



## TOWN OF WARRENTON

Department of Community Development

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### MEMORANDUM

**TO:** Members of Planning Commission  
**FROM:** Rob Walton, Zoning Administrator  
**DATE:** December 15, 2020  
**SUBJECT:** Mixed-Use Text Amendment

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#### **Background**

Changing development trends toward human-scaled, walkable and interconnected communities are facilitated by having commercial opportunities, employment, and residences located within easy walking distance of one another.

With the institution of an enhanced mixed-use allowance in the Zoning Ordinance, parcels in Town that are currently zoned Commercial, and have a minimum of five (5) acres, will have the opportunity for development with stand-alone residential uses within the commercial district. This text amendment applies strictly to the C District and provides the ability to add residential use either by-right or with the approval of a Special Use Permit (SUP) depending on the scope of the proposal.

#### **Issues**

Currently, our Zoning Ordinance allows for mixed-use in the Commercial District. However, the use is limited to residential apartments above retail and office uses. Residential uses are prohibited on the ground floor. By restricting the ground-floor uses to only retail or office, developers are hamstrung by not being able to integrate other non-residential uses that work well in mixed-use settings, such as restaurants, recreation, medical, educational, institutional, or financial uses.

Allowing other types of residential, not just apartments, in a mixed-use setting would make these areas more viable and would enhance the communities. Townhomes and two-over-twos would work well in a mixed-use setting as well.

Opening up the restrictions and offering a diversity of options for mixed-use projects will allow developers to bring creative solutions to the table and enhance the walkability and interconnectedness of our neighborhoods and commercial areas.

### **Benefits**

The idea behind creating a mixed-use category on C zoned property is two-fold. First, allowing residential units directly within the C District could provide a live/work housing situation where residents would be able to walk to work. Also, this text amendment proposes to address the affordable housing needs of the community. While the State Code prohibits a jurisdiction from requiring a developer to provide affordable housing, the text amendment provides a 100% density bonus for providing affordable dwelling units. Second, the additional density can provide an economic boost to businesses in Town.

### **Proposal**

The text amendment is adding a mixed-use option to the C District. In addition, the use “Apartments located above ground floor retail or office uses” is being revised to “Mixed-Use Structures when at least 50% of the first floor is dedicated to nonresidential uses”. This revision gives the property owner the ability to provide some residential use on the first floor in conjunction with the commercial uses. Also, “Home Occupations” are being added as a by-right use and “Home Business” is being added as a SUP. Home businesses can be more intensive than a home occupation in that the home business allows up to three (3) non-resident employees to work from the dwelling. Even though this use will be located within the C District, the impact on neighboring dwellings could be substantial with respect to available parking. Lastly, the text amendment proposes to add “Mixed-Use” and “Non-Residential Floor Space” to the definitions found in Article 12.

### **Overview of Text Amendment**

In addition to adding the residential uses to the C District, this text amendment includes minimum lot sizes, setbacks, height limitations adjacent/across a right-of-way from residential uses, required mix of commercial use in order to achieve residential units, density bonus for including affordable dwelling units, design guidelines for streets and parking, pedestrian access through the development, open space requirements, ability for modifications through Town Council review, and definitions.

#### **Acreage:**

Staff has researched adjoining jurisdictions (attachment 1) to see how mixed-use is incorporated into their Ordinances. Towns with characteristics similar to Warrenton allows mixed-use developments on parcels at least five (5) acres in size and some with as

few as two (2) acres. Staff felt that 5 acres was a decent starting point with the ability for an acreage modification/reduction with Town Council's approval through a SUP.

**Density:**

The text amendment proposes to allow a maximum of five (5) by-right units per acre with the possibility of ten (10) by-right units (100% bonus) per acre if at least 10% of the total units are affordable dwellings. The by-right density can be achieved if all Standards contained within Article 9 are met. The density allowance also applies to mixed-use structures. The applicant would have the ability to request additional density through a SUP application. Applications that do not meet all Standards within Article 9 would need to apply for a SUP to allow a modification of the changes.

**Eligible Parcels:**

Parcels that are at least five (5) acres in size are eligible for the mixed-use development. If a parcel is less than five (5) acres, there is the option to consolidate parcels to create an acceptable parcel. Also, separate parcels that are to be kept separate, but considered as a common development, may use the SUP application to show how the mixed-use development will meet the Article 9 Standards.

**Access and Parking:**

Developments that propose new streets shall be laid out in a grid pattern. Off-street parking areas must be located behind or beside the stand-alone residential structures. Parking may only be located at the side of the structures when it is necessary to meet the minimum parking requirements and properly setback and screened from the street. Buildings are required to occupy more street frontage than parking areas.

**Integration:**

With the ability to incorporate stand-alone residential buildings in the C District, comes the need for pedestrian access throughout the site. The Article 9 Standards require the mixed-use development to provide two (2) forms of pedestrian access: a five (5) foot wide sidewalk and a ten (10) foot wide bicycle path from the stand-alone residential buildings to the commercial areas. As an alternative, the developer may incorporate a single fifteen (15) foot wide pedestrian path to satisfy this requirement. Pedestrian sidewalks and paths shall be well lit.

**Open Space:**

A minimum of ten percent (10%) open space of the development area must be designated as open space. As part of the open space, a common area park or square, that is at least 10,000 s.f. in size, will need to be incorporated into the mixed-use development. In addition, all residential dwelling units must be no further than 500 l.f. from the park

space. The park, or square, is intended to be a shared space that can be used for gathering of residents and also as seating area for restaurants within the development.

**Modifications:**

The final section of the Article 9 Standards allows for modifications of the Standards through a legislative approval. In addition, Town Council will have the ability to reduce the required setbacks if the proposal is found to be in accordance with design guidelines found in the Comprehensive Plan, sufficient area is provided for utilities and drainage, and a full streetscape can be accommodated between the structures and the street. Lastly, setbacks from internal property lines may be reduced through a SUP application as long as there are no violations of the Building Code.

**Definitions:**

In conjunction with the proposed text amendment, two definitions are being added to Article 12. Staff is proposing definitions for “Mixed-Use” and “Non-Residential Floor Space”. The definitions attempt to make known the intent of the mixed-use development as well as clarifying what can be counted towards non-residential floor space.

**Process**

This text amendment was initiated by Town Council on November 12, 2019. Since that time, staff held a work session with Town Council on August 6, 2020 and a work session with the Planning Commission on September 22, 2020 requesting input on the proposed text. In addition, staff has sent the draft to commercially zoned properties along the business corridor.

**Suggested Motions**

1. I move that the Planning Commission recommend approval of ZOTA 2019-04 as drafted.

OR

2. I move that the Planning Commission recommend approval of ZOTA 2019-04 with suggested revisions:
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_

OR

3. I move that the Planning Commission defer action until the next scheduled Planning Commission Regular Meeting to address concerns.

OR

4. I move that the Planning Commission recommend denial of ZOTA 2019-04.

OR

5. I move an alternate motion.