

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on September 14, 2022, at 7:00 PM.

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

Absent: Chase Lenz, Zoning Administrator

Adoption of Agenda:

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

Ayes: Henry, Kersjes, Myers, Richardson

Approval of Minutes:

On a motion by Mr. Kersjes, seconded by Mrs. Richardson, and by the following vote of 4-0, the Planning Commission approved the minutes from August 10th, 2022, as presented:

Ayes: Henry, Kersjes, Myers, 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, they will be timed, you will have 3 minutes? No one came forward, 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. Wendling stated a brief introduction; these requested amendments and additions are to update with the zoning ordinance and to assist the county to be more economically competitive and proactive. There has been discussion for these Data Centers on all levels of the county for a number of years especially during the Economic

Development Review session. The town is also proposing some similar language for that particular use.

Mr. Wendling stated they are also looking to amend our language to be consistent with our approach to this ever-growing industry. We are requesting the use as a By-right use. Light Industrial is a zoning district that we have no parcels in the county that are zoned Light Industrial. If a prospective developer came and wanted to rezone a parcel from Industrial to Light Industrial there would be a public hearing for that, and a process involved. We would request voluntary proffers specific to the use for that property. If it was in the Highway Corridor Overlay District and the buildings exceeded over 50,000 sq. ft. a conditional use permit would be needed for that and we would have another public hearing for the CUP. For by-right uses, if we have a developer come and they wanted to do one in an Industrial zoning district, by-right, the county code allows staff and outside agencies to review the site plan, but that site plan does also come back to the Planning Commission for approval. There is some oversight as to how and what you may want to see with that development.

Mr. Wendling stated as a Conditional Use option your placing conditions specific to the site and land use. The supplemental regulations that are being proposed can be applicable for wherever it would be built, whether it be Industrial or Light Industrial. The supplemental regulations can be waived by the Planning Commission or Board.

Chairman Myers stated when it was New Business, he made a statement that he was going to abstain as from discussion and vote since this is a conflict of interest. His employer does a lot of site work of data centers and still do, so for absolute clarity he will not participate in the vote.

Mr. Henry the Vice-Chairman assumed his duties and called for a discussion and motion, he asked the Planning Committee Members if they have anything to add? All replied no.

On a motion by Mrs. Richardson, seconded by Mr. Kersjes, and by the following vote of 3-0, the Planning Commission approved the Warren County Code (Zoning Ordinance) to add Light Industrial (LI) Zoning District to add the definition of 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 to the Board of Supervisors with the recommendation to approve the request with conditions as recommended by staff.

Staff note: the abstention by Mr. Myers is counted as an opposed vote.

Ayes: Henry, Kersjes, Richardson

Abstained: Chairman Myers

Public Hearings:

CUP2022-08-01 – Gillian Greenfield & Richard Butcher – A request for a conditional use permit for a short-term tourist rental. The property is located at 1164 Riverview Shores Dr. and identified on tax map 13C, section 4, block 4, lot 615 & 617. The property is zoned Residential One (R-1) and located in the Shenandoah Magisterial District.

Mr. Wendling stated that the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in November of 2021. The applicants would like to make the property available for short-term visitations for individuals visiting the Warren County area. Their business and residence in Winchester, VA, the applicants have years of experience operating several short-term tourist rentals in the Shenandoah Valley area. They plan on managing the property themselves with assistance from local professional services for trash disposal, cleaning, and maintenance.

Mr. Wendling stated the dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 155' to the southwest. It's located in the Shenandoah Shores subdivision. The Property Owners Association have not had any issues with this or previous initial applications.

Mr. Wendling reported 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 two as determined according to the Health Department permit for a one-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. Outdoor burning and use of fireworks by guests shall be prohibited.

Chairman Myers asked the applicants if there's anything they would like to add about the property before opening to the public? The applicants were in attendance. They stated no.

Chairman Myers opened the public hearing, he asked anyone wishing to speak for or against this matter come forward. No one came forward.

Chairman Myers closed the public hearing.

On a motion by Mr. Henry, seconded by Mrs. Richardson, and by the following vote of 4-0, the Planning Commission forwarded the conditional use permit application of Gillian Greenfield & Richard Butcher for a Short-Term Tourist Rental to the Board of Supervisors with the recommendation to approve the request with conditions as recommended by staff.

Ayes: Henry, Kersjes, Myers, Richardson

CUP2022-08-02 – Elizabeth A. Saman – A request for a conditional use permit for a short-term tourist rental. The property is located at 431 Cindys Way and identified on tax map 15F, section 1, block 7, lot 19. The property is zoned Residential One (R-1) and located in the Shenandoah Magisterial District.

Mr. Wendling stated the applicant purchased this property in 2016 and built her home in 2021 and has lived there since receiving the certificate of occupancy. Due to family health related situation, she is required to be in Northern Virginia for a good part of the week and in lieu of renting long- term for over thirty days has chosen to request that she be allowed to rent as a Short-term Tourist Rental for less than 30 days. The applicant is requesting a waiver to the setback requirement of 100' from dwelling to dwelling; the dwelling to the northeast is 85' which doesn't meet the required setback. The applicant will be contacting a lawncare to maintain the exterior of the property and she plans to be the primary property manager and will have an emergency contact in case she is not available.

Mr. Wendling stated the applicant has provided the Health Department records which allow for a 3 bedroom and 5- person occupancy for the dwelling. A request for comments has been sent to the WC Health Department to verify the septic system and occupancy approved for the dwelling based on their records review.

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 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 five (5) as determined according to the Health Department conditional permit 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. Outdoor burning and the use of fireworks by guests shall be prohibited.
8. *A waiver to the required setback of 100' to the adjacent property dwelling shall be granted for the existing 85' setback to the dwelling northeast of the subject property.

*** Waiver has been requested by the applicant.**

Chairman Myers asked the applicant if there was anything she would like to add about the property before opening to the public? The applicant was in attendance for the property. She stated no.

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

Jonathan Lopez, 433 Cindys Way Front Royal, VA 22630

Opposed due to the traffic, strangers, renters that cannot find the parcel they are looking for, disrupting his household at all hours of the night, and the parcel being within the 85 feet of his residence.

Tim Driscoll, 419 Cindys Way Front Royal, VA 22630

Opposed: stated due to traffic, strangers, renters that cannot find the parcel they are looking for and disrupting his household at all hours.

Patricia Kencke, 387 Cindys Way Front Royal, VA 22630

Opposed: stated due to renters that cannot find the parcel they are looking for and strangers coming to her door.

Gina Sanson, 419 Cindys Way Front Royal, VA 22630

Opposed: stated due to noise and traffic.

Polly Haines, 408 Cindys Way Front Royal, VA 22630

Opposed: stated due to the traffic, strangers, renters that cannot find the parcel they are looking for and pulling in her driveway.

Rebuttal:

Elizabeth Saman, 431 Cindys Way Front Royal, VA 22630

She has friends use the house on weekends and respects her neighbors and their wishes. She applied for the permit due to her father being ill and for economic purposes.

Mr. Wendling stated the supplemental regulations require that parking for the use shall be located in driveways or other designated and approved parking areas. It states that parking of vehicles is prohibited in or along all rights-of-ways and in yards. There is sufficient parking for two vehicles in the driveway. If moved forward the applicant will have to comply to that regulation. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked, at all times. The boundary lines shall be marked according to location shown on the survey. We would check them prior to issuing a Certificate of Zoning for a business license for this business.

Chairman Myers stated there are two types of rental situations short-term which is 30 days or less and long-term which is 30 days or more. If she wanted long-term 30 days or more, we would not be here tonight, it would be a by-right use.

Mr. Henry asked Mr. Wendling if he has been out to visit this property to see how it is situated as to why everyone cannot find this driveway?

Mr. Wendling stated he has not. He has had similar situations like this and what was made as a condition is that the property owner get an illuminated address sign clearly visible of the right of way, especially in this case where there is no street lighting. This is an accommodation that previous applicants were willing to do to address this issue.

Mrs. Richardson asked about the vacant lot next to the property, if there are plans for that lot?

Mr. Wendling stated it is a potential lot if it meets specific setbacks and requirements for the well and septic there could possibly be a dwelling on that lot sometime in the future.

Mr. Henry said he has mixed emotions because of the setbacks and having trouble finding the property. Typically, Short-term Tourist Rentals bring in less traffic because they do not rent 365 days a year. Compared to a family of four that will be coming and going all different times of the day and night 365 times a year. You have to get the renters to the right spot.

Mr. Wendling stated it is higher density area and they are in a cul-de-sac. This is one of the reasons why the Board in the 2014 amendment decided to choose that 100' set back to address certain issues like this. If the houses are to close in an R-1 zoning district they may not be in the right location for a Short-term Tourist Rental.

Chairman Myers closed the public hearing.

On a motion by Mrs. Richardson, seconded by Mr. Kersjes, and by the following vote of 3-1 the Planning Commission denied the conditional use permit application of Elizabeth Saman for a Short-term Tourist Rental which will be forwarded to the Board of Supervisors listing the reason that due to the setbacks being to close to the other property owner.

Ayes: Kersjes, Myers, Richardson

Opposed: Henry

CUP2022-08-03 – Stacy L. Lockhart A request for a conditional use permit for Private Use Camping (non-commercial). The property is located at Harris Drive and identified on tax map 21C, section 3, lot 2. The property is zoned Residential One (R-1) and located in the Shenandoah Magisterial District.

Mr. Wendling stated that the applicant is requesting a conditional use permit for Private Use Camping on a lot in the Bolling-Poe-Manganaro Tract subdivision which is located in the Special Flood Hazard Area (SFHA). The applicant purchased the lot in July of 2014. The vacant lot is mostly cleared with a wooded portion toward the front of the property

near Harris Drive. The applicant currently has a recreational camper parked on the property (see Property History section below). This conditional use permit would allow the owner to erect a single accessory structure up to 200 square feet in size for storage of recreational and property maintenance equipment upon issuance of a building permit.

Mr. Wendling stated this property has not had any previous Conditional Use Permits issued for uses in the Residential One (R-1) zoning district. A Notice of Inspection was issued to the property owner in 2015 and a Notice of Violation was issued in October of 2021 regarding use of the property for Private Use Camping without an approved Conditional Use Permit and storage of a recreational vehicle in the Special Flood Hazard Area. The owner communicated with Planning staff and applied for this Conditional Use Permit to bring the property into compliance with the Warren County Zoning Ordinance.

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 regulations and requirements.
2. Materials associated with the campers are to be stored in a neat and orderly fashion during the time of use and are to be removed from the site when not in use.
3. Any development, structure or fencing shall require a building and zoning permit.
4. The applicant shall post the property with a lot/parcel number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles and portable commode prior to a predicted flood event.

Chairman Myers asked the applicant if there's anything they would like to add about the property before opening to the public? The applicant was in attendance for the property. He stated no.

Chairman Myers opened the public hearing, he asked anyone wishing to speak for or against this matter come forward. No one came forward.

Chairman Myers closed the public hearing.

On a motion by Mr. Henry, seconded by Mrs. Richardson, and by the following vote of 4-0, the Planning Commission forwarded the conditional use permit application of Stacy Lockhart for Private Use Camping (non-commercial) with the recommendation to approve the request with conditions as recommended by staff.

Ayes: Henry, Kersjes, Myers, Richardson

CUP2022-08-04 – Jaden & Tori Walter – A request for a conditional use permit for a short-term tourist rental. The property is located at 80 River Oak Dr. and identified on tax map 35B, section 1, lot K. The property is Agricultural (A) and located in the South River Magisterial District.

Mr. Wendling stated the applicant purchased this property as an investment as a second home and for use as a Short-term Tourist Rental in June 2022. The property owners have a contracted cleaning service and property management company and provided contact information for a local contact in case of emergency. They planned to be involved with the management of the property also and will oversee who will be renting the property along with the on-line rental service they choose those to use.

Mr. Wendling stated the property does meet the 100 feet from all neighboring residences. The proposed dwelling location meets the setback requirements to adjacent single-family dwellings, it is approximately 375' to the closest dwelling located to the northeast. It is located in the River Oak Subdivision. There are currently three conditional use permits for Short-term Tourist Rentals in this subdivision.

Mr. Wendling stated that the Planning Staff is recommending 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. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department operational permit 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. Outdoor burning and the use of fireworks by guests shall be prohibited.

Mr. Wendling stated the applicant was not in attendance due to personal reasons.

Chairman Myers opened the public hearing, he asked anyone wishing to speak for or against this matter come forward. No one came forward.

Chairman Myers closed the public hearing.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 4-0, the Planning Commission forwarded the conditional use permit application of Jaden & Tori Walter for a Short-Term Tourist Rental to the Board of Supervisors with the recommendation to approve the request with conditions as recommended by staff.

Ayes: Henry, Kersjes, Myers, Richardson

CUP2022-08-05 – Vesta Property Management– A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 194 Venus Branch Rd. and identified on tax map 15E, section 4, block 4, lot 144. The property is zoned Residential (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 on behalf of the owner, who purchased the property in September of 2021. The owner would like to make the property available for short-term stays for individuals visiting the Warren County area. The applicant provides property management and handyman services for rental properties throughout the Shenandoah Valley area and will serve as the property manager for this short-term tourist rental.

Mr. Wendling stated the dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 165' to the southwest. The property is located in the Shenandoah Farms Subdivision which has supported these land uses for Short-term Tourist Rentals in the past. There is a Health Department operation permit on file approving a maximum of six (6) occupants for the dwelling. Documentation has been provided by the applicant confirming a maximum of six (6) occupants. Warren County Assessment data lists three (3) bedrooms in the dwelling.

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

1. 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 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. Outdoor burning and use of fireworks by guests shall be prohibited.

Chairman Myers asked if the applicants would like to add anything? The property manager Chloe Phillips was in attendance. She replied, no.

Chairman Myers opened the public hearing, he asked anyone wishing to speak for or against this matter come forward. No one came forward.

Chairman Myers closed the public hearing.

On a motion by Mrs. Richardson, seconded by Mr. Henry, and by the following vote of 4-0, the Planning Commission forwarded the conditional use permit application of Vesta Property Management for a Short-term Tourist Rental to the Board of Supervisors with the recommendation to approve the request with conditions as recommended by staff.

Ayes: Henry, Kersjes, Myers, Richardson

CUP2022-08-06 – Vesta Property Management – A request for a conditional use permit for a short-term tourist rental. The property is located 86 McCoys Ford Rd. and identified on tax 36C, section 1, block 3, lots 29 & 30. 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 the property on behalf of the owners, who purchased the property in August of 2017. The owners would like to make the property available for short-term stays for individuals visiting the Warren County area. The applicant provides property management and handyman services for rental properties throughout the Shenandoah Valley area and will serve as the property manager for this short-term tourist rental.

Mr. Wendling stated the dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 268' to the northwest. It is located in the Haynes Anderson (Thunderbird) Subdivision. Other short-term tourist rentals have been approved in this subdivision. 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. There is a Health Department construction permit and record of inspection on file approving a maximum of six (6) occupants for the dwelling. Documentation has been provided by the occupant requesting a maximum of six (6) occupants. Warren County Assessment data lists three (3) bedrooms in the dwelling.

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 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 within the subdivision shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

Chairman Myers asked if the applicant would like to add anything? The applicant was in attendance and. She stated no.

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

Chairman Myers closed the public hearing. No one came forward.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 4-0, the Planning Commission forwarded the conditional use permit application of Vesta Property Management for a Short-Term Tourist Rental to the Board of Supervisors with the recommendation to approve the request with conditions as recommended by staff.

Ayes: Henry, Kersjes, Myers, Richardson

CUP2022-08-07- Jeffrey Steven Taylor - A request for a conditional use permit for Private Use Camping (non-commercial). The property is a vacant lot located on Howellsville Rd. and identified on tax map 15H, section 5, lots 10 & 11. 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 Private Use Camping on a lot which is located in the Shenandoah Farms subdivision in the Special Flood Hazard Area (SFHA). The applicants purchased the lot in June 2021 for use as a recreational lot for camping near the river on a property that is mostly wooded. The CUP would also allow the applicant to bring in electric service for his camper and to erect a single accessory structure up to 200 sq. ft. for storage of recreational and property maintenance equipment with the issuance of a building permit.

Mr. Wendling stated these properties are completely located within the Special Flood Hazard Area; Flood zone "A" with a 1 % Annual Chance of Flooding. Potentially the property could be built on with specific requirements. The applicant came to them with the request of this land use. County staff had been aware of the camper on this property for quite a while. We received some letters from adjacent property owners concerned about trash debris. Our zoning officer went and took photos of the property, which have been submitted to you. There is a vehicle on the property and a camper. The inoperative vehicle will need to be removed per our code requirements. The property

will have to be maintained in a very neat and orderly fashion as stated in the recommend conditions. Mr. Wendling read condition # 2 materials associated with the campers are to be stored in a neat and orderly fashion during the time of use and are to be removed from the site when not in use. The applicant does plan at some point in time to remove the camper to take it on an extended trip.

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 applicants shall comply with all Warren County Health Department regulations and requirements.
2. Materials associated with the campers are to be stored in a neat and orderly fashion during the time of use and are to be removed from the site when not in use.
3. Any development, structure or fencing shall require a building and zoning permit.
4. The applicant shall post the property with a lot/parcel number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles and portable commode prior to a predicted flood event.

Chairman Myers asked if the applicant would like to add anything? The applicant was in attendance and came forward.

Jeffrey Taylor 119 Sovereign Ct. Winchester, VA

The vehicle is operable, he has been working on getting his drivers license from the DMV for two years and a friend gave him the camper to store things. His intentions are to get things in order. It's a process he has been trying to go through. He asked Mr. Wendling if there was a question he was supposed to answer?

Mr. Wendling asked him if the vehicle on the property is tagged and licensed?

Mr. Taylor replied it is tagged through 2023 he does not have his inspection up to date because he hasn't been able to drive it to get it inspected.

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

John Cermak 75 Patty Track Ln. Front Royal, VA 22630

Opposed: stated he is across the creek from Mr. Taylor on lot 15 the trailer across the way doesn't appease him, he would like to see a house on the property instead. Most of all, is he willing to move his RV out every few days or for 3 months. He is also concerned about the sanitary issues.

Chris Castro 5638 Howellsville Rd. Front Royal, VA 22630

Opposed: stated due to the eyesore of the property and doesn't want this to depreciate the value of his property. He'd welcome him a new neighbor if he was to build a house. They are in a quiet peaceful community. He doesn't want the burden of what kind of recreation will be going on there. He sees a truck bed every day when he pulls out of his driveway, a camper that doesn't look very appealing, and a truck that has been sitting on the back of the property.

Charlotte Castro 5638 Howellsville Rd. Front Royal, VA 22630

Opposed: stated due to the mess on the property. Within the last 6 months there is 4 times the amount of trash there. She is concerned about where the sewage will go and her property value going down because of the mess across the street from her house.

Irvin Chavez 5605 Howellsville Rd. Front Royal, VA 22630

Opposed: stated due to the mess on the property it is an eyesore specially when the leaves start to fall, and you can see all of his property. He is concerned about what recreational use will be going on at the property and how the property may deprecate the value of his home.

Vincent Lamendola 37 Patty Tract Ln. Front Royal, VA 22630

Opposed: stated due to seeing the property in his back yard. The owner has a camper, truck, truck cover, a few motorcycles, couch, and lawn mower stored on the property. He is concerned about what kind of environmental hazards might come from the runoff from the vehicles on the property into the Shenandoah River. Allowing him to camp on the property will allow him to bring additional campers to the property. Mr. Lamendola stated he would rather see a house on the property and that the camper has been on the property for almost one year.

Chairman Myers stated Private Use is just that Private Use it doesn't mean rental or anything else.

Rebuttal:

Jeffrey Taylor 119 Sovereign Ct. Winchester, VA

He has been trying to decide what to do with the property. He loves it here but hasn't been able to get a driver's ID which is hindering him. He understands there is trash on the property he guesses he can hire someone to clean it up and pull the trailer out of there, but he would like to do it himself. He apologized for making a mess and that it will not

stay like that. His recreational intentions are just to be him and his girlfriend. When it comes to sewage, it is a self-contained RV it will not be the one on the property. The one on the property is where he is storing things like a chainsaw and tools. The RV has no title and is not road worthy, Mr. Wendling has given him some ideas of how to dispose the trailer. He apologized once more.

Mr. Wendling stated this site backs up to the Shenandoah Farms public access area. Many conditional use permits we have issued for this particular use have direct access to the river and are severely restricted for development. These particular lots could potentially be consolidated and have a house be built on it as long as all of the ordinances are met within the Floodplain Overlay District. The one concern we have and will have to be worked out is that we do require an emergency egress plan and most folks who have their campers on their lots have a plan in place as to how they can get the camper off of the property. You are limited to a 6-month time period and to two campers total for both lots. Mr. Wendling asks that whatever decision is made, he will ask County Planning staff to go out prior to the Board's public hearing and get photos for the Board and let them determine if they feel that the property has been cleaned sufficiently within the 30-day period and that Mr. Taylor do whatever else may be required such as getting the car inspected and making the camper road-worthy. Which ever direction you choose Mr. Wendling stated he will make sure our Zoning Officer follows up and gets some updated photos prior to the Board meeting.

Chairman Myers stated something he is concerned about is that Mr. Taylor sent a letter stating that he would be taking the trailer to Houston from 12-1 to 3-1 that is 3 months, but what about the other 3 months?

Mr. Wendling stated he would need to have a house on the property to keep it there full time. We see most folks who do have a camper on property have a plan and have campers that are road-worthy. Most move the campers to their house or put them at a storage facility for a 6-month time period then move them back. He stated that is the best way to remain compliant with these. The last thing County Staff wants to do is have problems within the first 6-months of the property owner not meeting conditions. As far as from a Staff standpoint, Staff can only agree with this if he cleans the property up within the next 30-days.

Chairman Myers stated his next question is that the photos are dated August 7th. Has any clean up been done as of today?

Mr. Taylor replied, No.

Mr. Henry stated for sake of an argument lets' say a house was already there. What enforcement would you have to make them clean it up if they had a house and a camper with the grass growing up?

Mr. Wendling stated we do not have a code to enforce high grass, with the exception of high grass within public areas in Suburban Residential subdivisions. The trash and debris code section 180-19 we would cite them for that, and an inoperable vehicle is prohibited in the floodplain area so we would enforce that by code also. If he chose to park a camper there it would have to be in a specific location in R-1 and meet the set back from the road. With this being in a floodplain he would also have to make sure his camper is road worthy. This is basically a zoning violation.

Mr. Henry questioned if the lots are buildable, can they be consolidated? If this is not a buildable lot, he has the right to do something with the lots.

Mr. Wendling stated sure that is principally why many of the other camping lots were approved. They are in the floodway, have a history of flooding and have been identified on flood insurance rate maps. Again, this property is in the floodplain but the boundaries of the properties that are directly adjacent are also in the special floodplain hazard area and were built accordingly to building code and zoning ordinance in that flood hazard area. Our set back requires a 50' set back in a floodplain from the floodway. I believe this is a flood zone "A" area and it certainly meets the 50' foot set-back. If he was to build with the flood elevation the new code would require him to be 2 1/2 foot above the base flood elevation at the site of that property. There is potential, he could build absolutely be there.

Mr. Henry stated when we get these, they are normally non-buildable lots and all they are good for is recreational use. Looking at the map these lots are surrounded by houses.

Mr. Wendling stated there are not many lots left like that, they were all pretty much built out.

Mr. Henry questioned if it would fit the neighborhood? He is going either way with his thoughts on this but either way it needs to be cleaned up because of the residential character around it but either way it won't get cleaned up before the Board meeting. In other words, he could have a house there and it could still be messy, and still not get cleaned, and still not be in compliance and be a zoning violation. You have to give him time to get it cleaned up because that is only fair with the camper there or not. Mr. Henry asked is anyone else has an opinion?

Mr. Kersjes asked Mr. Wendling how much of the back of the lot is in the floodplain or is the entire lot in the floodplain?

Mr. Wendling stated the lots are completely in the floodplain. The reason why is Venus Branch flows through the lots and if you look at your flood insurance rate maps wherever you have a stream coming through into the river you are going to see a little bump in the

flood insurance rate map showing you that portion is in the floodplain. It may not be the best buildable lot, but it is buildable.

Mrs. Richardson stated the potential for a house is good but does the potential for a private campground fit the vicinity around it?

On a motion by Mr. Kersjes, seconded by Mrs. Richardson, and by the following vote of 4-0, the Planning Commission forwarded the conditional use permit application for Private Use Camping (non-commercial) with the recommendation by staff for denial of the conditional use permit requested by Mr. Jeffery Steven Taylor for the reason being that area of the community is more than 50% built out and there are no other campers in the immediate area of this lot.

Ayes: Henry, Kersjes, Myers, Richardson

Consent Agenda – Authorization to Advertise for Public Hearing

- A. CUP2022-09-01 – Ryan Wesley Eshelman** – A request for a conditional use permit for a Commercial Repair Garage with Single Family Dwelling. The property is located at 1034 Rivermont Dr. and identified on tax map 27, lot 20C. The property is zoned Agricultural (A) and located in the Fork Magisterial District.
- B. CUP2022-09-02 – Cindy L. Duvall** – A request for a conditional use permit for a short-term tourist rental. The property is located at 197 Marissa Ct. and identified on tax map 15, lot 26F2. The property is zoned Agricultural (A) and located in the Shenandoah Magisterial District.
- C. CUP2022-09-03 – Jay Newell** A request for a conditional use permit for Private Use Camping (non-commercial). The property is located at Avalon Drive and identified on tax map 20C, section 1, block 2, lot 20. The property is zoned Residential One (R-1) and located in the Shenandoah Magisterial District.
- D. R2022-09-01 –W.P. Associates –c/o Ray M. Pennington III** – A request for a rezoning from Residential One (R-1) to Agricultural (A). The properties are identified on tax map 23K, lots 2, 3 and 4 and located in the Blue Ridge Reserves subdivision and are vacant lots. The properties are currently zoned Residential One (R-1) and located in the Shenandoah Magisterial District.

On a motion by Mr. Kersjes, seconded by Mr. Henry, and by the following vote of 4-0, the Planning Commission authorized items VII- A-D, the proposed condition use permit requests, for advertisement for their public hearing as presented:

Ayes: Henry, Kersjes, Myers, Richardson

Subdivision Approval:

- A. S-04-2022 – Strawberry Fields Farm LLC** - A request for final plat approval for a Class B subdivision submitted by Strawberry Fields Farm LLC for “Shenandoah Woodlands Section 1, Phase 1” containing nine (9) lots. The property is located off Route 631 (Gooney Manor Loop) and is identified on tax map 43, as parcel 49.

Mr. Wendling stated Staff has reviewed the final plats and they meet the minimum county requirements. The Health Department has approved the proposed well and drain field sites. VDOT has approved the entrance locations, as well as the right-of-way that has been dedicated for future improvements to Route 631 (Gooney Manor Loop) which is an existing 30’ prescriptive right-of way. The applicant has dedicated 25’ (variable width strip) of right-of way and 20’ slope, drainage, and utility easements along the frontage of the lots along Route 631. Their comments have been incorporated into the plat and shown being dedicated to the County of Warren. The Health Department and VDOT have reviewed and submitted his comments relating to erosion and sediment, VA DEQ stormwater management and requirements for the appropriate building permits all of which you have in your packets. A copy of the subdivision plat with detailed private subdivision entrance plat are also included in your packets. A separate entrance diagram has also been included in your packets.

Mr. Henry stated the lots look like they are a reasonable size.

Mr. Kersjes stated this one is 4.8 acres.

Mr. Wendling stated the applicant hired a general contractor to clear the landscaping in order to have adequate site distance along the road and which will be required to be maintained. There is a note on the plat stating that particular comment in accordance with a request from VDOT. As part of the approval for that subdivision as for part of maintaining and keeping the landscaping cut back in order to maintain that site distance along the road will have to be done.

Mr. Henry stated the road itself is narrow.

Mr. Wendling stated this is not an administrative review, it is by the approval of the Planning Commission.

Mr. Kersjes stated he liked the way it was laid out to get three entrances instead of nine entrances coming off of the road.

Mr. Wendling stated there is a requirement that the lots have to have state road frontage and believes one of the lots was exempt from that and lot 2 that does have state road frontage but doesn’t have a good place to put an entrance. It will be accessed off the road that goes through the subdivision which was worked out between the surveyor of the property and VDOT’s representative Mr. Boyce.

Mr. Kersjes stated he like the tree save area being that it is heavily wooded at least with what is shown on the GIS map.

Mr. Wendling stated he would suspect that this being that it's in a rural area of the county and rural area of Browntown that the prospective buyers are not going to want to see clear cut property. They are probably going to want to see the site and drain field they are going to have placed on the property cleared and would expect that would be it. Mr. Colwell may be able to address that further.

Mr. Kersjes asked the applicant what kind of tree save is there going to be or will they be huge lots with 2 or 3 trees sitting on them?

Stephen Colwell stated the vast majority of the property is pasture. If you go to the far south of the property there is a valley with about 6 acres that is wooded. There are some trees along both the front and the back, but the vast majority is pastoral already. If you go up what will hopefully be Strawberry Fields Lane, go to the back where there is a pond, there is forest behind that as well. Everything that would be in lot 1, 2, 3, and 4 is currently used as cattle pasture. Mr. Colwell asked if anyone has any other questions?

Chairman Myers asked if anyone else has any other questions?

Mr. Henry stated it looks to be in good order.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 4-0, the Planning Commission approves and authorized that the Chairman sign the proposed subdivision plat request that Staff only notify the Board of Supervisors with the decision.

Ayes: Henry, Kersjes, Myers, Richardson

Commission Matters:

- A. Planning Director – Town & County Comprehensive Plan Review Meeting with Town Planning Commission proposed work session for September 22 6:15PM to 8:00PM. Current Commercial & Industrial Development Projects update.

Mr. Wendling stated it is not written in stone, if they would prefer to do it in October that is fine. He is willing to work to get it scheduled with Ms. Kopishke from the Town and her folks if you would like to discuss this or if you want to hold off until we get more data mining done that would be good. A lot of this is really having to do with various things like planning at the boundaries of the Town and County, addressing Light Industrial, data centers, and the comp plan. The town does have an outside consultant who has completed their comp plan. There is a link to see their comp plan and review it.

Mr. Henry stated it sounds like this may take more than one meeting.

Mr. Wendling stated he is looking at it as a 1 1/2-hour work session not just a 50-minute session as we have been doing.

Mr. Henry suggested it may be better to do this as a discovery, think about it a little bit, then come back.

Mr. Wendling stated he would be glad to reach out to Ms. Kopishke tomorrow and confirm that date and time with her and we will get back to them. He thinks we can provide a meal for everyone. Mrs. Logan used to do that; it was very generous of her.

Mr. Kersjes questioned if this is the one, we spoke about that may be beneficial to get the Chamber involved?

Mr. Wendling stated this is Planning Commission to Planning Commission. We are looking at planning at the boundaries, common issues that both of us have together on work force, affordable housing, and transportation. How do we link them in the county to the town in the future with trails and parks along with various ways of getting back and forth from the county and town. He has provided you with some of their plans and if anything, it can be a brainstorming session for all of us and maybe get some good ideas that will blend with their good ideas and be compatible for both of our comprehensive plans.

Mr. Kersjes stated he was thinking more of a charrette and get input from the business community and maybe a few realtors. What do their clients' needs or what has stopped their clients from building or coming to our community?

Mr. Wendling stated this is a good point since 2018 was the last time they did this survey it was 4 1/2 years ago; a lot of things have happened since then. That may be a good way to go about it without having to do another survey. Mrs. Logan will be presenting the Capital Improvement Project review again this year. She has been asked to bring that forward for your review. There will be a couple of months at the end of this year that we will be reviewing it in a work session. Maybe we can take a break from our work session meeting before the comp plan meeting, do the CIP reviews over a couple of meetings and schedule a separate meeting for the Town & County review, then resume the comp plan meetings after January and work on getting some drafts to review.

Mr. Kersjes stated they did this in Alexandria, and they were all businesspeople in that area except for a couple of residential members to the committee and we brought commercial real estate brokers in along with a couple of residential and had it with the Chamber. We got a lot of information, and we were a subcommittee

to the city and the city was really amazed at the information we got from that and actually changed some stuff. While we are sitting here looking at things, we will know what has caused them to go elsewhere.

Mr. Wendling stated the Town did have a very successful charrette in the review of their comp plan and a number of people came out. They had their contractor put that on, and they had a very good attendance.

Mr. Kersjes stated in the term of a charrette maybe this one be by invite only.

Mr. Wendling agreed he will and stated he will speak to Joe Petty and Taryn along with some other agencies to see who might be interested in participating around the end of November beginning of December timeframe.

B. Commission Members- nothing to report

C. Senior Assistant County Attorney, Caitlin Jordan-nothing to report

D. Planning Department Staff- Chase Lenz-Absent, Mr. Wendling stated Chris Brock our zoning enforcer has been doing a great job on staying on top of things, he is part-time and has closed out possibly 42 cases and has a few in court. He has been working with Chase and getting those zoning violations resolved. He has also been doing reviews of the conditional use permits and keeping up with our spreadsheet of Short-term Tourist Rentals. He hopes Chase passes his tests.

Mr. Chairman agreed and wished Chase good luck.

Adjournment:

Chairman Myers adjourned the meeting at 8:20 PM.

Warren County Planning Commission
Chairman