

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on April 10th, 2024.

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; Kelly Wahl, Planner; 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 the March 13, 2024 Planning Commission meeting, 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.

Public Hearings:

CUP2024-03-03 - John Paul the Great Montessori Academy for Private School - A request for a conditional use permit for a Private School. The property is located at 768 Bowling View Road and identified on tax map 13 as lot 46D. The property is zoned Agricultural (A) and is located in the Morrison Family subdivision in the Shenandoah Magisterial District.

Mr. Wendling stated that the applicant is requesting a conditional use permit for a private school to be located on what is currently the Bowling Green South Golf Course which has been closed since its recent purchase in 2023 by Helltown River Investments LLC. The school currently serves 141 students and has 20 full-time and 18 part-time employees and has a curriculum based on the Catholic Montessori approach, as stated in their mission

statement. They propose that this facility will include open areas for outdoor recess, daytime sports recreation, and development of occupations relating to livestock husbandry, farming and gardening. The school was established in 2020 and is currently located in the Town of Front Royal. They currently have programs for pre-school children 3 days a week and elementary and middle school age children for 5 days a week. Their long-term plans are to expand to include toddlers and high school students and not to exceed enrollment of more than 200 students.

The property has been zoned Agricultural and used as golf course under a Conditional Use Permit (81-10-01) issued to Lynwood Morrison in 1981, no conditions were placed on the permit. The golf course recently ceased operations in February 2023 when purchased by Helltown River Investments, LLC and is currently in a 100-day study period for the school.

The Future Land Use Map in the existing Comprehensive Plan identifies this area to be used for Agricultural land use. The proposed use of the property would be considered in conformance with the Future Land Use Map as a private school. This is a permitted use by Conditional Use Permit in the Agricultural (A) zoning district.

Section 1 of Chapter 4 of the Comprehensive Plan (Growth Management and Land Use Issues) states as a goal, *"To direct future growth into an efficient and serviceable form that will preserve the County's predominately rural character."* (4-5).

Specific objectives stated to meet this goal include:

- Direct County development to areas contiguous with Front Royal or rural villages that are served or will be served with adequate public facilities such as roads, sewer, and water. **Proposed development is not contiguous with Front Royal and doesn't qualify for use of the Town's public water and sewer services. The previous use as a golf course and club house was served by a private well and septic system.**
- Develop incentives to preserve farmland, forested areas, open space, and rural character. Explore the use of conservation easements, purchase and transfer of development rights, and other similar programs for the funding of open space preservation. **This land-use would keep a significant area of the property in open space to be used for athletic fields, garden, farming and livestock containment areas for educational purposes.**
- Develop a preservation plan that identifies and protects historically significant areas, sites, and properties. **A private school within the community may provide a benefit by providing historical context for education, schools and sites within the community, and be a destination for interpretive signage.**
- Maintain the County's rural character. **The school's program involves a curriculum that includes farming skills, animal husbandry, gardening and agricultural resource management. These courses along with sports and athletics recreation**

necessitates a need for preserving open green space outside of the building and parking areas for the education of the students.

Staff recommends that if the Planning Commission is going to approve this request that the following conditions should be applied: *(additional conditions may be added once agency comments are received including any related transportation conditions)*.

1. The applicant shall meet all Virginia Department of Transportation, Warren County Building Inspections, Warren County Health Department, Virginia Department of Health – Office of Water Programs, Virginia Department of Environmental Quality, and Warren County Fire and Rescue – VA Statewide Prevention Code rules and regulations.
2. A site plan shall be prepared and approved by the Warren County Planning Department prior to the issuance of a building permit, showing the buildings, ingress/egress, parking areas, outdoor lighting, landscaping, screening, storage areas, trash receptacles, signage, and other applicable zoning requirements.
3. The property shall have a landscape buffer to screen the adjacent properties to the southeast and to the west along the deeded 30' access easement. The existing vegetation within the 30' easement may be removed and landscaping shall be relocated outside of the easement. The landscaping shall comply with standards set forth in Section §180-49.1 of the Warren County Zoning Ordinance regarding landscaping.
4. All light fixtures shall be fully shielded with dark-sky compliant fixtures and comply with the Warren County Code Section §180-49.2 for lighting. No exterior lighting shall be allowed for the sports and athletic fields. The building and parking lot lighting shall be automated to turn off 1 hour after dark and back on 1 hour before dawn with the exception of security lighting.
5. The occupancy of the school shall be no more than 200 students.
6. The use of the parking area identified on tax map 14C-2, lot 24, shall be allowed with written approval by the property owner submitted to Planning staff and after meeting all requirements of VDOT for any necessary entrance improvements. Parking on or adjacent to the public road shall be prohibited and clearly identified with no parking signage.

Mr. Wendling invited the applicant to give their update.

Noel Sweeney 1000 Lafayette St, Upperville Va.

Mr. Sweeney stated that they had spoken to and received support from the Rockland Alliance non-profit organization. They had also hired Greenway Engineering to do a traffic impact analysis based on their proposed usage versus what is allowed by-right on the property. Greenway found that a wine tasting and brewery tap room would generate comparable or greater weekday traffic while a tap room would generate 107 trips per weekday and an additional 46 trips per weekday evening peak hour. Over the weekend, the wine tasting room would generate 1,608 trips and brewery tap room uses are projected to generate 964 trips.

He stated that new updates to the parking lot would need to be completed, per VDOT's comments, which resulted in the purchasing of the parking lot across the street. They consulted with Greenway Engineering about the septic field size and the resulting soil investigation showed that a drainfield with a 3,00 gallon per day disposal area could be supported. Further, they have received a completed first draft from the architect to update the building to meet the current building code.

Mr. Myers opened the public hearing.

Peter Lemmon, 486 Hidden View Lane

Mr. Lemmon stated that he is in favor with the teaching style that the Montessori school is using and that the school would be a great fit for the Rockland area.

The following speakers agreed with the sentiments expressed by Mr. Lemmon:

- **Amanda Slate, 3762 Browntown Road**
- **Sharon Hickson, 263 Chapel View Road**
- **Kristin Uhlenkott, 135 Morrison Lane**
- **Mike Horvath, 3191 Rockland Road**
- **Brian Klotz, 116 Bowling View Road**

Kari Lemmon, 486 Hidden View Lane

Mrs. Lemmon stated that the opening of the new school would be beneficial because all of her children would be at the same school and would receive a good education from it.

The following speakers agreed with the sentiments expressed by Mrs. Lemmon:

- **Emily Minick, 830 Sawgrass Drive, Charlestown West Virginia**
- **Sloane Casey, 4103 Remount Road**
- **Catherine Leonard, 1019 Meadow Court**
- **Marie Mavretich, 1305 Imboden Drive**
- **Colleen Hencken, 1694 East Refuge Church Road**
- **Dan Beller, 78 Wakeman Mill Road**
- **Anne Jansen, 651 Coldbrook Lane**
- **Maria O'Brien, 83 Massanutten Farms Road**
- **Franchesca Llyod, 1149 Happy Ridge Drive**

- **Lydia Hickson, 135 Morrison Lane**

John Cuddeback, 945 Coldbrook Lane

Mr. Cuddeback stated that of the options that could take over the space, this would be the best option. They are trying to limit the size of the school and they are being contentious of their neighbors and are keeping lines of communication open.

The following speakers agreed with the sentiments expressed by Mr. Cuddeback:

- **Hugh Norton, 93 Clear Back Road**

Walter Mabe, 224 Manassas Avenue

Mr. Mabe stated that he has concerns about the long-term ramifications of placing a school where it is. There are limitations to what they can do on the property and any modifications would have to be completed through a conditional use permit. He is concerned about protecting the Rockland community should any growth occur.

Mary Ryan, 3973 Rockland Road

Ms. Ryan is concerned about the increase in traffic on their country roads and that there are measures that should be taken to slow traffic.

Chris Anderson, 8754 Main Street, New Market

Ms. Anderson wants conditions that support Rockland's rural character and for the Commission to craft a condition to prevent any building that would go against the rural character of the area.

The following speakers agreed with the sentiments expressed by Ms. Anderson:

- **James Bergida, 829 Milldale Drive**

Robert Gault, 694 Bowling View Road

Mr. Gault stated that he is concerned about where the access roads are going to be located and is worried about the proximity of the roadway and entrance to his driveway.

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

Mr. Myers gave the applicant an opportunity to address the possibility of future buildings and traffic concerns raised in the public hearing.

Mr. Sweeney stated that the current plan is to abide by the requests made by outside agencies and the package submitted to the Planning Department. He stated that any modifications made to that plan would have to be brought before the Planning Commission.

Mr. Wendling stated that the applicant would have to submit site plans to the County for review before the school could begin operation.

Mr. Myers asked if a conditional use permit carried on with the owner or the property when the property is sold?

Mr. Wendling stated that the permit carried on with the property, not with the applicant, when the property is sold.

Mr. Myers stated that, in regard to the traffic concerns, there was a traffic study completed.

Mr. Henry asked what the limitations are in place for accessory structures under the conditional use permits?

Mr. Wendling stated that there is no restriction on the number of accessory structures that can be built in the agricultural zoning district, but they are required to meet all setback requirements. He then suggested that design standards could be placed as a condition.

Mr. Henry asked if a habitable building, like a classroom, would be considered an accessory structure.

Mr. Bowman stated that if the use granted by the permit extends beyond the primary building and into a secondary building, then the secondary building would not be considered an accessory building.

Mr. Henry stated that he would like a condition that would require a review of new buildings of a certain size.

Mr. Bowman asked if there was a specific size of building that would trigger an inspection?

Mr. Wendling stated that buildings under 256 square feet did not require a building permit and an inspection. He then stated that there is an administrative procedure for reviewing plans for conditional uses and by-right uses and asked if the Planning Commission wanted to see any modified site plans?

Mr. Henry stated that staff shouldn't be the ones to make the choice for long-term changes on the site.

Mr. Bowman asked if the Planning Commission wanted to put an additional condition into place that would restrict the size of an additional building, restrict additional buildings to a specific use, or if the Commission just wants an updated site plan for review?

Mr. Henry stated that he wanted a site plan for review.

Mr. Bowman suggested a condition that would require a revised site plan to be submitted for review if an additional structure was proposed.

Mr. Gordon stated that the conditional use permit already requires a new site plan prior to the issuance of a building permit.

Mr. Bowman stated that the condition is not intended to be used that way and that more clarity is required. The condition itself requires the submission of a site plan that is reviewed for compliance with the zoning ordinance and that, absent an additional condition requiring a site plan review for every additional building, the site plan would be static and only reviewed once.

Mr. Wendling proposed a condition that would require site plans be resubmitted and reviewed by the Planning Commission and County Staff before any building permits are issued for any physical expansions on the property.

Mr. Kersjes expressed concern about the current setback limitation. He stated that being 10 feet from the property line seemed to be too close, especially if the applicant would be building a large accessory structure.

Mr. Wendling stated that a 50-foot setback requirement from any property line could be added to the conditions.

Mr. Henry asked the applicant if they would be ok with a 50-foot setback requirement and having all accessory structures go through a review process if they are over 256 square feet?

Mr. Sweeney stated that they would be amenable to the additional conditions.

On a motion made by Mr. Henry, and seconded by Mr. Kersjes, and by the following vote of 5 - 0, the Planning Commission moved to forward the conditional use permit, with the discussed amendments to the conditions, to the Board of Supervisors with the recommendation of approval.

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

CUP2024-03-01 Joel Didriksen - A request for a conditional use permit for a Short-Term Tourist Rental. The property is located at 3017 Blue Mountain Road and identified on tax map 16A, section 1, block 1, lot 21. The property is zoned Residential-One (R-1) and located in the Blue Mountain 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 April of 2020. The owner would like to make the property available for short-term lodging for visitors of the Warren County area when they are not using the property. The owner and applicant have an extensive history

of hosting properties for short-term rentals in Washington, DC using the Airbnb platform. Primarily residing in DC, the applicant has engaged a neighboring property owner to serve this property as the local property manager.

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 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. Myers invited the applicant to speak.

Joel Didriksen, 1200 Fairmount Street, Washington DC.

Mr. Didriksen stated that he and his partner renovated the blighted property and are excited to share the unique beauty of the area with visitors. He and his partner have over 1,300 stays in other properties and have never had a complaint.

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

On a motion made by Mr. Henry, and seconded by Mr. Gordon, and by the following vote of 5-0, the Planning Commission moved to forward the conditional use permit to the Board of Supervisors with the recommendation of approval.

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

CUP2024-03-02 Jennifer Wynn - A request for a conditional use permit for a Short-Term Tourist Rental. The property is located at 703 Sunset Village Rd. and identified on tax map 27D, section 1, lot 9A. The property is zoned Residential-One (R-1) and located in the Junewood Estates subdivision and the Fork Magisterial District.

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the subject property on behalf of the current owner, who purchased the property in March of 2022. The owner would like to make the property available for short-term lodging for visitors of the Warren County area when they are not using the property. Primarily residing in Strasburg, VA, the applicant will serve as the local property manager. Standard conditions are applicable.

Planning Staff received an email from the Health Department before the meeting identifying an issue with trees being planted on a drainfield that, while located on the applicant's property, serves a neighboring property. The Health Department is recommending a condition be added that requires removal of the trees before the issuance of a certificate of zoning. Otherwise, staff is recommending the standard conditions applied to the previous item.

Mr. Myers invited the applicant to speak.

Jennfier Wynn, 149 South Funk Street, Strasburg

Ms. Wynn stated that they are in communication with the Health Department. They are going to be meeting with them to remedy the issue before the Board of Supervisors meeting.

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

On a motion made by Mr. Kersjes, and seconded by Mr. Henry, and by the following vote of 5 -0, the Planning Commission moved to forward the conditional use permit, with the addition of the recommended condition from the Health Department, to the Board of Supervisors with the recommendation of approval.

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

CUP2024-03-04 Jack Donohue - A request for a conditional use permit for a Contactor Storage Yard. The property is located at (0) Winners Ct. and identified on tax map 5, lot 11B. The property is zoned Industrial (I) and located in the Walker-Brugh subdivision and the North River Magisterial District.

Mr. Lenz stated that the applicant is requesting a conditional use permit for a contractor's storage yard for the subject property, which he is currently leasing. The applicant is the owner of Timber Works Tree Care, a landscaping and horticultural services business located on an adjacent property at 404 Fairgrounds Road. The proposed use includes storage of lumber, mulch, other wood products, contactor's equipment, and vehicles related to the operation of the adjacent landscaping business. The property is currently used for storage of wood materials for the adjacent landscaping business and the applicant has submitted a preliminary site plan for review. Upon receipt of the site plan, Planning staff communicated with the applicant that a conditional use permit for a contractor's storage yard will be required prior to site plan approval since the principal use of the subject property is storage of timber, materials, and contractor's equipment. This property was previously approved for a conditional use permit for a contractor's storage yard on September 19, 2017. The land use was never established and after two years, the conditional use permit expired.

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 applicant shall comply with all Virginia Department of Transportation (VDOT), Warren County Building Inspections, Warren County Fire & Rescue Services, Warren County Health Department and Virginia Department of Environmental Quality applicable regulations and requirements.
2. A site plan shall be prepared and submitted to the Warren County Planning Department within 90 days of issuance of the conditional use permit. The site plan shall include ingress/egress, storage areas, outdoor lighting, landscaping, screening, and other items necessary to verify compliance with the site requirements of the zoning ordinance.
3. All light fixtures shall be fully shielded and shall comply with Warren County Code §180-49.2 for Lighting.
4. The site plan shall comply with Warren County Code §180-49.1 regarding landscaping.
5. Outdoor storage areas shall be screened from view of Winners Court and Fairground Road with fencing approved by County staff. Such fencing shall be a minimum of 6 feet in height and may consist of chain link with opaque fabric covering, slats, or similar element(s) to achieve visual screening.

Mr. Myers invited the applicant to speak.

Jack Donohue, 359 Ridgeway Road

Mr. Donohue has been working with Planning Staff to get the site up to compliance.

Mr. Wendling stated that he received a phone call from an adjacent property owner who expressed concern about the screening being required and that they wanted opaque fencing installed. He stated that staff will be looking for that requirement in the site plan.

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

Mr. Donohue stated that he has spoken to the neighbor about the issue and has assured him that there will be appropriate screening.

On a motion made by Mr. Kersjes, and seconded by Mrs. Richardson, and by the following vote of 5 - 0, the Planning Commission moved to forward the conditional use permit to the Board of Supervisors with the recommendation of approval.

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

Consent Agenda - Authorization to Advertise for Public Hearing:

On a motion made by Mr. Henry, seconded by Mr. Gordon, and by the following vote of 5 -0, the Planning Commission approved the Authorization to Advertise.

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

Commission Matters:

Planning Director:

Mr. Wendling thanked the Commission for participating in the work session. Their commentary will be incorporated into the chapter and he is hoping to have chapter four completed for the next meeting.

Attorney for the County:

Mr. Bowman had nothing to add.

Commission Members:

Mrs. Richardson stated that she wanted to be sure that there was an addition of agritourism to the comprehensive plan. She has looked at surrounding counties that have that as a part of their plans and wants to talk to staff about it.

Zoning Administrator:

Mr. Lenz had nothing to add.

Planner:

Ms. Wahl had nothing to add.

Clerk to the Planning Commission:

Ms. Mutter stated that Planning Staff had created business cards to provide easier ways for the public to communicate issues with short-term tourist rentals to Planning Staff and a link to the 2024 Comprehensive Plan Community Survey.

Adjournment:

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

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



Warren County Planning Commission Chairman