



TOWN COUNCIL REGULAR WORK SESSION

Monday, February 12, 2024 @ **6:30pm**

Town Hall Conference Room

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

6:30pm 1. Roll Call

2. CLOSED MEETING

7:00pm 3. Consent Agenda Items for February 26th

A. Purchase of a 66,000 lb. Heavy Duty Truck Lift - *Michelle Campbell*

B. Purchase of Various Equipment and Machinery for the Fleet Maintenance Building – *Michelle Campbell*

7:10pm 4. New Business

A. Proposed Ordinance Amendment to Revise the Personal Property & Real Estate Tax Due Dates - *Wilson*

B. Alley Vacation Request at 225 East 7th Street & 631 Kibler Street – Property Connection - *L Kopishke*

C. Request for an Easement on Town Property from Donald Stallings near Duck Street – *Joe Waltz*

8:00pm 5. Old Business

A. Magdalen Capitol LLLP Rezoning Application - *Lauren Kopishke*

B. Out-of-Town Utility Connection Application from the Catholic Diocese of Arlington and Warren County Board of Supervisors – *Joe Waltz*

8:30pm 6. Review of FY24 Town Council Retreat

7. Adjourn



CLOSED MEETING AGENDA STATEMENT

Meeting Date: February 12, 2024

Item# 02

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 purpose:

- 1) pursuant to §2.2-3711(A)(1) of the Code of Virginia, for the discussion, consideration, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, more specifically the Local Board of Building Code Appeals (LBBCA); and,
- 2) 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

Motion to Certify Closed Meeting at its Conclusion

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

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

Moved _____ Seconded _____

VM Sealock _____ Ingram _____ Morris _____ Rappaport _____ DeDomenico-Payne _____ Wood _____



COUNCIL REGULAR WORK SESSION AGENDA STATEMENT

Meeting Date: February 12, 2024

Item# 03A

Agenda Item: Purchase of a 66,000 lb. Heavy Duty Truck Lift

Summary: Request is being made of the Fleet Maintenance Department for the purchase, installation, and training of a new 66,000 lb. capacity heavy-duty surface mounted four post lift, during the regular scheduled meeting of February 26, 2024. This lift is capable of lifting the larger trash trucks, bucket trucks, and flush trucks.

The method of procurement is cooperative contracting, utilizing a Sourcewell contract #013020-SKI with Stertil-Koni, USA. Sourcewell offers cooperative procurement solutions to government entities. Staff received a quote from Alan Tye & Associates, of Fairfax, VA, utilizing the Sourcewell contract, for \$168,135.00.

The department currently has \$452,000.00 budgeted for the new equipment for the Fleet Maintenance Building. Staff would like to use \$168,135.00 of these funds towards the purchase of the heavy-duty lift.

Budget/Funding: 1800-R47010 Debt Service Fund – Fleet Maintenance Bldg. \$168,135.00

Staff Recommendation: Staff recommends approving as presented under the consent agenda of February 26th

MEMORANDUM

TO: Michelle Campbell Purchasing Manager

FROM: Donald B McPaters, Director of Fleet Maintenance *DBM*

SUBJECT: Purchase of an 66,000lb lift with two rolling jack beams, with mechanical locks, and tow sets of support arms.

DATE: January 29, 2024

The Fleet Maintenance Department has in the budget to purchase heavy duty lift for the Fleet Maintenance Building. This will be a heavy truck lift to lift larger trucks like the flush truck, trash truck, and large bucket trucks. Alan Tye & Associates has a #ST-4250-8 lift 66,000lb capacity with 26' runway that includes two jacking beams JB-120-2 Air/Hydraulic, capacity, 26,400lbs, width 33.5"-45.28" w/mechanical lock. Two sets of support arms. This lift is on Sourcewell (NJPA) Contract 013020 SKI. This include installation, testing, cleanup, and training. The price is \$168,135.00.



9669-D Main Street
Fairfax, VA 22031
1-800-347-3440
www.alantylifts.com



SALES ♦ SERVICE ♦ INSTALLATION ♦ SAFETY INSPECTIONS

Date: January 11th, 2024

Area Sales Manager – John Ward

571-422-6861 John@alantylifts.com

Proposal for

Town of Front Royal

800 Crosby Rd, Front Royal VA, 22630

Pricing based upon Sourcewell (NJPA) contract 013020-SKI

Issuance of NJPA Purchase Orders & Payment to: Stertil-Koni, USA orders@stertil-koni.com

➤ **Equipment -**

Furnish one (1) Stertil-Koni Heavy duty surface mounted Four Post ST-4250-8 Lift – 66,000 lbs. capacity, 26' runway, ALI/ETI Certified. Also includes –

- Two (2) jacking beams, JB-120-2 air/hydraulic, capacity 26,400 lbs, width 33.5"-45.28" w/mechanical lock
- Two (2) sets of support arms

Lift Equipment Price = \$147,865.00

➤ **Installation -**

Scope of work –

- Installation of new ST-4250 lift
- Testing
- Cleanup
- Training

Installation Price = \$17,970.00

Total Price	
Equipment Price	\$147,865.00
Installation Price	\$17,970.00
Tax	Not included
Freight	\$2,300.00
Total	\$ 168,135.00

Exclusions:

1. Quote excludes construction.
2. Quote excludes additional electrical work.
3. Quote excludes cost of any required bonds, or taxes.
4. Quote excludes cost of any required permits or cost of certified shop drawings needed to obtain permits.
5. Quote excludes certified payrolls.
6. Quote excludes payment and performance bonds.

Notes:

1. On sales of \$2k or greater charged to a credit card, a convenience fee of 3.5% for electronic processing on the total amount of the transaction will be added.
2. Storage of lifts beyond the agreed upon delivery date may result in storage fees of \$850.00 per lift per month.

Customer Installation Responsibilities:

1. Provide clear and unobstructed unloading area, within close proximity (not to exceed 100'-0) to the installation area.
2. Provide clear/unobstructed path from receiving area (*loading dock if available*) to installation area.
3. Provide clear and unobstructed workspace for the staging of items and the safe and effective installation of the unit(s).
4. Provide access (not to exceed 100'-0) to 110 V AC power for operation of power tools, etc.
5. Provide access to a dumpster for the disposal of all trash.
6. Debris removal and costs associated are the responsibility of the client, unless specifically noted in this offer.
7. Provide, without cost, a secure parking area for installation technician vehicles.

Terms: Due Upon Receipt

1. Issuance of Purchase Orders & Payment to:

Stertil-Koni – orders@stertil-koni.com

Quote valid for 60 days.

Any and all applicable taxes are purchaser responsibility.

ACCEPTANCE:

ster[®]til **KONI**

HEAVY DUTY 4-POST VEHICLE LIFTS

ST 4175 - ST 4250

Capacity 50,000 - 66,000 lbs.



STER[®]TIL
SUPERIOR SOLUTIONS

Superior Solutions



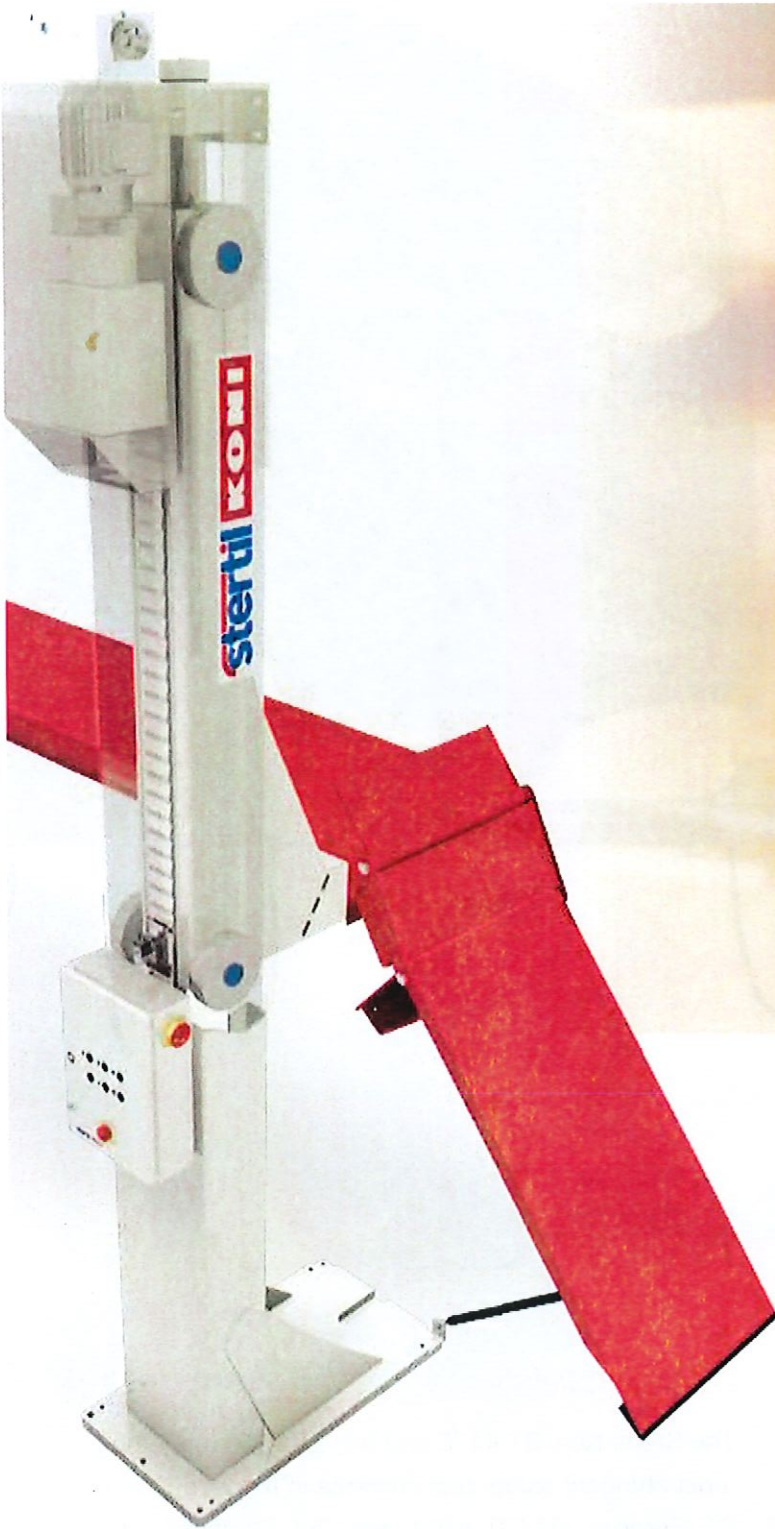
The Stertil group provides customized and technically advanced solutions for heavy-duty lifting requirements for customers throughout the world, including the best possible service from skilled local partners.

These superior solutions are conceived, developed and implemented by a team of professional specialists with unique expertise. Thanks to the quality of its people, its entirely in-house production and its international organization, Stertil is the world's number one producer of heavy-duty vehicle lifts.

Stertil-Koni

ST 4175

ST 4250



Optimum accessibility for the vehicle and the mechanic

Thanks to the lifting height of 75", the adjustable platforms and the unique design without any crossbeams, the mechanic has unrestricted access to the vehicle and an optimum working environment, allowing him to work comfortably in an upright position. Equipment such as a pit jack, axle supports or a gearbox jack can be put in place and used easily.

Innovative designs for maximum flexibility

Using the ST 4175 and ST 4250 four-post lifts, Stertil-Koni's specialists have designed a superior solution for the heavy-duty vehicle sector, with lifting capacities of up to (2x) 66,000 lbs. It stands out not only for the powerful and reliable lifting technology, but also for its innovative design. This design has a number of unique features: the very low drive-on height and the complete absence of any crossbeams. This means that the ST 4175 and the ST 4250 offer the greatest possible flexibility for working on heavier vehicles. The separation between the platforms can be adjusted easily to suit the platform width of the vehicle being lifted so that you can get the ideal configuration. The working space in the workshop is then utilized as economically as possible.



Superior technology

The hydraulic system is electronically controlled. This ensures a smooth lifting and lowering cycle, even in the event of an extremely uneven load distribution of the vehicle. With the absence of wear-susceptible parts (eg ropes and pulleys) maintenance is reduced to a minimum. Other innovative features are the programmable lifting height, impact-resistant LED lights that switch on and off automatically just above floor level and a warning signal for foot protection.

Rapid lifting

The ST 4175 and ST 4250 have a lifting time of 70 seconds and 95 seconds respectively, which makes these powerful 4-post lifts some of the quickest in the world in their class.

Maximum safety

The Stertil-Koni ST 4175 and the ST 4250 meet the most stringent safety requirements in the world. The CE (Europe), ALI-ETL (USA) and CSA (Canada) hall-mark is standard.

Flexible installation width

The absence of any crossbeams between the platforms allows the ideal width to be set at the time of installation, ensuring easy access for personnel and for axle stands, transmission jacks etc. The platforms can be adjusted on both sides. This significantly extends the working range of the lift.

Very low drive-on height



Very low drive-on height

The wide platforms have an extremely low drive-on height. This means that low ground clearance vehicles can also drive on easily. The standard approach ramps have a unique and ingenious design and are not an obstruction during work.

Durability

The Stertil-Koni ST 4175 and ST 4250 have been designed for a long, problem-free life. They have been designed and tested for a least 50,000 lifts under maximum load.

Economic electricity consumption

Microprocessor controlled hydraulics and high efficiency electric motors give outstanding performance and have very low energy consumption.

User-friendly operation

These heavy-duty 4-post lifts are easy to operate. The control panel is equipped with hold to run low voltage push buttons. The control system has a numerical on-board self-diagnostic program providing information about the system status.

Unique lifting height

Since the lifting height is 75", tall people can also work under the vehicle while standing upright. In this way back problems/injuries e.g. can be prevented.



Lifetime guarantee

The innovative synthetic runner wheels within the column come with a lifetime parts guarantee.

Independent safeties

Mechanical: the patented mechanical locking system works entirely independently of the lifting system and is permanently enabled. The mechanical locking, which is activated by gravity alone, guarantees the highest safety levels.

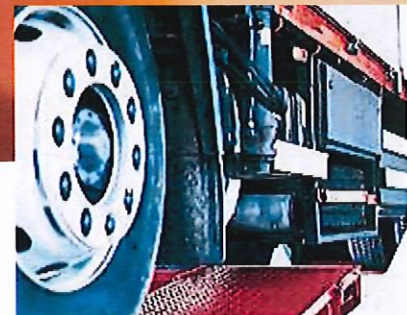
Hydraulic: each lifting cylinder is fitted with an oil flow control valve that is enabled throughout the lifting process. An integrated overpressure valve is fitted as standard to prevent each lifting column from becoming overloaded.

Platform lengths are available in 20, 26, 30, 33 or 38 feet offering maximum flexibility. This allows a very wide range of vehicles to be lifted.

Tandem configuration for articulated vehicles

Stertil's intelligent solution for extra-long lifting problems, e.g. articulated buses or trucks with trailers: simply configure two column lifts in line one behind the other in a tandem configuration with perfectly synchronized operation.

Maximum safety

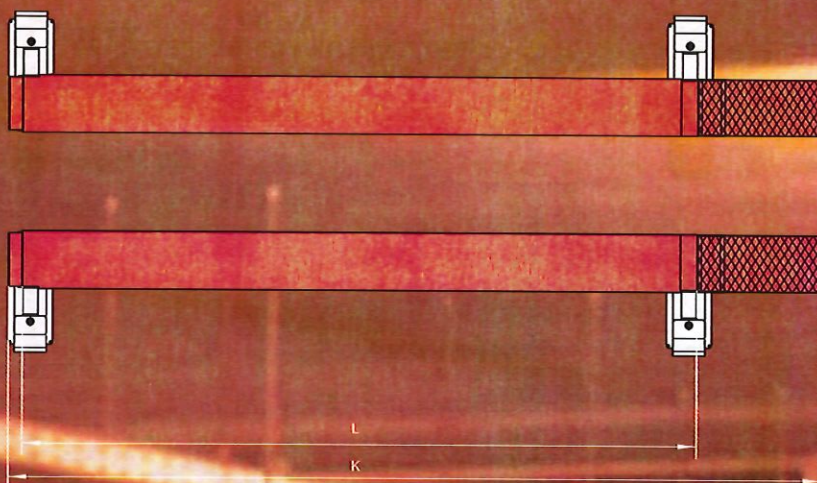
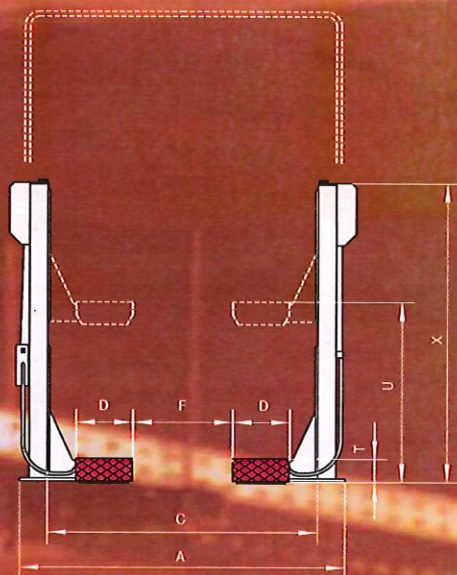


Accessories & Options:

- Axle supports from 18,000 lbs up to 26,500 lbs.
- Jacking beam (for wheel-free maintenance e.g. brakes, suspension, tires)
- Splash proof lighting set IP65
- Short approach ramps (recessed installation)
- Long fixed approach ramps
- Third platform (for lifting three wheel forklifts)
- Custom RAL colors

Maximum safety:

- **ANSI/ALI-ALCTV** certified (United States of America)
- **CSA** certified (Canada)
- **CE** certified (Europe)
- Low voltage control cabinet
- Automatic overload protection
- Independent mechanical locking system
- Microprocessor-controlled tracking system
- Automatic stop when highest position is reached
- Hold-to-run operation
- Emergency switch on every control box
- Splash-proof electrical system (IP65)



Specifications ST 4175

Lifting capacity: 50,000 lbs.

Lifting system: hydraulic

Lifting height: 75"

Lifting time: 70 seconds

Motor: 4 x 3 hp

Weight: 9,900 lbs (29'-6 1/8")

Model	K	L	A	C	D	F	T	U	X
19'-8 1/16"	24'-5 1/2"	20'-3 9/16"							
26'-2 3/4"	31'-3/16"	26'-10 1/4"							
29'-6 1/8"	34'-3 9/16"	30'-1 9/16"	12'-8 1/16"*	10'-7 5/16"*	27'-9/16"	(23'-5/8")* (47'-1/4")*	9 1/16"	6'-3"	11'-10 7/16"
32'-9 7/16"	37'-6 7/8"	33'-4 15/16"							
37'-8 7/16"	42'-5 7/8"	38'-3 15/16"							

* Flexible dimensions, depending on the working width.

Specifications ST 4250

Lifting capacity: 66,000 lbs.

Lifting system: hydraulic

Lifting height: 75"

Lifting time: 95 seconds

Motor: 4 x 3 hp

Weight: 12,600 lbs (29'-5 5/16")

Model	K	L	A	C	D	F	T	U	X
19'-7 11/16"	25'-6 1/8"	20'-3 15/16"							
26'-2 1/18"	32'-13/16"	26'-10 5/8"							
29'-5 5/16"	35'-4 1/8"	30'-1 15/16"	12'-11 7/16"*	10'-9 1/16"*	27'-9/16"	(39'-3/8")* (47'-1/4")*	11 1/4"	6'-3"	11'-11"
32'-9 1/16"	38'-7 1/2"	33'-5 5/16"							
37'-8 1/16"	43'-6 1/2"	38'-4 5/16"							

* Flexible dimensions, depending on the working width.

More information?

For more or specific information about the ST 4175, ST 4250 or one of the other quality products from Stertil-Koni, please contact us for further assistance.



Stertil-Koni U.S.A. Inc.
200 Log Canoe Circle
Stevensville, Maryland 21666
Tel. 410-643-9001
Toll free 800-336-6637
Fax 410-643-8901
www.stertil-koni.com
lifts@stertil-koni.com

StertilKoniUSA @StertilKoniUSA

a member of the Stertil Group



COUNCIL REGULAR WORK SESSION AGENDA STATEMENT

Meeting Date: February 12, 2024

Item# 03B

Agenda Item: Purchase of Various Equipment and Machinery for the Fleet Maintenance Building

Summary: Request is being made by the Fleet Maintenance Department for the purchase, installation, and training of various types of equipment and machinery for the new Fleet Maintenance Building, during the regular scheduled meeting of February 26, 2024. The equipment included in this request includes a new 35,000lb heavy-duty alignment lift, heavy-duty tire changer, table-top tire changer, and heavy-duty diagnostic balancer.

The method of procurement is cooperative contracting, utilizing Virginia State Contract #CTR013831-1, with Hunter Engineering Company. All quoted equipment has been competitively Bid and Awarded by the Commonwealth. Staff received a quote from Mohawk Lifts LLC, of Amsterdam, NY, utilizing the NASPO ValuePoint Master Agreement contract, for \$177,823.46.

The department currently has \$452,000.00 budgeted for the new equipment for the Fleet Maintenance Building. Staff would like to use \$77,823.46 of these funds towards the purchase of the heavy-duty lift.

Budget/Funding: 1800-R47010 Debt Service Fund – Fleet Maintenance Bldg. \$168,135.00

Staff Recommendation: Staff recommends approving as presented under the consent agenda for February 26th

HDPS MEMORANDUM

TO: Michelle Campbell Purchasing Manager

FROM: Donald B McPaters, Director of Fleet Maintenance 

SUBJECT: Purchase of a 35,000lb alignment lift with attachments. Wheel balancer for automotive to large truck tires. Tire changing Machine for Automotive to large pickup tires. Tire changing Machine for 14.5" to 24.5" tires larger truck tires and some equipment tires.

DATE: January 29, 2024

The Fleet Maintenance Department has in the budget for the new Fleet Maintenance Building plans to purchase a Heavy Duty 35,000lbs four post lift with center lifts and rotating turn table built for front end alignments. It will accommodate both automotive and heavy trucks. This will be purchased through the Hunter Engineering Company Virginia State Contract # CTR01383.

L494HDPS HD 4-post 35,000 capacity, galvanized 30in wide runway, 300in alignment w/b, turntable pockets, push bottom power slide slip plates. Price is \$77,192.23.

#20-3790-1 L494HD approach ramps extension for lower clearance vehicles, Price is \$3634.69,

#133-90.2 Two 20,000lb center lifts with mechanical safety locks. Price \$10,540.60X2=\$21,081.20 for both.

#118-668-2 Cross beam adaptor, used to spread adapter lift points. Typically need when lifting from springs in caster adjustment on large trucks for #133-90-02 Jacks. Price is \$1,116.97.

#20-3733-1 FIA turnplate kit includes (2) Power slide turnplates and FIA control box, Adds full FIA aligner control to power slide slip plates (if L494HD-PS) and turnplates. Price \$8,898.31.

#20-3745Alignlights for L494HD Ease service by safety illuminating underside of vehicle. Price \$1,401.95.

#20-3758-1 Super Set: Contains 20-2274-2 HD truck kit, 20-3116-1 MD Centering Kit, Bull Eye collets with storage and 4.5", 6 and 9" mounting cups. Provides complete coverage from Kia to Kenworth. Includes Cen IV collet storage kit 56-70-2 Replaces 20-355-1. Price \$5,115.37.

Total for lift and attachments is \$118,440.72.

We also have a tire changing machine for large truck tires. The tire changer machine will handle all the larger truck tires and some equipment tires. It is through the Hunter Engineering

Company Virginia state contract #CTR01383. The tire machine is a TCX635PHD, and the price is \$22,188.82.

We also have a tire changing machine in the same contract, The tire changer machine is for automobiles and pickups with tires up to a 19" tire. This machine is through the Hunter Engineering Company Virginia state contract #CTR01383. The tire changing machine is part # TCX59PRO and the price is \$16,834.97.

We also have a tire balancer HDE32 wheel balancer. The tire balancer wheel balance automobile and large truck tires. This tire balancer machine is through the Humer Engineering Company Virginia State Contract. #CTR01383. The tire balance machine Part #HD32 and the price is \$20,358.95.

All quoted equipment has been Competitively Bid and Competitively Awarded on Virginia State Contract #CTR013831-1 and is Guaranteed Best government pricing. Freight, installation, Training & Training Certificates included at no charge.

MOHAWK LIFTS

Vendor: **MOHAWK LIFTS LLC**
PO Box 110, Amsterdam, NY 12010
HUNTER@MOHAWKLIFTS.COM
Karly 800-833-2006 x7777



HUNTER
Engineering Company

For purchase of Hunter equipment using:

Virginia State Contract #
CTR013831-1
Valid: 05/10/2023 - 03/31/2028

All quoted equipment has been Competitively Bid and Competitively Awarded on Virginia State Contract # CTR013831-1, and is Guaranteed Best government pricing. Freight, Installation, Training & Training Certificates Included @ No Charge.

CUSTOMER
Don Mcpaters THE TOWN OF FRONT ROYAL VA 800-C CROSBY RD FRONT ROYAL, VA 22630 automaintenance@frontroyal.com (540) 636-6350

QUOTE NUMBER	QUOTE DATE
FrontRoyal.HDE32.122123	1/29/2024
Freight Terms:	FOB Destination, Prepaid
Payment Terms:	Net 30
Lead Time:	Model Dependent
Good Through:	March 15, 2024

PART #	DESCRIPTION	QTY	LIST PRICE	CONTRACT PRICE	TOTAL
L494HDPS	HD 4-Post~35,000lb Capacity,~galvanized 30 in. wide runways, 300 in. alignment w/b,~turnplate~pockets, push button powerslide slip plates (not FIA unless equipped with FIA t/p kit).~Note: Turnplates, jacks, light kits and other acc's. ordered separately.	1	\$ 85,749.12	\$ 77,192.23	\$ 77,192.23
20-3790-1	L494HD Approach Ramp Extension ~ for low clearance vehicles. Kit 20-3826-1 needed if adding to L494HD produced prior to July 19, 2021	1	\$ 4,037.60	\$ 3,634.69	\$ 3,634.69
133-90-2	20,000lbs Jack for P/L49xHD~with mechanical safety locks.~ Up to two jacks may be added to each P/L49xHD.~	2	\$ 11,709.04	\$ 10,540.60	\$ 21,081.20
118-668-2	Cross Beam Adaptor, Used to spread adaptor lift points. Typically needed when lifting from springs in caster adjustment of large trucks for 133-77-2 and 133-90-2 jacks only.	1	\$ 1,240.79	\$ 1,116.97	\$ 1,116.97
20-3733-1	FIA Turnplate Kit ~ Includes (2) PowerSlide Turnplates and FIA control box. Adds full FIA Aligner control to powerslide slip plates(if L494HD-PS) and turnplates. Suitable for L494HD, P490HD, P491HD.	1	\$ 9,884.70	\$ 8,898.31	\$ 8,898.31
20-3745-1	Alignlights Kit for L494HD ~ Ease service by safely illuminating underside of vehicle	1	\$ 1,557.36	\$ 1,401.95	\$ 1,401.95
HDE32	Includes no-touch laser vision system, SmartWeight, wheel lift, Spindle-Lok, 3 centering pin kits, Diagnostic Load Roller, TDC Laser System. Mounting adaptors sold separately.	1	\$ 22,615.77	\$ 20,358.95	\$ 20,358.95
20-3758-1	Super set: Contains 20-2274-2 HD truck kit, 20-3116-1 MD Centering Kit, BullsEye collets with storage and 4.5", 6" and 9" mounting cups. Provides complete coverage from Kia to Kenworth. Include Gen IV collet storage kit 56-70-2 Replaces 20-3155-1.	1	\$ 5,682.42	\$ 5,115.37	\$ 5,115.37
TCX635PHD	Suited for over-the-road truck tires from 14.5" to 24.5" Tulip clamping. Includes Alu and steel wheel bead clamps, two bead loosening rollers, demount hook, mounting lever, 2 ramps, aluminum jaw covers & L6-20P plug.	1	\$ 24,648.48	\$ 22,188.82	\$ 22,188.82
TCX59PRO	Tire Changer, Hybrid Leverless, Table-Top, FastBlast, Full BPS, PowerOut Bead Breaker, Automatic Swing Arm, 10-26" clamping, (220v, 5a, L6-20P plug).	1	\$ 21,372.75	\$ 16,834.97	\$ 16,834.97

Click here for Mohawk Lifts LLC Form W9: mohawklifts.com/w9

Subtotal \$ 177,823.46

Sales Tax (if applicable) \$ -

NOTES:

TOTAL \$ 177,823.46

This quotation is subject to the terms and conditions noted on the following page

WDC

V8.23

TERMS AND CONDITIONS

- 1) This order is subject to the standard terms and conditions of the above named contract and the corresponding master agreement, which are hereby incorporated by reference and accessible at www.govlifts.com.
- 2) The quoted prices have been competitively bid and awarded and are guaranteed to be the lowest government prices.
- 3) Electrical and compressed air connections to equipment are not included on this quotation. Any required concrete or electrical work is to be supplied by an outside contractor or the buyer and is not included in this quote.
- 4) All software pre-installed on, or subsequently released by Hunter for, Hunter equipment is licensed pursuant to the Hunter Engineering Company End User License Agreement ("EULA") accompanying such software. By placing an order for, purchasing, or using Hunter equipment, you acknowledge and agree to be legally bound by the EULA, which is hereby incorporated by reference.
- 5) Each party will agree to defend, hold harmless, and indemnify the other from any cost, loss, or damages of any type, including attorney fees, to the extent that they arise from the breach of the Agreement and/or willful misconduct or negligence.
- 6) The buyer is responsible for inspecting all products at the time of delivery and before signing the delivery receipt, freight bill, or bill of lading. Should the buyer determine at the time of delivery that any items are damaged or missing the buyer must note the item, discrepancy, or condition on the delivery receipt, freight bill, or bill of lading. Mohawk is not responsible for missing or damaged products when the buyer has signed the delivery receipt, freight bill, or bill of lading in good condition.
- 7) A fork truck must be supplied at the offload site to unload the equipment from the freight carriers and, if applicable, for installation.
- 8) Price does not include sales tax (unless applicable), duties, brokerage, or any other fees.
- 9) Any and all permits, licenses, fees, etc. are the buyers responsibility

DUNS: 117797939 / CAGE CODE: 8VDK6 / UEI: F9QME4G11RT5 / FEIN: 85-3221959 / SMALL BUSINESS SAM REGISTERED

WDC

FrontRoyal.HDE32.122123

V8.23

To place your order using this quotation, please fill in the following required information:

☐ Same a
Billing

BILLING INFORMATION

SHIPPING INFORMATION

Name: _____

Address: _____

Contact: _____

Phone: _____

Email: _____

Name: _____

Address: _____

Contact: _____

Phone: _____

Email: _____

Delivery Hours/Instructions: _____

Acknowledged and Accepted by:

Authorized Buyers Name (PRINT)

Authorized Buyers Signature

Title

Date

Phone

Email

Remit orders to:

MOHAWK LIFTS LLC

PO Box 110, Amsterdam, NY 12010

HUNTER@MOHAWKLIFTS.COM

TCX635 Heavy-Duty Tire Changer

Optimized for over-the-road truck tires



Key Features at a Glance



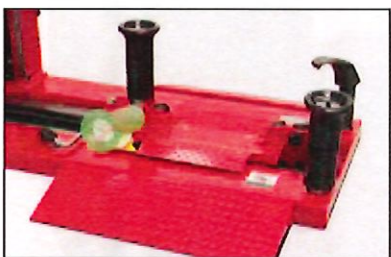
Tulip-style clamp

- ✓ Clamps quickly and easily
- ✓ No damage to the wheel



All-in-one controls

- ✓ Houses all user operations
- ✓ Pivots to allow flexibility
- ✓ Adjustable height (two positions)

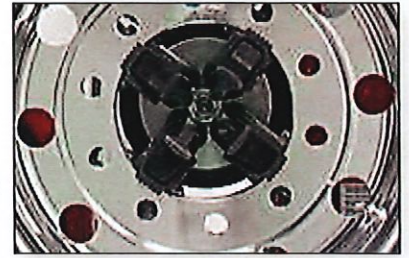


Bead-breaking rollers

- ✓ Quickly and easily break tire beads
- ✓ Drop roller saves time
- ✓ No wheel damage



TCX635PHD shown



Size variety

- ✓ Service standard truck tires as well as super-singles
- ✓ Steel or aluminum rims easily serviced



Reduce risk

- ✓ No lifting tires
- ✓ No tire load
- ✓ No hammers



Hydraulic-powered carriage

- ✓ Eases wheel clamp positioning
- ✓ High speed for fast service
- ✓ Low profile reduces positioning effort



Fast & Easy Demounting...

Roll the wheel onto the carriage
and move the carriage inward



- ✓ Loosen the beads using the rollers and lube.
- ✓ No hammers needed!



- ✓ Quickly slide the carriage and spin the tire, rolling both beads off of the rim. It's that easy.

Demount in as little as 55 seconds.



...and Mounting.



*Easy mounting shown
using optional lever*



✓ Use standard aluminum or steel rim clamps to assist mounting.

Mount in as little as 30 seconds.



**For many standard tires, super-fast
double bead mounting is possible.**

Safety Comes Standard



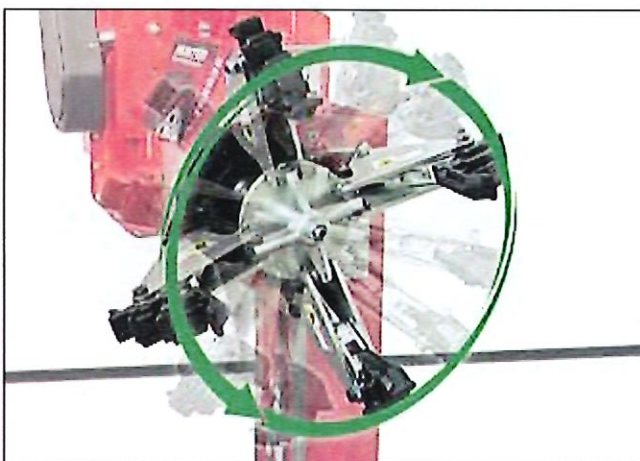
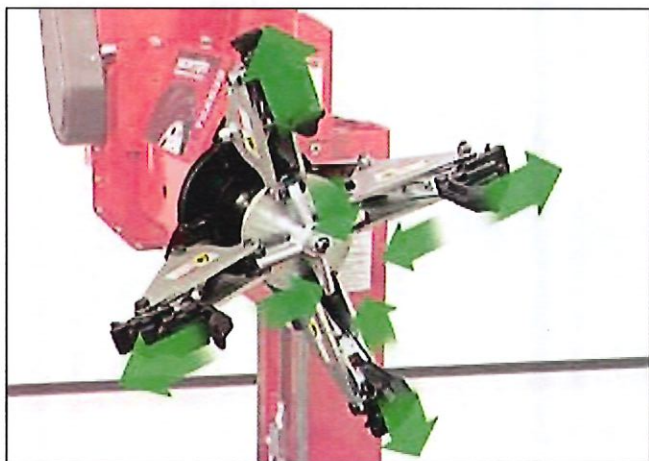
The TCX635 functions close to the ground to keep heavy tires at a safe height.

Wheel Serviceability



See TCX645HD for serviceability of implement and agricultural (loader) tires.

Effortless clamping design

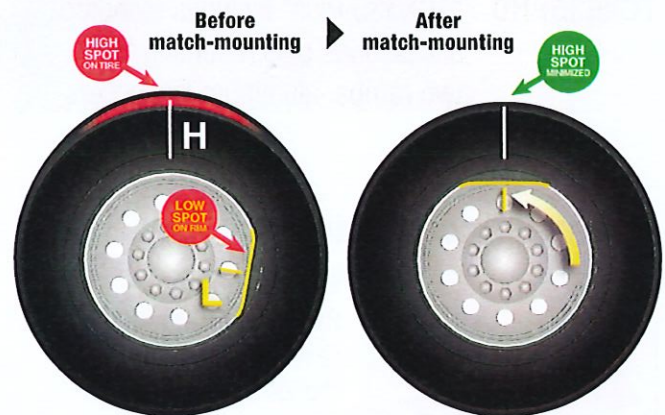
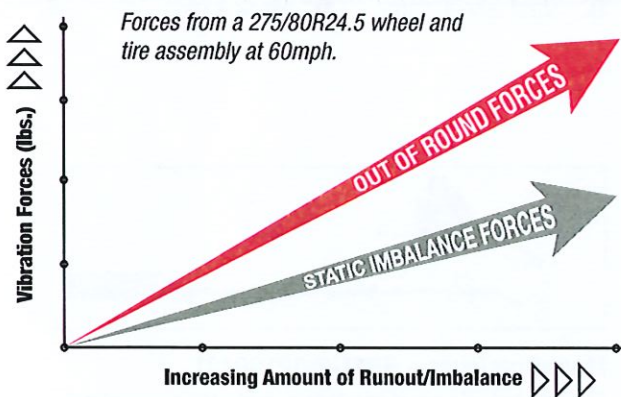


The innovative tulip-style clamp expands and contracts quickly for fast mounting of wheels of all sizes.

Heavy-Duty Tire Changers Paired with ForceMatch® Makes Match-Mounting Easy!



TCX625HD shown



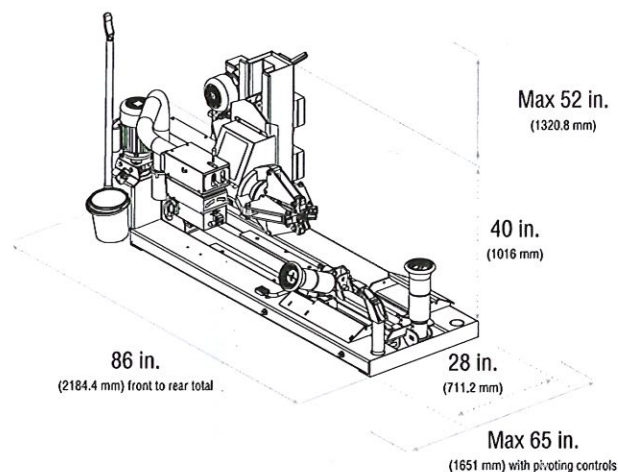
- ✓ Match the high spot of tire to low spot of rim
- ✓ Makes assembly as round as possible



When combining ForceMatch® wheel balancer (left) with a heavy-duty tire changer (right), their match-mounting capability achieves the smoothest possible ride.

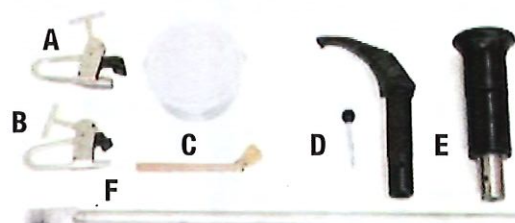
Specifications

Min. rim-center hole diameter	3.94 in. (100 mm)
Max. rim diameter	14.5 - 24.5 in. (368 - 622 mm)
Wheel assembly	
Max. diameter	58 in. (1473 mm)
Max. width	27 in. (686 mm)
Max. weight	1,545 lbs. (700 kg)
Operating voltage	208 - 240V, 1ph, 60Hz, 20A
Rotation speed	9 rpm clockwise & counter-clockwise
Torque	1,625 ft.-lbs.
Shipping weight	1,168 lbs. (530 kg)



The TCX635 is designed to service truck-type tires with angled bead seats. Passenger car and light-truck tires cannot be serviced on this changer even if they are in the listed clamping range.

Standard Accessories



- A. Alu. wheel clamp
- B. Steel wheel clamp
- C. Tire paste & brush
- D. Hook & pin
- E. Roller
- F. Lever

Ordering Information

TCX635HD	220V (Nominal), 1 Phase, includes standard accessories
TCX635PHD	"TCX635 Plus" includes standard accessories <u>plus</u> mounting lever, two ramps, aluminum jaw covers

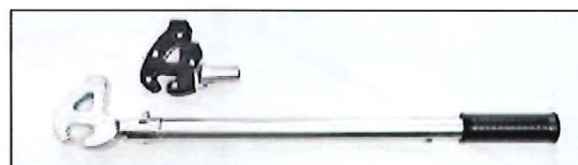
Optional Accessories



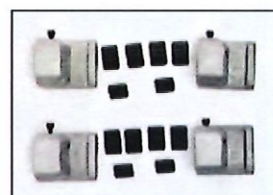
Entry/exit ramps – RP11-8-12100040
Ease rolling tire onto changer. Two included.
Standard with TCX635PHD.



Disk roller
RP11-2016908
Bead-loosening roller for all vintage TCX62xHD tire changers



Mounting lever – RP11-8-12100181
Speeds outside bead mounting. Includes steel wheel and ALU wheel heads.
Standard with TCX635PHD



Aluminum jaw covers
RP11-8-12100156
Prevent center-bore damage on aluminum wheels.
Standard with TCX635PHD.

Because of continuing technological advancements, specifications, models and options are subject to change without notice.

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0920AH

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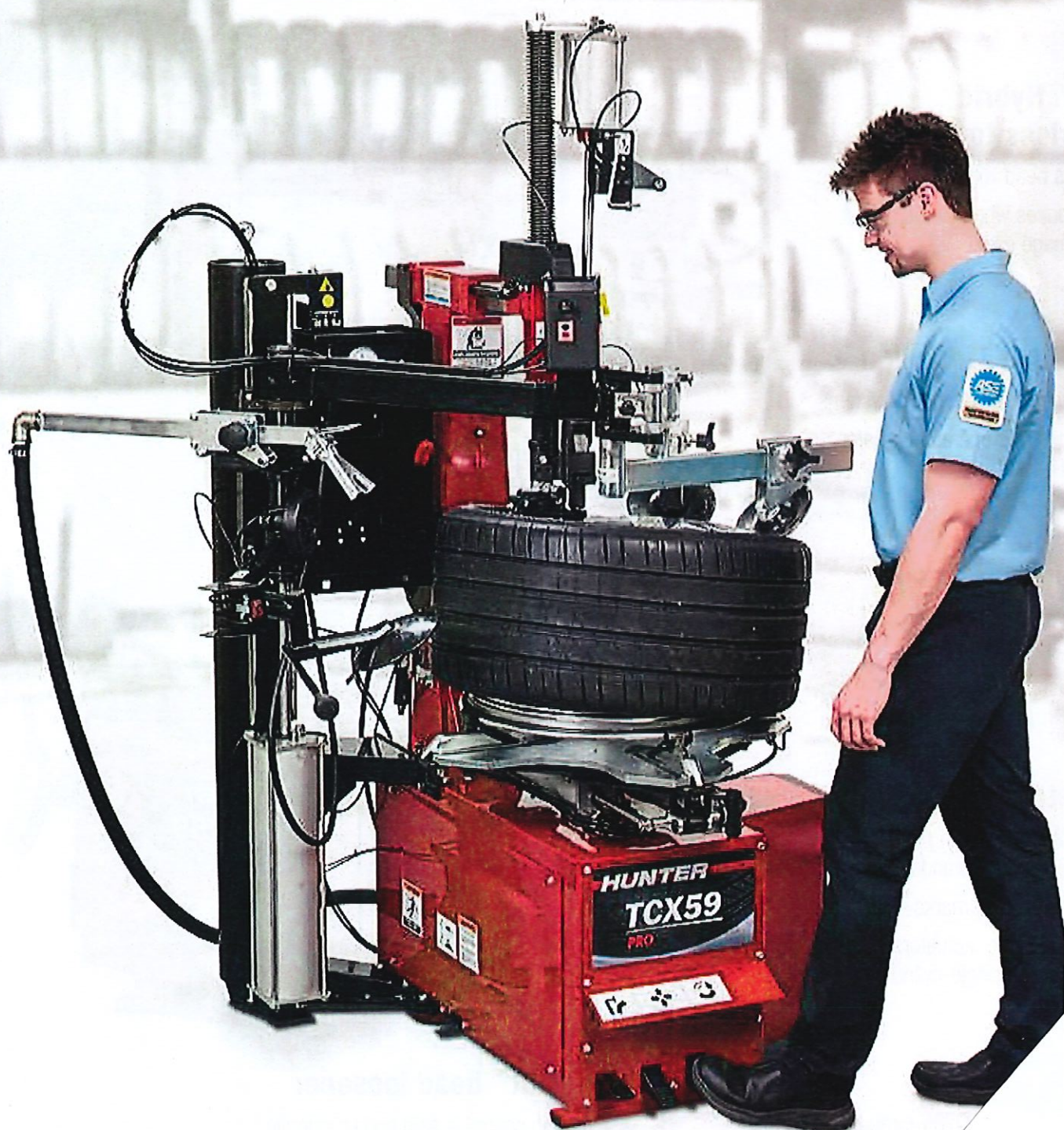
HUNTER
Engineering Company
www.hunter.com

Form CB07826-00, 09/20

TCX59 Pro

Premium tabletop tire changer

NEW



Key features at a glance

PATENTED

Bead Press System

- ✓ Tremendous power and control
- ✓ Aids mounting and demounting
- ✓ Auto-centering simplifies operation

NEW! Hybrid leverless tool head

- ✓ Lifts bead without use of levers
- ✓ Reduces wheel and tire damage risk

EXCLUSIVE

FastBlast™ inflation

- ✓ Outperforms handheld systems
- ✓ Hands free operation is safer and easier

Locking lower arm

- ✓ Helps demount heavy and difficult tires
- ✓ Assists match-mounting

Tabletop clamp

- ✓ 10-28 in. clamping range (6-30 in. with standard adaptors)
- ✓ Measurement marks ease clamping
- ✓ Twin-cylinder actuators exert more clamping force than single-cylinder designs

Motor and drive

- ✓ Powerful 220V high-torque motor
- ✓ Two-speed forward drive

Swing-arm column

- ✓ Saves space over tilt-column designs
- ✓ Locks rim diameter and width measurements for same-sized wheels



PowerOut™ bead loosener

- ✓ Fingertip control is safe and ergonomic
- ✓ Most powerful in the industry

NEW! Hybrid Leverless Head

Fast and easy leverless tool head

- ✓ **Extended travel**
 - Improves demount range and performance
- ✓ **Unique Tilting Lip**
 - Keeps bead in position during demount
 - Rounded profile reduces tire damage risk
- ✓ **Polymer winged head**
 - Doesn't require protective inserts
 - Reduces wheel damage risk
 - Wing feature keeps beads in position during mount
- ✓ **Ergonomic controls reduce operator fatigue**



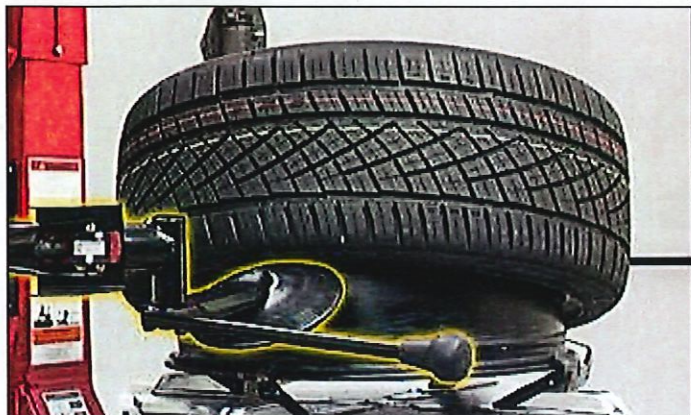
Easy-to-operate controls

- ✓ Fully variable speed and travel control
- ✓ Familiar mount head design
- ✓ Familiar mounting techniques



EXCLUSIVE

Locking Lower Arm



Demounting with locking arm

Demount heavy, stiff or wide tires easily with roller disc.



Match-mounting made easy

Lower locking arm allows operator to spin the tire for match mounting.

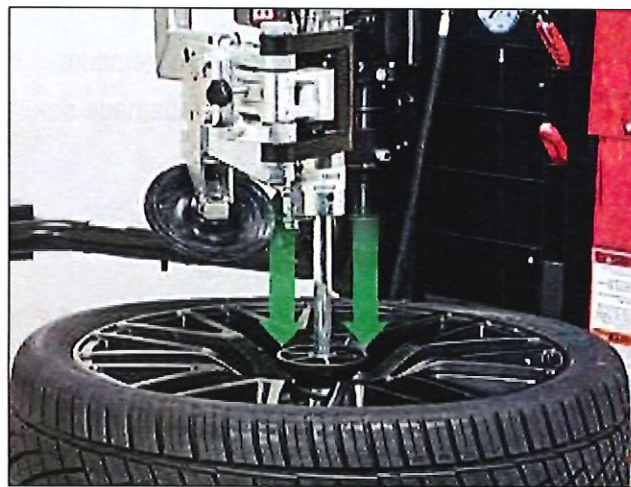
Dynamic bead press system

PATENTED

The Bead Press System speeds and eases clamping, lubricating, demounting and mounting the toughest wheel and tire combinations. The exclusive system centers to the wheel to ensure maximum service strength and rigidity.

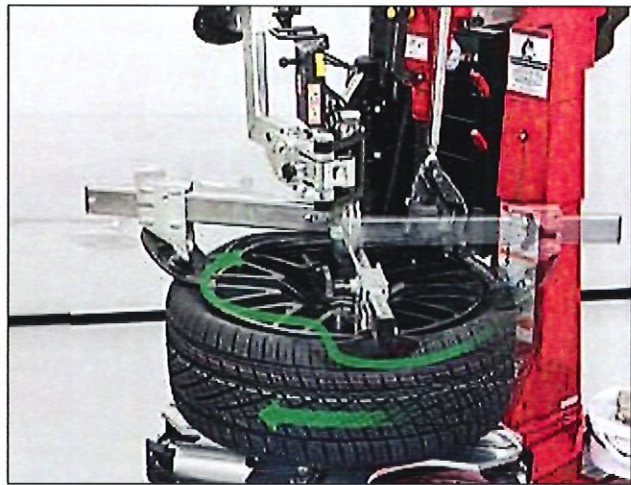


Clamping assistance when needed



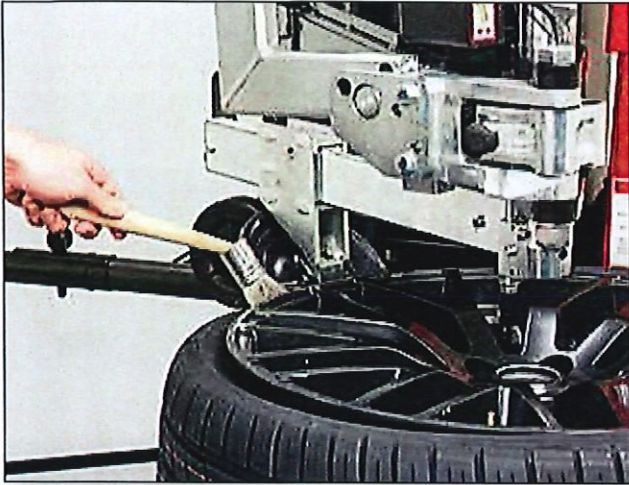
Wheel press cones and extension arm simplify external clamping when servicing low-profile tires.

Mounting: Difficult processes

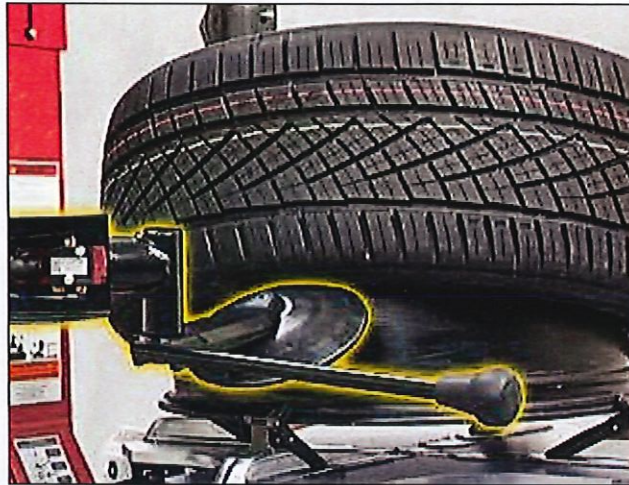


Rising cam action reduces bead stress on top bead mount.

Demounting: Integrated tools ease labor



Rollers discs assist bead lubrication and ease demounting.



The bottom roller disc can be used for bottom bead loosening, demounting or match mounting.

nade easy



A single bead press roller disc can quickly assist mounting and demounting stiff sidewall tires.



The flip down, fixed bead press arm adds additional contact to service the most extreme low-profile tires and deep drop-center wheels.

FastBlast™ Inflation System

Designed with truck and SUV service in mind, the new top-side blast inflation system is optimized to seat even the most difficult tires.



- ✓ Large 6.5 gallon air tank features a higher capacity than most portable inflation devices
- ✓ Traditional jaw blast inflation is still standard and effective for most tires

Effortless inflation



Large tank provides ample volume to seat the toughest tires. Simply set the position, select inflation mode then press the inflation pedal.



Safe and easy



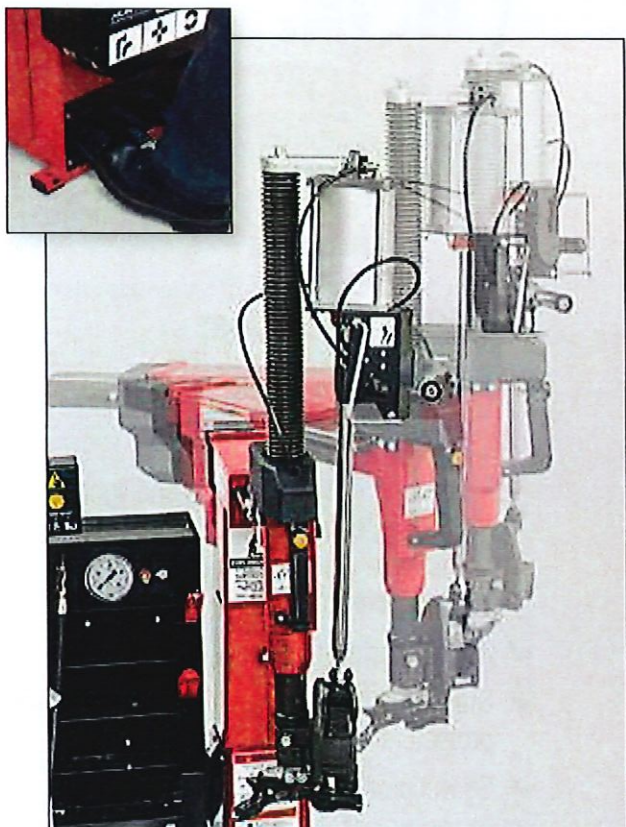
Nozzle is securely mounted to Bead Press carriage, allowing completely hands free operation.

Efficient and powerful features

EXCLUSIVE

Automatic swing arm

- ✓ With the push of a single button, the swing arm locks the wheel diameter and width
- ✓ 30% smaller footprint than tilt-column designs
- ✓ Foot pedal operation keeps hands free



Powerful motor and drive

- ✓ Two-speeds forward (7 and 17 rpm) for efficiency or finesse
- ✓ Single-speed in reverse (7 rpm)
- ✓ 220V high-torque motor delivers ample power for difficult conditions



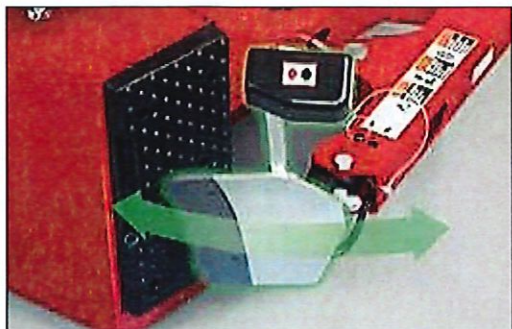
Easy-to-use, adjustable tabletop

- ✓ Built-in adjustment system provides 10- to 28-in. clamping range
- ✓ All jaws adjust simultaneously for mistake-free clamping
- ✓ Polished tabletop for easy cleanup
- ✓ Hi-grip jaw covers increase torque transfer and protect wheels
- ✓ Diameter marks aid external clamping



PowerOut™ side shovel

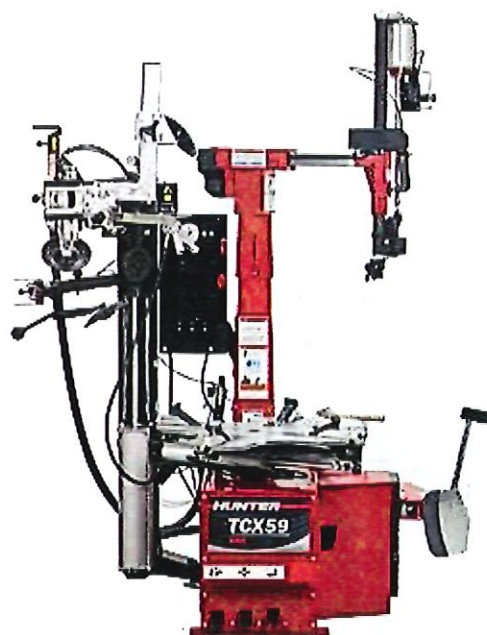
- ✓ Fingertip control eases service of large assemblies
- ✓ Smoothly pulls tire out of stuck beads, saves time in positioning
- ✓ Three-way adjustable shovel angle



Specifications*

Electrical	220V, 1 ph, NEMA plug type L6-20P
Air pressure operating range	110–145 psi
Air volume of inflation tank	6.5 gallons
Wheel clamping (nominal)	
External clamping (min-max)	10 – 26 in.
Internal clamping (min-max)	12 – 28 in.
With standard adaptors	6 – 30 in.
Table rotation speed	
Electric motor	Clockwise: 7 rpm and 17 rpm Counter-clockwise: 7 rpm
Tire diameter	43.3 in.
Rim width maximum	14 in.
Bead loosener width	16 in.
Shipping weight	1,050 lbs.
w/ wheel lift	1,150 lbs.
Max. space dimensions	78 in. (W) x 84 in. (H) X 56 in. (D)

* Some dimensions, capacities and specifications may vary depending on tire and wheel configurations or options.



TCX59Pro includes:

- ✓ Bead Press System (BPS) with:
 - Primary traveling arm
 - Fold-away fixed arm
 - Pressing cones (standard and light)
 - Pressing cone extension
 - FastBlast hands-free inflation
 - Lower locking disc
- ✓ Jaw extension/reducers
- ✓ Standard bead lever and bead lever polymer protectors
- ✓ Shovel protectors (polymer)
- ✓ Hi-grip jaw protectors

Ordering Information:

TCX59PRO Hybrid leverless tabletop changer

Equipment upgrades

Wheel Lift – 20-2045-1



Optional wheel lift eases servicing of large assemblies. Allows for more careful handling of expensive wheels.

Because of continuing technological advancements, specifications, models and options are subject to change without notice.

Heavy-Duty Four-Post

35,000 lbs alignment lift for commercial vehicles

NEW

**ALIGNMENT
READY!**

**MADE
IN USA**
HUNTER ENGINEERING COMPANY ST. LOUIS, MO



Heavy-Duty Four-Post Lift

Alignment-ready for all commercial and fleet vehicles!

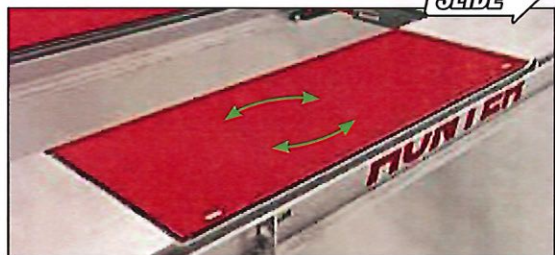


- ✓ Lifts 35,000 lbs.
- ✓ Align up to 300" wheelbases*
- ✓ Extra-wide 30" runways — accommodate all vehicles



OPTIONAL

PowerSlide®



- ✓ Eliminate struggle with turnplate pins
- ✓ Turnplates and slipplates lock and unlock at the right time (with FIA)
- ✓ Align light-duty vehicle

OPTIONAL

AlignLights



- ✓ Lights turn on and off as vehicle is raised and lowered
- ✓ Illuminate work area for productivity and safety

* Max alignment wheelbase is measured from centerline of front axle to centerline of the last axle

OPTIONAL

Fully-Integrated Alignment (FIA)

- ✓ FIA console Controls PowerSlide feature
- ✓ FIA allows WinAlign® aligners to control lift features for ultimate productivity.



Model L494HD shown with optional jacks, turnplates, and AlignLights



EXCLUSIVE

Lock & Pulleys

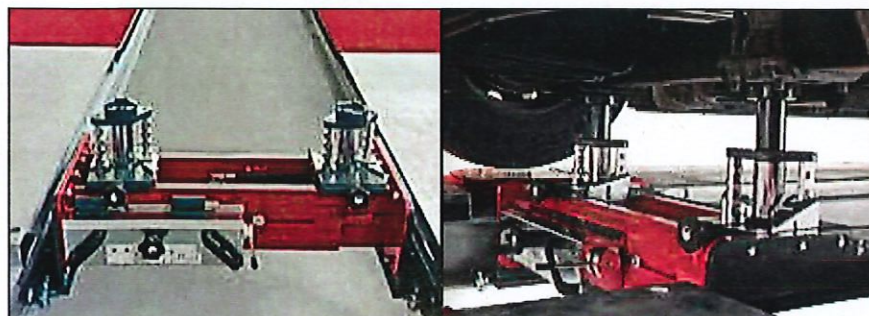
- ✓ 7 lock heights ensure level runways
- ✓ Long-life galvanized cables



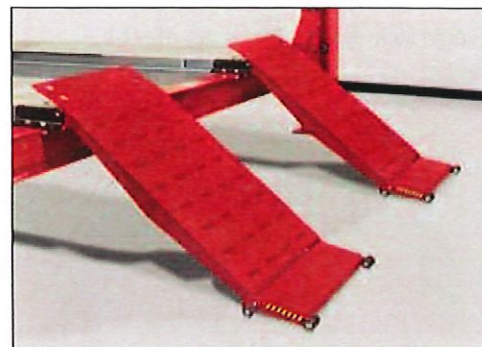
OPTIONAL

Jacks

- ✓ Easily raise vehicles off runways
- ✓ 20,000-lb. capacity — one or two jack options



Louvered Ramps



- ✓ Louvered ramps prevent wheel spin
- ✓ More effective than diamond tread or abrasive strips



- ✓ Optional approach ramp extensions assist locations with high floor slope or service vehicles with low ground clearance

EXCLUSIVE

Control Unit

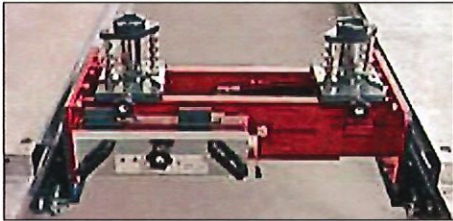


- ✓ Easy-to-use console
- ✓ Powerful 3-hp motor

Optional Features

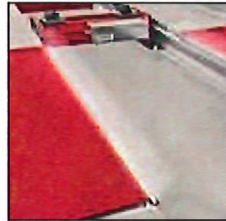
20,000-lb. Jack — 133-90-2

Single jack. One or two jacks may be added.



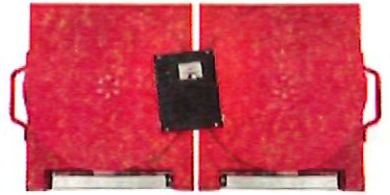
AlignLight Kit — 20-3745-1

Ease service by safely illuminating work area.



FIA Turnplate Kit — 20-3733-1

FIA locking turnplates adds productivity via aligner control.



Specifications

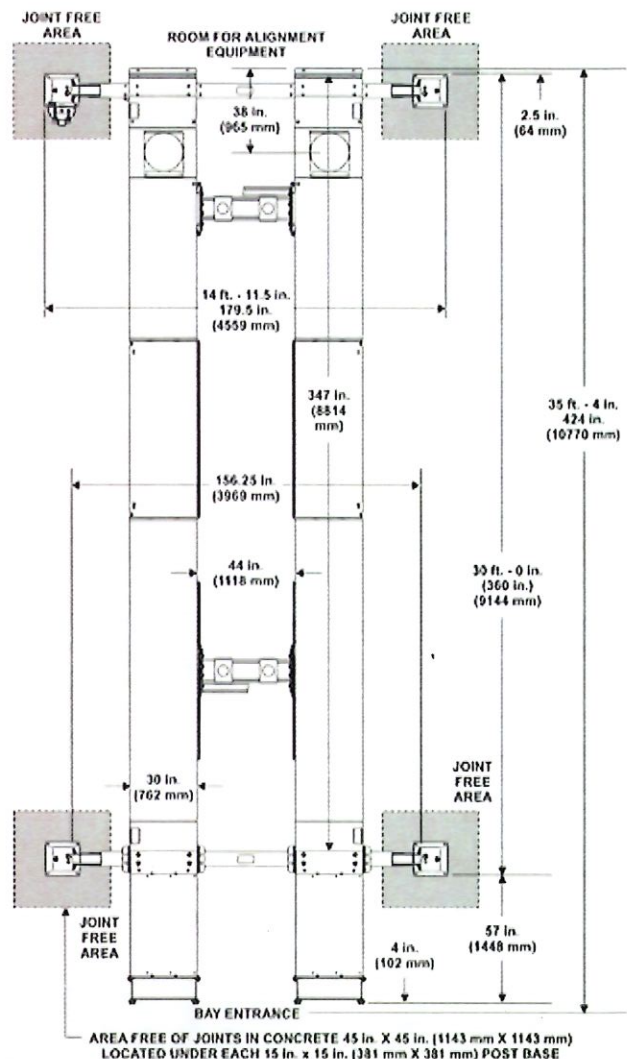
Max. vehicle weight	35,000 lbs. (15874 kg)
Max. wheelbase	
General service	320 in. (8128 mm)
Two-wheel alignment*	300 in. (7620 mm)
Four-wheel alignment	158 in. (4013 mm)
Min. four-wheel alignment	88 in. (2235 mm)
Max. lifting height	69.88 in. (1775 mm)
Alignment height	Any of 7 lock positions
Minimum height	11.88 in. (302 mm)
Overall height	98 in. (2489 mm)
Tread width	
Min. inside	44 in. (1118 mm)
Max. outside	104 in. (2641 mm)
Motor	3 hp, 208-230 VAC, 60 Hz, 1 ph
Air	90-150 psi (6.2-10.3 bar)**

* Alignment wheelbase is centerline for front axle on turnplates to centerline of rearmost axle. Longest vehicles may need jacking compensation to get alignment readings

** 115 psi (7.9 bar) required for full jack capacity



Hunter L494HD lifts have been certified under the program conducted by Automotive Lift Institute (ALI) to comply with Safety Standard ANSI/ALI ALCTV and Electrical Standard UL 201.



Because of continuing technological advances, specifications, models and options are subject to change without notice.

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HUNTER
Engineering Company

www.hunter.com

Form RB07829-00, 01/22
Supersedes Form RB07829-00, 09/21

HD Elite Balancer

The world's #1 heavy-duty diagnostic balancer

HDE32

**AUTOMATIC WHEEL
MEASUREMENTS!**

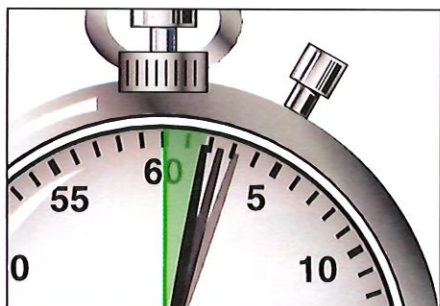
**MADE
IN USA**
HUNTER ENGINEERING COMPANY SE LOUIS, MO



HD Elite Balancer quickly measures runout with every balance

EXCLUSIVE

Unmatched Speed!



- ✓ Measure runout and balance faster than any traditional balancer!

PATENTED

Laser Vision System



- ✓ Eliminate error opportunities
- ✓ More information in less time



OPTIONAL | PATENTED

Diagnostic Load Roller



- ✓ Roller detects high spot of tire and allows matching
- ✓ Measures entire contact patch for accurate results



Designates features requiring diagnostic load roller.

EXCLUSIVE

Most durable shaft in the industry

**MADE
IN USA**
HUNTER ENGINEERING COMPANY ST. LOUIS, MO

PATENTED

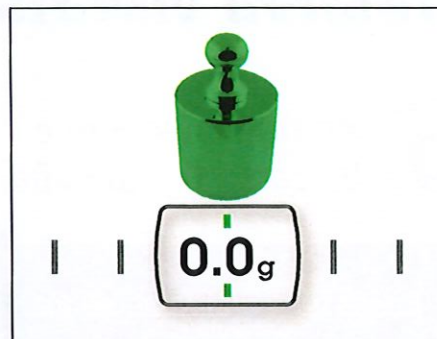
Automatic CenteringCheck®



- ✓ Ensures proper centering
- ✓ Eliminates setup errors

PATENTED

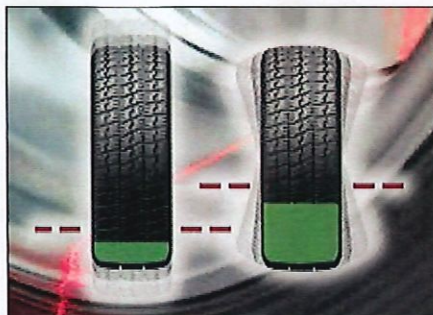
eCal Auto-Calibration



- ✓ True "self-calibration"
- ✓ No operator input required

PATENTED

Enhanced SmartWeight®



- ✓ Even better balance
- ✓ Maximum efficiency
- ✓ More single weight solutions

STANDARD

Touchscreen Interface



- ✓ Intuitive interface
- ✓ Quickly train new technicians

STANDARD

Wheel Lift



- ✓ Easily lifts wheel assemblies up to 500 lbs
- ✓ Aids proper mounting

Balance Any Size Wheel



- ✓ Services cars and light trucks
- ✓ Uses standard adaptors

HD Elite Balancers help eliminate wheel-related vibration and increase tire life

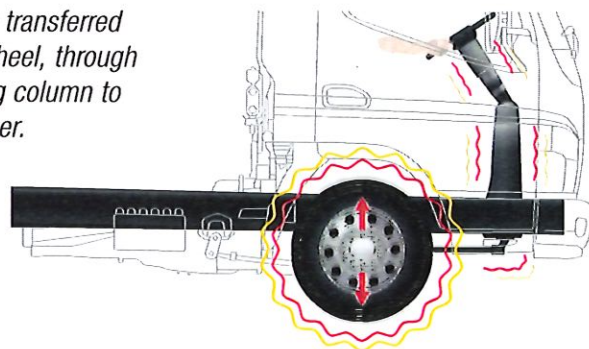


1 An Unknown Force Vibrates the Spindle

Customer complains about strong vehicle vibrations.



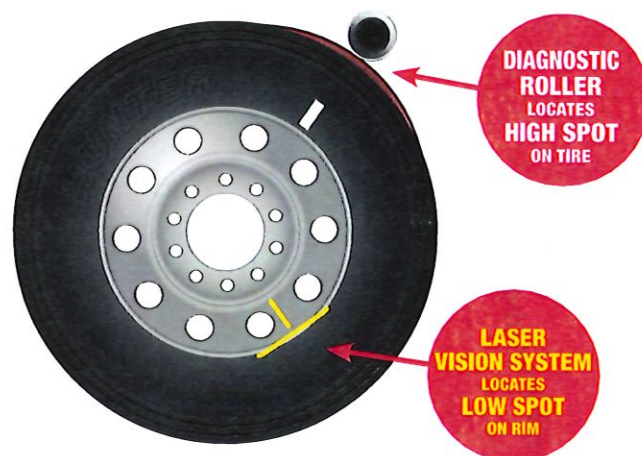
Vibration is transferred from the wheel, through the steering column to the customer.



2 Specialized Sensors Measure the Assembly



The HD Elite balancer automatically measures runout (eccentricity) of a tire and wheel assembly.

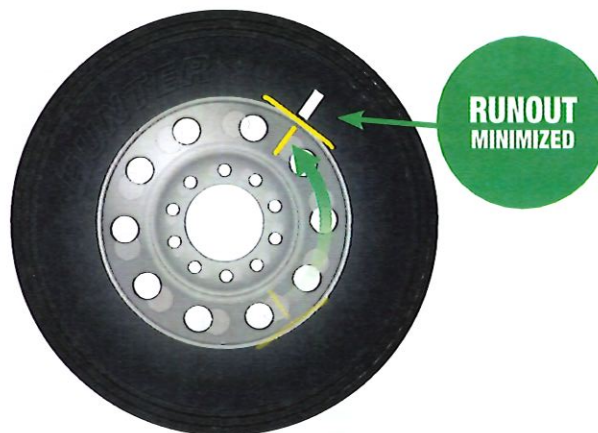


The roller measures the entire contact patch of the tire, detecting if the assembly is out of round.

3 Match-Mounting Cancels the Vibration



Match-mounting the high spot on a tire to the low spot on a rim makes the assembly roll as smoothly as possible.



Runout-related vibration is minimized, ensuring your customer a smoother ride and longer tire life.

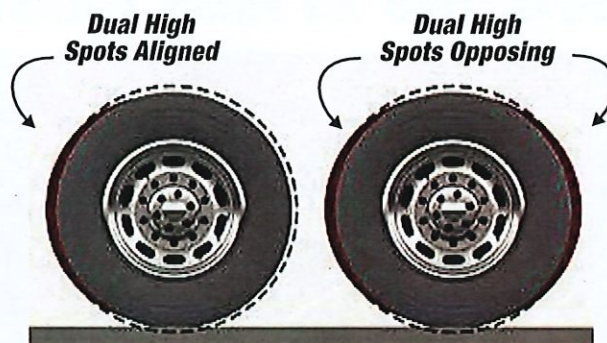
Matching dual assemblies to maximize tire life



Opposing High Spots

Dual tire assemblies with aligned high spots behave like single assemblies with runout. Marking and installing wheels with high spots 180 degrees opposed makes the dual assembly more round than the two assemblies alone.

- ✓ Reduces Vibration
- ✓ Increases Tire Life



Unequal Load on Duals

Mismatched diameters on dual tires causes the larger tire to carry more load, thus generating more heat and reducing tire life. The lesser diameter tire may develop premature tire wear due to slippage relative to the road surface.

- ✓ Increases Tire Life

**Smaller Tire
Carries Less
Load**

**Larger Tire
Carries More
Load**

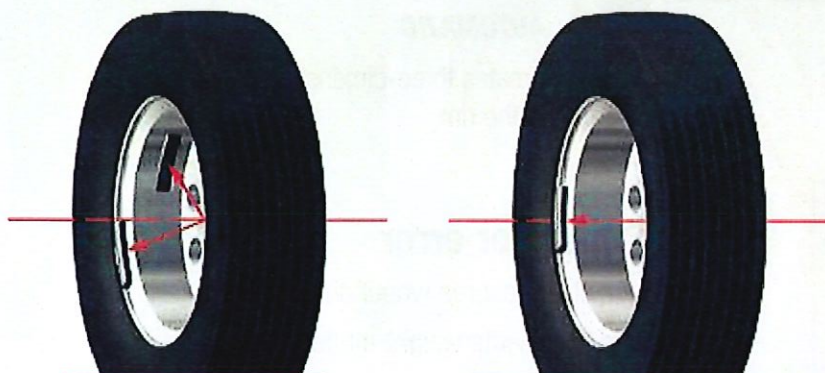


SmartWeight® reduces labor costs and service time

- ✓ Provides better balance
- ✓ Maximizes productivity
- ✓ Minimizes weight usage
- ✓ Reduces labor costs

Saves Labor Time

SmartWeight® reduces "floor-to-floor" cycle time on more than 30% of wheels balanced by optimized use of a single weight to achieve the best possible balance.



Typical Correction
✓ Double Weight

SmartWeight Correction
✓ Single Weight

View your savings LIVE!



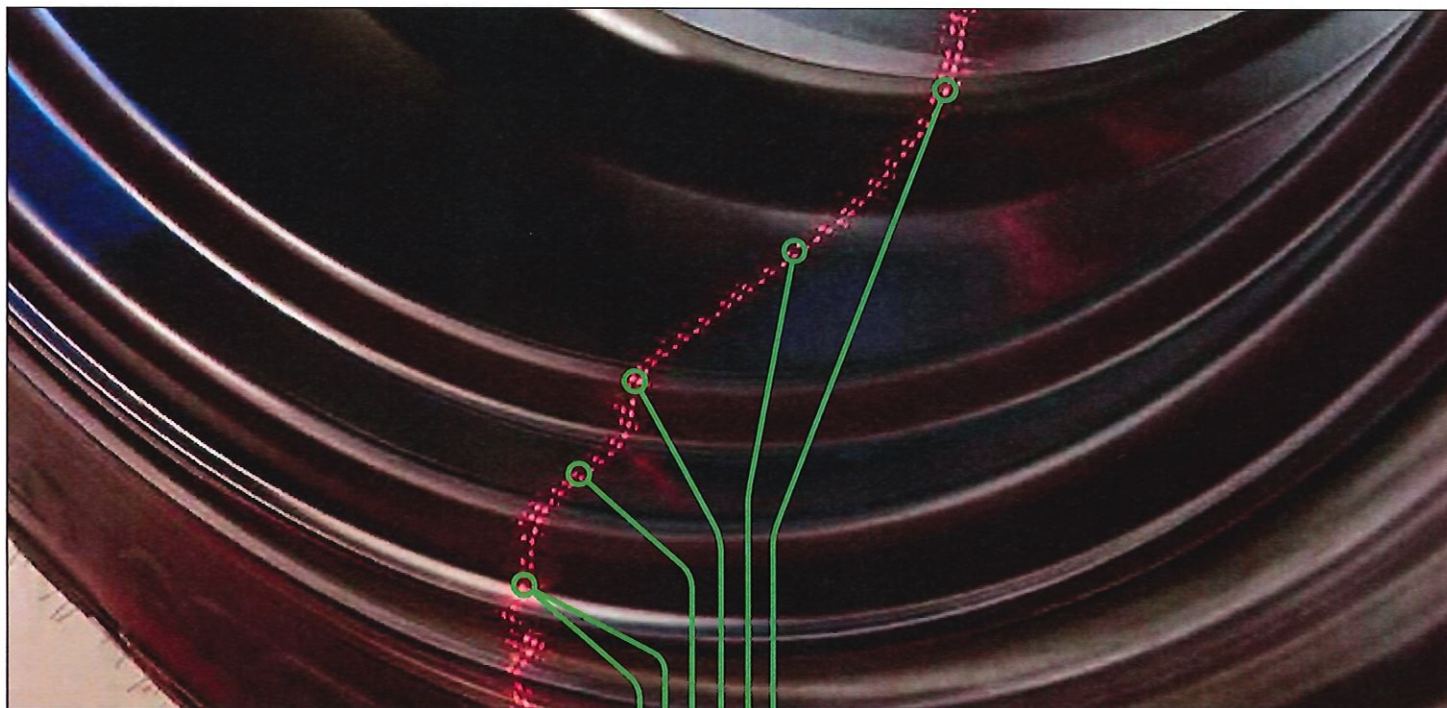
- ✓ Track your weight savings

Watch your investment grow



- ✓ See weight and labor savings based on **your** shop's numbers

HD Elite vision technology unlocks more benefits in less time!



Wheel dimensions

AUTOMATIC



Automatically determines weight plane locations

Weight mode

AUTOMATIC



Selects clip or tape weight usage, if desired

Rim runout

AUTOMATIC



Calculates force-match solution



Spoke location

AUTOMATIC

Automatically hides tape weights behind spokes



SmartWeight® optimized

AUTOMATIC

Allows more single weight solutions



Rim profiled

AUTOMATIC

Creates three-dimensional model of the rim



Reduce operator error

- ✓ Automatically measures wheel dimensions
- ✓ Automatically selects weight mode
- ✓ Automatically measures rim runout

Optional Equipment

Configurations Without Diagnostic Load Roller

- ✓ Maintains all superior balancing features
- ✓ Eliminates diagnostic roller benefits
- ✓ Reduces overall package price



HDE11 shown

Popular Equipment Accessories



PATENTED

HammerHead® Top-Dead-Center Laser

- ✓ Greater weight placement accuracy to avoid mistakes
- ✓ More single-spin balances improve productivity and shop profitability
- ✓ Overhead LED light illuminates work area



Color Printer*

- ✓ Help sell premium service
- ✓ Explain results to customer



STANDARD

Convenient Storage Options

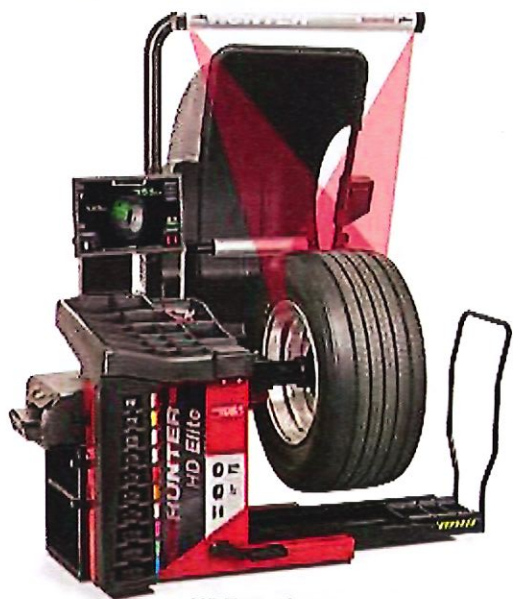
Adaptor tree conveniently stores oversized balancer accessories.



* Printer model may vary from pictured

Available as a field-installed option.

Specifications*



HDE33 shown

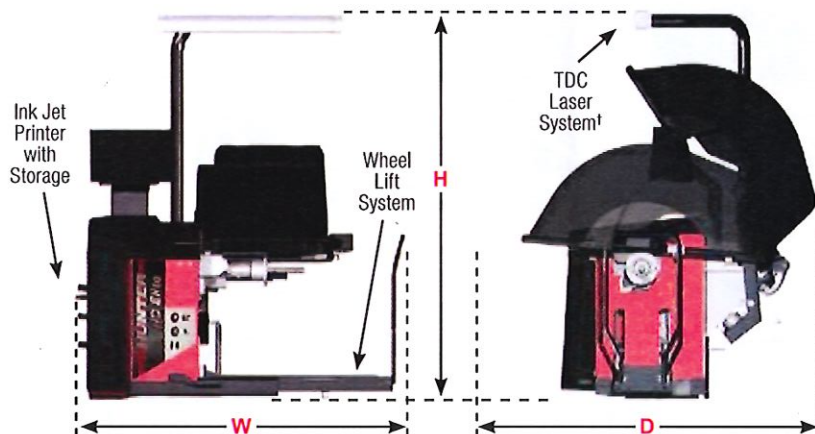
Power requirements	196-253V, 10 amp, 50/60 Hz, 1 ph NEMA L6-20P plug included
Air supply requirements	100-175 psi (7-12 bar)
Capacity	
Rim width	1.5 in to 19.5 in (38 mm to 495 mm)
Rim diameter	10 in to 30 in (254 mm to 762 mm)*
ALU	7.5 in to 38 in (191 mm to 965 mm)*
Max. tire diameter	52 in (1321 mm)
Max. tire width	19.5 in (495 mm)
Max. tire weight	500 lbs (227 kg)
Min. tire diameter for roller application	26 in (660 mm)
Imbalance resolution	± 0.05 oz (1.0 g)
Placement accuracy	512 positions, ± 0.35°
Balancing speed	100 rpm
Motor	Programmable drive system and DC motor

* Extreme wheel sizes may require manual data entry.

Model Overview

MADE IN USA
HUNTER ENGINEERING COMPANY, ST. LOUIS, MO

	HDE33	HDE32	HDE11	HDE10
Diagnostic Load Roller	✓	✓		
TDC Laser System	✓	✓		
Ink Jet Print w/Storage	✓		✓	
Width (W)	75.75 in 1924 mm	71 in 1803 mm	75.75 in 1924 mm	71 in 1803 mm
Height (H)	88 in 2223 mm	88 in 2223 mm	80.5 in 2045 mm	80.5 in 2045 mm
Depth (D)	73.5 in 1867 mm	73.5 in 1867 mm	73.5 in 1867 mm	73.5 in 1867 mm
Weight	824 lb 374 kg	804 lb 365 kg	762 lb 346 kg	742 lb 337 kg



Because of continuing technological advancements, specifications, models and options are subject to change without notice. Printer may differ from versions shown throughout brochure images.

The HD Elite Wheel Balancer is a Class 1 laser product.

CLASS 1 LASER PRODUCT
IEC 60825-1 ed. 2 2007 USA
ENIEC 60825-1 ed. 3 2014 non-USA



Be sure to check out other Hunter literature for more quality products from Hunter Engineering.

† When equipped with the TDC system, the balancer is a Class 2M laser product.

LASER RADIATION - DO NOT STARE INTO THE BEAM OR VIEW DIRECTLY WITH OPTICAL INSTRUMENTS. Viewing the laser output with magnifiers or related optical instruments within a distance of 100 mm from the laser aperture may pose an eye hazard



LASER LIGHT
DO NOT VIEW DIRECTLY WITH OPTICAL INSTRUMENTS (MAGNIFIERS)
CLASS 1B LASER PRODUCT
635-670nm <30mW CW
CLASSIFIED PER IEC 60825-1 ED 1.2, 2001/04

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Engineering Company

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0521BH

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Form BB07817-00, 05/21
Supersedes Form BB07817-00, 08/20



COUNCIL REGULAR WORK SESSION AGENDA STATEMENT

Meeting Date: February 12, 2024

Item# 04A

Agenda Item: Proposed Ordinance Amendment to Revise the Personal Property & Real Estate Tax Due Dates

Summary: The mailing of first installment Town personal property tax bills have been delayed for 2019, 2020, 2021, 2022, and 2023; the first installment for Town real estate tax bills have been delayed for 2019, 2020, 2021, and 2023.

The Town must receive files from the Warren County Commissioner of Revenue's Office in order to process the Town's tax bills for the first installment of each year. The Commissioner of Revenue is unable to provide the Town with tax files until the Warren County Board of Supervisors approves Warren County's annual tax rates. The Board of Supervisors has had delays setting tax rates due to the Commonwealth of Virginia's delays of setting the state's budget.

The delay of tax billings was taken to the Town/County liaison meeting for discussion on July 20th, 2023, October 19, 2023, and January 18th, 2024. The Town was unable to find a solution to guarantee that tax files would be provided in time to prevent future delays mailings.

Council is requested to consider amending Town of Front Royal Municipal Code to have personal property and real estate taxes due annually June 20th and December 5th.

Town of Front Royal Municipal Code 75-44 Real and Personal Property Taxes and Rates states:

B. On and after January 1, 2010, tax payments for real estate and personal property shall become due and payable to the Town of Front Royal on a semiannual basis, with one-half of the annual assessment of such taxes due on or before June 5th of each year after January 1, 2010, and the additional one-half of such taxes due on or before December 5th of each such year. A penalty of 10% of the tax past due or ten dollars (\$10.00), whichever is greater, shall be added to any tax not paid by the aforesaid due date, provided that in no case may the penalty exceed the amount of the tax assessed. In addition, interest shall be added to any delinquent taxes and penalties at the rate of 10% per year, with interest commencing on the first day of the month following the date on which any such taxes became due and payable.

Budget/Funding: In order for revenue to be realized in current fiscal year, personal property and real estate taxes must be due on or before June 30th.

Staff Recommendation: Staff recommends for Council to consider revising Town Code to have the first installment of Town Personal Property Taxes due June 20th annually and advertise for a public hearing.



COUNCIL REGULAR WORK SESSION AGENDA STATEMENT

Meeting Date: February 12, 2024

Item# 04B

Agenda Item: Alley Vacation Request at 225 East 7th Street & 631 Kibler Street

Summary: The applicant is requesting to vacate a portion (3390 SF) of the 7th St, located at its intersection with Kibler St to create a legally conforming lot. The application was submitted August 21, 2023. Since then, the applicant has placed the appeal on hold while staff has worked with them to submit this ROW Vacation application as an alternative. This ROW Vacation would *allow the* applicant to *create a legal parcel*. The Zoning and Subdivision Ordinances do not permit the applicant to legally subdivide her property, which would remedy the lot line going through the structure. The applicant initially applied for a variance on September 23, 2022. The BZA held three meetings, ultimately postponing the decision until December 2022. Town Code 175-144 requires the applicant to file an appeal with the Circuit Court within 30 days of a decision by the Board.

Notes

	Date	Entered By	
	05/09/2023	Potter, Connie	5/24/2023 - Hearing to request the court to set a trial date.
	11/21/2022	Potter, Connie	11/15/2022 - BZA postponed to December meeting
	11/21/2022	Potter, Connie	10/18/2022 - BZA postponed to November Meeting
	10/14/2022	Potter, Connie	emailed E. Minick BZA agenda and staff report for meeting on 10/18/2022
	10/04/2022	Potter, Connie	Adj property owner letters mailed 10-4-2022
	09/23/2022	Potter, Connie	BZA Meeting 10/18/2022

Staff have been working with this applicant to remedy their unique situation since September of 2022. The structures themselves predate the enactment of the Town's Zoning and Subdivision Ordinances. When the two dwelling units were constructed, their placement was not regulated, hence a structure was built on the lot line.

Since this portion of Town was zoned Commercial, the use itself is legally non-conforming. It can continue to exist, but the property owner cannot change the use without first bringing it into compliance with the current code. Due to the lot size requirements, the applicant is unable to bring this parcel into compliance without acquiring additional property.

This vacation would close 7th Street off to future expansion over Happy Creek. It is Planning Staffs opinion that the crossings at 6th and 8th Streets are sufficient for traffic flow and furthermore, an additional crossing at 7th Street could impede traffic at the intersections of 6th and 8th Streets.

The Town does have a storm sewer utility at this location. The applicant has offered the Town an access easement.

Budget/Funding: N/A

Staff Recommendation: Staff recommends approval of the request and advertise for a public hearing.

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



STAFF REPORT FOR THE OCTOBER 19, 2022, BOARD OF ZONING APPEALS MEETING

APPLICATION #:

2200398

APPLICANT:

Property Connection LLC

APPLICATION SUMMARY:

The applicant is seeking multiple variances from the zoning regulations of Town Code Chapter 175. The purpose of the variances is to subdivide a single parcel, upon which two existing detached single-family dwellings are located into two parcels. Each dwelling will be located on its own individual lot. The property is zoned C-1 (Community Business District) and is identified as Tax Map #20A4-4-3 with the two dwellings located thereon addressed as 225 East 7th Street and 631 Kibler Street, Front Royal, VA.

GENERAL INFORMATION:

Site Address	225 East 7 th Street & 631 Kibler Street (see vicinity map below)		
Zoning District	C-1, Community Business District		
Overlay Districts	Historic Area – NO	Floodplain – YES	Entrance Corridor – NO
Tax Identification	20A185 7		
Location	The property is located to the west side of Remount Rd.		
Existing Use	Two (2) Single-family dwellings situated on one (1) parcel.		

Vicinity Map



Aerial Map



Aerial Floodplain Map



Right Side Elevation-225 E 7th Street



Front Elevation-225 E 7th Street



Front Elevation-631 Kibler Street



ADDITIONAL INFORMATION:

<i>Background</i>	Per the Applicant's surveyor, the applicant is requesting the subdivision of the parcel into two lots to sell each lot individually. The lots are unable to meet current Zoning requirements and therefore would need a variance to be granted.
<i>Applicant's Statements</i>	"The property has 2 existing houses sitting on the same parcel. I am requesting a variance to separate the 2 properties with a lot line to put each house on its own separate legal lot."
<i>Legal Review</i>	The following variances are requested from the requirements of the Zoning Ordinance C-1 Zoning District, Chapter 175-38: i. The proposed lot upon which the dwelling identified as 225 E 7th Street will be granted a 3,460 square foot variance from the minimum 7,500 square foot lot area requirement of Town Code Chapter 175-40.A.2. A. <u>Minimum Lot Size:</u> 1. Residential uses with four (4) or more units = 6,000 s.f first unit; 1,500 s.f each additional unit. 2. All other uses: 7,500 s.f. ii. A 15.5-foot variance from the minimum 90-foot lot width for corner lots required by Town Code Chapter 175-40.D.2. D. <u>Minimum Lot Width:</u> 1. Interior Lot: Seventy-five (75) feet.

2. **Corner Lot: Ninety (90) feet.** (Amended Entire Section 10-23-89-Effective Upon Passage)

iii. Said dwelling be granted a 0.3-foot variance from the minimum 15-foot corner lot side yard setback requirement of Town Code Chapter 175-42.A.4.

A. Principal Structures, when abutting properties are in a commercial or industrial district.

1. Front setback:

a. Where no parking is provided between the structure and the street: five (5) feet. Provided, however, that no drive aisle shall be located within five (5) feet of any structure having a setback less than fifteen (15) feet.

b. Where parking is provided between the structure and the street: fifty (50) feet.

2. Side: 10 feet on one (1) side only.

3. Rear: 15 feet.

4. Corner side: 15 feet.

iv. Said dwelling be granted a 6.2-foot variance from the minimum 15-foot rear yard setback requirement of Town Code Chapter 175-42.A.3.

A. Principal Structures, when abutting properties are in a commercial or industrial district.

1. Front setback:

a. Where no parking is provided between the structure and the street: five (5) feet. Provided, however, that no drive aisle shall be located within five (5) feet of any structure having a setback less than fifteen (15) feet.

b. Where parking is provided between the structure and the street: fifty (50) feet.

2. Side: 10 feet on one (1) side only.

3. Rear: 15 feet.

4. Corner side: 15 feet.

v. Said dwelling be granted a 5.5-foot variance from the minimum 15-foot front porch to the front property line requirements of Town Code Chapter 175-3.

PORCH - Any porch, veranda, or gallery (as the terms are commonly and customarily defined) or similar projection from the main wall of a structure, constructed upon the ground, and covered by a roof, canopy, or awning; provided that the term shall not include any carport, or other such improvement designed for and capable of accommodating the parking of a motor vehicle protected from the elements. An unenclosed porch shall mean a porch with no side enclosure, other than the side of the structure to which the porch is attached, with no screens or windows. An unenclosed porch may project into a front or rear yard not to exceed ten feet (10') nor extend any nearer than fifteen (15') from any front or rear property line. The

	area of a porch shall be included in the calculation of lot coverage. A porch shall not be considered an overhang, nor vice versa. vi. Said dwelling be granted a 13.2-foot variance from the minimum 15-foot rear porch to the rear property line requirement of Town Code Chapter 175-3. PORCH - Any porch, veranda, or gallery (as the terms are commonly and customarily defined) or similar projection from the main wall of a structure, constructed upon the ground, and covered by a roof, canopy, or awning; provided that the term shall not include any carport, or other such improvement designed for and capable of accommodating the parking of a motor vehicle protected from the elements. An unenclosed porch shall mean a porch with no side enclosure, other than the side of the structure to which the porch is attached, with no screens or windows. An unenclosed porch may project into a front or rear yard not to exceed ten feet (10') nor extend any nearer than fifteen (15') from any front or rear property line. The area of a porch shall be included in the calculation of lot coverage. A porch shall not be considered an overhang, nor vice versa.
<i>Town Code</i>	VARIANCES Town Code 175-139.B authorizes the Board of Zoning Appeals with the ability to issue variances, as stipulated below: “To authorize, upon appeal in specific cases, such variance from the terms of the chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship, provided that the spirit of the chapter shall be observed, and substantial justice done, as follows: 1. When a property owner can show that his property was acquired in good faith and where, by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the chapter, or where, by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the chapter would effectively prohibit or unreasonably restrict the use of the property, or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the chapter. 2. No such variance shall be authorized by the Board, unless it finds:

	a. That the strict application of the chapter would produce undue hardship. b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity. c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance. 3. No such variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia as amended. 4. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the chapter. 5. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guaranty or bond to ensure that the conditions imposed are being and will continue to be complied with. 6. In the event that a variance is not granted, the same variance application, or a variance application that is substantially the same, may not be submitted to the Board for consideration for a period of one (1) year from the date on which the variance request was denied.
State Code	Virginia Code § 15.2-2309.2 states the following in regard to Variances and the BZA: “Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § 15.2-2201, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section. Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the

terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § [15.2-2309](#) or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § [15.2-2286](#) at the time of the filing of the variance application.

No variance shall be considered except after notice and hearing as required by § [15.2-2204](#). However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

In granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required."

Based on Virginia Code § 15.2-2309(2), that went into effect on July 1, 2015, the BZA must grant a variance if the evidence shows that the strict application of the terms of the zoning ordinance would "unreasonably restrict the utilization of the property or that granting of the variance

would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance”, and the following:

- (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
- (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
- (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of §15.2-2286 at the time of the filing of the variance application.” Virginia Code § 15.2-2309(2).

STAFF COMMENTS:

The Board needs to determine if the applicant has met the following criteria in order to issue the variance.

That the strict application of the chapter would produce undue hardship.

- *The Board needs to have the applicant articulate the issues and determine if this scenario constitutes a hardship.*

That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

- *Staff does not believe this hardship is widespread in this zoning district.*

That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

- *The structures in the immediate vicinity of the Applicant's property appear to be residential in nature. This appears to be an older neighborhood, originally platted in the 1940's and 1950's. The structures look like they have been maintained to a point they are not blighted. The surrounding uses are commercial. The comprehensive plan update calls for this area to be developed as mixed use.*

ATTACHMENT: BZA Application

November 15, 2022

Board of Zoning Appeals
Town of Front Royal, Virginia
102 E. Main Street
Front Royal, Virginia 22630

VIA HAND DELIVERY

**Re: Property Connection LLC
Variance Application No. 2200398 (the “Application”)
225 E. 7th Street
Lots 3, 4, and 5, C.D. Binns Lots (collectively, the “Lots”)
Tax Map Nos. 20A4 4 3, 20A4 4 4, and 20A4 4 5**

Dear Members of the Board:

This firm represents Property Connection LLC (the “Owner”), which owns the above-described Lots. As you know, this Application was first before the Board on October 18, 2022, at which time formal action was postponed until today’s meeting. The Owner has asked my firm to conduct title research and prepare this letter summarizing the Owner’s argument in favor of the variances requested.

As a preliminary matter, I note that the BZA’s meeting agenda is inaccurate when it states that “[t]he purpose of the variances is to subdivide a single parcel, upon which two existing detached single-family dwellings are located[,] into two parcels.” The three (3) Lots have never been consolidated. So, while the Town assesses only one real estate tax bill to the Lots, three separate tax map numbers—as set forth above—continue to be used. Enclosed with this letter as **Exhibit 1** is the 1947 plat of these Lots as approved by the Town Planning Commission. Enclosed with this letter as **Exhibit 2** is a 2011 plat showing a boundary line agreement between the prior owner of the Lots, Carroll William Jenkins, and an adjacent landowner. In our research, these are the only existing plats of the Lots since they were placed in the current configuration in 1947. These plats clearly show that the Lots remain three separate parcels and have not been legally consolidated.

As stated in the accompanying Staff Report, the Owner has requested variances in order to have a current boundary line moved. As is evident from the proposed Boundary Adjustment Plat dated September 20, 2022, prepared by Joseph G. Brogan, Jr. (**Exhibit 3** to this letter), in the current configuration, the boundary line between Lots 3 and 4 runs through the middle of an existing dwelling (631 Kibler Street).

At the time of purchase, the Owner was unaware of the exact location of the boundary between Lots 3 and 4. Logically, the Owner assumed that the two dwellings at issue here were located on two of the three Lots. It was not until the Owner had the property surveyed that it learned that the boundary line between Lots 3 and 4 is in the middle of 631 Kibler Street.

As noted by the Town Planning Commission at its recent work session, the Lots already are nonconforming. This has been the case since the dwelling known as 631 Kibler Street was constructed straddling the boundary line between Lots 3 and 4. So, if the Board grants the Application, the new configuration of the Lots will not be any more nonconforming than the prior configuration. Arguably, the proposed new configuration would be less nonconforming, as each of the dwellings would be situated on its own lot.

The granting of variances to address issues such as these has precedent in recent Board history, as follows:

- FRBZA-001672-2019: In 2019, the Board approved a request by the owner of three (3) dwellings—427 Virginia Avenue, 16 W. 5th Street, and 12 W. 5th Street—to create a lot for each dwelling. Previously, these three (3) dwellings had been located on only two (2) lots.
- FRBZA-002235-2020: In 2020, the Board approved a request by an owner of two (2) dwellings—24 & 24A W. Stonewall Drive—to create a lot for each dwelling. Previously, these two (2) dwellings had been located on only one (1) lot. This resulted in a boundary line located 3.1 feet from one dwelling and 2.8 feet from the other.
- FRBZA-002403-2020: In 2020, the Board approved a request by the owner of 206, 210, and 218 E. 4th Street to create two (2) lots, one for each set of industrial buildings. Previously, the buildings had been located only on one (1) lot.

Under Virginia law and the Town Code, the Board has the power to grant “such variance from the terms of the chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship, provided that the spirit of the chapter shall be observed, and substantial justice done.” Town Code 175-139.B. What constitutes a hardship is within the Board’s discretion to determine; however, the Owner notes that the Planning Commission recommended approval of the Application upon making one change to the associated plat, which was done on the attached Exhibit 3.

Section 15.2-2309.2 of the Code of Virginia provides that “a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to



a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and

- (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
- (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
- (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- (v) the relief or remedy sought by the variance application is not available through a special exception process...”

The Owner contends that all of these factors are present here. The Owner acquired the Lots in good faith without knowledge of the boundary issues present thereon. Furthermore, the Owner did not create the hardship—that was done decades ago when the dwellings were approved to be built in their current locations.

Furthermore, the challenges faced in maintaining these Lots in their present configuration is unique to this property and is not shared with other surrounding properties. As noted in the staff report prepared for the Board, there are topographic constraints to these Lots that are not present in other surrounding parcels. While there have been other similar instances within Town limits previously, as evidenced by the recent examples cited above, none of these other instances has caused any detriment to the surrounding area.

The Owner believes that the continued ownership of these Lots in their current configuration would result in undue hardship to it. Simply put, each of the two houses needs its own lot and address. This will improve the value of the Lots (which, in turn, will increase the Town’s tax income) and will allow for greater flexibility for the Owner in renting them. Without the variance, use of both houses as single-family dwellings is unnecessarily restricted.

Finally, the nature and use of these Lots will not change if the variance is granted. Lots 3 and 4 will continue to be used for single-family residential purposes. That use will not change. No rezoning of the Lots is sought through the Application—only the variances which will allow the Owner to make the best of an unusual situation.

On behalf of the Owner, thank you for your attention to this important matter.



November 15, 2022

Page 4 of 4

Very truly yours,



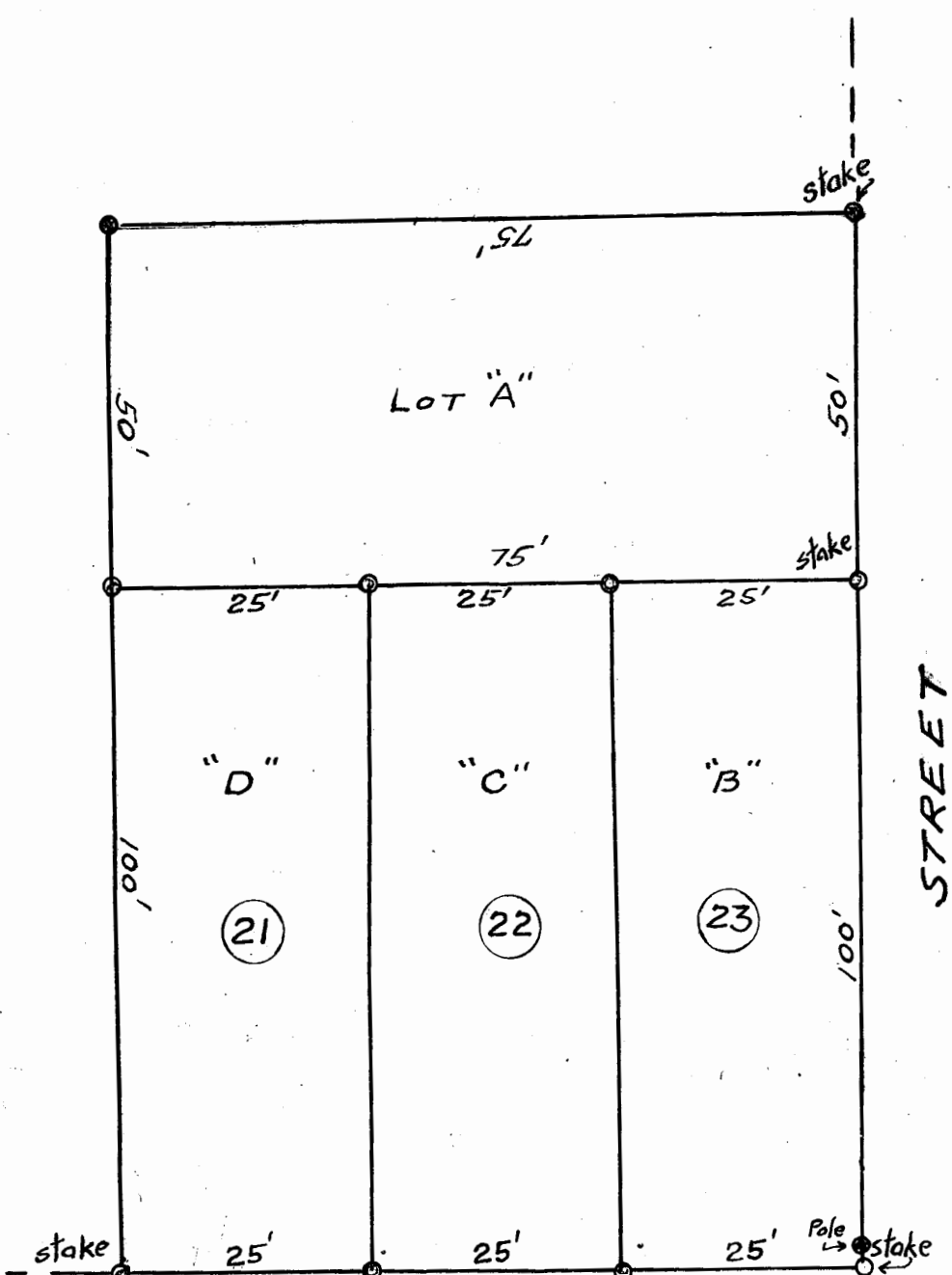
Andrew P. Hill

cc: Client

- Enclosures:
1. Plat Book 2, Page 39 – Map of Lots in Front Royal, Va.
Approved by Front Royal Planning Commission June 3, 1947
 2. Instrument No. 110002364 – Deed of Boundary Settlement and
Plat by Joseph G. Brogan, Sr. dated April 26, 2011
 3. Sketch Showing Proposed Boundary Between Lots 3 and [4]
Plat by Joseph G. Brogan, Jr. dated September 20, 2022



Ambrey A. Stokes et ux
To Deed
Loyal E. Miller et ux
Deed Book 65; Page 57



RT#55 John Marshall Hwy.

MOUNTAIN VIEW
JOHN MARSHALL HEIGHTS
Note: THIS PLAT REPRESENTS LOTS 21-22-23
BLOCK 1, WITH A 75x50' LOT TAKEN
FROM THE ABOVE LOTS.

R.C. Gemmill, Sr.
FRONT ROYAL, VA.

Reuben C. Jennings et ux
To Deed
Alton W. Mathews
Deed Book 65; Page 119

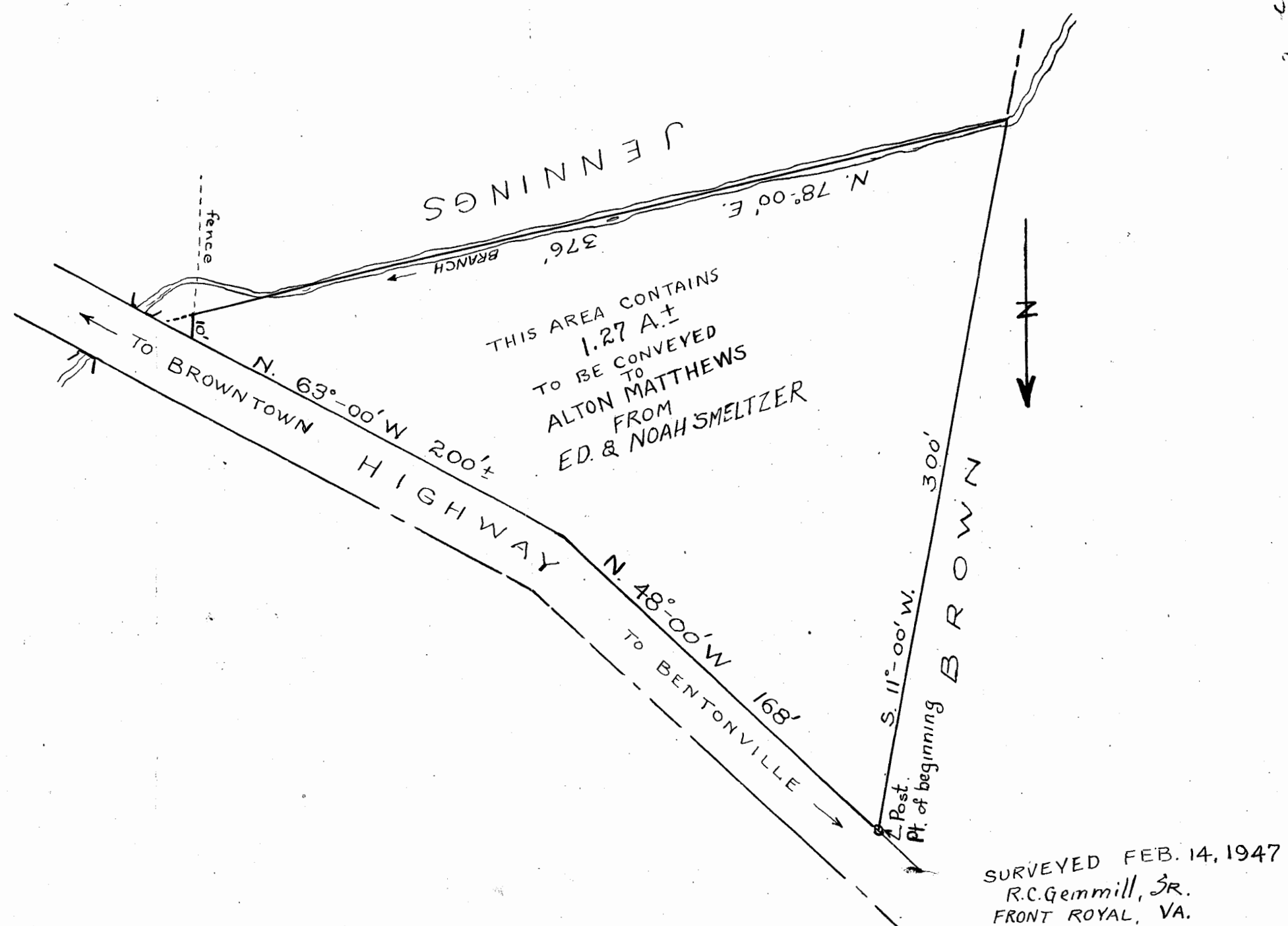
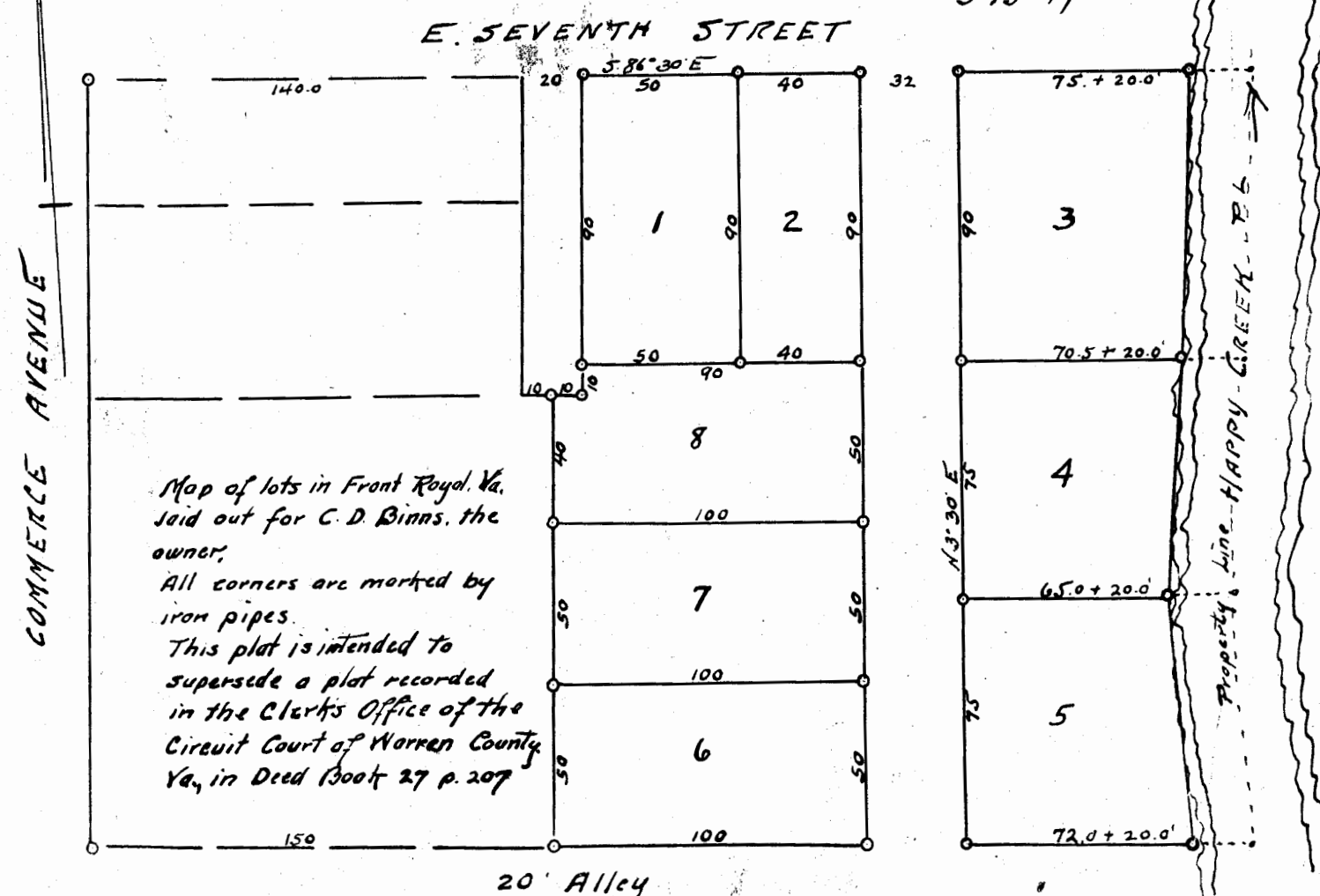


EXHIBIT 1

Approved: Front Royal Planning Commission
6/3/47 Min. Tr. H. Rosner Chairman
L.B. Dutton Secretary

L.R. Gentry, C.S.
Fredericksburg Va.
5-13-47



Charles D. Binns et ux
To Deed
L. E. Miller et ux
Deed Book 66; Page 311

000006 MAY 10 =

EXHIBIT 2

This instrument was prepared by J. Daniel Pond II, Esquire

THIS DEED OF BOUNDARY SETTLEMENT made and entered into this 10th day of May, 2011, by and between **COGIL CORP.**, a Virginia corporation, **Grantor and Grantee**, party of the first part, whose address is 101 S. Commerce Avenue, Front Royal, Virginia 22630 and **Carroll William JENKINS**, unmarried, **Grantee and Grantor**, party of the second part, whose address is 225 E. 7th Street, Front Royal, Virginia 22630.

WITNESSETH:

WHEREAS, the party of the first part and the party of the second part are the owners of several adjoining tracts located in the Shenandoah Magisterial District of Front Royal, Warren County, Virginia, and lying on each side of Happy Creek; that there exists some question as to the correct boundary line between the lands of the parties; and

WHEREAS, Cogil, Corp., the party of the first part, has caused its land to be surveyed by Joseph G. Brogan, C.L.S., a plat of which survey dated April 26, 2011 is attached hereto and made a part of this deed; and

WHEREAS, the parties hereto agree that the true and correct boundary line between their respective lands is that certain boundary line shown on the attached plat as the line commencing at a point on the north side of a 20 feet wide alley and ending at a point on the south side of E. 7th Street, running for a distance of 241.06 feet.

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar, cash in hand paid, the receipt of which is hereby acknowledged by Cogil, Corp., the party of the first part does hereby agree that said line is the true and correct boundary line between the lands of the parties, and does hereby quitclaim and release unto Carroll William Jenkins all its right, title and interest in and to the land lying on the west side of the aforesaid boundary line.

WARREN COUNTY, VIRGINIA
LAND RECORDS

000007 MAY 10 =

AND, in consideration of the premises and the sum of One Dollar, cash in hand paid, the receipt of which is hereby acknowledged by Carroll William Jenkins, the party of the second part does hereby agree that said line is the true and correct boundary line between the lands of the parties and does hereby quitclaim and release unto Cogil, Corp. all his right, title and interest in and to the land lying on the east side of the aforesaid boundary line.

IN WITNESS WHEREOF, Cogil Corp. has caused this deed to be executed by its President Sara G. D'Amato, pursuant to a duly adopted resolution of the Board of Directors of Cogil Corp., and

WITNESS the following signatures and seals:

COGIL, CORP., a Virginia corporation

By: Sara G. D'Amato (SEAL)
Sara G. D'Amato, President

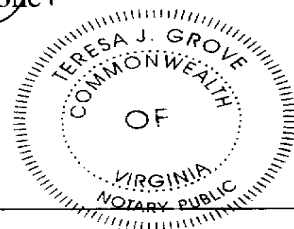
Carroll William Jenkins (SEAL)
Carroll William Jenkins

STATE OF VIRGINIA
COUNTY OF WARREN, TO WIT:

The foregoing Deed of Boundary Settlement dated May 10, 2011 was acknowledged before me this 10th day of May, 2011, by Sara G. D'Amato, President of Cogil, Corp., a Virginia corporation on behalf of the corporation.

Teresa J. Grove (SEAL)
Notary Public

My commission expires August 31, 2013
Notary registration no. 367461



WARREN COUNTY, VIRGINIA
LAND RECORDS

000008 MAY 10 =

STATE OF VIRGINIA
COUNTY OF WARREN, TO WIT:

The foregoing Deed of Boundary Settlement dated May 10, 2011 was acknowledged
before me this 10th day of May 2011, by Carroll William Jenkins.



Teresa J. Grove (SEAL)
Notary Public

My commission expires August 31, 2013
Notary registration no. 367461

INSTRUMENT #110002364
RECORDED IN THE CLERK'S OFFICE OF
WARREN COUNTY ON
MAY 10, 2011 AT 11:46AM

JENNIFER R. SIMS, CLERK
RECORDED BY: AMM

Jm

WARREN COUNTY, VIRGINIA
LAND RECORDS

000009 MAY 10=

E. 7TH ST.
60' WIDE

N 89°00'00" W 356.50' PER 24/123

E. 7TH ST.
60' WIDE

(NOT CUT THROUGH NOR IN USE)
S 89°00'00" E 242.06'

COMMERCE AVE
N 01°00'00" E

KIBLER ST.
32' WIDE

CARROLL WILLIAM JENKINS PER INST. # 990005889
PER P.B. 2/39
LOT 3
C.D. BINNS LOTS
LOT 4
LINE PER 24/123
LOT 5

178.00'

CREEK

N 01°00'00" E

63.06' N 09°30'29" W

J.M. GILLIAM LOTS PER 100/149

COGIL, CORP. PER 462/676
LOT 6

COGIL, CORP. PER 462/676
LOT 7

COGIL, CORP. PER 490/330
LOT 8

T.M. SEC. 20A4-1 PARCEL 4
COGIL, CORP. PER INST.
#S 980007446 & 090005024

N 01°41'32" W
20.02'

163.87'

N 89°00'00" W

T.M. SEC. 20A4-16 PARCEL 2

HAPPY

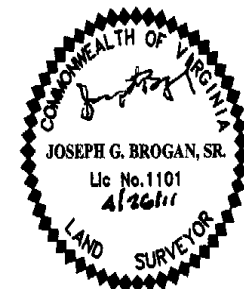
60' WIDE

ROAD

CROSBY

PER PLAT IN 187/505
SCALE 1" = 20'

PREPARED BY:
JOSEPH G. BROGAN, SR.
PROFESSIONAL LAND SURVEYOR
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
APRIL 26, 2011



BOUNDARY LINE AGREEMENT BETWEEN COGIL, CORP.
AND CARROLL WILLIAM JENKINS

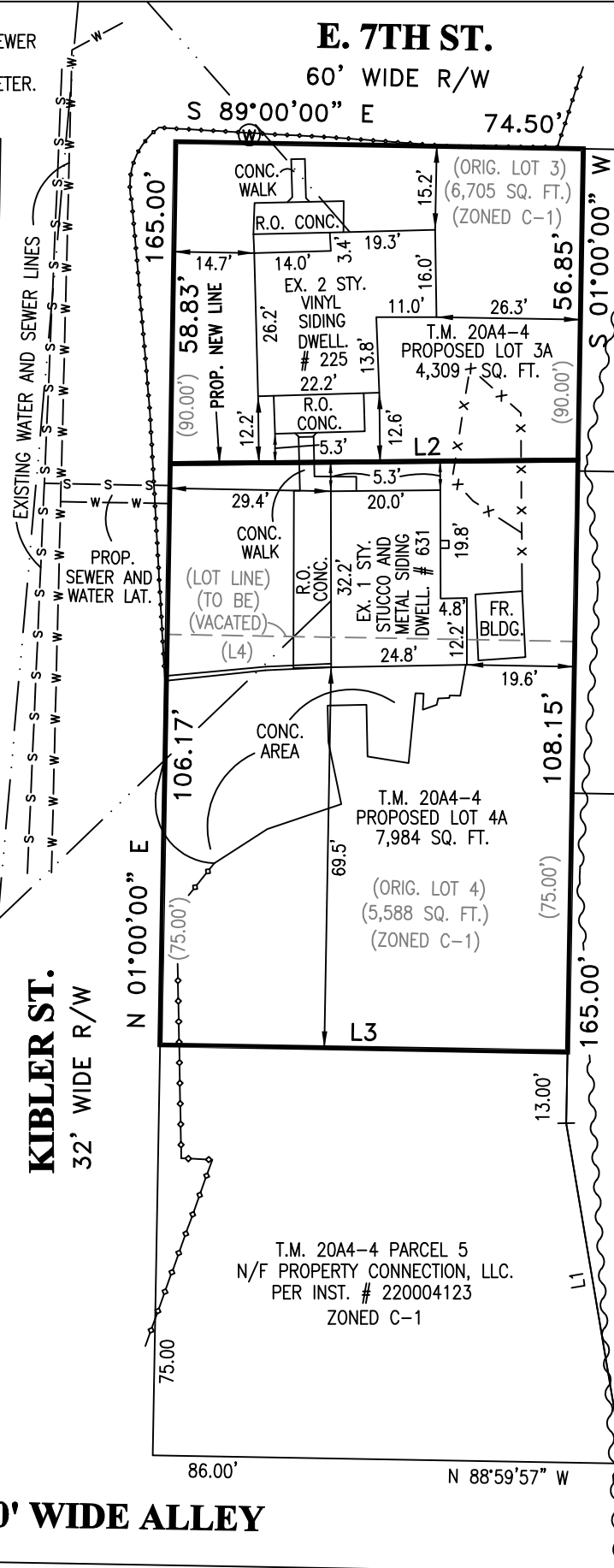
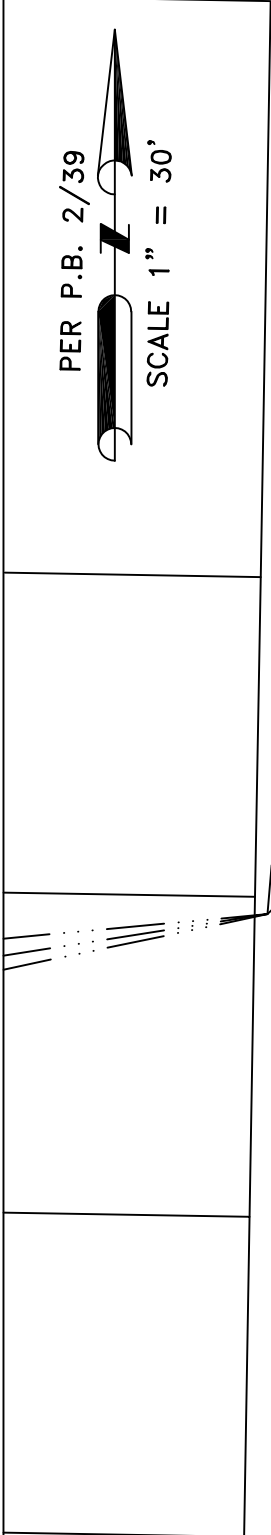
SHENANDOAH MAGISTERIAL DISTRICT

TOWN OF FRONT ROYAL, VA.

● DENOTES PIN SET.

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

NOTE: PROPOSED LOT 3A
IS SERVED BY EXISTING SEWER
LATERAL AND EXISTING
WATERLINE WITH WATER METER.



LINE	BEARING	DISTANCE
L1	S 09°30'29" E	63.06'
L2	N 89°28'48" E	74.53'
L3	N 89°00'00" W	74.50'
L4	N 89°00'00" W	74.50'

T.M. 20A4-11 PARCEL 6
N/F S. WAYNE PROPERTIES, L.L.C.
PER INST. # 110002705
ZONED I-1

T.M. 20A4-11 PARCEL 7
N/F S. WAYNE PROPERTIES, L.L.C.
PER INST. # 110002705
ZONED I-1

T.M. 20A4-11 PARCEL 8A
N/F S. WAYNE PROPERTIES, L.L.C.
PER INST. # 110002705
ZONED I-1

T.M. 20A4-4 PARCEL 5
N/F PROPERTY CONNECTION, LLC.
PER INST. # 220004123
ZONED C-1

- ⊙ DENOTES WATER METER.
- · — · — DENOTES OVERHEAD WIRES.
- x — DENOTES FENCE LINE.

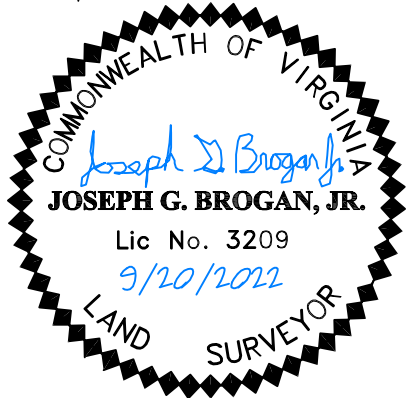
NO TITLE REPORT WAS FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.
DERIVATION OF TITLE TO: PROPERTY CONNECTION, LLC.
PER INSTRUMENT # 220004123.
PLAT REF: INST. # 110002364 AND P.B. 2/39.
SUBJECT PARCELS SITUATED IN FLOOD ZONE AE
PER FIRM MAP # 51187C0112C EFFECTIVE DATE JUNE 3, 2008.

SKETCH SHOWING PROPOSED BOUNDARY
BETWEEN LOTS 3 AND PER
PLAT OF C.D. BINNS LOTS

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



PREPARED BY:
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
SEPTEMBER 20, 2022





DEPARTMENT OF PLANNING & ZONING

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

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

December 22, 2022

Property Connection LLC
830 Sawgrass Drive
Charles Town, WV 25414

Re: **Town of Front Royal Board of Zoning Appeals**
Decision – Variance Application # 2200398, Property Connection LLC

Ms. Minick,

The Board of Zoning Appeals for the Town of Front Royal, Virginia, at their duly advertised meeting of December 20, 2022, ruled to deny your variance request for multiple variances from the zoning regulations of Town Code Chapter 175. According to the application the purpose of the variances is to subdivide a single parcel, upon which two existing detached single-family dwellings are located into two parcels. ¹Each dwelling will be located on its own individual lot. The property is zoned C-1 (Community Business District) and is identified as Tax Map #20A4-4-3 with the two dwellings located thereon addressed as 225 East 7th Street and 631 Kibler Street, Front Royal, VA.

The following variances are requested from the requirements of the Zoning Ordinance C-1 Zoning District, Chapter 175-38:

- i. The proposed lot upon which the dwelling identified as 225 E 7th Street will be granted a 3,460 square foot variance from the minimum 7,500 square foot lot area requirement of Town Code Chapter 175-40.A.2.
- ii. A 15.5-foot variance from the minimum 90-foot lot width for corner lots required by Town Code Chapter 175-40.D.2.
- iii. Said dwelling be granted a 0.3-foot variance from the minimum 15-foot corner lot side yard setback requirement of Town Code Chapter 175-42.A.4.
- iv. Said dwelling be granted a 6.2-foot variance from the minimum 15-foot rear yard setback requirement of Town Code Chapter 175-42.A.3.
- v. Said dwelling be granted a 5.5-foot variance from the minimum 15-foot front porch to the front property line requirements of Town Code Chapter 175-3.
- vi. Said dwelling be granted a 13.2-foot variance from the minimum 15-foot rear porch to the rear property line requirement of Town Code Chapter 175-3.

¹ In fact, the application would be to have a Boundary Line Adjustment as defined in Town Code 148-900 to relocate a property boundary of a previously platted and recorded lots where the total number of lots are not increased.

There was a motion to approve Variance Application 2200398, however there was not a second. The Variance Application therefore dies and was denied because there was not majority vote to approve.

Please refer to Town Code §175-144 below for the process of appealing a decision of the Board of Zoning Appeals.

175-144 APPEAL OF DECISION OF BOARD OF ZONING APPEALS

"A. Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board or bureau of the municipality, may present to the Circuit Court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the Board.

B. Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from; but, the Court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

C. The Board of Zoning Appeals shall not be required to return the original papers acted upon by it but shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

D. If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a Commissioner to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

E. Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted in bad faith or with malice in making the decision appealed from."

Should you have any questions concerning the Board's decision in this matter please feel free to contact Mr. John M. Ware, Deputy Zoning Administrator, Town of Front Royal Department of Planning & Zoning at 540-635-4236.

Sincerely,



Connie L. Potter

Clerk to the Board of Zoning Appeals

VIRGINIA:

IN THE CIRCUIT COURT OF WARREN COUNTY

IN RE: DECEMBER 20, 2022 DECISION OF THE
BOARD OF ZONING APPEALS OF THE
TOWN OF FRONT ROYAL, VIRGINIA

Case No. L23000093-00

WRIT OF CERTIORARI

TO: BOARD OF ZONING APPEALS OF THE TOWN OF FRONT ROYAL, VIRGINIA:

Upon presentation of a Petition for Writ of Certiorari and Appeal (the "Petition") by Petitioner, Property Connection LLC, pursuant to Va. Code § 15.2-2314 (1950, as amended), challenging the decision of the Board of Zoning Appeals of the Town of Front Royal, Virginia (the "Board") rendered December 20, 2022, confirmed in writing December 22, 2022, regarding the real property located in the Town of Front Royal, Virginia, (the "Town"), known as Tax Map Nos. 20A4-4-3 & 20A4-4-4 (the "Property");

IT APPEARING TO THE COURT that papers and other records from the Board's proceedings with respect to the Property are relevant and intrinsically related to the Board's decision and the Petition filed herein; and

IT APPEARING TO THE COURT that the Court should issue a Writ of Certiorari to the Board as provided in Va. Code § 15.2-2314 (1950, as amended);

NOW, THEREFORE:

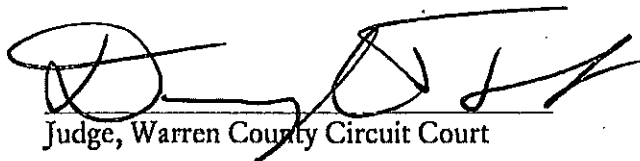
IT IS ORDERED that within thirty (30) days of the service of this Writ of Certiorari, the Board shall make a verified return to this Court, with a copy to the Petitioner's counsel. The verified return shall consist of certified or sworn copies of the papers constituting the full and complete record of the Board's proceedings regarding the Property, including but not limited to

the following:

1. The application filed by Petitioner to appeal the adverse decision to the Board;
2. The minutes of any hearings or meetings in all proceedings relevant to the Property;
3. Any audio/video recordings of any hearings or meetings in all proceedings relevant to the Property;
4. Verbatim transcripts of all proceedings relevant to the Property;
5. Any staff report(s), memoranda, correspondence, or other documents to or from the Board, the Planning and Zoning Administrator, and/or other Town staff regarding the Property and/or any of the proceedings relevant thereto;
6. Any written submissions, reports, correspondence, or other documents from third parties to the Board, the Planning and Zoning Administrator, and/or other Town staff regarding the Property and/or any of the proceedings relevant thereto;
7. All photographs, resolution letters, reports, plats, correspondence (written or electronic), exhibits, and other documents or things filed before, during, and after the proceedings; and
8. A verified statement of such other facts as may be pertinent and material to show the grounds of the Board's decision.

THIS CAUSE IS CONTINUED.

Entered this 17th day of February, 2023.


Judge, Warren County Circuit Court

2/17/23
cc: Andrew Hill, Esq.
George Sonnett, Jr.

I ASK FOR THIS:



Andrew P. Hill (VSB No. 80474)
MATA & HILL PLC
25 S. Royal Avenue
Front Royal, Virginia 22630
Phone: (540) 686-1203
Fax: (540) 466-1203
E-mail: aphill@mata-hill.com
Counsel for Petitioner

Certified to be a
True Copy of a Record
In the Clerk's Office of the
WARREN COUNTY CIRCUIT COURT
Date: February 17, 2023
Christine Simmons
Deputy Clerk



COUNCIL REGULAR WORK SESSION AGENDA STATEMENT

Meeting Date: February 12, 2024

Item# 04C

Agenda Item: Request for an Easement on Town Property from Donald Stallings near Duck Street

Summary: Staff received a request from Donald Stallings on January 10, 2024, requesting written permission to use the existing access gate and easement through the Town of Front Royal Property located on either side of the North Fork bridge and to access his property for recreational use, and maintaining the property. The property is a 5.1-acre lot situated between the railroad and the river. The Town property is approximately 1,000 feet in length and its termination point would connect to E. Duck Street.

This request is for the same property that was discussed in November 2023, as part of the Hounshell request. Since that meeting, Mr. Stallings has purchased the property and is seeking a similar easement to access this property. He currently owns property (142 Rugby Street) across the railroad tracks adjacent to the 5-acre parcel needing access.

During the discussion in November on the Hounshell request, the applicant was asked to pursue the easement with VDOT before the Town considered any easement or access because VDOT owns the land under the North Fork Bridge. When I was contacted in January by Mr. Stallings, I relayed the same message to him, and he stated he was in the process of obtaining an easement from VDOT.

I was notified by the applicant on January 31, 2024, that he received his land use permit to access the VDOT property under the bridge which is attached. In the permit from VDOT, it states "Access under VDOT Bridge over Shenandoah River as described above. No parking or storage of any kind is permitted on VDOT r/w. Permission needs to be obtained from Town of Front Royal to cross Town property and access of their gate."

Budget/Funding: N/A

Staff Recommendation: Staff needs direction on this written request for an easement on Town property

Tina Presley

From: Joe Waltz
Sent: Wednesday, January 10, 2024 3:19 PM
To: Tina Presley; Hillary Wilfong
Subject: Fwd: Add to Town Council Agenda / Donald Stallings Easement Request / North Fork Bridge
Attachments: Google Maps (1).JPG; Google Maps (2).JPG; Street View (1).JPG; Street View (2).JPG; Street View (3).JPG; Warren GIS (1).JPG; Warren GIS (3).JPG; Warren GIS (2).JPG; Street View (4).JPG; Warren GIS (4).JPG

Tina,
Please add this item to a future work session in February (5th or 12th)
Thanks,
Joe

Get [Outlook for iOS](#)

From: Donald Stallings <donald.stallings@allenlund.com>
Sent: Wednesday, January 10, 2024 2:23:08 PM
To: Joe Waltz <jwaltz@frontroyalva.com>
Subject: Add to Town Council Agenda / Donald Stallings Easement Request / North Fork Bridge

Good afternoon Mr. Waltz,

Thank you for taking the time to meet with me yesterday on such short notice, it was a pleasure talking with you and I appreciate your guidance on submitting my request to the Town. Please see my request below for the Town Council and please add my request to the agenda as soon as possible.

My name is Donald Stallings, I live at 142 Rugby Street in Front Royal, VA (off of Duck Street). I am writing today in order to switch gears on the "Hounshell Easement Request" and re-apply for the easement as the new owner (as of 12/29/23) of the "landlocked" property (Tax Map#: 20A114) outlined in Mr. Hounshell's request. I purchased this riverfront property which is located directly behind my house but is separated by the Norfolk Southern Railroad and they are strongly against "walking" and new vehicle easements and crossings across the track itself. I am requesting written permission to use the existing access gate and easement through the Town of Front Royal Property located on either side of the North Fork bridge and to my property for access, recreational use, and maintaining the property.

The gated entrance to these properties is located off of E. Duck Street at the 90 degree turn on Winchester Pike / Queens Hwy. Please see "Street View" attachments for reference and visualization of this entrance. The gate and surrounding area is overgrown and I plan to keep this maintained once the town approves access.

*Using Warren County GIS I was able to locate the Town Property pertaining to my request. The town's property looks to be (3) parcels but is actually just (1) 4.382 acre parcel which expands on both sides of the bridge. Using the attached **VGIN / Satellite** views you can see the existing access road going through all properties. Warren County Register of Deeds / Records does not have a plat available for this Town property.*

*FYI:
Currently Public Works uses the access through the Town property, VDOT property, and my own property to maintain stormwater drain throughout the property. I just want to make it clear that there is already an existing access that has*

been used for many years. However this locked gate prevents access by the owner of the otherwise landlocked property.

Regarding the property directly under the bridge owned by VDOT, I am working with Ms. Ronda Funkhouser at VDOT directly. The Land Use Permit Application has been completed and is being reviewed. Please see Ronda's information directly below.

Rhonda Funkhouser

Permit Tech - Clarke, Frederick, Shenandoah & Warren Counties

VDOT - Edinburg Residency Office | Land Use

14031 Old Valley Pike | Edinburg, VA 22824

Phone #540.534.3207

Email: Rhonda.Funkhouser@vdot.virginia.gov

I look forward to confirming a date for this to be put on the agenda. I plan to be present at any / all meetings that have to do with my request. I will be able to answer any direct questions if needed. Please let me know if you need or would like any additional documents.

Please see the attachments list.

Warren GIS (1);
Warren GIS (2);
Warren GIS (3);
Warren GIS (4);
Google Maps (1);
Google Maps (2);
Street View (1);
Street View (2);
Street View (3);
Street View (4);



Donald Stallings
Transportation Broker, Winchester VA
P:(800) 929-5863 C:(540) 323-4168
252 Airport Road, Suite 1,
Winchester, VA 22602
donald.stallings@allenlund.com
We treat your freight like family!





This permit only grants permission to use whatever rights the Commonwealth Transportation Board and the Department of Transportation have in the right of way and no more, and it is the obligation of the permittee to secure any other releases or permission that may be needed in order to perform the work.

Effective Date Jan 31, 2024

Expiration Date Feb 01, 2024

Reinstatement Date

Permittee Information	Your Job#	Surety & Account Receivable Information
Owner & Address Donald Stallings 142 Rugby Road Front Royal Virginia 22630 Contact Donald Stallings Phone# 540.323.4168 Fax# 24 Hr#	Agent Contact Phone# Fax# 24 Hr#	Name Surety Account Surety Type Amount Obligation Amount 0.00 Surety Holder CUSTOMER

AUTHORIZATION: In compliance with your application, permission is hereby given insofar as the Commonwealth Transportation Board has the right, power, and authority under sections 33.2 - 210;33.2 - 240;33.2 - 241 of the Code of Virginia as amended, to grant by Special Agreement and/or by Land Use Permit for you to perform the work and or activity(s) described below:

Location

County/City/Town	Town of Front Royal	Highway Route(s)	522 - Winchester Hwy
From Route Number		From Route Name	
To Route Number		To Route Name	

Work Description The permittee/agent must contact the VDOT Customer Service Center at 1-800-367-7623 a minimum of 48 hours prior to initiating any excavation within 1,000 feet of a signalized intersection and/or VDOT ITS infrastructure.

Requesting access thru VDOT property (Identified in Warren County GIS as Tax Map ID: 19 ROW) located under Hwy 522 Bridge (38.949165, -78.199666) entering Front Royal crossing the North Fork of the Shenandoah using the existing gate and access road as an easement to my property (identified as Tax Map ID: 20A114) that is currently considered "landlocked" due to gate being locked and no written permission has been given. Gate is located at the corner of East Duck Street and Old Winchester Pike (38.948489, -78.198384). I am seeking permission to utilize the existing service road that runs under the bridge that leads to and through my property so that I can access my property for recreational use like fishing, camping, general maint. of the property. ***Access under VDOT Bridge over Shenandoah River as described above. No parking or storage of any kind is permitted on VDOT r/w. Permission needs to be obtained from Town of Front Royal to cross Town property and access of their gate.***

Payment Reference	Payment Date	Payment Type	Payment Amount
78393748	1/18/2024	Credit Card	\$100.00

Applicant has complied with VA Code Section 56-265.15 Affidavit is attached.

TERMS: Applicable as stated in the VDOT Land Use Permit Regulations (current edition) and/or as per approved plans, and/or regulatory instructions, including but not limited to the LUP-SPG and/or agreement(s) attached hereto.

COMMONWEALTH TRANSPORTATION BOARD

By:

Joseph W. Johnson, P.E.

Jan 31, 2024

- | | |
|----------|-------------------------------------|
| C | Call before you dig |
| A | Allow the required time for marking |
| R | Respect and protect the marks/flags |
| E | Excavate carefully |



[] When checkbox is marked, by approving this permit, the issuing official certifies that the entrance was designed in accordance with Appendix F of the Road Design Manual

FINAL INSPECTION & SURETY REQUIREMENTS: Upon completion of the work or activity(s) authorized under this Land Use Permit, the permittee shall contact the following office in writing or by electronic communication to request final inspection and release of the surety obligation for this permit.

Edinburg Residency
14031 Old Valley Pike
Edinburg VA 22824

Land Use Permit System

Welcome Rhonda.Funkhouser

[Permit](#)

[Customer](#)

[Search](#)

[Letters](#)

[Reports](#)

[Help](#)

[Submission Upload](#)



Record Type	Permit Prefix	Permit Prefix Office Name	Permit Number	Customer Name	Permit Status
Land Use	855	Edinburg Residency			

Submission

Submitted: 1/4/2024

Status: ONLINE-SUBMITTED

V0S7JSEEF144C9GM5BV

Tracking Number: <https://lupsonline.vdot.virginia.gov/Application/View/V0S7JSEEF144C9GM5BV>
Open permit in new window

Applicant

Name: Donald Stallings

Driver's license or tax ID number:

Address: 142 Rugby Street
Front Royal, VA 22630

Contact name: Donald Stallings

Email address: donald.stallings@allenlund.com

Phone number: (540) 323-4168 x_____

Fax number: (____) ____-____ x_____

Fee

Fee option: Fee required

Surety

Surety option: New surety required

Request

Request permission to perform the following activity(s) as per attached plan:

Requesting access through VDOT property (Identified in Warren County GIS as Tax Map ID: 19 ROW) located under Hwy 522 Bridge (38.949165, -78.199666) entering Front Royal VA crossing the North Fork of the Shennandoah using the existing gate and access road as an easement to my property (identified as Tax Map ID: 20A114) that is currently considered "landlocked" due to gate being locked and no written permission has been given. Gate is located at the corner of East Duck Street and Old Winchester Pike (38.948489,-78.198384). I am seeking permission to utilize the existing service road that runs under the bridge that leads to and through my property so that I can access my property for recreational use like fishing, camping, and general maintenance of the property.

Permit term requested: 180

Location

Location type: Single use

Name of city, town or county: Town of Front Royal

Route number: 522
Route name: Winchester Hwy
Latitude: -78.199666
Longitude: 38.949165

Confirmation

Applicant Initial:

Cancel

Return

Accept

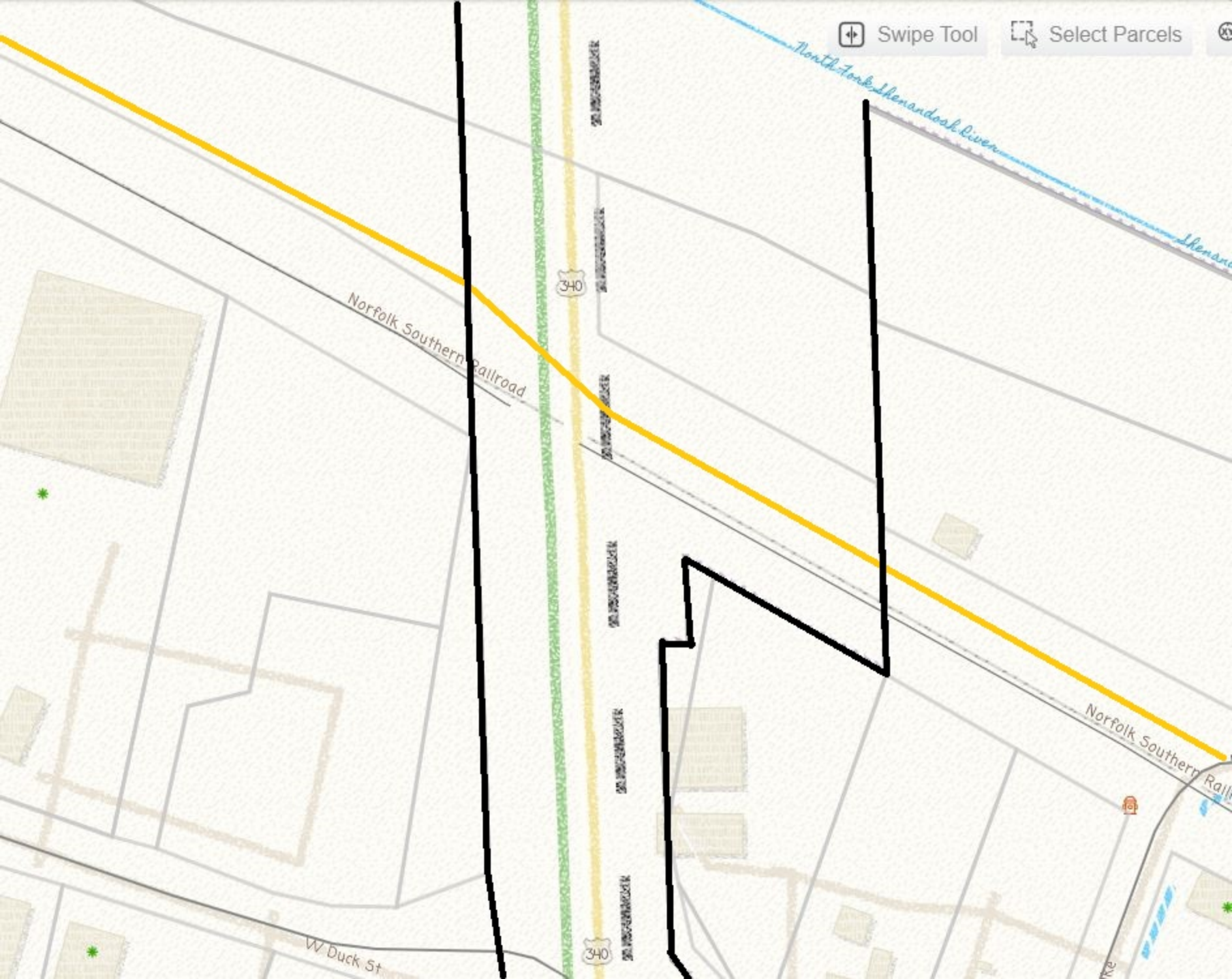


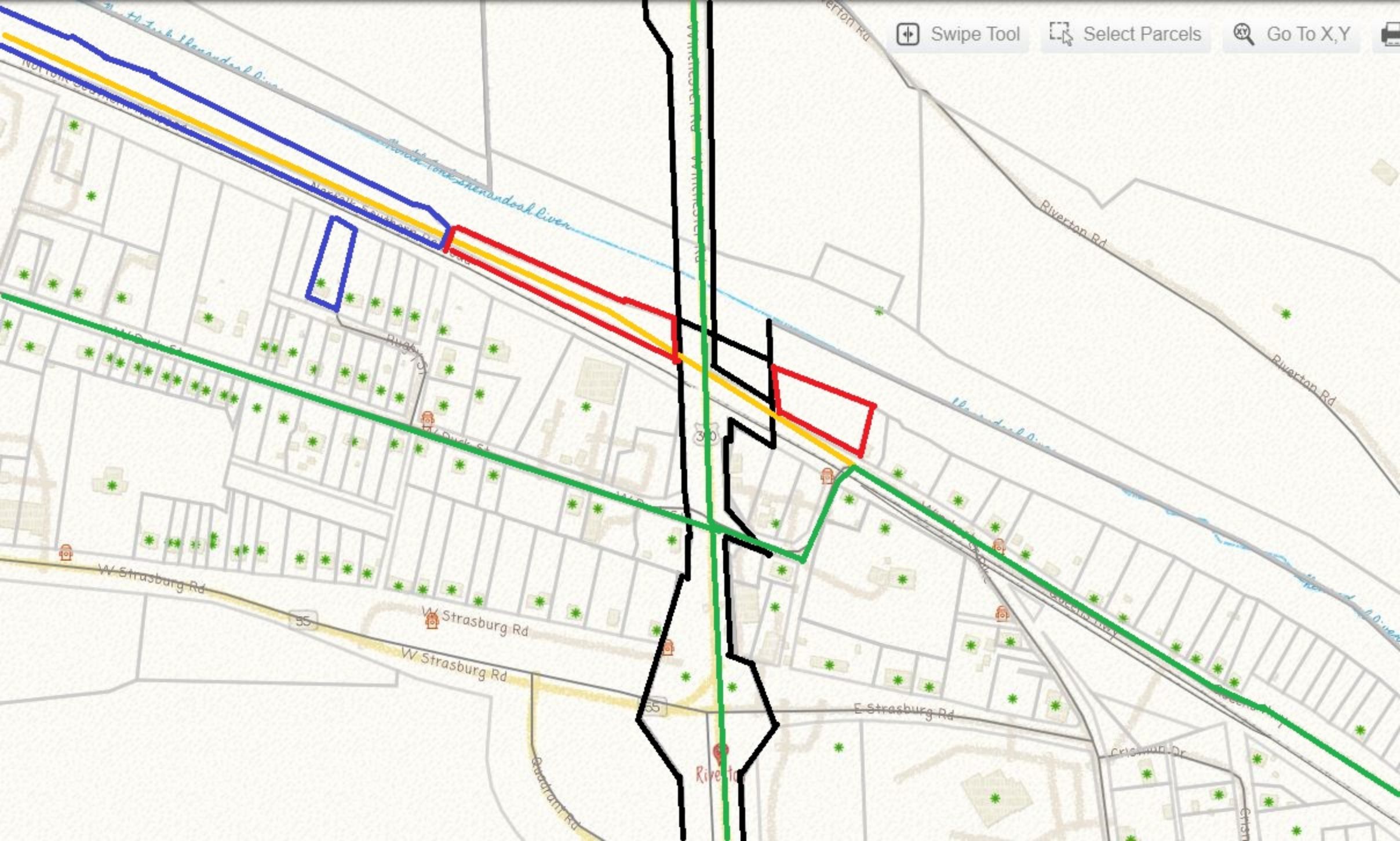


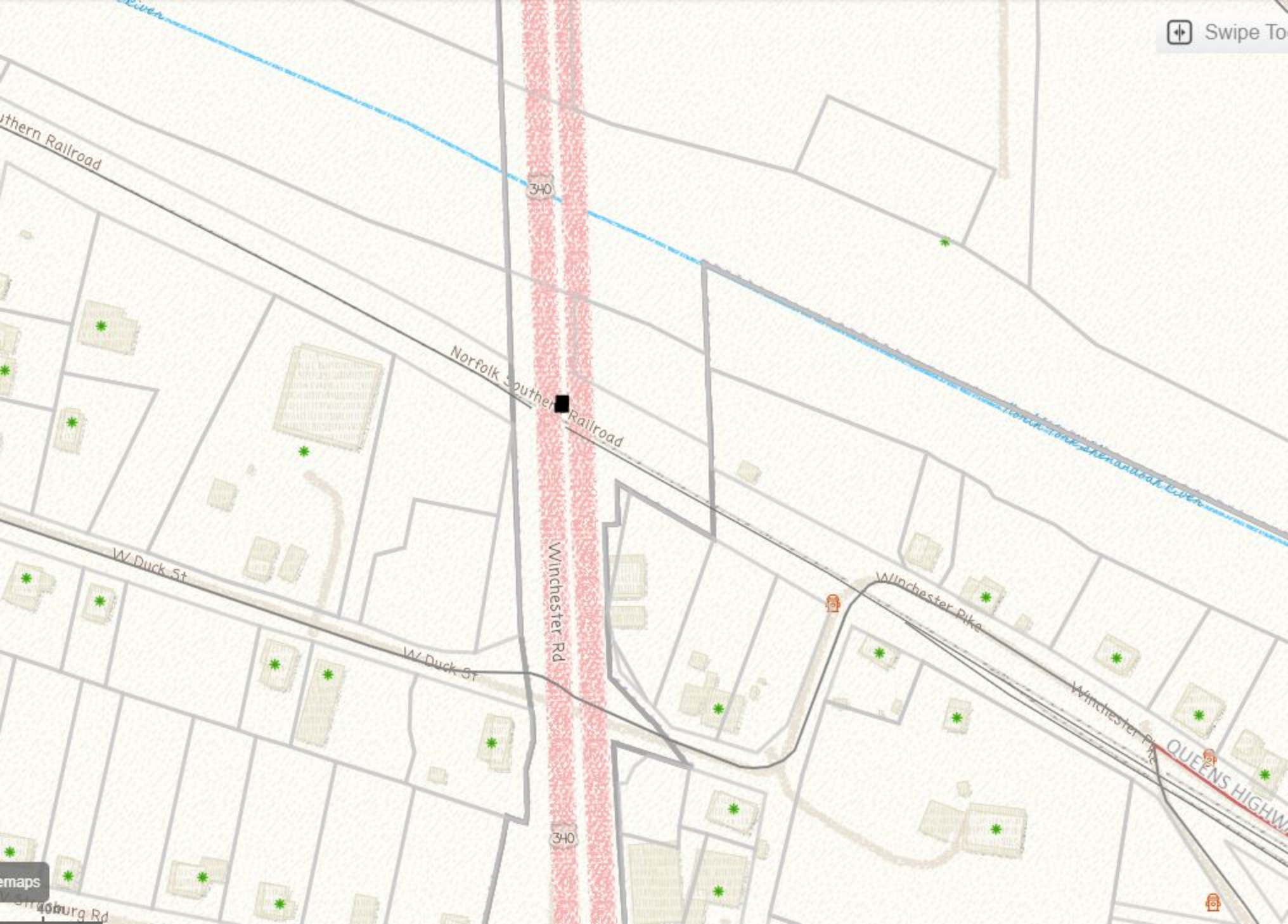
Swipe Tool



Select Parcels









**LAND USE PERMIT
LUP-SPG
Special Provisions – General**

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Written permission is granted for the above-referenced activity through the issuance of a land use permit.

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property.

The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in [§33.2-210](#) of the Code of Virginia.

Application Requirements

Application shall be made for VDOT land use permits through the local district permit office where the activity is to take place.

Application forms and general information regarding VDOT land use permitting can be obtained by contacting the central office permit manager or at the following VDOT web site: <http://www.virginiadot.org/business/bu-landUsePermits.asp>

The applicant shall provide a notarized affidavit indicating compliance with the registration and notification requirements outlined in [§ 2.2-1151.1](#) of the Code of Virginia.

Permit Fees

The land use permit application shall include a check in an amount determined by the district administrator's designee based on the schedule found in [24VAC30-151-710](#) of the [Land Use Permit Regulations](#).

Surety Requirement

A performance surety in the amount determined by the district administrator's designee is required to restore the right-of-way in the event of damage or default. This surety may be in the form of cash, check or surety bond [LUP-SB](#), or [LUP-LC](#) irrevocable letter of credit.

Cash Surety Refund

Applicants owing the Internal Revenue Service or the Commonwealth of Virginia may not receive a refund of the cash guarantee provided for the issuance of a VDOT land use permit unless the amount owed is less than the amount of cash guarantee provided. Applicants providing cash guarantee for the issuance of a VDOT land use permit must provide an executed copy of the Commonwealth of Virginia's Substitute Form W-9 to receive a refund of the cash guarantee provided for the issuance of a VDOT land use permit.

Insurance Requirements (excluding County, Town or City)

The permittee or their agent shall secure and maintain insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a land use permit and from the operation of the permitted activity up to one million dollars (\$1,000,000) each occurrence to protect the Board members and the Department's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Board, the Department, or the Commonwealth in event of suit. Insurance must be obtained prior to start of the permitted work and shall remain valid through the permit completion date. VDOT staff may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

Any of the following provisions that may apply, shall apply:

General Requirements

- 1) Permittee acceptance and use of a Virginia Department of Transportation (VDOT) land use permit is prima facie evidence that the permittee has read and is fully cognizant of all required permit provisions, applicable traffic control plans and associated construction

standards to be employed. All applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board, members of the Board, the Commonwealth, and all Commonwealth employees, agents, and officers, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law including any sums ordered to be paid or expended by VDOT by any governmental entity as a fine, penalty or damages for any violation of any applicable environmental law, or to remediate any hazardous or other material, including illicit discharge into VDOT maintained storm sewer systems.

- 2) The permittee assumes full responsibility for any and all (downstream flooding, erosion, siltation, etc.) damages that may occur as a result of the work performed under this permit. Furthermore, the Department will in no way be responsible for any damage to the facility being placed as a result of future maintenance or construction activities performed by the Department.
- 3) The permittee agrees to move, remove, alter, or change any installation that interferes with the ultimate construction of the highway in alignment or grade at no cost to the Department unless otherwise stipulated and agreed to by the Department.
- 4) The permittee shall immediately correct any situation that may arise as a result of these activities that the district administrator's designee deems hazardous to the traveling public.
- 5) Any and all highway signs, right-of-way markers, etc., disturbed as a result of work performed under the auspices of a land use permit shall be accurately reset by the permittee immediately following the work in the vicinity of the disturbed facility. The services of a certified land surveyor with experience in route surveying may be required.
- 6) It shall be the permittee's responsibility to obtain any and all necessary permits that may be required by any other government agencies, i.e., U.S. Army Corp. of Engineers, Department of Environmental Quality, Department of Conservation and Recreation, etc.
- 7) A copy of the VDOT land use permit shall be maintained at the work site and made readily available for inspection when requested by authorized VDOT personnel. District administrator's designee may request the permittee to install on site a project information sign to help the public and VDOT personnel identify activities in the right of way (see LUP-IS).
- 8) The permittee shall notify the local district permit office at least 48 hours prior to commencement of any work requiring inspection and/or testing as stipulated in VDOT's Road and Bridge Standards (current edition) and VDOT's Road and Bridge Specifications (current edition). Failure to carry out this requirement may result in permit revocation.
- 9) The permittee or their agent must contact the VDOT Customer Service Center at 1-800-367-7623 a minimum of 48 hours prior to initiating any planned excavation within 1,000 feet of a signalized intersection and/or near VDOT ITS infrastructure. Excavation activities may proceed only after the VDOT regional utility location agent has notified the permittee that the utility marking has been completed.

Alternately, within all localities in the Northern Virginia Construction District, including the Counties of Arlington, Fairfax, Loudoun & Prince William, the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park, and the Towns of Clifton, Dumfries, Hamilton, Haymarket, Herndon, Hillsboro, Leesburg, Lovettsville, Middleburg, Occoquan, Purcellville, Quantico, Round Hill and Vienna, and on Interstate 95 in the counties of Stafford, Spotsylvania and Caroline, the permittee may request VDOT regional utility marking at: <http://www.vdotutilitymarking.virginia.gov>

- 10) The permittee shall to notify "VA811" (or each operator of an underground utility where notification center exists) of any planned excavation within state maintained right-of-way. This notification must be provided at least 48 hours (excluding weekends and holidays) in advance of commencing with any planned excavation within state maintained right-of-way. Failure to carry out this requirement may result in permit revocation.
- 11) Any permit may be revoked or suspended when in the opinion of the district administrator's designee, the safety, use or maintenance of the highway so requires.
- 12) The permittee shall at all times give strict attention to the safety and rights of the traveling public, their employees and themselves. VDOT reserves the right to stop work at anytime due to safety problems and/or non-compliance with the terms of the permit. The Department may, at its discretion, complete any of the work covered in the permit or restore the right-of-way to the department's standards and invoice the permittee for the actual cost of such work. The permittee may be required to move, alter, change or remove from state maintained right-of-way, in a satisfactory manner, any installation made under this permit.
- 13) All work authorized under the auspices of a VDOT land use permit shall be subject to VDOT's direction and be in accordance with VDOT's Road and Bridge Standards (current edition) and VDOT's Road and Bridge Specifications (current edition).

14) Design changes, specified material changes and/or field changes from the approved plans shall be submitted to the appropriate district administrator's designee for review and approval prior to proceeding with the proposed changes. This submittal shall include written justification, supplemental documentation and/or engineering calculations that support the requested changes.

15) The permittee shall meet or exceed the existing pavement design and typical section when constructing pavement widening adjacent to an existing state maintained roadway. The proposed pavement design and typical section shall be approved by the district administrator's designee prior to commencing with any work within state maintained right-of-way. All pavement widening shall be in accordance with VDOT's Road and Bridge Standard 303.02.

16) Within the limits of a VDOT construction project it is the responsibility of the permit applicant to obtain the contractor's consent in writing prior to permit issuance. Information regarding current and/or planned VDOT construction and maintenance activities can be obtained at: <http://www.virginiaroads.org/>.

17) Permittee must notify Virginia Department of Transportation "TOC" Traffic Operation Center when there is a crash in a work zone.

TOC Contact Numbers

Northern Virginia

703-877-3401

Hampton Roads

757-424-9923

757-424-9924

Richmond (Richmond and Fredericksburg)

804-796-4520

Staunton (Staunton and Culpeper)

540-332-9500

540-332-9114

540-332-7789

Salem (Bristol, Lynchburg, and Salem)

540-375-0170

888-782-7982 (toll free)

540-537-1535 (cell backup)

Traffic Control and Safety

- 1) The permittee shall at all times give strict attention to the safety and rights of the traveling public, their employees, and contractors. Any permit may be revoked or suspended when in the opinion of the district administrator's designee, the safety, use or maintenance of the highway so requires.
- 2) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specification, Special Provision 105.14, all activities performed under the auspices of a VDOT Land Use Permit involving the installation, maintenance and removal of work zone traffic control devices must have an individual on-site who, at a minimum, is accredited by VDOT in Basic Work Zone Traffic Control. The accredited person must have their VDOT Work Zone Traffic Control accreditation card in their possession while on-site.
- 3) The individual accredited in Basic Work Zone Traffic Control is responsible for the placement, maintenance and removal of work zone traffic control devices within the project limits in compliance with the permit requirements and conditions, the approved plans and specifications, the Virginia Work Area Protection Manual, and the Manual of Uniform Traffic Control Devices.
- 4) A person accredited by VDOT in Intermediate Work Zone Traffic Control must be on-site to provide supervision for adjustment to the approved layout of any standard Typical Traffic Control (TTC) layouts outlined in the Virginia Work Area Protection Manual.
- 5) All traffic control plans shall be prepared by a person verified by VDOT in Advanced Work Zone Traffic Control.
- 6) Individuals responsible for implementation of work zone traffic control measures shall provide evidence of their accreditation upon request from VDOT personnel.
- 7) The permittee shall be exempt from the requirements of Virginia Department of Transportation (VDOT) Road and Bridge Specification, Special Provision 105.14 if the authorized activity is not within the roadway (as defined in 24VAC30-151) of a state maintained highway.
- 8) Non-compliance with the requirements outlined in VDOT Road and Bridge Specification, Special Provision 105.14 may result in a stop work order and / or permit revocation.
- 9) All activities that require the disruption (stoppage) of traffic shall utilize VDOT certified flaggers. Flag persons shall be provided in sufficient number and locations as necessary for control and protection of vehicular and pedestrian traffic in accordance with the Virginia Work Area Protection Manual. All flaggers must have their certification card in their possession when performing flagging operations within state maintained right-of-way. Any flag person found not in possession of his/her certification card shall be removed from the flagging site and the district administrator's designee will suspend all permitted activities.
- 10) Any VDOT certified flag person found to be performing their duties improperly shall have their certification revoked.
- 11) All signs shall be in accordance with the current edition of the Manual of Uniform Traffic Control Devices (MUTCD).
- 12) The permittee shall immediately correct any situation that may arise as a result of these activities that the district administrator's designee deems hazardous to the traveling public.
- 13) During authorized activities, the permittee shall furnish all necessary signs, flag persons and other devices to provide for the protection of traffic and workers in accordance with the Virginia Work Area Protection Manual or as directed by the district administrator's designee.
- 14) Traffic shall not be blocked or detoured without permission, documented in writing or electronic communication, being granted by the district administrator's designee.

- 15) All lane or shoulder closures on highways in the Northern Virginia construction district classified as arterial or collector routes must be authorized, documented in writing or by electronic communication by the VDOT Transportation Operations Center (NRO/TOC).
- 16) If directed by the district, requests for the implementation of temporary lane closures must be entered into the VDOT Lane Closure Advisory Management System (LCAMS) and VaTraffic a minimum of one (1) week prior to the planned execution of lane closure activities on state maintained highways. The permittee or their contractor(s) shall enter their requests directly or provide written requests to the VDOT Regional Operations Center as follows:

Lane closure requests in all the counties listed below are within the Northern Region and shall be sent to:

NROLaneClosureRequests@vdot.virginia.gov

Contact information:

NRO-(571) 581-8290
David Calhoun, Lane Closure Coordinator
dave.calhoun@vdot.virginia.gov

Northern Virginia District:

Counties: Arlington, Fairfax, Loudoun and Prince William

Fredericksburg District:

Counties: Spotsylvania, Stafford

Lane closure requests in all the counties listed below are within the Northwest Region and shall be sent to:

StauntTrafficManagementCenter@vdot.virginia.gov

Contact information:

NWRO (540) 332-9500
Sandy Wyrick, Lane Closure Coordinator
Sandy.Wyrick@VDOT.Virginia.gov

Culpeper District:

Counties: Albemarle, Culpeper, Fauquier, Fluvanna, Greene, Louisa, Madison, Orange and Rappahannock

Staunton District:

Counties: Alleghany, Augusta, Bath, Clarke, Frederick, Highland, Page, Rockbridge, Rockingham, Shenandoah and Warren

Lane closure requestors ~~are required~~ to have direct access to LCAMS and VaTraffic. Training is available for both programs, however requestors must complete [ITD-35E](#) & [ITD-36E](#) and return to Ms. Sandy Wyrick at Sandy.Wyrick@vdot.virginia.gov. Please contact Ms. Wyrick at 540-332-9881 to schedule training.

Lane closure requests in all the counties listed below are within the Southwest Region and shall be sent to:

SalemTOC@vdot.virginia.gov

Contact information:

SWRO- (540)798-8108
Vicky Reed, Lane Closure Coordinator
vicky.reed@vdot.virginia.gov

Bristol District:

Counties: Bland, Buchanan, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe

Salem District:

Counties: Bedford, Botetourt, Carroll, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, Pulaski and Roanoke

Lynchburg District: Counties: Amherst, Appomattox, Buckingham, Campbell, Charlotte, Cumberland, Halifax, Nelson, Pittsylvania and Prince Edward

- **Lane closure requests in all the counties listed below are within the Eastern Region and shall be sent to:**

HRPermits@VDOT.Virginia.gov

(757) 424-9915

Sam Holzemer, Lane Closure Coordinator

<mailto:sam.holzemer@vdot.virginia.gov>

Hampton Roads District:

Counties: Accomack, Isle of Wight, James City, Northampton, Southampton, Surry, Sussex, York and Greensville.

- **Lane closure requests in all the counties listed below are within the Central Region and shall be sent to:**

RichmondDist.SmartTraffic@vdot.virginia.gov

Contact information:

CRO- 804-609-5338 / 804-401-2756

Sharod Taylor, Lane Closure Coordinator

sharod.taylor@vdot.virginia.gov

Richmond District:

Counties: Amelia, Brunswick, Charles City, Chesterfield, Dinwiddie, Goochland, Hanover, Henrico, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan and Prince George

Fredericksburg District:

Counties: Caroline, Essex, Gloucester, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland

All requests being directly input into LCAMS and VaTraffic must be entered no later than 12:00 pm on the preceding Thursday for the upcoming week's lane closure activities. Any conflicts with other roadway work must be resolved by close of business on Thursday the week prior to the scheduled lane closure activities with documented resolution sent to the VDOT point of contact provided by the regional traffic operation center LCAMS Administrator. Any requests received after these time limitations will not be approved and the proposed work within VDOT right of way requiring lane closures must be rescheduled.

Lane closure requestors wanting direct access to LCAMS and VaTraffic must complete [ITD-35E](#) & [ITD-36E](#) forms and return to David Calhoun at dave.calhoun@vdot.virginia.gov. Online training is available for LCAMS and VaTraffic and VDOT can accommodate any additional training needs. Please contact David Calhoun at (571) 581-8290 to schedule training.

VIRGINIA WORK ZONE TRAFFIC CONTROL TRAINING OPTIONS

The following three options are available to receive Work Zone Traffic Control (WZTC) training based on an individual's job duties and responsibilities as required by the FHWA Final Rule on Work Zone Safety and Mobility and the Virginia Department of Transportation:

OPTION 1 – Have someone trained to become a qualified instructor in your company who can then instruct others, utilizing training material provided by VDOT. The following qualifications must be met in order to teach the VDOT Basic, Intermediate, or Advanced WZTC training courses:

- **Basic** – Be flagger certified either by VDOT or by the American Traffic Safety Services Association (ATSSA); possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; and successfully complete the VDOT WZTC Intermediate or Advanced course or complete the ATSSA Virginia Intermediate/Traffic Control Supervisor (TCS) course.
- **Intermediate** - Be flagger certified either by VDOT or by ATSSA; possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; complete and possess the ATSSA Virginia Intermediate/TCS certification.
- **Advanced** - Be flagger certified either by VDOT or by ATSSA; possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; complete and possess the ATSSA Virginia Advanced Traffic Control Design Specialist (TCDS) certification or ATSSA Virginia Intermediate TCS certification

ATSSA Virginia Intermediate TCS certification

To become an approved instructor, an application must be completed listing the above qualifications and sent to the chairman of VDOT's WZST committee at the following location:

https://www.virginiadot.org/business/resources/traffic_engineering/memos2/TE-345_Work_ZoneTrafficControl_Training_Procedures.pdf

Basic WZTC courses by the Virginia Rural Water Association can be found at the following location:

<http://www.vrwa.org/> (See Training Schedule)

Training by the Virginia Transportation Construction Alliance (VTCA) can be found at the following location: <http://vtca.org/>

Visit the following site for additional information regarding Virginia's Work Zone Traffic Control training program:

<http://www.virginiadot.org/business/trafficeng-WZS.asp>

Authorized Hours and Days of Work

Normal hours for work under the authority of a VDOT land use permit are from 9:00 a.m. to 3:30 p.m. Monday through Friday for all highways classified as arterial or collector. All highways classified as local roads will have unrestricted work hours and days. The district administrator's designee may establish alternate time restrictions in normal working hours for single use permits.

The central office permit manager may establish alternate time restrictions in normal working hours for district-wide permits.

The classifications for all state maintained highways can be found at the following link:

http://www.virginiadot.org/projects/fxn_class/maps.asp

Emergency Repair

In the event of an emergency situation that requires immediate action to protect persons or property, work may proceed within the right-of-way without authorization from the district administrator's designee; however, the utility owner must contact the VDOT Emergency Operations Center at 1-800-367-7623 as soon as reasonably possible but no later than 48 hours after the end of the emergency situation.

The utility owner must apply for a separate land use permit from the local district permit office for any emergency work performed on state maintained right-of-way when the following actions are proposed:

- Stopping or impeding highway travel in excess of 15 minutes, or,
- Accessing facilities within limited access right-of-way, or,
- Cutting the highway pavement or shoulders.

The district administrator's designee shall determine the applicable permit fee for emergency repair permit

The Implementation of Portable Temporary Rumble Strips in Land Use Permits and Utility Operations

Distracted driving and speeding crashes continue to make up a large percentage of work zone crashes across the Commonwealth. In 2019, VDOT initiated a requirement for the use of Portable Temporary Rumble Strips (PTRS) in some instances to help reduce the rate of such crashes. In 2020, 50% of the 3757 work zone crashes were distracted and/or speeding related crashes. In order to address this, VDOT will expand the PTRS requirement in 2022 to work associated with Land Use permits and utility operations when the following conditions are met concurrently:

- a. The work operation involves flaggers on a two-lane roadway during daylight hours;
- b. The work duration of the activity at a location is greater than three hours but less than 72 consecutive hours (the use of PTRS may run into nighttime conditions in this case);
- c. The existing posted or regulatory speed limit is 35 mph or greater; and
- d. The roadway has at least 500 vehicles per day (usually has a marked centerline).

Regardless of the above, if the following conditions exist, then the use of PTRS would not be required:

- If the roadway has loose gravel such as after a surface treatment operation,
- If the roadway has bleeding asphalt or heavily rutted pavements which would cause the PTRS to move excessively,
- PTRS shall not be placed through pedestrian crossings or marked bicycle lanes,
- PTRS are not required if the work is of an emergency nature, or is in rain, snow, or icy weather conditions.

PTRS creates an audible noise and vibration to approaching motorists. The advantages of using it include:

- Raising motorists attentiveness to flagging operations and surrounding conditions;
- Providing an audible warning to flaggers, increasing their awareness of approaching vehicles; and
- Reducing speeding, rear end collisions, and roadway departures

For more information on the use of PTRS, please refer to Section 6F.99 of the 2011 Virginia Work Area Protection manual: https://www.virginiadot.org/business/resources/traffic_engineering/workzone/wapm/2011_WAPM_REV_2_1.pdf

Holiday Restrictions

Permitted non-emergency work will not be allowed on arterial and collector highway classifications from noon on the preceding weekday through the following state observed holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If the observed holiday falls on a Monday, the permit will not be valid from noon on the preceding Friday through noon on Tuesday.

Excavation

All excavation within state maintained rights-of-way shall comply with OSHA Technical Manual, Chapter 2, Title Excavation: Hazard Recognition in Trenching and Shoring. A professional engineer shall certify all shoring and/or trench boxes.

No excavated material is to be placed or tracked on the pavement without written permission from the District Administrator's designee. When so authorized, the pavement shall be satisfactorily cleaned by a VDOT approved method. No cleated (track-mounted) equipment is to be used on the pavement without properly protecting the pavement from damage.

Trenchless Construction

Site specific geotechnical sub-surface investigation reports, compiled in accordance with the provisions of VDOT Materials Division Manual of Instructions, shall be submitted to the district administrator's designee if the following trenchless installation(s) are proposed:

- The proposed pipe diameter is 24-inches or greater, and;
- The proposed pipe cover is less than 3 times the pipe diameter, and;
- The AADT of roadway is greater than 25,000, or;
- The proposed pipe diameter is 60-inches or greater, or;
- Any situation where there is a significant risk identified.

Inspection and Restoration

- 1) Inspection and testing of all backfill and pavement sections shall be performed in accordance with all applicable sections of VDOT's Road and Bridge Specifications (current edition).
- 2) If during or before construction it is deemed necessary for the local district permit office to assign an inspector to the project, the permittee shall pay the Department an additional inspection fee in an amount that will cover the salary, expense allowance, and mileage allowance for the inspection(s) assigned by the Department for handling work covered by this permit. Said inspection fee shall be paid promptly each month on invoices rendered by the Department.
- 3) It shall be the decision of the district administrator's designee whether to assign an inspector to monitor the placement of all backfill and pavement restoration activities.
- 4) The absence of a VDOT inspector does not in any way relieve the permittee of their responsibility to perform the work in accordance with the approved plans, provisions of the attached permit, VDOT's Road and Bridge Standards (current edition) and VDOT's Road and Bridge Specifications (current edition).
- 5) The permittee shall be responsible for any settlement of all backfill or pavement restoration necessitated by authorized excavation activities for a period of two (2) years after the completion date of permit, and for the continuing maintenance of the facilities placed within the highway right-of-way. A one (1) year restoration warranty period may be considered, provided the permittee adheres to the following criteria:
 - The permittee retains the services of a professional engineer (or certified technician under the direction of the professional engineer) to observe the placement of all backfill and pavement restoration.
 - The professional engineer (or certified technician under the direction of the professional engineer) performs any required inspection and testing in accordance with all applicable sections of VDOT's Road and Bridge Specifications.
 - The professional engineer submits all testing reports for review and approval, and provides written certification that all restoration procedures have been completed in accordance with all applicable sections of VDOT's Road and Bridge Specifications prior to completion of the work authorized by the permit.

- 6) Whenever existing pavement is permitted to be cut, not over one-half of the roadway width shall be disturbed at one time and the first open cut trench section shall be satisfactorily restored to allow for the passage of traffic prior to the second half of the roadway surface can be disturbed.
- 7) All crossing of existing pavement shall be bored, pushed or jack ed an appropriate distance from the edge-of-pavement so as not to impede the normal flow of traffic or damage the existing pavement section. Existing pavement shall not be cut unless approved by the district administrator's designee and then only if justifiable circumstances prevail or proof is shown that a thorough attempt has been made to push, bore or jack.
- 8) Authorized daily trench excavation within pavement sections shall not exceed 500 feet in length.
- 9) Pavement restoration shall be in accordance with the VDOT [LUP-OC](#) Pavement Open Cut Spec ial Provisions. This document can also be found at: <http://www.virginiadot.org/business/bu-landUsePermits.asp>
- 10) Where the pavement is disturbed or dee med weakened in its entirety or such portions as deemed desirable by the Department, the pavement shall be restored or replaced in a manner that is satisfactory to the district administrator's designee.

Environmental

- 1) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specification **§107.16**, all contractors performing regulated land disturbing activities within VDOT right-of-way must have at least one (1) employee that has successfully completed the VDOT Erosion & Sediment Control Contractor Certification training. This person shall be on site during all land disturbance activities and will be responsible for insuring compliance with all applicable local, state and federal erosion and sediment control regulations during land disturbance activities. This person must have their certification card with them while on the project site. The land use permit will be suspended if proof of certification cannot be provided. Regulated land disturbing activities are defined as those activities that disturb 2,500 square feet or greater in Tidewater, Virginia or 10,000 square feet or greater in all other areas of the State. The Department will require evidence of this certification with any land use permit application that involves utility and/or commercial right of way improvement. Improper installation, maintenance and removal of erosion and sediment control devices may result in revocation of VDOT Erosion & Sediment Control Contractor Certification.

NOTE: Training for the VDOT Erosion & Sediment Control Contractor Certification can be obtained from any of the sources listed under "Upcoming Courses" at: http://www.virginiadot.org/business/locdes/ms4_stormwater_management.asp

- 2) The permittee is responsible for pursuing and obtaining any and all environmental permits which may be required to pursue the proposed activity prior to any work beginning within state maintained right-of-way.
- 3) In the event hazardous materials or underground storage tanks are encountered within state maintained right-of-way during authorized activities, the permittee shall suspend all work immediately then notify the local district permit office and other responsible parties, i.e., the local fire department, emergency services, Department of Environmental Quality, etc. The permittee is responsible for coordination and completion of all required re mediation necessary to complete the permitted activities within the state maintained right-of-way. The permittee shall provide evidence of such compliance to the local district permit office prior to recommencement of permitted activities.
- 4) In the event cultural resources, archaeological, paleontological, and/or rare minerals are encountered within the right of way during authorized activities, the permittee shall suspend all work immediately then notify the local district permit office and the proper state authority charged with the responsibility for investigation and evaluation of such finds. The permittee will meet all necessary requirements for resolving any conflicts prior to continuing with the proposed activities within the state maintained right-of-way, and shall provide evidence of such compliance to the local district permit office.
- 5) Roadway drainage shall not be blocked or diverted. The shoulders, ditches, roadside, drainage facilities and pavement shall be kept in an operable condition satisfactory to the Department. Necessary precautions shall be ta ken by the permittee to insure against siltation of adjacent properties, streams, etc., in accordance with VDOT's current standards or as prescribed by the Department's Environmental Manual and the district administrator's designee.

Entrances

- 1) VDOT's authority to regulate highway entrances is provided in §, [§33.2-240](#), and [§33.2-241](#) of the Code of Virginia and its authority to make regulations concerning the use of highways generally is provided in [§33.2-210](#) of the Code of Virginia. Regulations regarding entrances are set forth in VDOT's regulations promulgated pursuant to [§33.2-245](#) of the Code of Virginia.
- 2) The permittee shall be responsible for the design and installation of a private entrance under the auspices of a VDOT land use permit however the permittee may request that VDOT forces install the private entrance at the permittee's expense.

- 3) Street connections, private entrances, and construction entrances shall be kept in satisfactory condition during all activities authorized under the auspices of a VDOT land use permit. Entrances shall not be blocked. Ample provisions must be made to provide safe ingress and egress to adjacent properties at all times. Entrances that are disturbed shall be restored to the satisfaction of the property owner and the district administrator's designee.

Utilities

- 1) Prior to any excavation, the permittee shall comply with the terms of [Title 56, Chapter 10.3](#) of the Underground Utility Damage Prevention Act and [§56-265.14](#) through [§56-265.20](#) of the Code of Virginia. This permit does not grant permission to grade on or near property of others, or, adjust or disturb in anyway existing utility poles or underground facilities within the permitted area. Permission to do so must be obtained from the impacted utility company and any expense involved shall be borne by the permittee. Any conflicts with existing utility facilities must be resolved between the permittee and the utility owner(s) involved.
- 2) All underground utility installations within limited access right-of-way shall have a minimum of 36 inches of cover. All underground utilities within non-limited access right-of-way will require a minimum of 36 inches of cover, except underground cables that provide telecommunications service shall be at a minimum of 30 inches of cover.
- 3) Where feasible, all aboveground installations (such as fire hydrants, telephone pedestals, markers, etc.) shall be located adjacent to the outside edge of the right-of-way line and in accordance with minimum clear zone requirements. All manhole covers, valve box, etc., shall be installed two inches below existing ground line and shall conform to existing contours.
- 4) No poles, guys, anchors, etc., are to be placed on state maintained right-of-way unless authorized under the auspices of a VDOT land use permit. At no time will any such facilities be allowed between the ditch line and the traveled roadway.
- 5) All overhead installations crossing non-limited access highways shall provide a minimum of 18 feet of vertical clearance or at a minimum height as established by the National Electric Safety Code, whichever is greater. All overhead utility installations within limited access right-of-way shall maintain a minimum of 21 feet of vertical clearance. The vertical clearance for all new overhead parallel installations within non-limited access rights-of-way shall be in compliance with standards as specified in the National Electric Safety Code.

Final Inspection and Completion of Permit

Upon completion of the work covered by this permit all disturbed areas outside of the roadway prism shall be restored to their original condition as found prior to starting such work.

Completion of this permit is contingent upon the permittee's completion of the authorized work in accordance with the approved plan and compliance with all governing bodies involved in the total completion of work on state maintained right-of-way.

Upon completion of the work under permit, the permittee shall provide notification, documented in writing or electronic communication, to the district administrator's designee requesting final inspection. This request shall include the permit number, county name, route number and name of the party or parties to whom the permit was issued.

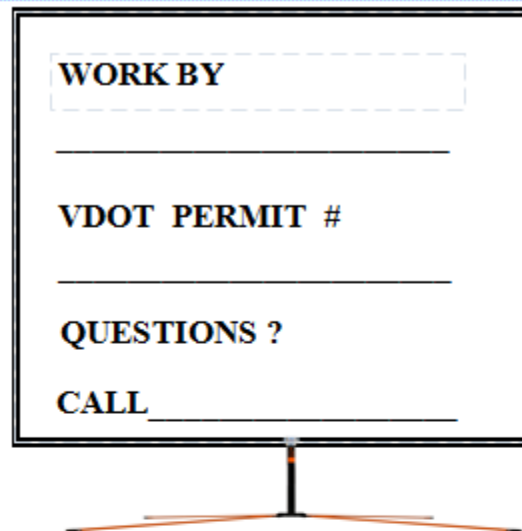
The district administrator's designee shall promptly schedule an inspection of the work covered under the permit and advise the permittee of any necessary corrections.

Permit Revocation

At the discretion of the district administrator's designee, a land use permit may be revoked upon written finding that the permittee was not in compliance with all requirements contained herein and/or violated the terms of the permit, or any state and local laws and ordinances regulating activities within the right-of-way. In addition VDOT may apply additional penalties in accordance with §33.2-1221.

Permittee Notice

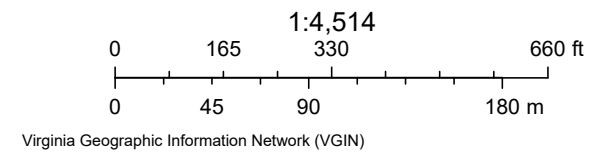
The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the permittee without consultation with the central office permit manager and affirmation from the [Land Use Permit Regulations](#).



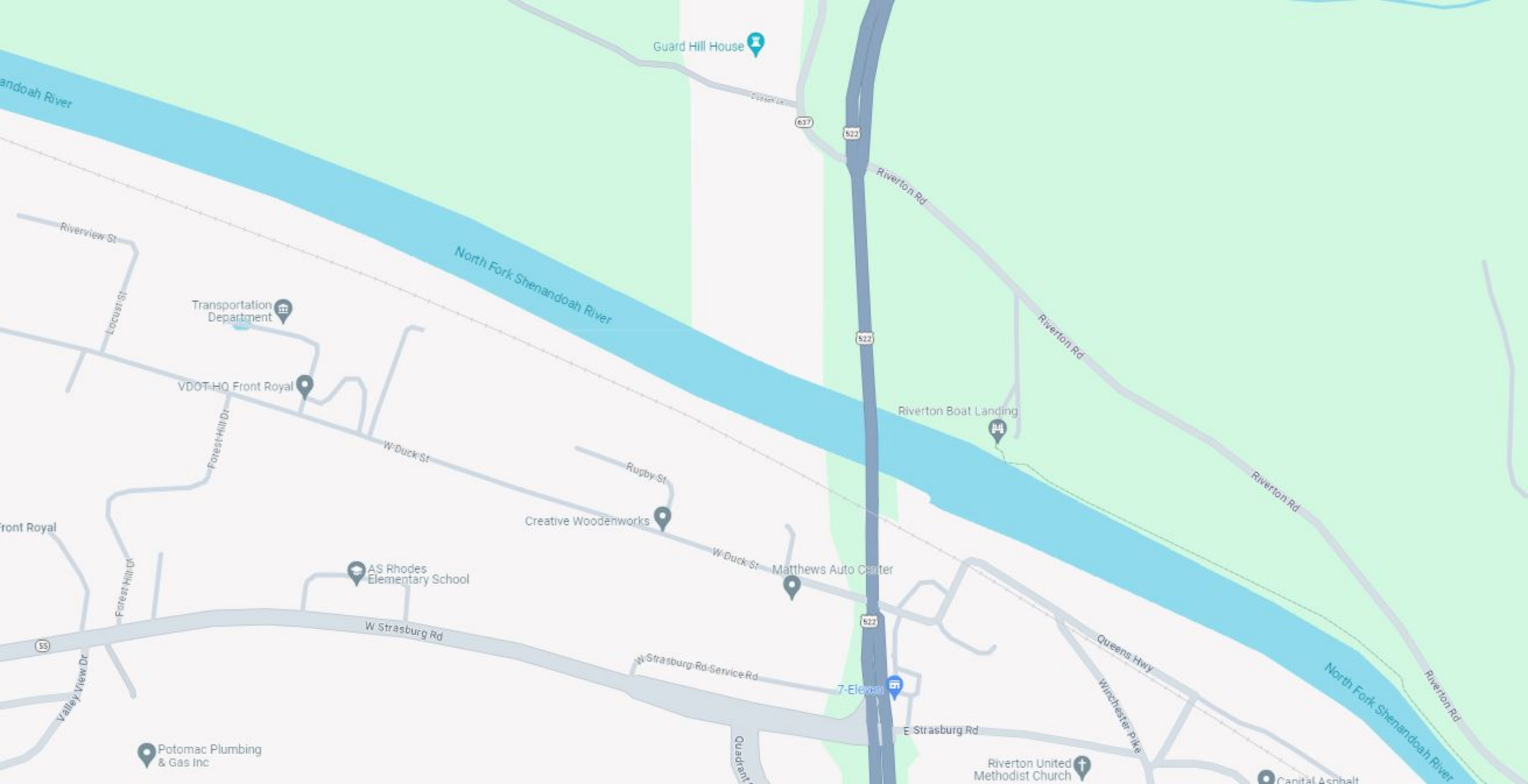
1. Sign must not be oriented facing traffic approaching from any direction
2. Sign must be non-reflective
3. Sign must use Times New Roman font and should not use MUTCD sign fonts (or Clearview)
4. Sign must not show any logos
5. Sign must not contain the contractor's name (unless the contractor is the permittee)
6. Sign must be installed outside clear zone within 50' of work area
7. Sign must remain on site until final restoration of right of way
8. For multiple work locations within subdivisions, at least one sign may be installed at the main work area
9. Sign must be at least 36"X36" and made of water-resistant material and firmly secured
10. Sign must be blue with white 3" lettering
11. Sign shall not be installed on existing VDOT sign posts and should not impede pedestrian mobility

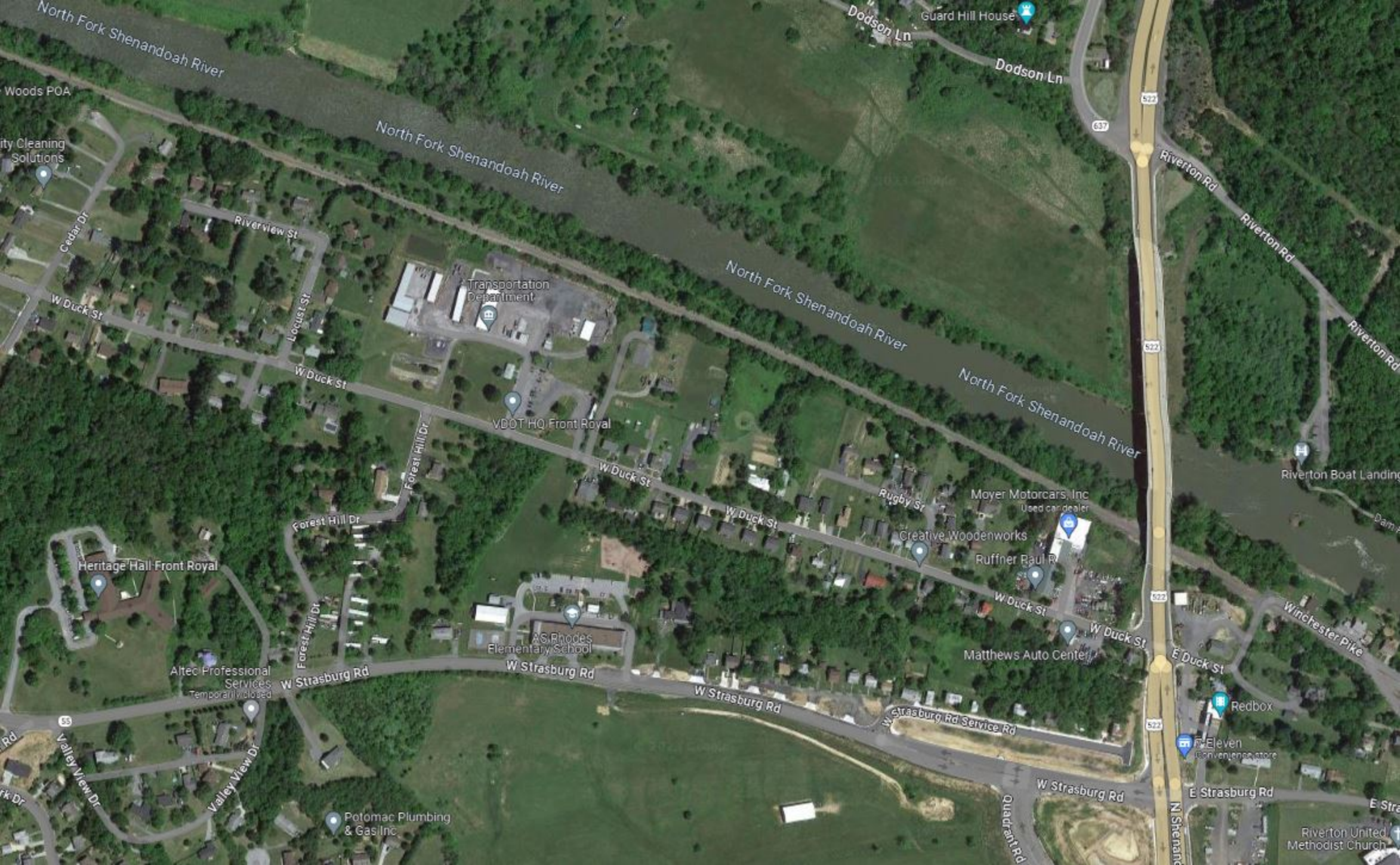


August 30, 2023









North Fork Shenandoah River

Woods POA

City Cleaning Solutions

Cedar Dr

Riverview St

Locust St

W Duck St

Transportation Department

VDOT HQ Front Royal

Forest Hill Dr

Heritage Hall Front Royal

Altec Professional Services
Temporarily closed

Valley View Dr

Potomac Plumbing & Gas Inc

W Strasburg Rd

AS Rhodes Elementary School

W Duck St

Rugby St

Moyer Motorcars, Inc
Used car dealer

Creative Woodenworks

Ruffner Paul R

Matthews Auto Center

W Strasburg Rd Service Rd

Quadrant Rd

W Strasburg Rd

E Duck St

Redbox

Eleven
convenience store

N Shenandoah

Riverton Rd

Riverton Boat Landing

Dam

Winchester Pike

Riverton United Methodist Church

Guard Hill House

Dodson Ln

522

637

55



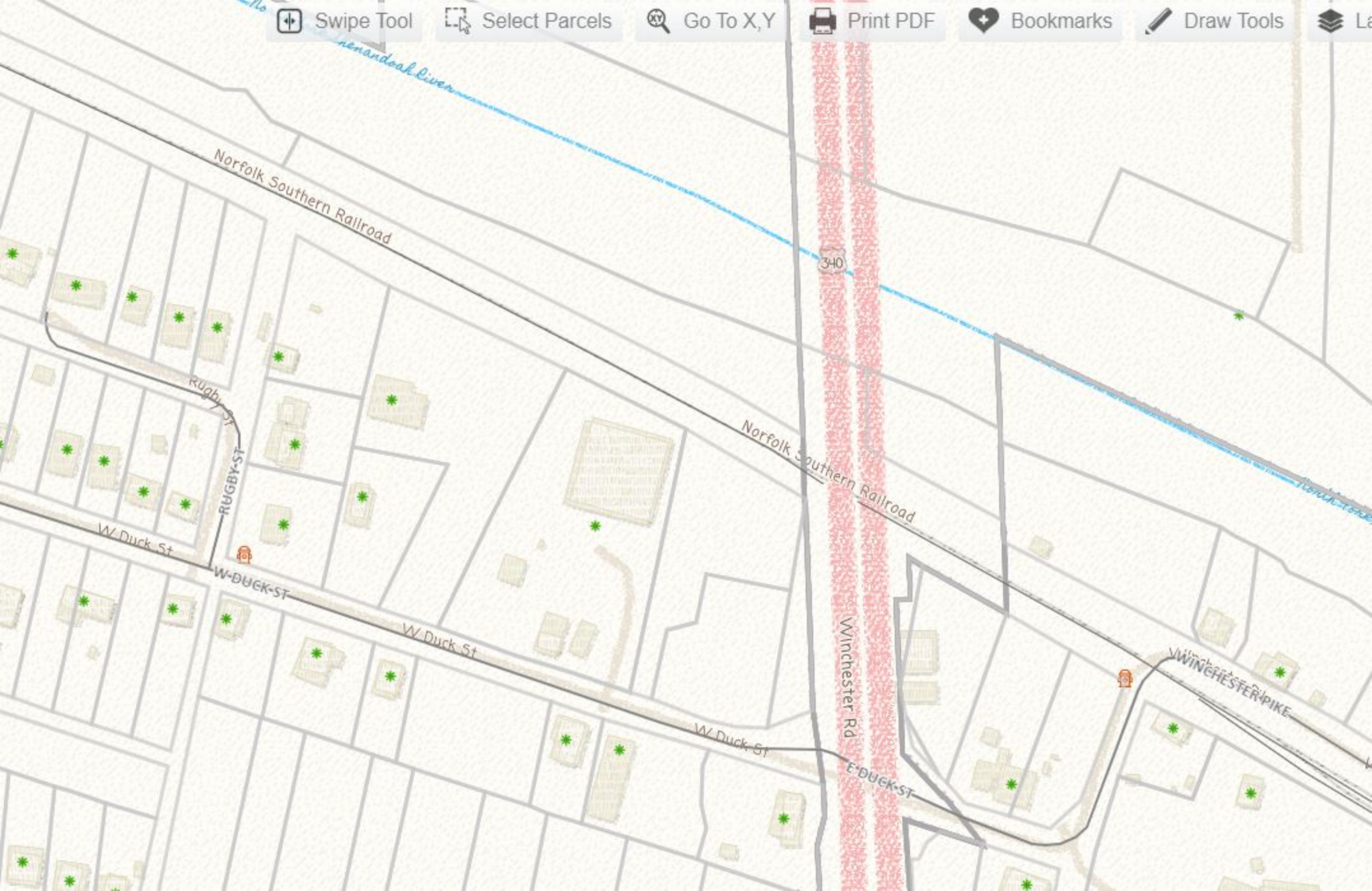
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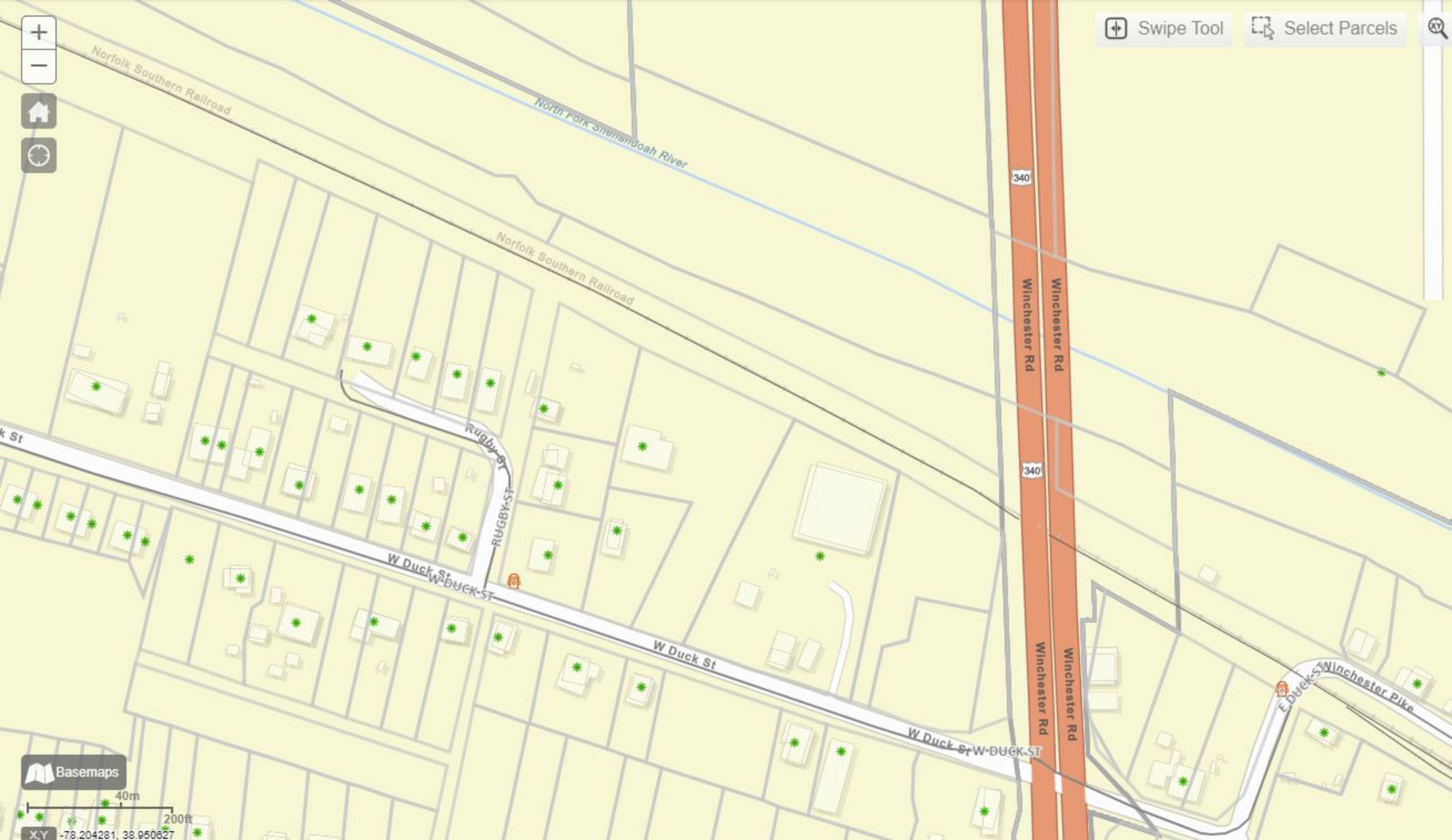
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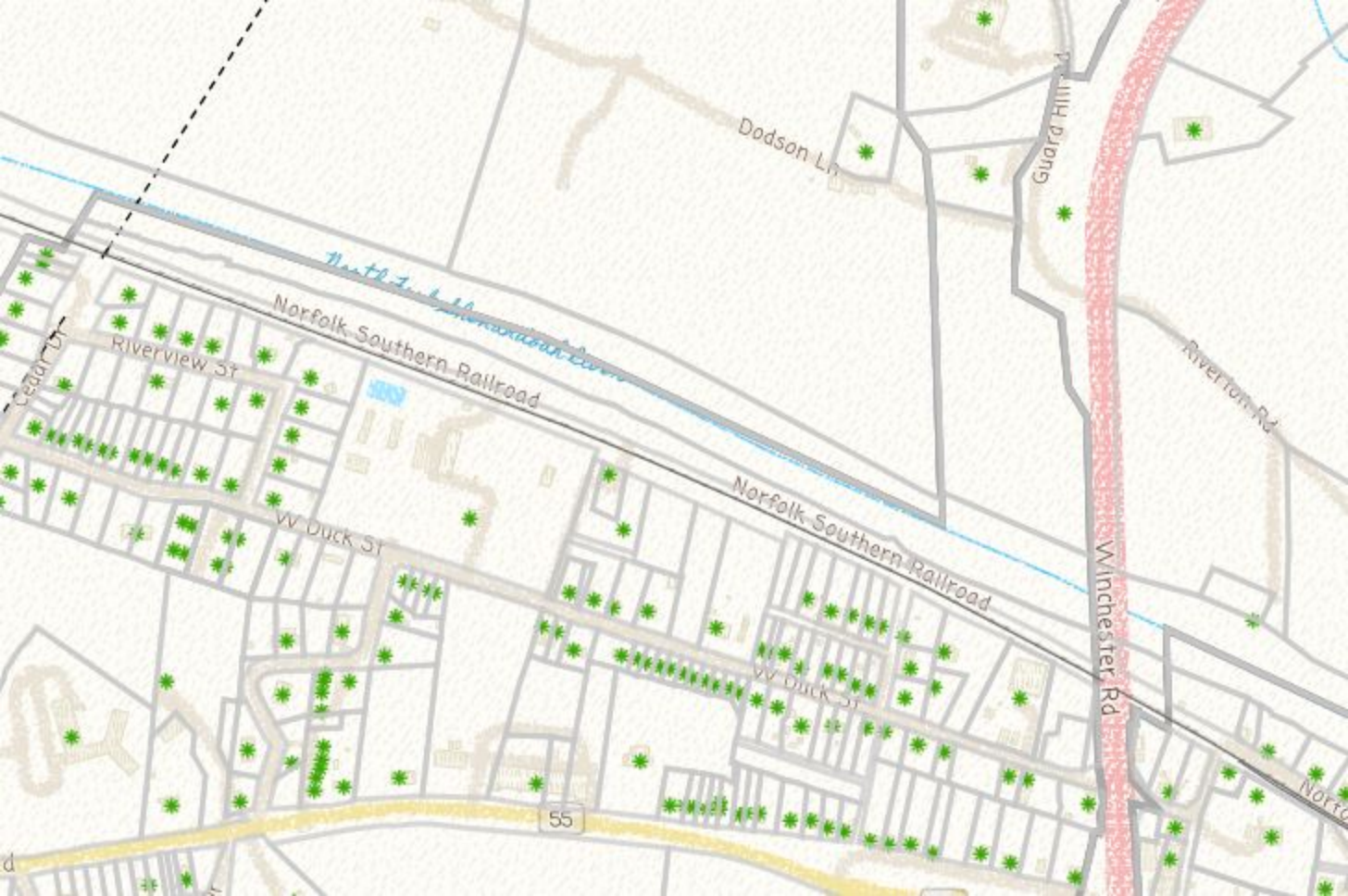
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COUNCIL REGULAR WORK SESSION AGENDA STATEMENT

Meeting Date: February 12, 2024

Item# 05A

Agenda Item: Magdalen Capitol LLLP Rezoning Application

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.

Budget/Funding: N/A

Staff Recommendation: 2/7/2024 Update:

Staff can no longer recommend approval of this rezoning application due to insufficient lot size. The applicants' parcels do not meet the 20-acre minimum requirement of the PND Zone. This insufficiency cannot legally be addressed by a *Variance or Special Use Permit / Special Exception*.

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



COUNCIL REGULAR WORK SESSION AGENDA STATEMENT

Meeting Date: February 12, 2024

Item# 05B

Agenda Item: Out-of-town utility connection application from the Catholic Diocese of Arlington and Warren County Board of Supervisors

Summary: The Town received a request for water and sewer connection from Warren County and Catholic Diocese of Arlington for 0 Criser Road which is located outside the corporate limits in November 2023. This item was discussed in detail at the work sessions on January 2nd, 8th, and February 5th of this year to include the Town Code which addresses extension of water and sewer service outside of town limits.

Budget/Funding: N/A

Staff Recommendation: Staff needs direction on this request for out-of-town utility connection



APPLICATION FOR OUT-OF-TOWN UTILITY CONNECTION

Town of Front Royal
Public Works
800 Crosby Rd – PO Box 1560
Front Royal VA 22630
(540) 635-7819 (O) • (540) 635-8973 (F)
www.frontroyalva.com

Application Date: 11/9/23
Owner(s) / Applicant(s) Full Name: Greenway Engineering, Inc
Mailing Address: 151 Windy Hill Lane
City/State/Zip: Winchester, VA 22602
Daytime Phone: 540-662-4185 Email: mawhitacre@greenwayeng.com
Property Address/Lot #: Tax Map #28 128, 0 Criser Road

IF RESIDENTIAL:

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

IF COMMERCIAL or INDUSTRIAL:

Type of Business: Church
Number of Employees: _____ Hours of Operation: _____
Estimated Usage: 4,000 gallons per day

ALL APPLICANTS:

Number of Toilets: _____ Urinals: _____ Sinks: _____ Tubs/showers: _____
Size of Meter (Must match water service size): 1.5"
Fire Suppression Required: Yes / No Meter size 4"

THIS SECTION TO BE COMPLETED BY WARREN COUNTY PLANNING DEPARTMENT

Application Approved by Board of Supervisors: _____ Date: _____
Application Approved by Building Department: _____ Date: _____
Application Approved by Planning Staff: _____ Date: _____
Director of Planning Signature: _____ Date: _____

TOWN APPROVAL PROCESS

- ✓ Approval of Connection by Town Council if applicable (Four Weeks)
- ✓ Review of Site Plans if applicable (Three Weeks per submittal)
- ✓ If Commercial–Completion of PILOT Agreement, if applicable-through Town Attorney's Office (Two Weeks)
- ✓ Payment of Applicable Fees through Finance Department (One Week)
- ✓ Developer provides and installs all equipment (pipes, valves, meters, etc.)

THIS SECTION TO BE COMPLETED BY PUBLIC WORKS

Water & Sewer Availability: _____

Utility Extension Required: _____

Utility Plans Reviewed & Approved: _____

PILOT Agreement Completed: _____

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

Signature: _____

FEES:

Water Connection Fee _____

Water Additional Fee _____

Fire Suppression Fee _____

Sub Total (Water) _____

Sewer Connection Fee _____

Sewer Additional Fee _____

Sub Total (Sewer) _____

TOTAL _____

Public Works Director Signature: _____ Date: _____

134-71.1 PURCHASE OF WATER AND SEWER TAPS

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

GENERAL INFORMATION

1. A site plan or plat depicting the utility connection locations to the Town water and sewer mains must be included with this application. Warren County may release building permit upon Town approval of site plans.
2. All owner information must be completed and Warren County approvals received prior to processing by the Town.
3. The tax map number can be found on your Zoning or Building permit. If you do not know this number, it can be obtained from the County Planning Department (540-636-3354).
4. Connection fee information can be obtained from the Town website www.frontroyalva.com or by contacting Public Works (540) 635-7819.
5. For tenant occupied structures, separate water meters must be provided for each unit.
6. Information about the Town's PILOT program and Out-of-Town Water & Sewage Service Agreement can be obtained from the Town website www.frontroyalva.com or by contacting the Town Attorney at (540) 635-8007. Warren County may release Occupancy Permit upon completion of PILOT Agreement.
7. Out-of-Town residential & industrial fees & rates are 200% in-Town rates.

COPY

D. EXTENSION MORATORIUM AREAS: Recognizing demonstrated service issues in providing utility service to certain areas within Warren County, a moratorium of utility connections and extensions to all undeveloped properties or lots not served by Town utilities as of the date of adoption of this Code Section is established that shall require sufficient studies and modeling prior to the Town's consideration of additional connections or extensions with the exception of:

1. Property zoned commercial or industrial that is currently located within the Rt. 522 Corridor as defined in that "Amendment to an Agreement between the County of Warren and the Town of Front Royal Regarding the Provision of Water and Sewer Service by the Town in the U.S. Route 522/340 North Corridor and the Assumption of Full Funding and Responsibility by the County of Fire/Rescue, Parks/Recreation Operations, and Animal Control Services" dated August 9, 1999, entered into between the Town of Front Royal, Virginia, and County of Warren, Virginia as both sides of U.S. Routes 522/340 North of the Town of Front Royal, extending to Crooked Run on the West, the Norfolk Southern Railroad tracks on the East, and Fairground Road (SR 661) to the North;
2. Blue Ridge Shadows Subdivision as platted on November 26, 2012.
3. McKay Property jointly owned by the Town and County as platted on November 26, 2012
4. Henselstone Subdivision as platted on November 26, 2012.
5. Guard Hill Rd parcels located within 100' of existing water main on November 26, 2012
6. Harmony Hollow Road parcels located within 100' of the existing water main on November 26, 2012.

7. Tax Map # 28-128, 0 West Criser Road

(Added "D" 6-25-12-Effective Upon Passage; Amended 12-10-12-Effective Upon Passage)

WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION

E. Gov Number: WP295-2023
Application Number: WP2023-12-02
Date Received: 11/15/23
Fee Amount: \$ 7500 CH34030
Date Paid: 11/15/23

Applicant Information:

Catholic Diocese of Arlington

Applicant(s) Name

200 North Glebe Road, Suite 704	Arlington	VA	22203
<i>Address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>

0 Criser Road, TM #28-128

Property location for conditional use permit if different than applicant's address

703-209-0222	bonnie.vancheri@arlingtondiocese.org
<i>Primary Contact Number</i>	<i>Email</i>

Criser Rd, LLC

Property Owner(s) (if same as applicant, leave blank)

3758 Players Club Drive	Southport	NC	28461
<i>Address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>

Robert Kielley	b.b.kielley@yahoo.com
<i>Primary Contact Number</i>	<i>Email</i>

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:

- (1) Magisterial District: South River
- (2) Tax Map Number: 28-128
- (3) Subdivision Name: N/A
- (4) Total Area of Property (acres): 8.4769
- (5) Current Zoning: Agricultural (A)

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: Church
- (2) Current land use and condition of site: Vacant
- (3) Zoning of surrounding land/property: Agricultural, Commercial, Residential, Industrial
- (4) Will development be staged? ☐ Yes ☒ No
- (5) Construction Time: Construction will begin after site plan approval
- (6) Season, days, and hours of operation: _____
- (7) Will there be a sign? ☐ Yes ☐ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)
- (8) Have there been any prior applications for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) N/A
- (9) Number of full time employees: 4
- (10) What type of sewage disposal system will be used? ☐ Private ☐ Central ☒ Public
- (11) Number of persons to be served by the sewage disposal system: _____
- (12) Number of parking spaces to be provided: Regular 145 Handicap 6
- (13) What is the proposed landscaping and buffering for this property? _____
Landscaping and buffering are per the Zoning Ordinance requirements

C. Plans Prepared By

Name: Greenway Engineering, Inc

Address: 151 Windy Hill Lane, Winchester, VA 22602

Telephone Number: 540-662-4185

D. Environmental Information

- (1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?) _____
Endangered and Threatened Species report indicated there is potential habitat for Loggerhead Shrike, Madison Cave Isopod, Brook Floater, Indiana Bat, Northern Long-ear Bat, Tri-color Bat, Virginia Big-eared Bay, and Monarch Butterfly.

- (2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) _____
general household trash will be generated with the use. Dumpsters will be provided on site and hauled away regularly.

- (3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) _____
No hazardous substances will be used or stored on the property.

- (4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. emissions from vehicles will be present on the property. The amount of emissions will be less than other potential uses because of limited weekday use at the facility.

- (5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) there will be no electrical or electronic activity that will interfere with local communications, telephone, television or radio

- (6) What will be the impact on traffic? there will be minimal impact to traffic as peak hours of operation will be Sunday morning.

- (7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. exterior lighting will be used in parking areas and around building. type and location of lighting will be provided at site plan.

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit shall be charged to the applicant.

Bonnie Vanchesi
Applicant(s) Signature

11/15/28
Date

Property Owner(s) Signature

Date

PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be accepted.

NOTES

**The following documents and/or information are required
to be submitted with the application:**

☒ **An application fee.**

Make checks payable to the Warren County Treasurer. A non-refundable fee will be required at the time of submittal.

☒ **A Statement of Justification**

This printed or typed statement is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.

☐ **Property Management Plan.** (Short Term Tourist Rental only)

☐ **Agency Review Comments.** (As determined by Planning Staff)

☒ **A Site Plan/Survey.**

Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.

☐ **Sewage Disposal and Well Site.**

Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.

☒ **A copy of the deed to the property verifying the current ownership.**

A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.

☒ **A statement verifying that real estate taxes have been paid.**

This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.

☒ **Environmental and Community Impact Statements**

The Planning Director, the Planning Commission, and/or the Board of Supervisors reserve the right to ask for an environmental and/or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.

☒ **Location Map**

A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.

☒ **Directions to your property from the Warren County Government Center.**

from 220 N. Commerce Street, turn left towards 2nd Street, then turn right onto E. 2nd Street, turn left
onto N. Royal Avenue, then right onto West Criser Road

**STATEMENT OF JUSTIFICATION
St. John the Baptist Conditional Use Permit**

Tax Map# 28-128

Owner/Applicant: Catholic Dioceses of Arlington

November 15, 2023

Catholic Dioceses of Arlington (hereinafter the “Applicant”) of Tax Map Parcel 28-128 (the “Property”), which is currently owned by Criser Road, LLC, is seeking a Conditional Use Permit (CUP) for Tax Map Parcel 28-128 for a church use. The Property has frontage on Luray Avenue and West Criser Road in Warren County, immediately adjacent to the Town of Front Royal.

Land Use Compatibility

The Applicant seeks to develop a church use on the Property pursuant to CUP approval. The proposed use will consist of a 10,690 SF sanctuary building and a 10,500 auxiliary support building with associated parking that will meet applicable ordinance requirements. The proposed configuration of the use is shown on the plan entitled “Concept Plan,” prepared by Greenway Engineering, dated November 15, 2023 and submitted with this CUP application.

The Property is currently zoned Agriculture (A) District. It is bordered by properties to the north and east zoned R-1, Residential, properties to the south are zoned C, Commercial and A, Agricultural, and property to the west is zoned A, Agricultural.

The Warren County Comprehensive Plan’s Future Land Use Map identifies the functional classification of Luray Avenue as an Urban Collector Road and does not call for a classification change. The Town of Front Royal Comprehensive Plan 2023 identifies West Criser Road as a Major Collector Road. There are no improvements proposed in the Town Transportation Improvements Plan or in the referenced Rural Long Range Transportation Plan published by the Northern Shenandoah Valley Regional Commission (NSVRD). Note: Comprehensive Plan Final Draft May 19, 2023, was referenced for transportation items.

The Property is located directly around established residential, commercial and government owned properties. The proposed church use is compatible with the established land use pattern in this area of the County.

Current Land Use

Currently the Property is vacant/undeveloped land. Per historical aerial photos, there is no evidence of prior use or activity of historical significance on the Property.

Future Land Use

Future land use will consist of transforming a portion of the 8.4769± acres of Agricultural (A) District into a church use consisting of a sanctuary building, auxiliary support building, and associated parking. The norther portion of the property will remain open space.

Transportation

2018 Warren County Comprehensive Plan

The Warren County Transportation Plan contained in the 2018 Comprehensive Plan identifies the functional classification of Luray Avenue as an Urban Collector Road and does not call for a classification change. The entrance to the subject property will be located off West Criser Road, which is a Town-maintained road. Approval of the proposed entrance will need to be obtained from the Town of Front Royal.

Town of Front Royal Comprehensive Plan 2023

The Transportation Plan Exhibit within the Town of Front Royal Comprehensive Plan 2023 identifies West Criser Road as a Major Collector Road. There are no improvements proposed in the Town Transportation Improvements Plan or in the referenced Rural Long Range Transportation Plan published by the Northern Shenandoah Valley Regional Commission (NSVRD). Note: Comprehensive Plan Final Draft May 19, 2023 was referenced for transportation items.

Existing Conditions

The intersection of Luray Avenue and West Criser Road consists of a sign-controlled four way stop.

Proposed Conditions

The conceptual layout for the church use proposes the entrance to the subject property off West Criser Road on the southern portion of the property in order to avoid the 100 year floodplain. The entrance consists of two lanes, entrance and exit lanes.

Sunday Peak Hour Traffic Volume is projected at 111 trips. This projection was generated using ITE Trip Generation 11th Edition (Church land use, ITE Code 560). These trips can be accommodated by the surrounding road network in its existing condition. As such, the proposed use will have minimal impact on local roads.

Water and Sewer

If the CUP application is approved, the Property will be served with public water and sewer provided by the Town of Front Royal, and the Applicant has applied for out-of-town water and sewer service through the Town of Front Royal accordingly. If the application is denied, the property will acquire appropriate approvals for service via private drainfield and well.

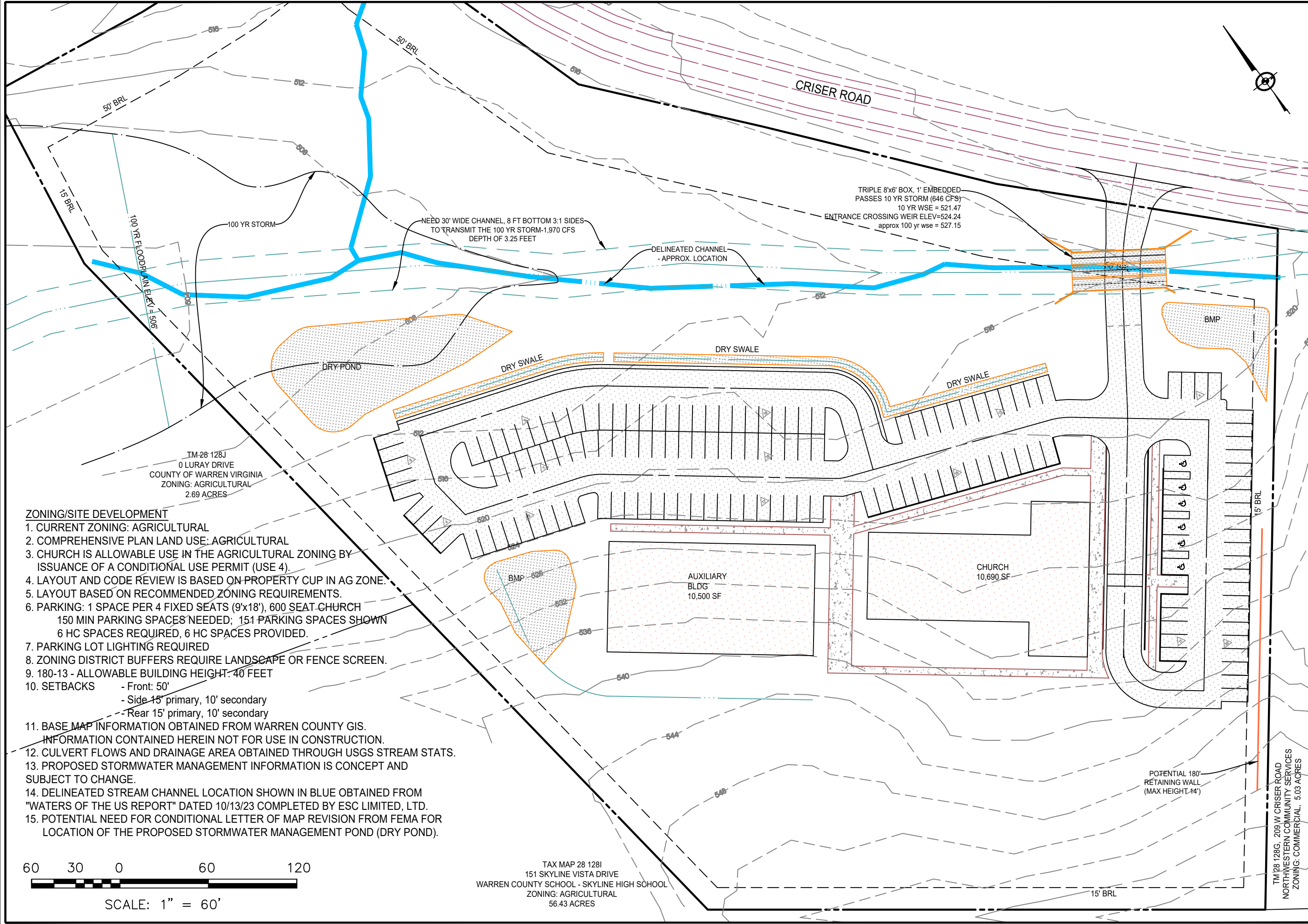
Economic Impacts

The proposed use is consistent with the County's Comprehensive Plan and its policy objectives of increasing the non-residential tax base. This proposed use will provide a moderate benefit to the County by transforming vacant land with minimal tax revenue into a source of moderate tax revenue for years to come.

Conclusion

The proposed CUP is justified inasmuch as it implements the goals and objectives of the Warren County Comprehensive Plan. Notably, the CUP will enable development of an institutional use that will utilize Town of Front Royal public facilities and is designed to preserve the rural character and natural features of the Property.

The proposed CUP will contribute to the diversity of land uses essential to a distinctive and inclusive sense of place that is both compatible with and complementary to the Comprehensive Plan. As such, your favorable consideration of this CUP request is respectfully requested.



ZONING/SITE DEVELOPMENT

1. CURRENT ZONING: AGRICULTURAL
2. COMPREHENSIVE PLAN LAND USE: AGRICULTURAL
3. CHURCH IS ALLOWABLE USE IN THE AGRICULTURAL ZONING BY ISSUANCE OF A CONDITIONAL USE PERMIT (USE 4).
4. LAYOUT AND CODE REVIEW IS BASED ON PROPERTY CUP IN AG ZONE.
5. LAYOUT BASED ON RECOMMENDED ZONING REQUIREMENTS.
6. PARKING: 1 SPACE PER 4 FIXED SEATS (9'x18'), 600 SEAT CHURCH
150 MIN PARKING SPACES NEEDED; 151 PARKING SPACES SHOWN
6 HC SPACES REQUIRED, 6 HC SPACES PROVIDED.
7. PARKING LOT LIGHTING REQUIRED
8. ZONING DISTRICT BUFFERS REQUIRE LANDSCAPE OR FENCE SCREEN.
9. 180-13 - ALLOWABLE BUILDING HEIGHT: 40 FEET
10. SETBACKS
 - Front: 50'
 - Side 15' primary, 10' secondary
 - Rear 15' primary, 10' secondary
11. BASE MAP INFORMATION OBTAINED FROM WARREN COUNTY GIS.
INFORMATION CONTAINED HEREIN NOT FOR USE IN CONSTRUCTION.
12. CULVERT FLOWS AND DRAINAGE AREA OBTAINED THROUGH USGS STREAM STATS.
13. PROPOSED STORMWATER MANAGEMENT INFORMATION IS CONCEPT AND SUBJECT TO CHANGE.
14. DELINEATED STREAM CHANNEL LOCATION SHOWN IN BLUE OBTAINED FROM "WATERS OF THE US REPORT" DATED 10/13/23 COMPLETED BY ESC LIMITED, LTD.
15. POTENTIAL NEED FOR CONDITIONAL LETTER OF MAP REVISION FROM FEMA FOR LOCATION OF THE PROPOSED STORMWATER MANAGEMENT POND (DRY POND).

60 30 0 60 120

SCALE: 1" = 60'

TAX MAP 28 128I
151 SKYLINE VISTA DRIVE
WARREN COUNTY SCHOOL - SKYLINE HIGH SCHOOL
ZONING: AGRICULTURAL
56.43 ACRES

TM 28 128G, 209 W CRISER ROAD
NORTHWESTERN COMMUNITY SERVICES
ZONING: COMMERCIAL, 5.03 ACRES

ST. JOHN THE BAPTIST - W. CRISER ROAD PROPERTY CONCEPT DEVELOPMENT PLAN

SOUTH RIVER MAGISTERIAL DISTRICT
WARREN COUNTY, VIRGINIA



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

PROUDLY SERVING VIRGINIA & WEST VIRGINIA
OFFICES IN: WINCHESTER & ASHBURN, VA & MARTINSBURG, WV

DATE: 11/15/2023

SCALE: 1"=60'

DESIGNED BY: RLK

FILE NO. 5282C

SHEET 1 OF 1

COUNTY OF WARREN



County Administrator's Office
Warren County Government Center
220 North Commerce Avenue, Suite 100
Front Royal, Virginia 22630
Phone: (540) 636-4600
Facsimile: (540) 636-6066
Email: edaley@warrencountyva.gov

Dr. Edwin C. Daley
County Administrator

MEMORANDUM

TO: Chase Lenz, Zoning Administrator

FROM: Zach Henderson, Deputy Clerk of the Board

SUBJECT: Application for Out-Of-Town Utility Connection - 0 Criser Rd (Tax Map 28, Parcel 128) - Catholic Diocese of Arlington

DATE: December 13th, 2023

The Board of Supervisors, at its meeting on December 12, 2023, approved the out-of-town utility connection request of Greenway Engineering, Inc. for the property identified on tax map 28 as parcel 128 and authorized Planning staff to submit this application to the Front Royal Town Manager on the County's behalf.



APPLICATION FOR OUT-OF-TOWN UTILITY CONNECTION

Town of Front Royal
Public Works
800 Crosby Rd – PO Box 1560
Front Royal VA 22630
(540) 635-7819 (O) • (540) 635-8973 (F)
www.frontroyalva.com

Application Date: 11/9/23

Owner(s) / Applicant(s) Full Name: Greenway Engineering, Inc

Mailing Address: 151 Windy Hill Lane

City/State/Zip: Winchester, VA 22602

Daytime Phone: 540-662-4185 Email: mawhitacre@greenwayeng.com

Property Address/Lot #: Tax Map #28 128, 0 Criser Road

IF RESIDENTIAL:

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

IF COMMERCIAL or INDUSTRIAL:

Type of Business: Church

Number of Employees: _____ Hours of Operation: _____

Estimated Usage: 4,000 gallons per day

ALL APPLICANTS:

Number of Toilets: _____ Urinals: _____ Sinks: _____ Tubs/Showers: _____

Size of Meter (Must match water service size): 1.5"

Fire Suppression Required: Yes / No Meter size 4"

THIS SECTION TO BE COMPLETED BY WARREN COUNTY PLANNING DEPARTMENT

Application Approved by Board of Supervisors: Approved Date: 12/12/2023

Application Approved by Building Department: Approved Date: 12/13/2023

Application Approved by Planning Staff: Approved Date: 12/13/2023

Director of Planning Signature: Matt Wendling Date: 12/13/2023

TOWN APPROVAL PROCESS

- ✓ Approval of Connection by Town Council if applicable (Four Weeks)
- ✓ Review of Site Plans if applicable (Three Weeks per submittal)
- ✓ If Commercial–Completion of PILOT Agreement, if applicable-through Town Attorney's Office (Two Weeks)
- ✓ Payment of Applicable Fees through Finance Department (One Week)
- ✓ Developer provides and installs all equipment (pipes, valves, meters, etc.)

THIS SECTION TO BE COMPLETED BY PUBLIC WORKS

Water & Sewer Availability: _____

Utility Extension Required: _____

Utility Plans Reviewed & Approved: _____

PILOT Agreement Completed: _____

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

Signature: _____

FEES:

Water Connection Fee _____

Water Additional Fee _____

Fire Suppression Fee _____

Sub Total (Water) _____

Sewer Connection Fee _____

Sewer Additional Fee _____

Sub Total (Sewer) _____

TOTAL _____

Public Works Director Signature: _____ Date: _____

134-71.1 PURCHASE OF WATER AND SEWER TAPS

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

GENERAL INFORMATION

1. A site plan or plat depicting the utility connection locations to the Town water and sewer mains must be included with this application. Warren County may release building permit upon Town approval of site plans.
2. All owner information must be completed and Warren County approvals received prior to processing by the Town.
3. The tax map number can be found on your Zoning or Building permit. If you do not know this number, it can be obtained from the County Planning Department (540-636-3354).
4. Connection fee information can be obtained from the Town website www.frontroyalva.com or by contacting Public Works (540) 635-7819.
5. For tenant occupied structures, separate water meters must be provided for each unit.
6. Information about the Town's PILOT program and Out-of-Town Water & Sewage Service Agreement can be obtained from the Town website www.frontroyalva.com or by contacting the Town Attorney at (540) 635-8007. Warren County may release Occupancy Permit upon completion of PILOT Agreement.
7. Out-of-Town residential & industrial fees & rates are 200% in-Town rates.

EXCERPT FROM JANUARY 2ND WORK SESSION MINUTES

A. Out of Town Utility Connection Application from the Catholic Diocese of Arlington and Warren County Board of Supervisors – Town Manager Joe Waltz read the summary: The Town received a request for water and sewer connection from Warren County and Catholic Diocese of Arlington for 0 Criser Road which is located outside the corporate limits. The Town Code addresses extension of water and sewer service to Warren County in Chapter 134-1 C EXTENSION POLICY BEYOND TOWN LIMITS and Chapter 134-1 D. EXTENSION MORATORIUM AREAS which is included in the packet. In Chapter 134-1C states that The Town Council will decide on a case-by-case basis whether to provide water and sewer to the proposed property(ies) as well as whether a boundary adjustment is appropriate. In Chapter 134-1D states a moratorium of utility connections and extensions in Warren County to all undeveloped properties or lots not served by Town utilities as of the date of adoption of this Code Section is established that shall require sufficient studies and modeling prior to the Town's consideration of additional connections or extensions with the exception of: 1)Route 522 Corridor; 2) Blue Ridge Shadows; 3) McKay Properties; 4) Henselstone Subdivision; 5) Guard Hill Rd parcels located within 100' of existing water main; and 6)Harmony Hollow Road parcels located within 100' of the existing water main. He advised that Council was to consider whether they wanted a boundary line adjustment.

Councilwoman DeDomenico-Payne questioned how the water usage was measured and will infrastructure support it. Director of Public Works Robbie Boyer advised that 4,000 gallons a day was what the engineer used, noting that it was not a bad draw. It was confirmed that churches receive the first 3,000 gallons free of charge and there was no tax benefit if boundary line adjusted into the Town; however, if there was no boundary line adjustment, they would pay twice the rate over 3,000 gallons.

Councilman Wood suggested negotiating sidewalks for building in Town limits if it was approved as a boundary line adjustment. It was confirmed that the other commercial businesses in the immediate area were paying out of town rates.

Mr. Waltz reiterated whether Council wanted a boundary line adjustment. Mr. Sonnett reminded Council that any decision was unilateral with the County.

Council agreed to bring back to the January 8th work session for further discussion.

EXCERPT FROM JANUARY 8TH WORK SESSION MINUTES

B. Out of Town Utility Connection Application from the Catholic Diocese of Arlington and Warren County Board of Supervisors Continued Discussion – Marissa Whitacre with Greenway Engineering was in attendance and available to answer any questions. Mayor Cockrell gave an overview from last week's work session. Town Manager Joe Waltz reminded Council that the applicant was asking for out-of-town water and disclosed that there was a moratorium on certain areas listed in the Town Code.

Ms. Whitacre was introduced at this time and explained that the 4,000 gallons of water usage a day was based off the seating capacity of churches recommended by state code. She advised that the construction was in two phases. The first phase was the construction of a gymnasium for overflow of church services and phase two was the sanctuary, stressing that the church downtown was not going to be closed. In the future the hopes were to purchase the adjacent parcel for field activities advising that there was no intention of

opening a school on the site. She stated that the church was aware that the fees would be double if not boundary line adjusted into the Town limits, noting that there were utility lines already on the property. She stated that the entire build out would be a little over 20,000 square feet when completed.

Town Attorney George Sonnett reminded Council that there was a moratorium in Town Code for extensions of water and sewer and if Council were to extend water and sewer to the site, the Town Code would have to be amended to include this area.

Councilman Wood stressed the importance of sidewalks for children and approving a boundary line adjustment could assist with that construction. Discussion ensued as to whether sidewalks were required during the site plan process.

Mr. Waltz reiterated that Council first consider whether to approve a boundary line adjustment if not then Council would decide whether to provide water out of town. Mr. Sonnett reiterated that if Council were to provide out of town water without a boundary line adjustment, then a Town Code amendment was required. Ms. Whitaker confirmed that the applicant wanted either a boundary line adjustment or out of town water.

Mayor Cockrell summarized the three options: 1) boundary line adjustment, 2) provide out of town water or 3) provide nothing. Councilman Ingram asked that the applicant request in writing what they wanted. Mr. Sonnet stated that a boundary line adjustment could be triggered by a Resolution and then provided to the County. If there was an agreement to provide out of town water the Town Code would be amended to revise Section 134.D. Council discussed the advantages and disadvantages of each option with the consensus to give the applicant out of town water. Mr. Waltz suggested bringing this item back to the work session on February 5th with a draft Town Code amendment. Ms. Whitacker advised that the County had asked them to place a sidewalk along Criser Road.



COUNCIL REGULAR WORK SESSION AGENDA STATEMENT

Meeting Date: February 12, 2024

Item# 06

Agenda Item: Review of FY24 Town Council Retreat

Summary: Review and discuss the Vision Statement, Mission Statement, Core Values and Council Goals/Initiatives established during the FY24 Retreat conducted on January 29-30, 2024, at the Water Treatment Plant.

Budget/Funding: N/A

Staff Recommendation: Review

Town Council Retreat – January 29-30, 2024

Vision Statement – *Front Royal is a place citizens and businesses are proud to call home where there is a strong sense of community and the commitment to sustaining the quality of life for future generations.*

Mission Statement – *It is the mission of the Town of Front Royal to provide its citizens, business, and visitors with quality public services in a fiscally prudent manner that sustains Front Royal character, beauty, and small-town charm.*

Core Values – *The following core values will guide how the Town of Front Royal will serve its citizens, business, and visitors:*

- *Accountable*
- *Responsive*
- *Respectful*
- *Ethical*
- *Transparent*

Front Royal Town Council Goals/Initiatives

Promote Community and Economic Well-Being: *Capitalize on Front Royal's many assets, location, and heritage to enhance the community and economic well-being of its citizens and businesses alike.*

Practice Good Governance: *Perform government functions effectively while being accountable to the citizens of Front Royal.*

Infrastructure: *Within our fiscal capacity we will maintain and enhance our infrastructure.*

Tagline: *"Front Royal ~ Where you can spend a lifetime"*