

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](http://www.frontroyalva.com).

The Planning Commission meeting of the Town of Front Royal, Virginia was held on February 16, 2022, at 7:00 PM.

**ROLL CALL**

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

**Staff:** Lauren Kopishke, Planning Director/Zoning Administrator  
 Connie L. Potter, Executive Assistant

**CALL TO ORDER**

Chairman Jones called the meeting of the Planning Commission to order at 7:00 pm.

**MINUTES**

- November 17, 2021

Chairman Jones and Vice Chairman Marshner gave typo corrections to staff.

*Vice Chairman Marshner moved, seconded by Commissioner Ingram to approve the November 17, 2021 minutes.*

VOTE: Yes – Ingram, Jones, Gordon, Merchant, Marshner  
 No – N/A  
 Abstain – N/A

ROLL CALL

- December 15, 2021

*Commissioner Merchant moved, seconded by Commissioner Ingram to approve the Planning Commission minutes of December 15, 2021.*

VOTE: Yes – Gordon, Marshner, Merchant, Jones, Ingram  
 No – N/A  
 Abstain – N/A

ROLL CALL

- January 19, 2022

*Commissioner Merchant moved, seconded by Commissioner Gordon to approve the Planning Commission minutes of January 19, 2022.*

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

No – N/A

Abstain – N/A

ROLL CALL

**CITIZEN COMMENTS**

There were no citizen comments.

**PUBLIC HEARINGS**

- **FRSPU 3016-2021** – A Special Use Permit application submitted by Poe’s River Edge, LLC requesting permission to operate a commercial recreation facility on tax map number 20A1-3-5A1.

Chairman Jones opened the public hearing.

Joe Brogan, Jr., 143 Brogans Lane, Bentonville, VA stated he and Mr. Poe are the owners of Poe’s River Edge, LLC. and that he was there to answer any questions the Commissioners might have.

Ms. Kopishke reviewed the application request stating the applicant was seeking approval for a 200-site campground facility. The property is located in the floodplain. The floodplain ordinance restricts camping up to 180 consecutive days. The proposed campground facility will operate year-round and will be accessed by an eighteen foot (18’) wide access road. Comments by the Fire Marshal stated that the 18’ access road would be sufficient for fire apparatus access. There will be twelve foot (12’) wide roads in between the camp sites also providing additional emergency access. The applicant’s will be providing a dry hydrant and will have river flood stage monitoring at all times. Ms. Kopishke proceeded to show the emergency plan which will be submitted to the Emergency Management Office which shows the flood staging area and the access for emergency vehicles. The plan also shows the location of future bath houses. Ms. Kopishke stated that all conditions have been met other than providing a letter from the Health Department. The applicant showed on the plat that they will comply with the Town Code, Chapter 134 for water access to the site. Once the Special Use Permit is approved the Health Department will furnish a letter stating that the septic system is adequate.

Mr. Brogan explained that a soil consultant had been to the site and tested the soil in different phases to the east of the camp site away from the river. The consultant confirmed that the soil would handle any septic systems for the sites.

Chairman Jones questioned how an emergency evacuation would be handled. Mr. Brogan explained that the riverbank on their property is anywhere from 6 to 10 feet higher than the normal flow of the river which will provide more of an advanced warning of flooding. If the banks are running full, then they would not have campers in the campground. In researching other campground evacuation plans to notify campers of flash flooding they use bullhorns and go door to door. As far as flooding is concerned it will be an advanced warning.

Chairman Jones closed the public hearing.

*Commissioner Merchant moved, seconded by Vice Chairman Marshner that the Planning Commission forward a recommendation of conditional approval of Special Use Permit application FRSPU 3016-2021 to the Front Royal Town Council with the following conditions:*

- 1. Town Code requirements for water line access to the site are followed.*
- 2. The Applicant provides a letter from the Virginia Department of Health stating septic facilities are adequate.*
- 3. The Applicant provides hours of operation information to staff.*
- 4. All comments and requests from the Fire Marshall are adhered to.*

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

No – N/A

Abstain – N/A

ROLL CALL

**CONSENT AGENDA**

There were no items on the consent agenda.

**OLD BUSINESS**

- **FRZORDAM-2976-2021** – An ordinance amendment to Town Code Chapter 175 ZONING pursuant to the action by the Front Royal Town Council on November 22, 2021, for short-term rentals.

Ms. Kopishke explained this was the same ordinance the Planning Commission had seen at their last meeting. The only change on the final draft was to remove the business license requirement which was a request by Town Council at their work session that was held the beginning of January.

Commissioner Gordon said there was a motion on the floor from the previous meeting that needed to be addressed which was substantially in front of them with the addition of the business license requirement being removed. That draft of the short-term rental ordinance included cleaning up the definition for short-term rental and combining the two locations into one because it had been defined twice, removed tourist throughout the text so not to refer to Short-term “Tourist” Rental and only to say Short-term Rental, add to the first line after 175-151 the version of the Unified Statewide Building Code in item F, modified the language in F of notifying the HOA and

subsequent to that removing parking requirements and now the business license. Commissioner Gordon recommended voting down that motion on the table and make a new motion for the draft ordinance before them.

Assistant Town Attorney George Sonnett explained that the Planning Commission could vote for another motion to amend and adopt the current text.

***Commissioner Gordon moved, seconded by Commissioner Ingram to amend the motion on the floor to adopt the current text in front of them.***

Commissioner Merchant expressed that as mentioned in previous meetings he is opposed to short-term rentals in all zoning districts and having any short-term rentals in residential districts that are not an owner-occupied home. He did feel they are appropriate in the commercial zoning districts. Vice Chairman Marshner expressed similar concerns.

Commission members held a lengthy discussion on the proposed ordinance. Comments were made to change the language to read that “owner-occupied” only applies to R-1 districts. The question was raised if it is illegal to discriminate against “corporations” or “entities”. Mr. Sonnett said these are not “suspect” class. Additional discussion continued. Mr. Sonnett proposed the following definition of short-term rental owner: any person who owns as their principal resident the short-term rental facility. He then stated that only a person can have a principal residence. A corporation or other entity cannot have a principal residence.

Vice Chairman Gordon asked what purpose it served defining short-term rental owner. Ms. Kopishke said they could take out the definition completely.

Vice Chairman Gordon said he is not opposed to an LLC operating short-term rentals in residential districts. Through the special use permit vehicle, the Planning Commission and Town Council have the ability to look at every case and determine its appropriateness.

***Commissioner Gordon moved, seconded by Commissioner Ingram to amend the motion on the floor to strike the definition of short-term rental owner.***

**(In the third paragraph.)**

VOTE: Yes – Gordon, Merchant, Jones, Ingram

No – N/A

Abstain – Marshner

ROLL CALL

***Vice Chairman Marshner moved, seconded by Chairman Jones to propose as an amendment adding item “O” at the bottom of page 2 that if the property is located in the R-1 District the short-term rental facility shall be the owner’s principal residence.***

Commissioner Gordon reiterated that the special use permit process gives them the ability to look at every application as it comes forward to both the Planning Commission and Town Council and

judge each application based on its merits. He is not in favor of restricting the R-1 District any further than the special use permit in place for all districts.

VOTE: Yes – Marshner, Merchant, Jones  
 No – Gordon, Ingram  
 Abstain – N/A

ROLL CALL

**Original Motion:**

*Commissioner Gordon moved, seconded by Commissioner Ingram to amend the motion on the floor to adopt the current text in front of them.*

VOTE: Yes – Gordon, Marshner, Ingram, Jones  
 No – Merchant  
 Abstain – N/A

ROLL CALL

**NEW BUSINESS**

- Election of Officers

Chairman Jones expressed that he has enjoyed his time on the Planning Commission as the Chairman. His term expires in September, and he will not be eligible to serve on the Planning Commission again.

*Commissioner Gordon moved, seconded by Vice Chairman Marshner to nominate Commissioner Merchant as Chairman.*

VOTE: Yes – Jones, Marshner, Gordon, Merchant, Ingram  
 No – N/A  
 Abstain – N/A

ROLL CALL

*Chairman Merchant moved, seconded by Vice Chairman Marshner to nominate Will Gordon as Vice Chairman.*

VOTE: Yes – Ingram, Marshner, Merchant, Jones  
 No – N/A  
 Abstain – Gordon

ROLL CALL

**COMMISSION MEMBER REPORTS**

There were no additional comments.

**ADJOURNMENT**

*Chairman Merchant moved, seconded by Commissioner Ingram to adjourn the meeting.*

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

No – N/A

Abstain – N/A

VOICE VOTE

The meeting adjourned at 8:09 p.m.

*Connie L. Potter*

Connie L. Potter

Executive Assistant

Clerk of the Planning Commission