

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

**June 15, 2016**

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

**Absent:**                   **Christopher Morrison, Commissioner**

**Staff:**                   **Jeremy Camp, Director**  
                                  **Connie L. Potter, Sr. Administrative Assistant**

**The June 15, 2016 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***

***Commissioner Gushee moved, seconded by Vice Chairman Jones to approve the meeting minutes of May 18, 2016 as written.***

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

***PUBLIC HEARING***

- SUP16-04-264, Royal Lane Apartments, a special use permit application for 36 apartments in the C-1 District, located at the end of Royal Lane.

Mr. Camp explained that application SUP16-04-264 is a request to develop 36 apartment units at the end of Royal Lane on tax map 20A17-1-14B. The proposed site plan was shown on the meeting room screen. The application was submitted by Pennoni Associates on behalf of the Economic Development Authority (EDA). This property was

donated by Walter Campbell for the purpose of allowing the EDA to develop workforce housing for the community. The proposed plan includes three 3-story apartment buildings with each building containing 12 units. Mr. Camp reviewed the proposed site plan shown on the screen. The plan depicts parking, the extension of Royal Lane and shows the installation of sidewalks along Royal Lane. There is also a general plan for a dry stormwater pond and a playground.

Two sections are referenced in the staff report regarding the road extension. First is a small portion that is presently the property of Meadow Land Learning Center, which is the adjacent property. This is being proposed to be a public right-of-way. The remaining portion of the access road extension is depicted as being reserved so that the Town would have the ability to set that as a Town street in the future which will be determined by Town Council.

The applicant submitted an Impact Analysis that looked at water and sewer needs for the development as well as traffic impacts. In relation to the water and sewer, the report indicated that the site would utilize 7,200 gallons per day. There are existing water and sewer lines within the existing right-of-way of Royal Lane which would have to be extended to serve the site, as well as engineered on the final site plan. Regarding traffic impacts the report shows that the site will generate 252 vehicle trips per day, which is about an increase of 16-17% based on the current traffic counts on Royal Lane. This is significantly less than the current by-right allowance for the property as a commercial use.

Comments are noted in the staff report regarding the preliminary site plan that will need to be adequately addressed. Town staff has included 7 recommended conditions in the staff report which clarify the conditions of the development and also make recommendations in regards to the minimum requirements to the playground facility that is proposed on the site.

Chairman Langfitt opened the public hearing.

Chairman Langfitt noted that she was part owner of the property before it was sold to Mr. Campbell and Mr. Hudson is her brother.

Basil Hudson owns property at 83 Royal Lane. Mr. Hudson said he has concerns with the site plan. The south side of the property shows 235' which should reflect 260'. When the property was sold to Mr. Campbell, he was to convey 25' on the south side of his property in conjunction with the sale of the property. The property was surveyed by Larry Himelright but the court has no record of that being registered. This needs to be adjusted. Mr. Hudson said he owns the daycare center located there and the parents like the location because of the safety situation and the seclusion of the daycare. He is

concerned that the storm drain could be a safety issue for the children and the whole community.

Commissioner Marshner stated that if the court has no record of the 25' of land conveyance, did Mr. Hudson have a record of the conveyance.

Mr. Hudson explained that he had spoken with Mr. Campbell who confirmed that it was a verbal agreement with Mr. Hudson's father and the organization that sold him the property that he was to convey 25' on the south side of the property line. Somebody goofed up and did not record this at the courthouse.

Commissioner Marshner said it would be beneficial for Mr. Campbell to provide Mr. Hudson a letter to the effect of the verbal agreement he had made with Mr. Hudson's father.

Patrick Sowers, Pennoni Associates said this was the first they had heard of the 25' conveyance. They can accommodate this on the site plan. Mr. Sowers explained that the stormwater area/pond will not necessarily be a pond sitting full of water. It will likely be a bio-retention filter which is a small pond area with a mix of sand and soil with plants planted in that. It is not intended to actually hold water but filters the water that comes into it and drains out. There is not a need for a fence because it will not be a feature that holds water where a child could fall into it.

Mr. Sowers answered Planning Commissioner questions stating that currently the site drains from east to west. The proposed stormwater management pond is in the lowest spot. When the final design is done, they will need to capture the water that is coming in from the road, storm inlets and anything from the building that flows to that area using the existing drainage pattern. The water that goes into the retention area, filters through the plants and then there is an underdrain that will discharge. From the stormwater drain to the existing fenced playground area is approximately 100'.

Mr. Camp noted that the application includes the request of the extension of Royal Lane and includes a request for a special exception. The Town Code limits cul-de-sac streets to 800' with 25 lots. However, it allows for exceptions to be made when affordable housing projects are proposed.

Jennifer McDonald of the EDA said they had no issue with the conveyance of the 25' easement dedicated to the daycare center. Ms. McDonald said this would be an EDA owned project and they had received grant money through the Department of Housing and Community Development for this project. Noting that it is workforce housing but also affordable housing which requires that so many units of the 36 units be to low income individuals. In this area, low income individuals considers a family of one \$32,000 which reaches the Town's teachers, nurses, deputy's and police officers. The

EDA will own this project for a minimum of 3 years and then they can keep it and maintain the way they are holding it or they can sell it to a developer at that time.

Sharon Jackson, 17 Royal Lane asked the Planning Commissioners to consider the homeowners on Royal Lane. She said there would have been more people there to speak, but letters only went out to the adjacent property owners and not to everyone on Royal Lane. She asked them to consider what low income, workforce housing will do to the property values of the existing homes on Royal Lane and the enhanced congestion this development will bring to Royal Lane. They are concerned with the possibility of an increase in crime and security issues which is adherent to low income housing. Currently there are apartment complexes located on Royal Lane and asked the Planning Commission members to consider where they lived and whether or not they would want to open their neighborhood to a 36-unit, low income, workforce housing project.

Reverend Charles Jackson said they had lived there since 1978/79 and if you look at the records of the apartments there now, the police and sheriffs are there all the time. Having another low income project at the other end will increase the problems. He asked that the Planning Commissioners please consider in their decision everybody that is involved. There is no exit from the cul-de-sac and people from the apartments congregate at this location and it is usually not a good thing.

Ms. McDonald clarified “low income” and “workforce housing”. This is not a subsidized housing project which is what the existing apartments are on Royal Lane. The EDA has received grant money for a workforce housing project meaning teachers, deputies, police officers and nurses that will live in these apartment buildings. We are losing these folks to surrounding communities because there is nothing currently available and they are working here and we want to keep them here. This is why the EDA wants to keep ownership of the property so that they can control that. She invited the neighbors to look at the proposed apartment plans which will include nice 2 bedrooms, 2 bathroom apartments with balcony's and stone fronts. They can also look at the application process of who they will be accepting into the apartments. Ms. McDonald believes that all the existing apartment buildings are subsidized housing. Every year that we get new teachers we are losing them to Strasburg and Frederick County because we do not have quality apartments and townhouses available for them to rent.

The applications are not only approved by the EDA they will also be approved by the Northern Shenandoah Valley Regional Commission that is responsible for helping the EDA with this project. Ms. McDonald explained that they have established a set of procedures to set aside so many of the units for the local employees of the schools and the county. One of the questions on the application is if you cannot find reasonable housing in this community where will you locate. We are trying to keep them here because we are losing so many of them and if they move to a different community, they start working in a different community. Their goal is not to make it a subsidized housing

project, but to keep the workforce here in our community. As with any application it also asks if they have a police record.

Additional questions from the Planning Commissioners were addressed.

Ms. McDonald said it is the EDA's intention to keep the workforce housing after the initial 3 years and they would have no reason to sell the property.

Commissioner Marshner suggested possibly mandating that after 3 years it would not be sold. Ms. McDonald said that the 3 years comes into play with the grant money they had received.

Mr. Camp said one possibility would be to include a condition that requires the terms being discussed that workforce housing be included on the site plan and if those terms change it would require an amendment to the special use permit and would have to come back to the Town for review if they wanted to change those terms.

Ms. Jackson expressed additional concern that when a development comes into the area where you have single family homes, she would think that one of the things a developer would do is an outreach to the people in the community so they can understand what the developer is trying to do. Then, when looking at the whole picture of it, they would have more information to digest. This clearly did not happen. Only one neighbor who was directly adjacent to the project received notification and no one else on Royal Lane received notification. Another point of concern is with developers. She understands the applicant has the restriction for 3 years and what happens beyond the 3 years if it is sold and rules change and the homeowners are still there with their same property. She understands the concept of keeping people employed in Front Royal, but can we look at areas that do not already have housing developments across from it. Ms. Jackson asked the EDA if they would consider looking at other areas and wished that a meeting could have taken place so that the homeowners could better understand the project and they would not have felt so ostracized.

Commissioner Gushee stated there is a possibility that additional conditions may exist and he would suggest tabling the issue and urge the participants to see what they can do to relieve the concerns of the neighbors and modify the conditions. Once this has occurred it can come back to the Planning Commission.

Eva Challis, 646 Harris Drive, Front Royal, VA. She has heard a lot about one way in and one way out and we should all be very concerned about this if there is already people down the road with one way in and one way out. Obviously the streets are overtaxed to get to these houses. Additional adequate roadways need to be created for individuals to get in to that area and for fire and rescue to get in and out of the area. She believes it is the Planning Commission's job to protect the current citizens and not just future citizens.

Regarding the EDA grant and affordable housing, she knows quite a bit of good apartments and houses that are empty and maybe people could get grants to rent or buy those houses.

Chairman Langfitt closed the public hearing.

*Commissioner Gushee moved, seconded by Vice Chairman Jones to table this initiative and urge Staff, the EDA and the neighbors to communicate with each other, more extensively than they have in the past, seeking an accommodation to where the neighbors will not necessarily feel that no go is their ultimate position.*

Vice Chairman Jones explained he was seconding the motion because of the claim that only one family was notified and had the chance to express their concerns. He would support the idea of getting to a more equitable and mutually agreeable solution.

Mr. Camp noted that the legal requirements were followed which requires notification to the adjoining properties. He understands what they are saying but wanted to clarify that all the legal requirements have been met.

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

- SPEXP15-10-01, FRLP Special Exception Request, to lower the street width requirement for FRLP's 149-acre property currently zoned R-1A.

Mr. Camp said the application was Special Exception Request SPEXP15-01-01 submitted by Front Royal Limited Partnership (FRLP). This is a request to allow for narrower streets within the future developments of the applicants 149-acres zoned R-1A. To clarify, this would not include the entirety of Front Royal Limited Partnerships property, including the 604-acres that was recently annexed to the Town.

Specifically, the request is to modify the requirements of Town Code, Section 148-820.D.6 which is a permitted application that can be made according to the Subdivision Ordinance. This would reduce the pavement width, base course width and the sub-base width by 4' for local street and collector streets within the project area. The request is a significant change from their original submittal by FRLP which had more significant street width reductions and numerous other changes proposed for Town Code requirements for streets. During separate work sessions held on this application among the applicant, Planning Commission and Staff, several issues were raised about the original request. Especially considering that FRLP was not ready to submit a plan of development at this time. The current request is generally consistent with the Planning Commissions intent that was submitted with the original draft of the Subdivision and

Land Development Ordinance that at that time recommended to Town Council widths of 32', 36' and 40' depending on the level of traffic estimated for that road. The applicants request does eliminate the 40' wide street width requirement.

If the Planning Commission supports this, Staff is of the recommendation that it should not apply to the main access road into the development, mainly the East/West Connector Road.

Chairman Langfitt opened the public hearing.

Michael Challis expressed that he would hate to see the Commission create a precedent changing the rules from the width that you have for the Town. This would make it even easier in the future to make even smaller roads. He does service work and has worked in a community in Stephens City where they have very narrow roads. The people are not allowed to park on the streets and have to park in their driveways. These are 2 car driveways. If they have 3-4 car's they have no place to park unless they park in their yards. There are no sidewalks and the kids are walking down the center of the street to get to school which is very unsafe. He lives in Shenandoah River Estates where FRLP is trying to build homes in front of them, which is not the development they are speaking of now but does not want to see a precedent set to make narrower roads. He asked that the Commission consider fire trucks in the area and where they would turn around and no sidewalks. He asked if the applicant doesn't bring it up to code, who would maintain the roads.

Commissioner Gushee said the Town will maintain the roads.

Mr. Challis asked if the Town currently had a standard width requirement and is so what was it.

Commissioner Gushee said the Town has a standard width requirement of 40' and 36', with the VDOT standards being 36' and 32'. Mr. Challis asked why the Town would change this. Commissioner Gushee explained they are changing it to the VDOT standards.

Mr. Camp noted that the request is a little wider than VDOT's minimum standards.

Mr. Vazzana thanked the Commission and Town Staff for their assistance and patience with him throughout the process and he was happy to answer any additional questions.

Commissioner McFadden asked if Mr. Vazzana knew the timeline of the East/West Connector vs. the buildout of his subdivision.

Mr. Vazzana said this will be discussed at a future work session on June 22<sup>nd</sup> with Town Council. There are 2 options on which way it will go, whether it is FRLP constructing it or potentially working with the Town to get it constructed more quickly.

Commissioner McFadden asked what the plan was for egress and entrance into the subdivision if the East/West Connector is not constructed within the timeline.

Mr. Vazzana said it would be both in and out on Shenandoah Shores Road.

Commission members discussed the different phases of the project with Mr. Vazzana.

Ms. Challis expressed concern with any subdivision that has one way in and one way out because they are very aware of the problems of that. If you add one more subdivision onto Shenandoah Shores Road with one way in and out it is unsafe with all the other proposed development in that area.

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

Vice Chairman Jones moved to recommend approval of Special Exception Application #15-10-01, for a special exception to Town Code 148-82.D.6, to allow alternative standards to the minimum required pavement, base course, and subbase widths for local and collector streets with the applicant's property that is presently zoned R-1A. The alternative standards shall reduce the pavement, base course and subbase widths by 4 feet, as outlined in the Staff Report and the applicant's submission. I further move to recommend that the special exception specifically not apply to the East/West Connector Road, the primary access road into the proposed future development by FRLP. Seconded by Commissioner Gushee.

**Vote: Yes – Jones, Gushee, McFadden, Langfitt, Marshner  
Absent - Morrison**

### ***CONSENT AGENDA***

There were no items on the consent agenda.

### ***NEW BUSINESS***

There were no items for new business.



***PLANNING DIRECTOR'S REPORT***

Mr. Camp reviewed the monthly report for May.

The Project Management Team for the downtown business district redevelopment project met on June 7<sup>th</sup> and finalized the language for the RFP for branding services. This is to include a plan for new wayfinding signage as well as marketing strategies and a parking analysis to improve the downtown. The group is working with the Drive Tourism Group. This is another group led by the Chamber of Commerce to coordinate efforts with wayfinding signage. The Project Management Team is scheduled to meet again on June 29<sup>th</sup> and will be interviewing an architectural firm that will be working with us to help develop architectural renderings of property's in the downtown and establishing guidelines for a façade improvement program which will help us next year to implement the implementation phase of the project. Funding is coming from the community block grant issued to the Town.

The Board of Zoning Appeals met in May and reviewed an application for an appeal as well as a variance application which were both related to signs located at churches. With regard to the appeal, the BZA upheld the Zoning Administrators determination regarding the sign at 55 Westminster Drive which was determined to be a flashing sign, which is a violation of the sign ordinance. The BZA also tabled an action for another sign at a church on 6<sup>th</sup> Street. This application was tabled to allow the church to make some modifications to the sign to bring it into conformance with the Town Code and will be meeting in June to review those changes and finalize their decision

The Board of Architectural review met June 14<sup>th</sup> and approved 3 applications in the Historic District. This included a new sign on Main Street, the reconstruction of a historic front porch on Chester Street and new fencing at the First Baptist Church.

On June 20<sup>th</sup> there will be a Town Council work session to discuss Front Royal Limited Partnerships proffer amendment request. They will also be discussing sign proposals submitted by the anti-litter council for signage in the entrance corridor that will advertise not to litter in Front Royal.

There will be a joint work session on June 22<sup>nd</sup> with the Planning Commission and Town Council to continue discussion on the Front Royal Limited Partnership proffer amendment request and VDOT will be giving a presentation on the South Street Corridor Study.

***COMMISSION MEMBER REPORT'S***

There were no additional comments.

*Commissioner Gushee moved, seconded by Commissioner Marshner to adjourn the meeting.*

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

The meeting adjourned at 8:05 p.m.

There was a work session following the regular meeting.

Connie L. Potter  
Sr. Administrative Assistant