

**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 JANUARY 13, 2021 AT 7:00 PM.**

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

**ABSENT:**

**SECRETARY: CHRIS SLAYDON  
ONLINE STAFF: BRANDY FLINT  
COUNTY ATTORNEY: VICKIE HUFFMAN  
OTHERS PRESENT: BRASIL HAMRICK  
PRESENT ONLINE: JO HARRIS, JASON BLACK, AND DAVID RABERN**

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Mr. McLaughlin called the meeting at 7:02 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 (online); Mr. Whitmore – Present (online); 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 7:05 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 with no additional comments.

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The third agenda item was the Election of Officers.

Mr. Slaydon indicated that the current slate of Officers was Mr. McLaughlin as Chair, Ms. Hennis as Vice-Chair, and Mr. Slaydon as Secretary.

After some discussion, upon a motion by Ms. Hennis, seconded by Mr. Whitmore, the

Commission voted unanimously to reelect the current slate of Officers.

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The fourth agenda item was adopting the 2021 Planning Commission Meeting Schedule.

Mr. Slaydon noted the meetings would continue to be held on the second Wednesday of each month at 7:00 pm. There was no indication of wanting to change that date and time from the Commission.

Upon a motion by Ms. Hennis, seconded by Ms. Hines, the Commission voted unanimously to approve the yearly meeting schedule as presented.

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The fifth agenda item was the review of the October 14, 2020 meeting minutes.

Upon a motion by Ms. Hines, seconded by Mr. Whitmore, the Commission voted unanimously to approve the minutes presented on January 11, 2021.

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The sixth agenda item was the Board of Supervisors' Report.

Mr. Slaydon advised that he did not have a Board of Supervisors report for this month.

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Mr. McLaughlin advised that the same process used for citizen comments would be used for the public hearing process.

The seventh agenda item was the public hearing for Douglas and Jo Anna Harris (Alphin Lane) to amend their Special Exception Permit for a Kennel in the Agricultural Transitional (A-T) Zoning District as follows:

*Douglas L. and Jo Anna M. Harris, 272 Alphin Lane, Lexington, Virginia 24450, applying for an amendment to an existing special exception permit in order to allow for the overnight boarding of dogs and cats and to increase the number (and type) of animals permitted in the kennel. The property is located in the Agricultural Transitional (A-T) Zoning District, and per section 603B-03-4 of the Regulations, commercial kennels are a use by special exception. The original special exception permit and associated conditions were approved by the Board of Supervisors on April 23, 2018. The property is located on the northside of Alphin Road (Route 750) approximately 600' east of the intersection of Alphin Road (Route 750) and Maury River Road (Route 39) and is identified as 272 Alphin Lane, Lexington, Virginia 24450. The property is further identified as tax map numbers 61-3-7 (.756 acres per tax records) and 61-3-8 (.561 acres per tax records). The property is located in the Walkers Creek Magisterial District.*

Mr. Slaydon stated that the applicant has asked to amend the existing special exception permit. He reviewed the zoning in the area. He noted the property is located in the Agricultural Transitional (A-T) Zoning District. Per Section 603B-03-4 of the Rockbridge County Land Development Regulations, commercial kennels are a use by special exception. He stated that the original special exception permit was approved by the Board of Supervisors on April 23, 2018. He noted that the pending application's purpose is to amend the existing special exception permit to allow for the overnight boarding of dogs and cats and increase the number and type of animals permitted. They would also like to increase the number of dogs permitted to groom and train at one time to six and expand services to include cats. Mr. Slaydon then reviewed the draft conditions.

Ms. Jo Anna Harris stated that a couple of years ago, when they rezoned the property, she was the owner and operator of Foothill Momma's BBQ. At that time, she was only operating the kennel part-time. She advised that she sold Foothill Momma's, and now she is working full time with the kennel operation and would like to expand the business to allow for more dogs and add cats.

Mr. McLaughlin opened the public hearing at 7:15 pm.

There was no one physically present to speak, and there were no comments via the Zoom platform or phone.

Mr. McLaughlin closed the public hearing at 7:16 pm.

Ms. Hennis asked if any of the neighbors expressed any concerns or complaints about the operation.

Mr. Slaydon stated that he did not speak to any of the neighbors. He noted that the Harris' advised him they spoke with all the neighbors.

Ms. Harris indicated that she did talk to all the neighbors, and none of them had any issues with the new plan.

Mr. McLaughlin asked if there was screening that would help screen the outside kennel operation from the neighboring property when animals are being boarded.

Ms. Harris responded that there is screening in place because of the landscaping done by Dominion Virginia Power for their property. She stated that the Dominion property entrance separates her from her neighbors, the Straub's.

Ms. Hennis Motioned that the Planning Commission recommend to the Board of Supervisors that the Amended Special Exception Permit for revised conditions for a commercial kennel in the Agricultural Transitional District (A-T), at 272 Alphin Lane in the Walkers Creek Magisterial District, identified as Tax Map #61-3-7 and #61-3-8, be approved with the following conditions:

1. The business shall be limited to grooming, training, and overnight boarding for dogs and cats.
2. No more than a total of five (5) dogs and/or cats allowed on the property at one time for overnight boarding.
3. No more than a total of six (6) dogs and/or cats allowed on the property at one time for grooming or training.
4. The hours of operations for grooming and training services shall be limited to 8:00 am through 6:00 pm.

Ms. Hines seconded the Motion, and the Commission unanimously approved the Motion.

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The eighth agenda item was the public hearing for Rockbridge Farmers Cooperative Inc. (Yellow Rail Lane) to amend their existing Special Exception Permit for a propane storage facility in the General Business (B-1) Zoning District as follows:

*Rockbridge Farmers Cooperative Inc. 33 Yellow Rail Lane, Lexington, Virginia, 24450, applying for an amendment to an existing special exception permit in order to add two 30,000-gallon propane storage tanks. The property is located in the General Business (B-1) Zoning District, and per section 605.03-17 of the Regulations, propane storage facility greater than five hundred (500) gallons are a use by special exception. The original special exception permit and associated conditions were approved by the Board of Supervisors on June 23, 1997. The property is located on Yellow Rail Lane (private road) on the west side of N Lee Highway (Route 11) approximately .45 miles south of the intersection of N Lee Highway (Route 11) and Valley Pike (Route 645) and is identified as 33 Yellow Rail, Lexington, Virginia 24450. The property is further identified as tax map number 62-A-36 (4.424 acres per tax records). The property is located in the Walkers Creek Magisterial District.*

Mr. Whitmore read the following statement: “I hereby abstain from all matters, discussions, or voting related to the Application for an Amended Special Exception Permit by the Rockbridge Farmers Cooperative, Inc., and my disclosure statement required under the Conflict-of-Interest Act is on file with the Secretary of the Planning Commission.”

Mr. Slaydon reviewed the application to amend the special exception permit in order to add two 30,000-gallon propane storage tanks. He noted the original special exception permit was approved by the Board of Supervisors on June 23, 1997. He then reviewed the draft conditions.

Mr. McLaughlin asked about the screening between the property and Hulls Drive-In.

With the Co-op, Mr. Jason Black noted that the existing screening is in good shape and is being maintained.

Mr. Slaydon agreed that there is an existing buffer in place, and as a patron of the Drive-In, he knows that it is a sufficient buffer.

Mr. McLaughlin opened the public hearing at 7:25 pm.

There was no one physically present to speak, and there were no comments via the Zoom platform or phone.

Mr. McLaughlin closed the public hearing at 7:26 pm.

Ms. Hines stated that this is pretty cut and dry and that the trees do block it reasonably well from the Drive-In.

Ms. Hennis made a motion that the Planning Commission recommend to the Board of Supervisors that the Amended Special Exception Permit for revised conditions to add two 30,000-gallon propane storage tanks in the General Business District (B-1), at 77 Yellow Rail Lane, in the Walkers Creek Magisterial District, identified as Tax Map #62-A-36, be approved

with the following conditions:

1. Substantial compliance with plan prepared by Blackwell Engineering, dated December 2020.
2. The fourth 30,000-gallon propane tank to be installed within two years of the date of the approval.
3. Existing landscaping to be maintained in healthy condition.

Ms. Hines seconded the motion the Commission voted unanimously to approve, with Mr. Whitmore abstaining.

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The ninth agenda item was the public hearing for David Rabern (Old Chapel Road) to obtain a Special Exception Permit to develop a private noncommercial landing strip in the Agricultural and General Uses (A-2) Zoning District as follows:

*David W. Rabern, 665 Old Chapel Road, Fairfield, Virginia 24435, applying for a special exception permit to develop a private, noncommercial landing strip on the property. The property is located in the Agricultural and General Uses (A-2) Zoning District and per section 603.03-4 private, noncommercial landing strips are a use by Special Exception. The property is located on the west side of Old Chapel Road (Route 717) approximately .73 miles east of the intersection of Old Chapel Road (Route 717) and Mount Atlas Road (Route 716) and is identified as 665 Old Chapel Road, Fairfield, Virginia 24435. The property is further identified as Tax Map number 50-A-58 (163.339 acres Per tax records) and is located in the Walkers Creek Magisterial District.*

Mr. Slaydon reviewed the application, including the zoning in the area. He noted that Mr. Rabern applied for a Special Exception Permit for a private, noncommercial landing strip in the Agricultural and General Uses District. He then reviewed the landing strip's technical details and noted its proximity to other properties.

Mr. David Rabern thanked Mr. Slaydon for shepherding him through this process. He thanked the Commission members for their time and those that visited the site. He noted that Mr. Slaydon covered the technical details, including the document that addressed all the FAA rules and regulations. He indicated three items of concern to the neighbors that need to be addressed. One was visual intrusiveness. He stated that the airfield is surrounded by trees and cannot be seen except by air. Mr. Rabern noted that the property is in a VOF Conservation Easement and was inspected by them. One of VOF's concerns was visual intrusiveness, and they found there was no cause for concern. The second item was physical safety. He indicated that he would comply with all FAA regulations regarding takeoff and landing. He noted that the map shows the distance between the field and the northern property boundary is 1.1 miles; all takeoff and landings will be over his property. Once he is off the property, he will be between 1,500-2,000 feet above the neighboring property. FAA rules will be exceeded by a factor of three. The third item was noise considerations. He reviewed a document that shows the level of common noise

heard in a rural setting and compared the decibels(dB) to the aircraft's noise. He noted that there is a burst of sound at takeoff, and then it lowers as the plane rises. He advised the reverse is true on landing.

Mr. McLaughlin opened the public hearing at 7:43 pm.

There was no one physically present to speak, and there were no comments via the Zoom platform or phone.

Mr. McLaughlin closed the public hearing at 7:44 pm.

Mr. McLaughlin thanked Mr. Rabern for his hospitality during the site visit and his professional tour of the site. He noted the field is agricultural, limiting when he can use the landing strip during hay season. He stated that the plane he is flying is a particular type of aircraft, and there are not that many planes that can land on a strip that short. He stated that he was impressed by Mr. Rabern's proposal and was in favor of the application.

Ms. Hennis agreed and stated that due to the limitation on the length of the landing strip, the size and type of plane that can land is limited.

Ms. Hennis made a motion that the Planning Commission recommend to the Board of Supervisors that the application for a Special Exception Permit to develop a private, noncommercial landing strip in the Agricultural and General Uses District (A-2) on property located at 665 Old Chapel Road, Fairfield, Virginia, 24435, and identified as Tax Map #50-A-58, in the Walkers Creek Magisterial District, be approved with the following conditions:

1. No more than two (2) planes are permitted on the ground at any given time.
2. The location of the landing strip is shown below, with the landing strip being no closer than 200' to the property to the west (T.M. # 50-A-55).
3. The landing strip is limited to 1200' in length and 300' in width.
4. The approach to the landing strip shall be from the east to the west, and takeoffs shall be from the west to the east as shown on the plan.

Mr. Lucas seconded the motion, and the Commission voted unanimously.

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The tenth agenda item was the public hearing for JBLN Investments LLC (Thoroughbred Circle) to amend their existing proffers associated with a conditional rezoning in the Residential Mixed (R-2) Zoning District as follows:

*JBLN Investments LLC, P.O. Box 103 Mt. Sidney, Virginia 24467, applying for an amendment to proffers associated with a previously approved conditional rezoning in order to develop single-family dwellings. The property is located in the Residential Mixed (R-2) Zoning District and was conditionally rezoned with acceptance of proffers. The original conditional rezoning was approved by the Board of Supervisors on February 23, 2009. The property is located on the northside of the intersection of Thoroughbred Circle (Route 750) and Valley Pike (Route 645). Access to the property is off of the private portion of Thoroughbred Circle, approximately .22 miles from the intersection of Valley Pike (Route 645) and Thoroughbred Circle (Route 750 then turns to a private road). The*

*property is further identified as tax map number 62-33-22 (8.608 acres per tax records).  
The property is located in the Walkers Creek Magisterial District.*

Ms. Hennis read the following statement: “I hereby abstain from all matters, discussions, or voting related to the application for proffer amendment by JBLN Investments, and my disclosure statement required under the Conflict-of-Interest Act is on file with the Secretary of the Planning Commission.

Mr. Slaydon reviewed the application and showed the zoning in the area. He noted that this is an application for proffer amendment. The Board approved the original conditional rezoning with proffers on February 23, 2009. The amendment request is to allow for lots for single-family dwellings. He noted that the development plan dated February 24, 2013, has been revised to reflect the requested amendment and is now dated January 12, 2021. He reviewed the access to the property and noted the reduction of multifamily units to cluster lots for single-family dwellings. He referred to the revised proffer statement, which states that the development of the property tax map number 62-33-22 totaling 8.608 acres for which the application is being made shall be in substantial accordance with the concept plan of development prepared by Hamrick Engineering, P.C. (titled JBLN Investments LLC – preliminary plat) dated February 24, 2013, with a revision date of January 12, 2021.

Mr. Brasil Hamrick stated he is asking for permission to change the plan from the original multifamily development to a mix of multifamily and single dwelling lots. He advised that he feels that the single-family lots will be more successful than the townhomes, therefore the requested change.

Mr. McLaughlin opened the public hearing at 7:54 pm.

There was no one physically present to speak, and there were no comments via the Zoom platform or phone.

Mr. McLaughlin closed the public hearing at 7:55 pm.

Mr. McLaughlin stated there is a need for this kind of housing in the Rockbridge area; therefore, he favored this application.

Ms. Hines stated that she agreed. It is a good proposal, and we need housing in the area. She then asked about the right of way for the utility line and if there was enough room for an additional lot as shown on the current plan.

Mr. Hamrick indicated that it is a gas easement and that there is enough room based on his measurements.

Ms. Hines made a motion that the Planning Commission recommend to the Board of Supervisors that the amendment to previously approved proffered conditions in the Residential Mixed (R-2) Zoning District, from townhomes to detached single-family dwellings, for property located on the north side of the intersection of Thoroughbred Circle (Route 750) and Valley Pike (Route 645), and identified as Tax Map #62-33-22, in the Walkers Creek Magisterial District, be approved.

Mr. Lucas seconded the motion, and the Commission voted unanimously with Ms. Hennis abstaining.

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The eleventh agenda item was a Cluster Subdivision Review for JBLN Investments LLC (Thoroughbred Circle).

Mr. McLaughlin voiced concerns about an increase in traffic on the road.

Mr. Hamrick indicated that the previous Planning Commission stated that they wanted to see the two separate entrances so that the townhouse and the single-family dwelling have their respective entrances.

Mr. McLaughlin asked how the traffic flow would be.

Mr. Hamrick indicated the VDOT study states ten trips per day per dwelling is the average traffic count. He showed the flow of traffic on the plan.

Mr. Lucas stated that he remembers being on the previous Planning Commission. There were concerns voiced then that emergency vehicles would have trouble getting in and out of the area as the plan exists.

Mr. Hamrick stated the roadway could handle the largest ladder truck but might have to do a three-point turn at the cul-de-sac.

Mr. Lucas stated that with ten trucks or rescue units responding to a call, it would get blocked up pretty quickly. He noted he has witnessed it happen on calls they responded to in similar conditions.

Mr. Slaydon asked about the width of the road.

Mr. Hamrick responded that it is 18 feet wide with a 30 feet cul-de-sac.

Mr. Slaydon advised VDOT has to approve the plan. He indicated that historically the Commission had been allowed to make comments, but no motion is required.

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Mr. Slaydon advised we have a new audio system now and thanked Mr. Stefan Janjic with the IT department for all his work on the project. He then reported that he used a new format for the memo for the package this month. He then asked if there were any concerns about the new format. Ms. Hennis stated she appreciates the new format. Mr. McLaughlin agreed, as did the others.

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With no further business to discuss, Mr. McLaughlin adjourned the meeting at 8:08 pm. on a unanimous vote with Ms. Hennis making the motion and a second by Ms. Hines.

Respectfully Submitted,

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Christopher T. Slaydon  
Secretary