



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 October 16, 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 7:00 pm.

ROLL CALL

Present: Connie Marshner, Chairman
Megan Marrazzo, Commissioner
Allen Neel, Commissioner
Andrew Brooks, Commissioner

Absent: Gary Gillispie, 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

- September 18, 2024 – Regular Meeting

Commissioner Marrazzo moved, seconded by Commissioner Neel to approve the minutes.

Commissioner Marrazzo added the following statement regarding comments she had made specifically to Rezoning Application #2400436 submitted by Karen Alexander and asked that they be added to the minutes.



“Commissioner Marrazzo stated that Ms. Alexander had clearly shown all reasonable effort and intention to work within the existing zoning of her property. The purpose of the Comprehensive Plan and zoning codes is the benefit and proper use of lands for the community. Given the history here, the applicant’s efforts and the precedent in the neighboring R-3 property, it only makes sense to approve the rezoning request.”

VOTE: Yes – Marrazzo, Marshner, Neel
No – N/A
Abstain – Brooks
Absent – Gillispie

ROLL CALL

CITIZEN COMMENTS

There were no citizen comments.

CONSENT AGENDA

- **2400599** – A zoning text amendment to include performance standards for tobacco, smoke or vape shops in the Commercial and Industrial Districts within Town limits. (*Consent to advertise for public hearing at the November 20, 2024 regular Planning Commission meeting.*)

Chairman Marshner moved, seconded by Commissioner Marrazzo that the Planning Commission approve the consent agenda to publicly advertise for a public hearing in November as presented.

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

ROLL CALL

PUBLIC HEARING

Chairman Marshner reviewed the guidelines for speaking at the public hearing.

- **2400522** – A Special Use Permit Application submitted by Theresa Roberson to allow a short-term rental located at 132 W. Criser Road, identified by Tax Map 20A6-33-B1-1B. The property is zoned R-3, Residential District.



Mr. Ware explained that this application was a request for a whole house short-term rental of a duplex with three (3) bedrooms and six (6) occupants located at 132 W. Criser Road. There are two (2) parking spaces in the driveway and one (1) in the garage. A site inspection was conducted on October 9, 2024 and found to be in full compliance with Town Code Chapter 175-151.

Mark Roberson spoke on his wife's behalf. Mr. Roberson stated he was a pastor and wanted to clarify that the church does not own this property but is owned by him and his wife. The intended use of the property is for their family but they would also like to generate some income and rent the property as a short-term rental for 20 to 30% of the year. They would also like to make it available for guest speakers who come to their church.

Chairman Marshner opened the public hearing.

There were no speakers.

Chairman Marshner closed the public hearing.

Commissioner Neel moved, seconded by Commissioner Brooks that the Planning Commission forward a recommendation of approval to the Front Royal Town Council for Special Use Permit #2400522 for a Short-Term Rental located at 132 W. Criser Road.

Commissioner Marrazzo noted that short-term rentals are a common occurrence. She is very pleased to hear this proposed short-term rental is of a family-oriented nature especially serving the applicants own family when visiting. Commissioner Marrazzo stated she is glad to see the type of use that is being put forward, especially as people are looking to be more multi-generational in their thinking. She believes this will serve a good purpose and will continue to do so.

Commissioner Neel stated that all the requirements have been met during the inspection for a short-term rental and he see nothing standing in the way.

VOTE: Yes – Marrazzo, Marshner, Neel, Brooks

No – N/A

Abstain – N/A

Absent – Gillispie

ROLL CALL

- **2400523** – A Special Exception Application submitted by COL Samuel R. Millar VFW Post 1860, Commander Jeffrey D. Cook for relief of existing parking Town Code requirements located at 654-B W. 11th Street, identified by Tax Map 20A1-2-3-3 and 4. The property is zoned C-2, Community Business District.

Mr. Ware explained that the Special Exception Application request was asking for relief of the parking requirements of Town Code Chapter 148-870. The property is located at 654-B W. 11th



Street and is zoned C-1, Community Business District. The request is asking for the relief of parking of Chapter 148-870.A.2, 148-870.A.6, 148-870.A.8, and 148-870.A.10. Mr. Ware reviewed those portions of Town Code.

Currently there are eight (8) parking spaces with four (4) of them being compact spaces. The compact spaces of the 4 of the 11 total 36% of the total. The proposed use will be a change of use from the previous business. Town Code Chapter 175-104 requires all new uses or developments in change of use shall comply with off-street parking requirements of Chapter 148. The applicants had submitted a Zoning Application for a Business License for “assembly use” which was denied due to insufficient parking. Mr. Ware explained the parking requirements. Seventeen parking spaces are required, and this is one of the exceptions the applicant is requesting for a reduction of the required parking spaces. The applicant is also asking for 36% of the parking to be for compact spaces and Town Code requires that the maximum about be 20%. Standard parking spaces are required to be 9’ x 18’ with compact spaces being 8’ x 18’. The applicant is also asking for an exception from the required width of all interior parking lot aisles. Direct one-way access shall be as follows: The minimum aisle width shall be 12 feet (12’). The applicant is asking for a reduction of the required 12’ on the single width interior aisle. Parking spaces are required to be at least three feet (3’) from the side and rear property lines which the applicant meets. However, Chapter 148-870.A.10 states that the parking spaces shall be setback a minimum of five feet (5’) from any building or structure. This is another exception the applicant is requesting. This setback area may be used for sidewalks or landscaping.

Mr. Ware explained that Chapter 148-870.A.18 does allow that off-street parking requirements may be waived by a Special Exception in accordance with Chapter 148-211 of this chapter. This gives the applicant the avenue to ask for an exception on the parking requirements.

Commissioner Brooks asked if staff had received any comments from the public with regard to this application.

Mr. Ware stated no comments had been received.

Commissioner Marrazzo asked if the two (2) spaces next to the building were placed on the other side of the building would it solve the issue or present another issue.

Mr. Ware showed where the property line was located. Either way the passageway would be less than the required twelve feet (12’).

Master Sergeant (Commander) Jeffrey D. Cook, United States Airforce Retired spoke as the applicant. The exception is needed because they had done all they could do to obtain additional parking. They have contacted their adjacent neighbors and contacted the EDA to purchase, lease or rent property so that they could accommodate the Town parking requirements with no success. VFW Post 1860 is Warren County’s only VFW Post. Their previous location was destroyed by arson. They attempted to rebuild on the 12-1/2 acres of river front property. However, new FEMA regulations, and Virginia Commonwealth laws dictated that any permanent structure on the



property was required to be elevated 10' to 15' essentially creating a building on stilts which was a 1.7-million-dollar effort. The VFW did not have those funds. The VFW offered the Town the 12-1/2 acres along with \$200,000 for a Town owned building on 6th Street (the former electric department building) and that was rejected. In a last-ditch effort, the VFW sold the property to gather funds to try and find another brick-and-mortar location. Commander Cook explained that the VFW Post is a congressionally chartered veterans organization serving combat veterans, their families, and their widows and orphans. They also support youth activities, Voice of Democracy, senior programs and also help feed the community. He explained that currently on the books today, VFW Post 1860 has 157 members. Forty plus of those live out of state or are over a 4-hour drive to the property. There are only 42 members that are under the age of sixty (60). The average age of members is 69.5 years old, and their youngest member is 37 years old who lives in Washington state. Their oldest member is a 105-year-old WW2 veteran that lives in Florida. The average monthly membership meetings usually afford 12 members that come from the local community. He explained they are a grown-up club, and it is not a night-club scene. The intended use of the property is congressionally limited to members of the VFW and their family. There would be daily and weekly canteen operations with short-order cooks serving sandwiches, soups, etc. Events held would be Christmas parties, patriotic events, and Easter egg hunts. The VFW is congressionally mandated and in accordance with the commonwealth law they are entitled to hold 24 open houses during a calendar year. The new owner of the previous river-front property has granted the VFW six (6) events per year where they can use the pavilion and river-front property. Normally a "special event" would be a steak and shrimp dinner or spaghetti dinner. If this application is approved they would evoke a reservation process for larger events to lessen the impact to surrounding neighbors. Commander Cook reiterated this was a 10-year effort and the VFW needs a place to gather. If they are successful at this building it would be their intent to relocate to a different building in a few years.

Commissioner Neel stated that the neighborhood is challenged with parking availability. If events such as the steak and shrimp and spaghetti dinners have 40 people at a given time how would the VFW handle the parking.

Commander Cook stated that if they are expecting a crowd of 50 patrons over a 3–4-hour period they would evoke a reservation system.

Commissioner Marrazzo said she appreciated the information that was provided. She asked for clarification of the VFW moving to a different facility in the future.

Commander Cook said they would like to move to a larger facility if they increase their membership. This location is an interim location to see if they can get there membership up and generate revenue.

Commissioner Brooks asked if the VFW would rent to outside groups.

Commander Cook answered no as the facility is too small. As long as he is the Commander he will not rent out the facility.



Chairman Marshner asked if they would have a liquor license.

Commander Cook answered yes.

Chairman Marshner opened the public hearing.

Steve Guizar stated he was the pastor of the church across the street at 1107 Monroe Avenue, Front Royal, VA. Pastor Guizar said he was there on behalf of their fellowship. He stated they were not against the veterans and were very grateful for them. Their concern is over the parking dynamic directly. The letter submitted by the applicant states that the pastor was directly spoken to by the applicant with regard to utilizing parking spaces at the church and that the church had denied any use of parking at the church. Pastor Guizar stated that conversation had never happened and that he had never met Commander Cook. He would like to have that dialogue with the applicant. Pastor Guizar said they had heard from the seller Satya “Hope” from Ben’s Family Cuisine’s listing agent about some of the dialogue as far back as September and October of 2023 when their local board talked about an inquiry that was made about possible parking. They were interested in this and wanted to hear more about it however they were never presented with any formal plan or communications. He said the church requested the applicant submit a formal request and they would dialogue further. They heard nothing until 2 weeks prior to this meeting when the listing agent made contact with them again. Their concern is about what they heard approximately a year ago regarding 24 possible events the VFW would have per year. They didn’t know when those would occur or if they might impact their Sunday services, mid-week services, and their community events. Where does the overflow parking happen as far as the managerial piece.

Chairman Marshner asked how many parking spaces the church had.

Pastor Guizar answered there were 73 spaces available.

Satya “Hope” Ben stated she has owned Ben Family Cuisine for 9 years. She said the VFW members were very supportive of their restaurant as well as Pastor Guizar who also supported them. Ms. Ben would like to see the property go to the VFW because she knows them well and she would have the opportunity to cook for the VFW in the future and stated she was in favor of the parking exception.

Christa Towns, 845 John Marshall Highway, Front Royal, VA said she was the listing agent for Ms. Ben. Ms. Towns corrected the count of the parking spaces available at the church stating they have approximately 49-50 parking spaces. Ms. Ben diligently tried to sell the restaurant for over a year. She had run a successful restaurant for many years until the neighbor put up a fence completely blocking off her rear parking lot. Ms. Towns believes the VFW is great for this area. The parking situation will be an issue regardless of who purchases the business.



Andi White, 227 Lee Street, Front Royal, VA said she had been working with the VFW since December 2022. When she saw Ben's listed for sale they met with the Town and found out that parking was an issue. She and the Commander met with different EDA boards for a year and a half trying to obtain parking either through an easement, leasing or purchasing any portion of the property at the rear 654-B W. 11th Street without success. Ms. White explained that her husband was a VFW member, and they missed going to the VFW. She has looked for property on a regular basis for the VFW. Prices on properties are crazy high right now and they are not sure where the membership is going with the VFW. This location would be a starting point and get them back on their feet and see if their membership will either grow or fold in this area. If the membership grows they will want a larger space that would accommodate the membership, parking and the activities they would like to have.

Geoffrey White, 227 Lee Street, Front Royal, VA stated he was a member of VFW Post 1860. Mr. White explained that the most they've had at monthly meetings is six (6) members. There is not a big need for parking. He expressed his disappointment with the EDA not allowing them to lease, rent or purchase a small area for parking. This special exception is needed.

Alice Dulow, 225 Lee Street, Front Royal, VA. Ms. Dulow stated she was disappointed with the length of time it has taken to find a location. She expressed that she is also disappointed with the EDA and said they should be helping the community. Ms. Dulow stated she was in favor of granting the parking exception. She noted that she would hate to see another property in Town be empty and dilapidated.

There were no additional speakers. Chairman Marshner closed the public hearing and asked if the applicant would like to respond to anything that was said in the public comments.

Commander Cook thanked those who spoke at the public hearing. He stated they could communicate with the church across the street to come up with something formal. Commander Cook reiterated their communication with the EDA asking for a small portion of the property to use for parking (16 parking spaces) however that was denied.

Commissioner Neel moved, seconded by Commissioner Marrazzo that the Planning Commission forward a recommendation of approval to Town Council with the following conditions:

- 1. The additional parking situation of the required number of spots in the Town and exclusive of the drawing presented had interior parking spaces total amount be met.***

Commissioner Marrazzo expressed appreciation for the history and efforts that have been made to find a location for the VFW. She would like to keep in mind that the intention of this property is to be temporary with the intent to move to something different later on. Commissioner Marrazzo questioned if there could be a condition placed that would be a certain number of years while the attendance is small. For example, for the next two years you have this exception with time to figure out if there is a need to move to another facility. Possibly a stop gap measure. Alternatively, there



could be an agreement with a nearby area for parking. She believes there can be arguments made for a level of necessity and believes the size of the population attending the meetings over the next couple of years is on the small side.

Chairman Marshner asked staff if a special exception could be term limited.

Ms. Kopishke stated if you put a 2-year time limit on this, does that mean in 2 years they are not held to parking standards which is in violation of Town Chapter 148-870.

Chairman Marshner thought a better condition might be to recommend approval on the condition that an agreement be worked out with the Church of the Nazarene to grant parking, not schedule events on Sunday, etc.

Ms. Kopishke reminded the Planning Commission that there were 4 separate exceptions requested by the applicant. The conditions need to address if you are giving an exception for the number of spaces, size of the spaces, and/or the setbacks. She reminded the Commission that they needed to be very specific in their motion.

Commissioner Brooks expressed concern that if there are parking issues reported in the future how will those issues be addressed. He believes a condition addressing this concern should be put in place.

Chairman Marshner thanked Commander Cook for his presentation. She believed he provided a very good background and there has been a lack of community awareness of what the VFW does, and his presentation was very helpful. Chairman Marshner stated she did not want to see Warren County without a VFW and wants to see them succeed. However, there is a Town Code and letter of the law that must be followed. She thinks that the possibility of accessing parking at the church across the street from them opens up possibilities to resolve the parking issues if they could come to an agreement.

Commissioner Marrazzo stated she does not want to put pressure on any group to feel as though they have to provide parking to the VFW. This causes her concern to place a condition such as this on the approval making the approval contingent to an agreement with someone other than the VFW.

Commissioner Neel believes that since the possibility of a parking agreement with the church came at the 11th hour maybe postponing a decision would be better so that those involved could discuss possibilities related to parking.

Commissioner Marrazzo asked if verbiage could be along the lines of approving the application with the condition of 2 years upon which time the VFW must come back before the Commission and either show they have resolved the issues to which they were granted an exception or that they are no longer in need of the exceptions.



Ms. Kopishke stated you could set a time limit where they would have to come back and reapply for a new special exception. The subdivision ordinance does currently permit them to lease parking within 300' of their property and staff could approve that without the need for a special exception.

Mr. Ware read Town Code Chapter 148-211.E "Town Council may impose such conditions or restrictions upon the premises benefited by the exception as may be necessary to comply with the intent of this chapter and to protect the public interest, safety and general welfare."

Chairman Marshner questioned if the Planning Commission approves the application with conditions, Town Council may impose restrictions according to their recommendation.

Mr. Ware confirmed that Town Council can place conditions on the application for the special exception.

Ms. Kopishke stated again that the Planning Commission needed to be very specific in crafting their motion and conditions.

Chairman Marshner asked staff for clarification on amending the previous motion.

Town Attorney George Sonnett explained they could withdraw the motion and start again.

Commissioner Neel moved to withdraw the previous motion, seconded by Commissioner Brooks.

VOTE: Yes – Marshner, Neel, Marrazzo, Brooks

No – N/A

Abstain – N/A

Absent – Gillispie

VOICE VOTE

Commissioner Neel moved, seconded by Commissioner Brooks to postpone this application until the November 20th Planning Commission meeting to allow time for further consultation on additional parking.

Commissioner Brooks thought this will allow the applicant time to consult with other community members and organizations to try and resolve the issue.

Commissioner Marrazzo expressed concern that waiting a month would put the current property owner in a state of limbo. They have been in limbo, are currently in limbo and we are now asking them to be in limbo and the Commission should take this into consideration.

VOTE: Yes – Marshner, Neel, Marrazzo, Brooks

No – N/A

Abstain – N/A

Absent – Gillispie

ROLL CALL



Chairman Marshner asked what the applicant needed to do in terms of communication with staff before the November 20th meeting.

Ms. Kopishke stated that the applicant needs to provide any additional relevant information that they are able to acquire offsite parking. If that occurs the applicant will no longer need a special exception.

From the audience Commander Cook stated he understood.

- **2400524** – A Special Use Permit Application submitted by Surber Development and Consulting LLC to construct Multi-Family Apartments consisting of up to ninety (90) apartments in two separate 3-story buildings with a maximum height of forty-five feet (45') on property located on E. Criser Road, identified by Tax Map 20A18-5-5A1. The property is zoned C-1, Community Business District.

Mr. Ware explained that Special Use Permit Application #2400524 was a request for multi-family apartments containing ninety (90) apartments in two separate 3-story structures with a maximum height of forty-five feet (45') on a vacant parcel off of E. Criser Road, identified by Tax Map 20A18-5-5A1. The property is zoned C-1, Community Business District and has split zoning with C-1 on the majority of the property and R-3, Residential District on a small portion of the property fronting E. Criser Road. The property also has frontage on Remount Road (US 522). Pertinent sections of Town Code were read by Mr. Ware.

A portion of the property is located in the flood zone; however, the proposed structures will be out of the flood zone. The property is ideally located beside the park, library, elementary school, shopping at the plaza with Royal King, grocery stores, restaurants, pedestrian walkway on the trail and convenient to public transportation.

Mr. Ware shared a virtual presentation showing previous apartment developments constructed by the applicant. The applicant is proposing the structures to have brick exteriors. Each structure will have 45 units for a total of ninety (90).

Mr. Ware explained that the Planning Commission is determining by a Special Use Permit application if this location is appropriate for what the applicant is applying for.

Chairman Marshner asked Mr. Ware to clarify the property lines.

By virtual presentation Mr. Ware explained where the property lines were located stating that the applicant has frontage on Remount Road across the creek, backs up to the rear of the Rural King parking lot, and is adjacent to the library and the park with frontage on E. Criser Road.



Commissioner Neel asked if there was an additional access point other than the one proposed entrance on Remount Road.

Mr. Ware explained that this question could be asked of the applicant during the site development review. For now, the Planning Commission needed to concentrate on whether the use is appropriate for the property. If the SUP is approved, site plan drawings would come back to the Planning Commission and Town Council for approval.

Commissioner Neel stated if there was only one (1) entrance then the use would not be appropriate.

Ms. Kopishke clarified that Town Code only requires one (1) entrance.

Jonathan Cosby, with Koontz, Bryant, Johnson and Williams is the engineer working with the applicant Surber Development and Consulting, LLC. The applicant was not able to attend the meeting and Mr. Cosby was speaking on their behalf. He echoed Mr. Wares statement they were requesting approval of the use, and they are very early in the process. Mr. Cosby stated the floodplain was a major piece of the property they needed to account for. He reminded the Commission the applicant would not be constructing anything in the floodplain. With regard to access the applicant wants to avoid going across the floodplain and hopes to place that area into a permanent conservation easement to meet current stormwater regulations. Regarding access to E. Criser Road he has reached out to the Warren County School Board to work out a shared access utilizing their existing entrance. If the applicant is granted the use for this property they will start getting into the “weeds” of the project and work out agreements. The applicant will make an application for funding in March, receive a decision by June and would go into formal design the summer of 2025. This would then be a construction project for the summer of 2026. Ms. Surber has constructed developments all around the state of Virginia and those projects are “thoughtful”.

Commissioner Marrazzo asked for a clearer description of what the applicant does across Virginia. One of the main focusses Ms. Surber has in these developments is providing for a variety of income levels and asked if that was part of the goal for this project. She asked if there were targeted percentages.

Mr. Cosby explained that all the developments he has worked on with Ms. Surber are affordable housing and not Section 8 housing. All residents are required to pass a credit check. Ms. Surber works with local groups that need housing, workforce housing, college graduates, nurses, police officers and teachers to be able to afford to live where they work.

Commissioner Marrazzo expressed that the images provided of other developments the applicant has constructed look great and asked where those developments were located.

Mr. Cosby explained that some of the images were in Staunton, Richmond, Augusta County, Strasburg, Newport News, Chesterfield County, Henrico County and York County. All the developments are very thoughtfully done.



Chairman Marshner opened the public hearing.

There were no speakers.

Chairman Marshner closed the public hearing.

Commissioner Neel moved, seconded by Commissioner Marrazzo that the Planning Commission forward a recommendation of approval to Town Council for Special Use Permit #2400524 for multi-family apartments containing ninety (90) units in two (2) separate 3-story apartment houses with a maximum height of forty-five (45') on a vacant parcel off of E. Criser Road, identified by Tax Map 20A18-5-5A1 conditioned upon the following:

- 1. The portion of the lot which is zoned R-3 is only to be used for ingress and egress according to 175-113.E.1.***

Commissioner Brooks expressed that the use was appropriate based on the zoning designations and the Comprehensive Plan.

Commissioner Marrazzo believes the location is unique and appreciates that the applicant puts such thought into the developments. She is glad to hear that the intention is not Section 8 housing. Hopefully this will put the public at ease that this is not the intention for this development.

Commissioner Neel said this was an ideal use for this property with access to shopping, walking trails, the library and access to downtown. He believes this project to be timely and would be a compliment to other recent housing developments in Town with a balance of demographics for different groups. In his opinion, this is an excellent fit.

Chairman Marshner shared this was a highly appropriate use for this property, is needed and very welcomed.

VOTE: Yes – Marshner, Marrazzo, Neel Brooks

No – N/A

Abstain – N/A

Absent – Gillispie

ROLL CALL

Chairman Marshner stated the application along with the Planning Commissions recommendation would move forward to Town Council.



ELECTION OF VICE CHAIRMAN

Commissioner Marrazzo moved, seconded by Chairman Marshner to nominate Gary Gillispie as Vice Chairman.

Vote: Yes – Marrazzo, Marshner, Neel, Brooks

No – N/A

Abstain – N/A

Absent – Gillispie

ROLL CALL

COMMISSION MEMBER REPORTS

There were no additional comments.

PLANNING DIRECTOR REPORT

Ms. Kopishke reviewed the September monthly report.

Staff will bring a Vape/Tabacco Ordinance to the Planning Commission in November for review. Town Council has asked the Planning Commission to take up this review. Staff and the Commission will continue to review the Draft Zoning Ordinance.

ADJOURNMENT

Commissioner Brooks moved, seconded by Commissioner Marrazzo to adjourn the meeting.

VOTE: Yes – Marrazzo, Brooks, Marshner, Neel

No – N/A

Abstain – N/A

Absent – Gillispie

VOICE VOTE

The meeting was adjourned at 8:52 p.m.

Approved by Planning Commission

Date: 11/20/2024