

Mr. Kidd called the March 14, 2022 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. Steven L. Kidd, Chairman
Mr. Tim Lucas, Vice-Chairman
Mr. Sam Foster, Member
Mr. Hiawatha Nicely, Jr., Member
Mr. Brandon Nicely, Member
Mr. Billy Martin, Ex-Officio Member, *arrived 602 p.m.*
Mr. Chris Dadak, County Attorney
Mrs. Nicole Pendleton, Director of Community Development
Mr. Drew Pearson, Sr. Zoning Administrator
Mr. Jon McCoy, Planner
Mr. Nick Baker, Code Enforcement
Mrs. Laura Goad, Administrative Assistant

ABSENT: None

After Mr. Kidd 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. Kidd stated the Board of Supervisors would hear these requests on March 22, 2022 at 6:00 PM at the Botetourt County Administration Center.

Mr. Kidd announced that the Planning Commission would meet in the Kroger parking lot for the next field review at 3:15 PM on Thursday, April 7, 2022.

Mr. Lucas motioned to approve the February 14, 2022 Planning Commission minutes as written.

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

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

Mr. Pearson clarified the first agenda item. He noted that after additional discussion, the applicant wanted to continue the text amendment. Mr. Pearson stated this request has already been advertised for both the Planning Commission and the Board of Supervisors, and would still need consideration.

Public Hearings

The Botetourt County Planning Commission will hold a public hearing to consider an owner-initiated petition, in accordance with zoning ordinance Section 25-581.2, requesting amendments to *Chapter 25, Zoning, Article II. District Regulations Generally, Division 12. – Business District B-3, Section 25-262.(13)*

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– Permitted Uses, to add the use “Donation Collection Center”, and Chapter 25, Zoning, Article VI. –, Section 25-601. Definitions to define the use, which would permit the use for the purpose of accepting, sorting and distributing donations to their retail store locations.

Mr. Pearson read this request aloud as he displayed the *Donation Collection Center* definition slide on PowerPoint. He stated this petition was filed by Goodwill Industries, because the use of Donation Collection Center was not currently in the ordinance and defined. He further stated that while Goodwill had a number of retail stores and this facility would only be used to collect, sort and distribute donated goods, and not a retail store. Mr. Pearson pointed out that the Business (B-3) Use District was designed for heavy commercial activities, and that this proposed use was being proposed as a permitted use. He further pointed out that staff recently started providing a recommendation on text amendment petitions when they were presented to the Board of Supervisors, which wasn't previously being done. Mr. Pearson stated it was staff's opinion that this was something that should come before the Planning Commission for their consideration and a recommendation to the Board as to the approval or denial of the amendments. It was then noted that no public comments had been received.

Mr. Kidd wanted to know if this would this include the unmanned boxes.

Mr. Pearson responded no, because this would be a staffed facility. He further responded that Goodwill did not propose unmanned boxes, and would be fully staffed.

Mr. Foster asked if this was for nonprofits.

Mr. Pearson answered that this was definitely tied to nonprofits. He said that typically the items get collected, and resold in the nearby community, noting the benefit for those that donate and for the community. Mr. Pearson mentioned Some other facilities that he worked with in the past put clothing in unstaffed collection boxes, saying that those were typically for-profit, and they shipped the clothes sometimes to foreign countries for thread and material. He stated this would benefit those in need for this community.

Mr. Foster inquired about outside storage.

Mr. Pearson replied that these were not typically left outdoors, although a facility operated by someone like Habitat might have outdoor storage. He remarked that it was common in B-3 to have outdoor storage with screening, and they would have to go through site plan process.

Mr. Foster said he was thinking of the property they decided not to use. He questioned if another nonprofit came in and decided to store something outside, such as a car. He asked if we wanted cars stored outside.

Mr. Pearson responded that by definition, if Goodwill had a facility where they had collections, they would still be subject to screening requirements.

Mr. Lucas wanted to know if they collected, sorted and sold at one location.

Mr. Pearson replied that the Botetourt Commons location was a retail store, noting there were some limited industrial uses allowed in B-3.

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Mr. Pearson commented that the applicant was not present here tonight, but they planned to attend the Board meeting.

Mr. Kidd opened the public hearing.

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

Mr. Foster stated that his only concern was outside storage.

Mr. Lucas asked if B-3 would have restrictions.

Mr. Kidd commented Mr. Foster had a good point with auto sales.

Mr. Lucas stated that he was ok with this.

Mr. Lucas motioned to forward the text amendment request as stated to the Board of Supervisors with a recommendation of approval on the basis that the requirements of Section 25-581.2 of the Zoning Ordinance had been satisfied.

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

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

Mr. Kidd announced the motion carried.

Amsterdam District: Botetourt Properties LLC request to rezone a total of 4.098-acres of a 6.84-acre lot, currently located in the Residential (R-3) and (R-1) Use Districts. They request to rezone the 4.098-acre, Residential (R-3) Use District portion, with possible proffered conditions, to the Business (B-2) Use District. The Residential (R-1) portion will remain unchanged. The request is in accordance with *Section 25-581. – Zoning Map Amendment—Owner Initiated* of the Botetourt County Code and is for the purpose of providing driveway access to an adjoining parcel located in the Business (B-2) Use District known as Tax Parcel #101-82. The proposed lot to be rezoned is located east of the adjacent property 35 Cedar Plateau Way, identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 81.

Mr. McCoy greeted the Planning Commission and read the request aloud as he displayed the legal advertisement, then zoning and aerial maps on PowerPoint. He stated the portion to be rezoned was zoned R-3, currently vacant and flanked by residential development east and west around it with the Plateau of Cedar Ridge to the south. Mr. McCoy displayed the aerial map with adjoining parcels with the vacant 101-82 below, and then displayed the plat depicting existing zoning R-3, and R-1, as he mentioned that should this be rezoned to B-2, it would allow any by-right B-2 use on this property, and provide an access drive off Cedar Plateau Way to a parcel steep in the front, with the intent to access that parcel from the rear of the drive. Mr. McCoy explained the Comprehensive Plan identified this area as

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commercial, and the key to appropriate development appeared to be in support of that goal. He stated that Staff received several calls, concerns, and emailed public comments, and the applicant was here to provide context.

Mr. Kidd wanted to know about Tax Map 101-82.

Mr. McCoy stated that Tax Map 101-82 abuts US Route 220, and he believed the intent was for the road to curve back to provide driveway access to the lot, as he noted that Staff did not have a formal design.

Mr. H. Nicely mentioned that was noted during the field review.

Mr. McCoy showed additional slides depicting the existing road with the topography, the current mall, and signage.

Mr. Bobby Wampler of Engineering Concepts Inc. in Daleville, stated that he was here on behalf of applicant, who was also present. He stated the purpose of request was for the current road to allow access to Tax Map 101-82 as he displayed the slide illustrating a curved road to Tax Map 101-82. Mr. Wampler referenced the location of Big Lick Pizza, noting the applicant wanted to build on US 220, but the topography and steep grade created access difficulties. During conceptual review with staff, Mr. Wampler said he learned that the R-3 portion had to be rezoned to B-2. He explained that the applicant's original intent was to get to this site, but the Zoning Ordinance required him to rezone to B-2. Mr. Wampler noted that he had received the public comments, and then spoke to the height of the structures. He stated that Residential (R-3) allowed a 35-foot tall townhome, and they could have three-story building there with zero lot lines, similar to the three-story homes in Daleville Town Center. By rezoning to B-2, Mr. Wampler commented that the landscaping and buffering requirements were more stringent and would provide better screening.

Mr. Lucas asked Mr. Wampler if he considered moving the zoning line and if the proposal was limited to just the commercial driveway, if that was workable or if the whole lot had to be rezoned, and proffers.

Mr. Wampler responded that the intent was for building on US 220, and he would have to speak with the property owner.

Mr. Kidd noted the remaining R-1 property, and asked how they proposed to access it at later date.

Mr. Wampler replied that his expectation was that Cedar Plateau would continue straight back, noting the sanitary sewer easement and drainage paths limited development on the R-1 section. He remarked that the need for the line to go back there was where the zoning designation changed.

Mr. Kidd opened the public hearing.

Ms. Marcia Paul of Daleville, confirmed they there could be limited development on the R-1 property. Noting the proposed change from R-3 to B-2, Ms. Paul questioned if they could change the R-1 to B-2. The Planning Commission responded the developer would have to come back and request the R-1 to B-2 rezoning. She questioned the rezoning if they weren't sure what they were doing, except for the proposed building on TM 101-82.

Mr. Kidd said they would have to come back for a R-1 rezoning request, and explained the rezoning was necessary because of the road that needs to go through that.

Ms. Paul asked if that would change the property value, if they would to put up a sound barrier, and trees for light pollution.

Mr. B. Nicely responded the ordinance would require barriers, such as plants.

Ms. Paul said she had a letter from a neighbor, which she gave to Mrs. Goad.

Mr. Timothy Plunkett of Daleville, gave photos to Planning Commission members and then read from his letter [Public comment #1] presented to the Planning Commission, as he cited his view, noise, lighting, other available US 220 locations, security risks, as his opposition.

Ms. Tonya Poindexter of Daleville, said she supported the residents, because the road would become a main pass-through road for other traffic.

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

Mr. Kidd asked Mr. Wampler for any further details about the upper part of this lot being rezoned from R-1, noting that was a valid concern.

Mr. Wampler stated there were no plans to develop it, and they did not want to take a zoning action, they did not want to proffer an access road only, in the event it could be developed.

Mr. Kidd stated the biggest concern was not knowing. He further stated the Planning Commission would like to know what was going on, and he understood the neighbors' concerns, but there was nothing shown, and it was hard to check this off.

Mr. Wampler said if they needed to reduce the B-2 area, and meet minimum district size with a boundary line adjustment, they could proffer to only to that and pull the B-2 zoning only to that road, and if that was to reduce the area to extend the US 220 parcel, they could do that. He said he also wanted Staff's perspective.

Mr. Kidd said he could not speak for all members, but he felt like that would be something he would entertain, instead of open with an unknown. Mr. Kidd asked if that was something that could be done this evening.

Mrs. Pendleton stated that any proffers needed to be revised or accepted before closing this public hearing, noting there were opportunities to revise this before the Board of Supervisors meeting, or there's an opportunity at your discretion to defer this a month. Mrs. Pendleton commented the Planning Commission had the ability to recommend less area than proposed and advertised, however, the Board of Supervisors would have to have a metes and bounds description to tie down to the land prior to the Board's public hearing. She noted the options were to revisit, or they could send forward and let board make a decision or come back with more information.

Mr. Wampler discussed options and how they might affect this development.

The Planning Commission and Mr. Wampler briefly discussed proffers, stormwater, and the upcoming Board meeting one week away.

Mrs. Pendleton stated if this request needed to be deferred, they would have to defer to a firm date, such as the next Planning Commission meeting, otherwise, re-advertisement and notifying adjacent property owners again would be necessary.

After further discussion, Mr. Kidd suggested tabling this request to the next Planning Commission meeting, to which the applicant agreed.

Mr. H. Nicely motioned to defer the rezoning to Business (B-2) request until the next meeting, April 11, 2022 regarding at the Botetourt County Administration Center at 6:00 PM so they can complete their proposal with an updated metes and bounds and possible proffers.

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

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

Mr. Kidd announced the motion carried and the Planning Commission would see them next month.

The Botetourt County Planning Commission will hold a public hearing to consider an owner-initiated petition, in accordance with zoning ordinance Section 25-581.2, that requests amendments to *Chapter 25, Zoning, Article II. Division 11.- Business District B-2, Section 25-242(12).- Permitted Uses*, to add the use “Equipment Rental and Leasing”, and *Chapter 25, Zoning, Article VI. –, Section 25-601. Definitions to define the use, which rents or leases equipment similar to electronics, furniture, tools, party supplies and recreational items.*

Mr. Pearson read the text amendment aloud, as he displayed the legal advertisement on PowerPoint. He explained that the zoning ordinance contained rental and leasing for cars and heavy equipment, but not for smaller items that were included in the proposed uses definition. Mr. Pearson noted this was the reason for the applicant’s petition for changes to the zoning ordinance.

Mr. Kidd wanted to know if this would this cover something like Aztec rentals.

Mr. Pearson responded yes, that he thought it would. He further responded that Staff recognized this was a use that should be addressed, and that Staff received no public comments.

Mr. Kidd confirmed this would be a by-right use in B-2, and basically an Aztec-type rental in B-2.

Mr. Kidd opened the public hearings.

There being no one else to speak, Mr. Kidd closed the public hearings.

Mr. Lucas motioned to forward the requested text amendments to the Board of Supervisors with a recommendation for approval on the basis that the requirements of Section 25-581.2 of the Zoning Ordinance had been satisfied:

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

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

Buchanan District: Matthew Snare requests to rezone a two-acre portion of a 52.945-acre parcel from the Agricultural (A-1) Use District to the Business (B-2) Use District, with possible proffered conditions, in accordance with Section 25-581. – Zoning Map Amendment—Owner Initiated, of the Botetourt County Code, and Chapter 25 Zoning, Article, II. – District Regulations, Division 11.- Business District (B-2), with a Special Exception Permit to reduce the minimum district size from five to two acres in accordance with Section 25-244. – District Requirements for the purpose of establishing a business that rents party supplies and recreational equipment. The proposed area to be rezoned is adjacent to the applicant’s home located at 15709 Lee Highway (Route 11) and is identified on the Real Property Identification Maps of Botetourt County as a portion of Section 64, Parcel 44.

Mr. Pearson read the legal advertisements aloud, as he displayed the legal advertisement with the zoning and aerial maps on PowerPoint. Mr. Pearson explained the overall tract that was highlighted on the screen, pointing out the location of the two acres, with the applicant’s home. He also pointed out the nearby Exxon Convenience Store and North Star Restaurant located in the B-2 Use District and adjacent to a vacant retail store building located in the B-1 Use District as uses in vicinity, and residential homes, with mostly agriculture zoning. Mr. Pearson stated the applicant needed Business (B-2), and his plan showed a small office, with the storage building in the back with rental items. He further stated the applicant delivered the rental items to customers. Mr. Pearson said the applicant also requested a SEP for two acres, as he pointed out the area. He stated it was customary for Staff to provide conditions should the Planning Commission decide to approve, and he read the following conditions aloud:

1. The special exception permit for the reduction in district size shall be limited to the proposed two-acre parcel shown on sheet 4 of the Snare concept plan, prepared by Engineering Concepts Inc. and dated December 1, 2021.
2. A subdivision plat for the proposed two-acre parcel shall be recorded prior to site plan approval.
3. Any use located on the two-acre parcel shall be subject to the provisions of Botetourt County’s noise ordinance.
4. The development of the property shall be constructed in substantial conformance with the improvements shown on sheet one (1) of the Snare concept plan, prepared by Engineering Concepts Inc. and dated December 1, 2021.
5. 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. Pearson explained the concept plan showed only one driveway entrance, and should this be approved and conditions included, the driveways could not change. Mr. Pearson commented that staff had not received any public comments.

Mr. Bobby Wampler of Engineering Concepts Inc. in Daleville, spoke on behalf of the applicant, Mr. Matthew Snare, who was also present.

Mr. Kidd asked them to discuss VDOT, asking about changing the existing entrance.

Mr. Wampler explained they had to do traffic trip generation and looked at turning maneuvers. Mr. Wampler stated that based on the use, this was far below minimums.

Mr. Matthew Snare of Buchanan, stated that he was in the events and entertainment business. He further stated that he was in the process of relocating his business from Roanoke to his home here in Botetourt, and that he set up bouncy houses, etc. for schools and churches. Mr. Snare said he wanted a very small office in the front with storage in the back, and that he was willing to proffer no signs.

Mr. Kidd asked if he would have people coming in.

Mr. Snare responded that at his existing business, people sometimes wanted to pick up a bouncy house, but the majority prefer delivery.

Mr. Wampler stated that they showed was what Mr. Snare wanted.

Mr. Pearson clarified it would not be permissible to run B-2 Business through the A-1 Use District property.

Mr. Lucas asked about the size of vehicles used for the business.

Mr. Snare responded that he had three box trucks, two vans, and confirmed no semi-trailers.

Mr. Kidd opened the public hearings.

There being no one else to speak, Mr. Kidd closed the public hearings.

Mr. H. Nicely stated he had looked at this during the field review,

Mr. Kidd said he thought this was fine.

Mr. Lucas mentioned the good access to the interstate.

Mr. Kidd motioned to forward the rezoning to Business (B-2) request to the Board of Supervisors with a recommendation for approval on the basis that the requirements that Section 25-581 of the Zoning Ordinance had been satisfied.

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

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

Mr. H. Nicely stated that all recommended conditions were fine.

Mr. Kidd motioned to forward the Special Exception Permit request to the Board of Supervisors to reduce the minimum district size from five to two acres in accordance with Section 25-244. with a recommendation for conditional approval on the basis that the requirements of Section 25-583 of the Zoning Ordinance had been satisfied with the following conditions:

1. The special exception permit for the reduction in district size shall be limited to the proposed two-acre parcel shown on sheet 4 of the Snare concept plan, prepared by Engineering Concepts Inc. and dated December 1, 2021.
2. A subdivision plat for the proposed two-acre parcel shall be recorded prior to site plan approval.
3. Any use located on the two-acre parcel shall be subject to the provisions of Botetourt County's noise ordinance.
4. The development of the property shall be constructed in substantial conformance with the improvements shown on sheet one (1) of the Snare concept plan, prepared by Engineering Concepts Inc. and dated December 1, 2021.
5. 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. B. Nicely seconded, which was unanimously approved 5:0:0:0, with the following recorded vote:

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

Mr. Kidd announced the motions carried.

Amsterdam District: VJL LLC (ABoone Real Estate, Inc., contractual purchaser) requests a Commission Permit in accordance with §15.2-2232 of the Code of Virginia for the construction of public road(s), and also requests a rezoning of a 78.948-acre parcel from the Agricultural (A-1) Use District to the Residential (R-1) Use District, with possible proffered conditions, in accordance with *Section 25-581. – Zoning Map Amendment—Owner Initiated*, of the Botetourt County Code, for the purpose of residential development, with a maximum of 130 lots and associated open space. The property is located on Greenfield Street (Route 673), Daleville, VA, and access to the entire development is proposed via Greenfield Street at the O'Hara Drive (Route 1155) intersection, approximately 0.5 miles northeast of

the Roanoke Road (US Route 220)/Greenfield Street intersection and is identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 94.

Mrs. Pendleton greeted the audience and the Planning Commission. She read the request aloud as she displayed the legal advertisement, then the zoning and aerial maps on PowerPoint. She stated the site was approximately 79 acres, located adjacent to the Ashley Plantation subdivision and Ashley Plantation Golf Course. The parcel was mostly open pasture with wetlands and a watercourse present on site. Displaying the concept plan with the proffer, Mrs. Pendleton further stated the proposed development consisted of a single-family detached subdivision, a maximum of 130 lots accessed via two entrances on Greenfield Street, one directly across from O'Hara Drive and one across from the entrance to the Ashley Plantation Golf Course and Pool. All direct residential driveway access would be from new internal public roads built to VDOT standards. There were two proposed cul-de-sacs with a stub-out showing a connection to a vacant parcel to the south. She noted the applicant proffered substantial conformance to the concept plan that showed 38 conventional R-1 lots ranging from approximately 0.49 acres to 1.3 acres. Mrs. Pendleton said there would be no access to these lots from Greenfield Street, the proffered concept plan showed a row of varying types of trees to serve as a visual buffer to the proposed residential lots closest to Greenfield Street. More internal to the subdivision, the plan showed 92 cluster lots ranging from 9,000 square feet (0.2 acres) to 18,959 square feet (0.44 acres) with three open space lots totaling 12.5 acres, as well as a stormwater management facility and existing wetlands to be owned and maintained in fee simple subject to a court-recorded maintenance agreement. The average density of the cluster lots (22,017 square feet), would be greater than the minimum density for conventional R-1 lots at 20,000 square feet.

Mrs. Pendleton recapped that the conventional R-1 subdivision required a minimum lot size 20,000 square-feet, and with the associated open space, the average density of the cluster lots would still be above 20,000 square-feet. She noted the adjacent single-family Residential (R-1, R-3) and Agricultural (A-1) zoning and forested vacant land and the golf course, as she displayed site visit photos. Mrs. Pendleton mentioned the zoning ordinance requirements were provided in the background report, and if approved, the next step would be the requirement for the subdivision agent to review the plats in accordance with standards related to topographic suitability, coordinated infrastructure improvements, floodplains, natural drainage, stormwater management, erosion and sediment control soil suitability, easements, fire protection, and streets and connectivity. A preliminary plat will be required to be submitted and reviewed. The agent may call for opinions or decisions, from the Planning Commission, the county engineer or other departments in considering details of any submitted plat. The applicant has stated that the roads are planned to be a typical 50-foot rights-of-way, and that existing sanitary sewer crossing through the center of lots (see Lot 29 and 9 as an example) could be relocated pending the final engineered design.

Mrs. Pendleton stated the Commission Permit request should be considered in accordance with Sec. 25-576 of the zoning ordinance, noting it must be in accordance with the Comprehensive Plan, which the 2010 Comprehensive Plan identified this as medium density, as she read, *"Medium Density Residential: This category includes areas where suburban patterns of residential development have occurred and are encouraged to occur in the future. Although single family homes are the predominant land use in this category, higher density residential development such as townhomes and apartments may also be suitable. Allowable future densities in these areas should be based upon the availability and adequacy of public facilities and the compatibility of the proposed land use with surrounding properties. Public water and/or sewer typically serve or are planned for these areas."*

Mrs. Pendleton stated the 2019 VDOT traffic data for Greenfield Street (Route 673) indicated there was an Annual Average Daily Traffic (AADT) volume of 1,200 vehicles from the intersection US 220 (Roanoke Road) to Route 670 Trinity Road. She further stated the applicant performed an access management traffic impact analysis, VDOT comments were included in the attached information, at VDOT's request, the TIA was amended last week to evaluate warrants for a right turn taper and left turn and storage lane, and based on existing and proposed traffic, a right turn taper appeared to be required, but no left turn and storage lane would be required based on Mr. Wampler's analysis.

Concerning Fire and Rescue, Mrs. Pendleton noted the continuing work with that department, as she read Chief Ferguson's comments, *"The addition of housing developments of any size in the Daleville area will put additional strain on those emergency services resources. This statement should not reflect lack of support this proposal nor for continued growth in housing, manufacturing, and industry, but rather to point out the need for the continued efforts to ensure adequate fire protection and emergency medical services in this portion of the community. Daleville has grown immensely over the past two decades without any commensurate increase in fire and emergency services support in the immediate area. The closest fire protection (Troutville) is 3.5 to 4.5 miles away depending on route of travel, with the next secondary response being 5.7 miles in Fincastle. Mapping estimates indicate Troutville to be a 6-to-7-minute drive time without traffic. This is significant considering that fire doubles in size every 60 seconds. The limited resources available for fire and emergency services in this area reflects the need to ensure growth and development occurs at a rate for which public safety resources can provide prompt and adequate services. It is my professional opinion, based on working knowledge and results of the Fire and EMS station study, that this area is currently underserved."*

Mrs. Pendleton then read comments from Dr. Russ, School Superintendent: *"The major impact any new development will have on our school division is that of additional students. This is not to imply this is a "negative" impact. We are in the business of educating our county's children, and we welcome all students into our buildings. Over the past several years, we have seen a minimal decline in our Average Daily Membership (ADM), which does impact our funding from the state. Additional ADM would not be viewed as a bad thing. If new development does impact a specific school and places that school over-capacity, we are at a point that we could look at adjusting attendance lines to address this issue. The location of this proposed development does not add safety or traffic concerns for any of our existing schools."*

In terms of utilities, Mrs. Pendleton stated the applicant provided a letter from Central Water Company indicating they had the capacity to supply these residential hookups. The Western Virginia Water Authority indicated that sewer could be provided to the property by connecting to the existing eight-inch public sanitary main location on the property in an easement and provided comments that the existing pump station would need to be reviewed for potential improvements based on additional flows directed to the Ashley Summit lift station and that the adequacy of the existing sanitary sewer system shall be determined at the preliminary engineering stage if approved.

Mrs. Pendleton discussed public comments. She stated that as of 3:17 pm today, the office received one request for additional information, and 23 comments in opposition to the project, as she summarized concerns, noting the concerns totaled more than the number of comments: 11 cited traffic concerns; 7 cited Ashley Covenants and Restrictions; 4 cited infrastructure concerns such as water, sewer and power;

2 each for cluster zoning, incompatibility, and construction traffic, as well as proffered conditions, small houses, and property values.

Mrs. Pendleton addressed public comments and notification. She stated legal ads ran in accordance with state code in the Fincastle Herald on February 25 and March 2, 2022. She further stated applicants were responsible to pay for notices to abutting property owners to be mailed via registered or certified mail five days before the hearing, noting our policy and practice was to mail them ten days in advance of the public hearing.

Mrs. Pendleton remarked that the applicant was here to present their information. She further remarked that they had a community meeting, which was not a requirement, rather a recommendation, as she noted that Staff did not attend these meetings. Mrs. Pendleton commented that we did not provide information that applicants do not proffer, which were voluntary, and presented prior to the close of public hearing. She further commented that elevations were not included because they were not proffered, although the applicant might have information. Mrs. Pendleton stated that Staff did not enforce covenants and restrictions, in the past we received covenants and restrictions when they were proffered for review only.

Mrs. Pendleton summarized this rezoning would be for 32 conventional R-1 lots over the 20,000 square foot minimum and 98 cluster lots over the 8,000 square feet minimum and 12.5 acres of open space. The concept plan, proffered by the applicant, showed one future connection to an adjacent parcel, and two cul-de-sacs. The proffered concept plan included a note that no direct driveway access to any residential lots would be permitted from Greenfield Street. Three separate open space or stormwater management lots were shown as she indicated their location on PowerPoint, and natural water features such as wetlands and water courses would be preserved. Stormwater regulations would require stormwater management lots to be dedicated in fee simple and subject to a court recorded maintenance agreement. Mrs. Pendleton brought up the 2018 proposal that had been denied by the Board of Supervisors for 170 lots, zero-lot line, R-3 development with multiple driveway access points on Greenfield Street. She also brought up that this applicant said they had reviewed the documents and comments, held a meeting on February 28th in advance of the Planning Commission meeting, and made modifications.

Mr. Bobby Wampler of Engineering Concepts Inc. in Daleville, stated he represented Mr. Alexander Boone, also present. Referring back to the previous application, Mr. Wampler stated this was a different developer with different plans.

Mr. Boone greeted the Planning Commission as he said he was excited for this new community. Mentioning the housing crisis, he said we had to look at this differently. He stated their community was focused on single family development where people could live and move through their community and Ashley Plantation and retire at Peter Fields' and Nathan Hungate's development. Mr. Boone discussed their community meeting. He said his company started reaching out to Ashley Plantation HOA in November, and then in December with no response. Mr. Boone said they were finally able to hold a community meeting in February. Mr. Boone said meeting was really interesting, they received good responses, and he learned that people did not want apartments or townhomes, and he was here with single-family dwellings, the least dense option. He commented that people talked about speeding, which would be an enforcement issue. He asked what people wanted single-family dwellings, if they didn't like the last one. He stated his development had a better traffic flow, internal roads, lots of trees, berms, people would not look at the front of houses on Greenfield, they would be an average of more than 160

feet away from Greenfield. He pointed out that some in Ashley Plantation were much closer to Greenfield Street, the prior plan had 170 lots and his would have 130 lots, with 120-125 homes, working around wetlands and streams, with most lots wider than Ashley Plantation. Mr. Boone continued that his development would have large 30 large estate lots, and their lots would be one-third larger than the previous request. He noted that 60-foot lots were usually seen, as he applauded Botetourt County for the cluster option. Mr. Boone stated that he proffered a minimum of 70-foot lots depending on the lay of land, where the prior applicant had 60-foot lots. Mr. Boone stated that he listened to the community, and that their average lots were within 0.2 of acres of the average Ashley Plantation lots. Mr. Boone then told whoever was laughing he would be glad to talk about the math. Mr. Boone stated their traffic load would not diminish the capacity of these roads based on state standards. He further stated the water company had sufficient capacity. He remarked this was something where we would go through ups and downs in the economy. He stated he hope to sell ten houses a year, this would be slow growth, but much needed growth. Mr. Boone stated he was open to Ashley Plantation covenants; he was willing to commit to building houses within 10% of Ashley Plantation average square footage. He further stated it was impossible to price a house today, with volatile material prices. He said he did not know how they would have anything less than \$450,000 up to \$800,000 to \$900,000 on the bigger lots, will see lots of 5's and 6's, \$600,000 to \$700,000 and to say that was cheap housing, was irrational. He thanked the Planning Commission for their time, noting that he and Mr. Wampler worked many hours listening, studying the file and concepts, they had reached out to the county and the residents, and looked forward to further discussion.

Mr. Lucas stated that he read about right turn lanes, and asked if there would be one or two at the entrances.

Mr. Wampler mentioned VDOT standards, radius and tapers. He responded they were barely into that level of requirement for taper, and no turning lanes would be required.

Mr. H. Nicely asked if they had established whether houses would have brick or siding exteriors.

Mr. Boone replied there would be a mix of materials on one house, he couldn't say it would be all brick, although he would commit to brick to grade on the foundation. He further replied houses would not be all brick because people did not want all brick, and they would create lots of diversity of architecture.

Mr. Kidd opened the public hearing and asked people to not speak over the three-minute time limit.

Ms. Tonya Poindexter of Daleville, said she did not get her notice until Friday March 4th. She commented that she supported homes, but objected to this, citing concerns with lack of brick or stone around homes, various builders, various designs, multiple stories, no basement, not wanting to look at backs of homes with things stored like cars, storage sheds. She requested reduced speed limits, four-way stop signs, additional officers, and EMTs.

Ms. Amy Wilson of Daleville, said she attended the February 28th meeting. Voicing her opposition, Ms. Wilson said the biggest problem was unknown, stormwater issues that no one has done anything about since 2016, and speed limits, as she questioned left turn lanes, clustering and accidents on US 220 at the Greenfield Street intersection due to the short right-turn lane.

Mrs. Pendleton commented that only 98 lots were considered clustered.

Ms. Michelle Adkins of Daleville, discussed Greenfield traffic concerns as she read her public comment letter aloud. [VJL LLC public comment letter #19] She concluded that adding 130 more homes should not be allowed, this would take away the Ashley Plantation premier neighborhood status, and there were no proffers, as she requested an updated VDOT study.

Mr. Kidd confirmed with Ms. Adkins that her numbers only included trips to US 220, and not Trinity Road.

Mr. Jonathan Wolfe of Daleville, commented that he moved to Ashley Plantation from Roanoke because he wanted landscapes and beauty. He further commented that he saw this development as crammed; not consistent with this neighborhood; he did not want to see clustered homes because he could be looking at campers, sheds, this would obstruct their; would be an eyesore, and he was not in favor of this.

Mr. Tom Schreier of Daleville, questioned where deer would go at night, as he mentioned a discussion about matching Ashley Plantation. He asked about underground utilities, use of T-1 siding, lack of garages, whether or not fencing would be allowed. He brought up concerns over exterior duplication, split level style housing, a minimum of 65% of stone or masonry, and above ground pools.

Mr. William Kivlen declined to speak when called by the Chairman.

Mr. Dharmendra Patel of Daleville, mentioned safety as his biggest concern, because so many walk and jog on Greenfield Street, noting it was barely wide enough for two cars to pass. He asked how the county could require how they could jog safely to Trinity Road; asking who would pay for that if there was an accident, as he mentioned the need for a traffic light and sidewalk before approving this.

At 8:05 PM, Mr. Kidd declared a five-minute recess.

At 8:10 PM, Mr. Kidd reconvened the Planning Commission meeting.

Mr. Ali Khan of Daleville, stated that Ashley Plantation was the finest development in Botetourt County and it needed to be preserved. He said this request was similar to the 2018 request; cluster homes were not compatible to the surrounding neighborhood; they were likely to have no brick facing the back; most Ashley Plantation houses had full brick and were not cookie cutter houses. Mr. Khan questioned how contractors would build houses to change outlook of all houses, and the final price with inflation. He said if all homes were compatible with high quality, reasonable options that was OK, but there were no proffers, no defined architecture, and that would create everlasting damage to other neighborhoods and the serene quiet atmosphere.

Mr. John Alderson of Daleville, and President of the homeowners' association then spoke. He said they did not put the developer off, rather they were in the middle of a pandemic and could not meet. He said the developers met with members of community showing the same plan from 2018 with lower density. Mr. Alderson stated they had a major strain on infrastructure, primarily roads and water system; the Central Water letter was a generalized statement; there had been no definitive studies; Greenfield Street was a cut-through road; Fire and EMS would be strained; and none of that was considered.

Mr. Scott Cassell of Daleville, said he had been invited to the meeting, and they only had what they said. Mr. Cassell mentioned receiving the certified letter, noting that he did not have enough time to look at

written documentation as he requested postponing the decision because of the lateness of getting information.

Ms. Donna Sheffer of Daleville, stated she did not agree with this, and had just moved from 110 Charleston to her current address due to new development traffic. She said they moved here because of the agriculture zoning.

Mr. Arnie Adkins of Daleville, said he thought this property should be developed with the right scope. He stated that growth was needed, safety issues were real, compatibility issues valid, and less density would help as he questioned how much more this area could take.

Mr. Kidd asked if anyone who had not already spoken, wanted to speak.

Mr. Kidd asked Mrs. Pendleton about VDOT and future left-hand closure plans.

Mrs. Pendleton stated that VDOT information, contact information and a map was just outside the door regarding the Ashley Way and International Parkway intersection improvement project, that would allow for smoother traffic flow. Mrs. Pendleton stated that people would not be able to turn immediately left, they would turn right and then without stopping, would be able to navigate into a U-turn lane. She encouraged people to read the information on R-cuts, noting VDOT was using this across the state with tremendous success by keeping traffic flowing and reducing stop and go traffic.

Mr. Boone then responded to the public comments. Referring to Mrs. Poindexter's mention of traffic stop signs, Mr. Boone said they were in favor of stop signs, but those were a VDOT issue and had nothing to do with him. Regarding single-load driveways, Mr. Boone said if this community and the commission wanted single-load driveways to dump traffic onto Greenfield, he would change the concept plan and commit to that, although that idea was not well-received by the county. He said they could do a walking trail, it was discussed at the community meeting and he was very open to dedicating an easement, although many people get upset when a walking trail was in their backyard, as he offered the use of their walking trail to those who wanted to walk down Greenfield Street to a future greenway. In response to a comment of jamming in as many lots as possible, Mr. Boone said they could have much more density under the current zoning, because the previous applicant had 170 homes, he would have 130 lots, that was significantly less. Noting the risk and expense of housing development, he said to suggest that houses at a half-million dollars were eyesores was not reasonable or realistic. He said they would have an architectural review committee, which was not the purview of the Planning Commission. He said he was glad to accept 90% of the Ashley Plantation covenants, and was great with two to four car garages, brick or stone to grade on all sides, the rear of homes would face Greenfield 160 feet off of Greenfield, as he restated his offer to place the houses forward facing to put traffic onto Greenfield Street. Mr. Boone said that many people said today was the first time they had heard about this meeting, even though he reached out to the community by holding a community meeting. Mr. Boone said he tried in good faith to reach out to the community and engage them as he respectfully requested Planning Commission approval.

Mr. Kidd asked Mr. Wampler to explain traffic according to VDOT standards.

Mr. Wampler stated that they were under very specific guidelines and regulations with traffic studies; VDOT probably did not include Peter Fields' development in the study; he and Mr. Boone could not make the rules up; there were published guidelines for vehicle trips from a residential house; and VDOT had

published traffic volumes on Greenfield Street they were required to use for their calculations. Mr. Wampler noted that how to make traffic safer had been a topic of discussion at the community meeting. Discussing Greenfield Street, Mr. Wampler stated the road was fairly straight, the current lane width was good, and to make it wider would make it less safe and encourage speeding.

Mr. Kidd confirmed with Mr. Wampler that it was not up to them to decide what information to use.

Mr. Wampler talked about the water system. He said from a flow standpoint water tanks would drop pressure for higher elevations, but from a flow standpoint in high flow conditions with Mr. Peter Fields' project, Mr. Wampler noted with the Fields' project, the water lines had to be upsized up to 12 inches from the tanks to Greenfield Street, in addition to a loop. Mr. Wampler said from an analysis standpoint that some of these developments would help water flow conditions, producing a current flow of 1,000 gallons per minute, to 2,000 gallons per minute, and water system pressures would improve. Mr. Wampler stated the county ordinance stated this had to be built according to Western Virginia Water Authority standards.

Mr. Kidd confirmed with Mr. Wampler that the letter from Central Water guaranteed water capacity, which was regulated by the state.

Mr. Lucas asked about road width, including the road for the center loop.

Mr. Wampler answered that he envisioned the final design discussion, but they envisioned roads with 50-foot right-of-way and a minimum width of 29 feet of pavement, parking on both sides of the street. He further answered that because this development would generate more than 400 vehicles per day, and lot sizes ranged from one-quarter to a half-acre, VDOT standards would be require "pedestrian accommodation" or a sidewalk on at least one side of the road.

Mr. H. Nicely wanted to know about curb and gutter.

Mr. Boone stated that he would commit here to provide curb and gutter in the internal streets.

Mr. B. Nicely about the sewer and sewer lift station.

Mr. Wampler commented that would be a typical final design item, but he could speak to the gravity lines. Mr. Wampler stated an eight-inch gravity line could carry over a half-million gallons per day at minimum slope.

Mr. Foster confirmed with Mr. Boone that all utilities would be underground.

Mr. Lucas inquired if there would be any impacts to wildlife.

Mr. Boone responded that the amount of open space far exceeded any surrounding community, and they were preserving wetlands, streams, tree areas, and the reason for the cluster development.

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

Mr. Foster stated that some of the Planning Commission members were here for the last one, and he thought this was an improvement, the plan was good, and it was time for it to be developed.

Mr. B. Nicely agreed with Mr. Foster, saying a lot of work had been done on this one. He stated this was a combination of what was already there, appeared to be appropriate infill, and he knew it would develop one day. Mr. B. Nicely further stated he was good with their concept, this would be a good addition, and he did not think 130 homes would pop up in one and a half years.

Mr. Lucas concurred with those statements. He commented this will be a good transition comparing the other side of the street to this, it seemed like they had done a lot of good work for this openness, and the developer did not have control over speeding, and a traffic light.

Mr. Kidd agreed with all you said, giving a tip of the hat to you because you have addressed and taken care of the research. As far as comparing one side of street to other, Mr. Kidd stated houses were sitting a lot closer to the road, and it was a tradeoff. He further stated that he did not know that you would get a development today that can do that because of the cost.

Mr. H. Nicely appreciated all the concerns raised, especially after living in Ashley Plantation 20-some years. He commented that he was always bothered by traffic, water was still an issue, and he thought it would continue to be an issue, as he suggested connecting to the Western Virginia Water Authority. Mr. H. Nicely stated that land did need to be developed, and the Planning Commission sat here literally for days on the last proposal, because they weren't satisfied with lots opening onto Greenfield, or adequate green space. He further stated those things had been addressed. Mr. H. Nicely suggested the biggest issues that need to be petitioned were the access to US 220 with VDOT, with Botetourt County and our representatives in Richmond who held sway over those issues.

Mr. H. Nicely motioned to forward the VJL LLC request for a Commission Permit to the Board of Supervisors with a recommendation for approval on the basis that the requirements of §15.2-2232 of the Code of Virginia had been satisfied.

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

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

Mr. H. Nicely motioned to forward the VJL LLC request for a rezoning to the Residential (R-1) Use District, with the following proffered condition, to the Board of Supervisors with a recommendation for conditional approval on the basis that the requirements of Section 25-581 of the Zoning Ordinance had been satisfied:

1. This project will be developed in substantial conformance with the concept plan and lot table dated January 13, 2022 and prepared by Engineering Concepts, Inc.

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

call:

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

Mr. Kidd announced the public hearings had concluded, as he stated the work session would begin with Mr. McCoy.

Other business

Mr. Jon McCoy greeted the Planning Commission members, and stated the purpose this evening would be to refresh, and receive feedback on design and guidelines, as he displayed the [attached] PowerPoint.

Mr. McCoy displayed the Gateway Crossing Overlay area map, stating the Overlay area is divided into an Interstate Subdistrict, a Community Business Subdistrict, and Residential Subdistrict. He further stated the Overlay contained a mixture of zoning districts from A-1 to SC, TND, B-2, and M-2. Mr. McCoy explained the intent of protecting A-1 lands by directing growth to the Gateway Crossing area, encouraging efficient use of land, creating walkable pedestrian-oriented development, encouraging a mix of land uses and to enable implementation of the Gateway Crossing Area Plan. He described the function of the Overlay, which is to sit atop existing regulations, providing a reduction in certain development standards, while providing additional standards to support traditional development design.

Mr. McCoy recapped the history of the Overlay, starting in 2015 with the Exit 150 study, 2016 Gateway Crossing Area Plan, 2017 Gateway Crossing Area Plan operationalization, 2018-2019, multiple stakeholder meetings, and culminating into now with final edits to overlay text.

As a result, Mr. McCoy said subdistricts had been proposed after determining a one-size-fits-all approach was not appropriate. He then discussed the Residential Subdistrict, a combination of mixed density, residential uses; the Community Subdistrict, with a range of uses intended to be more neighborhood focused to meet local needs, including Residential R-4 (multi-family); and the Interstate Business Subdistrict, a combination of service-oriented commercial uses, including hospitality, lodging, retail, and office compatible with walkability, mixed district with at least 70% of the developed space by square footage per lot dedicated to business and office uses

Mr. McCoy displayed the Permitted Uses chart for a summarized frame of reference. Next, he displayed the Requirements slide, showing setbacks, density and lot coverage, maximum height, landscaping, signage. Mr. McCoy then displayed parking slide and explained the reduced minimum parking requirements, the type of parking, such as on street, maximum two rows of off street, allowed in front yards, prohibition of drive-thru facilities between the building and right-of-way to promote safety, and bicycle racks requirement. Mr. McCoy displayed an example of the voluntary design guidelines with a local fast-food restaurant with the current layout, and how it could look with an updated configuration.

Mr. Lucas asked about the two rows of street parking, which Mr. McCoy and Mrs. Pendleton explained.

Mr. McCoy displayed the Voluntary Design Guidelines that he said they were intended to support goals of the Gateway Corridor Overlay.

Mr. Kidd asked if any thought had been given to architectural review in the corridor.

Mrs. Pendleton responded that could not be done with the number of staff we have now.

After further discussion, including advertising, Mr. B. Nicely and Mr. Kidd requested an additional work session in April for a refresher.

Adjournment

There being no other business, on motion by Mr. H. Nicely at 9:11 PM, the Planning Commission adjourned with the following recorded vote:

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