

Planning Commission Meeting Minutes of April 14th, 2021

At a regular meeting of the Planning Commission of Warren County held in the Warren County Government Center on April 14th, 2021 at 7:00 PM.

Present: Robert Myers, Chairman (Happy Creek District); Hugh Henry, Vice Chairman (Fork District); Scott Kersjes (North River District); and Joseph Longo (Shenandoah District); also, present Taryn Logan, Deputy County Administrator/Planning Director; Matt Wendling, Planner II; Joe Petty, Zoning Administrator; Caitlin Jordan, Assistant County Attorney; and Natalie Lentz, Administrative Assistant

Adoption of Agenda:

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

Ayes: Myers, Henry, Longo, and Kersjes

Approval of Minutes:

On a motion by Mr. Henry, seconded by Mr. Longo, and by the following vote, the Planning Commission approved the minutes as presented:

Ayes: Myers, Henry, Longo, and Kersjes

Public Presentations:

Public presentations are limited to issues that are not included on the meeting agenda. It is intended as an opportunity for the public to give input on relevant planning issues, and not intended as a question and answer period. Chairman Myers asked if anyone would like to speak on items not on the agenda; no one came forward so the public presentation was closed.

Public Hearings:

R2021-03-01- Michael and Barbara Olsen

A request to amend the Warren County Zoning Map and rezone approximately thirty (30) +/- acres from Residential-One (R-1) to Agricultural (A). The property is located off of High Top Road and is identified on tax map 12K, as lot 1, and located in the Shenandoah magisterial district. If the zoning map amendment is approved, the general

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usage for the property would be for agricultural land uses and the density in the Agricultural (A) zoning district is two (2) acres.

Ms. Logan shared that the applicants are proposing the rezoning to allow them to be able to pursue agricultural uses, which are listed in the conservation easement. In 2012, 640 acres located in Shenandoah Farms, off of Blue Mountain Road, the owner W.P. associates came to the County to place the land in a permanent conservation easement. Mr. and Mrs. Olsen purchased the property with knowledge of the easement. They wish to do agricultural pursuits on the property, however the underlying zoning is still Residential One (R-1), which conflicts with language in the easement. The zoning takes precedence, therefore the downzoning needs to occur for the owners to conduct agricultural uses on the property.

This public hearing has been properly advertised; adjacent property owners have been notified.

Chairman Myers asked if there were any questions at this time;

Mr. Henry commented that the rezoning of the property seems fit because of the acreage of the properties around it that are included in the conservation easement.

Chairman Myers opened the public hearing; no one came forward to speak, so the public hearing was closed.

Mr. Henry moved the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the applicant's request to rezone and change the zoning map classification of the property, identified on tax map 23K, lot 1, from Residential One (R-1) to Agricultural (A).

Mr. Kersjes seconded the motion which was passed by the following vote:

Ayes: Myers, Henry, Longo, Kersjes

2021-03-01- Kevin and Shauneen Melton

A request for a conditional use permit for a Short-Term Tourist Rental. The property is located at 186 Reid Drive and identified on tax map, 15E, section 5, block 5, as lot 653A. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.

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Mr. Petty shared that the applicant is requesting a conditional use permit for a Short-Term Tourist Rental. The rental will be available for short-term visitations for individuals who will be visiting the Warren County area. The owners currently live in Washington, D.C. and will have the home professionally cleaned and maintained in between reservations. They have years of experience owning/operating short-term rentals. The applicant is currently working with the Building Department to get everything up to code. Staff is recommending the following conditions.

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 permit.
3. The applicants shall provide documentation to County Staff for the maintenance of the sewage treatment system as recommended by the Warren County Health Department.
4. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the result shall be submitted to the Planning and Health Departments by the end of the calendar year.

This public hearing has been properly advertised; adjacent property owners have been notified. Mr. Petty shared that the applicant is present and available to answer and questions.

Chairman Myers asked if there were any questions at this time; there were none.

Chairman Myers opened the public hearing. He asked if anyone wishes to speak for or against this matter; no one came forward. The public hearing was closed.

Mr. Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the Conditional Use Permit request of Shauneen and Kevin Melton for a short-term tourist rental with conditions as recommended by the staff.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Longo, Kersjes

2021-03-02 - Raymond Ditto

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A request for a conditional use permit for a short-term tourist rental. The property is located at 461 Thunderbird Road and identified on tax map 36, as lot 31. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Petty shared that the applicant is requesting a conditional use permit for a Short-Term Tourist Rental. The rental will be available for short-term visitations for individuals who will be visiting the Warren County area. The owners currently live in Washington, D.C. and will specify cleaning/maintenance operation between reservations in the Property Management Plan. Staff is recommending the following conditions:

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 permit for a four (4) bedroom dwelling.
3. The applicants shall provide documentation to County Staff for the maintenance of the sewage treatment system as recommended by the Warren County Health Department.
4. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the result shall be submitted to the Planning and Health Departments by the end of the calendar year.

This public hearing has been properly advertised; adjacent property owners have been notified. There has been some confusion regarding the maximum number of occupancy and the Planning department is still waiting an answer from the Warren County Health Department, therefore we cannot give an approximate number for maximum occupancy at this time. The applicants understand that this may need to be tabled until we receive an answer from the Health Department.

Chairman Myers asked if there were any questions at this time; there were none.

Chairman Myers opened the public hearing. He asked if anyone wishes to speak for or against this matter.

Edwin Wright at 5628 Gooney Manor Loop came forward to speak in favor of this short-term rental. He expressed that this seems to be a great asset to the area and will help bring people in to the county to enjoy all that we have to offer.

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Mr. Myers thanked Mr. Wright for coming forward to speak and asked if anyone else would like to come forward; no one came forward. The public hearing was closed.

Mr. Henry moved that the Planning Commission table the proposed conditional use permit request for further discussion at the May 12, 2021 Planning Commission Meeting.

Mr. Kersjes seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Longo, and Kersjes

2021-03-03 - John and Anna Carpenter

A request for a conditional use permit for a short-term tourist rental. The property is located at 703 Kildare Dr. and identified on tax map 15L, section 1, block 1, lot 13. The property is zoned Agricultural (A) and located in the Shenandoah Magisterial District.

Mr. Wendling shared that the applicant is requesting a conditional use permit for a Short-Term Tourist Rental for rental of their single-family dwelling. The property was purchased in 2018 as a second home for the applicants who currently reside in Williamsburg, VA. They plan to rent to the property to friends and tourists visiting the area in addition to their own personal use for the property. This would allow them to offset the costs of maintenance, mortgage and property taxes on this property and make improvements to the dwelling. They have hired a local resident who will assist in managing the property, rental and business details. This short-term tourist dwelling meets the setback requirements to the nearest adjacent single family dwelling which is 186' to the southeast. Staff is recommending the following conditions:

1. The applicant shall comply with all Warren County Health Department regulations and requirements and the maximum number of occupants shall not exceed six (6) as determined according to the department's operational permit for three (3) bedroom dwelling.
2. 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 by the end of the calendar year.
3. **The shooting of firearms and hunting shall be prohibited.**
4. **The use of All-Terrain Vehicles (ATV), dirt bikes and similar recreational vehicles shall be prohibited on the private roads of the subdivision and on the property.**
5. **There shall be no discharging of fireworks.**
6. **There shall be no open outdoor fires, bonfires or fire pits used by guests.**

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7. A copy of Chapter 123 of the Warren County Code relative to noise must be provided at the Short-term Tourist Rental dwelling and included in the guest registration agreement.
8. The property boundaries, or limitations within the property's boundaries where guest are allowed, shall be clearly marked at all times.

This public hearing has been properly advertised; adjacent property owners have been notified. The property owner is present to answer any questions. Mr. Wendling shared that staff received a letter from the Sligo Estates Citizen's Association stating that there have been problems in the past with short-term rentals in the community concerning parties, fireworks, bonfires, trespassing, and property damages.

Chairman Myers thanked Mr. Wendling and said if there are no questions from the Planning Commission, I will open the public hearing. There were no questions so Chairman Myers opened the Public Hearing.

Several people came forward in opposition to the short-term tourist rental proposed

- Jim Eisenman 139 Sligo Ct
- Caleb Johnson 990 Kildare Dr.
- James Sittner 352 Kildare Dr.
- Jill Trump 325 Kildare Dr.
- Jeff Sisler 817 Kildare Dr.
- Daniel and Melanie Purvis 32 Erin Ct.

Mr. Eisenman also presented Ms. Lentz with emails that he received in opposition to the short-term tourist rental from the following individuals:

- Nellie Sarkissian 29 Erin Ct.
- David and Jill Schwab 165 Kildare Dr.
- Sung Chull Hong Kildare Dr.
- Patrick and Brittany Irish 874 Kildare Dr.
- Ann Muldoon 716 Kildare Dr.
- Ann Murray 909 Kildare Dr.
- Caleb Johnson 990 Kildare Dr.

Many expressed concerns about the traffic that this short-term rental could pose to their community and to some this use seems more like a hotel. The neighbors also expressed that they feel that the safety of their children may be threatened with unknown people traveling in and out of their community. Mr. Eisenman stated that the use of short-term

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rentals is prohibited in their covenants and that there seems to be an exception for this conditional use permit or the county is creating a waiver.

Edwin Wright 5628 Gooney Manor Loop came forward to speak in favor of this short-term rental. He feels that this short-term rental will actually pose less traffic in their community. Mr. Wright stated that the people who rent short-term rentals are very respectful to the area and neighbors. It is very reasonable to have concerns but in the long run the renters will probably never pose any threat to the community.

Chairman Myers thanked everyone who came forward to speak and asked if the applicant would like to come forward to address these concerns.

Mr. Carpenter stated that he values his neighbor's opinions but assures them that he himself has two small children and will be screening anyone will be staying in the rental. Mr. Carpenter adds that he will work closely with a property manager and neighbors to make sure that everyone is safe.

Chairman Myers stated that the short-term rental will not generate more traffic than a normal household. He also adds that the short-term rental is not a commercial hotel according to the state code.

Mr. Henry adds that short-term rentals do not fit all neighborhoods but the county has seen great success with them. The people who rent these properties typically are renting them to get out of the city and come to the county to enjoy the area and everything we have to offer. If there are complaints regarding a short-term rental their conditional use permit can be revoked. As far as enforcing the covenants that cannot be enforced by the Planning Commission.

Mr. Wendling added that this will set a precedent for this subdivision as this is the first short-term tourist rental in Sligo Estates and the Planning Commission is not making an exception or creating a waiver for this short-term rental. Once again the covenants cannot be enforced by the Planning Commission it is only enforceable by the Property Owners Association.

Chairman Myers asked if there were any additional questions; there were none.

Mr. Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the Conditional Use Permit request of John and Anna Carpenter for a short-term tourist rental with the conditions as recommended by the staff.

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Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Longo, Kersjes

2021-03-04- Front Royal Self Storage, LLC

A request for a conditional use permit for an enclosed storage facility. The property is at located 8897 Winchester Road identified on tax map 12, as lot 56C. The property is zoned Commercial (C) and located in the North River Magisterial District.

Ms. Logan shared that Front Royal Self Storage, LLC is requesting a conditional use permit for an enclosed storage facility. The proposed facility will consist of two phases. The first phase includes 39,000 square feet of climate-controlled storage, 38,000 square feet of drive up storage and a section furthest away will contain RV and boat storage. The property site is located of an abandoned single family dwelling that is currently served by a well and pump and haul septic system. The property is located on Winchester Road, just north of the Potomac Edison transmission line and Shenandoah Motors and west of Kelley Industrial Park. The applicant is here if there are any questions. Staff is recommending the following conditions:

1. The applicant shall comply with all Virginia Department of Transportation, Town of Front Royal Public Works Department, Warren County Building Inspections, and applicable environmental regulations and requirements.
2. The applicant shall submit a formal site plan to the county showing buildings, parking, landscaping, and lighting prior to the issuance of a building permit.
3. The permanent color of the building materials shall be earthen tones in compliance with the County' Highway Overlay District ordinance and all building facades visible from Rt. 340/522 shall be constructed of a combination of stone and DriVit/EFIS/or similar material as approved by the Warren County Planning Department.
4. All outdoor lighting fixtures shall be cut-off fixtures as required by the Warren County Zoning Ordinance.
5. The property shall be in compliance with Warren County Code Section 180-45.5 regarding the supplemental regulations for self-storage facilities.

This public hearing has been properly advertised; adjacent property owners have been notified. Applicant is here to answer any questions.

Chairman Myers asked if there were any questions at this time; there were none.

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Chairman Myers opened the public hearing. He asked if anyone wishes to speak for or against.

Edward Murphy the applicant informed the Planning Commission that a marketing study needs analysis has been conducted for Warren County which it reflected that there is a significant demand for self-storage. This property is the perfect location for a storage facility. It is located just north of the Potomac Edison transmission line and Shenandoah Motors, and west of Kelley Industrial Park. He states that they will abide by all comments. The enclosed storage facilities will be located in the front of the property and then the storage facilities for recreational vehicles, boats, and cars will be located in the back of the property. Mr. Murphy anticipates construction for these facilities once approved could began June 2021 and will continue until July 2022.

Chairman Myers thanked Mr. Murphy and asked if anyone else would like to come forward; no one came forward. The public hearing was closed.

Mr. Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the Conditional Use Permit request of Front Royal Self Storage, LLC for an enclosed storage facility with the conditions as recommend by the staff.

Mr. Kersjes seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Longo, Kersjes

2021-03-05- Front Royal Self Storage, LLC

A request for a conditional use permit for the storage, of cars, boats, and recreational vehicles. The property is located at 8897 Winchester Road identified on tax map 12, as lot 56C. The property is zoned Commercial (C) and located in the North River Magisterial District.

Ms. Logan shared that the applicant Front Royal Self Storage, LLC is requesting a conditional use permit for the storage of recreational vehicles, boats, and cars in conjunction with CUP#2021-03-04 for an enclosed storage facility. The overall project is proposed in two phases. This is the second phase of the project. The second phase would expand the storage to up to 125,000 square feet total. The addition of drive-up units in the second phase depends on market demand. The property lies within the County's Highway Overlay District, which has architectural requirements on all

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building façade visible from the highway corridor (Route 340/522). They will need to be fully screened from the view of the corridor highway. Staff is recommending the following conditions:

1. The applicant shall comply with all Virginia Department of Transportation, Town of Front Royal Public Works Department, Warren County Building Inspections, and applicable environmental regulations and requirements.
2. The applicant shall submit a formal site plan to the county showing buildings, parking, landscaping, and lighting prior to the issuance of a building permit.
3. The area on the property for the storage of RV'S, boats and cars shall be adequately screened from the view of Route 340/522 North in accordance with the County's Highway Overlay District and as approved by the Warren County Planning Department.
4. All vehicles shall have valid tags and inspection while stored on the site.
5. The storage of recreational vehicles, boats and cars on the property shall be in conjunction with the enclosed storage facility (CUP#2021-03-04).

This public hearing has been properly advertised; adjacent property owners have been notified.

Chairman Myers asked if there were any questions at this time; there were none.

Chairman Myers opened the public hearing. He asked if anyone wishes to speak for or against this matter; no one came forward. The public hearing was closed.

Mr. Kersjes added that there is a great need in the county for a storage facility like this. Many people from his subdivision of Blue Ridge Shadows need a place to store their recreational vehicles, boats, and cars.

Mr. Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the Conditional Use Permit request of Front Royal Self Storage, LLC for the storage of recreational vehicles, boats, and cars in conjunction with CUP#2021-03-04 with the conditions as recommended by staff.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Longo, and Kersjes.

2021-03-06- Jacob Foltz

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A request for a conditional use permit for a commercial repair garage. The property is located at 288 Durham Drive identified on tax map 18E, section 2, block 2, as lot 11. The property is zoned Agricultural (A) and located in the Fork Magisterial District.

Mr. Petty reported that the applicant is requesting a conditional use permit for a Commercial Garage Repair. The owner operates a mobile forklift repair business that has been family owned for many years. Occasionally projects need to be brought to a shop for additional work. The property owner/applicant would like to construct a detached garage on their property that allows them to perform work and keep materials and equipment indoors. The applicant does not have business hours or employees and is only operating on-site as needed. Staff recommends the following conditions:

1. No inoperable vehicles/equipment shall be stored outdoors on the property
2. No more than three (3) forklifts will be stored outdoors at any one time.
3. Waste materials of fluids parts and other related debris shall be disposed of properly
4. A waiver to the required access to state-maintained road shall be granted given the business traffic is limited only to scheduled drop-off and pick-up or forklift vehicles and equipment.

This public hearing has been properly advertised; adjacent property owners have been notified. The applicant is present if there are any questions.

Chairman Myers asked if there were any questions at this time; there were none. The public hearing was open.

Chairman Myers opened the public hearing. He asked if anyone wishes to speak for or against this matter.

Leonard Cameron at 1803 Durham Drive came forward to speak in favor of Mr. Foltz's Conditional Use Permit. He stated that Mr. Foltz is a great neighbor and is very respectful to the people around him.

Daniel Gillette located on Durham Drive came forward in opposition to Mr. Foltz's Conditional Use Permit. He stated that his family has owned property adjacent to the Foltz's property since 1930's. There is no buffer between the two properties and he would not be opposed to this use if there was a buffer installed to keep noise down and debris on the Foltz's property. Mr. Gillette stated that there is constant noise and trash that is blown onto their property space with no intent to clean it up. He also agrees with

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Mr. Foltz's statement in his application that the structure proposed to be built will make the place look much cleaner.

Frank O'Reilly at 2973 Shenandoah Shores Road came forward to speak in favor of Mr. Foltz's conditional use permit. He stated that Mr. Foltz is a great neighbor and would do the right thing when it comes to complying with all rules and conditions.

Chairman Myers thanked everyone who came for to speak in favor or opposition to this matter. He asked the applicant if he would like to come forward to address these problems.

Mr. Foltz stated that his intention is to tidy up the place and reduce noise when working on equipment. He stated that he could purchase a pole barn to store everything under but that will not make the property look as nice.

Mr. Petty added that he reached out to Mr. Foltz about possible screening from the closest residence. The primary business space will be located within the garage and everything will be stored inside. The garage will not generate any customer traffic on the road and there will be no hours of operation. Mr. Foltz's primary business is a mobile business but sometimes there is an occasional need to bring work back to a garage to do additional repairs.

Mr. Henry added that he thinks this is a great idea and that he sees the need for this garage. He mentioned a local machine shop that used something like this until they moved to a commercial building and then used a CUP to relocate back to accessory structure on his property. He also added that having a garage to do work in would definitely help reduce noise. He stated that this is an acceptable fit for this property and a great resolution.

Chairman Myers asked if there were any further comments; there were none. The public hearing was then closed.

Mr. Longo moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the Conditional Use Permit request of Jacob Foltz for a Commercial Repair Garage with the conditions as recommended by staff.

Mr. Henry seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Longo, Kersjes

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2021-03-07 – Frank O'Reilly

A request for a conditional use permit for a short-term tourist rental. The property is located at 315 Old Barn Lane and identified on tax map 13R, as lot 6. The property is zoned Agricultural (A) and located in the Shenandoah Magisterial District.

Mr. Wendling reported that the applicant is requesting a conditional use permit for a Short-Term Tourist Rental for the rental of a single-family dwelling for less than thirty days. In the Statement of Justification the applicant states his family and he has been involved with running Short-Term Tourist Rentals for over ten years. The dwelling was built in 2019 with the intentions of the applicant using it for a Short-Term Tourist Rental as a "home away from home" business venture and to support the local small business and restaurants. Staff is recommending the following conditions:

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 eight (8) as determined according to the Health Department conditional permit for a four (4) 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 by the end of the Calendar year.
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 recommend by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The property shall be in compliance with the section 180-56.4 of the Warren County Zoning Ordinance regarding supplemental regulations for short-term tourist rentals which includes a property management plan to be submitted to the Planning Department prior to Staff issuing a certificate of zoning for this use.
6. The applicant shall register with the Commissioner of Revenue's office for transient lodging tax purposes.

This public hearing has been properly advertised; adjacent property owners have been notified. The applicant is here to answer any questions.

Chairman Myers asked if there were any questions at this time; there were none.

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Chairman Myers opened the public hearing. He asked if anyone wishes to speak for or against this matter.

Frank O'Reilly (The Applicant) residing at 2973 Shenandoah Shores Road came forward to speak in regards to all of his conditional use permits on the agenda. He stated that this property is owned by Mr. and Mrs. Kromhout but he is the property manager. The owners are out of the country for a year at a time due to work. His family did have a Bed and Breakfast in the 2973 Shenandoah Shores property pertaining to the 2021-03-09 conditional use permit but closed it due to the family outgrowing the home. He stated the short-term rentals will help bring people into the county.

Chairman Myers thanked Mr. O'Reilly and asks if anyone else would like to come forward; no one came forward. The public hearing was then closed.

Mr. Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the Conditional Use Permit request of Frank O'Reilly for a short-term tourist rental with the conditions as recommended by staff.

Mr. Kersjes seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Longo, Kersjes

2021-03-08- Frank O'Reilly

A request for a conditional use permit for a short-term tourist rental. The property is located at 187 Old Barn Lane and identified on tax map 13R, as lot 1B. The property is zoned Agricultural (A) and located in the Shenandoah Magisterial District.

Mr. Wendling reported that the applicant is requesting a conditional use permit for a Short-Term Tourist Rental for the rental of a single-family dwelling for less than thirty days. In the Statement of Justification the applicant states his family and he has been involved with running Short-Term Tourist Rentals for over ten years. The dwelling is still under construction with the intentions of the applicant using it for a Short-Term Tourist Rental as a "home away from home" business venture and to support the local small business and restaurants. Staff is recommending the following conditions:

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.

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2. The maximum number of occupants shall not exceed four (4) as determined according to the Health Department conditional permit for a two (2) 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 recommend by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The property shall be in compliance with the section 180-56.4 of the Warren County Zoning Ordinance regarding supplemental regulations for short-term tourist rentals which includes a property management plan to be submitted to the Planning Department prior to Staff issuing a certificate of zoning for this use.
6. The applicant shall register with the Commissioner of Revenue's office for transient lodging tax purposes.

This public hearing has been properly advertised; adjacent property owners have been notified. Applicant is here to answer any questions.

Chairman Myers asked if there were any questions at this time; there were none.

Chairman Myers opened the public hearing. He asked if anyone wishes to speak for or against this matter; no one came forward. The public hearing was closed.

Mr. Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the Conditional Use Permit request of Frank O'Reilly for a short-term tourist rental with the conditions as recommended by staff.

Mr. Kersjes seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Longo, Kersjes

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2021-03-09- Frank O'Reilly

A request for a conditional use permit for a short-term tourist rental. The property is located at 2973 Shenandoah Shores Rd. and identified on tax map 13J as lot 2. The property is zoned Agricultural (A) and located in the Shenandoah Magisterial District.

Mr. Wendling reported that the applicant is requesting a conditional use permit for a Short-Term Tourist Rental for the rental of a single-family dwelling for less than thirty days. In the Statement of Justification the applicant states his family and he has been involved with running Short-Term Tourist Rentals for over ten years. The dwelling is still under construction with the intentions of the applicant using it for a Short-Term Tourist Rental as a "home away from home" business venture and to support the local small business and restaurants. Staff is recommending the following conditions:

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 eight (8) as determined according to the Health Department conditional permit for a four (4) 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 recommend by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The property shall be in compliance with the section 180-56.4 of the Warren County Zoning Ordinance regarding supplemental regulations for short-term tourist rentals which includes a property management plan to be submitted to the Planning Department prior to Staff issuing a certificate of zoning for this use.
6. The applicant shall register with the Commissioner of Revenue's office for transient lodging tax purposes.

This public hearing has been properly advertised; adjacent property owners have been notified. The applicant is here to answer any questions.

Chairman Myers asked if there were any questions at this time; there were none.

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Chairman Myers opened the public hearing. He asked if anyone wishes to speak for or against this matter; no one came forward. The public hearing was then closed.

Mr. Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the Conditional Use Permit request of Frank O'Reilly for a short-term tourist rental with the conditions as recommended by staff.

Mr. Kersjes seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Longo, Kersjes

2021-03-10- Frank O'Reilly

A request for a conditional use permit for a short-term tourist rental. The property is located at 261 Old Barn Lane and identified on tax map 13R, as lot 5. The property is zoned Agricultural (A) and located in the Shenandoah Magisterial District.

Mr. Wendling reported that the applicant is requesting a conditional use permit for a Short-Term Tourist Rental for the rental of a single-family dwelling for less than thirty days. In the Statement of Justification the applicant states his family and he has been involved with running Short-Term Tourist Rentals for over ten years. The dwelling is still under construction with the intentions of the applicant using it for a Short-Term Tourist Rental as a "home away from home" business venture and to support the local small business and restaurants. Staff is recommending the following conditions:

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department conditional permit for a three (3) 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 recommend

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by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

5. The property shall be in compliance with the section 180-56.4 of the Warren County Zoning Ordinance regarding supplemental regulations for short-term tourist rentals which includes a property management plan to be submitted to the Planning Department prior to Staff issuing a certificate of zoning for this use.
6. The applicant shall register with the Commissioner of Revenue's office for transient lodging tax purposes.

This public hearing has been properly advertised; adjacent property owners have been notified. The applicant is here to answer any questions.

Chairman Myers asked if there were any questions at this time; there were none.

Chairman Myers opened the public hearing. He asked if anyone wishes to speak for or against this matter; no one came forward. The public hearing was then closed.

Mr. Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the Conditional Use Permit request of Frank O'Reilly for a short-term tourist rental with the conditions as recommended by staff

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Longo, Kersjes

2021-03-11- George Lombardi

A request for a conditional use permit for Private Use Camping. The property is located on Harris Dr. and Avalon Dr. identified on tax map 21C, section 3, as parcel 10. The property is zoned Residential- One (R-1) located in Shenandoah Magisterial District.

Mr. Wendling shared that the applicant is requesting a conditional use permit for Private Use Camping on a vacant lot located in the Boilling-Poe-Manganaro subdivision and all of which is located in the Special Flood Hazard Area (SFHA). Mr. and Mrs. Lombardi recently purchased this property with the intent of using it for fishing and tent camping until they are able to build a single-family dwelling. Meanwhile, he would like to place a shed on the property for storage and construct a fence along the property to confine his dog while visiting the property. County code requires that he has a conditional use permit for private use camping to do this in Residential One (R-1) zoning district. He will be required to submit a building permit for the accessory

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structure and the fence if this CUP is approved by the Board of Supervisors since the structure is in the SFHA. The staff recommends the following conditions:

1. The applicant shall comply with all of the Warren County Health Department regulations and requirements as stated in their comment letter.
2. Materials associated with the campers are to be stored in a neat and orderly fashion during the time of use and are to be removed from the site when not in use.
3. The applicant shall post the property with a lot/parcel number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles and portable commode prior to a predicted flood event.

This public hearing has been properly advertised; adjacent property owners have been notified. The applicant is here to answer any questions.

Chairman Myers asked if there were any questions at this time; there were none.

Chairman Myers opened the public hearing. He asked if anyone wishes to speak for or against this matter.

Mr. Lombardi the applicant came forward to share that his main purpose of this lot is to use for fishing and tent camping on the weekends. He stated that he will take his tent down at the end of each visit.

Jay Newell at 255 Harris Drive came forward he stated that he has witnessed many flood events living on Harris Drive nearly his entire life. He is concerned about Mr. Lombardi putting a shed on the property. He stated that he would be okay with a shed as long as it is anchored down properly. He added that he has witnessed many sheds that were not anchored down correctly and swept away during a flood. Mr. Newell stated that overall he was in favor of Mr. Lombardi's request for a conditional use permit.

Mr. Wendling stated that a number of sheds located within the flood zone have been grandfathered in and are not required to have flood vents or auger anchoring in place, but they are continuing to bring them into compliance. Mr. Lombardi will be required to anchor his shed and install flood vents.

Chairman Myers asked if there were any additional comments; there were none. The public hearing was then closed.

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Mr. Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the Conditional Use Permit request of George Lombardi for private use camping with the conditions as recommended by the staff.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Longo, Kersjes

Authorization to Advertise:

R2021-04-01- Salvador & Josette Barragan

A request to amend the Warren County Zoning Map and rezone approximately one point seventy seven (1.77) +/- acres from Residential-One (R-1) to Agricultural (A). The property is located off of Park Way Road and is identified on tax map 28C, block 2, as lot 44 in South River Magisterial District.

Mr. Petty shared that the applicants are requesting this rezoning to allow them to extend their adjacent Agricultural zoning properties and use the property for Agricultural pursuits. They plan to construct a run-in shed for livestock and allow the horse's access to the property which could total seventeen point ninety-nine (17.99) acres. The property subject to the request is currently one point six-seven (1.67) acres, the owners submitted a boundary line adjustment on April 1, 2021 to create a 2.00 acre parcel; this shall make the property compliant with the minimum lot size required in the Agricultural District if the rezoning is approved. Mr. Petty stated that he would be happy to answer any questions.

Chairman Myers asked if there were any questions.

Mr. Kersjes questioned why the applicant only created a two (2) acre parcel.

Mr. Petty stated that the applicant created a two (2) acre parcel because this will make the property compliant with minimum lot size required in the Agricultural District if the rezoning is approved.

Chairman Myers asked if there were any additional comments; there were none.

Mr. Henry moved that the Planning Commission approve the proposed conditional use permit request for advertisement for a public hearing.

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Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Longo, Kersjes

2021-04-01- Ryan and Kelsey Speers

A request for a conditional use permit for a guesthouse. The property is located between Liberty Hall Rd. and Lands Run Road, identified on tax map 4, as lot 72B. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Wendling shared that the applicants are requesting a conditional use permit for a guesthouse for the property they currently have under contract. They are requesting this use in order to construct a small cabin on the lot prior to the construction of their larger single-family dwelling which they plan to use as residence. They plan to live in the cabin temporarily part-time since they currently live in Silver Spring, Maryland. Once their main dwelling is completed they plan to utilize the cabin for family and friends who visit once they receive a certificate of occupancy for the primary dwelling. They also plan to build a woodshop to store maintenance equipment for the property and as a hobby workshop. They understand the guesthouse is to be utilized as a dwelling for non-commercial use and not for full-time occupancy after they move into the principle structure. Mr. Wendling shared that he would be glad to answer any questions they may have.

Chairman Myers asked if there were any questions.

Mr. Kersjes questioned if the applicant plans to use a small recreational vehicle.

Mr. Wendling shared that the applicant plans to bring a small recreational vehicle to stay in on the weekend until the guesthouse is complete. The applicants are aware that they cannot use the recreational vehicle as full-time occupancy.

Edwin Wright who resides at 5628 Gooney Manor Loop came forward to share that if he understood correctly the applicant has not closed on this property yet and also stated that there have been some questions concerning the property being associated with a historic right away.

Mr. Wendling shared that yes this property is currently under contract, and he has contacted VDOT in reference to the right-of-away and will have comments available for the next meeting.

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Mr. Henry moved that the Planning Commission approve the proposed conditional use permit request for advertisement for a public hearing.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Longo, Kersjes

2021-04-02- David Kohl

A request for a conditional use permit for a short-term tourist rental. The property is located at 519 Freezeland Road and identified on tax map 23, as lots 5A, 5A1, 5A2. The property is zoned Agricultural (A) and located in the Happy Creek Magisterial District.

Mr. Petty shared that the applicant is requesting a conditional use permit for a Short-Term Tourist Rental. The owner currently uses the dwelling as their permanent residence, and the rental will be available for short-term visitations for individuals who will be visiting the Warren County area while the owner is out-of-town. The home will be maintained by a local property manager by reservation. Mr. Petty shared that he would be happy to answer any questions.

Chairman Myers asked if there were any questions; there were none.

Mr. Henry moved that the Planning Commission approve the proposed conditional use permit request for advertisement for a public hearing.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Longo, Kersjes

2021-04-03- Alex Henni and Katie Lynch

A request for a conditional use permit for a short-term tourist rental. The property is located at 146 Lookout Point Way and identified on tax map 23C, section 7, block 2B, as lot 162. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.

Mr. Wendling shared that county staff was able to get an accurate measurement between the two adjacent property dwellings using the County online GIS website to confirm that the setback from the proposed short-term tourist rental at 416 Lookout

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Point Way to 110 Lookout Point Way is 94'. Staff also measured to 176 Lookout Point Way and this was 99'. These setbacks do not meet the required 100' needed to accept the application for compliance with the supplemental regulations.

2021-04-04- Melissa and Jonathan Greene

A request for a conditional use permit for a guesthouse. The property is located on Gooney Manor Loop and identified on tax map 43C, section 3, block 1, as lot 13. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Wendling shared the applicants are requesting a conditional use permit for a guesthouse for the property they currently own. They are requesting this use in order to convert the storage area of an existing 26'x40' bank barn on the property to a loft apartment with a full bath and kitchenette. The barn is currently used for storage of maintenance equipment and vehicles for the property. They plan to live in the barn-loft apartment temporarily and part-time since they currently live in Washington, D.C. and will be staying on the weekends. They have plans to build a principle dwelling in the next few years once funds are available. Once their main dwelling is completed they plan to utilize the loft apartment for family and friends who visit. They understand the guesthouse is to be utilized as a dwelling for non-commercial use and not for full-time occupancy after they move into the principal structure once it receives a certificate of occupancy. Mr. Wendling shared that he would be happy to answer any questions.

Chairman Myers asked if there were any questions; there were none.

Mr. Henry moved that the Planning Commission approve the proposed conditional use permit request for advertisement for a public hearing.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Longo, Kersjes

Subdivision Approval:

S-03-2005- Eagles Landing/ Arthur (Bunky) Woods-

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A request for the review of Lot 5 in Eagles Landing Subdivision. An even swap of the open space and buildable area is being proposed on Lot 5. The property is located off of Route 631 (William Vincent Road) and is identified on tax map 43G, as parcel 5.

Mr. Petty shared that the applicant is requesting that the "open space easement" on lot 5 and the "buildable area" be rearranged from the *original* and the 2009 *revised* plat layout. The acreage in the open space easement will remain the same as required by the zoning ordinance. Mr. Woods is asking that the buildable lot be relocated to an area on the property that allows for a more suitable location for him to construct an accessory structure. As part of the cluster subdivision, the applicant is required to maintain sixty (60) percent of the property in open space. Staff has reviewed the plat submitted to our office showing the equal exchange of the open space area and buildable area. Since the Planning Commission signed the original plat for this Class C Subdivision, the revised "Plat Showing Equal Exchange of Agricultural and Forestal Easement on Lot 5 Eagles Landing Subdivision" shall require Planning Commission Approval.

Chairman Myers asked if there were any questions.

Mr. Henry questioned if this is Bunky Woods house.

Mr. Petty confirmed that this it is in fact Bunky Woods house.

Mr. Henry added that this would be important for Mr. Woods and would meet his needs as a disabled veteran.

Mr. Henry moved that the Planning Commission approve the proposed modification to the open space easement and buildable area in the Eagles Landing Subdivision, specifically on tax map 43G, lot 5, as shown on the plat prepared by Brogan Land Surveying, PLC dated March 2, 2021. Approval of this equal exchange is contingent on the recording of all appropriate legal documents at the Warren County Courthouse.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Longo, Kersjes

Commission Matters:

Ms. Logan shared that the Planning department is continuing to reflect on all Capital Improvement Plan project requests, since the computers have been down the requests

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have been delayed for a month. Ms. Logan also shared that it is almost time to start reviewing the Comprehensive Plan. The goal is to start the reviewing the plan in July.

Mr. Petty shared that there has been a hold on permits due to the computer challenges but now that things are getting back up and running he is working with Building Inspections to get things done.

Chairman Myers questioned if the county is still on track to stay below the three (3) percent growth goal.

Mr. Petty answered that we are on track to stay below the three (3) percent; most permits seem to be for decks or home improvements.

Ms. Logan added that we are seeing an average of a one (1) percent growth rate a year.

Mr. Wendling shared that there are currently twenty-six (26) approved short-term tourist rentals, fifteen (15) of those have been grandfathered in, eight (8) are in the approval process, and three (3) within the past six (6) years have been denied. He also shared that by the meeting next month he should have a draft of the flood plain overlay district.

Chairman Myers added that it seems that the construction of the commuter parking lot in Linden seems to be underway next to the Holtzman convenience store and gas station.

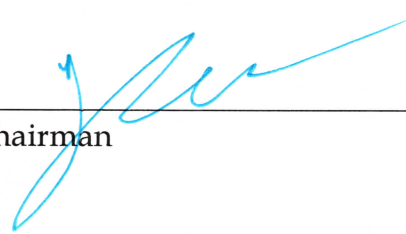
Mr. Longo stated that he will have a schedule conflict next month and is unsure if he will be able to attend the May 12th Planning Commission meeting.

Mr. Henry, Mr. Kersjes, and Ms. Jordan had no comments.

Chairman Myers said if there is nothing else to share, we'll entertain a motion to adjourn.

Mr. Henry moved and Mr. Kersjes seconded a motion to adjourn; unanimously approved.

The meeting was adjourned at 9:03 pm.



Chairman