

**AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY PLANNING COMMISSION HELD IN THE COUNTY ADMINISTRATIVE OFFICE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA MARCH 11, 2020 AT 7:00 P.M.**

**PRESENT: LEE MCCLAUGHLIN, JR – CHAIR, MELISSA HENNIS-VICE-CHAIR, DAVID WHITMORE, ROBERT LUCAS, AND KIMBERLY HINES**

**ABSENT:**

**SECRETARY: CHRIS SLAYDON**

**STAFF: BRANDY FLINT**

**COUNTY ATTORNEY: VICKIE HUFFMAN**

**OTHERS: KELLY PETERS, CHARLES AND DARLENE HILEMAN, DAPHNE STRICKLEY, GREGORY HARTMAN, MELBA ASHBURY, AND ANDY AND LAURA HOOFNAGLE**

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Mr. McLaughlin convened the meeting at 7:01 p.m.

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The second agenda item was Citizen Comments.

There were none.

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The third agenda item was the review of the February 12, 2020 meeting minutes.

Upon a motion by Mr. Whitmore, seconded by Ms. Hennis, the Commission voted unanimously to approve the minutes with one correction on page one.

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

Mr. Slaydon advised that the Board of Supervisors approved the Byers Inc applications per the recommendations of the Planning Commission and concurred with the Commission's determination that the VMI parking lot is consistent with the Comprehensive Plan.

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The fifth agenda item was the public hearing for Kelly Peters to rezone from R-1 to A-T 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 public hearings will be held by the Rockbridge County Planning Commission on Wednesday, March 11, 2020, at or after 7:00 p.m. in the Meeting Room in the County Administrative Offices, 150 South Main Street, Lexington, Virginia 24450, followed by public hearings by the Board of Supervisors on Monday, March 23, 2020, at or after 6:00 p.m. at the same location to consider the following application: Kelly Peters, 218 Ralston Road, Richmond, Virginia, applying to rezone 6.71 acres from Residential General District (R-1) to Agricultural Transitional District (A-T) to develop a hobby farm per Section 603B.02-02 of the Land Development Regulations. Property owned by Charles and Darlene Hileman is located on the east side of Valley Pike approximately 350' north of its intersection with Meadowview Drive in the Walkers Creek Magisterial District and further identified as Tax Map 62A-8-2.*

Mr. Slaydon reviewed the application as submitted, the location, and zoning.

Ms. Kelly Peters, the applicant and prospective buyer advised that she wants to build a house on the property, have a hobby farm, and a guest cottage for her mother. She noted that the cabin might be built with the main house or at a later date. Ms. Peters stated that her biggest need is to be able to have the hobby farm. She noted the deed restrictions and the flood plain restrictions that limit how the property can be used.

Mr. Charles Hileman, the property owner, and seller advised that they bought the property in 1999 for their kids with the hope they would return home, but that has not happened. It is currently being farmed, and that is about the only use for it since it is in the flood zone.

Mr. McLaughlin opened the public hearing at 7:07 p.m.

Mr. Gregory Hartman, 75 Meadowview Drive, noted that this is right in his back yard. He stated that he does not want to see the property turned into a hobby farm, and he does not want to deal with the noise of the animals. He concluded that when he bought his home, he did not expect farm animals to be in his back yard and asked that the rezoning be denied.

Ms. Daphne Strickley, 43 Meadowview Drive, stated that she has lived in her home since 1992 and loves the neighborhood. She advised that she is against having a hobby farm on that property.

Ms. Melba Asbury, 31 Meadowview Drive, indicated she has been there for 12 years and loves it very much. She stated that she is against a hobby farm, which she thinks is a business. Ms. Strickley advised that if the farm turns a profit for two out of three years, then it will have to pay taxes, and that makes it a business. She concluded that she would like to have her as a neighbor but is opposed to the rezoning. She stated that if someone else were to buy it, then they might make it a more extensive farm operation there, and that would be detrimental to the value of her home and will impact her profits if she tries to sell.

With no further comment, Mr. McLaughlin closed the public hearing at 7:11 p.m.

Ms. Peters stated that she did not realize there would be this much push back. She said that she grew up on a farm and wants to have the farm, and she is willing to proffer not to have a farm stand on the property if that is the biggest issue. Ms. Peters indicated there is a gully on one side of the property, which will limit the animals being in that area. She stated she would improve the fencing and would make it look nice. She noted that she would not have a large poultry house, but she does want more than six chickens, which is all that is allowed in a

residential zone. She reiterated that she would like to have animals on the property, and the property is conducive to that, plus it is a unique property with public water and sewer. She stated that those are excellent amenities to have with a farm. She noted that the surrounding zoning is already A-T, which allows farm animals. She concluded that this downzoning would not negatively impact future tax dollars since it is not developable.

Several citizens in attendance wanted to ask more questions. Mr. McLaughlin allowed additional public comments.

Ms. Stickley stated there is a right-of-way between her house and the neighbors' that is very narrow, and having a farm stand on the property with that access would be an issue. She asked if some conditions and restrictions could be added that limit the animals that would be allowed.

Mr. Hileman advised that there are deed restrictions on the property that limit commercial poultry houses and pigs on the property.

Ms. Hennis asked where Ms. Donald's property is located.

Mr. Hileman responded that her home is north of the property. He noted that his property is used for hay and has been for years.

Ms. Hennis asked what the development restrictions are.

Ms. Kelly responded that there could be three houses on the property. VDOT indicated a new road would need to be put in with a bridge, so that limits the development to two houses on the current right-of-way.

Mr. Lucas advised that the current zoning up to two houses could be built on the property. Two homes could have upwards of six vehicles traveling in and out all day, every day.

Ms. Hines asked Ms. Peters where she planned to have the entrance.

Ms. Peters indicated that she would not build the entrance off of Valley Pike because it would require a bridge. She noted that she would like to have the farm stand in the future and would place that on the Valley Pike side of the property where she would not have to cross the creek, and that would not impact the residents on the current right-a-way.

Mr. McLaughlin asked if Ms. Peters would be willing to put in a vegetative buffer.

Ms. Peters indicated she would be willing to plant a buffer.

Mr. Slaydon advised in the next thirty days staff, and the applicant will attempt to address concerns with written proffers. He noted that this application would need to be advertised as a conditional rezoning versus a straight rezoning.

Ms. Hines stated that no hogs, no poultry houses, and no commercial activity are all included in the deed restrictions.

Ms. Huffman advised that we cannot enforce deed restrictions.

Ms. Hennis reiterated that two houses could be built with the current entrance and third if a bridge is created, which could increase substantially more traffic than a hobby farm.

Ms. Hines asked about A-T restrictions on animals.

Mr. Slaydon replied there are no limits other than on livestock confinement systems.

Mr. Whitmore advised that he is willing to motion to approve because he felt the issues are addressed with the deed restrictions.

Mr. Lucas indicated that Ms. Peters is here today, but what if she sells and the use is intensified. He stated the subdivision was in place first, and they did not buy their homes, thinking this would happen. He noted that this could negatively impact their property values.

Ms. Peters stated that she would not proffer anything that is already in the deed restrictions.

Mr. Lucas advised the proffers will specifically address the issues and allow enforcement of proffers, which protects the neighbors in the subdivision if the land is sold.

Ms. Peters asked what the proffers would be.

Ms. Hines responded that items such as buffer and number of chickens are two items that could be proffered.

There was discussion back and forth on what could be done to allow the hobby farm to alleviate the neighbors' concerns. The Commissioners indicated they are in favor of the zoning but want to add some restrictions.

Mr. Slaydon advised this application would need to be withdrawn and advertised as a conditional rezoning.

Upon a motion by Ms. Hennis, second by Mr. Lucas, the Commission voted unanimously to set this matter aside for the April meeting as a conditional rezoning.

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The sixth agenda item was for Virginia Infrastructure Inc. to rezone from R-1 to I-1 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 public hearings will be held by the Rockbridge County Planning Commission on Wednesday, March 11, 2020, at or after 7:00 p.m. in the Meeting Room in the County Administrative Offices, 150 South Main Street, Lexington, Virginia 24450, followed by public hearings by the Board of Supervisors on Monday, March 23, 2020, at or after 6:00 p.m. at the same location to consider the following application: Virginia Infrastructure Inc, 60 Cloverleaf Lane, Lexington, Virginia, applying to rezone .81 acres from Residential General District \_R-1) to General Industrial District (I-1) to expand an existing contractor's yard per Section 607.02-11 of the Land Development Regulations. The property is located at the above address off of Flowers Lane in the Buffalo Magisterial District and further identified as Tax Map 75A-3-1F*

Mr. Slaydon reviewed the application as submitted, the location, the zoning.

Mr. and Mrs. Hoofnagle with Virginia Infrastructure indicated that they do not have that many neighbors. They noted that the house was accessible through an easement on their current industrial property. The house was in poor condition and has since been torn down. They indicated that there is a buffer of the hillside and the trees that prevent even seeing the property.

Ms. Hennis noted that she advised the previous landowner on what they should do with the property before the Hoofnagle's bought it.

Mr. Slaydon showed an unaddressed structure on the adjoining property and then reviewed the contours of the property.

Mr. McLaughlin opened the public hearing at 7:47 p.m.

There were no comments.

Mr. McLaughlin closed the public hearing at 7:47 p.m.

Mr. McLaughlin indicated that he did not see any issues with this rezoning and did not see it impacting any of the neighbors.

Upon a motion by Mr. Lucas, second by Ms. Hennis, the Commission voted unanimously to recommend to the Board of Supervisors that the rezoning of .81 acre parcel on Cloverleaf Lane, off of Flower Lane, owned by Virginia Infrastructure, Inc., and identified as Tax Map 75A-3-1F, from Residential General District (R-1) to General Industrials District (I-1) be approved.

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The seventh agenda item was for the Atlantic Coast Pipeline site plan review in I-1.

The applicant requested that this item be withdrawn from the agenda and placed on the April agenda.

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With no further business to discuss, the meeting adjourned with a unanimous vote after a motion by Mr. Lucas and a second by Ms. Hennis.

Respectfully Submitted,

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Christopher T. Slaydon  
Secretary