



TOWN OF FRONT ROYAL, VIRGINIA TOWN COUNCIL MEETING

Monday, January 26, 2015 @ 7:00pm

Warren County Government Center

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of the Regular Council Meeting minutes of January 12, 2015
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager.
 1. Report from Economic Development Authority (EDA) – Jennifer McDonald
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - d. Proposals for addition/deletion of items to the Agenda.
- *7. **CONSENT AGENDA ITEMS** – (ROLL CALL VOTE REQUIRED)
 - A. COUNCIL APPROVAL – Residential Sewer Backup Protection Program Application for Catherine Remmers at 339 ½ Kendrick Lane
 - B. COUNCIL APPROVAL – Residential Sewer Backup Protection Program Application for Waller Properties LLC at 425 Hill Street
 - C. COUNCIL APPROVAL – Resolution Establishing Shop Local Discount Program
 - D. COUNCIL APPROVAL TO REFER TO PLANNING COMMISSION – Addition of a Capital Improvement Project
- *The nature of a consent agenda is such that discussion of individual items does not occur.*
8. **PUBLIC HEARING** – Rezoning Application by County of Warren to Accommodate a Future Public School (*1st Reading*)
9. **PUBLIC HEARING** – Rezoning Application by Economic Development Authority (EDA) to Accommodate a Future Public School (*1st Reading*)
10. **PUBLIC HEARING** – Amend 2014-2015 Budget to Include Bond and Grant Proceeds for the Waste Water Treatment Plant Expansion Project (*1st Reading*)
11. **COUNCIL APPROVAL** – Resolution to Compromise on Corridor Pilot Issues

7A

**Residential Sewer Backup Protection
Program Application for Catherine Remmers
at 339 1/2 Kendrick Lane**



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

Page 1
Item No. 7(A)

Meeting Date: January 26, 2015

Agenda Item: COUNCIL APPROVAL – Residential Sewer Backup Protection Program Application for Catherine Remmers at 339 ½ Kendrick Lane

Summary: Council is requested to approve a Residential Sewer Backup Protection Program Application for Catherine Remmers at 339 ½ Kendrick Lane. The residence meets all requirements for participation in the Program. The events resulted from maintenance activity by the Town on the main that were not caused by the residence.

Budget/Funding: 9802-7998 – I & I Abatement

Attachments: Application and Residential Sewer Backup Protection Program Regulations

Meetings: Work Session held January 20, 2015

Staff Recommendation: Approval ✓ Denial _____

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a Residential Sewer Backup Protection Program Application for Catherine Remmers at 339 ½ Kendrick Lane.

*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: JTB

(A)



TOWN OF FRONT ROYAL
DEPARTMENT OF ENVIRONMENTAL SERVICES
P.O. BOX 1560
FRONT ROYAL, VIRGINIA 22630-1560
(540) 636-6338 (540) 636-2890 (Fax)

Application for
RESIDENTIAL SEWER BACKUP
PROTECTION PROGRAM

If your home has experienced three or more documented sanitary sewer backups during severe weather events, the following procedures should be followed to request consideration for a grant from the Town to assist with the installation of a backwater valve. The grant shall be 50% of the installation cost up to a maximum of \$750.00

(PLEASE PRINT, ALL LINES MUST BE COMPLETED)

PROPERTY OWNER: Catherine I. Remmers
PROPERTY ADDRESS: 339 1/2 Kendrick Lane Front Royal VA
MAILING ADDRESS: 257 Tulip Poplar Drive 22630
CITY: Linden, VA 22642
PHONE NUMBER: (540) 252-9158

Eligibility Requirements:

1. Property must be located with the Town limits;
2. Be served by the Town's Municipal Sanitary Sewer System; and
3. Have been subject to three sanitary sewer backup events documented by the Town.

Required Information:

1. A copy of the registered deed, transfer of land, or tax bill confirming ownership;
2. Confirmation from the Finance Department that no outstanding taxes or liens are associated with the property;
3. Copies of three documented sewer backups attributed to weather related events; and
4. Copy of plumber's estimate and proposed backwater valve assembly (Conforms to ASTM A112.14.1)

Applicant's Acknowledgment Statement:

I hereby attest that the attached documents are true copies of the original documents. I further attest that by my signature below, I acknowledge that the installation of the protective plumbing associated with this grant from the Town is not an admission by the Town of liability. I further attest and agree that the Town shall not be held responsible for the failure of the protective plumbing for any reason whatsoever, including but not limited to:

1. Inadequate or improper maintenance by the property owner;
2. Any modification by the current or future property owners;
3. Non-disclosure of maintenance requirements to future property owners; or
4. Equipment Failure

Catherine I. Remmers

Property Owner's Signature

November 22, 2014

Date

RESIDENTIAL SEWER BACKUP PROTECTION PROGRAM PROGRAM REGULATIONS

The Town of Front Royal recognizes that the sanitary sewer system may experience period of overcapacity during severe weather events. During these periods, our residential customers may experience sewage backing up into their residences. The Town's Inflow & Infiltration Abatement Program attempts to locate and repair locations where extraneous water enters the sanitary sewer system. Until such time that this Program resolves this problem, the Town shall implement a relief program to those residents that experience a minimum of three documented sewer backups due only and specifically to severe weather events.

- A. Eligibility – The provisions of the Section apply only to those properties meeting all of the following conditions:
 - 1. residential units within the Town of Front Royal;
 - 2. properties served by the Town Municipal Sanitary Sewer System; and
 - 3. properties with a minimum of three sanitary sewer backup events that are documented by the Town of Front Royal.

- B. Application – The owner of an eligible property as described above may apply to the Town for a grant to pay for a portion of the cost of the installation of protective plumbing to help reduce the potential risk of flooding from sanitary sewer backup, by filing with the Town Manager an application which contains the following:
 - 1. a copy of the registered deed or transfer of land or tax bill confirming the applicant as the registered owner of the property;
 - 2. confirmation that there are no outstanding taxes or liens in respect of the property for which the application is made;
 - 3. copies of at least three documented sewer backups attributed to weather related events;
 - 4. a copy of the proposed backwater valve assembly; and
 - 5. a completed application and acknowledgement form in the prescribed form.

- C. Amount of Grant – The amount of a grant approved under the Section shall be:
 - 1. the lesser of 50% of the cost of the work; or
 - 2. \$750.00.

- D. Priority – Grant allocations shall be considered by the Town Council on a first come, first served basis to a limit no to exceed the annual budget allocation for any given calendar year.

- E. Delayed Applications – An applicant who does not receive a grant in any year because of insufficient funds in the current program will be notified and advised to resubmit the application in the following year by the Town Manager.

- F. Review & Approval – The Town Manager, or the authorized representative, will review the grant application for completeness and compliance to the prescribed requirements. The Town Council shall approve all grant awards by a majority vote.

- G. Acknowledgement – The property owner shall
 - 1. acknowledge that installation of protective plumbing is not an admission by the Town of liability; and
 - 2. agree that the Town shall not be held responsible for the failure of the protective plumbing for any reason whatsoever, including but not limited to:

- a. inadequate or improper maintenance by the property owner;
- b. any modification by the current or future property owners;
- c. non-disclosure of maintenance requirements to future property owners; or
- d. equipment failure.

H. Non-Compliance – In the event of non-compliance by the applicant with the provisions of this Section, the Town may withdraw its approval of the grant.

I. Payment – Payment of the grant by the Town shall be made only after the work is complete and only after:

- 1. the applicant has submitted final accounts for the work and the acknowledgement and agreement required by this Section; and
- 2. confirmation has been received by the Town that:
 - a. any necessary permits were obtained;
 - b. the inspection and testing of the completed works has been carried out where required; and
 - c. the work was completed in accordance with the approved proposal.

Approved by Council: 5/9/11

Chapter 134 SEWERS AND WATER.

Section 134-24 RESIDENTIAL SEWER BACKUP PROTECTION PROGRAM

A. Each Fiscal Year, subject to annual appropriation, the Town Council may, within its sole discretion, identify and appropriate funds within the Water and Sewer Enterprise Fund of its annual Budget, in a total amount of its sole selection, to provide individual grants not to exceed \$750.00, each, to individual residential sewer customers for the sole and express purpose of providing partial funding for the installation of protective plumbing devices in the private sewer line of each such residence by private contractors of the customer's selection. The sole purpose of such devices shall be to provide full or partial protection from an accidental backflow of untreated sewage into the residence of such customer. When the funds so appropriated in the aforesaid annual Budget have been exhausted, this program shall be terminated absolutely unless and until further funding is expressly approved by vote of the said Council, whether within the same Fiscal Year or in a succeeding Fiscal Year.

B. The Town Manager shall be solely responsible for the administration of the aforesaid grant program, and he shall prepare and submit Regulations to the Council as to how the program shall be operated. Unless and until such Regulations have been expressly approved by vote of the council, the program, itself, shall not exist. At a minimum, said Regulations shall provide that the program shall be operated purely on a first-come first-served basis without bias or favoritism of any kind, that written applications by each and every residential customer shall be required in each case on a form and with such additional information as the said Regulations shall require, and that the said Council shall be the sole approving authority for the award of each said grant by majority vote. Applications which do not comply with the approved Regulations shall be rejected by the Town Manager and shall not be considered by the Council.

C. The Town shall make no payment to any approved grant application under this program, regardless of the approval of the grant by Council, unless and until the work to install the device has been completed after the applicant has obtained all necessary permits and completed all required inspections of the work, to specifically include testing of the device where required, and the applicant has submitted final accounts to the Town Manager for the cost of the work which he has approved.

(Ord. No. 2-11 Added Entire Section (A-C) 1-24-11-Effective Upon Passage)

7B

**Residential Sewer Backup Protection
Program Application for Waller Properties
LLC at 425 Hill Street**



Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 7(B)

Meeting Date: January 26, 2015

Agenda Item: COUNCIL APPROVAL – Residential Sewer Backup Protection Program Application for Waller Properties LLC at 425 Hill Street

Summary: Council is requested to approve a Residential Sewer Backup Protection Program Application for Waller Properties LLC at 425 Hill Street. The residence has only two documented sewer backup events; however, the events resulted from maintenance activity by the Town on the main that were not caused by the residence.

Budget/Funding: 9802-7998 – I & I Abatement

Attachments: Application and Residential Sewer Backup Protection Program Regulations

Meetings: Work Session held January 20, 2015

Staff

Recommendation: Approval Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a Residential Sewer Backup Protection Program Application for Waller Properties LLC at 425 Hill Street.

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

*To be clear and concise, motions should be made in the positive

Approved By: JB



TOWN OF FRONT ROYAL
DEPARTMENT OF ENVIRONMENTAL SERVICES
P.O. BOX 1560
FRONT ROYAL, VIRGINIA 22630-1560
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Application for
RESIDENTIAL SEWER BACKUP
PROTECTION PROGRAM

If your home has experienced three or more documented sanitary sewer backups during severe weather events, the following procedures should be followed to request consideration for a grant from the Town to assist with the installation of a backwater valve. The grant shall be 50% of the installation cost up to a maximum of \$750.00

(PLEASE PRINT, ALL LINES MUST BE COMPLETED)

PROPERTY OWNER: Waller Properties LLC (Steven Waller)
PROPERTY ADDRESS: 425 Hill Street Front Royal VA 22630
MAILING ADDRESS: 411 Ridgelyfield Avenue Stephens City VA 22655
CITY: _____
PHONE NUMBER: 540 686 2246

Eligibility Requirements:

1. Property must be located within the Town limits;
2. Be served by the Town's Municipal Sanitary Sewer System; and
3. Have been subject to three sanitary sewer backup events documented by the Town.

Required Information:

1. A copy of the registered deed, transfer of land, or tax bill confirming ownership;
2. Confirmation from the Finance Department that no outstanding taxes or liens are associated with the property;
3. Copies of three documented sewer backups attributed to weather related events; and
4. Copy of plumber's estimate and proposed backwater valve assembly (Conforms to ASTM A112.14.1)

Applicant's Acknowledgment Statement:

I hereby attest that the attached documents are true copies of the original documents. I further attest that by my signature below, I acknowledge that the installation of the protective plumbing associated with this grant from the Town is not an admission by the Town of liability. I further attest and agree that the Town shall not be held responsible for the failure of the protective plumbing for any reason whatsoever, including but not limited to:

1. Inadequate or improper maintenance by the property owner;
2. Any modification by the current or future property owners;
3. Non-disclosure of maintenance requirements to future property owners; or
4. Equipment Failure

Steven Waller

Property Owner's Signature

12-17-14

Date

RESIDENTIAL SEWER BACKUP PROTECTION PROGRAM PROGRAM REGULATIONS

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 - 1. a copy of the registered deed or transfer of land or tax bill confirming the applicant as the registered owner of the property;
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 - 2. \$750.00.

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- b. any modification by the current or future property owners;
- c. non-disclosure of maintenance requirements to future property owners; or
- d. equipment failure.

H. Non-Compliance – In the event of non-compliance by the applicant with the provisions of this Section, the Town may withdraw its approval of the grant.

I. Payment – Payment of the grant by the Town shall be made only after the work is complete and only after:

1. the applicant has submitted final accounts for the work and the acknowledgement and agreement required by this Section; and
2. confirmation has been received by the Town that:
 - a. any necessary permits were obtained;
 - b. the inspection and testing of the completed works has been carried out where required; and
 - c. the work was completed in accordance with the approved proposal.

Approved by Council: 5/9/11

Chapter 134 SEWERS AND WATER.

Section 134-24 RESIDENTIAL SEWER BACKUP PROTECTION PROGRAM

A. Each Fiscal Year, subject to annual appropriation, the Town Council may, within its sole discretion, identify and appropriate funds within the Water and Sewer Enterprise Fund of its annual Budget, in a total amount of its sole selection, to provide individual grants not to exceed \$750.00, each, to individual residential sewer customers for the sole and express purpose of providing partial funding for the installation of protective plumbing devices in the private sewer line of each such residence by private contractors of the customer's selection. The sole purpose of such devices shall be to provide full or partial protection from an accidental backflow of untreated sewage into the residence of such customer. When the funds so appropriated in the aforesaid annual Budget have been exhausted, this program shall be terminated absolutely unless and until further funding is expressly approved by vote of the said Council, whether within the same Fiscal Year or in a succeeding Fiscal Year.

B. The Town Manager shall be solely responsible for the administration of the aforesaid grant program, and he shall prepare and submit Regulations to the Council as to how the program shall be operated. Unless and until such Regulations have been expressly approved by vote of the council, the program, itself, shall not exist. At a minimum, said Regulations shall provide that the program shall be operated purely on a first-come first-served basis without bias or favoritism of any kind, that written applications by each and every residential customer shall be required in each case on a form and with such additional information as the said Regulations shall require, and that the said Council shall be the sole approving authority for the award of each said grant by majority vote. Applications which do not comply with the approved Regulations shall be rejected by the Town Manager and shall not be considered by the Council.

C. The Town shall make no payment to any approved grant application under this program, regardless of the approval of the grant by Council, unless and until the work to install the device has been completed after the applicant has obtained all necessary permits and completed all required inspections of the work, to specifically include testing of the device where required, and the applicant has submitted final accounts to the Town Manager for the cost of the work which he has approved.

(Ord. No. 2-11 Added Entire Section (A-C) 1-24-11-Effective Upon Passage)

7C

**Resolution Establishing Shop Local Discount
Program**



Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 7(C)

Meeting Date: January 26, 2015

Agenda Item: COUNCIL APPROVAL – Resolution Establishing Shop Local Discount Program

Summary: Council is requested to approve a Resolution that would establish a “Shop Local Discount Program” for the Town’s Visitor’s Center where any patron of the Visitor’s Center who produces a receipt for purchases from any Front Royal business from the same day that they visit the Visitor’s Center shall receive a 5% discount on their purchases from the Visitor’s Center.

Budget/Funding: None

Attachments: Resolution

Meetings: Work Session held January 20, 2015

Staff Recommendation: Approval ✓ Denial _____

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a Resolution that would establish a “Shop Local Discount Program” for the Town’s Visitor’s Center, as presented.

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JB



Town of Front Royal, Virginia



**RESOLUTION ESTABLISHING
SHOP LOCAL DISCOUNT PROGRAM**

WHEREAS, the Town of Front Royal supports our local businesses and desires to promote the “Shop Local” cause; and,

WHEREAS, the Town operates our Visitor’s Center to provide information and Town-related merchandise to citizens and visitors alike; and,

WHEREAS, the Town Council desires to establish a program that supports and promotes shopping at Front Royal businesses by citizens and visitors.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Front Royal, Virginia that the Town of Front Royal hereby establishes a “Shop Local Discount Program” for the Town’s Visitor’s Center where any patron of the Visitor’s Center who produces a receipt for purchases at any Front Royal business from the same day that they visit the Visitor’s Center shall receive a 5% discount on their purchases from the Visitor’s Center.

Adopted this 26th day of January, 2015

APPROVED:

Timothy W. Darr, Mayor

Attest:

Jennifer E. Berry, CMC, Clerk of Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia
Town Council on _____ 2015, upon the following recorded vote:

John P. Connolly	Yes/No	Bret W. Hrbek	Yes/No
Hollis L. Tharpe	Yes/No	Eugene R. Tewalt	Yes/No
Bébhinn C. Egger	Yes/No	Daryl L. Funk	Yes/No

Approved as to Form and Legality:

Douglas W. Napier, Esq., Town Attorney

Date: _____

7D

**COUNCIL REFER TO PLANNING
COMMISSION – Addition of a Capital
Improvement Project**



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

Page 1
Item No. 7(D)

Meeting Date: January 26, 2015

Agenda Item: COUNCIL REFER TO PLANNING COMMISSION – Addition of a Capital Improvement Project

Summary: Council is requested to consider referring to the Planning Commission the addition of South Street Improvements to the CIP (Capital Improvement Projects) by directing Planning and Zoning Staff to develop concepts for beautification, safety, and traffic.

Budget/Funding: None

Attachments: None

Meetings: Work Session held January 20, 2015

Staff Recommendation: Approval ✓ Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council refer to the Planning Commission the addition of South Street Improvements to the CIP (Capital Improvement Projects) by directing Planning and Zoning Staff to develop concepts for beautification, safety, and traffic.

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

8

**PUBLIC HEARING – Rezoning Application
by County of Warren to Accommodate a
Future Public School (1st Reading)**



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

Page 1
Item No. 8

Meeting Date: January 26, 2015

Agenda Item: PUBLIC HEARING – Rezoning Application by County of Warren to Accommodate a Future Public School (*1st Reading*)

Summary: Council is requested to affirm on its first reading a conditional rezoning application submitted by the County of Warren, containing approximately 4.71 acres from the A-1 (Agriculture) District to the R-1 (Residential) District. The rezoning application is subject to a pending annexation of a portion of the property into the Town of Front Royal. The rezoning is intended to accommodate a future public school. [RZ14-02-69 – Tax Map 20A21, Section 2, Parcel 7 and Tax Map 21, Parcel 26; also in conjunction with RZ14-02-070]

Budget/Funding: None

Attachments: Staff Report; Rezoning Request Proffer; Letter from Warren County Planning Director; Excerpt from Traffic Access Study for Leach Run Middle School; Rezoning Application; Exhibits

Meetings: Work Session held December 1, 2014

Staff Recommendation: Approval Denial

Proposed Motion: I move that Council to affirm on its first reading a conditional rezoning application submitted by the County of Warren, containing approximately 4.71 acres from the A-1 (Agriculture) District to the R-1 (Residential) District to accommodate a future public school.

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: JTB

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



STAFF REPORT FOR THE JULY 16, 2014 PLANNING COMMISSION MEETING
UPDATED FOR JANUARY 26, 2015 TOWN COUNCIL REGULAR MEETING & PUBLIC HEARING (1st READING)

APPLICATION #:

RZ-14-02-69

APPLICANT:

Warren County

APPLICATION SUMMARY:

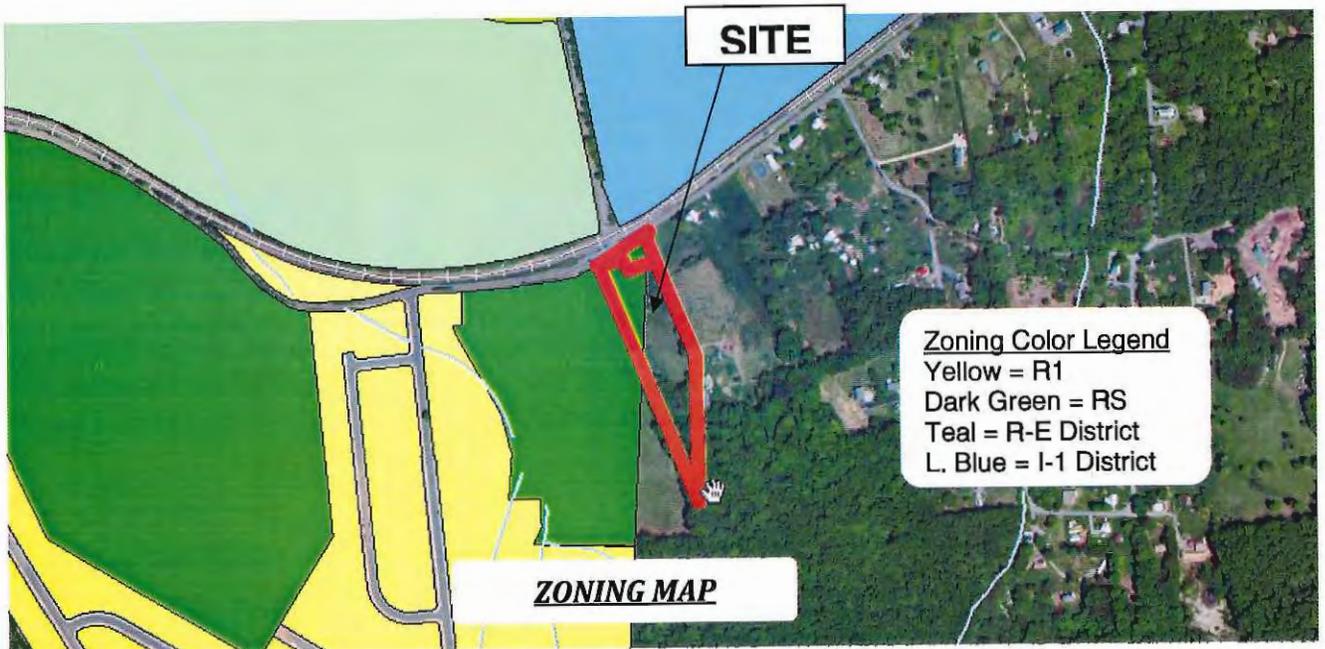
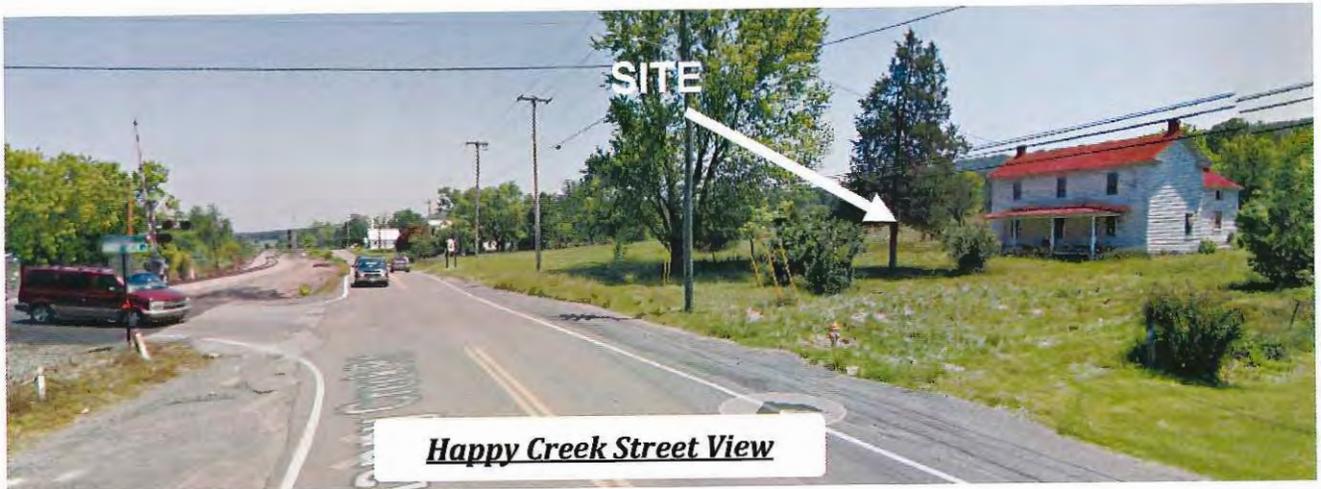
Warren County has submitted a conditional rezoning application for the rezoning of two parcels, consisting of approximately 4.71 acres, from the A-1 (Agriculture) District & R-S (Suburban Residential) District to the R-1 (Residential) District. At the time that this rezoning application was submitted, 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**.

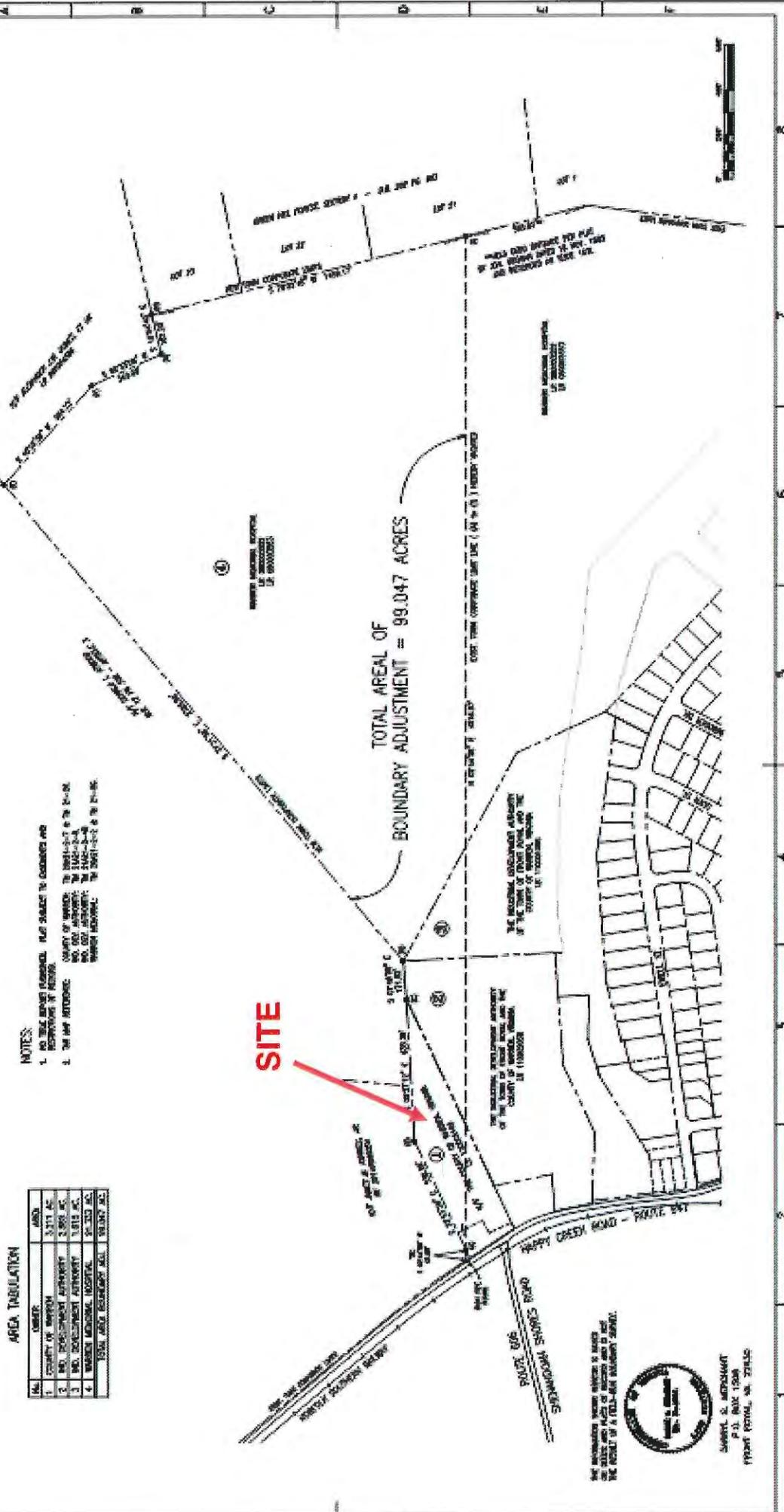
GENERAL INFORMATION:

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. THIS SURVEY INSTRUMENT HAS SUBJECT TO CORRECTIONS AND RESERVATIONS OF RECORD.
 2. THE MAP ATTACHED TO THIS SURVEY INSTRUMENT IS THE ORIGINAL COPY OF THE INSTRUMENT AND IS THE ORIGINAL COPY OF THE INSTRUMENT.
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AREA TABULATION

NO.	OWNER	AREA
1.	COUNTY OF WARREN	5,171 AC.
2.	FRONT ROYAL TOWNSHIP	3,800 AC.
3.	STANDISH SHORES TOWNSHIP	3,812 AC.
4.	WARREN MUNICIPAL RESERVE	50,264 AC.
TOTAL AREA BOUNDARY ADJ.		103,047 AC.

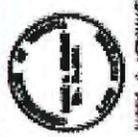
NOT DRAWING
MUNICIPAL BOUNDARY LINE ADJUSTMENT
BETWEEN THE
TOWN OF FRONT ROYAL
AND THE
COUNTY OF WARREN
HAPPY CREEK DISTRICT - WARREN COUNTY, VERMONT
DATE: 15 MAY 2014

LEGEND
--- BOUNDARY OF THE TOWNSHIP
--- BOUNDARY OF THE COUNTY
--- BOUNDARY OF THE STATE
--- BOUNDARY OF THE FEDERAL GOVERNMENT

SURVEY

PREPARED BY THE
TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING
100 EAST MAIN STREET
FRONT ROYAL, VERMONT 05745
540-432-4238

THE INFORMATION CONTAINED HEREIN IS SUBJECT TO THE TERMS AND CONDITIONS OF THE INSTRUMENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.



MARK A. BENNETT
P.L. SURVEYOR
FRONT ROYAL, VT 05745

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 approved 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 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.

Town Council discussed this application during a work session in December. Town Council

spoke with Town Staff and the County Administrator about meeting to determine how Warren County can assist the Town in the completion of Happy Creek, Phase 2. Following the work session, Town Staff met with VDOT and representatives of Warren County on the project. VDOT informed the Town and County that it would be many years before Happy Creek, Phase 2, would be initiated due to funding shortfalls. An alternative strategy was discussed that if the Town locally administered the project, and leftover funds from Happy Creek, Phase 1, were rolled-over to Happy Creek, Phase 2, the project could be completed relatively soon, and at a lower cost. VDOT agreed to begin the process and obtain approval to roll-over the leftover funds. A little over 2 million dollars is left-over from Happy Creek, Phase 1.

A public hearing and 1st Reading is scheduled for January 26, 2015.

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.

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,

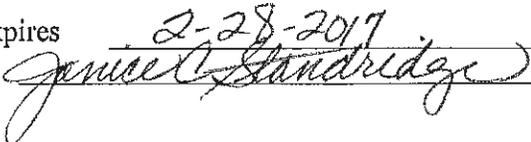
COUNTY OF WARREN

By: 

Date: 10.21.2014

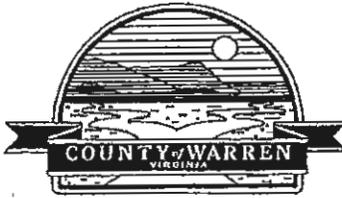
COMMONWEALTH OF VIRGINIA
WARREN COUNTY, To-wit:

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

My commission expires 2-28-2017
Notary Public 



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.
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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 BEE 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.*

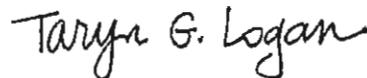
12. Site plan. *An approved site plan of the middle school is required before any zoning permits can be issued. Furthermore, before any building permits can be issued, it is my understanding that an E&S Plan and Land Disturbance Permit with Warren County Building Inspections must be reviewed and approved.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

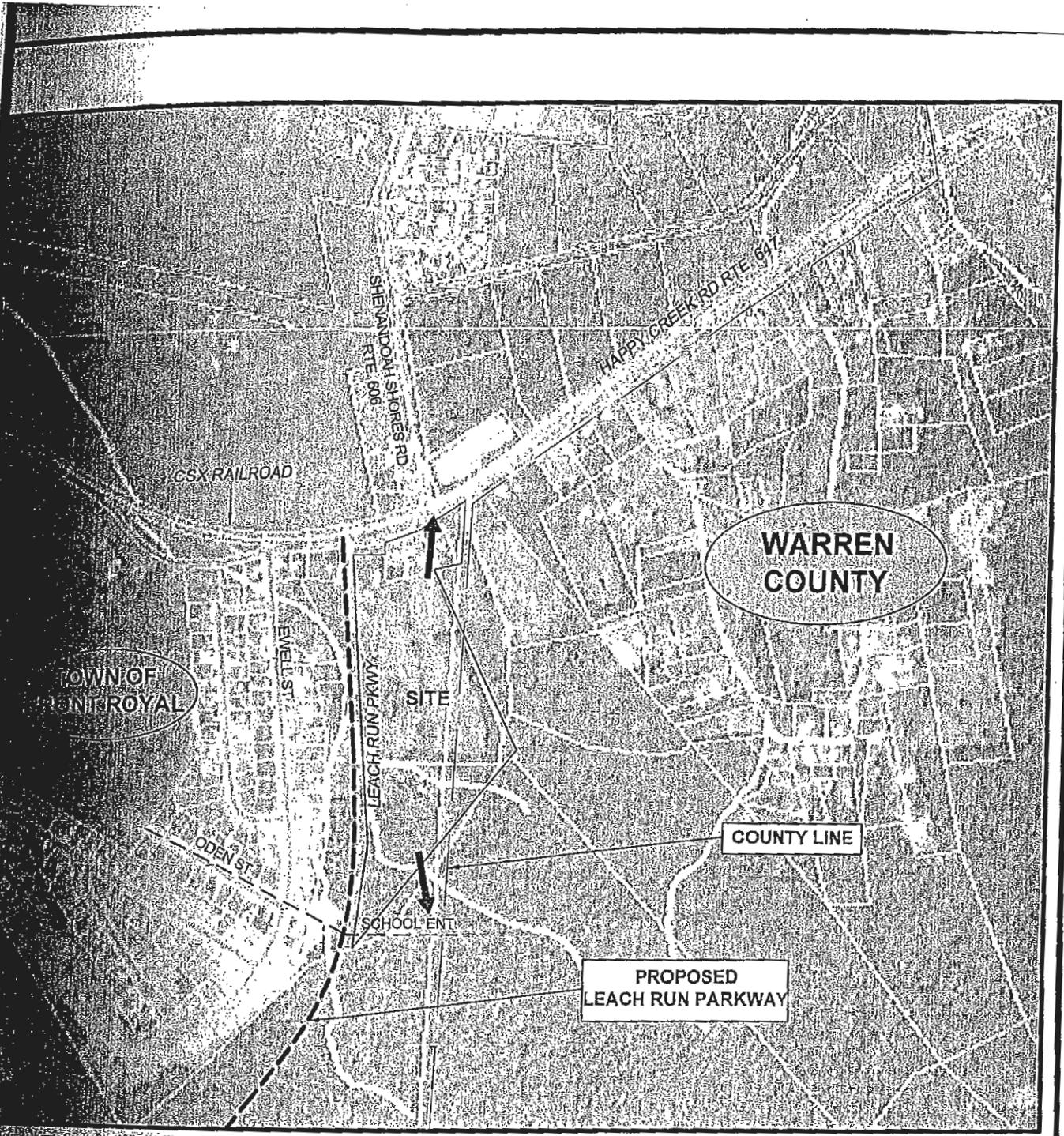
- The proposed school generates approximately 1400 daily trips. Based on the average rates with Leach Run Parkway constructed, the access will be primarily to Leach Run Parkway at the entrance opposite Oden Street. Site impacts to Leach Run Parkway south of the site are at 36% in the peak AM and 14 percent 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

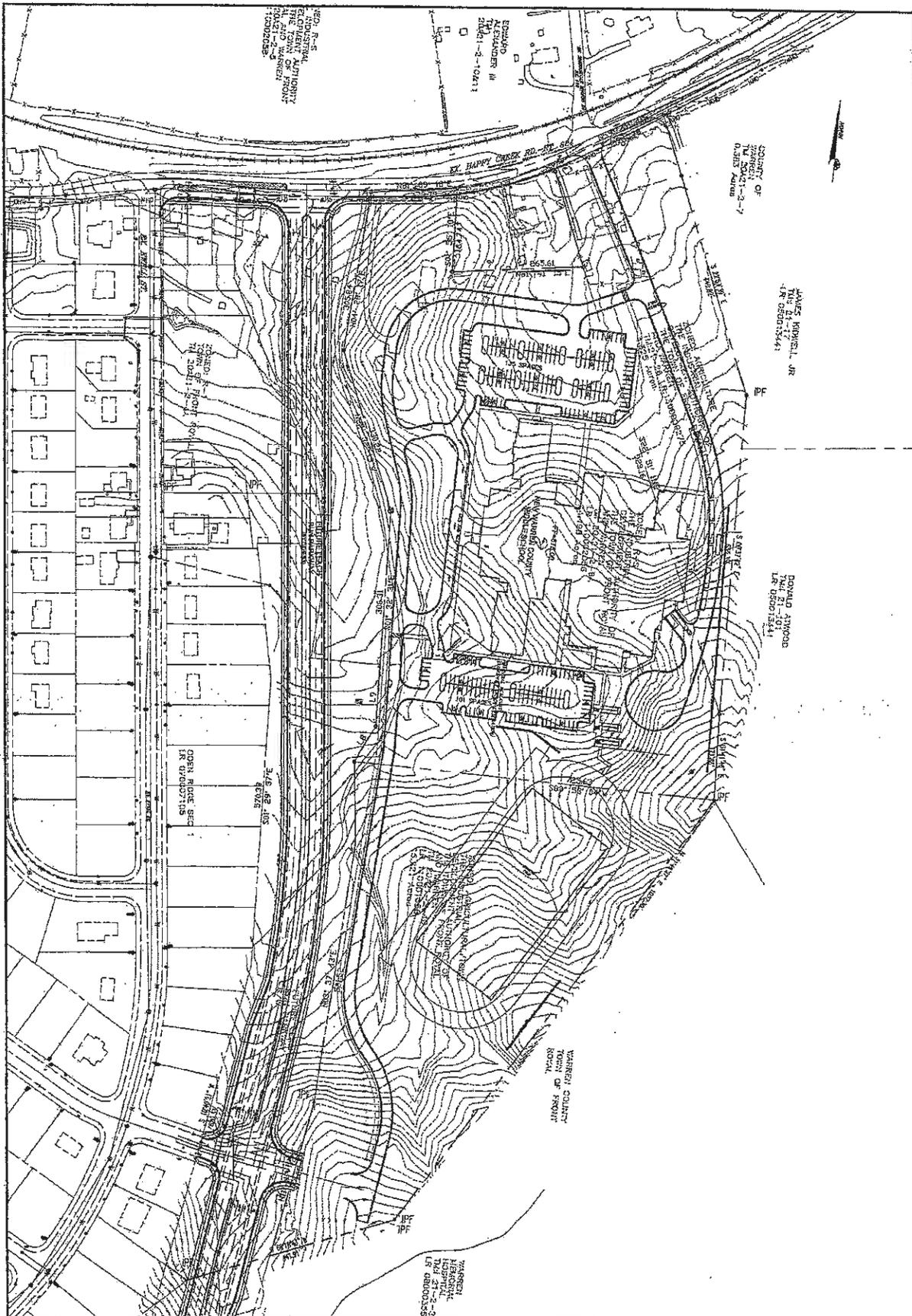
NOT TO SCALE. Alignment, location of intersections and its orientation is shown for traffic analysis and informational purposes only. Please refer to Road Concept plan for proposed Leach Run Parkway. Access locations extended for labeling and not for limits of construction by others.



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 # CYOW-1204
 March 2014



SEE PLAN FOR
ADDITIONAL
INFORMATION
AND SPECIFICATIONS
AND FOR A LIST OF
SHEET NUMBERS
AND SHEET SIZES

ENGINEER
JAMES W. HARRIS, JR.
REGISTERED PROFESSIONAL ENGINEER
NO. 10000
VA. REG. NO. 10000

COURTNEY OF
THE SOUTH
LR 080013141

JAMES W. HARRIS, JR.
REGISTERED PROFESSIONAL ENGINEER
NO. 10000
VA. REG. NO. 10000

DONALD STROUD
LR 080013141

WALTON
HARRIS AND ASSOCIATES
ARCHITECTS

DESIGNED BY
JAMES W. HARRIS, JR.
REGISTERED PROFESSIONAL ENGINEER
NO. 10000
VA. REG. NO. 10000

BC REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMIT
2	ISSUED FOR PERMIT
3	ISSUED FOR PERMIT
4	ISSUED FOR PERMIT
5	ISSUED FOR PERMIT
6	ISSUED FOR PERMIT
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8	ISSUED FOR PERMIT
9	ISSUED FOR PERMIT
10	ISSUED FOR PERMIT

REZONING PLAN

new WARREN COUNTY MIDDLE SCHOOL

TOWN OF FRONT ROYAL
WARREN COUNTY, VIRGINIA



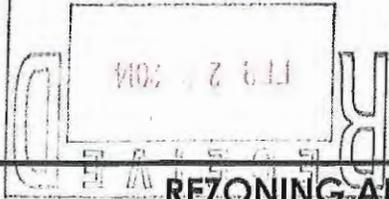
BC Consultants
Planners • Engineers • Surveyors • Landscape Architects
 12600 Fair Lakes Circle, Suite 100, Fairfax, VA 22033
 (703)448-8100 (703)448-8108 (Fax)
 www.bcconsultants.com

B:\Projects\Warren\Warren\Warren\Warren.dwg



TOWN OF FRONT ROYAL -- 102 East Main Street, Front Royal, Va. 22630 ~ 540-635-4236

Department of Planning & Zoning



RZ 14-02-69

REZONING APPLICATION

APPLICANT

Name County of Warren Phone 540-636-4600

Address 220 North Commerce Ave., Front Royal, VA 22630

E-mail dstanley@warrencountyva.net

PROPERTY OWNER OF RECORD

Name County of Warren Phone 540-636-4600

Address 220 North Commerce Ave., Front Royal, VA 22630

PROPERTY DESCRIPTION

Location/Street Address 497 Happy Creek Road

Number of lots: 2 Total Acreage 4.71

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

20A21-277

21-26

Subdivision Name (if applicable) N/A

REQUEST

Existing Zoning A Proposed Zoning R-1

Existing Use SFD Proposed Use Public School

ATTACHMENTS

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

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

CERTIFICATION

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



[Handwritten Signature]

 Signature of Property Owner

 Signature of Applicant (if different)

City/County of Warren Commonwealth of Virginia
 The foregoing instrument was acknowledged before me this 3rd day of January, 2014 by
Douglas P. Stanley
 (Name of person seeking acknowledgement)

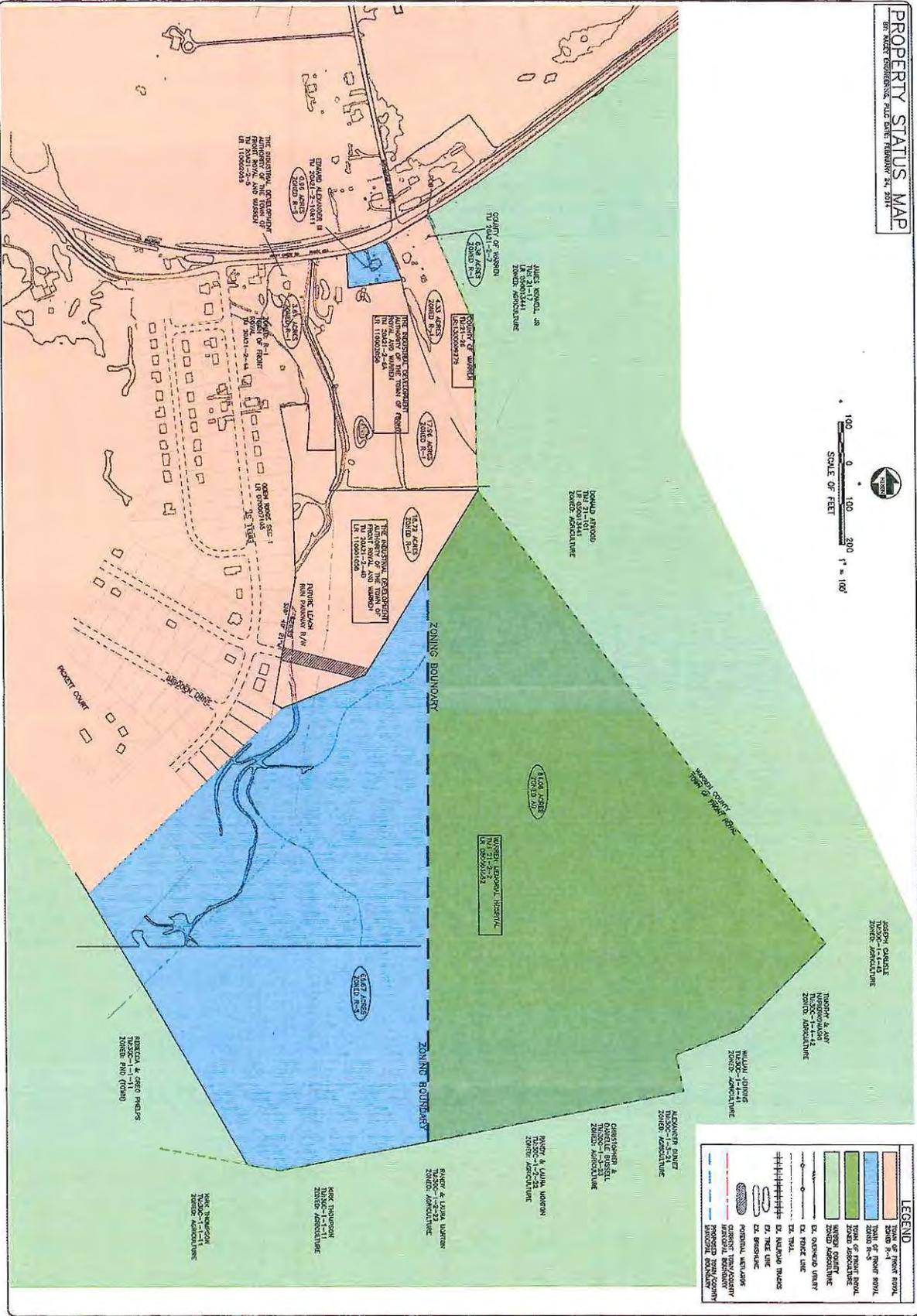
[Handwritten Signature]
 Notary Public
 Notary registration number: 309772 My commission expires: 2-28-2017

NOTICES

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

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

PROPERTY STATUS MAP
 BY RACEY ENGINEERING, P.L.L.C. DATE: FEBRUARY 24, 2011



LEGEND

	TOWN OF FRONT ROYAL ZONING DISTRICT
	TOWN OF FRONT ROYAL ZONING DISTRICT
	TOWN OF FRONT ROYAL ZONING DISTRICT
	WARREN COUNTY ZONING DISTRICT
	WARREN COUNTY ZONING DISTRICT
	MASON DISTRICT ZONING DISTRICT
	ZONING BOUNDARY
	PROPERTY BOUNDARY
	WATER BOUNDARY
	GENERAL BOUNDARY
	CURRENT MUNICIPAL BOUNDARY
	PROPOSED MUNICIPAL BOUNDARY
	PROPOSED ZONING BOUNDARY

SHEET 1 OF 1

MUNICIPAL BOUNDARY LINE MAP		
MUNICIPAL BOUNDARY LINE ADJUSTMENT		
WARREN COUNTY		
DEVELOPMENT PHASE		
TOWN OF FRONT ROYAL, VA		
0126	11-25-13	PL01 2/11/14

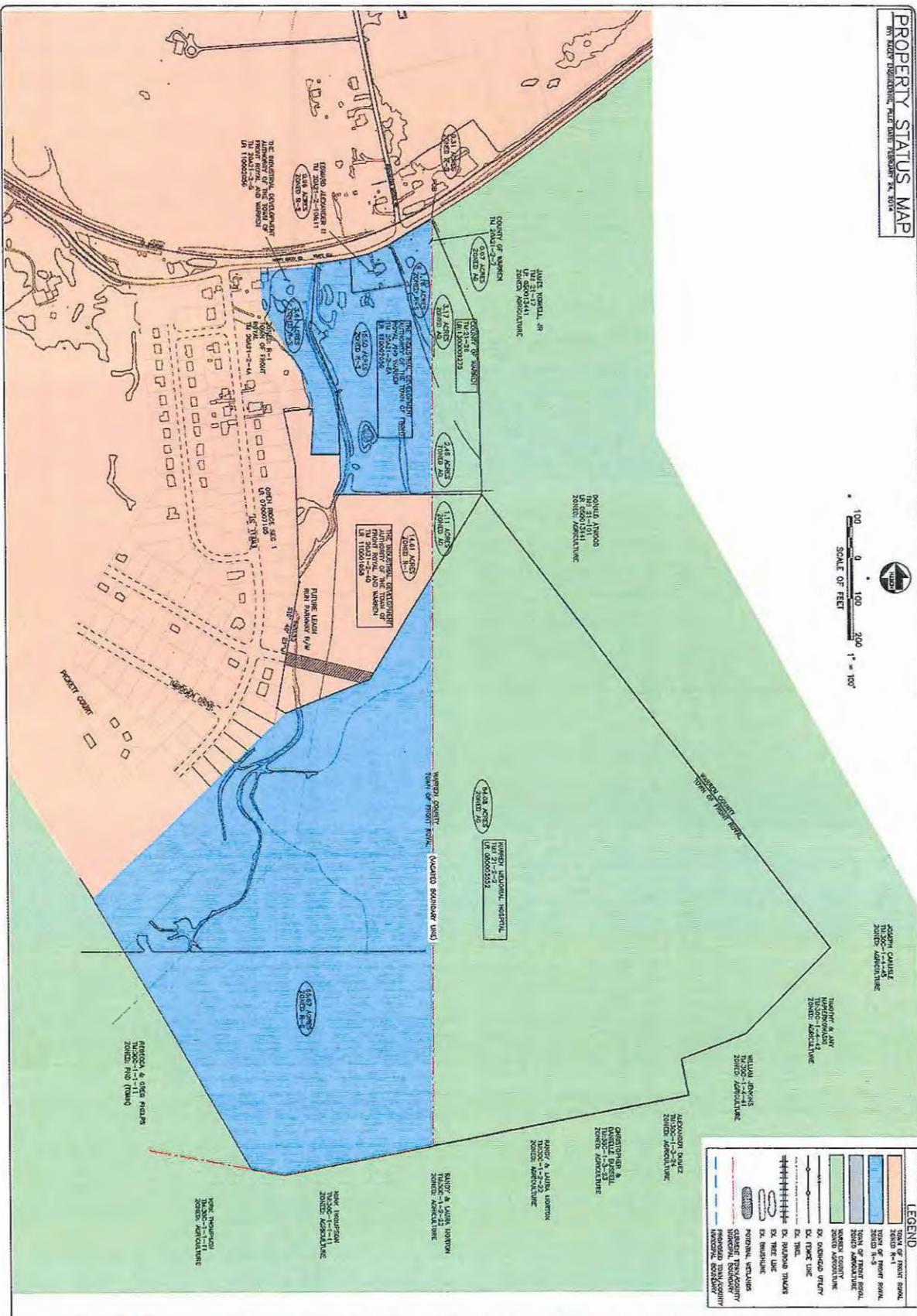
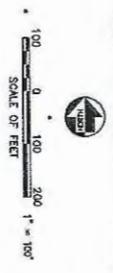
RACEY ENGINEERING
 312 WEST MAIN ST., P.O. BOX 547
 LEWISVALE, VA 22081
 703 (404) 741-2227 - FAX: (404) 742-5314

BBN	BBN	DB
-----	-----	----

EXHIBIT

Submitted / Revision	By	Reviewed	Date
MUNICIPAL BOUNDARY MAP	BBN	DB	11-25-13
APPROVED MUNICIPAL BOUNDARY MAP	BBN	DB	2-3-14
MUNICIPAL BOUNDARY ADJUSTMENT ZONING MAP	BBN	BBB	2-11-14

PROPERTY STATUS MAP
 ON THE SUBJECT DISSEMINATING PLAN DATED FEBRUARY 24, 2014



LEGEND

[Orange Box]	TOWN OF FRONT ROW, ZONE R-1-11
[Light Blue Box]	TOWN OF FRONT ROW, ZONE R-1-11
[Dark Blue Box]	TOWN OF FRONT ROW, ZONE R-1-11
[Green Box]	TOWN OF FRONT ROW, ZONE R-1-11
[Light Green Box]	TOWN OF FRONT ROW, ZONE R-1-11
[Dark Green Box]	TOWN OF FRONT ROW, ZONE R-1-11
[Blue Box]	TOWN OF FRONT ROW, ZONE R-1-11
[Red Box]	TOWN OF FRONT ROW, ZONE R-1-11
[Black Box]	TOWN OF FRONT ROW, ZONE R-1-11
[Dashed Line]	GENERAL TRANSCOUNTY MUNICIPAL BOUNDARY
[Solid Line]	GENERAL TRANSCOUNTY MUNICIPAL BOUNDARY
[Dotted Line]	GENERAL TRANSCOUNTY MUNICIPAL BOUNDARY
[Wavy Line]	GENERAL TRANSCOUNTY MUNICIPAL BOUNDARY
[Cross-hatched Box]	GENERAL TRANSCOUNTY MUNICIPAL BOUNDARY
[Diagonal Line]	GENERAL TRANSCOUNTY MUNICIPAL BOUNDARY

SHEET 1 OF 1

MUNICIPAL BOUNDARY LINE MAP
MUNICIPAL BOUNDARY LINE ADJUSTMENT
 KRODH COUNTY
 DESIGN DEVELOPMENT PHASE
 TOWN OF FRONT ROW, VA
 5/12 11-25-13 PLAT: 2/11/14

RACEY ENGINEERING
 312 WEST MAIN ST. #200 BOX 20
 LITTLETON, VA 22085
 773/454-7000 FAX: 773/454-7001
 800 800 8000

EXHIBIT

Submitted / Revision	By	Reviewed	Date
MUNICIPAL BOUNDARY MAP	BBB	DB	11-25-13
APPROVED MUNICIPAL BOUNDARY MAP	BBB	DB	2-3-14
MUNICIPAL BOUNDARY ADJUSTMENT ZONING MAP	BBB	BBB	2-11-14

9

**PUBLIC HEARING – Rezoning Application
by EDA to Accommodate a Future Public
School (1st Reading)**



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

Page 1
Item No. 9

Meeting Date: January 26, 2015

Agenda Item: PUBLIC HEARING – Rezoning Application by Economic Development Authority (EDA) to Accommodate a Future Public School (*1st Reading*)

Summary: Council is requested to affirm on its first reading a conditional rezoning application submitted by the Industrial Development Authority of the Town of Front Royal and the County of Warren, also referred to as the Economic Development Authority (EDA), containing approximately 19.31 acres from the R-S (Suburban Residential) District and A-1 (Agriculture) District to the R-1 (Residential) District. The rezoning application is subject to a pending annexation of a portion of the property into the Town of Front Royal. The rezoning is intended to accommodate a future public school. [RZ14-02-70 – Tax Map 20A21, Section 2, Parcel 4D, 5, 6, and 12; also in conjunction with RZ14-02-069]

Budget/Funding: None

Attachments: Staff Report; Rezoning Request Proffer; Letter from Warren County Planning Director; Excerpt from Traffic Access Study for Leach Run Middle School; Rezoning Application; Exhibits

Meetings: Work Session held December 1, 2015

Staff Recommendation: Approval ✓ Denial

Proposed Motion: Council is requested to affirm on its first reading a conditional rezoning application submitted by the Industrial Development Authority of the Town of Front Royal and the County of Warren, also referred to as the Economic Development Authority (EDA), containing approximately 19.31 acres from the R-S (Suburban Residential) District and A-1 (Agriculture) District to the R-1 (Residential) District, intended to accommodate a future public school.

ROLL CALL VOTE REQUIRED

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

*To be clear and concise, motions should be made in the positive

Approved By: JB

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



STAFF REPORT FOR THE JULY 16, 2014 PLANNING COMMISSION MEETING
UPDATED FOR JANUARY 26, 2015 TOWN COUNCIL REGULAR MEETING & PUBLIC HEARING (1st READING)

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



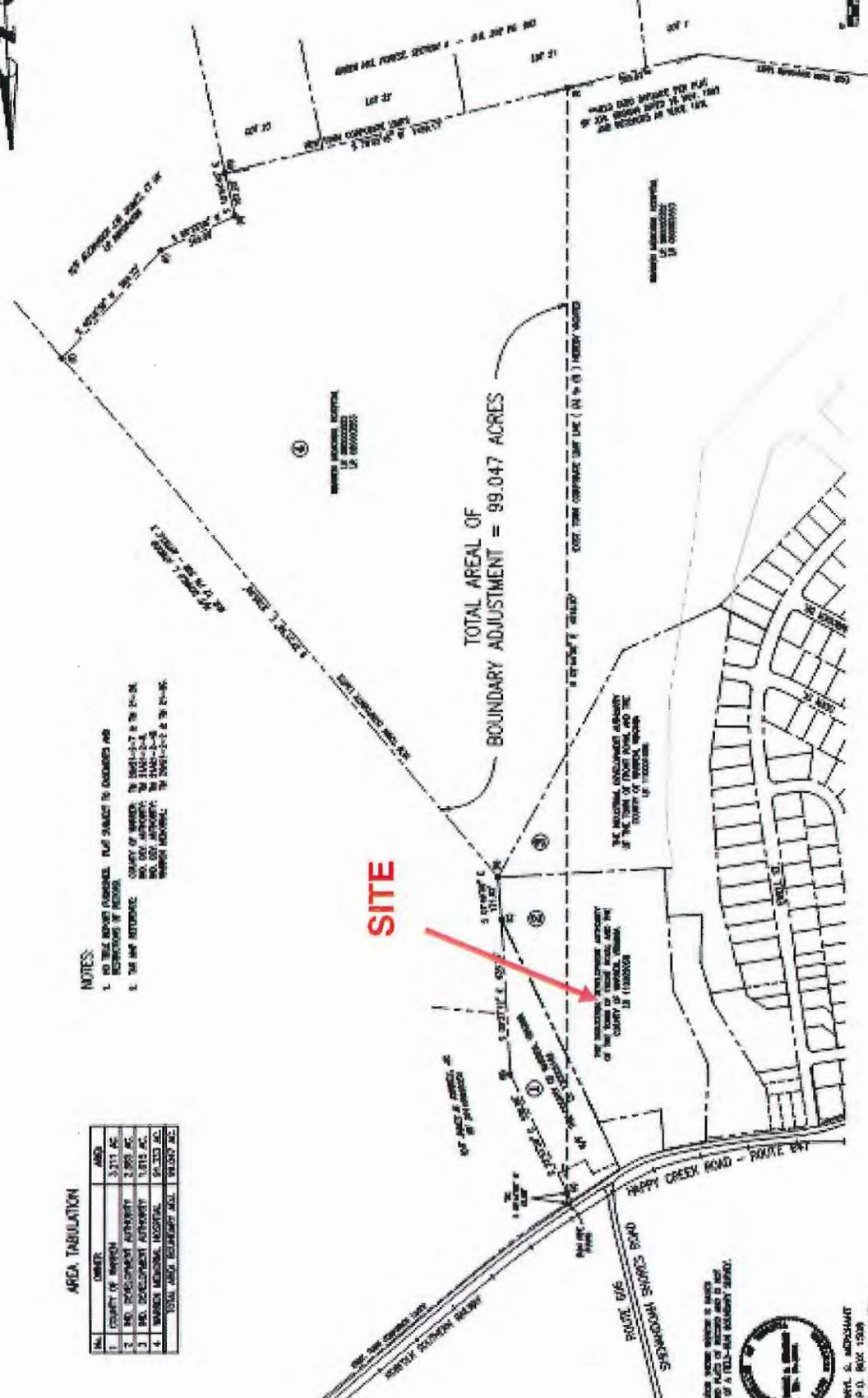
AREA TABULATION

NO.	OWNER	AREA
1	COUNTY OF WARREN	3,211 AC.
2	IND. DEVELOPMENT ADJUSTMENT	3,091 AC.
3	IND. DEVELOPMENT ADJUSTMENT	1,012 AC.
4	WARREN MUNICIPAL RESERVE	1,000 AC.
TOTAL AREA REQUIRING ADJ.		8,314 AC.

- NOTES:**
1. ALL THESE ADJUSTMENTS ARE SUBJECT TO ENGINEERS AND SURVEYORS RECORDS.
 2. THE NEW BOUNDARY LINE IS SHOWN BY A DASHED LINE.
 3. THE OLD BOUNDARY LINE IS SHOWN BY A SOLID LINE.
 4. THE NEW BOUNDARY LINE IS SHOWN BY A DASHED LINE.
 5. THE OLD BOUNDARY LINE IS SHOWN BY A SOLID LINE.
 6. THE NEW BOUNDARY LINE IS SHOWN BY A DASHED LINE.
 7. THE OLD BOUNDARY LINE IS SHOWN BY A SOLID LINE.

SITE

TOTAL AREA OF BOUNDARY ADJUSTMENT = 99.047 ACRES



FOR INFORMATION ONLY - THIS IS NOT A LEGAL DOCUMENT. THE ONLY LEGAL DOCUMENT IS THE ORIGINAL SURVEY RECORD.



Surveyor's Address:
P.O. Box 1000
Front Royal, VA 22635

PREPARED BY THE
TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING
100 EAST MAIN STREET
FRONT ROYAL, VIRGINIA 22630
540-632-4324

LEGEND

- DASHED LINE --- EXISTING BOUNDARY LINE
- DASHED LINE --- NEW BOUNDARY LINE
- DASHED LINE --- EXISTING ROAD CENTERLINE
- DASHED LINE --- NEW ROAD CENTERLINE

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

SURVEY

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.

Town Council discussed this application during a work session in December. Town Council spoke with Town Staff and the County Administrator about meeting to determine how Warren County can assist the Town in the completion of Happy Creek, Phase 2. Following the work session, Town Staff met with VDOT and representatives of Warren County on the project. VDOT informed the Town and County that it would be many years before Happy Creek, Phase 2, would be initiated due to funding shortfalls. An alternative strategy was discussed that if the Town locally administered the project, and leftover funds from Happy Creek, Phase 1, were rolled-over to Happy Creek, Phase 2, the project could be completed relatively soon, and at a lower cost. VDOT agreed to begin the process and obtain approval to roll-over the leftover funds. A little over 2 million dollars is left-over from Happy Creek, Phase 1.

A public hearing and 1st Reading is scheduled for January 26, 2015.

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

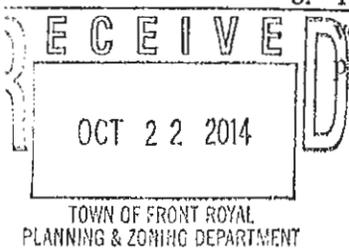
**Property identified on the attached plat dated October 4, 2013 by
Racey Engineering on tax map 20A21, section 2, as parcels 4D, 5, 6, and 12
containing 19.31 acres.**

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

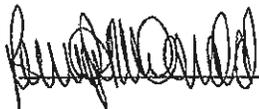
- a. All on-site lighting shall be designed to minimize light pollution/glare onto adjoining properties and roads.

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 Rokernak



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

Archie 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.*

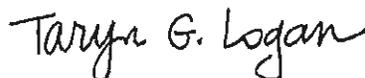
12. Site plan. *An approved site plan of the middle school is required before any zoning permits can be issued. Furthermore, before any building permits can be issued, it is my understanding that an E&S Plan and Land Disturbance Permit with Warren County Building Inspections must be reviewed and approved.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

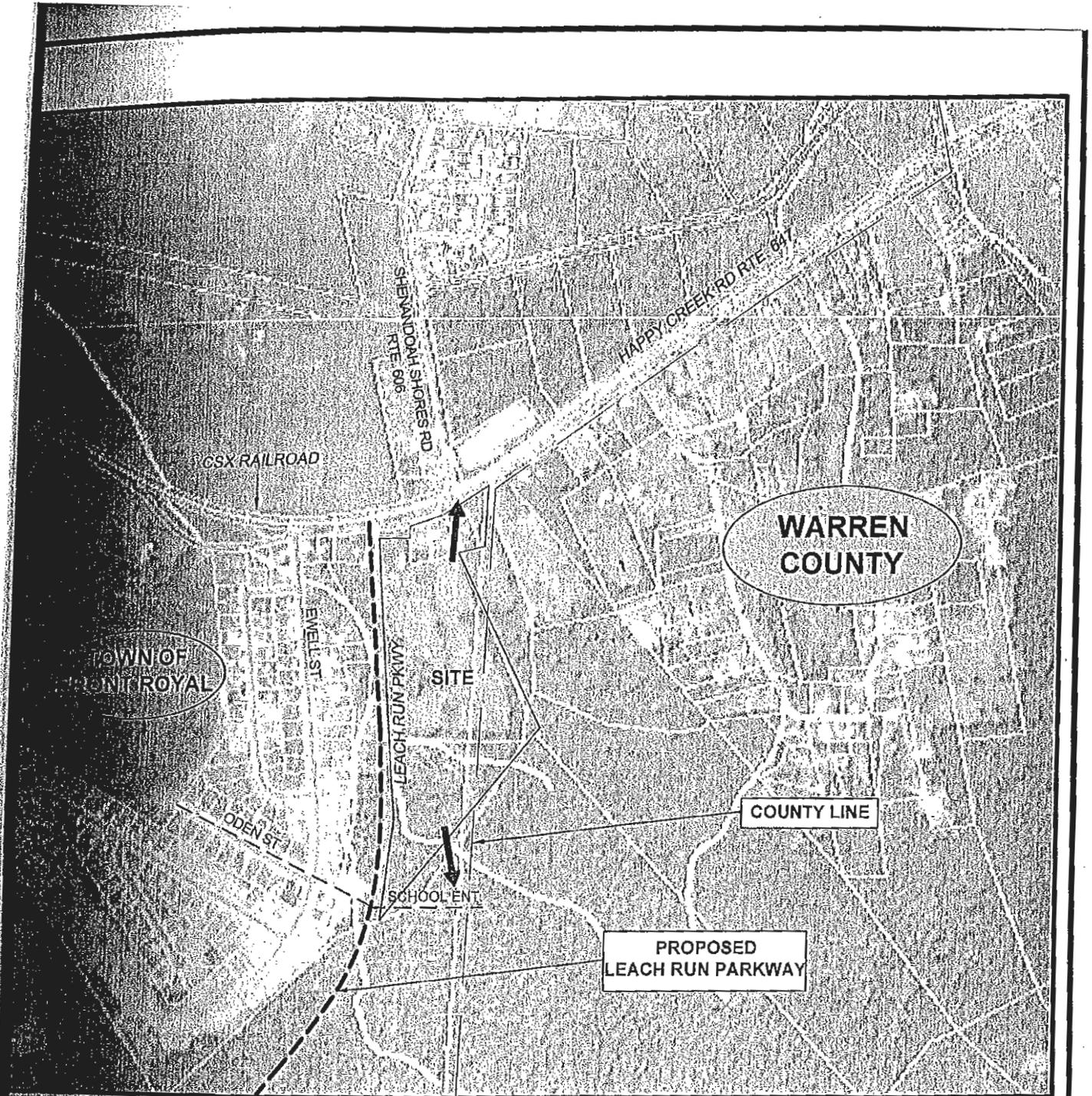
- The proposed school generates approximately 1400 daily trips. Based on the average rates with Leach Run Parkway constructed, the access will be primarily to Leach Run Parkway at the entrance opposite Oden Street. Site impacts to Leach Run Parkway south of the site are at 36% in the peak AM and 14 percent 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

NOTE: Leach Run Parkway 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.



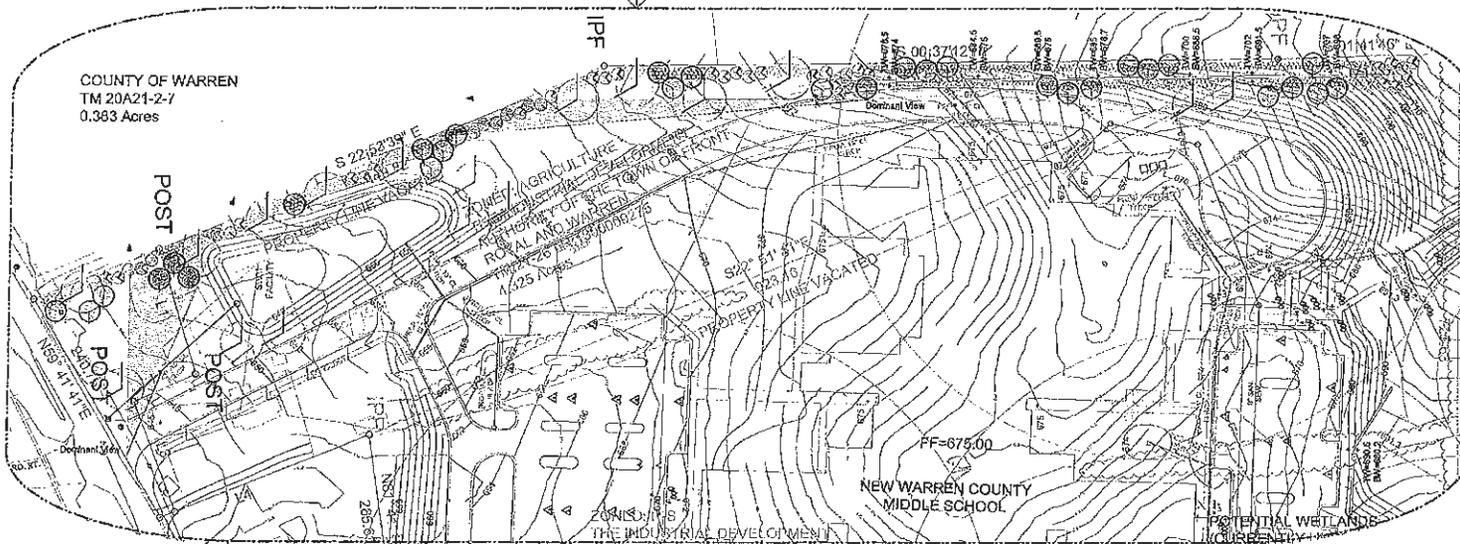
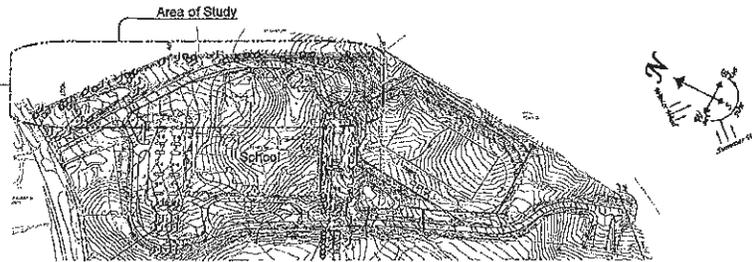
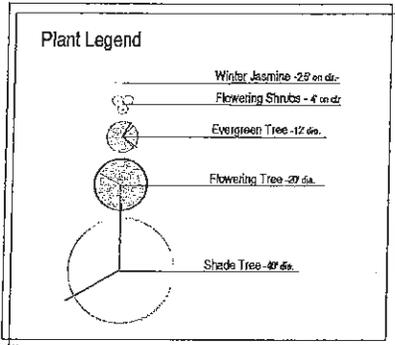
LEACH RUN MIDDLE SCHOOL
(w/ School Bus Entrance at Happy Creek Rd)

TRAFFIC ACCESS STUDY
Town of Front Royal, Warren County, VA

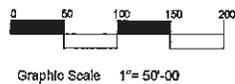
SITE LOCATION

FIGURE 1

Project # CTOW-1204
March 2014



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.

Warren County Middle School
Warren County Va



No.	Date	Revisions
<p>Design Firm</p> <p>J. Duggan & Associates Landscape Architects</p> <p>151 West 19th Lane, Wehatic, VA 22602 540-715-5453 www.jdugganandassociates.com</p> <p>Consultant</p>		
<p>Project Title</p> <p>Screen Planting Concept Plan</p>		
<p>Drawing Title</p> <p>Planting Plan</p>		
<p>Project Manager</p> <p>J. Duggan RLA</p>		
Drawn By	TM	Scale As shown
Reviewed By	JD	Drawing No.
Date	8-24-2014	
CAD File		1 of 1 Total Sheets



DATE	DESCRIPTION
10/1/01	PRELIMINARY PLAN
11/1/01	REVISED PLAN
12/1/01	REVISED PLAN
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REZONING PLAN

new WARREN COUNTY MIDDLE SCHOOL

TOWN OF FRONT ROYAL
WARREN COUNTY, VIRGINIA

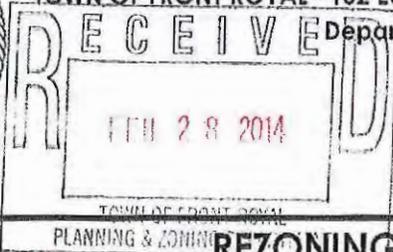
BC Consultants
Planners • Engineers • Surveyors • Landscape Architects

12500 Erie Lakes Circle, Suite 100, Fairfax, VA 22033
 (703)449-8100 (703)449-8108 (Fax)
 www.bcconsultants.com

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



RZ 14-02-70

REZONING APPLICATION

APPLICANT

Name IDA OF THE TOWN OF FRONT ROYAL AND Phone 540-635-2182
THE COUNTY OF WARREN
Address P.O. BOX 445, FRONT ROYAL, VA 22630
E-mail mcdonald@wceda.com

PROPERTY OWNER OF RECORD

Name IDA Phone 540-635-2182
Address P.O. BOX 445, FRONT ROYAL, VA 22630

PROPERTY DESCRIPTION

Location/Street Address HAPPY CREEK ROAD
Number of lots: 3 Total Acreage 22.68
Tax Map Identification for each parcel (Map, Section, Block, & Lot):
20A21-2-6A (17.96+/- ACRES)
20A21-2-4D (PORTION OF / 1.11 +/- ACRES)
20A21-2-5 (3.61 +/- ACRES)
Subdivision Name (if applicable) N/A

REQUEST

Existing Zoning RS/A Proposed Zoning R-1
Existing Use SFD/VACANT Proposed Use PUBLIC SCHOOL

RZ14-02-70

ATTACHMENTS

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

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

CERTIFICATION

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

[Handwritten Signature]

Signature of Property Owner

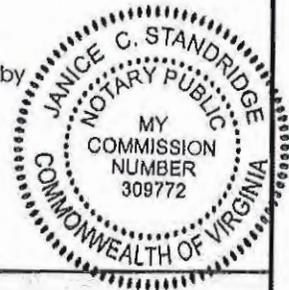
[Handwritten Signature]

Signature of Applicant (if different)

City/County of Warren, Commonwealth of Virginia
 The foregoing instrument was acknowledged before me this 31st day of October, 20 13 by
Jennifer McDonald
 (Name of person seeking acknowledgement)

[Handwritten Signature]
Notary Public

Notary registration number: 309772 My commission expires: 2-28-17



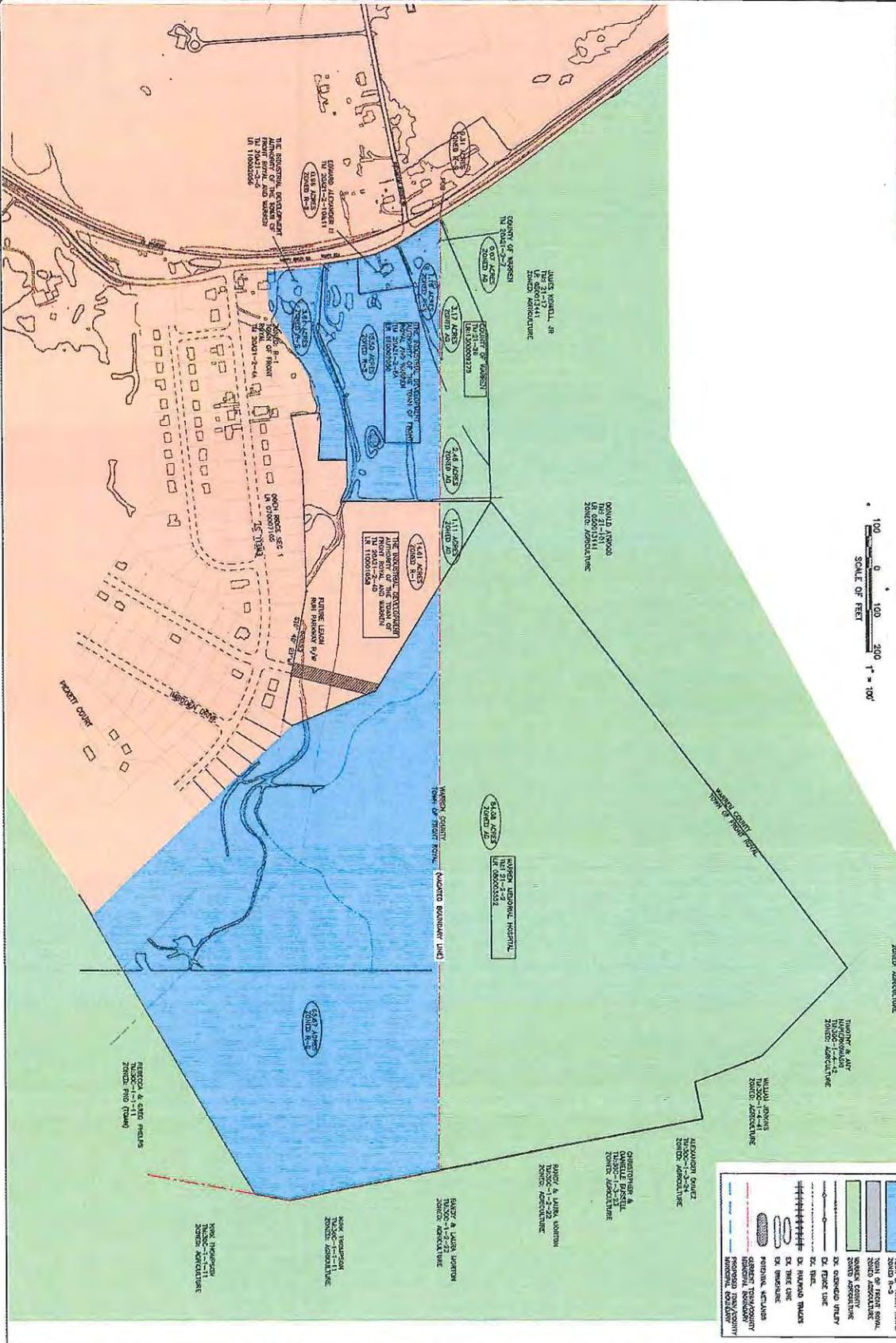
NOTICES

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

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

June 4, 2013

PROPERTY STATUS MAP
 BY RACEY ENGINEERING, P.L.C. DATE PREPARED: 2/11/14



100 0 100 200
 SCALE OF FEET
 1" = 100'

LEGEND

	TOWN OF FRONT ROYAL ZONING R-1
	TOWN OF FRONT ROYAL ZONING R-2
	TOWN OF FRONT ROYAL ZONING R-3
	WARREN COUNTY ZONING A-1
	WARREN COUNTY ZONING A-2
	WARREN COUNTY ZONING A-3
	EXISTING ROAD
	PROPOSED ROAD
	GENERAL TERRITORY MUNICIPAL BOUNDARY
	PROPOSED MUNICIPAL BOUNDARY

MUNICIPAL BOUNDARY LINE MAP	
MUNICIPAL BOUNDARY LINE ADJUSTMENT	
WARREN COUNTY	
DESIGN DEVELOPMENT PHASE	
TOWN OF FRONT ROYAL, VA	
5128	11-25-13
PLDT: 2/11/14	

RACEY ENGINEERING
 311 WEST MAIN ST., P.O. BOX 307
 LEESVILLE, VA 22643
 PH: (540) 949-1200 FAX: (540) 949-1201

BBN BBN BBN

EXHIBIT

Submitted / Revision	By	Reviewed	Date
MUNICIPAL BOUNDARY MAP	BBN	DB	11-25-13
APPROVED MUNICIPAL BOUNDARY MAP	BBN	DB	2-3-14
MUNICIPAL BOUNDARY ADJUSTMENT ZONING MAP	BBN	BBN	2-11-14

SHEET 1 OF 1

10

**PUBLIC HEARING – Amend 2014-15
Budget to Include Bond and Grant Proceeds
for the WWTP (1st Reading)**



Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 10

Meeting Date: January 26, 2015

Agenda Item: PUBLIC HEARING – Amend 2014-2015 Budget to Include Bond and Grant Proceeds for the Waste Water Treatment Plan Expansion Project (*1st Reading*)

Summary: Council is requested to affirm on its first reading an amendment to the 2014-2015 Budget to include interest free Bond and Grant proceeds from the Virginia Water Facilities Revolving fund in the amount of \$11,667,489.00 Grant proceeds and \$39,377,600.00 Bond proceeds (\$51,045,089.00 total) received for the Waste Water Treatment Plan Expansion Project, which proceeds are the result of the December 17, 2014 closing for the funding project.

Budget/Funding: Grant proceeds \$11,667,489.00 [9801-3310001]
Bond proceeds \$39,377,600.00 [9801-3510111]
WWTP Expansion \$51,045,089.00 [9801-7015]

Attachments: Schedule 1 Virginia Water Facilities Revolving Fund

Meetings: Work Session held January 5, 2015

Staff Recommendation: Approval Denial

Proposed Motion: I move that Council affirm on its first reading an amendment to the 2014-2015 Budget to include interest free Bond and Grant proceeds from the Virginia Water Facilities Revolving fund in the amount of \$11,667,489.00 Grant proceeds and \$39,377,600.00 Bond proceeds (\$51,045,089.00 total) received for the Waste Water Treatment Plan Expansion Project.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JB

**SCHEDULE 1
VIRGINIA WATER FACILITIES REVOLVING FUND
FORM TO ACCOMPANY REQUEST FOR DISBURSEMENT**

REQUISITION NO.: 01
 REQUISITION DATE: _____
 BORROWER: Town of Front Royal
 LOAN NUMBER: C-51529-02
 WQIF CONTRACT NUMBER: 440-S-14-03

CERTIFYING SIGNATURE: _____
 TITLE: _____

Cost Category	Total Grant/Loan	WQIF Grant Amount	Loan Amount	Previous Grant Disbursement	Grant Disbursement This Period	Previous Loan Disbursements	Loan Disbursement This Period	Grant and Loan Disbursements to Date	Net Balance Remaining
Bond Counsel	20,000.00	-	20,000.00	-	-	-	-	-	20,000.00
Engineering Design	567,547.00	567,547.00	-	-	-	-	-	-	567,547.00
Construction Adm/Insp	3,739,232.00	805,080.00	2,934,152.00	-	-	-	-	-	3,739,232.00
Construction	44,471,000.00	9,792,358.00	34,678,642.00	-	-	-	-	-	44,471,000.00
Dewatering Fan Press	23,760.00	23,760.00	-	-	-	-	-	-	23,760.00
Contingencies	2,223,550.00	478,744	1,744,806.00	-	-	-	-	-	2,223,550.00
Total	51,045,089.00	11,667,489.00	39,377,600.00	-	-	-	-	-	51,045,089.00

Total Grant Amount \$ 11,667,489.00
 Previous Disbursements \$ -
 This Request \$ -
 Total Proceeds Requested to Date \$ -
 Grant Proceeds Remaining \$ 11,667,489.00

Total Loan Amount \$ 39,377,600.00
 Previous Disbursements \$ -
 This Request \$ -
 Total Proceeds Requested to Date \$ -
 Loan Proceeds Remaining \$ 39,377,600.00

Bond proceeds 351011

Grant proceeds 3310001

2015- expense

11

**COUNCIL APPROVAL – Resolution to
Compromise on Corridor Pilot Issues**



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

Page 1
Item No. 11

Meeting Date: January 26, 2015

Agenda Item: COUNCIL APPROVAL – Resolution to Compromise on Corridor Pilot Issues

Summary: The Town of Front Royal extended municipal water and sewer service into the Route 522 Corridor Area of Warren County in the 1980's to facilitate commercial and industrial development. The Town and County recognized that the commercial development in the Corridor would negatively impact the vitality of the Town's commercial development; therefore, entering in the "Rt 522 Corridor Agreement". The Commonwealth of Virginia permitted the collection of Payment In-Lieu of Taxes (PILOT) fees as identified in utility contracts with Corridor customers. Due to a Warren County Circuit Court ruling the contracts insufficiently described the collection of Meals and Lodging Taxes as part of PILOT fees; therefore, Council suspended the collection of Meals and Lodging Taxes on March 8, 2010. In an effort to recover the lost revenue to achieve a sustainable revenue source from future development in the Corridor, Council is requested to approve a Resolution to Compromise on Corridor PILOT Issues, as presented.

Budget/Funding: None

Attachments: Resolution and Letter to the Board of Supervisors

Meetings: Work Session held January 20, 2015

Staff Recommendation: Approval Denial

Proposed Motion: I move that Council approve a Resolution to Compromise on Corridor PILOT Issues, as presented.

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: JTB



Town of Front Royal, Virginia



**RESOLUTION
TO COMPROMISE ON
CORRIDOR PILOT ISSUES**

WHEREAS, the Town of Front Royal extended municipal water and sewer service into the Route 522 Corridor area of Warren County in the 1980's to facilitate commercial and industrial development; and,

WHEREAS, the Town of Front Royal and County of Warren recognized in the original "Rt 522 Corridor Agreement" that the commercial development in the Corridor would negatively impact the vitality of the Town's commercial development; and,

WHEREAS, the Town and County entered into the "Rt 522 Corridor Agreement" permitting the Town to collect the equivalent of those taxes collected from In-Town commercial businesses as part of the utility bill of customers located in the Corridor; and,

WHEREAS, the Commonwealth of Virginia adopted specific legislation permitting the collection of these Payment In-Lieu of Taxes (PILOT) fees as identified in the utility contracts with Corridor customers; and,

WHEREAS, in 2009, the Warren County Circuit Court ruled that the language contained in the original utility contracts insufficiently described the collection of Meals and Lodging Taxes as part of the PILOT fees, and, as a result, Town Council approved a Resolution on March 8, 2010 suspending the collection of Meals and Lodging Taxes as part of the PILOT fees; and,

WHEREAS, the Town has developed a revised version of the utility contract that explicitly includes the collection of Meals and Lodging Taxes as part of the PILOT fees and has executed this utility contract with the businesses that have recently opened in the Corridor; and,

WHEREAS, the Town and County have repeatedly attempted to negotiate a solution that would resolve the loss of anticipated revenue from the commercial businesses locating in the Corridor that otherwise would have located in the Town, which has resulted in no permanent, sustainable solution; and,

WHEREAS, the Town's only recourse in an effort to recover this lost revenue to achieve a sustainable revenue source from future development in the Corridor is to revoke the March 8, 2010 Resolution and direct staff to resume collection of Meals and Lodging taxes from businesses operating under the updated utility contract.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Front Royal, Virginia that Council unanimously desires to transmit a letter to the Chairman of the County of Warren Board of Supervisors that states:

1. The Town proposes to enter a Memorandum of Agreement (MOA) with the County of Warren seeking compromise on issues of taxes, revenue, and water/sewer use for customers outside of Town limits with a primary focus on the Rt 522 Corridor reaching a sustainable solution to the provision of utility service by the Town for continued and future commercial customers in the County of Warren. The Town is aware of the potential impact to the County's budget and believes that the new revenue from future businesses should offset any short-term impact to the County.
2. The Town has received concerns from current customers and site developers that the reinstatement of collection of Meals and Lodging Taxes for businesses operating under the updated utility contract could place them in a less competitive position than other businesses.
3. With the MOA in place, the Town will continue to collect PILOT fees from our commercial utility customers outside the Town limits and will maintain the moratorium of the collection of Meals and Lodging Taxes as established by the March 8, 2010 Resolution.
4. For all existing commercial utility customers operating under the original utility contract, the County will provide funding to the Town through their General Fund Revenues for the equivalent of twenty-five percent (25%) of the Meals Tax collected by the County and the equivalent of fifty percent (50%) of the Lodging Tax collected by the County to be remitted to the Town in bi-annual payments.
5. For all existing commercial utility customers operating under the updated utility contract, the County will provide funding to the Town through their General Fund Revenues for the equivalent of fifty percent (50%) of the Meals and Lodging Taxes collected by the County to be remitted to the Town in bi-annual payments.
6. For all future commercial utility customers operating under the updated utility contract, the County will provide funding to the Town through their General Fund Revenues for the equivalent of fifty percent (50%) of the Meals and Lodging Taxes collected by the County to be remitted to the Town in bi-annual payments.
7. Resolution of the continued discord about utility revenue equality between the Town and County will simplify future commercial development requiring utility service by the Town.
8. Resolution of the continued issues about utility revenue equality between the Town and County will allow the Economic Development Authority to attract more business to the Town and County.
9. Resolution of the continued issues about utility revenue equality between the Town and County will allow each body to focus on the other important issues and challenges that face each body.
10. For the duration of the MOA, the Town will not pursue any annexation legal filings, and the County will not pursue any consolidation legal filings. Should either body pursue legal filings, the MOA will be deemed null and void.

Adopted this 26th day of January, 2015

APPROVED:

Timothy W. Darr, Mayor

Attest:

Jennifer E. Berry, CMC, Clerk of Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council on _____ 2015, upon the following recorded vote:

John P. Connolly	Yes/No	Bret W. Hrbek	Yes/No
Hollis L. Tharpe	Yes/No	Eugene R. Tewalt	Yes/No
Bébhinn C. Egger	Yes/No	Daryl L. Funk	Yes/No

Approved as to Form and Legality:

Douglas W. Napier, Esq., Town Attorney

Date: _____



TOWN OF FRONT ROYAL

TOWN COUNCIL
ADMINISTRATION BUILDING
P.O. BOX 1560
FRONT ROYAL, VIRGINIA 22630-1560

TIMOTHY W. DARR
Mayor
(540) 635-8007
(540) 631-9006 (Fax)
darr@frontroyalva.com

January 26, 2015

Mr. Richard H. Traczyk
Chairman of Warren County Board of Supervisors
220 North Commerce Avenue - Suite 100
Front Royal VA 22630

RE: Compromise Proposal for Rt 522 Corridor PILOT Issues

Dear Chairman Traczyk:

At our January 26th meeting, Town Council authorized the transmission of this letter to convey to you and the Board of Supervisors that the Town of Front Royal Town Council desires to resolve the ongoing issue concerning the lost revenue due to the Town from commercial businesses in the Rt 522 Corridor served by the Town's municipal utility system.

In the late 1980's and early 1990's, the Town extended water and sewer service into the Corridor to assist the County in being able to adequately fund the County's Public School System. The Town wanted to be a helpful community partner and enabling the County to establish a revenue stream through development of the Rt 522 Corridor. Development of the Corridor, both commercially and industrially, allowed the County to develop the tax base necessary to fund the new high schools, middle schools, and elementary school. At the time that the Town extended utility service to the Corridor, there was only one restaurant and no hotels located outside of the Town limits. With the Town's loss of Avtex Fibers (FMC) its largest employer and tax revenue source, the Town was concerned that development in the Corridor would place businesses within the Town limits at a competitive disadvantage. The County agreed with this concern, and the Town and County jointly lobbied the General Assembly to approve special legislation in Virginia Code §15.2-2119.J and 15.2-2143 thereby allowing the Town to collect Payments In-Lieu of Taxes (PILOT) fees from commercial utility customers in the Corridor, with the intent of keeping all businesses both inside and outside of the Town limits paying as close to the same amounts towards their water and sewer rate, as well as the tax rates.

It is important to note that the Board of Supervisors has a duty to all the County businesses, no matter where they are located, to treat these businesses the same and allow them the same competitive advantage. In order for the Town to realize the revenue contemplated when the utility services were extended into the Corridor, we hope that the Board of Supervisors will work with the Town to resolve this issue.

As you are aware due to the outcome of the 2009 litigation, the Town has suspended the collection of the Meals and Lodging Taxes component of the PILOT fees included in the utility contracts with businesses in the Corridor. Since that time, the Town and County have made numerous attempts to address the loss of revenue to the Town, but have not been able to arrive at a sustainable solution mutually acceptable by the Town and County. At this point, the Town feels that we are left with little recourse other than to reinstate the collection of all PILOT fees.

In an attempt to make the businesses aware of the possibility of all PILOT fees being reinstated, the Town has reached out to the existing Corridor businesses and site developers. These conversations have revealed that reinstatement of the collection of these taxes could place those businesses and future businesses in a less competitive position. The Town has no interest in depriving the County of any tax revenue by putting those businesses in a less competitive position. As such, we propose the following to be incorporated into a Memorandum of Agreement (MOA) between the Town of Front Royal and the County of Warren to provide a solution so that development continues to the benefit of all residents:

1. The Town will not resume collection of Meals and Lodging Taxes as part of the PILOT fees
2. The Town will continue to maintain and establish utility contracts with commercial businesses in Warren County requiring municipal utility service and will continue to collect PILOT fees from those customers, excluding for the Meals and Lodging Taxes
3. For all existing commercial utility customers operating under the original utility contract, the County will provide funding to the Town through their General Fund Revenues for the equivalent of twenty-five percent (25%) of the Meals Tax collected by the County and the equivalent of fifty percent (50%) of the Lodging Tax collected by the County to be remitted to the Town in bi-annual payments
4. For all existing commercial utility customers operating under the updated utility contract that specifically includes the Meals and Lodging Taxes, the County will provide funding to the Town through their General Fund Revenues for the equivalent of fifty percent (50%) of Meals and Lodging Taxes collected by the County to be remitted to the Town in bi-annual payments
5. For all future commercial utility customers, the County will provide funding to the Town through their General Fund Revenues for the equivalent of fifty percent (50%) of Meals and Lodging Taxes collected by the County to be remitted to the Town in bi-annual payments
6. All current commercial utility contracts will continue to apply as written. Twice the In-Town utility rates will continue to apply to industrial customers, unless negotiated otherwise by the Town.
7. For the duration of the MOA, the Town will not pursue any annexation legal filings, and the County will not pursue any consolidation legal filings. Should either body pursue legal filings, the MOA will be deemed null and void

Adoption of this compromise by the Town and County will simplify commercial development in the County requiring municipal utility services. This compromise will also allow the Economic Development Authority to attract more business to the Town and County. Most importantly, this compromise will allow each body to focus on the other important issues and challenges.

Should the Town Council and Board of Supervisors not reach an agreement, the Town will consider a resolution at our May 11th meeting to resume collection of the Meals and Lodging Taxes from commercial businesses operating through the updated utility contract beginning on July 1, 2015.

We look forward to your response to resolve this issue to the betterment of all our residents.

Sincerely,

Timothy W. Darr
Mayor

Hollis L. Tharpe
Vice Mayor

Bébhinn C. Egger
Councilman

Bret W. Hrbek
Councilman

Daryl L. Funk
Councilman

Eugene R. Tewalt
Councilman

John P. Connolly
Councilman