



# COUNTY of ROCKINGHAM

Department of Community Development

Rhonda H. Cooper  
Director

## Planning Commission Meeting Agenda

October 6, 2020

6:30 p.m.\*

1. **Call to Order & Statement on Modified Public Hearings-** Chairman Burkholder
2. **Pledge of Allegiance and Invocation-** Mike Harvey
3. **Approval of Minutes-** September 1, 2020 Regular Meeting
4. **Public Hearings**

### Rezoning Case

- A. **REZ20-138 Bluestone of Harrisonburg, LLC. (JVP Development and currently referenced as Ashby Centre)**, c/o Michael McGinnis, P.O. Box 300, Lyndhurst, VA 22952. Request to amend existing master plan and proffers to increase residential density from 384 to 728 units (133 ac). Existing Zoning R-5C & B-1C. Situated **approximately ¼ mile south of Covenant Drive, directly west of South Main Street, and north of Pike Church Road (VA 701)**. Tax Map Parcels 123-(A)-L118, L118A, L118B totaling 107.35 acres of 132.987 acres. Election District 2.

### Ordinance Amendments

- A. **OA20-219** - Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-201 to add the definition of photometric plan and to amend Section 17-706 Outdoor lighting.
- B. **OA20-220** Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-606, under Agricultural Uses, add bulk storage of liquid petroleum gas in the A-1 and A-2 zoning districts by special use permit with supplemental standards and to Sec. 17-607 to add supplemental standards.
- C. **OA20-246** Amendment to the Rockingham County Code, Section 16 (Subdivision), Sections 16-9(b)(1)(g), 16-9(b)(2)(e), 16-9(b)(3)(e) and 16-9(c)(9) to state if the parent tract is served by a pit privy, no divisions of land with a full-time residence shall be approved from that parent tract until such time as an approved septic drainfield permit with one hundred (100) percent reserve area has been obtained and said drainfield installed to serve the parent tract.
- D. **OA20-247** Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-806.01 to add dwelling, accessory in the RR-1, R-1, R-2, and R-3 and P-PG zoning districts; to remove from A-1 and A-2 that accessory dwellings cannot be located closer to the front property line than the primary dwelling, and that in all zoning districts in which accessory dwellings are located, they can be no closer than 10' from side and rear property lines. This request will also amend the supplemental standards for dwelling accessory to remove subsection C which reads, "In addition to A and B above, in the R-1, R-2, PSF, MXU, R-4 and R-5 zoning districts, all accessory dwellings shall have direct vehicular access to a public or private street".

5. **Unfinished Business-** None.
6. **New Business-**
  - A. Resolution
7. **Ongoing Business**
  - A. Pending Ordinance Amendments – Update
8. **City Planning Commission Liaison Report**  
September 9 – Keith Sheets
9. **Upcoming City Planning Commission Liaison Report**  
October 14 – Rodney Burkholder
10. **Site Visits** – To be scheduled; media notice to follow.
11. **Staff Report Overview**
12. **Adjournment**

**\*SPECIAL NOTICE TO THE PUBLIC:** Pursuant to Governor Northam’s Executive Order limiting public gatherings and adhering to Centers for Disease Control’s social distancing guidelines, the **meeting will be livestreamed on Zoom** and accessible by phone.

- You may appear in person at this meeting; however, **the total number of members of the public permitted within the meeting room will be limited.**
- **You will be encouraged to wear a mask in public** in compliance with the executive order.
- **Hearing times for each case are approximate and used for guidance purposes only** and may begin before or after the posted time.
- Those wishing to attend a specific public hearing case will be allowed inside the Board Meeting Room as space permits and encouraged to arrive at least 5 minutes prior to the approximate hearing time.
- To make public comment on any of the items on this agenda, please submit to: [BDyjak@RockinghamCountyVA.gov](mailto:BDyjak@RockinghamCountyVA.gov) or call (540)-564-1513.
- **You are invited to participate through our livestream:**  
To Join Zoom Meeting online:  
<https://zoom.us/j/98354675117?pwd=RVpwb05XUHFGd01ZYyttTGlrNWg3QT09>

**Meeting ID:** 983 5467 5117

**Passcode:** 544875

**Phone Number:** +1 301-715-8592

## PLANNING COMMISSION

### DRAFT UNAPPROVED MINUTES

September 2, 2020

The Rockingham County Planning Commission met on Tuesday, September 1, 2020, in the Community Room in the Rockingham County Administration Center. Members present were Chairman Rodney Burkholder, Commissioner Michael Harvey, Commissioner Bill Loomis, and Commissioner Keith Sheets. Vice Chairman Kevin Flint was present virtually through a Zoom meeting; Staff members present were Director of Community Development Rhonda Cooper, Director of Planning Bradford Dyjak, and Senior Planner Patrick Wilcox.

At 6:32 p.m., Chairman Burkholder called the meeting to order. He noted the meeting would be conducted in accordance with Governor Ralph Northam's Executive Order limiting public gatherings and would adhere to Centers for Disease Control's social distancing guidelines. The meeting was livestreamed accessible online and by phone for those wishing to watch and comment.

Commissioner Sheets offered the Pledge of Allegiance and Invocation.

#### MINUTES

On motion by Mr. Loomis and seconded by Mr. Sheets the August 4, 2020 regular minutes were approved with a 5-0 vote.

#### PUBLIC HEARING

#### REZONING REQUESTS

**REZ20-145 - Lake Pointe Village Property Owners Association, c/o Ed Smith, 3320 Mesinetta Creek Drive, Rockingham, VA 22801.** Request location: Lake Pointe Village, Massanetta Springs Road (Route 687) approximately 500 feet north of Izaak Walton Drive. Request to rezone Tax Map Parcel 125-(A)-L261 from R-2 to R-3C (General Residential with conditions), and Tax Map Parcel 125-(A)-L263 from R-3C to R-3C with revised conditions to allow an increase in the permitted number of units from 4 to 6 (3 total duplexes), totaling approximately 6.51 acres for both parcels. Election District 3. *This hearing was postponed from August 4 by request of the applicant.*

Mr. Wilcox presented the request with staff's recommendation of approval.

At 6:41 p.m., Chairman Burkholder opened the public hearing.

Mr. Charles Crosson, an adjoining property owner and member of the board of the Lake Pointe Property Owner's Association, voiced his support of the request. Mr. Harvey asked Mr. Crosson if he had noticed water standing on the subject property. Mr. Crosson stated that he had not seen the proposed area designated for the development covered with water in the four years he had lived there. Mr. Loomis asked why the property owner's association was making the request. Mr. Crosson stated that the rising costs of maintenance for the common area owned by the association spurred the request. He also stated that the accumulated silt would need to be cleaned out of the common area, and that no funding would be available from the Lake Shenandoah Stormwater Control Authority to assist.

Mr. Sheets asked to show the area served by the Property Owner's Association, and Mr. Crosson indicated the area on a map in response. Mr. Sheets inquired about lot 261, and Mr. Crosson stated that the property was given to the association after the previous owner's death.

Mr. Seth Roderick of Monteverde Engineering and Design Studio, an engineer speaking on behalf of the association, stated that the updated proffers associated with this request would serve to clarify where exactly the duplexes would be built. Mr. Harvey asked if Lot 261 would be used to connect the unnamed stub street known as State Route 1033 from Travelers Road to Massanetta Springs Road. Mr. Roderick stated that there was no agreement in place to suggest that that would happen.

Mr. Loomis asked Mr. Roderick from where the lines sanitary sewer lines to serve the duplexes would derive. Mr. Roderick stated that water lines would come from Massanetta Springs Road, while sanitary sewer would extend from the cul-de-sac near the northwest portion of the property. Mr. Loomis asked why State Route 1033 was ever constructed. Mr. Roderick stated that the only purpose he knew for the stub was to serve the County's pump station.

Mr. Jim DeLucas, of 3441 Izaak Walton Drive, expressed his concern that the visibility at both curves in Massanetta Springs road created a hazard for pedestrians and cyclists, as there is no sidewalk for this portion of Massanetta Springs Road. He said the problem was exacerbated by the vegetative growth at the edge of the property belonging to the Game and Inland Fisheries. He stated that the duplexes would create additional drivers in this area. He mentioned that sidewalk would help the problem as well as careful consideration to the best location for the entrance.

Mr. Crosson stated that he was aware of the danger. Mr. Roderick stated that he consulted with David Atwood with the Virginia Department of Transportation (VDOT), and they came to the conclusion that the bend in the road would be an appropriate place for the entrance. He stated that the increase from two duplexes to three would only add an average of 2 trips per day.

At 7:08 p.m., Chairman Burkholder closed the public hearing.

Mr. Loomis expressed his concerns about stormwater and flooding issues in the area. Mr. Harvey expressed that he too had concerns about stormwater and asked about the stub street (Route 1033). Ms. Cooper explained that the parcel line between the two parcels under consideration would be vacated and no connection would be planned. Mr. Dyjak explained VDOT stated that the development will be limited to a single access point from Massanetta Springs Road to serve all proposed units.

Mr. Crosson stated that the area proposed for the duplexes is not where water drains. Ms. Cooper explained that the proposed duplexes would not aggravate urban flooding because it is located at the bottom of the watershed. Chairman Burkholder expressed concerns about the safety issue. Ms. Cooper explained that sidewalk would be required along the frontage of the duplex lots.

Mr. Sheets stated that as a land use issue, he thought the request would represent the best use of the land.

Mr. Loomis motioned for the Planning Commission to recommend denial of the proposed rezoning. The motion died for a lack of second.

Mr. Sheets motioned for the Planning Commission to recommend approval of the proposed rezoning, based upon staff's findings and recommendation within the case report. After first requesting a second to the motion by another commissioner, Chairman Burkholder seconded.

On a vote of 3-2, the Commission recommended the approval of this rezoning, with Chairman Burkholder, Mr. Sheets, and Mr. Harvey voting AYE and Vice Chairman Flint and Mr. Loomis voting NAY.

## **ORDINANCE AMENDMENT**

**OA20-205** - Amendment to Chapter 17, Section 201 to **revise the definition of car wash to allow motor vehicle detailing** and to **revise the definition of motor vehicle repair shop** to allow vehicle detailing and hand washing of motor vehicles; and to amend Chapter 17, Table 606 to **add car wash by special use permit in the A-1, A-2 and RV** zoning districts.

Mr. Dyjak presented the request with staff's recommendation of approval.

At 7:35 p.m., Chairman Burkholder opened the public hearing.

At 7:36 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. Harvey motioned for the Planning Commission to recommend approval of the proposed ordinance amendment; Mr. Loomis seconded the motion.

On a vote of 5-0, the Commission recommended the approval of this ordinance amendment.

## **UNFINISHED BUSINESS**

There was no unfinished business.

## **NEW BUSINESS**

There was no new business.

## **ONGOING BUSINESS**

Pending Ordinance Amendments – Update

Mr. Dyjak stated that next month the staff would present an outdoor lighting ordinance, and that staff was also working on an accessory dwelling ordinance.

## **MISCELLANEOUS**

### **CITY PLANNING COMMISSION LIAISON REPORT**

Commissioner Harvey gave a report for the August 12, 2020 Harrisonburg City Planning Commission Meeting.

#### Upcoming Harrisonburg City Planning Commission Meeting

The Liaison for the June 10, 2020 Harrisonburg City Planning Commission Meeting is Commissioner Sheets.

## **SITE VISIT**

A site visit is to be scheduled for the JVP Development/Bluestone of Harrisonburg request, a media notice will follow.

**STAFF REPORT OVERVIEW**

Ms. Cooper reviewed the staff report. The County’s Smart Scale transportation grant application was submitted, and staff expects to hear back about that application next year. Staff has progressed with US Route 33 Arterial Management Plan, with a kickoff meeting set for September 18.

**ADJOURNMENT**

At 7:47 p.m., having no further business, the Commission adjourned

**Minutes approved by the Commission on \_\_\_\_\_ ## \_\_\_\_\_, 2020 by:**

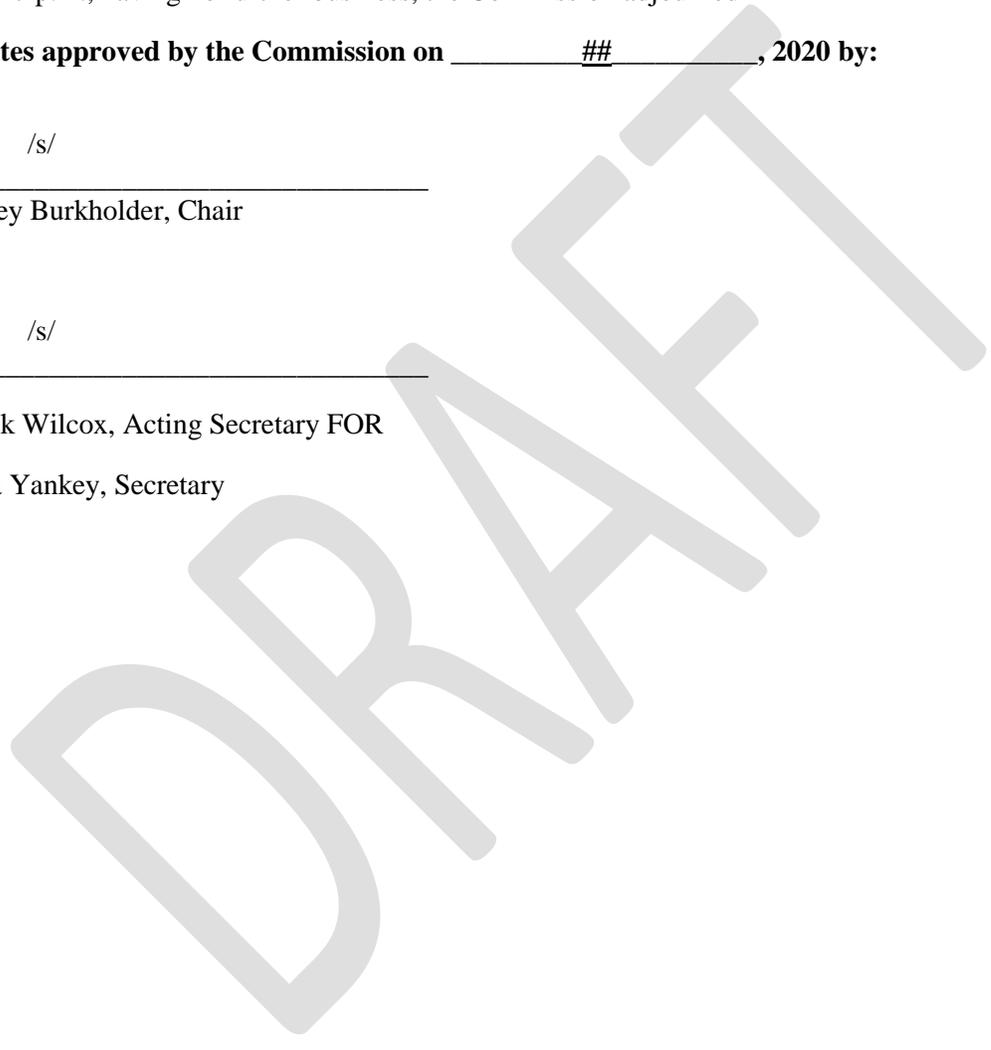
/s/

\_\_\_\_\_  
Rodney Burkholder, Chair

/s/

\_\_\_\_\_  
Patrick Wilcox, Acting Secretary FOR

Kayla Yankey, Secretary





**ROCKINGHAM COUNTY  
DEPARTMENT OF COMMUNITY DEVELOPMENT**

**REZONING CASE REPORT REZ20-138**

Applicant	<b>Bluestone of Harrisonburg, LLC. (JVP Development and currently referenced as Ashby Centre), c/o Michael McGinnis</b>
Address/Location	<b>Approximately ¼ mile south of Covenant Drive, directly west of South Main Street, and north of Pike Church Road (VA 701)</b>
Tax Map#	<b>123-(A)-L118, L118A, and L118B</b>
Acreage	132.987 acres
Present Zoning	R-3C – General Residential with Conditions, and B-1C – General Business with Conditions
Proposed Zoning	R-5C – Neighborhood Residential with Amended Conditions, and B-1C – General Business with Amended Conditions
Election District	2
Comprehensive Plan	Mixed Use and Community Residential within an Urban Growth Area
Staff Recommendation	<b>Approval, October 1, 2020</b>
Planning Commission	
Board of Supervisors	

## GENERAL INFORMATION

### OVERVIEW/BACKGROUND:

The applicant requests rezoning portions of the existing B-1C district and the entirety of the R-3C district on the subject parcels, with a corresponding amendment to the existing master plan and proffers to increase residential density from 384 to 728 units. The proposed R-5C area would replace all existing R-3C areas and is 110.337 acres in size, whereby a mix of housing types will be offered, while the B1-C area would be reduced to 22.65 acres. The “Ashby Centre” property was rezoned to R-3C with the Master Plan approved January 28, 2009 in Case #RZ08-10 and has since remained undeveloped.

The parcels within the City of Harrisonburg also remain undeveloped and zoned B-2, but are not subject to a rezoning application at this time. The primary entrances for the development will be served by a new street intersecting at US-11 (South Main Street) across from Reedy Circle in the City and through interconnection with Emmaus Road, extending to Pike Church Road. The amended proffered conditions also address a variety of master planning elements and transportation-related improvements, both within the County and within the City.

#### **Primary Revisions to the Master Plan:**

1. Reduction in area designated as B-1C;
2. Increase of 344 dwelling units resulting in a total of 728 units;
3. Increase includes apartments as a new housing type within the project;
4. In addition to the proposed increased density, existing woodland vegetation located along the northern ridge of the site will be preserved, as depicted in the Master Plan.
5. Change to the allocation of units per housing type, as noted in this table:

#### **Proposed Changes in Dwelling Units per Housing Type: 2009 vs. Proposed**

Unit Type	Approved	Proposed	Difference / %	% of DU
<b>Detached Single-family</b>	62	17	(45)/ -72.6%	2.3%
<b>Duplexes</b>	96	102	6/ 6%	14%
<b>Rowhomes</b>	226	321	95/ 42%	44.1%
<b>Apartment Units</b>	0	288	288/ 100%	39.6%
<b>TOTAL</b>	<b>384</b>	<b>728</b>	<b>344/ 89.5%</b>	<b>-</b>
<b>Density in R-5</b>	4.3 du/ac.	6.6 du/ac.	53.5%	Max: 8du/ac. allowed
<b>Common Area</b>	24.5 ac	26.6 ac	8.5%	-

#### **Application Documents Included:**

- Master Plan with Existing Conditions; and
- Plan Description; and
- Proffered Conditions; and
- Contribution & Escrow Agreement – administered by both the City and County; and
- Street Development Agreement – between the City and Applicant, referenced by the Proffered Conditions and Contribution & Escrow Agreement.

**PROFFERED CONDITIONS:**

As part of this rezoning and amendment to the Master Plan, the applicant has requested replacing the entirety of the approved proffered conditions governing the development of the entire “JVP Development” Master Plan. A copy of the signed statement is attached and the following is an excerpt for reference. The proposed proffer amendments address the following matters and are reviewed in their respective agency analysis sections:

1. Land Uses; and
2. Architectural standards in commercial areas; and
3. Landscaping and open space requirements; and
4. Transportation
  - a. Internal roadway network improvements
  - b. Improvements to impacted County roads maintained by VDOT,
  - c. Improvements to adjacent the adjacent City roadway network as prescribed in the project’s accepted City Traffic Impact Analysis (TIA), including contribution towards a pending City SMART Scale application for intersection improvements at the US-11 at I-81 off-ramp.
  - d. Traffic flow mitigation.
5. Universal design is certain dwelling units to enable aging-in-place; and
6. Phasing of development:
  - a. Does not apply to apartments
  - b. 60 dwelling units allowed per 12 month permitting period.
  - c. Carryover of up to 20 dwelling unit permits allowed.
  - d. Maximum of 80 permits allowed in 2 of the Phased Permitting Periods.

**STAFF AND AGENCY ANALYSIS****PLANNING & ZONING****Comprehensive Plan Consistency:**

- The parcel is designated as Mixed Use Center and Community Residential within an Urban Growth Area with a combination of low-intensity commercial and medium-density residential recommended.
- Therefore, the proposed amendments would remain consistent with the R-5 and B-1 districts standards and Comprehensive Plan land use designations.

The Comprehensive Plan identifies Community Residential Areas as comprising the future urban residential neighborhoods and being concentrated around various population centers.

1. Section II--C-4: Policies for Rezoning Decisions: Residential Rezoning Requests within the Urban Growth Areas
  - e. *Interparcel Access*. The concept plan must show one or more street connections to all adjoining properties that also lie within the Urban Growth Area and are not blocked by natural barriers; these connections must be constructed by the applicant at the time such portion of the concept plan is developed.
2. Section: II-B-Goals:
  - Goal 6: Achieve a Balance of Compatible Land Uses and Communities in which people can live, work and play.
  - Goal 7: Achieve a Range of Housing Types and Values to meet the needs of all income levels.
  - Goal 10: Preserve and Improve Free Flow of Traffic and Improve the Safety of the Road System.

The transportation improvements proposed in the proffered conditions enhance the existing proffers and are directly correlated to the Traffic Impact Analysis (TIA) prepared by the applicant's engineer with the concurrence of staff members from the County, City, and VDOT. The rezoning request is compatible with Comprehensive Plan goals in terms of the proposed district being appropriate in this area, as well as the proposed increased density falling within the allowable maximum in the R-5 district.

### **Zoning Consistency:**

R-5 Planned Neighborhood District would meet the needs of the proposed use and the current Master Plan meets minimum requirements for provisions of common areas and associated amenities

#### Sec. 17-405.01. - Planned Neighborhood district (R-5) Definition.

- The R-5 district provides opportunities for creative designs for the development of master-planned residential neighborhoods which differ from conventional suburban development.
- **The R-5 district provides a variety of housing types and affordability;** services and neighborhood-oriented businesses within neighborhood centers; parks and open space for recreation, conservation, or other common benefits; preservation of natural landscape features and amenities; transportation networks within the development that accommodate vehicles, bicycles, pedestrians, and, where appropriate, transit; and **streets, sidewalks, and paths that interconnect internally and to adjoining properties.**
- While allowing for a variety of uses, the R-5 district is **primarily residential.**

### **Master Plan:**

- Subdivision Name: Staff notes that it will continue referencing the project as "JVP Development", although a new subdivision name shall be submitted and incorporated within all application documents prior to the Board of Supervisors public hearing.
  - Applicant's Response: The owner is working diligently to vet and decide on new subdivision name for use in formal marketing following rezoning approval. Naming will be reviewed with County staff as soon as possible to ensure no additional conflicts. Every effort shall be made to have this determination in place and incorporated into zoning documents prior to the Board of Supervisors' public hearing.
- Building Form Consistency: Building facades and roof lines will need to be varied and segmented in accordance with Section 17-701.07 "Street form" of the County Code. This will be reviewed during each site development plan phase and building permit review and in conjunction with the proffered conditions. The applicant has additionally proffered certain architectural design standards relating to facades and siding materials.
- Evaluation of Code Consistency: See table below for relevant zoning codes.

**Table: Evaluation of JVP Development Master Plan Zoning Code Consistency**

Element	Code Section	Code Requirement	Master Plan Submitted
<b>R-5 Requirements</b>	17-405.02 & .03	<ul style="list-style-type: none"> <li>• Shall be at least 5 acres and within an Urban Growth Area</li> <li>• Uses must be shown on Master Plan</li> <li>• Mix of housing types encouraged</li> </ul>	<ul style="list-style-type: none"> <li>• 133 acres within an UGA</li> <li>• 728 total units (344 additional)</li> <li>• Mix of apartment buildings, duplexes, rowhouses, and detached single-family units.</li> <li>• All commercial areas would retain existing B-1 district.</li> </ul>
<b>Water &amp; Sewer</b>	17-405.04	All uses requiring water and sewer shall be served by public systems. Preliminary approval required by Public Works.	<ul style="list-style-type: none"> <li>• Public Works is implementing a 5-year capital plan for increased water production in the area.</li> <li>• Water would be provided primarily from the Grassy Tank.</li> <li>• Additional water could be provided from the Kaylor Water Tank line in addition to an extension from Emmaus Road with an upgrade.</li> <li>• Existing sewer main has capacity for increased density.</li> <li>• Sewer connection will traverse both County and City.</li> </ul>
<b>Common Area &amp; Landscaping</b>	17-405.05 & 17-700.02	<ul style="list-style-type: none"> <li>• Common area = Minimum of 20% total project area</li> <li>• At least 75% shall be outdoor space</li> </ul>	<ul style="list-style-type: none"> <li>• 26.6 acres reserved (20%). Meets 20% minimum.</li> <li>• Entirely outdoors</li> <li>• Stormwater pond and park</li> <li>• Apartment Complex: Commons, playground, and 2 greens.</li> <li>• 3 pocket parks, trail elsewhere</li> <li>• Natural vegetative buffers along project perimeter.</li> <li>• Forested open space on hillside.</li> </ul>
<b>Streets &amp; Connectivity</b>	17-405.09 & 17-701.03	<ul style="list-style-type: none"> <li>• Streets to meet VDOT standards</li> <li>• Connectivity within development and to adjoining properties</li> <li>• Dead-end streets min.150/ max. 800'</li> </ul>	<ul style="list-style-type: none"> <li>• Internal streets to be private for apartments; public elsewhere.</li> <li>• Extension of Emmaus Road;</li> <li>• 3 connections to Pike Church Road.</li> <li>• Pavement width and dead-end street length requirements to be reviewed with site plan.</li> </ul>
<b>Pedestrian Facilities</b>	17-701.04 & .06	<ul style="list-style-type: none"> <li>• Bicycle and pedestrian facilities will be required to serve the entirety of the development.</li> <li>• Interparcel connectivity required</li> </ul>	<ul style="list-style-type: none"> <li>• Sidewalks or a shared-use path are required on at least on side of each street and should be detailed in future site plans in accord with the Typical Street Cross Sections provided in the Master Plan</li> <li>• Connections provided.</li> </ul>

## **ENVIRONMENTAL SERVICES**

### **County Comments**

This site is primarily in the Blacks Run watershed, with small portions in the Cooks Creek watershed. The property contains an intermittent stream and a freshwater pond. There is no mapped floodplain. The site is underlain by carbonate rock material, with one known sinkhole.

Site soils are in Hydrologic Soil Group B and C. Group B soils are defined as having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission. Group C soils are defined as having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture.

### **City of Harrisonburg Erosion & Sediment Control/Stormwater Management Comments**

Coordination of Review – Much of the property drains back into the City of Harrisonburg. Dan Rublee, City Engineer, and Lisa Perry, the County's then-Director of Environmental Services, have acknowledged that City and County staff will coordinate plan review and permitting for erosion and sediment control and stormwater management for the entire development as it includes both City and County lands. One jurisdiction may ultimately take the lead for plan review and permitting, and the second jurisdiction will be included in plan review similarly to what has been done successfully with other projects bordering the City-County line.

Land Disturbance within City limits- If the City land is to be pre-graded, it will have to be accounted for in the stormwater quality design. The developer may wish to make concessions in the overall project design to account for future development of these properties by providing surplus pollutant removals with the larger County part of the project. Discussion between the engineers, developers, and both City and County staff should occur in advance of any detailed design work.

## **VIRGINIA DEPARTMENT OF HEALTH**

The Health Department has no comment on this proposal.

## **PUBLIC WORKS**

### **Water –**

1. The applicant is proposing an increase in units from 384 units (design use of 153,600 gallons per day) to 728 units (design use of 292,000 gallons per day), a significant increase in needed water and sewer capacities.
2. Public Works has a capital plan for increased water production over the next 5 years, which would be necessary to accommodate the full build-out of the 728 units.
3. The portion of the development being shown above elevation 1,390' may have difficulty being served by public water and providing the required fire flow. This would appear to affect the single family portion of the development (17 units) at the top of the hill. Rockingham County has two separate pressure zones in this area (Kaylor Tank 1,601' elevation and Grassy Tank 1,530' elevation) and this property would generally be supplied from the Grassy Tank assuming a connection would be made to the County water line at the City/County boundary just behind Harrisonburg Truck Center.
4. Interconnections may be possible into the Kaylor zone to improve flow and a connection into Emmaus Road is shown on the master plan. However, the Emmaus Road waterline is only 6" which would not be adequate for fire flow into this area.

Applicant Response: The applicant and its engineer will continue to work closely with County staff and their consultant to determine appropriate means of service during site plan development. Note that the proposed Master Plan removes currently allowable residential development.

**Sewer –**

1. The property will flow to a City of Harrisonburg-owned line along US-11. City of Harrisonburg Public Utilities and County Public Works have agreed that a connection can be made into the sewer main along Main Street in this area to serve the development.
2. The portion of sewer line within the City limits will be owned/ maintained by the City or the sewer authority but the thought is the City will probably take over ownership and maintenance. Once the line extends into the County then it will become County owned and maintained.
3. The sewer main would have capacity for the proposed increase in density.

**City of Harrisonburg Department of Public Utilities-**

1. The City met with County Public Works and reached consensus on how to move forward. The JVP Development will be provided water and sanitary sewer by the County and details will be finalized in the future for connecting sanitary sewer from the development through land within the City to reach the shared Harrisonburg Rockingham Regional Sewer Authority (HRRSA) sewerline.
2. City Public Utilities indicated this will be included in the site plan design and will be resolved prior to or as a condition of the site plan approval.

Applicant Response: Coordination between County and City will continue as the design moves forward. The project is being phased (cap on maximum units developed per year) to help the County with expectations on demand.

**FIRE AND RESCUE**

The request is located within the Hose Company #4 Fire Department and Harrisonburg Volunteer Rescue Squad's respective first due area. Internal road connections and dead-end streets will be reviewed further during site plan review with specific measures of the roundabout and cul-de-sacs evaluated. This project will need to meet the requirements of the Rockingham County Fire Prevention Code.

**ROCKINGHAM COUNTY PUBLIC SCHOOLS (RCPS)**

1. RCPS would expect the need for two additional bus routes in this area based off of the changes on top of the 4 additional routes that would be needed for what is already approved.
2. Also, please note that in developments such as JVP Development, RCPS typically does not offer door-to-door pickups. RCPS requests that the appropriate pedestrian facilities be included to accommodate group bus stops as listed in the proffered conditions.
3. This chart shows the projected impacts to each school from the current approved plan vs. the proposed changes. In general, it looks like each school would have the capacity to accommodate this development. However, the proposed changes could push Pleasant Valley Elementary School to near capacity, and over capacity upon full build-out, when accounting for the cumulative impact of known rezoning or site plan approvals in the attendance area.

**Projected Additional Students Generated from JVP Development Only**

	S.F.	D.P.	T.H	Apartments	Total Additional Students
<b>Pleasant Valley ES</b>	2	34	119	12	<b>167</b>
<b>Wilbur Pence MS</b>	1	14	32	6	<b>53</b>
<b>Turner Ashby HS</b>	2	15	55	12	<b>84</b>

**Cumulative Impacts from other Potential or Approved Residential Developments + JVP Development\***

	JVP Additional Students	Projected Total/ Capacity (%)	+ Approved Development	Cumulative Total/ Capacity (%)
<b>Pleasant Valley ES</b>	<b>167</b>	361/ 376 (96%)	<b>37</b>	<b>398/ 376 (106%)</b>
<b>Wilbur Pence MS</b>	<b>53</b>	814/ 976 (83%)	<b>39</b>	<b>853/ 976 (87%)</b>
<b>Turner Ashby HS</b>	<b>84</b>	1051/ 1262 (83%)	<b>95</b>	<b>1146/ 1262 (91%)</b>

*\*Note: Cumulative student projections based upon approved undeveloped residential subdivision lots (excluding infill lots) including approvals within the three Towns for Wilbur Pence Middle School & Turner Ashby High School only.*

Applicant Response: Comment noted, and coordination with both County and City School boards will continue as project moves forward. Coordination with both County and City School boards will continue as project moves forward; bus stop design will occur in coordination with school administration during site plan development.

**CITY OF HARRISONBURG COMMUNITY DEVELOPMENT**

1. The Master Plan layout dated June 12, 2020, and updated in September, illustrates +/- 5.5-acres of land for "Potential Residential" within the City Limits. This land is currently zoned in the City as B-2, General Business District and will require a rezoning to allow residential uses. The City has not received a rezoning application to rezone the +/- 5.5-acres. City staff has shared concerns with the applicant's representatives that the planned residential development within the City limits would not conform to the City's Comprehensive Plan's Land Use Guide, which designates this land for future Commercial uses.

2. Should the applicant move forward with a request to rezone the +/- 5.5-acres in the City, City staff continues to encourage the applicant to coordinate with both Harrisonburg City Public Schools (HCPS) and Rockingham County Public Schools (RCPS) prior to submitting a rezoning request for the land in the City to discuss which school district students living in the City would attend and the impact on school bus services if students attended HCPS given that there are no other residential neighborhoods nearby within the City. It is suggested that coordination with HCPS begin with Craig Mackail, Chief Operating Officer for HCPS.
3. The City is agreeable to the proposed transportation improvements and to the corresponding terms of funding as detailed in proffer #14.

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

**VDOT Comments:**

VDOT has already concurred with the revised the traffic impact analysis (TIA) accepted by the City. In conjunction with City and County officials, VDOT Residency and District staff members have reviewed the draft “Contribution & Escrow Agreement” and “Street Development Agreement” initially transmitted July 8, 2020 and subsequently revised.

The proposed changes to the residential portion are within the thresholds of the trip generation assumptions from the TIA, as seen below. The overall trip generation limit in the proffers as well as the Phase I unit totals match the assumptions from the TIA as well.

Site Trip Generation:

Land Use	ITE Code	Unit	Qty	Weekday Trips (vpd)	
				Rate	Total
SF Detached / Duplex	210	Units	189	9.44	1784
Condo/Townhouse (80%)	VDOT rate	Units	613	8.145	4993
Townhouse (20%)	220	Units	81	7.32	593
Apartments (20%)	221	Units	72	5.44	392
General Office*	710	1000 SF	75	EQN	803
Shopping Center*	820	1000 SF	325	EQN	13400
<b>Total</b>				<b>*</b>	<b>21965</b>

\*GLA for General Office and Shopping Center based upon FAR of 0.25, per County/VDOT general guidelines

**SUMMARY OF CONSIDERATIONS**

- **Density Increase** – The applicant proposes an increase of 344 dwelling units resulting in a total of 728 units. The increase includes apartments as a new housing type within the project, and the resulting density is 6.6 dwelling units per acre, which remains below the maximum of 8.0 allowed in the R-5 district. An additional 2.1 acres of common area is gained from this augmented density, and the zoning district is consistent with the Community Residential land use designation in the Comprehensive Plan.
- **Transportation Network** – Transportation-related proffer improvements are tied-into the City TIA and represent an enhancement from the existing 2009 proffers. Proposed financial contributions can be leveraged to secure additional funding from VDOT for needed upgrades at the I-81/ US-11 interchange intersection.

- **Street Connectivity** – Multiple points of access are provided to connect to Pike Church Road, US-11, and to connect to the existing Covenant Heights subdivision.
- **School Capacity** – While the proposed increase in dwelling units could overburden Pleasant Valley Elementary School's existing capacity upon full build-out. This potential impact could be minimized given the proffered phasing conditions which would preclude full project completion until at least 7 years from construction. The potential burden on capacity is calculated based upon the anticipated cumulative impact from other pending development in the attendance area.
- **Coordination with the City of Harrisonburg** – Part of the project, including the entirety of the frontage along US-11, lies within the City limits, and coordination will be necessary with Public Utilities, Environmental & Stormwater Management divisions, and potentially with the respective public schools divisions. At this time, no rezoning application has been submitted to the City, but coordination amongst the County, City, and applicant would be necessary should residential uses be added to on the City side of the parcel.
- **Water and Sewer Systems** – Capacity for both systems exists, but extensions and systems upgrades will be necessary as noted by the County Director of Public Works. The proffered phasing schedule would minimize the potential acceleration of some water line improvements, and the design and engineered solutions can be addressed during the site plan/ preliminary plat review stage.

#### **STAFF RECOMMENDATION**

**Approval, October 1, 2020**

The utilization of a greater range of housing types and smaller lot sizes to increase density would more efficiently use developable land while consolidating the common areas to provide enhanced amenities. Upon review of the amendments to the Master Plan, Proffered Conditions, and Plan Description, staff finds that the amended application meets applicable zoning codes, specifically Section 17-405, and is consistent with the Comprehensive Plan. The amended plan adequately provides for future interparcel connections and the proffered conditions updated obsolete code references, and increase the efficacy of targeted transportation-related improvements predicated upon an updated TIA.

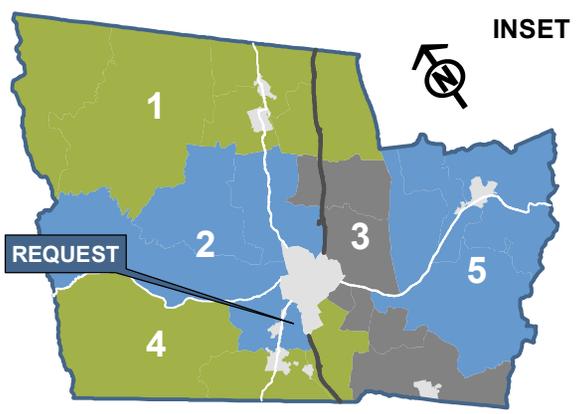
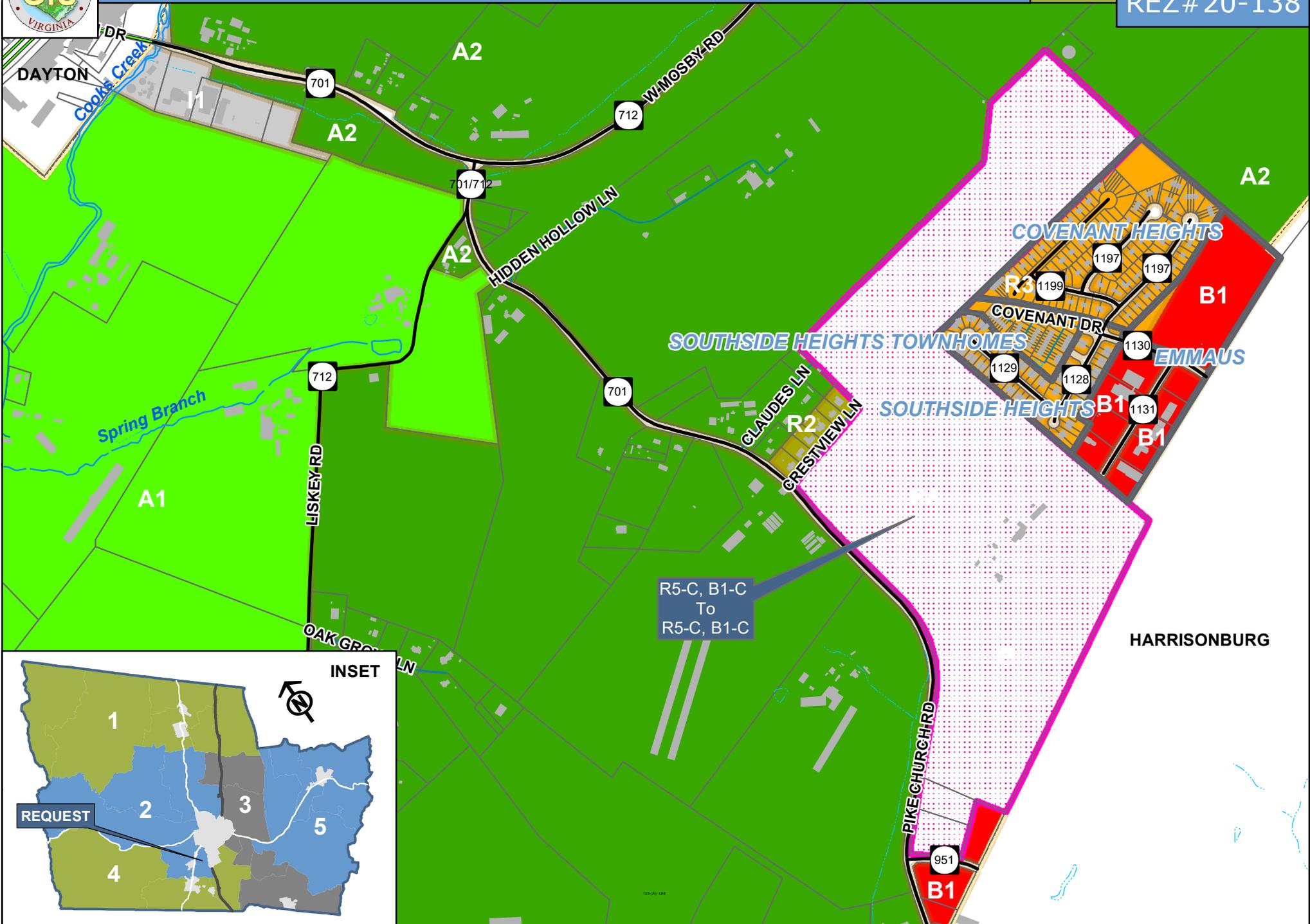


# Bluestone of Harrisonburg, LLC Rezoning Request



PC Hearing Date: 9/1/2020

REZ# 20-138



# **BLUESTONE DEVELOPMENT (SUBJECT TO NAME CHANGE)**

## **PLAN DESCRIPTION**

TM# 123-(A)-L118, TM# 123-(A)-L118A, TM# 123-(A)-L118B

APPLICANT: BLUESTONE OF HARRISONBURG, LLC (C/O MICHAEL MCGINNIS)

Bluestone Development (subject to name change), formerly known as Ashby Centre, seeks a rezoning amendment request of 132.987 acres to its current zoning classification of R-5C/B-1. The property, identified as TM # 123-(A)-L118, L118A, and L118B, adjoins City/County limits and is located on South Main Street, approximately 0.25 miles south of Covenant Drive. As part of this proposed amendment, proffers – as approved on February 2, 2009 – will be replaced in full with the 2020 Statement of Proffers as submitted as part of this Rezoning request.

The placement and designation of residential use(s) and densities of the proposed Development will follow form to the proposed roadway alignment(s) as comprehensively planned through the '*Bluestone Development Traffic Impact Analysis*'. Inclusive of this TIA is the planned primary roadway and development site entrance located at the intersection of South Main Street (Route 11) and Reedy Circle. This proposed site entrance will offer a 76' right-of-way consisting of a 5' sidewalk, 10' shared-use path, and 16' raised median, as depicted in the Master Plan. The entrance narrows and continues the public road throughout the development consisting of a 50' minimum right-of-way. Extension of Emmaus Road to Pike Church Road will create an internal intersection between the site's primary entrance roadway. Based upon preliminary analysis, this intersection is planned to be developed as a roundabout for not only functional advantages, but for overall aesthetics, creating a visual boundary between the proposed residential development and adjoining commercial uses.

Revisions proposed within this Rezoning Amendment request provides increased residential density and provision for much needed local and regional workforce housing. Twenty-four 12-unit garden style apartment buildings (288 total units) are added to the proposed housing-types of the development. Apartment buildings are currently omitted in the approved plan. In addition to the proposed Apartment Commons, Bluestone Development will increase townhouse density compared to the current approved maximum cap of 226 total units. The proposed Townhome Village will increase from 226 units to 321 total units, adding an additional 95 townhouse units to the overall development. Duplex lots will also increase from 96 lots to 102 lots (net of 6 duplex lots), while detached single-family lots decrease from 62 lots to 17 lots. In addition to the proposed increased density, existing woodland vegetation located along the northern ridge of the site will be preserved, as depicted in the Master Plan.

'Community' is at the heart of all development and design decisions, creating a master plan that satisfies the needs of a variety of users. The Apartment Commons' common area includes both passive and active recreation spaces, ranging from communal turf fields, a central playground, a 10' shared-use path, and meandering walking trails. The shared-use path links the different residential areas to a common park destination. The proposed community park will feature a wet pond which not only functions as the development's main source for stormwater management, but will also become a destination for gathering, strolling and observing native vegetation and habitat. The pond's perimeter walking trail will offer seating areas for passive recreation. Also as a part of the overall development, a safe means of access to defined bus stop areas will be provided for all residents.

In sum, the amendment proposal of Bluestone Development addresses the current needs in this area of Rockingham County which conflicts with the existing zoning. The benefits of amending the code include affordable workforce housing, increased density which discourages urban sprawl, and density-appropriate infrastructure. Provisions made within this plan of development have potential for both immediate and long-lasting positive impacts to our community and District 2 of Rockingham County.

## PROFFER STATEMENT

RE: *JVP Development*

Owner: Bluestone of Harrisonburg, LLC (c/o Michael McGinnis)

Date: October 2, 2020

Rezoning Case Number: REZ20-138

Tax Map Numbers: 123-(A)-L118, L118A, L118B totaling 107.35 acres, more or less lying in Rockingham County, VA ("Property")

### STATEMENT OF PROFFERS

The following Statement of Proffers are intended to fully supersede, replace and abrogate the Proffers approved on January 28, 2009 which currently govern the zoning and development of the Property. Applicant hereby proffers that the use and development of this Property shall be in strict accordance with the following conditions:

1. Development of the Property shall be designed in general conformance with the Master Plan of Development associated with this rezoning request, as prepared by Monteverde Engineering & Design Studio and dated June 12, 2020 ("Master Plan").
2. Residential development on the Property shall consist of no more than 728 total combined residential units.
3. Business / Commercial zoned acreage in the Total Development shall be limited such that the Total Development will not generate Average Daily Traffic (ADT) for any given weekday exceeding 20,720 vpd. Total Development ADT shall be calculated and submitted as part of each approved commercial site plan within the Total Development, utilizing daily traffic counts, ITE Trip Generation rates (inclusive of internal capture deductions), or any combination thereof as deemed acceptable by VDOT and County Staff at time of site plan approval. Total Development as used in this Proffer shall include all residential plus commercial development inclusive of acreage located inside City limits (totaling 132.232 acres) analyzed as part of the Traffic Impact Analysis reviewed and approved by the City and VDOT prior to the date of this rezoning.
4. The primary entrance road (to be named later) and the extension of Emmaus Road (Route 1131) shall be designed and dedicated for public ownership, use and maintenance. Such dedication shall occur following completion of construction and subsequent VDOT acceptance. All other roads on the Property may be private or public at the option of the Developer.
5. A shared-use path shall be constructed along the primary entrance road between South Main Street (U.S. Route 11) and the duplex section of the residential development, as generally depicted on the Master Plan. The shared-use path may be located on HOA or POA (non-public) property, but shall not be restricted against public usage.
6. Common areas shall be improved, concurrent with immediately adjacent units, by a combination of hardscaped pathways, landscaped areas, and other amenities as follows:
  - a. Park A, measuring at least 3.0 acres in area (inclusive of stormwater management facilities), shall include a 10'-wide, hard-surfaced trail

circumnavigating the stormwater management pond and connecting to adjacent sidewalks and/or shared-use path, a minimum of six (6) benches or comparable seating options, a minimum of three (3) picnic tables, and plantings to include a minimum of twelve (12) large deciduous shade trees and six (6) ornamental trees. Trees shall be in addition to street trees associated with Proffer #7.

- b. Pocket Parks B and C, each measuring at least 7,000 square feet in area, shall each include a 5'-wide, hard-surfaced trail connecting roadside sidewalks and/or shared-use path, a minimum of two (2) benches or comparable seating options, and plantings to include a minimum of one (1) large deciduous shade trees and three (3) ornamental trees. Trees shall be in addition to street trees associated with Proffer #7.
  - c. Park D, measuring at least 1.0 acre in area (inclusive of stormwater management facilities), shall include a 5'-wide, hard-surfaced trail connecting residential parking areas to the shared-use path, a minimum of four (4) benches or comparable seating options, and plantings to include a minimum of eight (8) large deciduous shade trees and four (4) ornamental trees. Trees shall be in addition to landscaping requirements for parking areas, as outlined in the County Zoning Ordinance.
  - d. Additional amenities located in the apartment section shall be scaled as generally shown on the Master Plan and shall include, at a minimum, two (2) multi-purposed turf lawns, a playground, and varied seating options.
  - e. Portion of property located north of the existing power line easement, labeled as "Forest / Open Space" on the Master Plan, shall be preserved as passive, non-planned open space in order to provide viewshed protection.
7. Street trees shall be provided along the primary entrance road and the extension of Emmaus Road at the minimum rate of one (1) tree per seventy-five (75) linear feet of roadway frontage, and along residential and commercial side streets at the minimum rate of one (1) tree per one hundred (100) linear feet of roadway frontage.
  8. At least ten per cent (10%) of commercial development area located within the Property shall be common area, as defined in Sec. 17-700.02 of the Rockingham County Code of Ordinances at the time of this rezoning.
  9. Commercial lots with frontage on the primary entrance road and/or the extension of Emmaus Road shall allow for no more than one (1) parking bay to be located between the building and the public roadway. Primary structures on these lots measuring greater than one hundred fifty (150) feet in length, measured horizontally along frontage, shall have facades broken into smaller planes limited to fifty (50) feet in width via incorporation of landscaping, wall plan projections or recesses, arcades, display windows, entry areas, etc. Such structures shall also incorporate varied roof lines through the use of eaves, parapets, pop-outs, entrance features, height variations, etc.
  10. Bus stops, serving both school system(s) and public transportation services, shall be placed in strategic locations throughout the Property, if/as deemed acceptable by the governing transit authority at the time of site plan approval.
  11. Up to fifty (50) linear feet of Right-of-Way (R/W) along Pike Church Road (Route 701), measured from roadway centerline, shall be dedicated to VDOT within 180 days of request. Dedication shall be conditional upon affiliated roadway widening project being

placed upon the approved VDOT 6YP and/or Rockingham County Capital Improvement Program in advance of request.

12. An initial residential portion of development of the Property ("Phase I"), containing up to 236 residential units, may be accessed exclusively onto Pike Church Road without public roadway improvements. Phase I may only be modified to add additional units above 236 residential units if an amended TIA, approved by VDOT and Rockingham County Staff, adequately shows that such modified development is reasonably accommodated by existing roadway infrastructure, or is accompanied by mitigation measures or improvements deemed necessary under the amended TIA and provided at the sole cost to the Developer. Absent an amended TIA, roadway improvements associated with Proffered Conditions #12-#14 shall be provided by the Developer in advance of the issuance of building permits for any development of the Property beyond the 236 Phase I residential units, or at such later time as dictated by the terms of each specific Proffer.
13. Prior to the opening of the Emmaus Road extension and connection to Covenant Drive as shown on the Master Plan, Covenant Drive (Route 1130) shall be re-stripped to accommodate a westbound left-turn lane at its intersection with Emmaus Rd. The turn lane shall measure a minimum of 100 linear feet of storage plus 100 linear feet of taper, or as otherwise acceptable to VDOT and Rockingham County Staff at time of site plan approval for Emmaus Road extension construction.
14. A right-turn lane, conforming to VDOT minimum standards or as otherwise deemed acceptable by VDOT and Rockingham County Staff at time of site plan approval, shall be provided to serve the eastbound West Mosby Road approach to its intersection with Pike Church Road.
15. The Developer shall contribute \$700,000.00 towards improvements to the intersection of South Main Street and the I-81 Exit 243 Ramps, or to the Exit 243 Interchange, or any combination thereof ("Interchange Improvements"). The Developer contribution shall be made in the amount of \$3,000 at the time of the sale or issuance of a building permit for any residential lot within the Property until an aggregate amount of \$700,000 is contributed by Developer as provided in this Proffer. An equivalent Developer contribution based upon relative traffic counts shall be placed into escrow in the event any commercial lots are sold or building permits issued for commercial lots on the Property up to the \$700,000 aggregate Interchange Improvements contribution amount. The Developer contributions shall be placed and held in a non-interest bearing escrow account under joint control of the City and Developer until such time that City is able to utilize the funds for the stated Interchange Improvements purpose. If engineering or construction on the aforementioned Interchange Improvements has not commenced within twelve (12) years of deposit, the contribution shall be released and returned to the Developer in full. Treatment of escrow is further described in the associated "Exit 243 Interchange Cost Contribution and Escrow Agreement" dated September 30, 2020.
16. In order to accommodate aging in place, a minimum of twenty percent (20%) of all single-family attached / duplex units, to be designated and enumerated on associated site plans, shall incorporate the following accessibility design principles:
  - a. At least one (1) no-step path to a no-step entry to the main level of domicile (<1/2" thresholds shall not be considered "steps"). If ramps are to be used, a landing area in front of doorway shall meet minimum ADA requirements for maneuvering clearance.

- b. All doorways providing entry/egress and/or room-to-room access measuring at least 36”.
  - c. All hallways providing at least 42” of clear passage.
  - d. Clear floor space measuring at least 30” x 48” in front of all appliances, fixtures, and cabinetry.
  - e. At least one bedroom on main level.
  - f. At least one bathroom on main level with a walk-in shower or tub.
17. The applicant will place phasing restrictions on the Phase I and future single family attached and detached development of the Property at no more than sixty (60) townhome, duplex or single family residential structure building permits to be issued for construction on the property during any twelve (12) month period commencing on the date the first building permit(s) for such residential structures are issued for the project. Each consecutive twelve (12) month period starting with the date of the issuance of the first building permits for the project shall be called a “Phased Permitting Period.” This phasing restriction will be subject to the two following exceptions:
- a. In any two (2) of the consecutive Phased Permitting Periods during the phased build-out of the project, the applicant shall have the option to increase the number of issued permits by twenty (20) for a total of eighty (80) in two of the Phased Permitting Periods during project development.
  - b. In any of the Phased Permitting Periods where there are less than sixty (60) building permits issued for residential structures on the property, applicant or its successors may carry forward a maximum of twenty (20) unissued permits from the previous Phased Permitting Period to the next permitting period for a maximum of up to eighty (80) permits issued in the Phased Permitting Period for which the unissued permit allocations are carried forward.
  - c. Applicant shall not carry forward unused permit allocations in any Phased Permitting Period as provided in section “b” in which it elects to utilize its increased allocation under section “a” above.
  - d. The phasing and permit restrictions provided in this Proffer specifically exclude permits for any apartments developed on the Property, in that area of the Master Plan designated for apartments lying east of the future extension of Emmaus Road.

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Applicant/Owner Signature

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Printed Name

## EXIT 243 INTERCHANGE COST CONTRIBUTION AND ESCROW AGREEMENT

This Contribution and Escrow Agreement is entered into on this 30th day of September, 2020 by and between, BLUESTONE OF HARRISONBURG, LLC (“Owner/Developer”), the CITY OF HARRISONBURG, VIRGINIA (“City”), and ROCKINGHAM COUNTY, VIRGINIA (“County”). The Owner/Developer, City, and County agree to the following terms and conditions regarding Owner/Developer’s future financial contribution to the design and construction costs of a VDOT Smart Scale or similar project related to the upgrade and improvement to the Interstate 81 Exit 243 and intersection of the ingress and egress ramps thereto with U.S. Route 11 in the City of Harrisonburg (“Exit 243 Project”).

### RECITALS

1. Owner/Developer is the owner of and plans to develop Rockingham County Tax Map Parcels 123-(A)-L118, L118A, L118B totaling 107.35 acres, and City Tax Map Parcel 108 B 1, 108 B 2, and 108 B 6 containing 26 acres, more or less (collectively the “JVP Development”), which Tax Map Parcels have a primary planned entrance onto U.S. Route 11 (South Main Street) in the City lying just south of the Exit 243 Interchange.
  2. The Owner/Developer has filed a rezoning application with Rockingham County (REZ20-138) seeking to amend the currently approved R-5 Master Plan and amend the existing County Proffers for the 107.35 acres of the JVP Development lying within the County.
  3. Traffic studies and analysis provided by the Owner/Developer and accepted by the City and VDOT indicate that conditions currently warrant, and the future development of the JVP Development will increase the need for, the Exit 243 Project.
  4. Owner/Developer has reached an agreement with the City and County to contribute and escrow certain funds toward the Exit 243 Project, subject to the terms, conditions and limitations set forth herein, contingent upon the City being approved for a funding grant for the Exit 243 Project, or otherwise undertaking and securing funding for a local Exit 243 interchange upgrade project, and expending actual design or construction funds for the Exit 243 Project within a specified timeframe.
-

## AGREEMENT

It is therefore agreed between the parties as follows:

1. In the event that (a) the JVP Development is rezoned by Rockingham County pursuant to the updated Master Plan and Amended Proffers under County rezoning application REZ20-138, and (b) building permits are issued for residences located in the County portion of Phase I of the JVP Development as provided in Amended Proffer 11 (or any substituted proffer), then in order to fulfill its obligations as provided in Amended Proffer 14 (or any substituted proffer), the Owner/Developer agrees to pay into a cash escrow account established pursuant to the terms of this Agreement the amount of Three Thousand Dollars (\$3,000.00) per Phase I residential building permit issued, such payment to be made within two business days of the date the building permit is issued. Rockingham County shall notify the City on at least a monthly basis of residential building permits issued for Phase I of the JVP Development. For purposes of this Agreement, each single-family detached residence and each individual townhome unit will count as one residential unit, duplexes will count as two residential units (one per each side), and each individual apartment unit will count as one residential unit.
2. The City will actively pursue grant funding application for the Exit 243 Project and is permitted to utilize the funds committed under the terms of this Agreement in connection with that Smart Scale application.
3. The Owner/Developer's total financial contribution required under this Agreement shall be capped at Seven Hundred Thousand Dollars (\$700,000.00), and once funded to this aggregate limit all financial obligations of the Owner/Developer under this Agreement shall be deemed fully satisfied. Any and all funds placed into escrow pursuant to this Agreement are referred to herein as "Escrow Funds". The Escrow Funds shall be held in an escrow account established by the Owner/Developer and under two signature control for disbursement by the Owner/Developer and the City, with the Owner/Developer and City Manager (or his designee) being the initial parties to the Escrow Funds account.
4. In the event that a grant or similar funding is awarded, obtained or locally budgeted and expended for the Exit 243 Project, then the City shall be entitled to access the Escrow Funds for payment of design or construction costs directly related to the Exit 243 Project. In the event the City is authorized to access the Escrow Funds prior to Owner/Developer's full funding as provided in this Agreement, the City may access any partial Escrow Fund balances in the escrow account, with the Owner/Developer being provided credit for any Escrow Funds disbursed for payment of Exit 243 Project costs. In the event the City expends in excess of the \$700,000 Owner/Developer contribution limit for the Exit 243 Project prior to full funding of the Escrow Funds aggregate by the

Developer, the City shall be entitled to reimbursement of Exit 243 Project costs from the Escrow Funds from time-to-time as Escrow Funds are deposited by the Owner/Developer for issued building permits as provided herein.

5. In the event the City or VDOT does not begin the Exit 243 Project within 12 years from the latter of the date of the issuance of the first residential building permit for Phase I of the JVP Development or the date of the corresponding deposit of funds into the cash escrow account, all Escrow Funds shall be released and returned to the Owner/Developer and the Owner/Developer shall have no further obligations under this Agreement.
  6. It shall constitute an Event of Default under this Agreement should Owner/Developer fail to pay any required Escrow Funds contribution under this Agreement as and when the same is due and payable, or to authorize payment to the City of any existing Escrow Funds upon City's requests, and such failure shall continue uncured for 30 days after Owner/Developer receives from the City or County written notice of such failure. to make required Escrow Fund contributions.
  7. Upon occurrence of an Event of Default, after the conditions contained in section 11 below have been satisfied, the City or County may institute legal action against the Owner/Developer in a court of competent jurisdiction identified in section 10 below, to enforce the terms of this Agreement and seek collection of any funding obligation failures. Furthermore, upon occurrence of an Event of Default, The City and the County shall have the right to withhold the issuance of additional building permits for the JVP Development until such default is cured.
  8. This Agreement may be modified or amended, and the provisions of this Agreement may be waived, only by a writing executed by all parties.
  9. This Agreement is contingent upon rezoning and Master Plan and Proffer amendment approval of County rezoning application/file REZ20-138 by the Rockingham County Board of Supervisors, as currently proposed or with any changes requested or agreed to by the Owner/Developer. If REZ20-138 is not approved by the Rockingham County Board of Supervisors by December 31, 2020, this Agreement is void.
  10. If any provision of this Agreement is determined by a court having competent jurisdiction to be unenforceable to any extent, the provision determined to be unenforceable shall be deemed stricken and the remaining provisions of the Agreement shall remain valid and enforceable.
  11. This Agreement is to be governed by and construed in accordance with the laws of the Commonwealth of Virginia. Venue for any litigation arising out of our involving this Agreement shall lie solely in the Circuit Court of Rockingham County, Virginia.
  12. If there is a dispute of any kind between any parties arising under this Agreement, upon the written request of a party, then each party shall engage in the dispute resolution process as set forth below:
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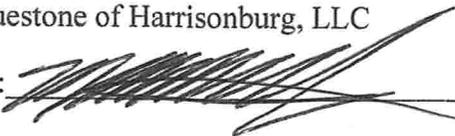
- (a) Designation of a Senior Representative; Negotiation. Each of the parties to whom the dispute pertains will designate one or more senior representative to negotiate with the other parties' senior representative in good faith and as necessary to attempt to resolve the dispute without any formal proceedings.
- (b) Corrective Action. If the negotiated resolution of the dispute requires any party to take, cause to be taken, or cease taking some action or practice, that party shall do so within a reasonable period of time, not to exceed 30 days.
- (c) Dispute Resolution Process a Prerequisite to Starting Court Proceedings. No party may initiate court proceedings by filing an action in a court of competent jurisdiction to resolve a dispute until the earlier of: (i) a good faith mutual conclusion by the senior representatives that amicable resolution through continued negotiation of the dispute does not appear likely; or (ii) 30 days after the initial request to negotiate the dispute. After either condition has occurred, a party may file an action in the jurisdiction and venue provided in this Agreement and may pursue any other remedy available at law or in equity. Each party shall pay its own attorney's fees.
- (d) When the Dispute Resolution Process is Not Required. Nothing in this Section 11 will, however, prevent or delay a Party from instituting court proceedings to: (i) avoid the expiration of any applicable limitations period; or (ii) seek declaratory and injunctive relief.

13. This Agreement shall be binding upon the Owner/Developer its successors and/or assigns and shall inure to the benefit of the City of Harrisonburg and Rockingham County. The City shall have the right to record this Agreement or a memorandum thereof and Owner/Developer agrees to sign the memorandum at the request of the City.

City of Harrisonburg, VA

By:   
Eric D. Campbell  
City Manager

Bluestone of Harrisonburg, LLC

By:   
Michael McGinnis, Manager





Attest

Attest

County of Rockingham, VA

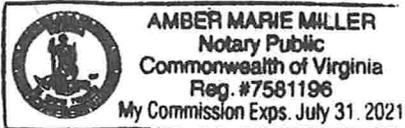
By: \_\_\_\_\_

County Administrator

Attest

STATE OF VIRGINIA,  
COMMONWEALTH AT LARGE,  
COUNTY/CITY OF Augusta, to-wit:

The foregoing instrument was acknowledged before me in the aforesaid jurisdiction  
this 30<sup>th</sup> day of September, 2020, by Michael McGinnis.  
My commission expires: 07/31/2021  
Notary Registration No.: 7581194



Amber Marie Miller  
Notary Public

STATE OF VIRGINIA,  
COMMONWEALTH AT LARGE,  
COUNTY/CITY OF Harrisonburg, to-wit:

The foregoing instrument was acknowledged before me in the aforesaid jurisdiction  
this 30 day of September, 2020, by Eric D. Campbell.  
My commission expires:  
Notary Registration No.: 336202



Pamela Ulmer  
Notary Public

STATE OF VIRGINIA,  
COMMONWEALTH AT LARGE,  
COUNTY/CITY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me in the aforesaid jurisdiction  
this \_\_\_ day of \_\_\_\_\_, 2020, by Stephen King.

My commission expires:

Notary Registration No.: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

## STREET IMPROVEMENT AGREEMENT

This Street Improvement Agreement (“Agreement”) is entered into on this 30th day of September, 2020 by and between BLUESTONE OF HARRISONBURG, LLC (“Owner/Developer”) and the CITY OF HARRISONBURG, VIRGINIA, (“City”) to memorialize the rights and obligations of the parties related to certain street and other transportation facilities improvements necessitated by the Owner/Developer’s planned development of Rockingham County tax map parcels 123-(A)-L118, L118A, L118B totaling 107.35 acres, and City tax map parcel 108 B 1 containing 13.32 acres, owned by the Owner/Developer (collectively the “JVP Development”).

### RECITALS

1. The Owner/Developer has filed a rezoning application with Rockingham County (REZ20-138) seeking to amend the currently approved R-5 Master Plan and amend the existing County Proffers for the 107.35 acres of the JVP Development lying within the County.
2. A traffic impact analysis (“TIA”) provided by the Owner/Developer and accepted by the City in June 2020 indicates future traffic conditions directly related to the JVP Development warrant improvement of certain streets, widening of certain rights of way, and the establishment of certain other transportation facilities, all within the City.
3. The street and related transportation improvements necessitated by the JVP Development fall into two categories: Upgrade and improvements to the Interstate 81 Exit 243 (“the Exit 243 Improvements”) and constructed improvements or design criteria to South Main Street in the City near and including its intersection with Reedy Circle (“the South Main/Reedy Improvements”).
4. The Owner/Developer has submitted certain amended Proffers in County REZ20-138 which would reallocate certain funds in order to provide for the South Main/Reedy Improvements as described below and has negotiated with the City an Exit 243 Interchange Cost Contribution and Escrow Agreement relating to the Exit 243 Improvements.
5. The Owner/Developer contemplates a future rezoning application to rezone a portion of the JVP Development in the City from commercial to multi-family residential, which will contribute to the need for and will benefit from the street and related improvements described in this Agreement.

### AGREEMENT

It is agreed between the parties as follows:

1. The Owner/Developer and City agree to the Exit 243 Interchange Cost Contribution and Escrow Agreement of even date herewith (the “Exit 243 Agreement”), a copy of which is attached hereto as Attachment A, and which the parties agree to sign contemporaneously with this Agreement.
-

2. Owner/Developer agrees that at such time that the JVP Development exceeds the limits of Phase I (as defined in County REZ20-138) , and in any event before any residential units of the JVP Development access South Main Street directly, Owner/Developer shall be subject to certain design and construction criteria, including where required, constructing designated improvements at its own expense, to the South Main/ Reedy Circle corridor:
    - a) All parcels with S Main St (US Route 11) frontage located north of the Reedy Circle intersection shall be improved with a continuous right turn lane, which shall tie into the existing right turn lane serving TM Parcel 108-B-4. Right turn lane may be constructed in sections, concurrently with development of individual lots.
    - b) No S Main St entrance shall be located closer than 200 linear feet to Reedy Cir, measured centerline to centerline.
    - c) S Main St entrances generating more than 1,000 vehicle trips per day (vpd) shall not be located closer than 300 linear feet to Reedy Cir, measured centerline to centerline.
    - d) S Main St entrances north of Reedy Cir shall restrict left-turn movements.
    - e) S Main St entrances south of Reedy Cir shall restrict left-turn movements if located within 460 linear feet of Reedy Cir, measured centerline to centerline.
    - f) Additional right-of-way along entire frontage of S Main St shall be preserved to accommodate future widening of S Main St to a four-lane-divided section. Such additional right-of-way shall be limited in depth to 14.5 feet north of Reedy Circle (inclusive of right-turn lane described in Item 2a. above), and 4.5 feet south of Reedy Circle.
    - g) Prior to opening the primary entrance on S Main St to traffic, Developer shall enter into a Signal Agreement with the City of Harrisonburg, with signal to be installed at time of warrant. Signal warrant analysis shall be prepared in accordance with the Manual of Uniform Traffic Control Devices by a licensed engineer within 90 days of request by City Director of Public Works. Signal warrant analysis requests shall only be prompted by reasonable justification, such as witnessable increases in traffic, frequent traffic-related incidents in direct proximity of the intersection, etc. The City of Harrisonburg may request multiple signal warrant analyses until either a traffic signal is warranted, or the development was completed and fully occupied, but shall not request more than one such analysis within a twelve-month period. Signal design and construction shall include accommodations for future eastbound dual left-turn configuration. Cost of signal design and construction shall be the sole responsibility of the Developer.
    - h) At time of signal construction, westbound Reedy Circle shall be striped to accommodate a dedicated left-turn lane and a shared right-through lane. Striping shall extend a minimum of 100' beyond existing stop bar.
    - i) Design and construction of the primary entrance roadway and right-of-way shall include a median measuring at least 16 linear feet in width, for the purpose of accommodating the future construction of an additional left-turn lane.
-

3. Owner/Developer agrees that if it files an application with the City to rezone any portion of the JVP Development located in the City to residential within the next three (3) years ("Agreement Period"), that the Owner/Developer will submit a set of proffers in substantial conformity with Section 2.above. For purposes of understanding and clarity, the Owner/Developer has attached as Exhibit A an illustrative schematic of a cross section of traffic infrastructure improvements along the South Main frontage of the JVP Development lying in the City and the future anticipated main access street into the JVP Development from South Main.
4. This Agreement may be modified or amended, and the provisions of this Agreement may be waived, only by a writing executed by both parties.
5. This Agreement is contingent upon rezoning and Master Plan and Proffer amendment approval of County rezoning application/file REZ20-138 by the Rockingham County Board of Supervisors. If REZ20-138 is not approved by the County Board of Supervisors by December 31, 2020, this Agreement is void.
6. This Agreement shall be binding upon the Owner/Developer its successors and/or assigns and shall inure to the benefit of the City of Harrisonburg.

City of Harrisonburg, VA

By: 

City Manager

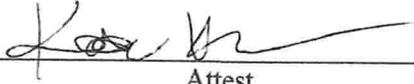
Bluestone of Harrisonburg, LLC

By: 

Michael McGinnis, Manager

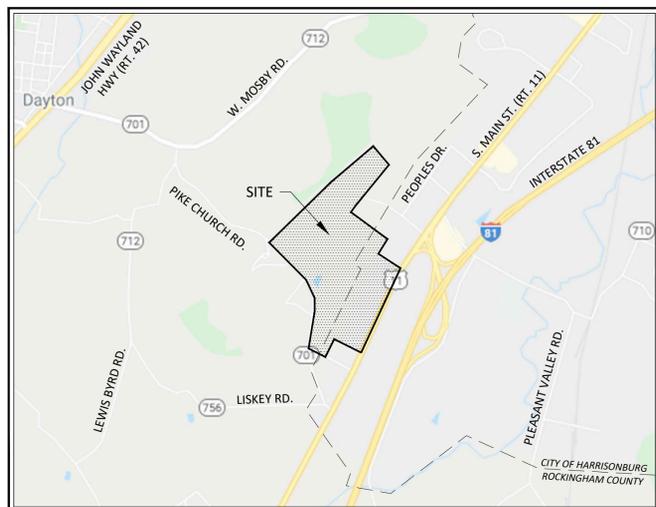


Attest



Attest

VICINITY MAP



VICINITY MAP  
SCALE: 1" = 2,000'

**LEGEND:**

- SLOPES 25-33%
- SLOPES <33%



**SITE INFORMATION:**

TAX MAP #	123-A-1118, 123-A-118A, 123-A-118B
DEEDBOOK/PAGE	3924/162
ACREAGE (COUNTY)	132.987 AC
PROPOSED ZONING	R-5 (PLANNED NEIGHBORHOOD DISTRICT)
REZONING ACREAGE	132.987 AC
2020 COMP. PLAN	COMMUNITY RESIDENTIAL
911 ADDRESS	3489 S. MAIN ST. HARRISONBURG, VA 22801
<b>OWNER:</b>	
LANDOWNER	BLUESTONE OF HARRISONBURG, LLC
ADDRESS	PO BOX 300 LYNDHURST, VA 22952

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O-5	PATRICIA GECHER	R3	21	124D-2-L 1B
O-6	JANET & MIKAYLA COREY	R3	21	142D-2-L 2A
O-7	JOAN CARTER	R3	21	124D-2-L 2B
O-8	RUTH ANN DINGES	R3	21	124D-2-L 3A
O-9	LORI PETTIT	R3	21	124D-2-L 3B
O-10	RACHEL MARLEY	R3	21	124D-2-L 4A
O-11	RONALD SIMMONS	R3	21	124D-2-L 4B
O-12	LAURA AND STEVEN HARRIS	R3	21	124D-2-L 5A
O-13	IDALMA ALVAREZ	R3	21	124D-2-L 5B
O-14	ASHLEY SONIFRANK	R3	21	124D-2-L 6A
O-15	ERIC LAYMAN	R3	21	124D-2-L 6B
O-16	FORREST HARLOW	R3	21	124D-2-L 7A
O-17	DALE GRAY	R3	21	124D-2-L 7B
O-18	LINDA BYERS	R3	21	124D-2-L 8A
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O-27	JAVIER ELIAS	R3	21	124D-8-L 349
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O-29	CESARINA JIMENEZ	R3	21	124D-8-L 347
O-30	RANDY & LEIDY PARRA	R3	21	124D-8-L 346
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O-32	MARTA GONZALEZ	R3	21	124D-8-L 344
O-33	ABRIL & OLGA BALTAZAR	R3	21	124D-8-L 343
O-34	MARILYN & YOSMAR MASTRAPPA	R3	21	124D-8-L 342
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O-49	HOPE COMMUNITY BUILDERS	R3	21	124D-9-L 327
O-50	HOPE COMMUNITY BUILDERS	R3	21	124D-9-L 326
O-51	HOPE COMMUNITY BUILDERS	R3	21	124D-9-L 325
O-52	HOPE COMMUNITY BUILDERS	R3	21	124D-9-L 324

**MASTER PLAN**  
**JVP DEVELOPMENT**  
 3489 S. MAIN STREET  
 ROCKINGHAM COUNTY, VA 22801

Revisions:

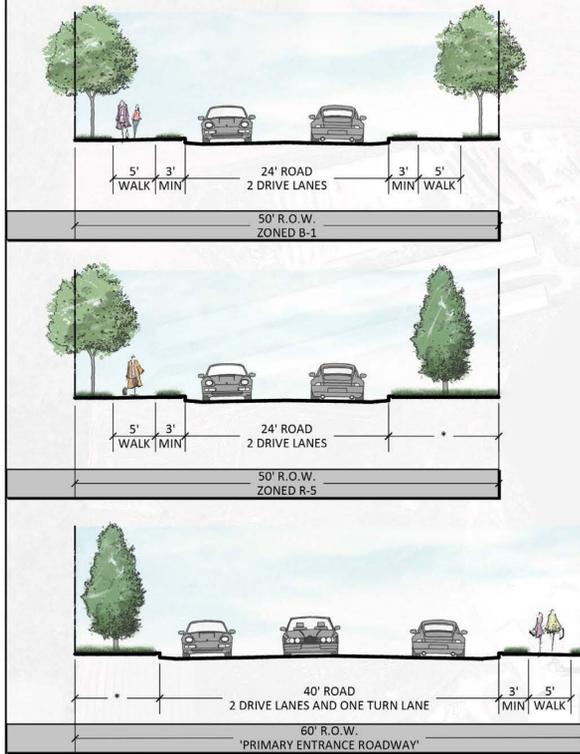
No.	Description	Date

PRELIMINARY ISSUE  
NOT FOR CONSTRUCTION

**EXISTING CONDITIONS**

Project number:	18030C
Date:	October 2, 2020
Drawn by:	CK
Checked by:	JE

**TYPICAL STREET CROSS SECTIONS**



\*SHARED-USE PATH PROPOSED ALONG THIS SECTION OF ROADWAY. PATH MAY OR MAY NOT ENCR OACH WITHIN RIGHT-OF-WAY LIMITS.



**SITE DATA**

**COMMERCIAL ACREAGE: 22.65 AC**  
**RESIDENTIAL ACREAGE: 110.337 AC**

**RESIDENTIAL BREAKDOWN:**  
 -APARTMENTS: 288 UNITS\*  
 -ATTACHED, TOWNHOMES: 321 UNITS\*  
 -ATTACHED, DUPLEXES: 102 UNITS\*  
 -DETACHED, SINGLE-FAMILY: 17 LOTS\*

**RESIDENTIAL TOTAL\*:**  
 -PROPOSED DENSITY: 6.60 UNITS/AC  
 -COMMON AREA: 26.60 AC, MINIMUM

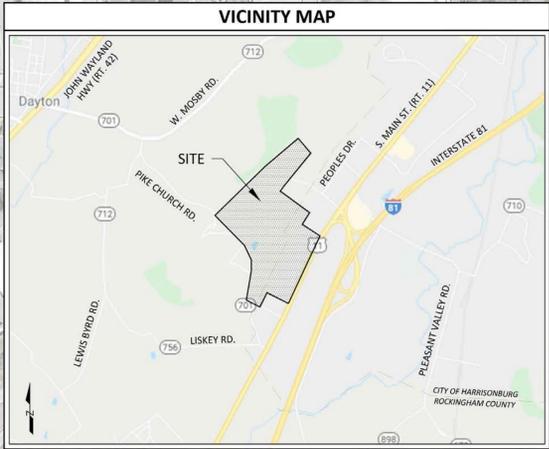
\*NOTE: ONE UNIT TYPE MAY BE SUBSTITUTED FOR ANOTHER WITHIN THE PLAN OF DEVELOPMENT, AS DEPICTED ON THE MASTER PLAN, SO LONG AS THE TOTAL MAXIMUM DENSITY SPECIFIED IS NOT EXCEEDED.

**SITE INFORMATION:**

TAX MAP #	123-A-1118, 123-A-118A, 123-A-118B
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PROPOSED ZONING	R-5 (PLANNED NEIGHBORHOOD DISTRICT)
REZONING ACREAGE	132.987 AC
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911 ADDRESS	3489 S. MAIN ST. HARRISBURG, VA 22801
<b>OWNER:</b>	
LANDOWNER	BLUESTONE OF HARRISBURG, LLC
ADDRESS	PO BOX 300 LYNDHURST, VA 22952

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O-52	HOPE COMMUNITY BUILDERS	R3	21	124D-8-L-324



**MASTER PLAN**  
**JVP DEVELOPMENT**  
 3489 S. MAIN STREET  
 ROCKINGHAM COUNTY, VA 22801

ORDINANCE  
 AMENDING  
 SECTION 17-201 AND SECTION 17-706  
 OF THE CODE OF ORDINANCES  
 OF  
 ROCKINGHAM COUNTY, VIRGINIA

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

That Section 170-201. Definitions generally and Section 17-706. Outdoor lighting be and hereby are amended:

Section 17-201. Definitions generally.  
 (in alphabetical order)

*Photometric Plan.* A point by point plan depicting the intensity and location of lighting on the property.

All other definitions are reaffirmed.

Sec. 17-706. - Outdoor lighting.

- (a) All outdoor lighting, including the placement, orientation, distribution patterns and fixture types of outdoor lights, shall be installed to protect the ~~district and the~~ adjacent properties from light trespass and light pollution to the fullest extent possible. This includes pole-mounted lights and wall-mounted lights (wall packs). Copies of the manufacturer cut sheet of each type of light used shall be provided at either the site plan or building plan review phase. A photometric plan shall be included with the site plan unless waived by the zoning administrator. A photometric plan shall include the following:
1. A site plan, drawn to scale, showing property boundaries, buildings, structures, landscaping, parking areas and proposed exterior lighting fixtures;
  2. Location of all post, canopy, supports and light fixtures, including the mounting height of each fixture;
  3. Specifications of the illuminating devices, lamps, supports, and other devices, including designation of lighting fixtures as "full cut-off" by Illuminating Engineering Society of North America (IESNA), or Dark Skies-compliant. This may include but is not limited to manufacturers catalog cuts, and drawings including sections where required;

4. Plan shall show locations of all pole mounted, canopy mounted, and building mounted fixtures and a numerical twenty-five foot (25') by twenty-five foot (25') (maximum) grid of lighting levels, in footcandles, that the fixtures will produce on the ground (photometric report). The photometric report will indicate the footcandle levels within the lighted area of the site. The plan shall include lighting levels at all property boundaries, public streets, etc. where measurable lighting extends.

(b) All lighting fixtures shall be approved by the International Dark-Sky-Association (IDA)

(bc) Lighting facilities, except for those required under paragraph (e), shall be so arranged that light is directed away from adjacent properties. Lights are to be a sharp cut-off design in a fixed position, which orients the light down and provides only 0.5 footcandle maximum at the property line. All lighting fixtures shall be approved by the International Dark-Sky-Association (IDA). Certain incidental lighting fixtures may be exempted from some or all of these requirements at the discretion of the zoning administrator.

(ed) No lighting shall be allowed to produce illumination or glare on streets detrimental to the safety and convenience of the public.

(de) Lighting shall be provided for streets ~~within all areas of the district~~ where new sidewalks and other new pedestrian areas are provided. Additional lighting for public safety may be required by the zoning administrator.

(kf) Street lighting with adjacent pedestrian traffic shall provide ~~a~~ minimum average maintained illuminance ~~level of one (1) footcandle (10 lux) measured at thirty (30) inches above grade level,~~ and ~~with an~~ average to minimum uniformity ratio ~~not exceeding 4:1~~ as shown in Table 17-706.

Table 17-706

<u>Street Classification</u>	<u>Minimum Maintained Average Illuminance (fc)</u>	<u>Average to Minimum Uniformity Ratio</u>
<u>Major (Arterial)</u>	<u>0.9</u>	<u>3.0</u>
<u>Collector</u>	<u>0.6</u>	<u>3.5</u>
<u>Local</u>	<u>0.5</u>	<u>6.0</u>

(lg) At crosswalks, parking lots, and other areas where pedestrians are likely to enter vehicular traffic areas, higher lighting intensity levels shall be provided.

(eh) Lighting shall use shielded fixtures, (such as house-side shields), and structural or vegetative screening that is effective year round.

(fi) All outdoor lighting fixtures, including that those for recreational facilities, shall be a full cutoff design, recessed or shielded so that all light emitted is projected below a horizontal plane ~~running from the bottom of the light fixture to the property line.~~

(gi) All outdoor lighting, including display lighting, shall be turned off after the close of business hours, except that needed for safety and security, in which case lighting shall be reduced to the minimum level necessary.

(hk) Canopy lighting shall be recessed and/or shielded so that all light emitted is projected directly beneath the canopy and not beyond it. All parts of the light fixtures must be recessed into the horizontal ceiling of the canopy, and the vertical edges of the canopy shall be lower than the horizontal ceiling in which the lighting is affixed.

(il) Lighting posts and fixtures shall be placed such that landscaping, vegetation, and signage are shall not likely to interfere with the effectiveness of the lighting.

- (m) All lighting shall be maintained and replaced or supplemented as necessary to continue to comply with this article. All structural features installed to satisfy the requirements of this article shall be maintained, repaired, replaced, painted, or otherwise enhanced as necessary to continue to perform the function for which they are intended.

This ordinance shall be effective from the \_\_\_ day of \_\_\_\_\_, 2020.

Adopted the \_\_\_ day of \_\_\_\_\_, 2020.

Aye                      Nay                      Abstain                      Absent

Supervisor Trumbo  
District 1  
Supervisor Wolfe-Garrison  
District 2  
Supervisor Chandler  
District 3  
Supervisor Kyger  
District 4  
Supervisor Breeden  
District 5

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

ATTESTE:

\_\_\_\_\_  
Clerk

**STAFF RECOMMENDATION:**                      Approval                      August 28, 2020

This is a staff generated amendment. This is an attempt to clarify the existing lighting requirements. In making these changes, staff worked with an engineer who is well versed and qualified in working with lighting to get his expertise, and he has reviewed the draft before you tonight. Staff recommends approval.

ORDINANCE AMENDING  
TABLE 17-606 AND 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 Table 17-606. Land Use and Zoning Table and Section 17-607. Supplemental  
Standards for Certain Land uses be and hereby is amended as follows:

Table 17-606. Land Use and Zoning Table

Under Agricultural Uses:

Add:

Bulk storage of liquid petroleum gas in the A-1 and A-2 zoning districts by special use  
permit with supplemental standards (SU\*).

Section 17-607. Supplemental Standards for Certain Land uses.

**Bulk storage of liquid petroleum gas**

In the A-1 and A-2 zoning districts

A. Up to a 30,000 gallon tank for the storage and distribution of liquid petroleum gas  
shall be permitted, and

B. Large tractor trailer delivery to the site shall be limited to four trucks per week.

This ordinance shall be effective from the \_\_\_ day of \_\_\_\_\_, 2020.

Adopted the \_\_\_ day of \_\_\_\_\_, 2020.

Aye                      Nay                      Abstain                      Absent

- Supervisor Trumbo  
District 1
- Supervisor Wolfe-Garrison  
District 2
- Supervisor Chandler  
District 3
- Supervisor Kyger  
District 4
- Supervisor Breeden  
District 5

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

ATTESTE:

\_\_\_\_\_  
Clerk

**STAFF RECOMMENDATION:**                      Approval                      August 28, 2020

This is a staff generated ordinance amendment. This ordinance was previously adopted by the Board in 2017. At that time, staff was working on amendments to supplemental standards which were adopted in 2018. In doing so, staff inadvertently omitted moving the bulk storage supplemental standards forward. It was already in the table as a special use permit but the asterisk was not after it. Rockingham Petroleum is in the process of making application for special use permits for this use; and in working on their applications, our mistake was discovered. Therefore the request before you tonight is to request that the bulk storage of propane supplemental standards be put back into the zoning ordinance and that the table be amended to include the asterisk. Staff recommends approval.

ORDINANCE AMENDING  
SECTION 16-9  
OF THE CODE OF ORDINANCES  
OF  
ROCKINGHAM COUNTY, VIRGINIA

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

That Section 16-9 Exceptions to Subdivision be and hereby is amended as follows:

Section 16-9 Exceptions to Subdivision.

(b) *Non-family divisions:*

(1) *Prime agricultural (A-1) district.*

(g) No division of land shall be approved which would allow the new parcel to be served by pit privies. Additionally, if the parent tract is served by a pit privy, no divisions of land with a full-time residence shall be approved from that parent tract until such time as an approved septic drainfield permit with one hundred (100) percent reserve area has been obtained and said drainfield installed to serve the parent tract and the agent has been provided with an operation permit issued by the health department for the newly installed system.

(2) *General agricultural (A-2) district.*

(e) No division of land shall be approved which would allow the new parcel to be served by pit privies. Additionally, if the parent tract is served by a pit privy, no divisions of land with a full-time residence shall be approved from that parent tract until such time as an approved septic drainfield permit with one hundred (100) percent reserve area has been obtained and said drainfield installed to serve the parent tract and the agent has been provided with an operation permit issued by the health department for the newly installed system.

(3) *Rural village (RV) district.*

- (e) No division of land shall be approved which would allow the new parcel to be served by pit privies. Additionally, if the parent tract is served by a pit privy, no divisions of land with a full-time residence shall be approved from that parent tract until such time as an approved septic drainfield permit with one hundred (100) percent reserve area has been obtained and said drainfield installed to serve the parent tract and the agent has been provided with an operation permit issued by the health department for the newly installed system.

(c) *Family divisions.*

- (9) No division of land shall be approved which would allow the new parcel to be served by pit privies. Additionally, if the parent tract is served by a pit privy, no divisions of land with a full-time residence shall be approved from that parent tract until such time as an approved septic drainfield permit with one hundred (100) percent reserve area has been obtained and said drainfield installed to serve the parent tract and the agent has been provided with an operation permit issued by the health department for the newly installed system.

All other portions of Section 16-9 are re-affirmed.

This ordinance shall be effective from the \_\_\_ day of \_\_\_\_\_, 2020.

Adopted the \_\_\_ day of \_\_\_\_\_, 2020.

Aye                      Nay                      Abstain                      Absent

Supervisor Trumbo  
District 1  
Supervisor Wolfe-Garrison  
District 2  
Supervisor Chandler  
District 3  
Supervisor Kyger  
District 4  
Supervisor Breeden  
District 5

---

Chairman of the Board of Supervisors

ATTESTE:

---

Clerk

**STAFF RECOMMENDATION:**

Approval

September 21, 2020

This is a staff-generated amendment. There are some large tracts in the County that are improved by a recreational cabin. Often those cabins are on pit-privies and have not running water. Under the current Subdivision Ordinance, a division of land cannot be made from those parcels unless a septic is put on the parent tract to serve the cabin. Since the cabin has no running water, the septic will never be used. Staff recommends approval.

**ORDINANCE AMENDING  
TABLE 17-806.01 AND  
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 Table 806.01 Area, Setback, and Height Standards - Conventional be and hereby is amended as follows:

Table 17-806.01 Area, Setback, and Height Standards - Conventional.

**See Attached Table**

Add dwelling, accessory in the RR-1, R-1, R-2, R-3, and P-PG district.

Remove from A-1 and A-2 that the accessory dwelling can be no closer to the front property line than the primary dwelling

Amend the minimum side setback from 15' to 10' in the A-1, A-2, and RV zoning districts. Amend side and rear minimum setbacks from 5' to 10' in the RV District and add rear and minimum setbacks in the RR1, R-1, R-2 and R-3 and P-PG zoning districts shall be 10'.

All other portions of Table 17-806.01 are re-affirmed.

Section 17-607. Supplemental Standards For Certain land uses.

**Dwelling, accessory.**

- A. Any enclosed area used for the accessory dwelling shall not exceed fifteen hundred (1500) square feet.
- B. Only one accessory dwelling shall be permitted per parcel.

~~C. In addition to A and B above, in the R-1, R-2, PSF, MXU, R-4, and R-5 zoning districts, all accessory dwellings shall have direct vehicular access to a public or private street.~~

All other supplemental standards are re-affirmed.

This ordinance shall be effective from the \_\_\_ day of \_\_\_\_\_, 2020.

Adopted the \_\_\_ day of \_\_\_\_\_, 2020.

Aye                      Nay                      Abstain                      Absent

Supervisor Trumbo  
District 1  
Supervisor Wolfe-Garrison  
District 2  
Supervisor Chandler  
District 3  
Supervisor Kyger  
District 4  
Supervisor Breeden  
District 5

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

ATTESTE:

\_\_\_\_\_  
Clerk

**STAFF RECOMMENDATION:**                      **APPROVAL**                      **September 18, 2020**

This is a staff-generated ordinance amendment.  
In working with the ordinance, it was found that while accessory dwellings were listed in the use table under all zoning districts that permit single-family dwellings, it was omitted from the Area, Setback and Heights Table – Conventional in many of the districts. Therefore, this request is to add it into those zoning districts.  
In working with this matter, there was discussion as to whether the setbacks for accessory dwellings should be reduced to allow them to be placed on some of the smaller lots where it may not be possible for them to be added if they had to meet main dwelling setbacks. In doing so, we recommend changing the side and rear setbacks to 10' in all conventional districts.  
Additionally, there was discussion as to whether it mattered in the agricultural districts if the accessory dwelling is closer to the front setback than the primary dwelling. A factor

considered in this discussion is that often in agricultural, the dwelling may be on a large parcel of land, and the primary dwelling may set far back on the property. Should it matter in those cases if the accessory dwelling sets in front of the primary dwelling? Staff recommends approval.

Table 17-806.01. Area, Setback, and Height Standards - Conventional

Structures or Uses by Zoning Districts	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height
<b>Conventional Districts</b>						
<b>A-1, Prime Agricultural</b>						
Primary structures	1 acre	100 feet	See footnote.*	15 feet	25 feet	45 feet
Accessory dwellings	--	--	<del>No closer than primary structure.</del>	15 <del>10</del> feet	25 <del>10</del> feet	Height shall not exceed height of primary structure
Accessory structures, which are 580 sq ft or less of floor area	--	--	See footnote.*	5 feet	5 feet	45 feet
Accessory structures, which are more than 580 sq ft of floor area	--	--	See footnote.*	15 feet	25 feet	45 feet

Table 17-806.01. Area, Setback, and Height Standards - Conventional

Structures or Uses by Zoning Districts	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height
<b>A-2, General Agricultural</b>						
Primary structures	1 acre	100 feet	See footnote.*	15 feet	25 feet	45 feet
Accessory dwellings	--	--	No closer than primary structures	15 10 feet	25 10 feet	Height shall not exceed height of primary structure
Accessory structures, which are 580 sq ft or less of floor area	--	--	See footnote.*	5 feet	5 feet	45 feet
Accessory structures, which are more than 580 sq ft of floor area	--	--	See footnote.*	15 feet	25 feet	45 feet
<b>RV, Rural Village</b>						
Primary structures	20,000 sq. ft.	100 feet	See footnote.*	15 feet	25 feet	45 feet
Accessory dwellings	--	--	No closer than primary structures	5 10 feet	5 10 feet	Height shall not exceed height of primary structure
Accessory structures, which are 580 sq ft or less of floor area	--	--	No closer than primary structures	15 feet	25 feet	45 feet
Accessory structures, which are more than 580 sq ft of floor area	--	--	No closer than primary structures	15 feet	25 feet	45 feet

Table 17-806.01. Area, Setback, and Height Standards - Conventional

Structures or Uses by Zoning Districts	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height
<b>RR-1, Residential or Recreational</b>						
Single-family detached dwellings Manufactured homes	5 acres	100 feet	See footnote.*	15 feet	25 feet	35 feet
<u>Accessory dwellings</u>	--	--	<u>No closer than primary structures</u>	<u>10 feet</u>	<u>10 feet</u>	<u>Height shall not exceed height of primary structure</u>
Accessory structures, which are 580 sq ft or less of floor area	---	---	See footnote.*	5 feet	5 feet	35 feet
Accessory structures, which are more than 580 sq ft of floor area	---	---	See footnote.*	15 feet	25 feet	35 feet
<b>R-1, Low Density Residential</b>						
Single-family detached dwellings	15,000 sq. ft.	100 feet	See footnote.**	10 feet	25 feet	35 feet
<u>Accessory dwellings</u>	--	--	<u>No closer than primary structures</u>	<u>10 feet</u>	<u>10 feet</u>	<u>Height shall not exceed height of primary structure</u>
Accessory structures	---	---	No closer than primary structure.	5 feet	5 feet	No higher than primary structure

Table 17-806.01. Area, Setback, and Height Standards - Conventional

Structures or Uses by Zoning Districts	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height
R-2, Medium Density Residential						
Single-family detached dwellings	12,000 sq. ft.	90 feet	See footnote.**	10 feet	25 feet	35 feet
<u>Accessory dwellings</u>	--	--	<u>No closer than primary structures</u>	<u>10 feet</u>	<u>10 feet</u>	<u>Height shall not exceed height of primary structure</u>
Duplex dwellings	6,000 sq. ft. per unit	45 feet	See footnote.**	10 feet on side not adjoining other duplex dwelling	25 feet	35 feet
Accessory structures	---	---	No closer than primary structure	5 feet	5 feet	No higher than primary structure

Table 17-806.01. Area, Setback, and Height Standards - Conventional

Structures or Uses by Zoning Districts	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height
R-3, General Residential						
Single-family detached dwellings	10,000 sq. ft.	80 feet	See footnote.**	10 feet	25 feet	35 feet
<u>Accessory dwellings</u>	--	--	<u>No closer than primary structures</u>	<u>10 feet</u>	<u>10 feet</u>	<u>Height shall not exceed height of primary structure</u>
Duplex dwellings	5,000 sq. ft. per unit	40 square feet	See footnote.**	10 feet	25 feet	35 feet
Rowhouses	1,800 sq. ft. per unit; 8 lots per acre maximum	10 feet; end lot 30 feet	See footnote.**	10 feet for end lots	20 feet	45 feet
Apartment structures	14,000 sq. ft. for 3 units; add 1,000 sq.ft. for each additional unit over 3 units; 18 units per acre maximum	80 feet	See footnote.**	10 feet on side not adjoining other apartment building	25 feet	45 feet
Accessory structures	---	---	No closer than primary structure	5 feet	5 feet	No higher than primary structure
Accessory structures	---	---	No closer than primary structure	5 feet	15 feet	No higher than primary structure

Table 17-806.01. Area, Setback, and Height Standards - Conventional

Planned District						
R-PG, Planned Growth						
Single-family detached	40,000 sq. ft.	100 feet	See footnote. <sup>◊</sup>	15 feet	35 feet	45 feet
<u>Accessory dwellings</u>	--	--	<u>No closer than primary structures</u>	<u>10 feet</u>	<u>10 feet</u>	<u>Height shall not exceed height of primary structure</u>
Accessory structures	---	---	No closer than primary structure	5 feet	15 feet	No higher than primary structure

\* Minimum Front Setback Requirements consist of two (2) distances:

Thirty-five (35) feet is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater, or Sixty (60) feet is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet.

\*\*In R-1, R-2, and R-3, minimum front setback requirements consist of two (2) distances:

Twenty-five (25) feet is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater; or Fifty (50) feet is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet.

◊In B-1 and B-2 for private roads, there shall be no front setback requirements except that no structures shall be located within sidewalk easements or any other easement

September 23, 2020

## STAFF REPORT: COMMUNITY DEVELOPMENT DEPARTMENT

### BOARD ACTION REQUESTED

None.

### PROJECTS AND REPORTS

#### **US 33 ARTERIAL MANAGEMENT PLAN** (Rhonda Cooper)

VDOT District Office has set a kickoff meeting for September 18. VDOT's on-call consultants, Kimley-Horn, will work with Brad Reed, the Staunton's Assistant District Planner, to draft a scope and schedule and to arrange communication with County officials and other stakeholders regarding next steps and scoping questions.

Staff preliminarily recommended the Plan encompass US 33 East from the City/County Line to Elkton Plaza at the west side of the Town of Elkton. With Board involvement, the focus areas will be determined early in the process. The study is expected to commence in fall 2020 and conclude in late 2021 in advance of the 2022 round of Smart Scale applications.

The Plan will identify ways to ensure safety and preserve the capacity of US 33 without wide-scale roadway widenings and traffic lights, and will help guide the County and the development community in their decision-making processes, ultimately leading to safer access while minimizing congestion; to planning and designing the appropriate level of access for future development in the corridor; and to improving the County's position when applying for Smart Scale, Revenue Sharing, and other transportation project grant funds. This Plan will be prepared at no cost to the County.

#### **LAKE SHENANDOAH STORMWATER CONTROL AUTHORITY** (Adam Hancock)

At the June 24<sup>th</sup> meeting, the Lake Shenandoah Stormwater Control Authority Board voted to set a rate of \$0.04 for 2020 billing cycle, and of \$0.08 for 2021-2030.

#### **ROCKINGHAM BICYCLE ADVISORY COMMITTEE (RBAC)** (Bradford Dyjak)

The RBAC will meet September 24 with a VDOT Residency staff member. The RBAC met July 23 to review the County Bicycle and Pedestrian Plan, discuss coordination with VDOT on future projects, and to receive various trail and greenway project updates.

## PROJECTS AND REPORTS, continued

### BUILDING SERVICES DIVISION & FRONT COUNTER OPERATIONS (Joe Shifflett)

The attached Development Activity Report breaks down separate totals of permit types and fees collected through August 31, 2020. Total number of permits processed August 1 through August 31, 2020, was 154; YTD total 1,501.

The table below tracks weekly residential and commercial building permit and revenue activity to give insight as to how the building division is affected through this timeframe.

Weekly Permit Type, Count, & Revenue										
March-June 2020										
	3/9-13	3/16-20	3/23-27	3/30-4/3	4/6-15 8 days	4/16-30 11 days	5/1-15 11 days	5/18-29 10 days	6/1-16 12 days	6/17-30 10 days
<b>Residential Permits</b>	(37) \$12,505	(32) \$6,420	(34) \$6,914	(11) \$12,811	(35) \$7,558	(41) \$18,3940	(51) \$29,417	(38) \$15,503	(114) \$40,449**	(80) \$25,183
<b>Commercial Permits</b>	(4) \$4,065	(1) \$95	(5) \$2,356	(19) \$4,665	(15) \$46,230	(9) \$15,502	(8) \$2,829	(8) \$6,345*	(23) \$5,908	(10) \$1,916
July-December 2020										
	7/1-7/31	8/1-8/31	9/1-9/30	10/1-10/31	11/1-11/30	12/1-31				
<b>Residential Permits</b>	(192) \$24,686 ***	(129) \$44,162								
<b>Commercial Permits</b>	(9) \$13,475	(16) \$27,671								

Yellow highlight indicates timeframe of County Administration Center closure to public.

\*Interchange Permit

\*\*6/01-16: South Peak Subdivision

\*\*\*7/1-31: Sunset Spring Subdivision / South Peak Subdivision

### CENSUS COMPLETE COUNT OUTREACH (Bradford Dyjak)

#### 1. Census Invitations and Response Rates

- The Census Bureau has extended both field data collection and self-response deadline until September 30, 2020, supplanting the prior deadline extension of October 31. Staff is undertaking final coordinated outreach efforts with the representatives from the City, towns, James Madison University, the Harrisonburg-Rockingham Chamber of Commerce, and local non-profit organizations.
- Over 71% of all County residents have already self-responded** to the initial invitations as of September 14 compared to 65.9% nationally. **The current rate surpasses the County's 2010 response rate.**
- Four of the County's incorporated towns ranked within the 25 highest response rates** in Virginia: **Bridgewater 79.9%; Broadway 76.7%; Grottoes 75.6%; and Mt. Crawford 74.4%.**
- Enumerator non-response follow-up Census-takers will interview households in person. The revised schedule began mid-August and continues through September 30.

**2. Fliers & Yard Signs** – Additional materials have been distributed to several food pantries and hard-to-count Census tracts.

**3. Mobile Questionnaire Assistance:** The Census Bureau is identifying essential services sites throughout the region where Census response representatives will be stationed at tables to provide assistance with completing the form (while observing social distancing protocols).

**PROJECTS AND REPORTS, continued**

**TRANSPORTATION PROJECT APPLICATIONS** (Bradford Dyjak)

Staff submitted two Smart Scale pre-application projects and awaits the Commonwealth Transportation Board’s decision on Revenue Sharing funding awards later in 2020 and for federal Transportation Alternative applications thereafter.

<b>Project # &amp; Name</b>	<b>Location</b>	<b>Project Scope</b>	<b>Funding Program &amp; Status</b>	<b>Cost</b>
<b>#7125 Smithland Road (Route 720) Widening</b>	Between US-11 in and Rt. 718 in the City (approx. 0.8 miles)	Widen Rt. 720 to add a minimum 4-ft shoulder and increase lane width from 10-ft to 12-ft where possible.	<b>SMART Scale Application</b> submitted 8/17/20	<b>\$2.503m</b>
<b>#7157 Mt. Crawford Park &amp; Ride Expansion</b>	VA 257 at I-81 Exit 240	Expansion of the existing Mt. Crawford Park and Ride at I-81, Exit 240	<b>SMART Scale Application</b> submitted by HRMPO 8/17/20	<b>\$2.48m</b>
<b>#5786 VA 253/VA 276 Turn Lanes</b>	Intersection of VA 253 (Port Republic Rd.) & VA 276 (Cross Keys Rd.)	Install left turn lanes on northbound and southbound VA 276 (Cross Keys Road) at intersection with VA 253.	<b>Revenue Sharing Application</b> submitted 9/25/19	<b>\$1.5m</b>
<b>#5887 Garbers Church Road Bike &amp; Buggy Lanes</b>	Garbers Church Road (Route 910) from VA 42 to Erickson Avenue	<ul style="list-style-type: none"> <li>a. Design &amp; construct paved, 8-foot wide lanes on both sides of 0.6 mile road segment</li> <li>b. Phase 1: preliminary engineering, right-of-way acquisition (\$350k) [Phase 2 construction (\$1.455m) will be future grant application.]</li> </ul>	<b>Transportation Alternatives Set-Aside (TAP)</b> Application submitted 9/30/19. <b>Tentative award 7/10/20</b>	<b>\$1.805m (Phase 1: \$350k)</b>

## PLANNING COMMISSION ACTIONS

The Planning Commission met on September 1 with one case recommended to the Board and next meets October 6 to hear a rezoning case and four ordinance amendments. The ordinance amendment status report is presented later in this report.

Item	Description	Comments/ Recommendations
REZ20-145	<p><b>Lake Pointe Village Property Owners Association, c/o Ed Smith.</b> Request location: <b>Lake Pointe Village, Massanetta Springs Road (Route 687)</b> approximately 500 feet north of Izaak Walton Drive. Request to rezone Tax Map Parcel 125-(A)-L261 from R-2 to R-3C (General Residential with conditions), and Tax Map Parcel 125-(A)- L263 from R-3C to R-3C with revised conditions to allow an increase in the permitted number of units from 4 to 6 (3 total duplexes), totaling approximately 6.51 acres for both parcels. Election District 3.</p>	<p>Applicant requested postponement of 8/4/20 PC public hearing.</p> <p>PC recommended approval 3-2 on 9/1/20; <b>to be heard by Board 9/23/20</b></p>
REZ20-138	<p><b>Bluestone of Harrisonburg, LLC. (JVP Development and currently referenced as Ashby Centre),</b> c/o Michael McGinnis, P.O. Box 300, Lyndhurst, VA 22952. Request to amend existing master plan &amp; proffers to increase residential density from 384 to 730 units (133 ac). Existing Zoning R-5C &amp; B-1C. Situated <b>approximately ¼ mile south of Covenant Drive, directly west of South Main Street, and north of Pike Church Road (VA 701).</b> Tax Map Parcels 123-(A)-L118, L118A, L118B totaling 107.35 acres of 132.987 acres. Election District 2.</p>	<p>To be heard by PC 10/6</p>
OA20-219	<p>Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-201 to add the definition of photometric plan and to amend Section 17-706 Outdoor lighting.</p>	<p>To be heard by PC 10/6</p>
OA20-220	<p>Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-606, under Agricultural Uses, add bulk storage of liquid petroleum gas in the A-1 and A-2 zoning districts by special use permit with supplemental standards (SU*) and to Section 17-607 to add supplemental standards for bulk storage of liquid petroleum.</p>	<p>To be heard by PC 10/6</p>
OA20-241	<p>Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-201. Definitions generally to include cabins in the definition of recreational vehicles and to amend Table 17-606 to add recreational vehicle or cabin by special use with supplemental standards (SU*) in the A-1, A-2, and RR-1 zoning districts.</p>	<p>To be heard by PC 10/6</p>

<b>OA16-246</b>	Amendment to the Rockingham County Code, Section 16 (Subdivision), Section 16-9(b)(1)(g), Section 16-9(b)(2)(e), Section 16-9(b)(3)(e) and Section 16-9(c)(9) to state if the parent tract is served by a pit privy, no divisions of land with a full-time residence shall be approved from that parent tract until such time as an approved septic drainfield permit with one hundred (100) percent reserve area has been obtained and said drainfield installed to serve the parent tract.	To be heard by PC 10/6
<b>OA20-247</b>	Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-806.01 to add dwelling, accessory in the RR-1, R-1, R-2, and R-3 and P-PG zoning districts; to remove from A-1 and A-2 that accessory dwellings cannot be located closer to the front property line than the primary dwelling, and that in all zoning districts in which accessory dwellings are located, they can be no closer than 10' from side and rear property lines.	To be heard by PC 10/6
<b>REZ18-273</b>	<b>Partners Development, Inc., is requesting an amendment to the existing approved proffers</b> on a 25.704-acre parcel located on the north and west sides of White Oak Drive approximately 700' west of Walnut Creek Drive. Tax Map #107-(A)-L166, Election District #2.	Motion to recommend approval failed 2-3 on 1/2/19; <b>Pending before Board: applicant requested postponement of 2/13/19 Board hearing.</b>

## COUNTY-INITIATED ORDINANCES

Amendment (OA#)	Chapter/ Section	Reason & Scope	Status
1. Private Street Standards	17-700 & 701	Review of private streets design standards ongoing.	Board authorized study on 1/23/19
2. Review of PMR District Requirements	17-409	Evaluate appropriate uses and regulations for maximum development flexibility.	Board authorized study 12/12/18.
3. Review of Signage Code	17-707	Review Planned District sign submission requirements, line-of-sight standards, review code organization.	Board authorized study 12/12/18
4. Wireless Telecommunications Facilities	Ch. 17, Article VI	Ensure consistency with recent updates to state code limiting the scope of review for local governments.	Board authorized study 7/17/19; Staff review is underway.
5. (OA19-260 & 261) Inoperable Vehicles	11-31-40 & 17-201	Revise “automobile graveyard” definition; review screening and vehicle removal provisions.	Board authorized study 8/14/19; <b>Board hearing date T.B.D.</b>
6. Poultry Operations Study	17-201, 606, 607, & 16-9.1	Evaluate: proximity to existing residential dwellings, stormwater run-off, aquifer health, and air particulates generated from the poultry houses.	Board Authorized study 1/8/20; Staff research underway; Advisory Committee has been selected.
7. Outdoor Lighting Requirements	17-706	Evaluate: height, plan requirements, dark sky compliance, and fixture specifications.	Board authorized study 5/13/20; <b>PC Hearing 10/6/20</b>

**PRIORITY PROJECTS UNDERWAY BY STAFF**

<b>Projects</b>	<b>Lead Person</b>	<b>Status</b>	<b>Target Date</b>
<b>Census 2020 Complete Count Committee</b>	Bradford	Census enumerator operations began 8/11 and conclude by 9/30/20.	Ongoing through October 2020
<b>Evaluation of New Permitting Software</b>	CD & IT Depts.	Interviews concluded of four finalist responses to RFP. Evaluating top two products.	August 2020 selection; Implementation 2021
<b>Ongoing Review/Tasks</b>	<b>Lead Person</b>	<b>Status</b>	
<b>Deed Review</b>	Diane	23 deeds under review as of 9/14/20: 10 pending review, 13 awaiting revision.	
<b>Violations</b>	Kelly	62 active complaints, 23 cases pending legal action as of 9/14/20	
<b>Site Plans &amp; Subdivisions</b>	Bradford & Patrick	7 site plans and 3 subdivisions under review as of 9/16/20; 3 approved since 9/2/20	
<b>Subdivision Ordinance Variances</b>	Diana	1 request under review, as of 9/16/20	
<b>Zoning Variances</b>	Diana	0 requests under review, as of 9/16/20	
<b>Zoning Appeals</b>	Diana	0 requests under review, as of 9/16/20	
<b>Home Occupation Permits</b>	Diana	0 permit requests under review, as of 9/16/20	
<b>Home Business Permits</b>	Diana	0 permit requests under review, as of 9/16/20	
<b>Special Use Permits</b>	Diana	2 permit requests under review, as of 9/16/20	
<b>Special Entertainment Permits</b>	Diana	0 permit request under review, as of 9/16/20	
<b>Rezoning</b>	Bradford	5 rezoning requests under review, as of 9/14/20	
<b>Permits and Fees Processed</b>	Joe	779 total transactions for month of August 2020	
<b>Building Inspections</b>	Joe	1,615 inspections conducted during August 2020 (averaged 76.90 inspections per day)	
<b>Building Plans</b>	Joe	45 Plans under review, as of 8/31/20	
<b>Environmental (E&amp;S/Stormwater) Plan Review</b>	Adam	16 plans under review, 46 approved and awaiting permit issuance, as of 8/31/2020	
<b>Environmental Inspections</b>	Adam	368 inspections conducted in August 2020	
<b>Addressing Structures</b>	Kendrick	25 new structures addressed in August 2020	
<b>Naming of New Roads</b>	Kendrick	1 new road named in August 2020	

## UPCOMING PUBLIC HEARINGS

September 23, 2020, Board of Supervisors, at 7:00 p.m.

### Rezoning Case

**REZ20-145 Lake Pointe Village Property Owners Association, c/o Ed Smith, 3320 Mesinetta Creek Drive, Rockingham, VA 22801.** Request location: **Lake Pointe Village, Massanetta Springs Road (Route 687)** approximately 500 feet north of Izaak Walton Drive. Request to rezone Tax Map Parcel 125-(A)-L261 from R-2 to R-3C (General Residential with conditions), and Tax Map Parcel 125-(A)-L263 from R-3C to R-3C with revised conditions to allow an increase in the permitted number of units from 4 to 6 (3 total duplexes), totaling approximately 6.51 acres for both parcels. Election District 3. This case was recommended for approval by the Planning Commission on September 1, 2020 on a 3-2 vote.

### Ordinance Amendment

**OA20-205** Amendment to Chapter 17, Section 201 to **amend the definition of car wash to allow motor vehicle detailing** and to **amend the definition of motor vehicle repair shop** to allow vehicle detailing and hand washing of motor vehicles; and to amend Chapter 17, Table 606 to **add car wash by special use permit in the A-1, A-2 and RV zoning districts.** This amendment was unanimously recommended for approval by the Planning Commission on September 1, 2020.

## REQUESTS TABLED BY BOARD OF SUPERVISORS

SPECIAL USE PERMIT APPLICATION(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
2020	1/8/20	19-286	Soil Health Technologies	Composting site (like use to refuse and recycling center)	2
2020	9/9/20	20-127	Caden Energix	Solar Farm	1
REZONING REQUEST(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
-	-	-	-	None	-
ORDINANCE AMENDMENTS					
Year Tabled	Date Tabled	File	Applicant	Request	
2020	1/8/20	19-267	None	Section 17-201 & 17-607 using semi-trailers for storage	

## STAFF DIRECTORY

Name	Job Title	Office Number	Mobile Number
<b>ADMINISTRATION</b>			
Rhonda Cooper	Director	564-3033	271-5061
<b>PERMIT INTAKE &amp; PROCESSING</b>			
(Vacant)	Permit Specialist I	564-3038	N/A
Jessica Diaz	Permit Specialist I	564-3040	N/A
Kayla Yankey	Permit Specialist II	564-6024	578-1120
<b>BUILDING CODE ENFORCEMENT</b>			
Joe Shifflett	Building Official	564-3041	578-1558
Ben Terry	Plan Reviewer	564-3046	578-1123
JN Riddel	Building Inspector	N/A	578-1121
Rick Davis	Building Inspector	N/A	830-8018
Danny Mason	Building Inspector	N/A	578-3515
Josh Haugh	Building Inspector	N/A	607-9535
(Vacant)	Building Inspector	N/A	N/A
<b>PLANNING, ZONING, DEVELOPMENT, &amp; GEOGRAPHIC INFORMATION SYSTEMS</b>			
Bradford Dyjak	Director of Planning	564-1513	578-2659
Diana Stultz	Zoning Administrator & Subdivision Agent	564-3032	830-8017
Diane Lepkowski	Deputy Zoning Administrator & Deputy Subdivision Agent	564-3037	578-1126
Kelly Getz	Deputy Zoning Administrator & Code Compliance Officer	564-6063	810-5024
Mark Rathke	GIS Specialist	564-5076	N/A
Kendrick Smith	GIS Technician	564-3029	830-5811
Patrick Wilcox	Senior Planner	564-5074	271-2952
<b>ENVIRONMENTAL SERVICES</b>			
(Vacant)	Director of Environmental Services	564-6095	N/A
Adam Hancock	Stormwater Management Program Administrator	564-1529	271-6523
Drew Thacker	Environmental Inspector	564-3047	607-3665
Justin Turner	Environmental Inspector	564-3038	560-5589

## SITE PLAN SUBMITTALS

Project Name	Location	Proposed Use	Description	Status	Election District
<b>Cobblers Valley Single Family</b>	West side of Pear Street, near Erickson Avenue	Single-family Dwellings	169 lots	Under review	2
<b>Island Ford Road Subdivision</b>	Northeast side of Island Ford Road (VA 649), about 0.2 mile south of McGaheysville Road (VA 996)	Single-family Dwellings	50 lots	Under review	5
<b>Martin Industrial</b>	975 Cottontail Trail (VA 705)	Light industrial	8,000 Square foot building with parking and storage yard.	Under review	4
<b>Locust Grove Village</b>	Boyers Road (Rt. 704), 0.5 mile south of Stone Spring Road (VA 280)	Residential dwellings (apts. & rowhouses).	86 units	Awaiting corrections and resubmittal	3
<b>Holtzman Liberty - Bergton</b>	SW of Brocks Gap Road (VA 259), 0.2 mile north of Bergton Road (VA 820)	Convenience Store	3,200-sq. ft. convenience store with 1,296-square-foot canopy for fuel sales	Awaiting corrections and resubmittal	1
<b>Crownpoint Independent Living</b>	SW side of Apple Valley Road (VA 726) in Stone Spring (VA 280) UDA	Multi-family	25 duplex units and 120 apartment units	Under Review	4
<b>Mellow Mushroom</b>	Stone Spring Road (VA 280), 0.1 mile west of Will Spring Road	Restaurant	5,704-sq. ft. restaurant with 96-space parking lot	Awaiting corrections and resubmittal	4
<b>Smith Office Building</b>	NE side of Rock Port Drive, between Stone Port Blvd and Spring Port Drive	Office	4,481-sq. ft. office building with 43-space parking lot	Awaiting corrections and resubmittal	4

**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**Development Activity Report - August 2020**

	Permits Issued					Fees Collected				
	Aug-20	Aug-19	One Year Change	Jan-Aug 2020	Jan-Aug 2019	Aug-20	Aug-19	One Year Change	Jan-Aug 2020	Jan-Aug 2019
<b>Building</b>										
Single Family	24	28	-14.3 %	305	206	\$ 28,384.04	\$ 27,362.08	3.7 %	\$ 289,515.91	\$ 218,160.62
Commercial/Industrial	7	12	-41.7 %	105	116	\$ 13,748.19	\$ 37,874.64	-63.7 %	\$ 255,551.16	\$ 194,727.95
Subtotal	31	40		410	322	\$ 42,132.23	\$ 65,236.72		\$ 545,067.07	\$ 412,888.57
<b>Electrical</b>										
	20	25	-20.0 %	194	211	\$ 1,410.22	\$ 1,905.71	-26.0 %	\$ 11,928.31	\$ 12,774.94
Subtotal	20	25		194	211	\$ 1,410.22	\$ 1,905.71		\$ 11,928.31	\$ 12,774.94
<b>Mechanical</b>										
	3	7	-57.1 %	28	52	\$ 130.06	\$ 407.18	-68.1 %	\$ 1,502.56	\$ 4,239.56
Subtotal	3	7		28	52	\$ 130.06	\$ 407.18		\$ 1,502.56	\$ 4,239.56
<b>Other</b>										
	83	58	43.1 %	539	511	\$ 39,698.64	\$ 17,196.42	130.9 %	\$ 204,917.86	\$ 175,428.80
Subtotal	83	58		539	511	\$ 39,698.64	\$ 17,196.42		\$ 204,917.86	\$ 175,428.80
<b>Land Use Related</b>										
Erosion and Sediment Permit:	8	9	-11.1 %	60	47	\$ 25,039.50	\$ 7,855.50	218.8 %	\$ 123,071.50	\$ 96,454.25
Special Use Permits	2	0	0.0 %	51	0	\$ 4,400.00	\$ 0.00	0.0 %	\$ 27,218.75	\$ 0.00
Deeds Approved	21	0	0.0 %	510	0	\$ 11,600.00	\$ 0.00	0.0 %	\$ 52,175.00	\$ 0.00
Site Plans Approved	1	0	0.0 %	65	0	\$ 16,875.00	\$ 0.00	0.0 %	\$ 46,025.00	\$ 0.00
Subtotal	32	9		686	47	\$ 57,914.50	\$ 7,855.50		\$ 248,490.25	\$ 96,454.25
<b>Total</b>	<b>169</b>	<b>139</b>		<b>1857</b>	<b>1143</b>	<b>\$ 141,285.65</b>	<b>\$ 92,601.53</b>		<b>\$ 1,011,906.05</b>	<b>\$ 701,786.12</b>



# Urban Development Area - Development Status



- Rezoning Under Review
- Rezoning Approved
- Site Plan Under Review
- Site Plan Approved
- Construction Underway
- Complete

