

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on July 13, 2022, at 7:00 PM.

Present: Robert Myers, Chairman (Happy Creek District); Hugh Henry, Vice Chairman (Fork District); Scott Kersjes (North River District) also, present Matt Wendling, Planning Director; Caitlin Jordan, Senior Assistant County Attorney; Chase Lenz, Zoning Administrator; Veronica Diamond, Clerk to the Planning Commission

Absent: Kaylee Richardson (South River District)

Call to Order

Adoption of Agenda

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

Aye: Henry, Kersjes, Myers

Approval of Minutes:

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 3-0, the Planning Commission approved the minutes from July 13, 2022, as presented:

Ayes: Myers, Henry, Kersjes

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 Mr. Myers asked if anyone would like to speak on items not on the agenda, they will be timed, you will have 3 minutes? No one came forward, so the public presentation was closed.

Old Business:

Z2022-05-01 – Warren County Planning Commission - A request to amend Chapter 180 of the Warren County Code (Zoning Ordinance) to add Light Industrial (LI) Zoning District; to add the definition of “Data Center”; to add “Data Center” as a use allowed by right in the Industrial (I) zoning district and Light Industrial (LI) Zoning District; and to supplemental regulations for data centers.

Mr. Myers abstained himself from this matter and asked Mr. Henry to reside over this item. Mr. Henry said they currently do not have a quorum being they have 1 vacant seat and one Board member out sick; it would be moved to the next Commission meeting. Ms. Jordan agreed to make a motion to table it to the next meeting.

On a motion by Mr. Kersjes, seconded by Mr. Henry, and by the following vote of 2-0, the Board voted to forward zoning text amendment Z2022-05-01 to the following hearing.

Ayes: Henry, Kersjes

Abstained: Mr. Myers

Public Hearings:

CUP2022-06-01 – Joseph Muniz – A request for a conditional use permit for a short-term tourist rental. The property is located at 499 Rome Beauty Dr. and identified on tax map 22B, block K, lot 18. The property is zoned Residential One (R-1) and located in the Happy Creek Magisterial District.

Mr. Wendling stated the applicants are requesting a conditional use permit for a short-term tourist rental. They purchased this property as a second home in 2021 and the started renting the property Short-term since shortly after purchasing the property. The County did receive a complaint from a neighbor after a guest of his created a disturbance while renting and Mr. Muniz was sent a notice of violation for not having the conditional use permit. He did cease advertising after by the 30-day deadline and submitted his application shortly afterward. He also does use it for his own family's use and the being able to rent Short-term will allow him to offset the costs of the second home. The applicant is requesting a waiver to the setback requirement of 100' from dwelling to dwelling; the dwelling to the west is 95' and the one to the east is 80'. The applicant has contracted with waste management, pest control and lawncare to maintain the property and he plans to be the property manager at this time. This property has not had any previous Conditional Use Permits issued for uses in the Residential One (R-1) zoning district to the property.

Mr. Wendling stated the Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors.

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 six (6) as determined according to the Health Department conditional/operational permit which needs to be issued 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.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.
7. A waiver to the required setback of 100' to the adjacent property dwelling shall be granted for the existing 80' and 95' setback to the dwellings east of the subject property.
*** Waiver has been requested by the applicant; County Planning staff doesn't support this request.**

Mr. Myers asked the applicant if there's anything he would like to say about the property before opening to the public?

The Applicant spoke:

Joseph Muniz

This is his 2nd home, dropped \$20,000.00 on the water system, air conditioning system is new, to cover the costs he is asking to allow him to do Short-term rental, for their neighborhood they talk to the HOA, pay their HOA's and they have no problem with this. All the amenities of the neighborhood are not being shared, 6 persons minimum will be maintained as well as everything internal and external. He will manage contractors and does not see any difference between him being there or another family being there trying to visit the area.

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

Citizen Rebuttal:

Wayne Baxter, 461 Rome Beauty Dr. Linden

He is to the East 75 feet of the dwelling. One concern he has is there is a fire pit there with lots of woods. It is 5 feet closer to his house and property, the lawn upkeep has been mowed twice this year and is dropping the property value of the neighborhood, he hasn't seen him at the property for longer than 1 week, and he doesn't know how this is considered a second home when Mr. Muniz also has a home in Harpers Ferry, PA. He opposes a lot of it because he is within the 85 feet of his property.

Joseph Muniz- he hired a new lawn care service, and he can remove the fire pit. His family used the property during the winter but haven't used it since, they have been there every other month. The hope is during the winter use the home as the home away from home and during summer months as a rental.

Mr. Henry stated he can't support this with out a restriction for the fire pit, especially with the 85 feet, it's in a subdivision with woods around and feels this is a bad idea. He would ask for a condition to support this.

Mr. Kresge stated he was concerned about no one local being around to manage the property.

Mr. Wendling stated Mr. Muniz doesn't have a property manager yet, he does have a local handy man just not a local formal management company.

Mr. Henry stated he thought it was required to have a management plan?

Mr. Wendling stated he will have a management plan, but it is not required as of yet. We will have a plan but not a manager, that is a choice. The board has recommended that they would like to see someone manage within 20-30 minutes of the property to be able to come to the property.

Mr. Henry questioned we will have that management plan by the time it gets to the board?

Mr. Wendling stated we will have it by the property owner, sometimes before the Board sometimes after. They have to have it to us before getting the certificate from the county in order to start this business. We can request him to have the property plan before it goes to the Board and maybe to retain a management company.

Mr. Kresge stated this is a concern if they are wavering a property set back because both homes on either side are less then 100ft.

Mr. Wendling questioned is this something you would like to see added that a local property management be in place?

Mr. Henry stated if he had his plan in place, as long as there is guarantee of a plan, he would need to have the open-air burning/fire pit added, this is a concern of his.

Mr. Wendling questioned, any opened air fire by guest will be prohibited?

Mr. Henry stated correct.

On a motion by Hugh Henry, seconded by Scott Kersjes, and by the following vote of 3-0, the Planning Commission forwarded the conditional use permit application of Joseph Muniz for a Short-Term Tourist Rental with conditions as recommended by staff and additional condition of no open air burning by guests.

Ayes: Henry, Kersjes, Myers

CUP2022-06-02 – Yulia Svetlichnaya – A request for a conditional use permit for a short-term tourist rental. The property is located at 610 Joans Quadrangle Rd. and identified on tax map 15E, section 6, block 6, lot 767. The property is zoned Residential One (R-1) and located in the Shenandoah Magisterial District.

Mr. Lenz stated the applicants are requesting a conditional use permit for a short-term tourist rental for the property she purchased in December of 2021. The applicant would like to make the property available for short-term visitations for guests seeking to enjoy the mountain views and connect with the natural beauty of the Shenandoah National Park and Warren County area. She plans to manage the property personally with assistance from local professional services for cleaning, maintenance, and garbage removal.

Mr. Lenz stated it is in the Shenandoah Farms-Mountain Lake Section, zoned Residential 1 with residents around expect for the exception of the East with a vacant lot, just wooded area. his property has not had any previous Conditional Use Permits issued for uses in the Residential-One zoning district. The dwelling was constructed in 1975 and no zoning violations have been recorded for the property. There is a Health Department construction permit on file approving a maximum of four (4) occupants for the dwelling. Warren County Assessment data lists two (2) bedrooms in the dwelling. It is an odd, shaped lot. Existing woodlands partially screen the dwelling on all sides. There is sufficient parking for at least four vehicles in the driveway. Comments have been received from the Property Owners of Shenandoah Farms stating they have no objections to this request. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 152' to the northwest.

Mr. Lenz reported the Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors.

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 maximum number of occupants shall not exceed four as determined according to the Health Department permit for a two-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.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

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

Citizen Rebuttal:

Darryl Noakes, 454 Joans Quadrangle Rd. Front Royal

Mr. Noakes is not opposed to people commercializing their property. He has lived there for over 20 years a couple of years ago a property across from him was zoned for the requested Air B&B and since then he has observed several things of concern. One is traffic, this property averages 5 vehicles a week traveling up and down the road, as a POSF member he has to pay a fee and is interested to know if they pay additional costs, or do they pay the same as the POSF members that live there? Open air fires 2nd issue with lots of trees and properties have lots of fuel on the ground. The 3rd issue is trespassing, where people say they are exploring the property. They want people to see the views, this is what the national parks are for. This is what he feels will affect his community. This would be the 2nd one if approved with in the same block. It will increase

accidents. He would like the committee to look at these concerns fairly and render their approval or disapproval which ever it may be.

Sebastian Clement, 190 Joans Quadrangle Rd. Front Royal

Mr. Clement is against rental properties in Shenandoah Farms. He said he is in a residential area not a resort. There is even a property flying under the radar. He is around a few other Short-Term Rentals and a lot of times since he lives at the end of Joans Quadrangle Rd. the tourists end up at his house lost. Mr. Clement believes there should be clear signs to the Short-Term Rental. Renters drive fast, destroying the roads, and putting kids in danger that are playing in the vicinity of the road. Shenandoah Farms is a community that has lakes and common properties. He said the property owners are required to have a sticker to use the common properties and the tourist do not have that sticker.

James Jenkins, 175 Huckfinn Dr. Lot 695 Front Royal

Mr. Jenkins is against Air B&Bs in residential areas due to the infrastructure of the extra traffic. There is only one way in and one way out. The renters drive like maniacs and are not abiding by the speed limit. He does not like the idea and did not buy property up there for it to be ran like a resort.

Doris Harrington, 517 Joan Quadrangle Rd. Front Royal

Ms. Harrington is not happy with the traffic that has increased immensely since the other Air B&B's have begun in the same area. Strangers walking all hours of the night, they drive to fast, and she doesn't like that it is feeling like a resort area.

Laura Simpson, 530 Joan Quadrangle Rd. Front Royal

Ms. Simpson said she would like to ask Chase about the management plan. She said the applicant does not live in the area so she would like to know more about her plan and if she has a plan. Ms. Simpson asks that the plan be available to everyone. She feels this community was not built for this kind of business. If there is not a manager in the local area, she said that would be a big problem for her.

Mr. Myers stated according to the Virginia General Assembly these are not businesses. Short Term Tourist Rentals are a version of Long-Term Tourist Rentals. In reference to Ms. Simpson.

Mr. Henry stated he hadn't considered the common properties in the subdivision. Should they reap the benefits of a property owner?

Mr. Wendling stated Shenandoah Farms operates a little differently a P.O.S.F. monitors and maintains the areas. We have not had the question come up as to where the guests

of the property owners stand regarding the Short-Term Tourist Rentals. Typically, it is specific as to what a property owner can or can't do on the property. It would be up to the P.O.S.F. to enforce the rules.

Mrs. Jordan stated the P.O.S.F. requires a decal. She does not know if it has changed but you used to have to require proof that you were a POSF member.

Mr. Henry stated he asked if they could call a Sherriff or a P.O.S.F. member to report guests on the property or does it go to the P.O.A. first?

Mrs. Jordan stated she thinks it has too solely be monitored by the P.O.S.F. from a County perspective the County will not interfere.

Mr. Henry questioned if it is in a Sanitary district? He is hearing a lot of complaints about the roads.

Mr. Wendling stated yes.

Mr. Henry stated that maybe Mr. Coffelt should be made aware of the road conditions through their POA. Based on VDOT and other surveys it produces less traffic than a full-time person. A Short-Term Rental will not be rented 365 days, so it is producing less traffic. He asked if we are doing something to protect the boundaries?

Mr. Wendling stated it is a supplemental requirement. Before the Certificate of Use we require pictures of the boundaries. Now that we have a Zoning Officer, we will be able to visit the property.

Mr. Henry stated Common Properties should be done through the P.O.A. Maybe open-air fires should be a supplemental condition in mountain subdivisions like we did ATV's and the discharge of guns.

Mr. Kersjes stated all open-air fires should be a supplemental conditional with Short-Term Rentals.

Mr. Wendling stated since it is open-air fires is consistently coming up, maybe relook at the ordinances in the near future so it wouldn't have to be a condition but for now it will have to be a condition.

Mr. Henry questioned if we change the supplemental section for the open-air fires will it cover the preexisting Short Term Tourist Rentals that are already out there?

Mrs. Jordan stated that she will have to look into that she doesn't think they are retroactive but not 100% sure.

Mr. Wendling stated we could make the previous owners aware of this upon the review of the Conditional Use Permit and maybe suggest to them that for liability, public safety, and community safety we will reevaluate that if they are not required to do it.

Mr. Henry questioned is the signage in our supplemental regulations?

Mr. Wendling stated that it is not in the supplemental regulations; we have it as case by case. Chase and himself recommend that if the location of the property is not in a well-lit area to use a solar light or something as that sort to show where the property is from the road.

Mr. Henry questioned has the county received any official complaints on the Short-Term Tourist Rentals? He was asking because of the talk tonight on the complaints of having them in their community.

Mr. Lenz stated we received one concern, not for sure which application it was either Browntown or Bentonville. The issue was that the renter parked in the road. They addressed the property manager and addressed there was not a rule about parking in the road, they updated the property plan to include that rule.

Mr. Henry questioned nothing in this particular area?

Mr. Lenz stated no.

Mr. Henry stated the way Short-Term Tourist Rentals work, is that if they do not abide by rules, they could lose their privilege to have a Short-Term Tourist Rental. If they can't find the property or are wondering on others property, the Sheriff's office and Zoning need to be made aware of it. If the Owner does not comply it can be taken away.

Mr. Wendling suggested to notify the P.O.S.F. it is anonymous and if they do not comply, we can bring the owner before the Board.

Mr. Myers mentioned if you know of someone that is flying under the radar with one of these please have a conversation with Planning and Zoning and we will get them above the radar.

Mr. Kersjes questioned has the 2 open permits, gas and electric been satisfied yet? Will someone from Building Inspections be going out to review the property?

Mr. Lenz stated there will not be a Zoning review for gas or electric. The two open permits will need to go for review and will have to be closed out before his final. All issues have to be corrected before the change of use can be issued and the permit closed out.

Mr. Henry stated that with the updated conditions he can go ahead and approve this, we have to add the open-air fire.

Mr. Lenz questioned a couple of months ago we added this open use of fire and included the use of fireworks, do you think this is something that should be restricted as well?

The Planning Commission responded in unison absolutely, yes.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 3-0, the Planning Commission forwarded the conditional use permit application of Yulia Svetlichnaya for a Short-Term Tourist Rental with conditions as recommended by staff and the condition of no open-air fire or fireworks. Mr. Wendling will add that the decals and use of the common areas be brought to the attention of the P.O.S.F. and will add that going forward to all of the Shenandoah Farms properties.

Ayes: Henry, Kersjes, Myers

CUP2022-06-03 – Thomas Cho – A request for a conditional use permit for a short-term tourist rental. The property is located at 4359 Remount Rd. and identified on tax map 39F, section 1, lot 7A. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Lenz stated the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in March of 2022. The applicant would like to make the property available for short-term visitations for guests of the Shenandoah National Park and Warren County area when he is not hosting his out-of-state family. He plans to manage the property personally. This property is located in the Bear Hollow Ridge Subdivision, it is not in a H.O.A. or P.O.A, adjacent properties are zoned Agricultural to the north, south, and east and Residential-One to the west. This property has not had any previous Conditional Use Permits issued for uses in the Agricultural zoning district. The dwelling was constructed in 1990 and no zoning violations have been recorded for the property.

Mr. Lenz stated that there is a Health Department operation permit on file approving a maximum of six (6) occupants for the dwelling. Warren County Assessment data lists four (4) bedrooms in the dwelling. There is sufficient parking for at least six vehicles in the driveway. Existing woodlands partially screen the dwelling on all sides. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 115' to the southeast.

Mr. Lenz stated the Planning Staff is recommending the following conditions be added to this conditional use permit to the Board of Supervisors.

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 maximum number of occupants shall not exceed six as determined according to the Health Department operation 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.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Mr. Myers asked Mr. Cho if he would like to come forward?

The Applicant spoke:

Thomas Cho

He plans on managing the property himself.

Mr. Myers opened the public hearing. There being no comments from the public, Mr. Myers closed the public hearing.

Rebuttal:

Thomas Cho

Addressed concerns that were brought up- the driveway is going to get paved, and he is extending the parking to 6 parking spots from 5, he will be displaying 2 signs to his property from Remount Road, and he is going to have a sign to his property since he shares a driveway with his neighbor.

Mr. Kersjes asked where is his permanent address?

Mr. Cho replied, he lives in Reston

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 3-0 the Planning Commission forwarded the conditional use permit application of Thomas Cho for a Short-Term Tourist Rental with conditions as recommended by staff and no open-air fires or fireworks.

Ayes: Henry, Kersjes, Myers

CUP2022-06-04 –Andrew Sickle – A request for a conditional use permit for a short-term tourist rental. The property is located at 298 World’s End Lane and identified on tax map 23A, section 1, block 2, lot 51A. The property is Residential One (R-1) and located in the Happy Creek Magisterial District.

Mr. Lenz stated the applicant is requesting a conditional use permit for a short-term tourist rental for the property his partner purchased in April of 2022. The applicant and his management partners would like to make the property available for short-term visitations for guests seeking a quiet escape while exploring the Shenandoah National Park, local wineries, and all the Warren County area has to offer. The applicant and his management partners plan to manage the property with assistance from local professional services for cleaning, maintenance, and garbage removal. This property is located in the Skyland Estates Subdivision and is Residential-One and has vacant woodlands on all sides except for the South that has a single-family dwelling.

Mr. Lenz stated this property has not had any previous Conditional Use Permits issued for uses in the Residential-One zoning district. The dwelling was constructed in 1991 and no zoning violations have been recorded for the property. There is a Health Department operation permit on file approving a maximum of six (6) occupants for the dwelling. Warren County Assessment data lists three (3) bedrooms in the dwelling. There is sufficient parking for at least three vehicles in the driveway. Existing woodlands partially screen the dwelling from the rear and side property boundaries.

Mr. Lenz received a letter from a neighbor that is not in support of this conditional use permit. Two months ago, there were two Short-Term Tourist Rental applications in the Skyland Estates Subdivision and The Planning Commission added no fireworks or open-air fires. He can add it to this application as well.

Mr. Lenz stated the Planning Staff is recommending the following conditions be added to this conditional use permit to the Board of Supervisors.

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 maximum number of occupants shall not exceed six as determined according to the Health Department operation 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.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Mr. Myers asked Mr. Sickle if there is anything he wanted to add?

Charlie Steiniger 298 Worlds End Ln. Linden

Mr. Steiniger is the owner of the property and brought with him the property managers with him Andrew Sickle and Jim Zang. He said tried to do all of his research when he purchased this property. He checked with Chase and the sanitary district to make sure they were within the county guide lines. They had told him there were no restrictive covenants with Short-Term Rentals, so he was a little surprised to they submitted a letter. He is happy to address any concerns during the rebuttal.

Mr. Myers opened the public hearing.

Chester Kreitzer 129 Worlds End Ln. Linden

Mr. Kreitzer spoke about two of his concerns. One with the out-of-town traffic and the visitors not being familiar with the roads, due to the children in the community playing by the roads or out for a walk. Open-air fires are another big concern of his being that the Fire Departments are far away, and it will take a little while for them to get help if there was a fire.

James Thur 197 Words End Ln., Linden

Mr. Thur spoke about his concerns. He touched on the unfamiliar traffic with tight widths of the road and dense vegetation that makes it hard maneuver. There are some driveways

with blind spots/on curves that one needs to be careful with. He is also concerned for the children neighborhood that are out playing and may not be seen. Lastly, he is concerned for the wildlife and would not like to see them getting injured. He suggested the applicant maybe install a couple of signs saying, "children at play "and a speed bump as well as adding that he would like to see no open-fires or fireworks. Mr. Thur said he would have liked to have seen a management plan before the day of the Board meeting.

Don Broadway 57 Pepper Ct., Linden

Mr. Broadway stated that he is on the Sanitary District Board of Directors. He stated his concerns were that in the past they have made a set of guidelines and recommendations to the Board of Supervisors then after the fact the temporary use permits were granted. His question was what was the purpose of the Sanitary District going through the motions of coming up with a plan of recommendations then considering individual applicants, making recommendations to the Board of Supervisors and it apparently not being considered? He spoke about a brand-new house that was built on a .5-acre lot, Warren County Zoning requirements for R-1 require a house be built on 1 acre. Then the house was brought up for a Short-Term Rental. The Sanitary District had come together to decline it but then it was granted. Mr. Broadway asked the Board to please answer is question.

Mr. Myers opened the public hearing. There being no other comments from the public, Mr. Myers closed the public hearing.

Rebuttal:

Charlie Steiniger 298 Worlds End Ln. Linden

Mr. Steiniger said he understands the traffic concerns and would be happy to add the signs about the kids. They will be adamant about the speed limit and kids, they will make the renters aware. He also wanted to add he has never been given the Sanitary District rules.

Mr. Myer stated it is in the Skyland Estates Subdivision and the concerns of the roads should be brought to the attention of P.O.A. this is not something the Planning Commission Board can control.

Mr. Henry stated if the owner chooses to do the signs, the signs will need to be approved by Skyland Estates. We can not make it a condition because it is between the P.O.A. and the owner.

Mr. Wendling suggested maybe the owner could put the sign on their property aside of the road. The sign would have to be approved by Skyland Estates for it to be in the road as well as speed bumps. He doesn't think Fire and Rescue like to have them in the road because of the damage they cause but it could be looked at.

Mr. Myers mentioned speed bumps also change the way water flows and where the drainage is and cause erosion. Some property owners may not want the sign in front of their yard but putting it in the property management plan he likes.

Mr. Henry stated some are interested to see the management plan and suggests maybe it be completed before it gets to the Commission Planning meeting so they can review it ahead of time, at least the bulk of the plan.

Mr. Lenz stated we would need to revise the supplementary regulations. That is where it specifically says the property management plan must be approved prior to the certificate of zoning being issued. It would need to be amended to change that time frame prior to the public hearing. Possibly we could change it to be added with the initial application process.

Mr. Wendling stated that we send them templates at the time of the application for them to work on and most of the time the applicant has it done at the initial application time.

Mr. Lenz stated Mr. Sickie did include his property management plan and the Board should have it with their packet.

Mr. Wendling stated this is public information so citizens can request this information and we would be glad to provide them with a digital copy if they would like to see or they can come to the office and review it.

Mr. Kersjes stated the management plan does not include the roads or the driving up and down and the kids to watch out for. The plans talk about the house rules.

Mr. Wendling stated we have had a few valid concerns about roads in the past and the property owners added it to the PMP they had.

The Planning Commission Board agreed that they would like to see it added.

Mr. Henry stated there are positives to having these rentals if the rules are followed. If they are not followed, we need to be made aware of it. If it is not reported, we will never know about it.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 3-0, the Planning Commission forwarded the conditional use permit application of Andrew Sickie for a Short-Term Tourist Rental with conditions as recommended by staff and no open-air burning or fireworks.

Ayes: Henry, Kersjes, Myers

CUP2022-06-05 – Jennifer Harp – A request for a conditional use permit for a short-term tourist rental. The property is located at 608 Venus Branch Rd. and identified on tax map 15E, section 4, block 4 lot 123A. The property is zoned Residential One (R-1) and located in the Shenandoah Magisterial District.

Mr. Wendling stated the applicant is requesting a conditional use permit for a short-term tourist rental for the property she purchased in May of 2022. The applicant would like to make the property available for short-term visitations for guests seeking to enjoy all the Warren County area has to offer when her family is not enjoying the property themselves. She plans to manage the property personally with assistance from local professional services for cleaning, maintenance, and garbage removal. She has experience with long-term and short-term tourist rentals.

Mr. Wendling stated that this property has not had any previous Conditional Use Permits issued for uses in the Residential- One zoning district. The dwelling was constructed in 2012 and no zoning violations have been recorded for the property. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department, however, the maximum number of occupants shall not exceed 10. Maximum approved occupancy will be confirmed upon receipt of comments from the Health Department. Documentation has been provided by the applicant requesting a maximum of six (6) occupants. Warren County Assessment data lists four (4) bedrooms in the dwelling. There shall be a minimum of 100' from the short-term tourist rental to all neighboring residences. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 177' to the northwest.

Mr. Wendling stated the Planning Staff is recommending the following conditions be added to this conditional use permit to the Board of Supervisors.

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 maximum number of occupants shall not exceed the system capacity as determined by the Health Department permit per Warren County Code § 180-56.4B. The Certificate of Zoning shall only be issued with approved Health Department records.

3. The applicants shall have the well water tested annually for a- 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.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Mr. Myers asked Mrs. Harp if she would like to speak?

Craig Fitzpatrick (husband of Jennifer Harp) 608 Venus Branch Rd., Front Royal

They bought the house to spend time at the house and need it as a second income. They welcome any comments anyone may have.

Mr. Myers opened the public hearing. There being no comments from the public, Mr. Myers closed the public hearing.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 3-0, the Planning Commission forwarded the conditional use permit application of Jennifer Harp for a Short-Term Tourist Rental with conditions as recommended by staff with the condition for no open-air fires or fireworks.

Ayes: Henry, Kersjes, Myers

CUP2022-06-06 – Lyndsey DePalma & Amanda Shipe – A request for a conditional use permit for a short-term tourist rental. The property is located at 1945 Panhandle Rd. and identified on tax map 35, lot 8. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Lenz stated the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in April of 2022. The applicants would like to share the natural beauty of the Warren County area by making the property available for short-term visitations for guests when they are not enjoying the property themselves. The applicants will manage the property personally. The property is not in a subdivision

and is zoned Agricultural with all sides of the property surrounded by the George Washington National Forest.

Mr. Lenz stated This property has not had any previous Conditional Use Permits issued for uses in the Agricultural zoning district. The dwelling was constructed in 2001 and no zoning violations have been recorded for the property. There is a Health Department construction permit on file approving a maximum of six (6) occupants for the dwelling. Warren County Assessment data lists three (3) bedrooms in the dwelling. There is sufficient parking for at least five vehicles in the driveway. Existing woodlands fully screen the dwelling on all sides. The subject property is not located in a subdivision governed by an HOA/POA. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 1500' to the southeast. The property is surrounded by the George Washington National Forest.

Mr. Lenz stated the Planning Staff is recommend the following conditions be added to this conditional use permit to the Board of Supervisors.

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 maximum number of occupants shall not exceed six as determined according to the Health Department 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.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and on the state, road shall be prohibited.

Mr. Myers asked Ms. Shipe if she would like to add anything?

Amanda Shipe 1945 Panhandle Rd. Bentonville.

Ms. Shipe bought the property with her sister for nephews to enjoy and to earn supplemental income. She has 20 years' experience with long-term and short-term rentals in Washington, DC, is super host on Air B&B and has a 4.98 rating. She does know how to screen guests and how to have a successful experience. She will include in her requirements for her guests no open-air fires or fireworks.

Mr. Myers opened the public hearing. There being no comments from the public, Mr. Myers closed the public hearing.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 3-0, the Planning Commission forwarded the conditional use permit application of Lyndsey DePalma & Amanda Shipe for a Short-Term Tourist Rental with conditions as recommended by staff adding no open-air fires or fireworks.

Ayes: Henry, Kersjes, Myers

CUP2022-06-07 - John Clarke - A request for a conditional use permit for a short-term tourist rental. The property is located at 938 Fetchett Rd. and identified on tax map 44, lot 35B. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Lenz stated the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in August of 2021. The applicant would like to share the beauty of the Shenandoah Valley and offset costs related to the property by making the property available for short-term visitations for guests when he and his family are not enjoying the property themselves. The owner will manage the property personally with assistance from a nearby experienced professional property manager. The property is not located in a subdivision. It is zoned Agricultural with a vacant lot to the north and west with a single-family dwelling to the south and east.

Mr. Lenz stated this property has not had any previous Conditional Use Permits issued for uses in the Agricultural zoning district. The dwelling was constructed in 2006 and no zoning violations have been recorded for the property. There is a Health Department operation permit on file approving a maximum of six (6) occupants for the dwelling. Warren County Assessment data lists three (3) bedrooms in the dwelling. There is sufficient parking for at least two vehicles in the driveway. The subject property is not located in a subdivision governed by an HOA/POA. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 400' to the southeast.

Mr. Lenz stated the Planning Staff is recommending the following conditions be added to this conditional use permit to the Board of Supervisors.

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 maximum number of occupants shall not exceed six as determined according to the Health Department operation 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.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and on the state, road shall be prohibited.

Mr. Myers asked Catalina if she would like to add anything?

Catalina Fries (Mr. Clarke's wife) 938 Fetchett Rd, Front Royal

This will be a family vacation home and apply for a short-term rental to supplement their income to offset expenses while out of town. They have a detailed rental plan and have hired a local experienced property team. They will have no fires and no loud noise listed in the property plans to not impact the neighbors.

Mr. Myers opened the public hearing. There being no comments from the public, Mr. Myers closed the public hearing.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 3-0, the Planning Commission forwarded the conditional use permit application of John Clark for a Short-Term Tourist Rental with conditions as recommended by staff and adding the conditions of no open-air fires or fireworks.

Ayes: Henry, Kersjes, Myers

CUP2022-06-08 - Royal Oak Estates, LLC - Larry Himelright - A request for a conditional use permit for a cluster housing development, meeting the standards of § 180-40.5, with seven or more lots, not, to exceed 10, for single-family dwellings. The properties are located at 0 Reliance Rd and identified on tax map 11, as lots 8E, 12, 13 and 14. The property is zoned Agricultural (A) and located in the North River Magisterial District.

Mr. Wendling stated the applicants are requesting a conditional use permit for a short-term tourist rental. 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 7 lots greater than ten acres in size and an open space lot of 64.616 acres. 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 forestall uses. Such perpetual easement shall be deeded to Warren County and shall prevent future development of the property for other than nonstructural agricultural and forestall uses. These numbers are 60% = 110.16 acres in open space and 40% = 73.44 acres in development.

Mr. Wendling stated before each Certificate of Occupancy is issued for each of the 47 dwellings as part of the Cluster Housing Development by CUP and additional ten acre lots, the sum of \$2,986.00 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 at the time the building permits are issued. This amount was spread out across the whole subdivision versus charging each lot which would have been a little over \$8,000.00 per lot. We have requested to provide sidewalk connections along roadways containing dwellings including pedestrian crossings at all intersections. The Developer shall comply with all Warren County Health Department regulations and requirements set forth in letter dated, June 27, 2022. The Developer shall provide storm water management per the regulations of the Commonwealth of Virginia and Warren County. 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. No structures shall be placed within the "Agricultural & Forest Easement" boundaries. These easements are reserved for nonstructural agricultural, and forest uses only. This property has not had any previous conditional use permits issued for uses in the Agricultural zoning district. However, there was a similar application submitted in 2007 and 2021 and each were withdrawn prior to the Planning Commission public hearing. VDOT did

request a site visit. A detailed traffic analysis profile should be submitted for review and approval prior to the subdivision. We have not received that.

Mr. Myers asked Mr. Himelright if had anything to add?

Larry Himelright 296 Red Bud Rd., Front Royal

Mr. Himelright gave an extensive explanation of the subdivision plan. He described the lay out of the property, how the lots are being separated, and that he will not be the developer for this property he will be selling it.

Mr. Myers opened the public hearing.

Bonnie Schneider 2543 Reliance Road, Front Royal

Ms. Schneider's lives adjacent to the property. She is concerned about the traffic that will be created by the development of this subdivision. The narrow roads on Reliance Rd., her other concern is that the wildlife will be ran out of the area.

Joyce Dunlap 2484 Reliance Road, Front Royal

Ms. Dunlap lives adjacent to the property and has a few concerns one being the heavy traffic volume the houses will create. Another concern is the water usage, they live off well water and she is afraid they may be with out water after all 40 homes are put in due to the blasting. Losing the wildlife in the agriculture area is another concern of hers.

Rebuttal:

Larry Himelright 296 Red Bud Rd., Front Royal

He said there is adequate water in the area to support the houses, he can't do anything about the traffic and does not feel Reliance is an unsafe road.

Mr. Henry stated it is not going to stay Agriculture forever, it can't be zoned Industrial, and in the future, it will be developed. He asked how many 1 Acre lots can this make?

Mr. Wendling stated 40 one acre lots with the conditional use permit, 24 with out the conditional use permit by-right.

Mr. Henry stated the remainder is the conservations easement?

Mr. Wendling stated yes, and it applies to both the conditional use permit and the by-right permit.

Mr. Henry stated he doesn't like it dense and said he assumes it is because of the typography?

Mr. Wendling-the development of the property is different from what the previous applicant had presented. Mr. Himelright allows the flow of the property and the drainage to go to the open space areas and spoke about the vegetation. Mr. Wendling gave the board an updated drawing.

Mr. Kersjes stated he has no problem with it, compared it to Jackson's Chase density, and likes the buffer ideas with the ravines and great for tree preservation.

Mr. Wendling stated that Jackson's Chase is Residential-One (R-1) they have a package well system and sewage treatment plant in comparison to the cluster subdivision. He did mention the concern by the citizens about the traffic and mentioned again that VDOT did request a detailed site plan and a traffic profile should be submitted for review and approval prior to the subdivision. We have not received that.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 3-0, the Planning Commission forwarded the conditional use permit application of Royal Oak Estates, LLC - Larry Himelright for a cluster housing development with conditions as recommended by staff.

Ayes: Henry, Kersjes, Myers

Mr. Kersjes requested a 5-minute break.

Mr. Myers reconvened.

Z2022-06-01 - Cole & Danielle Haase - An Ordinance to amend sections 180-8 Definitions and 180- 43 for supplemental regulations for Commercial Outdoor Recreational Operation.

Mr. Wendling stated the applicants are requesting a text amendment to allow for an indoor facility accessory to a Commercial Outdoor Recreation Operation. Commercial Outdoor Recreation Operation is a use currently allowed by conditional use permit in the Agricultural, Rural Residential, and Commercial zoning districts; however, the current definition of Commercial Outdoor Recreation Operation from the Zoning Ordinance does not allow for an indoor component to the use. The proposed amendments would allow for an indoor recreation component to be included as an accessory use to an outdoor recreation operation, provided that the indoor activity is the same use as the outdoor activity and the indoor facility does not exceed a cumulative 10,000 square feet in size.

Mr. Wendling read the current definition of Commercial Outdoor Recreation Operation use;

COMMERCIAL OUTDOOR RECREATION OPERATION

A private, fee-supported, outdoor activity using or not using tangible facilities, involving, or not involving athletic training, mastered skills, innate or acquired talents, requiring, or not requiring athletic or recreational supervision. An indoor recreation component may be included as an accessory use to the outdoor recreation operation, provided that the indoor activity is the same use as the outdoor activity and the indoor facility does not exceed a cumulative 10,000 square feet in size. This use shall meet the supplemental regulations in Section 180-43.

Mr. Myers asked if the applicants would like to state anything?

Mr. Henry stated this is not for the Special Use Permit this is to clean up an ordinance.

Mr. Wendling stated Mr. and Mrs. Haase that we change the use in the text amendment and added additional language to include what they are requesting.

Mr. Myers opened the public hearing. There being no comments from the public, Mr. Myers closed the public hearing.

Mr. Kersjes questioned why haven't they tied the size of the building to the total acreage?

Mr. Wendling stated we would address it as the size of the building rather than the total acreage, it was rounded up to the 10,000 sq ft., all buildings are on one property and the larger lot is only vacant property. The Haase's have spoken about maybe consolidating both lots.

Mr. Kersjes questioned the language?

Mr. Wendling stated there is a sliding scale for Agriculture use. We do not have an exempt sizing for Agricultural use. We are looking at limiting the size of the building to no greater than 10,000 sq feet regardless of the size of the lot. The Agricultural district is limited to 2 acres, limited to the outdoor recreation structure.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 3-0, the Planning Commission forwarded the ordinance of Cole & Danielle Haase for a Commercial Outdoor Recreation Operation with conditions as recommended by staff.

Ayes: Henry, Kersjes, Myers

CUP2022-06-09 – Cole & Danielle Haase – A request for a conditional use permit for a Commercial Outdoor Recreational Operation. The properties are located at 19959 Fort

Valley Rd. and identified on tax map 10, lot 110 and tax map 9, lot 36A2. The properties are zoned Agricultural (A) and located in the Fork Magisterial District.

Mr. Wendling stated the applicants are requesting a conditional use permit for a Commercial Outdoor Recreation Operation, which would consist of a softball/baseball complex. The applicant's purchased this property in April 2022 to turn the property into a sports and events center. The property is the former site of the Church of Waterlick. It houses the church building, as well as a 7,500 square foot accessory building and another smaller accessory building. Their plan is to use the property for baseball and softball little league, travel leagues and personalized instruction opportunities for youth. They have broken their vision into three phases, explained in their statement of justification. They immediately plan to install two outdoor batting cages for teams and instructors to use. They plan to outfit the 7,500 square foot accessory building into turf with three batting cages and approximately a 30'X100' fielding and throwing practice area for availability during inclement weather and during the winter season. They would like to build two little league size regulation softball fields with 200' fences, dugouts, and bleacher seating within 5-10 years. They also plan to serve snack type foods during open hours for both the indoor and outdoor facilities. They plan to use porta-potties. This application has been sent to the Health Department and Building Inspections for their review. There were some structural building issues that were identified. They would like to operate Monday through Friday from 3:30pm-9:00pm and Saturdays from 9:00am – 6:00pm.

Mr. Wendling stated for Phase 2 they want to create infield areas for practice adjacent to the outdoor batting fields not the full-blown baseball fields. At some point they do plan to build a house on the back of the property.

Mr. Wendling stated the Planning Staff is recommend the following conditions be added to this conditional use permit to the Board of Supervisors.

1. The applicant shall comply with all Virginia Department of Transportation (VDOT), Warren County Building Inspections, Warren County Emergency Medical Services, Warren County Health Department, and applicable 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 batting cages, seating areas, outdoor "infield" practice area 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. The hours of operation Monday thru Friday shall be 3:30PM to 9:00PM and Saturday 9:00AM to 6:00PM, the operation shall be closed on Sunday.

6. The maximum number of occupants at any one time shall not exceed an amount as determined by the Warren County Health Department.

7. The applicants shall have the well/drinking water tested annually for lead contamination and a copy of the results shall be submitted to the Planning Departments. (Should add E. coli and Coliform)

8. Phase 3 of the operation which includes the installation of two little league size recreational fields shall not be included as part of this conditional use application but will require a modification to the permit with a public hearing with the Board of Supervisors at least one year after the applicants have completed and are operating Phases 1 and 2 of the operation. This was added because the closest heavy traveled road is Strasburg Road and Fort Valley Road. They are on our smart scale project with VDOT and have applied for improvements on that. Hopefully that will be in place and help the supervisors to make a decision on that added amount of traffic having 2 full ball fields. It can be 5-10 years, but it could come back to the board and be reevaluated later.

Mr. Myers asked if the applicants if they have anything to add?

Cole Haase 220 Cedar Spring Drive, Strasburg

His family is big community supporters, they have participated in playing ball along with their kids that are now in Little League Softball and were both on the board. The first thing would be to have an infield for a practice facility to start. They feel the community needs this for the kids they do not have a lot of options as to where to practice.

Mr. Myers opened the public hearing.

Patty Sims 19340 Fort Valley Road, Strasburg

She expressed her concerns over the traffic that will increase, and she feels the road is inadequate due to the narrow roads and hills with a lot of current traffic. She expressed

concerns over the litter and noise as well and disturbing the farming area and wildlife in the residential/agricultural area.

Sue Russell 26 Messick Road, Strasburg

She expressed she feels the property value of her home will decrease; the wildlife will decrease. There are drainage issues that need to be addressed. Concerned about security of herself. She doesn't want to have a baseball field in her yard or hear the noise.

Susie Poe 139 Passage Manor Road, Strasburg

Her concern is the traffic that will come in with the narrow roads. She does not want to look at baseball fields across from her house and feels there has to be a better use for this property. She would not like to see the community start spot zoning commercial in her community.

Maryann Pennell 19252 Fort Valley Road, Strasburg

Her concern is that she is in a farm area and does not feel a commercial facility should be in her community. It will create loud noise and disturb the animals and crops. She had stated concerns about the traffic and speeding.

Rebuttal:

Cole Haase 220 Cedar Spring Drive, Strasburg

It will be a phased approach the noise with microphones wouldn't be until the decide to put in fields. At this point they are all wanting a practice facility. When the church had it, they used it for church, revivals, and concerts. They really want this for the kids to have a place to practice.

Mr. Henry stated most is zoned Agricultural but has a residential feel. It is completely commercial, and it will attract the most traffic in the evenings. He is not against the idea of having a ball field or against anything for the kids but can-not support the idea of changing the zoning to commercial in a residential agricultural area.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 3-0, the Planning Commission forwarded the conditional use permit to the Board to deny the application of Cole & Danielle Haase for a Commercial Outdoor Recreational Operation.

Mr. Henry stated his concern of having the Recreational Operation is due to the noise and traffic concerns it will create.

Ayes: Henry, Kersjes, Myers

CUP2022-06-10 – Shahi Food Group - A request for a conditional use permit for a facility for Food Processing. The property is located at 426 Baugh Dr. and identified on tax map

5C as lot 5. The property is zoned Industrial (I) and located in the North River Magisterial District.

Mr. Wendling stated the applicant is requesting a conditional use permit for a food processing facility. Shahi Foods LLC Group, a specialty ice cream bar producer with a distribution network in 20 states, including New York, New Jersey, Texas, Ohio, and Virginia. Shahi projects \$7 million capital investment and a 5-year employment projection of 100 individuals. They are currently going through a 60-day study period with the EDA and have requested the conditional use permit to have land-use approval by the time they close on the property. They project to begin manufacturing operations at the Baugh Drive site in the late fall of 2022

Mr. Wendling stated this property had any previous Conditional Use Permits (2007-01-01) issued for a trade show exhibit manufacturing facility within the Industrial zoning district. The former CUP has since expired. The 76,800 square feet office and production building was constructed in 2008 and the property does not have a record of any previous zoning violations. The property was leased to SYSCO for storage and that lease recently expired.

Mr. Wendling stated the Planning Staff is recommend the following conditions be added to this conditional use permit to the Board of Supervisors.

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. All associated materials shall be stored inside the building.
3. The applicants shall prohibit overnight parking of trucks along Baugh Drive.
4. Southbound truck traffic should be directed to utilize Baugh Drive (RT 702) to Toray Drive (RT 720) to access Winchester Road (RT 340/522) to reduce the traffic on Fairground Road (RT 661).
5. Property shall be maintained in accordance with the original approved site plan. Any modifications shall require a review of the site plan by the Warren County Planning Department.
6. All outdoor lighting fixtures shall be full-cutoff (shielded) fixtures as required by the Warren County Zoning Ordinance.

Mr. Myers opened the public hearing. There being no comments from the public, Mr. Myers closed the public hearing.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 3-0, the Planning Commission forwarded the conditional use permit application of Shahi Food Group for Food Processing with conditions as recommended by staff.

Ayes: Henry, Kersjes, Myers

Consent Agenda – Authorization to Advertise for Public Hearing

A. CUP2022-07-01 – Michelle Moriarty – A request for a conditional use permit for a short-term tourist rental. The property is located at 96 Cappy Rd. and identified on tax map 23C, section 2, block 2, lot 29. The property is zoned Residential One (R-1) and located in the Happy Creek Magisterial District.

B. CUP2022-07-02 – Michael Merrill – A request for a conditional use permit for a short-term tourist rental. The property is located at 319 Rocky Mount Rd. and identified on tax map 24A, section 28B, lot 344. The property is zoned Residential One (R-1) and located in the Shenandoah Magisterial District.

C. CUP2022-07-03 – Kendra Hansen, Kathryn Stuart, Simon Sarver & Michael Cherubin– A request for a conditional use permit for a short-term tourist rental. The property is located at 97 River Overlook Rd. and identified on tax map 15H, section 1, lot 23A. The property is zoned Residential One (R-1) and located in the Shenandoah Magisterial District.

D. CUP2022-07-04 –CAZA Legacy LLC – A request for a conditional use permit for a short-term tourist rental. The property is located at 241 Wildcat Dr. and identified on tax map 22A, section 2, block 2, lot 33. The property is Residential One (R-1) and located in the Shenandoah Magisterial District.

E. CUP2022-07-05 – Matthew Williams & Jay Gilbert – A request for a conditional use permit for a short-term tourist rental. The property is located at 244 Delicious Rd. and identified on tax map 22B, block S, lot 42. The property is zoned Residential One (R-1) and located in the Happy Creek Magisterial District.

F. CUP2022-07-06 – Matthew Williams & Jay Gilbert – A request for a conditional use permit for a short-term tourist rental. The property is located 115 Lonesome Flats Rd. and identified on tax map 19, lot 43. The property is zoned Agricultural (A) and located in the Fork Magisterial District.

G. CUP2022-07-07 – Thomas L. Pigeon – A request for a conditional use permit for a short-term tourist rental. The property is located at 540 Lakeside Dr. and identified on tax map 27H, section 1, block 1, lot 25. The property is zoned Residential One (R-1) and located in the Fork Magisterial District.

On a motion by Mr. Kersjes, seconded by Mr. Henry, and by the following vote of 3-0, the Planning Commission approved the Consent Agenda as presented:

Aye: Henry, Kersjes, Longo, Myers

New Business

SP2022-02-01 Terra Site Constructors LLC 6,000 sq. ft. Warehouse- A request for a waiver to the building and parking lot setbacks within the Highway Corridor Overlay District Code Section 180-29.1(F)2.A.1. The property is zoned Industrial (I) and identified on tax map 4, as parcel 43B. The property is located at 6986 Winchester Road.

Mr. Wendling stated attached is a site plan from Blackwell Engineering of Terra Site Constructors LLC, seeking the Planning Commission's approval for a waiver to the building and parking lot setbacks within the Highway Corridor Overlay District. The property is zoned Industrial (I) and identified on tax map 4, as parcel 43B. The property is located at 6986 Winchester Road. With this site plan request, the applicant is requesting a waiver to Warren County Code Section 180- 29.1 to allow a reduction in the front yard setback for the proposed building and parking lot located within the Highway Corridor Overlay District. The proposed building location at 89.5 feet, in lieu of the required 100 feet requires so a waiver for 10.5' is being requested. A portion of the front parking areas have been relocated to the west of the building but the parking lot setback to the front of the property on the Winchester Road is 36.5 feet which is 13.5' short of the required 50'. This has been caused due to the applicant dedicating 32.5' of right-of-way for the expansion of Route 340/522 and slope and drainage easement in compliance with the County's corridor transportation plan.

The zoning ordinance states that, "Reductions to required minimum yard depth may be granted by the Warren County Board of Supervisors and/or Planning Commission, as applicable during the by-right or conditional use permit approval process were on account of topographical, depth of lot, or other circumstances applicable to the subject property." Staff does not have any objections to this request due to the dedication of right-of way, re-location of parking, VDOT entrance and existing sit lay out. Our department is still waiting on site plan approval from some applicable agencies.

Mr. Kersjes questioned are there two entrances?

Mr. Wendling stated yes, one entrance is off Cabel Road that is a secondary access for the existing dwelling that one of the employees lives in. The new entrance is set back at 21 feet from the current right away to accommodate future expansion of the property and any buildings on it. It will allow VDOT to not have to tear up any entrance.

On Motion by Mr. Henry to approve the waiver requested for Terra-Site Constructors, seconded by Mr. Kersjes, and by the following vote of 3-0, the Planning Commission approved the motion as presented.

Aye: Henry, Kersjes, Myers

I. Commission Matters

- A. Planning Director- Comprehensive Plan Update: Mr. Wendling reported that he will request for Veronica to update the notes up to this point. We will look at a review of the short-term tourist rental supplemental regulation once we get head of the text amendments.

Short-Term Tourist Rental CUP process review- Mr. Wendling clarified it has been since 2014 that the CUP application was last reviewed and updated. He will research this and try to have it updated by September or October.

- B. Commission Members:

Mr. Myers suggested to Mr. Wendling maybe limiting the applicants time to speak, and not allow the applicant to questions and answers.

Mr. Kersjes stated he would like to see a standard management plan that would include the applicant to have local property manager listed on the application and have the local management information before coming before the board. Along with adding no fireworks, weapons, or open-air fire.

Mr. Henry stated concerned about a call he received from the hospital. They are closing the Infusion Center and a large portion of the Imaging Center is closing. If anyone knows anything about this, he would like to hear about it.

- C. Senior Assistant County Attorney: Mrs. Jordan had no report.

- D. Planning Department Staff: Mr. Lenz clarified with Mr. Kersjes that for item J. CUP Outdoor Recreation was a Nay, in June attended VAZO Training towards certified Zoning Administrator, mentioned that Chris Brock has joined us, and we now have a full team.

II. Motion for Adjournment

Mr. Myers adjourned the meeting at 10:30pm.