

January 22, 2020

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 22, 2020, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

- BRENT V. TRUMBO, Election District #1
- SALLIE WOLFE-GARRISON, Election District #2
- RICK L. CHANDLER, Election District #3
- WILLIAM B. KYGER, JR., Election District #4
- MICHAEL A. BREEDEN, Election District #5

Also present:

BRYAN F. HUTCHESON, Sheriff

- STEPHEN G. KING, County Administrator
- THOMAS H. MILLER, JR., County Attorney
- CASEY B. ARMSTRONG, Assistant County Administrator
- RHONDA H. COOPER, Director of Community Development
- PATRICIA D. DAVIDSON, Director of Finance
- PHILIP S. RHODES, Director of Public Works
- BRADFORD R. R. DYJAK, Director of Planning
- KELLY S. GETZ, Deputy Zoning Administrator and Code Compliance Officer
- DIANA C. STULTZ, Zoning Administrator
- PATRICK C. WILCOX, Senior Planner
- TAMELA S. GRAY, Deputy Clerk
- DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
- C. BURGESS LINDSEY, Assistant Residency Administrator
Virginia Department of Transportation

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CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.

Chairman Kyger called the meeting to order at 6:00 p.m.

Chairman Kyger provided the Invocation and Assistant County Administrator Armstrong led the Pledge of Allegiance.

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INTRODUCTION OF STUDENTS.

Students from James Madison University, Eastern Mennonite High School and Turner Ashby High School introduced themselves to the Board.

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APPROVAL OF MINUTES.

Supervisor Trumbo noted a correction to the January 8, 2020 minutes. During the discussion regarding Ordinance Amendment 19-267, to amend the Rockingham County Code, Chapter 17 (Zoning), Section 17-201 to allow semi-trailers for storage containers on A-1, A-2 and RV parcels of two acres or more, the minutes refer to a “land dog” moving a container or trailer. He noted that “land dog” needs to be corrected to “Landoll”.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board approved the minutes of the organizational meeting of January 8, 2020, as amended.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department, including the following updates to bridge, road and rural rustic projects:

- The Lairs Run (Route 921) bridge should be completed in June.
- A preconstruction meeting for buggy lanes will be held January 23, 2020. A & J Construction will perform the work.
- Surveying work has begun and trees are being cut for the realignment of Interstate 81 exit ramp 246 with Forest Hill Drive. They plan to complete the work in August before James Madison University students return to school.
- VDOT is working with the George Washington National Forest on a right-of-way for Rawley Pike (Route 33 West), with an advertisement for the \$10 million project in December or the spring of 2021.
- VDOT is obtaining rights-of-ways for utilities along South Valley Pike (Route 11) and Cecil Wampler Road (Route 704) so they can widen South Valley Pike to four lanes. In response to a question from Supervisor Wolfe-Garrison, Mr. Komara noted Sysco still wants to have a "right turn only" from their property. He also noted a new bridge will be built across from Shenandoah Valley Electric. Mr. Komara said this is an \$18 million project, with another \$3 to \$4 million for the bridge, which will be advertised in the spring of 2021.
- The \$5.5 million project for the Friedens Church Road (Route 682) bridge replacement will be advertised in the fall or spring of 2021.
- The Smithland Road (Route 720) bridge is due for repairs in the next year at a cost of \$8 to \$10 million.
- VDOT will advertise the \$60 million project to replace four bridges over Interstate 81 and Country Club Road with two bridges and a multi-use trail in the fall of 2021 or in 2022.
- Brush is being cut and pipes installed on rural rustic roads.
- Work will begin on Cromer Road (Route 765) in the next month or so, weather permitting.
- Work will start on Slab Road (Route 734) in February, weather permitting.
- A Smart Scale Project with the Metropolitan Planning Organization is planned for the Park and Ride at Mt. Crawford, with 96 additional parking spaces.
- Work will be performed on several other Smart Scale projects, which Mr. Komara will provide more information on later.
- Recent maintenance included preparing for weather last weekend, cutting brush, placing shoulder stone, spot grading, patching potholes and putting more chevrons on Duck Run Road (Route 674).

Supervisor Breeden asked if Hensley Hollow Road (Route 622) was included in the six-year plan. Mr. Komara noted there have been challenges on Hensley Hollow Road with the houses, stream and road on the other side. Mr. Komara said he will look into that, but noted the work performed previously was very costly.

Supervisor Wolfe-Garrison indicated a stop sign was pushed down at the end of Fort Lynne Road (Route 910) and Mt. Clinton Pike (Route 763), and a sign is on the ground on Weavers Road (Route 726) west of Eversole Road (Route 766).

Supervisor Wolfe-Garrison asked if the widening of North Valley Pike (Route 11), is being coordinated with the new Harrisonburg High School, and whether the City is considering changing their road configuration. Mr. Komara noted that has not been a big emphasis for the City, but may be more important since the new high school will be in that

area. Mr. Komara indicated he would like to merge a five-lane section of Route 11 into four lanes. It was noted that the high school entrance will be off South Main Street (Route 11).

Mr. Komara said he will talk with City staff about Route 11 when he meets with them. He also noted City Councilman George Hirschmann is looking at different types of traffic signals for the entrance to the new high school.

Supervisor Wolfe-Garrison suggested tying North Valley Pike (Route 11) into South Main Street (Route 11) and looking at reconfiguring the Sysco truck entrance. There was discussion about trucks using Corporate Drive, but the concern was that it is in the City. If the City can coordinate with the County on the four-lane project at the City line, the traffic can be reconfigured, Supervisor Wolfe-Garrison said.

Supervisor Wolfe-Garrison reminded Mr. Komara that she asked whether Linhoss Road (Route 735) could be added onto the Swope Road (Route 736) paving outside of Dayton.

Supervisor Trumbo said he is glad to see the progress on the Mauzy bridge.

Supervisor Chandler would like Mr. Komara to look at a Lake Pointe Subdivision entrance that was supposed to connect with Port Republic Road (Route 253), but has not been constructed.

Chairman Kyger asked about the progress of Ladybug Road (Route 749) becoming a rural rustic road to make it easier for school buses to navigate. Mr. Komara indicated the VDOT Superintendent is making progress on Ladybug Road, but this may depend on how much money is needed for weather events over the winter. Mr. Komara noted that VDOT plans to start work on the Briery Branch bridge after they receive all the required environmental approvals.

Chairman Kyger reported the end of state maintenance on Rawley Springs Road (Route 847) is clearly designated, but a road to the right that connects to the development is not maintained. He would like to know if VDOT, the U.S. Forest Service or a private developer own that tract of land. Rawley Springs residents indicate the road is neglected and would like it to be included in the state system. Chairman Kyger noted the road may not be wide enough and will need improvements before it can be included in the state road system.

Chairman Kyger indicated he is grateful for the I-81 improvements, but stated the plans are not far enough along. Even though a recent accident may not have been eliminated by having three lanes in each direction, the seven-hour backup could have been mitigated with three lanes in each direction. Chairman Kyger said people could not get in or out of their driveways onto Main Street (Route 11) in Mt. Crawford and people could not get home because traffic was extremely jammed up on all of the roads. He said during such a long sustaining blockage, vehicles should be rerouted to Route 42 and Cross Keys Road (Route 276). Chairman Kyger stated the emergency response workers did a tremendous job.

Chairman Kyger said there seem to be numerous accidents on Interstate 81 South between Mt. Crawford and Augusta County, particularly around the bridges. Mr. Komara indicated the North River bridge is on a skew so there is not much shoulder. Chairman Kyger understands that I-81 will be three lanes between Harrisonburg and Mt. Crawford, but stated the three-lane project needs to extend further south. Chairman Kyger believes VDOT does not want to deal with the two North River bridges, but stated "We have to get ahead of these issues before the next accident occurs."

Chairman Kyger mentioned his previous request that parking be restricted on the west side of Main Street (Route 11) in Mt. Crawford south of Old Bridgewater Road (Route 867) to the town limits going toward Augusta County, and noted the parking restriction should also help when traffic that normally travels on Friedens Church Road (Route 682) is rerouted to North River Road (Route 867) when Friedens Church Road is

closed for the bridge repair. Mr. Komara noted VDOT will also need to look at the parking restrictions on the east side of Main Street (Route 11) close to North River Road due to the hill on Main Street and vehicles needing to pull far out to see oncoming traffic.

Mr. Komara informed Chairman Kyger that VDOT staff is looking at the drainage issue on Main Street in Mt. Crawford.

Chairman Kyger indicated the new Mt. Crawford town manager, Libby Orebaugh was in attendance.

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ASSISTANT COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's Economic Development staff report dated January 22, 2020.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

Mr. Rhodes did not provide a written staff report, but noted he had an action item under his Public Works Committee report.

PUBLIC WORKS COMMITTEE

Supervisor Wolfe-Garrison informed the Board that Mr. Rhodes requested changing a part-time roll off truck driver position at the landfill to a full-time position and hiring an additional landfill motor equipment operator. Supervisor Wolfe-Garrison indicated funding is available for the positions, but Mrs. Davidson needs to be informed when the positions are staffed.

Administrator King indicated the expenses for both positions will be funded from tipping fee revenues.

On motion by Supervisor Wolfe-Garrison, seconded by Supervisor Breedon, and carried by a vote of 5 to 0, voting recorded as follows: BREEDON – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board approved hiring an additional motor equipment operator and changing the part-time roll off driver position to a full-time position at the landfill.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Cooper's staff report dated January 22, 2020.

Ms. Cooper reported that Cosner Investments, LLC requested an amendment to replace the word "condominium" with "apartment" in the existing proffered conditions and plan description for the Locust Grove Village Master Plan situated along the east side of Boyers Road (Route 704) and north of Cullison Court (Route 1308). The difference in terminology is in reference to ownership; the approved master plan, number of dwelling units and the zoning will remain the same, she said. Pursuant to Code of Virginia §15.2-2302.B, the Board may waive the requirement for a public hearing when a proffered amendment does not affect conditions of use or density. Ms. Cooper indicated the request for the rezoning approved on April 24, 2019, does not affect the use or density.

Supervisor Chandler confirmed that rather than building condominiums to be sold, apartments could be rented. Ms. Cooper responded that was correct and said the use and appearance will remain the same.

Supervisor Wolfe-Garrison asked if the change is because Mr. Cosner or the purchase developer wants to maintain ownership of all the units rather than each being individually-owned. Ms. Cooper said this is a matter of not having the units individually-owned, but this does not mean Mr. Cosner will not retain ownership of all the units. Ms. Cooper explained that even if it remains a condominium development, an owner could purchase sections of land and sell the individual units. Supervisor Wolfe-Garrison questioned if not approving the waiver will preclude Cosner Investments, LLC. from moving forward with development. Ms. Cooper responded it would mean Mr. Cosner probably needs to find investors willing to venture into the condominium market.

Mr. Miller explained the question before the Board is whether it wants to waive the public hearing requirement. He noted that since condominiums and apartments are residential uses, the Board can determine the use did not change or the Board can determine the use did change because it is now a rental property. He said the ultimate question is whether the Board wants to waive a public hearing to receive input from citizens or not.

Supervisor Wolfe-Garrison noted her concern is that apartments could change the potential impacts.

Chairman Kyger asked how much delay there would be for Cosner Investments, LLC, if the Board requests a public hearing versus the Planning Commission waiving a public hearing. Ms. Cooper indicated the department and agency reviews need to occur and adjoining property owners need to be notified so the timeline is about two months with or without a public hearing.

Supervisor Chandler indicated while the design is not changing, adjoining property owners may want an opportunity to comment on the changes so he would like to hold a public hearing.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board and Planning Commission will hold public hearings regarding the proposed amendment to the Locust Grove Village existing proffered conditions and plan description.

Ms. Cooper noted that the Virginia State Code provides periodic opportunities for a local governing body to determine whether a review of an existing Agricultural and Forestal District is necessary. If a review is determined to be unnecessary, the local governing body shall set a year in which to consider future reviews. The absence of a review results in the rollover of the district with the parcels, terms and conditions unmodified.

Ms. Cooper indicated there are four Rockingham County Agricultural and Forestal Districts that fall into this category:

- Dry River with a ten-year term
- Spring Creek with a ten-year term
- Keezletown North with a seven-year term
- Keezletown South with a seven-year term

Ms. Cooper noted that these Agricultural and Forestal Districts recently rolled over or are about to roll over. Staff recommended the Board set 2026 for a full review of the Keezletown North and Keezletown South Agricultural and Forestal Districts; and set 2030 for a full review of Dry River and Spring Creek Agricultural and Forestal Districts, as allowed by State Code.

Chairman Kyger noted two of the Agricultural and Forestal Districts are in his area, and he has no problem with staff's recommendation because landowners have options to initiate modifications to the Agricultural and Forestal Districts.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board accepted staff’s recommendation to set 2026 for a full review of the Keezletown North and Keezletown South Agricultural and Forestal Districts in 2026; and set a full review of the Dry River and Spring Creek Agricultural and Forestal Districts in 2030.

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COMMITTEE REPORTS.

The Board heard the following committee reports from Board members and staff:

MASSANUTTEN REGIONAL LIBRARY

Supervisor Wolfe-Garrison indicated this is the last year of the five-year mandate from the State for funding purposes. She said the County needs to consider the fact that it will no longer be under that mandate and pointed out it currently sits at number 92 out of 93 in state funding for the local library.

SHENANDOAH VALLEY PARTNERSHIP (SVP)

Mr. Armstrong announced there is a meeting on January 23, 2020.

SOCIAL SERVICES

Supervisor Breeden indicated there is a meeting on January 23, 2020.

TECHNOLOGY

Supervisor Wolfe-Garrison said she believes all of staff’s new computers have been installed.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Chairman Kyger reminded staff of the VACo Rural Caucus on February 5 and VACo Local Government Legislative Day on February 6 in Richmond.

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COMMITTEE APPOINTMENT.

Mr. Armstrong noted an appointment is needed to the Shenandoah Valley Workforce Investment Board.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board appointed Supervisor Trumbo as the County’s Chief Local Elected Official (CLEO) Consortium Board member on the Shenandoah Valley Workforce Investment Board.

On motion by Supervisor Chandler, seconded by Supervisor Breeden, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board appointed Angela A. Lawrence to the Bicycle Advisory Committee for a term to expire December 31, 2022.

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action implementation chapter. Mr. Dyjak provided the updated Plan to the Board members, and indicated an item discussed during the work session will be included in the Plan.

On December 3, 2019, the Planning Commission recommended adopting the Stone Spring Urban Development Area Plan. Mr. Dyjak noted staff recommended adopting the Stone Spring Urban Development Area Plan, with the modification that a development proposed in the Crossroads neighborhood area on the east side of Cross Keys Road (Route 276) and Indian Trail Road (Route 620) be removed from the Plan by striking it from pages 90 and 91.

At 7:12 p.m., Chairman Kyger opened the floor for public comment on the Stone Spring Urban Development Area Plan.

Joseph Kudless said he has lived on Cumberland Drive seven years, and he understands the Comprehensive Plan includes the County's plans for the next 20 years. Since the Lake Shenandoah Stormwater Control Authority was recently established, he questioned the status of the Authority and how it will be integrated with the Comprehensive Plan.

Assistant County Administrator Armstrong explained that the Authority is still evaluating the fee structure and plans to hold a public hearing to discuss the fees. The Authority interviewed four engineering firms and are negotiating with one. He informed Mr. Kudless that the Authority hopes to announce the engineering firm they will contract with at the February 12, 2020 Board meeting. The firm will help the Authority determine what work is needed, what the fee should go toward and how much of the work will be covered by the fee structure.

Mr. Armstrong noted the Urban Development Authority (UDA) and Comprehensive Plan try to incorporate more than the minimum state required stormwater management standards. Since a good amount of the UDA is in the Lake Shenandoah Stormwater Control Authority area, the considerations for development that may occur in the area need to be included in the Comprehensive Plan. Mr. Armstrong indicated the Comprehensive Plan addresses low-impact development practices, such as items that mitigate stormwater to a higher degree. He said some of the development that has occurred in that area during the last year has gone beyond the County's stormwater management standards in an attempt to mitigate stormwater. Mr. Armstrong informed Mr. Kudless the County is taking all development in that specific area into consideration when drafting engineering designs.

Mr. Kudless indicated people have been digging behind Cumberland Drive. The neighbors thought the workers were subcontractors surveying for the County until they saw cable trucks. He noted the subcontractors hit a lot of water while shoveling.

Bob Deeble noted that he lived in Pennsylvania until three years ago, when he moved to the Reserve at Stone Port. Mr. Deeble asked about the possibility of having a traffic light at the corner of Stone Port Road and Stone Spring Road (Route 280). Mr. Deeble said there were 168 apartments at Stone Port when he moved in, but there are now 408 apartments and several new businesses in the area. He noted it is difficult to see approaching vehicles when exiting the Reserve at Stone Port because vehicles go down in a swell and cannot be seen. Chairman Kyger said he was in that area recently and noted that a traffic light is needed.

Mr. Deeble indicated there were two serious accidents at the intersection. He said to turn left from the Reserve at Stone Port, traffic has to cross eight traffic lanes. Chairman Kyger informed Mr. Deeble that the County will request that VDOT look at the traffic flow for the entire road.

Kim Sandum thanked the Board and staff for changes made to the Comprehensive Plan during the work session. She does not know if the entrance to the Rockingham Park at the Crossroads falls under the Stone Spring Urban Development Area Plan or

Comprehensive Plan, but suggested pedestrian access be considered for people who live across the road from the park, but do not want to cross so many lanes on a busy highway.

Chairman Kyger said a walkway bridge above the roadway is probably needed, but will be expensive. Supervisor Wolfe-Garrison said she noticed a culvert at the east side of the park on Indian Trail Road (Route 620) where a tunnel could possibly be bore underground. Chairman Kyger indicated the issue needs to be addressed in the future and suggested private partners may be able to provide solutions.

Attorney Todd Rhea said he thinks the Stone Spring Urban Development Area Plan and Comprehensive Plan are a major policy step for the County. He noted the Board Room is full when large rezoning requests come before the Board, but it is empty when the policies underlying the rezoning requests are discussed. He said the public needs the historical perspective regarding how the County arrived at the Plan and the primary policy benefits in adoption of the Plan. Mr. Rhea served on the advisory committee for the recodification and amendment of the County subdivision ordinance in 2002 and 2003. He noted that ordinance was the first step to get developments off sewer systems and onto public utilities, where possible. Mr. Rhea said this was a step to put development where services could be rendered more efficiently. The Comprehensive Plan focused on establishing urban growth areas where future development can be directed, and Mr. Rhea indicated the high density urban development area is within one of those urban growth areas.

Mr. Rhea explained that in the last twenty years, Sentara RMH relocated in the middle of the Stone Spring Urban Development Area. Shortly after the Preston Lake and Stone Port rezonings were approved at the edges of the UDA. He stated Sentara RMH was the catalyst for construction of sewer lines, water lines and Stone Spring Road, which connects the areas in the Stone Spring UDA. Mr. Rhea noted this plan has been in the works for the last two decades and the Board needs to determine how best to direct more dense development in the area. The County is directing growth where public utilities and services can be provided in a smaller area to protect agriculturally and historically-important areas from development, he said.

Mr. Rhea noted the Board has consistently adopted policies to allow higher density growth in urban development areas. He explained that higher density developments such as apartments, condominiums or town houses share rooftops and land, which makes constructing housing less costly, is more environmentally friendly and serves students, retirees and denser communities, which are often served by an integrated bus system. Although adding high-density development with population growth places a strain on the school system, apartments, retirement communities and student housing have a lower student per household ratio.

Mr. Rhea commended the County for continuing its well-considered and well-planned growth strategies over the last two decades. He believes the County has been successful in accomplishing the larger goals of maintaining and preserving the open agricultural areas in the County and laying groundwork for the successful development of more businesses, jobs and living opportunities in an urban-type setting that works well with open areas. He urged the Board to adopt the Stone Spring Urban Development Area Plan as presented.

At 7:39 p.m., Chairman Kyger closed the public hearing.

Chairman Kyger stated the Board can move to adopt the plan as amended, table the plan, or deny the plan. He said part of the Stone Spring Urban Development Area Plan is in his district and part of it is in Supervisor Chandler's district.

Supervisor Chandler thanked staff for their hard work on the Plan. He noted it has been a long process and staff has been diligent. Supervisor Chandler said he appreciated the dialogue during the afternoon workshop.

Supervisor Chandler made a motion, seconded by Supervisor Breeden, to adopt the Stone Spring Urban Development Area Plan as a component of the County Comprehensive Plan with the inclusion of the changes discussed at the Urban Development Area Work Session.

Chairman Kyger stated he agreed with Supervisor Chandler’s decision. He had concerns about some portions of the Plan, but said smaller areas can be reviewed later. He indicated the Cross Keys Battlefield area and area east toward Cross Keys and Port Republic are protected, and the County is putting into action a Plan of what is already occurring. Chairman Kyger noted the Stone Spring Urban Development Area Plan will provide a better tool to manage and direct growth.

Supervisor Wolfe-Garrison verified that the County is removing focus from the historic area east of Cross Keys Road (Route 276) and Indian Trail Road (Route 620), but is making no additions to the other side.

Carried by a roll call vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board, with the inclusion of changes discussed at the Urban Development Area Work Session, adopted the Stone Spring Urban Development Area Plan as a component of the County’s Comprehensive Plan.

(A copy of the Stone Spring Urban Development Area Plan is included in the “Attachments – Board of Supervisors Minutes” notebook maintained in Administration.)

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OTHER BUSINESS.

Supervisor Trumbo indicated he would like to remove SUP19-245, Holtzman Properties, LLC, c/o Todd Rhea, Attorney, 92 N. Liberty Street, Harrisonburg, VA 22802 for a convenience store with gas pumps on property located on the west side of Brocks Gap Road (Route 259) approximately 900' north of Bergton Road (Route 820), Election District #1, zoned A-2. Tax parcel #11-(A)-25B from the table.

Supervisor Wolfe-Garrison read the following disclosure statement pertaining to special use permit SUP-245, Holtzman Properties, LLC:

Disclosure Statement

Pursuant to § 2.2-3112 and § 2.2-3115 of the Code of Virginia, as amended, I hereby declare that I am employed at the law firm of Clark & Bradshaw.

Clark & Bradshaw represents Holtzman Properties, LLC, the Applicant in this land-use matter currently before the Rockingham County Board of Supervisors.

The managing partners of Clark & Bradshaw have been informed of my full participation in discussions and decisions, as a member of this Board, relating to the firm’s client Holtzman Properties, LLC.

The nature of work that I provide as an employee of Clark & Bradshaw is in no way connected to or involved with the issue currently before this Board.

My employment at Clark & Bradshaw is not impacted or affected by any discussions or decisions in which I will fully participate as a member of this Board.

Accordingly, I hereby declare that I am able to fully participate in this matter, before the Board, in a fair, objective manner that best serves the public interest.

On motion by Supervisor Trumbo, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board removed SUP-245 for Holtzman Properties, LLC from the table.

Supervisor Trumbo stated he wanted to approve special use permit SUP-245 for Holtzman Properties, LLC with three additional conditions: 1) the building design will be in substantial compliance with the design submitted with the application; 2) plant and maintain a double-row vegetative buffer on the north and south sides of the property; and 3) a “No Parking After Hours” sign will be posted.

On motion by Supervisor Trumbo, seconded by Supervisor Chandler, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; KYGER – AYE; TRUMBO – AYE; WOLFE-GARRISON – AYE; the Board, with the following conditions, approved SUP19-245, Holtzman Properties, LLC, c/o Todd Rhea, Attorney, 92 N. Liberty Street, Harrisonburg, VA 22802 for a convenience store with gas pumps on property located on the west side of Brocks Gap Road (Route 259) approximately 900' north of Bergton Road (Route 820), Election District #1, zoned A-2. Tax parcel #11-(A)-25B.

CONDITIONS:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Building shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. As required by the Building Official, a design for a commercial kitchen shall be required.
4. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and no building permits shall be issued until such time as a site plan is approved.
5. All requirements of the Rockingham County Fire Prevention Code shall be met.
6. Applicant is requesting a sit-down food service in the convenience store. Area to be used shall not exceed 20% of the square footage of the building.
7. As proffered by the applicant, hours of operation will be from 5:00 a.m. to 11:00 p.m. daily.
8. Entrance permit shall be obtained from VDOT and submitted to the Community Development Department prior to issuance of building permits and entrance shall be installed and approved by VDOT prior to issuance of a certificate of occupancy.
9. This permit is contingent upon the applicant obtaining a sewage disposal system from the Health Department. A copy of said permits shall be submitted to the Community Development Department prior to issuance of a building permit. Septic shall be installed and approved by the Health Department prior to issuance of a certificate of occupancy.
10. Requirements of the Office of Drinking Water – Lexington Field Office shall be met with regards to the well. A copy of the permit shall be submitted to the Community Development Department prior to issuance of a building permit. Well shall be installed and approved prior to issuance of a certificate of occupancy.
11. All requirements of the Health Department regarding an eating establishment shall be met, and certification of that approval shall be submitted to the Community Development Department prior to the issuance of a certificate of occupancy.

12. Any on premise advertising sign associated with this business shall comply with the Rockingham County Code.
13. There shall be no off-premise signs permitted unless all County and State regulations are met.
14. Parking shall comply with the Rockingham County Code.
15. The business shall not begin operation until a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.
16. The design and construction of the building shall be in substantial compliance with design submitted with the application.
17. A vegetative buffer shall be planted along the south and north boundaries of the 4.127 - acre parcel, running the full distance of the depth of the parcel. The vegetative buffers shall be double rows of a variety of evergreens, as approved by the Community Development Department during site plan review. This vegetative buffer shall be maintained; any dead or dying trees shall be replaced at the next available growing season.
18. "No Parking After Store Hours – Except in Emergency Situations" signs shall be posted on the property.

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ADJOURNMENT.

Chairman Kyger declared the meeting adjourned at 7:57 p.m.

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Chairman