



AUDIT AND FINANCE COMMITTEE MEETS AT 6:00PM

TOWN COUNCIL REGULAR WORK SESSION

Monday, December 4, 2023 @ 7:00pm

Town Hall Conference Room

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

1. Roll Call

7:00pm 2. Consent Agenda Item Slated for December 11th

A. Bid Award for 2023 Sewer Rehabilitation Project – *Michelle Campbell*

7:10pm 3. Old Business

A. Continued Discussion Pertaining to An Ordinance to Amend Town Code 175-3 Definitions and 175-110.5 Performance Standards for Urban Agriculture Pertaining to Chickens in Town Limits – *Corey Childs* Extension Agent at Virginia Cooperative Extension – *Lauren Kopishke*

B. Liaison Committee Policy Revisions – *Joe Waltz*

7:40pm 4. New Business

A. Request a Waiver for Curb, Gutter and Sidewalk Requirements for a Potential NVR, Inc. Project Located at 835 Shenandoah Shores Road- *Lauren Kopishke*

B. Request An Ordinance Text Amendment by Magdalen Capital, LLP Pertaining to Minimum Acreage Requirement for Planned Neighborhood Development District (PND) from 20 and 50-acre Minimum to 2-acre Minimum – *Lauren Kopishke*

C. Request to Rezone 311 Leach Street from R-S, Suburban Residential District and Adjoining Properties from R-1, Residential District to PND, Planned Neighborhood Development District - *Lauren Kopishke*

D. Reappointment to Advisory Committee on Environmental Sustainability (ACES) – *Joe Waltz*

9:00pm 5. CLOSED MEETING

6. Adjourn



Work Session Agenda Statement

Item #02A

Meeting Date: December 4, 2023

Agenda Item: Bid Award for 2023 Sewer Rehabilitation Project

Summary: Council will be requested to approve awarding a bid for the 2023 sewer rehabilitation project to Synder Environmental Services in the amount of \$2,758,648.04 at the December 11, 2023, regular meeting.

On Wednesday, October 25th, the Town received bids for the 2023 Sanitary Sewer Replacements and received one bid that was from Snyder Environmental Services, Inc., in the amount of \$3,550,343.40.

Due to the bid amount exceeding available funds, the Town negotiated with SES, in accordance with the Town's 2023 Procurement Policies and Procedures Manual and Code of Virginia § 2.2-4318 to reduce the contract amount by removing three select sewer segments from the project and reducing the pavement restoration pricing. The attached award recommendation from CHA shows the specific negotiated quantities and pricing leading to the mutually agreeable final contract amount of \$2,758,648.04.

Budget/Funding:	9802-R47998	Sewer Line Maintenance	\$2,758,648.04
		I&I Abatement	

Staff Recommendation: Staff recommends approving the award of contract as presented under the consent agenda at the December 4th Regular Meeting.



November 15, 2023

Mr. Robert B. Boyer
Director of Public Works
Town of Front Royal
P.O. Box 1560
Front Royal, VA 22630

**Re: Award Recommendation: Town of Front Royal – 2023 Sanitary Sewer Replacements
(IFB #33-2023); CHA Project No. 060948**

Dear Mr. Boyer:

On Wednesday, October 25, 2023, the Town received bids for the 2023 Sanitary Sewer Replacements contract. This contract includes approximately 1,204 linear feet of 8" sanitary sewer along with 277 linear feet of 12" sanitary sewer and 27 sanitary sewer manholes, pipe bursting approximately 5,800 linear feet of existing 6" sanitary sewer to new 8" sanitary sewer, and associated work.

The Town received one bid as summarized below. A detailed bid tabulation is also enclosed.

Bidder Name	Total Base Bid
Snyder Environmental Services, Inc.	\$3,550,343.40

Snyder Environmental Services, Inc. was the lowest responsive and responsible Bidder for the contract.

Subsequent to receiving bids, the Town negotiated with Snyder Environmental Services, Inc. in accordance with Code of Virginia § 2.2-4318 to reduce the contract amount by removing three select sewer segments from the project and reducing the pavement restoration pricing. The enclosed table shows the specific negotiated quantities and pricing leading to the mutually agreeable final contract amount of \$2,758,648.04.

Snyder Environmental Services, Inc. specializes in water and sewer pipeline construction, including sanitary sewer pipe replacements, along with water and wastewater treatment plant construction/operation and ancillary support services. They have successfully completed numerous similar sanitary sewer projects. Additionally, the Town and CHA has had favorable experiences with Snyder Environmental Services on the Town's Happy Creek Sanitary Sewer Replacement project with challenging conditions and the recently-completed Targeted Sanitary Sewer Point Repairs project. Based upon our knowledge of the Bid and Snyder Environmental Services's credentials, CHA recommends award of the 2023 Sanitary Sewer Replacements contract to Snyder Environmental Services, Inc. in the amount of \$2,758,648.04.

We appreciate the opportunity to work with the Town on this project. If you should have any question with respect to this recommendation, please do not hesitate to contact me.

Sincerely,

Earl Smith, PE
Project Manager

EES\ees
Enclosures

BID TABULATION**Owner:** Town of Front Royal**Project:** 2023 SANITARY SEWER REPLACEMENTS (IFB #33-2023)**Bid Date:** Wednesday, October 25, 2023 10:00 AM**CHA Project Number:** 060948.000

BIDDER				SNYDER ENVIRONMENTAL SERVICES, INC.	
Item	Description	Unit	Est Qty	Unit Price	Extended Total Price
1	Bonds, Insurance, Mobilization	LS	1	\$260,800.00	\$260,800.00
2	Open Cut - 12" SDR26 PVC Sanitary Sewer Pipe - Not in Public Road	LF	277.00	\$343.00	\$95,011.00
3	Open Cut - 8" SDR26 PVC Sanitary Sewer Pipe - In Public Road	LF	478.00	\$419.00	\$200,282.00
4	Open Cut - 8" SDR26 PVC Sanitary Sewer Pipe - Not in Public Road	LF	726.00	\$362.00	\$262,812.00
5	Sanitary Sewer Lateral	EA	176	\$6,260.00	\$1,101,760.00
6	Manhole Base (4' diameter)	EA	27	\$11,450.00	\$309,150.00
7	Manhole Riser Section (4' diameter)	VLF	70.70	\$812.00	\$57,408.40
8	Manhole Frame and Cover - Watertight	EA	27	\$900.00	\$24,300.00
9	Concrete Piers (set)	EA	1	\$1,120.00	\$1,120.00
10	Subgrade Stabilization Stone	TON	40	\$157.00	\$6,280.00
11	Public Asphalt Pavement Restoration - Sheet C-302	LS	1	\$84,200.00	\$84,200.00
12	Private Asphalt Pavement Restoration - Sheet C-303	LS	1	\$59,100.00	\$59,100.00
13	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-305 (W 11th St)	LS	1	\$31,200.00	\$31,200.00
14	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-306 (11th St)	LS	1	\$25,700.00	\$25,700.00
15	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-306 (12th St)	LS	1	\$28,100.00	\$28,100.00
16	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-307 (MH 6041 - MH 6047)	LS	1	\$29,300.00	\$29,300.00
17	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-307 (MH 6047 - MH 6049)	LS	1	\$22,400.00	\$22,400.00
18	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-308 (Virginia Ave)	LS	1	\$32,600.00	\$32,600.00
19	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-308 (Villa Ave)	LS	1	\$29,300.00	\$29,300.00
20	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-309 (Lee St)	LS	1	\$35,300.00	\$35,300.00
21	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-310 (Short St)	LS	1	\$28,700.00	\$28,700.00
22	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-310 (Ritenour St)	LS	1	\$27,900.00	\$27,900.00
23	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-311 (Acton St)	LS	1	\$38,500.00	\$38,500.00
24	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-311 (Beeden Ln)	LS	1	\$23,700.00	\$23,700.00
25	Public Asphalt Pavement Restoration - Sheet C-305 (W 11th St)	LS	1	\$76,300.00	\$76,300.00
26	Public Asphalt Pavement Restoration - Sheet C-306 (11th St)	LS	1	\$44,800.00	\$44,800.00
27	Public Asphalt Pavement Restoration - Sheet C-306 (12th St)	LS	1	\$40,000.00	\$40,000.00
28	Public Asphalt Pavement Restoration - Sheet C-307 (MH 6041 - MH 6047)	LS	1	\$28,800.00	\$28,800.00
29	Public Asphalt Pavement Restoration - Sheet C-307 (MH 6047 - MH 6049)	LS	1	\$24,300.00	\$24,300.00
30	Public Asphalt Pavement Restoration - Sheet C-308 (Virginia Ave)	LS	1	\$73,100.00	\$73,100.00
31	Public Asphalt Pavement Restoration - Sheet C-308 (Villa Ave)	LS	1	\$49,500.00	\$49,500.00
32	Public Asphalt Pavement Restoration - Sheet C-309 (Lee St)	LS	1	\$69,500.00	\$69,500.00
33	Public Asphalt Pavement Restoration - Sheet C-310 (Short St)	LS	1	\$56,400.00	\$56,400.00
34	Public Asphalt Pavement Restoration - Sheet C-310 (Ritenour St)	LS	1	\$104,000.00	\$104,000.00
35	Public Asphalt Pavement Restoration - Sheet C-311 (Acton St)	LS	1	\$122,100.00	\$122,100.00
36	Public Asphalt Pavement Restoration - Sheet C-311 (Beeden Ln)	LS	1	\$19,960.00	\$19,960.00
37	Abandon Existing Sewer Pipe at Manhole Connection	EA	1	\$2,280.00	\$2,280.00
38	Sewer Manhole Vent	EA	2	\$12,190.00	\$24,380.00
Total Base Bid				\$3,550,343.40	

* Denotes a correction of an arithmetic error present in the Bid Form; the correct sum shall govern per Article 1.15-A.3 of the Instructions to Bidders.

** Denotes non-responsive bid

Apparent Low Bidder: SNYDER ENVIRONMENTAL SERVICES, INC.

Prepared By: Earl Smith, P.E. - CHA Consulting, Inc.

CONTRACT NEGOTIATION**Owner:** Town of Front Royal**Project:** 2023 SANITARY SEWER REPLACEMENTS (IFB #33-2023)**CHA Project Number:** 060948.000

Item	Description	Unit	Est Qty	BID		NEGOTIATED		
				Unit Price	Extended Total Price	Est Qty	Unit Price	Extended Total Price
1	Bonds, Insurance, Mobilization	LS	1	\$260,800.00	\$260,800.00	1	\$260,800.00	\$260,800.00
2	Open Cut - 12" SDR26 PVC Sanitary Sewer Pipe - Not in Public Road	LF	277.00	\$343.00	\$95,011.00	277.00	\$343.00	\$95,011.00
3	Open Cut - 8" SDR26 PVC Sanitary Sewer Pipe - In Public Road	LF	478.00	\$419.00	\$200,282.00	478.00	\$419.00	\$200,282.00
4	Open Cut - 8" SDR26 PVC Sanitary Sewer Pipe - Not in Public Road	LF	726.00	\$362.00	\$262,812.00	726.00	\$362.00	\$262,812.00
5	Sanitary Sewer Lateral	EA	176	\$6,260.00	\$1,101,760.00	138	\$6,260.00	\$863,880.00
6	Manhole Base (4' diameter)	EA	27	\$11,450.00	\$309,150.00	22	\$11,450.00	\$251,900.00
7	Manhole Riser Section (4' diameter)	VLf	70.70	\$812.00	\$57,408.40	63.92	\$812.00	\$51,903.04
8	Manhole Frame and Cover - Watertight	EA	27	\$900.00	\$24,300.00	22	\$900.00	\$19,800.00
9	Concrete Piers (set)	EA	1	\$1,120.00	\$1,120.00	1	\$1,120.00	\$1,120.00
10	Subgrade Stabilization Stone	TON	40	\$157.00	\$6,280.00	40	\$157.00	\$6,280.00
11	Public Asphalt Pavement Restoration - Sheet C-302	LS	1	\$84,200.00	\$84,200.00	1	\$84,200.00	\$84,200.00
12	Private Asphalt Pavement Restoration - Sheet C-303	LS	1	\$59,100.00	\$59,100.00	1	\$59,100.00	\$59,100.00
13	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-305 (W 11th St)	LS	1	\$31,200.00	\$31,200.00	1	\$31,200.00	\$31,200.00
14	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-306 (11th St)	LS	1	\$25,700.00	\$25,700.00	1	\$25,700.00	\$25,700.00
15	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-306 (12th St)	LS	1	\$28,100.00	\$28,100.00	1	\$28,100.00	\$28,100.00
16	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-307 (MH 6041 - MH 6047)	LS	1	\$29,300.00	\$29,300.00	1	\$29,300.00	\$29,300.00
17	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-307 (MH 6047 - MH 6049)	LS	1	\$22,400.00	\$22,400.00	1	\$22,400.00	\$22,400.00
18	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-308 (Virginia Ave)	LS	1	\$32,600.00	\$32,600.00	0	\$32,600.00	\$0.00
19	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-308 (Villa Ave)	LS	1	\$29,300.00	\$29,300.00	1	\$29,300.00	\$29,300.00
20	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-309 (Lee St)	LS	1	\$35,300.00	\$35,300.00	1	\$35,300.00	\$35,300.00
21	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-310 (Short St)	LS	1	\$28,700.00	\$28,700.00	1	\$28,700.00	\$28,700.00
22	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-310 (Ritenour St)	LS	1	\$27,900.00	\$27,900.00	1	\$27,900.00	\$27,900.00
23	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-311 (Acton St)	LS	1	\$38,500.00	\$38,500.00	0	\$38,500.00	\$0.00
24	Pipe Burst - 8" DR 17 HDPE Sanitary Sewer Pipe - Sheet C-311 (Beeden Ln)	LS	1	\$23,700.00	\$23,700.00	0	\$23,700.00	\$0.00
25	Public Asphalt Pavement Restoration - Sheet C-305 (W 11th St)	LS	1	\$76,300.00	\$76,300.00	1	\$49,650.00	\$49,650.00
26	Public Asphalt Pavement Restoration - Sheet C-306 (11th St)	LS	1	\$44,800.00	\$44,800.00	1	\$28,350.00	\$28,350.00
27	Public Asphalt Pavement Restoration - Sheet C-306 (12th St)	LS	1	\$40,000.00	\$40,000.00	1	\$24,250.00	\$24,250.00
28	Public Asphalt Pavement Restoration - Sheet C-307 (MH 6041 - MH 6047)	LS	1	\$28,800.00	\$28,800.00	1	\$18,500.00	\$18,500.00
29	Public Asphalt Pavement Restoration - Sheet C-307 (MH 6047 - MH 6049)	LS	1	\$24,300.00	\$24,300.00	1	\$15,500.00	\$15,500.00
30	Public Asphalt Pavement Restoration - Sheet C-308 (Virginia Ave)	LS	1	\$73,100.00	\$73,100.00	0	\$50,000.00	\$0.00
31	Public Asphalt Pavement Restoration - Sheet C-308 (Villa Ave)	LS	1	\$49,500.00	\$49,500.00	1	\$31,250.00	\$31,250.00
32	Public Asphalt Pavement Restoration - Sheet C-309 (Lee St)	LS	1	\$69,500.00	\$69,500.00	1	\$47,000.00	\$47,000.00
33	Public Asphalt Pavement Restoration - Sheet C-310 (Short St)	LS	1	\$56,400.00	\$56,400.00	1	\$35,750.00	\$35,750.00
34	Public Asphalt Pavement Restoration - Sheet C-310 (Ritenour St)	LS	1	\$104,000.00	\$104,000.00	1	\$66,750.00	\$66,750.00
35	Public Asphalt Pavement Restoration - Sheet C-311 (Acton St)	LS	1	\$122,100.00	\$122,100.00	0	\$82,000.00	\$0.00
36	Public Asphalt Pavement Restoration - Sheet C-311 (Beeden Ln)	LS	1	\$19,960.00	\$19,960.00	0	\$12,750.00	\$0.00
37	Abandon Existing Sewer Pipe at Manhole Connection	EA	1	\$2,280.00	\$2,280.00	1	\$2,280.00	\$2,280.00
38	Sewer Manhole Vent	EA	2	\$12,190.00	\$24,380.00	2	\$12,190.00	\$24,380.00
Total Base Bid					\$3,550,343.40			\$2,758,648.04

Font : denotes reduced quantity reflecting project scope change**Reduction:** (\$791,695.36)

: denotes reduced pavement restoration unit price provided by the Contractor

22%



Regular Work Session Agenda Statement

Item #03A

Meeting Date: December 4, 2023

Agenda Item: Continued Discussion Pertaining to An Ordinance to Amend Town Code §175-3 Definitions and §175-110.5 Performance Standards for Urban Agriculture Pertaining to Chickens in Town Limits – Corey Childs, Extension Agent at Virginia Cooperative Extension

Summary: On September 25th Council approved the postponement of an ordinance amendment to Town Code §175-3 Definitions and §175-110.5 Performance Standards for Urban Agriculture pertaining to chickens in Town limits. The ordinance, if approved, would have permitted the increase of chickens in Town limits from six (6) to (10) based on square footage of coop and run space. Work Sessions on this discussion were held on June 12th and September 5th with a referral to the Planning Commission for their recommendation on June 26th. The excerpt of the minutes and the ordinance amendment from the September 25th agenda are attached.

Corey Childs, Extension Agent at Virginia Cooperative Extension, will be in attendance.

Budget/Funding: None

Staff Recommendation: Council takes desired action.

**AN ORDINANCE AMENDMENT TO FRONT ROYAL TOWN CODE §175-110.5 TO
ALLOW UP TO TEN (10) CHICKENS IN TOWN LIITS BASED ON SQUARE
FOOTAGE OF COOP AND RUN SPACE**

175-3 DEFINITIONS

AGRICULTURE, URBAN (Urban Agriculture) – An umbrella term that describes a range of food growing practices conducted as an accessory use **in residential districts** that may include the raising of crops, horticulture, aquaculture, hydroponics, forestry, gardening, apiculture, and both livestock and fowl keeping, subject to compliance with the regulations of Section 175-110.5.

175-110.5 PERFORMANCE STANDARDS FOR URBAN AGRICULTURE

Urban Agriculture, as defined under Section 175-3 of this Chapter, shall comply with the following performance standards.

A. A zoning permit shall be required for the keeping of animals kept in association with urban agriculture. **when located on a lot less than 1 acre.** Such a zoning permit application shall include a management plan that adequately addresses waste disposal, site suitability, setbacks, animal density, biosecurity and health measures, odor control, noise control, appearance, and maintenance. The management plan shall be reviewed by the Virginia Cooperative Extension Office, or other qualified expert, nonprofit organization or government entity. Conditions of approval or recommendations may be required as part of the zoning permit based on the management plan or other recommendations of the Virginia Cooperative Extension Office, or other qualified expert, nonprofit organization or government entity. The zoning permit shall only be valid for one (1) year; except that, the Zoning Administrator may successively renew the permit in additional one (1) year increments upon expiration **without reapplication**; provide that, the use remains in compliance with the management plan and otherwise remains lawful.

B. Single family, duplex or two-family dwellings **located in residential districts** shall be permitted to keep up to **ten (10)** female chickens (non-crowing hens only), six (6) bee hives, and/or six (6) rabbits.

C. Other types of residential uses, such as townhouses, condominiums, multi-family (apartments), are prohibited from keeping livestock, fowl or bees, except when authorized with a Special Use Permit or Proffer.

D. Commercial and industrial uses, excluding schools, are prohibited from keeping livestock, fowl or bees, except when authorized with a Special Use Permit or Proffer.

E. Roosters, livestock (excluding rabbits), and fowl (excluding hens) are prohibited on lots less than one (1) acre in land area.

F. Pigs are restricted, regardless of lot size, unless a Special Use Permit or Proffer is submitted and approved.

G. Chickens, bees, and rabbits are restricted from the front yard and corner side yard on corner lots.

H. Chickens and rabbits shall be in compliance with the following:

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

I. Chickens coops shall be setback at least ten (10) feet from side and rear property lines. Additional setbacks may be required by the Zoning Administrator if recommended as part of the submitted management plan or review agency recommendation.

J. Any permit issued for Urban Agriculture may be revoked by the Zoning Administrator if such use significantly deviates from the approved zoning permit and/or management plan; or if such use creates a violation of the Town Code, including, but not limited to, an unpermitted expansion, noise violation, unpermitted development activity, or nuisance.

K. The sale of goods or services related to Urban Agriculture is not authorized. ~~except where such sale or services is allowed as a principal use of the property.~~ This restriction shall not include the incidental selling or trading with neighbors, family or friends; nor shall it exclude selling produce off-site at farm markets or other venues.

L. The above requirements are considered in addition to all other requirements of the Town Code that may apply.

M. Urban agriculture is not permitted as a principal use of a property; except that, this restriction shall not apply to outdoor gardens.

N. Bee hives must be setback at least ten (10) feet from side and rear property lines, and shall be enclosed on all sides by a fence at least 4 feet in height. A sign between two (2) and four (4) square

feet shall be clearly located on the fence to communicate that bees are being kept within the enclosure.

O. Harvesting of honey shall take place within an enclosed building.

This ordinance shall be effective upon passage.

APPROVED:

Lori A. Cockrell, Mayor

ATTEST:

Tina L. Presley, Clerk of Council

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

Melissa DeDomenico-Payne	__ Yes __ No	H. Bruce Rappaport	__ Yes __ No
Joshua L. Ingram	__ Yes __ No	Duane R. "Skip" Rogers	__ Yes __ No
Amber F. Morris	__ Yes __ No	R. Wayne Sealock	__ Yes __ No

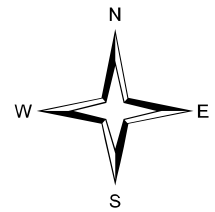
Approved as to Form and Legality:

George M. Sonnett, Jr., Town Attorney

Dated: _____

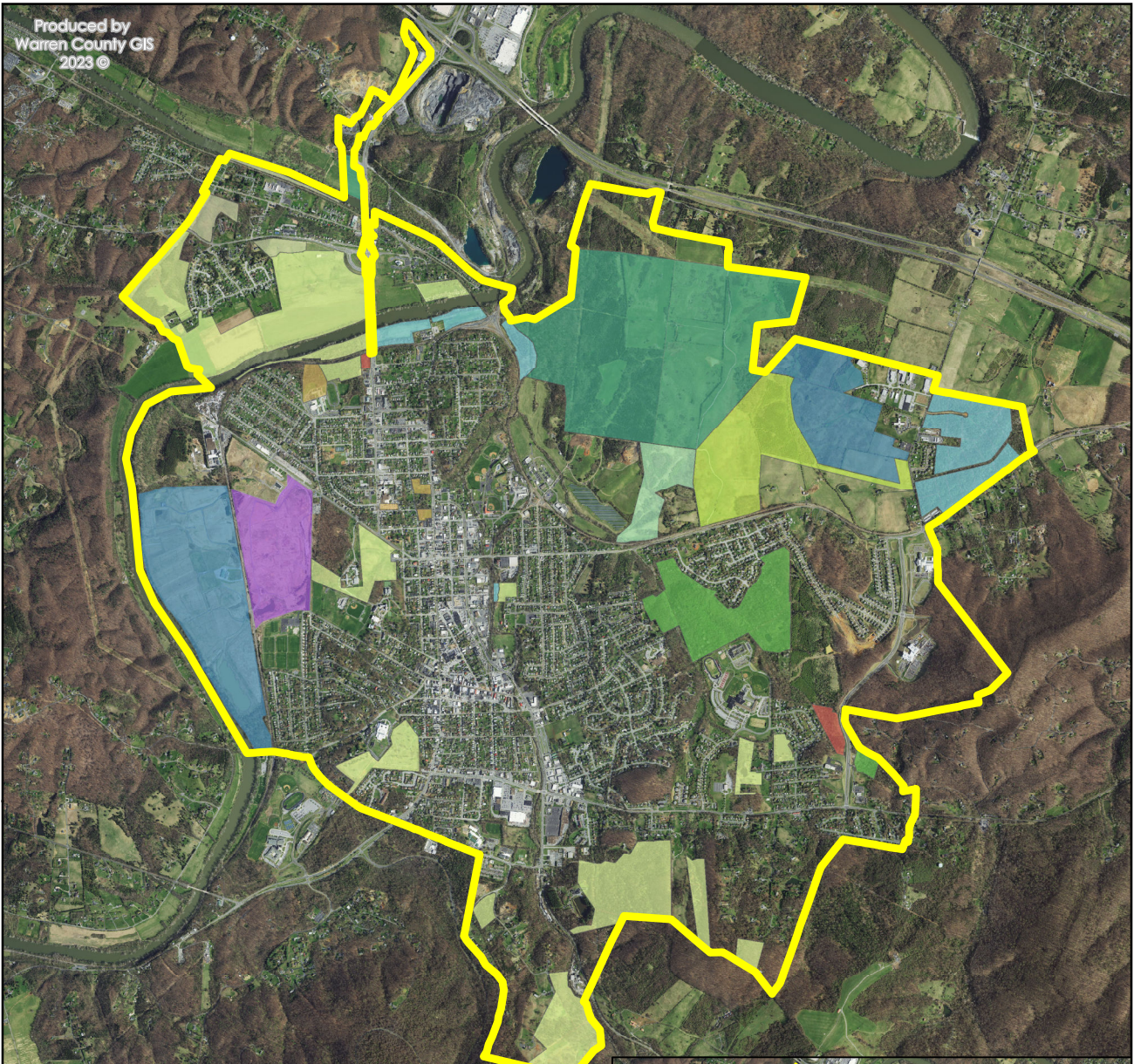


Town of Front Royal Undeveloped Lots



0 0.5 1 1.5 2
1 Inch = 0.5 Mile

Produced by
Warren County GIS
2023 ©



Front Royal Boundary

Undeveloped Parcels (72)

Town of Front Royal Zoning

A-1 Agricultural and Open Space Preservation District

C-1 Community Business District

I-1 Limited Industrial District

I-2 Industrial Employment District

MCD Mixed-Use Campus Development

R-1 Residential District

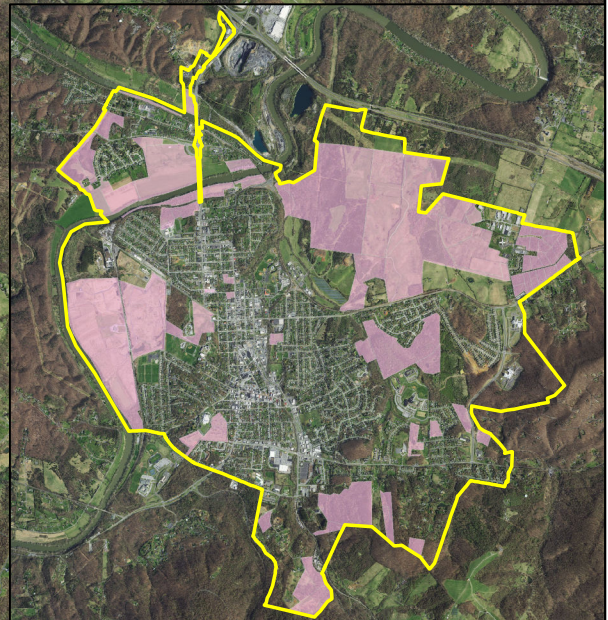
R-1A Residential District

R-2 Residential District

R-3 Residential District

R-E Estate Residential District

R-S Suburban Residential District



EXCERPT FROM MINUTES OF SEPTEMBER 25TH PUBLIC HEARING

A. An Ordinance to Amend Town Code §175-3 and §175-110.5 Performance Standards for Urban Agriculture Pertaining to Chickens in Town Limits.

Mayor Cockrell opened the public hearing.

Barbara Martin, 1805 Belmont Avenue, voiced concern over the modification to the ordinance noting that her six chickens were free range in her backyard with a 6-foot fence and did not want to keep them confined as the modifications (if approved) would require.

Mayor Cockrell closed the public hearing and opened it up to Council.

Councilwoman Morris moved that Council deny the ordinance amendments to Town Code §175-3 Definitions and §175-110.5 Performance Standards for Urban Agriculture pertaining to chickens in Town limits, as presented.

Motion failed for lack of a second.

Councilman Rogers moved seconded by Councilwoman DeDomenico-Payne that Council approve the ordinance amendments to Town Code §175-3 Definitions and §175-110.5 Performance Standards for Urban Agriculture pertaining to chickens in Town limits, as presented.

Councilwoman Morris advised that she visited several properties that currently had chickens and amending the ordinance, as presented, did not resolve issues it only made it more regulated for those who already had chickens. She suggested sending it back to a work session for more discussion.

Councilman Rappaport stated that the current ordinance allowing six chickens was enough since the Town was becoming more urban than rural. He advised that he would be voting against the amendments.

Councilman Ingram stated that the amendment to the current ordinance amendment would restrict free range potential. He advised that he would be voting against the amendment and suggested bringing it back to Council for further review.

Councilwoman DeDomenico-Payne voiced concern on waiting three months for this ordinance to be acted upon.

Councilwoman Morris understood that urban agriculture was for citizens to either make money or provide for their families. She expressed her appreciation to the Director of Planning for their work on this revision.

There was much discussion on how to amend the original motion, noting that the majority of Council seemed to agree to discussing further in a work session. After being asked by Council on their options for a motion, Town Attorney George Sonnett suggested either to postpone or give a substitute motion.

Councilwoman Morris moved seconded by Councilman Ingram that Council postpone ordinance amendments to Town Code §175-3 Definitions and §175-110.5 Performance Standards for Urban Agriculture pertaining to chickens in Town limits as a substitute motion for the original motion. Councilwoman Morris further moved that it be discussed at the work session on November 6, 2023.

Councilwoman DeDomenico-Payne questioned why the ordinance amendment could not be approved tonight and referred to the Planning Commission stating Council's concerns about standards. It was noted that approving the ordinance tonight placed a further burden on those who already have chickens.; therefore, postponing the action allows Council to review further the amendments, refer those amendments to the Planning Commission and amend the Code in a way that can be better utilized and adhered to for all citizens.

Vote: Yes – Councilmen DeDomenico-Payne, Ingram, Morris, and Vice Mayor Sealock

No – Councilmen Rappaport and Rogers

Absent – N/A

Abstain – N/A

ROLL CALL

(on substitute motion for the original motion)



Regular Work Session Agenda Statement

Item # 03B

Meeting Date: December 4, 2023

Agenda Item: Liaison Committee Policy Revisions

Summary: The Liaison Committee Policy has been reviewed by both the Town and County during their quarterly Liaison Committee Meetings (January, April, July and October). Few changes were made; however, the final policy revision has yet to be approved by both bodies. Council is requested to approve the Liaison Committee Meeting Policy as presented at their December 11th Regular Meeting. The Clerk of Council received an email from the Warren County Deputy Clerk on November 16th stating *"the Chair has confirmed with the rest of the Board that they are good with the changes and are ready to adopt when the Town does."* Attached is what was sent to the Board for review and below are the three changes Council agreed to during a work session October 2nd:

- Liaison Committee Policy Revisions
 - Under MANAGER/ADMINISTRATOR REPORT recommend ***both written and oral reports*** be given by Manager/Administrator at each other's meetings.
 - Under MEETING AGENDA recommend adding the word "agreed" to the second bullet *"Wherever the meetings are held, the host (Town Manager or County Administrator) shall be responsible for the preparation of the **"agreed"** agenda upon consultation with the Mayor and Board Chairman respectively and provide a person who will take formal minutes of the meeting.*
 - Under MEETING AGENDA recommend revising Thursday to ***Wednesday at 1:00pm*** to the fourth bullet

Budget/Funding: None

Staff Recommendation: Approve under the Consent Agenda for the December 11th Regular Meeting as presented.



FRONTROYAL – WARREN COUNTY
Liaison Committee Mission Statement and Policies
March 2021
Clean Draft of Proposed Changes 10.20.23

PURPOSE OF THE LIAISON COMMITTEE

The purpose of the Front Royal-Warren County Liaison Committee is to offer a venue whereby the leadership of the Town of Front Royal and the County of Warren can discuss issues of mutual interest and inform each other of positions taken and decisions made by each public body that may affect both localities. The Committee is NOT designed to be an environment where decisions are made, but one where issues are discussed, and Board and Council members take them back to their respective bodies for further discussion and recommendation.

MEMBERSHIP

The Liaison Committee shall include the Mayor of the Town of Front Royal, the Chairman of the Warren County Board of Supervisors, the Front Royal Town Manager, the Warren County Administrator, one (1) Front Royal Town Council member and one (1) Warren County Board of Supervisors member. The latter two (2) members shall rotate between its various members from meeting to meeting.

MEETING SCHEDULE

Meetings shall be held on the third Thursday every quarter at 6:00 p.m. unless otherwise agreed upon by the Town and County. The meetings shall be rotated every quarter (January, April, July, October) between the Town and County.

MEETING AGENDA

- Meetings of the Liaison Committee shall at all times be subject to the terms of the Virginia Freedom of Information Act.
- Wherever the meetings are held, the host (Town Manager or County Administrator) shall be responsible for the preparation of the agreed agenda upon consultation with the Mayor and Board Chairman respectively and provide a person who will take formal minutes of the meeting.
- Any request to place an item on the agenda shall be made by 1:00 pm on Wednesday the week prior to the Liaison meeting.
- All requests to place an item on the agenda must be accompanied by a written summary of the request which can be placed in the agenda packet.
- The Liaison Committee may amend a meeting agenda by agreement at the meeting.

MEETING POLICY and PROCEDURES

- The Mayor of the Town shall be Chairman of the Committee when the meetings are hosted by the Town, and the Chairman of the Board of Supervisors shall be Chairman of the Committee when the meeting is hosted by the County.
- The Chairman shall make procedural or parliamentary decisions which may be overruled by a majority vote of the Committee.
- The Town and/or County may invite any of their staff personnel, including attorneys, to attend meetings that either feels would be helpful for the issues and items scheduled to be addressed.
- This mission statement and policies shall be adopted by a majority of the Board of Supervisors and the Town Council. They may be amended by a majority vote of the Town Council and Board of Supervisors.

MANAGER and ADMINISTRATOR REPORTS

Quarterly, the Warren County Administrator shall submit a written report and give an oral report of the County to the Council, and the Front Royal Town Manager shall submit a written report and give an oral report of the Town to the Board, one month prior to the quarterly Liaison Committee Meeting (December, March, June, September). This will not be a question-and-answer period.



Work Session Agenda Statement

Item # 4A

Meeting Date: December 4, 2023

Agenda Item: Request a Waiver for Curb and Gutter and Sidewalk Requirements for a Potential NVR, Inc. Project
Located at 835 Shenandoah Shores Road

Summary: The applicant, NVR, Inc. is requesting a curb, gutter and sidewalk waiver pursuant to Town Code Section 148-850.C.1 & 2 and D.1. for a potential by-right development on 42 acres located at 835 Shenandoah Shores Road. The subject property is currently zoned R-E, the lots would be at least 1 acre, with several 2 acre lots. As typically found with large lot subdivisions, curb and gutter are not needed because the low density permits the water to naturally drain. The applicants handling of stormwater would also be addressed during the site plan process. In a large lot subdivision, the developer would install drainage swales and ditches as well as possible rain gardens to collect the water. The Environmental Protection Agency (EPA) has published literature on low impact development methods, and permitting the development of this site to those standards would not adversely affect the Town.

Budget/Funding:

Staff Recommendation: Staff recommends denial of the waiver of curb, gutter and sidewalk as requested.



November 2, 2023

Lauren Kopishke
Planning Director/Zoning Administrator
Town of Front Royal Planning & Zoning
102 E. Main Street
Front Royal, VA 22630

Re: *Town Code Waiver*

Dear Lauren:

I am writing to you on behalf of NVR, Inc., the contract purchaser of 835 Shenandoah Shores Road, Front Royal, VA 22630, to request a waiver of the curb and gutter, and sidewalk requirements in Town Code Article 8, Section 148-850.C.1 & 2 and D.1. The property is approximately 44 acres in area, is zoned R-E and permits a density of 1 lot per acre. We are proposing to develop the property by-right under the existing R-E zoning with 1 to 2 acre lots, with an anticipated yield of 27 and 29 single family detached lots.

The character of the area is relatively low density and the traffic volumes generated from the property will be exceptionally low on any given street. The design will allow for innovative solutions to address storm drainage considerations and other design parameters. The rationale for this proposal is as follows:

- Reduces overall impervious area.
- Typical larger lot subdivisions are rural in nature and do not incorporate curb and gutter or sidewalks.
- The required 100-foot front yard setback sites the homes further away from the streetscape consistent with a rural subdivision, which discourages pedestrian activity.
- There are no sidewalks or adjacent subdivisions to connect to.
- Having no sidewalks does not impact public health or safety – the proposed street section provides adequate pedestrian access.
- Reduces overall maintenance costs for the Town of Front Royal.

I have attached a detail from VDOT's Road Design Manual, which applies the standards and specifications for a shoulder and swale section roadway. Subdivisions with 1 to 2 acre lots or larger are typically characterized by this VDOT road section. With gently rolling terrain, the swales filter the storm

drainage in a more environmentally efficient manner than a piped system and allows bio-retention facilities placed in strategic locations for water quality purposes.

In addition, I have attached photos of several developments which are representative of the improvements proposed, which include:

- Jackson's Chase/Sly Fox (Warren County) – 1 acre lots
- Blue Ridge Shadows (Warren County) – ½ acre lots
- Bowling Green Drive/Golf Club (Warren County) - 1 acre lots
- Belmont (Warren County) – ½ to 1 acre lots
- Park Ridge Estates (Warren County) – ½ to 1 acre lots
- Sunshine Vista (Prince William County) – 1 acre lots
- Willowsford (Loudoun County) – ½ acre lots

Please let me know if you have any questions.

Sincerely,



Richard A. Lanham

Regional Land Entitlement Manager

for inspection and use. All monuments must be set before any site or street improvements are accepted by the Town.

C. Curb and Gutter.

1. Curbs and gutter shall be required for the purpose of drainage and safety and delineation and protection of the pavement edge. Curbs and gutters and all driveway entrances shall meet the design standards found within the Construction Standards and Specifications Manual.
2. Curbs and gutters shall be installed by the applicant along both sides of all new streets. For all subdivisions involving the creation of an additional lot and for all new development projects, curb and gutter sections shall be required along the frontage of all existing public streets. This requirement may be waived upon approval by Town Council in residential areas where the majority of surrounding developed properties do not have curb and gutter, where the character of the area is relatively low-density, after consideration of the traffic impact created by the subdivision and the total lots on a given street, drainage considerations and other environmental design parameters. The Town Engineer may waive curb & gutter for development projects comprising of no more than two (2) dwelling units in residential areas along existing streets where curb & gutter is not currently present within 200 feet of the property.

D. Sidewalks.

1. Sidewalks shall be installed by the applicant along both sides of all new streets. For subdivisions involving the creation of an additional lot and for all new development projects, sidewalk sections shall be required along the frontage of all existing public streets. This requirement may be waived on vote of the Town Council in residential areas under the following conditions: where the character of the area is relatively low-density, after consideration of the traffic impact created by the subdivision and the total lots on a given street, drainage considerations and other environmental design parameters. The Town Engineer may waive sidewalks for development projects comprising of no more than two (2) dwelling units in residential areas along existing streets where sidewalks are not currently present within 1000 feet of the property.
2. The minimum design standards for sidewalks shall be at least six (6) feet in width when abutting the curb, and a minimum of five (5) feet when offset from the curb. For the latter, the land located between the sidewalk and the curb shall comply with the Construction Standards and Specifications.
3. Sidewalks shall normally be parallel to the street. Nonparallel sidewalks and/or walkways may be approved by the Town in order to preserve topographical or natural features and to provide visual interest.
4. Where pedestrian walkway systems have been approved as an alternative to sidewalks, the walkways may be located away from streets, linking groups of dwelling units with other groups of dwelling units and/or facilities such as parking areas, recreational areas and

activity centers. In reviewing the location of alternative walkway systems, the Town shall consider safety, practical accessibility and aesthetics.

5. Public easements shall be granted for sidewalks and/or walkways located outside the public right-of-way.
6. All sidewalks shall be constructed in accordance with Town standards and specifications and shall conform to the requirements of Section 15.2-2021, Code of Virginia, as amended, requiring curb ramps for the handicapped. Curb ramps shall comply with the Virginia Department of Transportation's Road and Bridge Standards.

E. Solid Waste Disposal and Collection.

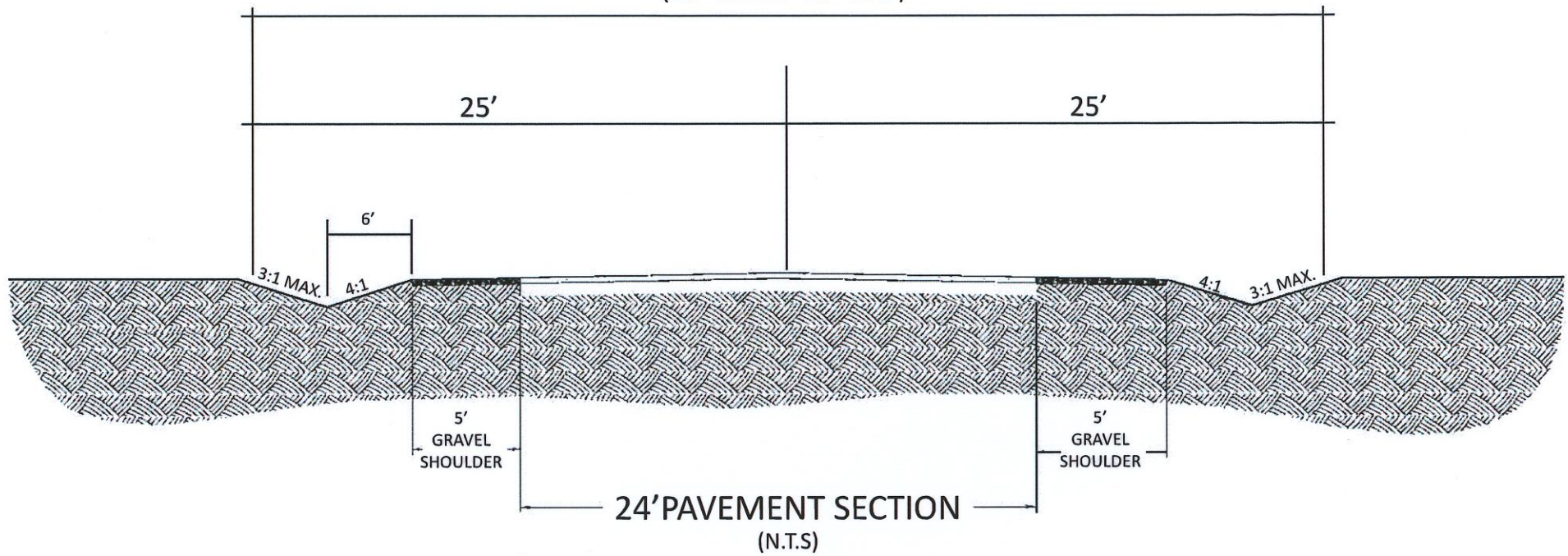
1. All developments with exterior trash disposal or collection areas shall locate these sites so as to facilitate collection and minimize the negative impact on residents, neighboring properties and public rights-of-way.
2. All visible trash disposal or collection and storage areas shall be screened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

148-860 ENVIRONMENTAL IMPROVEMENTS

A. Steep Slopes.

1. Purpose: Steep slopes, when developed, require more grading and land disturbance than development of flat to gently sloping topographical areas. Therefore, the purpose of this section is to establish protective regulations to:
 - a. Minimize soil disturbance on steep or critical slopes due to the potential for erosion problems;
 - b. Assist in the prevention of soil erosion from storm water runoff, protect downstream buildings and yards from water and soil intrusion, and protect the Town's surface and groundwater resources from siltation and contamination;
 - c. Promote stable building sites that prevent soil erosion and are structurally sound so as to maintain slope stability;
 - d. Promote accessibility for fire and rescue apparatus;

TYPICAL ROAD SECTION
ADT < 2000 VPD
(50' RIGHT-OF-WAY)



Jackson's Chase/Sly Fox

Legend



DThomas Consulting

Google Earth

400 ft

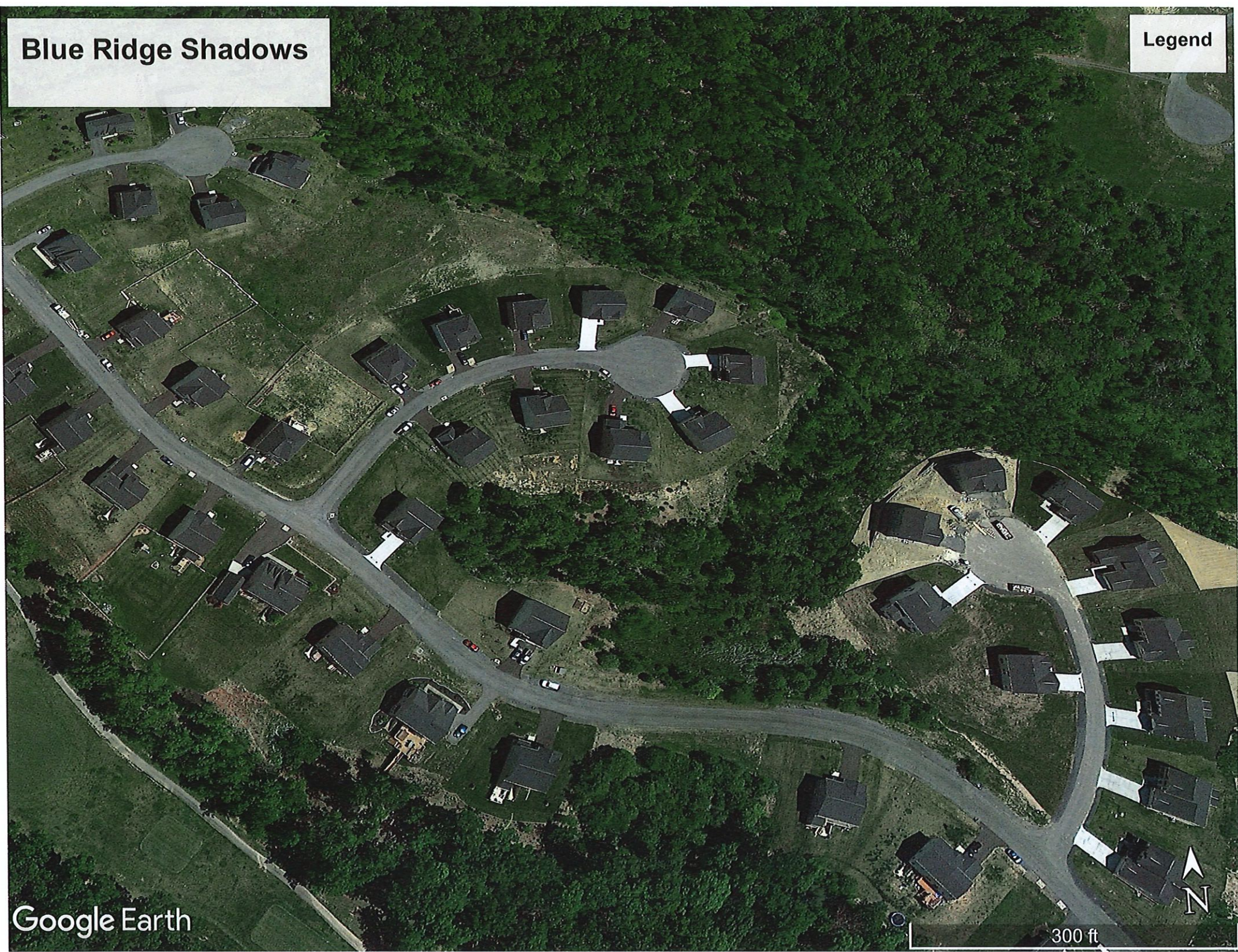


Blue Ridge Shadows

Legend

Google Earth

300 ft



Bowling Green Drive

Legend



Google Earth

© 2023 Google



Park Ridge/Belmont

Legend

Google Earth

200 ft





Willowsford

Legend



Google Earth

© 2023 Google



8.66 ft

From: [Steve Scheulen](#)
Sent: Wednesday, November 8, 2023 8:50 AM
To: [Robbie Boyer](#); [Carol Buffa](#); [Carey Saffelle](#)
Cc: [Lauren Kopishke](#); [Connie Potter](#)
Subject: RE: NVR - Town Waiver Request for Curb & Gutter

Carol,

I feel they should incorporate curb and gutter. At some point residents are likely to request it or even pay through the 50/50 program to have it and then we have spots here and there. Better to put it in from the start.

Steve Scheulen
Infrastructure Manager
Town of Front Royal
540-635-7819
sscheulen@frontroyalva.com

From: Robbie Boyer <rboyer@frontroyalva.com>
Sent: Tuesday, November 7, 2023 7:50 AM
To: Carol Buffa <cbuffa@frontroyalva.com>; Steve Scheulen <sscheulen@frontroyalva.com>; Carey Saffelle <csaffelle@frontroyalva.com>
Cc: Lauren Kopishke <lkopishke@frontroyalva.com>; Connie Potter <cpotter@frontroyalva.com>
Subject: RE: NVR - Town Waiver Request for Curb & Gutter

Carol,

I think it's odd that Village Court located off of Shenandoah Shores Rd has curb & gutter and sidewalk but they didn't reference that just other areas outside of the town limits. I personally think if it's a new subdivision development they should have to install curb & gutter and sidewalk.

Thanks,

Robert B. Boyer
Director of Public Works
Town of Front Royal Public Works
PO Box 1560
800 Crosby Rd-Extended
Front Royal, VA 22630
540-635-7819 (P)
rboyer@frontroyalva.com
www.frontroyalva.com

From: Carol Buffa <cbuffa@frontroyalva.com>

Sent: Monday, November 6, 2023 4:57 PM

To: Robbie Boyer <rboyer@frontroyalva.com>; Steve Scheulen <sscheulen@frontroyalva.com>; Carey Saffelle <csaffelle@frontroyalva.com>

Cc: Lauren Kopishke <lkopishke@frontroyalva.com>; Connie Potter <cpotter@frontroyalva.com>

Subject: NVR - Town Waiver Request for Curb & Gutter

Good afternoon,

Robbie, Steve, and Carey please comment on the request for Town Waiver of curb & gutter for NVR on Shenandoah Shores Rd. Please see attached documents. Once we receive your comments they will be submitted by Lauren to Joe Waltz.

Thank you and have a great day 😊

Carolyn S Buffa

Town of Front Royal | Dept of Planning & Zoning

102 E Main St

Front Royal VA 22630

(540)635-4236 (540)631-2727 Fax

cbuffa@frontroyalva.com

-



Regular Work Session Agenda Statement

Item # 04B

Meeting Date: December 4, 2023

Agenda Item: Request for An Ordinance Text Amendment by Magdalen Capital, LLP Pertaining to Minimum Acreage Requirement for Planned Neighborhood Development District (PND) from 20 and 50-acre Minimum to 2-acre Minimum

Summary: 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.

The Planning Commission recommended 5-acre minimum to allow sufficient space for development. Staff spoke with the consultant who is currently revising the Town's 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 Comprehensive Plan, especially the creation of new and more attainable housing options.

There are approximately 72 parcels in Town which are undeveloped and larger than 5 acres. Of those 72 total parcels, 37 are zoned residential. Several undeveloped parcels are naturally constrained due to floodways, steep slopes, or currently in held in conservation easements.

Also, this is a text amendment. Other than the proposed rezoning by the same applicant, there are no current applications requesting a rezoning. As always, any time there is a rezoning request, it must go through staff, Planning Commission and Town Council reviews/approvals. Just because a site meets the minimum size requirement does not mean it is automatically suitable for mixed use development or can meet other requirements of Town Code.

Budget/Funding: N/A

Staff Recommendation: Staff and Planning Commission recommends the minimum acreage be 5 acres to allow sufficient space for development. If Council agrees a public hearing is to be advertised for January 2024.

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:

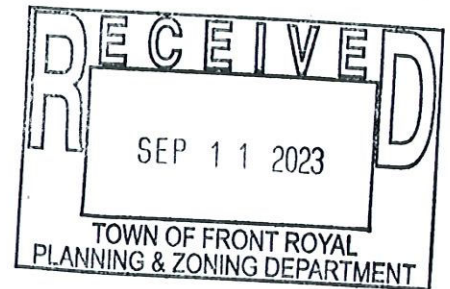
Moved _____ Seconded _____

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.

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

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

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

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

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

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

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

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

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

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

100 C. Planned neighborhood developments comprising ~~50-acres~~ two (2) acres or more may contain
101 the uses permitted in subsections A and B as well as the following commercial uses:
102

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

109 D. Planned neighborhood developments may include the following uses provided such uses are
110 either specifically approved as part of the original development plan or approved by special use
111 permit in accordance with Section 175-136 if proposed subsequent to approval of the Master Land
112 Use Plan.
113

- 114 1. Bed and Breakfast home
115 2. Assisted Living Facility or other nursing home as permitted in the R-3 District.
116 3. Automotive fuel facilities in conjunction with neighborhood retail stores, provided adequate
117 demonstration is made that the facility can be supported by the neighborhood in which it
118 is located without attracting additional traffic into the neighborhood. Such facilities shall
119 not include the storage or sale of automobiles, automotive mechanical or body repair work,
120 painting, welding or other activities not normally associated with the dispensing of
121 gasoline.
122 4. Art galleries and museums.
123

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

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

129 F. Prohibited Uses
130

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

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

175-37.4 STANDARDS (PND)

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

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

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

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

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

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

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

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

174 A. Concept Plan:
175

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

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

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

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

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

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

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

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

- 267
- 268 13. The proposed general location of all building areas and other improvements, except
- 269 single-family and two-family dwellings and accessory buildings;
- 270
- 271 14. Notations showing the total gross development acreage, the net development acreage,
- 272 acreage devoted to each land use category, the number of dwelling units and overall
- 273 development density of the project;
- 274
- 275 15. General intent and schematic plans for water, sanitary sewer, storm water management,
- 276 electrical services, and other utilities;
- 277
- 278 16. An approximate development schedule/phasing plan;
- 279
- 280 17. A general description of proposed agreements, provisions, or covenants that govern the
- 281 use, maintenance, and continued protection of property to be held in common ownership.
- 282
- 283 18. Municipal boundaries through the property.
- 284
- 285
- 286 19. A narrative statement demonstrating consistency with the Town of Front Royal
- 287 Comprehensive Plan, suitability of the tract for the type and intensity of the activities
- 288 proposed, and the planning purposes to be achieved by the proposed PND as stated in
- 289 Section 175-37.1, the design theme and major elements, principal site features, and
- 290 environmental components integrated into the plan.
- 291
- 292 20. An impact assessment on the environment and on community facilities, services and
- 293 taxes.
- 294
- 295 21. Demographic profile of proposed development (population, housing, school children and
- 296 employment).
- 297
- 298 22. Other relevant data which may be used to evaluate the project.
- 299
- 300 23. A set of design guidelines describing the design principles for the site arrangement,
- 301 standards for development including proposed yards, building heights, building
- 302 architecture, open space characteristics, landscaping, hardscape, and buffering, and
- 303 streetscapes related to scale, proportions, and massing at the edge of the district.
- 304
- 305 The design guidelines will establish the appearance standards to be used as the basis for
- 306 the appearance review occurring concurrent with the site development review. The
- 307 purpose of the appearance standards shall be:
- 308
- 309 a. To encourage development that enhances the character of the Town;
- 310 b. To enhance and protect property values by encouraging excellent design;
- 311 c. To encourage architectural freedom, imagination and variety, and to encourage
- 312 creative design solutions that will enhance the Town's visual appearance.

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

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

1. Relationship of Building Site:

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

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

2. Relationship to Adjoining Areas:

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

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

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

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

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

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

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

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

e. Use of harmonious colors and compatible accents.

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

4. Signs:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

175-37.10 TRAFFIC IMPROVEMENTS (PND)

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

175-37.11 DIMENSIONAL STANDARDS (PND)

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

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

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

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

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

175-37.12 PERIMETER BOUNDARY (PND)

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

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

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

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

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

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

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

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

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

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

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

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

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

175-37.14 UTILITIES (PND)

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

175-37.15 ACCESSORY STRUCTURES (PND)

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

175-37.16 NEIGHBORHOOD RECREATIONAL USES (PND)

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

175-37.17 COMMERCIAL USES DEVELOPMENT STANDARDS (PND)

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

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

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

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

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

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

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

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

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

175-37.18 DEVELOPMENT REVIEW (PND)

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

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

1. All information required for the master plan submission.
 2. A development schedule. If phasing is proposed, indication of the proposed phasing schedule, along with a plan indicating phased sections.
 3. A landscape plan prepared by a certified landscape architect or land surveyor shall be submitted with each site development plan application. The development plan shall identify proposed trees, shrubs, ground cover, natural features such as rock outcroppings, other landscaping elements and planting details. When existing natural growth is proposed to remain, the applicant shall include in the plans a description of the landscaping to be retained, a statement from a certified arborist that the material is desirable and healthy, and the proposed methods to protect the retained trees and growth during and after construction.
- (Amended “3” by adding “land surveyor” 9-26-05-Effective Upon Passage)
4. Proposed number of dwelling units by residential types, and the area of non-residential buildings by use type (retail, office, service, etc.).
 5. Calculation of the percentage of land area covered by the various land uses, including landscaped areas.
 6. Proposed circulation plan showing patterns of vehicular, pedestrian, or other traffic, parking areas (including the number of parking spaces).
 7. Notes identifying any deviations from the approved master plan.

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

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

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

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

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

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

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

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

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

175-37.19 DEFINITIONS (PND)

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

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

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

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

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

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

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

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

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

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

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

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

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

From: [Lauren Kopishke](#)
Sent: Tuesday, November 28, 2023 2:00 PM
To: [Tina Presley](#)
Subject: FW: PND zone acreage reduction

This email needs to go with the text amendment folder.

From: Lauren Kopishke <lkopishke@frontroyalva.com>
Sent: Wednesday, November 1, 2023 5:23 PM
To: Connie Potter <cpotter@frontroyalva.com>; George Sonnett <gsonnett@frontroyalva.com>
Cc: Planning Commission <planningcommission@frontroyalva.com>
Subject: Fwd: PND zone acreage reduction

Get [Outlook for Android](#)

From: Anne Darby, AICP <anne.darby@summitde.com>
Sent: Wednesday, November 1, 2023 2:29:02 PM
To: Lauren Kopishke <lkopishke@frontroyalva.com>
Subject: RE: PND zone acreage reduction

Hi Lauren,

I think this is a good idea, and consistent with the goals and intent of the comp plan, especially the creation of new and more attainable housing options.

I just reviewed the district and discussed this with Michael to run through any possible negative consequences, and I don't see any. Because the design needs to go before PC and Council, there is opportunity to amend any potential negative impacts.

I'm interested to hear how it goes!

awd

Anne Darby, AICP
Department Manager - Planning
Tel: [804.204.1022](tel:804.204.1022) x3408
Cell: [804.437.0653](tel:804.437.0653)



From: Lauren Kopishke <lkopishke@frontroyalva.com>

Sent: Wednesday, November 1, 2023 1:50 PM

To: Anne Darby, AICP <anne.darby@summitde.com>

Subject: PND zone acreage reduction

Good Afternoon,

I am taking a potential Zoning text amendment to work session with PC this evening and wanted to get your thoughts on reducing the the acreage limit of the PND zone from 20 acres to 2 acres. My thought is to support the change to allow more property in Town to be eligible to PND type zoning. There are very few parcels in Town that are large enough currently and I think lowering the size limit could encourage flexibility.

Lauren Kopishke

Director of Planning & Zoning / Zoning Administrator

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

102 E. Main St | Front Royal, VA 22630

Office: (540) 631-2787

E-mail: lkopishke@frontroyalva.com



CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Regular Work Session Agenda Statement

Item # 04C

Meeting Date: December 4, 2023

Agenda Item: Request to Rezone 311 Leach Street from R-S, Suburban Residential District and Adjoining Properties from R-1, Residential District to PND, Planned Neighborhood Development District

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.

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 as well as appropriate commercial uses on Happy Creek Road.

Staff notes that the applicant did not submit any proffers to mitigate the impacts of development associated with this project. The Planning Commission recommended approval of the rezoning.

Budget/Funding: N/A

Staff Recommendation: Staff and Planning Commission recommend approval of this rezoning because it is consistent with the goals and strategies outlined in the Comprehensive Plan.

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;

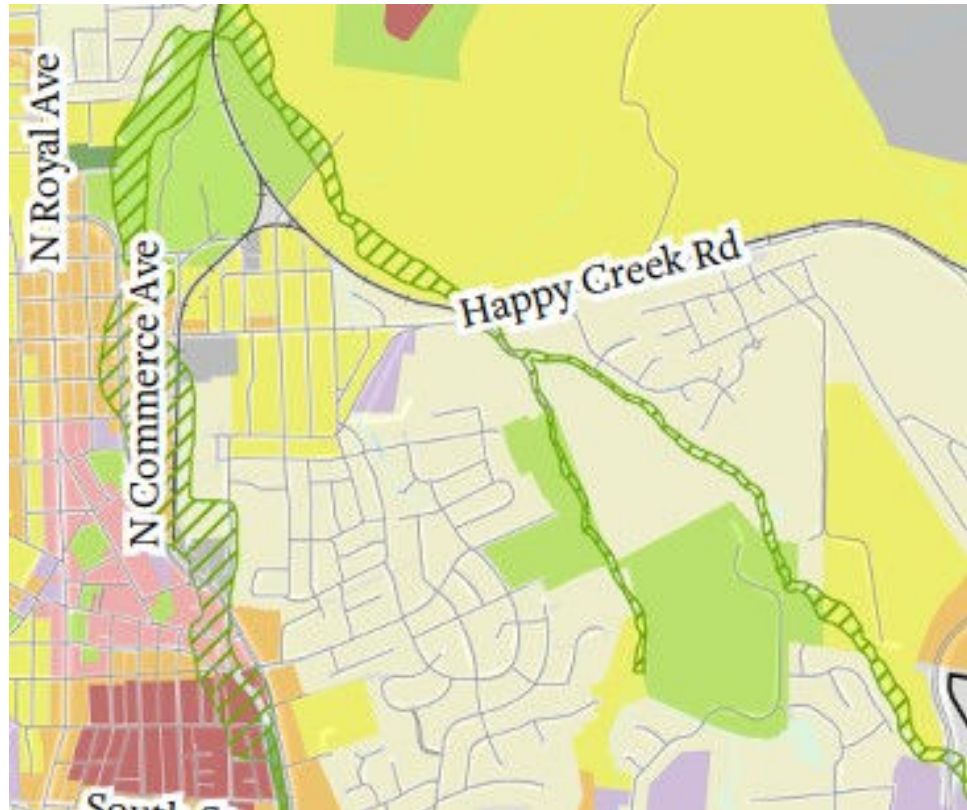
I. Satisfies the general purposes of zoning regulations to promote health, safety, morals and general welfare of the community.

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.

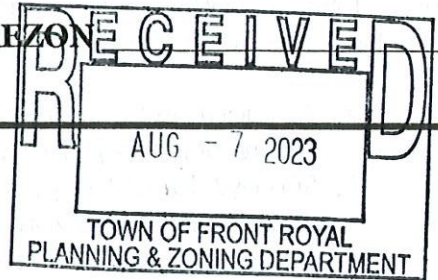
Attachments: A. Application and Supporting Documents
B. Plat
C. Letter of Statement of Justification



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.

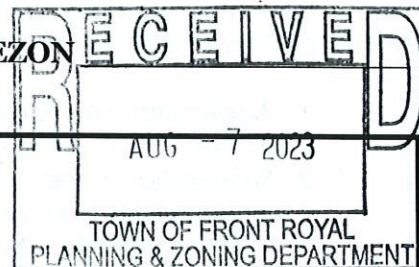
OFFICE USE ONLY

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.

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

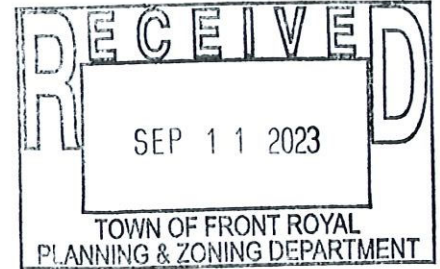
Town Council Hearing Date: _____ Date Sent to Clerk: _____

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,

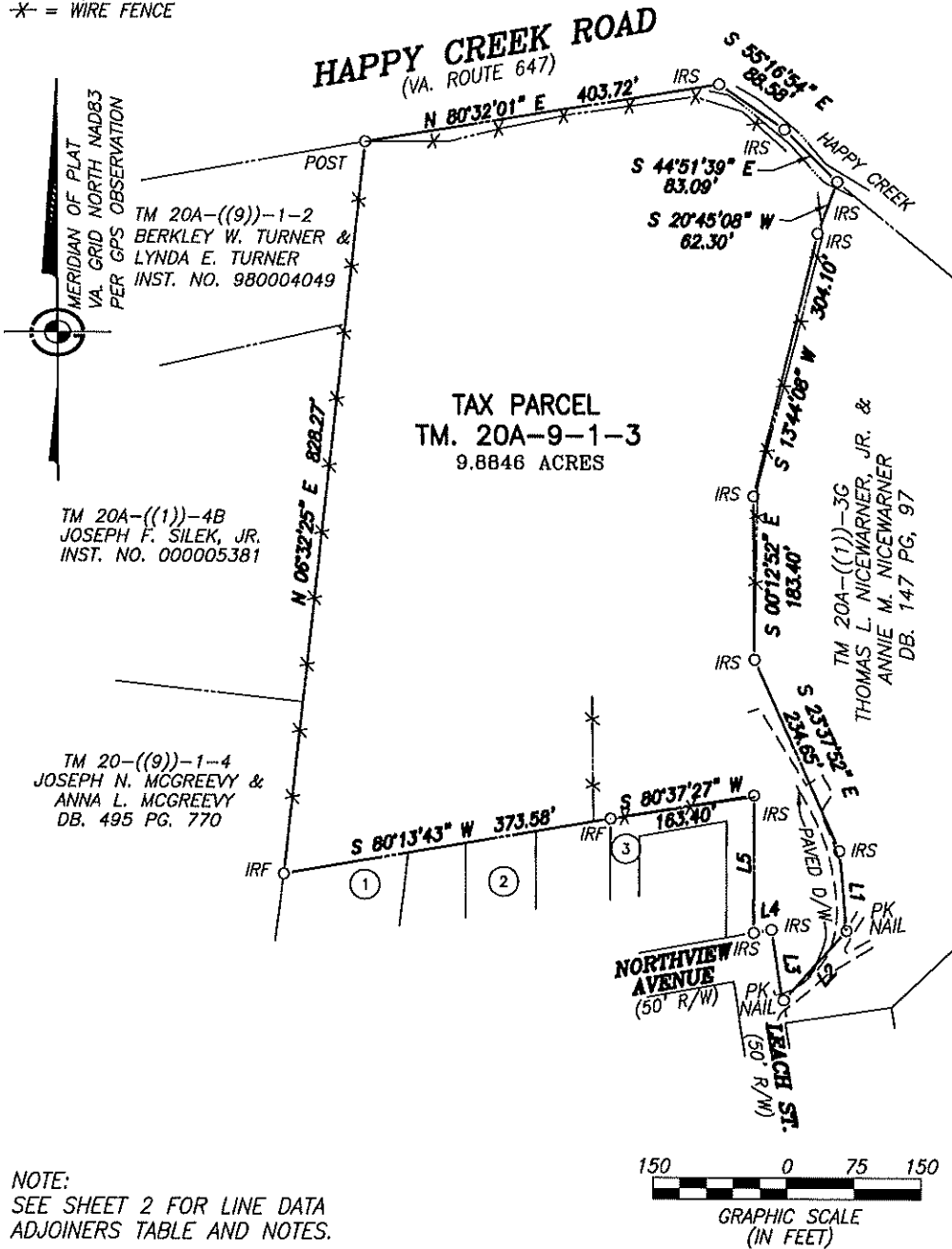
Alex Stieb
Partner
Magdalen Capital, LLLP

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

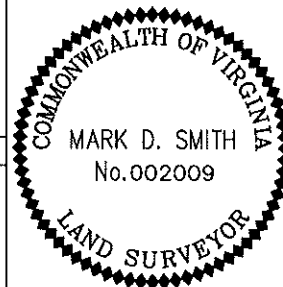


Engineers
Surveyors

Founded in 1971

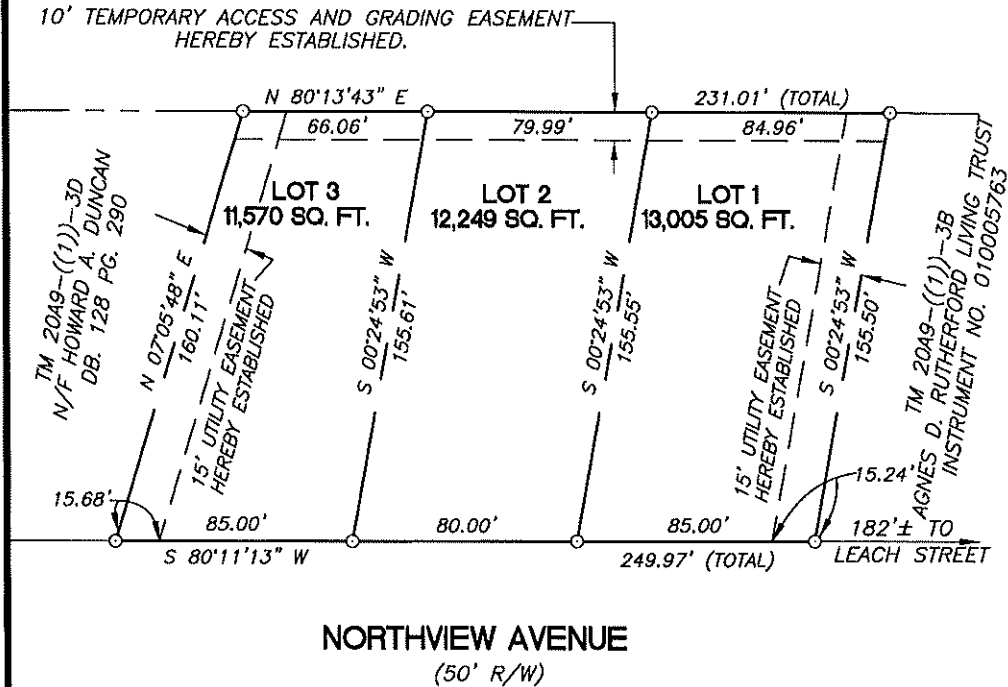
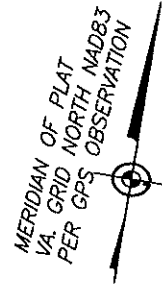
GREENWAY ENGINEERING

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



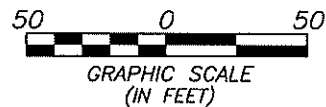
3573 SHEET 2 OF 2

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

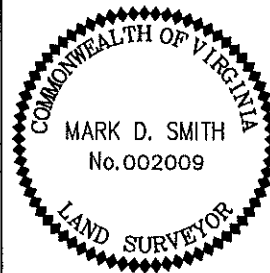


Engineers
Surveyors

Founded in 1971

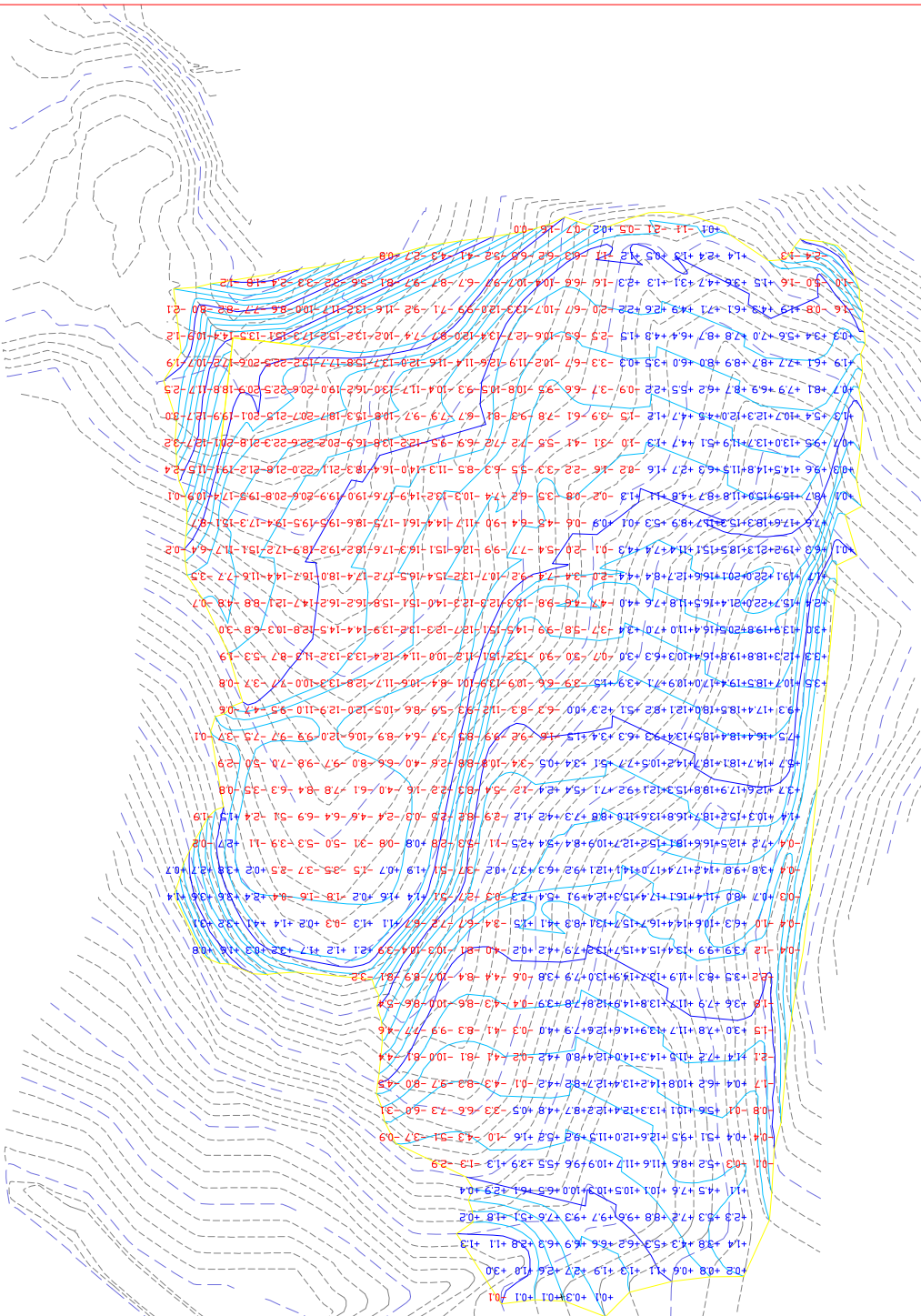
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TELEPHONE: (640) 682-4185
FAX: (640) 722-9628
www.greenwayeng.com



3573 SHEET 1 OF 1

BY-RIGHT



DATE: MARCH, 2004
SCALE: 1" = 40'
DESIGNED BY: CR
FILE NO: 3573
SHEET 1 OF 3X

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

OPTION 1









































OPTION 2















Tina Presley

From: Lauren Kopishke
Sent: Tuesday, November 28, 2023 5:28 PM
To: Tina Presley
Subject: Fwd: Rezoning Application – Magdalen Capital LLLP – Happy Creek Rd., Front Royal – 2300537

Can you add the county's comments to the rezoning request?

Lauren

Sent via the Samsung Galaxy A14 5G, an AT&T 5G smartphone
Get [Outlook for Android](#)

From: David Beahm <Dbeahm@warrencountyva.gov>
Sent: Tuesday, November 28, 2023 5:23:49 PM
To: Connie Potter <cpotter@frontroyalva.com>
Cc: Inspections <Inspections@warrencountyva.gov>; Kevin Perry <Kperry@warrencountyva.gov>; Matthew Byers <Mbyers@warrencountyva.gov>; Gerry Maiatico <gmaiatico@warrencountyfire.com>; Gordon Foster <gfoster@warrencountyfire.com>; Lauren Kopishke <lkopishke@frontroyalva.com>
Subject: RE: Rezoning Application – Magdalen Capital LLLP – Happy Creek Rd., Front Royal – 2300537

Comments – Magdalen Capital LLLP – Rezoning Application R-S/R-1 to PND – 2300537:

- Erosion and Sediment Control (ESC) Items:
 - Application and permits are required for ESC permit, which would be a normal submission including a full plan review application.
 - The area of disturbance exceeds one (1) acre which will additionally require a Stormwater permit through the Department of Environmental Quality (DEQ). Approval by DEQ (Construction General Permit) would be required prior to any ESC Permit and any type of Building Permit being issued by Warren County.
 - Each lot when developed for a residential dwelling unit would then be required to have an Agreement In Lieu Of can be obtained.
- Site Plan Review:
 - Site plan review will be required, when developed, for code compliance as it pertains to the layout of the building development.
- Building Inspections Items:
 - If or when any building construction related activity (structure, electrical, plumbing, mechanical, fire suppression, energy, etc.) were to start, it would be subject to the normal requirements of application, review and approval prior to work beginning.
- Fire Marshal's Office Comments (standard):
 - We would defer all comments for the site development/new construction/retrofit/change of use to the Building Official. Upon approval and issuance of the CO, the facility (as applicable) shall be maintained in accordance with the Virginia Statewide Fire Prevention Code.

If anything should change in the scope, additional requirements may be required.

Respectfully,

David C. Beahm, CBO
Building Official
County of Warren
540-636-9973
Fax 540-636-4698
dbeahm@warrencountyva.gov
www.warrencountyva.gov

THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE; AND THEN PLEASE DELETE THIS MESSAGE FROM YOUR SYSTEM. THANK YOU.

From: Connie Potter <cpotter@frontroyalva.com>
Sent: Tuesday, October 31, 2023 3:55 PM
To: David Beahm <Dbeahm@warrencountyva.gov>
Subject: Rezoning Application

Hi David,

Below is a link for a rezoning application submitted by Magdalen Capital. Please return any comments you may have by November 30, 2023.

<https://frontroyalva.box.com/s/x28t7slj1uk77xrwau9kmbjtlg5x7o27>

Thank you,
Connie

Connie L. Potter

Executive Assistant

Dept. of Planning and Zoning



102 E. Main Street | P.O. Box 1560
Front Royal, VA 22630
Office: (540) 635-4236



Regular Work Session Agenda Statement

Item #04D

Meeting Date: December 4, 2023

Agenda Item: Reappointment to Advisory Committee on Environmental Sustainability (ACES)

Summary: Council is requested to approve the reappointment of a member to the Advisory Committee on Environmental Sustainability (ACES) to a four-year term.

Budget/Funding: N/A

Staff Recommendation: Reappointment of Justin Proctor to a 4-year term on ACES be added under the Consent Agenda at the December 11th Regular Meeting.



Work Session Agenda Statement

Item # 05

Meeting Date: December 4, 2023

CLOSED MEETING

Motion to go into Closed Meeting

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

I move that Town Council convene a closed meeting, pursuant to Sections 2.2-3711 and 2.2-3712 of the Code of Virginia, for the following purposes:

- 1) pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, for consultation with legal counsel and briefings by staff members or consultants pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, more specifically, HEPTAD, LLC v. Town Council; and,
- 2) pursuant to Section 2.2-3711(A)(8) of the Code of Virginia, for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, more specifically, a request from HEPTAD, LLC.

Motion to Certify Closed Meeting at its Conclusion

[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]

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