



Casey B.  
Armstrong  
Director

**COUNTY of ROCKINGHAM**  
Department of Community Development

**January 5, 2016**

**6:30 P.M.**

1. Call To Order
2. Pledge Of Allegiance And Invocation- Brent Trumbo
3. Approval Of Minutes
  - 3.I. Minutes From November 4, 2015  
Documents: [PC 11-4-15.PDF](#)
  - 3.II. Minutes From December 1, 2015  
Documents: [PC 12-1-15.PDF](#)
4. Public Hearing
  - 4.I. Rezonings
    - 4.I.i. REZ15-314  
Go-Mart, Inc., 915 Riverside Drive, Gassaway, WV 26624, to rezone TM# 130-(A)-L9B, totaling 2.071 acres, located west of Mount Hermon Road (Rt 979) and north of Spotswood Trail (US 33), zoned General Agricultural District (A-2), to General Business District (B-1). The Comprehensive Plan identifies this area as Mixed Use Center. The property is located in Election District 5.  
  
Documents: [REZ15-314 - ADMIN REPORT.PDF](#), [REZ15-314 - AREA MAP.PDF](#), [REZ15-314 - LETTER FROM ELKTON.PDF](#)
    - 4.I.ii. REZ15-317  
Lispen, LLC, 1346 Pleasants Drive, Suite 6, Harrisonburg, VA 22801, to rezone portions of TM# 123-(A)- L74 and TM# 124-(A)- L40, totaling 28.521 acres, located south of Cecil Wampler Road (Rt 704) and east of Interstate Highway 81, zoned General Industrial District with Conditions (I-1C), to General Industrial District with Conditions (I-1C). The Comprehensive Plan identifies this area as Industrial. The property lies in Election District 4.  
  
Documents: [REZ15-317 - ADMIN REPORT.PDF](#), [REZ15-317 - AREA MAP.PDF](#), [REZ15-317 - PROFFER.PDF](#)
  - 4.II. Ordinance Amendments
    - 4.II.i. OA15-322  
Amendment to the Rockingham County Code, Chapter 17 (Zoning), Article 2 (Definition of Terms) to add a definition for agriculturally-related business, not otherwise listed.

Documents: [OA15-322 DEF. OF AGRICULTURALLY-RELATED BUSINESS.PDF](#)

4.II.ii. OA15-323

Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-606 (Land Use and Zoning Table) to allow agriculturally-related business, not otherwise listed as a special use permit with supplemental standards (SU\*) in the A1, A2, & RV zoning districts.

Documents: [OA15-323 AG-RELATED BUSINESS BY SUP WITH SUPPLICMENTAL STANDARDS.PDF](#)

4.II.iii. OA15-324

Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-607 (Supplemental Standards for Certain Land Uses) to set standards for agriculturally-related business, not otherwise listed.

Documents: [OA15-324 SUPPLEMENTAL STANDARDS FOR AG-RELATED BUSINESSES.PDF](#)

4.II.iv. OA15-325

Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-701.02 (Public Streets) to state that while R-3 apartment complex lots must front on a public street, there may be a private access easement from the public street to the parking lot, and it shall meet the requirements of Fire Department access roads as outlined in the Rockingham County Fire Prevention Code.

Documents: [OA15-325 PRIVATE ACCESS EASEMENTS FOR APARTMENTS.PDF](#)

4.II.v. OA15-327

Amendment to the Rockingham County Code, Chapter 17, Zoning, to remove the term "final plan" and replace with the term "site plan" in Sections 17-400.02(d) Requirements; 404.02(c) Requirements; 405.02(d) Requirements; 702.07 Shared parking; 17-703.01(c) Landscape plan; 703.08(b) Utility easements; 17-1004.10(b) (2) Effect of acceptance: Map references; conformance to existing conditions.

Documents: [OA15-327 SITE PLANS.PDF](#)

5. Unfinished Business

6. Miscellaneous

6.I. 2015 Annual Report

Documents: [ANNUAL REPORT.PDF](#)

6.II. 2016 County Liaison Schedule

7. City Planning Commission Liaison Report

7.I. December 9, 2015- Steve Pence

8. Upcoming City Planning Commission Liaison Report

8.I. January 13, 2016- Brent Trumbo

9. Site Visit

10. Staff Report Overview

10.I. Staff Report 12-9-15

Documents: STAFF REPORT 12-9-15.PDF

11. Adjournment

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**PLANNING COMMISSION**

**MINUTES**

**November 4, 2015**

The Rockingham County Planning Commission met on Wednesday, November 4, 2015, in Community Development Room in the Rockingham County Administration Center. Members present were, Chairman Rodney Burkholder, Vice Chair Mr. Bill Loomis, Mr. Steven Pence, and Mr. David Rees. Staff members present were Director of Planning, Rhonda Cooper; Planner, James May; Zoning Administrator Diana Stultz; Code Compliance Officer, Kelly Getz and Secretary Amanda Thomas.

At 6:37 p.m., Chairman Burkholder called the meeting to order.

Chairman Burkholder offered the Pledge of Allegiance and Invocation.

**MINUTES**

On motion by Mr. Loomis, and seconded by Mr. Pence, the October 6, 2015, minutes were approved with a 4-0 vote.

**REZONING REQUESTS**

**REZ15-246** SEGM, VA LLC, 2021 cross Beam Drive, Charlotte, NC 28217, to amend the proffered conditions on TM#125-(A)- L144, a 5.975 acre parcel located south of Reservoir Street (Route 710) and west of Fieldale Place (Rt. 895) to relocate a club house. The Comprehensive Plan identifies this area as Community Residential. It is located in Election District 3.

Mr. May presented the request.

By request of Mr. Rees, Mr. May presented the original proffered condition in question and stated that the proffered height of the Community Center would be a single story.

Chairman Burkholder questioned if any landscaping or buffers would be affected by amending these proffers. Mr. May stated that the only change would be the relocation of the two buildings.

**REZ15-247** M &N Real Estate LLC, 7078 Blair Meadow Ln, Mt. Crawford, VA 22841 to amend the proffered conditions on TM#125-(A) - L20#, LE1, and LF, a total of 8.062 acres located west of Port Republic Road (Rt. 253) and south of Stone Spring Road (Rt. 280), to revise the landscaped buffer. The Comprehensive Plan identifies this area as Mixed Use Center. It is located in Election District 4.

Mr. May presented the request.

Mr. Rees questioned if the trees were owned by M & N. Ms. Cooper responded that they were.

Mr. May presented the staff recommendation of approval for both rezoning requests.

Mr. Loomis motioned for the Planning Commission to recommend approval of the proposed rezoning, REZ15-246; Mr. Rees seconded the motion.

On a vote of 4-0, the Commission recommended the approval of this rezoning.

Mr. Rees motioned for the Planning Commission to recommend approval of the proposed rezoning, REZ15-247; Mr. Pence seconded the motion

On a vote of 4-0, the Commission recommended the approval of this rezoning.

## **PUBLIC HEARING**

### **ORDINANCE AMENDMENTS**

**OA15-256** Amendment to the Rockingham County Code, Zoning (Chapter) 17, Article 2. Definition of Terms, Section 17-201 Definitions Generally to add the definition of Farm Brewery.

**OA15-257** Amendment to the Rockingham County Code, Zoning (Chapter 17), Table 17-606 Land Use and Zoning Table, Agricultural Uses to add farm brewery, farm cider mill and farm distillery as permitted uses in the A-1 and A-2 zoning districts.

Mrs. Stultz presented the requests.

Mr. Rees questioned if a farm cider mill would be producing hard cider. Mrs. Stultz responded that it would.

At 6:48 p.m., Chairman Burkholder opened the public hearing.

Mr. William Lobdell questioned if adjoining landowners would be notified of a farm brewery. Mrs. Stultz stated that under Rockingham County law, adjoining landowners do not have to be notified of any permitted uses on a property. The State of Virginia has declared farm breweries to be a permitted use on land zoned agriculture. She stated that the ABC board may have notification hearings. The applicant would have to meet all regulations through other departments, but zoning would have to allow a farm brewery so long as it is on a bonafide farm.

Mr. Lobdell questioned if this was due to the revenue the County would generate through a farm brewery. Mrs. Stultz stated that it was not, it is because it is considered a farm activity and the State of Virginia does not allow regulations on farms. Mrs. Stultz reiterated that it had to be a bonafide farm in order to apply for a farm brewery.

In response to a question by Mr. Lobdell, Mrs. Stultz stated that the requested ordinance amendment would bring the Rockingham County zoning ordinance into compliance with the State regulations.

Ms. Kim Sandum questioned if it had to be a bonafide farm as defined by Rockingham County. Mrs. Stultz responded that that was correct. Ms. Sandum questioned if it would be in violation if a farm brewery existed on a farm that was not considered bonafide.

Mrs. Stultz stated that the ABC Boards have asked applicants to confirm that they would comply with the zoning regulations, before they would issue any permits.

At 6:57 p.m., Chairman Burkholder closed the public hearing.

Mrs. Stultz presented the staff recommendation of approval.

Mr. Loomis questioned if there were currently any farm breweries in Rockingham County. Mrs. Stultz replied there were none at the time, but there has been some interest.

Mr. Pence motioned for the Planning Commission to recommend approval of the proposed ordinance amendments; Mr. Loomis seconded the motion.

On a vote of 4 -0, the Commission recommended the approval of these amendments.

**OA15-264** Amendment to the Rockingham County Code, Zoning Ordinance (Chapter 17), Article 2, Definition of Terms, Section 17-201 Definitions Generally to remove the definition Amusement, indoor and to add Recreation or entertainment, inside (and not otherwise listed) and to add Recreation or entertainment, outside a building (and not otherwise listed).

**OA15-265** Amendment to the Rockingham County Code, Zoning Ordinance (Chapter 17), Table 17-606 Land Use and Zoning Table, Recreational Uses to remove the term Amusement, indoor; and to add the term Recreation or entertainment, inside a building and not otherwise listed in the A-1 and A-2 zoning districts by special use permit (SU) and in the R-4, R-5, MXU, B-1, PCD, and PID districts as permitted (P). This amendment also adds the term Recreation or entertainment, outside a building and not otherwise listed in the A-1, A-2, and B-1 zoning district by special use permit (P) and in the R-4, R-5, MXU, PCD, and PID as permitted (P).

Mrs. Stultz presented the requests.

At 6:58 p.m., Chairman Burkholder opened the public hearing.

Mr. Doug Harper questioned if these amendments pertained to only commercial applications. Mrs. Stultz responded that that would be something that would be determined when an applicant came in to speak with staff. If it would have enough impact, it could be considered commercial. Mr. Harper commented that many years ago he had built a playground area on his property that had been utilized by neighborhood children. He questioned if this would be something that would require a special use permit. Mrs. Stultz responded that those questions would have to be addressed on a case to case basis; she could not say yes or no either way. Mr. Harper stated that this could make property owners nervous about requesting any type of outdoor activity. Mrs. Stultz mentioned that until October, the zoning ordinance required a special use permit for entertainment outside a building.

Chairman Burkholder added that he feels the ordinance amendments broaden the scope of uses allowed. He stated that as density increases the need for neighbors working together on these types of situations increases.

Mr. Harper reiterated that this amendment is intimidating. He also stated that the wording of the amendment seems to imply commercial to him. Chairman Burkholder stated that there is a lot of flexibility built into the special use permit process for such conversations. Mrs. Stultz agreed.

Mr. William Lobdell questioned the cost of a special use permit. Mrs. Stultz responded it was \$550.00. Mr. Lobdell asked who was responsible for granting the special use permits. Mrs. Stultz replied that the Board of Supervisors made the decision. Mr. Lobdell questioned if the \$550.00 fee would be refunded if the request was denied. Mrs. Stultz explained that the application fee covered the work that would be done in order to prepare for the hearing, but the fee is a one-time fee. Chairman Burkholder added that a special use permit protects the applicant from future complaints of uses of his/her property.

Mr. Lobdell questioned if every application is going to have a fair trial, or will they side with a group of neighbors who are against the proposed use. Mrs. Stultz responded that the Board of Supervisors looks at each application on its own merit and considers the concerns of neighbors as well as the land use issue to determine if it is an appropriate location for the proposed activity. The special use permit allows the Board of Supervisors to determine if a specific use is suitable for an individual property.

Mr. Lobdell stated that he feels this amendment is too broad. Chairman Burkholder stated that those issues are resolved in the special use process.

Ms. Sandum asked if there was any consideration to having supplemental standards, particularly for A-1 and A-2. Ms. Cooper responded that there was, and the determination was made that it needed to be done on a case to case basis rather than having a set of standards that applied to anything, anywhere. Ms. Sandum questioned if supplemental standards could be written for a particular use. Ms. Cooper responded that they could be written and they would be considered conditions.

Ms. Colleen Grattan questioned the definition of "disturbing" and gave the example that neighbor children playing outside could be considered disturbing. She said that the children have a right to play outside and no one can tell them they cannot. She stated that she feels that the wording leaves it open and says that if it is disturbing it is by special use permit. Mrs. Stultz stated that it is by special use permit either way. The Board of Supervisors will determine if the use is a proper fit for a particular property. Ms. Grattan questioned if the text stated if a particular use was disturbing to someone who made a complaint, a special use permit would be required. Mrs. Stultz responded that if the Board of Supervisors, after receiving all information, found a use to be disturbing then they could put conditions on the activity such as hours of operations. This amendment would give the Board of Supervisors the opportunity to look at each application on a case by case basis and make decisions as to the conditions that should be placed on a special use permit, if approved. Ms. Grattan stated that she does not disagree with the activities listed but there should be a line drawn as to what is considered commercial and what is considered private. She feels it allows the County to be able to control more by making it too broad. She wanted to know at what point she has the freedom to enjoy recreation in the pursuit of happiness on her own private land that she pays taxes on and just doing activities that her, her family and friends can enjoy without having constraints imposed on them by the government. Ordinances like this do not exist in neighboring counties. Chairman Burkholder mentioned that the most important piece is neighbors getting along. Ms. Grattan stated that she understands that, but she sees all the commercial things, but she doesn't understand how this amendment will allow for neighbors getting along especially when the word "disturbing" is placed in the amendment. Chairman Burkholder stated that the special use permit allows for the opportunity to work what is considered to be disturbing out with your neighbors. Ms. Grattan stated that she looked at the special use permit application on the County website and thought that she would have to reapply every one or two years. She said that it scares her to think that something that she is doing in her own back yard can be limited by the County.

She thinks it is too broad and there should be a distinguishing factor between commercial and private uses. Mr. Pence clarified that a special use permit has to be used within a certain amount of time, but as long as it is being used the conditions are ongoing. Mrs. Stultz added that you would have two years to either start construction or start utilizing the approved use. An applicant does not have to meet with neighbors or get their signatures, but the applicant does have to provide the County with all adjoining landowner's names and addresses. Chairman Burkholder stated that it is an attempt for the Board of Supervisors to provide opportunities for citizens to enjoy themselves and work together. Mrs. Stultz added that the word "disturbing" is in the amendment to say that the Board of Supervisors may put conditions on activities that are much noisier or extends into the night.

Mr. Kolten Windsor questioned if swimming pools were by special use permit. Mrs. Stultz replied that by law swimming pools are considered an accessory use to a residence and that a public pool is listed separately. The items that would fall under this ordinance amendment are uses that are not otherwise defined in the zoning ordinance. Mr. Windsor stated that he is confused because in order to have an inground pool you have to manipulate the land and that is one of the biggest concerns with motocross. Chairman Burkholder replied that the two activities are not comparable. Mr. Windsor stated that swimming pools are more dangerous. He wants to know why a swimming pool does not require a special use permit when you have to change your land but motocross tracks and things such as that do require one. Chairman Burkholder responded that it was because of the nature of the activity. Mrs. Stultz reiterated that swimming pools are an accessory use, a motocross track is not found to be a customary use. This amendment would allow staff to determine if a particular use was just for a family or if it would be a larger operation. Mrs. Stultz reminded the Planning Commission that they were not looking just at motocross but for all uses. Mr. Windsor stated that it was stated that there aren't as many motocross tracks as there are swimming pools, but to him swimming pools would be a bigger problem because there is more.

Mr. Eddie Grattan questioned at what point will the line be drawn on someone's private property and their rights to exercise what they want to do on their own property. This amendment opens a lot of grey area that allows the County to charge property owners \$550.00 to do something on their own property.

At 7:29 p.m., Chairman Burkholder closed the public hearing.

Mrs. Stultz presented the staff recommendation of approval.

Mr. Pence gave an example of neighborhood children getting together to play sports and questioned if that would be allowed. Mrs. Stultz responded that the County has never looked as those types of uses as needing a special use permit. If it were to go beyond a few children playing and become organized with times and other teams, then yes, it would require a special use permit. Mrs. Stultz reiterated that each application would be looked at on a case to case basis. This amendment gives people the opportunity to do things that, as of now, they do not have the option to do. This amendment is very similar to what was in the old zoning ordinance, which has worked for the County for the last 35 years. This will allow protection for both property owners and their neighbors.

Mr. Pence questioned if there was a complaint, would the property owner need to come speak with staff. Mrs. Stultz stated that they would come talk to staff and it would be handled on a case to case basis as to whether a special use permit would be needed.

Chairman Burkholder questioned if individuals who have gone through the special use permit process realize the value once they are granted the permit. Mrs. Stultz agreed and stated that many times when there is a complaint on a property, the property owners will go through the application process and once given the special use permit, complaints have stopped.

Chairman Burkholder stated that he has spoken with many individuals in his district and stated that many of them liked the special use permit and that some of the issues is that those individuals who have

not gone through the special use permit process don't have a grasp on the idea of it. He also noted that it sounds like there are added regulations with the proposed amendment, but also many added freedoms.

Mr. Loomis asked for clarification on the process of an individual coming in to talk to staff about the special use permit. Mrs. Stultz responded that in most cases, but not always, the need for a special use permit is brought about by a complaint. The property owner will then speak with staff to let them know what they plan to do with their property and from there the County can work with the individual to find the best solution.

Mr. Pence stated that since the amendment is so broad he is considering all the things that it could possibly involve. Mr. Getz mentioned that Mrs. Stultz talked about accessory uses and that many activities would fall under that. Mrs. Stultz stated that it is not possible to state if something will or will not require a special use permit. She added that with the current zoning ordinance, none of these activities would be allowed to happen. The ordinance will have to be amended to allow it. There is not a way to list every possible use. This general statement opens the ability to add conditions to different scenarios.

Chairman Burkholder stated that allowing everyone to do everything, everywhere is not an option. This amendment is a valid attempt by staff to create a way to address the many proposed activities that come into the office.

Mr. Rees stated that he does not think the amendment is talking about children playing in the yard or kids playing football. That is something that Rockingham County would not try to regulate. This amendment is to give the County the tool to protect both property owners and their neighbors.

Mr. Rees motioned for the Planning Commission to recommend approval of the proposed ordinance amendments; Mr. Pence seconded the motion.

Mr. Pence stated that he understands the commercial uses can be very invasive but is concerned about the amendment seems to be too broad.

Mr. Loomis concurred and believes the proposed amendment is applicable to a commercial situation but questioned what the line is between commercial use and non-commercial use.

Mr. Getz stated that one thing that zoning does is it addresses the impact of a use on adjoining property. Whether a use is commercial or not does not necessarily affect that. From a zoning standpoint money does not have to exchange hands in order for an activity to be disturbing to neighbors. Mrs. Stultz gave an example of this.

Chairman Burkholder stated that the Commission's vote was only a recommendation, and that it will receive another chance for discussion. He added that staff has worked very diligently.

Mr. Pence stated that commercial is not the right place to draw the line. In general, he is reassured by this ordinance amendment but he still feels there is a grey area.

Mr. Loomis stated that he understands how the amendment could be useful, but questions if the amendment is too controlling. He stated that there can be a lot of grey area, especially when using the term "organized". Mr. Loomis does not know that having just a discussion with an applicant could constitute the need for a special use permit.

Mr. Rees stated that he looks at the amendment as another tool that could be used for the protection of both the applicant and his/her neighbors.

On a vote of 2-2 (Mr. Rees and Chairman Burkholder in favor- Mr. Loomis and Mr. Pence in opposition), the Commission sends these amendments, with a tied vote, to the Board of Supervisors.

**UNFINISHED BUSINESS**

There was no unfinished business

**MISCELLANEOUS**

There were no miscellaneous items

**CITY PLANNING COMMISSION LIAISON REPORT**

Upcoming Harrisonburg City Planning Commission Meeting

The Liaison for the November 11, 2015 Harrisonburg City Planning Commission Meeting is Mr. Rees.

**SITE VISIT**

The site visit for the December meeting would be decided at a later time.

**STAFF REPORT OVERVIEW**

Ms. Cooper reviewed the staff report.

**ADJOURNMENT**

At 8: 18 p.m., having no further business, the Commission adjourned

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Rodney Burkholder, Chair

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Amanda Thomas, Secretary

**PLANNING COMMISSION**

**MINUTES**

**December 1, 2015**

The Rockingham County Planning Commission met on Tuesday, December 1, 2015, in the Board of Supervisors Room in the Rockingham County Administration Center. Members present were, Chairman Rodney Burkholder, Vice Chair Mr. Bill Loomis, Mr. Steven Pence, and Mr. David Rees. Staff members present were Director of Planning, Rhonda Cooper; Planner, James May; Code Compliance Officer, Kelly Getz and Secretary Amanda Thomas.

At 6:32 p.m., Chairman Burkholder called the meeting to order.

Mr. Loomis offered the Pledge of Allegiance and Invocation.

**MINUTES**

The approval of the November 4, 2015, minutes was postponed.

**PUBLIC HEARING**

**REZONING REQUESTS**

**REZ15-280** Greenport Group, LLC, P.O. Box 1076 Harrisonburg, VA 22803, to amend 2.25 acres of the Greenport Subdivision Master Plan, parcels 125G-(A)- L133B, 125G-(10)- L1, and 125G-(14)- LA; and to rezone parcel TM# 125G-(A)- L133A, totaling 0.49 acre, from Medium Density Residential District (R-2) to Planned Neighborhood District (R-5) and to add it to the Greenport Subdivision Master Plan. Greenport is located north of Albert Long Drive (Rt 800) approximately 0.25 mile southwest of Reservoir Street. The Comprehensive Plan identifies this area as Mixed Use Center and Community Residential. The parcel lies in Election District 3.

Mr. May presented the request.

Mr. May stated that the original staff recommendation was to table this rezoning; however, being that VDOT's concerns were resolved, staff recommends approval.

In response to a question by Mr. Pence, Mr. May indicated the location of VDOT's earlier concerns.

Mr. Rees questioned if the amount of parking spaces allotted were shown, how close the asphalt will be to the property line and if there will be a vegetative buffer. Mr. May stated that the applicant would have to meet all parking requirements at the site plan level and that he was not positive on the distance

of the asphalt to the property line. Mr. May stated that he does not recall if vegetation buffer was proffered.

Chairman Burkholder questioned what issues had been resolved for VDOT. Mr. May stated that the two major concerns were a series of driveways which were converted to internal parking to lower the points of conflict along Greenport Drive and the entrance point has been reduced in size.

Mr. Pence questioned if a specific entrance would be a one-way. Mr. May responded that due to the size, the developer could put a one-way sign, or could choose to not include it in the roadway system.

At 6:43 p.m., Chairman Burkholder opened the public hearing.

At 6:43 p.m., seeing as there was no one to speak in favor of or opposition to the rezoning, Chairman Burkholder closed the public hearing.

Mr. Rees stated that with VDOT's approval, he believes this request is in order.

Mr. Loomis motioned for the Planning Commission to recommend approval of the proposed rezoning; Mr. Pence seconded the motion.

On a vote of 4-0, the Commission recommended the approval of this rezoning.

**REZ15-281** Lakeview Development Corporation, 4101 Shen Lake Drive, Harrisonburg VA 22801, to rezone a portion of TM# 126-(A)- L43A, totaling 10.33 acres, located north of Lakeview Drive (Rt 1025) approximately 0.25 mile north of Shen Lake Drive (Rt 689), from General Agricultural District (A-2) to Medium Density Residential District with Conditions (R-2C). The Comprehensive Plan identifies this area as Community Residential. The parcel is located in Election District 3.

Mr. May presented the request.

Mr. Pence questioned if there was a proposed lot size. Mr. May stated that it would be no more than twenty one (21) units, so it would be approximately a half acre.

At 6:51 p.m., Chairman Burkholder opened the public hearing.

Mr. John Kidd, President of Lakeview Development Corporation, stated that this was a business decision. He stated that they are not supplemented by localities and there are struggles from time to time. Mr. Kidd stated that the proposal is to down size from thirty six (36) holes to twenty seven (27) holes, while keeping with the community and developing something that is pleasant to look at. At the time there are six (6) acres of R-2 land to the west of the club house, which will be sold, as well as the ten (10) acres that are part of this request. Mr. Kidd stated that the downsizing needs to occur in order for the golf course to remain at full profitability and secure a future.

Mr. Richard Blackwell, project engineer, stated that the reason for requesting a rezoning to R-2 is because the adjacent land is zoned R-2. It is proffered that there will only be single family detached and not duplexes. The plan is for twenty one (21) lots that would be 115' wide and 65' deep. The 115' would allow for an end-load garage and nice homes that are consistent with the surrounding homes. Mr. Blackwell stated that the lots in this location would be ten feet (10') to fifteen feet (15') lower in elevation. He also stated that the plan is to keep the existing tree line. Mr. Blackwell stated that the original plan of having the divided road come together to form a two lane road did not meet

Rockingham County zoning requirements, therefore the plan is to have a divided street with several crossovers and end the street with a cul de sac. Mr. Blackwell indicated that the lots would be 120' from the fairway and that the lots would be served by County Water and Sewer.

Mr. Rees questioned if there would be a minimum square footage on the homes. Mr. Blackwell responded that there are no proffers for home size, but that the lots would likely sell for \$100,000 which would dictate the size of the home being built.

Ms. Joanne Knauf, Principle Broker for Valley Reality, stated that she has concerns for two of her clients who are building on Hastings Court and in Cross Road Farms and expected to have beautiful golf course views. Ms. Knauf is also concerned over the lot pricing not dictating the size of the home, which could bring down existing homes property values. She would like to see a Property Owners Association be put into place that would set minimum standards on home size. Ms. Knauf believes the area needs homes that are in the \$200-300,000 price range as opposed to \$500,000 and up. Ms. Knauf also wanted to know how the green space and the road would be preserved.

Mr. Steven Owen, an adjoining property owner, has concerns over the wood line disappearing and not preserving green space. He is also concerned about the extension of Frederick Road as well as the quality of homes that will be placed on these properties. He feels Madison Village is a lower level quality than the homes in Cross Roads Farms and fears that the new development will be lower level quality. He fears this will lower his property value. Mr. Owen questioned if anyone had expressed interest in purchasing the land and preserving green space. Chairman Burkholder responded that he was unaware of any interest.

Mr. Asa Taylor stated that he is currently building a new home on Hastings Court. His concerns are loss of value of his property as well as the loss of the view he expected to have. Mr. Taylor requested that this request be tabled due to not all those effected have been notified.

At 7:13 p.m., Chairman Burkholder closed the public hearing.

Mr. Loomis questioned if the current zoning of the property was R-5 and what type of development is allowed. Ms. Cooper responded that it was zoned R-5 and that it is currently controlled by a master plan.

Mr. May presented the staff recommendation of approval.

Mr. Loomis motioned for the Planning Commission to recommend approval of the proposed rezoning; Mr. Rees seconded the motion.

On a vote of 4-0, the Commission recommended the approval of this rezoning.

## **AGRICULTURAL AND FORESTAL DISTRICTS**

**AFP15-297** Rockingham County to amend the total acreage of the Spring Creek Agricultural and Forestal District, consisting of seventy-eight (78) parcels, generally located south of Ottobine, west of the Town of Bridgewater, east of Windy Cove Road (Route 755), and north of the Augusta County line, totaling three thousand twenty-seven (3,027) acres, more or less. Spring Creek Agricultural and Forestal District is located Election district 4 and 2.

**AFP15-298** Rockingham County to amend the Western Rockingham Agricultural and Forestal District consisting of one hundred fifty-two (152) parcels spanning six thousand twenty-five (6,025) acres generally bounded on the south by Rawley Pike (Rt. 33), ranging within three hundred (300) feet of the Harrisonburg city limits in the southeast to George Washington National Forest in the northwest. The amendment reinstates the description of the district that had been deleted in error. The Western Rockingham Agricultural and Forestal District lies in Election Districts 2 and 4.

Mr. May presented the request.

At 7:17 p.m., Chairman Burkholder opened the public hearing.

At 7:18 p.m., seeing as there was no one to speak in favor of or opposition to these agricultural and forestal district amendments, Chairman Burkholder closed the public hearing.

Mr. May presented the staff recommendation of approval.

Mr. Rees motioned for the Planning Commission to recommend approval of the proposed amendments; Mr. Pence seconded the motion.

On a vote of 4-0, the Commission recommended the approval of these agricultural and forestal district amendments.

## **ORDINANCE AMENDMENTS**

**OA15-287** Amendment to the Rockingham County Zoning Ordinance (Chapter 17), Article 2, Definitions, Animal Husbandry: after "The production of livestock or poultry," add "such as cattle, sheep, goats, llamas, poultry, ducks, geese, horses, and hogs."

Mr. Getz presented the requests.

At 7:21 p.m., Chairman Burkholder opened the public hearing.

At 7:21 p.m., seeing as there was no one to speak in favor of or opposition to the ordinance amendment, Chairman Burkholder closed the public hearing.

Mr. Getz presented the staff recommendation of approval.

Mr. Loomis motioned for the Planning Commission to recommend approval of the proposed amendment; Mr. Pence seconded the motion.

On a vote of 4-0, the Commission recommended the approval of this amendment.

**OA15-288** Amendment to the Rockingham County Zoning Ordinance (Chapter 17), Table 17-606, Land Use and Zoning Table, and to add "Animal Domestic" to the land use table as a permitted use (P) in A-1 and A-2, and in the RV, RR-1, and PG as a special use (SU\*) with supplemental standards. Remove "Agriculture" as a permitted use in RV, RR-1, and PG.

**OA15-289** Amendment to the Rockingham County Code, Zoning Ordinance (Chapter 17), 17-607 Supplemental Standards for Certain Land Uses under "Animal, Domestic" add "In the RV, RR-1 and PG zoning district, animal, domestic shall be limited to personal use or casual sales only, limited to one (1) animal unit per acre, not to exceed four (4) animal units except that there shall be no more than five (5) birds or fowl per lot."

At 7:32 p.m., Chairman Burkholder opened the public hearing.

At 7:32 p.m., seeing as there was no one to speak in favor of or opposition to the ordinance amendments, Chairman Burkholder closed the public hearing.

Mr. Getz presented the staff recommendation of approval.

Mr. Pence questioned if larger lots would require a Special Use Permit for more than five (5) chickens, even with having a substantial amount of space. Mr. Getz responded that a Special Use Permit would be required, but this was a requirement in the old ordinance as well. Mr. Getz mentioned that this zoning was not meant to have a large amount of animals but this also allows the Board of Supervisors the flexibility if someone wished to have more animals than permitted. Ms. Cooper added that there are many developments that would fall into this zoning as well and there are many variables that would go into allowing more than a certain number of allotted farm animals.

Mr. Loomis questioned if a farm building could be built without a Special Use Permit on RR-1. Mr. Getz responded that it could not.

Mr. Rees stated that he is pleased that the flexibility is built in to the Special Use Permits.

Mr. Rees motioned for the Planning Commission to recommend approval of the proposed amendments; Mr. Pence seconded the motion.

On a vote of 4-0, the Commission recommended the approval of these amendments.

## **UNFINISHED BUSINESS**

**OA15-188** An amendment to Chapter 17 (Zoning), Article 7, Table 17-702.05 to change parking requirements for Dwelling, duplex and Dwelling, single-family detached to require one space for an efficiency or one bedroom unit.

Mr. Loomis motioned for the Planning Commission to remove the ordinance amendment from the table; Mr. Pence seconded the motion.

On a vote of 4-0, the Commission removed the ordinance amendment from the table.

Mr. May presented the update of the amendment.

Mr. Loomis stated that he is still concerned that even with a one bedroom unit, there will be the need for two spaces, as there will typically be two individuals and two vehicles.

Chairman Burkholder questioned if there is a history of too little parking. Mr. May responded that there is not a history of this, developers tend to provide adequate parking but this is a minimum. Mr. May added that this is to be off street parking and that visitor parking could possibly on street parking.

Mr. Loomis stated that this narrows potential of getting around cars.

Ms. Cooper questioned if there is currently only one (1) space allotted for per apartment. Mr. May responded that the current requirements for apartments are equal to what is being requested.

Mr. Rees questioned if developers tend to provide adequate parking. Mr. May responded that in his experience builders will provide as much parking as they think they need. The justification for lowering the minimum was to allow flexibility to the developers. Ms. Cooper reiterated that this was a minimum.

Mr. Loomis questioned if most developers build only to the minimum, which would currently be two. He feels like this is giving the developers a leeway which will short change residents.

Ms. Cooper stated that a developer will be sure that he can sell the housing and that the minimums would likely be exceeded in order to make the development marketable.

Mr. Loomis stated that the probability of exceeding the minimum is what he has concerns over. It is human nature to only meet the minimum. Ms. Cooper stated that a developer would have to be sure there is adequate parking for the anticipated amount of tenants. Mr. May stated that this would be for all zoning districts.

Chairman Burkholder questioned if land consumptive was the concern. Mr. May stated that it was one of the concerns but is also about flexibility.

Mr. Pence stated that his concerns are if these would be truly walkable areas. Ms. Cooper stated that that would be up to the developer to determine if a development was walkable or needed more parking.

In response to a question by Mr. Pence, Mr. May gave a comparison of other counties.

Mr. Loomis stated that requirement of two parking spaces would be comparable to the surrounding counties.

Mr. Rees motioned for the Planning Commission to approve the ordinance amendment; There was no second.

Mr. Pence motioned for the Planning Commission to deny the ordinance amendment; Mr. Loomis seconded the motion.

On a vote of 2-2 (Mr. Pence and Mr. Loomis in favor of the motion; Mr. Rees and Chairman Burkholder in opposition of the motion), the ordinance amendment was forwarded to the Board of Supervisors.

## **MISCELLANEOUS**

Ms. Cooper presented the 2016 Planning Commission meeting schedule and inclement weather policy.

Mr. Pence motioned for the Planning Commission to accept the 2016 Planning Commission meeting schedule and inclement weather policy; Mr. Loomis seconded the motion.

On a vote of 4-0, the Commission accepted the 2016 Planning Commission meeting schedule and inclement weather policy.

## **CITY PLANNING COMMISSION LIAISON REPORT**

David Rees gave a report for the November 11, 2015 Harrisonburg City Planning Commission Meeting.

[Upcoming Harrisonburg City Planning Commission Meeting](#)

The Liaison for the December 9, 2015 Harrisonburg City Planning Commission Meeting is Steve Pence.

## **SITE VISIT**

There was a site visit scheduled for Friday, December 4, 2015.

## **STAFF REPORT OVERVIEW**

Ms. Cooper reviewed the staff report.

## **ADJOURNMENT**

At 8:17 p.m., having no further business, the Commission adjourned

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Rodney Burkholder, Chair

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Amanda Thomas, Secretary



# Community Development Rezoning Report REZ15-314

**Planning Commission**  
January 5, 2016

**Board of Supervisors**  
January 27, 2016

Applicant	Go-Mart, Inc.
Tax Map Id	130-(A)- L9B
Present Zoning	General Agricultural District (A-2)
Proposed Zoning	General Business District (B-1)
Location	west of Mount Hermon Road (Rt 979) and north of Spotswood Trail (US 33)
Acreage	2.0710
Election District	5
Comprehensive Plan	Mixed Use Center

Staff Recommendation:	Approval: December 22, 2015
Planning Commission:	
Board of Supervisors:	

## GENERAL INFORMATION

### OVERVIEW / BACKGROUND

This property has long been used for commercial activity. The applicant seeks to add a restaurant.

### PROFFERS<sup>1</sup>

The applicant has not proffered any conditions to this request.

### COMPREHENSIVE PLAN

The Mixed Use Centers must be developed in at least two uses, one of which must be either community or neighborhood retail development or a community or neighborhood park. Other uses permitted include residential-scale offices, townhouses, and multifamily residential buildings. The uses within the center must be integrated through architectural treatments, landscape and streetscape improvements, and connecting streets and sidewalks. Isolation of uses will not be permitted. Mixed Use Centers may be the retail core or “downtown” for a TND (traditional neighborhood development). Mixed Use Centers must be served by public water and sewer systems and are to be connected to the surrounding neighborhood grid of streets. Parking should be located in on-street parallel spaces, and to the sides or rear of buildings.

### ZONING AND EXISTING LAND USE

This property has been used for some type of commercial activity for many, many years, and the building on the property is a commercial building. Parking could be the main issue depending on the type of business proposed; other than that, no issues through zoning.

#### Adjoining Properties and Uses

Direction From Site	Zoning	Existing Land Use
North	General Agriculture District (A-2)	Single-Family Detached
East	Neighborhood Business District (B-2)	Unknown
South	Prime Agriculture District (A-1)	Undeveloped
West	General Agriculture District (A-2)	Dixie Gas & Oil/ The Fireplace Shop

<sup>1</sup> Proffers are voluntary contributions made by developers to the County through the conditional zoning process. Proffers are binding commitments which become a part of the County’s zoning ordinance as it pertains to a specific property.

## STAFF AND AGENCY ANALYSIS

### UTILITIES

#### Public Works

Public Works has no comments. The parcel is served by utilities from the Town of Elkton. The applicant has provided a letter of verification from the Town of Elkton.

#### Health Department

Applicant will need to obtain a food establishment permit from the local health department for the proposed restaurant.

### ENVIRONMENTAL

#### Soils



**29B2** - Slopes are 2 to 7 percent. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the

most restrictive layer is moderately high. Available water to a depth of 60 inches is moderately high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

### Environment

No comment.

## **PUBLIC FACILITIES**

### Schools

No comment.

### Fire & Rescue

The property is located within the Elkton Volunteer Fire Department and Elkton Volunteer Rescue Squad's respective first due areas. With the continued construction and growth within the County, our office has concerns with being able to provide emergency services to new and upcoming projects and locations while maintaining current emergency responses.

### Sheriff

No comment.

## **TRANSPORTATION**

### Traffic Counts

Road	Classification	Geometry	Traffic Count*	Posted Speed
Spotswood Trail (Route 33)	Principle Arterial	4-Lane Divided Highway	12,000 VPD (2014)	55 MPH
Mt. Hermon Road (Route 829)	Local Road	2-Lane Highway	280 VPD (2006)	Unposted (55 MPH)

\* Vehicles Per Day (VPD)

### VDOT

The proposed rezoning will not have a significant impact to the highway system. The existing entrance configuration on Route 33 and Mt. Hermon Road is adequate for the proposed use. It is our understanding from the Pre-Application Meeting that a drive-thru service window could be desired. Should this situation

be proposed, VDOT would need to review the layout of the drive-thru service points and traffic bay(s).

## **SUMMARY**

### Considerations

- This property has been used for commercial activity for many, many years.
- The Mixed Use Centers must be developed in at least two uses, one of which must be either community or neighborhood retail development or a community or neighborhood park.
- Utilities to be provided by the Town of Elkton.
- The Fire Marshal's Office has concerns with being able to provide emergency services to new and upcoming projects and locations while maintaining current emergency responses.
- The proposed rezoning will not have a significant impact to the highway system.

Staff Recommendation: Approval

December 22, 2015

Whereas this property has been under commercial use for some time and the requested rezoning is in keeping with the Comprehensive Plan designation of Mixed Use Center, staff recommends approval.

Planning Commission Recommendation:

Board Decision:

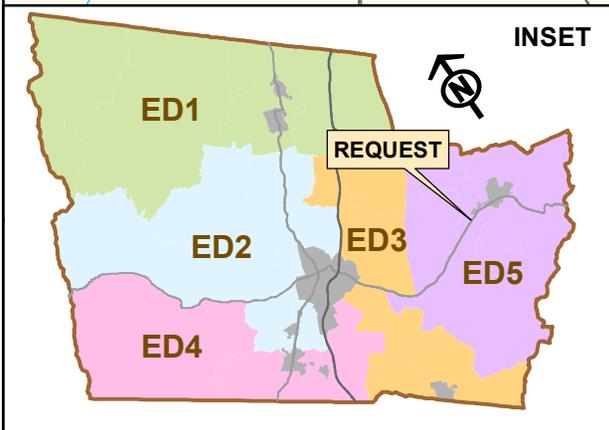
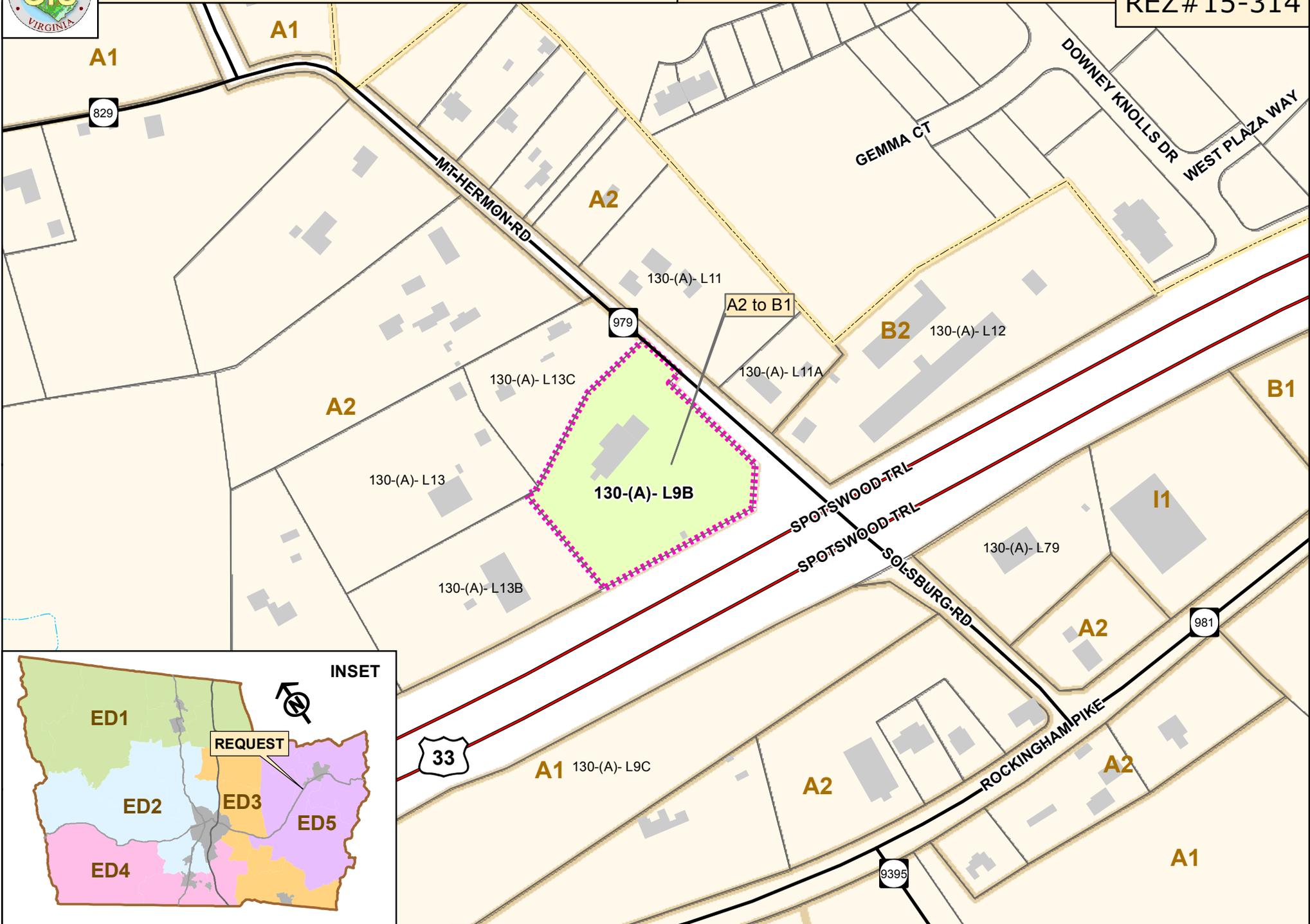


# Go-Mart, Inc. Rezoning Request



PC Hearing Date: 1/05/2016  
BOS Hearing Date: 1/27/2016

REZ# 15-314



# TOWN OF ELKTON

173 WEST SPOTSWOOD AVENUE  
ELKTON, VIRGINIA 22827  
(540) 298-1951

Wednesday, November 18, 2015

**TO:** Rhonda Cooper  
Rockingham County

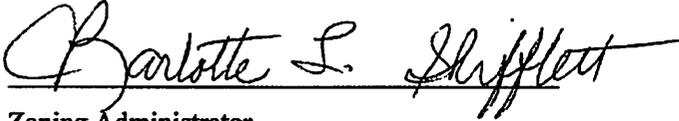
**FROM:** Charlotte Shifflett  
Zoning Administrator

**SUBJECT:** Little Caesars

This correspondence is written to verify that the location, requested by Little Caesars', is connected to Town of Elkton utilities which supplies water and sewer service to the location and is sufficient to handle any future business needs.

Please feel free to contact the Office of the Zoning Administrator at 540-713-4062. Hours of operation are from 8:30 am to 4:30 pm daily.

Regards,



Zoning Administrator



# Community Development Rezoning Report REZ15-317

**Planning Commission**  
January 5, 2016

**Board of Supervisors**  
January 27, 2016

<b>Applicant</b>	Lispen, LLC
<b>Tax Map Id</b>	124-(A)- L40 (portion); 123-(A)- L74 (portion)
<b>Present Zoning</b>	General Industrial District with Conditions (I-1C)
<b>Proposed Zoning</b>	General Industrial District with Conditions (I-1C)
<b>Location</b>	South of Cecil Wampler Road (Rt 704) and east of Interstate Highway 81
<b>Acreage</b>	28.5210
<b>Election District</b>	4
<b>Comprehensive Plan</b>	Industrial

<b>Staff Recommendation:</b>	Table	December 22, 2015
<b>Planning Commission:</b>		
<b>Board of Supervisors:</b>		

## **GENERAL INFORMATION**

### **OVERVIEW / BACKGROUND**

The Board approved the rezoning of this property from Prime Agricultural District (A-1) to General Industrial District with Conditions (M-1C) in 2003. At that time the applicant submitted a list of proffered conditions to the rezoning, including a list of prohibited uses for the property. The General Industrial District (M-1) has been renamed the Heavy Industrial District (I-1) as part of the Comprehensive Zoning Ordinance Rewrite, adopted in 2014. The applicant requests an amendment to the proffered conditions that remove some of the prohibited uses from the list as well as eliminating some of the conditions that are no longer relevant.

### **PROFFERS<sup>1</sup>**

The applicant has submitted a revised list of proffered conditions, which has been attached to this report.

### **COMPREHENSIVE PLAN**

Industrial Areas offer major areas for industrial development within the County. Manufacturers locate in this area offer good access to primary roads and I-81. Appropriate uses include distribution centers, wholesale and warehouse establishments, research and development companies, flex space, and offices.

### **ZONING AND EXISTING LAND USE**

No issues with the request.

#### **Adjoining Properties and Uses**

<b>Direction From Site</b>	<b>Zoning</b>	<b>Existing Land Use</b>
North	Heavy Industrial District (I-1)	Undeveloped
East	Heavy Industrial District (I-1)	Undeveloped
South	Heavy Industrial District (I-1)	Undeveloped
West	General Business District (B-1)	Undeveloped Interstate 81

<sup>1</sup> Proffers are voluntary contributions made by developers to the County through the conditional zoning process. Proffers are binding commitments which become a part of the County's zoning ordinance as it pertains to a specific property.

## STAFF AND AGENCY ANALYSIS

### UTILITIES

#### Public Works

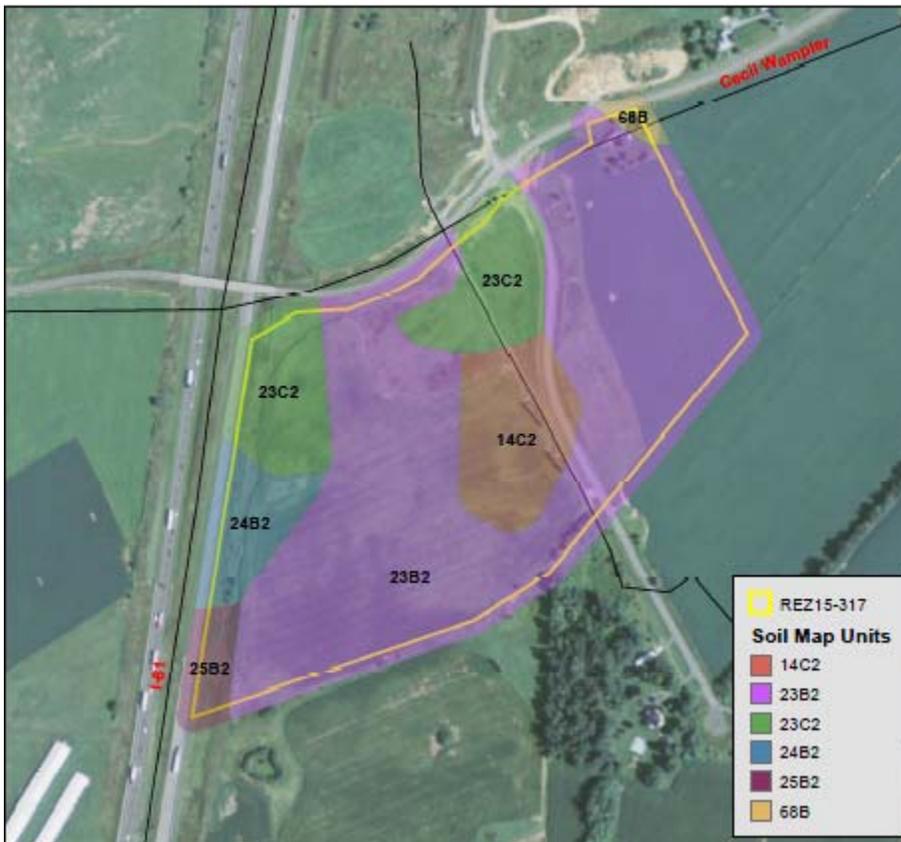
Public Works has a 12" water main in the vicinity that has adequate domestic flow for the property. Easements may need to be provided to extend the waterline onto the property. For sewer, Public Works has an 8" line that crosses the property. The 8" line was installed at minimum grade which can flow 500,000 gallons per day. Adequate capacity is available in the line for the proposed rezoning.

#### Health Department

No comment; public utilities to serve.

### ENVIRONMENTAL

#### Soils



**14C2** – Slopes are 7 to 15 percent. Depth to a root restrictive layer, bedrock (lithic), is 20 to 40 inches. The natural drainage class is well drained. Water

movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is very low. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

**23B2** – Slopes are 2 to 7 percent. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

**23C2** – Slopes are 7 to 15 percent. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

**24B2** – Slopes are 2 to 7 percent. Depth to a root restrictive layer, bedrock (lithic), is 40 to 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is moderate. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

**25B2** – Slopes are 2 to 7 percent. Depth to a root restrictive layer, bedrock (lithic), is 40 to 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is moderate. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

**68B** – Slopes are 0 to 7 percent. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is frequently flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

### Environment

No comment.

## **PUBLIC FACILITIES**

### Schools

No comment.

### Fire & Rescue

Property is located within the Hose Company #4 Volunteer Fire Department's Port Republic Road Substation and Harrisonburg Volunteer Rescue Squad's respective first due areas. With the continued construction and growth within the County, our office has concerns with being able to provide emergency services to new and upcoming projects and locations while maintaining current emergency [services].

### Sheriff

No comment.

## **TRANSPORTATION**

### Traffic Counts

Road	Classification	Geometry	Traffic Count*	Posted Speed
Cecil Wampler Road (Route 704)	Minor Collector	2-Lane Highway	4,300 VPD (2014)	45 MPH

\* Vehicles Per Day (VPD)

### VDOT

The proposed rezoning to allow a truck terminal on the subject parcels could have a significant impact to the highway system. The following comments are intended to address VDOT traffic concerns and access to the site:

1. There has been informal discussion regarding the traffic generation of the proposed truck terminal. The understanding was that the business would be limited to 35 employees and less than 25 trucks per day. However, the rezoning has not been proposed with any such limitations. Due to the size of the property and the potential impact a large trucking terminal could have, VDOT recommends the rezoning be conditioned on not exceeding the above referenced volumes.
2. It is VDOT's understanding that Crowe Drive will be extended to the south side of Cecil Wampler Road to serve as access to the subject parcels. Note #1 regarding "The primary road affording access on the east side of Interstate

81", should not be removed if it remains the intent for Crowe Drive to come into the secondary system.

3. It is our expectation that access to both of the subject parcels will be via Crowe Drive. It is undesirable to have an additional access onto Cecil Wampler Road. The attached plat shows a separation between the proposed right-of-way for Crowe Drive and Lot 74. This will prevent Lot 74 from having direct access to Crowe Drive. This could be viewed as a spite strip. The boundary line should be adjusted or an easement provided to guarantee a connection to Crowe Drive.

## **SUMMARY**

### Considerations

- This amendment to the proffered conditions removes several uses from the list of prohibited uses, reinstating it as a permitted use on this property.
- The amendment also removes conditions that are already addressed in the Rockingham County Zoning Ordinance.
- The Comprehensive Plan identifies this area for Industrial development.
- With the continued construction and growth within the County, the Office of the Fire Marshal has concerns with being able to provide emergency services to new and upcoming projects and locations while maintaining current emergency [services].
- The proposed rezoning to allow a truck terminal on the subject parcels could have a significant impact to the highway system.

Staff Recommendation: Table

December 22, 2015

Although the amendment revises the proffers to be in accord with the newly adopted zoning ordinance and adds previously excluded uses without changing the underlying zoning, the applicant has yet to present a clean letter of proffered conditions or to address the concerns of VDOT. Until these issues are resolved, staff recommends tabling the request.

Planning Commission Recommendation:

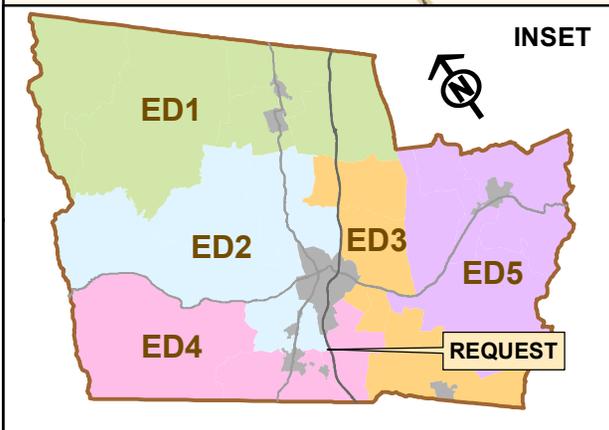
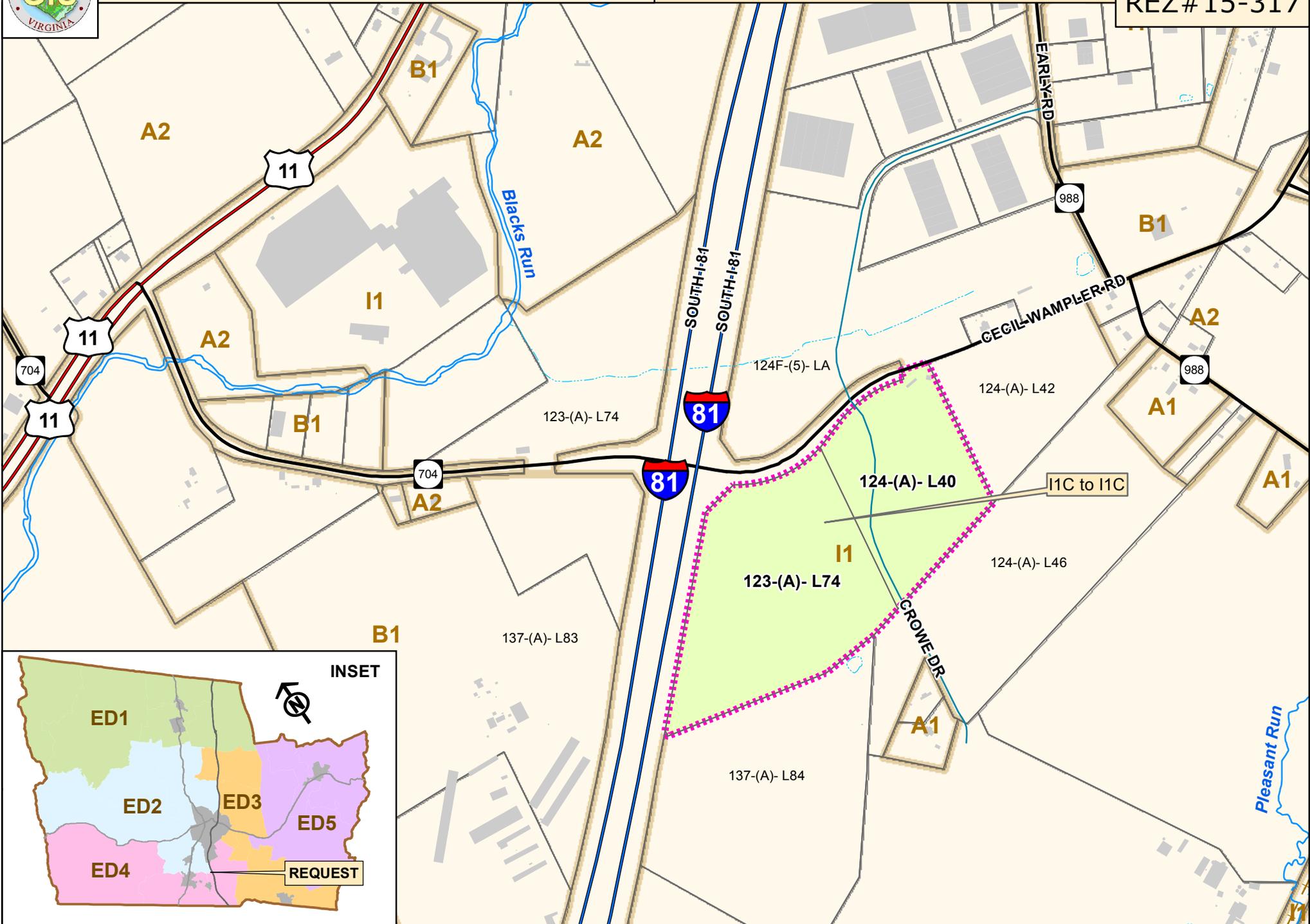
Board Decision:



# Lispen, LLC. Rezoning Request

PC Hearing Date: 1/05/2016  
BOS Hearing Date: 1/27/2016

REZ# 15-317





COUNTY of ROCKINGHAM  
Department of Community Development

William L. Vaughn  
Director

September 8, 2003

Mr. Devon Anders  
1346 Pleasants Drive  
Harrisonburg, VA 22801

Dear Mr. Anders:

At the regular meeting of the Rockingham County Board of Supervisors held on August 27, 2003, your request to rezone 98.795 acres from A1 and A2 to Conditional M1, on parcels 123(A)73, a portion of 123(A)74, 124(A)42, a portion of 138(A)1B, and 124(A)40 was approved, with the following conditions:

The Property shall not be used for any of the following uses:

1. Slaughterhouse.
2. Assembly of phonographs.
3. Automobile assembling, tire retreading or recapping or battery manufacture.
4. Blacksmith shop.
5. Pharmaceutical, medical or dental laboratories (provided that other types of laboratories and research and development facilities are permitted).
6. Manufacture, compounding, processing, packaging or treatment of drugs or pharmaceuticals.
7. Brewery or associated activities.
8. ~~Truck terminal.~~

The following uses of the Property are deleted from the list of uses that may be permitted by special use permit under Section 17-102, and shall not be permitted uses of the Property:

1. Auto graveyard
2. Junkyard.
3. Quarry or gravel pit operation.
4. Livestock sales pavilion.
5. Circus, carnival or fair.
6. Sale of travel trailers, manufactured homes, campers, excepted from enclosure.
7. Feed mill.

8. Batching plant for asphalt, concrete (provided that such plants shall be permitted by special use permit on a temporary basis for construction purposes).
9. Airport, heliport or flight strip.
10. Animal husbandry.
11. ~~Commercial as permitted in the B-1 district.~~

In addition, development of any portion of the Property shall be subject to compliance with the following additional proffered conditions:

1. ~~The primary road affording access to the Property on the east side of Interstate 81 from State Route 704 shall be constructed to Virginia Department of Transportation specifications in substantially the location shown on the proposed road plan submitted to the County as part of this rezoning application, provided that (a) the cul-de-sac may be configured as a temporary cul-de-sac to provide flexibility for possible extension of the road into adjoining property and (b) the plan is subject to changes required by VDOT to qualify for acceptance into the public street system.~~
2. ~~At the time of construction of a building on Rockingham County Tax Parcel 124-(A)-42, a landscaping buffer shall be installed along that parcel's boundary line with Rockingham County Tax Parcels 124-(A)-43 and 44, if at that time such adjoining parcels are used for residential purposes. The landscaping buffer will be comprised of evergreen trees of at least five feet in height, spaced at planting to take into account size at mature growth, provided that planning staff shall have the authority to approve alternative screening proposed by owner in the context of a particular project.~~
3. Any building and any area designated on a site plan for parking of trucks, trailers, tractor-trailers, or other equipment or vehicles which are situate within seventy-five feet of the right-of-way line of Interstate 81 and are visible from vehicles traveling Interstate 81 shall incorporate a row of shade trees between such building or parking area, as the case may be, and Interstate 81, to break up the visual line of sight from Interstate 81 (the intent being to provide visual interest, not a screen). The planting will be comprised of saplings spaced to take into account size at mature growth (20 years) and located so as to be aesthetically attractive (roughly equivalent to one every fifty lineal feet of visual impact running roughly parallel to Interstate 81), with sufficient gaps to facilitate permitted signage. Planning staff shall have the authority to approve deviations from this paragraph proposed by owner in the context of a specific project.
4. All dumpsters and exterior storage areas shall be screened by means of a landscaping buffer of evergreen trees or shrubs (spaced at planting to take into account size at mature growth) or wall or fence, excluding areas designated for parking of trucks, trailers, tractor-trailers, or other equipment or vehicles. Planning staff shall have the authority to approve deviations from this paragraph proposed by owner in the context of a specific project.

5. No neon or flashing lighting or internally illuminated signage shall be permitted on the Property.
6. Parking lots in excess of fifty feet wide or deep shall be improved with perimeter landscaping comprised of small clusters of mixed evergreens, flowering bushes and shade trees approximately every 35 feet, for visual aesthetics, emphasizing perimeters facing public roadways. The intent is to incorporate landscaping along parking lot perimeters similar to that currently in place at Lots 1 and 2, Pleasant Valley Commercial Park. Planning staff shall have the authority to approve deviations from this paragraph proposed by owner in the context of a specific project.

If this property is to be divided, the next step is to obtain subdivision plat approval. Following subdivision plat approval and prior to beginning any construction, a site plan must be approved and the necessary building permits acquired. These services are available in this office.

If I can be of further assistance to you, please call me at 564-3030.

Sincerely,



Rhonda G. Henderson  
Director of Planning

**ORDINANCE ENACTING  
CERTAIN CHANGES TO CHAPTER 17, ARTICLE 2  
OF THE CODE OF ORDINANCES OF  
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Chapter 17, Article 2, definition of terms be and hereby is amended as follows (in alphabetical order):

Enact:

**Agriculturally-related business, not otherwise listed.** A small-scale business selling agricultural supplies, such as agricultural fencing, nails, bolts, and hand tools, in direct support of the local agricultural community.

This ordinance shall be effective from the \_\_ day of \_\_\_\_\_, 201\_.

Adopted the \_\_ day of \_\_\_\_\_, 201\_.

Aye	Nay	Abstain	Absent
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Supervisor Cuevas

Supervisor Eberly

Supervisor Chandler

Supervisor Kyger

Supervisor Breeden

\_\_\_\_\_  
Chairman of the Board of Supervisors

ATTESTE:

\_\_\_\_\_  
Clerk

**STAFF RECOMMENDATION      APPROVAL      December 11, 2015**

At the direction of the Board of Supervisors, staff drafted an ordinance to allow for small-scale agricultural businesses, not otherwise listed. Staff recommends approval.

ORDINANCE ENACTING  
CERTAIN CHANGES TO TABLE 17-606  
OF THE CODE OF ORDINANCES OF  
ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Table 17-606 "Land Use and Zoning Table" be and hereby is amended as follows:

Under Retail Uses, add "Agriculturally-related business, not otherwise listed" as a special use (SU\*) with supplemental standards in the A-1, A-2, and RV Districts.

This ordinance shall be effective from the \_\_ day of \_\_\_\_\_, 201\_.

Adopted the \_\_ day of \_\_\_\_\_, 201\_.

Aye                      Nay                      Abstain                      Absent

- Supervisor Cuevas
- Supervisor Eberly
- Supervisor Chandler
- Supervisor Kyger
- Supervisor Breeden

\_\_\_\_\_  
Chairman of the Board of Supervisors

ATTESTE:

\_\_\_\_\_  
Clerk

**STAFF RECOMMENDATION      APPROVAL      December 11, 2015**

By requiring the agriculturally related businesses by special use permit, the applicant would specify the type of business he was requesting. That would allow the Board to look at each request on its own merit. Staff recommends approval.

ORDINANCE REPEALING  
AND RE-ENACTING  
A PORTION OF  
SECTION 17-607  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Section 17-607 Supplemental Standards for Certain Land Uses be and hereby is repealed and re-enacted to include Agriculturally-related businesses (not otherwise listed (to be added in alphabetical order)

17-607. Supplemental Standards for Certain Land Uses.

**ADD:**

Agriculturally-related business, not otherwise listed:

- (a) Total building area for any business shall not exceed 2,500 square feet.
- (b) There shall be no outside storage.
- (c) There shall be no lighted signs.

This ordinance shall be effective from the \_\_\_ day of \_\_\_\_\_, 201\_\_.

Adopted the \_\_\_ day of \_\_\_\_\_, 201\_\_.

Aye                      Nay                      Abstain                      Absent

Supervisor Cuevas  
Supervisor Eberly  
Supervisor Chandler  
Supervisor Kyger  
Supervisor Breeden

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Chairman of the Board of Supervisors

ATTESTE:

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Clerk

**STAFF RECOMMENDATION      APPROVAL                      December 11, 2015**

These supplemental standards would keep these businesses on a small scale and offer some protection to adjoining landowners.

**ORDINANCE ENACTING  
CERTAIN CHANGES TO CHAPTER 17, ARTICLE 7  
Section 17-701.02  
OF THE CODE OF ORDINANCES OF  
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That portions of Article 7 Development Standards, Section 17-701.02. Public Streets be and hereby is changed and re-enacted as follows:

**AMEND:**

**Sec. 17-701.02. Public Streets.**

(b) In the R-1, R-2, and R-3 zoning districts, all streets shall be public streets. In R-3 apartment complexes, the parcel must front on a public street. However, access from the public street to the parking lot may be by a private access easement meeting the requirements of Fire Department access roads as outlined in the Rockingham County Fire Prevention Code. In manufactured home parks in the MH-1 zoning district, no streets shall be public streets. In mixed home subdivisions in the MH-1 zoning district and in all other zoning districts, streets may be public streets or private streets.

This ordinance shall be effective from the \_\_ day of \_\_\_\_\_, 201\_\_.

Adopted the \_\_ day of \_\_\_\_\_, 201\_\_.

Aye                      Nay                      Abstain                      Absent

Supervisor Cuevas

Supervisor Eberly

Supervisor Chandler

Supervisor Kyger

Supervisor Breeden

---

Chairman of the Board of Supervisors

ATTESTE:

---

Clerk

**STAFF RECOMMENDATION**

**APPROVAL**

**December 11, 2015**

This amendment is a housekeeping item. The current zoning ordinance states that all streets in R-1, R-2, and R-3 shall be public streets. While the lot itself must front on a public street, this amendment allows for a private access easement to lead from the public street to the parking lot. Staff recommends approval.

**ORDINANCE REPEALING**  
**AND RE-ENACTING**  
**A PORTION OF**  
**SECTIONS 17-400.02(d), 17-404.02(c), 405.02(d), 702.07, 703.01(c), 703.08(b), and 17-**  
**1004.10(b)(2)**  
**OF THE CODE OF ORDINANCES**  
**OF**  
**ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That the following sections of Chapter 17, Zoning, are repealed and re-enacted:

Sec. 17-400.02. - Requirements.

- (d) The project area shall be under unitary ownership or under unified control at the time of application. The holder of a written contract or option to purchase the land shall, for the purpose of such application, but not for the approval of any final-site plans, be deemed to be an owner of such land. Unified control may be established by, but is not limited to, the formation of an owners' association which shall have the authority to act as a single entity in application for rezoning and in the development of the planned development; covenants and restrictions, properly executed and recorded in the office of the Clerk of the Circuit Court of Rockingham County, which shall run with the land and insure all development will be in accordance with the master plan and any conditions and restrictions of the rezoning, or an agreement of all owners, properly executed and recorded in the office of the Clerk of the Circuit Court of Rockingham County, which shall insure all development will be in accordance with the master plan and any conditions and restrictions of the rezoning.

Sec. 17-404.02. - Requirements.

(c) The use of any area within the R-4 district shall be shown on the ~~final~~ site plan.

Sec. 17-405.02. - Requirements.

(d) The use of any area within the R-5 district shall be shown on the ~~final~~ site plan.

Sec. 17-702.07. - Shared parking.

For shared parking, supporting documentation and a plan for parking shall be submitted as a part of the ~~final plan or~~ site plan. Supporting documentation may include, but is not limited to, such items as use-specific parking needs, pedestrian-and bicycle-use statistics, hours of operation, number of employees, off-site employee parking, alternating hourly- or seasonal-use parking, availability of general-use parking areas, shuttle services provided, and mass transportation availability.

Sec. 17-703.01. - Landscape plan.

(c) With prior approval of the zoning administrator, the required contents of the landscape plan may be shown on the site plan ~~or final plan~~, and particular information may be omitted from a landscape plan when, due to the nature or limited scope of a development, such information is not necessary for evaluation of the plan or for purposes of maintaining a record.

Sec. 17-703.08. - Utility easements.

(b) In any planned district, utility easements shall be a minimum of twenty (20) feet in width. Location of all utility easements shall be determined and approved as part of the ~~final~~ site plan.

Sec. 17-1004.10. - Effect of acceptance.

(b) Map references; conformance to existing conditions:

(2) Any site plan, ~~final plan~~, or subdivision thereafter submitted for development of property to which proffered conditions have attached shall conform to all such conditions and shall not be approved by the zoning administrator in the absence of such conformity.

This ordinance shall be effective from the \_\_\_ day of \_\_\_\_\_, 201\_.

Adopted the \_\_\_ day of \_\_\_\_\_, 2016.

Aye                      Nay                      Abstain                      Absent

Supervisor Cuevas

Supervisor Eberly

Supervisor Chandler

Supervisor Kyger

Supervisor Breeden

---

Chairman of the Board of Supervisors

ATTESTE:

---

Clerk

STAFF RECOMMENDATION: Approval

December 14, 2015

The information required for plans submitted for planned development districts (projects with master plans), which are termed final plans, is the same as the plans submitted for conventional districts (projects without master plans), which are termed site plans. To simplify the terminology in Chapter 17 and in acknowledgement that final plans and site plans include identical information, staff recommends using the term "site plan" to refer to all plans, regardless of whether they are controlled by a master plan or not.

# Rockingham County Planning Commission 2015 Annual Report

## January 1, 2015 to December 31, 2015

Under Section 15.2-2221.5 of the Code of Virginia, the local planning commission is charged with the duty of making an annual report to the governing body concerning the operation of the commission and the status of planning within the jurisdiction. In compliance with this requirement, the following report reviews the activities of the Rockingham County Planning Commission during 2015.

### PLANNING COMMISSION MEMBERS

The members of the Commission are:

Brent Trumbo	Election District 1
Rodney Burkholder	Election District 2
Bill Loomis	Election District 3
David Rees	Election District 4
Steve Pence	Election District 5

On August 26, the Board appointed Bill Loomis to replace Jon Ritenour as the Election District 3 Commissioner, beginning his term on September 3. Mr. Ritenour was appointed by the Board of Supervisors on September 4, 2005, to complete the unexpired term of Bud Long. He was reappointed to serve two full consecutive terms, ending on September 2.

In October, Rod Burkholder replaced Brent Trumbo as chair, and Bill Loomis replaced Rod Burkholder as vice chair.

### PLANNING COMMISSION MEETINGS

The Commission held twelve public hearings, one special meeting, one work session, and multiple field trips.

The 2016 regular meeting schedule and inclement weather policy was set on December 1, as follows:

All regular meetings of the Planning Commission will commence at 6:30 p.m. on the first Tuesday of every month, except the November meeting, which falls the day after Election Day:

January 5	July 5
February 2	August 2
March 1	September 6
April 5	October 4
May 3	November 2
June 7	December 6

If a meeting needs to be postponed due to inclement weather or for any reason as determined by the Chairman, or the Vice-Chairman if the Chairman is not available, the meeting will be held the following Tuesday at the same time, unless otherwise determined by the Planning Commission. The postponement will be announced on the County's website and on local radio.

## **PRIMARY RESPONSIBILITIES**

### **Rezoning Requests**

The Commission heard fifteen rezoning requests; one was recommended for denial, thirteen were recommended for approval, and one was withdrawn by the applicant just prior to a recommendation being made by the Commission. A list of the rezoning requests for 2015 is attached.

### **Ordinance Amendments**

Forty-two zoning ordinance amendments were heard in 2015, the Commission recommended thirty-six for approval. Three were forwarded to the Board of Supervisors with tie votes, and three ordinance amendments were withdrawn by staff after being tabled. A list of the 2015 ordinance amendments is attached.

### **Agricultural and Forestal Districts**

Of the forty-two ordinance amendments, eight were amendments to Agricultural and Forestal Districts (AFD).

- In March, the Commission supported the addition of 6.436 acres to the Spring Creek AFD.
- In June, .268 acre was added to Dry River AFD. That same month, to accommodate the acquisition of a .31-acre water well lot by the Town of Dayton, 10.909 acres were withdrawn from the Dry River AFD as permitted by Code of Virginia, and the next month the remaining 10.599 acres were added back to the AFD.
- In July, the Cross Keys North and South AFDs were combined to form the Cross Keys AFD and the district term was renewed for seven years.
- In December, the Commission supported housekeeping amendments to the Spring Creek and Western Rockingham AFDs.

These eight Agricultural and Forestal District ordinance amendments are included in the attached list of 2015 ordinance amendments.

### **Expansion of Urban Development Area**

In September, the Commission supported amending the Comprehensive Plan 2020 and 2050 Conceptual Land Use Maps for the expansion of the Urban Development Area (UDA). The UDA, centered around the intersection of Port Republic Road and Stone Spring Road, was expanded to include the area generally located south of Spotswood Trail (Rt. 33) from the City line to Cross Keys Road (Rt. 276), north and south of Shen Lake Drive, north of Port Republic Road between Oak Ridge Road and Spaders Church Road, and north and south of Port Republic Road west of Spaders Church Road.



# 2015 Ordinance Amendments

## Rockingham County, Virginia

OA-	Month of First Hearing	Section	Type of Ordinance	Intent of Amendment	Recommendation	Decision
AFP14-272	December	17-804.02	Ag-Forestal	Remove deleted parcels from the ordinance. Amendment does not change district boundaries or total acreage	Approval 11/19/14	Approved 1/28/15
AFP14-275	December	17-510.02	Ag-Forestal	Remove deleted parcels from the ordinance and add newly created parcels that continue as part of the district. Amendment does not change district boundaries or total acreage.	Approval 11/19/14	Approved 1/28/15
14-314	January	Table 17-606	Zoning	Add auction facility to A-1 by special use permit with supplemental standards	Approval 12/17/14	Approved 1/28/15
14-315	January	17-807	Zoning	Add A-1 to supplemental standards for auction facility	Approval 12/17/14	Approved 1/28/15
14-320	January	Table 17-606	Zoning	In the S-1 District, change public safety facility from special use (SU) to permitted (P)	Approval 12/17/14	Approved 1/28/15
14-321	January	Table 17-805.01	Zoning	In the S-1 District, remove accessory structure requirements from the table	Approval 12/17/14	Approved 1/28/15
14-322	January	Table 17-606	Zoning	In the B-1 and B-2 districts, remove apartment building as a use	Approval 12/17/14	Approved 1/28/15
AFP15-005	March	17-510.02	Ag-Forestal	To add 6.436 acres to Spring Creek AFD	Approval 2/6/15	Approved 3/25/15
15-007	February	Table 17-806.01	Zoning	Change Table 17-805.01 to Table 17-806.01 to conform with text	Approval 1/14/15	Approved 2/25/15
15-008	February	Table 17-806.02	Zoning	Change Table 17-805.02 to Table 17-806.02 to conform with text	Approval 1/14/15	Approved 2/25/15
15-009	February	Table 17-606	Zoning	Under Residential Uses, in the R-3 district add duplexes and single-family, detached as permitted uses; and add single-family detached with independent living quarters as permitted with supplemental standards	Approval 1/14/15	Approved 2/25/15
15-010	February	Table 17-806.01	Zoning	Amend Table 17-806.01 to allow single-family dwellings and duplexes. Under minimum rear yard, for rowhouses reduce from 35' to 20' and for apartment reduce from 35' to 25'	Approval 1/14/15	Approved 2/25/15
15-058	April	17-702.03.E	Zoning	Remove requirement that parking be located a minimum of 10' from property lines	Approval 3/9/15	Approved 4/22/15
15-059	April	Article 2	Zoning	Define storage container and removed definition of portable storage unit	Approval 3/9/15	Approved 4/22/15
15-060	April	Table 17-606	Zoning	Add storage container as accessory use with supplemental standards and remove portable storage unit from table	Approval 3/9/15	Approved 4/22/15
15-061	April	17-607	Zoning	Add supplemental standards for storage containers and remove portable storage unit and standards	Approval 3/9/15	Approved 4/22/15
15-062	April	Table 806.01	Zoning	Require zero setback in business (B-1 & B-2) and industrial (I-1 & I-2) zoned districts if adjoining other business or industrial districts and reduce setback in business districts from 30' 50' 15' if adjoining agricultural or residential zoned districts	Approval 3/9/15	Approved 4/22/15
15-063	April	Table 806.01	Zoning	Reduce setbacks from private roads in the B-1 and B-2 zoning districts from 35/60 feet to rear that at a minimum, setbacks shall be located off sidewalk easements and other easements	Approval 3/9/15	Approved 4/22/15
15-093	May	Table 17-606	Zoning	Churches or other houses of worship changed from special use to permitted use in A-1, A-2, and PSF	Approval 4/8/15	Approved 5/27/15
15-098	May	Article 2	Zoning	Add definition of Motorsports course	Approval 4/8/15	Tabled 5/5/15 Withdrawn by staff 8/4/15

# 2015 Ordinance Amendments

## Rockingham County, Virginia

OA-	Month of First Hearing	Section	Type of Ordinance	Intent of Amendment	Recommendation	Decision
15-099	May	Table 17-606	Zoning	Add Motorsports course in the A-1, A-2, I-1, I-2, and PID by special use with supplemental standards	Approval 4/8/15 Tabled 5/6/15 Withdrawn by staff 8/4/15	
15-100	May	17-607	Zoning	Add supplemental standards for motocross course	Approval 4/8/15 Tabled 5/6/15 Withdrawn by staff 8/4/15	
AFP15-113	June	17-504.02	Ag-Forestal	To add 0.268 acre to Dry River AFD	Approval 5/13/15 Approval 6/2/15	Approved 6/24/15
15-147	July	17-402.02	Zoning	Remove B requiring all lots to have public street frontage	Approval 6/16/15 Approval 7/7/15	Approved 7/22/15
AFP15-151	July	17-502	Ag-Forestal	to combine the Cross Keys North and Cross Keys South AFDs into the Cross Keys AFD and renew the district for a term of seven (7) years	Approval 6/15/15 Approval 7/7/15	Approved 7/22/15
15-153	August	17-309	Zoning	Permit legal non-conforming manufactured home parks to rezone to MH-1	Approval 7/1/15 Approval 8/4/15	Approved 8/26/15
15-164	August	Table 17-606	Zoning	Add impound lots to A-2 as special use with supplemental standards	Approval 7/1/15 Approval 8/4/15	Approved 8/26/15
15-165	August	17-607	Zoning	Supplemental standards for impound lots in A-2	Approval 7/1/15 Approval 8/4/15	Approved 8/26/15
AFP15-173	August	17-504.02	Ag-Forestal	To remove 10.909 acre from the Dry River AFD for the construction of a well to serve the Town of Dayton	Approval 7/22/15 Approval 8/4/15	Approved 8/26/15
15-187	October	17-201, 17-702.05, 17-607, & 17-606	Zoning	Define Live/Work and changes to Mixed Use structure, parking regs for Live/Work; Supplemental Standards for Live/Work; and add Live/Work to Land Use Table	Approved 9/29/15	Approval 10/6/15
15-188	October	17-702.05	Zoning	Parking Regs. For 1 BR duplex & SFD	Approved 9/29/15	Hearing Not Scheduled
AFP15-197	September	17-504.02	Ag-Forestal	To add 10.599 acre to the Dry River AFD following the division of a well lot to serve the Town of Dayton	Approval 8/18/15 Approval 9/1/15	Approved 9/23/15
15-241	October	17-201	Zoning	Re-define Neighborhood Center	Approval 9/29/15 Approval 10/6/18	Approved 10/28/18
15-241	October	17-405	Zoning	Changes to R-5 District	Approval 9/29/15 Approval 10/6/18	Approved 10/28/18
15-256	November	Article 2	Zoning	Define farm brewery	Approval 10/5/15 Approval 11/4/15	Approved 11/18/15
15-257	November	Table 17-606	Zoning	Under agricultural uses, add farm brewery as permitted in A-1 & A-2; add farm cider mill and farm distillery as permitted with supplementals in A-1 & A-2.	Approval 10/5/15 Approval 11/4/15	Approved 11/18/15
15-258	November	17-607	Zoning	Supplementals for farm cider mill and farm distillery	Approval 10/5/15 Approval 11/4/15	Approved 11/18/15
15-264	November	Article 2	Zoning	Remove Amusement, indoor. Add "Recreation or entertainment, inside a building, and not otherwise listed" and "Recreation or entertainment, outside a building, and not otherwise listed."	Approval 10/14/15	Tie vote 11/4/15 Tabled 11/18/15 Approved 12/9/15

# 2015 Ordinance Amendments

## Rockingham County, Virginia

OA-	Month of First Hearing	Section	Type of Ordinance	Intent of Amendment	Recommendation	Decision
15-285	November	Table 17-606	Zoning	Remove Amusement, indoor. Add "Recreation or entertainment, inside a building, and not otherwise listed" by SUP in A-1 & A-2 and permitted in R-4, R-5, MXU, B-1, PCD, and PID; and "Recreation or entertainment outside a building, and not otherwise listed" by SUP in A-1, A-2 and B-1 and permitted in R-4, R-5, MXU, PCD, and PID	Approval 10/7/15 Tie vote 11/4/15	Tabled 11/18/15 Approved 12/9/15
15-287	December	Article 2	Zoning	Add "such as cattle, sheep, goats, llamas, poultry, ducks, geese, horses and hogs" to the definition of Animal Husbandry.	Approval 11/2/15	To be heard 1/13/16
15-288	December	17-606	Zoning	Under agricultural uses, add animal, domestic, in the A1 and A2 as permitted use, in the RV RR-1 and PG as a SUP with supplemental standards	Approval 11/2/15	To be heard 1/13/16
15-289	December	17-607	Zoning	Supplementals for animal, domestic in RV RR1 and PG.	Approval 11/2/15	To be heard 1/13/16
AFP15-297	December	17-509.02	Ag-Forestal	To correct a clerical error resulting from AFP15-005 which failed to correct the acreage of the Spring Creek AFD	Approval 11/19/15	To be heard 1/13/16
AFP15-298	December	17-510.02	Ag-Forestal	To correct a clerical error resulting from AFP15-005 which replaced the description of the Western Rockingham AFD with that of the Spring Creek AFD	Approval 11/19/15	To be heard 1/13/16

**Color Key**

Approved
Denied
Tabled
Withdrawn
Under Review

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**AUTHORIZED POSITIONS- 31.5**

**Filled Positions- 21.0**

Department Director (Casey Armstrong)

**ADMINISTRATIVE**

Administrative Assistant (Amanda Thomas)

**PERMIT INTAKE & PROCESSING**

Permit Specialist II (Leslie Dodrill)

Permit Specialist I (Kelley Ann Weatherholtz)

**BUILDING CODE ENFORCEMENT**

Building Official (Joe Shifflett)

Building Plan Reviewer (Jay Carter)

Electrical Inspector (J.N. Riddel)

Electrical Inspector (Terry Derrer)

Inspector (Ricky Davis)

Building Inspector (James E. Campbell)

**LAND DEVELOPMENT REVIEW**

Development Plan Manager (Peter Kesecker)

**PLANNING: SHORT- AND LONG-RANGE**

Director of Planning (Rhonda Cooper)

Senior Planner (James May)

**ZONING CODE ENFORCEMENT**

Zoning Administrator (Diana Stultz)

Deputy Zoning Administrator (Diane Lepkowski)

Code Compliance Officer (Kelly Getz)

**GEOGRAPHIC INFORMATION SYSTEMS**

GIS Specialist (Mark Rathke)

GIS Technician (Kendrick Smith)

**ENVIRONMENTAL SERVICES**

Environmental Manager (Lisa Perry)

Environmental Inspector (Adam Hancock)

Environmental Inspector (Blake Barnes)

**Vacant Positions- 10.5**

Permit Specialist II

Permit Specialist I

Permit Specialist I- Part-time

Deputy Building Official

Building and Plumbing Inspector

Inspector

Plumbing Inspector

GIS Coordinator

Addressing Technician

Planner

Erosion & Sediment Control Administrator

## BOARD ACTION REQUESTED

1. OA15-264 and OA15-265: The Board set December 9 as the meeting at which the following two ordinance amendments would be taken off the table for Board action:

**OA15-264** Amendment to the Rockingham County Code, Zoning Ordinance (Chapter 17), Article 2, Definition of Terms, Section 17-201 Definitions Generally to remove the definition Amusement, indoor and to add Recreation or entertainment, inside (and not otherwise listed) and to add Recreation or entertainment, outside a building (and not otherwise listed).

**OA15-265** Amendment to the Rockingham County Code, Zoning Ordinance (Chapter 17), Table 17-606 Land Use and Zoning Table, Recreational Uses to remove the term Amusement, indoor; and to add the term Recreation or entertainment, inside a building and not otherwise listed in the A-1 and A-2 zoning districts by special use permit (SU) and in the R-4, R-5, MXU, B-1, PCD, and PID districts as permitted (P). This amendment also adds the term Recreation or entertainment, outside a building and not otherwise listed in the A-1, A-2, and B-1 zoning district by special use permit (P) and in the R-4, R-5, MXU, PCD, and PID as permitted (P).

2. OA15-102: The tabled amendments to the floodplain ordinance are ready for Board action.

**OA15-102** Notice of intent to amend the Floodplain Ordinance which will repeal and re-enact Sub-section 6D-4.2(B) by removing examples of acceptable anchoring methods; repeal Sub-section 6D-4.3(D)(2), the effect of which will be to permit new manufactured homes in flood plains, subject to requirements elsewhere; and add to Sub-section 6D-4.3(A) specific requirements for foundations for residential structures in floodplains and a definition of "residential structure."

## PROJECTS AND REPORTS

### COMPREHENSIVE PLAN DATA PRESENTATION (Rhonda Cooper)

At the December 9 Board meeting, Jonathan Dean, a graduate assistant with JMU's Madison Center for Community Development, will present his Comprehensive Plan data research and analysis. His work includes County and Town population counts and projections by race, age, and gender; housing ownership and rentals; income and employment data; contributions of agriculture; school enrollment and capacity; tax revenue; and infrastructure inventory.

### HOUSE BILL 2 TRANSPORTATION PROJECT APPLICATIONS (Rhonda Cooper)

Staff has submitted applications for HB 2 funding of three road projects: Mayland Road (VA 259), South Valley Pike (U.S. 11), and Rawley Pike (U.S. 33). From October through January, projects from across Virginia will be screened and evaluated by the Office of Intermodal Planning and Investment (OIPI), VDOT, and the Department of Rail and Public Transportation (DRPT). In mid-January, the results will be presented to the Commonwealth Transportation Board (CTB) for its approval. Between February and April, the CTB will consider projects for inclusion in the Six Year Improvement Plan (SYIP).

### ROCKINGHAM BICYCLE ADVISORY COMMITTEE (RBAC) (Rhonda Cooper)

The next regularly scheduled meeting of the RBAC is January 21.

## **MPO & NON-MPO BICYCLE AND PEDESTRIAN PLANS** (Rhonda Cooper)

The MPO Subcommittee and Rockingham Bicycle Advisory Committee are in the final review period of the draft Plan. When this review is complete, the MPO TAC will forward the plan to the Policy Board, requesting that the Policy Board release it for public comment. The MPO and County Bicycle and Pedestrian Plans will be presented at a public meeting. The public meeting will be the citizens' and stakeholders' opportunity to review the draft plans and maps within an open house and formal presentation format. A tentative schedule is as follows:

Mid-Dec – MPO B&P Subcommittee meets to review recommendations

January 7 – MPO TAC recommends Policy Board open public comment period and sets public meeting date

January 21 – MPO Policy Board approves opening of public comment period and sets date

January 25-February 19 – Public comment period and meeting

Feb 2 – Planning Commission public hearing on County Plan

March 3 – MPO TAC takes action on and forwards the MPO Plan to the MPO Policy Board

Feb 24 – Board of Supervisors public hearing on County Plan

March 17 – MPO Policy Board takes action on MPO Plan

## **PORT REPUBLIC RURAL VILLAGE GRANT PROJECT** (Rhonda Cooper)

The Shenandoah Valley Network (SVN) and Community Alliance for Preservation (CAP) staff are using the summer and fall months to hold informal meetings with members of The Society of Port Republic Preservationists and other landowners in the Port Republic area to describe the planning process and to publicize upcoming community planning workshops. In January 2016, SVN and its consultant, Paradigm Design, will hold the first of three community workshops.

The SVN was awarded a Battlefield Protection Grant to study the potential for a Rural Village Overlay District for Port Republic. SVN has contracted with Paradigm Design to work with Port Republic's village and area landowners to develop the landowners' vision, then to develop guidelines to preserve special characteristics, and to develop a list of uses compatible with the traditional village and surrounding agriculture and battlefields. The resulting Rural Village Overlay District could become a general model for application in the County's other rural villages.

This grant was awarded by the National Park Service's American Battlefield Protection Program.

## **MPO SOUTH REGIONAL CORRIDOR STUDY** (Rhonda Cooper)

The ad hoc committee is reviewing revisions to the MPO Route 11 South Regional Study. The MPO Policy Board tabled the original Study on June 21, 2012. The study encompasses part of the County; City; and the Towns of Bridgewater, Dayton, and Mt. Crawford; from Port Republic Road (City) to Dinkel Avenue and from Interstate 81 to Route 42.

## **FLOODPLAIN ORDINANCE AMENDMENT REGARDING MANUFACTURED HOMES** (Lisa Perry)

Revisions to the Floodplain Ordinance regarding placement of manufactured homes in the floodplain will be brought before the Board at the December 9 meeting. Jimmy Russell, VAMMHA Chairperson of the Board has issued a letter of support for the new proposed language. The new language calls for masonry skirting on manufactured homes in the floodplain, but does not require the skirting to be load-bearing.

## **SOLAR ENERGY COMMITTEE** (Diana Stultz)

The kick-off meeting of the Solar Energy Committee (approved by the Board at the October 14 meeting) was held on Thursday, October, 22. Representatives from Dominion Power, SVEC, JMU, EMU, Hecate Energy, McBride Energy, private individuals Kim Sandum and Chris Bolgiano, and County staff attended.

Staff has worked on a solar energy ordinance, and it was sent to committee members on November 23 for review and comments.

**PROJECTS AND REPORTS TABLED BY THE BOARD OF SUPERVISORS**

**NORTH VALLEY PIKE CORRIDOR STRATEGIC PLAN (Rhonda Cooper)**

The Board tabled the North Valley Pike Corridor Strategic Plan (NVP Plan) on December 15, 2010. Staff recommends reworking this Plan as part of the Comprehensive Plan revisions.

**PLANNING COMMISSION ACTIONS**

At the December 1 Commission meeting, the following items were considered:

Item	Description	Comments/ Recommendations
<b>REZ15-280</b>	Greenport Group, LLC, P.O. Box 1076 Harrisonburg, VA 22803, to amend 2.25 acres of the Greenport Subdivision Master Plan, parcels 125G-(A)- L133B, 125G-(10)- L1, and 125G-(14)- LA; and to rezone parcel TM# 125G-(A)- L133A, totaling 0.49 acre, from Medium Density Residential District (R-2) to Planned Neighborhood District (R-5) and to add it to the Greenport Subdivision Master Plan. Greenport is located north of Albert Long Drive (Rt 800) approximately 0.25 mile southwest of Reservoir Street. The Comprehensive Plan identifies this area as Mixed Use Center and Community Residential. The parcel lies in Election District 3.	Approval; to be heard by Board on 1/13
<b>REZ15-281</b>	Lakeview Development Corporation, 4101 Shen Lake Drive, Harrisonburg VA 22801, to rezone a portion of TM# 126-(A)- L43A, totaling 10.33 acres, located north of Lakeview Drive (Rt 1025) approximately 0.25 mile north of Shen Lake Drive (Rt 689), from General Agricultural District (A-2) to Medium Density Residential District with Conditions (R-2C). The Comprehensive Plan identifies this area as Community Residential. The parcel is located in Election District 3.	Approval; to be heard by Board on 1/13
<b>AFP15-297</b>	Rockingham County to amend the total acreage of the Spring Creek Agricultural and Forestal District, consisting of seventy-eight (78) parcels, generally located south of Ottobine, west of the Town of Bridgewater, east of Windy Cove Road (Route 755), and north of the Augusta County line, totaling three thousand twenty-seven (3,027) acres, more or less. Spring Creek Agricultural and Forestal District is located Election Districts 2 and 4.	Approval; to be heard by Board on 1/13
<b>AFP15-298</b>	Rockingham County to amend the Western Rockingham Agricultural and Forestal District consisting of one hundred fifty-two (152) parcels spanning six thousand twenty-five (6,025) acres generally bounded on the south by Rawley Pike (Rt. 33), ranging within three hundred (300) feet of the Harrisonburg city limits in the southeast to George Washington National Forest in the northwest. The amendment reinstates the description of the district that had been deleted in error. The Western Rockingham Agricultural and Forestal District lies in Election Districts 2 and 4.	Approval; to be heard by Board on 1/13
<b>OA15-287</b>	Amendment to the Rockingham County Zoning Ordinance (Chapter 17), Article 2, Definitions, Animal Husbandry: after "The production of livestock or poultry," add "such as cattle, sheep, goats, llamas, poultry, ducks, geese, horses, and hogs."	Approval; to be heard by Board on 1/13

<b>OA15-288</b>	Amendment to the Rockingham County Zoning Ordinance (Chapter 17), Table 17-606, Land Use and Zoning Table, and to add "Animal Domestic" to the land use table as a permitted use (P) in A-1 and A-2, and in the RV, RR-1, and PG as a special use (SU*) with supplemental standards. Remove "Agriculture" as a permitted use in RV, RR-1, and PG.	Approval; to be heard by Board on 1/13
<b>OA15-289</b>	Amendment to the Rockingham County Code, Zoning Ordinance (Chapter 17), 17-607 Supplemental Standards for Certain Land Uses under "Animal, Domestic" add "In the RV, RR-1 and PG zoning district, animal, domestic shall be limited to personal use or casual sales only, limited to one (1) animal unit per acre, not to exceed four (4) animal units except that there shall be no more than five (5) birds or fowl per lot."	Approval; to be heard by Board on 1/13
<b>OA15-188</b>	An amendment to Chapter 17 (Zoning), Article 7, Table 17-702.05 to change parking requirements for Dwelling, duplex and Dwelling, single-family detached to require one space for an efficiency or one bedroom unit.	Forwarded to Board with tie vote; to be heard by Board on 1/13

## COUNTY-INITIATED AMENDMENTS

1. **Request and Reason:** Through the investigation of a zoning violation, staff recognized the County had no accommodations for motorsports activities in the newly adopted Zoning Ordinance, so staff began working with the County Attorney to study an ordinance amendment to deal specifically with motorsports activities such as motorcycle, ATV, and go-cart tracks.

**Status:** A public hearing was held before the Planning Commission on May 5, 2015, with regard to motorsports courses. The Commission tabled the ordinance amendments and held a work session on June 2 at 4:30 p.m.

**Action:** At the Commission's August 4 meeting, the item was removed from the table and staff withdrew the proposed ordinance amendment, stating that staff planned to propose an outdoor recreation ordinance amendment, rather than one that addressed only motorsports activities. An ordinance was taken to the Planning Commission on November 4 for entertainment or recreation, outside a building and not otherwise listed. At the Planning Commission meeting, the motion to recommend approval resulted in a tie vote; the ordinance amendment has been forwarded to the Board of Supervisors for a November 18 public hearing. The ordinance was tabled by the Board of Supervisors at its November 18 public hearing.

2. **Request and Reason:** At the November 18<sup>th</sup> Board meeting, the Board instructed staff to study and bring back an ordinance for agriculturally related retail businesses on a small scale in the A-1, A-2, and perhaps RV zoning districts. Staff has begun working on a draft ordinance.

## UPCOMING PUBLIC HEARINGS

**December 9, 2015**

**Board of Supervisors**

**6:00 p.m.**

### **Agricultural & Forestal District**

None

### **Special Use Permits**

SUP15-277 Thomas Schmidt, 13545 Timber Way, Broadway 22815 for a public garage on property located on the west side of Timber Way (Route 42) approximately 1/2 mile north of East Lee Street (Route 259), Election District #1, zoned A-2. Tax Map #52-(1)-O.

**Rezoning**

None

**Ordinance Amendments**

None

**PRIORITY PROJECTS UNDERWAY BY STAFF**

Projects	Lead Person	Status	Target Date
North Valley Pike Corridor Strategic Plan	Rhonda	Board tabled on 12/15/10. Plan elements to be addressed during Comprehensive Plan update.	2016
Rockingham Bicycle Advisory Committee (RBAC)	Rhonda	Next meeting is 1/21/16.	Ongoing
Solar Energy Committee	Diana	Kick-off meeting was held on 10/22/15.	1 <sup>st</sup> quarter - 2016

Ongoing Review/Tasks	Lead Person	Status
Deed Review	Diane	20 deeds in process as of 12/1/15: 5 pending review, 15 awaiting revisions
Violations	Kelly	55 active complaints, 16 cases pending legal action as of 12/1/15
Site Plans & Subdivisions	Pete	7 site plans and 2 subdivisions under review as of 12/1/15
Subdivision Ordinance Variances	Diana	0 requests under review, as of 11/23/15
Zoning Ordinance Variances	Diana	1 request under review, as of 11/23/15
Zoning Appeals	Diana	0 requests under review, as of 11/23/15
Home Occupation Permits	Diana	0 permit requests under review, as of 11/23/15
Home Business Permits	Diana	0 permit requests under review, as of 11/23/15
Special Use Permits	Diana	3 permit requests under review, as of 11/23/15
Rezoning	Rhonda	2 rezoning requests under review, as of 12/1/15
Comprehensive Plan Amendments	Rhonda	0 request under review, as of 12/1/15
Permits and Fees Processed	Joe	486 total transactions for month of November 2015
Building Inspections	Joe	959 inspections conducted during November 2015 (averaged 53.28 inspections per day)
Building Plans	Joe	15 Plans under review, as of 12/01/15
Environmental (E&S/Stormwater) Plan Review	Lisa	17 plans under review as of 12/01/15, 11 awaiting permit issuance
Environmental Inspections	Lisa	182 inspections conducted in November

## REQUESTS TABLED BY BOARD OF SUPERVISORS

SPECIAL USE PERMIT APPLICATION(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
2015	Oct 14	15-207	Walter & Cindy Carr	Event Center	2
2015	Nov 18	15-251	Eddie Rycroft	addition to sawmill business	4

REZONING REQUEST(S) and PLAN(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
2010	Dec 15	NA	North Valley Pike Corridor Strategic Plan	Endorsement of Corridor Strategic Plan for North Valley Pike area from Gravels Road to Vine Street and I-81 to Kratzer Road	2
2015	Sep 23	REZ15-127	Eddie Mozingo	To rezone 2.707 acres from General Residential District (R-3) to Planned Single Family District (PSF)	3

ORDINANCE AMENDMENTS					
Year Tabled	Date Tabled	File	Applicant	Request	
2015	May 13	OA15-102	None	Amendment to the Floodplain Ordinance which will repeal and re-enact Subsection 6D-4.2(B) by removing examples of acceptable anchoring methods; repeal Subsection 6D-4.3(D)(2), the effect of which will be to permit new manufactured homes in floodplains, subject to requirements elsewhere; and add to Subsection 6D-4.3(A) specific requirements for foundations for residential structures in floodplains and a definition of "residential structure."	
2015	Nov 18	OA15-264	County	Definition of Recreation or entertainment, inside a building (and not otherwise listed) and Recreation or entertainment outside a building (and not otherwise listed).	

2015	Nov 18	OA15-265	County	Amendment to Table 17-606 Land Use and Zoning Table, Recreation or entertainment inside a building and not otherwise listed in A-1 and A-2 by SUP (SU) and in R-4, R-5, MXU, B-1, PCD and PID as permitted (P). Recreation or entertainment, outside a building and not otherwise listed in A-1, A-2, and B-1 by SUP (SU) and in the R-4, R-5, MXU, PCD and PID as permitted (P).
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**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**Development Activity Report - November 2015**

	Permits Issued					Fees Collected				
	Nov-15	Nov-14	One Year Change	Jan-Nov 2015	Jan-Nov 2014	Nov-15	Nov-14	One Year Change	Jan-Nov 2015	Jan-Nov 2014
<b>Building</b>										
Commercial/Industrial	10	20	-50.0 %	147	331	\$ 11,672.98	\$ 38,143.76	-69.4 %	\$ 215,546.44	\$ 269,109.87
Manufactured	1	2	-50.0 %	38	26	\$ 76.50	\$ 196.25	-61.0 %	\$ 4,096.73	\$ 2,739.67
Single Family	17	19	-10.5 %	317	241	\$ 18,664.66	\$ 19,600.39	-4.8 %	\$ 305,025.50	\$ 243,427.07
Subtotal	28	41		502	598	\$ 30,414.14	\$ 57,940.40		\$ 524,668.67	\$ 515,276.61
<b>Electrical</b>										
	17	14	21.4 %	319	237	\$ 851.29	\$ 688.50	23.6 %	\$ 19,790.98	\$ 13,533.61
Subtotal	17	14		319	237	\$ 851.29	\$ 688.50		\$ 19,790.98	\$ 13,533.61
<b>Mechanical</b>										
	4	6	-33.3 %	50	61	\$ 178.50	\$ 306.00	-41.7 %	\$ 2,705.45	\$ 4,227.65
Subtotal	4	6		50	61	\$ 178.50	\$ 306.00		\$ 2,705.45	\$ 4,227.65
<b>Other</b>										
	40	31	29.0 %	566	563	\$ 7,492.62	\$ 5,306.07	41.2 %	\$ 247,668.24	\$ 138,054.51
Subtotal	40	31		566	563	\$ 7,492.62	\$ 5,306.07		\$ 247,668.24	\$ 138,054.51
<b>Land Use Related</b>										
Erosion and Sediment Permit:	4	0	0.0 %	56	0	\$ 2,898.00	\$ 0.00	0.0 %	\$ 163,100.00	\$ 0.00
Subtotal	4	0		56	0	\$ 2,898.00	\$ 0.00		\$ 163,100.00	\$ 0.00
<b>Total</b>	<b>93</b>	<b>92</b>		<b>1493</b>	<b>1459</b>	<b>\$ 41,834.55</b>	<b>\$ 64,240.97</b>		<b>\$ 957,933.34</b>	<b>\$ 671,092.38</b>