

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.