

**MINUTES OF THE STRASBURG PLANNING COMMISSION MEETING HELD ON TUESDAY, SEPTEMBER 28<sup>TH</sup>, 2021, AT 7 P.M. IN THE COUNCIL CHAMBERS OF THE STRASBURG TOWN HALL.**

**PLANNING COMMISSIONERS PRESENT:** Chairperson Flanagan, and Commissioners Dean, Nicholson, Otis, Poling, Rhodes, and **Council Member Reynolds. Absent: Commissioner**  
**STAFF PRESENT:** Planning & Zoning Administrator Pambid, and substitute Clerk of Council Fazzini.

***Call to Order:***

**Chairperson Flanagan** called the meeting to order at 7 p.m.

***Approval of Agenda:***

**The agenda was approved by consensus.**

***Public Hearing:***

**1.) UDO Amendment – Short Term Rentals Ordinance**

**To receive public comment on amendments to UDO Sections 6.2 Bed and Breakfast Establishments and 7.2 Definitions to allow for Short Term Rentals in certain zoning districts.**

**The Public Hearing opened at 7:01 p.m.**

**Scott Terndrup, 247 S. Fort Street, Strasburg, VA:** Stated his family had become quite a consumer of AirBnBs recently. He was looking at this from the consumer point of view as he thinks the planning should be left to the Planning Commission. AirBnB's serve a basic consumer need. Being able to rent an entire home is really appealing to a consumer especially when family members come in. Also, in order to have this type of place, the property has to be in great condition, so investors are looking for rundown properties to repair for this type of rental which is good for the town because it raises property values. The STRs he has visited all have a tax which is good for the localities because it is another source of revenue. From the consumer standpoint, he feels this type of business is growing, and he thinks Strasburg has a couple, so he feels it would be a benefit to our town; it sounds good to him.

**Kath Stanley 153 Signal Court, Strasburg, VA:** Stated she is a Warren County resident. She has been following the development of this since the beginning, and she appreciates that some of her comments have been incorporated into the ordinance. Most of her comments for tonight are concerned with implementation. As a STR owner, she wants to make sure that she is following the rules accordingly. So, her first question is, will she be following the rules? She could not get any guidance from the written materials or the UDO. Do the new rules cover existing STR owners or is it from day forward? She thinks this would be something good to answer. She said there is a new requirement of having a safety inspection. This has a 24-hour notice to allow someone to come in and inspect your property. This might appear to be reasonable, but if you have guests, it might not be as reasonable. She was surprised by this and wanted to know if it goes from day forward or all existing STRs. There is a requirement to provide guests with good information, which they already do provide a lot of good information, but one of the requirements is in regard to the noise ordinance. She was left confused as this new ordinance just states they have to tell guests there is a noise ordinance and then they would have to look it up and read it; this is how the ordinance reads. She read the ordinance on noise, and she left very confused about it. At this point, to just tell their guests that quiet hours are between 10 p.m. and 7 a.m., they will automatically know what quiet hours mean. The noise ordinance was about six pages long, but it didn't really cover residences. Her last comment was on what is overriding --- State, County, Town, as well as the guidance from the specific platform owners use with their STR. She uses AirBnB and they tell

them that if the locality has a requirement, that rules; if your state has something, that rules. With this ordinance, which would rule? She read in the UDO and it was stated that the one with the most stringent rules would rule, so she thinks it would be good to clarify this.

They appreciated being part of the development.

**Dane Hooser 14 Front Royal Road, Strasburg, VA:** Said he would agree with the comments from **Mr. Terndrup**, but they come to different conclusions. Encouraging STRs will increase home values in the area, but he doesn't think that is necessarily a great thing. He was reading an article that said the reason that the housing market is cooling off is because first-time home buyers are priced out. They are competing with people that already have a lot of capital that can come in and pay cash for a house \$20,000 over asking price. He is 27 and it is his friends that are moving away because they can't afford to stay here; they don't want to move, they want to stay, but they can't afford to. He does not think encouraging STRs as a policy is a good route to go. He uses STRs and they are a good option, and he thinks they should be incorporated, but he thinks there should be limits and what they can entail. He feels there is a downside to them, as well.

**Being no other speakers, the Public Hearing closed at 7:15 p.m.**

*Citizen Comments:*

**Kim Bishop 728 Crystal Lane, Strasburg, VA:** Stated she knows Summit Crossing will be developed either this winter or in the spring of next year. She is not sure who will be in charge of watching over the environmental integrity of the development goes forward as far as boundaries for water runoff. There was some work done on the property and grading was done on the hillside along Route 11 and the vegetation removed, and she is concerned about the runoff from this and going into the Town Run. There needs to be proper boundaries put down to stop the runoff. She does not know who to tell to watch out for this. She and **Mr. Pfister** will be watching this. She will talk to **P&Z Administrator Pambid**, but she wants to make sure someone is watching this time to make sure that all the environmental necessities are watched. This has always been her concern, and someone needs to be made aware of it.

**Chairperson Flanagan** said these are very valid points.

**Scott Terndrup, 247 S. Fort Street, Strasburg, VA:** Stated that during the Staff Update portion of the meeting, **P&Z Administrator Pambid** would be inviting the Commission to the October 27<sup>th</sup> meeting regarding the Shenandoah County Comprehensive Plan. The Board of Supervisor will appoint two volunteers to construct the comprehensive plan. They are currently in year 2 of the five year cycle. He and **John Adamson** have been appointed to represent District 6 in the process. They are trying to create awareness for decisions that will be made for the next 20 years that will affect citizens of greater Strasburg. We are giving citizens the opportunity to talk about schools and overcrowding issues, transportation, Corridor H, water quality and quantity of the river. These are big issues that will impact lives and we want to make sure that people that actually live here and not just elected officials help in the making of the decisions. They wanted to keep all of the Town Councils in the County in the loop. He offered to come and talk quarterly or whenever to keep them in the know.

**Luke Pfister 551 N. Massanutten Street, Strasburg, VA:** Stated the runoff that comes down Route 11 destroys his mailbox and his neighbor's mailbox. The mailboxes are on private property. He has been told that Cool Spring is also private property so no one will fix this; it is left up to his neighbor and himself. Is this solely on the homeowners or can they get some assistance from the town? This is a heavily used road as there are about eight trailers down there and then there is a four or five inch drop. They have fixed it several times this year. Should he bring this to Council or can the Planning Commission help?

**Chairperson Flanagan** said that as the development moves forward, this would be addressed, but **P&Z Administrator Pambid** said this is not part of the development and **Mr. Pfister** agreed and said it is Cool Springs Lane. **Mr. Pfister** will be in touch with **P&Z Administrator Pambid**.

**Approval of Minutes:**

**1.) Approval of Minutes: Tuesday, August 24<sup>th</sup>, 2021**

**The minutes of the Tuesday, August 24<sup>th</sup>, 2021, Planning Commission Meeting were approved unanimously on a motion by Council Member Reynolds; second Commissioner Otis.**

**Action Items:**

**1.) UDO Amendment – Short Term Rentals Ordinance**

*Description: Provide recommendation to the Town Council on amendments to UDO Sections 6.2 Bed and Breakfast Establishments and 7.2 Definitions to allow for Short Term Rentals in certain zoning districts.*

**Chairperson Reynolds**, referencing **Ms. Stanley’s** comments about the quiet hours, said it needs to be more specific about how STR owners could instruct their guests about the Town’s noise ordinance. She suggested just mentioning the quiet hours in the information packet.

**P&Z Administrator Pambid** said he could do an overview of how we have gotten to this point in the ordinance or just answer specific questions. The Commission decided to just do specific questions.

**Chairperson Flanagan** said he had a few changes that he would like to propose with the first being a typographical error (6.2.1). An issue he had was with 6.2.2.A.f.i and ii and parking requirements. He does not understand why a non-owner occupied STR doesn’t have the same requirement as it required in “ii”.

**Amanda Kerns**, NSVRC, said this was put in there with the assumption that if the owner is there, using their off-street parking or driveway, then they need to create an additional space(s) for the guests. If it is non-owner occupied, then the guests would be utilizing the off-street parking area.

**Chairperson Flanagan** said he has trouble assuming things. He thinks they should be told the code and they have to provide parking for each guest room, whether owner or non-owner occupied.

**P&Z Administrator Pambid** said these could be combined into one. It could read that non-owner of owner occupied STR shall meet parking requirements. He said the motion would include the amendment **that all STRs shall meet parking requirements for the applicable zoning district plus one additional off street parking space per available guest room in order to accommodate guests.**

**Council Member Reynolds** moved to recommend approval to Town Council of the Short Term Rental ordinance with the amendment stated above; second by Commissioner Otis. With no discussion, the motion passed on a roll call vote with the following results:

<b>Chairperson Flanagan</b>	<b>Yea</b>
<b>Commissioner Dean</b>	<b>Yea</b>
<b>Commissioner Nicholson</b>	<b>Yea</b>
<b>Commissioner Otis</b>	<b>Yea</b>
<b>Commissioner Poling</b>	<b>Nay</b>
<b>Commissioner Rhodes</b>	<b>Yea</b>
<b>Council Member Reynolds</b>	<b>Yea</b>

**Discussion Items:**

**1.) UDO Section 6.6.5 Townhouse Standards (Pre-application information)**

*Description: Applicant is requesting an information session prior to formally proposing*

*to amend rear yard setbacks of townhouses in the Planned Development District.*

**P&Z Administrator Pambid** said this was brought to staff to float an ordinance amendment by the Planning Commission to see how they will react to this. This is for informational purposes only. No application has been submitted. The proposal is to reduce rear yard setbacks in Planned Developments from 30 feet to 25 feet. A representative from Ryan Homes and **David Frank** from Penoni were in attendance to answer questions. Ryan Homes is having Penoni look into the feasibility of this type of amendment. The proposed language was shown:

UDO Section 6.6.5.D.5 -Townhouse Standards

5. Each lot shall have a rear yard of not less than 30 feet in depth measured from the rear wall of the structure on the lot. **Lots zoned PD and providing the minimum 30% open space requirement shall have a rear yard of 25 feet in depth measured from the rear wall of the structure on the lot.**

**David Frank** said he was representing NVR who is looking to build homes in the Summit Crossing project. This amendment is to try to maintain consistency in the UDO. Overtime, they have noticed it is a rather large ordinance and there are some inconsistencies. By-right, in the LDR and MDR districts, single family rear setback is 25' for single family and detached duplex; it is then 30' for townhouses. If you look deeper into the ordinance, you can subdivide as small as a half of an acre, by-right, which can be subdivided into townhouses. On some of these smaller lots, you have the potential for open space that will be subdivided into townhouses. By-right, the density is 12 units per acre for townhouses. The homebuilders asked specifically why rear yard setback is 30'. **Mr. Frank** said he tried to figure out where the intent was and what is being presented in the UDO. In this Planned Development, you have 30 percent open space, exclusionary space, over a mile of trails, and 4.2 units per acre, and recreational areas. It is totally different than an infill subdivision for townhouses. Therefore, they are bringing this forward to the Planning Commission because there are different types of things that can happen with a Planned Development, with the architecture itself if they are allowed to have the 25' setback that duplexes and single family detached homes have. They fully intend to submit an application. The text amendment is fairly simple, and they believe, because of the amount of open space, it justifies the townhouse standard of 25' rear setback. This amendment would not open the door to infill subdivisions with townhouses as it would just be for Planned Developments. They would like to hear comments.

**Commissioner Poling** asked how this amendment could just be applicable to this subdivision and not any others; he doesn't understand this.

**Chairperson Flanagan** said he could not answer that question as he thinks it would be for anybody that has 30 percent open space. His position is that the UDO stands as it is and what they are seeking is a variance and if they want to be specific, it would go to the Board of Zoning Appeals. He doesn't believe the Commission should be the vehicle to initiate changes to the UDO. Why was it done this way? Staff should think through the issue of how this development can be the only one. If all questions can be answered, then it would be the normal course of action with staff coming to the Commission to make a change to the UDO.

**P&Z Administrator Pambid** said in response to **Commissioner Poling's** question, this is controlled through the fact that they are saying planned development or PD in the proposed amendment. You have a couple of places in the ordinance where townhouses are allowed. They are allowed in a planned development, but they are also allowed in multi family residential districts and medium density residential districts (through SUP). What **Mr. Frank** is saying, if you are limiting it to Planned Development, of which we only have three, if any other areas would want to have the 25' setback, they would have to be rezoned to Planned Development to take advantage of

that.

**Commission Poling** asked if 6.6.5 D.5 was only applicable to Planned Development townhouses and **P&Z Administrator Pambid** said this section is for all townhouses, but this change makes a distinction between Planned Development and the other zoning districts.

**Commission Flanagan** recommended bringing this back to the October meeting.

**Commission Poling** asked to be excused, and left the meeting at 7:32 p.m.

**Mr. Terndrup** said Planned Developments are different from townhouse standards because a planned development was created to take residential and commercial and open space requirements and present them as a coordinated building design. Specifically, there is a reason why the setback is at 30' and he hopes that instead of looking at language, you see the visual. If you are going to change the ordinance, how is this going to impact five feet on every single townhouse to the overall look of the development? Please be careful. One major concession has already been made. Look at the big picture please.

**Council Member Reynolds** said she would really like them to show why visually this amendment is worth it. A lot of people bulk at a stick of townhouses. She recommended that they show the impact.

### **Staff Updates**

#### **1.) UDO Amendment Updates**

*Description:* Brief update on continuing work on use matrices, bonding requirements, and subdivision

**P&Z Administrator Pambid** said the Berkley Group continues to work with staff on the amendments. Staff has reviewed the use matrix work and is working through bonding and subdivision process. He will have a more definitive report at the next meeting and a public hearing will need to be held.

#### **2.) Shenandoah County Comprehensive Plan Update**

*Description:* Update on the County's public outreach efforts and timeline for review and revision of its Comprehensive Plan

**P&Z Administrator Pambid** said the State mandates to review comprehensive plans every five years and revise it every 10 years. On October 27<sup>th</sup>, a meeting will be held at Town Hall for interested people to make comments. A survey is on the County website. Meetings are being held throughout the County by magisterial district and you should expect to see social media posts. We will include information in the next utility billing. The meeting on October 27<sup>th</sup> will be for both District 5 and 6. The meeting will be shown through Swagit, but you can only listen and not interact with the panel. If you hear something on Swagit, please let the County know.

#### **3.) Departmental Update**

*Description:* Current and future items of interest

**P&Z Administrator Pambid** said as well as sending out an agenda, he also sends out the department reports to the ARB and Planning Commission. **Town Manager Coggsdale** is always available for questions.

**Chairperson Flanagan** said in regard to STR, staff should think about supplementary information

for clarification purposes to answer questions about “grandfathering”, safety inspections and the 24 hour notification, noise ordinance, and what government agency rules. This is not a change to what is being recommended, but just things to be sent to operators.

**P&Z Administrator Pambid** said this is a good idea. This ordinance will be part of the UDO which is essentially our zoning and subdivision ordinance combined. As the Zoning Administrator, he is responsible for the administration of the processes and the interpretation of its provisions. In terms of any changes made, all the STRs will have to comply with the new provisions. They will be doing annual reviews of the permits, and for the operators that are aware of this, as **Ms. Stanley** said, we had two public engagements, and incorporated all of that. All of these measures are intended to mitigate any negative impacts on the neighborhoods in which these are located. Moving forward, the SUP process will be a significant measure of control for both the Planning Commission and Town Council as far as the number of STRs and if this will impact housing pricing as **Council Member Hooser** discussed, and **Council Member Reynolds** has also mentioned this. In general, anything new, people will need to comply with it. He does not think the performance standards were particularly onerous, especially regarding the safety aspect of it. As far as the safety inspections and the 24 hour notice, if there is an issue the town feels they need to contact the owner about, and if it is not a life/safety issue, more advance notice can be given. This is not intended to be too overbearing. The standards are for the safety of guests, and not negatively impacting the neighborhood. **Council Member Reynolds** mentioned the noise ordinance, and this ordinance is very specific and goes into depth. The information packet for the users can just say 10 p.m. – 6 a.m. are quiet hours, pursuant to town code. If we do get complaints, Strasburg Police Department will respond and investigate it. With applicability of which regulation prevails, whatever is the most stringent shall apply. We are not saying the town ordinance is the overriding rule; if there is a provision in the State Code that we do not cover, it will be covered by the State rule. He thinks that a concern of the Planning Commission was that uninformed operators would come in and say that this is what my platform says I need to do and that is all I have to do, and this is wrong. First of all, any STR may need to get a SUP and staff will inform them of the provisions with an information packet. The permit must go through Planning Commission and Council.

**Adjournment:**

**Commissioner Rhodes moved for adjournment; second by Chairperson Flanagan. With no discussion, the motion passed unanimously, and the meeting adjourned at 7:48pm.**