

Warren County Planning Commission Meeting Minutes of May 12th, 2021

At a regular meeting of the Planning Commission of Warren County held in the Warren County Government Center on May 12th, 2021 at 7:00 PM.

Present: Robert Myers, Chairman (Happy Creek District); Hugh Henry, Vice Chairman (Fork District); Scott Kersjes (North River District); also, present Taryn Logan, Deputy County Administrator; Joe Petty, Planning Director; Matt Wendling, Deputy Planning Director; and Natalie Lentz, Administrative Assistant

Absent: Joseph Longo (Shenandoah District); Caitlin Jordan, Assistant County Attorney

Adoption of Agenda:

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

Ayes: Myers, Henry, Kersjes

Approval of Minutes:

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

Ayes: Myers, Henry, 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.

Unfinished Business:

2021-03-02- Raymond Ditto

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.

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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, DC and will specify cleaning/maintenance operation between reservations in the Property Management Plan. Mr. Petty stated that this item was tabled at the April Planning Commission meeting due to issues regarding records from the Health Department. The Health Department has since then determined that they were unable to find any records regarding this property. Therefore, staff has added a condition that states the maximum number of occupants shall not exceed the system capacity as determined by the Health Department permit per Warren County Code 180-56.4B. The Certificate of Zoning shall only be issued with approved Health Department records. The applicant is currently working with the Health Department and an OSE to obtain records for the property.

Chairman Myers thanked Mr. Petty and ask if there were any questions; there were none.

Mr. Henry moved that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Raymond Ditto 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, Kersjes

Public Hearings:

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 applicant is requesting to amend the Warren County Zoning Map and rezone 1.77 acres from Residential One (R-1) to Agricultural (A). The property is located off Mint Spring Road (undeveloped road) in Front Royal, VA, and identified on tax map 28C, section 2, lot 44. The property is part of the Dungadin subdivision which was created in 1963. The applicants are proposing the rezoning to allow them to extend their adjacent Agricultural zoned properties and use the property for

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Agricultural pursuits. They plan to construct a run-in shed for livestock and allow the horses access to the property which could total 17.99 acres. The property subject to the request is currently 1.77 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 of 2 acres required in the Agricultural District if the rezoning is approved.

This public hearing has been properly advertised; adjacent property owners have been notified. Mr. Petty shared that he has provided the Planning Commission with comments that staff has received from adjoining property owners who spoke for and against this matter. Mr. Petty also added that the Applicants have signed a proffer statement which states the following:

The property shall not be used for the following:

1. The raising of porcine animals; including but not limited to domestic pigs, boar, and other animals of genus Sus.
2. Kennels
3. Commercial riding stables
4. Manufactured home dwelling
5. The storage of any inoperable motor vehicle as deemed by the Warren County Code.
6. Cemetery
7. Commercial nursery/garden center
8. Microwave towers, cell telephone towers, and similar communications structures.
9. Public utility poles, lines, transformers, pipes, meters, and other facilities unless directly servicing the residents of the County.
10. Shooting of firearms as stated in Warren County Code §177-3A (12).

Mr. Petty stated that he would be happy to answer any questions and the applicant is also present to answer any questions.

Chairman Myers thanked Mr. Petty and asked there were any questions; 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.

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Mr. Henry questioned if the boundary adjustment was done prior to the request for a rezoning.

Mr. Petty answered that the applicants submitted a boundary line adjustment on April 1, 2021 to create a 2.00 acre parcel to make the property compliant with the minimum lot size required in the Agricultural District if the rezoning is approved.

Chairman Myers questioned if there were any further questions; there were none.

Mr. Henry moved that the Planning Commission forward the application to the Board of Supervisors with recommendation to approve the applicants request to rezone and change the zoning map classification of the property, identified on tax map 28C, section 2, lot 44, from Residential One (R-1) to Agricultural (A).

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

Ayes: Myers, Henry, 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 Road and Lands Run Road, identified on tax map 44, 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 principal structure. Mr. Wendling shared that he would be glad to answer any questions they may have. Staff is recommending the following conditions:

1. The guesthouse shall not be used for full-time occupancy.
2. This accessory dwelling shall not be used for commercial rental or leasing of rooms for compensation of any kind.

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3. The applicant shall comply with all Warren County Building Inspections and Warren County Health Department regulations and requirements including Building Code requirements for a smoke and fire detector system.
4. The applicant shall have a condition placed on the deed at the time of transfer of the property to a new owner that the rental or leasing of the dwelling for monetary compensation is prohibited and that it is limited to part-time occupancy up to six months.

This public hearing has been properly advertised; adjacent property owners have been notified. Mr. Wendling shared that he would be happy to answer any questions and the applicant is present as well to answer any questions.

Chairman Myers thanked Mr. Wendling and asked if there were any questions; there were none.

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

Jim Smith (1006 Stonewall Drive) came forward and questioned if the guesthouse will be rented out and if the applicant will open his property to commercial horseback riding. He also expressed concerns about the right of way and how the applicant will be using it.

Mr. Wendling stated that the guesthouse is for non-commercial use and cannot be used for commercial renting or leasing of rooms for compensation of any kind. The applicants intend to use the guesthouse temporarily until they can construct their main dwelling on the property. He also added that the right of way located on both the applicant and Mr. Smith's property is abandoned by VDOT and the county now owns it but does not manage it and has no intent to manage it.

Chairman Myers thanked Mr. Wendling and Mr. Smith; he asked the applicant if he would like to come forward to address these concerns.

Ryan Speers (9053 Ottawa Plaza, Silver Spring, MD) the applicant came forward and assured Mr. Smith that he only intends to use the right of way for taking walks with friends and family and stated that he does not intend to impede on his neighbors or their activities.

Chairman Myers asked if there were any further questions; there were none. The public hearing was 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 Ryan and Kelsey Speers for a guesthouse with the conditions as recommended by the staff.

Mr. Kersjes 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. 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 six (6) as determined according to the Health Department permit for a three (3) 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 results 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 he would be happy to answer any questions and the applicant is also present to answer any questions.

Chairman Myers thanked Mr. Petty and asked if there were any questions; there were none.

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Chairman Myers opened the public hearing and invited anyone who would like to speak for or against this matter to come forward; no one came forward. The public hearing was closed.

Mr. Kersjes moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of David Kohl for a short-term tourist rental with the conditions as recommended by the staff.

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

Ayes: Myers, Henry, Kersjes

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. Staff is recommending the following conditions:

1. The guesthouse shall not be used for full-time occupancy.
2. This accessory dwelling shall not be used for commercial rental or leasing of rooms for compensation of any kind.
3. The applicant shall comply with all Warren County Building Inspections and Warren County Health Department regulations and requirements including Building Code requirements for a smoke and fire detector system.
4. The applicant shall have a condition placed on the deed at the time of transfer of the property to a new owner that the rental or leasing of the dwelling for

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monetary compensation is prohibited and that it is limited to part-time occupancy up to six months.

This public hearing has been properly advertised; adjacent property owners have been notified. Mr. Wendling shared that the applicants are present, and they would be happy to answer any questions.

Chairman Myers thanked Mr. Wendling and asked if there were any questions; there were none.

Chairman Myers opened the public hearing and invited anyone who would like to speak for or against this matter 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 Melissa and Johnathan Greene for a guesthouse with the conditions as recommended by the staff.

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

Ayes: Myers, Henry, Kersjes

Authorization to Advertise:

2021-05-01- 9700 Court, LLC

A request for a conditional use permit for an enclosed storage facility. The property is located at North River Square Lot 4, Winchester Road and Identified on tax map 12B, section 1, block 1, lot 1. The property is zoned Commercial (C) and located in the North River Magisterial District.

Mr. Petty shared that the applicant is requesting a conditional use permit for enclosed storage. The property is located on Winchester Road in the North River Magisterial District. The proposed facility will consist of two phases. The first phase includes a building footprint of 21,000 square feet, the three levels total 63,000 square feet, which provides 48,058 square feet of rentable space. The second phase includes a building footprint of 21,000 square feet, the two levels total 42,000 square feet, which provides 32,000 square feet of rentable space will be constructed in the future dependent on market demand. The property lies within the County's Highway Overlay District,

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which has architectural requirements on all building façades visible from the corridor highway (Route 340/522). Another requirement of the Highway Corridor Overlay District is no outdoor storage, which would include recreational vehicles, boats, and cars that are being stored on the property. They will need to be fully screened from view of the highway corridor Mr. Petty shared the following conditions recommend by staff if approved:

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 prior to the issuance of a building permit.
3. The permanent color of building materials shall be earthen tones in compliance with the County's Highway Corridor Overlay (HC) District ordinance and all building facades visible from Rt. 340/522 shall be constructed of a combination of stone and Drvit/EFIS or similar material as approved by the Warren County Planning Department.
4. All outdoor lighting fixtures shall be full 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.

Mr. Petty stated that the applicant is present and has a presentation to present to the Planning Commission.

Mr. Scott Stickley (321 Thomas Drive) the Greenway Engineering representative came forward to present the Planning Commission with a presentation of the site plan for the proposed storage facility. He explained that this would be a two-phase project as Mr. Petty explained previously. The first phase includes a building footprint of 21,000 square feet, the three levels total 63,000 square feet, which provides 48,058 square feet of rentable space. The second phase includes a building footprint of 21,000 square feet, the two levels total 42,000 square feet, which provides 32,000 square feet of rentable space will be constructed in the future dependent on market demand. The parking spaces shown in the site plan located in the rear of the property would be used for the storage of recreational vehicles, boats, and cars. Mr. Stickley shared that he would be happy to answer any questions that the Planning Commission may have.

Mr. Kersjes questioned why the proposed storage facility will only be using a portion of the property instead of using the whole thing.

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Mr. Stickley answered that the property will be subdivided in the future and they intend to develop the other portion of the property in the future.

There were no further questions.

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

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

Ayes: Myers, Henry, Kersjes

2021-05-02- 9700 Court, LLC

A request for a conditional use permit for the storage of cars, boats, and recreational vehicles. The property is located at North River Square Lot 4, Winchester Road and identified on tax map 12B, section 1, block 1, lot 1. The property is zoned Commercial (C) and located in the North River Magisterial District

Mr. Petty shared that the applicant is requesting a conditional use permit for enclosed storage. The property is located on Winchester Road in the North River Magisterial District. The proposed facility will consist of two phases. The first phase includes a building footprint of 21,000 square feet, the three levels total 63,000 square feet, which provides 48,058 square feet of rentable space. The second phase includes a building footprint of 21,000 square feet, the two levels total 42,000 square feet, which provides 32,000 square feet of rentable space will be constructed in the future dependent on market demand. The property lies within the County's Highway Overlay District, which has architectural requirements on all building façades visible from the corridor highway (Route 340/522). Another requirement of the Highway Overlay District is no outdoor storage, which would include recreational vehicles, boats, and cars that are being stored on the property. They will need to be fully screened from view of the corridor highway. Mr. Petty also shared the following conditions that have been recommended by staff if approved:

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 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 view of Route 340/522 North in accordance with the

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County's Highway Overlay District and as approved by the Warren County Planning Department.

4. All vehicles shall have valid tags and inspections 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#2021-05-01).

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

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

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

Ayes: Myers, Henry, Kersjes

2021-05-03- 9700 Court, LLC

A request for a conditional use permit for a Building in Excess of 50,000 Square Feet located in the Route 340/522 Highway Corridor Overlay District. The property is located at North River Square Lot 4, Winchester Road and identified on tax map 12B, section 1, block 1, lot 1. The property is zoned Commercial (C) and located in the North River Magisterial District.

Mr. Petty shared 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 Corridor Overlay District. The property is located on Winchester Road in the North River Magisterial District. The building is part of a proposed Enclosed Self-Storage Facility which will consist of two phases. The first phase includes a building footprint of 21,000 square feet, the three levels total 63,000 square feet, which provides 48, 058 square feet of rentable space. The property lies within the County's Highway Overlay District, which has architectural requirements on all building facades visible from the corridor highway (Route 340/522).

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

Ayes: Myers, Henry, Kersjes

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Commission Matters:

Mr. Petty shared that he has provided the Planning Commission with the proposed 2021-2022 Comprehensive Plan Review schedule. The demographic portion of the Comprehensive Review Plan has been pushed back due to the delay in the 2020 census data. The overall goal is to complete the review in a year by July of 2022. He shared Ms. Logan will be a part of this process and will be able to assist everyone.

Chairman Myers congratulated Mr. Petty on his promotion and wished him the best. He also shared that the Planning Commission would like to present Ms. Logan with a certification of appreciation for all her hard work and dedication over the years.

Mr. Henry added that he would like to extend the congratulations to Ms. Logan and Mr. Petty.

Mr. Kersjes had no comments.

Ms. Logan shared that she would like to thank everyone for the kind words, and she wishes Mr. Petty the best in his new position, and congratulated Mr. Wendling in his promotion to the Deputy Planning Director position.

Mr. Wendling shared that staff is currently in process of reviewing conditional use permits for private use camping, auto repair garages and kennels. He is currently in the process of drafting the code for the Floodplain Overlay district.

Mr. Petty added that he would like to thank everyone for the encouraging comments and well wishes. He shared that he is looking forward to working closely with the community, staff, and the Planning Commission.

Chairman Myers shared that if there are no additional comments than he will take a motion to adjourn the meeting

Adjournment:

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

The meeting was adjourned at 7:43 pm.



Chairman