

October 15, 2024
Planning Commission
Regular Meeting

**RESOLUTION TO RECOMMEND DENIAL OF ZMA 2023-01 WARRENTON UNITED
METHODIST CHURCH/HERO'S BRIDGE PURSUANT TO SECTION 11-3.9 OF THE ZONING
ORDINANCE OF THE TOWN OF WARRENTON
(GPINS 6984-16-5101 PORTION APPROXIMATELY 5.22 ACRES OF THE APPROXIMATELY
6.31 ACRE PARCEL, 6984-16-7013, 6984-15-1823 AND 6984-15-1930)**

WHEREAS, Warrenton, VA (Hereinafter "the Town") is a municipal corporation located within the County of Fauquier; and

WHEREAS, the Trustees of Warrenton United Methodist Church, and the Applicants, Warrenton United Methodist Church and Hero's Bridge, seek a Zoning Map Amendment of approximately 9.8640 acres from R-10 (Residential) and RO (Residential Office) to R-PUD (Residential Planned Unit Development) located on and adjacent to the existing church located at 341 Church Street in the Town of Warrenton and hereinafter referred to as the "Property"; and

WHEREAS, the Applicant has applied for a Zoning Map Amendment to develop 22 two-family residential dwelling units for a total of 44 units to provide affordable housing to individuals aged 65 and older; and

WHEREAS, the Application includes a Small Office/Community Center to be constructed; and

WHEREAS, The Applicant is requesting numerous deviations from the Zoning Ordinance requirements for R-PUD zoning under the Virginia Supreme Court's ruling in *Rowland vs. Town of Warrenton* that "the General Assembly intended for these statutes to grant localities the authority to permit deviations from the requirements of a zoning ordinance by accepting voluntary proffers as part of a rezoning application"; and

WHEREAS, the Owner and Applicant have submitted executed voluntary proffers dated September 20, 2024 and a Concept Development Plan dated September 19, 2024; and

WHEREAS, the Planning Commission held two public work sessions on ZMA 2023-01 on July 16, 2024 and August 27, 2024; and

WHEREAS, pursuant to §11-3 of the Zoning Ordinance upon petition of the Applicant for approval of a zoning amendment, the Planning Commission upon advertisement and notice properly given pursuant to §15.2-2204 of the Virginia Code held a Public Hearing on September 17, 2024, and October 15, 2024; and

WHEREAS, the Planning Commission considered for approval of the zoning amendment based on voluntary proffers and Virginia State Code Section 15.2-2285; and

WHEREAS, the Planning Commission finds that the Application does not meet the criteria for approval found in Section 11-3.9 in the Town of Warrenton Zoning Ordinance based on the following:

1. The legislative intent of Zoning Ordinance 3-5.2.1.1 for Residential Planned Unit Development is to provide compatible infill, use currently open areas in a way that is consistent with the reasonable enjoyment of neighboring properties, and create pedestrian friendly streets in a traditional neighborhood pattern, but the Application proposes incompatible infill, the use of currently open areas in a way that is inconsistent with the reasonable enjoyment of neighboring properties, and a development that would not create pedestrian friendly streets or a traditional neighborhood pattern; and
2. The Warrenton Comprehensive Plan's Future Land Use Map designates Medium Density Residential for compatible infill in density, lot size, and placement of structures on the lots with existing neighboring structures and lots, but the Application provides for incompatible infill; and
3. The Warrenton Comprehensive Plan's Future Land Use Map designates Medium Density Residential as providing new lots in an established subdivision that contains an area that approximates the size and configuration of existing lots in the neighborhood, but the Application proposes a single large lot with 22 two-family attached dwellings in an established subdivision of single-family detached dwellings; and
4. The Warrenton Comprehensive Plan's Future Land Use Map calls for Medium Density Residential development to enhance physical features such as streets, street lights and other public improvements, but the Application does not adequately address such improvements; and
5. The Application would create adverse impacts by not meeting the PUD minimum acreage requirements, removing the affordable housing preferences for Town of Warrenton and Fauquier County residents called for in Town Zoning Ordinance 3-5.2.1.1 (7) and 9-3.5, and not providing active recreation facilities; and
6. The Proffers contain vague, conflicting, and unenforceable language, such as paragraph 4.b.'s provision for future agreement on the language of a restrictive covenant, paragraph 11's reference to "routine" bus service, and the succession planning in paragraph 13.

NOW, THEREFORE, BE IT RESOLVED that the Warrenton Planning Commission on this 15th day of October 2024, recommends that Town Council deny ZMA 2023-01.

Votes:

Ayes: 3

Nays: 1

Absent from Vote: 1

Absent from Meeting: 1

ATTEST:



Darine Barbour, Planning Commission Secretary