



TOWN COUNCIL SPECIAL MEETING
Wednesday, November 19, 2014
Scheduled immediately after Planning Commission Meeting
Warren County Government Center

1. Roll Call
2. **PUBLIC HEARING** – Avtex Property Rezoning



Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 2

Meeting Date: November 19, 2014

- Agenda Item: PUBLIC HEARING - RZ14-10-71, Avtex Property Rezoning
- Summary: Rezoning Application RZ14-10-71 was submitted by the Industrial Development Authority (IDA), conducting business as the Economic Development Authority (EDA), for the conditional rezoning of Tax Map #20A1-3-7 from the I-2 (Industrial Employment) District to the MCD (Mixed-Use Campus Development) District. The property consists of approximately 147 acres, located generally beside and behind 400 Kendrick Lane, to the east of the Norfolk Southern Railroad, to the west of Randolph Macon Academy, south of Kendrick Lane, and north of Skyline Soccer Plex. The application includes a concept plan for the development of approximately 30 acres, consisting of a mixed use campus development, including offices, retail, and potentially other commercial and light industrial uses. A proffer is submitted with the application that initially limits development beyond the 30 acres until a traffic study and concept plan is submitted for the 147 acres.
- Budget/Funding: None
- Attachments: Staff Report, Attachment 1: Application and Supplemental information submitted by the EDA, Attachment 2: Concept Plan, and Attachment 3: Proffer Statement.
- Meetings: Work Session previously held on November 5, 2014. Planning Commission scheduled for November 19, 2014 at 7PM, prior to the Special Town Council Meeting.
- Staff Recommendations: Approval Denial
- Proposed Motion: I move that Council approve Rezoning Application RZ14-10-71, as submitted by the IDA, including acceptance of the submitted proffers, for the conditional rezoning of the property identified as Tax Map # 20A1-3-7, consisting of approximately 147 acres, from the I-2 District to the MCD District.

ROLL CALL VOTE REQUIRED

*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: JB



TOWN OF FRONT ROYAL ~102 East Main Street, Front Royal, Va. 22630 ~ 540-635-4236
Department of Planning & Zoning

RZ 14-10-71

REZONING APPLICATION

APPLICANT

Name Industrial Development Auth. Phone 540-635-2182

Address 4000 Kendrick Ln.

E-mail mcdonald@wceda.com

PROPERTY OWNER OF RECORD

Name Industrial Dev. Auth. Phone 540-635-2182

Address 4000 Kendrick Ln. Front Royal

PROPERTY DESCRIPTION

Location/Street Address 404 Kendrick Ln.

Number of lots: _____ Total Acreage 160 acres

Tax Map Identification for each parcel (Map, Section, Block, & Lot):

Subdivision Name (if applicable) Autex property

REQUEST

Existing Zoning I2 Proposed Zoning Mixed Campus

Existing Use Vacant Proposed Use office / Retail

June 4, 2013



R214-10-71

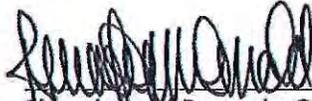
ATTACHMENTS

The following should be submitted with a completed copy of this application. Additional information may be determined necessary depending on the nature of the request.

1. Application Fee (Checks should be made out to the Town of Front Royal. Fees are as follows: 1 acre or less = \$500, over 1 acre = \$500 + \$100 per acre after 1st acre, Downzoning = \$400)
2. Survey/Plat of the property with metes and bounds descriptions for all existing and proposed property lines and zoning district boundaries (8 copies and a digital copy).
3. Environmental Site Assessment Phase I and Phase II (unless waived by Director).
4. Traffic Impact Analysis (if required)
5. Written proffers. Proffers are voluntary, but should be submitted in a written format approved by the Director.
6. Statement of Justification. As a separate document, provide a statement or statements that explain why you believe the property should be rezoned.

CERTIFICATION

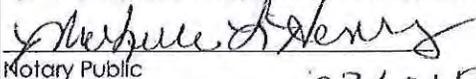
I certify that the information provided with this application is correct to the best of my knowledge. The proffering system has been explained to me and I have read Sections 175-149 and 175-150 of the Town of Front Royal Zoning Ordinance pertaining to conditional zoning and proffering.



Signature of Property Owner

Signature of Applicant (if different)

City/County of Warren, Commonwealth of Virginia
The foregoing instrument was acknowledged before me this 15th day of October, 2014 by
Jennifer McDonald
(Name of person seeking acknowledgement)



Notary Public

Notary registration number: 2360170 My commission expires: 4/30/2018

NOTICES

- Staff will notify adjacent property owners of the rezoning request and the scheduled public hearing dates with the Planning Commission and Town Council.
- Town Staff will place an advertisement in the local newspaper as required under Virginia Code §15.2-2204.
- Town Staff will place a public hearing sign(s) at the location of the proposed rezoning.
- Submission of this application does not establish a vested right as outlined under Virginia Code §15.2-2307.
- By submitting this application, the applicant grants permission to the 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.
- When the applicant is different than the fee simple property owner, the signature by the fee simple property owner on this application shall be considered as authorization for the applicant to act as an agent for matters concerning this application.

OFFICE USE ONLY

Receipt # _____ Date Paid _____
Planning Commission Hearing Date: _____ Recommendation: _____
Town Council Hearing Date: _____ Date Sent to Clerk: _____

June 4, 2013

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



STAFF REPORT FOR THE FOLLOWING MEETINGS:

11/19/14 PLANNING COMMISSION MEETING, at 7:00PM, 220 N Commerce Ave, WCGC
11/19/14 SPECIAL TOWN COUNCIL MEETING, at approximately 7:30PM, 220 N Commerce Ave. WCGC

APPLICATION #:

RZ-14-10-71

APPLICANT:

Industrial Development Authority (IDA), operating as the Economic Development Authority (EDA).

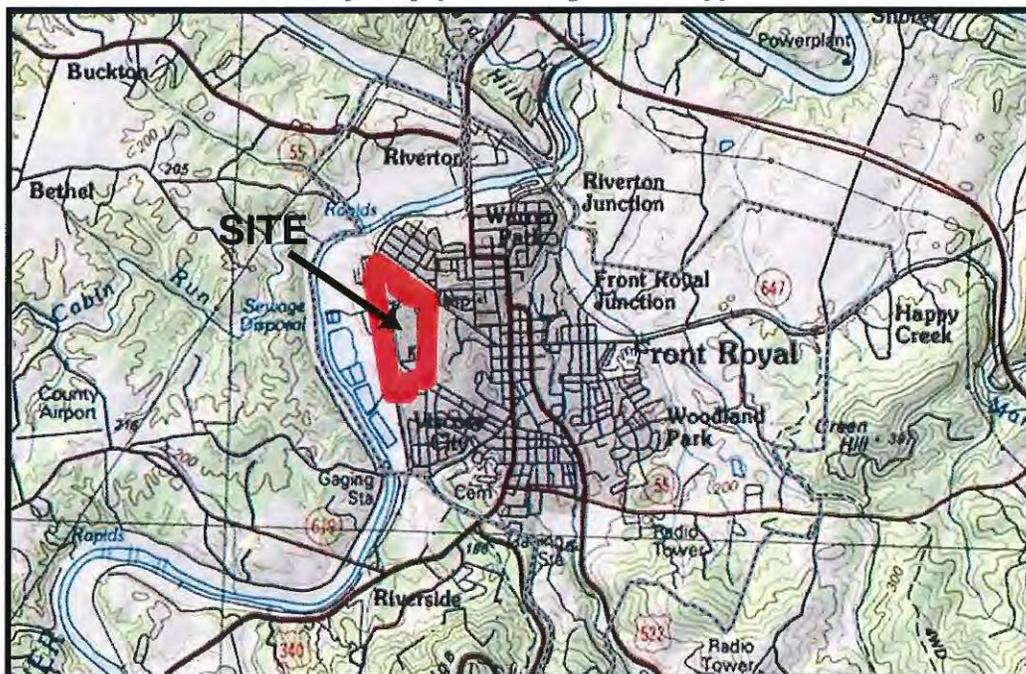
APPLICATION SUMMARY:

An application requesting the conditional rezoning of approximately 147 acres from the I-2 (Industrial Employment) District to the MCD (Mixed-Use Campus Development) District, with the intent of facilitating future redevelopment of the Avtex Property, also referred to as Royal Phoenix. The application is included as **ATTACHMENT 1**.

GENERAL INFORMATION:

Site Address	Vacant land on Kendrick Lane		
Existing Zoning	I-2 (Industrial Employment) District		
Proposed Zoning	MCD (Mixed-Use Campus Development) District		
Overlay Districts	Historic Area - NO	Floodplain- NO	Entrance Corridor - NO
Tax ID	Tax Map 20A1-3-7		
Location	The property is generally located beside and behind 400 Kendrick Lane. The property adjoins Randolph Macon Academy to the east, N&S Railroad to the west, and Skyline Soccer Plex to the south.		
Existing Use(s)	Vacant (Former Avtex Fibers Factory & former EPA Superfund Site)		

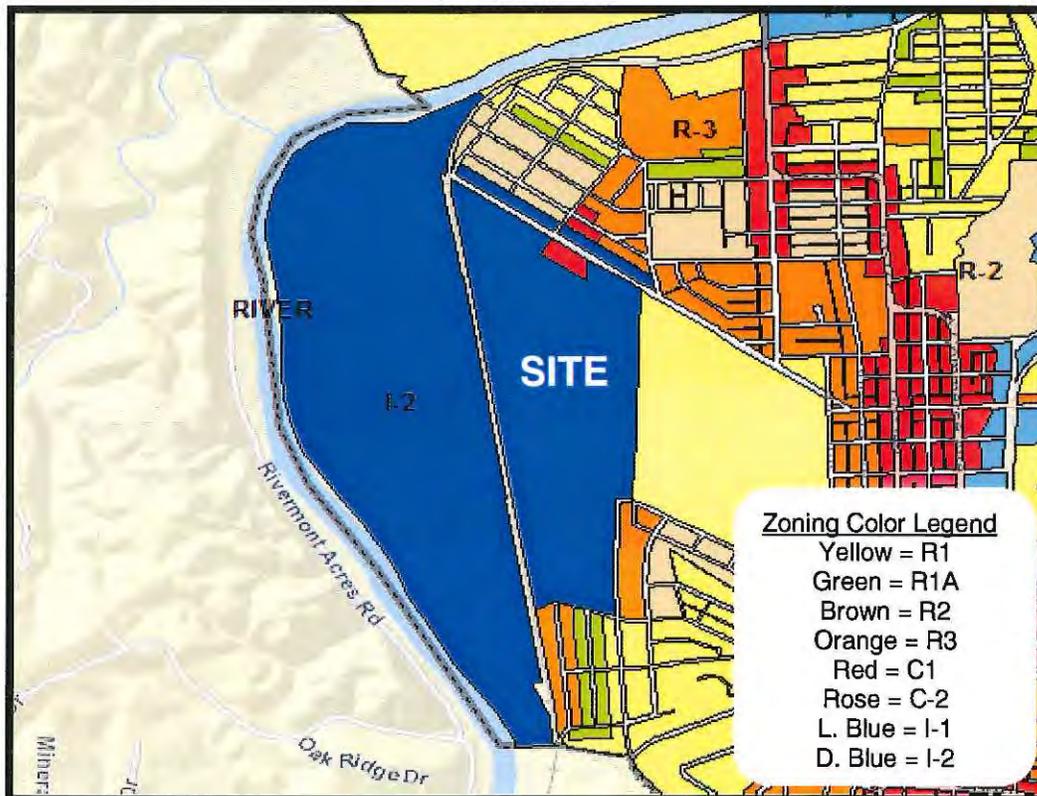
Vicinity Map (U.S. Geological Survey)



Aerial Map



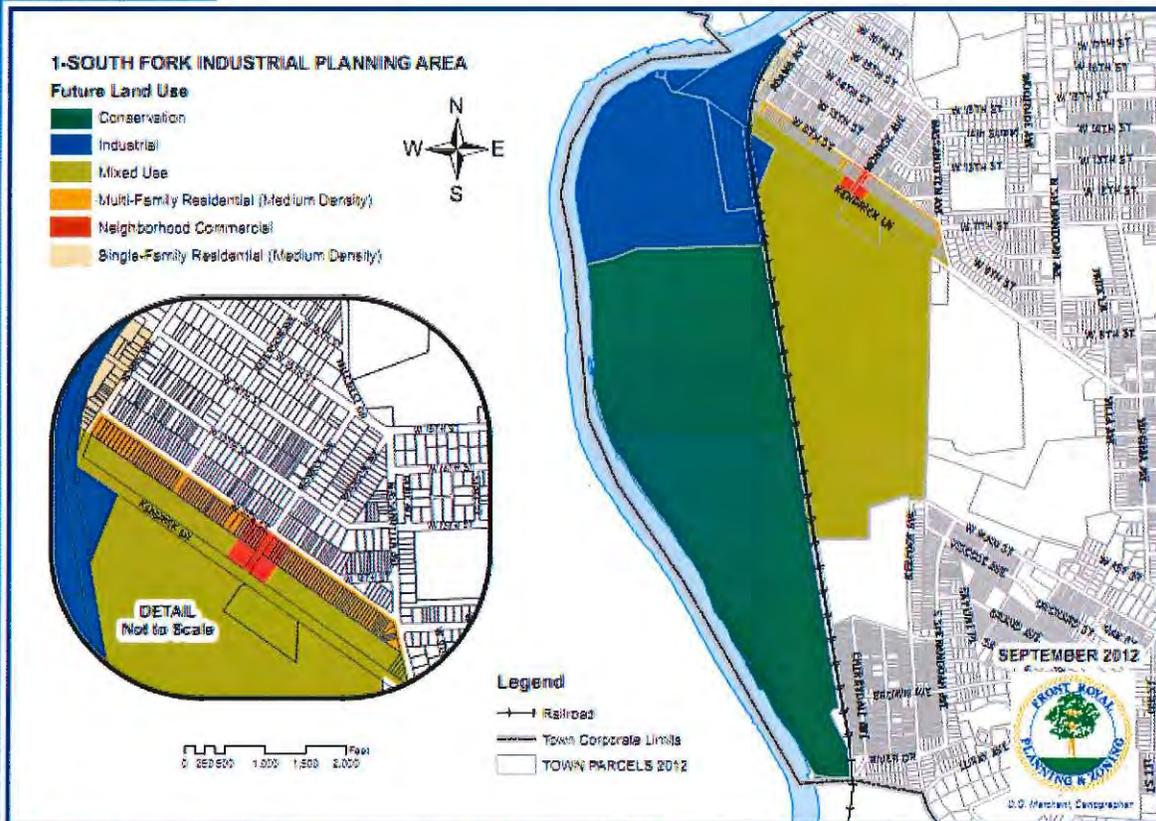
ZONING MAP



ADDITIONAL INFORMATION:

Comp. Plan

The proposed rezoning to MCD District conforms to the Town of Front Royal Comprehensive Plan. The illustration below is the future land use plan for the South Fork Industrial Planning Area. It recommends that the 147-acre property, as well as the old parking lot property on the opposite side of Kendrick Lane, be used for future mixed-use development.



1 - South Fork Industrial Planning Area ~ Future Land Use

In 2012 the Town proactively adopted the MCD District with the intent of establishing a zoning district that would accommodate a campus-like development that allowed for a variety of industrial and commercial businesses. It was principally created for the Avtex Property when the EPA gave the approval for redevelopment of the property.

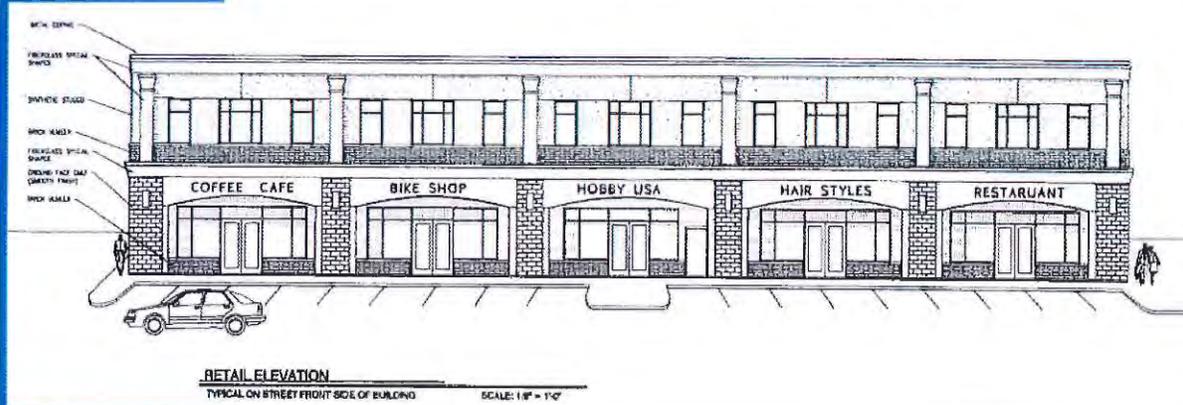
Concept Plan

The applicant has submitted a concept plan for only a portion of the 147-acre property. The concept plan is for an area depicted as lot 6, consisting of approximately 30 acres, as shown in the aerial picture below. A tabulation of the proposed uses within this 30 acres is shown in the tabulation at the bottom of this page. The concept plan is provided as **ATTACHMENT 2**.



PHASES	USE	STORIES	SQUARE FEET	PARKING
Phase 1A	Office/Retail (main access roads)	2 stories	28,500 sf	241
Phase 1B	Office/Retail	3 stories	43,500 sf	
Phase 1C	Data Center	1 story	20,000 sf	41
Phase 2	Data Center/Hardware/Office	1 story	30,000 sf	49
Future	Office/Hardware	1 story	30,000 sf	22
	Office/Retail	3 stories	43,500 sf	
	Office/Retail	3 stories	43,500 sf	301
	Pad Site	1 story	4,000 sf	
	Pad Site	1 story	4,000 sf	
	Repair & Maintenance/Office	1 & 2 stories	58,750 sf	50
-TOTAL-	--	--	305,750 sf	704

The EDA also submitted building elevation renderings as part of the concept plan. These renderings depicted buildings with retail, service and restaurant uses on the ground level and offices on the upper level. Other uses illustrated on the concept plan include buildings used for maintenance, hardware, and data centers. The buildings are illustrated with masonry and stucco with metal architectural details.



Proffers In General

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

The Town of Front Royal is authorized to accept cash and non-cash proffers (or not accept them if they chose) under the authority provided under the Virginia Code 15.2-2298. However, proffers must be reasonably related to the rezoning application and consistent with the Comprehensive Plan before they can be accepted.

The Applicant's Proffers

The EDA has offered a proffer that initially limits development of the property to the +/- 30 acres depicted on the concept plan as lot 6. For development of the remaining +/- 117 acres, the EDA would need to submit a concept plan and traffic study for review by the Town. The proposed proffers are attached as **ATTACHMENT 3**.

RECOMMENDATIONS:

Town Staff recommends approval of this rezoning application after consideration of public input received during the scheduled public hearings.

ATTACHMENTS: Attachment 1: Rezoning Application; Attachment 2: Concept Plan ; Attachment 3: Proffer Statement

TRAFFIC IMPACT



PENNONI ASSOCIATES INC.
CONSULTING ENGINEERS

MEMORANDUM

TO: Jennifer McDonald, Executive Director
Front Royal – Warren County Economic Development Authority

FROM: Ron Mislowsky, PE

DATE: October 9, 2014

SUBJECT: Royal Phoenix Lot 6 Trip Generation – Commercial and Industrial

We understand that the EDA is seeking a commercial rezoning of Lot 6 at the Royal Phoenix site in Front Royal. The site is 30 acres and is currently zoned I-2 (Industrial Employment). To assist in the analysis of the proposed rezoning, we have prepared the attached trip generation summary which compares the traffic generated by a mixed use commercial rezoning of the site to a by-right development under the existing industrial zoning. The resulting traffic volumes are based on trip generation rates utilizing current Institute of Transportation Engineers (ITE) information.

As shown on the attached summary, a mixed-use commercial development with 30,000 square feet of office and 10,000 square feet of retail would generate substantially less traffic than a by-right industrial development of the site. The commercial option would generate 76% fewer AM peak hour trips, 67% fewer PM peak hour trips, and 61% fewer total daily trips.

If you have any questions, please contact me at (540) 667-2139.

**Table 1
Trip Generation**

ITE Land Use ^(1,2)				USE	AM PEAK HOUR			PM PEAK HOUR			DAILY
CODE	CODE	DENSITY	Var.		IN	OUT	TOTAL	IN	OUT	TOTAL	(2-way)
Proposed Use											
710	710.000	30	ksf	Office (Ave)	41	6	47	8	37	45	331
820	820.200	10	ksf	Shopping Center (Ave)	6	4	10	18	19	37	427
Total Site (SC + Office) (3)					47	10	57	26	56	82	758
By Right Uses											
130	130.380	30	acres	Industrial Park @ 30 acres	198	40	238	49	198	247	1,955
Change from By Right					-151	-30	-181	-23	-142	-165	-1,197
					-75%	-75%	-76%	-47%	-72%	-67%	-61%

Effective Trip Rates ⁽⁴⁾		AM Peak Hour		PM Peak Hour		Daily	
		(2-way)	% Inbound	(2-way)	% Inbound	(2-way)	
710	Office (Ave)	ksf	1.57	87%	1.50	18%	11.03
820	Shopping Center (Ave)	ksf	1.00	60%	1.70	49%	42.70
130	Industrial Park @ 30 acres	acres	7.93	83%	8.23	30%	65.17

(1) Trip Generation Manual (9th Edition) Institute of Transportation Engineers (ITE) 2012. Average trip rates used unless noted with "e" then equations used at size shown with data set OK for R2 > 0.75 AND SD > 110% of ave.

(2) ITE Land Code shown as the first 3 digits. Decimal shown for internal use by Pennoni for lookup table for trip rate variable

(3) Uses shown as average for trip comparisons. Shopping center uses to approximate ancillary retail activities (specially retail). ITE Specially retail rate app. LUC 820.

(4) Effective trip rates calculated by land use

For average rates =

(Density) x (ave. trip rate) = 2-way Trips ; x (inbound percentage) for Trips In

For ITE equations, "e" noted =

(Density) x (trip equation) = 2-way Trips ; x (inbound percentage) for Trips In

ENVIRONMENTAL



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

September 16, 2014

**VIA ELECTRONIC MAIL AND
REGULAR MAIL**

Ms. Jennifer McDonald
Executive Director
Front Royal - Warren County
Economic Development Authority
400-D Kendrick Lane
P.O. Box 445
Front Royal, Virginia 22630 -0077

RE: Avtex Fibers Superfund Site
Former Plant Area and Basin Area
Ready for Reuse Determination

Dear Ms. McDonald:

EPA has determined that FMC Corporation (FMC) has remediated the soils in the former plant area to meet the clean-up criteria set forth in the March 10, 2004 Operable Unit 10 Record of Decision (OU 10 ROD). In addition, FMC prepared a 2012 risk-based screening analysis for the soils remaining on site in the former plant area associated with the OU10 ROD and the Non-Time Critical Removal Action for Buildings and Sewers. Based on this 2012 analysis, EPA has determined that the remediation of soils in the former plant area is protective for a future industrial/commercial worker to a depth of ten feet.

FMC has also remediated the basins on the west side of the railroad tracks creating a 240-acre conservancy park.

Currently, a Conservation Easement is in place which restricts the use of the above-referenced Superfund site to industrial/commercial use for the former plant area and designates the basin area as a conservancy. As you know, EPA is working with stakeholders to replace the existing Conservation Easement with five environmental covenants pursuant to the Virginia Uniform Environmental Covenants Act. The environmental covenants will include the various property owners and will address appropriate uses for cleaned up properties at the site. The Conservation Easement will remain in place until the environmental covenants have been signed and filed with the land records for Warren County.

Attached is EPA's Site Wide Ready for Anticipated Use Checklist.



*Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474*

Hopefully, this letter and attachment satisfy your request for a letter addressing the development of the former plant area.

As always, if you have any questions, I can be reached at 215-814-3240.

Sincerely,

Kate Lose, RPM
DE/VA/WV Remedial Branch

Attachment (1)

Electronic copies only

cc: C. Corbett, EPA
M. Hendershot, EPA
M. Carpenter, FMC



*Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474*

SWRAU Evaluation Checklist

	United States ENVIRONMENTAL PROTECTION AGENCY Washington, DC 20460	
SUPERFUND CHECKLIST FOR REPORTING THE SITEWIDE READY FOR ANTICIPATED USE GPRA MEASURE		
Office of Superfund Remediation & Technology Innovation and Federal Facilities Restoration & Reuse Office		
PART A - GENERAL SITE INFORMATION		
1. Site Name AVTEX FIBERS, INC.	2. EPA ID VAD070358684	
3. Site ID 0302606	4. RPM LOSE, KATHERINE	
5. Street Address BOX 1169 KENDRICK LN		
6. City FRONT ROYAL	7. State VA	8. Zip Code 22630
9. Site Wide Ready for Anticipated Use Determination Requirements (all must be met for the entire construction complete site)		
<i>KA</i> <input checked="" type="checkbox"/> All cleanup goals in the Record(s) of Decision or other remedy decision document(s) have been achieved for any media that may affect current and reasonably anticipated future land uses, so that there are no unacceptable risks.		
<i>KA</i> <input checked="" type="checkbox"/> All institutional or other controls required in the Record(s) of Decision or other remedy decision document(s) have been put in place.		
PART B - SIGNATURE (Branch Chief or above should sign)		
<small>NOTE: The outcome of this Property Reuse Evaluation does not have any legally binding effect and does not expressly or implicitly create, expand, or limit any legal rights, obligations, responsibilities, expectations, or benefits of any party. EPA assumes no responsibility for reuse activities and/or any potential harm that might result from reuse activities. EPA retains any and all rights and authorities it has, including but not limited to legal, equitable, or administrative rights. EPA specifically retains any and all rights and authorities it has to conduct, direct, oversee, and/or require environmental response actions in connection with the site, including but not limited to instances when new or additional information has been discovered regarding the contamination or conditions at the site that indicates that the response and/or the conditions at the site are no longer protective of human health or the environment.</small>		
10. Name Linda Dietz	11. Title/Organization Associate Director, OSSR	
12. Signature <i>Linda Dietz</i>	13. Date 9/11/14	

IMPACT STATEMENT



Board of Directors

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Vice Chairman

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Treasurer

Brett Haynes,
Director

Ron Llewellyn,
Director

Bill Sealock,
Director

Jennifer R. McDonald,
Executive Director

October 9, 2014

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

RE: Impact Statement

The Economic Development Authority requests Mixed Use Zoning for 162 acres at the Avtex Superfund Site located east of the railway that bisects the property. The specific project in question is to utilize 30.11 acres at the far Northwestern corner of the site immediately adjacent to the existing administration building at 400 Kendrick Lane.

The Project will involve the construction of a mixed-use building consisting of office/retail. One-half of the building will house technology data center. The remaining one-half will be divided into a number of (approximately 15-25) retail/commercial/office services spaces which will be leased.

Based on the current numbers the proposed use will be a \$40 million investment to the community creating over 600 jobs. The fiscal impact on the community will be significant.

The quality of life of the adjacent residential neighborhood and residents would be impacted by increased traffic along Kendrick Lane and Shenandoah Avenue and, perhaps through the subdivision en route to Shenandoah Avenue at Royal Avenue. In addition, the residential subdivision would experience increased job opportunities, as well as convenient access to shopping and dining opportunities. The increased job opportunities and tax base this company will bring to the community will only increase the quality of life for the citizens of the community.

This project should positively impact property values in the neighboring residential subdivisions. Construction of offices and retail/commercial space will utilize an otherwise vacant lot. Bringing activity to the site will diminish unsavory activities at the currently vacant lot. The building will add pleasing architecture and visual appeal in the Park atmosphere of the design. The project will add value to the tax rolls and thereby translate to increased value of neighboring subdivisions.



Board of Directors

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Vice Chairman

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Brett Haynes,
Director

Ron Llewellyn,
Director

Bill Sealock,
Director

Jennifer R. McDonald,
Executive Director

In addition, with the new Town Police Department Headquarters project coming online at the adjacent parcel across Kendrick Lane, this will provide a security presence for both the Industrial/Commercial Park as well as the neighboring residential subdivisions.

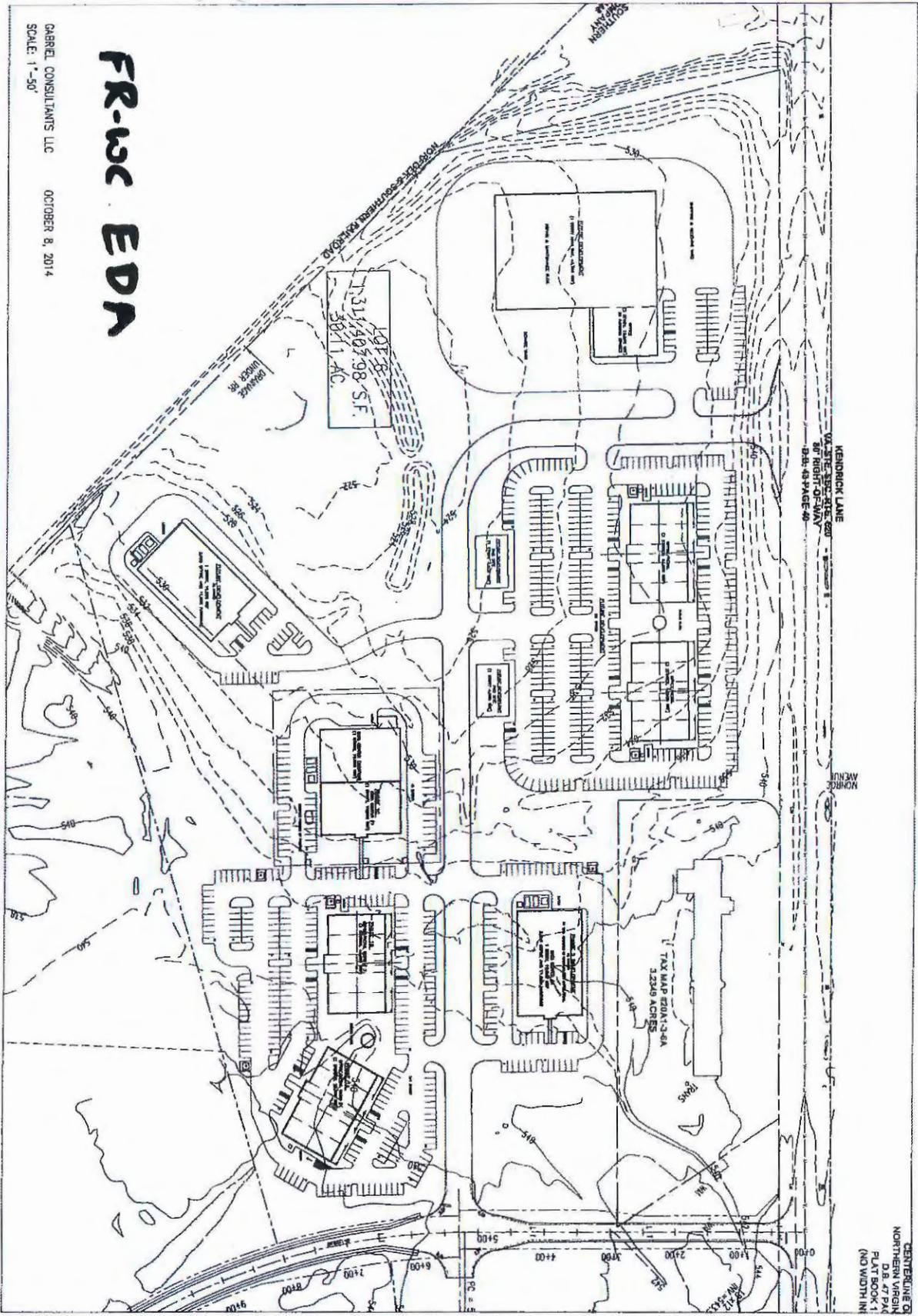
The only measurable impact to the environment will be increased automotive traffic at the site and surrounding roadways. As a federal Superfund Site, the parcel is subject to the USEPA's Restrictive Covenants that have carefully outlined appropriate and acceptable uses for this site and will always be monitored by those agencies.

The impact on archeological and historic resources have previously been carefully assessed and dismissed as non-impacts.

We feel the rezoning of this property will only have a positive impact on the Town and cannot foresee any negative impacts.

Sincerely,

Jennifer R. McDonald,DFCP
Executive Director



GABRIEL CONSULTANTS LLC
 SCALE: 1" = 50'

OCTOBER 8, 2014

FR-10C EDA

KENDRICK LANE
 50' RIGHT-OF-WAY
 88' AS PAVED

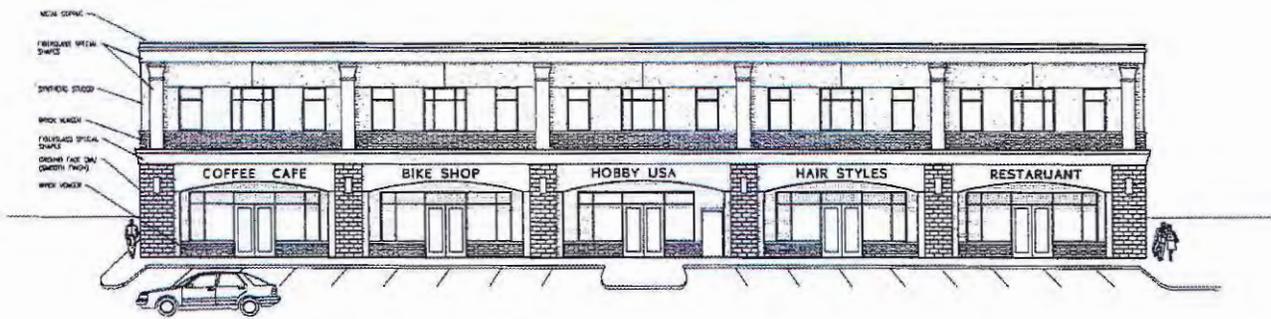
CENTERLINE OF
 NORTHERN VIRGINIA
 FLATROCK
 (NO WIDTH IN)

TAX MAP ZONE 3-4A
 32,849 ACRES

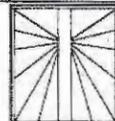
TOTAL AREA
 307,111 AC.



OFFICE & RETAIL ELEVATION
 TYPICAL ON PARKING LOT SIDE OF BUILDING SCALE: 1/8" = 1'-0"



RETAIL ELEVATION
 TYPICAL ON STREET FRONT SIDE OF BUILDING SCALE: 1/8" = 1'-0"



Project Management
 General Services
 Architecture & Planning

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 6511 Williams House Lane - Cochrane, Va. 20120
 (703) 344-1430 gabriel@gabrielva.com
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FR-WC EDA

Issue Log:

Sheet Number
 CONCEPT PLANS
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