

Staff Analysis

Applicant/Owner: Harris Teeter/ North Rock Center LLC

Representative: John Foote/Jessica Pfeiffer of Walsh, Colucci, Lubeley & Walsh

Request: The Applicant is proposing a revision to the North Rock Planned Unit Development (PUD) Master Plan and a Special Use Permit (SUP) to allow for the construction of an eight-pump service station for Harris Teeter. The existing PUD was granted in 1999 and proffered that the site would be developed per the Master Development Plan and ties all permitted/permmissible uses to those listed under the 1991 Zoning Ordinance PUD District. The 1991 Zoning Ordinance allowed all uses in the Commercial Limited (CL) District within the PUD District upon issuance of a Special Use Permit, which includes service stations. While the CL District was repealed/replaced with the Commercial District in the 2006 Zoning Ordinance, the uses on site remain tied to the PUD proffers.

North Rock Center	Existing	Proposed Use
Parcel Site Acreage	+/- 11 Acres	+/- 11 Acres
SUP/site area	N/A	0.48 SF
Parking	N/A	2 Spaces
Proposed Use	Drive Through Bank Pad	Fuel Station
Hours of Operation	N/A	Fuel Pumps 24 Hours, 7 Days Staffed: Monday-Sunday 6 AM-10 PM

Site Location: The site is located at 530 Fletcher Drive (see maps in Attachment A) in the existing North Rock Shopping Center, in the existing undeveloped pad site (GPIN 6984-38-9605).

Comprehensive Plan: The site is designated New Town Character District.

Zoning: The site is zoned Planned Unit Development.

This analysis is based on the Comprehensive Plan, Zoning Ordinance, and review comments by Town Departments. The standards/analysis tables in the sections below contain the criteria for Planning Commission and Town Council consideration of Zoning Map Amendments (ZMA) and Special Use Permits (SUP).

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

Direction	Land Use	Future Land Use Map Designation	Zoning
North	White Horse Auto Wash / Applebee's / The Fauquier Bank	New Town Mixed Use	Commercial
South	Reserve at Moorfield Subdivision	Medium Density Residential	R-10

Direction	Land Use	Future Land Use Map Designation	Zoning
East	Capital One Bank / Longhorn Steakhouse / Glory Days Grill	New Town Mixed Use	Commercial
West	BP Fuel Station / Blalock Co / Residential	New Town Mixed Use / Office / Medium Density Residential	Commercial / R-10

The immediate uses surrounding the proposed fuel station include Harris Teeter (Mon-Sun 6AM-11PM), Sweet Frog (Mon-Thurs 12PM-8PM & Fri-Sun 12PM-9PM), and Capital One Bank (Mon-Fri 9AM-5PM & Sat 9AM-12PM).

Comprehensive Plan Future Land Use Analysis

Plan Warrenton 2040 labels this parcel in the Future Land Use Map as the New Town Character District. As stated by the Character District Design Guidelines, *“The New Town Character District is ideal for mixed-use or office development with a plaza or open space amenity because it has some the largest lot areas which can accommodate a greater intensity of development with larger floor plans. A form-based transect approach to development would define form with greater maximum height towards Lee Highway and the center of the district, with a gradual step down in scale towards Oak Springs Drive.”*

An economic goal of Plan Warrenton 2040 is to drive mixed-use development in Town to “transform from a collection of aging commercial buildings into a vibrant mixed-use community, and destination for entertainment, such as movie theaters, bowling and music or theatrical performance space.” The New Town District is specifically intended to “support the revitalization of the commercial shopping malls with a walkable development pattern that includes a mix of uses, green space and public amenities, as well as provide a location for a major employer.”

Standard	Analysis
<i>Whether the proposed Special Use Permit is consistent with the Comprehensive Plan.</i>	The Plan Warrenton 2040 New Town Character District designates this area as mixed-use or office development. A fuel station or similar use does not fall within the provided definitions of encouraged use, however the overall site is part of a larger approved mixed-use development.
<i>The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.</i>	The use is surrounded by commercial uses varying from education centers, restaurants, wellness, and salons. The connection related to the fuel station resides with the Harris Teeter grocery store, which is an anchor to the strip mall.

Staff Findings

The Comprehensive Plan encourages the redevelopment of aging commercial sectors of the Town. The proposed fuel center is a new construction that benefits and ties to the patrons of Harris Teeter directly (through the Harris Teeter Fuel Points, noted by the applicant). The applicant notes the economic benefits of station located in the Town of Warrenton but there is no other comment made to the benefits related to mixed-use or building development. The proposed use is located within a larger approved mixed use Planned Unit Development.

Zoning Analysis

The legislative intent of the Planned Unit Development District is, “to encourage innovations in residential and nonresidential development so that the growing demands of Warrenton may be met by greater variety in type, design and layout of buildings and housing types and to achieve the purposes set out in Section 15.2-2283 of the Code of Virginia, the Town's Comprehensive Plan...”

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>	Noise is not discussed in the letter of justification. The use is surrounded by commercial development. Staff drafted a Condition of Approval restating the Town Code requirements in Section 11-19 for Noise.
<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>	Staff originally recommended a Condition of Approval to utilize one of the existing monument signs. The Applicant countered and the Planning Commission recommended approval of a two-fold approach in the proffers and Conditions of Approval.
<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 Master Development Plan and SUP Plan sheets submitted by the Applicant show existing/proposed footprint. The building kiosk will need to meet proffered design requirements and draft Conditions of Approval.
<i>The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.</i>	Interior landscape proposed to be shown at time of Site Plan. Existing buffer is not to be changed.
<i>The timing and phasing of the proposed development and the duration of the proposed use.</i>	Applicant narrative notes construction is to be one phase.
<i>Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public.</i>	Applicant narrative states that the proposed service station will provide economic benefits and has been found to be desired by Harris Teeter customers.
<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>	Not applicable.

Attachment B – Staff Analysis

Standard	Analysis
<i>The effect of the proposed Special Use Permit use in enhancing affordable shelter opportunities for residents of the Town, if applicable.</i>	Not applicable.
<i>The location, character, and size of any outdoor storage.</i>	No additional outdoor storage is proposed with the use.
<i>The proposed use of open space.</i>	The use is proposed on an area currently containing parking.
<i>The location of any major floodplain and steep slopes.</i>	Floodplain is located along the back corner behind Harris Teeter. The proposed use will be outside of the floodplain.
<i>The location and use of any existing non-conforming uses and structures.</i>	None noted on site.
<i>The location and type of any fuel and fuel storage.</i>	To be located under the facility.
<i>The location and use of any anticipated accessory uses and structures.</i>	No additional accessory uses/structures proposed.
<i>The area of each proposed use.</i>	The proposed site area is shown on the submitted plans. A 300 square foot kiosk is proposed with a 2,950 square foot canopy.
<i>The location and screening of parking and loading spaces and/or areas.</i>	Parking striping shown on the proposed SUP Plan.
<i>The location and nature of any proposed security features and provisions.</i>	None noted.
<i>Any anticipated odors which may be generated by the uses on site.</i>	None proposed. General usage of fuel stations will present odors, especially in cases of spills or equipment failures.
<i>Refuse and service areas.</i>	Would be required to meet Article 9-14.9 for screening on site plan.
<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>	The Applicant submitted a Geo-technical Report and staff had a third-party peer review of the document. Due to the unique nature of the proposed use between an existing retaining wall and existing structures on a hillside, draft Conditions of Approval include recommendations from the reports.
<i>The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.</i>	Interior landscape proposed to be shown at time of Site Development Plan. Existing buffer is not to be changed.

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>	The Applicant submitted a Geo-technical Report and staff had a third-party peer review of the document. Due to the unique nature of the proposed use between an existing retaining wall and existing structures on a hillside, draft Conditions of Approval include recommendations from the reports.
<i>The glare or light that may be generated by the proposed use in relation to uses in the immediate area.</i>	Applicant states any lighting to be in accordance with the Zoning Ordinance and will be addressed at Site Plan phase. Staff and the Planning Commission recommend a Condition of Approval specifying pinpoint glare shall not be visible to drivers and passengers in cars passing the gas pump canopy on adjacent roadways.
<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. Any anticipated odors, which may be generated by the uses on site.</i>	Noise is not discussed in the letter of justification. The use is surrounded by commercial development and will be subject to the Town Code Section 11-19 Noise.

Staff Findings

The existing pad site was originally proposed in consideration of a bank or similar commercial business that may incorporate a drive thru. The main concerns relate to potential impacts on the existing built environment, residents, and businesses. Retrofitting the site to accommodate underground tanks needs to be done with the utmost attention to ensure none of the existing facilities or structures are negatively impacted in the short or long term. Several draft Conditions of Approval are proposed to address construction, emergency spills, notification, safety procedures, maintenance, lighting, and site circulation.

Any proposed electronic sign located on Lee Highway/Broadview is not adjacent to the proposed use as the two existing monuments signs are currently located. Consideration of utilizing one of the two existing monument signs should be accommodated. The Applicant has noted the majority of fuel station patrons will be from internal shopping center patrons already in the area. As such, the Applicant proposed a Condition of Approval stating any monument sign on Lee Highway will not be single use and proffered to allow for a sign to be located within the property near the entrance off Fletcher Drive or a canopy sign that increases the allowable square footage under the Zoning Ordinance. Staff and the Planning Commission support the internal signage in the proffers but do not recommend the additional provision for the canopy signage. After the Town Council meeting on October 11, 2022, the applicant submitted new proffers removing the canopy signage.

Transportation and Circulation Analysis

The primary transportation and circulation goal for the Town of Warrenton is to “*Improve multimodal safety by enacting access management strategies, incorporating bike-friendly policies into new development standards, and deconflicting through-travel and local traffic movements.*” 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.

Standard	Analysis
<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>	A Traffic Impact Analysis was provided by the Applicant addressing the impact of new trips generation related to patrons and deliveries.
<i>Whether the proposed use will facilitate orderly and safe road development and transportation.</i>	

Staff Findings

Internal circulation will be integral to the success of the site. Pedestrian safety and vehicle guidance to proper exit and entrance routes are necessary given the constraints of the site located on the main entry corner for the entire commercial development. The Applicant worked to address staff comments and the recommendations of the Town Transportation Consultant, Kittelson, to address the conflict points in the existing parking lot by removing parking spaces along the drive aisle and introducing pedestrian refuges and crossings.

As a use proposed to rely on mainly internal trips, the Applicant stated “during the AM peak hour, there are 87 existing vehicles entering and exiting the shopping center without the gas station. The gas station is projected to add 30 new vehicles entering and exiting (15 entering and 15 exiting). This would be the equivalent of a car arriving and departing every 4 minutes. The morning gas station volumes generate a 33% increase in trips, but this percentage should be used with caution, given the low magnitude of existing volumes in the morning peak hour. During the PM peak hour, the gas station is projected to produce 45 new trips (22 entering/23 exiting) from the 450 existing shopping center trips, resulting in a 10% increase. This would be the equivalent of a car arriving and departing every 2-3 minutes.” Staff finds the traffic generation of the proposed use does not significantly alter from the approved pad site originally contemplated with the PUD rezoning. Draft Conditions of Approval ensure pedestrian and transportation improvements will occur at the beginning of construction.

Community Facilities and Services Analysis

Public community facilities in the Town are provided by the Town, Fauquier County, and other public groups for the benefit of all residents. The availability and quality of these facilities, that include, schools, libraries, hospitals, parks, police and fire and rescue services, are evaluated when people are considering moving into the Town or nearby area. The provision of these facilities adds to the desirability of living in the Town. The Comprehensive Plan’s primary community facilities and services goals for the Town of Warrenton are:

1. *Foster high-quality, equitable, and accessible community facilities that meet the Town’s service requirements and support a high quality of life for the community.*

2. *Make responsible and strategic community facility investments that support the Town's vision for a live/work community, sustaining its fiscal well-being and economic resiliency.*
3. *Promote sustainability in all Town-owned facilities.*
4. *Reinforce the role of County community facilities into the Town fabric.*
5. *Promote livability through properly located Town services, schools, libraries, courts, and County administrative functions.*
6. *Support the connection of residential dwellings to public water and sewer.*
7. *Provide a high quality of life to capture economic benefits through diverse businesses, employers, and residences.*

Public services are essential to the community structure and quality of life, as well as to long-term economic vitality. They support existing and planned developments and contribute to the health, safety, education and general welfare of Warrenton residents.

<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 use is required to meet all building and safety codes.
<i>Whether the proposed Special Use Permit will be served adequately by essential public facilities, services and utilities.</i>	Applicant states the project will use the existing underground detention facility with retrofit of existing inlets and pipes to support the site.
<i>The location of any existing and/or proposed adequate on and off-site infrastructure.</i>	A stormwater detention facility is to be under the parking lot to the north side of the service station.

Staff Findings

The site is served by public water and sewer. Staff utilized the recommendations of the March 3, 2020, Terracon GeoReport for Harris Teeter Fuel Center Store #329, and the March 23, 2022, ECS Mid-Atlantic, LLC Review of Terracon Geotechnical Report memo to develop draft Conditions of Approval to address the short and long term concerns related to stormwater, emergency spills, and notification.

Economic Resources Analysis

The Town of Warrenton seeks to strengthen its economic base through business development and tourism promotion. The goals of the Economic Resources section of the Comprehensive Plan are to:

1. *Create a robust strategy for housing and employment, become more proactive in business retention and recruitment, and locate major employers within the Town's Character Districts.*
2. *Promote the Town as an integral part of the regional economy that is manageable, maintains a small-town character, and reduces the percentage of Town residents out commuting for work.*
3. *Promote the Town's Character Districts as the focal point for revitalization to allow for mixed-use and multi-family development at an appropriate scale compatible with the Town's character and existing neighborhoods. Transform aging commercial corridors to vibrant mixed-use neighborhoods.*

<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's narrative states the use will provide economic benefits by increasing competition in the market.
<i>The number of employees.</i>	Applicant stated the booth will be staffed by one employee during the working hours.
<i>The proposed days/hours of operation.</i>	Proposed staffed hours are Monday-Sunday 6 AM-10 PM; the fuel pumps will be open 24 hours, 7 days a week.

Staff Findings

The Applicant offers trip generation information as a statistic that may be considered in providing economic development impact. Within the statistic, most of the use will be through Harris Teeter patrons or internal shopping center trips. Only a portion of the projected use would pull patrons specifically to the site encouraging additional spending in the existing commercial businesses. The economic benefit from the construction and use would exist but does not speak to the Comprehensive Plan strategy to create unique development, beyond what Warrenton already has available.

Staff proposed draft Conditions of Approval to address potential impacts on existing businesses and their patrons during construction. Staff and the Planning Commission recommend conditions that 1) ensure pedestrian and parking lot modifications occur at the beginning of construction; 2) 85% of required parking is preserved during construction; and 3) construction staging and equipment does not interfere with existing businesses or their customers.

Proffer Review

In order to seek a Special Use Permit approval, the Applicant must also amend the proffers and Master Development Plan for the North Rock Planned Unit Development approved in 1999 under the 1991 Zoning Ordinance. The Applicant is proposing to remove the pad site reserved for the bank on the Master Development Plan and revise the proffers to accommodate the proposed new fuel station use. Other revisions relate to addressing the fact the majority of the PUD is built and how to incorporate this one use into the existing document.

Staff Findings

The Town Attorney reviewed the amended proffer statement prior to the new signage provisions and offered minimal wording suggestions for clarity. The signed proffers for Town Council consideration were updated after the October 11, 2022 public hearing to remove the canopy signage clause. The proffers now solely allow for the applicant to build a sign near the entrance of Fletcher Drive, internal to the site.