



Mayor Cockrell brought the meeting to order.

Roll Call by Clerk of Council

PLANNING COMMISSION

PRESENT: Chairman Connie Marshner
Member Glenn Wood
Member Michael Williams
Member Brian Matthiae

TOWN COUNCIL

PRESENT: Mayor Lori A. Cockrell
Councilman Joshua L. Ingram
Councilwoman Amber F. Morris
Councilman H. Bruce Rappaport
Councilwoman Melissa DeDomenico-Payne
Councilman Glenn E. Wood (stated he would be sitting with Planning Commission)

ABSENT: Vice Mayor R. Wayne Sealock

OTHERS PRESENT: Town Manager Joseph E. Waltz
Town Attorney George M. Sonnett, Jr.
Clerk of Council Tina L. Presley
Various members of the staff and public

Mayor Cockrell gave a brief reason for tonight's joint meeting.

Discussion on Vape Shops – Director of Planning Lauren Kopishke began with potential regulatory mechanisms since the Town Code currently did not have any regulations for vape shops. They included: 1) square footage of sales area at 15% or 20%; 2) distance from schools, churches, or daycare; 3) ban them in the Historic District; 4) Special Use Permit in the Entrance Corridor. She cautioned that none of the (17) currently in Town would be affected by any new regulations. There were various questions and concerns that included: 1) cap placed on vape shops due to the diverse business base; 2) taxing them locally on their product[s]; 3) adding a licensing fee each year which included discussion about imposing a cigarette tax and/or progressive tax. Town Attorney George Sonnet agreed to review the tax issues.

Member Williams voiced concern over the lighting of the vape shops as well as allowing the shops by-right without any limits. Discussion ensued about legalizing marijuana and how that related to the many vape shops in Town. There was concern that the vape shops (especially in the entrance corridor) seemed to have no customers and no regulations. Suggestions included 1) crack down on the signage; 2) consider changing the times the shops were open; 3) the need for performance standards; and 4) cite for selling to minors.

Mayor recapped the areas to explore. Everyone was on board with the square footage, Historic District and Entrance Corridor. There was discussion on whether to include churches and daycares to distance, but everyone was on board with adding parks. The distance between vape shops was also suggested for exploration.

It was agreed to have the ordinance written, vetted by the Planning Commission and then a draft to Council.



Discussion on Planned Neighborhood Development District (PND) – Ms. Kopishke showed a PowerPoint explaining that the zoning purpose for a PND was health, safety, and welfare. It was by-right versus discretionary which was legislative in most states. It contained negotiation and flexibility outside typical by-right zoning. She gave an overview of the history of the PND which was adopted in 2005 with the intent of allowing a planned neighborhood development on large tracts of land characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual basis. She continued with a diagram of three possible subdivisions of a development tract with (94) one-acre plots (cluster, rectilinear, curvilinear), noting that 6,000 feet of streets were needed for cluster, 12,000 for rectilinear and 11,500 for curvilinear.

Ms. Kopishke gave an overview of the Town's current ordinance revisions that included: 1) eliminate standard dimensional requirements; 2) promote efficient use of land; 3) innovative combination of housing, recreation, and commercial; 4) conserve the natural environment; and 5) walkable/pedestrian friendly. She then went over the evaluation criteria that included: 1) variety of housing types; 2) circulation; 3) 25% open space; 4) protect and preserve natural features; 5) efficient site design; 6) Comprehensive Plan conformance; and 7) adequate public facilities.

Ms. Kopishke continued with the Permitted Uses in PND Zone (175-37.3) noting that all PNDs shall permit the following residential and accessory uses: 1) detached single-family dwellings; 2) two-family dwellings; 3) multi-family dwellings; and 4) townhouses with a maximum of (8) units per structure. Accessory buildings or uses defined in Town Code Section 175-3 include: 1) recreation or park facilities; 2) retirement living facilities (handicapped accessible); 3) municipal buildings or uses; 4) public utilities (poles, lines, booster/relay stations, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities including water and sewer systems. These utilities shall be buried or otherwise screened in accordance with design standards of the development; 5) home occupations as set forth in Town Code; 6) public libraries; 7) schools and churches; 8) special childcare services; 9) open space and conservation areas; and 10) other uses as determined similar to one or more enumerated uses by the Zoning Administrator.

She advised that PNDs comprising of 50 acres or more may contain the uses permitted above as well as the following commercial uses: 1) neighborhood-oriented commercial businesses; 2) personal services; 3) business or professional offices; 4) neighborhood restaurants; and 5) banks, bank branches and financial institutions. PNDs may include the following uses provided such uses are either specifically approved as part of the original development plan or approved by Special Use Permit (SUP) in accordance with Town Code if proposed subsequent to approval of the Master Land Use Plan. They include: 1) bed/breakfast home; 2) assisted living facility or other nursing home as permitted in R-3 district; 3) automotive fuel facilities in conjunction with neighborhood retail stores, provided adequate demonstration is made that the facility can be supported by the neighborhood in which it is located without attracting additional traffic into the neighborhood. Such facilities shall not include the storage or sale of automobiles, automotive mechanical or body repair work, painting, welding, or other activities not normally associated with the dispensing of gasoline; 4) art galleries and museums; and 5) except as otherwise specified for PND's, proposed uses within a PND shall be subject to provisions set forth for such use in the Zoning Ordinance.

Ms. Kopishke stated Prohibited Uses in PNDs that include: 1) junkyards; 2) off-site garage; 3) used automobiles and truck/trailer sales; 4) manufactured and mobile homes; 5) outdoor storage; and 6) industrial uses.



Ms. Kopishke continued with the process of once a rezoning application is received until the issuance of a zoning and building permit.

She concluded with Town vs. Other Localities noting that PNDs had use restrictions based on acreage where other jurisdictions have additional districts based on mixture of uses, not acreage. There were public hearing frequencies with (7) discretionary reviews. The intentions were similar with the main purpose of PND being flexibility, negotiations and creating walkable communities. Her goal for tonight was to get thoughts from the Planning Commission and Town Council including their likes and dislikes of the Town's current PND ordinance.

Councilman Wood questioned manufactured housing vs modular housing. Ms. Kopishke stated that the Town Code needed to be updated to match the state code, noting there is a difference between manufactured and modular.

Chairman Marshner questioned the number of undeveloped acres in Town. While Ms. Kopishke could not confirm the number noting it was stated in the Comprehensive Plan.

Member Matthiae questioned the cost of infrastructure. Ms. Kopishke explained that it was dependent on how the property was developed, confirming the cost would be on the developer. She continued that the Town had a Capital Improvement Plan (CIP) that was a tool developers used.

Councilwoman Morris voiced concern that the fiscal impact studies stated net positive and projected tax revenue but did not show impacts on a locality's costs specifically to the school system.

Councilman Rappaport noted that he did not have a problem with the current PND ordinance. He suggested looking into Performance Zoning. Ms. Marshner supported the PND ordinance for mixed use aspect, noting that it was a blend that produced revenue. Ms. Kopishke confirmed that the Town's PND allowed mixed use by-right. Ms. Morris voiced concern that commercial businesses were not "beating down the doors" to be in Front Royal referring to the [Gateway] shopping center and questioned how a PND was going to support commercial.

Councilwoman DeDomenico-Payne questioned conveyance options and preferred any conveyance not be conveyed to the Town. Ms. Kopishke confirmed that conveyances would be proffered.

Councilman Ingram noted that VDOT did not view residential development as economic development. There was much discussion on what the acreage should be as well as concerns regarding 1) local builders versus national builders; 2) locals being opted out of purchasing homes due to high prices; 3) more condos/apartments; 4) the high price of materials to build the homes; 5) more homes for young adults; 6) affordable office space; 7) empty commercial buildings; 8) the need for housing at an affordable price; 9) by-right development; and 10) losing small town charm.

Member Williams questioned how the Planning Commission was to move forward since recommendations by the Planning Commission were made by using the Comprehensive Plan but when the recommendation was sent to Council things changed. He voiced hope to eliminate confusion about how everyone [Planning Commission and Town Council] was interpreting the Comprehensive Plan. Ms. DeDomenico-Payne stated that consideration, at the Council level, was given to those who spoke during the public hearing, which in turn may change the outcome or action of Council. Discussion ensued about 1) rezoning and by-right land



uses; 2) inflation and how decisions made today affect the future; 3) water capacity; 4) keeping working professionals working in Front Royal; 5) housing for young adults; 6) teachers living in short-term rentals determining whether they want to buy in Front Royal. It was noted that by-right uses were handled administratively.

Mrs. DeDomenico-Payne questioned whether building wells in the county impacted the Town's water system. Town Manager Joe Waltz advised that the Town's water was taken from the Shenandoah River as surface water and was not aware of it being affected by wells in the County. He confirmed that the Town did not coordinate with the County on this issue.

Mayor Cockrell concluded that the "feeling" was that they were not ready to make any changes to the PND ordinance; however, staff was asked to look into Performance Zoning and affordable housing.

Discussion on Short-Term Rentals (STR) – Ms. Kopishke advised that she was looking for any changes to the ordinance since Town Code Chapter 175 was currently being rewritten. She explained the current ordinance constitutes an expansion of use with 1) one parking space per room; 2) staff inspection requirement; and 3) permitted in all zoning districts with a Special Use Permit (SUP). She noted that there were currently twenty (20) approved STRs in Town limits.

Councilman Wood suggested eliminating parking requirements. Discussion ensued about parking, noting the difference in parking with long-term and short-term rentals along with some homes having no driveway and/or garage for parking. Discussion continued about 1) zoning districts; 2) encouraging STRs in the historic district; 3) the home share option where the owner is onsite; and, 4) the application fee as compared to the County's fee.

Mayor recapped that everyone agreed to 1) remove the parking requirement; 2) continue staff inspections; 3) keep STRs in all zoning districts; and, 4) permit STR with an SUP.

Adjourned approximately 9:28pm

Approved by Town Council

Date: May 28, 2024