

**AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY PLANNING
COMMISSION HELD ELECTRONICALLY AND, IN THE COUNTY,
ADMINISTRATIVE OFFICE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON,
VIRGINIA MARCH 10, 2021 AT 7:00 pm.**

**PRESENT: LEE MCLAUGHLIN, JR., MELISSA HENNIS, KIMBERLY HINES,
AND DAVID WHITMORE**

PRESENT ELECTRONICALLY: ROBERT LUCAS

ABSENT:

SECRETARY: CHRIS SLAYDON

ONLINE STAFF: BRANDY FLINT

COUNTY ATTORNEY: VICKIE HUFFMAN

OTHERS PRESENT:

**PRESENT ONLINE: PAT HASTING, SCOTT WILEY, TREVOR
BUCKLEY, JOHN KOVACS, PHILIP CLAYTON,
AND SARAH REYNOLDS**

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Mr. McLaughlin called the meeting at 7:01 pm with a verbal roll call of the Planning Commission members present as follows: Mr. Lucas – Present (online); Ms. Hennis – Present (in person); Ms. Hines – Present (in person); Mr. Whitmore – Present (in person); Mr. McLaughlin – Present (in person).

Mr. McLaughlin then advised that the meeting is being held by electronic means pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on September 28, 2020, and then read the procedures for the meeting.

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The second agenda item was Citizens Comments.

Mr. McLaughlin stated that the meeting would proceed with Citizen Comments. He indicated that, in addition to participating by Zoom or telephone, written Citizens Comments had been solicited for receipt via email, U.S. Mail, and the drop box located at the County Administration Building, and via email.

At 7:03 pm, Mr. McLaughlin asked Mr. Slaydon if anyone physically present wanted to speak.

Mr. Slaydon indicated no one was physically present to speak, there was no one on the Zoom meeting that wished to speak, and no comments were emailed or called in before the meeting. He closed the citizen comment period at 7:06 pm.

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The third agenda item was the review of the February 10, 2021 meeting minutes.

Upon a motion by Ms. Hennis, seconded by Ms. Hines, the Commission voted

unanimously to approve the minutes with corrections.

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The fourth agenda item was the Board of Supervisors report.

Mr. Slaydon advised that the Board did not have any action items at their meeting. He noted that the BZA met in February for their organizational meeting that included Election of Officers, adoption of the Electronic Meeting Policy, and the Continuity of Government Ordinance. He then advised that TCO met on March 3, 2021, and reviewed Dynamic Energy Solutions' plans which they continued discussion on, and they approved the plans for the Exxon at the Fancy Hill exit in Natural Bridge.

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Mr. McLaughlin advised that the Commission will use the same process for public hearings as citizen comments.

The fifth agenda item was the Special Exception Permit application for Dynamic Energy Solutions LLC to install a 5-MW (AC) Solar Project Array (Public Utility) in the Agricultural and General Uses (A-2) Zoning District as follows:

Notice is hereby given per Section 15.2-2204 of the Code of Virginia and Section 802.03, 04 and 05 of the County of Rockbridge Land Development Regulations that a public hearing will be held by the Rockbridge County Planning Commission on Wednesday, March 10, 2021, at or after 7:00 pm in the Board of Supervisors Meeting Room in the County Administrative Building, 150 South Main Street, Lexington, Virginia 24450, to consider the following application: Dynamic Energy Solutions LLC 1550 Liberty Ridge Drive, Suite 310, Wayne PA 19087 has made an application for a special exception permit in order to develop a 5-MW (AC) solar project. The property owned by James G. Alexander Jr. and is located in the Agricultural and General Uses (A-2) Zoning District and per section 603.03-9 of the County of Rockbridge Land Development Regulations, Public Utilities are a use by special exception in the A-2 District. The property is located on the westside of N Lee Highway (Route 11), approximately .22 miles south of the intersection N Lee Highway (Route 11) and Red Hill Road (Route 710) and is further identified as tax map number 38-10-A. The property is located in the South River Magisterial District.

Mr. Slaydon reviewed the project as presented. He showed the property location, the property's zoning, and the surrounding zoning. He stated that Mr. Pat Hastings with Dynamic Energy Solution LLC had applied for a 5MW (AC) solar project along N Lee Highway, near the Village of Fairfield. The property is owned by James G. Alexander Jr. and is located in the Agricultural and General Uses (A-2) Zoning District. Per section 603.03- 9 of the County of Rockbridge Land Development Regulations, Public Utilities are a use by special exception. The proposed 5MW solar site is located on approximately forty acres of the Alexander Farm. There is an existing dairy operation on the farm. The portion that is proposed for the solar project has been utilized as a crop field. The Alexander Family owns the property to the south and directly across Interstate 81/64 of the proposed solar project. The proposed site is across Route 11 from

Fairfield Elementary School. There is existing industrial zoning (formerly Fitzgerald Lumber) and vacant property in the General Residential (R-1) Zoning District to the north.

Mr. Pat Hasting, Director of Project Management, thanked Mr. Slaydon for the introduction, guidance, and time to speak. He recapped that this is a 5 MegaWatt system. He noted that he specializes in the development of solar projects. He indicated that they had developed about 200 of these projects, and most of those are 5 MG systems that can power up to 1,000 homes. He then reviewed some of the project's technical aspects, including that the array rotates with the sun. Mr. Hasting reviewed the site plan, including the entrance road. He noted that this project could be up to 30 years, and a decommissioning plan is included. He noted that they hold a lease on the land for that 30 years.

Mr. McLaughlin asked the distance from Route 11 to the array.

Mr. Hastings indicated the distance is approximately 328 feet from the fence to the road, and the array is an additional 30 feet from the fence line. He noted that the Timmons Group was hired to formulate a landscape plan that corresponds with the TCO guidelines. He noted they are working on visual aids to show how the landscaping will look.

Mr. McLaughlin advised that a section might need to be landscaped that can be seen from the interstate. He also suggested that they would like them to consider that the panels be color that is not as shiny as what we dealt with the electric project.

Mr. Micah Fuchs stated that he had an analysis that addresses glare issues. He noted the panels have antireflective glare and absorb most of it.

Mr. McLaughlin opened the public hearing at 7:33 pm. There was no one present in person to speak, no one on the Zoom meeting requested to speak, and there were no comments in the meeting chat. He then advised that he would like to continue the public hearing to the April meeting. The Commission Agreed to continue the Public Hearing to the April meeting.

Mr. Whitmore stated that this directly across from an elementary school, and it would cool if the company could install panels to educate the kids.

Mr. Hasting indicated that is an excellent suggestion, and they can look into an option like that.

Mr. Lucas stated that he agreed with Mr. McLaughlin that the galvanized color is something he would like to see tamed down, including the fencing and the racking.

Mr. Hasting shared pictures of existing sites at Ms. Hennis's request.

With no further discussion, the public hearing was continued to April 14, 2021.

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The sixth agenda item was the Special Exception Permit application for ViaSat Inc. to install a satellite-based high-speed internet facility in the B-1 Zone as follows:

Notice is hereby given per Section 15.2-2204 of the Code of Virginia and Section 802.03, 04 and 05 of the County of Rockbridge Land Development Regulations that public hearings will be held by the Rockbridge County Planning Commission on Wednesday, March 10, 2021, at or after 7:00 pm in the Board of Supervisors Meeting Room in the County Administrative Building, 150 South Main Street, Lexington, Virginia 24450, followed by public hearings by the Board of Supervisors on Monday, March 22, 2021, at or after 6:00 pm at the same location to consider

the following application: ViaSat Inc. Inc., 349 Inverness Drive South, Edgewood, CO 80112 has made an application for a special exception permit in order to develop a satellite-based high speed internet access facility. The property is owned by Bare Farm 5G LLC, 80 Forge Road, Lexington, VA 24450. The property is located in the General Business (B-1) Zoning District, and per section 605.03-10 of the County of Rockbridge Land Development Regulations, Public Utilities are a use by special exception in the B-1 District. The property is located on the westside of Bares Woods Lane (Route 879), approximately .26 miles north of the intersection E Midland Trail (Route 60) and Bares Woods Lane (Route 879) and is further identified as tax map number 76-A-50A. The property is located in the Buffalo Magisterial District.

Mr. Slaydon reviewed the application as submitted, including the zoning on the property and the surrounding property. He stated that Mr. John Kovacs, with ViaSat Inc., had made an application for a special exception permit to develop a satellite-based high-speed internet facility on the property owned by Bare Farm 5G LLC, located in the General Business (B-1) Zoning District. Per section 605.03-10 of the Regulations, Public Utilities are a use by special exception in the B-1 Zone.

Mr. John Kovacs with ViaSat stated the purpose of this installation is to provide internet service via satellite. He advised that there has been an increasing demand for internet services for a year now since the pandemic began. He advised that ViaSat's ultimate goal is to provide satellite-based internet services faster than what is currently provided. He then shared a photo of the system and noted that it is 6 feet in diameter, and then there will be two cabinets as shown in the picture. He noted the site is on a quarter acre, and it will be 25 feet by 28 feet. This location was chosen because the way ViaSat moves its internet traffic is with fiber, and there is a Shentel line across the street from this proposed location. He indicated power is provided by BARC. He stated this facility will be unmanned and will not have any traffic, noise, pollution, or waste.

Mr. McLaughlin opened the public hearing at 7:51 pm.

There was no one physically present to speak, no one on the Zoom meeting, and no one posted in the chat, and there were no phone call-ins.

Mr. McLaughlin closed the public hearing at 7:52 pm.

Mr. McLaughlin said that the footprint is minimal and asked if there would be any screening on the site.

Mr. Kovacs stated that there would be a fence, but a vegetive screen can eliminate the satellite's effectiveness.

Mr. McLaughlin asked if there could be screening on the fencing

Mr. Kovacs advised that they are willing to install a wooden fence.

Mr. Slaydon advised the Shentel project was the last project of this nature proposed and approved. That site has a fence and screening associate with it.

Ms. Hennis asked if it is visible from the road.

Mr. McLaughlin stated that it is not, but it is visible from Bares Woods Lane.

Mr. Slaydon reviewed the location of the property again on the mapping and the current vegetive buffer. It was determined that the tree line would stay on Bares Wood Lane because they plan to use the existing entrance.

Mr. Lucas stated that they could use slats like the Commission required for the Robert

Young project.

Mr. Slaydon advised that the application already has a wooden fence plan ready ad he showed to the Commission.

Mr. Kovacs concluded that they would prefer to use the wood cedar fence because there will be less maintenance.

Ms. Hennis moved that the Planning Commission recommend to the Board of Supervisors that the Special Exception Permit for ViaSat, Inc., to develop a satellite-based high speed internet access facility in the General Business (B-1) Zoning District, for Public Utilities per section 605.03-10 of the LDR's, on a 28' by 25' leased site, located along the west side of Bares Woods Lane on property owned by Bares Farm 5G LLC, identified as Tax Map #76-A-50A, be approved with the following conditions: Substantial Compliance with development plan prepared by Qualtec Wireless dated January 26, 2021. Ms. Hines seconded the motion, and the Commission voted unanimously.

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The seventh agenda item was the rezoning for the former Maple Hall owned by Old Jacktown LLC as follows:

Notice is hereby given per Section 15.2-2204 of the Code of Virginia and Section 802.03, 04 and 05 of the County of Rockbridge Land Development Regulations that public hearings will be held by the Rockbridge County Planning Commission on Wednesday, March 10, 2021, at or after 7:00 pm in the Board of Supervisors Meeting Room in the County Administrative Building, 150 South Main Street, Lexington, Virginia 24450, followed by public hearings by the Board of Supervisors on Monday, March 22, 2021, at or after 6:00 pm at the same location to consider the following application: Singleton Investment Properties LLC, 186 Brian's Lake Road, Mountain Rest, SC 29664 has made a application for a rezoning from the General Business (B-1) Zoning District (with associated proffers) to the Agricultural Transitional (A-T) Zoning District. The property is owned by Old Jacktown LLC, 259 Hawkridge Lane, Lexington VA 24450. The property located at 3111 N Lee Highway Lexington VA 24450 and is on the west side of N Lee Highway (Route 11), approximately .14 miles south of the intersection N Lee Highway (Route 11) and Sam Houston Way (Route 785) and is further identified as tax map number 50-A-100. The property is located in the South River Magisterial District.

Mr. McLaughlin read the following statement: "I hereby abstain from all matters, discussions, or voting related to BARC's application for a temporary special exception permit to continue to utilize the property as a temporary laydown yard for equipment and material storage for the BARC Connects broadband/fiber project, and my disclosure statement required under the Conflict-of-Interest Act is on file with the Secretary of the Planning Commission." He then relinquished the Chair to Ms. Hennis, Vice-Chair.

Mr. Slaydon reviewed the application as submitted and showed the property, it's zoning, and the surrounding zoning. He stated that Mr. John Singleton with Singleton Investments Properties LLC and Old Jacktown LLC had made an application for a rezoning of the Maple Hall

property. The property was conditionally rezoned to the General Business (B-1) zoning District with associated proffers. The purpose of the downzoning to the Agricultural Transitional (A-T) Zoning District is to develop a private school.

Mr. John Singleton stated that he looked at Maple Hall in January and moved fast to purchase the property because it is a perfect fit for what they would like to do. This application to downzone to ag will allow the show.

Ms. Hennis opened the public hearing at 8:06 pm.

Mr. Philip Clayton, the property's current owner, advised that his Mother was the Innkeeper at the inn and his sister was married in the garden. They are selling it reluctantly, but he and his wife are ready to slow down. He stated they were looking to pass Maple Hall onto a worthy entity and found it with this school operation. Mr. Clayton indicated that he is excited that Mr. Singleton's intention as the school builds and expands is to have a charitable branch of the school that will help those that cannot afford it attend.

Mr. Slaydon advised there were no Zoom comments, there were no Zoom chats, and there were no call-ins.

Ms. Hennis closed the public hearing at 8:09 pm

Ms. Hines moved that the Planning Commission recommend to the Board of Supervisors that the Rezoning of the 7.65-acre parcel known as Maple Hall and located at 3111 N. Lee Highway in the South River Magisterial District, identified as Tax Map #50-A-100, owned by Old Jacktown, LLC, from General Business (B-1) (with associated proffers) to Agricultural Transitional (A-T), be approved. Mr. Whitmore seconded the motion, and the Commission voted unanimously to approve.

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The eighth agenda item was the special exception permit application for Singleton to operate a private school in the general business district as follows:

Notice is hereby given per Section 15.2-2204 of the Code of Virginia and Section 802.03, 04 and 05 of the County of Rockbridge Land Development Regulations that public hearings will be held by the Rockbridge County Planning Commission on Wednesday, March 10, 2021, at or after 7:00 pm in the Board of Supervisors Meeting Room in the County Administrative Building, 150 South Main Street, Lexington, Virginia 24450, followed by public hearings by the Board of Supervisors on Monday, March 22, 2021, at or after 6:00 pm at the same location to consider the following application: Singleton Investment Properties LLC, 186 Brian's Lake Road, Mountain Rest, SC 29664 has made an application for a special exception permit in order to develop private school. The property is owned by Old Jacktown LLC, 259 Hawkrige Lane, Lexington VA 24450. The property is currently located in the General Business (B-1) Zoning District, this application is contingent on the pending rezoning application from the B-1 District to the Agricultural Transitional (A-T) Zoning District. Per section 603B.03-17 of the County of Rockbridge Land Development Regulations, Private Schools are a use by special exception in the A-T District. The property located at 3111 N Lee Highway Lexington VA 24450 and is on the west side of N Lee Highway (Route 11), approximately .14 miles south of the intersection N Lee Highway (Route 11) and Sam Houston Way (Route 785) and is further identified as tax map

number 50-A-100. The property is located in the South River Magisterial District.

Mr. Slaydon reviewed the application as submitted and show the location of the property on the mapping. He noted that this application is contingent on the approval of the rezoning application by the Board.

Dr. John Singleton advised his CEO and that Ms. Lynn Perry and Mr. Clayton are the current owners. He indicated that this private school will be named Maple Hall Boys School. He advised he is a former public-school teacher and administrator. He recognized that many children and parents need assistance outside of the home. This school will be for 24 young men ages 10-15, and they will live onsite. Students will be college bounds that have had some learning and behavior struggles. The ultimate plan is to reintegrate the students back into their homes and their public schools. Maple Hall Family Foundation will be a nonprofit created to provide scholarships for local students. He noted there were some concerns mentioned about the location being close to the interstate, and he advised that there will be shift staff that will be onsite all day long and that will provide some security. He stated that he had been a part of the opening or development of about five schools.

Mr. Whitmore asked where the students are coming from.

Mr. Singleton responded that professional education consultants would refer the kids to the school that fits the child's needs. They can come from all around the United States but mainly from Texas up to Maine.

Mr. Whitmore asked where the students go after school

Mr. Singleton advised that the kids can go back to public school or another private school or stay until they leave for college. It is usually a transition back to their home and school.

Mr. Whitmore stated equine, culinary, and arts were noted as your focus; how will that factor in.

Mr. Singleton stated that horses could read your mind and emotions; that tool will be used with a certified equine specialist. He indicated that artistic impressions would be cultivated, and the amazing kitchen in the Hall would be used to teach cooking and healthier eating. They will pick on track but will get an overview of them all.

Ms. Hennis opened the public hearing at 8:25 pm

There was no one present to speak and no one present in person, and no one via Zoom.

Ms. Hennies closed the public hearing at 8:26 pm.

With no further discussion, Ms. Hennis moved that the Planning Commission recommend to the Board of Supervisors that the Special Exception Permit to develop and operate a private school in the Agricultural Transitional (A-T) Zoning District, per LDR Section 603B.03-17, on a 7.65-acre parcel known as Maple Hall, owned by Old Jacktown, LLC, located at 3111 N. Lee Highway in the South River Magisterial District, identified as Tax Map #50-A-100, be approved with the following conditions: (1) Total number of students not to exceed thirty (30). (2) Approval contingent on VDOT, Public Service Authority, Building Department, and Department of Education approvals. Mr. Whitmore seconded the motion. The Commission voted unanimously, with Mr. McLaughlin abstaining from voting.

Ms. Hennis relinquished the Chair back to Mr. McLaughlin.

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The ninth agenda item was the public hearing for the Special Exception application for a pet grooming business in the A-2 district by Sarah Reynolds as follows:

Notice is hereby given per Section 15.2-2204 of the Code of Virginia and Section 802.03, 04 and 05 of the County of Rockbridge Land Development Regulations that public hearings will be held by the Rockbridge County Planning Commission on Wednesday, March 10, 2021, at or after 7:00 pm in the Board of Supervisors Meeting Room in the County Administrative Building, 150 South Main Street, Lexington, Virginia 24450, followed by public hearings by the Board of Supervisors on Monday, March 22, 2021, at or after 6:00 pm at the same location to consider the following application: Sarah Reynolds, 3537 Forge Road, Glasgow VA 24555 has made an application for a special exception in order to develop a pet grooming business. The property is owned by Michael A. Shafer Jr. and Donna A Davis, 3537 Forge Road, Glasgow VA 24555. The property is located in the General Agricultural (A-2) Zoning District, and per section 603.03 5 of the County of Rockbridge Land Development Regulations, kennels are a use by special exception in the A-2 District. The property is located at 3537 Forge Road, Glasgow VA 24555 and is on the eastside of Forge Road (Route 608), approximately .24 miles south of the intersection Forge Road (Route 608) and Plateau Lane (Route 1002) and is further identified as tax map number 98-14-2A1. The property is located in the Natural Bridge Magisterial District.

Mr. Slaydon reviewed the application as presented and showed the property's location on the mapping along with the surrounding zoning.

Ms. Sarah Reynolds thanked the Commission for their time and stated that Mr. Slaydon covered everything. It will be a grooming business out of a trailer. She advised there is a need for this service, especially since Ms. Cash has retired, Gail with Gail's Grooming is no longer taking new clients, and neither is Pampered Pups or Angie Clark.

Mr. Slaydon advised Ms. Clark was one of the groomers we approved within the last two years.

Ms. Reynolds stated one dog at a time, one groomer, and only multiple if two dogs with one family. Have a secure kennel to board them in their home if need be.

Mr. McLaughlin opened the public hearing at 8:34 pm

There was no one present in person, online via Zoom or on the phone to speak.

Mr. McLaughlin closed the public hearing at 8:34 pm

Ms. Hennis asked if she heard any concerns from the neighbors.

Ms. Reynolds stated that she has not heard from all of them, but a few of them are her clients.

Mr. Whitmore asked why he cut off at 4 pm instead of 5 pm.

Mr. Slaydon stated that was the direct request of the applicant but can amend it to 5 pm.

After some discussion, it was determined to change the hours of operation to ending at five pm to allow flexibility.

Ms. Hennis moved that the Planning Commission recommend to the Board of Supervisors that the Special Exception Permit for Sarah Reynolds to develop and operate a pet grooming business in the Agricultural and General Uses (A-2) District per LDR Section 603.03-5, at 3537 Forge Road, Glasgow, VA, identified as Tax Map # 98-14-2A1, in the Natural Bridge

Magisterial District, be approved with the following conditions: 1. The business shall be limited to grooming of dogs and/or cats. 2. No overnight boarding, breeding or training permitted. 3. No more than a total of three (3) dogs and/or cats allowed on the property at one time for grooming. 4. The hours of operations for the grooming services shall be limited to 9:00 am through 5:00 pm.

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Mr. Slaydon advised the Commission that the Board of Zoning Appeals would be hearing a request for variation at their meeting next week to address a rear setback encroachment on Will Harris's addition.

With no further business to discuss, Mr. McLaughlin adjourned the meeting at 8:42 pm. on a unanimous vote with Ms. Hennis making the motion and a second by Ms. Hines.

Respectfully Submitted,

Christopher T. Slaydon
Secretary