

Mr. Lucas called the February 13, 2023 meeting of the Botetourt County Planning Commission to order at 6:00 PM, in the Botetourt County Administration Center Auditorium in Daleville, Virginia.

PRESENT: Mr. Tim Lucas, Chairman
Mr. Brandon Nicely, Vice-Chairman
Mr. Steve Kidd, Member
Mr. Sam Foster, Member
Mr. Tim Snyder, Member
Mr. Billy Martin, Ex-Officio Member
Mr. Mike Lockaby, County Attorney
Mrs. Nicole Pendleton, Director of Community Development
Mr. Drew Pearson, Zoning Administrator
Mr. Jon McCoy, Planner
Mr. Matt Lewis, Code Enforcement
Mrs. Laura Goad, Administrative Assistant

ABSENT: Mr. Nick Baker, Planner

After Mr. Lucas opened the meeting and welcomed those in attendance, he introduced Staff and Planning Commission members, and then read the procedures for the public hearing, noting that anyone wishing to speak should complete a "Request to Speak" form and give it to a Staff member.

Mr. Lucas stated the Board of Supervisors would hear this request on February 28, 2023 at 6:00 PM, here at the Botetourt County Administration Center.

At this time, Mr. Lucas welcomed Mr. Tim Snyder to the Planning Commission.

Mr. Lucas announced that the Planning Commission would meet in the Kroger parking lot for the next field review at 3:15 PM on Thursday, March 9, 2023.

Mr. Kidd motioned to approve the January 9, 2023 Planning Commission minutes as written.

Mr. Nicely and Mr. Foster seconded the motion, which was approved 5:0:0:0 for the following recorded vote:

YES: Mr. Nicely, Mr. Foster, Mr. Lucas, Mr. Kidd, Mr. Snyder
NO: None
ABSTAIN: None
ABSENT: None

Mr. Foster stated that as a board member of Daleville Cemetery Association, he had no financial investment in this project, his only concern was to protect the cemetery, and he felt like he could speak and help make the decision.

Mr. Lockaby noted that Mr. Foster might have a personal interest in the transaction, even though it was not a financial interest, and confirmed with Mr. Foster that he had declared the transaction, the nature of his potential personal interests, and he also he needed to state if he was a member of a group of three

or more people present from the Daleville Cemetery Association and his belief that he could participate in a decision fairly, objectively, and in the public interest.

Mr. Foster stated that he was a member of a group of at least three people present from the Daleville Cemetery Association and he felt like he could make a decision.

Mr. Lockaby noted that the cemetery was one of about a half dozen parcels more or less, equally affected.

Public Hearings

Valley District: Farrell Properties Limited Company (Nacarato Truck Centers, GP, contractual lessee) requests to rezone 7.231 acres with possible proffered conditions, from the Business (B-3) Use District to the Industrial (M-2) Use District in accordance with Sec. 25-581.- Zoning map amendment – Owner initiated and Chapter 25 Zoning, Article II – District Regulations Generally, Division 16.- Industrial District M-2 for the use of heavy equipment, tractor-trailer, and specialty vehicle sales, rental, repair and accessory service at 2590 Lee Highway, Troutville, (US Route 11), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 160.

Mr. Pearson stated this application had been tabled, and since that time, the applicants asked to withdraw their rezoning request. He further stated that since a public hearing had been advertised, the Planning Commission needed to vote on whether to accept the request to withdraw the application.

Mr. Foster motioned to accept the applicants' request to withdraw their application.

Mr. Nicely seconded, which was unanimously approved 5:0:0:0, with the following recorded vote:

YES:	Mr. Nicely, Mr. Foster, Mr. Lucas, Mr. Kidd, Mr. Snyder
NO:	None
ABSTAIN:	None
ABSENT:	None

Amsterdam District: Whisper Hill LLC and Invest Properties LLC (TPB Enterprises LLC, contractual purchaser) requests a Special Exception Permit, with possible conditions, to increase the number of multi-family dwelling units allowed per acre and a Special Exception Permit, with possible conditions, to increase the maximum building height above 45 feet in accordance with Chapter 25, Article III. Overlay Districts, Division 2.- Gateway Crossing Overlay District, and Sec 25-583 of the Botetourt County Code. This request includes five contiguous parcels totaling 21.446 acres, with frontage along Roanoke Road (US Route 220), College Drive (SR 656) and Old Estates Lane and are identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcels 38, 38B, 40, (4)A and (4)B.

Mr. Pearson read the request aloud as he displayed the zoning map with five subject properties outlined in red, consisting of A-1, R-3, R-2, and B-1 zoned properties. He explained the subject parcels consisted of a mixture of zoning use districts, the Gateway Corridor Overlay, Flood Hazard Overlays, and were adjacent to train tracks at the rear of the site. Mr. Pearson then displayed a map with the Gateway Crossing Overlay District, noting the overlay provided additional uses in the Business Subdistrict, allowing a mixture of retail, stores, shops, park and rides, and up to eight dwelling units of multifamily that could be done by-right without public hearings. He noted that on these 21 acres, 171 units could be built without a public

hearing. Mr. Pearson said that the buildings could be up to 45 feet tall by-right, and up to 60 feet tall by Special Exception Permit. He explained that the applicant requested Special Exception Permits to increase the density and the building height. Displaying the aerial map, Mr. Pearson pointed out wooded areas behind the site, commercial uses across the road, the Daleville Cemetery on the same side, the Kroger, and Mrs. Hancock's property. Looking at this request, Mr. Pearson showed the applicant's concept site plan, noting features of the proposed development from the front to back and discussed the one planned access that would serve the development. After talking with VDOT, the developers would be granted right in, right out access at the one access point on Roanoke Road. No access on College Drive has been proposed, although the developers are seeking approved from VDOT to have a left turn into the site from Roanoke Road. If not approved by VDOT, Mr. Pearson said access would be only right in, right out. Mr. Pearson then discussed the topography of the site. He stated this site was about 1200 feet above sea level at the road, indicating about 1240 feet at the top of the knoll or highest point. He further stated that while the development had not been fully designed, preliminary plans indicated that the site would be graded down to about 1205 in the front with a gradual slope toward the rear of the developed area. He explained that the dark line on the concept plan was a retaining wall. He said the finished floor elevations of the two front buildings were proposed to be around a 1205 elevation. He said there would be a considerable reduction in the front elevation, which would be used to fill towards the rear, creating gradual slope from front to back. He stated they would construct three buildings, each with 100 units that would each have a mixture of one, two, and three bedrooms. He stated the parking was shown in compliance with the zoning code with about 538 parking spaces, the clubhouse and pool. Mr. Pearson mentioned the ordinance required 10% open space and 50% of that is required to be improved. He further stated the improvements consisted of sidewalks, pool and a clubhouse. The developer also has agreed to dedicate right of way for a potential future greenway along Tinker Creek. Mr. Pearson noted The Reserve's developer granted the County a variable 30' easement to provide future recreational opportunities for the residents of the development, as well as all citizens of Botetourt County and that the dedication of the easement would count toward the improved open space requirement. Mr. Pearson stated that Staff met with the Daleville Cemetery Association. The developer also met with them and reported to the County that they are willing to provide a landscape buffer and fencing between the development and portions of the cemetery to protect the historic nature of the cemetery, which had been included in the suggested conditions of staff's background report. Noting the heavily wooded area behind the cemetery, Mr. Pearson said that would stay undisturbed. He remarked that he had met with Mrs. Hancock, who was present and might have additional questions or comments and that the closest improvement to her property line was was a retaining wall that was about 175 feet away, and nearest building to her house was about 400 feet and the woods between the improvements of the development and her house would be left undisturbed.

Mr. Lucas brought up improvements, such as the pool.

Mr. Pearson responded that the clubhouse, pool, a series of pedestrian movements, including sidewalks would all count toward improved open space and that if the greenway easement was dedicated to the county, it would count toward improved open space, even though the developer would not be required to build the trail.

Mr. Pearson stated that the developer met with Botetourt County Fire and EMS, who was concerned about fire access around the entirety of the buildings. He pointed out dashed lines on the concept plan showing where the plan had been amended because of those meeting to provide full access to all parts of the buildings. Fire and EMS has reported that they can serve the proposed development, but still have concerns with general area of Daleville as a whole as being underserved due to all the different

development that has occurred and as was noted as part of a 2018 study. He further stated this would be served by the Troutville Volunteer Fire and Rescue, 3.3 miles away. Mr. Pearson noted this project would be served by public water and public sewer from the Western Virginia Water Authority. Discussing sewer, Mr. Pearson noted there was already a sewer line running across the property and that water was present along Roanoke Road. The WVWA did not report any concerns about serving this project with both water and sewer. Discussing the requested left turn lane, Mr. Pearson stated that the project would not be considered out of substantial conformance if VDOT did not approve the left turn lane. As Mr. Pearson talked about the 300 units, he commented that the number of units equated to 13.99 dwelling units per acre, and the developer could not exceed that, as Mr. Pearson suggested a condition to tie that down, noting that the developer could have requested up to 26 dwelling units per acre. Regarding height, Mr. Pearson noted that the proposed height of 53.5 feet was shorter than the 60 feet that could be requested. Mr. Pearson pointed out the existing elevation of the homes located across Roanoke Road from the proposed development and stated that the proposed increase in height for the apartment buildings would be consistent with that of a commercial building that had a 22-foot wall height if it were at the current grade. Mr. Pearson also remarked if 18-20 feet tall buildings were built across the road on the Jamison property that was zoned commercial, the apartment buildings would also be similar in height as the commercial buildings on the Jamison property. Mr. Pearson pointed out the location of Tinker Creek, from the back property line to retaining wall would be about 350 feet and sewer line was about 50 feet from the wall. He further remarked that the applicant included elevations of the proposed buildings, as he displayed one showing a mixture of stone and brick with earth tones and articulations such as gables. Mr. Pearson read the following suggested conditions aloud for the density SEP:

1. The development of the property shall be constructed in substantial conformance with the concept site plan included with the application, titled "Wellington Multi-family Special Exceptions Exhibit Plan", prepared by Balzer & Associates and dated February 8, 2023. The applicant shall seek VDOT approval of the turn lane shown upon the concept plan; however, if VDOT does not approve the turn lane, a change in conditions shall not be required.
2. The maximum number of dwelling units shall be 300 units.
3. The SEP approval shall not exempt the use from meeting the requirements of the Botetourt County Noise Ordinance.
4. To protect the adjacent cemetery from pedestrian encroachments, a fence shall be installed along the cemetery's northern property line that consists of a black aluminum metal fence and two (2) parallel rows of evergreen trees shall be planted in a staggered fashion ten (10) feet apart. The black aluminum metal fence shall also be installed along the cemetery's western and eastern property lines.
5. A thirty (30) foot variable easement shall be granted to Botetourt County for the future construction of a greenway trail along Tinker Creek. The construction of said greenway trail shall be by others and is not required of the multi-family developer and/or a condition for granting the requested special exceptions permit.
6. All other specifications and general provisions shall be met as required by the Botetourt County Zoning Ordinance and in no instance shall the zoning conditions exempt a project from any local, state or federal development requirements, except where allowed by the Zoning Ordinance.

He then read this condition aloud for the building height SEP:

1. All building structures shall be constructed in substantial conformance that includes a similar mixture of building materials, architectural elements and earthtone color pallet to those shown upon the representative building elevations included with the application, titled Wellington Apartments Schematic Rendering and Exterior Elevation Sheets #1, #2, #3 & #4, prepared by Balzer & Associates and dated January 13, 2023.

After clarifying that the builder was not responsible for building the greenway trail, Mr. Pearson stated the Planning Commission was being asked to take action on each Special Exception Permit requests.

Mr. Kidd asked about preliminary plan, in relationship to retaining wall and floodplain location.

Mr. Pearson replied that it was pretty close, and rolled through the back area. He said he did some rough calculations using the FEMA floodplain layer in GIS, and there would be approximately 9.5 acres of floodplain. Mr. Pearson noted that FEMA only performed a limited study, which did not contain floodplain elevations or cross-sections. Looking at topography, Mr. Pearson said that he estimated that the FEMA maps showed more floodplain than actual would exist if fully studied and that there would be an estimated half-acre of encroachment or about 6% of the floodplain being displaced, which would be allowed by both FEMA and the County's ordinances.

Mr. Lucas wanted to know the effects of this.

Mr. Pearson stated the portion of the proposed development that would encroach into the floodplain based on the current maps was minimal and once a flood study was completed, he expected that the amount of actual floodplain would be less than that currently show, so the impact of the development to the floodplain should also be minimal.

Mr. Kidd asked if they would have to do a detailed study.

Mr. Pearson answered that the developer would be required to submit a flood study as part of their site plan submittal that tied down the floodplain elevation and a floodway, basically completing what FEMA did not, and that no fill would allowed to be placed in any areas designated as a floodway.

When Mr. Lucas inquired about the next left turn into the development if VDOT did not allow the proposed left in from Roanoke Road, Mr. Pearson said it would currently be up at the bank across from Wendover Road.

Referring back to the map, height and buildings, Mr. Kidd asked Mr. Pearson if the wall might be as much as 30 feet tall.

Mr. Pearson responded that was a very good estimation, that he had seen a map showing that would be about 30 feet. He noted the developer might be able to speak more, as well as his engineer.

Mr. Kidd wanted to know about lighting plans, the county code, and the type of signage.

Mr. Pearson commented that the developer had several projects here, and they were using dark sky friendly fixtures and that they were fully aware of the county code. He further commented they had not discussed specific signage.

Mr. Lucas asked if there had been discussions about runoff.

Mr. Pearson stated the developer had to design to state requirements, that would be reviewed and approved by staff, and that state requirements were designed to require the capture and release of water such that the amount of runoff would be generally the same as before the development occurred.

Mr. Daniel Cyrus of TPB Enterprises LLC in Lynchburg, VA and Mr. Ben Crew, Project Engineer, with Balzer Associates in Roanoke, VA were present to discuss their request. Mr. Cyrus thanked everyone for their time, briefly went over points of project. Mr. Cyrus stated the request was for two Special Exception Permits, one for height and one for density. Mr. Cyrus noted that by-right, they could construct a building at 45 feet, and the request was due to architectural elements in keeping with the community with the roof pitch on the four-story buildings and the visual appearance. Mr. Cyrus commented there would be a lot of grade change, and it was important to keep in mind that that site would have only about five feet of fall and would appear flat to accommodate the L-shaped buildings, and he noted that they proposed to set them five feet above Route 220 today. Mr. Cyrus mentioned that if a restaurant had been proposed with the existing zoning, the height of that restaurant would likely have been the same or taller than the apartments with the grading. Regarding density, Mr. Cyrus stated multifamily was allowed by-right in the Gateway Crossing Overlay, and they are requesting a slight increase in density, but slightly less than half than what could be approved in the ordinance. Mr. Cyrus brought up the need for this project after conducting numerous studies and shared that these numbers included the Roanoke Valley. Mr. Cyrus stated there was only a 2% vacancy rate in the entire Roanoke Valley, while the typical vacancy rate was between 5%-8%. He noted that of over 2500 new jobs in area, 500 were in Daleville, and that these people would need some place to live. Mr. Cyrus said that employers question what their work force is and where will they live. Based on the studies, Mr. Cyrus said studies showed there was a need for over 1,000 additional houses for 2025 in the Roanoke area. He explained that number took into account all of the current projects under construction, and all projects approved for construction. From a timing perspective, Mr. Cyrus anticipated the first building being delivered toward the middle of 2025. He explained their method of rolling delivery by finishing a building, moving people in, working on the next building, to spread it out over a long period of time. He further explained the time between completion of the first until the last building would be about one year.

Mr. Kidd asked about a timeline, and which building would be built first.

Mr. Cyrus responded there would be three buildings with about four months between every building, with the last one in 2026. He further responded that Building One in the left corner would be constructed first.

Mr. Lucas confirmed with Mr. Cyrus that the first 100 units would become available, and not 300 units at once.

Mr. Foster wanted to know about the protection of the cemetery, fence, the two rows of trees, and the discussion of the location.

Mr. Cyrus answered that he had met with the cemetery board members. He further answered that there would be a condition to construct a fence on three sides of the cemetery, with an existing vegetative buffer to the rear of the cemetery. With the current narrow access road between the cemetery and apartment properties, Mr. Cyrus commented that he was amenable to putting the fence toward their [apartment] side of the property, by entering into a private organizations with an understanding and an

easement, and that he was happy to work through that before this went to the Board of Supervisors. He said he understood the concerns associated with it and was happy to accommodate the cemetery.

Mr. Ben Crew noted items regarding the retaining wall height and floodplain had already been discussed. He noted the left turn lane discussion on Route 220 with VDOT was ongoing in their permitting process, and conditions were outlined by Staff were OK from the developer's standpoint, and they were committed to the conditions that would be an important part of the project.

After questioning from Mr. Lucas about the rear elevations, Mr. Crew explained they were in the same character as the front elevations.

Mr. Kidd wanted to know if the Planning Commission was correct in their estimate of retaining wall height, and the floodplain area.

Mr. Crew said they were correct, and also that as an unstudied flood area, they needed to know the elevations, as he confirmed they would study that as part of the site plan process.

Mr. Lucas inquired about the type of retaining pond, price points, if they would be considered affordable, and access to the greenway trail.

Mr. Crew responded that they were exploring two options, a surface pond or underground detention, the exact configuration was unknown at this time, and they would meet all requirements.

Mr. Cyrus answered that they went by market rates, and would be most comparable to The Reserve with a one-bedroom starting about \$1200 per month. Regarding the greenway trail, Mr. Cyrus noted that the greenway trail came about late in the project. He further noted they addressed the 10% and liked the addition of the greenway, although it wasn't necessary to count toward their open space. On the displayed concept plan, Mr. Cyrus pointed out in upper right corner, the two-story clubhouse with a gym, leasing office, pool, and green space looking out over the mountains. He commented they would work closely with Fire and EMS to address their concerns. He said that as a result, a path to the rear of Building 3 was created, leaving greenspace, and that the 30' retaining wall height would be the worst case scenario.

The Planning Commission then addressed traffic. Mr. Lucas asked what would happen without a VDOT approved turn lane, asked about a U-turn lane if turn lane was not approved, and a traffic study. Mr. Kidd wanted to know how much more traffic this would generate at build-out.

Mr. Cyrus stated they had conversations with VDOT, and they were working closely with them on the Howard Johnson project at Exit 150. He mentioned VDOT's current has smart-scale study throughout this corridor and their desire was to create more U-turn opportunities. He further stated if this went forward, a Traffic Impact Analysis would be required, VDOT would make the determination based on those findings, and VDOT understood that we think the left turn would be necessary.

Regarding the amount of traffic, Mr. Cyrus said that while traffic was discussed in vehicle trips per day, it was important to consider how trips were distributed. He stated they were looking at 2,400 vehicle trips per day, distributed throughout the day.

After questioning from Mr. Snyder about what would be visible to passengers when driving by, Mr. Cyrus said there would be balconies, all sides of the buildings would look the same, with heavily glazed windows

and while driving down Route 220, people would see the entrance and building façade, but not a sea of parking. He described the Gateway Crossing overlay goal to pull buildings a little closer to the road, create a landscape buffer between the road and the building, and not just see parking lots, sidewalks, including a small roundabout with landscaping in the middle, and a lot more landscape areas for visual buffer,

Mr. Snyder asked about balconies facing roadside, their size, and foliage height.

Mr. Cyrus said there would be balconies, with a setback of about 65 feet, projecting out about 7 feet and about 14 feet wide. Mr. Cyrus further described the buffering landscaping on either side of a landscaped center island, with varying heights as required by the code. Although he said they would have permeable pavers, Mr. Cyrus noted this was usually handled during the site plan stage.

As Mr. Snyder discussed the importance of traffic patterns, Mr. Cyrus noted that they tried to find a good balance between the safety and overall ability of the traveling public, and the safety and ability of their residents. He further noted it was very important to them because they built, owned, managed, and maintained these projects.

Mr. Lucas opened the public hearing.

Mr. Michael Beahm of Roanoke spoke as the Daleville Cemetery Trustees representative. He stated that last week Mr. Benton Bolton, Mr. Foster, Mr. Cyrus, and he met, and with conditions offered, this project was more preferable than what was proposed before. Mr. Beahm further stated the objective was to maintain the integrity of cemetery, not to have erosion, and to avoid trespassing and vandalism. He also said that as long as conditions were adhered to and there was county enforcement, they were comfortable with the conditions as presented.

Mrs. Rachel Hancock of Daleville, noted that her property adjoined this property to the left of cemetery and behind Kroger. She wanted to know the purpose of the break in the wall.

Mr. Pearson explained that the break in wall was in the front section is where they were cutting down to the parking lot, so it's holding back the upper area of the cemetery, where ground was leveling out. He further explained they would run the wall consistently all around.

Mrs. Hancock then asked for a fence running where the cemetery adjoined her property, saying she did not want strangers on her property. She also said she was concerned about Route 220 traffic because she could hardly get to work; opposed the four stories; noted wetlands; wildlife; and a spring.

Mr. James Hancock of Daleville noted his property was adjacent to his mother's property. He brought up the developer's proposed 30 feet right-of-way for the greenway that might or might not come to fruition. He stated that neither he nor his mother were opposed to the greenway, per se, but they were opposed to it going through their properties. Mr. Hancock said that unless there was a successful attempt to invoke eminent domain, he suggested the previously proposed alternate Route B that would face Tinker Creek and loop around, parallel 220 and dip back at some point, to consider should this greenway come to fruition.

Mrs. Rachel Hancock of Daleville, spoke on behalf of her neighbor, Mr. Wright, who was unable to attend this evening. She said his question was to see if the sewer line could carry all the apartments or if a new,

larger sewer line was needed. Mrs. Hancock brought up his concern of flooding and if the water would back up and flood him out.

Mr. Lucas called the applicant back for his response.

Mr. Cyrus stated that the proposed fence also included the boundary between Mrs. Hancock's property and the cemetery. He further stated they had to have a gap in wall, although it would not more than 20 feet, they would aesthetically continue to fence through there. Mr. Cyrus said they worked with the Western Virginia Water Authority, and there was a 28" sewer line already in place.

Mr. Lucas asked about Plan B for the greenway.

Mr. Cyrus explained that a pedestrian path was shown across their project, and they would work through this at the site plan stage. He said he was amenable to that, especially since this was part of the Overlay to increase pedestrian accessibility throughout the area, and he hoped to have a conversation with the cemetery folks about a sidewalk in front of the cemetery.

Mr. Lucas asked about the floodplain.

Mr. Cyrus stated that Mr. Pearson did good job explaining that, and when floodplains did not have a detailed study, it was not exact approximation until a detailed study was done, this would be part of the site plan approval and would be addressed.

There being no one else to speak, Mr. Lucas closed the public hearing.

Mr. Foster discussed the possibility of many types of businesses that could go into this area. He said he was grateful they were looking to try to fit it into the area with the building colors they were proposing and particularly that they were in agreement with each of the suggested, then he was fine with it.

Mr. Nicely stated the use was by-right, the overlay district allowed it, this was within the comprehensive plan, and they had a study. He further stated he would rather see more retail, but the applicants did a good job, they would do a traffic study, VDOT handled traffic, and in looking at height and density, he did not see a problem.

Mr. Kidd stated that he had a problem with density, and this was kind of a tradeoff. He noted that by waiting, the cemetery might not be protected. He further stated that these guys did their due diligence, and he could not say he found fault with the project. Mr. Kidd said the height did not bother him as much because the roof would be an A-Line roof and not flat, but he was having a little bit of an issue with density. He noted we were gaining a lot for the community by allowing the density.

Mr. Snyder said he took advantage of going to the site visit. He noted that he was not looking to any height more than necessary, this roof style was more appealing than the flat roof. Mr. Snyder further noted traffic impacts, scenarios, and VDOT's involvement. He stated the developer appeared to be trying to do the right thing.

Mr. Lucas echoed others' concerns of parking, density and how that would impact traffic, high traffic times, especially with one set of apartments approved, as he noted that the school system said they could handle more students. He further noted he was excited to see the addition of sidewalks, and that with his

initial concern about height, that was not as much of a concern with grading, which would give a much nicer look through there. He questioned if they were putting too many of these things together and the possibility of a different traffic flow with retail. He said he hoped VDOT would look at making a turn lane, that he loved the look of the project and the developers had been a good neighbor with the cemetery.

Mr. Kidd confirmed that two motions would be needed.

Mr. Foster motioned to forward the special exception permit for increased density on the property of Invest Properties LLC and Whisper Hill LLC, with possible conditions, with a recommendation for conditional approval on the basis that the requirements of Section 25-583 of the Zoning Ordinance have been satisfied with the following conditions:

1. The development of the property shall be constructed in substantial conformance with the concept site plan included with the application, titled "Wellington Multi-family Special Exceptions Exhibit Plan", prepared by Balzer & Associates and dated February 8, 2023. The applicant shall seek VDOT approval of the turn lane shown upon the concept plan; however, if VDOT does not approve the turn lane, a change in conditions shall not be required.
2. The maximum number of dwelling units shall be 300 units.
3. The SEP approval shall not exempt the use from meeting the requirements of the Botetourt County Noise Ordinance.
4. To protect the adjacent cemetery from pedestrian encroachments, a fence shall be installed along the cemetery's northern property line that consists of a black aluminum metal fence and two (2) parallel rows of evergreen trees shall be planted in a staggered fashion ten (10) feet apart. The black aluminum metal fence shall also be installed along the cemetery's western and eastern property lines.
5. A thirty (30) foot variable easement shall be granted to Botetourt County for the future construction of a greenway trail along Tinker Creek. The construction of said greenway trail shall be by others and is not required of the multi-family developer and/or a condition for granting the requested special exceptions permit.
6. All other specifications and general provisions shall be met as required by the Botetourt County Zoning Ordinance and in no instance shall the zoning conditions exempt a project from any local, state or federal development requirements, except where allowed by the Zoning Ordinance.

Mr. Kidd seconded, which was approved 3:2:0:0, with the following recorded vote by roll call:

YES:	Mr. Nicely, Mr. Foster, Mr. Kidd
NO:	Mr. Lucas, Mr. Snyder
ABSTAIN:	None
ABSENT:	None

Mr. Kidd motioned to forward the building height special exception permit, with possible conditions, on the property of Invest Properties LLC and Whisper Hill LLC, with a recommendation for conditional approval on the basis that the requirements of Section 25-583 of the Zoning Ordinance have been satisfied with the following conditions:

Mr. Nicely seconded, which was unanimously approved 5:0:0:0, with the following recorded vote by roll call:

YES: Mr. Nicely, Mr. Foster, Mr. Lucas, Mr. Kidd, Mr. Snyder
NO: None
ABSTAIN: None
ABSENT: None

Mr. Lucas announced the public hearings were concluded.

Other business

Mr. Pearson updated the Planning Commission on the status of text amendments from the January work session. He stated Staff received resubmittal from the applicant and a work session would be held next month. He was not sure of the public hearing, possibly April, but most likely May.

Mrs. Pendleton noted Board of Supervisors authorized staff to work on a solar ordinance. She said a work session would be held in two months or so, with a work session in March, with the potential request for a public hearing as soon as possible. Mrs. Pendleton said the work sessions in March would take place after the public hearings.

Adjournment

There being no other business, on motion by Mr. Kidd at 7:42 PM, seconded by Mr. Foster, which was approved 5:0:0:0, the Planning Commission adjourned with the following recorded vote:

YES: Mr. Nicely, Mr. Foster, Mr. Lucas, Mr. Kidd, Mr. Snyder
NO: None
ABSTAIN: None
ABSENT: None