

January 9, 2024  
Town Council  
Regular Meeting

**RESOLUTION TO APPROVE SPECIAL USE PERMIT 23-02 FOR WALMART PURSUANT TO SECTION 11-3.10 OF THE ZONING ORDINANCE OF THE TOWN OF WARRENTON TO AMEND PREVIOUSLY APPROVED SPECIAL USE PERMIT 10-4 (WITH CONDITIONS), DATED MAY 10, 2011 (GPIN 6983-57-7857-000)**

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

**WHEREAS**, Walmart, ("the Applicant"), is the requesting a Special Use Permit approval on a parcel of land containing approximately 18.434 acres, identified as GPIN 6983-57-7857-000, located at 700 James Madison Highway in the Town of Warrenton and hereinafter referred to as the "Property"; and

**WHEREAS**, the Applicant has applied for a Special Use Permit pursuant to §11-3.10.3 of the Zoning Ordinance, to amend a May 10, 2011 approval to allow for the construction of a 6,151 square foot expansion with the inclusion of a merchandise pick-up staging area, parking lot modifications, relocation of existing outdoor storage containers, and modifications to the exterior store elevations to include revised color schemes, hereinafter the "Special Use Permit"; and

**WHEREAS**, the Town Council received and approved with conditions a modification of the Special Use Permit on September 12, 2017 to include the use of outdoor storage containers; and

**WHEREAS**, the Town Council received and approved with conditions an amendment to the Special Use Permit on October 13, 2020 for an additional expansion of 1,495 square feet to accommodate online grocery pick-up storage and staging, of which was never constructed; and

**WHEREAS**, the Planning Commission of the Town of Warrenton held a Work Session on the current Special Use Permit on September 19, 2023; and

**WHEREAS**, the Planning Commission of the Town of Warrenton held a Public Hearing on the current Special Use Permit on November 28, 2023; and

**WHEREAS**, the Planning Commission unanimously recommended approval of the application; and

**WHEREAS**, the Town Council finds that the Application meets the criteria for approval in the Town of Warrenton Zoning Ordinance; and

**WHEREAS**, the Town Council received and considered the recommendation of the Planning Commission for approval of the current Special Use Permit based on Conditions of Approval; and

**WHEREAS**, the Town Council, in consideration of the foregoing, is of the opinion that the application for the Special Use Permit be approved subject to certain conditions.

**NOW, THEREFORE, BE IT RESOLVED** that the Warrenton Town Council on this 9<sup>th</sup> day of January 2024, that SUP 23-02 be, and is hereby, approved, subject to the following conditions:

1. General: This Special Use Permit is issued covering the entire Property pursuant to the provisions of § 11-3.10 of the Town of Warrenton Zoning Ordinance.
2. Site Development: The Property, when re-developed, shall be developed in substantial conformity with the 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 "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 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.
3. Use Parameters: Special Use Permit Area – The Special Use Permit shall apply to the entire +/-18.434 acre site.
4. Architecture: 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.
5. Signage: No signage shall be permitted on the exterior of the store building that advertises or identifies any third-party tenant located within the store.
  - a. 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 Director of Community Development.
6. Site Maintenance and Refuse Collection: Any refuse storage areas shall be screened with a solid enclosure constructed of materials that are compatible with the buildings on the property. The enclosure shall have gates that prohibit viewing this area from adjoining properties and public rights-of- way. The gates shall remain closed when not in use and the

trash containers shall be emptied as necessary to prevent odors or infestation by vermin. Compliance with this condition shall be demonstrated on each final site plan(s). Deliveries and refuse collection shall follow Town Code Section 11-19(9).

7. Environment: 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.
  - a. 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).
8. 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.
9. 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.  
(Condition Fulfilled July 19, 2011)

10. 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). (Condition Fulfilled July 20, 2011)
11. 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. (Condition Fulfilled June 16, 2011)
12. 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.
13. 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.
14. Bales and pallets shall be located within the screened bale and pallet staging area as shown on the Site Plan.

15. Signage shall be installed prohibiting left turn movements onto James Madison Highway/East Shirley Avenue at time of Site Plan approval as required by the Zoning Administrator.
16. Lighting shall be included to address pedestrian safety at the property's entrance onto James Madison Highway/East Shirley Avenue at time of Site Plan approval as required by the Zoning Administrator.

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**For Information:**

Community Development Director,  
Town Attorney

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