

At a Public Hearings Meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on August 22, 2023, at 6:00 PM.

Present: Victoria L. Cook, Chair (Fork District); Cheryl L. Cullers, Vice Chair (South River District); Jerome K. Butler (Happy Creek District); Walter J. Mabe (Shenandoah District), and Delores R. Oates (North River District); also, Dr. Edwin C. Daley, County Administrator; Caitlin Jordan, Senior Assistant County Attorney; Chase Lenz, Zoning Administrator; Matt Wendling, Planning Director; Zach Henderson, Deputy Clerk of the Board

Call to Order:

Ms. Cook called the meeting to order at 6:00 PM.

Adoption of Agenda:

On a motion made by Mr. Mabe, seconded by Ms. Cullers, and the following vote, the Board adopted the agenda as presented.

Mr. Butler, Aye; Mrs. Cullers; Mrs. Cook, Aye; Mrs. Oates, Aye; Mr. Mabe, Aye

Public Hearing - Comprehensive Plan Amendment – Future Land Use Map - Rushmark Rockland Road, LLC:

Mr. Wendling stated the applicant has resubmitted their request for rezoning of properties located on Route 340/522 North Corridor for properties located along Winchester Road and Rockland Road and identified on tax maps 12, parcel 32C and 12Aa, section 1, block 16 as a portion of parcel 28, from commercial to industrial. The total acreage the applicant is requesting to rezone is 46 acres and an additional 1.87 acres of land that is currently zoned R-1 and is being requested to be rezoned to commercial.

Brian Prater spoke as a representative of the applicant (Rushmark Properties) and stated that there are three different applications being presented, a comprehensive plan amendment, a conditional use permit, and a rezoning. This would allow a building over 50,000 square feet withing the corridor. He further stated that the applicant has worked diligently with VDOT as well as the Planning Commission to bring the application forward so that it aligns with the Comprehensive Plan. Mr. Prater then presented an aerial map of the properties in question and discussed the zoning and comprehensive plan designations and what will change with the rezonings.

There were no citizens who spoke on this matter, and Ms. Cook closed the public hearing.

On a motion made by Ms. Oates, seconded by Mr. Mabe, and the following vote, the Board approved the applicant's request to amend the future land use map to change the map classification and the comprehensive plan for properties located on Winchester Road and Rockland Road and identified on portions of Tax Map 12, lot 32C and tax map 12A, section 1, block 16, lot 28 from Commercial to Industrial.

Mr. Mabe, Aye; Mrs. Oates, Aye; Mrs. Cook Aye; Mrs. Cullers, Aye; Mr. Butler, Aye

Public Hearing - R2022-10-01 – Rushmark Rockland Road, LLC_ Rezoning C to I and R-1 to C:

Mr. Wendling stated that the applicant is requesting to rezone eight parcels consisting of a total of 77.59 acres to Commercial and Residential-1 to Industrial. The total acreage of properties to be rezoned to industrial is 46 acres. Furthermore, they are requesting to rezone 1.87 acres, currently zoned Residential-1 to Commercial and the properties are located on Winchester Road, Rockland Road and Rockland court in the North River Magisterial district. The applicant is proposing a warehousing and a distribution center that will be a total of 627,519 square feet.

Ms. Cook opened the public hearing and Chris Gullickson spoke out in support of the rezoning on behalf of the Virginia Inland Port.

There were no additional comments from citizens, and the public hearing was closed.

On a motion by Ms. Cullers, seconded by Ms. Oates, and the following vote, the Board found that that the requested rezoning is appropriate for the public necessity and is good zoning practice, and approved the applicant's request to rezone and change the map classification of the properties identified on the following tax map numbers. number 12A, Section 1, Block 16, Parcels 1,2,3,4,5 and 28. Tax Map number 12A, Section 1, Block 10, Parcel 26A. Tax Map 12A, Section 1. Block 5, Parcel 8, to be rezoned from Residential-1 to Commercial-C and Properties identified as portions of tax map Number 12, Parcel 32C-1 and Tax Map 12-A, Section 1, Block 16, Parcel 28 to be rezoned from Commercial-C to Industrial-I and that such approvals include acceptance of the applicant's proffered conditions.

Mr. Butler, Aye; Mrs. Cullers; Mrs. Cook, Aye; Mrs. Oates, Aye; Mr. Mabe, Aye

Public Hearing - CUP2022-10-01 – Rushmark Rockland Road, LLC Conditional Use Permit:

Mr. Wendling stated that the applicant is requesting a conditional use permit for a building in excess of 50,000 square feet located in the route 340/522 highway corridor overlay district, and that this is a requirement for buildings of that size in the district. The property is located at 8561 Winchester Road and is located on Rockland Road and in the North River Magisterial District.

Ms. Cook opened the public hearing, however, there were no citizens who spoke, and the hearing was closed.

On a motion by Mr. Mabe, seconded by Ms. Oates, and the following vote, the Board approved the conditional use permit request of Rushmark Rockland road LLC with the conditions as recommended by the planning commission and staff for a building in the excess of 50,000 square feet located in the Route 340/522 Highway Corridor Overlay District.

Mr. Mabe, Aye; Mrs. Oates, Aye; Mrs. Cook Aye; Mrs. Cullers, Aye; Mr. Butler, Aye

Public Hearing - Ordinance Providing for Biennial Reassessment and Equalization of Real Estate:

Dr. Daley stated that over the past 4 years the Public Service Entities \$7M to the Tax Collections in the County. However, over those years property values dropped from 98% to 73% according to State Records. This meant that when the last reassessment was done, it resulted in a lower tax rate by almost 16 cents. Furthermore, property values were increasing, and the value of public services was decreasing because the State takes the ratio of the property values-based sales to the assessed value percentage, resulting in the percentage drop to 73%. This meant that in the prior tax year the public service entities contributed approximately \$4.5M which is \$2.5M less than what was contributed in 2019-2020. The previous assessment was \$420,000 over a four-year period, or \$105,000 per year. By investing an additional \$120,000 each of the next two years, the County should earn approximately \$465,000 from the Public Service Agencies who would have their ratios closer to 100% and closer to market value. An additional advantage is that this will keep properties in the County closer to market value which will minimize the 'shock' of the increases.

Ms. Cook opened the public hearing and Ms. Oates asked for clarity as to what entities other than the Power Plant are factored into the Public Service Entities. Dr. Daley stated that any public utilities such as local Rail Roads and Electric Companies, however the power plant is the largest one. There were no comments from citizens and the public hearing was closed.

On a motion by Mr. Butler, seconded by Mr. Mabe, and the following vote, the Board authorized the ordinance providing for the Biannual Reassessment and equalization of real estate pursuant to code for code of Virginia 58.1-3253. and that the first such Biennial Reassessment and Equalization shall be completed by January 1st, 2025, unless continued by order of a court of competent jurisdiction.

Mr. Butler, Aye; Mrs. Cullers; Mrs. Cook, Aye; Mrs. Oates, Aye; Mr. Mabe, Aye

Public Hearing - Conditional Use Permit 2023-06-01, Amirabbas Burstein for a Short-Term Tourist Rental:

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property h purchased in March of 2023. The owner would like to make the property available year-round for short-term lodging for visitors of the Warren County area. the applicant will manage the property personally with assistance from local

professional services for trash disposal cleaning and maintenance. This property is located in the duly approved Class B Subdivision Shenandoah woodlands.

Ms. Cook opened the public hearing, and Ms. Cullers asked the applicant about his primary residence in proximity to the property in question. The applicant stated that the property is 'technically' his primary residence, but he works in Washington DC, and he stays there 3-4 times a week. However, as part of his property management plan, the applicant has listed numbers for both Emergency and non-emergency assistance.

Jay Moore spoke in support of the CUP and stated that he is willing to assist the applicant with his property management as needed. There were no additional comments from citizens and the public hearing was then closed.

On a motion by Ms. Cullers, seconded by Ms. Oates, and the following vote, the Board approved the conditional use permit request of Amirabbas Burnstein for a short-term tourist rental with conditions as recommended by the planning commission and staff.

Mr. Butler, Aye; Mrs. Cullers; Mrs. Cook, Aye; Mrs. Oates, Aye; Mr. Mabe, Aye

Public Hearing - Conditional Use Permit 2023-06-02, Robert Chavez & Kayla James for a Short-Term Tourist Rental:

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property his company purchased in February 2023, the applicants would like to make the property available for short-term lodging for visitors of the Warren County area when the owners are not occupying the property for personal. The applicants will manage the property personally and is located in the Blue Mountain Subdivision and zoned Residential-1. The dwelling does not meet the 100-foot setback requirement from neighboring dwellings.

Ms. Cook opened the public hearing, and the applicant was not present. Matthew Scott Wright spoke out against the CUP citing concerns of privacy and safety concerns on the road.

Richard Crosby spoke against the CUP citing similar concerns of safety and privacy, specifically of having strangers and non-locals ever present.

Mr. Mabe clarified to the individuals who spoke that they have the right to understand what is going on at the property and have the right to contact either the owner or emergency services as needed.

Mr. Mabe motioned to approve the conditional use permit request for Robert Chavez and Kayla James for a short-term tourist rental with the conditions as recommended by the planning commission and the staff. There was no second and the motioned dies as a result.

On a motion by Mr. Butler, seconded by Ms. Cullers, and the following vote, the Board denied the Conditional Use Permit of Robert Chavez and Kayla James.

Mr. Mabe, No; Mrs. Oates, Aye; Mrs. Cook No; Mrs. Cullers, Aye; Mr. Butler, Aye

Public Hearing - Conditional Use Permit 2023-06-03, Jay Newell for Private Use Camping:

Mr. Lenz stated that the applicant is requesting a conditional use permit for private use camping on a lot in the Shenandoah River Estate Subdivision that is located in the special flood hazard area. The applicant purchased the lot in March of 2016 and the vacant lot is mostly wooded with the front half of the property located in the regulatory floodway. The applicant currently uses the property for storage of outdoor and recreational equipment and this conditional use permit would also allow the owner to erect a single accessory structure up to 200 square feet for storage of recreational and property maintenance equipment upon issuance of a building permit.

Ms. Cook opened the public hearing and the applicant spoke on behalf of his CUP, and there were no comments from the Board or public, and Ms. Cook Closed the hearing.

On a motion by Ms. Oates, seconded by Mr. Mabe, and the following vote, the Board approved the conditional use permit request of Jay Newell for private use, camping with the conditions as recommended by the planning commission and staff.

Mr. Butler, Aye; Mrs. Cullers; Mrs. Cook, Aye; Mrs. Oates, Aye; Mr. Mabe, Aye

Public Hearing - CUP2023-06-04 – Gregory Fritz- Conditional Use Permit for a Guesthouse:

Mr. Wendling stated that the applicant is requesting this conditional use permit in order to construct a dwelling prior to the development of a principal dwelling as their main living quarters. The guest house would be a secondary dwelling to be used by the applicant and his family while they save and work toward planning and building the primary dwelling. The guest house will not be used for commercial purposes.

Ms. Cook opened the public hearing, and the applicant spoke on behalf of his CUP and thanked the Board for their consideration.

Ms. Oates asked if the septic system is going to be large enough to service the main house. The applicant stated that it would and is large enough to service a 5-bedroom house. There were no additional comments and Ms. Cook closed the public hearing.

On a motion made by Ms. Oates, seconded by Ms. Cullers, and the following vote, the Board approved the conditional use permit request of Gregory Fritz for a guest house with the conditions as recommended by planning commission and staff.

Mr. Mabe, Aye; Mrs. Oates, Aye; Mrs. Cook No; Mrs. Cullers, Aye; Mr. Butler, Aye

Public Hearing - Conditional Use Permit 2023-06-05, Austin Schwoegl for a Short-Term Tourist Rental:

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property purchased in November of 2021. The applicant would like to make the property available for short-term lodging for visitors of the Warren County area. The property will be managed by the applicant with assistance from local professional services for trash disposal cleaning and maintenance. Furthermore, the property is located in the Shenandoah Farms Mountain view section and zoned Residential-1 where there are many short-term tourist rentals in operation.

Ms. Cook opened the public hearing and the applicant spoke on behalf of his CUP and thanked the Board for their consideration. There were no comments from the Board or citizens, and Ms. Cook closed the hearing.

On a motion by Mr. Mabe, seconded by Ms. Oates, and the following vote, the Board approved the conditional use permit for Austin Schwoegl for a short-term tourist rental with the conditions as recommended by the planning commission and staff.

Mr. Butler, Aye; Mrs. Cullers; Mrs. Cook, Aye; Mrs. Oates, Aye; Mr. Mabe, Aye

Adjournment:

On a motion by Ms. Oates, seconded by Mr. Mabe and the following vote, the Board adjourned the meeting at 7:40 PM.

Mr. Butler, Aye; Mrs. Cullers; Mrs. Cook, Aye; Mrs. Oates, Aye; Mr. Mabe, Aye