



## PLANNING COMMISSION REGULAR MEETING

Tuesday, October 17, 2023 at 7:00 PM

### AGENDA

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#### CALL TO ORDER AND ESTABLISHMENT OF A QUORUM.

#### ADOPTION OF MINUTES.

- [1.](#) August 22, 2023 Draft Planning Commission Minutes
- [2.](#) September 19, 2023 Draft Planning Commission Minutes

#### HEARING OF PUBLIC HEARING ITEMS.

- [3.](#) The Applicant, Wal-Mart, is requesting a Special Use Permit (SUP) Amendment to SUP #10-04 to allow for upgrades to the existing store by implementing the following improvements: 1) expanding the store by approximately 6,151 square feet to accommodate a merchandise pick-up staging area, which will require the relocation of an existing outdoor storage area, 2) re-stripping portions of the parking area in order to provide spaces for customers picking up pre-ordered merchandise, and 3) modifying the exterior Store elevations to include an addition and new colors at 700 James Madison Highway.
- [4.](#) ZOTA-23-2 - A Zoning Ordinance Text Amendment Regarding Assembly Uses in the Industrial District. A public hearing for revisions to Zoning Ordinance Article 3, Section 3-4.12 - *Industrial District* to address allowable Assembly uses in the District. The Ordinance currently permits several uses as by-right Permitted Uses where people gather for social, entertainment, cultural, educational and recreational purposes, where these uses are classified as Assembly uses by the Building Code. The Building Code classifies Churches as an Assembly use, however Churches are not listed as either a Permitted Use or a Permissible Use in the Industrial District. A text amendment to Section 3-4.12 was initiated by Town Council on May 9, 2023. The Planning Commission held a work session on August 22, 2023 and on September 19, 2023.

#### WORKSESSION ITEMS.

- [5.](#) ZOTA 2023-01 A Zoning Ordinance Text Amendment to Reduce the Setback Requirement for Telecommunication Towers in the PSP (Public Semi Public) Zoning District. Zoning Ordinance Section 9-18.10 - *Setbacks* requires that all telecommunication towers in all zoning districts be set back from property lines at a distance no less than the height of the tower. The applicant is requesting that the setback requirement be reduced within the PSP - Public Semi Public Zoning District to allow a setback that is less than the height of the tower. Arcola Towers LLC (Applicant)/James P. Downey (Representative)

**COMMENTS FROM THE COMMISSION.**

6. Holiday Meeting Schedule

**COMMENTS FROM THE STAFF.**

**ADJOURN.**





**PLANNING COMMISSION WORK SESSION**

21 Main Street

Tuesday, August 22, 2023, at 7:00 PM

**MINUTES**

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**AN OPEN MEETING OF THE PLANNING COMMISSION OF THE TOWN OF WARRENTON, VIRGINIA, WAS HELD ON AUGUST 22nd, 2023, AT 7:00 P.M**

Work Session

**PRESENT**

Mr. James Lawrence, Chair (Arrived 7:07 PM); Mr. Ryan Stewart, Vice Chair; Mr. Steve Ainsworth, Secretary; Mr. Terry Lasher; Ms. Darine Barbour; Ms. Denise Harris, Planning Manager; Ms. Heather Jenkins, Zoning Administrator; Martin Crim, Town Attorney.

**ABSENT**

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**WORKSESSION - 7:00 PM**

**1. CALL TO ORDER**

Mr. Ryan Stewart called the meeting to order at 7:00 P.M.

**2. WORK SESSION ITEMS**

ZOTA-23-2 - A Zoning Ordinance Text Amendment Regarding Assembly Uses in the Industrial District . A work session to discuss potential revisions to Zoning Ordinance Article 3, Section 3-4.12 – *Industrial District* to address allowable Assembly uses in the District. The Ordinance currently permits several uses as by-right Permitted Uses where people gather for social, entertainment, cultural, educational and recreational purposes, where these uses are classified as Assembly uses by the Building Code. The Building Code classifies Churches as an Assembly use, however Churches are not listed as either a Permitted Use or a Permissible Use in the Industrial District. A text amendment to Section 3-4.12 was initiated by Town Council on May 9, 2023 to allow staff to begin work on potential revisions to the list of Assembly uses that are allowable in the Industrial District.

Heather Jenkins gave a staff presentation overview of the Town Council initiated Zoning Text Amendment.

Planning Commission asked for clarification on determining if a use is an Assembly use or not.

Heather Jenkins and Martin Crim clarified how the State Uniform Building Code establishes an assembly use.

Planning Commission raises questions regarding where there are assembly uses now in the Industrial District and how other jurisdictions regulate the use. There are questions on the current regulations on assembly uses related to occupancy, parking, traffic, and potential impacts.

Heather Jenkins reviews a map of the Industrial District, list of permitted uses, and provides examples from other communities.

Planning Commission directs staff to come back the following month for a second work session and requests information on benchmark communities; example thresholds of size, occupancy, usable parcels; existing uses and vacant parcels in the Industrial District.

### 3. COMMISSION COMMENTS

None.

### 4. STAFF COMMENTS

None.

The Meeting was adjourned at 8:27 PM.

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### ADJOURNMENT.

**With no further business, this meeting adjourned at 8:27 PM on Tuesday, August 22nd, 2023.**

**I hereby certify that this is a true and exact record of actions taken by the Planning Commission of the Town of Warrenton on August 22nd, 2023.**

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Steve Ainsworth, Secretary  
Planning Commission



PLANNING COMMISSION REGULAR MEETING

21 Main Street

Tuesday, September 19, 2023, at 7:00 PM

MINUTES

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF WARRENTON, VIRGINIA, WAS HELD ON September 19<sup>th</sup>, 2023, AT 7:00 P.M.

Regular Meeting

PRESENT

Mr. Ryan Stewart, Vice Chair; Mr. Steve Ainsworth; Ms. Darine Barbour; Mr. Terry; Ms. Denise Harris, Planning Manager; Ms. Heather Jenkins, Zoning Ordinance; Ms. Casey Squyres, Town Planner

ABSENT

Mr. James Lawrence, Chair

**REGULAR MEETING - 7:00 PM**

At 7:00 pm on Tuesday, September 19th, 2023. The Planning Commission meeting was called to order.

Vice Chair Stewart asks if the Planning Commission would like to accept the agenda.

Commissioner Lasher moves to accept the agenda.

Commissioner Barbour seconds.

The vote was as follows:

**Ayes:** Mr. Ryan Stewart, Vice Chair; Mr. Steve Ainsworth; Ms. Darine Barbour; Mr. Terry Lasher

**Nays:**

**Abstention:**

**Absent:** Mr. James Lawrence, Chair

The motion passed 4-0-1; agenda was accepted.

**APPROVAL OF THE MINUTES.**

**Draft December 20, 2023, Planning Commission Regular Meeting Minutes**

Vice Chair Stewart invites a motion to approve the minutes.

Commissioner Ainsworth motions to approve the December 20th, 2022, set of Draft Minutes.

Commissioner Lasher seconded.

The vote was as follows:

**Ayes:** Mr. Ryan Stewart, Vice Chair; Mr. Steve Ainsworth; Ms. Darine Barbour; Mr. Terry Lasher

**Nays:**

**Abstention:**

**Absent:** Mr. James Lawrence, Chair

The motion passed 4-0-1; minutes were approved.

### **Draft June 20, 2023, Planning Commission Regular Meeting Minutes**

Vice Chair Stewart invites a motion to approve the minutes.

Commissioner Ainsworth motions to approve the June 20, 2023, set of Draft Minutes.

Commissioner Barbour seconds the motion.

The vote was as follows:

**Ayes:** Mr. Ryan Stewart, Vice Chair; Mr. Steve Ainsworth; Ms. Darine Barbour; Mr. Terry Lasher

**Nays:**

**Abstention:**

**Absent:** Mr. James Lawrence, Chair

The motion passed 4-0-1; minutes were approved.

### **WORK SESSIONS.**

1. **SUP Special Use Permit (SUP) 2023-02 Wal-Mart**, is requesting a Special Use Permit (SUP) Amendment to allow for upgrades to the existing Store by implementing the following improvements: 1) expanding the Store by approximately 6,151 square feet to accommodate a merchandise pick-up staging area, which will require the relocation of an existing outdoor storage area, 2) re-striping portions of the parking area in order to provide spaces for customers picking up pre-ordered merchandise, and 3) modifying the exterior Store elevations to include an addition and new colors at 700 James Madison Highway. Currently, Wal-Mart encompasses an approximate 157,345 square foot retail Store on two parcels that together contain approximately 18.434 acres. The expansion of the existing Store requires an SUP per Article 11-3.1.3. of the Zoning Ordinance. The parcel is zoned Commercial (C) and is located outside of the Historic District.

Vice Chair Stewart opens the work session.

Ms. Squires presents the background of the application.

Mr. Rob Beaman, Representative for the Applicant, introduces Lindsey Bowman and Connor Hedges as the application engineers and gives a brief overview of the application.

Planning Commission discusses the current seasonal storage location, removal of parking spaces, traffic flow and generation, pedestrian safety, and the history of the conditions of approval.

Mr. Beaman states the application as amended still exceeds parking, describes the seasonal outdoor storage, and indicates the Applicant is not looking to revise the existing conditions related to screening of the outdoor storage.

Mr. Hedges indicates the application seeks to increase the safety of the employees at the pick up location, while not encouraging customers to leave their vehicles in the pick up zone.

Vice Chair Stewart asks the Applicant if they are ready to be placed on the Planning Commission's October public hearing; Mr. Beaman agrees. Staff is directed to advertise the application for the October public hearing.

2. **Zoning Text Amendment 23-02** A Zoning Ordinance Text Amendment Regarding Assembly Uses in the Industrial District. A work session to discuss potential revisions to Zoning Ordinance Article 3, Section 3-4.12 – Industrial District to address allowable Assembly uses in the District. The Ordinance currently permits several uses as by-right Permitted Uses where people gather for social, entertainment, cultural, educational and recreational purposes, where these uses are classified as Assembly uses by the Building Code. The Building Code classifies Churches as an Assembly use, however Churches are not listed as either a Permitted Use or a Permissible Use in the Industrial District. A text amendment to Section 3-4.12 was initiated by Town Council on May 9, 2023 to allow staff to begin work on potential revisions to the list of Assembly uses that are allowable in the Industrial District; the Planning Commission held a work session on August 22, 2023.

Vice Chair Stewart opens the work session.

Ms. Jenkins gives a presentation responding to the questions from the previous Planning Commission work session. Ms. Jenkins reviewed the Legislative Intent for the Industrial District in the Zoning Ordinance, other jurisdiction's treatment of assembly uses in the Industrial District, and a review of industrial zoned land within the Town and Plan Warrenton 2040 Character Districts.

Ms. Jenkins asks for guidance from the Planning Commission on the Legislative Intent; should assembly uses be allowed in the Industrial District, if yes, then by-right or through Special Use Permit; remove assembly uses from the Industrial District; or no changes to the Zoning Ordinance.

Planning Commission discussed requirements of other jurisdictions; creating non-conforming uses; the concept of different thresholds between by-right and permissible uses; potential land use impacts; the scope of the text amendment; and fees associated for Special Use Permits.

Planning Commission offered guidance to staff to:

- Modify Legislative Intent during the Zoning ordinance rewrite for the Character Districts. Add "limited assembly uses" language.
- Propose to keep assembly uses and add churches to Industrial District in existing buildings.
- Develop thresholds to allow following Fauquier County's adopted capacity and square footage requirements.
- Propose a second approach of capacity thresholds between 300-500.

Planning Commission directed staff to develop a draft text and bring to October Public Hearing.

**COMMENTS FROM THE COMMISSION**

Vice Chair Stewart opens the floor to comments.

No comments from the Commission.

**COMMENTS FROM STAFF**

Ms. Harris states Commission will review its holiday schedule at its October meeting.

**ADJOURN.**

Commissioner Ainsworth motions to adjourn. Seconded by Commissioner Barbour. Motion passes unanimously 4-0-1.

Vice Chair Stewart states with no further business this meeting was adjourned at 8:49 P.M.

**I hereby certify that this is a true and exact record of actions taken by the Planning Commission of the Town of Warrenton on September 19, 2023.**

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Steve Ainsworth  
Planning Commission Secretary



## STAFF REPORT

<b>Planning Commission Meeting Date:</b>	October 17, 2023
<b>Agenda Title:</b>	SUP 2023-02 Wal-Mart
<b>Requested Action:</b>	Review and approval of requested amendment to SUP 10-4 to allow for upgrades to the existing store to include: existing store expansion to include pick-up area, relocation of temporary, holiday outdoor storage containers, re-striping portions of parking lot to provide space for preorder pick-up, modifications to store exterior to also include new color scheme.
<b>Department / Agency Lead:</b>	Community Development
<b>Staff Lead:</b>	Casey Squyres, Historic Preservation Planner

### EXECUTIVE SUMMARY

The Applicant, Wal-Mart, is requesting a Special Use Permit (SUP) Amendment to allow for upgrades to the existing Store by implementing the following improvements: 1) expanding the Store by approximately 6,151 square feet to accommodate a merchandise pick-up staging area, which will require the relocation of an existing outdoor storage area, 2) re-striping portions of the parking area in order to provide spaces for customers picking up pre-ordered merchandise, and 3) modifying the exterior Store elevations to include an addition and new colors at 700 James Madison Highway. Currently, Wal-Mart encompasses an approximate 157,345 square foot retail Store on two parcels that together contain approximately 18.434 acres. The expansion of the existing Store requires an SUP per Article 11-3.10.3. of the Zoning Ordinance. The parcel is zoned Commercial (C) and is designed in the Greenway and Makers Character District on the Future Land Use Map. The site is occupied by a retail use exceeding 50,000 square feet under Special Use Permit #10-04. A Home Depot store is located to the southwest of the property and James G. Brumfield Elementary, Taylor Middle School, and the Warrenton Community Center are located north of the parcels.

### BACKGROUND

In 2011 the Town Council approved a Special Use Permit authorizing the Warrenton Wal-Mart to undergo an expansion. The SUP was then modified in 2013 and 2017 for the inclusion of outdoor holiday storage containers. In 2020, the Applicant requested an additional expansion of 1,495 square feet to accommodate online grocery pick-up storage and staging. However, this expansion was not built as the Applicant reexamined the overall scope and need. The Applicant brought the current SUP

amendment for a 6,151 square foot pick up staging expansion to a Planning Commission Work Session on September 19, 2023. The Applicant confirmed the intent of the application as amended is to increase the safety of the employees at the pick-up location, while not encouraging customers to leave their vehicles in the pick-up zone. The proposed elevation changes included the new expansion and a new earth-tone color scheme. The Applicant also provided a revised landscape plan with increased plantings/buffering, specifically located to the southwest area where the outdoor storage will be relocated.

## **STAFF RECOMMENDATION**

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Staff recommends the Planning Commission hold a Public Hearing and review the proposed draft Conditions of Approval.

### **Service Level / Policy Impact**

The proposed use is designated as Greenway and Makers District in Plan Warrenton 2040. Goal E-1 states "Grow a strong, diversified, and resilient economy that supports residents and businesses alike."

### **Legal Impact**

Special Use Permits Plans and their corresponding Conditions of Approval are entitled with the subject parcels.



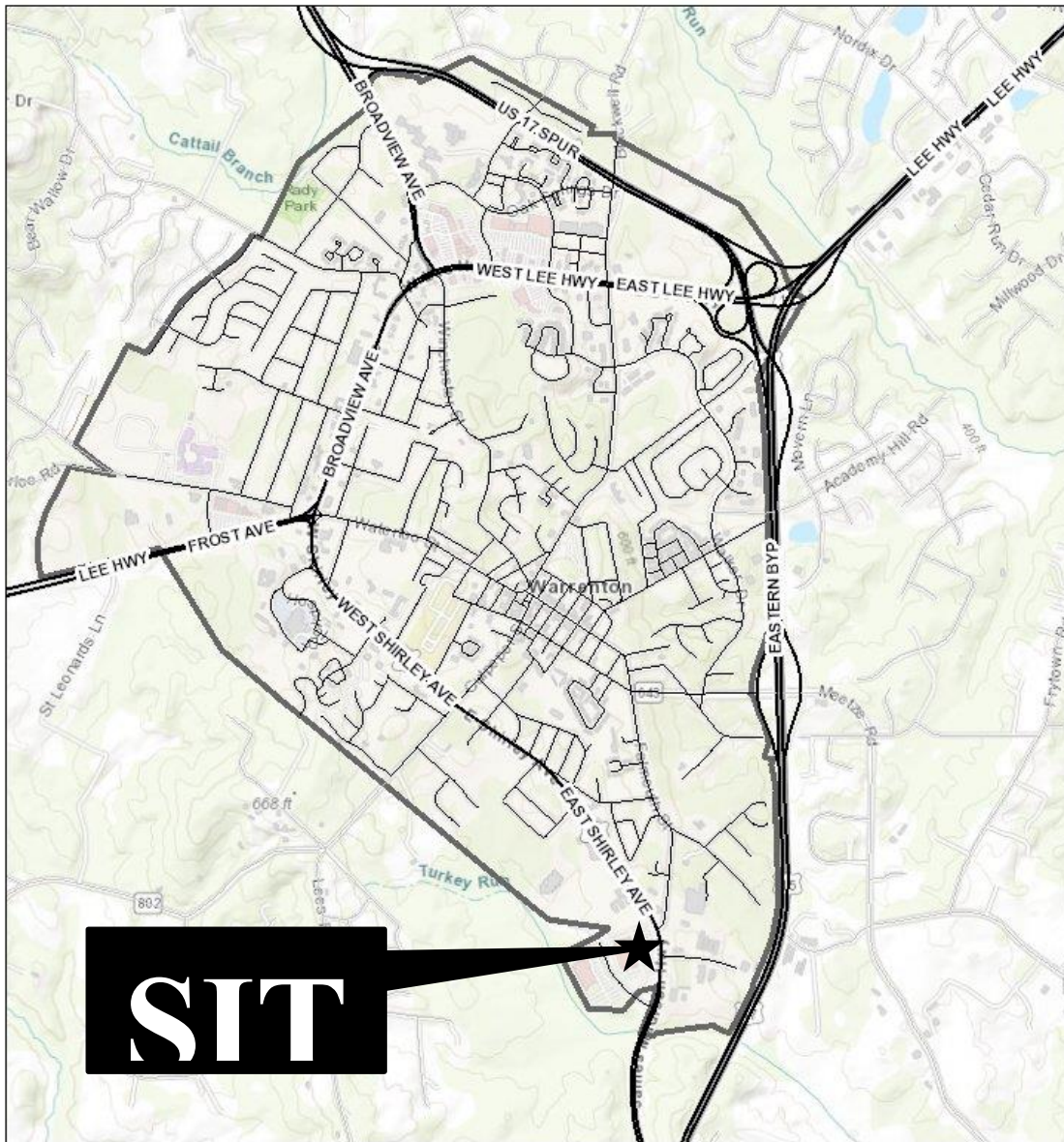
## ATTACHMENTS

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1. Statement of Justification
2. Addendum to the Statement of Justification
3. March 23, 2023 SUP Plan Sheets 1-4
4. Applicant Representative's March 23, 2023 Comment Response Letter
5. October 10, 2023 Applicant Representative's Proposed Conditions of Approval
6. Town Council Meeting Minutes from June 3, 1986.
7. June 6, 2023 Previous Overall SUP Plan Redline Exhibit Sheets 1-7
8. SUP 2023-02 Final Amended Conditions
9. May 24, 2023 Revised Exterior Elevations (A2)

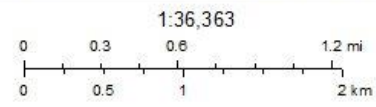
# Attachment A - Map VICINITY MAP

## Town of Warrenton, VA WebGIS



July 27, 2017

- Major Roads**
- <all other values>
  - COUNTY
  - LOCAL
  - MAJOR
  - MINOR
  - PRIVATE
  - RAMP
  - Town Limits



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

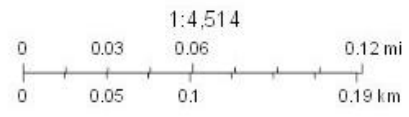


# Attachment A - Map AERIAL MAP



August 11, 2020

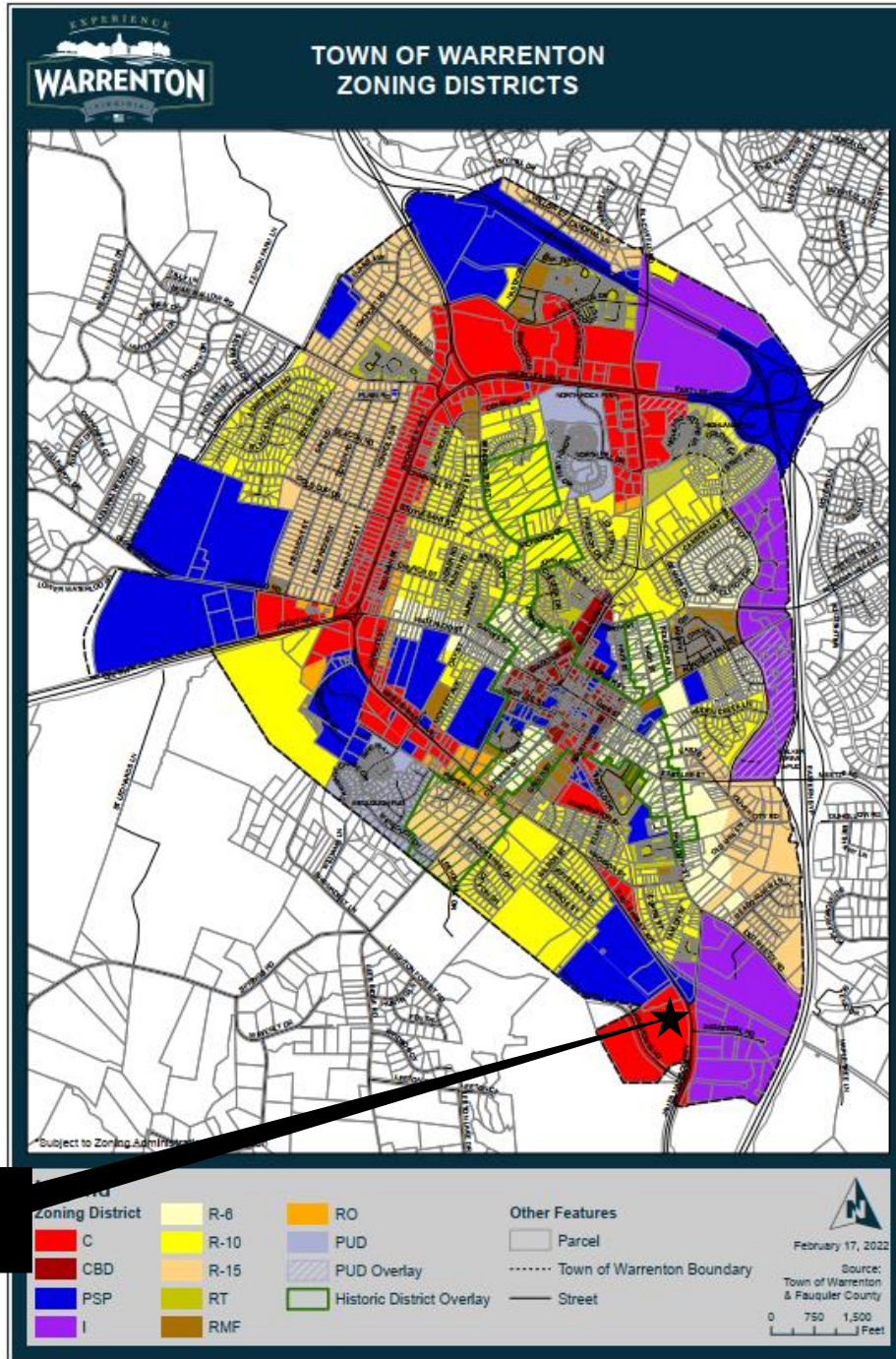
- |                    |         |                  |
|--------------------|---------|------------------|
| Town Limits        | COUNTY  | RAMP             |
| Parcels            | LOCAL   | Buildings        |
| Major Roads        | MAJOR   | Addresses_Labels |
| <all other values> | MINOR   | Addresses        |
|                    | PRIVATE |                  |



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

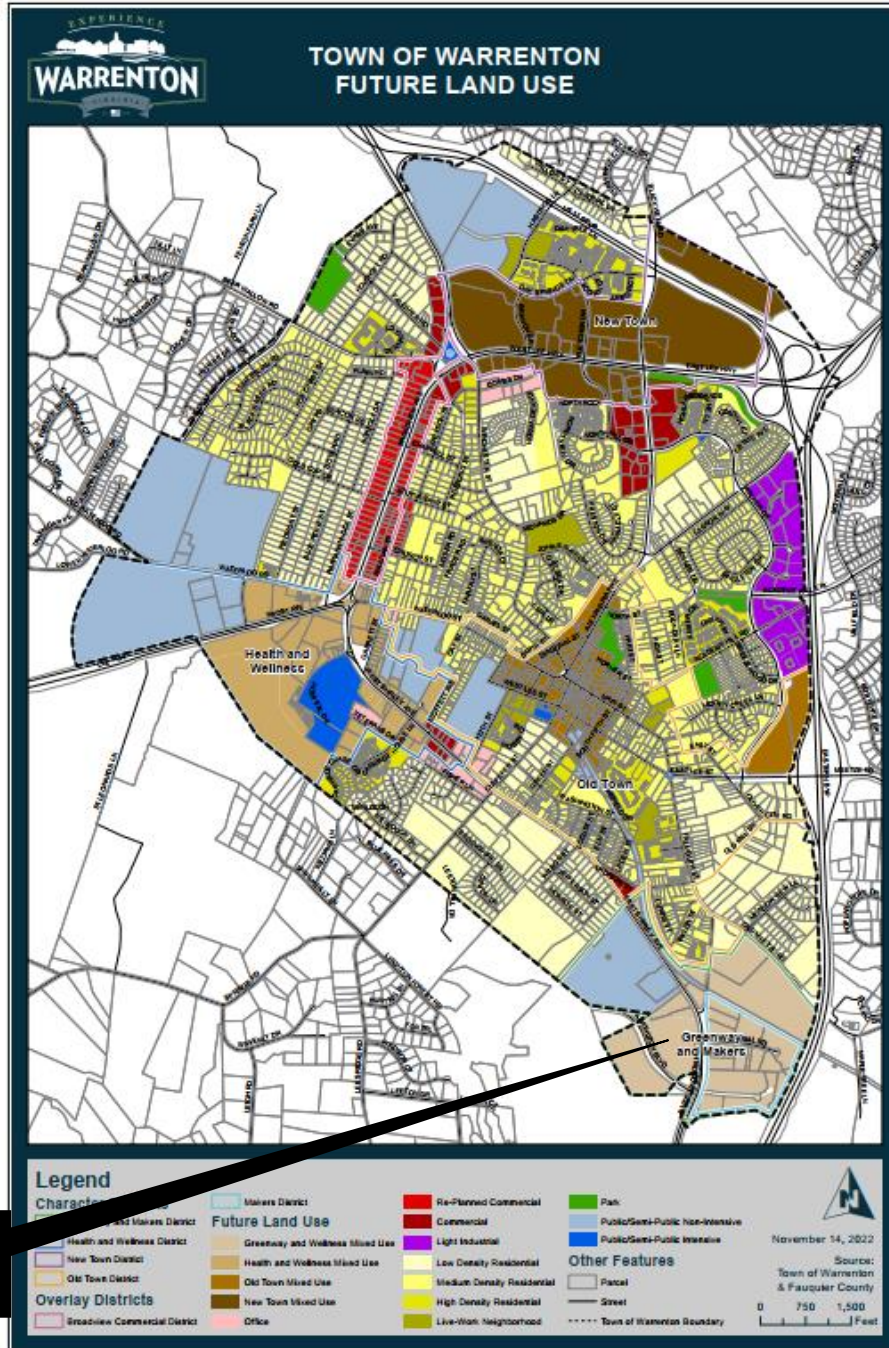


# Attachment A - Map EXISTING ZONING MAP



# Attachment A - Map

## FUTURE LAND USE MAP

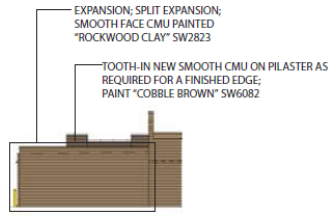


Site

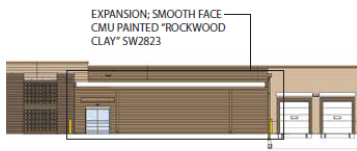


# Attachment A - Map

## CURRENT / PROPOSED ELEVATIONS



ENLARGED PARTIAL REAR ELEVATION

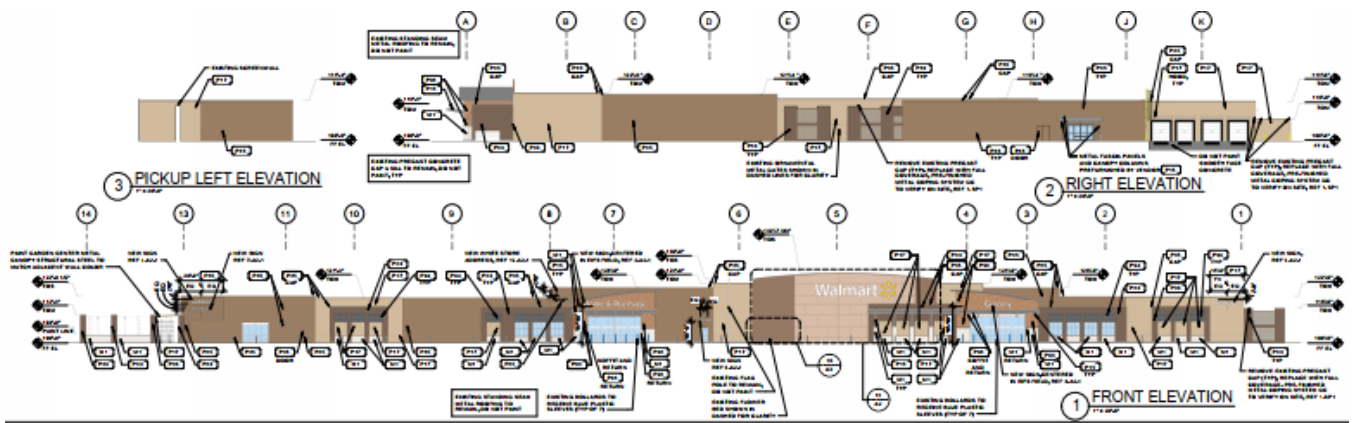


ENLARGED PARTIAL RIGHT ELEVATION



FRONT ELEVATION


 July 07, 2020
 
 Warrenton, VA - #2437
 EXTERIOR COLOR ELEVATIONS 1





**Staff Analysis**

This analysis is based on the Comprehensive Plan and Zoning Ordinance. The standards/analysis tables in the sections below contain the criteria for Planning Commission and Town Council consideration of Special Use Permits, per Article 11-3.10.3.

**Request**

In 2011 the Town Council approved Special Use Permit #10-04 authorizing the Warrenton Wal-Mart to undergo an expansion. The SUP was then modified in 2013 and 2017 for outdoor holiday storage containers. The SUP was further amended to allow the Applicant to build an additional expansion of 1,495 square feet to accommodate online grocery pick-up storage and staging during the pandemic in 2020. The grocery pick-up expansion was never built. The Applicant decided to re-examine the expansion for the new proposal. The proposed elevation changes include the new expansion and new colors.

The following table summarizes the area characteristics (see maps in Attachment A):

Direction	Land Use	Future Land Use Map Designation	Zoning
North	Warrenton Community Center	Medium-Density Residential	Public Semi-Public
South	Vacant	Fauquier County/Greenway and Makers	Commercial
East	Multiple Commercial-Industrial Uses	Greenway and Makers	Commercial/Industrial
West	Home Depot	Greenway and Makers	Commercial

The site is occupied by a retail use exceeding 50,000 square feet under Special Use Permit #10-04. A Home Depot store is located to the southwest of the property and James G. Brumfield Elementary, Taylor Middle School, and Warrenton Community Center are located north of the parcels. The property is zoned (C) Commercial.

**Comprehensive Plan Future Land Use Analysis**

The Plan Warrenton 2040 Future Land Use Map designates the subject property as Greenway and Makers Character District use. This designation is for *the maximization of industrial areas for maker space with a food and arts focus, to create connective elements to the greenway, and to enhance gateway form and function.*

Standard	Analysis
<i>Whether the proposed Special Use Permit is consistent with the Comprehensive Plan.</i>	This use is consistent with an existing use.
<i>The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.</i>	The proposed expansion located on the north side of the building will have no impact to adjacent properties. The relocation of the temporary



Standard	Analysis
	holiday storage to the southwest is adjacent to Alwington Boulevard and the existing garden center.

**Staff Findings**

The Applicant seeks to modify an existing, approved use through minor SUP Plan amendments with minor land use impacts.

**Zoning Analysis**

The legislative intent of the Commercial District is “to encourage the logical and timely development of land for a range of commercial and mixed use purposes in accordance with the objectives, policies, and proposals of the Comprehensive Plan; to prohibit any use which would create undue impacts on surrounding residential areas; and to assure suitable design to protect the residential environment of adjacent and nearby neighborhoods. It is further declared to be the intent of this district to limit traffic congestion, overcrowding of land, noise, glare, and pollution, so as to lessen the danger to the public safety, and to ensure convenient and safe pedestrian access to and from commercial and mixed use sites as well as between adjacent commercial and mixed use sites. The protective standards contained in this Article are intended to minimize any adverse effect of the commercial district on nearby property values and to provide for safe and efficient use of the commercial district itself.”

Standard	Analysis
<i>The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.</i>	Applicant states the expansion will create no additional noise beyond incidental noise associated with placing orders into customer vehicles. All non-residential uses must meet the noise standards under Article 9-14.2. No change of use is proposed.
<i>The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.</i>	Directional signage is proposed in the narrative. Signage shall meet Article 6, Sign Regulations and will be addressed during the site plan amendment.
<i>The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.</i>	The proposed 6,151 square foot expansion will be located on the north side of the building. The temporary holiday storage is proposed to be moved to the southwestern side.
<i>The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.</i>	The Applicant has indicated the addition of updated landscaping. Existing landscaping within the proposed expansion area will need to be replaced elsewhere on site as part of the site plan amendment.

<b>Standard</b>	<b>Analysis</b>
<i>The timing and phasing of the proposed development and the duration of the proposed use.</i>	The Applicant narrative notes approximately 1 year for construction. The addition would be permanent.
<i>Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public.</i>	The proposed expansion will increase the impervious surface on site.
<i>Whether, in the case of existing structures proposed to be converted to uses requiring a Special Use Permit, the structures meet all code requirements of the Town of Warrenton.</i>	Any new structures will be required to meet current codes.
<i>The location, character, and size of any outdoor storage.</i>	Temporary outdoor storage is permitted October 1 through December 15 annually. The storage is located on the southwestern portion.
<i>The location of any major floodplain and steep slopes.</i>	No floodplain is located on site.
<i>The location and use of any existing non-conforming uses and structures.</i>	The proposed structure must meet all required setbacks and permissible uses should the SUP be granted.
<i>The location and type of any fuel and fuel storage.</i>	No fuel storage areas are noted on site.
<i>The location and use of any anticipated accessory uses and structures.</i>	The temporary outdoor storage containers are proposed to be installed to the southwestern area of the property.
<i>The area of each proposed use.</i>	The proposed area for the new expansion is 6,151 square feet.
<i>The location and screening of parking and loading spaces and/or areas.</i>	The expansion is proposed in an area currently containing grass. The site plan amendment will need to demonstrate that the additional impervious surface does not cause the property to exceed 85% in total. No new screening is proposed.
<i>The location and nature of any proposed security features and provisions.</i>	Not applicable.
<i>Any anticipated odors which may be generated by the uses on site.</i>	The site must remain in compliance with Article 9-14.5 regarding the control of odors.
<i>Refuse and service areas.</i>	Applicant states the existing use of dumpsters and hours of operation will not be modified or impacted.
<i>Whether the proposed Special Use Permit will result in the preservation or destruction, loss or damage of any significant topographic or physical, natural, scenic, archaeological or historic feature.</i>	No significant topographic areas are noted on site.

Standard	Analysis
<i>The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality. The location of any major floodplain and steep slopes.</i>	No sensitive lands located near the proposed expansion area.
<i>The glare or light that may be generated by the proposed use in relation to uses in the immediate area.</i>	Proposed lighting is not shown. Applicant narrative states any lighting will not cause glare and will be addressed during the site plan amendment.

**Staff Findings**

The Applicant has stated that final details regarding lighting, signage, and landscaping elements will be addressed at the site plan amendment stage. Other elements, such as environmentally sensitive lands, topographically significant lands, and any floodplains will not be impacted.

**Transportation and Circulation Analysis**

The primary transportation and circulation goal for the Town of Warrenton is “To encourage the development of a safe, efficient and multi-modal transportation system for the movement of people, goods and services, in and around the Town that is consistent with the historic fabric, land use pattern and expected future fiscal needs of the Town.” The Transportation and Circulation section of the Comprehensive Plan sets out policies and objectives that work to further this goal. The section includes recommendations addressing improvements for pedestrian use, new street connections, parking and sidewalks, trails, cost sharing, traffic calming techniques, safety, and signage.

<u>Standard</u>	<u>Analysis</u>
<i>The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety, efficient traffic movement and access in case of fire or catastrophe.</i>	The Application does not impact off-site traffic circulation, emergency access, or pedestrian safety. The required parking with the proposed expansion is approximately 334 spaces. The number of spaces provided is 731. The seasonal temporary storage utilizes 31 spaces.
<i>Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public.</i>	During the 2020 SUP Amendment, the Planning Commission included an additional condition, that the Applicant agreed to, stating Wal-Mart will work with staff at site plan to address safety concerns of mixing the drive aisle with online pick up. This proposal seeks to enhance these efforts.

<u>Standard</u>	<u>Analysis</u>
<i>Whether the proposed use will facilitate orderly and safe road development and transportation.</i>	This Application does not require a Transportation Impact Analysis.

**Staff Findings**

The proposed expansion area reconfigures that layout of the existing parking area and drive aisles. Additionally, the site currently contains an excess of parking under the Zoning Ordinance requirements that the expansion will utilize. The Applicant is proposing a new design that seeks to improve upon the previous design by incorporating a layout that provides for enhanced safety of employees and customers.

**Community Facilities and Environmental Analysis**

Plan Warrenton 2040 outlines Community Facilities goals and Environmental goals by stating:

- Green infrastructure and sustainability are incorporated into community facilities to promote energy efficiency and environmental protections.
- Ensure healthy, safe, adequate water and wastewater services.
- Preserve, enhance, and protect the environmental, scenic, and natural quality of the Town

<u>Standard</u>	<u>Analysis</u>
<i>Whether the proposed Special Use Permit will adequately provide for safety from fire hazards and have effective measures of fire control.</i>	The proposed expansion is required to meet all applicable building and fire safety codes.
<i>Whether the proposed Special Use Permit will be served adequately by essential public facilities, services and utilities.</i>	The site is currently served by Town services and utilities.
<i>The location of any existing and/or proposed adequate on and off-site infrastructure.</i>	The existing infrastructure will not be modified or impacted.

**Staff Findings:**

The Application does not propose to block emergency service access.

**Economic Resources Analysis**

An economic goal of Plan Warrenton 2040 is to promote a diverse, equitable stable tax base while preserving the character of the community.

<u>Standard</u>	<u>Analysis</u>
<i>Whether the proposed Special Use Permit use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.</i>	The Applicant narrative states the expansion will allow the store to meet customer demands and help promote economic activity in the Town.
<i>The number of employees.</i>	The Applicant narrative states that the precise number of additional associates required for the expanded service has not been determined.
<i>The proposed days/hours of operation.</i>	The existing use will not be modified or impacted. Hours for the online service are noted as 7:00 am to 7:00 pm.

**Staff Findings:**

The existing use provides both tax and employment opportunities to the Town of Warrenton.

## PROPOSED AMENDED CONDITIONS

### Special Use Permit Application of Wal-Mart Real Estate Business Trust

#### Approved Conditions

~~May 10, 2011~~

~~September 12, 2017~~

~~Amended October 13, 2020~~

**Amended October 10, 2023**

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1. The Property, when re-developed, shall be developed in substantial conformity with the site plan entitled “Special Use Permit Walmart Supercenter #2437-02, Warrenton, Fauquier County, Virginia,” Sheet 1 of 2, dated 12/01/10, revised through 4/12/11, prepared by Bohler Engineering (the “Site Plan”), and further revised by the exhibit entitled “Special Use Permit for Walmart Store #2437-276, 700 James Madison Highway Town of Warrenton, Fauquier County, Virginia 20186,” consisting of seven (7) sheets, dated June 8, 2023 (revised through June 13, 2023), prepared by Bohler Engineering, which Site Plan is on file with the Town of Warrenton, subject to such reasonable modifications as may be necessary in order to effectuate final site plan review and approval.
  
2. The architectural design, colors, and materials on the exterior elevations of all sides of the expanded store building shall be in substantial conformance with the building elevations entitled “Warrenton, VA Store #2437, Elevations,” Sheets 5 and 6, dated April 22, 2011, prepared by Dennis D. Smith, AIA (the “Elevations”), and further revised by the exhibit entitled “Walmart Warrenton, Virginia, 700 James Madison Hwy., Warrenton, VA 20186, Store No. 2437-276, prepared by WD Partners, and dated May 19, 2023, which Elevations are on file with the Town of Warrenton.
  
3. Landscaping of the Property shall be in substantial conformance with that certain plan entitled “Overall Landscape Plan, Walmart Expansion #2437-02 – Site Plan, Warrenton, Fauquier County, VA,” consisting of 4 Sheets, dated 2/16/11, revised through 4/12/11, prepared by Bohler Engineering (the “Landscape Plan”), and further revised by Sheet 5 of the exhibit entitled “Special Use Permit for Walmart Store #2437-276, 700 James Madison Highway Town of Warrenton, Fauquier County, Virginia 20186,” consisting of seven (7) sheets, dated June 8, 2023 (revised through June 13, 2023), prepared by Bohler Engineering, subject to such reasonable modifications as may be necessary in order to effectuate final site plan review and approval. Additionally, reasonable supplemental landscaping shall be planted on the Property if required by the Zoning Administrator after review of the Landscape Plan.
  
4. In addition to the landscaping shown on the Landscape Plan, up to 20 deciduous trees (a mixture of hardwood and ornamental) shall be planted on the hill located in the northern and eastern portions of the Property (adjacent to the steep slope areas to be graded pursuant to the accompanying special use permit application).
  
5. No outdoor sales shall be permitted on the Property with the exception of sales of materials located within fenced areas associated with the garden center, unless otherwise permitted by the Town.

6. No signage shall be permitted on the exterior of the store building that advertises or identifies any third-party tenant located within the store.
7. Prior to issuance of a final building permit for the expansion of the existing store, the Applicant shall deposit with the Town the sum of \$60,000, which the Town may, but shall not be required to utilize in order to construct traffic improvements in the vicinity of the Property in the event that the traffic impacts generated by the expanded store on the Property exceed the impacts and proposed mitigation contained in the Traffic Study dated April 12, 2011, prepared by Grove/Slade and Associates, which is on file with the Town Planning Department. Whatever portion of the \$60,000 has not been utilized by the Town in accordance with this Condition within 5 years after the date these funds are deposited with the Town shall be returned to the Applicant.
8. Prior to issuance of a final building permit for the expansion of the existing store, the Applicant shall deposit with the Town the sum of \$120,000 to be used by the Town in the event the Town elects to install a “HAWK” style pedestrian signal (and associated road striping) at the intersection of Falmouth Street and Shirley Avenue. If the Town elects not to install a “HAWK” pedestrian signal, or if the cost of the “HAWK” pedestrian signal is less than the entire \$120,000 allotted herein, these funds may be used by the Town for alternative pedestrian and/or vehicular improvements in the vicinity of the Property (including but not limited to the extension of sidewalks along Shirley Avenue between the Property and a nearby community center to the north of the Property).
9. Within thirty (30) days of the final approval by Town Council, the Applicant shall deposit with the Town the sum of \$5,000 to be utilized by the Town for additional tree plantings within the Town.
10. The Applicant shall provide pedestrian sidewalks along Shirley Avenue substantially as shown on the Site Plan (from the Property northward to the southernmost vehicular entranceway serving the community center), provided that such sidewalk improvements can be installed within the existing Shirley Avenue right-of-way, and provided that any reasonably necessary construction easements may be obtained from adjacent property owners prior to issuance of a final Certificate of Occupancy for the expansion of the existing store. In the event that these sidewalk improvements cannot be accommodated within existing right-of-way, or that the necessary construction easements cannot be obtained within the allotted timeframe, the Applicant shall provide the Town a contribution of \$5,000 (together with any applicable engineering drawings already completed or in progress) prior to the issuance of the final Certificate of Occupancy for the expansion of the existing store, to be used by the Town for the construction of the referenced improvements.
11. Trailers, containers, or similar delivery vehicles shall be stored behind the screen wall behind the store if stored on the site overnight or longer. Outdoor seasonal storage containers are only to be allowed from October 1 through December 15 annually. The containers should be located as shown on the Site Plan and screened with additional landscaping in substantial conformance with that shown in Insert B on Sheet 5 of the exhibit entitled “Special Use Permit for Walmart Store #2437-276, 700 James Madison Highway Town of Warrenton, Fauquier

County, Virginia 20186,” consisting of seven (7) sheets, dated June 8, 2023 (revised through June 13, 2023), prepared by Bohler Engineering.

12. Bales and pallets shall be located within the screened bale and pallet staging area as shown on the Site Plan.

13. The monument sign shall be compatible in color and style with the sign shown on the exhibit for the sign at “Woodlands Parkway” which is on file with the Town, subject to modifications as approved by the Planning Director.



## Special Use Permit Application of Wal-Mart Real Estate Business Trust

### Statement of Justification

Wal-Mart currently owns and operates an approximate 157,345 square foot retail store (the “Store”) on 2 parcels that together contain approximately 18.434 acres located at 700 James Madison Highway (the “Property”) in the Town of Warrenton (the “Town”). Wal-Mart proposes to upgrade the existing Store by implementing the following improvements (the “Proposed Improvements”): (a) expanding the Store by approximately 6,151 square feet to accommodate a merchandise pick-up staging area, (b) re-striping portions of the parking area in order to provide spaces for customers picking-up pre-ordered merchandise, and (c) modifying the exterior store elevations as shown on the enclosed architectural elevations. This project is similar to a prior proposed expansion of the store, which was the subject of a previous modification of SUP #10-04 in 2020. The previously-proposed expansion has not been constructed, and is intended to be replaced by the current project.

Under the Town Code, in order to implement the Proposed Improvements, the modification of a previously granted Special Use Permit (SUP #10-04) will be necessary. According to the Town Zoning Ordinance, a Special Use Permit may be approved by the Town Council “upon a finding that the use, with conditions, will not have a deleterious impact, and will reflect the spirit and intent of the Comprehensive Plan as well as [the Zoning] Ordinance.” As discussed in more detail below, the proposed Special Use Permit modification (1) is consistent with applicable codes and the Town Comprehensive Plan, (2) is compatible with surrounding land uses, (3) will positively impact the economy and public welfare of the Town, and (4) will not adversely impact surrounding traffic patterns, Town utilities infrastructure, or local environmental or historical resources.

Section 11-3.10.3 of the Town Zoning Ordinance provides a list of factors that are to be addressed in a Statement of Justification accompanying a Special Use Permit Application. Each of these factors is addressed below.

**1. Consistency with Comprehensive Plan.** The proposed Special Use Permit is consistent with the Town Comprehensive Plan. The Property is designated on the Future Land Use Map as “Limited Commercial,” which is defined on page 3-62 of the Comprehensive Plan as follows: “planned retail and service commercial centers. Such areas should be well planned with a coordinated integration of different uses. . . . The areas previously designated as limited commercial have been developed as community shopping centers as opposed to the general commercial areas which contain individual businesses on small parcels of land.”

The existing Wal-Mart Store offers a wide variety of retail goods and services on a 18.434 acre site. In this way, the Store functions as a well-coordinated and planned retail and service commercial center comparable to a traditional shopping center. The Proposed Improvements will increase the efficiency of the Store operation.

The Comprehensive Plan also generally establishes a “Retail Goal” of “provid[ing] a competitive choice in the supply of retail goods and services for residents of Warrenton and surrounding areas, in a manner that will decrease retail ‘leakage’ while maintaining the small-town character of Warrenton” (page 3-290). The enhanced merchandise pick-up proposed for this store will increase competitive choice and decrease retail “leakage” to stores located outside of the Town. Additionally, the Store’s location at the edge of the Town limits on James Madison Highway (outside of the downtown area) is consistent with the Comprehensive Plan’s goal of maintaining Warrenton’s “small town character.”

2. **Safety from Fire Hazards.** The expanded Store and site layout will be designed in accordance with applicable fire codes in order to provide safety from fire hazards and to provide effective measures of fire control.

3. **Impact of Noise from Site.** The Proposed Improvements are not expected to generate more noise than the existing Store.

4. **Glare from Site Lighting.** All site lighting will be in compliance with applicable codes, and will be downward directed and full cut-off to minimize glare and spill-over onto adjacent properties. A lighting plan will be submitted as part of site plan submittal.

5. **Compatibility with Adjacent Uses.** The expanded Store will be compatible with adjacent uses. The Property is located directly adjacent to a right of way and an industrial park to the east, and a Home Depot retail store to the south and west. The school facility located to the north of the Property is separated from the Store by a considerable amount of landscape buffering and open space.

6. **Description of Proposed Structures.** The expanded Store building and proposed elevations are depicted in detail on the site plan and elevations enclosed with this application.

7. **Existing and Proposed Landscaping, Screening, and Buffering.** Landscaping installed in the modified portion of the parking area will meet applicable Town Codes. Existing landscaping in other portions of the site will remain in place.

8. **Timing/Phasing of Development and Duration of Use.** The Proposed Improvements would be completed in one phase. Wal-Mart intends to complete the Proposed Improvements within approximately 1 year after receiving final building permits necessary to commence construction. Once open, Wal-Mart would intend to operate the expanded Store indefinitely.

9. **Destruction of Significant Features.** The Proposed Improvements will not result in destruction, loss, or damage to significant scenic, archaeological, or historic features.

10. **Public Welfare and Convenience.** The Proposed Improvements will contribute to the welfare and convenience of the public, as they will improve site circulation and provide more efficient customer service.

11. **Traffic Impacts.** Wal-Mart's proposed expansion of this Store will not increase the existing retail sales area, but will provide a pick-up option for customers who would otherwise park and enter the store. This project will also involve the closing of one of the existing drive aisles located along the northern side of the store to through traffic, together with the addition of traffic calming measures in the remaining drive aisles, improving pedestrian and vehicular safety. Finally, multiple crosswalks and expanded parking stalls are proposed within the designated merchandise pick-up area in order to provide for the safe and efficient delivery of merchandise to customer vehicles.

12. **Orderly Road Development/Transportation.** Due to the minimal impact that the Proposed Improvements will have on the surrounding transportation network, no transportation improvements are proposed as part of this project. Additionally, please note that on-site vehicular and pedestrian circulation will be improved by the proposed parking lot improvements.

13. **Whether Existing Structures Meet Code Requirements.** The existing Store was constructed in compliance with applicable code requirements.

14. **Adequate Public Facilities.** The existing public facilities, services, and utilities are sufficient to accommodate the expanded Store. An existing water line will be re-aligned as part of this project.

15. **Impact on Environment/Natural Features.** The Proposed Improvements are not expected to adversely impact environmentally sensitive land, natural features, wildlife habitats, vegetation, water quality or air quality.

16. **Employment Opportunities/Tax Base.** The expanded Store will provide additional employment opportunities, will increase the overall value of the Property, and we believe will increase sales at this location, thereby enlarging the Town tax base. For these reasons, the Proposed Improvements will have a positive economic impact on the Town.

17. **Affordable Shelter Opportunities.** The Proposed Improvements are not expected to have any impact on affordable shelter opportunities for residents of the Town.

18. **Outdoor Storage.** Outdoor storage of bales and pallets will be located at the rear of the Store as shown on the enclosed site plan, and will be screened by an enclosure. Additionally, portions of the parking area will be used for seasonal display and storage, as shown on the site plan.

19. **Use of Open Space.** Open space located on the Property, which is largely concentrated along the northern, southern, and western sides of the Store, are primarily used for landscape buffering and stormwater detention facilities. On-site open space is depicted in more detail on the site plan enclosed with this application.

20. **Location of Flood Plain/Steep Slopes.** This store was previously granted a Special Use Permit for the grading of a slope greater than twenty-five percent (25%), and no additional impacts to steep slopes are proposed as part of this project.

21. **Existing Non-Conforming Uses/Structures.** We have not obtained a determination from the Town as to whether there are any non-conforming uses or structures on the Property.

22. **Fuel/Fuel Storage.** No fuel sales or storage is proposed on the Property.

23. **Accessory Uses and Structures.** With the exception of the existing bale and pallet storage enclosure, no new accessory structures or uses are proposed.

24. **Area of Proposed Uses.** The proposed expansion area will be used for staging of merchandise pick-up services for customers.

25. **Days/Hours of Operation.** The day and hours of operation of the Store will be the same as those of the existing Store. The Store will operate 7 days a week, between the hours of 7:00 a.m. until midnight.

26. **Location/Screening of Parking and Loading Areas.** The existing parking facilities servicing the store will be modified as shown on the enclosed site plan. Existing and proposed parking areas will contain interior and perimeter landscaping and buffering in accordance with applicable Town Codes.

27. **Security Features.** Wal-Mart maintains a loss prevention program for each of its stores that includes surveillance equipment and other measures designed to protect against theft and to provide a safe shopping environment for customers and associates.

28. **Number of Employees.** At this time, we have not determined the precise number of employees anticipated following the expansion of the Store. We will supplement the record with this information.

29. **Adequate On and Off-Site Infrastructure.** Other than the necessary re-alignment of a water line serving the store, all other existing on and off-site infrastructure is adequate for the proposed project.

30. **Anticipated Odors.** Proposed uses for the site are very similar to those already existing on the Property. Therefore, no odors are expected to be generated by the uses proposed for the site.

31. **Refuse and Service Areas.** The existing refuse and service facilities servicing the store will remain in place.

**ZONING TABULATION AND SITE DATA TABLE:**

SITE INFORMATION

PIN:	6983-57-7857-000	
ZONING DISTRICT:	C - COMMERCIAL	
LAND USE:	RETAIL SALES	
BUILDING AREA:	EXISTING: ±157,345 SF PROPOSED: ±163,496 SF	
SITE AREA:	18.434 AC	
BUILDING HEIGHT:	<u>MAXIMUM</u>	<u>PROPOSED</u>
	45'	19.33± (EXPANSION)
<u>LOT SIZE AND YARD SETBACK REQUIREMENTS:</u>		
MINIMUM LOT SIZE:	6,000 SF	
SETBACK REQUIREMENTS:	<u>REQUIRED</u>	<u>PROVIDED</u>
FRONT YARD (E) BUILDING	60'	359.0'±
SIDE YARD (N) BUILDING	<u>REQUIRED</u>	<u>PROVIDED</u>
	10'	80.3'±
SIDE YARD (S) BUILDING	<u>REQUIRED</u>	<u>PROVIDED</u>
	10'	391.6'±
FRONT YARD (W) BUILDING	<u>REQUIRED</u>	<u>PROVIDED</u>
	60'	96.7'±
<u>LOT COVERAGE REQUIREMENTS</u>		
	<u>MAXIMUM</u>	<u>PROVIDED</u>
PROPOSED IMPERVIOUS AREA:	85%	75%
<u>NONRESIDENTIAL STRUCTURES</u>		
SITE LOCATED IN A FLOODPLAIN OR RPA (Y/N): N		
WETLANDS ON SITE (Y/N): N		
KNOWN HISTORIC BUILDINGS/ FEATURES (Y/N): N		
KNOWN PLACE OF BURIAL (Y/N): N		

# SPECIAL USE PERMIT

FOR



**LOCATION OF SITE**  
**STORE #2437-276**

700 JAMES MADISON HIGHWAY  
TOWN OF WARRENTON  
FAUQUIER COUNTY, VIRGINIA 20186

**PLAN REFERENCES AND CONTACTS**

- REFERENCES**
- BOUNDARY & TOPOGRAPHIC SURVEY:  
WALMART WARRENTON 700 JAMES MADISON HIGHWAY,  
TOWN OF WARRENTON, FAUQUIER COUNTY, VIRGINIA\*  
PREPARED BY: BOHLER  
DATED: 7/19/2022  
PROJECT NO.: VAB220093.00  
DATUM: NAVD 88, NAD 83
  - ARCHITECTURAL PLANS:  
2022-08-16 FOOTPRINT\_UPDATED OGP  
PREPARED BY: WD PARTNERS  
(980) 232-1453  
PROVIDED: 8/10/2022
  - DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
HEATHER JENKINS, ZONING ADMINISTRATOR  
EMAIL: HJENKINS@WARRENTONVA.GOV  
(540) 347-1101 (P) EXT. 312  
21 MAIN STREET  
WARRENTON, VA 20186

THE ABOVE REFERENCED DOCUMENTS ARE INCORPORATED BY REFERENCE AS PART OF THESE PLANS. HOWEVER, BOHLER DOES NOT CERTIFY THE ACCURACY OF THE WORK REFERENCED OR DERIVED FROM THESE DOCUMENTS, BY OTHERS.



**LOCATION MAP**  
COPYRIGHT 2018  
MICROSOFT CORPORATION  
SCALE: 1" = 2,000'

**OWNER/DEVELOPER**  
WAL-MART REAL ESTATE BUSINESS TRUST  
PO BOX 8050  
BENTONVILLE, ARKANSAS 72716-0550  
CONTACT NAME: DAVID PENNY  
TEL: (479) 273-4000

**ENGINEER**  
BOHLER  
28 BLACKWELL PARK LN  
SUITE 201  
WARRENTON, VA 20186  
CONTACT NAME: KATHERINE ROBERTS  
TEL: (540) 349-4500

SHEET INDEX	
SHEET TITLE	SHEET NUMBER
COVER SHEET	1
STOP SIGNS AND MARKING PLAN	2
STORE ENTRANCE SITE PLAN	3
SPECIAL USE PERMIT	4
LANDSCAPE PLAN	5
CONSTRUCTION DETAILS	6
PREVIOUS OVERALL SUP PLAN REDLINE EXHIBIT	7

PREPARED BY



CONTACT: KATHERINE S. ROBERTS, P.E.

**COVER SHEET**

REVISIONS	BY	Item 3.
REV 1 - 6/13/2023	NBC	
COUNTY COMMENTS		

**BOHLER**  
28 BLACKWELL PARK LANE, SUITE 201  
WARRENTON, VIRGINIA 20186  
Phone: (540) 349-4500  
Fax: (540) 349-0321  
VA@BohlerEng.com

COMMONWEALTH OF VIRGINIA  
Katherine Roberts  
KATHERINE ROBERTS  
Lic. No. 0402060193  
6/13/2023  
PROFESSIONAL ENGINEER

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Know what's below.  
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NOT APPROVED FOR CONSTRUCTION

SUPERCENTER #2437-276  
700 JAMES MADISON HIGHWAY  
WARRENTON, VIRGINIA 20186  
WAL-MART STORES, INC  
BENTONVILLE, AR 72716

DRAWN	DSH
CHECKED	KSR
DATE	6/8/2023
JOB No.	VAB220093.00 -0
SHEET NUMBER	

**1**





NOTE: EXISTING CONDITIONS ARE BASED ON FIELD OBSERVATIONS AND AERIAL IMAGERY. DIMENSIONS SHOWN ARE APPROXIMATE. CONTRACTOR TO NOTIFY BOHLER IMMEDIATELY, IN WRITING, OF ANY DISCREPANCIES.

**PARKING ANALYSIS**

USE: COMMERCIAL
REQUIREMENT: ONE (1) SPACE PER THREE HUNDRED (300) SQUARE FEET GROSS FLOOR AREA FOR THE FIRST TWELVE THOUSAND (12,000) SQUARE FEET, PLUS TWO (2) SPACES PER EACH ADDITIONAL ONE THOUSAND (1,000) SQUARE FEET GROSS FLOOR AREA, MINIMUM FOUR (4) SPACES FOR EACH ESTABLISHMENT.
EXISTING BUILDING SF: +157,345 SF PROPOSED BUILDING SF: +163,496 SF [12,000 SF X 1 SPACE / 300 SF + 151,496 SF X 2 SPACE / 1,000 SF] = 343 SPACES REQUIRED
731 TOTAL EXISTING SPACES
43 SPACES LOST
23 SPACES DEDICATED FOR TEMPORARY SEASONAL STORAGE
665 PROVIDED SPACES
PARKING RATIO: 4.07/1,000
NUMBER OF PROPOSED PICKUP SPACES: 45
ADA PARKING SPACE REQUIREMENT: REQUIRED: 665 SPACES * 0.02 = 13 SPACES PROVIDED: 16 SPACES

**SITE AND DEMOLITION LEGEND**

REFERENCE DETAIL SHEET

- |   |  |
|---|--|
| (A) EXISTING PEDESTRIAN CROSSING SIGN TO BE REMOVED.  | (W) EXISTING STOP SIGN TO REMAIN/ BE REUSED.   |
| (B) EXISTING STOP SIGN TO BE REMOVED.   | (W1) EXISTING TREE LIMBS TO BE TRIMMED FOR SIGN VISIBILITY.  |
| (C) EXISTING SIGN POST AND BASE TO BE REMOVED.  | (W2) EXISTING TREE LIMBS TO BE TRIMMED TO ALLOW FOR INCREASED DRIVER VISIBILITY.   |
| (D) EXISTING SIGN POST AND BASE TO REMAIN.  | (X) EXISTING STOP SIGN TO BE RAISED/ RELOCATED TO MATCH CURRENT DETAILS/ GUIDELINES.   |
| (E) EXISTING CROSSWALK STRIPING TO BE REMOVED.  | (Y) EXISTING SIGN POST AND BOLLARD TO BE REPAINTED.  |
| (F) EXISTING YIELD / FIRE LANE PAVEMENT MARKING TO BE REMOVED.  | (Z) NEW SIGN MOUNTING AND BASE WITH BREAK AWAY POST.   |
| (G) EXISTING CENTERLINE STRIPING TO REMAIN/ BE REFRESHED.   | (a) EXISTING PARKING STALL PAVEMENT MARKINGS TO BE REMOVED.  |
| (H) NEW "STOP HERE FOR PEDESTRIANS" SIGN.   | (b) EXISTING PAVEMENT MARKING STRIPING TO BE REMOVED.  |
| (J) NEW 30"x30" STOP SIGN.  | (c) NEW 4" WIDE PAINTED WHITE STRIPES AT 45° @ 2'-0" O.C.  |
| (K) NEW SIGN MOUNTING AND BASE WITH BOLLARD.  | (d) NEW 36" STOP SIGN ON DOUBLE POST WITH BREAK AWAY POSTS.  |
| (L) NEW STOP AND/OR "ONLY" TEXT AND/OR STOP BAR WITH 4" WIDE DOUBLE SOLID YELLOW STRIPE.  | (f) NEW ASSOCIATE COVER CANOPY. SEE ARCH. PLANS FOR DETAILS.   |
| (M) NEW 4" WIDE PAINTED YELLOW STRIPES AT 45° @ 2'-0" O.C.  | (g) EXISTING STOP PAVEMENT MARKINGS, STOP BAR, "STOP" TEXT AND/OR "ONLY" TEXT TO BE REVISED/ REFRESHED TO MATCH CURRENT DETAILS. |
| (N) NEW CROSSWALK MARKINGS - 6" WIDE PAINTED WHITE STRIPING PARALLEL TO DIRECTION OF TRAFFIC AT 2'-0" O.C. AND (1)-8" WHITE STRIPE PERPENDICULAR ON BOTH ENDS UNLESS NOTED OTHERWISE. SEE SITE PLAN FOR DIMENSIONS. ENTIRE CROSSWALK SHALL BE RE-STRIPED, INCLUDING "NO PARKING FIRE LANE" AND/OR RED STRIPE TO MATCH EXISTING. | (h) EXISTING OPEN ARROW PAVEMENT MARKING TO REMAIN/ BE REFRESHED.  |
| (P) LIMITS OF SEAL COAT. APPLY SEAL COAT WHERE STRIPING AND PAVEMENT MARKINGS WERE REMOVED AND WHERE NEW STRIPING AND PAVEMENT MARKINGS WILL BE APPLIED. APPLY NEW STRIPING AND PAVEMENT MARKINGS OVER SEAL COAT.   | (i) EXISTING PEDESTRIAN CROSSING SIGN AND BASE TO REMAIN/ BE REUSED  |
| (Q) NEW 4" WIDE PAINTED YELLOW STRIPES - 6' LONG WITH 18' GAPS.   | (n) NEW PICKUP PARKING STALL STRIPING. SEE DETAIL.   |
| (R) EXISTING STOP BAR/ STOP TEXT PAVEMENT MARKINGS/ DOUBLE YELLOW STRIPE TO BE REMOVED.   | (o) EXISTING PICKUP SIGN AND POST TO BE REMOVED  |
| (S) NEW OPEN ARROW PAVEMENT MARKINGS.   | (r) EXISTING MISCELLANEOUS TRAFFIC INFORMATION SIGN TO REMAIN.   |
| (T) EXISTING ARROW PAVEMENT MARKINGS TO BE REMOVED.   | (s) EXISTING SOLID ARROW PAVEMENT MARKING TO REMAIN/ BE REFRESHED.   |
| (U) EXISTING FIRE LANE STRIPING AND/ OR YELLOW STRIPING TO REMAIN/ BE REFRESHED.  | (u) EXISTING CROSSWALK TO BE REVISED/ REFRESHED TO MATCH CURRENT DETAILS.  |
| (V) NEW 4" WIDE DOUBLE SOLID YELLOW STRIPE AND/ OR SINGLE WHITE.  | (y) NEW PICKUP PARKING SIGNAGE. SEE DETAIL.  |
|   | (z) NEW 7" CONCRETE SPEED CUSHION (SEE DETAIL).  |
|   | (zi) NEW "SPEED HUMP" SIGN AND POST (SEE DETAIL).  |

**NOTES TO CONTRACTOR:**

- BFR (BUILDING FRONTAGE ROAD)  
OCR (OUTER CIRCULATION ROAD)
- CONTRACTOR SHALL INSTALL "NEW" STOP BARS, SIGNS, AND TEXT TO MATCH CURRENT DETAILS AT THE LOCATIONS SHOWN ON THESE PLANS.
- ALL SIGNS LOCATED ON THE BUILDING SIDE OF THE BFR SHALL BE INSTALLED ON A SINGLE POST WITH BOLLARD.
- FOR PAVEMENT MARKINGS PROPOSED TO BE REMOVED, CONTRACTOR SHALL REMOVE THE PAVEMENT MARKINGS IN THEIR ENTIRETY PRIOR TO SEAL COAT

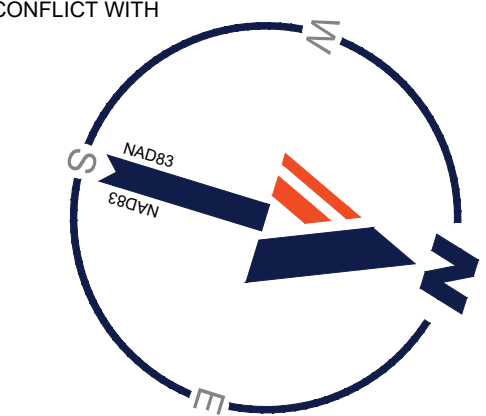
**CAUTION - NOTICE TO CONTRACTOR**

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED UPON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE IMPROVEMENTS SHOWN BY THESE PLANS.

**ALERT TO CONTRACTOR:**

ALL WM GENERAL CONTRACTOR WORK TO BE COMPLETED (EARTHWORK, FINAL UTILITIES, AND FINAL GRADING) BY THE MILESTONE DATE IN PROJECT DOCUMENTS. OUTLOT AREA TO BE KEPT FREE OF JOB TRAILERS AND STORAGE AFTER THE CONTRACT MILESTONE DATE FOR THE OUTLOT. WM GENERAL CONTRACTOR TO PROVIDE CLEAR ACCESS FOR OUTLOT CONTRACTOR TO THE SPECIFIC PARCEL AT ALL TIMES AFTER MILESTONE DATE. PURCHASER OF OUTLOT TO PROVIDE PERMIT DOCUMENTS AND SWPPP REQUIRED BY STATE/LOCAL REQUIREMENTS FOR SPECIFIC OUTLOT.

CONTRACTOR SHALL CONTACT 811 FOR LOCATION OF ALL UTILITIES, AT LEAST 72 HOURS PRIOR TO BEGINNING CONSTRUCTION



**STOP SIGNS AND MARKING PLAN**

REVISIONS	BY	DATE
REV 1 - 6/13/2023	NBC	
COUNTY COMMENTS		

**BOHLER**  
28 BLACKWELL PARK LANE, SUITE 201  
WARRENTON, VIRGINIA 20186  
Phone: (540) 349-4500  
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VA@BohlerEng.com

COMMONWEALTH OF VIRGINIA  
Katherine Roberts  
Lic. No. 0402060193  
6/13/2023  
PROFESSIONAL ENGINEER

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Know what's below.  
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NOT APPROVED FOR CONSTRUCTION

SUPERCENTER #2437-276  
700 JAMES MADISON HIGHWAY  
WARRENTON, VIRGINIA 20186  
WAL-MART STORES, INC  
BENTONVILLE, AR 72716

**Walmart**

DRAWN	DSH
CHECKED	KSR
DATE	6/8/2023
JOB No.	VAB220093.00 -0
SHEET NUMBER	

**2**



REVISIONS	BY	Item
REV 1 - 6/13/2023	NBC	
COUNTY COMMENTS		

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 Phone: (540) 349-4500  
 Fax: (540) 349-0321  
 VA@BohlerEng.com

COMMONWEALTH OF VIRGINIA  
 K. S. Roberts  
 CATHERINE ROBERTS  
 Lic. No. 0402060193  
 6/13/2023  
 PROFESSIONAL ENGINEER

811  
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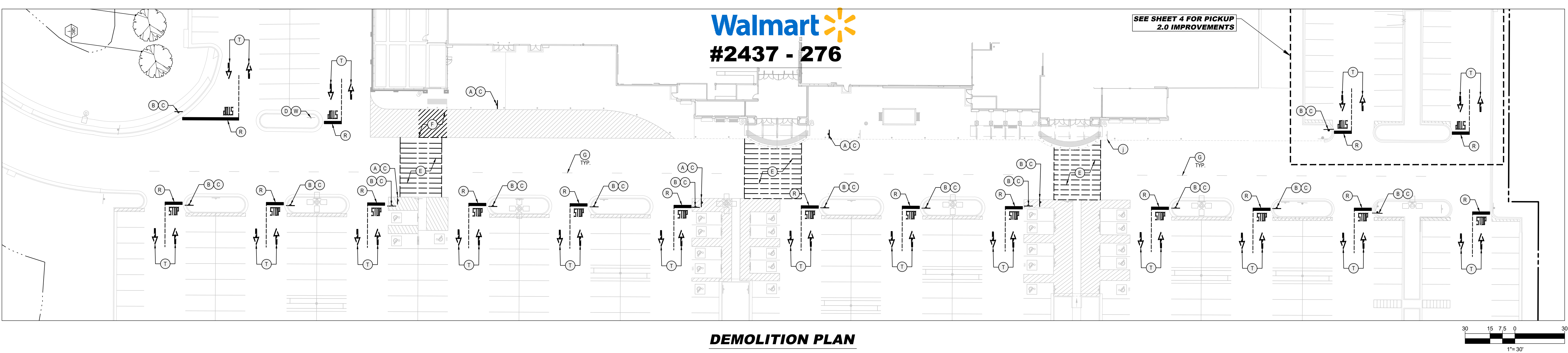
NOT APPROVED FOR CONSTRUCTION

SUPERCENTER #2437-276  
 700 JAMES MADISON HIGHWAY  
 WARRENTON, VIRGINIA 20186  
 WAL-MART STORES, INC  
 BENTONVILLE, AR 72716

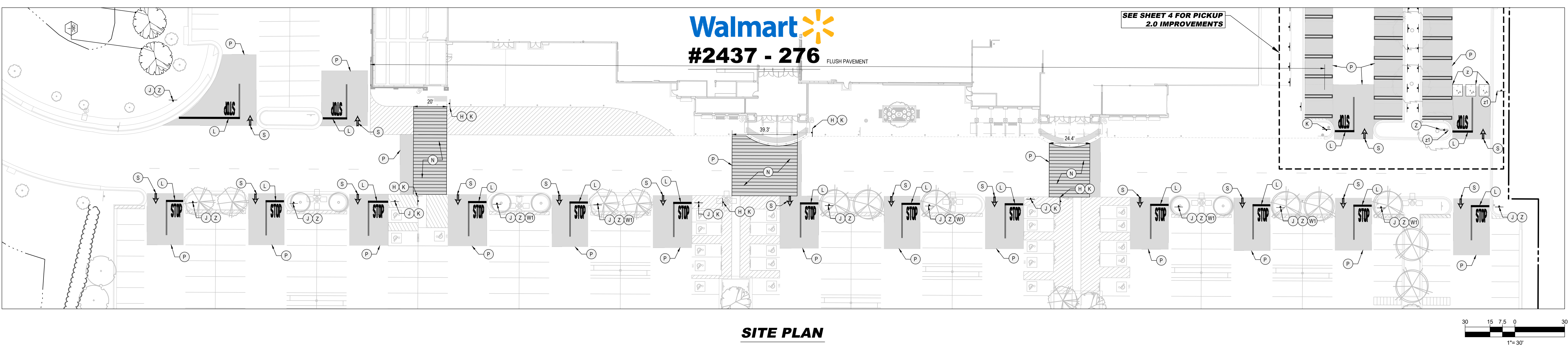
**Walmart**

DRAWN	DSH
CHECKED	KSR
DATE	6/8/2023
JOB No.	VAB220093.00 -0
SHEET NUMBER	

**3**



**DEMOLITION PLAN**



**SITE PLAN**

**SITE AND DEMOLITION LEGEND**

REFERENCE DETAIL SHEET

- |   |   |   |
|---|---|---|
| (A) EXISTING PEDESTRIAN CROSSING SIGN TO BE REMOVED.  | (D) NEW 4" WIDE PAINTED YELLOW STRIPES - 6' LONG WITH 18" GAPS.                         | (E) NEW 36" STOP SIGN ON DOUBLE POST WITH BREAK AWAY POSTS.   |
| (B) EXISTING STOP SIGN TO BE REMOVED.   | (R) EXISTING STOP BAR/ STOP TEXT PAVEMENT MARKINGS/ DOUBLE YELLOW STRIPE TO BE REMOVED. | (F) NEW ASSOCIATE COVER CANOPY. SEE ARCH. PLANS FOR DETAILS.  |
| (C) EXISTING SIGN POST AND BASE TO BE REMOVED.  | (S) NEW OPEN ARROW PAVEMENT MARKINGS.   | (G) EXISTING STOP PAVEMENT MARKINGS, STOP BAR, "STOP" TEXT AND/ OR "ONLY" TEXT TO BE REVISED/ REFRESHED TO MATCH CURRENT DETAILS. |
| (D) EXISTING SIGN POST AND BASE TO REMAIN.  | (T) EXISTING ARROW PAVEMENT MARKINGS TO BE REMOVED.                                     | (H) EXISTING OPEN ARROW PAVEMENT MARKING TO REMAIN/ BE REFRESHED.   |
| (E) EXISTING CROSSWALK STRIPING TO BE REMOVED.  | (U) EXISTING FIRE LANE STRIPING AND/ OR YELLOW STRIPING TO REMAIN/ BE REFRESHED.        | (I) EXISTING PEDESTRIAN CROSSING SIGN AND BASE TO REMAIN/ BE REUSED   |
| (F) EXISTING YIELD / FIRE LANE PAVEMENT MARKING TO BE REMOVED.  | (V) NEW 4" WIDE DOUBLE SOLID YELLOW STRIPE AND/ OR SINGLE WHITE.                        | (J) NEW PICKUP PARKING STALL STRIPING. SEE DETAIL.  |
| (G) EXISTING CENTERLINE STRIPING TO REMAIN/ BE REFRESHED.   | (W) EXISTING STOP SIGN TO REMAIN/ BE REUSED.  | (K) EXISTING PICKUP SIGN AND POST TO BE REMOVED   |
| (H) NEW "STOP HERE FOR PEDESTRIANS" SIGN.   | (W1) EXISTING TREE LIMBS TO BE TRIMMED FOR SIGN VISIBILITY.                             | (L) EXISTING MISCELLANEOUS TRAFFIC INFORMATION SIGN TO REMAIN.  |
| (J) NEW 30"x30" STOP SIGN.  | (W2) EXISTING TREE LIMBS TO BE TRIMMED TO ALLOW FOR INCREASED DRIVER VISIBILITY.        | (M) EXISTING SOLID ARROW PAVEMENT MARKING TO REMAIN/ BE REFRESHED.  |
| (K) NEW SIGN MOUNTING AND BASE WITH BOLLARD.  | (X) EXISTING STOP SIGN TO BE RAISED/ RELOCATED TO MATCH CURRENT DETAILS/ GUIDELINES.    | (N) EXISTING CROSSWALK TO BE REVISED/ REFRESHED TO MATCH CURRENT DETAILS.   |
| (L) NEW STOP AND/OR "ONLY" TEXT AND/OR STOP BAR WITH 4" WIDE DOUBLE SOLID YELLOW STRIPE.  | (Y) EXISTING SIGN POST AND BOLLARD TO BE REPAINTED.                                     | (O) NEW PICKUP PARKING SIGNAGE. SEE DETAIL.   |
| (M) NEW 4" WIDE PAINTED YELLOW STRIPES AT 45° @ 2'-0" O.C.  | (Z) NEW SIGN MOUNTING AND BASE WITH BREAK AWAY POST.                                    | (P) NEW 7" CONCRETE SPEED CUSHION (SEE DETAIL).   |
| (N) NEW CROSSWALK MARKINGS - 6" WIDE PAINTED WHITE STRIPING PARALLEL TO DIRECTION OF TRAFFIC AT 2'-0" O.C. AND (1)-8" WHITE STRIPE PERPENDICULAR ON BOTH ENDS UNLESS NOTED OTHERWISE. SEE SITE PLAN FOR DIMENSIONS. ENTIRE CROSSWALK SHALL BE RE-STRIPED, INCLUDING "NO PARKING FIRE LANE" AND/OR RED STRIPE TO MATCH EXISTING. | (a) EXISTING PARKING STALL PAVEMENT MARKINGS TO BE REMOVED.                             | (Q) NEW "SPEED HUMP" SIGN AND POST (SEE DETAIL).  |
| (P) LIMITS OF SEAL COAT. APPLY SEAL COAT WHERE STRIPING AND PAVEMENT MARKINGS WERE REMOVED AND WHERE NEW STRIPING AND PAVEMENT MARKINGS WILL BE APPLIED. APPLY NEW STRIPING AND PAVEMENT MARKINGS OVER SEAL COAT.   | (b) EXISTING PAVEMENT MARKING STRIPING TO BE REMOVED.                                   |   |
|   | (d) NEW 4" WIDE PAINTED WHITE STRIPES AT 45° @ 2'-0" O.C.                               |   |

**NOTES TO CONTRACTOR:**

- REFERENCE SITE CONSTRUCTION PLAN FOR SITE SPECIFIC DIMENSIONS OF CROSSWALK STRIPING AND LOCATION OF SIGNAGE.
- PROVIDE A COMPREHENSIVE CONSTRUCTION PHASING PLAN FOR THIS WORK TO THE STORE MANAGER 7 DAYS PRIOR TO STARTING ANY WORK. IT IS TO PROVIDE FOR DATES, TIMES AND DURATION OF LANE CLOSURES, TEMPORARY VEHICLE AND PEDESTRIAN TRAFFIC CONTROL.
- ALL EXISTING STRIPING AND PAVEMENT MARKINGS OR TEXT ALONG THE BFR (BUILDING FRONTAGE ROAD) SHALL BE REMOVED. GRIND OUT ANY DIRECTIONAL ARROWS OR STOP BARS/TEXT THAT ARE NOT CORRECTLY LOCATED OR INCONSISTENT WITH THE DETAILS PROVIDED. APPLY SEAL COAT TO THE COMPLETE EXTENT THAT THE STRIPING OR TEXT HAS BEEN REMOVED IN A SINGLE COMPLETE RECTANGLE TO COVER ALL REMOVED STRIPING (DO NOT APPLY SEAL COAT OVER EXISTING STRIPING OR CONCRETE). INSTALL NEW STRIPING AND SIGNAGE AS SHOWN ON THE SITE CONSTRUCTION PLAN. FOR PAVEMENT MARKINGS PROPOSED TO BE REMOVED, CONTRACTOR SHALL REMOVE THE PAVEMENT MARKINGS IN THEIR ENTIRETY PRIOR TO SEAL COAT.
- ALL SIGNS LOCATED ON THE BUILDING SIDE OF THE BFR SHALL BE INSTALLED ON A SINGLE POST WITH BOLLARD.

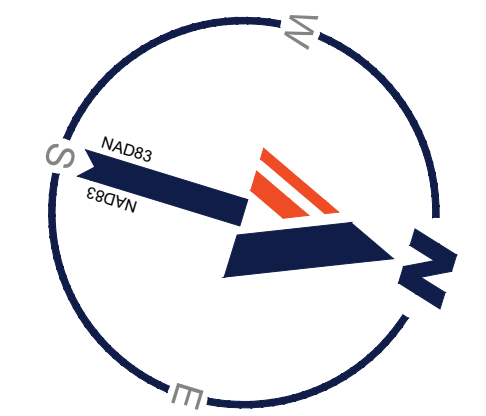
**CAUTION - NOTICE TO CONTRACTOR**

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED UPON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE IMPROVEMENTS SHOWN BY THESE PLANS.

**ALERT TO CONTRACTOR:**

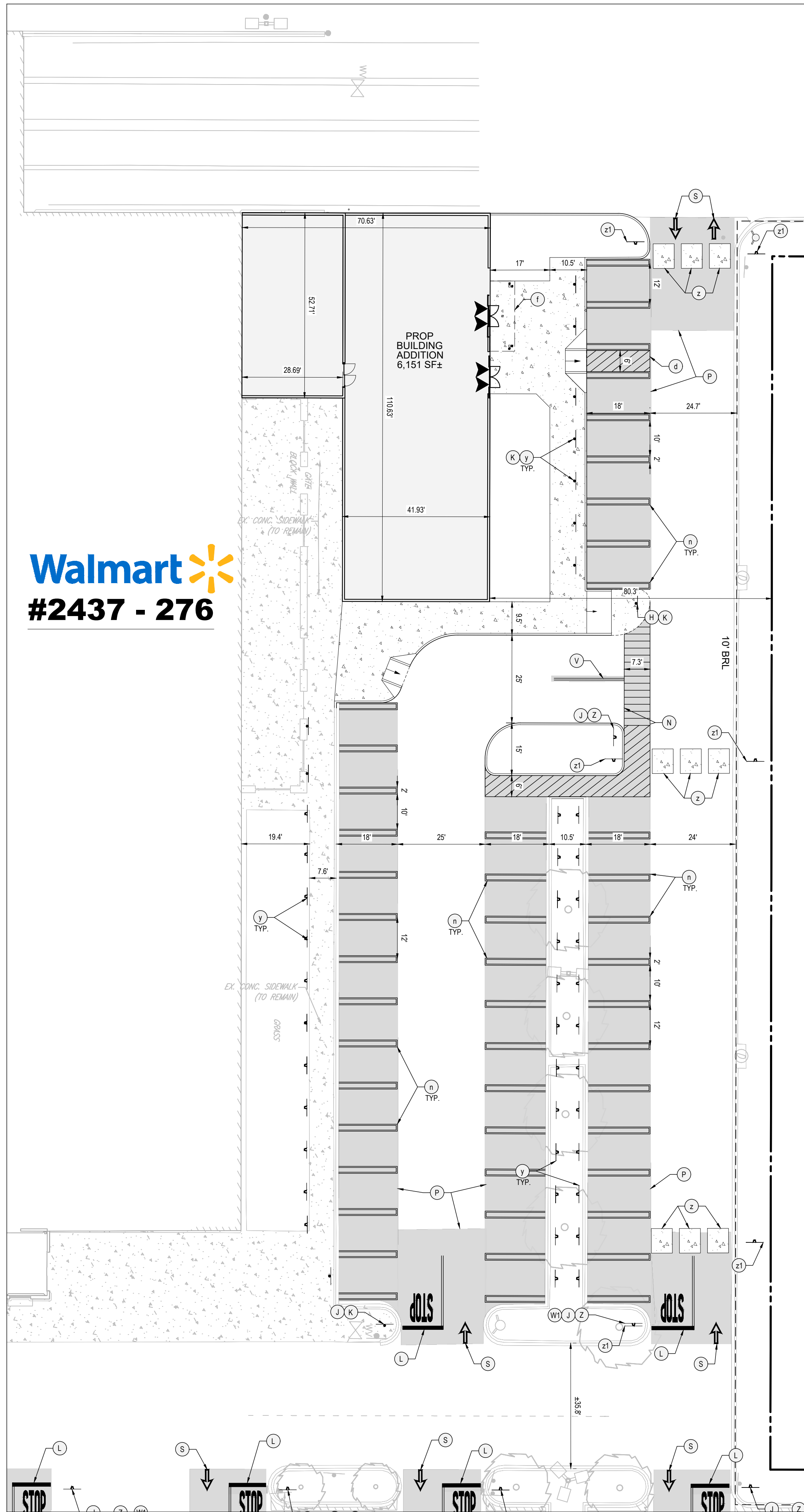
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CONTRACTOR SHALL CONTACT 811 FOR LOCATION OF ALL UTILITIES, AT LEAST 72 HOURS PRIOR TO BEGINNING CONSTRUCTION



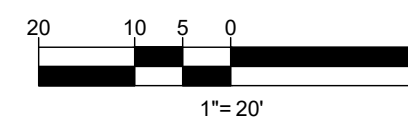
**STORE ENTRANCE SITE PLAN**



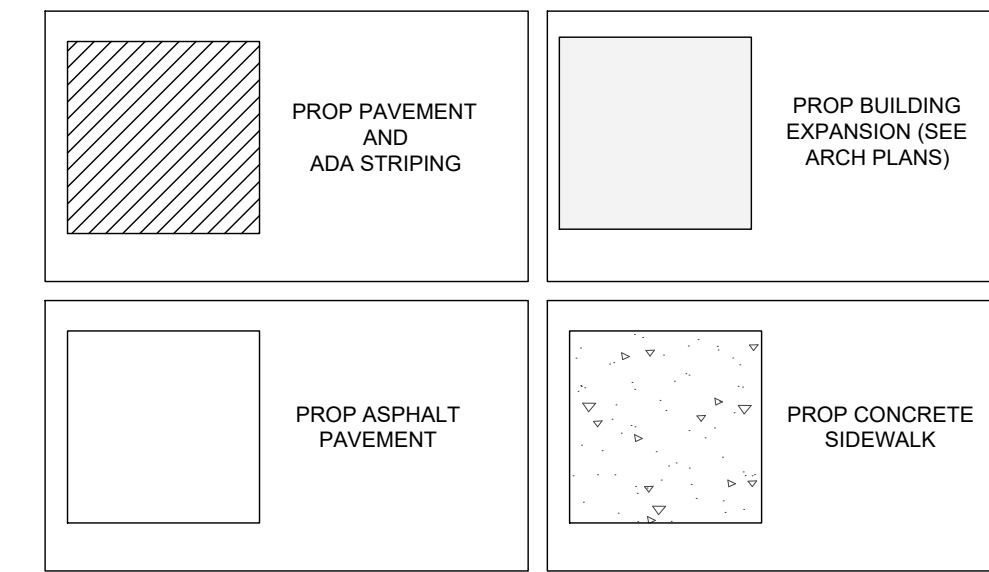


**Walmart**  
#2437 - 276

**SITE PLAN**



**HATCH LEGEND**



NOTE: EXISTING CONDITIONS ARE BASED ON FIELD OBSERVATIONS AND AERIAL IMAGERY. DIMENSIONS SHOWN ARE APPROXIMATE. CONTRACTOR TO NOTIFY BOHLER IMMEDIATELY, IN WRITING, OF ANY DISCREPANCIES.

**PARKING ANALYSIS**

USE: COMMERCIAL
REQUIREMENT: ONE (1) SPACE PER THREE HUNDRED (300) SQUARE FEET GROSS FLOOR AREA FOR THE FIRST TWELVE THOUSAND (12,000) SQUARE FEET, PLUS TWO (2) SPACES PER EACH ADDITIONAL ONE THOUSAND (1,000) SQUARE FEET GROSS FLOOR AREA. MINIMUM FOUR (4) SPACES FOR EACH ESTABLISHMENT.
EXISTING BUILDING SF: ±157,345 SF PROPOSED BUILDING SF: ±163,496 SF [12,000 SF X 1 SPACE / 300 SF + 151,496 SF X 2 SPACE / 1,000 SF] = 343 SPACES REQUIRED
731 TOTAL EXISTING SPACES
43 SPACES LOST
23 SPACES DEDICATED FOR TEMPORARY SEASONAL STORAGE
665 PROVIDED SPACES
PARKING RATIO: 4.07/1,000
NUMBER OF PROPOSED PICKUP SPACES: 45
ADA PARKING SPACE REQUIREMENT: REQUIRED: 665 SPACES * 0.02 = 13 SPACES PROVIDED: 16 SPACES

**SITE NOTES:**

- SIGNAGE REQUIREMENTS WILL BE ADDRESSED AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW.

**SITE AND DEMOLITION LEGEND**

REFERENCE DETAIL SHEET

- |   |   |
|---|---|
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| (U) EXISTING ARROW PAVEMENT MARKINGS TO BE REMOVED.   | (Z12) EXISTING SOLID ARROW PAVEMENT MARKING TO REMAIN/ BE REFRESHED.  |
| (V) EXISTING FIRE LANE STRIPING AND/ OR YELLOW STRIPING TO REMAIN/ BE REFRESHED.  | (Z13) EXISTING CROSSWALK TO BE REVISED/ REFRESHED TO MATCH CURRENT DETAILS.   |
| (W) NEW 4" WIDE DOUBLE SOLID YELLOW STRIPE AND/ OR SINGLE WHITE.  | (Z14) NEW PICKUP PARKING SIGNAGE. SEE DETAIL.   |
|   | (Z15) NEW 7" CONCRETE SPEED CUSHION (SEE DETAIL).   |
|   | (Z16) NEW "SPEED HUMP" SIGN AND POST (SEE DETAIL).  |

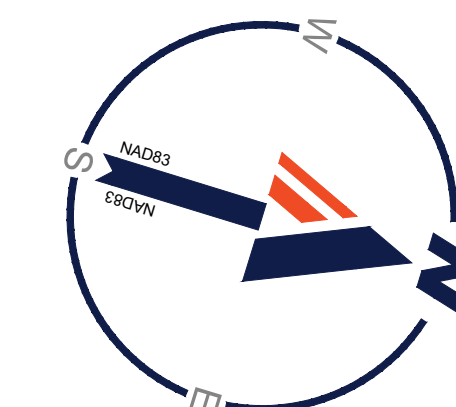
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**SPECIAL USE PERMIT**

REVISIONS	BY	Item
REV 1 - 6/13/2023	NBC	
COUNTY COMMENTS		

**BOHLER**  
28 BLACKWELL PARK LANE, SUITE 201  
WARRENTON, VIRGINIA 20186  
Phone: (540) 349-4500  
Fax: (540) 349-0321  
VA@BohlerEng.com

COMMONWEALTH OF VIRGINIA  
Katherine Roberts  
Lic. No. 0402060193  
6/13/2023  
PROFESSIONAL ENGINEER

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700 JAMES MADISON HIGHWAY  
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BENTONVILLE, AR 72716

**Walmart**

DRAWN	DSH
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**4**



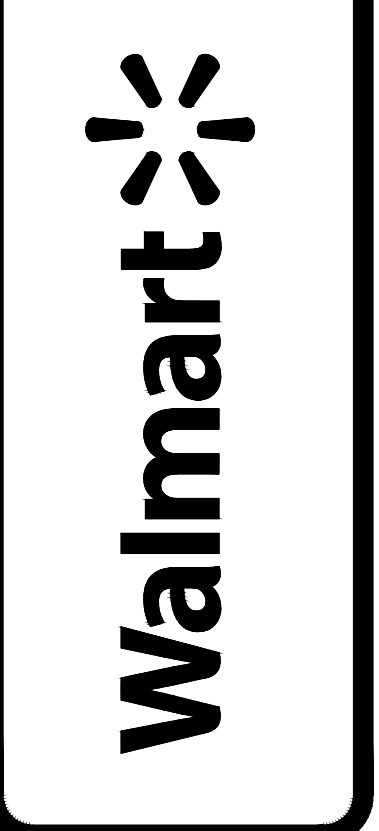
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 28 BLACKWELL PARK LANE, SUITE 201  
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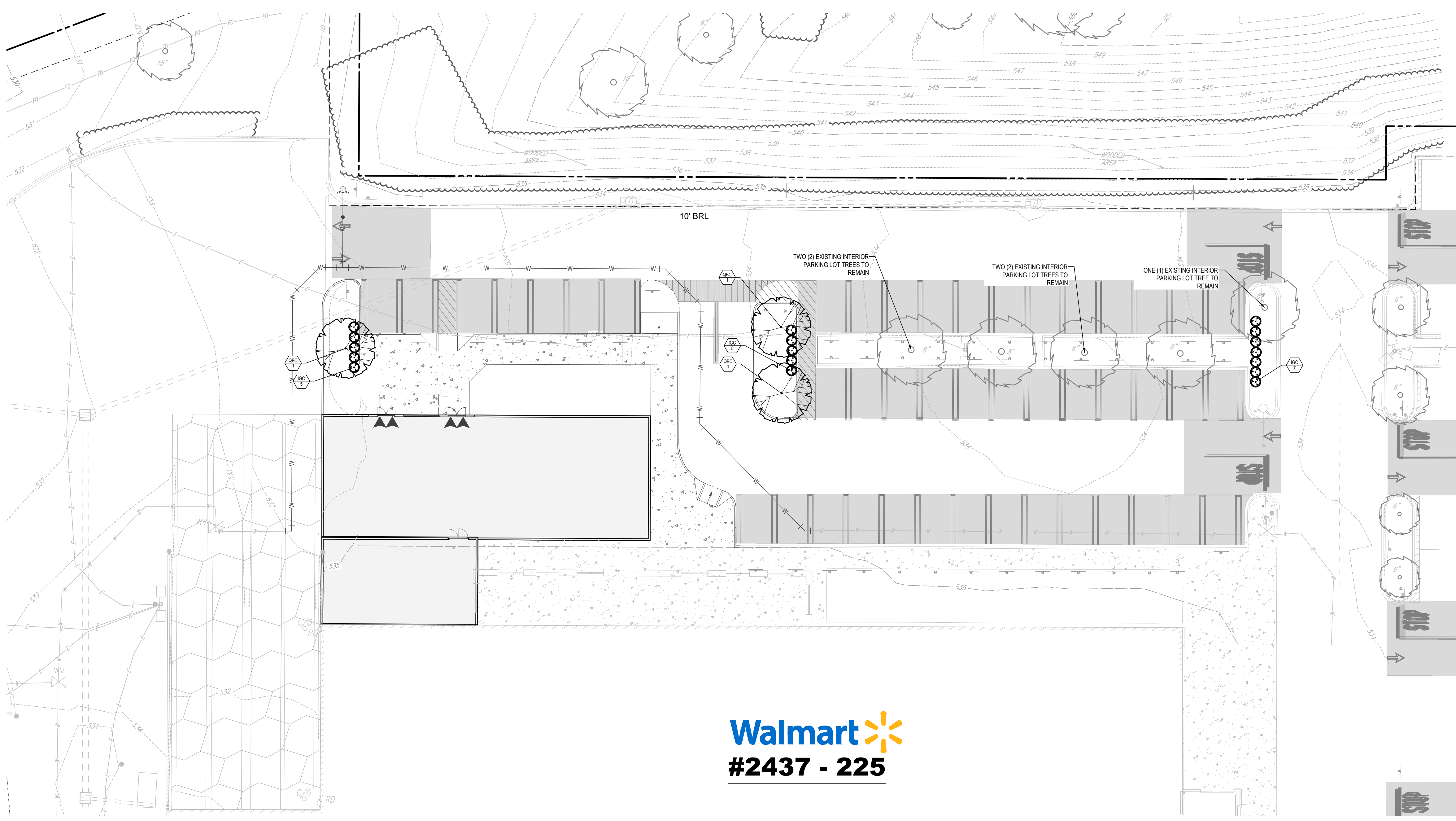
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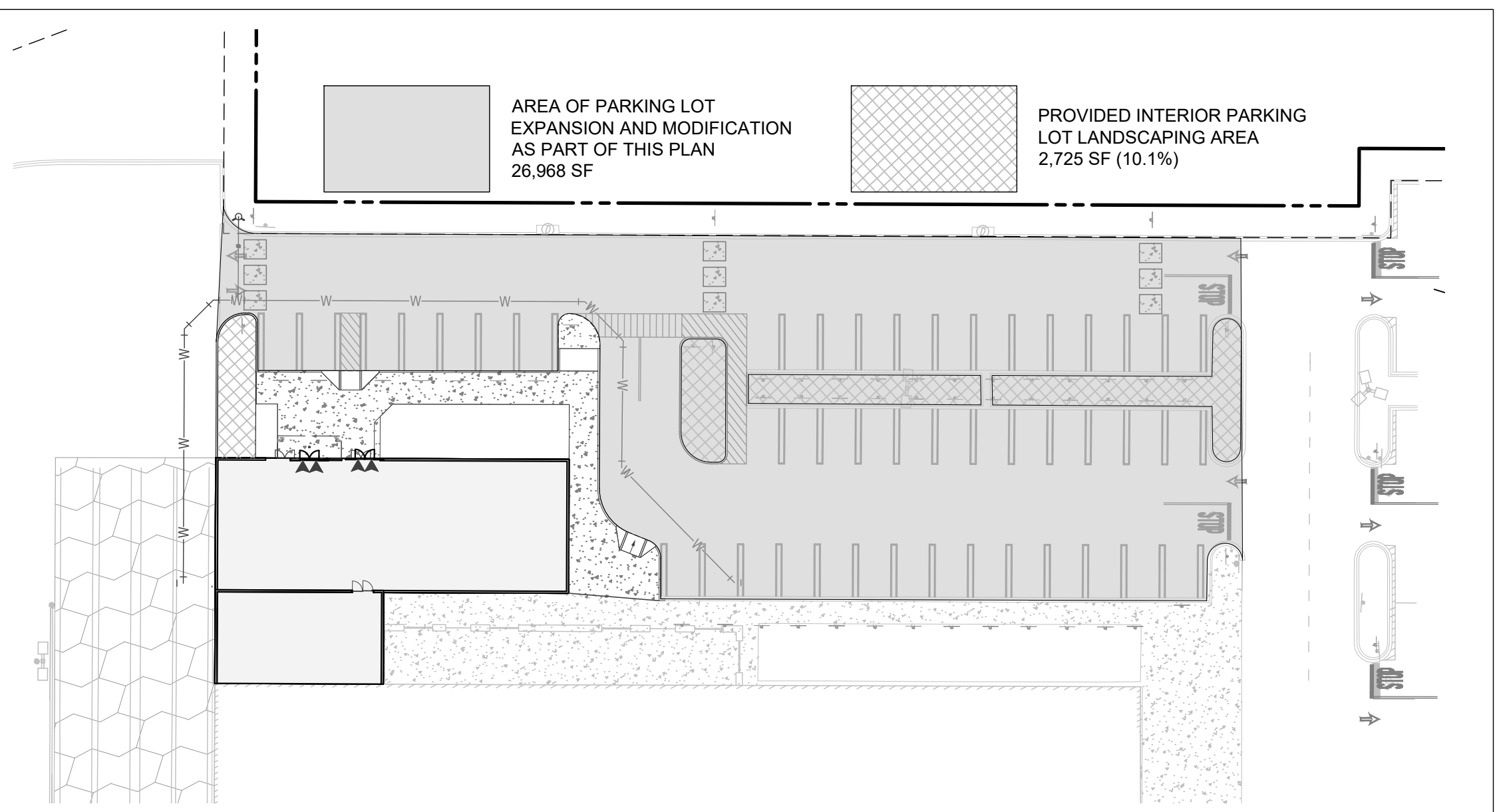
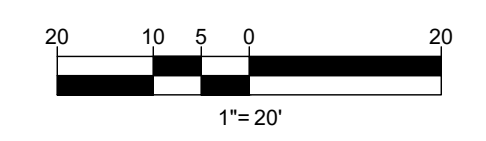
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**5**

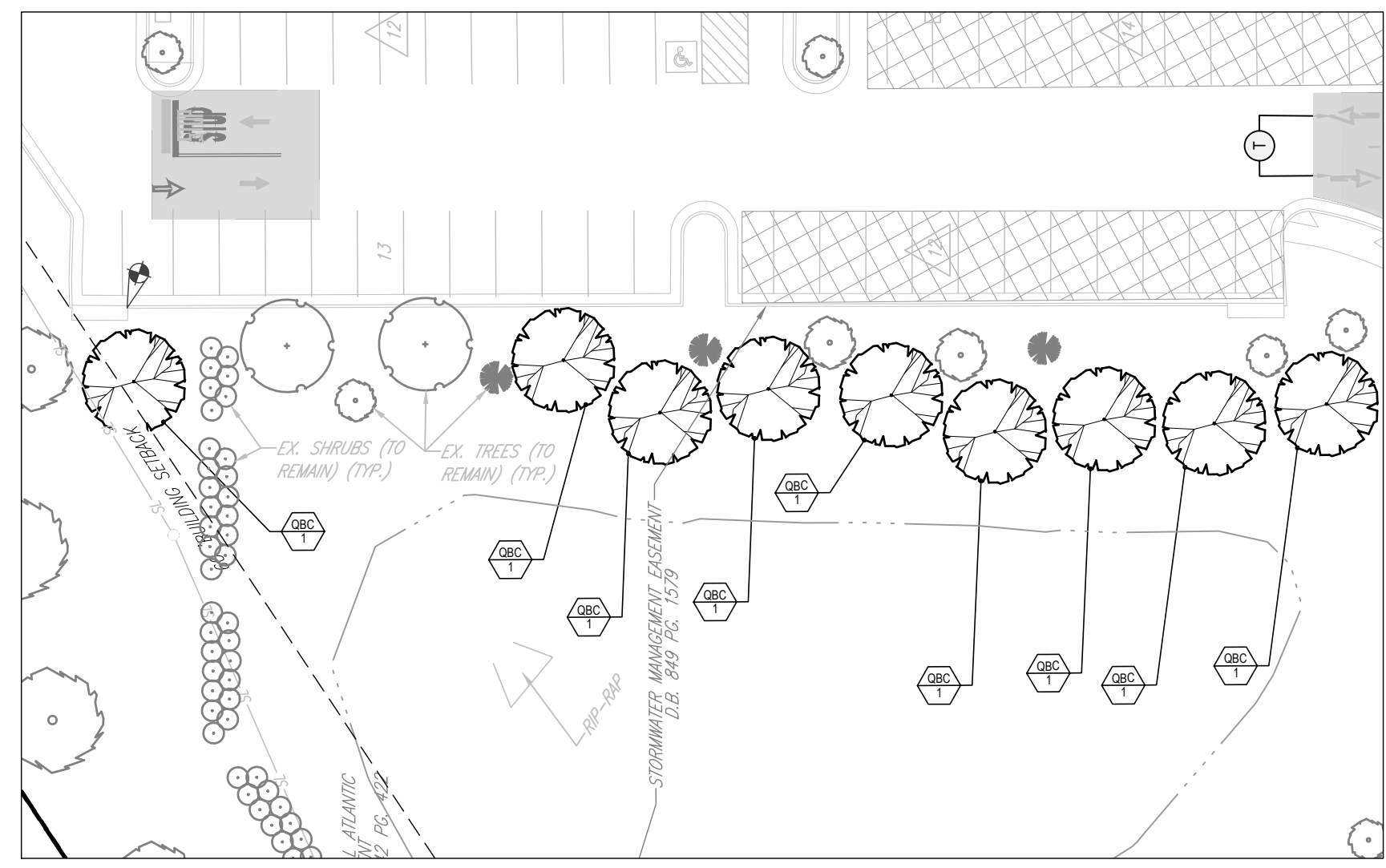
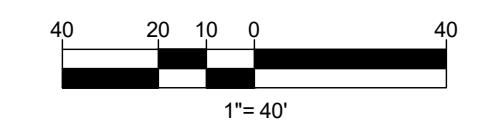


**Walmart**  
**#2437 - 225**

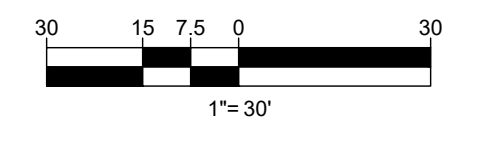
**LANDSCAPE PLAN**



**INTERIOR PARKING LOT LANDSCAPING DIAGRAM**



**INSET B: PROPOSED TREE LINE**



LANDSCAPE SCHEDULE					
KEY	QTY.	BOTANICAL NAME	COMMON NAME	CAL.	CONT.
<b>SHADE TREES</b>					
QRC	12	QUERCUS BICOLOR	SWAMP WHITE OAK	2 1/2" CAL. @ 14' HT	B+B
SUBTOTAL:	12				
<b>EVERGREEN SHRUBS</b>					
IGC	17	ILEX GLABRA COMPACTA	DWARF INKBERY HOLLY	24" HT	65 CAN
SUBTOTAL:	17				

NOTE: THE QUANTITIES SHOWN ABOVE REFLECT THE PROPOSED TREES AND SHRUBS DEPICTED ON THIS SHEET.  
 TOTAL NUMBER OF PARKING SPACES WITHIN WORK AREA: 45  
 1 TREE / 8 PARKING SPACES = 6 TREES REQUIRED  
 3 SHRUBS / 8 PARKING SPACES = 17 SHRUBS REQUIRED  
 8 TREES CREDITED FOR INTERIOR PARKING LOT LANDSCAPING  
 17 SHRUBS CREDITED FOR INTERIOR PARKING LOT LANDSCAPING



**LANDSCAPE PLAN**



REVISIONS	BY	DATE
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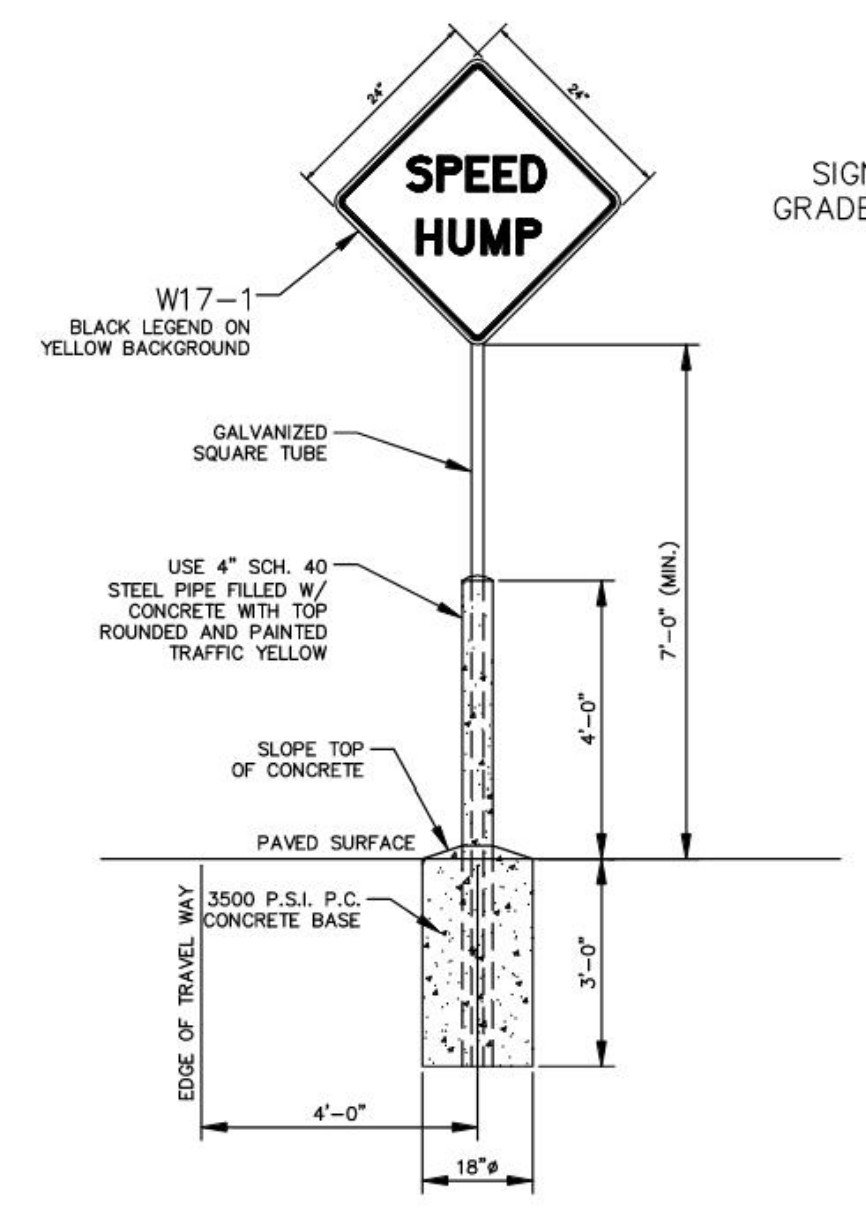
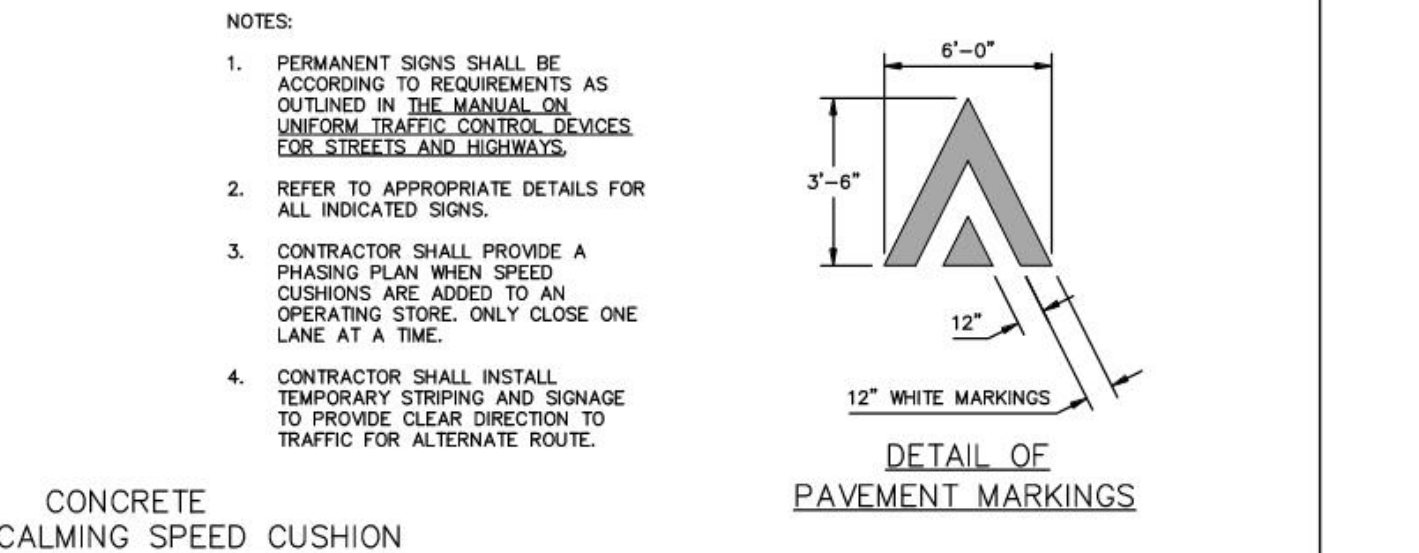
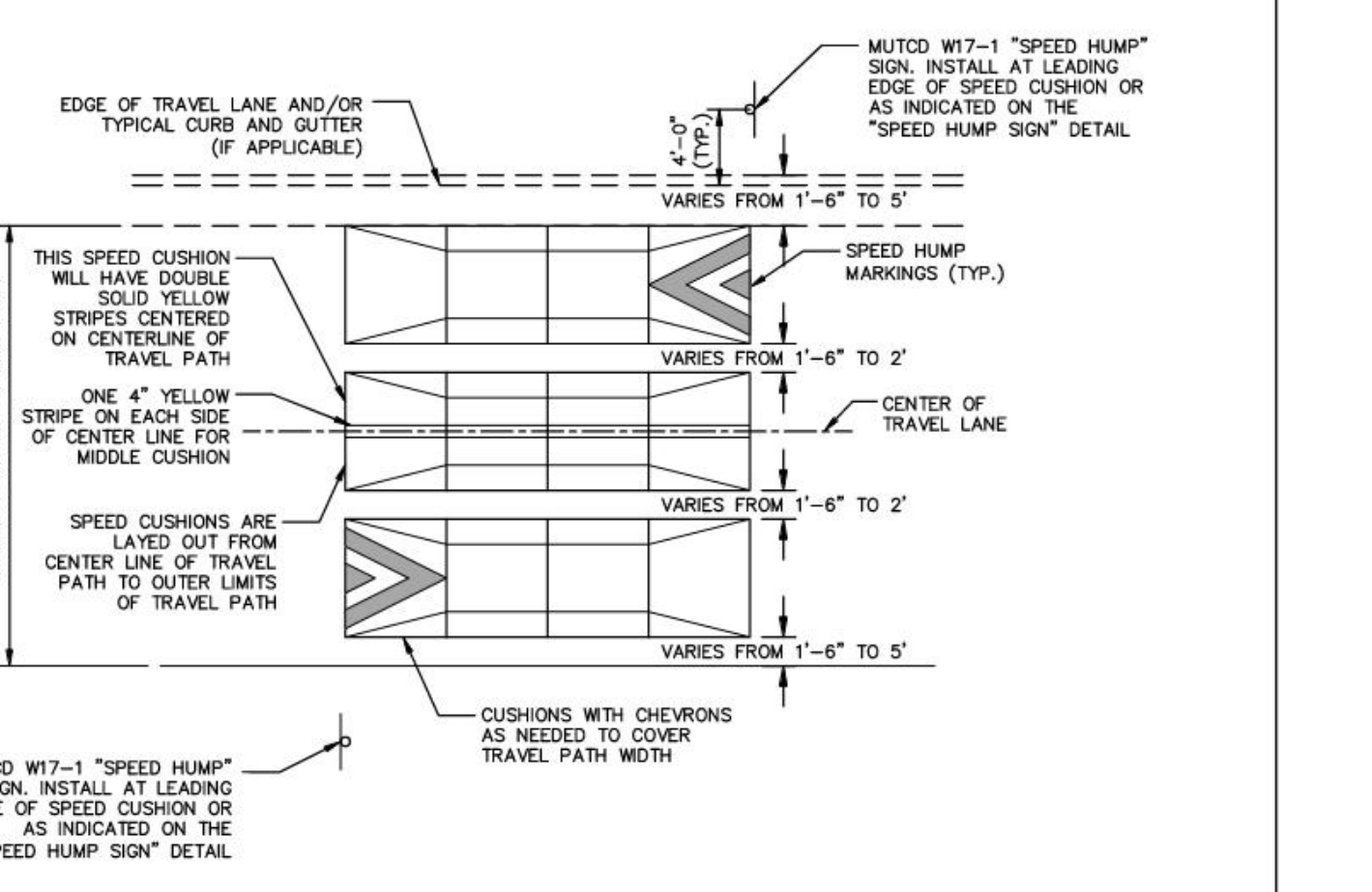
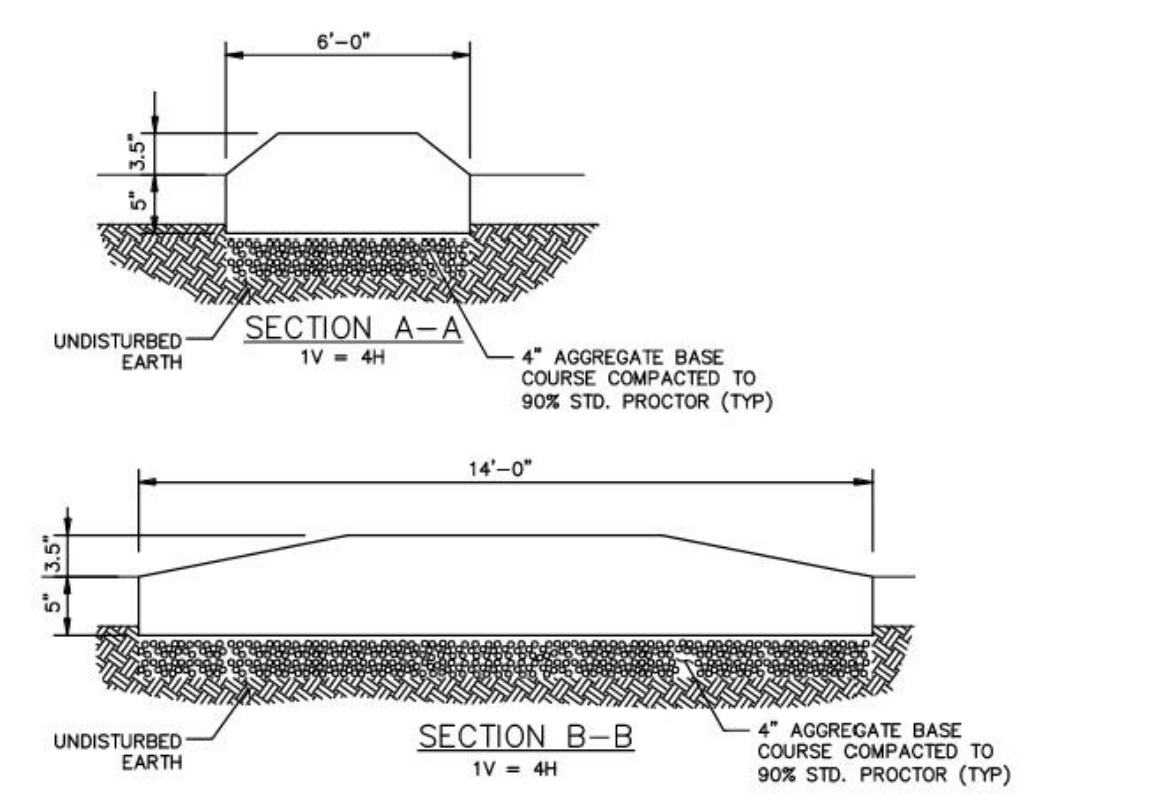
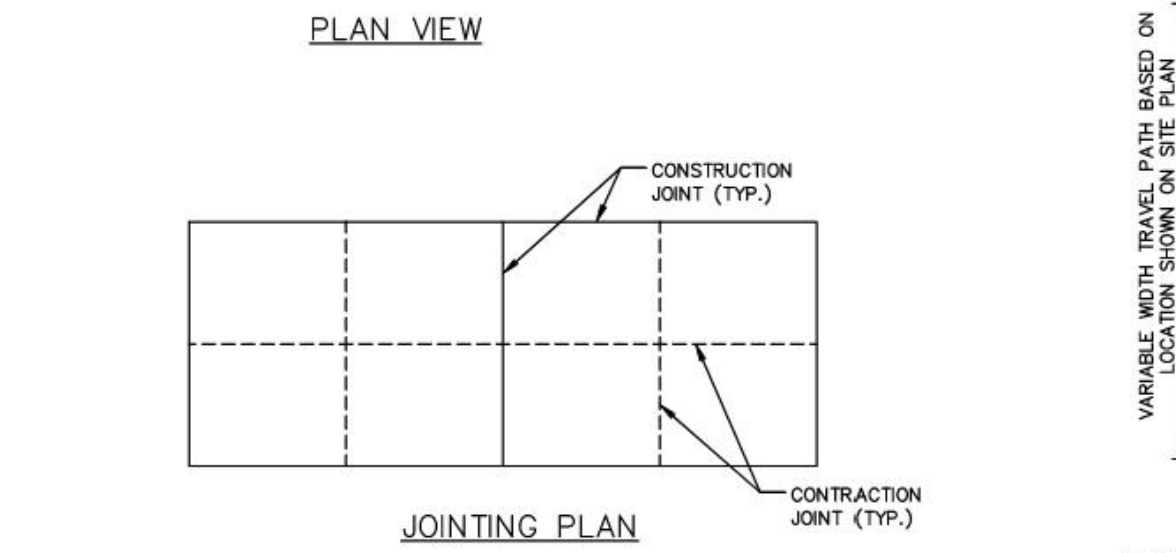
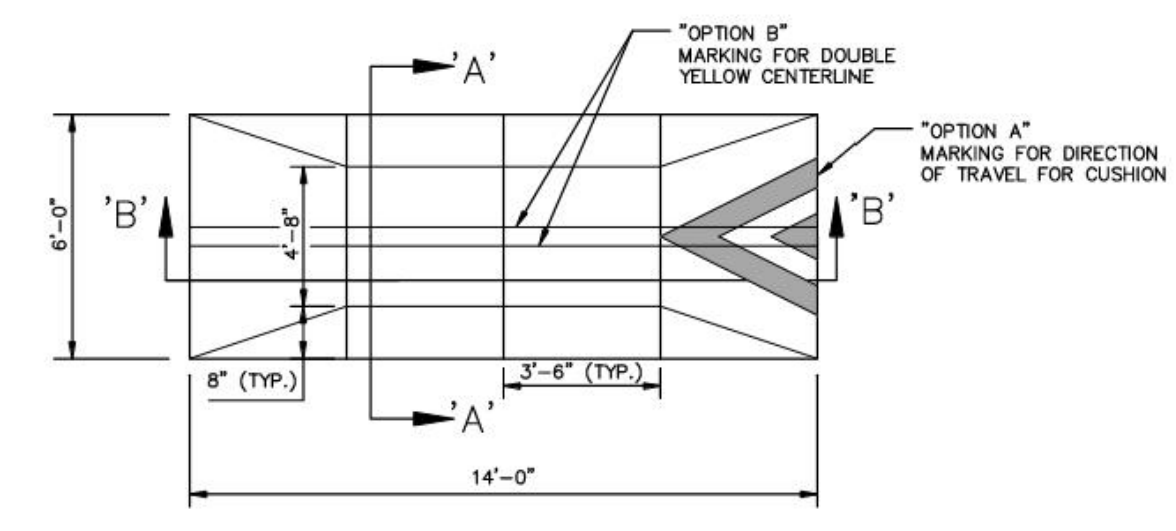
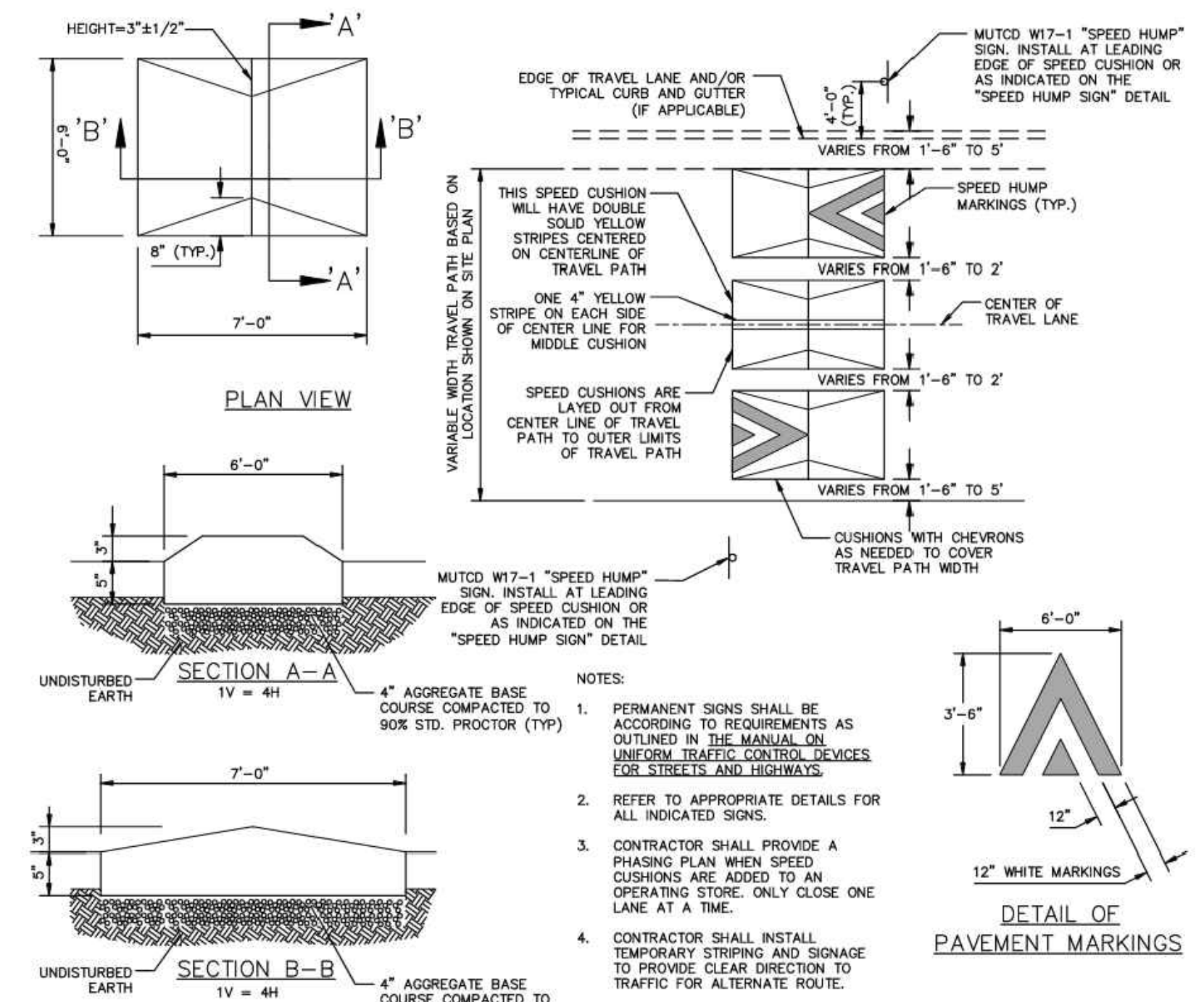
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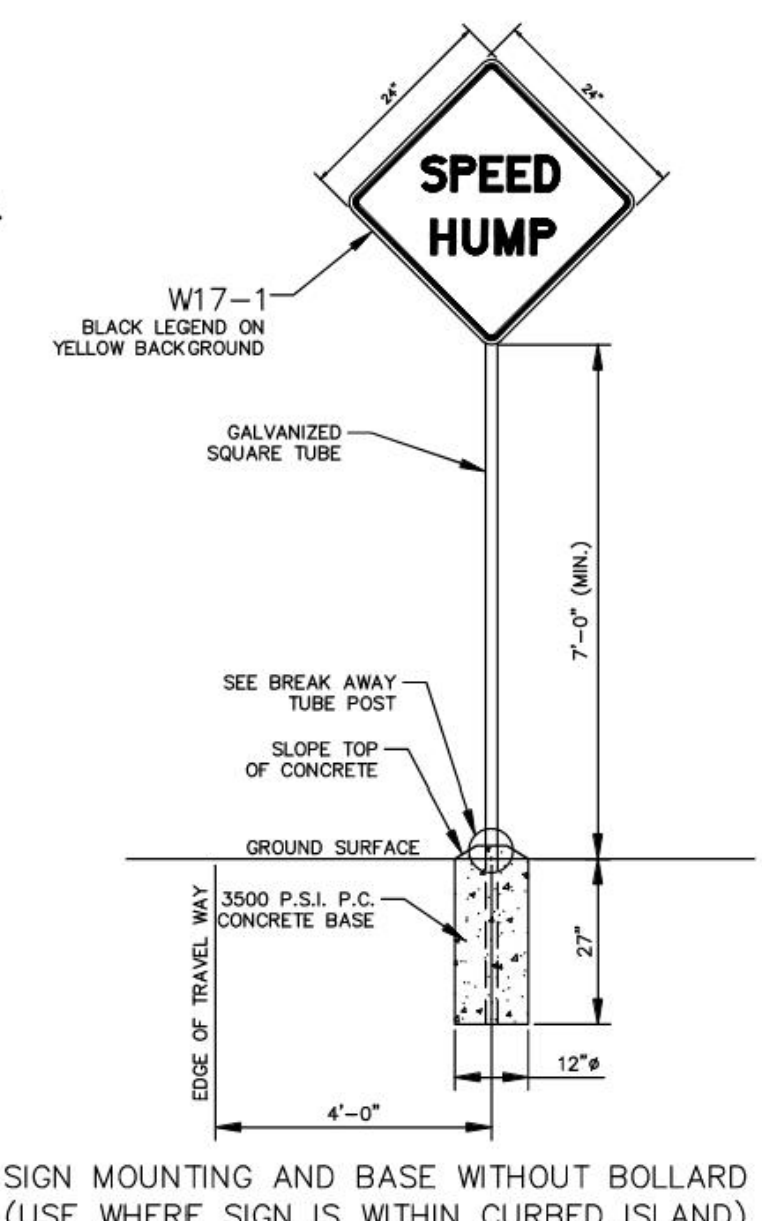
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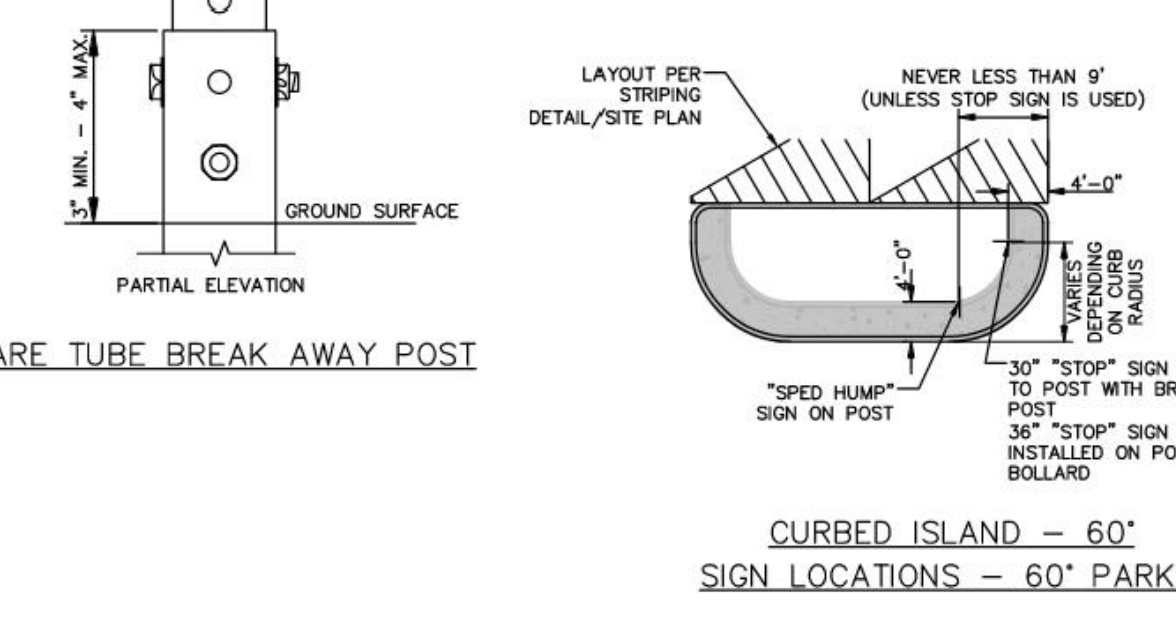
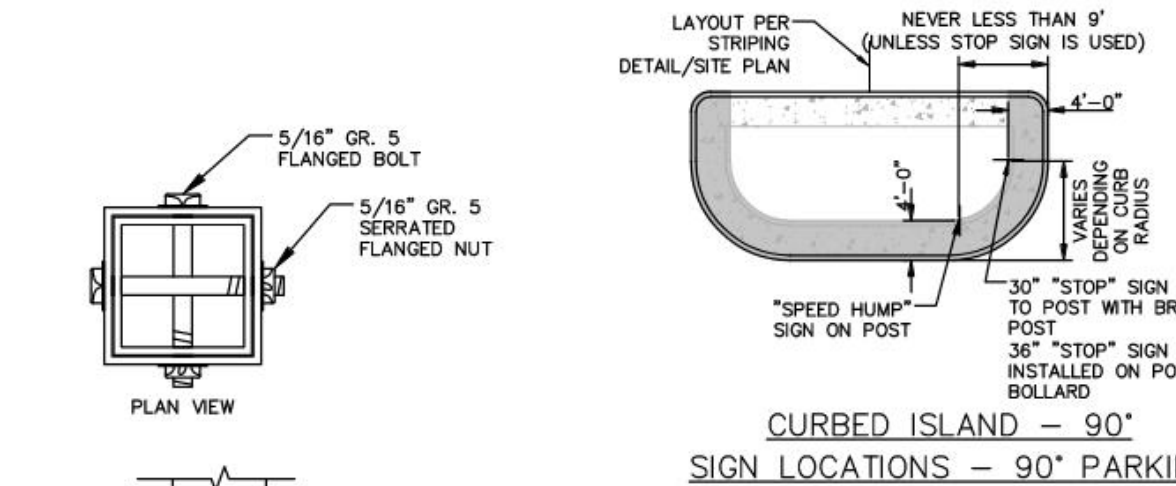
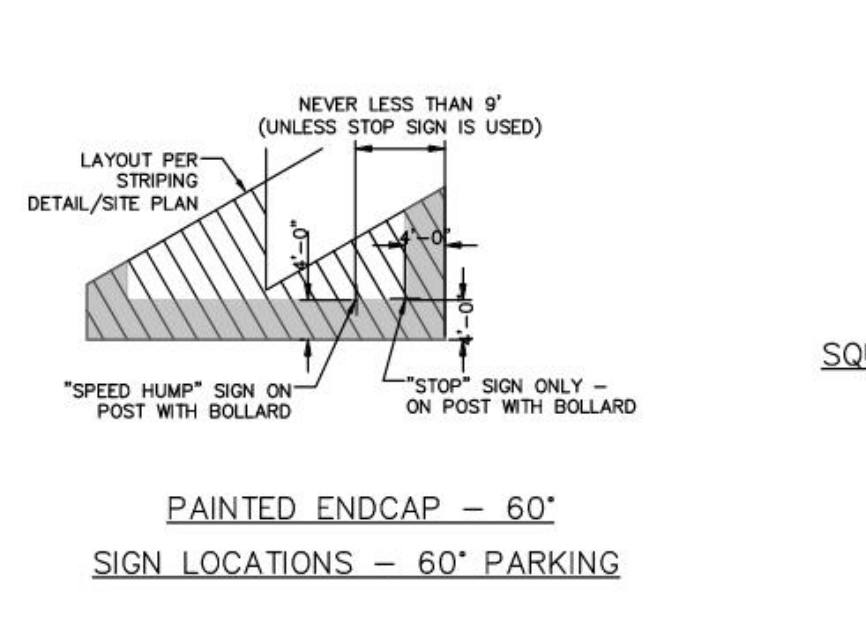
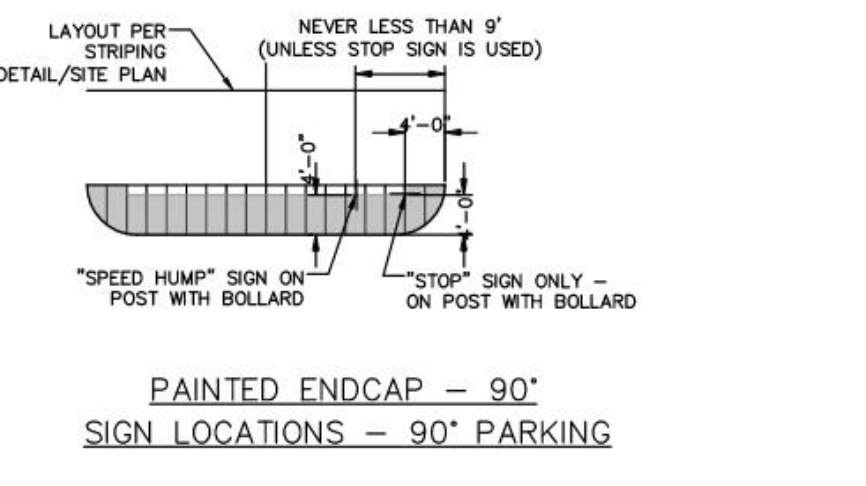
SIGN MOUNTING AND BASE WITH BOLLARD (USE WHERE SIGN IS NOT WITHIN CURBED ISLAND)

- NOTES:  
 1. ALL SIGNS SHALL COMPLY WITH U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION'S "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES", LOCAL CODES AND AS SPECIFIED. MOUNT SIGNS TO POST IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS.  
 2. GALVANIZED SQUARE TUBE  
 POST TUBES - 2"x2" 12ga  
 POST TUBE SHALL MEET ASTM A1011 GRADE 50.  
 POST TUBE GALVANIZED AS PER ASTM A653 GRADE 90.  
 ANCHOR TUBE - 2-1/2"x2-1/4" 12ga  
 HEAVY DUTY ANCHOR TUBE SHALL MEET ASTM A500 GRADE B.  
 STRUCTURAL TUBE AND STEEL SHALL BE HOT DIP GALVANIZED PER ASTM A123.  
 THE UPPER SIGN POST SHALL TELESCOPE INSIDE THE ANCHOR TUBE A MINIMUM OF 12". THE ANCHOR TUBE SHALL BE A MINIMUM 27" DEEP WITH 3" MIN. 4" MAX. EXPOSED ABOVE FINISH GRADE.



SIGN MOUNTING AND BASE WITHOUT BOLLARD (USE WHERE SIGN IS WITHIN CURBED ISLAND)

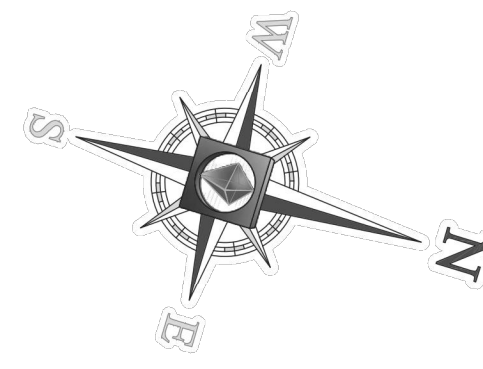
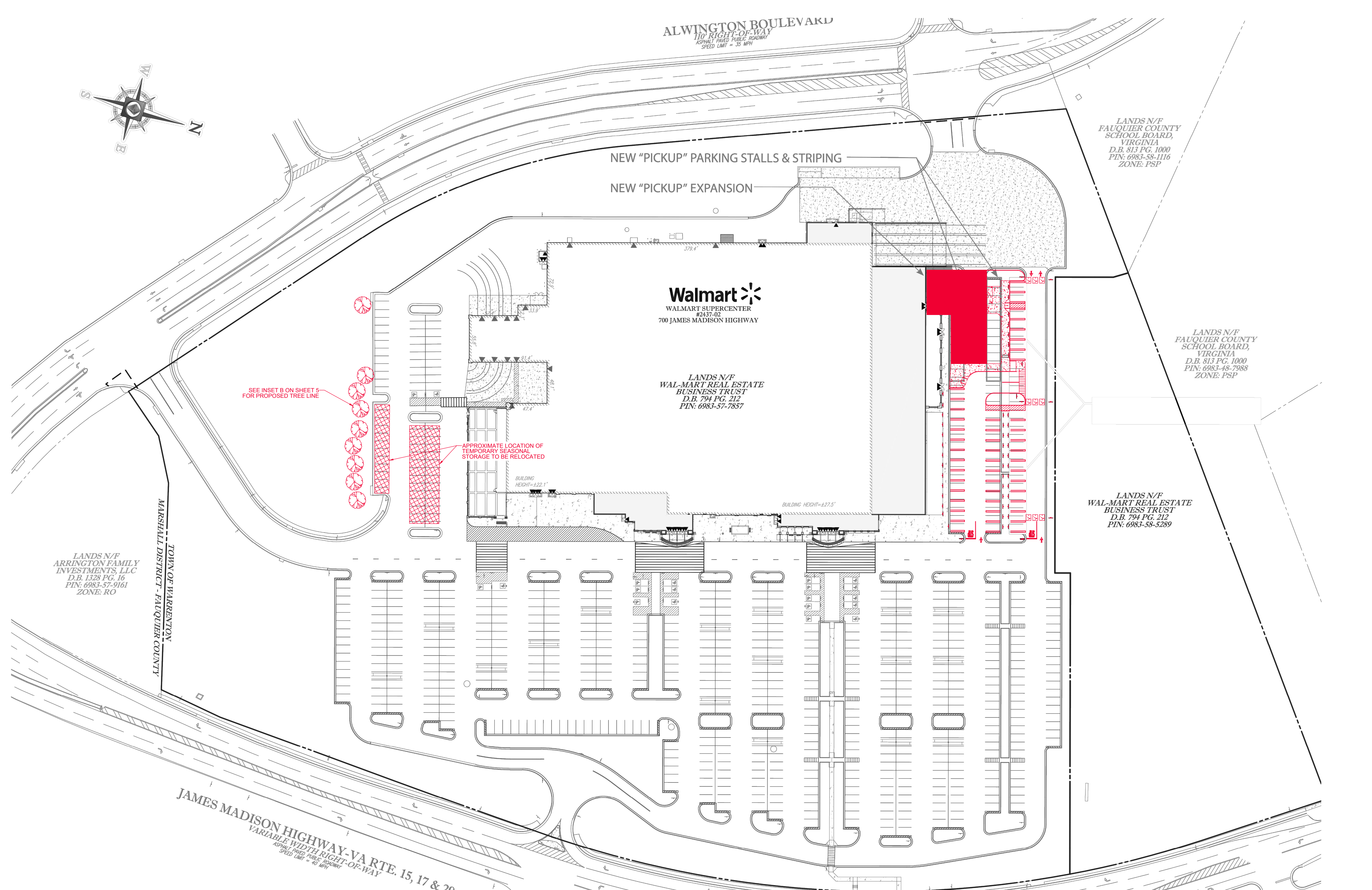
- NOTES:  
 1. ALL SIGNS SHALL COMPLY WITH U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION'S "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES", LOCAL CODES AND AS SPECIFIED. MOUNT SIGNS TO POST IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS.  
 2. GALVANIZED SQUARE TUBE  
 POST TUBES - 2"x2" 12ga  
 POST TUBE SHALL MEET ASTM A1011 GRADE 50.  
 POST TUBE GALVANIZED AS PER ASTM A653 GRADE 90.  
 ANCHOR TUBE - 2-1/2"x2-1/4" 12ga  
 HEAVY DUTY ANCHOR TUBE SHALL MEET ASTM A500 GRADE B.  
 STRUCTURAL TUBE AND STEEL SHALL BE HOT DIP GALVANIZED PER ASTM A123.  
 THE UPPER SIGN POST SHALL TELESCOPE INSIDE THE ANCHOR TUBE A MINIMUM OF 12". THE ANCHOR TUBE SHALL BE A MINIMUM 27" DEEP WITH 3" MIN. 4" MAX. EXPOSED ABOVE FINISH GRADE.



"SPEED HUMP" SIGN N.T.S.

# CONSTRUCTION DETAILS





July 07, 2020

**Walmart** Warrenton, VA - #2437

Site Plan 2

THIS PLAN TO BE UTILIZED FOR INFORMATIONAL PURPOSES ONLY

# PREVIOUS OVERALL SUP PLAN REDLINE EXHIBIT

REVISIONS	BY	Item
REV 1 - 6/13/2023	NBC	
COUNTY COMMENTS		

**BOHLER**  
 28 BLACKWELL PARK LANE, SUITE 201  
 WARRENTON, VIRGINIA 20186  
 Phone: (540) 349-4500  
 Fax: (540) 349-0321  
 VA@BohlerEng.com

**COMMONWEALTH OF VIRGINIA**  
 CATHERINE ROBERTS  
 Lic. No. 0402060193  
 6/13/2023  
**PROFESSIONAL ENGINEER**

**811**  
 Know what's below.  
 Call before you dig.  
 ALWAYS CALL 811  
 It's fast. It's free. It's the law.

NOT APPROVED FOR CONSTRUCTION

SUPERCENTER #2437-276  
 700 JAMES MADISON HIGHWAY  
 WARRENTON, VIRGINIA 20186  
 WAL-MART STORES, INC  
 BENTONVILLE, AR 72716

**Walmart**

DRAWN	DSH
CHECKED	KSR
DATE	6/8/2023
JOB No.	VAB220093.00
SHEET NUMBER	-0

**7**

F:\2022\1\AB220093.00\CAD\DRAWINGS\PLAN SETS\SUPP\VAB220093.00 - CND5 - 1 - LAYOUT - 6030 - 7 - PREVIOUS OVERALL SUP PLAN REDLINE EXHIBIT - 2437  
 Oct 10, 2023



**Special Use Permit Application of Wal-Mart Real Estate Business Trust**  
**Proposed Modification of Approved Conditions**

---

1. The Property, when re-developed, shall be developed in substantial conformity with the site plan entitled “Special Use Permit Walmart Supercenter #2437-02, Warrenton, Fauquier County, Virginia,” Sheet 1 of 2, dated 12/01/10, revised through 4/12/11, prepared by Bohler Engineering (the “Site Plan”), and further revised by the exhibit ~~prepared by HFA Architects, Engineers, dated July 7, 2020 solely for purposes of the features identified for the new pickup expansion and parking stalls and striping~~ entitled “Special Use Permit for Walmart Store #2437-276, 700 James Madison Highway Town of Warrenton, Fauquier County, Virginia 20186,” consisting of seven (7) sheets, dated June 8, 2023 (revised through June 13, 2023), prepared by Bohler Engineering, which Site Plan is on file with the Town of Warrenton, subject to such reasonable modifications as may be necessary in order to effectuate final site plan review and approval.
2. The architectural design, colors, and materials on the exterior elevations of all sides of the expanded store building shall be in substantial conformance with the building elevations entitled “Warrenton, VA Store #2437, Elevations,” Sheets 5 and 6, dated April 22, 2011, prepared by Dennis D. Smith, AIA (the “Elevations”), and further revised by the exhibit entitled “Walmart Warrenton, Virginia, 700 James Madison Hwy., Warrenton, VA 20186, Store No. 2437-276, prepared by ~~HFA Architects, Engineers, WD Partners, and~~ dated ~~July 7~~ May 19, 2020, ~~solely for purposes of identifying an addition on the right side of the building for online grocery pick-up,~~ which Elevations are on file with the Town of Warrenton.
3. Landscaping of the Property shall be in substantial conformance with that certain plan entitled “Overall Landscape Plan, Walmart Expansion #2437-02 – Site Plan, Warrenton, Fauquier County, VA,” consisting of 4 Sheets, dated 2/16/11, revised through 4/12/11, prepared by Bohler Engineering (the “Landscape Plan”), and further revised by Sheet 5 of the exhibit entitled “Special Use Permit for Walmart Store #2437-276, 700 James Madison Highway Town of Warrenton, Fauquier County, Virginia 20186,” consisting of seven (7) sheets, dated June 8, 2023 (revised through June 13, 2023), prepared by Bohler Engineering, subject to such reasonable modifications as may be necessary in order to effectuate final site plan review and approval. Additionally, reasonable supplemental landscaping shall be planted on the Property if required by the Town Arborist after review of the Landscape Plan.
4. In addition to the landscaping shown on the Landscape Plan, up to 20 deciduous trees (a mixture of hardwood and ornamental) shall be planted on the hill located in the northern and eastern portions of the Property (adjacent to the steep slope areas to be graded pursuant to the accompanying special use permit application).
5. No outdoor sales shall be permitted on the Property with the exception of sales of materials located within fenced areas associated with the garden center, unless otherwise permitted by the Town.

6. No signage shall be permitted on the exterior of the store building that advertises or identifies any third party tenant located within the store.
7. Prior to issuance of a final building permit for the expansion of the existing store, the Applicant shall deposit with the Town the sum of \$60,000, which the Town may, but shall not be required to utilize in order to construct traffic improvements in the vicinity of the Property in the event that the traffic impacts generated by the expanded store on the Property exceed the impacts and proposed mitigation contained in the Traffic Study dated April 12, 2011, prepared by Grove/Slade and Associates, which is on file with the Town Planning Department. Whatever portion of the \$60,000 has not been utilized by the Town in accordance with this Condition within 5 years after the date these funds are deposited with the Town shall be returned to the Applicant.
8. Prior to issuance of a final building permit for the expansion of the existing store, the Applicant shall deposit with the Town the sum of \$120,000 to be used by the Town in the event the Town elects to install a “HAWK” style pedestrian signal (and associated road striping) at the intersection of Falmouth Street and Shirley Avenue. If the Town elects not to install a “HAWK” pedestrian signal, or if the cost of the “HAWK” pedestrian signal is less than the entire \$120,000 allotted herein, these funds may be used by the Town for alternative pedestrian and/or vehicular improvements in the vicinity of the Property (including but not limited to the extension of sidewalks along Shirley Avenue between the Property and a nearby community center to the north of the Property).
9. Within thirty (30) days of the final approval by Town Council, the Applicant shall deposit with the Town the sum of \$5,000 to be utilized by the Town for additional tree plantings within the Town.
10. The Applicant shall provide pedestrian sidewalks along Shirley Avenue substantially as shown on the Site Plan (from the Property northward to the southernmost vehicular entranceway serving the community center), provided that such sidewalk improvements can be installed within the existing Shirley Avenue right-of-way, and provided that any reasonably necessary construction easements may be obtained from adjacent property owners prior to issuance of a final Certificate of Occupancy for the expansion of the existing store. In the event that these sidewalk improvements cannot be accommodated within existing right-of-way, or that the necessary construction easements cannot be obtained within the allotted timeframe, the Applicant shall provide the Town a contribution of \$5,000 (together with any applicable engineering drawings already completed or in progress) prior to the issuance of the final Certificate of Occupancy for the expansion of the existing store, to be used by the Town for the construction of the referenced improvements.
11. Trailers, containers or similar delivery vehicles shall be stored behind the screen wall behind the store if stored on the site overnight or longer. Outdoor seasonal storage containers are only to be allowed from October 1 through December 15 annually. The containers should be located ~~on the north side of the property in the parking lot~~ as shown on the Site Plan, and screened with ~~temporary fencing. A plan dated August 4, 2017 is attached showing the location.~~ additional landscaping in substantial conformance with that shown in Insert B on Sheet 5 of the exhibit entitled “Special Use Permit for Walmart Store #2437-276, 700 James Madison

[Highway Town of Warrenton, Fauquier County, Virginia 20186,” consisting of seven \(7\) sheets, dated June 8, 2023 \(revised through June 13, 2023\), prepared by Bohler Engineering.](#)

12. Bales and pallets shall be located within the screened bale and pallet staging area as shown on the Site Plan.

13. The monument sign shall be compatible in color and style with the sign shown on the exhibit for the sign at “Woodlands Parkway” which is on file with the Town, subject to modifications as approved by the Planning Director.

108993948v2

<b>Summary report:</b>	
<b>Litera Compare for Word 11.2.0.54 Document comparison done on 10/7/2023 10:38:03 AM</b>	
<b>Style name:</b> Standard	
<b>Intelligent Table Comparison:</b> Active	
<b>Original DMS:</b> iw://workdms.troutman.com/ACTIVE/108993948/2	
<b>Modified DMS:</b> iw://workdms.troutman.com/ACTIVE/163767947/1	
<b>Changes:</b>	
<u>Add</u>	11
<del>Delete</del>	8
<del>Move From</del>	0
<u>Move To</u>	0
<u>Table Insert</u>	0
<del>Table Delete</del>	0
<u>Table moves to</u>	0
<del>Table moves from</del>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	<b>19</b>









**Planning Commission Work Session  
SUP 23-02 Walmart  
Pick-up Expansion – 2<sup>nd</sup> Submission  
August 22, 2023**

# Request

Item 3.

## Amendment to SUP 10-04

- GPIN Applicant:
- Property Owner: Wal-Mart Estate Business Trust
- Representative: Robert P. Beaman III, Esq.
- Zoning: C - Commercial
- Comprehensive Plan: Limited Commercial
- SUP Amendment to allow for modification of Special Use Permit for expansion of existing store, together with modifications to parking area and building façade.

## Proposed Location



# Current Request

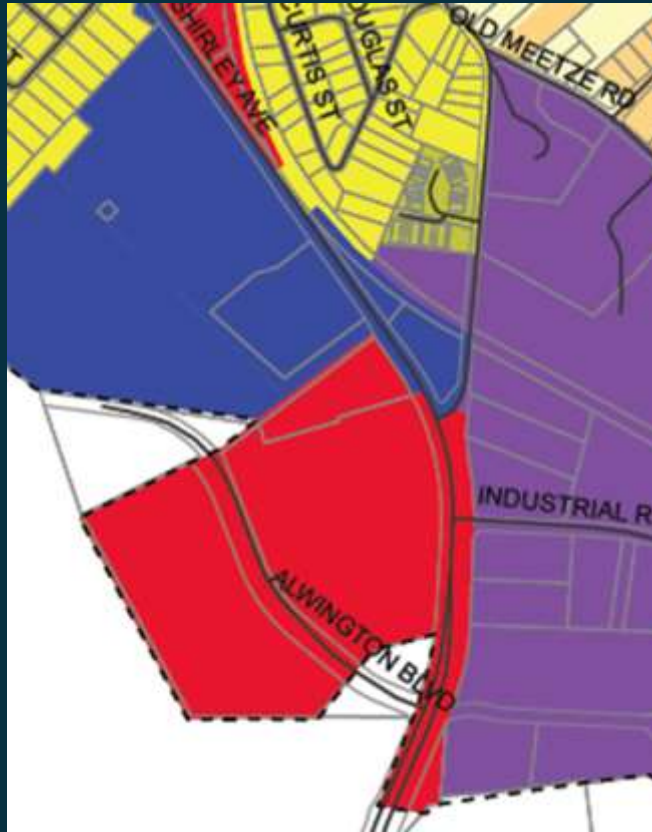
Item 3.

- Previously granted Special Use Permit (SUP #10-04) – modification necessary.
- Prior proposed expansion of store was not undertaken and is intended to be replaced by current project.
  1. Expanding the store by approximately 6,151 square feet to accommodate a merchandise pick-up staging area.
  2. Re-striping portions of the parking area in order to provide spaces for customers picking up pre-ordered merchandise.
  3. Modifying the exterior store elevations as shown on enclosed architectural elevations.
  4. Proposed elevation includes addition and new color.
  5. Requires shifting temporary outdoor storage location approved in 2017

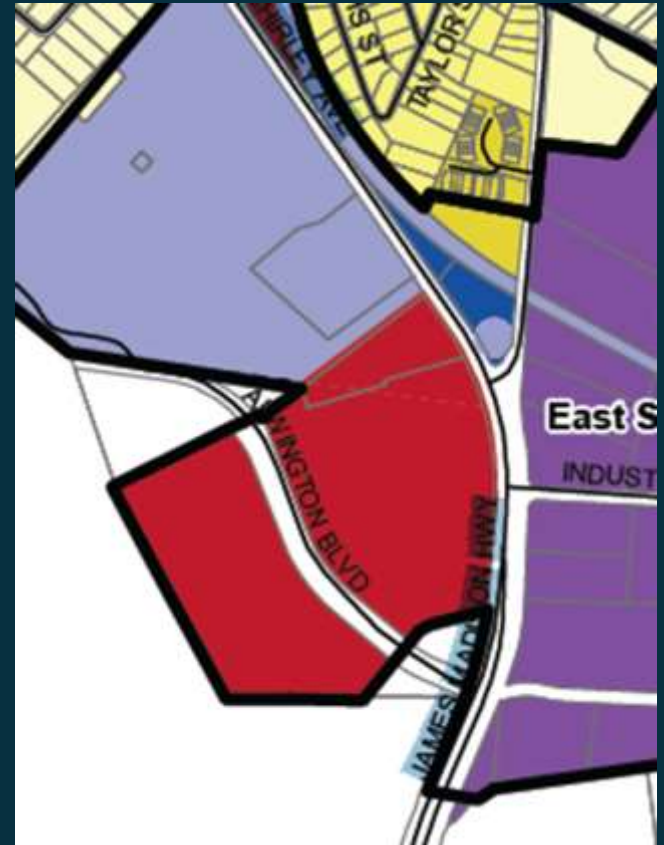
# Adjacent Uses

Item 3.

## Zoning Map



## Future Land Use



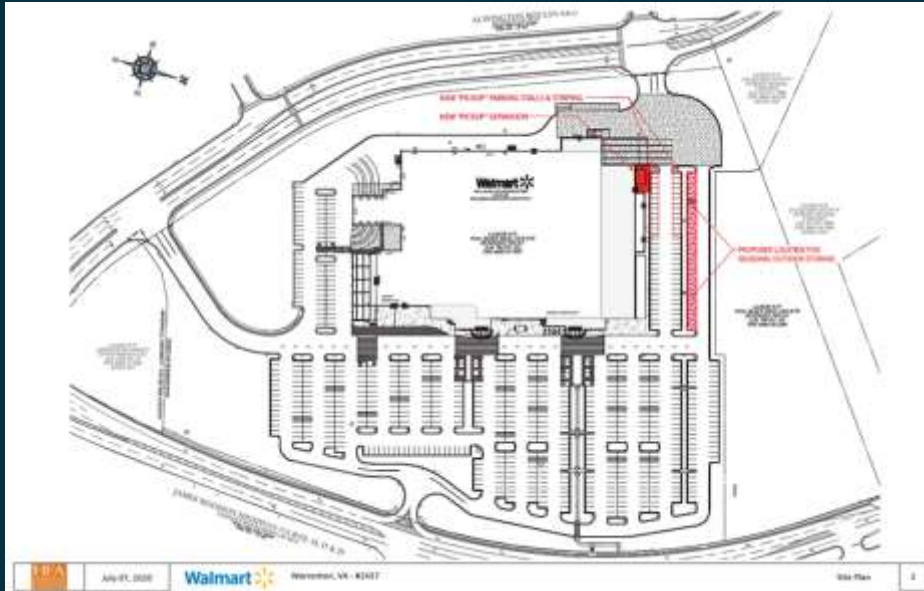
### Zoning Districts

- R-15
- R-10
- R-6
- RT
- RMF
- RO
- PSP
- C



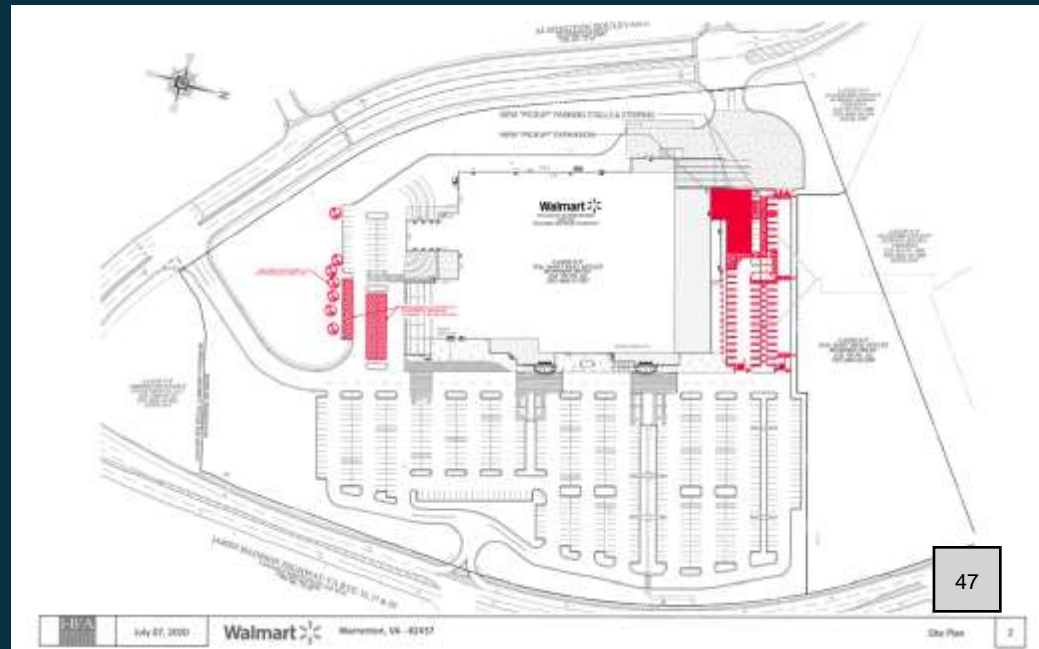
# SUP Plan

Item 3.



Previous SUP Plan

Revised SUP Plan



# Site Plan

## SITE PLAN



PICKUP  
DIRECTIONAL

OUTDOOR

### DISCLOSURES

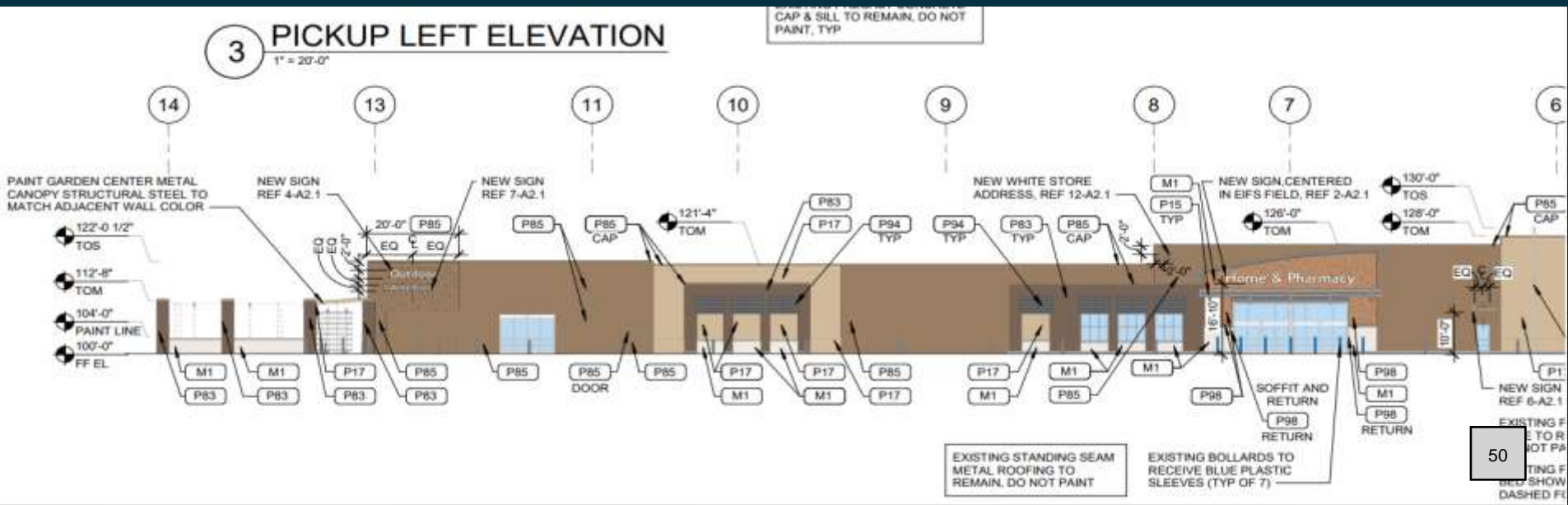
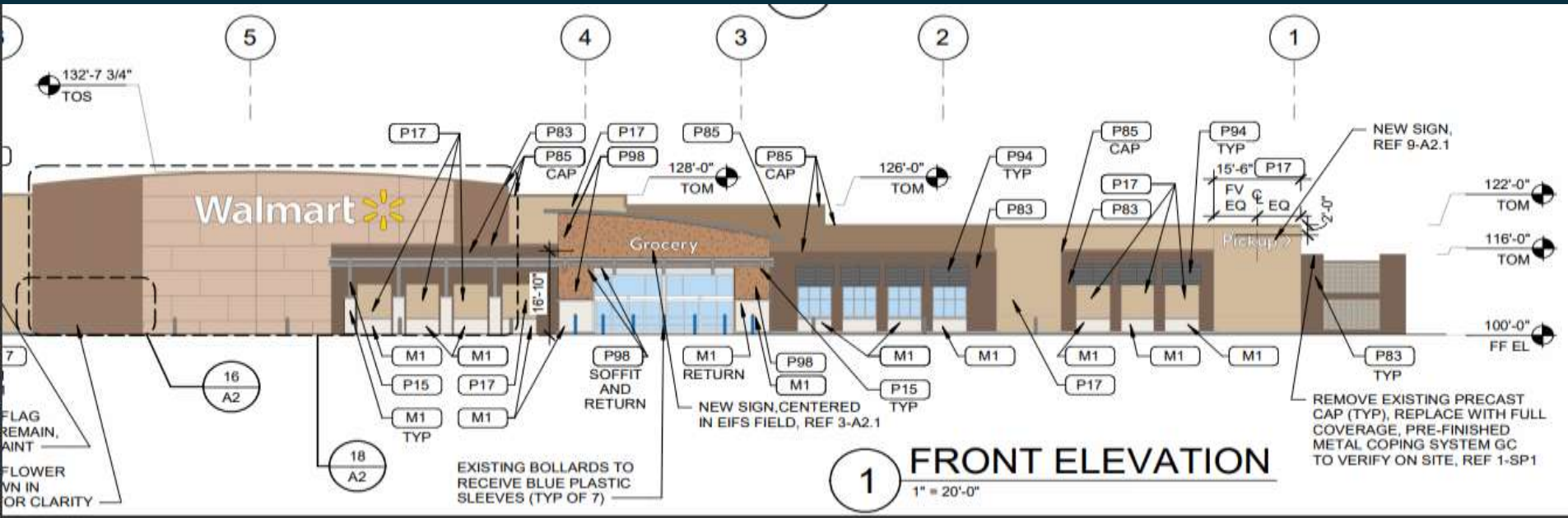
- PAINT RESTRICTIONS: BUILDING IS CURRENTLY PAINTED IN BROWN COLOR. ACTUAL YEAR OF LAST PAINT IS UNKNOWN. WE RECOMMEND FULL PAINT TO MATCH EXISTING BROWN COLOR SCHEME.
- ALLOWED SIGNAGE SF: 150 SQUARE FEET FOR EACH WALL FRONTING ON A STREET OR 1.5 SQUARE FEET PER FACADE WIDTH, WHICHEVER IS LESS
- EXISTING SIGNAGE SF: 359.34 SQFT
- PROPOSED SIGNAGE SF: 587.52 SQFT
- VARIANCE / PROCESS: VARIANCES IN PAINT SCHEME REQUIRE SPECIAL USE PERMIT, 4 WEEK WAIT.





# Elevations

Item 3.





# Staff Requests for Additional Information

Item 3.

- Outdoor storage relocation
- Elevations
- Transportation Circulation



# STAFF REPORT

<b>Council Meeting Date:</b>	October 17, 2023
<b>Agenda Title:</b>	Zoning Ordinance Text Amendment - Assembly Uses in the Industrial District
<b>Requested Action:</b>	Hold a Public Hearing
<b>Department / Agency Lead:</b>	Community Development
<b>Staff Lead:</b>	Heather Jenkins, Zoning Administrator

## EXECUTIVE SUMMARY

Article 3, Section 3-4.12 – *Industrial District* currently permits several uses as by-right Permitted Uses where people gather for social, entertainment, cultural, educational and recreational purposes, such as Conference Centers, Institutional Buildings, and Private clubs, lodges, meeting halls, labor unions, fraternal organizations and sororities. The Virginia Uniform Statewide Building Code classifies Churches as an Assembly use, the same category as Conference Centers, Meeting Halls, Lodges, and other uses listed in the Ordinance as by-right Permitted Uses in the Industrial District. However, Churches are not listed as either a Permitted Use or a Permissible Use in the Industrial District.

The Religious Land Use and Institutionalized Persons Act (RLUIPA) is a federal law that prohibits a locality from imposing undue burdens or restrictions on land use for churches and other religious institutions through zoning regulations. Treating churches or other places of worship differently from other, similar uses, is a recognized claim of discrimination under RLUIPA.

Staff was approached by a property owner seeking to lease an existing building located within the Industrial District to a group that desire to establish a Church. Staff has been advised by legal counsel that the Ordinance should be amended to address the discrepancy between Churches and other, similar Assembly uses currently allowed in the Industrial District

Town Council initiated a text amendment to Section 3-4.12 Industrial District on May 9, 2023 to address assembly uses in the Industrial District. On August 22, 2023 the Planning Commission held a work session where additional information was requested to inform the Commission in their discussion and staff’s preparation of draft Ordinance language. On September 19, 2023 the Planning Commission held a second work session, at the conclusion of which the Commission indicated that the text amendment should be placed on the next available public hearing agenda, where two different ordinance options should be prepared for consideration.

## BACKGROUND

A Church (or place of religious worship) is defined in Article 12 of the Ordinance as:

*A building or structure, or group of buildings or structures, which by design and construction are primarily intended for activities that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.*

Section 3-4 Requirements for Base Zoning Districts allows Churches in all zoning districts except the Industrial district, as follows:

Ordinance Section	Zoning District	Approval Process
3-4.1	R-15 Residential District	Permissible with the approval of a Special Use Permit
3-4.2	R-10 Residential District	Permissible with the approval of a Special Use Permit
3-4.3	R-6 Residential District	Permitted with administrative approval
3-4.4	RT Residential Townhouse District	Permissible with the approval of a Special Use Permit
3-4.5	RMF Residential Multifamily District	Permissible with the approval of a Special Use Permit
3-4.6	R-40 Residential District	Permissible with the approval of a Special Use Permit
3-4.7	R-E Residential District	Permissible with the approval of a Special Use Permit
3-4.8	RO Residential Office District	Permissible with the approval of a Special Use Permit
3-4.9	PSP Public-Semi-Public Institutional District	Permitted with administrative approval
3-4.10	C Commercial District	Permitted with administrative approval
3-4.11	CBD Central Business District	Permitted with administrative approval
3-4.12	I Industrial District	Not Permitted

The Ordinance currently allows other assembly-type uses in the Industrial District. Section 3-4.12.2 includes Conference Centers, Institutional Buildings, and Private club, lodge, meeting hall, labor union or fraternal organization or sorority as Permitted Uses (by-right), where these uses are classified as assembly uses.

Use categories that are listed as Permitted Uses (by-right) within the Ordinance require administrative approvals prior to commencement of the use. Administrative approvals include approval of a Site Development Plan per Article 10, approval of a Building Permit for any changes to existing structures or construction of new buildings, and approval of a Zoning Permit for any new or altered use within an existing structure.

## PROCESS

Town Council's initiation of a text amendment to Article 3 on May 9, 2023 was the first step in the process to revise the Ordinance as prescribed in Article 11, Section 11-3.9 *Zoning Amendments*. Following the initiation by Town Council, the Planning Commission held two work sessions on August 22, 2023 and September 19, 2023, to investigate how assembly uses are currently treated within the Industrial district, how churches are treated in nearby benchmark communities, and how the desire to include some assembly uses within the Industrial district meets the intent of the Comprehensive Plan.

At the end of the work session on September 19, 2023, the Planning Commission directed staff to prepare draft ordinance language for review, and to schedule the text amendment for public hearing at the next available meeting. The staff reports, agenda documents, and presentation slides for both work sessions have been included as attachments to this staff report so as to provide a record of the information presented to the Planning Commission that guided development of the draft ordinance language.

As a part of the public hearing process, the Planning Commission will hear public input, and make a recommendation to Town Council. Per Section 11-3.9.7 *Planning Commission Review*, the planning commission must make a recommendation to Town Council within 100 days following the first work session on August 22, 2023. Upon recommendation by the Planning Commission, the text amendment will then be placed on the Town Council agenda for public hearing and final decision.

**STAFF RECOMMENDATION**

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As directed by the Planning Commission during their September 19, 2023 work session, staff has prepared two versions of draft ordinance language pertaining to assembly uses in the Industrial district - Option A and Option B. Both options include a revision to the language in Section 3-4.12.1 *Legislative Intent*, where the revised descriptive paragraph includes the potential for limited assembly uses. The change to the Legislative Intent is to acknowledge the existing assembly uses currently allowed in the district, as well as the businesses currently established within the Industrial district that include activities that are classified as assembly uses per the Virginia Uniform Statewide Building Code. A summary of both Option A and Option B is included below.

**Option A:**

- Revises the Legislative Intent in Section 3-4.12.1 to include limited assembly uses to the descriptive paragraph, to more closely match the mixture of use categories that are currently allowed in the district as well as the existing assembly-type businesses that are established in the district.
- Adds Churches as an allowable use in the Industrial district.
- Includes a threshold for all allowable assembly uses, set at 10,000 square feet or more of building area, or more than 300 persons, where any assembly use meeting this threshold will require the approval of a Special Use Permit by Town Council per Section 3-4.12.3.

Under Option A, churches will be added to the list of Permitted Uses (by-right) per Section 3-4.12.2; all other assembly uses that are currently allowed by-right shall remain as Permitted Uses. However, all assembly uses, to include churches, will require the approval of a Special Use Permit by Town Council per Section 3-4.12.3 if those uses occupy 10,000 square feet or more of building space, or include more than 300 persons.

The 10,000 square feet/300 persons threshold to differentiate between assembly uses that should be Permitted by-right, and those assembly uses that should be Permissible with the approval of a Special Use Permit, was selected for two reasons. First, the threshold was selected so as to emulate the threshold set for churches (Places of Worship) in Fauquier County. Having similar thresholds for approval processes should provide a level of parity between the two jurisdictions, so that approval processes in both jurisdictions are comparable. Second, those assembly uses that include 10,000 square feet or more of building area or more than 300 persons, are those uses which are more likely to have an impact on surrounding roadway networks, potentially generating a higher peak usage than smaller/less intensive assembly uses. The Commissioners felt that uses that are potentially more impactful on area roadways should have an additional level of review to ensure that any potential negative impacts on the surrounding industrial businesses are adequately evaluated and mitigated through a public hearing and legislative approval process.

**Option B:**

- Revises the Legislative Intent in Section 3-4.12.1 to include limited assembly uses to the descriptive paragraph, to more closely match the mixture of use categories that are currently allowed in the district as well as the existing assembly-type businesses that are established in the district.
- Adds Churches as a Permitted, by-right use in the Industrial district, where the use is located in an existing building or less than 500 persons.
- Includes a threshold for all allowable assembly uses, set at 500 or more persons, where any assembly use meeting this threshold will require the approval of a Special Use Permit by Town Council per Section 3-4.12.3.

Under Option B, Churches will be added to the list of Permitted Uses (by-right) per Section 3-4.12.2, where the Church use will be located in an existing building, or if the church will include less than 500 persons. Where any Church is proposed as a new use in a new building to be constructed, or for 500 persons or more, this will require the approval of a Special Use Permit by Town Council per Section 3-4.12.3. Additionally, all assembly uses that are

currently allowed in the Industrial district as Permitted, by-right uses per Section 3-4.12.2 will require the approval of a Special Use Permit by Town Council per Section 3-4.12.3, where that use includes 500 or more persons.

Large, undeveloped Industrial-zoned parcels are limited within the Town, and the Comprehensive Plan calls for the need to retain land within the Town for future light industrial and manufacturing businesses to provide employment opportunities for Town residents. The ability for Churches to be a by-right Permitted use in existing buildings will allow smaller church groups to move into and use existing buildings that have already been constructed, while helping to reserve the remaining undeveloped Industrial-zoned land for manufacturing, processing, and other light-industrial development, as is called for in the Comprehensive Plan. Additionally, smaller Church groups are less likely to generate heavy traffic or other impacts on area roadways that serve businesses in Industrial-zoned areas. Where Churches are proposed as new development on vacant parcels, the requirement for a Special Use Permit per Section 3-4.12.3 will allow an additional level of review to ensure that any potential negative impacts on the surrounding industrial businesses are adequately evaluated and mitigated through a public hearing and legislative approval process.

The 500-person threshold for assembly uses was chosen so as to avoid impacting most existing businesses that are established within the Industrial district, allowing these businesses the ability to continue their current operations and for some moderate expansion without the need for a legislative approval process. The 500-person threshold to trigger the requirement for a Special Use Permit per Section 3-4.12.3 will ensure that larger assembly uses will be adequately evaluated through a public hearing process, and any potential negative impacts moderated through the legislative approval process.

Staff is requesting that the Planning Commission hold a public hearing to discuss draft Ordinance language, and provide guidance to staff on what specific ordinance language is most appropriate to promote the health, safety and general welfare of the public as required by Section 15.2-2283 of the Code of Virginia, and to ensure that public necessity, convenience, general welfare and good zoning practice is achieved as stated in Ordinance Section 11-3.9.1 *Authority for Change*. Should the Commission be ready to make a final recommendation to Town Council for specific ordinance language, two resolutions have been prepared, to include Option A and Option B as summarized above. Per Section 11-3.9.7 *Planning Commission Review*, the planning commission must make a recommendation to Town Council within 100 days following the first work session, which falls on Thursday, November 30, 2023.

#### **Service Level / Policy Impact**

None

#### **Fiscal Impact**

A fiscal impact analysis has not been conducted.

#### **Legal Impact**

Ordinance Section 3-4.12 Industrial District allows several assembly-type uses as Permitted Uses (by-right) with administrative approval. Treating churches or other places of worship differently from other, similar uses, is a recognized claim of discrimination under the Religious Land Use and Institutionalized Persons Act.

## **ATTACHMENTS**

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1. Attachment A: Resolution – Option A
2. Attachment B: Resolution – Option B
3. Attachment C: Staff Report and Agenda Packet, Planning Commission Work Session August 22, 2023
4. Attachment D: Presentation Slides, Planning Commission Work Session August 22, 2023
5. Attachment E: Staff Report and Agenda Packet, Planning Commission Work Session September 19, 2023
6. Attachment F: Presentation Slides, Planning Commission Work Session September 19, 2023

October 17, 2023  
Planning Commission  
Public Hearing

**RESOLUTION PURSUANT TO SECTION 11-3.9.2 OF THE ZONING ORDINANCE OF THE TOWN OF WARRENTON FOR A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 3, SECTION 3-4.12 INDUSTRIAL DISTRICT**

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

**WHEREAS**, the Warrenton Town Council may, by ordinance, amend, supplement, or change the regulations of the Zoning Ordinance of the Town whenever the public necessity, convenience, general welfare or good zoning practice may require such an amendment; and

**WHEREAS**, the Warrenton Town Council initiated a Text Amendment to the Zoning Ordinance in accordance with the procedures set forth in Article 11, Section 11-3.9 Zoning Amendments on May 9, 2023 to address assembly uses in the Industrial District; and

**WHEREAS**, the Warrenton Planning Commission held a work session to discuss assembly uses in the Industrial District on August 22, 2023 and on September 19, 2023; and

**WHEREAS**, the Warrenton Planning Commission held a public hearing on this matter on October 17, 2023; and

**WHEREAS**, the Warrenton Planning Commission finds that per the Code of Virginia Section 15.2-2286.A.7, the text amendment is for the good of public necessity, convenience, general welfare, and good zoning practice; and

**NOW THEREFORE BE IT RESOLVED**, that the Warrenton Planning Commission recommends to the Warrenton Town Council for their review and decision proposed ordinance language noted as "Option A" as set forth herein.

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**For Information:**

Community Development Director,  
Town Attorney

**ATTEST:** \_\_\_\_\_  
Town Recorder



**3-4.12 I Industrial District**

**3-4.12.1 Legislative Intent**

It is the intent of this district to implement the Town’s Comprehensive Plan by providing for a variety of light manufacturing, fabricating, processing, wholesale distributing, ~~and~~ warehousing, and limited assembly uses appropriately located for access by highways and providing a controlled environment within which signing is limited, uses are to be conducted generally within completely enclosed buildings, and a moderate amount of landscaping is required. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

**3-4.12.2 Permitted Uses (by-right)**

- Accessory buildings
- Active and Passive Recreation, and Passive Recreation Facilities
- Active Recreation Facilities of less than 10,000 square feet or certified for occupancy of no more than 300 persons
- Banks and savings and loan offices
- Broadcasting studios and offices
- Business and office supply establishments
- Cabinet, upholstery, and furniture shops
- Cafeteria ~~or snack bar for employees~~ of less than 10,000 square feet, or certified for occupancy of no more than 300 persons
- Church (or place of religious worship) of less than 10,000 square feet, or certified for occupancy of no more than 300 persons
- Clinics, medical or dental
- Commercial uses constituting up to 15% of permitted site or building area
- Conference Centers of less than 10,000 square feet, or certified for occupancy of no more than 300 persons
- Contractor’s office and warehouse without outdoor storage
- Crematory
- Dwellings for resident watchmen and caretakers employed on the premises
- Employment service or agency
- Flex Office and Industrial uses
- Health ~~and~~ or Fitness Facilities of less than 10,000 square feet, or certified for occupancy of no more than 300 persons
- Institutional buildings of less than 10,000 square feet, or certified for occupancy of no more than 300 persons
- Janitorial service establishment
- Laboratories, research, experimental or testing, but not testing explosives, rockets, or jet engines
- Light manufacturing uses which do not create danger to health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries
- Mobile Food Vendors subject to Article 9-24
- Monument sales establishments with incidental processing to order but not including shaping of headstones
- Motion picture studio

- Nurseries and greenhouses
- Offices- business, professional, or administrative
- Off-street parking and loading subject to Article 7
- Open space subject to Article 9
- Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses
- ~~Private eClub, Hodge, meeting or Assembly hall, labor union, or fraternal organization or sorority of less than 10,000 square feet, certified for occupancy of no more than 300 persons~~
- Rental service establishment
- Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing, or distributing use
- Rug and carpet cleaning and storage with incidental sales of rugs and carpets
- Security service office or station
- Sign fabricating and painting
- Signs, subject to Article 6
- Studios of less than 10,000 square feet, or certified for occupancy of no more than 300 persons
- Transmission and receiving towers of height not exceeding one hundred twenty-five (125) feet
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Wholesale establishment, storage warehouse, or distribution center. furniture moving

### 3-4.12.3

#### **Permissible Uses** (by special use permit upon approval of the Town Council)

- Active Recreation Facilities of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Automobile body shop
- Automobile and truck repair and service
- Cafeteria of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Church (or place of religious worship) of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Commercial Kennels
- Conference Centers of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Contractor's storage yard
- Data Center
- Farm equipment, motorcycle, boat and sport trailer sales and service
- Fuel, coal, oil distribution storage yards
- Health or Fitness Facilities of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Institutional buildings of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Lumber and building supply with undercover storage.
- Maintenance and equipment shops with screened outside storage

- Outdoor storage of any kind
- Plumbing and electrical supply with undercover storage
- Club, Lodge, or Assembly Hall of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Active Recreation Facilities of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Restaurant or cafeteria, drive-thru or otherwise
- Self-service mini-warehouse
- Studios of 10,000 square feet or greater, or certified for occupancy of more than 300 persons
- Temporary fair and show grounds
- Tire and battery sales and service, tire recapping and retreading
- Transmission and receiving towers of height greater than one hundred twenty-five (125) feet.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

October 17, 2023  
Planning Commission  
Public Hearing

**RESOLUTION PURSUANT TO SECTION 11-3.9.2 OF THE ZONING ORDINANCE OF THE TOWN OF WARRENTON FOR A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 3, SECTION 3-4.12 INDUSTRIAL DISTRICT**

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

**WHEREAS**, the Warrenton Town Council may, by ordinance, amend, supplement, or change the regulations of the Zoning Ordinance of the Town whenever the public necessity, convenience, general welfare or good zoning practice may require such an amendment; and

**WHEREAS**, the Warrenton Town Council initiated a Text Amendment to the Zoning Ordinance in accordance with the procedures set forth in Article 11, Section 11-3.9 Zoning Amendments on May 9, 2023 to address assembly uses in the Industrial District; and

**WHEREAS**, the Warrenton Planning Commission held a work session to discuss assembly uses in the Industrial District on August 22, 2023 and on September 19, 2023; and

**WHEREAS**, the Warrenton Planning Commission held a public hearing on this matter on October 17, 2023; and

**WHEREAS**, the Warrenton Planning Commission finds that per the Code of Virginia Section 15.2-2286.A.7, the text amendment is for the good of public necessity, convenience, general welfare, and good zoning practice; and

**NOW THEREFORE BE IT RESOLVED**, that the Warrenton Planning Commission recommends to the Warrenton Town Council for their review and decision proposed ordinance language noted as "Option B" as set forth herein.

- Votes:**
- Ayes:**
- Nays:**
- Absent from Vote:**
- Absent from Meeting:**

**For Information:**  
Community Development Director,  
Town Attorney

**ATTEST:** \_\_\_\_\_  
Town Recorder

**3-4.12 I Industrial District**

**3-4.12.1 Legislative Intent**

It is the intent of this district to implement the Town’s Comprehensive Plan by providing for a variety of light manufacturing, fabricating, processing, wholesale distributing, ~~and~~ warehousing, and limited assembly uses appropriately located for access by highways and providing a controlled environment within which signing is limited, uses are to be conducted generally within completely enclosed buildings, and a moderate amount of landscaping is required. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

**3-4.12.2 Permitted Uses (by-right)**

- Accessory buildings
- Active and Passive Recreation, and Passive Recreation Facilities
- Active Recreation Facilities certified for occupancy of less than 500 persons
- Banks and savings and loan offices
- Broadcasting studios and offices
- Business and office supply establishments
- Cabinet, upholstery, and furniture shops
- Cafeteria ~~or snack bar for employees~~ certified for occupancy of less than 500 persons
- Church (or place of religious worship) located in an existing building, or certified for occupancy of less than 500 persons
- Clinics, medical or dental
- Commercial uses constituting up to 15% of permitted site or building area
- Conference Centers certified for occupancy of less than 500 persons
- Contractor’s office and warehouse without outdoor storage
- Crematory
- Dwellings for resident watchmen and caretakers employed on the premises
- Employment service or agency
- Flex Office and Industrial uses
- Health ~~and~~ or Fitness Facilities certified for occupancy of less than 500 persons
- Institutional buildings certified for occupancy of less than 500 persons
- Janitorial service establishment
- Laboratories, research, experimental or testing, but not testing explosives, rockets, or jet engines
- Light manufacturing uses which do not create danger to health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries
- Mobile Food Vendors subject to Article 9-24
- Monument sales establishments with incidental processing to order but not including shaping of headstones
- Motion picture studio
- Nurseries and greenhouses
- Offices- business, professional, or administrative
- Off-street parking and loading subject to Article 7
- Open space subject to Article 9

- Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses
- ~~Private eClub, Hlodge, meeting or Assembly hall, labor union, or fraternal organization or sorority~~ certified for occupancy of less than 500 persons
- Rental service establishment
- Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing, or distributing use
- Rug and carpet cleaning and storage with incidental sales of rugs and carpets
- Security service office or station
- Sign fabricating and painting
- Signs, subject to Article 6
- Studios certified for occupancy of less than 500 persons
- Transmission and receiving towers of height not exceeding one hundred twenty-five (125) feet
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Wholesale establishment, storage warehouse, or distribution center. furniture moving

### 3-4.12.3

#### Permissible Uses (by special use permit upon approval of the Town Council)

- Active Recreation Facilities certified for occupancy of 500 or more persons
- Automobile body shop
- Automobile and truck repair and service
- Cafeteria certified for occupancy of 500 or more persons
- Church (or place of religious worship) located in a new building, or certified for occupancy of 500 or more persons
- Commercial Kennels
- Conference Centers certified for occupancy of 500 or more persons
- Contractor's storage yard
- Data Center
- Farm equipment, motorcycle, boat and sport trailer sales and service
- Fuel, coal, oil distribution storage yards
- Health or Fitness Facilities certified for occupancy of 500 or more persons
- Institutional buildings certified for occupancy of 500 or more persons
- Lumber and building supply with undercover storage.
- Maintenance and equipment shops with screened outside storage
- Outdoor storage of any kind
- Plumbing and electrical supply with undercover storage
- Club, Lodge, or Assembly hall, certified for occupancy of 500 or more persons
- Restaurant or cafeteria, drive-thru or otherwise
- Self-service mini-warehouse
- Studios certified for occupancy of 500 or more persons
- Temporary fair and show grounds
- Tire and battery sales and service, tire recapping and retreading
- Transmission and receiving towers of height greater than one hundred twenty-five (125) feet.
- Treatment plants, water storage tanks, major transmission lines or pipelines,

pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings



## STAFF REPORT

<b>Council Meeting Date:</b>	August 22, 2023
<b>Agenda Title:</b>	Zoning Ordinance Text Amendment - Assembly Uses in the Industrial District
<b>Requested Action:</b>	Hold a Work Session
<b>Department / Agency Lead:</b>	Community Development
<b>Staff Lead:</b>	Heather Jenkins, Zoning Administrator

### EXECUTIVE SUMMARY

Article 3, Section 3-4.12 – *Industrial District* currently permits several uses as by-right Permitted Uses where people gather for social, entertainment, cultural, educational and recreational purposes, such as Conference Centers, Institutional Buildings, and Private clubs, lodges, meeting halls, labor unions, fraternal organizations and sororities. The Building Code classifies Churches as an Assembly use, the same category as Conference Centers, Meeting Halls, Lodges, and other uses listed in the Ordinance as by-right Permitted Uses in the Industrial District. However, Churches are not listed as either a Permitted Use or a Permissible Use in the Industrial District.

The Religious Land Use and Institutionalized Persons Act (RLUIPA) is a federal law that prohibits a locality from imposing undue burdens or restrictions on land use for churches and other religious institutions through zoning regulations. Treating churches or other places of worship differently from other, similar uses, is a recognized claim of discrimination under RLUIPA.

Town Council initiated a text amendment to Section 3-4.12 Industrial District on May 9, 2023, to authorize staff to research possible changes to the Ordinance to address Assembly uses in the Industrial District. Potential ordinance changes include:

- a. Adding Churches as a Permitted (by-right) Use in the Industrial District so that the use requires administrative approval by the Zoning Administrator and/or Building Official; *or*
- b. Modifying the Ordinance to state that all Assembly-type uses in the Industrial District are Permissible Uses that require the approval of a Special Use Permit by Town Council through the public hearing process; *or*
- c. Removing all Assembly-type uses from the list of Permitted and Permissible Uses so that these uses are prohibited altogether in the Industrial District; *or*
- d. Making no change to the Ordinance, so that Churches are not an allowable use in the Industrial District in contrast with other Assembly-type uses.



## BACKGROUND

A Church (or place of religious worship) is defined in Article 12 of the Ordinance as:

*A building or structure, or group of buildings or structures, which by design and construction are primarily intended for activities that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.*

Section 3-4 Requirements for Base Zoning Districts allows Churches in all zoning districts except the Industrial district, as follows:

Ordinance Section	Zoning District	Approval Process
3-4.1	R-15 Residential District	Permissible with the approval of a Special Use Permit
3-4.2	R-10 Residential District	Permissible with the approval of a Special Use Permit
3-4.3	R-6 Residential District	Permitted with administrative approval
3-4.4	RT Residential Townhouse District	Permissible with the approval of a Special Use Permit
3-4.5	RMF Residential Multifamily District	Permissible with the approval of a Special Use Permit
3-4.6	R-40 Residential District	Permissible with the approval of a Special Use Permit
3-4.7	R-E Residential District	Permissible with the approval of a Special Use Permit
3-4.8	RO Residential Office District	Permissible with the approval of a Special Use Permit
3-4.9	PSP Public-Semi-Public Institutional District	Permitted with administrative approval
3-4.10	C Commercial District	Permitted with administrative approval
3-4.11	CBD Central Business District	Permitted with administrative approval
3-4.12	I Industrial District	Not Permitted

The Ordinance currently allows other assembly-type uses in the Industrial District. Section 3-4.12.2 includes Conference Centers, Institutional Buildings, and Private club, lodge, meeting hall, labor union or fraternal organization or sorority as Permitted Uses (by-right), where these uses are classified as assembly uses.

Use categories that are listed as Permitted Uses (by-right) within the Ordinance require administrative approvals prior to commencement of the use. Administrative approvals include approval of a Site Development Plan per Article 10, approval of a Building Permit for any changes to existing structures or construction of new buildings, and approval of a Zoning Permit for any new or altered use within an existing structure.

Staff was approached by a property owner seeking to lease an existing building located within the Industrial district to a group that desire to establish a Church. As the Zoning Ordinance does not list Churches as either a permitted or permissible use in the district, staff is not able to process and approve a change of use permit. Staff has been advised by legal counsel that the Ordinance must be amended to permit a Church within the Industrial district prior to the issuance of any administrative approval to allow the commencement of a Church use.

Town Council's initiation of a text amendment to Article 3 was the first step in the process to revise the Ordinance as prescribed in Article 11, Section 11-3.9 *Zoning Amendments*. Following the work session by the Planning Commission, the next step in the text amendment process is to schedule the item for public hearing where the Planning Commission may hear public input and make a recommendation of approval or denial. Per Section 11-3.9.7 *Planning Commission Review*, the planning commission must make a recommendation to Town Council within 100 days after the first public hearing. Upon recommendation by the Planning Commission, the text amendment will then be placed on the Town Council agenda for public hearing and final decision.

## STAFF RECOMMENDATION

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Staff is requesting that the Planning Commission hold the work session, and provide guidance to staff on what ordinance language is most appropriate to promote the health, safety and general welfare of the public as required by Section 15.2-2283 of the Code of Virginia, and to ensure that public necessity, convenience, general welfare and good zoning practice is achieved as stated in Ordinance Section 11-3.9.1 *Authority for Change*.

### Service Level / Policy Impact

None

### Fiscal Impact

None

### Legal Impact

Ordinance Section 3-4.12 Industrial District allows several assembly-type uses as Permitted Uses (by-right) with administrative approval. Treating churches or other places of worship differently from other, similar uses, is a recognized claim of discrimination under the Religious Land Use and Institutionalized Persons Act.

## ATTACHMENTS

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None



**Planning Commission Work Session**  
**ZOTA-23-2 - Assembly Uses in the Industrial District**  
**August 22, 2023**

## Article 12 – Definitions

**Church:** *A building or structure, or group of buildings or structures, which by design and construction are primarily intended for activities that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.*

Churches are allowed in **All** Zoning Districts **Except** the Industrial District.

Ordinance Section	Zoning District	Approval Process
3-4.1	R-15 Residential District	Permissible with the approval of a Special Use Permit
3-4.2	R-10 Residential District	Permissible with the approval of a Special Use Permit
3-4.3	R-6 Residential District	Permitted with administrative approval
3-4.4	RT Residential Townhouse District	Permissible with the approval of a Special Use Permit
3-4.5	RMF Residential Multifamily District	Permissible with the approval of a Special Use Permit
3-4.6	R-40 Residential District	Permissible with the approval of a Special Use Permit
3-4.7	R-E Residential District	Permissible with the approval of a Special Use Permit
3-4.8	RO Residential Office District	Permissible with the approval of a Special Use Permit
3-4.9	PSP Public-Semi-Public Institutional District	Permitted with administrative approval
3-4.10	C Commercial District	Permitted with administrative approval
3-4.11	CBD Central Business District	Permitted with administrative approval
3-4.12	I Industrial District	Not Permitted

## 2018 Virginia Construction Code **Section 303 – Assembly Group A**

*The use of a building or structure for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption or waiting for transportation.*

### **Section 303.4 – Assembly Group A-3**

*Assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere.*

- *Arcades*
- *Galleries*
- *Bowling Alleys*
- *Community, Dance & Exhibition Halls*
- *Funeral Parlors*
- *Gymnasiums*
- *Libraries, Museums*
- *Places of Religious Worship*

## Article 3 – Section 3-4.12 Uses Allowed in the Industrial District

### Permitted Uses (By-Right)

Accessory buildings

### Active and Passive Recreation and Recreational Facilities

Banks and savings and loan offices

Broadcasting studios and offices

Business and office supply establishments

Cabinet, upholstery, and furniture shops

### Cafeteria or snack bar for employees

Clinics, medical or dental

Commercial uses constituting up to 15% of permitted site or building area

### Conference Centers

Contractor's office and warehouse without outdoor storage

Crematory

Dwellings for resident watchmen and caretakers employed on the premises

Employment service or agency

Flex Office and Industrial uses

### Health and Fitness Facilities

### Institutional buildings

Janitorial service establishment

Laboratories, research, experimental or testing, but not testing explosives, rockets, or jet engines

Light manufacturing uses which do not create danger to health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries

Mobile Food Vendors subject to Article 9-24

Monument sales establishments with incidental processing to order but not including shaping of headstones

### Motion picture studio

Nurseries and greenhouses

Offices- business, professional, or administrative

Off-street parking and loading subject to Article 7

Open space subject to Article 9

Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses

### Private club, lodge, meeting hall, labor union, or fraternal organization or sorority

Rental service establishment

Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing, or distributing use

Rug and carpet cleaning and storage with incidental sales of rugs and carpets

Security service office or station

Sign fabricating and painting

Signs, subject to Article 6

Studios

Transmission and receiving towers of height not exceeding one hundred twenty-five (125) feet

Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use

### *\*Assembly Uses per Building Code*

permit

Wholesale establishment, storage warehouse, or distribution center. furniture moving

### Permissible Uses (with Special Use Permit)

Automobile body shop

Automobile and truck repair and service

Commercial Kennels

Contractor's storage yard

Data Center

Farm equipment, motorcycle, boat and sport trailer sales and service

Fuel, coal, oil distribution storage yards

Lumber and building supply with undercover storage.

Maintenance and equipment shops with screened outside storage

Outdoor storage of any kind

Plumbing and electrical supply with undercover storage

### Restaurant or cafeteria, drive-thru or otherwise

Self-service mini-warehouse

### Temporary fair and show ground

Tire and battery sales and service, tire recapping and retreading

Transmission and receiving towers of height greater than one hundred twenty-five (125) feet.

Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings



## RLUIPA

### Religious Land Use and Institutionalized Persons Act

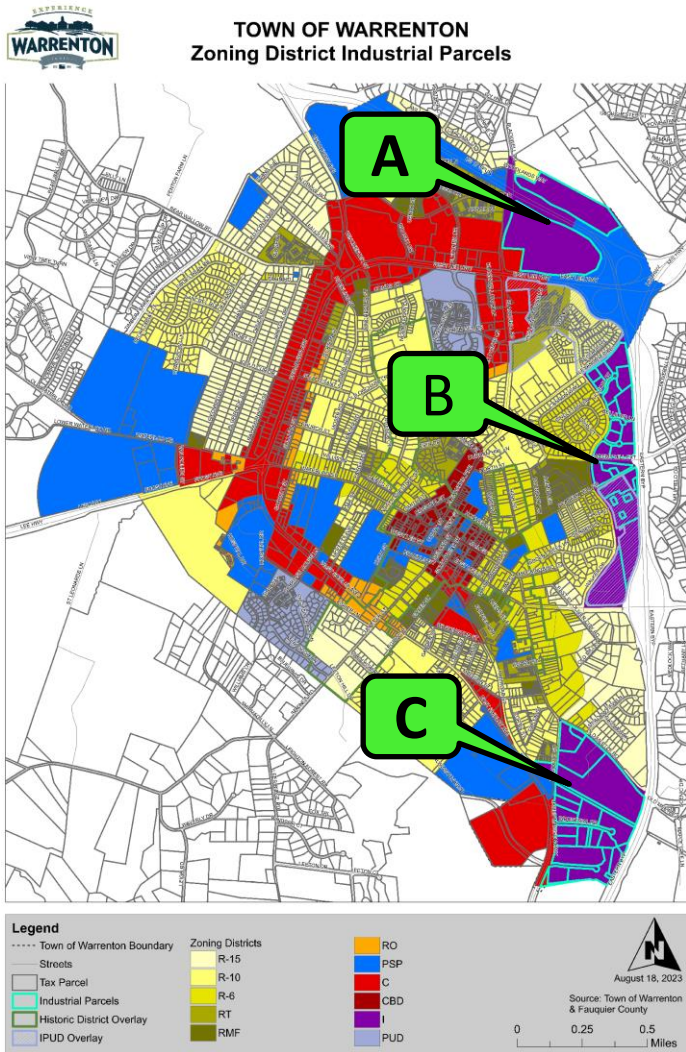
- Federal Law
- Prohibits undue burdens or restrictions on land use for churches through Zoning regulations.
- Treating churches differently from other, similar uses, is a recognized claim of discrimination

*Religious Land Use and Institutionalized Persons Act of 2000 - Prohibits any government from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.*

*Prohibits any government from imposing a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in the Civil Rights of Institutionalized Persons Act, even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.*

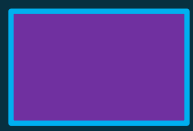
## Religious Land Use and Institutionalized Persons Act – Churches

- Locality cannot treat a Church different than other, *similar uses*.
  - The Building Code defines a Church as an Assembly use.
  - The Zoning Ordinance allows Nine (9) other Assembly uses in the Industrial District.
  - Cannot have more strict regulations for Churches than other Assembly uses.
  
- Can impose land use regulations on a Church only if there is a *compelling governmental interest*.
  - Code of Virginia 15.2-2200
  - *Improve the health, safety, convenience and welfare of citizens;*
  - *Develop adequate highway, utility, health, educational, and recreational facilities;*
  - *Recognize the needs of agriculture, industry & business;*
  - *Provide residential areas with healthy surroundings for family life;*
  - *Ensure community growth uses public funds efficiently.*
  
- Any land use restrictions have to be the *least restrictive means* of furthering that compelling governmental interest.

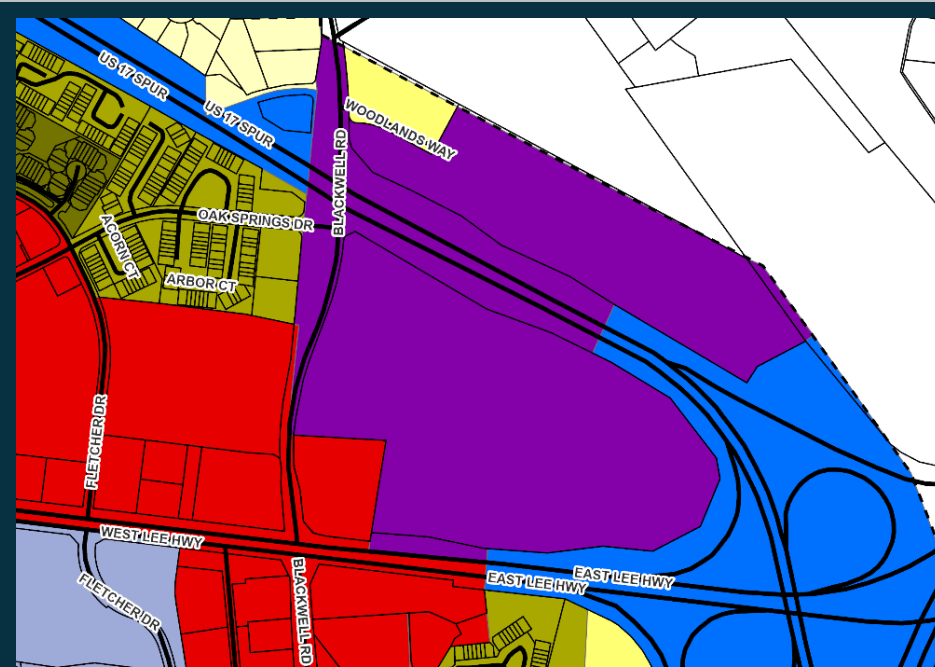


## Section 3-4.12 Industrial District Purpose:

- The intent is to provide for a variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses.
- In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district.



**76 Parcels**  
**290 Acres of Tax Parcel Land**



## Area A

North-East Corner; Eastern Bypass Clover Leaf

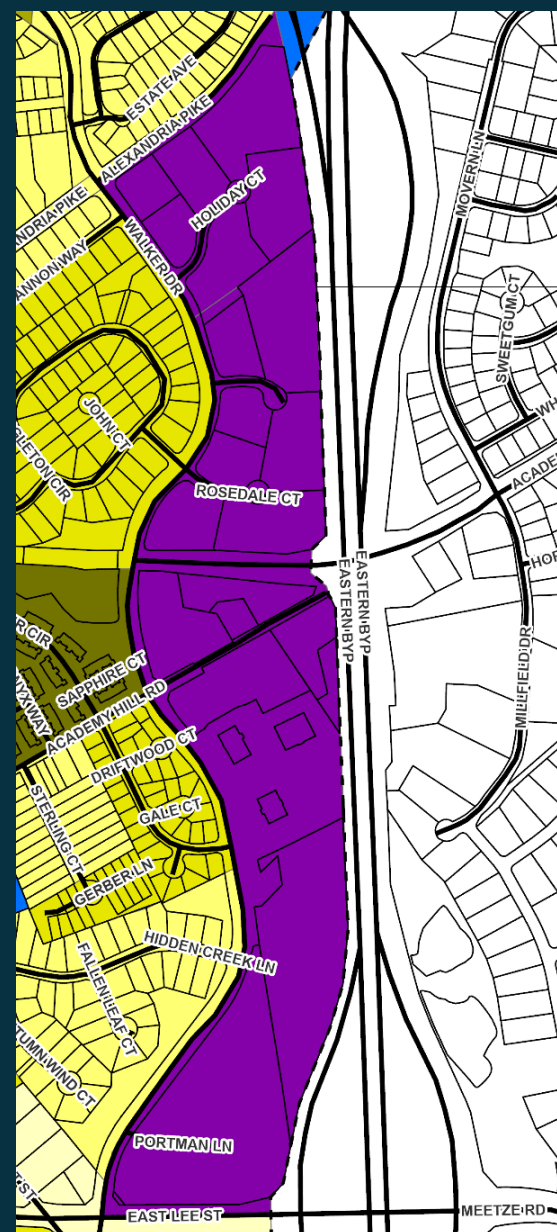
- Town-owned Property (Vacant)
- Dobson Property (Vacant)
- Amazon Data Services Property (SUP Approved/Vacant)

## Area B

Eastern Perimeter; Alexandria Pike to East Lee Street

- VDACS Regional Animal Health Facility
- Dominion Construction Group
- EMO Agency
- Fauquier Health
- *Holiday Inn Express (conference/meeting space)*
- Blackcomb Center – various offices
- Virginia Social Services
- Warrenton Dental Center
- Progressions Dance School
- Groups Recover Together
- *Old Town Athletic Club & Campus (health & fitness facility)*
- *PATH (institutional/philanthropic & meeting space)*
- Woodside Dentistry
- Miller Orthodontics
- Woodside Pediatric Dentistry
- Walker Drive Rezoning PUD (SUP Approved) *(unknown)*
- Virginia Sports Chiropractic
- DCG Palmers
- Peak Roofing
- Piedmont Press

*\*Potential conflicts depending upon final action of PC/TC*





## Area C

South-East Corner; Old Meetze Road/Greenway

- *Alwyngton Manor (conference center)*
- Pump Station (Utility)
- Advanced Auto
- Cube Smart
- Carter CAT
- VAMAC
- EW Electrical
- *Fauquier FISH (institutional/philanthropic & meeting space)*
- Country Deisel

*\*Potential conflicts depending upon final action of PC/TC*



## Text Amendment Process:

- Text Amendment Initiated by Town Council – May 9, 2023
  - Joint PC/TC Work Session Requested – Scheduling Conflicts
- Planning Commission Work Session – August 21 2023
  - Provide guidance and direction so that staff can prepare draft ordinance language for public hearing.
- Public Hearing – Planning Commission
  - Next Available Date: September 19, 2023
  - PC Recommendation to TC
  - 100 Day Clock (September 19, 2023 --- December 28, 2023)
- Town Council
  - Work Session or Public Hearing – as directed
  - Final Decision on ordinance language

## Staff Requested Action

Provide guidance and direction for draft ordinance language.

### Four Options:

1. Add Churches as a Permitted Use (by-right) in Section 3-4.12.2.
2. Move all Assembly Uses, plus Churches, to Permissible Uses (with approval of a Special Use Permit by Town Council) in Section 3-4.12.3.
3. Remove Entirely all Assembly uses from the Industrial District.
4. Make No Changes.

## Section 3-4.12.2 Permitted Uses – By-Right

- 39 Total Uses
- By-Right Uses are approved Administratively by the Zoning Administrator – Site Development Plan, Zoning Permit
- **Assembly Uses Permitted:**
  - Active & Passive Recreation and Recreational Facilities
  - Cafeteria or Snack Bar for Employees
  - Conference Centers
  - Health & Fitness Facilities
  - Institutional Buildings
  - Motion Picture Studio
  - Private Club, Lodge, Meeting Hall, Labor Union, or Fraternal Organization or Sorority

### Option 1 – Add Churches to the list of Permitted Uses.

- Churches
- Other Assembly uses already allowed by-right that are similar to the activities normally associated with Churches, such as meetings and gatherings of groups of people for a specified reason or purpose.
- Requires no other changes to the Ordinance.
- Site Development Plan, Building & Zoning Permit approvals required to ensure the use meets all Ordinance requirements, such as access & parking, landscape buffering.

## Section 3-4.12.3 Permissible Uses – By Special Use Permit Approval

- 17 Total Uses
- Requires Legislative Approval by Public Hearing, followed by Administrative Approval
- **Assembly Uses Permissible:**
  - Restaurant or Cafeteria, Drive-Thru or Otherwise
  - Temporary Fair and Show Grounds

## Option 2 – Move all Assembly Uses, plus Churches, to Permissible Uses.

- Active & Passive Recreation and Recreational Facilities
- Cafeteria or Snack Bar for Employees
- Churches
- Conference Centers
- Health & Fitness Facilities
- Institutional Buildings
- Motion Picture Studio
- Private Club, Lodge, Meeting Hall, Labor Union, or Fraternal Organization or Sorority
- Ensures all Assembly uses go through a public hearing process to verify that the specific user/applicant will be appropriate to the area.
- Some existing uses may become Non-Conforming or not be able to expand activities and services without approval of a Special Use Permit instead of an Administrative process.

## Section 3-4.12 Industrial District

### Purpose:

- *The intent is to provide for a variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses.*
- *In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district.*

### **Option 3 – Remove all Assembly Uses from the Industrial District.**

- Active & Passive Recreation and Recreational Facilities
- Cafeteria or Snack Bar for Employees
- Conference Centers
- Health & Fitness Facilities
- Institutional Buildings
- Motion Picture Studio
- Private Club, Lodge, Meeting Hall, Labor Union, or Fraternal Organization or Sorority
- Restaurant or Cafeteria, Drive-Thru or Otherwise
- Temporary Fair and Show Grounds
- Some existing uses may become Non-Conforming and not be able to expand activities and services at all.

## **Option 4 – Make No Changes.**

- Not Recommended.
- Conflicts with RLUIPA – treats Churches differently from other, similar Assembly uses.

*Religious Land Use and Institutionalized Persons Act of 2000 - Prohibits any government from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.*



## ➤ Discussion

- Legal - Town Attorney
- Ordinance - Staff

## ➤ Guidance and Direction to Staff

- Options 1 - 4
- Preferred Direction

## ➤ Next Step

- 2<sup>nd</sup> Work Session or 1<sup>st</sup> Public Hearing
- 100-day Time Limit for Recommendation
  - September 19<sup>th</sup> – potential 1<sup>st</sup> public hearing
  - December 19<sup>th</sup> – last scheduled meeting for 2023
  - December 28<sup>th</sup> – 100-day deadline for PC action



# STAFF REPORT

<b>Council Meeting Date:</b>	September 19, 2023
<b>Agenda Title:</b>	Zoning Ordinance Text Amendment - Assembly Uses in the Industrial District
<b>Requested Action:</b>	Hold a Work Session
<b>Department / Agency Lead:</b>	Community Development
<b>Staff Lead:</b>	Heather Jenkins, Zoning Administrator

## EXECUTIVE SUMMARY

Article 3, Section 3-4.12 – *Industrial District* currently permits several uses as by-right Permitted Uses where people gather for social, entertainment, cultural, educational and recreational purposes, such as Conference Centers, Institutional Buildings, and Private clubs, lodges, meeting halls, labor unions, fraternal organizations and sororities. The Building Code classifies Churches as an Assembly use, the same category as Conference Centers, Meeting Halls, Lodges, and other uses listed in the Ordinance as by-right Permitted Uses in the Industrial District. However, Churches are not listed as either a Permitted Use or a Permissible Use in the Industrial District.

The Religious Land Use and Institutionalized Persons Act (RLUIPA) is a federal law that prohibits a locality from imposing undue burdens or restrictions on land use for churches and other religious institutions through zoning regulations. Treating churches or other places of worship differently from other, similar uses, is a recognized claim of discrimination under RLUIPA.

Town Council initiated a text amendment to Section 3-4.12 Industrial District on May 9, 2023, to authorize staff to research possible changes to the Ordinance to address Assembly uses in the Industrial District. Potential ordinance changes include:

- a. Adding Churches as a Permitted (by-right) Use in the Industrial District so that the use requires administrative approval by the Zoning Administrator and/or Building Official; *or*
- b. Modifying the Ordinance to state that all Assembly-type uses in the Industrial District are Permissible Uses that require the approval of a Special Use Permit by Town Council through the public hearing process; *or*
- c. Removing all Assembly-type uses from the list of Permitted and Permissible Uses so that these uses are prohibited altogether in the Industrial District; *or*
- d. Making no change to the Ordinance, so that Churches are not an allowable use in the Industrial District in contrast with other Assembly-type uses.

### UPDATE - SEPTEMBER 19, 2023

On August 22, 2023 the Planning Commission held a work session to discuss a proposed Zoning Ordinance text amendment to Article 3, Section 3-4.12 – *Industrial District*, regarding assembly uses in the district. During the work session additional information was requested to inform the Commission in their discussion and staff's preparation of draft Ordinance language.

## BACKGROUND

A Church (or place of religious worship) is defined in Article 12 of the Ordinance as:

*A building or structure, or group of buildings or structures, which by design and construction are primarily intended for activities that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.*

Section 3-4 Requirements for Base Zoning Districts allows Churches in all zoning districts except the Industrial district, as follows:

Ordinance Section	Zoning District	Approval Process
3-4.1	R-15 Residential District	Permissible with the approval of a Special Use Permit
3-4.2	R-10 Residential District	Permissible with the approval of a Special Use Permit
3-4.3	R-6 Residential District	Permitted with administrative approval
3-4.4	RT Residential Townhouse District	Permissible with the approval of a Special Use Permit
3-4.5	RMF Residential Multifamily District	Permissible with the approval of a Special Use Permit
3-4.6	R-40 Residential District	Permissible with the approval of a Special Use Permit
3-4.7	R-E Residential District	Permissible with the approval of a Special Use Permit
3-4.8	RO Residential Office District	Permissible with the approval of a Special Use Permit
3-4.9	PSP Public-Semi-Public Institutional District	Permitted with administrative approval
3-4.10	C Commercial District	Permitted with administrative approval
3-4.11	CBD Central Business District	Permitted with administrative approval
3-4.12	I Industrial District	Not Permitted

The Ordinance currently allows other assembly-type uses in the Industrial District. Section 3-4.12.2 includes Conference Centers, Institutional Buildings, and Private club, lodge, meeting hall, labor union or fraternal organization or sorority as Permitted Uses (by-right), where these uses are classified as assembly uses.

Use categories that are listed as Permitted Uses (by-right) within the Ordinance require administrative approvals prior to commencement of the use. Administrative approvals include approval of a Site Development Plan per Article 10, approval of a Building Permit for any changes to existing structures or construction of new buildings, and approval of a Zoning Permit for any new or altered use within an existing structure.

Staff was approached by a property owner seeking to lease an existing building located within the Industrial district to a group that desire to establish a Church. As the Zoning Ordinance does not list Churches as either a permitted or permissible use in the district, staff is not able to process and approve a change of use permit. Staff has been advised by legal counsel that the Ordinance must be amended to permit a Church within the Industrial district prior to the issuance of any administrative approval to allow the commencement of a Church use.

Town Council's initiation of a text amendment to Article 3 was the first step in the process to revise the Ordinance as prescribed in Article 11, Section 11-3.9 *Zoning Amendments*. Following the work session by the Planning Commission, the next step in the text amendment process is to schedule the item for public hearing where the Planning Commission may hear public input and make a recommendation of approval or denial. Per Section 11-3.9.7 *Planning Commission Review*, the planning commission must make a recommendation to Town Council within 100 days after the first public hearing. Upon recommendation by the Planning Commission, the text amendment will then be placed on the Town Council agenda for public hearing and final decision.

**UPDATE - SEPTEMBER 19, 2023**

During the work session, members of the Commission asked for additional information for discussion. The questions and summaries are provided below.

***Undeveloped Parcels in the Industrial District***

There are currently 76 industrial-zoned parcels within the Town, totaling approximately 290 acres of industrial-zoned tax parcel land. There are a total of 18 parcels that are either undeveloped or are currently developed with structures but are likely candidates for redevelopment. These 18 parcels total approximately 151 acres of industrial-zoned land, or approximately 52 percent of all industrial zoned parcel area within the Town. The 151 acres includes the Walker Drive rezoning area and the Amazon Data Services property, where legislative approvals have been granted but no site plan approvals or building/zoning permits have been issued to vest the use. A tabulation of the undeveloped parcels along with location, ownership, and acreage, has been provided as Attachment A.

***Benchmark Communities - Assembly Uses in Industrial Districts***

The Town currently allows several uses within the Industrial District that are categorized as Assembly uses by the Statewide Uniform Building Code, to include recreational facilities, conference centers, and clubs; however, the Town does not allow Churches within the Industrial District, which is a religious assembly use. Staff reviewed other jurisdictions within the region, and found that most jurisdictions either allow assembly uses, as well as religious assembly uses, within their respective industrial zoning districts, or, do not allow any type of assembly use to be established in an industrial-zoned district. Similar to the Town, Fauquier County allows several assembly uses such as recreational facilities, museums, and restaurants within industrial-zoned areas, but churches (*Places of Worship*) are not permitted. A tabulation of five other benchmark towns and cities, as well as Fauquier County, has been provided as Attachment B, to show whether assembly uses and religious assembly uses are allowed in industrial-zoned areas, as well as the general approval process.

***Permitted and Permissible Uses in the Industrial District***

Article 3 of the Zoning Ordinance states the intent of the Industrial District as:

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*It is the intent of this district to implement the Town's Comprehensive Plan by providing for a variety of **light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses** appropriately located for access by highways and providing a controlled environment within which signing is limited, uses are to be conducted generally within completely enclosed buildings, and a moderate amount of landscaping is required. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, **business and service uses are limited primarily to those which will be useful to employees in the district** and future residential uses are restricted. [emphasis added]*

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The list of permitted and permissible uses found in Sections 3-4.12.2 and 3-4.12.3 include uses that align with main intent of the District as stated above as '*light manufacturing, fabricating, processing, wholesale distributing, and warehousing*', to include such listed uses as Contractor's Office and Warehouse, Laboratories, Light Manufacturing, Fuel Distribution Storage Yards, and Lumber and Building Supply. The list of permitted and permissible uses also include those use categories that are '*useful to employees in the district*' such as Cafeteria or Snack Bar for Employees, Restaurant, Health and Fitness Facilities, and Mobile Food Vendors.

There are permitted and permissible use categories listed in Sections 3-4.12.2 and 3-4.12.3 which do not appear to strictly align with the stated intent of the Industrial District, nor do they appear to be limited to those businesses that would be *useful to employees*, to include Private Club, Lodge or Meeting Hall, Institutional Buildings (museums, libraries, art galleries), or Conference Center. The list of permitted and permissible uses found in the Ordinance also include use categories that do not appear to align with the stated intent of the district for *light manufacturing, fabricating, processing, wholesale distributing, and warehousing*, to include Medical or Dental Clinics, and Business, Professional or Administrative Offices. A tabulation of all Permitted and Permissible Uses as allowed in Sections 3-

4.12.2 and 3-4.12.3, along with the associated Uniform Statewide Building Code Use Group, is provided as Attachment C.

#### ***Existing Businesses Located in the Industrial District***

A tabulation of the existing businesses that are located within the Industrial District areas is provided as Attachment D. As shown in this tabulation, there are numerous professional offices and medical/dental clinics located in the Industrial-zoned area that extends from Academy Hill Extended, to East Lee Street (Area B on the included map). Of the existing businesses that are established within the Industrial-zoned area that extends from Old Meetze Road to the southern boundary of the Town, these existing businesses are primarily those that are more closely aligned with industrial-type activities, such as warehousing, contracting businesses, and fuel storage.

#### ***Walker Drive Rezoning - Proposed Use Chart***

The area of the Walker Drive rezoning, divided into six land bays, extends from Academy Hill Road to East Lee Street. The project was approved as Planned Unit Development District (PUD), overlaying parcels located within the Industrial District per Ordinance Section 3-5.2. The approved rezoning, case number ZMA-2016-01, included a list of proposed uses within each land bay. The proposed uses, listed as general office, retail, restaurant, entertainment, multi-family, and health club, include uses that are categorized as Assembly-type uses per the Statewide Uniform Building Code, specifically *restaurant* and *entertainment*. This project has received the required legislative approval, however has not yet received site development plan approval or building/zoning permit issuance to vest the project; as such, any changes to Section 3-4.12 - *Industrial District* as a part of this text amendment may affect this project. A copy of the chart of proposed uses for the Walker Drive Rezoning as well as the land bay map has been included as Attachment E.

## **STAFF RECOMMENDATION**

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Staff is requesting that the Planning Commission hold the work session, and provide guidance to staff on what ordinance language is most appropriate to promote the health, safety and general welfare of the public as required by Section 15.2-2283 of the Code of Virginia, and to ensure that public necessity, convenience, general welfare and good zoning practice is achieved as stated in Ordinance Section 11-3.9.1 *Authority for Change*.

### **UPDATE - SEPTEMBER 19, 2023**

Staff requests that the Planning Commission provide guidance on the following:

1. What draft ordinance language is preferred by the Commission members, such as options a-d, or otherwise?
  - a. Adding Churches as a Permitted (by-right) Use in the Industrial District so that the use requires administrative approval by the Zoning Administrator and/or Building Official; *or*
  - b. Modifying the Ordinance to state that all Assembly-type uses in the Industrial District are Permissible Uses that require the approval of a Special Use Permit by Town Council through the public hearing process; *or*
  - c. Removing all Assembly-type uses from the list of Permitted and Permissible Uses so that these uses are prohibited altogether in the Industrial District; *or*
  - d. Making no change to the Ordinance, so that Churches are not an allowable use in the Industrial District in contrast with other Assembly-type uses.
2. Should the stated intent of the Industrial District, as found in Section 3-4.12.1 - Legislative Intent, be revised to reflect the mix of uses that are allowed or established in the district?
3. Given guidance on the above two questions, is this text amendment ready to proceed to public hearing?

**Service Level / Policy Impact**

None

**Fiscal Impact**

None

**Legal Impact**

Ordinance Section 3-4.12 Industrial District allows several assembly-type uses as Permitted Uses (by-right) with administrative approval. Treating churches or other places of worship differently from other, similar uses, is a recognized claim of discrimination under the Religious Land Use and Institutionalized Persons Act.

**ATTACHMENTS**

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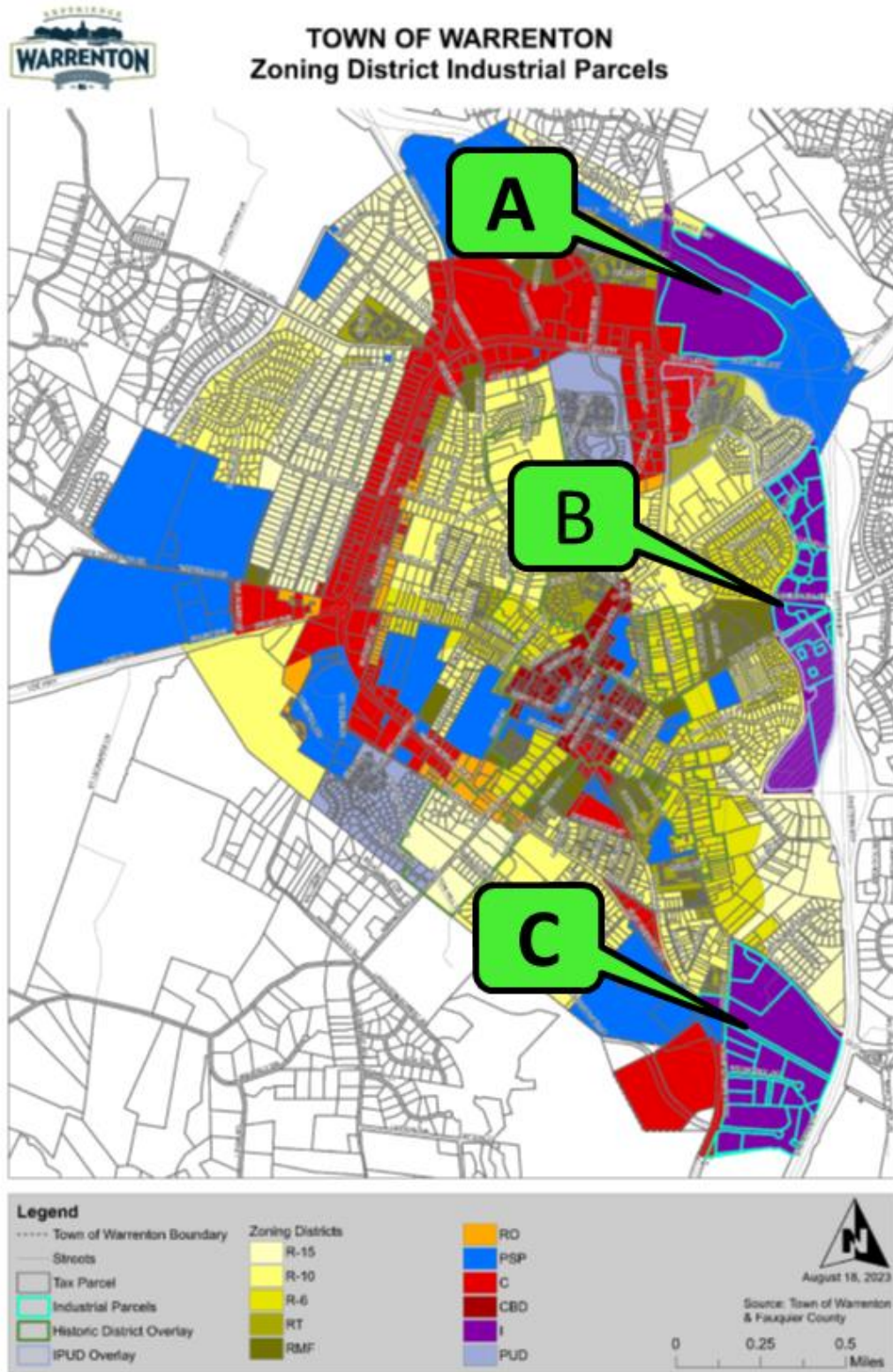
1. Attachment A: Undeveloped Parcels in the Industrial District
2. Attachment B: Benchmark Communities – Assembly Uses in Industrial Districts
3. Attachment C: Permitted and Permissible Uses in the Industrial District
4. Attachment D: Existing Businesses Located in the Industrial District
5. Attachment E: Walker Drive Rezoning – Proposed Use Chart



## ATTACHMENT A

<b>Undeveloped Parcels In The Industrial District</b>				
<i>See Map on Next Page for Area Location</i>				
<b>Area</b>	<b>Location</b>	<b>Owner</b>	<b>PIN</b>	<b>Acreage</b>
A	Blackwell Road/Woodlands Way	Dobson, David M	6985-60-5718-000	21.7730
A	Blackwell Road/East Lee Highway	Amazon Data Services	6984-69-2419-000	41.7050
			<b>Total Area - Area A</b>	<b>63.4780</b>
B	Walder Drive/Holiday Court	Brandon Land Investments, LLC	6984-76-2606-000	1.1907
B	Academy Hill Ext./Academy Hill Road	Town of Warrenton	6984-74-6947-000	1.9321
B	Academy Hill Extended	Gibson, Lori	6984-74-4879-000	0.4974
B	321 Walker Drive	Walker Drive Investment Group, LLC	6984-74-4588-000	3.5350
B	341 Academy Hill Road	341 Academy Hill Road, LLC	6984-74-7799-000	1.7770
B	Walker Drive	Springfield Properties, LLC	6984-73-7494-000	8.5222
B	387 Portman Drive	Remland, LLC	6984-72-3635-000	11.5655
			<b>Total Area - Area B</b>	<b>29.0199</b>
C*	511 Falmouth Street	Worsham, Suzanne & Worsham, William	6983-69-5456-000	4.2000
C*	511 Falmouth Street	Worsham, Suzanne & Worsham, William	6983-69-7548-000	1.0000
C*	615 Falmouth Street	Premium Business Parks International, LLC	6983-69-8183-000	9.6542
C*	615 Falmouth Street	Premium Business Parks International, LLC	6983-78-1685-000	27.8056
C	Industrial Road/James Madison Highway	Red Road, INC	6983-67-5509-000	2.1722
C	710 Industrial Road	Brown, Ricky	6983-77-3316-000	2.2108
C	819 James Madison Highway	819 JMH, LLC	6983-66-3731-000	3.0000
C	James Madison Highway/Unnamed Road	The Drew Corporation	6983-66-9788-000	6.4760
C	Eastern Bypass	The Drew Corporation	6983-76-5917-000	2.0800
<b>* Redevelopment Potential</b>			<b>Total Area - Area C</b>	<b>58.5988</b>
<b>18</b>	<b>Total Number of Undeveloped Parcels</b>	<b>Total Area - Undeveloped Parcels in the Industrial District</b>		<b>151.0967</b>
<b>76</b>	<b>Total Number of Industrial-Zoned Parcels</b>	<b>Total Area of Industrial-Zoned Tax Parcel Land</b>		<b>~290</b>







ATTACHMENT B

Benchmark Communities – Assembly Uses in Industrial Districts							
Jurisdiction	Assembly Uses Allowed	Religious Assembly Allowed	Religious Assembly By-Right	Special Use Permit Required	Size Limitation	Occupancy Limitation	Notes
Town of Warrenton	Yes	No					Recreational Facilities, Conference Center, Club
Fauquier County	Yes	No					Recreational Facilities, Museum, Restaurant
Town of Culpeper	Yes	Yes	X				Restaurant, Dormitory, Wedding Chapel, Church
Town of Leesburg	Yes	Yes	X Existing Building Only	X			Church
City of Manassas	Yes	Yes		X		Less than 50/50 or More	Assembly, Cultural Facility, Church, Dancehall
Town of Vienna	No	No					
City of Charlottesville	Yes	Yes	X				Convent/Monastery, Theaters, Church, Recreational Facilities



## ATTACHMENT C

Permitted and Permissible Uses in The Industrial District				
Key: General Use-Type per Zoning		Assembly	Light industrial/Office	Industrial
Use As Listed in the Ordinance		Building Code Group		
<b>Permitted Uses (by-right) – Section 3-4.12.2</b>				
Accessory Buildings				
Active and Passive Recreation and Recreational Facilities		Assembly (Facilities Only)		
Banks and savings and loan offices		Business		
Broadcasting studios and offices		Business Assembly (Audience Only)		
Business and office supply establishments		Business		
Cabinet, upholstery, and furniture shops		Factory		
Cafeteria or snack bar for employees		Assembly		
Clinics, medical or dental		Business		
Commercial uses constituting up to 15% of permitted site or building area		Business		
Conference Centers		Assembly		
Contractor's office and warehouse without outdoor storage		Business or Storage		
Crematory		Business or Factory		
Dwellings for resident watchmen and caretakers employed on the premises		Residential		
Employment service or agency		Business		
Flex Office and Industrial uses		Business		
Health and Fitness Facilities		Assembly		
Institutional buildings		Assembly		
Janitorial service establishment		Business		
Laboratories, research, experimental or testing, but not testing explosives, rockets, or jet engines		Business		
Light manufacturing uses which do not create danger to health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries		Business		
Monument sales establishments with incidental processing to order but not including shaping of headstones		Business		
Motion picture studio		Business or Assembly (Audience Only)		
Nurseries and greenhouses		Business		
Offices- business, professional, or administrative		Business		
Off-street parking and loading subject to Article 7		N/A		
Open space subject to Article 9		N/A		
Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses		Business		
Private club, lodge, meeting hall, labor union, or fraternal organization or sorority		Assembly		
Rental service establishment		Business		

Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing, or distributing use	<b>Business or Mercantile</b>
Rug and carpet cleaning and storage with incidental sales of rugs and carpets	<b>Factory</b>
Security service office or station	<b>Business</b>
Sign fabricating and painting	<b>Factory</b>
Signs, subject to Article 6	<b>N/A</b>
Studios	<b>Business</b>
Transmission and receiving towers of height not exceeding one hundred twenty-five (125) feet	<b>Utility</b>
Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit	<b>Utility</b>
Wholesale establishment, storage warehouse, or distribution center. furniture moving	<b>Storage or Mercantile</b>
<b>Permissible Uses (by special use permit upon approval of the Town Council - Section 3-4.12.3</b>	
Automobile body shop	<b>Factory</b>
Automobile and truck repair and service	<b>Factory</b>
Commercial Kennels	<b>Business</b>
Contractor's storage yard	<b>N/A</b>
Farm equipment, motorcycle, boat and sport trailer sales and service	<b>Factory</b>
Fuel, coal, oil distribution storage yards	<b>Utility</b>
Lumber and building supply with undercover storage.	<b>Storage</b>
Maintenance and equipment shops with screened outside storage	<b>Factory</b>
Outdoor storage of any kind	
Plumbing and electrical supply with undercover storage	<b>Business or Storage</b>
Restaurant or cafeteria, drive-thru or otherwise	<b>Assembly</b>
Self-service mini-warehouse	<b>Storage</b>
Temporary fair and show grounds	<b>Assembly</b>
Tire and battery sales and service, tire recapping and retreading	<b>Factory</b>
Transmission and receiving towers of height greater than one hundred twenty-five (125) feet.	<b>Utility</b>
Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings	<b>Utility</b>



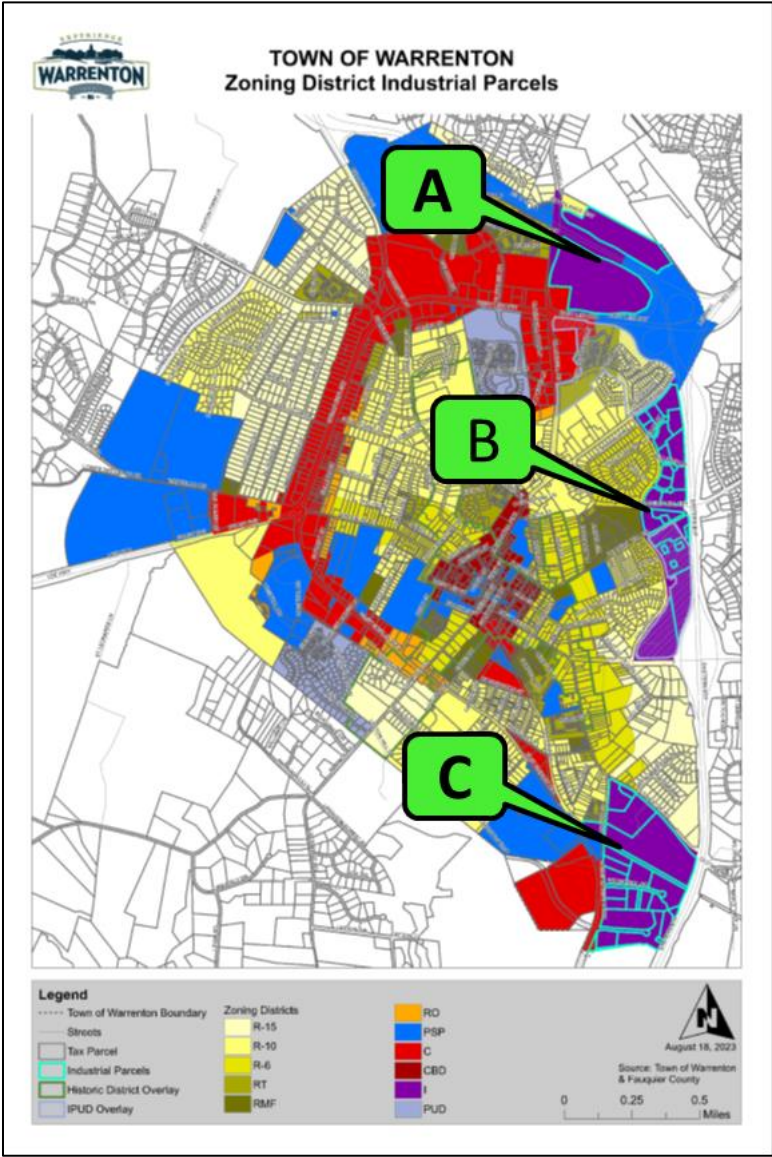
## ATTACHMENT D

Existing Businesses Located in The Industrial District			
See Map on Next Page for Area Location			
Key: General Use-Type per Zoning		Assembly	Light Industrial/Office
Area	Business Name	Use Category*	Notes
<b>Area A – Adjacent to Eastern Bypass Interchange</b>			
A	Currently Undeveloped		
<b>Area B – Alexandria Pike to East Lee Street</b>			
B	VDACS Regional Animal Health Facility	Laboratory, Office	Industrial
B	Dominion Construction Group	Contractor's Office & Warehouse	Industrial
B	Palmers Construction Group	Contractor's Office	Industrial
B	Peak Roofing	Contractor's Office	Industrial
B	Screen Printing	Printing	Industrial
B	Piedmont Press	Printing	Industrial
B	Cube Smart	Mini-Warehouse	Industrial
B	EMO Agency	Office	Light Industrial/Office
B	RE/MAX	Office	Light Industrial/Office
B	Dermatology Institute	Office/Clinic	Light Industrial/Office
B	Fauquier Health	Office	Light Industrial/Office
B	Blackcomb Center	Office	Light Industrial/Office
B	Virginia Social Services	Office	Light Industrial/Office
B	Warrenton Dental Services	Office	Light Industrial/Office
B	Progressions Dance School	Studio	Light Industrial/Office
B	Groups Recover Together	Office	Light Industrial/Office
B	Woodside Dentistry	Office/Clinic	Light Industrial/Office
B	Miller Orthodontics	Office/Clinic	Light Industrial/Office
B	Woodside Pediatric Dentistry	Office/Clinic	Light Industrial/Office
B	Virginia Sports Chiropractic	Office/Clinic	Light Industrial/Office
B	Craniofacial Center	Office/Clinic	Light Industrial/Office

B	Holiday Inn Express	Hotel; Conference Center	Assembly Uses: 206 (conference center); 146 (pool/deck)
B	Old Town Athletic Club & Campus	Health & Fitness Facility	Assembly Use: 16,653 sq.ft. ; 434 max. occupants (1 <sup>st</sup> Floor)
B	PATH	Office; Institutional/Philanthropic	Some Assembly Uses: 78,444 sq.ft.; 390 max. occupancy (Upper Floors)
B	Walker Drive Rezoning PUD	<i>not constructed</i>	Potential Assembly Uses: Restaurant, Entertainment
<b>Area C - Old Meetze Road to Southern Boundary</b>			
C	Pump Station	Utility	Industrial
C	Cube Smart	Mini-Warehouse	Industrial
C	Carter CAT	Contractor's Office & Warehouse	Industrial
C	VAMAC	Contractor's Office & Warehouse	Industrial
C	EW Electrical	Contractor's Office	Industrial
C	Country Deisel	Auto Dealership	Industrial
C	Cecil's Tractor	Farm Equipment Sales & Storage	Industrial
C	Blossman Gas	Bulk Fuel Storage	Industrial
C	Advance Auto	Retail	Light Industrial/Retail
C	Alwyngton Manor	Conference Center	Assembly Use: 300 max. (per SUP)
C	Fauquier FISH	Storage & Distribution; Institutional/Philanthropic	Potential for Future Assembly Use: 26,318 sq.ft.

\*Note - each business is noted by the **general** use category listed in the Zoning Ordinance that appears to be the best fit; **this is not an official determination.**







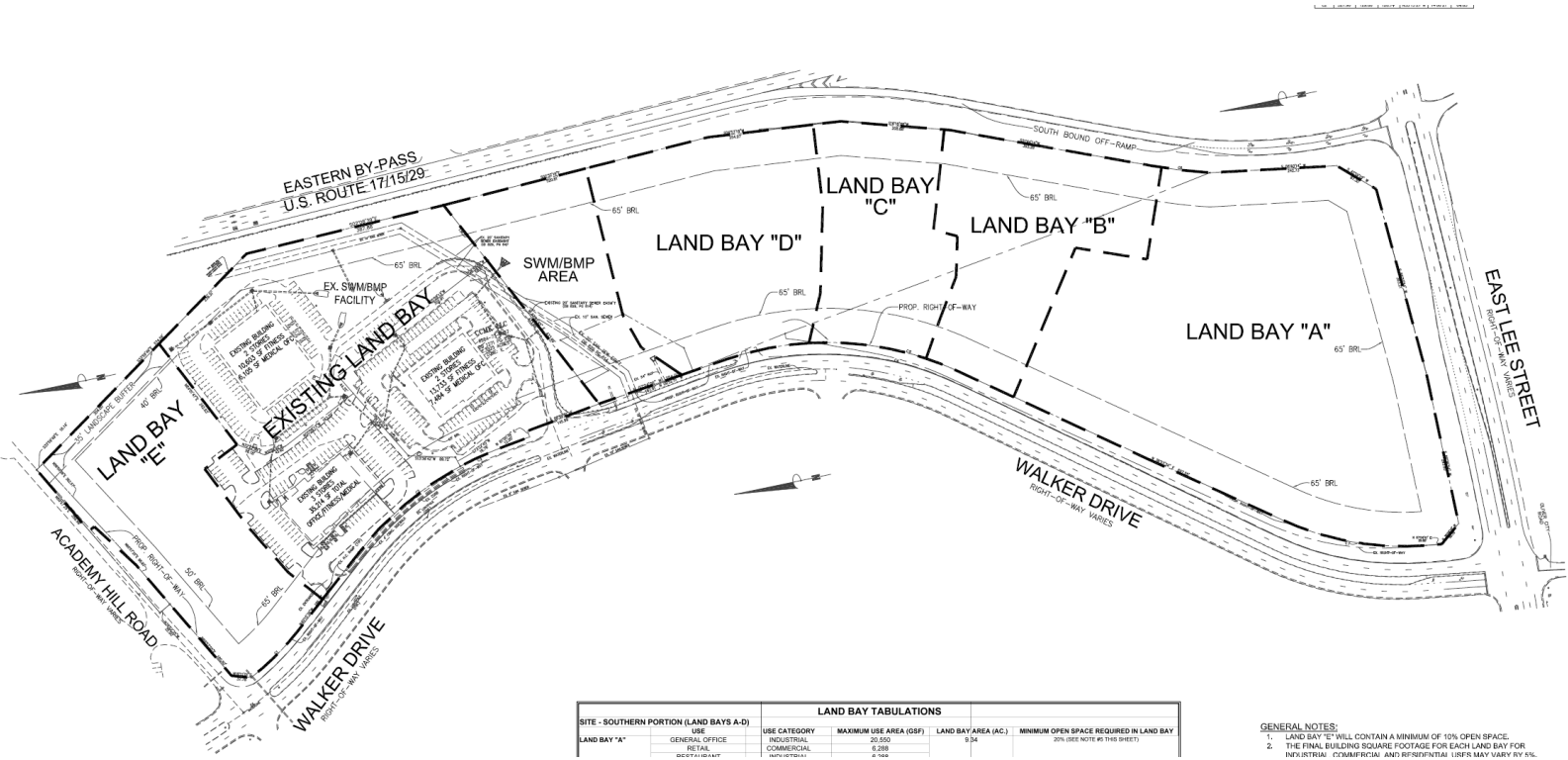


ATTACHMENT E

Walker Drive Rezoning – Proposed Use Chart

SITE – SOUTHERN PORTION (LAND BAYS A-D) NORTHERN PORTION (LAND BAY E & EXISTING LAND BAY)			
LAND AREA	USE	USE CATEGORY	MAXIMUM USE AREA (GSF)
LAND BAY “A”	GENERAL OFFICE	INDUSTRIAL	20,550
	RETAIL	COMMERCIAL	6,288
	RESTAURANT	INDUSTRIAL	6,288
	ENTERTAINMENT	COMMERCIAL	35,000
LAND BAY “B”	ENTERTAINMENT	COMMERCIAL	21,000
	RETAIL	COMMERCIAL	14,263
	RESTAURANT	INDUSTRIAL	14,263
LAND BAY “C”	GENERAL OFFICE	INDUSTRIAL	6,703
	RETAIL	COMMERCIAL	15,814
	RESTAURANT	INDUSTRIAL	2,500
LAND BAY “D”	GENERAL OFFICE	INDUSTRIAL	10,103
	RETAIL	COMMERCIAL	7,603
	RESTAURANT	INDUSTRIAL	2,500
	MULTIFAMILY RESIDENTIAL	MIXED USE RESIDENTIAL	76 UNITS (80,824 GSF)
LAND BAY “E”	GENERAL OFFICE	INDUSTRIAL	20,000
	MULTIFAMILY RESIDENTIAL	MIXED USE RESIDENTIAL	40 UNITS (60,000 GSF)
EXISTING LAND BAY	OFFICE/HEALTH CLUB	INDUSTRIAL	73,139

Text Amendment - Assembly Uses in the Industrial District  
 September 19, 2023  
 Page 2



SITE - SOUTHERN PORTION (LAND BAYS A-D)		LAND BAY TABULATIONS			
LAND BAY "A"	USE	USE CATEGORY	MAXIMUM USE AREA (GSF)	LAND BAY AREA (AC.)	MINIMUM OPEN SPACE REQUIRED IN LAND BAY
	GENERAL OFFICE	INDUSTRIAL	20,500	0.34	20% (SEE NOTE #3 THIS SHEET)
	RETAIL	COMMERCIAL	6,288		
	OFFICE/RETAIL	RESIDENTIAL	2,100		

**GENERAL NOTES:**  
 1. LAND BAY "E" WILL CONTAIN A MINIMUM OF 10% OPEN SPACE.  
 2. THE FINAL BUILDING SQUARE FOOTAGE FOR EACH LAND BAY FOR INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL USES MAY VARY BY 5%.



**Planning Commission Work Session**  
**ZOTA-23-2 - Assembly Uses in the Industrial District**  
**September 19, 2023**

## Issue Summary from August Work Session

**Church:** *A building or structure, or group of buildings or structures, which by design and construction are primarily intended for activities that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.*

Churches are allowed in all zoning districts except the Industrial district.

2018 Virginia Construction Code – Uniform Statewide Building Code

### **Section 303 – Assembly Group A**

*The use of a building or structure for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption or waiting for transportation.*

#### **Assembly Uses Allowed in the Industrial District**

##### **Permitted Uses (By-Right)**

- Active and Passive Recreation and Recreational Facilities
- Cafeteria or snack bar for employees
- Conference Centers
- Health and Fitness

##### **Facilities**

- Institutional buildings
- Motion picture studio
- Private club, lodge, meeting hall, labor union, or fraternal organization or sorority

##### **Permissible Uses (with Special Use Permit)**

- Restaurant or cafeteria, drive-thru or otherwise
- Temporary fair and show ground

## RLUIPA

### Religious Land Use and Institutionalized Persons Act

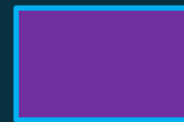
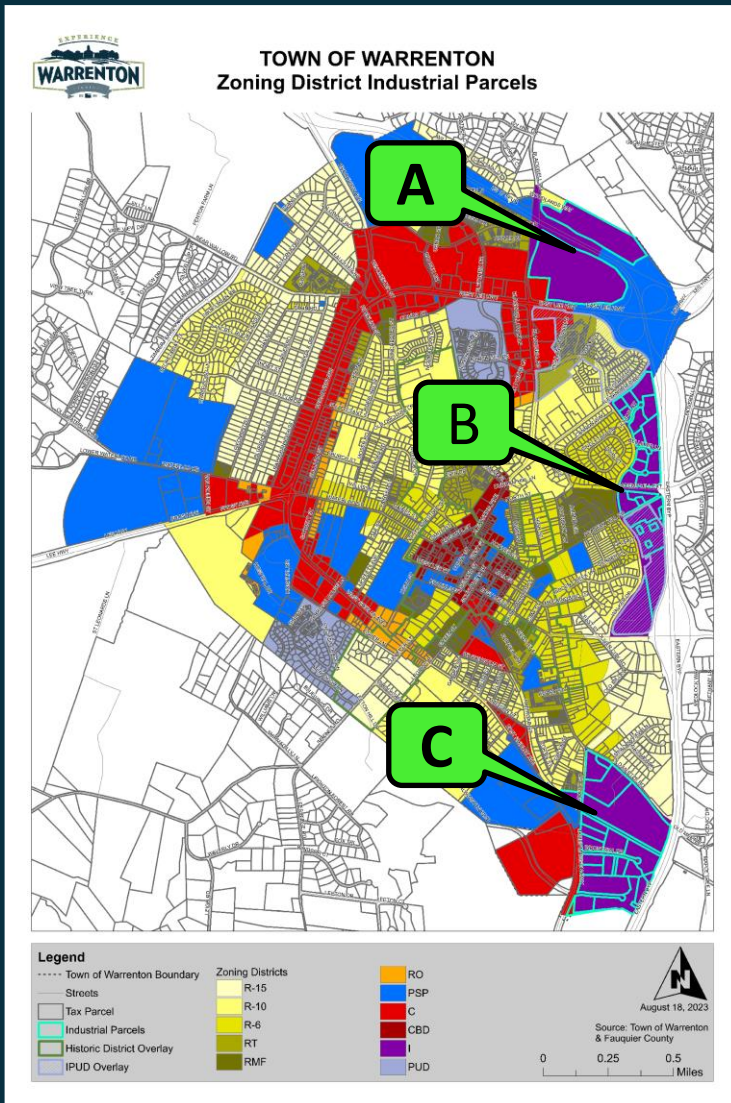
- Federal Law
- Prohibits undue burdens or restrictions on land use for churches through Zoning regulations.
- Treating churches differently from other, similar uses, is a recognized claim of discrimination

*Religious Land Use and Institutionalized Persons Act of 2000 - Prohibits any government from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.*

*Prohibits any government from imposing a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in the Civil Rights of Institutionalized Persons Act, even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.*



## Undeveloped Parcels



76 Parcels

290 Acres of Tax Parcel Land

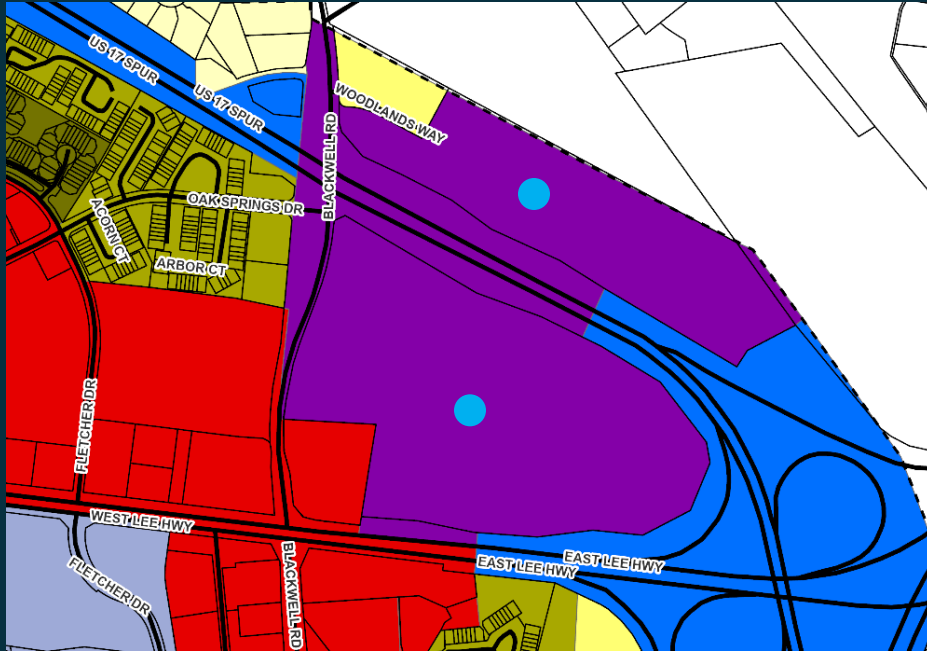
## 18 Undeveloped Parcels

- Includes Amazon & Walker Drive Rezoning – Areas A & B
- Includes likely candidates for Redevelopment – Area C

## 151 Acres Undeveloped Land

- 52% of All Industrial Zoned Land
- Majority in Area C (*land with no legislative approvals*)

## Undeveloped Parcels



### Area A - Undeveloped Parcels

- Dobson, David – 21.8 ac.
- Amazon Data Services – 41.7 ac.  
(SUP Approval)

Total Area = 63.5 ac.

\*See Attachment A



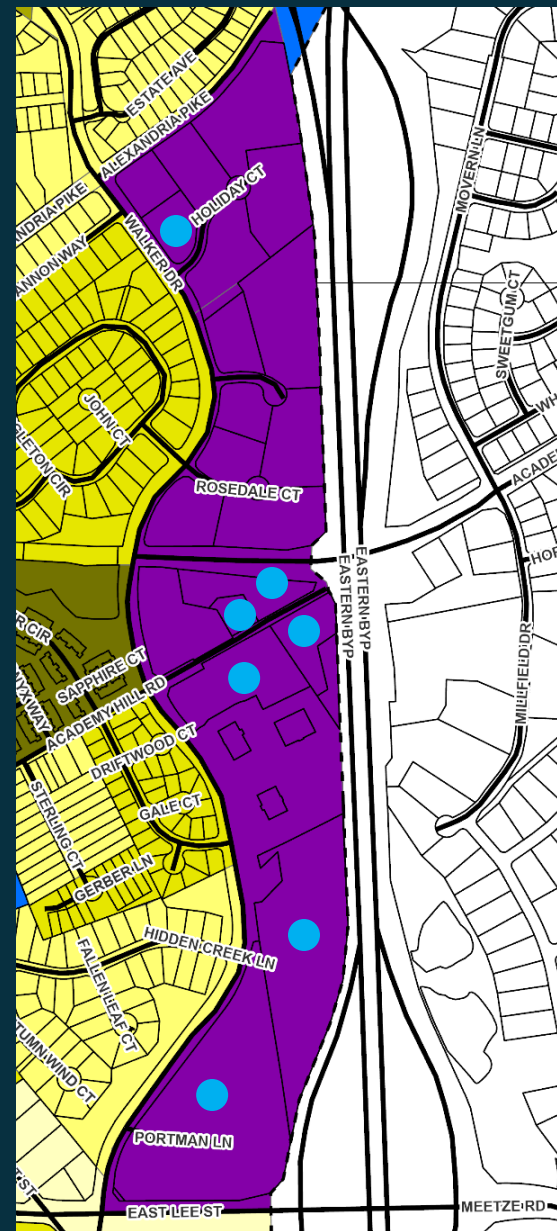
## Undeveloped Parcels

### Area B - Undeveloped Parcels

- Brandon Land Investments/1.2 ac.
- Town of Warrenton/1.9 ac.
- Gibson, Lori/0.5 ac.
- 341 Academy Hill Road LLC/1.8 ac.
- Walker Dr. Investment Group/3.5 ac.  
(IPUD – Land Bay E)
- Springfield Properties LLC/8.5 ac.  
(IPUD – Land Bays B, C, D)
- Remland LLC/11.6 ac.  
(IPUD – Land Bays A, B, C)

Total Area = 29 ac.

*\*See Attachment A*



# Assembly Uses in the Industrial District

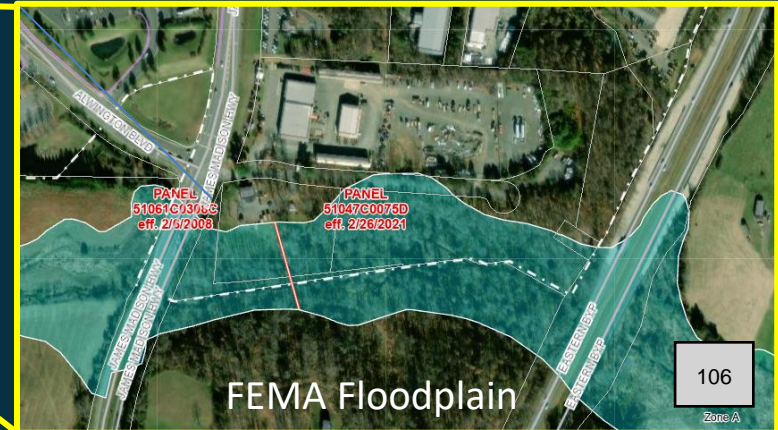
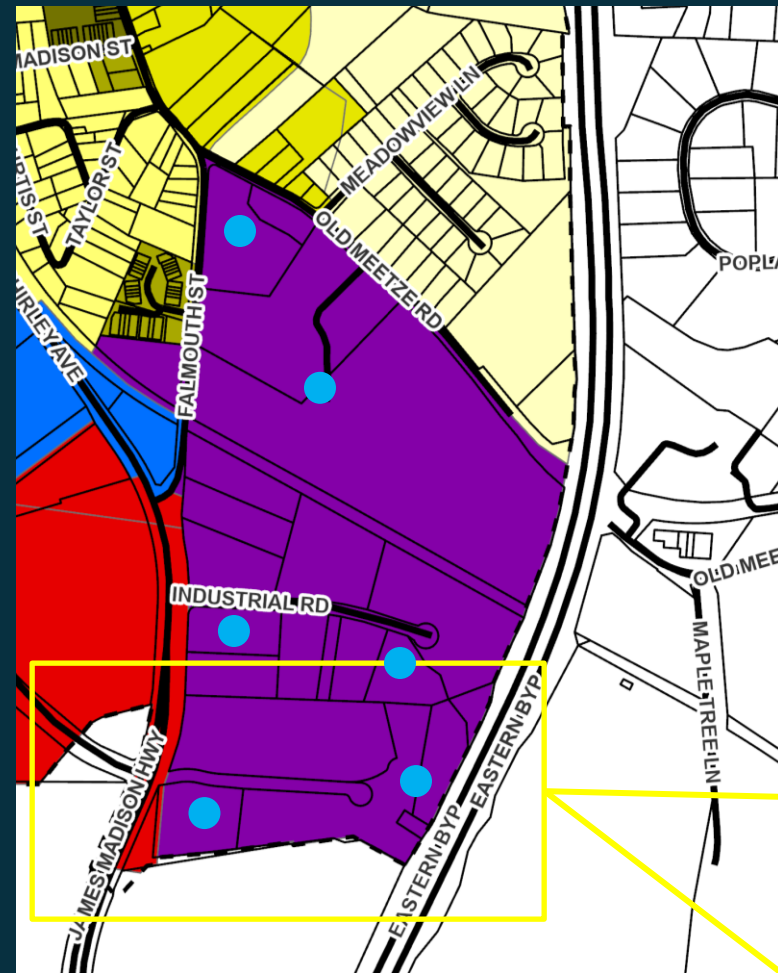
Item 4.

## Area C - Undeveloped Parcels

- Worsham, Suzanne & William/5.2 ac. (*Alwyngton Manor*)
- Premium Business Parks International LLC/37.4 ac. (*Wire Factory*)
- Red Road INC/2.2 ac.
- Brown, Ricky/2.2 ac.
- The Drew Corporation/8.6 ac. (*floodplain*)
- 819 JMH LLC/3.0 ac. (*floodplain*)

Total Area = 58.6 ac.

\*See Attachment A



# Assembly Uses in the Industrial District

Benchmark Communities - Assembly Uses in Industrial Districts							
Jurisdiction	Assembly Uses Allowed	Religious Assembly Allowed	Religious Assembly By-Right	Special Use Permit Required	Size Limitation	Occupancy Limitation	Notes
Town of Warrenton	Yes	No					Recreational Facilities, Conference Center, Club
Fauquier County	Yes	No					Recreational Facilities, Museum, Restaurant
Town of Culpeper	Yes	Yes	X				Restaurant, Dormitory, Wedding Chapel, Church
Town of Leesburg	Yes	Yes	X Existing Building Only	X			Church
City of Manassas	Yes	Yes		X		Less than 50/50 or More	Assembly, Cultural Facility, Church, Dancehall
Town of Vienna	No	No					
City of Charlottesville	Yes	Yes	X				Convent/Monastery, Theaters, Church, Recreational Facilities

## Attachment B - Summary

- Allow some Assembly uses **and** Churches – acceptable
- Prohibit all Assembly uses, including Churches – acceptable
- Allow some Assembly uses but **not** Churches – not acceptable

## Fauquier County Zoning Ordinance Differences in Approval Process by Size of Church

Place of Worship, **Minor** – Special Permit

Place of Worship, **Major** – Special Exception

- 10,000 sq.ft. in size or greater; or
- 300 seats or more; or
- Any addition of 10,000 sq.ft. or more.

Additional Approval Standards

- 10 acre Minimum Size
- 100 foot Buffer between Residential or Rural Properties
- Access from a Major Collector Roadway

## Town of Warrenton Zoning Ordinance Article 3 Existing Differences in Approval Process by Size

PSP - Public-Semi-Public Institutional District

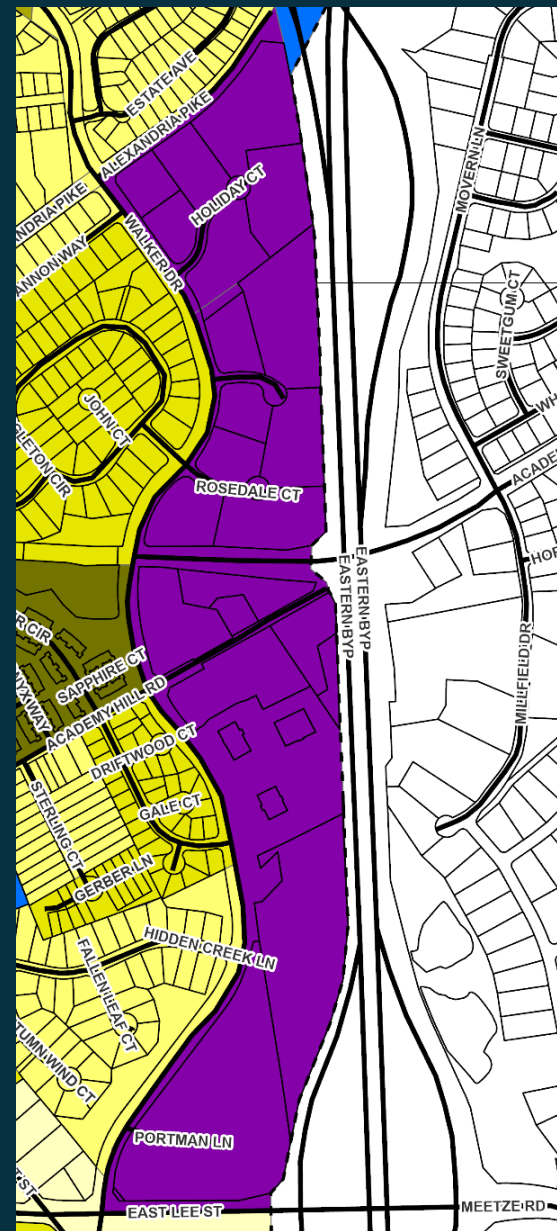
- *Hospitals at 10,000 sq.ft. or greater - SUP*
- *Schools at 10,000 sq.ft. or greater – SUP*

C - Commercial District

- *Any Use greater than 50,000 sq.ft. – SUP*

CBD – Central Business District

- *Personal Service Stores greater than 3,000 sq.ft. – SUP*
- *Retail greater than 3,000 sq.ft. - SUP*



## Existing Assembly Businesses in the Industrial District - Area B

Holiday Inn Express – Hotel; **Conference Center**

- Maximum Occupancy: 206 (conference center); 146 (pool/deck)

Old Town Athletic Club & Campus – **Health & Fitness Facility**

- Area: 16,653 sq.ft. (1<sup>st</sup> Floor)
- Maximum Occupancy: 434 (1<sup>st</sup> Floor)

PATH – Office; **Institutional/Philanthropic**

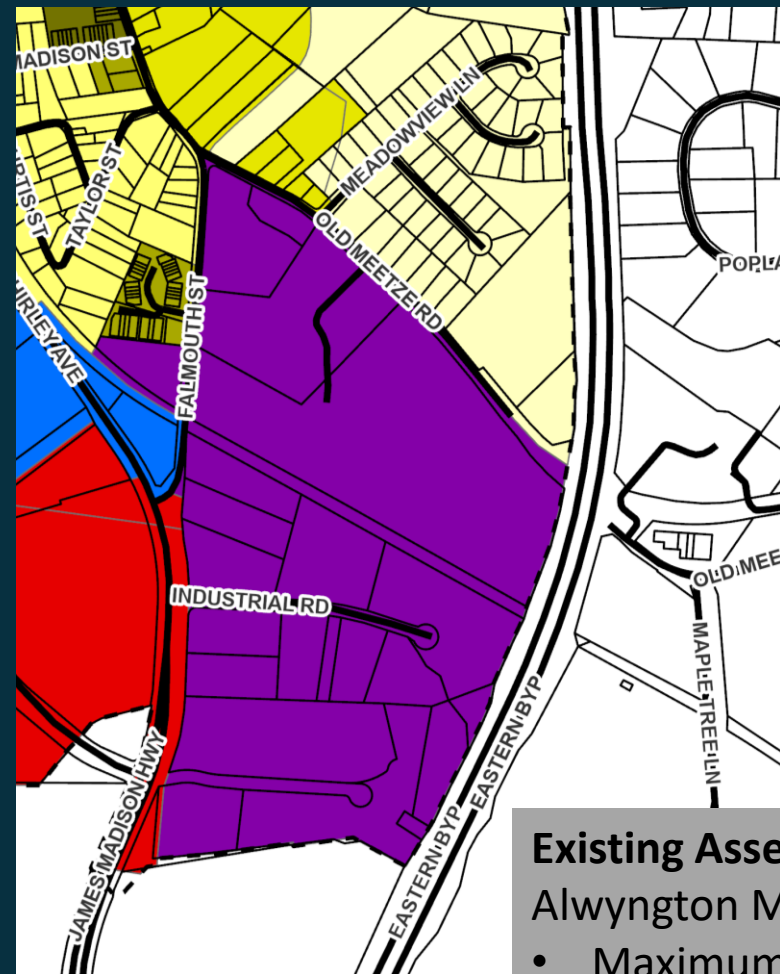
- Area: 78,444 sq.ft. (upper floors)
- Maximum Occupancy: 390 (upper floors)

Walker Drive Rezoning PUD – not constructed

- Potential Assembly Uses: **Restaurant, Entertainment**

*See Attachment D*





## Existing Assembly Businesses in the Industrial District - Area C

Alwynton Manor – Bed & Breakfast; **Conference Center**

- Maximum Occupancy: 300 (per SUP)

Fauquier FISH – Storage & Distribution; **Institutional/ Philanthropic**

- Area: 26,318 sq.ft.

*See Attachment D*



## Article 3 – Section 3-4.12.1

### Legislative Intent

It is the intent of this district to implement the Town's Comprehensive Plan by providing for a variety of **light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses** appropriately located for access by highways and providing a controlled environment within which signing is limited, uses are to be conducted generally within completely enclosed buildings, and a moderate amount of landscaping is required. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, **business and service uses are limited primarily to those which will be useful to employees in the district** and future residential uses are restricted. [emphasis added]

## Article 3 – Section 3-4.12 Uses Allowed in the Industrial District

### Permitted Uses (By-Right)

Active and Passive Recreation and Recreational Facilities  
Cafeteria or snack bar for employees  
Conference Centers  
Health and Fitness Facilities  
Institutional buildings  
Motion picture studio  
Private club, lodge, meeting hall, labor union, or fraternal organization or sorority  
Broadcasting studios and offices  
Banks and savings and loan offices  
Business and office supply establishments  
Clinics, medical or dental  
Commercial uses constituting up to 15% of permitted site or building area  
Employment service or agency  
Flex Office and Industrial uses  
Janitorial service establishment  
Offices- business, professional, or administrative  
Rental service establishment  
Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing, or distributing use  
Security service office or station  
Studios  
Cabinet, upholstery, and furniture shops  
Contractor's office and warehouse without outdoor storage  
Crematory  
Laboratories, research, experimental or testing, but not testing explosives, rockets, or jet engines  
Light manufacturing uses which do not create

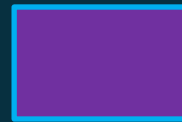
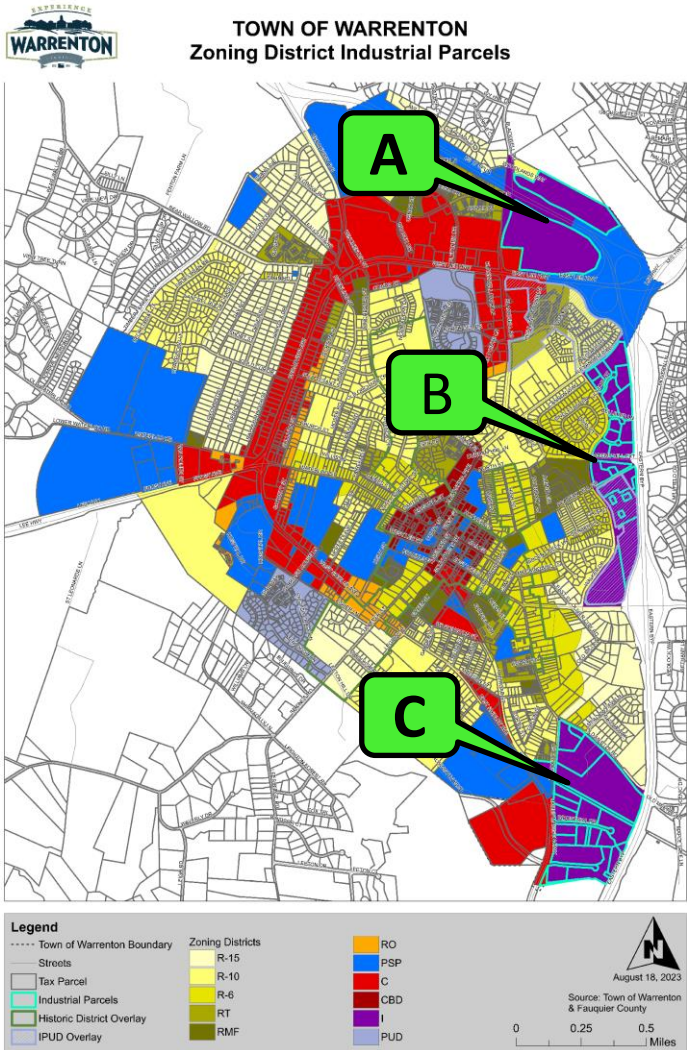
danger to health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries  
Mobile Food Vendors subject to Article 9-24  
Monument sales establishments with incidental processing to order but not including shaping of headstones  
Nurseries and greenhouses  
Off-street parking and loading subject to Article 7  
Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses  
Rug and carpet cleaning and storage with incidental sales of rugs and carpets  
Sign fabricating and painting  
Signs, subject to Article 6  
Transmission and receiving towers of height not exceeding one hundred twenty-five (125) feet  
Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit  
Wholesale establishment, storage warehouse, or distribution center. furniture moving  
Accessory buildings  
Open space subject to Article 9  
Dwellings for resident watchmen and caretakers

### Assembly Uses per Building Code Light Industrial/Office Industrial

employed on the premises  
**Permissible Uses (with Special Use Permit)**  
Restaurant or cafeteria, drive-thru or otherwise  
Temporary fair and show ground  
Automobile body shop  
Automobile and truck repair and service  
Commercial Kennels  
Contractor's storage yard  
Data Center  
Farm equipment, motorcycle, boat and sport trailer sales and service  
Fuel, coal, oil distribution storage yards  
Lumber and building supply with undercover storage.  
Maintenance and equipment shops with screened outside storage  
Outdoor storage of any kind  
Plumbing and electrical supply with undercover storage  
Self-service mini-warehouse  
Tire and battery sales and service, tire recapping and retreading  
Transmission and receiving towers of height greater than one hundred twenty-five (125) feet.  
Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

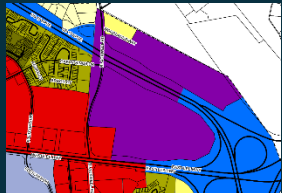
# Assembly Uses in the Industrial District

Item 4.



76 Parcels  
290 Acres of Tax Parcel Land

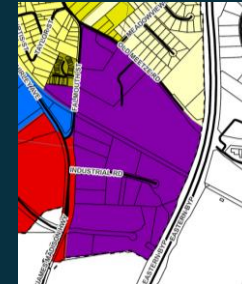
# PLAN WARRENTON 2040



Area A



Area B

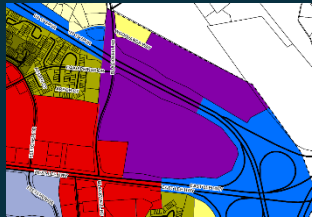


Area C



# Assembly Uses in the Industrial District

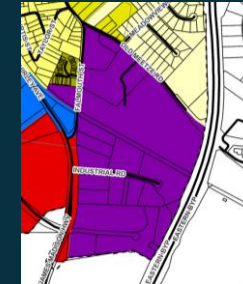
Item 4.



Area A



Area B



Area C

## New Town Mixed Use/New Town District

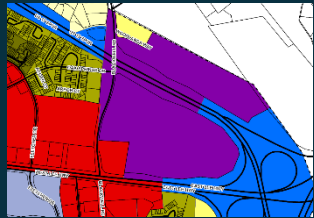
Large lots, direct access from Route 29, and high visibility, a location for a signature office/jobs center; with greater intensity of mixed use and strong live, work, and play options.

## Light Industrial/Old Town District

Continue to promote Old Town as the signature cultural, social and historic hub. Encourage infill housing and adaptive reuse of structures; maintain historic character and scale.

## Greenway & Wellness Mixed Use/Makers District

Maximize use of industrial areas for maker space with a food and arts focus, create connective elements to the greenway, enhance gateway form and function.



Area A

## Comprehensive Plan Considerations

### New Town Mixed Use/New Town District

#### Character District Summary

Large lots, direct access from Route 29, and high visibility, a location for a signature office/jobs center; with greater intensity of mixed use and strong live, work, and play options.

#### Land Use Goal

Support the revitalization of the commercial shopping malls with walkable development, green space, public amenities, as well as provide a location for a major employer.

#### Existing Businesses

None – undeveloped.



## Comprehensive Plan Considerations

### Light Industrial/Old Town District

#### Character District Summary

Continue to promote Old Town as the signature cultural, social and historic hub. Encourage infill housing and adaptive reuse of structures; maintain historic character and scale.

#### Land Use Goal

Include a mix of infill and new development that is designed to maintain Old Town's historic character.



### Area B

#### Future Land Use Description – Light Industrial

- Remaining light industrial is located to the east of Walker Drive, including light manufacturing, flex industrial, wholesale commercial, and limited office uses, with floor areas generally not exceeding 0.35 on a single site.
- Provide additional types of employment opportunities in addition to services and commercial retail uses.
- Industrial land use designations should be limited to light industrial uses.
- Attention should be given to vehicular access and reducing impact to adjacent properties.
- Buffer adjacent non-industrial uses.
- Uses should be limited to those providing a variety of light industrial uses that will contribute to the creation of new businesses, retention and expansion of existing businesses.
- Very limited support for commercial uses for purpose of reducing traffic generation.



## Comprehensive Plan Considerations

### Light Industrial/Old Town District

#### Character District Summary

Continue to promote Old Town as the signature cultural, social and historic hub. Encourage infill housing and adaptive reuse of structures; maintain historic character and scale.

#### Land Use Goal

Include a mix of infill and new development that is designed to maintain Old Town's historic character.

#### Existing Businesses

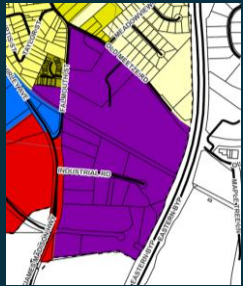
- 6 Industrial-type
- 14 Light Industrial/Office
- 4 Assembly

*See Attachment D*



Area B





Area C

## Comprehensive Plan Considerations

### Greenway & Wellness Mixed Use/Makers District

#### Character District Summary

Maximize use of industrial areas for maker space with a food and arts focus, create connective elements to the greenway, enhance gateway form and function.

#### Land Use Goal

Promoted as the southern gateway and maintain critical linkages between education, civic uses, surrounding neighborhoods and the remaining industrial uses in the Town.

#### Future Land Use Description – Light Industrial

- Incorporate previous uses envisioned for Light Industrial.

#### Existing Businesses

- 8 Industrial
- 1 Light Industrial/Retail
- 2 Assembly

*See Attachment D*

## Article 3 – Section 3-4.12.1

### Legislative Intent

It is the intent of this district to implement the Town's Comprehensive Plan by providing for a variety of **light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses** appropriately located for access by highways and providing a controlled environment within which signing is limited, uses are to be conducted generally within completely enclosed buildings, and a moderate amount of landscaping is required. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, **business and service uses are limited primarily to those which will be useful to employees in the district** and future residential uses are restricted. [emphasis added]

- Does the Intent statement conform to the district guidelines in the Comprehensive Plan?
- Does the stated Intent match the list of uses that are allowed?

# Assembly Uses in the Industrial District

Benchmark Communities – Assembly Uses in Industrial Districts							
Jurisdiction	Assembly Uses Allowed	Religious Assembly Allowed	Religious Assembly By-Right	Special Use Permit Required	Size Limitation	Occupancy Limitation	Notes
Town of Warrenton	Yes	No					Recreational Facilities, Conference Center, Club
Fauquier County	Yes	No					Recreational Facilities, Museum, Restaurant
Town of Culpeper	Yes	Yes	X				Restaurant, Dormitory, Wedding Chapel, Church
Town of Leesburg	Yes	Yes	X Existing Building Only	X			Church
City of Manassas	Yes	Yes		X		Less than 50/50 or More	Assembly, Cultural Facility, Church, Dancehall
Town of Vienna	No	No					
City of Charlottesville	Yes	Yes	X				Convent/Monastery, Theaters, Church, Recreational Facilities

- Should Assembly uses be allowed in the Industrial District?
- If so, what should the approval process be to ensure compliance with the Intent of the district and the guidelines in the Comprehensive Plan?

## Four General Options:

1. Add Churches as a Permitted Use (by-right) in Section 3-4.12.2.
2. Move all Assembly Uses, plus Churches, to Permissible Uses (with approval of a Special Use Permit by Town Council) in Section 3-4.12.3.
  - a. Different approval process depending on size of the use.
3. Remove Entirely all Assembly uses from the Industrial District.
4. Make No Changes.



## Section 3-4.12.2 Permitted Uses – By-Right

- 39 Total Uses
- By-Right Uses are approved Administratively by the Zoning Administrator – Site Development Plan, Zoning Permit
- **Assembly Uses Permitted:**
  - Active & Passive Recreation and Recreational Facilities
  - Cafeteria or Snack Bar for Employees
  - Conference Centers
  - Health & Fitness Facilities
  - Institutional Buildings
  - Motion Picture Studio
  - Private Club, Lodge, Meeting Hall, Labor Union, or Fraternal Organization or Sorority

### Option 1 – Add Churches to the list of Permitted Uses.

- Churches
- Other Assembly uses already allowed by-right that are similar to the activities normally associated with Churches, such as meetings and gatherings of groups of people for a specified reason or purpose.
- Requires no other changes to the Ordinance.
- Site Development Plan, Building & Zoning Permit approvals required to ensure the use meets all Ordinance requirements, such as access & parking, landscape buffering.

## Section 3-4.12.3 Permissible Uses – By Special Use Permit Approval

- 17 Total Uses
- Requires Legislative Approval by Public Hearing, followed by Administrative Approval
- **Assembly Uses Permissible:**
  - Restaurant or Cafeteria, Drive-Thru or Otherwise
  - Temporary Fair and Show Grounds

### **Option 2 – Move all Assembly Uses, plus Churches, to Permissible Uses.**

- Active & Passive Recreation and Recreational Facilities
- Cafeteria or Snack Bar for Employees
- Churches
- Conference Centers (*Holiday Inn, Alwyngton Manor, PATH*)
- Health & Fitness Facilities (*Old Town Athletic Club*)
- Institutional Buildings
- Motion Picture Studio
- Private Club, Lodge, Meeting Hall, Labor Union, or Fraternal Organization or Sorority
- Ensures all Assembly uses go through a public hearing process to verify that the specific user/applicant will be appropriate to the area.
- Some existing uses may become Non-Conforming or not be able to expand activities and services without approval of a Special Use Permit instead of an Administrative process.

## Section 3-4.12 Industrial District

### Purpose:

- *The intent is to provide for a variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses.*
- *In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district.*

### **Option 3 – Remove all Assembly Uses from the Industrial District.**

- Active & Passive Recreation and Recreational Facilities
- Cafeteria or Snack Bar for Employees
- Conference Centers (*Holiday Inn, Alwyngton Manor, PATH*)
- Health & Fitness Facilities (*Old Town Athletic Club*)
- Institutional Buildings
- Motion Picture Studio
- Private Club, Lodge, Meeting Hall, Labor Union, or Fraternal Organization or Sorority
- Restaurant or Cafeteria, Drive-Thru or Otherwise
- Temporary Fair and Show Grounds
- Some existing uses may become Non-Conforming and not be able to expand activities and services at all.

## **Option 4 – Make No Changes.**

- Not Recommended.
- Conflicts with RLUIPA – treats Churches differently from other, similar Assembly uses.

*Religious Land Use and Institutionalized Persons Act of 2000 - Prohibits any government from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.*



## Text Amendment Process:

- Text Amendment Initiated by Town Council – May 9, 2023
  - Joint PC/TC Work Session Requested – Scheduling Conflicts
- Planning Commission – 1<sup>st</sup> Work Session – August 21 2023
- Planning Commission – 2<sup>nd</sup> Work Session – September 19, 2023
  - Provide guidance and direction so that staff can prepare draft ordinance language for public hearing.
- Public Hearing – Planning Commission
  - Next Available Date: October 17, 2023
  - PC Recommendation to TC
  - 100 Day Clock (August 21, 2023 - November 29, 2023)
- Town Council
  - Work Session or Public Hearing – as directed
  - Final Decision on ordinance language

### Staff Requested Action for September 19, 2023:

- Provide guidance and direction for draft ordinance language.

## ➤ Discussion

## ➤ Guidance and Direction to Staff

- Options 1 – 4, Other
- Preferred Direction
- Additional Information

## ➤ Next Step

- Schedule a Public Hearing
- 100-day Time Limit for Recommendation
  - October 17<sup>th</sup> – potential 1<sup>st</sup> public hearing
  - November 29 – 100-day deadline for PC action
    - November 21 – Last scheduled meeting prior to 100 day limit



**Planning Commission Work Session**  
**ZOTA-23-2 - Assembly Uses in the Industrial District**  
**September 19, 2023**



# STAFF REPORT

<b>Planning Commission Meeting Date:</b>	October 17, 2023
<b>Agenda Title:</b>	ZOTA-23-1 Zoning Ordinance Text Amendment to Reduce the Setback Requirement for Telecommunication Towers in the PSP (Public Semi Public) Zoning District
<b>Requested Action:</b>	Hold a Work Session
<b>Department / Agency Lead:</b>	Community Development
<b>Staff Lead:</b>	Heather Jenkins, Zoning Administrator

## EXECUTIVE SUMMARY

Article 9, Section 9-18 *Telecommunications Facilities*, regulates the height, location and appearance of telecommunication towers within Town boundaries. Section 9-18.10 *Setbacks*, requires that all towers be set back a distance of at least one hundred (100) percent of the height of the tower from the boundaries of the property on which the tower is located.

Mr. James Downey, on behalf of his client Arcola Towers, LLC (the Applicant), is requesting that Ordinance Section 9-18.10 *Setbacks* be revised so that the setback requirement is reduced for telecommunication towers located in the Public-Semi-Public (PSP) District, so as to require less than 100 percent of the height of the tower to the property boundary. The specific site where Arcola Towers, LLC would like to establish a telecommunication tower is located within the dedicated right-of-way area at the intersection of the Eastern Bypass, US 17 Spur, East Lee Highway and Lee Highway. However, should a text amendment to Section 9-18.10 *Setbacks* be adopted by Town Council, the setback reduction would apply to all properties located within the PSP District.

## BACKGROUND

The Applicant is proposing to construct a 150-foot tall telecommunication tower on a parcel of land leased from the Virginia Department of Transportation (VDOT), within the Eastern Bypass U.S. Route 17 Spur. The proposed location for the tower, adjacent to an existing stormwater management facility that is maintained by VDOT, will not meet the required 100-percent setback requirement that is equal to the height of the 150-foot tower. A copy of the application documents have been included with this staff report as [Attachment A](#).

Telecommunication towers are allowed in all Zoning Districts as a Permissible Use that requires the approval of a Special Use Permit by Town Council following a public hearing before both the Planning Commission and Town Council. Zoning Ordinance Section 9-18 *Telecommunications Facilities* regulates towers that are constructed within the Town boundaries, and includes both minimum standards that all towers must meet, as well as factors that must be considered as a part of all Special Use Permits for towers. A copy of Section 9-18 of the Ordinance has been included with this staff report as [Attachment B](#).



Zoning Ordinance Section 9-18.10 *Setbacks* requires that a tower be located no closer to any property line than the full height of the tower. This fall zone ensures that a tower collapse will be completely contained within the property boundaries. The fall zone setback required by Section 9-18.10 cannot currently be waived or modified by Town Council as a part of the Special Use Permit process.

Local jurisdictions in the area differ in setback requirements for telecommunications facilities, as shown in the table below. Generally speaking, about half of local jurisdictions require a setback equal to the full height of the tower without the ability to reduce the setback; about half of jurisdictions surveyed allow for a setback that is less than the full height of the tower, most often with engineering certification provided to demonstrate the actual fall zone radius.

<b>Telecommunications Facilities – Setback Requirements</b> <i>Setback reduction allowed to less than the full height of the tower.</i>		
<b>Jurisdiction</b>	<b>Setback Reduction Allowed</b>	<b>Setback Requirements</b>
Fairfax City	Yes	Minimum setback equal to 110% of the tower height, except for monopoles certified by an engineer where the setback is reduced to the minimum setback for the district.
Fauquier County	Yes	Towers must be set back a distance equal to the height of the tower, except where the setback is reduced to no less than the fall zone as determined by an engineering design as a part of the legislative approval process.
Culpeper County	No	Towers must be designed to collapse within the lot lines.
Town of Culpeper	No	Towers must be set back at least the minimum setback for the district, and must be designed to fall within the boundaries of the property, except where a permanent easement is obtained from an adjoining property owner. No habitable structure shall be located within the fall zone.
Prince William County	No	Setback of twice the tower height for all property lines that abut residential or agricultural properties; minimum setback of 200 feet from all public streets, with an additional setback equal to the tower height for all towers over 200 feet in height. The tower must be designed to collapse within the property boundaries.
Rappahannock County	No	For any tower over 50 feet in height, a minimum setback equal to 110% of the tower height is required, and must be contained entirely within the subject property. Within the setback, the property owner may erect structures at their own risk.
Spotsylvania County	Yes	Towers must be set back from property lines at least the minimum setback for the district. A certified engineering statement must be provided to specify the tower design, including breakpoints.
Loudoun County	Yes	Public towers must be set back equal to the height of the tower. Commercial monopoles and towers must be set back 1 foot for every 5 feet of tower height.

The Applicant has requested that the proposed text amendment apply solely to those properties that are located within the Public-Semi-Public Institutional District. The Ordinance describes the intent of this district in Section 3-4.9.1 *Legislative Intent* as:

*This district is intended to provide for major public, semi-public, and institutional uses, to facilitate future growth of such uses within the district in accordance with the objectives, policies and proposals of the Comprehensive Plan, including the encouragement of convenient and safe nearby residential neighborhoods, and to provide evidence on the Zoning Map of the nature of land use planned for this district.*

Ordinance Section 3-4.9 includes a list of *Permitted Uses* (by-right) and *Permissible Uses* (by special use permit upon approval of the Town Council) that are allowable in the PSP district. The listed uses include child care centers, community buildings, nursing homes, parks, governmental buildings, hospitals, schools and treatment plants; a full list of Permitted and Permissible uses is included as [Attachment C](#).

The Comprehensive Plan, Plan Warrenton 2020, includes both Public/Semi-Public Non-Intensive and Public/Semi-Public Intensive as designations on the Future Land Use Map. The Comprehensive Plan describes Public/Semi-Public Uses as land and facilities owned by Town Council, The Fauquier County Board of Supervisors, the Fauquier County School Board, the Commonwealth of Virginia or the Fauquier Hospital, and generally planned for school, library, government, recreation, and health facility uses and expansions, to include municipal parking lots, court buildings, public parks and the cemetery.

The Town currently contains 499.24 acres of land zoned to the PSP district; of this total area, there are 86 parcels consisting of 405.13 acres of tax parcel land. The majority of parcels currently zoned to the PSP district are developed with structures or uses, with some limited area for future expansion. A map showing the location of tax parcels zoned to the PSP district has been included with this staff report as [Attachment D](#). Given that the text amendment proposed by the Applicant will apply to all PSP-zoned land within the Town, a setback reduction to less than the total height of the tower has the potential to affect all PSP-zoned parcels and land, as well as the improvements located therein.

## AGENCY REVIEW

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The specific location where the Applicant desires to construct a telecommunications tower is located on dedicated right-of-way associated with the U.S. Route 17 Spur, owned by VDOT. VDOT has reviewed the proposed tower, and approved a location adjacent to an existing stormwater management facility. The location as approved by VDOT will not allow the proposed 150-foot tall telecommunications tower to meet the setback as required by Ordinance Section 9-18.10 – *Setbacks*. A map showing the tower location approved by VDOT overlain on aerial imagery data is included as [Attachment E](#).

The requested text amendment as well as the drawings depicting the specific location where the Applicant desires to construct a telecommunications facility was provided for review to both the Town of Warrenton Public Works Department and to the VDOT Warrenton Residency Office. Responses as provided from both agencies have been included with this staff report as [Attachment F](#).

Responses provided the local VDOT office and the Town Public Works Department are advisory in nature, and will apply to future approvals should this text amendment be adopted by Town Council. Should the text amendment be adopted, the telecommunications facility will be required to obtain the approval of a Special Use Permit from Town Council per Ordinance Section 3-4.9.3 *Permissible Uses* and the standards found in Section 9-18 *Telecommunications Facilities*, followed by approval of a Site Development Plan per Ordinance Article 10 *Site Development Plans*, and Building, Zoning and Land Disturbing Permits.

## STAFF RECOMMENDATION

---

Staff is requesting that the Commission hold a work session to discuss the proposed text amendment and the information provided by the Applicant. Per Section 11-3.9.7 *Planning Commission Review*, the planning commission must make a recommendation to Town Council within 100 days following the first work session, which falls on Thursday, January 25, 2024.

### **Service Level / Policy Impact**

None

### **Fiscal Impact**

A fiscal impact analysis has not been conducted.

### **Legal Impact**

Any amendment to the setback requirement found in Section 9-18.10 will apply to all properties within the Town, unless specifically restricted to the PSP District as a part of the amended ordinance language.

A reduction in the required setback to property boundaries to less than 100-percent of the tower height may impact neighboring properties and roadways that are located within the 100-percent setback area.

## ATTACHMENTS

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1. Attachment A: Application Documents
2. Attachment B: Zoning Ordinance Section 9-18 Telecommunications Facilities
3. Attachment C: Ordinance Section 3-4.9 – Permitted and Permissible Uses
4. Attachment D: Location Map - PSP-Zoned Tax Parcels
5. Attachment E: Plan Showing Tower Location Overlain on GIS Aerial Imagery
6. Attachment F: Agency Review Comments – VDOT & Public Works



James P. Downey, P.C.  
Attorney and Counselor At Law

May 24, 2023

Rob Walton  
Director of Community Development  
Town of Warrenton  
21 Main Street  
Warrenton, Virginia 20186

Re: Arcola Towers, LLC; cell tower approval

Dear Mr. Walton:

I hereby apply for a text amendment to the Town ordinance to change the setback limits for telecommunications towers ("cell towers") in the PSP District.

A letter of justification and proposed text are attached, together with exhibits. While the proposal would affect a specific parcel, which is identified in these materials, the proposal would apply to all PSP-zoned parcels in the Town.

Very truly yours,

A handwritten signature in blue ink that reads 'James P. Downey'. The signature is fluid and cursive, with a large loop at the end of the 'y'.

James P. Downey

Enclosures

cc: Jonathan L. Yates, Esq.  
Hon. Heather D. Sutphin  
JPD/cmh





James P. Downey, P.C.  
Attorney and Counselor At Law

May 24, 2023

Rob Walton  
Director of Community Development  
Town of Warrenton  
21 Main Street  
Warrenton, Virginia 20186

Re: Letter of Justification

Dear Mr. Walton:

This letter of justification is submitted in support of the proposed ordinance amendment submitted herewith on behalf of Arcola Towers, LLC, for reduction of the setback requirement for telecommunications towers in the PSP zoning district.

This proposed amendment arises from a proposal for construction of a 150-foot telecommunications tower on a parcel of land leased from the Virginia Department of Transportation boundary shown on the enclosed plat and diagram. This site is within the cloverleaf of highways known as the Bypass on the Northeast side of Town, in an area that will allow for expanded cellular coverage.

The existing setback rules would require setbacks of 150' from the property boundary. A setback requirement of 100% of the height of the tower is unduly restrictive and would prevent construction of the tower on the subject parcel. The site is not large enough to accommodate such a depth of setback. Construction and design technology that will be applied to the construction of this tower will ensure that in the rare instance of the tower falling, the certified fall zone would be sufficient protection against any segment of the tower falling outside the property boundary lines.

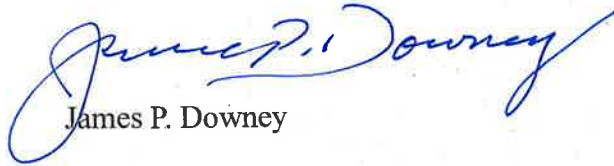
Engineering and construction standards and experience demonstrate that it is not necessary to have a setback of 150' for a tower of that height. A sample of the kind of letter that can be supplied, to demonstrate a certified fall zone as the satisfactory setback, is attached.

Reduction of the setback to coincide with the actual fall zone radius would be consistent with the public health, safety and welfare and would be reasonably related to the valid objective of protecting the public from the hazards of a fall of the telecommunications tower in this location.

Rob Walton  
Director of Community Development  
May 24, 2023  
Page Two

The proposed text amendment would allow construction of the telecommunications tower in the PSP zone to a height to conform with the certified fall zone distance.

Very truly yours,



James P. Downey

Enclosures  
JPD/cmh



# ARCOLA TOWERS VDOT WARRENTON RT 17 NORTH RAMP WARRENTON, VA 20187



## MONOPOLE 150'

6100 Executive Blvd., Suite 430  
Rockville, MD 20853  
PHONE: (301)468-0860

SUBTOTALS		
DATE	DESCRIPTION	REV
08-02-22	CONCEPT PLAN REVIEW	
08-08-22	CONCEPT PLAN REVIEW	
10-20-22	CONCEPT PLAN REVIEW	
10-20-22	ARCOLA TOWERS COMMENTS	

SCALE:



PROJECT NO:	1164 014
DESIGNER:	M.A.
DRAWN:	M.M.

SCALE: SCALE AS NOTED

**ARCOLA TOWERS SITE  
VDOT WARRENTON  
RT 17 NORTH RAMP  
WARRENTON, VA 20187**

TITLE: **TITLE SHEET**

SHEET NUMBER: **T-1**

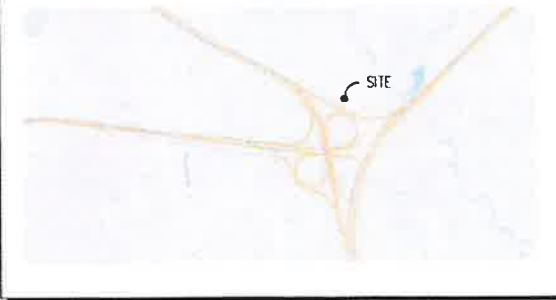
### GENERAL NOTES

- THE CONTRACTOR SHALL OBEY ALL NOTICES AND ORDERS WITH ALL STATE, COMMONWEALTH, LOCAL, FEDERAL AND FEDERAL AGENCIES AND ALL FEDERAL, STATE AND LOCAL REGULATIONS AND ORDINANCES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS WHICH MAY BE REQUIRED FOR THE PROJECT.
- THE CONTRACTOR SHALL MAINTAIN NECESSARY PROVISIONS TO PROTECT EXISTING IMPROVEMENTS, EASEMENTS, PAVING, CURBS, ETC. DURING CONSTRUCTION. UPON COMPLETION OF WORK, THE CONTRACTOR SHALL REPAIR ANY DAMAGE THAT MAY HAVE OCCURRED DUE TO CONSTRUCTION OR AS NOTED BY THE PROPERTY.
- THE CONTRACTOR SHALL KEEP THE GENERAL WORK AREA CLEAN AND HAZARD FREE DURING CONSTRUCTION AND OPPOSE OF ALL DIRT, CURBS, ALLEYS AND REMOVE EQUIPMENT AND MATERIALS AS REMOVED ON THE PROPERTY. PROMISES SHALL BE LEFT IN CLEAN CONDITION AND FREE FROM HAZARD, SPILLS, DIRT, OR OBSTACLES OF ANY NATURE.
- THE CONTRACTOR SHALL COMPLY WITH ALL OSHA REQUIREMENTS AS THEY APPLY TO THIS PROJECT.
- THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER WHEN A CONFLICT OCCURS ON ANY OF THE CONTRACT DOCUMENTS. THE CONTRACTOR IS NOT TO ORDER MATERIAL OR CONSTRUCT ANY PORTION OF THE WORK THAT IS IN CONFLICT WITH THE CONTRACT DOCUMENTS.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS, PROPERTY LINES, ETC. IN THE PROJECT.

### BUILDING CODE

2018 INTERNATIONAL BUILDING CODE  
 REFERENCED:  
 2017 NATIONAL ELECTRIC CODE WITH LOCAL AMENDMENTS  
 2018 INTERNATIONAL MECHANICAL CODE  
 2018 INTERNATIONAL STRUCTURAL CODES FOR STEEL BUILDING SUPERSTRUCTURES AND FOUNDATIONS

### VICINITY MAP



### SHEET INDEX

- T-1 TITLE SHEET
- L-1 SITE PLAN
- L-2 PARTIAL SITE PLAN
- L-3 COMPOUND PLAN
- L-4 MONOPOLE ELEVATION

### PROJECT DESCRIPTION

- SCOPE OF WORK:
- INSTALL DESIGN AND SIGNAGE CONTROLS.
  - CLEAR AND GRADE SITE TO FINAL SURFACE ELEVATION.
  - INSTALL MONOPOLE FOUNDATION AND USE HIGH WIND-RESISTANT.
  - INSTALL FOUNDATION FRAME AND EQUIPMENT.
  - INSTALL FOUNDATION, WALKWAY, CURB, SIDE, SILENT WINDWAY.
  - INSTALL ELECTRICAL AND TELEPHONE CONDUIT AND HAND HOLES.
  - INSTALL FENCE AND SITE IMPROVEMENTS.
  - INSTALL ASSET PROTECTION BARRIERS AND EQUIPMENT SHELTER AND GENERATOR.

### PROJECT INFORMATION

PROPERTY OWNER: COMMONWEALTH OF VIRGINIA  
 1221 E BROAD ST  
 ARLINGTON, VA 22202

APPLICANT: ARCOLA TOWERS  
 116 N WASHINGTON ST, 6TH FLOOR  
 ROCKVILLE, VA 20850  
 (301) 468-0860

LOCATION: 30° 45' 43.81" N  
 LONGITUDE: 77° 46' 53.71" W  
 JURISDICTION: TOWN OF WARRENTON  
 PERMITS: N/A  
 CURRENT ZONING: PSP  
 USE: COMMERCIAL  
 PROPOSED USE: COMMERCIAL/UTILITY

### SYMBOLS AND ABBREVIATIONS

ADJ	ADJUSTABLE	MECH	MECHANICAL	SPOT	SPOT ELEVATION
APPR	APPROXIMATE	MFG	MANUFACTURER	CON	CONCRETE
CA	CABINET	MR	MATERIAL	F	FLUTE
CLS	CLUMP	NC	NOT IN CONTRACT	DN	DOWN
CLG	CLUBHOUSE	NS	NOT TO SCALE	DN	DOWN
CON	CONCRETE	OC	ON CENTER	DN	DOWN
CON1	CONTRACTOR	OP	OPPOSITE	DN	DOWN
CJ	CONSTRUCTION JUMP	OPP	OPPOSITE	DN	DOWN
DI	DIMENSION	OP	OPPOSITE	DN	DOWN
DR	DRAINAGE	OP	OPPOSITE	DN	DOWN
EQ	EQUIPMENT	OP	OPPOSITE	DN	DOWN
EQ1	EQUIPMENT	OP	OPPOSITE	DN	DOWN
EQ2	EQUIPMENT	OP	OPPOSITE	DN	DOWN
EQ3	EQUIPMENT	OP	OPPOSITE	DN	DOWN
EQ4	EQUIPMENT	OP	OPPOSITE	DN	DOWN
EQ5	EQUIPMENT	OP	OPPOSITE	DN	DOWN
EQ6	EQUIPMENT	OP	OPPOSITE	DN	DOWN
EQ7	EQUIPMENT	OP	OPPOSITE	DN	DOWN
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EQ96	EQUIPMENT	OP	OPPOSITE	DN	DOWN
EQ97	EQUIPMENT	OP	OPPOSITE	DN	DOWN
EQ98	EQUIPMENT	OP	OPPOSITE	DN	DOWN
EQ99	EQUIPMENT	OP	OPPOSITE	DN	DOWN
EQ100	EQUIPMENT	OP	OPPOSITE	DN	DOWN





VICINITY MAP  
SCALE: 1"=1000'  
TRUE NORTH

CONCEPT PLAN NOTES

- 1) SITE NAME: ARCOLA TOWERS SITE, VDOT WARRENTON RT 17 NORTH RAMP
- 2) THIS IS NOT A BOUNDARY SURVEY AND IS NOT TO BE USED FOR THE TRANSFER OF PROPERTY.
- 3) THE SUBJECT PARCEL INFORMATION:  
OWNER: COMMONWEALTH OF VIRGINIA  
PROPERTY ADDRESS: RT 17 NORTH RAMP WARRENTON, VA 20187  
JURISDICTION: TOWN OF WARRENTON  
PAR: N/A  
ZONING: PSP
- 4) THE LOCATION OF THE PROPOSED MONOPOLE IS AS FOLLOWS. THE VALUES LISTED BELOW ARE WITHIN ±50' HORIZONTAL AND ±20' VERTICAL.  
LATITUDE: 39 38' 43.81" (GOOGLE EARTH)  
LONGITUDE: 126 77' 46.13 79" (GOOGLE EARTH)  
ELEVATION: 4446' AT BASE (GOOGLE EARTH)

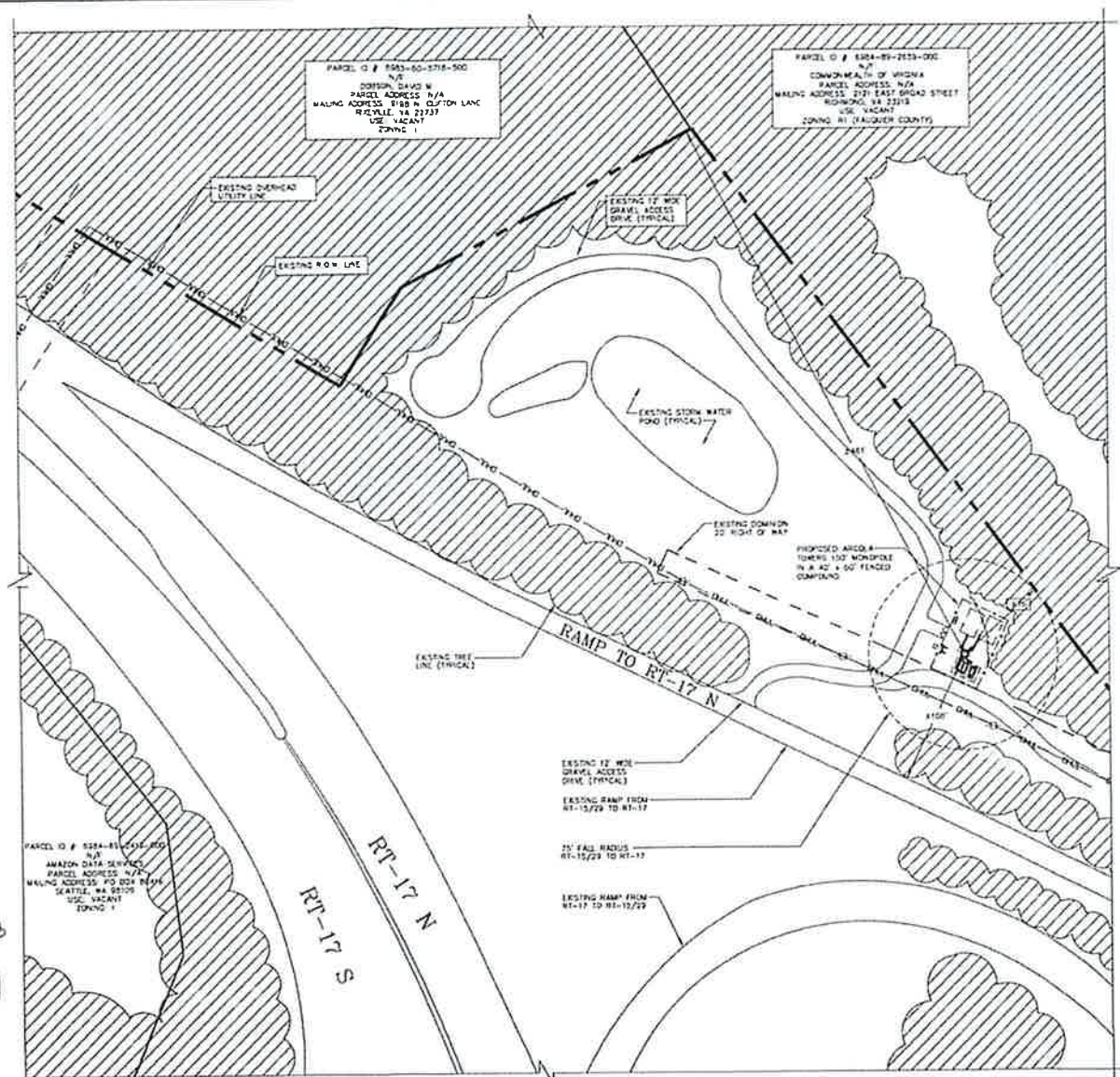
LEGEND

- FOUND PROPERTY CORNER
- △ BENCH MARKS
- ⊕ UTILITY POLE
- SIGN
- LIGHT POLE
- TELEPHONE PEDESTAL
- PERMANENT TREE - DECIDUOUS

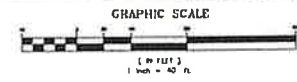
LINE TYPES

- PROPERTY LINE
- RIGHT OF WAY BOUNDARY
- - - EDGE OF ASPHALT
- - - EDGE OF CONCRETE
- - - FENCE LINE - CHAIN
- - - TREE OR VEGETATION LINE

MONOPOLE BE TOWER		
	HEIGHT	DIAMETER
HIGH YARD (NORTHWEST)	N/A	N/A
MID YARD (NORTHWEST)	N/A	N/A
LOW YARD (NORTHWEST)	N/A	N/A
LOW YARD (SOUTHWEST)	N/A	N/A
LOW YARD (SOUTHWEST)	N/A	N/A
CLOSEST POLE	N/A	11.142
CLOSEST ROAD	N/A	11.20



SITE PLAN  
SCALE: 1"=10'



**entrex**  
communications services, Inc.  
8100 Executive Blvd., Suite 432  
Rockville, MD 20852  
PHONE: (301)463-0660

SUBMITTALS

DATE	DESCRIPTION	REV
08-01-22	CONCEPT PLAN REVIEW	
08-08-22	CONCEPT PLAN REVIEW	
10-25-22	CONCEPT PLAN REVIEW	
10-25-22	ARCOLA TOWERS COMMENTS	

SCALE:



PROJECT NO: 1164-014

DESIGNER	M.A.
ENGINEER	M.M.

SCALE: SCALE AS NOTED

ARCOLA TOWERS SITE  
VDOT WARRENTON  
RT 17 NORTH RAMP  
WARRENTON, VA 20187

TITLE: SITE PLAN

SHEET NUMBER: L-1





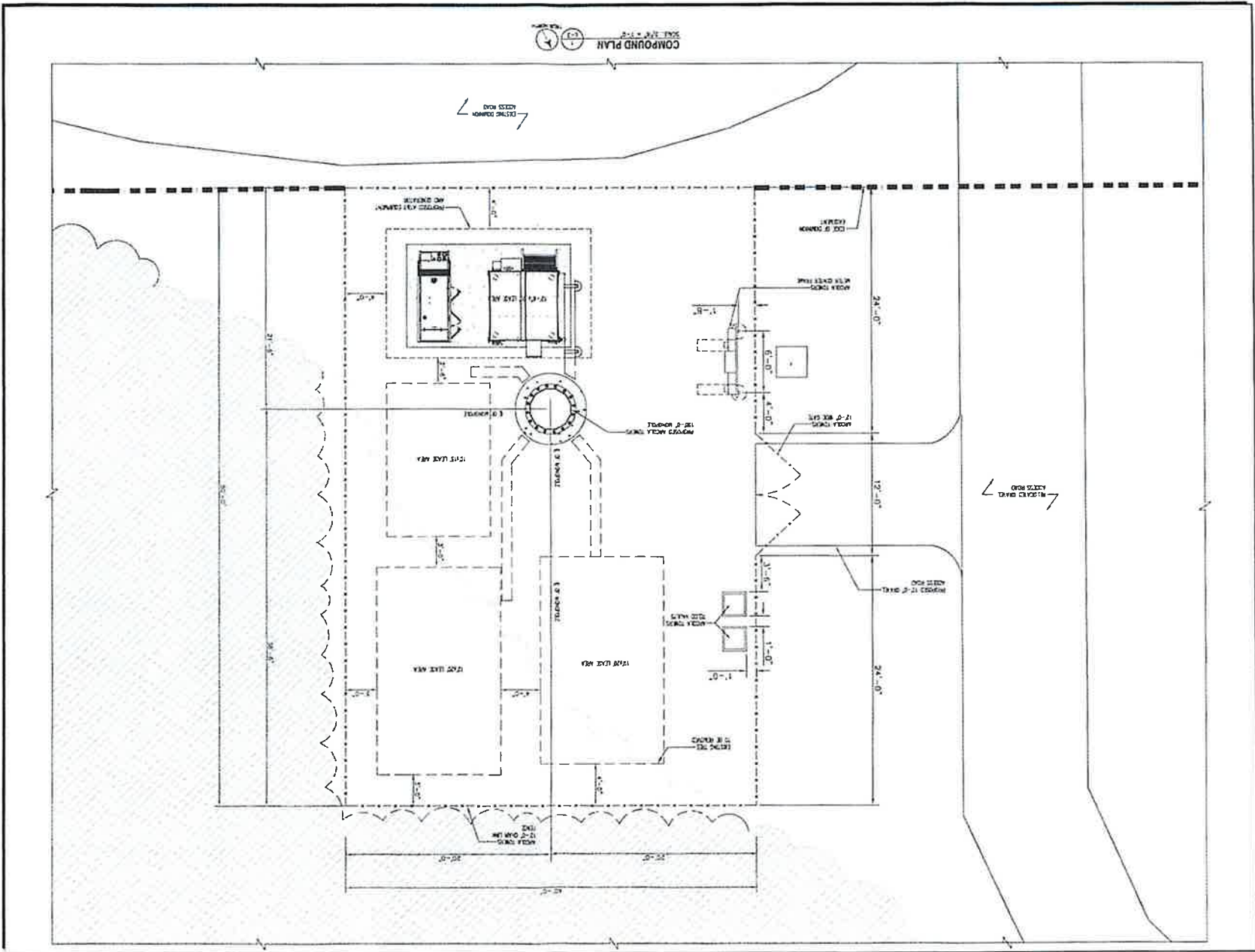
PROJECT NO: 1164214  
 DESIGNED BY: C.S.  
 DRAWN BY: N.M.  
 SCALE: AS NOTED  
 ARCOLA TOWERS SITE  
 VDOT WARRENTON  
 RT 17 NORTH RAMP  
 WARRENTON, VA 20187  
 DATE: 11/15/17  
 SHEET NUMBER: L-3



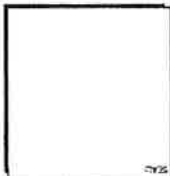
SUBMITTALS

DATE	DESCRIPTION
11-15-17	CONCEPT PLAN REVIEW
11-22-17	CONCEPT PLAN REVIEW
11-29-17	CONCEPT PLAN REVIEW
12-06-17	FINAL DESIGN REVIEW

**entrex**  
 COMMUNICATIONS SERVICES, INC.  
 4100 EXECUTIVE BLVD., SUITE 410  
 ROCKFORD, IL 60087  
 PHONE: (815) 398-0960



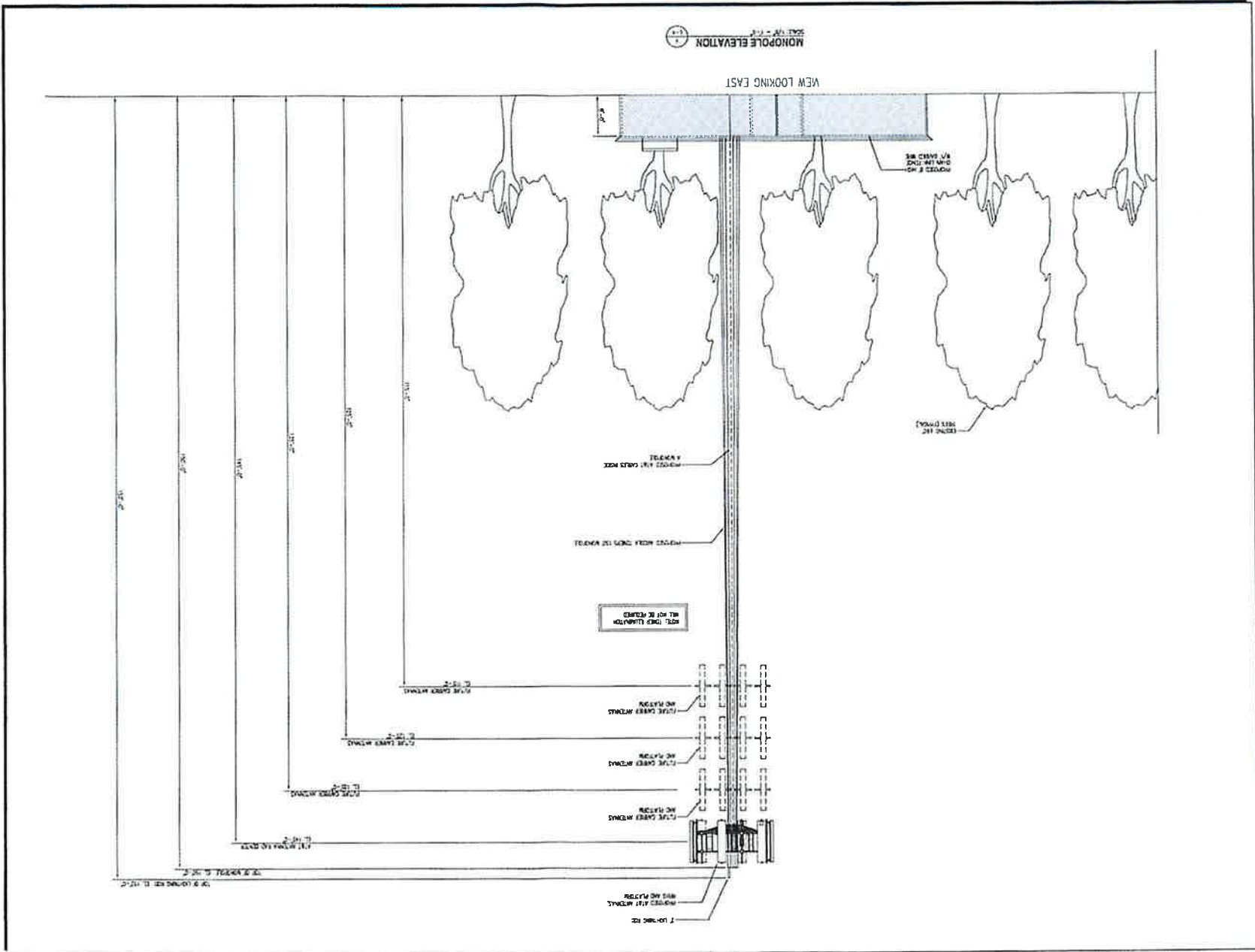
PROJECT NO: 1164-014  
 DISCIPLINE: M.A.  
 DRAWING: M.A.  
 SCALE: AS NOTED  
 ARCOLA TOWERS SITE  
 VDOT WARRENTON  
 RT 17 NORTH RAMP  
 WARRENTON, VA 20187



SUBMITTALS

DATE	DESCRIPTION
11-22-11	CONCEPT PLAN REVIEW
11-22-11	CONCEPT PLAN REVIEW
11-22-11	CONCEPT PLAN REVIEW
11-22-11	CONCEPT PLAN REVIEW

**entrex**  
 COMMUNICATIONS AND NETWORKS  
 8100 BURNING BUSH DRIVE, SUITE 100  
 ROANOKE, VA 24060  
 PHONE: (540) 444-2880



Viewer  





## Town of Warrenton Zoning Ordinance

### 9-18 Telecommunications Facilities

#### 9-18.1. Use Regulations for Telecommunications Towers.

The purpose of these provisions is to establish requirements for the siting of towers and antennas and to: (i) avoid the location of towers in residential areas and minimize the total number of towers and tower sites throughout the Town; (ii) encourage the joint use of new and existing tower sites; (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (iv) encourage users of towers and antennas to configure or camouflage them in a way that minimizes adverse visual impact of the towers and antennas; and (v) determine adequate sites for the provision of telecommunication services with minimal negative impact on the resources of the Town.

#### 9-18.2. Applicability.

- 9-18.2.1. District location and height limitations. The requirements set forth in this section shall govern the location and height of all telecommunications towers and antennas within the Town. All towers or antennas shall also comply with applicable Federal and State regulations. Amateur radio towers and antennas shall be regulated by the Town under existing State law and applicable Town regulations.
- 9-18.2.2. Existing structures and towers. The placement of an antenna on an existing structure such as a building, sign, light pole, water tank, or other free-standing nonresidential structure or existing municipal, utility or commercially owned tower or pole may be permitted with the approval of a special use permit so long as the height of the tower or structure is not increased and the addition of the antenna shall not add more than fifteen (15) feet in height to the structure or tower. If the use includes the placement of additional buildings or supporting equipment used in connection with the antennas, the building or equipment shall be placed within the existing structure and shall be screened from view. Existing or proposed structures shall not be altered to circumvent this provision.

#### 9-18.3. General requirements.

- 9-18.3.1. Principal or accessory use. Antennas and towers may be considered either principal or accessory uses when determining area requirements on a given parcel of land. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, and other applicable requirements, the dimensions of the entire lot shall control, even though the

antennas or towers may be located on leased areas within such lots.

- 9-18.3.2. Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing and potential future facilities that are either within the Town or surrounding jurisdictions or within five (5) miles of the border thereof, including specific information about the location, height, and design of each tower and/or antenna. Information submitted to the Town may be shared with other applicants applying for approvals or special exception permits under this provision or other entities seeking to locate towers or antennas within the Town. By sharing such information, the Zoning Administrator is not in any way representing or warranting that such sites are available or suitable for tower or antenna use.
- 9-18.3.3. A Commission Permit in accord with Section 15.2-2232 of the Code of Virginia is required for any tower or antenna prior to or in conjunction with any Special Use Permit approvals, if any, that may be required by the district regulations of this Ordinance.

**9-18.4. Appearance; lighting.**

The guidelines set forth in this section shall govern the appearance, location and installation of all towers and antennas governed by this Ordinance.

- 9-18.4.1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of FAA, be painted a neutral color, to reduce visual appearance and obtrusiveness and to blend in with the surrounding environment. Dish antennas and covers will be of a neutral, nonreflective color with no logos or other markings.
- 9-18.4.2. At a facility site, the design of any buildings and related structures must use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and the surrounding environment.
- 9-18.4.3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is the same as the color of the supporting structure so as to make the antenna and related equipment visually unobtrusive and blend with the surrounding environment.
- 9-18.4.4. Towers shall not be artificially lighted, unless required by the FAA or other applicable governing authority. If lighting is required, the Town Council may review the available lighting alternatives in conjunction with a Special Use Permit application and approve the lighting design that would cause the least disturbance to the surrounding views and properties.
- 9-18.4.5. No advertising of any type may be placed on a tower or accompanying facility unless it is part of retrofitting a pre-existing, lawful sign structure.

**9-18.5. Federal and state requirements.**

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal or state governments with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this division shall bring such towers and antennas into compliance with such revised standards as required. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. All towers and antennas constructed on property owned or leased by the federal or state government but used by non-governmental, commercial companies or operators, must comply with all requirements of the Town Zoning Ordinance.

**9-18.6. Building Codes.**

To ensure the structural and operating integrity of antennas and towers, the owner of an antenna or tower shall ensure that it, and any supporting buildings and structures, are constructed and maintained in compliance with standards contained in applicable federal, state and local buildings codes and regulations.

**9-18.7. Information Required.**

Each applicant requesting a special use permit under this section shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals in the Commonwealth of Virginia, showing the location and dimensions of all improvements, including information concerning topography, existing vegetation, proposed clearing and grading, radio frequency coverage, tower height and antenna location requirements, setbacks, ingress/egress, parking, fencing, landscaping, adjacent uses, and other information deemed by the Town Planning Commission or Town Staff to be necessary to assess compliance with this division. Additionally the applicant shall provide actual photographs of the site from designated relevant views that include a simulated photographic image of the proposed tower and antennas. The photograph with the simulated image shall include the foreground, the mid-ground and the background of the site.

9-18.7.1. An engineering report, certifying that the proposed antenna or tower is compatible for co-location when more than one user is proposed for the same tower, must be submitted by the applicant.

9-18.7.2. The applicant shall pay all costs associated with notifying adjoining property owners and other nearby residents by certified letter concerning the project prior to public hearings before the Planning Commission and/or, on appeal, the Town Council.

- 9-18.7.3. The applicant shall provide copies of its co-location policy. The applicant shall provide copies of propagation maps using proposed antenna tilt demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary to serve the intended area.
- 9-18.7.4 The applicant shall provide a report and drawings identifying its coverage area within the Town and surrounding 10-mile area.

**9-18.8. Factors to be Considered in Granting Special Use Permits for New Towers and Antennas**

The Town Council shall consider the following factors, in addition to others herein, in determining whether to approve a Special Use Permit:

- 9-18.8.1. Height of the proposed tower: No tower shall ever exceed 199 feet.
- 9-18.8.2. Proximity of the tower or pole to residential structures and residential district boundaries, historic structures and districts, or other manmade or unique natural areas within or adjacent to the Town
- 9-18.8.3. Nature of the adjacent uses and nearby properties.
- 9-18.8.4. Surrounding topography.
- 9-18.8.5. Impact on surrounding tree coverage and foliage. Impacts shall be kept to the minimum for the installation of the facility.
- 9-18.8.6. Design of tower or pole, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- 9-18.8.7. Proposed ingress and egress.
- 9-18.8.8. Compliance with the Town's co-location policy.
- 9-18.8.9. Consistency with the Comprehensive Plan and the purposes of the zoning district of the facility and areas from which the antenna or tower will be visible.
- 9-18.8.10. Availability of suitable existing towers and other structures as provided for in Section 9-18.9 herein.

The Council may waive or modify one (1) or more of these criteria if the Council concludes that the goals of this Ordinance are better served by the facility as it is proposed by the applicant.

**9-18.9. Availability of Suitable Existing Towers or Other Structures.**

Co-location is the preferred solution to the need for additional antennas. No new tower shall be permitted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence to be considered in determining whether existing towers or structures cannot accommodate the applicant's proposed antenna include the following:



- 9-18.9.1. No existing towers or structures are located within the geographic area required to meet applicant's engineering and coverage requirements under the Telecommunications Act (TCA).
- 9-18.9.2. Existing towers or structures are not of sufficient height to meet applicant's engineering and coverage requirements under the Telecommunications Act (TCA).
- 9-18.9.3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment and cannot be made or reconstructed to support additional antennas.
- 9-18.9.4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing tower or structures would cause interference with the applicant's proposed antenna.

A written statement of justification with supporting documentation is required from any applicant claiming that no existing facility can accommodate its antenna. The Town Council may use its own staff, it's own consultants or other independent authorities to review and verify information submitted by the applicant.

**9-18.10. Setbacks.**

Towers shall be set back a distance of at least one hundred (100) percent of the height of the tower from the boundaries of the property on which the tower is located.

**9-18.11. Security fencing.**

Towers shall be enclosed by security fencing not less than six (6) feet in height and shall be equipped with an anti-climbing device.

**9-18.12. Landscaping.**

The following requirements shall govern the landscaping surrounding towers.

- 9-18.12.1. Tower facilities shall be landscaped with a mix of deciduous and evergreen trees that effectively screens the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip of at least ten (10) feet wide outside the perimeter of the facility compound.
- 9-18.12.2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

**9-18.13. Removal of abandoned antennas and towers.**

Any antenna or tower that is not operated for a continuous period of two (2) years shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Zoning Administrator notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings.

If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the Town may require the landowner to have it removed.

## Town of Warrenton Zoning Ordinance

### 3-4.9 PSP Public-Semi-Public Institutional District

#### 3-4.9.1. Legislative Intent

This district is intended to provide for major public, semi-public, and institutional uses, to facilitate future growth of such uses within the district in accordance with the objectives, policies, and proposals of the Comprehensive Plan, including the encouragement of convenient and safe nearby residential neighborhoods, and to provide evidence on the Zoning map of the nature of land use planned for this district.

#### 3-4.9.2. Permitted Uses (by-right)

- Accessory buildings and uses, including dwellings accessory to a permitted use
- Cemeteries
- Child care center, day care center, or nursery school
- Churches
- Community buildings
- Fairgrounds, showgrounds, or exhibition center
- Family care homes, foster homes, or group homes
- Hospitals, nursing homes, and clinics
- Institutional uses
- Offices for business or professional use
- Off-street parking for permitted uses subject to Article 7
- Open space subject to Article 9
- Parks and playgrounds
- Public or governmental buildings
- Rescue squad or volunteer fire company
- Schools
- Senior citizen center
- Signs subject to Article 6
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Yard sale or other special sale or event conducted on the premises of and for the benefit of a permitted use in the district

#### 3-4.9.3. Permissible Uses (by special use permit upon approval of the Town Council)

- Emergency housing
- Gift Shops
- Health and Fitness Facilities
- Museums
- Single Family Dwellings
- Visitor Centers
- Active and passive recreation and recreational facilities.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

**3-4.9.4. Lot and Yard Regulations**

Use	Minimum	Minimum	Maximum	Minimum Setbacks		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Front	Side	Rear
All Permitted and Permissible Uses	6,000	60 ft.	65%	25 ft.	15 ft.	35 ft.

**3-4.9.5. Building Regulations**

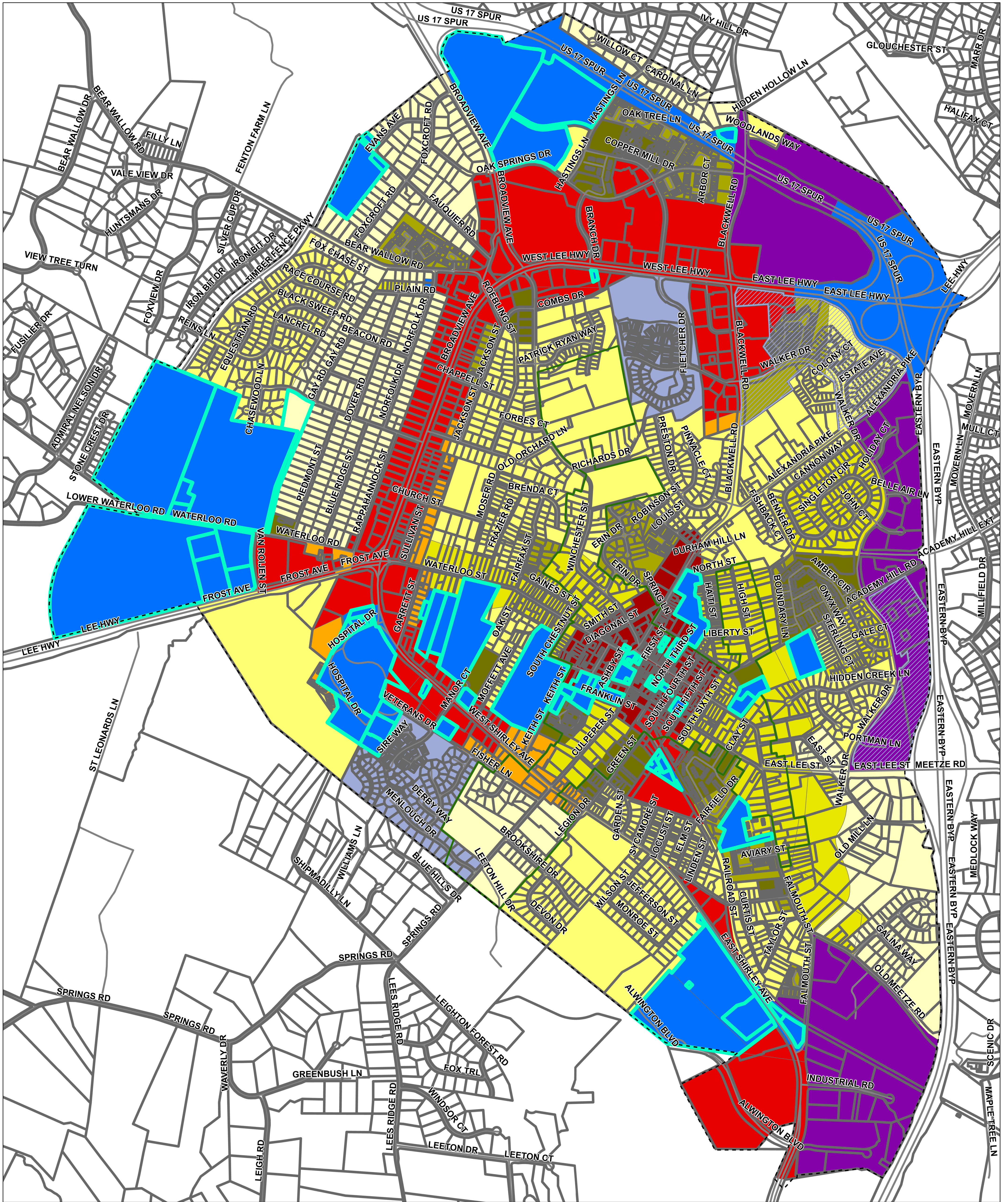
Use	Maximum Height*
All buildings	35 feet
Accessory buildings	Within 20 feet of any lot line shall not exceed 15 feet in height. All accessory buildings shall be less than the main building in height.

\*A public or institutional building or church may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.





# TOWN OF WARRENTON Zoning District PSP Parcels



**Legend**

- Town of Warrenton Boundary
- Roads
- ▭ Tax Parcel
- ▭ PSP Parcels
- ▭ Historic District Overlay
- ▭ IPUD Overlay

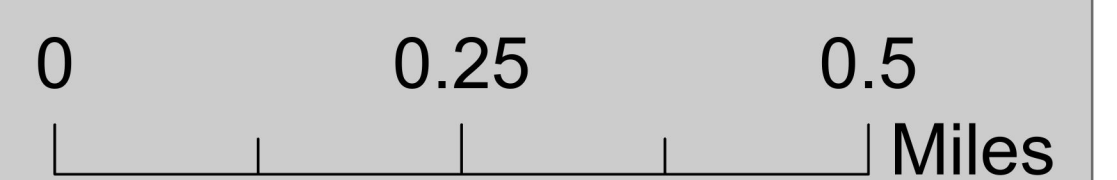
**Zoning District**

- ▭ R-15
- ▭ R-10
- ▭ R-6
- ▭ RT
- ▭ RMF

- ▭ RO
- ▭ PSP
- ▭ C
- ▭ CBD
- ▭ I
- ▭ PUD

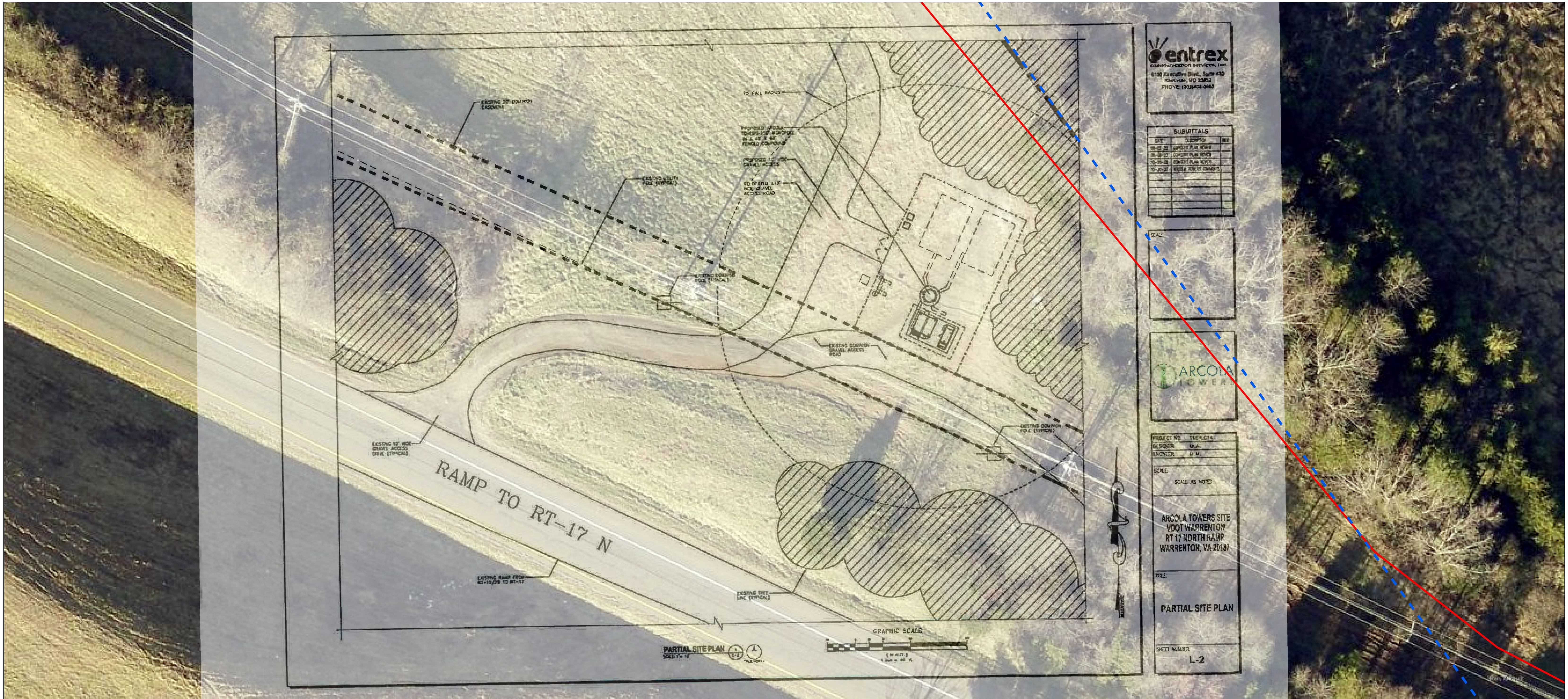


October 3, 2023  
Sources: Town of Warrenton & Fauquier County





# TOWN OF WARRENTON ARCOLA Cell Towers Plat Page 3



**entrex**  
 communication services, inc.  
 6150 Executive Blvd., Suite 430  
 Rockville, MD 20853  
 PHONE: (301)408-0860

SUBMITTALS		
DATE	DESCRIPTION	REV
06-05-23	SCHEMATIC REVIEW	
06-09-23	SCHEMATIC REVIEW	
06-29-23	SCHEMATIC REVIEW	
07-20-23	ARCOLA TOWERS SCHEMATIC	

SCALE



PROJECT NO: 18E-014  
 DESIGNER: M.A.  
 ENGINEER: D.M.  
 SCALE: SCALE AS NOTED

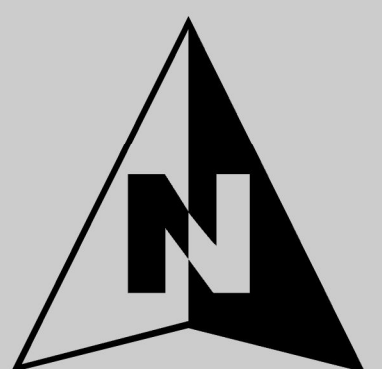
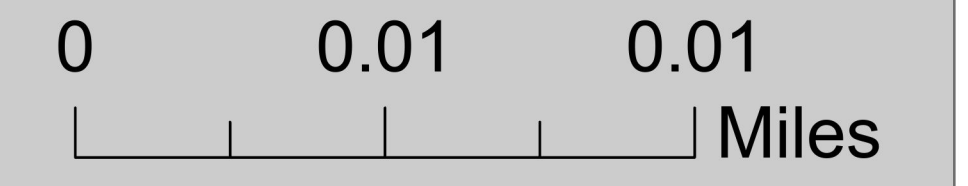
ARCOLA TOWERS SITE  
 YDOT WARRENTON  
 RT 17 NORTH RAMP  
 WARRENTON, VA 20181

TITLE:  
**PARTIAL SITE PLAN**

SHEET NUMBER:  
**L-2**

**Legend**  
 - - - - Town of Warrenton Boundary  
 [Red Box] Tax Parcel

July 21, 2023  
 Source: Town of Warrenton & Fauquier County





# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

457 East Shirley Avenue  
Warrenton, Virginia 20186

Stephen C. Brich, P.E.  
Commissioner

Date: September 22, 2022

To: Gregory Primeau – Site-AC, Inc.

cc: Randy Norris, VDOT, Travis Estes, VDOT, Denise Harris, Town of Warrenton

Re: **Initial Feasibility Inquiry-Locality Approval-New Cellular Monopole Tower**

Dear Mr. Primeau:

The above referenced Plan of Development (POD) prepared by Piedmont Land Consulting LLC with a Cover Sheet date of June 22, 2022 and received by VDOT date of August 18, 2022 has been reviewed.

General:

1. Based on the site visit conducted by the Culpeper District Staff, location #1 and #2 per the attached sketch are not recommended based on their location to the existing storm water facility that is located on the proposed site. (VDOT)
2. Future maintenance of the principal spillway pipe (excavation and/or replacement) would be complicated by a tower site at location #1 and #2. (VDOT)
3. Location #3 per the attached sketch is VDOT's preferred location. This location appears to be within Limited Access Right of Way and would require VDOT's Chief Engineer approval. (VDOT)
4. It will be the responsibility of the permittee to demonstrate that the proposed Monopole Tower will not adversely impact VDOT ROW and the existing Stormwater facility.
5. A VDOT LUP-SUWSS (Single-Use Permit – Wireless Support Structure) will be required along with all the supporting information and payment/surety. (VDOT)
6. The structure will have to have a third-party inspector in place to inspect the structure and its construction. (VDOT)
7. If the cell tower will be operated by a private entity, the Town will review the project (Commission Permit, Special Use Permit, Site Plan, Building Permit, and Land Disturbing permit if required). The applicant should review Section 9-18 of the Town's Zoning Ordinance regarding the regulations that apply to the tower. Staff doesn't feel the tower meets the setback requirements stated in Section 9-18.10. (Town of Warrenton)
8. If the tower is used for a public purpose (i.e. emergency communications), then the tower is exempt from the Town's review. (Town of Warrenton).

VDOT did not receive any comments from Fauquier County.

Please contact me at 540-229-1164 or [craig.simpson@vdot.virginia.gov](mailto:craig.simpson@vdot.virginia.gov) if there are any questions or concerns.

Sincerely,

Craig Simpson, P.E.  
Area Land Use Engineer  
Warrenton Residency

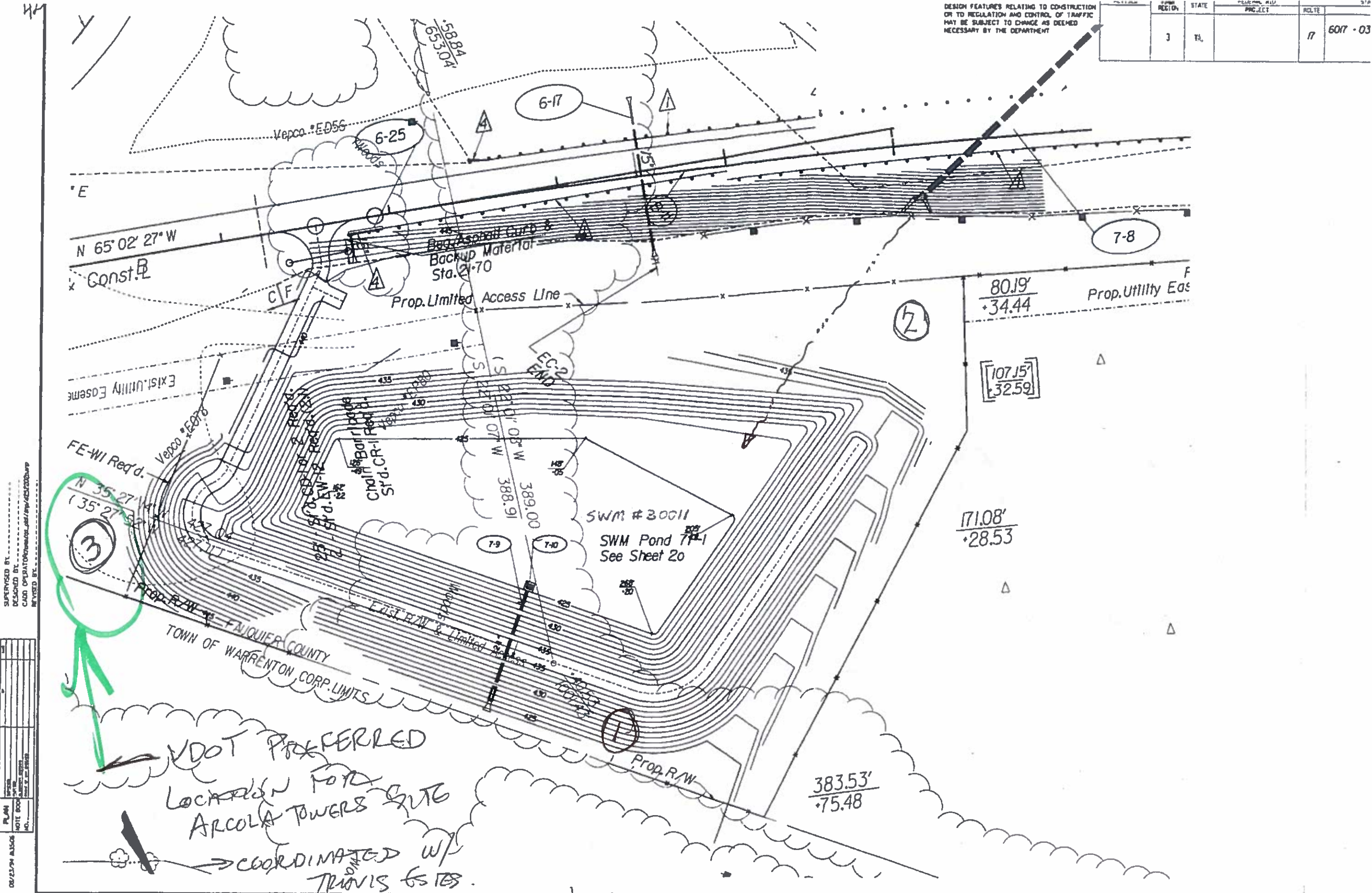


DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT

REGION	STATE	PROJECT	ROUTE
3	VA.		17

6017-03

Item 5.



SUPERVISED BY: [Name]  
 DESIGNED BY: [Name]  
 CHECKED BY: [Name]  
 REVISIONS BY: [Name]

NO.	DATE	DESCRIPTION
1		
2		
3		

06/23/04 ALUSOS

John 8/17/22



**Land Use Permit  
LUP-SUWSS**

**Single-Use Permit - Wireless Support Structure**

June 28, 2019

The installation of wireless support structures and associated facilities on highway right-of-way is authorized under Section [24VAC30-151-350](#) of the Land Use Permit Regulations.

**Applicant Agreement for Land Use Permit Issuance**

I the undersigned hereby acknowledge that I am fully cognizant of and, in my individual capacity and as a duly authorized representative of the entity applying for this permit, agree to all of the following requirements associated with the issuance of a single use permit authorizing the installation and maintenance of a wireless support structure and associated facilities located within state maintained right-of-way:

Type or Print Clearly

Name of Applicant: \_\_\_\_\_

Applicant's Tax ID No.: \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Primary Telephone No.: ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_ 24-Hour Telephone No.: ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

Fax No.: ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Name of Agent/contractor: \_\_\_\_\_

Agent/Contractor Tax ID No.: \_\_\_\_\_

Agent's Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Primary Telephone No.: ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_ 24-Hour Telephone No.: ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

Fax No.: ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Work Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Locality: \_\_\_\_\_

Route Name & Number: \_\_\_\_\_

Nearest Intersecting Route (Name and Number): \_\_\_\_\_

Coordinates: Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

Name of Applicant's Duly Authorized Representative: \_\_\_\_\_

Representative's Title: \_\_\_\_\_

Representative's Signature: \_\_\_\_\_

Name of Agent's/Contractor's Duly Authorized Representative: \_\_\_\_\_

Agent's Title: \_\_\_\_\_

Agent's Signature: \_\_\_\_\_

**VDOT Land Use Permit Required by Law**

The General Rules and Regulations of the Commonwealth Transportation Board provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Written permission is granted for the above-referenced activity through the issuance of a land use permit.

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the Permittee is solely responsible for determining all entities that may have a property interest of any kind or nature in the right-of-way and for obtaining permission from all such entities for the Permittee's use of the right-of-way and shall be solely liable for any failure to obtain from any and all entities having a property interest in the right-of-way.

The Permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of [24VAC30-151](#). Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in [§33.2-210](#) of the Code of Virginia.

**Application Requirements**

Application for a land use permit authorizing the installation, maintenance, and operation of wireless support structures located within state maintained right-of-way shall be made through the local residency permit office where the activity is to take place.

The permit application shall include plan/sketches showing distances from edge of pavement, existing and proposed right-of-way line, depths below and above existing and proposed grades, depths below ditch line or underground drainage structures, or other relevant features. Any existing utilities within close proximity of the applicant's work shall be shown. Location of poles, guys, pedestals, relief valves, vent pipes, etc. shall be shown. Height of wires or cables above the crown of the roadway shall also be shown.

Additionally, a Radio Frequency Emissions Compliance Report; an Intermodulation Study showing no expected impact with existing Commonwealth of Virginia, toll agency, Departments of Energy and Homeland Security, and locality equipment (if within radius of impact of such equipment); and a Structural Evaluation (including design of the support structure, all connections and splices, foundation design, and any boring logs) consistent with the



building code showing that the wireless facilities can be safely located on the support structure shall also be provided. These documents shall be stamped and sealed by an engineer licensed to practice in Virginia in accordance with regulations issued by the Virginia Department of Professional and Occupational Regulation.

The applicant shall provide a notarized affidavit certifying compliance with the registration and notification requirements outlined in § 2.2-1151.1 of the Code of Virginia, a work area protection plan (if necessary), and approval from the locality (if appropriate).

**Contact Information**

A list of counties with their corresponding VDOT district offices and contact information may be obtained at <http://www.virginiadot.org/about/districts.asp>. Contact information for residency offices is available at [http://www.virginiadot.org/about\\_vdot/residencies.asp](http://www.virginiadot.org/about_vdot/residencies.asp).

**Permit Term and Fees**

- 1. The land use permit term is 10 years, with three 5 year extensions, but may be terminated earlier for cause or by mutual agreement.
- 2. The land use permit application shall include payment in the amount of \$110.00 for processing the request.
- 3. The amount of the annual wireless support structure public rights-of-way use fee shall be (check height that applies and insert square footage, if applicable):
  - 1. \$270 for any wireless support structure at or below 50 feet in height with a small cell installation;
  - 2. \$1,000 for any other wireless support structure at or below 50 feet in height;
  - 3. \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height;
  - 4. \$5,000 for any wireless support structure above 120 feet in height; and
  - \_\_\_sqft 5. \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground.

(If the fee limiting provision of the FCC Declaratory Action of September 26, 2018, is overturned then the annual fees set out in §56-484.32 shall apply to structures at or below 50 feet with small cell installations.)

No later than June 30 of each year, the wireless services provider or wireless infrastructure provider shall remit directly to the Virginia Department of Transportation the public rights-of-way use fees for wireless support structures for any site which has a current permit.

Wireless Support Structure Use Fees paid by check or money order shall be drawn payable to the Treasurer of Virginia and shall be submitted to:

VDOT Office of Land Use  
1401 East Broad Street  
Richmond, Virginia 23219

A summary of the recurring structure inspection reports for each support structure permit that is covered by the submitted amount shall be provided by the permittee to the Department concurrently with the annual payment. Additionally, the emergency (24/7) contact phone number for the permittee’s poles and towers shall be sent concurrently with the annual payment as verification that the posted numbers have not changed.

The annual fees shall be adjusted every five (5) years based upon the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor. Upon the quinquennial adjustment, VDOT shall notify the permittee of the new user fee for the upcoming fiscal year.

### **Surety Requirement**

A surety in the amount of ten-thousand dollars (\$10,000.00) per structure is required to ensure that the right-of-way is restored in the event that work on the wireless structure is started but not completed or the right-of way is damaged. This surety may be in the form of cash or check, a LUP-SB surety bond, or an LUP-LC irrevocable letter of credit bank agreement.

Upon completion of construction, a continuous surety for the Permittee's structures must be provided or held by VDOT in the amount of ten-thousand dollars (\$10,000.00) per county, and is intended to ensure that the right-of-way is restored in the event of limited facility failure. The continuous surety may be in the form of cash, check or [LUP-SB](#) surety bond.

### **Cash Surety Refund**

Applicants owing the Internal Revenue Service or the Commonwealth of Virginia may not receive a refund of the cash surety provided for the issuance of a VDOT land use permit unless the amount owed is less than the amount of cash surety provided. Applicants providing cash surety for the issuance of a VDOT land use permit must provide an executed copy of the Commonwealth of Virginia's Substitute Form [W9-COV](#) to receive a refund of the cash surety provided for the issuance of a VDOT land use permit.

### **Insurance Requirements**

The Permittee or their agent shall secure and maintain Commercial General Liability (CGL) insurance, per form ISO CGL 00 01 or equivalent, to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a land use permit and from the operation of the permitted activity with a policy limit of one million dollars (\$ 1,000,000) each occurrence to protect the Board members and the Department's agents or employees. Permittee shall include Board members and the Department's agents or employees as additional insureds with respect to the required CGL insurance, which must be obtained prior to start of the permitted work and shall remain valid through the permit completion date. VDOT staff may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

### **General Requirements**

- 1) Permittee acceptance and use of a Virginia Department of Transportation (VDOT) land use permit is prima facie evidence that the permittee has read, is fully cognizant of, and agrees to all required permit provisions, applicable traffic control plans and associated construction standards to be employed. All applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board, members of the Board, the Commonwealth, and all Commonwealth employees, agents, and officers, from responsibility, damage, or liability arising out of claims, suits, demands, or causes of action as a result of the permit process, granted permit, construction, erection of wireless facilities, location, performance, operation, maintenance, repair, installation, replacement, removal, unintended consequences, or restoration of the wireless facility in the public right-of-way, and any other privileges granted in such permit to the extent allowed by law including any sums ordered to be paid or expended by VDOT by any governmental entity as a fine, penalty or damages for any violation of any applicable environmental law, or to remediate any hazardous or other material, including illicit discharge into VDOT maintained storm sewer systems.
- 2) The Permittee shall obtain all necessary federal, state, and local approvals, licenses, certificates, and permits (including building permits) prior to beginning construction at the requested site.
- 3) The Permittee or their agent shall adhere to the terms and conditions as stipulated in the permit assembly without exception. Any deviation may result in the temporary revocation of the land use permit for a term not less than 30 days.
- 4) The issuance of a single use permit is in no way to be inferred as a conveyance of any interest in real estate property or facilities owned in whole or part by the Virginia Department of Transportation.
- 5) The communications structure and associated facilities shall meet all applicable building code requirements of all appropriate governmental authorities.

- 6) The Permittee or their agent must contact (800) 552-7001 to have any/all existing underground utilities located prior to commencing with any excavation within state maintained rights-of-way.
- 7) The Permittee or their agent should immediately contact the nearest local residency permit office with any interpretive questions or if the permittee, their agent, and/or permittee's facility or equipment is involved in a crash at the work site.
- 8) The Permittee or their agent shall provide notification, including permit number, locality name, route number, latitude/longitude coordinates, and approximate construction dates, to the local residency permit office prior to initiating activities at the site and immediately after concluding activities at the site.
- 9) The single-use permit issued for the original installation allows the wireless services provider or wireless infrastructure provider to repair, replace, or perform routine maintenance operations to wireless cell facilities/tower located within non-limited access state maintained right-of-way without impeding traffic more than 15 minutes. A separate land use permit is required each time the wireless services or infrastructure provider desires to repair, replace, or perform routine maintenance operations on such facilities within limited access right-of-way, if site access is from the limited access highway. Application for routine maintenance operations on limited access right-of-way shall be through the submission of a [LUP-A](#) along with appropriate supplemental documents describing the work.
- 10) A copy of the VDOT land use permit shall be maintained at the work site and made readily available for inspection when requested by authorized VDOT personnel.
- 11) The Permittee or their agent must contact the VDOT Customer Service Center at 1-800-367-7623 a minimum of 48 hours prior to initiating any planned excavation within 1,000 feet of a signalized intersection and/or near VDOT ITS infrastructure. Excavation activities may proceed only after the VDOT regional utility location agent has notified the Permittee that the utility marking has been completed. Additional information can be found at:

[http://www.virginiadot.org/business/resources/IIM/TE-383\\_Request\\_for\\_Marking\\_VDOT\\_Utility\\_Location.pdf](http://www.virginiadot.org/business/resources/IIM/TE-383_Request_for_Marking_VDOT_Utility_Location.pdf)

Alternately, within all localities in the Northern Virginia Construction District, including the Counties of Arlington, Fairfax, Loudoun & Prince William, the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park, and the Towns of Clifton, Dumfries, Hamilton, Haymarket, Herndon, Hillsboro, Leesburg, Lovettsville, Middleburg, Occoquan, Purcellville, Quantico, Round Hill and Vienna, and on Interstate 95 in the counties of Stafford, Spotsylvania and Caroline, the permittee may request VDOT regional utility marking at:

<http://www.vdotutilitymarking.virginia.gov>

Failure to carry out this requirement may result in permit revocation.

- 12) Within the limits of a VDOT construction project it is the responsibility of the permit applicant to obtain the contractor's consent in writing prior to permit issuance. Information regarding current and/or planned VDOT construction and maintenance activities can be obtained at: <http://www.virginiaroads.org/>.
- 13) Wireless cell facilities or related equipment installed over a sidewalk shall provide at least 7 feet clearance or, if installed over a road, at least 18 feet clearance (21 feet in limited access right of way), measured vertically from the bottom of the wireless cell facility or equipment to the crown (or a line extended horizontally from the crown) of the paved surface.
- 14) Wireless cell facilities or related ground equipment shall be installed outside the clear zone.
- 15) Any and all highway signs, right-of-way markers, etc., disturbed as a result of work performed under the auspices of a land use permit shall be accurately reset by the Permittee immediately following the work in the vicinity of the disturbed facility. The services of a certified land surveyor with experience in route surveying may be required.
- 16) A permanent tag, label, or sign in accordance with FCC and OSHA guidance shall be attached to, or adjacent to, each installation and shall include:



- a. A readily visible identifying alphanumeric code;
- b. Maximum operating voltage and maximum radio frequency;
- c. RF exposure warning;
- d. 24 hours a day/7 days a week emergency contact phone number.

The Permittee shall update the tag, label, or sign within 10 business days of any changes.

- 17) The Permittee shall make provisions for lowering RF or turning off service while Department officers, agents, employees, volunteers, contractors, or permittees are performing work within the vicinity of the wireless equipment. The Department will give the Permittee three calendar days' notice if wireless radio frequency exposure must be reduced or power turned off due to planned, non-emergency work by VDOT around the structure. In the event of an emergency or unscheduled work, the Department will call the emergency contact phone number on the tag/label/sign to notify the Permittee of any action taken.
- 18) If any FCC, State, or other governmental license or any other governmental approval to provide communication services is ever revoked to the Permittee or any site permitted or authorized by the Department, the Permittee shall inform the Department of the revocation within 30 days of receiving notice of such revocation and provide a timeline for removal of the wireless facilities or transfer of ownership to a licensed successor who shall assume all obligations and responsibilities of the Permittee.
- 19) The Permittee shall provide VDOT with a copy of the "as built" plans in an electronic format acceptable to VDOT.
- 20) The [LUP-GWG](#) provides guidance for the permit application process, design submittal, installation requirements, and associated VDOT review of the wireless equipment facilities to be located within the Department's right-of-way.

#### **Traffic Control & Safety**

- 1) The Permittee shall at all time give strict attention to the safety and rights of the traveling public and all other persons on the right-of-way. Any permit may be suspended when in the opinion of the local residency permit office, the safety, use, or maintenance of the highway so requires.
- 2) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specifications, Special Provision 105.14, all activities performed under the auspices of a VDOT Land Use Permit involving the installation, maintenance and removal of work zone traffic control devices must have an individual on-site who, at a minimum, is accredited by VDOT in Basic Work Zone Traffic Control. The accredited person must have their VDOT Work Zone Traffic Control accreditation card in their possession.
- 3) The individual accredited in Basic Work Zone Traffic Control is responsible for the placement, maintenance and removal of work zone traffic control devices within the project limits in compliance with the permit requirements and conditions, the approved plans and specifications, the Virginia Work Area Protection Manual, and the Manual of Uniform Traffic Control Devices.
- 4) A person accredited by VDOT in Intermediate Work Zone Traffic Control must be on-site to provide supervision for adjustment to the approved layout or implementation of any standard Typical Traffic Control (TTC) layouts outlined in the Virginia Work Area Protection Manual.
- 5) All traffic control plans shall be prepared by a person accredited by VDOT in Advanced Work Zone Traffic Control.
- 6) Individuals responsible for implementation of work zone traffic control measures shall provide evidence of their accreditation upon request from VDOT personnel.
- 7) The permittee shall be exempt from the requirements of Virginia Department of Transportation (VDOT) Road and Bridge Specifications, Special Provision 105.14 if the authorized activity does not involve the installation, maintenance and removal of work zone traffic control devices and is not within the roadway (as defined in 24VAC30-151) of a state maintained highway.
- 8) Non-compliance with the requirements outlined in VDOT Road and Bridge Specifications, Special Provision 105.14 may result in a stop work order and / or permit suspension.

- 9) All activities that require the disruption (stoppage) of traffic shall utilize VDOT certified flaggers or other VDOT-approved traffic control. Flaggers shall be provided in sufficient number and locations as necessary for control and protection of vehicular and pedestrian traffic in accordance with the Virginia Work Area Protection Manual. All flaggers must have their certification card in their possession when performing flagging operations within state maintained right-of-way. Any flaggers found not in possession of their certification card shall be removed from the work site and the local residency permit office will suspend all permitted activities.
- 10) Any VDOT certified flagger found to be performing their duties improperly shall have their certification revoked.
- 11) The Permittee shall immediately correct any situation that may arise as a result of these activities that the local residency permit office deems hazardous to the traveling public, including, but not limited to, removing, relocating, or adjusting the power of permitted facilities if such facilities impact the operation of government traffic equipment or systems.
- 12) During authorized activities, the permittee shall furnish all necessary signs, flaggers, and other devices to provide for the protection of traffic and workers in accordance with the Virginia Work Area Protection Manual or as directed by the local residency permit office.
- 13) All signs shall be in accordance with the current edition of the Manual of Uniform Traffic Control Devices (MUTCD) and the Virginia Supplement to the MUTCD.
- 14) Traffic shall not be blocked or detoured without permission, documented in writing or electronic communication, being granted by the local residency permit office.
- 15) If directed by the district, requests for the implementation of temporary lane closures must be entered into the VDOT Lane Closure Advisory Management System (LCAMS) and VaTraffic a minimum of one (1) week prior to the planned execution of lane closure activities on state maintained highways. The permittee or their contractor(s) may enter their requests directly or provide written requests to the VDOT Regional Operations Center as follows:
- Lane closure requests in all the counties listed below are within the Northern Region and shall be sent to: [nrolaneclousurerequests@vdot.virginia.gov](mailto:nrolaneclousurerequests@vdot.virginia.gov)  
Counties: Arlington, Fairfax, Loudoun, Prince William, Spotsylvania, Stafford
  - Lane closure requests in all the counties listed below are within the Northwest Region and shall be sent to: [StauntonTrafficManagementCenter@vdot.virginia.gov](mailto:StauntonTrafficManagementCenter@vdot.virginia.gov)  
Counties: Albemarle, Alleghany, Augusta, Bath, Clarke, Culpeper, Fauquier, Fluvanna, Frederick, Greene, Highland, Louisa, Madison, Orange Page, Rappahannock, Rockbridge, Rockingham, Shenandoah, Warren
  - Lane closure requests in all the counties listed below are within the Southwest Region and shall be sent to: [SalemSmartTrafficCenter@VDOT.Virginia.gov](mailto:SalemSmartTrafficCenter@VDOT.Virginia.gov)  
Counties: Amherst, Appomattox, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Craig, Cumberland, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Lee, Montgomery, Nelson, Patrick, Pittsylvania Prince Edward, Pulaski, Roanoke, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe
  - Lane closure requests in all the counties listed below are within the Eastern Region and shall be sent to: [HamptonRoadsTOCControllers@VDOT.Virginia.gov](mailto:HamptonRoadsTOCControllers@VDOT.Virginia.gov)  
Counties: Accomack, Greensville, Isle of Wight, James City, Northampton, Southampton, Surry, Sussex, York
  - Lane closure requests in all the counties listed below are within the Central Region and shall be sent to: [RichmondDist.SmartTraffic@vdot.virginia.gov](mailto:RichmondDist.SmartTraffic@vdot.virginia.gov)  
Counties: Amelia, Brunswick, Caroline, Charles City, Chesterfield, Dinwiddie, Essex, Gloucester, Goochland, Hanover, Henrico, King and Queen, King George, King William, Lancaster, Lunenburg,

Mathews, Mecklenburg, Middlesex, New Kent, Northumberland, Nottoway, Powhatan, Prince George, Richmond, Westmoreland

Written requests for implementation of temporary lane closures must be submitted to the appropriate VDOT Regional Operations Center by close of business on the preceding Wednesday for the upcoming week's planned lane closures. All requests being directly input into LCAMS and VaTraffic must be entered no later than 2:00 pm on the preceding Thursday for the upcoming week's lane closure activities. Any conflicts with other roadway work must be resolved by close of business on Thursday the week prior to the scheduled lane closure activities with documented resolution sent to the VDOT point of contact provided by the regional traffic operation center LCAMS Administrator. Any requests received after these time limitations will not be approved and the proposed work within VDOT right of way requiring lane closures must be rescheduled.

Lane closure requestors wanting direct access to LCAMS and VaTraffic must complete [ITD-35E](#) & [ITD-36E](#) forms and return to Ms. Carlene McWhirt at [Carlene.McWhirt@VDOT.Virginia.gov](mailto:Carlene.McWhirt@VDOT.Virginia.gov). Online training is available for LCAMS and VaTraffic and VDOT can accommodate any additional training needs. Please contact Ms. McWhirt at (571) 350-2078 to schedule training.

### **Environmental**

- 1) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specification 107.16 (a), all contractors performing regulated land disturbing activities within VDOT right-of-way must have at least one (1) employee that has successfully completed the VDOT Erosion & Sediment Control Contractor Certification training. This person shall be on site during all land disturbance activities and will be responsible for insuring compliance with all applicable local, state and federal erosion and sediment control regulations during land disturbance activities. This person must have their certification card with them while on the project site. The land use permit will be suspended if proof of certification cannot be provided. Regulated land disturbing activities are defined as those activities that disturb greater than 2,500 square feet in locally designated Chesapeake Bay Preservation Areas in counties, cities and towns defined as "Tidewater Virginia" in the Chesapeake Bay Preservation Act (62.1-44.15:68, Code of Virginia) or 10,000 square feet or greater in all other areas of the State. The Department will require evidence of this certification with any Land Use Permit application that involves possible land disturbance. Improper installation, maintenance and removal of erosion and sediment control devices may result in revocation of VDOT Erosion & Sediment Control Contractor Certification.
- 2) The Permittee is responsible for pursuing and obtaining any and all environmental permits which may be required to pursue the proposed activity prior to any work beginning within state maintained right-of-way.
- 3) In the event hazardous materials or underground storage tanks are encountered within state maintained right-of-way during authorized activities, the Permittee shall suspend all work immediately then notify the local residency permit office and other responsible parties, i.e., the local fire department, emergency services, Department of Environmental Quality, etc. The Permittee is responsible for coordination and completion of all required remediation necessary to complete the permitted activities within the state maintained right-of-way, and shall provide evidence of such compliance to the local residency permit office prior to recommencement of permitted activities.
- 4) In the event cultural resources, archaeological, paleontological, and/or rare minerals are encountered within the right of way during authorized activities, the Permittee shall suspend all work immediately then notify the local residency permit office and the proper state authority charged with the responsibility for investigation and evaluation of such finds. The Permittee will meet all necessary requirements for resolving any conflicts prior to continuing with the proposed activities within the state maintained right-of-way, and shall provide evidence of such compliance to the local residency permit office.
- 5) Roadway drainage shall not be blocked or diverted. The shoulders, ditches, roadside, drainage facilities and pavement shall be kept in an operable condition satisfactory to the Department. Necessary precautions shall be taken by the Permittee to insure against siltation of adjacent properties, streams, etc., in accordance with



VDOT's current standards or as prescribed by the Department's Environmental Manual and the local residency permit office.

### **Inspection of the Work**

All activities authorized under the auspices of a VDOT land use permit may be subject to inspection by authorized VDOT personnel or contractors. When warranted, any/all reasonable costs associated with said inspections shall be borne by the Permittee.

### **Recurring Inspection**

The wireless support structure shall be inspected to determine its structural condition by the permittee at least once every four years, or more frequently if necessary based upon structure type and condition, to ensure public safety. Such inspection shall be by or under the supervision of an engineer licensed to practice in Virginia. A report setting out the results of the inspection shall be stamped and signed by the engineer in accordance with regulations issued by the Virginia Department of Professional and Occupational Regulation, and the report shall be retained by the permittee for the duration of the permit. The report(s) shall be provided to the Department within two weeks of the submission of a request. A summary of the most recent inspection shall be submitted by the permittee concurrently with the annual payment. The summary shall include:

- Structure permit number
- Date of most recent inspection
- Name of engineer who conducted or supervised the inspection
- Short, general description of the structure's condition and any major deficiencies found
- A minimum of two photographs (one showing the overall structure and the other a close-up elevation view), with additional photos of deficiencies if deficiencies are detected.

### **Emergency Repair**

In the event of an emergency situation that requires immediate action to protect persons or property, work may proceed within the right-of-way without authorization from the local residency permit office; however, the wireless service provider or wireless infrastructure provider must contact the VDOT Emergency Operations Center as soon as reasonably possible but no later than 48 hours after the end of the emergency situation.

### **Permittee Notice**

The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the Permittee without consultation with the central office permit manager and affirmation from the [Land Use Permit Regulations](#).

### **Termination or Relocation**

This permit may be terminated by VDOT or a relocation required in accordance with [§56-484.30](#) of the Code of Virginia. VDOT shall provide at least 180 days' notice of termination or relocation required as a consequence of a construction project, upon termination of the permit, the Permittee shall have 30 days to remove the wireless support structure and associated facilities and restore the right-of-way to its pre-permit condition.

## Heather Jenkins

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**From:** Paul Bernard  
**Sent:** Thursday, July 6, 2023 4:33 PM  
**To:** Denise Harris; Heather Jenkins; Amber Heflin  
**Cc:** Rob Walton; Grainne Mazon-Shafer; Dina Hermoso  
**Subject:** RE: RE: ZTOA-23-1 - Arcola Towers, LLC; Cell tower - APPLICATION - for a Text Amendment to the TOW Ordinance to change setback limits for ("cell towers") in the PSP District.  
**Attachments:** ZOTA-23-1 - Plat - location.pdf; ZOTA-23-1 - Letter of Justification.pdf

Denise/ Heather,

Although I can't read the details or words on the attached drawings, I have no real issues with this application from Public Works & Utilities perspective.

I understand that they have issues with the setback related to the potential fall zone of the proposed Tower. First, I believe this communications tower can be designed and constructed so the fall zone would be less than the 150-foot tower height. Secondly, the setback from the road access ramp appears to be around 100 feet. And all the property near this is State property.

The only other comment I have at this time is that if they do improvements on more than 10,000 square feet, they will need to incorporate Stormwater Management into their design. Since this property was set aside for SWM and Erosion Control for the interchange, this should not be a major problem.

Sincerely,

Paul A. Bernard, P.E.  
 Town Engineer  
 Town of Warrenton  
 540-347-1101; Ext 244

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**From:** Grainne Mazon-Shafer <gmazonshafer@warrentonva.gov>  
**Sent:** Wednesday, June 7, 2023 4:28 PM  
**To:** Denise Harris <dharris@warrentonva.gov>; Paul Bernard <pbernard@warrentonva.gov>; Heather Jenkins <hjenkins@warrentonva.gov>; Amber Heflin <aheflin@warrentonva.gov>; kevin.swain@warrentonfire.org  
**Cc:** Rob Walton <rwalton@warrentonva.gov>  
**Subject:** RE: ZTOA-23-1 - Arcola Towers, LLC; Cell tower - APPLICATION - for a Text Amendment to the TOW Ordinance to change setback limits for ("cell towers") in the PSP District.  
**Importance:** High

Good afternoon,

Please find attached [ZTOA-23-1- Arcola Towers, LLC; Cell tower - APPLICATION - for a Text Amendment to the TOW Ordinance to change setback limits for \("cell towers"\) in the PSP District.](#)

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There is only 1 hardcopy so please review the attachments and the link below.

Comments are due to Ms. Heather Jenkins by [6/29/2023](#).

[LINK](#)

Have a nice day!

Very Respectfully,

**Gràinne Mazon-Shafer**

Permit Technician



21 Main Street  
Warrenton, VA 20186  
(540) 347-2405 x106  
[warrentonva.gov](http://warrentonva.gov)