

**Planning Commission
Town of Front Royal, Virginia**

September 20, 2017

Present: **Deborah Langfitt, Chairman**
 Douglas Jones, Vice Chairman
 David Gushee, Commissioner
 Joseph McFadden, Commissioner

Absent: **Connie Marshner, Commissioner**
 Cee Ann Davis, Commissioner

Staff: **Jeremy Camp, Director**
 Darryl Merchant, GIS Analyst/Planner/Surveyor
 Connie L. Potter, Sr. Administrative Assistant

The September 20, 2017 meeting of the Planning Commission for the Town of Front Royal, Virginia was called to order by Chairman Langfitt at 7:00 p.m.

CITIZEN COMMENTS:

There were no speakers present.

MINUTES:

Vice Chairman Jones moved, to approve the August meeting minutes as distributed, seconded by Commissioner Gushee.

VOTE: Yes – McFadden, Langfitt, Jones, Gushee
 Absent – Marshner, Davis

PUBLIC HEARING:

- **FRSPU-000484-2017**, A Special Use Permit application submitted by Dwight Dunton, Jr. to build a single-family dwelling on a non-conforming lot in the R-1 District.

Mr. Camp explained that the request is to construct a single-family dwelling on a non-conforming lot in the R-1 zoning district. The Town has rules when building on non-conforming lots, particularly in the R-1 zoning district. When those lots are less than the 80% minimum standard, a special use permit is required. The subject lot is 50' wide and 7,500 square feet, which is less than 80%. This property is located on East 13th Street, immediately to the right of 16 East 13th Street. There are (2) two vacant lots in the subject location and the applicant is proposing to build on the lot closest to Royal Avenue.

The Staff Report shows that the proposed structure has a finished floor area of not less than 90% of the amount of finished floor area prevalent in comparative homes, which is a requirement of the code. Other criteria in the Town Code for evaluation includes building orientation, scale, proportion and site layout. Staff's general opinion is that the proposed house meets those criteria.

Staff has forwarded questions to the applicant which include: 1) How will stormwater be managed on the site to prevent drainage issues; 2) Where will the driveway and parking spaces be located; and 3) What efforts have been made to acquire the lot to the east, which is also vacant. If this lot was acquired and the (2) lots were consolidated there would not be a need for a special use permit and a house could be built by-right.

Chairman Langfitt opened the public hearing.

There were no speakers present.

Vice Chairman Jones felt that the best use of the lot would be to combine the (2) lots which would allow for a much better use of the house dimensions and would be more attractive and a more desirable location. He does recognize that the applicant has made efforts to locate the property owner of the adjacent property.

Ms. Stevie Robinson of 1169 Elm Street, Front Royal, VA stated they will be building the home on the lot. She explained that they had made many efforts to purchase the adjoining vacant lot. To their understanding, the vacant lot is now owned by the Town and is in a foreclosure process that could take 1-2 years to resolve. The issue has been sent to Richmond because there are delinquent taxes on the lot, therefore making no way to expedite the process. Should the lot become available while they are working on the proposed house, they would attempt to purchase the adjoining lot and consolidate them.

Chairman Langfitt closed the public hearing.

Vice Chairman Jones moved to recommend approval to Town Council of special use permit application FRSPU-000484, as submitted, to allow construction of a single-family dwelling on Tax Map 20A3-4-55, lot 25. I further move that the following conditional recommendations be made part of the record:

- 1) The applicant is advised to purchase the adjacent vacant lot if it becomes available and consolidate it with the subject lot. This will increase the property value of the future house and allow the house to be expanded in the future.***
- 2) It is recommended that any future applications for a house on the adjacent vacant lot, whether made by the current or future owner be denied. A house on the vacant adjacent lot cannot meet the minimum corner lot setback requirements.***
- 3) The applicant is advised to decrease the front setback of the proposed house to more closely match the setback of the adjacent house, while still meeting minimum setback requirements of the Town Code.***

Seconded by Commissioner Gushee.

Planning Commission members held some discussion with the applicant regarding purchasing the adjacent lot and how that would affect the house size and location.

Ms. Robinson said the adjacent lot is on a corner and it would not change the location of the house. She noted that the taxes on the adjacent property have not been paid since 1998 and it is believed that the property owners are deceased. Ms. Robinson also clarified that the Town doesn't own the property, but it has gone to Richmond due to unpaid taxes.

Mr. Camp said that Warren County handles the real estate for the Town and the best he can do is to speak to the County to see if it is possible to expedite the process. He noted that the Town has nothing to do with the process.

**VOTE: Yes – Langfitt, McFadden, Gushee, Jones
Absent – Marshner, Davis**

- FRSPU-000471-2017, A Special Use Permit application submitted by Seymour Robinson, on behalf of Mark Smoot, to amend the conditions of Special Use Permit SP99-11-117 for the use of 8 W. 14th Street as an automobile garage.**

Mr. Camp said the special use permit application was submitted by Seymour Robinson who is the owner of a car repair business that has moved in at 8 W. 14th Street. The property owner is listed under the name of Mark Smoot. The purpose of the application

is to amend the existing conditions for a special use permit that was issued in 2000. Since 2000, the previous garage closed and the building converted into a car sales business. The special use permit continues to be valid. There was an issue with one of the conditions that required a fence at the site. The applicant was informed by Staff that he needed to install the required fencing for the impound, parked car storage area. Mr. Seymour said he doesn't have any of that and does not do body repair or paint work, but simply does regular car repairs and did not feel that he should be required to install the fence. Suggestions for conditions are listed in the Staff Report. Mr. Camp reviewed the seven (7) conditions.

Chairman Langfitt opened the public hearing.

Bill Barnett, 1115 Buck Mountain Road, Bentonville, VA said he owned the property immediately behind the property involving the special use permit. He has no objection to the special use permit amendment request by the applicant and noted that his only concern was that the alleyway be kept open which is addressed in Staff's conditions.

Chairman Langfitt closed the public hearing.

Commissioner McFadden moved to recommend approval of application number FRSPU-000471, as submitted, to replace the conditions of SP99-11-117 with those recommended in the Staff Report, seconded by Vice Chairman Jones.

After a brief discussion among Commission members, the motion was amended.

Amendment to the motion by Vice Chairman Jones to add the following condition:

- 1) A concrete sidewalk to be completed along the site and markings along the alley.***

**VOTE: Yes – Jones, Gushee, Langfitt, McFadden
Absent – Marshner, Davis**

CONSENT AGENDA:

- FRSIGN-000490-2017, A sign permit application submitted by Eddie Edwards Signs, on behalf of United Bank, for a new ground mounted sign at 1729 N. Shenandoah Avenue, located within the Entrance Corridor Overlay District.

Commissioner Gushee moved for approval of the consent agenda as recommended by Staff, seconded by Commissioner McFadden.

**VOTE: Yes – McFadden, Gushee, Langfitt, Jones
Absent – Marshner, Davis**

Vice Chairman Jones referred to Staff's recommendation that the brick base match the brick of the bank building and added this to the motion.

Vice Chairman Jones moved to add the staff recommendation to the approval, seconded by Commissioner Gushee.

**VOTE: Yes – McFadden, Gushee, Langfitt, Jones
Absent – Marshner, Davis**

NEW BUSINESS:

- **FRSUB-000472-2017**, A Final Plat/Subdivision Plan application submitted by the Industrial Development Authority for the extension of Progress Drive and subdivision for the proposed criminal justice academy.

Mr. Camp explained this was a subdivision application and final plat to extend Progress Drive, submitted by the Economic Development Authority. This has been reviewed in the past with the preliminary plan. Mr. Camp summarized the associated documents that are with the plans.

The final plat lays out the subdivisions that will create the public right-of-way and reconstruct the existing lots to accommodate the Criminal Justice Academy site and the new road. The subdivision plan lays out the infrastructure associated with the stormwater facilities required by the state, curb and gutter, and the associated amenities and design for the roadway that the applicant will construct.

There is a bond estimate, which is required by the Town Code, that is calculated from the estimated value of all of the improvements. A stormwater maintenance agreement is also included in the documentation. This is required because a portion of the stormwater facilities on the applicant's property will have an impact on the drainage into the street. It is required to meet certain maintenance standards and it grants the Town the ability to make emergency repairs if there is a need for that.

In addition, there are associated deed restrictions that Town Council approved when the special exception application was considered.

The application is required to be approved by Town Council and Town Code requires that it be approved within sixty (60) days of the recommendation from the Planning Commission. Along with the bond estimate, the applicant has submitted the actual bond document which requires a signature and the Stormwater Maintenance Agreement is in the process of being signed.

Planning Commission members held a brief discussion with Sherriff Daniel T. McEathron.

Commissioner Gushee moved to recommend approval of SUB-000472-2017, conditional on the applicant submitting the development surety and deed of dedication language for review by Town Council, seconded by Commissioner McFadden.

**VOTE: Yes – Gushee, McFadden, Jones, Langfitt
Absent – Davis, Marshner**

OLD BUSINESS:

There were no items for old business.

PLANNING DIRECTOR'S REPORT:

Mr. Camp reviewed the August monthly report, noting that permits are still at a high pace.

The Board of Architectural Review met on September 12th and denied the request for demolition of the Afton Inn. Town Council will consider an appeal submitted by the Economic Development Authority (Applicant) which will be heard on September 25th. This is an administrative decision and not a public hearing.

On September 25th, Town Council will also be holding the first reading of the ordinance that would adopt the property maintenance code and potentially establish a rental inspection district in the Town.

Also considered at the Town Council meeting on September 25th will be the Criminal Justice Academy subdivision plan and final plat.

On August 31st, the Town closed on the sale of the former police station. The new owners of the site intend to submit an application in the near future for a change of use.

The deadline for department heads to submit the capital improvement projects for the next fiscal year is September 30, 2017. Once those are submitted and compiled it will be forwarded to the Planning Commission for review.

Mr. Camp said there would be a work session following the regular meeting to discuss the FRLP proffer amendment submission, as well as potentially other projects that will be coming forward.

COMMISSION MEMBER REPORTS:

There were no additional comments by Planning Commission members.

ADJOURNMENT:

Commissioner Gushee moved, seconded by Commissioner McFadden to adjourn the meeting.

**VOTE: Yes – McFadden, Gushee, Langfitt, Jones
Absent – Marshner, Davis**

The meeting adjourned at 7:51 p.m.

Connie L. Potter
Sr. Administrative Assistant