

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on January 11, 2023, at 7:00 PM.

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

Absent: Gregory Huson (Shenandoah District)

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

Election of Officers:

Mr. Matt Wendling asked for nominations for Chairman of the Planning Commission. Mr. Hugh Henry nominated Mr. Robert Myers for Chairman and Mr. Scott Kersjes seconded the motion. There were no other nominations. Mr. Robert Myers was unanimously elected as Chairman.

Mr. Matt Wendling asked for nominations for Vice-Chairman of the Planning Commission. Mr. Myers nominated Mr. Henry for Vice-Chairman and Ms. Richardson seconded the motion. There were no other nominations. Mr. Henry was unanimously elected as Vice-Chairman.

Mr. Matt Wendling asked for nominations for Secretary. Mr. Robert Myers nominated Ms. Veronica Diamond for Secretary and Mr. Hugh Henry seconded the motion. There were no other nominations. Ms. Veronica Diamond was unanimously elected as Secretary.

Mr. Matt Wendling invited the newly elected Planning Commissioners to assume the dais.

Adoption of Agenda:

On a motion by Mr. Henry, seconded by Scott Kersjes, and by the following vote of 4-0, the Planning Commission adopted the agenda with the amended language as presented:

Ayes: Kersjes, Myers, Richardson, Henry

Approval of Minutes:

On a motion by Mr. Kersjes, seconded by Mr. Henry, and by the following vote of 4-0, the Planning Commission approved the minutes from December 14, 2022, as presented:

Ayes: Kersjes, Myers, Richardson, Henry

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, and told them they will be timed, you will have 3 minutes.

Kathleen Mancini, 1085 High Top Rd. Linden, VA 22642

Ms. Mancini stated she would like to volunteer her time to the County to put new County Zoning laws in place, she feels the ones in place are not working. Ms. Mancini stated she has been documenting the last seven days. There has been logging going on for 7 of the last 8 days starting at 6:30AM every morning. She now has a migraine that makes her head want to explode. There is no need to clear cut every tree from 2 entire lots to put up a house. This is being done for the purpose of logging. It is destroying neighborhoods; in just the past year her neighborhood has been desecrated. The couple of houses could have been built without devastating our mountain. At close of her speech, she shared a poem she wrote.

Chairman Myers stated her concerns are something that we do need to look at, and he is sure the appropriate people from the county will look into this matter.

Public Hearings:

R2022-10-01 – Rushmark Rockland Road, LLC – A request to amend the Warren County Zoning Map and rezone approximately one and ninety-six hundredths' acres (1.959) +/- acres from Residential One (R-1) to Industrial (I), to rezone approximately eighteen hundredths' (0.18) +/- acres from Residential One (R-1) to Commercial (C), and to rezone approximately sixty-eight and twenty-five hundredths' (68.25) +/- acres from Commercial (C) to Industrial (I). The properties are located at 8561 Winchester Road and identified on the following tax map numbers; TM# 12A, section 1, block 16, parcels 1, 2, 3, 4, 5, and 28, TM# 12A, section 1, block 10, parcel 26A and TM#12A, section 1, block 5, parcel 8 and TM# 12, parcel 32C1. A portion of tax map 12A, section 1, block 16, parcel 28 (7.49+/- acres) is proposed to remain Commercial (C) with an amended proffer statement. The properties are located in the North River Magisterial District. The total acreage of the parcels is approximately 77.584+/- acres.

Mr. Wendling stated that the applicant is proposing four warehouses as part of a distribution center with a total of 985,735 ft². On March 9th, 2005, the Board of Supervisors rezoned 58.2 acres from Residential-One (R-1) to Commercial in order to allow for the commercial use for a shopping center by conditional use permit. On July 19th, 2005, the Board of Supervisors approved Cedarville LLC a conditional use permit for a shopping center and building in excess of 50,000 ft² in the Route 340/522 Highway Corridor Overlay District. The conditional use permit was extended 8 times for a period of two years each extension request as allowed by County Code §180-63. I, while the owners attempted to market the property for commercial land-uses. The use was never established prior to this

application and would expire if the rezoning and this conditional use are approved or in February of 2024 if the conditional use permit was not extended for an additional two years by the Board of Supervisors.

Mr. Wendling stated he would point everyone's attention to the General Development Plan that was originally submitted to County Staff by the applicant. After discussions between County Staff and applicant, we hand drew what we proposed that could potentially meet a good plan for the potential future land use of this property. Please note that the front is Commercial (C) and is being retained to an extent in that there is a transportation plan that has been in place since 2004 for interconnector road. It comes in through a cul-de-sac and bisects this property. The north of the property, Rockland Rd. you will note is Commercial (C) and is retained there. The applicant has stated that they would keep that portion as Commercial (C) for the time being.

Mr. Wendling stated there are concerns they do have, and he would like to read over what they are then allow the applicant to present a power point. The issues that we feel the applicant should address in the development application, site plan and associated proffers are:

- Compliance with the Warren County Comprehensive Plan.
- This property is currently planned for Commercial zoning. The properties south of Rockland Road have been planned for commercial zoning due to the fact that this is one of the only areas in the entire county where commercial zoning is viable due to available infrastructure. Staff has discussed with the applicant the need for the County to retain commercial zoning in this area, particularly along the Route 340/522 Corridor, to allow an area for future restaurants, retail, etc. In approving a rezoning to Industrial, the Planning Commission should consider the impact of Industrial zoning in this area south of Rockland Road, along Winchester Road.
- Addressing transportation comments from VDOT once they are received by the Planning Department.
- Addressing the proposed collector road in this area that is shown in the Warren County Comprehensive Plan which has been in the plan since 2004.
- Adequate screening and buffering of nearby residential properties.
- Adequate handling of storm water.
- The largest building proposed will be located directly on Route 340/522 North and the corner at Rockland Road. Staff has concerns about the impact of this use being in an area not planned for Industrial zoning. The applicant should address aesthetics of the site by ensuring that the buildings are of similar architectural treatment in terms of materials, quality, appearance, and detail and the mass of the building to meet the Highway Overlay District requirements.

Mr. Wendling added that much of the existing Commercial (C) property that we have to the West and some of the future proposed land use for Industrial to the West of Route 522/340 it is really restricted in area size because of the topography along Crooked Run. We had a previous application that would have required a bridge to access to that property,

and its cost was to be approximately twenty-three million dollars. A lot of the land prior to the stream itself is a steep slope. It offers some topological challenges on the West side for any of the larger commercial property that would potentially go there. For this reason, County Staff feels that there should be some retainment of commercial on this site.

Mr. Wendling stated we have received comments from VDOT and did have an opportunity to review them. He stated he would forgo reading all of what they said but will note some concerns. One was about how the engineer came up with the fueling station numbers. He compares them to a very small footprint compared to what is there now with Rural Farms and potential for a Wawa. Another note, with the proffers that have been submitted to the County. It states that this amount is unlikely to cover the full cost of improvement to address the needs of the subject intersection and that the proposed monetary contribution will likely need to be bundled with other transportation funding sources for the future project. That would be the \$937,000 dollar cash proffer that the applicant submitted.

Mr. Wendling and Chairman Myers asked if anyone had any questions? No one came forward.

The attorney for the applicant, Rushmark Rockland Road, LLC, Kevin Rivera came forward to present a power point. He stated he has the applicant and architect with him as well if there are any detailed questions that may be asked. Mr. Rivera thanked the staff for all the time they have took to work with him and have been a tremendous resource.

Mr. Rivera wanted to give a preview of the application recognizing the scope of it and wanted to give everyone as much time as physically possible to consider this case considering it is large. Mr. Rivera presented on a slide the Rockland Road development that is one of 3 applications being presented before everyone. There is a Rezoning, a Comprehensive Plan Review and then the Conditional Use Permit. These are in a way sister applications; the rezoning contains the bulk of this project. The conditional use permit is specifically meant to address the fact that they are greater than 50,000 square feet buildings within the Highway Corridor Overlay District. The Comprehensive Plan Review Amendment is just to make sure the project stays in line with the Comprehensive Plan. The property highlighted in yellow is the property we are working with. Dupont is to the North, Kelly Industrial Park is to the East, and the Power Station is to the Southeast of the property. You can see the powerlines cutting through the property horizontally. The property is about 77.584 acres mostly undeveloped with the exception of the little bit of clearing for some public projects, and a single-family home that had a fire onsite and is no longer occupied. There have been several public improvement projects that have burdened it and has created somewhat of a challenging development. You can see the scars of the public improvements still running through the property today. Number one being Rockland Road which intersects the property severing nearly 7 1/2-acre parcel to the North, you have the gas line easement running North and South along the property and you cannot put buildings on top of that. Then you have the powerlines that intersect the property on the southern portion, again creating somewhat of an Industrial flavor to the property and making

Commercial potentially a little more difficult on this property.

Mr. Rivera stated Zoning and Comprehensive Plan Designations - the property is currently zoned Commercial (C) and Residential-One (R-1) it is surrounded by mostly Industrial (I) with a couple of Residential-One (R-1) parcels and some Commercial parcels as well. The property is zoning approval for a shopping center and has been in existence since 2004. The Commercial Real Estate market has not supported that use over the last 15-16 years since it has been approved despite renewing that site plan every couple of years and actively marking the property for those Commercial uses it hasn't come to fruition. In the packets today there is a letter from the Rappaport explaining some of these trends and explaining why over the last 15 plus years the property has not been able to support Commercial development. They are seeking a Rezoning, as mentioned, from Commercial (C) and Residential-One (R-1) to Industrial (I) and Commercial (C) with proffers. We are overruling the existing property proffers for all 77.584 acres which are subject to this rezoning and will be subject to the new set of proffers including the area that is going to remain Commercial. On the right hand of the screen, you are going to see the future plan and comprehensive plan for land-use. The entire property is designated to Commercial (C) with the Industrial (I) surrounding to the East, Southeast, and the North. This has not been able to happen on the property, Commercial Development.

Mr. Rivera stated that the property he is discussing today is where the Industrial (I) designation, in purple, meets with the Commercial (C) designation, in red, on the Eastern side of Winchester Road. As a part of the application, everything below Rockland Road will be rezoned to Industrial (I) so it we will not be in line with the Comprehensive Plan. You will see that Staff has mentioned in the Staff report that it is inconsistent with the Comprehensive Plan. Mr. Rivera wanted to remind everyone of the legal status of this Comprehensive Plan. It is strictly a guide for you and requires good consideration. As a guide it was never intended on unwavering devotion. The consideration it requires goes beyond the surface level designation and it involves a closer look at the underlined purpose of the plan itself, essentially asking yourself why the land was given a certain designation. Failing to look at that and unwavering designation to the surface levels of that designation alone probably undermines that ultimate purpose and vision for the County. On a related note, he mentioned some of the other relevant and significant provisions of the Comprehensive Plan which he hopes would be considered today. First, as the diversification of the County's taxpayers base, related is the gross of the County's tax base. Additionally, we have the encouragement of orderly growth of Industrial development by locating compatible uses near each other. The goal of that is to limit externalities in as many places as possible, then supporting businesses in Warren County such as the Virginia Inland Port, which is a large business in the County. Sometimes the analysis of the Comprehensive Plan will require adherence to the designation and at times will require mediation. We respectively submit with the totality of the circumstances suggest deviation from the Comprehensive Plan and is required to effectuate its ultimate purpose.

Mr. Rivera stated while Commercial (C) is proven to be infeasible on this property there is an existing and significant market need for warehouse and distribution uses in the County. In the packet there is a letter from the Virginia Inland Port expressing support for this project explaining some of the background market situations including the low vacancy rate of existing warehouse distribution uses in the region and the County. Finally, the applicants project is proposing development now, not sometime in the future. This project is fully funded, it is ready to go, and following County approval it would turn this land into productive tax producing property sooner rather than later, and potentially never or at all if the property does not turn around at any point. By extension that would mean tax revenue to schools, parks, staff, and other County projects. Transportation is a serious consideration to take in this area. This is the transportation plan of your Comprehensive Plan showing what is in vision for the Route 340/522 road network. What this is showing you is a Comprehensive Plan Road intersecting the property. This is something we have discussed with Staff, extensively. Matt showed you a potential resolution to this issue with a comprehensive plan road running through to a smaller part of the property. Despite thoroughly doing it by their engineers and by the development team the applicant is not able to accommodate yet another public improvement cutting through the property. It reduces the development of the whole square footage, and it makes the project financially infeasible, and we cannot accommodate that. With the other public improvements that road would create significant layout challenges on top of what is already on the property. There is also the question of whether the Comprehensive Plan Road should be built at all and should be considered today. Perhaps it may have made sense for a Commercially zoned Commercial development on the property but from a security safety prospective, it's probably not wise to have traffic running through and industrial park that we are proposing today. The proposed use involved today also call for potentially less traffic use then the shopping center which the property has current approval of before. In fact, it would be a fraction of it with trips being shortened across the day other than at peak hours as well. For reference, the shopping center would have been about 30,000 daily trips. This project involves about 3,000 for the Industrial Park plus whatever is installed at the commercial parcel as well which can have based on our TIA, the most recent precise data shows about 4,900 daily trips.

Mr. Rivera discussed the conceptual aspect for the property. The applicant is proposing 985,735 gross square feet of warehousing and distribution uses. It will be split across four separate buildings and the applicant intends to develop this property from East to West, working towards Winchester Road. The northern portion of the property is not showing because it is being retained for Commercial (C) development to satisfy some of the Comprehensive Plan's goals on the property. This conceptual plan is the product of considerable compromise and community input. The area north of Rockland Road was initially included as a parking lot for the Industrial (I) use below. As a result of conversation with Staff we agreed to remove that parking lot from the application before you today. Following further discussion with Staff we elected to retain that as commercial parcel instead of a different use of that property. These were significant compromises we made on our end.

Mr. Rivera stated, regarding Data Centers, the Board voted on the Zoning Text Amendment and chose not to allow Data Centers in the County. To be clear, a point of procedure, we could have elected to do the Text Amendment on our own to allow that use on this property but following community input, which we listen to, and the comments from Staff and the Board we elected to drop the land use all together. We are concerned that it is not something that the community or the Board has the appetite for. We do not want to pursue something that we don't think the County itself would approve and wouldn't appreciate on the property. Today you do have proffers which allow for that Data Center use. He asked if you are to recommend this to the Board today, do so without the Data Center use that is mentioned in there. Meaning, excluding the entire section of section 10 and then the last sentence in proffers page 10.3 starting with the words in the event of all the way down to Data Center. That would have the effect of removing the ability to construct Data Center's on the property.

Mr. Rivera then presented what he described as a useful graphic for everyone showing the development of the property and it shows how it is a logical in fill of Industrial Development between Winchester Road to the West and the train tracks on the Eastern side. Mr. Rivera then checked with his team to make sure they didn't have anything they wanted to add. The renders in the past as well, you may have seen. We have proffers in conformance with the general conceptual themes we have today. What is shown in these renderings is a building of 50 feet, again a proffer of maximum height. This precise view is from the intersection of Winchester Road and Rockland Road. There was a view of the southwest of the property show on his power point, same location just a little closer to the building shows the general facade of the building and how it can be broken up along Winchester Road. This isn't a big block extending across from the Southern portion of the property to the Northern portion of the property. It is something that can be broken down by different colors, different architectural themes, and false windows etcetera. What you're looking at today is a high-quality esthetic pleasing building, which has been proffered to general conformance as well. Mr. Rivera stated they humbly ask if they find this beneficial you submit it to the Board of Supervisors with a recommendation of approval and a directive to address any outstanding agency comments before the Board hearing at that time. Alternatively, if your determination of the matter depends on how we answer those questions that are outstanding we remain willing and able to come back and address them before the Commission at a later date and time.

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

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

They shared concerns about losing value to their property, they will lose the privacy, the road will be lit up with lights, and the wooded areas would be pulled out and the noise will increase due to not having that buffer.

Sarah Marrazzo, 316 Virginia Ave. Front Royal, VA 22630

She shared concerns about losing the culture of this town by watching it develop as it has in the Northern Virginia area.

Kathleen Mancini, 1085 High Top Rd. Linden, VA 22642

She stated that she feels Warren County homeowners do not have much say in anything and feels they should be respected.

Carolyn Derflinger, 400 Rockland Rd., Front Royal, VA 22630

She shared concerns about losing her home and the value of her property decreasing. The property was inherited from a family member and would like to leave it to her kids one day.

Chairman Myers questioned what agencies are we waiting on at this point? We just got VDOT but what other comments are we waiting for?

Mr. Wendling stated that he hasn't heard from the Town, Public Works, Emergency Services, and Columbia Gas.

Chairman Myers stated they hadn't been given VDOT comments yet.

Mr. Wendling stated VDOT comments were received yesterday afternoon and they were forwarded to everyone by email. They are subject to additional review by VDOT, about 95% of what they had to say were in the comments so there may be some additional comments.

Chairman Myers stated that he had a couple of different comments. One is the applicant talking about the contributions to the tax base and this type of thing, being a taxpayer, he appreciates it but as a Planning Commission Member his focus is strictly land use and compatibility. We cannot consider that; it is the Board of Supervisors prerogative. The second one, and he really doesn't want to sound as uncaring as this is going to sound, but with the Himes talking about the noise and everything from a Commercial (C) aspect he totally agrees with them. However, this property is zoned to be a shopping center and if it was in there it would be just as busy.

Mr. Henry stated he had a question for the applicant. As far as it being Commercial (C) Industrial (I) he doesn't think it's a spot zone per se because there is not a R-1 around it. He thinks they can help the view shed with a design as it was mentioned there was a power plant in the background. His concern is the Corridor Connector Road, it was a big deal years ago and he understands it won't have the through traffic from the type of business they are putting in there. There is a lot of properties to the South that have contributed and proffered

land for that and that would be the last piece to bring it out to Rockland Road. It was designed to alleviate some traffic from 522. If you were coming from Shenandoah Farms to Walmart and that connector road was in, you wouldn't even have to get on 522. Those types of travels would take a lot of load off 522 even though it wouldn't directly impact their business, it was designed to go to Fairground Rd. Without the connector road he is not able to support this. With what it is zoned you will never be able to fill it all and have it be profitable, he knows it is not a marketable product. For the residential homes behind it, hopefully they can put in a buffer to protect them from the noise. The 522 corridor of the county is it as for us as far as it being a tax base for Commercial (C) Industrial (I) and without the commercial tax base residential taxes would have to go up. Mr. Henry stated he wants it to be Commercial (C) Industrial (I) development there, but the connector road is a deal breaker for him.

Mr. Rivera stated regarding the connector road, they recognize parts of it have been built to the South and they feel the existing portions that have been built prevents the traffic from having to get back on Winchester Rd to get between those various commercial uses. To a point they feel it has benefited Rockland Rd. They are also proffering a substantial financial contribution to alleviate some of the stress on Country Club Rd. and Winchester Rd. The front running solution right now would be to have an Arterial cut. They have worked backwards from their share of trips to come up with an equitable financial contribution towards that solution on Country Club Rd. They recognize it already has problems and had problems before their development. They do not put all the stress on that road, they roughly account for 7.5%. They agree that their relative commute on the community is less because they won't put kids in the schools and tax revenue uses goes to help support the community and the County.

Chairman Myers stated he would like to see the comments from other agencies before voting. He would also like to see a concern of his that he mentioned last time be addressed. The whole area is a huge aquifer, we do know it is a rocky area, and blasting has been known to sink water tables. He would like to see some kind of geotechnical information on this.

Mr. Wendling stated he did receive some basic generic comments from the DEQ and believes we did send comments to the Health Department. We can make sure that they get their comments to us. If there is anything related to what you are asking we will try to get that in your packet.

Chairman Myers stated there are ways around it like bringing in extra fill before blasting. Without this information he can not make a motion as Chair but he would be willing to table it.

Mr. Henry agreed.

Mr. Wendling stated he will reach out to everyone as soon as possible and get their comments to the applicant and get any feedback from them.

Chairman Myers stated this is a major thing that will affect us for a long time. He doesn't think waiting a month is unreasonable

Chairman Myers closed the public hearing.

Mr. Kersjes stated he would like to see a whole geo technical analysis report.

Mr. Rivera stated that they have done a full environmental impact study of the site. It has been submitted to the County for your review already that discusses soil conditions.

Mr. Kersjes asked if it was the 6-page report?

Mr. Rivera stated that is the summary of it but the report itself is roughly 700 pages and was submitted as well.

On a motion by Mr. Kersjes, seconded by Mr. Henry, and by the following vote of 4-0, the Planning Commission tabled the request of the rezoning from Commercial (C) and Residential One (R-1) to Industrial (I) for further discussion.

Ayes: Kersjes, Myers, Richardson, Henry

CUP2022-10-01 – Rushmark Rockland Road, LLC – A request for a conditional use permit for a building in excess of 50,000 square feet to be located in the Route 340/522 Highway Corridor Overlay District. The properties are located at 8561 Winchester Rd. and identified on tax map numbers; TM# 12A, section 116, parcels 1, 2, 3, 4, 5, 28, TM# 12A, section 110, parcel 26A and TM# 12, parcel 32C1. The properties are zoned Commercial (C) and Residential-One (R-1) located in the North River Magisterial District. Included in the rezoning request the Industrial (I) application R2022-10-01

Mr. Wendling stated that he would address the specifics of the Highway Corridor Overlay. The front of property lies within the County's Highway Corridor Overlay District, which would be clearly visible from the corridor highway. The overlay district spans 1,000 feet from each side of Rt. 340/522N. Areas to rear are outside of the district and much less visible from Rt. 340/522 (Winchester Rd.) and Rockland Road which bisects the property to the north. The Overlay District spans 1,000 feet from the right-of-way on each side of 340/522N and requires a conditional use permit for any building of this size within the limits.

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

1. The applicant shall comply with all Virginia Department of Transportation, Town of Front Royal Public Works Department, Warren County Building Inspections, and

Virginia Department of Environmental Quality and any other applicable regulations and requirements.

2. The applicant shall submit a formal site plan, building elevations, and exterior finishes color rendering samples to the County prior to the issuance of a building permit and zoning permit.

3. The exterior façade of the building shall meet the County's Highway Overlay District and as approved by the Warren County Planning Department.

4. All mechanical equipment shall be shielded and screened from the public view and designed to be perceived as an integral part of the building which includes rooftop equipment.

5. The applicant shall comply with the County zoning ordinance regulations for data centers if the Board of Supervisors adopts that land-use for the Industrial zoning district.

Mr. Wendling stated if this is to ever move forward, County staff would review that site plan and make sure that all landscaping, lighting, building façade and building requirements are met. This is just for the use of the conditional use permit for the building because of its size in excess of 50,000 square feet.

Chairman Myers asked the applicant if there was anything they would like to add?

Mr. Rivera stated as he has mentioned before this is one of the sister applications, you will hear one from Matt, all 3 are required to make this use on the property.

Mr. Kersjes asked since the rezoning was tabled how can we vote on the CUP approving the rezoning?

Ms. Jordan stated to clarify you can hold the public hearing to hear the public's comments, but it can be handled the same way the rezoning was handled.

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

Edward Murphy, 8009 Wolf Trap Rd. Dunn Loring, Virginia

He is the owner of the Crooked Run Shopping Center and Target Shopping center all the way up to Royal Farms, developed the Walmart and Lowes, and is currently developing the Self-Storage facility the 7-acre facility to the South of this property. He loves their plan thinks it is a perfect use. However, part of his approval process was to include the Transportation Plan and Right of Way, we are extending it from Crooked Run West, Royal Farms, everything through Luther Anderson's property and John Marlow and Mike Silek's property. To come in here tonight and say this is what we want but we don't want to extend the road, "I say no".

Chairman Myers closed the public hearing.

Chairman Myers stated a 50,000 square foot building is about 1.14 acres under one roof.

Mr. Henry stated it is 200x200 squared.

Chairman Myers stated from Scott's point of view, that thing of how you can approve this if we have tabled the rezoning request.

On a motion by Mr. Henry, seconded by Ms. Richardson, and by the following vote of 4-0, the Planning Commission tabled the request for the conditional use permit for the construction of a building exceeding 50,00 square feet in the Route 340/522 Highway Corridor Overlay District for further discussion.

Ayes: Kersjes, Myers, Henry, Richardson

Comprehensive Plan Amendment – Future Land Use Map - Rushmark Rockland Road, LLC - A request to amend the Future Land Use Map in the Warren County Comprehensive Plan to designate the properties located on tax map numbers; TM# 12A, section 1, block 16, parcels 1, 2, 3, 4, 5, and a portion of 28, TM# 12A, section 1, block 10, parcel 26A and TM#12A, section 1, block 5, parcel 8 and TM# 12, parcel 32C1 as future Industrial (I) zoning.

Mr. Wendling stated that the land-use they are requesting are "*Warehousing and distribution facilities*" which is identified as a by-right use in the Industrial (I) zoning district, Code section 180-28(B)(10). The zoning ordinance states, "*This district is for a variety of industrial uses which, with appropriate screening and without the emission of noise, dust, smoke, odor, toxic gases or hazardous substances, can be conducted in such a manner as to not adversely affect nearby properties.*"

The current Future Land Use Map designates these lots as Commercial which, "*is intended for areas suitable for the conduct of general business not characterized by either constant heavy trucking or nuisance factors and to which the public requires direct and frequent access.*" The properties currently have a conditional use permit issued to Cedarville, LLC for a "*Shopping Center and Building in excess of 50,000 square feet in the Highway Corridor Overlay District.*" This CUP was initially issued by the Board of Supervisors in July of 2005 and has had 8 two-year extensions granted since that time in order for the property owner to market the property for development. The owner's Cedarville, LLC has been unsuccessful in doing so and have submitted a letter to the County that further explains why. See attached letter of support from Rappaport dated December 5, 2022.

Chairman Myers asked the applicant if there was anything they would like to add?

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

On a motion by Ms. Richardson, seconded by Mr. Henry, and by the following vote of

4-0, the Planning Commission table the proposed Comprehensive Plan amendment to amend the future land use map for properties located on Winchester Road and Rockland Road and identified on TM# 12A, section 1, block 16, parcels 1, 2, 3, 4, 5, and a portion of 28; TM# 12A, section 1, block 10, parcel 26A; TM#12A, section 1, block 5, parcel 8; and TM# 12, parcel 32C1 for further consideration.

Ayes: Kersjes, Myers, Henry, Richardson

CUP2022-12-01 – Remo Kommnick – A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 226 Judy Lane and identified on tax map 15E, section 5, block 5, lot 576A. The property is zoned Residential One (R-1) and located in the Shenandoah Magisterial District.

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in May of 2017. The owner would like to make his dream cabin available for short-term lodging for visitors of the Warren County area when not in use by his family and friends. Currently residing in Richmond, Virginia, the applicant will manage the property personally with assistance from a local property manager.

Mr. Lenz stated the property is in the Shenandoah Farms Subdivision - Mountain Lake Section and is zoned Residential-One (R-1). There is a Health Department operational permit approving a maximum of two (2) occupants for a one-bedroom dwelling. The PMP has been provided and will be reviewed by Planning staff prior to issuance of the Certificate of Zoning. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 458' to the northeast.

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 two as determined according to the Health Department operation permit for a one-bedroom dwelling.
3. The applicant 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 applicant 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 applicant if there's anything they would like to add about the property before opening to the public? The applicant was in attendance and stated yes.

Remo Kommnick, 3311 East Marshall St. Richmond, VA

Thanked the Staff with helping him through the application process. Four years ago, he started building this cabin himself with his own hands. This is his pride and joy and promises to keep up with it, take care of the land and work with the people around the property.

Mr. Kersjes asked what is the square footage?

Mr. Kommnick replied 512 square feet.

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.

On a motion by Mr. Henry, seconded by Ms. Richardson, and by the following vote of 4-0, the Planning Commission forwarded the conditional use permit application of Remo Kommnick 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: Kersjes, Myers, Richardson, Henry

CUP2022-12-02 – Robert Chevez – A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 604 Windy Knoll Drive and identified on tax map 20, lot 29F. The property is zoned Agricultural (A) and located in the Shenandoah Magisterial District.

Mr. Wendling stated that the applicant's company, CAZA Legacy II LLC purchased this property as an investment property in July 2022. The applicant has a property manager selected to manage and market the property after current renovations are completed. This dwelling is sited across the river from the Front Royal Golf Club on a cliff overlooking the

Shenandoah River and is accessed off Windy Knoll Drive and Mary Shadys Lane which are private roads.

Mr. Wendling stated the former owner of this property was issued a conditional use permit (#2010-05-01 Ramona I Bowden) for a Guesthouse for a caretaker in July of 2010 by the Board of Supervisors. Ms. Bowden never established the second dwelling and the permit expired in June of 2016 after she was cited for allowing her handyman to live in the camper on the property, the CUP subsequently expired after the property owner removed the camper and had the property cleaned up. The dwelling on the property meets the required setbacks from the adjacent dwelling which is 788 feet to the south. There is a Health Department operation permit on file approving a maximum of two (2) occupants for the one-bedroom dwelling. The applicant would like to add an additional bedroom which would require an expansion of the current drain field which requires a permit from the WC Health Department.

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 **two (2)** as determined according to the Health Department conditional/operational permit which needs to be issued 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 on roads outside of the property boundaries shall be prohibited.
7. Outdoor burning and the use of fireworks by guests shall be prohibited.

Chairman Myers asked the applicant if there was anything he would like to add about the property before opening to the public? The applicant was not in attendance.

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

Chairman Myers closed the public hearing.

On a motion by Ms. Richardson, seconded by Mr. Kersjes, and by the following vote of 4-0, the Planning Commission forwarded the conditional use permit application of Robert Chevez 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: Kersjes, Myers, Richardson, Henry

CUP2022-12-03 - Gabriel Gaillard & Natasha Nyirongo-Gaillard - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 95 Pickford Court and identified on tax map 15E, section 5, block 5, lot 471. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.

Mr. Lenz stated that the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in May of 2021 as their “forever home”. With remote work no longer an option for their respective jobs, they recently moved into an apartment in Reston, Virginia to reduce their commutes and would like to make their home available for short-term lodging for visitors of the Warren County area to help offset the cost of their mortgage and rent when they are unable to use the property during the work week. The applicants will manage the property personally with assistance from the owners of a neighboring property.

Mr. Lenz stated the property is in the Shenandoah Farms Subdivision - Mountain Lake Section and is zoned Residential-One (R-1). There is a Health Department operation permit allowing a maximum of four (4) occupants for the three-bedroom dwelling. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 158’ to the southwest. The PMP was provided and will be reviewed by Planning staff prior to issuance of the Certificate of Zoning. It was submitted after the Planning Commission packets were distributed and they were put at your seat before the meeting.

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

Chairman Myers asked the applicant if there was anything they would like to add about the property before opening to the public? The applicants were not in attendance, but their local property manager was in attendance to answer any question anyone may have.

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

Stephanie Yost, (Property Manager), 75 Pickford Ct. Front Royal, VA
She has agreed to be the property manager. Her and her husband and not against the use of the permit they have applied for.

Chairman Myers closed the public hearing.

On a motion by Mr. Henry, seconded by Ms. Richardson, and by the following vote of 4-0, the Planning Commission forwarded the conditional use permit application of Gabriel Gaillard & Natasha Nyirongo-Gaillard 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: Kersjes, Myers, Richardson, Henry

CUP2022-12-04 - Nicholas E. & Cara S. Achterberg - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 671 Thompson Hollow Road and identified on tax map 42B, section 2, lot 12A. The property is zoned Residential-One (R-1) and located in the South River Magisterial District.

Mr. Lenz stated that the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in July of 2019. The owners would like to make their recently restored cabin available for short-term lodging for visitors of the Warren County area when they are not using it themselves. The applicants primarily reside in Woodstock, Virginia and they will manage the property personally.

Mr. Lenz stated it is zoned Residential-One (R-1) and has 6.33 acres. It is in the Thompson Hollow subdivision in which he noted there are no short-term tourist rentals in this subdivision that is not governed by a POA or HOA. They did provide us with a PMP, and no comments were received from any neighbors. There is a Health Department construction permit allowing a maximum of four (4) occupants for the two-bedroom dwelling. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 404' to the north.

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 applicants 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 on State and County roads shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

Chairman Myers asked the applicants if there was anything they would like to add about the property before opening to the public? The applicant was in attendance and stated yes.

Nicholas Achterberg, 2073 Salisbury Rd. Maurertown, VA

He thanked everyone for working with him on his application. It is a little more daunting here than in Woodstock, but he appreciates everyone keeping things safe and good for the community.

Chairman Myers stated with the feedback we have received from others in the past, there is a reason we have these restrictions.

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

Chairman Myers closed the public hearing.

On a motion by Ms. Richardson, seconded by Mr. Kersjes, and by the following vote of 4-0, the Planning Commission forwarded the conditional use permit application of Nicholas E. & Cara S. Achterberg 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: Kersjes, Myers, Richardson, Henry

CUP2022-12-05 - Shenandoah Shores Management Group, LLC - A request for a conditional use permit for Short-term Tourist Rental. The property is located at 301 Rollason Drive and identified on tax map 13C, section 5, block 5, lot 944A. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in March of 2022. The owner runs a premier concierge service specializing in transporting locals and tourists to and from the various wineries, breweries, and distilleries in Warren County and the surrounding areas. The applicant would like to utilize his property to provide short-term lodging accommodations for the clients of his concierge business. While residing in the dwelling, the owner will manage the property personally and breakfast will not be served to his guests.

Mr. Lenz stated it is in the Shenandoah Shores subdivision and comments have been requested from the Shenandoah Shores POA. There is a Health Department operation permit on file approving a maximum of four (4) occupants for the three-bedroom dwelling. The PMP has been provided and will be reviewed by Planning staff prior to issuance of the Certificate of Zoning. The applicant is requesting a waiver to this supplementary regulation as the dwelling does not meet the required 100-foot setback to the neighboring dwellings.

The dwelling on the adjacent property to the East and the dwelling on the adjacent property to the North are 32 feet and 61 feet, respectively, from the dwelling on the subject property. County Planning staff does not support this waiver; however, the applicant has submitted letters of support from both owners of the neighboring dwellings within the 100-foot setback. We did receive a letter of concern from a resident of the Shenandoah Shores community related to parking and when posting the sign on the property Mr. Lenz stated the applicant does have a few vehicles on the property that he uses for his concierge service.

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 four as determined according to the Health Department operation permit for a three-bedroom dwelling.
3. The applicant 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 applicant 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.
8. A waiver to the required setback of 100' to neighboring dwellings shall be granted for the existing 32' and 61' setbacks to the dwellings east and north of the subject property.
* **Waiver has been requested by the applicant.**

Chairman Myers asked the applicant if there was anything they would like to add about the property before opening to the public? The applicant was in attendance and stated yes.

Dedrick Brooks, 301 Rollason Drive Front Royal, VA

He thanked staff and especially Mr. Lenz for his help getting everything prepared.

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

Chairman Myers closed the public hearing.

Mr. Henry clarified that there were letters of support that was received from both neighbors?

Mr. Lenz stated that was correct. Both neighbors indicated they were in support of the application.

Mr. Henry clarified the other letter that was received was from another neighbor but not from neither neighbor that was encroached in the setback?

Mr. Lenz stated that was correct he believes the neighbor against it is on Wilson Ln. which is a couple of turns past.

Ms. Richardson asked if the pictures is showing the parking?

Mr. Lenz stated yes.

Chairman Myers stated that the 32' and 61' setbacks are awfully close. When we start granting a waiver for one we will start seeing others that we have turned down in the past and then we will start granting waivers for everyone before we know it from everybody.

Mr. Henry stated we have a few waivers out there.

Mr. Kersjes stated they are signed waivers, but we do not know if the letter were signed by someone else or not.

Chairman Myers stated that he did think we have had one 32' before.

The Planning Commission members then spoke about a previous one that was down on the river and the applicant's neighbor was the manager.

Mr. Henry stated how we have 2 letters of support and no one is at this hearing to speak against it.

Mr. Wendling added that the supplemental regulations do require that there be adequate parking for it to be approved. We would look at that to see where he is identifying his parking areas for his guests as part of the property management plan.

Mr. Henry stated that Mr. Wendling is saying he can fix the parking and there are letter of approval from both neighbors that would be directly impacted and no one here to speak against it. He has no problem supporting this application.

Dedrick Brooks, 301 Rollason Drive Front Royal, VA

He is in the process of moving the vehicles to another location. He is currently living in the house right now in the basement. His vehicles will be moved because he is going to be moving his business to another location very shortly. He owns property on Magnolia where he can also move his vehicles to for right now until he gets the other location to move his vehicles.

On a motion by Mr. Henry, seconded by Ms. Richardson, and by the following vote of 3-1, the Planning Commission forwarded the conditional use permit application of Shenandoah Shores Management Group 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: Kersjes, Richardson, Henry

Oppose: Myers

Mr. Kersjes recommended that Mr. Brooks try to bring the two immediate neighbors to the Board of Supervisor meeting for approval.

Mr. Henry agreed.

CUP2022-12-06 - Jose L. Canales - A request for a conditional use permit for Short-term Tourist Rental. The property is located at 68 Skunk Hollow Lane and identified on tax map 28, lot 68A. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Wendling stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in November of 2022. The applicant purchased the property with his son and daughter-in-law to use as a second home and eventually as their primary residence. In the meantime, they would like the option to rent it as a short-term tourist rental to cover the cost of taxes, general maintenance, and insurance. They plan to rent it when they are not spending time there.

Mr. Wendling stated this property was issued Conditional Use Permit for a Non-Commercial Kennel in 2006 to the previous property owner Deborah Wingate. The CUP expired in 2008 after the owner no longer required it for 4 dogs which were owned by her and after deciding to not replace the others. This property is not located in a POA/HOA and the owner maintains the road down to his neighbor's driveway. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 208' to the south. The property owner owns the other property and dwelling on the corner of Browntown Rd. and Skunk Hollow Rd.

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 four (4) as determined according to the Health Department operational 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.
7. Outdoor burning and the use of fireworks by guests shall be prohibited.

Chairman Myers asked the applicant if there was anything he would like to add about the property before opening to the public? The applicant was in attendance and stated yes.

Carlos Canales

His family are farmers their dream was always to own some land in this area. The originally intent was not to rent it since his parents were going to come to live full-time and retire here but they have about another year and half. In the meantime, they would like to do a short-term rental to be able to upset the costs for now. He thanked Staff.

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

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 Jose L. Canales 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: Kersjes, Myers, Richardson, Henry

CUP2022-12-07 – Natalya Scimeca - A request for a conditional use permit for Short-term Tourist Rental. The property is located at 1086 Lower Valley Road and identified on tax map 17C, block H, lot 33. The property is zoned Residential One (R-1) and located in the Fork Magisterial District.

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property she purchased in September of 2022 as a second home. The owner would like to make the property available for short-term lodging for visitors looking to experience the natural beauty of the Warren County area when she is not enjoying it on weekends and holidays with her friends and family. Since the applicant primarily resides in Washington, D.C., she has retained a pair of local property managers who will serve as hosts able to respond quickly to any issues requiring immediate attention.

Mr. Lenz stated the property located in the Lower Valley Subdivision and it is zoned Residential-One (R-1). There are no short-term tourist rentals that have been approved in this subdivision at this time. Comments have been received from the president of Fortsmouth House Club, Inc. stating they anticipate no adverse effects and do not oppose the approval of this application. There is a Health Department operation permit approving a maximum of six (6) occupants for the three-bedroom dwelling. The PMP has been provided, it was placed at your seat prior to the meeting, and will be reviewed by Planning staff prior to issuance of the Certificate of Zoning. The applicant is requesting a waiver to this supplementary regulation as the dwelling does not meet the required 100-foot setback to neighboring dwellings. The dwelling on the adjacent property to the Southwest is 68 feet from the dwelling on the subject property. County Planning staff does not support this waiver unless the adjacent property owner within the 100-foot setback supports this application. The applicant has indicated she will reach out to the neighboring property owner to request a letter of support. We have received a letter from a neighbor that is largely opposed of the application, he will forgo reading it, but it was included with the property management plan that was provided before the meeting.

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 applicant 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 applicant 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.
 8. A waiver to the required setback of 100' to neighboring dwellings shall be granted for the existing 68' setback to the dwelling southwest 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 not in attendance although there was a representative in attendance for the applicant.

Phillip Wright, 53 W St. NW Washington, DC

He is the husband of Natalya Scimeca, he stated he comes out almost every month and spends time biking, hiking, hanging out. They intend to use this property as a family space for them on the weekends and holidays. The property was not purchased as an investment property or as a source of income. They are looking to rent it out from time to time as a short-term rental to cover the cost of the mortgage to help keep the house cost down. They enjoy being part of their communities and having a good relationship with their neighbors. They did read over the letter from the neighbor that they received a few days ago and have retained experienced property managers. He had Kelly and Matt Spinx with him today. He addressed some of the concerns the neighbor had he understands his concerns about the noise they offered to go in on a fence with the neighbor. The property managers will be vetting the tenants, they will not be renting

out to large groups that are interested in partying, and the house rules will prohibit non tenants as it is limited to 6 people. He prohibits drug use on the property, there will not be any more traffic then them being on the property. They do not expect to rent to violent offenders or sex offenders.

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

Matt Spinks, 6454 Fort Valley Rd.

He came to address the concerns of the neighbor. He wanted to give some assurance with their property background that is ran by him, his daughter and his wife. They manage 8 properties within a 5-mile stretch. They have hosted thousands of people from all over the world and never had a single issue with a neighbor. He wanted to address the concerns and there are no safety concerns, they vet everyone. They are a small family business and must serve both their hosts and the people that are coming. If they do not have positive reviews, we do not accept them. They really get into why they are coming here and why do they want to stay on their property. Ninety five percent of the families that come here are coming to sight see and are gone most of the time. They use the house for sleeping and sitting around the fire in the evening. They have had issues with neighbors but never with the guests.

Kathleen Mancini, 1085 High Top Rd. Linden, VA 22642

She has an Airbnb 50' from her house right now and it is hell. People come here for the quietness and the first thing they do is make noise. When they come here from places that aren't quiet, they don't know what quiet is. When she goes to her neighbor and asks them to keep the noise down, most get very rude and make more noise after she asks them to keep the noise down. She wanted to speak on behalf of someone that isn't there that sent the letter that she hopes the letter carries some weight. She wants to make sure we don't start setting a precedence. Some of the other applications were 400'-700' away and those are reasonable for an Airbnb, and they won't impact their neighbors. There is a reason you have the 100' requirement and she feels it is not far enough but less than 100' when it is going to impact a neighbor is a precedent we shouldn't set.

Chairman Myers closed the public hearing.

Chairman Myers asked the applicant if they would like to address her comments?

Phillip Wright stated that living in Washington, DC he has several neighbors that rent out their houses. He understands the 100' setback but in his neighborhood they have people that are 25' on one side and maybe 50' on the other side and are renting. He believes people do respond to the requests to be quiet and as he said they will be strictly vetting who they have coming in.

Chairman Myers suggested that when she has noisy neighbors, call the Sheriff's office.

Kathleen Mancini stated she has called but they will only respond during certain hours it is after 10PM on week nights and after 11PM on weekends, by that time she has a migraine.

Mr. Wendling stated that he believes the property she is referencing does not have an approved short-term tourist rental conditional use permit. He believes Mr. Lenz has been working with her but not sure. He asked Mr. Lenz if he would like to add a little to that and to Ms. Mancini's concerns with that neighbor.

Mr. Lenz stated he believes that the property owners address is 1073 High Top Rd.

Chairman Myers intervened and stated that is confidential.

Mr. Kersjes stated this does not pertain to this case.

Mr. Lenz stated ok, a notice of violation was issued to her neighbor for advertising and operating without a conditional use permit and he has taken zoning actions for that violation and are in the process of resolving it.

Mr. Kersjes stated he went on Google Maps and looked at the backyard and they kind of go located one behind the other. He got 58 inches off Google Earth but who knows how accurate that is so he will take their 68. He is concerned with the screening about $\frac{3}{4}$ in front of the house to the back yard. There are some shrub trees but no real barrier and a fence won't do any good as for fences do not stop noise. He thinks that being the only ones we have approved received proper support from the neighbors and here there is a negative comment.

Mr. Henry stated he can not support this application with the setbacks and not having the neighbor's support. He would need to have the neighbor's support to allow for him to approve the waiver request.

On a motion by Mr. Henry, seconded by Ms. Richardson, and by the following vote of 4-0, the Planning Commission forwarded the conditional use permit application of Natalya Scimeca for a Short-Term Tourist Rental to the Board of Supervisors with the recommendation to deny the request with conditions as recommended by staff.

Ayes: Kersjes, Myers, Richardson, Henry

Mr. Henry suggested that the applicant try to get approval from their neighbors and maybe the Board will feel different.

Consent Agenda – Authorization to Advertise for Public Hearing

- A. CUP2023-01-01 – Dominik Golczewski** – A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 398 Briar Lane and identified on tax map 15E, section 5, block 5, lot 443. The property is zoned Residential One (R-1) and located in the Shenandoah Magisterial District.
- B. CUP2023-01-03 – Vitaliy Hayda & Oleksandr Mokrohuz** – A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 0 Bragg Drive and identified on tax map 23C, section 8, block 4, lot 16. The property is zoned Residential One (R-1) and located in the Shenandoah Magisterial District.
- C. CUP2023-01-04 – Thomas Ryan** – A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 944 Wilderness Road and identified on tax map 23A, block 845, lot 17A. The property is zoned Residential-One (R-1) and located in the Happy Creek Magisterial District.
- D. CUP2023-01-05 – David Bediz** – A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 303 Marino Lane and identified on tax map 15E, section 5, block 5, lot 471. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.
- E. CUP2023-01-06 – Nathan L. Phenicie** – A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 1264 Freezeland Road and identified on tax map 13I, lot 3. The property is zoned Agricultural (A) and located in the Happy Creek Magisterial District.
- F. CUP2023-01-07 – Kari Meyer** – A request for a conditional use permit for a Short-Term Tourist Rental. The property is located at 121 Cheyenne Lane, and identified on tax map 26A, block 7A, lot 18A1. The property is zoned Residential-One (R-1) and located in the Fork Magisterial District.
- G. CUP2023-01-08 – Matthew Williams & Jay Gilbert** – A request for a conditional use permit for a Short-Term Tourist Rental. The property is located at 12 Far View Lane, and identified on tax map 15A, section 1, block 3, lot 103-A1. The property is 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-G, for the proposed condition use permit requests for advertisement for their public hearing as presented:

Ayes: Kersjes, Myers, Richardson, Henry

Commission Matters

A. Planning Director – Update on text amendment for Light Industrial and Data Centers and Update on Comprehensive Plan Review

Mr. Wendling stated the following: The supervisors at their last meeting on Tuesday decided to not adopt a text amendment for Data Centers and Light Industrial for very valid reasons. That leaves that particular use up to an applicant for a specific property for the text amendment. If we have anyone come in and want to do a data center it will be up to them to justify the reasons why the County should adopt the text amendment.

Comprehensive Plan Review is moving forward. We have been working with the Northern Shenandoah Valley Regional Commission and one of their staff members has been asked to work with us on doing a lot of the data mining and then updating chapter 2 demographics, chapter 4 land use, and chapter 7 for economic development. They will also be assisting us in additional chapters as needed. Veronica and I had a Zoom meeting with Ms. Shickle, and we will continue to meet with her periodically. Hopefully within a month and a half or couple of months we will have, at least, a rough draft to put forth to you to look at and see how you feel about it or if there is anything you feel needs to be added, so we can continue to press forward.

Mr. Wendling also wanted to mention that typically the 2nd month we have an annual report for the Planning Commission to the Board and we will be working on that the next couple of weeks. We hope to have a draft for you after we get some of that data and information.

Mr. Wendling wanted to give kudos to Ms. Diamond, Mr. Lenz, and our map person Emma for putting our packets together this past week as he was out of the office, and they did a great job getting them together.

B. Commission Members

Mr. Kersjes apologized to Mr. Lenz for not seeing the letter in his packet he looked at it as a Zoning letter and thought it was from Lord Fairfax and he skimmed right over it.

Ms. Richardson stated it looks like we will be busy next month there is a whole lot of information.

Mr. Kersjes asked Mr. Wendling how much more does he expect to receive from Rockland?

Mr. Wendling stated he will reach out to those agencies. We are waiting on the Health Department and there is a 700 page report that he thinks we have it digitally and thinks we can possibly download it but it might be something you can access from the link. If you are interested in the TIA, he has that but again it was made accessible from that link. He will make sure they get that information; he can get it to them as soon as possible so next month when we meet back, we can address each of the plans and the Comp Plan.

C. Senior Assistant County Attorney; Caitlin Jordan-no comment

D. Planning Department Staff; Zoning Administrator, Chase Lenz –

Mr. Lenz wished everyone a Happy New Year and Congratulated Mr. Chair and Mr. Vice Chair. Mr. Lenz stated that we have hired a Zoning Officer who will be starting next Tuesday. He will be a full-time Zoning Officer. He doesn't know if Matt has a plan to bring him to a meeting but maybe not the next one, we will find a short one for him. Mr. Lenz stated that new Zoning Officer's name is David Burke, he is coming from the City of Middletown, where he was the Planning Director and Zoning Administrator. He believes he has 8 years of experience doing Zoning enforcement duties for Frederick County, so he does have experience.

Adjournment:

Chairman Myers called for a motion to adjourn, on a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 4-0 the meeting was adjourned at 8:58 PM.

Warren County Planning Commission
Chairman