

At a joint meeting of the Warren County Board of Supervisors and the Warren County Planning Commission held in the Warren County Government Center on February 10, 2021 at 6:00 PM.

Present for the Board: Cheryl L. Cullers, Chair (South River District); Archie A. Fox, Vice Chairman (Fork District); Tony F. Carter (Happy Creek District); Walter J. Mabe (Shenandoah District); and Delores R. Oates (North River District); also present Edwin C. Daley, Interim County Administrator; Jordan Bowman, Counsel; Caitlin Jordan, Senior Assistant County Attorney (present via Zoom); and Emily Ciarrocchi, Deputy Clerk of the Board

Present for the Commission: Robert Myers, Chairman (Happy Creek District); Hugh Henry, Vice Chairman (Fork District); Scott Kersjes (North River District); and Joseph Longo (Shenandoah District); also present Taryn Logan, Planning Director; and Joe Petty, Zoning Administrator

Absent for the Commission: Crystal Beall (South River District)

Call to Order and Pledge of Allegiance of the United States of America

Mrs. Cullers called the Board of Supervisors meeting to order, and Ms. Ciarrocchi conducted a roll call of all members present:

Carter, Aye; Oates, Aye; Cullers, Aye; Fox, Aye; Mabe, Aye

Mr. Myers called the Planning Commission meeting to order, and Ms. Ciarrocchi conducted a roll call of all commissioners present:

Henry, Aye; Myers, Aye; Kersjes, Aye; Longo, Aye

Public Hearing – R2020-10-01, Request of Dudding Commercial Development, LLC to Rezone a Portion of Land Identified on Tax Map 31 as Parcel 39 from Agricultural (A) to Commercial (C) – Taryn Logan

Mrs. Cullers opened the public hearing for the Board of Supervisors, and Mr. Myers opened the public hearing for the Planning Commission.

Taryn Logan, Planning Director, reported the applicant, Dudding Commercial Development, LLC, is requesting to rezone approximately ±6.45 acres from Agricultural (A) to Commercial (C) for a Sheetz store with gas pumps. The property is currently a 30 acre parcel, which is split by Apple Mountain Road. The applicant has a contract on the 15 acres located west of Apple Mountain Road. The original application was to rezone the entire 15 acres, but they have since revised their request to rezone only the area that they will need to

build the Sheetz development. The property is identified on Tax Map 31, as a portion of Parcel 39. It is located on Apple Mountain Road on the northwest corner of Interstate 66 and Apple Mountain Road.

The proposed use of the property will be for a Sheetz store with a drive-thru and gas pumps for automobiles. General retailing is permitted as a use by-right in the Commercial (C) zoning district, as well as an automobile filling station. A convenience store is also permitted by-right, but the County Zoning Ordinance has classified similar operations under the general retailing use (Royal Farms, 7-Eleven, etc.). The site is currently being used as a school bus stop/turnaround, although there is no formal agreement with the property owner to use the land. The applicant is proposing to construct a paved cul-de-sac for use as a public school bus turnaround and a student shelter area, along with approximately thirty (30) parking spaces for parent pick up/drop off. An easement area over this site will be dedicated to Warren County Public Schools and constructed by the applicant in connection with the construction of the Sheetz store.

Sheetz is proposing to have between thirty (30) and thirty-five (35) employees, twelve (12) to fifteen (15) of which would be full-time employees that are eligible for benefits. They have stated their part-time employees are also eligible for certain benefits as well.

Jerime Dudding introduced himself as a representative from Dudding Commercial Development, LLC, who has been developing Sheetz establishments since 2007. He stated the he, along with the proposed developers, is aware of the concerns of the residents of Apple Mountain and does not take these concerns lightly. They have worked very hard to consider each item throughout this process, and he believes, if the rezoning application is successful, that Sheetz will be a benefit to the area. They plan to develop the property in a minimal way while addressing the needs of the community and restricting future use. Of the requested rezoning of ± 6.45 acres, approximately two (2) acres will be used for the Sheetz, and the remaining forested acreage will be placed into conservation easement with the County to ensure a future buffer zone between the Sheetz and neighboring residences.

Paul Lanier has owned this property since the early 1970s, and he does not see why anyone would be against the Sheetz going onto the property. It is the only use that property is good for because of its location adjacent to the highway; it certainly is not good for farming. He encouraged the Board to approve the rezoning request.

Hank Slicker, Real Estate Site Selector with Sheetz, provided an overview of Sheetz as a company and as an employer. He explained how Sheetz has been working with the Apple Mountain Homeowners Association, the Warren County School Board, and County staff since June 2020 to develop the site plan. There were edits made to the original plan based on feedback from those entities, and the rezoning request was reduced to only rezone the acreage needed for the business, ± 6.45 acres instead of fifteen (15) acres. Sheetz has committed to the construction of a bus turnaround and shelter for school children who currently use the vacant land as a bus stop; this area will include a parking area that is well lit and has video surveillance, which will be provided at no cost to the County or Warren

County Public Schools. They will also be installing a state-of-the-art petroleum storage system to ensure leaks and seepage does not occur.

Joseph Silek, local counsel, disagreed with the statement made by some area residents that the rezoning request is not in line with the County's adopted Comprehensive Plan. He noted that only Interstate 66 separates this agriculturally zoned property from commercially zoned property. There are already several commercial and industrial uses located near the interchange of Interstate 66 and Route 55 (John Marshall Highway) near the Village of Linden. Continued light commercial and industrial uses should continue to be permitted in this area, within the environment's limits to support such uses.

John Wright with Bohler Engineering provided the Board and Commission with an overview of the proposed site plan for Sheetz. The entrance to the entire property will be off Apple Mountain Road, and there will be three site entrances stemming off from that – two for the gas pumps and one dedicated entrance for the bus turnaround and shelter area.

Mr. Slicker returned to the podium and reiterated Sheetz's commitment to safety and its plan to safely relocate the bus turnaround from its current location on the shoulders of Apple Mountain Road to the safety of a dedicated, paved area with a shelter, parking spaces, lighting, and video surveillance. The specifications for this turnaround area were provided by the Warren County Public Schools' transportation division. Including the video surveillance cameras in the parking area of the bus turnaround, there will be approximately forty-eight (48) cameras covering the entire site, inside and outside. Sheetz has a 24/7/365 manned security operations center, and nearly every employee wears a pendant that can be pushed in the event of an emergency with a near immediate response time from the operations center.

Vincent Day introduced himself as a Certified Virginia Hydrogeologist with Cardno, the company which provided the independent hydrogeological report for this site's viability. Water recharge rates within the boundaries of the site appear more than adequate to supply water for the proposed use as a Sheetz. A query of forty (40) well records within 1,000 feet of the site revealed that the average yield is about thirteen (13) gallons per minute (GPM); this statistic compared favorably with a study conducted by the United States Geological Survey (USGS). Water usage for the proposed use is relatively modest, requiring a well that can produce less than two GPM. Given the estimated recharge rate, the average yield of wells, and the modest groundwater requirements, it is thought that adequate groundwater resources can be developed on the site. It is Cardno's professional opinion that the proposed groundwater withdrawals would not be expected to interfere with the production of offsite supplies, i.e. private wells for surrounding homes.

John Sieger, Environmental Manager for Sheetz, explained the installation and maintenance processes for the underground gasoline storage tanks that would be utilized at the site. They are state-of-the-art tanks with dual walls that are required to be inspected regularly for compliance with both State and Federal guidelines. He further detailed the process by which Sheetz employees would respond to a potential spill and the equipment included in each spill kit.

Carl Hultgren with Ramey Kemp & Associates reported the results of the Traffic Impact Analysis (TIA), which was completed in conjunction with County staff and the Virginia Department of Transportation. Five intersections were included in the TIA: (1) Apple Mountain Road (Route 79) and the proposed Sheetz access; (2) Route 79 and the Westbound on and off ramps from I-66; (3) Route 79 and the Eastbound off ramp from I-66; (4) Route 79 and the Eastbound on ramp to I-66; and (5) Routes 55 and 79.

At intersection #1, a northbound left-turn lane would be constructed on Route 79 for vehicles to enter the Sheetz site. At intersection #2, the stop-bar on southbound Route 79 would be pulled back, and pavement would be added to the radius in the northeast quadrant to accommodate truck turns. The eastbound off ramp (intersection #3) would be widened and re-striped, and a left-turn lane would be added; a left-turn lane on Route 79 would be constructed for vehicles to turn onto the eastbound on ramp (intersection #4). There were no proposed improvements to intersection #5 in the TIA.

Mr. Slicker returned once more and commented on the number of charitable organizations Sheetz donates to regularly and expressed his excitement about bringing this business to Warren County.

The following individuals appeared in person to speak against this rezoning application or submitted emails in opposition that were read into the record by Ms. Ciarrocchi:

- Sarah Lhymn
- Laurel O'Connor
- Kate Watters
- Robert Hicks
- Jeffrey and Sam Smith
- Scott and Joy Weissflog
- Andrea Weakley
- Dale Mayes
- Catalina Visoreanu
- Linda and Dave Williamson
- Erica Gates
- Kenneth Jenkins, Sr.
- David Nadzam
- Stephanie and Thomas Frush
- Lori Girard
- Jennifer and Steve Anthony
- Clifford Landsman
- Amanda Finstad
- Jill and Clifford Landsman
- Stephanie and Jason Wadel
- Melissa Sylvan
- Katherine Hudgins
- Connie Winslow
- Don and Sue Kinyon
- Jeanie and Phillip Bender
- Linda and Dan Martin
- Jocelyn Wilkerson
- John McGuinness
- Brenda and Frank Heselton
- Julie Kamp
- Katie and Jake Wagler
- Barbara Mooney
- Shelly LeValley
- Pernille Brandt
- Caleb Green
- Melissa and Joseph Callahan
- Jennifer Stead
- Elida Esquibel
- Michele Wooding
- Steven Ontiveros
- Xiaohui Wu and Gang Li
- Drusilla Underwood
- Rita Dixon
- Maryl and Leonard Quinney

- Claudia Cook
- Charlotte Layton
- Julie and Greg Keys
- Glen and Becky Acord
- Jon Paul Walhout
- Joanne Litten
- Jacob Warner
- Judy Pribish
- Marjorie Boak
- Heidi Silvis
- Li Yin
- Heather Quasney
- Jenna Coots
- Bryan Wright
- Joseph Nicholson
- Emily Ford
- Mathieu Lamaure
- Robert Allen
- Kelly Dunn
- Brande Rosner
- Angela Workman
- Holly Beamon
- David Wilhide
- Tabitha Cable
- Christopher Chacon
- Ronald Fenimore, Sr.
- Kenneth Carlson
- Mary McMurray
- Lisa Lord
- Shirley and Gene Beall
- Elisabeth Kim
- Mary Ryan
- Felicia Warner
- Jim Thur
- Tamara Fickling
- Rev. Arlene Butler
- Stephanie, Jason, and Kenneth Short
- Shawn Cripps
- Lisa Haring
- Lauren Baio
- Lyndsey Pheister
- Tammy Kicker
- Camille, Brian, and Isabelle Grupac
- Breann and Michael Oaxaca
- Leslie Johnson
- David Morales
- Brandon and Brooke Buchanan
- Beverly Rumpf
- Mark and Nancy Sweberg
- Joshua and Hoa Greene
- Joseph Nunes
- Ryan and Paige Legg
- Trina and Mary Currier
- Ron Beckner
- Christopher Way
- Susan Moore
- Laura Corebello
- Hilda Baker
- Caitlyn and Devon Harris
- Catherine Reynolds
- Ann Long
- Christian Coleman
- Judy Ghent
- Suzanne and Richard Park
- Mary Ann Burns
- Sandy and Don Broadway
- Kirsten Lasley
- John Fields
- James Fox
- Cathy Myers
- Rea Howarth
- Kelly Collins
- Sara Sullivan
- Ashley Osborne
- Margaret Melberg
- Stephanie Manuel
- Michelina Miley
- Bonnie Hicks
- Ann Wilson
- Alliance for the Shenandoah Valley
- Piedmont Environmental Council
- Deanne, Thomas, and Josh DePyper
- Carrie and Anthony Karashowsky
- Jon Michael Peedin and Hillary Chester-Peedin
- Paul Martin and JoAnna McCue-Martin
- Ashley Mullinax and Michael Larson

- Mike Capraro
- Barbara Way
- Stacy Hawkey
- Sherry Cekala
- Beneval and Rhiannon Linfeld
- Christopher Hiner
- Juan Fierro
- Brian and Leigh Nickerson
- Kathy and Richard Frazier
- Lisa Jean Moul
- Elizabeth Owens
- Beth Snider
- Robin Barber
- Susan Musante
- Mark Wesolek
- Alice Roddy
- Jenna and Michael Middleton
- Ashley Barton
- Peyton and Joseph Hensley
- Pat Payne
- Felicity Smoot
- Francis Williams
- Debra L'Amoreaux
- Scott Nohilly
- Beth Pinner
- Tammie Mirkay
- Collin Brown
- Andrew Podolak
- Chris North
- Jennifer Preli
- Daniel Martin
- James Roberts
- Gary and Mary Ann Smullen

There being no further comments, Mr. Myers closed the public hearing for the Planning Commission Board of Supervisors, and Mrs. Cullers closed the public hearing for the Board of Supervisors.

Discussion and Recommendation by the Warren County Planning Commission

Mr. Myers stated he used to be a resident of Apple Mountain and told the story of a nearby nuisance turkey farm, which was allowed by-right because the property the farm was located on was zoned Agricultural (A). He also made note that trees are technically considered a crop, and the owner of this property could cut down all the trees if he wishes, which would remove the sightline buffer the Apple Mountain residents want to keep. Right now, there is no form of protection for the children at the bus stop from predators or traffic, and the proposal from Sheetz would offer both. He did say he was skeptical about Sheetz claiming it could service the station with the existing water available at the site.

Mr. Longo commented since this property is currently zoned Agricultural (A), the best use for the property would be an agriculturally-based use, such as poultry houses or a hog farm, which would be equally as unpleasant and invasive as the Apple Mountain residents believe the Sheetz would be. He summarized that what the residents ultimately want, in essence, is for the owners of this property to not develop their property in any way but to continue to pay taxes on the property without getting any use out of it.

Mr. Kersjes said he was surprised Sheetz chose this property, as he has seen other locations where the roadways were already established that he believed would be a better fit for this use. The roadway now (Route 79) is only two lanes, and he does not think the area is designed for the access this type of use needs.

Mr. Henry stated his main concern about this rezoning request and the associated proposed use is the traffic, and he does not agree with some of the concerns raised by the local residents. Agricultural (A) zoning is the default zoning in the County when it is not zoned something else. The only thing separating this property from existing Commercial (C) property is an interstate, and there is no other agriculturally zoned property around it. He noted the property owner does not have to maintain this property simply because the local residents want him to keep it the way it is; the owner is trying to use the property to make money. He then posed the question, what if the property was rezoned as Residential One (R-1)? Ten homes could be built there and use the same amount of water that Sheetz is proposing to use, and the tree line would be completely removed. He further commented on how the local residents are currently using this property as school bus stop and turnaround without an actual agreement with the property owner. Mr. Henry concluded he is not worried about the proposed Sheetz but is concerned about the property owner because he is a land rights person and there is nothing around this property to support it as an agricultural development in the future.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote, finding that the requested rezoning is appropriate for the public necessity and is good zoning practice, the Warren County Planning Commission forwarded this application to the Board of Supervisors with the recommendation to approve the applicant's request to rezone from Agricultural (A) to Commercial (C) a portion of tax map 31, parcel 39 consisting of 6.45 acres, more or less, as identified in the rezoning application, and accept as part of the rezoning the proffers that have been signed and submitted by the applicant:

Longo, Aye; Kersjes, Nay; Myers, Aye; Henry, Aye

Discussion and Motion by the Warren County Board of Supervisors

There was no additional discussion by the Board.

On a motion by Mr. Carter, seconded by Mr. Fox, and by the following vote, finding that the requested rezoning is not appropriate for the public necessity and is not good zoning practice, the Board of Supervisors denied the applicant's request to rezone from Agricultural (A) to Commercial (C) a portion of tax map 31, parcel 39 consisting of 6.45 acres, more or less, as identified in the rezoning application:

Mabe, Aye; Fox, Aye; Cullers, Nay; Oates, Nay; Carter, Aye

Adjournment

Mrs. Cullers adjourned the Board of Supervisors meeting at 10:42 PM, and Mr. Myers adjourned the Planning Commission Meeting at 10:42 PM.