

The following minutes are a summary of items on the agenda. This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com.

The Planning Commission meeting of the Town of Front Royal, Virginia was held on November 17, 2021, at 7:00 PM.

Chairman Jones stated all members of the Planning Commission were present and did not ask for a roll call.

Present: Douglas Jones, Chairman
Connie Marshner, Vice Chairman
William Gordon, Commissioner
Darryl Merchant, Commissioner
Joshua Ingram, Commissioner

Staff: Lauren Kopishke, Planning Director/Zoning Administrator
Connie L. Potter, Executive Assistant

CALL TO ORDER

Chairman Jones called the meeting of the Planning Commission to order at 7:17 pm.

The start of the meeting was delayed because Commission members asked for clarification of the date of the "Planning Commission Internal Inquiry Report" that was before them for acceptance into the record. Mr. Napier left the meeting and went back to his office to try to retrieve the correct report and verify the date.

CITIZEN COMMENTS

There were no speakers.

PUBLIC HEARINGS

- **FY 2023-2028 Capital Improvement Plan (CIP).** Annual review of the draft CIP for conformance with the Comprehensive Plan. The CIP is not a budget, but rather, is a planning and finance tool that identifies needed capital improvement projects for the coming five (5) fiscal years.

Chairman Jones opened the public hearing.

There were no speakers and Chairman Jones closed the public hearing.

Planning Commissioners held some discussion and agreed they would like to discuss the CIP at the next Planning Commission work session and bring the CIP back to the December meeting for a vote. They would like to know that all the projects in the 156-page report match the spread sheet.

Commissioner Merchant moved to table the CIP to the next regularly scheduled meeting.

Commissioner Merchant amended the motion.

Commissioner Merchant moved, seconded by Commissioner Gordon to table the Capital Improvement Plan for fiscal year 2022-2027 to our next scheduled work session.

Commissioner Gordon amended the motion to table the Capital Improvement Plan for 2022-2027 until our December meeting holding a work session beforehand.

Commissioner Merchant accepted the amendment.

VOTE: Yes – Ingram, Marshner, Gordon, Merchant, Jones

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

CONSENT AGENDA

There were no items for consent.

OLD BUSINESS

- Planning Commission Report.

Chairman Jones said there were several different dates on the report, and they were asking for clarification of the dates. He asked Commissioner's if there was a consensus on how they wanted to move forward.

Commissioner Merchant asked if Town Attorney Doug Napier had left the meeting to obtain the correct report to be reviewed and accepted by the Planning Commission.

Ms. Kopishke clarified that Mr. Napier had gone back to his office to retrieve the report.

Commissioner Gordon moved, seconded by Commissioner Ingram to table review of the Planning Commission Report until the return of Mr. Napier later in the meeting.

VOTE: Yes – Gordon, Marshner, Ingram, Merchant, Jones

No – N/A
Absent – N/A
Abstain – N/A

ROLL CALL

NEW BUSINESS

There were no items for new business.

DIRECTORS REPORT

- **FRORDAM 2976-2021** – “Draft” Short Term Rental Ordinance.

Ms. Kopishke provided the “DRAFT” Short Term Rental Ordinance to the Planning Commission and recommended holding a work session in December to receive input from the Planning Commission and hold a public hearing at the regular meeting in December.

The draft ordinance was essentially adopted from the Warren County’s Short-Term Rental Ordinance. The proposed ordinance is to allow short-term rentals throughout the Town by Special Use Permit with a one-time application fee. Inspections would be conducted, and occupancy would be limited to ten (10) occupants.

Commissioner Ingram strongly suggested confirming this is the most up to date information regarding the Statewide Building Code because this goes beyond the Planning Commissions role regarding safety.

Commissioner Merchant said he would like to see more information on surrounding localities and if they offer short-term rentals.

Ms. Kopishke stated she has been speaking with the Town of Strasburg and their Town Council had recently approved a short-term rental ordinance. She said she could pull information from Winchester and Culpeper.

Town Attorney Doug Napier returned to the meeting and clarified the date of the “report” and said he believed the Planning Commission had the correct report in front of them. This comment is related to the previous agenda item under Old Business.

Commission members held a lengthy discussion with the Town Attorney and staff regarding the date of the report and which report was correct. Mr. Napier said the report of October 21st is the correct report. In addition, they discussed the report the Town Manager had released and that it may not have been the latest version. Commissioner Merchant reiterated that the Planning Commission needs a final document which he believes is the one they looked at on October 21st.

Commissioner Gordon asked if the Commission could vote on the revised October 21st date and submit the report presented at this meeting (*November 17, 2021*) to go into the minutes.

Commissioner Merchant said the problem is that the report issued by the Town Manager's office is different from the one they would be approving. He then explained that the Planning Commission held a closed work session on October 21st and discussed the document dated October 7th, revised October 21st.

Commission Merchant moved, seconded by Commissioner Ingram that the Planning Commission accept the informational report titled "Planning Commission Internal Inquiry Report" containing 20 pages dated October 7, 2021, revised 21 October of 2021 as prepared by Douglas W. Napier, Town Attorney. This report was requested by the Planning Commission regarding minor subdivision application FRSUB-2852-2021 by motion approved on September 15, 2021. Commissioner Merchant further moved that the policy recommendations outlined in said report be forwarded to the Planning Director for implementation as policy or as part of the Town Code in the Subdivision and Zoning Ordinance.

Vice Chairman Marshner referred to wording on page 4 of the "report" and asked if something marked incomplete means something more needs to be submitted.

Mr. Napier confirmed that is the way Public Works marks it. Ms. Kopishke explained there are only so many choices in Energov you can choose from. Commissioner Marshner did not understand how it can be marked complete when it is in fact incomplete. She referred to a statement of fact on page 6 of the October 7th report and given the confusion, this phrase was dropped from the October 21st version and requested this be in the final version. The phrase next to the bottom line on page 6, quote: "...and that plat was recorded, and zoning permits issued." This was dropped from the report of the 21st.

Mr. Napier explained that after the October 7th report was written Mr. Holloway signed an instrument that applied for the subdivision plat to be vacated. State Code allows the plat in zoning permits to be released. The recorded plat was unrecorded and that is why the phrase was deleted from the October 21st report. The October 7th report was correct as written but in the interim by October 21st the plat was unrecorded, and the zoning permit was unissued. Commissioner Marshner said that is not what the report of October 21st says.

Ms. Kopishke said the public hearing was September 15th. The mayor vacated the subdivision plat that was recorded on July 7th and the plans were submitted July 29th and approved July 30th. The mayor voluntarily vacated the subdivision plat on the 13th or 14th of September. The zoning permits were issued on the 30th and then revoked the week of September 9th and then vacated the plat.

Commissioner Merchant stated he withdraws his motion to accomplish this task and direct the Planning Director to get them the final version of Mr. Napier's report for them to review and be placed on the agenda for the December meeting. That does not affect the release of the report by the Town Manager that afternoon. They want to make sure they get the correct version to approve for their minutes. Commissioner Ingram withdrew his second.

Commissioner Merchant said if the report was available for review at the work session in December that would be fine. They could have a work session and a meeting on the same date. As

long as they get the final certified version by email, which is to him the October 7, 2021 (revised October 21, 2021) he would use to compare the document to and can be voted on at the regular December Planning Commission meeting.

Commissioner Merchant said he was withdrawing his motion.

Chairman Jones said that is with the understanding they will have a complete and up-to-date copy for the December meeting. Commissioner Merchant acknowledged that was correct.

Commissioner Ingram stated he was withdrawing the same.

COMMISSION MEMBER REPORTS

There were no addition comments.

ADJOURNMENT

Commissioner Gordon moved, seconded by Commissioner Merchant to adjourn the meeting.

VOTE: Yes – Merchant, Jones, Gordon, Ingram, Marshner

No – N/A

Absent – N/A

Abstain – N/A

VOICE VOTE

The meeting adjourned at 9:10 pm

Connie L. Potter
Executive Assistant