

The following minutes are a summary of items on the agenda.

The Planning Commission meeting of the Town of Front Royal, Virginia was held on August 17, 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 Connie Marshner, Commissioner Joshua Ingram

Absent: Commissioner Douglas Jones

Staff Present:

Lauren Kopishke, Planning Director/Zoning Administrator
George Sonnett, Assistant Town Attorney
John Ware, Deputy Zoning Administrator
Connie L. Potter, Executive Assistant, Clerk of the Planning Commission

ADDITION/DELETION OF ITEMS FROM THE AGENDA

Chairman Merchant mentioned that originally a work session was to be held after the regular meeting, however the work session was not properly advertised. He entertained a motion to add to the agenda under “Old Business” any discussion on the Comprehensive Plan.

Vice Chairman Gordon moved, seconded by Commissioner Marshner to add Comprehensive Plan discussion under “Old Business” as an agenda item for tonight.

VOTE: Yes – Gordon, Merchant, Marshner, Ingram

No – N/A

Abstain – N/A

Absent – Jones

VOICE VOTE

MINUTES

- July 20, 2022 – Regular Meeting

Vice Chairman Gordon moved, seconded by Commissioner Ingram to approve the minutes from the July 20th regular meeting as written.

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

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 September 21, 2022, regular meeting.

- **2200287 – Vesta Property Management** – A request for a Special Use Permit to allow a Short-Term Rental located at 30 Fairview Avenue identified by tax map 20A3-5-49 & 50. The property is zoned R-1.

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

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

ROLL CALL

PUBLIC HEARINGS

Chairman Merchant explained the process for speaking at the public hearing.

- **2200113 - Poe's River Edge LLC & Eagle Sky Industrial Park, LLC** - A request for a Special Exception to allow a new private street to improve traffic flow through parcels located at 508 Kendrick Lane identified by tax map 20A1-3-5A1 and 20A1-3-4. The property is zoned I-2.

Ms. Kopishke explained that the request is for a Special Exception application submitted by Poe's River Edge, LLC and Eagle Sky Industrial Park, LLC for a new nondedicated private street pursuant to Town Code Chapter 148-820.N.1.b. The request for approval is to improve traffic flow through the parcels located at 508 Kendrick Lane. The parcels are zoned I-2. This portion of the property is not located in the floodway. The road will be constructed to the Town's RC-1 Standards with the exception of the width. The width will be twenty feet (20') wide instead of the required thirty-six feet (36') wide.

The applicant was present to answer questions.

Chairman Merchant opened the public hearing.

There were no speakers.

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 Exception Permit 2200113 with the following conditions:

- 1. This Special Use Permit is authorized for a private street to be constructed to the Town of Front Royal's Public Street Standards, RC-1 with the exception of the pavement width requirement as shown on the road development plan, located on Tax Map Parcel #20A1-3-5A1 & T.M. #20A1-3-4.**
- 2. The applicant agrees to comply with Town standards for the location of utilities.**
- 3. Th applicant shall provide a copy of the road maintenance agreement to staff at the time of site plan approval.**
- 4. A master development plan be submitted if parcel T.M. #20A1-3-5A1 is further subdivided."**

VOTE: Yes – Gordon, Marshner, Merchant, Ingram

No – N/A

Abstain – N/A

Absent – Jones

ROLL CALL

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- **2200225 – William and Melissa Gordon** – A request for a Special Use Permit to allow a Short-Term Rental located at 107 Highfield Lane identified by tax map 20A10-8-2-7. The property is zoned R-1.

Vice Chairman Gordon disqualified himself from the discussion because he has personal interest in the application.

Mr. Ware explained the application is for a Special Use Permit for a Short-Term Rental located at 107 Highfield Lane, identified by tax map 20A10-8-2-7. The request is for a whole house rental

and is located in the R-1 Zoning District. This would be for five (5) bedrooms and ten (10) people maximum. There are four (4) available parking spaces on the lot. Inspection was conducted August 4, 2022, which failed inspection. A reinspection was conducted on August 10, 2022, at which time it passed the inspection, and the application was complete.

It was noted the application was properly advertised.

Melissa Gordon, property owner at 107 Highfield Lane. Ms. Gordon shared their vision for the Short-Term Rental at this property and mentioned there is a gorgeous view of a vineyard from the rear yard. When they travel they like to stay in Short-Term Rentals within a community and get to know the area. They want to provide that same experience to people who come to the Front Royal area and highlight areas in the downtown, restaurants, brewery's, wineries, shops, national parks, rivers etc. Ms. Gordon said they plan to live locally to the area where they can monitor the property for upkeep.

Chairman Merchant opened the public hearing.

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

Commissioner Ingram asked if there were any concerns with an HOA. Staff said there was not an HOA at this location.

Commissioner Ingram moved, seconded by Commissioner Marshner that the Planning Commission forward a recommendation of approval to the Front Royal Town Council for Special Use Permit #2200225 for a Short-Term Rental located at 107 Highfield Lane.

Chairman Merchant shared that part of the Special Use Permit process is to determine if a use is appropriate for a particular area. Short-Term Rentals are new to this area and Commission members are still feeling their way through the ordinance to determine what is the appropriate use in the residential area. He expressed that he had mixed feelings about a nonowner occupied dwelling being used as a Short-Term Rental. Chairman Merchant noted that the property is a nice location, and the vineyard makes it a very attractive piece of property.

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

ROLL CALL

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- **2200230 – Lea Justice** – A request for a Special Use Permit to allow a Short-Term Rental located at 12 Chester Street identified by tax map 20A8-4-43. The property is zoned C-2.

Mr. Ware explained this was a Special Use Permit application for a Short-Term Rental located at 12 Chester Street. The property is located in the C-2 zoning district. The inspection was completed on August 29, 2022, with a complete application and passed inspection.

The applicant Lea Justice, 6015 Panhandle Road, Front Royal, VA. Ms. Justice stated she was one of the property owners and will be the property manager of 12 Chester Street should the application be approved. She explained they have been working on the historic renovation of the building the last four (4) years. Their vision is to compliment a colonial style tavern downstairs and offer their patrons a place to stay upstairs. They enjoy staying in Short-Term Rentals when they travel and feel that their location is a very appropriate use for that space given they are in the heart of the historic and tourism district.

Chairman Merchant opened the public hearing.

Nathaniel Buechler, 218 Gooney Falls Lane, Front Royal, VA. Mr. Buechler said he was in favor of approving the application for the Short-Term Rental.

Philip Vaught, 124 Luray Avenue, Front Royal, VA. Mr. Vaught spoke in support of approving the proposed Short-Term Rental.

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

Vice Chairman Gordon referred to Town Ordinance Chapter 175-151.B which specifies two (2) adults per bedroom and this application states it is a one (1) bedroom, and they are applying for four (4) people. He asked if the living room would be considered a bedroom.

Mr. Ware explained that during the inspection he recognized that the living room could be converted into a bedroom if the Special Use Permitted is granted.

Commission members discussed the parking requirements for this location. Chapter 175-151.E states that parking for use shall be located in driveways or other designated and approved parking areas. The proposed plan is relying on public parking.

Mr. Ware stated there is no parking available on the site. The structure uses public parking and has always used public parking whether on the street or in the designated public parking areas.

Concern was expressed that the Town Code states that a parking space has to be designated.

Vice Chairman Gordon proposed that they add a condition that a designated parking space be procured possibly by renting from one of the businesses in the area and having signage for a designated parking space to fulfill the requirement of the code.

There was additional discussion regarding the parking requirement. Commissioners agreed that parking would probably not be a problem except during an event. Chairman Merchant asked the applicant if they would be willing to continue the application review for one (1) month to the next regular Planning Commission meeting to find suitable parking or that staff find a solution to the code. He noted the Commission supports the application. Ms. Justice said she was willing to extend the application to the next regular meeting.

Commissioner Marshner moved, seconded by Commissioner Ingram to postpone action on number 2200230 to the September 21, 2022, meeting.

After additional discussion Vice Chairman Gordon proposed amending the motion. Commissioner Marshner was in agreement to amend the original motion.

Vice Chairman Gordon moved to amend the motion, seconded by Commissioner Ingram to recommend conditional approval with the condition of either securing designated parking spots as appropriate for the number of bedrooms or to receive a parking exemption from the Zoning Administrator.

Mr. Sonnett explained Commissioner Marshner should withdraw her original motion.

Commissioner Marshner withdrew her original motion.

Vice Chairman Gordon moved, seconded by Commissioner Ingram that the Planning Commission forward a recommendation of conditional approval to the Front Royal Town Council for Special Use Permit number 2200230 for a Short-Term Rental located at 12 Chester Street with the condition of either securing designated parking for the appropriate number of bedrooms or receiving a parking exemption from the Zoning Administrator.

Ms. Justice asked what the timeframe was to address the conditions.

Chairman Merchant explained that if they approve the motion conditionally with the condition you either A) acquire a parking space, or B) the Director is able to issue an exemption for parking for this use and if either of these are not acquired the application would then be dead.

Ms. Justice asked for clarification if she would need to acquire one of the conditions before the next Town Council meeting.

Ms. Kopishke commented it would be at the next Town Council meeting. Ms. Potter stated it would go to the Town Council work session on September 12th and to the Town Council Public Hearing on September 26th. Ms. Justice said she would like to proceed with that schedule.

VOTE: Yes – Gordon, Marshner, Merchant, Ingram

No – N/A

Abstain – N/A

Absent – Jones

ROLL CALL

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- **2200238 – Philip Vaught/Vaught Real Estate LLC** – A request for a Special Use Permit to allow a Short-Term Rental located at 124 Luray Avenue identified by tax map 20A7-4-74. The property is zoned R-3.

Mr. Ware explained the application was for a Special Use Permit to allow a Short-Term Rental located at 124 Luray Avenue, identified by tax map 20A7-4-74. The property is in the R-3 Residential District. The applicant is requesting a partial rental of three (3) bedrooms and noted the applicant will be located at the residence. There are six (6) regular parking spaces plus one (1) handicap space. The inspection was conducted on August 2, 2022 and passed inspection. The application is complete.

The applicant Philip Vaught, 124 Luray Avenue, Front Royal, VA gave a brief history of the property and noted they have taken special care to make sure the building has special accommodations for guests with disabilities which includes an elevator. They are also making accommodations for people with hearing impairments and for blind patrons as well. Mr. Vaught clarified that while they live on site and their portion of the house has two (2) bedrooms, the space intended for the bed and breakfast has three (3) bedrooms but would like the flexibility to rent out the entire house and asked if this would require a separate application or amend the current application. He would like the application to be for five (5) bedrooms and they have the parking requirements for that with six (6) regular parking spaces and one (1) handicap space.

Chairman Merchant opened the public hearing.

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

Chairman Merchant noted the applicant currently has a bed and breakfast at this location and asked why they were changing the use.

Mr. Vaught explained he was not changing the use but adding an additional use.

Commission members and staff discussed parking on the property. Bed and Breakfast and Short-Term Rentals have different parking requirements as far as location of parking. The Town Code states for Short-Term Rentals parking for the use shall be located in driveways or other designated and improved parking areas. Currently there are seven (7) spaces available on the site. The Code does not give a number of parking spaces required for Short-Term Rentals. When the applicants Bed and Breakfast application was previously applied for, and approved parking requirements were met at that time. This being a different application for a Short-Term Rental does not have the same parking requirements.

The application was advertised for three (3) bedrooms and the applicant is now requesting five (5) bedrooms. Chairman Merchant asked Mr. Sonnett to address this request.

Mr. Sonnett explained the applicant would have to amend the application from 3 to 5 bedrooms and bring it back to the Planning Commission for review.

Vice Chairman Gordon moved, seconded by Commissioner Ingram to forward a recommendation of approval to the Front Royal Town Council for Special Use Permit number 2200238 for a Short-Term Rental located at 124 Luray Avenue.

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

ROLL CALL

OLD BUSINESS

- Discussion of the Draft Comprehensive Plan.

The draft document received is dated 29 July 2022.

Ms. Kopishke stated that she would like to forward comments back to Summit by August 31st.

Commission members agreed the graphics and maps need work as there is difficulty when printing the maps, pictures, graphs, and charts as they are not legible. In this discussion Chairman Merchant would like to give Ms. Kopishke a broad guidance that she can review as well as Commissioner comments that will be given to her by the end of August that she can forward to Summit. Summit will have an additional two (2) public input sessions and then proceed to Planning Commission public hearing. For the last public input session, he would like it to be held on a Saturday morning, have lunch and then in the afternoon meet as a group to discuss the final comments that would go to Summit for the final product.

Chairman Merchant mentioned he has found the draft document somewhat hard to review as there is no Table of Contents and no coherent chapter numbering which makes it difficult to reference any points and would like Summit to address this before the public input session. The most important thing to him is the Future Land Use Map. This will impact the community for the next 20-30 years. Once Summit has received all the public input information he wants the Planning Commission to evaluate the document before they make a recommendation to Town Council.

Vice Chairman Gordon referred to a previous meeting that Summit said they are implementing a “matrix to the big ideas” and he believes this will be good. Currently we are missing some of the “how” things get done. Transportation needs more attention to include state code and what needs to be included, including transportation infrastructure needs and recommendations. Those should have costs tied them. Currently the document is not specific enough.

Chairman Merchant reiterated that the Planning Commission will need a period of time to meet to discuss and finalize the document and believes the best time to do that is to meet after the last public input session. He would like Summit to get the Table of Contents together, place holder blanks and look at a color scheme. Some things printed in black and white can’t be read. He asked Ms. Kopishke if she could address this with Summit between now and the final public input session as it would save the Planning Commission hours of debate. The Planning Commission will need 3-4 hours to discuss the final document after the public comment session.

Commission members were reminded to get their individual comments to Ms. Kopishke by August 31st, Summit will then hold the public input session, the Planning Commission will discuss the final edits and then advertise for Planning Commission public hearing.

Ms. Kopishke shared that she had been speaking with County staff to have a joint meeting with the Town and County Planning Commissions in September before the public input session is held. Commission members agreed they were in favor of that meeting.

NEW BUSINESS

There were no items for new business.

COMMISSION MEMBER REPORTS

Chairman Merchant referred to the monthly report provided to the Commission and thanked staff for providing that report.

ADJOURNMENT

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

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

No – N/A

Abstain – N/A

VOICE VOTE

The meeting adjourned at 8:21 p.m.

Approved by Planning Commission

Date: 9/21/2022