

NOTE: TIME CHANGE FOR INTERVIEWS



TOWN COUNCIL WORK SESSION

Monday, April 15, 2013 @ 6:00pm

Front Royal Administration Building Conference Room

1. Interviews for Recommendation to the Judge of the Warren County Circuit Court for Appointment to the Board of Zoning Appeals (BZA)

Town/Staff Related Issues:

2. VFW Rezoning Application – *Director of Planning/ Zoning*
3. VFW Special Use Permit Application – *Director of Planning/ Zoning*
4. Ordinance Amendments for Enterprise Rates (Water/Sewer/Refuse) – NO BACKUP
Town Manager/Finance Director
5. Budget Overview by Each Department –
 - *Town Council
 - * Clerk of Council
 - * Town Manager
 - * HR/Risk Manager
 - * IT
 - * Tourism
 - * Finance
 - * Town Attorney
 - * Planning/Zoning

Council/Mayor Related Issues:

6. Council Discussion/Goals (*time permitting*)
7. CLOSED MEETING – 1) Property Acquisition and 2) Consultation with Legal Counsel specific to Annexation

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the purpose of 1) discussion or consideration of the acquisition of real property for a public purpose or the disposition of publicly held real property, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711. A. 3. of the Code of Virginia and 2) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, Annexation, pursuant to Section 2.2-3711. A. 7. 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.

Town of Front Royal, Virginia
Work Session Agenda Form

Date: April 15, 2013

Agenda Item: Board of Zoning Appeals (BZA) Recommendation

Summary: A term on the Board of Zoning Appeals expires May 1, 2013. At the March 18, 2013, Work Session, Council directed Staff to advertise for this position. Stephen R. McKee is the current member on the BZA and has asked to be considered for recommendation to the Judge of the Warren County Circuit Court for another 5-year term ending May 1, 2018. There are three other individuals who would also like to be considered.

Council Discussion: Council takes desired action

Staff Evaluation: N/A

Budget/Funding: N/A

Legal Evaluation: N/A

Staff Recommendations: N/A

Town Manager Recommendation: N/A

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action
Consensus Poll on Action: ____ (Aye) ____ (Nay)

Town of Front Royal, Virginia
Work Session Agenda Form

Date: April 15, 2013

Agenda Item: VFW Rezoning Application.

Summary: VFW Post 1860 has submitted a rezoning application for the conditional rezoning of 10.66 acres from the I-1 District to the A-1 District. A detailed staff report is attached.

Council Discussion: This agenda item is scheduled for discussion between Town Council and Staff during the April 15th Town Council Work Session. A public hearing (1st Reading) is scheduled for the April 22nd Town Council Regular Meeting.

Staff Evaluation: The Planning Director will be at the upcoming Town Council work session. A staff report is attached with information and analysis of the request.

Budget/Funding: No additional funds are needed to accommodate the request.

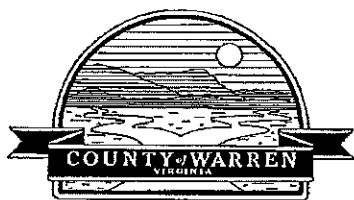
Legal Evaluation: The Town Attorney will be available at the upcoming meeting for questioning, if needed.

Staff Recommendations: This agenda item is only scheduled for review during the April 15, 2013 Work Session. Staff recommends approval of the conditional rezoning application submitted by VFW as recommended by the Planning Commission during their regular monthly meeting held on March 20, 2013, subject to the review of any input received during the required public hearing process.

Town Manager Recommendation: The Town Manager will be available at the upcoming work session for discussion and questions.

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action
Consensus Poll on Action: ____ (Aye) ____ (Nay)



COUNTY OF WARREN

Department of Fire & Rescue Services
220 North Commerce Avenue, Suite 300
Front Royal, Virginia 22630

Phone: (540) 636-3830
FAX: (540) 636-9986
Email: rmabie@warrencountyfire.com

Richard E. Mabie
Fire Chief

BOARD OF SUPERVISORS

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Happy Creek
District

Daniel J. Murray, Jr.
North River
District

Richard H. Traczyk
Shenandoah
District

Douglas P. Stanley
County Administrator

Memorandum

TO: Jeremy Camp, Director
Town of Front Royal Planning and Zoning

FROM: Gerry R. Maiatico, Fire Marshal 

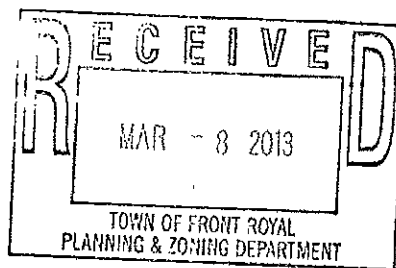
DATE: March 1, 2013

SUBJECT: Proposed Flea Market Site Plan Review

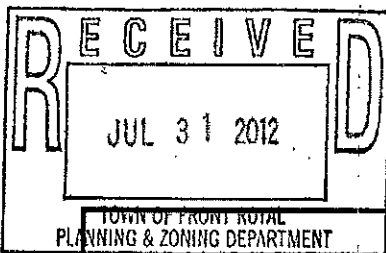
After review of the site plan and a physical review of the proposed site at the Col. Samuel Millar Post 1860, VFW proposed Flea Market; the Department of Fire and Rescue Services will have *adequate* access for fire and emergency response vehicles.

Properly designated "fire lane" and/or no parking areas at this site shall be considered to ensure fire and emergency vehicle access.

Should you require any additional assistance, please feel free to contact me.



Front Royal-Warren County
Rivers of Opportunity-Mountains of Success



RZ 12-07-68

REQUEST FOR REZONING
TOWN OF FRONT ROYAL

APPLICANT

Name Col. Samuel R. Miller
VFW Post 1860 Phone 540-635-8134
Address 1847 N. Royal Ave
E-mail Kohr10702@yahoo.com

PROPERTY OWNER (if different from applicant)

Name VFW Same As Above Phone _____
Address _____

PROPERTY DESCRIPTION

Property Location/Address 1847 N. Royal Ave
20A3-2
Tax Map 20A3 Section 1 Block _____ Lot 1 Acreage 10.937
20A3 1 2 207 .78
Subdivision Name (if applicable) _____

per modification
10.62
78

REQUEST

Present Zoning I-1 Zoning Requested A-1
Proposed Use of Property Flea Market
Statement of Justification (Why should this property be rezoned?)

The current zoning does not allow
for operation of a flea market
It is recommended by the Planning
Commission to rezone to Agriculture

(Attach additional sheets if necessary)

December 30, 2008

PLEASE COMPLETE REVERSE SIDE

ADJACENT PROPERTY OWNERS - List the names and mailing addresses of all owners of property abutting or across the road from this property.

Archie FOX
1858 W. Royal Ave
Helen Truhart
1854 W. Royal Ave
Archie FOX -
Wayne's Auto Repair - Dave's Auto & Equipment
1868A, 1868B, ~~1854A~~, 1854B W. Royal Ave

(Attach additional sheets if needed)

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

1. Application Fee - \$450.00. (Checks payable to Town of Front Royal)
2. Survey/Plat of property showing all existing improvements. (8 copies)
3. Environmental Site Assessment Phase I and Phase II.
4. Written proffers. (If any)

CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge. The proffering system has been explained to me and I have read Sections 175-149 and 175-150 of the Town of Front Royal Zoning Ordinance pertaining to conditional zoning and proffering.

VFW Post 1860 Michael Kohl Sr. Vice Commander

Signature of Property Owner

Michael Kohl

Signature of Applicant (if different)

Dated at _____, Virginia, the 31 day of July, 2012

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.

OFFICE USE ONLY

\$450.00 Fee Receipt # 226493 Date Paid 7-31-12

Planning Commission

Hearing Date: _____ Recommendation: _____

Town Council

Hearing Date: _____ Date Sent to Clerk: _____

December 30, 2008

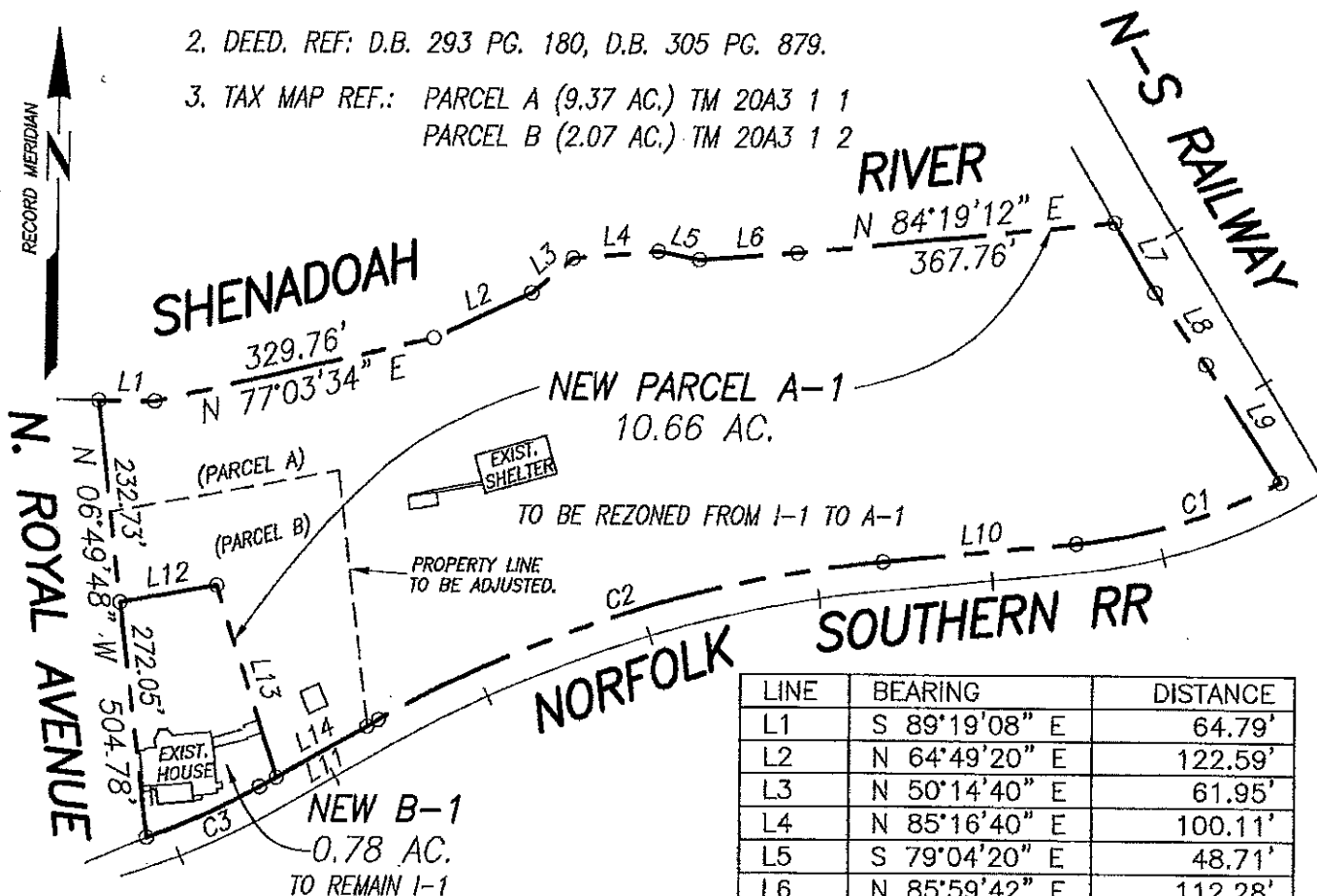
B 400.00
Down Zoning

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	604.27'	244.22'	242.56'	S 72°51'30" W	23°09'23"
C2	1465.69'	613.95'	609.47'	S 72°26'56" W	24°00'00"
C3	848.95'	139.79'	139.64'	S 65°09'06" W	09°26'05"

NOTES: 1. PLAT REF.: D.B. 336 PG. 46

2. DEED, REF: D.B. 293 PG. 180, D.B. 305 PG. 879.

3. TAX MAP REF.: PARCEL A (9.37 AC.) TM 20A3 1 1
PARCEL B (2.07 AC.) TM 20A3 1 2



METES AND BOUNDS SHOWN HEREON
BASED ON DEEDS OF RECORD AND IS
NOT THE RESULT OF A CURRENT
BOUNDARY SURVEY.



DARRYL G. MERCHANT
CONSULTING LAND SURVEYOR
P.O. BOX 1508
FRONT ROYAL, VA 22630
540-636-4949

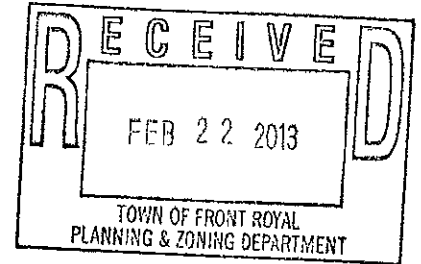
ZONING PLAT
COL. SAMUEL R. MILLAR
POST 1860, INC., VFW

TOWN OF FRONT ROYAL
WARREN COUNTY, VIRGINIA

DATE: 20 FEBRUARY 2013 SCALE: 1" = 200'



PROFFER STATEMENT



REZONING: RZ# 12-07-68
Industrial Employment District (I-2) District to
Agricultural (A-1) District

PROPERTY: 11.44 acres +/-;
Tax Parcel #20A3-1-1 and Tax Parcel 20A3-1-2

RECORD OWNER: Veterans Of Foreign Wars Col Samuel R Millar Post 1860

APPLICANT: Col. Samuel R. Millar VFW Post 1860

CONTACT: Michael Kohrt

PROJECT NAME: VFW Post 1860

ORIGINAL DATE
OF PROFFERS: February 22, 2013

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 proffers that in the event the Town Council of Front Royal, Warren County, Virginia, shall approve Rezoning Application #12-07-68 for the rezoning of approximately 11.44 acres from the Industrial Employment (I-2) District to the Agriculture (A-1) District, development of the subject property shall be done in general conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Applicant and such be approved by the Front Royal Town Council in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. In the event this application is denied by the Front Royal Town Council (the "Council"), such denial is appealed to a court of competent jurisdiction, and this rezoning application is thereafter remanded to the Council for reconsideration, then the Applicant may elect to readopt all or any portion hereof, in a writing specifically for that purpose; if no such election is made, these proffers shall be withdrawn and shall be invalid. These proffers shall be binding upon the Applicant and its legal successors, heirs, or assigns.

The subject property, identified as the VFW Post 1860, being all of Tax Map Parcels #20A3-1-1 and Tax Parcel 20A3-1-2, by deeds recorded among the land records of the Warren County Circuit Court Clerk's Office as Deed Book 1293, Page 180 and Deed Book 305, Page 879.

Terms and Conditions

1. **Restriction of Uses.** The property owner hereby agrees to restrict the following uses from the property which would otherwise be permitted in the A-1 District.
- a. Manufactured Homes.
 - b. Tenant Housing.

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 Code.

SIGNATURE: _____

[Signature]

Michael Kohrt

Print Signature Name

TITLE: _____

Senior Vice Commander

COMPANY: _____

VFW 1860

ADDRESS: _____

Frost Royal, VA

WITNESS: _____

Jeremy F. Camp

Signature

JEREMY F. CAMP

Print Signature Name

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 22nd DAY OF February, 2013, BY Michael Kohrt, WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND WHO HAS APPEARED THIS DAY BEFORE ME, Connie L. Potter, NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE 31st DAY OF August, 2015.



Registration Number: _____

7076929

Connie L. Potter

NOTARY PUBLIC

[SIGNATURES AND ACKNOWLEDGMENT CONTINUED NEXT PAGE, IF NEEDED]

SIGNATURE: _____

Print Signature Name

TITLE: _____

COMPANY: _____

ADDRESS: _____

WITNESS: _____

Signature



DEPARTMENT OF PLANNING & ZONING

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

Town Hall at 16 North Royal Avenue
P.O. Box 1560, Front Royal, VA 22630-1560

COPY

October 30, 2012

VFW Post 1860, Col. Samuel R. Millar
Attn: Michael Kohrt
1847 N. Royal Avenue
Front Royal, VA 22630

Re: DEV12-06-206/SUP12-07-258/RZ12-07-68
Site Plan Review Comments – Planning & Zoning
Proposed Flea Market at 1847 North Royal Avenue (TM # 20A3-1, parcels 1 and 2)

Dear Mr. Kohrt:

The primary purpose of this letter is to provide you with review comments of the site plan, received on October 15, 2012, for the above-referenced project and property. Below you will find comments from the Town of Front Royal Departments of Planning & Zoning, Environmental Services, Energy Services, and the Warren County Department of Building Inspections. Under the comments from the Department of Planning & Zoning, I have also included recommendations regarding your rezoning and special use permit applications.

A. PLANNING & ZONING REVIEW COMMENTS (10/30/2012).

1. ***Land Surveyor's Signature.*** The final submission of the site plan will need to include the signature of the Land Surveyor.
2. ***Proposed Zoning and Proposed Zoning District Boundary Line.*** Please show and label the proposed zoning and zoning district boundary line, including the bearings and distances.
3. ***Utility lines.*** Please show all existing water lines and the sewer line that connects to the existing shelter.
4. ***Landscaping.*** Please include a landscaping plan that meets the requirements of Section 148-48.D-F.

5. **Signs.** Please show all proposed signs and demonstrate compliance with Section 175-106 of the Town Code.
6. **Dumpsters.** Please show all existing and proposed dumpsters and proposed trash receptacles.
7. **Lighting.** Please show all existing and proposed lighting. New lighting should be designed to minimize off-site glare.
8. **Vehicles of Vendors.** Please show where vendor vehicles and trailers will be kept on the property when the flea market is open for business.
9. **Required parking spaces.** Please label on the site plan the number of parking spaces required by Code, as found under Section 175-104.H (Flea Markets), as well as Section 175-104.Q (Assembly Building). The standards for a flea market are 1 space for every 100 square feet of the flea market. Based on the typical table detail, plus a sales area, a minimum display and sales area would be 12' x 12'.
10. **Handicap parking.** Please include handicap parking spaces.
11. **Proposed parking spaces.** It appears that you have incorrectly calculated the number of proposed parking spaces shown because three of the existing parking spaces are proposed to be removed with the connection between the existing parking lot and the new parking lot.
12. **Parking Tabulation.** Please also demonstrate on the site plan how the existing assembly building and proposed flea market will comply with the parking requirements. Based on the required number of parking spaces proposed, and the required number of parking spaces, there does not appear to be enough parking for eighty (80) tables. Seventy (70) tables appear to be the maximum number of tables, based on the parking proposed. See the table below for reference:

	Code Requirement	# Required	# Proposed
Assembly Building	1 space per 4 seats [68 seats/4=]	17.00	17
Flea Market	1 space per 100 s.f. [(70x144 s.f.) /100=]	100.8	101
TOTAL	-----	117.68	118

13. **Phasing.** Please show a phasing plan that correlates between the number of tables and the required site improvements, such as the asphalt parking area and landscaping. Based on the number of seats shown for the existing Assembly Building, there appears to be thirty-three (33) spaces that are

currently available on the property that could be used for the flea market. Here is an example of a possible phasing plan scenario:

Phases		# of Parking Spaces by Phase	# of Tables by Phase
Phase 1	Existing Parking Lot only	50 (17/33)	22
Phase 2	Existing Parking Lot + ½ of New Parking Lot	81 (17/64)	56
Phase 3	Existing Parking Lot + entire New Parking Lot	118 (17/101)	70

14. Recommendations and information.

- a. *Proffer Statement.* Attached is a draft proffer statement that staff recommends VFW consider submitting with the consideration of their rezoning application.
- b. *Emergency Services Comments Regarding Access.* Please submit information from the appropriate emergency services personnel regarding concerns or issues related to accessing the site from North Royal Avenue under the Norfolk and Southern Railroad Bridge.
- c. *SUP Conditions.* Staff is evaluating the proposed use and may be recommending conditions for the Special Use Permit to the Planning Commission. This may include the conditions that the use is limited to a fewer number of tables initially, and that the use is reevaluated after one year of operation. Other conditions may also be placed on the Special Use Permit.

You will find attached copies of Sections 175-10.10 and Section 98-61 of the Town Code, which include relevant standards for Flea Markets that would need to be complied with, in addition to any special conditions placed on the Special Use Permit, if approved by the Town.

B. ENVIRONMENTAL SERVICES REVIEW COMMENTS (10/26/2012).

"Based upon the subject development plans submitted October 23rd, the following comments are provided.

1. *Based upon 80 vendor tables, only 41 parking spaces are provided. Available patron parking should be evaluated.*
2. *Screening from the residence on the west side of the property should be included in the site plan.*
3. *It appears that the proposed connection to the new parking lot will remove three to four spaces. Is this included in the calculations?*

No bond for public improvements or connection fees appears to be associated with the proposed development."

C. DEPT. OF ENERGY SERVICES REVIEW COMMENTS (10/23/2012).

"I have reviewed the plans for this new flea market. I don't see anything that would affect the Electric Department. If you have any questions, please let me know."

D. WARREN COUNTY DEPARTMENT OF BUILDING INSPECTIONS (10/31/2012).

See attached letter.

You may reach me at (540)635-4236. I would be glad to discuss any of the comments in as much detail as needed to assist you.

Sincerely,



Jeremy F. Camp, Director
Department of Planning & Zoning

ATTACHMENTS

Cc: Steve Burke, Town Manager
Darryl Merchant



COUNTY OF WARREN

Building Inspections Office
Warren County Government Center
220 North Commerce Avenue, Suite 400
Front Royal, Virginia 22630

Phone: (540) 636-9973
FAX: (540) 636-4698
Email: dbeahm@warrencountyva.net

David C. Beahm
Building Official

October 31, 2012

BOARD OF SUPERVISORS

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Fork
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VICE-CHAIRMAN
Linda P. Glavis
South River
District

Tony F. Carter
Happy Creek
District

Daniel J. Murray Jr.
North River
District

Richard H. Traczyk
Shenandoah
District

Douglas P. Stanley
County
Administrator

Jeremy F. Camp, Director of Planning & Zoning
Front Royal Department of Planning & Zoning
The Town of Front Royal
P.O. Box 1560
16 North Royal Avenue
Front Royal, Virginia 22630-1560

RE: DEV 12-06-206, Col. Samuel R. Millar, VFW Post 1860, Site Plan

Dear Mr. Camp:

I received the application for DEV 12-06-206 by mail on Thursday October 18, 2012. After reviewing the information, here are the items that will need to be addressed for the Warren County Building Inspections to proceed with the request:

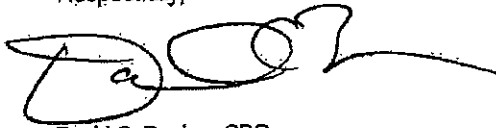
1. The current site plan shows work being completed that will require a Land Disturbance Permit.
 - o This will require a full Erosion and Sediment Control Plan Review package being completed. This information is available on the web site or at our office.
 - o There are two parts to this process, the Plan Review and Permit application which are required to be completed at the same time and would be issued at the same time.
2. The site indicates vendor tables to be installed. These would not require any permits, unless they were to be covered with an actual permanent structure. Temporary canopies or tents that are not more than 900 square feet would not require a permit.
3. The site plan does not indicate any electric to be installed, but if electric is installed a permit would be required.
4. It appears that restrooms currently exist and that they are part of the same ownership. Once a value is set for the public area capacity the existing facilities will need to be determined to be adequate to meet the need.
5. All permits would be required to be issued before any work was to begin.

If you should have any further questions with regards to this information, please do not hesitate to contact me. Thank you for providing this information so that my department could provide comment prior to this meeting.

Front Royal-Warren County
Rivers of Opportunity-Mountains of Success

October 31, 2012

Respectfully,

A handwritten signature in black ink, appearing to read 'David C. Beahm', with a stylized flourish extending to the right.

David C. Beahm, CBO
Building Official

Attachments:

Cc: file

DRAFT
*For Discussion
Purposes Only*

PROFFER STATEMENT

REZONING: RZ# 12-07-68
Industrial Employment District (I-2) District to
Agricultural (A-1) District

PROPERTY: 11.44 acres +/-;
Tax Parcel #20A3-1-1 and Tax Parcel 20A3-1-2

RECORD OWNER: Veterans Of Foreign Wars Col Samuel R Millar Post 1860

APPLICANT: Col. Samuel R. Millar VFW Post 1860

CONTACT: Michael Kohrt

PROJECT NAME: VFW Post 1860

ORIGINAL DATE
OF PROFFERS: October 30, 2012

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 proffers that in the event the Town Council of Front Royal, Warren County, Virginia, shall approve Rezoning Application #12-07-68 for the rezoning of approximately 11.44 acres from the Industrial Employment (I-2) District to the Agriculture (A-1) District, development of the subject property shall be done in general conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Applicant and such be approved by the Front Royal Town Council in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. In the event this application is denied by the Front Royal Town Council (the "Council"), such denial is appealed to a court of competent jurisdiction, and this rezoning application is thereafter remanded to the Council for reconsideration, then the Applicant may elect to readopt all or any portion hereof, in a writing specifically for that purpose; if no such election is made, these proffers shall be withdrawn and shall be invalid. These proffers shall be binding upon the Applicant and its legal successors, heirs, or assigns.

The subject property, identified as the VFW Post 1860, being all of Tax Map Parcels #20A3-1-1 and Tax Parcel 20A3-1-2, by virtue of a deed dated _____ and recorded among the land records of the Warren County Circuit Court Clerk's Office as Instrument No. _____.

Terms and Conditions

1. **Access Easement.** The property owner hereby agrees to provide the Town of Front Royal, without charge, an access easement for a future public trail that traverses the property from North Royal Avenue, near the northern boundary of the property, then approximately parallel to the Shenandoah River to a location on the eastern boundary of the property to be selected in the future by the Town of Front Royal, provided, however, that such location selected by the Town does not unreasonably interfere with the property owner's lawful use of the property.
2. **Restriction of Uses.** The property owner hereby agrees to restrict the following uses from the property which would otherwise be permitted in the A-1 District.
 - a. Manufactured Homes.
 - b. Tenant Housing.

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 Code.

SIGNATURE: _____
Print Signature Name

TITLE: _____ COMPANY: _____
ADDRESS: _____

WITNESS: _____
Signature

Print Signature Name

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 20____, BY _____, WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND WHO HAS APPEARED THIS DAY BEFORE ME, _____, A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE ____ DAY OF _____, _____.

NOTARY PUBLIC

Registration Number: _____

[SIGNATURES AND ACKNOWLEDGMENT CONTINUED NEXT PAGE, IF NEEDED]

SIGNATURE: _____
Print Signature Name

TITLE: _____ COMPANY: _____
ADDRESS: _____

WITNESS: _____
Signature

Print Signature Name

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF
_____, 20____, BY _____, WHOSE
SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND WHO HAS
APPEARED THIS DAY BEFORE ME, _____,
A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE ____ DAY OF _____, _____.

NOTARY PUBLIC
Registration Number: _____

Chapter 175 ZONING.

Section 175-10.10 STANDARDS

A. Slaughtering Activities. All slaughtering activities in the A-1 District shall comply with the following standards:

1. Such activity shall not be conducted within one hundred fifty (150) feet of the property boundary.
2. No frequent or repetitive emission of noises or odors of such intensity and character as to interfere with the health, welfare and comfort of the public or neighboring land owners at or beyond the property line shall be permitted.

B. Flea Markets. Where flea markets are permitted by approval of a special use permit, the following standards shall be complied with, in addition to any conditions placed on the special use permit, and Section 98-46 of the Town Code.

1. Adequate water and sanitary facilities shall be provided if found necessary based on the size, frequency and duration of the market.
2. A minimum fifty (50) foot setback shall be maintained from all property lines.
3. No adverse effect on adjoining properties, including but not limited to excessive or untimely noise or lighting, overflow parking, or visual problems potentially affecting property values or marketability, is found.
4. No manufactured buildings shall be permitted.
5. All tables, facilities and structures shall be maintained in a well-kept and attractive manner.
6. All temporary structures or facilities, including but not limited to canopy frames, except as provided in subsection B.5 above, table extensions and display shelving, shall be removed during the hours that the market is not in operation.
7. Operation of the market shall be confined to Saturday, Sunday and Holidays, unless other dates are specifically approved by the Town Council in conjunction with the special permit. The hours of operation shall be posted on the property.
8. Open air markets shall only be conducted during the months of April through October. During the period from November 15 to March 15, all tables and other temporary fixtures shall be removed. Such fixtures may be stored on the site, provided they are located within a completely enclosed building or otherwise screened from public view.

C. Manufactured Housing. Manufactured housing shall be permitted on individual parcels or lots in the A-1 District, provided the following standards are met:

1. The manufactured housing unit shall have a minimum width of nineteen (19) or more feet.
2. The manufactured housing unit shall be attached to a permanent foundation in the ground.
3. The manufactured housing unit shall have the appearance and character of conventional, site-built single-family housing.
4. Such manufactured housing units shall meet all applicable Building Code requirements.

D. Commercial Outdoor Recreation, Hospitals, Schools and Churches. Where commercial outdoor recreation, hospitals, schools and/or churches are permitted by special use permit the following standards shall be complied with, in addition to any conditions placed on the special use permit.

1. A minimum of 50% of the lot area shall be designated as open space.
2. Buildings and structures used in association with outdoor recreation, hospital, school and churches shall be setback from adjoining property lines by a distance of 200 feet, except that the setback specified under Section 175-10.6 shall apply along property lines abutting a public road or the Shenandoah River.
3. Amphitheaters, stadiums and other similar activities that involve the outdoor gathering of large groups of people shall submit a traffic impact study for evaluation by the Town during the special use permit application process if the

total number of attendees is anticipated to exceed 2,500 persons. Gatherings of people above 2,500 may only be permitted by the Town on a temporary basis.

4. All outdoor lighting shall be reviewed and approved during the special use permit process. If outdoor lighting is authorized by special use permit, such lighting shall be designed so that light fixtures and the light that they emit minimize light glare to adjoining properties and the night-sky.

5. Campgrounds and similar facilities, shall comply with all requirements of the Virginia Department of Health, except that in no circumstance shall a campground not be provided with public bathroom facilities with either public utilities or an approved independent well and sanitary sewer system.

6. The hours of operation for outdoor activities shall be defined on any special use permit that may be approved by the Town.

(Ord. No. Z-6-91 Added Entire Section 2-25-91-Effective Upon Passage)

(Amended Entire Section (changed title to STANDARDS) 7-23-12-Effective Upon Passage)

Chapter 98 BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSING.

Section 98-46 FLEA MARKETS.

A. As used in this section, the following terms shall have the meanings indicated:

FLEA MARKET - An assembly of vendors, selling new or used goods in the open air or within temporary structures, who display and sell their wares on the lands of another for a consideration.

B. Every vendor who is engaged in the sale or display of goods at a flea market shall be required to purchase a license and display the license in a prominent place visible to the public. For every license to sell or display antiques or used or second-hand goods at a flea market, there shall be paid a license tax of ten dollars (\$10.) per year or one dollar (\$1.) per day. Every vendor of new goods at the flea market shall be deemed a peddler or itinerant merchant and shall pay such license tax as is applicable to peddlers under the provisions of Section 98-61. Such license taxes shall not be prorated. Upon application to and approval by the Town Council, no license shall be required of a nonprofit organization that sells or displays goods at a flea market so long as the proceeds of sale are retained by the nonprofit organization and not shared with other persons, businesses or organizations. The following regulations shall govern the conduct of flea markets:

(Ord. No. 12-86 Added "Peddler" 7-28-86-Effective Upon Passage)
(Ord. No. 13-96 Added "Itinerant Merchant" 12-16-96-Effective Upon Passage)

1. Goods and wares may be left on premises on Saturday nights only and on Sunday night if Monday is a holiday.
2. A night watchman may be allowed on weekends.
3. No overnight trailers are allowed.
4. The owner or lessee of the premises shall keep the flea market grounds clean and free of refuse and shall provide trash containers in sufficient numbers to serve the customers and vendors on the flea market site.
5. The owner or lessee of the premises shall rent no space to any flea market vendor, except those representing nonprofit organizations, unless the vendor first produces a valid and current license issued by the Town of Front Royal or a daily license permit for the sale and display of goods at a flea market.

Section 98-61 PEDDLERS**A. Peddlers defined.**

(Ord. No. 4-98 Amended Title 2-9-98-Effective Upon Passage)

1. Any person who shall carry from place to place any goods, wares, or merchandise and offers to sell or barter the same, or actually sells or barter the same, shall be deemed to be a peddler.
2. Persons who do not keep a regular place of business, whether it is a house, vehicle, vacant lot or elsewhere, open at all times in regular business hours and at the same place, who shall offer for sale goods, wares and merchandise, may be deemed peddlers under this Article. Persons who keep a regular place of business, open at all times in regular business hours and at the same place, who shall, elsewhere than at such regular place of business, personally or through their agents, offer for sale or sell and, at the time of such offering for sale, deliver goods, wares and merchandise, may also be deemed peddlers as above, except for sidewalk sales adjacent to a regular place of business, but this section shall not apply to those who sell or offer for sale, in person or by their employees, ice, wood, charcoal, meat, milk, butter, eggs, poultry, fish, oysters, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale, but a dairyman who uses upon the streets of the town one (1) or more wagons may sell and deliver from his wagons, milk, butter, cream and eggs without procuring a peddler's license.
3. All persons who do not keep a regular place of business, whether it is a house, vehicle, vacant lot or elsewhere, open at all times in regular business hours at the same place, who shall offer for sale rugs, furniture, appliances or clothing which is delivered at the time of sale shall be deemed peddlers and shall not be licensed under any separate section.

(Ord. No. 11-86 Amended (3) 7-28-86-Effective Upon Passage)

4. Those vendors of secondhand merchandise who sell their goods and wares as part of an approved or permitted flea market or yard sale and are licensed as such shall not be deemed peddlers. Those vendors of new merchandise at flea markets shall be deemed peddlers.

(Ord. No. 11-86 Amended (4) 7-28-86-Effective Upon Passage)

5. a. All persons vending Christmas trees or fireworks who do not keep a regular place of business, whether it is a house, vehicle, vacant lot or elsewhere, open at all times during regular business hours at the same place, but who offer said items for sale during a portion of the year on or about the season of a celebrated holiday shall not be deemed peddlers except for purposes a license tax imposed pursuant to Virginia Code Section 58.1-3717.
- b. Christmas trees are defined as decorative bushes, trees, wreaths and like foliage associated with the celebration of a recognized holiday occurring on December 25 of each year. The term "Christmas" shall have no religious connotation under this ordinance.
- c. All vendors of Christmas trees and fireworks who do not keep a regular place of business as defined herein shall pay a license tax of one hundred dollars (\$100.). Any nonprofit civic, charitable or educational organization may receive a waiver of this license tax upon application to and approval of the Front Royal Town Council.

(Ord. No. 8-92 Added (5) 7-27-92-Effective Upon Passage)

B. Place of sale. (Ord. No. 3-84 Added 4-23-84-Effective Upon Passage)

1. It shall be unlawful for any peddler to occupy or partially occupy while selling, or sell from, the private property of another without written permission of the private property owner in the possession of the peddler while selling or peddling.

(Ord. No. 2-96 Amended (1) 2-12-96-Effective Upon Passage)

2. All peddlers shall be required to sell or offer for sale their goods, wares or merchandise only:

a. along the following streets: Royal and Shenandoah Avenues. Provided, however, that it shall be unlawful to occupy or partially occupy, while selling or to sell from, any portion of the street right of way.

b. upon the property of a shopping center as set forth in Section 175-111.

c. at all flea market sites in the Town of Front Royal operating as flea markets by special permit or otherwise operating as flea markets in accordance with the town's Zoning Ordinance.

(Ord. No. 11-86 Amended (c as e) 7-28-86-Effective Upon Passage)

(Ord. No. 2-96 Amended (2) 2-12-96-Effective Upon Passage)

3. This subsection shall not apply to persons who sell or offer for sale, in person or by their employees, ice, wood, charcoal, meat, milk, butter, eggs, poultry, fish, oysters, game, vegetables, fruits or other supplies or farm products of a perishable nature.

C. Delivery of goods on day of sale. For the purpose of this section, any delivery made on the day of sale shall be construed as equivalent to delivery at the time of sale. Any person claiming exemption from the provisions of this section on the ground that he is delivering goods, wares or merchandise previously sold to the customer shall, upon request of any police, tax or revenue officer, or assessing official, furnish evidence of his claim other than his mere statement, which evidence may be an invoice or signed order describing the goods, wares or merchandise involved and the amount and price thereof. Failure to furnish such evidence shall be sufficient ground for charging the person making such delivery with a violation of this section, and, in any prosecution for a violation of this section, the claim aforesaid must be corroborated by satisfactory evidence.

(Ord. No. 13-96 Amended 12-16-96-Effective Upon Passage)

D. Levy of license tax on retail peddlers.

1. There is hereby imposed upon peddlers license taxes in accordance with the following schedules:

a. Peddlers of meat, milk, butter, eggs, poultry, fish, oysters, games, vegetables, fruits or other family supplies of a perishable nature not grown or produced by the peddler: fifty dollars (\$50.00). There shall also be imposed a license tax of fifty dollars (\$50.00) per vehicle for every vehicle over one used to peddle the above-stated products.

b. All other peddlers shall pay a license tax of five hundred dollars (\$500.00).

(Ord. No. 11-86 Amended (D) 7-28-86-Effective Upon Passage)

2. The license tax authorized by this subsection shall not apply to a peddler who sells to licensed dealers or retailers only; a regular wholesaler dealer who shall at the same time sell or deliver merchandise to retail merchants; a distributor or vendor of motor fuels and petroleum products or seafood; a farmer; a farmers' cooperative association; a producer of agricultural products; a manufacturer who is subject to Virginia tax on intangible personal property and who peddles only the

goods, wares or merchandise manufactured by him at a plant whose intangible personal property is taxed by the Commonwealth of Virginia.

3. Any peddler who shall peddle for sale or sell or barter without a license shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.) nor more than five hundred dollars (\$500.) for each offense and, in addition, shall be required to purchase the appropriate peddler's license from the Town of Front Royal.

E. Exemption as to certain dealers in ice, etc. No peddler's license shall be required, under the provisions of this section, of dealers in ice, wood or coal, who peddle same from vehicles, provided that such dealers have taken out a merchant's license in the town.

F. Exemption as to person selling farm or domestic products. Nothing contained in this section shall be construed as imposing any tax upon a person selling farm or domestic products within the town when the products to be sold are grown or produced by such person, but proof shall be shown that such products are so raised by the party offering them for sale. Before any exemption certificate shall be issued to any person as a grower, producer or manufacturer, the applicant for such exemption certificate shall first file with the Assessor a written statement, duly sworn to and attested to by a notary public or Justice of the Peace to his community, setting out in full and in detail the facts claimed to make such applicant a grower, producer or manufacturer, and no exemption certificate shall be issued by the Assessor until such statement, duly sworn to, shall have been produced and filed. The notary public or Justice of the Peace executing such written statement shall be given in full.

G. Enforcement of section. It shall be the duty of the police officers and other officers of the town to enforce the provisions of this section and to have warrants issued against any person committing a violation.

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



STAFF REPORT FOR THE TOWN COUNCIL WORK SESSION ON APRIL 15, 2013, APRIL 22, 2013 PUBLIC HEARING/1st READING & 2nd READING IN MAY

APPLICATION #:

REZ12-07-68

APPLICANT:

Veterans Of Foreign Wars Col Samuel R
Millar Post 1860

APPLICATION SUMMARY:

The applicant has requested that the Town conditionally rezone 10.66 acres from the I-1 District to the A-1 District. The rezoning application, zoning plat, and proffer statement is included with this report as **Exhibit A**.

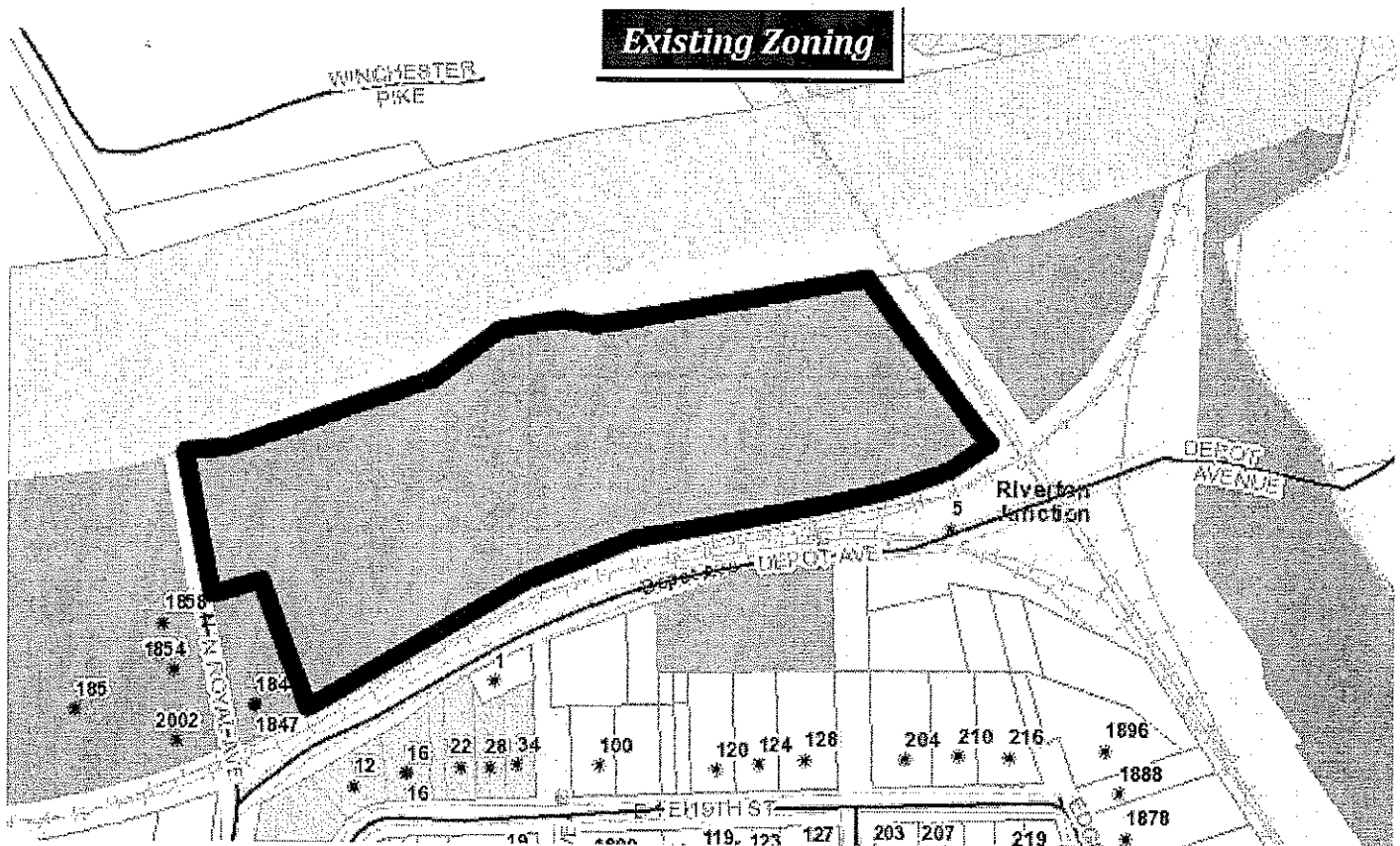
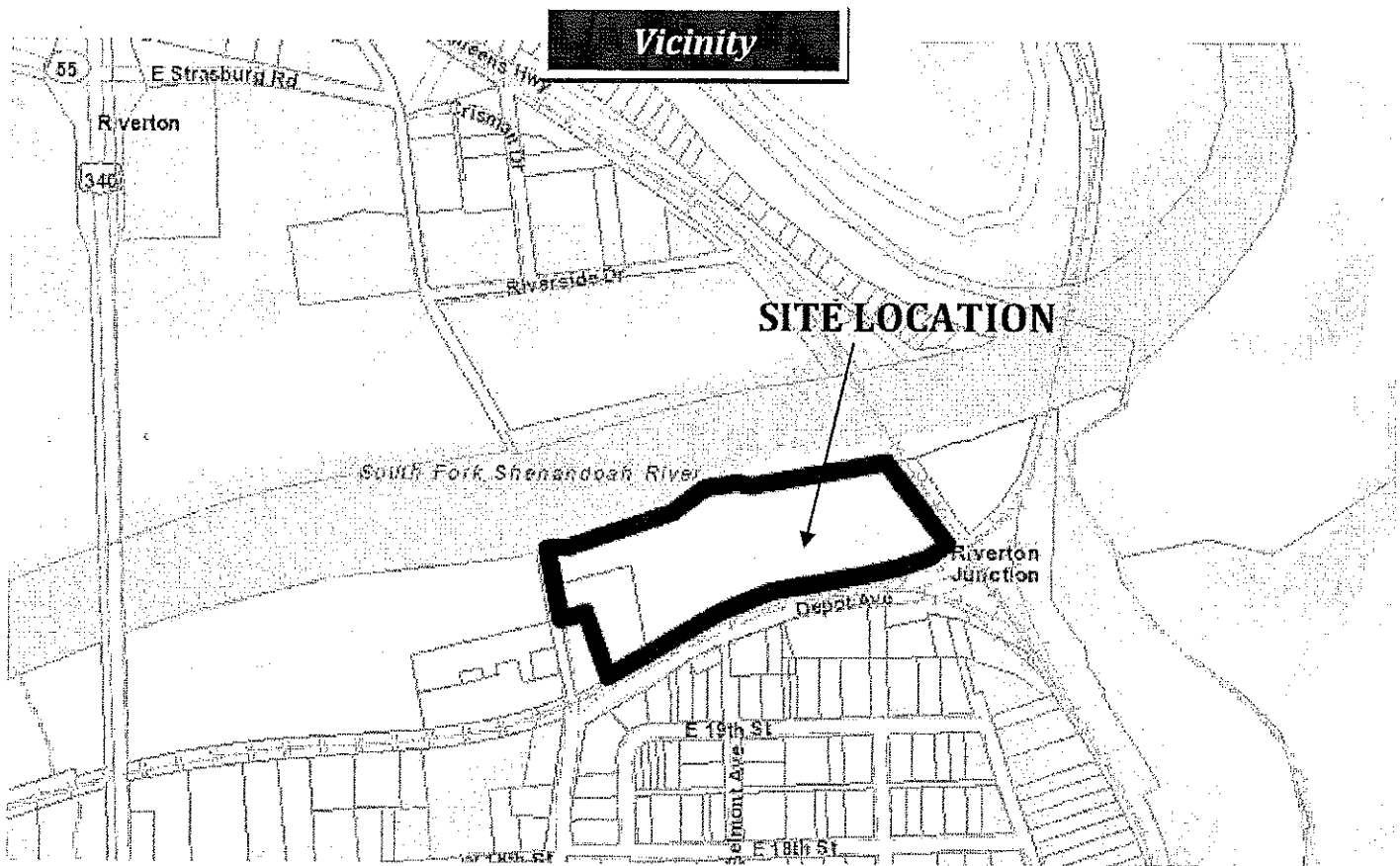
GENERAL INFORMATION:

Site Address	1847 North Royal Avenue (2 lots)		
Existing Zoning	I-1 District (entire 11.44 acres)		
Existing Use	VFW Lodge and accompanying grounds including picnic pavilion		
Overlay Districts	Historic Area - NO	Floodplain - YES	Entrance Corridor - NO
Tax Identification	Tax Parcel 20A3-1-1 (parcel A) and a portion of Tax Parcel 20A3-1-2 (parcel B)		
Location	The site is located at the end of North Royal Avenue, adjacent to the Shenandoah River.		

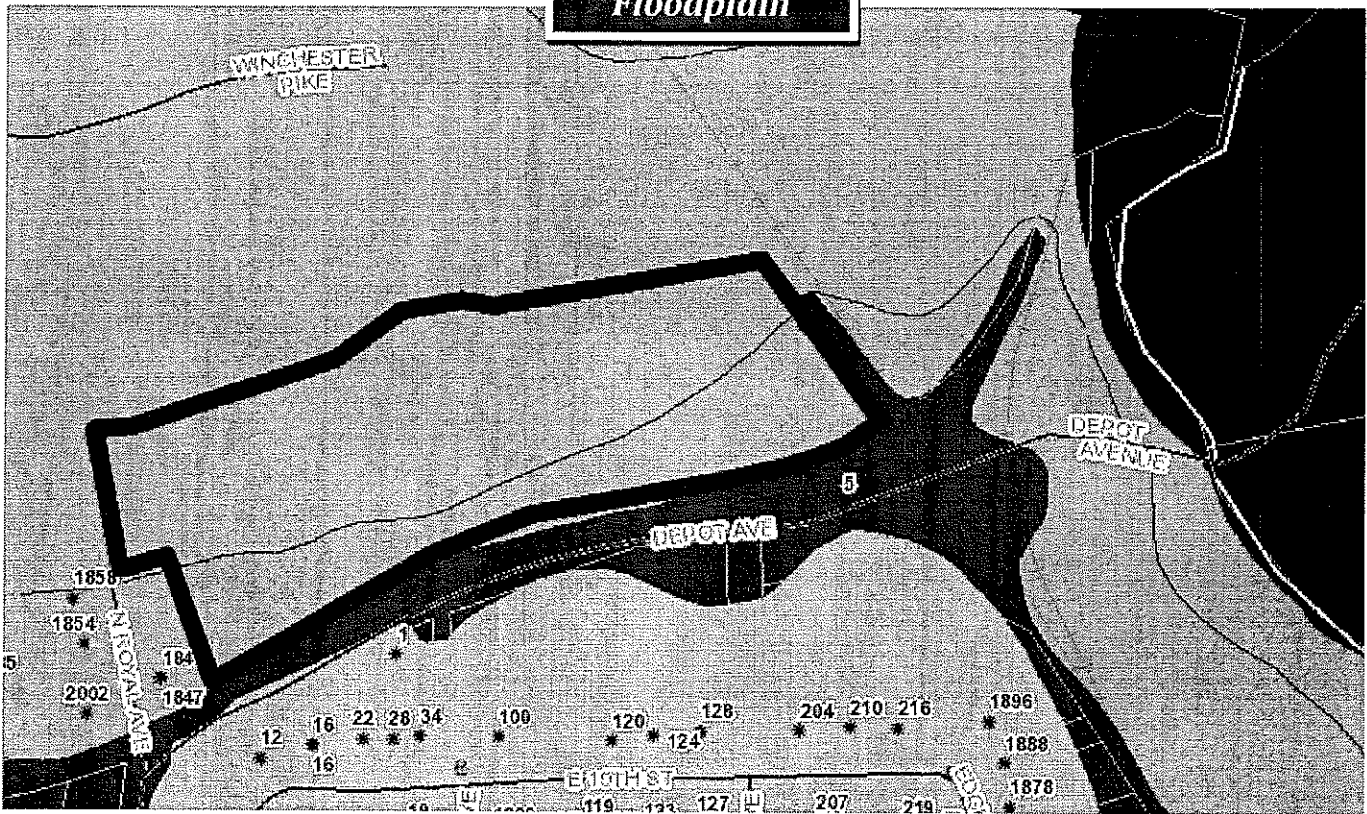
Proposed Zoning	A-1 District (excluding .78)
Intended Use(s)	Continuation of existing VFW Lodge and a Flea Market.

ILLUSTRATIONS

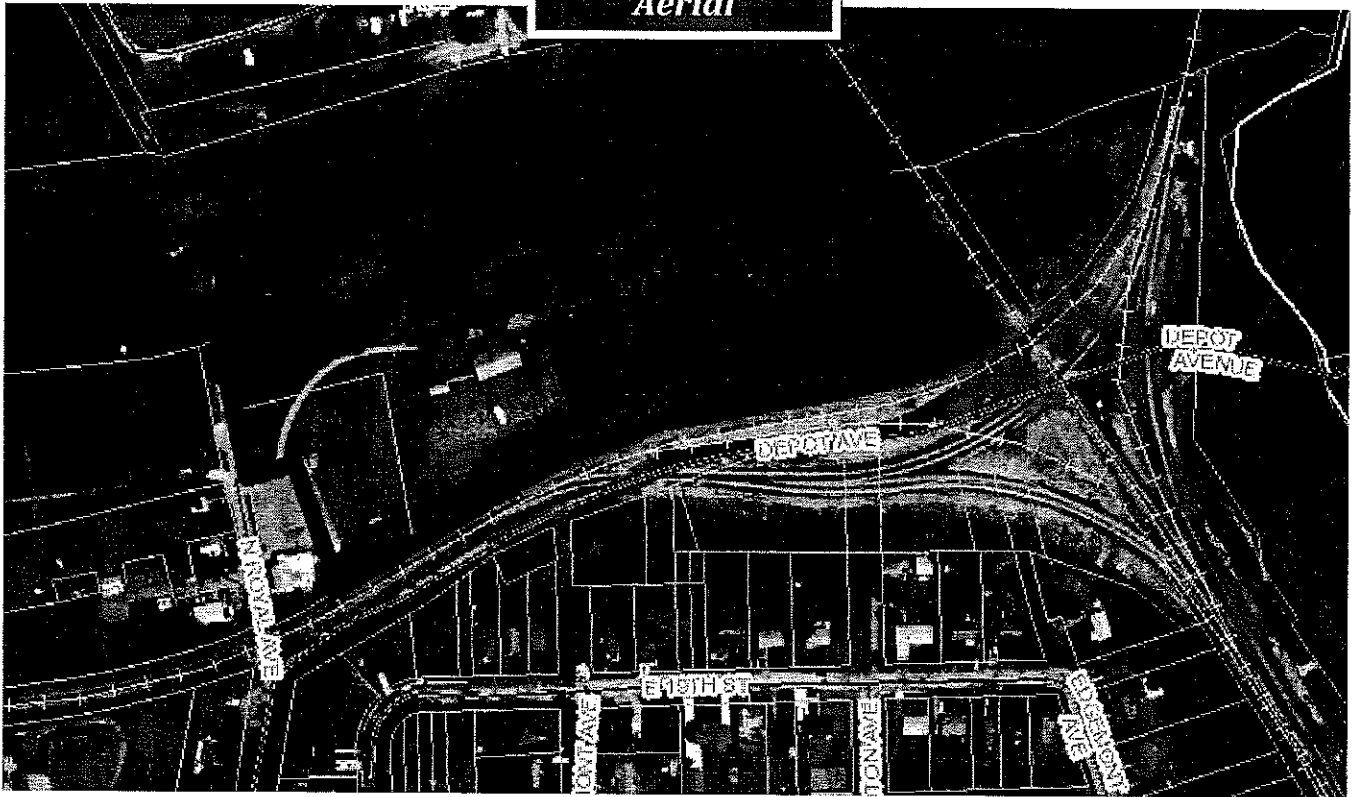
See following 3 pages. The accompanying Special Use Permit also includes a site plan for a flea market, subject to review and recommendation by the Planning Commission following action on the rezoning application.



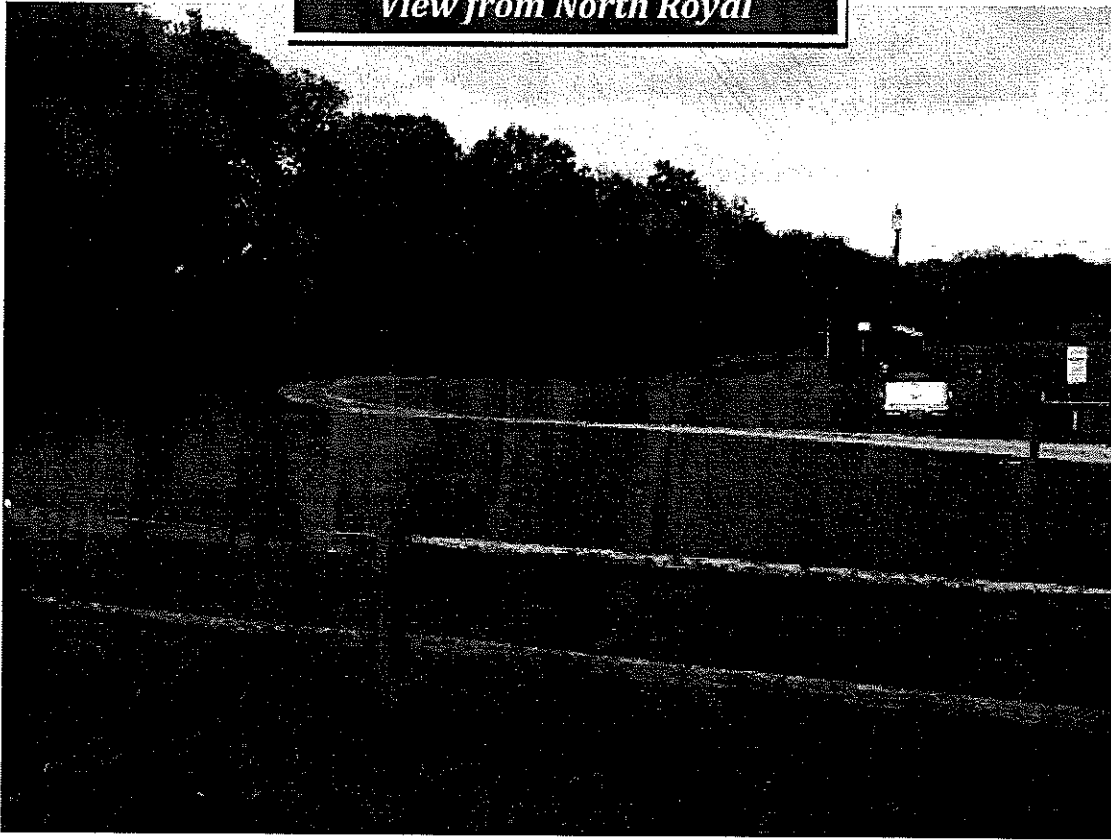
Floodplain



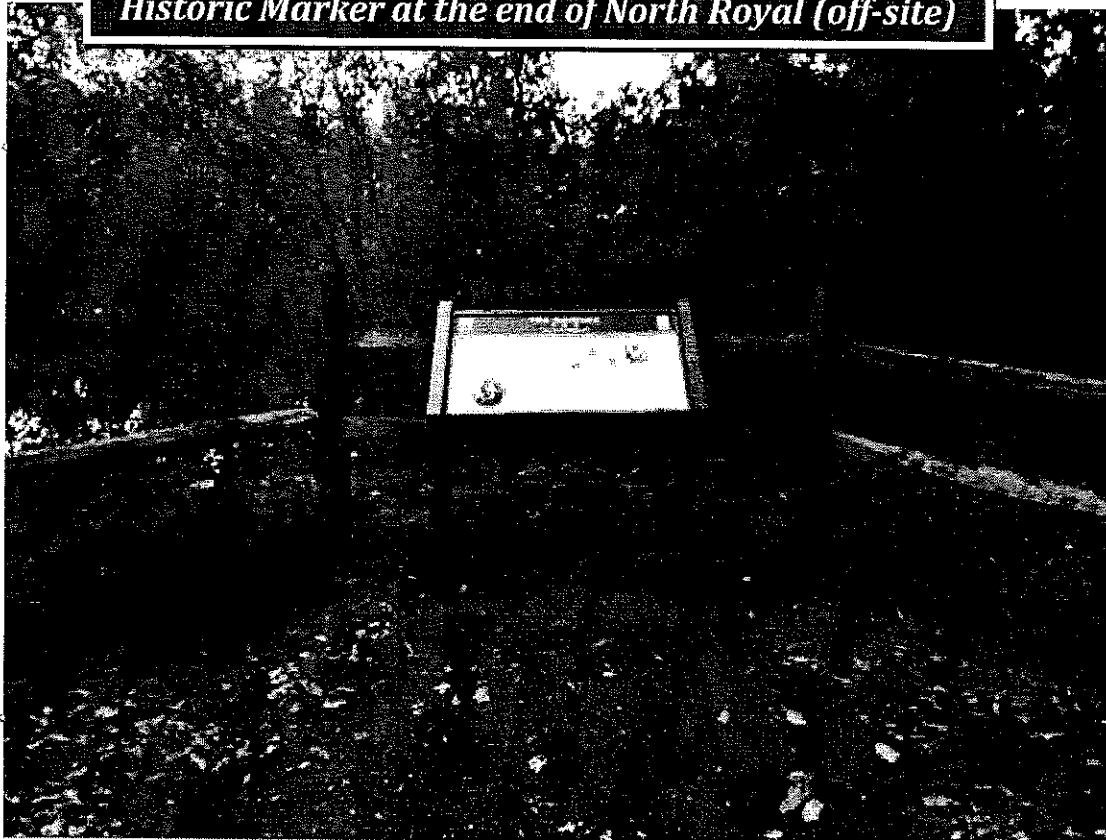
Aerial



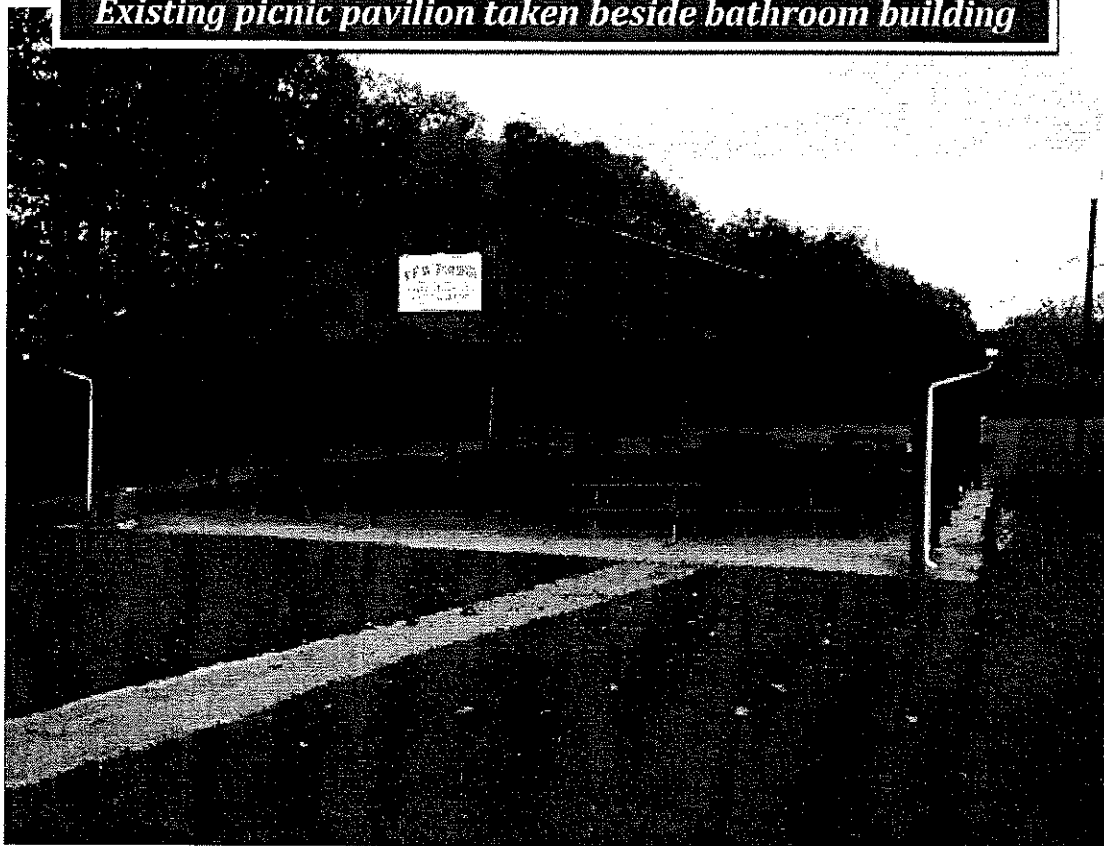
View from North Royal



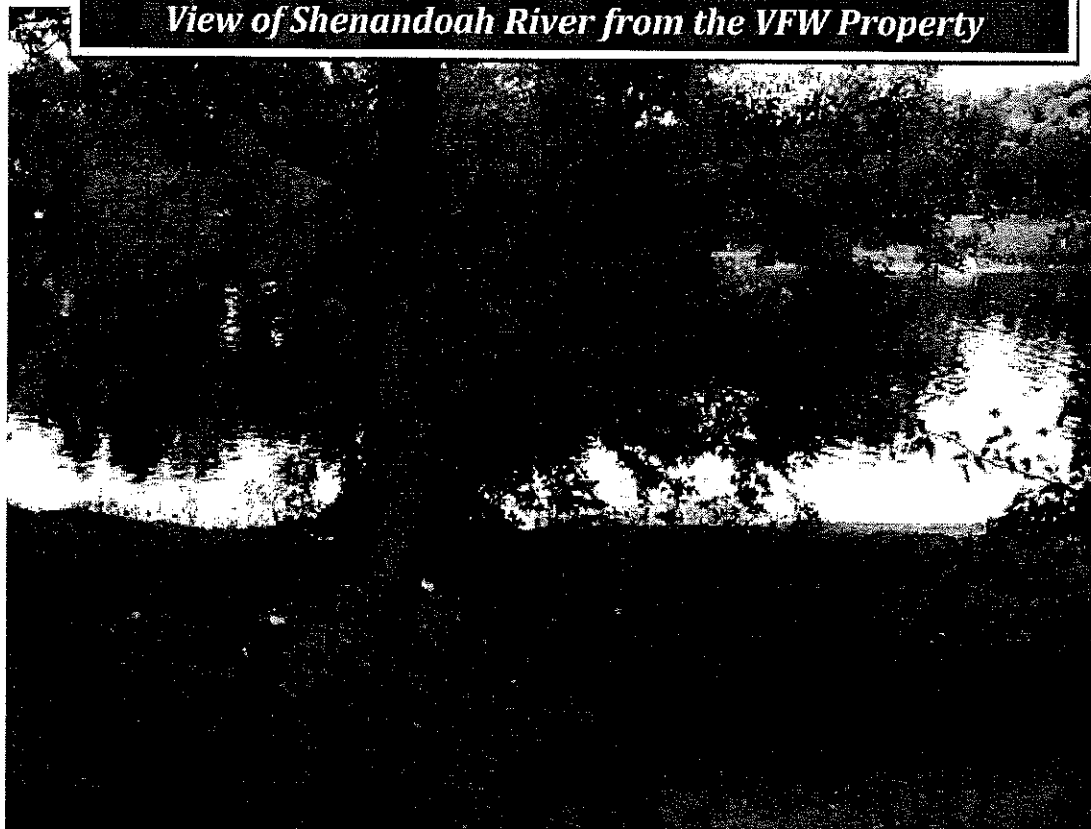
Historic Marker at the end of North Royal (off-site)



Existing picnic pavilion taken beside bathroom building



View of Shenandoah River from the VFW Property



ADDITIONAL INFORMATION:

Background

The property is owned by VFW Post 1860. VFW Post 1860 would like to establish a flea market on the property for profit to assist with funding of their organization. An ordinance amendment was previously prepared by the Planning Commission after VFW submitted a formal request for the Town to consider allowing a flea market on the property. Rather than allowing flea markets in the existing zoning district, the I-1 District, the Planning Commission, and Town Council approved an ordinance amendment to allow flea markets with a Special Use Permit in the A-1 District. Therefore, without guarantee to VFW, the ordinance was amended to allow VFW to apply for a flea market if their property was rezoned to the A-1 District, subject to the minimum standards of Section 175-10.10.B., in addition to the regular ordinance requirements of the Town Code and any other conditions added by Town Council upon review of the special use permit application. Below are the standards found under Section 175-10.10.B. of the Town Code.

175-10.10. B - Flea Markets. *Where flea markets are permitted by approval of a Special Use Permit, the following standards shall be complied with, in addition to any conditions placed on the Special Use Permit, and Section 98-46 of the Town Code.*

- 1. Adequate water and sanitary facilities shall be provided if found necessary based on the size, frequency and duration of the market.*
- 2. A minimum fifty (50) foot setback shall be maintained from all property lines.*
- 3. No adverse effect on adjoining properties, including but not limited to excessive or untimely noise or lighting, overflow parking, or visual problems potentially affecting property values or marketability, is found.*
- 4. No manufactured buildings shall be permitted.*
- 5. All tables, facilities and structures shall be maintained in a well-kept and attractive manner.*
- 6. All temporary structures or facilities, including but not limited to canopy frames, except as provided in sub-section B.5. above, table extensions and display shelving, shall be removed during the hours that the market is not in operation.*
- 7. Operation of the market shall be confined to Saturday, Sunday, and Holidays, unless other dates are specifically approved by the Town Council in conjunction with the Special Permit. The hours of operation shall be posted on the property.*
- 8. Open air markets shall only be conducted during the months of April through October. During the period from November 15 to March 15, all tables and other temporary fixtures shall be removed. Such fixtures may be stored on the site, provided they are located within a completely enclosed building or otherwise screened from public view.*

Comp. Plan

Rezoning the property to the A-1 District is consistent with the Comprehensive Plan for the Town of Front Royal, which designates the subject property for future conservation and open space. The A-1 District, also referred to as the Agriculture and Open Space Preservation District, includes uses, either allowed by-right, or by Special Use Permit, that are more consistent with the Comprehensive Plan than the current zoning designation of I-1 (Industrial) Zoning District.

Proffers

A proffer is a voluntary offer by a landowner that is submitted with a rezoning application to perform an act or donate money, a product, or service with the intent of justifying the appropriateness of the proposed rezoning application. The rezoning of land with proffers is referred to in the Virginia Code 15.2-2296 as conditional zoning. Under conditional zoning, there are reasonable conditions (proffers) governing the use of the property. Proffers are voluntary for applicants, and are for the purpose of providing additional regulations, not as a means to reduce regulations. *Jefferson Green Unit Owners Association, Inc. v. Gwinn*, 262 Va. 449 (2001) established that when a locality accepts proffers, they become part of the zoning ordinance.

The Town of Front Royal is authorized to accept cash and non-cash proffers (or not accept them if they chose) under the authority provided under the Virginia Code 15.2-2298. However, proffers must be reasonably related to the rezoning application and consistent with the Comprehensive Plan before they can be accepted. In addition, numerous complex rules and regulations apply to the acceptance and use of cash proffers, such as, but not limited to, the rule that cash proffers can only be used for projects identified within a localities Capital Improvement Plan (CIP).

Exhibit A includes a proffer statement submitted by the applicant in association with the rezoning application that was submitted. The proffer statement offers the voluntary restriction of manufactured homes and tenant housing, which would otherwise be permitted within the A-1 District.

Review Comments

The Town Engineer, Town Department of Environmental Services, Town Energy Services Department, the Warren County Building Official, the Warren County Fire Marshal and the Warren County Development Review Committee have reviewed the development proposal. Exhibit B is attached to this report, which is a copy of the initial review comment letter sent to VFW which summarizes all review comments received. Exhibit C is a letter from the Fire Marshal that was received separately. No major issues were identified with the future plans of the property, and not opposition to the rezoning of the property was received.

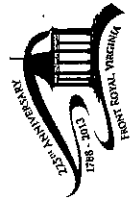
Since the rezoning of the property is not specific to any particular use, person, business or organization, no recommendations for the intended flea market use are offered as part of this rezoning application.

Staff did request that the applicant consider proffering an easement, or reservation of an easement, to the Town for a future trail along the Shenandoah River. The applicant did not include this in their proffer statement, but did include the recommendation to restrict manufactured homes and tenant housing. The applicant also modified the proposed zoning boundary, as recommended by Staff, so the proposed zoning matched the location of the future and existing uses.

PLANNING COMMISSION RECOMMENDATION:

On March 20, 2013, the Planning Commission **recommended approval** of VFW's rezoning application for the conditional rezoning of 10.66 acres from the I-1 District to the A-1 District, including proffers that restrict the use of manufactured homes and tenant housing on the property. The Planning Commission agreed at the meeting that the rezoning of the property conformed to the Town Comprehensive Plan.

ATTACHMENTS: Attachment 1: Rezoning Application, Attachment 2: Initial Review Comment Letter, and Attachment 3: Fire Marshal Review Comments



Town of Front Royal, Virginia Work Session Agenda Form

Date: April 15, 2013

Agenda Item: VFW Special Use Permit and Site Plan Applications.

Summary: VFW has requested that the Town issue a Special Use Permit for a Flea Market, contingent on the property being rezoned to the A-1 District. As required by the Town Code, the review of a site plan is also included with the review of the Special Use Permit. Attached to this coversheet is a staff report with details of the request, including Staff's recommended conditions, such as, but not limited to, a 1-year review period and phasing plan.

Council Discussion: This agenda item is scheduled for review with Town Council at the April 15, 2013 Town Council Work Session. A public hearing is scheduled for April 22, 2013.

Staff Evaluation: The Planning Director will be at the upcoming Town Council work session. A staff report is attached with information and analysis of the request.

Budget/Funding: No additional funds are needed to accommodate the request.

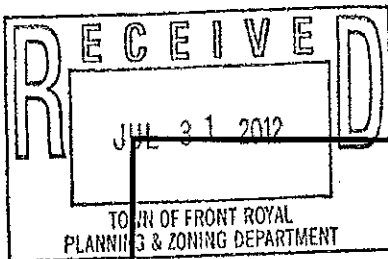
Legal Evaluation: The Town Attorney will be available at the upcoming meeting for questioning, if needed.

Staff Recommendations: This agenda item is only scheduled for review during the April 15, 2013 Work Session. As recommended by the Planning Commission, and following the required public hearing process, Staff recommends approval of the Special Use Permit Application and Site Plan Application submitted by VFW; subject to the property being rezoned by Town Council first; subject to the following conditions for the Special Use Permit; and subject to final approval of the site plan by Town Staff after all agency review comments are adequately addressed.

Town Manager Recommendation: The Town Manager will be available at the upcoming work session for discussion and questions.

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action
Consensus Poll on Action: ____ (Aye) ____ (Nay)

SUP 12-07-258**SPECIAL USE PERMIT REQUEST
TOWN OF FRONT ROYAL**

APPLICANT Col. Samuel R. Miller
NAME VFW Post 1860 PHONE 540-635-8134
ADDRESS 1847 N. Royal Ave
E-MAIL Kohrt 0702 @ Yahoo. Com

PROPERTY DESCRIPTION

PROPERTY ADDRESS 1847 N. Royal Ave
9-A3-1-2
TAX MAP _____ SECTION _____ BLOCK _____ LOT _____
SUBDIVISION NAME _____
ACREAGE 1.0

REQUESTZONING DISTRICT Current Industrial (Proposed Rezoning to Agriculture)PROPOSED USE OF PROPERTY Flea MarketSPECIFIC SPECIAL USE PERMIT REQUEST Operation of a
Flea Market on Weekends and holidays
as specified in the Town Code

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 and Zoning.

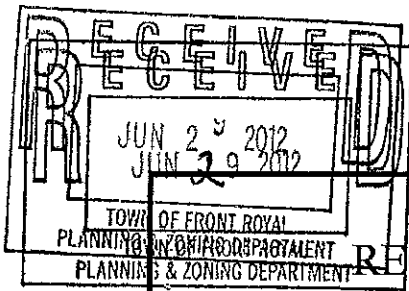
CERTIFICATION

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 [Signature] Date 7-31-12

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 # 226492 Date Paid 7-31-12



DEV 12-06-206

DEVELOPMENT APPLICATION
REQUEST FOR SITE PLAN APPROVAL
TOWN OF FRONT ROYAL

APPLICANT Col. Samuel R. Miller
NAME VFW Post 1860 PHONES 540-635-8134
ADDRESS 1847 N. Royal Ave
Designated Contact for Applicant Michael Kohrt 540-313-1956

PROPERTY DESCRIPTION
PROPERTY ADDRESS 1847 N. Royal Ave
TAX MAP 20A3-1-2 SECTION _____ BLOCK _____ LOT _____
SUBDIVISION NAME _____
ACREAGE 10 Acres

REQUEST
ZONING DISTRICT _____
PROPOSED USE OF PROPERTY Flea market
PROPOSED BUILDING SIZE _____
BUILDING COVERAGE _____
NUMBER OF PARKING SPACES PROVIDED _____
AMOUNT OF OPEN SPACE AREA _____

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

1. Five (5) copies of the site development plan, prepared in accordance with the requirements of Town Code Section 148-20.
2. 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 County Building 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 Michael Kohrt Date 6-28-2012
Fee \$300.00 Receipt Number 226445 Date 6-29-12

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.

January 13, 2012

*NOT ready for review until 10-16-12 *

the "big picture" of the industry. The book is a collection of essays by leading experts in the field, including the authors of the book. The book is a valuable resource for anyone interested in the future of the industry.

1. NO THE REPORT LISTINGS. MAY SUBJECT TO MODIFICATIONS AND REVISIONS OF THE FOLLOWING:

2. TOTAL AREA OF SITE = 114,500 ACRES. PROPERTY IS ZONED R-2.

3. THE MAP SHEET 2401 + SHEETS 1 AND 2.

4. PROPERTY IS LOCATED WITHIN THE 100-70 FEET PLANNING AREA.

5. PROPERTY SIZE = 114.5 ACRES.

6. OWNER: CRY. SHELBY & JAMES ROY, JR., INC., 709 E. 25th ST., MARIETTA, GA 30067, AND THE VFW.

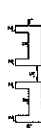
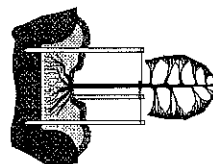
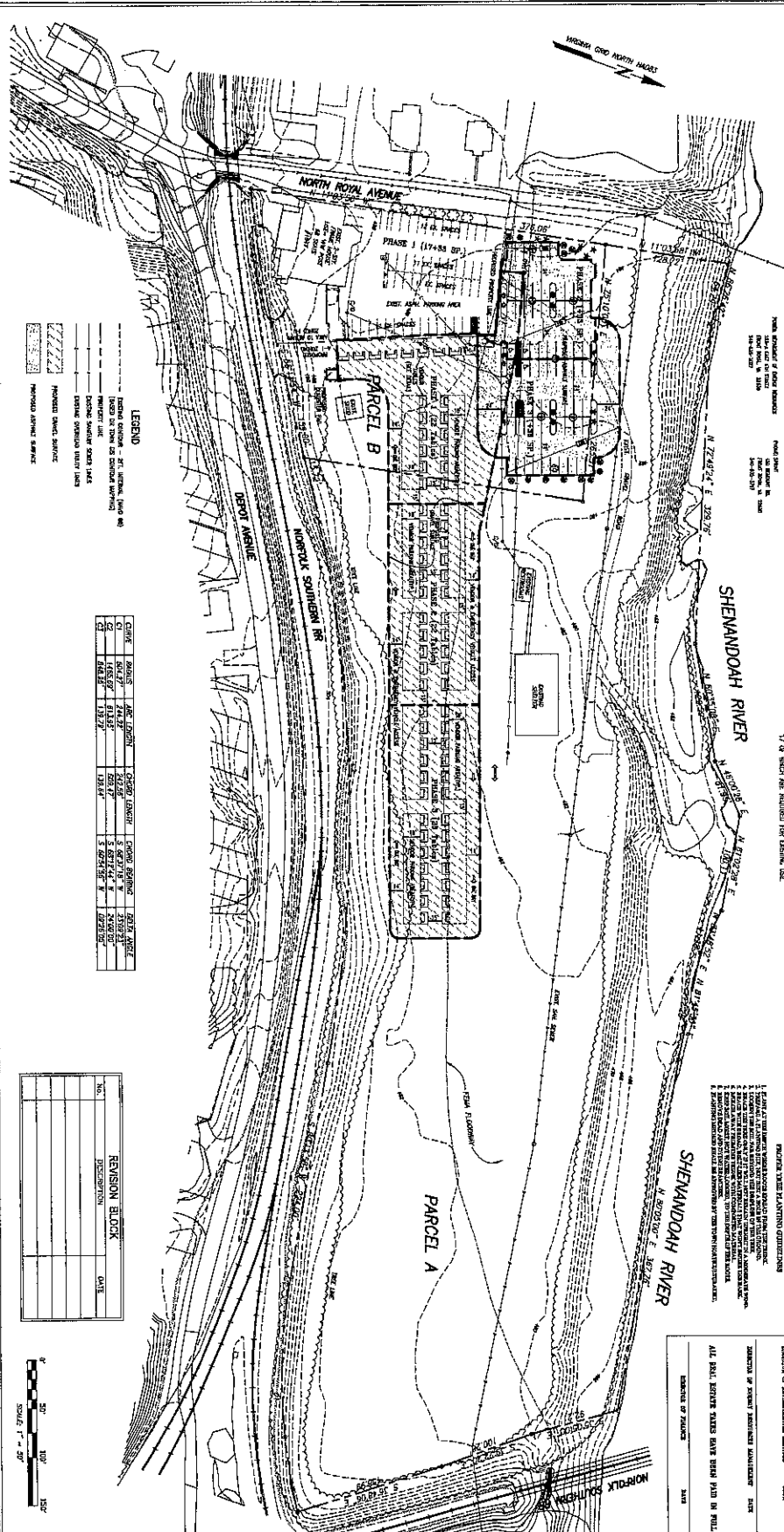
PHASE I TABULATION

PHASES	TOTAL NUMBER OF ACRES IN PHASE	N
PHASE 1 EXIST. PAVING LOT + 33 AC. NEW SPACES	56 (17 + 33)	17
PHASE 2 EXIST. PAVING LOT + 33 AC. NEW SPACES	63 (17 + 66)	17
PHASE 3 EXIST. PAVING LOT + 60 NEW SPACES	119 (17 + 102)	17

PHASES	TOTAL NUMBER OF SPACES BY PHASE	TOTAL NUMBER OF TABLES BY PHASE
PHASE 1	EXIST. PARKING LOT 60 (17 + 33)	22
PHASE 2	EXIST. PARKING LOT + 33 NEW SPACES 83 (17 + 66)	44
PHASE 3	EXIST. PARKING LOT + 69 NEW SPACES 119 (17 + 102)	70

PARKING LABULATION

**TYPICAL VENDOR TABLE
70 TABLES PROPOSED
(2 TABLES SHOWN - NOT TO SCALE)**

[illegible][illegible]

PROPOSED FLEA MARKET
COL. SAMUEL R. MILLAR POST 1860, INC., VFW
TOWN OF FRONT ROYAL - WARREN COUNTY, VIRGINIA

20 FEBRUARY 2012

SHEET 1 OF 1

COMMONWEALTH OF VIRGINIA
MARTIN L. JERGENSON
Lic. No. 1008
LAND SURVEYOR

DARRYL G. MERCHANT
Consulting Land Surveyor
P.O. BOX 1508 FRONT ROYAL, VA 22630
540-636-4849



TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING



STAFF REPORT FOR THE TOWN COUNCIL WORK SESSION ON APRIL 15, 2013, APRIL 22, 2013 PUBLIC HEARING/1st READING & 2nd READING IN MAY

APPLICATION #:

SUP12-07-258/DEV12-06-206

APPLICANT:

Veterans Of Foreign Wars Col Samuel R
 Millar Post 1860

APPLICATION SUMMARY:

Subject to approval of the accompanying rezoning application, the applicant has requested that the Town approve a Special Use Permit and site development plan for a flea market. The Special Use Permit and site plan applications are included with this report as **Exhibit A**.

GENERAL INFORMATION:

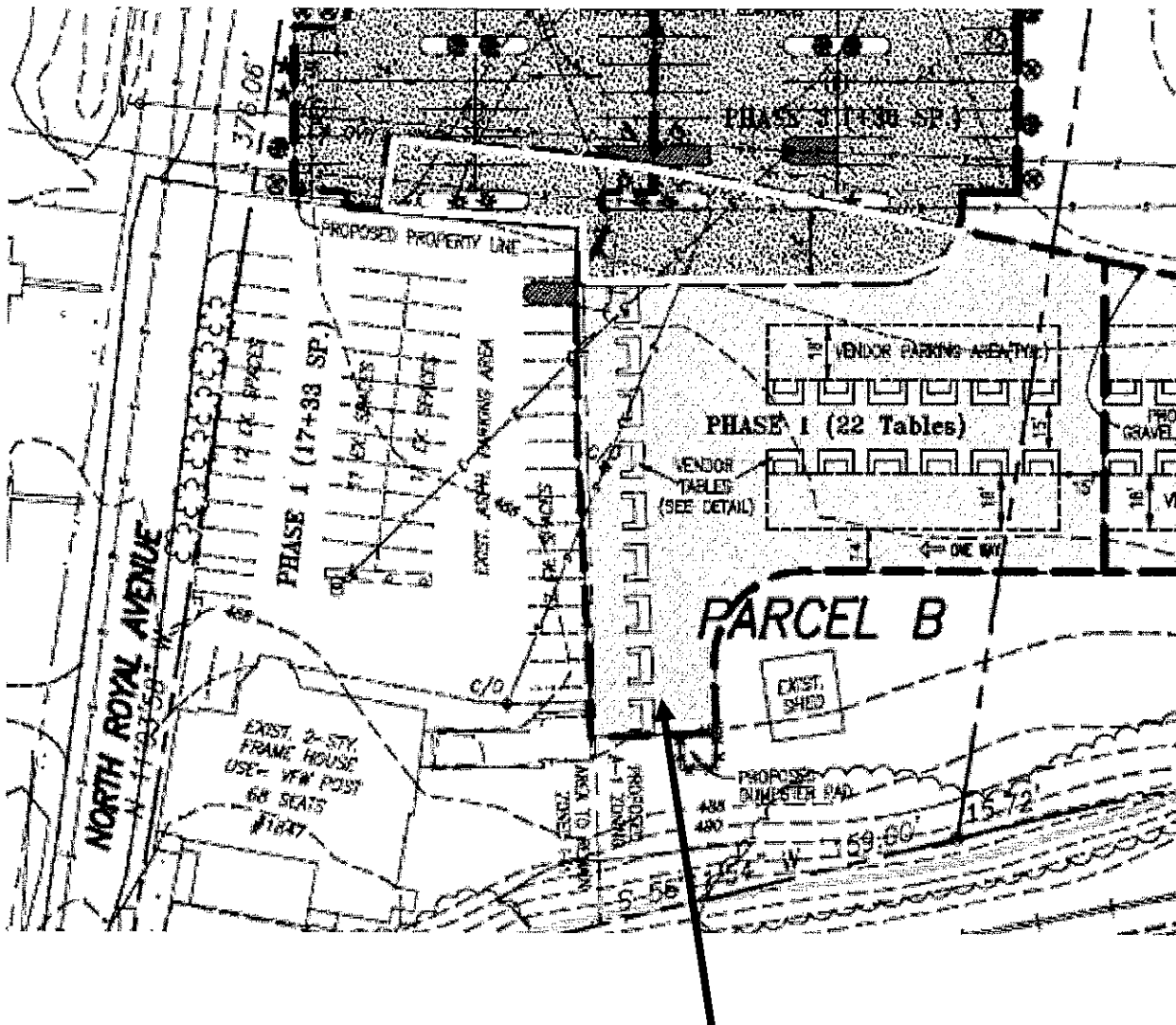
Site Address	1847 North Royal Avenue (2 lots)		
Existing Zoning	I-1 District (entire 11.44 acres)		
Existing Use	VFW Lodge and accompanying grounds including picnic pavilion		
Overlay Districts	Historic Area – NO	Floodplain – YES	Entrance Corridor – NO
Tax Identification	Tax Parcel 20A3-1-1 (parcel A) and a portion of Tax Parcel 20A3-1-2 (parcel B)		
Location	The site is located at the end of North Royal Avenue, adjacent to the Shenandoah River.		

Projected Zoning	A-1 District (excluding .78)
Proposed Use(s)	Continuation of existing VFW Lodge and a Flea Market on the portion of the property zoned A-1 District.

ILLUSTRATIONS

See the illustrations shown as part of the rezoning application, the attached site plan (Exhibit B), and the following illustration of phase 1.

Phase 1



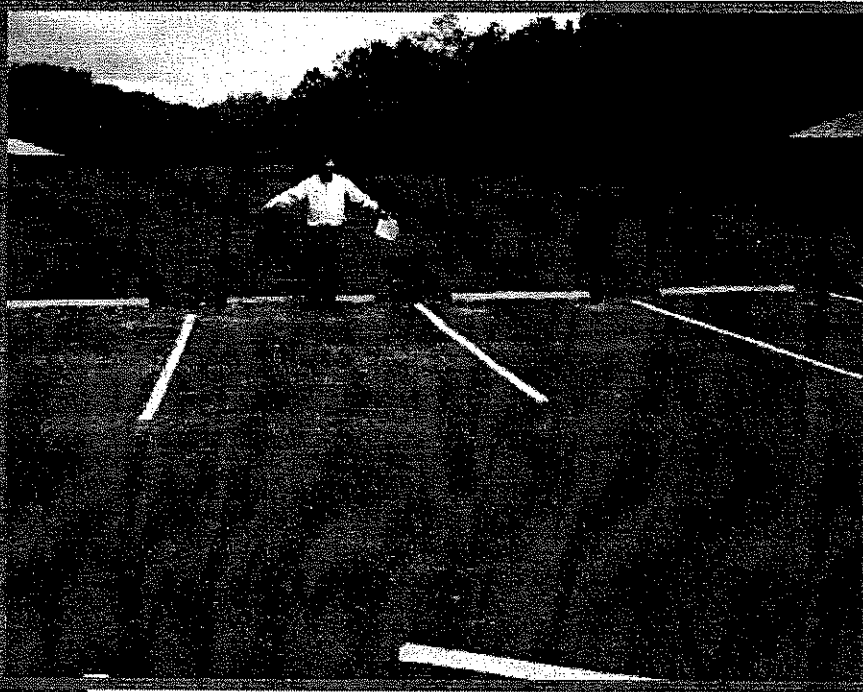
PHASE ONE LOCATION SHOWN IN YELLOW

ADDITIONAL INFORMATION:

Background

The applicant submitted a site plan application on October 15, 2012, which accompanied a Special Use Permit application for a flea market submitted earlier. The Special Use Permit was initially submitted as incomplete pending a site plan, which is required by the Town Code uses that require a Special Use Permit. Town Staff provided review comments on the site plan by a letter dated October 30, 2012. This letter is attached and included as Exhibit B to this report. The applicant submitted a revised site plan on February 21, 2013.

Staff has worked with VFW to prepare a site plan that includes three (3) phases of development. The first phase would utilize the existing parking lot, and include a gravel area adjacent to it for 22 tables, an access lane, and fire access lane. The first phase would have minimal impact to the site, and is understood to not require a land disturbance permit due to the limited amount of land disturbance. Only phase 1 is recommended to be approved by this Special Use Permit at this time.



Phasing

The longer range plan includes the addition of Phase 2 and 3. These phases would include 22 tables as part of Phase 2, and 26 tables as part of Phase 3, with a total of 70 tables planned for the site after development of all three phases. Approval of phases 2 and 3 are not recommended at this time for at least the following reasons:

- By phasing the project, it reduces the up-front costs necessary to start the use, which is preferred by the applicant.

***Review of
2nd Site Plan
Submission***

- By phasing the project, the Town will be able to monitor and control traffic and other potential negative impacts that could result by the use of the property as a flea market. Staff also recommends re-review of the Special Use Permit after a year of operation of phase 1 to determine if the Special Use Permit for phase 1 should be continued, and if it would be appropriate to authorize phase 2 and/or 3.

Staff has reviewed the revised site plan that has been submitted and offers the following minor comments that should be adequately addressed before final approval of the site plan.

- 1) #2, under the Notes section, references that the property is zoned I-2. The correct current zoning district is I-1 District. Please correct this error.
- 2) Please reword the Director of Energy Resources Management to the Director of Energy Services.
- 3) Phase 1 landscaping. Please specify what landscaping will be installed as part of phase 1. Landscaping within the public right-of-way should be reviewed by the Town Arborist.
- 4) Please specify the surface material details that will be used for the proposed island in the rear (east) of the existing parking lot. This should be a landscaped island with a shade tree or shrub included within it. Please also specify the surface material details for the other island shown in the phase 3 parking area.
- 5) Please add handicap parking improvements as part of phase 1 if required by the Warren County Building Official as part of phase 1 development.
- 6) Please include the final conditions, including the specific requirements of Section 175-10.10.B, of the Town Code, on the final site plan. Please also include reference to the proffers, which should be recorded if accepted by Town Council.

Legal Venue

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

Section 175-10.04 of the Front Royal Municipal Code requires a Special

Use Permit for "Flea Markets".

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.

RECOMMENDATIONS:

During the March 20, 2013 Planning Commission Meeting, the Planning Commission recommended approval of the Special Use Permit Application and Site Plan Application submitted by VFW, subject to the property being rezoned first, subject to the following conditions for the Special Use Permit, and subject to final approval of the site plan by Town Staff after all agency review comments are adequately addressed.

DRAFT CONDITIONS FOR #SUP12-07-258

1. **Phase 1 Only At This Time.** This permit shall be valid for the use of the property as a flea market, only to the extent that is illustrated as phase 1 on the approved site development plan (DEV12-06-206), subject to review and extension as provided for under condition #2.
2. **1-Year Validity Only At This Time.** This permit shall be valid for a period of time that is one-year, beginning from the date that the use initially commences, and expiring twelve (12) months thereafter. However, the use may continue to operate beyond this period of time, provided that the applicant submits a request to extend the Special Use Permit within the first twelve (12) months, and the Town does not revoke the permit. If the applicant submits a request to extend the permit, Town Council will review the request, after review and recommendation by the Planning Commission. Town Council may extend the permit for a specific time period, or extend the permit indefinitely. At such time that the permit may be extended, it may also be expanded to include phase 2 and/or 3, as illustrated on the site development plan, as may be revised by the Town in the future. Upon future permit extension, Town Council may require a public hearing if deemed necessary. If a public hearing is required by Town Council, the applicant shall pay the standard Special Use Permit application fee.
3. **Code Compliance.** The use of the property shall comply with the requirements of Town Code, including those specific to flea markets under Section 175-10.10.B. For reference purposes, the requirements of Section 175-10.10.B. are as follows:
 - *Adequate water and sanitary facilities shall be provided if found necessary based on the size, frequency and duration of the market.*
 - *A minimum fifty (50) foot setback shall be maintained from all property lines.*
 - *No adverse effect on adjoining properties, including but not limited to excessive or untimely noise or lighting, overflow parking, or visual problems potentially affecting property values or marketability, is found.*
 - *No manufactured buildings shall be permitted.*
 - *All tables, facilities and structures shall be maintained in a well-kept and attractive manner.*

- *All temporary structures or facilities, including but not limited to canopy frames, except as provided in sub-section B.5. above, table extensions and display shelving, shall be removed during the hours that the market is not in operation.*
 - *Operation of the market shall be confined to Saturday, Sunday, and Holidays, unless other dates are specifically approved by the Town Council in conjunction with the Special Permit. The hours of operation shall be posted on the property.*
 - *Open air markets shall only be conducted during the months of April through October. During the period from November 15 to March 15, all tables and other temporary fixtures shall be removed. Such fixtures may be stored on the site, provided they are located within a completely enclosed building or otherwise screened from public view.*
4. **Inspection.** The Zoning Administrator, and/or designee, 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.
5. **Revocation.** Notwithstanding the above conditions, the Town may revoke the Special Use Permit at any time 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.

ATTACHMENTS: Attachment 1: Application, Attachment 2: Copy of the Site Plan