conditions.
 - b. Because of the nature and purpose of the Applicant's housing program, it shall not be required to make the homes available first to persons residing or working in the Town of Warrenton or Fauquier County but shall be permitted to rent to persons qualifying under its rules and regulations developed for that purpose.

COMMUNITY DESIGN

6. Architecture:
 - a. Duplex Units: The level of quality of the duplex units shall be in general conformance with the elevation entitled "Warrenton UMC Proposed Housing Elevation," prepared by Design Concepts Architecture + Interiors, and dated March 16, 2023 (hereinafter, the "Housing Elevations"), provided that minor modifications may be made in connection with final design.
 - b. Small Office / Community Center: The level of quality of the Small Office / Community Center shall be compatible with the Housing Elevations.
 - c. Multipurpose Recreational Center: The level of quality of the Multipurpose Recreational Center shall be in general conformance with the elevations entitled "Warrenton UMC Multi-Purpose Building," prepared by Design Concepts Architecture + Interiors,

PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres
#

dated November 18, 2022 and consisting of two sheets, provided that
minor modifications may be made in connection with final design.

7. Landscaping: Landscaping of the Property shall be provided in general conformance with the GDP. All new landscaping/plantings shall be non-invasive, indigenous species, native to Virginia. All landscaping shall be maintained by the Owner/Applicant.
8. Outdoor Amenities: Outdoor amenities constructed with Phase I, shall include, but shall not be limited to walking trails, senior appropriate fitness trail signage, a gazebo, and an existing flagstone garden.
9. Lighting: All outdoor lighting ~~shall conform to the requirements of Article 9 of the Warrenton Zoning Ordinance and~~ shall be designed as to avoid light spillover onto adjacent properties.

~~WATER AND SEWER AND STORMWATER MANAGEMENT~~

- ~~10. Public Water and Sewer: The Property shall be served by public water and sewer. The Applicant shall design and construct all on-site and off-site improvements necessary to provide such service for the demand generated by development on the Property in accordance with applicable laws, ordinances, and regulations, and at its expense.~~
- ~~11. Stormwater Management: Stormwater management for Phases I and II shall be provided as generally shown on the GDP and s required by applicable laws, ordinances, and regulations.~~

TRANSPORTATION

- ~~10. 12.~~ Phase I Pedestrian Improvements: In connection with Phase I the Applicant shall install all the internal pedestrian improvements that are depicted on the GDP.
- ~~11. 13.~~ Phase II Pedestrian Improvements: In Phase II the Applicant shall construct pedestrian improvements within existing right-of-way along Church Street from the western most access along Church Street to Sullivan Street, as generally depicted on the GDP. The final design and location of the sidewalk and road improvements shall be determined in connection with site plan review for Phase II.

PROFFER STATEMENT
WARRENTON UNITED METHODIST CHURCH / HERO'S BRIDGE
+/- 9.864 Acres
#

12.14. ~~Bike Rack:~~ The Applicant shall provide a bike rack in ~~the location~~
~~generally depicted on the GDP in~~ connection with Phase I.

 [Signatures on following pages]

VIRGINIA:

IN THE CIRCUIT COURT OF FAUQUIER COUNTY

IN RE: WARRENTON UNITED)
METHODIST CHURCH) CL_23-532
WARRENTON, VIRGINIA)

**ORDER OF CONFIRMATION OF CURRENT CHURCH TRUSTEES AND
AUTHORIZATION OF TRUSTEES TO SIGN LAND USE APPLICATION AFFIDAVIT**

THIS CAUSE came this day by Petition of the Trustees of the Warrenton United Methodist Church (the "Church"), by counsel, who petitioned this Court pursuant to Virginia Code §§'s 57-8 and 57-15, requesting that this Court confirm the current slate of Trustees of the Church and further confirm and/or authorize those Trustees to endorse on behalf of the Church a Land Use Application Affidavit and such further documents as may be necessary to pursue the rezoning of certain Church property; and

IT APPEARING that the Church is a church as defined by the Code of Virginia; and

IT FURTHER APPEARING that the Trustees of the Church hold and are responsible for overseeing the Church Property for the benefit of the Church and its Congregation; and

IT FURTHER APPEARING that the last order confirming Church Trustees was entered by this Court on December 7, 2021; and

IT FURTHER APPEARING that at a duly called Charge Conference of the Church the following were confirmed or re-confirmed to serve as Church Trustees: Louis McDonald, Melanie Sanfilippo, Gail Lane, John Urego, Sarah Cooper, Harry Zullo, Kayla Leggett, Marcia Payne, Harold Peters, Michael Shankle and Cynthia Myhre; and


IT FURTHER APPEARING that by vote of the Church Trustees as authorized by the Church Conference that the Trustees desire to pursue a rezoning of Church Property at 341 Church Street, Warrenton (Map Numbers 6984-16-5101 and 6984-16-7013); and

IT FURTHER APPEARING that there appears good cause for this Order to enter; it is therefore

ADJUDGED, ORDERED and DECREED that Louis McDonald, Melanie Sanfilippo, Gail Lane, John Urego, Sarah Cooper, Harry Zullo, Kayla Leggett, Marcia Payne, Harold Peters, Michael Shankle and Cynthia Myhre are hereby confirmed as Trustees of the Warrenton United Methodist Church of Warrenton, Virginia; and it is further

ADJUDGED, ORDERED and DECREED that the Trustees, or any number of them that may be required, may enter a Land Use Application Affidavit or any such further documents, agreements, applications, or other forms that may be necessary to pursue the rezoning of the Church's Property held in their Trust.

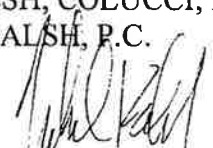
Entered this 9th day of Nov., 2023


Fauquier Circuit Court Judge


James P. Fisher, Judge

WE ASK FOR THIS:

WALSH, COLUCCI, LUBLEY,
& WALSH, P.C.


Michael Kalish, VSB #73090
4310 Prince William Parkway, Suite, 300
Woodbridge, VA 22192
Tel. 703-680-4664
Fax 703-680-2161
Counsel for Petitioners

cc: KALISH
11-13-23
RF

A COPY TESTED: GAIL H. BARB. CLERK
BY: 
Deputy Clerk
FAUQUIER COUNTY CIRCUIT COURT, VA

8/1/1989

Next on the agenda was the Public Hearing on the request of Mr. and Mrs. George Godfrey for a Special Use Permit to operate a home professional office (CPA) at their residence at 341 Chappell Street.

Mr. George Godfrey stated his wife wanted to operate a CPA business from the home. He stated there would be no employees, no signs, and no mailing correspondence to that address. He stated there would be adequate off-street parking. He stated all neighbors had been notified prior to the Planning Commission hearing and no one had an objection.

The Mayor called for others to speak for the request. There being none, he called for those to speak against. There were none so the Mayor declared the Public Hearing closed at 7:23 p.m.

On a motion by Miss Carter, seconded by Mr. Mann, the request of Mr. and Mrs. George Godfrey for a Special Use Permit to operate a home professional office (CPA) at their residence at 341 Chappell Street was unanimously approved.

Next item on the agenda was the Public Hearing on the request of Warrenton United Methodist Church for a Special Use Permit to operate a pre-school program.

The Mayor declared the Public Hearing open at 7:24 p.m. Mr. Herbert Brynildsen, Director of Christian Education at the Warrenton Methodist Church, requested permission to operate a pre-school at the church. He stated a fence would be installed around the outside play area. He stated the program would eventually be five days a week and they hoped to open in September.

The Mayor called for those to speak for the request. There were none, so he called for those opposed. There were none. The Mayor declared the Public Hearing closed at 7:25 p.m.

On a motion by Mr. Austin, seconded by Miss Carter, the request of Warrenton United Methodist Church for a Special Use Permit to operate a pre-school program was unanimously approved.

Next was the Public Hearing on the request of Mr. Frank Culley to subdivide what is currently 2 lots of record containing 5 dwelling units into 5 lots of record. Dwelling units are located at 97, 101, 105, 107 and 109 Fisher Lane.

The Planning Director stated that Mr. Culley had been approached by someone who wanted to purchase the property to build offices. Mr. Culley felt it more appropriate that it remain residential. The Planning Director stated that houses could not be sold unless each house was on its own lot and this is what Mr. Culley was proposing to do.

The Planning Director stated all lots are standard with the exception of lot 2. She further stated that Mr. Culley has agreed to restrict the use to residential and three of the existing tenants wish to purchase their houses.

Mr. Finn inquired what the zoning would change to. The Planning Director stated it would be residential restricted. The Town Attorney explained that it was residential restricted and when the zoning was next changed the zoning would be recognized as residential at that time.

The Planning Director stated Mr. Samuel Jordan was in attendance on behalf of Mr. Culley if there were questions.

Mr. Lewis stated that the 20 foot access was acceptable until it reached lots 4 and 5 and then there was only a 10 foot entrance into each lot. The Town Attorney stated that it should be extended 10 additional feet on lots 4 and 5.

Mr. Jordan stated that Mr. Culley was willing to accept a restriction for residential use in perpetuity and he was attempting to provide affordable housing.

Mr. Finn inquired if they would be owner-occupied. Mr. Jordan stated this was planned.

The Mayor called for anyone to speak for. There were none, so he called for those opposed. There were none and the Public Hearing was closed at 7:35 p.m.

Mr. Finn made a motion that the request of Mr. Frank Culley to subdivide 2 lots into 5 be approved. Mr. Mann seconded the motion.

Mr. Lewis requested amending the motion that the right of way going through lot 1 be extended ten feet into lots 4 and 5.

The Town Attorney stated the right of way should be extended to the level of the front of the houses.

Mr. Finn restated his motion. Mr. Finn moved that the Council approve the request of Mr. Culley to subdivide the lots based on the provisions that the residential office cluster be approved and the property be restricted to residential use and the easements to the driveways be extended to 20 feet--an additional ten feet into lots 4 and 5. Mr. Mann seconded the motion. The motion passed unanimously.