



REGULAR TOWN COUNCIL MEETING

Monday, June 10, 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 May 28, 2019
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager
 - * **Employee Recognition – Alan Bell**
 - * **Quarterly Report from County Administrator Doug Stanley**
 - b. Requests and inquiries of Council members.
 - c. Report of the Interim Mayor
 - * **Special Drawing for the United Way of Front Royal/Warren County**
 - d. Proposals for addition/deletion of items to the Agenda.
7. **CONSENT AGENDA ITEMS** – (ROLL CALL VOTE REQUIRED) - NONE
8. **COUNCIL APPROVAL** – Ordinance to Amend Town Code Section 158-6 Pertaining to Adoption by Reference of the State Motor Vehicular Laws (*2nd Reading*)
9. **COUNCIL APPROVAL** – Write off For Bad Debt
10. **CLOSED MEETING** – Consultation with Legal Counsel and Investment of Public Funds

TOWN COUNCIL WORK SESSION Immediately Following the Regular Meeting

TOWN/STAFF RELATED ITEMS

1. A Resolution/Ordinance Authorizing Prairie State Replacement Power Schedule with American Municipal Power (AMP) – *Director of Energy Services*

COUNCIL/MAYOR RELATED ITEMS:

2. Rescind Special Use Permit for Workforce Housing – *Councilman Tewalt*

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Town of Front Royal, Virginia Council Agenda Statement

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Item No. 8

Meeting Date: June 10, 2019

Agenda Item: COUNCIL APPROVAL – Ordinance to Amend Town Code Section 158-6 Pertaining to Adoption by Reference of State Motor Vehicular Laws (*2nd Reading*)

Summary: Council is requested to adopt on its second and final reading an ordinance to amend Town Code Section 158-6 pertaining to Adoption by Reference of State Motor Vehicular Laws, as presented. The Town must re-adopt Section 158-6 of the Town Code, which legally allows the Town to incorporate all the changes to the State Code traffic laws that have been made during the year.

Budget/Funding: None

Attachments: Ordinance

Meetings: Work Session held May 6, 2019. Public Hearing held May 28, 2019

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council adopt on its second and final reading an ordinance to amend Town Code Section 158-6 pertaining to Adoption by Reference of State Motor Vehicular Laws, 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: 

**AN ORDINANCE TO AMEND SECTION
158-6 OF THE FRONT ROYAL TOWN CODE
PERTAINING TO ADOPTION BY REFERENCE
OF THE STATE MOTOR VEHICULAR LAWS**

BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia, that Section 158-6 of the Front Royal Town Code is hereby amended and enacted as follows:

Pursuant to the authority of Section 46.2-1313, Code of Virginia, 1950, as amended, all of the provisions and requirements of the laws of the State as of **July 1, 2019**, contained in Title 46.2, Code of Virginia, 1950, as amended, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, 1950, as amended, except those provisions and requirements the violation of which constitutes a felony and except those provisions and requirements which, by their very nature, can have no application to or within the Town, are adopted and incorporated by reference and made applicable within the Town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the Town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made part of this chapter as fully as those set forth at length herein; and it shall be unlawful for any person within the Town to violate or fail, neglect or refuse to comply with any provision of Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement adopted exceed the penalty imposed for a similar offense under Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia.

For purposes of § 4-4 (E) of the Town Code, this Ordinance is deemed routine, and is effective on **July 1, 2019**.

APPROVED:

Matthew A. Tederick, Interim 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	Chris W. Holloway	Yes/No
Letasha Thompson	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 _____, 2019, 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**

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Item No. 9

Meeting Date: June 10, 2019

Agenda Item: COUNCIL APPROVAL – Write off for Bad Debt for 2nd Quarter of 2019

Summary: Council is requested to approve the removal of five (5) years or older of outstanding accounts receivable (bad debt) on the Town's ledger for the second quarter of 2019 totaling \$27,755.98 which is comprised of 59 utility accounts. All possible recourse of attempting to collect these amounts has been completed and the accounts have no activity for at least five (5) years. The amount of \$27,755.98 represents approximately 0.09% of the budgeted sales.

Budget/Funding: None

Attachments: List of Debt

Meetings: Work Session held June 3, 2019.

**Staff
Recommendation:** Approval ✓ Denial

Proposed Motion: I move that Council approve the removal of five (5) years or older of outstanding accounts receivable (bad debt) on the Town's ledger for the second quarter of 2019 totaling \$27,755.98 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

Utility Account Bad Debt

Balance	Service Address	Final Bill Due Date
680.88	84 E STRASBURG RD #4	3/31/2014
205.63	604 EARL CT	3/13/2014
415.08	112 W 16TH ST	5/31/2014
312.82	1318 DIXIE AVE	5/30/2014
171.26	1122 N SHENANDOAH AVE #6	5/23/2014
400.34	111 W 12TH ST #1	3/20/2014
216.37	706 W 14TH ST	4/2/2014
422.72	842 W 11TH ST	4/17/2014
207.44	708 W 11TH ST #3	3/31/2014
246.19	708 W 11TH ST #4	3/7/2014
318.61	650-E W 11TH ST	3/21/2014
509.49	343 KENDRICK LN #20	5/31/2014
214.27	1400 MASSANUTTEN AVE #2	5/23/2014
301.63	122-B N ROYAL AVE	4/17/2014
240.14	21-D W 6TH ST	3/7/2014
763.28	717 VILLA AVE	4/22/2014
180.38	15 MASSIE ST	3/7/2014
551.07	144 CHESTER ST #1	4/17/2014
44.71	8-A CHESTER ST	4/17/2014
670.05	190 COMMERCE AVE	5/23/2014
249.70	110 E 4TH ST	4/17/2014
374.21	718 WARREN AVE #3	3/21/2014
1504.30	216-B E MAIN ST	4/24/2014
219.18	615-A VISCOSE AVE	7/31/2013
418.60	518 W MAIN ST #3	4/24/2014
52.77	117 E MAIN ST #3	8/5/2013
403.30	413-A E MAIN ST	3/7/2014
422.50	23 S ROYAL AVE - 3RD FLOOR	4/30/2014
50.87	215 S ROYAL AVE #3	9/10/2013
120.72	124 W JACKSON ST #6	3/24/2014
63.61	405 E CRISER RD #204	3/20/2014
346.70	1084 FOX DR	5/7/2014
326.83	19 SHENANDOAH COMMONS WAY #103	4/24/2014
139.26	17 SHENANDOAH COMMONS WAY #201	9/27/2013
224.74	13 SHENANDOAH COMMONS WAY #103	3/31/2014
586.40	634 BEL AIR AVE	5/23/2014
492.39	425 BEL AIR AVE	4/30/2014
1173.34	519 BEL AIR AVE	5/23/2014

Utility Account Bad Debt

604.67	1433 HAPPY CREEK RD	3/31/2014
84.19	541 S ROYAL AVE POOL/OFFICE	11/28/2013
529.27	227 CHURCH ST #3	4/30/2014
247.06	315 PINE ST	5/1/2013
4466.22	226 CHURCH ST	2/13/2014
755.37	219 CLOUD ST #2	3/31/2014
1054.78	219 CLOUD ST #4	4/24/2014
72.49	320 CLOUD ST #3	4/14/2014
1024.16	320 CLOUD ST #5	3/17/2014
202.07	10 HIGH ST #1	4/14/2014
423.26	212 FLETCHER ST	5/28/2014
152.05	322 RITENOUR ST	3/7/2014
531.84	337 RITENOUR ST	4/22/2014
854.11	101 PINECREST ST	5/10/2013
178.54	27 ROYAL LN #3	4/2/2014
86.69	61 ROYAL LN #1	5/16/2014
338.63	125 BIGGS DR #8	5/23/2014
511.77	1443 JOHN MARSHALL HWY #5	4/2/2014
863.22	2 LAKE AVE	4/30/2014
82.24	205 POLK AVE	3/13/2014
451.57	209 POLK AVE	3/13/2014
27755.98		

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 10

Meeting Date: June 10, 2019

Agenda Item: CLOSED MEETING – Consultation w/ Legal Counsel & Investment of Public Funds

Summary: Council is to go into a Closed Meeting for the purpose of 1) consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, (a) legal mechanisms regarding recovering moneys owed the Town by the EDA, and, (b) reviewing compliance with the terms of Town Hall/Afton Inn Land Exchange Agreement, requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia; **AND** 2) discussion or consideration of the investment of public funds toward the Afton Inn, where competition or bargaining is involved, and where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Section 2.2-3711. A. 6. 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 convene and go into Closed Meeting for the following purposes: **(1)** consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, (a) legal mechanisms regarding recovering moneys owed the Town by the EDA, and, (b) reviewing compliance with the terms of Town Hall/Afton Inn Land Exchange Agreement, requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia; **AND (2)** discussion or consideration of the investment of public funds toward the Afton Inn, where competition or bargaining is involved, and where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Section 2.2-3711. A. 6. 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

WORK

SESSION

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Work Session Agenda Form

Item# 1

DATE: June 10, 2019

Work Session

AGENDA ITEM: Purchase of replacement power

SUMMARY: American Municipal Power (AMP) has informed the Town of Front Royal that at the May 15, 2019 Prairie State Participants Committee meeting, that the committee unanimously approved eliminating the purchase of replacement power for the planned fall outage from the 2019 Prairie State project. The outage is scheduled on unit 1 from September 7th through October 11th

BUDGET/FUNDING: N/A

STAFF RECOMMENDATION: Staff recommends approval to purchase the replacement power under a separate transaction. Staff will need to return the resolution/ordinance no later than August 1, 2019 to allow time to complete the transaction prior to the outage.

RECOMMENDED ACTION: Approve a resolution at the next regular meeting to purchase replacement power for the Prairie State Energy Campus.



May 16, 2019

Subject: Prairie State Replacement Power

Dear Prairie State Participant:

At the May 15, 2019 Prairie State Participants Committee meeting, the Committee unanimously approved eliminating the purchase of replacement power for the upcoming planned fall outage from the 2019 Prairie State project rate structure. The fall outage is scheduled on Unit 1 from September 7th through October 11th. AMP recommends that replacement power be purchased under a separate transaction to meet your Community's projected needs during this period. In order to transact for this power, AMP will need authorization from your governing body to do so. A sample Ordinance/Resolution and Power Schedule providing this authorization are enclosed for your consideration. This legislation is drafted to provide authorization for future planned and unplanned outages as well. We are requesting return of the executed Schedule by August 1, 2019 to allow time to complete the transaction prior to the outage.

If you have any questions on this, please feel free to contact me. Legal questions can be referred to AMP General Counsel, Lisa McAlister at (614)540-6400 or by E-mail at lmcalister@amppartners.org.

Please send your adopted legislation and signed Schedule to Marty Engelman ([mengelman@amppartners.org](mailto:mengelma@amppartners.org).)

On Behalf of the Members,

A handwritten signature in blue ink that reads "Pamela M. Sullivan".

Pamala M. Sullivan
Executive Vice President Power Supply & Generation
American Municipal Power, Inc.

cc: Lisa McAlister, SVP General Counsel
Mike Migliore, VP Power Supply & Marketing

DELAWARE DELAWARE MUNICIPAL ELECTRIC CORPORATION **INDIANA** CANNELTON **KENTUCKY** BENHAM • BERA • PADUCAH • PARIS • PRINCETON • WILLIAMSTOWN
MARYLAND BERLIN **MICHIGAN** CLINTON • COLDWATER • HILLSDALE • MARSHALL • UNION CITY • WYANDOTTE **OHIO** AMHERST • ARCADIA • ARCANUM • BEACH CITY • BLANCHESTER
BLOOMDALE • BOWLING GREEN • BRADNER • BREWSTER • BRYAN • CAREY • CELINA • CLEVELAND • CLYDE • COLUMBIANA • COLUMBUS • CUSTAR • CUYAHOGA FALLS • CYGNET • DELTA • DESHLER
DOVER • EDGERTON • ELDORADO • ELMORE • GALION • GENOA • GEORGETOWN • GLOUSTER • GRAFTON • GREENWICH • HAMILTON • HASKINS • HOLIDAY CITY • HUBBARD • HUDSON • HURON
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GROVE CITY • HATFIELD • HOOVERVILLE • KUTZTOWN • LANSDALE • LEHIGHTON • LEWISBERRY • MIFFLINBURG • NEW WILMINGTON • PERKASIE • QUAKERTOWN • ROYALTON • SAINT CLAIR •
SCHUYLKILL HAVEN • SMETHPORT • SUMMERHILL • WAMPUM • WATSONTOWN • WEATHERLY • ZELLENOPLE **VIRGINIA** BEDFORD • DANVILLE • FRONT ROYAL • MARTINSVILLE • RICHLANDS
WEST VIRGINIA NEW MARTINSVILLE • PHILIPPI

TOWN OF FRONT ROYAL

PRAIRIE STATE REPLACEMENT POWER SCHEDULE

AMP Contract No. 2019-005501-SCHED

**A Schedule to
American Municipal Power, Inc.
and**

**Town of Front Royal
Master Service Agreement No. C-12/2007-6255
Dated February 12, 2009**

WHEREAS, the Town of Front Royal ("Municipality") and American Municipal Power, Inc. ("AMP"), collectively ("Parties"), have entered into a Master Service Agreement ("Agreement") under which certain services may be provided under schedules thereto;

WHEREAS, Municipality is a Participant in the Prairie State Energy Campus Project ("Project"), and is subject to the Project Power Sales Contract, which permits AMP to purchase Replacement Power to back-up all or any portion of the output of the Project's generation or to replace the same during periods in which any unit of the Project is not, for any reason in service or is derated or otherwise incapable of generating its full nominal capability on behalf of Municipality;

WHEREAS, the Project Participants may elect not to include Replacement Power on the Project's behalf for specific planned and unplanned outages through the Project;

WHEREAS, such Replacement Power purchases would be outside of the Project rate structure and require additional Project Participant authorization; and,

WHEREAS, AMP and Municipality agree that AMP will purchase and deliver Project Replacement Power at the same delivery point as identified in the Project Power Sales Contract as specified herein.

NOW, THEREFORE, in consideration of the conditions, terms and covenants hereinafter contained, the Parties hereto do hereby mutually agree as follows:

ARTICLE I
TERM

Subject to the conditions contained herein, this Schedule shall be for a term beginning on June 1, 2019 and ending no later than December 31, 2057.

ARTICLE II
CONTRACT QUANTITIES AND RATE

SECTION 201 - CONTRACT QUANTITIES: For the compensation hereinafter set forth, and pursuant to the terms and conditions contained herein, AMP shall arrange for the delivery of Replacement Power to the Municipality. The Municipality shall be invoiced and responsible for paying, and AMP is entitled to receive as compensation, the following:

- A. Actual monthly transmission fees, congestion charges, ancillary services, unforced capacity charges, losses, customer charges, security costs, Replacement Power, and taxes or other such costs incurred by AMP to deliver the Replacement Power to the Municipality's Delivery Point as specified in the Project Power Sales Contract; and
- B. AMP's Service Fee B, as defined in the Agreement, for all Replacement Power sold or arranged for and delivered pursuant to this Schedule, unless the same is paid for under another power supply schedule; and
- C. The contract rates or fees that AMP pays or incurs for each MW or MWh of Replacement Power and/or energy supplied to the Municipality.

The Municipality's Authorized Representative as designated in Section 402 (or his/her designee) shall be authorized to approve purchases (and execute necessary Replacement Power confirmations) of Replacement Power as set forth in the transaction confirmations.

Section 202 – Procedures for Authorization of Power Supply Acquisition and Sale

A. It is understood and anticipated that AMP may throughout the term of this Schedule, enter into power purchase arrangements on behalf of the Municipality, subject to the approval of Municipality's Authorized Representative, to implement the Replacement Power purchases contemplated in Section 201 of this Schedule. The steps that will be followed in securing such Replacement Power purchases are set forth below.

At the time that AMP recommends that a Replacement Power purchase should be finalized, the following shall take place:

1. Authorized personnel of AMP shall confer with the Municipality's

Authorized Representative (or his/her designee) on a recorded telephone line or through E-mail, regarding AMP's recommended Replacement Power purchase that meet the requirements of Section 201 prior to entering into a purchase arrangement. AMP will provide Replacement Power supply recommendations to Municipality's Authorized Representative based upon the best market information available to AMP at the time any conferring takes place.

2. If the Municipality's Authorized Representative approves AMP's recommendation and authorizes acquisition of the Replacement Power purchase over a recorded telephone line or through E-mail, then AMP shall acquire the power on behalf of the Municipality subject to the effective date and other terms and conditions approved by the Municipality's Authorized Representative.

3. AMP will enter into a transaction confirmation or other arrangement as soon as reasonably possible after approval is received as set forth above.

4. Once a Purchase is finalized and transaction confirmation executed, AMP will send an acknowledgement of the transaction via email to Municipality's Authorized Representative that contains the commercial terms for Municipality's review and records.

ARTICLE III **DELIVERY POINT**

The delivery point(s) for Replacement Power to be delivered hereunder ("Point of Delivery" or "Delivery Point") shall be consistent with the Project Power Sales Contract Delivery Point.

ARTICLE IV **GENERAL**

SECTION 401 - FIRMNESS OF SUPPLY: Firmness of supply under this Schedule shall be equal to the firmness provided by the power supply schedules and transmission service arrangements executed by AMP, which are utilized to provide Replacement Power under this Schedule.

AMP's obligations hereunder are specifically dependent upon the performance of its suppliers or otherwise agreed to by the Parties. AMP will have selected the power suppliers based on AMP's current risk management policies. In the event of default of a power supplier, AMP shall provide replacement power to Municipality and Municipality shall pay any cost difference (if any) of the replacement power (or, if the cost of replacement power is less, then Municipality shall pay that lower cost). Should a supplier default to such a degree that the agreement by and between that supplier and AMP is terminated, AMP shall execute an alternate supply agreement, with another supplier, utilizing the four (4) step method described in Section 202.

Municipality specifically acknowledges that although power and energy made available or otherwise agreed to by the Parties are intended to be the primary source of power and energy pursuant to this Schedule, AMP may, from time to time, substitute for actual delivery purposes other power and energy; provided that such substitute power be of a similar firmness and reliability as that made available under the power supplier agreements and further provided that such substitution does not result in increased costs to Municipality.

When third parties providing firm transmission service interrupt deliveries from AMP to Municipality, AMP will use commercially reasonable efforts to deliver energy across other parties' transmission systems if interruptions occur from the primary firm transmission provider's system.

All other terms and conditions of the Project Power Sales Contract between AMP and the Municipality that are not consistent with the terms and conditions of this Schedule shall be applicable as if fully restated herein.

SECTION 402 – AUTHORIZED REPRESENTATIVE: The Municipality's Representative shall be the Town Manager until modified by written notice to AMP by the Municipality.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives.

**TOWN OF
FRONT ROYAL, VIRGINIA**

AMERICAN MUNICIPAL POWER, INC.

By:_____

By:_____

Title:_____

Title:_____

Date:_____

Date:_____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Legal Counsel

Lisa G. McAlister, Senior VP/General
Counsel for Regulatory Affairs

APPENDIX A (SAMPLE)

AMP Contract No. _____

_____, 2019

The purpose of this email is to inform you that, pursuant to the terms of AMP Schedule No. 2023-005295-SCHED, and the authorization you already provided, AMP has transacted with a supplier to purchase electric energy on behalf of the Municipality. The commercial terms of this Transaction are as follows:

Trade Date: _____
Buyer: Village/City of _____, _____
Seller: American Municipal Power, Inc.
Supplier: _____
Commodity: Firm Physical Power with Liquidating Damages
Term: _____
Delivery Period: _____
Hourly Schedule: Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec
 ____ ____ ____ ____ ____ ____ ____ ____ ____ ____ ____ ____
Energy Rate: \$ _____
Delivery Point: _____

Please confirm that the aforementioned correctly sets forth the terms and conditions of our written agreement by executing and returning via facsimile to the attention of Director of Energy Marketing at (614) 540-1080.

Jerry Willman
Assistant Vice President of Energy Marketing
American Municipal Power, Inc.
Desk: 614-540-6419
Cell: 614-561-9817
Fax: 617-540-1080
jwillman@ampppartners.org
ICE IM: jwillman1

4826-8595-2151, v. 3

TOWN OF FRONT ROYAL

RESOLUTION/ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE EXECUTION
OF THE PRAIRIE STATE REPLACEMENT POWER SCHEDULE
WITH AMERICAN MUNICIPAL POWER, INC. ("AMP")**

WHEREAS, the Town of Front Royal ("Municipality") and American Municipal Power, Inc. ("AMP"), collectively ("Parties"), have entered into a Master Service Agreement dated February 12, 2009 ("Agreement") under which certain services may be provided under schedules thereto;

WHEREAS, Municipality is a Participant in the Prairie State Energy Campus Project ("Project"), and is subject to the Project Power Sales Contract, which permits AMP to purchase Replacement Power to back-up all or any portion of the output of the Project's generation or to replace the same during periods in which any unit of the Project is not, for any reason in service or is derated or otherwise incapable of generating its full nominal capability on behalf of Municipality;

WHEREAS, the Project Participants desire and request that AMP purchase Replacement Power on their behalf only for those Participants that so request and only for specific planned and unplanned outages;

WHEREAS, as a result of the Participants Committee electing that such Replacement Power purchases be outside of the Project rate structure and therefore require additional Project Participant authorization; and,

WHEREAS, AMP and Municipality agree that AMP will purchase and deliver Project Replacement Power as specified in the Prairie State Replacement Power Schedule.

NOW THEREFORE, BE IT [RESOLVED/ORDAINED] BY THE COUNCIL OF THE TOWN OF FRONT ROYAL.

SECTION 1. That the form of the Prairie State Replacement Power Schedule between this Municipality and AMP, substantially in the form attached hereto as Exhibit 1, is approved, subject to and with any and all changes provided for herein and therein.

SECTION 2. That the Town Manager or the Town Manager's designee are hereby authorized to execute the Prairie State Replacement Power Schedule and to acquire the Municipality's Replacement Power, and is further authorized to execute and deliver any and all documents necessary to replace the output of the Prairie State Project's generation facilities or to replace the same during periods in which any unit of the Project is not, for any reason, in service or is derated or otherwise incapable of

generating its full nominal capability, pursuant to the conditions set forth herein and as set forth in the Prairie State Replacement Power Schedule.

SECTION 3. That competitive bidding is not required on the Municipality's acquisition of its right to secure Replacement Power the Prairie State Replacement Power Schedule, and in the event any competitive bidding requirements are applicable, any such competitive bidding requirement that might otherwise be applicable, are hereby waived.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of a quorum of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in meetings open to the public, in compliance with all legal requirements.

SECTION 5. If any section, subsection, paragraph, clause or provision or any part thereof of this Ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Ordinance shall be unaffected by such adjudication and all the remaining provisions of this Ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 6. That this Ordinance shall take effect at the earliest date allowed by law.

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TOWN OF FRONT ROYAL

DEPARTMENT OF PLANNING & ZONING

102 EAST MAIN STREET
FRONT ROYAL, VA 22630
(540) 635-4236
FAX (540) 631-2727

SPECIAL PERMIT

SUP16-04-264

At their meeting on November 14, 2016, the Front Royal Town Council granted a SPECIAL PERMIT to:

**Pennoni Associates Inc. on Behalf of
The Economic Development Authority (EDA)
117 E. Piccadilly Street, Suite 200
Winchester, VA 22601**

To allow for three 12-unit apartment buildings, including a total of 36 apartment units intended to be owned by the EDA and rented for workforce housing in the community on property identified as Tax Map Number 20A17, Section 1, Parcel 14B, located at the end of Royal Lane.

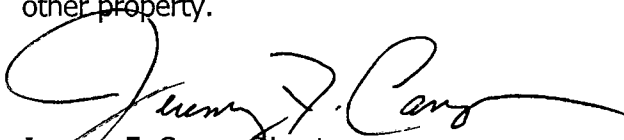
This SPECIAL PERMIT incorporates the application and all plans as submitted with the application and the following conditions:

1. The special use permit is only valid for 36 apartment units on the subject property, and includes a special exception to Town Code 148-820.H.3 for the proposed extension of Royal Lane as shown on the preliminary site plan. The apartment units shall be marketed as workforce housing.
2. The portion of the proposed access road extension of Royal Lane that is part of the adjacent parcel, identified as Tax Map Parcel 20A17-1-14A, shall be dedicated to the Town prior to issuance of any construction permits.
3. The remaining portion of the proposed access road extension of Royal Lane, as identified on the preliminary site plan, shall include all necessary access and utility easements, as well as a right-of-way reservation to the Town. Such reservation shall legally authorize the Town to dedicate the roadway as a public street when determined by Town Council, such as, but not limited to, when extension of the road is feasible.
4. All site improvements and utilities shall be constructed and paid for by the Applicant, and all applicable utility connection fees shall be paid at the time of application for a zoning permit to construct the apartments, unless otherwise waived by Town Council.
5. A complete final site plan application shall be submitted that adequately addresses the technical requirements of the Town Code and the review comments included in the staff report. Provided that the final site plan generally conforms to the preliminary site plan, as submitted with this application, Town Staff is authorized to approve the final site plan.

[See Reverse]

6. A playground, sitting area, and bicycle racks shall be provided. The playground shall meet the standards of the Public Playground Safety Handbook (2010), published by the U.S. Consumer Product Safety Commission, or comparable alternative standard approved by the Building Official and Planning Director.
7. 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.
8. The proposed apartment units shall be marketed as workforce housing, and shall not be used as subsidized housing for "very-low" or "extremely low" incomes, as classified by HUD.
9. The final design of the apartment buildings shall substantially conform to the building elevation drawings submitted by the EDA.

This SPECIAL PERMIT applies only to the property noted herein and is not transferable to any other property.



Jeremy F. Camp, Director
Planning & Zoning



October 24, 2016 Council Meeting

PUBLIC HEARING – Special Use Permit Application – Royal Lane Apts (1st R)

Summary: Council is requested to affirm on its first reading a Special Use Permit Application submitted by Pennoni Associates, Inc. for a project proposed by the Economic Development Authority (EDA), for the development of three (3) 12-unit apartment buildings, consisting of a total of 36 apartment units, at the end of Royal Lane. The apartments are intended to be used for workforce housing in the community. The application includes a Special Exception Request to authorize the extension of Royal Lane beyond 800 feet, as may be authorized by Town Council in accordance with Town Code 148-211. The request also includes acceptance of a portion of right-of-way for Royal Lane as well as acceptance of a right-of-way reservation to allow for the possible future extension of Royal Lane. The Planning Commission approved the application with nine recommended conditions. The conditions are presented in the Staff Report.

Mayor Darr opened the public hearing.

Glee Plough, of 31 Royal Lane, asked if these apartments would be for when there are workers that come into town, or are these apartments for permanent residents. Ms. Plough noted that many had said that there were teachers that could not afford to live in this area and she felt that such a statement just was not accurate. Mayor Darr stated that the building is intended for residents permanently living in Front Royal, and the site was not temporary housing.

Mrs. McDonald noted that there was a definite need for housing for local Police Officers, fire fighters and teachers. She stated and each year the community loses quality teachers, police officers, nurses, and other professionals that do not qualify for salary assisted living.

Shirley Henry, also of Royal Lane, opined that the site was not appropriate and the area did not need 36 more apartments in that location. She added that Royal Lane had enough traffic already and there was plenty of land elsewhere in the community. Ms. Henry stated that the individuals could easily buy a home rather than spend \$1,000 per month in rent. She added that teachers were not moving out of Warren County, even if they were teaching elsewhere.

As no one came forward to speak, the public hearing was closed.

Councilman Hrbek moved, seconded by Councilman Connolly that Council affirm on its first reading a Special Use Permit Application that includes a Special Exception Request, acceptance of right-of-way and right-of-way reservation as presented, for a project proposed by the Economic Development Authority (EDA), for the development of three (3) 12-unit apartment buildings with a total of 36 apartment units, at the end of Royal Lane, to be used for workforce housing in the community. He further moved that Council approve the Special Use Permit Application contingent upon the Planning Commission's nine (9) recommended conditions as presented in the Staff Report.

Councilman Egger noted that she had issue with the road not going through to Remount Road at this point. Councilman Tewalt noted that one day it could most likely be extended. He stated that he would have no issue with supporting the request as presented.

Councilman Hrbek stated that he would support the proposal as submitted to Council. He stated that many teachers lived in Strasburg and Stephens City though they taught in Warren County and eventually the Town would lose them to other positions in other localities. Mr. Hrbek stated that there was a need for these young professionals and it was time to catch the millennial generation and provide appropriate housing in the Town for them.

Councilman Egger stated that there are no apartment buildings currently in Town that are not subsidized and this would be the first.

Vote: Yes – Connolly, Hrbek, Meza, Tewalt and Tharpe

No – Egger

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

November 14, 2016 Regular Meeting

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Stan Brooks, Jr., 118 W. Stonewall Drive, noted that he would like to speak regarding Royal Lane apartments and he was not available the night of the public hearing. He stated that he had never seen the EDA build such a housing structure and perhaps if there was such a demand why was there not a developer constructing the site. Mr. Brooks stated that such a large amount of renters in the community why would the Town wish to add to the percentage. He noted that the site would be a magnet to those that do not live in the community. He stated that those that do not live in the community would attempt to live in the apartments. Mr. Brooks noted that the time, energy and effort and those that would be managing the site and the EDA could use their resources in a better way and perhaps they could reconsider the project.

Charles Jackson, area resident, noted that the proposed apartment site brought up traffic concerns for him. He stated that he walked the area and he asked where the traffic would be diverted to, as the traffic was difficult to exit the site currently especially with the day care at the property. Mr. Jackson noted that the concern was the safety of the additional apartments and the traffic that would be added to the roadway. He asked about the desire for low income housing and the problems associated with the

Sharon Jackson, 70 Royal Lane, noted that she attended prior meetings and met with Jennifer McDonald with the EDA, stating their issues with the congestion in the neighborhood and traffic concerns. She stated that their property values could decrease and she expressed her safety concerns with the entrance location with the workforce with the one-entry access point of Royal Lane. Mrs. Jackson stated that the issues with crime also concern residents in the community.

Clarence Tanks, of 62 Royal Lane, stated that the apartment building proposed concerned him. He noted that the drivers drove way too fast at various times of the day. Mr. Tanks questioned what a right of way consisted of and he asked for clarification from Council. He expressed concerns with

trees on the property on the right of way and not receiving an appropriate Town response regarding the tree. Mr. Tanks asked what could be done with the drivers that drag race on Royal Lane.

Teresa Norman, of 62 Royal Lane, stated that the traffic in the area was a great concern to her. She noted that there was a large amount of children playing in the neighborhood.

Councilman Tewalt noted that these will not be subsidized low income apartments, these will be regular apartments for those in teaching and other professions. He reiterated that these will not be low income housing similar to the other apartments on Royal Lane.

COUNCIL APPROVAL – Special Use Permit – Royal Lane Apartments (2nd Reading)

Summary: Council is requested to adopt on its second and final reading a Special Use Permit Application submitted by Pennoni Associates, Inc. for a project proposed by the Economic Development Authority (EDA), for the development of three (3) 12-unit apartment buildings, consisting of a total of 36 apartment units, at the end of Royal Lane. The apartments are intended to be used for workforce housing in the community. The application includes a Special Exception Request to authorize the extension of Royal Lane beyond 800 feet, as may be authorized by Town Council in accordance with Town Code 148-211. The request also includes acceptance of a portion of right-of-way for Royal Lane as well as acceptance of a right-of-way reservation to allow for the possible future extension of Royal Lane. The Planning Commission recommended nine conditions as presented in the Staff Report.

Councilman Hrbek moved, seconded by Councilman Connolly that move that Council adopt on its second and final reading a Special Use Permit Application that includes a Special Exception Request, acceptance of right-of-way and right-of-way reservation as presented, for a project proposed by the Economic Development Authority (EDA), for the development of three (3) 12-unit apartment buildings with a total of 36 apartment units, at the end of Royal Lane, to be used for workforce housing in the community. He further moved that Council approve the Special Use Permit Application contingent upon the Planning Commission's recommended nine conditions as presented.

Councilman Egger asked if the property was being donated. Mr. Camp noted that was correct. Ms. Egger noted that the property records stated that the website for the land records states otherwise. Mrs. McDonald stated that the funding listed was never money held by the EDA and the property owner receives a tax credit that the property owner receives.

Councilman Tewalt asked that the Police Department works with the Town Manager regarding the speeding issues in the area to address the concerns of the citizens.

Councilman Hrbek expressed concerns with the dead end of Royal Lane and noted his hope that the road could eventually could be opened at the other end. He stated that the extension of the road could be examined and extended to Remount Road.

Councilman Egger stated that she had issue with voting for the matter. She noted that more structures on Royal Lane was not advisable and she had great pause with the rental housing in Front Royal. Ms. Egger stated that the stipulations would not state that the professionals would be local.

Councilman Meza asked about the VDOT traffic requirements for a dead end straight and whether this road has passed this requirement. Mr. Burke stated that the site has met the requirement and a stop light at the street was not required at the end of Royal Lane.

Councilman Connolly stated that he would like to have it move forward and having a project for such housing was important. He voiced concern as to whether Council had done their due diligence. He expressed hope in opening the road to Remount Road, and noted that the community needed this workforce housing.

Vote: Yes – Connolly, Hrbek, Meza, Tewalt and Tharpe

No – Egger

Abstain – N/A

Absent – Darr

(By Roll Call)

Town Council: 10/3/16 worksession minutes

Royal Lane Apartments Special Use Permit – *Director of Planning/Zoning*

Summary: SUP16-04-264, Special Use Permit Application, submitted by Pennoni Associates Inc, c/o Patrick Sowers, for a project proposed by the Economic Development Authority (EDA), for the development of three (3) 12-unit apartment buildings, consisting of a total of 36 apartment units, at the end of Royal Lane, on Tax Map Parcel 20A171-14B. The apartment units are intended to be used for workforce housing in the community. The property is zoned C-1 District, and the property consists of approximately 3 ½ acres. The proposed density is approximately 10 units per acre. The applicant's Special Use Permit (SUP) application request includes a request for a special exception to allow the street to be extended. This may be granted by Town Council pursuant to Town Code 148-211.A.2.a. for affordable housing projects. The EDA is proposing to reserve right-of-way for the Town to allow the road to be extended in the future. The applicant's request also includes the dedication of a small portion of land to the Town as part of Royal Lane. This property was reserved to the Town in the past and is required to be dedicated to the Town at this time so the applicant's lot has road frontage. A preliminary site plan was submitted with the application that provides a layout of the proposed development. The applicant also submitted an elevation drawing that is illustrated within the attached Staff Report.

Staff Evaluation: The Planning Commission recommended approval of the application with 9 conditions. These are noted in the Staff report, quoted here:

A bio-retention facility is proposed on the site. The location is illustrated on the preliminary site plan, but the stormwater facility still must be fully engineered for the final site plan approval. A permit from the Virginia Department of Environmental Quality (DEQ) will be required.

The Applicant's impact analysis reports that the site will require 7200 gallons per day of sewer flow, as well as water. The preliminary site plan does not include full engineering plans for the extension and service of utility connections. This will need to be completed on the final site plan and applicable connection fees will need to be addressed by the Applicant.

A sidewalk is illustrated on the east side of the proposed access road extension of Royal Lane. Curb & gutter is also included. The proposed access road extension of Royal Lane can be broken down into two sections (See illustration on the following page). The northern section, referred to herein as Section A, is illustrated as existing public right-of-way in the County and Town GIS systems. However, this section was only reserved for dedication to the Town by a plat dated March 25, 1995. Such reservation was created when the adjacent lot was subdivided from the property to create the current site of Meadowland Learning Center. With this application, the EDA has submitted a draft dedication plat to finalize the dedication of Section A (See **Attachment 2**). A new commercial entrance to the adjacent lot is also shown on the preliminary site plan within this area. The southern section of the access road, referred to herein as Section B, extends into the property and would be

reserved for dedication by the Town. Such dedication to the Town would be needed if the Town ever decides to extend Royal Lane to Remount Road to improve access and connectivity.

Town Code Section 148-820.H. prohibits dead-end streets, except as stubs to allow future extensions to adjoining land. It also limits cul-de-sac streets to a length of 800 feet in length and 25 lots. However, a Special Exception may be granted in accordance with Town Code 148-211.

The Applicant submitted an impact analysis statement prepared by Pennoni. This report shows that Royal lane is presently estimated with an average daily traffic count of 1,502 vehicles. This calculation is based on the existing uses, including 9 single family dwellings, 90 apartment dwellings, a 7,000 square foot day care facility, and a professional office building of 10,000 square feet. The proposed development is estimated to generate 252 average daily vehicle trips, bringing the total for Royal Lane to 1,754 ADT. Peak hour trips is estimated at 193 vehicles.

John Marshall Highway has a traffic count of 12,000 total trips (VDOT 2014). The Applicant's report addresses the estimated traffic at this intersection and identifies that a westbound left turn lane and right turn taper are warranted, based on VDOT's Road Design Manual. Pennoni's report identifies that the existing right-turn lane and center turn lane are adequate. The report also concludes that the traffic generated by the 36 apartment units would be significantly less than if it was developed with a commercial use, and that the residential development is more in keeping with the primarily residential character of the street.

Review Comments of the Preliminary Site Plan are noted below. A final site plan application will need to be submitted if the special use permit application is approved. The final site plan should adequately address all noted review comments.

A. PLANNING & ZONING REVIEW COMMENTS

1. General Detail Requirements for a Site Plan. If the SUP is approved by Town Council, a site plan application is required prior to issuance of zoning and building permits by the Town and County. The site plan is required to include the contents of Town Code 148-1020.

2. ROW Dedication. The area shown as right-of-way that is located on Tax map #20A171-14A (Basil C. Hudson), referred to above as Section A, should be dedicated to the Town so that the subject parcel has frontage on a public street.

3. Electric Service. Please show the proposed source of connection to the Town electric utility service lines, and confirm with the

Department of Energy Services that existing capacity is adequate.

4. **Water & Sewer Utilities.** Please show the proposed source of connection to the Town water & sewer utility lines and confirm with the Department of Environmental Services that existing capacity is adequate. Please specify the size of the proposed water and sewer lines for review and evaluation of tap fees. Please show the location of water meters. Please seek input from the Department of Environmental Services regarding the appropriate locations for such meters.

5. **Recreational Area Details.** Please provide details of the proposed recreation area, including the amount of area and the type of amenities. Town Code 175-113.F.2 requires a minimum area based on the gross square feet of the proposed apartments. Based on the information on the site plan regarding the gross square feet, a minimum of 12,050 square feet of recreational space is needed. Town Staff would recommend a playground and sitting areas for adults. However, alternative ideas of the applicant can certainly be considered. Bicycle racks are also recommended.

6. **Building Elevation / Design.** It may be helpful for the Planning Commission and Town Council if you were to provide an illustration showing the intended design of the proposed apartment buildings.

7. **Dumpster Enclosure.** A dumpster enclosure is required around the proposed dumpsters.

8. **Building Height.** Town Code 175-113.D. stipulates a maximum height of 3 stories, but not to exceed 35 feet. The preliminary site plan shows that each building will be 35 feet, but specifies that the maximum height is 42'.

9. **Curb & Gutter Option for Parking.** Curb & Gutter is optional for the parking area perimeter

10. **Cul-de-Sac length.** Approval of this development requires authorization of a special exception by Town Council. Such authorization would be allowed by the Town Code since the project targets affordable housing.

11. **Landscaping.** Landscaping is required, including Development Tree Plantings (156-6), Street Trees (156-7) and Parking Lot Landscaping (156-8). Please designate existing canopy areas on the site plan where trees can be preserved. This will reduce the amount of new landscaping required by 156-6.

12. **Lighting.** Please show all proposed lighting and ensure that such lighting is designed to minimize glare and is designed to meet dark-sky compliance standards or such equivalent standards.

13. **Project Narrative.** Please include a project narrative on the final site

plan that explains the intent of the site to provide needed workforce to the community.

14. Right-of-Way Reservation and Easement Area. The reservation of the right-of-way should run with the land and authorize the Town to dedicate the right-of-way when, and if, decided by Town Council in the future. The area should also include an easement for utility and access purposes. A portion of the proposed cul-de-sac and cross slopes are located outside of the right-of-way reservation and easement area. Please extend the right-of-way reservation and easement area to include these additional areas, which would be needed if the roadway is modified and extended in the future.

15. Fire Hydrants and Fire Suppression. Please provide a fire hydrant(s) and fire suppression as necessary to comply with the building and fire codes. If sprinklers are required, an independent fire suppression line would be necessary and should be coordinated with the Department of Environmental Services.

16. Roadway Width. Royal Lane is currently between 39.5-39.6 feet in pavement width. It would be appropriate to extend the access road/potential future public right-of-way to more closely match the existing roadway. Based on the total ADTs for the road, Town Code 148-820.D.6. specifies a minimum roadway width of 36 feet, with the following specifications: *Surface Course: 1½" (SM 9.5A), Base Course: 3" (BM 25.0); and Subbase: 6" (21-B).*

B. TOWN DEPARTMENT OF ENERGY SERVICES

Staff has reviewed the plans for the proposed three (3) 12-unit Apartment buildings. Town Code 70-50.1 requires a charge of \$2,500 per building, for a total of \$7,500 for the 3 units.

C. TOWN FINANCE DEPARTMENT

Taxes are paid.

D. TOWN MANAGER

The following comments are provided for the subject SUP:

- 1) Sheet 3 – The proposed 24' width for the street does not meet Town standards. Please refer to Town Standard Construction Detail RC-1.
- 2) Sheet 3 – Please confirm if a tot lot is to be provided.
- 3) Sheet 3 – Handicapped parking signs will be required at the designated spaces.
- 4) Sheet 3 – Provision of additional parking for visitors should be considered.
- 5) Sheet 3 – Please consider extension of sidewalk and placement of ramp for handicapped parking spaces; also include ramp at the terminus of the public sidewalk.

- 6) Sheet 4 – Please include standard typical section for extension of Royal Lane (Detail RC-1).
- 7) Sheet 4 – Please include standard typical section for sidewalk within the Right-of-Way
- 8) Sheet 4 – Due to the elevation and planned two story design, please confirm if booster pumps are necessary to provide sufficient water pressure at the apartments.

E. TOWN DEPARTMENT OF ENVIRONMENTAL SERVICES

- ☐ A full utility plan of water and sewer is needed. Show line sizes, both existing and future. Provide water demand per unit/building.
- ☐ Provide details on needed water and sewer extension.
- ☐ Needs to meet all town standards – water, sewer and concrete.
- ☐ Concrete/Sidewalk – change 4" 21B to 6" 21B, add expansion joints every 50 feet, each side of manholes, inlets and driveways.
- ☐ Remove existing cul-de-sac and add curb.
- ☐ Include details for entrance road, including curb, concrete, sidewalk, and apron.

F. WARREN COUNTY DEPARTMENT OF FIRE & RESCUE SERVICES

4/28/15 - No notable comments.

1/12/16 – After review of the site/concept for Royal Lane Apartments (36 units) with regards to a single entrance/exit, the Department of Fire and Rescue Services provides the following comments: There is no objection with the site being restricted to a single entrance/exit. The fire apparatus access road, entrance and parking areas shall meet design standards and be approved by the Warren County Building Official and maintained in accordance with the Virginia Statewide Fire Prevention Code. Should you require additional information or further assistance, please let me know.

G. WARREN COUNTY DEPARTMENT OF BUILDING INSPECTIONS

Comments for SUP16-04-264 – Residential Apartments Royal Lane:

- ☐ Erosion and Sediment Control Items:
 - o Application and permits are required for ESC permit, which would be a normal submission including a full plan review application.
 - o The area of disturbance exceeds one (1) acre and requires a Stormwater permit through the Department of Environmental Quality (DEQ). Approval by DEQ is required prior to anything being issued by Warren County.
- ☐ Building Inspections Items:

o This submission does not provide any real details of the structure that is being proposed, but the project will require permits to be obtained as normal for structure, electrical, plumbing, mechanical, etc. and it would be subject to review and approval prior to work beginning.

CONCLUSIONS & RECOMMENDED CONDITIONS:

The following conditions are recommended in association with this special use permit application. Condition #7 is a standard condition placed on all SUP applications with conditions:

- 1) The special use permit is only valid for 36 apartment units on the subject property, and includes a special exception to Town Code 148-820.H.3 for the proposed extension of Royal Lane as shown on the preliminary site plan. The apartment units shall be marketed as workforce housing.
- 2) The portion of the proposed access road extension of Royal Lane that is part of the adjacent parcel, identified as Tax Map Parcel 20A1-7-1-14A, shall be dedicated to the Town prior to issuance of any construction permits.
- 3) The remaining portion of the proposed access road extension of Royal Lane, as identified on the preliminary site plan, shall include all necessary access and utility easements, as well as a right-of-way reservation to the Town. Such reservation shall legally authorize the Town to dedicate the roadway as a public street when determined by Town Council, such as, but not limited to, when extension of the road is feasible.
- 4) All site improvements and utilities shall be constructed and paid for by the Applicant, and all applicable utility connection fees shall be paid at the time of application for a zoning permit to construct the apartments, unless otherwise waived by Town Council.
- 5) A complete final site plan application shall be submitted that adequately addresses the technical requirements of the Town Code and the review comments included in the staff report. Provided that the final site plan generally conforms to the preliminary site plan, as submitted with this application, Town Staff is authorized to approve the final site plan.
- 6) A playground, sitting area, and bicycle racks shall be provided. The playground shall meet the standards of the Public Playground Safety Handbook (2010), published by the U.S. Consumer Product Safety Commission, or comparable alternative standard approved by the Building Official and Planning Director.
- 7) 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.

UPDATE: In August 17, 2016, the Planning Commission passed a motion to recommend approval of the EDA's application for workforce housing. The motion was conditioned on the 7 conditions noted above, and the following to additional conditions added by the Planning Commission at the meeting.

8) The proposed apartment units shall be marketed as workforce housing, and shall not be used as subsidized housing for "very-low" or "extremely low" incomes, as classified by HUD.

9) The final design of the apartment buildings shall substantially conform to the building elevation drawings submitted by the EDA (shown below).

The application was originally considered in June at a public hearing where some citizens that lived on Royal Lane attended. A few citizens spoke in opposition to the application during the public hearing, and stating concerns about low income housing, and to a lesser extent traffic and crime. The Planning Commission tabled the application in July for the purpose of allowing the EDA to speak to the neighbors about the project



in more detail. The EDA also agreed to submit a building elevation drawing for additional information on the project.

Following the meeting, the EDA stated that they sent notices and met with the citizens that responded. The Planning Commission added conditions

#8 and #9 at their August meeting as part of their motion.

Legal Evaluation: The Town Attorney drafted the attached license agreement in consideration of the Lutheran Church's request for an encroachment license. The Town Attorney will be available at the work session for any legal questions.

FROM STAFF REPORT:

The Town is authorized to require a special use permit for certain uses within any zoning district under the legal authority of 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.

A site plan application would be required prior to issuance of any permits for construction activity. The applicant has submitted a preliminary site plan with this special use permit as required by the Town Code.

Council Discussion:

Mayor Darr asked about the road width; Mr. Camp noted that the EDA would match the road width of the current roadway. Councilman Tewalt asked about the traffic increase to the area. Mr. Camp noted that technically it was one lot. Councilman Egger noted that her concern would be the traffic increase as well and she would feel more comfortable if there were two ways in and out of the site. Councilman Hrbek stated that he would like the traffic numbers as well, noting that he would like more workforce housing as well.

Councilman Hrbek asked who the property owner would be. Mrs. McDonald stated that the EDA would be the owner for at least five years. Mr. Hrbek noted that the EDA would not be paying taxes on the property, nor would the tenants. Mr. Hrbek expressed concerns with the large blacktop parking lot and expressed hope with having some trees in the parking lot.

Mrs. McDonald noted that this would be the only apartments in Town that would not be subsidized housing. Council noted that most likely the road would probably never be built to Remount Road.

Council chose to move forward with the public hearing. Mrs. McDonald noted that ground-breaking would most likely be spring with a 6-9 month build process.

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING

Backup Info from 11/14/16
Council Mtg



STAFF REPORT FOR THE PLANNING COMMISSION
Updated for Town Council

APPLICATION #:

SUP16-04-264

APPLICANT:

Pennoni Associates Inc.

SUMMARY OF REQUEST:

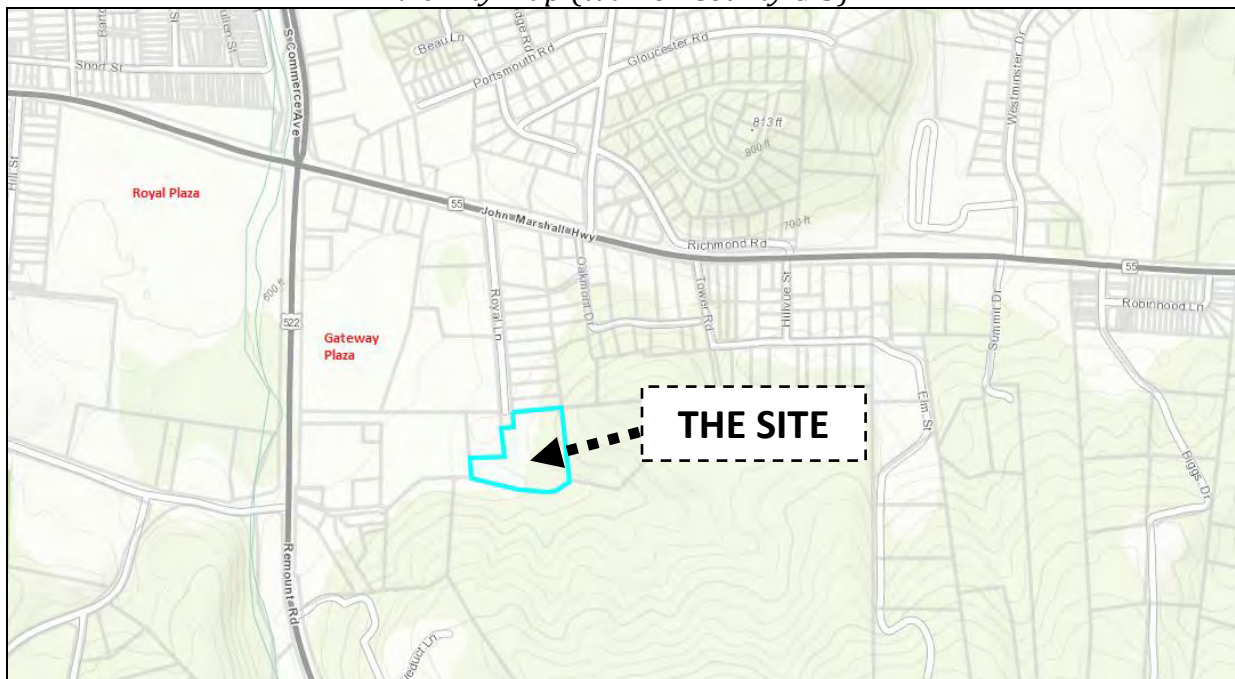
Pennoni Associates Inc., on behalf of the Economic Development Authority (EDA) has submitted this Special Use Permit Application for three 12-unit apartment buildings, including a total of 36 apartment units. The housing is intended to be owned by the EDA and rented for workforce housing in the community.

(See **Attachment 1 - Application**)

GENERAL INFORMATION:

<i>Site Addresses</i>	End of Royal Lane
<i>Property Owner(s)</i>	Walter L. Campbell (donating to EDA)
<i>Zoning District</i>	C-1 (Commercial) District
<i>Tax Identification</i>	20A17-1-14B
<i>Location</i>	The property is located at the end of Royal Lane, which is located South of John Marshall Highway between Gateway Plaza and Oakmont Drive.

Vicinity Map (Warren County GIS)

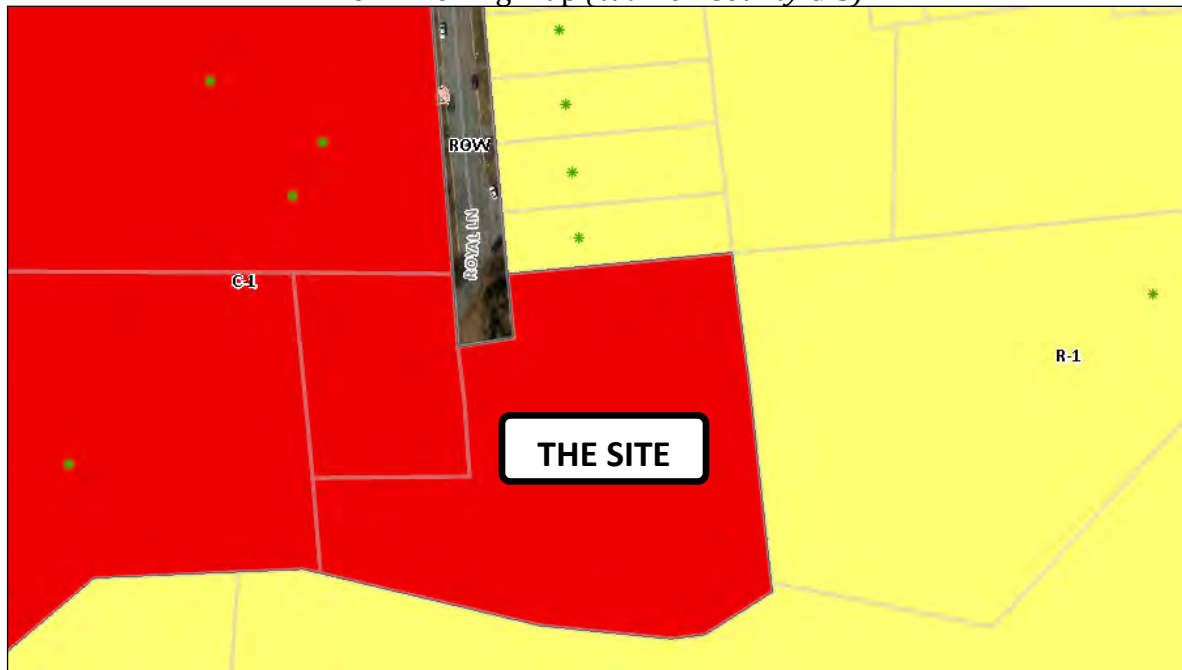


ILLUSTRATIONS

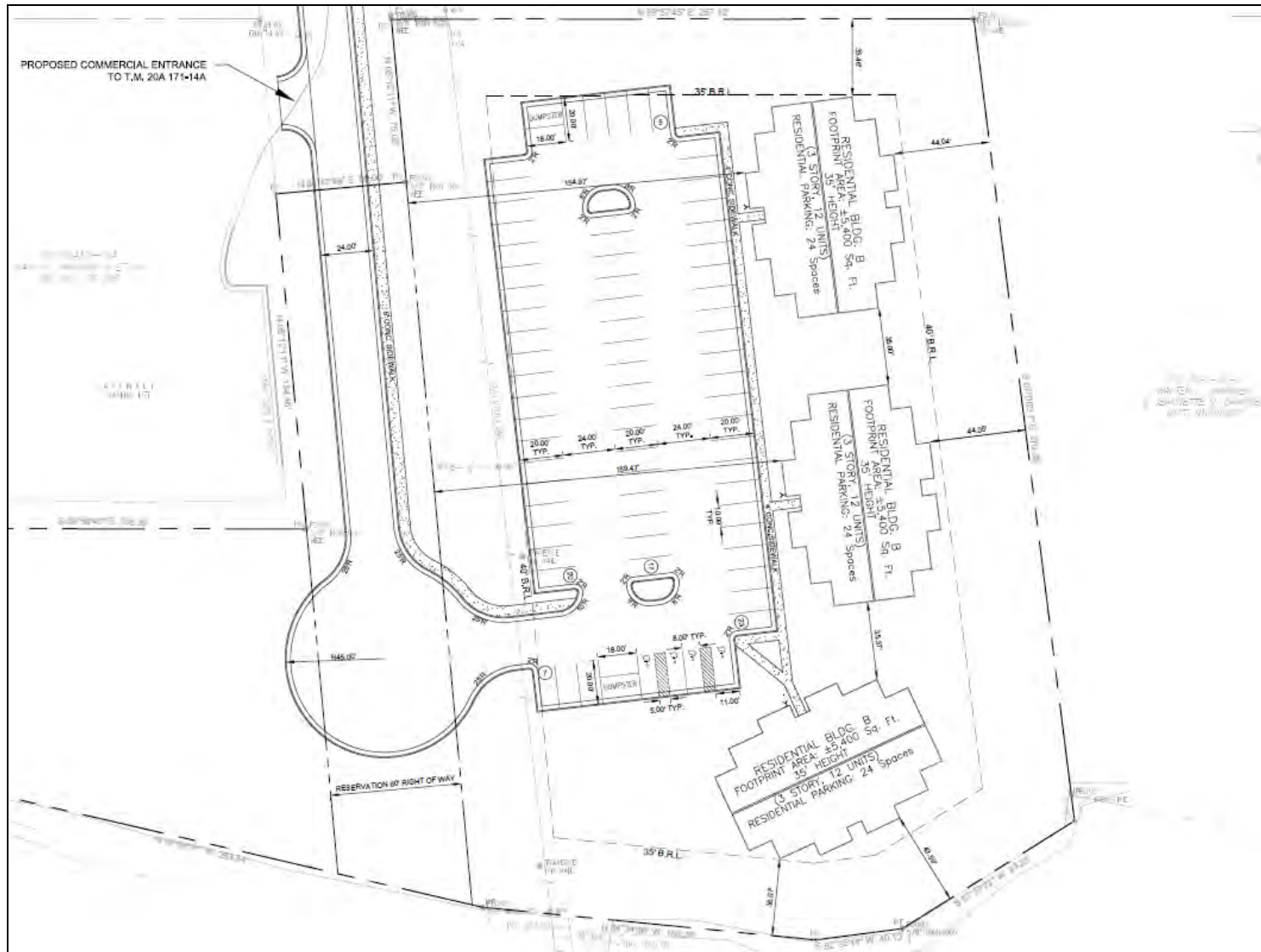
Aerial Map (Warren County GIS)



Town Zoning Map (Warren County GIS)



Preliminary Site Plan Snapshot





MAY 2016



D.G. Merchant, Cartographer



N

Map Key

- Sanitary Sewer Line
- Waterline
- Town_Parcels_2016

AERIAL MAPPING

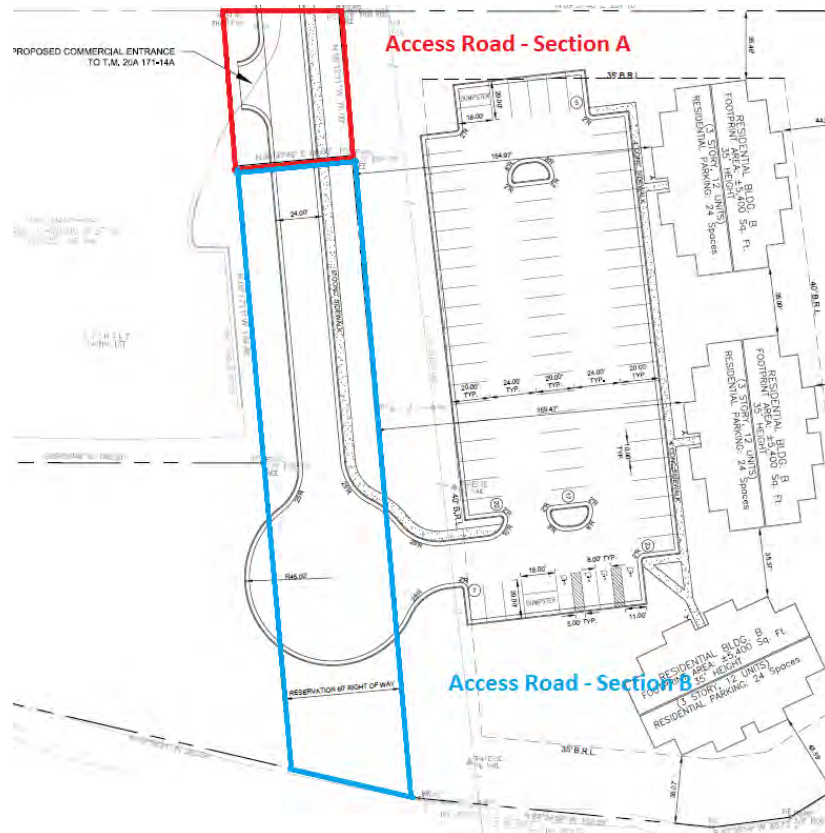
ROYAL LANE

TOWN OF FRONT ROYAL, VIRGINIA

SUPPLEMENTAL INFORMATION:

<i>Legal Review</i>	The Town is authorized to require a special use permit for certain uses within any zoning district under the legal authority of 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. A site plan application would be required prior to issuance of any permits for construction activity. The applicant has submitted a preliminary site plan with this special use permit as required by the Town Code.
<i>Discussion of Preliminary Site Plan</i>	The preliminary site plan is attached with this report (See Attachment 3). A bio-retention facility is proposed on the site. The location is illustrated on the preliminary site plan, but the stormwater facility still must be fully engineered for the final site plan approval. A permit from the Virginia Department of Environmental Quality (DEQ) will be required. The Applicant's impact analysis reports that the site will require 7200 gallons per day of sewer flow, as well as water. The preliminary site plan does not include full engineering plans for the extension and service of utility connections. This will need to be completed on the final site plan and applicable connection fees will need to be addressed by the Applicant. A sidewalk is illustrated on the east side of the proposed access road extension of Royal Lane. Curb & gutter is also included. The proposed access road extension of Royal Lane can be broken down into two sections (See illustration on the following page). The northern section, referred to herein as Section A, is illustrated as existing public right-of-way in the County and Town GIS systems. However, this section was only reserved for dedication to the Town by a plat dated March 25, 1995. Such reservation was created when the adjacent lot was subdivided from the property to create the current site of Meadowland Learning Center. With this application, the EDA has submitted a draft dedication plat to finalize the dedication of Section A (See Attachment 2). A new commercial entrance to the adjacent lot is also shown on the preliminary site plan within this area. The southern section of the access road, referred to herein as Section B, extends into the property and would be reserved for dedication by the Town. Such dedication to the Town would be

needed if the Town ever decides to extend Royal Lane to Remount Road to improve access and connectivity.



Town Code Section 148-820.H. prohibits dead-end streets, except as stubs to allow future extensions to adjoining land. It also limits cul-de-sac streets to a length of 800 feet in length and 25 lots. However, a Special Exception may be granted in accordance with Town Code 148-211.

The Applicant submitted an impact analysis statement prepared by Pennoni. This report shows that Royal lane is presently estimated with an average daily traffic count of 1,502 vehicles. This calculation is based on the existing uses, including 9 single family dwellings, 90 apartment dwellings, a 7,000 square foot day care facility, and a professional office building of 10,000 square feet. The proposed development is estimated to generate 252 average daily vehicle trips, bringing the total for Royal Lane to 1,754 ADT. Peak hour trips is estimated at 193 vehicles.

John Marshall Highway has a traffic count of 12,000 total trips (VDOT 2014). The Applicant's report addresses the estimated traffic at this intersection and identifies that a westbound left turn lane and right turn taper are warranted, based on VDOT's Road Design Manual. Pennoni's report identifies that the existing right-turn lane and center turn lane are adequate. The report also concludes that the traffic generated by the 36 apartment units would be significantly less than if it was developed with a commercial use, and that the residential development is more in keeping with the primarily residential character of the street.

Review Comments of the Preliminary Site Plan are noted below. A final site plan application will need to be submitted if the special use permit application is approved. The final site plan should adequately address all noted review comments.

A. PLANNING & ZONING REVIEW COMMENTS

1. **General Detail Requirements for a Site Plan.** If the SUP is approved by Town Council, a site plan application is required prior to issuance of zoning and building permits by the Town and County. The site plan is required to include the contents of Town Code 148-1020.
2. **ROW Dedication.** The area shown as right-of-way that is located on Tax map #20A171-14A (Basil C. Hudson), referred to above as Section A, should be dedicated to the Town so that the subject parcel has frontage on a public street.
3. **Electric Service.** Please show the proposed source of connection to the Town electric utility service lines, and confirm with the Department of Energy Services that existing capacity is adequate.
4. **Water & Sewer Utilities.** Please show the proposed source of connection to the Town water & sewer utility lines and confirm with the Department of Environmental Services that existing capacity is adequate. Please specify the size of the proposed water and sewer lines for review and evaluation of tap fees. Please show the location of water meters. Please seek input from the Department of Environmental Services regarding the appropriate locations for such meters.
5. **Recreational Area Details.** Please provide details of the proposed recreation area, including the amount of area and the type of amenities. Town Code 175-113.F.2 requires a minimum area based on the gross square feet of the proposed apartments. Based on the information on the site plan regarding the gross square feet, a minimum of 12,050 square feet of recreational space is needed. Town Staff would recommend a playground and sitting areas for adults. However, alternative ideas of the applicant can certainly be considered. Bicycle racks are also recommended.
6. **Building Elevation / Design.** It may be helpful for the Planning Commission and Town Council if you were to provide an illustration showing the intended design of the proposed apartment buildings.
7. **Dumpster Enclosure.** A dumpster enclosure is required around the proposed dumpsters.
8. **Building Height.** Town Code 175-113.D. stipulates a maximum height of 3 stories, but not to exceed 35 feet. The preliminary site plan shows that each building will be 35 feet, but specifies that the maximum height is 42'.
9. **Curb & Gutter Option for Parking.** Curb & Gutter is optional for the parking area perimeter.

10. **Cul-de-Sac length.** Approval of this development requires authorization of a special exception by Town Council. Such authorization would be allowed by the Town Code since the project targets affordable housing.
11. **Landscaping.** Landscaping is required, including Development Tree Plantings (156-6), Street Trees (156-7) and Parking Lot Landscaping (156-8). Please designate existing canopy areas on the site plan where trees can be preserved. This will reduce the amount of new landscaping required by 156-6.
12. **Lighting.** Please show all proposed lighting and ensure that such lighting is designed to minimize glare and is designed to meet dark-sky compliance standards or such equivalent standards.
13. **Project Narrative.** Please include a project narrative on the final site plan that explains the intent of the site to provide needed workforce to the community.
14. **Right-of-Way Reservation and Easement Area.** The reservation of the right-of-way should run with the land and authorize the Town to dedicate the right-of-way when, and if, decided by Town Council in the future. The area should also include an easement for utility and access purposes. A portion of the proposed cul-de-sac and cross slopes are located outside of the right-of-way reservation and easement area. Please extend the right-of-way reservation and easement area to include these additional areas, which would be needed if the roadway is modified and extended in the future.
15. **Fire Hydrants and Fire Suppression.** Please provide a fire hydrant(s) and fire suppression as necessary to comply with the building and fire codes. If sprinklers are required, an independent fire suppression line would be necessary and should be coordinated with the Department of Environmental Services.
16. **Roadway Width.** Royal Lane is currently between 39.5-39.6 feet in pavement width. It would be appropriate to extend the access road/potential future public right-of-way to more closely match the existing roadway. Based on the total ADTs for the road, Town Code 148-820.D.6. specifies a minimum roadway width of 36 feet, with the following specifications: *Surface Course: 1½" (SM 9.5A), Base Course: 3" (BM 25.0); and Subbase: 6" (21-B).*

B. TOWN DEPARTMENT OF ENERGY SERVICES

Staff has reviewed the plans for the proposed three (3) 12-unit Apartment buildings. Town Code 70-50.1 requires a charge of \$2,500 per building, for a total of \$7,500 for the 3 units.

C. TOWN FINANCE DEPARTMENT

Taxes are paid.

D. TOWN MANAGER

The following comments are provided for the subject SUP:

- 1) Sheet 3 – The proposed 24' width for the street does not meet Town standards. Please refer to Town Standard Construction Detail RC-1.
- 2) Sheet 3 – Please confirm if a tot lot is to be provided.
- 3) Sheet 3 – Handicapped parking signs will be required at the designated spaces.
- 4) Sheet 3 – Provision of additional parking for visitors should be considered.
- 5) Sheet 3 – Please consider extension of sidewalk and placement of ramp for handicapped parking spaces; also include ramp at the terminus of the public sidewalk.
- 6) Sheet 4 – Please include standard typical section for extension of Royal Lane (Detail RC-1).
- 7) Sheet 4 – Please include standard typical section for sidewalk within the Right-of-Way.
- 8) Sheet 4 – Due to the elevation and planned two story design, please confirm if booster pumps are necessary to provide sufficient water pressure at the apartments.

E. TOWN DEPARTMENT OF ENVIRONMENTAL SERVICES

- A full utility plan of water and sewer is needed. Show line sizes, both existing and future. Provide water demand per unit/building.
- Provide details on needed water and sewer extension.
- Needs to meet all town standards – water, sewer and concrete.
- Concrete/Sidewalk – change 4" 21B to 6" 21B, add expansion joints every 50 feet, each side of manholes, inlets and driveways.
- Remove existing cul-de-sac and add curb.
- Include details for entrance road, including curb, concrete, sidewalk, and apron.

F. WARREN COUNTY DEPARTMENT OF FIRE & RESCUE SERVICES

4/28/15 - No notable comments.

1/12/16 – After review of the site/concept for Royal Lane Apartments (36 units) with regards to a single entrance/exit, the Department of Fire and Rescue Services provides the following comments: There is no objection with the site being restricted to a single entrance/exit. The fire apparatus access road, entrance and parking areas shall meet design standards and be approved by the Warren County Building Official and maintained in accordance with the Virginia Statewide Fire Prevention Code. Should you require additional information or further assistance, please let me know.

G. WARREN COUNTY DEPARTMENT OF BUILDING INSPECTIONS

Comments for SUP16-04-264 – Residential Apartments Royal Lane:

- Erosion and Sediment Control Items:
 - o Application and permits are required for ESC permit, which would be a normal submission including a full plan review application.
 - o The area of disturbance exceeds one (1) acre and requires a Stormwater permit through the Department of Environmental Quality (DEQ). Approval by DEQ is required prior to anything being issued by Warren County.
- Building Inspections Items:
 - o This submission does not provide any real details of the structure that is being proposed, but the project will require permits to be obtained as normal for structure, electrical, plumbing, mechanical, etc. and it would be subject to review and approval prior to work beginning.

CONCLUSIONS & RECOMMENDED CONDITIONS:

The following conditions are recommended in association with this special use permit application. Condition #7 is a standard condition placed on all SUP applications with conditions:

- 1) The special use permit is only valid for 36 apartment units on the subject property, and includes a special exception to Town Code 148-820.H.3 for the proposed extension of Royal Lane as shown on the preliminary site plan. The apartment units shall be marketed as workforce housing.
- 2) The portion of the proposed access road extension of Royal Lane that is part of the adjacent parcel, identified as Tax Map Parcel 20A1-7-1-14A, shall be dedicated to the Town prior to issuance of any construction permits.
- 3) The remaining portion of the proposed access road extension of Royal Lane, as identified on the preliminary site plan, shall include all necessary access and utility easements, as well as a right-of-way reservation to the Town. Such reservation shall legally authorize the Town to dedicate the roadway as a public street when determined by Town Council, such as, but not limited to, when extension of the road is feasible.
- 4) All site improvements and utilities shall be constructed and paid for by the Applicant, and all applicable utility connection fees shall be paid at the time of application for a zoning permit to construct the apartments, unless otherwise waived by Town Council.
- 5) A complete final site plan application shall be submitted that adequately addresses the technical requirements of the Town Code and the review comments included in the staff report. Provided that the final site plan generally conforms to the preliminary site plan, as submitted with this application, Town Staff is authorized to approve the final site plan.
- 6) A playground, sitting area, and bicycle racks shall be provided. The playground shall meet the standards of the Public Playground Safety Handbook (2010), published by the U.S. Consumer Product Safety Commission, or comparable alternative standard approved by the Building Official and Planning Director.

- 7) 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.

UPDATE: In August 17, 2016, the Planning Commission passed a motion to recommend approval of the EDA's application for workforce housing. The motion was conditioned on the 7 conditions noted above, and the following to additional conditions added by the Planning Commission at the meeting.

- 8) The proposed apartment units shall be marketed as workforce housing, and shall not be used as subsidized housing for "very-low" or "extremely low" incomes, as classified by HUD.
- 9) The final design of the apartment buildings shall substantially conform to the building elevation drawings submitted by the EDA (shown below).



The application was originally considered in June at a public hearing where some citizens that lived on Royal Lane attended. A few citizens spoke in opposition to the application during the public hearing, and stating concerns about low income housing, and to a lesser extent traffic and crime. The Planning Commission tabled the application in July for the purpose of allowing the EDA to speak to the neighbors about the project in more detail. The EDA also agreed to submit a building elevation drawing for additional information on the project.

Following the meeting, the EDA stated that they sent notices and met with the citizens that responded. The Planning Commission added conditions #8 and #9 at their August meeting as part of their motion.

Attachments to Staff Report:

Attachment 1 – Application; 2) Draft Deed of Dedication; 3) Preliminary Site Plan.

Town of Front Royal, Virginia

SPECIAL USE PERMIT APPLICATION MATERIALS

FOR REVIEW OF

ROYAL LANE APARTMENTS

March 2016

Prepared by:
Pennoni Associates Inc.
117 E. Piccadilly Street
Suite 200
Winchester, Virginia 22601

Phone: 540-667-2139 Fax: 540-665-0493



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- I. Application
 - II. Impact Analysis
 - III. Preliminary Site Plan
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I.

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 _____

SPECIAL USE PERMIT REQUEST

APPLICANT

NAME Pennoni Associates Inc. c/o Patrick Sowers PHONE 540-667-2139

ADDRESS 117 E. Piccadilly St., Suite 200, Winchester, VA 22601

E-MAIL PSowers@pennoni.com

PROPERTY DESCRIPTION

PROPERTY ADDRESS Royal Lane (vacant)

TAX MAP 20 SECTION A BLOCK 171 LOT 14B

SUBDIVISION NAME _____ ACREAGE 3.601

REQUEST

ZONING DISTRICT C-1

PROPOSED USE OF PROPERTY Residential Apartments

SPECIFIC SPECIAL USE PERMIT REQUEST Three 12 unit apartment buildings

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 [Signature] Date 4/7/16

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 # _____ Date Paid _____

II.

IMPACT ANALYSIS

ROYAL LANE APARTMENTS – IMPACT ANALYSIS STATEMENT

March 29, 2016

The following is a summary of the proposed special use permit for Royal Lane Apartments which proposes 36 total apartment units comprised of three 3-story buildings on the vacant parcel at the existing terminus of Royal Lane within the Town of Front Royal (the “Town”). The project site totals 3.6 acres zoned C-1 (Community Business) and it identified by the Town as tax map parcel 20A171-14B (the “Property”). The development is proposed by the Economic Development Authority (the “EDA”) to provide for needed workforce housing in the area. The Town of Front Royal Zoning Ordinance permits apartment developments containing four or more units within the C-1 Zoning District subject to approval of a Special Use Permit.

Proposed Development

The proposed development plan for the Property is depicted on the attached Preliminary Site Plan for Royal Lane Apartments. As shown, the project would consist of three buildings, each containing 12 apartment units, along with associated surface parking served by a southerly extension of Royal Lane. The proposed 36 apartment units represent a density of 10 dwelling units per acre. The extension of Royal Lane would be constructed to Town standards to provide for the future dedication of the roadway and its associated right of way through the Property, allowing for a extension of the roadway south of the project site at a future date, if desired.

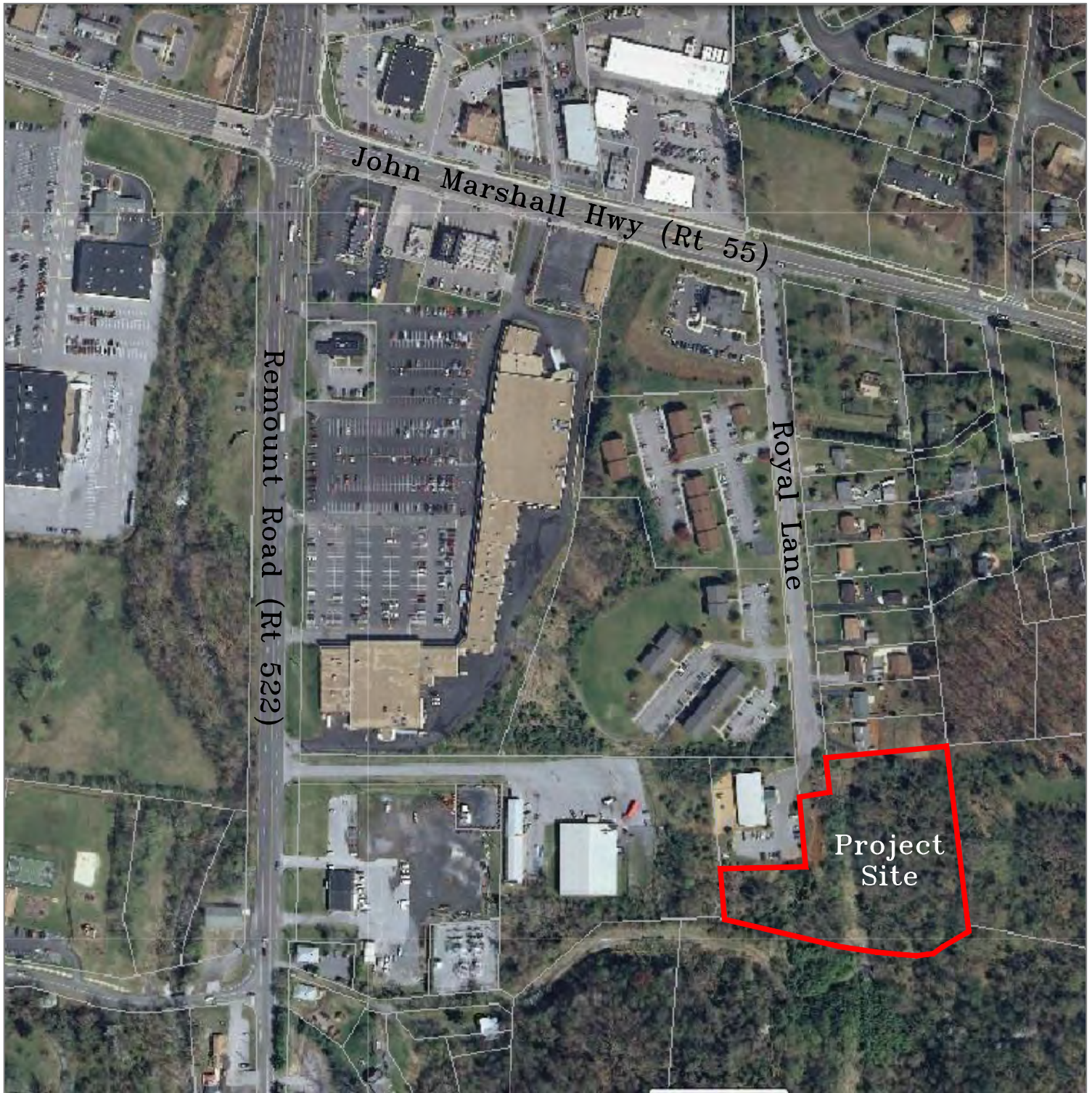
Site Location

A location map is attached as *Exhibit A*. As shown, the project is located at the existing terminus of Royal Lane approximately 1,100 feet south of the intersection of Royal Lane with John Marshall Highway (Route 55). Existing development along Royal Lane is predominantly residential in nature. Business type development on the roadway is limited to a professional office building located at Royal Lane’s intersection with Route 55 as well as a day care facility located west and adjacent to the subject Property at the terminus of Royal Lane. The remaining development along Royal Lane includes apartments on the west side of the roadway and single family dwellings on the east side. The proposed apartment use for the Property would be consistent with the residential nature of Royal Lane.

A zoning map is attached as *Exhibit B*. The subject Property as well as all parcels located west of Royal Lane are zoned C-1 (Community Business) while the parcels located east of Royal Lane are zoned R-1 (Residential). Despite the commercial zoning for half the parcels fronting Royal Lane, the predominant development pattern is residential in the area. The proposed apartment use of the subject property would ensure that the project is developed in a manner that is consistent with the existing development pattern.

Site Characteristics

Sheet 2 of the attached preliminary site plan depicts the existing site conditions. The Property is currently vacant, wooded and includes an existing power line bisecting the site in a north/south direction. The Property contains sloping topography with a high elevation at its western boundary of 707 feet and a low elevation at the eastern property



Source: Warren Co. GIS

Royal Lane Apartments

Exhibit A – Location Map

TOWN OF FRONT ROYAL, VIRGINIA

PENNONI ASSOCIATES INC.

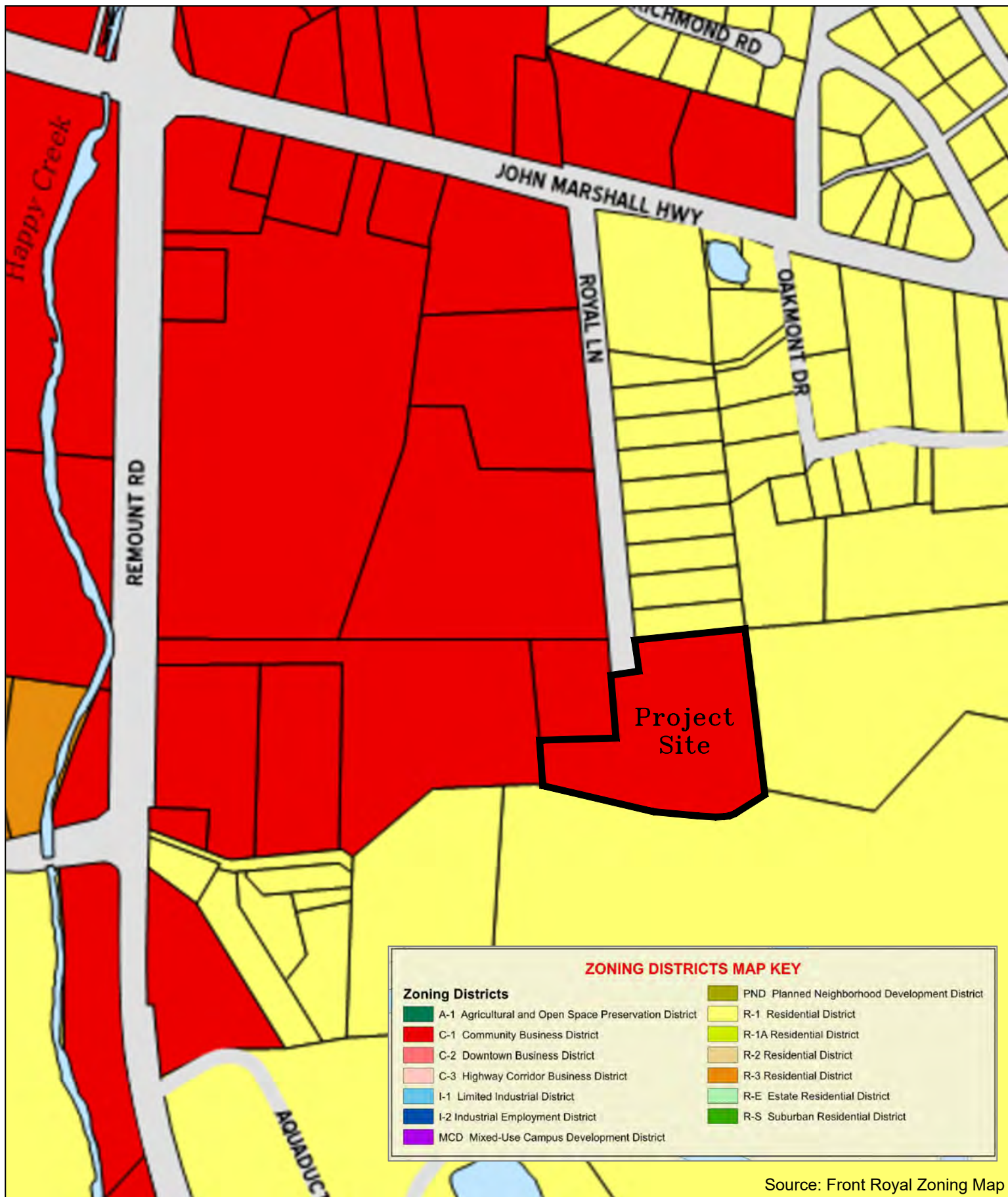
117 E. Picadilly St. Winchester, Virginia 22601
 VOICE: (540) 667-2139 FAX: (540) 665-0493

Revised

–

3/29/16

1"=300'



Source: Front Royal Zoning Map

Royal Lane Apartments

Exhibit B – Zoning Map

TOWN OF FRONT ROYAL, VIRGINIA

PENNONI ASSOCIATES INC.

117 E. Picadilly St. Winchester, Virginia 22601
VOICE: (540) 667-2139 FAX: (540) 665-0493

Revised
–

3/29/16

1"=300'

boundary of approximately 643 feet. The proposed development plan takes the sloping topography into account and would utilize a retaining wall with a maximum height of approximately 8 feet in proximity to the eastern property boundary.

Soils on the site are identified as Unison-Chagrin-Dyke soils which are characterized as deep, well drained soils that have a loamy or clayey subsoil. The specific soil type for the subject include Chester loam and Dekalb channery loam. Property. The characteristics of this soil type and any implications for site development are manageable through the site engineering process.

Pursuant to FEMA flood map numbers 51187C0116C and 51187C0118C, both with effective date June 3, 2008, the entire site is located in areas of minimal flooding outside of the 100-year and 500-year flood plain.

Access and Transportation

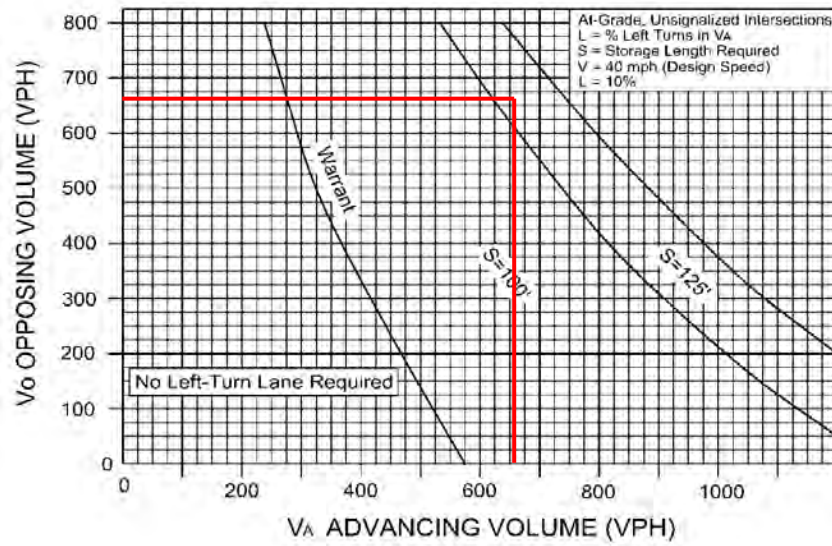
Access to the Property would be provided by an extension of Royal Lane into the Property. Currently, Royal Lane terminates at the northern property boundary. The proposed development plan would extend Royal through the Property to a cul-de-sac near the southern site boundary. A reserve area will be provided that would enable the dedication of the extension of Royal Lane through the site as a public street. The right of way reservation area extends to the southern property boundary, providing the opportunity for a future extension of Royal Lane if desired.

The proposed 36 apartment units would generate 252 average daily vehicle trips. Compared with the commercial uses that could be realized on the Property on a by-right basis, this special use permit application substantially reduces the trip generation potential for the site.

Other existing uses on Royal Lane include 9 single family dwellings, 90 apartment dwellings, a day care facility of approximately 7,000 SF, and a professional office building of approximately 10,000 SF. These existing uses would generate approximately 1,502 ADT (average daily trips). Combined with the 252 trips associated with the proposed 36 apartment units, the total traffic volume on Royal Lane would be approximately 1,754 ADT. Applying a peak hour factor of 0.11, the peak hour trips would be approximately 193 trips (97 trips in/96 trips out based on a 50/50 split of inbound and outbound movements).

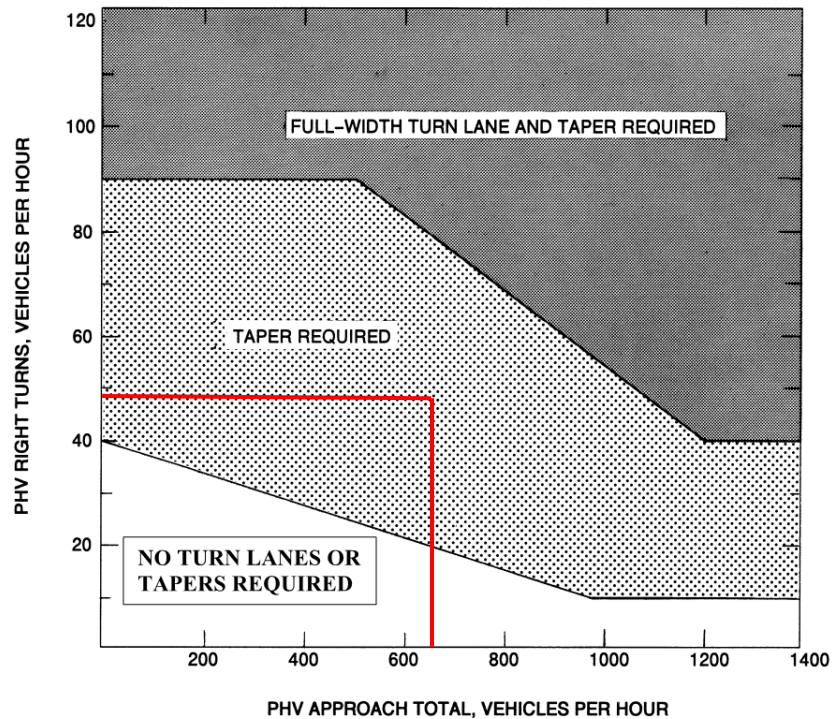
2014 VDOT traffic data identifies 12,000 total trips on John Marshall Highway at Royal Lane. Assuming a 50/50 split between eastbound and westbound trips results in 6,000 eastbound and 6,000 westbound trips resulting in 660 peak hour trips in each direction. Utilizing the VDOT Road Design Manual and 2014 VDOT Traffic Counts on John Marshall Highway (assuming a 50/50 split on eastbound and westbound trips), left and right turn lane warrants for the subject intersection are as follows:

Warrant for Left Turn Lane



Note: 125 Foot Left Turn Lane Required (Westbound Route 55).

Warrant for Right Turn Lane



Note: Right Turn Taper Required (Eastbound Route 55).

Photograph 1 and *Photograph 2*, provided below, depict the existing road improvements for John Marshall Highway at its intersection with Royal Lane. As shown, John Marshall Highway currently includes an eastbound right turn lane as well as a shared center turn lane which would accommodate westbound left turn movements onto Royal Lane. These existing improvements would satisfy the requirements for the right and left turn lane warrant analysis above.



Photograph 1. John Marshall Highway at Royal Lane (View facing east)



Photograph 2. John Marshall Highway at Royal Lane (View facing west)

Royal Lane is currently unstriped, but has sufficient pavement width to provide for separate turn lanes at its intersection with John Marshall Highway. *Photograph 3* depicts the existing improvements for Royal Lane at the subject intersection.



Photograph 3. Royal Lane at John Marshall Highway (View facing north).

Existing improvements are in place to accommodate the traffic generated by the proposed 36 apartment units. Moreover, the proposed special use permit would substantially diminish the traffic impact potential under the existing C-1 zoning for the Property. Accordingly, the minor trip generation associated with the proposal is manageable under existing road improvements.

Stormwater Management

Under existing conditions, the site drains from east to west. The proposed development program for the project would generally maintain the existing drainage pattern and direct stormwater flows to a stormwater management facility, likely a bio-retention filter to accommodate both stormwater quantity and quality requirements, at the southwestern limits of the project.

Sewage Conveyance and Water Supply

Using a standard rate of 200 gallons per day/dwelling unit it is projected that the proposed development would produce up to 7,200 gallons per day of sewer flow. Water usage would be approximately equivalent to the sewer flows. The site would be served by an extension of the existing water and sanitary facilities within Royal Lane. The water system will be designed to provide adequate pressure for potable water service and fire-fighting services.

Summary

The proposed Royal Lane Apartments project would provide for the development of 36 apartment units to aid in satisfying workforce housing needs. Properties along Royal Lane are developed predominantly for residential uses despite all parcels located on the west side of the roadway being zoned for commercial uses. The proposed apartment use would continue the existing residential development pattern for the area while diminishing the traffic generation potential for the site under the existing C-1 zoning thereby minimizing impacts to the intersection of Royal Lane and John Marshall Highway.

In the case of this proposed application, the special use permit proposal would be more in keeping with surrounding properties than most of the by-right commercial uses that could occur on the Property. Therefore, the proposed special permit application for the apartments use merits favorable consideration.

III.

PRELIMINARY SITE PLAN

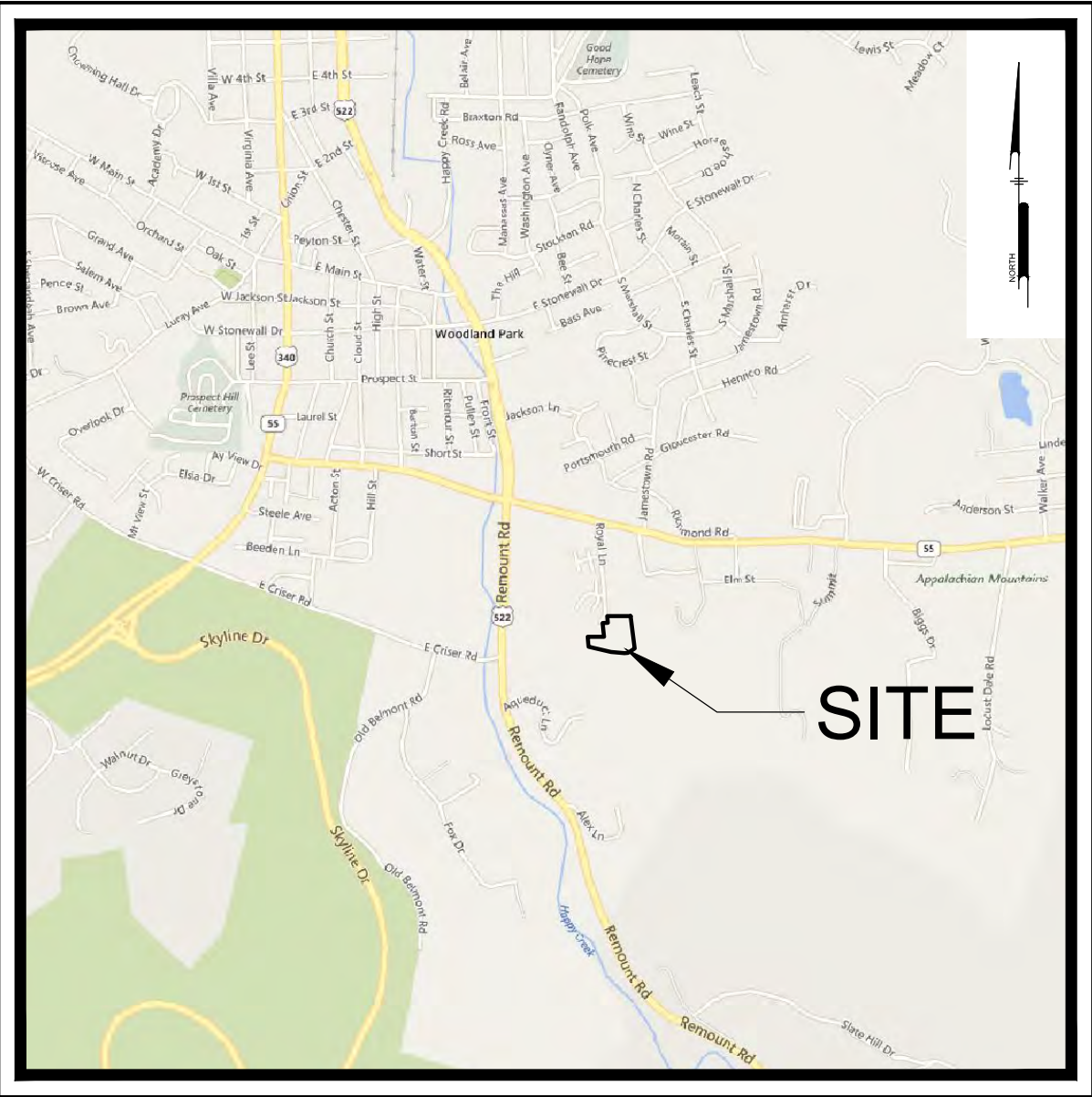
ROYAL LANE APARTMENTS

PRELIMINARY SITE PLAN

TOWN OF FRONT ROYAL, VIRGINIA
MARCH 29, 2016

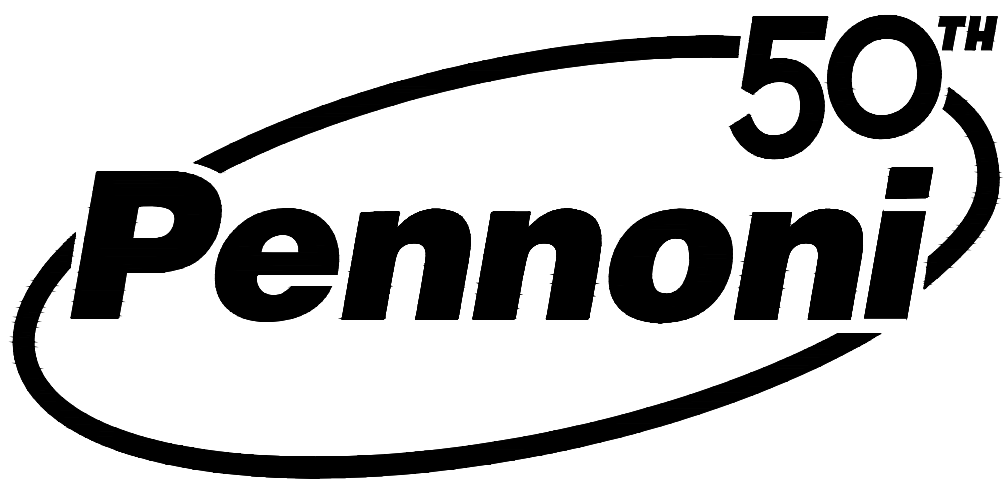
PREPARED FOR:
DEVELOPER
WARREN COUNTY EDA
P.O. BOX 445
FRONT ROYAL, VIRGINIA 22630
(540) 635-2182

Sheet List Table	
Sheet Number	Sheet Title
1	COVER SHEET
2	EXISTING CONDITIONS PLAN
3	SITE PLAN
4	GRADING PLAN



LOCATION MAP
Scale: 1" = 2000'

PREPARED BY:
PENNONI ASSOCIATES INC.



117 East Piccadilly Street
Winchester, VA 22601
T 540.667.2139
F 540.665.0493



CALL BEFORE YOU DIG

ALWAYS CALL 811 BEFORE YOU DIG IN VIRGINIA

CALL 1-800-552-7001

SECTION 56-265.17 REQUIRES THREE WORKING DAYS
NOTICE TO UTILITIES BEFORE YOU EXCAVATE, DRILL OR
BLAST VIRGINIA UTILITY PROTECTION SERVICE, INC.
TICKET NUMBER(S):

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK



ROYAL LANE APARTMENTS

ROYAL LANE
FRONT ROYAL, VIRGINIA

COVER SHEET

WARREN COUNTY EDA

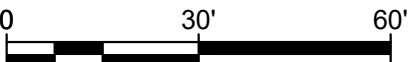
P.O. BOX 445
FRONT ROYAL, VIRGINIA 22630

NO.	DATE	REVISIONS	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES
ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE
PROJECT. THEY ARE NOT INTENDED OR REPRESENTED
TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON
THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER
PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION
OR ADAPTATION BY PENNONI ASSOCIATES FOR THE
SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS
SOLE RISK AND WITHOUT LIABILITY OR LEGAL
EXPOSURE TO PENNONI ASSOCIATE, AND OWNER SHALL
INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES
FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES
ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	WRRN1402
DATE	2016-03-29
DRAWING SCALE	AS SHOWN
DRAWN BY	KLM
APPROVED BY	RMM

CS0001
SHEET 1 OF 4



	PROPERTY LINE
	SANITARY SEWER WITH MANHOLE
	WATERLINE
	FIRE HYDRANT ASSEMBLY
	GATE VALVE
	UTILITY POLE
	OVERHEAD UTILITIES
	CONTOURS
	SPOT ELEVATION

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK



ROYAL LANE APARTMENTS

EXISTING CONDITIONS PLAN

WARREN COUNTY EDA
P.O. BOX 445
FRONT ROYAL, VIRGINIA 22630

[illegible]

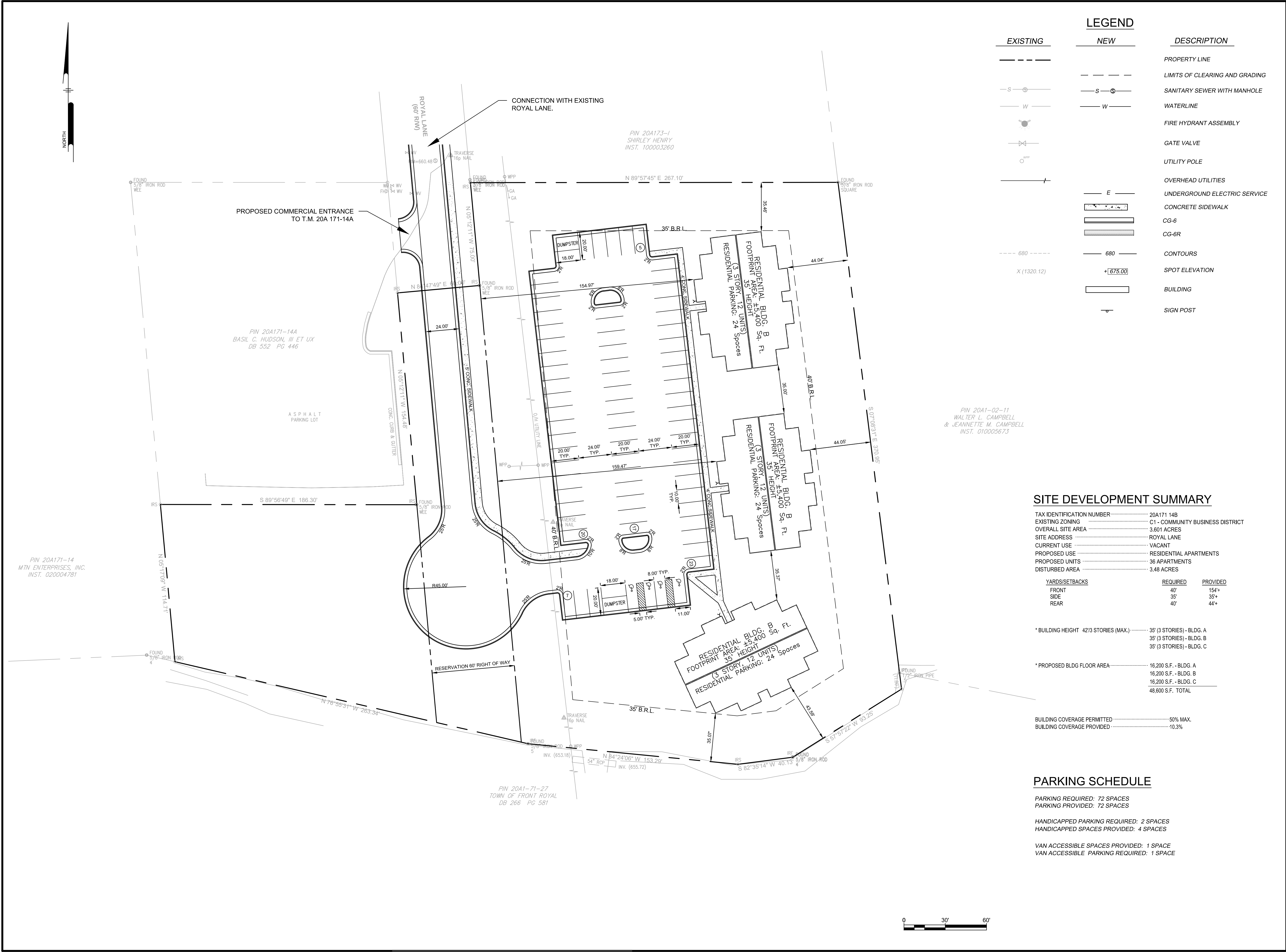
ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE OF ANY DOCUMENT FOR ANY ADAPTATION OR MODIFICATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	WRRN1402
DATE	2016-03-29
DRAWING SCALE	AS SHOWN
DRAWN BY	KLM
APPROVED BY	RMM

CS0201

SHEET 2 OF 4

K:\PROJECTS\WRRN1402\Royal Lane Apartments\CS1001.dwg
PLOTED: 3/28/2014 12:08 PM BY: James Springer
PLOTSTYLE: Pennon VCS.ctb
PROJECT STATUS: —



LEGEND		DESCRIPTION
EXISTING	NEW	PROPERTY LINE
---	---	LIMITS OF CLEARING AND GRADING
—S—	—S—	SANITARY SEWER WITH MANHOLE
—W—	—W—	WATERLINE
⊙		FIRE HYDRANT ASSEMBLY
⋈		GATE VALVE
○		UTILITY POLE
—	—	OVERHEAD UTILITIES
—E—	—E—	UNDERGROUND ELECTRIC SERVICE
---	---	CONCRETE SIDEWALK
---	---	CG-6
---	---	CG-6R
---	---	CONTOURS
---	---	SPOT ELEVATION
---	---	BUILDING
---	---	SIGN POST

SITE DEVELOPMENT SUMMARY

TAX IDENTIFICATION NUMBER	20A171 14B
EXISTING ZONING	C1 - COMMUNITY BUSINESS DISTRICT
OVERALL SITE AREA	3.601 ACRES
SITE ADDRESS	ROYAL LANE
CURRENT USE	VACANT
PROPOSED USE	RESIDENTIAL APARTMENTS
PROPOSED UNITS	36 APARTMENTS
DISTURBED AREA	3.48 ACRES

YARDS/SETBACKS	REQUIRED	PROVIDED
FRONT	40'	154'+
SIDE	35'	35'+
REAR	40'	44'+

* BUILDING HEIGHT 42/3 STORIES (MAX.)	35' (3 STORIES) - BLDG. A
	35' (3 STORIES) - BLDG. B
	35' (3 STORIES) - BLDG. C

* PROPOSED BLDG FLOOR AREA	16,200 S.F. - BLDG. A
	16,200 S.F. - BLDG. B
	16,200 S.F. - BLDG. C
	48,600 S.F. TOTAL

BUILDING COVERAGE PERMITTED	50% MAX.
BUILDING COVERAGE PROVIDED	10.3%

PARKING SCHEDULE

PARKING REQUIRED: 72 SPACES
PARKING PROVIDED: 72 SPACES

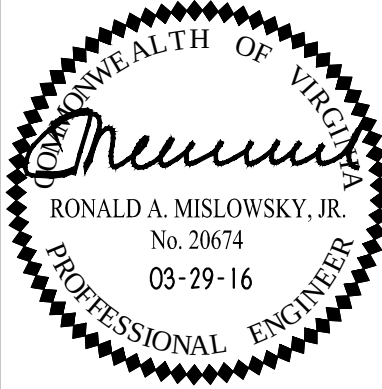
HANDICAPPED PARKING REQUIRED: 2 SPACES
HANDICAPPED SPACES PROVIDED: 4 SPACES

VAN ACCESSIBLE SPACES PROVIDED: 1 SPACE
VAN ACCESSIBLE PARKING REQUIRED: 1 SPACE



PENNONI ASSOCIATES INC.
117 East Piccadilly Street
Winchester, VA 22601
T 540.667.2139 F 540.665.0493

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK



ROYAL LANE APARTMENTS

ROYAL LANE
FRONT ROYAL, VIRGINIA

SITE PLAN

WARREN COUNTY EDA

P.O. BOX 445
FRONT ROYAL, VIRGINIA 22630

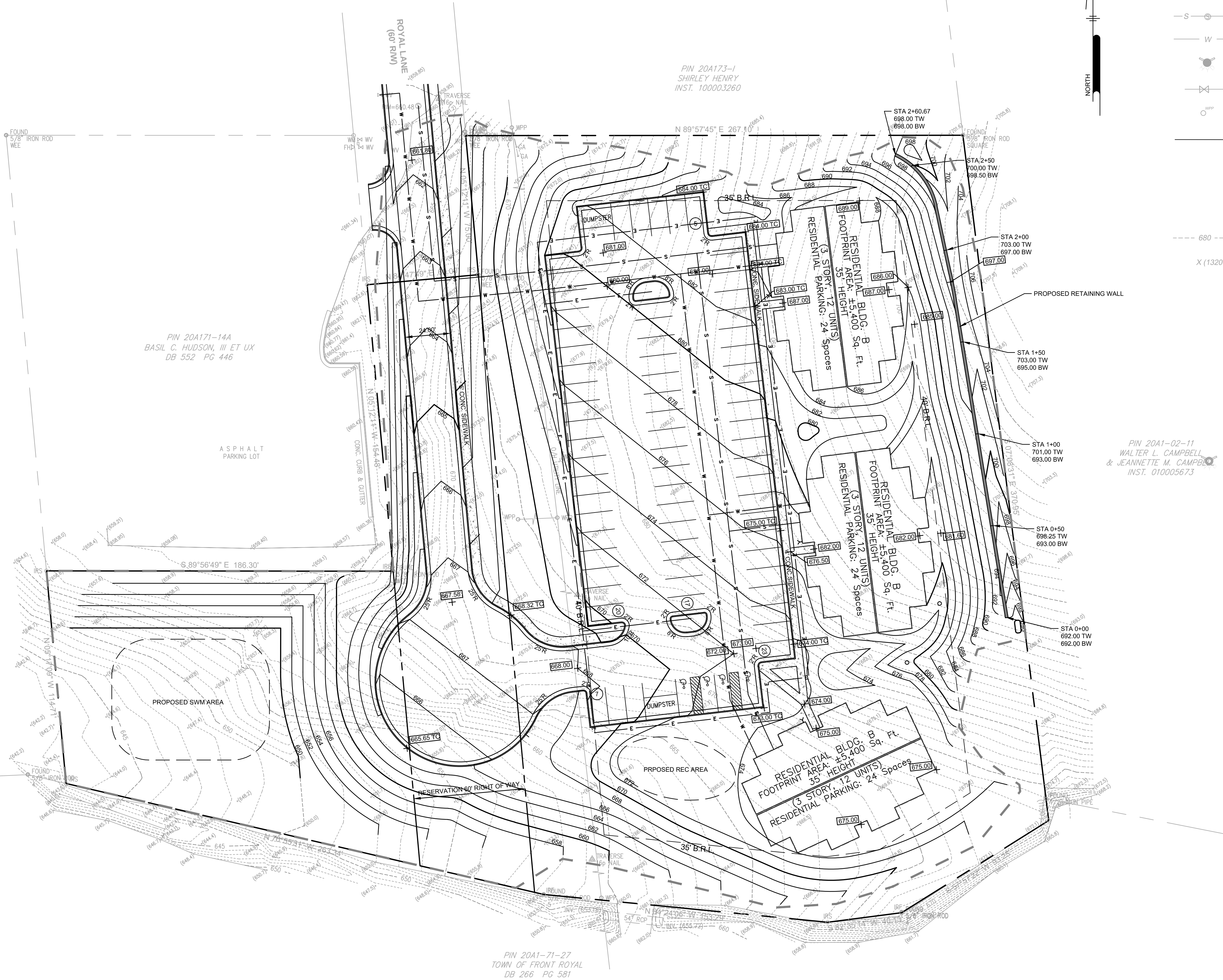
PROJECT	WRRN1402
DATE	2016-03-29
DRAWING SCALE	1"=30'
DRAWN BY	KLM
APPROVED BY	RMM

CS1001

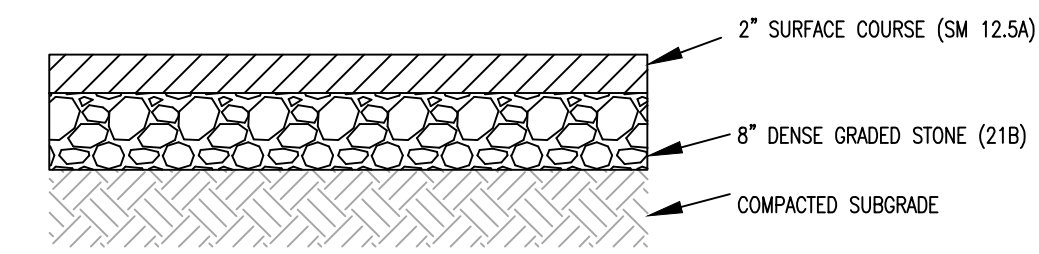
SHEET 3 OF 4

K:\PROJECTS\WRRN\WRRN1402\Royal Lane Apartments\CS1501.dwg
PLOTTED: 1/28/2014 1:28 PM BY: James Springer
PROJECT STATUS: —
PLOTSTYLE: Pennon VCS.dts

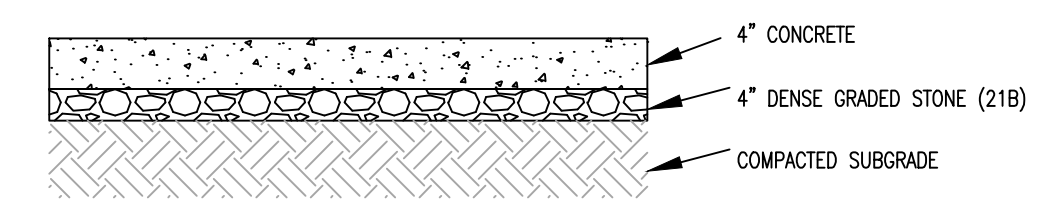
PIN 20A171-14
MTN ENTERPRISES, INC.
INST. 020004781



LEGEND		DESCRIPTION
EXISTING	NEW	PROPERTY LINE
		LIMITS OF CLEARING AND GRADING
		SANITARY SEWER WITH MANHOLE
		WATERLINE
		FIRE HYDRANT ASSEMBLY
		GATE VALVE
		UTILITY POLE
		OVERHEAD UTILITIES
		UNDERGROUND ELECTRIC SERVICE
		CONCRETE SIDEWALK
		CG-6
		CG-6R
		CONTOURS
		SPOT ELEVATION
		BUILDING
		SIGN POST

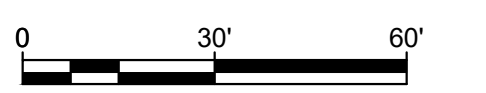


SECTION FOR STD. DUTY ASPHALT PAVEMENT
N.T.S.



CONCRETE SIDEWALK SECTION
N.T.S.

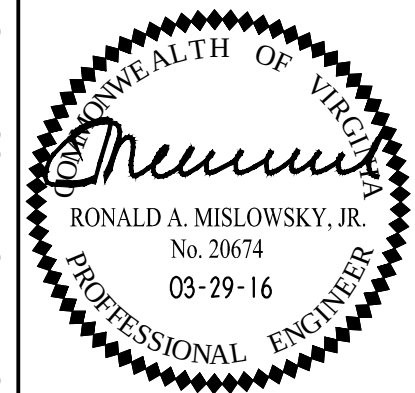
NOTE:
LANDSCAPED SCREEN CONSISTING OF EVERGREEN TREES PLANTED A MAXIMUM OF 10 FT. ON CENTER SHALL BE INSTALLED ALONG THE NORTHERN AND EASTERN PROPERTY BOUNDARIES.



ROYAL LANE APARTMENTS
ROYAL LANE
FRONT ROYAL, VIRGINIA
GRADING PLAN

WARREN COUNTY EDA
P.O. BOX 445
FRONT ROYAL, VIRGINIA 22630

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50'
Pennon

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ROYAL LANE APARTMENTS
ROYAL LANE
FRONT ROYAL, VIRGINIA
GRADING PLAN

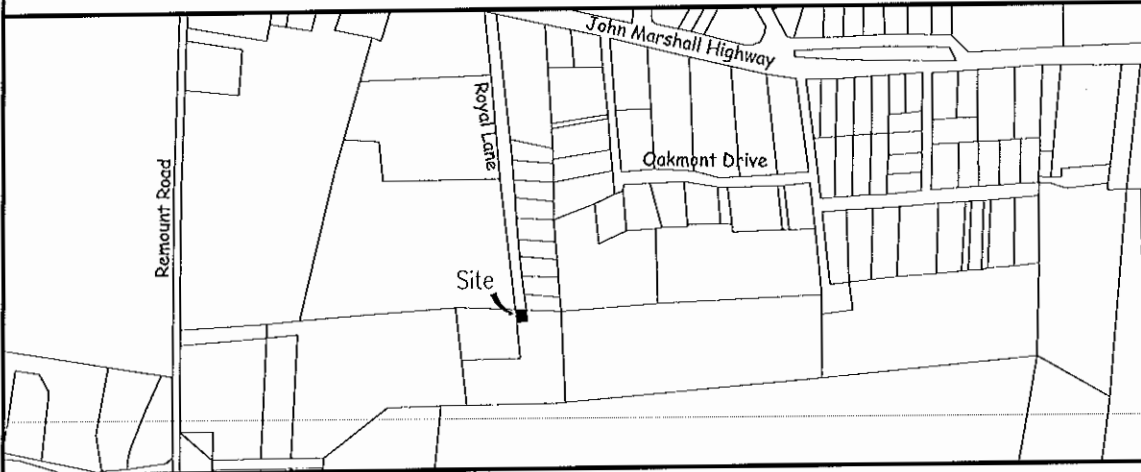
PROJECT	WRRN1402
DATE	2016-03-29
DRAWING SCALE	AS SHOWN
DRAWN BY	KLM
APPROVED BY	RMM

Road Dedication Plat

Basil C. Hudson, III & Tana M. Hudson
 TM #20A1-7-1-14A Instrument #040003033 ~ Parcel Two
 43 South Cameron Street TM #193-1-M-25 Deed Book 552, Page 446
 May 13, 2016
 Town of Front Royal, Warren County, Virginia

Vicinity Map

1"=500'

**SURVEYOR'S CERTIFICATE:**

I, Michael M. Artz, a duly authorized land surveyor, do hereby certify that the land hereby dedicated is in the names of Basil C. Hudson, III & Tana M. Hudson and was acquired as stated in the Owner's Certificate. I further certify that these tracts are properly and accurately described and are within the boundaries of the original tracts.

 Certified Land Surveyor

OWNER'S CERTIFICATE:

The undersigned fee simple owners hereby certify that the land herein dedicated is a portion of the property conveyed to the Basil C. Hudson, III & Tana M. Hudson by deed dated May 10, 1995 and recorded in Deed Book 552, Page 446. Said deed being of record in the Clerk's Office of the Warren County, Virginia.

This Road Dedication as it appears on the accompanying plat is with the free consent and in accordance with the desires of the undersigned owner of said land and the same is hereby confirmed and submitted for record in the Clerk's Office of Warren County, Virginia.

 Basil C. Hudson, III

 Tana M. Hudson

NOTARY CERTIFICATE:

STATE OF VIRGINIA; CITY/COUNTY OF _____, to-wit:

The foregoing owners consent and dedication was acknowledged before me by Basil C. Hudson, III and Tana M. Hudson
 this _____ day of _____, 20____.

My commission expires _____

 Notary Public

CERTIFICATE OF APPROVAL

This Road Dedication is approved by the undersigned in accordance with existing subdivision regulations and may be admitted to record.

 date

 Town Manager

 date

 Director of Planning

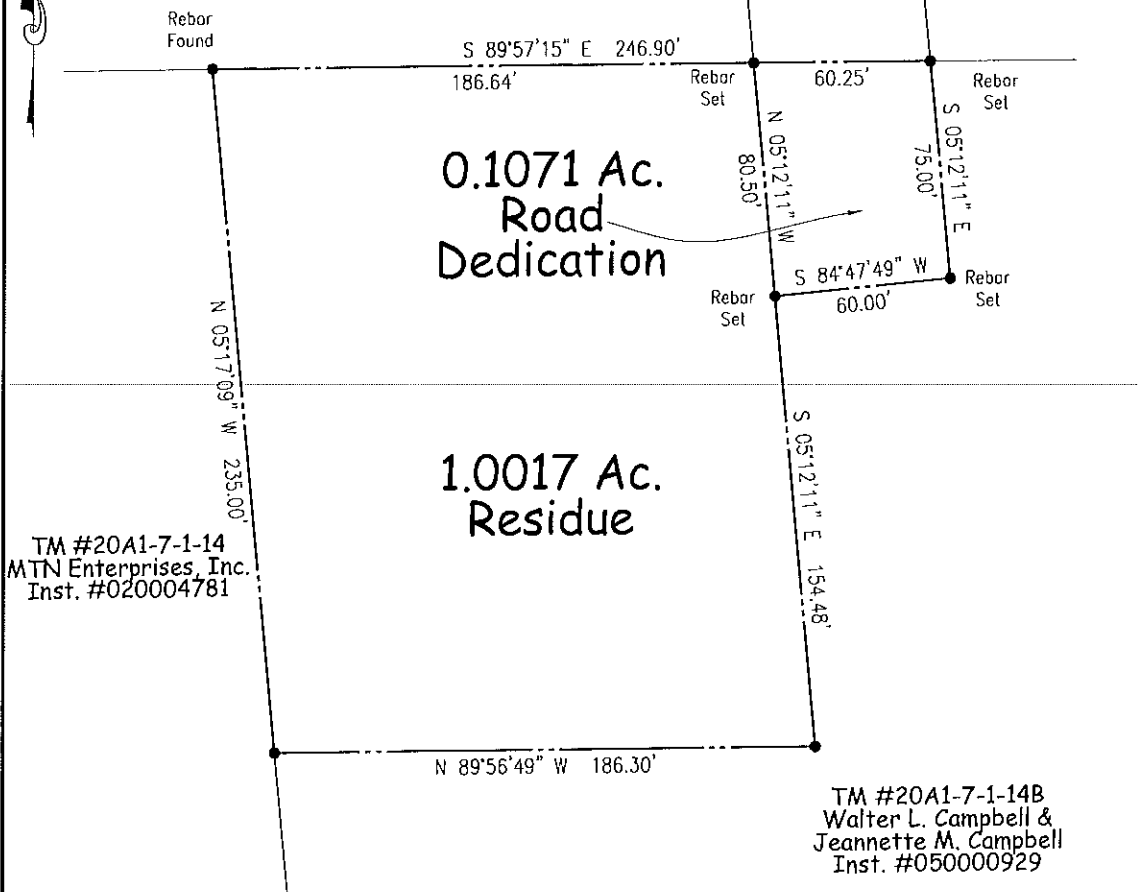
Virginia NAD 83,
North Zone

Notes:

1. Boundary shown hereon was determined by a field run survey performed by under my supervision.
2. This plot is subject to easements and restrictions of record.
3. No title report furnished.

TM #20A1-7-1-10F
Royal Hills Phase II L.P.
DB 378, Pg 575

TM #20A1-7-1-10F
Shirley Henry
Inst. #100003260
Lot I, Kelly Falls
Subdivision



AREA TABULATION

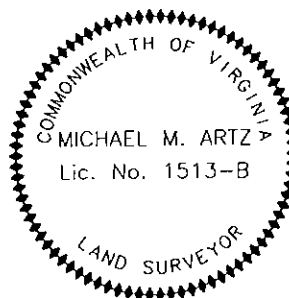
EXISTING:

TM #20A1-7-1-14A 1.1088 AC.

PROPOSED:

TM #20A1-7-1-14A 1.0017 AC.

TM #Road Dedication 0.1071 AC.



Road Dedication Plat Hudson Property

Town of Front Royal, Warren County, Virginia
Scale: 1" = 50' Date: May 13, 2016

Present Owner:

Basil C. Hudson, III & Tana M. Hudson

TM #20A1-7-1-14A Deed Book 552, Page 446

PREPARED BY:
PENNONI ASSOCIATES INC.



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