



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 for a limited time.

The Planning Commission meeting of the Town of Front Royal, Virginia was held on June 26, 2024, at 7:00 PM at the Warren County Government Center.

CALL TO ORDER

Chairman Marshner called the meeting of the Planning Commission to order at 7:06 pm.

ROLL CALL

Present: Connie Marshner, Chairman
Michael Williams, Vice Chairman
Gary Gillispie, Commissioner
Megan Marrazzo, Commissioner

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

ADDITION/DELETION OF ITEMS FROM THE AGENDA

There were no additions or deletions to the agenda.

APPROVAL OF MINUTES

- May 15, 2024 – Regular Meeting

Vice Chairman Williams questioned if his nomination as Vice Chairman should be stated in the May meeting minutes. Ms. Potter stated she would double check previous minutes to confirm they were in there.

A vote was postponed until later in the Planning Commission meeting.



CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARING

Vice Chairman Marshner explained the process for speaking at the public hearing.

- **2400294 – Mark Poe** – A request for a Special Use Permit to allow a short-term rental located at 415 E. Main Street, identified by Tax Map 20A8-8-6. The property is zoned C-2, Downtown Business District and is located in the Historic Overlay District.

Mr. Ware explained that application #2400294 was a Special Use Permit application for a short-term rental at 415 E. Main Street. The intention is to rent three (3) separate units on the second floor which includes six (6) bedrooms and no more than twelve (12) occupants at one time. Parking is not required for this lot because it is located on Main Street which is exempt from Town Code parking requirements. The first unit on the second floor will enter through an access door on the front of the building. The two units on the second floor at the rear of the building will be accessed by a door in the rear of the building on the first floor.

Staff conducted an inspection in all three (3) units which failed due to interior renovations not yet complete due to construction delays. There are only minor modifications to be made which include installation of smoke detectors, CO detectors, doorknobs, and some flooring. Staff would recommend that the Planning Commission place a condition on the recommendation for the Special Use Permit that it would not be issued until final compliance and a CO is issued by the County and staff would have additional time to do the inspection of the short-term rental. The applicant does anticipate completion prior to going to Town Council for consideration.

Chairman Marshner opened the public hearing.

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

Commissioner Gillispie moved, seconded by Commissioner Marrazzo that the Planning Commission forward a recommendation of approval to the Town of Front Royal Council for Special Use Permit #2400294 for a Short-Term Rental located at 415 E. Main Street pending final approvals by the Warren County Building Officials Office.

Commission members thanked the applicant for the renovations that have been made to the property.



Vote: Yes – Marshner, Williams, Marrazzo, Gillispie
No – N/A
Abstain – N/A
Absent – N/A

ROLL CALL

- **2400250 – Rappahannock HC, LLC** – A Rezoning Application requesting an amendment to the zoning map to reclassify 1321 Happy Creek Road, identified by Tax Map 20A21-2-4 from R-S, Suburban Residential District to R-1, Residential District.

Mr. Ware explained that Rezoning Application #2400250 was requesting an amendment to the zoning map to reclassify 1321 Happy Creek Road, identified by Tax Map 20A21-2-4 from R-S, Suburban Residential District to R-1, Residential District. The property is located approximately 1200 feet west of the intersection of Leach Run Parkway and Happy Creek Road.

Currently the property is zoned R-S, Suburban Residential and is located next to the Oden Ridge and Happy Creek Knolls Subdivisions which are zoned R-1, Residential District. Mr. Ware explained that the Future Land Use Map in the Comprehensive Plan designated this area as neighborhood residential medium density. This is located in the Leach Run Planning Area 13 of the Comprehensive Plan.

Mr. Ware explained the density requirements of R-S, Suburban Residential District vs. the R-1, Residential District. He reviewed the Fiscal Impact Analysis and gave a visual presentation of the potential style of homes and the conceptual drawing. Mr. Ware also reviewed the Wetland Delineation Report noting that no potential waters including wetlands were identified on the property. There was also a Phase I Site Assessment done. Their conclusion of this assessment revealed no evidence of recognized environmental conditions. There were no data gaps in the history of the property and in their recommendation it was their opinion that any additional environmental site assessment of the subject property was not warranted at this time. The applicant also provided a Fiscal Impact Analysis. In their conclusion the onsite benefits are projected to show a surplus of \$289,780.00. Offsite benefits are expected at \$167,840.00. These figures indicate an annual fiscal surplus of over \$407,000 for the Town of Front Royal once the new homes are built and occupied. This equates to an average annual net benefit of \$3,920.00 per home.

With all subdivisions of this magnitude a subdivision plat is required that will come to the Planning Commission for approval. Town staff will analyze the subdivision plat for the lot layout, size of the lot, lot frontages, and road width. A site development plan would then be submitted that adheres to the landscaping, roads, lots, stormwater management, and erosion sediment and control. This site plan would also be reviewed by other agencies such as Warren County and the Virginia Department of Environmental Quality (DEQ). The application currently before the Planning Commission is only for the rezoning of the property.

A Traffic Impact Analysis was also done. The study was conducted on March 5, 2024 during the am and pm peak times of traffic which was based on the compacity of the 2028 future conditions.



In conclusion it was determined they are to operate at an acceptable level during those peak times. The studies were conducted between 6 am and 9 am and 3:30 pm to 6:30 pm. Based on the capacity the analysis results showed there would not be a substantial impact on the surrounding transportation and roadway network. A right turn was not warranted on the road based on the right turning volume, approach volume, minimum right turn lane and taper threshold. VDOT reviewed all the numbers in the Traffic Impact Analysis. In their conclusion, VDOT felt if the right-of-way for future Town projects is addressed they feel that this subdivision will have minimal impact on the local roadway network.

Per state code, the applicant and/or owner may file for proffers. A proffer analysis was submitted with the Rezoning Application.

The property will be served by public water and sewer. The developer will install these utilities and dedicate those to the Town. All cost for development of the utilities is paid by the applicant/developer. An appropriate stormwater management facility will be installed to include a stormwater retention pond. In the future this will be conveyed to the Homeowners Association (HOA) of the subdivision. The HOA will be responsible for the maintenance and inspections of the retention pond.

A portion of the property will be reserved for open space which will also be conveyed to the future HOA. The owner “may” install an entrance feature at Oden Street such as a monument sign for the subdivision. This will also be maintained by the HOA. The owner “shall” install a tot lot in the open space area consisting of a minimum of playground equipment and benches. These items will be installed at the 75th Certificate of Occupancy. This too will be maintained by the HOA. In addition, the owner “shall” install a board-on-board privacy fence along the common property boundary with the residential lots of Oden Ridge and Happy Creek Knolls.

The roads within the subdivision will be constructed to Town and VDOT standards, dedicated to the Town and maintained by the Town. The owner will be responsible for the cost of construction. Other public features included but not limited to sidewalks.

The owner “shall” dedicate the right-of-way on Happy Creek Road for the projects entrance improvements. The owner “shall” dedicate the simple right-of-way and easements along Happy Creek Road to include the limits of the prescriptive right-of-way and additional right-of-way, temporary construction easements and permanent utility and site distant easements required for the future widening of Happy Creek Road.

Mr. Ware reviewed the impact on the school system and the numbers provided by the Warren County School System that were provided to the applicant. They believe a new elementary school in Warren County will cost approximately \$29,874,000.00 with a 600-student capacity with a cost per student of \$49,790.00 for a new school. The owner has offered a cash proffer of \$3,351.00 for each unit of the 104 units giving a cash proffer of \$348,530.00 to the Town for the school system.



A monument sign at the cost of \$40,000.00, playground equipment of \$60,000.00, a privacy fence at \$90,000.00 with approximate total cost of \$190,000.00 with total contributions of \$859,370.00 if the rezoning is approved. If the rezoning application is denied, and it remains zoned R-S Suburban Residential and the number of by-right units are constructed the Town will receive nothing in proffers.

Vice Chairman Williams asked if the cash proffers will occur whether they have a child or not in the Warren County School System.

Mr. Ware explained that the proffers are based on the housing not per student.

Ty Lawson spoke on behalf of the applicant. Mr. Lawson noted that Mr. Ware did a very thorough report. Regarding the entrance sign it will be in compliance with the Town of Front Royal Sign Ordinance. The applicant will be dedicating the right-of-way (ROW) on Happy Creek Road and that ROW will not impact any lots. At this point nothing has been designed for that ROW.

Vice Chairman Williams asked if the water, sewer, and electrical impact had been considered with respect to Public Works. He asked if a study had taken place with the water situation in a drought as the Town is currently in.

Mr. Ware verified that water and sewer is currently onsite.

Mr. Lawson responded that their application was submitted to various agencies including water and sewer to not only determine the specs, size of pipes and what would be required but also to address capacity. The answer is yes, it has been accounted for and will fit in nicely and generate revenue.

Commissioner Gillispie expressed that some people are concerned with the width of Oden Street and feel it is not currently wide enough for additional traffic.

Mr. Lawson stated the plans will be reviewed by the Town.

Chris Hornung, Chief Development Officer for Rappahannock Development Group expressed that this was the first they had heard of that concern. He believes the street is wide enough for 2-way traffic and parking on each side of the street and that would be verified.

Chairman Marshner opened the public hearing.

William Black, 1121 Ashby Street. Mr. Black offered the following questions:

- Will his taxes go up?
- While construction is happening what is his quality of life going to look like?
- There is an existing stormwater pond there, will there be another one?
- Are they going to widen the road later?
- How will he get answers?



Town Attorney George Sonnett explained that the public hearing is for comments only.

Mr. Black asked where the fence will sit between his property and the applicant's property. Will it cost him money in the long run.

Mark Wine, Oden Street. Mr. Wine expressed concern for safety and that the fire department needed to comment on how they service houses so close together. Traffic is already bad on Oden Street and in Front Royal.

Marian Cole, 1119 Ashby Street. Ms. Cole had the following questions:

- What exactly is a \$40,000 entrance feature?
- How much will her taxes go up?
- When there is heavy rain, water comes rushing in on lots 10, 11 and 12. When a fence is installed on the berm, and you remove trees the yards will flood even more into their backyards. The water situation needs to be considered for those backyards.

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

Mr. Lawson confirmed there will be a fence installed. Stormwater will be draining towards Happy Creek. Regarding taxes going up, they will not go up as a result of this development. Fire and Rescue and the Fire Marshall will review all the submitted plans. VDOT was satisfied with the traffic study with regards to safety. He believes the proposed stormwater plan could possibly help the existing water problems mentioned by Ms. Cole.

Chairman Marshner asked Mr. Lawson to explain the \$40,000 entrance sign.

Mr. Lawson stated that every community likes to be defined as their home place. They would like to define that and install an entrance feature to the subdivision, and they have proffered that at the developer's expense.

Mr. Hornung explained that the entrance feature will be a monument style sign identifying the community to include landscaping and irrigation. If there are drainage issues once construction begins those will be addressed. Mr. Hornung also thought the proposed stormwater plan may help the adjacent properties. They will be studying existing drainage problems and come up with a plan to divert those issues during construction and after construction.

Commissioner Gillispie moved, seconded by Vice Chairman Williams that the Planning Commission forward a recommendation of approval to the Front Royal Town Council for Rezoning Application #2400250 to amend the Zoning Map of the Town of Front Royal to reclassify 1321 Happy Creek Road, identified by tax map number 20A21-2-4, from R-S, Suburban Residential District to R-1, Residential District.



Commissioner Marrazzo stated there were a lot of different pieces that come into play when looking at a development such as this. How does it align with the Comprehensive Plan and how does it affect the surrounding people and communities to come. Regarding the Town Code and Comprehensive Plan, it is important for it to be good for the people it affects. This project has the potential to present something unprecedented for better or worse.

Commissioner Gillispie stated this request is to rezone the property to R-1. Every neighborhood around this property is currently zoned R-1. Regarding concerns for the erosion and water flow, a silt fence will be placed around the property when construction begins. If there are problems individuals just need to make a phone call to have it addressed. A site plan will be submitted and reviewed by the Planning Department as well as Fire and Rescue.

Chairman Marshner thanked the public speakers for coming out and sharing their questions and concerns.

Vote: Yes – Williams, Marshner, Gillispie
No – Marrazzo
Abstain – N/A
Absent – N/A

ROLL CALL

OTHER

Ms. Potter stated she researched previous minutes, and the election of officers occurred at the April Planning Commission meeting. Those minutes were approved at the May Planning Commission meeting. She mentioned there were two (2) corrections to the first page of the May minutes. List “Chairman” Marshner and “Vice Chairman” Williams instead of their previous titles as Commissioner Williams and Vice Chairman Marshner.

- May 15, 2024 – Regular Meeting Minutes

Vice Chairman Williams moved, seconded by Commissioner Gillispie to approve the minutes with the noted corrections.

Vote: Yes – Marrazzo, Marshner, Williams
No – N/A
Abstain – Gillispie
Absent – N/A

ROLL CALL

COMMISSION MEMBER REPORTS

Chairman Marshner stated there would not be a July work session or regular meeting.



Vice Chairman Williams shared that shredding services would be available on June 27th at the Front Royal Fire Department. Donations will be accepted.

Commissioner Gillispie thanked Town Council for appointing him to the Planning Commission and trusting him to serve in this position. He is happy to be serving the citizens of Front Royal once again.

PLANNING DIRECTOR REPORT

Ms. Kopishke reviewed the May monthly report.

The Zoning Ordinance draft is about 95% complete. Staff is working on defining uses that are not currently defined.

ADJOURNMENT

Vice Chairman Williams moved, seconded by Commissioner Marrazzo to adjourn the meeting.

VOTE: Yes – Gillispie, Marrazzo, Marshner, Williams

No – N/A

Abstain – N/A

Absent – N/A

VOICE VOTE

The meeting was adjourned at 8:20 p.m.

Approved by Planning Commission

Date: 8/21/2024