



REGULAR PLANNING COMMISSION MEETING

Wednesday, October 18, 2023 @ 7:00pm

Warren County Government Center

I. CALL TO ORDER

II. ROLL CALL – DETERMINATION OF QUORUM

III. ADDITION/DELETION OF ITEMS FROM THE AGENDA

[Items added will be placed as the last item under Business Items. Unanimous vote is required to add/delete]

IV. APPROVAL OF MINUTES

- July 19, 2023 – Regular Meeting
- August 16, 2023 – Regular Meeting

V. CITIZEN COMMENTS

VI. CONSENT AGENDA

I move that the Planning Commission approve the Consent Agenda as presented. [Items removed for further discussion will be placed as the first item under Business Items. Unanimous vote is not required to move]

- **2300609** – An Ordinance text amendment request submitted by Magdalen Capital, LLLP to amend the current zoning ordinances 175-37.3.C, 175-37.4.A & 175-37.17.A regarding the minimum acreage requirement for the Planned Neighborhood Development District (PND) from the existing 20 and 50-acre minimum lot requirements to a 2-acre minimum lot requirement. (*Consent to Advertise*)
- **2300537** – Rezoning Application submitted by Magdalen Capital, LLLP for a request to rezone 311 Leach Street, identified by tax map number 20A9-1-3 and adjoining properties identified by tax map numbers 20A9-16-D1, 20A9-16-D2 and 20A9-16-D3 from R-S, Suburban Residential District and R-1, Residential District to PND, Planned Neighborhood Development District. (*Consent to Advertise*)

VII. COMMISSION MEMBER REPORTS

VIII. PLANNING DIRECTOR REPORT

- September Monthly Report

IX. ADJOURNMENT

JULY 19, 2023 MEETING MINUTES



The following minutes are a summary of items on the agenda. This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com for a limited time.

The Planning Commission meeting of the Town of Front Royal, Virginia was held on July 19, 2023, at 7:00 PM at the Warren County Government Center.

CALL TO ORDER

Chairman Merchant called the meeting of the Planning Commission to order at 7:00 pm.

ROLL CALL

Present: Darryl Merchant, Chairman
Daniel Wells, Vice Chairman
Connie Marshner, Commissioner
Glenn Wood, Commissioner

Absent: Michael Williams, Commissioner

Staff Present: Lauren Kopishke, Planning Director/Zoning Administrator
George Sonnett, Assistant Town Attorney
Connie L. Potter, Executive Assistant, Clerk of the Planning Commission

ADDITION/DELETION OF ITEMS FROM THE AGENDA

There were no changes to the agenda.

MINUTES

- May 22, 2023 – Special Joint Meeting with Town Council

Commissioner Marshner moved, seconded by Vice Chairman Wells to approve the minutes as written.

VOTE: Yes – Marshner, Wells, Merchant
No – N/A
Abstain – Wood
Absent – Williams

ROLL CALL



- June 21, 2023 – Regular Meeting

Commissioner Marshner moved, seconded by Vice Chairman Wells to approve the minutes as written.

VOTE: Yes – Marshner, Merchant, Wells, Wood
No – N/A
Abstain – N/A
Absent – Williams

ROLL CALL

CITIZEN COMMENTS

There were no citizen comments.

CONSENT AGENDA

- **2300462 – Ordinance Amendment.** A text amendment to Town Code §175-110.5 Performance Standards for Urban Agriculture that would allow up to ten (10) chickens in Town limits based on square footage of coop and run space.

Consent to advertise for public hearing at the August meeting.

Commissioner Marshner moved, seconded by Commissioner Wood to approve the consent agenda.

VOTE: Yes – Merchant, Wood, Marshner, Wells
No – N/A
Abstain – N/A
Absent – Williams

ROLL CALL

PUBLIC HEARINGS

Chairman Merchant explained the process to speak at the public hearing.

- **2300330 – Joseph Chetupuzha** – A request for a Special Use Permit to allow a short-term rental located at 912 Virginia Avenue, identified on tax map 20A5-3-38-6A1. The property is zoned R-3, Residential District.

Mr. Ware reviewed the application for a short-term rental to be located at 912 Virginia Avenue. The property is located in the R-3 Zoning District. The request is for a partial rental with three (3)



bedrooms and no more than six (6) occupants. There are two (2) parking spaces available in front of the townhome. On July 14, 2023 a site inspection was conducted on the interior of the structure and found to be in compliance for a short-term rental.

Mr. Ware confirmed that the required public hearing signs were posted, adjacent property owners notified, and the application was properly advertised.

The applicant, Mr. Chetupuzha, 912 Virginia Avenue, Front Royal, VA thanked the Planning Commission for considering his application. Mr. Chetupuzha clarified that he has two (2) parking spaces available in the front of the home and he recognized that with three (3) bedrooms there would be three (3) parking spaces required. He intends to rent it out to only one family at a time where they can safely use the two (2) parking spaces.

Commissioner Marshner asked Mr. Chetupuzha if he was living at the property.

Mr. Chetupuzha explained that originally this was going to be his primary residence however it will now be his secondary residence.

Chairman Merchant opened the public hearing.

Diane Deutman, 930 Virginia Avenue, Front Royal, VA. Ms. Deutman strongly objected to approval of the application noting that there are no sidewalks, no parking on Virginia Avenue, and no striping on the road.

There were no additional speakers. Chairman Merchant closed the public hearing.

Chairman Merchant noted that staff had recommended denial of the application due to insufficient parking and asked Mr. Ware to explain the parking situation.

Mr. Ware stated that with three (3) bedrooms, each bedroom would require one (1) parking space. Three (3) parking spaces are required however there are only two (2) available.

Commission members and staff held some discussion regarding parking at the site and parking requirements in general. Ms. Kopishke noted that the wording for parking in the Town Code has become problematic. She encouraged the Planning Commission to make a recommendation to the Town Council to amend the Town Code related to parking requirements.

The Town Attorney, George Sonnett said that in his opinion on street parking or public parking would not satisfy the parking requirements for any use.

Vice Chairman Wells moved, seconded by Commissioner Wood that the Planning Commission forward a recommendation of denial to the Front Royal Town Council for Special Use Permit #2300330 for a Short-Term Rental located at 912 Virginia Avenue due to insufficient parking.



VOTE: Yes – Wood, Marshner, Merchant, Wells

No – N/A

Abstain – N/A

Absent – Williams

ROLL CALL

- **2300381 – Independence Realty LLC** – A request for a Special Use Permit for two (2) apartments to be located on the ground floor at 1127 N. Royal Avenue, identified on tax map 20A3-5-24 & 25. The property is zoned C-1, Community Business District and is located in the Entrance Corridor Overlay District.

Mr. Ware explained that the application was for two (2) existing ground floor dwelling units at 1127 N. Royal Avenue. The property is located in the C-1, Community Business District and is also located in the Entrance Corridor Overlay District. There are currently three (3) dwelling units in the structure thus requiring six (6) parking spaces as per Town Code Chapter 148-870. Mr. Ware noted that the applicant has submitted a revised plat showing the existing improvements including the proposed expansion to the gravel parking area and the adjacent property that has two (2) parking spaces available for lease. The parking lot expansion would not be over the 4500 square foot threshold requiring paving. The applicant can install gravel. In addition, a land disturbance permit is not required for the expansion of the parking lot because it is less than 10,000 square feet. Mr. Ware read the definition of a “dwelling unit”.

Mr. Ware answered Commission member questions regarding the parking lot expansion and land disturbance permit requirements. He noted that staff encouraged the applicant to install some erosion control measures, however it was not required.

Lynn Deel stated that she was the property manager for both 1127 N. Royal Avenue and the adjacent property, which was also owned by Independence Realty, LLC. Because they own both properties they have always presented to the tenants that overflow parking was available next door. They will continue to offer that to the tenants until the parking lot expansion is complete.

Chairman Merchant opened the public hearing.

Nate Redabaugh, Independent Realty Manager, 10307 Piper Lane, Manassas, VA. Mr. Redabaugh explained they are expanding the existing parking area to accommodate six (6) parking spaces. A letter was distributed to all tenants explaining that temporary spaces were available to them at the adjacent property during the parking expansion.

There were no additional speakers. Chairman Merchant closed the public hearing.



Commissioner Marshner moved, seconded by Commissioner Wood that the Planning Commission forward a recommendation of approval to the Front Royal Town Council for Special Use Permit #2300381 for two (2) dwelling units to be located on the ground floor at 1127 N. Royal Avenue with the following conditions:

- 1. The applicant submits a parking agreement with adjoining property owner for an additional two parking spaces.*
- 2. The applicant enlarges the current parking area to accommodate four (4) spaces.*

Chairman Merchant shared that the purpose for not allowing apartments in the commercial zone was to leave that space for commercial endeavors. He mentioned that in the proposed Comprehensive Plan they did away with commercial in this area and made it mixed use and asked if this was what the future comprehensive plan was looking to do.

Ms. Kopishke explained that the idea of the commercial mixed-use area that was designated is to be more of an area with two (2) separate uses on the same lot. This is more in line with the intention of the current C-1 District where there should only be ground floor residential in special circumstances. This lot would be difficult to have as a commercial use. The use of ground floor dwellings units is appropriate for this lot.

VOTE: Yes – Marshner, Wells, Merchant, Wood
No – N/A
Abstain – N/A
Absent – Williams

ROLL CALL

- **2300387 – Mesa Rose Coral** – A request for a Special Use Permit to allow a short-term rental located at 417 Kerfoot Avenue, identified on tax map 20A6-7-41 & 42. The property is zoned R-1, Residential District.

Mr. Ware explained that the application was for a short-term rental to be located at 417 Kerfoot Avenue. The applicant intends to rent the whole house with two (2) bedrooms and no more than for (4) occupants. A site inspection was conducted on June 26, 2023 and the property is in full compliance with the short-term rental requirements. Parking is available on the street. The property does not have a driveway nor a driveway apron to accommodate a driveway.

The applicant, Mesa Coral, 417 Kerfoot Avenue stated that when she purchased the property she did not intend for it to be used as an investment property however she was accepted into a veterinary school after she went to closing. Ms. Coral said she had no intention of putting in a curb cut or driveway. If she had known parking was a requirement she would not have submitted an application for a short-term rental but instead rented it out as a “regular” rental.



Chairman Merchant opened the public hearing.

There were no speakers. Chairman Merchant closed the public hearing.

There was some discussion on parking requirements for a regular rental vs. a short-term rental. Any rental for 31 days or longer does not have required parking regulations and will not come to the Planning and Zoning office for approval.

Vice Chairman Wells moved, seconded by Commissioner Wood that the Planning Commission forward a recommendation of denial to the Front Royal Town Council for Special Use Permit #2300387 for a Short-Term Rental located at 417 Kerfoot Avenue due to insufficient parking.

Commissioner Wood said that parking is a recurring theme. He explained it was difficult to approve an application if it does not meet ordinance requirements.

VOTE: Yes – Merchant, Marshner, Wells, Wood

No – N/A

Abstain – N/A

Absent – Williams

ROLL CALL

Chairman Merchant noted that the application will move forward to Town Council who has the capability to approve the application.

NEW BUSINESS

- Town Council referred to the Planning Commission a text amendment to Town Code §175-110.5 Performance Standards for Urban Agriculture that would allow up to 10 chickens in Town limits based on square footage of coop and run space and report back to Council with recommendation(s).

Ms. Kopishke shared that staff will be presenting a text amendment at the next Planning Commission work session on August 2, 2023 to allow up to ten (10) chickens in the Town limits based on the square footage of coop and run space. The goal is to accomplish eight (8') feet of coop and run space for chickens and can also look at permitting up to ten (10) chickens based on a lot size. If the lot is 20,000 or 25,000 square feet up to ten (10) chickens could be allowed but if under this up to six (6) chickens could be allowed.



COMMISSION MEMBER REPORTS

Commissioner Marshner provided a brief update from the most recent ad hoc Transportation Subcommittee meeting. VDOT has agreed to do a study that would decide what an east west connector would look like. They are awaiting additional information from both the Town and County before they begin the study. Once the study begins it will take about six (6) months to complete. An idea has been proposed that in the case of a dire emergency, emergency vehicles could access the median strip on Interstate 66 and go up to Route 606 Shenandoah Shores Road and get across the median/guard rail. In order to install a gate in the guard rail it would be a venture between VDOT and the Federal Government.

PLANNING DIRECTOR REPORT

- June Monthly Report

Ms. Kopishke reviewed the June monthly report.

Town Council is deciding to move the Comprehensive Plan to a public hearing in August.

Staff are having meetings with Summit to start working on the Zoning Ordinance and Subdivision Ordinance updates. Ms. Kopishke will be meeting with Summit in the next week to create a timeline for the project.

Commissioner Marshner asked if code enforcement was throughout the Town or just in certain areas.

Ms. Kopishke explained that it was throughout the Town but is largely complaint driven due to staffing. Individuals can call the Planning and Zoning office to submit a complaint or submit an online form that is available on the Town website which is then sent directly to the Code Enforcement Officer.

ADJOURNMENT

Commissioner Marshner moved, seconded by Commissioner Wood to adjourn the meeting.

VOTE: Yes – Wood, Merchant, Wells, Marshner

No – N/A

Abstain – N/A

Absent – Williams

VOICE VOTE

The meeting was adjourned at 7:57 p.m.

Approved by Planning Commission
Date: _____

AUGUST 16, 2023
MEETING MINUTES



The following minutes are a summary of items on the agenda. This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com for a limited time.

The Planning Commission meeting of the Town of Front Royal, Virginia was held on August 16, 2023, at 7:00 PM at the Warren County Government Center.

CALL TO ORDER

Chairman Merchant called the meeting of the Planning Commission to order at 7:00 pm.

ROLL CALL

Present: Darryl Merchant, Chairman
Daniel Wells, Vice Chairman
Connie Marshner, Commissioner
Glenn Wood, Commissioner
Michael Williams, Commissioner

Staff Present: Lauren Kopishke, Planning Director/Zoning Administrator
John Ware, Deputy Zoning Administrator
George Sonnett, Assistant Town Attorney
Connie L. Potter, Executive Assistant, Clerk of the Planning Commission

ADDITION/DELETION OF ITEMS FROM THE AGENDA

There were no changes to the agenda.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARING

- **2300481 – Juliana and William Kryssing** – A Special Use Permit request for a 210 square foot mural on the north facing side of the building and a 400 square foot mural on the south facing side of the building located at 1314 N. Royal Avenue and identified by tax map 20A2-4-56-7A. The property is located in the C-1, Community Business District and in the Entrance Corridor Overlay District.



Mr. Ware explained this was a Special Use Permit application for a sign/artistic mural larger than 60 square feet on two (2) sides of the structure located at 1314 N. Royal Avenue. The property is located in the C-1, Community Business District and in the Entrance Corridor Overlay District.

As per Town Code 175-106.A.4 under definitions a sign is “Any device employing letters, words, symbols, etc., used or intended to attract the attention of the public from streets, sidewalks or other outside public rights-of-ways”. For the purpose of this Article, the term “sign” shall include all structural members.

As per Town Code 175-106.A.4 under definitions for a wall sign is “a sign attached to a wall or painted on or against a flat vertical surface of a structure which displays only one (1) advertising service.

As per Town Code 175-106.B.2.b.3a A Wall or Marquee Sign is “one square foot per linear foot of building width which the sign is to be attached up to a maximum of 60 square feet. Artistic murals containing business or product advertising may be approved for a size exceeding sixty (60) square feet by Special Use Permit, pursuant to Section 175-136, when located outside the Historic Overlay District...”.

Mr. Ware virtually showed the proposed mural/sign to be located coming south on N. Royal Avenue which would encompass 210 square feet and the mural/sign on the other side of the building containing 400 square feet which would be viewed going north on N. Royal Avenue. The code defines the mural and sign definition basically any mural is a sign as per the definitions. It is used or intended to attract the attention of the public. Therefore, a wall sign permit is required, and the maximum size would be determined by the length of the building wall. One square foot per linear foot of the building with a maximum of 60 square feet. A Special Use Permit allows that to be increased over the 60 square foot maximum that Town staff could approve administratively.

Chairman Merchant explained the public hearing process.

The applicant, William Kryssing, 1250 High Knob Road, Front Royal, VA shared that they moved into the building on April 30, 2023 and want the mural approved for the October 7, 2023 grand opening. He stated he knew of a Special Use Permit but did not know they would need a Special Use Permit for the murals until about a month and a half ago. Mr. Kryssing said they are trying to expedite the process for approval to meet the grand opening date and weather conditions for painting the building.

Chairman Merchant opened the public hearing.

There were no speakers present. Chairman Merchant closed the public hearing.



Commissioner Wood noted that the Special Use Permit application was received in the Planning & Zoning office on July 17, 2023. He realizes the process is not always an easy one, but he thought it was a little unfair to say to the staff they need to expedite the application. Commissioner Wood said he understood Mr. Kryssing made a special request in front of Town Council to expedite the process and he hoped that Mr. Kryssing understood that the Planning Commission and Town Council have fast tracked the application and will hopefully be resolved in August. He said that the Town is very appreciative of the improvements that have been made to the building.

Mr. Kryssing answered questions from Commission members explaining that the base color of the stucco would be grey, and the murals would be painted on the grey base. He also explained additional signage they would like to place on the building.

Ms. Kopishke stated that any additional signage would require a Sign Permit Application submitted to Planning and Zoning for review.

Chairman Merchant mentioned there are large murals that have been permitted in the Historic District, but the proposed large mural request is new to the Entrance Corridor. He stated that a Special Use Permit (SUP) runs with the land forever per se and asked if the Planning Commission could set a time limit on the SUP if the applicant sells the building to someone else.

Town Attorney, George Sonnett answered that it cannot be based on change of ownership.

Chairman Merchant asked if the building is sold would the new owners of the building have to keep the mural or would they be allowed to paint over it.

Mr. Sonnett said that new owners would be allowed to abandon the use.

Commissioner Williams stated with reference to agenda item 2300481, First Response Chimney Sweep and the applicants request for a Special Use Permit for a mural he moved, seconded by Vice Chairman Wells to forward a recommendation of approval to Town Council .

VOTE: Yes – Marshner, Wells, Williams, Wood, Merchant
No – N/A
Abstain – N/A
Absent – N/A

ROLL CALL

- **2300462 – Ordinance Amendment** a text amendment to Town Code §175-110.5 Performance Standards for Urban Agriculture that would allow up to ten (10) chickens in Town limits based on square footage of coop and run space.



Mr. Ware reviewed the proposed changes to the existing Urban Agriculture ordinance. Commission members were given a line-item copy of the proposed ordinance changes and he referenced each line that included changes.

- Line Item 23 – increase up to ten (10) female chickens.
- Line Item 42 – under H. Add: Chickens and rabbits shall be in compliance with the following:
 1. Such animals must be confined in a chicken coop, or rabbit hutch not less than 18 inches in height. The chickens must be kept within the coop and or run and the rabbits in the hutch at all times. No poultry shall be permitted to run at large.
 2. The coop must be used for chickens only and the hutch for rabbits only, and both must be well ventilated.
 3. The coop or hutch shall have a minimum of four (4) square feet of floor area for each chicken or rabbit.
 4. Run space for a coop shall have a minimum of eight (8) square feet for each chicken.
 5. The run must be well drained so there is no accumulation of moisture.
 6. The coop or hutch shall be kept clean, sanitary, and free from accumulation of animal excrement and objectionable odors. The floor and walls of the coop must be kept in a clean, sanitary and healthful condition, with all droppings and organic waste material removed and disposed of in a proper manner.
 7. All feed or other material intended for consumption by chickens or rabbits shall be kept in containers impenetrable by rats or other rodents, and such containers shall be equipped with tightly fitting caps or lids. The presence of rats in an area used for the keeping of fowl shall be prima facie evidence that such area is maintained in violation of this section.

In summary, the proposed amendment is to increase the number of chickens allowed from six (6) to ten (10) and the added sections to increase the coop and run area for the chickens.

Commissioner Wood asked if the changes permitted roosters in Town which is mentioned under line item 33.

Mr. Ware answered no, they are not permitted.

Commissioner Marshner referred to line item 45 stating that “No poultry shall be permitted to run at large”. She asked if chickens would be allowed out of the coop in a fenced yard.



Mr. Ware stated that the chickens would only be allowed in the coop and run area. They are not allowed to run at large.

Chairman Merchant opened the public hearing.

There were no speakers present. Chairman Merchant closed the public hearing.

Ms. Kopishke stated there were a few additional language changes.

Mr. Sonnett said they wanted to address those at the meeting.

Ms. Kopishke said the goal is to change from allowing six (6) to ten (10) chickens and adding additional performance standards.

Chairman Merchant asked if there had been any complaints about chickens other than roosters crowing.

Mr. Ware explained that staff will be doing inspections on two (2) previously permitted sites to observe if they have brought their sites into compliance.

Commissioner Wood asked if at future inspections would a copy of the new ordinance be given to the owners, so they are made aware of the proposed changes if approved.

Mr. Ware said that applicants with existing Urban Agriculture Permits would be informed of the changes when the yearly inspections are conducted once the amended ordinance goes into effect.

Chairman Merchant shared that when the ordinance was initially discussed one of the concerns mentioned at the public hearing was disease. Professional chicken growers were worried that having backyard chickens would allow disease to possibly occur. As far as he knows staff has not received any reports of chicken illness in Front Royal.

Mr. Ware said he was not aware of any illnesses with the chickens in Town. When an Urban Agriculture Permit is submitted it is sent to the extension agency for review of the management plan. The extension agency reviews the management plan for size of the coop and run area and disposing of waste and when that gets approved by them it is forwarded back to staff to do the final approval to issue the permit.

Ms. Kopishke went through the changes to the ordinance with an explanation of those changes.

Mr. Sonnett said the changes were to add clarity to the proposed ordinance.



The following additional changes are to be made to the proposed ordinance:

1. Line 4 - ...food growing practices conducted as an accessory use “in residential districts” that may include the raising of crops,....
2. Line 12 – remove “when located on a lot less than 1 acre.”
3. Line 21 – it should read “in additional one (1) year increment upon expiration; “without reapplication” provided that,....
4. Line 23 – Single family, duplex or two-family dwellings “located in residential districts” shall be permitted to keep up to ten (10) female chickens...
5. Line 43 – add the word “chicken” in front of coop.
6. Lines 76 & 77 – strike “except where such sale or services is allowed as a principal use of the property.”

Commissioner Wood moved, seconded by Vice Chairman Wells to forward a recommendation of approval to Town Council for text administration 175-110.5 with the inclusion of the six (6) items discussed by the Planning Director to be included in the document to the Clerk.

VOTE: Yes – Merchant, Williams, Wells, Wood

No – N/A

Abstain – Marshner

Absent – N/A

ROLL CALL

NEW BUSINESS

- **2300208 – Randolph-Macon Academy** – A Site Plan Application has been submitted for six (6) faculty housing units located on a 21.6560-acre lot identified on tax map number 20A5-14-4A. The property is zoned R-1, Residential District.

Mr. Ware explained that the application is for six (6) faculty housing units located off of W. Main Street. The units will sit adjacent to the existing road on campus. Since the last Planning Commission work session, the Civil Engineer has addressed staff comments that pertain to the site plan. The existing road will be improved where the six (6) units will be constructed. As shown in the aerial view, access will be from the campus and not from W. Main Street. Emergency Services will have an avenue to get through the chain link fence on W. Main Street if needed but this will not be public access to the faculty housing units. Mr. Ware noted that the only item missing was the erosion and sediment control review by the County.

Chairman Merchant thanked staff for their work on this project. He noted this was not a public hearing but a review by the Commission and will not be forwarded to the Town Council for review.



Commissioner Wood moved, seconded by Vice Chairman Wells that the Planning Commission approve a site plan application 2300208 for the six (6) faculty housing units located on tax map 20A5-14-4A subject to the final approval by warren county.

VOTE: Yes – Williams, Wood, Marshner, Merchant, Wells
No – N/A
Abstain – N/A
Absent – N/A

ROLL CALL

- **Moving the date of the September regular meeting from Wednesday, September 20, 2023 to Monday September 18, 2023 and to be located at Town Hall at 7 PM.**

Ms. Kopishke explained that staff was requesting to move the meeting because they will be attending VAZO training for certification on September 20, 2023.

Commissioner Williams moved, seconded by Commissioner Wood to move the Wednesday, September 20, 2023 meeting to Monday, September 18, 2023 at 7 PM at the Town Hall.

VOTE: Yes – Marshner, Wells, Merchant, Wood, Williams
No – N/A
Abstain – N/A
Absent – N/A

ROLL CALL

- **Election of new Chair and Vice Chair.**

Commissioner Williams moved, seconded by Commissioner Wood to hold new elections for Chairman and Vice Chairman at the September 18, 2023 meeting .

VOTE: Yes – Merchant, Marshner, Williams, Wells, Wood
No – N/A
Abstain – N/A
Absent – N/A

ROLL CALL

COMMISSION MEMBER REPORTS

Commissioner Williams said that he and Commissioner Wood had attended the opening session of the Certified Planning Commissioner Program in Richmond. The closing session will be at the end of September.



PLANNING DIRECTOR REPORT

- July Monthly Report

Ms. Kopishke reviewed the July monthly report.

She thanked Chairman Merchant for his service on the Planning Commission and presented him with a commemorative gift.

Chairman Merchant said this was his final meeting as Chairman of the Planning Commission and serving five (5) years on the Commission. He thanked the Town Council for appointing him to the Planning Commission and also thanked staff. Prior to serving on the Planning Commission, he was employed by the Town in the Planning and Zoning Department for ten (10) years. He thanked Ms. Kopishke and Mr. Sonnett for their service and professionalism and said he has enjoyed working with everyone. Chairman Merchant said that he wishes to serve the community in other ways and will continue in public service to his community to make it a better place.

ADJOURNMENT

Commissioner Williams moved, seconded by Commissioner Wood to adjourn the meeting.

VOTE: Yes – Marshner, Wells, Merchant, Wood, Williams

No – N/A

Abstain – N/A

Absent – N/A

VOICE VOTE

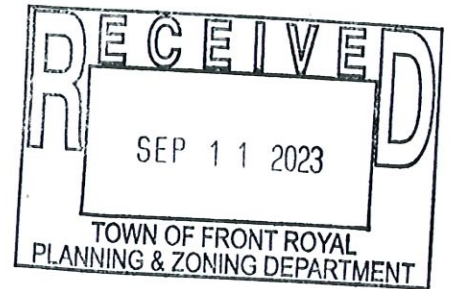
The meeting was adjourned at 7:49 p.m.

Approved by Planning Commission
Date: _____

ORDINANCE
AMENDMENT 2300609



20 E. 8th Street, Suite 3
Front Royal, VA 22630
alex@magdalencapital.com



Sept 11, 2023

Ms. Lauren Kopishke
Director, Department of Planning and Zoning
Town of Front Royal
102 East Main Street
Front Royal, VA 22630

RE: Zoning text amendment

Dear Lauren,

I am writing to you on behalf of Magdalen Capital, LLLP to request a text amendment to current zoning ordinances regarding the minimum acreage requirement for Planned Development (PND) projects within the Town of Front Royal. The objective of this request is to propose a reduction in the existing 20 & 50 -acre minimum requirements noted to a more suitable 2-acre minimum requirement for PNDs.

In light of changing development trends and to align with modern urban planning principles, I propose this modification. A similar change has been successfully implemented in nearby towns in Virginia. This change opens the door and encourages innovation and fosters vibrant, community-oriented projects. Currently there is not many if any suitable lot of purchase in town large enough to meet this requirement of 20 & 50 acre bench marks.

The rationale for this proposed modification in the Town of Front Royal is as follows:

Diverse Development Opportunities: A lowered minimum acreage requirement would attract both small and large-scale projects, promoting a mix of development types that cater to the town's evolving needs. Especially using traditional Neighborhood approach.

Efficient Land Use: By allowing for smaller-scale developments, we can make efficient use of available land and create walkable neighborhoods that align with comprehensive plans.

Innovative Design: Smaller developments often encourage innovative and unique architectural designs, contributing positively to the town's character.

Economic Growth: A flexible requirement can stimulate economic growth, attracting diverse developers, potentially increasing tax revenues, job opportunities, and local economic resilience.

Responsive to Community Needs: Adapting the minimum acreage requirement acknowledges the changing population and housing market, enabling the town to meet evolving community needs more effectively.

To proceed, please see attached text amendment requests noted and highlighted.

Thank you for your time and consideration. With your support, we can create a zoning framework that promotes innovation, enhances community appeal, and aligns with the dynamic nature of the Town of Front Royal.

Thank you for your time and consideration. We look forward to working with you.

Sincerely,

Alex Stieb
Partner
Magdalen Capital, LLLP

1 **PLANNED NEIGHBORHOOD DEVELOPMENT DISTRICT (PND)**

2 (Adopted 4-11-05)

3 **175-37.1 STATEMENT OF INTENT (PND)**

4 Pursuant to Sections 15.2-2201 and 15.2-2286 of the Code of Virginia, the Town Council of the
5 Town of Front Royal establishes the Planned Neighborhood Development (PND) zoning
6 ordinance to allow planned neighborhood development on large tracts of land characterized by
7 unified site design for a variety of housing types and densities, clustering of buildings, common
8 open space, and a mix of building types and land uses in which project planning (as permitted
9 herein) and density calculation are performed for the entire development rather than on an
10 individual basis. The purposes of the ordinance are to provide an alternative form of development
11 that:

12
13 A. Eliminates standard dimensional requirements while reserving sufficient natural open space
14 for common use, conservation or recreational purposes, and providing adequate buffering between
15 structures and adjacent properties;

16
17 B. Enhances the physical appearance of the Town by preserving the Town's natural assets and
18 distinctive character;

19
20 C. Promotes more efficient use of land and provision of public facilities, utilities, streets, and
21 services;

22
23 D. Provides the opportunity for innovative combinations of integrated housing, recreation,
24 neighborhood-oriented commercial, professional uses, and increased public amenities within a
25 single development;

26
27 E. Conserves natural and environmental resources and the integrity of natural systems;

28
29 F. Encourages innovative residential development so that housing demands are met by a greater
30 variety of types, designs, and layouts of residential structures;

31
32 G. Encourages creative and site-sensitive developments by allowing increased overall density in
33 exchange for planned neighborhood development pursuant to this chapter.

34
35 H. Promotes the design of a walkable environment for pedestrians within the neighborhood which
provides a circulation system for various transportation modes.

36
37 I. Satisfies the general purposes of zoning regulations to promote health, safety, morals and
general welfare of the community.

38 **175-37.2 EVALUATION CRITERIA (PND)**

39 Application for rezoning to a Planned Neighborhood Development District shall specifically
40 demonstrate achievement of the following objectives. Each proposed Planned Neighborhood
41 Development will be evaluated on the extent to which these objectives are achieved:

- 42 A. Provides a variety of housing types and designs at a range of densities and costs in an orderly
43 relationship to one another.
44
- 45 B. Employs architectural, landscape and/or other design features to provide compatibility between
46 different uses.
47
- 48 C. Includes a network of circulation systems for various transportation modes that connect to the
49 surrounding area.
50
- 51 D. Conserves a minimum of 25% open space, incorporating a system of parks, open spaces,
52 recreational facilities, and public amenities within the development which enhance the total plan
53 of development.
54
- 55 E. Efficiently utilizes land to protect and preserve natural features such as trees, streams, and
56 topographic features.
57
- 58 F. Provides a mechanism to relate the type, design and layout of proposed development to the
59 specific characteristics of the particular parcel.
60
- 61 G. Exhibits consistency with the Town's Comprehensive Plan and provides overall benefits to the
62 Town.
63
- 64 H. Demonstrates adequate capacity of public facilities and utilities to serve the development.
65
- 66 I. Minimizes traffic impacts upon the surrounding traffic network.

67 **175-37.3 PERMITTED USES (PND)**

- 68 A. All planned neighborhood developments shall permit the following residential and accessory
69 uses:
70
- 71 1. Detached single-family dwellings;
 - 72 2. Two-family dwellings;
 - 73 3. Multi-family dwellings;
 - 74 4. Townhouses with a maximum of eight units per structure;
 - 75 5. Accessory buildings or uses as defined in Town Code Section 175-3;
 - 76 6. Recreation or park facilities;
 - 77 7. Retirement living facilities (handicapped accessible)
 - 78 8. Municipal buildings or uses;
 - 79 9. Public utilities: poles, lines, booster and relay stations, distribution transformers, pipes,
80 meters and other facilities necessary for the provision and maintenance of public utilities,
81 including water and sewerage systems. Such utilities shall be buried or otherwise screened
82 in accordance with design standards of the development;
 - 83 10. Home Occupations as set forth in Section 175-108;
 - 84 11. Public libraries;
 - 85 12. Schools; and

- 86 13. Churches.
87 14. Special childcare services.
88 15. Open space and conservation areas.
89 16. Such other uses as determined similar to one or more enumerated uses by the Zoning
90 Administrator.

91
92 (Added "14-16" 6-22-15-Effective Upon Passage)
93

94 B. Planned neighborhood developments shall permit the following community and institutional
95 uses under the terms set forth in Section 175-37.9, Density Bonus:

- 96
97 1. Day care centers; and
98 2. Community Halls
99

100 C. Planned neighborhood developments comprising ~~50 acres~~ two (2) acres or more may contain
101 the uses permitted in subsections A and B as well as the following commercial uses:

- 102
103 1. Neighborhood-oriented commercial businesses;
104 2. Personal services;
105 3. Business or professional offices; and
106 4. Neighborhood restaurants; and
107 5. Banks, branch banks and financial institutions.
108

109 D. Planned neighborhood developments may include the following uses provided such uses are
110 either specifically approved as part of the original development plan or approved by special use
111 permit in accordance with Section 175-136 if proposed subsequent to approval of the Master Land
112 Use Plan.

- 113
114 1. Bed and Breakfast home
115 2. Assisted Living Facility or other nursing home as permitted in the R-3 District.
116 3. Automotive fuel facilities in conjunction with neighborhood retail stores, provided adequate
117 demonstration is made that the facility can be supported by the neighborhood in which it
118 is located without attracting additional traffic into the neighborhood. Such facilities shall
119 not include the storage or sale of automobiles, automotive mechanical or body repair work,
120 painting, welding or other activities not normally associated with the dispensing of
121 gasoline.
122 4. Art galleries and museums.

123
124 (Added "4" 6-22-15-Effective Upon Passage)
125

126 E. Except as otherwise specified for PND's, proposed uses within a PND shall be subject to the
127 provisions set forth for such use in the Zoning Ordinance (Chapter 175 of the Town Code).
128

129 F. Prohibited Uses
130

Junkyards, off-site signage, used automobiles and truck/trailer sales, manufactured and mobile homes, outdoor storage yards, and industrial uses are prohibited in a Planned Neighborhood Development.

(Amended “F” by adding “*manufactured*” 7-23-12-Effective Upon Passage)

175-37.4 STANDARDS (PND)

A. Planned neighborhood developments shall contain not less than ~~20~~ two (2) contiguous acres.

B. The project area must be held in single ownership or all property owners within the proposed district must participate in the application.

C. Planned neighborhood developments shall be served by municipal water and sewer service and municipal electric service if located within the Town’s electric service area.

D. Allowable base residential density. Overall residential density shall not exceed the overall allowable residential density of the parcel or parcels involved prior to the re-zoning, dedicated to uses other than the commercial uses set forth in Sections 175-37.3 B and C. This base residential density may be increased at the Town Council’s discretion up to a maximum of 6.0 dwelling units per acre.

E. Conservation lands. Lands with the following characteristics shall not be developed and shall not be platted as part of a residential, community, institutional or commercial lot within a planned neighborhood development: land within the 100-year flood plain; land with a natural slope in excess of 40 percent, and as determined by standard slope computation methods. These lands shall be designated on the plat for conservation purposes. Conservation lands may be used in computing the allowable base residential density. Nontidal wetlands may be platted, but shall be protected by preservation easements.

F. Management and ownership of common open space and facilities. All common spaces, properties, and facilities not deeded to the Town or other public entity shall be preserved for their intended purpose as specified on the approved plan. The developer shall provide for the establishment of a property owner’s association conforming to the Virginia Property Owners’ Association Act, Code of Virginia (1950) as amended, to ensure the maintenance of all common areas.

175-37.5 REVIEW AND CREATION OF THE PLANNED NEIGHBORHOOD DEVELOPMENT DISTRICT (PND)

Whenever a tract of land meets the minimum requirements for classification as a PND district as stipulated herein, the owner may file an application with the Director of Planning, requesting rezoning to this classification. A preliminary conference with staff prior to such filing is required.

174 A. Concept Plan:
175

- 176 1. Procedure: The owner may present and file with the Director of Planning a Concept Plan
177 for the project, along with the fee established in the schedule of fees, showing the rough
178 layout of major roads within the project, and such areas within the project as may be
179 planned for particular uses or mixtures of uses, as outlined below. Upon receipt, the
180 Director of Planning shall forward the Concept Plan to the Planning Commission for
181 review and comment. The Planning Commission may recommend to the Town Council
182 approval, denial or modifications to the Concept Plan.
183

184 Upon review and recommendation by the Planning Commission the Director of Planning
185 shall forward the Concept Plan to the Town Council for review and comment. The Town
186 Council may approve, deny or approve conditionally with stated modifications. Approval
187 of a Concept Plan is only an expression of apparent favor to be used in preparation of the
188 PND Master Land Use Plan and does not authorize construction of improvements.
189

- 190 2. Submittal Requirements: The Concept Plan shall be prepared by a Virginia registered
191 architect, landscape architect, land surveyor or engineer with seal and signature affixed to
192 the plan. The plan shall be approximately to scale and clearly show the following:
193

194 (Amended “2” by adding “*land surveyor*” 9-26-05-Effective Upon Passage)
195

- 196 a. Location map showing existing zoning and ownership of property and adjacent land;
197
198 b. Identification of principal natural features and/or unique site design features;
199
200 c. Relationship of the proposal with surrounding utilities and public facilities to serve the
201 tract at the ultimate proposed densities;
202
203 d. The location and size of the components of the PND, including the general layout of
204 the road system within the project, location of use areas within the project planned for
205 particular uses or mixtures of uses and their acreage, residential densities, and the
206 interior open space system and preservation areas;
207
208 e. Written description of the use areas;
209
210 f. A statement demonstrating consistency with the Town of Front Royal Comprehensive
211 Plan, suitability of the tract for the type and intensity of the activities proposed, the
212 anticipated availability of adequate road networks, and the objectives stated in Section
213 175-37.1.
214

215 B. Master Land Use Plan: Within six months of the Town Council’s approval or approval
216 conditioned upon modifications of the Concept Plan, the developer/owner may prepare and file an
217 application for an amendment to the official zoning map to a Planned Neighborhood Development
218 (PND) District, as set forth in this chapter, together with the established in the schedule of fees for
219 rezoning and an engineered Master Land Use Plan for development presenting a unified and
220 organized arrangement of buildings, service areas, parking, landscaped areas, recreation areas,

open space and community facilities. All information submitted for consideration as a Master Land Use Plan shall be of sufficient clarity and scale to accurately identify the location, nature, and character of the proposed district. At a minimum the information contained on a Master Land Use Plan shall include:

1. A map of the boundaries of the proposed development site, showing bearings, dimensions at a scale not greater than one (1) inch to six hundred (600) feet;
2. A statement of existing property owner(s) and the proposed developer;
3. Names and addresses of adjacent property owners;
4. A vicinity map drawn at a scale of between one (1) inch equals two hundred 2,000 feet and showing the relation of the property.
5. Topographic map with contour lines at vertical intervals of not greater than five (5) feet at a minimum scale of one inch to 200 feet;
6. A site analysis map of existing conditions, including but not limited to the location and delineation of sensitive environmental features, any 100-year floodplain, watercourse, non-tidal wetlands, areas greater than 15-percent slope, and significant geologic formations or man-made features, existing structures and public facilities, historic landmarks, existing zoning on-site and surrounding areas;
7. The overall scheme of development including general layout of proposed land uses at a scale of one (1) inch equals two hundred (200) feet;
8. The location and acreage of recreation areas, open space and conservation areas, parks within the development;
9. The location, acreage and type of nonresidential areas and uses, and community/ public uses.
10. For each residential area shown, the total number of units in each by type and density;
11. An access and circulation plan showing the general location of all existing and proposed streets and easements of right-of-way, bridges, culverts, railroads, and utility transmission lines;
12. A traffic analysis and description of the base existing conditions and traffic volumes for the connecting external road network serving the site, projected average daily traffic for all new streets within the subdivision based on the proposed land uses and the traffic growth on adjacent highways, trip generation rates for peak hours by development and phase, and internal/external trip distribution and intersection and capacity analysis, identifying off-site access and traffic control improvements generated by the traffic demands of the proposed project at full development;

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13. The proposed general location of all building areas and other improvements, except single-family and two-family dwellings and accessory buildings;
 14. Notations showing the total gross development acreage, the net development acreage, acreage devoted to each land use category, the number of dwelling units and overall development density of the project;
 15. General intent and schematic plans for water, sanitary sewer, storm water management, electrical services, and other utilities;
 16. An approximate development schedule/phasing plan;
 17. A general description of proposed agreements, provisions, or covenants that govern the use, maintenance, and continued protection of property to be held in common ownership.
 18. Municipal boundaries through the property.
 19. A narrative statement demonstrating consistency with the Town of Front Royal Comprehensive Plan, suitability of the tract for the type and intensity of the activities proposed, and the planning purposes to be achieved by the proposed PND as stated in Section 175-37.1, the design theme and major elements, principal site features, and environmental components integrated into the plan.
 20. An impact assessment on the environment and on community facilities, services and taxes.
 21. Demographic profile of proposed development (population, housing, school children and employment).
 22. Other relevant data which may be used to evaluate the project.
 23. A set of design guidelines describing the design principles for the site arrangement, standards for development including proposed yards, building heights, building architecture, open space characteristics, landscaping, hardscape, and buffering, and streetscapes related to scale, proportions, and massing at the edge of the district.

The design guidelines will establish the appearance standards to be used as the basis for the appearance review occurring concurrent with the site development review. The purpose of the appearance standards shall be:

 - a. To encourage development that enhances the character of the Town;
 - b. To enhance and protect property values by encouraging excellent design;
 - c. To encourage architectural freedom, imagination and variety, and to encourage creative design solutions that will enhance the Town's visual appearance.

d. To promote harmonious unified development within a planned neighborhood.

C. Demonstration of Purposes: The purposes shall be demonstrated in each of the components as follows:

1. Relationship of Building Site:

a. The proposed non-residential development shall be designed and sited to accomplish a desirable view as observed from adjacent streets.

b. Parking areas shall be enhanced with decorative elements, building wall extensions, plantings, berms, or other appropriate means to screen parking areas from view from the streets and adjacent properties.

2. Relationship to Adjoining Areas:

a. Adjacent buildings of different architectural styles shall be made compatible by use of screens, sight breaks, materials and other methods.

b. Landscaping shall provide a transition to adjoining property and screening between residential and commercial uses, and for off-street commercial parking and loading areas from public view.

c. Texture, building lines and mass shall be harmonious with adjoining property. Monotonous texture, lines and mass shall be avoided.

3. Building Design and Landscaping: The applicant shall provide a narrative for all building types describing compliance with the following, including dimensional and qualitative specifications.

a. Quality of design and landscaping, and compatibility with surrounding uses for proposed nonresidential development. Architectural style is not restricted.

b. Materials and finishes of good, sound architectural quality that are harmonious with adjoining buildings.

c. Suitable materials for the type and design of the building. Materials that are architecturally harmonious shall be used for all exterior building walls and other exterior building components.

d. Building components, such as windows, doors, eaves, and parapets with appropriate proportion and relationships to one another.

e. Use of harmonious colors and compatible accents.

- f. Mechanical equipment or other utility hardware on roof, ground, or buildings screened from view with materials harmonious with the building.
- g. Non-Monotonous design with visual interest provided by variation in detail, form, and siting.
- h. Exterior lighting used as part of the architectural concept. Fixtures, standards, and all exposed accessories harmonious with the building design.
- i. Landscaping treatment creating unity of design, enhance architectural features, strengthen vistas, and provide shade.
- j. Plant materials selected for interest in its structure, texture, and color and for its ultimate growth using indigenous plants and those that are hardy, harmonious to the design and of good appearance.
- k. Protection of plant materials by appropriate curbs, tree guards, or other devices in locations which are susceptible to injury by pedestrian or vehicular traffic.

4. Signs:

- a. Signs shall conform to the provisions of Section 175-106 for residential districts and this section, except that signs erected on poles shall not be permitted.
- b. Every sign shall be of appropriate scale and proportion in relation to the surrounding buildings.
- c. Every sign shall be designed as an integral architectural element of the building and site to which it relates.
- d. The colors, materials, and lighting of every sign shall be harmonious with the building and site to which it relates.
- e. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's principal message and shall be in proportion to the area of the sign.
- f. Each sign shall be compatible with signs on adjoining plots or buildings.
- g. Logos shall conform to the criteria for all other signs.
- h. A coordinated, unified sign plan shall be utilized for direction and information within the PND.

- 399 5. Miscellaneous Structures: Miscellaneous structures and hardware shall be part of the
400 architectural concept of the project. Materials, scale and colors shall be compatible with
401 the building and surrounding uses.

402
403 D. The Planning Commission shall proceed in general as for any other rezoning application as
404 required in the ordinance, and recommend to the Town Council to approve, conditionally approve
405 or disapprove the application.

406
407 E. The Town Council shall proceed in general as for any other rezoning application as required in
408 the ordinance. Subsequent to the public hearing and a recommendation from the Planning
409 Commission, the Town Council shall approve, conditionally approve or disapprove the application
410 for a Master Land Use Plan.

411
412 F. Upon approval of a Master Land Use Plan for development the official zoning map shall be
413 amended to indicate the property as “PND - Planned Neighborhood Development”. Once the
414 Town Council has approved the Master Land Use Plan, all accepted proffers shall constitute
415 conditions, enforceable by the Zoning Administrator.

416 **175-37.6 OPEN SPACE STANDARDS (PND)**

417 A. Planned neighborhood developments shall reserve a minimum of 25 percent of the acreage of
418 the parcel as dedicated natural open space.

419
420 B. Up to 25 percent of this requirement may be satisfied with land covered by water or by
421 stormwater detention or retention basins (dry ponds shall not be permitted as open space), if the
422 Town Council determines that such a water body or basin is suitable for the purposes set forth in
423 Section 175-37.1. The dedicated open space shall not be included in subdivision lots. Dedicated
424 open space shall include the land necessary to provide access to the open space.

425
426 C. Land characterized as conservation lands in Section 175-37.4.E. of this ordinance may be used
427 to fulfill the minimum open space requirement up to a maximum of 20 percent of the total
428 dedicated natural open space within a planned neighborhood development.

429
430 D. Dedicated open space shall have shape, dimension, character, location, and topography to
431 accomplish the open space purposes specified in Section 175-37.1 and to ensure appropriate public
432 access.

433
434 E. Dedicated open space land shall be shown on the planned neighborhood development Concept
435 Plan and Master Land Use Plan and shall be labeled to specify that the land has been dedicated to
436 open space purposes. The plans and final plat shall specify that the open space land shall not be
437 further subdivided or developed and is permanently reserved for natural open space purposes.

438
439 F. The open space shall be conveyed by the applicant as a condition of plat approval and may be
440 conveyed by any of the following means as determined by the Town Council:
441

442 1. Deeded in perpetuity to the Town of Front Royal or other governmental agency for the
443 purposes herein.

444
445 2. Reserved for common use or ownership of all property owners within the development by
446 covenants in the deeds approved by the Town Attorney. A copy of the proposed deed
447 covenants shall be submitted with the application.

448
449 3. Deeded in perpetuity to a private, non-profit, tax-exempt organization legally constituted
450 for conservation purposes under terms and conditions that ensure the perpetual protection
451 and management of the property for conservation purposes. A copy of the proposed deeds
452 and relevant corporate documents of the land trust shall be submitted with the application.

453
454 4. Deeded to a property owner's association within the development upon terms and conditions
455 approved by the Town Attorney that will ensure the continued use and management of the
456 land for the intended purposes. The formation and incorporation by the applicant of one or
457 more appropriate property owners' associations shall be required prior to plat approval. A
458 copy of the proposed property owner's deed and the by-laws and other relevant documents
459 of the property owner's association shall be submitted with the application. The following
460 shall be required if open space is to be dedicated to a property owner's association:

461
462 a. Covenants providing for mandatory membership in the association and setting forth the
463 owner's rights, interests, and privileges in the association and the common land, must
464 be included in the deed for each lot or unit;

465
466 b. The property owners' association shall have the responsibility of maintaining the open
467 space and operating and maintaining recreational facilities;

468
469 c. The association shall have the authority to levy charges against all property owners to
470 defray the expenses connected with the maintenance of open space and recreational
471 facilities; and

472
473 d. The applicant shall maintain control of dedicated open space and be responsible for its
474 maintenance until 75% of occupancy permits for residential units have been issued and
475 development is sufficient to support the association.

476
477 G. The owner/developer shall convey or restrict the open space land by a deed instrument
478 reviewed and approved by the Front Royal Town Attorney to ensure that the land will be held and
479 managed in perpetuity for open space purposes and shall not be further developed.

480
481 H. If the planned neighborhood development is developed in phases, the provision of dedicated
482 natural open space shall be phased with the construction of dwelling units and other improvements
483 to ensure that a proportionate share of the total dedicated open space is preserved with each phase.

484
485 I. Streets and other impervious surfaces shall be excluded from the calculation of the minimum
486 dedicated open space requirement; however, lands occupied by bike paths, landscaped grounds, or
487 similar common recreational development (excluding tennis courts, golf courses, and buildings)

may be counted as dedicated open space, provided that impervious surfaces constitute no more than 5 percent of the total required open space.

J. Open space shall be permanently dedicated for one of more of the following uses: natural resource conservation, recreational facilities, wetland and water course preservation, selective forestry, wildlife habitat, undeveloped parklands or scenic preservation.

175-37.7 OFF-STREET PARKING (PND)

A. The number, design, location and construction of parking lots, bays, spaces and drives shall conform to the applicable requirements of Sections 175-104 and 175-105 Zoning Ordinance and Section 148-48 of the Subdivision and Land Development Ordinance. Parking for commercial land uses shall also comply with Section 175-45 of the Front Royal Town Code.

1. Parking areas shall be planted with trees a minimum of two inches in caliper measured six inches above ground level, so that there is at least one tree per ten parking spaces within the parking lot. Such trees must be protected by curbing or other means against damage by vehicles. A minimum planting area, equivalent to 162 square feet per tree, shall be provided.
2. Parking areas shall have a landscaped island at each end of each row of vehicle spaces. No more than 15 spaces shall be laid out without an intermediate landscape island. Such planting islands shall be not less than nine feet wide in the direction parallel to the row and not less than 18 feet long in the direction perpendicular to the row. Each such island shall have a suitable poured-in-place concrete curb, or approved equal, and shall be planted with grass or ground cover. All hydrants shall be located in such islands.

175-37.8 LANDSCAPING AND SCREENING (PND)

A. Screening of Uses: Commercial, institutional, and community uses shall be screened from residential uses within and abutting the planned neighborhood development by a buffer yard 20 feet in width containing a minimum of three canopy trees, six understory trees, and nine shrubs per 100 feet of length (or an amount creating an equivalent effect and approved with the landscape plan) along the perimeter of the lot line abutting a residential use.

B. Screening along Public Roadways: Uses within a planned neighborhood development which abut an arterial street as defined in Section 148-26(C)(3) shall be screened by a buffer yard of 20 feet in width containing a minimum of three canopy trees, six understory trees and nine shrubs per 100 feet of frontage (or an amount creating an equivalent effect and approved with the landscape plan). Canopy trees shall be deciduous shade trees planted with a minimum of two and one-half inches in caliper at six inches above the ground with a mature height of at least 35 feet. Understory trees shall be deciduous shade or fruit trees planted at minimum one and ½ inch in caliper at six inches above the ground with a mature height of at least 12 feet.

C. Existing Vegetation: Notwithstanding any other provisions of this ordinance, existing vegetation shall be retained and maintained to the extent feasible in order to permit existing

vegetation to fulfill or contribute to buffer and screening requirements. In lieu of strict compliance with the above buffer yard requirements, a developer may submit a detailed landscaping plan that will afford a degree of buffering and screening comparable to that provided by these regulations in making use of existing and new vegetation. For developments utilizing more than 10 percent existing vegetation as a density bonus credit, a Certified Arborist shall provide a detailed description of the existing vegetation with notation of specimen trees, to certify compliance. The Arborist report shall be accompanied by the proposed measures for ensuring preservation during and after construction in accordance with the preservation criteria stated in the Town of Front Royal Landscape Preservation and Planting Guide.

D. Screening of Refuse Collection Facilities: Uses, except single-family homes within a planned neighborhood development shall provide secure, safe, and sanitary facilities for the storage and pickup of refuse. Such facilities shall be convenient to collection and shall be appropriate to the type and size of use being served. All refuse storage facilities shall be screened on three sides by a solid wooden fence or masonry wall and a tight evergreen hedge. The fourth side shall be angled to minimize the view of the refuse collection facility or shall be screened by an opaque gate made of durable materials. The screening shall be of sufficient height and design to effectively screen the facility from the view from nearby residential uses, streets, adjacent properties, and recreational facilities.

175-37.9 DENSITY BONUSES (PND)

Residential density bonuses up to a density of 6.0 dwelling units per acre dedicated to uses other than the commercial uses set forth in Sections 175-37.3(B) and (C) may be approved and granted at the discretion of the Town Council upon a finding that a proposed density bonus promotes the purposes of the Planned Neighborhood Development and provides additional public benefit. Each of the following amenities and any other amenities or proffered conditions will be evaluated by the Town Council and used in negotiations with the applicant:

A residential density up to 6.0 dwelling units per acre acceptable to both the applicant and the Town Council.

A. Dedicated Open Space: In exchange for increasing the dedicated natural open space beyond the required 25 percent, the project may qualify for a density bonus, provided the natural open space is increased by a minimum of 5 percent of the developable acreage. A bonus shall not be permitted for preservation areas or without sufficient justification of demonstrated benefit to the Town. Priority shall be given to protecting existing stands of mature trees.

B. Bikeways/Greenways: A system of bike paths and pedestrian greenways may qualify for a density bonus. In order to qualify, the bike paths or greenways shall form an integrated system of access within the development to principal off-site destinations, and be integrated with other planned or existing systems (i.e., Happy Creek Trail, Conservancy Park Trail, etc.).

C. Walk-Up Housing: A dwelling unit located above the ground floor of a structure that contains a non-residential use on the ground floor may be applied toward the allowable base density as one-half of a dwelling unit.

D. Community and Institutional Uses:

Day Care Center: In a PND with 75 or more residential units, a parcel may be designated, dedicated and developed for use as a day care center. This lot shall have a minimum of 100 square feet per residential unit within the PND, and be developed in accordance with the requirements of Town Code Section 175-107.1.

Community Hall: In a PND with 100 or more residential lots or units, a community hall may be constructed, with an enclosed area of no less than 25 square feet for each residential unit or lot.

E. Developed Recreational Facilities: Such facilities may include, but shall not be limited to, tot lots and pocket parks, ball fields, courts or other athletic facilities, swimming pools, public pedestrian plazas or arcades with benches, water fountains and reflecting pools, terraces, sculptures, public art, involving unique design features and amenities. To be considered for a density bonus, such recreational facilities shall be developed at a minimum ratio of three acres per 100 units, in addition to the minimum requirement in Section 15.

F. Enhanced streetscapes: Streets s developed with widened sidewalk area, substantial landscaping above the required minimum, approved traffic calming measures, pedestrian-oriented features, and bicycle parking facilities may be considered for a density bonus.

G. Other: Additional density bonuses may be granted based upon such other innovative factors as may be proposed by the applicant and accepted by the Town Council in its sole discretion.

175-37.10 TRAFFIC IMPROVEMENTS (PND)

Where a proposed planned neighborhood development borders on an existing street whose right-of-way, traffic carrying capacity, or sight lines are inadequate to safely and efficiently accommodate the traffic generated by the proposed development, the Town Council shall require the applicant to dedicate land for needed realignment or widening, and to undertake or fund the needed street improvements.

175-37.11 DIMENSIONAL STANDARDS (PND)

A. Building Separation: No structure under 30 feet in height shall be located within 15 feet of any other structure. Buildings higher than 30 feet shall be separated by a distance equivalent to 50 percent of the height of the tallest building.

B. Height Limits: The height limits within a planned neighborhood development shall be the same as the height limits set forth in Section 175-36 for structures in the R-3 residential district.

C. Except as otherwise specifically required by Sections 175-37.01 through 175-37.19, modifications to the following design standards may be authorized by the Town as part of the rezoning or conditional rezoning application process, provided they are specifically approved, with the modified design standards taking precedence over the design standards of Chapter 148 and Chapter 175 of the Town Code.

1. Lot Area
2. Lot Width
3. Setbacks and Yard Area
4. Building Height
5. Building Separation

(Added "C" 12-12-11-Effective Upon Passage)

175-37.12 PERIMETER BOUNDARY (PND)

A. No portion of a building, structure, or parking area, shall be located within 55 feet of abutting property that is not part of the proposed planned neighborhood, unless the zoning of the adjacent property permits uses similar to the proposed Planned Neighborhood District use to be located abutting the common boundary. Where proposed PND uses are similar to uses permitted on the adjacent property, the minimum separation shall be that same as required for the zoning district on the adjacent property.

B. No portion of a non-residential use, multi-family residential use, community use, institutional use or active recreational use shall be located within 100 feet of abutting property that is not part of the proposed planned neighborhood, unless the abutting property is developed as a Planned Neighborhood District, whereas the separation shall be equal to the existing yard requirement on the abutting Planned Neighborhood District property.

C. The minimum front yard requirement of the R-1 zoning district shall apply for a minimum of 200 feet from the border of a planned neighborhood development and adjoining property that share frontage on the same side of a street.

175-37.13 MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS (PND)

Multi-family housing. Such housing shall be either townhouses, multiplexes or Retirement Living Facilities.

A. Townhouses: The maximum number of dwelling units permitted within a townhouse structure shall be eight. Townhouse structures shall be developed in compliance with the following requirements:

1. There shall be a minimum of two and one-half parking spaces for each townhouse unit. The shared use of such overflow parking with other uses and activities is encouraged.
2. Walkways of four feet in width, constructed of concrete, stone, brick or similar masonry material, (not including asphalt), shall be installed from parking areas to townhouse units served by such parking areas.
3. The facades of townhouse units shall have variation in materials, setbacks, and design so that abutting units will not have the same or essentially the same architectural treatment of facades and rooflines.

B. Multiplex Structures: The maximum number of dwelling units permitted within a multiplex structure shall be thirty (30). Multiplex structures shall be developed in compliance with the following requirements:

(Amended # of Units to 30 12-12-11-Effective Upon Passage)

1. There shall be a minimum of two and one-half parking spaces for each unit. The shared use of such overflow parking with other uses and activities is encouraged.
2. Walkways of four feet in width, constructed of concrete, stone brick or similar masonry material, (not including asphalt), shall be installed from parking areas to multiplex units served by such parking areas.
3. The minimum size of each individual unit shall be no less than 600 net square feet.

C. Retirement Living Facilities: The structures shall be developed in compliance with the following requirements:

1. The facilities shall be developed as either condominium or cooperative units.
2. There shall be no less than two parking spaces for each unit. The shared use of such overflow parking with other uses and activities is encouraged.
3. Walkways of four feet in width, constructed of concrete, stone, brick or similar masonry material (not including asphalt), shall be installed from parking areas to the retirement units served by such parking areas.

D. Accessory buildings shall be limited to one enclosed storage building not exceeding seven feet in height nor exceeding ten feet in length by ten feet in width.

175-37.14 UTILITIES (PND)

Utilities, such as electric transmission cable television lines, and telephone lines, serving the planned neighborhood subdivision shall be installed underground.

175-37.15 ACCESSORY STRUCTURES (PND)

Accessory structures shall not be located within any front yard or within five feet of any other structure and shall comply with the requirements of Town Code Section 175-26D.

175-37.16 NEIGHBORHOOD RECREATIONAL USES (PND)

A minimum of 335 square feet for each residential unit shall be dedicated and developed for neighborhood recreational use to serve the recreational demands generated by the planned neighborhood development. Recreational facilities shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

175-37.17 COMMERCIAL USES DEVELOPMENT STANDARDS (PND)

A. The total acreage of commercial users in Planned Neighborhood Development Districts shall comply with the following requirements.

Acreage of PND	Total Acreage of Commercial Uses
20 2 Acres – 50 Acres	No Minimum 5% Maximum
51 Acres – 100 Acres	5% Minimum 10% Maximum
101 Acres – Plus	5% Minimum 15% Maximum

The developer/owner shall provide specific justification of commercial areas proposed in excess of 5% of the total acreage, identifying specific impacts of the commercial development and demonstrating adequate mitigation of such impacts.

(Amended “A” and Added Table 12-12-11-Effective Upon Passage)

B. Commercial uses shall be designed with the intention of serving the immediate needs and convenience of residents within and immediately surrounding the Planned Neighborhood Development.

C. Commercial uses shall not receive a certificate of occupancy until building permits have been issued for fifty percent of the residential units within the Planned Neighborhood Development.

D. Commercial structures shall comply with the height requirements in Code Section 175-50.

E. Commercial uses shall comply with the Performance Standards stated in Code Sect. 175-52.

F. Parking for commercial uses shall be in accordance with Town Code Section 175-104.

175-37.18 DEVELOPMENT REVIEW (PND)

Within one year of approval of a Master Land Use Plan for development of a Planned Neighborhood, prior to the approval of building permits, the applicant shall prepare and submit for review and approval an engineered Development Plan, along with the fee as established in the approved schedule of fees. The applicant may petition the Town Council for an extension of time for submission of a development plan, provided such extension is requested at least 20 days prior to the expiration of the one-year period. The Town Council may grant an extension upon demonstration of good cause for up to one year.

A. Development Plan: A Development Plan shall be submitted for all proposed commercial, residential, community facility, institutional, or multi-family residential development within a Planned Neighborhood Development. The Development Plan shall be drawn to scale and shall be accompanied by a narrative, as appropriate. The Development Plan shall comply with the provisions of Sections 175-111 through 175 – 122 and Section 148-20 of the Code of Front Royal, Virginia, unless otherwise provided for herein, and the following:

1. All information required for the master plan submission.
2. A development schedule. If phasing is proposed, indication of the proposed phasing schedule, along with a plan indicating phased sections.
3. A landscape plan prepared by a certified landscape architect or land surveyor shall be submitted with each site development plan application. The development plan shall identify proposed trees, shrubs, ground cover, natural features such as rock outcroppings, other landscaping elements and planting details. When existing natural growth is proposed to remain, the applicant shall include in the plans a description of the landscaping to be retained, a statement from a certified arborist that the material is desirable and healthy, and the proposed methods to protect the retained trees and growth during and after construction.

(Amended “3” by adding “*land surveyor*” 9-26-05-Effective Upon Passage)

4. Proposed number of dwelling units by residential types, and the area of non-residential buildings by use type (retail, office, service, etc.).
5. Calculation of the percentage of land area covered by the various land uses, including landscaped areas.
6. Proposed circulation plan showing patterns of vehicular, pedestrian, or other traffic, parking areas (including the number of parking spaces).
7. Notes identifying any deviations from the approved master plan.

(Amended by removing “8” 12-12-11-Effective Upon Passage)

B. Development Plan Revisions, Modifications: After approval, all subsequent plans, plats, and permits for the PND shall be in substantial compliance with the approved PND Master Land Use Plan. Minor adjustment to the Master Land Use Plan may be approved administratively provided there is no increase in the overall density or number of housing units in the development and no reduction in useable open space. Revisions or modifications which substantially change the development, design, density, concept, uses, or magnitude shall cause the revised plan to be referred back through the review process as if it were an original submission.

Revisions to the Site Development Plan may be proposed by the applicant prior to the Town Council’s review. The Town Council at its discretion may consider the application with minor revisions as proposed or may return the plan to the Planning Commission for further review.

C. Amendments to Planned Development Districts: Land area may be added to an established PND if it adjoins and is demonstrated to become an integral part of the approved development. The procedures for any addition of land shall be the same as for an original application and all requirements shall apply.

D. Final Plats: Final Plats shall be submitted concurrently with the Site Development Plan. Except as provided herein, Planned Neighborhood Development plats shall comply with the Zoning

Ordinance, Chapter 175 and the Subdivision and Land Development Ordinance, Chapter 148 of the Town of Front Royal, Virginia, except that reasonable waivers and variances as described in Chapter 148 may be granted by the Town Council in order to facilitate creative design consistent with good community planning standards.

(Amended “D” 12-12-11-Effective Upon Passage)

E. Recordation of Documents: Any applicable covenants, governance documents and easements shall be recorded in the Warren County Circuit Court Clerk’s office within six (6) months of approval of the Final Plat.

F. Appearance Review: Appearance Review by the Planning Commission shall be required for all proposed commercial, community, institutional, or multi-family residential development within a planned neighborhood development to ensure conformity with the appearance standards established by the approved design guidelines for the Planned Neighborhood Development. Such review shall occur in conjunction with the Site Development Review. Compliance with the requirements for Appearance Review shall be in addition to all other requirements.

175-37.19 DEFINITIONS (PND)

ASSISTED LIVING FACILITY - A residential facility for two or more persons that provides nursing assistance and/or support services for residency of elderly and /or disabled persons, where residents share common meals.

COMMUNITY HALL - A community hall is a structure designed and constructed for civic uses and shall include a community meeting room, a library annex, space dedicated to historical or cultural displays or uses, athletic or exercise facilities, or uses found to be similar in intent and function with this section.

MULTIPLEX STRUCTURE – This term shall mean a residential dwelling unit designed with not more than thirty (30) separate dwelling units for a maximum occupancy by thirty (30) families living independently of each other

(Added 9-26-05-Effective Upon Passage ; Amended 12-12-11-Effective Upon Passage)

NEIGHBORHOOD RECREATION USE - This term shall include basketball courts, tennis courts, playgrounds, tot lots, picnic areas, and the like.

NEIGHBORHOOD RESTAURANTS - A restaurant of not more than 20 seats, nor five employees, open for business not later than 10 p.m.

NEIGHBORHOOD-ORIENTED COMMERCIAL - This term shall include neighborhood-oriented retail businesses with not more than 15,000 square feet of gross floor area. The term shall include convenience stores, bookstores, dry cleaners, ice cream stores, barber and beauty shops, wearing apparel stores, bakeries, drugstores, gift shops, hardware stores, or other use found to be similar to one or more uses listed herein, but shall not include automobiles sales operations.

(Amended # of Square Feet and Removed “banks”-12-12-11-Effective Upon Passage)

NONTIDAL WETLANDS - Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Clean Water Act as amended.

OPEN SPACE - Common space generally intended for passive recreation and not improved with a building, structure, vehicular travel lane, driveway, street, sidewalk, or parking area. Open space may include pedestrian ways, bike paths, trails interconnecting open space areas; undisturbed natural areas, woodlands, preservation areas; community facilities; landscaped grounds, buffers; playgrounds and tot lots; swimming and boating areas.

Open space shall not include yards within individual residential lots, yards less than (30) feet wide between buildings, lands occupied by tennis courts, golf courses, and buildings.

PLANNED NEIGHBORHOOD DEVELOPMENT - Planned neighborhood development (PND) is used in two contexts. Depending upon the context, planned neighborhood development refers to the development authorized by the ordinance or a project which is proposed for consideration under this ordinance. This term shall have the same meaning as mixed-use development and planned unit development as defined in the Code of Virginia (1989 Session Virginia Acts of Assembly - Chapter 384).

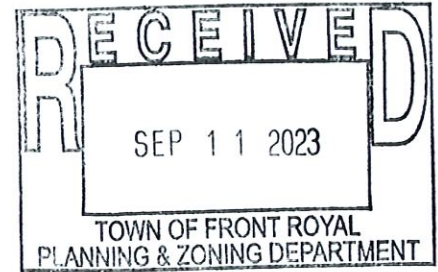
RETIREMENT LIVING FACILITIES - In accordance with Virginia Code Section 36-96.7, residential structures within a planned neighborhood development that are intended to be absent of school age children and which ensures, through covenants, management regulations or other similar legal instruments, enforceable by a homeowners' association or other similar private entity, that at least one of the residents of at least 80% of the units is 55 years of age or older. Such facilities may include extended care or nursing home facilities as defined in Section 175-3 of the Town Code.

**REZONING
APPLICATION 2300537**

2300537



20 E. 8th Street, Suite 3
Front Royal, VA 22630
alex@magdalencapital.com



Sept 11, 2023

Ms. Lauren Kopishke
Director, Department of Planning and Zoning
Town of Front Royal
102 East Main Street
Front Royal, VA 22630

RE: Re-zoning

Dear Lauren,

I am writing to you on behalf of Magdalen Capital, LLLP to request a rezoning of 311 Leach Street and adjoining properties (Tax Map #'s: 20A913, 20A916D3, 20A916D2, and 20A916D1) from R-S / R-1 to PND.

As a group with a strong commitment to sustainable, community-oriented development, we present this proposal to seek approval for a Planned Neighborhood Development (PND) zoning designation.

The current zoning for the property allows for the construction of approximately 22-27 single-family homes under the R-S/ R-1 zoning category by right. While this option is feasible, we have envisioned the possibility of a development plan that aligns with the Town's goals of maintaining its charm and natural beauty while fostering a vibrant and family-friendly community.

In obtaining this designation, we aim to honor the requirements set forth in PND to enable development techniques that promote sustainability, walkability, and a strong sense of community. By doing so, we aim to create a place where families can live, work, play, and enjoy nature, all while enhancing the local economy.

Justification for PND Zoning:

- **Preserving the Town's Charm and Heritage:** The PND designation will allow the development to draw inspiration from traditional neighborhood layout practices.
- **Community-Focused Planning:** The PND designation will allow more flexibility for sensible community spaces, green areas, and pedestrian-friendly infrastructure, thus

encouraging social interactions and fostering a sense of belonging among residents and visitors.

- **Environmental Suitability:** PND zoning allows for better integration of sustainable practices, energy-efficient designs, and stormwater management techniques while allowing the smart growth that the Town's Comprehensive Plan aims to achieve.
- **Economic Boost:** PND zoning also allows more flexibility for an attractive development, creating a foreseeable increase in property values, which will benefit both existing and new residents. Additionally, the influx of places for visitors, existing and new residents to stay, work, and live in the town will stimulate local businesses, creating new job opportunities and economic growth.
- **Tax Revenue:** PND zoning allows for the possibility of commercial properties within the development, potentially increasing tax revenues for the Town over and above what it would receive from residential-only development.

We believe that the proposed PND zoning will have numerous positive effects on the community and align closely with the Town's long-term vision. The Magdalen Capital team is committed to working closely with all stakeholders to address any concerns that may arise.

In conclusion, we kindly request the Town's support and approval of our rezoning application for the address and tax map numbers listed. By granting PND zoning, we can realize a step towards a project that will set a better standard for sustainable and community-focused development while honoring the town's history and natural beauty.

Thank you for your time and consideration. We look forward to working with you.

Sincerely,

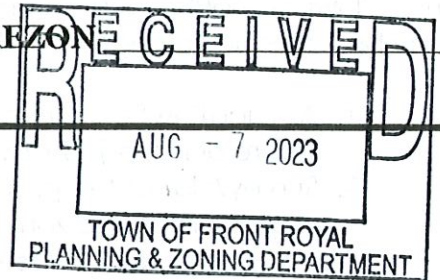
Alex Stieb
Partner
Magdalen Capital, LLLP



TOWN OF FRONT ROYAL ~102 East Main Street, Front Royal, Va. 22630 ~ 540-635-4236
Department of Planning & Zoning

2300539

FRREZON



REZONING APPLICATION

APPLICANT

Name Alex Stieb Phone 571-309-0595
Address 20 E. 8TH STREET Front Royal VA 22630
E-mail alex@magdalencapital.com

PROPERTY OWNER OF RECORD

Name MAGDALEN CAPITAL LLLP Phone 540-631-4081
Address 20 E. 8TH STREET Front Royal VA 22630

PROPERTY DESCRIPTION

Location/Street Address 311 LEACH ST & 0 NORTHVIEW AVE
Number of lots: 4 Total Acreage 10.73
Tax Map Identification for each parcel (Map, Section, Block, & Lot):
Tax Parcels 20A9-1-3, 20A9-16-D1, 20A9-16-D2,
20A9-16-D3
Subdivision Name (if applicable) _____

REQUEST

Existing Zoning R-S / R-1 Proposed Zoning PND
Existing Use single family Proposed Use Planned Development

ATTACHMENTS

The following should be submitted with a completed copy of this application. Additional information may be determined necessary depending on the nature of the request.

1. Application Fee (Checks should be made out to the Town of Front Royal. Fees are as follows: 1 acre or less = \$500, over 1 acre = \$500 + \$100 per acre after 1st acre, Downzoning = \$400)
2. Survey/Plat of the property with metes and bounds descriptions for all existing and proposed property lines and zoning district boundaries (8 copies and a digital copy).
3. Environmental Site Assessment Phase I and Phase II (unless waived by Director).
4. Traffic Impact Analysis (if required)
5. Written proffers. Proffers are voluntary but should be submitted in a written format approved by the Director.
6. Statement of Justification. As a separate document, provide a statement or statements that explain why you believe the property should be rezoned.

CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge. The proffering system has been explained to me and I have read Sections 175-149 and 175-150 of the Town of Front Royal Zoning Ordinance pertaining to conditional zoning and proffering.

By: 

Signature of Property Owner

Signature of Applicant (if different)

City/County of Warren, Commonwealth of Virginia
The foregoing instrument was acknowledged before me this 7 day of August, 2023 by
Alex Stieb

(Name of person seeking acknowledgement)

Diana S. Settle

Notary Public

Notary registration number: 308730

My commission expires: 3/31/25

DIANA S SETTLE
NOTARY PUBLIC
REG. #308730
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MARCH 31, 2025

NOTICES

- Staff will notify adjacent property owners of the rezoning request and the scheduled public hearing dates with the Planning Commission and Town Council.
- Town Staff will place an advertisement in the local newspaper as required under Virginia Code § 15.2-2204.
- Town Staff will place a public hearing sign(s) at the location of the proposed rezoning.
- Submission of this application does not establish a vested right as outlined under Virginia Code § 15.2-2307.
- By submitting this application, the applicant grants permission to the 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.
- When the applicant is different than the fee simple property owner, the signature by the fee simple property owner on this application shall be considered as authorization for the applicant to act as an agent for matters concerning this application.

OFFICE USE ONLY

Receipt # _____ Date Paid _____

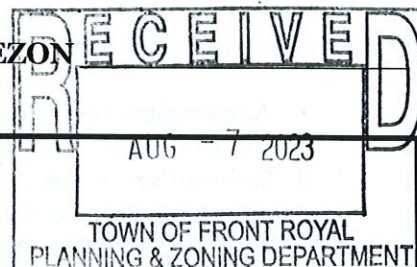
Planning Commission Hearing Date: _____ Recommendation: _____

Town Council Hearing Date: _____ Date Sent to Clerk: _____



TOWN OF FRONT ROYAL ~102 East Main Street, Front Royal, Va. 22630 ~ 540-635-4236
Department of Planning & Zoning

FRREZON



REZONING APPLICATION

APPLICANT

Name Magdalen Capital Phone (540) 631-4081
Address 15 Chester Street, Front Royal, VA 22630
E-mail scott.lloyd@magdalencapital.com; alex.stieb@magdalencapital.com

PROPERTY OWNER OF RECORD

Name Magdalen Capital Phone (540) 631-4081
Address 15 Chester Street, Front Royal, VA 22630

PROPERTY DESCRIPTION

Location/Street Address 311 Leach Street
Number of lots: 4 Total Acreage 10.5
Tax Map Identification for each parcel (Map, Section, Block, & Lot):
L 2 -2ND ADD TO BL D, BRAXTON HTS SUB; Tax Map #: 20A916 D 2; Account #: 13331
L 3 -2ND ADD TO B 'D'; BRAXTON HTS SUB; Tax Map #: 20A916 D 3; Account #: 13332
L 1 -2ND ADD TO BL D; BRAXTON HTS SUB; Tax Map #: 20A916 D 1; Account #: 13330
JANET L DEMOULIN BDY SURV, LR04-3054 & .578 TO HWY, LR05-5436 AC CORR 3/22 LF; Tax Map #: 20A9 1 3; Account #: 13029
Subdivision Name (if applicable) _____

REQUEST

Existing Zoning R-S / R-1 Proposed Zoning PND
Existing Use vacant / blighted Proposed Use residential / commercial

ATTACHMENTS

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2. Survey/Plat of the property with metes and bounds descriptions for all existing and proposed property lines and zoning district boundaries (*8 copies and a digital copy*).
3. Environmental Site Assessment Phase I and Phase II (*unless waived by Director*).
4. Traffic Impact Analysis (*if required*)
5. Written proffers. Proffers are voluntary but should be submitted in a written format approved by the Director.
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Signature of Property Owner

Signature of Applicant (if different)

City/County of _____, Commonwealth of Virginia

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by

(Name of person seeking acknowledgement)

Notary Public

Notary registration number: _____ My commission expires: _____

NOTICES

- Staff will notify adjacent property owners of the rezoning request and the scheduled public hearing dates with the Planning Commission and Town Council.
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OFFICE USE ONLY

Receipt # _____ Date Paid _____

Planning Commission Hearing Date: _____ Recommendation: _____

Town Council Hearing Date: _____ Date Sent to Clerk: _____

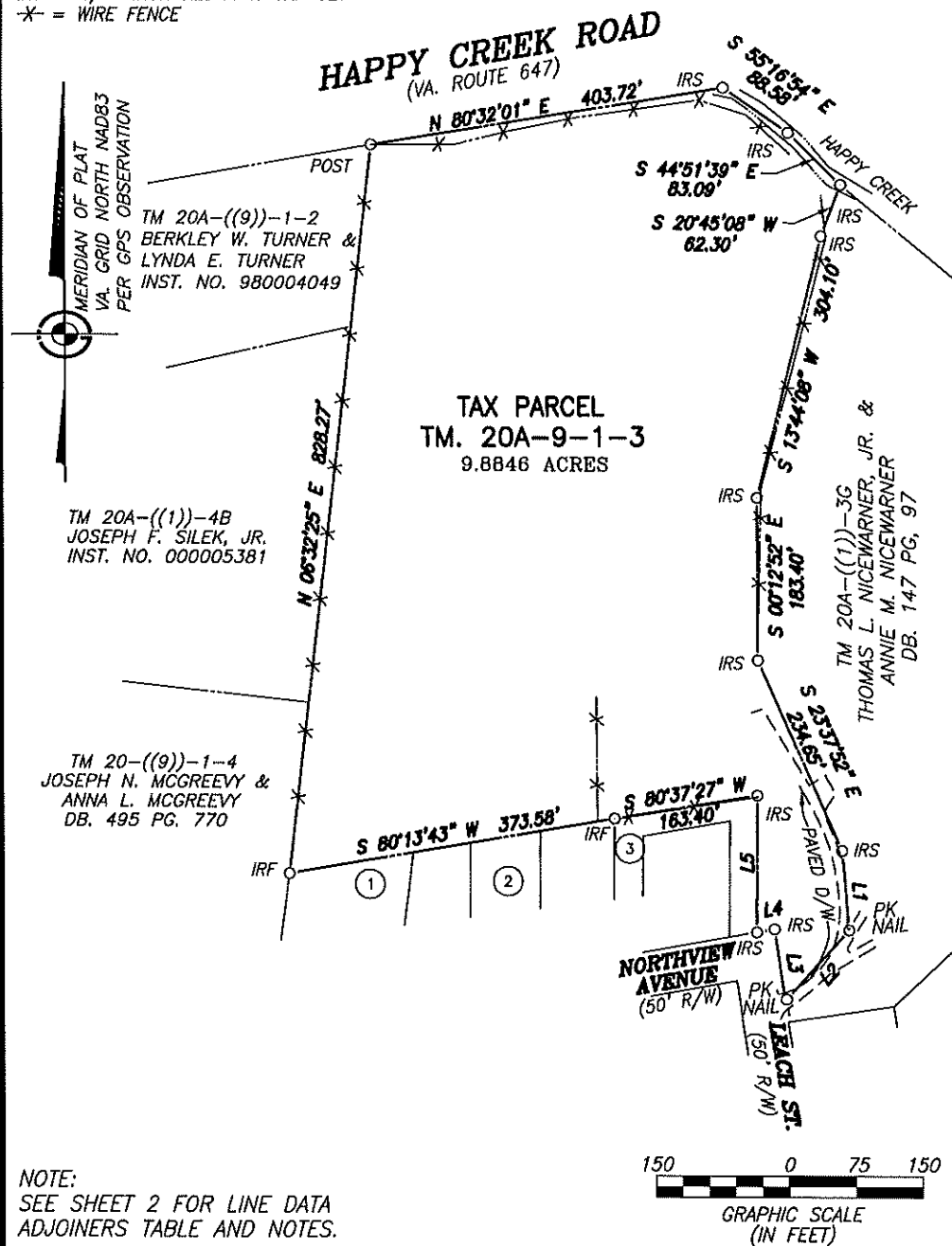
January 2019

LEGEND:

IRF = 1/2" IRON REBAR FOUND

IRS = 1/2" IRON REBAR & CAP SET

X = WIRE FENCE

**BOUNDARY SURVEY
OF THE LAND OF****JANET L. DeMOULIN**

HAPPY CREEK MAGISTERIAL DISTRICT, WARREN COUNTY, VIRGINIA

SCALE: 1" = 150'

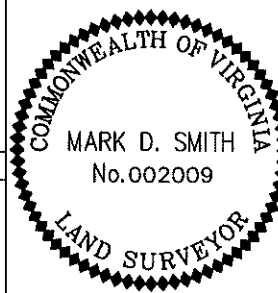
DATE: JAN. 24, 2003

GREENWAY ENGINEERING

151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
FAX: (540) 722-9528
www.greenwayeng.com

Engineers
Surveyors

Founded in 1971



3573 SHEET 1 OF 2

LINE DATA

LINE	BEARING	DISTANCE
L1	S 05°02'52" E	89.80'
L2	S 42°04'08" W	107.31'
L3	N 08°24'35" W	81.38'
L4	S 80°11'21" W	20.02'
L5	N 00°12'27" E	154.14'

1

TM. 20A9-1-3B
AGNES D. RUTHERFORD
LIVING TRUST
INAT. NO. 010005763

2

TM. 20A-16-1,2,3
CHARLES E. LEADMAN &
JOSEPHINE E. LEADMAN
DB. 480 PG. 563

3

TM. 20A9-1-3D
N/F HOWARD A. DUNCAN
DB. 128 PG. 290

NOTES

THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON
A CURRENT FIELD SURVEY BY THIS FIRM.

NO TITLE REPORT FURNISHED. EASEMENTS MAY EXIST
WHICH ARE NOT SHOWN.

BOUNDARY SURVEY OF THE LAND OF

JANET L. DeMOULIN

HAPPY CREEK MAGISTERIAL DISTRICT, WARREN COUNTY, VIRGINIA

SCALE: N/A

DATE: JAN. 24, 2003

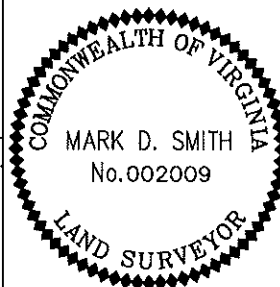


Engineers
Surveyors

Founded in 1971

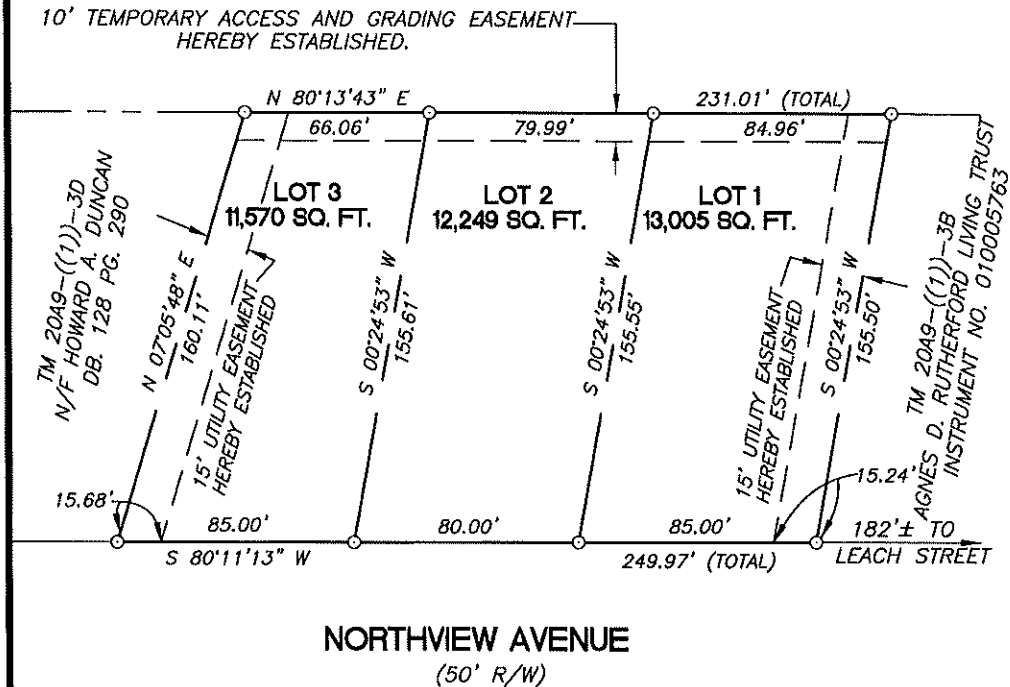
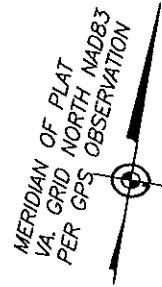
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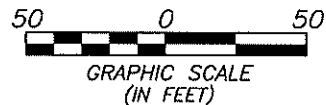
3573 SHEET 2 OF 2

TM 20A9--((1))--3
JANET L. DEMOULIN
INSTRUMENT NO. 020005217



NOTES

1. THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON AVAILABLE RECORDS AND IS NOT PURPORTED TO BE A CURRENT BOUNDARY SURVEY OF THE LOTS OR ANY PORTION OF THE BOUNDARY LINES.
2. CURRENT OWNER OF RECORD: CHARLES E. LEADMAN, ET UX
DB. 480 PG. 563
3. FOR RECORD PLAT OF SECOND ADDITION TO BLOCK D BRAXTON HEIGHTS SUBDIVISION SEE DB. 261 PG. 886.



EASEMENT PLAT
SHOWING TEMPORARY ACCESS AND GRADING EASEMENT
AND
UTILITY EASEMENTS
SECOND ADDITION TO BLOCK D BRAXTON HEIGHTS SUBDIVISION
TOWN OF FRONT ROYAL, WARREN COUNTY, VIRGINIA

SCALE: 1" = 50'

DATE: 10/15/03

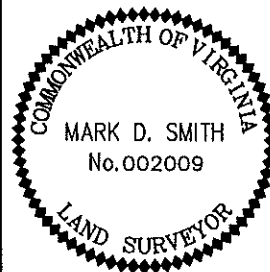


Engineers
Surveyors

Founded in 1971

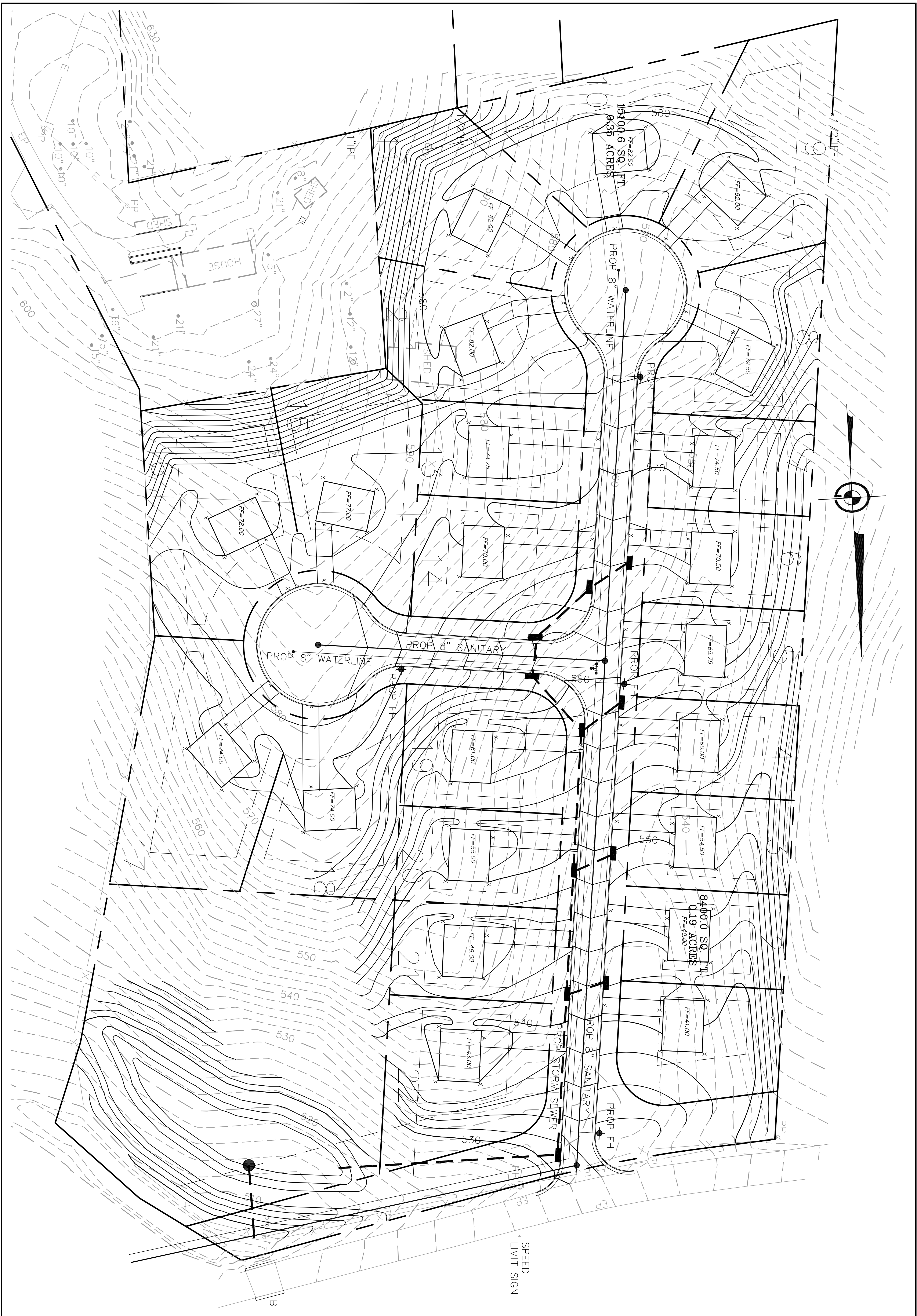
GREENWAY ENGINEERING

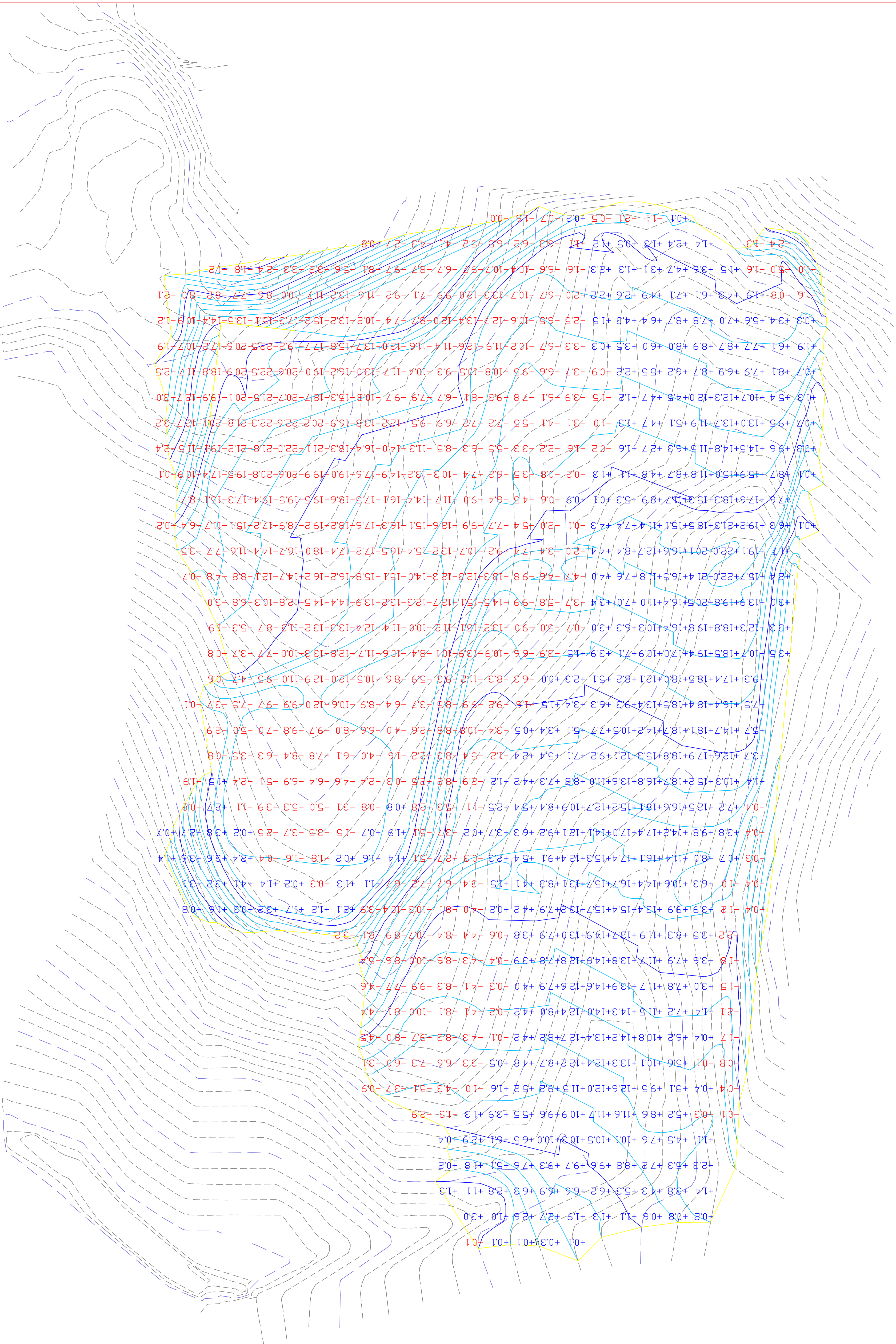
151 WINDY HILL LANE
WINCHESTER, VA. 22602
TELEPHONE: (640) 662-4185
FAX: (640) 722-9528
www.greenwayeng.com



3573 SHEET 1 OF 1

BY-RIGHT





LEADMAN PROPERTY

TOWN OF FRONT ROYAL
WARREN COUNTY, VA



GREENWAY ENGINEERING
151 Windy Hill Lane
Winchester, Virginia 22602
Telephone 540-662-4185
FAX 540-722-9528
www.greenwayeng.com

DATE: MARCH, 2004
SCALE: 1" = 40'
DESIGNED BY: CR
FILE NO. 3573
SHEET 1 OF XX

OPTION 1









































OPTION 2













