
 At a regular meeting of the Board of Supervisors of the County of Warren held in the Courthouse on July 16, 1996 at 7:00 P.M.

PRESENT:

Board of Supervisors - James L. McManaway, Chairman; Matthew A. Tederick, Vice-Chairman; B. K. Haynes, Jr; James B. Jacobson; Stuart L. Rudacille; also Douglas W. Napier, County Attorney; and R. Edward Duncan, County Administrator

Planning Commission - Sally Cable, Chairman; George Baggarly, Vice-Chairman; Millard Stockner; and Richard Traczyk

ABSENT: Judi Booe, Planning Commission

Joint Board of Supervisors/Planning Commission Public Hearing - IDA Request for Rezoning of 110+/- Acre Parcel from Agricultural (A) to Industrial (I) [R96-06-01]

Ms. Cable called the meeting to order.

Mr. McManaway opened the Public Hearing on a request by the Industrial Development Authority of Front Royal-Warren (IDA) to rezone 110 +/- acres from Agricultural to Industrial. The property, known as the Johns Farm, was located at the northeast intersection of Winchester Road (Route 340/522 North) and Fairground Road (Route 661) in the North River District and was identified on Tax Map 5 as Parcel 10.

Mr. Eric Adamson, special counsel to the IDA, presented a written statement prepared by Mr. William Barnett, Chairman of the IDA. The IDA was seeking to develop the 110 +/- acres to be served by the planned extension of the Town's water and sewer systems. The proposal would result in significant increases in much needed tax revenue as well as the creation of many good jobs. In a community with nearly half of its workers forced to commute long distances, the creation of local jobs must remain a priority. Local jobs allow one to shop locally, spend more time with their children, and perhaps perform volunteer activities in churches and in schools. The 110 +/- acres was ideally suited for industrial use and had been identified as a site for a proposed municipal water tank to be constructed in a joint effort by the Town and County to provide needed water pressure to industrial clients along the Route 522 corridor. The IDA had a client, Family Dollar, that had an option to purchase the property. The IDA intended, subject to the Board's approval of this rezoning request, to develop this property for industrial use even in the event Family Dollar failed to exercise its option to purchase it. The IDA had established capital investment and job creation criteria for each of the properties owned by the IDA and would adhere to those guidelines for this property. Those guidelines required a capital investment of at least \$40 million and 400 jobs on the 110 +/- acres. Should Family Dollar construct its proposed distribution center, it far exceeded that criteria on only 75 acres. The additional 35 acres would also be developed with industry. The IDA's Executive Director, Stephen Heavener, was present to answer questions and representatives of Family Dollar were also here to give a presentation.

Mr. John Reier, President and Chief Operating Officer of Family Dollar, stated that the proposed construction of Family Dollar's third distribution center was a major project for Front Royal, Warren County and Family Dollar. Family Dollar was a discount chain of 2,540 stores with the average store having 6,000 to 8,000 square feet.

Mr. George Mahoney, Executive Vice-President, briefed the Board on Family Dollar's growth and strong financial condition. Family Dollar began with one store in North Carolina in 1959 and opened its first store in Virginia in 1965. They currently had

125 stores in Virginia and 2,540 stores located in 38 states. Family Dollar became a publicly held company in 1970. Most of Family Dollar's growth had taken place in the last 20 years with more than 1,500 stores added in the last ten years. In their last fiscal year 213 stores had been opened and during the current fiscal year they planned to open an additional 225 stores. This growth had necessitated an additional distribution center. Their projected sales for the current year was \$1.7 billion. Family Dollar had never had any long term debt and at the present Family Dollar did not have any short term debt. Family Dollar had assets in excess of \$600 million and share holders equity was in excess of \$400 million. Family Dollar's projected earnings for 1996 was greater than \$94 million. One measure of Family Dollar's financial strength was its record of cash dividend payments which was initiated in 1976.

Mr. David Alexander, Senior Vice-President of Distribution, noted that Family Dollar had concluded a nine month review of site options in seven states and determined that Warren County was an ideal location for its third regional distribution center. Their proposed distribution center would be a very clean and safe work environment. No manufacturing would be performed in the proposed facility. The proposed distribution center would be a state of the art operation with the most modern technology used in retail distribution. The center would serve over 1,000 of Family Dollar's stores in the northeast and mid-Atlantic states. Locating in Warren County would mean the creation of more than 400 full-time jobs with approximately 40 of those jobs being in management. They estimated that approximately 90% of the hourly associates would be paid \$8 or \$9 per hour. They estimated their capital investment in the proposed center would be in excess of \$40 million. Some of the citizens had expressed concern about a possible plan for a truck maintenance facility that they were considering for that site. Family Dollar had not yet decided whether or not it would operate a private fleet at this distribution center. They currently had two regional distribution centers - one in Arkansas and one in North Carolina. They did operate a private fleet in North Carolina, but as to date they did not operate one in Arkansas. If they decided not to operate a private fleet in Warren County, they would not construct a truck maintenance facility. A truck maintenance facility would be intended only for use for their own private fleet. Should the facility be constructed it would be a small building with 3-4 maintenance bays and total square footage of less than 10,000 square feet. Should they operate a private fleet, the full fleet would employ in excess of 100 people at a high hourly rate.

Mr. Bill Nicholls, Architect, displayed a site plan for the proposed distribution center showing the right-of-way for the Shenandoah Gas line. Family Dollar was willing to dedicate a significant amount of the surplus acreage to green and open spaces. Required building set backs were 50 feet from Routes 522 and 661, and Family Dollar proposed to construct the proposed center approximately 170 feet from Route 522 and 370 feet from Route 661. They proposed to plant a tree line buffer, not only along Routes 522 and 661, but also around the entire perimeter of the property and they were willing to spend over \$100,000 on trees. They proposed to plant willow oaks along Routes 522 and 661 with extensive landscaping in the parking lots including red maples. The truck yard would be located on the back of the property. They were willing to construct a 10 foot high berm along the highway so one could not see into the truck yard. Along the north and east property lines, they proposed to plant cyprus in a staggered 20 foot row. The majority of storm water would run to the back of the property where they would construct a storm water retention basin and they would construct some small storm water retention basins in the front of the property. The office building would be approximately 20 feet tall and the warehouse would be approximately 40 feet tall. The entrance of the center would be heavily landscaped which would provide a very pleasant view from Route 661.

Mr. James Stephens, adjacent property owner, noted that in a number of seconds it would be the 21st century. He welcomed Family Dollar into Warren County in the existing Enterprise Zone

which was created less than eleven months ago for industries such as Family Dollar. He pointed out that Family Dollar could locate on property currently owned by Judith Ison who was willing to sell her property to Family Dollar. He had been assured during the public hearing on the Enterprise Zone that the Enterprise Zone would stop at Route 661. He was very familiar with the land within the Enterprise Zone and felt that Family Dollar could locate within the Enterprise Zone. He felt it was time that government kept its promise to the citizens. He pointed out that the Board had scheduled a public hearing on a proposed ordinance regarding the definition of distribution center, but the term was not in the Zoning Ordinance. The term distribution facility and small distribution facility was in the Zoning Ordinance. He stated that the proposed rezoning was in violation of the County's Comprehensive Plan. He pointed out that the Enterprise Zone could only be extended once every four years and the County was proposing to extend the Enterprise Zone to incorporate the 100 +/- acres (Johns Farm). He asked what would happen, if sometime in the near future, another client proposed to put in a high tech facility in the vicinity of the Enterprise Zone. He felt this was poor planning. He asked the Planning Commission to vote yes if they felt the proposed rezoning was a perfect model for the 21st century and if they were happy with the completeness of the rezoning application. He asked that they vote no if they were not happy about it and make the government follow the rules. He felt the proposed rezoning was urban sprawl and that valuable farm land would vanish. He felt that the rezoning application was fatally flawed. He felt there was no demonstrated need to extend the Enterprise Zone and property owners within the Enterprise Zone were willing to sell and/or lease their property. He felt that to change the ordinance to give a by-right use to one client was poor planning. He showed a picture of a water tower which was proposed to be located approximately 200 feet from his yard line without anyone consulting him. The proposed water tower was in violation of the Zoning Ordinance. He asked the public how many were in favor of having Family Dollar locate within the existing Enterprise Zone.

On behalf of Warren County Tax Payers for Responsible Development, Mr. Bill Atwill, attorney, welcomed Family Dollar into Warren County within the existing Enterprise Zone. He said that the rezoning application was substantially incomplete, was in violation of the County's ordinances, was in violation of the Code of Virginia, was without proper notice and amendment to the County's comprehensive plan which was adopted in 1984. His firm had reviewed the rezoning application and he distributed a letter to the Board outlining the deficiencies. The application did not contain an environmental impact statement or a community impact statement both of which were required by the County Zoning Ordinance, it did not contain a listing of chemicals that would be used on the property, and none of the proffers were part of the notice and had not been reviewed by the County Attorney. He felt the application needed to be returned to the Zoning Administrator. He had been informed that Mr. Doug Stanley, Planning Director, had waived the need for the impact statements and, if that was correct, that finding was not in the application file which was available for public review. Impact statements could only be waived if the rezoning was elementary and uncomplicated according to the County's Zoning Ordinance. He felt that a 915,000 square foot facility, 23 acres under roof, a truck maintenance facility, extension of water and sewer, construction of a water tower were not elementary or uncomplicated. He pointed out that the Comprehensive Plan showed that the property was to be Agricultural. The Warren County Tax Payers for Responsible Development requested that they amend the Comprehensive Plan first. He stated that the IDA had committed the County to an investment of over \$1 million on the hope that the rezoning request would be approved. He commented that, if the request was not approved, the County would have a \$1 million property assessed at \$415,000; and he asked if the fix was in.

Mr. Dean Worcester, of Worcester, Mims & Associates, stated that there were documents missing from the application. There was no such finding that the application was elementary or uncomplicated. He said that all the meetings associated with the IDA's purchase of the property were held in private session and

the public had been completely left out. He felt the application was woefully inadequate.

Mr. Howard Duncan was in favor of the sale of the property. He said that the time to make a deal was when you had a prospect.

Mr. Paul Petty, 32 Karst Valley Road, noted that the Cedarville Enterprise Zone approved by the state contained 735 acres and the IDA had been empowered to facilitate industrial development for Warren County. The IDA purchased 110 acres outside the Enterprise Zone and planned to sell 75 acres of the agricultural land for a 900,000+ square foot distribution complex which would result in approximately 2/3 of the land under roof or pavement. The IDA also proposed a \$4.5 million water project to support the Enterprise Zone and planned to locate a 16 story, 1 million gallon tank at the highest point outside, but adjacent to the Enterprise Zone even though viable sights existed within the Enterprise Zone. The proposed location would ensure maximum residual pollution to the area. He did not feel that industrial development should be pursued without considering the impact on the quality of life in the area. He did not feel that the Board should approve the rezoning request until the IDA presented a Public Hearing the trade-offs and cost impacts of revising the water plan to locate the tower within the current Enterprise Zone and minimizing residual pollution and using all of the Johns property for the distribution center reducing ground coverage to less than 50%.

Mr. Frank Sears, 5279 Rockland Road, expressed his concern that the IDA had purchased the farm outside the Enterprise Zone, proceeded with the development of the property, and was now requesting the Board's approval of an endeavor which had been handled improperly. Had the distribution center been proposed within the Enterprise Zone, he did not feel there would be so much opposition with the exception of the location of the water tower which was to be located outside the Enterprise Zone. He did not have a problem with the proposed expansion of the Enterprise Zone provided it was done in a manner approved by the people.

Mr. Doug Pifer, 624 Fairground Road, noted that his wife and he were strongly opposed to any change in the zoning of the Johns Farm in order to locate an industrial or commercial venture there. The Rockland/Nineva area had long been known and valued for its working farms, rural atmosphere, history, scenery, and tourist appeal which were as important as industry. He said that the changes and damages to the land would remain long after the business was gone. The rezoning of the Johns Farm was a bad economic risk because there was already an Enterprise Zone where incoming industry could be suitably accommodated and many good jobs created. Those areas were losing money for the County by remaining unused.

Mr. James Stephens, Sr., adjacent property to the Success Farm and Johns Farm, was concerned about the traffic congestion that would be created as a result of the proposed distribution center locating on the Johns Farm. He felt that the traffic could be redirected to make it safe. He felt that Mr. Johns did not get a good price for his farm.

Ms. Betty Stockner, 5973 Strasburg Road, saw the impact on the Town and County when Avtex closed and she also left at 5:00 a.m. to make the commute like so many others. She felt that the residents would be happy to secure local jobs paying \$8 or \$9 per hour and not have to be on the road for four hours every day. She felt that working locally would allow residents to be better citizens and better parents to their children.

Mr. William Trenary III, 1795 Ashby Station Road, spoke in opposition to the rezoning application and to the expansion of the Enterprise Zone. He felt too much County business was done behind closed doors. He felt that, if the Board approved the requests, they would put the wrong type of industry in the wrong place for the wrong reasons.

Mr. Carson Lauder, 733 Stonewall Drive, could never understand why there was ever only one plant, Avtex and why Warren County was not progressive. Now that Warren County was progressive, some people found that hard to take. He noted that the Johns Farm generated \$826 in taxes per year and that the proposed facility would generate \$75,000 the first year and provide more jobs. He felt it would be great for the area and it was on the up and up.

Mr. Douglas Harold, Fairground Road, noted that there had been a community meeting in Nineva and representatives of the IDA had been present. He had asked if an environmental or community impact statement was required. He had been told at that time there was no requirement for a study of that nature and that impact statements would be conducted after the property was rezoned. He felt that was an indication of misinformation on the part of the elected officials or untruthfulness. He felt that the IDA must have had some type of guarantee that the property was going to be rezoned when they purchased the property. If that was not the case, he did not feel that the IDA should have taken such a gamble by purchasing the property.

Mr. Jeff LeHew, 530 Ashby Station Road, was in favor of Family Dollar locating in Front Royal and would welcome them into the existing Enterprise Zone. He said that some Supervisors had told him that they did not feel good about the rezoning and the manner in which it was handled. He felt it would be wrong for the Board to approve the rezoning at this time.

Mr. Stan Brooks, 407 West 15th Street, noted that a Comprehensive Plan was a tool and was not necessarily vital to planning and zoning. Zoning changes happened constantly in any community to deal with the needs of the community at that time. Warren County's needs were far different than they were 30 years ago and they must be willing to make changes that were necessary and to do them in a way that made common sense. The proposed property was located on a major four lane highway, approximately three miles from a major interstate highway. Route 522 was already partially developed commercially and industrially and the space for that type of development was limited. The Route 522 corridor was the community's best opportunity to develop those resources that would secure the balance for the way of life for the whole community. The tax base and job base that this corridor can produce will help the community to build schools, secure income for families, work close to home, and help keep taxes lower. No one should assume that others do not care for the land and our scenic assets because they support the zoning change. The tax base developed from this corridor will enable us to preserve a lower tax base for agricultural land and open space. He urged the Board to support the rezoning of the Johns Farm property.

Mr. Walter Knave, Jr., Happy Creek District, supported Family Dollar. He felt that the jobs were needed to get people off the road. He asked the Board not to run Family Dollar away.

Ms. Patricia Windrow, 322 Blueridge Avenue, stated that perhaps the IDA had in fact bought the farm.

Ms. Susan Bowen, Gently Farm on Rockland Road, welcomed Family Dollar. She was not opposed to good clean industry which would improve the County's tax base and welcomed new jobs to the community. She was opposed to the Family Dollar distribution center being constructed on the Johns Farm. She wanted new industry to go into the designated Enterprise Zone and industrial parks. She felt the County needed to have a balanced community for industry, agriculture, housing developments, etc. She did not feel that the new Board was conducting business as a democratic government should. The deals were made before they heard from the people. She asked that the Board not rezone the property.

Mr. Craig Laird, 4455 Strasburg Road, supported the rezoning and urged the Board to vote in favor of it. He felt that the Johns Farm would be rezoned eventually. The property currently brought very little into the tax base and sat in a corridor that

will be developed either residential, commercial, or industrial. He felt the community had received the best efforts from elected officials and the state government to assist in bringing in good clean industry to replace dirty industry that was lost. He felt the County needed to take advantage of this or it would lose the momentum and lose the jobs to other counties. He noted that Warren County was in competition with all the surrounding jurisdictions.

Ms. Alice Hardigg, 2479 Rockland Road, noted that her brother and she had inherited their farm from their parents. She felt that the farmers were in the palm of the hands of the Board members and that with a stroke of a pen they could wipe out agriculture and the farmers and be covered with housing and industry. The larger the agricultural base of a community, the smaller number of children enrolled in its schools. All the dollars proposed to be saved by planting industry on farms could not buy the need each person had to experience the beauty of creation. When farmers see that their agricultural zoning is being eroded by elected officials, farmers may come to feel that they are an endangered species and that the work they did was valued by themselves alone. The farmers may sell out and the asphalt jungle will bridge the Shenandoah and cover Warren County.

Mr. John H. Thomas III, 327 Jamestown Road, did not understand why they purchased the Johns Farms when there were over 600 acres in the Enterprise Zone that were not utilized. He felt that there was a responsibility to maximize the use of the Enterprise Zone property which had already been zoned.

On behalf of Mr. William Barnett, Ms. Deborah Barnett, 50 Chester Street, stated that the creation of good jobs and expanding industrial base was critical for the community. Warren County's children for too many years had no choice but to seek employment outside the community. Industrial development was the only way to create good jobs in Warren County and to generate tax dollars to build schools to educate its children. Local jobs would allow young parents to spend more time at home with their families which was a factor critical for the children as well as the community. Commercial development follows the money: everyone shops near their place of work if they can, existing shops will thrive and more shops will open. She supported keeping taxes on agricultural land lower in order to preserve green space and to enhance the quality of life. In order to do that, it was necessary to convert some land well suited for industry.

Mr. John Thomson, 2608 Ashby Station Road, felt that the Johns Farm would be best left Agriculturally zoned. The soil survey of Warren County showed all five soil units on the Johns Farm as having agricultural ability. The yield table showed that one acre could yield 135 bushels of corn, 27 tons of corn silage, 50 bushels of wheat, 80 bushels of barley, 4.5 tons of alfalfa hay, 4 tons of grass hay. A massive \$15 trillion federal deficit was casting a very dark cloud over the future of agriculture. Agriculture was an industry that provided local economies with tremendous psychological and economical stability. Farmers provided food and jobs in hard times when factories laid off workers. He felt that for the future Warren County needed more farmers and farms.

Mr. Rick Novak, 1370 North Shenandoah Avenue, was in favor of the rezoning of the Johns Farm. He felt that the Johns Farm was a perfect site for industry. Many bills were coming due in Warren County and the rezoning of the Johns Farm to industrial would create the potential of producing well over \$450,000 in revenue.

Mr. Hollace Tharpe, 958 Vista Ridge Court, was in favor of the rezoning. He felt that Warren County needed to look to the future. He felt that the 400 jobs that Family Dollar would bring were needed. Family Dollar would bring in needed tax revenue.

Mr. Fred Foster, Main Street, welcomed Family Dollar. He noted that the proposed distribution center was environmentally

clean. He note that the Avtex site was a toxic waste dump which had polluted the Shenandoah River. He asked the Board to prepare for the 21st century and vote in favor of the rezoning. He felt that far more industries were needed in order to bring Warren County into the 21st century and to educate the children.

Mr. George Archibald, 1182 Howellsville Road, noted that Warren County had been through a very difficult time during the last year worrying about what it was going to do to improve public schools. He was flabbergasted that so many people who had been trying long and loud to improve the public schools were in opposition to the rezoning. He felt that the much needed revenue could be used to improve schools for the betterment of the children who were the community's most treasured resource. He was of the understanding that if the Enterprise Zone was expanded, DuPont was contemplating expanding its existing plant.

Mr. Tom Logie, 118 East Main Street, noted that, if the County needed impact statements on projects this size, then practically every deal that came into the County would be killed because it would simply be too expensive to prepare the application. He realized that scenic beauty and farmland was needed, but there were a lot of young fathers trying to provide for their families, there were a lot of single parents who had to work, and lot of college students looking for summer jobs. He felt that the jobs Family Dollar would bring were needed and urged the Board to vote yes to rezone the Johns Farm and to expand the Enterprise Zone to meet future needs.

Mr. David Silek asked the Board to vote in favor of the rezoning of the Johns Farm property so as to allow for the immediate development of the property by Family Dollar. In reviewing the financial projections as provided by the IDA, it appeared that investment in Family Dollar would repay itself within just a few years due to increased tax revenue by expanding our industrial tax base. Not only would the Family Dollar facility provide at a maximum 525 full-time jobs, it would bring countless other benefits to the community both tangible and intangible. Local merchants would hopefully see an upswing in business. The community would see increased tax revenues to build and improve schools. Parents would have more time to devote to their families rather than to I-66. Citizens would have more time available to volunteer to civic organizations and help our schools. All these benefits far outweighed the cost.

Mr. Tom Harrison, 914 Fairground Road, wondered that, if the Board voted in favor of the rezoning, they were inviting a lawsuit. He asked that the Board give that possibility due consideration in making its decision.

Mr. Robert O'Neill, Dungadin Subdivision, said that anyone who drove along Route 340/522 knew that area was going to be commercial and if it did not happen this year it would happen five years from now. Warren County needed Family Dollar and needed it now. He urged the Board to vote in favor of the request.

Ms. Pam Rhodes, 3141 Mountain Road, wanted to preserve the unique beauty of the community and keeping businesses and major industries in already planned zoned industrial parks. By rezoning the Agriculturally zoned property for industrial purposes, the Board would set a precedent for other businesses and developers to come into this area and destroy the beauty of the region. Eventually, rather than seeing farmland, trees, mountains and the Shenandoah River, tourists and residents will see only cars, houses and wall-to-wall businesses. She asked the Board to vote no.

Ms. Melba Trenary, Ashby Station Road, stated that Route 340/522 should have been declared a scenic highway long ago.

Ms. Catherine Avery, Shenandoah Farms, felt that Family Dollar should locate in the existing industrial zone. She noted that some other areas became wall-to-wall traffic and giant parking lots. She moved here to keep away from crime and away from cars and she preferred to keep it that way.

Mr. John Crockwell, 7310 Rockland Road, noted that those in opposition to the rezoning were those whose properties were near the Johns Farm. He had noticed some houses for sale because the Toray building was in their back yard. People were concerned about the value of their houses when such a facility was located nearby. He was concerned about potential groundwater pollution from a truck maintenance facility.

Mr. Shawn Pickrell, Happy Creek District, noted that in the 1990 Census Warren County had been included in the Washington, DC metropolitan area. He commented that Warren County was not going to be able to maintain a pristine rural character forever and would have to take advantage of opportunities such as Family Dollar. Four hundred plus jobs of which 90% would be over \$8 per hour would mean a lot of people would no longer have to commute on I-66 for equal or slightly higher wages. He noted that it would generate additional tax revenue. He failed to see the problem with Family Dollar. He asked that the Board vote for the zoning change.

Ms. Susan Burke, 2537 Morgan Ford Road, loved the beauty of Warren County. She welcomed Family Dollar, but due to the proposed location she opposed the rezoning. She did not feel that progressiveness meant giving up rural areas. She asked that the Board and Planning Commission consider planning in a statesman like manner.

Mr. Chris Cuddeback, 1962 Milldale Road, felt that the primary issue was what can a citizen expect in the way of due process. He urged the Board to follow the laws so that there would be open hearings on this question if it was to proceed further.

Mr. John Underwood, 421 Overlook Drive, noted that the Community Economic Development Action Committee had a goal for 1,000 living wage jobs. He felt that perhaps Family Dollar would be the final key in making that a reality. He felt it was important to follow the law and not set ourselves up for lawsuits.

Mr. Jess Shiflett, 114 Elsia Drive, noted that in recent years doctors, lawyers, teachers, administrators and students pushed for a big school building program which would have loaded taxpayers down with a burdensome tax structure. He said that Warren County needed a tax base if it was going to do this. For years industrial development went everywhere else and Warren County needed it here.

Ms. Elizabeth Burke, Morgan Ford Road, felt it was important to have industry here so they could have jobs, schools, etc. She did not attend Warren County Schools because she was afraid of being shot. She felt that the money being spent to develop the Johns Farm should be spent on schools. She encouraged the Board to say no.

Mr. Herbert Menefee, Jr., Fork District, asked how much it would cost him to have Family Dollar locate on the Johns Farm.

Dr. Vito J. Malta, Front Royal, felt that it was necessary to have more industry locate in Warren County and did not understand all the objections. He felt that more jobs would benefit the community.

Mr. McManaway closed the Joint Public Hearing and called for a recess.

Mr. McManaway called the meeting back to order.

Mr. Doug Stanley, Planning Director, stated that he had waived the requirements of Section 180-64-A.1 of the Warren County Zoning Ordinance as elementary and uncomplicated because at this time no proposed use had been put forth to the Planning Commission or Board of Supervisors. Also, regarding 180-64-2, no application for industrial use was before the Planning Commission and Board of Supervisors as of this date. The application was to rezone with no formal proposed use. When a specific use was

proposed requiring a zoning permit, he would require that the appropriate information be submitted. He added that the Planning Commission had the authority to overrule his decision regarding the waivers.

Mr. Napier asked that, whatever recommendation the Planning Commission forwarded to the Board of Supervisors, they state their reasons pro or con.

Mr. Stockner understood the concerns of the residents of Nineva, but he did not feel that area could remain rural. He emphasized that there would be at least 400 jobs which Warren County desperately needed. People taking those jobs would have more time with their families, some people would no longer have to be on welfare, and some people would have more time to shop at home. Family Dollar was a clean, very fine type of commercial enterprise. It was not industrial as stated by several people. Warren County had not recovered from the closing of Avtex when 1,500 jobs were lost. He felt that those jobs needed to be replaced before the economy could recover. The Planning Commission could not assure residents that farmland would remain farmland because a developer could purchase any farm in Warren County and, by right, subdivide it into a housing development. He added that a water tower had to be at the same height above sea level regardless of where it was placed in order to obtain adequate water pressure. If it was placed in an area 40 foot lower than what was proposed, it would have to be 200 feet tall rather than 160. He noted that there were concerns that the County's landscaping ordinance was not as good as it should be; but, when the Planning Commission held a Public Hearing on it, no one showed up. The alternative for the Johns Farm was a housing development and with a housing development came children and more schools and nothing to pay for them. Therefore, he supported the application.

Mr. Traczyk noted that he would be somewhat affected by the rezoning as he lived near the Johns Farm. He had attended a public meeting in Nineva and listened to the concerns of the community then and those tonight. He looked at the zoning change from many perspectives and looked at the Comprehensive Plan with regards to industrial development, zoning, job opportunities for Warren County residents, tax revenue, tax burdens from residential development and the needs of the entire community for public services. He had asked himself if the zoning change, if passed, would help the high school graduates; would it offer opportunities for higher pay for college graduates, returning service men and women, and craftsmen who wanted to stay and work in the community. Aside from the fact that he was sure that the Johns Farm would be sold, he looked at the business prospective. The Johns Farm currently brought in \$826.20 of revenue. Farmers lease to renters who have children and the cost of the children was over 2,000 each and just by the nature of residential environment, it cost the taxpayers money. He looked at what could be done if the property was rezoned, the property would bring in millions over the years to help balance the residential community tax base and allow the Supervisors to move the community forward. The community could not survive financially on home real estate taxes without raising the taxes through the roof. If the property was sold to developers, as it had been suggested, 100 homes could easily be built in the subdivision. Most of those families would have children and the need for public education would increase again. Based on two children per household, it would cost taxpayers \$200,000 to support that system. He pointed out that just north of the Johns Farm, a huge tract of land had been subdivided and was just waiting for developers and buyers to come. It was necessary for the community to balance the tax base with industry in order to meet the basic community needs. Family Dollar was environmentally clean, had a wide range of pay scales, was a good sound business that was needed in Warren County and he was in favor of the Board of Supervisors' rezoning the property from Agricultural to Industrial.

Mr. Baggarly agreed with Messrs. Stockner and Traczyk. He felt they needed to rezone the Johns Farm property, broaden the tax base and create new and better jobs. Many years ago when he

served on the Board of Supervisors, the whole thrust with development was to go out the corridor. The County was not in a position to run water and sewer all over the County should industry wish to locate here and there. He felt that the rezoning of property along the corridor had been in the works for a long time. He felt Warren County was fortunate to receive this type of industry. There would be no manufacturing, no smoke stacks, it was clean and the only sewerage would be the sanitary facilities. He would support a motion to recommend to the Board of Supervisors that the Johns Farm be rezoned.

Ms. Cable stated that the Planning Commission's primary responsibility was land use. To think that the Johns Farm would remain as it is today was a pipe dream. To develop it as a subdivision with the possibility of 100 dwellings was a nightmare - 100 wells, 100 drainfields. The potential for groundwater contamination in that area was very high. She felt that the best use of the property other than a permanent easement was industrial. She would support the application.

Mr. Baggarly made a motion, seconded by Mr. Stockner, that the Planning Commission forward the rezoning application to the Board of Supervisors recommending approval.

Mr. Napier had reviewed the letter received from the law firm representing Warren County Tax Payers for Responsible Development and noted his findings on the following concerns outlined therein:

1. The application be filed by the owner, the owner's agent or contract purchaser with the owner's written consent - Mr. Napier understood that from the beginning the original owner of the Montreville Farm, Inc. understood that the IDA was applying for this application and consented to it; therefore, by operation of law, the IDA would be Montreville Farm's agent. Also, the attorney representing the Montreville Farm had filed written consent to the application. At the time the application was before the Planning Commission and the Board of Supervisors, the owner (IDA) had in fact applied.
2. Relative to the waivers of certain requirements such as an environmental impact statement and community impact statement - The Planning Director had stated that he had advised them that he had waived those requirements in accordance with the ordinance. If the Planning Commission felt that the waivers were inappropriate, they had the right to overrule the waivers.
3. List of chemicals to be used - The application before the Planning Commission was not Family Dollar's or anyone's particular proposed use. It was simply for the rezoning of the property from Agricultural to Industrial.
4. Compliance with the County's Comprehensive Plan adopted in 1984 which did not list the property as being zoned industrial - The case law of the Supreme Court of Virginia, Attorney's Opinions and laws in other states that had laws similar to that of Warren County all stated that where there was a conflict or inconsistency between the Comprehensive Plan and Zoning Ordinance, the Zoning Ordinance ruled. He was of the opinion that the Comprehensive Plan served as an advisory tool and the Zoning Ordinance would control.

Mr. Napier did not feel that the application was flawed or defective.

The motion to forward the rezoning application to the Board of Supervisors with a recommendation to approve was passed by unanimous vote.

Mr. McManaway called for a recess.

Mr. McManaway called the meeting back to order.

Mr. McManaway relinquished the Chair to the Vice-Chairman.

Mr. McManaway made a motion that the Board approve the request of the Industrial Development Authority of Front Royal-Warren County to rezone the 110+/- acre parcel known as the Johns Farm from Agricultural to Industrial.

Mr. McManaway noted his reasons for making his motion. The rezoning recognized the needs of industry and the County's future growth, encouraged economic development activities which broadened the tax base and provided desirable employment while at the same time did not unduly encroach upon areas that remained Agricultural or Residential. Though the County's existing Comprehensive Plan did not recognize that tract as being rezoned industrial, the County's Comprehensive Plan was enacted in 1984 long before the Virginia Inland Port was a dream and long before the closing of Avtex which created a huge loss to the local tax base and before the need to offset recent residential growth with its financial impact on the schools and other public services was realized. The proposed Comprehensive Plan for future land use proposed that the tract be rezoned for industrial or commercial development. The IDA had identified the tract because of its size, topography, road access and adjacency to the existing industrial zones to be the prime potential piece of industrial property the County now had. Balance must always be struck to meet the best interests of the citizens of Warren County and the balance was best struck by rezoning the property industrial. The motion was seconded by Mr. Jacobson.

Mr. Napier asked that in order to obviate potential flaw, if there was any other member of the Board of Supervisors who agreed with Supervisor McManaway's motion for the reasons stated to also concurrently make that his motion and also the second.

Mr. Jacobson made a motion to approve the rezoning request for those reasons stated by Mr. McManaway.

Mr. Tederick asked if the Board was on firm legal ground in making this decision and Mr. Napier indicated that they were.

Mr. Stephen Heavener, Executive Director of the IDA, explained that the Enterprise Zone was primarily for larger industries. He stated that there were incentives associated with Enterprise Zones. He pointed out that the Happy Creek and Kelley Industrial Parks were not located in an Enterprise Zone. He explained further that an Enterprise Zone was a marketing incentive program not at all related to land use and specific projects.

Mr. Jacobson was very apathetic with those who voiced their opposition to the facility coming to Warren County. As a Supervisor from the Happy Creek District, he felt that the most commuters lived in the Happy Creek District and until very recently he was one of those commuters. He now had the luxury of working in Front Royal and was very grateful for that. He noted that between 4:00 and 6:00 a.m. at the Q-Stop in Linden there was a traffic jam every day of people stampeding to leave Warren County to go to work somewhere else. He had received many calls on this issue and the majority were all in support of Family Dollar locating in Warren County. He rejected the notion that people earning \$8 to \$10 per hour were somehow undesirable, he rejected the notion that there was too much employment in Warren County, he rejected the notion that the Board had done something illegal or underhanded to get Family Dollar. Some felt that the County should wait for something more desirable to come along, but the reality was that we live in an extremely competitive environment and one could not snag industries like picking apples off a tree. The IDA was to be commended in doing an excellent job in negotiating this fantastic opportunity. Some months ago the Board made a very difficult decision in voting down the construction of a new high school. Residents indicated to him that they could not afford another tax increase. Others asked that, if Frederick County could build new schools, why Warren County could not. It was very simple: Frederick County had industry in place, Frederick County had a tax base in place to support it. By allowing Family Dollar to locate in Warren

County, it puts Warren County on the road for many new and great things that the public may want and need in the future without raising taxes. Warren County could either lead, follow or be left behind. Warren County needed the jobs, the tax base and Family Dollar.

Mr. Haynes had carefully weighed the ramifications of this facility from the impact it would have on the surrounding community to the benefit it would have on the tax base of Warren County. He had discussed both sides of the issue with many people. He was appreciative that Family Dollar had taken into consideration issues of screening which were not required by the County's landscaping ordinance. He hoped that, if Family Dollar exercised its option on the Johns Farm, they would also take into consideration issues of ambient light shining off the property. After serious consideration, he found that he must support the rezoning of the Johns Farm.

Mr. Rudacille also discussed the matter with many residents. He came to the same conclusions as stated by the other Board members. He felt it was necessary in order to increase the tax base and bring jobs to Warren County. He felt that Family Dollar would be an asset to Warren County and he was pleased with their presentation. He had hoped that the facility would be further from the road. He intended to support the motion.

The concurrent motions were approved by unanimous vote.

Mr. McManaway resumed the Chair and called for a recess.

Mr. McManaway called the meeting back to order.

Mr. McManaway was of the understanding that the Board by rezoning the Johns Farm had to amend the Comprehensive Plan. Mr. Napier recommended that the Board at its earliest opportunity amend the Comprehensive Plan to reflect the zoning realities. He indicated that the Planning Director and he would set that process in motion.

Joint Board of Supervisors/Planning Commission Public Hearing -
Zoning Ordinance Amendment re: Definition of Distribution
Facility

Mr. McManaway had been informed by counsel that the Joint Public Hearing on a proposed Zoning Ordinance amendment regarding the definition of distribution facility should be tabled due to a technical error in the advertisement.

Mr. Napier distributed copies of a corrected version of the proposed ordinance and clarified that the correct term in the Zoning Ordinance was "distribution center" rather than distribution facility.

On a motion by Mr. Stockner, seconded by Mr. Traczyk, and by unanimous vote, the Planning Commission tabled action on the proposed Zoning Ordinance amendment concerning the definition of Distribution Facility and authorized advertisement of a Joint Public Hearing of the Planning Commission and Board of Supervisors to be held August 20 on a corrected version of the proposed ordinance as distributed by the County Attorney and forwarded that action to the Board of Supervisors.

On a motion by Mr. Rudacille and by unanimous vote, the Board tabled action on the proposed Zoning Ordinance amendment concerning the definition of Distribution Facility and authorized advertisement of a Joint Public Hearing of the Planning Commission and Board of Supervisors to be held August 20 on a corrected version of the proposed ordinance as distributed by the County Attorney.