

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.

The Planning Commission meeting of the Town of Front Royal, Virginia was held on March 17, 2021, at 7 PM.

ROLL CALL – Determination of Quorum

Present: Douglas Jones, Chairman
Connie Marshner, Vice Chairman
William Gordon, Commissioner
Darryl Merchant, Commissioner
Joshua Ingram, Commissioner

Staff: Timothy L. Wilson, Director of Planning and Community Development
Alfredo Gutierrez Velasquez, GIS Coordinator / Planner I
Connie L. Potter, Executive Assistant

CALL TO ORDER

Chairman Jones called the meeting of the Planning Commission to order at 7 PM.

Chairman Jones welcomed Joshua Ingram to the Planning Commission. Commissioner Ingram gave a brief overview of his interest in serving as a Planning Commission member.

APPROVAL OF MINUTES

- August 20, 2020, Planning Commission regular meeting minutes.

Vice Chairman Marshner moved, seconded by Commissioner Gordon to approve the meeting minutes of August 20, 2020, as written.

VOTE: Yes – Gordon, Marshner, Merchant, Ingram, Jones

- February 17, 2021, Planning Commission Regular Meeting minutes.
- February 17, 2021, Planning Commission Work Session Minutes.

Commissioner Merchant moved, seconded by Commissioner Gordon to approve the Planning Commission regular meeting minutes of February 17, 2021, and the work session minutes from the meeting of February 17, 2021.

Vice Chairman Marshner asked that a sentence be added to the work session minutes regarding the discussion on blighted properties. She would like the minutes to reflect that Vice Chairman Marshner expressed concern that too much standardization could eliminate some properties that add to the unique character of Front Royal and recommended that Town Council explore enterprise zones and other concepts which have been used in some other places as an alternative to the destruction of blighted properties.

Vote on the amendment:

VOTE: Yes – Gordon, Merchant, Ingram, Marshner, Jones

Vote on the minutes from previous motion:

VOTE: Yes – Gordon, Marshner, Merchant, Ingram, Jones

CITIZEN COMMENTS

There were no speakers.

PUBLIC HEARINGS

- **Rezoning Application #FRREZON 2488-2021** submitted by 116 South Street LLC, requesting amendment of the Zoning Map of the Town of Front Royal Zoning Ordinance to reclassify Warren County Tax Map Parcels #20A7-6-22 & 23 totaling 0.45 acres from Residential District R-3 to Community Business District C-1.

Mr. Wilson explained that the application proposes to rezone approximately 0.450 acres from R-3 Residential District to C-1 Community Business District in the South Planning Area. A plat and concept plan were submitted with the application. The stated purpose of the rezoning request is to allow for an additional parking area for employees and expansion of storage capacity of the Spelunkers restaurant. This is a very successful business that has outgrown their boundaries. Staff recommends the adoption of the zoning map reclassification of Tax Map Parcels 20A7-6-22 and 23 from Residential District R-3 to Community Business District C-1. There are no proffers associated with this request.

Chairman Jones opened the public hearing.

Representing the applicant Steve Antonelli, was Joe Knechtel of Potesta and Associates who said he was happy to answer any questions by the Planning Commission.

Chairman Jones asked if this would enhance the appearance of the house at the proposed rezoning location.

Mr. Knechtel said the applicant was planning on updating the house and believes they have already done cleaning and painting on the interior of the house. The applicant would look like to add food storage to the rear of the house.

Commissioner Gordon said he would like to see a sidewalk come out to Pine Street to facilitate pedestrians going from the new parking lot over to the restaurant, so they are not walking in the drive aisle.

Vice Chairman Marshner asked if the directionality of Pine Street was going to change.

Mr. Wilson said there was no proposed changes of the directionality on Pine Street. He noted that if the rezoning is successful there will be a Site Plan application required. It will not be a Major Site Plan and will not come to the Planning Commission for review. However, staff welcomes any comments/concerns Commission members may have concerning the site plan.

Commission members, Staff and Mr. Knechtel held some discussion regarding where the 2-way section of Pine starts.

Commissioner Merchant mentioned that the Planning Commission was not approving the concept plan and noted that he wanted to make the owner and designer aware of the need for curb and gutter and asphalt on the parking lot. The applicant will need to provide the dark sky lighting calculations for lighting the parking lot. He mentioned that the concept plan shows the parking lot ending parallel with the property. A fence may need to be installed to prevent traffic from spilling out onto the 12-foot alley to the west.

Commissioner Ingram asked how the entrance and exit would affect traffic on Pine Street.

Mr. Knechtel explained that the entrance off of 55 will go to one-way with no exit. Vehicles going through the drive-thru will come out the one-way out exit onto 55. Parking within the site would have to exit at Pine Street. He noted that Pine Street is 2-way at that point.

There were no additional speakers, and the public hearing was closed.

Commissioner Gordon moved, seconded by Commissioner Merchant that the Planning Commission forward a recommendation of approval to rezone the 0.450-acre site, Tax Map Parcels 20A7-6-22 and 23, identified in the application from Residential District R-3 to Community Business District C-1.

VOTE: Yes – Ingram, Merchant, Gordon, Jones, Marshner

- **Zoning Ordinance Text Amendment #FRZORAM 2519-2021** initiated by resolution of the Front Royal Town Council. The purposes of the proposed amendment are to change the use regulations of the C-2 Downtown Business District pertaining to the administrative permitting of residential units and the special use permitting of apartments by Town Council.

Mr. Wilson stated this was a text amendment initiated by resolution of the Front Royal Town Council in February 2021. He explained that he had received several inquiries from property owners and developers who were interested in doing apartments in available buildings particularly on East Main Street and Chester Street. For various reasons under the apartment regulations these developments could not move forward as hoped by the applicant. The Zoning Ordinance allows for apartments in several other districts in addition to the C-2 Downtown District. Apartments are permitted in the R-3 Zoning District, the Planned Neighborhood Development (PND) Zoning District, C-1 Zoning District, and the Mixed-Use Campus District (MCD) Zoning District. In all these districts they have to comply with the basic regulations of each particular district. Supplementary regulations apply to various uses with apartments being one of them. In addition to the particular zoning district regulations all apartment development has to comply with those supplemental regulations. The most predominant difficulty was the minimum lot size requirement which for apartments starts off at 10,000 square feet. After discussing the issue with Town Council, they wanted to try and encourage apartment use or some apartment living in the downtown area. In terms of successful revitalization of downtown, having people living in the downtown is an important element of successful downtown revitalization. Town Council is proposing that in the C-2 District, apartments would not automatically be subject to a list of supplemental regulations as found in section 175-113 of the Zoning Ordinance. Council would still use those as a guideline in evaluating apartment development because apartments are permitted by Special Use Permit, so Town Council has the ability to impose conditions as being necessary not mandatory. By being mandatory they were having a prohibiting effect.

Chairman Jones opened the public hearing.

There were no speakers. Chairman Jones closed the public hearing.

Commissioner Merchant asked if Town Council had reviewed the comments submitted by the Planning Commission. Mr. Wilson answered not to his knowledge. Commissioner Merchant asked if he thought the changes fulfill the Town Council Resolution of February 8, 2021. Mr. Wilson believed they did. Commissioner Merchant referred to section 1 under Residential By-Right regarding the number of units where Mr. Wilson wants to include up to eight (8) units, also listed are single-family and two-family dwellings. He asked if townhouses were considered to help with apartments and asked if there was a reason they were not included. Mr. Wilson could not answer why townhomes were not included. Commissioner Merchant asked if townhouses would still not be permitted in the C-2 District under this provision. Mr. Wilson said that was correct.

Commissioner Merchant asked Mr. Wilson to explain the special use permit process.

Mr. Wilson explained that special use permits, or special uses are uses that must be approved administratively going through a process of review by the Planning Commission or recommendation of the governing body and the governing body reserves the right unto itself to be the approving authority. If the approving authority, in this case Town Council, finds that a special use permit application meets all of the requirements of the ordinance and finds no adverse impacts or affects from the proposed use as presented in the application then it is common to have the application approved as presented. During the discussion by Town Council or recommendation by the Planning Commission or by public comment if there are any adverse impacts that may be associated with the proposed use for development through the special use permit process, the Planning Commission can recommend, and the governing body can impose conditions on the use. You can also modify the proposal in order to mitigate or eliminate any negative impacts.

Commissioner Merchant asked about new construction. Normally at a new site the developer/engineer doing the site plan has a list of requirements that they incorporate into the site plan and in the C-2 District we are basically removing that list of items that we want in there. How will developers/engineers know how to develop a site with curb and gutter, asphalt parking, storm drainage, etc.?

Mr. Wilson said there would still be requirements with storm water and other chapters of the code that will not be impacted. While the regulations under section 175-113 would not be mandatory he would advise they try to follow that as a guide in the development of the plan for their particular project.

Commissioner Merchant addressed Commission members and said the C-2 District is a diverse and large district. He understands what there trying to do on Main and Chester Streets. It is a very tight, high density zone and we need some flexibility to look at apartments and getting people downtown. The district actually runs from Jackson Street all the way down to the post office and then over to the other side of Royal Avenue to Commerce Avenue. By pulling the safety of these regulations off we are getting outside

of the intent which is Main Street and Chester Street. This causes him concern. During their Comprehensive Plan review he wanted the Commission to look at connecting the C-1 District north and south on Royal Avenue that is now occupied by the C-2 District. There is also the issue of no parking on Main Street and the Historic District is Downtown. Commissioner Merchant expressed concern on opening this up to the entire district and not just Main and Chester Streets.

Commission members agreed they would like to table this and hold a work session to discuss the proposed amendment. They agreed to hold a work session on April 7, 2021.

Commissioner Merchant asked if they modify the proposed ordinance amendment would they need to hold another public hearing.

Town Attorney, Doug Napier said it would depend on how extensively they modify the proposed ordinance.

There were no additional comments. Chairman Jones closed the public hearing.

Commissioner Merchant moved, seconded by Vice Chairman Marshner to continue the conversation regarding the ordinance to the regulation of Town of Front Royal zoning permitting apartments and multi-family dwellings in the C-2 District to April 7, 2021, work session at 7:00 PM at the Town Hall.

VOTE: Yes – Gordon, Jones, Ingram, Marshner, Merchant

OTHER APPLICATIONS

There were no applications for review.

OLD BUSINESS

There were no items for old business.

NEW BUSINESS

- Resolution for funding of Comprehensive Plan Rewrite – FY22 Budget.

Commission members discussed the proposed resolution they would like presented to Town Council for funding of the Comprehensive Plan Rewrite.

Commissioner Gordon moved, seconded by Commissioner Merchant to adopt the resolution from the Front Royal Planning Commission requesting the funding of professional services in the Town fiscal year 2022 annual budget for the rewrite of the Town Comprehensive Plan as presented.

VOTE: Yes – Merchant, Marshner, Gordon, Jones, Ingram

RESOLUTION

**A RESOLUTION FROM THE FRONT ROYAL PLANNING COMMISSION
REQUESTING THE FUNDING OF PROFESSIONAL SERVICES IN THE TOWN FY22
ANNUAL BUDGET FOR THE REWRITE OF THE TOWN COMPREHENSIVE PLAN**

WHEREAS, Section 15.2-2223 of the Code of Virginia requires every governing body to adopt a comprehensive plan for the territory under its jurisdiction, and moreover identifies the local planning commission as the entity charged with the preparation and recommended adoption of such plan to the governing body; and,

WHEREAS, Section 15.2-2230 of the Code of Virginia requires that at least once every five years that the comprehensive plan be reviewed by the local planning commission to determine if it is advisable to amend the plan; and,

WHEREAS, the Front Royal Comprehensive Plan entitled *Our Vision for Front Royal* was last written and adopted as a document in its entirety by the Front Royal Town Council twenty-three years ago on March 23, 1998 and has had few amendments and remains greatly unchanged since its adoption as a complete document since 1998; and,

WHEREAS, the Planning Commission has reviewed the current comprehensive plan and deems it advisable to conduct a rewrite due to the Plan’s considerable age; new plan content and agency reviews required by changes in the Code of Virginia; and the extent of social, economic, technological and other elements of community change relative to future growth and development that have occurred since 1998.

NOW THEREFORE, BE IT RESOLVED, as provided for under Section 15.2-2217 of the Code of Virginia the Front Royal Planning Commission, in the furtherance of fulfilling its legal planning duties and responsibilities, does hereby request funds be approved by Town Council in the next fiscal year budget, FY22, for the purpose of contracting with a professional consultant and other incidental costs associated with the rewrite of the Town of Front Royal Comprehensive Plan.

Adopted by unanimous vote of the Front Royal Planning Commission this 17th day of March 2021.


 Douglas Jones, Chairman
 Front Royal Planning Commission

COMMISSION MEMBER REPORTS

Commissioner Merchant noted that in 2020 the Planning Commission had approved a site plan across the street from Dunkin Donuts on South Street and he wanted to recognize them for the outstanding job they had done repairing the existing concrete wall that ran along the front of the property. The applicant went above and beyond by putting stonework on the concrete wall and it looks exceptional.

ADJOURNMENT

Commissioner Merchant moved, seconded by Commissioner Gordon to adjourn the meeting.

VOTE: Yes – Marshner, Gordon, Merchant, Ingram, Jones

The meeting adjourned at 8:00 pm.

A Planning Commission work session was held following the regular meeting.

Connie L. Potter

Connie L. Potter
Executive Assistant