

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 December 21, 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: Darryl Merchant, Chairman
Connie Marshner, Vice Chairman
Joshua Ingram, Commissioner
Daniel Wells, Commissioner
Glenn Wood, Commissioner

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

Chairman Merchant welcomed Mr. Wood to the Planning Commission and noted that he had previously served on the Planning Commission. Chairman Merchant also recognized that this was Commissioner's Ingram last Planning Commission meeting and noted that he would now be serving on Town Council as of January 1, 2023.

ADDITION/DELETION OF ITEMS FROM THE AGENDA

There were two (2) items added to the consent agenda to advertise for public hearing at the January 18, 2023, meeting and will be discussed at the January 4, 2023, work session. Those items were as follows:

- Capital Improvement Plan
- NVR, Inc. Rezoning Application that was pulled from the public hearing on 12/21/2022

Vice Chairman Marshner moved, seconded by Commissioner Wood to add these two (2) items to the consent agenda.

VOTE: Yes – Marhsner, Merchant, Wood, Ingram, Wells

No – N/A

Abstain – N/A

Absent – N/A

VOICE VOTE

MINUTES

- November 16, 2022 – Regular Meeting
- November 30, 2022 – Special Meeting

Commissioner Ingram moved, seconded by Vice Chairman Marshner to approve the regular meeting minutes of November 16, 2022, and the special meeting minutes of November 30, 2022, as written.

VOTE: Yes – Ingram, Marshner, Wells, Merchant

No – N/A

Abstain – Wood

Absent – N/A

ROLL CALL

CITIZEN COMMENTS

There were no citizen comments.

CONSENT AGENDA

The following applications need to be added to the consent agenda to advertise for public hearing at the January 18, 2023, regular meeting.

- A. 2200494** – Barbara Samuels – A request for a Special Use Permit for a ground floor dwelling unit at 437 S. Royal Avenue identified by tax map 20A7-3-10. The property is zoned C-1, Community Business District.
- B. FY 2024-2028 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.
- C. NVR, Inc. Rezoning Application #2200385. 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.

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

VOTE: Yes – Marshner, Wood, Merchant, Wells, Ingram

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 asked speakers to try and keep their comments to 3 minutes.

- A. 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 District Area.

Mr. Ware stated this was a request for a Short-Term Rental at 309 E Prospect Street. The property is located in the R-3 Zoning District and the Historic District. The applicant intends to rent the entire home totaling three (3) bedrooms and no more than six (6) occupants. An inspection was completed on November 30, 2022, and the site is in full compliance with Town Code 175-151. The property is limited to three (3) cars in the driveway. Staff recommends approval and does not have any recommended conditions.

Chairman Merchant opened the public hearing.

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

The applicant was asked if they would be occupying the residence at least two (2) weeks a month as noted in their application. Ms. Gu confirmed that was an accurate statement.

Vice Chairman Marshner moved, seconded by Commissioner Wells to recommend application #2200444 to Town Council.

VOTE: Yes – Marshner, Merchant, Wood, Ingram, Wells

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

- B. 2200454 – Tabatha Luskey, Luskey Properties, LLC** – A request for a Special Use Permit to allow a Short-Term Rental located at 302 Blue Ridge Avenue and identified by Tax Map 20A8-14-1-18. The property is zoned R-3, Residential District and is located in the Historic District Area.

Mr. Ware explained this was a request for a Short-Term Rental to be located at 302 Blue Ridge Avenue. The property is zoned R-3 Residential and is located in the Historic District. The applicant intends to rent the entire home consisting of three (3) bedrooms and no more than six (6) occupants. An inspection was completed on November 30, 2022, and the site is in full compliance with Town Code 175.151. Three (3) offsite parking spaces are available in the driveway.

Chairman Merchant opened the public hearing.

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

The applicant, Ms. Luskey confirmed this would be an owner-occupied Short-Term Rental.

Commissioner Ingram moved, seconded by Commissioner Wood to forward a recommendation of approval to Town Council for Special Use Permit #2200454 for a Short-Term Rental located at 302 Blue Ridge Avenue.

VOTE: Yes – Marshner, Ingram, Merchant, Wells, Wood

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

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- C. 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.

Ms. Kopishke offered a PowerPoint presentation as follows:



What is a Comprehensive Plan and is it a law?

The Comprehensive Plan is a GUIDING DOCUMENT that does **not** have the force of a law.

Purpose of the Comprehensive Plan

- Providing a guide for the public to see the decisions that will form the future Front Royal.
- Promoting the interests of the town as a collective whole.
- Comparing and contrasting short-term action against long-term goals.
- Promoting, describing, and enhancing the environment of the Town.
- Creating a well-planned system of public services.
- Noting the natural resources, historical, and architectural significance of Front Royal and the surrounding area so that they can be preserved, protected, and integrated for future generations in an orderly development pattern.

The Plan should lead to changes in the **Official Zoning Map** and **Zoning and Subdivision Ordinances** which are legally binding. It's also used to guide future development in order to meet the desired character in the vision and goals.

The plan will also make recommendations for Capital Improvements as well as prioritizing funding for projects within the locality for years to come.

Why is it important for the locality to update their Comprehensive Plan?

A lot can change in 25 years. Not only has the Town changed, but State and building codes have been updated. The Town needs to adapt to the changes and make sure that they are compliant with current codes.

- It can be a relevant and contemporary guiding document
- Current leadership and current residents can give input
- It's grounded in current reality, begins with actual population and demographic information
- It can use best planning practices to navigate to an ideal future

When was the last Town Comprehensive Plan adopted?

The last process for a Comprehensive Plan update began in 1996 and was fully adopted by the Town in 1998, with amendments being made from time to time.

Why are we updating the Zoning & Subdivision Ordinance?

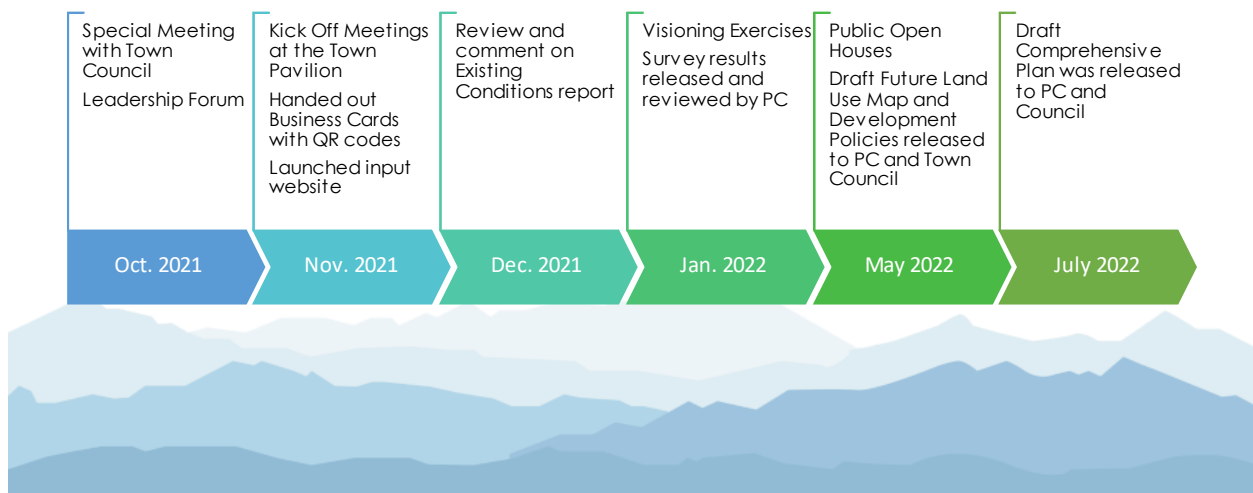
Updates to the Zoning & Subdivision Ordinance will alleviate many of the barriers that could prevent good development within the Town. This will ensure that:

- **The Comprehensive Plan will be implemented**
- **New development will be in line with the Town's vision**
- **Unintentional complications or barriers to new development are removed**

Why do we update the Zoning & Subdivision Ordinance after the Comprehensive Plan?

Since Zoning is the strongest tool a locality has in order to implement Comprehensive Plan and ensure that the Town's vision is realized, it is important to take plenty of time in the visioning process before changing the zoning ordinance arbitrarily or with no community input. The Comprehensive Plan give the Town the chance to imagine the future and outline the steps to get there.

Comprehensive Plan Timeline



Comprehensive Plan Timeline

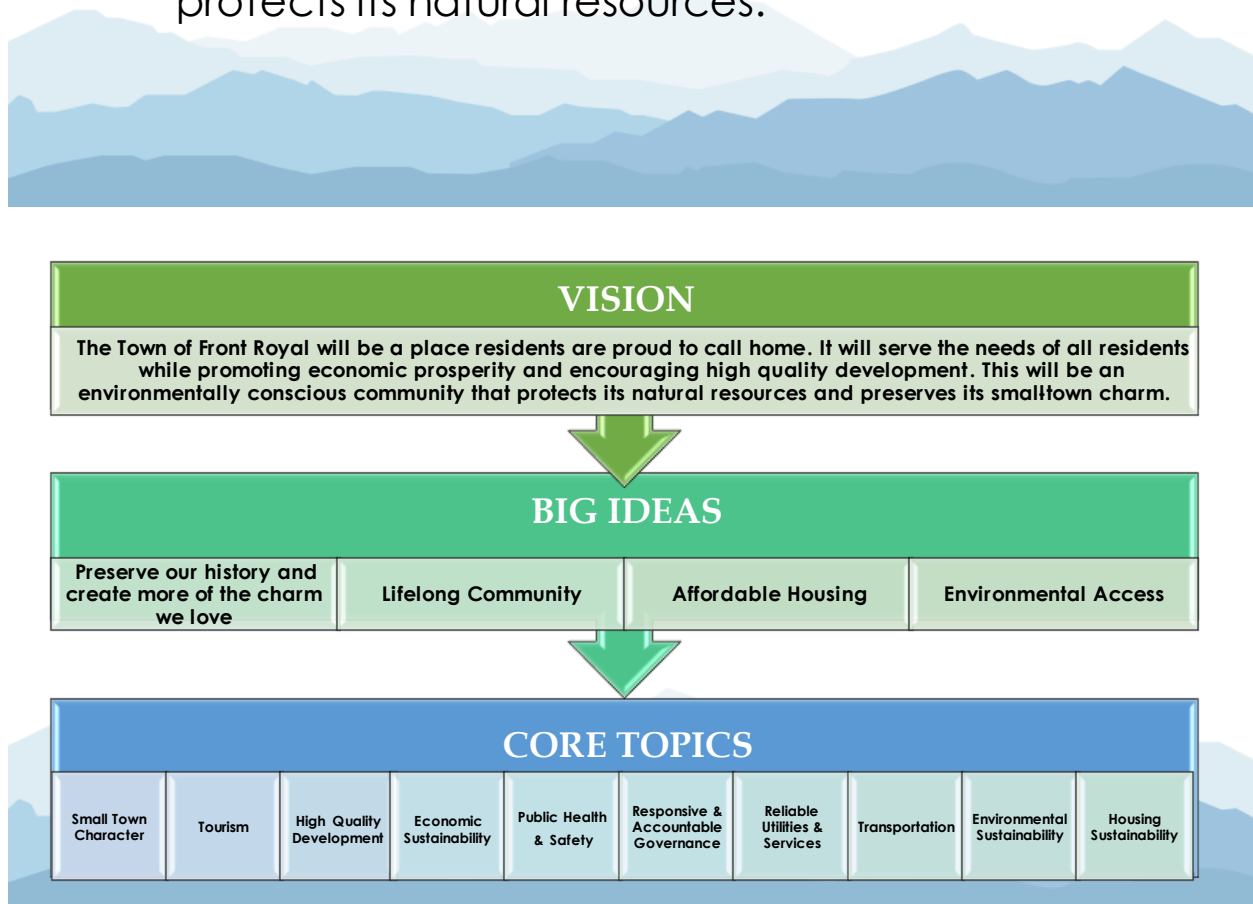


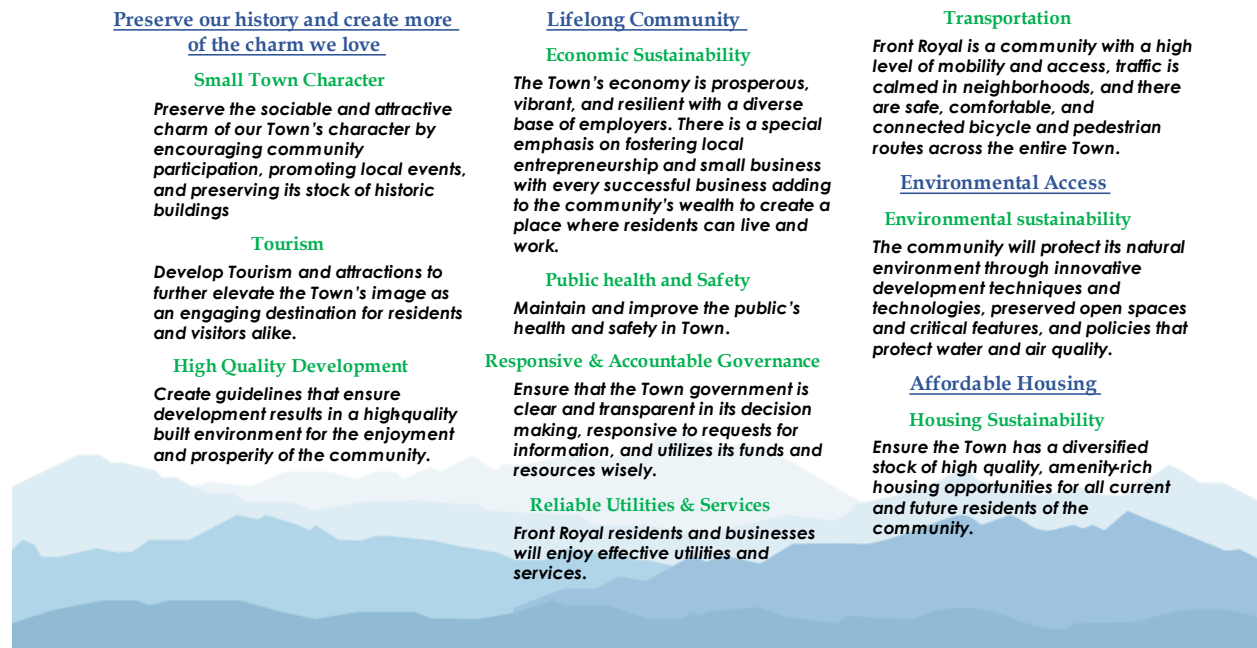
Comprehensive Plan Organization



Vision

The Town of Front Royal will be a place residents are **proud** to call home. It will serve the needs of all citizens by promoting economic prosperity and encouraging high quality development while preserving its smalltown charm. This will be an environmentally conscious community that protects its natural resources.





Chairman Merchant thanked Ms. Kopishke and staff for their work on the Comprehensive Plan rewrite. He wants to hear from the public to see if it is heading in the right direction. Chairman Merchant noted that the most current version of the document for review is dated November 30, 2022.

Chairman Merchant opened the public hearing.

John Lundberg urged the Planning Commission to recommend to Town Council to adopt the first Front Royal Comprehensive Plan written in twenty-four (24) years. He feels it is an excellent plan. Mr. Lundberg expressed that it will be impossible to implement the proposed Comprehensive Plan unless Town Council has the willingness to solve the railroad crossing problem at Shenandoah Shores Road and Happy Creek Road. Until that problem is solved no rezoning should be approved that will allow housing developments north of the intersection. There needs to be an overpass or possibly a tunnel to resolve the issue at this intersection.

Scott Lloyd distributed a handout to Commission members. Mr. Lloyd shared that he had participated in every phase of the planning process from the start. He became interested in the document first as a councilman and a businessman for the concept of development and doing it properly. Mr. Lloyd believes this is an excellent document however the narrative portion describes a reality that is somewhat out of sync with the map portion. He gave a brief PowerPoint presentation noting he would like to see a "Polycentric" approach where you have a development where you can live, work, and walk to stores without getting into your vehicle.

Lewis Moten voiced that he was in favor of the proposed document and appreciated that the community was involved in the process. He also liked the environmental sustainability that is shown in the document.

Chris Anderson stated she was the Page and Warren County Coordinator for the Alliance of the Shenandoah Valley. She appreciates the plan and noted it is a good guiding document. Ms. Anderson participated in the public input sessions and appreciated that opportunity. She recommends adoption of the proposed document.

Michael Shotton voiced his support of the proposed Comprehensive Plan.

Jonathan Lash spoke that he was in favor of the proposed Comprehensive Plan. Mr. Lash expressed concern with some environmental issues noting the presence of mercury being present in the river water. He urged Town staff to consider some means of reducing the mercury.

Herschel Finch shared that he is a member of the Environmental Sustainability Advisory Committee. He expressed that he likes the Plan and is in favor of forwarding a recommendation to Town Council.

Eileen Hilleary expressed concern for the needed “flyover” as mentioned from the first speaker. If this is not being addressed in the Comprehensive Plan it needs to be. The infrastructure needs to be in place before the land is developed.

Dave Vazzana referred to the traffic, environment, and economic development sections of the Comprehensive Plan. The environment is a concern in this community. Mr. Vazzana expressed that the Town should consider extending the water lines to areas of the County that have E coli in their wells and failing septic systems that have resulted in unsafe drinking water conditions and not opening up those areas for development. On page 21 of the draft Comprehensive Plan it shows land that has been developed in the community since 1985. He has reviewed the 1970 annexation agreement which essentially the court ordered property to be used as industrial use which is 600-acres predominately the northeast planning area within the Comprehensive Plan. In 1999 the Town and County entered into the 522 Voluntary Settlement Agreement. It appears to him that the intent of that agreement was that everyone would be operating on a fair playing field as far as industrial and commercial development within the 522 Corridor. The 522 Corridor Agreement has subsequently been interpreted as a fair playing field for commercial development within 522. However, it is not a fair playing field for industrial development because they pay double water and sewer tap fees but they do not pay what they would pay if they were located within the Town. What has been developed in the last twenty (20) years in Town and the most recent Town financial statements of the top ten (10) employers in the County seven (7) are located in Warren County. The top three (3) employers in the County that are located in Town are Warren County Government, Valley Health, and the School Board. None of those employers are contributing to the tax base. Mr. Vazzana expressed his third issue in a letter that was distributed to the Commission and staff earlier in the day by email stating there are unique challenges and opportunities facing the Marshall Planning District and he would appreciate the opportunity to discuss those issues with the Commission.

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

Commissioner Ingram referred to two topics. 1) Rezoning of the Marshall Planning Area to mixed use as a whole; and 2) The impact of development and what can this Comprehensive Plan do to guide developers as far as covering their impact.

Ms. Kopishke explained that the purpose of the Comprehensive Plan was not to tell developers what they should or shouldn't do. This is a guide developers can look at and they can see if their desired use of property is in conformance with the Comprehensive Plan.

Vice Chairman Marshner said she was interested in Mr. Lloyds comments. She believes the principles that he outlined are foundational principles and she wasn't sure they were factored into this plan. The environmental impact of the multicenter idea is something to be considered.

Ms. Kopishke showed the Future Land Use Map on the screen in order to speak to Vice Chairman Marshner's concerns. The "new urbanism" principal that Mr. Lloyd spoke of have been written into the proposed Comprehensive Plan. With the creation of the medium density, the mixed use zone is where flexibility was built into those neighborhoods. The request of the Planning Commission was that the existing neighborhoods that were developed in the 1940-1970s be kept with a single-family emphasis. Staff and Summit did not change those areas to have those commercial cores or put the neighborhood cores in. The direction staff and Summit received was that single-family dwellings have a place in the Town and needed some level of protection.

Chairman Merchant thanked the citizens for coming out and expressing their views. He expressed that he would like to have a work session to confirm that the current proposed Comprehensive Plan is achieving the goals of a balanced life in Front Royal. Chairman Merchant mentioned he would like to see a mixed use residential vs. a mixed-use commercial in the Marshall Planning Area.

Town Attorney, George Sonnett noted that if there were any significant changes to the document it would be required to go back to a public hearing.

Ms. Kopishke stated the document had been in the public arena since July 27, 2022. On this date the 1st draft was placed on the Town website and any new versions were subsequently placed on the website. She iterated that any changes desired by Commission members needed to be spelled out specifically per page so that the changes are public.

After some additional comments, the following motion was made.

Vice Chairman Marshner moved, seconded by Commissioner Wood that the Planning Commission postpone consideration of the Comprehensive Plan document and take to a work session on January 4, 2023, and to the regular meeting on January 18, 2023.

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

ROLL CALL

D. 2200422 – Joseph F. Silek, JR on behalf of Heptad, LLC - A request to amend the previously approved proffers for the subdivision entitled ANNA SWAN EST identified on Tax Parcels #20-A21-2-1 and Tax Parcel # 20A20-2-11. The proposed changes include modifications of the monetary proffers.

Ms. Kopishke explained that the application request is to amend the previously approved Heptad, LLC proffers dated February of 2012. The property is located in the Leach Run Planning District containing approximately 98 acres. The proposed development would be 86 acres and the proposed proffer revision would see a reduction of about 115 dwelling units from 450 down to 335 consisting of up to 170 single-family attached units and up to 165 single-family detached units. The new proffers propose that the rate of construction would not exceed 100 per units per year whereas the current proffers would not exceed 50 units per year. The applicant has also amended the amount of cash proffers. The amended proffers would give the Town \$4,998.39 for a single-family attached unit and \$6,869.02 for single-family detached units and to the County \$3,203.21 would be proffered per dwelling unit. The applicant is also requesting a change in the lot size for single-family detached units from a 50' x 60' lot to a 50' x 46' lot. This is a reduction of 240 square feet.

Joe Silek, who was representing the applicant stated that the last proffer amendment was February 2012. When going back further, the original proffers were dated 2005. The project has been around many years. This is the first time in that period of time there has been a buyer for this property who is ready to develop the property as soon as the proffers can be amended. Once this is done the purchaser of the property is ready to start on their site plan. At the request of the Town, a Proffer Impact Analysis was included in their submission. The numbers in the proffer amendment are based on that proffer analysis.

Chairman Merchant opened the public hearing.

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

Vice Chairman Marshner asked why the applicant was not proposing any apartments or condos.

Mr. Silek explained that the purchaser of the property felt that townhouses, duplexes, and single-family detached units would be an appropriate use for this property. With this scenario the maximum units on the site are 335. In order to achieve 450 dwellings, you would have to do apartments and the applicant would like to keep the number at 335.

Chairman Merchant confirmed that the area to be developed is in the PND District which means we want developers to consolidate lots as much as possible which helps on utilities, infrastructure, maintenance and allows open space. He noted that the Commission is not approving proffers as Town Council had already done that but only an amendment on a few of the items. Chairman Merchant expressed concern about the discrepancy between the County's proffer request and the applicant's proffer request. He asked if that had been resolved.

Mr. Silek explained that he believes the difference is the impact analysis provided by the applicant took credit for the units that this property could produce by-right whereas the County did not do

that. The only numbers given by the County are the end numbers and the calculations are not shown. Greenway Engineering did their impact analysis and obtained their numbers from Warren County.

Chairman Merchant mentioned there was a Memorandum of Understanding between the Town and Warren County for the review of proffers. He expressed that the Planning Commission would like to see this property developed and the appropriate housing in that area.

Commissioner Wells moved, seconded by Vice Chairman Marshner to forward a recommendation of approval to Town Council for Application # 2200422 to amend the existing proffers dated February 2, 2012, with the following conditions:

- 1. The applicant amends the language of section 3.1 to state “In the event that the Front Royal Town Council approves these Amendments, such approval will be deemed an acknowledgment by the Front Royal Town Council that (i) Leach Run Parkway (“LRP”) has been completely constructed and (ii) Heptad, LLC complied with any prior approved Proffers pertaining to the dedication of right of way, with the exception of the payment of the related cash proffers”.***
- 2. The applicant is able to provide adequate residential parking per 175-104, 175-105 & 148-48 of the Town Code.***
- 3. The applicant amends the language of 7.5.1 to remove the word “the” before Warren County.***
- 4. The applicant will amend the proffer statement to include language addressing their responsibility to expand and install the on-site utility infrastructure in accordance with Town Code Chapter 134.***
- 5. The applicant will amend their proffers to include language addressing their responsibility for the cost of installing stormwater facilities on site.***

VOTE: Yes – Marshner, Ingram, Wood, Wells, Merchant

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

OLD BUSINESS

- A. The public hearing was closed at the November 16, 2022, Planning Commission meeting. This is a continuation of the discussion for 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, Community Business District and is located in the Entrance Corridor Overlay District.**

This item has been removed from the agenda for consideration.

B. The public hearing was closed at the November 30, 2022, Planning Commission meeting. This is a continuation of the discussion for Rezoning Application #2200468 – Submitted by Chris Holloway Construction, LLC on behalf of Randolph Macon Academy requesting an amendment of the Zoning Map of the Town of Front Royal to reclassify a portion of Tax Map #20A5-14-4 from Residential District R-1 to Residential District R-3. The identified property is an undeveloped 6.239-acre portion of the parcel located adjacent to W. Main Street and north of Shenandoah Avenue, Garrison Street and Viscose Avenue. The Ordinance identifies the R-1 District as a low-density residential area with the R-3 District as being a medium-to-high density residential area.

This item has been removed from the agenda for consideration.

NEW BUSINESS

None.

PLANNING DIRECTOR REPORT

Mr. Kopishke reviewed the November monthly report.

The former Data Center text amendment is currently on hold. Staff will be incorporating a chapter on data centers into the new Zoning and Subdivision Ordinances.

The rewrite of Chapters 175 and 148 are on hold pending approval of the Comprehensive Plan.

In November the Board of Architectural review denied an application for a partial demolition of the “Murphy Building” located at 131 E. Main Street.

COMMISSION MEMBER REPORTS

Commissioner Ingram thanked Commission members and staff for the support given to him during his time on the Planning Commission. In addition, he thanked the people of Front Royal for allowing him to serve in this capacity. He is transitioning to serve on Town Council and is looking forward to his continued service to the community and working with the Planning Commission.

Commissioner Wood thanked Town Council for appointing him to the Planning Commission and that he looked forward to working with the Planning Commission.

Chairman Merchant said it had been a fruitful, busy year and that he anticipated another busy year ahead. He wished everyone happy holidays.

ADJOURNMENT

Chairman Merchant moved to adjourn the meeting.

VOTE: Yes – Marshner, Merchant, Wells, Wood, Ingram

No – N/A

Abstain – N/A

Absent – N/A

VOICE VOTE

The meeting adjourned at 8:36 p.m.

Approved by Planning Commission

Date: 1/18/2023