



REGULAR PLANNING COMMISSION MEETING

Wednesday, November 15, 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

- October 18, 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]

- **2300695** – Warren Coalition. A request for a Special Use Permit for a lodging house located at 501 S. Royal Avenue, identified by Tax Map 20A7-8-1. The property is zoned C-1, Community Business District and is located in the Entrance Corridor. *[Consent to advertise]*
- **2300700** – A Rezoning Application submitted by Skyline Realty Investments, LLC for a request to rezone 29 W. Duck Street, identified by tax map number 20A12-3-25 & 28 from C-1, Community Business District to R-3, Residential District. *[Consent to advertise]*
- **2300736** – A Rezoning Application submitted by Cook Realty, LLC for a request to rezone 1121, 1125 and 1135 John Marshall Highway, identified by tax map number 20A10-3-8, 8A and 9A from R-1, Residential District to C-1, Community Business District. *[Consent to advertise]*

VII. PUBLIC HEARINGS

- **2300609** – An Ordinance text amendment request submitted by Magdalen Capital, LLLP to amend the current Zoning Ordinance Sections 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.
- **2300537** – Rezoning Application submitted by Magdalen Capital, LLLP for a request to rezone 311 Leach Street, identified by tax map number 20A9-1-3, from R-S, Suburban Residential District to PND, Planned Neighborhood Development District and adjoining properties identified by tax map numbers 20A9-16-D1, 20A9-16-D2 and 20A9-16-D3 from R-1, Residential District to PND, Planned Neighborhood Development District.

VIII. COMMISSION MEMBER REPORTS

IX. PLANNING DIRECTOR REPORT

- October Monthly Report

X. ADJOURNMENT

MINUTES – REGULAR MEETING
OCTOBER 18, 2023



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 October 18, 2023, at 7:00 PM at the Warren County Government Center.

CALL TO ORDER

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

ROLL CALL

Present: Daniel Wells, Chairman
Connie Marshner, Vice Chairman
Glenn Wood, Commissioner
Michael Williams, Commissioner
Brian Matthiae, 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.

CITIZEN COMMENTS

There were no citizen comments.

APPROVAL OF MINUTES

- July 19, 2023 – Regular Meeting

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



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

ROLL CALL

- August 16, 2023 – Regular Meeting

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

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

ROLL CALL

CONSENT AGENDA

- **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*)

Commissioner Wood moved, seconded by Vice Chairman Marshner to go forward to the amendments as stated.

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

ROLL CALL

- **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*)



Vice Chairman Marshner moved, seconded by Commissioner Williams for consent to advertise.

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

COMMISSION MEMBER REPORTS

There were no comments from the Planning Commission members.

PLANNING DIRECTOR REPORT

Ms. Kopishke reviewed the September monthly report.

Summit and staff are continuing to work on the Zoning Ordinance and Subdivision ordinance rewrite. Staff is hoping to present a draft of the document to the Planning Commission in December.

The Planning & Zoning office has started tracking the number of walk-ins each week. In the month of September there were 241 walk-ins.

Commissioner Wood asked if anyone had contacted the Planning and Zoning office with questions/complaints regarding the proposed chicken ordinance amendments or if there were any problems when inspections are being conducted.

Ms. Kopishke said there are 2-3 re-inspections that Mr. Ware will be conducting but there are no real issues that staff has been made aware of.

Commissioner Wood noted that the Town Council moved the amended chicken ordinance back to a work session for discussion and asked Ms. Kopishke to describe what the issues were that led them to take it back to a work session.

Ms. Kopishke stated she could not speak specifically to what Town Council's issues were, however there seemed to be concerns that 'free range' chickens would not be allowed in Town. In addition, there seemed to be concerns about the size requirements for the coop and run area. The size requirements written in the proposed ordinance are the metrics that the Virginia Cooperative Extension office uses. Existing Urban Agriculture permits that have already been issued have met the space requirements for their coops. The purpose of the proposed ordinance is to tighten it up and make sure that the language is in place so if there is a problem or complaints staff can address them.



Commissioner Wood mentioned that at the Town Council meeting they chose not to call Ms. Kopishke forward to answer questions. The Planning Commission with their review and recommendation felt the proposed ordinance met the requirements they were requested by Council to meet and yet they failed to discuss or pass it and proceeded to move it back to a work session. He suggested enforcing the ordinance by asking: 1) are the chickens causing a nuisance; and 2) are the chickens getting out, etc.

Ms. Kopishke explained that staff is operating on a complaint basis only. She stated that chickens are not allowed to run at large just as dogs cannot run at large in Town.

Commissioner Wood asked if he had chickens in a fenced backyard and if they were not out making a nuisance would that be an issue the Planning and Zoning Department would be concerned about.

Ms. Kopishke explained that the Planning and Zoning Department would only be concerned if a complaint was received. She noted that staff would not go into someone's private property.

There was some additional discussion regarding "free range" chickens. Ms. Kopishke explained that the proposed ordinance does not allow chickens to run around the yard even if it is fenced in. The chickens must remain in the run and coop area.

Commissioner Williams spoke on record thanking the Planning Department for the professional manner in which they have handled the situation at hand given their resources.

Commissioner Matthiae asked what the nature of the enforcement was for the month of September as noted in the monthly report.

Ms. Kopishke said they could consist of inoperative vehicles, high grass, trash/debris and not obtaining zoning permits.

Commissioner Matthiae asked if this number included dilapidated buildings.

Ms. Kopishke explained that dilapidated buildings are addressed under property maintenance. Code enforcement is addressed in different areas of the Town Code. Property Maintenance is a separate portion of the Town Code and there is State Code that is also attached to it. It is enforced by the State Property Maintenance Code. The Code Enforcement Official is also the Property Maintenance Official, so she has to be aware of all the relevant sections of the Town Code as well as being educated in the State Code.



ADJOURNMENT

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

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

The meeting was adjourned at 7:14 p.m.

Approved by Planning Commission

Date: _____

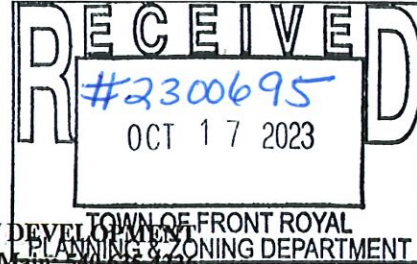
CONSENT AGENDA

- **2300695** – Warren Coalition. A request for a Special Use Permit for a lodging house located at 501 S. Royal Avenue and identified by Tax Map 20A7-8-1. The property is zoned C-1, Community Business District and is located in the Entrance Corridor. *[Consent to advertise]*
- **2300700** – A Rezoning Application submitted by Skyline Realty Investments, LLC for a request to rezone 29 W. Duck Street, identified by tax map number 20A12-325 & 28 from C-1, Community Business District to R-3, Residential District. *[Consent to advertise]*
- **2300736** – A Rezoning Application submitted by Cook Realty, LLC for a request to rezone 1121, 1125 and 1135 John Marshall Highway, identified by tax map numbers 20A10, Section 3, Lots 8, 8A and 9A from R-1, Residential District to C-1, Commercial, Community Business District. *[Consent to advertise]*



TOWN OF FRONT ROYAL

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



Main: 540.635.4236
Fax: 540.631.2727
www.frontroyalva.com

SPECIAL USE PERMIT REQUEST

FRSPU _____

APPLICANT:

NAME Werven Coalition PHONE 540-328-9036

ADDRESS 538 Villa Ave. Front Royal, VA 22630

E-MAIL Christa.Curran@wervencoalition.org

PROPERTY OWNER:

NAME Philip Vaught Real Estate PHONE 540-671-0460

ADDRESS PO Box 309 Front Royal, VA 22630

E-MAIL philipvaught@gmail.com

PROPERTY DESCRIPTION

PROPERTY ADDRESS 501 S. Royal Ave. Front Royal, VA 22630

TAX MAP 20A7 SECTION 8 BLOCK _____ LOT 1

SUBDIVISION NAME _____ ACREAGE _____

REQUEST

ZONING DISTRICT C1

PROPOSED USE OF PROPERTY Lodging House

SPECIFIC SPECIAL USE PERMIT REQUEST A permit is requested for a 15 bed ~~lodging~~ house for males. We will repurpose the landing for females.

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

1. Survey/Plat of property showing all **existing** improvements. To be brought by Philip Vaught.
(10 copies if larger than 11" X 17")
2. Site Plan Application
3. Application Fee of \$400.00 Receipt # _____ Date Paid _____
4. Additional information as required by the Dept. of Planning & Community Development.

CERTIFICATION

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

Signature [Signature] Date 10/13/2023

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

501 S ROYAL AVE



Owner: VAUGHT WILLIAM T JR

Tax Map #: 20A7 8 1

Account #: 11998

Total Value: \$380,200

Land Value: \$117,000

Improvement Value: \$263,200

Zoning: C-1

Acres: .224

Property Details

Current Owner

Name: VAUGHT WILLIAM T JR

Mailing Address: 1042 HARMONY HOLLOW RD N/A
FRONT ROYAL, VA 22630

Physical Address: 501 S ROYAL AVE
FRONT ROYAL, VA 22630

Legal Repository

Legal Description: L1 & L3 BEATY SUB

Legal Description 2: N/A

Legal Description 3: N/A

Legal Description 4: N/A

Valuation & Sales

Land

\$117,000

Grantor

HAYNES BRADLEY K

Number of Parcels Involved in Sale

LINE	BEARING	DISTANCE
L1	N 27°04'38" E	48.91'
L2	S 78°32'53" E	144.52'
L3	S 22°55'09" W	86.44'
L4	N 63°33'30" W	145.45'
L5	S 27°04'38" W	64.84'

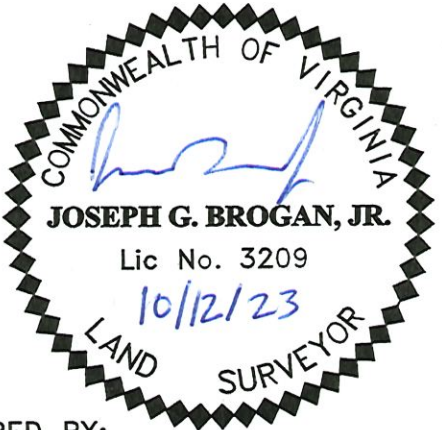
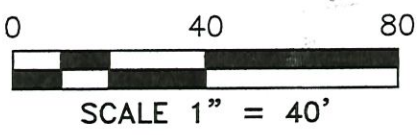
- DENOTES PIN OR SPIKE FOUND.
- DENOTES PIN SET.
- ⊕ DENOTES DRILL HOLE SET IN CONC.
- ⊗ DENOTES UTILITY POLE.
- DENOTES EDGE OF GRAVEL.
- . - . - DENOTES OVERHEAD WIRES.
- x - x - DENOTES WIRE FENCE LINE.

NO TITLE REPORT WAS FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.
DERIVATION OF TITLE TO: WILLIAM T. VAUGHT JR.
PER INST. # 230001965.
PLAT REF: DEED BOOK 29 PAGE 129 AND DEED
BOOK 224 PAGE 66.

SUBJECT PARCEL SITUATED OUTSIDE
THE LIMITS OF THE FEMA FLOOD ZONE.
PARKING SPACES TO BE 9' X 18'.

T.M. 20A6-2-2 PARCEL 1
N/F PROSPECT HILL CEMETERY
PER D.B. 18 PG. 321
ZONED R-1

PER D.B. 224/66



AY VIEW AVE.
50' R/W

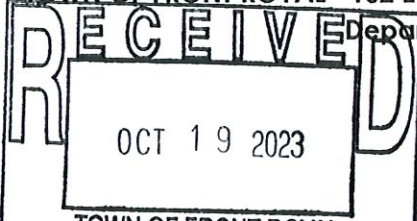
S. ROYAL AVE.
VARIABLE WIDTH R/W

SURVEY OF TRACT ONE AND TWO OF
THE WILLIAM T. VAUGHT, JR. PROPERTY
PER INST. # 230001965.
FORK MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.

PREPARED BY:
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578,
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
OCTOBER 12, 2023



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



Department of Planning & Zoning

FRREZON 2300700

TOWN OF FRONT ROYAL
PLANNING & ZONING DEPARTMENT

REZONING APPLICATION

APPLICANT

Name Skyline Realty Investments, LLC. Phone 540-771-7653
540-664-6439
Address 8043 Main Street, Middletown, Va. 22645
E-mail Info@SkylineRealtyInvestments.com

PROPERTY OWNER OF RECORD

Name Same Phone _____
Address _____

PROPERTY DESCRIPTION

(w)
Location/Street Address Duck Street 29 W. Duck St
Number of lots: 2 Total Acreage 30,031 sq' 0.6894169

Tax Map Identification for each parcel (Map, Section, Block, & Lot):

20A12-3 20A12-3-25
20A12-3-28

Subdivision Name (if applicable) _____

REQUEST

Existing Zoning C-1 Proposed Zoning R-3

Existing Use Residential Proposed Use Townhomes

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). *waived JK*
4. Traffic Impact Analysis (if required) *Not required - CK*
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.



Chris W. Holloway
Signature of Property Owner

Signature of Applicant (if different)

City/County of WARREN, Commonwealth of Virginia
The foregoing instrument was acknowledged before me this 19 day of October, 2023 by
Chris W. Holloway
(Name of person seeking acknowledgement)

Notary Public
Notary registration number: 7076929 My commission expires: 08/31/2027

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 # 817144/954 Date Paid 10/19/2023 pd. \$400.00 Check # 4978
Planning Commission Hearing Date: _____ Recommendation: _____
Town Council Hearing Date: _____ Date Sent to Clerk: _____

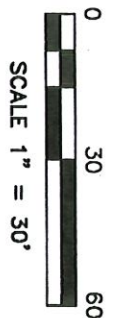
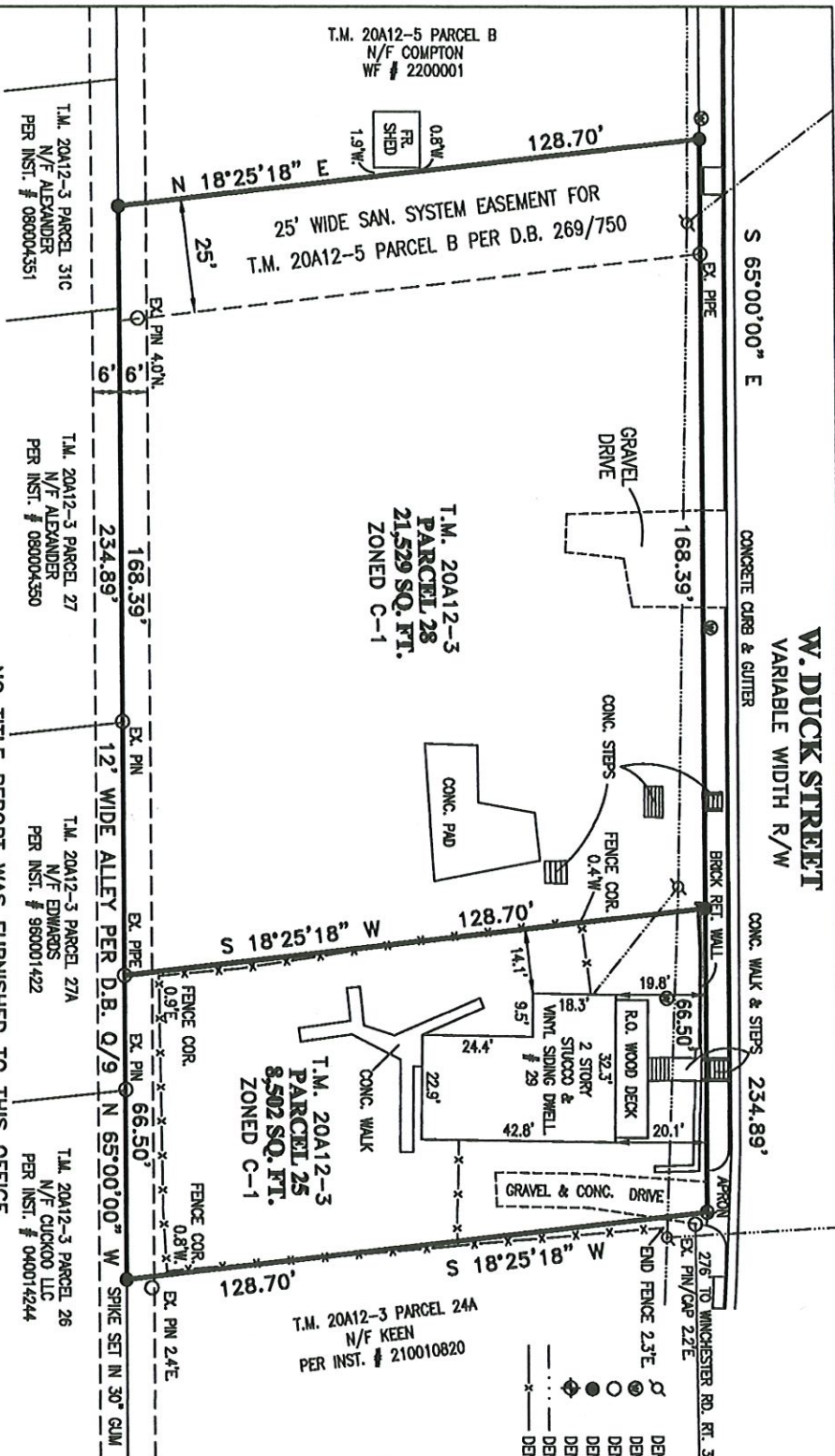
Tax Map 20A12-3 Two Parcels

Property is currently zoned C-1, but used as residential. There is not sufficient depth for C-1. Would like to continue as Residential and Rezone to R-3.

**SURVEY OF
TAX MAP 20A12-3 PARCELS 25 AND 28
NORTH RIVER MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.**

NO TITLE REPORT WAS FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.
DERIVATION OF TITLE PARCEL 25 TO: PAUL ROBERT RUFFNER, JR.
AND JUDITH ANN RUFFNER PER DEED BOOK 278 PAGE 470.
PLAT REF: PLAT BOOK 1 PAGE 70.
DERIVATION OF TITLE PARCEL 28 TO: PAUL ROBERT RUFFNER, JR.
AND JUDITH ANN RUFFNER PER DEED BOOK 278 PAGE 472.
PLAT REF: DEED BOOK 269 PAGE 750.
SUBJECT PARCEL SITUATED OUTSIDE
THE LIMITS OF THE FEMA FLOOD ZONE.

PREPARED BY:
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578,
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
SEPTEMBER 26, 2023



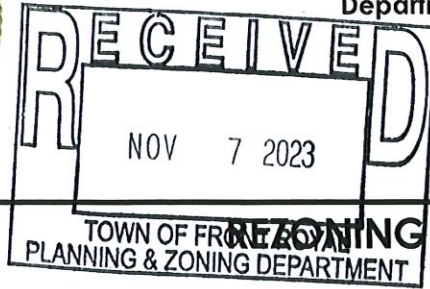
- DENOTES UTILITY POLE
- ⊙ DENOTES WATER METER
- DENOTES PIN OR PIPE FOUND
- ⦿ DENOTES PIN SET UNLESS NOTED
- ⦿ DENOTES DRILL HOLE SET IN CONC.
- DENOTES OVERHEAD WIRES
- DENOTES CHAIN LINK FENCE

PER D.B. 269/750



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

Department of Planning & Zoning



FRREZON #2300736

ZONING APPLICATION

APPLICANT

Name Cook Realty, LLC Phone 540-550-0334

Address 65 Lee Burke, Front Royal, Va. 22630

E-mail shellycook103@gmail.com

PROPERTY OWNER OF RECORD

Name Cook Realty, LLC Phone 540-550-0334

Address 65 Lee Burke, Front Royal, Va. 22630

PROPERTY DESCRIPTION

Location/Street Address 1121, 1125, and 1135 John Marshall Hwy.

Number of lots: 3 Total Acreage 62,386 Sq. Ft.

Tax Map Identification for each parcel (Map, Section, Block, & Lot):

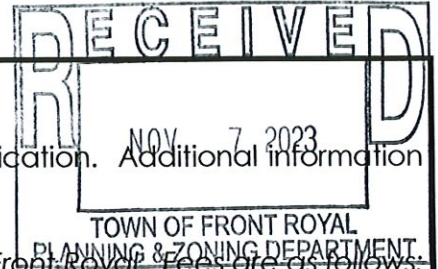
TM: 20A10-3 Lots 8, 8A, and 9A

Subdivision Name (if applicable) Subdivision of Hall Property

REQUEST

Existing Zoning R-1 Proposed Zoning C-1

Existing Use Airbnb and event center Proposed Use Airbnb and event center



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.

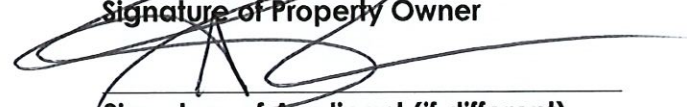
1. Application Fee (Checks should be made out to the Town of Front Royal. Fees are as follows:
1 acre or less = \$500, over 1 acre = \$500 + \$100 per acre after 1st acre, Downzoning = \$400)
2. Survey/Plat of the property with metes and bounds descriptions for all existing and proposed property lines 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.

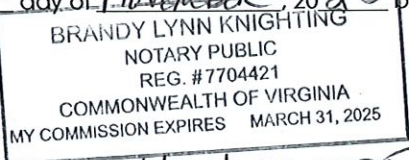


Signature of Property Owner



Signature of Applicant (if different)

City/County of Warren, Commonwealth of Virginia
The foregoing instrument was acknowledged before me this 7th day of November, 2023 by
Brandy Lynn Knighting
(Name of person seeking acknowledgement)
Bryndy Lynn Knighting
Notary Public
Notary registration number: 7704421 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

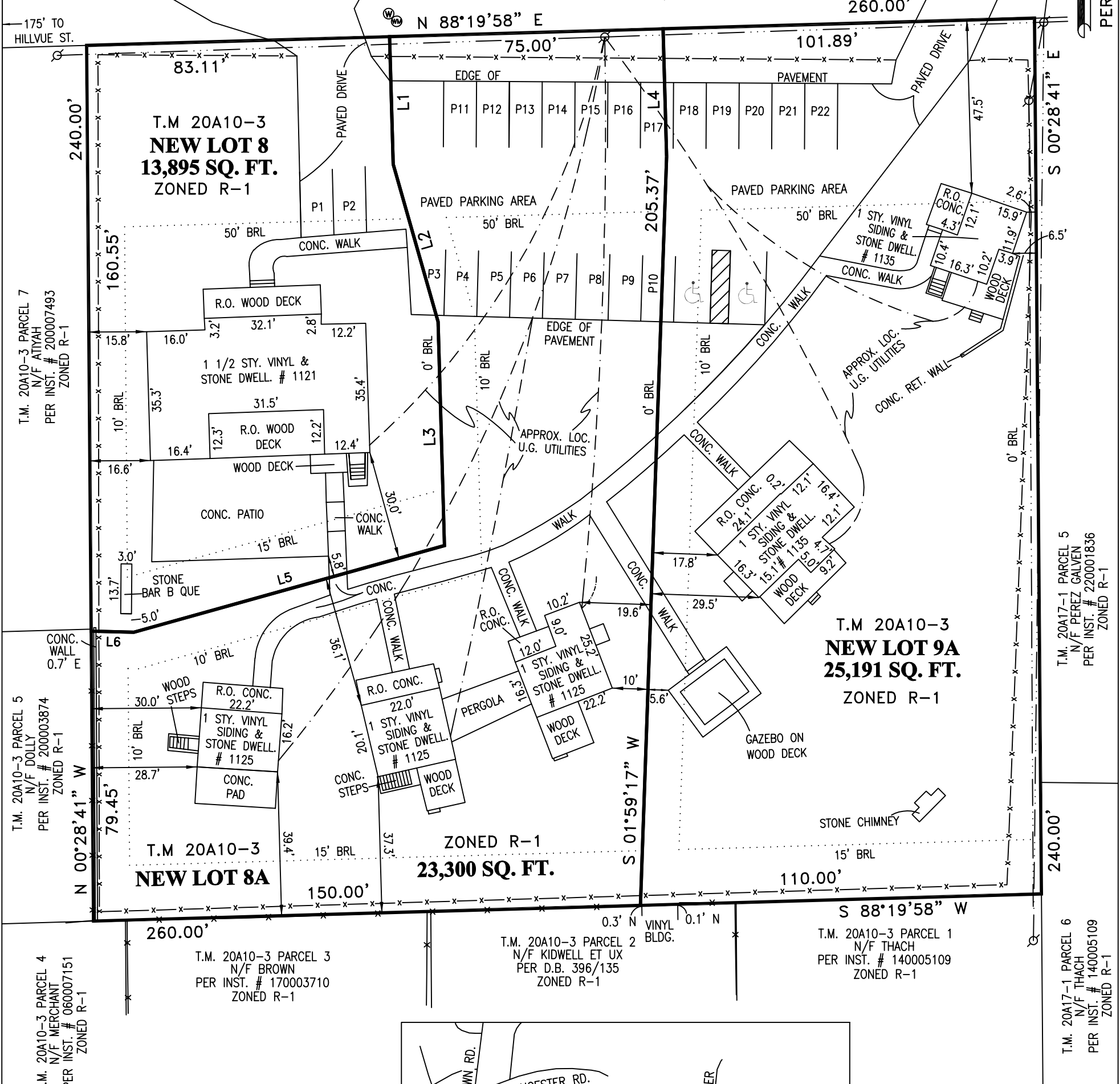
Receipt # 01001957432 Date Paid 11-7-23 Pd \$543.20 by card
Planning Commission Hearing Date: _____ Recommendation: _____
Town Council Hearing Date: _____ Date Sent to Clerk: _____

LINE	BEARING	DISTANCE
L1	S 01°40'02" E	35.00'
L2	S 15°53'34" E	44.87'
L3	S 01°40'02" E	61.35'
L4	S 01°40'02" E	35.00'
L5	S 74°24'34" W	88.40'
L6	N 88°43'19" W	11.68'

- DENOTES UTILITY POLE.
- DENOTES OVERHEAD WIRES.
- ⊙ DENOTES WATER METER.
- ⊕ DENOTES WATER VALVE.
- X— DENOTES WOOD FENCE.
- P1 DENOTES PARKING SPACE.

JOHN MARSHALL HWY. - RT. 55

VARIABLE WIDTH R/W



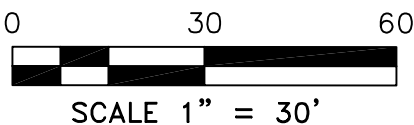
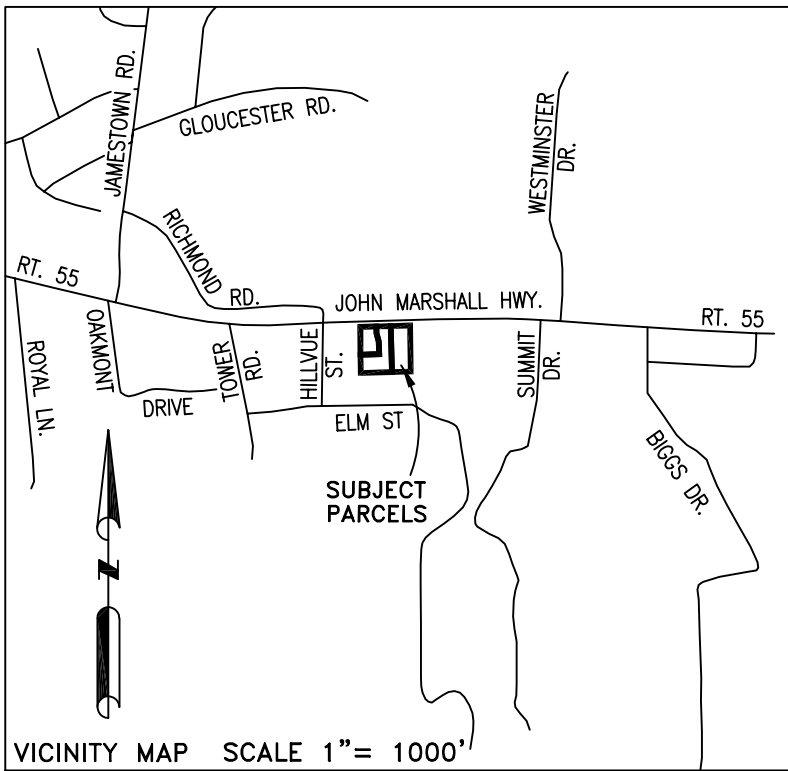
CURRENT ZONING: R-1.
PROPOSED ZONING C-1.

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

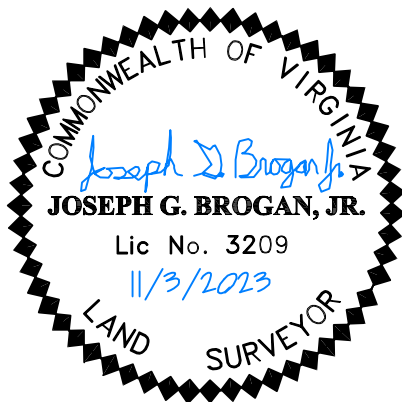
DERIVATION OF TITLE TO: COOK REALTY, LLC.
PER INSTRUMENT # 23.

PLAT REF: INST. # 230000504 AND D.B. 235/160.
PROPERTY SITUATED OUTSIDE THE LIMITS
OF THE FEMA FLOOD ZONE.

PLAT OF PROPOSED REZONING OF
LOTS 8, 8A AND 9 PER PLAT OF
SUBDIVISION OF THE HALL PROPERTY
SOUTH RIVER MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.



PREPARED BY:
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
NOVEMBER 3, 2023



PUBLIC HEARING

- **2300609** – An Ordinance text amendment request submitted by Magdalen Capital, LLLP to amend the current Zoning Ordinance Sections 175-37.3.C, 175-37.4.A & 17537.17.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.

Town of Front Royal, Virginia

Planning Commission Regular Meeting Agenda

☐ Consent Action ☐ Administrative Action ☒ Public Hearing ☐ Discussion

Agenda Item: 2300609 – Ordinance Amendment

MEETING DATE: November 15, 2023

SUMMARY: 2300609 – An Ordinance text amendment request submitted by Magdalen Capital, LLLP to amend the current Zoning Ordinance sections 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.

STAFF RECOMMENDATION: Town Staff recommends the minimum acreage be 5 acres to allow sufficient space for development.

Town staff has no objections to the request and spoke with the Consultant who is currently revising the Zoning ordinance. The Consultant agrees that reducing the acreage requirements would permit flexibility and allow additional parcels within Town limits to apply for rezoning to PND districts. The PND district can support a wider variation of housing and potentially promote affordable housing projects. This is consistent with the goals and intent of the comp plan, especially the creation of new and more attainable housing options.

DRAFT MOTION: “I move that the Planning Commission forward a recommendation of approval to the Front Royal Town Council to amend the current Zoning Ordinance sections 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 5-acre minimum lot requirement.”

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

PLANNING COMMISSION ACTION:

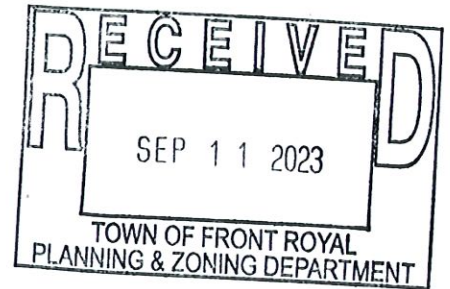
Moved _____ *Seconded* _____

Wells _____ *Matthiae* _____ *Wood* _____ *Marshner* _____ *Williams* _____

☐ Approved ☐ Approved w/ Conditions ☐ Denied ☐ Other



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.

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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.

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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.

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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.

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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.

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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.

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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.

690 **175-37.17 COMMERCIAL USES DEVELOPMENT STANDARDS (PND)**

691 A. The total acreage of commercial users in Planned Neighborhood Development Districts shall
692 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

693
694 The developer/owner shall provide specific justification of commercial areas proposed in excess
695 of 5% of the total acreage, identifying specific impacts of the commercial development and
696 demonstrating adequate mitigation of such impacts.

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

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

701
702 C. Commercial uses shall not receive a certificate of occupancy until building permits have been
703 issued for fifty percent of the residential units within the Planned Neighborhood Development.

704
705 D. Commercial structures shall comply with the height requirements in Code Section 175-50.

706
707 E. Commercial uses shall comply with the Performance Standards stated in Code Sect. 175-52.

708
709 F. Parking for commercial uses shall be in accordance with Town Code Section 175-104.

710 **175-37.18 DEVELOPMENT REVIEW (PND)**

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

718
719 A. Development Plan: A Development Plan shall be submitted for all proposed commercial,
720 residential, community facility, institutional, or multi-family residential development within a
721 Planned Neighborhood Development. The Development Plan shall be drawn to scale and shall be
722 accompanied by a narrative, as appropriate. The Development Plan shall comply with the
723 provisions of Sections 175-111 through 175 – 122 and Section 148-20 of the Code of Front Royal,
724 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**

Town of Front Royal, Virginia

Planning Commission Regular Meeting Agenda

☐ Consent Action ☐ Administrative Action ☒ Public Hearing ☐ Discussion

Agenda Item: Rezoning Application # 2300537

MEETING DATE: November 15, 2023

SUMMARY: The application for review is requesting an amendment of the Zoning Map of the Town of Front Royal to reclassify 311 Leach Street, identified by tax map number 20A9-1-3, from R-S, Suburban Residential District to PND, Planned Neighborhood Development District and adjoining properties identified by tax map numbers 20A9-16-D1, 20A9-16-D2 and 20A9-16-D3 from R-1, Residential District to PND, Planned Neighborhood Development District.

STAFF RECOMMENDATION: The PND zone allows the creation of a community which will provide for a variety of uses as well as housing types. It is one of the most flexible zones the Town has for mixed-use type developments and provides an opportunity for affordable housing.

Staff recommends approval of this rezoning because it is consistent with the goals and strategies outlined in the Comprehensive Plan.

Staff notes that the applicant did not submit any proffers to mitigate the impacts of development associated with this project.

DRAFT MOTION: "I move that the Planning Commission forward a recommendation of approval to the Front Royal Town Council for Rezoning Application # 2300537 to amend the Zoning Map of the Town of Front Royal to reclassify 311 Leach St, identified as tax map number 20A9-1-3, from R-S, Suburban Residential District to PND, Planned Neighborhood Development District and adjoining properties identified by tax map numbers 20A9-16-D1, 20A9-16-D2 and 20A9-16-D3 from R-1, Residential District to PND, Planned Neighborhood Development District to Town Council."

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

PLANNING COMMISSION ACTION:

Moved _____ Seconded _____

Wood _____ Williams _____ Wells _____ Marshner _____ Matthiae _____

☐ Approved ☐ Approved w/ Conditions ☐ Denied ☐ Other



TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING

STAFF REPORT - REZONING APPLICATION #2300537
PLANNING COMMISSION- November 15, 2023

APPLICATION #:

Rezoning Application #2300537

APPLICANT:

Magdalen Capital, LLLP

SUMMARY OF REQUEST:

The application for review is requesting an amendment of the Zoning Map of the Town of Front Royal to reclassify 311 Leach Street, identified by tax map number 20A9-1-3, from R-S, Suburban Residential District to PND, Planned Neighborhood Development District and adjoining properties identified by tax map numbers 20A9-16-D1, 20A9-16-D2 and 20A9-16-D3 from R-1, Residential District to PND, Planned Neighborhood Development District. The stated purpose of the rezoning request is 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”.

GENERAL INFORMATION:

<i>Site Addresses</i>	311 Leach Street, Parcels 20A9-16-D1, 20A9-16-D2 & 20A9-16-D3
<i>Property Owner(s)</i>	Magdalen Capital, LLLP
<i>Existing Zoning</i>	R-S, Suburban Residential District and R-1, Residential District
<i>Proposed Zoning</i>	PND, Planned Neighborhood Development District
<i>Tax Identification</i>	20A9-1-3, 20A9-16-D1, 20A9-16-D2 & 20A9-16-D3
<i>Location</i>	The properties are located southwest of the intersection of Sycamore Lane and Happy Creek Road.

VICINITY MAP



AERIAL MAP – ZONING DISTRICTS



INFORMATION ON THE APPLICATION:

Application Documents

ATTACHMENT A: APPLICATION

- **Application Form.** This is the standard application form used to initiate rezoning applications in the Town.
- No proffers were made by the applicant.

ATTACHMENT B: PLAT

- **Plat.** A survey plat of the property showing property lines and proposed improvements thereon.

ATTACHMENT C: LETTER OF STATEMENT OF JUSTIFICATION

"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."

The statements of intent of the three (3) identified zoning districts as set forth in the Front Royal Zoning Ordinance are as follows:

R-S District, Zoning Ordinance Sec. 175-10.21.

The R-S Suburban Residential District is composed of quiet, low-density residential areas, on suburban-sized lots, plus undeveloped areas where similar residential construction appears likely to occur. The standards set forth for this district are designed to stabilize and protect the essential character of the areas so delineated, to answer a need in the Town for residential development on larger lots on public water and sewer than are traditional or currently being developed, to promote and encourage a suitable environment for family life where there are children, to provide areas for suitable expansion of the Town as facilities are provided and to prohibit all commercial activities. Development is, therefore, limited to suburban-style concentration, and permitted uses are limited to single-unit dwellings, plus selected additional uses, such as public facilities that serve the residents of the district. Mobile homes or rooming houses are prohibited.

R-1 District, Zoning Ordinance Sec. 175-11.

The R-1 District is composed of quiet, low-density residential areas, plus undeveloped areas where similar residential construction appears likely to occur. The standards set forth for this district are designed to stabilize and protect the essential character of the areas so delineated, to promote and encourage a suitable environment for family life where there are children, to provide areas for suitable expansion of the Town as facilities are provided and to prohibit all commercial activities. Development is, therefore, limited to relatively low concentration, and permitted uses are limited to single-unit dwellings, plus selected additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district. Mobile homes or rooming houses are prohibited.

PND District, Zoning Ordinance Sec. 175-37.1

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

A. Eliminates standard dimensional requirements while reserving sufficient natural open space for common use, conservation or

recreational purposes, and providing adequate buffering between structures and adjacent properties;

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

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

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

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

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

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

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

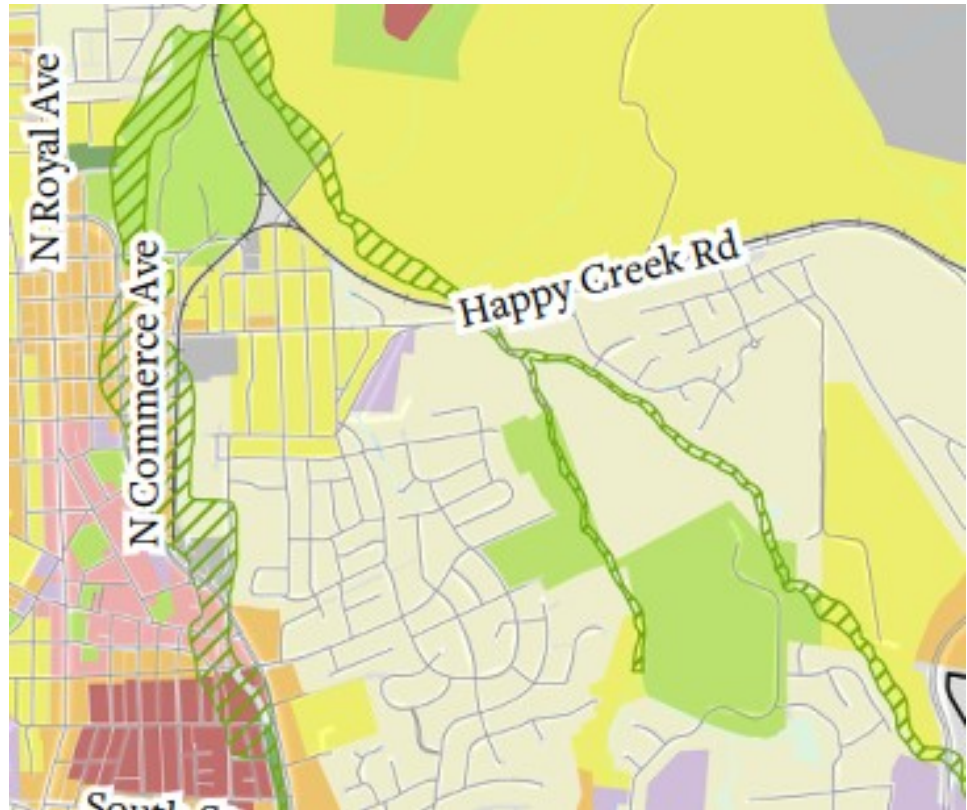
I. Satisfies the general purposes of zoning regulations to promote health, safety, morals and general welfare of the community.

Differences between R-S, R-1 and PND Zoning Districts

The main difference between the existing residential zones and the new proposed zone is in the density and type of development permitted. The existing zoning limits the development of this property to low density, single family uses while the proposed zoning allows for a mixture of housing types and commercial use integration.

The parcels subject to this application are located in the Happy Creek Planning District existing Comprehensive Plan designates this area for residential use. The area is intended for residential uses however the action strategies outlined in this section of the plan instructs decision makers to “support, encourage and/or promote projects that offer any of the following while also adequately addressing infrastructure needs: affordable housing, neotraditional design practices, low-impact best management practices.”

The proposed rezoning will allow the applicant to develop a project that will be neotraditional in design, address infrastructure needs and provide for a variety of housing types. Essentially, this rezoning accomplishes specific goals and action items listed in the Towns Comprehensive Plan.



Findings and Analysis & Staff Recommendation

The PND zone allows the creation of a community which will provide for a variety of uses as well as housing types. It is one of the most flexible zones the Town has for mixed-use type developments and provides an opportunity for affordable housing.

Staff recommends approval of this rezoning because it is consistent with the goals and strategies outlined in the Comprehensive Plan.

Staff notes that the applicant did not submit any proffers to mitigate the impacts of development associated with this project.

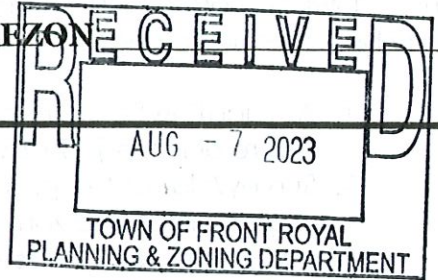
Attachments: A. Application and Supporting Documents
B. Plat
C. Letter of Statement of Justification



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 _____

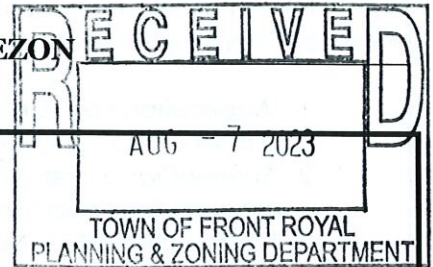
Planning Commission Hearing Date: _____ Recommendation: _____

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

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.

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.
- 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: _____

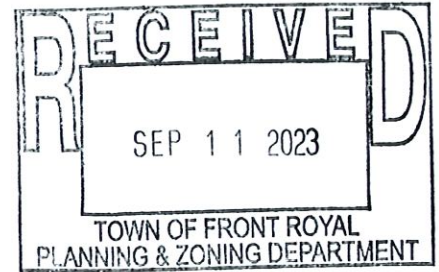
Town Council Hearing Date: _____ Date Sent to Clerk: _____

January 2019

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,

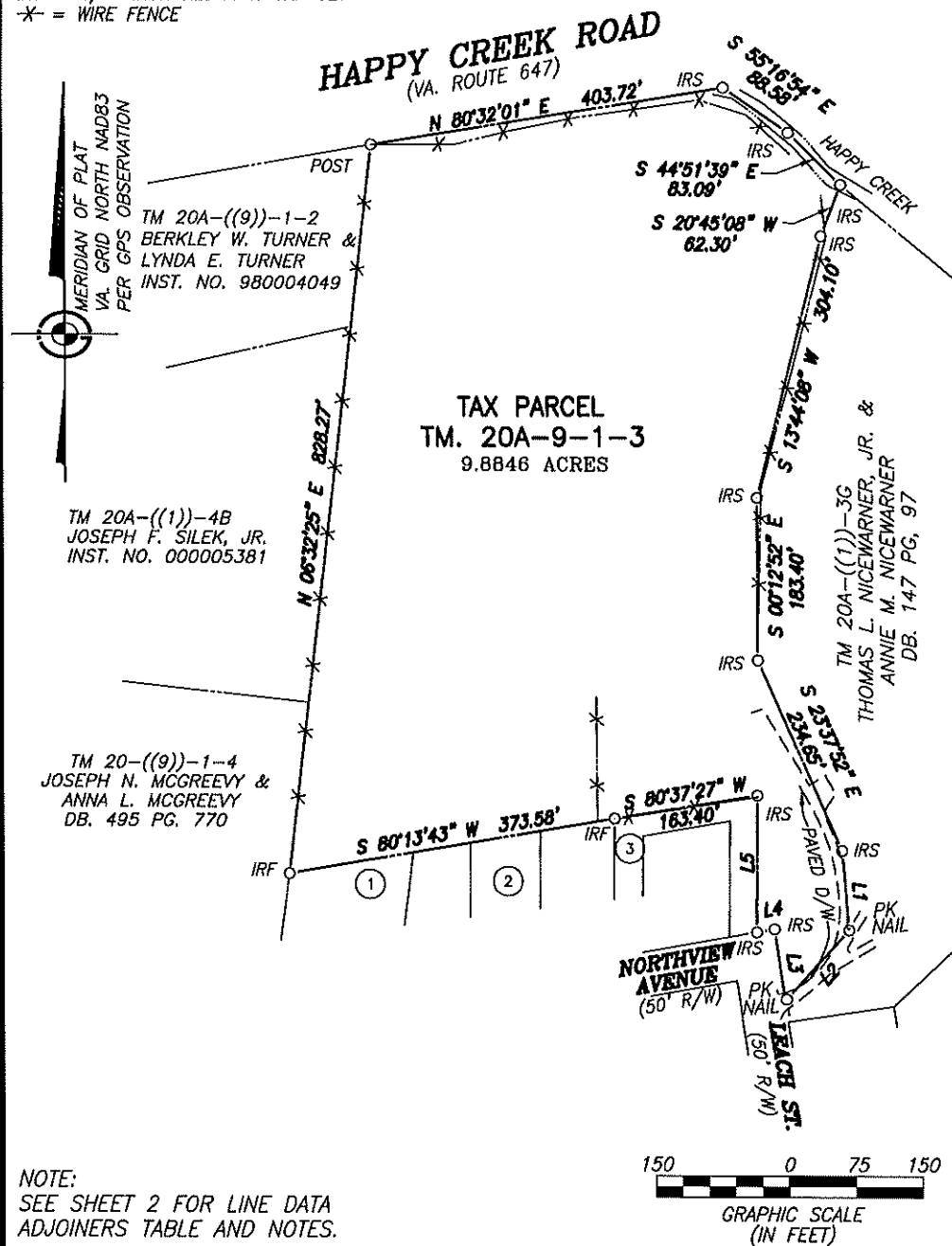
Alex Stieb
Partner
Magdalen Capital, LLLP

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'

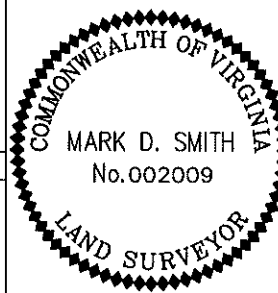
DATE: JAN. 24, 2003

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

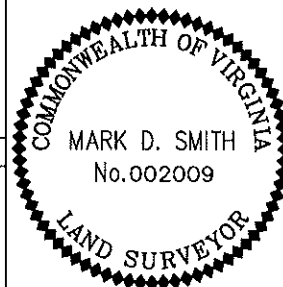


Engineers
Surveyors

Founded in 1971

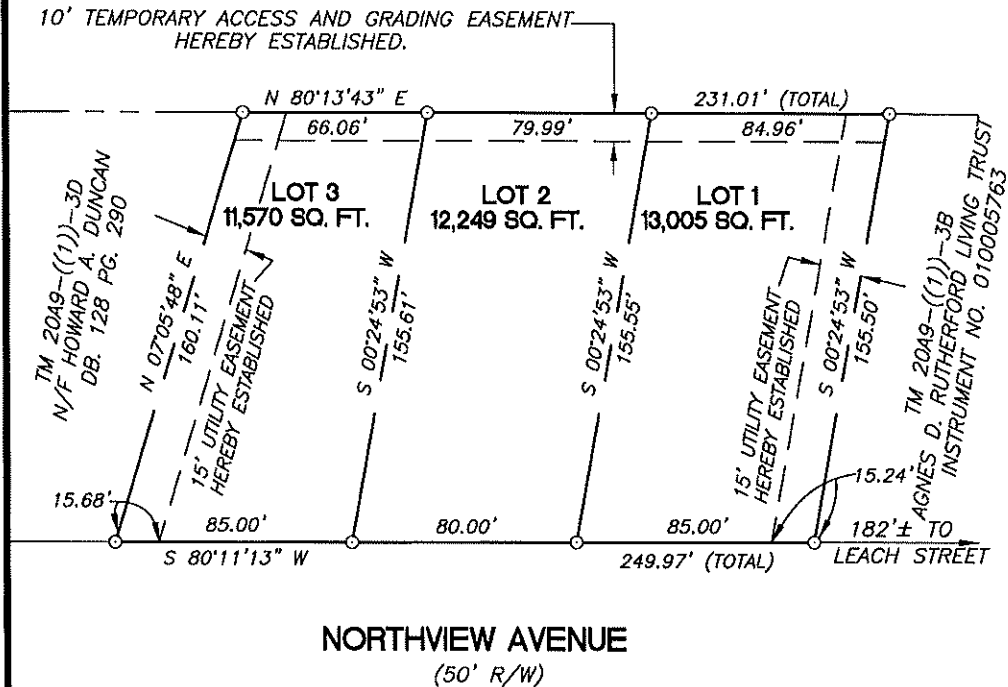
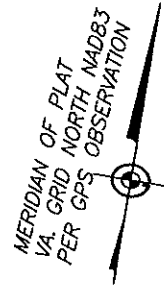
GREENWAY ENGINEERING

151 Windy Hill Lane
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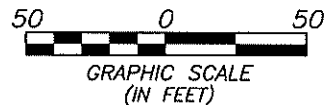
3573 SHEET 2 OF 2

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

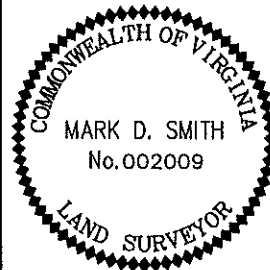


Engineers
 Surveyors

Founded in 1971

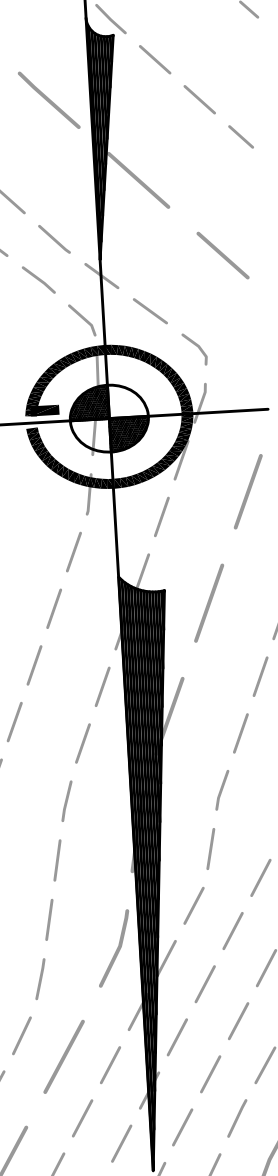
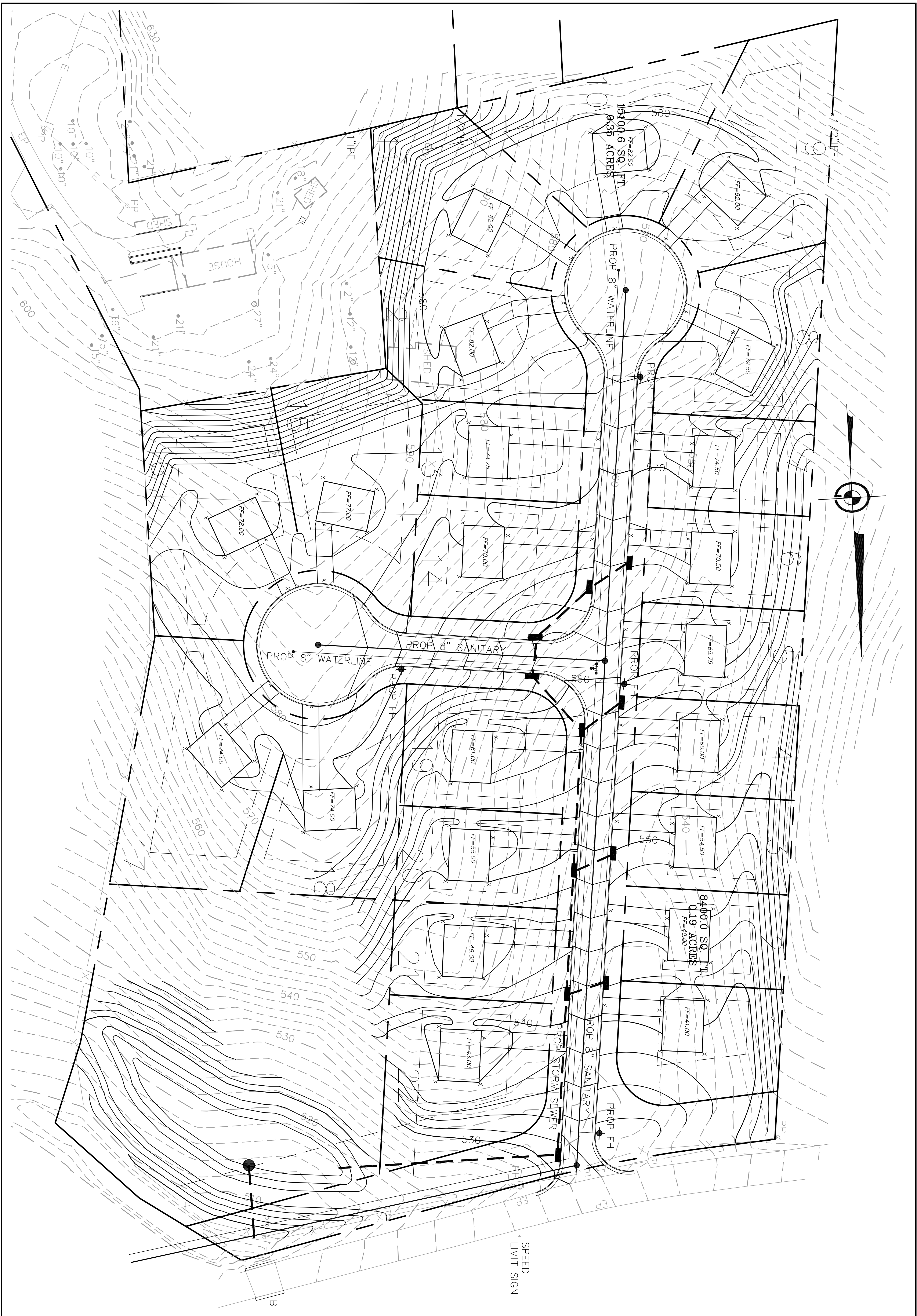
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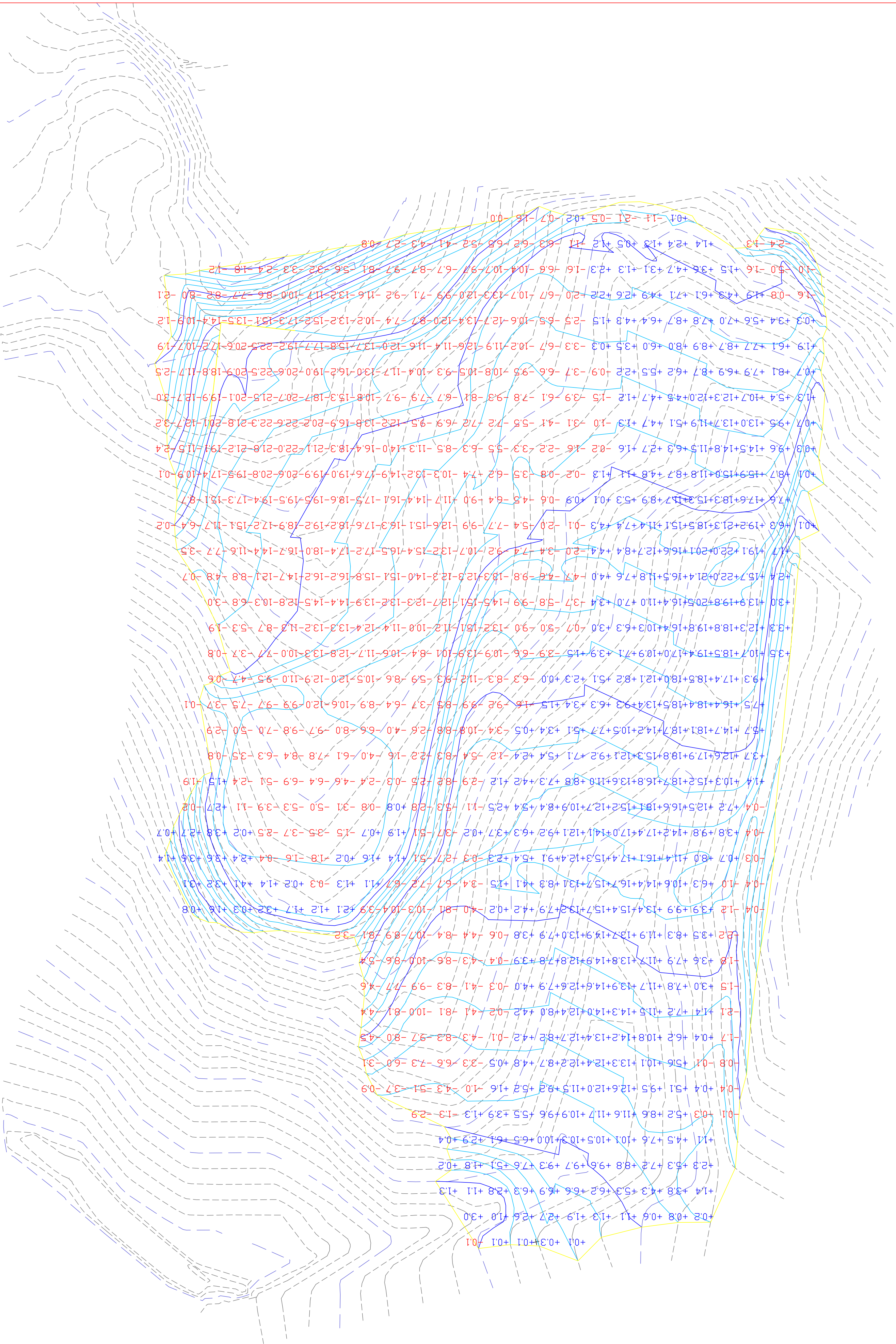


3573 SHEET 1 OF 1

BY-RIGHT



DATE: MARCH, 2004			 Founded in 1971 Engineers Surveyors	GREENWAY ENGINEERING 151 Windy Hill Lane Winchester, Virginia 22602 Telephone 540-662-4185 FAX 540-722-9528 www.greenwayeng.com
SCALE: 1" = 30'				
DESIGNED BY: CR				
FILE NO. 3573				
SHEET 1 OF XX		TOWN OF FRONT ROYAL WARREN COUNTY, VA		



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















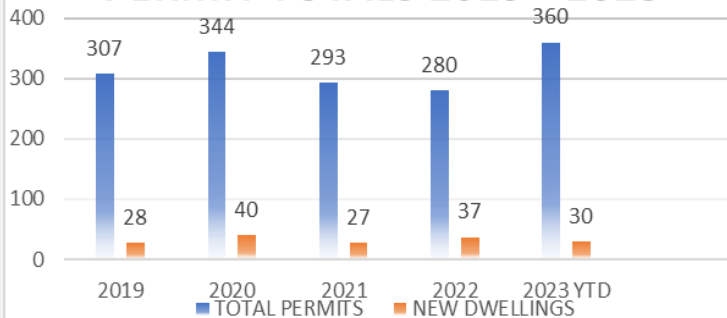
OCTOBER MONTHLY REPORT

PLANNING/ZONING DEPARTMENT - OCTOBER 2023

● GENERAL INDICATORS

	2019	2020	2021	2022	2023 YTD	October
Zoning Permits	307	344	293	280	360	28
Code Enforcement Cases	591	228	203	424	320	18
Land Use Applications	19	26	29	56	32	4
Code Amendments	1	1	7	2	4	0
Sign Permits	52	39	47	41	59	8
Business Licenses	186	151	172	155	134	12
Short-Term Rentals	--	--	1	13	5	0
Administrative Variance	--	--	--	--	4	0
COA Administrative Review	--	--	--	--	35	5
COA Board Review	--	--	--	--	8	1
Solicitor/Itinerant Merchant	--	--	--	--	10	0
Urban Agriculture	--	--	--	--	18	1
Alley Vacation	--	--	--	--	4	0
Right of Way Utilization Permits					40	7

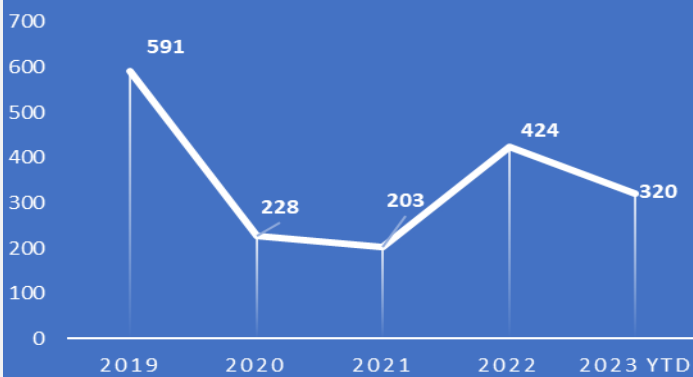
PERMIT TOTALS 2019 - 2023



SPECIAL PROJECTS UPDATES/NEWS

- **Chapter 175 and 148 Rewrite:** Discussions have been held with Summit regarding the rewrite. A Draft document should go to the Planning Commission in December.
- **Capital Improvement Plan (CIP):** Work has begun on the 2025-2029 CIP.

TOTAL CODE CASES 2019 - 2023



- **BAR** – The Board of Architectural Review did not meet in the month of October.
- **BZA** - The Board of Zoning Appeals did not meet in the month of October.

- **PC** – In October the Planning Commission (PC) held one (1) regular meeting and one (1) work session. At their regular meeting the PC recommended two (2) consent agenda items to go to public hearing in November. Discussion at the work session included an ordinance text amendment 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 and Rezoning Application 2300537 to rezone one (1) lot from R-S, Suburban Residential District to PND, Planned Neighborhood Development and three (3) lots from R-1, Residential District to PND, Planned Neighborhood Development District.