

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on March 8, 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; Gregory Huson (Shenandoah District) also present; Matt Wendling, Planning Director; Chase Lenz, Zoning Administrator; Zach Henderson, Office Manager

Absent: Veronica Diamond, Clerk to the Planning Commission

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

Chairman Myers asked Mr. Wendling if he had anything to say before they began?

Mr. Wendling stated March 6, 2023, he received an email from Shenandoah Club Properties, LLC. Mr. Christopher Mohn from Greenway Engineering requested to postpone the public hearing until June 14, 2023, for the following reasons: First the deferral will provide the applicant with the opportunity to expand their engagement with community stakeholders about the proposal and enable dialog about potential paths forward. Secondly the additional time will allow for the VDOT required traffic study to be completed and evaluated by VDOT thus ensuring the study findings and recommendations are collectively understood prior to public review and deliberation on the rezoning application. Staff have reached out to citizens that have reached out to us and provided letters to us. The letters and emails will continue to be put in their record for the Planning Commission and the Board of Supervisors when and if they have a public hearing on this matter.

Mr. Huson motioned that the Planning Commission remove Items VI.A and VI.B for postponement for the June 14, 2023, Planning Commission Meeting. Seconded by Ms. Richardson and by the following vote of 5-0.

Ayes: Kersjes, Myers, Richardson, Henry, Huson

Adoption of Amended Agenda:

On a motion by Mr. Kersjes, seconded by Mr. Henry and by the following vote of 5-0, the Planning Commission adopted the amended agenda with the amended language as presented:

Ayes: Kersjes, Myers, Richardson, Henry, Huson

Approval of Minutes:

On a motion by Mr. Kersjes, seconded by Mr. Henry, and by the following vote of 5-0,

the Planning Commission approved the minutes from February 8, 2023, as presented:

Ayes: Kersjes, Myers, Richardson, Henry, Huson

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. No one came forward.

Public Hearings:

CUP2023-02-01 – Warren County Fair Association – A request for a conditional use permit for a Motor Freight Terminal. The properties are located at 274 Fairground Road and (0) Winners Ct. and identified on tax map 5, as lots 11 and 11A. The property is zoned Industrial (I) and located in the North Magisterial District.

Mr. Wendling stated that the applicant is requesting a conditional use permit for a motor freight terminal which will be used as an area for overflow parking of trailers from the Family Dollar warehouse and distribution center located across the road at 155 Fairground Road. The trailers will be moved by a “jockey tractor” from the Family Dollar lot to these once they have been off-loaded. These lots are also used during the annual county fair and the WC Fair Association has an agreement with Family Dollar that during that time and any other annual events the parking areas will be reserved for Fairgrounds overflow parking. The lot located at 274 Fairground Road has a dwelling which is currently rented by the Fair Association and this 1.2 acre will be separate from the tractor trailer parking areas.

Mr. Wendling stated that this property was issued a conditional use permit on September 19, 2017, for a Contractor’s Storage Yard but was never established by the previous property owner. The permit #2017-07-02 was issued to Frank Brugh and expired in September 2019. The parent parcel was subdivided into four lots in October 2016 (S-02-2016) and the dwelling is grandfathered since it existed prior to zoning in the County.

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

The Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.

1. The applicant shall comply with all Virginia Department of Transportation, USBC Building Code regulations, Erosion and Sediment Control and VA DEQ Stormwater management regulations for a Common Plan of Development using best management practices.
2. The overflow trailer parking shall be restricted to parking for Family Dollar and Warren County Fairground's vehicles.
3. The access entrance to the properties shall be limited to Winner's Court for the Family Dollar vehicles, the Fairground Road entrance shall be prohibited for use by these vehicles.
4. The applicant shall hard-surface the parking areas with a material approved by the Planning Department prior to parking of trailers in accordance with Code section §180-49.1F(1)(a) and doesn't include organic materials such as mulch or wood chips.
5. The applicant shall submit a site plan to the County before the land disturbance permit is issued showing parking areas to be graveled, landscaping, lighting, and screening for adjacent parcels that meet the requirements of Code Sections §180-15 Parking, §180-18 Screening, §180-49.1 Landscaping and §180-49.2 Lighting.
6. All motor freight trailers shall be fully screened from the view of adjacent residential dwellings.
7. No inoperable vehicles/equipment shall be stored on the property.
8. There shall be no parking of vehicles on the drain field or conveyance line of the septic system of the dwelling.
9. No more than 70 trailers shall be parked on the properties at any one time.

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

Dennis Grove with the Warren County Fair Association came forward. He stated how they are a registered non-profit 501C3 everyone that runs the Fairgrounds are volunteers. Family Dollar approached them about parking their empty tractor trailers at the Fairgrounds and this would bring in revenue to them and to the Warren County 4-H. The ground should hold the trucks being they host the fair and have tractor trailers, trailers, ponies, and carnival rides on the property. Mr. Grove addressed the concern about the tractor trailers parking on the grass. He provided pictures to the Planning Commission showing tractor trailers parked on the property in the grass. He asked the County to release all their requirements so they can all Family Dollar to park on the property, that is located across the street, and produce some revenue for them. The Family Dollar agreed

to move the trailers out when the Fair comes and for the Homesteaders event they host, that is a huge event for the whole county. He would hate to see that corner lot not receive any funding and end up with another big building on the property and the County lose the Fair.

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

George Cline, 86 Matthew Ln. Front Royal spoke in favor of the Conditional Use Permit.

Chairman Myers closed the public hearing.

Mr. Henry had some questions for Mr. Grove, during foul weather what insurance does the Fair have so they won't drag a tractor trailer out through the grass and onto 522 with mud all over the place?

Mr. Grove stated that they have an understanding, for example if they know if it rains Wednesday and Thursday, they know not to bring the truck back in until Monday, after the ground dries up.

Mr. Henry stated they know they do not have 24-hour access and they won't try to get any trailers out regardless of the weather?

Mr. Grove stated, yes. They do not want the Fairgrounds property getting damaged. They will shut it down if they see that start to happen. If they are calling for 5 inches of rain, they are going to make sure Family Dollar either gets the trailers out ahead of time or wait a couple of days until it dries up.

Mr. Henry stated if it is legal, he has no objections to lifting the restrictions to help the Fairgrounds to produce some revenue. He does think they may need some kind of gravel entrance at the construction entrance and some kind of written agreement that the Family Dollar is responsible for policing this area since it is a use permit. If rules are broken, then it could be taken away.

Mr. Grove stated they do have twenty plus cameras on that lot.

Mr. Henry questioned if something was to happen, could they see who it was?

Mr. Grove stated, yes. A few weeks ago, a tractor trailer ran off the road and the Fairgrounds president could see it all.

Chairman Myers stated he would like to see this on a plan. Without it in a plan he is not comfortable moving forward with it.

Mr. Henry asked Chairman Myers if he would be ok with tabling the matter and asking the applicant to get it drawn up?

Chairman Myers stated yes, he would be ok with that. All other Planning Commission members agreed as well.

Mr. Kersjes asked if Family Dollar is willing to help with out-of-pocket costs, including capital improvements?

Mr. Grove stated they will help with it. He had spoken before with the General Manager and another gentleman about if they were really getting involved, they would sign and 3- or 5-year lease agreement with them.

Mr. Kersjes stated he understands the County concern with the gravel as for it will help with the dust control as well. He doesn't know why there is discussion about a retaining pond because gravel perks.

Chairman Myers stated it depends on the type of gravel that is used.

Mr. Henry stated if we table, we are waiving an erosion and sediment control plan with silt retention, pond, and lighting.

Mr. Grove stated there is lighting in place.

Chairman Myers stated since they are crossing the road, they are going to need site distance.

Mr. Henry stated there is an existing entrance.

Mr. Grove stated that the State put it in.

Chairman Myers stated ok they are good then.

Mr. Henry asked if he could get them a rough draft, a drawing, and an agreement of what the Fairgrounds will be taking responsibility for and who is policing the mud and street. He asked the applicant Mr. Grove if they could have this to the Planning Commission in one month.

Mr. Grove stated, yes.

Mr. Henry motioned to move that the Planning Commission table this application for a Motor Freight Terminal located at 274 Fairground Rd. to allow the applicant time to draw

a plan for gravel entrance and roadway. Seconded by Ms. Richardson and by the following vote of 5-0.

Ayes: Kersjes, Myers, Richardson, Henry, Huson

CUP2023-02-02 – Eric Wayne Adams – A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 1850 Gooney Manor Loop and identified on tax map 43, as lot 49A5. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property he is in the process of purchasing. The owner, Passage Valley Builders, Inc, is nearing the final stages of the construction of the single-family dwelling on the property. The applicant would like to make the property available for short-term lodging for guests of the Warren County area when the property is not being used by his family. The applicant will manage the property personally with assistance from local professional services for trash disposal, cleaning, landscaping, and maintenance.

Mr. Lenz stated Comments have been received from the Health Department approving a maximum of eight (8) occupants for the four (4) bedroom dwelling. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 130' 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 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 eight as determined according to the Health Department operation permit for a four-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 on state and county roads 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 the public hearing? The applicant stated, yes.

Eric Adams 12255 Cromford Dr.

He asked what does no open burning mean, no gas burning?

Mr. Lenz stated yes that is correct, no open burning burn includes gas. No firepits.

Mr. Adams and wife fell in love with the area, both in the military, from Northern Virginia, and would like to use their home but also use it to rent out as a short-term tourist rental. It will not be rented out for longer than 6 days at a time.

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.

Mr. Henry motioned to move that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Eric Wayne Adams for a Short-Term Tourist Rental with the conditions as recommended by staff. Seconded by Mr. Kersjes and by the following vote of 5-0.

Ayes: Kersjes, Myers, Richardson, Henry, Huson

CUP2023-02-03 - Elena V. Gallo - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 242 Parnassus Road and identified on tax map 23A, section 1, block 3, as lot 36. The property is zoned Residential-One (R-1) and located in the Happy Creek 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 December of 2021. The owner would like to make the property available for short-term lodging for visitors of the Warren County area when her family is not staying there. The applicant will manage the property personally with assistance from local professional services for cleaning, landscaping, and maintenance.

Mr. Lenz stated comments have been received from the Health Department approving a maximum of two (2) occupants for the dwelling. Comments have been received from the Skyland Community Corporation Board of Directors declining endorsement of this application as it does not meet their conditions. A copy of the Skyland Community Corporation conditions for endorsement of a short-term tourist rental is included in your packet. 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 property across Parnassus Road to the north is 80 feet from the dwelling on the subject property. County Planning staff does not support this waiver; however, the applicant has submitted a list of reasons she believes qualifies the property for this setback waiver with her statement of justification.

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 comments.
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 80' setback to the dwelling north of the subject property. *

Chairman Myers asked the applicants if there's anything he would like to add about the property before opening the public hearing? The applicant was in attendance. He stated, yes.

Victor Gallo, 242 Parnassus Rd. Linden, VA 22642

In support of the request to waive the set back Mr. Gallo showed a map of the adjoining neighbors. Three neighbors live out of state and own land and the other 3 neighbors live there. The 80' setback is from the lot across the street from his property, Parnassus Rd. divides the property. He brought three written letters of support from his neighbors to show to the Planning Commissioners. Regarding the Sanitary District Mr. Gallo stated they have worked with them and aided by their rules, they have attended the meetings and met one on one with the president of the sanitary district so they could explain their 15 rules. He notified them of his CUP and requested to be added to the agenda of one of their meetings to address their 15 requests and submitted documents addressing each of the requests. They were denied at first due to the septic Mr. Gallo stated they worked it all out and showed them at the meeting. Then they were denied again for rule #2, the owner must occupy a portion of the residence during the rental, but it only allows a 2 person occupancy so how is this possible? The sanitary district hasn't replied to this question. They did all they could and checked 14 out of 15 of the sanitary district rules.

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.

Mr. Henry motioned to move that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Elena V. Gallo for a Short-Term Tourist Rental with the conditions as recommended by staff. Seconded by Mr. Kersjes and by the following vote of 5-0.

Ayes: Kersjes, Myers, Richardson, Henry, Huson

CUP2023-02-04 - John Randolph & Deborah Lynn Clark - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 1207 Buck Mountain Road and identified on tax map 36B, section 1, as lot 3. The property is zoned Agricultural (A) 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 1990. Now that their children are grown and moved out, the owners would like to make a portion of their dwelling available for short-term lodging for visitors of the Warren County area to supplement their income as they transition to retirement. Residing in the main portion of the dwelling, the applicants will manage the property personally. Breakfast will not be served to guests.

Mr. Lenz stated There is a Health Department operation permit on file approving a maximum of six (6) occupants for a three-bedroom dwelling. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 120' to the east.

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 six as determined according to the Health Department operation permit for a three-bedroom dwelling.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and on 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's anything he 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. No one came forward.

Chairman Myers closed the public hearing.

Ms. Richardson motioned to move that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of John Randolph and Deborah Lynn Clark for a Short-Term Tourist Rental with the conditions as recommended by staff. Seconded by Mr. Huson and by the following vote of 5-0.

Ayes: Kersjes, Myers, Richardson, Huson, Henry

CUP2023-02-05 - Society of Saint Pius X - A request for a conditional use permit for church. The property is located at 2203 Reliance Road and identified on tax map 11, as lot 1. The property is zoned Agricultural (A) and located in the North River Magisterial District.

Mr. Lenz stated that the applicant, Society of Saint Pius X, currently holds scheduled worship services for their small local congregation every Sunday in the Immaculate Heart of Mary Chapel located at 5267 John Marshall Highway in Linden. The applicant seeks to relocate the congregation and worship services to a more permanent location. The applicant plans on converting the existing barn structure located at 2203 Reliance Road to a church to be used by the congregation for worship services until they can raise the funds required to build a permanent church building on the adjacent 10-acre vacant parcel (identified on tax map 3 as parcel 45). The congregation will hold worship services every Sunday morning with occasional use during the weekdays. The applicant plans to develop the property to allow for a capacity of 150 people.

Mr. Lenz stated he did receive comments from VDOT, the Health Department and Building Inspections. They will need to meet the building code and have a permit for those agencies and Building Inspections. The Health Department directed him about a week ago to the office of Drinking Water in Culpeper. He did make the request but has not received comments back yet regarding if they meet their requirements for a public well. VDOT's comments are related to the entrance and the easement says it needs to be widened and meet site distance requirements. We did receive one letter in opposition from a neighboring property owner stating concern about the limit of people with future expansion, potential traffic concerns and lighting shining on other properties.

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 chapel occupancy shall not exceed the number of occupants determined by the Virginia Uniform Statewide Building Code and Virginia Department of Health approval for an on-site sewage disposal system.
2. The applicant shall comply with all Virginia Department of Transportation, Virginia Department of Environmental Quality, Warren County Health Department, Warren

County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.

3. The applicant shall submit a site plan showing parcel boundary, proposed building footprints, dimensions of proposed buildings, setbacks from buildings to nearest property boundaries, ingress/egress, internal access roads, outdoor lighting, parking, including handicapped parking, and well, septic, and drain field locations to the County prior to issuance of building and zoning permits.
4. The applicant shall meet the requirements of Warren County Code §180-15 for off-street parking for a church and Code §180-49.2 for outdoor lighting.
5. The applicant shall meet all permitting requirements and complete the necessary entrance improvements as identified and recommended by the Virginia Department of Transportation prior to issuance of a Certificate of Occupancy for the structure by the Building Official.

Chairman Myers asked the applicant if there's anything they would like to add about the property before opening the public hearing? The applicant stated, yes.

Joseph Whittaker 2203 Reliance Rd.

He addressed the letter from the opposing neighbor. There is no additional lighting in the plans other than what is already in place. The 10-acre tract goes behind Reliance Rd., it is all wooded so they will not cut everything, they will leave the trees up as a border so it shouldn't be an issue. There is one side of the property that is closer to Katie's Lane, and it is a little more open area. If this moves forward the plan is to plant trees along that side. The only traffic that would be created is along Reliance Rd. and in his opinion would not be terrible on Sunday mornings.

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

Richard Jamieson 60 Pappy Ct. Middletown, VA

He wanted to address three concerns regarding the two permits. He does not believe the number of people compared to the number of people in the vehicle reflects the application correctly of the expected use of the property. The Society of Saint Pius X is a very dynamic organization experiencing growth in this area. If 150 is the total congregation and 30 vehicles is an accurate number, it should be expected to grow significantly over the years. The stated hours of operation say mostly Sunday's is less than fully candid. A recent schedule of activities shows services offered on Fridays, Saturdays, and Sundays and it is highly likely that a daily mass will be offered in the future. The building is 7,200 square feet and can easily accommodate more than 500 people. What is the appropriate limit for safety? He feels the traffic impact should be

analyzed. VDOT made significant comments about the traffic issue. There are 11 lots that face the property but not adjacent to the property so they were not made aware of this. He is also concerned about the lighting.

Tim Davis, 75 Katie Ln. Middletown, VA

He agrees with everything Mr. Jamison said and would like to state that the lighting will be a problem. It is very clear that with the services they are holding now it will not only be Sunday's. They do have wetlands and their projected road will go through it. Will there be pollution going through these wetlands? VDOT has made a lot of non-applicable comments about this and would like it to be considered.

Travis Trueblood, 20 Katie Ln. Middletown, VA

He is in support of all the comments made by Mr. Jamison and Davis shared. His property is right on Reliance Rd. even though his address is Katie Lane and is a bit of a speedway. He endorses comments from VDOT and asks that all of that be made a requirement of this application. Mr. Youngblood suggested that applicants maybe try using another entrance that would be off the heavily and fast traveled, narrow Reliance Rd. He asked that the Planning Commission put stipulations on the application. He also asked that they take into consideration if it is compatible with the area.

Joseph McMann, Capon Bridge, WV

He is a member of the chapel-church that is being proposed and is in favor of the application. He is 100% for the safety and convenience of the neighbors. They are trying to make sure all the adjacent property owners are kept private. They have trouble with traffic now in their current location on Rt.55 and would like to address any concerns at the location on Reliance Rd.

Chairman Myers closed the public hearing.

Chairman Myers asked the applicant if would like to address any of the comments?

Mr. Whittaker stated he shares the concerns of the roadway as well and would like to mediate what they can along with the site distance. The church is not required to do overhead lighting. Right now, services will only be for Sunday mass, they are not at capacity for daily mass, they would like future potential growth as that is their goal. If that happens in the future, they will have to revisit the septic system requirements.

Mr. Kersjes asked what is the size of the congregation right now?

Mr. Whittaker replied about 150.

Mr. Kersjes asked if there are only approximately thirty-five cars parking right now, so is it because it's a small area that people are carpooling right now?

Mr. Whittaker stated yes; there are a few 15 passenger vans.

Chairman Myers asked if there is a church school in his future plans?

Mr. Whittaker stated he doesn't think this location would meet capacity for that. Right now, it's not in the plan nor do they have the money but they wouldn't be opposed to revisiting that in the future.

Ms. Richardson stated she believes it is the uncertainty of growth that is the concern right now. She understands right now are 150 people but, in the future, you are going to want to grow.

Chairman Myers closed the public hearing.

Mr. Kersjes stated his concern is the roadway (the turn lane and site).

Mr. Henry stated VDOT requires some conditions that the applicant must meet. If they are to approve it the way VDOT's comments are written the applicant would have to comply.

Chairman Myers agreed with Mr. Henry and stated that the applicant will also have to meet the Health Department requirements as well.

Mr. Henry stated the other concern that he heard was the growth, is there any stipulation in this as to how many is the maximum capacity they can grow before they outgrow the facility?

Mr. Lenz stated when he goes through the building permit process the Building Official will make a determination as to the approved occupancy. For example, if they say 500 but the Health Department says 200, they will go with the stricter of the two and it would be 200.

Ms. Richardson stated they do not have the total number as of right now that would be allowed so is this the right place?

Mr. Henry suggested table it and wait until they hear from VDOT and the Health Department to give their comments to make sure the number they give is fair to the community.

Mr. Lenz stated the Health Department comments related to the one property the they don't have anything on file for the septic system. He believes they only have one septic for both properties. The Health Departments occupancy will be based on what the size capacity allows for that building. The building official will have other things as for the fire

protection code. When they get the building permit and the certificate of occupancy it will have a limit on how many numbers of people they have, and it will be enforceable.

Mr. Kersjes stated they want to know what is the maximum number of occupancies?

Mr. Henry stated they won't know until the Certificate of Occupancy unless they put a limit on it now but they do not have enough information to provide a fair limit of how many people should be allowed to the church and the neighbors.

Ms. Richardson said she would like to see a formal plan with the number of people allotted so that everyone knows.

Mr. Henry asked if the applicant could request a cap number and then that is what they can try to get approved for?

Mr. Lenz stated they could add a cap to the condition, for example we can go with 200 but then the Health Department or Building Official comes back and says 150. Then we would have to go with the 150 and enforce it.

Mr. Wendling stated the Health Department states in their comments that if there is going to be a Sunday service, that is 52 days per year, and they would need to know more about the proposed use during the remaining days of the week to make a determination.

Mr. Henry asked the applicant what he thinks would be a fair number would be?

Mr. Whittaker stated the barn is what he would need to use, that is 7, 200 square feet and the church will only need a little section of it when comparing numbers. He stated after you get to 300 person capacity you need to meet all different kinds of requirements that would be cost prohibited for them. If you want to set the limit to 300 you can because at that point he would need to build another facility because of the size.

Mr. Kersjes asked if they would be able to meet the VDOT requirements.

Mr. Whittaker stated, yes.

Mr. Myers stated he would like to see their site plan and the parking area.

Mr. Henry asked if anyone would have any objections to a 300 maximum capacity putting it roughly at 100 cars?

Mr. Lenz stated we could amend condition #1, so the maximum capacity meets the number of 300 people.

Mr. Henry motioned to move that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of the Society of Saint Pius X for a church with the conditions as recommended by staff and the modification of condition one to allow maximum occupancy of 300. Seconded by Ms. Kersjes.

Ayes: Kersjes, Myers, Richardson, Henry, Huson

CUP2023-02-06 – Society of Saint Pius X - A request for a conditional use permit for church. The property is located at (0) Reliance Road and identified on tax map 3, as lot 45. The property is zoned Agricultural (A) and located in the North River Magisterial District.

Mr. Lenz stated the applicant, Society of Saint Pius X, currently holds scheduled worship services for their small local congregation every Sunday in the Immaculate Heart of Mary Chapel located at 5267 John Marshall Highway in Linden. The applicant seeks to relocate the congregation and worship services to a more permanent location. The applicant plans on converting the existing barn structure located at 2203 Reliance Road to a church to be used by the congregation for worship services until they can raise the funds required to build a permanent church building on the adjacent 10-acre vacant parcel (identified on tax map 3 as parcel 45). The congregation will hold worship services every Sunday morning with occasional use during the weekdays. The applicant plans to develop the property to allow for a capacity of 150 people.

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

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

Travis Trueblood 20 Katie Ln. Middletown, VA

He wanted to repeat the same concerns as the last application and would ask that the Planning Commission not approve anything as this is application is in addition to the last and they want to build on this land and doesn't feel they have enough information to make a decision.

Tim Davis 75 Katie Ln. Middletown, VA

He wanted to reiterate everything that has been brought up. He feels they need more information before they make their decision.

Richard Jamison 60 Pappy Ct. Middletown, VA

He did notice that the applications are identical in every way except for how the parcels are identified. The first application is to use an existing structure, the second application is

to build something in the future. He stated the Planning Commission approved a facility that is okay for 80 cars or more to arrive at the same time to turn into a narrow driveway regardless of what VDOT says. He stated in 5 minutes they made a decision to double the capacity and doesn't consider that to be a thought-out decision. As for the lighting he can clearly see them out of his window, if there is an intention to provide privacy screening by planting trees he would like to see that made by the Commission before making a decision of recommending approval. All the properties along that road are in sight of that building.

Jim Lundt 1000 Boyds Mill Ln. Bentonville, VA

He feels all the comments that were made on the first application are applicable to the second application. He stated they want to build a church and take every measure to protect their own children and worshipers. They want to exercise their faith as good neighbors safely.

Chairman Myers closed the public hearing.

Chairman Myers asked the applicant if he wanted to address any of the comments that were made?

Mr. Whittaker stated he agrees with everything Jim said. They haven't addressed any of the screenings yet because they want to make sure this gets approved first. The two separate applications are due to the 2 parcels being on separate pieces. As for the well and septic, this is for a long-term use, they will use one property while building on the other.

Mr. Henry stated at what point in the process do the plans get looked at and decided for screening?

Mr. Lenz stated the developer would have to comply with our zoning ordinance on landscaping screening. If there are no additional conditions added to specific screening that is all they would have to comply with. He doesn't believe there is any screening or buffering requirement in the Agricultural zoning district.

Mr. Kersjes stated he would like to see this when they are ready to go, at that point we can see how much they did and how good of a neighbor they have been.

Mr. Henry stated they have applied for the septic so if they do the septic then come back and get denied for the building that would be unfeasible to invest in the church property. We can't not do this and then do the second part first. He felt they should table this application for some preliminary plans.

The other Planning Commission members agreed.

Mr. Wendling stated during this CUP phase we can request a general development plan to

review. This gives us an idea of what we are looking at and what impact it may potentially have on the neighbors. The general development plan could have the landscaping that they are proposing for screening. As Chase said, the code doesn't require screening of adjacent properties. It will allow you to get a look at the general development plan for what you would like to add as conditions outside of the supplemental regulations. With conditional use permits we don't bring the site plans back to the Planning Commission, it's only for By-Right and Commercial. Staff would do that, but we would be guided by your conditions placed on this application for the requirements you would want to see like the landscaping or any additional lighting. He stated that it is important to get more information from VDOT if there is anything additional. You set the limit on the 1st recommendation if you set the limit on the 2nd recommendation then it would double. He agreed tabling the application may be a good idea at this time.

Mr. Henry stated yes, we aren't allowing churches here so we are going to have to add that in the conditions when the church is built the other one will have to go.

Mr. Henry motioned that the Planning Commission table this application until more information is provided in a general development plan. Seconded by Mr. Kersjes.

Ayes: Kersjes, Myers, Richardson, Henry, Huson

Mr. Henry stated himself and his business HB Henry Construction both reside at address 175 Hugh Henry Ln. Front Royal, VA have a financial interest on Items A and F of the Consent Agenda so he will be forced to abstain from the Consent Agenda because of those 2 items.

Consent Agenda - Authorization to Advertise for Public Hearing

A. CUP2023-03-01 - Shelly Cook - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at (0) Lee Burke Road and identified on tax map 27E, section 7, as lot 3. The property is zoned Residential-One (R-1) and located in the Fork Magisterial District.

B. CUP2023-03-03 - David Cressell - A request for a conditional use permit for gunsmithing services. The property is located at 275 Gary Lane and identified on tax map 15D, section 2, block 5, as lot 206. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.

C. SV2023-03-01 - Erica Baker - A request for a variance to Warren County Code §155-3.B(1)(b)[2] of the Subdivision Ordinance to allow the voluntary transfer of a proposed subdivided lot to an immediate family member within the required five (5) years of having held fee simple title to the property. The property is located at 64 Tara Road and identified on tax map 15, as lot 2C2. The property is zoned Agricultural (A) and located in the Shenandoah Magisterial District.

D. CUP2023-03-04 – Michaun M. Pierre - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 726 Harmony Orchard Road and identified on tax map 38C, section 1 , as lot 6. The property is zoned Agricultural (A) and located in the South River Magisterial District.

E. Z2023-03-01 – Harry H. Heard - A request to amend Chapter 180 of the Warren County Code Section §180-21.C(9) to add as an accessory use Mobile Food Establishment in conjunction with a commercial nursery/garden center/wayside stand.

F. Z2023-03-02 – Rural Events Facility – Warren County Planning Staff - A request to amend Chapter 180 of the Warren County Code Sections §180-8 to amend the definition to allow lodging permitted as an accessory use and to amend Section §180-55.2 to add and modify supplemental regulations relating to Rural Event Facility general requirements and standards for lodging of event guests.

On a motion by Mr. Kersjes, seconded by Ms. Richardson, and by the following vote of 5-0, the Planning Commission authorized items VIII- A-F, for the proposed condition use permit requests for advertisement for their public hearing as presented:

Ayes: Kersjes, Myers, Richardson, Huson
Abstain: Henry

Commission Matters

A. Planning Director – Update on Comprehensive Plan review, joint PC/BOS public hearing March 28th, and planning related items.

Mr. Wendling stated we continue to work on this and gives credit to Planning staff, Mrs. Diamond and Zoning Officer, Mr. Burke for assisting him with some of these tables and getting things together. He would like to point out page 5, Ms. Rusnak, our GIS Coordinator provided us with a nice map on housing starts for 2022. It shows we had 156 homes built and in 2021 there were 200. Ms. Rusnak is also working on maps for our conservation easement in Bentonville for 3 tracts of land. Another note, page 21, the revenue information shows our last fee schedule changed in 2004 so the Board has asked Planning staff and Mr. Beahm to adjust the fee schedules and bring them up to date with the surrounding communities of our size for these items. We run a very service-oriented office and it has become more expensive between IT with trying to keep on top of things and GIS Mapping. We are going to present this to the Board and hopefully we will be able to see a little compensation from the revenue side of this next year. If there is anything you would like to see adjusted, please let me know and we can bring it back to the next meeting if you would like. He would like to present it to the Board either this month or early next month.

Mr. Wendling stated The Northern Shenandoah Valley Regional Commission data-miner, Ashley Shickle, has been collaborating with us on helping draft and make changes from our 2013 Comprehensive Plan. She has submitted Chapter 2 and he is meeting with her virtually on Friday, she is also working on the Economic Development chapter and will be assisting us in collecting the other data they need to have for the Comprehensive Plan. Once we get those chapters together, we will bring them forward to you and we can have a work session. The Board has requested a joint Planning Commission public hearing for March 28, 2023, at 6:00pm solely for the text amendment changes for Rural Event Facility.

B. Commission Members

Mr. Kersjes stated that the Blue Ridge Shadow golf course gave us one of the flags to replace by the monument where the Exxon gas station is at the entrance by Lowes and 7-Eleven. They would like to clean up the golf cart, it is faded, and the landscaping needs to get cleaned up around it. They would like to make it look a little nicer and this will be done by the HOA Board. If Mr. Wendling could please let the County know.

Mr. Wendling stated he would make sure these comments get forwarded to Dr. Daley and the appropriate people.

Ms. Richardson stated at the last meeting it was mentioned something about (cargo-nets) netting for the back of the trucks, how can we get that promoted for people to use it. There is a lot of trash that is flowing around out of the trucks on Rt. 340.

Mr. Wendling stated the Anti-Litter Council will have a booth set up at the Town Gazebo on Earth Day and we will make sure we have some there. We received our grant so we can order some more cargo nets and can make sure they are available here at the Government Center and at the transfer station and convenience sites. He will make sure they get a couple boxes and will work on promoting this program. We will also be ordering trash grabbers as well.

Ms. Richardson stated that she almost witnessed a bad accident the other day when a piece of metal came flying out of the back of someone's truck.

Mr. Wendling stated there is an ordinance that requires you cover your load, the challenge there is that you must capture something like this in real-time and present it to the Sheriff's office which can be difficult. The cargo nets are free, 2 per household are given.

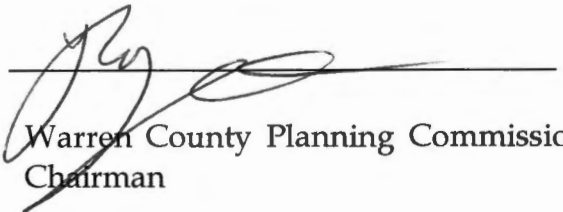
Chairman Myers, Mr. Huson, and Mr. Henry did not have anything to present.

C. Attorney Caitlin Jordan - nothing to report.

D. Zoning Administrator, Chase Lenz – Mr. Lenz stated that there is a Zoning Appeals meeting on Thursday, March 23, 2023, at 7:00pm. The last time we met was May of 2022.

Adjournment:

Chairman Myers called for a motion to adjourn, on a motion by Mr. Henry, seconded by Ms. Richardson, the meeting was adjourned at 8:55 PM.



Warren County Planning Commission
Chairman

