

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on December 13th, 2023.

Present: Robert Myers, Chairman (Happy Creek 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

Absent: Hugh Henry, Vice-Chairman (Fork District)

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

Adoption of the Agenda

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

Ayes: Myers, Kersjes, Richardson, Gordon.

Adoption of Regular Meeting Minutes

The minutes of the November 9th, 2023 meeting were not attached to the meeting agenda, therefore they will be added to the agenda for the January 10th, 2024 meeting for approval.

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.

Public Hearings:

Due to an error in advertising of the public hearings, the hearings were held, but were postponed for closing until the January 10th, 2024 meeting.

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.

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, Virginia Department of Transportation, Warren County Building Inspections, and Virginia Department of Environmental Quality regulations and requirements.
2. A formal site plan shall be prepared and approved by the Warren County Planning Department prior to the issuance of a building permit, showing parking, landscaping, screening, fencing, outdoor lighting plan, and other applicable zoning requirements.
3. All outdoor lighting fixtures shall conform to section §180-49.2 of the Warren County Zoning Ordinance.
4. The site shall comply with Section §180-49.1 of the Warren County Zoning Ordinance regarding landscaping and meet the full screening requirements of §180-18.

Marisa Whitacre, Greenway Engineering.

Ms. Whitacre stated that they are proposing an electronic gate to provide remote access to the property.

Mr. Meyers opened the public hearing and with no one coming forward, the public hearing was put on hold until the following month.

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 Middletown. The applicant seeks to relocate the congregation and worship services to a more permanent location. The applicant plans on converting the existing Ag-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 "Ag-Tourism" events associated with the Microbrewery. VDOT comments were provided and stated that the current entrance was fine so long as the traffic does not exceed 200 trips per day. They have also stated that no accessory uses were included in the trips per day and, if these uses are added, VDOT would have to be consulted.

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 chapel occupancy shall not exceed the number of occupants determined by the Virginia Uniform Statewide Building Code and Virginia Department of Health approval for an on-site sewage disposal system maximum design flow of 860 gallons per day, whichever is fewest.
2. The applicant shall comply with all Virginia Department of Transportation, Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
3. The applicant shall submit a water quality report by a certified agency on an annual basis to both the Health Department and Planning Department for testing of E-Coli and Coliform bacteria.
4. The applicant shall submit an illustrative site plan, showing parcel boundaries, building footprints, building uses, setbacks from buildings to nearest property boundaries, ingress/egress, internal access roads, outdoor lighting, parking, including handicapped accessible parking, and lighting locations to the County prior to issuance certificate of zoning.
5. The applicant shall meet the requirements of Warren County Code §180-15 for off-street parking for a church requiring one parking space per four seats and Code §180-49.2 for outdoor lighting.
6. The applicant shall meet all permitting requirements for the conversion from an agriculturally except structure to a church based on the latest adopted edition of the Uniform Statewide Building Code.
7. At the time that the uses permitted pursuant to the following Conditional Use Permits (CUPs) have been discontinued for a period of two years, such CUPS shall be automatically terminated County Code Section 180-63(H)(2)(a) without further action by the Board of Supervisors or Planning Commission: CUPS #2004-10-02 for a Commercial Nursery &

Garden Center, #2012-12-03 for a Micro-Brewery and Brewpub and #2019-09-02 Events Associated with a Micro-Brewery and Ag-Tourism.

Tim Kirchoff - 1838 Chapel Road, Middletown VA

Pastor Kirchoff stated that the church has been in the county for 35 years and the congregation is growing, so they are looking to expand into a larger space. He also stated that a feasibility study has been started and the information that has been provided will be provided to Planning Staff.

Steven Wagner - Architect - 6191 Main Street, The Plains VA

Mr. Wagner stated that his firm was commissioned to do a feasibility study for the change of use from a brewery to a church. They had a structural, mechanical, and electrical engineer all look at the property and the largest issue found was the foundation, which will need a perimeter foundation installed. They also found that insulation would need to be brought up to code, and a photometric plan would have to be created for outdoor lighting and exit signs.

Dennie Dunlap - Dice Engineering - 101 Shelby Ct, Winchester VA

Mr. Dunlap stated that they are trying to incorporate as much of the existing structure as possible. The intent is to use existing roadways and parking as much as possible as well. They are also looking into adding a sidewalk to allow access to the building from handicap parking spaces that will be installed during the parking lot renovations.

Mr. Meyers opened the public hearing and with no one coming forward, the public hearing was put on hold until the following month.

CUP2023-11-01 - Jorge Lobo - 97 Judy, LLC - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 97 Judy Lane and identified on tax map 15E, section 5, block 5, lot 549. The property is zoned Residential-One (R-1) and located in the Mountain Lake section of the Shenandoah Farms 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 he purchased in May of 2022. The owner would like to make their property available for short-term lodging for visitors seeking to explore the beauty of Warren County and the Shenandoah National Park when he is not using the property personally. The applicant will manage the property personally with assistance from local professional services for cleaning, trash disposal and maintenance.

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, 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 applicant shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

Mr. Meyers opened the public hearing and with no one coming forward, the public hearing was put on hold until the following month.

CUP2023-11-02 - Vihari Vanga - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 56 Sunset Village Road and identified on tax map 27B, section 2, lot 102A1. The property is zoned Residential-One (R-1) and located in the Junewood Estates Subdivision and in the Fork 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 December of 2022. The owner would like to make their property available for short-term lodging for visitors of the Warren County area. The applicant will manage the property personally with assistance from an experienced local property manager. The applicant is requesting a waiver to this supplementary regulation as the dwelling does not meet the required 100-foot setback to neighboring dwellings. The dwelling on the property to the east is located 38 feet from the dwelling on the subject property and the dwelling on the property to the west is located 94 feet from the dwelling on the subject property.

Mr. Meyers opened the public hearing and with no one coming forward, the public hearing was put on hold until the following month.

Z2023-11-01 - Public Utility Distribution Facilities - A request to amend Chapter 180 of the Warren County Code to amend §180-8C Definitions to replace the defined term “Public Utility Poles, Lines, Transformers” with a new “Public Utility Distribution Facilities” term and definition and to amend §180-10E Accessory Uses to replace "public utility poles, lines, transformers, pipes, meters and other facilities necessary to the provision of public utility services within the County" with new "public utility distribution facility" term.

Mr. Lenz stated that Warren County Planning Staff, by the recommendation of the County Attorney, is requesting to amend Warren County Code §180-8C Definitions to replace the defined term “Public Utility Poles, Lines, Transformers” with a new “Public Utility Distribution Facilities” term and definition and to amend §180-10E Accessory Uses to replace "public utility poles, lines, transformers, pipes, meters and other facilities necessary to the provision of public utility services within the County" with new "public utility distribution facility" term. Planning staff identified the existing defined term "Public Utility Poles, Lines, Transformers" as a source of ambiguity within the zoning ordinance and worked with the County Attorney to propose a more generalized term and inclusive definition through this zoning text amendment. The purpose of this proposed text amendment is to update outdated, ambiguous terminology. Any public utility meeting the new definition for public utility distribution facility will continue to be permitted as a matter of right in all zoning districts as stated under Code §180-10E. Rappahannock Electric Cooperative provided comments that referenced the 34,500 volt or 3.5 kilovolt threshold. The voltage was selected because that was the voltage that is already in the code.

Mr. Meyers opened the public hearing and with no one coming forward, the public hearing was closed.

Mr. Kersjes stated that he would like to see the County use the ANSI code language that Rappahannock referenced in their comments.

Mr. Lenz asked if Mr. Kersjes wanted to replace the voltage with the medium-class voltage referenced by the ANSI standard?

Mr. Kersjes agreed and stated that the voltage range should be removed all together.

Mr. Gordon asked Mr. Bowman how the code operates when the code references an outside standard?

Mr. Bowman stated that language can be added to the code to allow for amendments to the outside standard as an acknowledgement that the standard will change and that those changes are to be included in the code. He also stated that it would require the County to monitor the standard so that if the standard changes in a way that was not intended, the code could be modified.

On a motion made by Mr. Gordon and seconded by Mr. Kersjes, and by the following vote, the Planning Commission moved to forward the amendment to the Board of Supervisors with the recommendation of approval with a modification from Planning Staff referencing the ANSI standard.

Ayes: Myers, Kersjes, Richardson, Gordon.

Consent Agenda – Authorization to Advertise for Public Hearing:

On a motion made by Mr. Kersjes, seconded by Ms. Richardson, and by the following vote, the Planning Commission approved the Authorization to Advertise.

Ayes: Myers, Kersjes, Richardson, Gordon.

New Business:

CUP2023-12-02 – Catholic Diocese of Arlington - A request for a conditional use permit for a Church. The property is located at (0) W. Criser Road and identified on tax map 28, lot 128. The property is zoned Agricultural (A) and located in the Criser Road LLC – Eastham subdivision and in the South River Magisterial District.

Mr. Lenz stated that the request is being presented as new business because there is currently a request put in with the Town of Front Royal for out-of-town utilities. The Board of Supervisors authorized the application, and it is being submitted to the Town Council for approval. If the approval is not granted, the applicant will seek a private well and septic system.

R2023-12-01 – Foresight Design Services - A rezoning application to amend the Warren County Zoning Map to rezone a 5.04-acre parcel from Agricultural (A) to Commercial (C). The property is located at 99 Cedar Park Court and identified on tax map 12E as lot 6. The property is located in the North River Magisterial District and the proposed by-right land use is for a hotel/motel and enclosed storage facility. The future land use zoning map in the Comprehensive Plan is shown as Commercial zoning for this property.

CUP2023-12-03 – Foresight Design Services - A request for a conditional use permit for a Building Height in Excess of 40' within the Highway Corridor Overlay District for a proposed building height of 62'. The property is located at 99 Cedar Park Court and identified on tax map 12E, lot 6. The property is zoned and located in the Junewood Estates Subdivision and in the Fork Magisterial District.

Mr. Wendling presented a PowerPoint that was provided by the applicant that showed the plans for a 5-story hotel, the traffic plan, and future land use. He also stated that the applicant had resubmitted the conceptual plans that removed the storage facility and added a restaurant.

Commission Matters:

Planning Director:

Mr. Wendling stated that he had included the schedule for the Comprehensive Plan in the packet. Planning Staff is attempting to retain the services of the Northern Shenandoah Valley Regional Commission in reviewing and updating the Comprehensive Plan. He also stated that the Annual Report for the Planning Commission might be ready for the February meeting but will definitely be ready for the March meeting.

Attorney for the County:

Mr. Bowman wished everyone a Merry Christmas.

Commission Members:

Mr. Meyers thanked everyone for their hard work over the course of the year and wished everyone a happy holiday.

Zoning Administrator:

Mr. Lenz stated that he completed certification requirements as a Certified Floodplain Manager by going to the 2023 Virginia Floodplain Management Association conference. He also stated that the amendment for short-term tourist rentals would be returning to the Planning Commission for review in January 2024.

Adjournment:

On a motion made by Mr. Kersjes and the following vote, the meeting was adjourned at 7:55 PM.

Ayes: Myers, Kersjes, Richardson, Gordon.



Warren County Planning Commission
Chairman