



REGULAR TOWN COUNCIL MEETING

Monday, November 23, 2020 @ 7:00pm
Warren County Government Center

1. **PLEDGE OF ALLEGIANCE**

2. **MOMENT OF SILENCE**

3. **ROLL CALL** Mayor Tewalt _____ VM Sealock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____

4. **APPROVAL OF MINUTES**

Moved _____ Seconded _____

Regular Council Meeting Minutes of November 9, 2020

5. **RECEIPT OF PETITIONS and/or CORRESPONDENCE FROM THE PUBLIC**

Public speakers and Council Members must use the same civility, decorum, orderly behavior, relevancy of comments to the subject at hand, and appropriate language in addressing Town Council as they would use in addressing a Judge in a Court of Law. No profanity, vulgar, or sexist language, or irrelevant commentary, is allowed. (*Robert's Rules*, §43, pp. 379-382; *Steinburg v. Chesterfield Cty. Planning Com'n*, 527, F. 3d (4th Cir.) 2008); *Eichenlaub v. Township of Indiana*, 385 F. 3d 274 (3d Cir. 2004.). -see page 2-

6. **REPORTS**

- Report of Special Committees or Town Officials and Interim Town Manager
- Requests and inquiries of Councilmembers.
- Report of the Mayor

7. **PROPOSALS FOR ADDITION/DELETION OF ITEMS TO THE AGENDA**

8. **COUNCIL APPROVAL OF CONSENT AGENDA ITEMS - NONE** Moved _____ Seconded _____

9. **COUNCIL APPROVAL** – Rezoning Application by EDA for Rezoning of Approximately 62.7 Acres from R-1 to I-2 at the End of Progress Drive (*2nd Reading*)

10. **COUNCIL APPROVAL** – FY21 Budget Amendment for Insurance Reimbursement

11. **CLOSED MEETING** – Personnel

WORK SESSION

Immediately following Regular Meeting

- Commonwealth of Virginia Disconnection Ban

TOWN COUNCIL AND PUBLIC PRESENTATION DECORUM REQUIREMENTS

During all portions of a Regular Town Council Meeting, including its Public Presentations portion, the following requirements of decorum by both public speakers and Town Council Members must be followed. These are the requirements: Town Code, *Robert's Rules of Order* (incorporated into Town Code), and Federal Court Decisions interpreting First Amendment Constitutional Law on Free Speech.

1. The Mayor, as the presiding officer of Town Council, shall enforce the rules of procedure, preserve order and decorum, and appoint all Committees. (*Town Code 4-8*)
2. Every member of the Council shall address the presiding officer before speaking, confine himself to the question before the body and avoid all personal or indecorous language. (*Town Code 4-12*)
3. Public speakers and Council Members must use the same civility, decorum, orderly behavior, relevancy of comments to the subject at hand, and appropriate language in addressing Town Council as they would use in addressing a Judge in a Court of Law. No profanity, vulgar, or sexist language, or irrelevant commentary, is allowed. (*Robert's Rules, §43, pp. 379-382; Steinburg v. Chesterfield Cty. Planning Com'n. 527, F. 3d (4th Cir.) 2008; Eichenlaub v. Township of Indiana, 385 F. 3d 274 (3d Cir. 2004.)*)
4. There can be no personal attacks. A speaker can condemn the nature or likely consequences of a proposed measure in strong terms, but under no circumstances can he attack or question the personalities or the motives of another member. The measure, but not the man, is the subject of debate. (*Same Authority as above*)
5. A speaker may not speak to any matter that is the subject of a public hearing during that same Regular Meeting. (*Robert's Rules, § 43, pp. 379-382*)
6. A speaker who violates 2., 3., 4., or 5. above should be promptly asked to stop speaking in that fashion by the Mayor. If such speaker does not promptly so stop, the Mayor should ask the Sergeant at Arms (Police Officer) to remove such speaker, forcibly if necessary, and even charged with a misdemeanor crime. Federal court decisions have established that public policy in maintaining civility and decorum during the public comment sessions of its public meetings, both to ensure the efficient conduct of the people's business and to maximize citizen participation in the discussion, override the speaker's First Amendment rights of free speech. Governmental bodies may enforce policies against personal attacks in furtherance of a legitimate governmental purpose to preserve order and decorum in meetings, so long as they do not use the personal attack policy as a pretext to squelch a particular substantive viewpoint. (*Robert's Rules, § 43, pp. 379-382; Steinburg v. Chesterfield Cty. Planning Com'n. 527, F. 3d (4th Cir.) 2008; Eichenlaub v. Township of Indiana, 385 F. 3d 274 (3d Cir. 2004.)*)

Town Attorney July 2020

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The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on November 9, 2020, in the Warren County Government Center. The Pledge of Allegiance was led by Vice Mayor Sealock and Moment of Silence was led by Mayor Tewalt. **This meeting can be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com.**

PRESENT:

Mayor Eugene R. Tewalt
Vice Mayor William A. Sealock
Councilman Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman Chris W. Holloway
Councilman Jacob L. Meza
Councilman Letasha T. Thompson
Town Attorney Douglas W. Napier
Interim Town Manager Matthew A. Tederick
Clerk of Council Tina L. Presley

APPROVAL OF MINUTES

Councilman Gillispie moved, seconded by Councilman Cockrell to approve the Regular Council Meeting Minutes of October 26, 2020 and Work Session minutes of October 26 and October 29, 2020, as presented

VOTE: Yes – Unanimous

RECEIPT OF PETITIONS AND/OR CORRESPONDENCE FROM THE PUBLIC

Melody Hotek, 1879 Catlett Mountain Rd is a member of the Front Royal/Warren County Tree Stewards and spoke about her disappointment of the current Happy Creek Project.

Paul Gabbert, 1221 Valley View Road, echoed Ms. Hotek's concerns.

William Huck, 409 E Main Street, encouraged Council to continue the closure of Main Street until the end of the year.

REPORTS**a. Report of special committees or Town Officials and Interim Town Manager Tederick**

Mr. Tederick read the consent order from the Department of Environment Quality (DEQ) regarding the Happy Creek Project, that included input from other state agencies. He also read the Council's approval on April 13, 2020. He read a plaque that was being presented by the Mayor to First Bank for the donation of land for the slip lane currently installed at 17th Street and Shenandoah Avenue. He and the Mayor presented plaques to two Stars of the Month to Robbie Taylor and Tony Rogers. He announced that the Town business offices would be closed for Veterans Day on Wednesday, November 11, 2020.

b. Requests and inquiries of Council members

Vice Mayor Sealock reminded us of the importance of honoring our veterans as he himself served in five combat zones as a Marine.

Mayor Initial ____

Councilman Gillispie thanked our stars of the month for their hard work and wished all veterans a happy Veterans Day.

Councilman Meza echoed Mr. Gillispie. He congratulated the He thanked Mr. Tederick about for his diligence regarding the Happy Creek Project and encouraged citizens to continue to express their concerns.

Councilman Holloway thanked the Stars of the Month for all their hard work. He thanked all the volunteers who helped him with his campaign.

Councilman Thompson thanked the Stars of the Month for going above and beyond.

c. Report of the Mayor Tewalt – thanked all those in the audience who served and reminded everyone to honor all veterans.

Proposals for addition/deletion of items to the Agenda – None

COUNCIL APPROVAL OF CONSENT AGENDA ITEMS –

Sole Source Purchase of Goods/Services to Rehabilitate the Water Plant's Filter Media

Council approved the sole source award to Roberts Filter Group in the amount of \$295,700.00 for goods/ services to rehabilitate the filter media at the Water Treatment Plant.

Sole Source Purchase of Neptune Water Meters

Council approved the sole source purchase of Neptune water meters per the Core & Main quote for \$235,210.00 to be used by the Town.

Deed of Gift of Easement for Sanitary Sewer Utilities – Ramsey Inc

Council approves a Deed of Gift of Easement for Sanitary Sewer Utilities from Ramsey Inc and Warren Memorial Hospital for a twenty foot (20') wide Sanitary Sewer Easement over Lots 3 and 4 [Tax Map 20A2-13] Happy Creek Knolls Section 4 and a portion of the Warren Memorial Hospital property [Tax Map 20A-12, Parcel 2]

Bid for De-icing Road Salt

Council approves a bid from Moton Salt, Inc. for de-icing road salt for the Town's FY21 winter season in the amount of \$67.68 per ton.

Councilman Gillispie moved, seconded by Councilman Holloway that Council approve the Consent Agendas as presented.

ROLL CALL VOTE: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza, Thompson

No – N/A

Abstain – N/A

Absent – N/A

PUBLIC HEARING TO RECEIVE PUBLIC INPUT – License Agreement with Front Royal Brewing Company to Use Kidd Lane

Mayor Tewalt opened the public hearing.

Mayor Initial ____

David Downes, 14 Chester Street, encouraged Council to grant the request and that he would pay the \$1.00 as requested in the agreement.

Kerry Barnhart, Front Royal Brewery-122 E Main Street, advised Council that the tents that are currently placed on Kidd Lane as part of the “Back to Business-Back to Nature” campaign has brought in approximately 500-600 guests each weekend which has helped their business due to limited seating inside. She also thanked Mr. Downes for his support.

Rob McDougal, 2370 Shenandoah Shores Rd/118 E Main Street, supported the request as long as there was no tripping hazards.

No one else spoke and the public hearing was closed

Councilman Thompson moved seconded by Councilman Holloway moved that Council approve a five (5) year License Agreement with the Front Royal Brewing Company authorizing encroachment onto Kidd Lane [public alley] for extended outdoor seating, as presented.

Councilman Meza thanked Mrs. Barnhart in her creativity to use the public alley and continue to offer access to pedestrians.

ROLL CALL VOTE: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza Thompson
No – N/A
Abstain – N/A
Absent – N/A

PUBLIC HEARING – Rezoning Application by EDA for Rezoning of Approximately 62.7 Acres from R-1 and I-2 at the End of Progress Drive (*1st Reading*)

Mayor Tewalt opened the public hearing.

Doug Parson, Executive Director of the EDA advised Council that they were here for any questions or concerns.

No one else spoke and the public hearing was closed

Councilman Thompson moved seconded by Councilman Holloway that Council affirm on its first reading the request from the Industrial Development Authority of the Town of Front Royal and the County of Warren, also referred to as the Front Royal/Warren County Economic Development Authority (EDA), to rezone approximately 62.7 acres [Tax Map 20A221-1 and 20A22-1B] adjacent and connecting to Happy Creek Technology Park to improve site status from Tier 1 to Tier 2 of the Virginia Business Ready Sites Program and possible future expansion of the adjacent Happy Creek Technology Park that includes the four proffers. Councilman Thompson further moved, seconded by Councilman Holloway that the rezoning approval include the four (4) proffers as indicated in the Proffer Statement.

Mayor Initial ____

Mr. Tederick advised add four (4) proffers as part of the motion. Councilman Cockrell advised that the rezoning was a good idea.

ROLL CALL VOTE: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza Thompson
 No – N/A
 Abstain – N/A
 Absent – N/A

PUBLIC HEARING – FY21 Budget Amendment – Outstanding Purchase Orders

Mayor Tewalt opened the public hearing. No one spoke and the public hearing was closed

Vice Mayor Sealock moved seconded by Councilman Meza that Council approve an amendment to the FY2020-2021 budget concerning a list of outstanding purchase orders that the Finance Department has compiled totaling \$12,469,371.92.

ROLL CALL VOTE: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza Thompson
 No – N/A
 Abstain – N/A
 Absent – N/A

COUNCIL APPROVAL - Amendment to Chapter 4-1 and 4-1.1 of Town Code Pertaining to Location of Meetings and Remote Participation of Meetings for All Public Bodies (2nd Reading)

Councilman Cockrell moved seconded by Councilman Holloway that council adopt on its second and final reading an ordinance to amend Chapter 4-1 and 4-1.1 of the Front Royal Town Code that would clarify when and where Town Council meets and include all public bodies to participate in meetings remotely by electronic means, as presented.

ROLL CALL VOTE: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza Thompson
 No – N/A
 Abstain – N/A
 Absent – N/A

COUNCIL APPROVAL - Deed of Easement from ELP RIVERTON, LLC to the Town for water/sewer easements and rights-of-way acquisition for facilities serving Land Unit 5, Riverton Commons Land Condominium, located in Riverton Commons

Councilman Cockrell moved seconded by Councilman Holloway that the Town approve and accept the Deed of Easement conveying water/sewer line easements and rights-of-way over portions of Land Unit 5, Riverton Commons Land Condominium, Tax Map No. 12-11-5, owned by ELP RIVERTON, LLC, to the Town, with the Mayor to execute the deed on behalf of the Town.

Mayor Initial ____

ROLL CALL VOTE: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza Thompson
 No – N/A
 Abstain – N/A
 Absent – N/A

CLOSED MEETING – Public Alley/Rights of Way and Personnel

Councilman Cockrell moved seconded by Councilman Holloway that Town Council go into Closed Meeting **1)** regarding a Town public alley and rights of way, the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of Town Council, pursuant to Section 2.2-3711.A.3 and **2)** for the discussion, consideration, or interviews of prospective candidates specific to the Town Manager's Position for employment; assignment, appointment, promotion, performance, salaries, or resignation of specific public officers, appointees, or employees of the public body, pursuant to Section 2.2-3711. A. 1. of the Code of Virginia.

VOTE: YES-UNANIMOUS

Councilman Thompson moved second by Councilman Gillispie that the Mayor and Council certify that to the best of each member's knowledge, as recognized by each Mayor and 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 the Mayor and Council, and that the vote of each individual member of the Mayor and Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

ROLL CALL VOTE: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza Thompson
 No – N/A
 Abstain – N/A
 Absent – N/A

APPROVED:

 Eugene R. Tewalt, Mayor

ATTEST:

 Tina L. Presley Clerk of Council

Councilman _____ moved, seconded by Councilman _____ approved the Regular Council Meeting minutes of November 9, 2020 on November 23, 2020.

Mayor Initial ____

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Council Agenda Statement

Item # 9

Meeting Date: November 23, 2020

Agenda Item: COUNCIL APPROVAL – Rezoning Application by EDA for Rezoning Approximately 62.7 Acres from R-1 to I-2 Adjacent to Happy Creek Technology Park (2nd Reading)

Summary: Council is requested to approve on its second and final reading a rezoning application submitted by the Industrial Development Authority of the Town of Front Royal and the County of Warren, also referred to as the Front Royal/Warren County Economic Development Authority (EDA), for the rezoning of approximately 62.7 acres adjacent and connecting to Happy Creek Technology Park. The request is to improve site status from Tier 1 to Tier 2 of the Virginia Business Ready Sites Program and possible future expansion of the adjacent Happy Creek Technology Park; and that the rezoning approval include the four (4) proffers as indicated in the Proffer Statement.

Note: The Planning Commission held a public hearing on September 16, 2020 and recommended reclassifying the property from R-1 to I-2. Letters were sent by the Clerk's Office to the adjacent property owners regarding this public hearing.

Budget/Funding: None

Meetings: Work Session held October 5, 2020 and Public Hearing held November 9, 2020

Proposed Motion: I move that Council approve on its second and final reading the request from the Industrial Development Authority of the Town of Front Royal and the County of Warren, also referred to as the Front Royal/Warren County Economic Development Authority (EDA), to rezone approximately 62.7 acres [Tax Map 20A221-1 and 20A22-1B] adjacent and connecting to Happy Creek Technology Park to improve site status from Tier 1 to Tier 2 of the Virginia Business Ready Sites Program and possible future expansion of the adjacent Happy Creek Technology Park. I further move that the rezoning approval include the four (4) proffers as indicated in the Proffer Statement.

Approved By: 

Moved _____ Seconded _____

VM Sealock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING



**STAFF REPORT FOR THE SEPTEMBER 16, 2020 PLANNING COMMISSION MEETING
AND PUBLIC HEARING**

APPLICATION #:

FRREZON-2013-2020

APPLICANT:

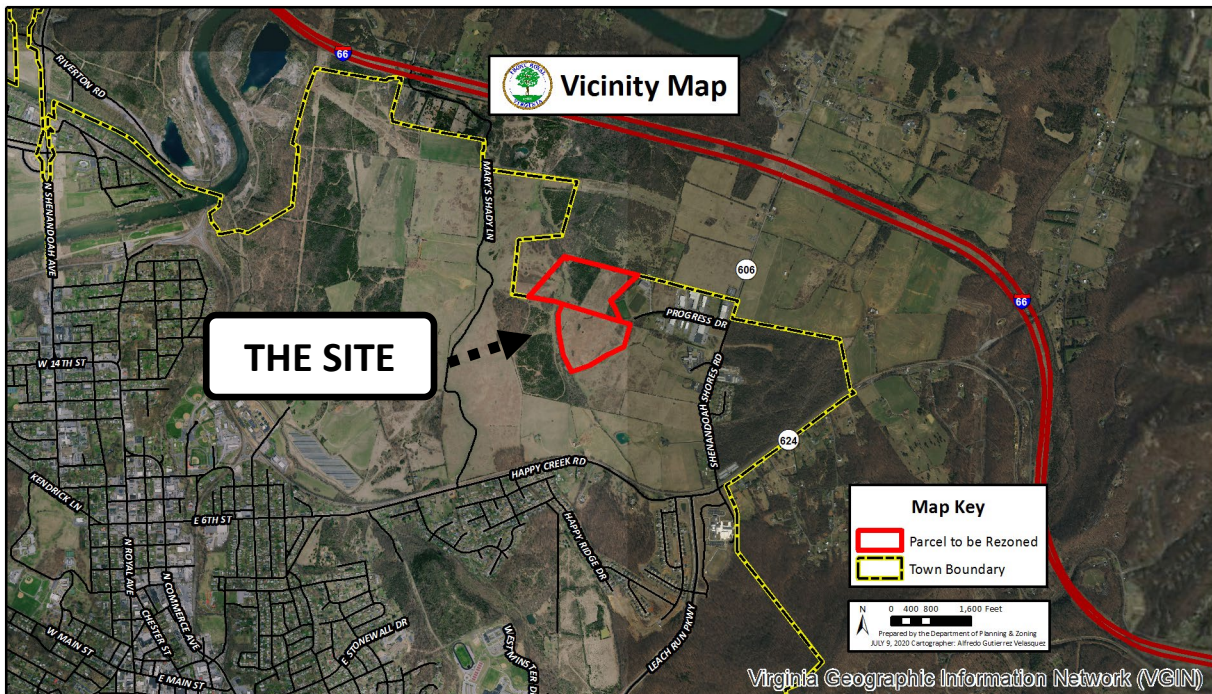
Front Royal – Warren County Economic
Development Authority

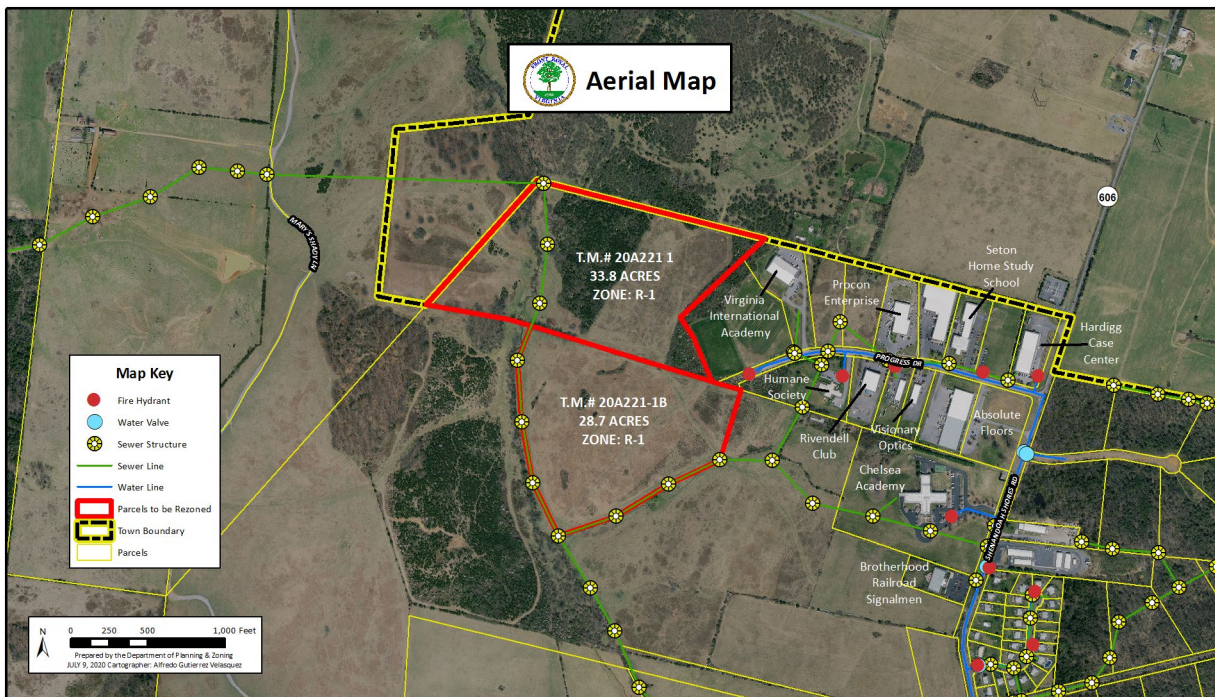
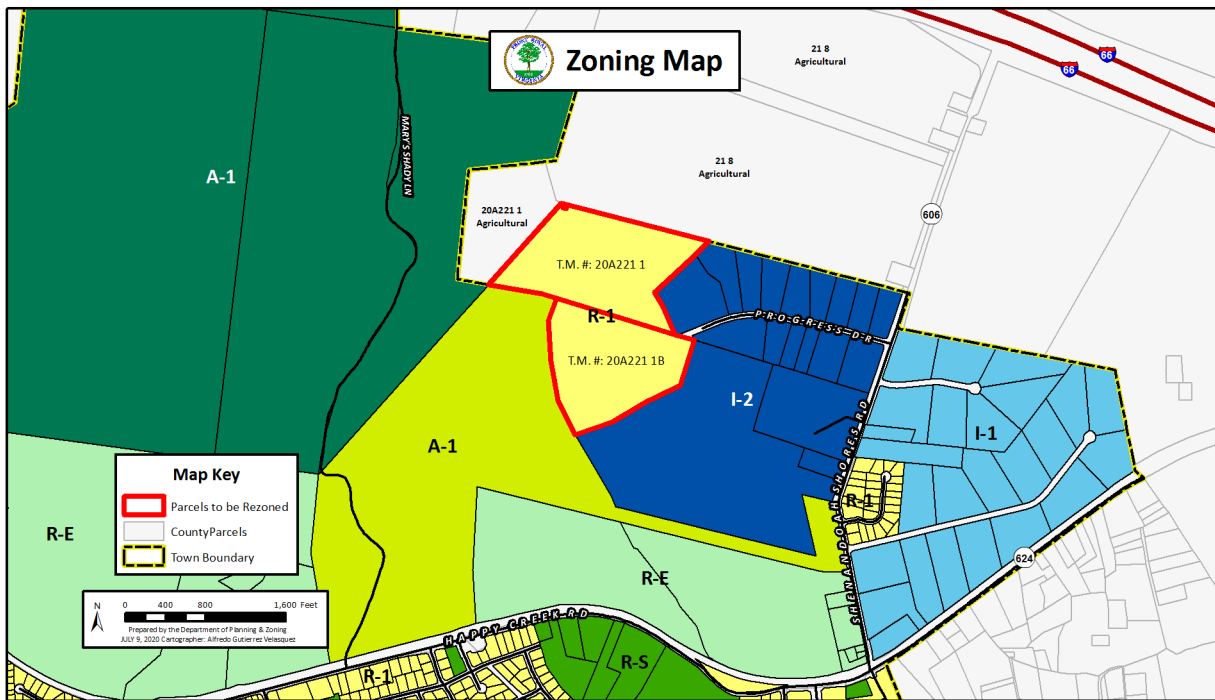
SUMMARY OF REQUEST:

The subject application proposes to rezone approximately 62.7 acres from the R-1 Residential District, to the I-2 Industrial Employment District. The purpose of the rezoning request is to improve site status from Tier 1 to Tier 2 of the Virginia Business Ready Sites Program and possible future expansion of the adjacent Happy Creek Technology Park.

GENERAL INFORMATION:

<i>Site Addresses</i>	None: Vacant land.
<i>Property Owner(s)</i>	Front Royal – Warren County Economic Development Authority (EDA)
<i>Existing Zoning</i>	R-1 Residential District
<i>Proposed Zoning</i>	I-2 Industrial Employment District
<i>Tax Identification</i>	20A221-1 and 20A22-1B
<i>Location</i>	The property is located west of Shenandoah Shores Road (Route 606) at the western terminus of Progress Drive and adjoins the Happy Creek Technology Park on the east.





I. NO TITLE REPORT FURNISHED.

- F & R LIMITED PARTNERSHIP
TAX MAP 20A221-8
L.R. 040007340
SL. 227 H-K
ZONE: A-1

F & R LIMITED PARTNERSHIP
TAX MAP 20A221-8
L.R. 040007340
SL. 227 H-K
ZONE: A-1

W&MD PROPERTIES, L.L.C. ET AL
TAX MAP 21-8
L.R. 130002716
ZONE: AGRICULTURAL

W&MD PROPERTIES, L.L.C. ET AL
TAX MAP 21-8
L.R. 130002716
ZONE: AGRICULTURAL

VIRGINIA INTERNATIONAL
ACADEMY LLC
TAX MAP 20A221-1B14
L.R. 130003139
ZONE: I-2

VIRGINIA INTERNATIONAL
ACADEMY LLC
TAX MAP 20A221-1B14
L.R. 130003139
ZONE: I-2

VIRGINIA INTERNATIONAL EDUCATION
SERVICES, LLC
TAX MAP 20A221-1B15
L.R. 160001212
ZONE: I-2

VIRGINIA INTERNATIONAL EDUCATION
SERVICES, LLC
TAX MAP 20A221-1B15
L.R. 160001212
ZONE: I-2

THE JULIA WAGNER
SHELTER, L.C.
TAX MAP 20A221-1B9
L.R. 020001254
ZONE: I-2

THE JULIA WAGNER
SHELTER, L.C.
TAX MAP 20A221-1B9
L.R. 020001254
ZONE: I-2

F & R LIMITED PARTNERSHIP
TAX MAP 20A221-5
L.R. 040007340
SL 229 L-Q

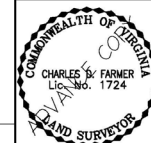
F & R LIMITED PARTNERSHIP
TAX MAP 20A221-5
L.R. 040007340
SL 229 L-Q

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S75°35'25"E	89.50'
L2	S14°24'35"W	40.00'
L3	S75°35'25"E	30.00'
L4	N14°24'35"E	40.00'
L5	S75°25'42"E	320.58'
L6	S22°20'53"E	291.34'
L7	S73°04'39"E	169.03'
L8	N21°24'18"E	240.67'
L9	N73°04'39"W	154.41'

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	455.00'	163.05'	20°31'57"	S32°36'52"E	162.18'
C2	30.00'	44.20'	84°25'20"	S64°33'33"E	40.31'

THRASTHER

THRASTHER



REZONING PLAT

THE INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE TOWN OF FRONT ROYAL AND THE
COUNTY OF WARREN, VIRGINIA
SHENANDOAH DISTRICT/TOWN OF FRONT ROYAL
WARREN COUNTY, VIRGINIA

Drawn By:	BWS
Designed By:	
Checked By:	KO
Date:	10/15/2019
Scale:	1"=200'
County Plan Number:	N/A
Sheet:	1 of 2
JOB #:	020-10018

INFORMATION ON THE APPLICATION:

Application Documents

A list and brief description of the parts of Attachment A: **APPLICATION DOCUMENTS** is provided below:

ATTACHMENT A: APPLICATION DOCUMENTS

- **Application Form.** This is the standard application form used to initiate rezoning applications in the Town.
- **Phase I Environmental Site Assessment by The Thrasher Group, Inc.** Two items of interest were reported in the assessment: (1) the existence of an existing cemetery located on the northern portion of Parcel 20A221-1 and (2) the site is located within Radon Zone 1. Development will not impact the existing cemetery site and additional sampling for radon should be conducted prior to site construction.
- **Traffic Impact Analysis Report.** The Traffic Impact Analysis Report for this site was prepared by A. Morton Thomas and Associates, Inc., dated February 2020.
- **Rezoning Impact Statement.** This document is required for rezoning applications to the I-2 Industrial Employment District. It identifies impacts that the proposed rezoning and development may have on the Town and community, as identified by the Applicant.
- **Maps and Plats.** A rezoning plat and conceptual design plan prepared by The Thrasher Group, Inc, are attached.
- **Proffer Statement.** The proffer includes voluntary offerings from the applicant to mitigate impacts of the rezoning.
- **Applicant Response.** The Planning Commission held a work session to review this application on June 17th, 2020. The applicant has responded to questions raised by the commission in a letter included in the attachments.

Proposed Zoning

This rezoning application proposes to rezone approximately 62.7 acres to the I-2 Industrial Employment District.

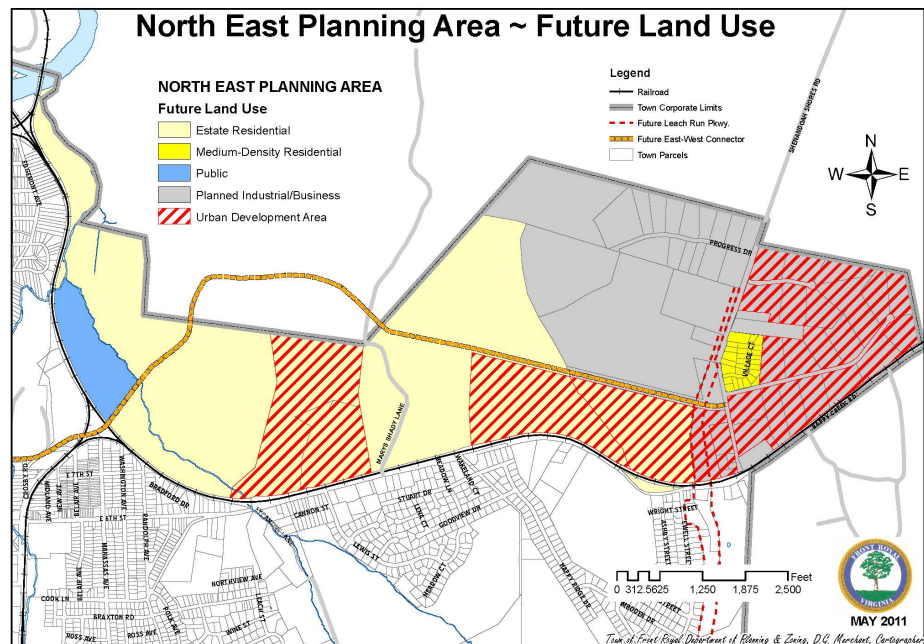
Town of Front Royal Zoning Ordinance, Sect. 175-64.

The I-2 Industrial Employment District is designed to:

- A. Enable the establishment of industrial and employment uses and structures in appropriate locations of the town.*
- B. Prevent land or structures from being used in a manner so as to create dangerous, injurious, noxious or otherwise objectionable risk of fire, explosion, radioactivity or other hazardous condition; noise or vibration, smoke, dust, odor or other form of air pollution; electrical or other disturbance, glare or heat; liquid or solid waste; or other condition that would detract from the residential and commercial desirability of the adjoining areas.*
- C. Provide controls and standards for the establishment of industrial and employment uses and structures in keeping with the purposes of this Article and the Front Royal Comprehensive Plan.*

Comp. Plan

The Town of Front Royal Comprehensive Plan shows the subject parcels as being located within the North East Planning Area and identifies the future land use as Planned Industrial/ Business.



**Staff
Comments**

1. The total area of the two parcels owned by the EDA is 81.4 acres. The northernmost parcel is bisected by the Town/County boundary, with approximately 18.7 acres located within the County and 62.7 acres within the Town. This rezoning application is for the 62.7 acres located within the Town corporate limits.
2. Town utilities (water, sanitary sewer and electric) are available for the site, subject to final use requirements.
3. As noted in the applicant's Impact Statement: *"In order to complete this rezoning package, the EDA and Thrasher chose to compare a data center and an industrial park as a potential use, both which will be represented with the same concept plan. Both uses are arbitrary, as the exact use will be determined in the future when businesses are secured. However, a data center or industrial park is a good representation of a potential use".*
4. Likewise, the Traffic Impact Analysis (TIA) report uses proposed development as a data center for its calculations. Use other than data centers may require a revision or update of the TIA.

CONCLUSIONS:

This proposed rezoning of the subject parcels from R-1 to I-2 is in accordance with the Town of Front Royal Comprehensive Plan. Technology Business is a use permitted by-right in the I-2 District. The application is complete and prepared in accordance with the requirements of the Town Code.

ATTACHMENT: Attachment A: Application Documents

NOTES:

1. NO TITLE REPORT FURNISHED.
2. EASEMENTS AND/OR RIGHTS OF WAY MAY EXIST.
3. THE PROPERTIES SHOWN HEREON ARE IN THE NAME OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF FRONT ROYAL AND THE COUNTY OF WARREN, VIRGINIA AS RECORDED IN DEED BOOK 471 AT PAGE 748 (TM 20A221-1) AND DEED BOOK 342 AT PAGE 622 AND DEED BOOK 404 AT PAGE 121 (TM 20A221-1B).
4. (FIRM) FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 51187C0108C, DATED JUNE 3, 2008 ZONE "X" (AREA OF MINIMAL FLOODING).
5. BOUNDARY INFORMATION COMPILED FROM DEEDS AND PLATS OF RECORD AND DOES NOT REPRESENT A BOUNDARY SURVEY BY THIS FIRM.
6. NORTH MERIDIAN TAKEN PLAT RECORDED IN PLAT SLIDE 189 A & B.
7. TAX MAP 20A221-1 IS CURRENTLY ZONED "AGRICULTURAL" (PORTION IN WARREN COUNTY) AND ZONED "R-1" (PORTION IN THE TOWN OF FRONT ROYAL). TAX MAP 20A221-1B IS ZONED "R-1".
8. THE PROPOSED ZONING FOR THE PORTION OF LAND IN WARREN COUNTY IS "I". THE PROPOSED ZONING FOR THE PORTION OF LAND IN THE TOWN OF FRONT ROYAL IS "I-2".
9. IMPROVEMENTS MAY EXIST AND ARE NOT SHOWN HEREON.
10. TOTAL AREA: 81.443 ACRES.

F & R LIMITED PARTNERSHIP
TAX MAP 20A221-8
L.R. 040007340
SL. 227 H-K
ZONE: A-1

W&MD PROPERTIES, L.L.C. ET AL
TAX MAP 21-8
L.R. 130002716
ZONE: AGRICULTURAL

TOWN OF FRONT ROYAL, VIRGINIA
TAX MAP 20A221-1A
D.B. 324 PG. 212
ZONE: R-1

VIRGINIA INTERNATIONAL
ACADEMY LLC
TAX MAP 20A221-1B14
L.R. 130003139
ZONE: I-2

VIRGINIA INTERNATIONAL EDUCATION
SERVICES, LLC
TAX MAP 20A221-1B15
L.R. 160001212
ZONE: I-2

THE JULIA WAGNER
SHELTER, L.C.
TAX MAP 20A221-1B9
L.R. 020001254
ZONE: I-2

THE INDUSTRIAL
DEVELOPMENT
AUTHORITY OF THE
TOWN OF FRONT ROYAL
AND THE COUNTY OF
WARREN, VIRGINIA
TAX MAP 20A221-1
D.B. 471 PG. 748
L.R. 970000805

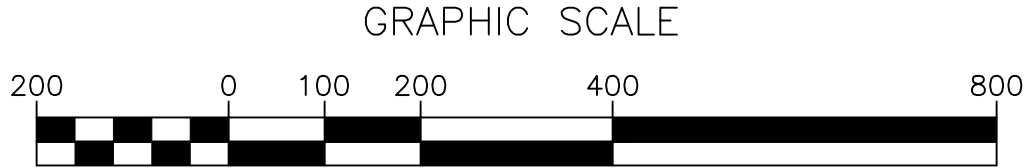
APPROXIMATE LOCATION
FUTURE ROAD PER
TOWN OF FRONT ROYAL
ROAD IMPROVEMENT PLAN
DATED MARCH, 2019

THE INDUSTRIAL
DEVELOPMENT
AUTHORITY OF THE
TOWN OF FRONT ROYAL
AND THE COUNTY OF
WARREN, VIRGINIA
TAX MAP 20A221-1B
D.B. 342 PG. 622
D.B. 404 PG. 121
L.R. 970000805

THE INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE TOWN OF FRONT ROYAL AND
THE COUNTY OF WARREN, VIRGINIA
TAX MAP 20A221-2A1
D.B. 404 PG. 121
SL. 189 A & B
ZONE: I-2

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S75°35'25"E	89.50'
L2	S14°24'35"W	40.00'
L3	S75°35'25"E	30.00'
L4	N14°24'35"E	40.00'
L5	S75°25'42"E	320.58'
L6	S22°20'53"E	291.34'
L7	S73°04'39"E	169.03'
L8	N21°24'18"E	240.67'
L9	N73°04'39"W	154.41'

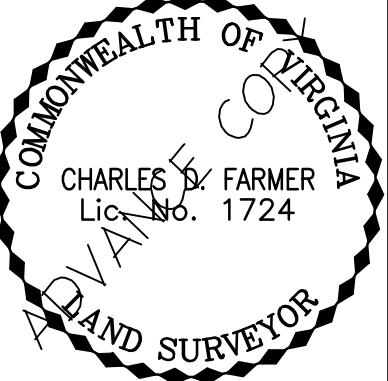
CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	455.00'	163.05'	20°31'57"	S32°36'52"E	162.18'
C2	30.00'	44.20'	84°25'20"	S64°33'33"E	40.31'



REVISION	DATE	COMMENTS
	11/04/19	

THRASHER

THE THRASHER GROUP INC.
SURVEYING • MAPPING • CONSULTING
100 INDUSTRIAL DRIVE, FREDERICKSBURG, VA 22407
PHONE (540) 372-3499 • FAX (540) 372-6746

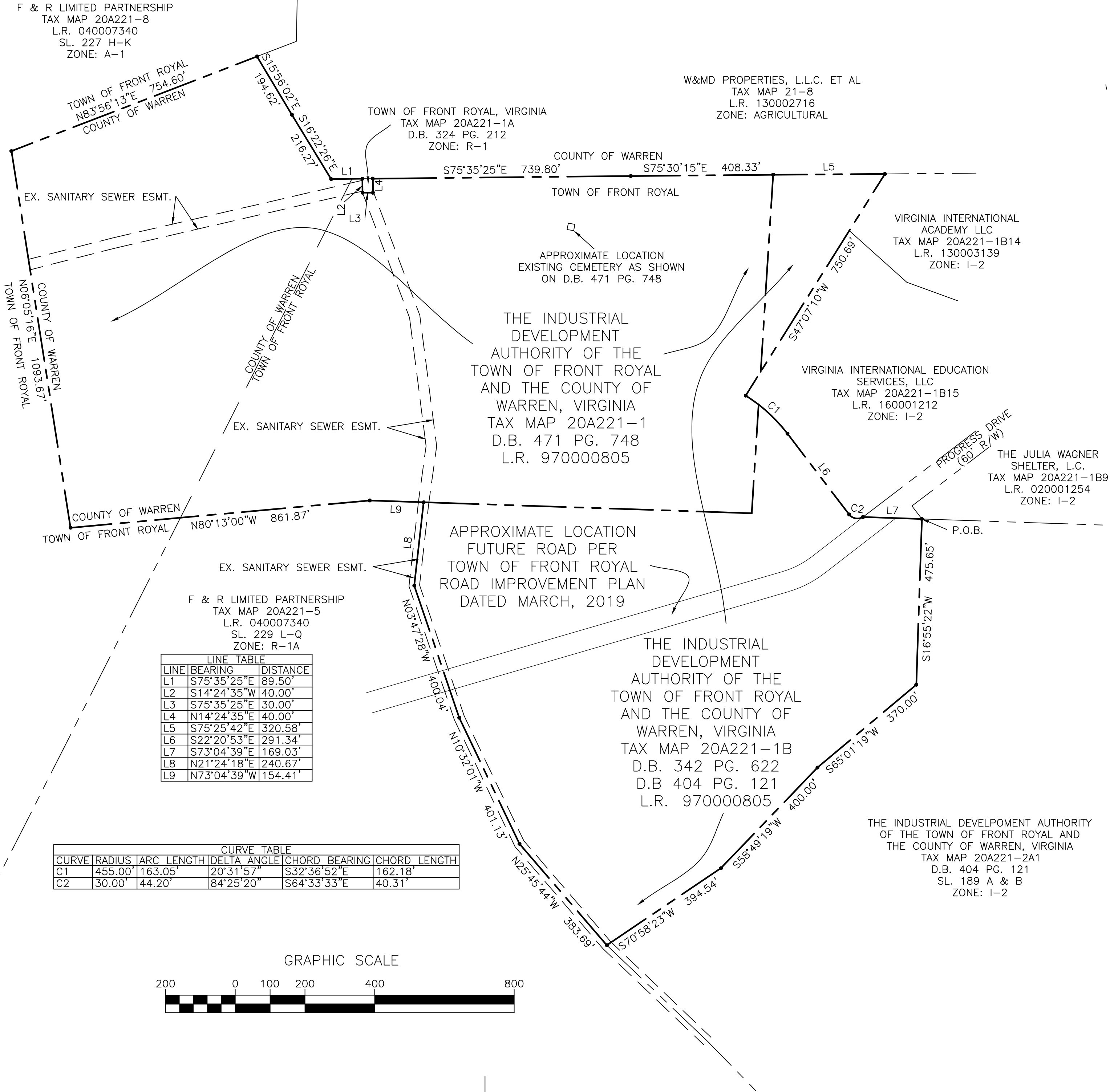


THE INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE TOWN OF FRONT ROYAL AND THE
COUNTY OF WARREN, VIRGINIA
SHENANDOAH DISTRICT/TOWN OF FRONT ROYAL
WARREN COUNTY, VIRGINIA

Drawn By:	BWS
Designed By:	
Checked By:	KO
Date:	10/15/2019
Scale:	1"=200'
County Plan Number:	N/A
Sheet:	1 of 2
JOB #:	020-10018

NOTES:

1. NO TITLE REPORT FURNISHED.
2. EASEMENTS AND/OR RIGHTS OF WAY MAY EXIST.
3. THE PROPERTIES SHOWN HEREON ARE IN THE NAME OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF FRONT ROYAL AND THE COUNTY OF WARREN, VIRGINIA AS RECORDED IN DEED BOOK 471 AT PAGE 748 (TM 20A221-1) AND DEED BOOK 342 AT PAGE 622 AND DEED BOOK 404 AT PAGE 121 (TM 20A221-1B).
4. (FIRM) FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 51187C0108C, DATED JUNE 3, 2008 ZONE "X" (AREA OF MINIMAL FLOODING).
5. BOUNDARY INFORMATION COMPILED FROM DEEDS AND PLATS OF RECORD AND DOES NOT REPRESENT A BOUNDARY SURVEY BY THIS FIRM.
6. NORTH MERIDIAN TAKEN PLAT RECORDED IN PLAT SLIDE 189 A & B.
7. TAX MAP 20A221-1 IS CURRENTLY ZONED "AGRICULTURAL" (PORTION IN WARREN COUNTY) AND ZONED "R-1" (PORTION IN THE TOWN OF FRONT ROYAL). TAX MAP 20A221-1B IS ZONED "R-1".
8. THE PROPOSED ZONING FOR THE PORTION OF LAND IN WARREN COUNTY IS "I". THE PROPOSED ZONING FOR THE PORTION OF LAND IN THE TOWN OF FRONT ROYAL IS "I-2".
9. IMPROVEMENTS MAY EXIST AND ARE NOT SHOWN HEREON.
10. TOTAL AREA: 81.443 ACRES.



THRASHER

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PHONE (540) 372-3499 • FAX (540) 372-6746

COMMONWEALTH OF VIRGINIA

BRIAN W. SINER
Lic. No. 2881

LAND SURVEYOR

REZONING PLAT

THE INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE TOWN OF FRONT ROYAL AND THE
COUNTY OF WARREN, VIRGINIA
SHENANDOAH DISTRICT/TOWN OF FRONT ROYAL
WARREN COUNTY, VIRGINIA

Drawn By: BWS

Designed By:

Checked By: KO

Date: 10/15/2019

Scale: 1"=200'

County Plan Number: N/A

Sheet: 1 of 2

JOB #: 020-10018



F & R LIMITED PARTNERSHIP
TAX MAP 20A221-8
L.R. 040007340
SL. 227 H-K
ZONE: A-1

TOWN OF FRONT ROYAL
N83°56'13"E 754.60'
COUNTY OF WARREN

TOWN OF FRONT ROYAL, VIRGINIA
TAX MAP 20A221-1A
D.B. 324 PG. 212
ZONE: R-1

W&MD PROPERTIES, L.L.C. ET AL
TAX MAP 21-8
L.R. 130002716
ZONE: AGRICULTURAL

VIRGINIA INTERNATIONAL
ACADEMY LLC
TAX MAP 20A221-1B14
L.R. 130003189
ZONE: I-2

VIRGINIA INTERNATIONAL EDUCATION
SERVICES, LLC
TAX MAP 20A221-1B15
L.R. 160001212
ZONE: I-2

THE JULIA WAGNER
SHELTER, L.C.
TAX MAP 20A221-1B9
L.R. 020001254
ZONE: I-2

THE INDUSTRIAL
DEVELOPMENT
AUTHORITY OF THE
TOWN OF FRONT ROYAL
AND THE COUNTY OF
WARREN, VIRGINIA
TAX MAP 20A221-1
D.B. 471 PG. 748
L.R. 970000805

APPROXIMATE LOCATION
FUTURE ROAD PER
TOWN OF FRONT ROYAL
ROAD IMPROVEMENT PLAN
DATED MARCH, 2019

THE INDUSTRIAL
DEVELOPMENT
AUTHORITY OF THE
TOWN OF FRONT ROYAL
AND THE COUNTY OF
WARREN, VIRGINIA
TAX MAP 20A221-1B
D.B. 342 PG. 622
D.B. 404 PG. 121
L.R. 970000805

THE INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE TOWN OF FRONT ROYAL AND
THE COUNTY OF WARREN, VIRGINIA
TAX MAP 20A221-2A1
D.B. 404 PG. 121
SL. 189 A & B
ZONE: I-2

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S75°35'25"E	89.50'
L2	S14°24'35"W	40.00'
L3	S75°35'25"E	30.00'
L4	N14°24'35"E	40.00'
L5	S75°25'42"E	320.58'
L6	S20°20'53"E	291.34'
L7	S73°04'39"E	169.03'
L8	N21°24'18"E	240.67'
L9	N73°04'39"W	154.41'

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	1455.00'	163.05'	20°31'57"	S35°36'52"E	162.18'
C2	30.00'	144.20'	84°25'20"	S64°33'33"E	140.31'

GRAPHIC SCALE



REVISION	DATE	COMMENTS
	11/04/19	
	11/20/19	

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100 INDUSTRIAL DRIVE, FREDERICKSBURG, VA 22407
PHONE (540) 372-3499 • FAX (540) 372-6746

COMMONWEALTH OF VIRGINIA

BRIAN W. SINER
Lic. No. 2881

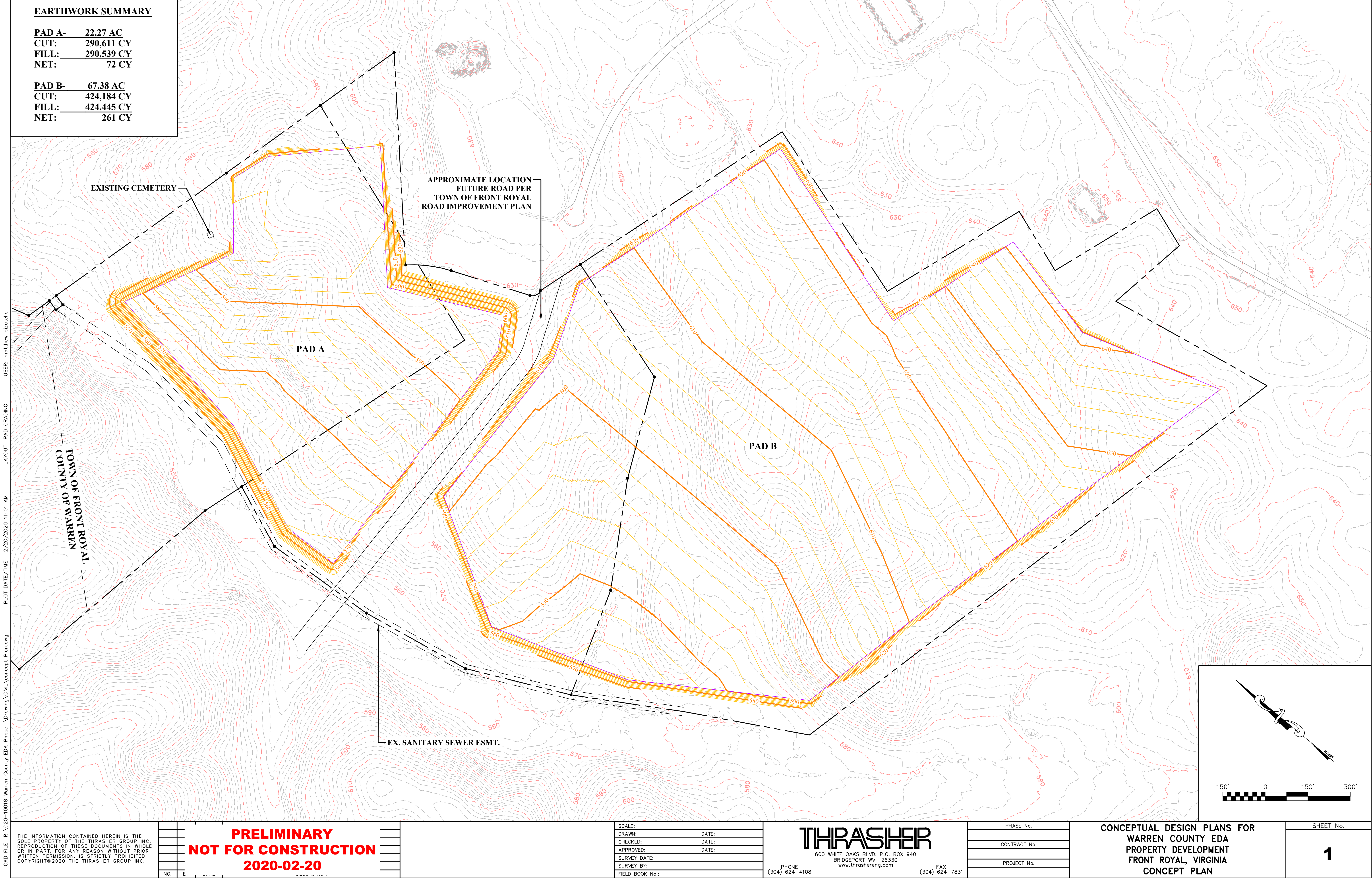
LAND SURVEYOR

REZONING PLAT

THE INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE TOWN OF FRONT ROYAL AND THE
COUNTY OF WARREN, VIRGINIA

SHENANDOAH DISTRICT/TOWN OF FRONT ROYAL
WARREN COUNTY, VIRGINIA

Drawn By:	BWS
Designed By:	
Checked By:	KO
Date:	10/15/2019
Scale:	1"=200'
County Plan Number:	N/A
Sheet:	2 of 2
JOB #:	020-10018



EARTHWORK SUMMARY

PAD A- 22.27 AC
CUT: 290,611 CY
FILL: 290,539 CY
NET: 72 CY

PAD B- 67.38 AC
CUT: 424,184 CY
FILL: 424,445 CY
NET: 261 CY

APPROXIMATE LOCATION
FUTURE ROAD PER
TOWN OF FRONT ROYAL
ROAD IMPROVEMENT PLAN

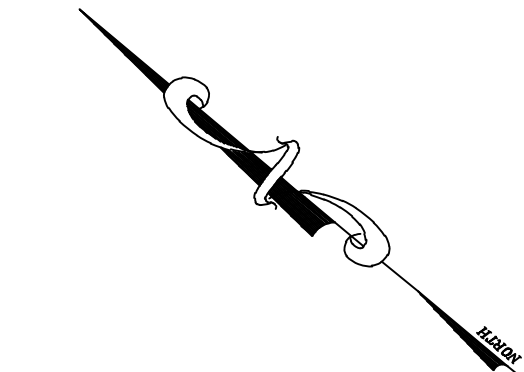
EXISTING CEMETERY

PAD A

PAD B

EX. SANITARY SEWER ESMT.

TOWN OF FRONT ROYAL
COUNTY OF WARREN



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2020-02-20

SCALE:	
DRAWN:	DATE:
CHECKED:	DATE:
APPROVED:	DATE:
SURVEY DATE:	
SURVEY BY:	
FIELD BOOK No.:	

THRASHER
600 WHITE OAKS BLVD., P.O. BOX 940
BRIDGEPORT WV, 26330
www.thrashereng.com

PHONE
(304) 624-4108

FAX
(304) 624-7831

PHASE No.
CONTRACT No.
PROJECT No.

CONCEPTUAL DESIGN PLANS FOR
WARREN COUNTY EDA
PROPERTY DEVELOPMENT
FRONT ROYAL, VIRGINIA
CONCEPT PLAN

SHEET No.
1



NOTE: ALL PROPOSED BUILDINGS
HAVE 200,000 SF FOOTPRINT

THE INDUSTRIAL
DEVELOPMENT
AUTHORITY OF THE
TOWN OF FRONT ROYAL
AND THE COUNTY OF
WARREN, VIRGINIA
TAX MAP 20A221-1B

VIRGINIA
INTERNATIONAL
EDUCATION
SERVICES, LLC
TAX MAP
20A221-1B15

THE JULIA
WAGNER
SHELTER, L.C.
TAX MAP
20A221-1B9

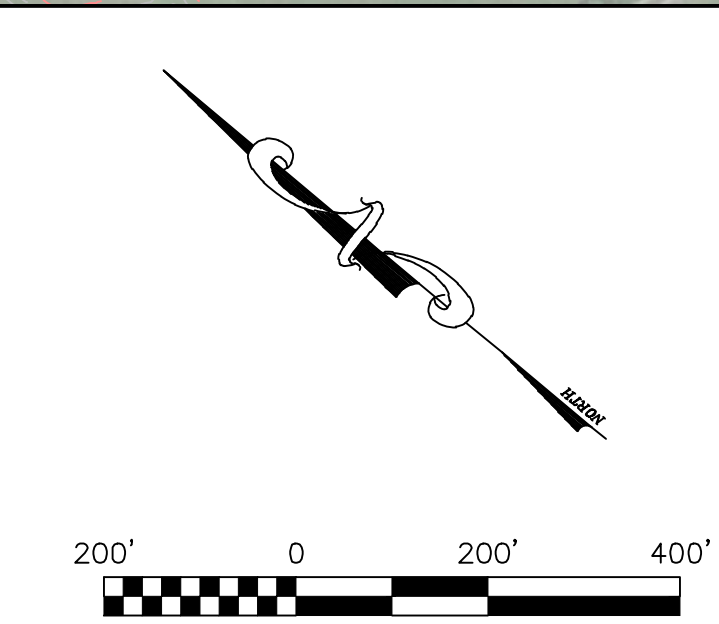
THE INDUSTRIAL
DEVELOPMENT
AUTHORITY OF THE
TOWN OF FRONT ROYAL
AND THE COUNTY OF
WARREN, VIRGINIA
TAX MAP 20A221-1

F&R LIMITED
PARTNERSHIP
TAX MAP
20A221-5

TOWN OF FRONT ROYAL
COUNTY OF WARREN

THE INDUSTRIAL
DEVELOPMENT
AUTHORITY OF THE
TOWN OF FRONT ROYAL
AND THE COUNTY OF
WARREN, VIRGINIA
TAX MAP 20A221-1B

THE INDUSTRIAL
DEVELOPMENT
AUTHORITY OF THE
TOWN OF FRONT ROYAL
AND THE COUNTY OF
WARREN, VIRGINIA
TAX MAP 20A221-2A1



**NOTE: ALL PROPOSED BUILDINGS
HAVE 200,000 SF FOOTPRINT**

**THE INDUSTRIAL
DEVELOPMENT
AUTHORITY OF THE
TOWN OF FRONT ROYAL
AND THE COUNTY OF
WARREN, VIRGINIA
TAX MAP 20A221-1B**

**VIRGINIA
INTERNATIONAL
EDUCATION
SERVICES, LLC
TAX MAP
20A221-1B15**

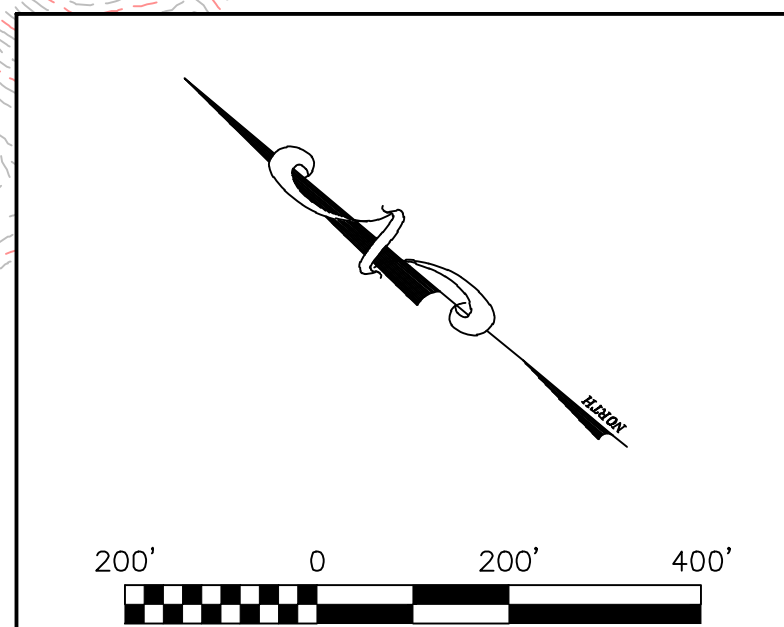
**THE JULIA
WAGNER
SHELTER, L.C.
TAX MAP
20A221-1B9**

**THE INDUSTRIAL
DEVELOPMENT
AUTHORITY OF THE
TOWN OF FRONT ROYAL
AND THE COUNTY OF
WARREN, VIRGINIA
TAX MAP 20A221-1**

**F&R LIMITED
PARTNERSHIP
TAX MAP
20A221-5**

**THE INDUSTRIAL
DEVELOPMENT
AUTHORITY OF THE
TOWN OF FRONT ROYAL
AND THE COUNTY OF
WARREN, VIRGINIA
TAX MAP 20A221-1B**

**THE INDUSTRIAL
DEVELOPMENT
AUTHORITY OF THE
TOWN OF FRONT ROYAL
AND THE COUNTY OF
WARREN, VIRGINIA
TAX MAP 20A221-2A1**



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2020-02-20**

SCALE:	
DRAWN:	DATE:
CHECKED:	DATE:
APPROVED:	DATE:
SURVEY DATE:	
SURVEY BY:	
FIELD BOOK No.:	

PHONE
(304) 624-4108

THRASHER
600 WHITE OAKS BLVD. P.O. BOX 940
BRIDGEPORT WV 26330
www.thrashereng.com

(304) FAX
624-7831

PHASE No.

CONTRACT No.

PROJECT No.

11/17/2024

CONCEPTUAL DESIGN PLANS FOR
WARREN COUNTY EDA
PROPERTY DEVELOPMENT
FRONT ROYAL, VIRGINIA
CONCEPT PLAN

HEET No.

3

Warren County Building Permits - David Beahm comments: FRREZON2013-2020

Comments for R-1 to I-2 (near Progress Drive & Happy Creek Technology Park):

- Erosion and Sediment Control (ESC) Items:
 - o Application and permits are required for ESC permit, which would also include a full plan review application.
 - o The total area of disturbance exceeds one (1) acre and will be considered a Common Plan of Development when work is started. This will require a Stormwater permit through the Department of Environmental Quality (DEQ).
 - o The process with DEQ and ESC may take place at the same time, but both require approval before any work can begin.
- Building Inspections Items:
 - o No reviewable information provided for comment at this time.

If anything should change in the scope additional requirements may be required.

IMPACT STATEMENT**REZONING PARCELS 20A221-1 AND 20A221-1B TO IMPROVE VBRSP STATUS
PROGRESS DRIVE
FRONT ROYAL, WARREN COUNTY, VIRGINIA****THRASHER PROJECT #020-10018**

The Thrasher Group, Inc (Thrasher) was retained by the Front Royal/Warren County Economic Development Authority (EDA) to rezone two (2) parcels from R-1 to I-2. The purpose of the rezoning is to improve site status from Tier 1 to Tier 2 of the Virginia Business Ready Sites Program (VBRSP) to increase competitiveness among surrounding areas such as Winchester and Manassas. The impact statement is part of the rezoning requirement for the Town of Front Royal (Town). The site is located on Progress Drive in Front Royal, Warren County, Virginia.

The site, consisting of two (2) parcels totaling approximately 81.4 acres identified by Tax Map 20A221-1 and 20A221-1B is owned by the Industrial Development Authority of Front Royal and the County of Warren, Virginia and is in the center of County. Tax Map 20A221-1 straddles the County and Town limits, where the County is west and the Town is east. The northern property line for both parcels represents the County and Town limits, where the Town is to the south. Approximately 62.7 acres of the site is located within the Town limits. This impact statement is to rezone the approximate 62.7 acres of the site within the Town limits.

As previously mentioned, this rezoning is specifically for VBSRP. In order to complete this rezoning package, The EDA and Thrasher chose to compare a data center and an industrial park as a potential use, both which can be represented with the same concept plan. Both uses are arbitrary, as the exact use will be determined in the future when businesses are secured. However, a data center or industrial park is a good representation of a potential land use.

Currently, the R-1 zoned site is vacant and contains cleared and forested land. It has access via an existing road named Progress Drive. The R-1 site allows a minimum single-family lot size between 40,000 and 10,000 square feet depending on if the water and sewer are provided on-lot or through a public water system, respectively. The site is bound by Happy Creek Technology Park, zoned I-2 in the Town of Front Royal. The businesses contained within Happy Creek Technology Park include the Virginia International Academy, the Humane Society of Warren County, Rivendell Club School, Strike First Corporation of America, Seton Home Study School, Petrine Family of Companies, Pelican Hardigg Case Center, the Chelsea Academy, and the Brotherhood of Railroad Signalmen. Adjacent parcels in Warren County to the north and west are zoned Agricultural. Within the Town of Front Royal, to the south, the adjacent parcel is undeveloped and zoned R-1A, which allows a minimum single-family home lot size of 7,000 square feet. Within the Town of Front Royal, to the south east, the adjacent parcel is zoned I-2.

Industrial Development Authority of Front Royal and the County of Warren, Virginia proposes rezoning both parcels to zone I-2. The minimum lot size for I-2 is 20,000 square feet. Both parcels exceed the minimum lot size. By-right uses associated with I-2 include: caretaker quarters, automobile and truck

sales lots, automobile garage and service stations (auto repair and gas stations), business offices, coal and wood yards, lumberyards, feed/seed stores, commuter parking facilities, contractor's offices, display rooms and storage, furniture stores, lumber and building supply, professional offices, technology businesses, veterinary hospitals, distribution facilities, light manufacturing, woodworking and upholstery shop, wholesale, laboratory, pharmaceutical and/or medical schools, accessory uses, home occupations, open space, public facilities, public parks and playgrounds, public utilities, signs, and special childcare services.

The Town zoning ordinance states that the "I-2 Industrial Employment District is designed to enable the establishment of industrial and employment uses and structures in appropriate locations of the town, prevents land or structures from being used in a manner so as to [...] detract from the residential and commercial desirability of the adjoining areas, [and] provide controls and standards for the establishment of industrial and employment uses".

As the only town within Warren County, Front Royal serves as the commercial center for the County. By allowing rezoning from residential to industrial, Front Royal may continue to support the County as its commercial center. By adding approximately 62.7 acres within Town limits to I-2, Front Royal will have capacity to attract a large commercial use or continue the development of the existing commercial development which has been successful. With Warren County's cooperation to rezone their additional 18.7 acres, for a total of approximately 81.4 acres, will be an increased benefit. Considering that the parcel is next to a technology park zoned I-2, a technology use may be ideal since technology jobs have high earning potential. Any growth that preserves the historic Old Town of Front Royal, which is unaffected as a result, and increases economic development and commercial growth for Front Royal and Warren County supports the Comprehensive Plan. Fiscal impacts, as well as impacts to the quality of life of citizens, property value and environment were assessed.

Fiscal Impacts

The R-1 use will add between 90 and 360 single family homes. This will increase the property tax base by approximately \$300,000 per year. As an I-2 use, 180 commercial properties could be built or a minimum of eight (8) commercial districts could be established. The economic growth spurred by these commercial properties will exceed the R-1 zoning's fiscal benefits. In addition, by collecting taxes on commercial activity, property taxes will be able to remain relatively low. Any additional increase to operations will be offset by the taxes collected from the commercial properties.

Quality of Life

The industrial uses supported by zone I-2 will not negatively impact the quality of life for citizens, as the purpose of the I-2 zone is to create employment opportunities without detracting from the residential and commercial desirability of the adjoining areas.

According to the Town of Front Royal's Comprehensive Plan, many of its citizens must commute outside of the Town for employment. Its largest competitors are Winchester and Manassas, which are an average of 45 minute commute in one (1) direction. By providing more opportunity for jobs within the Town, less

of its citizens will have to commute to surrounding areas for employment and reduce their commutes. In the case that the Town is able to attract a technology sector employer, wages will increase, and the Town will be a center for surrounding counties. As an employment center, the Town will be able to attract more businesses and growth.

Property Value

Commercial uses often increase the property value to surrounding residences. As quality of life increases in the area, it will attract more buyers. This increases demand, which increases property value.

Impacts to the Environment

An environmental impact study was performed to assess development of the land. As a result, two (2) items were uncovered. There is an existing cemetery onsite and the site is located within Radon Zone 1. Development will be able to occur around the existing cemetery and has continued for adjacent sites within Radon Zone 1. To mitigate the radon concern, additional sampling should be conducted prior to development. The industrial uses supported by I-2 zoning do not have a negative impact to the environment.

Archeological and Historic Impacts

No archeological or historic landmarks will be impacted as a result of this rezoning.

Traffic Impacts

Based upon the attached concept plan, approximately 200 employees will be added to the site for a data center or for an industrial park. For a data center, traffic impacts are 990 daily trips with 124 at maximum AM peak hour and 104 maximum PM peak hour. For an industrial park, traffic impacts are 1,036 daily trips with 98 at maximum AM peak hour and 26 maximum PM peak hour. Based on the data center traffic analysis the following is provided:

- The Future (2026) Build conditions analyses indicates that both existing key intersections and the new site driveway are anticipated to operate at acceptable LOS during both the AM and PM peak hours.
- A turn lane warrant analysis was conducted at the new Data Center Site Driveway and the results indicate that a separate northbound left turn lane is not required, and a separate southbound right turn lane and taper is not required.
- Signal warrant analyses were conducted at the intersections of Shenandoah Shores Road with Progress Drive and Happy Creek Road during future (2026) build conditions. No signal is warranted at the intersection Shenandoah Shores Road and Progress Drive. Warrant 3 (Peak Hour) is met during both peak hours at the intersection of Shenandoah Shores at Happy Creek Road; however, this does not meet the basis to install a new signal at this intersection per the MUTCD section 4C.04. Additional analyses need to be conducted to fully determine if a signal is warranted (i.e. 13-hour count, crash analysis, etc.)

July 8, 2020

Mr. Christopher G. Brock
Department of Planning and Zoning
Town of Front Royal
102 East Main Street
Front Royal, VA 22630

**RE: Front Royal/Warren County Economic Development Authority
Rezoning Application Parcels TM 20A221-1 and TM 20A221-1B
Proffer
Thrasher Project #020-10018**

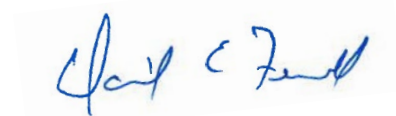
Dear Mr. Brock:

Based on the conversation with Darryl Merchant of your office, the Proffer is being adjusted to dedicate a 60 foot right-of-way instead of 40 foot.

Please see the attached proffer. If you have any further questions, please do not hesitate to contact me.

Sincerely,

THE THRASHER GROUP, INC.



DANIEL E. FERRELL, P.E.
Principal

cc: Doug Parsons, Front Royal/Warren County EDA

PROFFER STATEMENT

REZONING: RZ# _____

CURRENT ZONING: Residential R-1 District

PROPOSED ZONING: Industrial I-2 District

PROPERTIES 30.70 Acres Tax Map 20A221-1 DB 471 PG 748
32.0 Acres Tax Map 20A221-1B DB 342/404 PG 622/121

APPLICANT/OWNER: FRONT ROYAL/WARREN COUNTY ECONOMIC DEVELOPMENT AUTHORITY

PROJECT NAME: REZONING FOR TIER II VBRSP STATUS, PROGRESS DRIVE

DATE OF PROFFERS: _____

EXHIBITS: Concept Plan
Phase I Environmental Study
Traffic Impact Analysis Report

Preliminary Matters

Pursuant to Section 15.2-2296 et. seq. of the Code of Virginia, 1950, as amended, and the provisions of the Town of Front Royal Zoning Ordinance with respect to conditional zoning, the undersigned Applicant hereby voluntarily agrees to the terms and conditions set forth herein, provided that the Town of Front Royal approves Rezoning Application RZ# _____ for the rezoning of the subject properties, as referenced above, consisting of approximately 62.7 Acres, from the residential R-1 District to the industrial I-2 District. The terms and conditions set forth herein may be subsequently amended, revised, or withdrawn by the Applicant if approved by the Town of Front Royal, in accordance with the Virginia Code and Town Code. If such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. The purpose of this rezoning is to increase the property designation from Tier 1 to Tier 2 of the Virginia Business Ready Sites Program (VBRSP) to increase competitiveness among surrounding areas.

Landscaping Buffer

A landscaping buffer of 25 feet in width shall be established on along the property line of all parcels included in this rezoning application not zoned I-2. This landscaping buffer is to be used as a visual screening between the agriculture or residential zones and industrial zones. The landscape buffer

will preserve existing woodlands and plant one (1) tree and 10 shrubs for every 35 feet along the buffer where there are no existing woodlands.

By-Right Land Use

By-right land use shall not be restricted, however, business offices, professional offices, technology businesses (including data centers), veterinary hospitals, laboratory, pharmaceutical and/or medical schools, public facilities, and special childcare services will be preferred.

Dedicated Right-of-Way

A dedicated right-of-way of 60 feet in width shall be dedicated within the parcels to be rezoned for the continuation of Progress Drive towards the future East West Connector. The right-of-way will be dedicated to a public road, permitted by the Applicant, and built to Town of Front Royal and Virginia Department of Transportation (VDOT) standards. The design will not be finalized until a site plan is developed for the future use.

Traffic Impact Analysis

The Traffic Impact Analysis is based on an arbitrary 1,000,000 square feet data center. The assumed data center generated a peak hourly rate of 124 trips. When the exact use is determined, a new traffic analysis will be performed if the new use generates more trips.

Signatures

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns, and successors in the interest of the Applicant and owner. In the event the Front Royal Town Council grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Front Royal Town Code, as the same from time to time may be amended, or their successor ordinances. This Proffer Statement supersedes any proffer statements previously submitted in connection with this application and this Property, if any.

OWNER'S SIGNATURE: _____

PRINT SIGNATURE: _____

TITLE: _____

ADDRESS: _____

WITNESS: _____

COMMONWEALTH OF VIRGINIA

COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 20____, BY
_____, WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING
INSTRUMENT AND WHO HAS TOWN OF FRONT ROYAL APPROVAL SIGNATURE.

TOWN OF FRONT ROYAL APPROVAL SIGNATURE: _____

PRINT SIGNATURE: _____

TITLE: _____

ADDRESS: 102 E. MAIN STREET, FRONT ROYAL, VA 22630

COMMONWEALTH OF VIRGINIA

COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 20____, BY
_____, WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING
INSTRUMENT AND WHO APPEARED THIS DAY BEFORE ME,
_____, A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF
VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE ____ DAY OF _____, _____.

NOTARY PUBLIC

Registration Number: _____

10



Town of Front Royal, Virginia Council Agenda Statement

Item #10

Meeting Date: November 23, 2020

Agenda Item: FY21 Budget Amendment for Insurance Reimbursement

Summary: Council is requested to approve a FY21 Budget Amendment in the amount of \$31,732.15 to receive funds from Virginia Risk Sharing Association to reimburse the Town of Front Royal for expense incurred due to a water break on Route 522 N near Fairgrounds Road.

Budget/Funding:

9601-3410205	Water Revenue Insurance Recoveries -	\$31,732.15
9601-47513	Water Line Crew Water Line Upgrades -	\$31,732.15

Meetings: None

Staff

Recommendation: Approval_____ Denial_____

Proposed Motion:

*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: _____

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Council Agenda Statement

Item # 11

Meeting Date: November 23, 2020


CLOSED MEETING: Personnel

Motions to Go Into Closed Meeting

I move that Town Council go into Closed Meeting for the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, salaries, or resignation of specific public officers, appointees, or employees of the 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, immediately re-convene in open meeting and take a roll call vote on the following:]*

I move that the Mayor and Council certify that to the best of each member's knowledge, as recognized by each Mayor and 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 the Mayor and Council, and that the vote of each individual member of the Mayor and Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

Approved By: 

Moved _____ Seconded _____

VM Seacock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____

WORK SESSION



Work Session Agenda Form

Item #1

DATE: November 23, 2020

AGENDA ITEM: Commonwealth of Virginia Disconnection Ban

SUMMARY: The Commonwealth of Virginia passed a budget bill on November 18, 2020 to prohibit disconnection of all electric, gas, water, and wastewater utilities to residential customers for non-payment until 1) 60 days after the Governor's declared state of emergency or 2) the Governor determines that the economy and health conditions have improved enough to discontinue it.

The budget bill allows for an exemption from the disconnection ban based on the following criteria:

If a utility not subject to regulation by the State Corporation Commission has accounts receivable arrearages that exceed 1% of the utility's annual operating revenues, the utility may obtain relief from the shutoff moratorium by

- 1) Providing a written analysis stating the facts showing the utility exceeds the 1% threshold to staff of the governing body
- 2) The utility contemporaneously makes available for public inspection associated workpapers verifying such facts to staff of the governing body
- 3) The utility's governing body verifies the 1% has been met, provides public notice, takes public comment on, and votes to approve the information is accurate in an open meeting.

The utility is thereafter exempt from the ban on residential disconnections.

The Town of Front Royal's receivable for delinquent utilities account consistently exceeds 1% of the utility's annual operating revenues, so the Town would be eligible to seek the exemption for the disconnection ban.

The Commonwealth of Virginia has allocated additional federal Coronavirus Relief Funds (CRF) for the purpose of allowing municipal utilities providing electric, gas, water, and wastewater services to set up local utility relief programs for their customers impacted by COVID-19. Counties and cities, in partnership with a municipal utility that is overseen by a local governing body, will be able to apply to for funding to set up locally administered utility relief programs to assist their customers with arrearages that have not been paid to the municipal utility as a result of the customer experiencing economic hardship due to the COVID-19 pandemic. The arrearage assistance will cover the period from March 1, 2020-Oct. 31, 2020. The Virginia Department of Housing and Community Development (DHCD) will be facilitating an application process for localities to apply in partnership with their municipal utilities to utilize the COVID-19 Municipal Utility Relief Program to create local relief programs for eligible customers subject to abiding by U.S. Treasury guidance and other regulatory matters concerning the use of CRF funds. Additional details about the application process for localities and municipal utilities will be distributed by DHCD and posted on this website once they become available in the coming weeks.

BUDGET/FUNDING: During the time period from March 2020-May 2020 when the Town of Front Royal did not disconnect utility service for non-payment the Town's receivable for delinquent utility accounts increased significantly.

In May of 2020 the Town's receivable for delinquent utilities was \$841,441.54; as of November 19, 2020 the Town's receivable for delinquent utilities is \$449,663. On average the Town of Front Royal's delinquent utility receivable ranges between \$400,00-\$500,000. The increase seen in May 2020 was 87% higher than the current delinquent utility account receivable.

The CRF funding allocated by the Commonwealth of Virginia currently will not provide assistance for utility expense incurred after October 31, 2020. If the Town were to discontinue disconnects for non-payment the Town's bad debt for utilities could significantly increase adversely affecting the Town's revenues unless some sort of assistance is provided to the Town.

STAFF RECOMMENDATION: Staff is providing a written analysis showing that the Town of Front Royal's delinquent utility account receivable exceeds 1% of the operating budget for Electric, Water, & Sewer Utilities.

Staff recommends for Council to direct staff to advertise to hold a public hearing to receive public comment and for Council to approve the information is accurate in a public meeting to allow the Town to meet the criteria for the exemption on the disconnection ban and to resume disconnection of utilities for non-payment.

Budget Bill - Utility Provisions

Disconnection Ban
All electric, gas, water and wastewater utilities are prohibited from disconnecting service to <u>residential</u> customers for non-payment until 1) 60 days after the Governor's declared state of emergency ends ¹ or 2) the Governor determines that the economy and health conditions have improved enough to discontinue it.
Exemption from disconnection ban
If a utility not subject to regulation by the State Corporation Commission has accounts receivable arrearages that exceed 1% of the utility's annual operating revenues, the utility may obtain relief from the shutoff moratorium by <ol style="list-style-type: none"> 1) Providing a written analysis stating the facts showing the utility exceeds the 1% threshold to staff of the governing body 2) The utility contemporaneously makes available for public inspection associated workpapers verifying such facts to staff of the governing body 3) The utility's governing body verifies the 1% has been met, provides public notice, takes public comment on, and votes to approve the information is accurate in an open meeting. The utility is thereafter exempt from the ban on residential disconnections.
Notices to customers
Utilities must notify all customers who are at least 30 days in arrears of the utility disconnection moratorium, which may be by bill insert or bill notice.
Within 60 days of enactment, utilities shall notify all customers who are at least 30 days in arrears of the COVID-19 Relief Repayment Plan which may be by bill insert or bill notice. The notice must include eligibility, billing information, applicable financial assistance resources, and contact information where customers may file an initial complaint or Repayment Plan related disputes.
Repayment Plan
Within 60 days of enactment, utilities must offer customers a Repayment Plan for past due accounts.
The Repayment Plan cannot require any new deposits, down payments, fees, late fees, interest charges, or penalties and the plan cannot accrue any fees, interest, or penalties, including prepayment penalties.
The Repayment Plan shall amortize the customer's utility debt over at least 6 months and up to 24 months. The utility is to work with the customer to establish a <u>Repayment Plan that the customer determines is sustainable and affordable for them</u> . The customer may satisfy the Repayment Plan in part or in full at any time.
Any utility that reports to a consumer reporting agency or debt collector regarding a consumer who is on a Repayment Plan shall report the account as "current".
Utilities may require the customer to attest to the utility or to a third party chosen by the utility that the customer has experienced a financial hardship resulting directly or indirectly from the public health emergency or that they have experienced a hardship to pay during the public health emergency.
No utility that has received an order exempting it from the provisions of this clause 7.a. shall disconnect from service a customer who is making timely payments under the Repayment Plan at the time of the order and until such time as a customer ceases to make timely payments under the Repayment Plan. A utility that has received an order exempting it from the provisions of this clause 7.a. shall attempt to establish a Repayment Plan with its customers prior to any disconnection of service.

¹ The Governor has the authority to continue the emergency declaration by re-declaring a state of emergency for as long as he feels it is necessary.

In accordance with the provisions of Item 479.10, paragraph B.5. of this act, utilities shall use any funding allocated from the federal Coronavirus Relief Funds of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) to provide direct subsidy payments on behalf of customers whose accounts are over 30 days in arrears, provided such use meets eligibility requirements pursuant to United States Department of the Treasury guidance. In applying these funds to customer accounts, utilities shall prioritize providing financial assistance to customers who are over 60 days in arrears prior to using the funds to assist customers with accounts 31 to 60 days in arrears. To the extent possible, utilities shall use available funding to cover one-hundred percent of the customer's arrearage.

In addition to the funds provided in Item 479.10, paragraph B.2. of this act, where applicable, utilities must accept financial assistance from other utility assistance programs funded with federal Coronavirus Relief Funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) for customers who are at least 30 days in arrears. To the extent possible, utilities must direct customers in writing to these resources when establishing a Repayment Plan.

Reporting

Utilities not subject to regulation by the Commission shall submit information on the status of customer accounts to the Commission on Local Government managed by the Department of Housing and Community Development. The report is to include:

- 1) the number and value of accounts that are at least 30 days in arrears;
- 2) the number and value of accounts that are at least 60 days in arrears;
- 3) the number, total value, and average debt of accounts that are participating in the Repayment Plan, or another repayment plan as set forth by the utility;
- 4) the number of accounts removed from the Repayment Plan, or another repayment plan as set forth by the utility, categorized by reason;
- 5) the amount of and average debt still remaining for accounts removed from the Repayment Plan or another repayment plan as set forth by the utility;
- 6) the carrying costs of the debt for accounts participating in a repayment plan and any associated administrative costs incurred;
- 7) the number, total value, and average debt of accounts offset by the funds provided in Item 479.10, paragraph B.2. of this act and local programs using Coronavirus Relief Funds, categorized by days in arrears, customer account type, and Coronavirus Relief Fund type;
- 8) the cumulative level of customer arrearages by locality.

The Commission on Local Government shall provide the Chairs of the House Committees on Labor and Commerce and Appropriations, the Senate Committees on Commerce and Labor and Finance and Appropriations, and the Secretary of Commerce and Trade an aggregated anonymized report by utility containing such compiled information by:

- 1) December 31, 2020 (for the period from March 16, 2020 through December 15, 2020)
- 2) within 90 days of the expiration of the universal prohibition established in clause 7.a. (for the period from December 16, 2020 to the end of the universal prohibition established in clause 7.a.)
- 3) and annually, on or before December 31st, thereafter for the following two years (from the end of the universal prohibition to December 16th of the year the report is due)

Item 479.10

5.a. The appropriation in this item includes \$100,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above to be used to help provide direct assistance to customers with accounts over 30 days in arrears. In order to be eligible for the funds provided in this paragraph, utilities must be subject to the utility disconnection moratorium established in Item 4-14, clause 7.a. of this act. The State Corporation Commission shall establish an application process in order to distribute funds directly to utilities for the purpose of efficiently providing direct assistance to customers. The Commission shall award funds in a manner that will provide direct assistance to customers with accounts over 60 days in arrears prior to awarding funds to subsidize customer accounts 30 days in arrears. Any federal Coronavirus Relief Funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) provided to a phase II utility pursuant to this paragraph shall exclude the forgiveness of jurisdictional customer balances as specified in Item 4-14, clause 7, paragraph j. of this act. The State Corporation Commission shall transfer any dollars necessary to address the arrearages held by customers of utilities outside the jurisdiction of the Commission to the Department of Housing and Community to pass along to these utilities. Notwithstanding § 2.2-4002, Code of Virginia, the provisions contained in this paragraph 5.a. establishing the utility direct assistance program shall not be subject to the Administrative Process Act.

b. Upon receipt of any funds provided in paragraph 5.a., utilities shall create separate COVID-19 Utility Assistance Funds and record direct assistance payments to customers on their books in accordance with applicable accounting standards.

Utilities may not direct any funds provided in paragraph 5.a. to new deposits, down payments, fees, late fees, interest charges, or penalties. Utilities may require the customer to attest to the utility or to a third party chosen by the utility that the customer has experienced a financial hardship resulting directly or indirectly from the public health emergency or that they have experienced a hardship to pay during the public health emergency prior to receiving direct assistance from the utility's COVID-19 Utility Assistance Fund. While utilities may require attestation of such hardship, it may be implied that arrearages accrued over 30 days for customer nonpayment of bills, for which federal relief funds shall be used for direct subsidy payments on behalf of customers pursuant to Item 4-14, paragraph d. of this act., were incurred as a financial hardship created by the pandemic. Utilities shall reflect the direct assistance payment on an eligible customer's monthly bill, after the funds are applied to the customer's account. Utility customers may only receive a direct payment subsidy from the utility's COVID-19 Utility Assistance Fund once.

c. The Director of the Department of Planning and Budget shall distribute funds to the State Corporation Commission within 30 days of the passage of this act. Prior to any distribution from the amounts appropriated in paragraph 5.a. of this item, the Director of the Department of Planning and Budget shall work with the State Corporation Commission and the Department of Housing and Community Development to verify, which utilities that are eligible to receive funds under this appropriation based on the most recently published guidance from the United States Department of the Treasury. For the purposes of this appropriation, utilities include electric companies subject to regulation of the State Corporation Commission, natural gas suppliers subject to the regulation of the Commission, electric and gas municipal utilities, and water suppliers and wastewater service providers, subject to the regulation of Commission or constituting a municipal utility. "Municipal utility" means a utility providing electric, gas, water, or wastewater service that is owned or operated by a city, county, town, authority, or other political subdivision of the Commonwealth.

	<u>FY21 Budgeted Revenue</u>	<u>1% of Budgeted Revenue</u>	<u>Delinquent Utility Receivables as of 11/19/2020</u>	<u>% of Budgeted Revenue</u>
Electric	\$19,932,900	\$199,329	\$285,208	1.43%
Water	\$5,482,615	\$54,826	\$66,916	1.22%
Sewer	\$6,711,570	\$67,116	\$97,539	1.45%
Total	\$32,127,085	\$321,271	\$449,663	1.40%