Department of Community Development
Staff Report

PROPERTY OWNERS:	Gentle Harvest 2, LC
APPLICANT(S):	Tom Krajewski
LOCATION:	8372 West Main Street, Marshall
DISTRICT:	Marshall District
PINS:	6969-58-7821-000
ACREAGE:	0.75 Acres
ZONING:	Commercial - Neighborhood (C-1)
LAND USE:	Main Street Central Neighborhood and Salem Avenue Neighborhood – Marshall Service District
MEETING DATE:	August 18, 2016

REQUEST:	SPEX-16-005347: The Applicant is seeking approval of a Category 13 Special Exception to allow a drive-through facility associated with a commercial business and a Category 13 Special Permit to allow a fast food eating establishment.
OUTSTANDING ISSUES:	There are no outstanding issues identified by Staff.
RECOMMENDATION:	Staff advises the Planning Commission to recommend approval of Special Exception SPEX-16-005347, subject to the conditions below. The application satisfies the standards of Zoning Ordinance Sections 5-006.

STAFF RECOMMENDED CONDITIONS:

1. The Special Exception is granted for PIN 6969-58-7821-000, runs with the land as indicated in the application, and shall not be transferable to other land.

2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Gentle Harvest Special Exception Plat – Special Permit dated June 20, 2016 and received in the Planning Office on June 21, 2016, as approved with this application, as qualified by these development conditions.

3. The drive-through facility and café shall only be in operation at times when the associated retail use is open for regular business.

4. The drive-through facility shall only be used for customer pickup at scheduled times. Customers shall not be permitted to place orders at the drive-through window.

Topic Description:

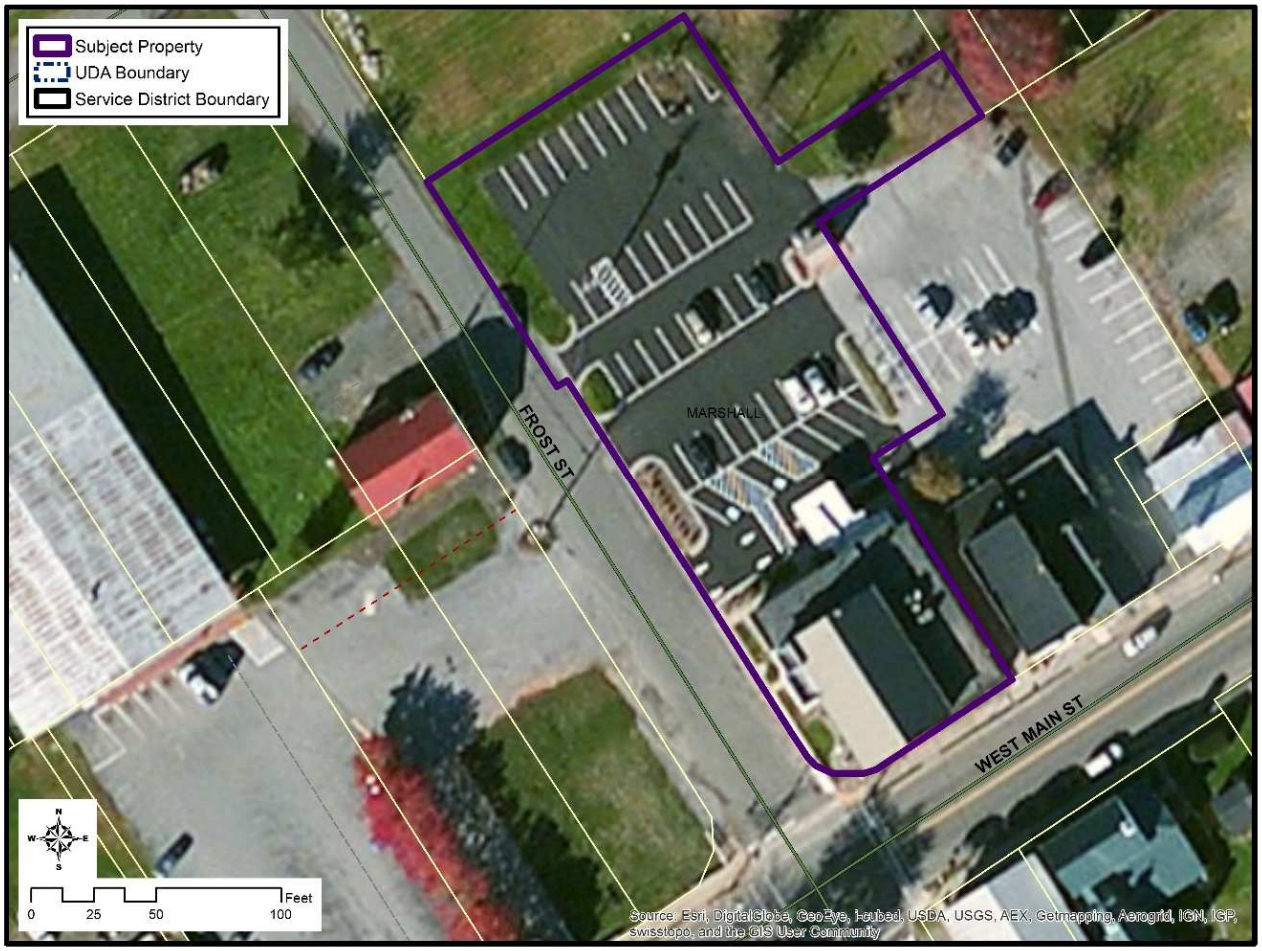
The Applicant is seeking approval of a Category 13 Special Exception to allow a drive-through facility associated with a commercial business, and a Category 13 Special Permit to allow a fast food eating establishment. Both uses are associated with the proposed, by-right, "Gentle Harvest" commercial retail use. Gentle Harvest will offer locally sourced organic meat, dairy and poultry products as well as fresh produce. Additionally, the store will feature hot, ready to eat meals and a small selection of prepared food. The Applicant believes the Gentle Harvest project offers a fresh start for the iconic Marshall National Bank and will continue the revitalization of Marshall, while also embracing Marshall's strong farming history and heritage. It is envisioned that the store, with a drive-through window and café, will serve as a convenient market location for local residents, as well as a destination for the greater area residents and visitors throughout the region.

The drive-through facility is proposed to utilize the building's existing drive-through window, and allow for convenient customer pickup of prepared food and market goods. Customers using the drive-through will not be able to place orders at the window. They will be required to pre-order groceries and prepared food and goods through a mobile application. After placing an order, customers will be given a specific pick-up time in order to reduce stacking and wait times at the window. The existing drive-through facility has two lanes; however, the Applicant is proposing to use only one lane unless temporary overflow stacking or waiting space is needed. The Applicant has also stated that drive-through customers will have the option to pay using a "house account" or the mobile application which will further assist in speeding up the service times. Gentle Harvest expects to have about 10% of their daily customers, approximately 15 customers, using the drive-through window.

The fast food eating establishment is proposed to be a small café space within the retail store. The café portion of the business is to be a place for the patrons to meet over coffee or have one of their prepared meals. Gentle Harvest plans to be open each day from 7:00 a.m. to 9:00 p.m., and serve an average of 150 customers a day. It is anticipated that the business will create over 20 new jobs with approximately eight to 12 employees working at any given time.

The Applicant believes that the proposed uses are consistent with the property's Commercial Neighborhood zoning designation and with the overall character of Marshall. Additionally, they believe the proposal is consistent with the Comprehensive Plan and the proposed uses satisfy the applicable Zoning Ordinance requirements.

Site Aerial Map

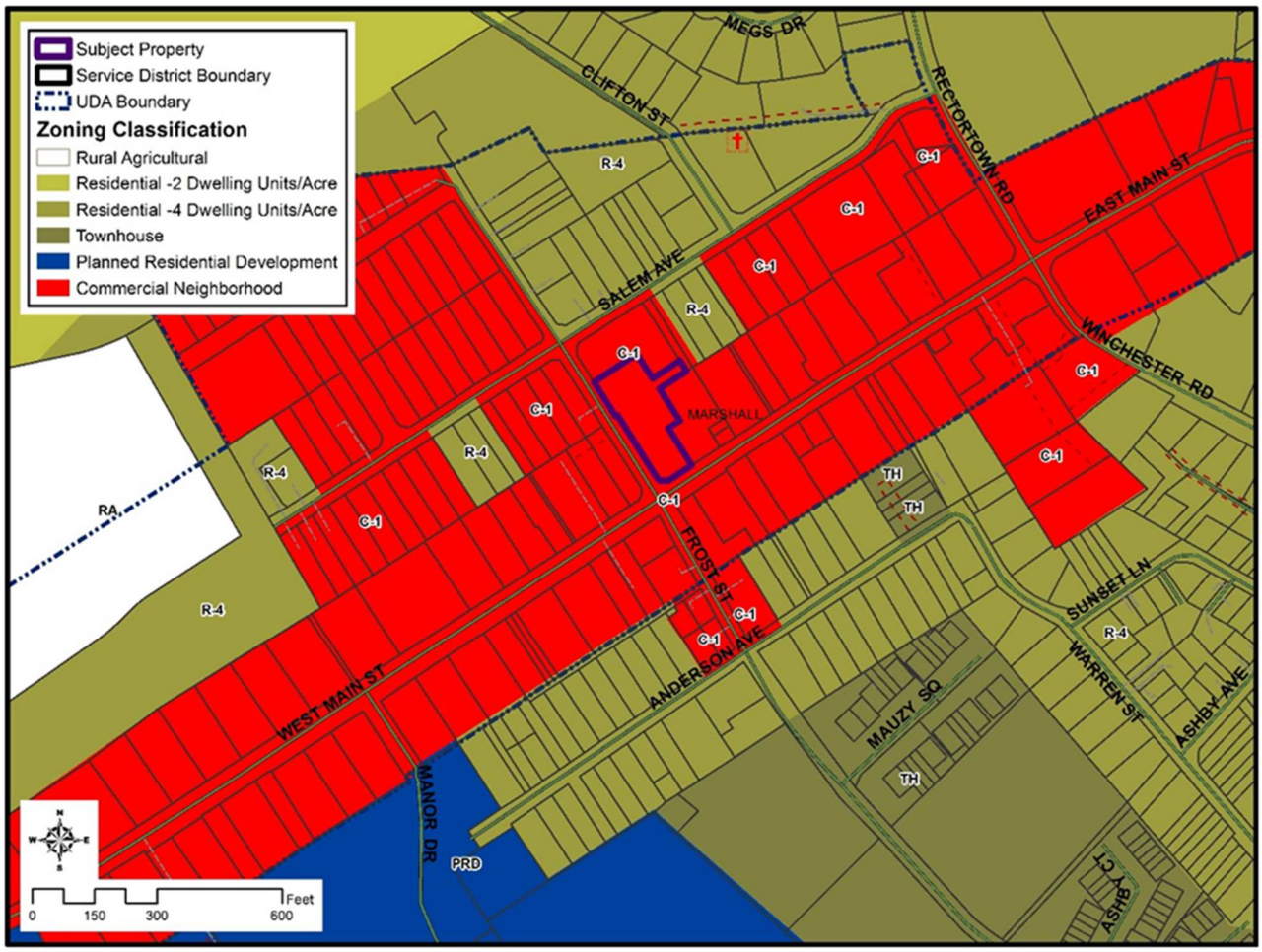


Location, Zoning and Current Land Use:

The 0.75-acre property is located in Marshall on the northeast side of the intersection of Main Street (Route 55) and Frost Street (Route 1003). The property contains a commercial building, which was mostly recently a branch for PNC Bank. The building is sited along the property's Main Street frontage, and a parking area of approximately 44 spaces is located behind the building. The property is zoned Commercial - Neighborhood (C-1), which is generally a town center type district allowing

neighborhood commercial activities and some residential uses. Its main purpose is to provide areas for neighborhood type retail and service convenience shopping. Additionally, the property is within the Marshall Historic District, and the building was listed in the National Register of Historic Places as a contributing property in 2007.

Location / Zoning Map



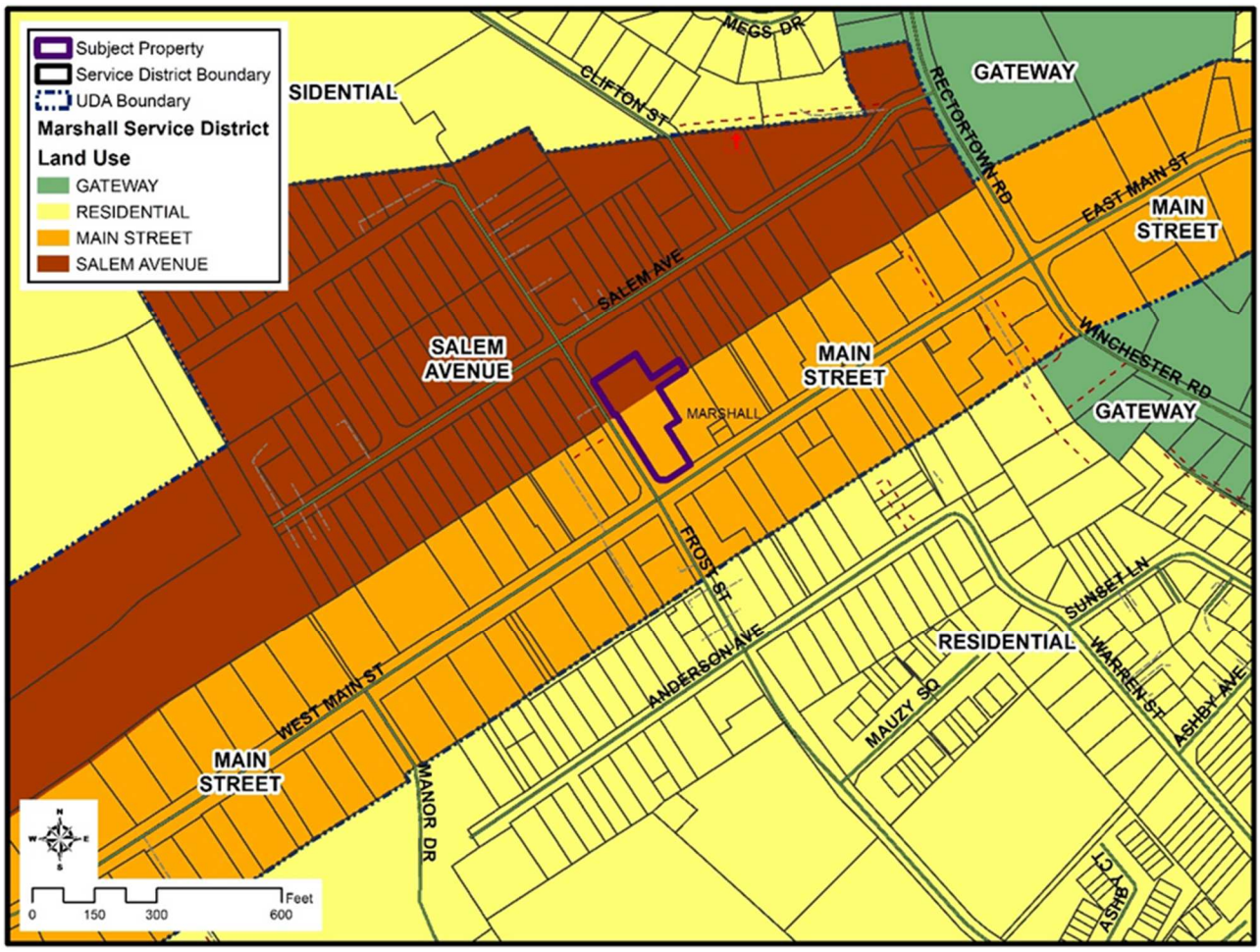
Surrounding Zoning and Current Land Use:

All of the properties immediately adjacent to the subject parcel are within the C-1 zoning district. These properties generally contain a variety of commercial and office uses. Further out, the properties are zoned C-1, Residential: 4 units per acre (R-4), and Townhouse (TH). These properties generally contain a mix of residential and commercial uses. Nearby businesses of note include The Whole Ox, Red Truck Bakery, Little Fox Java and Gifts, Marshall Mercantile, and The Field and Main Restaurant (which is planned to open later this year).

Comprehensive Plan/Land Use:

The subject property is within the Marshall Service District. A main component of Marshall's vision is to work towards a revitalization of Main Street, which is proposed to include residences, shops, businesses and other commercial enterprises. Marshall is envisioned to have a good balance of jobs, housing and shopping, including a full range of diverse housing types and prices. Marshall is planned to continue to accommodate new residents, while striving to maintain its "small town" quality of life. The core of Marshall is to be a true mixed-use central area around Main Street with beautiful village-type homes, small shops and offices with apartments above, behind and nearby. The Service District Plan also discusses the preservation of existing historic structures as an important strategy for maintaining the sense of community in Marshall.

Land Use Map



Several key goals for the Service District are also identified in the Plan, some of which include:

- Revitalize Main Street as the core element of Marshall, with shops, apartments, businesses and other commercial enterprises thriving in the historic "downtown."

- Preserve Marshall's historic buildings with a local historic district and incentives for preservation, while using gateway corridor zoning overlay districts to direct new gateway corridor development toward designs that are compatible with the historic structures.
- Achieve a full range of diverse housing types and prices - for young and old in all income brackets.
- Provide tree-lined streets and a network of sidewalks, trails and bike paths that link residential neighborhoods with Main Street, other commercial and employment centers, and public facilities within and adjacent to the community.

The Marshall Service District is comprised of a number of "neighborhoods," with each having their own distinct characteristics. The Plan describes the characteristics and vision for each of the neighborhoods. The front two-thirds of the subject property is within the Main Street Central neighborhood, which is to be a denser commercial core. This area is the proverbial "downtown" of Marshall. The Main Street Central neighborhood is to be redeveloped to include pedestrian-filled sidewalks, and restaurants, retail shops, outdoor cafés, and the like, all lining the street on both sides. Retail uses are encouraged on the first floors of buildings, with upper floor uses being commercial or residential. The rear third of the property is in the Salem Avenue neighborhood. This portion of Marshall is envisioned for mixed use development similar to, but less dense than, the development envisioned for Main Street Central.

Special Exception Analysis:

The standards below apply to this Special Exception. Following each standard is a staff evaluation in *italics*.

<u>5-006 General Standards for Special Permits and Special Exception Uses</u>

In addition to the special standards set forth hereinafter for specific uses, all Special Permit uses shall also satisfy the following general standards:

1. The proposed use shall be such that it will not adversely affect the use or development of neighboring properties. It shall be in accordance with the applicable zoning district regulations and the applicable provisions of the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.

The proposed uses are located within the existing building and drive-through facility structures, with only a small addition at the rear of the building. Staff does not believe that the proposed use and related facilities will adversely affect the use or development of neighboring properties. The application is consistent with the vison and applicable provisions of the adopted Comprehensive Plan.

2. The proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.

The business can be accessed for parking and use of the drive-through facility from Frost Street, without causing conflicts. Sidewalks for pedestrian use are located along the property's Main Street

frontage and adjacent to the building along Frost Street. Staff does not believe that the pedestrian and/or vehicular traffic generated will be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.

3. In addition to the standards which may be set forth in this Article for a particular category or use, the BZA and Board may require landscaping, screening, yard requirements or other limitations found to be necessary and appropriate to the proposed use and location.

As the proposed uses are occurring within and reusing existing improvements, no additional landscaping or screening requirements are being recommended.

4. Open space shall be provided in an amount at least equal to that specified for the zoning district in which the proposed use is located.

There is no open space requirement for this use in the C-1 district.

5. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Low impact development techniques are encouraged by the County and shall be incorporated into the site and facility design when deemed appropriate by the Applicant after consultation with appropriate county officials. Parking and loading requirements shall be in accordance with the provisions of Article 7.

All of the existing improvements related to parking, loading, and other necessary facilities appear to be adequate. No new improvements are being proposed. All required improvements will be further evaluated during the Site Plan review process to ensure that the proposed site development meets all applicable state and local regulations.

6. Signs shall be regulated by the provisions of Article 8, except as may be qualified in the Parts that follow for a particular category or use. However, the BZA and the Board, under the authority presented in Section 007 below, may impose more strict standards for a given use than those set forth in this Ordinance.

No signage is proposed with this application.

7. The future impact of a proposed use will be considered and addressed in establishing a time limit on the permit, if deemed appropriate. Existing and recent development, current zoning and the Comprehensive Plan shall be among the factors used in assessing the future impact of the proposed use and whether reconsideration of the permit after a stated period of time would be necessary and appropriate for the protection of properties in the vicinity and to ensure implementation of the Comprehensive Plan.

No time limit is proposed with this application.

8. The proposed use shall be such that air quality, surface and groundwater quality and quantity, are not degraded or depleted to an extent that would hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.

The proposed uses will not degrade or deplete air quality, surface and groundwater quality and quantity. This application would have little to no effect on adjacent or nearby land and/or buildings. This standard will be further evaluated during the Site Plan review process to ensure that the development meets all applicable federal, state, and local regulations.

9. Except as provided in this Article, all uses shall comply with the lot size, bulk regulations, and performance standards of the zoning district in which located.

All applicable standards of the C-1 zoning district have been met.

Agency Comments:

Staff and the appropriate referral agencies have reviewed the application and have the following comments. Staff has noted how the items will be addressed in italicized language following the comments.

Zoning:

1. The applicant proposes to utilize an existing drive-through, constructed for a bank, as a drive-through for an eating establishment. The existing drive-through operated as a non-conforming use, having been constructed before a Special Exception was required for a drive-through facility. The non-conforming status has lapsed, as the use ceased for a period of more than two years. Therefore, a Special Exception for a drive-through is required pursuant to Section 3-313.11.

2. The Special Permit application is for an Eating Establishment, fast food pursuant to Section 3-313.14. Under the Zoning Ordinance, eating establishments are classified as fast food if food is sold over the counter for consumption on or off-premises. Staff conveyed to the applicant that some level of food service was allowed as accessory to the proposed, by-right, retail use. However, given the drive-through to serve the food service and to allow more flexibility in the scale of the food service, the Easting Establishment, Fast Food approval was required.

Provided for reference only, no action required.

Virginia Department of Transportation (VDOT):

Comments not received.

Fauquier County Health Department:

1. A FCWSA commercial fixture count worksheet will need to be provided to determine if the current water meter size is adequate or requires an upgrade.

2. Due to the proposed use of food preparation, an oil/grease trap shall be installed on the sanitary sewer lateral. The oil/grease trap shall be owned and maintained by the owner.

Provided for Applicant's reference only, no action required.

Preservation Planner:

1. The Marshall National Bank Building [DHR #030-5156-0038], designed by Washington D.C. architect Robert E. Mitchell, was constructed in 1923. This large, red brick, Colonial Revival Style building was listed in the National Register of Historic Places as a contributing property of the Marshall Historic District in 2007.

2. Highly visible character-defining features of the Marshall National Bank Building include: the Colonial Revival recessed, arched entrance with double doors, multi-light transom window, fanlight, door surround with fluted Tuscan pilasters on plinths, wide cornice, cast stone trim in the keystones and panels above the first-floor windows, and the 9/9 and 6/6 double hung sash windows. The wide stringcourse that separates the two stories is treated with pebble dash as is the arch around the entry. A one-story, flat-roofed addition and a rear addition were added around 1970. They have the same pebble-dash trim, suggesting that the trim was added when the wings were constructed. The building originally had a flat roof that was later raised to a pedimented gable with a fixed, round clerestory window.

Provided for reference only, no action required.