

RESOLUTION OF DENIAL FOR 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 Owner, Trustees of Warrenton United Methodist Church, and the Applicants, Warrenton United Methodist Church and Hero's Bridge, seek a Zoning Map Amendment of approximately 9.8640 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 Applicants have 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 ages 65 and older; and

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

WHEREAS, The Applicants are requesting Zoning Ordinance waivers and modifications by applying the Virginia Supreme Court ruling on Rowland vs. Town of Warrenton that states "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 Applicants 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 found that the Application does not meet the criteria for approval found in Section 11-3.9 in the Town of Warrenton Zoning Ordinance ; and

WHEREAS, the Warrenton Planning Commission adopted a resolution on October 15, 2024, recommending denial of the Application to the Town Council in a 3 to 1 vote with one member absent; and

WHEREAS, the Owner and Applicants have submitted updated executed voluntary proffers dated October 30, 2024, Warrenton UMC Proposed Building Elevation dated March 16, 2023, Fitness Trail/Stations Exhibit dated October 22, 2024, and a General Development Plan dated October 30, 2024; and

WHEREAS, the Warrenton Town Council held a work session on ZMA 2023-01 on Tuesday, November 12, 2024; and

WHEREAS, pursuant to §11-3 of the Zoning Ordinance upon petition of the Applicants for approval of a zoning amendment, the Town Council upon advertisement and notice properly given pursuant to §15.2-2204 of the Virginia Code held a Public Hearing on Tuesday, December 10, 2024; and

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

NOW, THEREFORE, BE IT RESOLVED that the Warrenton Town Council on this 10th day of December 2024, that ZMA 2023-01 is hereby denied for the following reasons:

1. The legislative intent of Zoning Ordinance 3-5.2.1.1 for Residential Planned Unit Development is to provide compatible infill but the Application proposes incompatible infill; 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 Application would create adverse impacts by not meeting the PUD minimum acreage requirements; and
5. The Proffers contain vague and unenforceable language, such as paragraph 4.b.'s provision for future agreement on the language of a restrictive covenant, paragraph 9 Fitness Facilities lacks a minimum number or approximate placement for the fitness stations, and the frequency of a shuttle bus service in paragraph 13.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

ATTEST: _____
Stephen Clough, Town Clerk