

TOWN COUNCIL WORK SESSION
TUESDAY, September 6, 2016 @ 7:00pm
Front Royal Administration Building

1. Presentation on Corridor Water Study - CHA

PPT insertion here

Council Discussion:

Councilman Tewalt asked if cut in valves were considered. CHA noted that the valves would need to be taken into consideration, and it would be difficult consideration. Councilman Hrbek asked if the first option would give the Town maximum capacity for growth in the Corridor; CHA noted that it would. CHA stated that in terms of hydraulic bottlenecks and considering the PSI, the section under the river would be the bottleneck, and in order to provide more pressure and water flow the proper option would need to be considered that would be appropriate for the Town. Council discussed the parallel waterline and the size of the main current feeder line and the issues with redundancy.

2. Continued Discussion of Warren Heritage Society Request for Utility Funding – *Executive Director Patrick Farris*

Summary: The Executive Director of Warren Heritage Society has requested that the Town consider an in-kind donation to offset the utility expenses incurred by the Society in the amount of \$15,000 for the utility services at 101 Chester Street for FY2016-2017. Council has approved similar requests for the previous two years. Council met on August 1, 2016 regarding this request but asked for more information. **Council Discussion:** Council is requested to consider a donation toward utility service for the Warren Heritage Society as authorized by Virginia Code Section 15.2-953 for a Virginia non-profit organization.

Staff Evaluation: Staff have evaluated the request and confirmed it is similar to that made in the previous two fiscal years.

Council Discussion:

Mr. Burke noted that Mr. Farris had been invited but was not in attendance. Councilman Hrbek asked if the invitation could be address to the Heritage Society's Treasurer as well next time. Mayor Darr noted that could be done.

3. Special Use Permit Application for Non-Conforming Lot on Jefferson Avenue – *Dir. Planning/Zoning*

Summary: This Special Use Permit Application was submitted by the property owner (Gary Bunch) of a vacant lot on Jefferson Avenue. Pursuant to Town Code 175-128.A., new construction on nonconforming lots in the R-1 District requires approval of a Special Use Permit by Town Council when the lot is less than 80% of the minimum required lot width and lot area in the R-1 District. The minimum lot size in the R-1 District is 10,000 square feet, and the minimum width is 75 feet. The Applicant's lot is 7,500 square feet (75%) in area and 50 feet (66%) in width. Attached with this cover letter is a Staff Report on the request with additional information. Also attached is the applicant's submission.

Staff Evaluation: The Planning Commission recommended approval of the application during their meeting in July.

STAFF REPORT FROM PLANNING & ZONING:

Town Code 175-128.A. establishes special rules for developing on nonconforming lots in the R-1 District. These rules differ from the rules for other districts, which pursuant to Town Code 175-125.B., do not include rules related to the existing lot size and lot width, provided that the setback and other requirements of the Town Code are complied with. In the R-1 District, nonconforming lots must meet special criteria if they are to be developed, and in cases where the minimum lot width or minimum lot area are less than 80% of the R-1 District Standard, then a special use permit is required. In this case, the applicant's lot is less than 80% of the minimum standards for the R-1 District. Below are the minimum lot width and minimum lot area requirements for the R-1 District, as specified under Town Code 175-13 for lots serviced by public water and public sewer:

☐ **Minimum Lot Width: 75 feet**

☐ **Minimum Lot Area: 10,000 square feet**

The applicants lot is as follows:

- **Subject Lot Width: 50 feet**
- **Subject Lot Area: 7,500 square feet**

Below is the exact language from Town Code 175-128.A. and 175-128.B:

175-128 NONCONFORMING LOTS OF RECORD

A. Except as hereinafter provided, the minimum lot width and lot area shall be required for the establishment of any new lot, or use of a lot, in the R-1 Residential District. Wherever possible, the consolidation of existing nonconforming lots is encouraged to meet the minimum lot size requirements.

All new construction shall conform to the yard dimensions and all other regulations for the R-1 Residential District.

1. The Administrator may issue an administrative variance of up to twenty percent (20%) of the required lot width and/or area, where it is found that the proposed new construction is consistent with the structure size, orientation and pattern of development on the street and in the immediate neighborhood.

2. On lots with an area or lot width of less than eighty percent (80%) of the minimum required, approval for construction may be granted by special permit by the Town Council, where the Council finds the application meets the following conditions:

- a. The proposed structure has a finished floor area of not less than ninety percent (90%) of the amount of finished floor area prevalent in comparative homes. Finished floor areas do not include basement areas.
- b. The proposed structure is compatible with comparative homes in terms of

building orientation, scale, proportion and site layout.

c. The site grading provides for adequate drainage on and off the site, without any adverse impact onto adjoining properties.

3. For the purpose of this section, comparative homes shall mean characteristics that are present in at least sixty percent (60%) of the homes located on both sides of the street in the immediate block where the proposed structure is located.

4. The Council may approve a reduction of the side yard requirement, by not more than forty percent (40%), where necessary, to achieve increased compatibility with other structures in the immediate block.

B. In any other residential district, a single dwelling may be erected on any single lot of record, notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for lot area and/or lot width, that are generally applicable in the district, provided that yard dimensions shall conform to the regulations for the district in which such lot is located. All other uses, except a single dwelling, are required to meet the minimum lot area requirements for the district in which it is located.

Legal Venue

The Town is authorized to require a special use permit for certain uses within any zoning district under Virginia Code §15.2-2286. Some specific uses are granted protection from regulation from localities by the Virginia Code, including agriculture uses, small scale conversion of biomass to alternative fuel, certain residential uses, private tents, farm wineries, assisted living facilities, and group homes.

The issuance of a special use permit is subject to such conditions as are deemed necessary by the Front Royal Town Council after recommendations of the Front Royal Planning Commission. Prior to an action by Town Council or a recommendation by the Planning Commission, a public hearing is required for special use permits.

Review

175-128.A. allows for new development of nonconforming lots in the R-1 District when certain criteria are met. These criteria are shown below with commentary from Town Staff.

a. The proposed structure has a finished floor area of not less than ninety percent (90%) of the amount of finished floor area prevalent in comparative homes. Finished floor areas do not include basement areas.

The average comparative house has a square footage of 1510.2 square feet.

90% of this average, as required under category a, shown above, is 1,359.18 square feet. The applicant's proposed house is 1,440 square feet, which is greater than 90% of the average of comparative homes.

b. The proposed structure is compatible with comparative homes in terms of building orientation, scale, proportion and site layout.

*All comparative homes, those houses on the same street within the immediate block, are shown below for information purposes. The question is whether or not the applicant's proposed house would be **compatible** to the comparative homes in terms of **building orientation, scale, proportion and site layout**.*

Building Orientation –

The applicant's proposed house faces the street as other comparative houses, and as required.

The applicant's house is orientated to face Jefferson Avenue, versus 14th and 15th Street. This side street orientation is common in the area blocks, and is the orientation at 1404 Jefferson Avenue.

Comparative homes generally have the wider side of their house facing the street; whereas the applicant's proposed house is orientated so the narrower side is the front.

Scale – *The proposed house and lot appear to have a similar scale to other comparative houses and lots in the area. 50' wide lots are typical in the area.*

Proportion – *The applicant's proposed house has similar proportions to the comparative houses, but is a 2-story house, as is 1404 Jefferson Avenue. The other houses are 1-story, although two comparative houses have basements.*

Site Layout – *The applicant's property is at the transition point between the R-1 District and the R-1A and R-2 Districts, which are generally more compact site layouts.*

The applicant's proposed house has a proposed setback of 42 feet, which is setback greater than comparative homes on the same street.

All comparative houses have driveways to accommodate off-street parking, as does the proposed house.

The two adjacent houses facing 15th Street have brick exteriors, while the other three houses across the street and along 14th Street have siding exteriors.

c. The site grading provides for adequate drainage on and off the site, without any adverse impact onto adjoining properties.

Drainage does not appear to be an issue with the proposed house. The

lot is relatively flat and the drainage would need to be directed away from the house with a swale.

Below are other comparative houses on the immediate block that have frontage on Jefferson Avenue.

Town Staff inquired with the Applicant since he is also listed by the Warren County GIS to own the nonconforming lot immediately north of the subject lot. The Applicant informed Town Staff that this lot was sold to the owner of the house on the corner, 736 W. 15th Street. If the applicant still owned this additional lot he could have consolidated it, or half of it, with the subject lot to create a conforming lot. Unfortunately, this does not appear to be an option at this time.

Town Staff recommends that the Planning Commission evaluate public input received during the scheduled public hearing and evaluate it along with the comparative home information above. If the proposed house is determined to be compatible with the comparative homes in the neighborhood it should be recommended for authorization.

UPDATE:

During the July 20th Town Council Meeting the Planning Commission unanimously recommended approval of the special use permit application as submitted with no conditions. No members of the public spoke in regards to the application.

Council Discussion:

Mr. Camp noted that it meets 60% of the threshold of the surrounding homes regarding proportion and scale for example, site layout, footprint, building orientation, etc. Mayor Darr stated that these lots have been lots for some time and it would be penalizing those with these 50 foot lots to start with and the structure conforms in his opinion. He noted that these are small lots to begin with and they are making the best of the lots and they meet the standards as the set back. Mr. Camp suggested adding a brick façade and moving the home forward slightly to stay in line with the other homes on the street.

Mayor Darr noted that it should go forward with a public hearing unless Council had any concerns. Mr. Camp stated that it was scheduled for public hearing at this time.

4. HOME Program Agreement Renewal – Director of Planning/Zoning

Summary: The Town is a member of a regional HOME Consortium with the City of Winchester, Clarke County, Frederick County, Page County, Shenandoah County, Warren County and the Towns of Berryville, Boyce, Edinburg, Luray, Middletown, Mount Jackson, New Market, Shenandoah, Stanley, Stephens City, Strasburg, Toms Brook and Woodstock. This HOMC Consortium allows the region to receive direct allocations from HUD to assist with housing assistance activities inside of the region. Every 3 years the members of the HOME Consortium are required to renew their participation in the program. The HOME Consortium was established in 2007 and was last renewed in 2013. Renewal is necessary to continue participation in the program for 2016-2019. In the past couple years, the following

benefits of the program have been realized within the Warren County and Town of Front Royal community.

□ In 2015, an award of \$125,675.81 was assigned to Blue Ridge Housing Network to provide Tenant Based Rental Assistance specifically in Warren County and Front Royal. As of August 30th, 49% has been spent to assist in providing sustainable housing. This was spent primarily on security deposits, utility deposits and budget counseling.

□ \$301,241.20 was assigned in 2015 to assist with the EDA's workforce housing project.

□ In 2016, \$342,494.00 of the consortium's allocation was assigned to the Blue Ridge Housing Network to provide down-payment assistance regionally.

□ Rehabilitation of 2 foreclosed homes under the Neighborhood Stabilization Program (leveraging other funds for land acquisition) for use as affordable housing.

Alex Schweiger, Community Development Program Coordinator, NSVRC, administers the HOME Consortium Program. The renewal agreement is attached, along with a memo from the NSVRC.

Staff Evaluation: Town Staff recommends that the Town approve the agreement to renew participation in the HOME Consortium.

Council Discussion:

Mayor Darr noted that it should go onto the consent agenda.

5. Continued Discussion of AMP AMI Program – Letter of Intent – *Director of Energy Services*

Summary: Staff has been evaluating AMP's AMI program over the past four months to determine the feasibility of the project for the Town. At the work session on August 1st, AMP representatives discussed the project in detail with cost estimates. If the Town decides to move forward in the project with firmer cost estimates and a project plan, the Town will need to send AMP a non-binding letter of interest.

Staff Evaluation: Staff has been evaluating the AMP's AMI program, which are currently underway with 11 other municipalities in the AMP membership. The program maximizes value with data center operations, advanced cyber security, dedicated staff to manage the system, economies of scale from collaborative procurement and sharing of experience and knowledge with other members.

Budget/Funding: Future CIP project

Staff Recommendations: Staff recommends Council consider a Non-binding Letter of Intent (LOI) to AMP to develop a detailed cost estimate along with a high-level project plan for further evaluation.

Council Discussion:

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6. AMP Solar Farm Lease Agreement – *Director of Energy Services*

Mr. Waltz explained that the agreement allows for six months to get their materials off of Town property. Councilman Tewalt asked if AMP would continue to mow the area about 3-4 times annually. Mr. Waltz noted that was correct. He added that would also be a benefit to the Town to have it continually mowed down.

7. Resolution to Reschedule Council Meeting in October – *Town Manager*

Council noted that it would be on the consent agenda for vote.

8. Downtown Welcome Wall – *Town Manager*

Mr. Burke noted that in discussion with the EDA, they noted that it would not be a problem to display a medallion wall in the downtown Afton Inn area on the EDA property there. He presented the sketch detailing the property location and how the medallions would fit into the sign/wall.

Mayor Darr stated that he was not interested in the wall being there and he would prefer the hedges go back at that site instead of the wall. He was opposed to the Afton Inn location, but not the wall itself. Councilman Egger expressed similar concerns. She noted that there was also a large utility pole as well and perhaps this is not the time or the place for the wall.

Councilman Hrbek noted that perhaps Edward Jones could place a wall for the medallions. If Council would like the wall, then Edward Jones would be willing to sponsor the wall. Ms. Egger noted that she was in favor of the wall though perhaps it should be more town wide instead of the downtown area. Vice Mayor Tharpe noted that if the groups wanted to participate then the Town has to maintain the signs and they must be unified and well done. Councilman Connolly agreed, noting that the entrance corridors are where they belong and they should be well done and unified. Mayor Darr expressed his agreement, noting that it will return at a later time after Staff reviews the matter more.

9. Liaison Committee Meeting Items for September 15 Agenda

Vice Mayor Tharpe and Connolly will attend Mayor Darr will be absent. The current items, place the agenda on consent, and no new liaison items.

10. BZA Vacancy

Advertise on FaceBook and on the Town's website.

11. Continue Trolley Stop for Appalachian Trail – *Councilman Egger*

Councilman Egger asked if Council could commit to the Trolley Stop for next year in order to have it advertised properly and have full information. She noted that it was not in the guide books this year, and there were almost 300 riders -- without being in the guidebook. Mr. Burke noted that the item can be placed on the agenda for a Council vote.

12. Lake Avenue Extension – *Councilman Tharpe*

Vice Mayor Tharpe noted that it would be removed from the agenda at this time. He stated that there was a 300 foot void that needed to potentially be looked at for review.

13. Council Discussion/Goals

Vice Mayor Tharpe asked if Council is interested in the lot for sale on Polk Avenue. Councilman Tewalt noted that there was a sewer line that ran through the property.

Councilman Hrbek asked about the faded bricks at the gazebo area that have the names engraved. Mr. Burke explained the issue with powerwashing the area, noting that the organization that installed the bricks had been responsible for their maintenance and care.

Councilman Hrbek also asked about the lamps that had been dedicated and have brass nameplates could be legible. Mr. Burke noted that he would look into the lampposts.

14. CLOSED MEETING – Disposition of Real Property

Councilman Hrbek recused himself for the Police Department item and left that portion of the meeting.

Motion to Go Into Closed Meeting

Councilman Connolly moved, seconded by Councilman Egger that Council go into Closed Meeting for discussion or consideration of the disposition of publicly held real property, specifically, the former Afton Inn property and the former Police Department headquarters, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2- 3711. A.3., of the Code of Virginia.

Vote: Yes – Connolly, Egger, Hrbek, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Meza
(Mayor Darr did not vote as there was no tie to require his vote)

Motion to Certify Closed Meeting at its Conclusion

Councilman Connolly moved, seconded by Councilman Egger 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.

Vote: Yes – Connolly, Darr, Egger, Hrbek, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Meza and Hrbek
(By Roll Call)

Present: Mayor Darr, Vice Mayor Tharpe, Councilman Connolly, Councilman Egger, Councilman Hrbek, Councilman Tewalt, Finance Director Wilson, Town Attorney Napier, Clerk of Council Berry, Police Captain

Hite, IT Director Jones, Planning & Zoning Director Camp, Energy Service Director Waltz, Water Treatment Plant Superintendent Kisner, members of the media and members of the public.

Absent: Councilman Meza