

Mr. Kidd called the April 11, 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. Brandon Nicely, Member
Mr. Sam Foster, Member
Mr. Hiawatha Nicely, Jr.
Mr. Billy Martin, Ex-Officio Member
Mr. Mike Lockaby, 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 this request on April 26, 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, May 5, 2022.

Mr. H. Nicely motioned to approve the March 14, 2022 Planning Commission minutes as written.

Mr. B. Nicely 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

Public Hearings

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. *This request was deferred after the March 14, 2022 public hearing.*

Mr. McCoy greeted the Planning Commission as he noted the applicant revised the rezoning to lessen the requested amount to be rezoned. If approved, he said the lot would have three zoning classifications, Residential (R-3), Residential (R-1) and Business (B-2). Using PowerPoint, he displayed the zoning map indicating the zoning for that property, the revised concept plan, the metes and bounds for the proposed zoning line, pointing out where the dividing line had been moved, the access road, and stormwater management pond. Mr. McCoy stated the applicant submitted a proffer of substantial conformance to this concept design. He noted some neighbors were here to speak if the public hearing reopened, further noting the representative for the applicant was here.

After questioning from Mr. Lucas regarding the proffer, Mr. McCoy read, "The portion of property with proposed B-2 zoning will be developed in substantial conformance with the drawing titled Cedar Plateau, Daleville, Virginia, Rezoning Request, Tax Parcel 101-81 dated January 5, 2022 prepared by Engineering Concepts, Inc., Signed by Stephen Jamison."

Mr. Kidd asked if this met up with overlay, if there was anything glaring that would not fit into the overlay that we're looking at.

Mr. McCoy responded that nothing immediately came to mind that would be against the overlay or would be substantially not in conformance, although he wanted to take another closer look at the street design that might not be in the spirit of the overlay, but would not necessarily be against the overlay.

Mr. Kidd asked Mr. Wampler if he wanted to make any comments.

Mr. Wampler replied that he did not need to speak at this time unless the Planning Commission had specific questions for him.

By general consensus, the Planning Commission decided to accept public comments although the public hearing was closed.

Mr. Guy Dietels of Daleville spoke. He said the proffer alleviated some concerns, although he still had concerns. Mr. Dietels brought up the Gateway Crossing Area Plan, noting it looked like the six acres slated for future commercial development went deep into the residential development, and that didn't seem right. He also said the plans for the road looked different last month from tonight, that it was closer to their backyard fence and property line, he could perceive headlights shining into their house, he was concerned about the integrity of his home's foundation, and property values.

Mr. T.J. Plunkett of Daleville asked about the angle of the proposed rezoning, as he showed the Planning Commission a diagram. He questioned what would prevent the developer from tying the proposed rezoning amount from the corner of his lot to a corner of a lot diagonally across the parcel.

Mr. Kidd responded that with retention pond and topography, it was his opinion that they did not have to have an angle, reiterating that was his opinion.

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

Mr. Kidd asked about the type of landscaping to be required.

Mr. Pearson responded that landscaping requirements are viewed two ways. He said that regarding parking, there would be peripheral parking lot landscaping with a series of canopy, understory trees, and evergreen trees between the property line and drive, and that would also roll around to the backside. There would be a number of large and short maturing trees. Mr. Pearson said that around the stormwater pond, a double row of evergreen trees, six-feet tall at time of planting would be required.

Mr. Lucas asked about lighting on the road.

Mr. Wampler responded there were no plans to light the road.

Mr. Pearson added this would still have to have go through the site plan process, as he described the regulations that would govern any proposed lighting.

Mr. H. Nicely motioned to forward the request for a rezoning to Business (B-2), with the proffered condition, by Botetourt Properties LLC with a recommendation of approval on the basis that the requirements of Section 25-581 of the Zoning Ordinance had been satisfied with the following proffered condition:

1. The portion of property with proposed B2 zoning will be developed in substantial conformance with the drawing titled Cedar Plateau, Daleville, Virginia, Rezoning Request, Tax Parcel 101-81 dated January 5, 2022 prepared by Engineering Concepts, Inc.

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

Mr. Kidd stated the motion included the proffer received today.

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: Laymill LLC requests a Special Exception Permit for a Cabin or Cottage, with possible conditions, for the proposed use of a short-term rental, in the Residential (R-1) Use District in accordance with Sec. 25-123 (18).- Uses permissible by special exception and Sec. 25-583. – Special exceptions of the Botetourt County Code. This 3.230-acre lot is located at 1917 Roanoke Road, Daleville and identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 2.

Mr. Pearson read the legal advertisement aloud, as he displayed the zoning map depicting adjacent Residential (R-1), TND, RR, and a small, vacant lot of Business (B-3). He noted the two-story, three-bedroom house built in 1965 was constructed near the rear of the property. He stated that the cabin/cottage short-term rental was a single-family dwelling to rent out less than 30 days at a time. Mr. Pearson explained the short-term rental ordinance already contained supplemental regulations, there would be off-site management, with a limited number of guests per each bedroom, and the SEP had to

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comply with the County noise ordinance. Mr. Pearson stated that Staff did not suggest any conditions because they're already built into the ordinance, as he noted that no public comments were received.

Mrs. Maryann Miller thanked Drew for working with her. Mr. Miller said they had no other comments.

Mr. Kidd opened the public hearing.

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

Mr. H. Nicely motioned to forward the request for a Cabin or Cottage Short-term rental Special Exception Permit, with possible conditions, by Laymill LLC with a recommendation for approval on the basis that the requirements of Section 25-583 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.

Fincastle District: Barry D. & Judith L Hensley request a Special Exception Permit for a Rural Home Business, with possible conditions, for the proposed use of an excavating business in the Agricultural (A-1) Use District in accordance with *Sec. 25-435(3) Rural home businesses* and *Sec. 25-583. – Special exceptions of the Botetourt County Code*. This 6.41-acre parcel is located at 541 McDaniel Drive, Eagle Rock and identified on the Real Property Identification Maps of Botetourt County as Section 5, Parcel 55.

Mr. Baker greeted the Planning Commission as he read the request aloud. He said this was a part-time business, Mr. Hensley was the only employee, and work was performed at the customer's property. Mr. Baker explained the equipment included an excavator, a skid steer, and a dump truck with a 24-foot trailer. As he displayed the zoning map, aerial map and the concept plan, Mr. Baker noted the property was accessed on a 500 feet long driveway with an easement, and the property exceeded the five-acre minimum required for a Rural Home Business. He mentioned existing landscaping would provide equipment screening. Mr. Baker displayed a slide with the following conditions should this request be approved:

1. Equipment associated with the rural home business shall be located in the areas identified on the concept plan as submitted by Barry and Judith Hensley and dated 1/25/2022.
2. Existing landscaping within 15' of property lines shall remain undisturbed, as shown on the concept plan as submitted by Barry and Judith Hensley and dated 01/25/2022.
3. Noise generated by the development shall not violate provisions of the Botetourt County Code.

4. 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 displayed photos, as he commented that Staff received one phone call in approval of the proposed use.

After questioning from Mr. Foster regarding an expansion, Mrs. Pendleton explained that the applicant could not expand outside of the areas shown on the concept plan.

Mr. Baker confirmed for Mr. H. Nicely that all work would be performed off site.

Mr. Lucas asked if the only limit was on the size shown, and about the easement.

Mr. Baker said the easement would be a civil matter between the parties involved, and if the applicant wanted to expand the storage area, that would require an amendment to the SEP.

Mr. Pearson commented that the supplemental regulations for a rural home business, limited the applicant to three pieces of heavy equipment.

Mr. Kidd asked Mr. Hensley if he had any comments.

Mr. Hensley responded that he did this only part-time, and that he was a licensed contractor doing this on a limited basis. He further responded that this was located in a secluded area.

Mr. Kidd opened the public hearing.

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

Mr. B. Nicely motioned to forward the request for a Rural Home Business Special Exception Permit, with possible conditions, for Barry D. & Judith L Hensley 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. Equipment associated with the rural home business shall be located in the areas identified on the concept plan as submitted by Barry and Judith Hensley and dated 1/25/2022.
2. Existing landscaping within 15' of property lines shall remain undisturbed, as shown on the concept plan as submitted by Barry and Judith Hensley and dated 01/25/2022.
3. Noise generated by the development shall not violate provisions of the Botetourt County.
4. 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. Foster seconded, which was unanimously approved 5:0:0, 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: New Orchard Marketplace LLC c/o New Link Mgmt. Group requests a Special Exception Permit for a carwash, with possible conditions, in the Shopping Center (SC) Use District in accordance with Sec. 25-583. – Special exceptions and Chapter 25 Zoning, Article, II. – District Regulations, Division 13. Sec. 25-283(1). - Shopping Center District (SC) of the Botetourt County Code. The use is proposed on a 1.466-acre lot at the intersection of Roanoke Road (US Route 220) and Marketplace Drive (Route 1191), Daleville, VA, and identified on the Real Property Identification Maps of Botetourt County as Section 101 (17), Parcel 7.

Mr. McCoy read the request aloud. He stated Orchard Marketplace shopping center was anchored by Food Lion, and this shopping center had been rezoned with stringent design guidelines that must be reviewed by a Business Owners Association. Mr. McCoy indicated that the applicant has had the design reviewed and approved by the Association. Mr. McCoy pointed out that access would be from an existing drive, and that no new access was requested. He further pointed out that stormwater was located on an adjacent lot, and no public comments had been received. Mr. McCoy stated this property was identified as commercial in the Future Land Use Map, located in the Daleville Town Center Urban Development Area (UDA), and that VDOT had no concerns about increased traffic. He then displayed slides showing the proposed development, noting the building elevations appeared to be very attractive. Mr. McCoy read the following conditions aloud.

1. The development of the property shall be constructed in substantial conformance with the improvements shown on the concept plan titled Layout for TM#101(17)7 Orchard Marketplace Car Wash, prepared by Perkins & Orrison and dated April 6, 2022.
2. The car wash building shall be constructed in substantial conformance with the building elevations shown on the building elevations titled Road Runner Express and drawn by Thomas Builders of Virginia Inc.
3. The SEP approval shall not exempt the use from meeting the requirements of the Botetourt County Noise Ordinance.
4. 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. Daniel Cyrus of Thomas Builders of Virginia in Forest was present to discuss his request. He stated the proposed conditions were fine if approved, and that he had already gone through an architectural review board with the current owner. Mr. Cyrus further stated he was located in Lynchburg, and was working to open in Daleville and Roanoke market. He commented that this was an automated carwash, fully attended with three to four employees on-site when operational, and would be a great use across from the town center. Mr. Cyrus introduced Mr. Norm Walton, Products Engineer, who was available for technical questions.

Mr. Kidd asked about hours of operation, water usage and water recycling.

Mr. Cyrus responded that the carwash would be open from 8:00 AM until 8:00 PM, seven days per week. He further responded that they recycled a lot of water to varying degrees, from 60% to 70% recycled, with different levels of cleanliness, with the cleanest level at drinking water quality. Mr. Cyrus indicated the Forest carwash used several thousand gallons of water per day, and that they had also talked to the Western Virginia Water Authority, who verified that the capacity was available.

Mr. H. Nicely asked if this would be similar to the carwash in Lynchburg.

Mr. Cyrus said the building in Lynchburg was taller with a cupola, which was too tall for this location based on the Business Owners' Association requirements. Otherwise, he said the building would be essentially the same as Lynchburg.

Mr. Lucas questioned if this would be a contained system, as Mr. Cyrus explained all the carwash systems were contained inside the building, water drains to be recycled in different ways, there would be no water runoff, some water would be discharged to the public sewer.

Mr. Kidd opened the public hearing.

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

Mr. Foster remarked that he had seen the carwash in Forest.

Mr. H. Nicely motioned to forward the request for a Carwash Special Exception Permit, with possible conditions, for New Orchard Marketplace LLC c/o New Link Mgmt. Group with a recommendation for conditional approval with conditions listed on the basis that the requirements of Section 25-583 of the Zoning Ordinance had been satisfied with the following conditions:

1. The development of the property shall be constructed in substantial conformance with the improvements shown on the concept plan titled Layout for TM#101(17)7 Orchard Marketplace Car Wash, prepared by Perkins & Orrison and dated April 6, 2022.
2. The car wash building shall be constructed in substantial conformance with the building elevations shown on the building elevations titled Road Runner Express and drawn by Thomas Builders of Virginia Inc.
3. The SEP approval shall not exempt the use from meeting the requirements of the Botetourt County Noise Ordinance.
4. 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 motion carried.

Other business

Mr. McCoy greeted the Planning Commission as he discussed the Gateway Crossing Overlay work session. [PowerPoint attached] He summarized the history, as he noted efforts started in 2015 with the Exit 150 study, the Gateway Crossing Area Plan in 2016, Operationalization in 2017, stakeholders' help in engagement meetings from 2018-2019 through completion in 2021-2022. Mr. McCoy displayed the overlay district as he explained the Interstate Business Subdistrict, Community Business Subdistrict, and Residential Subdistrict. He stated these areas encompassed the Exit 150 area to the roundabout, down Route 11 to the railroad tracks over Route 11, and back to Food Lion in Daleville. He presented permitted uses, including examples of by-right uses and SEP uses for each subdistrict. Mr. McCoy said the intent was to provide design flexibility, promoting an attractive entrance into the county. Regarding each subdistrict, Mr. McCoy stated the Residential Subdistrict would be west of I-81 with a combination of mixed density of apartments, townhomes, single-family dwelling, and incorporate walkable designs. He further stated the Commercial Subdistrict would contain a range of businesses with uses to meet local needs, more than 50% of developed space square footage must be dedicated to for business and office use, and allow Residential (R-4) uses. For the Interstate Business Subdistrict, Mr. McCoy said there would be a combination of service-oriented uses, such as hospitality, lodging, retail, and would be walkable. He then displayed slides for permitted uses, and lot and building requirements. He noted residential uses would be tied to existing R-3 and R-4 lot and density requirements.

Additionally, Mr. McCoy discussed the reduction of setbacks for commercial uses meeting certain conditions, such as locating parking and drive areas to the side or rear of the lot or by including additional landscaping and screening to minimize visual impact of parking from the public right of way. Side and rear setbacks for commercial uses are set based on the abutting zone, requiring a larger setback if the abutting zone is residential and a lesser setback if the abutting zone is nonresidential. He further stated that the ordinance requires building facades to have a minimum of 20 percent of the face to be transparent, creating an active building face along pedestrian paths and that maximum height has been set at 45 feet by right in the residential and community business districts (up to 60 feet by SEP) and up to 60 feet by right in the Interstate Business subdistrict.

Mr. Lucas wanted to know if these requirements would be for all businesses, noting some businesses such as a bank or pharmacy would not want all the windows.

After further discussion, Mr. McCoy remarked there was not an administrative mechanism available, while Mrs. Pendleton noted that a business could request a variance for a unique situation, with existing language in the ordinance.

Mr. Pearson explained that windows served a purpose, such as allowing law enforcement to see activity during their patrol. Additionally, he reinforced the intention of building façade window requirements to create a visually pleasing effect, noting that faux windows could serve to meet these requirements.

Mrs. Pendleton asked Mr. Wampler, one of the original stakeholder participants, to offer any comments.

Mr. Wampler spoke regarding the window issue. He mentioned that Daleville Town Center had street front and window requirements and that the Mexican restaurant was able to use faux windows to meet that requirement.

Mr. McCoy discussed standards for streets, blocks and sidewalks, as he focused on pedestrian development.

Next, he talked about parking standards and goals, commenting on the prohibition of drive-through facilities between the building and right-of-way.

Mr. McCoy then brought up landscaping buffering, screening and signs, as he pointed out there would be no reduction of changes to existing landscaping, buffering or screening requirements. Signs would be unchanged, except through the removal of the square footage requirements.

Mrs. Pendleton brought up the need to revise landscaping ordinance, commenting some of the landscaping standards might be relaxed in the future.

Concerning the sign ordinance, Mrs. Pendleton remarked that the sign ordinance needed to be revised, and this was one step in the process, along with recognizing the need to adjust square footage requirements and the type of signage that should be included, such as menu boards, etc.

Mr. McCoy displayed a Voluntary Design Guidelines slide, illustrating various approaches to provide guidance on building design. He then displayed a guidelines example of how a current business could look versus the current view.

Mr. Kidd brought up safety, as he asked which type of street design would be safest for pedestrians and automobiles.

Mr. McCoy agreed that was a critical point, that as walkability was promoted, they wanted to make sure everyone was safe, and they would be prepared to answer more specific questions at the Board of Supervisors hearing as well.

Mrs. Pendleton said overarching long-term goal was improving connectivity, reducing curb cuts, mentioning safety as a topic of discussion preceding the round-a-bout, and the Gateway Crossing plan as a whole would introduce more opportunities for safety for all modes of transportation in the long run.

Mr. McCoy described that locating buildings closer to the sidewalks created an environment that encourage drivers to slow down, similarly to the effect a small town's main street produced.

Mr. Lucas asked if there was any consideration to add phone booths for safety, especially for ladies, as Mr. McCoy brought up a bigger push for pedestrian connectivity. Mr. McCoy mentioned bringing this up to VDOT as Staff worked with them on designs.

Mr. H. Nicely acknowledged the difficulties because of the right-of-way, and that it might be difficult to manage walkways for both VDOT and the County.

Mr. Lucas wanted to know if there were any incentives for business owners to go above and beyond and develop to a higher level of standards.

Mrs. Pendleton explained how Staff sat down and looked at uses, including those that would previously require a Special Exception Permit, and spent a lot of time to see what opportunities there were for by-right uses, as she stated that the Guidelines would provide an opportunity for developers to understand

expectations of development in the area.

Mr. H. Nicely stated the need for a community center for approximately 250 people, to meet and serve food.

Mrs. Pendleton brought up the possibility of making this potential use easier by creating a by-right use with supplemental regulations as a means to make this happen.

Due to looking at changing the interchange, Mr. Kidd asked about looking for walkability at or around the interstate, plus the Appalachian Trail, noting the timing was favorable for this now, even with difficulties of the nearby on and off ramps.

Mrs. Pendleton said Mr. McCoy submitted four Smart Scale projects for VDOT on Monday, recognizing the many conversations about that area with necessary pedestrian accommodations. She described the project as a once-in-a-lifetime opportunity to accommodate pedestrian traffic underneath the bridge. Mrs. Pendleton also brought up Appalachian Trail safety conversations.

Mrs. Pendleton commented the Board of Supervisors had already authorized this for public hearing, although Staff wanted to meet with board members, and spend a little more time on concerns.

Mr. Kidd stated to send this on, that they wanted to see the public comments, and so far everything looked good, as he reiterated his biggest concern of safety with the interstate interchange and pedestrians.

Adjournment

There being no other business, on motion by Mr. H. Nicely at 7:21 PM, seconded by Mr. B. Nicely, which was approved 5:0:0:0, 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