



REGULAR TOWN COUNCIL MEETING

Monday, December 10, 2018 @ 7:00pm
Warren County Government Center

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of the Regular Council Meeting minutes of November 26, 2018
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager
Introduction of New Officer Seth Teachout
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
Recognition of Service for Councilmen Connolly and Morrison
 - d. Proposals for addition/deletion of items to the Agenda.
7. **CONSENT AGENDA ITEMS** – (ROLL CALL VOTE REQUIRED)
 - A. COUNCIL APPROVAL – Liaison Committee Meeting Items
 - B. COUNCIL APPROVAL – Bid for Manhole Rehabilitation
 - C. COUNCIL APPROVAL – Amend Prior Franchise Agreement for Telecommunications Services – Shentel Communications, LLC
8. **PUBLIC HEARING** – Ordinance Amendment to Town Code Chapter 72 (Special Events) (*1st R*)
9. **PUBLIC HEARING** – Ordinance Amendment to Town Code Sections 158-9 and 158-17 pertaining to the removal of the 1993 On-Street Parking Policy and Rescind 1993 Resolution Pertaining to the Same (*1st Reading*)
10. **PUBLIC HEARING** – Ordinance Amendment to Town Code Sections 148-870.A.17 and 175-127 to Exempt Property from Off-Street Parking Requirements – David Downes – 14/16 Chester Street (*1st Reading*)
11. **COUNCIL APPOINTMENT** – Urban Forestry Advisory Commission (UFAC)

7A



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(A)

Meeting Date: December 10, 2018

Agenda Item: COUNCIL APPROVAL – Liaison Committee Meeting Items

Summary: Council is requested to approve the addition of no new Town items to the Liaison Committee Meeting Agenda scheduled for January 17, 2019

Budget/Funding: None

Attachments: Liaison Committee Meeting Agenda from October

Meetings: Work Session held December 3, 2018

**Staff
Recommendation:** Approval ✓ Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve the addition of no new Town items to the Liaison Committee Meeting Agenda scheduled for January 17, 2019

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JW



AGENDA

TOWN/COUNTY LIAISON COMMITTEE MEETING

Warren County Government Center

October 18, 2018

6:00 PM



- **Call to Order – Tony F. Carter, Chairman of the Warren County Board of Supervisors**
 - 1) **IT Federal Main Street Project – Joe Waltz**
 - 2) **Route 522 Corridor Water Upgrade Project – Joe Waltz**
 - 3) **Phase II Happy Creek Road Project Update – Joe Waltz**
 - 4) **Town Building Maintenance Code Enforcement Update – Joe Waltz**
 - 5) **Septage Receiving Facility Issues Update – Joe Waltz**
 - 6) **Development Review Committee – Doug Stanley**
 - 7) **Building Inspections Software – Doug Stanley**
 - 8) **Warren County's In-Town Projects – Doug Stanley**
 - 9) **Joint Towing Board – Joe Waltz / Doug Stanley**
- **Adjournment**

7B



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(B)

Meeting Date: December 10, 2018

Agenda Item: COUNCIL APPROVAL – Bid for Manhole Rehabilitation

Summary: Council is requested to approve a bid from Visu-Sewer East, LLC in the amount of \$206,748.00 for manhole rehabilitation.

Budget/Funding: Funding for this project is available in Public Works I & I Fund 9802-R7988

Attachments: Memos from Manager of Purchasing and Public Works Director, and Quotation Tabulation

Meetings: None

Staff

Recommendation: Approval ✓ Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a bid from Visu-Sewer East, LLC in the amount of \$206,748.00 for manhole rehabilitation.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JW



The Town of Front Royal, VA
102 E. MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VIRGINIA 22630-
1560

ALISA M. SCOTT
Purchasing Manager
(540) 636-6889 (540) 636-7473 fax
email: ascott@frontroyalva.com

MEMORANDUM

Date: November 29th, 2018
To: Tina Presley, Senior Executive Assistant
Town Manager's Office
From: Alisa Scott, Purchasing Manager
RE: Request to Add Agenda Item for Manhole Rehabilitation Bid Approval

On October 25th, 2018, Purchasing held a bid opening for manhole rehabilitation. We received four bids, with the lowest bid from Visu-Sewer East, LLC. Due to the amount, the Purchasing Department requests Town Council approval.

Please add this action item to the next available Town Council agenda. Attached is the bid tabulation and memo from Public Works.

Staff recommends the award for IFB # 15 Manhole Rehabilitation go to Visu-Sewer East, LLC from Ashland, VA per quoted pricing, in the amount of \$206,748.00.

Funding for this project is available in the Public Works I&I fund 9802-R7988.



Town of Front Royal Public Works

MEMORANDUM

TO: Alisa Scott, Manager of Purchasing

FROM: Robert B Boyer, Public Works Director

DATE: November 29, 2018

SUBJECT: Recommendation for Manhole Rehabilitation Work

Alisa,

I have reviewed the bids we've received for the manhole rehabilitation work and would like to recommend the lower bidder Visu-Sewer at the amount of \$206,748.00. Visu-Sewer has purchased D&S Contractors recently, D&S Contractors has been doing work for the town for several years. The department has the funding to cover this cost in our I&I program.

If you have any questions or need any further information, please contact me at 540-692-4789.

Thank You.



TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: MANHOLE REHABILITATION

Date: October 25, 2018

Mailed 35

Quotation

#15

Replied

4

	VISU-SEWER EAST, LLC ASHLAND, VA	PRISM CONTRACTORS & ENGINEERS, INC. WILLIAMSBURG, VA	CULY CONTRACTING, INC. WINCHESTER, VA	AM-LINER, INC. BERRYVILLE, VA
INTERIOR MANHOLE REHABILITATION	EXTENDED TOTAL QUOTATION	EXTENDED TOTAL QUOTATION	EXTENDED TOTAL QUOTATION	EXTENDED TOTAL QUOTATION
1. Mobilization, Bonds, and Insurance	\$2,500.00	\$5,826.50	\$2,500.00	\$8,800.00
2. Seal Chimney with Cementitious Liner	\$10,441.00	\$10,600.00	\$16,483.00	\$10,441.00
3. Line 4-Foot Diameter Manhole with Cementitious Liner	\$109,740.00	\$159,300.00	\$96,996.00	\$127,440.00
4. Line 5-Foot Diameter Manhole with Cementitious Liner	\$24,450.00	\$41,250.00	\$21,600.00	\$29,550.00
5. Seal Joint Connection for 4-Foot Diameter Manhole	\$7,450.00	\$10,000.00	\$4,650.00	\$12,700.00
6. Seal Joint Connection for 5-foot Diameter Manhole	\$2,235.00	\$3,375.00	\$1,485.00	\$4,650.00
7. Seal Voids around Pipe Connection	\$9,768.00	\$26,400.00	\$17,292.00	\$40,920.00
8. Pour/Shape New Bench for 4-Foot Diameter Manhole	\$18,124.00	\$18,400.00	\$28,198.00	\$24,886.00
9. Pour/Shape New Bench for 5-Foot Diameter Manhole	\$4,000.00	\$5,000.00	\$6,690.00	\$5,990.00
10. Seal/Repair Invert for 4-Foot Diameter Manhole	\$14,490.00	\$13,500.00	\$18,495.00	\$15,255.00
11. Seal/Repair Invert for 5-Foot Diameter Manhole	\$3,550.00	\$3,500.00	\$4,970.00	\$3,700.00
TOTAL BASE BID				
	\$206,748.00	\$297,151.50	\$219,359.00	\$284,332.00
			CORRECTED FROM SUBMITTED TOTAL BASE BID: \$219,629	

The above proposals verified to specifications and compliance with terms and conditions.

Witness

Angie Scott
Purchasing Manager

7C



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(C)

Meeting Date: December 10, 2018

Agenda Item: COUNCIL APPROVAL – Amend Prior Franchise Agreement for Telecommunications Services - Shentel Communications, LLC

Summary: Council is requested to consider an amendment to Shentel Communications, LLC's prior fiber optic telecommunications franchise with the Town, as presented. The proposed amendment would extend the franchise term through August 14, 2019. Council is further requested to authorize the Town Manager and Town Attorney to execute the necessary documents.

Budget/Funding: None

Attachments: Agreement

Meetings: Work Session held December 3, 2018

Staff

Recommendation: Approval ✓ Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve an amendment to Shentel Communications, LLC's prior fiber optic telecommunications franchise with the Town to extend the franchise term through August 14, 2019, as presented. I further move that Council authorize the Town Manager and Town Attorney to execute the necessary documents.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: 

SECOND AMENDMENT TO FRANCHISE AGREEMENT

THIS SECOND AMENDMENT TO FRANCHISE AGREEMENT ("Second Amendment") is made effective as of August 14, 2017 ("Effective Date") by and between the Town of Front Royal ("Town") and Shenandoah Telephone Company ("Shentel"), collectively "the parties".

WHEREAS, the Town and Shentel entered into the Franchise Agreement for Fiber Optic Services dated as of February 14, 2011 (the "Franchise"); and

WHEREAS, pursuant to Section 2 of the Franchise, the rights and obligations set forth therein were granted to Shentel for a five-year period commencing on February 14, 2011; and

WHEREAS, the Town and Shentel previously executed Amendment to Franchise Agreement ("First Amendment") which extended the term of the Franchise from February 14, 2017 through August 14, 2017 to allow for negotiation of a replacement franchise permitting Shentel to use the public rights of way throughout the Town for the provision of fiber optic telecommunication services; and

WHEREAS, Shentel's facilities have remained in place in the streets of the Town, and Shentel has continued to pay all franchise fees and pole attachment/conduit fees required under the Franchise during the period from the Effective Date through and including the date of execution of this Second Amendment; and

WHEREAS, the Town and Shentel wish to extend the term of the Franchise for an additional two (2) year period, effective and commencing August 14, 2017 and continuing through August 14, 2019, allowing Shentel to apply for additional usage area pursuant to Section 2 of the Franchise, and for the Town to advertise for bids for new, long-term, non-exclusive, Town-wide fiber optic telecommunications system franchises pursuant to §§15.2-2100 – 2103, Code of Virginia, as amended.

NOW, THEREFORE, in consideration of the foregoing, the parties hereby agree as follows:

1. Definitions. Except as otherwise defined herein, capitalized terms shall have the definitions set forth in the Franchise.
2. Extension of Term. The first sentence of Section 2 of the Franchise, as amended by paragraph 2 of the First Amendment, is hereby further amended to read in its entirety as follows:

Subject to the provisions, conditions and restrictions set forth in this Agreement or herein referred to, there is hereby granted to Grantee, for a period beginning on the effective date of this Agreement and continuing through August 14, 2019, the non-exclusive right to use the streets of the Town to operate and maintain a fiber optic telecommunication system within and along the streets of the Town, and, for these purposes, to construct, erect, maintain and use and, if now constructed, to

continue to maintain and use and operate, its fiber optic equipment, including necessary manholes, in, under, across, over and along the streets within the corporate limits of the Town provided, however, that initially Grantee shall only be permitted to use the streets identified and particularly described and set forth as "Exhibit A", attached hereto and incorporated by reference herein.

3. Ratification of Expansion. The parties hereby agree that the franchise usage area, as expanded pursuant to the Application to Expand Franchise Agreement for Fiber Optic Services executed by Shentel on May 26, 2017 and by the Town on June 5, 2017, is hereby ratified and confirmed in all respects, and that Exhibit A attached hereto, showing "fiber route as of 8/13/18", correctly reflects the franchise usage area for installed fiber optic cable on the date of this Second Amendment.
4. Use of Town Poles, Conduits. Paragraph 5(i) of the Franchise is amended to provide for a rental rate of [[TWENTY-FIVE DOLLARS (\$25.00)]] per attachment, per pole, per year. Shentel will make a "true-up" payment to the Town for all pole attachment fees back to the Effective Date. As of the Effective Date of this Second Amendment, Shentel maintained [[145]] attachments to Town poles, and has [[148]] attachments as of the execution date of this Second Amendment.
5. No Default. Each of the parties hereby agrees that the Franchise, as amended hereby, remains in full force and effect, and that neither of the parties is aware of a default by the other party or otherwise deemed to be in default thereunder. Without limiting the foregoing, the parties acknowledge that the Effective Date was specifically determined by the parties so that there would be no lapse in the effectiveness of the Franchise.
6. No Other Amendments. Except as specifically set forth in this Second Amendment, and in any replacement to Exhibit A to the Franchise that may be agreed by the parties from time to time, all provisions of the Franchise shall remain as set forth therein.
7. Acceptance. The undersigned, Shenandoah Telephone Company, hereby accepts the grant and each and all of the provisions, conditions and limitations of this Second Amendment and hereby covenants and agrees that it will perform and discharge each and all of the duties and obligations imposed upon it under this Second Amendment and as Grantee in and under the Franchise, and that it will be bound by each and all of the terms, conditions and provisions herein and therein contained.

IN WITNESS WHEREOF each of the parties has caused this Second Amendment to be executed in its name on the date set forth below, effective as of the date above first written.

SHENANDOAH TELEPHONE COMPANY

Date: _____

By: _____

Edward H. McKay

Senior Vice President – Wireline and Engineering

TOWN OF FRONT ROYAL, VIRGINIA

Date: _____

By: _____

APPROVED AS TO FORM:

Douglas W. Napier, Town Attorney

SECOND AMENDMENT TO FRANCHISE AGREEMENT

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WHEREAS, pursuant to Section 2 of the Franchise, the rights and obligations set forth therein were granted to Shentel for a five-year period commencing on February 14, 2011; and

WHEREAS, the Town and Shentel previously executed Amendment to Franchise Agreement ("First Amendment") which extended the term of the Franchise from February 14, 2017 through August 14, 2017 to allow for negotiation of a replacement franchise permitting Shentel to use the public rights of way throughout the Town for the provision of fiber optic telecommunication services; and

WHEREAS, Shentel's facilities have remained in place in the streets of the Town, and Shentel has continued to pay all franchise fees and pole attachment/conduit fees required under the Franchise during the period from the Effective Date through and including the date of execution of this Second Amendment; and

WHEREAS, the Town and Shentel wish to extend the term of the Franchise for an additional two (2) year period, effective and commencing August 14, 2017 and continuing through August 14, 2019, allowing Shentel to apply for additional usage area pursuant to Section 2 of the Franchise, and for the Town to advertise for bids for new, long-term, non-exclusive, Town-wide fiber optic telecommunications system franchises pursuant to §§15.2-2100 – 2103, Code of Virginia, as amended.

NOW, THEREFORE, in consideration of the foregoing, the parties hereby agree as follows:

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2. Extension of Term. The first sentence of Section 2 of the Franchise, as amended by paragraph 2 of the First Amendment, is hereby further amended to read in its entirety as follows:

Subject to the provisions, conditions and restrictions set forth in this Agreement or herein referred to, there is hereby granted to Grantee, for a period beginning on the effective date of this Agreement and continuing through August 14, 2019, the non-exclusive right to use the streets of the Town to operate and maintain a fiber optic telecommunication system within and along the streets of the Town, and, for these purposes, to construct, erect, maintain and use and, if now constructed, to

continue to maintain and use and operate, its fiber optic equipment, including necessary manholes, in, under, across, over and along the streets within the corporate limits of the Town provided, however, that initially Grantee shall only be permitted to use the streets identified and particularly described and set forth as "Exhibit A", attached hereto and incorporated by reference herein.

3. Ratification of Expansion. The parties hereby agree that the franchise usage area, as expanded pursuant to the Application to Expand Franchise Agreement for Fiber Optic Services executed by Shentel on May 26, 2017 and by the Town on June 5, 2017, is hereby ratified and confirmed in all respects, and that Exhibit A attached hereto, showing "fiber route as of 8/13/18", correctly reflects the franchise usage area for installed fiber optic cable on the date of this Second Amendment.
4. Use of Town Poles, Conduits. Paragraph 5(i) of the Franchise is amended to provide for a rental rate of TWENTY-THREE DOLLARS (\$23.00) per attachment, per pole, per year. Shentel will make a "true-up" payment to the Town for all pole attachment fees back to the Effective Date. As of the Effective Date of this Second Amendment, Shentel maintained 145 attachments to Town poles, and has 148 attachments as of the execution date of this Second Amendment.
5. No Default. Each of the parties hereby agrees that the Franchise, as amended hereby, remains in full force and effect, and that neither of the parties is aware of a default by the other party or otherwise deemed to be in default thereunder. Without limiting the foregoing, the parties acknowledge that the Effective Date was specifically determined by the parties so that there would be no lapse in the effectiveness of the Franchise.
6. No Other Amendments. Except as specifically set forth in this Second Amendment, and in any replacement to Exhibit A to the Franchise that may be agreed by the parties from time to time, all provisions of the Franchise shall remain as set forth therein.
7. Acceptance. The undersigned, Shenandoah Telephone Company, hereby accepts the grant and each and all of the provisions, conditions and limitations of this Second Amendment and hereby covenants and agrees that it will perform and discharge each and all of the duties and obligations imposed upon it under this Second Amendment and as Grantee in and under the Franchise, and that it will be bound by each and all of the terms, conditions and provisions herein and therein contained.

IN WITNESS WHEREOF each of the parties has caused this Second Amendment to be executed in its name on the date set forth below, effective as of the date above first written.

SHENANDOAH TELEPHONE COMPANY

Date: 12/4/2018

By: Edward H. McKay
Edward H. McKay
Senior Vice President – Wireline and Engineering

TOWN OF FRONT ROYAL, VIRGINIA

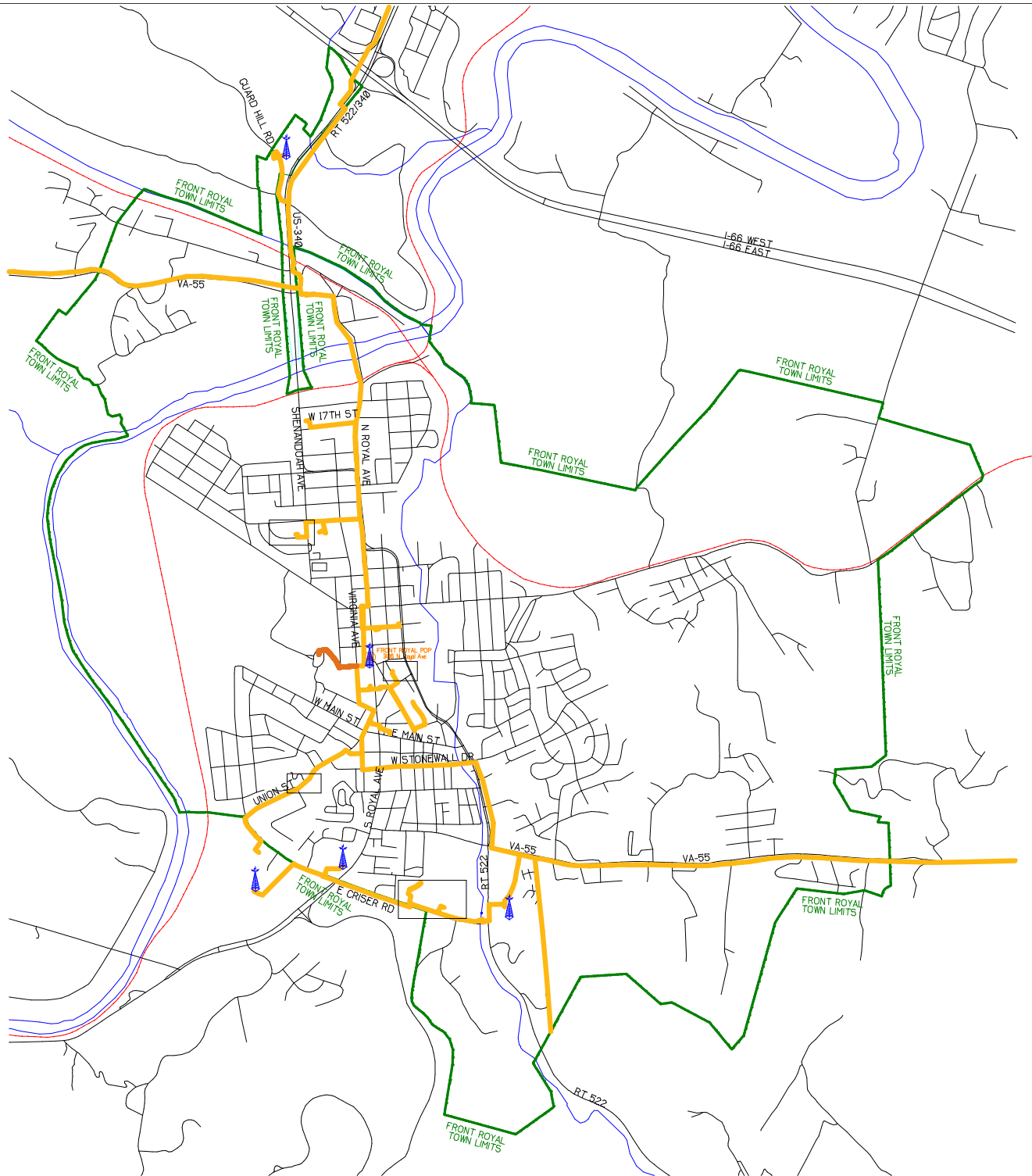
Date: _____

By: _____

APPROVED AS TO FORM:

Douglas W. Napier, Town Attorney

EXHIBIT " A "



SHENTEL FIBER ROUTES WITHIN FRONT ROYAL TOWN LIMITS

FRONT ROYAL TOWN LIMITS

RAILROAD

RIVER

ROAD CENTERLINE

FIBER ROUTE AS OF 8/13/18

PROPOSED FIBER ROUTE



8



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 8

Meeting Date: December 10, 2018

Agenda Item: PUBLIC HEARING – Ordinance Amendment to Town Code Chapter 72
(Special Events) *(1st Reading)*

Summary: Council is requested to affirm on its first reading an Ordinance to amend and re-enact Front Royal Town Code Chapter 72 pertaining to Special Events in particular the full and partial closures of Main Street and the Gazebo Parking Lot located at Chester and Main Streets, as presented.

Budget/Funding: None

Attachments: Ordinance

Meetings: Work Session held November 13, 2018

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council affirm on its first reading an Ordinance to amend and re-enact Front Royal Town Code Chapter 72 pertaining to Special Events, as presented.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JW

AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER 72 PERTAINING TO SPECIAL EVENTS

WHEREAS, during a recent Business Forum several business owners discussed concerns with parking during Special Events held in the Gazebo Area located at Main and Chester Streets in Downtown Front Royal; and,

WHEREAS, Town Staff has proposed amendments to Chapter 72 to help alleviate this concerns and has also changed other areas of Chapter 72 to make the Chapter more user friendly; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 72 of the Front Royal Town Code is hereby amended as follows:

Chapter 72

72-1 PURPOSE OF CHAPTER

A. The Town Council enacts this Chapter for the purpose of regulating the time, place and manner of special events and demonstrations within the Town and to accommodate competing demands for the public use of streets, sidewalks and public places. Regulation is necessary to preserve the public peace and safety, to permit free expression on issues of public concerns, to protect persons and property, to maintain acceptable conditions of traffic flow upon the streets and sidewalks and to prevent, control or eliminate any illegal, injurious or dangerous effects of this lawful activity.

B. The Town Council does not enact this Chapter or seek through its enforcement, to deny or abridge any person's rights of assembly and free speech or the opportunity for communication of thought and discussion of public questions in public places.

72-2 ~~SPECIAL EVENTS; PERMIT REQUIRED~~

~~A Events for which permit required.~~ No person(s) or entity shall conduct any of the following special events or activities unless a permit has been granted by the Town:

1. Any gathering of individuals or groups ~~comprising of fifty (50) or more persons~~ for the purpose of listening to or participating in entertainment and/or commemorative festivals or parades with or without music and with or without the use of microphones and amplifiers conducted in open spaces not within an enclosed structure.
2. Any planned gathering that results in the closing of any part of any public street or sidewalk to accommodate persons attending the gathering.
3. Parades, processions, marathons, bicycle races and other events utilizing the sidewalks or vehicular travel portion of Town streets.
4. Motion picture, video or broadcast television productions, other than news media, involving the staging of vehicles, equipment, props or personnel on public property,

including buildings, streets and sidewalks, or requiring the use of Town equipment or services.

72-3 PERMIT APPLICATION

~~B. Application contents and fee.~~ **A.** An application for any permit required by this Chapter shall be made to the Town Manager or the Manager's designee. The application shall be submitted not less than thirty (30) days nor more than six (6) months prior to the date of the proposed activity. An application for a major event, one involving the closure of more than three (3) blocks or which will last more than two (2) days, shall be filed not less than sixty (60) days nor more than six (6) months before the first date of the proposed activity.

If an application is submitted after the filing deadline set forth in Subsection ~~B~~, **A.** the Town Manager or the Manager's designee may waive the filing deadline requirement of Subsections ~~A and B~~ upon a demonstration by the applicant in writing, that circumstances giving rise to the proposed event did not reasonably allow the applicant to apply for a permit within the time prescribed.

The application shall contain the following information, utilizing a form provided by the Town Manager's Office:

1. Description of the proposed activity;
2. Date, time and location/route of proposed activity and the anticipated number of participants and spectators;
3. Provisions for ~~sanitation~~ **restroom** facilities; security **including but not limited** to crowd, noise, parking, **and** traffic control; emergency services, fire protection, ~~food handling~~, waste and refuse disposal, ~~noise restrictions~~, ADA compliance, ~~parking~~ and loud speaker placement. Plans for control shall meet all state and local requirements, **ordinances and regulations**
- ~~3. The provision of adequate crowd, parking and traffic control, security, emergency services and fire protection, food handling, waste and refuse disposal and noise restrictions.~~
4. Food and beverages to be sold or distributed. Plans for sale or distribution shall meet all state and local requirements, ordinances and regulations;
5. The designation of an individual or individuals who shall be responsible for ensuring compliance with the provisions of this Chapter and the conditions of the permit;
6. Proposed equipment, **including but not limited to**, vehicles, staging, bleachers, shelters, lighting and electricity requirements;

7. If revenue is anticipated to be generated by the activity, the individuals or entity that will benefit therefrom, and a list of anticipated vendors. Vendors associated with special events permitted through this Chapter shall not be subject to Town business license requirements, however, the approved permit does not eliminate any requirement for any business license, permit(s) which may be prescribed by an other federal, state or local statutes, ordinances, rules or regulations or compliances with any other federal, state or local statutes, ordinances or rules or regulations;

8. If animals such as horses are to be included in the event, provision of waste collection shall be provided by the Event Coordinator.

9. If pets are to be excluded from the event and how this shall be communicated to attendees;

~~10. Placement of temporary signage stating proposed closure of road; and,~~

10. Such additional information or assurances as the Town Manager may require.

~~C. Application submission and processing requirements.~~

~~1.~~ **B.** A completed application shall be processed and either granted or denied within a reasonable time of receipt, but not more than thirty (30) days from the receipt of any application requiring sixty (60) days' advance filing or fifteen (15) days from the receipt of any application requiring thirty (30) days' advance filing. Such decision shall be in writing, setting forth the conditions of the permit, if granted, or the reasons for denial. The decision shall be provided to the applicant at the address stated in the application.

Prior to the final denial of any application, the applicant shall be apprised of the reason therefore and shall be able to appeal to the Town Council.

~~2. If an application is submitted after the filing deadline set forth in Subsection B, the Town Manager or the Manager's designee may waive the requirements of Subsections A and B upon a demonstration by the applicant in writing, that circumstances giving rise to the proposed event did not reasonably allow the applicant to apply for a permit within the time prescribed.~~

72-4 PERMIT APPROVAL PROCESS

~~D. Permit approval process.~~

~~1.~~ **A.** ~~The permit shall be granted by the Town Manager if the following conditions are met:~~ The Town Manager or the Manager's designee may impose, as conditions to granting a permit, such further requirements and restrictions as will reasonably protect the public health, safety, welfare, peace and order. Such conditions may include, but are not limited to the following:

~~a.~~ **1.** Any proposed use of public property, right-of-way, or facilities will have a public benefit and not unreasonably interfere with the normal use of property, right-of-way or facility by the Town or the general public;

~~b.~~ **2.** he proposed activity does not present a safety or health risk to participants, spectators or the public, or an environmental hazard;

~~c.~~ **3.** The proposed activity is compatible with the surrounding area or neighborhood, in consideration of anticipated noise, traffic, crowd capacity and other identifiable factors;

~~d.~~ **4.** Should the proposed activity include music or entertainment, provision of such entertainment shall not exceed twelve (12) hours in any twenty-four (24) hour period from the first gathering of participants;

~~e.~~ **5.** Race events shall be responsible to provide traffic cones along affected routes to keep participants within coned boundaries, place race marshals at the start/finish and at every intersection along the coned route;

~~f.~~ **6.** The applicant has provided proof of liability insurance underwritten by insurers acceptable to the Town, indemnifying the Town against any perils, suits, claims and losses which may arise in connection with the proposed activity. Such coverage shall be in amounts consistent with a standard schedule approved by the Town Manager, based upon risks associated with each type of event, in consideration of anticipated attendance. The Certificate of Liability Insurance to cover the event shall name the Town as an "Additional Insurer";

~~g. The proposed activity conforms to the Town's Zoning Ordinance;~~

~~h.~~ **7.** Should the proposed activity take place within the Historic Downtown area, the following restrictions shall be met;

~~{1} Events with less than 750 attendees shall be restricted to the Gazebo Area and Parking Lot;~~

~~{2} Events with less than 3,000 attendees shall be restricted to the Gazebo Area and Parking Lot, Chester Street, and Laura Virginia Hale Place and a partial closure of Main Street from Chester Street to Blue Ridge Avenue after 5:00 p.m.;~~

~~{3} Events with 3,000 or more attendees can request closure of Main Street from Royal Avenue to Blue Ridge Avenue;~~

~~{4} Partial closure of Main Street, prior to 5:00 p.m., shall be permitted once per month;~~

~~{5}~~ **a.** Full and/or partial closure of Main Street, ~~prior to 5:00 p.m.~~, shall be permitted ~~four (4) times per calendar year~~ **two (2) times a month with a maximum of twelve (12) closures a calendar year;** and,

b. Full closure of the Gazebo Parking Lot shall be permitted **only when the full or partial closure of Main Street has been requested/permited.**

c. Partial closure of the Gazebo Parking Lot shall be permitted, but the East Main Street entrance to the Parking Lot will remain open to accommodate parking for the Visitor's Center and local businesses. Bollards will be placed in the parking lot, by the Town, to allow such parking.

~~{6}~~ ~~The Town Manager shall determine the number of attendees based on the information provided by the applicant, but shall not be limited to that information when the estimate provided by the applicant is determined to be unrealistic.~~

~~2.~~ **d.** Town or County sponsored events shall have priority in use of any downtown public property or right-of-way. For events not sponsored by the Town or County, applicants who have held a quality event in the previous year and remain in good standing with the Town shall have priority for the same time and location the following year. All other applications are processed in order of receipt.

~~3. Prior to the final denial of any application, the applicant shall be apprised of the reason therefore and shall be able to appeal to the Town Council.~~

~~E. Permit requirement. The Town Manager or the Manager's designee may impose, as conditions to granting a permit, such further requirements and restrictions as will reasonably protect the public health, safety, welfare, peace and order. Such conditions may include, but are not limited to the following:~~

~~1.~~ **8.** The payment of a reasonable fee for the use of Town utilities in connection with the proposed activity. ~~Fees~~ shall be as follows:

<u>Service</u>	<u>Fee</u>
Electric Service	\$25.00 per day
Water Service	Current metered rate

~~2. The applicant can request the use of Town equipment and personnel at an event. Provisions of these services, by the Town are unplanned expenses, and should be considered by the event coordinator to the Town for reimbursement for such efforts. Expenses are typically as follows:~~

<u>Service</u>	<u>Fee</u>
Police Service (less than 750 attendees)	\$ 50.00 per hour
Police Service (750 to 2,999 attendees)	\$125.00 per hour

Police Service (3,000 or more attendees)	\$250.00 per hour
Solid Waste Service (less than 750 attendees)	\$ 40.00 per hour
Solid Waste Service (750 to 2,999 attendees)	\$ 75.00 per hour
Solid Waste Service (3,000 or more attendees)	\$120.00 per hour

~~3. The provision of adequate crowd, parking and traffic control, security, emergency services and fire protection, food handling, waste and refuse disposal and noise restrictions.~~

4. **10.** By acceptance of the issuance of this **the** permit, the applicant provides the Town Manager, the Manager's designee, and/or duly constituted law enforcement officers full access to the event for the purpose of determining compliance with the provisions of this Chapter.

5. **11.** Event Coordinators shall make every effort to promote the following and communicate to all organizers, vendors, entertainers or participants other than attendees the following suggested actions:

a. Event organizer, vendor, entertainer and participant parking should be in locations other than the Peyton Street Parking Lot. The Event Coordinators shall seek permission from off-site property owners for participant parking;

b. Participants in events associated with road closures shall confine exhibits, equipment and supplies to road area only. Blocking of sidewalks is prohibited;

e- **i.** Event Coordinators shall provide first right of refusal for one space adjacent to each merchants' business up to six (6) weeks in advance of the event. Event Coordinators are encouraged to provide reduced rates for this space;

d- **ii.** Event Coordinators shall place vendor booths on alternating sides of the road or shall alternate side of the road each year for successive events; and,

e- **iii.** Pedestrian access paths shall be provided to the sidewalk at a rate of one ten (10) foot space every forty (40) feet of vendor booths. All sidewalk access points shall be free from vendor booths.

H. **12.** Any permit granted under the provisions of this Chapter shall remain in effect for the duration of the proposed activity.

72-5 **PERMIT EXCEPTIONS**

~~F. Exceptions for special event activities.~~ This Chapter shall not apply to:

1. Gatherings on residentially-zoned property for the celebration of birthdays, anniversaries or family reunions;

2. Sporting events on any publicly-owned property;
3. Gatherings or events on Warren County or school-owned property with the permission of the County or School Board; or,
4. Gatherings or events on Randolph Macon Academy or school-owned property.

72-6 PERMIT REVOCATION/SUSPENSION

~~G.~~ The Town Manager or the Manager's designee shall be authorized to revoke or suspend any permit previously granted:

1. For violation of any provisions of this Chapter or of any condition of the permit;
2. For any material misrepresentation, intentional or otherwise, made in connection with the application;
3. When weather conditions render the subject activity unsafe; and,
4. When otherwise required in the interest of public health, safety and welfare or environmental considerations.

In the event a permit is revoked or suspended, the permittee shall immediately discontinue, or cause to be discontinued, the activity for which the permit was granted, but shall thereafter, be entitled to a hearing concerning the revocation or suspension decision as provided by Subsection ~~D.3.~~ **72-3.B.**

~~H. Any permit granted under the provisions of this Chapter shall remain in effect for the duration of the proposed activity.~~

~~I. The granting of any permit required by this Chapter shall not eliminate any requirement for any business license, any other permit(s) which may be prescribed by any other federal, state or local statutes, ordinances, rules or regulations, or compliance with any other applicable federal, state or local statutes, ordinances or rules or regulations.~~

~~J. Vendors associated with special events permitted through this Chapter shall not be subject to Town business license requirements.~~

72-7 PROVISIONS OF THIS CHAPTER

A. The Town Manger may designate one (1) or more officers or employees of the Town to administer the provisions of this Chapter.

B. Any person who shall violate any provision of this Chapter shall be guilty of a Class 3 misdemeanor.

~~72-3 PERMIT PROCESSING FEE~~

~~A nonrefundable processing fee, as follows, shall be submitted with the completed application for a special event:~~

~~1. All special event permits shall be processed at no cost.~~

This ordinance shall become effective upon passage.

APPROVED:

Hollis L. Tharpe, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____ 2018, upon the following recorded vote:

Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Christopher S. Morrison	Yes/No
John P. Connolly	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on _____, 2018, having been advertised in the Northern Virginia Daily on _____, 2018, and _____, 2018. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2018, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____ / ____ / ____

9



Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 9

Meeting Date: December 10, 2018

Agenda Item: PUBLIC HEARING – Ordinance Amendment to Town Code Sections 158-9 and 158-17 pertaining to the removal of the 1993 On-Street Parking Policy and Rescind 1993 Resolution Pertaining to the Same (*1st Reading*)

Summary: Council is requested to affirm on its first reading an Ordinance to amend and re-enact Front Royal Town Code Sections 158-9 and 158-18 pertaining to the removal of the 1993 On-Street Parking Policy and to rescind the 1993 Resolution Pertaining to the same, as presented.

Budget/Funding: None

Attachments: Ordinance and 1993 Resolution/Policy

Meetings: Work Session held November 13, 2018

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council affirm on its first reading an Ordinance to amend and re-enact Front Royal Town Code Sections 158-9 and 158-18 pertaining to the removal of the 1993 On-Street Parking Policy and to rescind the 1993 Resolution Pertaining to the same, as presented.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JW

**AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE SECTIONS 158-9 AND 158-17
PERTAINING TO REMOVAL OF THE ON-STREET PARKING POLICY**

WHEREAS, to designate and authorize the installation and placement of traffic signs and parking regulations more efficiently and effectively by the Town Manager it has been requested to remove all references to the On-Street Parking Policy in the Town Code; and,

WHEREAS, Council is also requested to rescind the 1993 Resolution authorizing approval of the On-Street Parking Policy; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Sections 158-9 and 158-17 of the Front Royal Town Code is hereby amended as follows:

**158-9 AUTHORITY TO DESIGNATE TRAFFIC SIGNS AND PARKING
REGULATIONS; APPEALS**

- A. The Town Manager may designate intersections at which vehicles shall come to a full stop or yield the right-of-way and may cause to be erected with the appropriate signs or markers at such in accordance with the standards contained in the Uniform Manual for Traffic Control Devices.
- B. The Front Royal Town Manager is authorized to classify vehicles with reference to parking, may designate the time, place and manner such vehicles may be allowed to park on Town streets and may make and enforce such additional rules and regulations as parking conditions may require. ~~in accordance with the On-Street Parking Policy approved by the Front Royal Town Council.~~ The Town Manager shall cause to be erected appropriate signs or markers so that an ordinarily observant person who may be affected by the parking regulation will be aware of such regulation, except that no sign shall be necessary to effectuate the parking prohibitions set forth in **other areas of this Chapter**. ~~Article VI, Article VII, Article VIII and Article IX of this Part 4, unless otherwise provided in those Articles.~~
- C. Any person, business, organization or institution shall have the right to petition the Town for a change in parking regulations or for the imposition of new parking regulations for a specific street or location. All such petitions shall be submitted, in writing, to the Town **Manager on forms supplied by the Town or by a letter to the Town Manager** at the applicant's election. Upon receipt of a petition, the Town Manager shall investigate the parking conditions at the location in question and ~~with the guidance of the On-Street Parking Policy approved by the Town Council,~~ shall either regulate parking, change the parking regulations or take no action. The petitioner shall be informed of the Town Manager's decision, in writing, and shall be advised of the right to appeal an adverse decision.
- D. Appeal procedure.
 - 1. A decision of the Town Manager pertaining to ~~on-street~~ a **new** parking **regulation** may be appealed by a petitioner under Subsection C who has received an adverse decision or by any person, business, organization or institution directly affected by a new parking regulation placed in effect. Appeals must be filed, in writing, to the Front Royal Planning Commission

~~on forms supplied by the Town.~~ Petitioners who have received an adverse decision must file their appeal within ten (10) days from the date of the written decision of the Town Manager. Those affected by a parking regulation must file their appeal within thirty (30) days from the erection of the parking sign or signs imposing said new regulation.

2. Failure to file the appeal within the required time limits shall result in the loss of the right to appeal. Upon receipt of an appeal, the Planning Commission shall place the matter on the agenda for its next meeting, shall investigate the parking conditions if it deems it necessary and shall, not later than seven (7) days after the following Planning Commission meeting, report its opinion and recommendations to the Front Royal Town Council. In the formulation of its opinion and recommendation, ~~the Planning Commission shall be guided by the On-Street Parking Policy approved by the Front Royal Town Council.~~ Upon receipt of the Planning Commission's recommendation, the Town Council shall decide the appeal at its next regularly scheduled meeting. The appellee shall be notified and shall have the right to speak and to present witnesses and evidence at said meeting before the Council votes on the appeal.

E. All parking regulations placed in effect by the Town Manager shall remain in effect and shall be enforceable pending appeal.

F. All parking regulations in effect as of the date of this ordinance shall remain in effect hereafter, unless subsequently changed in accordance with the provision of this Section.

158-17 PARKING PROHIBITED AT ALL TIMES

No person shall park a vehicle at any time upon any of the streets or parts thereof as designated by the Town Manager. ~~in accordance with the On-Street Parking Policy approved by the Front Royal Town Council.~~

This ordinance shall become effective upon passage.

APPROVED:

Hollis L. Tharpe, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____ 2018, upon the following recorded vote:

Eugene R. Tewalt Yes/No

Jacob L. Meza Yes/No

William A. Sealock Yes/No

Christopher S. Morrison Yes/No

John P. Connolly Yes/No

Gary Gillispie Yes/No

A public hearing on the above was held on _____, 2018, having been advertised in the Northern Virginia Daily on _____, 2018, and _____, 2018. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2018, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

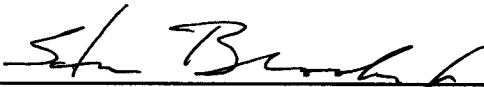
Date: ____/____/____

R E S O L U T I O N

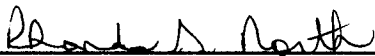
BE IT RESOLVED by the Town Council of the Town of Front Royal, Virginia, that the On-Street Parking Policy dated January 15, 1993, which was prepared and submitted by Kimberley P. Fogle, Director of Planning, is hereby approved.

Nothing herein shall prevent the supplementation of the Town of Front Royal On-Street Parking Policy from time to time at the discretion and upon approval of the Front Royal Town Council.

APPROVE:


STANLEY W. BROOKS, JR., MAYOR

ATTEST:


RHONDA S. NORTH, Town Clerk

This resolution was adopted by the Town Council of the Town of Front Royal, Virginia, on the 22nd day of March, 1993.

DEPARTMENT OF PLANNING
TOWN OF FRONT ROYAL

MEMORANDUM

TO: Town Manager, Mayor and Town Council

FROM: Kimberley P. Fogle, Director of Planning *Kpfogle*

DATE: January 15, 1993

SUBJ: On-Street Parking Policy

This memorandum will explore some of the issues surrounding restricted on-street parking and will provide a draft policy for the Council's consideration. By way of background, there have been a number of requests made in recent months for 'limited hours' parking in front of businesses, residences and churches. A desirable way for dealing with these requests is to have an administrative process and some guidelines by which the administrator can act.

Generally speaking, it is the Public Works Department and the Police Department that get involved with issues relating to parking and public safety. In the past, all requests had been made through the Police Department, who conferred with Public Works prior to approving/denying. They are the best equipped to handle the evaluation of parking requests in an equitable manner.

Recommendations

The recommended draft policy provisions are highlighted, as follows. More detailed discussion is provided later in this memorandum.

- Where requested, install two-hour parking restriction on streets that have commercially-zoned property or property used for commercial purposes, such as adjoining offices in R-3 areas. (It should be noted that such streets may have residential and institutional uses.)
- Allow for the provision of 15-minute parking in front of a particular business, when requested by that business, to the extent where it includes 50% of the frontage or 1 space, whichever is larger. This 15-minute provision would be useful for businesses where loading areas are needed because it will allow some parking (when not in use for loading) but at a high turnover rate.

- Do not place time limitations on parking within residential areas (residentially-zoned areas). Re-evaluate the situation and the need for parking restrictions if numerous requests are received that suggest a real problem in a residential area.
- Encourage the provision of handicapped parking off-street (on-site). Where that is not feasible, allow on-street signed areas where there is a demonstrated need, sufficient area for a safe situation and the provision of ramps or easy access to the structure(s) to be served. Continue the current policy with institutional uses of signing for high demand times, where possible.

Commercial Areas

Numerous types of limited hours parking are currently provided, as follows:

- **10-minute** parking (around Town Hall, Virginia Laundry, Donahoe's Florist, By-Pass Grocery and some other businesses) where in-and-out traffic is prevalent.
- **two-hour** parking (on downtown commercial streets -- Main and Royal)
- **one-hour** parking (on Chester Street)
- **15-minute** parking (in front of Chamber of Commerce in parking lot, John Marshall Market, South Street)
- **20-minute from 7 pm to 7 am (nighttime)** parking on Peyton Street. This is a strange one, designed I understand to prevent kids from hanging-out.

The two-hour parking limitation along commercial streets allows for the reasonable turnover in parked vehicles and serves the interest of the commercial uses nearby. The 10- or 15-minute parking provides for maximum parking turnover for businesses that have considerable in-and-out traffic, such as dry cleaners and the visitor's center. From a philosophical standpoint, I believe there is the place for both types in the downtown area.

Day-time, two-hour parking limitations are the most reasonable in commercial areas because they will allow for turnover while providing equal accessibility to commercial businesses. In the evening hours, residents have the opportunity to park as well. The Parking Commission, in their July 1990 report, recommended two-hour parking along all commercial streets in the downtown area, with the exception of Chester Street,

Town Manager, Mayor and Council
On-Street Parking Policy
January 15, 1993
Page 3

for parking between the hours of 7 am and 5 pm. For the high turnover businesses, where the opportunity for in-and-out service is critical to the business, the provision of very short-term limitations, such as 10 to 15 minutes, is desirable. This provision could also be utilized where the need for loading areas exists to allow for maximum utilization of the space.

All commercial businesses should be treated equitably, not favoring one business over another. Businesses needing in-and-out, short-term parking should be afforded the opportunity if it will not have an adverse impact on adjoining commercial uses. One way to achieve that may be to limit short-term parking in front of commercial businesses to one (1) space or 50% of the space available in front of a particular establishment. Due to limited convenient parking space downtown, one may park in front of X business to patronize Y business. The businesses needing short-term parking would be served but not at the expense of the adjoining businesses.

Residential

I do not believe we have a problem yet with the encroachment of commercial parking in residential areas that would warrant instituting a parking sticker or similar type program. The areas where problem has surfaced is actually a commercially-zoned area that has residential uses. The parking of employees on a public street has infringed upon the ability of the resident to park in front of their home or adjoining convenient area. If such instance occurs and a request is made by the property owner, it should be treated as a commercial area, with the 2-hour parking limitation. Equal treatment would then be afforded to all uses on the street.

Handicap Parking

Convenient and accessible parking for individuals with limited mobility and other physical handicaps should be provided. The provision of on-street handicapped spaces should be evaluated closely because it may be found that providing the spaces causes more of a safety hazard (particularly on more confined streets and where no ramp is provided in proximity) than not providing them. The criteria for placing handicapped parking spaces on-street should include the existence of handicapped clientele, easy access from the space to the structure and adequate on-street room to provide for safe maneuvering by handicapped persons. Generally speaking, handicapped spaces should be provided on-site (off-street) wherever possible.

Town Manager, Mayor and Council
On-Street Parking Policy
January 15, 1993
Page 4

With institutional uses, such as churches, the current policy of signing for handicapped use only during services or period of assembly is the more flexible and desirable approach since it targets the space to the high demand time and does not limit its use during low demand periods.

This draft policy may not address all potential situations or requests that might arise relative to limits on parking times. It does attempt to cover those areas which are likely to arise or those for which we have received requests.

March 22, 1993

RESOLUTION - Approval of on-street parking policy

Vice Mayor Kitts moved, seconded by Councilman Duncan, that Council adopt a resolution approving the On-Street Parking Policy as prepared by the Director of Planning.

Vote: Yes - Unanimous

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 10

Meeting Date: December 10, 2018

Agenda Item: PUBLIC HEARING – Ordinance Amendment to Town Code Sections 148-870.A.17 and 175-127 to Exempt Property from Off-Street Parking Requirements – David Downes – 14/16 Chester Street (*1st Reading*)

Summary: On June 21, 2018 a request was received from David Downes to amend Town Code 175-127.3 to exempt the requirement of “off street parking” requirements for property located on Chester Street. Due to it being a zoning ordinance amendment request, it went to the Planning Commission for a recommendation. On September 19, 2018 the Planning Commission unanimously recommended against the requested change after a public hearing because it did not believe that it was appropriate to add more exemption in the downtown area for any uses or properties until a parking strategy was developed to address the increasing demand for parking in the downtown area. There were three drafts included for the Planning Commission’s consideration at the public hearing.

- 1) Amend Town Code 175-127.3 and 148-870.A.17 so that it exempts properties on the portion of Chester Street from E. Main Street to Laura Virginia Hale Place from the requirement for off-street parking
- 2) Amend Town Code as in #1 above, but requires approval of a Special Use Permit
- 3) Amend Town Code as in #1 above but would exempt museums and art galleries from off-street parking requirements within the Historic Overlay District

The property currently qualifies for a separate “lesser” exemption that applies to all legally existing commercial and industrial buildings (175-127). The exemptions does not require Mr. Downes to meet the off-street parking quantity requirements, but it does require that existing parking not be eliminated. Therefore, the applicant is required to maintain the rear parking area of his property and use it in conjunction with the businesses on the property (Beer Museum and Office)

Council is requested to choose one of the options above OR to accept the Planning Commission’s recommendation and deny the request until a parking strategy is developed to address the parking in the downtown area.

Budget/Funding: None

Attachments: (3) Draft Alternative Ordinances, Letter of Request, minutes of Work Session held November 19, 2018, Staff Report

Meetings: Work Session held October 15 and November 19, 2018. Planning Commission Public Hearing held September 19, 2018.

Staff

Recommendation: Approval ✓ Denial

Council is requested to approve one of the four Proposed Motions:

APPLICANT'S REQUEST

- 1) I move that Council affirm on its first reading an Ordinance to amend Front Royal Town Code Sections 175-127.3 and 148-870.A.17. so that it exempts properties on the portion of Chester Street from E. Main Street to Laura Virginia Hale Place from the requirement for off-street parking, as presented.

SPECIAL USE PERMIT ALTERNATIVE

- 2) I move that Council affirm on its first reading an Ordinance to amend Front Royal Town Code Sections 175-127.3 and 148-870.A.17, so that it exempts properties on the portion of Chester Street from E. Main Street to Laura Virginia Hale Place from the requirement for off-street parking but requires approval of a Special Use Permit, as presented.

APPLICANT'S ALTERNATIVE

- 3) I move that Council affirm on its first reading an Ordinance to amend Front Royal Town Code Sections 175-127.3 and 148-870.A.17, but exempt museums and art galleries from off-street parking requirements, as presented.

APPROVAL OF PLANNING COMMISSION'S RECOMMENDATION

- 4) I move that Council approve the recommendation of the Front Royal Planning Commission to deny the request from David Downes to exempt the requirement of "off-street parking" requirements for his properties located at 14 and 16 Chester Street.

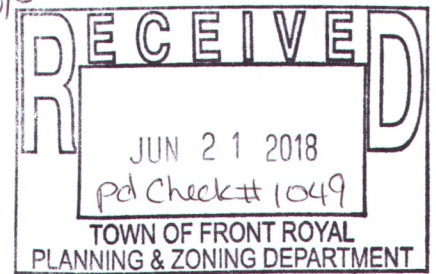
*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JW

FRORDAM-000907-2018

LAW OFFICE OF
DAVID A. DOWNES
14 Chester Street
Front Royal, Virginia 22630-3321



Admitted in Virginia
Admitted in Federal Courts

TELEPHONE (540) 636-8500
FACSIMILE (540) 636-8501
E-MAIL: dadownes14@gmail.com

June 21, 2018

Jeremy F. Camp, Zoning Administrator
Department of Planning & Zoning
102 East Main Street
Front Royal, VA 22630-1560

Hand Delivered

Re: Amendment to Town Code 175-127.3

Dear Mr. Camp:

As the property owner of 14 and 16 Chester Street, I would respectfully request the amendment of Town Code 175-127.3 to exempt the requirement of "off street parking" requirements for property located on Chester Street between Main Street and Laura Virginia Hale Place.

This amendment will enable property owners in the "Downtown" area of our town to be treated equally and fairly as other property owners located in designated areas of Main Street and other areas in town that currently enjoy public access to public parking.

This amendment would also enable my tenant, the Virginia Beer Museum, to utilize over half of the back yard, currently reserved for parking that is not and will not be used for parking, to exercise a special ABC license approved by the Virginia General Assembly and effective on July 1, 2018.

I would respectfully request this matter be considered at your next meeting scheduled for July 18th pursuant to our conversation this morning. Pursuant to that conversation, I have attached a check for Four Hundred Dollars to pay for the application fee of this request.

Very truly yours,

A handwritten signature in blue ink, appearing to read "David A. Downes", written over a large, loopy blue ink scribble.

David A. Downes

pc: Hollis Tharpe, Mayor of Front Royal

DRAFT AMENDMENT – OPTION 1 (Applicant’s Request)

“REQUEST TO AMEND OFF-STREET PARKING REQUIREMENTS”

START -----

Chapter 175

ZONING

175-127 PARKING EXEMPTION FOR THE REUSE OF EXISTING PROPERTIES

Regardless of Section 175-126, the reuse of properties with existing parking areas and/or loading spaces shall be exempt from the requirement to comply with the current parking area and loading space requirements of this Chapter, or Chapter 148; provided that, the following conditions are met.

1. A zoning permit was previously issued by the Town on the property for a business (commercial) or industrial use.
2. Town Council may require site improvements when a special use permit is required.
3. The number of existing parking spaces shall not be reduced for display or other purposes, except in areas that are exempt from off-street parking requirements, as found under Town Code 148-870.A.17.
4. When the existing parking area and/or loading spaces are in disrepair, the Zoning Administrator may require the following types of maintenance improvements at the time of issuance of a zoning permit:
 - a. Additional landscaping.
 - b. The demarcation of existing parking spaces by striping, restriping, wheel stops, or signage.
 - c. The resurfacing of the existing surface material.

except that the requirement of off street parking for property located on Chester Street between Main Street and Laura Virginia Hale Place shall be exempt from the off-street parking requirements.

Chapter 148

SUBDIVISION & LAND DEVELOPMENT

Section 148-870. PARKING & LOADING AREAS.

148-870.A. Parking Areas.

1. Off-street parking shall be provided in accordance with this subsection on every lot or parcel on which any use is established or expanded.
2. Based on the type of use, the minimum quantity of required off-street parking spaces is show in the following table.

TABLE 148-870.A.2

TYPE OF USE	REQUIRED OFF-STREET PARKING SPACES
Residential	Two (2) parking spaces per dwelling unit.
Motels/hotels	One (1) parking space per room and one (1) additional parking space for every ten (10) rooms.
Lodging/boarding/bed and breakfasts	One (1) parking space per room and an additional two (2) parking spaces for employees.
Shopping Centers	Five (5) parking spaces per one thousand (1,000) gross square feet for every shopping center facility ten thousand (10,000) square feet in size or less. Four (4) parking spaces per one thousand (1,000) gross square feet for every shopping center over ten thousand (10,000) square feet.
Commercial/retail	One (1) parking space per two hundred (200) gross square feet.
Furniture/appliance/lumber and building supply	One (1) parking space per four hundred (400) gross square feet.
Wholesale, storage and contractor's facilities	One (1) parking space per one thousand (1,000) gross square feet for non public areas. One (1) parking space per one hundred (100) net square feet for public sales areas.
Self-service storage facilities	One (1) parking space per twenty (20) individual units, and one (1) additional space per three hundred (300) gross square feet of office area.
Art galleries/museums	One (1) parking space per three hundred (300) gross square feet.
Professional offices	One (1) parking space per three hundred (300) gross square feet.

Medical/dental offices	One (1) parking space per two hundred (200) gross square feet.
Indoor recreation facilities	One (1) parking space per two hundred (200) gross square feet.
Bowling alleys	Three (3) parking spaces per alley.
Outdoor recreation facilities	One (1) parking space per two hundred (200) net square feet of improved area.
Personal service facilities	One (1) parking space per two hundred (200) gross square feet.
Churches/theaters/other assembly buildings/auditoriums	One (1) parking space per four (4) fixed seats in the main assembly area or one (1) parking space per one hundred (100) net square feet.
Day-care/nursery facilities	One (1) parking space per employee and one (1) parking space for every ten (10) children.
Nursing homes	One (1) parking space for every four (4) beds, and one (1) parking space per employee.
Hospitals	One (1) parking space for every two (2) beds, and one (1) parking space for each employee, excluding medical doctors.
Funeral homes	One (1) parking space for every four (4) fixed seats or one (1) parking space per one hundred (100) square feet net visitation area, plus five (5) employee parking spaces.
Restaurants (sit-down)	One (1) parking space for every four (4) seats.
Restaurants (carry-out)	One (1) parking space per fifty (50) net square feet of customer service area.
Restaurants (drive-through)	Three (3) parking spaces plus stacking lanes for six (6) vehicles.
Industrial uses/office component	One (1) parking space per three hundred (300) gross square feet of office area.
Industrial use/manufacturing/distribution areas	One (1) parking space per employee and one (1) space for every vehicle used on-site, plus one (1) parking space per delivery/loading bay.
Automobile/motor vehicle service facilities	Two (2) spaces per service bay or two (2) spaces for every three hundred sixty (360) square feet. Every such facility shall have a minimum of three (3) parking spaces.
Car sales/rental facilities	One (1) parking space per each two thousand five hundred (2,500) square feet of open sales display area and one (1) parking space per employee. In addition, there shall be two (2) parking spaces per service bay or two (2) parking spaces for every three hundred sixty (360) square feet of service bay area. There shall be a minimum of three (3) spaces for the service bay areas of these facilities.
Car wash (self-service)	One (1) parking space for drying vehicles, plus two (2) stacked spaces per car wash bay.
Car wash (automatic)	Two (2) parking spaces for drying vehicles, plus five (5) stacking spaces per car wash bay.

Libraries	One (1) parking space per one thousand (1,000) gross square feet.
Public/private schools	One (1) parking space per employee, plus parking space for school auditoriums as noted above for auditoriums.
Greenhouse and landscape nursery facilities	One (1) parking space per four hundred (400) square feet of structured public selling area; one (1) parking space per one thousand (1,000) square feet of greenhouse/warehouse/plant storage areas; and one (1) parking space for each company vehicle.
Veterinary hospitals and kennels	One (1) parking space per three hundred (300) gross square feet.

3. When a use is not specifically listed above, the Director shall determine which of the above categories to use to determine the spaces required, based on similarities between the characteristics of the uses. When a use is not specifically listed above, the Director may also use information provided by the applicant or other sources of information to determine the number of spaces required.
4. Off-street parking areas shall be oriented to the buildings they are designed to serve and shall be within three hundred (300) feet walking distance. Before off-site parking facilities are approved, a written agreement thereto assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, and approved as to form by the Town Attorney, and for compliance with the requirements of this Chapter by the Director.
5. The access to off-street parking areas shall be designed so as not to obstruct the free flow of street traffic. There shall be adequate provision for ingress and egress to ensure ease of mobility, ample clearance and the safety of vehicles and pedestrians. For corner lots, the distance from the center line of the parking lot entrance to the curblin or pavement edge of the street intersection shall be adequate to, in the opinion of the Director, provide a safe and sufficient margin for normal traffic patterns and pedestrians at or about the intersection in question.
6. Up to 20 percent of the total number of required off-street parking spaces may be designated for compact cars if signage is posted in front of the space to notify vehicles that the space is only for compact vehicles.
7. With the exception of off-street compact car spaces, and off-street parallel spaces, off-street parking spaces shall include an area of not less than 162 square feet (9' x 18'). Compact car spaces shall include an area not less than 144 square feet (8' x 18').
8. The width of all interior parking lot aisles providing direct one-way access to individual parking spaces shall be as follows:

87 **TABLE 148-870.A.8.**

Parking Angle (degrees)	Aisle Width (feet)
30	12
45	15
60	18
90	22

*The minimum width of all interior parking lot aisles designed for two way traffic flow shall be twenty (20) feet, except where 90 degree aisles are used, which shall required twenty-two (22) feet.

9. parking space shall be at least three (3) feet from a side or rear property line, except where the parking is designed to be shared by the abutting property. No parking space for multiple-family dwelling shall be less than ten (10) feet from a residential structure.
10. Parking areas shall be setback a minimum of five (5) feet from any building or structure. This setback area may be used for sidewalks or landscaping.
11. Parking space already provided to meet off-street parking requirements for stores, office buildings and industrial establishments lying within three hundred (300) feet of the place of public assembly, as measured along lines of public access, which are not normally in use on Sundays or between the hours of 6:00 p.m. and 12:00 midnight on other days may be used to meet not more than seventy-five percent (75%) of the off-street parking requirements of a church or other similar place of public assembly.
12. Any flea market, farmers' market or other open-air commercial activity not listed above shall provide one (1) parking space for each one hundred (100) square feet of land to be used by said flea market, farmers' market or other commercial activity in its open-air operations. The amount of land to be used shall be designated by the respective open-air business in its application for a special permit. If no special permit is required under this chapter, the land to be used shall be designated in the application for a business license. No business shall then use more land than has been designated in its application for special permit or business license without the filing of a new application for a special permit or business license as required herein and then complying with the parking space requirements of this section.
13. For every commercial or industrial parking area located within fifteen (15) feet of the side or rear boundary of a residentially zoned lot or a lot with a residential use, an opaque ornamental fence or masonry wall with a minimum height of four (4) feet shall be erected and maintained. The provisions of this section shall not compel such fence or wall to extend into the required front yard of the premises.
14. Parking areas, including aisles and maneuvering areas, shall be paved with bituminous concrete, or similar hard surface material. The Director may approve

- 119 stone, in lieu of pavement, for parking areas of no more than 4,500 square feet in
120 size.
- 121 15. Lights used to illuminate parking areas shall be arranged and shielded to minimize
122 light pollution to adjoining properties.
- 123 16. All parking areas shall meet the landscaping requirements of Section 156-6 of the
124 Town Code.
- 125 17. Off-street parking shall not be required for permitted uses that are located in the
126 following areas: ~~on any lot fronting on that portion of Main Street which extends~~
127 ~~from Royal Avenue to Happy Creek or upon that portion of Jackson Street which~~
128 ~~extends between South Royal Avenue and Church Street.~~
- 129 a. Any lot with frontage on E. Main St. from Royal Ave. to Happy Creek.
130 b. Any lot with frontage on E. Jackson St. from S. Royal Ave. to Church St.
131 c. Any lot with frontage on Chester St. from E. Main St. to Laura Virginia
132 Hale Pl.
- 133
134 For the purposes of the above, the term “frontage” shall mean where a lot
135 physically abuts the specific portion of public right-of-way that is specified.
- 136 18. As with the other standards of this chapter, off-street parking requirements may
137 be waived by special exception, in accordance with Section 148-211 of this
138 Chapter.
- 139 19. Off-street parking requirements shall be waived by the Zoning Administrator for
140 expansion of an existing use for any property located within the Historic Front
141 Royal District where the following criteria are met:
142
- 143 a. The development activity proposed includes the retention and/or the
144 substantial renovation of a contributing structure in the district.
145 b. The square footage of additions or new construction shall not be more than
146 twice that of the original structure.
147 c. The proposed project has been found by the Board of Architectural Review
148 to be in keeping with the scale of development in the surrounding area and
149 with the character of the district as a whole.
150 d. All efforts have been made to provide parking whenever possible.
151
- 152 20. Alleys shall be upgraded to a minimum pavement width of 24 feet when they are
153 used as the primary access to parking areas, excluding individual parking for
154 single-family, two-family, and duplex uses.
155
- 156 21. Existing parking facilities shall be maintained in a safe condition, including the
157 repair of damaged areas, restriping, and resurfacing when necessary.
158

159 -----END
160 **Editorial Notes:** All language shown in **yellow highlight** and *italics* is proposed new text. All language shown in ~~strikethrough~~ is
161 existing language that is proposed to be removed. Regular text shown is existing language with no changes proposed. No
162 changes are proposed to other portions of the section not shown. Editorial notes are shown in brackets ([...]) for reference
163 purposes only.
164
165 Drafted 08/08/18 (JFC).

DRAFT AMENDMENT – OPTION 2 (SUP ALTERNATIVE)

“REQUEST TO AMEND OFF-STREET PARKING REQUIREMENTS”

START -----

Chapter 175

ZONING

175-127 PARKING EXEMPTION FOR THE REUSE OF EXISTING PROPERTIES

Regardless of Section 175-126, the reuse of properties with existing parking areas and/or loading spaces shall be exempt from the requirement to comply with the current parking area and loading space requirements of this Chapter, or Chapter 148; provided that, the following conditions are met.

1. A zoning permit was previously issued by the Town on the property for a business (commercial) or industrial use.
2. Town Council may require site improvements when a special use permit is required.
3. The number of existing parking spaces shall not be reduced for display or other purposes, except in areas that are exempt from off-street parking requirements, as found under Town Code 148-870.A.17.
4. When the existing parking area and/or loading spaces are in disrepair, the Zoning Administrator may require the following types of maintenance improvements at the time of issuance of a zoning permit:
 - a. Additional landscaping.
 - b. The demarcation of existing parking spaces by striping, restriping, wheel stops, or signage.
 - c. The resurfacing of the existing surface material.

except that the requirement of off street parking for property located on Chester Street between Main Street and Laura Virginia Hale Place shall be exempt from the off-street parking requirements.

Chapter 148

SUBDIVISION & LAND DEVELOPMENT

Section 148-870. PARKING & LOADING AREAS.

148-870.A. Parking Areas.

1. Off-street parking shall be provided in accordance with this subsection on every lot or parcel on which any use is established or expanded.
2. Based on the type of use, the minimum quantity of required off-street parking spaces is show in the following table.

TABLE 148-870.A.2

TYPE OF USE	REQUIRED OFF-STREET PARKING SPACES
Residential	Two (2) parking spaces per dwelling unit.
Motels/hotels	One (1) parking space per room and one (1) additional parking space for every ten (10) rooms.
Lodging/boarding/bed and breakfasts	One (1) parking space per room and an additional two (2) parking spaces for employees.
Shopping Centers	Five (5) parking spaces per one thousand (1,000) gross square feet for every shopping center facility ten thousand (10,000) square feet in size or less. Four (4) parking spaces per one thousand (1,000) gross square feet for every shopping center over ten thousand (10,000) square feet.
Commercial/retail	One (1) parking space per two hundred (200) gross square feet.
Furniture/appliance/lumber and building supply	One (1) parking space per four hundred (400) gross square feet.
Wholesale, storage and contractor's facilities	One (1) parking space per one thousand (1,000) gross square feet for non public areas. One (1) parking space per one hundred (100) net square feet for public sales areas.
Self-service storage facilities	One (1) parking space per twenty (20) individual units, and one (1) additional space per three hundred (300) gross square feet of office area.
Art galleries/museums	One (1) parking space per three hundred (300) gross square feet.
Professional offices	One (1) parking space per three hundred (300) gross square feet.

Medical/dental offices	One (1) parking space per two hundred (200) gross square feet.
Indoor recreation facilities	One (1) parking space per two hundred (200) gross square feet.
Bowling alleys	Three (3) parking spaces per alley.
Outdoor recreation facilities	One (1) parking space per two hundred (200) net square feet of improved area.
Personal service facilities	One (1) parking space per two hundred (200) gross square feet.
Churches/theaters/other assembly buildings/auditoriums	One (1) parking space per four (4) fixed seats in the main assembly area or one (1) parking space per one hundred (100) net square feet.
Day-care/nursery facilities	One (1) parking space per employee and one (1) parking space for every ten (10) children.
Nursing homes	One (1) parking space for every four (4) beds, and one (1) parking space per employee.
Hospitals	One (1) parking space for every two (2) beds, and one (1) parking space for each employee, excluding medical doctors.
Funeral homes	One (1) parking space for every four (4) fixed seats or one (1) parking space per one hundred (100) square feet net visitation area, plus five (5) employee parking spaces.
Restaurants (sit-down)	One (1) parking space for every four (4) seats.
Restaurants (carry-out)	One (1) parking space per fifty (50) net square feet of customer service area.
Restaurants (drive-through)	Three (3) parking spaces plus stacking lanes for six (6) vehicles.
Industrial uses/office component	One (1) parking space per three hundred (300) gross square feet of office area.
Industrial use/manufacturing/distribution areas	One (1) parking space per employee and one (1) space for every vehicle used on-site, plus one (1) parking space per delivery/loading bay.
Automobile/motor vehicle service facilities	Two (2) spaces per service bay or two (2) spaces for every three hundred sixty (360) square feet. Every such facility shall have a minimum of three (3) parking spaces.
Car sales/rental facilities	One (1) parking space per each two thousand five hundred (2,500) square feet of open sales display area and one (1) parking space per employee. In addition, there shall be two (2) parking spaces per service bay or two (2) parking spaces for every three hundred sixty (360) square feet of service bay area. There shall be a minimum of three (3) spaces for the service bay areas of these facilities.
Car wash (self-service)	One (1) parking space for drying vehicles, plus two (2) stacked spaces per car wash bay.
Car wash (automatic)	Two (2) parking spaces for drying vehicles, plus five (5) stacking spaces per car wash bay.

Libraries	One (1) parking space per one thousand (1,000) gross square feet.
Public/private schools	One (1) parking space per employee, plus parking space for school auditoriums as noted above for auditoriums.
Greenhouse and landscape nursery facilities	One (1) parking space per four hundred (400) square feet of structured public selling area; one (1) parking space per one thousand (1,000) square feet of greenhouse/warehouse/plant storage areas; and one (1) parking space for each company vehicle.
Veterinary hospitals and kennels	One (1) parking space per three hundred (300) gross square feet.

3. When a use is not specifically listed above, the Director shall determine which of the above categories to use to determine the spaces required, based on similarities between the characteristics of the uses. When a use is not specifically listed above, the Director may also use information provided by the applicant or other sources of information to determine the number of spaces required.
4. Off-street parking areas shall be oriented to the buildings they are designed to serve and shall be within three hundred (300) feet walking distance. Before off-site parking facilities are approved, a written agreement thereto assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, and approved as to form by the Town Attorney, and for compliance with the requirements of this Chapter by the Director.
5. The access to off-street parking areas shall be designed so as not to obstruct the free flow of street traffic. There shall be adequate provision for ingress and egress to ensure ease of mobility, ample clearance and the safety of vehicles and pedestrians. For corner lots, the distance from the center line of the parking lot entrance to the curblin or pavement edge of the street intersection shall be adequate to, in the opinion of the Director, provide a safe and sufficient margin for normal traffic patterns and pedestrians at or about the intersection in question.
6. Up to 20 percent of the total number of required off-street parking spaces may be designated for compact cars if signage is posted in front of the space to notify vehicles that the space is only for compact vehicles.
7. With the exception of off-street compact car spaces, and off-street parallel spaces, off-street parking spaces shall include an area of not less than 162 square feet (9' x 18'). Compact car spaces shall include an area not less than 144 square feet (8' x 18').
8. The width of all interior parking lot aisles providing direct one-way access to individual parking spaces shall be as follows:

87 **TABLE 148-870.A.8.**

Parking Angle (degrees)	Aisle Width (feet)
30	12
45	15
60	18
90	22

*The minimum width of all interior parking lot aisles designed for two way traffic flow shall be twenty (20) feet, except where 90 degree aisles are used, which shall required twenty-two (22) feet.

88 9. parking space shall be at least three (3) feet from a side or rear property line,
89 except where the parking is designed to be shared by the abutting property. No
90 parking space for multiple-family dwelling shall be less than ten (10) feet from a
91 residential structure.

92 10. Parking areas shall be setback a minimum of five (5) feet from any building or
93 structure. This setback area may be used for sidewalks or landscaping.

94 11. Parking space already provided to meet off-street parking requirements for stores,
95 office buildings and industrial establishments lying within three hundred (300)
96 feet of the place of public assembly, as measured along lines of public access,
97 which are not normally in use on Sundays or between the hours of 6:00 p.m. and
98 12:00 midnight on other days may be used to meet not more than seventy-five
99 percent (75%) of the off-street parking requirements of a church or other similar
100 place of public assembly.

101 12. Any flea market, farmers' market or other open-air commercial activity not listed
102 above shall provide one (1) parking space for each one hundred (100) square feet
103 of land to be used by said flea market, farmers' market or other commercial
104 activity in its open-air operations. The amount of land to be used shall be
105 designated by the respective open-air business in its application for a special
106 permit. If no special permit is required under this chapter, the land to be used shall
107 be designated in the application for a business license. No business shall then use
108 more land than has been designated in its application for special permit or
109 business license without the filing of a new application for a special permit or
110 business license as required herein and then complying with the parking space
111 requirements of this section.

112 13. For every commercial or industrial parking area located within fifteen (15) feet of
113 the side or rear boundary of a residentially zoned lot or a lot with a residential use,
114 an opaque ornamental fence or masonry wall with a minimum height of four (4)
115 feet shall be erected and maintained. The provisions of this section shall not
116 compel such fence or wall to extend into the required front yard of the premises.

117 14. Parking areas, including aisles and maneuvering areas, shall be paved with
118 bituminous concrete, or similar hard surface material. The Director may approve

- 119 stone, in lieu of pavement, for parking areas of no more than 4,500 square feet in
120 size.
- 121 15. Lights used to illuminate parking areas shall be arranged and shielded to minimize
122 light pollution to adjoining properties.
- 123 16. All parking areas shall meet the landscaping requirements of Section 156-6 of the
124 Town Code.
- 125 17. Off-street parking shall not be required for permitted uses that are located in the
126 following areas: ~~on any lot fronting on that portion of Main Street which extends~~
127 ~~from Royal Avenue to Happy Creek or upon that portion of Jackson Street which~~
128 ~~extends between South Royal Avenue and Church Street.~~
- 129 a. Any lot with frontage on E. Main St. from Royal Ave. to Happy Creek.
130 b. Any lot with frontage on E. Jackson St. from S. Royal Ave. to Church St.
131 c. Upon submission, review and approval of a Special Use Permit for any lot
132 with frontage on Chester St. from E. Main St. to Laura Virginia Hale Pl.
133
- 134 For the purposes of the above, the term “frontage” shall mean where a lot
135 physically abuts the specific portion of public right-of-way that is specified.
- 136 18. As with the other standards of this chapter, off-street parking requirements may
137 be waived by special exception, in accordance with Section 148-211 of this
138 Chapter.
- 139 19. Off-street parking requirements shall be waived by the Zoning Administrator for
140 expansion of an existing use for any property located within the Historic Front
141 Royal District where the following criteria are met:
142
- 143 a. The development activity proposed includes the retention and/or the
144 substantial renovation of a contributing structure in the district.
145 b. The square footage of additions or new construction shall not be more than
146 twice that of the original structure.
147 c. The proposed project has been found by the Board of Architectural Review
148 to be in keeping with the scale of development in the surrounding area and
149 with the character of the district as a whole.
150 d. All efforts have been made to provide parking whenever possible.
151
- 152 20. Alleys shall be upgraded to a minimum pavement width of 24 feet when they are
153 used as the primary access to parking areas, excluding individual parking for
154 single-family, two-family, and duplex uses.
155
- 156 21. Existing parking facilities shall be maintained in a safe condition, including the
157 repair of damaged areas, restriping, and resurfacing when necessary.
158

159 -----END
160 **Editorial Notes:** All language shown in yellow highlight and *italics* is proposed new text. All language shown in ~~strikethrough~~ is
161 existing language that is proposed to be removed. Regular text shown is existing language with no changes proposed. No
162 changes are proposed to other portions of the section not shown. Editorial notes are shown in brackets ([...]) for reference
163 purposes only.
164
165 Drafted 08/08/18 (JFC).

DRAFT AMENDMENT – OPTION 3 (APPLICANT’S ALTERNATIVE)

“REQUEST TO AMEND OFF-STREET PARKING REQUIREMENTS”

START -----

Chapter 175

ZONING

175-127 PARKING EXEMPTION FOR THE REUSE OF EXISTING PROPERTIES

Regardless of Section 175-126, the reuse of properties with existing parking areas and/or loading spaces shall be exempt from the requirement to comply with the current parking area and loading space requirements of this Chapter, or Chapter 148; provided that, the following conditions are met.

1. A zoning permit was previously issued by the Town on the property for a business (commercial) or industrial use.
2. Town Council may require site improvements when a special use permit is required.
3. The number of existing parking spaces shall not be reduced for display or other purposes, except in areas that are exempt from off-street parking requirements, as found under Town Code 148-870.A.17.
4. When the existing parking area and/or loading spaces are in disrepair, the Zoning Administrator may require the following types of maintenance improvements at the time of issuance of a zoning permit:
 - a. Additional landscaping.
 - b. The demarcation of existing parking spaces by striping, restriping, wheel stops, or signage.
 - c. The resurfacing of the existing surface material.

except that the requirement of off street parking for property located on Chester Street between Main Street and Laura Virginia Hale Place shall be exempt from the off-street parking requirements.

Chapter 148

SUBDIVISION & LAND DEVELOPMENT

Section 148-870. PARKING & LOADING AREAS.

148-870.A. Parking Areas.

1. Off-street parking shall be provided in accordance with this subsection on every lot or parcel on which any use is established or expanded.
2. Based on the type of use, the minimum quantity of required off-street parking spaces is show in the following table.

TABLE 148-870.A.2

TYPE OF USE	REQUIRED OFF-STREET PARKING SPACES
Residential	Two (2) parking spaces per dwelling unit.
Motels/hotels	One (1) parking space per room and one (1) additional parking space for every ten (10) rooms.
Lodging/boarding/bed and breakfasts	One (1) parking space per room and an additional two (2) parking spaces for employees.
Shopping Centers	Five (5) parking spaces per one thousand (1,000) gross square feet for every shopping center facility ten thousand (10,000) square feet in size or less. Four (4) parking spaces per one thousand (1,000) gross square feet for every shopping center over ten thousand (10,000) square feet.
Commercial/retail	One (1) parking space per two hundred (200) gross square feet.
Furniture/appliance/lumber and building supply	One (1) parking space per four hundred (400) gross square feet.
Wholesale, storage and contractor's facilities	One (1) parking space per one thousand (1,000) gross square feet for non public areas. One (1) parking space per one hundred (100) net square feet for public sales areas.
Self-service storage facilities	One (1) parking space per twenty (20) individual units, and one (1) additional space per three hundred (300) gross square feet of office area.
Art galleries/museums	One (1) parking space per three hundred (300) gross square feet.
Professional offices	One (1) parking space per three hundred (300) gross square feet.

Medical/dental offices	One (1) parking space per two hundred (200) gross square feet.
Indoor recreation facilities	One (1) parking space per two hundred (200) gross square feet.
Bowling alleys	Three (3) parking spaces per alley.
Outdoor recreation facilities	One (1) parking space per two hundred (200) net square feet of improved area.
Personal service facilities	One (1) parking space per two hundred (200) gross square feet.
Churches/theaters/other assembly buildings/auditoriums	One (1) parking space per four (4) fixed seats in the main assembly area or one (1) parking space per one hundred (100) net square feet.
Day-care/nursery facilities	One (1) parking space per employee and one (1) parking space for every ten (10) children.
Nursing homes	One (1) parking space for every four (4) beds, and one (1) parking space per employee.
Hospitals	One (1) parking space for every two (2) beds, and one (1) parking space for each employee, excluding medical doctors.
Funeral homes	One (1) parking space for every four (4) fixed seats or one (1) parking space per one hundred (100) square feet net visitation area, plus five (5) employee parking spaces.
Restaurants (sit-down)	One (1) parking space for every four (4) seats.
Restaurants (carry-out)	One (1) parking space per fifty (50) net square feet of customer service area.
Restaurants (drive-through)	Three (3) parking spaces plus stacking lanes for six (6) vehicles.
Industrial uses/office component	One (1) parking space per three hundred (300) gross square feet of office area.
Industrial use/manufacturing/distribution areas	One (1) parking space per employee and one (1) space for every vehicle used on-site, plus one (1) parking space per delivery/loading bay.
Automobile/motor vehicle service facilities	Two (2) spaces per service bay or two (2) spaces for every three hundred sixty (360) square feet. Every such facility shall have a minimum of three (3) parking spaces.
Car sales/rental facilities	One (1) parking space per each two thousand five hundred (2,500) square feet of open sales display area and one (1) parking space per employee. In addition, there shall be two (2) parking spaces per service bay or two (2) parking spaces for every three hundred sixty (360) square feet of service bay area. There shall be a minimum of three (3) spaces for the service bay areas of these facilities.
Car wash (self-service)	One (1) parking space for drying vehicles, plus two (2) stacked spaces per car wash bay.
Car wash (automatic)	Two (2) parking spaces for drying vehicles, plus five (5) stacking spaces per car wash bay.

Libraries	One (1) parking space per one thousand (1,000) gross square feet.
Public/private schools	One (1) parking space per employee, plus parking space for school auditoriums as noted above for auditoriums.
Greenhouse and landscape nursery facilities	One (1) parking space per four hundred (400) square feet of structured public selling area; one (1) parking space per one thousand (1,000) square feet of greenhouse/warehouse/plant storage areas; and one (1) parking space for each company vehicle.
Veterinary hospitals and kennels	One (1) parking space per three hundred (300) gross square feet.

3. When a use is not specifically listed above, the Director shall determine which of the above categories to use to determine the spaces required, based on similarities between the characteristics of the uses. When a use is not specifically listed above, the Director may also use information provided by the applicant or other sources of information to determine the number of spaces required.
4. Off-street parking areas shall be oriented to the buildings they are designed to serve and shall be within three hundred (300) feet walking distance. Before off-site parking facilities are approved, a written agreement thereto assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, and approved as to form by the Town Attorney, and for compliance with the requirements of this Chapter by the Director.
5. The access to off-street parking areas shall be designed so as not to obstruct the free flow of street traffic. There shall be adequate provision for ingress and egress to ensure ease of mobility, ample clearance and the safety of vehicles and pedestrians. For corner lots, the distance from the center line of the parking lot entrance to the curblin or pavement edge of the street intersection shall be adequate to, in the opinion of the Director, provide a safe and sufficient margin for normal traffic patterns and pedestrians at or about the intersection in question.
6. Up to 20 percent of the total number of required off-street parking spaces may be designated for compact cars if signage is posted in front of the space to notify vehicles that the space is only for compact vehicles.
7. With the exception of off-street compact car spaces, and off-street parallel spaces, off-street parking spaces shall include an area of not less than 162 square feet (9' x 18'). Compact car spaces shall include an area not less than 144 square feet (8' x 18').
8. The width of all interior parking lot aisles providing direct one-way access to individual parking spaces shall be as follows:

87 **TABLE 148-870.A.8.**

Parking Angle (degrees)	Aisle Width (feet)
30	12
45	15
60	18
90	22

*The minimum width of all interior parking lot aisles designed for two way traffic flow shall be twenty (20) feet, except where 90 degree aisles are used, which shall required twenty-two (22) feet.

88 9. parking space shall be at least three (3) feet from a side or rear property line,
89 except where the parking is designed to be shared by the abutting property. No
90 parking space for multiple-family dwelling shall be less than ten (10) feet from a
91 residential structure.

92 10. Parking areas shall be setback a minimum of five (5) feet from any building or
93 structure. This setback area may be used for sidewalks or landscaping.

94 11. Parking space already provided to meet off-street parking requirements for stores,
95 office buildings and industrial establishments lying within three hundred (300)
96 feet of the place of public assembly, as measured along lines of public access,
97 which are not normally in use on Sundays or between the hours of 6:00 p.m. and
98 12:00 midnight on other days may be used to meet not more than seventy-five
99 percent (75%) of the off-street parking requirements of a church or other similar
100 place of public assembly.

101 12. Any flea market, farmers' market or other open-air commercial activity not listed
102 above shall provide one (1) parking space for each one hundred (100) square feet
103 of land to be used by said flea market, farmers' market or other commercial
104 activity in its open-air operations. The amount of land to be used shall be
105 designated by the respective open-air business in its application for a special
106 permit. If no special permit is required under this chapter, the land to be used shall
107 be designated in the application for a business license. No business shall then use
108 more land than has been designated in its application for special permit or
109 business license without the filing of a new application for a special permit or
110 business license as required herein and then complying with the parking space
111 requirements of this section.

112 13. For every commercial or industrial parking area located within fifteen (15) feet of
113 the side or rear boundary of a residentially zoned lot or a lot with a residential use,
114 an opaque ornamental fence or masonry wall with a minimum height of four (4)
115 feet shall be erected and maintained. The provisions of this section shall not
116 compel such fence or wall to extend into the required front yard of the premises.

117 14. Parking areas, including aisles and maneuvering areas, shall be paved with
118 bituminous concrete, or similar hard surface material. The Director may approve

- 119 stone, in lieu of pavement, for parking areas of no more than 4,500 square feet in
120 size.
- 121 15. Lights used to illuminate parking areas shall be arranged and shielded to minimize
122 light pollution to adjoining properties.
- 123 16. All parking areas shall meet the landscaping requirements of Section 156-6 of the
124 Town Code.
- 125 17. Off-street parking shall not be required for permitted uses that are located in the
126 following areas: ~~on any lot fronting on that portion of Main Street which extends~~
127 ~~from Royal Avenue to Happy Creek or upon that portion of Jackson Street which~~
128 ~~extends between South Royal Avenue and Church Street.~~
- 129 a. Any lot with frontage on E. Main St. from Royal Ave. to Happy Creek.
130 b. Any lot with frontage on E. Jackson St. from S. Royal Ave. to Church St.
131 c. Any permitted art gallery or museum use within the Historic Overlay
132 District.
- 133
134 For the purposes of the above, the term “frontage” shall mean where a lot
135 physically abuts the specific portion of public right-of-way that is specified.
- 136 18. As with the other standards of this chapter, off-street parking requirements may
137 be waived by special exception, in accordance with Section 148-211 of this
138 Chapter.
- 139 19. Off-street parking requirements shall be waived by the Zoning Administrator for
140 expansion of an existing use for any property located within the Historic Front
141 Royal District where the following criteria are met:
142
- 143 a. The development activity proposed includes the retention and/or the
144 substantial renovation of a contributing structure in the district.
145 b. The square footage of additions or new construction shall not be more than
146 twice that of the original structure.
147 c. The proposed project has been found by the Board of Architectural Review
148 to be in keeping with the scale of development in the surrounding area and
149 with the character of the district as a whole.
150 d. All efforts have been made to provide parking whenever possible.
151
- 152 20. Alleys shall be upgraded to a minimum pavement width of 24 feet when they are
153 used as the primary access to parking areas, excluding individual parking for
154 single-family, two-family, and duplex uses.
155
- 156 21. Existing parking facilities shall be maintained in a safe condition, including the
157 repair of damaged areas, restriping, and resurfacing when necessary.
158

159 -----END
160 **Editorial Notes:** All language shown in yellow highlight and *italics* is proposed new text. All language shown in ~~striethrough~~ is
161 existing language that is proposed to be removed. Regular text shown is existing language with no changes proposed. No
162 changes are proposed to other portions of the section not shown. Editorial notes are shown in brackets ([...]) for reference
163 purposes only.
164
165 Drafted 08/08/18 (JFC), 8/23/2018 (JFC).

EXCERPT OF WORK SESSION MINUTES OF NOVEMBER 19

Ordinance Amendment Request from David Downes to Exempt 14 and 16 Chester Street from the off-street parking requirements of the Town Code – *Director of Planning/ Zoning*

SUMMARY: David Downes, the owner of 14 and 16 Chester Street (see aerial below), submitted an application for Town Council to consider amending the Town Code to exempt his property from the requirement to have off-street parking. This would be similar to the current exemption that applies to E. Main Street and on E. Jackson Street beside the courthouse (148-870.A.17). The applicant's property currently qualifies for a separate, "lesser", exemption that applies to all legally existing commercial and industrial buildings (175-127). This exemption does not require the Mr. Downes to meet the off-street parking quantity requirements of the Town Code, but it does require that existing parking not be eliminated. Therefore, the applicant is required to maintain the rear parking area of his property, and use it in conjunction with the businesses on the property (Beer Museum and Offices).

The Planning Commission unanimously recommended against the requested change after a public hearing held on September 19, 2018. During the public hearing a significant number of people spoke in favor of the Beer Museum. A few people also spoke in opposition to the request. The Planning Commission commended the Beer Museum's for their success at the location. However, the Planning Commission did not believe that it was appropriate to add more exemptions in the downtown area for any uses or properties until a parking strategy was developed to address the increasing demand in parking in the downtown area. There were three drafts included for consideration at the public hearing.

Council Discussion:

Mr. Camp presented the following report to Council:

Request By David Downs For Exemption To Off-Street Parking

Background:

- Mr. Downes (Beer Museum) obtained approval to locate the beer museum at 16 Chester Street on 3/17/16. No additional off-street parking spaces were required at that time because the property qualified for the parking lot exemption of Town Code 175-127. This ordinance allows existing sites to be used as they are. It requires that existing parking be kept and maintained.
- A separate parking exemption applies under Town Code 148-870.A.17. that only applies to E. Main Street and the portion of Jackson Street behind the Courthouse.

Request:

- The Applicant now would like to remove the rear parking area for a larger beer garden. He requests that the Town include his portion of Chester Street to the exemption of Town Code 148-870.A. 17 so he is not required to even maintain his existing parking, as stipulated under 175-127.

Planning Commission Action:

The Planning Commission prepared three draft options but ultimately did NOT recommend any of these.



In response to Council questions, Mr. Camp stated that the Planning Commission is interested in updating the Regional Commission's study with the emergence of new businesses downtown. He added that the Planning Commission was not eager to give away downtown parking spaces. Mr. Camp stated that with the newly installed fence up behind the structures, it has essentially become private parking for the Beer Museum. He noted that Council is being asked to review the matter at a public hearing. Mr. Camp stated that the Planning Commission does not recommend any of the options suggested by the applicant.

Mr. Sealock asked about the required amount within the fenced area; Mr. Camp stated that what is currently there is what is required. Vice Mayor Tewalt stated that what is there currently should be required, as it is pre-existing. He noted that the Town cannot require more. Council discussed using the spaces on the side of the building and the picnic table area behind the fencing. After brief discussion, Council did not come to a consensus on the parking matter.

Planning Commission Meeting Excerpt of Minutes from September 19, 2018

FRORDAM-000907-2018, Ordinance Amendment. A request submitted by David Downes to exempt 14 and 16 Chester Street from the off-street parking requirements of the Town Code. Mr. Camp stated this amendment request had been discussed several times at work sessions. Mr. Downes has requested an amendment to Town Code requirements for off-street parking to exempt the off-street parking requirements for 14 and 16 Chester Street. Over a couple of work sessions held by the Planning Commission, they reviewed the applicants request and requested three options for consideration at the public hearing. Option 1 would exempt properties on the southern portion of Chester Street from any off-street parking requirements. Option 2 would allow for Special Use Permits to be issued to waive off-street parking requirements upon review of the specific circumstances for the southern part of Chester Street. Option 3 would exempt art galleries and museums from the off-street parking requirements within the Historic District. Mr. Downes would like to permanently close off the rear area for a beer garden. He is currently allowed to do that on a small portion of his rear yard. However, the current Town Code requires him to maintain the rear parking area and he must keep that open for parking during business hours. If the amendment request was granted, Mr. Downes would be able to close that off permanently for a beer garden.

David Downes, 160 Old Browntown Road. He has been practicing law for the past 31 years. His law practice is located at 14 Chester Street where he has practiced for the past 28 years. The past 2 years he has been operating the Virginia Beer Museum which is a 501C3 non-profit consisting of 17 very respected members of the community on their board. It came to their attention that they would want to continue the good will that they have been generating and the appeal of the museum by expanding their beer garden in the back. In order to do that they constructed a fence that makes them ABC compliant, improves the aesthetics, improves security in the rear of the property where there has been some breaking and entering. It also accommodated complaints by their neighbor Inna Kolesnik, owner of the jewelry shop, who complained about not wanting to see the beer museum operate in her back yard. Trying to satisfy her they put up a fence. I bring Planning Commission September 19, this to the Planning Commissions attention in order to make it clear that the issue before the Commission has absolutely nothing to do with the fence. Regardless of what the Commission decides, the fence will stay up. He had obtained the fence by going through the proper process of getting a permit from both the County and the Town and built the fence in compliance with the building permits. The beer museum wants to be treated like their neighbors. He has been paying the same tax rate as all his neighbors on Main Street and Jackson Street who for reasons yet to be offered in any of the 3 work sessions, did not include the little portion of Chester Street that he likes to think of as downtown. When people come to our community they come downtown and that is where they go, that portion of Chester, where the gazebo is located and where there is a substantial amount of public parking available to them and probably more so than other businesses in the area that are exempt. The private property on Chester Street should be treated the same as private property owners are treated on most of Main Street and Jackson Street because they are part of downtown. In the alternative he requested Option 3, that all museums be treated alike in Front Royal. Because it was the classification of the Town, that all included art galleries, which is the reason he has included the

exemption for them in that all other museums in Front Royal are already exempt. They do not have off-street parking, nor are they required to have off-street parking. At some point the regulations took effect and they were grandfathered in. He suggested that it would be a good policy decision to encourage rather than discourage museums to come to our Town rather than tax them with a parking space off-street for every 300 square feet of museum they happen to hold.

Mr. Downes respectively requested the Commission not to adopt the second option that would give the Commission the authority to not grant the variance after being given the authority to do so. It also comes with multiple uncertainties that he as the applicant does not want to have to address. Such as additional cost that may be imposed by each parking space that is given up, a sunset provision where he may have to come back in 12 or 24 months and review, repeat and make the same request. It could also potentially impose a high tax for each of the spaces surrendered. The proposed amendments would enable the museum to be treated the same as other downtown businesses and it is what should have been done in the first place. They are not asking to be treated special, they are asking to be treated the same. This is a museum that he is very proud of and noted they have been recognized by the General Assembly as being so special as to grant them the first saloon license in 102 years by special legislation passed this term. They have been recognized by one of the most respected authorities in Virginia history. Virginia Beer came out the previous week and they are featured in the middle of it with their opening which occurred almost two years ago to the date of this meeting. They have over 200+ reviews on social media and they average 4.5 to 5.0. All those individuals have come to the museum and have never suggested they were a saloon like Gunsmoke. They have a guest log with hundreds of kind things said about the museum, none of which have suggested that they are an evil, horrible place.

Mr. Downes asked that the Commission consider the merits of their museum and the experiences of the speakers. If Planning Commission someone has never been inside of the museum, it is unfair to give great weight to what they have conjured up in their minds.

Chairman Langfitt opened the public hearing and noted that each speaker would have 3 minutes to speak.

Ben Theis, 1356 Queens Highway. Mr. Theis said he was the president of a living history organization, 501C3 non-profit and does a lot of work with historic preservation across the state. He believes the museum brings a lot to downtown. The Town is not a collection of run-down shops anymore and has improved and he would like to see it keep improving.

William Huck, business owner of C&C Frozen Treats at 409 E. Main Street. As a business owner on Main Street he can say that David Downes has participated with the event he puts on twice a year with the beer museum. Mr. Huck stated he was not a beer drinker and anything that has to do with beer does not impress him much. Regarding the status of the amendment request, Mr. Downes should be granted the same status as every other museum in the area.

Brian Matthiae, 20 Blue Ridge Avenue. Mr. Matthiae is a member of the community and speaking on behalf of others in the community. The beer museum should fall under the guidelines that have already been set forth.

Inna Kolesnik, small business owner of Nicoles Jewelry located at 214 E. Main Street. In 2002 she and her late husband opened the store. Mr. Downes said she was complaining about the beer museum and she stated she had not complained but had concern for future development of the Town. She also had security concerns. For her, the fence is the problem. Ms. Kolesnik provided pictures from Google Earth to the Commission of the shared parking lot in the rear of the businesses for access to businesses on E. Main Street to show how the parking lot was used during different years. The fence was installed May 2018. The area is busy most of the time with patrons going to stores on Main Street and the fenced in area has caused a loss of parking spaces while the fenced in area is mostly empty. Out of 42 available parking spaces in 2013, 20 were taken. In 2017 when the picture was taken out of 32 parking spaces, 27 spaces were taken which is an increase of 16%.

Susan Rockwell gave up her time to speak to allow Inna Kolesnik to continue speaking.

Ms. Kolesnik continued by saying that since 2016 the area of 14 and 16 Chester Street has been used for outdoor parties and the consumption of alcoholic beverages while the area was not approved by the Virginia Department of Alcoholic Beverage Control. This is a violation of Town Code. Town Code does not say how this violation should be addressed. She believes the Beer Museum should be friendly to neighboring businesses. Ms. Kolesnik reviewed several recommendations and said she was not in favor of approving the request for an ordinance amendment.

Ralph Waller, owner of Main Street Pawn at 304 E. Main Street. Mr. Waller asked if the Assistant Town Attorney, George Sonnett was a member on the Board of Directors for the beer museum. Mr. Sonnett stated no. Mr. Waller continued by saying that Mr. Camp was very helpful, but he did not agree with him. The fence was approved to be 6-foot tall and in some places the fence was 6'8", 6'7", etc. Does he shorten it or remove the fence? Its supposed to be a temporary fence and now it is going to be the permanent fence. The fence was to be 2x2 boards and this fence is band board and flimsy. Mr. Waller believes this sets a precedence by allowing Mr. Downes off-street parking and the fence. Other businesses on Main Street can then fence off their areas which will eliminate more parking. He is concerned for the safety of people in the area and noted he has a report of a gentleman being taken out of the beer museum at nighttime carrying 2 concealed handguns and a knife. On a Sunday in a separate incident, Mr. Waller said he witnessed one of the patrons exiting the museum screaming at the people in the beer museum and he was removed. Mr. Downes himself had a breaking and entering at the museum. He has concerns for his wife and neighbors who walk up and down Chester Street. Mr. Waller stated that if these incidents are occurring at the museum the Commission should think this over very carefully.

Charles Rockwell, 321 Oak Ridge Court. Mr. Rockwell said he was US Navy retired and they had moved here because it was not like living in DC. He has been a customer of Nicoles Jewelry and

she and her late husband made fine jewelry and was an excellent jeweler. You used to be able to walk to their business and their apartment and they used to have access where you could get to their propane tank that heats their building and that access is gone. In an emergency you cannot get in there. Great area for a beer museum and beer garden, however he believes the Planning Commission should propose some conditions that allow people that have a business or an apartment a lot longer than the beer museum a way to get access to their businesses and apartments. There should be a way to find access for these people and still allow him to have a beer garden and allow the business and property owners to still have a safe and comfortable life.

David Silek, 165 Hickerson Hollow Road. Mr. Silek said he was a lifelong resident of Warren County. He is a member of the Board of Directors for the Beer Museum. His mother owns half of one of the properties that would be affected by the ordinance amendment at 8 and 10 Chester Street. There are roughly 5 buildings that would be affected by the proposed amendment. These properties either adjoin or are immediately next to the municipal parking lot. They should have been included in the Main Street and Planning Commission Jackson Street designation when the parking ordinance was originally incorporated. These were residences when that occurred. This ordinance should have been changed years ago. Mr. Silek stated if you want future businesses to locate here in the future, it will be a nightmare for parking.

Eric Bartock, 428 W. 15th Street. Mr. Bartock said he relocated from Manassas to Front Royal because of his visits to the beer museum where he had made a lot of friends. The parking lot behind the beer museum is private property owned by David Downes. The fence provides security both for people inside and outside. He stated he had spoken to Commissioner Marshner on the phone who said she was driving through the back-parking lot and she had a car full of millennials while driving by the Front Royal Brewing Company and they asked where do the people really go to drink. As they kept driving through the parking lot, they passed by the fence behind the beer museum and one of them said, that must be where everybody goes to drink. That is not exactly a fair assessment as not everybody that goes to the museum drinks. He has seen countless numbers of hikers, people from out of the county, etc. stop and go into the beer museum and without exception they spend money downtown.

Commissioner Marshner wanted the record to state that Mr. Bartock called her through the suggestion of Mr. Downes and that Mr. Bartock had initiated the call. Mr. Bartock said he appreciated that she called him back as she was on vacation.

Jim Youngblood, 14 Massie Street. Mr. Youngblood said it seemed like a grudge match about the fence and not the parking lot. The beer museum was a great place to meet people such as hikers and world travelers. It's a great place to hang out and did not see a problem with the amendment request.

Victor Stemmer, 601 Summit Point Drive. Ms. Stemmer stated she had met a lot of people at the beer museum including business owners. She said the big issue is how one man feels about how another man operates his private property. Its about parking and most businesses downtown

have municipal parking. People just want to have a good place to eat and spend money downtown. This is a beer museum and there are plenty of parking spaces.

Tim Gallion, 241 Skyline View Drive. Mr. Gallion said he was not from Virginia and moved out to Front Royal which he thought to be a sweet little gem in Virginia. He never had a problem parking and that he didn't know about the rules and legalities of the parking issues or fence issues. As everybody has said it is kid friendly, dog friendly and a place to meet world travelers.

Ron Laech, 64 Riverview Shores Drive. Mr. Laech believes the beer museum is a wonderful, educational place with tours of the museum and the history behind the beer. He thinks it is a great part of the community and a welcomed establishment and is respected. The Commission should recognize what is allowable and available to Mr. Downes as a museum and should consider granting him the amendment request.

Kevin Humphrey, 1167 River bend Court. Mr. Humphrey stated the revitalization of Main Street has started and it's now the place to be and noted the beer museum had only added to that draw. People don't go there to get sloshed but to meet people from all walks of life.

Nathan Stalvey, 244 Waterford Lane, Winchester, VA. Mr. Stalvey said he was the Director of the Clark County Historical Association. He is advocating for the beer museum not only as a board member but also as a council member of the Virginia Association of Museums. He has heard a lot about fences and things not related to the issue being considered. Mr. Stalvey reviewed the statistics of visitors visiting museums throughout the state of Virginia. If visitors like the museums, they will stick around and spend money in town. The beer garden is something most other museums do not have which allows the Virginia Beer Museum to provide an even greater experience. It invites people to stay and explore the downtown. Mr. Stalvey urged the Planning Commission to consider the economic impact the beer museum contributes to the local tourism industry.

Gregory Olmstead, 107 Greystone Drive. Mr. Olmstead said he moved here from the DC area with his wife. They do not drink but do frequent the museum because it is a great place to meet people. He believes the museum is drawing people downtown. Mr. Olmstead said he knows there is a collaborative effort with other businesses to visit the museum, restaurants and devote dollars and tourism income to Front Royal. He believes the expansion of the beer garden would be a good economic endeavor.

James Justice, 12 Chester Street. Mr. Justice said he was the president of the Virginia Brewing Company. He explained that he had bought 12 Chester Street which was the biggest fixer upper in the historic district. This is next door to David Downes building and they couldn't ask for a better neighbor. They bought the building in part because of the beer museum and wanted to be part of the downtown area. When the fence went up it stopped the concern they had with transient traffic through the area where they have found feces and clothing. Mr. Justice and his wife endorse what David Downes is trying to do and wants to be part of the growth in downtown.

Joan Linch, 1017 Horeshoe Drive. Ms. Linch said she had been here since 1998 teaching in the public schools and loved Front Royal. She mentioned she had purchased a lot of nice jewelry from Nicoles Jewelers and does not understand why there is a huge and unattractive fence behind the jewelry store and apartment. If she was living in that house, she would want to have access to the back of her house. Ms. Linch stated she had been to many museums all over the world and asked why the people here go repeatedly to the beer museum to sit and have beer. It may be a museum but looks like a bar and the museums she goes to are like the Smithsonian and she doesn't pick up people there or sit and drink or hang outside at beer gardens. Beer gardens to her are like Germany where you go to have beer. No one pretends those are museums. Ms. Linch believes property owners should have access to the rear of their buildings.

There were no additional speakers. Chairman Langfitt closed the public hearing and opened the floor to Planning Commission members.

Commissioner Merchant moved, seconded by Commissioner McFadden to issue a recommendation to Town Council for the adoption of Option 1.

Commissioner Merchant thanked all the speakers and noted that their information and input was a valuable resource. He also thanked Staff for all the effort put in to providing information to help the Planning Commission make a decision. Commissioner Merchant explained that parking spaces are not free, and they often occupy prime land, are expensive to build, and costly to maintain. The Town owned spaces in the Peyton Street Parking lot, Gazebo area, and marked spaces along Main and Chester Streets are "free" to the public, with certain time restrictions. The patrons of the Virginia Beer Museum are free to use any of said available spaces at any time. To say we are keeping parking away from the beer museum, the Town is not doing that. We encourage people to use our parking facilities for the downtown businesses. The Town Ordinance does allow certain businesses with property fronting on Main Street and Jackson Street to be exempt from parking requirements. By the Ordinance, a business generally has a required number of parking spaces that are needed to operate that business. Town Council, in its wisdom with the creation of various downtown parking lots, exempted those parcels from that. Also, Town Council has exempted any business that is existing and wishes to expand or change the use to not be held to the new parking requirements if they do not remove any existing parking they currently have. With new businesses going in on Main Street it is starting to put a strain on available parking. The Afton Inn coming on line will put an additional strain on parking. Parking spaces are at a premium. Town Council is currently reviewing the downtown parking issues. They have looked at time limits on vehicles parking on Main Street. If this doesn't work, we will need to look at other options to increase the parking which is the lifeblood of downtown. The ordinance amendment before the Planning Commission is not about fences or boundary disputes with adjacent property owners, its strictly about one thing and that is the property owners request that he be exempt from parking requirements. Mr. Merchant expressed concern that the applicant already has access to the parking. In the Planning Commission work sessions, statements have been made that the parking spaces behind the beer museum will interfere with the future beer garden, to operate the gate or have access to the parking back there for his customers and it would be an inconvenience. An inconvenience to a Town Ordinance is probably

something experienced by every business owner in Town. If we start piecemealing approval, he believes we will open the door to many other requests. He would forward to Town Council that we take the parking studies that have already been done and see how we can improve the parking and increase the number of businesses and property owners that are exempt from parking. As stated early by the public speakers that the beer museum is a great asset, he also believes that it is a great asset to our community. He does not believe that eliminating the parking will increase the comfort level of the people using it. It has also been suggested that we treat the Virginia Beer Museum as we would any other business. Mr. Merchant believes we should treat it as any other business and make it subject to the same requirements as the other businesses until we can look at the whole area and maybe exempt the Virginia Beer Museum and other properties from the parking requirements. Mr. Merchant said he does not support approval of the motion.

Commissioner Davis said she would speak against the motion in order to accomplish something greater and more useful to the beer museum and to other businesses downtown. Hearing from the public is very helpful and she feels it is time to redo the Comprehensive Plan. The Town is in a much different situation since the last parking study was done. If you look at a labeled GPS map of our downtown parking, it is a patchwork mess. The Planning Commission wants to make wise choices about whether to keep piecemealing parking regulations or to be smart and plan for what we need and possibly turn to the County for a joint venture to meet the parking needs. We need to have a smart Comprehensive Plan and move forward with something that makes sense.

Vice Chairman Jones explained that his concern was not with the beer garden itself, but he was concerned about access to the other buildings and he cannot ignore that concern. He has no problem with there being a beer museum, but there needs to be access to those buildings.

There were no additional comments from Commission members. Chairman Langfitt called for a vote on the motion.

VOTE: No – Davis, Langfitt, Merchant, McFadden, Marshner, Jones

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**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 11

Meeting Date: December 10, 2018

Agenda Item: COUNCIL APPOINTMENT – Urban Forestry Advisory Commission (UFAC)

Summary: Council is requested to appoint a member to the Urban Forestry Advisory Commission (UFAC) to a four-year term ending December 20, 2022.

Budget/Funding: None

Attachments: None

Meetings: Interview December 3, 2018

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council appoint _____ to the Urban Forestry Advisory Commission (UFAC) to a four-year term ending December 20, 2022.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: *JW*