

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

November 15, 2017

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

Staff: **Jeremy Camp, Director**
 Darryl Merchant, GIS Analyst/Planner/Surveyor
 Connie L. Potter, Sr. Administrative Assistant

The November 15, 2017 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.

MINUTES:

Vice Chairman Jones moved, seconded by Commissioner Gushee to approve the meeting minutes as distributed.

VOTE: Yes – McFadden, Gushee, Jones, Langfitt
Abstain – Davis, Marshner

PUBLIC HEARING:

- **FRREZON-000522-2017**, Proffer Amendment, submitted by Front Royal Limited Partnership (FRLP), c/o David Vazzana, to amend the 2010 proffers associated with the conditional rezoning of approximately 149 acres to the R-1A Zoning District.

Front Royal Limited Partnership has submitted a proposed revision to the proffers approved by the Town in 2010 with the rezoning of 149 acres into the R1-A Zoning

District. This is not to be confused with FRLP's 604-acre property that is within the A-1 Zoning District and was annexed into the Town in 2014.

The existing proffers allow for up to 320 single-family residential dwelling units on the 149-acre property. A joint meeting with Town Council and the Planning Commission was held on June 22, 2016 where the existing proffers were discussed, including several concerns with them. The major issues discussed included:

1. Many of the proffered conditions were not permissible by law.
2. Both parties are in agreement that the proffers are "untenably confusing to interpret" and could lead to future lawsuits due to disagreements in the interpretation that may rise; and
3. The proffers do not guarantee the construction of the East/West Connector Road, and would most likely result in no East/West Connector Road.

The new proffers have been reviewed by the Town Attorney, applicant, Planning Department, and Warren County Staff and they do appear to address the major legal issues and are much clearer to understand. The major changes to the terms of the proffers include the following:

1. The applicant has removed the per-unit cash proffer that was to be paid for lots beyond the first 99 houses.
2. School cash proffers are still proffered, and the same overall amount, but are now proposed to be paid only on the last 160 houses, with no payment on the first 160. The County has reviewed the proffers and have not raised any concerns with this change.
3. The applicant has removed the Energy Star Certification requirement for the houses. This does not mean the houses will not be built energy efficient, but would not be required to be certified as such by Energy Star.
4. The new proffers eliminate the East/West Connector scenarios and simply require FRLP to build the first portion of the East/West Connector that will start with 4-lanes and taper down to 2-lanes after 550 feet.
5. The applicant has also offered funds that can be used towards a traffic light at the development entrance and Happy Creek Road and Shenandoah Shores Road, or can be used towards Leach Run Parkway, Phase 2.
6. The proffered trail is also widened to eight (8) feet.
7. Lastly but not least, the applicant has eliminated the tap fee and other credits that were built into the proffers where effectively the Town would subsidize the applicant for tap fee costs of 10,000 dollars and all costs for constructing phases 2-4 of the East/West Connector Road.

All-in-all the proffers are less than perfect, but do appear to be much more appropriate than what was approved in 2010, and less risky in many ways for the Town and the

applicant. Most importantly, the new proffers should allow for engineering and new development to begin.

Commissioner Davis stated there was a revision submitted on November 8, 2017 and expressed that she thought there needed to be a work session to review the new contents and consider the change and impact. She also questioned if there was a way to extrapolate from the 2010 traffic study since it is estimated that the overall growth of the Town is about 1% per year and it has been estimated there have been substantial changes in traffic.

Mr. Camp explained that the 2010 study was the only official study that was submitted. The applicant is in the process of submitting the “draft” transportation study that will accompany the 604-acre site. Based on the 2010 traffic projections, the applicant would be meeting all the recommended improvements that were called for in that study. Additional work sessions can be scheduled if the Planning Commission would like to spend more time on the review. Based on the date of the application submittal, we would not be in violation of any review procedures if additional work sessions were scheduled.

Chairman Langfitt opened the public hearing.

David Vazzana, Front Royal Limited Partnership, 6344 Old Goose Creek Road, Fauquier County, VA said there have been three (3) minor “tweaks” since the last work session where they had discussed insuring that the Town had the right-of-way, which was added. The traffic light has been discussed and they have submitted a preliminary transportation plan which included 2016 traffic counts. Cumulatively they have done eight (8) traffic studies. The traffic situation and the new added improvements to the proffer statement are based on the 2016 traffic counts. Mr. Vazzana noted that the traffic count has gone up since 2010.

Mr. Vazzana addressed questions proposed by Planning Commission members. He said that the engineers for FRLP had looked at whether traffic lights would be warranted during the first 320 units and the 2016 traffic study indicated it would be warranted. Regarding delaying the school proffers to backload on the last 160 units, he explained that it helped with the bank and financing the entrance road and improvements that will be needed for day one of the project. They got into more detail on this with Warren County during the 2014 annexation process and they structured the proffers for the County on the 604-acre piece based on them being backloaded, in a similar manner to what is now being proposed.

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

Commissioner Gushee moved to forward the proposed revision of the proffers for FRLP's R1-A property to Town Council with a recommendation of approval, seconded by Commissioner McFadden.

Commissioner Marshner asked Commissioner Davis what she thought they needed to accomplish by having another work session.

Commissioner Davis stated she has not had the opportunity to understand the impacts both in volume and financial with some of the changes that have happened. She believes it is in the interest of the public for the Planning Commission to solidify their understanding of the implications of the new form the proffers have taken before the Planning Commission takes action.

Commissioner Marshner confirmed with Commissioner Davis that her concern was fiscal and asked if they had the raw data needed to hold another work session.

Chairman Langfitt stated that the Planning Commission has been working with Mr. Vazzana for a number of years and for those that have not been on the Planning Commission for as long as some have been, it may seem that the Planning Commission does not have enough information and some of the members feel they have gone down this road a long time together.

Mr. Camp explained that his door is always open to meet with any of the Planning Commissioners to review the application. He feels that the only significant major drawback to the revised proffers is the removal of the per unit cash proffer paid towards Leach Run Parkway. He does not feel that the existing proffers will get the Town to the East/West Connector Road without costing the Town twenty million dollars. The new proffers are more straight forward and the applicant has somewhat addressed the contribution towards the Leach Run Parkway through the \$450 thousand dollars that the Town can use if we don't build the traffic lights. Under the new proffers laws, you have to evaluate that because we can only accept proffers that are substantially attributable to the development impact and this development is not warranting the flyover. We do not know the true cost of the flyover because the Town has not designed that yet. The applicant has made an attempt to address that. What we really need to be cautious about, beyond the initial startup of the development, is the next phase which is the 604-acres. We must make sure that we have the transportation infrastructure because once you go beyond the initial 320 units, that is when the Town really starts needing the East/West Connector interconnectivity with the other developments.

Commissioner Gushee stated that he has been working on this project for ten (10) years and he understands Commissioner Davis's concerns. We have taken an arena of agreements and disagreements. Nothing is perfect, but it is far better to move forward than to wait for someone else to build houses and allow this particular project to die.

**VOTE: Yes – Gushee, Jones, McFadden, Marshner, Langfitt
No – Davis**

Chairman Langfitt noted that when the 604-acres is submitted for review, the Planning Commission will want to see where the houses are located, how many there will be and look at it more closely.

CONSENT AGENDA:

There were no items on the consent agenda.

NEW BUSINESS:

- **FRSITE-000521-2017**, A major site development plan application submitted by Hoch Associates c/o Cable Holdco Exchange (Comcast), for a 1,500-square foot replacement telecommunications building.

The subject site plan application is for the demolition of an existing telecommunication building and construction of a larger (1,500-square foot) telecommunication building. Ancillary site improvements are also included, such as a fence, retaining wall, parking, landscaping and support mechanical equipment, such as package units and generators.

Since the last work session, the applicant has added some additional landscaping to help provide screening. There is a retaining wall and fence proposed along the front of the property. With the revision, the applicant has extended screening the fence up to the north property line. The entrance will be paved however the rest of the site will be gravel. Because this is located in the entrance corridor, more attention needs to be given of how it looks from the Street.

Commission members said that appropriate cleanup had not been done in the past on the property. The applicant said they will work on cleaning up the property and provide screening. Mr. Camp has proposed that the applicant provide the cleanup within 30 days per Town Code 175-44 and the cleanup will be confirmed by an inspection done by Staff.

Dave Rector, General Contractor representing Comcast said much of the debris has been cleaned up. Two satellite dishes will be removed when the facility is built. Comcast is bringing in new high-speed internet with upgraded equipment. The existing facility is not conducive to the modern equipment that will be installed.

Planning Commission members held a brief discussion with the applicant.

Mr. Rector said they were willing to accept recommendations for the color and exterior look of the new facility to include additional trees should the Planning Commission make that request.

Mark Heinbaugh, Senior Manager of Engineering for Comcast explained the services that will be provided by installing the new equipment. This will ensure quality service for the next twenty (20) years. He stated they were willing to do whatever it takes to design the façade and screening as requested by the Planning Commission and Staff. They can install “false” windows on the exterior façade if requested, to make it look like a house. He stated they are dedicated to the Town of Front Royal to do whatever they can to provide the next level of service for this community.

Commissioner McFadden moved, seconded by Commissioner Davis to recommend conditional approval of Site Plan FRSTIE-000521-2017, for a replacement telecommunication building at 707 S. Royal Avenue, subject to final approval by Town Staff after the applicant resubmits the site plan to address the following items:

- 1. Signature spaces on the cover page.***
- 2. Extension of the screened chain-link fence to the north property line.***
- 3. Insertion of the standard Town Notes on the site plan.***
- 4. Clean-up of outdoor debris from the site within 30 days to comply with Town Code 175-44***
- 5. Work with the Town Staff to make sure the façade is properly appealing for our entrance corridor.***

Vote: Yes – Davis, McFadden, Langfitt, Gushee, Jones, Marshner

OLD BUSINESS:

There were no items for old business.

PLANNING DIRECTOR’S REPORT:

Mr. Camp reviewed the October monthly report and noted the 2016 Annual Report was included in the meeting packets.

There will be a Memorandum of Agreement between the Town and County for the collection of fees collected on from the online portal of the EnerGov permitting software. This would be a proposed agreement between the Town and County for the County to collect fees that are paid through the EnerGov online portal and then reimburse the Town

on a quarterly basis. Staff is moving forward implementing the online software and looking at mid next year before it will be operational.

Regarding the Community Development Block Grant, the Town is still waiting to hear from the Department of Housing and Community Development to determine if they will be having a second round of funding for this year. That will determine if the Town will reapply for the grant application next year.

Permitting activity for the month of October has been consistent with the year.

The Board of Architectural Review cancelled the October meeting where they were due to review adding a crematory to the Maddox Funeral Home. This went to the BAR meeting in November where they approved adding a small stack to the back of the funeral home, which will be mitigated and designed to look as attractive as possible. They also approved a new front porch at 122 Virginia Avenue.

There were no applications for the Board of Zoning Appeals to review and they did not meet in October.

A disk was provided to the Planning Commissioners containing the Royal Phoenix Traffic Study. The Traffic Study recommends 12 million dollars for offsite transportation improvements for the full buildout of the site. Mr. Camp asked Commission members to focus on the "Phasing Report" which is the most recent report, which tells us when the improvements need to be completed.

At their next meeting, Town Council will discuss the pump station at the IT Federal site.

COMMISSION MEMBER REPORTS:

There were no additional comments.

ADJOURNMENT:

Commissioner Gushee moved, seconded by Commissioner McFadden to adjourn the meeting.

VOTE: Yes – Jones, Langfitt, McFadden, Gushee, Marshner, Davis

The meeting adjourned at 7:58

Connie L. Potter
Sr. Administrative Assistant