

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
MAY 17, 2017**

**Marshall Code Public Hearing
6:30 p.m.
Marshall Community Center, Auditorium, 4133-A Rectortown Road
Marshall, Virginia**

The Fauquier County Planning Commission held a Marshall Code Public Hearing on Wednesday, May 17, 2017, beginning at 6:30 p.m. in the Marshall Community Center, Auditorium, 4133-A Rectortown Road, Marshall, Virginia. Members present were Ms. Adrienne Garreau, Chairperson; Mr. John Meadows, Vice-Chairperson; Mr. Bob Lee, Mr. Ken Alm, and Mr. Matthew Smith. Also present were Ms. Tracy Gallehr, Ms. Marianne Primeau, Ms. Mary Catherine Sheridan, Ms. Kimberley Fogle, Ms. Kimberley Johnson, Ms. Holly Meade, Mr. Rob Walton, Mr. Adam Shellenberger, Ms. Wendy Wheatcraft and Ms. Meredith Meixner.

Ms. Adrienne Garreau read aloud the public hearing protocol.

1. MARSHALL CODE

Ms. Kimberley Johnson explained the goals of the proposed Marshall Code and highlighted the elements of the Zoning Map and the Historic & Corridor District.

Ms. Adrienne Garreau opened the public hearing.

Mr. David Durr, Culpeper Farmers Co-op General Manager, stated that they have three locations in Fauquier that are a vital part of the business community. The Marshall location is currently zoned C-2 but the proposed zoning would place it in the Historic District. Mr. Durr expressed concern with the Co-op fitting in the Historic District and for future changes they may need to make.

Mr. Kevin Greeley, Marshall property owner, explained that no building will fit on his C-1 zoned parcel, on Old Stockyard Road. He shared concern for retaining its value because the proposal changes it to Historic and a new buyer will be severely restricted.

Mr. Gregory Simmons, Marshall property owner, expressed similar concerns as the previous speaker, in that his C-3 property on Rosstown Road is proposed to be changed to residential. Mr. Simmons did not purchase it for that reason and does not want to take a loss on the property.

Ms. Kay Redditt, Marshall property owner, indicated that her home on Salem Avenue was to remain residential on a previous draft and the current draft appears to change the zoning to commercial. Ms. Redditt requested that it remain residential.

Mr. Thomas McMillan, Marshall property owner, stated that he loves the pedestrian friendly, small town ambiance of Marshall and the County should be careful moving forward to avoid being overrun like neighboring counties. Mr. McMillan spoke in favor of the code and indicated that the citizens should control their destiny.

Ms. Maureen Ashby Lawrence, Marshall property owner, spoke in support of the code and stated that it has been worked on for many years. She expressed her excitement for its implementation and for the community to work together moving forward.

Mr. George Thompson, Marshall property owner, expressed three issues of concern: the ARB would not benefit the citizens; some of the historic homes are not suitable for the district; and many aspects of the form-based code are not desirable. Mr. Thompson suggested that they drop the ARB and historic district, along with continuing to amend the code.

Mr. Kevin Schmidt, Marshall property owner, stated that the new Middleburg Humane Foundation location is adjacent to his property and he inquired as to why it may take up to two years before they will occupy the building.

Mr. Miguel Cortez, Marshall property owner, requested that his property be zoned back to C-1 and that it should not be residential as proposed.

Ms. Brenda Payne, Vice President of Marshall Volunteer Fire Department, stated that the department is on two separate properties and the rescue squad building is located within the proposed historic district. Ms. Payne expressed concern for how a new combined fire department building would be affected based on which property they choose to build on. She questioned how taxes will affect properties located in the gateway, historic and residential areas, as well as, which ordinance properties would need to follow that are located outside of the proposed districts.

Mr. Gary Shook, President of Middleburg Bank, spoke in support of the overlay and historic districts and said we need to look at the bigger picture of what is to come. With Marshall having two exits off Route 66 it is important to lay the groundwork today to maintain its intriguing character.

Mr. Harry Atherton, Marshall District resident, said he represented the town of Marshall for 27 years on both the Board of Supervisors and Planning Commission and learned that the people of Marshall want a say in their own fate. This proposal goes a long way to achieve that goal and it has been created over many years by the community. Mr. Atherton spoke in favor of the code and stated that it may need some refinement, but it is a good start.

Ms. Kelp Armstrong, Marshall District resident, shared concern for density impacts to the residential areas shown as white on the map.

Mr. Carter Wiley, representative of the 17/66 Industrial Business Park, spoke in support of the proposed zoning noting that it opens the door for opportunity. Mr. Wiley stated that he does not think the historic district in the Gateway corridor is appropriate and may deter growth in this particular area.

Ms. Linda Suter, Marshall District resident, indicated that she is working with Marshall property owners and has started a petition objecting to the proposed code that many people have signed but she is not sharing it at this time. Ms. Suter stated that the petition objects to the formation of a review board that can consist of members not affected by the historic district and objects to design guidelines because they are interpretive regulations where those on the board could be subjective with personal preferences. She concluded that this would impact the property owners or have additional unintended consequences.

Mr. Josepi Delisi, Marshall property owner, stated that his family has run Joe's Pizza for 29 years on Main Street and that he is not sure where he stands with the proposed code at this time. Mr. Delisi wants to keep the town as he knows it and likes the look of the newly renovated buildings. He expressed concern for an ordinance regulating what you can do with your property and if it will affect future plans for his building, as he wants it to benefit the community. In closing, Mr. Delisi encouraged Marshall citizens to speak up about what they want.

Mr. Joe Sarsour, Marshall property owner, spoke in support of the proposed code which will allow him to use his properties in more profitable ways that the current ordinance does not allow.

Ms. Erica Wiley, Marshall District resident, spoke in general support for the proposed code and is a representative for various land owners in the area. Ms. Wiley voiced her appreciation for the hard work that Ms. Kimberley Johnson, Staff, Planning Commission members and Board members have put into the code. She expressed concern for the financial feasibility moving forward with regard to having an Architectural Review Board that is not made up of stakeholders. Ms. Wiley proposed a solution where objective standards are published and guidance is provided.

Merle Fallon, Esquire, representative of land owners and developers in Marshall, noted that the two components of the code can survive without each other and proposed they remove the Historic District entirely. Even though the standards do not appear to be very onerous at this time, Mr. Fallon explained that the Town of Warrenton's ARB began with a 7 page document and now has 125 pages which makes it near impossible to get something approved. He suggested adopting the code without the Marshall Review Board and revising the requirement that owners dedicate or reserve land for future alleys.

Ms. Anne Michael Greene, Marshall property owner, encouraged the citizens of Marshall to read the code for themselves and clarified that the Marshall Review Board is required to be made up of five people that are stakeholders in Marshall. Ms. Greene continued that the

proposed code in its business district allows more flexibility of permitted uses such as offices, eateries, residential and gas stations, as the market changes.

Mr. Paul Lawrence, Marshall property owner, stated that he and his family are longtime residents in Marshall and have worked hard on the code. He mentioned that a lot of misinformation has gone around and said that the Architectural Review Board is made up of the community's peers who either live here, work here or own property here. Mr. Lawrence added that he is in full support of the code.

Ms. Robin Converse, Marshall property owner, spoke in opposition to the plan and remarked that Marshall is beautiful without a review board. Property owners will continue to make more improvements as the economy improves and she does not see a need for the code.

Ms. Madge Eicher, Marshall District resident, spoke against implementing an Architectural Review Board based on her poor experiences with the Springs Valley Historic District where she owns property.

Mr. Matthew Davenport, Marshall District resident, expressed appreciation for the positive effort put into the code and contended that an Architectural Review Board with limited guidance would be difficult. Eventually it will need to change and define what the ARB will be reviewing.

Ms. Mukaddes Kent, Marshall property owner, shared concern for the increased traffic due to residential construction and its impact on the condition of the roads. Ms. Kent stated that she loves the small town feel of Marshall and wants it to remain pedestrian friendly.

Dr. Norris Royston, Marshall property owner, remarked about how much work they have put into creating a code that does not take away the rights of property owners and is the best for the long term interest of the community. He spoke in support and urged that it is important for Marshall to be bike and pedestrian friendly, along with having multi-use zoning.

Mr. Wayne Eastman, Marshall property owner, thanked the citizens of Marshall who have put the work into creating the code and noted that form-based code is a common sense approach to zoning. He agreed with previous comments suggesting objective standards and better defining the ARB's role, and supports the plan.

Mr. Thomas Leachman, Marshall property owner, spoke in favor of the code and explained that he owns vacant land in Marshall. He commented that the curbs, sidewalks and long driveways leading to garages are good, but pointed out that the maintenance of alleys would drive up the cost of projects for either the builders or the buyers.

Ms. Suzanne Obetz, Marshall District resident, explained that she began a non-profit organization to save historic buildings and has been a member of ARB's before. She indicated that better defining the ARB's role will benefit the town and understands citizens' concerns. Ms. Obetz expressed her hopes for everyone working together in order to maintain the historic buildings in Marshall.

Mr. Darren Martin, Marshall property owner, shared concern for development impacting the water source in Marshall, which is already dropping. He advised that there are practical measures that would reduce the liability on the source, such as capturing rain water for gray water usage.

Mr. William Lesser, Marshall property owner, questioned how the code would impact the allowable height for fences.

In that there were no further speakers, Ms. Adrienne Garreau adjourned the public hearing.

Ms. Kimberley Johnson encouraged citizens to continue to express their concerns.

On motion made by Mr. Bob Lee and seconded by Mr. Ken Alm, it was moved to adjourn the public hearing to be continued at the next regular meeting of the Planning Commission on June 15, 2017 at 6:30 p.m. in the first floor meeting room of the Warren Green Building at 10 Hotel Street in Warrenton.

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 7:58 p.m.

A tape recording of the meeting, as well as the associated staff reports and attachments for each agenda item, are retained on file in the Department of Community Development's Planning Office, 10 Hotel Street, Third Floor, Warrenton, Virginia, for a period of one year.

THE AGENDA MAY BE MODIFIED ON ADOPTION BY THE PLANNING COMMISSION IN THE FORM OF ADDITIONS, DELETIONS OR REVISIONS