

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 June 15, 2022, at 7:00 PM.

CALL TO ORDER

Chairman Merchant called the meeting of the Planning Commission to order at 7:00 pm.

ROLL CALL

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

Staff Present:

Lauren Kopishke, Planning Director/Zoning Administrator
George Sonnett, Assistant Town Attorney
Connie L. Potter, Executive Assistant

Chairman Merchant explained there was a request to add an item to the agenda and asked the Director Lauren Kopishke to explain the request. Ms. Kopishke explained that a Special Use Permit application had been submitted for the conversion of a ground floor commercial area into two (2) apartments. This application was left off the agenda.

Chairman Merchant confirmed this was an item for the consent agenda for authorization to advertise the application for public hearing and noted it would be a discussion item at the July 6, 2022, Planning Commission work session.

Commissioner Marshner moved, seconded by Commissioner Ingram to add this item to the consent agenda.

VOTE: Yes – Gordon, Marshner, Merchant, Jones, Ingram
No – N/A
Abstain – N/A
Absent – N/A

ROLL CALL

MINUTES

- May 18, 2022 – Regular Meeting

Commission Ingram moved, seconded by Commissioner Marshner to approve the meeting minutes from May 18, 2022, as written.

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

No – N/A

Abstain – N/A

Absent – N/A

VOICE VOTE

CITIZEN COMMENTS

There were no citizen comments.

CONSENT AGENDA

The following applications are on the consent agenda to advertise for public hearing at the July 20, 2022, regular meeting.

- **2200105** – Special Use Permit for Short Term Rental located at 425 N. Royal Avenue. Submitted by Joy L. Allen & Patrick Much.
- **2200106** – Special Use Permit for Short Term Rental located at 18 E. Stonewall Drive. Submitted by Jerry & Martha Britton.
- **2200113** Special Exception Application for a new proposed private street to improve traffic flow through parcels located at 508 Kendrick Lane. Submitted by Poe's River Edge LLC & Eagle Sky Industrial Park, LLC
- **2200101 - Ramzi Beidas, MZF, LLC** - A request for a Special Use Permit for apartments to be located on the ground floor at 650 W 11th Street identified on tax map 20A1-2-3 7,8, & 9. The property is zoned C-1.

Commissioner Marshner moved, seconded by Vice Chairman Gordon to approve the consent agenda.

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

PUBLIC HEARINGS

Chairman Merchant explained the process for speaking at the public hearing. Public hearings are a very important part of what the Planning Commission does. He stated each speaker would have 3 minutes to speak.

- **FRSPU-003087-2022 – Hike Properties LLC** – A request for a Special Use Permit to allow a short-term rental located at 201 E. Main Street and identified on tax map #20A8-10-5. The property is zoned C-2.

Ms. Kopishke reviewed the staff report for the short-term rental request. The property is located in the C-2 District, Historic District and the floodplain. The property is not being used as a primary residence. The lower level is currently operating as a retail business and the proposed short-term rental will occupy the upper level. There are designated parking spaces located in the rear of the property.

Mr. Hike was unable to attend the meeting. Doug Ichiuji attended the meeting in Mr. Hike's place and spoke from the audience.

Chairman Merchant opened the public hearing.

There were no speakers present.

Chairman Merchant closed the public hearing.

After a brief discussion the Planning Commission made the following motion.

Vice Chairman Gordon moved, seconded by Commissioner Ingram to recommend for approval application number FRSPU-003087-2022 with the condition that parking is designated with signage.

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

- **FRSPU-003069-2022 - Bridget Scanlan** – A request for a Special Use Permit to allow a short-term rental located at 108 Virginia Ave and identified on tax map 20A5-13-134-4. The property is zoned R-3.

Ms. Kopishke reviewed the staff report. Ms. Scanlan submitted a request for a short-term rental located at 108 Virginia Avenue. The property is zoned R-3 and is also located in the Historic District. She noted this was not a primary residence for Ms. Scanlan. There are four (4) bedrooms of which two (2) are proposed to be rented out. Occupancy will not exceed four (4) occupants. Parking is available on site. Staff conducted an inspection and confirmed that the applicant is in

compliance with the management plan and the zoning ordinance. Ms. Kopishke noted that Ms. Scanlan has used the property as a short-term rental for the past year.

Ms. Scanlan stated she had nothing to add but was happy to answer any questions.

Chairman Merchant opened the public hearing.

Dr. Viviano Rodriguez, 102 West 1st Street lives across the street from the proposed short-term rental. Dr. Rodriguez shared he was concerned about the narrowness of the street and the line of vision for vehicles traveling at this location. The property is not built for recreation and doesn't feel there is enough parking under the carport. He said the property has been used for the past year as a short-term rental and said there should be ramifications for anyone operating a short-term rental without a permit. He is against approval of the proposed application.

Holland Daniels, 122 W. 1st Street. Mr. Daniels said Ms. Scanlan has done more to improve the property than any other owner at this location. He does not think that her rental is year-round. Mr. Scanlan believes she is a good property owner.

Bruce Rappaport, 300 W. Main Street. Mr. Rappaport expressed concern of transients being in this residential neighborhood and it made him feel uncomfortable. He noted there are a lot of children in the neighborhood as well as schools and churches. Short-term rentals are taking away properties where homeowners might live. Mr. Rappaport asked that the Planning Commission deny the application.

Manuel Vicente, 170 Elsie Drive. Mr. Vicente expressed concern that the street is rather narrow and there is not adequate parking if renting to several people which he feels is dangerous for children that live in the area. He does not want this to be a commercial town and is against approving the application.

Jean Staphf, 101 Virginia Avenue. Ms. Staphf said she lives across the street from Ms. Scanlan and noted that Ms. Scanlan has made many improvements to the house. She has not seen any parking problems at the property and said the carport holds four (4) vehicles in the driveway. Ms. Staphf said she is in favor of approving the application.

Doug Ichiuji, 125 W. 1st Street. Mr. Ichiuji expressed that Ms. Scanlan has done a fantastic job improving the house and the neighborhood. He has never seen anyone park on the street at this location and noted that vehicles park in the carport. Mr. Ichiuji said he has no objection approving the application and asked that the Planning Commission approve the request.

Alex Bowdey, 105 Virginia Avenue. Mr. Bowdey stated he lives across the street from the proposed short-term rental. He generally agrees that he has not seen any congestion at the site. He was shocked that the property has been used as a short-term rental for the past year and thought that to be inappropriate to conduct yourself that way. Mr. Bowdey thought it was inappropriate to buy a home in a residential area and flip it into a short-term rental property. He stated he is against the application being approved.

Ms. Staphf stated there may not be short-term rentals in the area but there are rentals along Virginia Avenue and referred to several locations of houses on Virginia Avenue that are apartments.

As there were no additional speakers Chairman Merchant closed the public hearing.

Planning Commission members held some discussion about the parking concerns. Commissioner Marshner suggested safety mirrors at the intersection. Vice Chairman Gordon stated there are no parties allowed at the house and no more than 4 people at the house. Those considerations should not create an undue burden especially with the parking in the driveway.

Chairman Merchant recommended that Public Works staff look at the intersection for safety devices. He noted that this is the first review of a short-term rental in a residential zone. These are the issues we are going to see in the future in a residential zone.

Vice Chairman Gordon moved, seconded by Commissioner Ingram to recommend approval of application FRSPU-003069-2022.

VOTE: Yes – Ingram, Gordon
No – Marshner, Merchant, Jones
Abstain – N/A
Absent – N/A

ROLL CALL

- **FRZORDAM-003111-2022** - An amendment to Chapter 175 of the Town of Front Royal Zoning Ordinance to add the definition of “Data Center”, “Green Roof”, “Solar Roof”, and “Vegetative Roof” to Chapter 175-3; add “Data Center” as a use permitted by right in the Industrial Employment District (I-2), revise permitted uses in the Industrial Employment District (I-2), Chapter 175-65; and to add supplemental regulations for “Data Centers” to Chapter 175-152.

Ms. Kopishke confirmed that Chapter 175-152 does not currently exist. The text amendment would allow data centers as a by-right use in the I-2, Industrial Employment District. Should an application for a data center be submitted it would be an administrative review and would not come before the Planning Commission or Town Council. Staff has included performance standards which are required to be adhered to in order to receive an administrative approval.

Chairman Merchant opened the public hearing.

Bruce Rappaport, 300 W. Main Street. Mr. Rappaport expressed that he did not believe data centers should be a by-right use and that a Special Use Permit should be required which would ensure that the specific terms and details of a proposed data center would be vetted by the Planning Commission, Staff and Town Council. This would allow the community to provide input at public hearings.

There were no additional speakers. Chairman Merchant closed the public hearing.

Chairman Merchant shared that he attended the Warren County Planning Commission public hearing for their Data Center Ordinance. The Town is jointly working with Warren County on “sister” ordinances for data centers for the county and the town. He spoke as a citizen regarding his preference to seeing a Special Use Permit being required vs. a by-right use. Warren County tabled/postponed their ordinance, therefore the recommended county ordinance was not available for the Planning Commission to look at as a guideline.

Commissioner Marshner asked if the green roof issue could be separated from the fate of the data center ordinance. She questioned if green roofs need a Special Use Permit or would it be by-right.

Ms. Kopishke explained that data centers are very large buildings. DEQ allows localities to issue/offer a floor area ratio bonus to developers that install a green roof on data center buildings. A green roof would help mitigate some of the stormwater runoff.

Chairman Merchant said that since they are currently in the process of rewriting the Comprehensive Plan green roofs could be looked at as being for more than just data centers and be for every building.

Ms. Kopishke stated that staff is starting the process in the next few weeks of rewriting the Zoning Ordinance and green roofs can be discussed at a Planning Commission work session.

Vice Chairman Gordon noted that currently you can build a vegetative roof as long as it meets building code.

Ms. Kopishke said that in this instance with this performance standard it gives staff a way to calculate what the bonus would be.

Vice Chairman Gordon stated we do not define green roofs however we define solar and vegetative roofs. The state defines a green roof as either solar or vegetative. If the intent is to keep it as solar or vegetative a definition for green roof needs to be added.

Commissioner Jones asked if the ordinance could say green roof instead of solar or vegetative. Ms. Kopishke confirmed that staff could make that change.

Commissioner Jones expressed that he would like to move that the Planning Commissioner replace by-right with a requirement of a Special Use Permit. He would also like to remove line 446 from the proposed ordinance because it refers to photographs that were removed. The motion was not seconded.

After additional discussion Chairman Merchant referred to Commissioner Jones request to change the by-right use to require a Special Use Permit. If the Planning Commission is going to vote on the ordinance Chairman Merchant explained they should vote on the ordinance as submitted with three (3) recommendations to Town Council: 1) Change the by-right use to requiring a Special Use Permit; 2) Add definition of a green roof; and 3) Edit the document to remove line 446.

If a motion is made Commissioner Gordon stated he would like to remove the building height section under 175-152.B. There is already a building height of 75' for the I-2 District. This section restates that for data centers but also allows for an additional 25' with some additional setback requirements. Commissioner Gordon does not want to see a 100' data center.

Commissioner Jones moved, seconded by Vice Chairman Gordon to change by-right use to require a Special Use Permit and delete line 446.

Commissioner Gordon made a request to amend the motion to add the definition of green roof under section 175-3 to match the state definition of green roof.

Ms. Potter asked for clarification of the section number.

Commissioner Gordon restated the motion. He would like to add a definition of green roof to read a green roof is a solar roof or a vegetative roof and remove lines 421-425 that is under section 175-152.D.2. Motion seconded by Commissioner Ingram.

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

Chairman Merchant stated the amendment to the motion passed and asked for a vote for the original motion as follows:

Commissioner Jones moved, seconded by Vice Chairman Gordon to change by-right use to require a Special Use Permit and delete line 446.

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

Chairman Merchant confirmed that the amended motion carries, and the Planning Commission would send a recommendation to Town Council to consider changing the ordinance to read a Special Use Permit is required instead of a by-right use, adding green roof definition to the ordinance, remove line 421-425 regarding height of buildings and remove line 446 regarding fences.

OLD BUSINESS

There were no items for old business.

NEW BUSINESS

- **2200117** – Zoning Application for an Addition located in the Entrance Corridor, located at 1500 N. Shenandoah Avenue. Application Submitted by Long, Joseph/RAC Company of Maryland (Enterprise Rent-A-Car).

Ms. Kopishke briefed the Planning Commission on the application.

Vice Chairman Gordon moved, seconded by Commissioner Jones to approve application 2200117.

VOTE: Yes – Gordon, Marshner, Merchant, Jones, Ingram
No – N/A
Abstain – N/A
Absent – N/A

ROLL CALL

COMMISSION MEMBER REPORTS

There were no comments.

ADJOURNMENT

Vice Chairman Gordon moved, seconded by Commissioner Jones to adjourn the meeting.

VOTE: Yes – Merchant, Gordon, Ingram, Marshner, Jones
No – N/A
Abstain – N/A

VOICE VOTE

The meeting adjourned at 8:24 p.m.

Approved by Planning Commission
Date: 7/20/2022