

This meeting can 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 January 20, 2021 at 7 pm.

ROLL CALL – Determination of Quorum

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

Staff: Timothy L. Wilson, Director of Community Development and Planning
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.

APPROVAL OF MINUTES

- November 18, 2020

Commissioner Marshner moved, seconded by Commissioner Gordon to approve the meeting minutes as presented.

VOTE: Yes – Jones, Marshner, Gordon, Merchant

CITIZEN COMMENTS

There were no speakers.

PUBLIC HEARING

- Rezoning Application FRREZON 2372-2020 submitted by Aaron Hike and Douglas Ichiuji, doing business as Rockledge Development Company, LLC, requesting amendment of the Zoning Map of the Town of Front Royal Zoning Ordinance to reclassify a 2.1-acre parcel, Warren County Tax Map # 20A1 3 3A, from Residential District R-1 to Residential District R-3.

Chairman Jones opened the public hearing.

There were no speakers present for the public hearing.

Mr. Wilson explained this was an application to rezone 2.1 acres of property from R-1 to R-3 Residential District. The property is located west of N. Shenandoah Avenue at the northern terminus of Jefferson Avenue bound by the undeveloped portion of right-of-way dedicated for Hillcrest Drive to the south and the railroad track to the north. It is R-1 bounded by 3 sides of R-1 property and on the 4th side to the east it is bounded by a large R-3 residential district.

The applicants intend to develop the property into single-family dwellings and duplex dwellings. A proffer was submitted with the application to limit the development of structures to either single-family dwellings and/or duplex uses.

Staff recommends approval of the rezoning request and is conditioned upon the acceptance of the proffer.

The applicant, Douglas Ichiuji mentioned that their plan is to build workforce housing.

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

The question was asked if staff knew how many duplexes the applicant would be building at this location and if the legal department had approved the proffers. Mr. Wilson stated that the applicants had not submitted a concept plan at this time. The proffers are fairly simple in nature restricting the use of the property to single-family dwellings and/or duplex structure development. Mr. Wilson requested the applicants to resubmit the proffer with more precise language to limit the structures to single-family dwellings and duplexes.

A Phase 1 and 2 Environmental Site Assessment and traffic analysis has been waived by the Planning Director.

Commissioner Merchant mentioned that currently the Comprehensive Plan shows this area as conservation. Will the Comprehensive Plan have to be amended for this rezoning?

Mr. Wilson answered saying the Comprehensive Plan would not need to be amended to coincide with the rezoning. A significant area there was designated for conservation and for reasons unknown to him it was not zoned conservation it was zoned different levels of residential. It is very much in keeping with the zoning map and zoning pattern that was established under the zoning ordinance. A Comprehensive Plan amendment will not be required.

Commissioner Merchant noted that the Planning Commission had looked at this area as a conservation site because of steep slopes, no utilities, etc. Mr. Wilson said that the applicant understands utility and roadway improvements will need to be done.

There were no additional comments.

Commissioner Gordon moved, seconded by Commissioner Marshner that the Planning Commission forward a recommendation of approval to rezone the 2.1-acre parcel identified in the application from R-1 District to R-3 District, conditioned upon the acceptance of the submitted proffer, to be appropriately reworded, to limit any future residential development of the property to only single-family dwellings and/or duplex structures.

VOTE: Yes – Gordon, Marshner, Jones, Merchant

OTHER APPLICATIONS

- Major Site Plan Application FRSITE 2357-2020 submitted by RealtyLink for the proposed development of a retail auto parts store on a 0.49-acre site zoned C-1 District, located at 440 South Street, Tax Map Parcel 20A18-5.

Mr. Wilson explained this was a request for demolition of an existing vacant bank structure at 440 South Street and construction of a new structure for a retail auto parts store. The proposed use is a permitted by-right use in the C-1 zoning district. Staff recommends favorable action on this site plan.

Chairman Jones expressed that he was happy to see there was a careful study of drainage done because this is a critical area being right next to Happy Creek.

Commissioner Merchant moved, seconded by Commissioner Gordon that the Planning Commission approve application FRSITE2357-2020, as submitted by the Applicant, for the identified new retail auto parts store at 440 South Street.

VOTE: Yes – Jones, Marshner, Gordon, Merchant

OLD BUSINESS

At the previous Planning Commission meeting Planning Commissioners had referred to a provision in the Zoning Ordinance stating that Special Use Permits were not transferable to other parties and the Commission had requested an opinion from the Town Attorney’s office.

Mr. Sonnett, Assistant Town Attorney said that at the November 18, 2020 meeting Commissioner Gordon raised this issue with Mr. Napier. The issue relates to Zoning Ordinance 175-136 Special Use Permits. The language in question is: “Special Use Permits are not transferable to another party.” Zoning has to do with the use of the land and not the ownership of the land. He does not take the sentence to mean that Special Use Permits do not run with the land and said it is generally accepted that they do run with the land. The intent was to state that it runs with the land and not with the person. He thinks it could be clarified in the ordinance to say Special Use Permits run with the land but are not otherwise transferable.

Commissioner Gordon thanked Mr. Sonnett for looking into it and the interpretation made sense. He asked what the procedure would be to recommend that this section of the code be amended.

Mr. Wilson explained that the Planning Commission by motion could recommend to Town Council that the language is problematic, and they should examine it for clarity, or the Planning Commission has the ability to initiate a text amendment.

NEW BUSINESS

- Comprehensive Plan Update – Discussion of Plan update.

Mr. Wilson spoke with the Director of the Northern Shenandoah Valley Regional Commission and came to the mutual conclusion that because the Town Comprehensive Plan is so outdated that it will need a complete rewrite vs. an update. Conclusion of the 2020 census will hopefully be published in the later part of the spring and that would be very good information to have to do a rewrite.

Due to COVID many public and private agencies are trying to limit their meetings and contact. A Comprehensive Plan rewrite/amendment usually encourages a certain amount of public participation and hopefully by the time the census data comes out COVID will be over and it will be easier to have meetings. The Planning Department and the Regional Commission do not have staff to dedicate to the rewrite. Contract services will be needed to do the rewrite and staff is waiting on cost estimates to do the rewrite. The timeframe for doing a rewrite is a 12–18-month process. A big part of that is how much public information you want to bring into the process. The Planning Commission can appoint a citizen advisory committee to work with them. In addition, surveys can go out to the public in order to bring in public comments. Mr. Wilson will be meeting with the Town Manager and Finance Director about funding for the rewrite and divide the cost into 2 fiscal years. It is an investment and not a cost.

Planning Commission members agreed they would like to discuss the rewrite at a work session and develop an iron clad agenda and make sure the process is not stopped and take it to completion.

- Town Council Action – Amendment to Town Code Chapter 28, Planning Commission

Town Council approved going from 7 to 5 Planning Commission members and that only half of the members need to be property owners within the Town.

COMMISSION MEMBER REPORTS

Officer elections will be conducted at the February Planning Commission meeting.

There were no additional comments.

ADJOURNMENT

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

VOTE: Yes – Jones, Marshner, Gordon, Merchant

The meeting adjourned at 7:48 pm

Connie L. Potter

Connie L. Potter
Executive Assistant