

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 16, 2022, at 7:00 PM at Town Hall.

CALL TO ORDER

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

ROLL CALL

Present: Darryl Merchant, Chairman
Connie Marshner, Commissioner
Joshua Ingram, Commissioner
Daniel Wells, Commissioner

Absent: N/A

Staff Present: John Ware, Deputy Zoning Administrator
George Sonnett, Assistant Town Attorney
Connie L. Potter, Executive Assistant, Clerk of the Planning Commission

ELECTION OF OFFICERS

- Vice Chairman

Commissioner Ingram moved, seconded by Commissioner Wells to appoint Connie Marshner to Vice Chairman.

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

VOICE VOTE

ADDITION/DELETION OF ITEMS FROM THE AGENDA

There were no additions or deletions to the agenda.

MINUTES

- October 19, 2022 – Regular Meeting

Commissioner Ingram moved, seconded by Vice Chairman Marshner to approve the meeting minutes of the October 19, 2022, Planning Commission regular meeting.

VOTE: Yes – Ingram, Marshner, Wells

No – N/A

Abstain – Merchant

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 December 21, 2022, regular meeting.

- **2200444 – Yaohua Gu** – A request for a Special Use Permit to allow a Short-Term Rental located at 309 E Prospect Street and identified by Tax Map 20A813-5A. The property is zoned R-3, Residential District and is located in the Historic Overlay District.
- **2200454 – Tabatha Luskey** – A request for a Special Use Permit to allow a Short-Term Rental located at 302 Blue Ridge Avenue and identified by Tax Map 20A9-14-1-18. The property is zoned R-3, Residential District and is located in the Historic Overlay District.
- **2200385 – Rezoning NVR Ryan Homes**- This application was submitted by NVR Inc., for the conditional rezoning of approximately 43.9 acres from the R-E District to the R1-A District. Proffers and a concept plan have been submitted for the site showing the potential development of 142 single family dwellings.
- **2200442 – HEPTAD Amended proffers** - This application was submitted by HEPTAD LLC., to amend the previously approved proffers for the subdivision entitled ANNA SWAN EST Tax Map 20A212 1.
- **2200461 – Philip Vaught** – A request for a Special Use Permit to allow a Lodging House located at 140 Chester Street and identified by Tax Map 20A8-4-4. The property is zoned C-2, Downtown Business District and is located in the Historic Overlay District.

- **Comprehensive Plan** – Certification and recommendation of the new Comprehensive Plan document which shall update and supersede the Front Royal Comprehensive Plan, adopted March 23, 1998. Chapter 22, Article 3: §15.2-2223 through §15.2-2232 of the Code of Virginia outlines the legal authority and requirement that all localities prepare, recommend, and adopt a Comprehensive Plan.

These items will be reviewed at the December 7, 2022, Planning Commission work session.

Chairman Merchant requested to pull the Comprehensive Plan to be discussed under other business.

Vice Chairman Marshner moved, seconded by Commissioner Wells to approve the consent agenda less the Comprehensive Plan.

Yes – Marshner, Merchant, Well, Ingram

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

PUBLIC HEARINGS

- **2200349 – Aaron Hike** – A request for a Special Use Permit to allow a short-term rental located at 1116 N. Royal Avenue and identified by Tax Map 20A2-443-2, 3, 4, 5 & 6. The property is zoned C-1 and is located in the Entrance Corridor Overlay District.

Mr. Ware gave a brief review of the application stating this was for a Short-Term Rental at 1116 N. Royal Avenue. The application was amended after the previous Planning Commission work session requesting that it be for a whole house rental for five (5) bedrooms and a maximum of ten (10) people. There is ample parking onsite. The inspection was conducted on August 29, 2022, for the one room which passed inspection, however the other four (4) rooms have not been completed, and an inspection has not been completed on those rooms.

Chairman Merchant explained the rules of speaking at the public hearing.

The applicant, Mr. Hike located at 1516 N. Royal Avenue stated he was the owner of Hike Properties and is the owner of the property located at 1116 N. Royal Avenue. He would like to get the one (1) unit approved and in use while they are under construction of the remaining units which would bring in income while they finished construction on the remaining rooms.

Chairman Merchant opened the public hearing.

Dr. Jeremy Busch, 1100 N. Royal Avenue, owner of Performance Sport and Spine directly adjacent to Mr. Hike's property expressed concern that since the construction began in March there has been a lot of debris left at the property. Since May, there has been campers, trailers, vans, commercial vehicles, front loaders, ladders, trash, and debris ranging anywhere from touching his

building to 4 inches from his building. Dr. Busch is very concerned that all the trash and debris and commercial vehicles are affecting his patient base because they think his business is closed. If Mr. Hike is not keeping this site clean as a construction site he is concerned of how it will be maintained with short-term renters at the property.

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

The number of actual rooms to be used was discussed. The bedroom has five (5) bedrooms which allows a maximum of ten (10) people. There is a 1st floor and 2nd floor and this would be a whole house rental. Only the efficiency has passed inspection as the other rooms are under construction. Mr. Ware reiterated that the applicant is requesting approval to rent out the efficiency on the contingency he completes construction of the other four (4) rooms. Mr. Hike expects completion of the additional four (4) rooms in 4-6 months.

Commission members held additional discussion regarding parking. Mr. Hike explained there are entrances to the parking area from Royal Avenue and on to the 2-way alley.

Mr. Ware explained that code enforcement has been in touch with Mr. Hike and given him a deadline to clean up the property. If not cleaned up by the deadline, then the notice will go with a violation letter.

There was some additional discussion regarding parking. Mr. Ware clarified that it is a gravel parking area that had not yet been striped. Chairman Merchant stated that parking is supposed to be paved unless waived by the Planning Direction. He noted that he would prefer that traffic come off of the alleyway vs. Royal Avenue. As shown on the current plat the parking area is on a separate lot from where the house is located.

Mr. Sonnett explained that under Chapter 148-1870 parking can be designated within 300' of the property. A condition of the Special Use Permit would need to include where the designated parking is located and that would go with the Special Use Permit.

Mr. Ware explained the Planning Commission could require the applicant to do a lot consolidation so the parking and house would be on one lot and the parking would be satisfactory with the dwelling.

Commission members agreed they did not want to forward a recommendation to Town Council because they felt the application was incomplete and did not want to approve something that is not built and inspected by staff, and that the property needed to be cleaned up and in compliance before moving the application forward.

Commissioner Ingram moved, seconded by Commissioner Wells to postpone any action on this particular application until their next regular meeting on December 21, 2022.

VOTE: Yes – Marshner, Ingram, Merchant, Wells

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

OLD BUSINESS

There were no items for old business.

NEW BUSINESS

- Capital Improvement Plan (CIP)

Assistant Town Manager, Kathleen Leidick gave a summary update of the Capital Improvement Plan.

ADDITIONAL BUSINESS DISCUSSION

- **Comprehensive Plan** – Certification and recommendation of the new Comprehensive Plan document which shall update and supersede the Front Royal Comprehensive Plan, adopted March 23, 1998. Chapter 22, Article 3: §15.2-2223 through §15.2-2232 of the Code of Virginia outlines the legal authority and requirement that all localities prepare, recommend, and adopt a Comprehensive Plan.

Chairman Merchant expressed he had two issues with the Comprehensive Plan before they move it forward. 1) It is a huge document and evolving all the time. Vice Chairman Marshner had made comments at the public input session and Summit said they would make those changes to the document; and 2) he has issues with the maps and wanted to see north arrows, street names or some local identifier on all maps. Chairman Merchant did not want to go to public hearing without a finalized document or final draft document. The original preliminary draft of the Future Land Use Map showed the Marshall Planning Area 15 designated as mixed use like the Voluntary Settlement Agreement we have with the owner of the property, County and Town. Leaving it a blank mixed use can give the Town and the property owner the flexibility to have both a small amount of commercial as well as various stages of residential. Under the current Future Land Use Map, it appears to be designated as R-1, low density residential.

Vice Chairman Marshner mentioned that she trusted Summit to make the changes but would like to verify those changes.

Commissioners agreed they would like the Marshall Planning Area 15 to be designated as a full mixed-use area. They would like to hold the public hearing and depending on comments by the public make those changes before moving it forward to Town Council.

Vice Chairman Marshner moved, seconded by Commissioner Wells to authorize the Front Royal Comprehensive Plan for advertisement for public hearing by the Planning Commission.

VOTE: Yes – Merchant, Marshner, Wells, Ingram

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

Commissioners would like Summit to provide a list of the changes made to the document before their work session on December 7, 2022.

COMMISSION MEMBER REPORTS

There were no additional comments.

PLANNING DIRECTOR REPORT

Chairman Merchant stated the October Monthly Report was contained in the meeting packet.

There was a work session following the regular meeting for discussion on rezoning application 2200648.

ADJOURNMENT

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

VOTE: Yes – Well, Merchant, Marshner, Ingram

No – N/A

Abstain – N/A

Absent – N/A

VOICE VOTE

The meeting adjourned at 7:58 p.m.

Approved by Planning Commission

Date: 12/21/2022