



REGULAR TOWN COUNCIL MEETING

Monday, January 28, 2019 @ 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 January 14, 2019
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - d. Proposals for addition/deletion of items to the Agenda.
7. **CONSENT AGENDA ITEMS** – (ROLL CALL VOTE REQUIRED)
 - A. COUNCIL APPROVAL – Purchase of Water Meters/Antennas
 - B. COUNCIL APPROVAL – NSVRC Hazard Mitigation Plan Renewal
8. **PUBLIC HEARING** – Request to Revise Proffers for Vacant Lot on John Marshall Highway – BMW Real Estate LLC (*1st Reading*)
9. **PUBLIC HEARING** – Special Use Permit for David Dixon to Build a Single-Family Detached Dwelling on a Nonconforming Lot on W. 18th St.
10. **PUBLIC HEARING** – Special Use Permit for VFW Post 1860 for Establishment of a VFW Lodge at 1847 N Royal Avenue
11. **COUNCIL APPROVAL** – Request to Waive Curb and Gutter Requirement for VFW Post 1860 Lodge Construction at 1847 N Royal Avenue
12. **COUNCIL APPROVAL** – Ord. Amendment to Town Code Chapter 70 (Electricity) (*2nd Reading*)
13. **COUNCIL APPROVAL** – Ordinance Amendment to Town Code Sections 156-3 Pertaining to the Composition, Appointment and Terms of Office for UFAC (*2nd Reading*)
14. **COUNCIL APPOINTMENT** – Joint Tourism Advisory Committee
15. **CLOSED MEETING** – Consultation with Legal Counsel

7A



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

Page 1
Item No. 7(A)

Meeting Date: January 28, 2019

Agenda Item: COUNCIL APPROVAL – Purchase of Water Meters/Antennas

Summary: Council is requested to approve the purchase of (450) 5/8 x 5/8 water meters at \$245.00 per meter and (25) antennas at \$395.00 per antenna from Core & Main to keep in inventory for use as needed at a total purchase cost of \$120,125. Core & Main is the only authorized Neptune distributor for our area, so this is considered a sole source procurement.

Budget/Funding: Funding available in the Water Meter Reading Department's budget line item 9617-R47001 "Machinery & Equipment"

Attachments: Memorandum from Purchasing Manager, Letter from Neptune Technology Group Inc and Letter from Core & Main

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 the purchase of (450) 5/8 x 5/8 water meters at \$245.00 per meter and (25) antennas at \$395.00 per antenna from Core & Main to keep in inventory for use as needed at a total purchase cost of \$120,125.

*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



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

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

MEMORANDUM

Date: January 10, 2018
To: Tina Presley, Senior Executive Assistant
Town Manager's Office
From: Alisa Scott, Purchasing Manager
RE: Request to Add Agenda Item for Council Approval

The Purchasing Division has received a request for the purchase of (450) 5/8x5/8 water meters at \$245.00 per meter, and (25) antennas at \$395 per antenna from Core & Main. The meters are kept in inventory for use as needed. These meters are capable of being read via radio, in preparation of the anticipated change in the method of meter reading. Core & Main is the only authorized Neptune distributor for our area (see attached letter) so this is considered a sole source procurement.

Due to the dollar amount, the purchase of the meters and antennas will require Town Council approval. Please add this action item to the next available Council agenda.

Staff recommends the purchase of the water meters and antennas for inventory stock, at prices noted above. The total purchase cost will be \$120,125.

Funding for this amount is available in the Water Meter Reading Department's budget line item 9617-R47001 "Machinery & Equipment".



January 10, 2019

To whom this may concern:

Neptune Technology Group Inc. sells and services Neptune meters, parts and AMR systems through trained and certified distributors throughout the United States and Canada.

Core and Main, located in Martinsburg, WV is Neptune's exclusive distributor for the Virginia, West Virginia and Maryland markets.

Please let me know if I can be of further assistance.

Sincerely,

Mitch D. Elliott

Southeast Regional Manager



Core & Main LP
117 Industrial Circle
Martinsburg, WV 25403
Phone (304)263-6986
Fax (304) 263-7009

01/09/19

The Town of Front Royal Virginia
102 E Main St.
Front Royal, VA 22630

Alisa Scott, PMP, MBA, VCA
Manager of Purchasing

Per your request, please find quote below on Neptune R900i Meters.

450ea	5/8x5/8 METER W/E-CODER) R900I, GAL, PIT USG NO LEAD ED2A31RWG3SG89 W/EXTERNAL ANTENNA	\$245.00ea
25ea	1" METER W/E-CODER) R900I, GAL, PIT, USG NO LEAD ED2F11RWG3SG89 W/EXTERNAL ANTENNA	\$395.00ea

Sincerely,

Charles Dye

Local Knowledge
Local Experience
Local Service, Nationwide®

7B



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

Page 1
Item No. 7(B)

Meeting Date: January 28, 2019

Agenda Item: COUNCIL APPROVAL – NSVRC Hazard Mitigation Plan

Summary: Council is requested to approve a Resolution to Adopt the 2018 Northern Shenandoah Valley Regional Hazard Mitigation Plan as presented. The purpose of the Plan is to establish strategies that will reduce the impact of future natural disasters and for the Town to remain eligible to receive state and federal assistance in the event of a declared disaster.

Budget/Funding: None

Attachments: Resolution

Meetings: Work Session held January 22, 2019

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 Resolution to Adopt the 2018 Northern Shenandoah Valley Regional Hazard Mitigation Plan 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

Northern Shenandoah Valley Region – 2018 Multi-Jurisdictional Hazard Mitigation Plan Update

The [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#) (Stafford Act), as amended by the Disaster Mitigation Act of 2000, provides the legal basis for state, tribal, and local governments to undertake risk-based approaches to reducing natural hazard risks through mitigation planning. Specifically, the Stafford Act requires state, tribal, and local governments to develop and adopt FEMA-approved hazard mitigation plans as a condition for receiving certain types of non-emergency disaster assistance.

The Stafford Act authorizes the following grant programs:

- [Hazard Mitigation Grant Program](#) (HMGP), which helps communities implement hazard mitigation measures following a Presidential major disaster declaration. This program also funds development and update of hazard mitigation plans.
- [Pre-Disaster Mitigation Grant Program](#) (PDM), which awards planning and project grants to assist states, territories, federally-recognized tribes, and local communities in implementing sustained pre-disaster natural hazard mitigation programs. Such efforts may include development or update of hazard mitigation plans.
- [Public Assistance Grant Program](#) (PA), which provides assistance to state, tribal, and local governments, and certain types of private nonprofit organizations so that communities can quickly respond to and recover from major disasters or emergencies declared by the President.
- [Fire Management Assistance Grant Program](#) (FMAG), which provides assistance to state, tribal, and local governments for the mitigation, management, and control of fires on publicly or privately owned forests or grasslands that threaten such destruction as would constitute a major disaster.

2018 Hazard Mitigation Plan Update

A review of the planning process and requirements

Regional profile offering updated regional maps and statistics – including new Hazard Mitigation Online Portal:

(<http://nsvregion.org/hazard-mitigation.html>)

Regional hazard identification, inventory, rankings and analysis

Regional emergency management, floodplain management, fiscal and staff capabilities

Regional Hazard Mitigation Strategies and guide to implementation

Regional flood, hurricane and earthquake HAZUS analysis

Hazard Mitigation Planning

Hazard mitigation is the effort to reduce loss of life and property by lessening the impact of disasters. It is most effective when implemented under a comprehensive, long-term mitigation plan. State, tribal, and local governments engage in hazard mitigation planning to identify risks and vulnerabilities associated with natural disasters, and develop long-term strategies for protecting people and property from future hazard events. Mitigation plans are key to breaking the cycle of disaster damage, reconstruction, and repeated damage

Developing hazard mitigation plans enables state, tribal, and local governments to:

- Increase education and awareness around threats, hazards, and vulnerabilities;
- Build partnerships for risk reduction involving government, organizations, businesses, and the public;
- Identify long-term, broadly-supported strategies for risk reduction;
- Align risk reduction with other state, tribal, or community objectives;
- Identify implementation approaches that focus resources on the greatest risks and vulnerabilities; and
- Communicate priorities to potential sources of funding.



Virginia Department of
Emergency Management



FEMA

RESOLUTION

A RESOLUTOIN TO ADOPT THE 2018 NORTHERN SHENANDOAH VALLEY REGIONAL HAZARD MITIGATION PLAN

WHEREAS, The Town of Front Royal, Virginia, like any jurisdiction, is vulnerable to a variety of natural hazards that can result in loss of life and damages to public and private property; and

WHEREAS, it is the intent of the Town of Front Royal to protect its citizens and property from the effects of natural hazards to the furthest extent possible; and

WHEREAS, the Town of Front Royal desires to seek ways to effectively reduce and mitigate the risk of these natural and human-caused hazards through participation with the Northern Shenandoah Valley Regional Commission and adjoining jurisdictions in the development and implementation of a regional hazard mitigation plan; and

WHEREAS, it is also the intent of the Town of Front Royal to fulfill its obligation under Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the Town of Front Royal and

WHEREAS, the Federal Emergency Management Agency and the Virginia Department of Emergency Management have reviewed the said plan, inclusive of the Town of Front Royal section prepared with input from appropriate local and state officials, and has approved the plan pending the completion of local adoption procedures;

Now, therefore, be it RESOLVED by the Town Council of the Town of Front Royal, this ____ day of _____ 2019, that the Town of Front Royal adopts the 2018 Northern Shenandoah Valley Regional Hazard Mitigation Plan and agrees to take such other official action as may be reasonably necessary to carry out the proposed actions included in the Town of Front Royal section of the Plan, effective this date.

Adopted in _____ County / _____ City / _____ Town, Virginia, this ____ day of _____, 2019.

APPROVED:

Hollis L. Tharpe, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia,
Town Council conducted on _____, 2019 upon the following recorded
vote:

Gary L. Gillispie Yes / No Jacob L. Meza Yes / No

Chris W. Holloway Yes / No William A. Sealock Yes / No

Letasha T. Thompson Yes / No Eugene R. Tewalt Yes / No

Approved as to Form and Legality:

Douglas W. Napier, Town Attorney

Dated: _____

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 8

Meeting Date: January 28, 2019

Agenda Item: PUBLIC HEARING – Request to Revise Proffers for Vacant Lot on John Marshall Highway – BMW Real Estate LLC (*1st Reading*)

Summary: Council has received a request from BMW Real Estate LLC to revise the proffers for their vacant commercial property located west of 986 John Marshall Highway to assist with the selling and development of the land. The request is to amend the proffers for the property that were approved as part of a rezoning application in 2000. The Planning Commission approved the revisions in 2018. On December 3, 2018, Council requested the applicant revise the proffers to restrict evening hours for retail uses. The applicant revised the proffers and a new proffer statement includes the new language that restricts retail stores that are open between the hours of 9:00pm and 6:00am. On January 7, 2019 Council requested that at the time the property is developed, the existing evergreen trees along the rear of the property shall be removed and replanted with new trees that comply with the specifications of Town Code 156-5 and in addition, an opaque vinyl fence will be placed along the entire rear property line eight (8) feet in height. Council is requested to affirm on its first reading a revised proffer statement submitted by BMW Real Estate L.L.C., owner of 1.68 acres, which is a vacant lot located to the west of 986 John Marshall Highway, to include the last two conditions made on January 7, 2019.

Budget/Funding: None

Attachments: Staff Report, Proffer Statement, Work Session Minutes of 1/7/19

Meetings: Work Sessions held December 3, 2018 and January 7, 2019.

Staff

Recommendation: Approval ✓ Denial _____

Proposed Motion: I move that Council affirm on its first reading a revised proffer statement submitted by BMW Real Estate L.L.C., owner of 1.68 acres, a vacant commercial lot located to the west of 986 John Marshall Highway, to include the following two conditions: 1) that at the time the property is developed, the existing evergreen trees along the rear of the property shall be removed and replanted with new trees that comply with the specifications of Town Code 156-5 and 2) an eight (8) foot opaque vinyl fence be placed along the entire rear property line.

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

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Approved By: JW

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING



STAFF REPORT FOR THE SEPTEMBER 19, 2018 PLANNING COMMISSION MEETING
Updated for Town Council's January 7, 2019 Work Session

APPLICATION #:

FRREZON-000869-2018
(Revision of RZ05-10-57)

APPLICANT:

BMW Real Estate LLC

SUMMARY OF REQUEST:

The applicant has requested to revise the proffers associated with approximately 1.68 acres of C-1 District property to assist with the selling and development of the land.

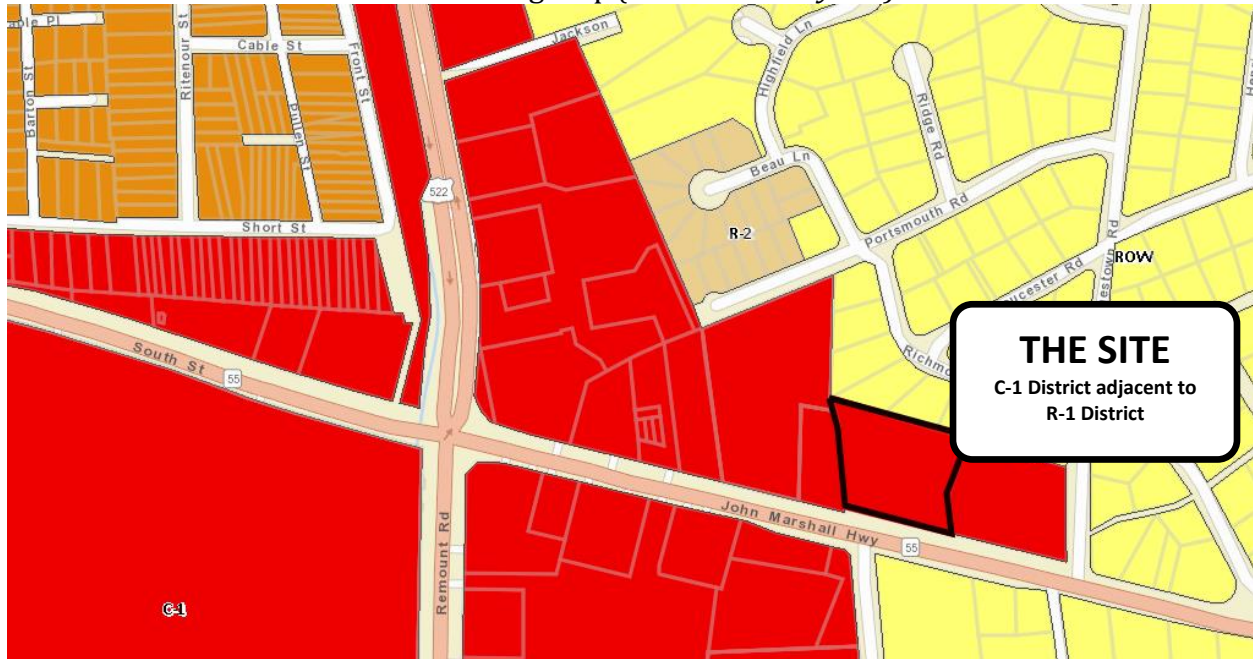
GENERAL INFORMATION:

<i>Site Addresses</i>	None (Vacant Land)
<i>Property Owner(s)</i>	BMW Real Estate LLC
<i>Zoning District</i>	C-1 (Community Business) District
<i>Tax Identification</i>	20A101 4A2
<i>Location</i>	The property is located on the north side of John Marshall Highway to the west of 986 John Marshall Highway and to the east of the UPS property.

Vicinity Map (Warren County GIS)



Town Zoning Map (Warren County GIS)



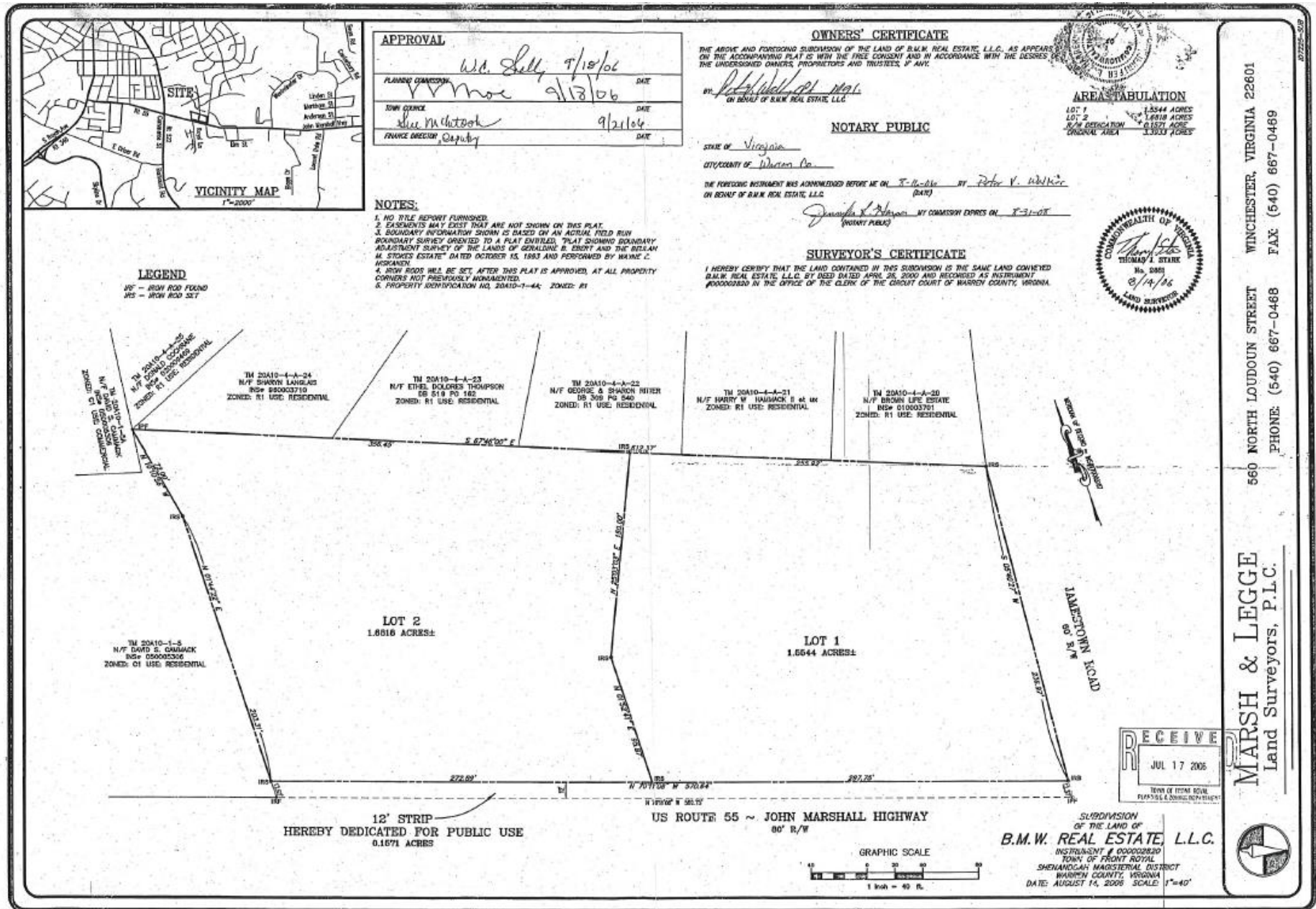
Streetviews (Google Maps)



Aerial Map (WC Online GIS)



Aerial Map (WC Online GIS)



SUPPLEMENTAL INFORMATION:

What are Proffers?

Virginia Code § 15.2-2296 through § 15.2-2303.4 address the legislative intent and rules associated with the practice of “conditional rezoning.” Conditional rezoning, typically just referred to as “proffers”, is a process where a zoning reclassification (rezoning) may be allowed subject to certain conditions that are proffered by the applicant. This process gives local governing bodies the ability to better protect their communities from negative impacts associated with new development. Proffers also give developers more flexibility to address negative impacts to obtain approval of rezoning applications that may not otherwise be possible. Once accepted by the governing body, proffers are the same as an ordinance and run with the land.

Proffers can either be cash proffers or non-cash proffers. However, not all localities are authorized to accept cash proffers. Pursuant to Virginia Code § 15.2-2298, the Town of Front Royal has the ability to accept either type. This is because the Town is classified as a high-growth locality (due to Warren County’s growth rate) in the State of Virginia.

Cash proffers may be collected by localities if the funds are for a capital improvement project that is on the community’s Capital Improvement Program (CIP). The funds must be used within 12 years and may only be used for the project listed in the proffer statement, unless alternative use of the funds are specified within the proffers. Proffers must also be reasonably related to the rezoning; the rezoning must give rise for the need of such proffers; they must be in writing; signed by all parties; and may not obligate a locality to do something they would not otherwise have to do. In addition, proffers are intended to impose additional requirements and restrictions, not alternative or lesser requirements or restrictions. The alteration or lessening of requirements or restrictions is considered “contract zoning”. Contract zoning, much like spot zoning, is illegal. [Pima Gro Systems, Inc. v. Board of Supervisors of King George County, 52 Va. Cir. 241 (2000)].

Perhaps the most important thing to remember about proffers is that they cannot be required, they must be made voluntarily by the applicant for the purpose of mitigating impacts of the proposed rezoning application.

[Chapter 11, Conditional Zoning: Proffers, The Albemarle County Land Use Law Handbook, Kampthner (June 2017).

What Does It Mean That Proffers Must Be “Voluntary”?

- The locality must identify all of the impacts that could result from the rezoning so that the owner may decide which impacts it will address through proffers.
- It is up to the owner to decide whether to address the impacts that could result from the rezoning through proffers.
- If the locality denies the rezoning and the owner did not volunteer proffers to address all of the identified impacts, the decision must be based on sound zoning principles (including unmitigated impacts), and not simply on the fact that the owner did not proffer something.
- It does not mean that the locality is powerless to engage the applicant and its representatives in a meaningful dialogue to ensure that the applicant either addresses the identified adverse impacts through proffers or makes a conscious decision to not address those impacts through proffers.

Review Procedure

Adoption or revision of proffers requires the same procedures as a rezoning or ordinance amendment. The submission must first be reviewed by the Planning Commission, and the Planning Commission must forward recommendations to Town Council. Town Code 175-146.D. specifies that the Planning Commission must take action within 90 days after the date of the first regular meeting of the Commission. It is important to note that when the submission changes, such as when a property owner revises the proffers during the review process, the 90-day time period resets.

Before approving and adopting any rezoning, or modification of a previously approved rezoning (proffers), a public hearing is required, pursuant to Virginia Code § 15.2-2204.

Attachment A is the proposed new proffers submitted by the Applicant. This draft was revised a few times during the Planning Commission review process and most recently on 12/17/18 following the Town Council's initial work session.

Below is a table that compares the proposed proffers with the current proffers:

CATEGORY	USE	CURRENT PROFFERS	PROPOSED PROFFERS (after revisions)
RESIDENTIAL:			
	Up to three (3) dwelling units of any type, but not on the ground floor	Y, but only up to 2	Y
	Caretaker quarters	Y	Y
	<i>Apartments or dwelling units, with four (4) or more units or where located on the ground floor</i>	N	Y
COMMERCIAL:			
	Appliance stores and repair services	N	Y
	Assembly Halls	N	N
	Automobile and truck sales lots and leasing agencies	N	N
	Automobile service stations (Gas Stations)	N	N
	Bakeries, when products are sold as retail on the premises.	Y	Y
	Banks, branch banks, and financial institutions.	Y	Y
	Barber and beauty shops	N	Y
	Car washing	N	N
	Catering Services	Y	Y
	Contractor's offices, display rooms and storage	Y	Y
	Commuter parking facilities.	N	N
	Department Stores	N	N
	Drugstores	Y	Y
	Florist shops/floral designers	Y	Y
	Funeral homes	N	N
	Furniture stores	N	N
	Grocery stores	N	N
	Hardware stores	N	Y

	Laundries, Laundromats and dry cleaners	N	Y
	Lumber and building supply	N	N
	Machinery sales and service	Y	N
	Motels, hotels, and tourist homes.	N	N
	Newspaper and other printing establishments	Y	Y
	Personal Services	Y	Y
	Retail Stores	Y, but not between 9PM and 6AM	Y, but not between 9PM and 6AM
	Pharmaceutical Center	Y	Y
	Professional and Business Offices	Y	Y
	Radio and television broadcasting stations, studios or offices.	N	Y
	Recreational Facility, Commercial	Y, but Excluding billiard parlors, poolrooms, and bowling alleys	Y, but Excluding billiard parlors and poolrooms, and bowling alleys
	Restaurants, including drive-in restaurants	Y, but not between 9PM and 6AM, nor drive-throughs or when over 2K SF	Y, excluding drive-through and excluding restaurants that are open late between the hours of 9PM and 6AM.
	Special childcare services.	Y	Y
	Technology business, as defined in Section 175-3, provided that such use does not involve broadcast or communications towers or manufacturing operations.	Y	Y
	Theatres, Indoor	N	N
	Veterinary hospitals	Y	Y
	Wearing-apparel stores	Y	Y
	<i>Automobile garages</i>	N	N
	<i>Automobile Parking Lots, commercial.</i>	Y	N
	<i>Bed & Breakfasts</i>	Y	Y
	<i>Day Care Facilities</i>	Y	Y
	<i>Farmers' markets, and flea markets</i>	Y	Y
	<i>Kennels</i>	Y	Y
	<i>Shopping centers</i>	Y	Y
INDUSTRIAL:			
	Distribution facilities	Y	N
	Wholesale establishments	Y	N
ORGANIZATIONAL:			
	Art galleries and museums.	Y	Y
	Churches.	N	Y
	Public libraries.	Y	Y
	<i>Schools</i>	Y	Y
MISCELLANEOUS:			
	Accessory uses, structures and buildings.	Y	Y
	Home occupations.	Y	Y
	Open Space	Y	Y
	Public facilities.	Y, excluding fire,	Y, but excluding fire, rescue

		rescue and transportation facilities.	and transportation facilities.
	Public parks and playgrounds.	Y	Y
	Public utilities.	N	Y
	Signs, as set forth in Section 175-106	Y	Y
	Special childcare services.	Y	Y
	Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.	Y	Y
	Heights above maximum for permitted uses	Y	Y
	Conservation areas.	Y	Y
	<i>Communication towers, in accordance with Section 175-110.4</i>	N	N
	<i>Boarding Houses, Clubs & Lodging Houses</i>	N	Y
	<i>Mini-warehouses, subject to the standards of Section 107-44.G.</i>	Y	Y
	<i>Nursing homes, as set forth in Section 175-107.</i>	Y	Y
	<i>Parking Structures.</i>	Y	Y
	<i>Structures with a height between 45 feet and 70 feet, and any residential structure not in conformance with the height limitation of Section 175-41.</i>	Y	Y
	<i>Structures with a gross floor area of 50,000 square feet or more.</i>	Y	Y
	<i>Townhouse-style commercial</i>	Y	Y
	Outdoor amplified sound	N/A	N
	Outdoor storage	N/A	N, except C-G of 175-44.A.

Notes:

1. Uses shown in *italics* require a Special Use Permit (SUP).
2. “Y” means yes, the use is permitted. However, some special restrictions are noted.
3. “N” means no, the use is not permitted, but is normally permitted by-right or by SUP in the Town Code for the C-1 Zoning District.

In addition to the use changes, the applicant is proposing the following other changes:

- Removal of the proffer that limits the lot coverage to 75%.

[Staff Note: This is already a Town Code requirement and not needed in the proffers].

- Removal of the down-directed lighting proffer.

[Staff Note: The current Town Code requires dark sky compliant lighting making this proffer obsolete]

- Removal of the proffer that requires existing healthy trees with a caliper of 10" or greater to be maintained and preservation of existing pine trees.

[Staff Note: The Town has new landscaping requirements that were not in effect when the current proffers were drafted. A transitional yard of 15 feet is required between the property and adjoining residential properties by Town Code. In addition, there are perimeter and interior parking lot requirements, canopy coverage requirement, and street tree requirement]

- Removal of the proffer that requires parking to be in the rear of the property unless a 3-foot tall landscaping screen is provided along the front.

[Staff Note: The proposed proffers include language that the applicant will provide a 20' wide landscaping screen along the frontage of the property regardless of where the parking is.]

- Rewording of the proffer regarding the building design, that requires compatibility with the existing commercial structure on the adjacent property to the east.

[Staff Note: The new language proposes brick, masonry, stone or stucco, and allows alternative surface types upon approval by the Planning Commission.]

- Removal of the proffer that requires dedication of a strip of land to the Town for a trail. The dedication plat is shown on page 4.

[Staff Note: This has already been completed]

- Removal of a proffer that requires utility and driveway locations to conform with the Town and VDOT standards.

[Staff Note: This is already required by Town Code]

- Removal of the proffer for a bond for the installation of curb and gutter and sidewalk along John Marshall Highway.

[Staff Note: curb and gutter and a sidewalk have already been added]

CONCLUSIONS:

The Planning Commission recommended approval of the revised proffers during their October Planning Commission Meeting. Review with Town Council was postponed until December at the request of the Applicant.

The Planning Commission's recommendation of approval was contingent on the applicant revising the proffers to restrict restaurants that are open between 9PM and 6AM, and a wording change to section 3 of the proffers regarding the building exterior. The current draft was submitted by the Applicant after the Planning Commission meeting and addresses the Planning Commission's concerns.

Overall, the proposed proffers allow a few more uses that currently allowed but was still true to the intent of the original rezoning in the opinion of the Planning Commission.

Citizens spoke at the Planning Commission meeting primarily regarding the existing dead row of trees between the property and the adjacent residential houses. When the Applicant's property is developed, the Town Code requires a buffer be installed at this location. That will require removal of the existing and dead trees and replanting of a new buffer that complies with the Town Code specifications.

Town Council requested that the applicant restrict evening hours for retail uses during their initial review of the Application in December. The applicant revised the proffers to include this requested change (Section 1, item *bb*). A public hearing with Town Council is required prior to action on the application. Furthermore, two readings are required.

Attachments to Staff Report (updated 1/2/18):

- 1) Attachment A – Revised Proffers dated 12/17, 2018

PROFFER STATEMENT

REZONING: FRREZON-000869-2018 (Revision of RZ05-10-57)

CURRENT ZONING: C-1 (Community Business) District
[Town Code, Sections 175-38 through 175-45, as the same from time to time may be amended, or their successor ordinances.]

PROPOSED ZONING: C-1 (Community Business) District
[Town code, Sections 175-38 through 175-45, as the same from time to time may be amended, or their successor ordinances.]

PROPERTY: 1.6818 acres, Tax Map #20A101 4A2, Lr00-2820,
Sub Lr06-10214 From Tax Map #20A101 4a.

APPLICANT/OWNER: BMW Real Estate LLC

PROJECT NAME: Vacant Land Along John Marshall Highway

DATE OF PROFFERS: Dec. 10, 2018

Preliminary Matters

Pursuant to Section 15.2-2296 et. seq. of the Code of Virginia, 1950, as amended, and the provisions of the Town of Front Royal Zoning Ordinance with respect to conditional zoning, the undersigned Applicant hereby voluntarily agrees to the terms and conditions set forth herein, provided that the Town of Front Royal approves Rezoning Application FRREZON-000869-2018¹ for the rezoning of the subject property, as referenced above, consisting of approximately 1.6818, to the C-1 (Community Business) District. The terms and conditions set forth herein may be subsequently amended, revised, or withdrawn by the Applicant if approved by the Town of Front Royal, in accordance with the Virginia Code and Town Code. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever.

Terms & Conditions (Proffers)

I. Restricted Uses.

The use of the property shall comply with the C-1 District regulations of the Town Code. In addition to the Town Code requirements, the property shall NOT be used for any of the following principal uses:

- a. *Assembly halls.*
- b. *Automobile and truck sales lots and leasing agencies.*
- c. *Automobile service stations (including gas stations and fuel sales).*
- d. *Automobile garages.*
- e. *Billiard parlors and poolrooms.*

¹ FRREZON-000869-2018 is a requested amendment to the existing proffers that were recorded on May 15, 2000 under instrument number 000002819 in the Clerk's Office of Warren County, and revised in 2006.

- f. *Bowling alleys.*
- g. *Car washes.*
- h. *Commuter Parking Facilities.*
- i. *Department Stores.*
- j. *Fire, Rescue and Transportation Facilities.*
- k. *Funeral Homes.*
- l. *Furniture Stores.*
- m. *Gasoline or other fuel sales.*
- n. *Lumber and building supply.*
- o. *Public transportation facilities.*
- p. *Outdoor amplified sound.*
- q. *Outdoor storage, excluding the following if such activities are in compliance with Town Code 175-44.A.*
 - i. *Plants and other landscaping products typically sold with plants.*
 - ii. *Temporary or seasonal activities, such as but not limited to, peddlers, yard sales, and itinerant merchants that have obtained approval from the Town.*
 - iii. *Vending machines.*
 - iv. *General products, goods, merchandise, and/or materials, provided that (i) no more than 200 square feet of area is used, and (ii) outdoor display and/or sales are restricted from the evening and night hours from 8PM to 5AM, except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.*
- r. *Grocery stores.*
- s. *Machinery Sales and Service.*
- t. *Motels, hotels, and tourist homes, except by special use permit.*
- u. *Telecommunication (Communication) towers.*
- v. *Drive-thru restaurants.*
- w. *Restaurants that are open between the hours of 9 PM and 6 AM.*
- x. *Theatres.*
- y. *Automobile Parking Lots, commercial.*
- z. *Distribution facilities.*
- aa. *Wholesale establishments.*
- bb. *Retail stores, as defined in section 175-39.C. that are open between the hours of 9 PM and 6 AM.*

II. Front Landscaping Screen.

The site development plan shall include a twenty (20) foot wide landscaping screen along the entire frontage of John Marshall Highway; provided that, the Planning Commission may waive screening in areas where it is either undesirable, impractical or unsafe to include a screen, such as, but not limited to, areas where it is necessary to have an entrance and adequate site distance.

III. Building Exterior.

Future buildings and other structures shall be designed with an exterior material that is masonry, brick, or stone. A simulated stucco exterior insulating finish system may also be used if the material and architectural style is similar to the adjacent building at 986 John Marshall Highway. 

IV. Signatures.

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns, and successors in the interest of the Applicant and owner. In the event the Front Royal Town Council grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Front Royal Town Code, as the same from time to time may be amended, or their successor ordinances. This Proffer Statement supersedes any proffer statements previously submitted in connection with this application and this Property, if any.

OWNER'S SIGNATURE _____

PRINT SIGNATURE _____

TITLE: _____

ADDRESS: _____

WITNESS: _____

 jcamp

1/23/2019 12:19:31 PM

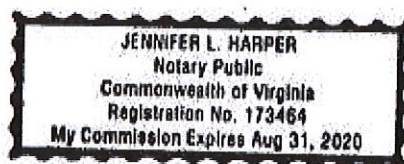
Add the following:

At the time that the property is developed, the existing evergreen trees along the rear property line shall be removed and replanted with new trees that comply with the specifications of Town Code 156-5. In addition, an opaque vinyl fence will be placed along the entire rear property line. Such fence will be eight (8) feet in height.

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO- WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 10th DAY OF December, 2018, BY Peter V. Wilker,
WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND
WHO HAS APPEARED THIS DAY BEFORE ME, Jennifer L. Harper
A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE 31st DAY OF August, 2018.



Jennifer L. Harper
NOTARY PUBLIC

OWNER'S SIGNATURE: [Signature]

PRINT SIGNATURE: Joseph P. Briggs

TITLE: member

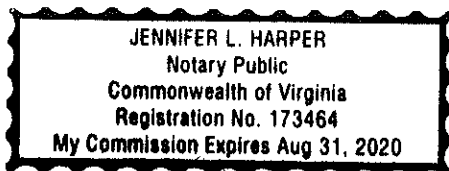
ADDRESS: 115 Chester St, Suite E Front Royal VA 22630

WITNESS: [Signature]

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO- WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 10th DAY OF
December, 2018, BY Joseph P. Briggs,
WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND
WHO HAS APPEARED THIS DAY BEFORE ME, Jennifer L. Harper,
A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE 31st DAY OF August, 2020.



[Signature]
NOTARY PUBLIC

OWNER'S SIGNATURE: [Signature]

PRINT SIGNATURE: J. FRANKLIN BROUGH

TITLE: Member

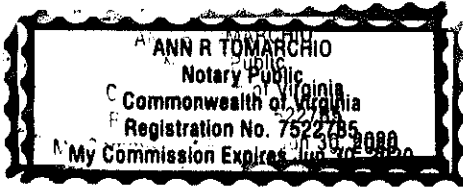
ADDRESS: 60 SCARLET OAK CT Front Royal, VA.

WITNESS: [Signature]

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO- WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 11th DAY OF
December, 2018, BY J. Franklin Brough,
WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND
WHO HAS APPEARED THIS DAY BEFORE ME, Ann B. Tomarchio,
A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE 30th DAY OF June, 2020.



Ann R Tomarchio
NOTARY PUBLIC

OWNER'S SIGNATURE: _____

PRINT SIGNATURE: Joseph N. McGreevy

TITLE: Member

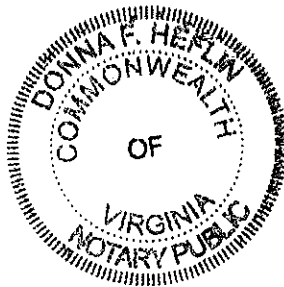
ADDRESS: 811 Happy Creek Rd Front Royal VA 22630

WITNESS: Julie Harney

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO- WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 17th DAY OF December, 2018, BY Joseph N. McGreevy,
WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND
WHO HAS APPEARED THIS DAY BEFORE ME, Donna F. Hefflin,
A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE 31th DAY OF July, 2020.



Donna F. Hefflin
NOTARY PUBLIC
Reg# 173604

EXCERPT FROM WORK SESSION MINUTES OF JANUARY 7, 2019

Continued Discussion of BMW Real Estate LLC Proffer Revision Request – Dir of P&Z

SUMMARY: BMW Real Estate LLC submitted a request to revise the proffers for their vacant piece of commercial property located on John Marshall Highway. The Planning Commission recommended approval of the proffers. Town Council previously met on December 3, 2018 and reviewed the submission. Town Council requested the applicant to revise the proffers to restrict evening hours for retail uses. Attached is a revised proffer statement that was submitted voluntarily by the applicant on December 17, 2018. Section I, item *bb*, includes the new language that restricts retail stores that are open between the hours of 9PM and 6AM. The staff report previously provided is also attached for reference.

Revision of proffers require a public hearing and two readings in a regular Town Council meeting.

Staff Report Conclusions-

The Planning Commission recommended approval of the revised proffers during their October Planning Commission Meeting. Review with Town Council was postponed until December at the request of the Applicant. The Planning Commission's recommendation of approval was contingent on the applicant revising the proffers to restrict restaurants that are open between 9PM and 6AM, and a wording change to section 3 of the proffers regarding the building exterior. The current draft was submitted by the Applicant after the Planning Commission meeting and addresses the Planning Commission's concerns.

Overall, the proposed proffers allow a few more uses that currently allowed but was still true to the intent of the original rezoning in the opinion of the Planning Commission.

Citizens spoke at the Planning Commission meeting primarily regarding the existing dead row of trees between the property and the adjacent residential houses. When the Applicant's property is developed, the Town Code requires a buffer be installed at this location. That will require removal of the existing and dead trees and replanting of a new buffer that complies with the Town Code specifications.

Town Council requested that the applicant restrict evening hours for retail uses during their initial review of the Application in December. The applicant revised the proffers to include this requested change (Section 1, item *bb*). A public hearing with Town Council is required prior to action on the application. Furthermore, two readings are required.

Council Discussion: Mr. Camp noted that the applicant had agreed to the restrictions on night hours for future potential retail uses as requested by Town Council at the first worksession.

The applicant noted that they have agreed to the changes as described by Mr. Camp and have no issue as presented. Vice Mayor Tewalt stated that he would not want to have laundromats and retail establishments during the hours 9 pm-6 am. Mr. Meza noted that every business could not be restricted as it was commercial property. Mr. Camp stated that the list in the proffers is additional changes. Mr. Meza stated that if Council was going to be consistent the should say that all businesses – not just laundromats.

Mayor Tharpe noted that a white vinyl fence is being requested by the residents in the rear of the property, as the trees at the rear were in very poor shape. Mr. Camp stated that a fence is not required; Mayor Tharpe stated that a fence would be helpful if the applicant would be agreeable. Mr. Tewalt noted that a laundromat that is open 24/7 backing up to residents would not be desirable and hopefully the applicant would keep that in mind. Mayor Tharpe stated it seemed ready to go forward with public hearing.

9



Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 9

Meeting Date: January 28, 2019

Agenda Item: PUBLIC HEARING – Special Use Permit - David Dixon to Build a Single-Family Detached Dwelling on a Nonconforming Lot on W. 18th St.

Summary: Council is requested to approve a Special Use Permit submitted by David Dixon to build a single-family detached dwelling on an existing nonconforming lot on W. 18th Street. The property is zoned R-1 District and is located to the west of 114 W. 8th Street. The lot is nonconforming due to the lot width, which is 45 feet, rather than the minimum lot width of 75 feet. As required in the Town Code, a special use permit is required before a nonconforming lot can be developed in the R-1 District (when less than 80% of minimum standard). Planning Commission has recommended approval with the following conditions:

- 1) The applicant shall revise the application to increase the house size as specified in the Staff Report to comply with the Town Code minimum requirement for nonconforming lots
- 2) The applicant shall provide a complete grading plan and drainage calculations for the site
- 3) Development of the lot shall comply with all requirements of the Town Code, including, but not limited to off-street parking

Budget/Funding: None

Attachments: Staff Report, Application, Plans

Meetings: Work Session held January 7, 2019

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council approve a Special Use Permit submitted by David Dixon to build a single-family detached dwelling on an existing nonconforming lot on W. 18th Street with the conditions recommended by the Planning Commission on November 28, 2018.

*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

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING



STAFF REPORT FOR THE NOVEMBER 28, 2018 PLANNING COMMISSION MEETING

Updated for January 7, 2019 Town Council Work Session

APPLICATION #:

FRSPU-001063-2018

APPLICANT:

David Dixon

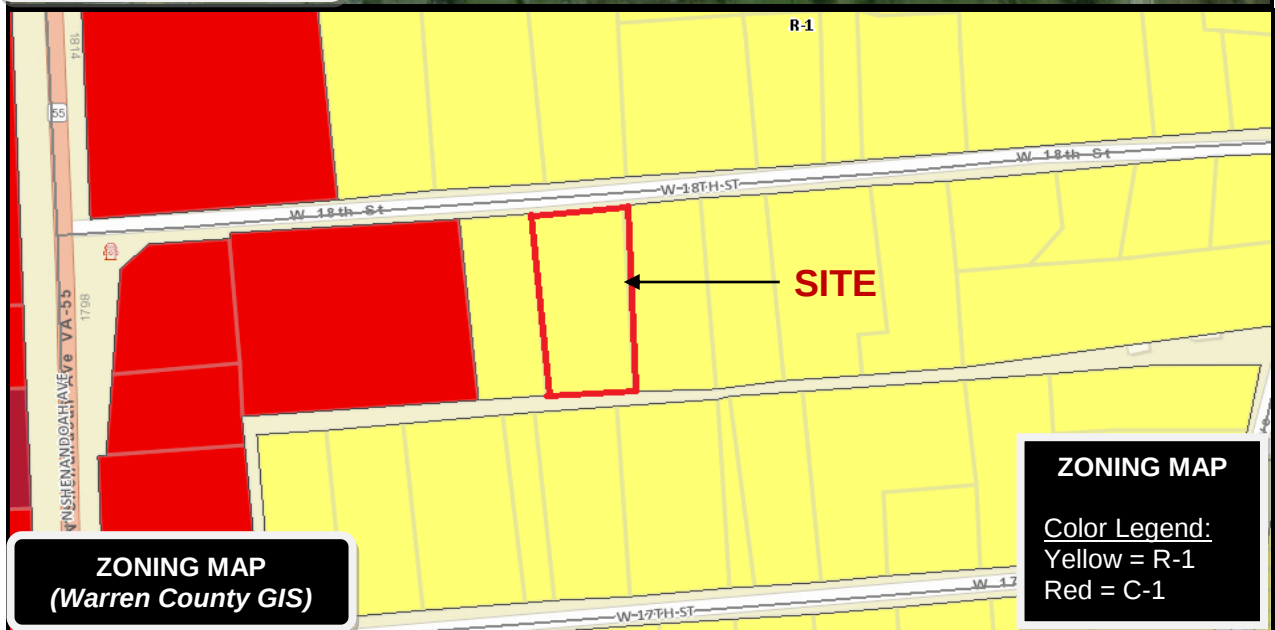
APPLICATION SUMMARY:

The Applicant has submitted a special use permit to construct a single family detached dwelling on a nonconforming lot in the R-1 District. The applicant's application is attached (**Attachment 1**).

GENERAL INFORMATION:

Site Address	114 W. 18 th Street.		
Zoning District	R-1, Residential District		
Overlay Districts	Historic Area - NO	Floodway - NO	Entrance Corridor - NO
Tax IDs	20A2-2-55, lot 5		
Location	The subject lot is located on the south side of W. 18 th Street, between 122 W. 18 th Street and 110 W. 18 th Street.		
Existing Use	Single-Family Detached Dwelling		
Proposed Use	Single-Family Detached Dwelling		





ADDITIONAL INFORMATION:

Background

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

Below are the minimum lot width and minimum lot area requirements for the R-1 District, as specified under Town Code 175-13 for lots serviced by public water and public sewer:

- **Minimum Lot Width: 75 feet**
- **Minimum Lot Area: 10,000 square feet**

The applicant's lot is as follows:

- **Subject Lot Width: 45 feet (60% of minimum)**
- **Subject Lot Area: 10,328 square feet**

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

175-128 NONCONFORMING LOTS OF RECORD

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

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

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

	a. The proposed structure has a finished floor area of not less than ninety percent (90%) of the amount of finished floor area prevalent in comparative homes. Finished floor areas do not include basement areas. b. The proposed structure is compatible with comparative homes in terms of building orientation, scale, proportion and site layout. c. The site grading provides for adequate drainage on and off the site, without any adverse impact onto adjoining properties. 3. For the purpose of this section, comparative homes shall mean characteristics that are present in at least sixty percent (60%) of the homes located on both sides of the street in the immediate block where the proposed structure is located. 4. The Council may approve a reduction of the side yard requirement, by not more than forty percent (40%), where necessary, to achieve increased compatibility with other structures in the immediate block. B. In any other residential district, a single dwelling may be erected on any single lot of record, notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for lot area and/or lot width, that are generally applicable in the district, provided that yard dimensions shall conform to the regulations for the district in which such lot is located. All other uses, except a single dwelling, are required to meet the minimum lot area requirements for the district in which it is located.
<i>Legal Venue</i>	The Town is authorized to require a special use permit for certain uses within any zoning district under Virginia Code §15.2-2286. Some specific uses are granted protection from regulation from localities by the Virginia Code, including agriculture uses, small scale conversion of biomass to alternative fuel, certain residential uses, private tents, farm wineries, assisted living facilities, and group homes. The issuance of a special use permit is subject to such conditions as are deemed necessary by the Front Royal Town Council after recommendations of the Front Royal Planning Commission. Prior to an action by Town Council or a recommendation by the Planning Commission, a public hearing is required for special use permits.
<i>Review</i>	175-128.A. allows for new development of nonconforming lots in the R-1 District when certain criteria are met. These criteria are shown below with commentary from Town Staff.

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

COMPARATIVE	SQUARE FEET
1	1638
2	1452
3	1808
4	1452
5	1964
6	1452
7	1591
90 % Average	1460
Proposed House	1200

The proposed house does not exceed 90% of the amount of finished floor area prevalent in comparative homes.

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

Building Orientation – *The applicant's proposed house faces the front of the lot.*

Scale – *The proposed house appears to have a smaller scale to other comparative houses in the area. The Lot is smaller than most lots in the immediate area.*

Proportion – *The applicant's proposed house is compatible with the comparative houses. All the comparative houses are either 1 or 2 stories.*

The applicant's proposed house has a proposed setback of 31 feet, which is a greater setback than comparative homes on the same street.

A driveway is shown in the plans but does not meet the minimum parking requirements. This would be required to be corrected at the zoning permit stage.

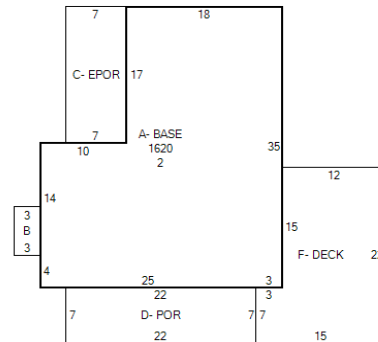
The plan needs to be prepared by a licensed surveyor. It must show elevation, landscaping, utilities, grading, parking. All the requirements need to be met for a house location survey. Town Code 148-1050 states these requirements.

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

The applicant has submitted no information regarding drainage, but there are no known drainage issues along the subject street. Curb & gutter already exist at the location

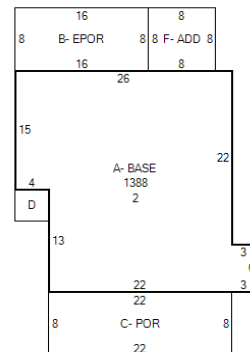
Below are other comparative houses on the immediate block that have frontage on W 18th Street:

Comparative House #1: 122 W 18th Street



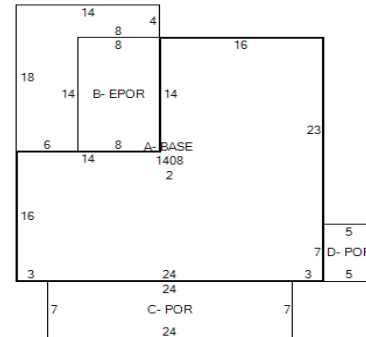
- Square Feet: 1638
- 2-story, Vinyl siding exterior
- 3 bedrooms, 1 bath
- Driveway: Yes – Garage: Yes (detached)
- Rounded Taxable Value: \$ 185,900
- Lot Size: 0.454 acres
- Owner Occupied: Yes (based on vamanet)

Comparative House #2: 110 W 18th Street



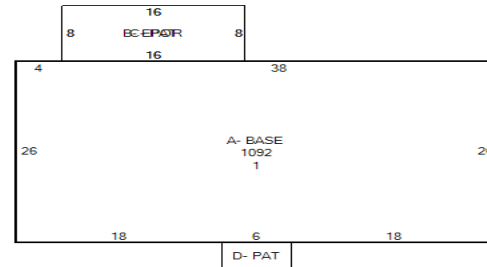
- Square Feet: 1452
- 2-story, Vinyl exterior
- 3 bedrooms, 1 bath
- Driveway: Yes – Garage: No
- Total Assessed Value: \$166,200
- Lot Size: 0.454 acres
- Owner Occupied: Yes (based on vamanet)

Comparative House #3: 104 W 18th Street



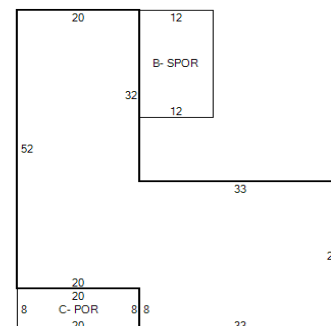
- Square Feet: 1808
- 2-story, Vinyl exterior
- 3 bedrooms, 1 bath
- Driveway: Yes – Garage: Yes (detached)
- Total Assessed Value: \$186,600
- Lot Size: 0.454 acres
- Owner Occupied: Yes (based on vamanet)

Comparative House #4: 106 W 18th Street



- Square Feet: 1452
- 1-story, Aluminum exterior
- 3 bedrooms, 1½ baths
- Driveway: Yes – Garage: No
- Total Assessed Value: \$ 138,000
- Lot Size: 0.401 acres
- Owner Occupied: Yes (based on vamanet)

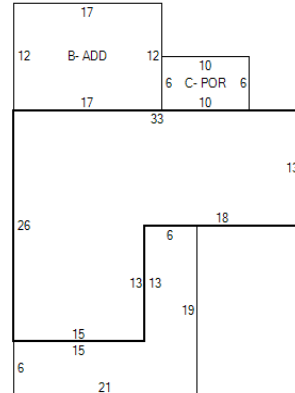
Comparative House #5: 113 W 18th Street



- Square Feet: 1964
- 1-story, Brick & Cedar exterior
- 3 bedrooms, 2 baths
- Driveway: Yes – Garage: Yes (detached)

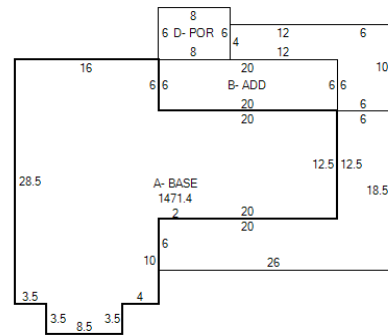
- Total Assessed Value: \$ 268,500
- Lot Size: 1.157 acres
- Owner Occupied: Yes (based on vamanet)

Comparative House #6: 107 W 18th Street



- Square Feet: 1452
- 2-Story, Vinyl exterior
- 3 bedrooms, 2 baths
- Driveway: Yes – Garage: None
- Total Assessed Value: \$148,200
- Lot Size: 0.429 acres
- Owner occupied: Yes (based on vamanet)

Comparative House #7: 47 W 18th Street



- Square Feet: 1591
- 2-story, Stucco exterior
- 3 bedrooms, 2 baths
- Driveway: Yes
- Garage: Yes (detached)
- Total Assessed Value: \$142,200
- Lot Size: 0.278 acres
- Owner Occupied: Yes (based on vamanet)

If the applicant addresses the requirements for the increase of usable square footage in the home adequately, Staff does not object to approval of the special use permit. Additional housing in the Town is needed, provided that the development is done appropriately.

***Planning
Commission
Action***

Before issuance of a zoning permit for construction, the applicant will be required to obtain approval of this special use permit. In addition, the applicant is required to submit for a zoning permit application and complete the house location plan to address all requirements of the Town Code, and to pay all applicable utility connection and other fees that are required by Town Code.

During the Planning Commission's November 28, 2018 meeting a public hearing was held. During the public hearing some residents expressed concern about stormwater runoff issues in the neighborhood. The Planning Commission requested Town Staff to review that issue to determine if there is anything that can be done by the Town.

The Planning Commission did recommend approval of the application with the following conditions:

- 1) The Applicant revises the application to increase the house size as specified in the Staff Report to comply with the Town Code minimum requirement for nonconforming lots.
- 2) The Applicant shall provide a complete grading plan and drainage calculations for the site.
- 3) Development of the lot shall comply with all requirements of the Town Code, including, but not limited to, off-street parking.

ATTACHMENTS: Attachment 1: Special Use Permit Application & submitted attachments to the application



TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING
102 EAST MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VA 22630

Main: 540.635.4236
Fax: 540.631.2727
Internet: www.frontroyalva.com

SUP FRSP4-001063-2018

SPECIAL USE PERMIT REQUEST

APPLICANT

NAME DAVID DIXON PHONE 703 346 9261
ADDRESS 120 LAURELDALE ROAD
E-MAIL DAVIDDIXON@COMCAST.NET

PROPERTY DESCRIPTION

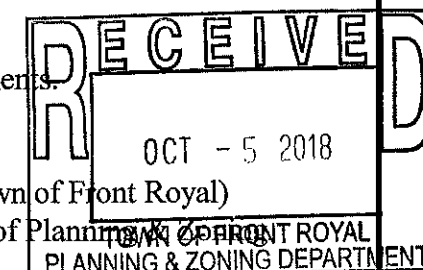
PROPERTY ADDRESS W. 18th Street
TAX MAP 20A2-2 SECTION 1B/115 BLOCK 7B/134 LOT Parcel 5
SUBDIVISION NAME _____ ACREAGE 10,328 SQ. FT.

REQUEST

ZONING DISTRICT R-1
PROPOSED USE OF PROPERTY SINGLE FAMILY RESIDENTIAL
SPECIFIC SPECIAL USE PERMIT REQUEST
APPROVAL FOR CONFORMING LOT

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

1. Survey/Plat of property showing all **existing** improvements.
(10 copies if larger than 11" X 17")
2. Site Plan Application
3. Application Fee of \$400.00 (Checks payable to the Town of Front Royal)
4. Additional information as required by the Department of Planning & Zoning



CERTIFICATION

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

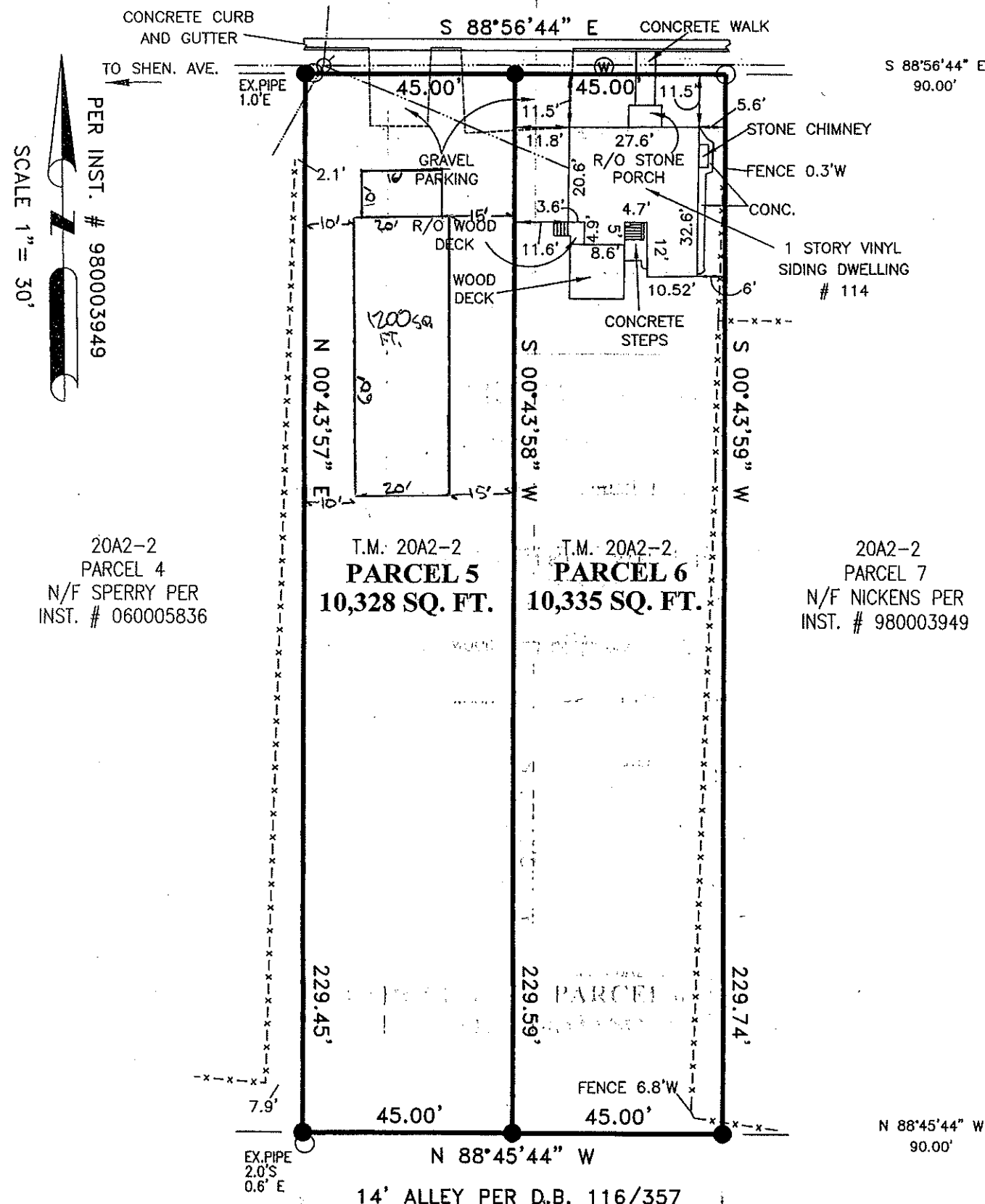
Signature _____ Date 14 DEC 2016

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

Receipt # pd @ Finance w/CC 400 Date Paid 10/5/18

Revised 2-15-13

W. 18TH STREET 35' WIDE



NO TITLE REPORT FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.
SUBJECT PARCELS SITUATED OUTSIDE THE LIMITS
OF THE FEMA FLOOD ZONE.
DERIVATION OF TITLE TO: DAVID DIXON PER INST. #160002613.

SURVEY OF T.M. 20A2-2 PARCELS 5 AND 6
PER PLAT BOOK 1/115 AND D.B. 78/134

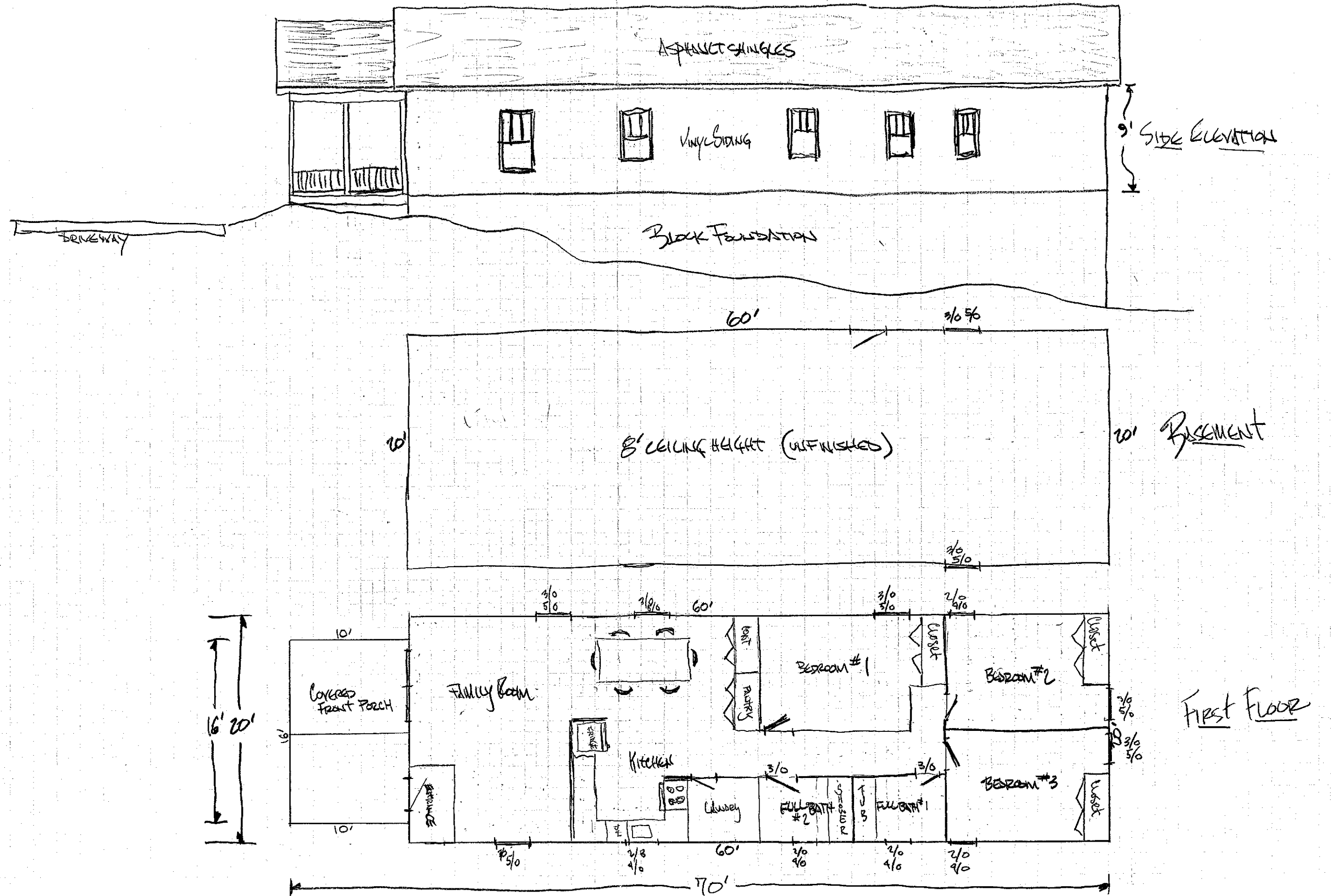
- DENOTES POWER POLE.
- DENOTES OVERHEAD WIRES.
- ⊙ DENOTES WATER METER.
- x-x- DENOTES WOOD OR CHAIN LINK FENCE.
- DENOTES PIN SET.
- DENOTES EXISTING PIN OR PIPE.

Scale $\frac{1}{8}'' = 1'$
First Floor 1200 sq. ft.

Patt Dixon 220 Locust Dale Road Front Royal Va 22630

W. 18th St. SINGLE FAMILY HOME

703.346.5201



10



Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 10

Meeting Date: January 28, 2019

Agenda Item: PUBLIC HEARING – Special Use Permit for VFW Post 1860 for Establishment of a VFW Lodge at 1847 N Royal Avenue

Summary: Council is requested to approve a Special Use Permit submitted by Samuel R. Millar, VFW Post 1860, for establishment of a VFW lodge (Assembly Hall) to be built at the same location before it was destroyed by fire and demolished in 2015 at 1847 N. Royal Avenue. The portion of the property where the lodge will be located is within the I-1 Zoning District and Floodplain Overlay District. The proposed new lodge is designed to be elevated and designed to comply with current floodplain regulations. The Planning Commission recommend approval upon the following conditions:

- 1) The proposed lodge shall conform with all applicable Town Codes, including, but not limited to, zoning, noise, special event and floodplain regulations
- 2) Town Council, or other designated representatives, may inspect the property at any reasonable time to ensure compliance with local regulations, including, but not limited to, the conditions placed on this special use permit. Upon inspection of the property, if it is found that the property is not in compliance, with local regulations, including but not limited to, the conditions of this special use permit, the Town may revoke this special use permit after notice to the applicant and public hearing.

Budget/Funding: None

Attachments: Staff Report, Applications, Site Plan, Letter from Racey Engineering

Meetings: Work Session held January 7, 2019

Staff

Recommendation: Approval ✓ Denial _____

Proposed Motion: I move that Council approve a Special Use Permit submitted by Samuel R. Millar, VFW Post 1860, for establishment of a VFW lodge (Assembly Hall) at 1847 N Royal Avenue with the conditions recommended by the Planning Commission on November 28, 2018.

*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

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING



STAFF REPORT FOR THE NOVEMBER 28, 2018 PLANNING COMMISSION MEETING
Updated for Town Council Work Session on January 7, 2019

APPLICATION #:

FRSPU1089-2018 / FRSITE1090-2018

APPLICANT:

VFW Post 1860 (Jeffrey D. Cook)

SUMMARY OF REQUEST:

A request to establish an Assembly Hall within the I-1 Zoning District, and, a site plan application for the proposed lodge. [See **Attachment A: Applications**]

GENERAL INFORMATION:

<i>Site Addresses</i>	1847 North Royal Avenue
<i>Property Owner(s)</i>	Samuel R. Millar, VFW Post 1860
<i>Existing Zoning</i>	I-1 District (the lot also includes A-1, but that area is not proposed for development)
<i>Proposed Use</i>	Assembly Hall (lodge)
<i>Tax Identification</i>	20A3-1-2
<i>Location</i>	The property is the first right after passing the Norfolk Southern Railroad on North Royal Avenue, before the road terminates just before the South Fork Shenandoah River. The proposed Assembly Hall (lodge) would go where the former lodge was located before it was demolished after being destroyed by fire in July of 2015.

Vicinity Map (Warren County GIS)



Town Zoning Map (Warren County GIS)



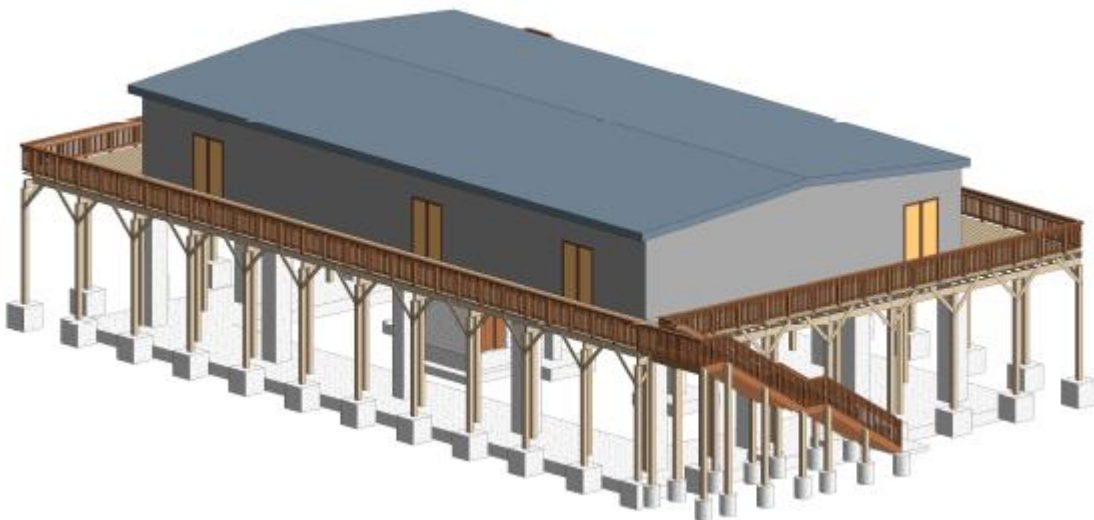
Aerial (Pre-fire, Warren County GIS)



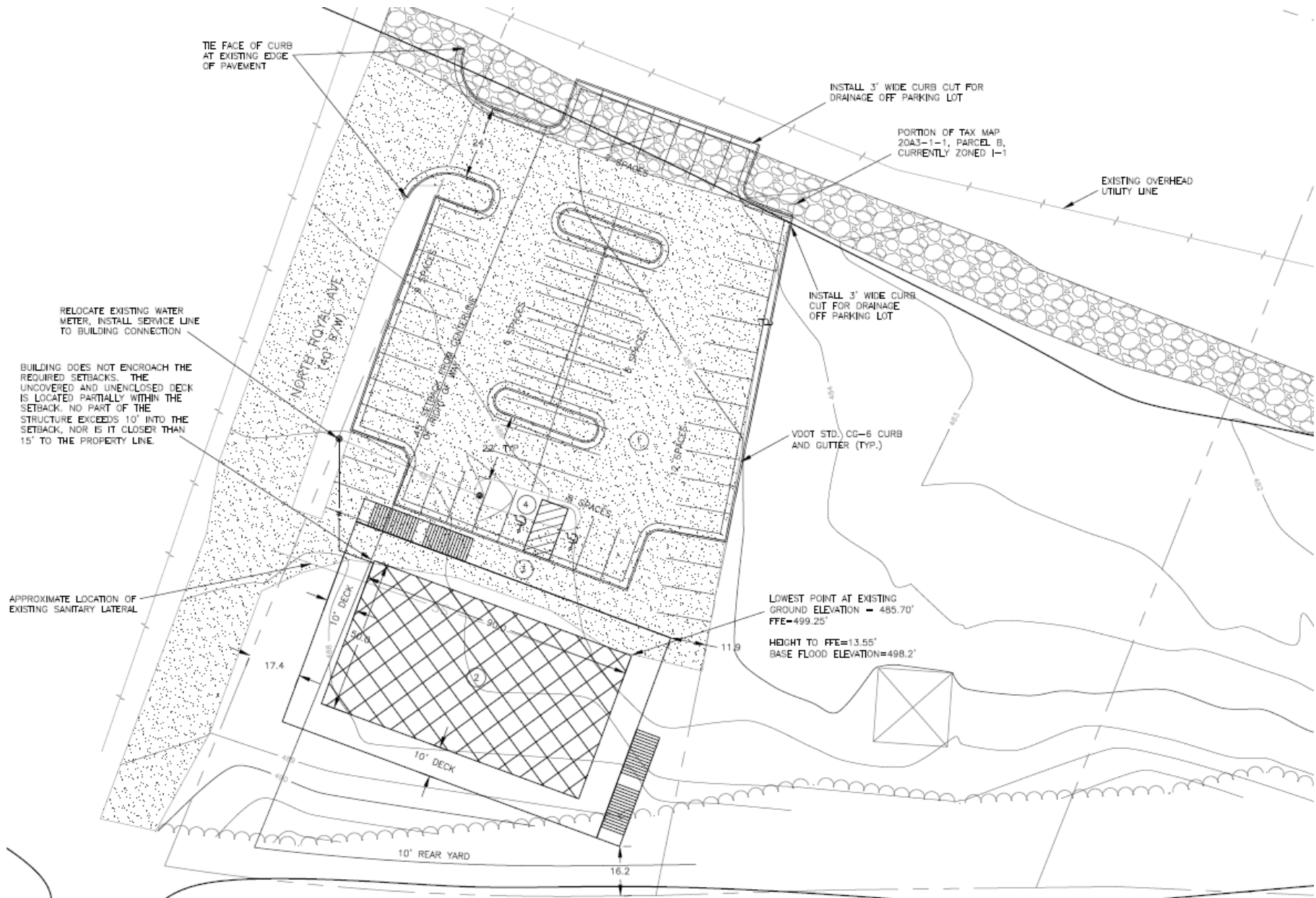
Picture (the old lodge being demolished after 2015 fire destruction)



Illustration (the proposed new lodge, elevated to meet floodplain requirements)



Site Plan Layout



INFORMATION ON THE APPLICATION:

Project Summary

The Applicant proposes to establish an Assembly Hall (VFW Lodge) at the subject property. The site plan for the new lodge is for a 50' x 90' (4500 SF) building that will be elevated approximately 13 feet off of the grade to an elevation of 499.25'. The purpose for the elevation is because the structure is located within the regulated floodplain. New non-residential development inside of the floodplain is required to elevate or floodproof the structure. The proposed lodge will have an elevator and stairs to access the proposed lodge. (See **Attachment B: Site Plan**).

Special Use Permits

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

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

Site Plans

The Town Code requires a major site plan for the proposed building. The requirements for major site plans are found under Article 5 of Town Code Chapter 148.

The Planning Commission is delegated with the review authority for major site plans. Pursuant to Town Code 148-515.D.2.a, the Planning Commission is required to take action within 60 days. No action from Town Council is required. However, in this case, a Special Use Permit is also required, which must be approved by Town Council before a site plan can be approved.

The proposed use is classified as an "Assembly Hall", which is permitted in the I-1 Zoning District if a Special Use Permit is approved. The property is also located within the AE Zone of the Floodplain. The location where the building is proposed is NOT within the floodway.

Once approved, a major site development plan is valid for a period of not less than five years from the date of approval. However, the Planning Commission may allow a longer period of time if done at the time of approval. When a site plan (major or minor) is approved, or approved subject to any conditions, certain vested rights are established with the project, regardless of any code changes made while those vested rights exist.

Review Comments

The site plan was revised by the Applicant after initial review comments were provided by Town Staff. The revised site plan is included in the Planning Commission packets and has been approved by the Town Departments of Public Works and Energy Services. The Town Planning & Zoning Department has not yet approved the site plan because of the following review comments:

- Include a label to the effect that the existing gravel driveway will be removed from the property.
- Include a label to the effect that the existing asphalt parking lot areas outside of the proposed parking lot will be removed within the front yard area and replace with topsoil and seeded.
- Curb and gutter is required along the portion of N. Royal Avenue that fronts the proposed development. The curb and gutter shown around the perimeter of the parking lot is optional, and not required by the Town.

Along with the proposed lodge, the site plan includes 48 parking spaces, including 2 handicap accessible spaces, parking lot landscaping, and relocation of the water meter. The proposed building will comply with the required setbacks, height and floodplain regulations.

Conclusion

Planning & Zoning Staff recommends approval of the Special Use Permit Application with the following condition:

- The proposed lodge shall conform with all applicable Town Codes, including, but not limited to, zoning, noise, special event, and floodplain regulations.
- Town Council, or other designated representative, may inspect the property at any reasonable time to ensure compliance with local regulations, including, but not limited to, the conditions placed on this special use permit. Upon inspection of the property, if it is found that the property is not in compliance with local regulations, including but not limited to, the conditions of this special use permit, the Town may revoke this special use permit after notice to the applicant and public hearing.

Planning and Zoning Staff also recommends approval of the site plan, conditioned that the above review comments are adequately addressed before final signatures by Town Staff.

Planning Commission Action

UPDATE: The Planning Commission recommended approval of the special use permit application during their meeting on November 28, 2018 with the conditions recommended by Town Staff as noted above.

ATTACHMENTS:

Attachment A: Applications

Attachment B: Site Plan

Attachment C: Applicant's Response Letter to Town Staff's Initial Review Letter



TOWN OF FRONT ROYAL

DEPARTMENT OF PLANNING & ZONING
102 EAST MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VA 22630

Main: 540.635.4236

Fax: 540.631.2727

Internet: www.frontroyalva.com

FRSITE 1090-2018

DEVELOPMENT APPLICATION REQUEST FOR SITE PLAN APPROVAL

APPLICANT

NAME Samuel R. Miller, VFW Post 1860 PHONE 540.850.6875
ADDRESS 1847 North Royal, Ave. Front Royal VA 22630
Designated Contact for Applicant Jeffrey D. Cook

PROPERTY DESCRIPTION

PROPERTY ADDRESS 1847 North Royal Ave, Front Royal VA 22630
TAX MAP 20A3-1-2 SECTION _____ BLOCK _____ LOT _____
SUBDIVISION NAME _____ ACREAGE 2.07

REQUEST

ZONING DISTRICT I-1
PROPOSED USE OF PROPERTY non-residential, non-profit, Veteran org.
PROPOSED BUILDING SIZE 4,500 SF
BUILDING COVERAGE 4,500 SF (50' x 90')
NUMBER OF PARKING SPACES PROVIDED 50
AMOUNT OF OPEN SPACE AREA 1.24 ACRES

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

1. **Four** (4) copies of the site development plan, prepared in accordance with the requirements of Town Code Section 148-20.
2. **One** (1) digital copy of the site development plan.
3. **One** (1) copy of an Erosion and Sediment (E&S) Plan.

(The required number of copies of the Erosion and Sediment Plan should be to the Warren Co. Bldg. Inspection office, as their approval is required before the development plan can be approved by the Town.)

CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge, and the project will be implemented as presented and approved by the Town of Front Royal, in accordance with the Town's Land Development Regulations (Chapter 148) and Zoning Ordinance (Chapter 175).

Signature Jeffrey D. Cook Date 18 OCT 2018

Fee: Change of Use 1 acre or less \$100 New Construction or Change of Use Over 1 Acre \$750
Receipt Number _____ Date _____

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

Revised 03-22-17



TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING
102 EAST MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VA 22630

Main: 540.635.4236
Fax: 540.631.2727
Internet: www.frontroyalva.com

SEP FRSU1089-2018

SPECIAL USE PERMIT REQUEST

APPLICANT SAMUEL R. MILLAR
NAME VFW POST 1860 PHONE 540.850.6875
ADDRESS 1847 NORTH ROYAL AVE, FRONT ROYAL VA. 22630
E-MAIL ILURULZ@ATT.NET

PROPERTY DESCRIPTION

PROPERTY ADDRESS 1847 NORTH ROYAL AVE, FRONT ROYAL VA. 22630
TAX MAP 20A3-1-2 SECTION BLOCK LOT
SUBDIVISION NAME ACREAGE

REQUEST

ZONING DISTRICT I-1

PROPOSED USE OF PROPERTY CIVIC / VETERANS ORGANIZATION

SPECIFIC SPECIAL USE PERMIT REQUEST Rebuild previous lodge established 05 June 1930, upon almost exact same footprint as 1860's vintage building destroyed by arson in 2015.

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

1. Survey/Plat of property showing all **existing** improvements.
(10 copies if larger than 11" X 17")
2. Site Plan Application
3. Application Fee of \$400.00 (Checks payable to the Town of Front Royal)
4. Additional information as required by the Department of Planning & Zoning.

CERTIFICATION

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

Signature Jeffrey D. Cook

Date 18 OCT 2018

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

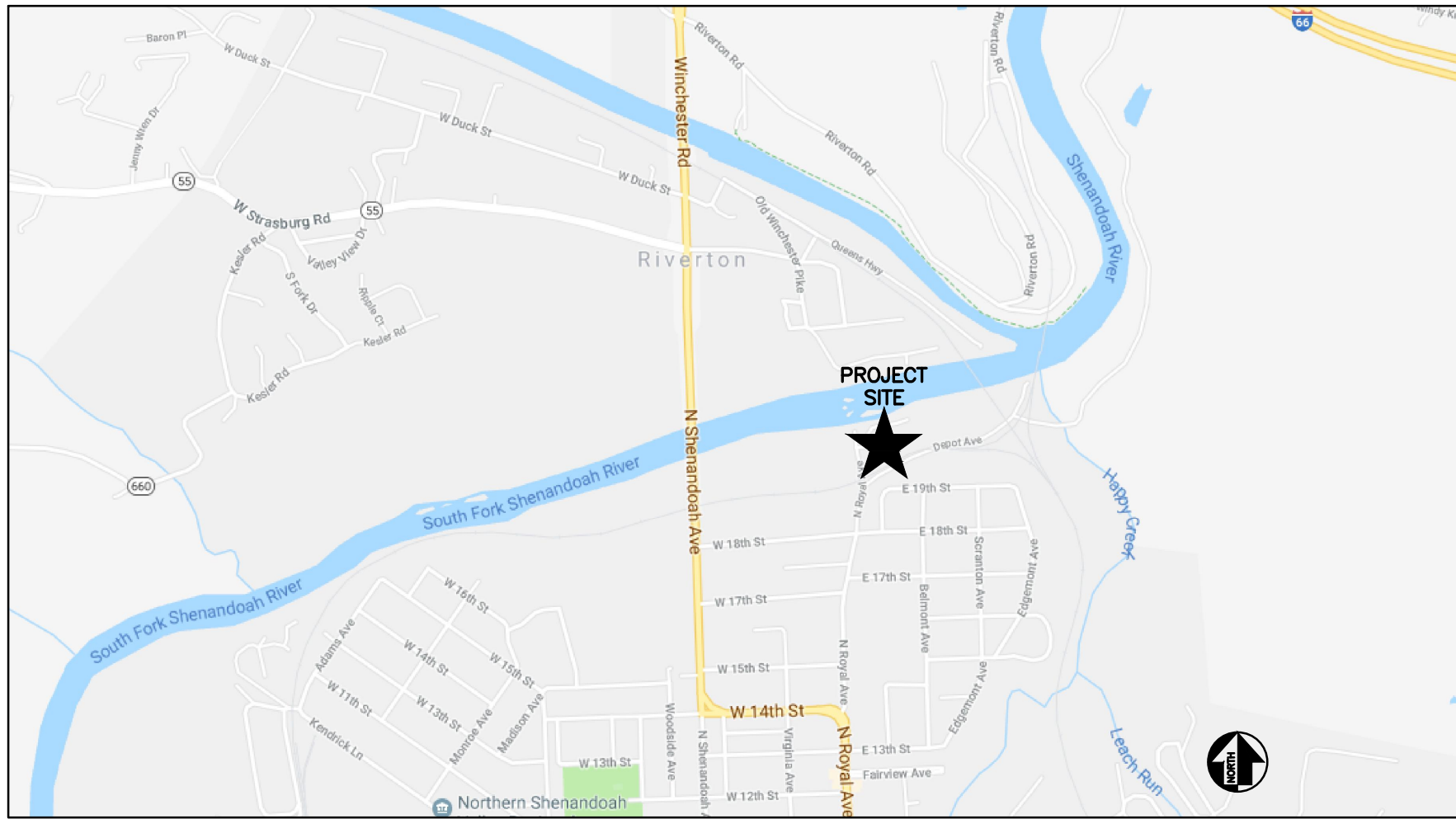
Receipt # 911 839

Date Paid 10-22-17

Check # 7801

Dated 2-15-13

SITE ADDRESS:	1847 N ROYAL AVENUE FRONT ROYAL, VA 22630
OWNER/APPLICANT:	VFW POST 1860
CONTACT:	JEFF COOK
ADDRESS:	1847 N ROYAL AVE FRONT ROYAL, VA 22630
TELEPHONE NO:	703-322-5722
PROJECT ENGINEER:	RACEY ENGINEERING, PLLC
CONTACT:	JOSHUA P. TURNER, P.E.
ADDRESS:	312 WEST MAIN STREET LURAY, VIRGINIA 22835
TELEPHONE NO:	(540) 743-9227
TAX MAP/PARCEL ID:	20A3-1-2
PRESENT ZONING:	I-1
MAG DISTRICT:	DRY RUN
FLOOD ZONE; FEMA MAP NO.:	AE; 51187C0104C
PRESENT USE:	VACANT LOT
PROPOSED USE:	CIVIC ORGANIZATION
PROPERTY AREA:	2.07 ACRES
TOTAL DISTURBED AREA:	0.83 ACRES
SETBACKS:	RIGHT OF WAY - 45' FROM CENTERLINE REAR YARD - 10'
BUILDING HEIGHT:	SIDE YARD - 10' 28' [45' MAXIMUM HEIGHT]
DESIGNED BUILDINGS:	SIZE (PLAN VIEW): 4,500 SF ONE STORY, RAISED COLUMNS FOUNDATION



SCALE: 1" = 1000'

38° 56' 29.60" N
78° 11' 37.18" W

HORIZONTAL - NAD 83
VERTICAL - NAVD 88

THIS IS TO CERTIFY THAT THE DESIGNS HEREIN ARE IN ACCORDANCE WITH THE STANDARDS, AS SET FORTH FOR NON-RESIDENTIAL CONSTRUCTION, IN THE TOWN OF FRONT ROYAL MUNICIPAL CODE SECTION 175-81. THE BASE FLOOD ELEVATION (BFE) FOR THE PROJECT IS 498.20' AND THE DESIGN FINISH FLOOR IS ELEVATED TO 499.25'. THE STRUCTURAL COMPONENTS ARE DESIGNED TO HAVE THE CAPABILITY TO RESIST HYDROSTATIC AND HYDRODYNAMIC LOADS AND THE EFFECTS OF BUOYANCY.

NO INHABITABLE ENCLOSED AREAS ARE PROPOSED WITHIN THE SPACE BELOW THE LOWEST FLOOR. THE ONLY ENCLOSED AREA BELOW THE LOWEST FLOOR IS THE ELEVATOR SHAFT, WHICH IS DESIGNED WITH OPENINGS TO ALLOW FOR FREE PASSAGE OF FLOODWATERS. CONSTRUCTION MATERIALS ARE DESIGNED TO BE RESISTANT TO FLOOD DAMAGE. ELEVATOR EQUIPMENT AND CONTROLS ARE TO BE LOCATED ABOVE THE LOWEST FLOOR.

THE PROPOSED SITE INCLUDES THE CONSTRUCTION OF A NEW VETERANS OF FOREIGN WARS POST BUILDING. THE DEVELOPMENT WILL CONSIST OF THE CONSTRUCTION OF A PRE-ENGINEERING METAL BUILDING ON RAISED CONCRETE COLUMNS AND FOUNDATIONS.



SINCE THE SITE DISTURBANCE IS GREATER THAN ONE (1) ACRE, A VSPM GENERAL CONSTRUCTION PERMIT IS REQUIRED. CONTRACTOR TO OBTAIN PERMIT COVERAGE NUMBER FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) THROUGH THE VSPM PROGRAM ADMINISTRATOR. SEE "VPDES GENERAL PERMIT REQUIREMENTS" ON SHEET C101 FOR MORE INFORMATION.

Sheet List Table	
Sheet Number	Sheet Title
T100	COVER
T101	NOTES AND LEGEND
C100	SITE LAYOUT PLAN
C400	ESC PLAN
C401	ESC NARRATIVE
C500	LANDSCAPE PLAN
C600	DETAILS

All Town Real Estate Taxes Have Been Paid in Full

Director of Finance	Date
---------------------	------

Reviewed and Approved by the Town of Front Royal

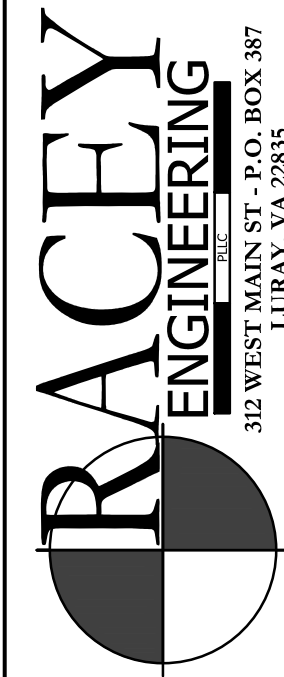
Director of Planning & Zoning _____ Date _____

Town Manager _____ Date _____

Director of Public Works _____ Date _____

Director of Energy Services _____ Date _____

No.	Submital / Revision	By	Appr'd	Date
1	FIRST SUBMITTAL	JPT	JPT	7/2/18
2	SECOND SUBMITTAL	BBN	TSA	10/17/18
3				
4				
5				
6				
7				

PERMIT
REVIEW SET

312 WEST MAIN ST - P.O. BOX 387
LURAY, VA 22835
PH: (540) 743-9227 - FAX: (540) 743-6118

CHECKED:TSA

DRAWN:JPT

DESIGNED:JPT

PUBLISH DATE: 10/17/2018

RACEY PROJECT NUMBER: 6328

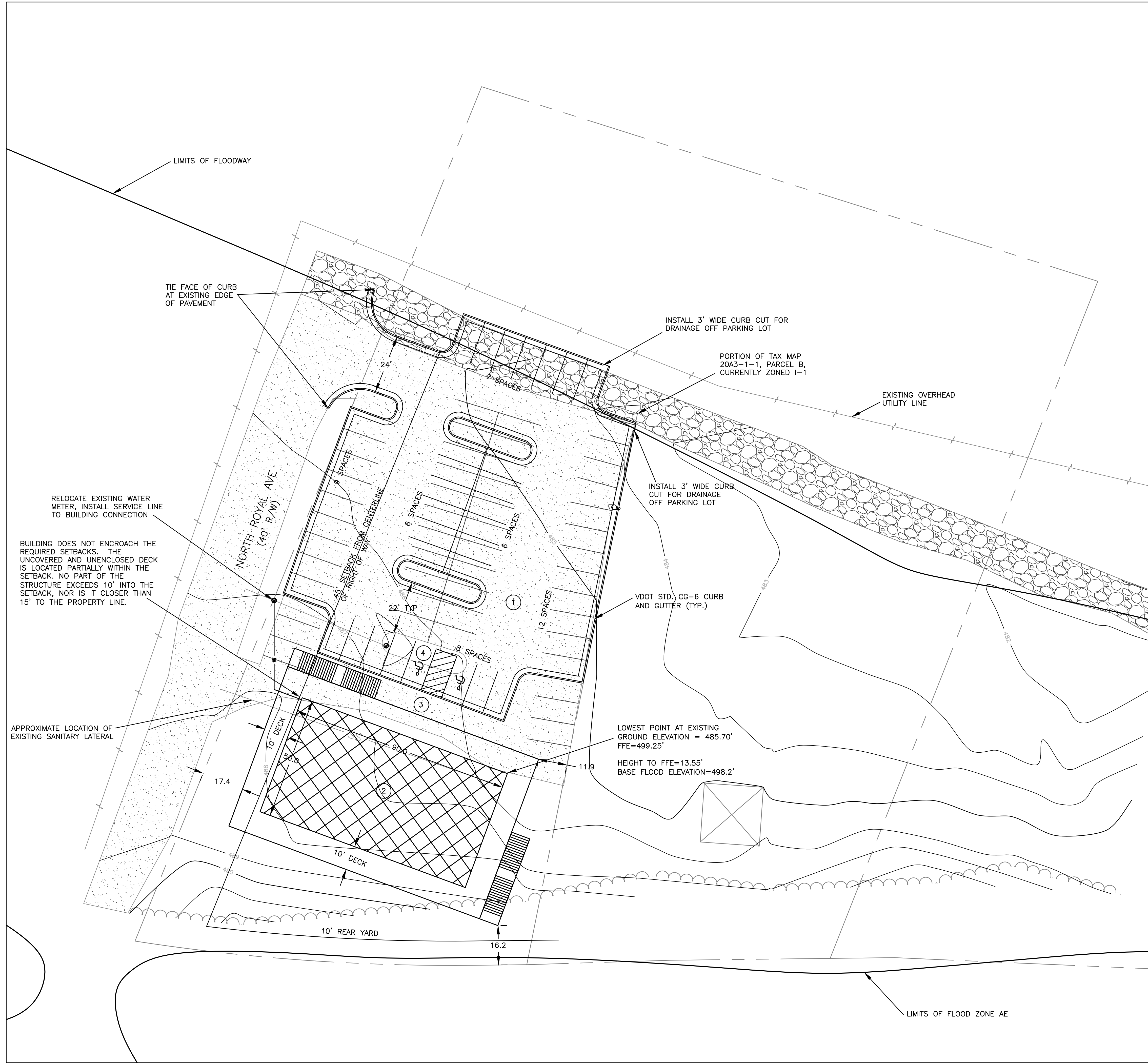
PROPOSED BUILDING

COVER

VFW POST 1860
FRONT ROYAL, VA

T100

P:\2017\6328 - FRONT ROYAL VFW - ENR-ING\8. DESIGN\4. DWG\CIVIL\COMPOSITE
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SITE NOTES:

- PROPOSED PARKING - 48 SPACES (9'X18', TYPICAL)
2 ADA ACCESSIBLE

PARKING REQUIRED - 45 SPACES (1/100 SF FLOOR AREA)
2 ADA ACCESSIBLE
- PROPOSED BUILDING - 50'X90' (4500 SF), WITH 10' DECK
(FFE=499.25)
- SAWCUT EXISTING PAVEMENT TO ALLOW FOR BUILDING CONSTRUCTION .
- RELOCATE FLAGPOLE, UTILITIES, INCLUDING EXISTING WATER METER. ASPHALT PATCH EXISTING PARKING ISLAND.

LEGEND

	EXISTING	PROPOSED
PROPERTY LINE	---	---
CONTOUR (1' INTERVAL)	--- 500 ---	--- 500 ---
CULVERT PIPE	---	---
WATER LINE	--- W ---	--- W ---
SANITARY SEWER LINE	--- S ---	--- S ---
UNDERGROUND ELECTRIC LINE	--- UGE ---	--- UGE ---
OVERHEAD ELECTRIC LINE	--- OHE ---	--- OHE ---
LIMITS OF DISTURBANCE	---	--- LOD ---
CENTER OF ROAD	---	---
GAS LINE	--- GAS ---	--- GAS ---
RAILROAD	-----	-----
FORCE MAIN	--- FM ---	--- FM ---
CURB & GUTTER	---	---
GRAVEL AREA	---	---
ASPHALT AREA	---	---
CONCRETE AREA	---	---
TREE LINE	---	---
IRON PIN/ROD	○ × 500	○ + 500
SPOT ELEVATION	○	○
MANHOLE (UNSPECIFIED)	○	○
STORM MANHOLE	○	○
SEWER MANHOLE	○	○
WATER METER	○	○
HYDRANT	○	○
WATER VALVE/WATER VALVE BOX	○	○
CLEANOUT	○	○
UTILITY POLE	○	○
LIGHT POLE	○	○
TREE	○	○
TREE	○	○

NOTE: A FOUNDATION SURVEY ("WALL CHECK") SURVEY WILL BE REQUIRED, FOLLOWING CONSTRUCTION, AND PRIOR TO OCCUPANCY, AS PART OF THE ZONING PERMIT.

No.	Submittal / Revision	By	Appr'd	Date
1	FIRST SUBMITTAL	BBN	TSA	7/2/18
2	SECOND SUBMITTAL	BBN	TSA	10/17/18

PERMIT REVIEW SET

PROPOSED BUILDING

SITE LAYOUT AND GRADING

VFW POST 1860
FRONT ROYAL, VA

RACEY PROJECT NUMBER: 6328

PUBLISH DATE: 10/17/2018

CHECKED: TSA

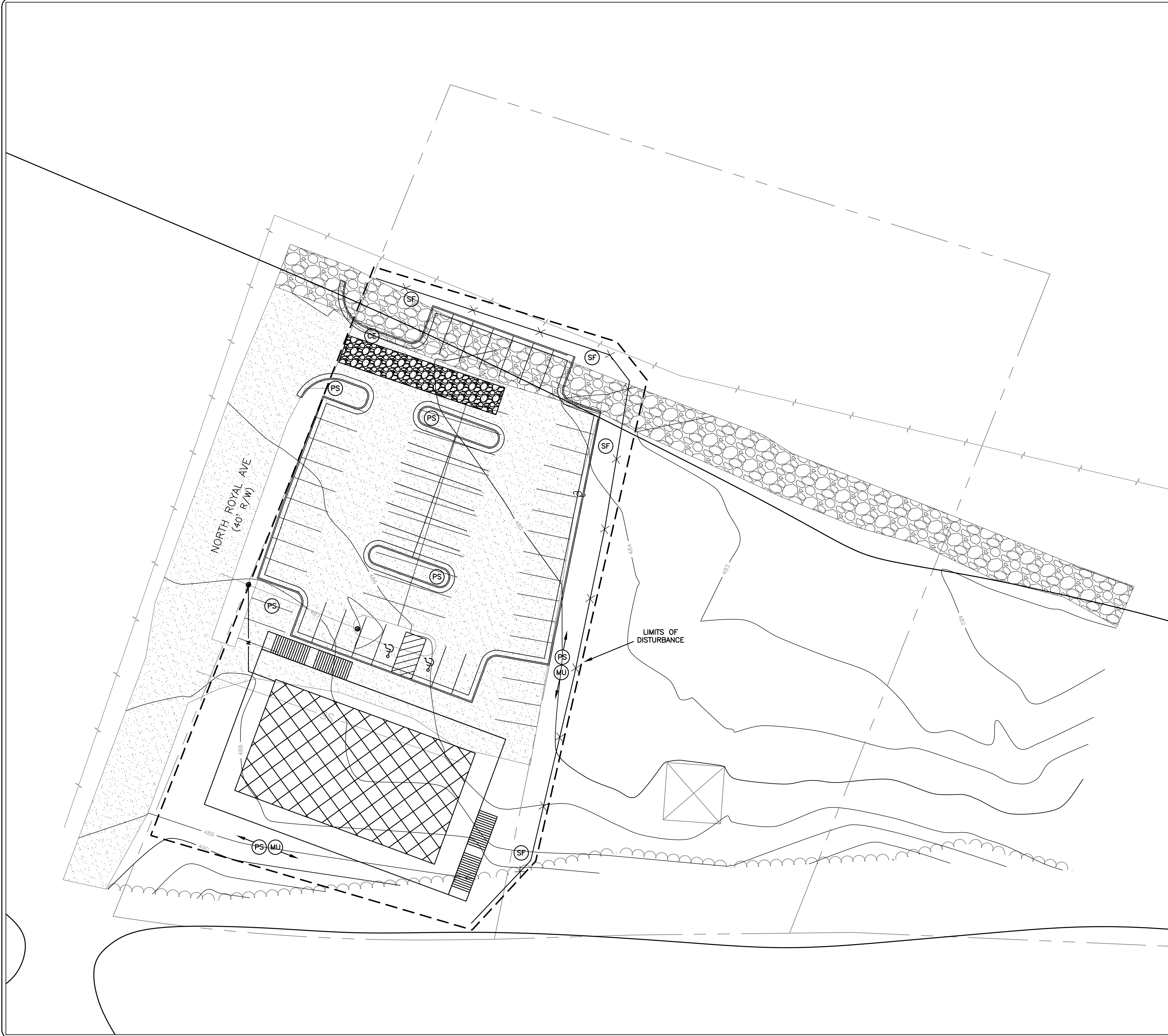
DRAWN: JPT

DESIGNED: JPT

C100

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ESC SYMBOLS LEGEND			
SYMBOL		DESCRIPTION	
- - - - -		LIMITS OF DISTURBANCE	
(CE)		TEMPORARY GRAVEL CONSTRUCTION ENTRANCE	3.02
(SF)		SILT FENCE	3.05
(PS)		PERMANENT SEEDING	3.32
(MU)		PERMANENT MULCHING	3.35

SEQUENCE OF CONSTRUCTION

1. CONDUCT PRE-CONSTRUCTION CONFERENCE WITH PROJECT TEAM, TOWN, AND COUNTY BEFORE ANY WORK ON-SITE.
2. INSTALL CONSTRUCTION ENTRANCE AS A FIRST STEP ACTIVITY.
3. INSTALL SILT FENCE AS SHOWN
4. STRIP REMAINING TOPSOIL, SEED STOCKPILE, AND BEGIN GRADING.
5. CONSTRUCT PAD AND PREPARE SUBGRADE
6. ONCE FINAL GRADES ARE REACHED, RE-SPREAD TOPSOIL AND ENSURE PERMANENT STABILIZATION IS IN PLACE AND IS ESTABLISHED.
7. REMOVE PERIMETER CONTROLS AFTER RECEIVING APPROVAL E&S INSPECTOR.

PROPOSED BUILDING
ESC PLAN
VFW POST 1860
FRONT ROYAL, VA

RACEY PROJECT NUMBER: 6328

PUBLISH DATE: 10/17/2018

RACEY
ENGINEERING
INC.
312 WEST MAIN ST. - P.O. BOX 387
LURAY, VA 22835
PH: (540) 743-9227 • FAX: (540) 743-6118

DESIGNED:JPT

DRAWN:JPT

CHECKED:TSA

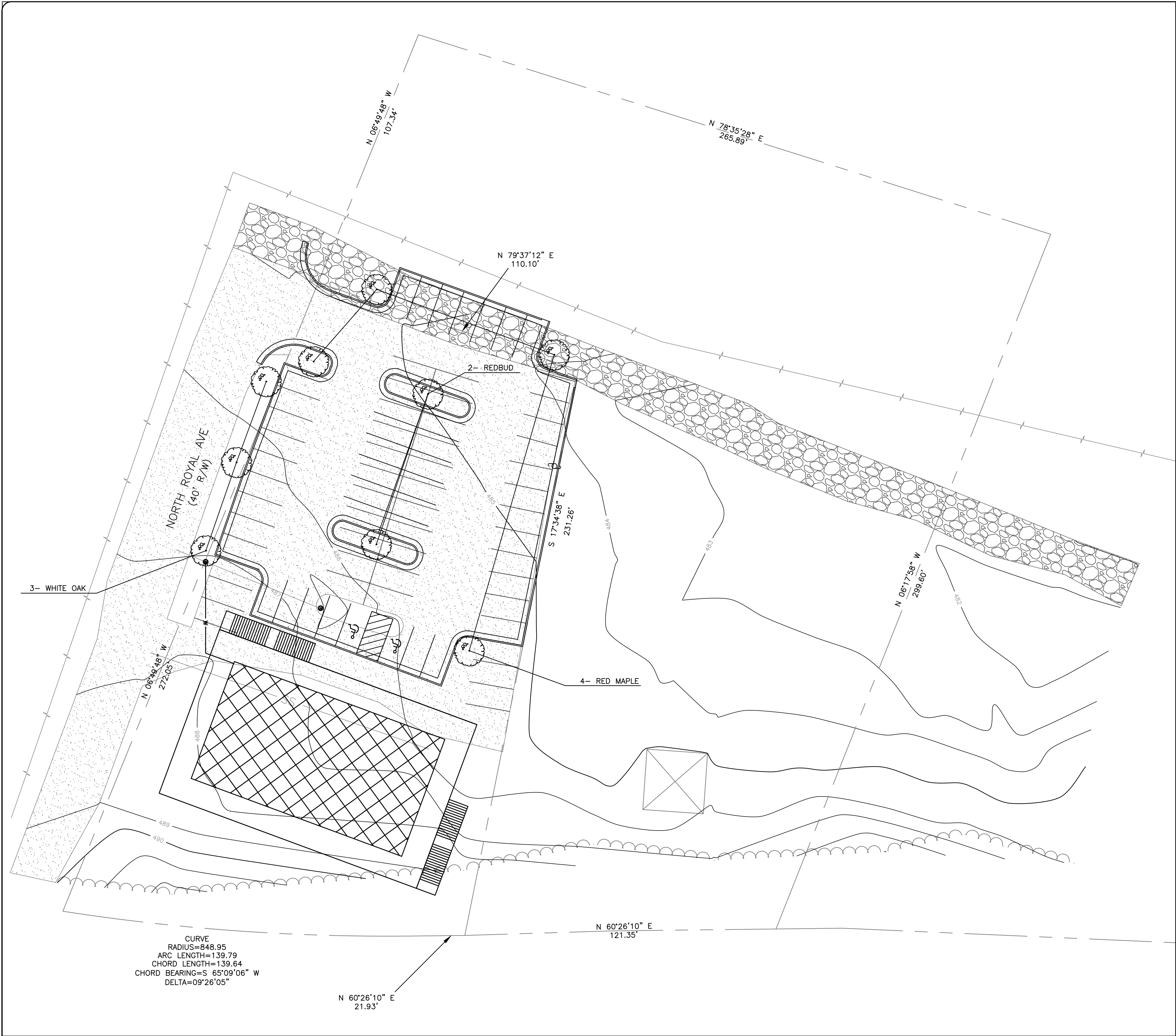
PERMIT
REVIEW SET

No.	Submittal / Revision	By	Appr'd	Date
1	FIRST SUBMITTAL	BBN	TSA	7/2/18
2	SECOND SUBMITTAL	BBN	TSA	10/17/18

C400

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INTERIOR PARKING LOT LANDSCAPING:

TOTAL PARKING LOT AREA=16,105 SF
LANDSCAPE AREA REQUIRED (5%)=805.25 SF
LANDSCAPE AREA PROVIDED= 1613 SF (10%)

TREE CANOPY COVER:

TOTAL SITE AREA = 90,169 SF
SITE AREA OUTSIDE FLOODPLAIN=1,776 SF
CANOPY COVER REQUIRED (10%)=178 SF
CANOPY COVER PROVIDED=2,555 SF

ALL DECIDUOUS TREES SHALL BE A MINIMUM CALIPER OF 2" IN DIAMETER AND SHALL BE NURSERY GROWN. ALL MATERIALS AND INSTALLATION SHALL BE IN ACCORDANCE WITH THE ADOPTED "LANDSCAPE PRESERVATION AND PLANTING GUIDE FOR THE TOWN OF FRONT ROYAL."

THERE IS NO PROPOSED SITE OR PARKING LOT LIGHTING PROPOSED FOR THIS PROJECT.

THERE IS NO PROPOSE SITE SIGNS FOR THIS PROJECT.

PLANTING SCHEDULE

NUMBER	SPECIES	COMMON NAME	20-YEAR TREE COVER
4	ACER RUBRUM	RED MAPLE	315 SF
3	QUERCUS ALBA	WHITE OAK	315 SF
2	CERCIS CANADENSIS	EASTERN REDBUD	175 SF



PROPOSED BUILDING
LANDSCAPE PLAN
VFW POST 1860
FRONT ROYAL, VA
RACEY PROJECT NUMBER: 6328
PUBLISH DATE: 10/17/2018

PROFESSIONAL ENGINEER
Joshua Perry Turner
Lic. No. 942485
10/17/18

PERMIT
REVIEW SET

RACEY
ENGINEERING
312 WEST MAIN ST. - P.O. BOX 387
LURAY, VA 22835
PH: (540) 743-9227 • FAX: (540) 743-6118

DESIGNED:JPT
DRAWN:JPT
CHECKED:TSA

No. 1 2 3 4 5 6 7 8 9 10 11 12

Submittal / Revision

By

Appr'd

Date

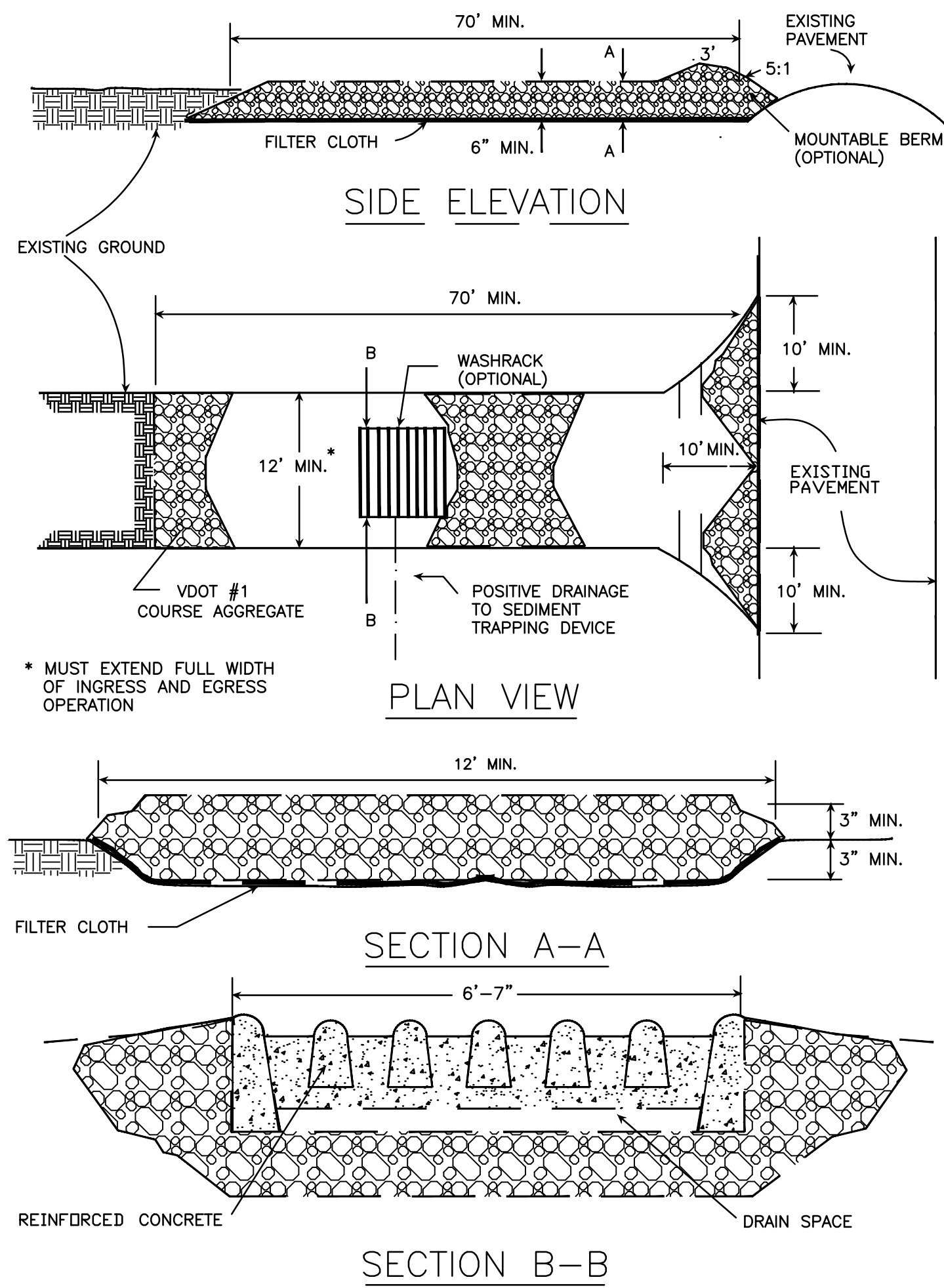
FIRST SUBMITTAL
SECOND SUBMITTAL

BBN
BBN

TSA
TSA

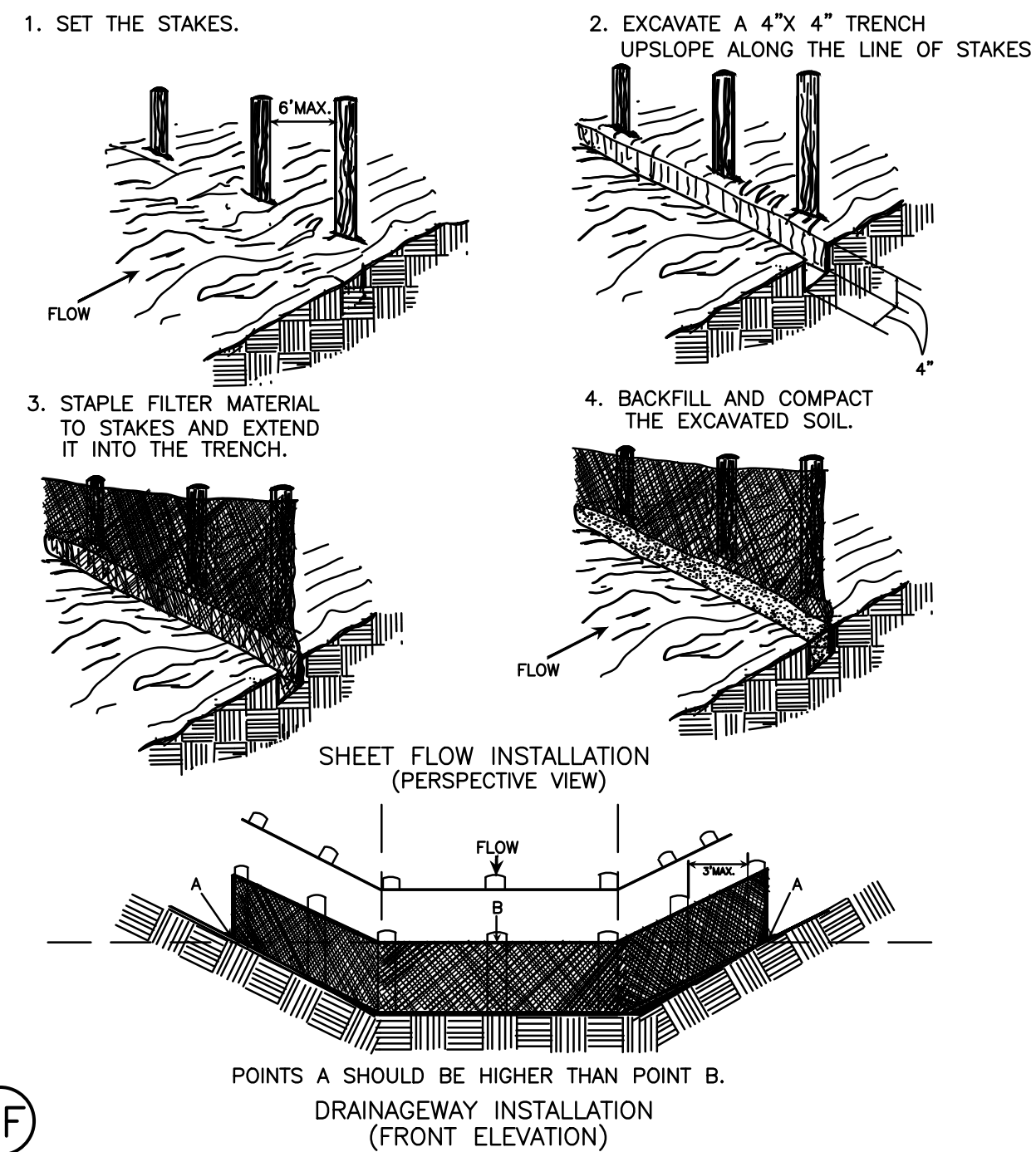
7/2/18
10/17/18

C500

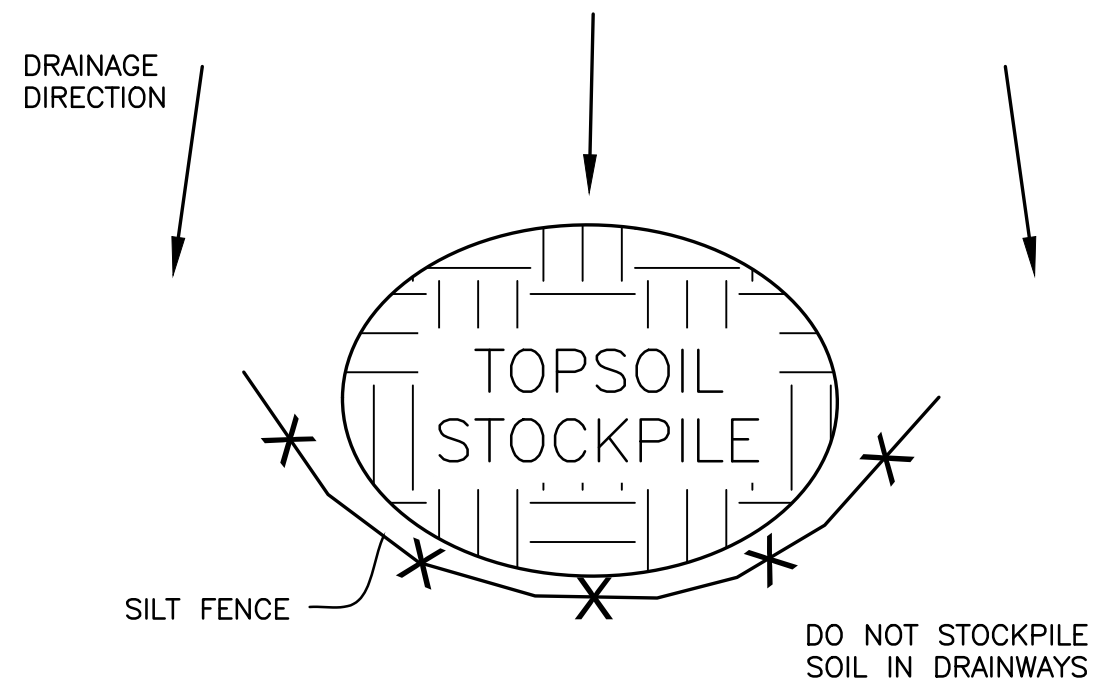


1 TEMPORARY STONE CONSTRUCTION ENTRANCE
N.T.S. - SOURCE: VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK - PLATE 3.02-1

CE



2 SILT FENCE - WITHOUT WIRE SUPPORT
N.T.S. - SOURCE: VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK - PLATE 3.05-2

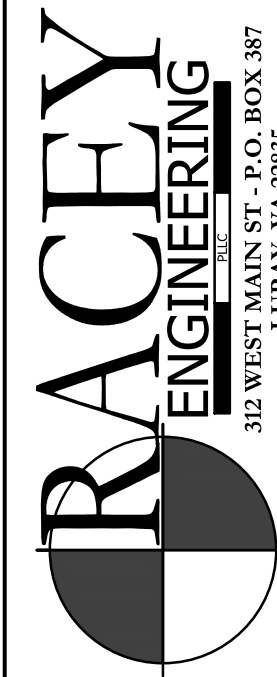


TOPSOIL STOCKPILE
N.T.S.

No.	Submittal / Revision	By	Appr'd	Date
1	FIRST SUBMITTAL	BBN	TSA	7/2/18
2	SECOND SUBMITTAL	BBN	TSA	10/17/18
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8				
9				
10				



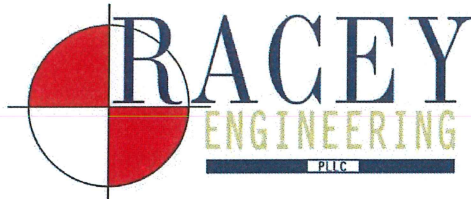
PERMIT
REVIEW SET



DESIGNED:JPT
DRAWN:JPT
CHECKED:TSA

PROPOSED BUILDING
DETAILS
VFW POST 1860
FRONT ROYAL, VA
RACEY PROJECT NUMBER: 6328
PUBLISH DATE: 10/17/2018

C500



Civil, Structural, Mechanical Engineering and Surveying

P.O. Box 387
312 West Main Street
Luray, Virginia 22835
Phone (540) 743-9227
Fax (540) 743-6118
contact@raceyengineering.com
www.raceyengineering.com
SWaM #666281 - HUBZone #28486

October 17, 2018

Racey Project #6328

Town of Front Royal
Attn: Jeremy Camp, Director of Planning and Zoning
102 East Main Street
Front Royal, VA 22630

Project Name: VFW Post 1860

Project Number: 6328

SUBJECT: Comment Response Letter; 1st Submittal

Mr. Camp,

Please find our responses to your Review Comments from our submittal of the Site Plan for the above referenced project. Below is a summary of the comments with the Engineer's response following each comment:

1. Special Use Permit & Site Plan Applications are required.

Response: Applications for Special Use Permit and Site Plan have been completed and attached.

2. Please provide a completed FEMA elevation certificate that is prepared by an engineer or other qualified design professional. Please include the BFE and proposed lowest floor elevation on the site plan.

Response: A completed FEMA elevation certificate has been attached. Base Flood Elevation and finish floor elevation are shown on Sheet C100.

3. The boundary of the floodplain and floodway are required to be shown on the site plan.

Response: Floodplain and floodway boundaries are shown on Sheet C100.

Patrick B. Racey, PE, Senior Manager and Principal
Gary L. Shirley, PE, Associate Engineering Manager
Tyler Austin, PE, LS, Operations Manager
Kevin Blankenship, LS, Resident Surveyor

4. Please provide interior and peripheral landscaping as required under Town Code 156-8.A and B. Please also provide a total lot canopy coverage of not less than 10% as required by the Town Code 156-6; and also show compliance with Town Code 156-7 for the minimum required landscaping along streets.

Response: Proposed Landscaping and associated calculations have been included on Sheet C500. The majority of the site is located within the Floodplain and has been excluded from the lot canopy coverage requirements.

5. Please show a parking design that works with the proposed building. As illustrated, the parking spaces do not provide adequate maneuvering space for at least two vehicles in the front aisle and some of the parking spaced are inaccessible by the building deck piers.

Response: Parking has been revised as shown on Sheet C100.

6. Include parking calculations that reflect the requirement of Town Code 148-870. Assembly halls require one parking space per four fixed seats in the main assembly area or one parking space per one hundred net square feet.

Response: Parking calculations shown on Sheet C100, for 1 space per one hundred net square feet.

7. Include typical dimensions of the parking spaces and aisle widths.

Response: Typical dimensions for parking spaces, and aisle widths, are included on Sheet C100.

8. Handicap parking spaces are required.

Response: Handicap parking spaces are included as shown on Sheet C100.

9. Please show all the location and details of all proposed outdoor lighting fixtures.

Response: No outdoor lighting is proposed with this plan.

10. Please show the location of the existing water sewer and electric utility lines and how the proposed building will be connected to those facilities.



Response: Utilities and connections are shown on Sheet C100. Water and sewer utilities will be connected to the first floor via a protected vertical utility raceway adjacent to proposed columns. Electrical utility connection(s) will be overhead.

11. Please provide details regarding the space below the lowest floor so that the floodplain requirements are met...

Response: Certification of Town Code Section 175-81.B is provided on Sheet T100. The only enclosed area below the first floor, is the elevator shaft provided with flood openings meeting the necessary requirements. Controls and equipment are located on the first floor, above the BFE.

12. Please provide sufficient information to show that the proposed building will comply with the construction standards required for new construction in the floodplain...

Response: An electronic (PDF) copy of the building plans has been included, for reference, with this submittal package.

13. The site plan included with the zoning permit application does not include signature spaces.

Response: Signature spaces have been provided on the Cover Sheet, per the example provided.

14. Please show all signs that are proposed, if any.

Response: There is no site signage proposed.

15. Please include the Town General Notes on the site plan.

Response: Town General Notes are included on Sheet T101.

16. Please reference the datum used.

Response: Horizontal and vertical datum reference is shown on Cover Sheet.

17. Show the metes and bounds on the site plan, along with property distances and the type of property corner monuments.



Response: Metes, bounds, distances, and monuments are shown on Sheet C500.

18. Curb and gutter are required by Town Code for new development.

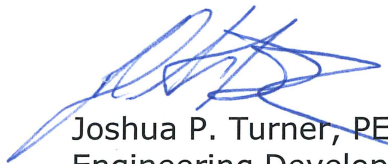
Response: Curb and gutter has been included in the site plan.

19. A foundation survey will be required as part of the zoning permit. In addition, the elevation certificate needs to be submitted for the proposed structure, as well as during mid construction and at final construction.

Response: A note has been added on Sheet C100, that a foundation survey (wall check) will be required. A FEMA elevation certificate has been attached to this submittal package. Additional elevations certificates will be prepared and submitted as required following construction.

Please find attached five (5) copies of the site plan, and an electronic copy, of the Second submittal for your review. If you have any questions regarding the responses of these comments, please feel free to contact me personally. Thank you.

Sincerely,
Racey Engineering, PLLC



Joshua P. Turner, PE
Engineering Development Manager

Attachment: Five (5) – Plan Sets
Electronic Plan Sets
FEMA Elevation Certificate
Site Plan and Special Use Permit Applications

Cc: Project File #6328



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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 11

Meeting Date: January 28, 2019

Agenda Item: COUNCIL APPROVAL – Request to Waive Curb and Gutter Requirement for VFW Post 1860 Lodge Construction at 1847 N Royal Avenue

Summary: Council has received a request from Samuel R. Millar VFW Post 1860 to waive the requirement for the installation of curb and gutter at the construction of their new VFW Lodge at 1847 N. Royal Avenue.

Budget/Funding: None

Attachments: Letter from Commander of the VFW Post 1860 Town Code Reference and January 7 Work Session Minutes

Meetings: Was mentioned at the Work Session held on January 7, 2019

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council approve the waiver of curb and gutter for the Samuel R. Millar VFW Post 1860 for the construction of their Lodge at 1847 N. Royal Avenue.

*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*



26 November 2018

Mr. Jeremy F. Camp
Director, Planning and Zoning
102 E Main Street
Front Royal, VA 22630

Dear Mr. Camp,

I am writing to you on behalf of VFW Post 1860 members and our on-going rebuilding efforts. Specifically, we understand our property located within Front Royal City limits is required under current code to install Curb and Gutter infrastructure. However, we understand a waiver may be granted and we request waiver consideration with submission of this letter.

After studying our property's location and proximity to the Shenandoah's South Fork, we think there are strong technical and practical justifications for granting a waiver.

1. **Existing Flood Plain:** Curb and gutters on this particular North Royal Ave section would channel and concentrate run-off flow likely increasing erosion on our property and would adversely affect the natural drain field our property serves.
2. **Maintenance Costs:** Given North Royal dead ends, Curb and Gutters within the flood plain will experience destructive impacts from water, its pressure and flow. Installation could constitute considerable Town costs to maintain an area prone to flooding with little benefit.
3. **Limited development:** Our property boundaries extend from the North side of the Railroad overpass to the river's edge. There will not be any further development by other landowners. Curb and gutter on this dead ending road serves little purpose.

If you have any questions, please feel free to contact me at: W)703-322-5722, C)540-850-6875 or email: iurulz@att.net.

We thank the Planning Commission and you for consideration of our request and we wish you a very happy holiday season.

Sincerely,


Jeffrey D. Cook
Commander

**COL SAMUEL R MILLAR VFW POST
1860**

1847 N Royal Ave
Front Royal, VA 22630

vfw1860@vfw1860.org
www.vfw1860.org

C. Curb and Gutter.

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

EXCEPRT FROM JANUARY 7, 2019 WORK SESSION
REFERENCE CURB/GUTTER REQUIRMENT

Special Use Permit for VFW – *Director of Planning/Zoning*

SUMMARY: VFW, Post 1860, submitted an application to establish an assembly hall (lodge) on their property located at the end of N. Royal Avenue adjacent to the South Fork of the Shenandoah River. The new lodge will be built in the same location that the previous lodge, before it was destroyed by fire and then demolished in 2015. The Planning Commission reviewed the Application on November 28, 2018 and recommended approval with the conditions noted in the Staff Report. Attached is a copy of the Staff report and supporting documents submitted by the Applicant. The new lodge will be elevated to comply with the floodplain requirements.

Staff Review Comments:

The site plan was revised by the Applicant after initial review comments were provided by Town Staff. The revised site plan is included in the Planning Commission packets and has been approved by the Town Departments of Public Works and Energy Services. The Town Planning & Zoning Department has not yet approved the site plan because of the following review comments:

- Include a label to the effect that the existing gravel driveway will be removed from the property.
- Include a label to the effect that the existing asphalt parking lot areas outside of the proposed parking lot will be removed within the front yard area and replace with topsoil and seeded.
- Curb and gutter is required along the portion of N. Royal Avenue that fronts the proposed development. The curb and gutter shown around the perimeter of the parking lot is optional, and not required by the Town.

Along with the proposed lodge, the site plan includes 48 parking spaces, including 2 handicap accessible spaces, parking lot landscaping, and relocation of the water meter. The proposed building will comply with the required setbacks, height and floodplain regulations.

The site plan was revised by the Applicant after initial review comments were provided by Town Staff. The revised site plan is included in the Planning Commission packets and has been approved by the Town Departments of Public Works and Energy Services. The Town Planning & Zoning Department has not yet approved the site plan because of the following review comments:

- Include a label to the effect that the existing gravel driveway will be removed from the property.
- Include a label to the effect that the existing asphalt parking lot areas outside of the proposed parking lot will be removed within the front yard area and replace with topsoil and seeded.
- Curb and gutter is required along the portion of N. Royal Avenue that fronts the proposed development. The curb and gutter shown around the perimeter of the parking lot is optional, and not required by the Town.

Along with the proposed lodge, the site plan includes 48 parking spaces, including 2 handicap accessible spaces, parking lot landscaping, and relocation of the water meter. The proposed building will comply with the required setbacks, height and floodplain regulations.

Council Discussion: Councilman Meza noted that he was not inclined to make the VFW install curb and gutter at the building; Councilmen Holloway and Thompson agreed. Councilman Sealock noted that he does not see why curb and gutter needed to be installed all the way around the parking lot as suggested on the site plan though it should go along the roadway. Vice Mayor Tewalt stated that curb and gutter needed to be installed at the street line; Mr. Sealock expressed his agreement with Mr. Tewalt.

Mr. Meza stated that the Town would be taking advantage of the VFW's misfortune if the Town required curb and gutter where it was not previously installed. Mr. Tewalt noted his disagreement with Mr. Meza – stating that the Town would not be taking advantage of the VFW. Mr. Tewalt noted that he just wanted what was best for the parcel of property to prevent damage.

Mayor Tharpe noted that two motions could be put on the agenda – with and without the curb and gutter. He then changed his mind and decided on one motion at the direction of Mr. Sealock.

Councilman Sealock stated that mud has rolled down the hill and he would not support lack of curb and gutter at the site. Mr. Meza noted that Council only got a say in the item because of the timeframe and the raising of the building and he would support the curb and gutter installation.

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 12

Meeting Date: January 28, 2019

Agenda Item: COUNCIL APPROVAL – An Ordinance Amendment to Chapter 70
ELECTRICITY (*2nd Reading*)

Summary: Council is requested to adopt on its second and final reading an Ordinance to amend Front Royal Municipal Town Code Chapter 70 pertaining to Electricity to bring it up-to-date and consistent with other areas of the Town Code, as presented.

Budget/Funding: None

Attachments: Proposed Ordinance

Meetings: Work Session held December 3, 2018; Public Hearing held January 14, 2019

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council adopt on its second and final reading an Ordinance to amend Front Royal Municipal Town Code Chapter 70 pertaining to Electricity to bring it up-to-date and consistent with other areas of the Town Code, 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 AND REENACT FRONT ROYAL TOWN CODE
CHAPTER 70 PERTAINING TO ELECTRICITY**

WHEREAS, the staff of the Energy Service Department has proposed amendments to Town Code Chapter 70 to bring it up-to-date and consistent with other areas of the Town Code; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 70 of the Front Royal Town Code is hereby amended as follows:

Chapter 70 ELECTRICITY

Sections:

CONTRACTORS; FEES; RESPONSIBILITIES; EXCEPTIONS

- 70-1 INSTALLATION OF WIRING TO BE BY ELECTRICAL CONTRACTOR OR OWNER**
- 70-2 BOND TO BE GIVEN BY ELECTRICAL CONTRACTOR**
- 70-3 CERTIFICATE OF LIABILITY INSURANCE**
- 70-4 TOWN MANAGER TO BE NAMED STATUTORY AGENT OF CONTRACTOR**
- 70-5 PAYMENT OF LICENSE TAX REQUIRED**
- 70-6 DISPOSITION OF EXAMINATION FEES AND FINES**
- 70-7 RESPONSIBILITY FOR DAMAGES**
- 70-8 EXCEPTIONS**
- 70-9 THROUGH 70-11 (RESERVED)**

ELECTRICAL INSPECTOR

- ~~70-9~~ APPOINTMENT; GENERAL DUTIES**
- ~~70-10~~ RESTRICTIONS ON OUTSIDE EMPLOYMENT**
- ~~70-11~~ RIGHT OF ENTRY**
- 70-12 CUTTING OFF ELECTRICITY IN EMERGENCY**
- ~~70-13~~ RECORDS (RESERVED)**

GENERAL PROCEDURES

- 70-14 NOTIFICATION AND PERMIT REQUIRED**
- 70-15 APPLICATION FOR AND ISSUANCE OF PERMIT**
- 70-16 DETAILED DRAWING REQUIRED FOR CERTAIN SERVICES**
- 70-17 INSPECTION OF WIRES PRIOR TO CONCEALMENT**
- 70-18 INSPECTION AFTER COMPLETION; CERTIFICATE OF INSPECTION**
- 70-19 FEES**
- ~~70-20~~ REVIEW OF CONDEMNATION OF ELECTRICAL INSTALLATIONS (RESERVED)**

TELEVISION AND RADIO

**70-21 PERMIT FOR INSTALLATION OF RECEIVING OR TRANSMITTING
ANTENNAS**

**70-22 INSPECTION OF WIRING EQUIPMENT OR APPARATUS CORRECTION OF
UNSAFE CONDITIONS**

ELECTRIC RATE CHARGES

70-23 ELECTRIC CHARGES

70-24 THROUGH 36 (RESERVED)

GENERAL PROVISIONS

70-37 COMPLIANCE WITH STANDARDS AND REGULATIONS REQUIRED

70-38 THROUGH 70-41 (RESERVED)

~~**70-38 ACCEPTABLE MATERIALS, FITTINGS AND DEVICES**~~

~~**70-39 FLEXIBLE CONDUIT**~~

~~**70-40 WATER HEATER INSTALLATION**~~

~~**70-41 FUSED SWITCH FOR TEMPORARY SERVICE**~~

70-42 MASTS, ANTENNAS AND TRANSMISSION LINES

70-43 RADIO AND TELEVISION MATERIALS, DEVICES OR APPARATUS

70-44 STANDARDS FOR MATERIALS, DEVICES OR APPARATUS

70-45 IDENTIFICATION OF MAKER ON CERTAIN DEVICES

~~**70-46 BOLTS, METER BASES AND RACKS**~~ **(RESERVED)**

ELECTRICAL CODE

70-47 ADOPTION OF STANDARDS

~~**70-48 AVAILABILITY OF COPIES OF STANDARDS**~~ **(RESERVED)**

70-49 VIOLATIONS AND PENALTIES

GENERAL REQUIREMENTS

70-50 ELECTRICAL CONNECTION AND CHARGES

70-51 RATES FOR ELECTRICITY SUPPLIED BY THE TOWN

70-52 PAYMENT OF ELECTRIC BILLS

70-53 EXTENSION OF LINES TO PROPERTY

**70-54 ATTACHING SIGNS OR OTHER MATERIALS TO POLES OR SUPPORTS
PROHIBITED**

70-55 REFUSAL OF SERVICE

70-56 TYPE AND SIZE OF METER

70-57 LOCATION AND CONTROL OF METERS

70-58 UNAUTHORIZED INTERFERENCE OF BREAKING OF METER SEAL

70-59 CHARGE FOR REINSPECTION OF METER

70-60 DETERMINATION OF CONSUMPTION WHEN METER FOUND STOPPED

70-61 SALE OF ELECTRICITY RESTRICTED

70-62 LOCATION OF SERVICE ENTRANCE AND POINT OF ATTACHMENT OF SERVICE WIRES TO BUILDING

70-63 MINIMUM ALLOWABLE AMPERAGE AND CHANGES IN LINE SERVICE FOR THE CONVENIENCE OF THE CUSTOMER

70-64 UNDERGROUND SERVICE CONNECTIONS

70-65 AGGREGATION OF RETAIL CUSTOMER DEMAND RESPONSE

70-66 ANCILLARY SERVICES PROVIDED BY DEMAND RESPONSE RESOURCES

CONTRACTORS; FEES; RESPONSIBILITIES; EXCEPTIONS

70-1 INSTALLATION OF WIRING TO BE BY ELECTRICAL CONTRACTOR OR OWNER

Any alterations or additions to be made in the existing wiring of any building or the wiring of any building or the wiring of any building for the placing of any electric lights, motors, heating devices or any apparatus requiring the use of electrical current shall be done by an electrical contractor ~~qualified by the Town, in accordance with the provisions of this chapter, to do such work.~~ and inspected by an electrical inspector, hereinafter defined, (hereinafter, an "Electrical Inspector") being an individual meeting the following criteria according to the Code of Warren County, Virginia, Chapter 76, Building Construction, Electrical Inspections, as being certified by the Virginia Board of Housing, Office of Uniform Statewide Building Code, to perform electrical inspections of electrical conductors, wiring and equipment and to properly determine whether they conform to the requirements of the code; who has been designated by the Middle Department Inspection Agency, hereafter referred to as "MDIA," from among its personnel who are available to perform the duties of Electrical Inspector as provided in this the Warren County Code, in accordance with an agreement between Warren County and MDIA; and a person who bears the credentials designating them as an inspector for Warren County issued by the Warren County Building Official. There may be more than one Electrical Inspector and where the word "the" is used in the Warren County Code with reference to an Electrical Inspector, it shall refer to any Electrical Inspector as defined in the Warren County Code in accordance with the provisions of that Code to do such work. The owner of a building may do such wiring in his own building; provided however, that the wiring shall be inspected by the Electrical Inspector in accordance with the provisions of this chapter.

70-2 BOND TO BE GIVEN BY ELECTRICAL CONTRACTOR

A. Every electrical contractor holding a certificate of competence shall give a surety bond payable to the Town in the sum of one thousand dollars (\$1,000.00), with corporate surety approved by the Town Attorney and conditioned to indemnify and save harmless the Town, as well as any other person, from all expense and damage that may be caused by any negligent, defective or inadequate work done in the Town under any contract that such person may undertake and also

conditioned upon the faithful performance of, and compliance with, all of the provisions of this chapter.

B. Such electrical contractor shall not engage in or carry on his trade or occupation until such bond has been given, nor shall any license be issued to such electrical contractor under Chapter 98 of this Code until such bond has been given.

C. Such bond shall be for the license period and shall be renewed upon renewal of license.

D. The Electrical Inspector and Town Manager shall have authority to declare such bond forfeited. Upon declaration of forfeiture, the electrical contractor shall have the right of appeal within thirty (30) days to Town Council to determine whether such expense and damage was caused by any negligent, defective or inadequate work done in the Town under any contract with such electrical contractor and whether such electrical contractor complied with the faithful performance of, and compliance with, all of the provisions of this chapter. Town Council shall have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence. All evidence shall be presented in the presence of the Town Council and the parties, except by mutual consent of the parties. Documents, exhibits and lists of witnesses are to be exchanged between the parties at least three (3) days in advance of the appeals hearing. The appearance of witnesses before the Town Council at the appeals hearing is strictly voluntary. A majority decision of the Town Council acting within the scope of the appeals hearing is final and binding on the parties.

70-3 CERTIFICATE OF LIABILITY INSURANCE

An electrical contractor of whom a bond is required in Section 70-2 may give a certificate of liability insurance in lieu of such bond. Such certificate of liability insurance shall be subject to all the terms, conditions and requirements of Section 70-2.

70-4 TOWN MANAGER TO BE NAMED STATUTORY AGENT OF CONTRACTOR

A. It shall be provided in the surety bond, given as provided in Section 70-2, that the Town Manager shall be named as statutory agent of an electrical contractor holding a certificate of competence issued under this chapter, for all purposes under the provisions of this chapter.

B. It shall be unlawful for any such electrical contractor to fail, neglect or refuse to name the Town Manager as his statutory agent for all purposes under the provisions of this chapter.

70-5 PAYMENT OF LICENSE TAX REQUIRED

No person shall engage in or carry on the trade or occupation of an electrical contractor within the Town without having paid the requisite license tax under Chapter 98 of this Code.

70-6 DISPOSITION OF EXAMINATION FEES AND FINES

All examination fees and all fines paid or collected consequent upon violations of this Chapter shall be paid to the Town and credited to the general fund of the Town.

70-7 RESPONSIBILITY FOR DAMAGES

In no case will the ~~Electric Department~~ **Energy Services Department** be responsible for damage to walls or buildings where reasonable care has been exercised in making the service installations installed pursuant to Section 70-46.

70-8 EXCEPTIONS

The provisions of this chapter shall not apply to commercial broadcasting stations.

ELECTRICAL INSPECTOR

~~70-9 APPOINTMENT; GENERAL DUTIES~~

~~An Electrical Inspector may be appointed by the Town Manager, who shall then enforce this chapter in accordance with its provisions and perform such other duties as may be assigned. He shall be directly responsible to the Town Manager.~~

~~70-10 RESTRICTIONS ON OUTSIDE EMPLOYMENT~~

~~The Electrical Inspector shall not engage in the occupation of electrician or electrical contractor, directly or indirectly, during his term of appointment.~~

~~70-11 RIGHT OF ENTRY~~

~~The Electrical Inspector may, during reasonable hours, enter any building in the discharge of his official duties or for the purpose of making any inspection or list of the installation of electric wiring, electric devices and of electrical material therein.~~

70-9 THROUGH 70-11 (RESERVED)

70-12 CUTTING OFF ELECTRICITY IN EMERGENCY

The ~~Electrical Inspector~~ **Department of Energy Services** may cause the turning off of all electrical current and cut out or disconnect, in case of emergency, any wire where electrical current is dangerous to life or property or may interfere with the work of the Fire Department.

70-13 RECORDS (RESERVED)

~~The Electrical Inspector shall keep complete records of all permits issued and inspections made and other official work performed under the provisions of this chapter.~~

GENERAL PROCEDURES**70-14 NOTIFICATION AND PERMIT REQUIRED**

No alterations or additions shall be made in the existing wiring of any building, nor shall any building be wired for the placing of any electric lights, motors, heating devices or any apparatus requiring the use of electrical currents, nor shall any alterations be made in wiring of any building after inspection, without first notifying the Electrical Inspector and securing a permit **from Warren County** therefor, except minor repair work, such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords. This section shall not apply to the construction, maintenance or repair lines of public utility companies or other franchises of the Town.

70-15 APPLICATION FOR AND ISSUANCE OF PERMIT

Application for a permit, as required in Section 70-14, describing the electrical work, shall be made by the person installing such work, and the permit in question, when issued, shall be issued to such applicant.

70-16 DETAILED DRAWING REQUIRED FOR CERTAIN SERVICES

No permit, as required in Section 70-14, shall be issued for an electrical installation requiring a service entrance in excess of one hundred (100) amperes unless the person applying for such permit, as provided in Section 70-15, files a detailed drawing with the Electrical Inspector allowing a reasonable time for study before such work begins. Such drawing shall show the size and location of all mains, submains and branch feeders.

70-17 INSPECTION OF WIRES PRIOR TO CONCEALMENT

All wires which are to be hidden from view shall be inspected before concealment. Any person installing such wires shall notify the Electrical Inspector of such installation, giving him a reasonable time in which to make the required inspection before such wires are concealed.

70-18 INSPECTION AFTER COMPLETION; CERTIFICATE OF INSPECTION

Upon completion of work done pursuant to a permit as required in Section 70-14, it shall be the duty of the person making the installation in question to notify the Electrical Inspector, who shall inspect the installation within a reasonable time after such notice is given, and, if it is found to be fully in compliance with this chapter and does not constitute a hazard to life or property, he shall issue to such person, for delivery to the owner, a certificate of inspection authorizing connection to the electrical service and the turning on of the current.

70-19 FEES

All fees for electrical inspections by the Electrical Inspector shall be determined by ~~the Council~~ Warren County by general regulation.

70-20 REVIEW OF CONDEMNATION OF ELECTRICAL INSTALLATIONS (RESERVED)

~~When the Electrical Inspector condemns all or parts of any electrical installation, the owner may, within five (5) days after receiving written notice from the Electrical Inspector, file a petition in writing for the review of such action of the Electrical Inspector with the Town Manager, upon receipt of which the Town Manager shall proceed to determine whether such electrical installation complies with this chapter and shall make a decision in accordance with his findings.~~

TELEVISION AND RADIO

70-21 PERMIT FOR INSTALLATION OF RECEIVING OR TRANSMITTING ANTENNAS

Work shall not be commenced on the installation of television or radio receiving or transmitting antennas before a permit therefor is obtained from ~~the Electrical Inspector~~ Warren County. An inspection fee, the amount of which shall be determined by ~~the Council~~ Warren County, shall be paid for each permit.

70-22 INSPECTION OF WIRING, EQUIPMENT OR APPARATUS; CORRECTION OF UNSAFE CONDITIONS

The Electrical Inspector may inspect any wiring, equipment or apparatus conducting or using electric current for television, AM, FM, amateur, receiving and transmitting antennas in the Town, and, if conductors, equipment or apparatus are found to be unsafe to life or property, the Electrical Inspector shall notify the person owning or operating the hazardous wiring or equipment to correct the condition within the time specified by the Electrical Inspector. The Electrical Inspector may reinspect, without fee, existing television antennas erected too close to high-voltage electric lines so as to present a hazardous condition. Failure to correct violations in the specified time shall be unlawful.

ELECTRIC RATE CHARGES**70-23 ELECTRIC CHARGES**

A. The base rates for electric service for residential customers shall be as follows, effective for the electric meters read on or after July 1, 2007, and continuing as stated herein:

1. Effective from July 1, 2017, facilities charge per billing cycle, as established by the Town: seven dollars and zero cents (\$7.00).
2. Effective from July 1, 2007, charges for all kilowatt hours per billing cycle, as established by the Town: \$0.0849 per kilowatt hour.

B. The base rates for electric service for commercial customers shall be as follows, effective for the electric meters read on or after July 1, 2017, and continuing as stated herein:

1. Effective from July 1, 2017, facilities charge per billing cycle, as established by the Town: seven dollars and sixteen cents (\$7.16).
2. Effective from July 1, 2007, charges for the first 700 kilowatt hours per billing cycle, as established by the Town: \$0.1151 per kilowatt hour.
3. Effective from July 1, 2007, charges for all kilowatt hours over 700 per billing cycle, as established by the Town: \$0.0756 per kilowatt hour.

When a commercial customer requires capacity over 7.5 kilowatts, the first energy block shall be increased by 53 kilowatt hours for each 1/2 kilowatt required in excess of 7.5 kilowatts. The second energy block shall then include all kilowatt hours in excess of the first energy block as adjusted for such additional energy.

C. Effective July 1, 2017, all customers billed on the rates described in subsections A and B, above, shall, in addition to the rates therein described, be subject to a Power Cost Adjustment (PCA) charge. The maximum Power Cost Adjustment amount charged for each kilowatt hour of energy sold by the Town may be adjusted according to the following formula:

$$\text{Max (PCA)} = C - (B \times S)$$

C = The estimated cost of delivered purchased power in dollars by the Town for the twelvemonth period.

S = The estimated total kilowatt hours to be sold by the Town for the twelve-month period. B = The average cost of delivered purchased power per kilowatt hour purchased by the Town which is recovered in the Town's retail rate schedules.

The maximum Power Cost Adjustment (PCA) will be computed according to the above formula for a twelve-month period beginning July 1st of each year, but the Town may choose to charge less than the maximum PCA calculated by this formula. Should it appear at any time during the twelve-month period that continued use of the PCA then in effect for the remainder of the twelve-month period will result in a substantial under/over recovery of the delivered cost of power purchased by the Town, then the Town may modify the PCA (up or down), above, to recover the applicable power cost more accurately.

D. Charges for Installation of Dusk to Dawn Light Poles.

1. Effective from July 1, 2007 the monthly rate for dusk-to-dawn lights shall be eleven dollars and seventy-eight cents (\$11.78).
2. There shall be no installation charge for dusk-to- dawn lights in the event that a utility pole is located in the immediate vicinity to which the dusk-to-dawn light can be connected.
3. In the event that no utility pole is available in the immediate vicinity on which a dusk-to-dawn light can be installed, there shall be a charge, as established by resolution, for the installation of said pole.
4. The customer requesting the dusk-to-dawn light service must maintain the service for at least one full year or pay at least a total of twelve (12) installments of the rates as described above.

E. ~~Charges for Electric Surge Protection Program.~~

- ~~1. The monthly charge for a single phase four jaw meter socket surge protector shall be five dollars (\$5.00).~~
- ~~2. The monthly charge for a single phase five jaw meter socket surge protector shall be five dollars and fifty five (\$5.55).~~
- ~~3. The monthly charge for a hardwired panel protector shall be five dollars and fifty five cents (\$5.55).~~
- ~~4. The first single outlet protection plug, which is used in conjunction with the above listed equipment, shall be free. The monthly charge for each additional single outlet protection plug shall be thirty cents (\$0.30).~~

~~5. The purchase price for an 8AC, 2 phone plug strip shall be fifty four dollars and seventy cents (\$54.70).~~

~~6. The purchase price for an 8AC, 2 coax plug strip shall be fifty dollars (\$50.00).~~

~~7. The purchase price for an 8AC, 2 phone, 4 coax plug strip shall be sixty four dollars (\$64.00).~~

~~8. The purchase price for an 2AC, 2 phone (wall) plug strip shall be thirty nine dollars (\$39.00).~~

~~9. The purchase price for an 2AC, 2 coax (wall) plug strip shall be forty two dollars (\$42.00).~~

E. 1. For residential temporary electrical service not to exceed 100 amperes in capacity and requiring one service drop existing distribution facilities will be charged a fee. (Chapter 12)

2. For larger residential and commercial temporary services, the charge will be at the customers' expense. The Town will perform the installation and bill the customer for the actual costs of such installation, including labor, vehicle usage and materials used, less the value of any salvageable materials recovered during the removal process of the temporary service.

70-24 THROUGH 36 (RESERVED)

GENERAL PROVISIONS

70-37 COMPLIANCE WITH STANDARDS AND REGULATIONS REQUIRED

Except as otherwise provided, all installations of electrical equipment shall be in conformity with the provisions of this chapter, with the statutes of the state, with the National Electrical Code and any orders, rules and regulations issued by authority thereof and with approved electrical standards as prescribed by this chapter or by the statutes of the state or by any orders, rules or regulations set forth by authority thereof.

~~70-38 ACCEPTABLE MATERIALS, FITTINGS AND DEVICES~~

~~The materials, fittings and devices enumerated in the List of Inspected Electrical Appliances of Underwriters' Laboratories, Inc., as revised from time to time, shall be acceptable as suitable for use.~~

~~70-39 FLEXIBLE CONDUIT~~

~~Flexible conduit can be used only where a flexible connection is necessary, and in no case shall this flexible connection exceed six (6) feet in length. In all instances where flexible conduit is used, the flexible conduit cannot be used as mechanical ground, and a bonding connection shall be provided.~~

~~70-40 WATER HEATER INSTALLATIONS~~

~~Water heater installations shall be wired with the appropriate size wire to carry the load; provided, however, that in no case shall the conductor be of less carrying capacity than that of No. 10 copper wire.~~

~~70-41 FUSED SWITCH FOR TEMPORARY SERVICE~~

~~For all temporary services, the builder or contractor shall furnish and install a fused switch of sufficient capacity to carry the load and shall mount such fused switch on a structure or building of sufficient strength and height to carry the temporary service wires.~~

70-38 THROUGH 41 (RESERVED)

70-42 MASTS, ANTENNAS AND TRANSMISSION LINES

The provisions of this section shall apply to masts and antennas and to transmission lines, as follows:

A. Masts or antennas shall be of noncombustible and noncorrosive material, except that in the case of ground support, a wooden pole may be used when adequately treated with a wood preservative. When a mast or antenna is installed on a roof, it shall be mounted on its own platform and be securely anchored with guy wires.

B. Outdoor antennas shall be of an approved type and shall not exceed the maximum height of fifty (50) feet above a roof support or seventy (70) feet above ground support. In areas where reception may be affected by the obstruction of tall buildings, antennas in excess of the above specified height may be installed only when approved by the ~~Electrical Inspector~~ **Energy Services Department**. Every antenna shall be adequately grounded for protection against lightning. In no case shall an antenna be installed nearer to a street or sidewalk than the height of the antenna plus one (1) foot, unless approved by the ~~Electrical Inspector~~ **Energy Services Department**. Anchor points for antennas, masts and guy wires shall be anchor screws or lead expansion shields drilled into solid block, concrete or other noncombustible construction. No wires, cables or guys shall cross or extend over any part of a public street, way or sidewalk.

C. Transmission lines shall be kept at least twelve (12) inches from existing telephone or light wires. Rowl plugs are approved only for supporting transmission lines. Standoff support insulators must be used at least every ten (10) feet in running the transmission line down the building.

D. Lightning arrestors shall be approved by the Underwriters' Laboratories, Inc., and both sides of the line shall be adequately protected with proper arrestors or neon lamps to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon type are used, lightning arrestors shall be installed in each conductor. If a coaxial cable is used for the lead-in, suitable protection may be provided without lightning arrestors by grounding the exterior metal sheath.

E. Antennas shall be designed and installed in such manner as to resist a wind pressure of twenty-five (25) pounds per square foot, and in no case shall guy wires be less than three-thirty-seconds-inch five-strand cable or equivalent, galvanized. Rowl plugs shall be used for guy wires or for mounting brackets.

F. Ground wires shall be of copper wire, not smaller than No. 10 for grounding masts and lightning arrestors, and shall be installed in a mechanical manner with as few bends as possible, maintaining a clearance of at least two (2) inches from the combustible material.

G. Ground straps for grounding masts and attaching arrestors to water pipe shall be approved ground fittings.

H. Miscellaneous hardware, such as brackets, turnbuckles, thimbles, clips, etc., shall be hotdipped galvanized or similarly treated for weather protection. The turnbuckles shall be protected against turning by threading the guy wires through the turnbuckles.

70-43 RADIO AND TELEVISION MATERIALS, DEVICES OR APPARATUS

No electrical materials, devices or apparatus designed for attachment to or installation on any electrical circuit or system for television, AM, FM, amateur and commercial receiving shall be installed, used, sold or offered for sale for use in the Town unless such electrical materials, devices or apparatus are in conformity with the approved methods of construction for safety to life and property.

70-44 STANDARDS FOR MATERIALS, DEVICES OR APPARATUS

Electrical materials, devices or apparatus shall conform with the standards of the Underwriters' Laboratories, Inc., and electrical materials, devices or apparatus so conforming are hereby approved for the use in the Town.

70-45 IDENTIFICATION OF MAKER ON CERTAIN DEVICES

The maker's name, trademark or other identification symbol shall be placed on all electrical devices sold or offered for sale for use or used in the Town requiring one hundred fifteen (115) volts or more.

70-46 ~~BOLTS, METER BASES AND RACKS~~ (RESERVED)

~~Upon the request of an electrical contractor or owner, bolts, meter bases and racks shall be supplied by the Town for installation under the direction and supervision of the Electrical Inspector during the erection of brick or masonry walls. Such bolts, meter bases and racks shall be installed in a location agreeable to the Electric Department.~~

ELECTRICAL CODE

70-47 ADOPTION OF STANDARDS

There is hereby adopted by reference, for the purpose of prescribing rules and regulations governing the installation and use of electrical construction and all material and appliances used in connection with electrical work and the operation of all electrical apparatus within the Town, that certain code known as the "National Electrical Code, 1975 **latest** Edition," being the standard of the National Board of Underwriters for electric wiring and apparatus, and such National Electrical Code, 1975 **latest** Edition, is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which the Code of the Town of Front Royal, Virginia, shall take effect, the provisions thereof shall be controlling within the corporate limits of the Town; provided, however, that in the event of conflict or inconsistency between the provisions of the National Electrical Code hereby adopted and the provisions of any other ordinance to the Town, the more stringent provisions shall be construed to prevail.

70-48 ~~AVAILABILITY OF COPIES OF STANDARDS~~ (RESERVED)

~~Copies of the National Electrical Code, 1975 Edition, adopted by reference in Section 70-47, may be obtained at the office of the Electrical Inspector in the Town during regular business hours.~~

70-49 VIOLATIONS AND PENALTIES

Any persons failing, neglecting or refusing to comply with the National Electrical Code, 1975 **latest** Edition, adopted by reference in Section 70-47, shall be punished as provided in Chapter 1, Article II, Penalties, of this Code.

GENERAL REQUIREMENTS

70-50 ELECTRICAL CONNECTION AND CHARGES

There shall be an electrical connection charge as provided below for connection with electrical lines or system.

1. In new major subdivisions of five lots or more, the developer, builder or customer shall provide excavation and installation with pull ropes of conduits for underground service. The developer, builder or customer shall provide the complete assembly of all street light poles. The connection charge for lots not exceeding one acre in size shall be two thousand five hundred dollars (\$2,500.00). The connection charge for lots of at least one acre but not exceeding two acres in size shall be five thousand dollars (\$5,000.00). The connection charge for lots of at least two but less than three acres in size shall be seven thousand five hundred dollars (\$7,500.00).

2. For the development of underground service to a single lot, to lots within a minor subdivision, or to a small, single-phase commercial user, the developer, builder or customer shall provide and set the meter base, and shall provide excavation and installation of conduits with pull ropes for underground service from the meter base to the pole. After the building receives a satisfactory certification of the electrical inspection, the Town shall provide and install all other components of the service connection. The connection charge for such service shall be one thousand one hundred dollars (\$1,100.00) provided the service line does not exceed one hundred twenty-five feet (125') in length. For any service line exceeding one hundred twenty-five feet (125') in length, ~~there shall be an additional charge of one dollar and fifty cents (\$1.50) per foot for each foot of such excess~~ the developer, builder or customer shall be billed and shall pay to the Town on a times and materials basis for the actual time and materials expended by the Energy Services Department or its agents in performing the work.

3. For the development on overhead service to a single lot, to lots within a minor subdivision, or to a small, single-phase commercial user, the developer, builder or customer shall provide and set the meter base, service mast, weather head and the wire from the meter base to the weather head, mast bracket, including an additional thirty-six inches (36") for the entrance service. After the building receives a satisfactory certification of the electrical inspection, the Town shall provide and install the service drop and shall attach the drop to the entrance service. The connection charge for such service shall be one thousand one hundred dollars (\$1,100.00) provided the service line does not exceed one hundred twenty-five feet (125') in length. For any service line exceeding one hundred twenty-five feet (125') in length, ~~there shall be an additional charge of one dollar and fifty cents (\$1.50) per foot for each foot of such excess~~ the developer, builder or customer shall be billed and shall pay to the Town on a times and materials basis for the actual time and materials expended by the Energy Services Department or its agents in performing the work. The Town shall provide one (1) pole at no additional cost. For each additional pole required, the developer, builder or customer shall be ~~charged three hundred seventy five dollars (\$375.00).~~ billed and shall pay to the Town on a times and materials basis for the actual time and materials expended by the Energy Services Department or its agents in performing the work

4. For the development of large commercial and industrial users on three-phase service, the developer, builder or customer shall be responsible for pouring the transformer pad and installing the conduit with pull rope from the pole to the pad. The developer, builder or customer shall pay for the transformer and shall install the service entrance (conduit and conductor) from the building

to the transformer pad. The Town will set the transformer and complete the connection at the pole and at both sides of the transformer. ~~The customer shall pay for and provide a back-up transformer up to a rating of 500 KVA. If a larger transformer is necessary, the developer, builder or customer shall provide the back-up transformer to the Town who shall maintain storage within its inventory.~~ The developer, builder, or customer shall pay for and provide a serviceable and appropriate transformer suitable for customer's needs at the developer's, builder's or customer's expense.

5. The connection charge for such service shall be three thousand five hundred dollars (\$3,500.00) provided the service line does not exceed one hundred twenty-five feet (125') in length. For any service line exceeding one hundred twenty-five feet (125') in length, ~~there shall be an additional charge of one dollar and fifty cents (\$1.50) per foot for each foot of such excess.~~ the developer, builder or customer shall be billed and shall pay to the Town on a times and materials basis for the actual time and materials expended by the Energy Services Department or its agents in performing the work. The Town Shall provide one (1) pole at no additional cost. For each additional pole required, the developer, builder or customer shall be ~~charged three hundred seventy five dollars (\$375.00)~~ billed and shall pay to the Town on a times and materials basis for the actual time and materials expended by the Energy Services Department or its agents in performing the work.

70-51 RATES FOR ELECTRICITY SUPPLIED BY THE TOWN

Rates charged, as of the effective date of this chapter, by the Town, for electricity supplied by the Town shall continue in effect until changed by the Council.

70-52 PAYMENT OF ELECTRIC BILLS

Electric bills shall be paid and processed in accordance with the provisions contained in Section 134-71 of this Code.

70-53 EXTENSION OF LINES TO PROPERTY

All applicants for extensions of electric lines to property not served by such electric lines as of October 1, 2006 shall furnish the necessary right-of-way for the building of the line from the connection with the present high-voltage system to the end of the new line. The Town will build the line at the customer's expense in accordance with Section 70-50 of the Town Code, and in accordance with its plans and specifications for the building of electric lines. All pole line hardware and other equipment shall be in accordance with standard practices of the Town.

70-54 ATTACHING SIGNS OR OTHER MATERIALS TO POLES OR SUPPORTS PROHIBITED

It shall be unlawful for any person to attach any material, signs or other devices to the poles or supports used by the Town in connection with the Town electrical system.

70-55 REFUSAL OF SERVICE

The ~~Town Manager~~ **Department of Energy Services** may refuse electrical service when notified by the Electrical Inspector that such work is being installed not in conformity with the National Electrical Code.

70-56 TYPE AND SIZE OF METER

The type and size of electrical meters to be furnished by the Town, when the Town furnishes electric service, shall be determined by the ~~Superintendent of the Electric Department of the Town~~ **Town's Director of Energy Services**.

70-57 LOCATION AND CONTROL OF METERS

All electrical meters shall be placed in such location in or on the building as designated by the ~~Electrical Inspector~~ **Energy Services Department** and shall at all times be under the exclusive management and control of the ~~Electric Department~~ **Energy Services Department**.

70-58 UNAUTHORIZED INTERFERENCE OR BREAKING OF METER SEAL

It shall be unlawful for any person, except the duly authorized agent of the ~~Electric Department~~ **Energy Services Department**, to break the seal placed on an electrical meter or to interfere with such electrical meter in any way.

70-59 CHARGE FOR REINSPECTION OF METER

A charge of as established by resolution, shall be added to the electric bill of each consumer who, by his request, has the Town test and inspect an electric meter, when said electric meter has been tested and inspected by the Town at the request of the consumer **twice** within a previous twelve-month period. Should, however, the electric meter be found to be inaccurate or malfunctioning, the charge will not be assessed.

70-60 DETERMINATION OF CONSUMPTION WHEN METER FOUND STOPPED

At any time an electricity meter is found stopped at the reading time, the consumption for the period the meter was stopped will be the average for the past four (4) readings.

70-61 SALE OF ELECTRICITY RESTRICTED

No person shall send or offer for sale any electricity purchased from the Town or generated by other means within the Town.

70-62 LOCATION OF SERVICE ENTRANCE AND POINT OF ATTACHMENT OF SERVICE WIRES TO BUILDING

The location of the service entrance and the point at which service wires are to be attached to the building shall be determined by the ~~Electrical Inspector~~ **Energy Services Department** after consultation with the owners of the property and the electrician or electrical contractor making the installation.

70-63 MINIMUM ALLOWABLE AMPERAGE AND CHANGES IN LINE SERVICE FOR THE CONVENIENCE OF THE CUSTOMER

A. No service entrance shall be wired for less than one hundred (100) amperes unless the owner can show proof that a sixty-ampere service will be satisfactory for his total needs.

B. Electric line changes, including but not limited to service and amperage upgrades, made for the convenience and at the request of the customer, and not out of necessity, when and while allowed and subject to the approval of the Town, shall be installed, maintained, changed, relocated, replaced or repaired at the expense of the customer. The Town will perform or provide for such installation, maintenance, change, relocation, replacement or repair and bill the customer for the actual costs of such installation, maintenance, change, relocation, replacement or repair, including labor, vehicle usage and materials used, ~~less and except the value of any salvageable and re-usable materials recovered during such service change.~~

70-64 UNDERGROUND SERVICE CONNECTIONS

A. In an area served by overhead lines, when a customer desires that the service shall run underground from the pole to the building, the owner shall install the requisite service equipment. The ~~Electrical Inspector~~ **Energy Services Department** shall be consulted as to the advisability of such a service and shall specify the meter location and the pole from which the service shall be run. Either conductor suitable for underground installations in conduit or other cable approved for the purpose, installed in accordance with the utility's specifications, shall be used. ~~Where the conduit enters the ground at the pole or building, it should be enclosed in concrete to a depth of eighteen (18) inches. Such service shall be not less than three (3) conductors No. 4 and as much larger as the load requires. Such underground service shall be installed entirely at the customer's expense and maintained by the customer.~~

B. If at any time the ~~Electric Department~~ **Energy Services Department** needs to replace a pole supporting an underground service connection, installed as provided in Subsection A, the customer shall be notified of the time, and he shall have his electricians on hand to take care of the service while pole replacement is being made.

70-65 AGGREGATION OF RETAIL CUSTOMER DEMAND RESPONSE

A. The Town of Front Royal, or its authorized designee, is the sole entity permitted to bid demand response on behalf of retail electric customers served by the Town's electric system directly into any Commission-approved independent system operator's or regional transmission organization's organized electric markets.

B. Retail electric customers served by the Town of Front Royal wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized electric markets may do so by participating in the program established by the Town of Front Royal or its authorized designee. Retail electric customers of the Town are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Town of Front Royal, Virginia.

70-66 ANCILLARY SERVICES PROVIDED BY DEMAND RESPONSE RESOURCES

A. The Town of Front Royal, Virginia, or its authorized designee, is the sole entity permitted to bid demand response on behalf of retail customers served by the Town's electric system directly into any Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional organization's tariff).

B. Retail customers served by the Town of Front Royal's electric system wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional organization's tariff) may do so by participating in the program established by the Town of Front Royal or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Town of Front Royal.

This ordinance is 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 _____ 2019, upon the following recorded vote:

Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Letasha T. Thompson	Yes/No
Chris W. Holloway	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on _____, 2019, having been advertised in the Northern Virginia Daily on _____, 2018, and _____, 2019. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2019, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____ / ____ / ____

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 13

Meeting Date: January 28, 2019

Agenda Item: COUNCIL APPROVAL – An Ordinance Amendment to Chapter 156-3 Pertaining to Composition, Appointment and Terms of Office for UFAC(2nd R)

Summary: Council is requested to adopt on its second and final reading an Ordinance to amend Front Royal Municipal Town Code Chapter 156-3 pertaining to the Composition, Appointment and Terms of Office for the Urban Forestry Advisory Commission (UFAC), as presented. If approved, UFAC shall be made up of not less than five (5) members.

Budget/Funding: None

Attachments: Proposed Ordinance

Meetings: Was requested of Council during December 3, 2018 Work Session; Public Hearing held January 14, 2019

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council adopt on its second and final reading an Ordinance to amend Front Royal Municipal Town Code Chapter 156-3 pertaining to the Composition, Appointment and Terms of Office for the Urban Forestry Advisory Commission (UFAC), 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 156-3
PERTAINING TO THE COMPOSITION, APPOINTMENT AND TERMS OF OFFICE
FOR THE URBAN FORESTRY ADVISORY COMMISSION (UFAC)**

WHEREAS, the Town Council has requested the addition of another member to UFAC to ensure proper attendance at the meetings; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 156-3.B.1.a and 156-3.B.3.a of the Front Royal Town Code is hereby amended as follows:

156-3 URBAN FORESTRY ADVISORY COMMISSION (UFAC)

B. Establishment of UFAC.

1. Composition & Appointment.

- a. The Urban Forestry Advisory Commission shall be made up of **not fewer than** five (5) members, each member being a citizen of Warren County. In addition, the Virginia Department of Forestry's Chief Forest Warden for Warren County shall serve as a standing committee member.
- b. The members shall be appointed by the Town Council.

3. Terms of Office.

- a. Each member shall be appointed for a term of four (4) years, or until their successors are appointed, except that the initial appointment of two (2) members shall be for a three (3) year term, one (1) member for a two (2) year term; the remaining ~~two (2)~~ members for a four (4) year term.
- b. Members may be re-appointed to serve consecutive terms as determined appropriate by the Town Council.
- c. The Commission shall elect a Chair and Vice Chair who shall serve annual terms and may succeed themselves.

This ordinance is 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 _____ 2019, upon the following recorded vote:

Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Letasha T. Thompson	Yes/No
Chris W. Holloway	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on _____, 2019, having been advertised in the Northern Virginia Daily on _____, 2018, and _____, 2019. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2019, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____ / ____ / ____

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

Page 1
Item No. 14

Meeting Date: December 11, 2017

Agenda Item: COUNCIL APPOINTMENT – Joint Tourism Advisory Committee

Summary: Council is requested to consider an appointment to the Joint Tourism Advisory Committee to serve as the representative from a lodging property to an unexpired term expiring June 9, 2022.

Budget/Funding: None

Attachments: None

Meetings: Work Session held January 22, 2019

**Staff
Recommendation:** Approval ✓ Denial

Proposed Motion: I move that Council appoint Mary Bayer as the lodging property representative to the Joint Tourism Advisory Committee to an unexpired term expiring June 9, 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

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

Page 1
Item No. 15

Meeting Date: January 28, 2019

Agenda Item: CLOSED MEETING – Consultation with Legal Counsel

Summary: Council is to go into a Closed Meeting for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, legal mechanisms relating to handling debt service related to prior and current budget years, requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia.

Budget/Funding: None

Attachments: None

Meetings: None

Staff Recommendation: Approval ✓ Denial

Motion to Go Into Closed Meeting

I move that Council go into a Closed Meeting for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, legal mechanisms relating to handling debt service related to prior and current budget years, requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia.

Motion to Certify Closed Meeting at its Conclusion *[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]*

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

*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