



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 January 15, 2025, 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
Allen Neel, Vice Chairman
Megan Marrazzo, Commissioner
Andrew Brooks, Commissioner
Vacancy

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

- December 18, 2024 – Regular Meeting

Vice Chairman Neel moved, seconded by Commissioner Marrazzo to approve the meeting minutes as written.

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

ROLL CALL

CITIZEN COMMENTS

There were no citizen comments.



PUBLIC HEARING

- **2400673** – A Special Use Permit Application submitted by Pennoni Associates Inc. c/o Mike Artz for Multi-Family Apartments containing thirty-six (36) units in three (3) separate apartment houses containing twelve (12) units each and an office building on a vacant parcel off of Royal Lane, identified by Tax Map 20A17-1-14B1. The property is zoned C-1, Community Business District.

Mr. Ware reviewed the Special Use Permit request submitted by Pennoni Associates c/o Mike Artz. The request is for multi-family apartments containing thirty-six (36) units in three (3) separate apartment houses containing twelve (12) units each and an office off of Royal Lane.

Included in the Planning Commission meeting packets were the application, Traffic Impact Analysis Statement, and a preliminary site plan drawing.

Mr. Ware reviewed Town Code Chapter 175-39.B noting the uses only permitted by Special Use Permit in the C-1 District.

A Traffic Impact Analysis was also included in the packet. The analysis determined that the turning lanes in and out of the property on John Marshall Highway were sufficient for the property. There is no striping at the end of Royal Lane that intersects with John Marshall Highway. The applicant submitted a preliminary site plan of the project, and this was shown in a virtual presentation. The project would include improvements to Royal Lane that would include a stormwater management facility installed in the west portion of the newly constructed cul-de-sac.

Mr. Ware asked the Planning Commissioners to consider the following:

- The governing body is authorized to grant Special Use Permits under suitable regulations and safeguards under Virginia Code 15.2-2286(A)(3).

Unlike proffers that accompany a rezoning considered by the localities governing body, Special Use Permit conditions are volunteered by the land owner and need not be developed through negotiations. Proffers are designed to reduce the impact on public infrastructure. Special Use Permits shall demonstrate the appropriateness of establishing the Special Use on that property.

The Planning Commission should consider the following standards that apply to special Use Permits:

- The impact of the special use on the character of the district.
- The impact of the special use on the welfare of the land owners and occupants of the land in the district.



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- Is it consistent with the Comprehensive Plan.
 - The character of the property.
 - The general welfare of the public.
 - The economic development of the community.

If the Planning Commission chooses to impose conditions on the Special Use Permit, the conditions must have a relationship between the private party's activity and the burden placed on the community as a result. Those should be roughly proportional to the burden imposed.

With the upgrade of Royal Lane, it would affect the single-family house north of the project on the east side of Royal Lane. The applicant is showing an upgrade to a residential driveway and an improvement to the commercial entrance to the west of the property where the current daycare is located. These improvements will be implemented to Town standards. The plan shows that the right-of-way will be extended to the property line for future extension of Royal Lane should it come forth in the future.

Mike Artz, Pennoni Associates, licensed surveyor and engineer for the project. Mr. Artz stated the application is identical to the Special Use Permit that was previously approved five (5) years ago but never went to construction. It was his opinion that the property fits into the existing character of the area. Mr. Artz noted that throughout the site plan process they will comply with all the regulations and requirements of DEQ, Inspections, and VDOT as well as any other agencies reviewing the project.

Commissioner Marrazzo referred to the application where it stated that part of the intention for the project was to provide development of apartment units to aid and satisfy workforce housing needs. She noted that the Town Code does not have a definition of workforce housing and asked Mr. Artz what his meaning was for workforce housing.

Mr. Artz explained that it was a mistake, and the term workforce housing should not have been included in the application. The apartments are not intended for workforce housing and will be open to anyone.

Commissioner Marrazzo confirmed with Mr. Artz that the apartments are not intended to be subsidized. Mr. Artz agreed.

Chairman Marshner opened the public hearing.

Jim North, 124 Robinson Road, Front Royal, VA. Mr. North expressed concern about traffic issues at Royal Lane and Route 55 intersection. Mr. North was not in favor of approving the application.



Shirley Henry, 78 Royal Lane, Front Royal, VA. Ms. Henry expressed concern about traffic issues and how individuals will get in and out of Royal Lane onto Route 55. She was not in favor of approving the application.

Katrina (*last name not stated*), 74 Royal Lane, Front Royal, VA. She expressed concern about the traffic and did not believe the Traffic Impact Analysis was accurate. Katrina asked the Planning Commission to please consider the people that live on Royal Lane and said she was not in favor of approving the application.

Mr. Artz addressed comments made by the speakers. He stated there were no easy answers. Mr. Artz said the zoning of the property was determined by the Town of Front Royal and the specific uses that are set for these properties. He explained that this property does not have to be developed in a residential capacity and could be developed as commercial. He believes that residential use would be far less intrusive than commercial use. Mr. Artz said they have to abide by VDOT guidelines regarding traffic.

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

Vice Chairman Neel moved, seconded by Commissioner Brooks that the Planning Commission forward a recommendation of approval to Town Council for Special Use Permit #2400673 for multi-family apartments containing thirty-six (36) units in three (3) separate apartment houses containing twelve (12) units each and an office building on a vacant parcel off of Royal Lane, identified by tax map 20A17-1-14B1.

Vice Chairman Neel asked if taking the wording “workforce housing” out of the application would invalidate the application.

Mr. Sonnett stated he does not believe it is relevant. He also confirmed with Vice Chairman Neel that they are to consider the evidence in front of them regarding the information provided by VDOT.

Commissioner Brooks stated it would be prudent to evaluate current traffic data since the previous Traffic Impact Analysis was done in 2014 and traffic is a primary concern of the public.

Commissioner Marrazzo commented that the R-1 zoning district is low density. The C-1 zoning district allows for apartments by Special Use Permit so that various factors including the impact on the community, specific location and the density being put forward can be taken into consideration. She is in full support of relying on the traffic data. However, she explained that she travels John Marshall Highway everyday and sees the traffic that backs up at the intersection of John Marshall Highway and Royal Lane. Commissioner Marrazzo is in favor of tabling the application until more accurate and up to date data is available and then allow the applicant an opportunity to mitigate any traffic concerns.



Vice Chairman Neel asked Commissioner Marrazzo if she was proposing to defer or place a condition that a new traffic study be done before forwarding the application to Town Council.

Commissioner Marrazzo stated she believes the application is reliant on old data that she would want to forward a recommendation of denial, and the applicant come back with something that is clean and up to date.

Commissioner Marrazzo moved, seconded by Commissioner Brooks to replace the previous motion for the Planning Commission to forward a recommendation of denial to Town Council for Special Use Permit #2400673.

There was some additional discussion related to traffic and the allowed use of the property. Comments were made that the applicant cannot solve the traffic problems at the intersection and that was a VDOT issue.

With regard to proper use of the land, Commissioner Marrazzo voiced that the impact the use has is within their consideration and how the infrastructure at the location would affect those surrounding the proposed use. With that in mind the proposed use would not be an appropriate use for the property. Apartments should not be placed in an area where roads cannot support it. She believes the traffic study being 11 years old offers concern and is not appropriate.

After some additional discussion the vote was taken.

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

ROLL CALL

The original motion returned to the floor.

Commissioner Marrazzo expressed that if the Planning Commission was not looking to deny the application outright then it should be deferred to ask the applicant to obtain a current Traffic Impact Analysis from VDOT to determine an accurate impact to the area.

Ms. Kopishke stated that a Traffic Impact Analysis is not a requirement for a Special Use Permit application.

Mr. Sonnett stated a Traffic Impact Analysis was not an appropriate subject for a condition.

Commissioner Marrazzo stated that when it comes to the impact on the community there is a lack of barriers both on the west and north sides. It is within the power and right of the



Planning Commission to recommend conditions that would have physical barriers there. Obviously that has no bearing or impact on how the number of cars will affect the road. There are a number of things that weren't considered in terms of impact on the community.

Vice Chairman Neel amended his previous motion to the following motion:

Vice Chairman Neel moved, seconded by Commissioner Brooks that the Planning Commission forward a recommendation of approval to the Town Council Special Use Permit #2400673 for multi-family apartments containing thirty-six units in three (3) separate apartment houses containing twelve (12) units each and an office building on a vacant parcel off of Royal Lane, identified by Tax Map 20A17-1-14B1 with the following conditions:

- 1. On the north side of the property an appropriate barrier or fence be installed to isolate the property from the existing residential property.***
- 2. Upgrade the private drive as shown on the map.***
- 3. Extend the road to the property line and not just end at the cul-de-sac.***

Vote: Yes – Marshner, Brooks, Neel

No – Marrazzo

Abstain – N/A

Absent – N/A

ROLL CALL

- **2400687** – A Rezoning application submitted by Skyline Realty Investments, LLC requesting an amendment to the zoning map to reclassify addresses 10, 30, 44, 52, 60 and a vacant lot on W. Strasburg Road identified by Tax Map 20A12, Section 3, Parcels 22, 26, 27A, 31C, 31 and 23 from C-1, Community Business District to R-3, Residential District.

Mr. Ware explained this rezoning request is for an amendment to the zoning map to reclassify addresses 10, 30, 44, 52, 60 and a vacant lot on W. Strasburg Road from C-1, Community Business District to R-3, Residential District.

Previously the Planning Commission made a recommendation to the Town Council to amend the Comprehensive Plan in this area. Town Council will consider this at their meeting on January 27, 2025.

A rendering was provided showing the future intended use of the lots which consists of eight (8) blocks of townhomes, totaling twenty-four (24) townhomes if rezoned to R-3. No proffers were offered by the applicant.



Commissioner Marrazzo asked for clarification of the properties being owned by varying groups including Skyline Realty. She asked if Skyline Realty was representing the other owners in the rezoning request.

Mr. Ware stated that was his understanding.

Kimberly Emerson, attorney for the applicant stated that Mr. Brogan drew the renderings for the project. Skyline Realty Investment has closed on all the parcels with the exception of two (2). Those two (2) properties should be closing within the next 1-2 weeks.

Chairman Marshner opened the public hearing.

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

Commissioner Marrazzo moved, seconded by Vice Chairman Neel that the Planning Commission postpone action on an approval or denial of this until such time as the Town Council approve or deny which is planned for their meeting of the 27th (January) which would mean this would be back before us in the Planning Commission meeting February 19, 2025.

Commissioner Marrazzo said when there is a sweeping change as proposed and given there is an immediate relevant decision before the Town Council that would impact this decision she believed it would be prudent to wait until the Town Council makes a decision with regard to the proposed Comprehensive Plan amendment. If the Town Council decides not to approve the Comprehensive Plan amendment then the Planning Commission has forwarded a recommendation of something not allowed.

Commissioner Brooks shared that he agreed with much of what Commissioner Marrazzo expressed. However, the surrounding area is zoned R-1 and R-2 residential. He believes it will be residential going forward.

Commissioner Marrazzo moved, seconded by Vice Chairman Neel to withdraw her motion.

Vice Chairman Neel moved, seconded by Commissioner Brooks that the Planning Commission forward a recommendation of approval to the Front Royal Town Council for Rezoning Application #2400687 to reclassify addresses 10, 30, 44, 52, 60 and a vacant lot on W. Strasburg Road, identified by tax map 20A12, Section 3, Parcels 22, 26, 27A, 31C, 31 and 23 from C-1, Community Business District to R-3, Residential District.

Vote: Yes – Marrazzo, Marshner, Brooks, Neel

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL



OLD BUSINESS

- **2400421** - A request for preliminary plan approval for a major subdivision submitted by Ali Billoo for a subdivision containing nine (9) lots and sixteen (16) dwelling units located at 336 W. Strasburg Road, identified on tax map 20A11, section 4, parcel 23B. The property is zoned R-2, Residential District.

Mr. Ware explained the application request was for a preliminary plan approval for a major subdivision. The proposed subdivision contains nine (9) lots, and sixteen (16) dwelling units located at 336 W. Strasburg Road. The property is zoned R-1, Residential District which allows this type of housing by-right.

A preliminary plan was submitted with the application. The applicant and their engineer have met all Town Code requirements for submitting the preliminary plan.

The preliminary plan does not authorize construction of improvements within the subdivision development plan. According to the Town code once a preliminary plan is approved it should be valid for a period of five (5) years provided that the subdivider submits a final subdivision plat within one (1) year after the preliminary plan approval. Failure to do so makes the preliminary approval null and void.

The applicant provided a letter that they cannot achieve water quality reduction by their system, and they would be required to purchase credits at a nutrient bank. Mr. Ware noted that Warren County, who administers the program for erosion and sediment control does not make comments on a preliminary plan nor does DEQ make comments on stormwater management.

Commissioner Marrazzo asked staff to comment on the applicant buying credits vs. meeting certain standards when it comes to water.

Mr. Ware explained that based on stormwater calculations and Best Management Practices (BMP) for the type of infiltration system they are installing, the amount of pervious surface coverage area for runoff will not meet the threshold by the state government on water quality. As of 2014 the state gives an option statewide to purchase credits from a nutrient bank within the watershed to offset this.

To further her understanding Commissioner Marrazzo asked if the inability to meet that code was based on the infrastructure being installed or the equipment being proposed.

Mr. Ware explained that it depends on the acreage and impervious surface area of certain sites. If the BMP the applicant selects will not eliminate or control all the water quality the state regulations of 2014 give the developer the option to purchase credits from a nutrient bank. The Town cannot override state code.



Commissioner Brooks moved, seconded by Commissioner Marrazzo that the Planning Commission approve Preliminary Plan Approval Major Subdivision Application #2400421.

Vote: Yes – Marshner, Neel, Marrazzo, Brooks

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

COMMISSION MEMBER REPORTS

Commissioner Brooks thanked staff for their work in 2024 related to the additional work load with the same amount of staff.

PLANNING DIRECTOR REPORT

Ms. Kopishke reviewed the December monthly report.

Staff are starting the process of what changes and adjustments need to be made to the subdivision ordinance. This review will immediately follow after the Zoning Ordinance rewrite review. Staff are hoping to bring the Capital Improvement Plan (CIP) to the Planning Commission for review in February.

ADJOURNMENT

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

VOTE: Yes – Marrazzo, Neel, Brooks, Marshner

No – N/A

Abstain – N/A

Absent – N/A

VOICE VOTE

The meeting was adjourned at 8:17 p.m.

Approved by Planning Commission

Date: 2/19/2025