

Warren County Planning Commission Meeting Minutes of October 13th, 2021

At a regular meeting of the Planning Commission of Warren County held in the Warren County Government Center on October 13th, 2021, at 7:00 PM.

Present: Robert Myers, Chairman (Happy Creek District); Hugh Henry, Vice Chairman (Fork District); Scott Kersjes (North River District); Joseph Longo (Shenandoah District); Kaylee Richardson (South River District); Caitlin Jordan, Assistant County Attorney also, present Joe Petty, Planning Director; Matt Wendling, Deputy Planning Director; and Chase Lenz, Zoning Officer; and Chloe Phillips, Administrative Assistant

Adoption of Agenda:

On a motion by Mr. Henry, seconded by, Mrs. Richardson and by the following vote, the Planning Commission adopted the agenda as presented:

Ayes: Myers, Henry, Longo, Kersjes, Richardson

Approval of Minutes:

On a motion by Mr. Kersjes, seconded by Mr. Longo and by the following vote, the Planning Commission approved the minutes from September 8th, 2021, as presented:

Ayes: Henry, Longo, Kersjes, Richardson

Public Presentations:

Public presentations are limited to issues that are not included on the meeting agenda. It is intended as an opportunity for the public to give input on relevant planning issues, and not intended as a question-and-answer period. Chairman Myers asked if anyone would like to speak on items not on the agenda; no one came forward, so the public presentation was closed.

Public Hearings:

CUP2021-09-01 - Terra Site Constructors, LLC -

A request for a conditional use permit for Contractor's Storage Yard. The property is located at 6986 Winchester Road and identified on tax map 4, lot 43B. The property is zoned Industrial (I) and located in the North River Magisterial District.

Mr. Petty stated the applicant is requesting a conditional use permit for a Contractor's Storage Yard. The applicants currently have a location at 900 Shenandoah Shores Road within the Town of Front Royal, though the business has grown considerably since 2014 and more space is needed. The business operates year-round and will be open Monday through Friday, 8:00 AM to 5:00 PM. The existing single-family dwelling will be used as an office and/or housing for the full-time staff. A warehouse storage building is planned to be constructed on the north side of the property.

Mr. Petty stated staff is recommending the following conditions for this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors

The applicants shall comply with all Warren County Health Department regulations and requirements.

1. The applicant shall comply with all Virginia Department of Transportation (VDOT), Warren County Building Inspections, Warren County Health Department, Town of Front Royal and applicable environmental regulations and requirements.

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2. A site plan shall be prepared and approved by the Warren County Planning Department prior to the issuance of a building permit, showing the building, parking, outdoor lighting, trash receptacle, signage, and other applicable zoning requirements.
3. The exterior façade of the building shall meet the County's Highway Corridor Overlay District requirements.
4. The permanent color of building materials shall be earthen tones in compliance with the County's Highway Corridor Overlay District ordinance, and all building facades visible from Route 340/522 shall be constructed of a combination of stone and DriVit/EFIS or similar material as approved by the Warren County Planning Department.
5. All mechanical equipment shall be shielded and screened from the public view and designed to be perceived as an integral part of the building.
6. All light fixtures shall be full cut-off fixtures and comply with the Zoning Ordinance requirements.
7. The outdoor storage yard shall be totally screened from view with a full screen, pursuant to Warren County Code § 180-18.
8. No inoperable vehicles/equipment shall be located on the site.

Chairman Myers thanked Mr. Petty and opened the public hearing, he asked anyone wishing to speak for or against this matter to come forward; no one came forward.

Chairman Myers closed the public hearing. There was no discussion by the Planning Commission.

Vice Chariman Henry requested to remove condition 8.

Mrs. Richardson agreed.

Vice Chairman Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Terra Site Constructors, LLC for Contractors Storage Yard.

Mr. Longo seconded the motion which passed by the following vote, removing condition 8:

Ayes: Myers, Henry, Kersjes, Richardson, Longo

CUP2021-09-02 – Gordon Lee Birkhimer –

A request for a conditional use permit for a short-term tourist rental. The property is located at 52 Forest View Drive and identified on tax map 18G, section 2, lot 15. The property is zoned Agricultural (A) and located in the Fork Magisterial District.

Mr. Wendling stated the applicant is requesting a conditional use permit for a Short-term Tourist Rental for rental of the single-family dwelling for less than thirty days. In the statement of justification, the applicant states he will be circumnavigating the world in a sailboat which will take at least two years. The applicant would like to rent it on a short-term basis for the two-year period and will have a professional property management and vacation rental company manage the property. A local resident will be maintaining the grounds and security of the property. The property is located off a private road and in a subdivision, Massanutten Farms, which does have a POA/ HOA which maintains the roads. The applicant has contacted the current POA manager and provided the County with his contact information to who we have requested comments.

Mr. Wendling noted that the POA was notified. Also, the property meets the 100 feet required setback as it is 270 feet to nearest dwelling.

Mr. Wendling stated that, if the Planning Commission recommends approval of this application, the following conditions should be applied:

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed eight (8) as determined according to the Health Department operational permit for a four-bedroom dwelling.
3. The applicants shall have the well water tested annually for e- coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department

Chairman Myers thanked Mr. Wendling and opened the public hearing, he asked anyone wishing to speak for or against this matter to come forward.

Gordon Birkhimer, Applicant

The applicant thanked the Planning Commission board for being there, stated he had nothing to add.

Pamela Rhodes, 3141 Mountain Rd. **Opposed**

Mrs. Rhodes stated she was not comfortable with strangers in the neighborhood. She was also concerned that renters would not be regulated and violate neighborhood regulations.

Rebuttal

Gordon Birkhimer, Applicant

Mr. Birkhimer stated he does not believe neighbors will be impacted by the short-term tourist rental. The renters will be vetted and will work to ensure all guidelines are met and adhered to. He stated the property will be managed by a reputable property management company.

Vice Chairman Henry stated he suggests adding no ATVs and the discharge of firearms to conditions. This would be the discharge of firearms by guests and use of ATVS on the property by guests.

Mr. Birkhimer stated he is not opposed to this condition.

Chairman Myers stated he understands the concerns of strangers, as well as concerns with management being applicant will be away for two years.

Vice Chairman Henry stated the risks of having a long-term rental versus the short-term rental. Short-term tourist rentals are more regulated and can be revoked. He urged neighbors to notify staff if regulations are not being followed.

Chairman Myers clarified what a Conditional Use Permit is and stated why it could be revoked.

Chairman Myers closed the public hearing. There was no discussion by the Planning Commission.

Vice Chairman Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Gordon Birkhimer for a Short-Term Tourist Rental with the conditions as recommended by staff and amended by the Planning Commission to add conditions prohibiting the use of ATV's and the discharge of firearms and hunting within the subdivision.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

Request for Authorization to Advertise

CUP2021-10-01 - Carl & Jennifer Ey -

A request for a conditional use permit for Rural Events Facility. The property is located at 1406 Panhandle Road and identified on tax map 35, lots 5-1, 5-2, 5-3 & 5B-1. The property is zoned Agricultural (A) and located in the South River Magisterial District New

Mr. Wendling stated the applicants are requesting a conditional use permit for a Rural Events Facility to allow for events up to 200 guests. The owners were recently approved for conditional use permits for Short-Term Tourist Rentals for their properties located at 1406 Panhandle Rd. (CUP#2021-01-03) and 1408 Panhandle Rd. (CUP#2021-01-04). The properties proposed for the Rural events use are currently vacant, approximately 41 acres and located off of both Panhandle Road and Oakview Drive and accessed through Tax Map 35 parcel 5-1 (1406 Panhandle Rd.). The properties are currently used as pastureland and forestry uses and the applicants plan to keep the properties in land-use with the Commissioner of the Revenue since only a portion these lots will be used for the Rural Event Facility. They have discussed the use with the Health Department and had an on-site soil evaluator come to the property and expect to install a conventional septic system which will serve the Rural Events Facility. The applicants state that they have experience with small event venues for family reunions and business events at Short-Term Tourist Rentals they currently own and operate in Page County. They mention they will intend to meet all requirements and regulations regarding noise, traffic, outdoor lighting and any additional supplemental regulations and have retained a local property manager to act as the caretaker of their properties.

Mr. Wendling stated that Planning Staff is recommending the following conditions if approved:

1. The applicant shall comply with all Warren County Health Department, Virginia Department of Transportation (VDOT), Warren County Building Inspections, and Warren County Fire and Rescue regulations and requirements.
2. The parking area for the events shall be in a location approved by the Planning Department.
3. The property shall comply with the County's noise ordinance in Warren County Code Section §123.
4. All events must be within the hours of 9:00AM and 11:00PM.

5. The access to the properties for the events facility shall be off of Panhandle Road and Oakview Drive and shall have an approved VDOT entrance.
6. Any buildings constructed on the property for the Rural Events Facility shall be cohesive with the agricultural/rural nature of the surrounding areas in their appearance.
7. The total number of guests shall be the amount no greater than 200 at one time.

Mr. Wendling shared that he would be happy to answer any questions and the applicant is not present.

Chairman Myers thanked Mr. Wendling, asked if there were any questions.

Mr. Kersjes asked if they planned on having structures.

Mr. Wendling stated they do eventually plan on having structures, but do not plan on changing the property significantly.

Mr. Wendling stated he would get more information on the intended structures.

There was no further discussion or questions by the Planning Commission.

Vice Chairman Henry moved that the Planning Commission authorize the advertisement for a public hearing of the conditional use permit request of Carl & Jennifer Ey for the Rural Events Facility.

Mr. Kersjes seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2021-10-02 - Travis Dodson -

A request for a conditional use permit for a Commercial Outdoor Recreation Operation. The property is located at 650 Water Plant Road and identified on tax map 1, lots 3, 3A and 3AA. The property is zoned Agricultural (A) and located in the North River Magisterial District.

Mr. Petty the applicant is requesting a conditional use permit for a Commercial Outdoor Recreation Operation, which would consist of a private outdoor gun training facility and classroom. The owner/applicant currently owns and operated a well-established gun shop in Middletown, Virginia, and understand the need for a safe place to provide firearms training and education for both citizens and law enforcement officers. The business would operate year-round and is only available to those who have made reservations for private classes and appointments. The facility is not a public gun range for citizens and customers.

Mr. Petty also stated that Planning Staff is recommending the following conditions should be applied if approved:

1. The applicant shall comply with all Virginia Department of Transportation (VDOT), Warren County Building Inspections, Warren County Health Department, Warren County Sheriff's Department and applicable environmental regulations and requirements.
2. A site plan shall be prepared and approved by the Warren County Planning Department prior to the issuance of a Certificate of Zoning, showing the buildings, parking area,

outdoor lighting, trash receptacles, signage, outdoor firing range, and other applicable zoning requirements.

3. All light fixtures shall be full cut-off fixtures and comply with the Zoning Ordinance requirements.
4. Activities associated with the commercial operation shall not produce sound levels which exceed 60 decibels during hours of operation at the nearest property line.
5. Activities associated with the commercial operation shall be by appointment or reservation only. Such activities shall only take place during the following hours:
 - a. Classroom Instruction: Monday through Saturday 8:00 AM to 7:00 PM, and Sunday 10:00 AM to 5:00 PM.
 - b. Outdoor discharge of firearms: Monday through Saturday 9:00 AM to 6:00 PM/or sunset, and Sunday 12:00 PM to 4:00 PM.
6. The maximum number of occupants per class shall not exceed twenty-five students and five instructors; and or as determined by the Warren County Health Department.
7. Special events which exceed the occupants listed in Condition #6, shall be limited to no more than ten events per calendar year with no more than seventy-five people per event. Such events shall meet Warren County Building Inspections and Warren County Health Department requirements.

Mr. Petty shared that he would be happy to answer any questions and the applicant is present.

Chairman Myers asked if there were any questions.

Ashley and Travis Dodson, Applicants

Mr. & Mrs. Dodson stated the firearms that would be used, and that there was a covered facility.

Mr. Kersjes asked what type of firearms.

Mr. Dodson, applicant stated it would be pistol and rifles, some AR-15 rifles.

Mr. Kersjes asked how many yards away the targets are.

Mr. Dodson replied 45 yards. Stated they have been using this setup since March of 2020 and have had no issues.

Mr. Kersjes asked are they metal targets.

Mr. Dodson stated they are paper targets.

Chairman Myers asked what about the lead.

Mr. Dodson stated they took a class in Utah, and they were taught that lead is better left alone than to be touched.

Vice Chairman Henry stated it would be good and new to the community.

There was no further discussion by the Planning Commission regarding the application.

Vice Chairman Henry moved that the Planning Commission authorize the advertisement for the public hearing of the conditional use permit request of Travis Dodson for the Commercial Outdoor Recreation Facility.

Mrs. Richardson seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2021-10-03 – Michael & Leslie Hofbauer –

A request for a conditional use permit for a short-term tourist rental. The property is located at 223 Chapel View Drive and identified on tax map 21N, lot 4. The property is zoned Agricultural (A) and located in the Shenandoah Magisterial District.

Mr. Wendling stated the applicants are requesting this conditional use permit for a Short-Term Tourist Rental in order to rent their home and property during certain times of the year while they are traveling and away from their home. They stated the property is conducive to this use due to its location off a private road and the views of their pond and the mountains from their home. This property is located a short distance away from Christendom College and could be a resource for family and friends visiting the students at the college. The property's principal use is a single-family dwelling, but it has woodland, a creek and pond and some pastureland. The west side of the property does abut land that is under a conservation easement held by the County. The applicant plans to manage the property himself since he has experience with rental properties, but he does intend to have a handyman to contact in case of emergencies when he is out of town.

Mr. Wendling also stated that Planning Staff is recommending the following conditions should be applied if approved: as it is 270 feet to the nearest dwelling.

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed eight (8) as determined according to the Health Department operational permit for a four-bedroom dwelling.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

Vice Chairman Henry asked if there were any questions; there were none.

There was no further discussion by the Planning Commission regarding the application.

Vice Chairman Henry moved that the Planning Commission authorize the advertisement for the public hearing of the conditional use permit request of Michael & Leslie Hofbauer for the Short-Term Tourist Rental.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2021-10-04 – Aaron Ritenour –

A request for a conditional use permit for a cluster housing development. The property is located at 0 Reliance Road and identified on tax map 8, lots 8E, 12, 13 & 14. The property is zoned Agricultural (A) and located in the North River Magisterial District.

Mr. Petty stated the applicant is requesting a conditional use permit for a Cluster Housing Development, which would consist of 40 lots under ten acres in size (average one acre) and 6 lots greater than ten acres in size. Lots within the development will be served by a newly dedicated street that meets the standards for acceptance in the state highway system. A minimum of 60% development shall either be preserved in open space, or subject to a perpetual easement preserving it in agricultural and/or forestal uses. Such perpetual easement shall be deeded to Warren County and shall prevent future development of the property for other than nonstructural agricultural and forestal uses. These numbers are 60% = 110.16 acres in open space and 40% = 73.44 acres in development.

Mr. Petty also stated that Planning Staff is recommending the following conditions should be applied if approved:

**ROYAL OAK ESTATES
CLUSTER HOUSING DEVELOPMENT CONDITIONS
TAX MAP 11, PARCELS 8E, 12, 13 & 14**

Pursuant to Section 180-63 of the Warren County Code (Zoning Ordinance), 1992 as amended with respect to conditional use permits the following are development conditions for application CUP2021-10-04 for a cluster housing development. Development of the subject properties listed above (the "Property") shall be done in conformity with the terms and conditions set forth herein except to the extent that such terms and conditions may be subsequently amended or revised by the applicant and shall be approved by the Warren County Board of Supervisors in accordance with said code and zoning ordinance. These development conditions shall be binding upon the applicant and their legal successors heirs or assigns.

"Developer" shall be defined as the developer Royal Oak Estates, LLC its legal successors, heirs, and assigns.

SECTION A: GENERAL

1. The Developer shall comply with all Virginia Department of Transportation (VDOT), Warren County Building Inspections, Warren County Health Department, Virginia Department of Environmental Quality, and applicable environmental regulations and requirements.
2. A site plan shall be prepared and approved by the Warren County Planning Department prior to the issuance of any building permits, illustration the dwellings, roadways, outdoor lighting, and other applicable zoning requirements.
3. All utilities including electric, telephone, and cable shall be located underground.
4. All light fixtures shall be full cut-off fixtures and comply with the Zoning Ordinance requirements.
5. Before each Certificate of Occupancy is issued, the sum of \$____ shall be paid to the County of Warren to offset the net capital cost per household to the County caused by this development as outlined in the Fiscal Impact Model.

SECTION B: ROADS

6. The Developer shall comply with all Virginia Department of Transportation (VDOT) regulations and requirements set forth in letter dated _____
7. Provide sidewalk connections along roadways containing dwellings including pedestrian crossings at all intersections.

SECTION C: TYPE AND SIZE OF HOMES

8. All dwellings shall be detached single-family dwellings as defined in the Warren County Zoning Ordinance.
9. The minimum square footage for a one-story single family detached dwelling shall be ____ square feet. The minimum square footage for a single family detached dwelling of two or more stories shall be ____ square feet cumulative.

The above restrictions shall exclude garage space, porches, or spaces in basements that are unfinished and used for storage.

SECTION D: ARCHITECTURAL FEATURES

10. All dwellings within the development shall include design elements in which the foundation is *stone-to-grade* or *brick-to-grade* on all elevations.
11. All buildings within the development shall be constructed using compatible architectural style and materials for such buildings that shall be of a similar style and aesthetic.

SECTION E: LANDSCAPING

12. Existing vegetation on the site shall be kept where possible to maintain original agricultural and woodland state.
13. All homesites shall be required to plant two trees in the front yard at least 1.5 inches in diameter.

SECTION F: OPEN SPACE AND AGRICULTURAL & FORESTAL EASEMENTS

14. No structures shall be placed within the "Open Space" boundaries without approval from the Warren County Planning Department. Such structures shall be cohesive with the agricultural/rural nature of the surrounding area in their appearance and used for recreation or maintenance of the open space. The open space area is reserved for use by all residents of the development, and not dedicated as public lands.
15. No structures shall be placed within the "Agricultural & Forestal Easement" boundaries. These easements are reserved for nonstructural agricultural and forestal uses only.

SECTION G: WATER RESOURCES

16. The Developer shall comply with all Warren County Health Department regulations and requirements set forth in letter dated _____.
17. The Developer shall provide storm water management per the regulations of the Commonwealth of Virginia and Warren County.
18. The storm water management areas shall be as generally depicted on the Generalized Development Plan subject to final engineering.
19. The Developer shall prepare and submit an erosion and sediment control plan prepared by qualified engineers in conformance with Chapter 150 of the Warren County Code for erosion and settlement control. No construction activity shall be undertaken on the site until a land disturbance permit has been obtained from the Warren County Building Inspections Department and the approved erosion devices have been installed.

Mr. Petty shared that he would be happy to answer any questions and the applicant is not present.

Chairman Myers asked if there were any questions; there were no questions.

There was no further discussion by the Planning Commission regarding the application.

Vice Chairman Henry moved that the Planning Commission authorize the advertisement for the public hearing of the conditional use permit request of Aaron Ritenour for a cluster housing development.

Mr. Kersjes seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

Z2021-10-01 - Lorne Cooper -

The applicant is requesting a text amendment to allow for gunsmithing services as use allowed by conditional use permit in the Residential One (R - 1) zoning district. This is

an existing use in the Agricultural zoning district, however currently there is no definition or supplemental regulations for the use. A request to amend Chapter 180 of the Warren County Code (Zoning Ordinance) to add the definition of “gunsmithing services”; to add “Gunsmithing services in conjunction with a single-family residential dwelling unit” as a use allowed by conditional use permit in the Residential One (R-1) zoning district; and to supplemental regulations for gunsmithing services.

Mr. Petty stated the applicant is requesting a ordinance to amend sections 180-22 of the Warren County Code to permit the use of gunsmithing service by conditional use permit within the Residential One (R-1) zoning district. In addition, add the definition of gunsmithing services to section 180-8, and add supplemental regulations pertaining to gunsmithing services, Chapter 180, Article V, Section 180-47.1.

AN ORDINANCE TO AMEND SECTION 180-22 OF THE WARREN COUNTY CODE TO PERMIT THE USE OF GUNSMITHING SERVICES BY CONDITIONAL USE PERMIT WITHIN THE RESIDENTIAL-1 (R-1) ZONING DISTRICT. IN ADDITION, ADD THE DEFINITION OF GUNSMITHING SERVICES TO SECTION 180-8, AND ADD SUPPLEMENTAL REGULATIONS PERTAINING TO GUNSMITHING SERVICES.

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Sections 180-8, 180-22, 180-47.1 & 180-47.2 of the Warren County Code (Zoning) be amended, added, and re-ordained as follows:

Chapter 180. Zoning

§ 180-22. Residential - 1 (R-1) District.

[Amended 12-20-1994; 1-16-1996; 12-17-1996; 5-20-1997; 8-17-1999; 3-21-2006]

- A) Statement of intent. This district is intended for family living in safe and suitable surroundings in areas where low-density residential development may be situated without degrading the environment. Such areas shall be developed in a manner that will protect and preserve natural resources, watersheds and topographic features and protect and enhance the natural beauty of the land.

...

- D) Uses allowed by conditional use permit. The following named uses may be permitted upon issuance of a conditional use permit by the Board of Supervisors:

...

15) Gunsmithing services

Chapter 180. Zoning

Article II. Application

§ 180-8. Definitions.

GUNSMITHING SERVICES:

A commercial enterprise, activity or profession where a gunsmith performs repairs, renovations, safety inspections, modifications, alterations for special uses, and appraisals of firearms. The sale of firearms is permitted with proper local, state, and federal licensing and regulations. Gunsmithing Services shall not be deemed as a home occupation or home enterprise.

Chapter 180. Zoning

Article V. Supplementary Regulations

§ 180-47.1. GUNSMITHING SERVICES

Statement of intent. The regulations for gunsmithing services are intended to protect the residential integrity of the surrounding community and the health and safety of the residents.

A. Where allowed, Gunsmithing Services shall meet the following requirements:

- 1. Areas used for the shooting and/or discharge of firearms shall be reviewed and approved by the Warren County Sheriff's Department to ensure safety precautions are met. However, properties located in**

locations defined in Warren County Code § 177-3 shall be prohibited from shooting of firearms.

2. Storage of hazardous, toxic, explosive, flammable materials shall meet Local, State, and Federal requirements.
3. Business owner shall obtain all Local, State, and Federal licensing and permits to operate commercial gunsmithing services.
4. Property shall meet the screening and buffering requirements of §180-18; lighting requirements of §180-49.2; and sign requirements of §180-14.
5. On-site parking shall be provided for customers.
6. The hours of operation shall be specified in the conditional use permit.
7. When combined with a residential dwelling the following additional regulations shall apply:
 - a. No person other than members of the family residing on the premises shall be engaged in such activity.
 - b. All customer service and sales shall be on an appointment-only basis.
 - c. Activity may be conducted in dwelling or in accessory structure; however, the business shall only occupy an area equal to, or less than, 25% of the floor area of the principal dwelling, regardless of structure containing the business.
 - d. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such activity other than one nonilluminated sign. Maximum sign area: two square feet.
 - e. If the property is located within a subdivision governed by a HOA/POA, the Owner and the Planning Department shall notify the HOA/POA of the request to operate the commercial gunsmithing services. If the Planning Department receives no written response from the HOA/POA within 30 days of the date of sending the letter, the request for HOA/POA comments shall be considered complete.

180-47.1 ~~180-47.2~~ Home enterprises. [Added 10-17-1995]

Chairman Myers asked if there were any questions.

Mrs. Richardson asked about a FFL License (Federal Firearms License).

Mr. Petty stated Condition number; 3. Business owner shall obtain all Local, State, and Federal licensing and permits to operate commercial gunsmithing services.

Vice Chairman Henry stated what is selling versus testing as in firing the firearm.

Mr. Petty stated it is in a POA, that code section 177.3 prohibiting shooting.

Mr. Petty also stated the POW has 30 days to respond.

There was no further discussion by the Planning Commission regarding the application.

Vice Chairman Henry moved that the Planning Commission

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2021-10-05 - Lorne Cooper -

A request for a conditional use permit for gunsmithing services in conjunction with a single-family residential dwelling unit. The property is located at 49 Wild Cherry Way and identified on tax map 24A, section 2, block 7, lot 306. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.

Mr. Petty stated the applicant is requesting a conditional use permit for gunsmithing services in the Residential One (R- 1) zoning district. The property is located at 49 Wild Cherry Way in the Blue Mountain subdivision within the Shenandoah Magisterial District. If Z2021-10-01 is approved gunsmithing services is defined as, "A commercial enterprise, activity, or profession where a gunsmith performs repairs, renovations, safety inspections, modifications, alterations for special uses, and appraisals of firearms. The sale of firearms is permitted with proper local, state, and federal licensing and regulations. Gunsmithing Services shall not be deemed as a home occupation or home enterprise" and is subject to specific supplemental regulations. Given the state and federal regulations related to firearms and services, this is not considered a Home Occupation; and the proposed operation would be conducted in an accessory structure. The supplemental regulations and conditions are consistent with those of a Home Occupation to preserve the character of a residential neighborhood by no change in the outside appearance of the building or premises or other visible evidence of the conduct of such activity. Due to the nature of the operation the accessory structure provides a safe space to work outside of the residential dwelling. Per the application, supplemental regulations, and Warren County Code § 177-3 there will be not discharge of firearms at the property.

Mr. Petty also stated that Planning Staff is recommending the following conditions should be applied if approved:

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The applicant shall all Local, State, and Federal licensing and permits to operate commercial gunsmithing services.
3. There shall be no discharge/shooting of firearms on the property associated with the gunsmithing services.
4. Appointments for customers shall be permitted the during the hours of 10:00 AM to 6:00 PM, Monday through Saturday. One only customer at any given time, and off-street parking shall be provided.
5. Natural vegetation buffer between neighboring parcels shall remain intact and replaced when necessary.

Mr. Petty shared that he would be happy to answer any questions and the applicant is present.

Chairman Myers asked if there were any questions; there were no questions.

There was no further discussion by the Planning Commission regarding the application.

Mrs. Richardson moved that the Planning Commission authorize the advertisement for the public hearing of the conditional use permit request of Lorne Cooper for the gunsmithing services.

Vice Chairman Henry seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2021-10-06 - Michael Blevins -

A request for a conditional use permit for a short-term tourist rental. The property is located at 267 Trillium Trail Road and identified on tax map 24B, section 3, block 13, lot 481. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.

Mr. Welding stated the applicant is requesting this conditional use permit for a Short-Term Tourist Rental for the property they recently purchased with the intent to use as in-part as a second home but primarily to lease on a short-term basis. He states that he has retained a property management company, "Be Still Getaways" to manage the property which he states has a good reputation. He also mentions that though the dwelling is on 4 acres of wooded areas in a secluded location of the property he plans to carefully review the guests so that no large and loud parties take place and for the sake of the neighbors.

Mr. Wendling also stated Blue Mountain POA voiced for approval.

Mr. Wendling also stated that Planning Staff is recommending the following conditions should be applied if approved: and the property meets the required 100' setback as it is 230 feet to the nearest dwelling.

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed 6 as determined according to the Health Department operational permit for a three- bedroom dwelling.
3. The applicants shall have the well water tested annually for e- coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

Mr. Wendling shared that he would be happy to answer any questions and the applicant is not present.

Chairman Myers asked if there were any questions; there were no questions.

There was no further discussion by the Planning Commission regarding the application.

Vice Chairman Henry moved that the Planning Commission authorize the advertisement for the public hearing of the conditional use permit request of Michael Blevins for a short-term tourist rental.

Mr. Kersjes seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2021-10-07 - Edwin Wright -

A request for a conditional use permit for a commercial campground. The property is located at 2905 Gooney Manor Loop and identified on tax map 47, lot 12. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Wendling stated the applicant is requesting a conditional use permit for a Commercial Campground on the family's property in Browntown. The property has been owned by his family since the 1950's and Mr. Wright will be the acting farm manager of the property and campground. The property is 153+ acres and is currently accessed by Gooney Manor Loop which is a rural state road (Rt. 631). The applicant is requesting to have 100 primitive campsites to allow for tents and small campers. The campers would be owned by the campground and be permanently parked, serviced, and maintained by the property owners. The applicant plans to construct pad sites for camping and have centrally located portable restrooms and bathing facilities service the campsites. The applicant is also applying for a Conditional Use Permit for a Rural Event Facility on this property. The applicant will need to comply with all supplemental regulations for this use, including the County's other ordinances such as noise and lighting and any outside agency regulations in the establishment of the use which includes a site plan approved by the County Planning Department.

Mr. Wendling also stated that Planning Staff is recommending the following conditions should be applied if approved:

1. The applicant shall comply with all Warren County Health Department, Virginia Department of Transportation, Warren County Building Inspections, and Warren County Fire and Rescue regulations and requirements.
2. A commercial campground site plan shall be approved by the Planning Department.
3. An open burning management plan shall be submitted to the Warren County Fire Marshall and Planning Department.
4. A woodland management and preservation plan shall be submitted to the Virginia Tech Cooperative Extension office for review and submitted with the site plan.
5. The property shall comply with the County's noise ordinance in Warren County Code Section 123.
6. All events associated with the campground must be within the hours of 9:00AM and 10:00PM.
7. The only access to the property for the commercial campground shall be off of Gooney Manor Loop with an approved VDOT entrances.
8. Any buildings constructed on the property for the Commercial Campground shall be cohesive with the agricultural and rural nature of the surrounding area in their appearance.
9. The total number of campsites shall not exceed 100.

Mr. Wendling shared that he would be happy to answer any questions and the applicant is present.

Chairman Myers asked if there were any questions; there were no questions.

There was no further discussion by the Planning Commission regarding the application.

Vice Chairman Henry moved that the Planning Commission authorize the advertisement for the public hearing of the conditional use permit request of Edwin Wright for a commercial campground.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2021-10-08 - Edwin Wright -

A request for a conditional use permit for a rural events facility. The property is located at 2905 Gooney Manor Loop and identified on tax map 47, lot 12. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Wendling stated the applicant is requesting a conditional use permit for a Rural Events Facility on his family's property in Browntown. The property has been in his family for since the 1950's and Mr. Wright took over management of the farm in 2010 and is currently used for grazing cattle and making hay. The property is 150+ acres and has a significant amount of road frontage on Gooney Manor Loop which would qualify it for a number of subdivision rights according to our subdivision ordinance. The owner has stated in lieu of exercising their rights to subdivide as a number of owners have done in the past ten years on this road and currently are doing so, his family would like to establish this land-use in order to preserve the rural quality of the property through agritourism, wedding, and outdoor educational events. The applicant plans to use the existing barn and may construct an outdoor pavilion with a primitive amphitheater, small camping supply store and portable restroom and bathing facilities in the future. The applicant is also applying for a Conditional Use Permit for a Commercial Campground for primitive tent camping on this property. The applicant will need to comply with all supplemental regulations for this use, including the County's other ordinances such as noise and lighting and any outside agency regulations in the establishment of the use.

Mr. Wendling also stated that Planning Staff is recommending the following conditions should be applied if approved:

1. The applicant shall comply with all Warren County Health Department, Virginia Department of Transportation, Warren County Building Inspections, and Warren County Fire and Rescue regulations and requirements.
2. The parking area for the events shall be in a location approved by the Planning Department.
3. The property shall comply with the County's noise ordinance in Warren County Code Section 123.
4. All events must be within the hours of 9:00AM and 10:00PM.
5. The only access to the property for the events facility shall be off of Gooney Manor Loop with an approved VDOT entrance.
6. Any buildings constructed on the property for the rural events facility shall be cohesive with the agricultural and rural nature of the surrounding area in their appearance.
7. The total number of guests shall be the amount approved by the Board of Supervisors.

Mr. Wendling shared that he would be happy to answer any questions and the applicant is present.

Chairman Myers asked if there were any questions; there were no questions.

There was no further discussion by the Planning Commission regarding the application.

Vice Chairman Henry moved that the Planning Commission authorize the advertisement for the public hearing of the conditional use permit request of Edwin Wright for a rural events facility.

Mrs. Richardson seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2021-10-09 - Edwin Wright -

A request for a conditional use permit for a commercial campground. The property is located at 0 Wellspring Road and identified on tax map 44, lot 25. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Wendling stated the applicant is requesting a conditional use permit for a Commercial Campground on his sister's property in Browntown. The property was purchased by his sister in March 2021 and Mr. Wright will be the acting farm manager of the property and campground. The property is 100+ acres and is currently accessed by Wellspring Road which is a private road. The applicant is requesting to have 100 primitive campsites to allow for tents and small campers that don't require electrical or water hook-ups. The campers would be owned by the campground and be permanently parked, serviced and maintained by the property owners. The applicant plans to construct pad sites for camping and have centrally located portable restrooms and bathing facilities service the campsites. The applicant is also applying for a Conditional Use Permit for a Rural Event Facility on this property. The applicant will need to comply with all supplemental regulations for this use, including the County's other ordinances such as noise and lighting and any outside agency regulations in the establishment of the use which includes a site plan approved by the County Planning Department.

Mr. Wendling also stated that Planning Staff is recommending the following conditions should be applied if approved:

1. The applicant shall comply with all Warren County Health Department, Virginia Department of Transportation, Warren County Building Inspections, and Warren County Fire and Rescue regulations and requirements.
2. A commercial campground site plan shall be approved by the Planning Department.
3. An open burning management plan shall be submitted to the Warren County Fire Marshall and Planning Department.
4. A woodland management and preservation plan shall be submitted to the Virginia Tech Cooperative Extension office for review and submitted with the site plan.
5. The property shall comply with the County's noise ordinance in Warren County Code Section 123.
6. All events associated with the campground must be within the hours of 9:00AM and 10:00PM.
7. The only access to the property for the commercial campground shall be off of Gooney Manor Loop with an approved VDOT entrance and as an easement through the applicant's property identified on tax map 43 as parcel 48.
8. Any buildings constructed on the property for the Commercial Campground shall be cohesive with the agricultural and rural nature of the surrounding area in their appearance.
9. The total number of campsites shall not exceed 100.

Mr. Wendling shared that he would be happy to answer any questions and the applicant is present.

Chairman Myers asked if there were any questions; there were no questions.

There was no further discussion by the Planning Commission regarding the application.

Vice Chairman Henry moved that the Planning Commission authorize the advertisement for the public hearing of the conditional use permit request of Edwin Wright for a commercial campground.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2021-10-10 - Edwin Wright -

A request for a conditional use permit for a rural events facility. The property is located at 0 Wellspring Road and identified on tax map 44, lot 25. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Wendling stated the applicant is requesting a conditional use permit for a Rural Events Facility on his sister's property in Browntown. The property was purchased by his sister in March 2021 and Mr. Wright will be the acting farm manager of the property and Rural Event Facility. The property is 100+ acres and is accessed by Wellspring Road which is a private road. The owner has stated in lieu of exercising their rights to subdivide as a number of owners have done in the past ten years on this road and currently are doing so, his family would like to establish this land-use in order to preserve the rural quality of the property through agritourism, wedding, and outdoor educational events. The applicant plans to construct an outdoor pavilion with a primitive amphitheater, small camping supply store and portable restrooms and bathing facilities in the future. The applicant is also applying for a Conditional Use Permit for a Commercial Campground for primitive tent camping on this property. The applicant will need to comply with all supplemental regulations for this use, including the County's other ordinances such as noise and lighting and any outside agency regulations in the establishment of the use.

Mr. Wendling also stated that Planning Staff is recommending the following conditions should be applied if approved:

1. The applicant shall comply with all Warren County Health Department, Virginia Department of Transportation, Warren County Building Inspections, and Warren County Fire and Rescue regulations and requirements.
2. The parking area for the events shall be in a location approved by the Planning Department.
3. The property shall comply with the County's noise ordinance in Warren County Code Section 123.
4. All events must be within the hours of 9:00AM and 10:00PM.
5. The only access to the property for the events facility shall be off of Gooney Manor Loop with an approved VDOT entrance.
6. Any buildings constructed on the property for the rural events facility shall be cohesive with the agricultural and rural nature of the surrounding area in their appearance.
7. The total number of guests shall be the amount approved by the Board of Supervisors.

Mr. Wendling shared that he would be happy to answer any questions and the applicant is present.

Chairman Myers asked if there were any questions; there were no questions.

There was no further discussion by the Planning Commission regarding the application.

Vice Chairman Henry moved that the Planning Commission authorize the advertisement for the public hearing of the conditional use permit request of Edwin Wright for a rural events facility.

Mrs. Richardson seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

Z2021-10-02 – Warren County Planning Commission –

A request to amend Chapter 180 of the Warren County Code (Zoning Ordinance) to amend the definition of "substantial damage"; to amend the supplemental regulations for floodplain overlay district; dam break inundation zones.

Mr. Wendling stated on November 15, 2016, the Board of Supervisors approved a request to participate in National Flood Insurance Program and the NFIP Community Rating System (CRS) in order to encourage higher standards of community floodplain management which can benefit the citizens who pay flood insurance with lower costs to their current insurance rates. In order to qualify for the program, the County was required to participate in a Community Assistance Visit (CAV) overseen by FEMA at which time they reviewed the County's Floodplain Overlay District ordinance section §180-16.

The last major review and revision to the ordinance was done between 2012 and 2013 and adopted by the Board on May 21, 2013. During the CAV both FEMA and the VA Department of Conservation and Recreation assisted in the current review of the proposed amended ordinance providing recommendations based on the FEMA Region III Ordinance Review Checklist and the FEMA publication on Higher Standards.

In order for the County to meet the requirements of FEMA and the NFIP to participate in the CRS program the County's Floodplain Overlay District ordinance must meet certain provisions and incorporate the voluntary higher standards in order to gain credits for the CRS scoring system.

County staff has incorporated some changes and higher standards from what has been learned in the management of the floodplain and land-use requests that have been experienced since the last ordinance review. Staff has searched out input from State agencies, FEMA, local contractors and citizens regarding some of these modifications which we hope allows us to incorporate fair and wise floodplain management practices. These changes specifically relate to the use of "Freeboard" in residential construction, and the construction requirements and limitations of accessory structures in both the Agricultural and Residential zoning districts.

Please find a proposed amendment to Sections §180-8 and §180-16 of the Warren County Zoning Ordinance, included in the ordinance are the proposed changes with staff comments. In addition, supplemental information includes the ordinance review checklist, CRS information and historical data relating to flood events in Warren County.

Mr. Wendling shared that he would be happy to answer any questions.

Chairman Myers asked if there were any questions; there were no questions.

There was no further discussion by the Planning Commission regarding the application.

Mr. Longo moved that the Planning Commission

Mrs. Richardson seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

Commission Matters:

Mr. Petty informed the Planning Commission that Comprehensive Plan Review will resume January 2022.

Mrs. Jordan stated she had nothing to add.

Mr. Petty addressed the next meeting workload.

Adjournment:

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Vice Chairman Henry moved, and Mr. Kersjes seconded a motion to adjourn; unanimously approved. The meeting was adjourned at 8:25 PM.

Warren County Planning Commission
Chairman