

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 July 20, 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

ADDITION/DELETION OF ITEMS FROM THE AGENDA

There were no additions or deletions to the agenda.

Commissioner Marshner moved, seconded by Commissioner Jones to approve the agenda.

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

No – N/A

Abstain – N/A

Absent – N/A

VOICE VOTE

MINUTES

- June 15, 2022 – Regular Meeting

Commissioner Marshner moved, seconded by Commissioner Ingram to accept the minutes.

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

ROLL CALL

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.

- **2200225** – Special Use Permit for a short-term rental located at 107 Highfield Lane. Application submitted by William and Melissa Gordon.
- **2200230** – Special Use Permit for a short-term rental located at 12 Chester Street. Application submitted by Lea Justice.
- **2200238** – Special Use Permit for a short-term rental located 124 Luray Avenue. Application submitted by Philip Vaught/Vaught Real Estate, LLC.

Commissioner Jones moved, seconded by Commissioner Marshner that the Planning Commission approve the consent agenda as presented.

VOTE: Yes – Gordon, Marshner, 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. He stated each speaker would have 3 minutes to speak.

- **2200101 - Ramzi Beidas, MZF, LLC** - A request for a Special Use Permit for two (2) dwelling units 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.

Ms. Kopishke reviewed the staff report explaining this was a request to convert a previous brewery and laundromat to two (2) dwelling units on the lower level at 650 W. 11th Street. The property is

located in the C-1, Community Business District. Eight parking spaces are required, and the applicant has the capacity for eleven (11) parking spaces onsite.

Chairman Merchant opened the public hearing.

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

There were no comments from Planning Commission members.

Commissioner Ingram moved, seconded by Vice Chairman Gordon that the Planning Commission forward a recommendation of approval to the Front Royal Town Council for Special Use Permit Application #2200101 for two ground floor dwelling units at 650 W. 11th Street with the following conditions:

- 1. This Special Use Permit is authorized for ground floor dwelling units to be located at 650 W. 11th Street.***
- 2. The existing parking lot shall be resurfaced prior to the business opening.***
- 3. Town Council, or other designated representative, may inspect the property at any reasonable time to ensure compliance with local regulations, including, but not limited to the conditions placed on this Special Use Permit.***
- 4. Upon inspection of the property, if it is found that the property is not in compliance with local regulations, including but not limited to the conditions of this Special Use Permit, the Town may revoke this Special Use Permit after notice to the applicant and public hearing.***

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

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- **2200105** – Special Use Permit for Short Term Rental located at 425 N. Royal Avenue. Submitted by Joy L. Allen & Patrick Masch.

John Ware reviewed the staff report. The property is zoned C-1, Community Business District. Mr. Ware reported that the site inspection was conducted on June 28th, 2022. The application is for six (6) people, three (3) bedrooms. The site contains three (3) parking spaces in the driveway and six (6) parking spaces in the rear of the property. All conditions of the application have been met.

Sister of the applicant Ann Masch represented her brother Patrick Masch and his wife Joy Allen as they were unable to attend the meeting. Ms. Masch stated the applicants are very interested in opening an Airbnb and noted that her brother has very deep roots in the community. The property has ample parking and Ms. Masch noted that the house is a historical home. She mentioned that the applicants will be doing some hiring from the special needs community.

Chairman Merchant opened the public hearing.

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

Vice Chairman Gordon moved, seconded by Commissioner Ingram that the Planning Commission forward a recommendation of approval to the Front Royal Town Council for Special Use Permit #2200105 for a short-term rental located at 425 N. Royal Avenue.

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

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- **2200106** – Special Use Permit for a Short-Term Rental located at 18 E. Stonewall Drive. Submitted by Jerry & Martha Britton.

Mr. Ware reviewed the staff report. This request is for a short-term rental located at 18 E. Stonewall Drive. The property is zoned C-2, Downtown Business District. A site inspection was conducted on June 21st, 2022 and is in compliance with the application conditions. The application is for a maximum of eight (8) people with four (4) bedrooms and it has three (3) designated parking spaces in the driveway.

The applicant Martha Britton made a brief comment noting that she and her husband love the area and would like to retire in Front Royal. They will be using the Airbnb platform.

The public hearing was opened.

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

Commissioner Marshner moved, seconded by Vice Chairman Gordon that the Planning Commission forward a recommendation of approval to the Front Royal Town Council for Special Use Permit #2200106 for a Short-Term Rental located at 18 E. Stonewall Drive.

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

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- **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

Directly before the meeting the applicant withdrew the application from public hearing and will be amending their site plan and will resubmit the revised site plan to staff. The revised site plan will be scheduled for a work session and followed by a public hearing.

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

Ms. Kopishke reviewed the staff report. Council instructed staff to amend the ordinance to state that Data Centers would be by Special Use Permit and not a by-right use and to add supplemental regulations for “Data Centers” to Chapter 175-152. Shortly before the Planning Commission meeting staff received additional information from the Front Royal Economic Development Authority (FREDA) which was sent out to the Planning Commissioners by email shortly before the meeting.

Chairman Merchant recapped previous meetings held by the Planning Commission and Town Council.

Chairman Merchant opened the public hearing.

Rick Novak, 117 E. Main Street, Front Royal, VA voiced that his recollection of the Town Council meeting was that they seemed to be struggling with what Data Centers were and what they would mean to the community and believed Town Council sent it back to the Planning Commission to receive some additional input. Mr. Novak read the following statement into the record:



FRONT ROYAL ECONOMIC DEVELOPMENT AUTHORITY

102 E. MAIN STREET
PO BOX 1560
FRONT ROYAL, VIRGINIA 22630
(540) 635-8007

RICHARD NOVAK
Chair
snovak@frontroyalva.com

July 20, 2022

TO: Chairman and Planning Commissioners

FROM: Chairman Richard Novak, Front Royal Economic Development Authority (FREDA)

Case: 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 Special Use Permit 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.

On behalf of FREDA, the Authority asks the Planning Commission to amend Town Code Chapter 175 to allow Data Centers "by right". It should also be noted that the Town's Planning Department also recommends that Data Centers be "by right". You will also find supporting attachments which will be discussed tonight to support the proposed ordinance amendment like the ordinance that allows the following "by right" use:

- Technology Business including internet service providers, software design, development, 64 content developers, internet-based sales, and service, inbound or outbound call centers 65
- Distribution facilities
- Light Manufacturing
- Woodworking and upholstery shop.
- Wholesale

**It should be noted, the footprint and the building for the above usage will look same as a Data Center Building.*

The data center industry is an important part of a diverse Economic Development Tax Base. The Virginia Town tax revenue structure is limited to those taxes allowed by state statute. As a result, the Town's real property tax is only made up of 8% of general fund revenue and the personal property taxes were 4%. That means the Town heavily relies on meals and sales taxes to generate revenue and a lot of this is due to the Town being a "bedroom community." The Town revenue should focus on real and personal property taxes.

Data Centers would generate substantial revenue up to \$5.5M for real estate tax revenue and up to \$31M for personal property tax. With that said, data centers employ fewer workers than other manufacturing or industrial facilities of similar size. While the number of employees is not as large, the data center jobs are generally high paying, with average salaries of over \$100,000. An advantage of the smaller numbers of data center employees is that there is less need for Town investments in infrastructure and ongoing operational support for public safety and other services. In fact, data centers generally have their own security, sophisticated fire suppression systems, and relatively few visitors. These all mean that data centers are not large consumers of basic Town services. There are concerns about Data centers being a significant consumer of certain resources such as electric power and water; however, the new campus data center concepts with use significantly use less water by using grey water and work directly with energy companies to supply energy to purchase additional power to operate data centers.

You will find attached pictures of distribution centers and the "new sustainable design" data centers that are much different than how prior data centers are built.

Mark Tapsak, 145 Powell Lane, Front Royal, VA. Mr. Tapsak stated he was the Assistant Chairman of FREDa. He shared he had spoken with the offices of Stafford, Loudon and Fauquier Counties regarding data centers and encouraged the Planning Commission to look at their definitions of data centers. Mr. Tapsak believes a data center falls within “Technology Business”. Information provided to the Planning Commission lists what a Technology business is. He shared statistics from the three (3) jurisdictions he had spoken with.

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

Commissioner Jones asked if the speakers actually saw that the requirement of a Special Use Permit was an obstruction and do they view the requirement as causing problems.

Mr. Novak responded by stating that data centers are very protective of their information because there are many competitors. FREDa feels that the Special Use Permit is an unnecessary step that will extend the time of development and open the company up to additional examination. When companies are developing projects they do not want to share information. Mr. Novak explained that the EDA had been approached by the Virginia Economic Development Partnership (VEDP) about assembling ready-built sites for data centers and asked that data centers be a by-right use.

Commissioner Marshner asked Mr. Novak how long and how much time he thought it would take to go through the Special Use Permit (SUP) process.

Mr. Novak said he had no idea and that he was relying on the states opinion that the SUP requirement is a stumbling block.

Ms. Kopishke said the SUP process would add approximately three (3) months with concurrent advertising. Without concurrent advertising it would be about a five (5) month process.

Mr. Tapsak shared that the issue is less about the time and more about the uncertainty when a business is looking at a possible site. He encouraged the Planning Commission to write into the ordinance what they would like to see at a data center site and not require the SUP process so companies will know what is required of them.

Ms. Kopishke noted that staff has included performance standards in the ordinance, chapter 175-152 as the proposed section for performance standards. It could be a by-right use if you add performance standards which allow additional assurances and criteria that the applicant would need to meet.

Chairman Merchant explained that the public hearing was held for data centers by Special Use Permit rather than a by-right use.

Commissioner Marshner moved, seconded by Commissioner Jones that the Planning Commission forward a recommendation of approval to the Front Royal Town Council 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 Special Use Permit 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 as written.

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

OLD BUSINESS

There were no items for discussion under old business.

NEW BUSINESS

- **2200134** – Site Plan Application for an automated car wash facility (Hang 10 Car Wash) located in the Entrance Corridor at 1303 N. Royal Avenue. Application submitted by Seth Roderick, PE Monteverde Engineering and Design Studio of Harrisonburg, VA. The property is identified by Tax Map #20A3-4-55-1, 2, 3 & 4 and is zoned C-1.

It was noted that all applications within the Entrance Corridor come to the Planning Commission for review however they do not review the site plan but only confirm it is in conformance with the standards of the Entrance Corridor.

Mr. Ware explained the site plan application was for an automated car wash facility located in the Entrance Corridor at 1303 N. Royal Avenue. The application proposed demolition of the existing restaurant and construction of a new automated carwash with vacuum stalls and associated infrastructure. The existing building is currently situated on four (4) lots which will be consolidated into one (1) lot, for the proposed development. Mr. Ware explained the site layout that was displayed on the overhead screen.

A brief discussion was held regarding the entrance and exit of the proposed carwash and the appearance of the “tunnel” part of the carwash. Commissioners agreed this would be an improvement to the community vs. the existing structure that is at this location which is falling into some disrepair.

Seth Roderick, Monteverde Engineering and Design Studio, Harrisonburg, VA. Mr. Roderick explained he was the engineer, applicant and was also part of the ownership team. For clarity Mr. Roderick explained that the visible side of the “tunnel” has the transparent glass. The intent is to draw a lot of eyes and receive positive attention. The highest end, brand new technologies and equipment are being used to be one of the premiere brands available. A landscaping plan was included in the staff report and was displayed on the overhead screen for discussion.

Vice Chairman Gordon moved, seconded by Commissioner Ingram that the Planning Commission approve Site Plan Application #2200134 for an automated car wash facility in the Entrance Corridor located at 1303 N. Royal Avenue.

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

COMMISSION MEMBER REPORTS

There were no additional comments by Commission members.

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 7:57 p.m.

Connie L. Potter

Connie L. Potter

Executive Assistant

Clerk of the Planning Commission

Planning Commission Approved 8-17-2022