

EXPERIENCE



**WARRENTON**

. VIRGINIA .

EST.  1810

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

# Assembly Uses in the Industrial District

## 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

# Assembly Uses in the Industrial District

## RLUIPA

### Religious Land Use and Institutionalized Persons Act

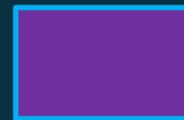
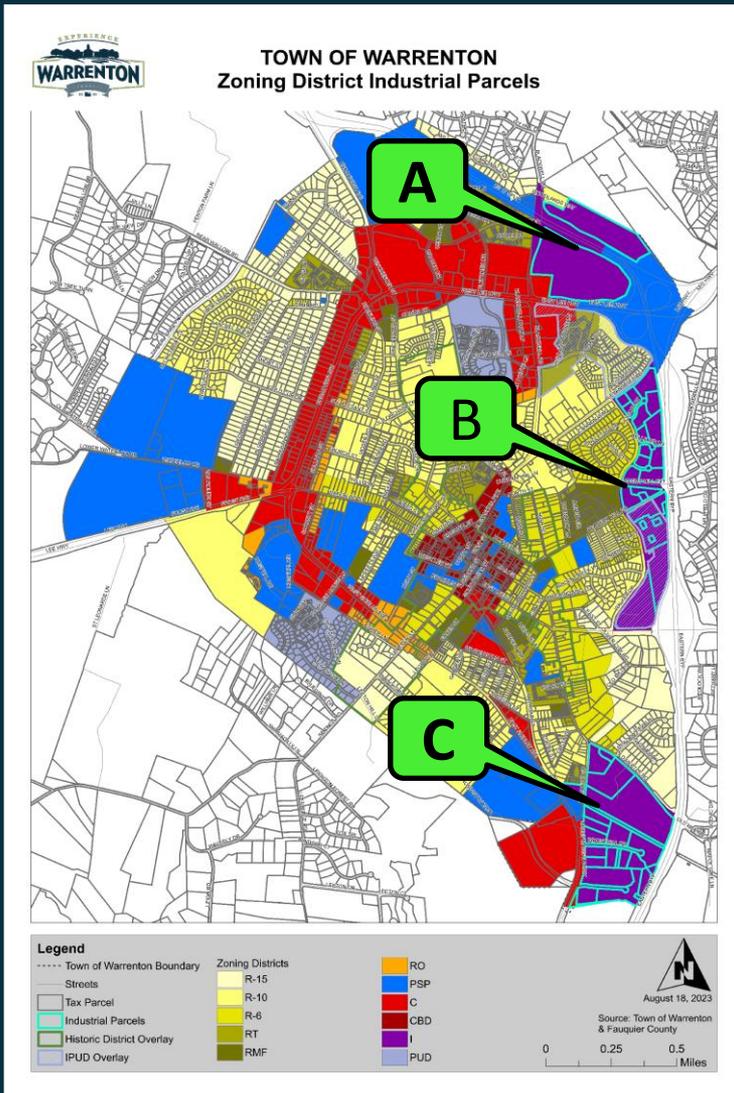
- Federal Law
- Prohibits undue burdens or restrictions on land use for churches through Zoning regulations.
- Treating churches differently from other, similar uses, is a recognized claim of discrimination

*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.*

# Assembly Uses in the Industrial District

## 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*)

# Assembly Uses in the Industrial District

## 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

# Assembly Uses in the Industrial District

## 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

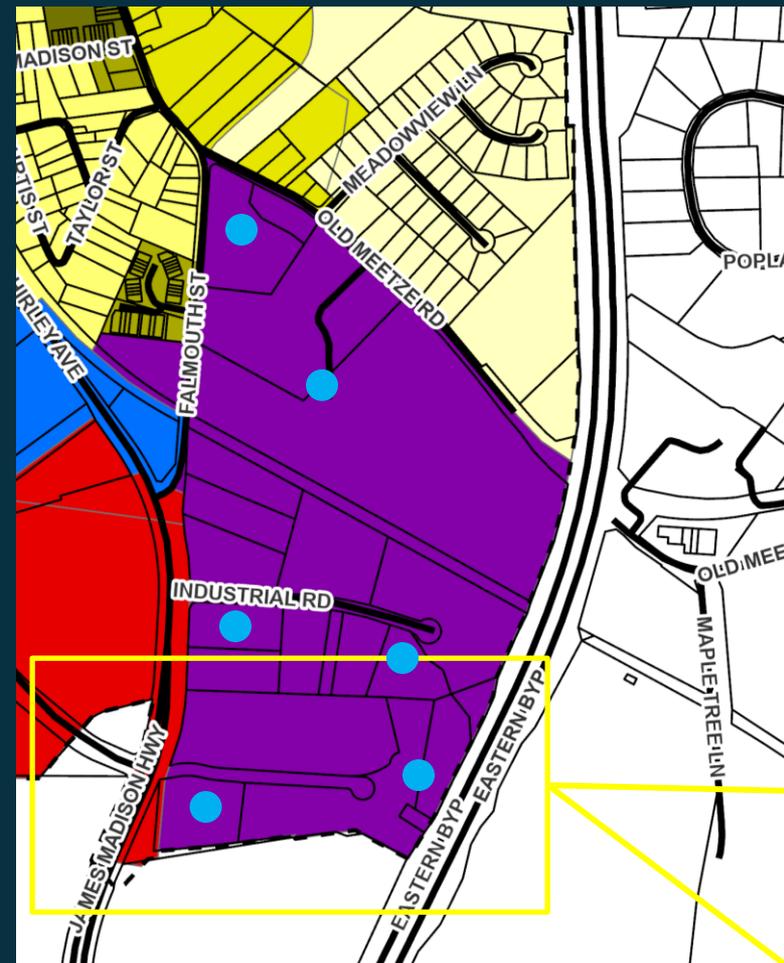
# Assembly Uses in the Industrial District

## 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

# Assembly Uses in the Industrial District

## 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

# Assembly Uses in the Industrial District

## 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*

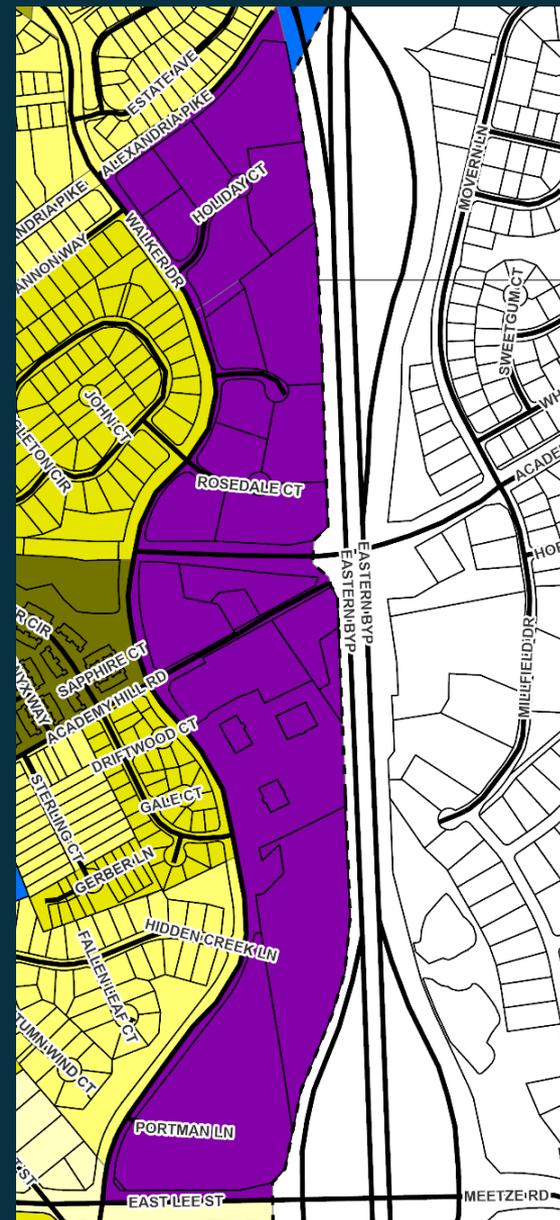
C - Commercial District

- *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*

# Assembly Uses in the Industrial District



## 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**

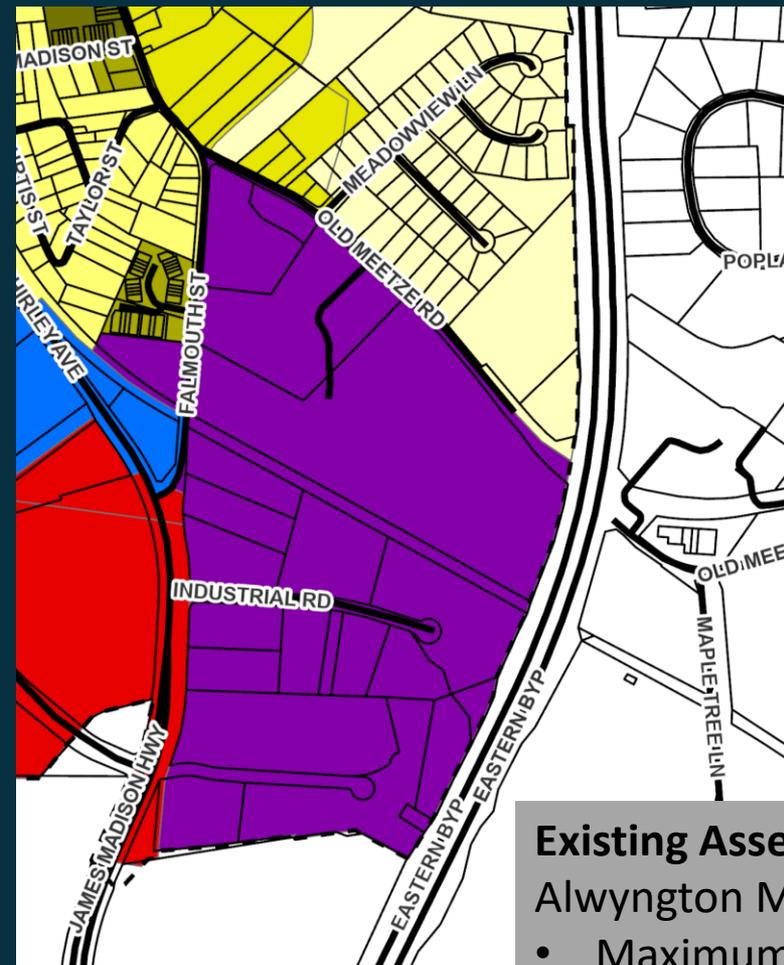
- Area: 78,444 sq.ft. (upper floors)
- Maximum Occupancy: 390 (upper floors)

Walker Drive Rezoning PUD – not constructed

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

*See Attachment D*

# Assembly Uses in the Industrial District



## 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*

# Assembly Uses in the Industrial District

## 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]

# Assembly Uses in the Industrial District

## 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

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

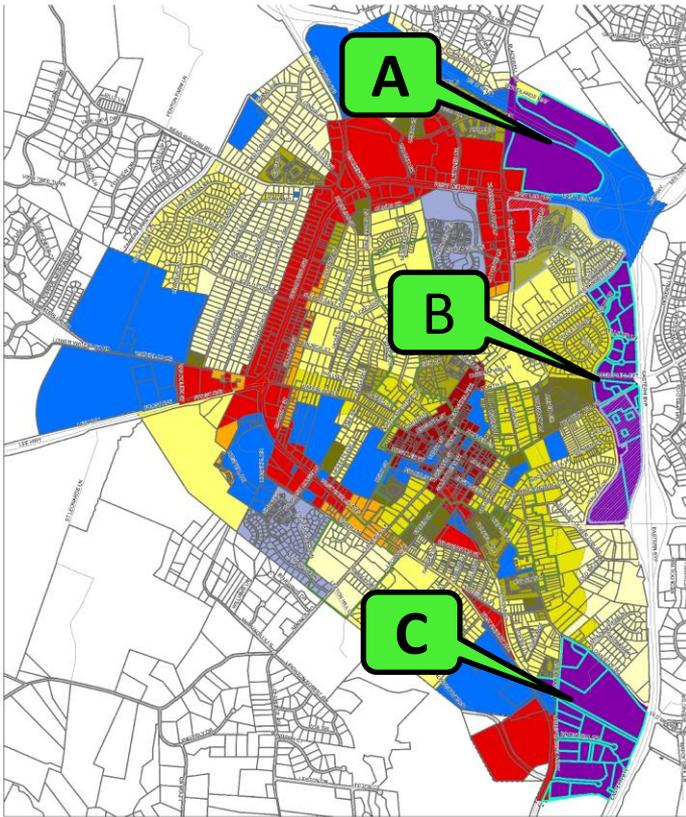
## *Assembly Uses per Building Code Light Industrial/Office Industrial*

*See Attachment C*

# Assembly Uses in the Industrial District



## TOWN OF WARRENTON Zoning District Industrial Parcels



- Legend**
- Town of Warrenton Boundary
  - Streets
  - Tax Parcel
  - Industrial Parcels
  - Historic District Overlay
  - IPUD Overlay

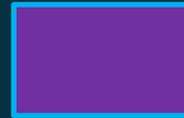
- Zoning Districts**
- R-15
  - R-10
  - R-6
  - RT
  - RMF

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



August 18, 2023

Source: Town of Warrenton & Fauquier County



76 Parcels

290 Acres of Tax Parcel Land

# Assembly Uses in the Industrial District

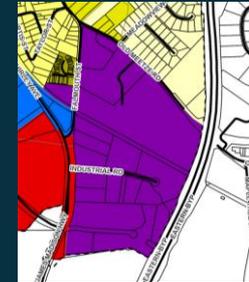
# PLAN WARRENTON 2040



Area A



Area B



Area C

# Assembly Uses in the Industrial District



Area A

## New Town Mixed Use/New Town District

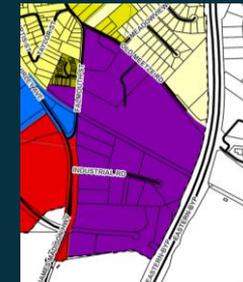
Large lots, direct access from Route 29, and high visibility, a location for a signature office/jobs center; with greater intensity of mixed use and strong live, work, and play options.



Area B

## 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.



Area C

## 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.

# Assembly Uses in the Industrial District



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.

# Assembly Uses in the Industrial District



## 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.

# Assembly Uses in the Industrial District



## 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

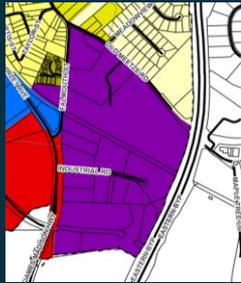
- 6 Industrial-type
- 14 Light Industrial/Office
- 4 Assembly

*See Attachment D*



## Area B

# Assembly Uses in the Industrial District



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*

# Assembly Uses in the Industrial District

## 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?

# Assembly Uses in the Industrial District

## 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.

# Assembly Uses in the Industrial District

## 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.

# Assembly Uses in the Industrial District

## 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.

# Assembly Uses in the Industrial District

## 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.

## Assembly Uses in the Industrial District

### **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.*

# Assembly Uses in the Industrial District

## 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.

# Assembly Uses in the Industrial District

## ➤ 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

EXPERIENCE



**WARRENTON**

. VIRGINIA .

EST.  1810

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