

Town of Strasburg

SPECIAL MESSAGE TO THE PUBLIC
IN-PERSON ATTENDANCE IS PERMITTED FOR MEETINGS.
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BELOW:

<https://www.strasburgva.com/bc/page/meetings>

To make public comment please submit to:
comment@strasburgva.com
by 4:00 p.m., Tuesday, August 22, 2023

Planning Commission
Tuesday, August 22, 2023
7:00 PM

Planning Commission Members:

Vince Poling, Chairperson
Hank Dean, Vice Chairperson
Bill Foster
Steve Nicholson
John Rhodes
Symantha Zeimet
Emily McCorn, Council Representative

Staff Contacts:

Brian Otis, Planning & Zoning Administrator



Agenda

Call to Order: *Chairperson Poling*

Approval of Agenda

Public Hearings (if needed):

- To receive public comment on a Special Use Permit application (SUP2023-0007) requested by FIDUM COMPANY, owner, for property identified as Tax Map 025A201B059 004 located at 395 Stonewall Street fifty feet north of the intersection of Stonewall Street and Thompson Street and containing 0.138 acres. The request is to permit short-term rental use within the existing detached single-family dwelling.
 - **Staff Report – (attachment)**
 - **Public Hearing**
 - **Discussion/Recommendation**

Citizen Comments on non-agenda items:

Action Items:

1.) Approval of Minutes

Description: Approval of Minutes of the July 25, 2023 Planning Commission Meeting

Staff Contact: Amy Keller, Clerk of Council

Support Materials: Minutes of the July 25, 2023 Planning Commission Meeting

Staff Updates:

Old Business:

New Business:

Adjournment

If you require any type of reasonable accommodation as a result of physical, sensory, or mental disability in order to participate in this meeting, please contact Amy Keller, Clerk of Council, at 1-(540)-465-9197, or akeller@strasburgva.com. Three (3) days of notice is required.



**Special Use Permit SUP2023-0007
FIDUM COMPANY- Short-term Rental**

STAFF REPORT

PC Meeting Date: August 22, 2023
Agenda Title: Special Use Permit #SUP2023-0007, FIDUM COMPANY- Short-Term Rental
Requested Action: Recommend Approval of Special Use Permit #SUP2023-0007, FIDUM COMPANY - Short-Term Rental with any proposed conditions.

Summary

In conformance with the Short-Term Rental Ordinance approved by Town Council on September 28, 2021, any request for a Short-Term Rental proposed within the Medium Density Residential (MDR) District shall apply for a Special Use Permit. On May 8, 2023 the town received a special use permit application for Short-term Rental use consisting of the entire dwelling. The applicant is Fidum Company Trustee.

Background

- A: Site Location: 395 Stonewall Street (tax map# 025A201B059 004), at 0.138 acres. The property is situated approximately 50 feet north of the intersection of Stonewall Street and Thompson Street.
- B: Surrounding Land Uses: This site is within an area of single-family homes in a Medium Density Residential (MDR) District.
- C: History of Uses and Current Use: The Structure was originally constructed in 2006 as a Single-Family Dwelling.



**Special Use Permit SUP2023-0007
FIDUM COMPANY– Short-term Rental**

Planning & Zoning Administration
174 E. King Street, P.O. Box 351
Strasburg, VA 22657
(540) 465-9197 ext. 127

Staff Recommendation

Staff recommendation is based on regulations set forth within the UDO.

Staff recommends approval of Special Use Permit #SUP2023-0007, FIDUM COMPANY Residence – Short-Term Rental, with the following conditions.

1. The applicant provides the name, address, and phone number of the local representative on the zoning occupancy application.
2. The property shall be rented with only 2 guestrooms available.
3. The advertisement for rental shall indicate the 2 sleeping/guest rooms.
4. If the owner obtains a zoning permit for driveway expansion, and the work has been completed/inspected, the property can be utilized and advertised with 3 sleeping/guest rooms.
5. Advertisements shall include an image of the front of the dwelling to identify the location of the rental unit.
6. If any condition listed above is violated, the SUP shall be made null and void.

Zoning Ordinance Analysis

Uses: Existing uses are legal and conforming without violations.

Local Property Representative: Owner will need to provide the Local Property Representative information with the occupancy permit application to comply with the Section 6.2.2.A.b of the ordinance.

- Section 6.2.2 A.b Short-term Rental Performance Standards “*If the owner of a short-term rental does not reside at the property or locally, the owner shall designate a local property representative. The owner or representative shall be available to respond, physically, within one hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental. The name, address, and telephone number of the owner and/or local property representative shall be kept on file with the Town. If the owner does not reside at the rental property but lives locally and is able to respond as required, they may function as the local property representative.*”



Special Use Permit SUP2023-0007 FIDUM COMPANY- Short-term Rental

Community Input

- Signs were posted at the location starting on June 5, 2023
- Notice was posted in the Northern Virginia Daily newspaper publications dated August 8, 2023, and August 15, 2023

Timing

Per email date August 10, 2023, with Peter Lemmon confirming the information is correct and complete, the application was deemed completed.

The Planning Commission shall make a recommendation to the Town Council within 30 days of the complete application. September 9, 2023 is the 30-day deadline.

Current Action

Actions the Planning Commission can make are.

- Recommendation to the Town Council for approval
- Recommendation to the Town Council for approval with conditions
- Recommendation to the Town Council for denial
- Request deferral for further conversation by the Planning Commission

of the Special Use Permit to permit the Short-term Rental use at 395 Stonewall Street.

Further Actions

If the Planning Commission recommends approval of the Special Use Permit the following actions moving forward must be completed for the Short-term Rental to be a legal use.

- Obtain approval by the Town Council
- Obtain a letter from the Shenandoah County Building Official identifying an approved life safety inspection
- Obtain a Zoning Occupancy Approval for the Short-term Rental use
- Annual renewal of the Occupancy Approval is required

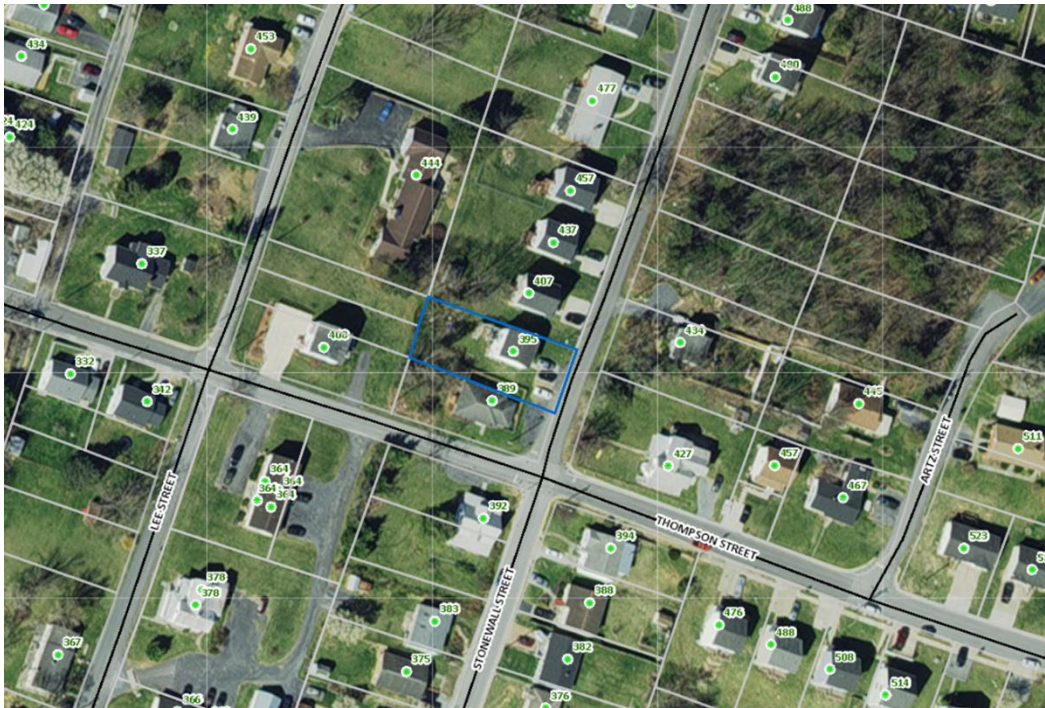
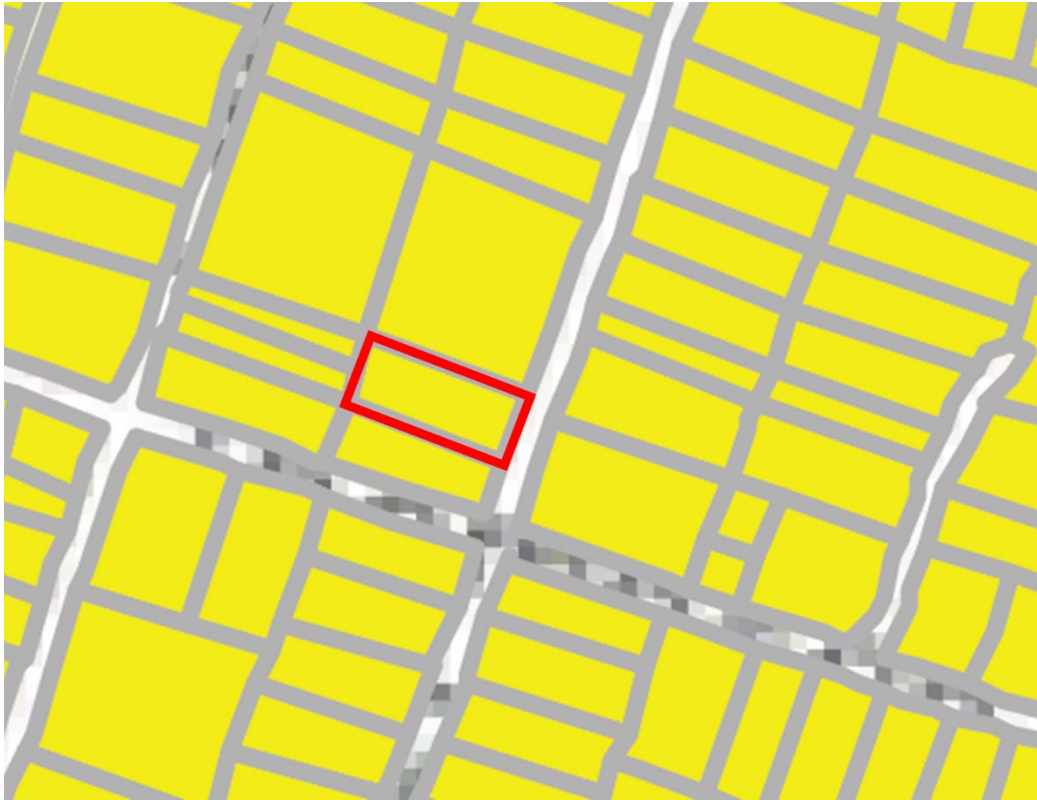
Attachments

Attachment A – Zoning Map

Attachment B - Short-term Rental Ordinance adopted September 8, 2021

Attachment C – Building Images

Attachment A Zoning Map





Special Use Permit SUP2023-0007
FIDUM COMPANY- Short-term Rental

Attachment B – Short Term Rental Ordinance

Short-Term Rental – Zoning District Chart

Zoning District	Name	Process
AG/RR	Agriculture/Rural Residential	SUP
ER	Estate Residential	SUP
LDR	Low Density Residential	SUP
MDR	Medium Density Residential	SUP
MFR	Multi-Family Residential	SUP
CC	Community Commercial	By-right
HC	Highway Commercial	By-right
BP/LI	Business Park/Light Industrial	Not Allowed
PD	Planned Development	SUP
MIC	Medical and Institutional Care	Not Allowed

CHAPTER 7. DEFINITIONS

7.2 Definitions

7.2.2 Specific Terms

Home occupation: An accessory use which is carried on entirely within a dwelling unit by the occupant and is incidental and subordinate to the dwelling use. Home occupations include, but are not limited to, preparation of food products for sale off premises, professional offices such as medical, dental, legal, engineering and architectural, teaching of music, and fine arts and similar uses.



Special Use Permit SUP2023-0007 FIDUM COMPANY– Short-term Rental

Short-term rental owner: Any person or entity that meets the definition of “operator” as defined in §15.2-983, as amended, of Virginia State Code.

Short-term rental: Any residential use that falls within the definition of short-term rental as defined in §15.2-983, as amended, of Virginia State Code.

Short-term rental, not occupied by owner: Any short-term rental where owner does not reside on the property when guests are in residence.

Short-term, owner-occupied: Any short-term rental where the owner of the property also resides on the same property during such period when guests are in residence.

CHAPTER 6. REGULATION OF SPECIFIC USES

6.2 Short-Term Rental and Bed and Breakfast Establishments

6.2.1 Purpose

The purpose of this chapter is to establish regulations for the short-term rental of privately-owned residences, in whole or in-part, including Bed & Breakfast Establishments. The performance requirements in this chapter are intended to allow and facilitate the operation of short-term rental and bed and breakfast establishments while maintaining the health, safety, and welfare of existing and future neighborhoods.

The performance requirements in this section are in addition to any other county, state, or rental platform requirements.

6.2.2 Performance Standards

- A. *Short-term rental owners shall be subject to the following requirements.*
 - a. *The owner shall obtain a zoning permit to be reviewed on an annual basis by staff. The owner shall obtain an annual business license and pay appropriate Transient Occupancy Tax as outlined in Article VII of the Town Code.*
 - b. *If the owner of a short-term rental does not reside at the property or locally, the owner shall designate a local property representative. The owner or representative shall be available to respond, physically, within one hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental. The name, address, and telephone number of the owner and/or local property representative shall be kept on file with the Town. If the owner does not reside at the rental property but lives locally and is able to respond as required, they may function as the local property representative.*
 - c. *Prior to issuance of a zoning permit, the Shenandoah County Building official or their technical assistant must do a life safety inspection of the short-term rental to ensure that all applicable Virginia Uniform Statewide Building Code requirements are met; including, but not limited to, regulations regarding fire extinguishers, carbon monoxide detectors, and emergency exits.*
 - d. *The owner of a short-term rental shall give the Town and Shenandoah County Building Department written consent to inspect the rental property to ascertain compliance with all applicable performance standards upon a twenty-four-hour notice.*
 - e. *Emergency information must be conspicuously posted inside the property, including contact information for the owner and/or local property representative.*
 - f. *All short-term rentals shall meet parking requirements of the applicable zoning district,*



Special Use Permit SUP2023-0007 FIDUM COMPANY– Short-term Rental

- g. *The owner shall provide an informational packet to each new guest. Review of this information packet is required upon issuance of Zoning Permit. The information must include, but is not limited to:*
 - i. *Maximum occupancy as outlined in Section 6.12 of the UDO*
 - ii. *Location of off-street parking*
 - iii. *Code references applicable to noise as outlined in Section 6.12 of the UDO*
 - iv. *Use restrictions as outlined in applicable Zoning District*
 - v. *Guidelines for trash storage and removals*
 - vi. *Evacuation routes in case of fire or emergency*
 - vii. *Owner or Local property representative information*
- h. *If the operator of the short-term rental is not the property owner, written consent from the property owner must be submitted with the application for a zoning permit.*
- B. *In addition to section 6.2.2 A, Bed and breakfast establishments shall be subject to the following requirements:*
 - a. *Permitted only in single-family dwellings.*
 - b. *A maximum of five guestrooms, with a maximum occupancy of 15 persons.*
 - c. *Food service shall be limited to the breakfast meal and shall be available only to guests and not to the general public in any residential district.*
 - d. *No receptions, private parties, or other events, for fee shall be permitted.*
 - e. *Any amenities such as tennis court, swimming pool, etc., shall be solely for the use of the resident owner and guests of the facility.*
 - f. *Provisions applicable to Bed and Breakfast Establishments as required by the Uniform Statewide Building Code shall be met.*
 - g. *Issuance of owner permit from the Shenandoah County Health Department is required.*
 - h. *The maximum length of stay for each guest shall be 30 days or less.*
 - i. *The owner(s) or property representative shall be available to respond in person within one hour to complaints regarding the condition, operation, or conduct of occupants of the Bed and Breakfast Establishment.*
 - j. *A Bed and Breakfast shall have frontage on an improved public street.*
 - k. *One off street parking space shall be provided for each guest room.*

6.2.3 Penalties A.

- A. *Zoning Permit may be revoked or suspended for the following reasons:*
 - a. *Three or more substantiated complaints including, but not limited to, noise, excess trash, failure to meet parking requirements, exceeding occupancy limits.*
 - b. *The repeated of failure of any short-term rental or bed and breakfast owner to respond physically to in a timely manner to complaints regarding the condition, operation, or conduct of occupants.*
- B. *A fine of \$200.00 will be issued to any owner that:*
 - a. *Fails to obtain a zoning permit.*
 - b. *Receives three or more substantiated complaints including, but not limited to, noise, excess trash, failure to meet parking requirements, and exceeding occupancy limits.*

Attachment C – Building Image



MINUTES OF THE STRASBURG PLANNING COMMISSION MEETING HELD ON TUESDAY, JULY 25, 2023 AT 7 P.M. IN THE COUNCIL CHAMBERS OF THE STRASBURG TOWN HALL.

PLANNING COMMISSIONERS PRESENT: Chairperson Poling, Commissioners Foster, Rhodes, and Zeimet. Absent: Vice Chairperson Dean, Commissioner Nicholson and Council Member Reynolds.

STAFF PRESENT: Planning & Zoning Administrator Otis and Clerk of Council Keller.

Chairperson Poling called the meeting to order and reviewed the agenda.

Approval of Agenda:

The agenda was approved unanimously as amended with a motion by Commissioner Foster and the second by Commissioner Zeimet.

Public Hearings:

- *To receive public comment on a Comprehensive Plan Amendment (CPA23-0001) requested by Landmark Atlantic Holdings, LLC, owner, for property identified as Tax Map 016 A 167A located at 144 Fort Bowman Road, approximately seven hundred feet east of the intersection of Fort Bowman Road and Old Valley Pike and containing 3.306 acres. The request is to recategorize the Highway Commercial Development Area to a Residential Development Area.*

- **Staff Report – (attachment)**

P&Z Administrator Otis said that currently, the property is zoned highway commercial and has residential and highway commercial surrounding it. The future land use map was shown which shows it as highway commercial. Surrounding properties were pointed out and their zoning.

Staff recommends approval for the following reasons:

- Since the adoption of the Future Land Use map, VDOT has identified the access to Fort Bowman Road as a right-in/right-out only onto northbound Old Valley Pike with no southbound access. This would challenge any future commercial use from developing this location.
- Adequate transportation access to this location would be from Hite Lane and Homewood Way through the existing single-family residential development. Residential uses would create a reduced impact on these roadways.
- Residential uses have a reduced light-shed, noise, and traffic impacts on the vicinity's residential and parkland parcels.
- Residential uses are in high demand with limited undeveloped land zoned residential. Higher density residential uses typically provide better opportunities for workforce housing.
- Location and residential use will not adversely affect any viewshed of the valley east of town for existing or future development.

- SWOT analysis of the I-81/Route 11 corridor does not identify concerns with inclusion of residential uses.

Chairperson Poling said without this revision, the rezoning could not take place and that is correct; it would be in conflict with the Comprehensive Plan.

P&Z Administrator Otis said the notice was sent to all the property owners within 500 feet and signs were posted on June 16, 2023. Notices were in the NVDaily on July 11 and 18, 2023. One email was received, and the Commission has 30 days to make a recommendation which would be August 24.

○ **Public Hearing – Opened at 7:10 p.m.**

Kristin Laise, Executive Director of Belle Grove, Inc., owner of Fort Bowman/Harmony Hall: This is a 96 acre property which is on the Virginia and National Landmark and the house dates to 1771, but the land has been used since 1730's by the Bowman family. The property is under easement with the Virginia Outdoors Foundation and the historic buildings are under easement with the Department of Historic Resources. This is also a very significant archaeological site, and they have done archaeological work there and hope to do more in the future. The house is currently going through a major restoration project to stabilize it. They hope to soon have a tenant in the dwelling which would allow occasional use by the public.

Ms. Laise agrees that residential is preferable over commercial, but the high density housing has her concerned. It is already adjoining a highly dense development. This is a very small parcel and would be ideal for parkland for those who already live there. Twenty-nine townhomes are extremely dense and they are already concerned about the safety of their property, especially with public trespassing given the sensitivity of its historic nature.

Being no other speakers, the Public Hearing closed at 7:13 p.m.

- To receive public comment on a Rezoning application (REZ23-0001) requested by Landmark Atlantic Holdings, LLC, owner, for property identified as Tax Map 016 A 167A located at 144 Fort Bowman Road, approximately seven hundred feet east of the intersection of Fort Bowman Road and Old Valley Pike and containing 3.306 acres. The request is to rezone the subject property from the Highway Commercial District to the Multi-Family Residential District, construct 29 townhomes, and extend Homewood Way to this development as the primary access.

○ **Staff Report – (attachment)**

P&Z Administrator Otis showed the location and gave some history on the property. It was annexed into town as agricultural and was then changed to highway commercial and medium density. At that time, the developer decided they did not want to use Fort Bowman Road as access due to the cost of improvements to the road. Town Council had a concern in having a secondary access to the property, so a secondary access was made for emergency access only. When the Homewood Way extension came about, **P&Z Administrator Otis** walked the property with VDOT, and they could tell the emergency access was being used by regular traffic.

The plan was shown for the development. Each unit will have an interior and exterior parking space; additional parking will be provided. Stormwater was discussed. The complications are a 100' gas easement and steep slopes which make part of the property undevelopable. They are only applying for 29 units. They are allowed to have eight unit buildings and they will have two eight unit buildings and two six unit buildings. The proffer statement was reviewed. They will be extending a water line to the development and a loop will be created. Sewer will be connected to the gravity system. Homewood Way will be improved, including a sidewalk on one side. A gate will be provided by the developer. There are monetary proffers included.

Staff recommends approval. If the comprehensive plan amendment is approved, it will be in compliance with that plan. Other reasons were reviewed:

- The Rezoning is consistent with the CPA23-0001 application.
- Adequate transportation access to this location would be from Hite Lane and Homewood Way through the existing single-family residential development. Residential uses would create a reduced impact on these roadways in comparison to commercial use.
- Multifamily Residential uses have a reduced light-shed, noise, and traffic impacts on the vicinity's residential and parkland parcels.
- Residential uses are in high demand with limited undeveloped land zoned residential. Higher density residential uses typically provide better opportunities for workforce housing.
- Limitations of access via Fort Bowman Rd and 100-foot-wide gas

One email was submitted and added to the record.

○ **Public Hearing – opened at 7:22 p.m.**

Jim Guisewhite, Edinburg, represents the sellers: Stated he has been here many times through the years. Commercial was not welcome at this site and he thanked everyone for attempting to take this in a different direction. To him, it never made sense to try to put commercial there. He showed the original map of the Homewood development. Originally, there were to be 39 duplexes, another 52 duplexes, a three-story apartment building with 96 apartments, a community center, an assisted living facility with 40 units, and a skilled nursing facility with 40 units. When you think about this, the entire land parcel was full. He said that now land has been preserved and given to the Shenandoah Valley Battlefield Association which is up against the Belle Grove land. The homeowners now have preserved land/green space behind them that will not be built on. This development makes so much sense, with the road and the community and the people who are already living there. He again thanked all for considering this proposal.

Debra Strong, 146 Signal Knob Drive, Strasburg, VA: Stated when she bought in the development five years ago, they were told that the land right behind them was “green” and would never be built on. It was not the land over the hill. **P&Z Administrator Otis** showed where the development is being proposed and the other land is in conservation.

Being no other speakers, the Public Hearing closed at 7:26 p.m.

Citizen Comments on non-agenda items:

Action Items:

1.) Approval of Minutes

Description: Approval of Minutes of the June 27, 2023 Planning Commission Meeting

Commissioner Zeimet moved to approve the minutes of the June 27, 2023 meeting as corrected; second by Commissioner Foster. With no discussion, the motion passed unanimously.

2.) Comprehensive Plan Amendment

Commissioner Zeimet said there is a quarter of an acre that is not developable because it is too steep; **P&Z Administrator Otis** said that was correct. **Commissioner Zeimet** asked if the other setbacks will be impacted, and they will not be. **Commissioner Zeimet** asked if this will impact the view of the other homeowners, and **P&Z Administrator Otis** does not see it blocking any views except the interstate.

Commissioner Foster said after seeing VDOTs recommendation of the right turn in and out, he was concerned for access to Harmony Hall, but the gate will prevent the people from leaving the development via that road. Harmony Hall was his only concern.

Commissioner Zeimet asked if there is a market for this many townhouses in our town. Will these be bought? **P&Z Administrator Otis** said the townhouse market is there. Available housing is sparse in town. The developer has been very successful in selling the single-family houses they have.

Commissioner Zeimet said these are higher end townhouses, based on the comments on the views, etc. **P&Z Administrator Otis** said he is not sure about the view. This will be close to the highway, but Cedar Springs is also close to the highway and has sold out. He thinks the market is there. Post-COVID, more people spend less time outside.

Commissioner Rhodes moved to recommend to the Strasburg Town Council the Comprehensive Plan Amendment as discussed; second by Commissioner Foster. With no further discussion, the motion passed unanimously.

3.) Rezoning application (REZ23-0001) requested by Landmark Atlantic Holdings, LLC

Chairperson Poling asked what the residents' feelings are of traffic running through their development. **P&Z Administrator Otis** said that originally, he had discussions and they thought it was the lesser of two evils. They would rather see the residential over commercial which could go there by right.

Marsha Beaujon, 123 Signal Knob Drive, Strassburg, VA: Stated she has not lived in her home too long, If the commercial offered Fort Bowman Road and then for some reason, that road was closed, would that traffic then have to funnel through the neighborhood? With this plan, that is not even an option. All 29 families, all their teenagers, all of their recreational driving, the school bus, all of that traffic will have to go through their single-family neighborhood. She is leaving the city to get away from that and she is shocked and

appalled that people are saying it is the lesser of two evils. If there was a commercial business, it would be closed half of the time. She doesn't think it is an apple to apple comparison and she doesn't think it is a fair assessment of the community.

Chairperson Poling asked **Ms. Beaujon** if she was familiar with the application several month ago, and she said only by the information she has gathered. **Chairperson Poling** said there was an application for a transient hotel on the property and all that traffic would have come through the neighborhood. **Ms. Beaujon** thinks the hotel and the townhouses are about the same. **Chairperson Poling** said it would have been transient and **P&Z Administrator Otis** said it was for 98 units.

Chairperson Poling asked about Harmony Hall and how they would access the property with the gate. **P&Z Administrator Otis** said the gate will be on Homewood Way and not on Fort Bowman Road.

Commissioner Foster had a similar concern about where the gate would be. No one should be turning left onto Fort Bowman Road, and you would have to go across the median to turn south. If you were coming out of Fort Bowman, you would only be able to turn right. With the forethought of VDOT closing the median area, not having a lot of traffic coming off of Fort Bowman is a good idea. It is a narrow road going to Harmony Hall and the gate will provide a safety net to the neighborhood. He understands the concerns of the traffic, but it is safer route or so he feels.

Chairperson Poling asked if Homewood Way is designed for additional traffic and **P&Z Administrator Otis** said he had a discussion with VDOT and was told that if they were to create a third lane on northbound I81, they would have to redesign the interchange which would take away the Fort Bowman Road intersection on Old Valley Pike which would by default, require any access to come through Homewood Way. VDOT determines the trips and traffic.

Chairperson Poling asked who maintains Homewood Way now. **P&Z Administrator Otis** said the developer is still maintaining it, but once it comes out of bond, it will be maintained by the town. The gate will be installed by the developer and maintained by the town.

Commissioner Foster moved to recommend the approval of the rezoning application (REZ23-0001) requested by Landmark Atlantic Holdings, LLC to the Strasburg Town Council; second by Chairperson Poling. With no further discussion, the motion passed unanimously.

Staff Updates:

P&Z Administrator Otis said the Planning Commission had recommended the SUP for the increase to the number of townhouse units on Mineral Street. Town Council approved this.

P&Z Administrator Otis said he had a conversation with **Chairperson Poling** about the buffer on the creek (Town Run) and they will probably lose about six units to meet that buffer.

Old Business:

New Business:

Adjournment:

Commissioner Foster moved for adjournment; second by Commissioner Rhodes. With no discussion, the motion passed unanimously, and the meeting adjourned at 7:46 p.m.