



TOWN COUNCIL SPECIAL MEETING

Monday, December 1, 2014 @ 7:00pm
Front Royal Administration Building

1. Roll Call
2. COUNCIL APPROVAL – Avtex Rezoning (*2nd Reading*)



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

Page 1
Item No. 2

Meeting Date: December 1, 2014

- Agenda Item:** COUNCIL APPROVAL - RZ14-10-71, Avtex Property Rezoning
- Summary:** Council is requested to consider on its second and final reading a 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. A second reading is scheduled for a Special Meeting to be held Monday, December 1, 2014.
- Budget/Funding:** None
- Attachments:** No new attachments have been added since the November 19, 2014 Agenda. Those attachment may be viewed online or by requesting a copy from the Clerk of Council.
- Meetings:** Work Session previously held on November 5, 2014. Public Hearing was held November 19, 2014.
- Staff Recommendations:** Approval _____ Denial _____
- Proposed Motion:** I move that Council approve on its second and final reading a 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: KofB



TOWN COUNCIL WORK SESSION

Monday, December 1, 2014

to be held immediately after the Special Meeting
Front Royal Administration Building

Town/Staff Related Issues:

1. Write Off for Bad Debt – *Director of Finance*
2. Catlett Mountain Landfill Fencing Repairs – *Town Manager*
3. Continued Discussion of Planning Commission Recommended Updates to Town Code Chapters 148, 156, and 175 - *Director of Planning/Zoning*
4. Warren County Middle School Rezonings – *Director of Planning/Zoning*
5. Consideration of Adoption of Guidelines for Public-Private Partnerships under the PPEA
– *Town Attorney*

Council/Mayor Related Items

6. Budget Amendment for Acceptance of Pledge from Councilman Sayre
7. Waiver of Curb, Gutter and Apron for Habitat for Humanity – *Councilman Funk*
8. Council Discussion/ Goals (*time permitting*)
9. Closed Meeting – Urban Forestry Advisory Commission

Motions to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the purpose of assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of a public body, specific to Urban Forestry Advisory Commission, pursuant to Section 2.2 3711. A. 1. 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.



Item No. 1

Town of Front Royal, Virginia Work Session Agenda Form

Date: December 1, 2014

Agenda Item: Write off for bad debt

Summary: The Finance Department presented a policy in October of 2012 for adoption that will help accommodate the request of the Towns' auditors to remove some of the outstanding accounts receivable on the Town's ledger. This is the annual process to formally remove the accounts receivable from the Town's Balance sheet, a copy of the policy as approved is attached.

Council Discussion:

Staff Evaluation: The Finance department has attached a spreadsheet that will provide detailed information for removal of bad debt 7 years or older. The total dollar value is \$144,049.31 [to be removed from electric, water, sewer, solid waste and general fund] liability accounts. This dollar value includes 298 utility and miscellaneous billing accounts.

Budget/Funding: No funding is needed, this journal entry will effect balance sheet lines only.

Legal Evaluation:

Staff Recommendations: Finance department would like for Council to approve the removal of these bad debts and continue the process in the future.

Town Manager Recommendation:

Council Recommendation:

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

Work Session

<Type here to customize title>

Date: 10/29/2014

Balance	Service Address	Final Bill Due Date	Misc. Billing Account
1,751.49	722 W 15 ST	9/17/2006	
326.14	336 W. STRASBURG RD.	1/16/2007	
144.20	1217 KESLER RD.	6/8/2007	
95.40	52 W. STRASBURG RD.	6/8/2007	
116.70	84 E. STRASBURG RD. #4	3/15/2003	
27.02	1422 RUGBY RD.	9/14/2007	
656.02	140 RUGBY RD	10/2/2007	
115.25	1408 CEDAR DR.	8/24/2007	
216.62	605 W DUCK ST	8/24/2007	
342.03	1502 MALLARD PL	3/26/2007	
667.57	1516 MALLARD PL	2/10/2007	
194.74	114 W. 18TH ST.	9/14/2007	
336.84	12 W. 18TH ST.	2/10/2007	
32.03	215 E. 19TH ST.	6/30/2007	
1,769.46	41 CRESTVIEW DR.	5/8/2007	
267.59	1345 EDMONT AVE.	5/8/2007	
227.41	140-A W. 17TH ST.	5/8/2007	
153.76	140-A W. 17TH ST.	8/24/2007	
203.53	140-B W. 17TH ST.	8/24/2007	
373.13	827 W. 16TH ST.	9/14/2007	
95.27	1416 N. SHENANDOAH AVE. #8	2/10/2007	
1,109.12	513 W. 13TH ST.	1/16/2007	
2,049.82	404 W. 14TH ST.	2/10/2007	
1,344.20	403 W. 12TH ST.	1/16/2007	
1,261.81	403 W. 12TH ST.	6/8/2007	
54.12	403 W. 12TH ST.	8/24/2007	
1,304.04	1208 N. SHENANDOAH AVE. #1	8/24/2007	
694.18	115 W. 13TH ST.	8/24/2007	
2,084.43	1330 BELMONT AVE.	5/8/2007	
452.09	1340 BELMONT AVE.	7/20/2007	
1,750.20	1207 N ROYAL AVE STORE	3/26/2007	
313.15	15-A W. 12TH ST.	6/30/2007	
883.47	111 W. 12TH ST. #3	5/8/2007	
405.47	1095 N. ROYAL AVE. #21	5/8/2007	
135.79	1095 N. ROYAL AVE. #17	1/16/2007	
390.76	1095 N. ROYAL AVE. #14	5/8/2007	
230.22	1095 N. ROYAL AVE. #1	1/16/2007	
285.19	1095 N ROYAL AVE #3	5/8/2007	
215.46	319 W. 11TH ST.	6/30/2007	
188.26	1020 N. SHENANDOAH AVE. #2	3/26/2007	
83.24	324 W. 10TH ST.	10/2/2007	
750.98	324 W. 9TH ST.	1/16/2007	
288.10	127 W. 8TH ST. #1	6/30/2007	
848.60	930 VIRGINIA AVE	5/8/2007	
349.79	904 VIRGINIA AVE. #1	6/8/2007	
1,245.38	603 W. 11TH ST.	5/8/2007	
306.27	733 W. 14TH ST.	2/10/2007	
581.67	737 W. 14TH ST.	1/16/2007	

<Type here to customize title>

Date: 10/29/2014

Balance	Service Address	Final Bill Due Date
566.88	753 W. 14TH ST.	10/2/2007
260.56	802 W. 14TH ST.	2/10/2007
144.53	722 W. 14TH ST.	10/2/2007
888.43	703 W. 13TH ST.	2/10/2007
348.56	703 W. 13TH ST.	5/8/2007
530.19	823 W. 13TH ST.	3/26/2007
487.43	842 W. 11TH ST.	8/10/2007
605.65	842 W. 11TH ST.	1/16/2007
234.52	708 W. 11TH ST. #2	7/20/2007
385.10	650-F W. 11TH ST.	6/8/2007
71.13	648-A W. 11TH ST.	1/16/2007
149.54	343 KENDRICK LN. #13	1/16/2007
555.85	343 KENDRICK LN. #9	4/20/2007
181.60	343 KENDRICK LN. #10	3/26/2007
374.92	343 KENDRICK LN. #5	8/10/2007
308.91	343 KENDRICK LN. #7	5/8/2007
333.03	343 KENDRICK LN. #8	8/24/2007
127.20	343 KENDRICK LN. #4	2/10/2007
149.65	353 KENDRICK LN. #39	5/8/2007
95.65	353 KENDRICK LN. #32	1/16/2007
380.06	363 KENDRICK LN. #58	3/26/2007
444.23	363 KENDRICK LN. #59	5/8/2007
493.92	363 KENDRICK LN. #54	6/8/2007
90.31	363 KENDRICK LN. #49	2/10/2007
772.31	363 KENDRICK LN. #52	5/8/2007
373.24	641 W. 11TH ST.	8/24/2007
535.36	1206 MASSANUTTEN AVE. #1	1/16/2007
176.52	1212 MASSANUTTEN AVE.	9/14/2007
577.13	1400 MASSANUTTEN AVE. #4	5/8/2007
2,325.50	363 W. 9TH ST.	6/30/2007
288.30	822 COMMERCE AVE.	1/31/2007
305.98	915-D N. ROYAL AVE.	2/10/2007
87.91	406 N. ROYAL AVE. #3	1/16/2007
38.93	406 N. ROYAL AVE. #8	6/8/2007
205.80	229 VIRGINIA AVE.	7/21/2004
1,035.48	315-A VIRGINIA AVE.	5/8/2007
1,177.69	415-B VIRGINIA AVE. UPSTAIRS	5/8/2007
558.27	16 W. 5TH ST.	1/16/2007
934.71	501 VIRGINIA AVE	2/10/2007
175.37	21-C W. 6TH ST.	7/27/2003
257.73	21 W. 6TH ST. #E	6/30/2007
40.87	21-G W. 6TH ST.	10/5/2007
271.94	626 VIRGINIA AVE	6/8/2007
516.39	700 VIRGINIA AVE	6/30/2007
1,815.04	516 VIRGINIA AVE. #1	7/20/2007
488.98	502 VIRGINIA AVE. #12	6/8/2007
467.74	120 W. 6TH ST. #4	4/20/2007
305.69	526 VILLA AVE.	9/14/2007

<Type here to customize title>

Date: 10/29/2014

Balance	Service Address	Final Bill Due Date
381.57	320 VIRGINIA AVE.	10/2/2007
484.62	401 VILLA AVE.	7/31/2007
143.63	204 VIRGINIA AVE. #2	5/8/2007
225.55	22 W. 1ST ST. #1	1/31/2007
31.86	22 W. 1ST ST. #4	5/8/2007
285.99	144 CHESTER ST. #1	2/10/2007
1,253.73	27 CRESCENT ST.	9/14/2007
469.65	16 CHESTER ST.	5/8/2007
173.12	8-A CHESTER ST.	10/12/2007
397.69	420 LAURA VIRGINIA HALE PL. #2 UPSTAIRS	6/30/2007
80.14	29 CHESTER ST. COTTAGE	6/8/2007
378.43	540 MANASSAS ST.	1/2/2007
107.07	210-B E 4TH ST	5/8/2007
455.99	210 E 4TH ST	5/8/2007
282.47	117 E. 2ND ST.	6/30/2007
270.46	124 E. 4TH ST.	3/31/2007
295.52	112 E. 4TH ST.	6/30/2007
34.84	425 WARREN AVE.	9/14/2007
166.01	402 WARREN AVE.	2/10/2007
37.24	718 WARREN AVE. #4	8/24/2007
384.37	718 WARREN AVE. #2	6/8/2007
173.81	718 WARREN AVE. #6	2/10/2007
691.19	624 WARREN AVE.	5/8/2007
405.79	508-B WARREN AVE.	10/2/2007
324.05	713 WARREN AVE	9/16/2002
318.68	411 COMMERCE AVE.	1/16/2007
528.61	209-A E 6TH ST	8/24/2007
457.02	300 E MAIN ST	8/5/2006
1,874.91	216 E MAIN ST	6/8/2007
48.80	130 E. MAIN ST. #3	5/8/2007
140.54	130 E. MAIN ST. #2	1/16/2007
439.69	130 E. MAIN ST. #2	6/8/2007
240.42	128 E. MAIN ST. #2	5/8/2007
43.70	126 E. MAIN ST. #4	6/30/2007
150.79	112 E. MAIN ST. #5	1/16/2007
41.10	112 E. MAIN ST. #5	7/20/2007
66.24	112 E MAIN ST	5/8/2007
1,249.67	422 VISCOSE AVE. #3	6/30/2007
1,419.08	418 VISCOSE AVE.	6/30/2007
199.94	518 W. MAIN ST. #3	2/10/2007
358.87	518 W. MAIN ST. #1	5/8/2007
311.61	212 W. MAIN ST.	10/2/2007
729.02	140-C W. MAIN ST.	1/16/2007
281.21	128 W MAIN ST #2	2/10/2007
191.11	11 S. ROYAL AVE. REAR	6/8/2007
210.63	117 E. MAIN ST. #2	8/24/2007
213.89	117 E MAIN ST	10/21/2004
60.52	205 E. MAIN ST. #3	3/26/2007

<Type here to customize title>

Date: 10/29/2014

Balance	Service Address	Final Bill Due Date
173.73	205 E MAIN ST #4	5/8/2007
202.37	221-22 E. MAIN ST. #1	6/30/2007
211.48	303 E. MAIN ST. #2	3/26/2007
144.09	15-A HIGH ST.	7/13/2005
332.26	529 E. MAIN ST. #10	2/10/2007
115.00	529 E. MAIN ST. #12	6/8/2007
82.88	9 S. ROYAL AVE. #1	10/12/2007
322.15	19 S. ROYAL AVE. #4	6/8/2007
228.07	19 S. ROYAL AVE. #6	6/8/2007
173.31	19 S. ROYAL AVE. #12	2/10/2007
253.27	505 POW MORR DR	6/8/2007
365.06	619 CRESTHAVEN CT.	8/24/2007
76.95	134 AY-VIEW DR.	8/31/2006
177.64	146 ELSIA DR.	5/8/2007
344.06	539 S ROYAL AVE #3	10/2/2007
277.24	539 S. ROYAL AVE. #4	2/10/2007
40.12	477-B SOUTH ST.	2/10/2007
1,260.13	24-B W. STONEWALL DR. UPSTAIRS	6/8/2007
204.91	20 W. STONEWALL DR. #5	6/8/2007
45.07	127 LEE ST. #2 UPSTAIRS	9/14/2007
65.07	120 W. STONEWALL DR.	10/12/2007
1,478.82	237 ORCHARD ST.	7/20/2007
226.73	252 ORCHARD ST.	1/16/2007
1,289.48	309 SKYLINE PI	5/8/2007
1,229.50	325 SKYLINE PL.	8/24/2007
384.16	124 S. SHENANDOAH AVE	1/16/2007
225.22	115-B S. SHENANDOAH AVE.	7/20/2007
808.97	117-B S. SHENANDOAH AVE.	5/8/2007
730.40	117-B S. SHENANDOAH AVE.	1/2/2007
250.81	209-A S. SHENANDOAH AVE.	10/2/2007
219.03	327 S. SHENANDOAH AVE.	5/8/2007
1,059.17	711 RIVER DR.	7/20/2007
79.49	316 DUNCAN AVE. LOT #41A	10/12/2007
445.35	102 KERFOOT AVE. LOT 2B	5/8/2007
302.48	416 DUNCAN AVE.	6/8/2007
56.31	418 DUNCAN AVE.	8/24/2007
822.96	340 CHERRYDALE AVE.	5/8/2007
709.66	336 CHERRYDALE AVE	1/16/2007
164.30	325 CHERRYDALE AVE. #11	8/30/2004
451.03	325 CHERRYDALE AVE. #11	6/8/2007
480.98	409 CHERRYDALE AVE	2/28/2006
206.44	378 CHERRYDALE AVE.	8/24/2007
208.19	402 CHERRYDALE AVE.	2/10/2007
674.87	468 CHERRYDALE AVE.	8/10/2007
1,299.51	417 OVERLOOK DR.	5/8/2007
1,053.29	445 OVERLOOK DR.	6/8/2007
744.96	124 W. JACKSON ST. #6	5/8/2007
57.40	403 E. CRISER RD. #204	6/30/2007

<Type here to customize title>

Date: 10/20/2014

Balance	Service Address	Final Bill Due Date
482.33	405 E. CRISER RD. #302	10/12/2007
178.58	405 E. CRISER RD. #304	5/8/2007
229.02	413 E. CRISER RD. #202	10/2/2007
88.87	417 E. CRISER RD. #302	6/8/2007
223.97	409 E. CRISER RD. #203	6/8/2007
158.65	409 E. CRISER RD. #302	10/2/2007
150.14	411 E. CRISER RD. #303	4/20/2007
736.31	115 MCLENDON ST.	10/2/2007
769.38	105 BEEEDEN LN	5/8/2007
600.23	125 BEEEDEN LN.	10/12/2007
1,582.54	422 ACTON ST.	9/14/2007
1,304.93	239-E SOUTH ST.	3/26/2007
333.44	5 SHENANDOAH COMMONS WAY #201	5/8/2007
326.40	5 SHENANDOAH COMMONS WAY #301	6/8/2007
181.55	11 SHENANDOAH COMMONS WAY #104	6/8/2007
166.26	15 SHENANDOAH COMMONS WAY #202	12/30/2005
125.44	15 SHEN.COMMONS WAY #302	3/26/2007
158.32	19 SHENANDOAH COMMONS WAY #103	6/8/2007
327.83	19 SHENANDOAH COMMONS WAY #104	10/2/2007
159.28	19 SHEN COMM WAY #304	5/8/2007
63.58	23 SHENANDOAH COMMONS WAY #103	2/15/2003
216.85	23 SHENANDOAH COMMONS WAY #302	3/26/2007
368.52	21 SHENANDOAH COMMONS WAY #201	9/14/2007
74.16	17 SHENANDOAH COMMONS WAY #103	9/14/2007
61.42	17 SHEN COMMONS WAY #301	4/15/2006
118.93	15 BEAU LANE	3/26/2007
170.94	918 JOHN MARSHALL HWY. #4	2/10/2007
411.12	707 STONEWALL DR.	2/10/2007
1,153.71	605 RANDOLPH AVE.	10/2/2007
179.79	609 RANDOLPH AVE.	5/8/2007
676.66	630 BEL AIR AVE.	5/8/2007
1,007.88	705 NEW AVE	6/8/2007
552.40	705 NEW AVE	2/10/2007
319.85	314 E. 7TH ST.	2/10/2007
198.19	246 E. 6TH ST. #7	2/10/2007
679.21	1002 STUART DR.	10/2/2007
286.72	997 VIEW CREST CT.	9/14/2007
300.00	1497 HAPPY CREEK RD.	10/20/2006
835.11	844 SHENANDOAH SHORES RD.	5/8/2007
281.15	707 SHENANDOAH SHORES RD.	7/20/2007
411.37	625 HIGHVIEW ST	8/24/2007
242.40	111 STEELE AVE	10/12/2007
333.87	119 STEELE AVE.	2/10/2007
602.14	516 PROCTOR LN.	2/10/2007
311.53	512 PROCTOR LN.	9/14/2007
1,019.37	15 E. PROSPECT ST.	6/8/2007
683.43	202 S. ROYAL AVE. REAR APT.	6/30/2007
225.69	120-C S. ROYAL AVE.	2/10/2007

<Type here to customize title>

Date: 10/29/2014

Balance	Service Address	Final Bill Due Date
440.70	120-E S ROYAL AVE	5/8/2007
364.99	118-A S ROYAL AVE	2/10/2007
391.47	116-A S. ROYAL AVE.	2/10/2007
227.08	110 S. ROYAL AVE	6/5/2007
734.34	215 CHURCH ST.	8/24/2007
632.52	313 PINE ST	6/8/2007
1,935.57	334 PINE ST.	6/8/2007
1,860.22	341 OSAGE ST	6/8/2007
895.07	347 OSAGE ST. #2	5/8/2007
176.81	208 CHURCH ST.	6/26/2005
401.90	341 CLOUD ST. #2	5/8/2007
87.08	341 CLOUD ST. #2	10/12/2007
119.29	234 SOUTH ST. #1	5/8/2007
412.83	241 SHORT ST.	10/12/2007
341.28	218 CLOUD ST.	10/12/2007
1,560.21	208-A CLOUD ST.	4/20/2007
97.03	208-A CLOUD ST.	10/12/2007
345.63	329 BLUE RIDGE AVE.	8/24/2007
58.74	355 BLUE RIDGE AVE. #3	9/14/2007
311.68	352 BLUE RIDGE AVE. #2	7/20/2007
274.33	336 BLUE RIDGE AVE. #1	1/16/2007
191.93	312 FRAZIER PL.	6/8/2007
711.50	510 STONEWALL DR.	5/8/2007
165.19	221 FLETCHER ST. #1	5/31/2007
94.11	326 RITENOUR ST.	1/16/2007
304.94	548 PROSPECT ST	7/20/2007
755.89	345 RITENOUR ST.	4/30/2007
6,290.07	411 SHORT ST	5/8/2007
114.50	524 SHORT ST.	1/16/2007
889.47	524 SHORT ST.	6/30/2007
555.65	839 WILLIAM ST.	3/1/2007
411.85	839 WILLIAM ST.	5/8/2007
140.84	111 ACCOMAC RD.	6/26/2005
2,620.44	203 JAMESTOWN RD.	10/12/2007
902.92	62 S. CHARLES ST.	5/8/2007
377.61	1002 STONEWALL DR.	5/8/2007
148.70	1002 STONEWALL DR.	10/12/2007
317.65	27 ROYAL LN #11	2/10/2007
361.05	35 ROYAL LN. #11	8/24/2007
1,731.00	35 ROYAL LANE #12	5/8/2007
232.63	75 ROYAL LN. #11	3/26/2007
377.71	79 ROYAL LN. #8	7/20/2007
67.68	125 BIGGS DR. #1	4/20/2004
1,888.31	1315 ROBIN HOOD LN.	10/12/2007
263.39	1323 ROBIN HOOD LN.	10/12/2007
345.46	14 LAKE AVE. TR #14	10/2/2007
301.73	1498 JOHN MARSHALL HWY.	10/2/2007
688.86	1468 JOHN MARSHALL HWY.	2/10/2007

<Type here to customize title>

Date: 10/29/2014

Balance	Service Address	Final Bill Due Date
239.23	1403 LINDEN ST	10/20/2006
183.24	1420 JOHN MARSHALL HWY.	5/8/2007
35.93	1408 JOHN MARSHALL HWY.	1/16/2007
283.23	1408 JOHN MARSHALL HWY.	6/30/2007
623.18	510 ROSS AVE.	2/10/2007
775.47	227 MANASSAS AVE.	3/26/2007
674.75	227 MANASSAS AVE	3/11/2004
938.24	215 WASHINGTON AVE.	2/10/2007
155.07	713 BRAXTON RD.	7/20/2007
237.95	733 STOCKTON RD.	10/12/2007

144,049.31

Town of Front Royal Bad Debt [Write-off] Policy

BACKGROUND:

The Town of Front Royal has a large dollar value of uncollectible "bad debt" recorded yearly on the Town's ledger, due to non-payment of utility bills, also due to the fact this issue has not been addressed in over 30 years. The Town's auditing firm, Mitchell & Co, has requested that the Council move forward with a policy that will allow the Finance Department to complete an annual review of outstanding uncollectibles, and abate them from our ledgers when the Department has exhausted all avenues of collections.

PURPOSE:

To have a written policy to write off bad debt when it has become uncollectable and meets all criteria established to otherwise collect the existing debt. This should result in less bad-debt value on the Town's ledger and may have an effect on the overall utility rates for each service.

Account is determined uncollectible if it meets the following criteria:

1. No activity on a closed account for at least 7 years.
2. Account has entered a status of "bankruptcy" with no activity for 5 years.
3. All other methods of collection have been exhausted.

Program will be presented to Council once a fiscal year to include the total value of write-off, with a summarization report provided by the Finance Department. With the understanding that the first year this program is implemented the value will be high.

The Finance Department will maintain a listing per account of each step it has taken for collection of bad-debt, before moving it to a status of write-off.

Internal Controls for Uncollectible Utility Bills

1. Use advance search for identifying unpaid Final bills [to include use of SS# and/or Driver's License #]
2. Second notice will be mailed for Final bill's 30 days delinquent
3. Final bills will be reviewed to make sure all charges are accurate and collectible
4. Customer service staff will continually try to cross reference closed accounts to active ones and apply balances when possible

Outside programs available for uncollectible process

1. Virginia Department of Taxation – Debt set off program –
The Town will move forward with implementation of this program, it was used numerous years ago, but was stopped due to lack of staffing in the Finance Department. This program will also be used for uncollected Personal Property and/or Real Estate taxes.
2. DMV Stop program – this program can be used for collection of Personal Property taxes due to the Town. There is a cost factor involved and the Finance Department will continue to place a value on our collections vs. cost if we move forward with this program



Town of Front Royal, Virginia Work Session Agenda Form

Date: December 1, 2014

Agenda Item: Catlett Mountain Landfill Fencing Repair

Summary: This Catlett Mountain Landfill is owned and was once operated by the Town of Front Royal and the County of Warren. The site was fenced a number of years ago to keep out trespassers and limit damage by 4-wheelers. However, the fence has been breached in several locations. The County received bids to either repair the existing American Wire fence or to replace it with a more secure 6 foot chain link fence. Based on the estimated costs the County has recommended accepting the low bid of \$3,800.00 to have the fence repaired. This item was discussed at the November 20, 2014 Liaison Committee Meeting.

Council Discussion: Council takes desired action at the December 8, 2014 Regular Meeting

Staff Evaluation: Staff will be available

Budget/Funding: Director of Finance will be available

Legal Evaluation: Town Attorney will be available

Staff Recommendations: Staff will be available.

Town Manager Recommendation: Town Manager will be available

Council Recommendation:

- Additional Work Session
 - Regular Meeting
 - No Action
- Consensus Poll on Action: ___(Aye) ___(Nay)

Work Session

**Town of Front Royal / County of Warren
Liaison Meeting Agenda Item**

Date: November 20, 2014

Agenda Item: Catlett Mountain Landfill Improvements

Summary: This project is located at the old and unpermitted Catlett Mountain Landfill located off of Catlett Mountain Road (Route 677) in Warren County. This landfill is owned and was once operated by the Town of Front Royal and the County of Warren. While now capped, stormwater on or across the landfill filters through the cap and trash resulting in a discharge of leachate which is currently not controlled.

The County and Town have been working with Pennoni Engineering to design a stormwater conveyance channel around the old landfill site. The engineering has been completed and approved by the Virginia Department of Environmental Quality (DEQ). This project consists of construction of approximately five (5) concrete storm structures, 850 linear feet of 24" HDPE pipe, excavation and grading to channel stormwater away from the landfill to reduce development of leachate to the storm inlets, and the retrieval and removal of surface "white" goods and trash.

Discussion: Lantz Construction of Winchester (LCW) completed work on the project on November 7th. The site was fenced a number of years ago to keep out trespassers and to limit damage by 4-wheelers. The fence has been breached in several locations. The County has received bids to repair the existing American Wire fence around the perimeter of the site or to replace it with a more secure 6 foot chain link fence. The bids results are as follows:

American Wire: 800 feet (repair)

Vendor	Quote
Long Fence	\$6,775*
Kidwell	\$6,260 *rock clause \$30 per hole
McGrane	\$3,800 *rock clause \$35 per hole

Chain Link: 3,200 feet quoted from Long Fence & Kidwell; 2,900 feet quote by McGrane

Vendor	Quote	Clearing	Description	Price per Foot	Clearing Cost per Foot
Long Fence	\$38,725	Clearing price not Given	Top and bottom coil	\$12.00	Unknown
Kidwell	\$48,500	\$7,500	Top rail and bottom coil	\$15.15	\$2.34
Kidwell	\$43,600	\$7,500	Top and bottom coil	\$13.63	\$2.34
McGrane	\$51,350	\$8,700	Top rail and bottom rail	\$17.71	\$3.00
McGrane	\$44,025	\$8,700	Top rail and bottom coil	\$15.18	\$3.00
McGrane	\$37,675	\$8,700	Top and Bottom Coil	\$13.02	\$3.00

LIAISON MEETING



Even though the 6' chain link fence would provide better security, based on the estimated cost the County has recommended accepting the low bid of \$3,800 to have the American Wire fence repaired. We are waiting on a response from the Town to proceed with the work.

DEQ has indicated that they welcome the potential redevelopment of the site for recreational uses. The County will work with its Landscape Architect to identify potential uses of the site.

The site is being monitored by Warren County Building Inspections Department for E&S compliance.

The County has agreed to deduct the value of the Parks and Recreation Maintenance Facility property from the Town's share of the cost of the Catlett Mountain project. The agreement calls for the Town to select an appraiser which the County has to agree to. Once the Town provides an estimate on the appraisal cost and the bio on the appraiser, we can get that part moving forward.



Town of Front Royal, Virginia Work Session Agenda Form

Date: December 1, 2014

Agenda Item: Continued Discussion of the Planning Commission Recommended Updates to Chapters 148, 156 and 175. - *Director of Planning & Zoning*

Summary: This agenda topic is broken down into two parts. Part A is discussion and update of revisions made to address the three comments made by Town Council during the October 20th Work Session regarding the DRAFT update of the Subdivision and Land Development Ordinance (Chapter 148). Part B is information added regarding corner lots, as included in the DRAFT update of the Zoning Ordinance (Chapter 175).

Part A: During the October 20, 2014 Town Council Work Session, the following three changes were discussed by Town Council:

- ✓ Eliminate 32' wide roads.
- ✓ Increase the minimum surface course pavement depth to 1 1/2"
- ✓ Add requirement that buildings have to be elevated at least 2' above the centerline street grade.

Attached with this coversheet are draft revisions intended to address Town Council's comments. The first two comments above could be addressed with changes to the table under 148-820.D. The last comment, regarding the elevation above the centerline, necessitated a new section and new text.

Part B: Additionally included with this coverage is information regarding corner lots, as drafted under Chapter 175, as discussed by Town Council during the Work Session on November 24th. This information was requested by Councilman Tewalt during the November 24th Town Council Work Session.

Council Discussion: This agenda item is scheduled for discussion between Town Council and Staff during the December 1, 2014.

Budget/Funding: n/a

Legal Evaluation: The Town Attorney will be available at the upcoming work session.

Staff Recommendations: When Town Council's questions/concerns are adequately addressed, Town Staff would recommend scheduling a public hearing for the draft amendments of Chapter 148, Chapter 156, and Chapter 175.

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

Council Recommendation:

- Additional Work Session Regular Meeting No Action
Consensus Poll on Action: ___(Aye) ___(Nay)

Work Session

PART A: Draft Chapter 148 revisions pursuant to Town Council Comments.

148-820.O. Elevation of new structures above street centerline grade.

1. New structures with a front setback of less than 50 feet shall be constructed at least two (2) feet above the centerline grade of adjoining streets, as measured from the front ground floor elevation.
2. Subsection 148-820.O.1. may be waived by the Administrator when all of the following are provided by the applicant:
 - a. Submission of an Overlot Grading plan for the individual parcel where the structure is proposed, submitted in accordance with the standard details of Section 148-1030, also including certification from a qualified professional, licensed in the Commonwealth of Virginia, of the appropriateness of the drainage.
 - b. Approval of the Overlot Grading Plan by the Department of Environmental Services.
 - c. Approval from the Planning Commission when the front ground floor elevation is at an elevation below the street centerline. In such circumstances, the Planning Commission may require conditions of approval, including site improvements or other modifications.

148-820.D.

6. The minimum design standards of the following table shall be required for all Local Streets, Collector Streets and Alleys. Arterial Streets design standards shall comply with the Virginia Department of Transportation Road Design Manual, and associated Appendixes.

TABLE
148-820.D.6.

	Pavement Width (SM-9.5A) ¹	Base Course Width (BM 25.0) ²	Sub Base Width (21-B) ³	Surface Course Pavement Depth (SM-9.5A)	Base Course Depth (BM 25.0)	Sub Base Depth (21-B) ⁴
Alleys	12'	N/A	N/A	1"1/2"	N/A	6"
Local Streets:						
Up to 1,000 ADT	32'	32'	35'	1"	3"	6"
1001 to Up to 2,000 ADT	36'	36'	39'	1"1/2"	3"	6"
Collector Streets⁵:	40'	40'	43'	1"1/2"	3"	6"

¹ Pavement is from face-of-curb to face-of-curb, which includes the gutter pan.

² Base Course is from face-of-curb to face-of-curb, which includes the gutter pan.

³ Sub Base extends beyond the widths of pavement, base course and curb and gutter.

⁴ Stone, gravel, or other satisfactory material approved by the Town.

⁵ These minimum standards for Collector Streets shall be increased where required by the standards for Collector Streets found within the Virginia Department of Transportation Road Design Manual, but shall not be less.

PART B: Language of Draft Chapter 175 regarding corner lots (R-1 District shown only for this example)

175-3 Definitions

ACCESSORY BUILDING/ACCESSORY STRUCTURE – A building or structure that is subordinate to, and located on the same lot as the principal permitted use of the property, of which, the accessory building or accessory structure is used for purposes that are clearly incidental to that of the principal permitted use of the property, and which is not attached by any part of a common wall or roof to the main building, or buildings, if any. An accessory building shall not exceed the height of the main building(s) located on the property; shall not be located within a required yard area that abuts a public road; and shall not be permitted where no main building exists on the property, except in the following: (i) temporary buildings or structures permitted under this chapter, (ii) accessory buildings without utilities that are used for storage purposes and do not exceed 256 square feet, and (iii) buildings, such as barns and silos, used for agricultural purposes.

175-14 SETBACK (R-1)

Structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width or fifty-five (55) feet or more from the center of any street right-of-way less than fifty (50) feet in width; however, no building need be set back more than the average of the setback of the immediately adjoining structures on either side. A vacant lot fifty (50) feet or more in width may be assumed to be occupied by a building having a minimum setback.

175-15 YARDS (R-1)

- A. Side: The minimum total width of the side yards shall be twenty-five (25) feet, with no one (1) side yard being less than ten (10) feet.
- B. Rear: Each rear yard shall be a minimum of thirty (30) feet.
- C. Front: The required depth of the front yard shall be as provided in Section 175-14. On lots of less than two (2) acres in size or where the front yard provided for any single-family dwelling is less than 150 feet, the main or front building facade and entrance shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to Section 175-147.1.
- D. Accessory buildings shall be setback from side and rear property lines by no less than five (5) feet.

175-18 CORNER LOTS (R-1)

- A. Of the two (2) sides yards of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.
- B. The side yard on the side facing the side street shall be thirty (30) feet or more for both main and accessory buildings.
- C. Each corner lot shall have a minimum width at the setback line of one hundred (100) feet.



Item No. 11

Town of Front Royal, Virginia Work Session Agenda Form

Date: December 1, 2014

Agenda Item: Warren County Middle School Rezoning - *Director of Planning & Zoning*

Summary: Attached with this coversheet is a staff report and several attachments associated with the two rezoning applications submitted by Warren County and the IDA for the rezoning of property they own from the A-1 and R-S Districts to the R-1 District. The intent of the rezoning is to accommodate the development of a future middle school at the property, which is located at the future intersection of Leach Run Parkway and Happy Creek Road.

Separate public hearings and actions of Town Council are required for the two applications after a public hearing is held. As with all rezoning applications, a 1st and 2nd Reading is required.

Council Discussion: This agenda item is scheduled for discussion between Town Council and Staff during the December 1, 2014.

Budget/Funding: n/a

Legal Evaluation: The Town Attorney will be available at the upcoming work session.

Staff Recommendations: Staff's comments are documented on the attached staff report. The Planning Commission recommended approval of the rezoning application, conditional that an appropriate traffic signalization agreement is made for the cost of constructing a signalized intersection at the proposed bus loop road and Happy Creek Road.

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

Council Recommendation:

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

Work Session

COUNTY OF WARREN

Department of Planning & Zoning
220 North Commerce Avenue, Suite 400
Front Royal, Virginia 22630

Phone: (540) 636-3354

FAX: (540) 636-4698

Email: planning@warrencountyva.net

Taryn G. Logan, AICP
Planning Director



May 29, 2014

BOARD OF SUPERVISORS

CHAIRMAN
Daniel J. Murray, Jr.
North River
District

VICE-CHAIRMAN
Linda P. Glavis
South River
District

Tony F. Carter
Happy Creek
District

Archle A. Fox
Fork
District

Richard H. Traczyk
Shenandoah
District

Jeremy F. Camp
Director of Planning & Zoning
P.O. Box 1560
Front Royal, VA 22630

Dear Jeremy:

Thank you for your comments regarding the Middle School Rezoning Applications. We have reviewed the comments with Racey Engineering and Pennoni Associates. Please see the County's responses below.

Planning & Zoning Review Comments

1. Secondary Entrance. *Based on the non-proffered development plan included in the application, it is not entirely clear if, and how, the entrance off of Happy Creek Road will be restricted. There is a note on the plan that says "Buses Only" at the beginning of the eastern bus loop road. However, the entrance to the bus loop road is located internally, beyond the entrance to Happy Creek Road, and past an entrance to the parking lot. It would appear that the entrance off of Happy Creek Road is intended for full access based on this plan. A full access entrance on Happy Creek Road may necessitate a traffic signal in the short-term? Could you provide clarification on what is intended, and if this entrance is to be restricted, how it will be restricted with the access to the parking lot that is shown on the rezoning plan? The entrance off of Happy Creek Road is not intended for a full access entrance. It is intended for bus, service, and emergency vehicles only. The entry road from Happy Creek Road will be clearly marked with signage limiting access and will extend to the bus loading area and service area to the rear of the building where a turnaround will be provided. Access to the bus loop from the parking lot closest to Happy Creek Road would be prohibited by locked, manually operated aluminum gates. The gate is a simple design with the general appearance of a low black wrought iron fence gate. The ability to open the gate would be reserved for school or local government personnel in a time when the main access road from Leach Run Parkway onto the site might be blocked by an accident or other emergency. We feel that having two ways onto the site during an emergency situation is essential.*

2. Traffic Signalization at Secondary Entrance. *Staff recommends consideration of a proffer(s) to enter into an agreement to pay a pro rata share cost towards the future anticipated traffic signal at the intersection of Happy Creek Road, whether this should occur in the short-term or long term. The TIA recommended a separate 200 foot eastbound right hand turn lane with a 100 foot taper be constructed into the School Bus Entrance off of Happy Creek Road. The TIA also recommended a short westbound left turn lane of 50 feet be constructed along Happy Creek Road. Both of these turn lanes will be installed with the construction of the bus/service*

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

entrance off Happy Creek Road. The TIA indicates that acceptable levels of service will result in the unsignalized condition and that a signal is not required with the bus/service entrance. Additional growth by others may result in a signal requirement here in the future depending on the uses of the Happy Creek Industrial Park, etc. The TIA states that the bus entrance will generate 156 trips total daily (includes in and out trips during both AM and PM peak hours). In addition, the proposed plan for a flyover in this area would render this a moot point.

3. Acres to be Rezoned by Tax Map Parcel. We have changed the acreage on tax map 20A21-2-4D to indicate 1.62 acres. We have changed lot 6A to 6. We have also shown tax map 20A21-2-12 and will include this property in the rezoning application.

4. Phase 1 Environmental Study Recommendations. The houses located at 1425, 1433, 1463, and 1497 Happy Creek Road were recently demolished. One exterior oil tank was removed by EEE Consulting. The other contamination location was removed by Winchester Environmental (see attached) prior to the house being demolished. Appropriate environmental permitting and closeout for all site and existing structures is in progress.

5. LRP Trail. Please consider proffering a trail adjacent to Leach Run Parkway on the proposed school property. Throughout the design of Leach Run Parkway, the locations for pedestrian access were evaluated. The final design provides for a sidewalk on both sides of Leach Run Parkway and bike lanes are being provided as part of the pavement section. It was determined through the design phase that the best solution for pedestrian access was to install sidewalks and bike lanes within the pavement section in lieu of a separated trail.

6. Main Entrance Road Sidewalk. The main entrance road should include a sidewalk to connect with the sidewalk that will terminate as part of the LRP improvements. We agree and will include this as part of the site plan.

7. Happy Creek Road Sidewalk/Trail. It is recommended to proffer the continuation of the sidewalk along Happy Creek Road to the eastern edge of the property. We do agree with a sidewalk along Happy Creek Road. We feel this should be incorporated into the design and construction of the Phase 2 improvements for Happy Creek Road. Incorporating this into the Phase 2 design and construction would mitigate the sidewalk being constructed now and then having to be re-constructed once the Phase 2 improvements are constructed in the next few years.

8. Screening between residential uses. 1519 and 1559 Happy Creek Road, appear to be residential properties that would experience impacts associated with the proposed change of use. A screen or buffer between the proposed school facility and these residential properties is recommended. The County is in the process of acquiring the property at 1519 Happy Creek Road. This house will be demolished prior to the Middle School construction. We will provide screening as required from 1559 Happy Creek Road during the site plan review.

9. Lighting. On-site lighting, such as, but not limited to, field lighting, should be designed to minimize light pollution/glare onto adjoining streets and roads. A proffer to this effect would be appropriate. Only full cut-off light fixtures will be installed in order to direct the light downward to minimize glare on roads and adjoining properties. We will add this to the proffer statement.

10. Annexation. Please be aware that the boundary line adjustment annexation needs to be finalized before the property can be rezoned. It is my understanding at this time that the Town and County Attorneys are working on this. We understand the plat is currently being finalized by the Town and County Attorneys.

11. Leach Run Parkway (LRP) Site plan Submission. The LRP Site Plan was submitted on 5/10/2014 and is now under review. Please be aware that any changes to the LRP site plan during the review process may impact this rezoning application. The Oden Street intersection location has been set by the Leach Run Parkway design. We understand that if the Leach Run Parkway design is changed, the middle school site plan will need to reflect the changes.

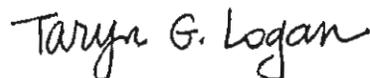
12. Site plan. An approved site plan of the middle school is required before any zoning permits can be issued. Furthermore, before any building permits can be issued, it is my understanding that an E&S Plan and Land Disturbance Permit with Warren County Building Inspections must be reviewed and approved. We understand this.

Virginia Department of Transportation comments

1. Bike and pedestrian safety should be strongly considered with the nearby residential (existing and proposed), industrial property, hospital, and other future traffic volumes projected for this area. Walkways and crosswalks have been provided at Oden Street and Happy Creek intersection through the design of the Leach Run Parkway.

We will be present at the Planning Commission work session to answer any questions. Thank you for your comments.

Sincerely,



Taryn Logan, AICP
Planning Director

TGL
Attachments

8. CONCLUSION & RECOMMENDATIONS

Proposed School Bus Entrance along Happy Creek Road opposite Shenandoah Shores Road is anticipated to carry around 160 daily school bus traffic with 52 total trips (26 in, 26 out) during morning peak hour period. This entrance is recommended based on satisfactory LOS analysis of the intersection (if signalized). In addition, adding an additional access provides options for better bus circulation and the load on the unsignalized access on Leach Run Parkway will be lessened. Intersection design with Leach Run Parkway corridor build-out recommends a separate right-turn and a left-turn lane into proposed School Bus Entrance. Following conclusions/recommendations are derived based upon analysis presented in this study;

- With unsignalized traffic control, the subject intersection of Happy Creek Road and Shenandoah Shores Road/ School Bus Entrance will operate at LOS "F" for side street turning movements.
- *Signalization-* The subject intersection of Happy Creek Road and Shenandoah Shores Road/ School Bus Entrance will require a traffic signal control to achieve desired level of service and to reduce delay to side street traffic in short-term (2018) and long-term (2028) design year conditions. A review of traffic signal warrants (ITE & MUTCD) shows that traffic volume thresholds are satisfied for traffic conditions during 2018 and 2028 design years. It is observed that the traffic signal warrant is satisfied due to anticipated heavy traffic volume on Shenandoah Shores Road in future 2018 and 2028 conditions with potential industrial development.
- *Turn Lanes-* A review of right-turn lane warrant shows that a separate right turn lane into proposed School Bus Entrance is not warranted with projected traffic volume for 2018 and 2028 design year conditions. Long-term 2028 design year conditions traffic does trigger a taper requirement. Considering a heavy projected traffic at this intersection in future year conditions, it is proposed to provide a separate 200 feet right turn lane with 100 feet taper into School Bus Entrance. A review of left-turn lane warrant shows that a westbound left turn lane is warranted with projected traffic volume for 2028 design year conditions. A short westbound left turn lane of minimum 50 feet is proposed along Happy Creek Road at School Bus Entrance to provide a minimum stacking for a single bus. Synchro analysis shows that eastbound right turn and westbound left turn traffic queue can be accommodated with proposed turn lane storage. A separate westbound right-turn lane along Route 647 and southbound right-turn along Shenandoah Shores Road to maintain level of service for outbound traffic in 2028 conditions will require coordination with the existing railroad crossing and are not part of the proposed design. Route 606 widens south of the railroad crossing, but the storage does not accommodate a full length separate right turn lane.

1. EXECUTIVE SUMMARY

Pennoni Associates Inc. (Pennoni) has prepared this report to support the revised access plan for the proposed Leach Run Middle School, to be located at the junction of the proposed Leach Run Parkway intersection with Happy Creek Road (Va. Route 647). The site is proposed for a 841 student public school with access to Leach Run Parkway. As part of the land entitlement process, Warren County is proposing to include a secondary entrance for bus access to the property via Happy Creek Road, opposite Shenandoah Shores Road (Va. Route 606). Since the school site was included in the traffic forecast for the Leach Run Parkway design, this analysis is an addendum to the traffic impact analysis submitted for the proposed Leach Run Parkway to address changes in access. The Pennoni Leach Run Parkway traffic study dated December 20, 2013 presented traffic impacts of the proposed Leach Run Parkway. Leach Run Parkway, a 4-lane major collector roadway to be located in the Town of Front Royal, VA, is proposed to be built from John Marshall Hwy (Route 55) to Happy Creek Road (Route 647) along the eastern portion of the Town boundary. Leach Run Parkway is classified as an U4D (urban four-lane, divided major collector highway with raised median, curb and gutter, sidewalks, reservation for bike lanes, and left and right turn lanes at selected intersections) within a variable width right-of-way. The proposed design speed for the facility is 40 MPH, with a posted 35 MPH speed limit, within the Town. Access to the corridor is proposed to be restricted to the planned median crossovers, with an access planned in the vicinity of the proposed school site at Oden Street, approximately 1,900 feet south of Route 647.

The analysis presented in this access study is intended to examine the proposed School Bus Entrance to be located along Happy Creek Road, opposite existing Shenandoah Shores Road. This addendum is presented to review turn lane requirements, signal warrants and operational analysis. This proposed entrance is intended exclusively for school buses only. No other school traffic will be allowed through this entrance. School traffic (private cars and employees) will be served by the proposed crossover along Leach Run Parkway at Oden Street as depicted in the traffic study dated December 20, 2013. The revision summarizes the access changes with the new driveway, as well as the access to Leach Run parkway.

For capacity analysis, Pennoni calculated the performance for the AM and PM peak hours at the intersection of Happy Creek Road and Shenandoah Shores Road/ future School Bus Entrance for existing year (2013) and future design years (2018 and 2028) conditions with the proposed Leach Run Parkway corridor.

Recommendations:

The proposed school bus entrance along Happy Creek Road opposite Shenandoah Shores Road is anticipated to carry around 160 daily school bus traffic with 52 total trips (26 in, 26 out) during morning peak hour period.

This entrance is recommended based on satisfactory LOS (LOS "A" and "B" for existing approaches, LOS "D" for the proposed entrance approach, and LOS "A" overall) at the intersection (if signalized). In addition, adding a secondary access provides options for better bus circulation and the load on the unsignalized access on Leach Run Parkway will be lessened. The intersection design with Leach Run Parkway corridor build-out included the following improvements at Happy Creek Road/Shenandoah Shores Road intersection:

- A separate left turn lane eastbound to northbound Route 606, with a transition east of the intersection.
- Traffic signal control by others, if warranted, for existing turns to/from Route 606.

With the proposed school, a separate right-turn and a left-turn lane into proposed School Bus Entrance are recommended. Additionally, the following conclusions are derived based upon analysis presented in this study:

Level of Service:

- The existing Level of Service are LOS "A" overall with LOS "D" for Route 606 southbound left turns.
- With unsignalized traffic control, the subject intersection of Happy Creek Road and Shenandoah Shores Road/ School Bus Entrance will operate at LOS "F" for side street turning movements on Route 606 and exiting the school bus driveway.
- If short-term growth on Route 606 does not occur as programmed in the Leach Run Parkway study, the need for traffic signal control at Happy Creek Road and Shenandoah Shores Road/ School Bus Entrance is delayed. Based on local growth at two percent annually and the school site traffic, the Happy Creek Road and Shenandoah Shores Road/ School Bus Entrance LOS can operate at an overall LOS "A" with school exit at LOS "D" for turns.

Signalization:

- Based on the Leach Run Parkway corridor study, the subject intersection of Happy Creek Road and Shenandoah Shores Road/ School Bus Entrance will require a traffic signal control to achieve desired level of service and to reduce delay to side street traffic in short-term (2018) and long-term (2028) design year conditions. A review of traffic signal warrants (ITE daily & MUTCD peak hour) shows that traffic volume thresholds are satisfied for traffic conditions during 2018 and 2028 design years. The traffic signal warrant is satisfied due to anticipated heavy traffic volume on Shenandoah Shores Road in future 2018 and 2028 conditions with potential industrial development. In 2018 without planned industrial uses, the signal at Route 606 is not required with the opening of the Leach Run Middle School with bus access to Happy Creek Road.

- Based on the VDOT Access Management Guidelines, for Happy Creek Road as an urban collector with a 35 mph speed limit, the placement of a new traffic signal at Shenandoah Shores Road would require a design waiver from the proposed signal at Leach Run Parkway. The spacing between Route 606 and the proposed intersection is approximately 566 feet; the VDOT minimum signal spacing without a waiver is 660 feet. Therefore, if signalization is required as industrial uses increase on Shenandoah Shores Road, the installation of signalization as proffered should include a VDOT waiver, as well as design to avoid vehicle queuing on the NSR crossing north of Happy Creek Road.

Turn Lanes:

- A review of right-turn lane warrant shows that a separate right turn lane into proposed School Bus Entrance is **not** warranted with projected traffic volume for 2018 and 2028 design year conditions. Long-term 2028 design year conditions traffic does trigger a taper requirement. Based on bus access projected, at this intersection in future year conditions, we recommend a separate 200 foot right turn lane with a 100 foot taper into the School Bus Entrance since taper-only is not a typical design. A review of left-turn lane warrant shows that a westbound left turn lane is warranted with projected traffic volume for 2028 design year conditions. With traffic signal control proffered by others and buses turning at this entrance, providing storage area at the signal will significantly improve turns and avoid left turns without adequate gaps. Due to the limited frontage to the east, a short westbound left turn lane of minimum 50 feet is recommended along Happy Creek Road at School Bus Entrance to provide a minimum stacking for a single bus. The Synchro analysis shows that eastbound right turn and westbound left turn traffic queue can be accommodated with proposed turn lane storage. A separate westbound right-turn lane along Route 647 and southbound right-turn along Shenandoah Shores Road to maintain level of service for outbound traffic in 2028 conditions will require coordination with the existing railroad crossing and are not part of the proposed design.

Site Impacts:

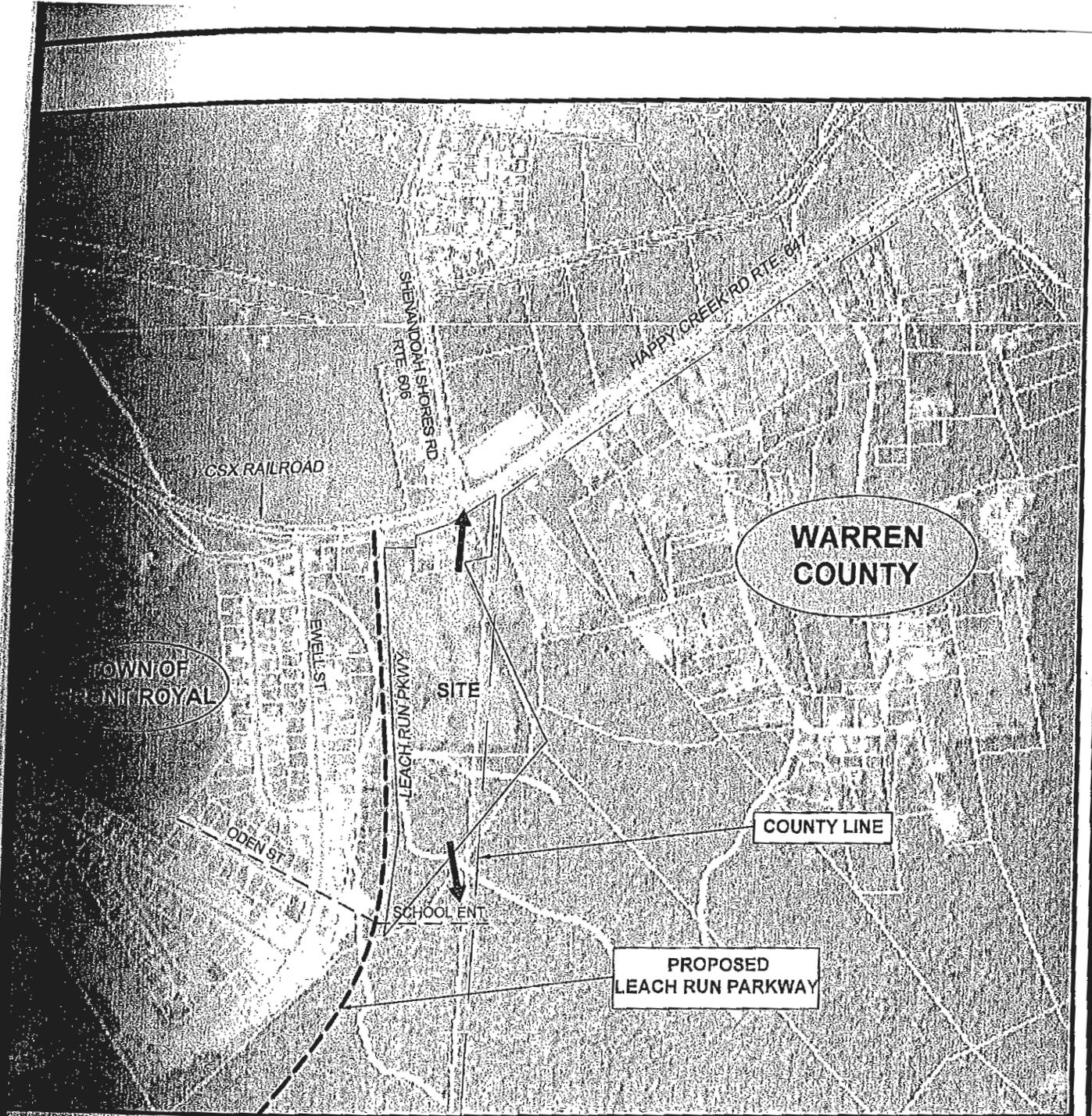
- The proposed school generates approximately 1400 daily trips. Based on the average rates with Leach Run Parkway constructed, the access will be primarily to Leach Run Parkway at the entrance opposite Oden Street. Site impacts to Leach Run Parkway south of the site are at 36% in the peak AM and 14 percent in the PM and daily conditions. Site impacts to Happy Creek Road are at 11-12 percent in the AM and 4% in the PM and daily forecasts for the short-term.

Leach Run Parkway Access:

- The impacts highlight that access to Leach Run Parkway is needed for the proposed school. Impacts to Happy Creek Road are less than 15 percent, which typically signify that off-site impacts are not required. The proposed access outbound turn lanes for separate left and right turns. While the side street volumes exiting the school at a less than desirable LOS, the entrance will operate at a Level of Service (LOS) "C" but with

an LOS "E" exiting for the AM lefts out. The overall LOS is an "A" the short term. With long-term growth, the school access opposite Oden Street operates at LOS "C" or better for most turns, but the exiting lefts have a LOS "F" delay during both the AM and PM peak hours. Overall LOS grade of the unsignalized intersection is at LOS "A" for both AM and PM peak hours, with LOS "A" for left turns in from Leach Run Parkway to the proposed school. With the school bus access to the north, the side street LOS will improve. However, alternative traffic control is not proposed since separate left and right turn lanes are provided with the Leach Run Parkway improvements.

The site location is shown in **Figure 1** and the existing zoning of the properties in the town adjoining the site is included in **Figure 2**. Since the site traffic is less than 5,000 vpd and the uses were assumed as part of the Leach Run corridor study, a separate VDOT scoping meeting was not initiated.



Warren County Parcel Viewer, Warren County GIS, Accessed October 2013.

➔ ACCESS LOCATION

City of Front Royal, VA. The proposed roadway alignment, location of intersections and its orientation is shown for traffic analysis and informational purposes only. Please refer to Road Concept plan for final design details. Access locations extended for labeling and not for limits of construction by others.



LEACH RUN MIDDLE SCHOOL
 (w/ School Bus Entrance at Happy Creek Rd)
 TRAFFIC ACCESS STUDY
 Town of Front Royal, Warren County, VA

SITE LOCATION

FIGURE 1
 Project # CTOW-1204
 March 2014

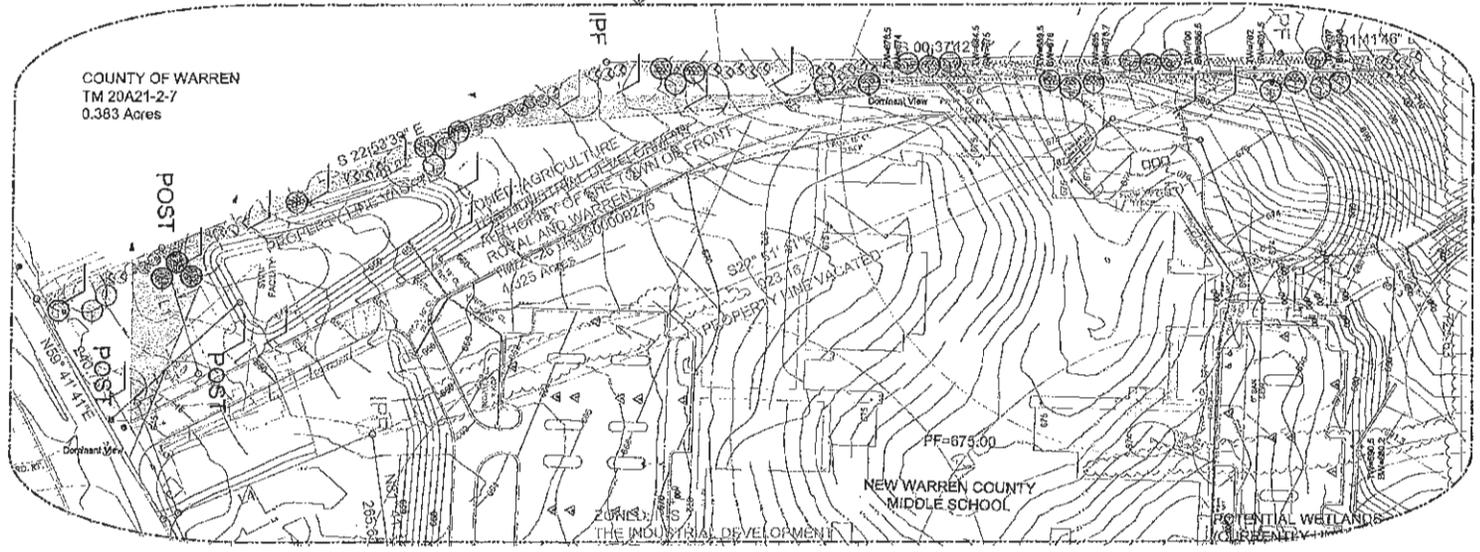
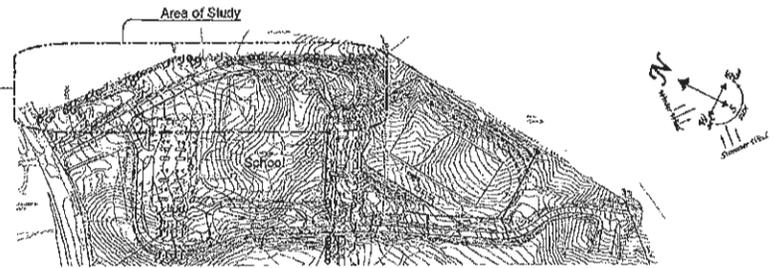
Warren County Middle School
Warren County Va



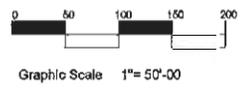
No.	Date	Revisions
Design Firm		
 J. Duggan & Associates Landscape Architecture 15111-Wytheville Lane, Winchester, VA 22602 540-724-2425 www.jdugganandassociates.com		
Consultant		
Project Title		
Screen Planting Concept Plan		
Drawing Title		
Planting Plan		
Project Manager		
J Duggan XLA		
Drawn By	TM	Scale As Shown
Reviewed By	JD	Drawing No.
Date	8-24-2014	
CAD File		1 of 1 Total Sheets

Plant Legend

- Winter Jasmine - 2'8" on ctr.
- Flowering Shrubs - 4' on ctr.
- Evergreen Tree - 12' dia.
- Flowering Tree - 22' dia.
- Shade Tree - 42' dia.



Plan View



Note:

This is a concept plan only- intended to show intent of final design.
It is not a final construction document.
It is subject to change based on final engineering information and budget.

REZONING REQUEST PROFFER

COUNTY OF WARREN
New Middle School

Property identified on the attached plat dated October 4, 2013 by Racey Engineering on tax map 20A21, section 2, as parcel 7 and tax map 21, as parcel 26 containing 4.71 acres.

Preliminary Matters

Pursuant to Section 15.2-2296 et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Town of Front Royal Zoning Ordinance with respect to conditional rezoning, the undersigned applicants hereby proffer that in the event the Town Council of the Town of Front Royal, Virginia, shall approve Rezoning Application # **RZ_____** for the rezoning of the properties identified on tax map 20A21, section 2 as parcel 7 containing 0.383 +/- acres currently zoned Residential Suburban (RS) and Agricultural (A) to Residential One (R-1) and tax map 21, as parcel 26 containing 4.33 +/- acres currently zoned Residential Suburban (RS) and Agricultural (A) to Residential One (R-1), the following proffer statement is made by the applicants. Development of the subject Property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicants and approved by the Front Royal Town Council in accordance with Virginia law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the applicants and their legal successors or assigns. These proffers shall supersede and replace any and all prior proffers affecting the subject property.

Use and Development of the Property

1. The property shall be used for a public school.
2. **Landscaping**
 - a. The applicants shall comply with the landscape requirements of the Town of Front Royal Municipal Code.
 - b. The site shall be buffered along the northeastern property line with vegetation in substantial accordance with the screen planting concept plan prepared by J. Duggan & Associates dated 6-24-2014.



3. Transportation

- a. There will be a total of two entrances to the school. The main entrance will be located on the proposed Leach Run Parkway. The entrance located on Happy Creek Road will be limited to buses, service vehicles and emergency vehicles.
- b. The entry road from Happy Creek Road will be clearly marked with signage limiting access to buses, service vehicles and emergency vehicles.
- c. Access to the entry road off of Happy Creek Road from the school parking lot will be prohibited by a locked gate. The ability to open this gate to through traffic is reserved for school or local government personnel in a time when the main access road from Leach Run Parkway onto the site might be blocked by an accident or other emergency.
- d. A sidewalk will be provided along the entry road to the school from the Leach Run Parkway entrance and will connect to the sidewalk along Leach Run Parkway in lieu of a trail. There will be multiple sidewalk connections provided from the school property to Leach Run Parkway as determined during the site plan process.
- e. Prior to development of the future middle school on the property, the Applicant will purchase and transfer title to the adjacent lands now owned by the Economic Development Authority (which lands are subject to a companion rezoning request now pending with the Town), which the Applicant will combine with the property subject to this application. Subsequent to that transfer, at the time a traffic signal is warranted, as determined by the Town of Front Royal, based on Virginia Department of Transportation (VDOT) Standards, at the intersection of Shenandoah Shores Road and the proposed school bus/service entrance off of Happy Creek Road, the Applicant will pay to the Town of Front Royal its pro-rata share of the cost of adding traffic signalization improvements set to VDOT standards, based on the percentage of vehicle trips being generated by the proposed school uses at that intersection in relation to the total traffic count at the intersection at that time.

4. Architectural/Building Materials

- a. All buildings on the site shall be constructed using compatible architectural styles, materials, and signage.

5. Lighting

- a. All on-site lighting shall be designed to minimize light pollution/glare onto adjoining properties and roads.

10/21/2014

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the Applicants and Owners. In the event the Front Royal Town Council grants said rezoning and accepts these conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Front Royal Municipal Code.

Respectfully submitted,

COUNTY OF WARREN

By:



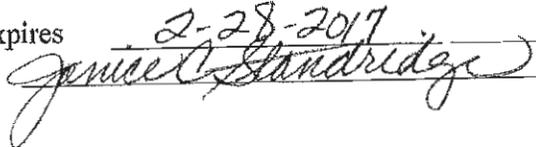
Date:

10.21.2014

COMMONWEALTH OF VIRGINIA
WARREN COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 21st day of October, 2014, by Douglas P. Stanley.

My commission expires
Notary Public

2-28-2017




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



**STAFF REPORT FOR THE JULY 16, 2014 PLANNING COMMISSION MEETING
UPDATED FOR THE DECEMBER 1, 2014 TOWN COUNCIL WORK SESSION**

APPLICATION #:

RZ-14-02-70

APPLICANT:

Industrial Development Authority of the
Town of Front Royal and County of Warren

APPLICATION SUMMARY:

The Industrial Development Authority (IDA) has submitted a conditional rezoning application for the rezoning of four parcels, consisting of approximately 19.31 acres, from the A-1 (Agriculture) District & R-S (Suburban Residential) District to the R-1 (Residential) District. At the time of submission, an annexation was pending for a portion of the property. In conjunction with RZ14-02-69, the rezoning is intended to accommodate a future public school (Warren County Middle School). The submitted rezoning application is included as **Attachment 1** to the previous agenda item.

GENERAL INFORMATION:

Site Address	Happy Creek Road (1497 and 1463 Happy Creek Road)		
Existing Zoning	A-1 (Agriculture) District & R-S (Suburban Residential) District		
Proposed Zoning	R-1 District		
Overlay Districts	Historic Area – NO	Floodplain– NO	Entrance Corridor – NO
Tax ID	Tax Map 20A21, Section 2, Parcels 4D, 5, 6, & 12		
Location	The property is located on the south side of Happy Creek Rd., southwest from the intersection at Shenandoah Shores Road.		

Existing Use(s)	Vacant
Intended Use(s)	New Warren County Middle School





Aerial Rendering



Happy Creek Street View



ZONING MAP

ADDITIONAL INFORMATION:

<p><i>Application Details</i></p>	<p>The subject property, and the property associated with the IDA rezoning application, is the site selected for the new Warren County Middle School. The new middle school would be designed to house 800 pupils, although initial enrollment will be significantly less, possibly around 600 pupils.</p> <p>The current zoning of the property is R-S and A-1. Both of these zoning districts permit schools, but only with a special use permit. The property is being rezoned to R-1, which allows schools "by-right", without a special use permit. A site plan will need to be submitted for approval by the Town before any zoning or building permits are issued to begin construction.</p> <p>Leach Run Parkway is proposed to intersect with Happy Creek Road immediately to the south of the subject property. The site plan for Leach Run Parkway is presently under review, and the Town is awaiting comments from VDOT.</p>
<p><i>Comp. Plan</i></p>	<p>The 2008 Comprehensive Plan Amendment designates the property for future Planned Residential uses (4-6 du per acre). Furthermore, the 2011 Comprehensive Plan Amendment designates the property within the UDA.</p> <p>Development of the property for a public school was not anticipated at the time that these plans were developed. Development for a public school would diminish the amount of land planned for future residential growth by Warren County and the Town of Front Royal within the UDA. However, a public school is certainly a compatible and needed use near residential uses. The FRLP property that is currently in the process of being annexed into the Town could be added to the Town/County UDA to compensate for the loss of potential residential development. However, the additional FRLP property is not ready for development until the East/West Connector road is constructed.</p> <p>The current zoning of the property could facilitate the development of a school with a special use permit.</p>
<p><i>Proffers</i></p>	<p>A separate proffer statement is submitted for the property owned by the IDA (See Attachment 1). However, the proffers are the same as submitted with the Warren County application, as described in the previous agenda item.</p>

RECOMMENDATIONS:

On July 16, 2014, the Town of Front Royal Planning Commission recommended approval of this rezoning application (RZ14-02-69), conditional that the Town Attorney review the revised proffers with the Warren County/IDA Attorney. Furthermore, the Planning Commission specified that a satisfactory agreement should be made to address the financial impact to the Town for adding a traffic signal at the intersection of Happy Creek Road and the proposed bus loop road.

At this time, as reflective in the current proffers, Warren County/IDA agrees to pay a "*pro rata share*" towards a traffic signal. The Town Attorney and Director of Planning & Zoning recommend that this proffer be supplemented with language to quantify the minimum amount that Warren County/IDA would pay towards a traffic light. It would also be appropriate to clarify how "*pro rata share*" will be calculated.

ATTACHMENTS: Attachment 1: IDA Proffer Statement

REZONING REQUEST PROFFER

INDUSTRIAL DEVELOPMENT AUTHORITY
of the TOWN OF FRONT ROYAL and the COUNTY OF WARREN
New Middle School

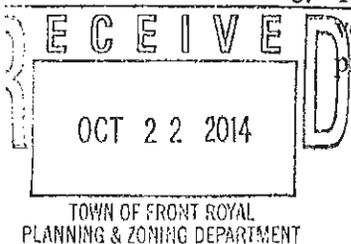
**Property identified on the attached plat dated October 4, 2013 by
Racey Engineering on tax map 20A21, section 2, as parcels 4D, 5, 6, and 12
containing 19.31 acres.**

Preliminary Matters

Pursuant to Section 15.2-2296 *et. Seq.*, of the Code of Virginia, 1950, as amended, and the provisions of the Town of Front Royal Zoning Ordinance with respect to conditional rezoning, the undersigned applicants hereby proffer that in the event the Town Council of the Town of Front Royal, Virginia, shall approve Rezoning Application # RZ, _____ for the rezoning of the properties identified on tax map 20A21, section 2, as parcel 6 containing 14.20 +/- acres currently zoned Residential Suburban (RS) and Agricultural (A) to Residential One (R-1); a portion of tax map 20A21, section 2, as parcel 4D containing 1.62 +/- acres currently zoned Agricultural (A) to Residential One (R-1); tax map 20A21, section 2, as parcel 5 containing 3.61 +/- acres currently zoned Residential Suburban (SR) to Residential One (R-1), and tax map 20A21, section 2, as parcel 12 containing 0.64 +/- acres currently zoned Residential Suburban (SR) to Residential One (R-1), the following proffer statement is made by the applicants. Development of the subject Property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicants and approved by the Front Royal Town Council in accordance with Virginia law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the applicants and their legal successors or assigns. These proffers shall supersede and replace any and all prior proffers affecting the subject property.

Use and Development of the Property

1. The property shall be used for a public school.
2. **Landscaping**
 - a. The applicants shall comply with the landscape requirements of the Town of Front Royal Municipal Code.
 - b. The site shall be buffered along the northeastern property line with vegetation in substantial accordance with the screen planting concept plan prepared by J. Duggan & Associates dated 6-24-2014.



3. Transportation

- a. There will be a total of two entrances to the school. The main entrance will be located on the proposed Leach Run Parkway. The entrance located on Happy Creek Road will be limited to buses, service vehicles and emergency vehicles.
- b. The entry road from Happy Creek Road will be clearly marked with signage limiting access to buses, service vehicles and emergency vehicles.
- c. Access to the entry road off of Happy Creek Road from the school parking lot will be prohibited by a locked gate. The ability to open this gate to through traffic is reserved for school or local government personnel in a time when the main access road from Leach Run Parkway onto the site might be blocked by an accident or other emergency.
- d. A sidewalk will be provided along the entry road to the school from the Leach Run Parkway entrance and will connect to the sidewalk along Leach Run Parkway in lieu of a trail. There will be multiple sidewalk connections provided from the school property to Leach Run Parkway as determined during the site plan process.
- e. Prior to development of the future middle school on the property, the Applicant will transfer title to the subject property either to the County of Warren or to the Warren County School Board, which will combine the property with adjacent lands now owned by the County of Warren, which lands are subject to a companion rezoning request now pending with the Town. Subsequent to that transfer, at the time a traffic signal is warranted, as determined by the Town of Front Royal, based on Virginia Department of Transportation (VDOT) Standards, at the intersection of Shenandoah Shores Road and the proposed school bus/service entrance off of Happy Creek Road, the Applicant's successor will pay to the Town of Front Royal its pro-rata share of the cost of adding traffic signalization improvements set to VDOT standards, based on the percentage of vehicle trips being generated by the proposed school uses at that intersection in relation to the total traffic count at the intersection at that time.

4. Architectural/Building Materials

- a. All buildings on the site shall be constructed using compatible architectural styles, materials, and signage.

5. Lighting

- a. All on-site lighting shall be designed to minimize light pollution/glare onto adjoining properties and roads.

10/21/2014

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the Applicants and Owners. In the event the Front Royal Town Council grants said rezoning and accepts these conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Front Royal Municipal Code.

Respectfully submitted,

INDUSTRIAL DEVELOPMENT AUTHORITY

By: 

Date: 10-22-2014

COMMONWEALTH
STATE OF VIRGINIA
WARREN COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 22nd day of October, 2014, by Jennifer R. McDonald.

My commission expires 10/31/2018
Notary Public Cindy Sue Kokernak



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



**STAFF REPORT FOR THE JULY 16, 2014 PLANNING COMMISSION MEETING
UPDATED FOR 12/1/14 TOWN COUNCIL WORK SESSION**

APPLICATION #:

RZ-14-02-69

APPLICANT:

Warren County

APPLICATION SUMMARY:

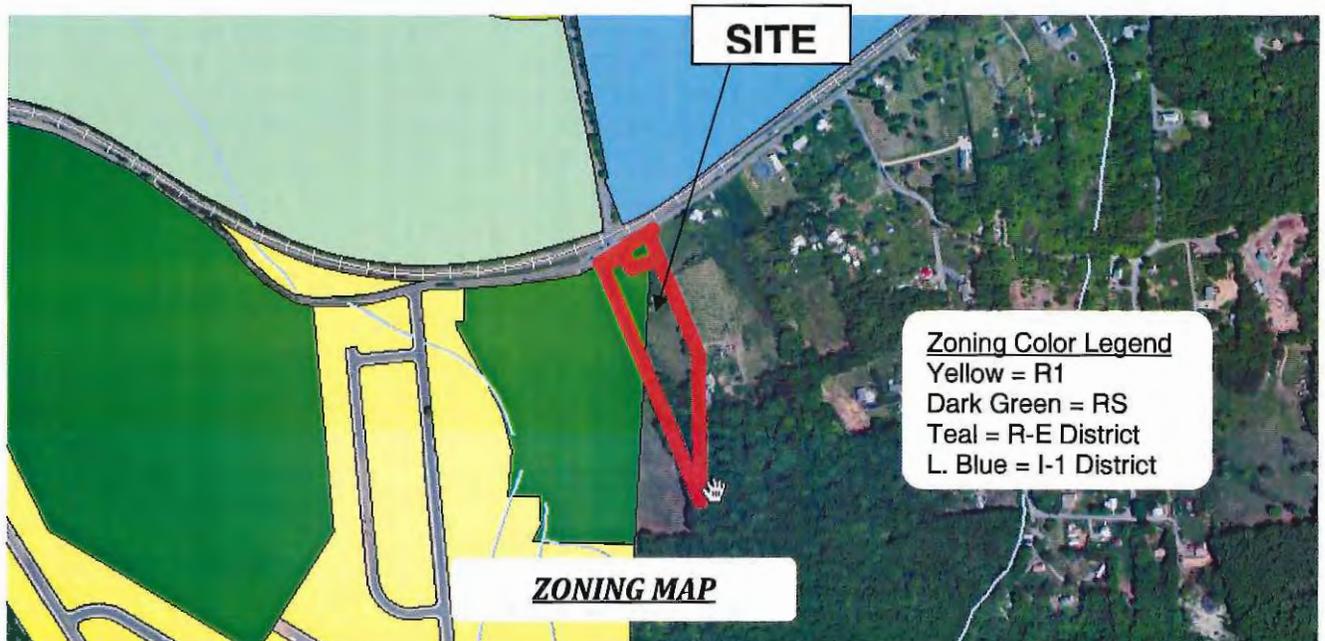
Warren County has submitted a conditional rezoning application for the rezoning of two parcels, consisting of approximately 4.71 acres, from the A-1 (Agriculture) District & R-S (Suburban Residential) District to the R-1 (Residential) District. At the time that this rezoning application was submitted, an annexation was pending to adjust the Town Boundary so it encompassed all of the property. In conjunction with RZ14-02-70, the rezoning is intended to accommodate a future public school. The rezoning application is included as **Attachment 1**.

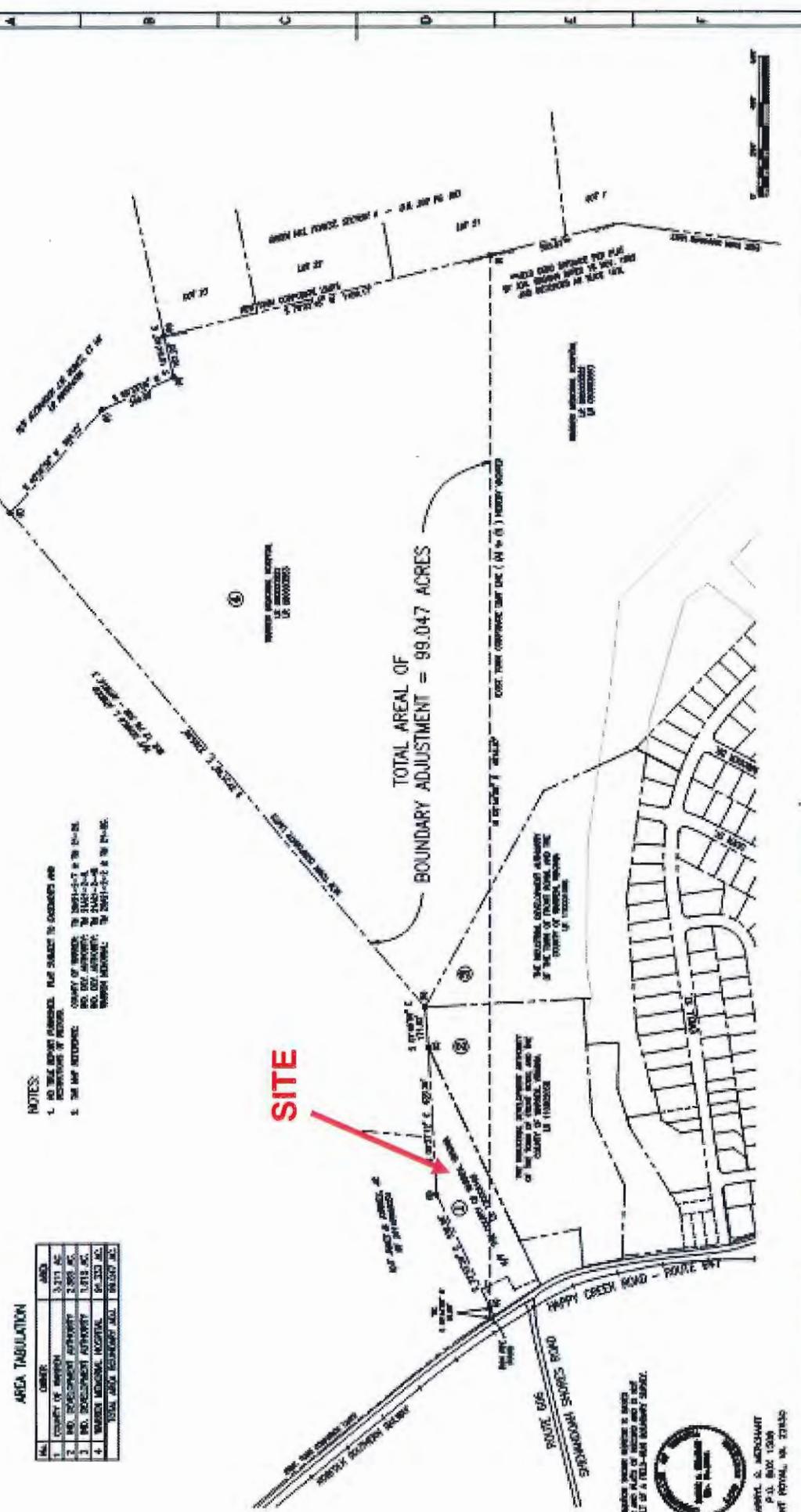
GENERAL INFORMATION:

Site Address	Happy Creek Road (1531 Happy Creek Road)		
Existing Zoning	A-1 (Agriculture) District & R-S (Suburban Residential) District		
Proposed Zoning	R-1 District		
Overlay Districts	Historic Area - NO	Floodplain- NO	Entrance Corridor - NO
Tax ID	Tax Map 20A21, Section 2, Parcel 7 & Tax Map 21, Parcel 26		
Location	The property is located on the south side of Happy Creek Rd., across the street from the 3-way intersection at Shenandoah Shores Road.		

Existing Use(s)	Vacant
Intended Use(s)	New Warren County Middle School







NOTES:

1. ALL TRAIL REPORT ADJUSTMENTS. THIS SURVEY IS CONDUCTED AND RECORDED BY RECORD.
2. THE MAP BEYOND THE COUNTY OF WARREN TO 2001-1-1 & 20-1-18.
3. THE MAP BEYOND THE COUNTY OF WARREN TO 2001-1-1 & 20-1-18.
4. THE MAP BEYOND THE COUNTY OF WARREN TO 2001-1-1 & 20-1-18.
5. THE MAP BEYOND THE COUNTY OF WARREN TO 2001-1-1 & 20-1-18.

AREA TABULATION

NO.	OWNER	AREA
1.	COUNTY OF WARREN	3,711 AC.
2.	IND. DEVELOPMENT AUTHORITY	3,709 AC.
3.	IND. DEVELOPMENT AUTHORITY	1,113 AC.
4.	WARREN MEDICAL HOSPITAL	84,232 AC.
TOTAL AREA BOUNDARY ADJ.		99,047 AC.

THE INFORMATION HEREON IS BASED UPON THE RECORDS OF THE COUNTY OF WARREN AND THE RECORDS OF A FIELD SURVEY MADE BY THE SURVEYOR.



SAMUEL A. JOHNSON
P.E. 042 1208
FRONT PONTIAC, W.V. 26040

PREPARED BY THE
TOWN OF FRONT PONTIAC
DEPARTMENT OF PLANNING & ZONING
100 EAST MAIN STREET
FRONT PONTIAC, WEST VIRGINIA 26040
540-433-6258

LEGEND

--- BOUNDARY LINE ADJUSTMENT
--- BOUNDARY LINE ADJUSTMENT
--- BOUNDARY LINE ADJUSTMENT

NOT SHOWN
MUNICIPAL BOUNDARY LINE ADJUSTMENT
BETWEEN THE
TOWN OF FRONT PONTIAC
AND THE
COUNTY OF WARREN
HAPPY CREEK DISTRICT - WARREN COUNTY, WEST VIRGINIA
DATE: 10 MAY 2014 SCALE: 1" = 200'

SURVEY

ADDITIONAL INFORMATION:

***Application
Details***

The subject property, and the property associated with the IDA rezoning application, is the site selected for the new Warren County Middle School. The new middle school would be designed to house 800 pupils, although initial enrollment will be significantly less, possibly around 600 pupils.

The current zoning of the property is R-S and A-1. Both of these zoning districts permit schools, but only with a special use permit. The property is being rezoned to R-1, which allows schools "by-right", without a special use permit. A site plan will need to be approval by the Town's Planning Commission before any zoning or building permits are issued to begin construction.

Leach Run Parkway is proposed to intersect with Happy Creek Road immediately to the south of the subject property.

Comp. Plan

The 2008 Comprehensive Plan Amendment designates the property for future Planned Residential uses (4-6 du per acre). Furthermore, the 2011 Comprehensive Plan Amendment designates the property within the UDA.

Development of the property for a public school was not anticipated at the time that these plans were developed. Development for a public school would diminish the amount of land planned for future residential growth by Warren County and the Town of Front Royal within the UDA. However, a public school is certainly a compatible and needed use near residential uses. The FRLP property that is currently in the process of being annexed into the Town could be added to the Town/County UDA to compensate for the loss of potential residential development. However, the additional FRLP property is not ready for development until the East/West Connector road is constructed.

The current zoning of the property could facilitate the development of a school with a special use permit.

Proffers

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

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

Attachment 5 includes the most recent proffer statement submitted by the applicant in association with the rezoning application. It is signed October 21, 2014.

The proffer statement offers several non-cash proffers, which are the same for both the IDA and WC rezoning applications. *These proffers are listed below with commentary shown in italics.*

Proffer #1 - A voluntary requirement that the property will be used for a public school. *This proffer was added by Warren County. It does make clear that the only intent for the property is for use as a public school.*

Proffer #2a - Confirmation that the landscaping requirements of the Town will be complied with. *This proffer was added by Warren County. Given that it only states what would otherwise be required by Code, its only intent appears to be to make clear that the County considers landscaping an important part of the planning and design.*

Proffer #2b - A proffer that the site shall be buffered along the northeastern property line with vegetation in substantial accordance with the screen planting concept plan prepared by J. Duggan & Associates. *This proffer was added at the request of Town Staff. Attachment 4 includes the referenced plan prepared by J. Duggan & Associates.*

Proffer #3a - 3c - Proffers that require two entrances to the school. The primary entrance would be located on the proposed Leach Run Parkway. The secondary entrance would be used only by bus traffic, service vehicles and emergency vehicles, and will be controlled with signage and a locked gate where the bus loop road connects with the rest of the site. *Town Staff expressed concerns with the County about how the bus loop road and entrance off of Happy Creek Road would be limited. Additional language was added by the County regarding the locked gate and signage. Town Staff also requested consideration of a proffer to address traffic impacts, including a proffer that would effectively be a traffic signalization agreement, so that if a traffic signal is installed within a specific time period the County would pay its fair share towards those improvements.*

Warren County added Proffer 3e that agrees to pay a "pro rata share" towards a traffic signal at the Happy Creek Road intersection with the secondary bus loop road.

*While the TIA does state that signalization is not necessary for the bus service entrance, this assumption appears to be based on the scenario of no further planned industrial uses occurring (TIA, page 3). With further industrial growth, the TIA states that the intersection would require a traffic signal to achieve desired level of service conditions to reduce delay to side street traffic in both the short-term (2018) and long-term (2028) scenarios (TIA, page 34). A copy of page 34 (Conclusion & Recommendations) and pages 2-6 (Executive Summary) of the TIA is included as **Attachment 3**.*

Proffer #3d – A proffer that requires a sidewalk along the entry road off of Leach Run Parkway to the proposed future school; and, multiple sidewalk connections are proffered from the school property to Leach Run Parkway as determined during the site plan process. *Town staff requested these proffers to ensure that the school location is made pedestrian friendly. A significant amount of existing and planned residential development is located within close proximity to the site. Warren County expressed concerns about adding a sidewalk along the secondary entrance road to Happy Creek Road.*

Proffer #4 – A proffer that all buildings on the site will be constructed using compatible architectural styles, materials and signage. *This proffer was added by Warren County. Given the limited detail on what is considered “compatible”, it leaves a lot of room for interpretation.*

Proffer #5 – A proffer that all on-site lighting will be designed to minimize light pollution and glare onto adjoining properties. *This proffer was added at the request of Town Staff.*

The Town Manager, Town Department of Environmental Services, Town Energy Services Department, Town Attorney, VDOT and Town Planning & Zoning reviewed the rezoning application. **Attachment 2** is the applicant’s response to the review comments from these agencies. This information was reviewed by the Planning Commission during a work session and regular meeting/public hearing.

RECOMMENDATIONS:

On July 16, 2014, the Town of Front Royal Planning Commission recommended approval of this rezoning application (RZ14-02-69), conditional that the Town Attorney review the revised proffers with the County Attorney. Furthermore, the Planning Commission specified that a satisfactory agreement should be made to address the financial impact to the Town for adding a traffic signal at the intersection of Happy Creek Road and the proposed bus loop road.

At this time, as reflective in the current proffers, Warren County agrees to pay a “*pro rata share*” towards a traffic signal. The Town Attorney and Director of Planning & Zoning recommend that this proffer be supplemented with language to quantify the minimum amount that Warren County would pay towards a traffic light. It would also be appropriate to clarify how “*pro rata share*” will be calculated.

STAFF REPORT ATTACHMENTS:

Attachment 1: Rezoning Application;

Attachment 2: Applicant's response letter to initial review comments;

Attachment 3: TIA summary pages;

Attachment 4: Proffered Landscape Buffer Plan

Attachment 5: Revised Proffer Statement , signed 10/22/2014.

Town of Front Royal, Virginia Work Session Agenda Form

Date: October 20, 2014

Agenda Item: CONSIDERATION OF ADOPTION OF GUIDELINES FOR PUBLIC-PRIVATE PARTNERSHIPS UNDER THE PPEA

Summary: The Public-Private Education Facilities and Infrastructure Act of 2002 (the "PPEA") grants responsible public entities ("RPE") the authority to create public-private partnerships for the development of a wide range of projects for public use if the public entities determine there is a need for the project and that private involvement may provide the project to the public in a timely or cost-effective fashion. The PPEA defines "responsible public entity" to include any public entity that "has the power to acquire, design, construct, improve, renovate, expand, equip, maintain, or operate the applicable qualifying project." Individually negotiated comprehensive agreements between an operator and a responsible public entity will define the respective rights and obligations of the responsible public entity and the private operator.

In order for a project to come under the PPEA, it must meet the definition of a "qualifying project." The PPEA contains a broad definition of qualifying project that includes public buildings and facilities of all types; for example:

- (i) Not applicable to the Town, but if it was, any education facility, including, but not limited to a school building, any functionally related and subordinate facility and land to a school building (including any stadium or other facility primarily used for school events), and any depreciable property provided for use in a school facility that is operated as part of the public school system or as an institution of higher education;
- (ii) Any building or facility that meets a public purpose and is developed or operated by or for any public entity;
- (iii) Any improvements, together with equipment, necessary to enhance public safety and security of buildings to be principally used by a public entity;
- (iv) Utility and telecommunications and other communications infrastructure;
- (v) A recreational facility;
- (vi) Technology infrastructure, services, and applications, including, but not limited to, telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services;
- (vii) Any services designed to increase the productivity or efficiency of the responsible public entity through the use of technology or other means;
- (viii) Any technology, equipment, or infrastructure designed to deploy wireless broadband services to schools, businesses, or residential areas;
- (ix) Any improvements necessary or desirable to any unimproved locally- or state-owned real estate; or
- (x) Any solid waste management facility as defined in Va. Code § 10.1-1400 that produces electric energy derived from solid waste.

The PPEA establishes requirements that the responsible public entity must adhere to when reviewing and approving proposals received pursuant to the PPEA. In addition, the PPEA specifies



he criteria that must be used to select a proposal and the contents of the comprehensive agreement detailing the relationship between the responsible public entity and the private entity.

In particular, Va. Code § 56-575.3:1, attached, states that prior to entering into a PPEA agreement, the RPE must have adopted publically available guidelines, or policy, that enable the RPE to comply with the PPEA. This statute sets forth in detail the factors that must be placed in the guidelines in order to comply with the PPEA. The attached guidelines are an amalgamation of several guidelines from different jurisdictions in an attempt to select what seem to be the most comprehensive, flexible, and advantageous to the Town in entering into a contract with a private entity if a PPEA project is selected.

Council Discussion: Council is requested to consider whether or not it wants to adopt the Town's official policies, or, guidelines, prior to its considering proposals by private entities to enter into public-private partnerships with the Town in order to finance, build and equip "qualifying projects."

Staff Evaluation: Adoption of PPEA guidelines will give the Town greater flexibility in financing, in a cost-effective and timely basis, a wide variety of public projects that could be of considerable benefit to the citizens of the Town, by allowing the Town to consider proposals by private entities who might be willing to finance and/or construct the public facilities in partnership with the Town.

Budget/Funding: None at this time.

Legal Evaluation: The Town Attorney will be available to answer legal questions.

Staff Recommendations: Staff recommends that Town Council consider adoption of PPEA guidelines as a tool that Town Council would have available to finance a wide variety of public projects, should the Town be able to partner with private entities to finance and construct these public projects.

Planning Commission Recommendation: Not applicable.

Town Manager Recommendation: The Town Manager concurs with staff's recommendation.

Council Recommendation:

- Additional Worksession Regular Meeting No Action

Text in effect from and after July 1, 2007

Title 56 Public Service Companies
Chap. 22.1 The Public-Private Education Facilities and Infrastructure Act of 2002, §§ 56-575.1 — 56-575.18

§ 56-575.3:1. Adoption of guidelines by responsible public entities. —

A. A responsible public entity shall, prior to requesting or considering a proposal for a qualifying project, adopt and make publicly available guidelines that are sufficient to enable the responsible public entity to comply with this chapter. Such guidelines shall be reasonable, encourage competition, and guide the selection of projects under the purview of the responsible public entity.

B. For a responsible public entity that is an agency or institution of the Commonwealth, the guidelines shall include, but not be limited to:

1. Opportunities for competition through public notice and availability of representatives of the responsible public entity to meet with private entities considering a proposal;

2. Reasonable criteria for choosing among competing proposals;

3. Suggested timelines for selecting proposals and negotiating an interim or comprehensive agreement;

4. Authorization for accelerated selection and review and documentation timelines for proposals involving a qualifying project that the responsible public entity deems a priority;

5. Financial review and analysis procedures that shall include, at a minimum, a cost-benefit analysis, an assessment of opportunity cost, and consideration of the results of all studies and analyses related to the proposed qualifying project. These procedures shall also include requirements for the disclosure of such analysis to the appropriating body for review prior to execution of an interim or comprehensive agreement;

6. Consideration of the nonfinancial benefits of a proposed qualifying project;

7. A mechanism for the appropriating body to review a proposed interim or comprehensive agreement prior to execution, which shall be in compliance with applicable law and the provisions of subsection I of § 56-575.4 pertaining to the approval of qualifying projects;

8. Establishment of criteria for (i) the creation of and the responsibilities of a public-private partnership oversight committee with members representing the responsible public entity and the appropriating body or (ii) compliance with the requirements of Chapter 42 (§ 30-278 et seq.) of Title 30. Such criteria shall include the scope, costs, and duration of the qualifying project, as well as whether the project involves or impacts multiple public entities. The oversight committee, if formed, shall be an advisory committee to review the terms of any proposed interim or comprehensive agreement;

9. Analysis of the adequacy of the information released when seeking competing proposals and providing for the enhancement of that information, if deemed necessary, to encourage competition pursuant to subsection G of § 56-575.4;

10. Establishment of criteria, key decision points, and approvals required to ensure that the responsible public entity considers the extent of competition before selecting proposals and negotiating an interim or comprehensive agreement; and

11. The posting and publishing of public notice of a private entity's request for approval of a qualifying project, including (i) specific information and documentation to be released regarding the nature, timing, and scope of the qualifying project pursuant to subsection A of § 56-575.4; (ii) a reasonable time period as determined by the responsible public entity to encourage competition and public-private partnerships in accordance with the goals of this chapter, such reasonable period not to be less than 45 days, during which time the responsible public entity shall receive competing proposals pursuant to subsection A of § 56-575.4; and (iii) a requirement for advertising the public notice in the Virginia Business Opportunities publication and posting a notice on the Commonwealth's electronic procurement website shall be included.

C. For a responsible public entity that is not an agency or institution of the Commonwealth the guidelines may include the provisions set forth in subsection B in the discretion of such public entity. However, the guidelines of a responsible public entity that is not an agency or institution of the Commonwealth shall include:

1. A requirement that it engage the services of qualified professionals, which may include an architect, professional engineer, or certified public accountant, not otherwise employed by the responsible public entity, to provide independent analysis regarding the specifics, advantages, disadvantages, and the long- and short-term costs of any request by a private entity for approval of a qualifying project unless the governing body of the responsible public entity determines that such

analysis of a request by a private entity for approval of a qualifying project shall be performed by employees of the responsible public entity; and

2. A mechanism for the appropriating body to review a proposed interim or comprehensive agreement prior to execution. (2005, c. 865; 2007, c. 764.)

History



Item No. 6

Town of Front Royal, Virginia Work Session Agenda Form

Date: December 1, 2014

Agenda Item: Budget Amendment - Acceptance of Pledge from Thomas Sayre

Summary: Acceptance of pledge from Thomas Sayre to assist with Holiday Luncheon for employees

Council Discussion: Acceptance of pledge to increase the FY15 budget for Town luncheon

Staff Evaluation: \$200.00 pledge was received by Councilman Sayre to assist with the funding of the Annual Holiday luncheon in December 2014. This increase in both revenue and expense needs to be accepted with a budget amendment.

Budget/Funding: 1000-3189902 [Private Donation]
1202-3029 [HR – Staff Development]

Legal Evaluation: Town Attorney will be available if any questions need to be addressed.

Staff Recommendations: Staff recommends acceptance of pledge to assist with the annual expenses for the Holiday luncheon

Town Manager Recommendation:

Council Recommendation:

Additional Work Session Regular Meeting No Action

Consensus Poll on Action: ___(Aye) ___(Nay)

Work Session