

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on October 11th, 2023.

Present: Robert Myers, Chairman (Happy Creek District); Hugh Henry, Vice-Chairman (Fork District); Scott Kersjes (North River District); Kaylee Richardson (South River District); William Gordon (Shenandoah District); and Jordan Bowman, of Litten & Sipe LLP, attorney for the County; also, present; Matt Wendling, Planning Director; Chase Lenz, Zoning Administrator; Allison Mutter, Clerk to the Planning Commission

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

Adoption of the Agenda

On a motion made by Mr. Henry, seconded by Mr. Kersjes, and by the following vote, the Planning Commission approved the Adoption of the Agenda.

Ayes: Myers, Henry, Kersjes, Richardson, Gordon.

Adoption of Regular Meeting Minutes:

On a motion made by Mr. Kersjes, seconded by Mr. Henry, and by the following vote, the Planning Commission approved the minutes from September 13th, 2023, as presented.

Ayes: Myers, Henry, Kersjes, Richardson, Gordon.

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.

Mr. Myers stated that because there was unfinished business with Slate Run Farms LLC and there was additional information that came forward after the public hearing, there would not be an additional public hearing, but that the public would be allowed to address these issues in the public presentations. He then stated that the public presentations would be limited to a total time of one hour.

Kurt Smith – 50 Bogey Court, Front Royal VA, 22630

He spoke at the September 13th meeting and said that he supported the 550-foot tree-save area and that after the public hearing was closed, the representative for the current landowners of Slate Run Farms LLC stated that the tree-save would be 150 feet. The homeowners directly affected by the rezoning adamantly oppose 150 feet because it is not large enough. In 2019 and 2020, the previous landowner removed all of the 11 inch and larger trees out of the tree-save area that is in dispute. The trees that remain and the scrub brush will not attenuate sound coming from the direction of the road. A petition was circulated, which was provided to the Planning Commission, that requested a tree-save area of a minimum of 500 feet and a berm planted with trees and shrubs to act as a sound barrier. He also requested clarification if the tree-save area would start at the property line of the homeowners or on the opposite side of the road that runs

behind the houses. If it were to begin at the property line, the tree-save area would be lessened by the presence of the road. He also opposed the connection of John Hopkins North and John Hopkins South because the emergency egress could be put in off of Flagstick Rd.

Phil Yanulites – 49 Bogey Court, Front Royal VA, 22630

He wants the Planning Commission to imagine being sold a home for its appreciation value and based on the promise that the surrounding area would remain either tranquil or be converted into more residential housing and that this land is being rezoned for industrial purposes. He is concerned about the increased noise levels and decreased safety and property values because the industrial center abuts the property.

Michelle France – 86 Niblick Square, Front Royal VA, 22630

She echoed the desire of previous speakers wanting a larger sound buffer and is also concerned about the increase of traffic through the neighborhood.

With no one else coming forward, Mr. Myers ended the public presentations.

Unfinished Business

R2023-07-01 – Slate Run Farm, LLC - A request to amend the Warren County Zoning Map and rezone approximately 448.21+/- acres from Agricultural (A) to Industrial (I) and Commercial (C). The property identified as Tax Map 12, as lot 9, is requested to be rezoned from Agricultural (A) to Commercial (C) is 4.47 acres. The properties identified on tax map 12, as lot 6 and tax map 4, as lot 41 are requested to be rezoned from Agricultural (A) to Industrial (I) and are 443.74+/- acres. The properties are located off Winchester Road in the North River Magisterial District.

Mr. Wendling stated the applicants are proposing the rezoning from Agricultural and have proffered that no more than 2,500,000 square feet of buildings be placed on the property for the Industrial lot and 25,000 square feet for Commercial land uses. The applicant is applying for the rezoning with no specific land uses indicated. VDOT made comments based on moderate use for an industrial park and a commercial retail strip center. At the previous meeting, Planning Department staff were awaiting comments from VDOT, which has been in communication with both Greenway and the County relating to the application. On September 26th an engineering meeting was held virtually to discuss their comments on the Traffic Impact Analysis (TIA) in order to make final revisions to the TIA and the voluntary proffers to be submitted prior to the next Planning Commission meeting. The applicants traffic engineer, Kevin Sitzman from Gorove Slade Associates, Inc. has reviewed the proffers for conformance with the concept plan and TIA. Both Greenway's and Gorove Slades' comments have been submitted with the VDOT comments along with the revisions requested by VDOT to the TIA. These changes are also shown in the Conceptual Road Improvement Plan provided to you in your packets and as hard copies.

The applicant and Greenway Engineering submitted revised proffers on October 4th with Transportation Enhancement proffers that reflect the revised TIA based on VDOT's comments and puts a limit on average vehicle trips per day not to exceed 10,135. They have also included

language that all roads within the property shall be designed and constructed to VDOT standards, and that the owner shall construct an emergency access connection to John Hopkins Drive to be dedicated exclusively for emergency vehicle use. They have also proffered the installation of a gate or other barrier approved by Fire and Rescue to be located on the property line. To minimize the visual impact of the connection they have agreed to install a "Grass-crete" paving system for the access road.

On review of the Proffer Statement, staff identified language in section B relating to the Rezoning Site Plan that identifies the land use and development of the property to be in strict accordance with the Rezoning Site Plan dated June 19, 2023. Because the rezoning request is for a blanket rezoning for Industrial with no specific land-uses, the proposed land-uses came from VDOT. In order to use a moderate use for the TIA, which is an Industrial Park and a strip plaza for retail in the Commercial, the revised proffers include language allowing for reasonable adjustments specific to final design and engineering constraints as long as the land-uses are not substantially altered, relocated, or eliminated to accommodate VDOT and outside agency requirements.

The Blue Ridge Shadows homeowners have submitted a petition with comments regarding the rezoning request with their concerns specific to noise, screening, emergency egress connection to John Hopkins Road and placement of the structures on Land-Bay B-3. This and three additional letters have been submitted to the Planning Commission.

The new, revised concept plan was reviewed by Planning Department staff and the tree-save area does meet the requirement for County Code Section §180-18 for screening. A landscape screen requires 150 feet of buffer, a full screen requires 75 feet of buffering, and no screen requires 300 feet of buffering. Any landscape screening would be addressed during the site plan phase.

Mr. Kersjes stated that as there has been no change in his fiduciary conflict since the September 13th meeting, he will be recusing himself once again.

Mr. Myer stated that he had heard the concerns about a data center being built from the public and that it is not a by-right in the county.

Mr. Wendling stated that there is no listed use in the county for data centers at this time. The Board of Supervisors denied the text amendment that would have allowed data centers in 2021.

Mr. Henry stated that the type of vegetation that is currently at the site would meet the requirements for a 75-foot buffer and asked if the applicant was putting in 150 feet of buffer instead?

Mr. Wendling stated that a full screen requires 50 feet of inactive buffer and 25 feet of active buffer, landscape screen requires 100 feet of inactive buffer and 50 feet of active buffer, and no screen requires 250 feet of inactive buffer and 50 feet of active buffer. He stated that the ordinance for landscaping, requesting additional landscaping, a berm to suppress sound and address the visual landscaping would be addressed during the site plan phase.

Mr. Henry asked if the current vegetation had a rating?

Mr. Wendling stated that there was not a rating on the current vegetation. He stated that the Planning Department recommends Thuja 'Green Giant' arborvitaes for visual and sound buffering purposes and that the landscaping choices would be identified during the site plan phase.

Mr. Henry stated that there are still mixed feelings about the access road. The developer does not need to build the road, but it would provide a safety net for Blue Ridge Shadows.

Mr. Wendling stated that they would be willing to put in the access road and that it would only be used for emergency egress.

Mr. Gordon asked for clarification for what enforcement of 10,135 average vehicle trips per day would look like?

Mr. Bowman stated that the County would issue a zoning permit based off of the number provided in the proffer and if the number of trips exceeded what was put forward in the proffer, then the proffer would have to be amended or an additional accommodation would have to be made to bring the property back into compliance.

Mr. Henry asked if there were additional locations for additional entrances if there were to be an issue with traffic later on?

Mr. Wendling stated the applicant has identified a secondary entrance at Cabel Drive in the proffer based on comments received from VDOT.

On a motion from Mr. Henry, seconded by Mr. Gordon, and by the following vote, the Planning Commission moved to forward the rezoning application to the Board of Supervisors.

Ayes: Myers, Henry, Richardson, Gordon.

Abstained: Kersjes.

Public Hearings:

R2023-09-01 - Comprehensive Plan Amendment - Future Land Use Map - Jennifer Wynn (Riverside Parcel 1 LLC) - A request to amend the Warren County Comprehensive Plan and Future Land Use Map for a rezoning from Agricultural (A) to Commercial (C). The property is identified on tax map number as TM# 28, parcel 124A.

Mr. Lenz stated that the applicant, Jennifer Wynn, on behalf of the property owner, Riverside Parcel 1 LLC, has submitted an application requesting the rezoning of the property located at 10353 Stonewall Jackson Highway and identified on tax map 28 as parcel 124A from Agricultural

(A) to Commercial (C). The total acreage of the subject property is 1.66 acres. The property is located in the South River Magisterial District.

The subject property and adjacent lot 124 (10439 Stonewall Jackson Highway) are the site of a historic hotel/motel that operated in the County from before 1940 until 1985 when the properties were approved for multi-family apartments. The adjacent lot 124 was designated with Commercial zoning on the Warren County Zoning Map adopted with the current Zoning Ordinance of Warren County on August 18, 1992 in consideration of the multi-family apartments and hotel/motel uses. Hotel/motel is a use permitted by right in the Commercial zoning district while multifamily apartments are no longer permitted in any zoning district in the County. Although the use extends into lot 124A, the subject property was designated with Agricultural zoning. The applicant is proposing the rezoning of lot 124A to match the Commercial zoning of the adjacent lot 124 as an initial step in their effort to re-establish the original hotel/motel use compliant with state and local ordinances.

The Future Land Use Map in the Warren County Comprehensive Plan designates the subject property as Agricultural which, "...is intended for areas where general agricultural pursuits are practiced, where low density residential developments may be situated without degrading the environment and where expanses of open spaces best exist for parks, playgrounds, game preserves and similar uses." For a rezoning of the property to Commercial to be compliant with the Comprehensive Plan, the Future Land Use Map needs to be amended to designate the property as Commercial. The Commercial zoning district, "...is intended for areas suitable for the conduct of general business not characterized by either constant heavy trucking or nuisance factors and to which the public requires direct and frequent access."

Mr. Myers invited the applicant to speak.

Jennifer Wynn - 149 South Funk Street, Strasburg VA.

She stated that Mr. Lenz had covered everything, and she was available to answer any questions the Planning Commission had.

Mr. Myers opened the public hearing, no one came forward, and the public hearing was closed.

Mr. Kersjes stated that the location was perfect for the application in question.

Mr. Lenz stated that the property across the street was also zoned Commercial.

On a motion from Mr. Henry, seconded by Ms. Richardson, and by the following vote, the Planning Commission moved to forward the comprehensive plan amendment to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Kersjes, Gordon, Richardson.

R2023-09-01 - Rezoning - Jennifer Wynn (Riverside Parcel 1 LLC) - A rezoning application to amend the Warren County Zoning Map to rezone a 1.66-acre parcel from Agricultural (A) to Commercial (C). The property is located at 10353 Stonewall Jackson Highway and identified on tax

map 28 as lot 124A. The property is located in the South River Magisterial District and the proposed by-right land use is for a (tourist) hotel/motel.

Mr. Lenz stated that attached is the rezoning application from Jennifer Wynn, on behalf of the property owner, Riverside Parcel 1 LLC, requesting to amend the Warren County Zoning Map to rezone 1.66 acres from Agricultural (A) to Commercial (C). The property is located at 10353 Stonewall Jackson Highway and identified on tax map 28 as lot 124A. The property is located in the South River Magisterial District.

The subject property and adjacent lot 124 (10439 Stonewall Jackson Highway) are the site of a historic hotel/motel that operated in the County from before 1940 until 1985 when the properties were approved for multifamily apartments. The adjacent lot 124 was designated with Commercial zoning on the Warren County Zoning Map adopted with the current Zoning Ordinance of Warren County on August 18, 1992 in consideration of the multi-family apartments and hotel/motel uses. Hotel/motel is a use permitted by right in the Commercial zoning district while multi-family apartments are no longer permitted in any zoning district in

the County. Although the use extends into lot 124A, the subject property was designated with Agricultural zoning. The applicant is proposing the rezoning of lot 124A to match the Commercial zoning of the adjacent lot 124 as an initial step in their effort to re-establish the original hotel/motel use compliant with state and local ordinances.

Bower's Riverside Cabins was established on lots 124 and 124A prior to. On October 15, 1985, the Board of Supervisors approved a conditional use permit for multi-family apartments for lot 124, allowing for the long-term rental of the cabin units. Upon adoption of the current Warren County Zoning Ordinance in 1992, the use for multi-family cabins became nonconforming since it is not a permitted listed use in the Commercial zoning district regulations. Since the original hotel/motel land use predates the original Warren County Zoning Ordinance (adopted June 26, 1973), the use is not subject to zoning regulations and is nonconforming to the current Warren County Zoning Ordinance. Any expansion of the existing use will require the use to be brought into compliance with the Warren County Zoning Ordinance, including a site plan to be reviewed by state and local agencies and approved by the Planning Commission and staff.

Planning staff believes approval of this rezoning request is sound zoning practice designating Commercial zoning to a property with an existing nonconforming commercial land use. Staff believes it is best zoning practice for lot 124A to match the Commercial zoning of lot 124 since the existing commercial land use spans both lots. The Commercial zoning district is intended, "...for areas suitable for the conduct of general business not characterized by either constant heavy trucking or nuisance factors and to which the public requires direct and frequent access."

Mr. Lenz stated that comments were requested from Building Inspections, Virginia Department of Health, Fire and Rescue, and VDOT. Building Inspections require a change of use building permits to update the certificates of occupancy which would require the structures adhere to the current building code. The Health Department had no objections to the application. Fire and

Rescue requested trimming be done to give the fire apparatus access to the dwelling on the property.

Mr. Lenz stated that VDOT's comments included that the section of Route 340 is classified as a Minor Arterial Highway, has a posted speed limit of 50 MPH, and carries 8,700 trips per day.

Mr. Lenz stated that entrance #1 would not be discussed because the applicant has proffered to close that entrance to address VDOT's comments. Entrance #3 does not meet the State's minimum requirements for sight distance, geometric design, or Access Management Regulations and the applicant is exploring options to restrict access by way of ingress only traffic, gate for emergency or private use only, or closing the entrance entirely. For entrance #2, the entrance does not meet sight distance to the South, but VDOT believes it could with removal of the slope and that the amount of excavation required will be determined during the land use permit process with VDOT. The entrance will also have to be upgraded to meet current entrance requirements for a highway with shoulders. There is also a perpendicular parking lot in front of the main building on Lot 124 that the applicant has stated that they would not be using for parking.

Mr. Lenz stated there was a revised, voluntary proffer statement that included a monetary donation to the Capital Improvement Program dedicated to fire and rescue, design and land use requirements that meet the Highway Corridor Overlay District requirements, and restriction of certain land uses in the Commercial district.

Mr. Myers invited the applicant to speak.

Jennifer Wynn - 149 South Funk Street, Strasburg VA.

She stated that they are super excited about bringing the location back to life. She thinks that they will do some good for the property.

Mr. Myers opened the public hearing, no one came forward, and the public hearing was closed.

On a motion from Mr. Henry, seconded by Mr. Kersjes, and by the following vote, the Planning Commission moved to forward the rezoning to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Kersjes, Gordon, Richardson.

CUP2023-09-01 - Douglas Salzman - A request for a conditional use permit for a Private Use Camping (Non-Commercial). The property is located at (0) Avalon Drive and identified on tax map 20C, section 1, block 4, lot 42. The property is zoned Residential-One (R-1) and located in Shenandoah River Estates subdivision and in the Shenandoah Magisterial District.

Mr. Lenz stated that the applicant is requesting a conditional use permit for Private Use Camping on a lot in the Shenandoah River Estates subdivision which is located in the Special Flood Hazard Area (SFHA). The applicant purchased the lot in November of 2022. The vacant lot is partially wooded with the front half of the property located in the regulatory floodway and the rear half

located in the high-risk flood zone AE. The owner would like to use the lot for non-commercial recreational camping. This conditional use permit would allow the owner to erect a single accessory structure up to 200 square feet in size for storage of recreational and property maintenance equipment upon issuance of a building permit.

This property has not had any previous Conditional Use Permits issued for uses in the Residential One (R-1) zoning district. The subject property is a corner lot with frontage along Avalon Drive and Hillside Drive. With limited lot width, the front setback of 50 feet required from the right-of-way for Hillside Drive and the 50-foot setback from the edge of the regulatory floodway restrict residential development of the property.

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

1. The applicant shall comply with all Warren County Health Department regulations and requirements.
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. Any development, structure or fencing shall require a building and zoning permit.
4. 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.

Mr. Myers invited the applicant to speak.

Douglas Salzman – 6362 Barn Owl Court, Warrenton VA.

He stated that the land was bought from a neighbor and would just like to use it for light recreational personal use.

Mr. Myers opened the public hearing, no one came forward, and the public hearing was closed.

Mr. Kersjes asked staff how many campsites were currently in the subdivision.

Mr. Lenz stated that there are three in the subdivision with an additional one on Harris Drive, which is a different subdivision.

Mr. Kersjes stated that he is concerned about allowing camping in a residential area.

Mr. Lenz stated that because of the floodway, residential use is restricted.

Mr. Wendling stated that many of the houses were grandfathered in and would not be able to be rebuilt if demolished in a flood and that the best use for this land is private-use camping.

On a motion from Mr. Henry, seconded by Ms. Richardson, and by the following vote, the Planning Commission moved to forward the conditional use permit to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Kersjes, Gordon, Richardson.

CUP2023-09-02 - Fox & Slate Investments, LLC - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 1312 Old Oak Lane and identified on tax map 17A, section 4, lot 11A. The property is zoned Residential-One (R-1) and located Shenandoah Farms – Chain Spring section of Subdivision and in the Shenandoah Magisterial District.

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property they purchased in May of 2023. The owner would like to make their property available for short-term lodging for visitors seeking to enjoy Warren County's many offerings. With experience managing properties in Pennsylvania, the applicant will manage the property personally with assistance from a local property manager and local professional service for cleaning.

There is a Health Department operation permit allowing a maximum of four (4) occupants for the two-bedroom dwelling. The property management plan has been provided and will be reviewed by Planning staff prior to issuance of the Certificate of Zoning. The dwelling does meet the set-back requirement from neighboring dwellings with the nearest being 250 feet to the North.

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

1. The applicants shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed 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.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

Mr. Myers opened the public hearing.

Jessica Payne – 1388 Old Oak Lane, Front Royal VA

She stated that they were looking for contact information in case of emergencies and issues with the neighboring property.

Matt Williams – 115 Lonesome Flats Road, Front Royal VA, Property Manager

He is the property manager for the property and will be available for any issues with the property. They try to make the rentals as minimally intrusive as possible to the neighbors.

Jonas Fox – 125 Fox Run Place, Landing PA

He is trying to keep the place simple and quiet and has a brother that resides locally should there be other issues.

With no one else coming forward, Mr. Myers closed the hearing.

Mr. Wendling stated that there are no prohibitions on pets by County code, but it would be up to the property owner to add it to the property management plan.

Mr. Myers stated that the short-term tourist rentals are very limited in time and anything over a month would be considered a long-term rental. He also stated that the restrictions on the rentals no longer apply when the rental property becomes a long-term rental.

Mr. Henry stated that the county has success with short-term rentals and reminded that if there is an issue with a rental to please make a complaint. The permits can be revoked, but complaints have to be issued.

Mr. Wendling suggested that the property manager's contact information be added to the property management plan so it could be provided to the neighbors.

On a motion from Mr. Henry, seconded by Mr. Gordon, and by the following vote, the Planning Commission moved to forward the conditional use permit to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Kersjes, Gordon, Richardson.

CUP2023-09-03 – Adam Graziano - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 40 Sunset Village Road and identified on tax map 27B, section 2, lot 106A1. The property is zoned Residential-One (R-1) and located in the Junewood Estates subdivision and the Fork Magisterial District.

Mr. Lenz stated the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in June of 2023. The owner would like to make his property available for short-term lodging for visitors of the Warren County area when he and his wife are not occupying it. With experience managing multiple rental properties in Virginia, the applicant will manage the property personally with assistance from an experienced local property manager. There is a Health Department conditional permit allowing a maximum of 5 occupants for the four-bedroom dwelling.

The applicant is requesting a waiver to the supplementary regulation as the dwelling does not meet the required 100-foot setback to neighboring dwellings. The dwelling on the property to the east is located 94 feet from the dwelling on the subject property. The applicant submitted a letter of support from the neighbor within the 100-foot setback.

Planning Staff is recommending the standard conditions with the additional condition #8 should the Planning Commission choose to recommend waiver of the 100' setback requirement from neighboring dwellings:

8. A waiver to the required setback of 100' to neighboring dwellings shall be granted for the existing 94' setback to the dwelling east of the subject property.*

***Waiver has been requested by the applicant.**

Mr. Myers offered the applicant the opportunity to speak, and the applicant declined.

Mr. Myers opened the public hearing, no one came forward, and the public hearing was closed.

Mr. Kersjes stated that since the neighbor has no issue with the waiver, he has no problem with it.

On a motion from Mr. Henry, seconded by Ms. Richardson, and by the following vote, the Planning Commission moved to forward the conditional use permit to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Kersjes, Gordon, Richardson.

CUP2023-09-04 - Richard & Jennifer Jamieson - A request for a conditional use permit for a Guesthouse. The property is located at (0) Knock Lane and identified on tax map 10P, section 4, as lot 18. The property is zoned Agricultural (A) and located in the Gafia Estates at Lake John subdivision and in the North River Magisterial District.

Mr. Wendling stated that the applicants are requesting a conditional use permit for a guesthouse in order to construct a combination garage /guesthouse as a principle dwelling to use prior to

construction of their main living quarters. This structure would be approximately 1,600 square feet and be used for storage of a boat and property maintenance equipment. The guesthouse would then be used as a secondary dwelling and garage for family and friends once their primary dwelling has been constructed. The guesthouse will not be used for commercial purposes. A small portion of the property is located in the high risk flood zone "A", with a 1% annual chance of flooding, the rest of the lot is located in low risk flood zone "X".

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors.

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 including as a Short-term Tourist Rental.
3. The applicant shall comply with all Warren County Building Inspections and Warren County Health Department regulations including Building Code requirements for a smoke and fire detector system and carbon monoxide detectors.
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.
5. The property owner shall meet all requirements of County Code Section §180-16 Floodplain Overlay District, dam break inundation zones for the construction of the principle and secondary dwellings and any development within the boundaries of the district.

Mr. Myers offered the applicant the opportunity to speak, and the applicant declined.

Mr. Myers opened the public hearing, no one came forward, and the public hearing was closed.

Mr. Gordon asked if it would be better to put a restriction in the land records at the time of issuance instead of placing the condition on the deed at the time of transfer?

Mr. Wendling stated that the condition was used to prevent the property owner from having to have the deed redrafted and to eliminate additional cost.

Mr. Bowman stated that if a transfer occurs and the addition of the condition is missed, staff could contact the new owner and add the condition afterwards.

On a motion from Mr. Henry, seconded by Mr. Kersjes, and by the following vote, the Planning Commission moved to forward the conditional use permit to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Kersjes, Gordon, Richardson.

CUP2023-09-05 - Vesta Property Management - Sergio L. Herrera - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 141 Farms River Road and identified on tax map 15B, section 1, block 1, lot 59. The property is zoned Residential-One (R-1) and located in the Shenandoah Farms - River View section and in the Shenandoah Magisterial District.

Mr. Lenz stated that the applicant, Vesta Property Management, is requesting a conditional use permit for a short-term tourist rental on behalf of the owner, Sergio Herrera, who purchased the property in August of 2022. The owner would like to make their property available for short-term lodging for visitors of the Warren County area. As a local property management company serving the Front Royal-Warren County area and with two approved conditional use permits for Short-term Tourist Rentals operating in the County, the applicant will manage the property on behalf of the owner. The dwelling was constructed in 2006 and nearly the entire property is in the special flood hazard area. There is a Health Department permit allowing a maximum of 6 occupants for the three-bedroom dwelling. The standard conditions are being recommended by Planning Staff.

Mr. Myers offered the applicant the opportunity to speak, and the applicant declined.

Mr. Myers opened the public hearing, no one came forward, and the public hearing was closed.

Mr. Kersjes stated that the property management plan states that all fires have to be attended.

Mr. Lenz stated that the property management plan would be amended to comply with the Code once the certificate of zoning was issued.

On a motion from Mr. Henry, seconded by Ms. Richardson, and by the following vote, the Planning Commission moved to forward the conditional use permit to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Kersjes, Gordon, Richardson.

CUP2023-09-06 - Vesta Property Management - John C. & Johanna R. Villalobos - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 207 Gary Lane and identified on tax map 15D, section 2, block 5, lot 202. The property is zoned Residential-One (R-1) and located in the Shenandoah Farms - River View section and in the Shenandoah Magisterial District.

Mr. Lenz stated the applicant, Vesta Property Management, is requesting a conditional use permit for a short-term tourist rental on behalf of the owners, John & Johanna Villalobos, who purchased the property in April of 2023. The owners would like to make their property available for short-term lodging for visitors of the Warren County area. As a local property management company serving the Front Royal-Warren County area and with two approved conditional use permits for short-term tourist rentals operating in the County, the applicant will manage the property on behalf of the owners. There is a Health Department permit allowing a maximum of 4 occupants for the two-bedroom dwelling.

Planning Staff is recommending the standard conditions with a waiver to the required setback of 100' to neighboring dwellings shall be granted for the existing 62' setback to the dwelling west of the subject property.

Mr. Myers offered the applicant the opportunity to speak, and the applicant declined.

Mr. Myers opened the public hearing.

Jeffrey Walton - 225 Gary Lane, Front Royal VA.

He stated that he looked at how the others went and just wanted the contact information for the Property Manager.

Mr. Kersjes asked if he was ok with the neighboring property being a Short-term Tourist Rental?

Mr. Walton stated that he was not.

Mr. Henry asked if he was not in support of the Planning Commission waving the set-back requirement?

Mr. Walton stated that he was not in favor of the waiver.

Mr. Myers closed the public hearing.

Rebuttal

Mandy Plumb - 1095 Back Mountain Road, Front Royal VA. Property Manager for Vesta Property Management.

They understand that they have never had any problems with their rentals and hope the neighbors would reconsider.

Mr. Kersjes stated that, in a previous discussion about setback waivers, the Planning Commission would be in favor of allowing them if the neighbors accepted the waiver and he does not see how they can allow the waiver without the affected neighbor's approval.

Mr. Myers stated that if one is granted at this distance, they will have to allow all of the waivers at similar distances.

Mr. Henry stated that this application will go to the Board of Supervisors and the applicant can attempt to gain the support of the affected neighbor before then.

On a motion from Mr. Henry, seconded by Mr. Kersjes, and by the following vote, the Planning Commission moved to forward the conditional use permit to the Board of Supervisors with the recommendation of denial on the basis of the setback.

Ayes: Myers, Henry, Kersjes, Gordon, Richardson.

Consent Agenda - Authorization to Advertise for Public Hearing:

On a motion from Mr. Henry, seconded by Mr. Kersjes, and by the following vote, the Planning Commission accepted the consent agenda as presented.

Ayes: Myers, Henry, Kersjes, Gordon, Richardson.

New Business:

CUP2023-10-04 - U-Star Transportation Inc. - A request for a conditional use permit for a Motor Freight Terminal. The property is located at (0) Rockland Road and identified on tax map 12A, section 1, block 2, lot 18A. The property is zoned Industrial (I) and located adjacent to the Kelley Industrial Park in the Security Land Company subdivision and in the North River Magisterial District.

Mr. Wendling stated that Greenway Engineering has submitted the conditional use permit for a Motor Freight terminal on behalf of U-Star Transportation Inc. to park tractor-trailers for both tractor-trailers and freight trailers in 29 spaces. They have submitted a conceptual illustrative plan which there are no buildings or facility structures provided on the site. The development will not require public sewer and water but will need an erosion - sediment and stormwater management plan as per the County Building Official. Opaque fencing and landscaping are proposed for screening and buffering along Rockland Road and the adjacent residential lots. Staff has submitted to VDOT a request for comments to verify that site distance can be met with the screening, staff has not received their comments at this time. An existing entrance was constructed a number of years ago in accordance with VDOT's land-permit requirements, but it may not meet the requirements for this use. The applicant is proposing to use type 21A or 21B gravel stone which will be properly compacted and graded for the parking areas. The property is located adjacent to Kelley Industrial Park and is accessed directly from Rockland Road.

The previous owner Jerry Hamman combined the lots and improved it for future industrial uses a few years back, no land-uses were established.

The ordinance does define a truck as, "Any motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds. Trucks further shall be classified as follows: (8) Class eight includes all trucks in excess of 33,000 pounds gross vehicle weight." The applicant's trucks exceed this gross vehicle

weight. No distribution, loading, receipt or storage of goods and materials will take place on the property and so it is not determined to be a "Distribution Facility".

Mr. Myers stated that he would prefer the lot to be asphalt for stability and aesthetic purposes.

Mr. Henry suggested that the applicant put down asphalt far enough to prevent the gravel being tracked out onto the road by the trucks.

Mr. Wendling stated that Mr. Henry's suggestion could be presented as a compromise to the applicant.

Mr. Gordon stated that a somewhat permeable surface would be better to capture the run-off on site.

Mr. Myers stated that permeable stone could lead to the lot becoming a mud hole.

Mr. Wendling stated that the Planning Commission's comments would be forwarded to the engineer and bring the application forward with a revised conceptual plan and the comments from VDOT.

Mr. Myers stated that it is more than likely that VDOT will want signalization at the site.

Mr. Wendling stated that their biggest concern will likely be sight-distance requirements because the site is on a curve on Rockland Road.

CUP2023-10-06 - Green Valley Baptist Church - A request for a conditional use permit for a Church. The property is located at 150 Ridgemont Road and identified on tax map 11, lot 16B. The property is zoned Agricultural (A) and located in the Nancy P. Smith subdivision and in the North River Magisterial District.

Mr. Wendling stated that the applicant, Green Valley Baptist Church, currently holds scheduled worship services for their small local congregation every Sunday and a Wednesday night Bible study at 1838 Chapel Road in the Town of Middletown. The applicant seeks to relocate the congregation and worship services to a more permanent location. The applicant plans on converting the existing Agri-Tourism "Event Facility" structure located at 150 Ridgemont Road to a church to be used by the congregation for worship services, Sunday school and Bible study. The congregation currently holds Sunday school and worship services every Sunday morning and afternoon and they host a prayer group, children's instruction and adult bible study on Wednesday evenings. The applicant plans to use the current structure for their congregation of 90 people on Sundays and approximately 35 adults and children at the Wednesday evening study. Green Valley Baptist Church is currently in the study period for purchase of the property and structures and have no plans to continue the existing conditionally permitted and by-right uses for a Commercial Nursery and Garden Center, Micro-Brewery and Brewpub, and "Agri-Tourism" events associated with the Microbrewery.

This property has had 3 previous conditional use permits issued for uses in the Agricultural zoning district. The property is owned by Billie J. Clifton and has done business as Sunflower Cottage Nursery and Backroom Brewery LLC under conditional use permits issued by the Board of Supervisor for a commercial nursery and garden center, a Micro-Brewery and Brewpub and "Events Associated with a Microbrewery" and by-right agricultural tourism related uses. Planning Staff has requested comments from VDOT because the permit is still for commercial use. There will also be a condition placed on the permit that requests all other conditional use permits be terminated or voided upon approval of the conditional use permit by the Board of Supervisors.

Mr. Wendling stated that the Virginia Uniform Statewide building code requires some additional changes for the change of use from Agri-tourism to a church. The applicants are going to provide an engineer to address the comments made by the County Building Official.

Mr. Myers stated that previously, the neighbors of the property had complaints about headlights coming from the property and that the applicants should be aware of the problem and take steps to mitigate it.

Commission Matters:

Planning Director: Mr. Wendling stated that the office got new carpet, that he will be starting on the Comprehensive Plan, and introduced the Litten & Sipe LLP, attorney for the County, Jordan Bowman.

Attorney for the County: Mr. Bowman is excited to be working with the Planning Commission.

Commission Members: Mr. Myers wished everyone a happy Halloween and reminded everyone to vote in the forth-coming election.

Mr. Henry asked if the Sheetz project had been priced out of completion?

Mr. Wendling stated it was a number of factors that caused Sheetz to pull out.

Mr. Henry stated that there are necessary road improvements that need to happen at the location and it would be easier to get those improvements with the support of a business.

Mr. Wendling stated that language could be added to the Comprehensive Plan to state that the County was willing to work in conjunction with businesses and VDOT to address transportation concerns and distribute the costs more evenly between the parties.

Ms. Richardson is excited about the number of tourists coming in for the Festival of Leaves and the Homesteaders of America.

Mr. Wendling stated that he wanted to add some verbiage to the Comprehensive Plan about Agri-tourism.

Ms. Richardson stated that she wanted to look into Fauquier County's Comprehensive Plan for what language should be added to the County's Plan.

Mr. Myers suggested Ms. Richardson look into Madison County's Comprehensive Plan because they have a lot of Agri-tourism.

Ms. Mutter stated that the County website is being updated and requested contact information for all the commission members.

Mr. Lenz requested that if the Planning Commission had suggestions for the website, that they provide them.

Zoning Administrator: Mr. Lenz stated that he had a work session with the Board of Supervisors about the Conditional Use Permit amendment, and he has decided to rewrite the amendment and submit it to legal for review.

Adjournment

On a motion made by Mr. Henry, seconded by Mr. Kersjes, and the following vote, the meeting was adjourned at 9:00 PM

Ayes: Myers, Henry, Gordon, Kersjes, Richardson



Warren County Planning Commission
Vice-Chairman