



# COUNTY of ROCKINGHAM

Department of Community Development

William L. Vaughn  
Director

September 14, 2012

Eric Ottinger  
PO Box 2037  
Harrisonburg, VA 22801

Dear Mr. Ottinger:

At the regular meeting of the Rockingham County Board of Supervisors held on September 12, 2012, the KKB, LLC, request to rezone 6.146 acres from A-2 to R-3C on tax parcels 125-(A)-L6 and 125-(A)-L6A was approved with the following conditions:

1. The community shall have gated access with keypad or other system for entry. Internal parking lot shall be private, with no public maintenance obligations. Fence shall include two access points designated for bicycles and pedestrians; one entrance being on Port Republic Road, and one entrance being on the existing Stone Spring Road.
2. There shall be two entrances to the Property, which shall be constructed according to applicable VDOT requirements. The entrances may vary in location, and scope from what is shown on the attached Plan of Development layout if approved by VDOT and the County as part of site plan approval process.
3. Landscaped areas shall be oriented to provide vegetative buffers to adjoining properties in keeping with sound landscaping practices, as well as the guidelines and limitations imposed by the holders of any easements affecting the property. These Landscaped areas shall be installed within sixty (60) days after issuance of a certificate of occupancy for the first dwelling in the project.
4. Developer shall install a decorative fence with a minimum height of 60" around perimeter of Property for the purpose of providing a physical barrier between the project and residences, roads, and other properties. This fence shall be installed within sixty (60) days after issuance of a certificate of occupancy for the first dwelling in the project.
5. As part of development of the project, Developer shall construct at its expense a ten foot (10') wide, approximately 832' long shared use path along the existing Stone Spring Road as generally shown on the Plan of Development. Indoor bicycle racks shall be provided, with a minimum of one bicycle space provided for every five bedrooms.
6. If requested by Harrisonburg Department of Public Transportation, Developer shall provide a bus stop for the project's residents with the exact location and design of the bus stop coordinated with VDOT and Harrisonburg Department of Public Transportation, and if approved by VDOT, to be located on the existing Spring Road, and constructed according to applicable VDOT requirements.

7. Developer shall provide a School Bus drop-off point along the existing Stone Spring Road with the exact location and design of the drop-off point coordinated with VDOT and Rockingham County School Administration and constructed according to applicable VDOT requirements.
8. As generally shown on the Plan of Development, Developer shall install a Center Turn Lane on the existing Stone Spring Road, providing left turn access to Property. Center Turn Lane shall be a minimum of one hundred fifty feet (150') in length, or constructed to VDOT standards. Center Turn Lane shall begin from the existing Stone Spring Road entrance to Property.
9. As generally shown on the Plan of Development, Developer shall install a Right Turn Lane a minimum of one hundred feet (100') long with one hundred feet (100') taper on the existing Stone Spring Road and according to VDOT standards.
10. The attached Plan of Development showing the proposed roads, parking lots, residences, green areas, and signage shall generally be followed. Adjustments during the design and site plan approval phases may be necessary, but conformity to the Plan of Development shall be materially maintained.
11. The construction shall consist of a series of interconnected, contiguous, framed buildings with upscale veneers, such as faux stone and Exterior Insulation Finishing System (EIFS).
12. Any proffers that require improvements to land will be maintained in reasonably good repair at the Developer's expense, except improvements dedicated to and accepted by public agencies.

KKB, LLC hereby proffers that the use and development of this property shall be in strict accordance with the proffered conditions set forth herein and/or depicted on the attached Plan of Development.

Before beginning any construction, a site plan must be submitted to this office and approved. If you have questions related to the site plan, please contact John Meck, our Development Review Manager, at 540-564-1529, and if I can be of further assistance, please call me at 564-3033.

Sincerely,



Rhonda H. Cooper  
Director of Planning

Enclosure:  
Proffered Plan of Development



## PROFFER STATEMENT

RE: KKB, LLC Stone Spring Courtyard R-3C Rezoning Request

Updated August 7, 2012

Rockingham County Rezoning Case No.:

KKB, LLC hereby proffers that the use and development of this property shall be in strict accordance with the following conditions:

1. The community shall have gated access with keypad or other system for entry. Internal parking lot shall be private, with no public maintenance obligations. Fence shall include two access points designated for bicycles and pedestrians; one entrance being on Port Republic Road, and one entrance being on the existing Stone Spring Road.
2. There shall be two entrances to the Property, which shall be constructed according to applicable VDOT requirements. The entrances may vary in location, and scope from what is shown on the attached Plan of Development layout if approved by VDOT and the County as part of site plan approval process.
3. Landscaped areas shall be oriented to provide vegetative buffers to adjoining properties in keeping with sound landscaping practices, as well as the guidelines and limitations imposed by the holders of any easements affecting the property. These Landscaped areas shall be installed within sixty (60) days after issuance of a certificate of occupancy for the first dwelling in the project.
4. Developer shall install a decorative fence with a minimum height of 60" around perimeter of Property for the purpose of providing a physical barrier between the project and residences, roads, and other properties. This fence shall be installed within sixty (60) days after issuance of a certificate of occupancy for the first dwelling in the project.
5. As part of development of the project, Developer shall construct at its expense a ten foot (10') wide, approximately 832' long shared use path along the existing Stone Spring Road as generally shown on the Plan of Development. Indoor bicycle racks shall be provided, with a minimum of one bicycle space provided for every five bedrooms.
6. If requested by Harrisonburg Department of Public Transportation, Developer shall provide a bus stop for the project's residents with the exact location and design of the bus stop coordinated with VDOT and Harrisonburg Department of Public Transportation, and if approved by VDOT, to be located on the existing Spring Road, and constructed according to applicable VDOT requirements.
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11. The construction shall consist of a series of interconnected, contiguous, framed buildings with upscale veneers, such as faux stone and Exterior Insulation Finishing System (EIFS).
12. Any proffers that require improvements to land will be maintained in reasonably good repair at the Developer's expense, except improvements dedicated to and accepted by public agencies.

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KKB, LLC hereby proffers that the use and development of this property shall be in strict accordance with the proffered conditions set forth herein and/or depicted on the attached Plan of Development.

Sincerely,

KKB, LLC a Virginia limited liability company

BY: \_\_\_\_\_

  
Dain Hammond, Manager



# COUNTY of ROCKINGHAM

## Department of Community Development

William L. Vaughn  
Director

### SPECIAL USE PERMIT SUP12-162

On September 12, 2012 the Rockingham County Board of Supervisors approved and authorized the issuance of a Special Use Permit to:

**KKB, LLC**  
**PO BOX 2037**  
**HARRISONBURG, VA 22803**  
Tax Map #125-(A)-6 & 125-(A)-6A

for the following: building height in excess of 35' and not to exceed 60' in height, building length in excess of 200', and exemption from minimum lot width setback in excess of 18 units per acre not to exceed 220 total project dwelling units

**Operation of the building or use (including an approved Certificate of Occupancy, if required) shall be commenced within two years of the date of approval or the Special Use Permit becomes void and reapplication shall be required. This permit is subject to all conditions and requirements of the Rockingham County Code now in effect and to the additional conditions imposed by the Board of Supervisors, as follows:**

#### **CONDITIONS:**

1. No building shall be taller than 60 feet.
2. The number of units shall not exceed 220 total project units.
3. This approval allows for building lengths in excess of 200 feet.
4. This project shall be served by public utilities and shall meet Public Works requirements with regard to the utilities.
5. Buildings shall comply with all Building Code requirements.
6. No buildings shall be occupied until a certificate of occupancy is approved from the County for the subject building.

Diana Cobb Stultz  
Zoning Administrator

/dcs



# COUNTY of ROCKINGHAM

## Department of Community Development

William L. Vaughn  
Director

September 13, 2012

Dain Hammond  
KKB, LLC  
PO Box 2037  
Harrisonburg, VA 22801

Dear Mr. Hammond:

The Rockingham County Board of Supervisors **APPROVED** your special use permit request for building height in excess of 35' and not to exceed 60' in height, building length in excess of 200', and exemption from minimum lot width setback in excess of eighteen (18) dwelling units per acre not to exceed 220 total project units at its regular meeting held on September 12, 2012.

Attached is your special use permit, which lists all of the conditions placed on it by the Board of Supervisors. Please read it carefully as you must meet all of the conditions placed on the permit. You should now contact Mr. John Meck in this office regarding the site plan, which is required as a part of the special use permit.

Please bring this letter with you when you come in to obtain your building permit and show it to the staff member assisting you so they can pull your special use permit file to obtain the necessary information.

**NOTE: OPERATION OF THE BUILDING OR USE SHALL BE COMMENCED BY SEPTEMBER 12, 2014. COMMENCEMENT IS CONSIDERED AS THE INSPECTION AND APPROVAL OF THE FOOTERS. A CERTIFICATE OF OCCUPANCY MUST BE OBTAINED WITHIN TWO YEARS OF THE COMMENCEMENT DATE. A ONE-TIME, TWO-YEAR EXTENSION MAY BE GRANTED BY THE ZONING ADMINISTRATOR UPON WRITTEN REQUEST. FAILURE TO MEET THESE REQUIREMENTS SHALL RESULT IN THE VOIDING OF THE PERMIT AND REAPPLICATION SHALL BE REQUIRED.**

Should you have any questions concerning this matter, please telephone us at (540) 564-3032.

Sincerely,

Diana Cobb Stultz  
Zoning Administrator

PHYSICAL ADDRESS  
3230 Peoples Drive Suite 110  
Harrisonburg, VA 22801

MAILING ADDRESS  
P.O. Box 2037  
Harrisonburg, VA 22801



phone: (540) 442-8486  
fax: (540) 442-7817

[www.HammondAsset.com](http://www.HammondAsset.com)

Sept. 12<sup>th</sup> 2012

Mr. & Mrs. Housden,

In exchange for support of the planned rezoning and special use permits filed by KKB LLC, to be heard on Sept. 12<sup>th</sup> 2012 before the Rockingham County Board of Supervisors, KKB LLC will perform the following within 90 days of receiving occupancy permit for planned development. These items are contingent upon a successful rezoning and approval of all three special use permits.

- Along the property line shared between these two properties, the Developer shall install a faux wrought iron fence the linear length of the property plus 15% to allow for a staggered design (to be equally shared on both properties) to be mutually agreed upon between Developer and Housden Photography.
- Developer shall install one Leyland Cypress tree (or similar screening tree) every 10 feet (10') along shared perimeter of Properties' line. Trees shall be a minimum of five feet (5') in height.
- Developer shall grant Housden Photography \$5,000 to be used as a landscaping budget on shared Properties' border at their discretion.
- Within six months of receiving construction permits, Developer shall pay for the water and sewer hookup and install to the current Housden Photography Studio, if not already paid and installed previously.

This agreement binds KKB LLC, its successors and or assigns to the current owners, Ralph L. and Patricia D. Housden, of Deed Book 1634 page 655 Tax Map # 125(a) 4.

Thank you for your support and I look forward to working with you in the future.

Regards,

Dain T. Hammond

President