



TOWN COUNCIL WORK SESSION

March 21, 2016 @ 7:00pm
Front Royal Administration Building

Town/Staff Related Issues:

1. Request to Waive Curb/Gutter on Cable Street & Pullen Street – *Director of Planning/Zoning*
2. Williams Brothers - Request to make payments on spare transformer - *Director of Energy Services*
3. Continued Discussion of Criser Road Bridge – *Director of Financing*
4. Front Royal Limited Partnership Requests – *Director of Planning/Zoning*
 - a. Request to Adopt Concept Plan of 604 acres into Town's Comp Plan
 - b. Draft Code Amendment – R-1A Cluster Development Option Standards
5. Petition Reducing Tax Lodging Rate – Stan Brooks
6. FY16-17 Recommended Budget Presentation – *Town Manager*

Council/Mayor Related Items

7. Continued FY16-17 Tax Rate Discussion & Date for Special Meeting
8. Council Discussion/Goals (*time permitting*)



Town of Front Royal, Virginia Work Session Agenda Form

Date: March 21, 2016

Agenda Item: Request to Waive Curb & Gutter on Cable Street & Pullen Street
Director of Planning & Zoning

Summary: Ms. Glenda Mikulak (Glennjamin, LLC) intends to submit an application in the near future for the construction of a couple two-family dwellings on Front Street. The Applicant's lots include frontage on Cable, Pullen and Front Streets. Prior to the submission of such application, the Applicant has submitted this request for a curb & gutter waiver. The waiver is requested for Cable and Pullen Streets. Curb & gutter is proposed on Front Street, which is the street that the proposed houses will face.

Attached is the Applicant's memo and illustration of the property. As the Applicant's memo states, the majority of properties in the neighborhood do not include curb & gutter (However, there is curb & gutter within 200 feet of the property further west on Cable Street). The Applicant also points out that curb & gutter is not necessary for drainage purposes and would likely require the removal of several existing trees.

Town Code 148-850.C.2. requires that new development include curb & gutter along the frontage of all existing public streets. Upon request, Town Council is authorized in the Town Code to waive the curb & gutter requirement in lower density residential areas where the majority of surrounding developed properties do not have curb & gutter. The Town Code further states that Town Council will consider impacts on traffic, drainage and the environment.

The property is located within the R-3 District, and is not within the Historic Overlay District, but is within the Floodplain. The applicant is aware that the houses will need to be elevated to comply with the floodplain construction requirements and that flood insurance will be necessary. The Applicant recently demolished a dilapidated house that was on the property and removed much overgrown vegetation that previously existed on the property.

Council Discussion: Council will need to approve/disapprove at a regularly scheduled Council meeting

Staff Evaluation: It does not appear that the proposed waiver would have any negative impacts on the environment or traffic circulation. Drainage does not appear to be a significant issue at the site. Curb & Gutter is proposed along the full extent of Front Street that is adjacent to the lot.

Budget/Funding: N/A

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

Town Manager: The Town Manager will be available at the work session for questions.

Council Recommendation:

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



13 February 2016

TO: Mr. Jeremy Camp, Director
Town of Front Royal Department of Planning & Zoning

FROM: Glennjamin, LLC (Ms. Glenda Mikulak)
1084 Fox Drive
Front Royal, VA 22630

RE: Curb & Gutter Waiver Request

Glennjamin, LLC, is the owner of 4 lots located at the southwest corner of Cable Street and Front Street in the Town of Front Royal. They are Lots 1, 2, 3 and 4, Block 3, Byrd Fletcher Subdivision. The property is shown as Tax Map 20A8 19 3 1 and is zoned R-3.

The existing dilapidated structure was recently razed and it is our desire to build two new residential dwellings on the consolidated lots.

As per the attached sketch, curb & gutter will be placed along the lot frontages on Front Street.

However, Glennjamin, LLC, does request a waiver for placement of curb & gutter along the south side of Cable Street, a side street, and the east side of Pullen Street, in accordance with the provisions of Town Code Section 148-850-C-2.

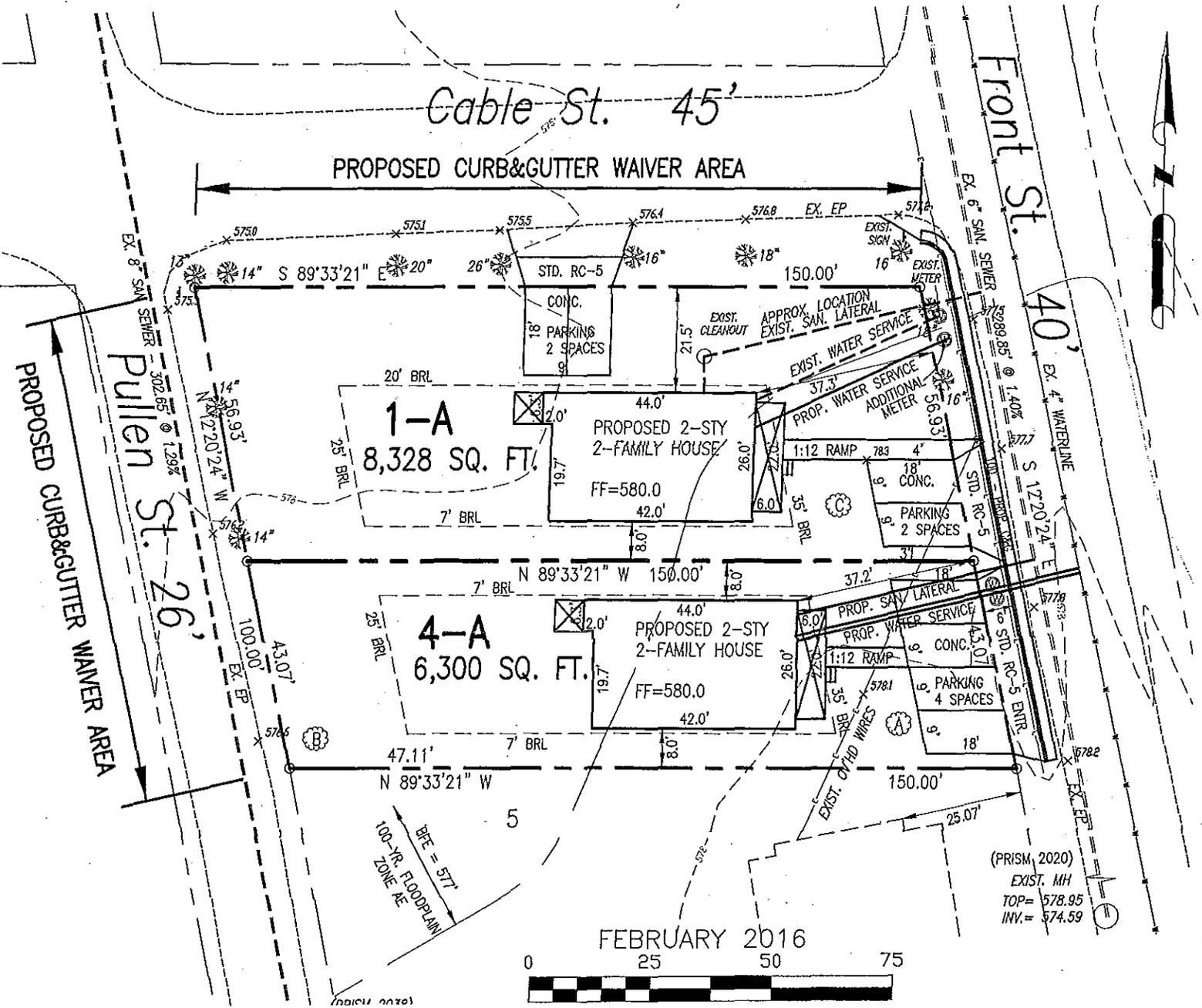
The majority of the lots within this block do not have curb & gutter and placement of same would not be required to handle surface drainage. Also, there are multiple Elm street trees, ranging in size from 13 inches to 26 inches in diameter, located between the existing edge of pavement of Cable Street and Pullen Street and the Glennjamin, LLC, property line.

Placement of curb & gutter in this area would require removal of said trees, which are located within the Town right-of-way.

Therefore, we ask that this waiver be granted.

Thank You.
Glennjamin, LLC.

SKETCH TO ACCOMPANY CURB & GUTTER WAIVER REQUEST
CABLE STREET – PULLEN STREET
BYRD FLETCHER SUBDIVISION



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Town of Front Royal, Virginia Work Session Agenda Form

Date: March 21, 2016

Agenda Item: Williams Brothers - Request to make payments on spare transformer

Summary: Williams Brothers Corporation of America located at 1330 Progress Drive has requested a service upgrade of their electrical facilities to expand their business. They are requesting an upgrade from their current 75kVA 120/208V service to a 1000 kVA 277/480V three-phase service. According to the code section 70-50, the customer is also required to purchase the spare transformer if the size required is over the Town standard of 500 kVA. The customer is requesting to make payments on the spare transformer in six (6) installments over 12 months.

Council Discussion:

Staff Evaluation: Staff met with the customer in January and developed a cost estimate for the service upgrade of electrical facilities. Staff then issued and received bids for the two (2) 1000kVA transformers to provide the upgraded service for Williams Brothers. The lowest quoted price for the 1000kVA transformers is \$15,358 each. The customer is requesting to make payments on the spare transformer in six (6) installments over 12 months.

Budget/Funding: The Finance Department can invoice this cost in 6 equal installments over the next 12 months. This will be billed as an Accounts Receivable to comply with all auditing procedures.

Legal Evaluation:

Staff Recommendations: Staff recommends Town Council consider request from Williams Brothers

Town Manager Recommendation:

Council Recommendation:

Additional Work Session Regular Meeting No Action

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



MEMORANDUM

Date: March 7, 2016
To: Steve Burke, Town Manager
From: Cindy Hartman, Purchasing Agent
RE: Transformers

Attached you will find a letter of acceptance of responsibility for payment from AG Laser Technology, LLC. This is in reference to the two (2) 1000 kVA transformers for which I recently accepted quotations. Discussion concerning the company's request for monthly payments on one (1) of those transformers is scheduled for the March 21 work session, and then, hopefully, to the March 28 agenda for acceptance.



Design ■ Engineering ■ Fabrication ■ Finishing

March 2, 2016

To Whom It May Concern:

We are in need of (2) 1000 KVA transformers for our new manufacturing company AG Laser Technology, LLC.

We understand that we are responsible for a spare 1000 KVA Transformer that will be kept in your warehouse until needed. Payment however is our responsibility. Because we have just established this new fabrication division start up cost have been very costly.

We are asking if you would kindly allow us to pay for the 2nd transformer in 6 payments over 12 months. If your vote is no then we will then pay for this spare transformer through our regular electric bill.

Yours truly,

A handwritten signature in black ink, appearing to read "G. Williams", is written over a horizontal line.

George Williams

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: PADMOUNT TRANSFORMERS

Quotation #6

Date: February 24, 2016

Mailed : 5

Replied 5

WESCO - N/Q

	Vendor Quotation			
	NATIONAL TRANSFORMER SALES RALEIGH NC	DECO SUPPLY CHAMBERSBURG PA	GRAYBAR RICHMOND VA	IRBY FREDERICKSBURG VA
QUANTITY	QUOTATION	QUOTATION	QUOTATION	QUOTATION
(2) PADMOUNT TRANSFORMERS 1000 KVA, THREE PHASE PER TOWN SPECIFICATIONS	\$30,716.00	\$33,700.00	\$32,556.00	\$33,810.00
MANUFACTURER	ERMCO	CG POWERS	GE GRID SOLUTIONS	GE GRID SOLUTIONS
NOTE: WILLIAMS BROTHERS				
TOTAL QUOTATION	\$ 30,716.00	\$ 33,700.00	\$ 32,556.00	\$ 33,810.00

The above proposals verified to specifications and compliance with terms and conditions.

Witness

Witness

Purchasing Agent



Design ■ Engineering ■ Fabrication ■ Finishing

February 4, 2016

Town of Front Royal
Energy Services
P.O.Box 1560
Front Royal Va.
22630

Mr. David W. Jenkins

Dear David,

Quote #U16 05764

Further to our recent meeting, I would like to proceed with the above quote. The Town of Front Royal will invoice me for the first transformer and the second transformer will be invoiced with a payments of 6 (six) equal payment program. The second transformer will be stored in your premises for any future concerns towards AG Laser Technology.

Your help on this matter was greatly appreciated and I look forward to working with you.

Regards,

A handwritten signature in black ink, appearing to read "G. Williams", written in a cursive style.

George K. Williams

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Town of Front Royal, Virginia
Work Session Agenda Form

Date: March 21, 2016

Agenda Item: Criser Road Bridge

Summary: At the March 7th Work Session, Mattern and Craig, Inc. provided the results of the Preliminary Engineering Report for the Criser Road Bridge. Based upon the recommended design, the construction estimate for improvements with a 15% contingency is \$450,000. Mattern has submitted a design and construction review proposal for \$146,400. The design fee results from the necessary environmental and floodplain permitting.

Council Discussion: Council is requested to consider authorization of the final design and construction review of the Criser Road Bridge project by Mattern and Craig, Inc.

Staff Evaluation: The Town has secured \$450,000 for the project through the VDOT Revenue Sharing program. In addition, funds totaling \$268,939 were allocated since 2013 towards any portion of the South Fork Bridge project that the Town would be responsible for payment. VDOT has confirmed that the Town has paid in full our share of the South Fork Bridge project. Thus there are \$718,939 available for this project.

Budget/Funding: The Finance Director will be available to address fiscal issues.

Legal Evaluation: The Town Attorney will be available to address legal issues.

Staff Recommendations: Staff recommends Council authorize Mattern and Craig, Inc. to proceed with the final design of the Criser Road Bridge project.

Town Manager Recommendation: The Town Manager recommends Council authorize Mattern and Craig, Inc. to proceed with the final design of the Criser Road Bridge project.

Council Recommendation:

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



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Town of Front Royal, Virginia Work Session Agenda Form

Date: March 21, 2016

Agenda Item: Request to Amend Comprehensive Plan
Director of Planning & Zoning

Summary: Front Royal Limited Partnership (FRLP) has submitted a request for the Town to adopt a “Future Land Use Plan” as part of the Town’s Comprehensive Plan. The applicant’s submittal is attached. The submitted plan is for FRLP’s 604-acre property; the same property that was annexed in 2014 and is currently zoned A-1. It does not include the 150-acre tract owned by FRLP that is zoned R1-A.

The submitted “Future Land Use Plan” is a general concept illustrating a plan for future development of the subject property. It illustrates three “residential” land bays, a “village retail & office” land bay, an “active adult residential” land bay, and areas designated for natural resources, recreation, community open space, and a school. The “Future Land Use Plan” does not designate densities; however, according to the Voluntary Settlement Agreement, the maximum number of market-rate housing units is capped at 818. This is in addition to housing units that may be associated with an age-restricted community.

The applicant’s “Future Land Use Plan” is the same as approved during the annexation of the property. It is incorporated into the Voluntary Settlement Agreement as Exhibit A, and was approved by both Warren County and the Town of Front Royal.

The Planning Commission held a public hearing on this request on January 20, 2016. During the meeting the Planning Commission unanimously passed a motion to recommend approval of the request.

Council Discussion: This agenda item is scheduled for a work session review on March 21, 2016.

Staff Evaluation: Town Staff does not object to the adoption of the submitted “Future Land Use Plan.” It is the same plan as previously approved under the Voluntary Settlement Agreement, and is generally consistent with the draft future land use plan that will be under review later this year as part of the comprehensive plan update. If Town Council adopts the “Future Land Use Plan” into the Comprehensive Plan, as requested, a rezoning of the property is still required. FRLP has recently started the process of preparing a traffic impact study in anticipation of a rezoning application.

Budget/Funding: N/A

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

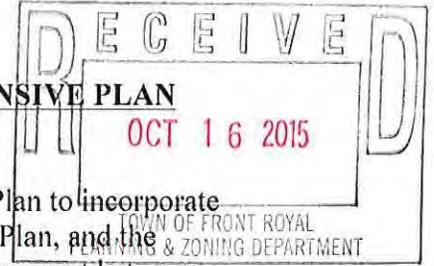
Town Manager: The Town Manager will be available at the work session for questions.

Council Recommendation:

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



**STATEMENT OF JUSTIFICATION – FRLP COMPREHENSIVE PLAN
AMENDMENT**



FRLP would like to request that the Town amend its Comprehensive Plan to incorporate the attached “Future Land Use Map” into the Town’s Comprehensive Plan, and the Town’s N.E. Planning Area, pursuant to the Voluntary Settlement Agreement between the Town, FRLP, and the County (the “VSA”).

BACKGROUND AND PROPOSED CHANGES:

As a part of the boundary line adjustment proceedings, and the eventual VSA, the Town held two public hearings on the matter and approved the VSA on first and second readings in both August of 2013 and again in March/April of 2014. The County also had a public hearing and 2 votes on the matter. The Virginia Commission on Local Government also held a public hearing and issued a report on the VSA. A Special Court appointed by the Virginia Supreme Court ultimately approved and gave force and effect to the VSA in October of 2014 and the FRLP property was annexed into the Town shortly thereafter – pursuant to the terms and conditions of the VSA. Moreover, and as a part of the VSA, the Town agreed to “use its best good faith efforts to amend its Comprehensive Plan to incorporate the Future Land Use Plan therein” (Section 3.1 and 3.2).

FRLP requests that the Town incorporate the attached “Future Land Use Plan” into its Comprehensive Plan for its N.E. Planning Area. In support of this request please find attached:

1. Voluntary Settlement Agreement, Exhibit A, “Future Land Use Plan”.
2. FRLP Presentation to Town Council and County B.O.S., September 2012.

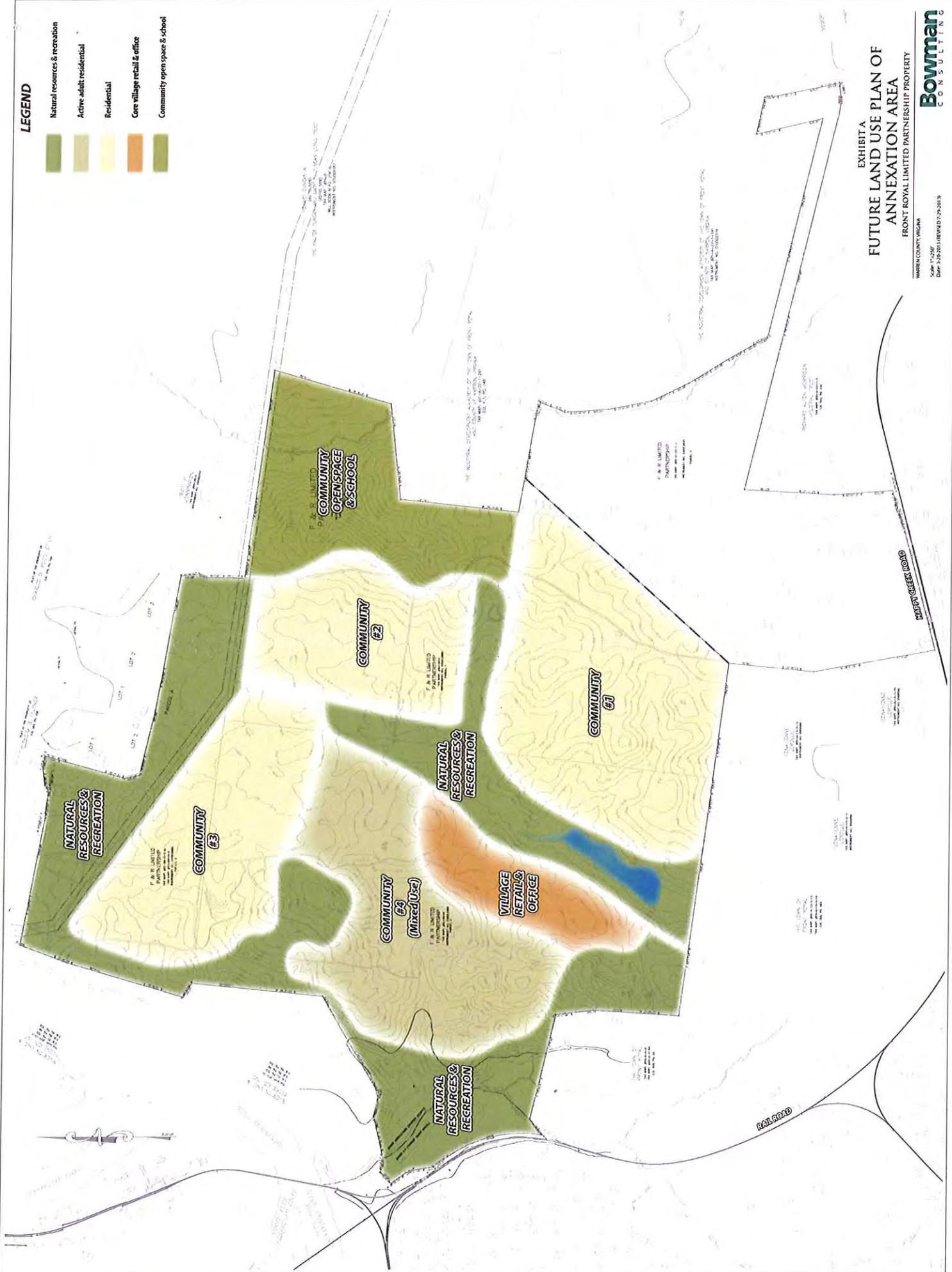
FRLP looks forward to working with the Town on this matter.

Respectfully Submitted,

David Vazzana, FRLP
dvazzana@gmail.com
202-215-0038

LEGEND

- Natural resources & recreation
- Active adult residential
- Residential
- Core village retail & office
- Community open space & school



**EXHIBIT A
FUTURE LAND USE PLAN OF
ANNEXATION AREA**

FRONT ROYAL LIMITED PARTNERSHIP PROPERTY
WARREN COUNTY, VIRGINIA
Scale: 1"=200'
Date: 3-20-2011 (REVISED 7-9-2013)
Bowman
CONSULTING

- ❖ The Urban Land Institute has estimated that by 2030 the Washington DC MSA (region) will have generated 1.6 million new jobs and have 2 million new residents, requiring an additional 833,000 housing units.¹



➤ *“Goal: Coordinate Warren County’s and the Town of Front Royal’s (and EDA’s) growth and management plans.”*

¹ John Frece, *Reality Check Envisioning our Regions Growth*, Urban Land Institute

A. POPULATION GROWTH

1. "In order to effectively develop a plan or vision for Warren County's future, it is important to understand where the County has been, where it is now, and where it is headed." (County Plan, page 2 – 1)

Table 1-1 Population Growth in Warren County and Front Royal, 1960-2010

	<u>1960</u>	<u>1970</u>	<u>1980</u>	<u>1990</u>	<u>2000</u>	<u>2010</u>
Warren	6,706	7,090	10,074	14,262	17,995	23,135
Front Royal	7,959	8,211	11,126	11,880	13,589	14,440
Warren County & Front Royal	14,665	15301	21200	26,142	31,584	37,575
% Residing in County	45.73%	46.34%	47.52%	54.56%	56.98%	61.57%
% Residing in Town	54.27%	53.66%	52.48%	45.44%	43.02%	38.43%

Source: U.S. Census Data and Warren County Comprehensive Plan, Table 2.3.

Table 1-2 Population Growth by Percentage in the Town and County in the Preceding 10 years, 1970-2010

	<u>1970</u>	<u>1980</u>	<u>1990</u>	<u>2000</u>	<u>2010</u>
Warren	5.73%	42.09%	41.57%	26.17%	28.56%
Front Royal	3.17%	35.50%	6.78%	14.39%	6.26%
Warren County & Front Royal	4.34%	38.55%	23.31%	20.82%	18.97%

- *Past population growth has been consistent and has favored Warren County, which has added between 5 and 6 thousand persons per decade since 1970.*

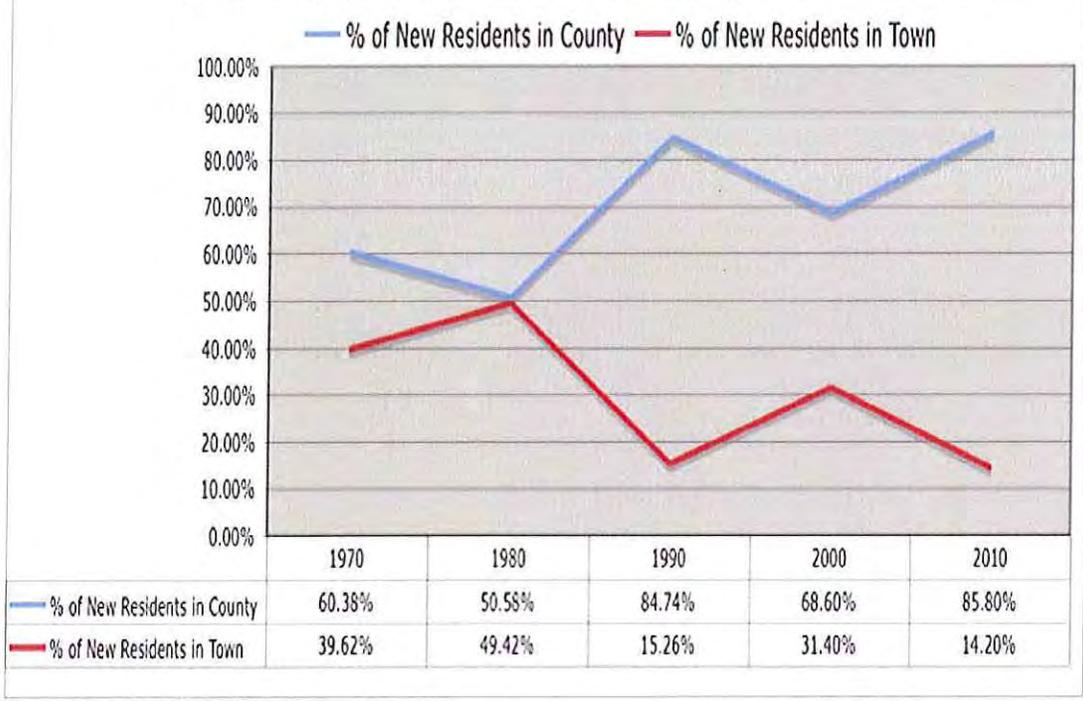
- 2. Warren County has projected that it would grow from 36,717 persons to 65,700 persons by 2025 - Warren County Government Facilities Space Needs Analysis and Master Plan, 2007.

Year Structure was Built and Total New Housing Units in Preceding 10 years

	Total New Housing Units Located In Warren County	Town	% in Town
1970-79	2602	956	36.74%
1980-89	2489	954	38.33%
1990-99	2986	1110	37.17%
2000-09	2328	402	17.27%

Source: 2010 U.S. Census.

Chart 1-2 Percent of Total New Residents Residing in the Town and County



- *The Town and County (and State) will continue growing... The question is not if development will proceed within the community, but how it will proceed - and more importantly – where?*

B. CONTEXT AND AREA MAPS – HCR PLANNING AREA

1. Overview

An increasing number of residential developments in rural parts of Warren County, characterized by either large lots on former agricultural land or mountain development, is altering the traditional pattern of compact development surrounded by open space. The scattered pattern of this development in the rural parts of Warren County is slowly robbing Front Royal residents of the public values contributed by surrounding farms and natural areas.

Goal: *To direct future development into an efficient and serviceable form that will preserve the County's predominately rural character.*

Objectives:

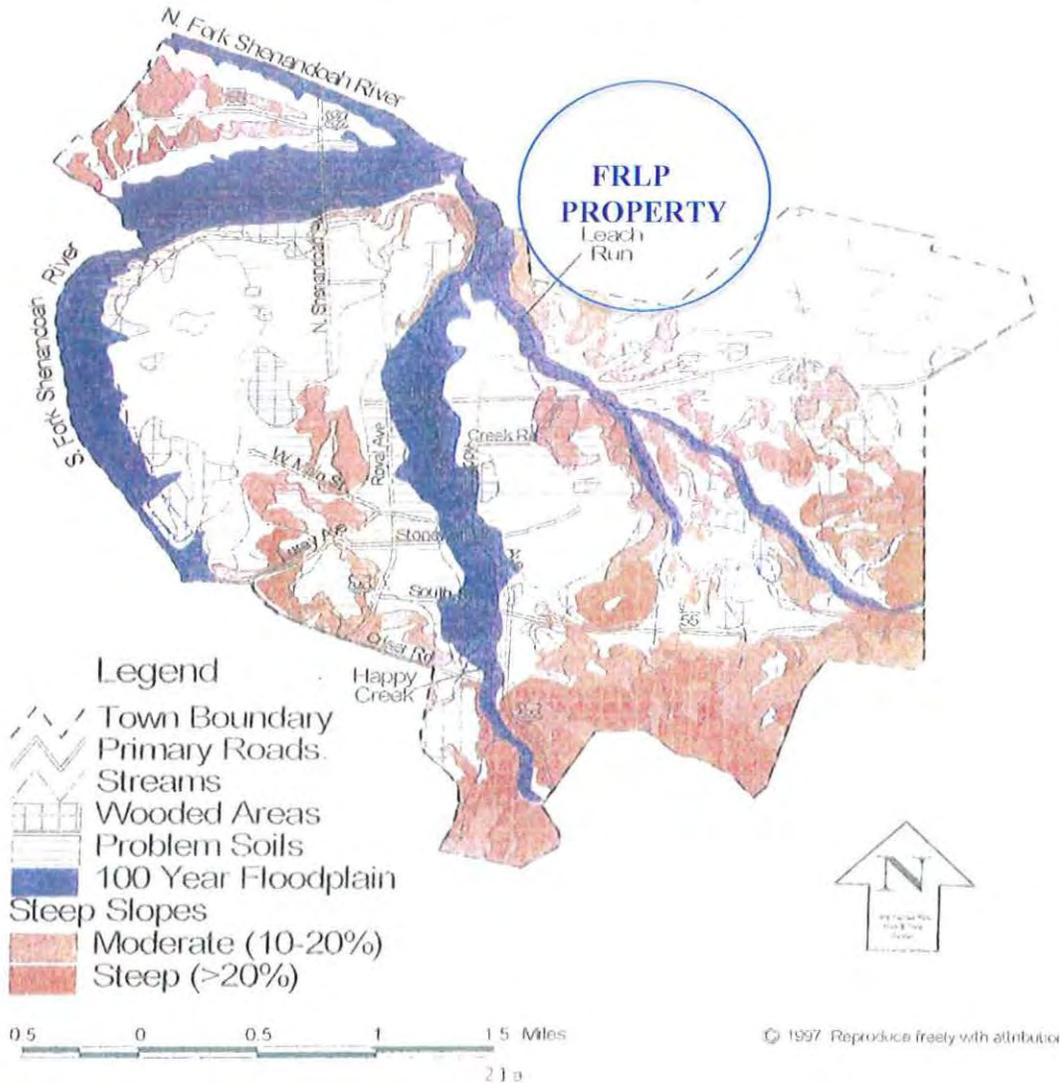
- *Direct County development to areas contiguous with Front Royal or rural villages that are served or will be served with adequate public facilities such as roads, sewer, and water.*
- *Limit future suburban sprawl in rural or agricultural areas where adequate public facilities do not exist or where their provision would not be cost-efficient.*
- *Coordinate the County's and the Town of Front Royal's growth and management plans.*

We believe a positive solution can be found to every problem. Whenever possible we will look for the solution that benefits all sides. Confrontation, conflict and adversarial relationships are not conducive to positive resolution of problems.

- Town of Front Royal and County of Warren Comprehensive Plans

2. Town of Front Royal, Natural Features, Town Comprehensive Plan.

Natural Features Town of Front Royal



✓ *“Front Royal is an area in which developable land is intermingled with steep slopes, floodplains, and woodlands, creating a clear pattern of where development is socially beneficial without excessive environmental costs.” (Town Plan, Page 22)*

3. *Town of Front Royal, Composite Development Constraints Map, Development Constraints Analysis February 2007.*

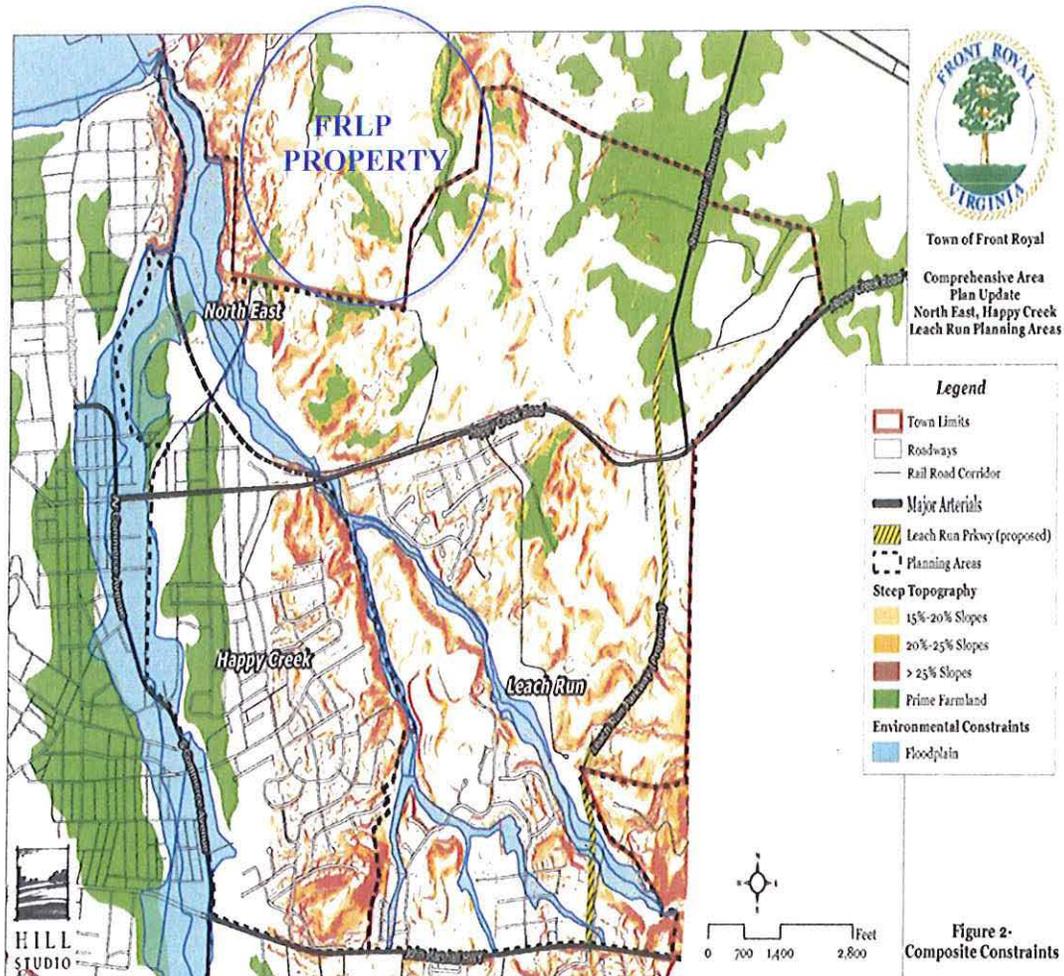
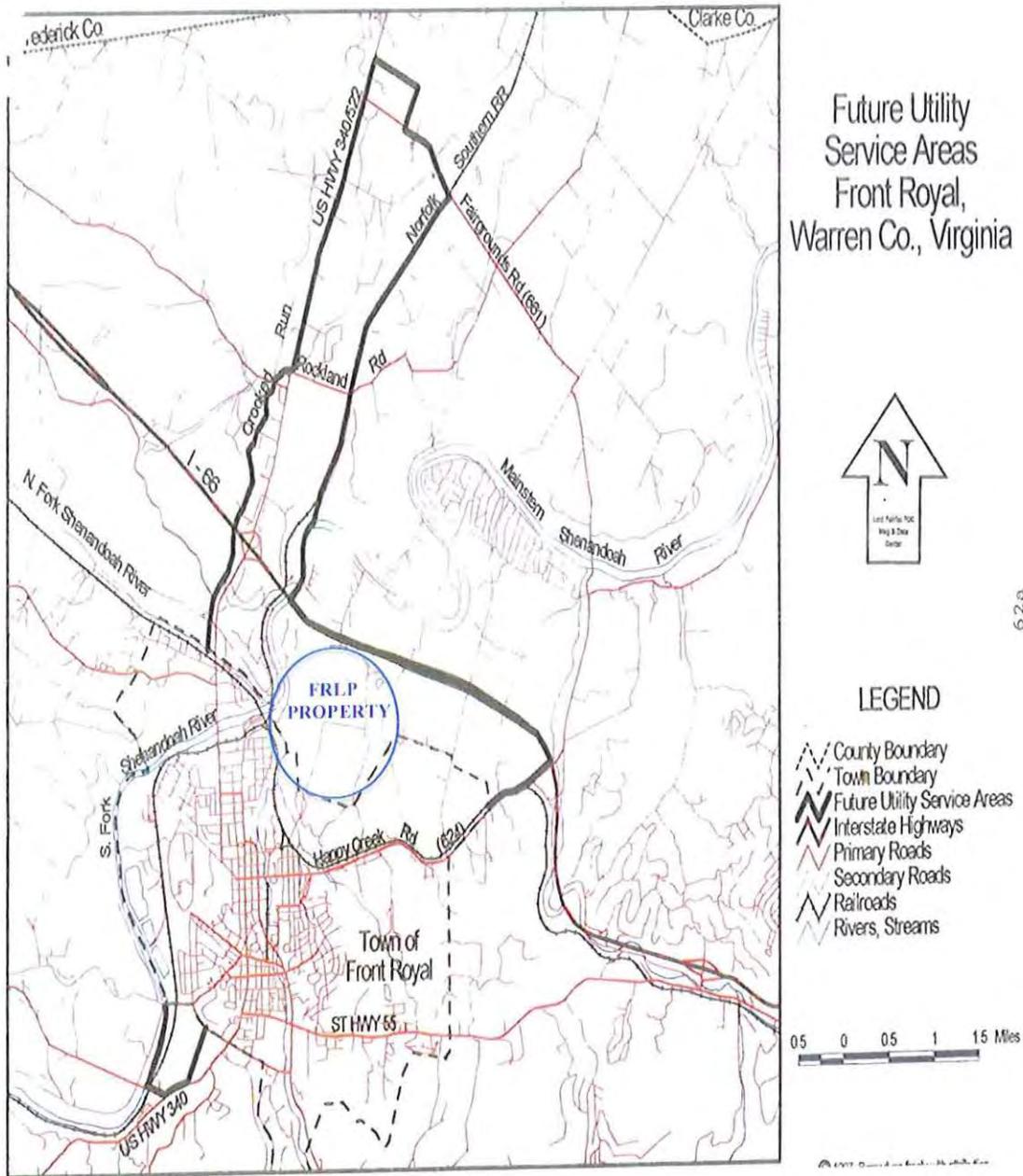


Figure 2- Composite Constraints

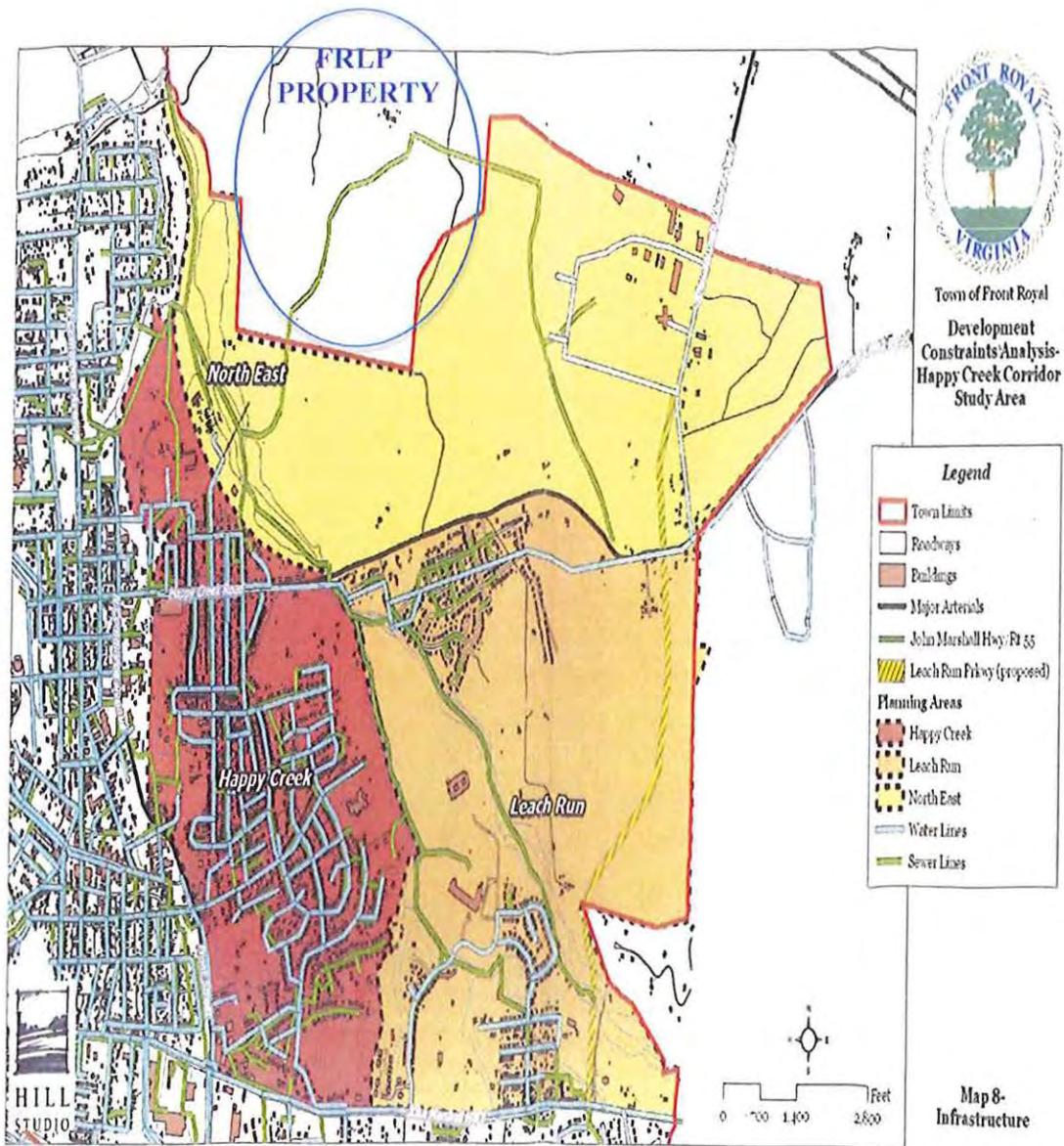
✓ *“An increasing number of residential developments in rural parts of Warren County, characterized by either large lots on former agricultural land or mountain development, is altering the traditional pattern of compact development surrounded by open space. The scattered pattern of this development in the rural parts of Warren County is slowly robbing Front Royal residents of the public values contributed by surrounding farms and natural areas.”(Page 16)*

4. Future Utility Service Area Map, Town of Front Royal Comprehensive Plan, 1988-2012



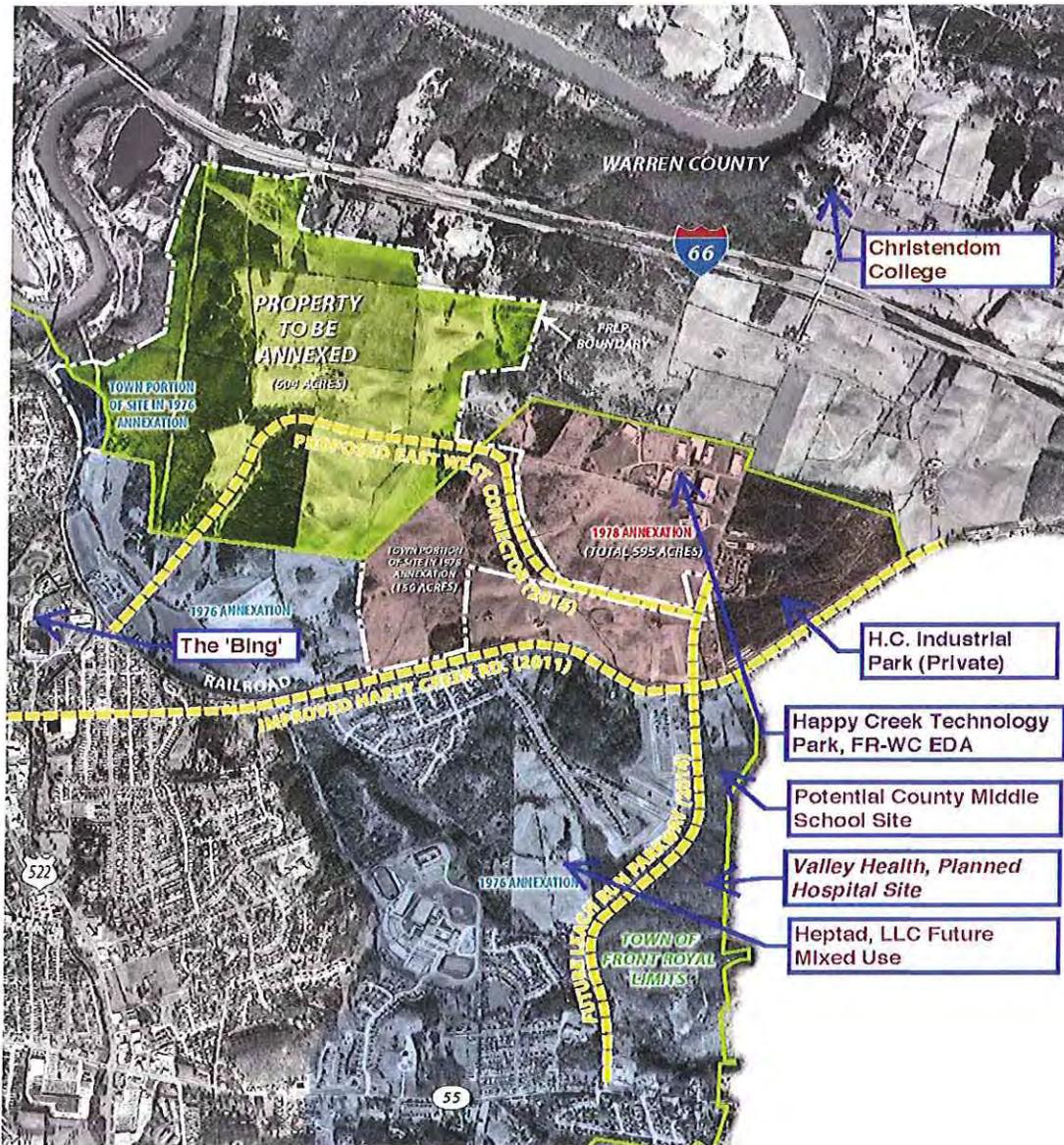
➤ **“Goal: To provide safe and reliable public water and sanitary sewer systems serving every property in Town desiring connection and within extraterritorial service areas.” (Page 56)**

5. Town Water and Sewer Infrastructure, 2007 Town Comprehensive



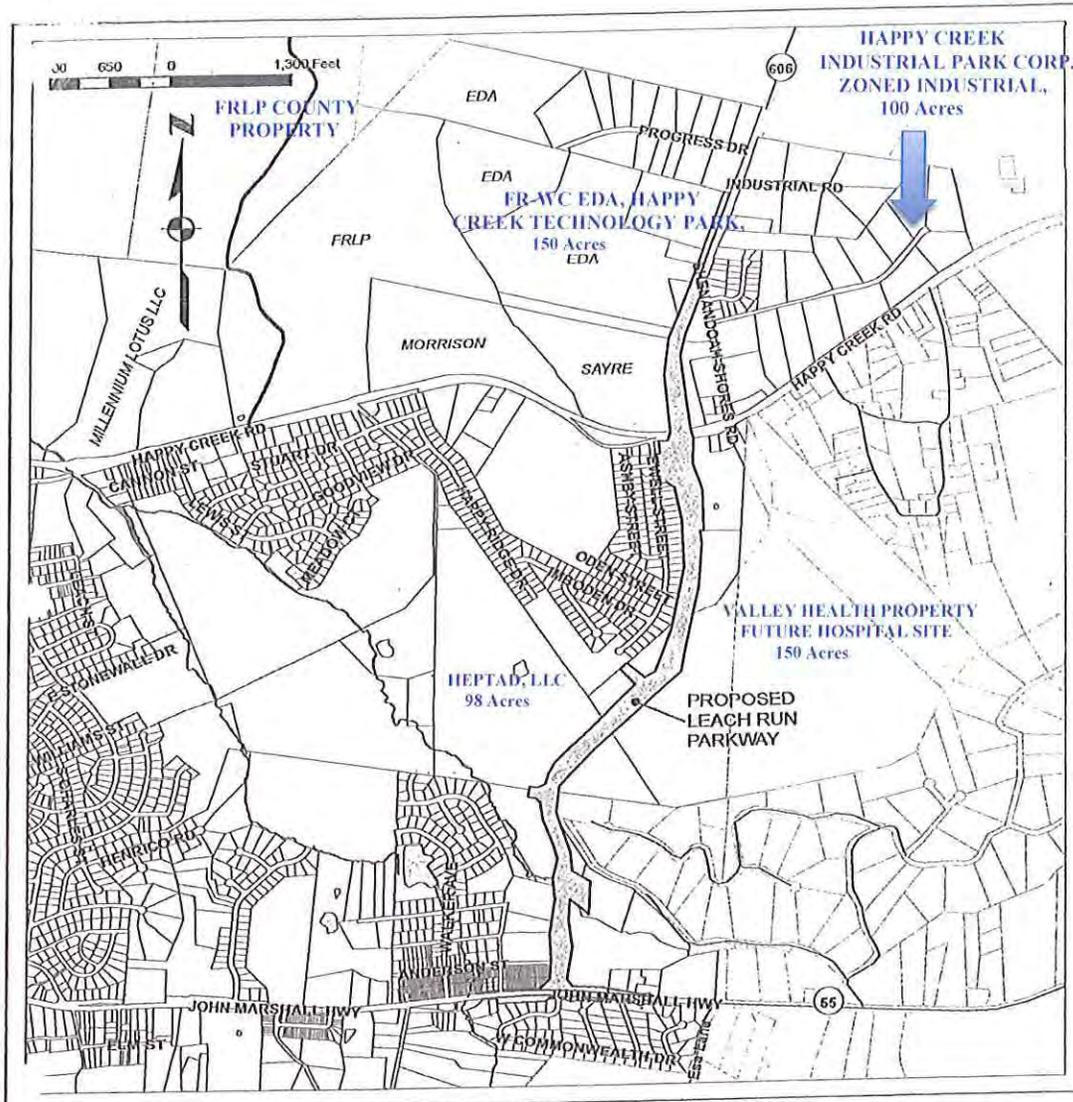
- *“Future Utility Service Areas: Area North of Happy Creek Road to I-66. This area is a logical extension of the Town’s utility service area, as the Town/County boundary is located within open farm fields and split many contiguously owned parcels. The Happy Creek Industrial Park is moving forward in the development of the land in that area.... The County’s draft Comprehensive Plan recommends the development of mixed-use in this area, which cannot be accomplished without the availability of public water and sewer service.” (Page 62)*

6. "Front Royal's paradox is that it is on the cutting edge of growth and economic development in a comfortable 'Norman Rockwell' small town setting framed by its surrounding mountains." (Page 34.)



- "Future development shall be directed into areas where major public facilities are in place or proposed. Managed growth will reduce development pressures on natural systems such as wetlands and agricultural lands. In addition, guided growth will help maintain an important and desired distinction between rural and growing areas of the County." (County Plan, page 4 – 1)

7. Future (2014) Leach Run Parkway



**PROPOSED LEACH RUN PARKWAY PROJECT
TOWN OF FRONT ROYAL**

Legend

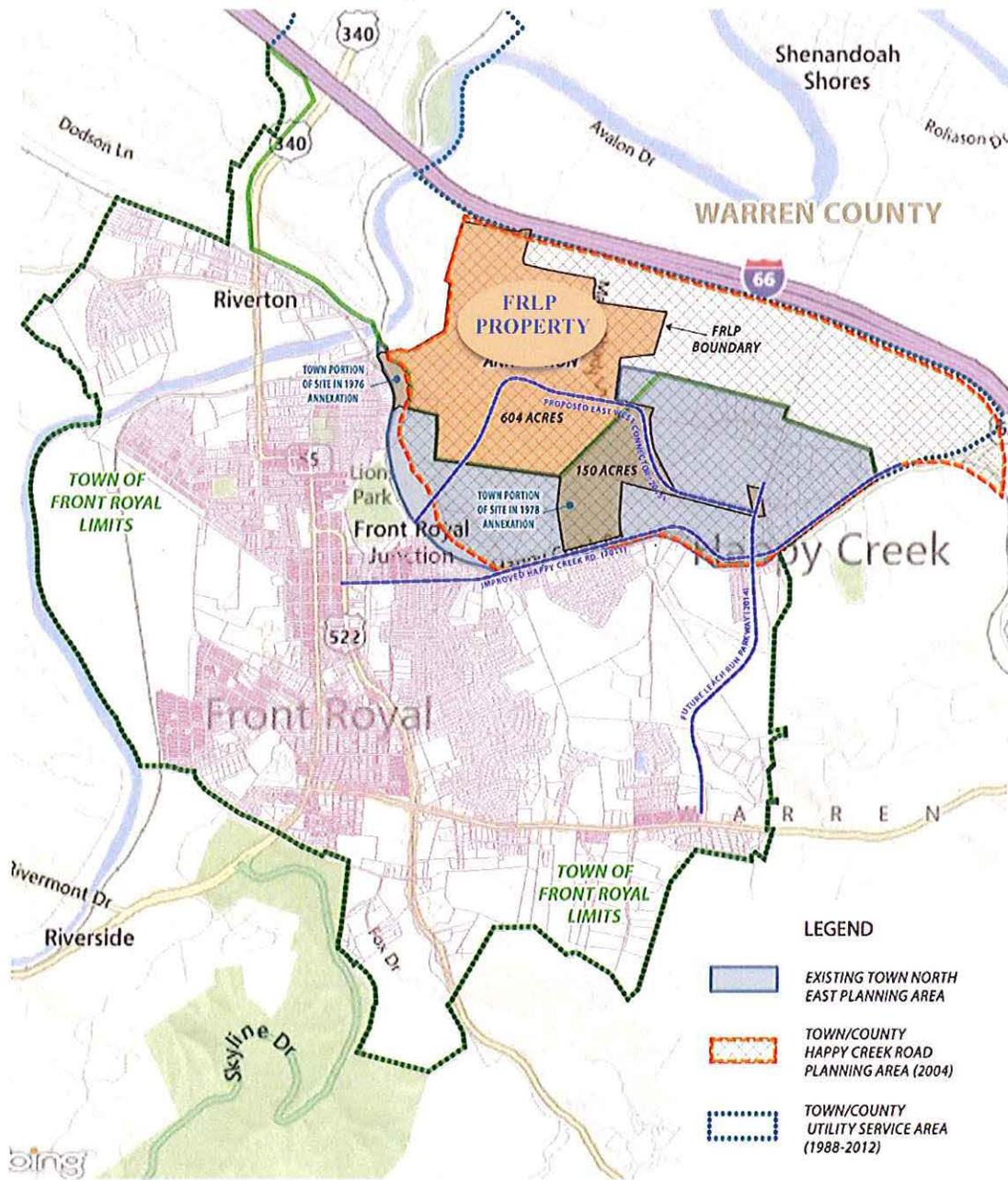
- Leach Run Pkwy 1.85 Miles
- Town Limits

Prepared by the Town of Front Royal
Department of Planning and Zoning
January 2010

D.G. Merchant, Cartographer

- *“Goal: To direct future development into an efficient and serviceable form that will preserve the County’s predominately rural character. (Page 4 – 5)*

9. Planning Area's Map



- **Objective:** Limit future suburban sprawl in rural or agricultural areas where adequate public facilities do not exist or where their provision would not be cost-efficient.

10. Draft Master Plan for Happy Creek Road Planning Area, 2004 Joint
Town-County Happy Creek Charrette.

Draft Land Use Plan

Below is the first map of the Concept Plan, the *Draft Land Use Plan for land use and circulation*, which shows general relationships of land uses and circulation elements. (A detailed land use program is shown on page 19 of this Summary).

Note that this plan reflects the basic road pattern shown in the preferred transportation scenario.

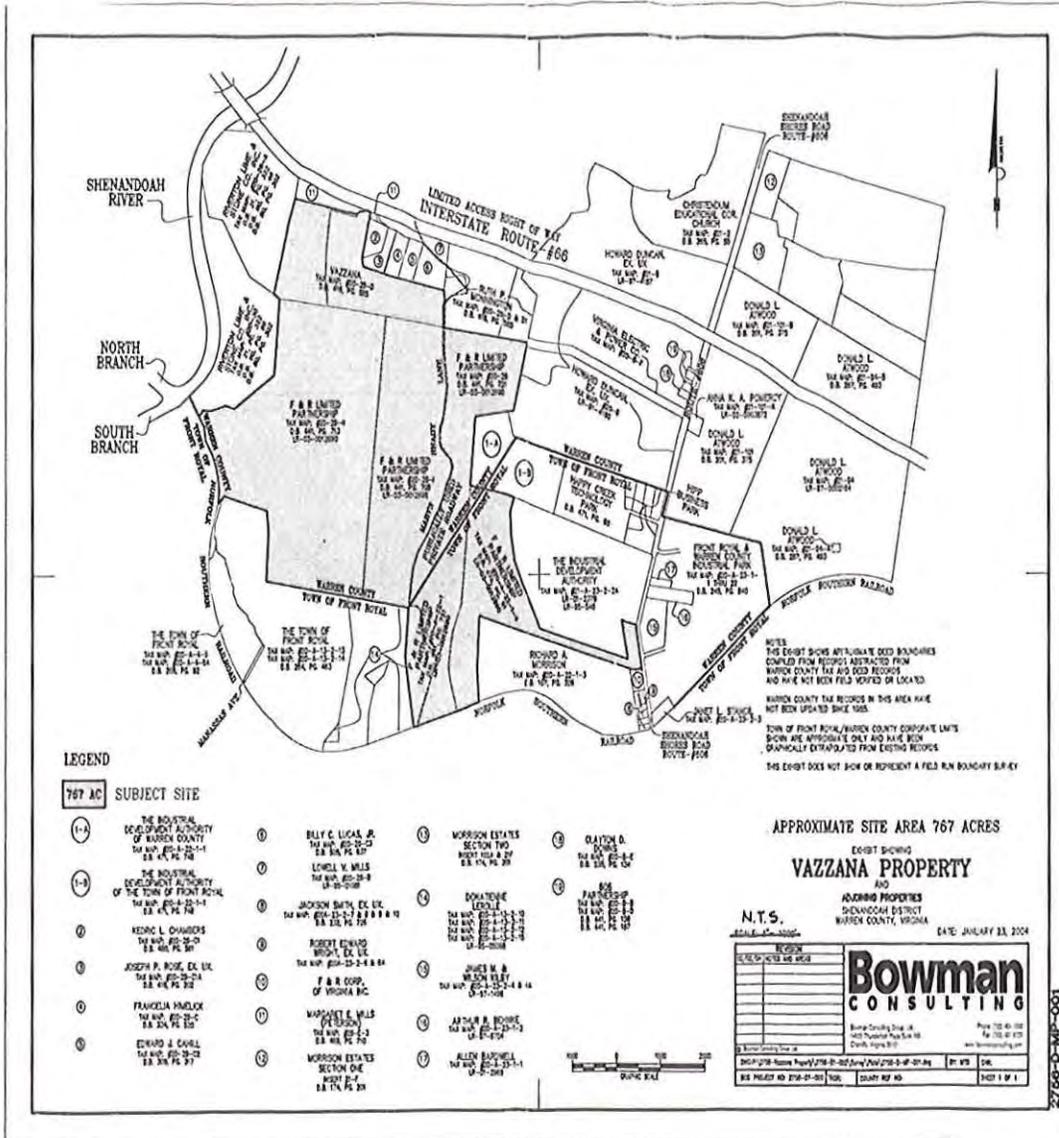


HAPPY CREEK ROAD CONCEPT PLAN
DRAFT LAND USE PLAN BASED ON DEC 15, 2004 CITIZENS MEETING



➤ ***“Objective: Coordinate the County’s and the Town of Front Royal’s growth and management plans.” (Page 4 – 5)***

11. The Town and County have been planning for growth in the Happy Creek Road Planning Area since the 1976 and 1978 Town annexations...



- ✓ Indeed, a review of the materials related to the 1976 and 1978 Town boundary adjustments that are archived in the Warren County courthouse reveals that all the maps associated with the files are actually incorrect, as they show the areas to be adjusted as extending all the way up to I-66.
- ✓ We believe a positive solution can be found to every problem. Whenever possible we will look for the solution that benefits all sides.

LEGEND

-  Natural resources & recreation
-  Active adult residential
-  Residential
-  Core village retail & office
-  Community open space & school



EXHIBIT A
2 party Agt

EXHIBIT A
 FUTURE LAND USE PLAN OF
 ANNEXATION AREA
 FRONT ROYAL LIMITED PARTNERSHIP PROPERTY

WARREN COUNTY, VICTORIA
 Scale: 1" = 250'
 Date: 3-20-2013 (REVISED 24-2013)



4B

Town of Front Royal, Virginia Work Session Agenda Form

Date: March 21, 2016

Agenda Item: Draft Amendment to the Town Code – R1A Cluster Development Option
Director of Planning & Zoning

Summary: The attached DRAFT Amendment to the Town Code was recommended by the Planning Commission during their meeting held on January 20, 2016. It includes changes to the R1A District, including modifications to Town Code 175-18.1-18.7, and the addition of Town Code 175-18.8. Subsection 18.8 includes new optional development standards in the R1A for projects consisting of at least 20 acres. These new standards are referred to as “cluster development” standards.

Front Royal Limited Partnership (FRLP) initiated this project with the submission of an application requesting that the Town consider a number of changes to the R1A District (See Attachment). Specifically, the applicant requested changes to allow smaller lots, narrower lots, shorter setbacks, an increase to the maximum building coverage, a reduction in the number of required off-street parking spaces, and the ability to request additional modifications. Over a series of work sessions the applicant and Planning Commission drafted the attached document.

The Planning Commission evaluated ordinances from other localities and development projects in the region that utilize similar standards. Cluster development standards are becoming more commonplace, particularly for new development projects in northern Virginia. Virginia Code §15.2-2286.1 requires cluster development regulations for all high growth Counties and Cities. Evidence evaluated showed that home values and demand for housing is strong in cluster development projects. However, researched showed that there are concerns raised with cluster development projects when they do not accompany sufficient open space and amenities.

Council Discussion: This agenda item is scheduled for a work session review on March 21, 2016.

Staff Evaluation: The draft changes would allow an optional “by-right” set of performance standards in the R1A District. Existing R1A District areas, other than FRLP’s property, would be restricted from using the new standards due to the 20 acre minimum area requirement. Overall, the standards are a reasonable method for allowing more flexible design standards. The tradeoff for the smaller lots is additional open space and buffering. As a measure to help ensure a quality develop, Town Staff and the Planning Commission also included additional requirements for recreational amenities that development projects would be required to include within designated open space areas.

Budget/Funding: N/A

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

Town Manager: The Town Manager will be available at the work session for questions.

Council Recommendation:

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



§ 15.2-2286.1. Provisions for clustering of single-family dwellings so as to preserve open space

A. The provisions of this section shall apply to any county or city that had a population growth rate of 10% or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census. However, the requirements of this section shall not apply to any such county or city that has a population density of more than 2,000 people per square mile, according to the most recent report of the United States Bureau of the Census.

B. Any such locality shall provide in its zoning or subdivision ordinances, applicable to a minimum of 40% of the unimproved land contained in residential and agricultural zoning district classifications, standards, conditions, and criteria for the clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions, and criteria, the governing body may, in its discretion, include any provisions it determines appropriate to ensure quality development, preservation of open space, and compliance with its comprehensive plan and land use ordinances. A cluster development is otherwise subject to applicable land use ordinances of the locality; however, the locality shall not impose more stringent land use requirements for such cluster development.

The locality shall not prohibit extension of water or sewer from an adjacent property to a cluster development provided the cluster development is located within an area designated for water and sewer service by a county, city, or town or public service authority.

For any "open space" or "conservation areas" established in a cluster development, the locality shall not (i) require in such areas identification of slopes, species of woodlands or vegetation and whether any of such species are diseased, the locations of species listed as endangered, threatened, or of special concern, or riparian zones or require the applicant to provide a property resource map showing such matters in any conservation areas, other than that which may be required to comply with an ordinance adopted pursuant to § 15.2-961 or 15.2-961.1 or applicable state law; (ii) require such areas be excluded from the calculation of density in a cluster development or exclude land in such areas because of prior land-disturbing activities; (iii) prohibit roads from being located in such areas for purposes of access to the cluster development, but the locality may require such roads be designed to mitigate the impact on such areas; (iv) prohibit stormwater management areas from being located in such areas; or (v) require that lots in the cluster development directly abut such areas or a developed pathway providing direct access to such areas.

For purposes of this section, "open space" or "conservation areas" shall mean the same as "open-space land" in § 10.1-1700.

The density calculation of the cluster development shall be based upon the same criteria for the property as would otherwise be permitted by applicable land use ordinances. As a locality provides for the clustering of single-family dwellings and the preservation of open space developments, it may vary provisions for such developments for each different residential zoning classification within the locality. For purposes of this section, "unimproved land" shall not

include land owned or controlled by the locality, the Commonwealth or the federal government, or any instrumentality thereof or land subject to a conservation easement.

If proposals for the clustering of single-family dwellings and the preservation of open space developments comply with the locality's adopted standards, conditions, and criteria, the development and open space preservation shall be permitted by right under the local subdivision ordinance. The implementation and approval of the cluster development and open space preservation shall be done administratively by the locality's staff and without a public hearing. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for such developments. However, any such ordinance may exempt (a) developments of two acres or less and (b) property located in an Air Installation Compatible Use Zone from the provisions of this subdivision.

C. Additionally, a locality may, at its option, provide for the clustering of single-family dwellings and the preservation of open space at a density calculation greater than the density permitted in the applicable land use ordinance. To implement and approve such increased density development, the locality may, at its option, (i) establish and provide, in its zoning or subdivision ordinances, standards, conditions, and criteria for such development, and if the proposed development complies with those standards, conditions, and criteria, it shall be permitted by right and approved administratively by the locality's staff in the same manner provided in subsection A, or (ii) approve the increased density development upon approval of a special exception, special use permit, conditional use permit, or rezoning.

D. Notwithstanding any of the requirements of this section to the contrary, any local government land use ordinance in effect as of June 1, 2004, that provides for the clustering of single-family dwellings and preservation of open space development by right in at least one residential zoning classification without requiring either a special exception, special use permit, conditional use permit, or other discretionary approval may remain in effect at the option of the locality and will be deemed to be in compliance with this section. Any other locality may adopt provisions for the clustering of single-family dwellings, following the procedures set out in this section, in its discretion.

2006, c. [903](#);2011, cc. [519](#), [549](#).

STATEMENT OF JUSTIFICATION

BACKGROUND

On December 7th 2009, as a part of its rezoning presentation to Council, FRLP presented proposed changes to the existing lot requirements in the R1-A ordinance. At the time, and as suggested by our legal counsel, FRLP believed that it was possible to change these requirements concurrently with the rezoning process as other communities in Virginia have taken such an approach. The Town attorney opined, however, that we could not do so and we agreed to seek these changes after the rezoning was complete rather than proceed with something that the Town attorney at the time felt was illegal.

R1-A – HISTORY AND INTENT

The R1-A Zoning designation was added to the Town Code in 1995. Its intent in the Zoning Ordinance is stated as follows:

The R-1A District is designed to accommodate single-family residential development of a medium density on smaller individual lots. The standards for this district are designed to stabilize and protect the character of the designated areas and to protect and encourage a suitable environment for family life.

Since being created in 1995, no properties have sought to change their zoning to this zoning classification to our knowledge except FRLP, and, further, to our knowledge the FRLP property is the only undeveloped R1-A property within the Town.

R1-A – CONTEXT IN CHAPTER 175

Chapter 175 provides a number of zoning designations, and corresponding densities, to property inside the Town. Zoning designations and lot sizes for single family detached dwelling units include:

RE	1 acre
RS	.5 acre
R1	10,000 square feet
R1-A	7,000 square feet
R2	8,000 square feet
R3	7,500 square feet
PND	No Minimum

There exists a need for a zoning classification that accommodates development of single-family lots between five and eight thousand square feet. FRLP believes that it would be appropriate for the R1-A zoning classification to be amended somewhat to meet this need. Changing certain requirements of the R1-A ordinance would give future

landowners a rezoning option that they do not have today. Future landowners might deem this smaller lot option to be more in line with market demand, and buyers preferences, than what any existing zoning classifications provide for (and require) today. It would also provide the Town with greater flexibility in the provision of housing types and opportunities.

POTENTIAL PROBLEMS WITH THE PND ORDINANCE

FRLP suggests that the PND ordinance does not meet the need for smaller and more diverse, single-family detached lot options (from five to eight thousand square feet) for a number of reasons, including:

- Planned neighborhood developments shall contain not less than 20 contiguous acres. Most property owners do not meet this requirement.
- Required commercial development for parcels greater than 50 acres. Not all developments can sustain commercial component. By mandating this for all PND developments, the Town may well be requiring something that will never develop or sell.
- Not all communities require a 'mix' of land uses and types.
- Submission requirements require a developer to spend many times more money to process a PND application than to pursue other rezonings. This prevents many larger landowners from considering this classification, and constitutes a preclusive bar for almost all smaller landowners.
- The concepts underlying 'traditional neighborhood design' contained in the PND are wary, but until Chapter 148 permits compatible traditional neighborhood design standards, it does not make sense to build small lots that front on 36' wide streets in very large rights-of-way, among other things. FRLP continues to suggest that significant revision to Chapter 148 should be pursued.

PROPOSED CHANGES

FRLP proposes the following changes to the R1-A ordinance:

1. **175-18.3 AREA** - Change the minimum lot size from 7,000 square feet to 5,500 square feet OR (alternatively) change to 5500 square feet but require the average lot size to remain 7,000 square feet.
 - *Smaller lots lessen developments 'footprint' on the environment without increasing density. For example, the FRLP project if built with 5,500 square foot lots instead of 7,000 square foot lots would commit the creation of an additional 11 acres of open space (undeveloped land). In fact, FRLP intends to develop a range of lot sizes between 5,500 and 8,000 square feet, but cannot do so under current ordinance requirements. Decreasing lot sizes as proposed will not increase allowable density elsewhere within the Town, since the FRLP property is the only currently*

zoned, and undeveloped, R1-A property and it has proffered to construct no more than 320 units, regardless of lot size.

○ *Suggested new language:*

▪ A. Minimum lot size:

- 1. Single family dwellings: seven thousand (7,000) square feet OR fifty five hundred (5,500) square feet provided that the average lot size of all lots in the District is seven thousand (7,000) square feet. For purposes of calculating the “average lot size” of all lots in any proposed R1-A district any single proposed lot with an area greater than eleven thousand (11,000) square feet shall be counted as an eleven thousand square foot lot.

2. **175-18.3 AREA** – Change the minimum lot width from 50 to 46 feet, and from 70 to 60 feet for corner lots.

- *Provided side set-backs remain the same with 14 feet between buildings FRLP believes allowing smaller lot widths will enhance community design, lessen development impact on the environment, reducing road length, and reducing infrastructure costs.*

3. **175-18.5 MINIMUM YARD DIMENSIONS** Change the minimum set-backs - front set-back from 25 to 10 feet, side set-back from 7 to 5 feet with a minimum of 14’ total (i.e. the distance between buildings will be *the same* as it is today at 14 feet), corner side from 25 to 20, and accessory structures side set-back from 5 to 3 feet and accessory structures corner side set-back from 25 to 20 feet.

- *FRLP believes reducing these requirements will help create more of a ‘community’ feel within the neighborhood.*

○ *Suggested new language:*

- 1.) Front Building Setbacks: Minimum 10 feet for primary building
Garage Openings: Minimum of 20 feet from the sidewalks
Allowable Private Frontages: Porches, porch stairs, porticos, balconies, bay windows, raised dooryards, planters, entrance stoops, and similar appurtenances such as chimneys may extend into any required Front, Side, or Rear Building Setback area but not nearer than six (6) feet to any Front lot line or nearer than three (3) feet to any Side lot line.
2.) Side: Minimum of three (3) feet, provided, however a minimum of fourteen (14) feet is provided between all homes on any adjoining lots
3. Corner Side: fifteen (15) feet

4. Change the maximum building coverage from 35% to 45%, a change which is due to decrease in lot sizes.
 - *This will allow greater flexibility in building design because of smaller lot sizes.*

5. 175-18.7 OFF-STREET PARKING (R-1A) – Change the required minimum off-street parking apces from 2 to 1. This is due to the street widths. There is an over abundance of parking if all streets have parking on both sides.

6. ADD NEW LANGUAGE – Allow same modifications as allowed in the PND ordinance (use PND language and add ch. 148 modiefications as it was stated 148 could be modified at that time as well). This simply expands the powers of Town Council – i.e. they can approve these things or decide not to at the time of rezoning (if the Town wanted to simply add this language it would obviate the need to make any other changes to R1-A as requested herein as we could re-write section 15 of FRLP proffers to make these changes as a part of our proffer amendment):
 - *Proposed new language (from PND):* **“Modifications to the following design standards may be authorized by the Town as part of the rezoning or conditional rezoning application process, provided they are specifically approved, with the modified design standards taking precedence over the design standards of Chapter 148 and Chapter 175 of the Town Code.**
 1. Lot Area
 2. Lot Width
 3. Setbacks and Yard Area
 4. Building Height
 5. Building Separation
 6. Chapter 148

CONCLUSION

SMALL LOT DEVELOPMENT - PERCEPTION VS. REALITY

FRLP acknowledges that there is a perception in some elements of the community that small lot development is undesirable. It respectfully suggests that the reality is that small lot development is both less expensive for local governments, better for the environment, and more economically feasible.

NEED

There are many people who do not want to live on large lots and they should have that choice. FRLP suggests that there is a need in the Zoning Ordinance for a classification option between a ‘PND’ style development and the larger lot development options that

already exist in Chapter 175. A 'PND' type development would typically permit lots between 4,000 and 5,500 square feet and be served by alleys. The single-family zoning classifications in Chapter 175 provide for lots that are 7-8000 square feet and larger. There is not currently a zoning classification that allows for lot types of 5,500 square feet and greater, which constrains the development of communities with a town-like feel.

Moreover, FRLP believes there is a market for lots between 5,500 and 8,000 square feet that is currently not being served by the requirements of Chapter 175. In fact, survey preferences for buyers through 2025 indicate that over 60% would prefer small lots, defined as less than 7,000 square feet. The same survey projected a market preference for 40 million new small lots and an oversupply of 23 million large lots (lots over 7,000 square feet) Even today, 40% say they would trade large lots for small lots, in return for open space and a sense of place. (Nelson, "Planning for a New Era," *Journal of the American Planning Association*, Virginia Tech Metropolitan Fall 2006).

Exclusionary zoning practices—such as prohibiting apartments and townhouses or requiring very large lot sizes— raise prices or exclude certain housing types altogether from certain areas, and may reflect NIMBYism (opposition from local residents for development considered to be undesirable) more than any physical constraint or concern for the public welfare. Exclusionary zoning in some cases may be simply NIMBYism disguised as a desire for smarter growth or an inability to provide services. A large and growing literature shows that more compact and contiguous development patterns, and moderate to high-density mixed- use developments are the least costly to serve and the most resilient to development cycles that can otherwise lead to blight.⁴¹ Moreover, it appears that with good planning and design, traffic impacts can be reduced by up to 40 percent or more with low-density suburban development creating even more long-term savings.

The proposed changes would allow for a small lot development that incorporates many traditional neighborhood design elements without the added submission, regulatory, size, and commercial requirements of the PND ordinance. FRLP believes that the proposed changes to the R1-A ordinance will fill a hole in the current lot size requirements that exists today between the various zoning classifications for single-family homes and it would be consistent with the stated intent to "accommodate single-family residential development of a medium density on smaller individual lots".

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January 12, 2010

Thomas Robinette, Esquire
Town Attorney
Town of Front Royal
16 N. Royal Avenue, 2nd Floor
Front Royal, VA 22630

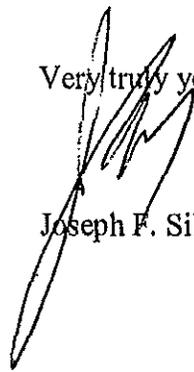
RE: Front Royal Limited Partnership Application

Dear Tom:

Please find enclosed a copy of the letter that we discussed on the telephone on Friday, January 8, 2010. I was happy that you would keep an open mind on the subject until after you have had a chance to review this letter. I hope to discuss this with you after you have had a chance to read Mr. Foote's letter.

With kindest regards, I am

Very truly yours,



Joseph F. Silek, Jr., Esquire

JFSJR/ssl
Enclosure
Cc: Mr. David Vazanna (via email)



WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC

John H. Foote
(703) 680-4664 Ext. 114
jfoote@pw.thelandlawyers.com
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August 3, 2005

Via Facsimile

Martin Crim, Esq.
Smith & Davenport
9253 Lee Avenue
Manassas, Virginia 22110

Re: Modification of front yard requirements for Copper Ridge

Dear Martin:

Maxie Davis met with my folks from Angler regarding Copper Ridge today, and among other things discussed was the modification of the front yard setback. The Ordinance currently requires 30 feet, and our people have proposed 15 feet. I understand the staff to concur with this suggestion, since it keeps the units "tighter" to the street and is more consistent with the Town.

The question posed to me was how this might be done, given the Ordinance provision, and I was asked to share my thoughts with you.

You are probably aware that several local jurisdictions permit modification of otherwise identified standards in zoning ordinances through the special use permit, or conditional zoning processes. While the Culpeper Zoning Ordinance provides that proffered conditions shall be "in addition" to the requirements of the Ordinance, the actual definition of conditional zoning found in the enabling legislation provides that

"[c]onditional zoning" means, as part of classifying land within a locality into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to, or modification of the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

Va. Code Ann. § 15.2-2201, emphasis supplied.

There is, of course, no case law on this point, but the enabling statute manifestly contemplates the use of a proffer to "modify" regulations. I note that the enabling legislation for conditional zoning ordinances in the Town does not employ the same formulation, referring as your Ordinance does to conditions "in addition" to the requirements of the Ordinance, but on the

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ATTORNEYS AT LAW

Martin Crim, Esq.
August 3, 2005
Page 2 of 2

principles of statutory interpretation that require all language be given meaning, and all to be read to complement each other where possible, I believe that the authority is plainly conferred on all jurisdictions to use proffers in that manner.

If you concur with this analysis, then I believe that your people will be pleased because it would permit the processing of a plan with which they are more comfortable, without the necessity of Ordinance amendment, rulings, or other administrative procedures.

Sincerely yours,

WALSH, COLUCCI, LUBELEY, EMRICH &
TERPAK, P.C.

John H. Foote

JHF/jhf

cc: Steve Vento
Joe Wiltse
Mike Stumpo
Maxie Brown

DRAFT AMENDMENT – VERSION 4
R-1A Cluster Development Option

START -----

175-18.1 STATEMENT OF INTENT (R-1A)

The R-1A District is designed to accommodate single-family residential development of a medium density on smaller individual lots. The standards for this district are designed to stabilize and protect the character of the designated areas and to protect and encourage a suitable environment for family life. Optional cluster subdivision standards are included with the intent and purpose of providing greater flexibility for larger development projects. To ensure quality development, the added development flexibility is balanced with requirements that require additional open space and recreational amenities. These additional requirements support a development with higher property values; better preservation of the natural environment; and a more active and healthy community.

175-18.2 USE REGULATIONS (R-1A)

- A. Subject to the standards and requirements set forth in this Chapter, except as prohibited or restricted by separate restrictions of record that may pertain to property within the R-1A District, the following uses of land and buildings are permitted by-right in the R-1A District:

RESIDENTIAL:

Single-family dwellings, detached

COMMERCIAL:

INDUSTRIAL:

ORGANIZATIONAL:

Churches

Schools

MISCELLANEOUS:

Accessory uses, structures and buildings

Home occupations

Open space and conservation areas.

Public facilities, excluding Fire and Rescue Squads & Police Stations

Public parks and playgrounds

Public utilities

Signs, as set forth in Section 175-106

Special childcare services

Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator

- B. The following uses are permitted within the R-1A District only by approval of a special use permit, except as prohibited or restricted by separate restrictions of record that may pertain to property within the R-1A District:

RESIDENTIAL:

COMMERCIAL:

Day care, and day-care facilities as set forth in the Town Code Section 175-107.1.

INDUSTRIAL:

ORGANIZATIONAL:

Fire and Rescue Squad & Police Stations.

Public Libraries.

Community Center.

MISCELLANEOUS:

Any use permitted under Section 175-10.18.2.A, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-10.18.4, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.

175-18.3 AREA (R-1A)

Notwithstanding the provisions of Section 175-128, all newly established uses, with the exception of single-family dwellings, shall be required to meet the minimum area requirements at the time of establishment of the use.

- A. Minimum lot size:
1. Single family dwellings: seven thousand (7,000) square feet.
 2. Schools: twenty thousand (20,000) square feet.
 3. Churches: twenty thousand (20,000) square feet.
 4. Parks and playgrounds: five thousand (5,000) square feet.
 5. Public utilities: no regulation.
 6. Other public facility uses: twenty thousand (20,000) square feet.
- B. Minimum lot width:
1. Single-family dwellings:
 - a. Corner lots: seventy (70) feet.
 - b. Interior lots: fifty (50) feet.
 2. Parks and playgrounds and public utilities: no regulation.
 3. All other uses: one hundred (100) feet.
- C. Minimum district size: three (3) acres.

175-18.4 HEIGHT(R-1A)

- A. Single-family dwellings: thirty-five (35) feet maximum.
- B. Public or semipublic buildings: forty-five (45) feet maximum, provided that the required front, side and rear yards are increased by two (2) feet for each foot in height over thirty-five (35) feet.
- C. Exemptions from height requirements:
 - 1. Church spires.
 - 2. Belfries.
 - 3. Cupolas.
 - 4. Municipal water towers.
 - 5. Chimneys.
 - 6. Flues.
 - 7. Flagpoles.
 - 8. Television antennas.
 - 9. Radio aerials.
- D. Accessory buildings and structures:
 - 1. On lots with an area of less than five-tenths (0.5) acre: two-thirds (2/3) height of principal structure.
 - 2. On lots with an area of five-tenths (0.5) acre or more: not to exceed height of principal structure or thirty-five (35) feet, whichever is less.

175-18.5 MINIMUM YARD DIMENSIONS (R-1A)

- A. Single-family dwellings:
 - 1. Front setback: twenty-five (25) feet.
 - 2. Side: seven (7) feet.
 - 3. Corner side: twenty-five (25) feet.
 - 4. Rear: twenty-five (25) feet.
- B. Other principal structures:
 - 1. Front setback: twenty-five (25) feet.
 - 2. Side: fifteen (15) feet.
 - 3. Rear: thirty (30) feet.
 - 4. Corner side: twenty-five (25) feet.
- C. Accessory buildings and structures:
 - 1. Front setback: thirty (30) feet.
 - 2. Side: five (5) feet or fifty percent (50%) of building height, whichever is greater.
 - 3. Rear: five (5) feet or fifty percent (50%) of building height, whichever is greater.
 - 4. Corner side: twenty-five (25) feet.
- D. Notwithstanding the provisions above, the front setback on any lot located within a block that is fifty percent (50%) or more developed shall conform with any consistently established setback along the block.
- E. The main or front building facade and entrance for any single-family dwelling shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to Section 175-147.1.

175-18.6 LOT COVERAGE (R-1A)

- A. Maximum building coverage: thirty-five percent (35%)
- B. Accessory building coverage: thirty percent (30%) of any required yard

175-18.7 OFF-STREET PARKING (R-1A)

- A. Space requirements:
 - 1. Single-family dwellings: two (2) spaces per unit.
 - 2. Churches/assembly area: one (1) space per four (4) fixed seats in the main assembly or one (1) per one hundred (100) net square feet.
 - 3. Schools: one (1) space per employee plus parking space for assembly areas as provided in Subsection A (2) above.
 - 4. Libraries: one (1) space per one thousand (1,000) gross square feet.
- B. Location: Minimum setback for driveways and parking: three (3) feet from side and rear property lines for parking areas consisting of **no more than 4,500 square feet in area with fewer than fifteen (15) spaces**. All parking areas with **more than 4,500 square feet in area fifteen (15) or more spaces** shall meet the requirements of Section 148-48 870.
- C. Parking spaces where one car is parked behind another car are permitted in this district for individual dwelling units.

175-18.8 OPTIONAL CLUSTER DEVELOPMENT STANDARDS (R-1A)

- A. In lieu of the traditional design standards of Sections 175-18.3 through 175-18.7, the following design standards may be used for cluster developments in the R-1A District.
 - 1. **Area.**
 - a. Minimum lot size: 5,500 square feet
 - b. Minimum lot width:
 - i. Corner lots: sixty (60) feet
 - ii. Interior lots: fifty (50) feet
 - c. Minimum district size: twenty (20) acres
 - 2. **Height.**
 - a. Single-family dwellings: thirty-five (35) feet maximum.
 - b. Public or semipublic buildings: forty-five (45) feet maximum, provided that the required front, side and rear yards are increased by two (2) feet for each foot in height over thirty-five (35) feet.
 - c. Exemptions from height requirements:
 - (1) Church spires.
 - (2) Belfries.
 - (3) Cupolas.

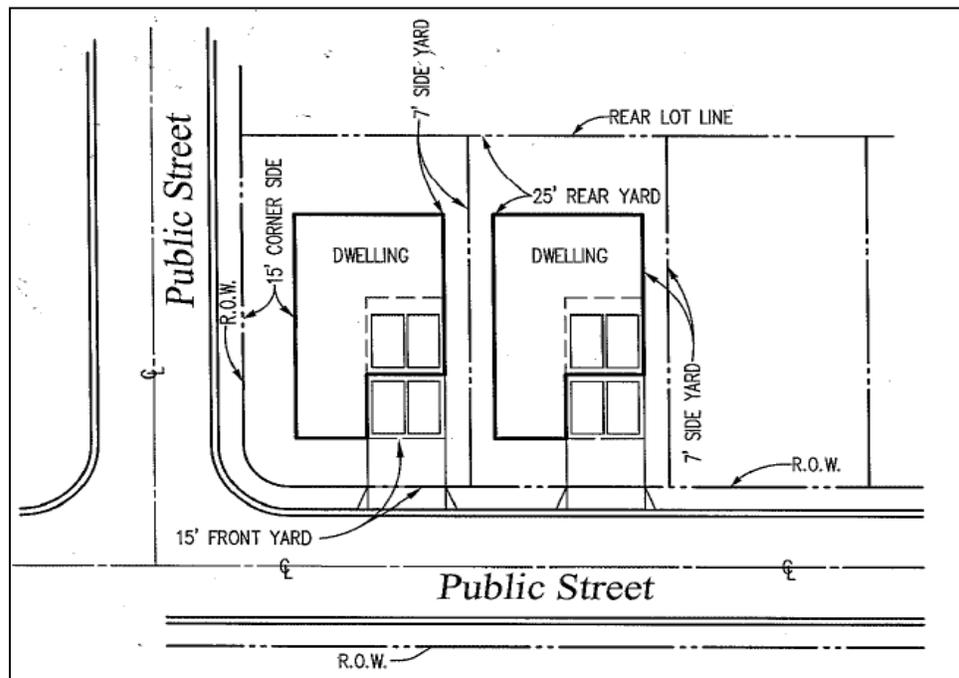
- (4) Municipal water towers.
- (5) Chimneys.
- (6) Flues.
- (7) Flagpoles.
- (8) Television antennas.
- (9) Radio aerials.
- (10) Accessory buildings and structures: Not to exceed the height of principal structure, or thirty-five (35) feet, whichever is less.

3. *Minimum Yard Dimensions.*

a. Single-family dwellings, detached:

- (1) Front: Fifteen feet (15); provided that required off-street parking is at least eighteen (18) feet in length, and the required setbacks from any building are met as specified below under Section 175-18.8.A.5. An unenclosed porch may encroach within the required front yard an additional five (5) feet.
- (2) Side: Seven (7) feet; except that the setback can be reduced to a minimum of five (5) feet when a separation of fourteen feet (14) feet is maintained between the adjacent structure.
- (3) Corner side: fifteen (15) feet; provided that any accessory building is not closer than other houses located along the same street.
- (4) Rear: Twenty five (25) feet.

ILLUSTRATION 175-18.8.A.3. Illustration of Minimum Yard Dimensions for Cluster Developments.



b. Accessory buildings and structures:

- (1) Front: fifteen (15) feet; provided that any accessory building is not closer than other houses located along the same street.
- (2) Side: five (5) feet.
- (3) Corner side: fifteen (15) feet; provided that any accessory building is not closer than other houses located along the same street.
- (4) Rear: five (5) feet.

c. Notwithstanding the provisions above, the front setback on any lot located within a block that is fifty percent (50%) or more developed shall conform with any consistently established setback along the block.

d. The main or front building facade and entrance for any single-family dwelling shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to Section 175-147.1, or alternatively, a special use permit, in accordance with Section 175-136, may be issued to allow frontage along open space areas when such request is submitted with a site plan or subdivision plan for review.

4. *Lot Coverage.*

a. Maximum building coverage: fifty percent (50%).

5. *Off-Street Parking.*

a. Space Requirements:

- (1) Single-family dwellings: two (2) spaces per unit.
- (2) Churches/assembly area: one (1) space per four (4) fixed seats in the main assembly or one (1) per one hundred (100) net square feet.
- (3) Schools: one (1) space per employee, plus one (1) space per four (4) fixed seats in the main assembly, or alternatively for the latter, one (1) per one hundred (100) net square feet.
- (4) Libraries: one (1) space per one thousand (1,000) gross square feet.

b. Minimum setback for driveways and parking: three (3) feet from side and rear property lines for parking areas consisting of no more than 4,500 square feet in area. All parking areas with more than 4,500 square feet in area shall meet the requirements of Section 148-870.

c. As required under Section 148-870.A.10, required off-street parking spaces shall be setback at least five (5) feet from all buildings; excluding the setback between the side orientation of the parking space and a single-family detached dwelling, provided that a garage is provided that is recessed behind the front building façade of such dwelling.

d. Parking spaces where one car is parked behind another car are permitted in this district for individual dwelling units. Furthermore, within cluster subdivisions, regardless of other provisions within Chapter 175 or Chapter 148, up to one (1) space within a garage or carport may be counted as required

off-street parking within a cluster development, provided that the minimum parking space dimensions are met.

6. Community Open Space.

a. Minimum Community Open Space Area: A minimum amount of common open space shall be provided at the equivalence that the minimum lot area of all lots is reduced below 7,000 square feet. Below is an example of how the required minimum common open space for a cluster subdivision shall be calculated:

$$\begin{aligned} \text{Total Number of Building Lots} \times 7,000 \text{ square feet} &= X \\ X - \text{Total Area of Building Lots Proposed} &= \text{Required Open Space} \end{aligned}$$

b. No more than 50% of open space may be located within developmentally restricted areas, such as, but not limited to, the floodway.

c. Surface water bodies may be included within common open space areas, but may not be counted towards the required amount of open space.

d. Access to community open space shall be provided by adjoining street frontage. In lieu of adjoining street frontage, a 20-foot wide public access easement may be authorized by the Planning Commission during the site plan or subdivision plan review process. In such consideration, the Planning Commission may require pedestrian improvements to ensure adequate access is provided to the common opens space.

e. Cluster subdivisions shall provide recreational facilities within common open space based on the number of dwelling units. For the purpose of determining minimum requirements, one (1) recreational unit shall be provided for every 50 dwelling units.

(1) The number of recreational unit credits that each type of recreational facility receives shall be based on Table 175-18.8.A.6.e.(1), shown below.

TABLE 175-18.8.A.6.e.(1)

Recreational Unit Type	Recreational Unit Credit
Playground, as described under 175-18.8.A.6.e (2).	1.5
Community Center, including an enclosed building with a meeting hall.	2.5
In-ground Swimming Pool with fencing.	2
Tennis Court Facility with fencing.	1
Pocket Park w/ vegetable gardens.	1
Pocket Park w/ meditation gardens.	1
Partial or full Athletic Fields or courts, such as soccer or baseball fields.	1
6' wide asphalt Hiking $\geq \frac{1}{4}$ mile	1

/ Biking Trail . (or other approved material)	≥ 1 mile	2
	≥ 3 mile	3
	≥ 4 mile	4
Picnic Shelters with cooking facilities, picnic tables & trash receptacles.		1
Horseshoe pit and/or fire pit with seating area.		1
Covered structure with seating area		1
Improved/landscaped passive or active nature areas with wildflowers or edible landscaping or ornamental trees or orchards.		1
Neighborhood green/square of ½ acre or more with pathways.		1
Community park of 8 acres or more with pathways.		2
Other types of recreational facilities.		As equivalent to any of the above-listed types, as determined by the Planning Commission.

(2) The first recreational unit type of a cluster subdivision shall consist of a playground, with the amenities described below. Alternative recreational unit types for the first recreational unit may be permitted by the Planning Commission for age-restricted communities.

1. A playground shall consist of a composite play system, or systems, with eight (8) play features and a sitting bench.

TABLE 175-18.8.A.6.e.(2)i.

Example Playground Recreational Unit Type

Quantity	Equipment
Minimum 2	2 to 5 year-old play features
Minimum 1	Slides
Minimum 1	Climbing features
Minimum 1	Overhead features
Minimum 1	Tunnels
Minimum 1	Play panels
Minimum 1	Swings (8 feet high, 2 seats)
Minimum 1	Sitting bench

2. Playgrounds shall be constructed to specifications equivalent to those issued by the U.S. Consumer Product Safety Commission in the document *Public Playground Safety Handbook (2010)*, or as may be amended in the future.

(3) Each home shall be within one-quarter (1/4) of a mile from at least one qualifying recreational unit facility.

(4) Recreational facilities shall be constructed in sequence with the phasing of development for the cluster subdivision.

(5) Recreational facilities shall conform to the Virginia Uniform Statewide Building Code, including Handicap Accessibility (ADA) Standards.

(6) Buildings or structures used for community recreational purposes may be located within transitional yards, as required below, but shall conform with the minimum setback requirements for principle structures.

(7) Common open space, including all recreational units, shall be maintained in good condition by the developer until such time that it is dedicated to a Homeowner's Association or accepted as a public park by Warren County or the Town of Front Royal.

7. *Transitional Yard.* A minimum transitional yard area is required between any principal building and the following:

- a. Any planned limited access roadway (i.e. no curb cuts for individual driveways): Minimum 25 feet
- b. Any adjoining development that is not part of the R-1A cluster subdivision, unless such adjoining property shares the same ownership as the R1-A cluster subdivision: Minimum 50 feet.

-----END

Editorial Notes:

- Proposed new text is shown in highlighted font. Proposed deleted text is shown in ~~strikethrough~~ font.
- Drafted 10/7/15 (JFC), 11/12/15 (JFC), 12/2/15 (JFC/FRLP), 12/2/15 (JFC/FRLP).

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Town of Front Royal, Virginia
Work Session Agenda Form

Date: March 21, 2016

Agenda Item: Lodging Tax Petition

Summary: The Town has received a petition submitted by Stan Brooks, owner of the Parkside Inn, requesting Council consider adjustment of the Town's Lodging Tax from 6% to 2% to match the tax rate in Warren County.

Council Discussion: Council is requested to receive the petition.

Staff Evaluation: A public hearing on this matter was conducting on November 23, 2015; the minutes are included with this agenda. VA Code 58.1-3819 limits that Transient Occupancy Tax to counties operating without a tourism organization to 2%. In FY15-16, the Town anticipates collecting \$325,000 from the 6% lodging tax, with our Tourism budget being \$313,310.

Budget/Funding: The Finance Director will be available to address fiscal issues.

Legal Evaluation: The Town Attorney will be available to address legal issues.

Staff Recommendations: Staff recommend Council consider funding for the Town's Tourism efforts.

Town Manager Recommendation: The Town Manager recommends Council consider funding for the Town's Tourism efforts.

Council Recommendation:

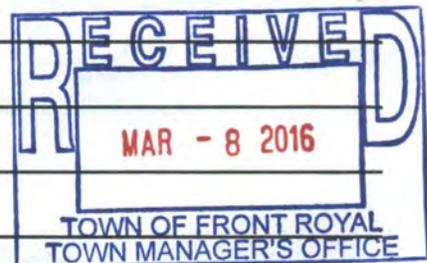
- Additional Work Session Regular Meeting No Action
Consensus Poll on Action: ___(Aye) ___(Nay)



We the undersigned hotel, motel and B & B owners and managers in Front Royal respectfully request that the Town Council of Front Royal lower its lodging tax in Front Royal from 6% to 2% in order to match our competition in Warren County.

We believe that not doing so puts us at a competitive disadvantage of 4% on every guest.

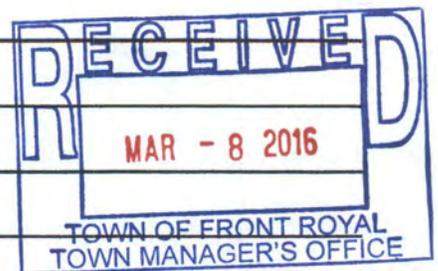
Jocnie Davis-Kaye	Woodward House on Manor Grade B+B
Hemant Patel	Super 8, Front Royal,
MMA Patel	Sunshine inn
Dipak Shah	Blue Ridge motel
Dipak Patel	Relax Inn
Jagan Budhni	Shenandoah Motel
DILIP PATEL	FRONT Royal motel
C.C. Patel.	Budget Inn
AJAY PATEL	Turklike motel
Rhea Q. Dudgeff	Quality Inn Front Royal
V.C. Patel	Scottish Inns
Stan Brook	PARKSIDE INN



We the undersigned hotel, motel and B & B owners and managers in Front Royal respectfully request that the Town Council of Front Royal lower its lodging tax in Front Royal from 6% to 2% in order to match our competition in Warren County.

We believe that not doing so puts us at a competitive disadvantage of 4% on every guest.

Philip A. Charles - PHILIP A. CHARLES
LACKAWANNA BED & BREAKFAST



EXCERPT FROM NOVEMBER 23, 2015 COUNCIL MEETING

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT – Reduction of Lodging Tax

Summary: At the September 21, 2015 Work Session Councilman Hrbek asked for an item to be placed on the September 28, 2015 Regular Agenda pertaining to reducing the Lodging Tax from 6% to 2%. On September 28, 2015 Council Authorized to Advertise for a Public Hearing to Reduce the Lodging Tax; however, the motion was amended to direct Town Staff to advertise for the Public Hearing at the 2nd Meeting in November for discussion purposes only. At tonight's meeting Council is requested to receive comments and concerns from the public pertaining to the reduction of the Town of Front Royal's Mote Excise Tax from six percent (\$0.06) to two percent (\$0.02) of the total amount paid for motel room rental upon any transient in the Town of Front Royal. (*Town Code 75-34*)

Mayor Darr opened the public hearing.

Mike McCool, of 125 W, 8th Street, noted that he was surprised that this proposal has come up for a public hearing. He noted that in the many years that he has traveled never once has he asked what the tax rate was. He stated that in all the hotels he has stayed in, never did he ask what the tax rate was in the thousands of times that he stayed in a hotel in his travels. Mr. McCool stated that if the rate is lowered, the difference in funding will come out of the pocket of the public. He added that there was no equalization of the Corridor amounts and the hotels in the Corridor do not compare with the ones in the Town limits.

Jason Aikens, of Hampton Inn of Front Royal, thanked Council thanked for their support in the Corridor, noting that the Town and County should realize that corporations do pay attention to the tax rate and level the playing field is in when possible. Mr. Aikens noted that he does have concern with the budget short fall that would be created by this proposal.

Brent Jackson, Holiday Inn in the Corridor, acknowledged that for corporate rates they do in favor of raising the County rates. Mr. Jackson explained that he conducted some research and he could not find one instance of localities that willingly lowering their lodging tax he noted that he was unsure where the budget shortfall would be made up

Matthew Tederick, 21 Edgewood Street, voiced his agreement with Mike McCool, adding that he has never personally asked what the tax was. He noted that he prefers branded hotels that are clean, and the Town does not have name brand hotels in Town, but small independent motels. Mr. Tederick stated that shortfalls in the budget could be addressed with cutting back in spending.

Mr. Tederick added that he does not own a hotel, though a friend of his does. He stated that he has been told that said friend has lobbied for the hotel tax reduction. Mr. Tederick encouraged Council to amend matters before moving forward and perhaps eliminate the BPOL and see how it changes matters in the Town of Front Royal.

Joan Kay, of the Woodward House Bed & Breakfast, noted that she would be in support of making the change to the tax amount in order to make it even, and level the playing field for the Town and County.

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

EXCERPT FOR DECEMBER 14, 2015 COUNCIL MEETING

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Stan Brooks, Jr., of 541 S. Royal Avenue, noted that he was representing Parkside Inn regarding lowering the lodging tax. He stated that he showed support for lowering the tax due to Holiday Inn on 522 and other establishments that are not paying the same rate as in Town hotels. Rentals in the County and pay 2% of lodging and it goes into the General Fund. Mr. Brooks explained that there are two or three B&B's and they pay 6% on top of 5% sales tax, and the initial implementation had all of the lodging tax going to pay for tourism. He reminded Council that when tourists contact the Main Street Visitor's Center, Town Staff directs those tourists to hotels in the Corridor.

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Town of Front Royal, Virginia
Work Session Agenda Form

Date: March 21, 2016

Agenda Item: FY16-17 Manager's Recommend Budget

Summary: The Town Manager will present Town Council with the recommended FY16-17 Budget for the Town of Front Royal at the Work Session

Council Discussion: Council is requested to receive and consider the recommended budget for FY16-17.

Staff Evaluation: Staff will be available to discuss the individual Department budgets at the Work Sessions in April. General Fund budgets will be discussed at the April 4th meeting and the Enterprise Fund and any remaining General Fund budgets will be discussed at the April 18th meeting.

Budget/Funding: The Finance Director will be available to address any fiscal issues

Legal Evaluation: The Town Attorney will be available to address any legal issues.

Staff Recommendations: Staff recommend Council review the proposed FY16-17 Budget.

Town Manager Recommendation: The Town Manager recommends Council review the proposed FY16-17 Budget.

Council Recommendation:

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



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