



TOWN COUNCIL WORK SESSION

Monday, April 3, 2023 @ 7:00pm in the Town Hall Conference Room

View meeting online LIVE at <https://www.frontroyalva.com/673/Town-Hall-Live>

1. Roll Call

7:00pm

2. Continued Budget Discussion – *BJ Wilson*

- A. Appropriation Ordinance (FY23 -24Budget)
- B. Ordinance Amendment to Town Code Chapter 134 Pertaining to Sewer Rates
- C. Resolution for the Extension of Due Date for Real Estate & Personal Property Taxes

7:20pm

3. Items Slated for a Public Hearing

- A. Special Use Permit for Lodging House at 200 N. Royal Avenue – Warren Coalition – *Lauren Kopishke*
- B. Amend Previously Approved Proffers for Anna Swan Estates – HEPTAD LLC – *Lauren Kopishke*

8:00pm

4. Waiver of Curb and Gutter Request for 709 and 711 Crosby Road – Jason & Christine Sine – *Lauren Kopishke*

8:15pm

5. Virginia Municipal League (VML) Policy Committee Appointments

8:25pm

6. Open Discussion

8:35pm

7. CLOSED MEETING

8. Adjourn



Work Session Agenda Statement

Item # 02A

Meeting Date: April 3, 2023

Agenda Item: FY23-24 Proposed Budget Additional Discussion/Appropriation Ordinance

Summary: Public hearing on the FY23-24 Budget Appropriation Ordinance are intended to be held during Town Council's regular meeting scheduled for April 24th, 2023. Advertisements for the public hearing will be placed in local news media prior to April 24, 2023.

Budget/Funding: N/A

Staff Recommendation: Staff recommends discussing any questions related to the FY23-24 Proposed budget prior to approval of appropriation ordinance and sewer rate increase and direct staff to advertise for a public hearings to be held on April 24, 2023

APPROPRIATION ORDINANCE

ANNUAL APPROPRIATION ORDINANCE

OF THE

TOWN OF FRONT ROYAL, VIRGINIA

FOR THE FISCAL YEAR ENDING JUNE 30, 2024

**AN ORDINANCE MAKING APPROPRIATIONS OF SUMS OF MONEY FOR ALL
NECESSARY EXPENDITURES OF THE TOWN OF FRONT ROYAL, VIRGINIA FOR THE
FISCAL YEAR ENDING JUNE 30, 2024 TO PRESCRIBE THE PROVISOS, TERMS,
CONDITIONS, AND PROVISIONS WITH RESPECT TO THE TERMS OF
APPROPRIATION AND THEIR PAYMENTS, AND TO REPEAL ALL ORDINANCES
WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ALL
ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH
INCONSISTENCY.**

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA:

SECTION I

That the following sums of money are hereby appropriated for the general government purposes herein specified for the fiscal year ending June 30, 2024

GENERAL FUND EXPENDITURES

General Government	598,100
Financial Administration	995,045
Legal	476,600
Law Enforcement Services	6,062,770
General Property Maintenance	1,392,930
Planning & Zoning	550,895
Community Development/Special Events/Tourism	403,115
Risk Management/Insurance	1,036,660
Economic Development	77,785
Information Technology	631,870
Transfers/Contingency Reserve	614,780
TOTAL GENERAL FUND EXPENDITURES	12,840,550

STREET FUND EXPENDITURES

Public Works	429,505
State Highway Maintenance System	2,633,100
TOTAL STREET FUND EXPENDITURES	3,062,605

ECONOMIC DEVELOPMENT/DEBT SERVICE FUNDS

Principal on Debt	589,335
TOTAL DEBT SERVICE FUND EXPENDITURES	589,335

SPECIAL REVENUE FUND

Community Development Projects	369,685
Asset Forfeiture	12,000
TOTAL SPECIAL REVENUE FUND EXPENDITURES	381,685

and the following sums of money are hereby appropriated for the enterprise operations specified for the year ending June 30, 2024.

ELECTRIC FUND EXPENDITURES

Operations	3,654,890
Purchase of Bulk Electricity	14,500,300
Transfer to General Fund	1,960,000
TOTAL ELECTRIC FUND EXPENDITURES	20,115,190

WATER FUND EXPENDITURES

Administrative Office	153,500
Water Plant Operations	2,024,245
Maintenance of Lines	1,356,605
Meter Reading	117,895
Debt Service	972,540
Contingency & Transfers to Other Funds	480,000
TOTAL WATER FUND EXPENDITURES	5,104,785

SEWER FUND EXPENDITURES

Administrative Office	151,030
Wastewater Treatment Plant Operations	3,017,270
Maintenance of Lines	679,315
Debt Service	1,968,880
Contingency and Transfers to Other Funds	575,000
TOTAL SEWER FUND EXPENDITURES	6,391,495

REFUSE FUND EXPENDITURES

Operations	1,095,790
Contingency and Transfer to General Fund	95,000
TOTAL REFUSE FUND EXPENDITURES	1,190,790

TOTAL ALL FUNDS EXPENDITURES	49,676,435
-------------------------------------	-------------------

REVENUES

TO BE PROVIDED AS FOLLOWS

GENERAL FUND

Real Estate Property Tax	927,940
Public Service Property Tax & Tax Penalties	66,065
Personal Property Tax	731,915
Other Local Taxes	6,975,380
Permits and Fees	53,900
Fines and Forfeitures	123,300
Revenue from Use of Money and Property	112,000
Public Rights-of-Way Use Fee	2,160
Intergovernmental	626,330
Interfund Transfers:	
Electric Fund	1,960,000
Water Fund	480,000
Sewer Fund	575,000
Refuse Fund	95,000
Miscellaneous Receipts	111,560
TOTAL GENERAL FUND REVENUE	12,840,550

STREET FUND

State Highway Maintenance Funds	2,395,625
Revenue from Use of Money and Property	52,200
Transfers from General Fund	614,780
TOTAL STREET FUND REVENUE	3,062,605

ECONOMIC DEVELOPMENT/DEBT SERVICE FUND

Real Estate Property Tax	589,335
TOTAL DEBT SERVICE FUND REVENUE	589,335

SPECIAL REVENUE FUND

Asset Forfeiture Grant Funding	12,000
Community Development	369,685
TOTAL SPECIAL REVENUE FUND	381,685

ELECTRIC FUND

Revenue from Use of Money & Property	225,200
Connection Fees	110,000
Sale of Service	19,752,290
Miscellaneous Receipts	27,700
TOTAL ELECTRIC FUND REVENUE	20,115,190

WATER FUND

Revenue from Use of Money and Property	112,235
Antenna Rentals	115,635
Sale of Service and Commodities	4,588,275
Connection Fees	286,140
TOTAL WATER FUND REVENUE	5,104,785

SEWER FUND

Revenue from Use of Money and Property	112,235
Sale of Service and Commodities	5,874,220
Connection Fees	278,540
Miscellaneous Receipts	126,500
TOTAL SEWER FUND REVENUE	6,391,495

REFUSE FUND

Revenue from Use of Money and Property	52,000
Sale of Services/Bags/Other	1,138,790
TOTAL REFUSE FUNDS REVENUES	1,190,790

TOTAL ALL FUNDS REVENUES **49,676,435**

This ordinance is proposed to become effective on July 1, 2023. A true copy of the complete text of the ordinance is available by request at the Town Manager's Office, 102 E Main Street, Front Royal, Virginia during normal business hours.

A Public Hearing on this ordinance will be held at the Town Council Meeting of April 24th, 2023, beginning at 7:00pm in the Warren County Government Center, located at 220 N Commerce Avenue in Front Royal, Virginia. All citizens of the Town of Front Royal who have a desire to be heard on this subject will be given a reasonable opportunity to be heard. The Presiding Officer, in his sole discretion, may impose a time limit on each speaker at the beginning of the Public Hearing.

BY AUTHORITY OF THE TOWN COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA

Tina Presley, Clerk of Council

Publish: Northern Virginia Daily (classified) - April 2023



Work Session Agenda Statement

Item # 02B

Meeting Date: April 3, 2023

Agenda Item: Ordinance Amendment to Town Code Chapter 134 Pertaining to Sewer Rates

Summary: Council is requested to hold a public hearing and approve an ordinance amendment to Town Code Chapter 134 pertaining to the increase of sewer rates effective July 1, 2023.

The increase of approximately 2.25% was recommended based upon the Town consultant's updated water/sewer rate analysis and using funds from the American Rescue Plan Act for major water/sewer capital projects.

Typically, residential accounts use approximately 5,500 gallons of sewer monthly. Currently the monthly charge for 5,500 gallons of sewer usage is \$55.82; the recommended rate increase would equate to a monthly charge of \$57.07; an increase of \$1.25 monthly.

Budget/Funding: Sewer rate increase has been incorporated into the FY24 Proposed Budget

Staff Recommendation: Staff recommends approving the sewer rate increase as presented and to direct staff to advertise for a public hearing on April 24, 2023.

**AN ORDINANCE TO AMEND AND RE-ENACT FRONT ROYAL TOWN CODE
CHAPTER 134-22.1 & 134-22.4 PERTAINING TO SANITARY SEWER SERVICE RATES**

134-22.1 SANITARY SEWER SERVICE RATES

The monthly base rates for sanitary sewer service usage shall be as follows:

A. Base rate, up to three thousand (3,000) gallons per month: ~~seventeen dollars and seventy-two cents (\$17.72)~~ **eighteen dollars and twelve cents (\$18.12).**

B. All sanitary sewer service usage exceeding three thousand (3,000) gallons per month: ~~fifteen dollars and twenty-four cents (\$15.24)~~ **fifteen dollars and fifty-eight cents (\$15.58)** per month, for each one thousand (1,000) gallons thereafter.

134-22.4 SEWER SERVICE RATES-COMMERCIAL AND INDUSTRIAL LAUNDRIES

A. In-Town Laundries: The monthly rates for sewer service usage by licensed commercial or industrial laundries located within the corporate limits of the Town of Front Royal shall be as follows:

1. All sanitary sewer service usage for the first one hundred thousand (100,000) gallons: ~~sixteen dollars and thirty-four cents (\$16.34)~~ **sixteen dollars and seventy-one cents (\$16.71)** per one thousand (1,000) gallons.

2. All sanitary sewer usage from one hundred thousand one (100,001) gallons to five hundred thousand (500,000) gallons: ~~fourteen dollars and eighty-five cents (\$14.85)~~ **fifteen dollars and eighteen cents (\$15.18)** per one thousand (1,000) gallons.

3. All sanitary sewer service usage above five hundred thousand (500,000) gallons: ~~fourteen dollars and eleven cents (\$14.11)~~ **fourteen dollars and forty-three cents (\$14.43)** per thousand (1,000) gallons.

This ordinance shall become effective upon passage.

APPROVED:

Lori A. Cockrell, Mayor

ATTEST:

Tina L. Presley, Clerk of Council

This Resolution was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council conducted on _____, 2023 upon the following recorded vote:

Melissa DeDomenico-Payne __Yes __No
Joshua L. Ingram __Yes __No
Amber F. Morris __Yes __No

H. Bruce Rappaport __Yes __No
Duane R. "Skip" Rogers __Yes __No
R. Wayne Sealock __Yes __No

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

Approved as to Form and Legality:

George M. Sonnett, Jr., Town Attorney

Dated: _____

DRAFT



Work Session Agenda Statement

Item # 02C

Meeting Date: April 3, 2023

Agenda Item: Resolution for the Extension of Penalty and Interest Charges for 2023 Real Estate and Personal Property Taxes

Summary: Council is requested to approve a Resolution to extend the charges for penalties and interest related to 2023 real estate and personal property taxes by a period of fifteen (15) days to allow adequate time for processing and mailing of bills. Upon approval of the resolution the extension of the due date will be June 20, 2023.

Budget/Funding: N/A

Staff Recommendation: Staff recommends approving the Resolution as presented under the Consent Agenda on the April 24, 2023 Regular Agenda.

RESOLUTION

Extension of Penalty and Interest for 2023 Real Estate and Personal Property Taxes

WHEREAS, the Town of Front Royal Municipal Code Section 75-44 (B) declares a penalty of 10% of the tax past due or ten dollars (\$10.00), whichever is greater, shall be added to any tax not paid by the aforesaid due date, provided that in no case may the penalty exceed the amount of the tax assessed. In addition, interest shall be added to any delinquent taxes and penalties at the rate of 10% per year, with interest commencing on the first day of the month following the date on which any such taxes became due and payable; and,

WHEREAS, the Town intends to extend the date in which penalties and interest shall commence for the 2023 Real Estate Taxes and Personal Property Taxes for a period of fifteen (15) days from the date on which any such taxes become due and payable; and,

NOW THEREFORE, BE IT HEREBY RESOLVED by the Town Council of the Town of Front Royal, Virginia, that Town Council approves this resolution extending penalties and interest for 2023 Real Estate and Personal Property Taxes for a period of fifteen (15) days, as presented.

APPROVED:

Lori A. Cockrell, Mayor

ATTEST:

Tina L. Presley, Clerk of Council

This Resolution was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council conducted on _____, 2023 upon the following recorded vote:

Melissa DeDomenico-Payne	__Yes __No	H. Bruce Rappaport	__Yes __No
Joshua L. Ingram	__Yes __No	Duane R. "Skip" Rogers	__Yes __No
Amber F. Morris	__Yes __No	R. Wayne Sealock	__Yes __No

Approved as to Form and Legality:

George M. Sonnett, Jr., Town Attorney

Dated: _____



Work Session Agenda Statement

Item # 3A

Meeting Date: April 3, 2023

Agenda Item: Special Use Permit for Lodging House at 200 N. Royal Avenue – Warren Coalition

Summary: The Warren Coalition has requested a Special Use Permit for a lodging house at 200 N. Royal Avenue. It is identified by tax map 20A5-13-80-1 & 2. The property is zoned C-2, Downtown Business District and located in the Historic District. Records indicate the property was used as a lodging house from 1989-2019. At that time the Town Code did not require a special use permit, it was considered to be legally non-conforming, meaning if the use ceased for more than two (2) years it must be brought into compliance. Due to a change in ownership, the use was discontinued for three (3) years. The applicant is asking permission to have a lodging home for no more than nine (9) males, for approximately six to nine month stays. The Planning Commission held a public hearing on March 15th with the following recommendations: 1) the total number of lodging rooms or units shall not exceed ten (10) and 2) applicant to provide parking to accommodate eight (8) spaces. Council is requested to direct staff to advertise for a public hearing to be held on April 24, 2023.

Budget/Funding: None

Staff Recommendation: Staff recommends approving the Special Use Permit contingent upon the recommendations from the Planning Commission during a public hearing to be held on April 24, 2023.

Town of Front Royal, Virginia

Planning Commission Monthly Meeting Agenda

☐ Consent Action ☐ Administrative Action ☒ Public Hearing ☐ Discussion

Agenda Item: Special Use Permit – 2300075

MEETING DATE: March 15, 2023

SUMMARY: Warren Coalition – A request for a Special Use Permit for a lodging house located at 200 N. Royal Avenue, identified by Tax Map 20A5-13-80-1 & 2. The property is zoned C-2, Downtown Business District and is located in the Historic Overlay District.

STAFF RECOMMENDATION:

DRAFT MOTION: “I move that the Planning Commission forward a recommendation of approval with the following conditions:

1. The total number of lodging rooms or units shall not exceed ten (10).
2. Applicant to provide parking to accommodate eight (8) spaces.

NOTE: This is only a draft motion. Alternative motions are also welcome.

PLANNING COMMISSION ACTION:

Moved _____ Seconded _____

Merchant _____ Wells _____ Marshner _____ Wood _____ Williams _____

☐ Approved ☐ Approved w/ Conditions ☐ Denied ☐ Other



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

**Planning Commission Regular Meeting
March 15, 2023**

APPLICATION #:

2300075

APPLICANT:

Warren Coalition

APPLICATION SUMMARY:

A Special Use Permit Application has been submitted for a lodging house located at 200 N. Royal Avenue.

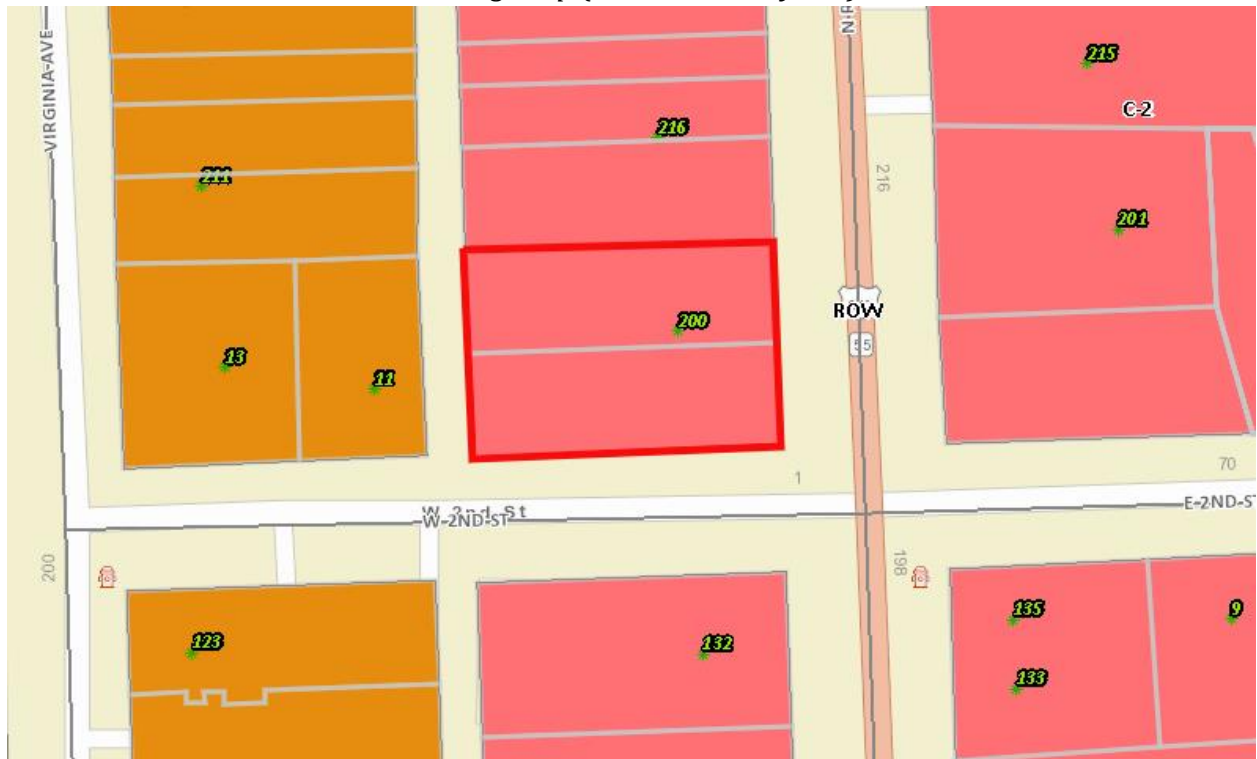
GENERAL INFORMATION:

Site Addresses	200 N. Royal Avenue
Property Owner(s)	Vaught Real Estate, LLC
Existing Zoning	C-2, Downtown Business District
Historic District	Yes
Proposed Use	Lodging House
Tax Identification	20A5-13-80-1, 2
Location	The property is located in the NW corner of the intersection of N. Royal Avenue and W 2 nd Street.

Vicinity Map (Warren County GIS)



Town Zoning Map (Warren County GIS)



Aerial (Warren County GIS)



Existing Site Conditions(Staff Photos of the Property)



Existing Site Conditions – Continued (Staff Photos of the Property)



INFORMATION ON THE APPLICATION:

Town Code

175-3, LODGING HOUSE - A residential building, other than a hotel, motel, or bed-and-breakfast home, where lodging is provided for compensation on a regular basis, pursuant to previous arrangements, but which is not open to the public or transient guests. Meals may be provided to the residents in a central location; however, no provisions shall be made for cooking in individual rooms or units. The maximum number of rooms or units shall be controlled by the area requirements of the district in which the use is located, but in no case shall the total number of lodging rooms or units exceed ten (10). A "Lodging House" shall also be known as a "Rooming House" or a "Boarding House."

175-48, USES PERMITTED BY SPECIAL PERMIT (C-2)

A. The following uses are permitted within the C-2 District only by approval of a special use permit, except as prohibited or restricted by separate restrictions of record that may pertain to property within the C-2 District:

RESIDENTIAL:

Apartments located in buildings constructed after January 1, 1999, in accordance with the area requirements in Section 175-49.

COMMERCIAL:

Automobile garages, excluding where repairs work is only an accessory use, subject to the requirements of Section 175-110.3 where motor vehicle painting or body work services are provided.

Automobile service stations, in accordance with 175-110.

Automobile and truck sales lots and leasing agencies, in accordance with 175-52.D.

Bed & Breakfasts, as set forth in Section 175-107.3.

Day Care Facilities, subject to the provisions of Section 175-107.1F, and any necessary improvements or changes to address the considerations of that section.

Farmers' markets, in accordance with 175-52.E.

INDUSTRIAL:

	<u>ORGANIZATIONAL:</u> Schools <u>MISCELLANEOUS:</u> Conservation areas. Lodging houses and boarding houses
<i>Project Summary</i>	A Special Use Permit (SUP) Application has been submitted for a lodging house located at 200 N. Royal Avenue by the Warren Coalition. The property is zoned C-2, downtown business district. The lodging house use is required by Special Use permit per 175-48. Records indicate the property has been used as a lodging house in the past, from 1989 to 2019. At the time the use was commenced the Towns Ordinance did not require an SUP. After the adoption of the most recent iteration of 175-48, the use was considered to be legally non-conforming, meaning if the use ceased for more than two years it must be brought into compliance. Due to change in ownership, the use was discontinued for 3 years. The applicant is now asking permission to have a lodging home for no more than 9 males, for approximately 6 to 9 month stays. The applicant will be utilizing 6 bedrooms and 3 bathrooms for the use and therefore is required to provide 8 parking spaces. Staff conducted a site visit and determined the property has room for adequate parking.
<i>Staff Recommendation</i>	Staff recommends approval with the following conditions: 1. The total number of lodging rooms or units shall not exceed ten (10). 2. Applicant to provide parking to accommodate eight (8) spaces.

ATTACHMENTS: 1) Application and associated documents from the Applicant.
2) Email from the Applicant.

2300075

2300075



TOWN OF FRONT ROYAL

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
 102 EAST MAIN STREET
 P.O. BOX 1560
 FRONT ROYAL, VA 2263

Main: 540.635.4236
 Fax: 540.631.2727
 www.frontroyalva.com

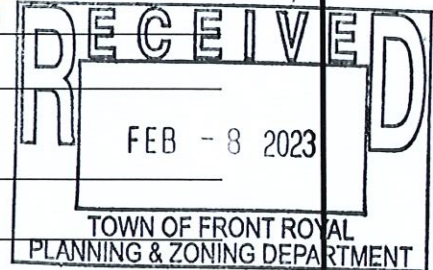
SPECIAL USE PERMIT REQUEST

FRSPU _____

* APPLICANT:

NAME Warren Coalition PHONE 540-636-6385 x 1001ADDRESS 538 Villa Ave. Front Royal, VA 22600E-MAIL Christa.c.warrencoalition.org

* PROPERTY OWNER:

NAME # Vaughn Real Estate, LLC PHONE _____ADDRESS 200 N. Royal Ave. Front Royal, VA 22630E-MAIL philipvaughn@gmail.com

PROPERTY DESCRIPTION

PROPERTY ADDRESS 200 N. Royal Ave. Front Royal, VA 22600TAX MAP 20A5 SECTION 13 BLOCK 80 LOT 1.12SUBDIVISION NAME _____ ACREAGE 15,000 sq ft.

REQUEST

ZONING DISTRICT C2PROPOSED USE OF PROPERTY Lodging Hse

* SPECIFIC SPECIAL USE PERMIT REQUEST Seeking an approval of a
lodging house which was the use of this building from 1989-2019.

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 by clc
3. Application Fee of \$400.00 Receipt # _____ Date Paid 2-8-23 CS
4. Additional information as required by the Dept. of Planning & Community Development.

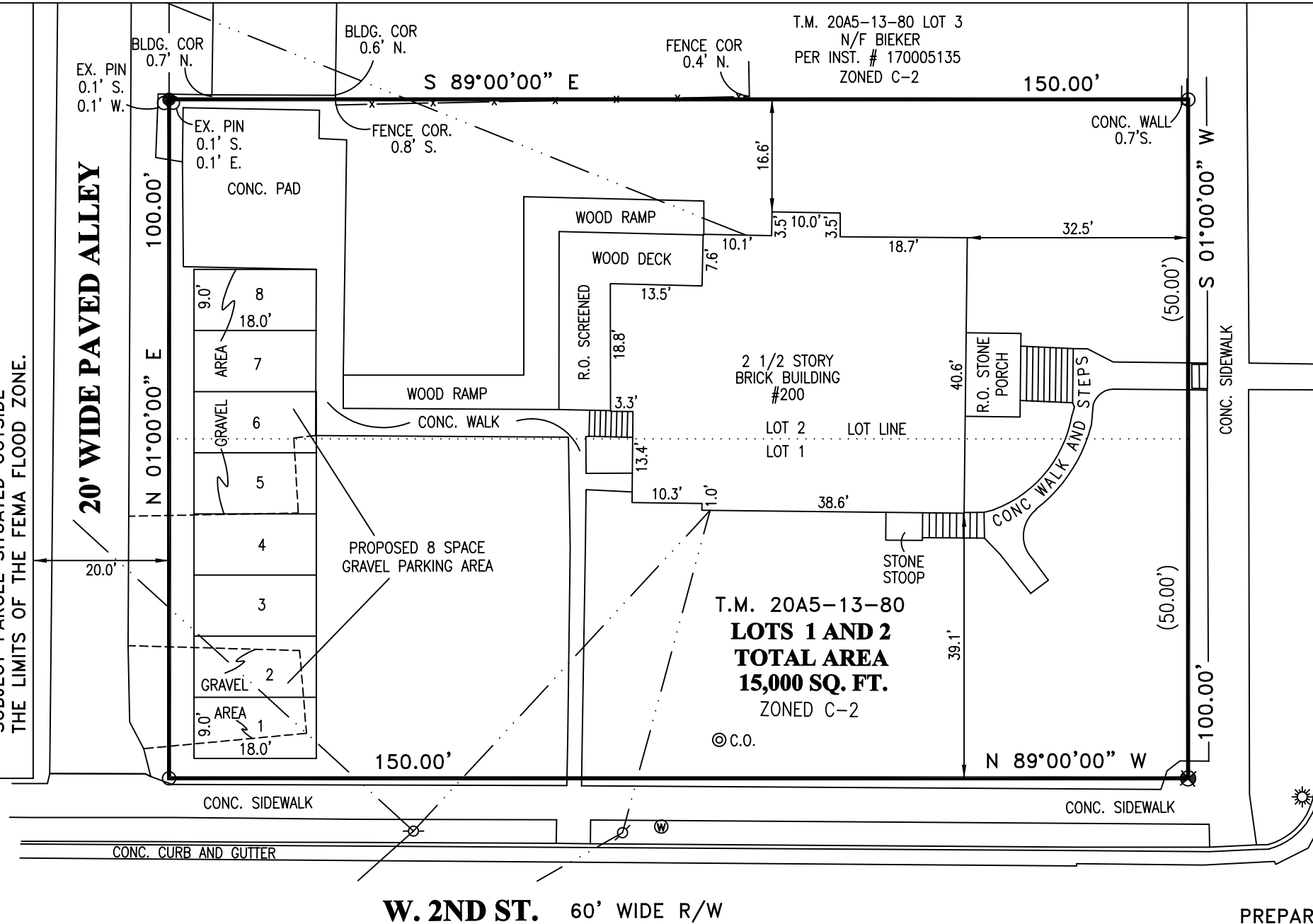
CERTIFICATION

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 (Leasee) Date 2/8/20

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.

NO TITLE REPORT WAS FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.
DERIVATION OF TITLE TO: VAUGHT REAL
ESTATE, LLC. PER INST. # 190006706.
PLAT REF: DEED BOOK "X" PAGE 444.
SUBJECT PARCEL SITUATED OUTSIDE
THE LIMITS OF THE FEMA FLOOD ZONE.

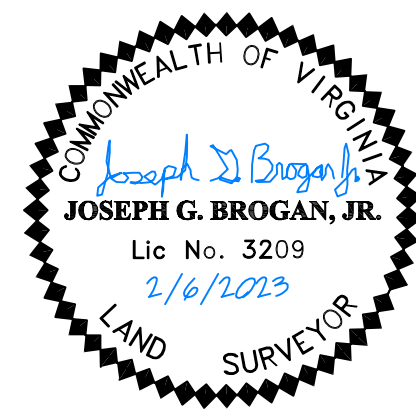


N. ROYAL AVE
80' WIDE R/W

PER D.B. "X"/444

0 20 40
SCALE 1" = 20'

—●— DENOTES DRILL HOLE IN CONC.
—○— DENOTES LIGHT POLE.
—○— DENOTES WATER METER.
—○— DENOTES PIN FOUND.
—●— DENOTES PIN SET.
—○— DENOTES UTILITY POLE.
—...— DENOTES OVERHEAD WIRES.
—x— DENOTES PRIVACY FENCE LINE.



SURVEY OF LOTS 1 AND 2, BLOCK EIGHTY
FRONT ROYAL AND RIVERTON IMPROVEMENT CO.
FORK MAGISTERIAL DISTRICT

**TOWN OF FRONT ROYAL
WARREN COUNTY, VA.**

PREPARED BY:
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
FEBRUARY 6, 2023

From: Julia Laurent <Julia@WARRENCOALITION.ORG>

Sent: Wednesday, January 18, 2023 1:24 PM

To: Lauren Kopishke <lkopishke@frontroyalva.com>

Subject: The Landing-200N Royal Ave

Good Afternoon,
Per our conversation:

We will have anywhere from 8-10 males in the home at a time; however, we don't anticipate 10 being a frequent number.

Residents will sign a lease with us for no less than 9months, but no more than 12.

Residents are responsible for obtaining their own supplies, living items, and proof of employment to reside in the premises.

Residents will be required to work with The warren coalition staff to create a savings plan and work towards goals of paying off fines, obtaining transportation, and stability.

Residents must live in Page, Warren, or Shenandoah counties.

Residents must be involved in some form of outpatient treatment; including but not limited to counseling, MAT, AA, or NA.

Residents can be terminated from their rental agreement for substance misuse or violence.

Residents have the ability to choose their room and rent is based on size. Some rooms are two men to a room.

Residents are responsible for their own meals. And share living spaces; this includes a large kitchen, living room, dining room, and outdoor areas.

Residents will be required to participate in Urine drug screens as requested.

Residents clean their own rooms and will coordinate with their fellow residents to clean the shared spaces.

Residents will have their own toiletries, linens, clothes, and dishware.

There are currently 5-7 parking spaces in the rear of the building.

There are currently 3 full restrooms

There are 7 rooms that could be utilized as bedrooms. Presently only 6 are being considered for use.

Please let me know if you have any further questions or need any more clarification.

If there is another of better way that we can go about this please let us know



Work Session Agenda Statement

Item # 3B

Meeting Date: April 3, 2023

Agenda Item: Amend Previously Approved Proffers for Anna Swan Estates - HEPTAD LLC

Summary: A rezoning application requesting to amend the previously approved proffers for the subdivision entitled ANNA SWAN ESTATES identified on tax parcel #20-A21-2-1 and #20A20-2-11 dated February 2, 2012. The property is located in the Leach Run Planning Area and consists of 98.25 acres. The original HEPTAD rezoning application was initially submitted to the Town on July 5, 2005, referred to as the Swan Farm. In 2012 Council approved an amendment to the original proffers. The Planning Commission held a public hearing on December 21, 2022 and recommended approval to amend previously approved proffers for Anna Swan Estates with the following conditions:

1. The applicant amends the language of section 3.1 to state *"In the event that the Front Royal Town Council approves these Amendments, such approval will be deemed an acknowledgment by the Front Royal Town Council that (i) Leach Run Parkway ("LRP") has been completely constructed and (ii) Heptad, LLC complied with any prior approved proffers pertaining to the dedication of right of way, with the exception of the payment of the related cash proffers"*.
2. The applicant is able to provide adequate residential parking per 175-104, 175-105, 148-48 of Town Code.
3. The applicant amends the language of 7.5.1 to remove the word *"the"* before Warren County.
4. The applicant will amend the proffer statement to include language addressing their responsibility to expand and install the on-site utility infrastructure in accordance with Town Code Chapter 134.
5. The applicant will amend their proffers to include language addressing their responsibility for the cost of installing stormwater facilities on site.

The latest proffer amendment dated March 15, 2023 adds the following language: Page 2 (redlined) *Each proffer listed herein and made in connection with this application is made voluntarily and complies with applicable law.* Council heard this item during their January 9, 2023 Work Session and consulted with legal counsel during their closed meetings of February 13th and March 6th. Council removed the public hearing for this item on January 23, 2023.

Budget/Funding: None

Staff Recommendation: Council is to direct staff to advertise for a public hearing to be held on April 24, 2023.

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING

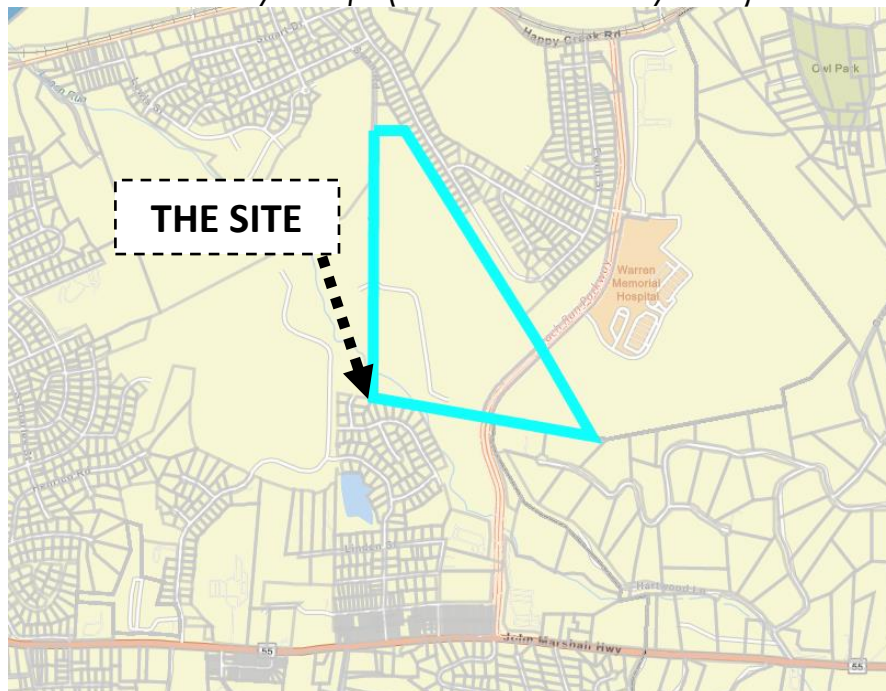


STAFF REPORT FOR THE DECEMBER 18, 2022 PLANNING COMMISSION MEETING

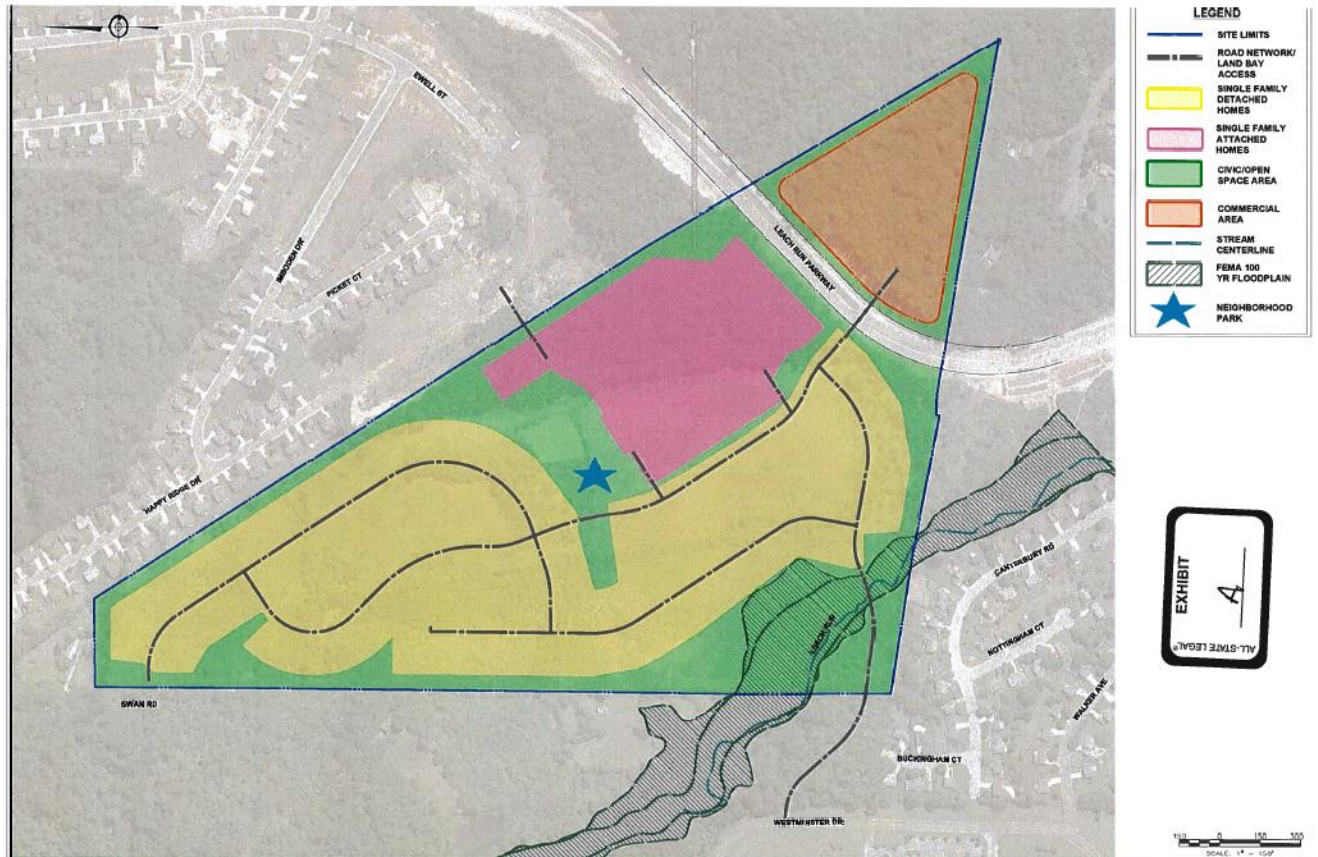
GENERAL INFORMATION:

Application #	2200422
Applicant	HEPTAD LLC
Summary of Request	A request to amend the previously approved proffers for the subdivision entitled ANNA SWAN EST identified on Tax Parcels #20-A21-2-1 and Tax Parcel # 20A20-2-11. The proposed changes include modifications of the monetary proffers, the type and number of dwelling units and proposed lot size.
Site Addresses	None (Vacant Land)
Zoning District	PND- Planned Neighborhood Development
Tax Identification	Tax Parcels #20-A21-2-1 & #20A20-2-11
Location	The property is located on the eastern side of the Town beside Williamsburg Estates subdivision to its southwest, and Happy Creek Knolls subdivision to its northeast. The Warren County school complex with the high school and elementary school is located west of the property. Leach Run traverses across the far southwest corner of the property

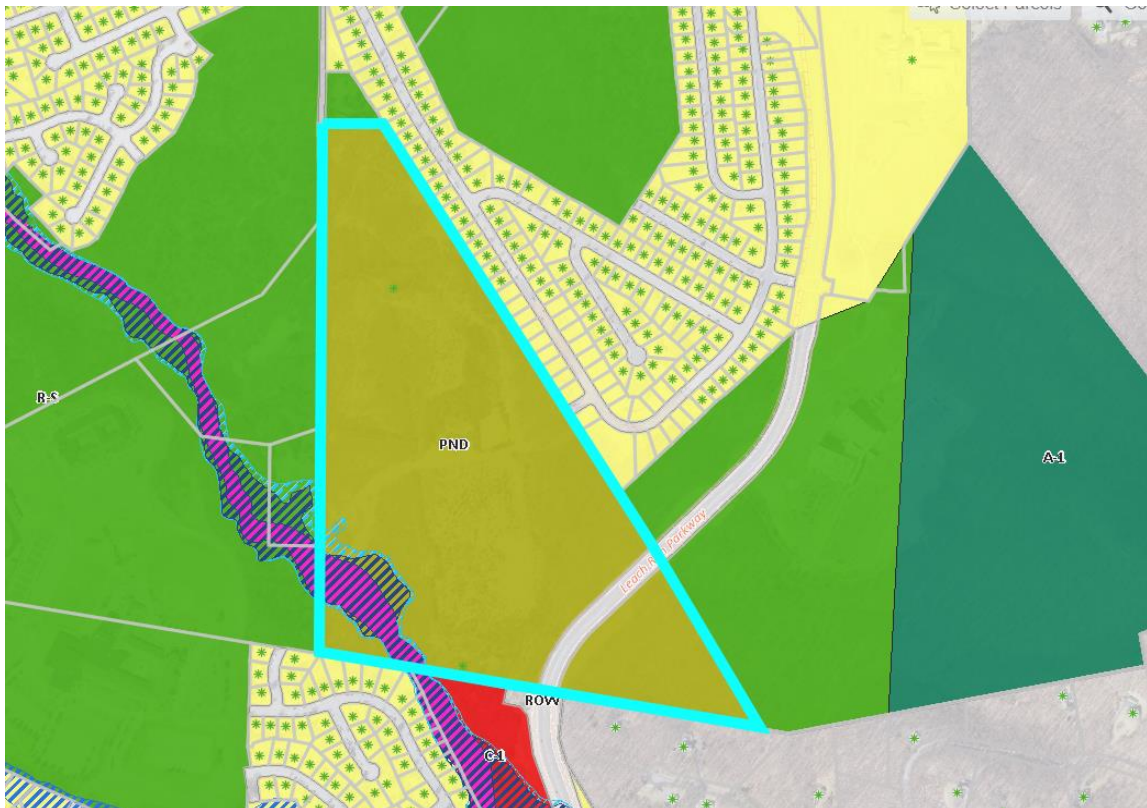
Vicinity Map (Warren County GIS)



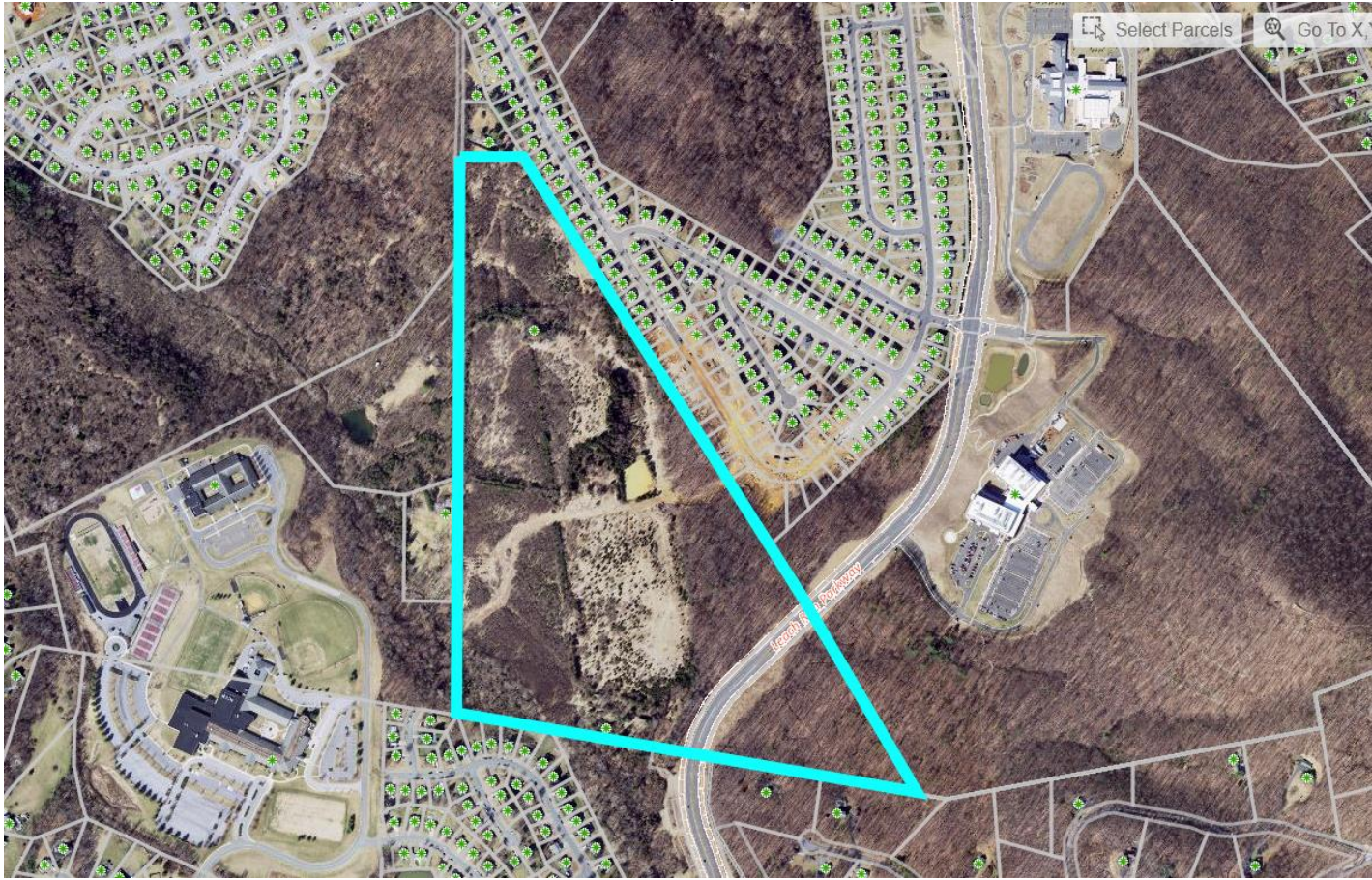
Map of HEPTAD Properties (Survey Illustration)



Town Zoning Map (Warren County GIS)



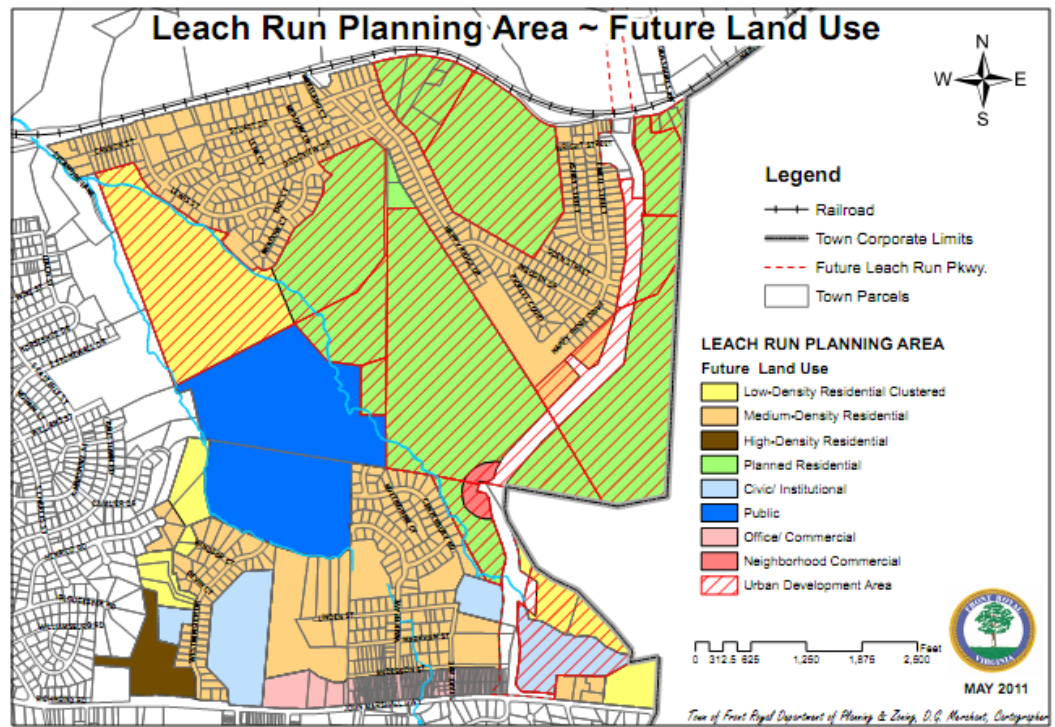
Aerial Map



SUPPLEMENTAL INFORMATION:

Summary

The property is located in the Leach Run Planning Area and consists of 98.25 acres that is currently zoned Planned Neighborhood Development (PND) District. The existing proffers propose development consisting of a residential of 450 du (dwelling units), creating a density of 4.58 du per acre. The residential dwellings are planned to consist of a mixture of single-family detached, single-family attached, and multifamily dwelling units. Town Code Section 175-37.09, permits a density of up to six (6) du per acre in the PND District, subject to approval of a density bonus by Town Council. The Future Land Use Plan recommends the future use of the property as "planned residential." The property is overlaid with the UDA designation, which means that it has been designated as a potentially suitable location for relatively higher development densities (4 du/ acre minimum). Modern planning principles generally promote higher density and clustered development in growth areas to avoid costly construction and maintenance of infrastructure to serve development in outlying areas and to preserve open space.



The original HEPTAD rezoning application was initially submitted to the Town on July 5, 2005. The property was simply referred to as the Swan Farm at that time. On February 1, 2012, Town council approved an amendment to the original proffers. The newly proposed amendments will permit up to 335 du, 165 single-family detached and 170 single-family attached. This calculates to a gross residential density of 3.4 du/acre. The proposed amendments also include changes to the currently approved lot sizes, and modifications to the cash proffers.

Review Procedure

Adoption or revision of proffers requires the same procedures as a rezoning or ordinance amendment. The submission must first be reviewed by the Planning Commission, and the Planning Commission must forward recommendations to Town Council. Town Code 175-146.D. specifies that the Planning Commission must take action within 90 days after the date of the first regular meeting of the Commission. It is important to note that when the submission changes, such as when a property owner revises the proffers during the review process, the 90-day time period resets.

Town Code 175-150

CONDITIONAL ZONING PROFFERS IN REZONING APPLICATIONS; HIGH GROWTH PERIODS

As provided in Virginia Code Section 15.2-2298, notwithstanding any contrary provisions in Front Royal Town Code Section 175-149,

the provisions of this section shall apply during periods wherein the Town and/or County of Warren has had a population growth of ten percent (10%) or more from the next-to-latest decennial census year, based on population reported by the United States Bureau of the Census, or during periods when Warren County is contiguous with at least three (3) counties which have experienced ten-percent population growth or more as described herein.

(Amended VA Code Reference and Other Amendments 9-25-00-Effective Upon Passage)

(Amended by Adding "Town and/or" 6-22-15-Effective Upon Passage)

A. Owners of land making application to the Town of Front Royal for a zoning reclassification of their land in the Town of Front Royal may voluntarily proffer in writing, as part of the rezoning petition, certain conditions, subject to the following requirements:

1. The rezoning of the land must itself give rise to the need for the conditions.
2. The conditions must have a reasonable relation to the rezoning of the land.
3. All conditions shall be in conformity with the Comprehensive Plan for the Town of Front Royal.
4. The conditions may include a cash contribution to the Town of Front Royal or contributions of personal property and services.
5. The conditions may include dedication of real property for open space, parks, schools, fire departments or their public facilities.
6. The conditions may include payment for or construction of off-site improvements.
7. All conditions shall be in writing and shall be submitted to the Town of Front Royal as part of the rezoning application prior to public hearing before the governing body.

(Amended "7" by adding "governing body" 9-25-00-Effective Upon Passage)

8. All applicable requirements of the Virginia Code shall be complied with, including, but not limited to, the requirements of §15.2-2298.

(Amended by adding "8" 6-22-15-Effective Upon Passage)

B. No proffer shall be accepted under this section unless and until

the Town has adopted a capital improvement program. In the event that the proffered conditions include a dedication of real property or payment of cash, such property shall not transfer and such payment of cash shall not be made until the facilities for which such property is dedicated or such cash is tendered are included in the capital improvement program. However, the Town may accept proffered conditions which are not normally included in the capital improvement program. Proffered conditions shall provide for the disposition of dedicated property or cash payments in the event that said property or cash payments are not used for the purposes for which they are proffered.

C. Once preferred and accepted as part of an amendment to this chapter, the conditions shall continue in full force and effect until a subsequent amendment changes zoning of the property covered by the conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised Zoning Ordinance.

D. The Zoning Administrator shall administer and enforce the conditions attached to a rezoning or amendment to the Zoning Map, including:

1. Ordering by written notice the remedy of any noncompliance with zoning conditions.
2. Bringing legal action to ensure compliance with such conditions, including injunction, abatement or other appropriate action or proceeding.
3. Requiring a guaranty satisfactory to the governing body in an amount sufficient for and conditioned upon the construction of any physical improvements required by the zoning conditions or a contract for the construction of such improvements and the contractor's guaranty in like amount and so conditioned, which guaranty shall be reduced or released by the governing body or agent thereof upon the submission of satisfactory evidence that the construction of such improvements has been completed, in whole or in part.

E. The failure to meet all conditions shall constitute cause to deny the issuance of any required use, occupancy or building permit as may be appropriate.

F. The Zoning Map shall show by an appropriate symbol on the map the existence of conditions attached to zoning. The Zoning Administrator shall keep in his office and make available for public

	inspection a Conditional zoning index. This index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district or zone. G. The Zoning Administrator shall record in the deed book records of the Office of the Clerk of the Circuit Court of Warren County a certificate with the name of the property owner and a description of the property and indicating that the property is subject to conditional zoning as shown on the Town of Front Royal Zoning Map. (Added Entire Section 8-28-89-Effective Upon Passage)
Proffer Definition	A proffer is a voluntary offer by a landowner submitted with a rezoning application to perform an act or donate money, a product, or service with the intent of justifying the appropriateness of the proposed rezoning application. The rezoning of land with proffers is referred to in the Virginia Code 15.2-2296 as conditional zoning. Virginia Code 15.2-2201, describes conditional zoning as a means to allow reasonable conditions (proffers) governing the use of property, where the conditions are in addition to the regulations provided for in a particular zoning district. <i>Jefferson Green Unit Owners Association, Inc. v. Gwinn, 262 Va. 449 (2001)</i> established that when a locality accepts proffers they become part of the zoning ordinance.
Proposed Proffer Amendments	Below is a summary of the proffer changes proposed by the Applicant: ❖ Transportation Modifications ➤ 3.1 Leach Run Parkway. In the event that the Front Royal Town Council approves these Amendments, such approval will be deemed an acknowledgment by the Front Royal Town Council that (i) Leach Run Parkway ("LRP") has been completely constructed and (ii) Heptad, LLC complied with any prior approved Proffers pertaining to the dedication of right of way for construction of LRP. Staff Comment: <i>the applicant should amend the statement to read, "... pertaining to the dedication of right of way, with the exception of the payment of the related cash proffers."</i> ➤ 3.4 Interparcel Connection. The Applicant's Revised Functional Use Plan – Land Bay Layout accommodates a future interparcel connection to the Happy Creek Knolls

subdivision. The Applicant shall provide the necessary right-of-way dedication upon request by the Town for such interparcel connection, at no cost to the Applicant.

Staff Comment: *staff supports additional interparcel connections.*

❖ **Residential**

- 4.1.1 The maximum number of dwelling units to be constructed on the Property shall not exceed three hundred thirty (335) dwelling units.

Staff Comment: *the applicant has reduced the total number of dwelling units from 450 to 335. The metric data provided by the most recent Comprehensive Plan study/rewrite shows that the Town has insufficient housing to support projected population growth. Without the rezoning to PND the property would have supported the development of 171 dwelling units. This project essentially doubles the number of proposed units.*

- 4.1.2. In general conformance with the Master Plan, as amended, the single-family detached land bays may contain a maximum of one hundred seventy (170) single family detached dwelling units one hundred sixty five (165) The Applicant reserves the right to adjust the above mix of housing unit types but in no case shall the total number of units exceed three hundred thirty five (335).

Staff Comment: *staff supports the proposed mix of housing units.*

❖ **Phasing**

- The Applicant hereby proffers that residential development shall be phased such that building permits shall not be issued for more than one hundred (100) dwelling units every twelve (12) months.

Staff Comment: *staff has concerns about the ability to process an additional 100 zoning permits due to current staffing levels. Typical zoning permit review takes two weeks, and this department processes an average of 34 new dwelling units/year. The result is that review times may exceed two weeks.*

❖ **Design Guidelines**

- Reduction in lot size from 50'x60' to 46'x60'

Staff Comment: *the loss of area is equal to 240 sf of lot size. As long as the applicant can provide adequate onsite parking, staff has no concerns over lot size.*

❖ **The proposed proffers modify the per-unit cash proffers.**

- Town Proffers

TOWN OF FRONT ROYAL PROFFERS	
SINGLE-FAMILY ATTACHED (170 UNITS)	6039.72
DEDICATION OF LEACH RUN PARKWAY	1041.33
TOTAL PER UNIT	4998.39
SINGLE-FAMILY DETACHED (165 UNITS)	7910.36
DEDICATION OF LEACH RUN PARKWAY	1041.33
TOTAL PER UNIT	6869.03

- 7.1 The Applicant shall contribute to the Town of Front Royal, Virginia, a one-time cash contribution in the amount of \$7,910.36 for each residential single family detached (SFD) dwelling unit and in the amount of \$6,039.72 for each single family attached (SFA) dwelling unit constructed on the Property, which contribution shall be used by the Town of Front Royal to defray the costs and expenses associated with the design and construction of the Leach Run Parkway Improvements. The above contribution amounts were calculated using the Proffer Analysis dated September 8, 2022, and prepared by Greenway Engineering, Inc. This per-unit contribution shall be calculated at the time of approval of the building permit for construction of each residential dwelling unit on the Property and shall be payable prior to the issuance of the occupancy permit for said dwelling unit.
- 7.2 As per the Proffer Analysis dated September 8, 2022 and prepared by Greenway Engineering, Inc., the fair

market value of the land previously dedicated by the Applicant as part of Leach Run Parkway was \$234,300.00. Therefore, notwithstanding the foregoing Proffer 7.1.1, the Applicant shall be entitled to a credit against the proffer amounts specified in Proffer 7.1.1 above equal to \$1,041.33 per residential dwelling unit (whether SFD or SFA)

➤ County Proffers

COUNTY OF WARREN PROFFERS	
AMOUNT PER DWELLING UNIT	4247.99
NEIGHBORHOOD PARK CREDIT PER UNIT	1044.78
TOTAL PER UNIT	3203.21

- 7.5.1 The Applicant shall contribute to the Warren County, Virginia, a one-time cash contribution in the amount of \$4,247.99 .00 for each residential dwelling unit (SFA or SFD) constructed on the Property, which contribution shall be used by Warren County to support capital improvements relating to the impacts of the residential development on the Warren County Public Schools. This contribution was calculated using the Proffer Analysis dated September 8, 2022 and prepared by Greenway Engineering, Inc. This per-unit contribution shall be calculated at the time of approval of the building permit for construction of each residential dwelling unit on the Property and shall be payable prior to the issuance of the occupancy permit for said dwelling unit.

Staff Comment: Remove "the" before Warren County.

- 7.5.4 As per the Proffer Analysis dated September 8, 2022 and prepared by Greenway Engineering, Inc., the fair market value of the land to be dedicated by the Applicant for the Neighborhood Park is \$350,000.00. Therefore, the Applicant shall be entitled to a credit against the proffer amounts specified in Proffer 7.5.1 above equal to \$1,044.78 per residential dwelling unit (whether SFD or SFA).

	Staff Comment: The existing 2012 proffers state: First 335 dwelling units: The applicant has voluntarily offered \$18,000 for each single family detached (SFD) dwelling unit, \$11,000 per single family attached (SFA) dwelling unit and \$9,000 for each multi-family (MDU) dwelling unit for the first three hundred and thirty-five (335) dwelling units. These are designated for the planning, design, right-of-way acquisition and/or construction of Leach Run Parkway. In addition to the above funds to the Town, the applicant has agreed to pay \$5,500 per dwelling unit to Warren County Public Schools. Final 115 dwelling units: The applicant has voluntarily offered to pay \$9,000 per SFD dwelling unit, \$5,500 per SFA dwelling unit, and \$4,500 per MDU dwelling for the final one hundred and fifteen (115) dwelling units. These funds are designated for the planning, design, right-of-way acquisition and/or construction of Leach Run Parkway. In addition to the above funds to the Town, the applicant will pay \$9,000 per SFD dwelling unit, \$5,500 for each SFA dwelling unit, and \$4,500 for each MDU to Warren County Public Schools for the final 115 dwelling units. The total proposed amount proffered the Town after credits is approximately \$1,983,116.25. The total proposed amount proffered the County is approximately \$1,073,075.35. Warren County estimates the impact of development to cost \$8770.00 per Single-family detached Unit and \$11,013.00 per Single-family attached unit. Warren County is requesting a total of \$3,319,260.00 and the applicant is offering \$1,073,075.35 creating a deficit of \$2,246,184.65 for the impact of development per Warren County. The proposed total to both entities is approximately \$3,056,191.60. However, the project is smaller by 115 dwelling units.
Attorney Comments	Water and Sewer Is the applicant proffering to connect to public water and sewer? If

	so, are they solely responsible for the cost thereof? Staff will address this comment with a recommended condition. Stormwater Infrastructure Is the applying proffering to include stormwater facilities on the site? If so, are they solely responsible for the cost thereof? Staff will address this comment with a recommended condition. The applicant is responsible for the cost and installation of stormwater mitigation on site.
Attachments	1) Applicant's Application 2) Clean Copy of Proposed Proffers 3) Redline Version of Proposed Proffers 4) Existing Proffers (2012) 5) Proffer Impact Analysis prepared by Greenway Engineering 6) Design Guidelines 7) MOU between Town and County for proffer analysis 8) Warren County Staff Comments 9) Ch 11 Land Use Law Book

AMENDED PROFFER STATEMENT

REZONING: RZ# 05-07-56
Suburban Residential (R-S) District to Planned Neighborhood
Development (PND) District

PROPERTY: 98.25 acres +/-;
Tax Parcel #20-A21-2-1 and Tax Parcel # 20A20-2-11

APPLICANT/
OWNER: HEPTAD, LLC

PROJECT NAME: Swan Estates

ORIGINAL DATE
OF PROFFERS: June 30, 2005
Amended November 2005
Amended March 2006
Amended April 15, 2011
Amended January 31, 2012
Amended February 1, 2012
Amended September 16, 2022
Amended December 22, 2022
Amended March 15, 2023

Preliminary Matters

Pursuant to Section 15.2-2296 et. seq. of the Code of Virginia, 1950, as amended, and the provisions of the Town of Front Royal Zoning Ordinance as set forth in Chapter 175 of the Town of Front Royal Municipal Code (the “Town Code”) with respect to conditional zoning, the Front Royal Town Council approved the rezoning of approximately 98.25 acres from the Suburban Residential (R-S) District to Planned Neighborhood Development (PND) District (RZ#05-07-56), to be developed in general conformity with the terms and conditions set forth in a certain Proffer Statement dated February 1, 2012 and approved by the Front Royal Town Council as part of the

conditional rezoning approval (the “Approved Proffers”). The subject property, identified as the Anna Swan Estate, and more particularly described as the lands owned by Heptad, LLC, being all of Tax Map Parcels 20-A21-2-1 and 20A20-2-11 by virtue of a deed dated August 14, 2009 and recorded among the land records of the Warren County Circuit Court Clerk’s Office as Instrument No. 090004959. More particularly consisting of Tax Map Parcels 20-A21-2-1, containing 97.7395 acres, more or less, as shown by plat of survey dated May 5, 2003, prepared by Mark D. Smith, L.S., of Greenway Engineering, entitled “Boundary Survey of the land of Anna Swan Estate, Town of Front Royal, Warren County, Virginia” and recorded as Instrument number 030007026, and Tax Map Parcel 20-A20-2-11, containing .52 acres, more or less, as shown by plat of survey dated May 3, 1957, prepared by S. M. Boyd, Jr., C.L.S., recorded in Warren County Deed Book 102, page 300.

Pursuant to §15.2-2302 of the Code of Virginia and the applicable provisions of the Town of Front Royal Zoning Ordinance, the Applicant desires to amend the Approved Proffers such that the subject property as described above shall be developed in general conformity with the terms and conditions set forth in this Amended Proffer Statement, the Master Land Use Plan (as defined in Proffer I below, and the Design Guidelines (as defined in Proffer II below).

Each proffer listed herein and made in connection with this application is made voluntarily and complies with applicable law.

I. **Master Land Use Plan**

The Applicant hereby proffers to develop the 98.25-acre property in general conformity with a Master Land Use Plan (Master Plan) approved as part of the rezoning

application, as amended with the Revised Functional Use Plan – Land Bay Layout (as defined below and attached hereto as Exhibit A), and subject to revisions by the Applicant due to lot layout and road alignment in accordance with final engineering considerations. The Master Land Use Plan is intended to illustrate the systems of roadways that will provide access to the land bays and serve the single-family residential lots, parking areas and community facilities therein. The Master Land Use Plan consists of the following:

1. Cover Sheet – June 30, 2005, Revised November 2005, March 2006, March 2011
2. Generalized Location Plan – June 30, 2005, Revised November 2005, March 2006, March 2011
3. Boundary Survey – June 30, 2005, Revised November 2005, March 2006, March 2011
4. Slope Analysis – June 30, 2005, Revised November 2005, March 2006, March 2011
5. Topography Map – June 30, 2005, Revised November 2005, March 2006, March 2011
6. Trip Distribution & Road Classification Plan – June 30, 2005, Revised November 2005, March 2006, March 2011
7. Flood Plain and Wetlands Delineation – June 30, 2005, revised November 2005, March 2006, March 2011
8. Leach Run Parkway Layout – June 30, 2005, Revised November 2005, March 2006, March 2011

9. Revised Functional Use Plan- Land Bay Layout – Prepared by Greenway Engineering and dated May 5, 2022

II. **Design Guidelines**

The Applicant hereby proffers the Revised Swan Estates Design Guidelines (“Design Guidelines”) prepared by Greenway Engineering, Inc. and dated September 9, 2022, which are attached hereto as Exhibit B. The Revised Swan Estates Design Guidelines may be revised by the Applicant in accordance with final engineering considerations. The Revised Swan Estates Design Guidelines shall generally have the same force and effect as if incorporated herein. and the Applicant, in developing the Property, shall generally conform to such Design Guidelines; however, modification and alternatives shall be allowed provided such modifications and alternatives achieve the same intent. If any provision of the Revised Swan Estates Design Guidelines shall subsequently be found to be invalid, the remaining provisions shall remain intact. Provided, however, notwithstanding anything in the Revised Swan Estate Design Guidelines to the contrary, the applicant hereby proffers that the foundation of any residential structure shall be faced with brick, natural stone, synthetic stone, colored textured concrete, stamped concrete, or any combination thereof.

III. **Transportation**

3.1 Leach Run Parkway. In the event that the Front Royal Town Council approves these Amendments, such approval will be deemed an acknowledgment by the Front Royal Town Council that (i) Leach Run Parkway (“LRP”) has been completely constructed and (ii) Heptad, LLC complied with any prior approved Proffers pertaining to

the dedication of right of way for LRP with the exception of the payment of cash proffers.

3.2. Off-Site Swan Estates Drive to Existing Westminster Drive.

The Applicant proffers to engineer, design and construct an extension of Swan Estates Drive to connect to existing Westminster Drive to the west of the subject property (Tax Map 20-A21-2-1) across property currently owned by the Warren County School Board (Tax Map 20-A14-2-1) (the “Westminster Connector”) conditioned upon an agreement between the Town and School Board as to the final location and legal status of the property across which the Westminster Connector will be built. The Applicant proffers to make its best efforts to have the School board dedicate the Westminster Connector easement to the Town in fee simple. In the interest of public safety and general welfare, the Westminster Connector will provide an alternate access to the public schools located on Westminster Drive.

3.3 Intentionally Deleted.

3.4 Interparcel Connection. The Applicant’s Revised Functional Use Plan – Land Bay Layout accommodates a future interparcel connection to the Happy Creek Knolls subdivision. The Applicant shall provide the necessary right-of-way dedication upon request by the Town for such interparcel connection, at no cost to the Applicant.

IV. **Residential**

4.1. **Residential Density**

4.1.1 The maximum number of dwelling units to be constructed on the Property shall not exceed three hundred thirty five (335) dwelling units.

4.1.2. In general conformance with the Master Plan as amended, the single-family detached land bays may contain one hundred seventy (170) single family detached dwelling units and the single-family attached land bays may contain one hundred sixty five (165). The Applicant reserves the right to adjust the above mix of housing unit types but in no case shall the total number of units exceed three hundred thirty five (335).

4.2. **Phasing**

The Applicant hereby proffers that residential development shall be phased such that building permits shall not be issued for more than one hundred (100) dwelling units every twelve (12) months. For the purposes of this provision, the first twelve-month period shall be considered the first full twelve (12) months following the beginning of construction on the Swan Estates project. All units not developed within the specified twelve-month period shall be carried forward to the next twelve-month period.

V. **Community Design**

5.1. **Design**

The Applicant agrees to provide an overall continuity of design within the community by means of selecting standards for the following elements, which will be uniformly specified and applied over the entire project, excluding areas within the public rights-of-way or public property:

1. Custom mailbox design.
2. Standardized common area fencing styles and color.
3. Standardized private residential fencing styles and color.
4. Community color selections to create neighborhood theme.
5. Uniform site furnishing selection (benches and trash receptacles).
6. Custom designed street signage and stop signage.
7. Landscaping at the entrance monuments along Swan Estates Drive selected to provide for a repetition of the neighborhood flower color scheme and theme trees throughout the community.

5.2. **Architectural**

- 5.2.1. The Applicant shall develop architectural and design covenants for the overall community. Said covenants will establish an architectural review board for the purpose of review and approval of all architectural elevations, exterior architectural features (including but not limited to fences, railings, walls and decks) for all uses within Swan Estates, as well as any publicly provided

structures located on sites dedicated for public use. These covenants are intended to assure a continuity of overall architectural appearance, quality material selection, and a cohesive color palate for all structure within the entire development.

5.2.2. The Applicant shall construct all homes in conformance with the Revised Swan Estates Design Guidelines referenced in Section II of these proffers.

5.3 Intentionally Deleted.

5.4. Signage

The Applicant shall provide an entrance feature with entry sign on the right and/or left side of Swan Estates Drive. The entrance feature shall be in conformance with Section 175-106 of the Town Zoning Ordinance or applicable successor provision. The sign may be lighted from the front at ground level with a minimal amount of illumination. Landscaping both in front of and behind the signage and wall will be provided. The sign shall have either stone or brick columns and will be compatible with and closely related to the themes and color schemes for the overall community. All signage shall comply with Section 175-106 of the Town Zoning Ordinance or successor provision thereto, except as waived or modified by the Town.

5.5. Lighting

Any exterior lighting of common use recreation areas shall be directed downward and inward to reduce glare on adjacent properties, the public and/or private right-of-way, and upward stray illumination.

5.6. Landscape Adjacent to Adjoining Property

5.6.1. Happy Creek Knolls. The Applicant shall provide a landscape area within the fifty-five foot (55') perimeter buffer and along the common boundary with the Happy Creek Knolls subdivision either through tree preservation and/or installed landscaping. This landscape area will be owned and maintained by the property owners association and will not be part of any private lot. If the Applicant elects to not provide tree preservation in connection with this landscape area, the landscape area will be planted at a rate of one (1) tree per forty (40) linear feet with a minimum of twenty-five percent (25%) deciduous trees within said area.

5.6.2. Williamsburg Estates. The Applicant shall provide a landscape area on the south side of Swan Estates Boulevard and along the common boundary with the Williamsburg Estates subdivision Section 3, Block K, Lots 3-6 either through tree preservation and/or installed landscaping. The installed landscaping will include a double row of evergreen trees adjacent to Swan Estates Boulevard. This landscape area will be owned and maintained by the home owners association and will not be part of any private lot.

5.6.3 Additional Commercial Buffer. In addition to the 55' vegetative buffer surrounding the Commercial portion of the project (as reflected in the Master Land Use Plan), the Applicant hereby proffers an additional 50' vegetative buffer along the

property line of the subject property where the Commercial portion of the project lies adjacent to Green Hills Subdivision (the “Additional Commercial Buffer”); provided, however, that the Applicant shall be under no duty to maintain or add new plantings to the Additional Commercial Buffer.

5.7. Recreational Amenities

5.7.1 Neighborhood Park. Before the seventy sixth (76th) building permit is issued, the Applicant shall design and submit a site plan for a neighborhood park of 3.5 acres minimum in size to applicable government agencies for review (the “Proffered Neighborhood Park”). Once the site plan is approved, the Applicant shall complete the construction of the Proffered Neighborhood Park in accordance with the above-mentioned approved site plan and dedicate the land and improvements for the Proffered Neighborhood Park to Warren County. The location of the Proffered Neighborhood Park and its associated amenities shall be located in the general area shown on the Revised Functional Use Plan – Land Bay Layout . The Neighborhood Park shall be designed pursuant to the guidelines for Neighborhood Parks as set forth within Chapter 5, Community Facilities, of the 2013 Comprehensive Plan adopted by the Warren County. The park will include a field area that will allow multi-purpose sports for children of all ages; a playground for younger children ranging from toddler to 12 years; a picnic area that will include picnic tables and possibly a walking trail. Upon Warren County’s acceptance of

the dedication of the Neighborhood Park, the Applicant shall receive a credit against the Warren County Proffers for the value of the dedicated land as set forth in Proffer 7.5.1 below. In the event that the County declines to accept the aforesaid dedication, the Neighborhood Park shall be dedicated to an HOA created pursuant to Section VI below, and the Applicant shall not receive any credits against the Warren County Proffers.

5.7.2 Passive Recreation Area. Additionally, the Applicant shall provide passive recreation on the Property consisting of a bird habitat preservation area, to be located in the general area shown on the Revised Functional Use Plan – Land Bay Layout . Active development of and use in the bird habitat area will be limited to areas outside of any wetlands or other resource protection areas. Only those activities that are allowed by appropriate regulatory agencies without additional permitting will be allowed inside such areas. No applications for additional use in these areas will be made.

5.8 Schools Sidewalk

The Applicant hereby proffers to construct, on the west side of Westminster Drive, a concrete sidewalk six feet (6') wide beginning approximately at the northern entrance to the Warren County High School and ending approximately at the southern most entrance to the Hilda J. Barbour Elementary School (the "Schools Sidewalk"). The Applicant will construct this portion of the Schools Sidewalk to Town standards after the final approval of the subject rezoning and after the issuance of all applicable permits

necessary for such construction. This obligation is conditional upon the granting of any necessary easements or dedications by the School Board to allow such construction; the Applicant shall then begin construction within sixty (60) days of written notification by the Town of Front Royal requesting such construction. The exact location of the sidewalk is to be determined by the Town of Front Royal, with the approval and agreement of the Applicant and the School Board.

5.9 Commercial Entrance Aesthetic. To the extent possible and commercially reasonable, the aesthetic elements of the entrance corridor for the commercial portion of the project shall be generally consistent with the visual elements of the entrance corridor of the residential portions of the project. Further, the aesthetic of the residential and commercial entrance corridors for the project shall, to the extent possible and commercially reasonable, be generally consistent with the aesthetic of Leach Run Parkway.

VI. **Creation of a Homeowner's Association**

6.1. A homeowners association ("HOA") shall be created for the residential portions of the Property and shall be made responsible for the maintenance and repair of all common areas, together with such other responsibilities, duties and powers as are customary for such associations or as may be required for such HOA herein.

6.2. In addition to such other responsibilities and duties as may be assigned or as may be set forth herein, the HOA shall have title to and responsibility for all common open space areas not otherwise dedicated to public use and common buffer areas located

outside of residential lots, to include, but not limited to, the entry of feature sign proffered herein.

VII. **Cash Proffers.**

7.1 **Town Proffers.**

7.1.1 The Applicant shall contribute to the Town of Front Royal, Virginia, a one-time cash contribution in the amount of \$7,910.36 for each residential single family detached (SFD) dwelling unit and in the amount of \$6,039.72 for each single family attached (SFA) dwelling unit constructed on the Property, which contribution shall be used by the Town of Front Royal to defray the costs and expenses associated with the design and construction of the Leach Run Parkway Improvements. The above contribution amounts were calculated using the Proffer Analysis dated September 8, 2022 and prepared by Greenway Engineering, Inc. This per-unit contribution shall be calculated at the time of approval of the building permit for construction of each residential dwelling unit on the Property and shall be payable prior to the issuance of the occupancy permit for said dwelling unit.

7.2 **Credits Against Town Proffers.** As per the Proffer Analysis dated September 8, 2022 and prepared by Greenway Engineering, Inc., the fair market value of the land previously dedicated by the Applicant as part of Leach Run Parkway was \$234,300.00. Therefore, notwithstanding the foregoing Proffer 7.1.1, the Applicant shall be entitled to a credit against the proffer amounts specified in Proffer 7.1.1 above equal to \$1,041.33 per residential dwelling unit (whether SFD or SFA).

Proffers 7.3 and 7.4 Intentionally Deleted.

7.5 County Proffers.

7.5.1. The Applicant shall contribute to Warren County, Virginia, a one-time cash contribution in the amount of \$4,247.00 for each residential dwelling unit (SFA or SFD) constructed on the Property, which contribution shall be used by Warren County to support capital improvements relating to the impacts of the residential development on the Warren County Public Schools. This contribution was calculated using the Proffer Analysis dated September 8, 2022 and prepared by Greenway Engineering, Inc. This per-unit contribution shall be calculated at the time of approval of the building permit for construction of each residential dwelling unit on the Property and shall be payable prior to the issuance of the occupancy permit for said dwelling unit.

7.5.2 Intentionally Deleted.

7.5.3 Intentionally Deleted.

7.5.4 Credits Against County Proffers. Notwithstanding the foregoing Proffer 7.5.1, the audited costs of the engineering, design, and construction of the Neighborhood Park as provided in these Proffers shall be credited against the aforesaid Warren County Proffers, provided further that the Applicant shall be entitled to a credit for the dedication of the land for the Neighborhood Park. As per the Proffer Analysis dated September 8, 2022 and prepared by Greenway Engineering, Inc., the fair market value of the land to

be dedicated by the Applicant for the Neighborhood Park is \$350,000.00.

Therefore, the Applicant shall be entitled to a credit against the proffer amounts specified in Proffer 7.5.1 above equal to \$1,044.78 per residential dwelling unit (whether SFD or SFA).

7.5.5 Intentionally Deleted.

7.6 Intentionally Deleted.

VIII. **Comprehensive Plan Conformity**

Approval of the subject zoning map amendment and its constituent parts, including Proffers, Master Plan, as amended, and Revised Swan Estates Design Guidelines, by the Town Council of Front Royal, Warren County, Virginia, constitutes a finding that the subject zoning map amendment is found to be in substantial conformance with the Town of Front Royal adopted Comprehensive Plan.

IX. **Miscellaneous Provisions**

9.1 Monetary contributions as set forth in this Proffer Statement shall be adjusted on a yearly basis from the base year of 2023 and change effective on January 1, 2024 and each January 1 thereafter, in accordance with changes to the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted), as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Arlington-Alexandria, DC-MD-VA-WV Metropolitan Statistical Area (the “CPI”), subject to a cap of 3% per year, non-compounded.

9.2 The Applicant proffers that development of the subject property shall generally comply with all applicable provisions of Article 8 of Chapter 148 of the Front

Royal Town Code (Subdivisions and Land Development), including those provisions pertaining to stormwater management, parking, and utility infrastructure.

X. **Signature**

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns, and successors in the interest of the Applicant and owner. In the event the Town Council of the Town of Front Royal grants this revision to the previously approved rezoning and accepts these Amended Proffer Statement, such proffers shall apply to the land rezoned in addition to other requirements set forth in the Front Royal Town Code and Virginia law.

XI. **Interpretation**

Upon approval of this Amended Proffer Statement by the Front Royal Town Council, this Amended Proffer Statement supersedes any proffer statements previously submitted and approved in connection with this application and this Property.

THIS SPACE INTENTIONALLY LEFT BLANK.

SIGNATURE PAGE TO FOLLOW.

APPLICANT:

HEPTAD, LLC

By: _____

Ronald Llewellyn, Manager

STATE OF VIRGINIA

CITY/COUNTY OF _____, TO-WIT:

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Ronald Llewellyn, in his capacity as Manager of HEPTAD, LLC.

My commission expires: _____.

Notary Registration Number: _____.

NOTARY PUBLIC

Design Guidelines

Submitted by:

Joseph F. Silek, Jr., P.C.

For

HEPTAD, LLC

Revised September 9, 2022

CONTENTS

A. Introduction

1. Project description
2. Purpose of guidelines
3. Organization of the guidelines

B. Development Design Criteria

1. Design principles
2. Residential layout
3. Residential elevations
4. Building height
5. Development relationship

C. Architecture

1. General Design Criteria
2. Single Family Detached (SFD) Units
3. Townhouse Units
4. Recreation
5. Playground Typical

D. Streetscape

1. Design criteria
2. Street layout
3. Streetscape
4. Parking
5. Entrance Feature

E. Open Spaces

1. Design Criteria
2. Conservation Land
3. Perimeter Setback
4. Pedestrian Network
5. Habitat Park
6. Additional Public Benefit

A. Introduction

1. Project Description

The Swan Estates development consists of approximately 98.25 acres of land and is located between the existing Williamsburg Estates and Happy Creek Knolls subdivisions. The property is comprised of two parcels, currently zoned PND. The proposed PND development of the Property is comprised of Single Family Detached units, which are anticipated to have a design aesthetic consistent with surrounding neighborhoods. In addition, a portion of Swan Estates will include acreage for future retail neighborhood commercial development primarily for the benefit of Swan Estates residents. The project entrance on Leach Run Parkway shall be delineated with monumentation and landscaped accordingly. A pedestrian network will link the community together. Open space will be provided in a central location and will contain recreational amenities to serve the community.

2. Purpose of Guidelines

The purpose of this document is to describe the design concepts for Swan Estates and meets the criteria for the Town of Front Royal PND ordinance, in addition to describing the design principles that support the concept, in order to provide a set of guidelines for developing the various components of the proposed plan. These guidelines, while not overly restrictive, will be used to direct the design at the Swan Property.

Either the developer or an Architectural Review Board (ARB) established by the Property Owners Association (POA) will evaluate any amendments, revisions, and waivers to the Design Guidelines to determine if they are appropriate and in keeping with the original intent of the Design Guidelines.

3. Organization of the Guidelines

The guidelines begin with the overall development design criteria that will be utilized to create organization and coherence within the community. The essential design elements of the project are as follows: architecture, streetscape design, open space standards, landscape design, parking, and signage. The design guidelines and standards are intended to explain basic aspects of conformance rather than specific design criteria. The overall layout of the proposed development has not been finalized. An illustrative bubble plan is included as Appendix A. All illustrations shown represent proposed preliminary design intentions and are subject to change based upon final design and construction plans, while continuing to maintain the standards and criteria of the design guidelines and the PND ordinance.

B. Development Design Criteria

1. Design Principles

The Urban Development Area (UDA) calls for increased housing density, and the site itself is varied; going from woods to open fields and includes both steep slopes, floodplain, and the Leach Run riparian corridor. The design for Swan Estates applies the flexibility of the PND ordinance to achieve the intent of the UDA by integrating Single Family Detached units with the site's distinctive natural features. The Single Family Detached units will be located to complement existing site conditions, capitalizing on the natural features, while limiting disturbance to sensitive areas such as steep slopes and floodplain. The proposed road layout respects the site's topography while at the same time connecting the Single Family Detached housing to neighborhood amenities and the surround community. Pedestrian connectivity will be provided through a network of sidewalks and trails that will both follow the road layout and, where appropriate, extend into open spaces.

Swan Estates will also include a commercial section that, although separated by Leach Run Parkway, will be available to pedestrian traffic from the community. This will further reduce vehicular traffic both inside the neighborhood and coming and going from the community itself into town to pick up household 'essentials'.

The end result will be an integrated community that is pedestrian oriented, aesthetically pleasing, and environmentally friendly.

2. Residential Layout

The residential component of the Swan Estates development, totaling roughly 83.84 acres, will consist of 335 single family detached dwelling units, resulting in a gross density of approximately 4 units/acre. As discussed in section A3, this project is in the preliminary phase, any lot layout or bubble plan shown is conceptual and preliminary. Final design may vary based upon final engineering.

3. Residential Elevations

All buildings will be located with respect to the immediate site conditions and user functions, taking advantage of the features of each site while limiting the disturbance to the land. The 'front' of each unit with its best facade, will be oriented accordingly while keeping in mind that each unit is part of the neighborhood as a whole. Material selection for the facades will be integrated throughout the housing types in order to contribute to the overall appearance of the community.

4. Building Height

The building height and massing will vary but will be designated to complement the character of the land and overall design of the neighborhood. In regard to roof lines, there may be a variety of rooflines and projections that will help to improve aesthetics and the architectural fenestration, minimizing the massing of any single building plane.

5. Development Relationship

The natural features of the site will be integrated with the residential development, resulting in maximized open space and resource protection. This approach will allow over 26 acres (over 30%) of the residential component to remain in open space, to include untouched conservation land consisting of the riparian corridor and floodplain of Leach Run. The residential units will have complementary architectural styles. The commercial component although separated by Leach Run parkway will also have a complementary architecture that works with the rest of the community.

This concept of designing the neighborhood to preserve open space will not only benefit the residents, but the community as a whole, as the project will look like it 'fits' the site and has not been imposed on it. In addition to the open space, the project will adhere to the PND required setback ordinance and related buffers to further enhance its outward appearance.

These techniques follow the intent of the PND ordinance while increasing density as called for within the UDA and also respect the environmental features of the site. As a result, Swan Estates will be an environmentally friendly neighborhood that will also be aesthetically pleasing when viewed from Leach Run Parkway and the surrounding community.

C. Architecture

1. General Design Criteria

General Architectural Guidelines - The objective of the architectural design standards is to generate a unified design image for the site but allow individual structures to maintain independent design themes.

General Architectural Massing - The Single Family Detached units shall exhibit a variety in their massing, height, roof configurations, projections, and recesses. Where appropriate, each building design may differ from adjacent structures.

General Building Elevations - All buildings shall be designed to complement the character of the neighborhood's theme and be sensitive to the appropriate materials, color, and scale. The side and rear elevations should complement the design character of the overall architectural theme and all building elevations shall be assembled using quality materials and finishes.

2. Single Family Detached Units (SFD)

Descriptions - SFD units will be two story single family detached homes typically with front loaded garages. They may have attached garages or side loaded attached garages as options where appropriate.

Materials - A variety of architectural materials and textures may be used for each building facade. Acceptable elevation materials shall include but not be limited to brick, stone, wood, cedar shakes, architectural asphalt shingles, or standing seam metal roofing. Additional materials may be substituted by approval of the developer or ARB.

Colors - Colors or tones that are characteristic of the architectural style selected, and which will complement the character of the community and adjacent developments, should be used. Limited accent colors may be used to complement the building design. The use of fluorescent or garish colors shall be prohibited.

Mechanical Equipment - All efforts should be made to screen the mechanical equipment from the view of the streets.

SFD Unit Typical

The following table specifies the minimum standards for the SFD units.

Note: Brick returns, bay windows, downspouts, and roof overhangs are permitted to occur within the minimum setbacks.

Minimum Lot Depth:	120 ft.
Minimum Lot Width:	50 ft.
Minimum Setbacks:	
Minimum Front Yard Setback to Dwelling:	15 ft.
Minimum Rear Yard Setback to Street:	3 ft.
Minimum Rear Yard Building Setback to Other Lots/Open Space:	25 ft.
Minimum Rear Yard Porch/Deck Setback To Other Lots/Open Space:	10 ft.
Minimum Side Yard Setback to Dwelling:	
Interior Lot:	7.5 ft.
Corner Lot:	15 ft.

3. Townhome Unit

Description - Townhome housing units are a 3-story attached style of home with a front-loaded garage. The front facades will vary in depth to enhance the streetscape appearance. The front yard setback is at a minimum to accommodate driveway parking.

Materials - A variety of architectural materials and textures may be used for each building facade. Acceptable elevation materials shall include but not be limited to brick, stone, wood, cedar shakes, architectural asphalt shingles, or standing seam metal roofing. Additional materials may be substituted by approval of the developer or ARB.

Colors - Colors or tones that are characteristic of the architectural styled selected, and which will complement the character of the community and adjacent developments, should be used. Limited accent colors may be used to complement the building design. The use of fluorescent or garish colors shall be prohibited.

Mechanical Equipment - All efforts should be made to screen the mechanical equipment from the view of the streets.

TOWNHOME UNIT TYPICAL

Townhome housing units are a 3-story attached style of home with a front-loaded garage. The front facades will vary in depth to enhance the streetscape appearance. They are designed to be oriented in close proximity to the street. The siting of the homes in this manner further encourages pedestrian movement. The following table specifies the minimum standards for the Townhome House type.

Note: Brick returns, bay windows, downspouts, and roof overhangs are permitted to occur within the minimum setbacks.

Townhome Minimum Lot Size:	1,120 sf.
Minimum Lot Depth:	70 ft.
Minimum Lot Width:	16 ft.
Minimum Setbacks:	
Minimum Front Yard Setback to Dwelling:	20 ft.
Minimum Side Yard Setback to Dwelling (end unit):	10 ft.
Minimum Rear Yard Setback:	20 ft.
Porches and decks:	5 ft.

4. Recreation

The PND ordinance states that recreation and park facilities are permitted uses. The Swan Estates development will provide residents with both active and passive recreation to satisfy their needs. The PND ordinance promotes the design of a walkable environment for pedestrians. A pedestrian network will be provided throughout the major thoroughfares, allowing the residents to traverse throughout the community without the need of an automobile. Additional passive recreation shall be included with the community center and along the floodplain/conservation land.

Adjacent to Swan Estates are existing school sites, complete with playgrounds, ball fields, football stadium with track, and tennis courts, all within walking distance from Swan Estates. Additional active recreational amenities provided within Swan Estates include but are not limited to the following: a playground, open play areas, path system, and a structured sitting area. The Swan Estates development will meet or exceed the PND ordinance requirement of 335 square feet of recreation area per dwelling unit.

5. Playground Typical

The Swan Estates development will have a central open space area capable of incorporating the playground. The final location of the playground will be determined upon final engineering. The playground area will be at least 2,000 square feet and contain the following minimum components:

- play equipment
- edging and surfacing meeting ASTM and USCPSC standards
- bench
- trash receptacle

D. Streetscape

1. Design criteria

The streetscape will complement the park-like character of the community through the use of canopy trees along the main streets. The selection of any hardscape elements should be of similar materials and should assist in setting the tone for the overall neighborhood design theme.

2. Street Layout

The design and location of streets in Swan Estates will work with the land, especially the existing topography, to minimize its footprint and maximize protection of natural features. The internal street network consists of a series of interconnecting streets that enable multiple points of connection to the surrounding community, with the main vehicular entrance located on Leach Run Parkway. This street layout will slow down the overall speed of cars on the local neighborhood streets. All of this will lend to a more pedestrian friendly community per the PND ordinance.

3. Streetscape

The PND ordinance encourages enhanced streetscapes. The Swan Estates development will provide such enhancements. The landscape treatment for the streetscape may occur either on the private lots or fall within the linear street section of green space. The plantings may occur as a repeated pattern of street trees or may be clustered in more naturalistic groupings.

Streetscape lighting will be a fixture selected to complement the character of the community and will direct light downward to minimize the upward glare. The fixture will match the Town's approved light standard. The fixture will further enhance the overall theme of the community.

Additional site furnishings are to include, but not limited to, mailboxes, benches, street signs and poles. These furnishings will complement the overall theme of the community.

4. Parking

The pedestrian network will provide a means of accessing open space throughout the community that does not require the use of a vehicle; therefore, extensive parking areas will be minimized. Off street parking will be provided on the Single Family Detached lots. The community center will include parking per PND ordinance standards and will be appropriately marked with signage to indicate emergency access and handicap accessibility.

5. Entrance Feature

At the option of the developer, an entrance feature with entry sign will be placed on either the right or left of the entrance on Leach Run Parkway, or both. Another placement option is the center island for monumentation. The entrance feature would have a maximum height of 8 feet, with a maximum sign panel size of 24 square feet for each panel. The sign may be lighted from the front at ground level with a minimal amount of illumination. Landscaping both in front of and behind the signage and wall will be provided. The style of signage and materials will be compatible with and closely related to the themes and color schemes established for the overall neighborhood.

E. Open Spaces

1. Design Criteria

As a result of the project design, public open space is grouped in large parcels, accessed primarily by the pedestrian system. Active recreation will be centrally located and will include at a minimum, a structured sitting area, a playground, and an open play lawn area where many informal activities could take place: football, soccer, baseball, Frisbee, to name a few. The adjacent school site is able to provide additional active recreation and is within walking distance of the Swan Estate development. The Swan Estates

development will adhere to open space guidelines listed in the Town of Front Royal PND ordinance.

2. Conservation Land

The Swan Estates community contains a floodplain area, containing one road crossing, with the balance to be preserved. The floodplain area has the opportunity to be enhanced for passive recreation. A habitat park is a viable option, providing vegetation that will attract birds and other wildlife to the region. The area is accessible by an adjacent neighborhood street and sidewalk running parallel to the floodplain. Visual opportunities for viewing the wildlife habitat area could be provided with overlook points along the proposed sidewalk and neighborhood street.

3. Perimeter Setback

The PND requirement calls for a 55' perimeter setback, which is provided in all areas applicable. In addition, the developer will provide additional screening along the boundary adjacent to Happy Creek Knolls, either through tree preservation or installed landscaping. If tree preservation does not exist, the landscaped area will be planted at a ratio of 1 tree per 40 linear feet. The landscaped area will contain a minimum 25% deciduous trees.

4. Pedestrian Network

The PND ordinance encourages a walkable community. A pedestrian network will be provided throughout, which will link all areas within the community to the recreation areas. Additional path systems will include linking active and passive recreation to the sidewalk system. The pedestrian network system will enhance the theme of the neighborhood by promoting pedestrian movement instead of vehicular movement.

5. Habitat Park

Within the Swan Estates neighborhood, a portion of the floodplain will be allocated for a Habitat Park. Selected areas shall be re-vegetated in an effort to attract and maintain these areas as a habitat for upland wildlife, birds, and butterflies.

6. Additional Public Benefit

The Swan Estates development has several items to be utilized for additional public benefit. These items occur at the developer's expense and are above and beyond the PND ordinance requirement. The following elements will improve aesthetics and increase the quality of life for the residents of the Swan Estates community.

One method is to enhance the streetscape. Swan Estates will provide more than just a typical street tree layout along the internal streets. The developer will utilize a unique street tree spacing to allow the introduction of ornamental trees and potential planting beds in a repeated pattern. This will provide a uniform and attractive streetscape above and beyond what one would consider a normal streetscape.

Another item is providing Swan Estates a Habitat Park within the floodplain. This park is discussed in Section E.5. This facility will provide neighborhood residents with a unique wildlife viewing experience. This proposed park is above and beyond the open space and recreation requirements for this development.

A third item is providing a central park space for the Swan Estates residents. This park will contain a playground with a children's track for bikes and tricycles, a trellised sitting area with formal landscaping adjacent to the space, which will provide the community with a central focus and gathering space. The open lawn space in the center of the park is large enough to host informal football, soccer, baseball, or any other activity the residents of the Swan Estates neighborhood decide to utilize the park for.

A fourth item to qualify for a density bonus is the provision of a landscaped buffer within the 55' perimeter setback. This additional landscaping will enhance the perimeter of the development as well as provide an adequate visual screen from the adjacent uses. This buffer is explained in detail as an example in Section E.3. This landscaped buffer will occur along all applicable perimeter boundaries. Providing this landscape enhancement is above and beyond the perimeter setback requirement in the PND ordinance. The 55' perimeter landscaped buffer is to occur outside of all adjacent lots; it will be contained and maintained by the POA.

The last method for qualifying for a density bonus is achieved by providing additional improvements for the adjacent school site. The developer has proffered to engineer, design, and construct an extension to Swan Estates Drive to connect to existing Westminster Drive across School Board property. The road improvements for Swan Estates will eliminate the school's singular access. This will improve the safety of the children and vehicular traffic to and from school, while also providing a more direct route from outside developments. The Swan Estates community entrance is anticipated to be located in close proximity to the existing school site road crossover. The style and character of the monumentation will tie Swan Estates in with the school sites, providing a cohesive balance between the two uses. This will provide the school with an enhanced front door to the facilities, while improving aesthetics and sense of a school pride for the students and surrounding community.



Work Session Agenda Statement

Item #04

Meeting Date: April 3, 2023

Agenda Item: Waiver Request for 709 and 711 Crosby Road - Jason & Christine Sine

Summary: The Applicant owns Two Lots on Crosby Road which were created via a Minor Subdivision Plat and approved by the Town on November 19, 2022. The House Location Plan to construct the duplexes on the lots was approved by the Town on February 16, 2023. The Applicant has requested that Town Council waive the curb & gutter and sidewalk requirements for these new homes. A letter of request from the Applicant is attached.

1. Curb & gutter is required along the frontage of the Applicant's Lots per Town Code 148-850.C, whereas *"For all subdivisions involving the creation of an additional lot and for all new development projects, curb and gutter sections shall be required along the frontage of all existing public streets. This requirement may be waived upon approval of Town Council in residential areas where the majority of surrounding development properties do not have curb and gutter, where the character of the area is relatively low-density, after consideration of the traffic impact created by the subdivision and the total lots on a given street, drainage considerations and other environmental design parameters."*
2. Sidewalks are required along the frontage of the Applicant's Lots per Town Code 148-850.D, whereas *"For subdivisions involving the creation of an additional lot and for all new development projects, sidewalk sections shall be required along the frontage of all existing public streets. This requirement may be waived on vote of the Town Council in residential areas under the following conditions: where the character of the area is relatively low-density, after consideration of the traffic impact created by the subdivision and the total lots on a given street, drainage considerations and other environmental design parameters."*

As explained in the Applicant's letter of request, the primary reason that a waiver is being sought is because of the lack of curb & gutter and sidewalks on Crosby Road.

The following supporting documents are attached with this cover sheet:

- Vicinity Map (page 3)
- Crosby Road Property Map (page 4)
- Pictures of Crosby Road (pages 5-7)
- Applicant's Letter of Request (page 8)
- Town Code 148-850 Street Improvements (pages 9-11)
- House Location Plans for 709 & 711 Crosby Road (page 12)

Budget/Funding: No direct impact. May have an impact in future budgets.

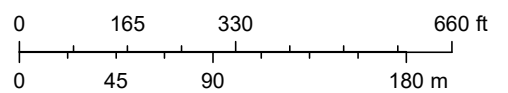
Staff Recommendation: Curb and gutter is not necessary for the purpose of stormwater management for this particular development. However, if Town Council choses to waive curb & gutter, the Town may incur additional costs if curb & gutter is added to Crosby Road in the future.

709 & 711 Crosby Road



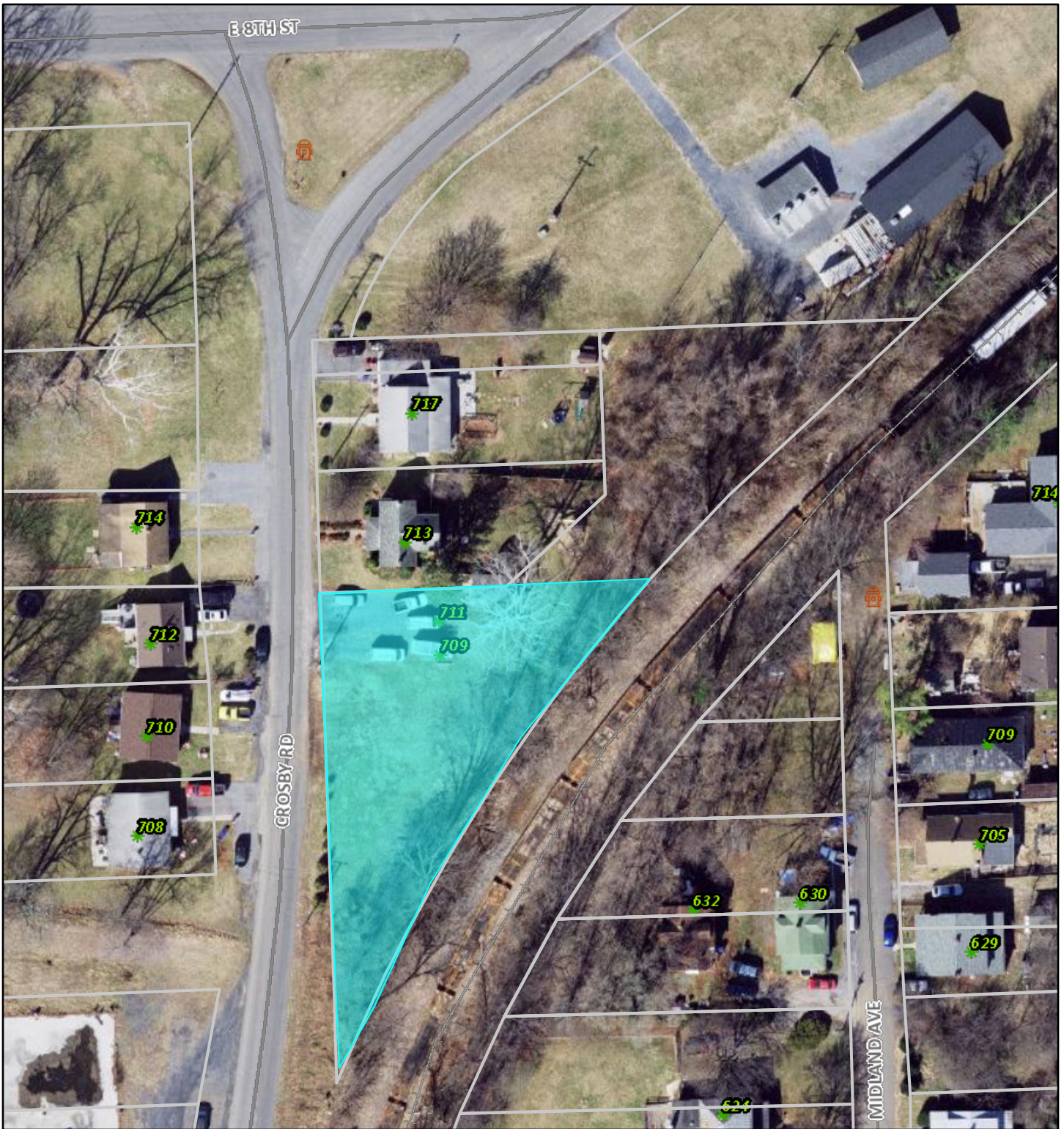
March 28, 2023

1:4,514



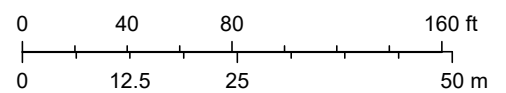
Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri

709 & 711 Crosby Road



March 28, 2023

1:1,128



Virginia Geographic Information Network (VGIN)



Traveling South on Crosby Road towards E. 6th Street. Proposed New Duplex Site is on the Left Side of the Street.



Traveling South on Crosby Road. Proposed New Duplex is on the Left Side of the Street.



Traveling North on Crosby Road towards E. 8th Street. Proposed New Duplex Site is on the Right Side of the Street.

Jason A. Sine
Christie L. Sine
1561 Ida Rd.
Luray, VA 22835
03/21/2023

Town of Front Royal Town Council
RE: Waiver for curb and gutter installation
Subject Property: 709 and 711 Crosby Rd. Front Royal, VA
Tax Map: 20A4-1-4 and 20A4-1-4A
Zoning: R3

Dear Town of Front Royal Town Council:

We are writing to formally request consideration of a waiver, as permitted by the Town of Front Royal, of curb and gutter in association with the lot development/construction of a duplex residential dwelling on the property located at 709 and 711 Crosby Road.

We are requesting this waiver on the basis that provision of curb and gutter along the street would cause the subject property to become the only lot/parcels on the street with curb and gutter.

The subject portion of Crosby Rd. is a well-established residential area with minimal potential for significant redevelopment that would deem the installation of curb and gutter necessary.

While the majority of homes on this street have unpaved/gravel driveways, our waiver request would include an agreement to develop and pave the driveways at 709 and 711 Crosby Rd. to accomplish protection of the Crosby Rd. roadway.

Thank you for your time and consideration.

Sincerely,

Jason and Christie Sine

148-850 STREET IMPROVEMENTS

A. Streetlights.

1. Streetlights shall be installed to illuminate streets and other public highways. The installation of streetlights shall be accordance with the design standards and specifications of the Town.
2. Streetlights shall be spaced at a maximum of three hundred (300) feet apart and staggered on opposite sides of the street with one streetlight every six hundred (600) feet on both sides of the road.

B. Monuments.

1. Street Monuments. Street right-of-way lines shall be marked at all points of tangent and points of curve with a steel rod or iron pipe not less than one-half (1/2) inch in diameter and eighteen (18) inches in length. Following completion of road work, a steel rod or iron pipe shall also be placed at street centerline, centerline points of tangent and points of curve and the radius point of each new cul-de-sac.
2. Corner Monuments. All lot corners shall be marked with a steel rods or iron pipe not less than one-half (1/2) inch in diameter and eighteen (18) inches in length, driven flush with the finished grade.
3. In the event a steel rod or iron pipe cannot be set due to an obstruction, an offset monument may be set or the point may be marked by drill hole, chisel mark or other method deemed appropriate by the professional and so documented to the Director.
4. All required monuments shall be installed by the subdivider or developer. Upon completion of subdivision streets, sewers and other improvements, the subdivider or developer shall make certain that all monuments required by the Town are clearly visible for inspection and use. All monuments must be set before any site or street improvements are accepted by the Town.

C. Curb and Gutter.

1. Curbs and gutter shall be required for the purpose of drainage and safety and delineation and protection of the pavement edge. Curbs and gutters and all driveway entrances shall meet the design standards found within the Construction Standards and Specifications Manual.
2. Curbs and gutters shall be installed by the applicant along both sides of all new streets. For all subdivisions involving the creation of an additional lot and for all new development projects, curb and gutter sections shall be required along the frontage of all existing public streets. This

requirement may be waived upon approval by Town Council in residential areas where the majority of surrounding developed properties do not have curb and gutter, where the character of the area is relatively low-density, after consideration of the traffic impact created by the subdivision and the total lots on a given street, drainage considerations and other environmental design parameters. The Town Engineer may waive curb & gutter for development projects comprising of no more than two (2) dwelling units in residential areas along existing streets where curb & gutter is not currently present within 200 feet of the property.

D. Sidewalks.

1. Sidewalks shall be installed by the applicant along both sides of all new streets. *For subdivisions involving the creation of an additional lot and for all new development projects, sidewalk sections shall be required along the frontage of all existing public streets.* This requirement may be waived on vote of the Town Council in residential areas under the following conditions: where the character of the area is relatively low-density, after consideration of the traffic impact created by the subdivision and the total lots on a given street, drainage considerations and other environmental design parameters. The Town Engineer may waive sidewalks for development projects comprising of no more than two (2) dwelling units in residential areas along existing streets where sidewalks are not currently present within 1000 feet of the property.
2. The minimum design standards for sidewalks shall be at least six (6) feet in width when abutting the curb, and a minimum of five (5) feet when offset from the curb. For the latter, the land located between the sidewalk and the curb shall comply with the Construction Standards and Specifications.
3. Sidewalks shall normally be parallel to the street. Nonparallel sidewalks and/or walkways may be approved by the Town in order to preserve topographical or natural features and to provide visual interest.
4. Where pedestrian walkway systems have been approved as an alternative to sidewalks, the walkways may be located away from streets, linking groups of dwelling units with other groups of dwelling units and/or facilities such as parking areas, recreational areas and activity centers. In reviewing the location of alternative walkway systems, the Town shall consider safety, practical accessibility and aesthetics.
5. Public easements shall be granted for sidewalks and/or walkways located outside the public right-of-way.
6. All sidewalks shall be constructed in accordance with Town standards and specifications and shall conform to the requirements of Section 15.2-2021, Code of Virginia, as amended, requiring curb ramps for the handicapped. Curb ramps shall comply with the Virginia Department of Transportation's Road and Bridge Standards.

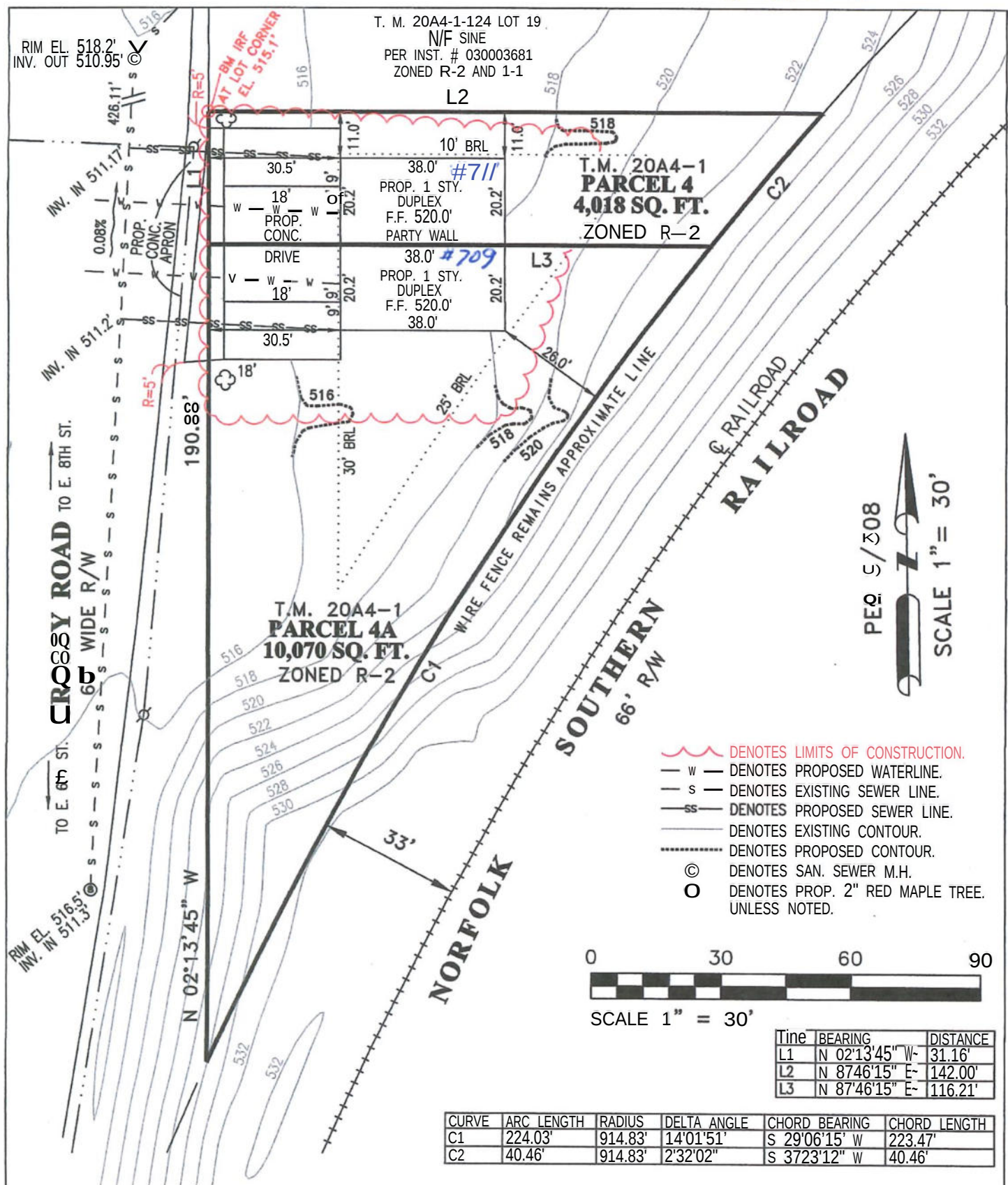
E. Solid Waste Disposal and Collection.

1. All developments with exterior trash disposal or collection areas shall locate these sites so as to facilitate collection and minimize the negative impact on residents, neighboring properties

and public rights-of-way.

2. All visible trash disposal or collection and storage areas shall be screened from neighboring residential properties and from public property, including streets, parks, sidewalks and other public areas.
3. Screening shall consist of a combination of landscaping and fencing. A solid wood or masonry fence at least six (6) feet in height shall be provided on three (3) sides, with a solid opaque gate on the fourth side. Landscaping shall be incorporated to improve the visual appearance.
4. All permanently installed trash containers shall be adequately sized to handle the needs of the facility or development and shall be equipped with fitted lids to prevent odor leakage and infestation from rodents, insects, and other pests.

77 2300014



DUE TO LACK OF EXISTING CURB AND GUTTER ON CROSBY RD.
A WAIVER FOR CURB AND GUTTER WILL BE REQUESTED.
VERTICAL DATUM: NAVD 88.
PROPOSED BUILDING COVERAGE AREA = 1,533 SQ. FT.
PROPOSED TOTAL AREA OF DISTURBANCE = 5,900 SQ. FT.
PROPOSED TREES = 2 STREET TREES.
NOTE: NO PROPOSED SLOPE ON THIS LOT IS GREATER THAN 15%.
BOUNDARIES SHOWN HEREON ARE BASED OFF OF A CURRENT
FIELD SURVEY BY THIS OFFICE.
NO TITLE REPORT FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.
DERIVATION OF TITLE TO: JASON A. AND
CHRISTIE L. SINE PER INST # 110006062.
PLAT REF: INST. # 220007076.
SUBJECT PROPERTY SITUATED OUTSIDE
THE LIMITS OF THE FEMA FLOOD ZONE.

PROPOSED HOUSE LOCATION SURVEY
TAX MAP 20A4-1 PARCEL 4
NORTH RIVER MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.

PREPARED BY:
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
JANUARY 25, 2023





Work Session Agenda Statement

Item # 05

Meeting Date: April 3, 2022

Agenda Item: Virginia Municipal League (VML) Policy Committee Nominations

Summary: Every year the Virginia Municipal League (VML) asks local governments to nominate governing body members and appointed staff who are interested in serving on a VML Policy Committee. The Policy Committees meet once a year in late July and meet via ZOOM. Dates and times will be announced later. Council may nominate up to two (2) people per policy committee, at least one of whom must be an elected official. Individuals can only serve on one committee per year.

Council is requested to nominate members and staff (if desired) to the following committees. Deadline is May 15, 2023 and placed on the April 24th Regular Meeting for formal approval.

Community & Economic Development

Finance

General Laws

Human Development & Education

Infrastructure (covering Transportation & Environment/Natural Resources) **NEW IN 2022**

NOTE: In 2022 the following were nominated and served:

Community & Economic Development – former Councilwoman Thompson and former Town Manager Hicks

Finance – former Councilman McFadden and Finance Director Wilson

General Laws – Councilwoman Morris and Deputy Town Attorney George Sonnett

Human Development & Education – Vice Mayor Cockrell

Infrastructure – former Councilman Gillispie & Public Works Director Boyer

Budget/Funding: N/A

Staff Recommendation: Council make nominations as desired and add to the consent agenda of the Regular Council Meeting scheduled for April 24, 2023.



March 13, 2023

To: VML Managers and Clerks
From: Michelle Gowdy, Executive Director
Subject: 2023 VML Policy Committee Appointments and Meetings

VML's 2023 policy process is getting underway!

VML has five policy committees that meet in late July to learn about current issues, review current VML policy positions, revise current positions and propose new ones, and recommend issues for consideration by VML's legislative committee.

Who's eligible to serve? Full-member local governments may nominate their governing body members and appointed staff to serve on a committee

How do committees meet? Committee meeting dates and times will be announced soon; all meetings will be held on Zoom.

Who serves from my community? We are attaching the 2022 committee lists so you can see who from your local government served on policy committees last year. Your representatives can stay on the same committees, or they can move to a different committee.

If no one served on a committee last year, you can make some appointments this year! Just remember that an individual can only serve on one committee per year.

Sign us up! Please use the nominations form to fill in your committee nominees for this year and email the form to Keyara Johnson at kjohnson@vml.org by May 15.

An explanation of the areas covered by the policy committees and the policy process is attached.

Please email Janet Areson (jareson@vml.org) if you have any questions.

VML's Policy Committee Process

Each year the Virginia Municipal League convenes policy committees to involve members in the development of policy statements to guide the League staff and members through the coming year.

Policy committees give members an opportunity to hear from subject matter experts on issues of interest and to talk with colleagues from across VML's member localities about issues of common concern.

The policy committees also help develop potential positions for inclusion in VML's Legislative Program by looking at issues referred to the committee by the Legislative Committee and providing input to that Committee.

The policy committees meet once during the year, typically in late July. Meetings will be held via Zoom.

FAQs about policy committees

What is the role of the policy committees?

Policy committees receive briefings on select statewide issues, consider additions and updates to the policy statement, and develop legislative recommendations for the Legislative Committee to consider.

How are policy committees appointed?

Policy committee membership consists of elected and appointed officials of full-member local governments. Nomination information is sent in the spring to each locality, and each local government determines which of its officials will be nominated for each of the five policy committees. Each local government may nominate up to two people per policy committee, at least one of whom must be an elected official.

What are the benefits of serving on a policy committee?

VML policy committees offer members an opportunity to learn about current and emerging statewide issues affecting local governments, to develop through policy statements the broad philosophical framework that guides the league, and to network with local officials with similar policy interests.

How many policy committees are there?

There are five policy committees: 1) community and economic development; 2) finance; 3) general laws; 4) human development and education; and 5) infrastructure (comprised of transportation and natural resources issues).

What issues does each policy committee cover?

- **Community & Economic Development:** Authority, administration, and funding of local governments to manage a full range of community and economic development issues, including business development and retention, international competitiveness, infrastructure development and investment, planning, land use and zoning, blight, enterprise zones, housing, workforce development and historic preservation.

- **Finance:** Powers, organization, and administration of local government financing, including taxing authority, debt financing, state aid to local governments and federal policies affecting local finance issues.
- **General Laws:** Powers, duties, responsibilities, organization, and administration of local governments, including state-local and inter-local relations, conflicts-of-interest, freedom-of-information, information management and personnel, telecommunications, utilities, and law and courts issues.
- **Human Development and Education:** Management and funding of social services, prek-12 education, health, behavioral health, juvenile justice and jails, recreation, and aging.
- **Infrastructure:** Development, management, maintenance, and funding of environmental programs including water resources and quality, air quality, and waste management as well as transportation system management and funding.

What is a policy statement?

Each policy committee develops a policy statement that covers issues in its respective area. The policy statement expresses the agreement of VML's membership on matters of interest to local governments. The statement generally addresses broad, long-term, philosophical positions. The VML membership approves the policy statements at its annual meeting.

How do policy statements differ from VML's legislative program?

Policy statements are general in nature. They reflect local governments' positions on a range of issues. The Legislative Program is more specific and immediate. It is limited to legislative positions that VML expects to lobby on during the upcoming legislative session.



Work Session Agenda Statement

Item # 06

Meeting Date: April 3, 2023

CLOSED MEETING

Motion to go into Closed Meeting

[to be approved by affirmative recorded vote, with motion set forth in detail in the minutes]

I move that Town Council convene in a closed meeting,

1. pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, for consultation with legal counsel and briefings by staff members or consultants pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, specifically, Warren County EDA v. Town of Front Royal, CL# 22000490., and,
2. pursuant to Section 2.2-3711(A)(8) of the Code of Virginia, for 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, proposed agreement with Discover Front Royal, Inc.

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.