Department of Community Development
Staff Report

MEETING DATE:	March 14, 2024
REQUEST:	A Zoning Ordinance Text Amendment to PCID Overlay District
OUTSTANDING ISSUES:	None identified
RECOMMENDATION:	Staff recommends the Board of Supervisors conduct the public hearing and consider Ordinance A or Ordinance B. The Planning Commission recommended approval of Ordinance A with a vote of 3 to 2.

Topic Description:

The proposed amendment would allow various new uses to be allowed as Principal, Secondary or Special Exception uses in the Planned Commercial Industrial Development (PCID) overlay district. It also seeks to clarify that principal uses are permitted, subject to designations of areas on the approved Concept Development Plan.

Staff Analysis:

Article 4, Part 6, of the Fauquier County Zoning Ordinance sets forth those uses that are allowed in the PCID overlay district. Uses include those that are permitted Principal uses, Secondary uses, as well as uses permitted with Special Exception approval. On January 11, 2024 the Fauquier County Board of Supervisors adopted a Resolution to direct the Department of Community Development to institute review of the provisions related to uses in the PCID overlay district.

As a result of that review, staff is proposing to update the Purpose and Intent section of the Ordinance to reflect that the PCID overlay district is intended for new and redevelopment of mixed-use limited commercial, business, recreational and light industrial uses. It removes the language related to the properties being under one ownership or control, as the current environment does not support this manner of development.

As currently written, the list of Permitted Principal Uses in the overlay district contains the preamble that “Unless specifically prohibited by the approved Development Plan establishing the PCID, the following principal uses shall be permitted, subject to designations of areas and site for such uses in the approved Development Plan…”. With this text amendment staff is proposing to remove the clause related to unless specifically prohibited on the Development Plan. This clause was not in the original text when the PCID was adopted and has caused confusion for both staff and end users over time. Just because there is a list of Permitted uses in the overlay district, does not mean all of them were contemplated and approved as part of the Concept Development Plan. The proposed change would help clarify that the Principal uses are permitted, subject to designation on the approved Concept Development Plan.

In the proposed text several Principal, Secondary and Special Exception uses have been added to reflect uses currently occurring on properties, as well as uses we have received inquiries about over the years. Most notable is the distinction of retail sales and building footprint. As proposed, retail sales less than 10,000 square feet would be permitted and retail sales over 10,000 square feet would require a Special Exception. Currently, any stand-alone retail sales requires Special Exception approval. The PCID overlay was never intended to be a location for large-scale retail. Those uses are better suited for the Commercial – Highway (C-2) or Commercial – Shopping Center Community/Regional (C-3) zoning districts. However, staff believes smaller scale retail is appropriate and would be successful and valuable within developments using the PCID regulations.

Related to building footprint, staff proposes that any new structure with a footprint exceeding 50,000 square feet would require approval of a Special Exception, regardless of the use. One of the primary considerations in the review of a Special Exception request is compatibility with the area. In reviewing the footprint of existing structures, staff believes a footprint of 50,000 square feet is the appropriate threshold to trigger the Special Exception requirement. This is the trigger for several other uses, such as Shopping Center and Office in the conventional districts. During the Special Exception process, the specific characteristics of an individual proposal would be evaluated and if deemed necessary by the Board of Supervisors could be limited by conditions to an increased setback, additional screening, shorter building height, or smaller facility, in order to minimize impacts and ensure compatibility with surrounding land uses.

As noted in the Purpose and Intent section of this Ordinance, the PCID is to be planned and developed, subject to an approved Development Plan and designed to complement surrounding land uses by means of appropriate siting of buildings and service areas, attractive architecture, and effective landscape buffering. It further states the PCID is not intended for more intensive commercial and industrial uses such as shopping malls, large-scale retail establishments and the more impactive and heavy industrial uses.

Planning Commission Action on February 15, 2024:

On February 15, 2024 the Planning Commission discussed the proposed text amendment at its work session and held a public hearing. Twelve speakers voiced their opinions of the proposed text amendment; seven spoke in support with the remaining five in opposition. Several speakers in support cautioned the Commission to consider unintended circumstances, such as proposals for multiple buildings below the 50,000 square foot footprint so as not to trigger the Special Exception requirement. One questioned if the 50,000 square foot footprint was large enough. Those in opposition generally felt like there had been no community engagement, the process was moving too fast, and there needed to be consideration given to grandfathering provisions.

Public Information Meeting on March 1, 2024:

On March 1, 2024, the Scott District Supervisor held a public information meeting where the proposed amendment was discussed with concerned community members. Many of the same sentiments raised at that meeting were raised at the public hearing. One attendee believed the proposed change to retail sales, which would allow up to 10,000 square feet of retail as a principal permitted use, was too large. Others agreed a smaller size might be more reasonable. Additionally, some attendees suggested that staff clarify language in two clauses related to the preamble to Section 4-603, Principal Uses Permitted, and 4-605, Special Exception Uses.

Summary:

Two Ordinances have been prepared for the Board's consideration. Both Ordinances incorporate the suggested clarity to Section 4-603 and 4-605. Ordinance A is the Planning Commission's recommendation. Ordinance B incorporates a change to retail sales, with anything over 5,000 square feet or greater requiring a Special Exception. It also addresses the concern related to unintended circumstances of multiple smaller buildings by requiring a Special Exception for any new structure or group of new structures comprising the same development or serving the same enterprise with an aggregate footprint exceeding 50,000 square feet.

Process:

The Board of Supervisors initiated this text amendment on January 11, 2024. The Planning Commission held a public hearing on February 15, 2024. There were twelve public speakers for the agenda item; 7 in support and 5 in opposition. The Planning Commission closed the public hearing and voted 3 to 2 to recommend approval of the Zoning Ordinance Text Amendment.

On March 1, 2024 the Scott District Supervisor held a public information meeting where the proposed amendment was discussed.