



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 for a limited time.

The Planning Commission meeting of the Town of Front Royal, Virginia was held on July 19, 2023, at 7:00 PM at the Warren County Government Center.

CALL TO ORDER

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

ROLL CALL

Present: Darryl Merchant, Chairman
Daniel Wells, Vice Chairman
Connie Marshner, Commissioner
Glenn Wood, Commissioner

Absent: Michael Williams, Commissioner

Staff Present: Lauren Kopishke, Planning Director/Zoning Administrator
George Sonnett, Assistant Town Attorney
Connie L. Potter, Executive Assistant, Clerk of the Planning Commission

ADDITION/DELETION OF ITEMS FROM THE AGENDA

There were no changes to the agenda.

MINUTES

- May 22, 2023 – Special Joint Meeting with Town Council

Commissioner Marshner moved, seconded by Vice Chairman Wells to approve the minutes as written.

VOTE: Yes – Marshner, Wells, Merchant
No – N/A
Abstain – Wood
Absent – Williams

ROLL CALL



- June 21, 2023 – Regular Meeting

Commissioner Marshner moved, seconded by Vice Chairman Wells to approve the minutes as written.

VOTE: Yes – Marshner, Merchant, Wells, Wood
No – N/A
Abstain – N/A
Absent – Williams

ROLL CALL

CITIZEN COMMENTS

There were no citizen comments.

CONSENT AGENDA

- **2300462 – Ordinance Amendment.** A text amendment to Town Code §175-110.5 Performance Standards for Urban Agriculture that would allow up to ten (10) chickens in Town limits based on square footage of coop and run space.

Consent to advertise for public hearing at the August meeting.

Commissioner Marshner moved, seconded by Commissioner Wood to approve the consent agenda.

VOTE: Yes – Merchant, Wood, Marshner, Wells
No – N/A
Abstain – N/A
Absent – Williams

ROLL CALL

PUBLIC HEARINGS

Chairman Merchant explained the process to speak at the public hearing.

- **2300330 – Joseph Chetupuzha** – A request for a Special Use Permit to allow a short-term rental located at 912 Virginia Avenue, identified on tax map 20A5-3-38-6A1. The property is zoned R-3, Residential District.

Mr. Ware reviewed the application for a short-term rental to be located at 912 Virginia Avenue. The property is located in the R-3 Zoning District. The request is for a partial rental with three (3)



bedrooms and no more than six (6) occupants. There are two (2) parking spaces available in front of the townhome. On July 14, 2023 a site inspection was conducted on the interior of the structure and found to be in compliance for a short-term rental.

Mr. Ware confirmed that the required public hearing signs were posted, adjacent property owners notified, and the application was properly advertised.

The applicant, Mr. Chetupuzha, 912 Virginia Avenue, Front Royal, VA thanked the Planning Commission for considering his application. Mr. Chetupuzha clarified that he has two (2) parking spaces available in the front of the home and he recognized that with three (3) bedrooms there would be three (3) parking spaces required. He intends to rent it out to only one family at a time where they can safely use the two (2) parking spaces.

Commissioner Marshner asked Mr. Chetupuzha if he was living at the property.

Mr. Chetupuzha explained that originally this was going to be his primary residence however it will now be his secondary residence.

Chairman Merchant opened the public hearing.

Diane Deutman, 930 Virginia Avenue, Front Royal, VA. Ms. Deutman strongly objected to approval of the application noting that there are no sidewalks, no parking on Virginia Avenue, and no striping on the road.

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

Chairman Merchant noted that staff had recommended denial of the application due to insufficient parking and asked Mr. Ware to explain the parking situation.

Mr. Ware stated that with three (3) bedrooms, each bedroom would require one (1) parking space. Three (3) parking spaces are required however there are only two (2) available.

Commission members and staff held some discussion regarding parking at the site and parking requirements in general. Ms. Kopishke noted that the wording for parking in the Town Code has become problematic. She encouraged the Planning Commission to make a recommendation to the Town Council to amend the Town Code related to parking requirements.

The Town Attorney, George Sonnett said that in his opinion on street parking or public parking would not satisfy the parking requirements for any use.

Vice Chairman Wells moved, seconded by Commissioner Wood that the Planning Commission forward a recommendation of denial to the Front Royal Town Council for Special Use Permit #2300330 for a Short-Term Rental located at 912 Virginia Avenue due to insufficient parking.



VOTE: Yes – Wood, Marshner, Merchant, Wells

No – N/A

Abstain – N/A

Absent – Williams

ROLL CALL

- **2300381 – Independence Realty LLC** – A request for a Special Use Permit for two (2) apartments to be located on the ground floor at 1127 N. Royal Avenue, identified on tax map 20A3-5-24 & 25. The property is zoned C-1, Community Business District and is located in the Entrance Corridor Overlay District.

Mr. Ware explained that the application was for two (2) existing ground floor dwelling units at 1127 N. Royal Avenue. The property is located in the C-1, Community Business District and is also located in the Entrance Corridor Overlay District. There are currently three (3) dwelling units in the structure thus requiring six (6) parking spaces as per Town Code Chapter 148-870. Mr. Ware noted that the applicant has submitted a revised plat showing the existing improvements including the proposed expansion to the gravel parking area and the adjacent property that has two (2) parking spaces available for lease. The parking lot expansion would not be over the 4500 square foot threshold requiring paving. The applicant can install gravel. In addition, a land disturbance permit is not required for the expansion of the parking lot because it is less than 10,000 square feet. Mr. Ware read the definition of a “dwelling unit”.

Mr. Ware answered Commission member questions regarding the parking lot expansion and land disturbance permit requirements. He noted that staff encouraged the applicant to install some erosion control measures, however it was not required.

Lynn Deel stated that she was the property manager for both 1127 N. Royal Avenue and the adjacent property, which was also owned by Independence Realty, LLC. Because they own both properties they have always presented to the tenants that overflow parking was available next door. They will continue to offer that to the tenants until the parking lot expansion is complete.

Chairman Merchant opened the public hearing.

Nate Redabaugh, Independent Realty Manager, 10307 Piper Lane, Manassas, VA. Mr. Redabaugh explained they are expanding the existing parking area to accommodate six (6) parking spaces. A letter was distributed to all tenants explaining that temporary spaces were available to them at the adjacent property during the parking expansion.

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



Commissioner Marshner moved, seconded by Commissioner Wood that the Planning Commission forward a recommendation of approval to the Front Royal Town Council for Special Use Permit #2300381 for two (2) dwelling units to be located on the ground floor at 1127 N. Royal Avenue with the following conditions:

- 1. The applicant submits a parking agreement with adjoining property owner for an additional two parking spaces.***
- 2. The applicant enlarges the current parking area to accommodate four (4) spaces.***

Chairman Merchant shared that the purpose for not allowing apartments in the commercial zone was to leave that space for commercial endeavors. He mentioned that in the proposed Comprehensive Plan they did away with commercial in this area and made it mixed use and asked if this was what the future comprehensive plan was looking to do.

Ms. Kopishke explained that the idea of the commercial mixed-use area that was designated is to be more of an area with two (2) separate uses on the same lot. This is more in line with the intention of the current C-1 District where there should only be ground floor residential in special circumstances. This lot would be difficult to have as a commercial use. The use of ground floor dwellings units is appropriate for this lot.

VOTE: Yes – Marshner, Wells, Merchant, Wood
 No – N/A
 Abstain – N/A
 Absent – Williams

ROLL CALL

- **2300387 – Mesa Rose Coral** – A request for a Special Use Permit to allow a short-term rental located at 417 Kerfoot Avenue, identified on tax map 20A6-7-41 & 42. The property is zoned R-1, Residential District.

Mr. Ware explained that the application was for a short-term rental to be located at 417 Kerfoot Avenue. The applicant intends to rent the whole house with two (2) bedrooms and no more than for (4) occupants. A site inspection was conducted on June 26, 2023 and the property is in full compliance with the short-term rental requirements. Parking is available on the street. The property does not have a driveway nor a driveway apron to accommodate a driveway.

The applicant, Mesa Coral, 417 Kerfoot Avenue stated that when she purchased the property she did not intend for it to be used as an investment property however she was accepted into a veterinary school after she went to closing. Ms. Coral said she had no intention of putting in a curb cut or driveway. If she had known parking was a requirement she would not have submitted an application for a short-term rental but instead rented it out as a “regular” rental.



Chairman Merchant opened the public hearing.

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

There was some discussion on parking requirements for a regular rental vs. a short-term rental. Any rental for 31 days or longer does not have required parking regulations and will not come to the Planning and Zoning office for approval.

Vice Chairman Wells moved, seconded by Commissioner Wood that the Planning Commission forward a recommendation of denial to the Front Royal Town Council for Special Use Permit #2300387 for a Short-Term Rental located at 417 Kerfoot Avenue due to insufficient parking.

Commissioner Wood said that parking is a recurring theme. He explained it was difficult to approve an application if it does not meet ordinance requirements.

VOTE: Yes – Merchant, Marshner, Wells, Wood
 No – N/A
 Abstain – N/A
 Absent – Williams

ROLL CALL

Chairman Merchant noted that the application will move forward to Town Council who has the capability to approve the application.

NEW BUSINESS

- Town Council referred to the Planning Commission a text amendment to Town Code §175-110.5 Performance Standards for Urban Agriculture that would allow up to 10 chickens in Town limits based on square footage of coop and run space and report back to Council with recommendation(s).

Ms. Kopishke shared that staff will be presenting a text amendment at the next Planning Commission work session on August 2, 2023 to allow up to ten (10) chickens in the Town limits based on the square footage of coop and run space. The goal is to accomplish eight (8') feet of coop and run space for chickens and can also look at permitting up to ten (10) chickens based on a lot size. If the lot is 20,000 or 25,000 square feet up to ten (10) chickens could be allowed but if under this up to six (6) chickens could be allowed.



COMMISSION MEMBER REPORTS

Commissioner Marshner provided a brief update from the most recent ad hoc Transportation Subcommittee meeting. VDOT has agreed to do a study that would decide what an east west connector would look like. They are awaiting additional information from both the Town and County before they begin the study. Once the study begins it will take about six (6) months to complete. An idea has been proposed that in the case of a dire emergency, emergency vehicles could access the median strip on Interstate 66 and go up to Route 606 Shenandoah Shores Road and get across the median/guard rail. In order to install a gate in the guard rail it would be a venture between VDOT and the Federal Government.

PLANNING DIRECTOR REPORT

- June Monthly Report

Ms. Kopishke reviewed the June monthly report.

Town Council is deciding to move the Comprehensive Plan to a public hearing in August.

Staff are having meetings with Summit to start working on the Zoning Ordinance and Subdivision Ordinance updates. Ms. Kopishke will be meeting with Summit in the next week to create a timeline for the project.

Commissioner Marshner asked if code enforcement was throughout the Town or just in certain areas.

Ms. Kopishke explained that it was throughout the Town but is largely complaint driven due to staffing. Individuals can call the Planning and Zoning office to submit a complaint or submit an online form that is available on the Town website which is then sent directly to the Code Enforcement Officer.

ADJOURNMENT

Commissioner Marshner moved, seconded by Commissioner Wood to adjourn the meeting.

VOTE: Yes – Wood, Merchant, Wells, Marshner
 No – N/A
 Abstain – N/A
 Absent – Williams

VOICE VOTE

The meeting was adjourned at 7:57 p.m.

Approved by Planning Commission
 Date: 10/18/2023