



REGULAR TOWN COUNCIL MEETING

Monday, September 27, 2021 @ 7:00pm in the Warren County Government Center

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES – *I move that Council approve the Work Session Minutes of August 9th and Regular Meeting Minutes of August 23rd, as presented.*
5. ADDITION/DELETION OF ITEMS
6. RECOGNITIONS/AWARDS/REPORTS–
 - Report from Director of Planning Lauren Kopishke re: Notice of Violations within the Town
 - Reading of Proclamation for Public Power Week - Mayor
7. PUBLIC HEARINGS
 - A. Special Exception Application by Chris Holloway Construction Requesting a New, Non-Dedicated Private Street Accessed Off Carter Street *(Lauren Kopishke)*
 - B. Special Exception Application by Poe's River Edge, LLC Requesting a New, Non-Dedicated Private Street at the End of Kendrick Lane *(Lauren Kopishke)*
 - C. Special Use Permit by Allen Walters Requesting to Construct a New Single-Family Dwelling on a Non-Conforming Lot of Record on Warren Avenue *(Lauren Kopishke)*
 - D. Ordinance Amendments to Town Code Chapter 12-1 and 70-23 to Remove the Town's Dusk-to-Dawn Light Program *(David Jenkins)*
8. PUBLIC COMMENTS (**COMMENTS NOT RELATED TO PUBLIC HEARINGS**)
9. REPORTS
 - a. Report of Town Manager
 - b. Report of Councilmembers
 - c. Report of the Mayor
10. CONSENT AGENDA ITEMS
 - A. Proclamation for Public Power Week *(David Jenkins)*
 - B. FY22 Budget Amendment for Virginia Risk Sharing Association Grant *(BJ Wilson)*
 - C. FY22 Budget Amendment for DMV Speed & Alcohol Enforcement Grant *(Chief of Police)*
 - D. Reimbursement of Water & Sewer Tap Fees for Habitat for Humanity *(Town Manager)*
 - E. Cooperative Contracts for Non-Professional Services to Support the Town's Building Code and Environmental Division *(Alisa Scott)*
11. BUSINESS ITEMS - None
 - A. Special Events Policy and Procedures *(Town Manager)*
12. CLOSED MEETING – Personnel



TOWN COUNCIL WORK SESSION MINUTES

Monday, August 9th, 2021 at 7:00 PM

Town Hall Conference Room

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.

Town Manager, Steven Hicks, introduced four new employees to Council – Assistant Town Manager Kathleen Leidich, Human Resource Director Dale Losee, Planning and Community Development Director Lauren Kopishke and Environmental Officer and Arborist Jim Osborn.

Infrastructure Improvement Projects Presentation – Public Works Director Robbie Boyer, gave a detailed overview of several Infrastructure Improvement Projects that were recently completed, currently happening, and scheduled to begin. Vice Mayor Cockrell asked when and where smoke testing would occur and requested Town Staff notify residents. Mr. Boyer confirmed that his department would issue a Public Notice and place door hangers. Councilman Gillispie wondered when the Prospect Bridge Project would begin. Mr. Boyer noted that he hoped to have the bid opening published by the end of September. Councilman Lloyd questioned if the volume of active infrastructure projects were typical and worried that it could create a situation where all the projects mentioned would need to be addressed at the same time again in the future. Mr. Boyer explained that the Public Works Department completes a 30-Year Study that identifies what projects need to be completed and when. He added that if the town were proactive there would not be another situation like what they were currently facing.

Special Use Permit for Bed & Breakfast for Philip Vaught at 124 Luray Avenue – Code Enforcement Officer Chris Brock, explained that the Planning Commission had approved an application for a Special Use Permit for a three-bedroom Bed & Breakfast. The applicant, Mr. Vaught, asked that his five-bedroom proposal be brought before council for consideration. Vice Mayor Cockrell asked if there had been any concerns from neighbors during the Planning Commission's Public Hearing. Councilman Thompson mentioned there were some concern for parking, but added that the property included six parking spaces, which would be more than enough. Council all agreed to grant the Special Use Permit for a five-bedroom Bed & Breakfast.

Ordinance Amendment to Chapter 175 Pertaining to Bed & Breakfasts to Increase the Number of Rooms – Mr. Brock presented council with a proposed ordinance amendment that would ease the regulations for Bed & Breakfasts in the Town's residential districts. The proposal would allow six

bedrooms, rather than three, for lots between .5 and 1.49 acres, and ten bedrooms, rather than six, for lots that are 1.5 acres or greater. Council all agreed.

Ordinance Amendment to Chapter 175 Pertaining to Apartment Use Regulations – Mr. Brock noted that this proposed amendment was pursuant to a resolution adopted by council in February to promote residential living in Downtown Front Royal. Council all agreed.

Ordinance Amendment to Revise Chapter 156 to Environmental Sustainability Advisory Committee – Town Manager, Steven Hicks, presented council with a summary of the roles and responsibilities of the new Environmental Sustainability Advisory Committee (ESAC) that would replace the Urban Forestry Advisory Committee (UFAC). The primary difference being that ESAC would focus on the sustainability of the Town's entire ecosystem including, but not limited to, trees and urban forestry. Vice Mayor Cockrell noted that she was very excited that ESAC would include a high school senior in its membership. Council all agreed to amend the ordinance and begin establishing the committee.

Proposed Dusk-to-Dawn Lights Policy Criteria Presentation – Department of Energy Services Director David Jenkins, presented council with four different options for Dusk-to-Dawn Light Policy changes. Mayor Holloway and Councilman Letasha both agreed that the program should be phased out. Councilman Lloyd wondered if there could be a case-by-case basis for high-risk or high-crime areas. Mr. Jenkins stated that the Town could install additional lighting in those areas if the Front Royal Police Department deemed it necessary.

Proposed Ordinance Amendment to Chapter 4 Pertaining to Placing Items on the Agenda – Mayor Holloway requested council consider amending the ordinance pertaining to placing items on meeting agendas to require a council majority rather than just two members of council. Councilman Thompson agreed with the proposal for Regular Meeting Agendas, but suggested that for Work Session Agendas, it remain two. Councilman Gillispie agreed. Councilman Lloyd stated that he liked the current open process and would even advocate for amending the ordinance to allow for only one member of council to add an item to a Work Session Agenda. Vice Mayor Cockrell noted that if there were not a Public Comment period, she would have concerns with the proposal. She stated that Council would always welcome public input and invited citizens to come speak on topics regardless of whether they were listed on the agenda. It was decided to hold a Public Hearing and take an official vote at their next Regular Meeting.

Open Discussion – Councilman Gillispie expressed his wish to resume their Liaison Meetings with Warren County Board of Supervisors. He explained it would be good for the community if they could work together. Town Manager Hicks stated that he would reach out to County Administrator Ed Daley, to get a meeting scheduled.

Public Works Director, Robbie Boyer, mentioned that due to the current level of the river (366) the Town was under Voluntary Water Conservation. He noted that if the river dropped down to 340 or lower, they would have to issue Mandatory Water Conservation, which had not happened since 2017.

Mayor adjourned the work session at 8:08 P.M. and Council began their Closed Meeting

Closed Meeting – Front Royal Economic Development Authority Continued Interviews

Vice Mayor Cockrell moved, seconded by Councilman Thompson, Town Council go into Closed Meeting pursuant to Section 2.2-3711, of the Code of Virginia for the following purposes:

(A) The purpose of assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of a public body, under subsection A. 1

Vote: Yes – Councilmen Cockrell, Gillispie, Lloyd & Thompson

No – N/A

Abstain – N/A

Absent – Councilman McFadden

ROLL CALL

Vice Mayor Cockrell moved, seconded by Councilman Thompson, that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

Vote: Yes – Mayor Holloway, Councilmen Cockrell, Gillispie, Lloyd & Thompson

No – N/A

Abstain – N/A

Absent – Councilman McFadden

ROLL CALL

PRESENT: Mayor Holloway, Vice Mayor Cockrell, Councilmen Lloyd and Thompson, Town Manager Steven Hicks, Assistant Town Manager Kathleen Leidich, Deputy Clerk of Council Mary Ellen Lynn, Finance Director BJ Wilson, Energy Services Director David Jenkins, Planning and Community Development Director Lauren Kopishke, Human Resource Director Dale Losee, Town Arborist Jim Osborn, Code Enforcement Officer Chris Brock, Interim Information Technology Manager Grant Autry, members of the public and press.

ABSENT: Councilman McFadden

Approved by Town Council

Date: -----



TOWN COUNCIL REGULAR MEETING MINUTES

August 23, 2021 @ 7:00PM in Warren County Government Center

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.

Moment of Silence

Pledge of Allegiance was led by Councilman Lloyd

ROLL CALL PRESENT: Mayor Chris W. Holloway
Vice Mayor Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman E. Scott Lloyd
Councilman Joseph E. McFadden
Councilman Letasha T. Thompson

APPOINTED STAFF PRESENT: Town Manager Steven W. Hicks
Town Attorney Douglas W. Napier
Clerk of Council Tina L. Presley

APPROVAL OF MINUTES – Councilman Gillispie moved, seconded by Vice Mayor Cockrell that Council approve the Work Session minutes of July 12, 2021, Regular Meeting minutes of July 26, 2021, and Special Meeting minutes of August 2, 2021, as presented.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, and Thompson

No – N/A

Absent – N/A

Abstain – Councilman McFadden

ROLL CALL

ADDITION/DELETION OF ITEMS FROM THE AGENDA – Councilman Lloyd moved, seconded by Councilman McFadden to remove #10 – Emergency Ordinance to Enact Town Code Chapter 172 – Welfare, Health and Safety, Regulating Hospitals or Other Medical or Health-Related Facilities from the agenda.

Councilman Lloyd gave a brief explanation of the procedures on placing items on an agenda and that there were a few outstanding legal issues that he was hoping to have answered by the Virginia Conflict of Interest and Ethics Advisory Board before tonight's vote. He further explained that a portion of the proposed ordinance had been taken from Town's Charter Chapter 5, Section 18, paragraph 8 that included the words "regulate hospitals" and it should have included the words "establish and erect" as well, since the Town can only regulate hospitals that they have established and erected. Mr. Lloyd also advised that the

questions regarding a conflict of interest were concerns pertaining to his private advocacy on behalf of various employees affected by a vaccine mandate. He noted that he had not taken any compensation related to any of his private advocacy, that it was all pro bono.

Mayor Holloway asked for a vote. Councilman McFadden asked for a Point of Order since Roberts Rules of Order stated that a discussion is to happen after a second. The Mayor apologized and continued the meeting.

Vice Mayor Cockrell reminded Council that they were advised by legal counsel that Council did not have the authority to enact the ordinance on July 26th or the ordinance before Council tonight. She referred to the portion of the Town Charter that Councilman Lloyd referred to pertaining to public peace. She interpreted that to be the whole public but it appeared the ordinance was meant to have an impact on a certain group of people. She advised that she was not confident the ordinance was an emergency ordinance and suggested leaving it on the agenda tonight so a vote could be taken.

Councilman Thompson defined the Dillon Rule as a principle that only local governments exercise: 1) power expressly granted by the state, 2) powers necessarily and fairly implied from the grant of power, and 3) powers crucial to the existence of local government. She advised that local governments do not have the power to enforce anything not expressly granted at the state level, noting that was why the ordinance was unenforceable. She voiced concern over an article in the Northern Virginia Daily that led to her questioning the representation of nurses by Councilman Lloyd. Mrs. Thompson advised that she was not inclined to tell other businesses what to do with their business. She cautioned that Valley Health is aware of the Dillon Rule and have stated they will file a Declaratory Judgement against the Town should this ordinance go through. She advised Council that she wanted to vote on this ordinance tonight.

Councilman McFadden noted that the while intent of the medical freedom ordinance was to protect all Front Royal citizens, one significant employer [Valley Health] mandated some of the citizens of Front Royal to give up their right to make personal medical decisions as a condition of their employment. Mr. McFadden referenced and quoted an excerpt from an article in the New York Times pertaining to nurse shortages. He agreed that the Dillon Rule provided municipal corporations powers expressly granted by the General Assembly referencing Chapter 5, Section 18, paragraph 8 of the Town Charter, that states Council can regulate hospitals or other medical health related facilities. Mr. McFadden noted that Valley Health has a monopoly on the current healthcare system in Front Royal and Warren County and voiced fear the mandate for a vaccine could create a shortage of nurses. He voiced concern that there was no plan by Valley Health if their employees walked away. He concluded by suggesting the Town Attorney move forward with the Payment in Lieu of Taxes (PILOT) for Valley Health.

A brief discussion occurred between Councilmen Thompson and Lloyd regarding the Northern Virginia Daily article previously mentioned, the opinion of the Virginia Conflict of Interest and Ethics Advisory Board that Council was still waiting for, and the importance of transparency, disclosure and participation of people to air their opinions on how the Town government could be run.

Mayor Holloway advised the audience that any more outbursts, they would be removed.

Councilman Lloyd advised Council of two articles he published in February (*Town Governments Place Within the Constitutional Hierarchy or System and What Does Medical Freedom Mean?*) in the Blue Ridge Herald noting that both are at the core of the discussion. He opined that he sees core medical values and informed

consent undergoing sustained attack, and he will use his legal tools as a private attorney and whatever tools deemed appropriate as a public representative.

Vice Mayor Cockrell advised that Town Attorney Napier represents Council legally and opined that he has done an excellent job answering question regarding this topic. She stated for the record that Mr. Napier has 40 + years of experience in government law and thanked him for his service.

Councilman Gillispie apologized to Town Attorney Napier for him having to “go through this tonight”. He expressed his disappointment in the way social media was used to discredit councilmembers on their individual votes, noting that this affected everyone including the citizens and staff. He suggested that Council would be better served by putting all their energy into helping citizens with issues facing the Town. Mayor agreed with Councilman Gillispie.

Vote: Yes – Councilmen Lloyd and McFadden

No – Vice Mayor Cockrell, Councilmen Gillispie and Thompson

Absent – N/A

Abstain – N/A

ROLL CALL

No – Motion failed to remove from agenda

RECOGNITIONS/AWARDS/REPORTS – NONE

PUBLIC HEARINGS

A. An Ordinance Amendment to Town Code Chapter 175 to Ease the Regulations for Bed and Breakfasts (B&B) Uses in Residential Districts

Mayor Holloway opened the public hearing.

Bill Barnett, 1115 Buck Mountain Road, Bentonville, VA., advised that he owned property and did business in Front Royal. He advised that he was in favor of the ordinance because it would give more opportunities for people to utilize their property and boost tourism in the Town.

No one else spoke and Mayor Holloway closed the public hearing.

Councilman Thompson moved, seconded by Vice Mayor Cockrell to approve an ordinance amendment to Town Code Chapter 175.107.2 to ease the regulations for bed and breakfasts (B&B) uses in residential districts, as presented.

Councilman McFadden expressed his approval of the text amendments.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

B. Special Use Permit Application Submitted by Philip Vaught, Requesting to Operate a Five (5) Bedroom Bed and Breakfast at 124 Luray Avenue

Mayor Holloway opened the public hearing.

David Silek, 165 Hickerson Hollow Road, Front Royal, advised he was in favor of the special use permit noting that the property is a beautiful home and should be open to the public.

David Means, 210 W. 1st Street, Front Royal, noted he was not against the special use permit but suggested proper zoning, sprinkler systems, parking, and relationship to the neighbors before Council voted.

Krista Adanitsch, 9017 Stonewall Jackson Highway, Front Royal, advised she was in favor of the special use permit and commented that the bed and breakfast would be a benefit to the community.

Mayor Holloway closed the public hearing.

Councilman Thompson moved, seconded by Vice Mayor Cockrell that Council approve a special use permit application submitted by Philip Vaught to operate a five (5) bedroom bed and breakfast at 124 Luray Avenue.

Councilman Thompson advised that she has reviewed information from the Planning Commission and talked with Mr. Vaught and the neighbors, expressing her excitement for the neighborhood. She stated that the parking would be off-street, and the Mr. Vaught plans on keeping a “neighborhood feel”.

Councilman McFadden welcomed Mr. Vaught to the “bed and breakfast” club upon approval.

Councilman Lloyd noted that packet before Council addressed most of the concerns brought up by a speaker except for the sprinklers but noted that it could be brought up to the owners. Councilman Gillispie advised that sprinklers are determined by the occupant load for the building and felt sure an accurate review would be determined.

Vice Mayor Cockrell agreed with Council and that it would be a great addition to the neighborhood.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

C. An Ordinance Amendment to Town Code Chapter 175 Pertaining to Uses in C-2 Downtown Business District

Mayor Holloway opened the public hearing.

David Silek, 165 Hickerson Hollow Road, Front Royal, briefed Council on the history of the Murphy Theater Building which was once owned by his family. He voiced opposition to the ordinance due to there being no parking associated with the building. He noted that the conversion of the building to apartments would be great if it were in Washington, DC, Old Town Alexandria, or Baltimore, but not Front Royal explaining the

capital and market were not here. He voiced concern over the small square foot size of the apartments, parking, and spot zoning. He suggested increasing the minimum square foot size and review the rest.

Bill Barnett, 1115 Buck Mountain Road, Bentonville, VA advised that the ordinance would help increase the number of apartments available in Front Royal and the number of people living downtown. He opined that people were needed downtown to create a year-round vibrant community. He advised that some of the apartments currently on Main Street are smaller than 300 square feet and encouraged Council to pass the ordinance as presented.

Mayor Holloway closed the public hearing.

Councilman Gillispie moved, seconded by Councilman McFadden that Council refer this ordinance amendment back to the Planning Commission for further review.

Councilman McFadden appreciated the speakers' comments but felt taking it back to the Planning Commission for further review was a good decision.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

D. An Ordinance to Amend and Re-Enact Town Code Chapter 156 to Create an Environmental Sustainability Chapter

Mayor Holloway asked Town Manager Hicks to read the following for the record.

Front Royal Establishes an Environmental Sustainability Advisory Committee

Front Royal's Town Council is creating an Environmental Sustainability Advisory Committee (ESAC) that will focus on the Town's ecosystem, including the establishment of recommended goals for environmental protection involving waste reduction, recycling, energy conservation, clean air and water, natural resources, and a sustainable community. The Committee will also oversee recommendations for a farmers' market and public art.

"We recognized the need to broaden the Town's conservation efforts to include all environmental issues that could affect the quality of life for Front Royal citizens," said Mayor Chris Holloway. "Environmental sustainability is vital to the growth and future of Front Royal." The ESAC will replace the Urban Forestry Advisor Committee.

The ESAC will be led by the Public Works Department and the newly hired Environmental Specialist John Osborn, who is a certified arborist, nurseryman, and tree care safety expert with over 35 years of experience.

The vision of the committee will include recommendations on:

- Preservation, enhancement, management and protection of Front Royal's environment and natural resources.
- Education, outreach, communications, and public awareness on the care of the Town's environmental assets.
- Proposed amendments and variations to environmental and natural resources-related policies, regulations, ordinances, and plans.
- Changes to the Town's Comprehensive Land-use Plan regarding sustainability and urban forestry planning.

The committee will be responsible for:

- Maintaining recognition as a Tree City USA Town.
- Coordinating with community organizations and volunteer groups to work on environmental projects.
- Planning the annual Arbor Day ceremony.

- Supporting and coordinating with farmers markets and small retailers that specialize in farm to table and healthy food choices.

The Town Council will appoint five (5) volunteer committee members to the ESAC who are committed to environmental protection programs and working to strengthen the sustainability of the Town's ecosystem. Committee members shall include one (1) Town employee who shall be the chairman, one (1) high school senior, and three (3) at-large residents. Each member shall be a resident of the Town of Front Royal or Warren County when appointed or selected. Residents of Warren County must own a business within the corporate limits of the Town.

The ESAC members must have an expressed interest in at least one of the following areas:

- Urban Forestry, Agricultural, Landscaping
- Urban Planning, Engineering, or related field
- Water, Natural Resources
- Solid Waste
- Sustainability, Energy Conservation
- Artist

Mayor Holloway opened the public hearing.

David Means, 210 W. 1st Street, Front Royal, thanked Council and noted it was a great idea.

Ron Perlik, 566 Skyline View Drive, Front Royal, certified arborist, member of Front Royal-Warren County Tree Stewards and member of former Urban Forestry Advisory Commission advised that he was in favor of the general intent of the ordinance. He gave several suggestions: 1) Section A, paragraphs 9-10 remove "upon request", 2) how is high school representative selected? Resident of Town or County? 3) specify that one member be a certified arborist, and 4) meetings should be once a month and then let committee decided their needs for meetings.

Melody Hotek, 1879 Catlett Mountain Road, Front Royal, President of the Front Royal-Warren County Tree Stewards thanked Town Manager Hicks and Council for hiring Jim Osborn as the Town's Arborist. She advised that the Tree Stewards reviewed the changes to Chapter 156, and they had no objections to the changes noting it was a "step in the right direction". She encouraged Council to seek professional advice when related topics are brought before them and give them serious consideration.

Mayor Holloway closed the public hearing.

Vice Mayor Cockrell moved, seconded by Councilman Thompson that Council amend and re-enact Chapter 156 Environmental Sustainability, as presented.

Councilman McFadden thanked Town Manager Hicks and staff for their hard work on the ordinance.

Vice Mayor Cockrell suggested reaching out to teachers of environmental science classes for any student who may be passionate about this subject.

Councilman Lloyd noted typos and Town Manager Hicks advised he would take care of those. Mr. Lloyd referred to the suggestions mentioned tonight and advised they could be revisited at a later time if needed.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

E. An Ordinance Amendment to Town Code Chapter 4 Pertaining to Placing Items on a Council Agenda

Mayor Holloway opened the public hearing.

Leslie Mathews, 143 Mathews Lane, Bentonville, VA, voiced concern that the ordinance amendment was not for the people but rather a way for the majority of Council to overpower the people. She encouraged Council to use wisdom, willingness to learn and explore possibilities from new councilmembers. She suggested that Council vote against the proposed ordinance

Manuel Vincente, 541 Eric Court, Front Royal, VA questioned who was representing the voters and opined that the ordinance amendment was an “attack on men in the street”.

Krista Adanitsch, 917 Stonewall Jackson Highway, Front Royal, asked that Council think about their constituents before voting on the ordinance.

Maria O’Brien, Mountain Road, Front Royal, urged Council to vote no on the ordinance because it seemed like a way for the majority to keep the minority from having their voices heard.

Mayor Holloway closed the public hearing.

Councilman Gillispie moved seconded by Vice Mayor Cockrell that Council approve an ordinance amendment to Chapter 4 pertaining to the placement of items on Council agendas, as presented.

Mayor Holloway reminded the public that public comment periods are added to regular meetings, emphasizing that they were not discussion periods. He further reminded the public that if they had any issues or concerns, they could contact any councilmember or himself. He emphasized that Council was not trying to shut anyone out.

Councilman Thompson explained that the ordinance reflects the difference between adding items to work session agendas and regular meeting agenda and was in favor of the ordinance as proposed.

Councilman Gillispie reminded the public that in 2019 the Mayor was the only who could place items on an agenda. He reiterated that Council was not trying to shut anyone out.

Councilman McFadden stated that he was happy to be back physically for tonight’s meeting and missed seeing citizens address the councilmembers in person. Mr. McFadden advised that he reviewed the minutes regarding the 2019 amendment and questioned why the Council was not fully aware that the amendment did not reflect both agendas. He noted that all minority voices deserve to be heard and not cast aside or disregarded and items should not be continually tabled at work sessions until a majority on the council decides whether it will move forward. He suggested that Council consider why the 2019 Council found it necessary to modify the ordinance then and whether short term gains will equal good long term ordinance outcomes.

Councilman Lloyd explained that the public can attend work sessions but not as an official participant in the discussions. He reminded Council that earlier in the year an ordinance was approved that reduced public hearings from one to two. He voiced concern that there were pre-determined votes before there was ever a public hearing completely undermining and making it useless to have a public hearing. He feared

that if Council made the ordinance change Council was going to lose the benefit of people showing up to speak on a specific topic. He voiced support of more transparency, openness, and discussion so that minority views could have their say. He noted that sometimes the best ideas do not reside in the majority. He voiced opposition of the ordinance amendment.

Mayor Holloway reminded Council that legal counsel advised them they could not pass the medical freedom ordinance. He also clarified that a previous Mayor would dictate the agenda by not allowing items to be placed, not the previous Interim Mayor.

Councilman Gillispie reminded Council that it took Property Maintenance over a year to get on a regular agenda for a vote.

Vice Mayor Cockrell noted that Council was not silencing the public and referred to the difference between public comment and public hearing. She advised that during the public comment period anyone can bring up anything to Council. She voiced concern that a lot of current items have been delayed or overlooked due to spending a lot of time on specific issues.

Councilman McFadden reminded Council that removing the second public hearing off the agenda earlier in the year may be the reason for the issues.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, and Thompson

No – Councilmen Lloyd and McFadden

Absent – N/A

Abstain – N/A

ROLL CALL

CONSENT AGENDA ITEMS

A. Bid for Water and Wastewater Treatment Chemicals

Council approved the bids for water and wastewater treatment chemicals as presented in the Purchasing Manager's memorandum dated August 16, 2021, and the agenda cover sheet.

B. Board of Architectural Review (BAR) Appointment

Council approved the appointment of Holly Rhodenhizer to the Board of Architectural Review to an unexpired term ending November 13, 2024.

C. Award for Planning Professional Service for a Comprehensive Plan Re-Write

Council approved an issue to award to Summit Design in the amount of \$115,000 for the completion of a Comprehensive Plan re-write and to update the Town Planning and Zoning Ordinances.

Councilman Gillispie moved seconded by Vice Mayor Cockrell to approve the Consent Agenda as presented.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Mayor Holloway called for a 10-minutes recess. Councilman McFadden called a Point of Order noting that the Robert Rules of Order require a vote of council to call a recess.

Councilman Thompson moved, seconded by Councilman Gillispie that Council take a 10-minute recess.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, and Thompson

No – Councilmen Lloyd and McFadden

Absent – N/A

Abstain – N/A

ROLL CALL

Mayor called the meeting back to order at 8:50pm.

BUSINESS ITEMS

A. Emergency Ordinance to Enact Town Code Chapter 172 – Welfare, Health and Safety Regulating Hospitals or Other Medical or Health-Related Facilities

Councilman Thompson moved, seconded by Councilman Gillispie that Council approve an emergency ordinance that would enact Town Code Chapter 172 – Welfare, Health and Safety regulating hospitals or other medical or health-related facilities, as presented.

Councilman Lloyd referred to his earlier comments in the meeting, reiterating he had not received the Virginia Conflict of Interest and Ethics Advisory Board opinion and recused himself.

Vote: Yes – N/A

No – Vice Mayor Cockrell, Councilmen Gillispie and Thompson

Absent – N/A

Recuse – Councilman Lloyd (left the meeting during the discussion and vote)

Abstain – Councilman McFadden

ROLL CALL

No - Emergency Ordinance Fails

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

Councilman Lloyd re-entered the meeting

Fern Vazques, 120 Gloucester Road, Front Royal, voiced disagreement with the content of the emergency ordinance as well as the risk of litigation the Town could have been subjected to. She opined that there was good reason to mandate a vaccine from a medical point of view and nurses were not leaving because they were being mandated to be vaccinated, they were leaving because of all the stresses of the last 18 months. She noted that her aspiration for the Town was to have businesses attracted to the Town, the Town to have credibility and to have people look at Front Royal and say they have competent management.

Stevi Hubbard, 1169 Elm Street, Front Royal, read excerpts from the Virginia State Code 2.2 – 3100 regarding public retaliation, conflicts of interest, etc. She opined that the emergency ordinance was a national issue that should not be at the Council level wasting taxpayers time and money.

Steve Forman, 887 Osprey Lane (Lake Fredrick) opined that the emergency ordinance makes no sense and suggested that Council unite to defeat the plague.

Gene Kilby, 836 Shenandoah Shores Road, Front Royal, noted that it has already been ruled that employers have the right to do what is necessary to save lives. He also noted that today the FDA had approved the Pfizer vaccine. He noted that he was against the emergency ordinance.

Krista Adanitsch, 9017 Stonewall Jackson Highway, Front Royal, questioned the studies regarding the vaccine specifically the FDA effectiveness data. She voiced concern over prepared statements at the last council meeting. She noted that she respected the Council's decision but felt like it was the wrong decision.

Leslie Mathews, 143 Mathews Lane, Bentonville, VA, suggested that Council put a Code of Conduct in place due to Council's conduct at the last meeting.

Maria O'Brien, Mountain Road, Front Royal, urged Council to protect the freedoms of the people in Front Royal from the vaccine mandate and all other civil liberties. She urged that all new information must be considered. She opined that humanity cannot move on from this and that it was not closed.

David Means, 210 W. 1st Street, thanked Town Manager Hicks for the change at the Happy Creek Project involving the silk fence and voiced concern that there was no fabric underneath some of the rock. He suggested that the employees learn about erosion and sediment control.

Nicholas Tamis, 287 Deer Haven Road, Front Royal, teacher in Front Royal, expressed his discouragement at the behavior and attitudes of Council at the beginning of the meeting and that it lowered his confidence in Council. He advised that he would be examining previous actions of Council.

Robert Adanitsch, 9017 Stonewall Jackson Highway, Front Royal, voiced disappointment in what happened with Council at the beginning of the meeting. He suggested continuing public hearings. He voiced concern over the mandated vaccine. He suggested that Town Council discuss the emergency ordinance more to protect employees and their livelihood.

REPORTS

A. Town Manage Report - Town Manager Steven Hicks advised that Town Business Offices would be closed on Monday, September 6th in observance of the Labor Day Holiday. He briefed Council on a recent article pertaining to Senator Warner's Round Table discussion regarding infrastructure at the Inland Port and why the Town representatives were not invited. He explained that the Senators office called and apologized to for not sending the invite but noted that other towns were not invited either.

B. Town Council Reports

Councilman Gillispie thanked everyone for coming out to speak tonight. He assured the speakers that every opinion is taken into account. He reminded the public that he took an oath to uphold the Constitution of Virginia and the United States and to knowingly pass the emergency ordinance would have been illegal for him. He reiterated that going on social media and scorning other councilmembers because of their vote is "not good" and Council should use that energy to help improve the lives of the Town citizens.

Councilman Thompson thanked everyone for coming out who spoke tonight. She reiterated that she apologized for her outburst previously and again tonight. She explained that she asked Councilman Lloyd questions tonight respectfully and reminded the public that the Town/County were coming off the largest scandal in Virginia and the scandal happened because questions were not answered. She advised that she represented the people that elected her and that she tried to answer their questions and concerns and would continue to do so.

Councilman McFadden explained the word “lame duck” that he posted on social media as a political term. He further explained that one expression references the outgoing president after he already lost an election and the other references people who are not planning to run for re-election. He welcomed Mr. Gillispie to talk to him outside the meetings.

Councilman Lloyd reminded the public that we live in a society where there is freedom of religion and speech and go to great lengths to protect those freedoms. He opined that it was worth having the discussion about medical freedom since it affects people very deeply, noting that was the original intent of the ordinance and remains the intent.

Vice Mayor Cockrell noted the consent agenda item that appointed Holly Rhodenhizer to the Board of Architectural Review and welcomed her. She encouraged citizens to participate and get involved on Boards and Commission when vacancies occur. She thanked the Police Department for a wonderful National Night Out event.

Councilman Gillispie invited everyone to a meeting with local leaders regarding the drug crisis in Front Royal and Warren County tomorrow night at the Warren County High School Auditorium at 6:00pm.

C. Mayor Report - Mayor Holloway thanked everyone for coming out to speak tonight and urged the public to email or see a councilmember on any issues or concerns. He voiced disappointment and frustration at councilmembers posting things on social media pertaining to other councilmembers and staff. He encouraged Council to continue to work together.

Mayor Holloway concluded this portion of the meeting at 9:45pm.

CLOSED MEETING – Vice Mayor Cockrell moved, seconded by Councilman Thompson *that Town Council go into Closed Meeting pursuant to Section 2.2-3711, of the Code of Virginia for the following purposes:*

1) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, the impact of the changes to the marijuana laws in Virginia on the Town’s hiring and employment practices and policies, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia, and 2) the discussion or consideration of the disposition of publicly held real property, specifically, the conveyance of the Town’s interest in real property located outside of Town limits where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of Town Council, pursuant to Section 2.2-3711. A. 3. of the Code of Virginia, and 3) the discussion or consideration of the assignment, promotion, performance, demotion, salaries, disciplining and/or resignation of the Town Attorney of the Town, pursuant to Section 2.2-3711. A. 1. of the Code of Virginia.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

MOTION TO CERTIFY CLOSED MEETING AT ITS CONCLUSION – *Vice Mayor Cockrell moved, seconded by Councilman Thompson moved seconded by Councilman that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.*

Vote: Yes – Mayor Holloway, Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Approved by Town Council

Date: _____



Council Agenda Statement

Item # 7A

Meeting Date: September 27, 2021

PUBLIC HEARING: Special Exception Application by Chris Holloway Construction Requesting a New, Non-Dedicated Private Street Accessed Off Carter Street

Summary: Council is requested to consider a special exception application submitted by Chris Holloway Construction requesting a new, non-dedicated private street pursuant to Town Code (*Chapter 148-820.N.1.b.*) which states “subdivision on new non-dedicated private streets may be permitted upon the approval of a special exception by Council.” The special exception is required to provide access to parcels (*tax map# 20A7-15-3-5A1 – 5A6*) in the Steele Subdivision, zoned R-3 and located north of the intersection of Beeden Lane with Carter Street. A private street is required due to the vacation of Carter Street and the applicant’s desire to name the proposed private street to “Ryder Benson” Lane or Court. Town Code (*Chapter 148-820.I.*) requires Council to approve the street name and requires that new streets must bear the name of the existing street.

Planning Commission Recommended denial of the application at their meeting held on Sept. 15th based on:

- 1) lack of a turnaround for emergency vehicles
- 2) Lack of explanation for a proposed street width of 20 feet instead of 40 feet per Code (148-820.N.1.b.5.)
- 3) Lack of road constructions plans to see how it ties in with existing public streets
- 4) Applicant not providing Private Deed Restrictions and a Road Maintenance Agreement

Staff recommends:

- 1) Approval of the private drive prior to approval of the subdivision so lots have legal road frontage,
- 2) Applicant to provide road construction plans as part of the new Subdivision Plan
- 3) Applicant decides on the exact name of the proposed street name “Ryder Benson” Lane or Court.
- 4) Applicant provides staff with a copy of the Road Maintenance Agreement and Private Deed Restrictions which are required to be disclosed to the buyers of the property prior to the issuance of a Final Compliance Certificate.

Budget/Funding: None

Meetings: Planning Commission meeting held September 15, 2021
Council Work Session held September 13, 2021

Proposed Motion: I move that Council approve a special exception application submitted by Chris Holloway Construction for a new, non-dedicated private street in the Steele Subdivision to service parcels (*tax map# 20A7-15-3-5A1, 5A2, 5A3, 5A4, 5A5 and 5A6*), located north of the intersection of Beeden Lane with Carter Street contingent upon the following:

- 1) Approval of the private drive prior to approval of the subdivision so lots have legal road frontage,
- 2) Applicant to provide road construction plans as part of the new Subdivision Plan
- 3) Applicant decides on the exact name of the proposed street name “Ryder Benson” Lane or Court.
- 4) Applicant provides staff with a copy of the Road Maintenance Agreement and Private Deed Restrictions which are required to be disclosed to the buyers of the property prior to the issuance of a Final Compliance Certificate.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Thompson _____

**TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING**



STAFF REPORT FOR SPECIAL EXCEPTION APPLICATION #FRSPU-2859-2021

APPLICATION #:

FRSPU-2859-2021

APPLICANT:

Chris Holloway Construction

SUMMARY OF REQUEST:

A Special Exception application requesting a new, non-dedicated private street pursuant to Town Code Chapter 148-820.N.1.b. which states "subdivisions on new non-dedicated private streets may be permitted upon the approval of a Special Exception by Town Council." The Special Exception is required to provide access to parcels T.M. #20A7-15-3, 5A1-5A6 of the Steele Subdivision, zoned R-3. A private street is required due to the vacation of Carter Street and the Applicant's desire to name the proposed private street to "Ryder Benson" Lane or Court. Town Code Chapter 148-820.I requires Town Council to approve the street name and requires that new streets must bear the name of the existing street which it is aligned to.

GENERAL INFORMATION:

<i>Site Addresses</i>	T.M. #20A7-15-3, 5A1-5A6
<i>Property Owner(s)</i>	Chris Holloway Construction
<i>Existing Zoning</i>	R-3
<i>Tax Identification</i>	T.M. #20A7-15-3, 5A1-5A6
<i>Location</i>	The properties are located north of the intersection of Beeden Lane with Carter Street.

Vicinity Map



INFORMATION ON THE APPLICATION:

Zoning and Surrounding Land Uses

The subject properties are classified as R-3 Residential District is composed of medium-to-high density concentrations of residential uses. The standards for this district are designed to stabilize and protect the essential character of the area. Permitted uses are limited to single-family, two-family, and multifamily dwellings, plus uses such as schools, parks, churches, and certain public facilities.

Comp. Plan

The properties of review are located within the South Planning Area per the 1997 Comprehensive Plan Front Royal Planning Areas map. This Planning area includes a mixture of housing densities and commercial uses especially along South Street. The Plan calls out the fact that housing stock in this Planning area has suffered from neglect and needs rehabilitation and development. Infill townhomes and other multi-family units are taking place in traditionally single-family areas. The Plan does not state whether this type of infill development is desirable.

Background, Analysis, and Findings

The Special Exception application requests a new, non-dedicated private street pursuant to Town Code Chapter 148-820.N.1.b. A Special Exception cannot be approved until the Planning Commission holds a public hearing to review and provide a recommendation to Town Council per 148-211.C.

Per Town Code Chapter 148-Article 9, a Special Exception is defined as:

“The approval of a subdivision or development with variations to the general regulations of this Chapter...under Section 148-211, and as authorized by Virginia Code §15.2-2242.”

The Special Exception stemmed from the Applicant’s request for a Zoning Permit to construct Townhouses.

The Applicant has proposed 20 foot wide, paved private road, approximately 165-feet extending from Carter Street (Town owned and maintained, 40’ right-of-way) and terminating at the edge of the property.

Review of the Special Exception application is in two parts. The first part reviews and compares the application and concept plan to the requirements for new private streets per 148-820.N.1.b. The second part compares the proposed private street to the Standards listed in Town Code Chapter 148-211.C

Review and comment of proposed private street per 148-820.N.1.b. requirements:

1. Location map showing existing zoning and ownership of property and adjacent land.

Staff Comment: The *“Plot Plan for Proposed 6 Unit Townhouse on Lots 5A1 Thru 5A6 Block 3 of Steele Subdivision”* dated July 15, 2021, submitted by the Applicant shows the zoning and property owners of adjoining properties.

2. Identification of principal site features, including topography, steep slopes, wetlands, wooded areas, archeological areas, floodplains, and other features of significant public interest.

Staff Comment: The sketch plat shows buildings and other structures, topography at two (2’) foot intervals.

3. Relationship of the proposal with surrounding utilities and public facilities to serve the tract at the ultimate proposed densities.

Staff Comment: The submitted concept plan shows the locations of utilities serving the site.

4. A general layout of the road system within the project, including all proposed private and public streets and land uses.

Staff Comment: The remaining portion of Carter St, as well as the proposed twenty (20') wide paved road is shown on the Concept plan. The Applicant has not proposed any new public streets.

5. Detailed information on the proposed private street standards with an explanation of the reason for any modifications to the public street standards of this Chapter.

Staff Comment: The Applicant has shown general details on the concept plan.

6. A description of the provisions for continued maintenance of any proposed private street.

Staff Comment: The Applicant has stated that the road will be maintained by joint maintenance agreement. The parties of that agreement have not been provided.

7. A description of the private deed restrictions that will be provided as notice to future property owners regarding the limitations of service available on any proposed private streets.

Staff Comment: The Applicant has stated that there are no private deed restrictions for the private road.

Review and comment of proposed private street per 148-820.I.1.b. requirements:

2. Street names shall be subject to the approval of the Town Council. Names of existing streets shall not be changed except by approval of the Council.

Staff Comment: The Town Code requires street names to be approved by Town Council. The Applicant wishes to incorporate his grandsons name into the name of the street. Planning Commission may choose to recommend approval of the proposed street name "Ryder Benson" Lane or Court. Council may permit this.

3. A proposed street which is in alignment with an existing named street shall bear the name of the existing street.

Staff Comment: Planning Commission may choose to recommend an exception for the street name. Due to the release of zoning and building permits prior to the approval of the Special Exception, Staff had to issue Carter Street addresses to the Applicant's lots. If the new street name is approved, Staff would need to re-issue new addresses.

PC Public Hearing, September 15, 2021

On September 14, 2021, the Applicant vacated the Subdivision Plat, which was recorded on July 6, 2021, creating the Steele Subdivision and a Private Access Road without the road having been approved by Town Council. Planning Commission forwarded a recommendation of denial based on:

- Lack of a turnaround for emergency vehicles

- Lack of explanation for a proposed street width of 20 feet instead of 40 feet per section 148-820.N.1.b.5
 - Public street standards require a width of 40 feet, any deviation from this standard requires an explanation.
 - Staff can state that a 40 foot right of way would not allow the Applicant to meet the Town Codes required setbacks and essentially make the lots nonconforming.
 - Staff and the Planning Commission would like to see road construction plans submitted to make sure the potential private access road has the appropriate pavement thickness, sub-base, curb and gutter, and plans for how the new road will tie in with the existing public streets.
 - The Applicant not providing private deed restrictions and a road maintenance agreement.

Staff Recommendation

1. The ordinance envisions the approval of the private drive prior to approval of the subdivision so that the created lots have legal road frontage. The Applicant's surveyor met with Staff on 9/22/2021 and explained that the interior lot lines are shifting to make each interior lot 6 inches wider. This will require the Applicant to resubmit the Subdivision plat to Staff for review. Therefore, the Applicant has potentially created the Private Access Road prior to the approval of the Subdivision Plat.
2. The Applicants Surveyor and plan preparer has indicated that he will provide staff with the appropriate road construction plans as part of the new subdivision application.
 - Staff recommends that Town Council include a condition requiring the Applicant to provide road construction plans for Staff to review as part of the new Subdivision Plan.
3. The Zoning Ordinance states that if there is a partial vacation of a street, the newly created street must continue the original street name. There are currently no streets named Ryder Benson, staff does not have an objection to the proposed name other than the Applicant needs to decide on what the exact name shall be.
 - The Town Council may choose to permit the Applicant to rename the street.
4. The Applicant has not provided Staff with a copy of the Road Maintenance Agreement or the Private Deed Restrictions, both of which are required to be disclosed to the buyers of the property.
 - Staff recommends Town Council include a condition requiring the Applicant to furnish these documents to Staff prior to the issuance of a Final Compliance Certificate.

Attachments: A. Application

B. Plat

C. Concept Plan

D. Subdivision Ordinance

E. Letter to Applicant's Agent citing staff concerns

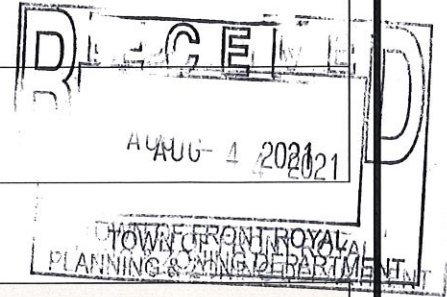
FRSPU 2859-2021

SPECIAL EXCEPTION APPLICATION

TOWN OF FRONT ROYAL ~102 East Main Street, Front Royal, Va. 22630 ~ Main: 540-635-4236 ~ Fax: 540-631-2727

APPLICANT**PROPERTY OWNER (if different)**

APPLICANT'S NAME: <u>Chris Holloway Construction</u>	PROPERTY OWNER'S NAME: <u>Same</u>
ADDRESS: <u>240 Va. Ave.</u> <u>Front Royal, Va. 22630</u>	OWNER'S ADDRESS:
PHONE NUMBER: <u>540-771-7653</u>	PHONE NUMBER:
EMAIL: <u>chollowayconstruction@yahoo.com</u>	EMAIL:

**SECTION A - Property Information**

Tax Map No. <u>20A7-15-3, SA1, SA2, SA3, SA4, SA5, SA6</u>	Zoning District: <u>R3</u>
Site Address: _____	
☐ Entrance Corridor	☐ Historic District
☐ Floodplain	

SECTION B - Details of Request

Project Name: <u>Naming of Private Drive</u>
Special Exception Code Section(s): <u>148-38 B</u>
General Describe of the request (please attached supporting information, such as plats, plans, details, etc.): <u>Naming Private street (vacated center) to new Townhomes</u> <u>in Holloway Subdivision to Ryder Benson Court/Drive</u> <u>Steele</u>

SIGNATURE OF APPLICANT: Chris Holloway Date: 8-2-2021
 PRINT NAME OF APPLICANT: Chris Holloway Construction

SIGNATURE OF PROPERTY OWNER: Chris Holloway Date: 8-2-2021
 PRINT NAME OF PROPERTY OWNER: Chris Holloway Construction

By the submission of this application, permission is hereby granted to Town Officials and employees to enter upon the subject property during reasonable hours for purposes related to the review of this application. The Applicant will be the designated contact person for this permit application.

(APPLICATION FEE: \$250.00)

pd check # 4665



Carter St

WARNING
DO NOT STOP HERE
OR IN THE STREET
OR ON THE SIDEWALK
OR IN THE DRIVEWAY
OR IN THE YARD
OR IN THE GARAGE
OR IN THE PORCH
OR IN THE PATIO
OR IN THE BALCONY
OR IN THE TERRACE
OR IN THE STAIRS
OR IN THE HALLWAY
OR IN THE BATHROOM
OR IN THE KITCHEN
OR IN THE LIVING ROOM
OR IN THE BEDROOM
OR IN THE CLOSET
OR IN THE ATTIC
OR IN THE BASEMENT
OR IN THE GARAGE
OR IN THE DRIVEWAY
OR IN THE YARD
OR IN THE PATIO
OR IN THE BALCONY
OR IN THE TERRACE
OR IN THE STAIRS
OR IN THE HALLWAY
OR IN THE BATHROOM
OR IN THE KITCHEN
OR IN THE LIVING ROOM
OR IN THE BEDROOM
OR IN THE CLOSET
OR IN THE ATTIC
OR IN THE BASEMENT























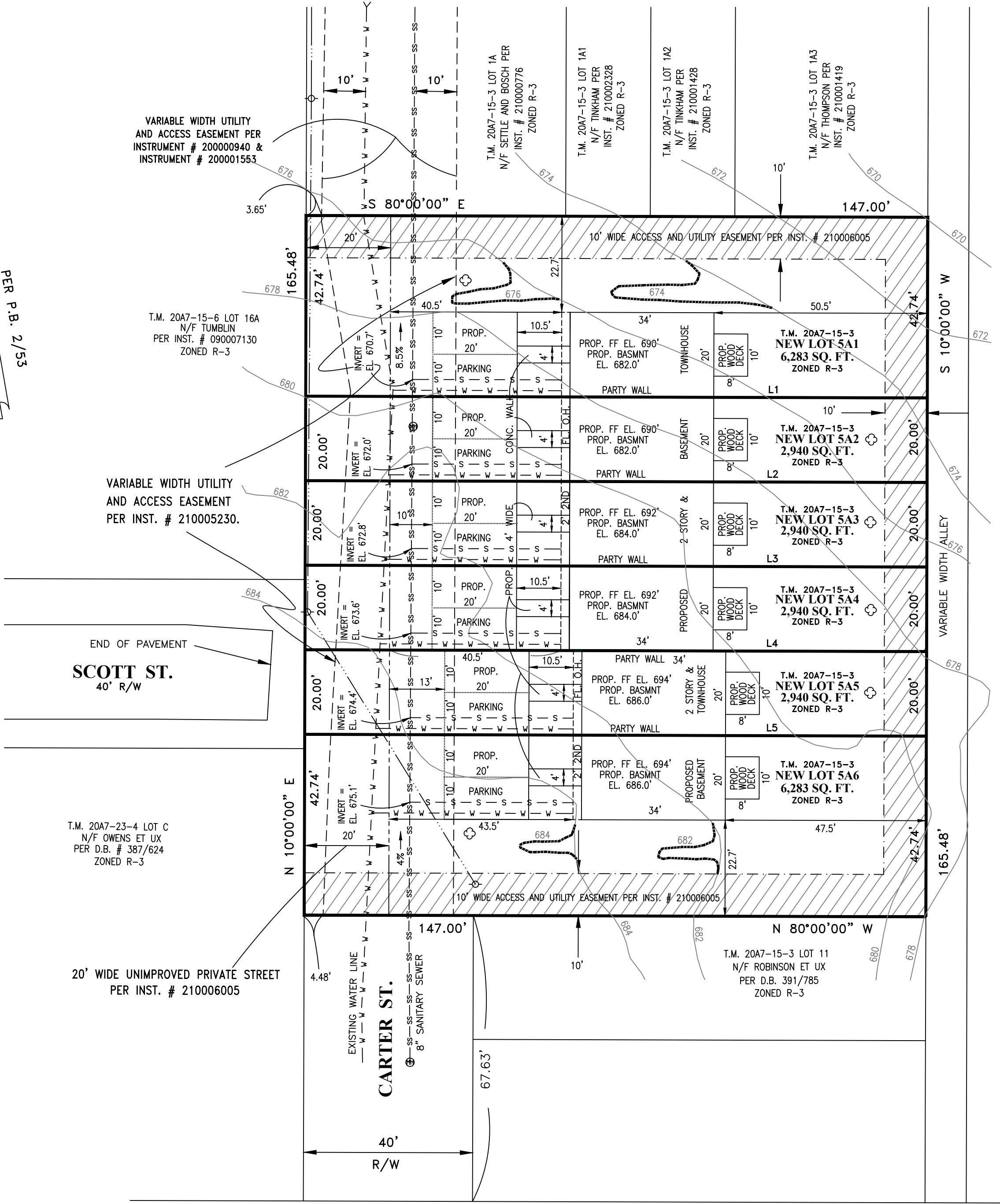
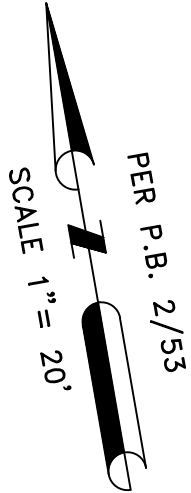












BEEDEN LANE

NO TITLE REPORT FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.
DERIVATION OF TITLE TO: CHRIS HOLLOWAY
CONSTRUCTION, INC. PER INST. # 200004824.
PLAT REF: INST. # 210006005.
PROPERTY SITUATED OUTSIDE THE LIMITS OF THE FEMA FLOOD ZONE.

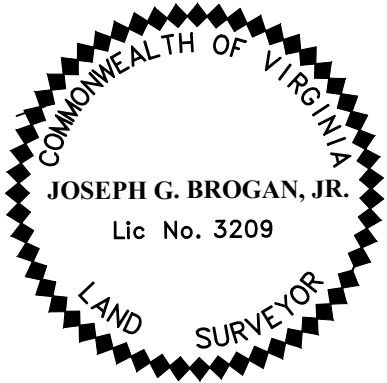
DRIVEWAY SURFACE TO BE EITHER CONCRETE OR
PAVED AND TO CONFORM TO TOWN OF FRONT ROYAL
STANDARD (RC-5).
PROPOSED BUILDING COVERAGE AREA = 760 SQ. FT. PER LOT
PROPOSED AREA OF DISTURBANCE = 12,700 SQ. FT OR 2,117 SQ. FT PER LOT.
NOTE: NO PROPOSED SLOPE ON LOTS IS GREATER THAN 15%.

PLOT PLAN FOR PROPOSED 6 UNIT TOWNHOUSE
ON LOTS 5A1 THRU 5A6 BLOCK 3 STEELE SUBDIVISION
SOUTH RIVER MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.

LINE	BEARING	DISTANCE
L1	S 80°00'00" E	147.00'
L2	S 80°00'00" E	147.00'
L3	S 80°00'00" E	147.00'
L4	S 80°00'00" E	147.00'
L5	S 80°00'00" E	147.00'

- SS— DENOTES EXISTING SEWER LINE.
- DENOTES EXISTING CONTOUR LINE.
- S— DENOTES PROPOSED SEWER LATERAL.
- W— DENOTES EXIST. & PROP. WATER LINE.
- ⊕ DENOTES PROP. 2" DIAMETER MAPLE TREE.
- ⊕ DENOTES SEWER MANHOLE
- ▨ DENOTES EXISTING 10' WIDE ACCESS AND UTILITY EASEMENT

PREPARED BY
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578, FRONT ROYAL, VA. 22630
tel&fax (540)635-5657
JULY 15, 2021



TAX MAP NO. 20A1-15-3

Return to:

102 E. Main Street
Front Royal, VA 22630

This **VACATION OF DEDICATION OF SUBDIVISION PLAT** pursuant to Virginia Code § 15.2-2271.1., by and between CHRIS HOLLOWAY, party of the first part, hereinafter “Holloway”, to be indexed as Grantor and Grantee, and the TOWN OF FRONT ROYAL, VIRGINIA, hereinafter the “Town”, to be indexed as Grantor and Grantee.

WHEREAS, by Dedication of Subdivision Plat, recorded in the Clerk’s Office of the Circuit Court of Warren County, Virginia, on July 6, 2021, as Instrument No. 210006005, Holloway caused to be recorded a minor subdivision plat regarding Lot 5A1 Block 3, Steele Subdivision, located in the South River Magisterial District of Warren County, Town of Front Royal, Virginia, prior Instrument No. 200004824, which inadvertently was recorded in error; and

WHEREAS, no lots in said subdivision have been sold or conveyed; and

WHEREAS, the Code of Virginia provides as follows:

Title 15.2 Counties, Cities and Towns

Chap. 22 Planning, Subdivision of Land and Zoning, §§ 15.2-2200 — 15.2-2329

Art. 6 Land Subdivision and Development, §§ 15.2-2240 — 15.2-2279

Va. Code § 15.2-2271. Vacation of plat before sale of lot therein; ordinance of vacation. “— Where no lot [in a subdivision] has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:

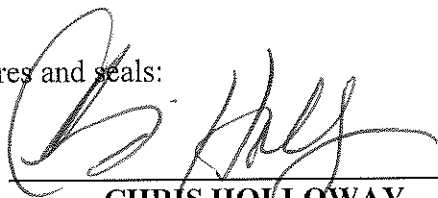
“1. With the consent of the governing body, or its authorized agent, of the locality where the land lies, by the owners, proprietors and trustees, if any, who signed the statement required by § 15.2-2264 at any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated is recorded and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat;”

The Attorney General of Virginia explains the meaning and operation of Va. Code § 15.2-2271.1 in the following formal Opinion of the Attorney General:

80-81 Va. AG 335 [1980-1981 Opinion of the Virginia Attorney General Page 335] “Section 15.1-481 [now recodified as Va. Code §15.2-2271.1.] provides for vacation of a recorded plat, or part thereof, at any time before sale of a lot in the subdivision. One method is provided. The plat may be vacated, with consent of the local governing body, by recordation of an instrument declaring the same to be vacated, signed by the owners who signed the statement required by § 15.1-477.2 Section 15.1-481 further provides that recordation of such instrument shall operate to destroy the force and effect of recording the plat so vacated, and divest all public rights in, and reinvest the owners with title to the streets, alleys, easements for public passage and other public areas laid out or described in such plat.”

NOW THEREFORE, WITNESSETH: That for and in consideration of the legal premises herein stated, and in consideration of the mutual benefits that will flow to the parties hereto by said Vacation of Dedication of Subdivision Plat prior to sales of any lots in said subdivision pursuant to Virginia Code § 15.2-2271.1, inasmuch as no lot within said subdivision has been sold, the recorded plat described in the Dedication of Subdivision Plat in Instrument No. 210006005, recorded in the Clerk’s Office of the Circuit Court of Warren County, Virginia, on July 6, 2021, be and hereby is, VACATED, with the consent of the Town Council of the Town of Front Royal, Virginia, the governing body of the Town of Front Royal, by its authorized agent, the Town Manager of the Town of Front Royal. The execution and recordation of this Vacation of Dedication of Subdivision Plat shall operate to destroy the force and effect of the recording of the Subdivision Plat so recorded in Instrument no. 210006005 and to divest all public rights in, and to reinvest the owners with the title to the streets, alleys, easements for public passage and other public areas laid out or described in said plat.

WITNESS the following signatures and seals:

 (SEAL)
CHRIS HOLLOWAY

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

I, Laura McIntosh, a Notary Public in and for the Commonwealth of Virginia At Large, do hereby certify that Chris Holloway, whose name is signed

on the foregoing Vacation of Dedication of Subdivision Plat has this day personally appeared and acknowledged the same before me in my State and in the County aforesaid.

Given under my hand this 14th day of September, 2021.

My commission expires on the 30th day of June, 2023.

Laura L. McIntosh

NOTARY PUBLIC



**CONSENT OF AUTHORIZED AGENT OF GOVERNING BODY
VACATION OF DEDICATION OF SUBDIVISION PLAT PURSUANT
TO VA. CODE § 15.2-2171.1 AND TOWN CODE AND TOWN CHARTER**

Steven W. Hicks (SEAL)
STEVEN W. HICKS, TOWN MANAGER

ATTEST:

Tina L. Presley

Tina L. Presley, Clerk of Town Council

APPROVED AS TO FORM:

Douglas W. Napier 09-14-2021
Douglas W. Napier, Town Attorney Date

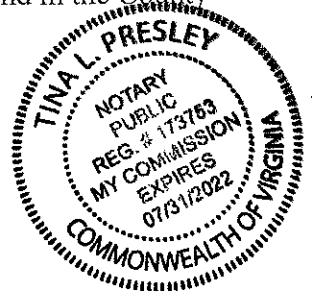
**COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:**

I, Tina L. Presley, a Notary Public in and for the Commonwealth of Virginia At Large, do hereby certify that Steven W. Hicks, Town Manager, and Douglas W. Napier, Town Attorney, whose names are signed on the foregoing Instrument have this day personally appeared and acknowledged the same before me in my State and in the County aforesaid.

Given under my hand this 14 day of September, 2021.

My commission expires on the 7 day of July, 2022.

Tina L. Presley
NOTARY PUBLIC



INSTRUMENT 210008049
RECORDED IN THE CLERK'S OFFICE OF
WARREN COUNTY CIRCUIT ON
SEPTEMBER 14, 2021 AT 03:08 PM
ANGELA M. MOORE, CLERK
RECORDED BY: BLS

A handwritten signature in black ink, appearing to be 'BLS', is written over the printed text 'RECORDED BY: BLS'.

WARREN COUNTY CIRCUIT
1 E MAIN ST
FRONT ROYAL, VA. 22630-3313
540-635-2435

Sale

xxxxxxxxxxxx7839
MASTERCARD

Entry Method: Chip

Total: \$

26.78

09/14/21

Inv #: 000000005

Apprvd: Online

15:08:46

Appr Code: 05415P

CAPITAL ONE

AID: A0000000041010

TVR: 00 00 00 00 00

TSI: E8 00

Customer Copy

THANK YOU!

1 TIME: 15:09:06
1507 TRANSACTION #: 21091400034

REGISTER #: E340

49 BOOK:
VAY, CHRIS
OF FRONT ROYAL VIRGINIA
J, DOUGLAS

OFFICIAL RECEIPT
WARREN COUNTY CIRCUIT
DEED RECEIPT

CASE #: 187CLR210008049

FILING TYPE: OTHER

PAYMENT: FULL PAYMENT

RECORDED: 09/14/2021

AT: 15:08

EX: N

LOC: CO

EX: N

PCT: 100%

DESCRIPTION: ION OF DEDICATION OF SUBDIVISION PLAT

PAGES: 004

OP: 0

NAMES: 0

CONSIDERATION: \$0.00

A/VAL: \$0.00

PIN OR MAP: 20A1-15-3

ACCOUNT CODE	DESCRIPTION	PAID
035	VIRGINIA OUTDOOR FOUNDATION	\$3.00
145	VSLF	\$3.50
301	CLERK RECORDING/INDEXING FEE	\$14.50

ACCOUNT CODE	DESCRIPTION	PAID
423	E-RECORDING DEED PAPER FILING	\$5.00
407	CONVENIENCE FEE	\$0.78

TENDERED: \$ 26.78

AMOUNT PAID: \$ 26.78

OFFICIAL RECEIPT
WARREN COUNTY CIRCUIT
DEED RECEIPT

PAGE :

CASE #: 187CLR210008049

FILING TYPE : OTHER
RECORDED : 09/14/2021
EX : N
EX : N

PAYMENT : FULL PAYMENT
AT : 15:08
LOC : CO
PCT : 100%

OP : 0

PAGES : 004

PIN OR MAP : 20A1-15-3

ACCOUNT CODE	DESCRIPTION	PAID
035	VIRGINIA OUTDOOR FOUNDATION	\$3.00
145	VSLF	\$3.50
301	CLERK RECORDING/INDEXING FEE	\$14.50

PIN OR MAP : 20A1-15-3		
ACCOUNT CODE	DESCRIPTION	PAID
423	E-RECORDING DEED PAPER FILING	\$5.00
407	CONVENIENCE FEE	\$0.78

TENDERED : \$ 26.78
AMOUNT PAID : \$ 26.78

Alfredo Velasquez

From: Robbie Boyer
Sent: Tuesday, September 14, 2021 9:18 AM
To: Alfredo Velasquez; Karen Williams
Cc: Lauren Kopishke
Subject: Re: Trash Collection of Private Streets

Alfredo,

No problem if you need anything else just let me know.

Thanks,

Robert B. Boyer
Director of Public Works
Town of Front Royal
PO Box 1560
Front Royal, VA 22630
540-635-7819

From: Alfredo Velasquez <avelasquez@frontroyalva.com>
Sent: Tuesday, September 14, 2021 8:56:47 AM
To: Robbie Boyer <rboyer@frontroyalva.com>; Karen Williams <kwilliams@frontroyalva.com>
Cc: Lauren Kopishke <lkopishke@frontroyalva.com>
Subject: RE: Trash Collection of Private Streets

Sounds good, thanks for the help Robbie.

-Alfredo

From: Robbie Boyer <rboyer@frontroyalva.com>
Sent: Monday, September 13, 2021 2:12 PM
To: Alfredo Velasquez <avelasquez@frontroyalva.com>; Karen Williams <kwilliams@frontroyalva.com>
Cc: Lauren Kopishke <lkopishke@frontroyalva.com>
Subject: RE: Trash Collection of Private Streets

My concern would be on that slope going up the hill that gravel would just washout anytime there was a hard rain. I'll get with Steve and discuss a little further usually it's 4" of base mix and 2" of topping but being there won't be a lot of traffic that could possible reduce some.

Thanks,

Robert B. Boyer
Director of Public Works
Town of Front Royal
PO Box 1560
Front Royal, VA 22630
540-635-7819

rboyer@frontroyalva.com
www.frontroyalva.com

From: Alfredo Velasquez <avelasquez@frontroyalva.com>
Sent: Monday, September 13, 2021 1:15 PM
To: Robbie Boyer <rboyer@frontroyalva.com>; Karen Williams <kwilliams@frontroyalva.com>
Cc: Lauren Kopishke <lkopishke@frontroyalva.com>
Subject: RE: Trash Collection of Private Streets

Understood, makes sense.

Finally, last question hopefully, based on that there are no Town standards for transitioning from pavement to gravel – do you have a recommendation on what must be required? For example, a thick, heavy base of larger stone at entrance for so many feet, etc? How thick of a base?

-Alfredo

From: Robbie Boyer <rboyer@frontroyalva.com>
Sent: Monday, September 13, 2021 1:06 PM
To: Alfredo Velasquez <avelasquez@frontroyalva.com>; Karen Williams <kwilliams@frontroyalva.com>
Cc: Lauren Kopishke <lkopishke@frontroyalva.com>
Subject: RE: Trash Collection of Private Streets

Alfredo,

They would receive a Town issued trash can delivered once they've set their account up with finance.

Thanks,

Robert B. Boyer
Director of Public Works
Town of Front Royal
PO Box 1560
Front Royal, VA 22630
540-635-7819
rboyer@frontroyalva.com
www.frontroyalva.com

From: Alfredo Velasquez <avelasquez@frontroyalva.com>
Sent: Monday, September 13, 2021 1:03 PM
To: Robbie Boyer <rboyer@frontroyalva.com>; Karen Williams <kwilliams@frontroyalva.com>
Cc: Lauren Kopishke <lkopishke@frontroyalva.com>
Subject: RE: Trash Collection of Private Streets

Robbie,

Thanks for quick reply.

Will the Town still supply the properties with trash containers to place out onto the street or the property owner would have to buy them?

-Alfredo

From: Robbie Boyer <rboyer@frontroyalva.com>
Sent: Monday, September 13, 2021 12:57 PM
To: Alfredo Velasquez <avelasquez@frontroyalva.com>; Karen Williams <kwilliams@frontroyalva.com>
Cc: Lauren Kopishke <lkopishke@frontroyalva.com>
Subject: RE: Trash Collection of Private Streets

Alfredo,

If it's a private street they could get trash service from the Town but they'd be required to bring their trash can down to Steele Ave for pick up. The Town doesn't provide any snow removal for private roads, it would be on the home owners to remove the snow. I'll double check but I don't believe there's any standards in the Town construction standards and specifications book.

Thanks,

Robert B. Boyer
Director of Public Works
Town of Front Royal
PO Box 1560
Front Royal, VA 22630
540-635-7819
rboyer@frontroyalva.com
www.frontroyalva.com

From: Alfredo Velasquez <avelasquez@frontroyalva.com>
Sent: Monday, September 13, 2021 12:49 PM
To: Robbie Boyer <rboyer@frontroyalva.com>; Karen Williams <kwilliams@frontroyalva.com>
Cc: Lauren Kopishke <lkopishke@frontroyalva.com>
Subject: Trash Collection of Private Streets

Robbie,

I have some questions for you that I'm unclear about Holloways private street off of Carter Street.

Does the Town/Public Works do trash collection for lots fronting on private streets?

-or- is it the HOA/covenants responsibility to do so?

For example, Chris Holloway's six (6) lots off of the vacated portion of Carter St and end of Scott Street – since those lots will front a private street – will the Town be responsible for trash collection?

What about snow removal – does the Town currently remove snow off that small stub of gravel that is Carter St?

Does the Town remove snow on private streets?

Finally, being that Scott Street is paved and the private street will be gravel – is there a Town standard on how the private, gravel road ties into the Town's paved road?

Please advise,

Alfredo Gutierrez Velasquez

GIS Coordinator/Planner I

Town of Front Royal, VA | Dept. of Planning and Community Development

102 E. Main St | Front Royal, VA 22630

Office: (540) 631-2803

E-mail: avelasquez@frontroyalva.com

Contact Page: [Alfredo Gutierrez Velasquez](#)

FRSPU 2859-2021

Connie Potter

From: Lauren Kopishke
Sent: Tuesday, September 14, 2021 10:51 AM
To: Connie Potter
Subject: FW: Road on Carter Street (9/15/21)

Public Comment for Steele Subdivision

From: Timothy Hughes <hughestimothy787@gmail.com>
Sent: Tuesday, September 14, 2021 10:49 AM
To: Lauren Kopishke <lkopishke@frontroyalva.com>
Subject: Road on Carter Street (9/15/21)

To whom it may concern,

I am concerned about the plans to designate Carter Street as a private road. I'm told that the cost for snow removal will have to be borne by the residents of Carter Street. This will be unfair to residents already living here. The tenants and/or owners of the new development will not share the cost of removing snow. Scott Street and Steele Avenue are adjacent to the new houses. These streets are public, and as such, they will be cleaned by the city. The new residents of Carter St. will simply use Scott or Steele in times of snowy weather. The duplex where I live will not have access to those streets. With Carter Street designated as "private" we will be left to fend for ourselves. This is not right or inconvenient.

Thank you,
Timothy Hughes

of at least twenty (20) feet wide, suitable for motor vehicle traffic, topped with gravel, crushed stone or other all-weather material, and provided with such culverts and ditching as are necessary to carry water runoff and to prevent erosion of the road surface. Conformity with said minimum design standards shall be subject to the inspection and approval by the Town.

- [6] In order to facilitate future dedication of street right-of-way, the applicant shall dedicate to the Town of Front Royal such additional footage along the street frontage of each lot and residual parcel necessary to increase the street width to that required for the type of street in accordance with this Chapter, for that portion of the street abutting the subdivided lots and residual parcels. The applicant shall further dedicate to the Town of Front Royal any and all property interest he may possess in the existing non-dedicated street as a whole.
- [7] All the aforesaid dedications shall be contingent and shall not take effect until such time as the entire street or a contiguous portion connected to a public street is improved to the then-current state standards for public streets, is subsequently dedicated to the Town of Front Royal by all parties in interest and is accepted by the Town of Front Royal as a public street. Until such time, the Town of Front Royal shall be under no obligation to maintain or improve any portion of the aforesaid street, and the Town shall not be liable for any acts or omissions associated with the street and its use.
- [8] The private street does not exceed a total of 25 dwelling units or lots.
- b. Subdivisions on new non-dedicated private streets may be permitted upon the approval of a special exception by Town Council. In addition to the general submission requirements for special exceptions, as prescribed under this Chapter, requests for private streets through the special exception process shall include a concept plan prepared by a Virginia registered architect, landscape architect, land surveyor or engineer with seal and signature affixed to the plan. The plan shall be approximately to scale and clearly show the following:
 - [1] Location map showing existing zoning and ownership of property and adjacent land;
 - [2] Identification of principal site features, including topography, steep slopes, wetlands, wooded areas, archeological areas, floodplains, and other features of significant public interest.
 - [3] Relationship of the proposal with surrounding utilities and public facilities to serve the tract at the ultimate proposed densities;
 - [4] A general layout of the road system within the project, including all proposed private and public streets and land uses.

- [5] Detailed information on the proposed private street standards with an explanation of the reason for any modifications to the public street standards of this Chapter.
 - [6] A description of the provisions for continued maintenance of any proposed private street.
 - [7] A description of the private deed restrictions that will be provided as notice to future property owners regarding the limitations of service available on any proposed private streets.
2. Subdivisions abutting approved non-dedicated common driveways may be permitted as follows:
- a. Each lot shall be a minimum of two (2) acres in area.
 - b. Each approved common driveway shall serve no more than six (6) single-family residential lots.
 - c. Common driveways permitted under this section shall have a minimum pavement width of twenty (20) feet and a minimum public easement width of forty (40) feet and shall not serve a through function. All common driveways shall be designed and constructed in accordance with the construction standards of the Town of Front Royal and shall be sufficient to accommodate emergency vehicle travel.
 - d. No common driveway shall be located within twenty-five (25) feet of any abutting property which is not directly served by the common driveway.
 - e. Each common driveway shall connect with a publicly dedicated street or highway. No common driveway shall be more than six hundred (600) feet in length.
 - f. Each common driveway shall be clearly identified as such. A single sign, not to exceed two (2) square feet in area, shall be posted at the entrance, displaying only the words "Private Drive" and the addresses of the residences utilizing the common driveway. Addresses shall be assigned to the dedicated public street to which the common driveway connects.
 - g. In addition to all other requirements for a final subdivision plat, any subdivision containing a common driveway shall include a statement on the final subdivision plat acknowledging a perpetual private maintenance responsibility and guaranteeing public utility and emergency vehicle access.
3. Subdivisions with townhouse or duplex lots abutting common parking courts shall be permitted as follows:
- a. Each approved common parking court shall serve no more than a total of thirty-six (36) dwelling unit lots, one (1) dwelling unit per lot. A minimum of two and a half (2 1/2) parking spaces are required for each Townhouse unit.



Council Agenda Statement

Item # 7B

Meeting Date: September 27, 2021

PUBLIC HEARING: Special Exception Application by Poe's River Edge, LLC Requesting a New, Non-Dedicated Private Street at the End of Kendrick Lane

Summary: A special exception application has been submitted by Poe's River Edge, LLC requesting a new, non-dedicated private street pursuant to Town Code (*Chapter 148-820.N.1.b.*). The special exception is required prior to the approval of the minor subdivision parcel (*tax map# 20A1-3-5A1*) located at the western terminus of Kendrick Lane past the railroad trestle, between the South Fork Shenandoah River to the west and the Norfolk Southern Railroad to the east, zoned I-2, which states "subdivisions on a new non-dedicated private street may be permitted upon the approval of a special exception by Town Council." A private street is required prior to the approval of the subdivision because the proposed lot cannot satisfy Town Code (*Chapter 148-830.D.2.*), which requires lots to abut a street dedicated to and accepted by the Town. Planning Commission and staff request approval of this application.

Planning Commission recommends approval of the private street.

Staff Recommends approval of the private street provided that:

- 1) The existing variable width and forty (40) foot right-of-way be increased to a fifty-five (55) foot right-of-way and extended along the eastern property line of parcel tax map#20A1-3-5A1,
- 2) A turnaround be provided for emergency response vehicles on parcel tax map# 20A1-3-5A2,
- 3) A master development plan be submitted if parcel tax map #20A1-3-5A1 is further subdivided

Budget/Funding: None

Meetings: Planning Commission meeting held September 15, 2021

Proposed Motion: I move that Council approve the special exception application submitted by Poe's River Edge, LLC for a new, non-dedicated private located at the western terminus of Kendrick Lane past the railroad trestle, between the South Fork Shenandoah River to the west and the Norfolk Southern Railroad to the east contingent upon:

- 1) The existing variable width and forty (40) foot right-of-way be increased to a fifty-five (55) foot right-of-way and extended along the eastern property line of parcel tax map#20A1-3-5A1,
- 2) A turnaround be provided for emergency response vehicles on parcel tax map# 20A1-3-5A2,
- 3) A master development plan be submitted if parcel tax map #20A1-3-5A1 is further subdivided

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Thompson _____

**TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING**



STAFF REPORT FOR SPECIAL EXCEPTION APPLICATION #FRSPU-2829-2021

APPLICATION #:

FRSPU-2829-2021

APPLICANT:

Poe's River Edge, LLC

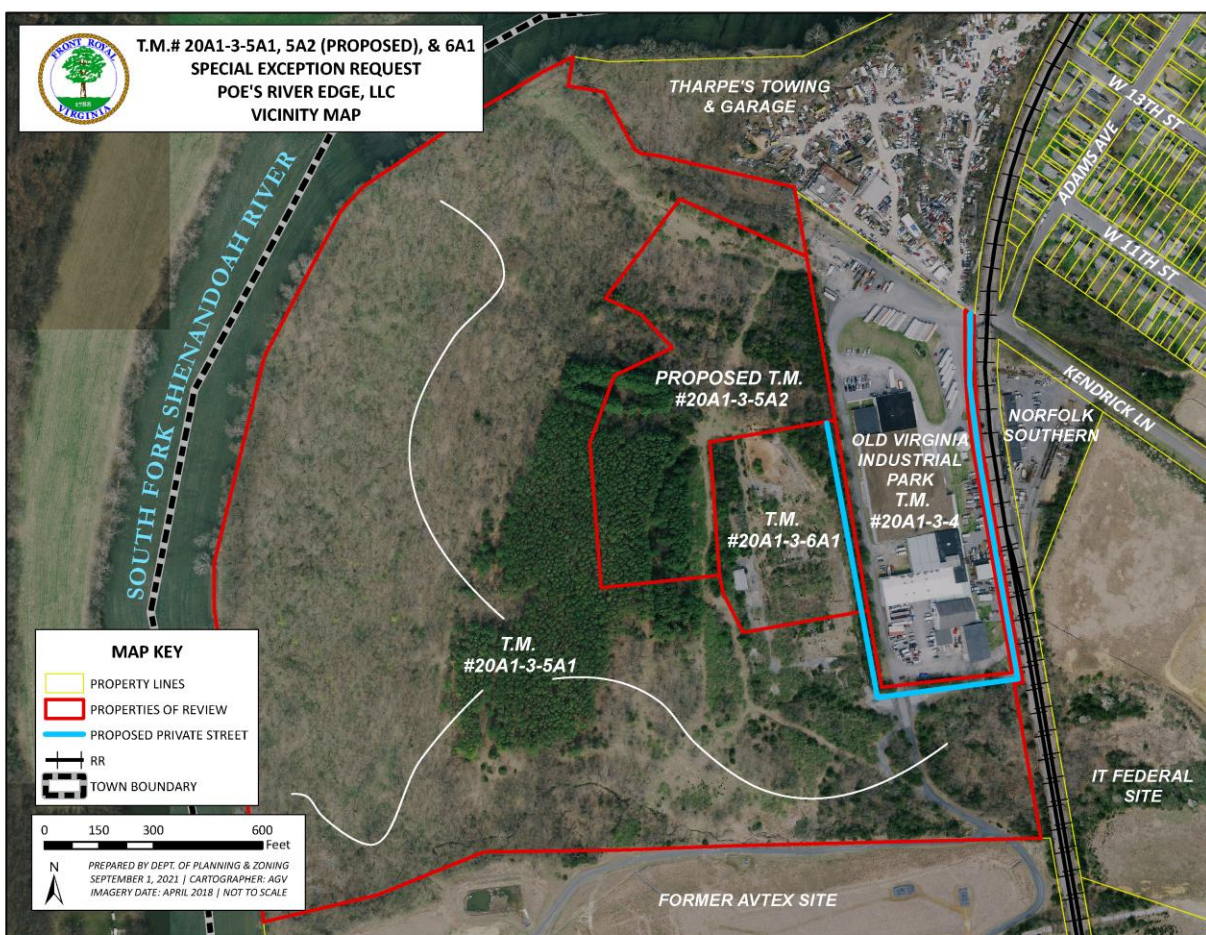
SUMMARY OF REQUEST:

A special exception application requesting a new, non-dedicated private street pursuant to Town Code Chapter 148-820.N.1.b. The Special Exception is required prior to the approval of the minor subdivision of parcel T.M. #20A1-3-5A1, zoned I-2, which states "subdivisions on new non-dedicated private streets may be permitted upon the approval of a Special Exception by Town Council." A private street is required prior to the approval of the subdivision because the proposed lot cannot satisfy Town Code Chapter 148-830. D.2. which requires lots to abut a street dedicated to and accepted by the Town of Front Royal.

GENERAL INFORMATION:

<i>Site Addresses</i>	T.M. #20A1-3-5A1, 6A1 (620 Kendrick Ln), and 5A2 (proposed).
<i>Property Owner(s)</i>	Poe's River Edge, LLC and Rustic Restaurant Furniture, LLC
<i>Existing Zoning</i>	I-2 Industrial Employment District
<i>Tax Identification</i>	T.M. #20A1-3-5A1, 6A1, 5A2 (proposed)
<i>Location</i>	The properties are located at the western terminus of Kendrick Lane past the railroad trestle, between the Southfork Shenandoah River to the west and the Norfolk Southern Railroad to the east.

Vicinity Map



INFORMATION ON THE APPLICATION:

Application Documents

A list and brief description of the attachments:

- A – Special Exception Application
- B – Plat
- C – Proposed Road Specifications

ATTACHMENT A: APPLICATION

- **Application Form.** This is the standard application form used for special exception applications.

ATTACHMENT B: PLAT

- **Plat.** A survey plat of the properties showing property limits, existing improvements thereon, and layout of the private road.

ATTACHMENT C: PROPOSED ROAD SPECIFICATIONS

- **Proposed Road Specifications.** A letter from applicant explaining existing road condition, proposed road treatment and materials, and proposed maintenance of road.

***Zoning and
Surrounding
Land Uses***

The properties of review are abutted by properties classified as either I-2 Industrial Employment District or MCD Mixed-Use Campus Development District. Most of the immediately adjoining properties are industrial use-oriented businesses, except for the former Avtex site to the south and T.M. #20A1-3-5A1 (Poe's River Edge, LLC property), which are vacant lots.

Comp. Plan

The properties of review are located within the South Fork Industrial Planning Area per the 1997 Comprehensive Plan Front Royal Planning Areas map. However, the parcels of review are excluded from the South Fork Industrial Planning Area Existing Land Use map (dated January 1997) and Future Land Use map (dated September 1997) due to their proximity to the former Avtex Fibers site which is an Environmental Protection Agency designated Superfund Site.

Background, Analysis, and Findings

The special exception application requests a new, non-dedicated private street pursuant to Town Code Chapter 148-820.N.1.b. A special exception cannot be approved until the Planning Commission hold a public hearing to review and provide a recommendation to Town Council per 148-211.C.

The Planning Commission is required to review and provide Town Council a recommendation on the special exception application, not the minor subdivision application. Per Town Code Chapter 148-Article 9, a special exception is defined as:

"The approval of a subdivision or development with variations to the general regulations of this Chapter...under Section 148-211, and as authorized by Virginia Code §15.2-2242."

Chapter 148-211 further explains special exception requirements and has been provided as an attachment for reference (attachment #blank)

The Special Exception stemmed from the applicant's separate, but related minor subdivision application. The applicant's subdivision application FRSUB-2721-2021 proposed to subdivide a ten (10) acre portion (proposed T.M. #20A1-3-5A2) from parcel T.M. #20A1-3-5A1 – see sketch plat provided by applicant.

Staff reviewed the subdivision applicant and determined that the proposed ten (10) acre parcel 5A2 would be a landlocked parcel in violation of Town Code Chapter 175-66.B. which requires a lot width of eighty (80) feet abutting a public street per Town Code Chapter 148-830.D.2. which states:

“Each lot **shall abut a street dedicated to and accepted by the Town** of Front Royal, and each lot **shall have a minimum frontage** of fifty (50) feet on said street, or other minimum as specified in Chapter 175, Zoning, of the Municipal Town Code.

Further, 175-3 defines LOT (also referred to as a parcel, property) as:

“A parcel of ...having at least the minimum area...in the zone in which such lot is situated and **having its principal frontage on a public or private street approved by the Town.**”

The proposed parcel 5A2 does not have frontage on a public street, but the property may front a private street. Town Code Chapter 148 permits subdivisions on private streets per 148-820.A.7, provided that a private street is approved by the Town in accordance with Section 148-820.N. For reference, Chapter 148-Article 9 defines a private street (road) as:

“A street that is owned and maintained by a non-government entity such as a property owners association and not necessarily open to public use.”

Because the applicant’s subdivision application is for a subdivision with no frontage on a public street, the applicant must provide lot frontage on a private street. Staff discussed the option of a private with the applicant and the applicant submitted a special exception application and concept plan of the road for a new non-dedicated private street, (see sketch plat provided by applicant) in accordance with 148-820.N.1.b. (see detail requirements for reference).

The applicant has proposed a private road of variable width, running a length of approximately 1700-feet, extending from Kendrick Lane (Town owned and maintained, variable right-of-way width) to the proposed parcel 5A2. The proposed road consists of an existing paved portion from Kendrick Lane to the first bend of parcel 5A1, then a combination of asphalt and gravel to the property line of parcel 6A1, and then twenty (20') feet wide gravel to the property line of parcel 5A2 to the north. However, the parcel 5A2 would still not have the required frontage on the new private street. The applicant must extend the private street to the northeastern portion of parcel 5A2. This would satisfy the required frontage.

Review of the special exception application is in two parts. The first part reviews and compares the application and concept plan to the requirements for new private streets per 148-820.N.1.b. The second part compares the proposed private street to the Standards listed in Town Code Chapter 148, Article 8.

Review and comment of proposed private street per 148-820.N.1.b. requirements:

1. Location map showing existing zoning and ownership of property and adjacent land;

Staff Comment: The “*Sketch Plat of the Poe’s River Edge, LLC Property*” dated August 21, 2021, submitted by the applicant shows the zoning and property owners of adjoining properties.

2. Identification of principal site features, including topography, steep slopes, wetlands, wooded areas, archeological areas, floodplains, and other features of significant public interest.

Staff Comment: The sketch plat shows buildings and other structures, topography at two (2') foot intervals, wooded areas, flood zones, and railroad spurs.

3. Relationship of the proposal with surrounding utilities and public facilities to serve the tract at the ultimate proposed densities;

Staff Comment: The sketch plat shows the drain field that will serve and treat the wastewater of parcels 6A1 and proposed parcel 5A2. Formerly dedicate private rights-of-way (ROW) and private easements to access the properties are also shown.

4. A general layout of the road system within the project, including all proposed private and public streets and land uses.

Staff Comment: The existing paved and combination gravel/pavement access are shown, as well as the proposed twenty (20') wide gravel road. The applicant has not proposed any new public streets. The proposed use of parcel 5A2 has been shown as "truck parking and maintenance shop".

5. Detailed information on the proposed private street standards with an explanation of the reason for any modifications to the public street standards of this Chapter.

Staff Comment: The applicant has shown general details on the sketch plat and provided details on the road. There is a section of pavement from Kendrick to the southern portion of parcel 4, then a combination of pavement and gravel to the southern property line of parcel 6A1. The new proposed road will be twenty (20') wide compacted 21A stone from the southern property line of parcel 6A1 to the southern property line of proposed parcel 5A2.

6. A description of the provisions for continued maintenance of any proposed private street.

Staff Comment: The applicant has stated that the road will be maintained by joint maintenance agreement. The parties of that agreement have not been provided.

7. A description of the private deed restrictions that will be provided as notice to future property owners regarding the limitations of service available on any proposed private streets.

Staff Comment: The applicant has stated that there are no private deed restrictions for the private road.

Review of the proposed private road compared to the applicable standards listed in Town Code Chapter 148, Article 8:

Town Code Chapter 148, Article 8 lists the design standards for subdivisions and land developments. Regarding streets, Section 820 STREET DESIGN lists the standards and requirements for new public streets to be dedicated to the Town of Front Royal but has limited information on the standards for private streets and is limited entirely to section 148-820.N.1.

One of the requirements to creating a new private street by special exception listed in 148-820.N.1.b.5 is to "Provide information on the proposed private street standards with an explanation of the reason for any modifications to the public street standards of this Chapter." It can be interpreted that private streets must be designed and constructed to the public street standards. However, because private streets are not maintained by the Town, they can be constructed to alternative specifications that may be approved by a special exception.

The existing private ROW's along parcels 5A1, 6A1, and proposed 5A2 were established in 1944 between parcels 5A1 and 6A1 when parcel 6A1 was subdivided from 5A1. Those private rights-of-ways were private agreements that do not bear Town approval because in 1944 those properties were outside of Town limits. The existing twenty-five (25') wide, variable width, and forty (40') private ROW's shown on the sketch plan were not correctly dedicated and are considered half-streets that do not meet the minimum required right-of-way width as listed in table 148-820.C.2. Those ROW's based forementioned table are similar local streets that have up to 1,000 average daily trips and require a minimum fifty (50') foot ROW.

Later in 2019 in a boundary line adjustment between lots 5A1 and 6A1, a fifty-five (55') foot wide private access easement was granted from lot 5A1 to lot 6A1. Based on the table in 148-820.C.2., the dedicated easement width is the required minimum for local streets with average daily trips between 1,001 and 2,000. The reason for the dedication of the width of the easement was to accommodate future development such and curb and gutter and sidewalk. Additionally, parcel 6A1 granted a seventy (70') wide private easement for future development for the same forementioned reasons. The seventy (70') width is greater than the greatest required minimum ROW width for any street per 148-820.C.2. which is sixty-five (65') feet for collector streets.

A possible condition, although not required in approval of the private street, can be for the applicant to normalize the private ROW width from the variable width portion to the northeastern corner of parcel 5A1 to a minimum private ROW width of fifty-five (55') feet, excluding the existing seventy (70') wide private easement. This would ensure that any future development can be accommodated by the private road and that the minimum required ROW exists in the case that the street were to be constructed to standards to be dedicated and maintained by the Town. The twenty-five (25') wide ROW from Kendrick Lane to the variable width ROW cannot be widened due to land constraints and would result in unreasonable hardship for the applicant. It should be noted also, that parcel 5A1 had access off Kendrick Ln (formerly route 620) along its northern property line, until the road (approximately 0.77 miles) was abandoned from maintenance from the Warren County Secondary System in 1944 by the Warren County Board of Supervisors. This further

provided hardship as the only point of access to the property is through the twenty-five (25') wide private ROW.

The proposed private street would also be a dead-end street per 148-820.H. In general, dead-end streets are prohibited and may only be permitted by the Planning Commission if determined appropriate and constructed as a cul-de-sac street. However, because the street will not be dedicated to the Town for ownership or maintenance, a possible condition is for the applicant to provide a turn-around adequate to handle emergency vehicles.

Finally, section 148-820.I. required all streets to be assigned a name for E911 services. Street name must be approved the Town Council and cannot bear nor resemble the name of an existing street. However, parcel 6A1 has an existing building with a 620 Kendrick Lane address assigned. Naming the private street would require the building to be re-addressed to reflect the proposed street name or keep existing address and remain out of sequence.

Another option is to have one street name for the portion of the street from Kendrick Lane to the ninety (90) degree bend at the southwestern corner the parcel 4 and then have another street name from that point to the northeastern corner of parcel 5A1. This would prevent street name confusion and conflicts in the case the applicant further subdivided parcel 5A1. However, the applicant has not stated any intent to further subdivide parcel 5A1.

Staff Recommendation

Staff recommends conditional approval of the private street provided that:

- 1.) The existing variable width and forty (40') foot right of way be increased to a fifty-five (55') foot right-of-way and extended along the eastern property line of parcel T.M. #20A1-3-5A1, and
- 2.) A turnaround be provided for emergency response vehicles on parcel T.M. #20A1-3-5A2.
- 3.) A master development plan be submitted by if parcel T.M. #20A1-3-5A1 is further subdivided.

FRSPU 2829-2021

SPECIAL EXCEPTION APPLICATION

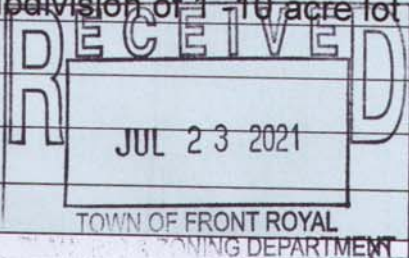
TOWN OF FRONT ROYAL ~102 East Main Street, Front Royal, Va. 22630 ~ Main: 540-635-4236 ~ Fax: 540-631-2727

APPLICANT**PROPERTY OWNER (if different)**

APPLICANT'S NAME: Poe's River Edge, LLC	PROPERTY OWNER'S NAME: Poe's River Edge, LLC
ADDRESS: 139 Passage Manor Dr. Strasburg, Va. 22657	OWNER'S ADDRESS: 139 Passage Manor Dr. Strasburg, Va. 22657
PHONE NUMBER: Joe Brogan 540-974-6013 Donnie Poe 540-974-1486	PHONE NUMBER: Joe Brogan 540-974-6013 Donnie Poe 540-974-1486
EMAIL: Joe Brogan broganpls@comcast.net Donnie Poe donaldpoe@comcast.net	EMAIL: Joe Brogan broganpls@comcast.net Donnie Poe donaldpoe@comcast.net

SECTION A - Property InformationTax Map No. 20A1-3 Parcel 5A1Zoning District: I-2Site Address: Next to 620 Kendrick Lane☐ Entrance Corridor☐ Historic District☐ Floodplain**SECTION B - Details of Request**Project Name. Minor Subdivision of a portion of Tax Map 20A1-3 Parcel 5A1Special Exception Code Section(s): 148-820-N-8-b

General Describe of the request (please attached supporting information, such as plats, plans, details, etc.):

Subdivision of 1-10 acre lot on a newly created private street.SIGNATURE OF APPLICANT: [Signature]

PRINT NAME OF APPLICANT: _____

Date: 7/22/21SIGNATURE OF PROPERTY OWNER: [Signature]

PRINT NAME OF PROPERTY OWNER: _____

Date: 7/22/21

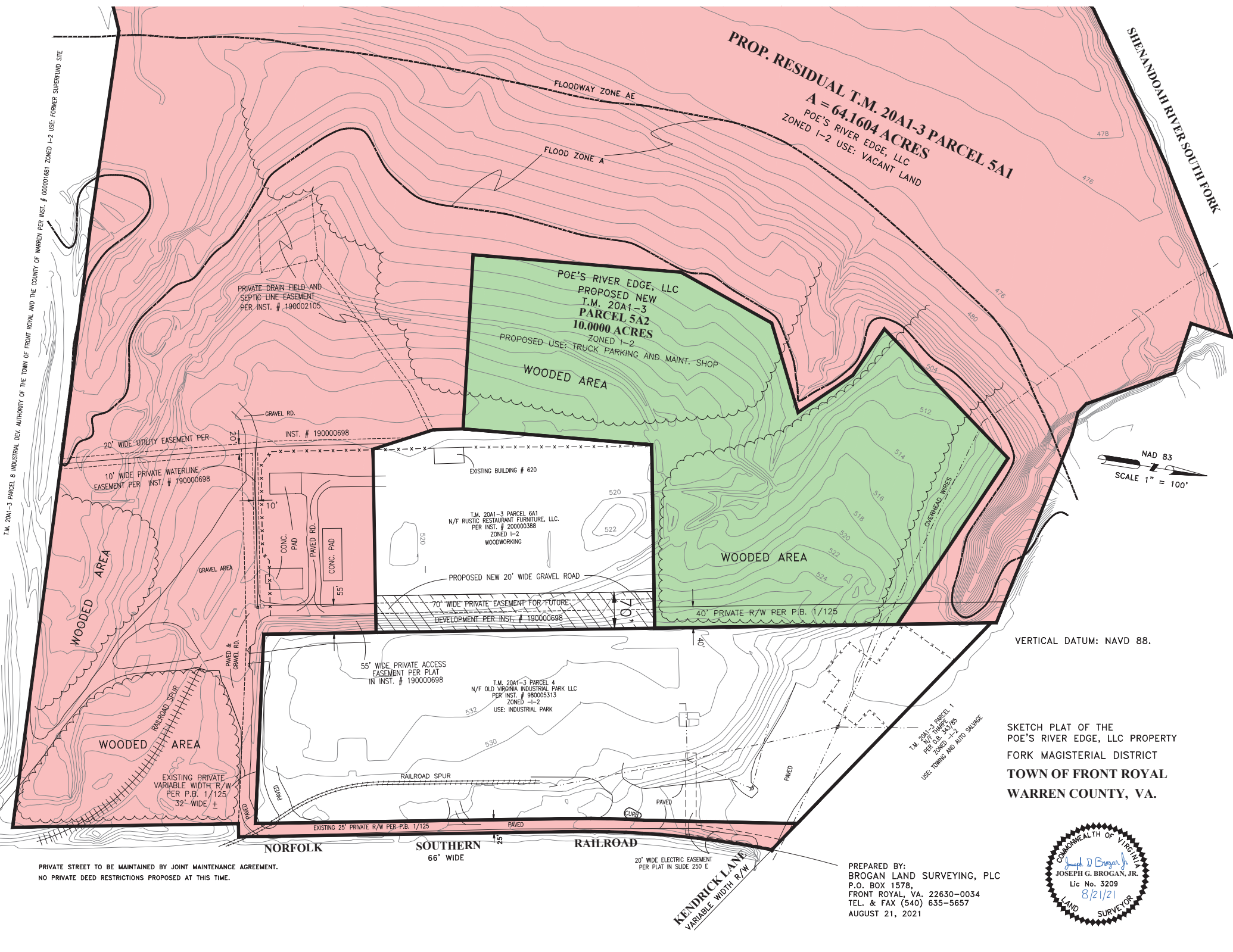
By the submission of this application, permission is hereby granted to Town Officials and employees to enter upon the subject property during reasonable hours for purposes related to the review of this application. The Applicant will be the designated contact person for this permit application.

(APPLICATION FEE: \$250.00)

PCmt6-9-15-2021

June 2015.

pd. check #1153



T.M. 20A1-3 PARCEL 8 INDUSTRIAL DEV. AUTHORITY OF THE TOWN OF FRONT ROYAL AND THE COUNTY OF WARREN PER INST. # 000001681 ZONED I-2 USE: FORMER SUPERFUND SITE

PROP. RESIDUAL T.M. 20A1-3 PARCEL 5A1
A = 64.1604 ACRES
POE'S RIVER EDGE, LLC
ZONED I-2 USE: VACANT LAND

POE'S RIVER EDGE, LLC
PROPOSED NEW
T.M. 20A1-3
PARCEL 5A2
10.0000 ACRES
ZONED I-2
PROPOSED USE: TRUCK PARKING AND MAINT. SHOP
WOODED AREA

EXISTING BUILDING # 620
T.M. 20A1-3 PARCEL 6A1
N/F RUSTIC RESTAURANT FURNITURE, LLC.
PER INST. # 200000388
ZONED I-2
WOODWORKING
PROPOSED NEW 20' WIDE GRAVEL ROAD
70' WIDE PRIVATE EASEMENT FOR FUTURE
DEVELOPMENT PER INST. # 190000698

55' WIDE PRIVATE ACCESS
EASEMENT PER PLAT
IN INST. # 190000698
T.M. 20A1-3 PARCEL 4
N/F OLD VIRGINIA INDUSTRIAL PARK LLC
PER INST. # 980005313
ZONED I-2
USE: INDUSTRIAL PARK
RAILROAD SPUR
EXISTING 25' PRIVATE R/W PER P.B. 1/125

T.M. 20A1-3 PARCEL 1
PER P.B. 1/125
ZONED I-2
USE: TOWING AND AUTO SALVAGE

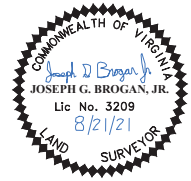
VERTICAL DATUM: NAVD 88.

SKETCH PLAT OF THE
POE'S RIVER EDGE, LLC PROPERTY
FORK MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.

PRIVATE STREET TO BE MAINTAINED BY JOINT MAINTENANCE AGREEMENT.
NO PRIVATE DEED RESTRICTIONS PROPOSED AT THIS TIME.

20' WIDE ELECTRIC EASEMENT
PER PLAT IN SLIDE 250 E

PREPARED BY:
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578,
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
AUGUST 21, 2021



NORFOLK

SOUTHERN
66" WIDE

RAILROAD

KENDRICK LANE
VARIABLE WIDTH R/W



DO NOT STOP OR
PULL AHEAD
OF THIS SIGN
OR YOU WILL
BE FINE









A gravel driveway leads to a closed gate. On the left side of the gate, there is a red octagonal stop sign. Next to it is a rectangular sign with the text "KEEP GATE SHUT AT ALL TIMES". The gate is made of metal and is surrounded by dense green trees and foliage. The driveway is made of gravel and shows some wear and tear. The scene is set in a wooded area with sunlight filtering through the trees.

STOP

KEEP
GATE SHUT
AT
ALL TIMES







Alfredo Velasquez

From: JOSEPH BROGAN JR <broganpls@comcast.net>
Sent: Tuesday, August 3, 2021 7:28 PM
To: Alfredo Velasquez; donaldfpoe@comcast.net; Susie Poe
Cc: Christopher Brock; Lauren Kopishke
Subject: Re: Special Exception Application
Attachments: 2021-08-03_190327.pdf

Hi Alfredo, I have Attached a Pdf of sheet 2 of the minor subdivision with highlight areas on the existing and proposed access easements.

Our reason for our request for special exception is the impact that the 1944 abandonment of Kendrick Ford Road had on our property by eliminating our Road frontage on what would have become a Town Street on a Property the Town of Front Royal Zoned as Heavy Industrial.

The Area highlighted in green consists of an existing paved road with a varied width between 20' and 65', there is a small section Approximately 30' long that is gravel along the South side of Old Virginia where the asphalt was excavated and replaced with gravel for one reason or another prior to our purchasing the property.

The Area in Blue is a proposed 20' wide gravel road that would consist of compacted type 21A stone.

At this point there is no joint maintenance agreement on the road and it is maintained by Poe's River Edge LLC however we will be looking into our options with everyone using the road to determine the best plan for maintenance.

If you need any other info just let me know.

Thank You,
Joe Brogan.

Brogan Land Surveying PLC
P.O. Box 1578
Front Royal Va. 22630
(540) 635-5657 Tel and Fax
(540) 974-6013 Cell

On 08/02/2021 4:07 PM Alfredo Velasquez <avelasquez@frontroyalva.com> wrote:

Good afternoon all,

The Planning and Comm. Dev. Department has reviewed your special exception application FRSPU-2829-2021 for the proposed new, non-dedicated private street and have the following comments to offer:

- The “existing private street” shown in blue on the plat is not an existing private street – it is an existing private right of way.
- There are no proposed specifications and/or standards on the proposed private street. Please provide the information required in Town Code Chapter 148-820.N.b.4-7.
 - o [4] A general layout of the road system within the project, including all proposed private and public streets and land uses.
 - o [5] Detailed information on the proposed private street standards with an explanation of the reason for any modifications to the public street standards of this Chapter.
 - o [6] A description of the provisions for continued maintenance of any proposed private street.
 - o [7] A description of the private deed restrictions that will be provided as notice to future property owners regarding the limitations of service available on any proposed private streets.

Let me know if you have questions.

Have a good evening,

Alfredo Gutierrez Velasquez

GIS Coordinator/Planner I

Town of Front Royal, VA | Dept. of Planning and Community Development

102 E. Main St | Front Royal, VA 22630

Office: (540) 631-2803

E-mail: avelasquez@frontroyalva.com

Contact Page: [Alfredo Gutierrez Velasquez](#)



DEPARTMENT OF PLANNING & ZONING

T: (540) 635-4236
F: (540) 631-2727

Town Hall 102 E. Main Street
P.O. Box 1560, Front Royal, VA 22630-1560

September 2, 2021

Mr. Brogan,
PO Box 1578
Front Royal, VA 22630

Dear Mr. Brogan,

Town staff has reviewed the Special Exception Application submitted by Chris Holloway Construction, FRSPU2859-2021, and would like to share some concerns we have regarding this application. Our ordinance unfortunately does not provide performance standards for private access roads at this time, which does not provide a lot of guidance however, there are some issues we believe you should be aware of and would encourage you to address which might head off some potential problems for Mr. Holloway in the future:

1. The proposed private access road does not provide sufficient access for emergency vehicles on the three (3) lots which do not abut the Town public streets. In particular, since this private access road is 20 feet wide, it would be very difficult for fire trucks, bucket trucks, EMS vehicles, and other large vehicles to turn around, particularly in a time-sensitive situation. Staff would recommend reconfiguring the lots and providing a cul de sac or hammer head turn around. Lack of access for emergency vehicles poses a safety concern which staff believes you should be aware of. We do not claim to be experts in what financial institutions require if there are future lenders involved in sales of the lots, but it is possible that there may be an objection on their part with the lack of adequate emergency access. It might be easier to address it up front than to try to create a fix after the lots are improved.
2. The topography of the site shows several swales and appears to drain to the NE corner of the property. Staff is concerned the site will drain onto adjacent properties and potentially cause a flooding issue for neighbors. That is something else that might be easier to address up front.

The above issues are not enforceable by the current Town Ordinance, and you are not required to address our concerns. However, as noted these may pose title problems down the road.

Thank you for your time,

Lauren Kopishke
Director of Planning and Zoning, Zoning Administrator

Doug Napier
Town Attorney

148-211 SPECIAL EXCEPTIONS

A. A special exception to the general regulations of this Chapter may be granted by Town Council, for either of the following circumstances:

1. When strict adherence to the general regulations would result in substantial injustice or hardship; provided that, the special exception would not diminish public health, safety or general welfare, including, but not limited to, consideration that adequate provisions are provided to ensure long-term maintenance of public and shared private facilities, and conformance with the goals and objectives of the Comprehensive Plan.
2. When it is demonstrated that use of alternative regulations for a particular development would better achieve at least one of the goals listed below; provided that, the special exception would not diminish public health, safety or general welfare, including, but not limited to, consideration that adequate provisions are provided to ensure long-term maintenance of public and shared private facilities, and conformance with the goals and objectives of the Comprehensive Plan.
 - a. Creation of affordable housing.
 - b. Design emphasis on the principles of traditional neighborhood design, including pedestrian-friendly roads, interconnection of new local streets with existing local streets, connectivity of pedestrian networks, and mixed-use neighborhoods.
 - c. Conservation or use of on-site natural features to protect water quality or open spaces.

B. Any request for an exception, shall be submitted to the Director, and shall include a signed and completed application form, any application fees, and any supporting documentation submitted by the applicant.

C. Prior to approval or denial of any request for an exception, the Planning Commission shall hold a public hearing, in accordance with Virginia Code § 15.2-2204, to review and provide recommendations to Town Council.

D. Prior to approval or denial of any exception to the design standards of this Chapter, Town Council shall hold a public hearing, in accordance with Virginia Code § 15.2-2204.

E. Town Council may impose such conditions or restrictions upon the premises benefited by an exception as may be necessary to comply with intent of this Chapter and to protect the public interest, safety and/or general welfare.

148-220 VIOLATIONS AND PENALTIES

Any person, firm or corporation violating, causing or permitting the violation of any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, may be punishable by a fine of not less than \$10 nor more than \$1,000. If the violation is uncorrected at

Alfredo Velasquez

From: JOSEPH BROGAN JR <broganpls@comcast.net>
Sent: Wednesday, September 1, 2021 5:34 PM
To: Alfredo Velasquez; donaldfpoe@comcast.net
Cc: Lauren Kopishke; Susie Poe
Subject: Re: Poe's Special Exception
Attachments: Poes River Edge Parcels 5A1 and 6A1 dedication of plat and easements.pdf; Poes River Edge LLC Overall Plan.pdf

Hi Alfredo, Please see answers to your questions below in red.

#1) You must amend your application to make a correction to an incorrectly cited code section. Under "Special Exception Code Section(s):", change to **148-820.N.1.b** – this is the code section that states that new, non-dedicated private streets can only be approved by special exception by Town Council.

Can I stop by and make the change and initial it on the application or do you need a new application?

#2) A portion of the proposed private street will go across the adjoining property 20A1-3-6A1 (620 Kendrick Lane).

Do you have an agreement from the property owner of parcel 20A1-3-6A1 to propose a new, non-dedicated private street on the easement running through their property?

We reserved a 70' wide easement for future development through parcel 6A1 per inst. # 190000398 (attached) which allows for ingress/egress and utilities.

#3) Provide digital copy of the updated concept plat that you submitted to our office last week. Pdf Attached.

#4) On the concept plan mentioned above, there is a "55 WIDE PRIVATE ACCESS EASEMENT PER PLAT IN INSTR. #190000398" – did Jeremy Camp (former Zoning Administrator) require the 55'-wide easement? If so, do you know the reason for the width. If Jeremy did not specify a width, what was the width of the 55'-wide easement based on?

Jeremy did have any width requirements, we decided on the width.

#5) Same as above, there is a "70 WIDE PRIVATE EASEMENT FOR FUTURE DEVELOPMENT PER INST. #190000698" – What was the width of the easement based on?

The 70' wide area was reserved to insure we had enough easement for any future development.

If you need any other info just let me know.

Thanks, Joe.

Brogan Land Surveying PLC
P.O. Box 1578
Front Royal Va. 22630
(540) 635-5657 Tel and Fax
(540) 974-6013 Cell

On 09/01/2021 2:39 PM Alfredo Velasquez <avelasquez@frontroyalva.com> wrote:

All,

Hope all is well.

A few questions about the proposed private street application FRSPU-2829-2021.

#1) You must amend your application to make a correction to an incorrectly cited code section. Under "Special Exception Code Section(s):", change to **148-820.N.1.b** – this is the code section that states that new, non-dedicated private streets can only be approved by special exception by Town Council.

#2) A portion of the proposed private street will go across the adjoining property 20A1-3-6A1 (620 Kendrick Lane).

Do you have an agreement from the property owner of parcel 20A1-3-6A1 to propose a new, non-dedicated private street on the easement running through their property?

#3) Provide digital copy of the updated concept plat that you submitted to our office last week.

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#5) Same as above, there is a “70 WIDE PRIVATE EASEMENT FOR FUTURE DEVELOPMENT PER INST. #190000698” – What was the width of the easement based on?

Let me know if you have questions,

Alfredo Gutierrez Velasquez

GIS Coordinator/Planner I

Town of Front Royal, VA | Dept. of Planning and Community Development

102 E. Main St | Front Royal, VA 22630

Office: (540) 631-2803

E-mail: avelasquez@frontroyalva.com

Contact Page: [Alfredo Gutierrez Velasquez](#)



Council Agenda Statement

Item # 7C

Meeting Date: September 27, 2021

PUBLIC HEARING: Special Use Permit by Allen Walters Requesting to Construct a New Single-Family Dwelling on a Non-Conforming Lot of Record on Warren Avenue

Summary: Council is requested to approve a Special Use Permit application submitted by Allen Walters requesting to construct a new single-family dwelling on a nonconforming lot of record (*tax map# 20A3-4-55-22*), zoned R-1, located north of E. 13th Street between 1328 and 1320 Warren Avenue. Approval for construction by a Special Use Permit must be granted by Council pursuant to Town Code (*Chapter 175-128.A.2.*) because the lot width is less than eighty (80%) percent of the required minimum.

Planning Commission recommends approval of the Special Use Permit.

Staff Recommends approval of the Special Use Permit (*FRSPU-2880-2021*) contingent upon:

- 1) The house plan may be modified, provided that the finished floor area shall not be reduced to less than one thousand two hundred thirty-four (1,234) square feet,
- 2) The façade and main entrance of the home must front Warren Avenue.

Budget/Funding: None

Meetings: Planning Commission held September 15, 2021

Proposed Motion: I move that Council approve a Special Use Permit (*FRSPU-2880-2021*) application submitted by Allen Walters to construct a new single-family dwelling on a nonconforming lot of record (*tax map# 20A3-4-55-22*), located north of E. 13th Street between 1328 and 1320 Warren Avenue contingent upon:

- 1) The house plan may be modified, provided that the finished floor area shall not be reduced to less than one thousand two hundred thirty-four (1,234) square feet,
- 2) The façade and main entrance of the home must front Warren Avenue.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Thompson _____

**TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING**



STAFF REPORT FOR SPECIAL EXCEPTION APPLICATION #FRSPU-2880-2021

APPLICATION #:

FRSPU-2880-2021

APPLICANT:

Allen Walters

SUMMARY OF REQUEST:

A Special Use Permit application submitted by Allen Walters requesting to construct a new single-family dwelling on a nonconforming lot of record T.M. #20A3-4-55-22, zoned R-1, fronting Warren Avenue. Approval for construction by a Special Use Permit must be granted by Front Royal Town Council pursuant to Town Code Chapter 175-128.A.2. because the lot width is less than eighty percent (80%) of the required minimum.

GENERAL INFORMATION:

<i>Site Addresses</i>	T.M. #20A3-4-55-22 Warren Ave (Vacant)
<i>Property Owner(s)</i>	Allen Walters
<i>Existing Zoning</i>	Residential District R-1
<i>Tax Identification</i>	T.M. #20A3-4-55-22
<i>Location</i>	The property is located midblock on the westside of on that portion of Warren Avenue that is north of E. 13 th Street. It is the vacant property between 1328 Warren Ave to the north and 1320 Warren Avenue to the south.

Vicinity Map (ArcMap)



INFORMATION ON THE APPLICATION:

Application Documents and Attachments

A list and brief description of the attachments:

- A – Special Use Permit Application
- B – Proposed House Location Survey (site plan)
- C – House Plan
- D – Site Plan Application
- E – Nonconforming Lots of Record (175-128)

ATTACHMENT A: SPECIAL USE PERMIT APPLICATION

- This is the standard application form used for special use permit applications.

ATTACHMENT B: PROPOSED HOUSE LOCATION SURVEY

- A survey of the property showing property limits, proposed house location, off-street parking, landscaping, and grading.

ATTACHMENT C: HOUSE PLAN

- The proposed house plan for the new single-family dwelling showing floor layout and front elevation.

ATTACHMENT D: SITE PLAN APPLICATION

Zoning and Surrounding Land Uses

Comp. Plan

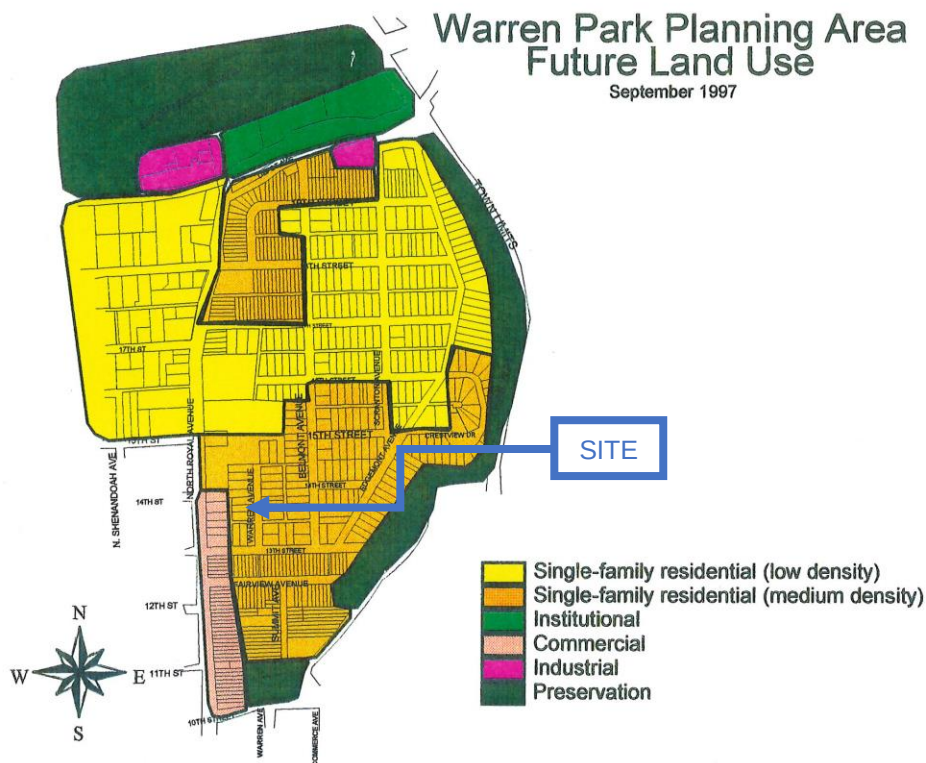
- This is the standard application form used for site plans. A preliminary site plan is required to be submitted with all special use permit applications. Based on the proposed use, a proposed house location survey satisfies this requirement.

ATTACHMENT E: NONCONFORMING LOTS OF RECORD

- Town Code Chapter 175-128.A is the section of zoning code that the application is compared against.

The property of review is zoned Residential District R-1. The property is adjoined by properties classified as either C-1 Commercial Business District to the west or R-1 Residential District, to the north, east, and south. Most of the adjoining properties have single-family residences, except for the C-1 zoned lots to the west, one of which is vacant and the other is a restaurant parking lot.

The properties of review are located within the Warren Park Planning Area per the 1997 Comprehensive Plan *Front Royal Planning Areas* map. Per the *Warren Park Planning Area Future Land Uses* map (dated September 1997) the future use of the property is shown as single-family residential (medium density). The *Overall Land Use Policies* listed in the comprehensive plan defines Medium Density Single-Family Residential as up to and including six dwelling units per acre.



Background, Analysis, and Findings

The special use permit application, pursuant to Town Code Chapter 175-128. A., requests to construct a new, detached single-family dwelling on a nonconforming lot of record in respect to both required lot width and area.

The applicant, Allen Walters, owns parcel T.M. #20A3-4-55-22 – a fifty foot (50') wide lot, fronting on the west side Warren Avenue (60' ROW). Lot 22 is located between two (2) developed properties abutting immediately to the north and south. There is a twenty foot (20') unimproved alley abutting the property to the rear. It should be noted that this section of Warren Ave (as seen on the Vicinity Map) is that section running north to south from E. 13th Street to E. 14th Street.

The western side of this section Warren Ave currently has two (2) developed lots with dwellings situated on them. The rest of the lots are heavily wooded and vacant. Several of the lots appear to be nonconforming to lot width and or area, varying in lot width from fifty (50') feet to sixty (60') feet. On the eastern side of this section of Warren Avenue, there are eight (8) single-family dwellings. The lot width for the properties varies from fifty feet (50') to eighty-plus feet (80').

Many of the lots in this portion of Town, were platted as fifty foot (50') wide lots, as shown on *PLAT F* of the Front Royal-Riverton Improvement Company in Deed Book "S"; page 305 of the Warren County Land Records. As properties were developed in this area, common development patterns were for property owners or developers to purchase as many lots as necessary to have a desirable home site. This resulted in fifty foot (50') lots remaining between abutting developed properties. To develop these lots, a "shotgun home" would be constructed to meet the required twenty-five-foot (25') R-1 district setback. The 1997 comprehensive plan acknowledges that these nonconforming lots in respect to lot width and/or area present a challenge in this portion of Town.

Town Code Chapter 175-128.A. *NONCONFORMING LOTS OF RECORD* addresses this issue of lot width and/or area nonconformity in the R-1 district. Below is a review and comment of proposed construction per 175-128.A. requirements:

1. The Administrator may issue an administrative variance of up to twenty percent (20%) of the required lot width and/or area, where it is found that the proposed new construction is consistent with the structure size, orientation, and pattern of development on the street and in the immediate neighborhood.

Staff Comment: The lot width may be approved administratively. However, the lot area requires a reduction that exceeds twenty percent (20%) of the required minimum. Approval from Town Council by a special use permit is required.

2. On lots with an area or lot width of less than eighty percent (80%) of the minimum required, approval for construction may be granted by special permit by the Town Council, where the Council finds the application meets the following conditions:

- a. The proposed structure has a finished floor area of not less than ninety percent (90%) of the amount of finished floor area prevalent in comparative homes. The finished floor area does not include basement areas.

Staff Comment: The proposed finished floor area is 1,784 square feet is greater, than the comparative ninety percent (90%) finished floor area of comparative homes is 1,234 square feet. A total of ten (10) homes in the immediate block on both sides of the Warren Avenue were included in the comparison (see comparative homes map).

- b. The proposed structure is compatible with comparative homes in terms of building orientation, scale, proportion, and site layout.

Staff Comment:

Building Orientation: All comparative homes in have their facades and main entrance fronting the road. The proposed home has both its façade and main entrance fronting Warren Avenue.

Scale: The proposed home will have a home to lot ratio very similar to those of the comparative homes.

Proportion: The proposed home height, length, width, and lot area and width are proportionate to those of the comparative homes.sss

Site Layout: A majority homes of the comparative homes have:

- Off-street parking to the front or side of the home,
- A basement, and
- Home situated in the closest third of the property near the road.

The proposed dwelling will have off-street parking to the front of the home, a partially finished basement, and have a thirty-foot (30') setback which is the average of the two (2) immediately abutting homes.

- c. The site grading provides for adequate drainage on and off the site, without any adverse impact onto adjoining properties.

Staff Comment: Without the review of a licensed engineer, this cannot be confirmed. However, the property will have two (2) swales – one swale on each side of home to direct surface water to the rear of the property. This will handle on-site drainage. This should direct surface water runoff off-site to the unimproved alley abutting the property to the rear.

3. For the purpose of this section, comparative homes shall mean characteristics that are present in at least sixty percent (60%) of the homes located on both sides of the street in the immediate block where the proposed structure is located.

Staff Comment: A total of ten (10) homes in the immediate block on both sides of the Warren Avenue were included in the comparison (see comparative homes map). At least sixty percent (60%) of the homes have the following characteristics:

- One (story) of living area.
- Two (2) bedrooms.
- Vinyl siding.

The proposed home will have two (2) stories of living area and three (3) bedrooms. The applicant has not stated the proposed exterior wall treatment material.

4. The Council may approve a reduction of the required lot width and/or area, by not more than forty percent (40%), where necessary, to achieve increased compatibility with other structures in the immediate block.

Staff Comment: The reduction request for the required lot area does not exceed forty percent (40%). The minimum required lot area in the R-1 zoning district is ten thousand (10,000) square feet. Parcel 22 is seven thousand five hundred (7,500) square feet. Parcel 22 has a lot area of two thousand five hundred (2,500) square feet or twenty-five percent (25%) less than the required minimum. The applicant has requested a lot area reduction of two thousand five hundred (2,500) square feet or twenty-five percent (25%) of the required minimum lot area. See numbers table below.

R-1 Minimum Lot Area:	10,000 SF
Parcel 22 Lot Area:	7,500 SF
Variance from Required Minimum:	2,500 SF or (25%)

Review of the application compared to the applicable requirements listed in Town Code Chapter 175:

- **175-12.A. Uses Permitted by Right**
 - **Staff Comment:** the use of a single-family dwelling is permitted by right in the R-1 zoning district.
- **175-13.C Area and Frontage for a lot on public water and public sewer**
 - **Staff Comment:** The lot does not meet with minimum lot area or width. Approval by Town Council is required.

- **175-14 Setback**
 - *“...no building need be setback more than the average of the setback of immediately adjoining structures on either side.”*
 - **Staff Comment:** Section 175-14 states Per the *Plot Plan* dated July 22, 2021, prepared by Brogan Land Surveying, PLC, the average setback of immediately adjoining structures is 24.9 feet. The proposed dwelling setback is thirty feet (30’).
- **175-15 Yards**
 - *A. The minimum total width of the side yards shall be twenty-five (25) feet, with no one (1) side yard being less than ten (10) feet.*
 - **Staff Comment:** The proposed combined side yard setbacks are twenty-six feet (26’), with each side being thirteen feet (13’).
 - *B. Each rear yard shall be a minimum of thirty (30) feet.*
 - **Staff Comment:** The proposed rear yard setback is not shown on the plot plan but is approximately seventy-five feet (75’).
- **175-16 Lot Coverage**
 - *The maximum building coverage shall be thirty percent (30%).*
 - **Staff Comment:** The proposed lot coverage is 1,056 square feet or fourteen percent (14%).
- **175-17 Height**
 - *A. Buildings may be erected up to two and one-half (2 1/2) stories, but not to exceed thirty-five (35) feet in height.*
 - **Staff Comment:** The applicant has not provided the proposed building height but will be reviewed and must comply if and when a zoning permit is submitted for construction.

Staff Recommendation

Staff recommends conditional approval of the Special Use Permit application FRSPU-2880-2021 with the following conditions:

1. The house plan may be modified, provided that the finished floor area shall not be reduced to less than one thousand two hundred thirty-four (1,234) square feet; and
2. The façade and main entrance of the home must front Warren Avenue.



TOWN OF FRONT ROYAL

DEPARTMENT OF PLANNING & ZONING
102 EAST MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VA 22630

Main: 540.635.4236

Fax: 540.631.2727

Internet: www.frontroyalva.com

SUP FRSPU 2880-2021

SPECIAL USE PERMIT REQUEST

APPLICANT

NAME Allen Walters PHONE 540-622-7588

ADDRESS 134 Ay View Drive, Front Royal, Va. 22630

E-MAIL _____

PROPERTY DESCRIPTION

PROPERTY ADDRESS Vacant lot between 1320 and 1328 Warren Avenue

TAX MAP 20A3 SECTION 4 BLOCK 55 LOT 22

SUBDIVISION NAME Front Royal Riverton Imp. Co. Inc. ACREAGE 7,500 Sq. Ft.

REQUEST

ZONING DISTRICT R-1

PROPOSED USE OF PROPERTY Residential

SPECIFIC SPECIAL USE PERMIT REQUEST Permission to construct

a single family house on an existing lot of record. Code Section 175-128.A.2

Construct on non-conforming lot. Does not meet
Lot width requirements.

ATTACHMENTS ~The following must be submitted with the application. Additional information may be required depending on the nature of the request.

1. Survey/Plat of property showing all **existing** improvements. (10 copies if larger than 11" X 17")
2. Site Plan Application pd. Check #
3. Application Fee of \$400.00 (Checks payable to the Town of Front Royal)
4. Additional information as required by the Department of Planning & Zoning

CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge and should the special use permit be granted, the project will comply with the conditions imposed upon it and will be implemented only as approved by Town Council.

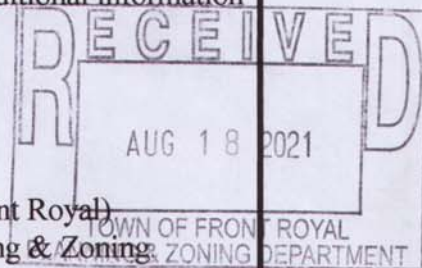
Signature [Signature] Agent for Allen Walters Date 6 JUN 2021

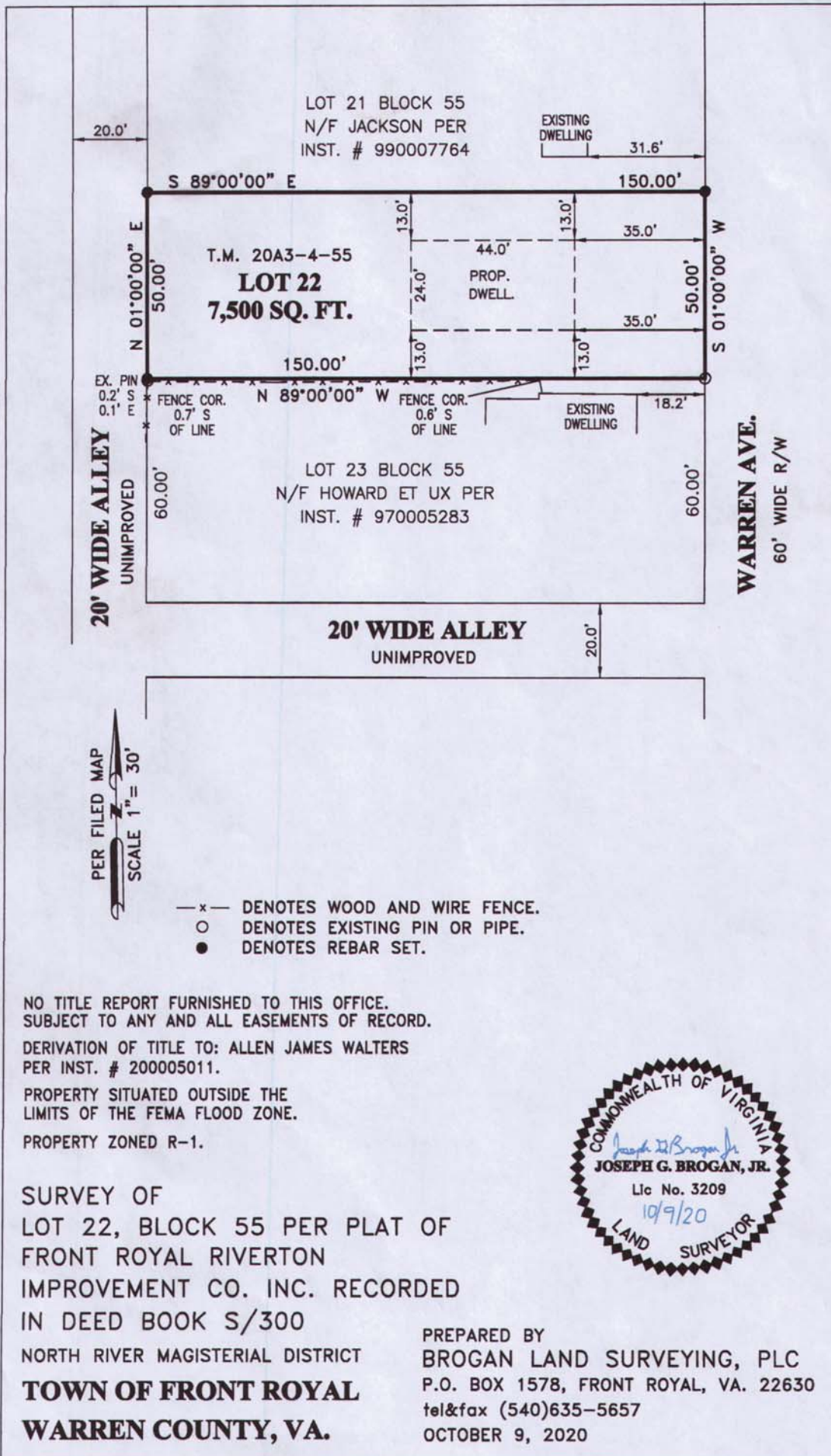
By submitting this application, the applicant grants permission to Town officials and employees to enter upon the property, which is the subject of this application, during reasonable hours and for purposes related to the application process.

Receipt # 140261

Date Paid 7-6-21

\$400-
Check # 5598







TOWN OF FRONT ROYAL

DEPARTMENT OF PLANNING & ZONING
102 EAST MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VA 22630

Main: 540.635.4236

Fax: 540.631.2727

Internet: www.frontroyalva.com

FRSITE 288/-1021

DEVELOPMENT APPLICATION REQUEST FOR SITE PLAN APPROVAL

APPLICANT Allen Walter
NAME Allen Walter PHONE 540 622 7588
ADDRESS 134 A View Drive, Front Royal, VA 22630
Designated Contact for Applicant _____

PROPERTY DESCRIPTION
PROPERTY ADDRESS Vacant Lot Between 1320 & 1328 Warren Avenue
TAX MAP 20A3 SECTION 4 BLOCK 55 LOT 22
SUBDIVISION NAME Front Royal ACREAGE 2500 sq ft

REQUEST Riverton Trp. Co In
ZONING DISTRICT R1
PROPOSED USE OF PROPERTY Residential
PROPOSED BUILDING SIZE see spec
BUILDING COVERAGE see spec
NUMBER OF PARKING SPACES PROVIDED see spec
AMOUNT OF OPEN SPACE AREA see spec

ATTACHMENTS ----The following **must** be submitted with this application. Additional information may be required depending on the nature of the request.

1. Four (4) copies of the site plan, prepared in accordance with the requirements of Town Code Section 148-1020. Fewer paper copies may be allowed for Minor Site Plan Applications as determined by the Planning and Zoning Director.
2. One (1) digital copy of the site plan.
3. Application Fee.

(The required number of copies of the Erosion and Sediment Plan should be to the Warren County Bldg. Inspection office, as their approval is required before the development plan can be approved by the Town.)

CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge, and the project will be implemented as presented and approved by the Town of Front Royal, in accordance with the Town's Land Development Regulations (Chapter 148) and Zoning Ordinance (Chapter 175).

Signature Allen Walter Date 8/18/21

Fee: Site Development Plan, Minor \$100 Site Development Plan, Major \$750

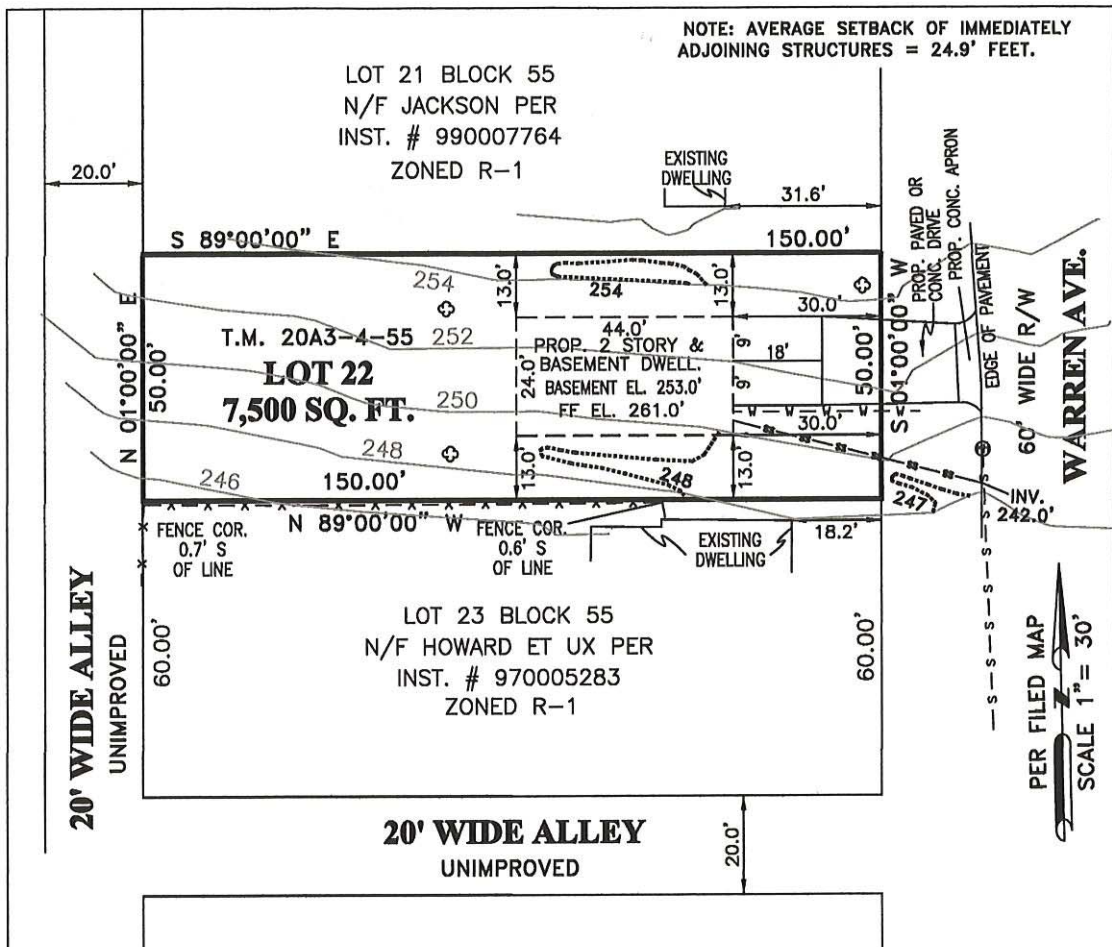
See Town Code Section 148-900 for definition of Major and Minor Site Development Plan

Amount Received: 100- Date 8-18-2021
pt. check # 5044

By submitting this application, the applicant grants permission to Town officials and employees to enter upon the property, which is the subject of this application, during reasonable hours and for purposes related to the application process.

Revised 8-23-19





- v — DENOTES PROPOSED WATERLINE.
- s — DENOTES EXISTING SEWERLINE.
- ss — DENOTES PROPOSED SEWERLINE.
- — — DENOTES EXISTING CONTOUR.
- DENOTES PROPOSED CONTOUR.
- ⊕ DENOTES PROP. 2" RED MAPLE TREE.

ELEVATIONS ARE ASSUMED DATUM.
 PROPOSED BUILDING COVERAGE AREA = 1,056 SQ. FT.
 PROPOSED TOTAL AREA OF DISTURBANCE = 3,500 SQ. FT.
 PROPOSED TREES = 3, 1 OF WHICH TO A STREET TREE.
 NOTE: NO PROPOSED SLOPE ON THIS LOT IS GREATER THAN 15%.
 A WAIVER TO CURB AND GUTTER TO BE REQUESTED DUE TO LACK
 EXISTING CURB AND GUTTER IN THE BLOCK.

NO TITLE REPORT FURNISHED TO THIS OFFICE.
 SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

DERIVATION OF TITLE TO: ALLEN JAMES WALTERS
 PER INST. # 200005011.

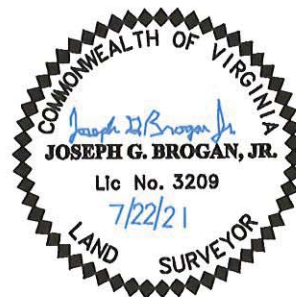
PROPERTY SITUATED OUTSIDE THE
 LIMITS OF THE FEMA FLOOD ZONE.

PROPERTY ZONED R-1.

PLOT PLAN
 LOT 22, BLOCK 55 PER PLAT OF
 FRONT ROYAL RIVERTON
 IMPROVEMENT CO. INC. RECORDED
 IN DEED BOOK S PAGE 300

NORTH RIVER MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.

PREPARED BY
BROGAN LAND SURVEYING, PLC
 P.O. BOX 1578, FRONT ROYAL, VA. 22630
 tel&fax (540)635-5657
 JULY 22, 2021

























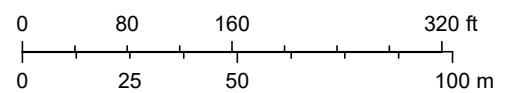






This aerial map displays a residential neighborhood with property boundaries and addresses. A large area is outlined in red, indicating a specific development or project. The map shows streets including N Royal Ave, W 15th St, W 14th St, W 13th St, E 15th St, E 14th St, E 13th St, Belmont Ave, and Edgemont Ave. Property numbers are visible on many lots, such as 1401, 1399, 1430, 1426, 1422, 1418, 1414, 1410, 1406, 1402, 1409, 1405, 108, 112, 113, 111, 106, 112, 113, 117, 1309, 204, 208, 209, 1314, 1303, 16, 20, 1328, 1320, 1325, 1321, 1317, 1311, 1303, 104, 1308, 1304, 1222, 1220, 1221, 18, 22, 24, 30, 34, 106, 110, 113, 113, 122.

1:2,257



Address	Stories	Bedrooms	SF	Siding Material		
1320 Warren Ave	2	4	1688	Stucco		
1328 Warren Ave	2	2	1176	Vinyl		
1303 Warren Ave	2	4	1802	Vinyl		
1311 Warren Ave	2	3	1480	Vinyl		
1317 Warren Ave	1.5	2	921	Stucco		
1321 Warren Ave	2	2	1686	Wood		
1325 Warren Ave	1	2	768	Cinderblock		
1335 Warren Ave	2	4	2040	Aluminum		
1339 Warren Ave	1.5	3	1422	Vinyl		
1343 Warren Ave	1	2	730	Vinyl		
	1.0	2	1234	Vinyl	stucco	2
					vinyl	5
					wood	1
					cinderbloc	1
					aluminum	1

Allen Walters

WARREN AVE

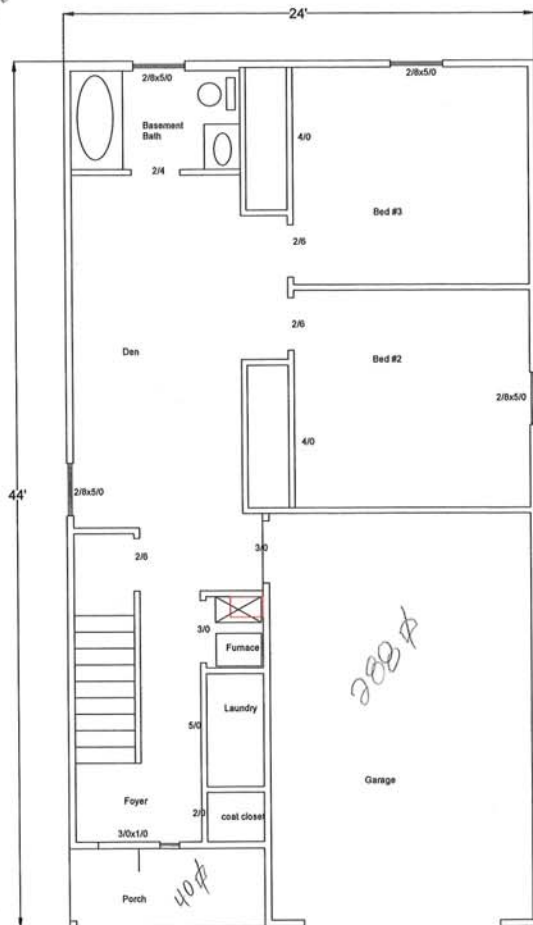
Lot 22

Proposed House Plans

Front Elevation

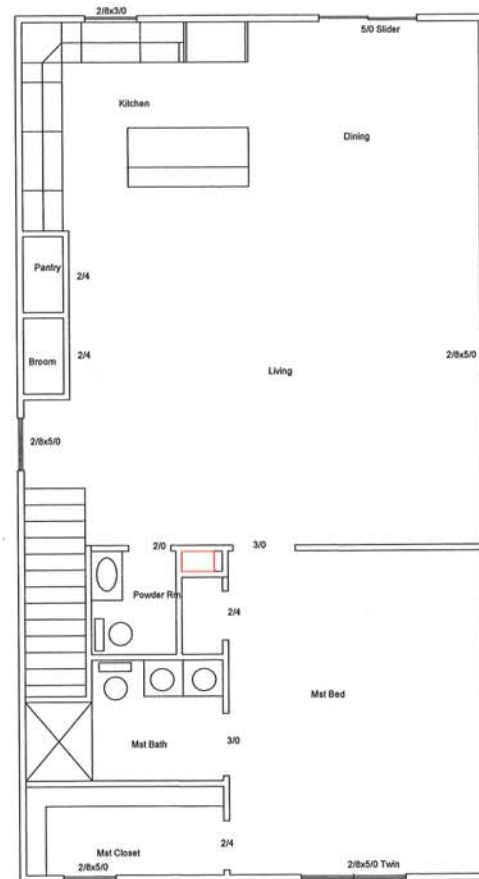


FINISHED BASEMENT: 728 sq ft

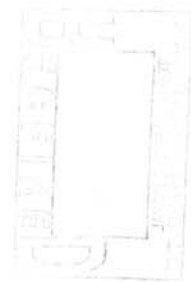


Ground level FBsmt.

1056 sq ft



main level



4. When the existing parking area and/or loading spaces are in disrepair, the Zoning Administrator may require the following types of maintenance improvements at the time of issuance of a zoning permit:
 - a. Additional landscaping.
 - b. The demarcation of existing parking spaces by striping, restriping, wheel stops, or signage.
 - c. The resurfacing of the existing surface material.

175-128 NONCONFORMING LOTS OF RECORD

A. Except as hereinafter provided, the minimum lot width and lot area shall be required for the establishment of any new lot, or use of a lot, in the R-1 Residential District. Wherever possible, the consolidation of existing nonconforming lots is encouraged to meet the minimum lot size requirements. All new construction shall conform to the yard dimensions and all other regulations for the R-1 Residential District.

1. The Administrator may issue an administrative variance of up to twenty percent (20%) of the required lot width and/or area, where it is found that the proposed new construction is consistent with the structure size, orientation and pattern of development on the street and in the immediate neighborhood.
2. On lots with an area or lot width of less than eighty percent (80%) of the minimum required, approval for construction may be granted by special permit by the Town Council, where the Council finds the application meets the following conditions:
 - a. The proposed structure has a finished floor area of not less than ninety percent (90%) of the amount of finished floor area prevalent in comparative homes. Finished floor areas do not include basement areas.
 - b. The proposed structure is compatible with comparative homes in terms of building orientation, scale, proportion and site layout.
 - c. The site grading provides for adequate drainage on and off the site, without any adverse impact onto adjoining properties.
3. For the purpose of this section, comparative homes shall mean characteristics that are present in at least sixty percent (60%) of the homes located on both sides of the street in the immediate block where the proposed structure is located.
4. The Council may approve a reduction of the required lot width and/or area, by not more than forty percent (40%), where necessary, to achieve increased compatibility with other structures in the immediate block.

(Amended "A" 1-10-2000-Effective Upon Passage ; Amended "4" 7-26-21-Effective Upon Passage)

B. In any other residential district, a single dwelling may be erected on any single lot of record, notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for lot area and/or lot width, that are generally applicable in the district, provided that yard dimensions shall conform to the regulations for the district in which such lot is located. All other uses, except a single dwelling, are required to meet the minimum lot area requirements for the district in which it is located.

C. In any commercial or industrial district, a permitted structure may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for lot area and/or lot width, that are generally applicable in the district, provided that yard dimensions shall conform to the regulations for the district in which such lot is located.

D. If any nonconforming lot of record contains a conforming use and/or structure, such use and/or structure may be replaced in the area of the preexisting use and/or structure should damage or destruction occur. Expansion of said use and/or structure may occur within the limits of this chapter.

E. Except as otherwise noted herein, a variance of yard requirements may be obtained only through action of the Board of Zoning Appeals.

(Amended Section 7-26-99-Effective Upon Passage ; Amended “E” 1-10-2000-Effective Upon Passage)

175-129 CHANGES OF USE

A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by special permit, be changed to another nonconforming use, provided that the Town Council shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use.

(Amended Entire Section/Title and Removed (A-D) 3-25-13-Effective Upon Passage)

175-130 EXPANSIONS AND OTHER TYPES OF ALTERATIONS

A. Except by approval of a special use permit by Town Council, a nonconforming use, building or structure shall not be enlarged, increased or extended to occupy a greater area of land area than was occupied at the effective date of adoption of this chapter unless such expansion conforms to the requirements of this chapter. However, the Town Council may approve by a special use permit the expansion of a nonconforming building or structure that will not create a new nonconformity, if it was deemed blighted by Town Council pursuant to Town Code Chapter 9-303 and the proposed expansion is part of a spot blight abatement plan to remedy the blighted building or structure.

(Amended 7-26-21-Effective Upon Passage)



Council Agenda Statement

Item # 7D

Meeting Date: September 27, 2021

PUBLIC HEARING: Ordinance Amendments to Town Code Chapters 12-1 and 70-23 to Remove the Town's Dusk-to-Dawn Light Program

Summary: Council is requested to approve ordinance amendments to Town Code Chapters 12-1 and 70-23.D. to remove the fees and charges for installation of poles for dusk-to-dawn lights, as presented. If approved, the Dusk-to-Dawn Light Program will be phased out. Those with existing disk-to-dawn lights on their property will stay until a request is received to remove them from their property.

Budget/Funding: None

Meetings: Work Session held August 9, 2021

Proposed Motion: I move that Council approve ordinance amendments to Town Code Chapters 12-1 and 70-23.D. to remove the fees and charges for installation of poles for dusk-to-dawn lights, as presented.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Thompson* _____

**AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTERS 12-1 AND
70-23(D) PERTAINING TO THE REMOVAL OF THE DUSK-TO-DAWN LIGHT
PROGRAM FOR THE TOWN OF FRONT ROYAL**

WHEREAS, Town Council is requesting the removal of the dusk-to-dawn light installation program effective immediately, and,

WHEREAS, those customers with existing dusk-to-dawn lights will not be removed until a request is received from the customer and or the property is sold, whichever comes first; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapters 12-1 and 70-23(D) of the Front Royal Town Code is hereby amended as follows:

12-1 ENERGY SERVICES FEES

Electric Meter Inspections (two within 12 mo.)	No Charge
Electric Meter Inspection (third and subsequent within 12 months)	\$50.00 per inspection
Installation of Pole for Dusk to Dawn Light	\$150.00
Temporary Electrical Service not to exceed 100 amperes in capacity and requiring one service drop	\$65.00
Temporary Electrical Service for larger residential and commercial services	See Chapter 70-23(F) in Town Code
Underground Utility Inspection	\$50.00 per inspection

70-23 ELECTRIC CHARGES

~~D. Charges for Installation of Dusk to Dawn Light Poles.~~

- ~~1. Effective from July 1, 2007 the monthly rate for dusk to dawn lights shall be eleven dollars and seventy eight cents (\$11.78).~~
- ~~2. There shall be no installation charge for dusk to dawn lights in the event that a utility pole is located in the immediate vicinity to which the dusk to dawn light can be connected.~~
- ~~3. In the event that no utility pole is available in the immediate vicinity on which a dusk to dawn light can be installed, there shall be a charge, as established by resolution, for the installation of said pole.~~
- ~~4. The customer requesting the dusk to dawn light service must maintain the service for at least one full year or pay at least a total of twelve (12) installments of the rates as described above.~~

This ordinance shall become effective upon passage.

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia conducted _____ 2021, upon the following recorded vote:

Lori A. Cockrell __ Yes __ No

Gary L. Gillispie __ Yes __ No

Letasha T. Thompson __ Yes __ No

E. Scott Lloyd __ Yes __ No

Joseph E. McFadden __ Yes __ No

A public hearing on the above was held on _____ having been advertised in the Northern Virginia Daily on _____ and _____, 2021.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



Council Agenda Statement

Item # 10A

Meeting Date: September 27, 2021

Agenda Item: Proclamation for Public Power Week

Summary: Council is requested to approve a Proclamation proclaiming October 3 – 9, 2021 as Public Power Week in the Town of Front Royal, as presented.

Budget/Funding: None

Meetings: None

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a Proclamation proclaiming October 3 – 9, 2021 as Public Power Week in the Town of Front Royal, as presented.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Thompson* _____



PROCLAMATION

RECOGNIZING PUBLIC POWER WEEK, OCTOBER 3 – 9, 2021 A WEEKLONG CELEBRATION OF THE TOWN OF FRONT ROYAL'S YEAR-ROUND SERVICE TO THE COMMUNITY OF THE TOWN OF FRONT ROYAL

WHEREAS, the Town of Front Royal places high value on the benefits of local control of utility services and therefore operates a community-owned, not-for-profit electric utility; and,

WHEREAS, being customers and owners of the Town of Front Royal Energy Services Department and have a direct say in utility operations and policies; and,

WHEREAS, the Energy Services Department provides homes, businesses, and local government agencies with safe, reliable and efficient electricity and employs sound business practices designed to ensure the best possible service at not-for-profit rates; and,

WHEREAS, the Energy Services Department is a valuable community asset that contributes to the well-being of local citizens through energy efficiency, customer service, economic development and safety awareness; and,

WHEREAS, the Energy Services Department is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make the Town of Front Royal a better place to live and work, and contribute to a sustainable environment; and,

NOW, THEREFORE BE IT RESOLVED that the Town of Front Royal Energy Services Department will continue to work to bring safe, reliable electricity to community homes and businesses just as it has since 1894, the year when the utility was created to serve all the citizens of the Town of Front Royal; and

BE IT FURTHER RESOLVED that the week of October 3 – 9, 2021 be designated **Public Power Week** in the Town of Front Royal to recognize the Energy Services Department for its contributions to the community and to educate customer-owners, policy makers, and employees on the benefits of public power and encourage the community to join hands with more than 2,000 other public power systems in the United States in this celebration of public power, which is best for consumers, business, the community and the nation

APPROVED:

Chris W. Holloway, MAYOR

ATTEST:

Tina L. Presley, Clerk of Council

This proclamation was adopted by the Town Council of the Town of Front Royal, Virginia on _____.



Council Agenda Statement

Item # 10B

Meeting Date: September 27, 2021

Agenda Item: FY22 Budget Amendment for Virginia Risk Sharing Association Grant

Summary: Council is requested to approve a FY22 Budget Amendment to receive funds from the Virginia Risk Sharing Association (VRSA) Grant Program in the amount of \$4,000.00 to purchase a cybersecurity vulnerability platform.

Budget/Funding:

1000-3310010	General Fund Grant Proceeds	\$4,000.00
1204-45421	I/T Hardware & Software	\$4,000.00

Meetings: None

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a FY22 Budget Amendment in the amount of \$4,000.00 from the Virginia Risk Sharing Association (VRSA) Grant Program to purchase a cybersecurity vulnerability platform.

Moved _____ **Seconded** _____

Cockrell _____ **Gillispie** _____ **Lloyd** _____ **McFadden** _____ **Thompson** _____



Council Agenda Statement

Item # 10C

Meeting Date: September 27, 2021

Agenda Item: FY22 Budget Amendment for DMV Highway Safety Grant

Summary: Council is requested to approve a FY22 Budget Amendment in the amount of \$26,178.00 to receive funds from a Division of Motor Vehicles (DMV) Highway Safety Grant for Speed and Alcohol Enforcement. The Police Department heavily uses these grant funds in a continued effort to drive down alcohol and speed related fatalities and serious injuries. The funding would be used to add a breath test device (\$499.00); a stalker speed sign (\$4,831.00); a stalker dual radar unit (\$1,948.00) and patrol overtime (\$18,900). Council also directs the Town Manager to execute all DMV Highway Safety Grant Agreements for this request.

Budget/Funding:

3102-41002	Patrol Overtime	\$18,900.00
3102-47001	Police Machinery & Equipment	\$ 7,278.00

Meetings: None

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a FY22 Budget Amendment in the amount of \$26,178.00 to receive funds from a Division of Motor Vehicles (DMV) Highway Safety Grant for Speed and Alcohol Enforcement to be used for the following: a breath test device (\$499.00); a stalker speed sign (\$4,831.00); a stalker dual radar unit (\$1,948.00) and patrol overtime (\$18,900). I further move that Council direct the Town Manager to execute the DMV Highway Safety Grant Agreements.

Moved _____ **Seconded** _____

Cockrell _____ **Gillispie** _____ **Lloyd** _____ **McFadden** _____ **Thompson** _____



Council Agenda Statement

Item # 10D

Meeting Date: September 27, 2021

Agenda Item: Reimbursement of Water and Sewer Tap Fees for Habitat for Humanity

Summary: Council has received a request from Amanda Slate, President of Habitat for Humanity of Warren County requesting reimbursement of \$9,993.00 to Habitat for Humanity of Warren County for water and sewer tap fees paid prior to beginning construction of their new build located at 219 Orchard Street (*Lot 3A Block 7 Hoffman Heights*) and defer the fees as a lien on the property payable when the property is sold in the future. Reimbursement of these funds will help lower the mortgage payment which will make the home more affordable for the chosen family. Council is requested to reimburse the fees and direct the Town Attorney's Office to execute an agreement with the property owner(s) to place a lien on the property in the amount of \$9,993.00.

Budget/Funding:

9601-3161703	Water System Development Fees	<\$2,663.00>
9801-3161703	Waste Water System Development Fees	<\$7,330.00>

Meetings: Work Session held September 13, 2021

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council reimburse the water and sewer tap fees paid for a new build located at 219 Orchard Street (*Lot 3A Block 7 Hoffman Heights*) in the amount of \$9,993.00 to Habitat for Humanity of Warren County and direct the Town Attorney's Office to execute an agreement with the property owner(s) to place a lien on the property in the amount of \$9,993.00.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Thompson* _____

September 9, 2021

Steven Hicks, Town Manager
Town of Front Royal
102 E Main Street
P.O. Box 1560
Front Royal, VA 22630

Mr. Hicks and Front Royal Town Council members,

Warren County Habitat for Humanity's goal is to provide affordable homes for area families in the median income range who are unable to qualify for conventional bank mortgages to own a house. The nonprofit organization relies heavily on donors and volunteers to construct homes.

We are requesting a reimbursement of the water and sewer tap fees in the amount of \$9993.00 (nine thousand, nine hundred ninety-three dollars) that Habitat has already paid for our new build at LT 3A Block 7 Hoffman Heights on Orchard Street (Tax ID: 20A6 6 7 3A). Reimbursement of these funds will help lower the mortgage payment which will make the home more affordable for the chosen family. The Town Council has approved waivers of these fees in the past, deferring the fees as a lien on the property payable when the family might sell the home in the future.

Thank you for considering this request. If you need additional information or have any questions, please contact me at (540)551-3232 or andrea@warrencountyhabitat.org.

Sincerely,



Amanda Slate
President

Building Houses, Building Hope



APPLICATION FOR IN-TOWN UTILITY CONNECTION

FLZMADR2858-2021

Town of Front Royal
Public Works
800 Crosby Rd – PO Box 1560
Front Royal VA 22630
(540) 635-7819 (O) • (540) 636-2890 (F)
www.frontroyalva.com

Application Date: 8-9-21
Owner(s) / Applicant(s) Full Name: WC Habitat for Humanity, Inc
Mailing Address: PO Box 323
City/State/Zip: Front Royal, VA 22630
Daytime Phone: 540-551-3232 Email: andrea@warrencountyhabitat.org
Property Address/Lot #: Orchard St Lot 384

IF RESIDENTIAL:

Type of Unit: ☒ Single Family ☐ Townhouse ☐ Duplex/Multi Family

INSTALLING WATER/SEWER SYSTEM DEVELOPMENT CONNECTIONS (NO DEVELOPMENTS)

☐ Town needs to provide estimate- Quote Amount \$ _____ Date Emailed _____
Customer Approved: Date: _____ Send to Finance: Date _____
Paid Date: _____ Receipt # _____

Payment in full is due before work is scheduled and if additional amount is owed, will be due immediately.

☐ Customer Declined: Contractor Name: _____
☐ *Obtain Right of Way Permit

IF COMMERCIAL or INDUSTRIAL:

Type of Business: _____
Number of Employees: _____ Hours of Operation: _____
Estimated Usage: _____ gallons per day

ALL APPLICANTS

Number of Toilets: 2 Urinals: 0 Sinks: 3 Tubs/Shower: 2
Size of Meter (Must match water service size): 3/4"
Fire Suppression Required (Yes ☒ No ☐): _____ If yes, Meter Size: _____

TOWN APPROVAL PROCESS

- ✓ Determination of Water/Sewer Connection Fees
- ✓ Payment of Applicable Fees with Application
- ✓ Developer provides and installs all equipment (pipes, valves, meters, etc.) For individual residential construction by property owner, the Town provides a 3/4" meter upon inspection and approval of all other equipment. **Right-of-Way Utilization Permit required for utility taps.**
- ✓ Water service provided upon establishing account with Town Finance Department.

THIS SECTION TO BE COMPLETED BY DEPT OF ENVIRONMENTAL SERVICES

Confirmation from Director of Finance that Taxes have been paid in full: ____ Date: ____
Signature: _____

FEES:

Water Connection Fee	\$ 2,663.00
Water Additional Fee	\$ 0.00
Fire Suppression Fee	N/A
Sub Total (Water)	\$ 2,663.00
Sewer Connection Fee	\$ 7,330.00
Sewer Additional Fee	\$ 0.00
Sub Total (Sewer)	\$ 7,330.00
TOTAL	\$ 9,993.00

Public Works Director Signature: Robert H. Baye Date: 8-10-21

134-71.1 PURCHASE OF WATER AND SEWER TAPS

- A. A water and sewer connection can be purchased from the Town of Front Royal only for a specific, designated building site or lot.
- B. Once an application to purchase a water and sewer connection has been received, the connection shall not be transferrable to another site.
- C. If the water and sewer connection is not installed within twelve (12) months from the date of purchase because the purchaser is not ready for actual installation, the purchase shall be voided and the purchase price alone shall be refunded without interest.
- D. Water and sewer connection fees shall be paid upon application. However, when a single developer in a single application requests the purchase of six (6) or more water and sewer taps for six (6) or more building units, the connection fee for each tap may be paid upon actual installation of each respective tap. **(Ord. No. 2-86 Added Entire Section 2-10-86-Effective Upon Passage)**

34

219 ORCHARD ST.

PREPARED BY DEPT. OF PLANNING & COMM. DEV.

SEPTEMBER 9, 2021 | CARTOGRAPHER: AGV

IMAGERY DATE: APRIL 2018



0

30

60

Feet

4

46

300

214

212

253

245

237

229

225

221

219

232

228

224

220

216

208

21

ORCHARD ST

CHERRY ST

MAP KEY



PROPERTY LINES



PROPERTY OF REVIEW



Council Agenda Statement

Item # 10E

Meeting Date: September 27, 2021

Agenda Item: Cooperative Contracts for Non-Professional Services to Support the Town's Building Code and Environmental Division

Summary: Council is requested to approve the cooperative contracts for CTI District Services (CTI) for building plan review, on-site building inspection, and fire protection review services and with ECS Mid-Atlantic, LLC (ECS) for building plan review and on-site building inspection services using the City of Falls Church cooperative contract. Council is further requested to direct the Town Manager to execute all documents associated with these professional services.

It should be noted, regarding property maintenance inspection services, property maintenance is not a part of the building code inspection contract due to the specialty of the requirements and Town/State codes. These services will be procured separately.

Budget/Funding: There is a total of \$100,000.00 encumbered for this division in the Planning Department's professional services line item 8101-R43002.

Meetings: Work Session held September 13, 2021.

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve the cooperative contracts with CTI District Services (CTI) for building plan review, on-site building inspection, and fire protection review services and ECS Mid-Atlantic, LLC (ECS) for building plan review and on-site building inspection services using the City of Falls Church cooperative contract. Council is further requested to direct the Town Manager to execute all contracts associated with these professional services.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Thompson _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: September 22, 2021
To: Tina Presley, Senior Executive Assistant
From: Alisa Scott, Purchasing Manager
CC: Kathleen Leidich, Assistant Town Manager,
B.J. Wilson, Finance Director, and
Lauren Kopishke, Planning Director
RE: Request to add action item to Town Council Agenda – Building Inspection Services

Town Staff responded to a request from the Town Manager's office to procure non-professional services to support the Town's Building Code and Environmental Division. Under a previously awarded contract, the City of Falls Church's competitive negotiation allows other Virginia municipalities to cooperatively contract with their awarded Independent Contractors for building plan review, on-site building inspections, and fire protection plan review services on an as-needed basis. The contract documents are as follows:

- City of Falls Church Request for Proposal No.0915-20-PRIS dated August 25, 2020
- Addenda 1, 2, 3 and 4 dated August 31, 2020, September 1, 2020, September 3, 2020, and September 9, 2020, respectively
- Request for Best and Final Offer dated October 8, 2020 (all hereinafter the "RFP"); and
- The Contractor's proposal dated September 14, 2020 as updated through October 9, 2020 (all hereinafter the "Proposal").

In accordance with the Virginia Public Procurement Act and the Town's Procedures for Purchasing and Procurement Manual, the Town is seeking Council's approval to engage with CTI District Services, Inc. (CTI) for building plan review, on-site building inspection, and fire protection review services and with ECS Mid-Atlantic, LLC (ECS) for building plan review and on-site building inspection services using the City of Falls Church cooperative contract. It should be noted, regarding property maintenance inspection services, property maintenance is not a part of the building code inspection contract due to the specialty of the requirements and Town/State codes. These services will be procured separately.

Staff recommends Town Council approve at the September 27th, 2021 Regular Meeting, the cooperative contracts for CTI and ECS attached to this memo. There is a total of \$100,000.00 encumbered for this division in the Planning Department's professional services line item 8101-R43002.

Purchasing, Department of Finance
102 E Main Street
Front Royal, VA 22630
Phone 540-636-6889



Council Agenda Statement

Item # 11A

Meeting Date: September 27, 2021

Agenda Item: Special Events Policy and Procedures

Summary: At their July 13th Work Session, Council agreed to move the Policy and Procedures for a Special Event Permit to the next regular meeting for action. Staff has taken into consideration all the feedback that Council and staff have received during the meetings and information sessions. This includes the new matrix that was suggested by a business owner. The policy and procedures tonight have been cleaned up and finalized to clarify those only those items Council discussed at the July 13th work session:

- Revised Definition of Gathering (*page 1*)
- Revised “within 24-48 hours” to “48 hours before the event” (*pages 3 & 4*)
- Clarified unlimited events and number of events allowed per civic organization per year for Community Gatherings and Community Events (*pages 3 & 4*)
- Clarified the meaning of “recurring” (*page 3 & 4*)
- Added “Visitor” along with Tourism to better identify that event (*pages 4 & 5*)
- Clarified the number of permits allowed per civic organizations per year and how many closures allowed in the Downtown Area under Tourism/Visitor events (*page 4*)

Staff is requesting an effective date of November 1, 2021. This allows sufficient time to complete the new application(s), the after-action report, and other required documents that will be available for each request.

Budget/Funding: None

Meetings:

- *Work sessions held on June 14th and September 13th.*
- *Three information sessions on June 17th and June 21st and August 10th*
- *Public hearing to receive public comments on June 28th.*
- *Received continued feedback at a regular meeting held on July 26th.*

Proposed Motion: I move that Council approve the Special Events Policy and Procedures, effective November 1, 2021, as presented.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Thompson _____

SPECIAL EVENT PERMIT POLICIES AND PROCEDURES



DEFINITIONS

AFTER ACTION REPORT – analyzing *what* happened, *why* it happened, and *how* it can be done better by the participants and those responsible for the project or event in subsequent years.

AMPLIFY – increase the volume of the noise coming through a microphone and/or speakers so that everyone in the vicinity of you can hear.

CERTIFICATE OF LIABILITY INSURANCE (COI) – a document that verifies the existence of general liability insurance coverage and summarizes the key aspects and conditions of the policy. The Virginia Risk Sharing Association (VRSA) Tenant Use Liability Insurance Program is available.

CODE OF CONDUCT – posted in Town of Front Royal public space/property for all the public to adhere to at all times.

DECORATIONS/STRUCTURES – props, displays, tents, inflatables, amusement rides, booths, wagons, carts, and all similar types of property which might tend to harm town land or street areas, including aesthetic interests.

DOWNTOWN AREA – includes Main Street, Chester Street, Crescent Street, Peyton Street, Laura Virginia Hale, High Street, Kidd Lane, Water Street, Jackson Street and portions of Church Street and Blue Ridge Avenue, and the Town Commons Area Parking Lot. This area also includes the Town Commons Area that includes the Gazebo, Pavilion, Parking Lot, and Visitor Center.

GATHERING – an assembly or meeting **of less than twenty-five (25) individuals**, held for a specific purpose.

EVENT ORGANIZER – the individual(s) who signs, or whose authorized representative(s), an application for an event permit and who will be responsible under the permit, if issued, for ensuring that the event will be conducted in accordance with these regulations. Also referred to as the “applicant”.

PARADE – procession, with or without vehicles, requiring closure of town streets to normal traffic; any march, demonstration, procession, or motorcade upon public space that interferes with or presents a significant probability of interfering with the normal flow or regulation of pedestrian or vehicular traffic upon public space.

PUBLIC SPACE/PROPERTY/RIGHT-OF-WAY – any street, sidewalk, alley, or any other property of the Town which is open to the public.

RACES/WALKS – a long-distance race or walk organized as a fundraising event.

RECURRING EVENT – occurring again periodically or repeatedly within the same day, week, or month.

SPECIAL EVENT – an outdoor event where a public forum of expressive activity occurs on any public space/properties/right-of-way during a particular interval of time hosted outside of the event organizers’ normal business or organization programs or activities, where the public is invited.

SPONTANEOUS GATHERING – an unplanned or unannounced coming together of persons which may occur in response to unforeseen circumstances.

SPONSOR – an individual or organization that pays some or all of the costs involved in staging a special event in return for advertising or similar recognition.

TOWN SPONSORED OR CO-SPONSORED EVENTS – all events the Town of Front Royal sponsors entirely or in conjunction with another organization.

APPLICATIONS TO RESERVE PUBLIC SPACE/PROPERTY/RIGHT-OF-WAY

The Town of Front Royal has made available to civic organizations, the ability to reserve a public property/space/right-of-way by submitting a completed application in accordance with the below policies and procedures to the Town Manager’s Office, or Manager’s designee for review. Information on the application will be used to define and determine permit eligibility through measurable criteria.

A separate application is required for Parades, Races/Walks, and Processions, or similar. Matrix does not apply.

SPECIAL EVENTS MATRIX CRITERIA

All applications will be reviewed by the Town Manager, or Manager’s designee on the basis of the following criteria to determine the appropriate event category and assist in the decision to approve the application.

1. Purpose
2. Demonstrated History of Event
3. Evidence of Partnership - multiple businesses/vendors participating.
4. Anticipated Attendance Figures
5. Organizational Structure & Management (support staff)
6. Target Market Budget for the Event
 - Events scoring below 15 are categorized as a Community Gathering.
 - Events scoring between 16 – 29 are categorized as a Community Special Event.
 - Events scoring 30 are categorized as a Tourism Special Event.

Matrix does not apply to Parades, Races/Walks, Processions, Town Events, Town Co-sponsored

events or any event the Town Manager or his designee determines is an exception.

SPECIAL EVENTS CATEGORIES THAT REQUIRE A PERMIT IDENTIFIED BY THE MATRIX

COMMUNITY GATHERING

An outdoor event where a public forum of expressive reserved activity occurs on public property, where the public is invited, and is anticipated by the event organizer to draw approximately 15 people or less.

- Applications accepted between twelve (12) months and thirty (30) days prior to event.
- Reservation Fee: \$50.00 (non-refundable) This includes use of electricity and water. If these services are not applicable, the reservation fee is \$25.00. Refundable if cancelled ~~within 24~~ **48 hours before the event.**
- Reservation Date accepted upon written request to Town Manager, or Manager's designee
- Applicants responsible for a completed application 30 days prior to event including payment of fees and Certificate of Liability Insurance.
- No applications accepted if received less than 30 days before event.
- Once approved, no changes to the permit will be allowed unless specifically authorized by the Town Manager, or designee
- Unlimited events are granted throughout the year; **however, a maximum amount of eight (8) permits shall be allowed per year, per civic organization.**
- Each event is permitted for up to six (6) hours per event.
- Closures of streets/parking lots will not be allowed
- Recurring events are not allowed **(see DEFINITIONS in this policy)**

COMMUNITY

An outdoor event where a public forum of expressive activity occurs on public property, where the public is invited, and that is anticipated by the event organizer to draw up to approximately 1000 people.

- Applications accepted between twelve (12) months and thirty (30) days prior to event.
- Reservation Fee: \$100.00 (non-refundable) This includes use of electricity, water and public works. If services are not applicable, reservation Fee: \$50.00. Refundable if cancelled ~~within 24~~ **48 hours before the event.**
- Reservation Date accepted upon written request to Town Manager, or Manager's designee
- Applicants responsible for a completed application 30 days prior to event including payment of fees and Certificate of Liability Insurance.
- No applications accepted if received less than 30 days before event.
- No changes to the permit will be allowed unless specifically authorized by the Town

Manager, or Manager's designee

- Unlimited events are granted throughout the year; **however, a maximum amount of eight (8) permits shall be allowed per year, per civic organization.**
- Each event is permitted, regardless of closure, up to ten (10) hours per day per event.
- No full closure of streets will be allowed; however, the closures of partial streets and parking lots will be considered (see CLOSURES in this Policy)
- Event Organizers shall notify business and residents of the scheduled event and closures no longer than 10 days before the event by signing an Agreement to Notify all Adjacent Businesses and Residents form that will include a template of a letter for the Event Organizer to pass out to those affected by the special event closure(s).
- Recurring Events are not allowed **(see DEFINITIONS in this policy)**

TOURISM/VISITOR

An outdoor event where a public forum of expressive activity occurs on public property, where the public is invited, and that is anticipated by the event organizer to draw more than 1000 people.

- Applications accepted between twelve (12) months and six (6) months prior to event
- Reservation Fee: \$200.00 (non-refundable) This includes use of electricity, water and public works. Refundable if cancelled **within 24 — 48 hours before the event.**
- Reservation Date accepted upon written request to Town Manager, or Manager's designee
- Applicants responsible for a completed application forty-five (45) days prior to event (including payment of fees and Certificate of Liability Insurance).
- No applications accepted if received less than six (6) months before event.
- Once approved, no changes to the permit will be allowed unless specifically authorized by the Town Manager, or Manager's designee
- **A maximum amount of two (2) permits shall be allowed per year, per civic organization. This includes combinations of partial and full street closures.**
- **No more than two (2) complete street closures per month in the Downtown Area are allowed.**
- Each event is permitted, regardless of closure, up to twelve (12) hours per day per event.
- Full and partial closure of streets/parking lots will be considered (see Closures in this Policy)
- Event Organizer shall notify business/residents of the scheduled event and closures no longer than thirty (30) days before the event by signing an Agreement to Notify all Adjacent Businesses and Residents form that will include a template of a letter for the Event Organizer to give out to those affected by the special event closures.
- Recurring Events are not allowed **(see DEFINITIONS in this policy)**

CLOSURES OF STREETS/ALLEYS/PARKING LOTS/SIMILAR PUBLIC AREAS

Closures are allowed for matrix-determined Community and Tourism/**Visitor** events as well as parades, races/walks and all other areas of Town-owned property that is not determined as being in the Downtown Area.

Closure of Full Street - \$100.00*

For Downtown Area this includes the adjoining streets

No longer than 12 hours per event per day

Tourism/**Visitor** Events, Parades, Race/Walks, Processions only

Closure of Full Street/Town Commons Parking Lot - \$150.00*

For Downtown Area this includes the adjoining streets

No longer than 12 hours per event per day

Tourism/**Visitor** Events, Parades, Race/Walks, Processions only

Closure of Partial Street - \$50.00*

For Downtown Area this includes the adjoining streets

No longer than 10 hours per event

Community and Tourism/**Visitor** Events only

Closure of Partial Street/Town Commons Parking Lot - \$100.00*

No longer than 10 hours per event

Community and Tourism/**Visitor** Events only

Closure of Town Commons Parking Lot - \$50.00*

No longer than 10 hours per event

Community and Tourism/**Visitor** Events only

**in addition to Reservation Fee. Refundable if cancelled ~~within 24 hours~~ 48 hours before the event.*

No more than two (2) complete street closures per month in the Downtown Area are allowed. Combinations of partial and full street closures are limited to two (2) per month per civic organization in the Downtown Area.

CERTIFICATE OF LIABILITY INSURANCE REQUIREMENT

A certificate of liability insurance is required for all permitted special events held on any public space/properties/right-of-way. All applicants are to provide a *CERTIFICATE OF LIABILITY INSURANCE* listing insured civic organization, underwritten by insurers acceptable to the Town, indemnifying the Town against any perils, suits, claims and losses which may arise in connection with the proposed activity. Such coverage shall be based upon risks associated with the requested special event, in consideration of anticipated attendance and closure(s) of a specific public space/property/right-of-way. The Certificate of Liability Insurance shall list the following directly on the certificate:

1. Event Name
2. Event Date
3. Event Location and any specific closures.
4. Town listed as "Additional Insured."
5. Minimum \$1,000,000 (depending on event)

PERMITS NOT REQUIRED ON PUBLIC SPACE/PROPERTY/RIGHT-OF-WAY

All public spaces/properties/rights-of-way are public gathering places and are open to all residents and visitors in the community to enjoy at any time without a reservation. The Code of Conduct posted at all these areas must be followed by attendees at all times. Any gatherings requesting a reservation of Town public space, will require a special event permit.

Spontaneous Events as defined in these policy and procedures, do not require a permit. The Code of Conduct applies to all attendees of these events.

Town Sponsored or Co-Sponsored Events as defined in these policy and procedures take precedence over all special events. An application is required for co-sponsored events from the civic organization who is the co-sponsor with the Town. Matrix and fees do not apply.

Event Name:	0 Points	1 Point	2 Points	3 Points	4 Points	5 Points	TOTAL
Event Applicant/Organizer:							
Event Criteria							
1. Purpose	Non-Specific	Tourism	Cultural	Community	Fundraiser for one	Fundraiser for 1+	
2. Demonstrated History of Event	Never	1-2 years	3-5 years	6-10 years	11-15 years	16+ years	
3. Evidence of Partnership (multiple businesses/vendors participating)	None	1 - 5	6 - 15	16 - 35	35 - 75	75+	
4. Anticipated Attendance Figures	<100	101 - 500	501 - 1500	1501 - 3000	3001 - 5000	5001+	
5. Organizational Structure & Management (support staff)	None	1 - 5	6 - 10	11 - 25	26 - 50	50+	
6. Target Market Budget for the Event	None	\$1 - \$100	\$101 - \$250	\$251 - \$500	\$501 - \$1,000	\$1001+	
Event Score:							

< 15 are categorized as a COMMUNITY GATHERING
16 - 29 categorized as a COMMUNITY SPECIAL EVENT
30 categorized as a TOURISM SPECIAL EVENT

Chapter 72SPECIAL EVENTS HELD ON TOWN STREETS AND PUBLIC PROPERTY**72-1 PURPOSE OF CHAPTER****72-2 TOWN STREETS AND PUBLIC PROPERTY REQUESTED FOR USE****72-3 APPLICATION, POLICY AND PROCEDURES AND PERMIT****72-4 PERMIT EXCEPTIONS****72-5 PERMIT REVOCATIONS/SUSPENSION****72-6 PROVISIONS OF THIS CHAPTER****72-7 VIOLATIONS OF THIS CHAPTER****72-8 APPEALS**

Adopted by the Town Council of the Town of Front Royal 3-11-85 (*formerly adopted 11-26-73. Section 72-8 added at time of adoption of Code.* Amended 3-13-06, 8-27-07 AND 1-14-10. Entire Chapter was amended 1-23-12 (*formerly Entertainment Festival*).; Revised/Reorganized Content and Added Subsections 1-14-19. Amended in its entirety 6-1-21 to remove reference to policy and procedures. Other amendments noted where applicable.

72-1 PURPOSE OF CHAPTER

The purpose of this chapter is to accommodate competing demands for the public use of Town streets, and public property that are requested to be used for a special event. Policy and Procedures regulating these areas of demand is necessary to maintain public peace, safety, acceptable conditions of traffic flow and prevention of any illegal or unlawful activity.

72-2 TOWN STREETS AND PUBLIC PROPERTY REQUESTED FOR USE

Town streets and public property may be requested for public use in the following areas.

1. Downtown Area that includes Main Street, Chester Street, Crescent Street, Peyton Street, Laura Virginia Hale, High Street, Kidd Lane, Water Street, Jackson Street and portions of Church Street and Blue Ridge Avenue. This area also includes the Town Commons Area that includes the Gazebo, Pavilion, Parking Lot and Visitor Center.

2. All Other Areas that are not included in the Downtown Area mentioned in 72.2.1 but are Town Streets or a public place.

72-3 APPLICATION, POLICY AND PROCEDURES AND PERMIT

No special events shall be held on Town streets and public property without an authorized permit from the Town Manager or his designee. Policy and Procedures including the application shall be found in the Town Manager's Office or on the Town's website.

72-4 PERMIT EXCEPTIONS

This Chapter shall not apply to:

1. Gatherings or events on private property;
2. Gatherings or events on Warren County owned property located within the Town's corporate limits;
3. Gatherings or events on public or privately owned school property;
4. Activities the Town Manager or his designee deem acceptable as an exception.

72-5 PERMIT REVOCATIONS/SUSPENSION

The Town Manager or his designee shall be authorized to revoke or suspend any permit previously granted:

1. For violation of any provisions of this Chapter;
2. For any material misrepresentation, intentional or otherwise, made in connection with the application or the permit;
3. When weather conditions render the subject activity unsafe;
4. When otherwise required in the interest of public health, safety and welfare or environmental considerations.

72-6 PROVISIONS OF THIS CHAPTER

The Town Manager may designate one or more officers and/or employees of the Town to administer the provisions of this Chapter and be the final authority for all events held on Town streets and public property.

72-7 VIOLATIONS OF THIS CHAPTER

Any person who shall violate any provision of this Chapter shall be suspended from having any future events for one year from time of event or as the Town Manager or designee deems appropriate based on the violation.

72-8 APPEALS OF ANY DECISIONS

Appeals of any decisions made by the Town Manager or his designee must be made to the Town Council within thirty days of decision.

(Entire Chapter Amended 6-1-21-Effective Upon Passage)



Council Agenda Statement

Item # 12

Meeting Date: September 27, 2021

CLOSED MEETING

Motions to Go Into Closed Meeting

I move that Town Council go into Closed Meeting pursuant to Section 2.2-3711.A. of the Code of Virginia for the following reasons:

- (1) The discussion, consideration, or interviews of prospective candidates for appointment to boards for which Town Council has the power of appointment, as well as the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Town, pursuant to Subsection 1. of that Code.

Motion to Certify Closed Meeting at its Conclusion *[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]*

I move that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Thompson _____