



**TOWN OF FRONT ROYAL, VIRGINIA TOWN COUNCIL MEETING**  
**Monday, August 22, 2016 @ 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 August 8, 2016
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
  - a. Report of special committees or Town officials and Town Manager.
    - \*Quarterly Report from Community Development Director Felicia Hart**
    - \*Report from EDA – Executive Director Jennifer McDonald**
    - \*Report from County Administrator Doug Stanley**
  - 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 – Budget Amendment to Accept Community Block Grant Monies and Payment to Northern Shenandoah Valley Regional Commission
  - B. COUNCIL APPROVAL – Budget Amendment to Accept Monies from VML Insurance for Tub Grinder Repairs
8. **PUBLIC HEARING** – Special Exemption Application – Front Royal Limited Partnership (FRLP)
9. **COUNCIL RE-APPOINTMENT** – Planning Commission
10. **CLOSED MEETING** – Personnel Matter

7A



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

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Item No.  7(A) 

**Meeting Date:** August 22, 2016

**Agenda Item:** COUNCIL APPROVAL – Budget Amendment to Accept Community Block Grant Monies & Payment to Northern Shenandoah Valley Regional Commission

**Summary:** On March 23, 2015, Council approved an application for a Community Block Grant (CDBG) offered through the Virginia Department of Housing and Community Development (DHCD) for development of a downtown revitalization plan in cooperation with the Northern Shenandoah Valley Regional Commission (NSVRC), to move towards a facade improvement program. On May 9, 2016, Council approved \$5,000 from the Commonwealth of Virginia for this program and is requested to approve another Budget Amendment from the Commonwealth of Virginia in the amount of \$3,500 for this program and to approve the payment of \$3,500 to the NSVRC.

**Budget/Funding:** 1000-3310010 – General Fund Grant Proceeds  
8101-43002 – Planning & Zoning Professional Services

**Attachments:** None

**Meetings:** None

**Staff Recommendation:** Approval   X   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 Budget Amendment in the amount of \$3,500 for a Community Development Block Grant (CDBG) for Downtown Revitalization; and approve the payment of \$3,500 to the Northern Shenandoah Valley Regional Commission (NSVRC) to move towards a facade improvement program.

\*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:**   SB

**7B**



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

Page   1    
Item No.  7(B) 

**Meeting Date:** August 22, 2016

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**Agenda Item:** COUNCIL APPROVAL – Budget Amendment to Accept Monies from VML Insurance for Tub Grinder Repairs

**Summary:** In early 2016 the Town's tub grinder caught fire resulting in needed repairs. Council is requested to approve a Budget Amendment in the amount of \$61,034.00 from the Virginia Municipal League (VML) Insurance for tub grinder repairs.

**Budget/Funding:** 4203-3410205-Solid Waste  
4203-45403-Solid Waste Tub Grinder Maintenance

**Attachments:** None

**Meetings:** None

**Staff**

**Recommendation:** Approval   X   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 Budget Amendment in the amount of \$61,034.00 from the Virginia Municipal League (VML) Insurance for tub grinder repairs.

\*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:   SB

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

Page   1    
Item No.   8  

**Meeting Date:** August 22, 2016

**Agenda Item:** PUBLIC HEARING – Special Exception Application – Front Royal Limited Partnership (FRLP)

**Summary:** Council is requested to affirm on its first reading a Special Exception Application by Front Royal Limited Partnership (FRLP), c/o David Vazzana, for a special exception to Town Code 148-820.D.6 that would permit a reduction of four (4) feet from the minimum pavement width, base course width, and sub base width for both local and collector streets. The special exception would only apply to FRLP's property that is presently zoned R-1A, as identified by Tax Map Number 20A221 5, consisting of approximately 149.3 acres. The request is submitted pursuant to the provision of Town Code 148-211.A.2.b&c.

**Budget/Funding:** None

**Attachments:** Staff Report and Letter from Mr. Vazzana

**Meetings:** Work Session held August 1, 2016

**Staff Recommendation:** Approval   X   Denial           

**Proposed Motion:** I move that Council affirm on its first reading a Special Exception Application by Front Royal Limited Partnership (FRLP), c/o David Vazzana, for a special exception to Town Code 148-820.D.6 that would permit a reduction of four (4) feet from the minimum pavement width, base course width, and sub base width for both local and collector streets. The special exception would only apply to FRLP's property that is presently zoned R-1A, as identified by Tax Map Number 20A221 5, consisting of approximately 149.3 acres. The request is submitted pursuant to the provision of Town Code 148-211.A.2.b&c.

**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:   SB

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



**STAFF REPORT FOR THE JUNE 15, 2016 PLANNING COMMISSION MEETING**  
*Updated for Town Council Work Session – August 1, 2016*

**APPLICATION #:**

SPEXP15-10-01

**APPLICANT:**

Front Royal Limited Partnership

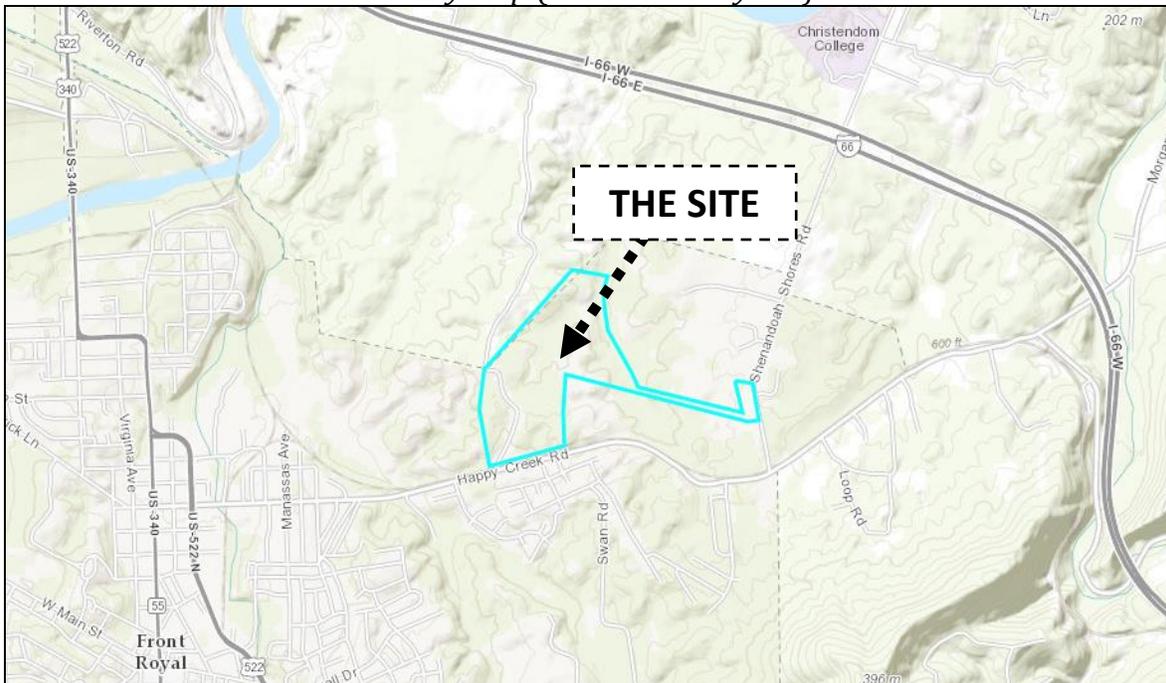
**SUMMARY OF REQUEST:**

Front Royal Limited Partnership has applied for a special exception, pursuant to Town Code Section 148-211.A(2)(c), for alternative standards to Town Code Section 148-820.D.6, including table 148-820.D.6, that would allow a reduction to street widths on FRLP’s property that is presently zoned R-1A and consisting of approximately 149-acres. (See **Attachment 1** – Applicant’s May 20, 2016 Submission)

**GENERAL INFORMATION:**

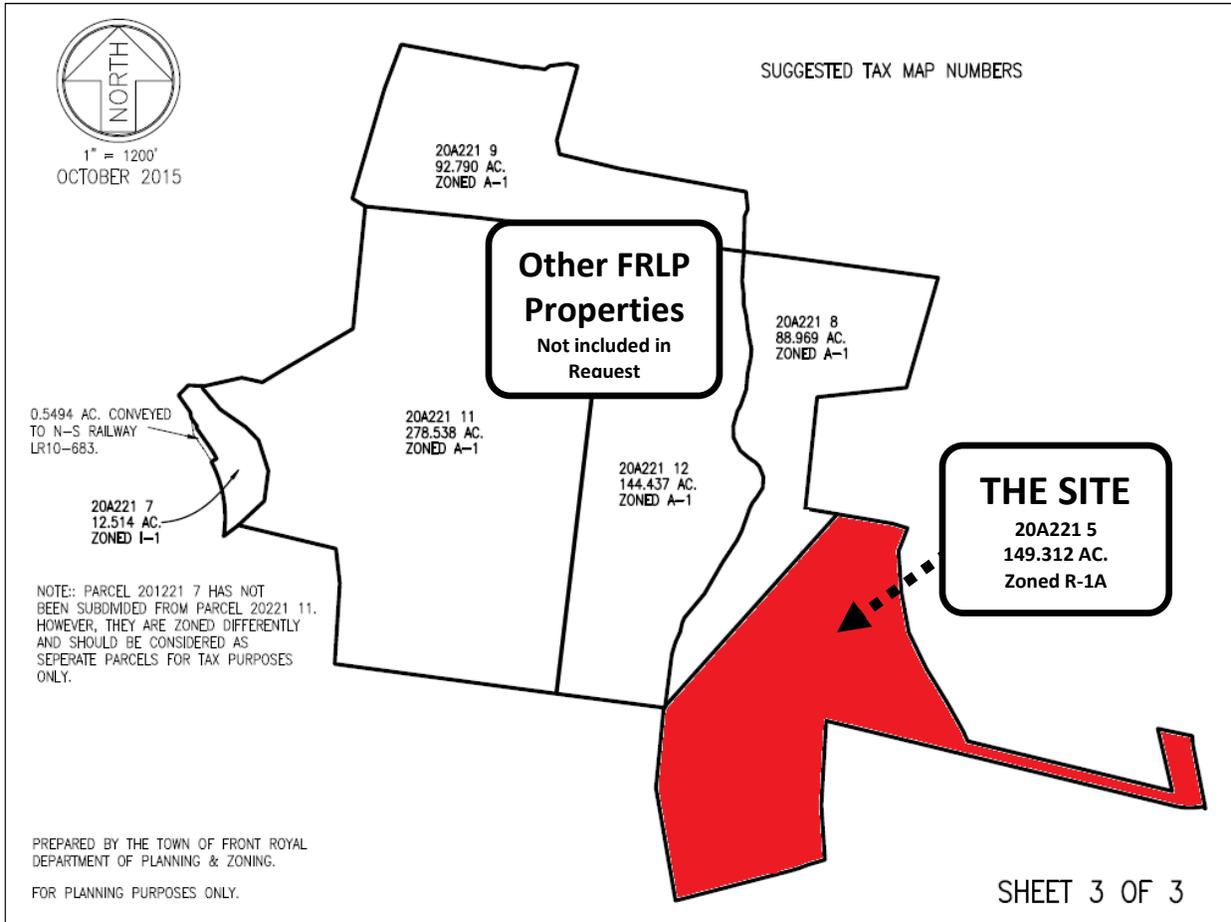
<i>Site Addresses</i>	None (Vacant Land)
<i>Property Owner(s)</i>	Front Royal Limited Partnership
<i>Zoning District</i>	R-1A (Residential) District
<i>Tax Identification</i>	20A221 5
<i>Location</i>	The property is located north of Happy Creek Road and Norfolk Southern Railroad, presently accessible via Marys Shady Lane.

*Vicinity Map (Warren County GIS)*

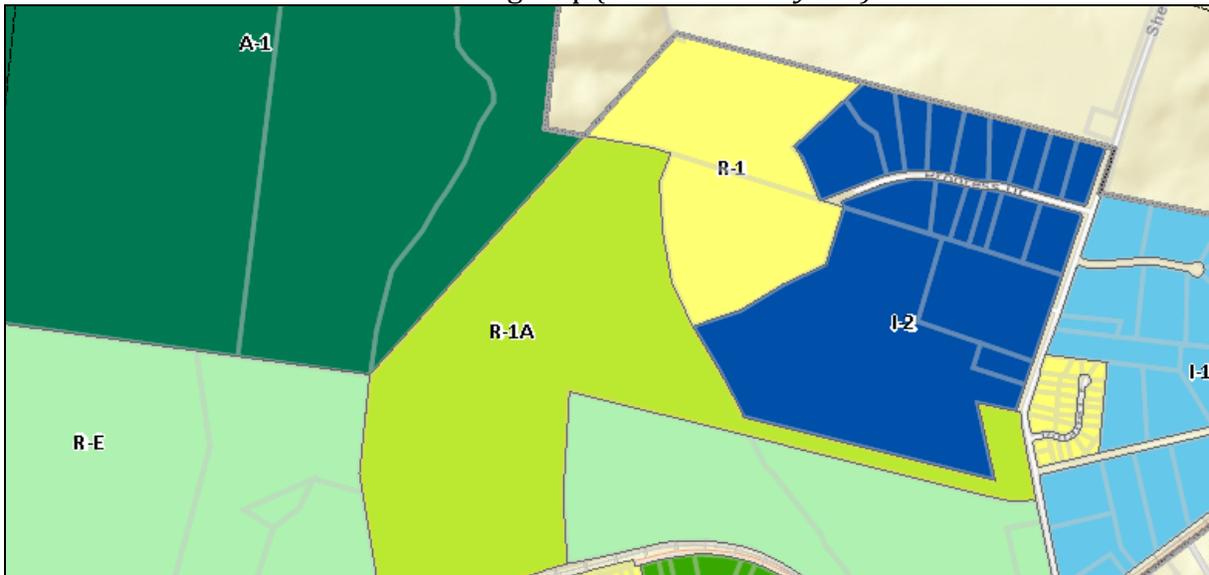


# ILLUSTRATIONS

Map of FRLP Propertie (Warren County GIS)



Town Zoning Map (Warren County GIS)



Aerial Map (WC Online GIS)



## SUPPLEMENTAL INFORMATION:

### *Legal Review*

Virginia Code § 15.2-2310 authorizes localities to consider special exceptions when adopted as part of the localities ordinances.

Town Code 148-211 authorizes Town Council to issue special exceptions to the standards of the Subdivision & Land Development Ordinance, after review and recommendation by the Planning Commission, and under certain criteria, including a determination that the special exception will help facilitate the creation of affordable housing; will better facilitate traditional neighborhood design principles; or will better facilitate the conservation of natural features to protect water and open space resources. The entire code language of Town Code 148-211 is as follows:

#### **148-211 SPECIAL EXCEPTIONS**

A. A special exception to the general regulations of this Chapter may be granted by Town Council, for either of the following circumstances:

1. When strict adherence to the general regulations would result in substantial injustice or hardship; provided that, the special exception would not diminish public health, safety or general welfare, including, but not limited to, consideration that adequate provisions are provided to ensure long-term maintenance of public and shared private facilities, and conformance with the goals and objectives of the Comprehensive Plan.
2. When it is demonstrated that use of alternative regulations for a particular development would better achieve at least one of the goals listed below; provided that, the special exception would not diminish public health, safety or general welfare, including, but not limited to, consideration that adequate provisions are provided to ensure long-term maintenance of public and shared private facilities, and conformance with the goals and objectives of the Comprehensive Plan.
  - a. Creation of affordable housing.
  - b. Design emphasis on the principles of traditional neighborhood design, including pedestrian-friendly roads, interconnection of new local streets with existing local streets, connectivity of pedestrian networks, and mixed-use neighborhoods.
  - c. Conservation or use of on-site natural features to protect water quality or open spaces.

B. Any request for an exception, shall be submitted to the Director, and shall include a signed and completed application form, any application fees, and any supporting documentation submitted by the applicant.

C. Prior to approval or denial of any request for an exception, the Planning Commission shall hold a public hearing, in accordance with Virginia Code § 15.2-2204, to review and provide recommendations to Town Council.

D. Prior to approval or denial of any exception to the design standards of this Chapter, Town Council shall hold a public hearing, in accordance with Virginia Code § 15.2-2204.

E. Town Council may impose such conditions or restrictions upon the premises benefited by an exception as may be necessary to comply with intent of this Chapter and to protect the public interest, safety and/or general welfare.

**Summary of Applicant's Request**

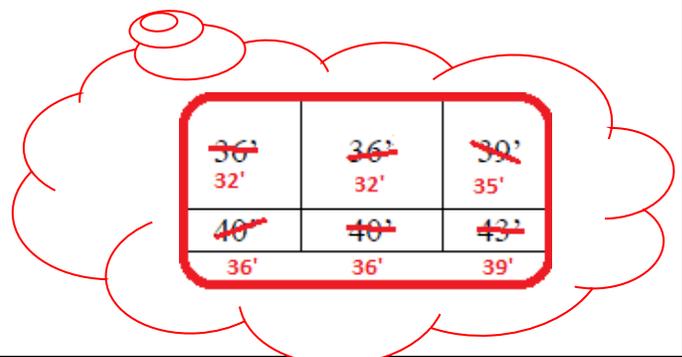
The Applicant's May 20<sup>th</sup> submission is a change from FRLP's original request. The original submission included a request to modify subsections A through N under Town Code 148-820. During work session discussions with the applicant, the Planning Commission expressed concerns about the original special exception requests. This include concerns about bonding, entrance road requirements, maintenance, street parking, emergency vehicular access, private streets, VDOT review and interpretations, and more. The Planning Commission expressed the need for a development plan before such significant changes to the Town's development standards. The current modified special exception requested was then submitted by the Applicant that just pertained to street widths. Furthermore, the street widths requested were less narrow than the original submission.

The current special exception requested submitted by the applicant pertains to Town Code Section 148-820.D.6., related to minimum street widths. In general, the requests proposes a 4' wide reduction to the minimum street widths. However below is a more detailed comparison of the current requirements of Town Code 148-820.D.6. and the modified requirements requested by the Applicant.

**Applicant's Requested - Modifications to Town Code 148-820.D.6.**

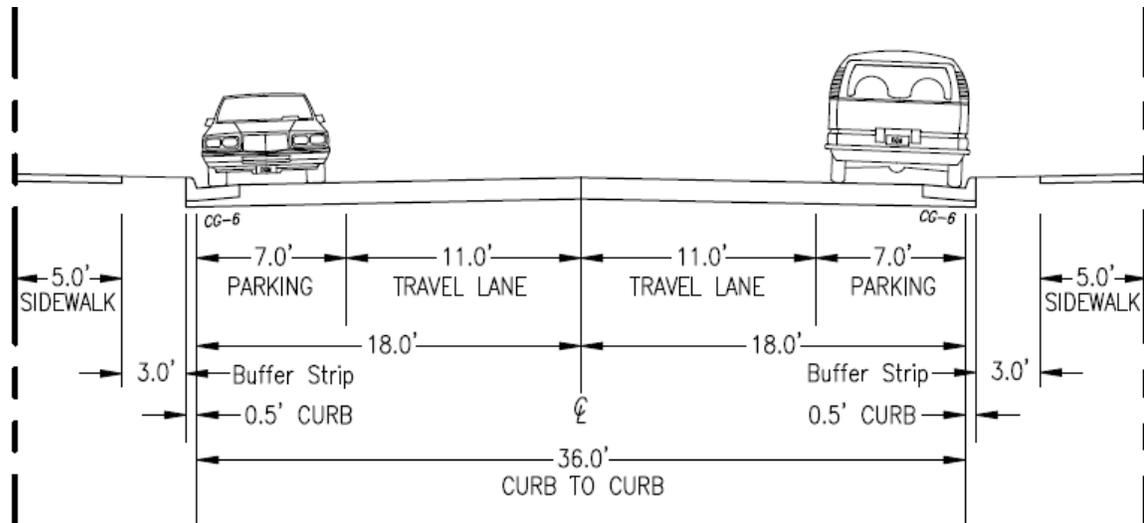
6. The minimum design standards of the following table shall be required for all Local Streets, Collector Streets and Alleys. Arterial Streets design standards shall comply with the Virginia Department of Transportation Road Design Manual, and associated Appendixes.

	Pave ment Width (SM-9.5A) <sup>2</sup>	Base Course Width (BM 25.0) <sup>3</sup>	Sub Base Width (21-B) <sup>4</sup>	Surface Course Paveme nt Depth (SM-9.5A)	Base Course Depth (BM 25.0)	Sub Base Depth (21-B) <sup>5</sup>
<b>Alleys</b>	12'	N/A	N/A	1 <sup>1/2</sup> "	N/A	6"
<b>Local Streets: Up to 2,000 ADT</b>	36'	36'	39'	1 <sup>1/2</sup> "	3"	6"
<b>Collector Streets<sup>6</sup>:</b>	40'	40'	43'	1 <sup>1/2</sup> "	3"	6"



## CONCLUSIONS:

The current request limits the special exception to address only the minimum street width requirements. If approved, the special exception would allow street widths of 32' and 36' in lieu of the current code requirements of 36' and 40'. This is effectively a reduction in street widths by 4' for all roads. For comparison and point of reference purposes, existing examples of roads that are approximately 32' in width include Chester Street and W. Main Street from Royal to Massie. Virginia Avenue and Kerfoot Avenue are examples of 36-foot wide streets. A street profile of a 36-foot wide street is shown below. A 32-foot wide street would include travel lanes 9' in width (combined width of 18 feet).



The widths of 32', 36', and 40' were previously recommended by the Planning Commission when the Subdivision and Land Development Ordinance was drafted and reviewed in 2014/2015. The proposed change does differ in that the 40' wide street widths are proposed to be removed entirely, regardless of ADTs. For this reason, the special exception should not be accepted for the East/West Connector Road.

Town Staff does not object to the proposed street widths but recommends that the Planning Commission specify in their motion that the street width reduction not apply to the East/West Connector Road that is planned to traverse the applicant's property from Shenandoah Shores Road to 8<sup>th</sup> Street/Commerce Ave.

UPDATE: During the June 15, 2016 Planning Commission Regular Meeting, Vice Chairman Jones moved "to recommend approval of Special Exception Application #15-10-01, for a special exception to Town Code 148-82.D.6, to allow alternative standards to the minimum required pavement, base course, and subbase widths for local and collector streets with the applicant's property that is presently zoned R-1A. The alternative standards shall reduce the pavement, base course and subbase widths by 4 feet, as outlined in the Staff Report and the applicant's submission." Mr. Jones extended his motion to "further move to recommend that the special exception specifically not apply to the East/West Connector Road, the primary access road into the proposed future development by FRLP. The motion was seconded and approved by the Planning Commission.

Attachments to Staff Report:

- 1) Attachment 1 – Applicant's May 20, 2016 Modified Request Submission

Front Royal Limited Partnership

May 20, 2016

Mr. Jeremy Camp  
Director of Planning  
Town of Front Royal, VA.  
Front Royal, Va. 22630

Dear Mr. Camp,

As discussed at the Planning Commission’s work session on Wednesday please find attached an amended Chapter 148 Special Exception Request, which was originally filed on October 19, 2015. In addition, we are thankful for the time and patience of so many members of the Commission with us on this issue.

Most notably, and based on input from the Town Staff and Planning Commission, we have narrowed the scope of this Special Exception Request to street widths *only*. For reference and comparison, the proposed widths changes are as follows:

Existing Town Chapter 148 Street Widths (on left)  
FRLP’s October 16, 2015, Submission (middle)  
FRLP’s May 20, 2016 Submission (on right)

	Pavement Width (Existing Ch. 148)	Pavement Width October 16, 2015	Pavement Width May 20, 2016
Local Streets: (ADT 0-2000)	36’	29’	<u>32’</u>
Collector Street (ADT 2001+)	40’	36’	<u>36’</u>

As you are well aware, this is our (and the Town’s) first “Special Exception” that has been filed pursuant to the Town’s new Chapter 148 land development ordinance permitting such exceptions. As such, I think it was a learning experience for FRLP, and we appreciate staff’s time and assistance throughout this process. As always, please do not hesitate to contact me should you have any questions or suggestions as to the format etc. of the Special Exception.

Sincerely,

David Vazzana  
202-215-0038  
[dvazzana@gmail.com](mailto:dvazzana@gmail.com)

**FRONT ROYAL LIMITED PARTNERSHIP (FRLP) SPECIAL EXCEPTION TO  
CHAPTER 148 FOR TOWN REZONING# RZ09-02-64**

PROPERTY: Parcel 5A, containing approximately 149.3 acres, as shown on “Plat Showing Vacation of Boundary Line on the Property of F&R Limited Partnership” and as recorded in the Land Records of Warren County as Instrument Number 060012763

ORIGINAL DATE OF SPECIAL EXCEPTION REQUEST: October 16, 2015

REVISION DATES: May 11, 2016  
May 20, 2016

Pursuant to section 148-211.A(2)(c) of the Town Code, FRLP requests a Special Exception that would allow it to use alternative street design standards instead of the Town’s standards in Chapter 148 (Subdivision and Land Development Ordinance).

Specifically, FRLP requests a Special Exception to Town Code Section 148-820.D.6, and including Table 148-820.D.6, that would permit a reduction of four (4) feet for “Pavement Width”, “Base Course Width”, and “Sub-Base Width” for both “Local Streets: Up to 2,000 ADT” and “Collector Streets”, and, as follows:

<b>TABLE 148-820.D.6.</b>	<b>Pavement Width</b>	<b>Base Course Width</b>	<b>Sub Base Width</b>
Local Streets: Up to 2,000 ADT	32’	32’	35’
Collector Streets:	36’	36’	39’

This Special Exception shall not alleviate the applicant of any other requirements of the Town Code (and as it may be amended), or of the Town Construction Guidelines 2005 (and as it may be amended), except that it shall permit the above widths as a matter of right, or by right, on the Property.

However, and in addition, *in no event* shall the road design standards permitted hereby fail to meet the current, or then current, applicable minimum V-DOT road design standards for neighborhood streets width (Secondary Street Design Guidelines (SSARS)).

## 148-820.D.6

D. Construction of Public Streets and Alleys. The following specifications shall apply for public streets within the corporate limits of Front Royal, unless otherwise approved by special exception.

1. The roadway shall be graded to the full width of the right-of-way.
2. Where deemed necessary, the Town may require boring tests, and if warranted, require the replacement of unsuitable subgrade materials and compaction certification of the subgrade and base materials for new streets.
3. When grading slopes steeper than 50% or where erosive soils are present, the Town may require on-site inspection of grading activities to be inspected by a geotechnical engineer provided by the developer.
4. The subdivider or developer shall be required to warrant and repair any deficiencies in the constructed roadway for one (1) year following the date of acceptance by the Town Council.
5. The roadway shall meet the geometric design requirements of VDOT, unless otherwise specified within this Chapter.
6. The minimum design standards of the following table shall be required for all Local Streets, Collector Streets and Alleys. Arterial Streets design standards shall comply with the Virginia Department of Transportation Road Design Manual, and associated Appendixes.

	<b>Pave ment Width (SM- 9.5A)<sup>1</sup></b>	<b>Base Course Width (BM 25.0)<sup>2</sup></b>	<b>Sub Base Width (21- B)<sup>3</sup></b>	<b>Surface Course Paveme nt Depth (SM- 9.5A)</b>	<b>Base Course Depth (BM 25.0)</b>	<b>Sub Base Depth (21-B)<sup>4</sup></b>
<b>Alleys</b>	12'	N/A	N/A	1 1/2"	N/A	6"
<b>Local Streets: Up to 2,000 ADT</b>	36'	36'	39'	1 1/2"	3"	6"
<b>Collector Streets<sup>5</sup>:</b>	40'	40'	43'	1 1/2"	3"	6"

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

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

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

<sup>4</sup> Stone, gravel, or other satisfactory material approved by the Town.

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

## **148-211.A.2.b&C**

A. A special exception to the general regulations of this Chapter may be granted by Town Council, for either of the following circumstances:

1. When strict adherence to the general regulations would result in substantial injustice or hardship; provided that, the special exception would not diminish public health, safety or general welfare, including, but not limited to, consideration that adequate provisions are provided to ensure long-term maintenance of public and shared private facilities, and conformance with the goals and objectives of the Comprehensive Plan.
2. When it is demonstrated that use of alternative regulations for a particular development would better achieve at least one of the goals listed below; provided that, the special exception would not diminish public health, safety or general welfare, including, but not limited to, consideration that adequate provisions are provided to ensure long-term maintenance of public and shared private facilities, and conformance with the goals and objectives of the Comprehensive Plan.
  - a. Creation of affordable housing.
  - b. Design emphasis on the principles of traditional neighborhood design, including pedestrian-friendly roads, interconnection of new local streets with existing local streets, connectivity of pedestrian networks, and mixed-use neighborhoods.
  - c. Conservation or use of on-site natural features to protect water quality or open spaces.

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

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Item No.   9  

**Meeting Date:** August 22, 2016

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**Agenda Item:** COUNCIL RE-APPOINTMENT – Planning Commission

**Summary:** Council is requested to re-appoint a member to the Front Royal Planning Commission to a 4-year term to expire August 31, 2020.

**Budget/Funding:** None

**Attachments:** None

**Meetings:** July 5, 2016

**Staff Recommendation:** Approval   X   Denial       

**Proposed Motion:** I move that Council re-appoint \_\_\_\_\_ to the Front Royal Planning Commission to a 4-year term to expire August 31, 2020.

\*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:   SB

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

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Item No.   10  

**Meeting Date:** August 22, 2016

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**Agenda Item:** CLOSED MEETING – Personnel Matter

**Summary:** Council is requested to go into Closed Meeting for the purpose of assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of a public body, pursuant to Section 2.2 3711. A. 1. of the Code of Virginia.

**Budget/Funding:** None

**Attachments:** None

**Meetings:** None

**Staff Recommendation:** Approval\_\_\_\_\_ Denial\_\_\_\_\_

**Proposed Motion:**

**Motion to Go Into Closed Meeting**

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

**Motion to Certify Closed Meeting at its Conclusion** *[At the conclusion of the Closed Meeting, the Planning Commission is to immediately re-convene in open meeting and take a roll call vote on the following:]*

I move that Town Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

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

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

**Approved By:** \_\_\_\_\_