

Mr. Lucas called the June 12, 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. Lockaby, County Attorney  
Mrs. Nicole Pendleton, Director of Community Development  
Mr. Drew Pearson, Sr. Zoning Administrator  
Mr. Jon McCoy, Planner  
Mr. Nick Baker, Planner  
Mrs. Laura Goad, Administrative Assistant

ABSENT: Mr. Matt Lewis, Code Enforcement

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 June 27, 2023 at 6:00 PM at the Botetourt County Administration Center.

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, July 6, 2023.

Mr. Kidd motioned to approve the May 8, 2023 Planning Commission minutes as written.

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

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

### **Public Hearings**

**Blue Ridge District: ML Properties LLC requests to rezone 2.052 acres of a 3.692-acre parcel from the Business (B-1) Use District to the Business (B-3) Use District, with possible proffered conditions, in accordance with *Section 25-262.- Permitted Uses* and *Section 25-581. - Zoning map amendment— Owner-initiated.* of the Botetourt County Code with a change of proffered conditions associated with the Business (B-3) rezoning approved on June 18, 1996 in accordance with *Section 25-47. – Conditional Zoning* of the Botetourt County Code, located at 2655 Blue Ridge Boulevard, (US Routes 460 and 221), identified on the Real Property Identification Maps of Botetourt County as Section 108, Parcels 221A. *Deferral requested.***

Mr. Pearson explained that the application needed to be re-advertised because of a change requested by the applicant due to a need for a septic system on an adjoining property.

Mr. Kidd motioned to defer the public hearing until July 10, 2023, here at the Botetourt County Administration Building.

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

Mr. Lucas announced the motion carried.

**Valley District: The Western Virginia Water Authority requests a commission permit, in accordance with Section 15.2-2232 of the Code of Virginia and Section 25-576. – Commission Permit (“2232 Review”) of the Botetourt County Code, for a capital improvements project involving the construction of approximately 5,000 feet of waterline within the right of way of Sanderson Dr (SR 605) from Stonegate Dr (SR 1295) to Read Mountain Rd (SR 654) that will loop two existing water lines and provide more consistent water pressure/service within the existing system.**

Mr. Pearson read the advertisement aloud. He then stated it would help with existing water pressure and other problems, as he displayed the interconnect exhibit map. He explained the red line was the proposed water line project; the red circles indicated tying into existing Western Virginia Water Authority lines near Stonegate Drive, and the section of Sanderson by Read Mountain Road. Mr. Pearson displayed the fire hydrant slide and stated there would be approximately six new fire hydrants within the 500 feet radius, meeting the county code requirements and that would also provide consistent water pressure. He further stated this request for a Commission Permit was a review required by state code, 15.2-2232, and approval would indicate compliance with the Comprehensive Plan. Mr. Pearson referred to the gray and blue areas, and noted this showed existing service areas on the Water/Sewer Infrastructure Map, and a decision of approval would indicate substantial conformity with the concept plan map, per the Code of Virginia. Mr. Pearson noted the WVWA was present to answer any technical questions about the project.

Mr. Lucas asked how long the project would take and potential impacts.

Ms. Michelle Carruthers from WVWA spoke regarding this request. She stated that construction could take up to 12 months, although the time period was likely to be shorter. Ms. Carruthers further stated they would coordinate traffic with VDOT, and no new easements were necessary because everything was in the right-of-way. She noted that the biggest traffic impact would be between 9:00 AM until 3:00 PM to eliminate traffic congestion during peak hours. Ms. Carruthers stated the purpose was pressure zones to help with capacity, pressures, and resiliency.

Mr. Lucas opened the public hearing.

Ms. Terri Brocklin Flavin of Roanoke asked about fees and financial impacts to water authority users.

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

Ms. Carruthers replied that this was part of capital improvement, with no increase in rates as a result of the Capital Improvement Project.

Mr. Lucas stated the importance of having enough flow.

Mr. Lucas motioned to approve the Commission Permit for the Sanderson Drive Waterline 1385 Interconnect on the basis that the proposed waterline project is substantially in accord with the adopted Comprehensive Plan, and that the proposed waterline project would connect existing waterline infrastructure to provide an increased consistency in water pressure/service within the system, as well as provide an increased level of fire protection along Sanderson Drive.

Mr. Kidd 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

Mr. Lucas announced the motion passed.

**Valley District: Shamus Equity Corporation LLC requests a change of proffered conditions associated with an Industrial (M-2) rezoning approved on July 28, 2015 in accordance with *Section 25-47. – Conditional Zoning* of the Botetourt County Code, located on Lee Hwy (US Route 11), approximately 0.10-mile northeast of its intersection with 2nd Ave (SR 1003), identified on the Real Property Identification Maps of Botetourt County as Section 107, Parcels 126, 128, 129 & 130.**

Mr. Baker read the legal advertisement aloud and gave the Planning Commission the background information. He explained this was rezoned in 2015 for the purpose of heavy equipment sales and rental, although it was never developed. Mr. Baker explained the Mr. Don Helms was currently in the process of purchasing the property for mini-warehouse storage. Mr. Baker stated this change of proffers was to make the applicant's use more compatible with mini-storage facilities as opposed to equipment sales and storage. He noted the adjacent uses such as residential uses to the east and west, a heavy crane operating business to the west, Appalachian Power and the vacant Southern States property to the north and residential property and a storage yard to the south. Mr. Baker further noted that the four lots would be combined when approved. Mr. Baker brought up the 2017 FEMA Letter of Map amendment approval due to fill. He said the entire project would not be located in floodway and instead, would be in the fill area. He displayed the concept plan, pointing out the painted steel sides and painted steel roofs. He displayed the existing proffers and the revised proffers, reading them aloud:

1. The parcels which create this area for the project shall be combined into one parcel, vacating the interior lot lines.
2. The project shall be constructed in substantial conformance with the concept plan, titled "Helms Storage Facility Concept Plan", prepared by Engineering Concepts, Inc. and

dated 6/6/2023.

3. Any freestanding sign shall be a monument type sign of brick construction.
4. The building shall be constructed in substantial conformance with the representative building elevations, prepared by PBI, and dated 4/20/2023.
5. The property will be used for the use of “mini-warehouse” to the exclusion of all other uses.

Mr. Baker stated the property was currently zoned M-2; mini-warehouses were a current M-2 use; and a site plan would be required to meet all standards.

When Mr. Lucas inquired about plans for runoff, Mr. Baker explained that was more in the technical site plan, particularly with E&S.

Mr. Scott Caldwell of Engineering Concepts Inc., spoke on behalf of the applicant, Mr. Donald Helms. Mr. Caldwell stated that the stormwater would be handled according to code.

Mr. Lucas wanted to know where recreation vehicles would be placed and if they would be visible.

Mr. Helms responded they would be behind other buildings.

Mr. Lucas opened the public hearing.

Mrs. Terri Brockly Flavin of Roanoke said she did not understand why another facility like this was being built.

Mr. Lucas stated that it was the Planning Commission’s job was to look at the building and location and proffers, and whether their business succeeded was up to them.

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

After questioning from Mr. Lucas, Mr. Helms responded that his buildings had been 100% full since the first of the year, and unlike other places, he had not raised his price.

Mr. Lucas stated this was an industrial use in industrial area.

Mr. Kidd stated that after looking at what was previously approved, the facades looked nicer with tree buffering against Route 11. He further stated he was not against mini-warehouse storage, but he had hoped to have what was originally planned to go here, that Scotts would leave the Hugh’s building and move here.

Mr. Foster agreed with Mr. Kidd, particularly in terms of what was required on the exterior of the building with the brick, trees, and shrubs.

Mr. Helms said he wanted to make this something we could be proud of, but he was still trying to make a living.

Mr. Lucas motioned to forward the change of proffered conditions on the property of **Shamus Equity Corporation LLC** with a recommendation for conditional approval to the Board of Supervisors on the basis that the requirements of Article V, Division 6 of the Zoning Ordinance have been satisfied with the following conditions:

Mr. Foster seconded, which was approved 4:1:0:0, with the following recorded vote:

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

**Valley District: Robert W. Jr. & Diane G. Poehner request a change of proffered conditions associated with a Business (B-1) and Industrial (M-2) rezoning approved on March 17, 1998 in accordance with Section 25-47. – Conditional Zoning of the Botetourt County Code, located at 4510 Read Mountain Rd, identified on the Real Property Identification Maps of Botetourt County as Section 107(4), Parcel 22.**

Mr. Baker read the legal advertisement aloud. He stated the change of proffers started with a complaint of a new sign in the VDOT right-of-way. Mr. Baker further stated that Staff investigated, and found that the current sign was put up in violation and several proffered conditions were not met. He explained that this change of proffers was to resolve the violation, yet allow the business owner to continue. Mr. Baker stated this property was now used as office space for a parking lot cleaning company; it was originally rezoned from Business (B-1) to Industrial (M-2). He further stated the owners intended to have a contractors storage yard and the original intent was in line with the rezoning. Mr. Baker said this property was adjacent to the Cloverdale post office, Lawrence trucking, Piedmont Industrial mixed with residential. He displayed the sign, noting the applicant was not seeking new business, and wanted to resolve the notice of violation. Mr. Baker displayed existing proffered conditions, as he displayed and read through the revised proffered conditions:

1. The existing evergreen buffer located adjacent to tax parcel #107(4)24&23 shall remain undisturbed.
2. Any building constructed in the B-1 portion of the property shall be constructed with a minimum of a 50% brick face.
3. All exterior storage in the M-2 district shall be to the rear of the building and fully screened so not to be visible from State Route 654 or adjoining properties.
4. No structure shall exceed 35 feet in height.
5. All signage will be of a monument type design.

6. The following M-2 uses shall be permitted:

- a. All uses included in the Industrial District M-1, as set out in Section 25-322 of the Botetourt County Zoning Ordinance.
- b. Planning mills.
- c. Contractor's equipment storage or yard, or rental of equipment used by contractors, including well drilling operation.

Mr. Baker explained the applicant was unable to be here tonight, and he would discuss tonight's outcome with the applicant tomorrow.

Mr. Baker confirmed with Mr. Lucas that landscaping would remain unchanged, and there were no further development plans, although they did want to relocate and screen parking.

After questioning from Mr. Kidd, Mr. Pearson responded that this proposed office was developed at a time when our code was less detailed. He further responded that the property was still zoned as Business (B-1) and Industrial (M-2), and should a new project come in today, it would have to comply with today's code. Mr. Pearson noted the water and sewer requirement and that they would have to connect to the water and sewer on the opposite side of Read Mountain Road. He further noted the change of proffers would not make them connect to water and sewer now, only if any future development came in to this property. Mr. Pearson commented that Chapter 24 of the County Code would require water and sewer connections for a new project.

Mr. Snyder wanted to know the time frame on the brick face and monument sign.

Mr. Baker replied that the property owners had to start this within 30-60 days, noting this request was to stay enforcement action, and at the very least remove the current sign.

Mr. Snyder asked if the applicants were prepared to shoulder costs of that burden, and what would happen if they were not compliant.

Mr. Baker said the applicant came up with the proffers, and if they were not compliant, they might be summoned to go to court. At that point, the judge could issue a court order to remove the sign.

When Mr. Snyder expressed his concern of the applicant not following through, Mr. Baker said he would let applicant know of his concern.

Mr. Snyder and Mr. Baker then discussed the sign permitting process. Mr. Baker confirmed the sign permit application required for the designs to be shown, as Mr. Snyder emphasized the need to see that documentation.

Mr. Lucas noted the applicants had been in business for a while, and if the B-1 property were to be used, they would have to have water and sewer, and meet current requirements.

Mr. Lucas opened the public hearing.

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

Mr. Lucas motioned to forward the change of proffered conditions on the property of **Robert W. Jr. & Diane G. Poehner** with a recommendation for conditional approval to the Board of Supervisors on the basis that the requirements of Article V, Division 6 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:

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

Mr. Lucas announced the motion passed.

**Blue Ridge District: JM Industrial Properties, LLC requests a Special Exception Permit, with possible conditions, for a hospital in the Industrial (M-1) Use District in accordance with Section 25-323(9).- Uses by special exception and Section 25-583. – Special exceptions of the Botetourt County Code, located at the end of Avery Row (SR 1400), identified on the Real Property Identification Maps of Botetourt County as Section 112(3), Parcel C.**

Mr. McCoy read the request aloud. He displayed zoning map, and explained how Avery Row was accessed from Blue Ridge Boulevard. He stated the property was located in the Jack C. Smith Industrial Park at the end of Avery Row, and currently vacant land with Jeter Farm to the east. Wurth Revcar Fasteners was across Avery Row to the west, with multiple smaller industrial and commercial offices to the southeast, single-family homes and an Appalachian Power small distribution facility to the northwest. Mr. McCoy noted there were e offices for the Mountain Castles Soil & Water Conservation District and the Blue Ridge Branch Library located along Avery Row. Mr. McCoy stated the property was zoned Industrial (M-1), which allowed hospitals by Special Exception Permit, and listed by-right uses allowed such as manufacturing or assembly of products, day care center, mini-warehouses, laboratories, and auto body repair. Mr. McCoy displayed the aerial map, noting that Avery Row had Annual Average Daily Traffic (AADT) volume of 22,000 trips along Blue Ridge Boulevard at the intersection with Avery Row and Avery Row itself had an AADT of 1,300. VDOT was still reviewing the TIA and had not yet offered concurrence with widening and restriping the southbound Avery Row approach to provide a dedicated southbound left-turn lane with 200 feet of storage, and extending the storage in the eastbound left-turn land on U.S. 460 from 175 to 250 feet. Mr. McCoy displayed a slide illustrating a Roanoke County [SMART SCALE project](#) to improve the US 460/220A intersection. He explained that this project would redesign the intersection to provide a “Displaced Left Turn” concept, improving safety and efficiency on the corridor. He pointed out an additional feature for a connection from Kingsman Road to the subject site on Avery Row, providing access to turn right onto US 220A, noting the subject site already had a deeded portion of right-of-way for this purpose and was expected to go to advertisement for construction in Fall 2026. Next, Mr. McCoy displayed the concept site plan, with full buildout at 80,000 square feet and 130 beds, with a planned outdoor recreation area. He then displayed a rendering of the building to replace the Salem facility, commenting that the County Fire and Rescue, plus the Sheriff’s office had been contacted. He noted that they did not relay concerns. Mr. McCoy then read the suggested conditions, if approved:

1. The development of the property shall be constructed in substantial conformance with the concept site plan and building elevations included with the application, dated April 4, 2023.
2. The maximum number of beds provided at the facility shall not exceed 130.
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. McCoy confirmed for Mr. Foster that the entrance and exit on US 460 would remain the same.

Mr. Lucas wanted to know about patient safety.

Mr. Alan Fabian of Roanoke, and Market President of Lewis-Gale Hospital was present to represent the hospital in their request.

Mr. Lucas asked if this would be an inpatient, lockdown type of facility, if patients were dropped off, and the severity of patient illnesses. As he noted the huge need for psychiatric services, Mr. Lucas asked if this facility treated severe cases.

Mr. Fabian responded that this would be a replacement facility, locked 24 hours per day, seven days per week, 365 days per year; patients would stay there for a week on average, and get transferred here from an emergency room as a custody order. Patients could transfer from the emergency room to this facility by Salem police or sheriff's department. Mr. Fabian further responded that he had a conference call with the Botetourt Sheriff and his team, they have not had someone leave the facility without arrangements, even with apartments surrounding it.

Mr. Foster asked Mr. Fabian to speak about outpatients in terms of numbers.

Mr. Fabian said the patients would come and go in an outpatient setting on Monday-Wednesday-Friday; Tuesday-Thursday; and Monday through Friday. He also said they would stay at another residence and arrive by private vehicle, and they would not arrange for transportation.

Mr. Lucas opened the public hearing.

Mr. Shannon Turner of Blue Ridge opposed this request because the hospital would draw the wrong segments, these were are all people mandated by law and locked in, this would attract drug addicts bringing drugs to this facility, and this needed to be someplace away from residents, as he told the Planning Commission not to pass this.

Ms. Marla Martinez of Blue Ridge objected to this request. She questioned staffing, children, and plans for long-term placements. Ms. Martinez told of a child that had been abused and assaulted by staff members, and questioned how that would affect Botetourt's small staff of social workers.

Mrs. Terri Brockly Flavin noted the huge need for this. She mentioned that she had been been corresponding about opioid abatement money being appropriated accordingly, and that Mr. Larrowe told her that it would be better to join funds from Botetourt County, Roanoke County and Roanoke City and use Catawba. She said that Catawba hospital was better equipped, and these people needed to stay away from other addicts. Mrs. Flavin said there was a problem with using Salem transporting, Botetourt did not have the staff here, and this was not the right location.

Mr. Sawyer Mullins of Troutville stated this was an amazing idea because he had struggled, and had lost friends with mental issues. He noted that substances had potential to make it into facility no matter what, and he did not understand why this was a replacement instead of an addition.

Mr. Rick Painter of Blue Ridge and a licensed mental health professional complimented Lewis Gale for this. He said he had a client with co-morbidity, and this facility significantly removed from this level of care. Saying that he had clients try to commit suicide, Mr. Painter questioned the Sheriff's Department's manpower and training issues. Regarding the outdoor section, Mr. Painter said the surrounding noises could triggers PTSD in patients.

Mr. Richard Church of Blue Ridge, opposed this request based on the terrible intersection, an increase in large housing developments, truck traffic, and employees coming and going.

Ms. Martinez said she was advocating for social workers because Botetourt's ability to retain workers was low, and she worked outside of Botetourt because of low pay.

Mr. Fabian introduced Ms. Leigh Gathings, MSN RN-BC, Vice-President, of Floyd, who was also present to answer questions.

Mr. Lucas asked about mandatory or self-release percentages, their ages, and which social service agency handled the patient's case.

Ms. Gathings stated their patients were 75% voluntary, 25% Temporary Detaining Order, with about eight to ten patients aged from 13 to 18; the majority were between 18-55 years of age with a small percentage over 55. She further stated that social services where the patient resides handled their case, and they had been able to manage a patient stuck in the system. She noted that they did see TDOs outside of our region because there were not a lot of options for patients.

Mr. Lucas questioned if they had looked at other spots, particularly Catawba and why not add another facility.

Ms. Gathings responded the Lewis-Gale did not provide Catawba's level of service, which was residential substance abuse treatment. She further responded that Lewis-Gale had a higher level of care, acute in-patient detox, a different service than Catawba proposed with their extension.

Mr. Fabin stated that this would be a replacement facility because Lewis-Gale had to depart their existing facility.

After people in the audience questioned, "Why?" and Mr. Lucas said it was okay to answer their questions, Mr. Fabin responded it was because of leasing and not owning the building.

Mr. Lucas inquired about Salem police transport, if there was a fee paid to them or if it was a service, and if they had seen specific training for officers.

Ms. Gathings said that some jurisdictions do provide that specific training, specifically for when they go onsite into the hospitals. Regarding transportation, only TDOs were brought by the police department. Others could be brought by ambulance, some direct admits drive themselves, some Virginia Tech or Radford University students have been driven by their roommates. She noted there was no fee when patients were brought by police due to the TDO, which happened about 25% of the time.

Mr. Lockaby stated that he and Sheriff Ward had spoken about this, and generally speaking, most people in the system had some form of private transport. He further stated that if ECO/TDO, that would be issued by the magistrate and due to a new state law effective July 1, 2023, they would be required to find alternative transport if not an active danger to themselves or others, and if they were, then a primary locality or law enforcement agency would bring them. Botetourt County would transport Botetourt citizens, as they do now.

Mr. Foster confirmed with Mr. Lockaby that now Botetourt transported patients to Salem and then Salem would transport their patients here.

Mr. Lucas wanted to know how medical issues, crisis and medical emergencies that would require a hospital, would be handled.

Ms. Gathings stated that if their facility moved to Botetourt, all of their trained staff would come with them, they would contact 911 because of being a separate part of Lewis-Gale Medical Center campus, and Lewis-Gale physicians would not respond to their separate building on the campus. She further stated those patients would be facilitated out of their program and sent to the medical center. If they had a medical emergency in Botetourt, they would call 911 for transport to Blue Hills emergency room or they would evaluate and stay there.

Mr. Lucas asked if there were any concerns being in a county with citizens that fire guns.

Ms. Gathings said there would be no issues, because the current campus was very busy with loud vehicles and helicopters. She mentioned other safety elements such as cameras; 12-16 feet tall fencing, to prevent throwing contraband; benches cemented to the ground so people could not move them to escape; and the presence of staff at all times.

Mr. Nicely asked about the number of trained security staff.

Ms. Gathings answered there would be 38 day staffers with two security guards, and night shift would have about 30 staffers with two security guards.

Mr. Lucas asked about traffic studies.

Mr. Fabian said that the current facility was across from a residential area with a large apartment complex. He also said the largest amount of employees at one time was about 30, from 7:00-8:30 AM until 7:00 PM, outside of rush hours with about 15 people at night.

Mr. Lucas stated that he was on the fence, as he questioned if there was another place this could go.

Mr. Fabian responded this would be a mental health and wellness facility. He questioned where the closest acute care hospital was located near Botetourt, explaining they would like to expand the amount of care, to go from 45-50 beds, to 80 beds, as he noted the stand-alone psychiatric facilities in Northern Virginia.

Mr. Carl Holtgren, PE PTOE of Gorove Slade in Richmond, Virginia, addressed traffic issues. He stated that traffic studies were performed, Avery Row would be widened by a few feet, and there would be separate right and left turn lanes. Mr. Holtgren further stated that the TIA had been submitted, VDOT was reviewing, he expected another round of comments with the final study very soon.

After questioning from Mr. Lucas, Mr. Holtgren noted there was a possibility of a left turn lane from US 460 onto Avery Row, then coming down Avery Row approaching US 460, he recommended widening Avery Row for a few feet to have separate right and separate left turn lanes for exiting traffic. He noted that VDOT provided comments and they were in the process of responding to that round of comments.

Mr. Turner commented from the audience that they said the Botetourt County Sheriff would not be on the road more, and that would be correct if they were going to transport Botetourt County, but Botetourt County Sheriff and EMS would get 100% of the 911 calls. He said he wanted to know how often they were called.

When several people in the audience spoke at once, Mr. Lucas gaveled and closed the public hearing.

Mr. Foster noted this was in his district and this piece of property was originally planned for the elementary school. He stated he had seen this property many times as a school board employee. Mr. Foster said the hospital would have less traffic than an elementary school, and the property was more isolated than a lot of other nearby properties, in terms of one way out and one way in. Mr. Foster further stated this was more isolated than the hospital in Salem and would be a good thing for this facility. He commented that it was time that we looked at getting facilities on this side of Roanoke. Mr. Foster stated he had no problems with this, and he understood the "not in my backyard". However, Mr. Foster said he did not see this in the back yard of the community, rather, it would be in an isolated area near industry.

Mr. Kidd agreed with Mr. Foster.

Mr. Lucas said he was concerned with extra 911 calls. He mentioned the emergency room facility down the road, noting this would have a nice building, and it seemed like they were doubling their access to patients by moving here. Mr. Lucas stated that most of these facilities did a really good job of making sure fences were up, doors were locked. He mentioned the possibility of this probably spilling over to emergency services here, plus the need to plan for what's in your back yard. Mr. Lucas further stated he was less reluctant since there was more of a push toward private transportation and that deputies would not have to run to Salem.

Mr. Kidd stated that Lewis-Gale had a discussion with the Sheriff's Office and EMS.

Mr. Lucas questioned if this would negatively impact any future development, such as taking an industrial spot, or if other types of businesses could go in there. He stated a business could go in there without Board approval that could double or triple the amount of traffic.

Mr. Snyder stated the need to have more of these facilities, not less. He further stated he had no problem with this request.

Mr. Nicely stated that the presenters answered questions really well, and he saw lots of paperwork. He questioned the number of 911 calls in the last year.

Ms. Gathings responded they made one call about every three to four months; she further responded they made one to two calls to EMS per month for illness.

Mr. Foster motioned to forward the special exception permit request on the property of **JM Industrial Properties, LLC** with a recommendation for conditional approval to the Board of Supervisors on the basis that the requirements of Article V, Division 6 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 and building elevations included with the application, dated April 4, 2023.
2. The maximum number of beds provided at the facility shall not exceed 130.
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. Kidd seconded, after confirming the four conditions. This motion 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

**Amsterdam District: The Botetourt County Board of Supervisors have authorized consideration of a property owner-initiated petition for an amendment to the 2010 Comprehensive Plan's Future Land Use Map #9 in accordance with Section 25-581.3 Comprehensive plan amendment-Owner initiated and Section 25-581.4 Comprehensive plan amendment and review, to amend the future land use designation from Mixed Use Highway Commercial to Industrial / Flex for a 49.9-acre parcel, located on Lee Hwy (US Route 11), approximately 0.10 miles southwest of its intersection with Old RT 604 (SR 811), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 145.**

**Amsterdam District: SR Investments Inc. requests to rezone a 49.9-acre parcel from the Business (B-2) Use District to the Industrial (M-1) Use District, with possible proffered conditions, in accordance with Section 25-323.- Permitted Uses and Sec. 25-581. - Zoning map amendment—Owner-initiated., as well as a Special Exception Permit pertaining to building height in accordance with Section 25-326(d) Building Requirements and Section 25-583. – Special exceptions of the Botetourt County Code, located on Lee**

**Hwy (US Route 11), approximately 0.10 miles southwest of its intersection with Old RT 604 (SR 811), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 145.**

Mrs. Pendleton reads the legal ads aloud, as she displayed zoning map. She stated there were three actions to be taken, all for one intended purpose of battery energy storage. Mrs. Pendleton explained that the property owners requested a zoning determination in 2022 for this site, pertaining to the use, how it would fit, and required land use actions for the intended purpose. Mrs. Pendleton stated that as of this time, we had not engaged with the applicant regarding proffers, although she did reach out to the applicant last week. Going forward, Mrs. Pendleton noted a decision would need to be made on the proposed Comprehensive Plan, Rezoning, and Special Exception Permit. She further noted that discussed consideration of proffers and whether or not the applicant would be willing to take time later or up until the Board of Supervisors had been discussed. Mrs. Pendleton described the location of the property as being between I-81 and Route 11 with two transmission lines. She noted this was for a stand-alone battery energy storage system on 14 acres of land. Mrs. Pendleton displayed concept plan as she explained the purpose of battery storage was to pull power off grid to store until needed for peak uses. When she displayed the structure heights slide, she said the applicant could speak to this. Mrs. Pendleton commented the structures on site would store energy in the batteries that would transmit the energy to an off-site substation, then transmit the energy back to the grid. She further commented that this was a by-right use in Industrial (M-1). Mrs. Pendleton stated if the Planning Commission recommended approval, and if the Board of Supervisors approved all three actions, a site plan would have to be submitted with Erosion and Sediment Control review and building permits prior to the onset of construction. Regarding the Comprehensive Plan, Mrs. Pendleton stated this property was within the Gateway Crossing Area Plan and across Route 11, the Future Land Use Designation was Industrial/Flex. Given the surrounding land uses and future vision as the corridor transitions from highway commercial to more industrial uses, Mrs. Pendleton said the Planning Commission could consider changes to this area as Industrial Flex on the Comprehensive Plan's Future Land Use Map. Mrs. Pendleton mentioned this project would not generate any traffic after completion, other than single vehicular access for routine maintenance. She said the Troutville Volunteer Fire and Rescue was located 3.1 miles from this site. Mrs. Pendleton noted the Chief of Fire and EMS recognized the potential impacts of this project and if approved, would be involved in coordination of protective measures through all stages of permitting. Mrs. Pendleton stated there had been no public comments to date, and she was waiting to hear back from applicant concerning proffers, particularly regarding a siting agreement. Mrs. Pendleton stated that at this time, no conditions regarding the height Special Exception Permit were proposed.

Mr. Lucas wanted to know how close this was to the interstate.

Mrs. Pendleton displayed the concept plan that depicted a heavily wooded area, noting that it looked to have about 70 foot rise from the Interstate to the substation location.

Mr. Snyder asked about the fire and life safety response. He questioned the type of skills, training available as he asked what would be needed for the batteries. He also asked about disassembly and removal, and returning the property to a level of no batteries.

Mrs. Pendleton responded that she had reached out to the applicant to see if they were willing to proffer following a similar process required for wind and solar decommissioning. She indicated the applicant said they did this in other localities, was willing to post a bond, and seemed to be willing to respond. Mrs. Pendleton continued that the applicant was willing to provide training to local Fire and EMS, although she did not currently have anything in writing.

Mr. Lockaby stated the process could include a siting agreement, negotiate Fire and EMS training and decommissioning issues. He further stated it would be perfectly normal to negotiate these items that would be included in proffers or the siting agreement.

Mr. Justin Adams with Gateway Grid LLC in Burlingame, CA was present and spoke.

Mr. Lucas asked about potential dangers of battery storage.

Mr. Adams replied there would be 144 standalone battery energy storage units, essentially sea shipping container size holding electric vehicle style batteries within a rack. The containers would have a temperature controlled environment, automatic system monitors 24/7, remotely controlled and monitored. He further replied the batteries were designed to have minimal risk, redundant safety systems with propagation prevention so there would be very little spread within the container. Each would have a standalone battery system. Propagation was not really seen in the industry.

Mr. Kidd asked Mr. Adams if he was saying there was a suppression system in each container.

Mr. Adams answered there was no suppression system in each container. He said there were sensors and safety features that could isolate and shut down portions of the battery to prevent propagation. He further answered that if the system overheated, it would be shut down. Mr. Adams said it would be checked remotely or a tech would be sent to the site to investigate. Mr. Adams stated standard firefighting equipment could handle a battery fire. He further stated that water was not typically used on the battery fire itself; water would be used to cool adjacent containers.

After questioning from Mr. Lucas, Mr. Adams responded the batteries were all low voltage, the only high voltage lines would be at the project substation. He said the batteries passed through to the main power transformer (the small, private substation onsite) where the power would be stepped up and delivered to the utility. Mr. Adams said the containers could last forever with proper maintenance and replacement. He noted containers could last 20 years or longer before replacement. Mr. Adams also said they had an agreement to deliver 100 MW power to the utility grid, and batteries would be replaced as needed.

Mr. Kidd wanted to know how long they would be able to extend capacity of the batteries.

Mr. Adams commented that even with replacement and maintenance, batteries would lose capacity to discharge that same amount of power. He further commented that the site plan showed the full buildout, and accounted for full augmentation and would never exceed the size shown.

Mr. Kidd asked how this process would work and how the climate control worked.

Mr. Adams confirmed that he purchased power from the power company to charge these batteries, which would then be sold back to the power company. He explained the climate control was a typical HVAC system with traditional service power to the HVAC. The power would then be sold back to the power company at a higher price as power demand fluctuated throughout the day.

When Mr. Kidd asked how long they would have a demand on these batteries before capacity at which they could output, Mr. Adams replied that would be four hours.

Mr. Foster wanted to know if there any other facilities like this in Virginia.

Mr. Adams responded there were some smaller facilities like this in Virginia, but not to this scale.

Mr. Nicely asked about disposal of bad batteries.

Mr. Adams said the batteries could be refurbished and they also had value as scrap.

Mr. Lucas inquired how this would look from the Interstate or from the road.

Mr. Adams responded there would be overhead lines between substation and interconnecting to the transmission lines already on the site. He further responded the fence would be eight feet tall, and the batteries would be about eight feet tall, and there were buffers they could put up.

Mr. Kidd verified the battery life span was about 20 years, as he asked about the decommissioning plan.

Mr. Adams explained these were modular systems with underground conduit connecting the entire system. He further explained that decommissioning was removal of all containers and equipment, and leaving concrete pads. Mr. Adams said he had worked in other jurisdictions where there were other plans.

When Mr. Kidd asked if there would be lighting on the facility, Mr. Adams said lighting would be only on demand.

Mr. Kidd inquired about lightning strikes.

Mr. Adams replied that the site was designed so that lightning would strike the lightning mast, similar to how a substation was designed.

Mr. Snyder commented that Mr. Adams seemed reasonably convinced that local firefighters would have the appropriate tools put out a fire here. He noted the significant grade, probable use of chemicals to extinguish the fire, as he asked how an underground fire could be prevented and what kind of buffering would prevent anything reaching Route 11.

Mr. Adams responded that fire would be contained to one container during a thermal event, while firefighters sprayed adjacent containers. Mr. Adams stated there were no chemicals to leach out or release.

Mr. Snyder stated if an electric vehicle caught on fire on the road, there might be some concern about what was left on the road, residue in the median, etc. He asked Mr. Adams to confirm this wouldn't be the case.

Mr. Adams said if there were a fire, and it did develop, this location would be returned and remediated. He also said he did not expect a long leaching process to spread contaminants.

Mr. Snyder wanted to know if Mr. Adams communicated directly with the local authority about their response.

Mr. Adams said that he had not spoken directly with local authorities to develop an emergency response

plan, and he did take this very seriously. He said whether through proffers or otherwise, he would commit to work with them closely to develop an emergency response plan and to have long-term training.

Mr. Kidd asked about the number of facilities, and length of operation.

Mr. Adams replied there were two in Texas, one in California at 11 MW, one in Ohio at 200 MW. He noted the company had been doing this for 10 years with no fires.

Mr. Lucas opened the public hearing.

Mr. Sawyer Mullens of Blue Ridge, stated this was in the vicinity to two major highways, and presented a danger. He said a motor vehicle could end up in this facility, and he did not understand the facility as a concept.

Mr. Travis Wayts of Troutville, said it was hard to believe there was no suppression considering the size. He questioned if there an alarm for hydrogen, if the Fire Department could deal with hydrogen and a large explosion. He also questioned that batteries could last for twenty years. Mr. Wayts said they would probably buy power at night at night, then resell it at a higher rate, creating a higher rate for customers. He also said battery acid could create an explosion and decimate the land.

Ms. Terry Brockly of Roanoke, commented that she left California, one of the most toxic states. Ms. Brockly objected to anything toxic coming to Virginia, and this looked like a toxic nightmare. She brought up the possibility of fires with the need to preserve what we have.

A comment from the audience was inaudible.

Mr. Rick Painter of Blue Ridge asked about the types of car batteries and based on comments, he still did not know what type of battery Mr. Adams was talking about.

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

Mr. Adams then responded to public comments and questions.

Mr. Adams said that lithium ion phosphate was the predominant type of battery used in technology, and they were all things that we have in our watches, our cell phones, our homes, and were UL listed products. He commented that they were built to be operated safely in an environment. If a fire occurred, it would be akin to a standard home fire. He further commented that smoke was toxic, and it did not matter what was burning.

Mr. Lucas asked how often this occurred, and if you were selling power back to the same company, why didn't the power company do this.

Mr. Adams answered that the grid went up and down during the day, and they were beholden to the environs, whether it was a very hot or cold day. He explained that arbitrage was one form of making money; and capacity, where the company called their facility to meet peak demand, was another form. Frequency regulation within the grid, would also help when there's more wind and solar on the grid, to level out the peaks. Mr. Adams further explained the battery is there to supplement when needed, and made a more efficient grid.

Mr. Kidd asked if they had a contract with American Electric Power and why this location was chosen.

Mr. Adams responded that they were in talks with AEP. He further responded this location was in proximity to existing transmission infrastructure.

Mr. Kidd inquired how long it would take to charge them all.

Mr. Adams noted it would take four hours to charge them after a full discharge. He further noted they could be used to inject a short time in the grid. Mr. Adams said the intent was to make money, and have a form of power infrastructure to prevent blackouts.

Mr. Foster inquired about proffers.

Mrs. Pendleton indicated that no proffers had been submitted, and the property owner had to volunteer them as part of the rezoning request.

Mr. Nicely said he liked the location. He noted it was a good distance from Interstate, and there was no way a car could jump over, because the Interstate well below the crest.

When Mr. Lucas discussed visibility, Mr. Nicely explained that it probably would not be seen due to the location under the crest.

Mr. Kidd asked Mrs. Pendleton about an EMS letter.

Mrs. Pendleton explained that EMS had the same workload as our office. She further explained that they wanted to be engaged, and that proffers were voluntary until approved and then they would become binding.

Mr. Nicely confirmed with Mr. Adams that stormwater management surrounded the batteries shown in the provided illustration.

Mr. Kidd stated that while he was not negative about this project, he still had questions. He further stated that he wanted to hear from the Fire Department, and suggested tabling this request until there were more answers.

Mr. Nicely agreed and stated that he wanted to know there would be a contract.

Mr. Lucas motioned to table the comprehensive plan amendment to amend the future land use designation from Mixed Use Highway Commercial to Industrial / Flex on the property of **SR Investments Inc.**

Mr. Kidd 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

Mr. Kidd motioned to table the Industrial M-1 rezoning request on the property of **SR Investments**

**Inc.** Mr. Lucas 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

Mr. Kidd motioned to table the Special Exception Permit for height request on the property of **SR Investments Inc.**

Mr. Lucas 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

Mrs. Pendleton confirmed with Mr. Lucas that the applicant needed to agree with the timeline and Staff was being directed to re-notify all concerned with this hearing.

Mr. Lucas stated to the applicant that he would like to see a sight line from the Interstate.

By general consensus, at 8:33 PM, the Planning Commission recessed for a ten minute break.

At 8:45 PM, the Planning Commission reconvened by general consensus.

**Blue Ridge District: The Botetourt County Board of Supervisors have authorized consideration of a property owner-initiated petition for amendments to the 2010 Comprehensive Plan's Sewer & Water Infrastructure Map #37 and the Future Land Use Map #9 in accordance with Chapter 25, Zoning, Division 6. Special Development Approvals, Section 25-581.3 Comprehensive plan amendment-Owner initiated and Section 25-581.4 Comprehensive plan amendment and review, to create a sewer and water service area within the right of way of Blue Ridge Blvd between Coyner Springs Road and the Blue Ridge Pkwy which would connect three existing service areas together and to amend the future land use designation of several properties in the vicinity of the intersection of Blue Ridge Blvd (US Route 460 & 221) and Laymantown Rd (SR659) from medium density residential to commercial.**

**Blue Ridge District: Higginbotham Farms LLC, and Four H Investment LLC (Sheetz, Inc., contractual purchaser) request rezoning of two contiguous parcels totaling 3.434 acres from the Agricultural (A-1) and Industrial (M-1) Use Districts to the Business (B-2) Use District with possible proffered conditions in accordance with Section 25-242.- Permitted uses, with a Special Exception Permit for a convenience store, with possible conditions in accordance with Section. 25-243(10). – Convenience store and Section 25-583. – Special exceptions of the Botetourt County Code, located at the corner of Laymantown Rd (SR 659) and Blue Ridge Blvd (US Route 460 & 221), identified on the Real Property Identification Maps of Botetourt County as Section 108C(1), Parcels 1&2 and 3.**

Mr. Pearson read the requests aloud, as he explained each of the five actions. He displayed the zoning map showing the current M-1 zoning, noting there were no existing proffers, only by-right uses. Mr. Pearson described the second parcel in green, in the A-1 Use District, as he noted the adjacent Business (B-2) Use District property with a veterinary hospital; some single-family dwellings and vacant lots in the Residential (R-1) Use District behind this proposed project; and the adjacent Shopping Center zoned property across Laymantown Road. He then pointed out the Blue Ridge Parkway across US Route 460, as he included the vacant parcel. Mr. Pearson displayed the Future Land Use Map for the Comprehensive Plan amendment. Mr. Pearson stated that he prepared this map on display, as he pointed out the orange area for medium density residential, Forest Conservation in green for the parkway area, showed the subject properties and to correct the shopping center property. Mr. Pearson then displayed the Public Water and Public Sewer infrastructure map. He said the applicant hoped to extend public sewer up the corridor of Blue Ridge Boulevard to serve the convenience store site. He pointed out locations, noting the applicant needed to have public water and public sewer because the soils would not support a septic area. He stated that they could not bring the public extension to develop another site that was not in an existing service area, and they would have to go through this process, as he mentioned Chapter 24 requirements of the county code. He then pointed to current water companies as shown on Map 37. He further stated that public service lines could not go outside of the purple area in the existing right-of-way, running from Coyner Springs Road where the Blue Ridge Parkway intersected with Blue Ridge Boulevard. If additional properties wanted service, Mr. Pearson stated a public extension could not be run from US 460 to properties behind those immediately on US 460 if they were not in an existing service area, and they would have to go through the comprehensive plan amendment process. He said that Sheetz would do a private line extension from the public line, designed and built by the developer to become part of the Western Virginia Water Authority system. Mr. Pearson stated that any other private connections, such as a house on US 460, could connect, but a connection could not leapfrog over multiple properties, such as properties located behind land on US 460, for private connections.

Mr. Foster noted that the current sewer system was closest to Brookfield. He verified with Mr. Pearson that between that and the property being considered, the only connections could be Food Lion.

Mr. Pearson agreed, because Food Lion was directly on US 460.

When Mr. Lucas asked if the purple line was only for the right-of-way, Mr. Pearson responded it was only within the right-of-way.

Mr. Pearson brought up a recent Board of Zoning Appeals request from a property owner to divide lots in the R-1 Use District with septic fields. He stated that the line would terminate at that point, and to keep the existing service area in Brookfield in mind, because water authority could not extend unless there was a need. He pointed out the existing service areas, Brookfield was already served by the water authority, but Knollwood would be one other larger development with relatively small lots to be on septic. Mr. Pearson said that even now, the water authority could not extend sewer to them.

Mr. Pearson displayed the current survey and the grading plan on the 3.438 acres, with a proposal to vacate the lot lines. Looking at the grading plan, he pointed out the 1,115 feet elevation, the finished floor elevation was proposed at 1,087.5 feet, noting the cupola on the back was 26 feet tall, and the overall elevation was 1.5 feet below ground elevation at mid-property line. Mr. Pearson explained that the close lines indicated the grading for the building pad and site area, with at least 20 feet to remain undisturbed, as he pointed out the proposed evergreen buffer in the area that would slope down with a retaining wall

with the closest residence 75 feet away. He said actual improvements with the retaining wall to the back property line measured 130 feet; a driveway from Laymantown Road with a right-out and a left-out; a driveway on Blue Ridge Boulevard with right-in, right out; the building would be 6,139 square feet in area, plus a drive-thru ordering lane with the pickup window to the rear of the building. Mr. Pearson pointed out areas for circulation and a dumpster, noting that no carwash was proposed, and the six fueling stations would not contain high flow diesel for tractor-trailers.

Mr. Kidd wanted to know if they included a charging station for electric vehicles.

Mr. Pearson responded there was no proposal for electric vehicles.

Mr. Pearson displayed slides regarding landscaping and canopy tree coverage noting that the plans exceeded some of the landscaping requirements. Other features that he noted included the outdoor pedestrian area, no parking to rear and only to the sides and front. Mr. Pearson discussed the next slide regarding the lighting (photometric) plan and light emissions, as he noted that the ordinance allowed outdoor lighting fixtures 25 feet above the ground, and the applicant proposed no more than 15 feet above the ground; the building would basically be below the ground level of residences above them. He displayed the store elevations, noting the height of the cupola and how the building would basically sit below the ground elevation of the property lines above. Mr. Pearson stated it was customary for Special Exception Permit requests to have suggested conditions, as he displayed the gasoline canopy. He explained this more narrow, metal canopy at 22 feet tall was the new Sheetz prototype. Mr. Pearson displayed slides of the dumpster enclosure constructed with the same stone and brick; light poles at 15 feet height, instead of 25 feet height; and the proposed freestanding, 31.15 square foot monument style sign. Mr. Pearson stated the VDOT had a "Smart Scale" project for a right turn land addition at the intersection of Laymantown Road with Blue Ridge Boulevard (US 460) so that there would be no conflicts with VDOT's project. He then broke down the convenience store and fast-food traffic counts as 332 vehicles per day, and 1,591 vehicles per day for convenience store with fuel for a total of 1,923 vehicles per day. Mr. Pearson looked at how many vehicles were already passing through, and said he found about half were already passing through, and this would create an additional 550 cars per day. He commented that VDOT was working on SMART scale improvements by looking at widening some lanes from the veterinarian's office. Mr. Pearson commented that some of this would be taken care of by the developer, but not all. He displayed a development milestone slide provided by VDOT, and then displayed suggested conditions for the Special Exception Permit. Mr. Pearson reviewed each condition.

1. The development shall be constructed in substantial conformance with the Preliminary Building Elevations, dated 02/21/23 and Gas Awning Elevations, dated 03/17/23, prepared by Convenience Architecture and Designs P.C. and included with the background report prepared by staff.
2. The signage shall meet the requirements of Article IV – Supplemental Regulations, Division 2 – Signs of the Botetourt County Zoning Ordinance, except any freestanding sign shall be in substantial conformity with the Monument Sign Details, dated 03/17/23, prepared by Convenience Architecture and Designs P.C. and included with the background report prepared by staff.
3. The development shall be constructed in substantial conformance with the Concept Plan, dated .3/15/23; Preliminary Landscaping Plan, dated 03/15/23; Trash Enclosure Details &

Elevations, dated 03/15/23; and Light Pole Elevation, dated 03/15/23, prepared by LE&D Professionals, P.C., and included with the background report prepared by staff.

4. The development shall be constructed in substantial conformance with the five (5) Exterior Lighting Plan Sheets, drawing number RL-8661-S1, dated 02/27/23, prepared by Red Leonard Associates, and included with the background report prepared by staff.
5. Noise generated by the development shall not violate provisions of the Botetourt County Noise Ordinance.
6. No temporary window signs are permitted.
7. No outdoor vending machines or display of merchandise shall be permitted, except for that included in the application.
8. 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. Lucas brought up the potential need for a sewer line, as he questioned the capacity and who would pay for that.

Mr. Pearson answered that the developer paid for the design and installation that would be bonded for one year and then the WVWA would take over. He noted that Staff looked at the starting and stopping point for what made the most sense. Regarding capacity, Mr. Pearson stated that the WVWA minimum standard for a public forced main was 4", which would also be Botetourt County's minimum standard. He noted that the sewer had not in the design phase yet, however, it was anticipated that the convenience store alone would not produce enough capacity to function properly on a 4" forced main, so the developer may be required to install a smaller line that would initially serve the convenience store and a parallel 4" line that would be capped until such time that additional connections were made.

When Mr. Nicely commented on the size, and Mr. Pearson noted there was no design in this mechanism, but there was a condition to address this.

Mrs. Maryellen Goodlatte, a Roanoke attorney from Glenn, Flippen, Darby and Goodlatte, spoke on behalf of Sheetz. She stated this was a family-owned and operated business since 1952. Presenting a PowerPoint for Sheetz, Mrs. Goodlatte noted the first slide showed family in third generation, and that they supported local and national programs. Mrs. Goodlatte introduced Mr. Ryan Gatewood, Mr. Carl Hultgren of Gorove Slade, Mr. Tony Caruso, and Mr. Todd Casado. She stated this store would be modeled on their newest store at the corner of King Street and US 460 in Roanoke. Mrs. Goodlatte further stated that two separate tax parcels would be combined into one, as she named the adjacent properties and zoning displayed on a slide. Mrs. Goodlatte listed the requests consisting of two Comprehensive Plan amendments, a rezoning to Business (B-2) and a special exception permit for a convenience store. She first displayed a concept plan without elevations, then commented that the landscaping included evergreens six feet tall at planting. Concerning the large rear yard, Mrs. Goodlatte mentioned that the view from homes on Knollwood would be shielded. She pointed out two entrances, one on US 460, with the other on Laymantown Road. Mrs. Goodlatte further pointed out that Sheetz engineers worked closely with VDOT

regarding a new 200 feet right turn lane, with the Traffic Impact Analysis provided to VDOT and Botetourt County. Mrs. Goodlatte stated that VDOT issued a concurrence letter, and that Sheetz would pay for VDOT improvements. Mrs. Goodlatte displayed the next rendering as she addressed electric vehicle charging. She explained that all three electric vehicle contractors had been contacted and each one passed on installing charging stations due to financing, and not being close enough to the interstate. Mrs. Goodlatte further explained this site could accommodate up to eight electric vehicles in the future, and the new Sheetz store on King Street, installed one Tesla charging station. Mrs. Goodlatte displayed the front elevation slide, noting the tower that was about 26 feet tall, as she displayed the fueling island. She commented that canopies were angled to show the stone base, and lighting would be full cutoff, with no light leaving the site. Mrs. Goodlatte said the store would have 25-30 employees, as she noted the proposed Special Exception Permit conditions were acceptable.

Mr. Lucas mentioned the concrete median on the US 460 entrance, commenting that he did not see that on other slides.

Mrs. Goodlatte confirmed this would be for the right-in, right-out required by VDOT.

Mr. Lucas stated that public speakers would have three minutes to comment. He then opened the public hearing.

Ms. Danielle Cummings of Blue Ridge, commented that she was not against Sheetz, as she questioned why another one, and the issue of substance abuse. She said that Sheetz was an inadvertent hub for this, and brought up panhandlers, trash, and people shooting up in Starbucks in Roanoke. She also mentioned homeless popups near the new Sheetz, and said she did not want to see surrounding farmland with homeless popups.

Mr. Walter Michael of Blue Ridge, said two surveys had been conducted. He said the first survey was online by Ms. Carol Pugh with 1700 readers, and 31% response rate. Mr. Michael said that 49% or 92% of respondents were not in favor. Mr. Michael said the second survey was conducted at a neighborhood rally with 100% against public water and public sewer and Sheetz. He then asked for the estimated cost of the water and sewer extension.

Mr. Kidd asked Mr. Michael if he understood that the applicant was paying for the water and sewer extension.

Mr. Michael said he understood and wanted to know the number.

Ms. Marla Martinez of Blue Ridge spoke in opposition to this request. She brought up the traffic study, the number of accidents, and hearing hundreds of vehicles due to increased traffic. Ms. Martinez said she had to sit behind six to seven school buses. She brought up tractor trailer traffic as she questioned where traffic would go during an accident, saying that a turning lane would not make a difference.

Mr. Dennis Deacon of Troutville, wanted to know who thought Sheetz was needed. He said he opposed this request due to nearby family-owned convenience stores. Mr. Deacon stated that Roanoke City law enforcement said that Sheetz left an eyesore, and he did not want that here; school bus drivers were against this, and the majority of people did not want this here.

Mrs. Patricia Zauner of Troutville echo sentiments of others in her opposition to this request. She spoke of on and off vandalism, noting that would increase. Mrs. Zauner continued that the speed limit west bound to Laymantown was 55 mph and accidents would increase.

Mr. Don Zauner of Troutville voiced his concerns. He said that Sheetz would keep the front better than VDOT, but it was not a good fit with school bus traffic and accidents, and he was very concerned. He commented it would be better to put on the other side of Food Lion.

Mr. Shannon Turner of Roanoke stated that he moved here to leave the growth, as he spoke against this request. He further stated that there was not a need for Sheetz in this area, Sheetz would stimulate growth on the US 460 corridor, he did not want this area to look like Orange Avenue or Daleville, and with no turn lane extension there, he said he has almost been hit twice. Mr. Turner questioned why sewer lines could be put in now, but not for kids at the new school, their real estate values would be lowered, and who would pay to tear down three nearby convenience stores when Sheetz would put them out of business.

Mr. Travis Ways of Troutville spoke against this request due to another Sheetz located five miles away, a proposed mental health facility one mile away would bring more traffic, as he questioned how small business stores and children at daycare would be affected. He wanted to know who would clean up the signage, petroleum pollution and light pollution to the surrounding area.

Mrs. Ways of Troutville spoke from her seat. She said Sheetz was crushing small businesses instead of helping them, that she moved here to get out of Northern Virginia, and asked how this would have a positive effect on this community.

Mr. Rick Painter of Troutville said he sent a two-page study that echoed much of what you've heard here. Mr. Painter said the Board of Supervisors saw only money, and that all three Blue Ridge Board of Supervisors candidates opposed this request. He said a creek was missing from the maps, and that needed to be addressed. He pointed out a large church on Laymantown that was open 24/7, the exit, noting that to the right was a rise limiting visibility, and traffic was backed up every morning. Mr. Painter commented that traffic was backed up past the turn lane, there were two signs put on US 460, none on Laymantown and he appreciated the hand drawn sign. He further commented that timing was an issue because Sheetz primary business affected commuter traffic during school hours.

Mr. Danny Goad of Cloverdale said many petitions were signed by residents in Blue Ridge as he voiced his opposition. Looking at Catawba Road Sheetz, Mr. Goad said he saw a minimal amount of revision to the turn lane. He said the new store on King Street, was of poor quality entering into property, and Sheetz left an eyesore at Williamson Road. Mr. Goad said it would be a problem for trucks to stop at the Laymantown intersection going downhill, with less braking efficiency, and they needed to address the traffic situation.

Mr. Sawyer Mullins of Troutville, stated that he worked at the Daleville Sheetz. He further stated there were not drug addicts roaming near here, and that happened in Roanoke because drug addicts walked from downtown to the Williamson Road Sheetz. Mr. Mullins noted that Sheetz had procedures to ensure customer safety, and they would provide an economic benefit to Blue Ridge.

Mrs. Goodlatte and Mr. Carl Hultgren, of Gorove Slade, Transportation Planners and Engineers in Richmond, VA addressed the traffic study.

Mr. Hultgren stated that they completed a traffic study for Sheetz as he addressed concerns and collision

history. He displayed a [virginiaroads.org](http://virginiaroads.org) map with information from the past seven years as reported by police departments, maintained by VDOT and DMV, and considered public information. Mr. Hultgren further stated that 27 collisions at the intersection were reported for an average of four per year, which was not an unusual number of accidents. He indicated that it might be appropriate to reduce the speed limit, the county or citizens could ask VDOT to do a speed study on US 460. Mr. Hultgren commented there was no doubt it was a busy intersection because that was why Sheetz was looking at this site. He further commented that about 75% of convenience store trips were pass-by trips and customers were already out there today. Regarding comments about the turn lane, Mr. Hultgren stated that turning right onto Laymantown with a turning lane would absolutely help reduce accidents, decelerate safely, and make their right turn.

On the question of the school traffic, Mrs. Goodlatte stated that the traffic count taken while school was in session.

Mr. Hultgren stated that VDOT required traffic counts on Tuesday-Wednesday-Thursday when school was in regular session.

Mr. Lucas asked about the question on gas spillage.

Mrs. Goodlatte stated that dispensing fuel oil was highly regulated in Virginia and Sheetz either met or exceeded those requirements. As an example, the underground fuel tanks would be double-walled with continuing leak monitoring devices with oil and water separators around the canopy.

Mrs. Goodlatte addressed the cost of the sewer and water extension. She stated that their best estimate at this point would be approximately 500,000 to 1.2 million dollars depending upon what needed to be done. Mrs. Goodlatte stated her appreciation for the unsolicited comments from the Daleville Sheetz. She further stated there were no safety or security issues at the new Sheetz, and they left Williamson Road because of problems. Concerning light pollution, she said they proved there would be no light pollution due to a proposed SEP condition. Mrs. Goodlatte spoke regarding the assumption that approval of the right to extend sewer would be extended at the expense of the county and extended to the church and neighborhood. She stated the extension would be at Sheetz' expense, that this right to extend sewer laid the framework for Sheetz to serve its own facility, and that soils test analysis showed a commercial facility could not be served by private septic here. Mrs. Goodlatte then mentioned buffering at all four corners of the site.

Mr. Lucas wanted to know if Sheetz had considered any other sites, mentioning sewer costs. He said he could see on paper that this looked like a great spot as a business model, but with local knowledge of this location, he questioned if they looked at another location, especially considering the Orange Avenue location.

Mr. Todd Casado, Senior Real Estate Site Selector, said that Sheetz had been aware of this site for 20-plus years and was aware there was no sewer here. He stated that when soils were tested here, they found they weren't able to install septic here. He further stated the cost for sewer extension was similar to septic, plus Sheetz liked the higher population at this intersection.

Mr. Snyder brought up the comment regarding the existing creek or waterway.

Mr. Ryan Gatewood, P.E., and President at LE&D Professionals responded that they were well aware of the creek. He stated that VDOT would move the creek over, and Sheetz was not planning on touching the creek. Mr. Gatewood further stated that discharge would be within regulation, they had to meet the energy balance equation and were required to reduce their runoff.

Mr. Snyder asked how the creek would be moved.

Mr. Gatewood explained that he asked VDOT if they had considered alternatives. He said VDOT's response was that moving the creek was the cheapest option, that they would take a cross section of the creek and push it further away from US 460 and have extensions with two box culverts.

After questioning from Mr. Foster regarding the creek level, Mr. Gatewood said they called it a wet weather tributary.

When people in the audience began to speak out of turn, Mr. Lucas stated public comments had finished.

One man said that no one explained to him why Sheetz was a need.

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

Mr. Lucas stated there probably should be reduction of speed, he not a fan of extending public water and public sewer, and it was too close to the parkway.

Mr. Snyder stated that US 460 was a 406-mile-long highway, with six miles of that in Botetourt. He said it was undeniable that traffic between Roanoke and Lynchburg would only continue to grow. Mr. Snyder said a question would be how Botetourt County citizens would benefit from the tax percentage. He further stated that he thought he would frequent the Sheetz if he was in the area, although he did have concerns on traffic impact and how close they were to other facilities that we.

Mr. Foster stated that the purpose of this commission was not to make decisions based on what our supervisors thought. He further stated the Planning Commission would make decisions on what we think is best. Mr. Foster commented that he understood about the accidents, as he stated his concern about traffic. He further stated that if something was already in process by VDOT and they were aware of accidents, that the thought some of these things could be addressed by VDOT. He said he wanted to hear from other commissioners. In terms of sewer extension, since no one could actually connect except those along the sewer line, other than possibly Food Lion, Mr. Foster asked how many times people had smelled the backup of the septic system. Mr. Foster stated he had to suggest approval, although not everyone had to agree with him.

Mr. Pearson recapped the two Comprehensive Plan amendments, the B-2 rezoning, the SEP with suggested conditions if approved, and the commission permit, if other requests approved.

Mr. Foster motioned to forward the **2010 Comprehensive Plan's Sewer & Water Infrastructure Map #37** on the property of **Higginbotham Farms LLC, and Four H Investment LLC (Sheetz, Inc., contractual purchaser)** with a recommendation for approval to the Board of Supervisors on the basis that the requirements of Article V, Division 6 of the Zoning Ordinance have been satisfied with the following conditions:

Mr. Kidd confirmed this did not have any conditions attached.

Mr. Kidd seconded, which was approved 4:1:0:0, with the following recorded vote by roll call:

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

Mr. Foster motioned to forward the **2010 Comprehensive Plan Future Land Use Map #9** on the property of **Higginbotham Farms LLC, and Four H Investment LLC (Sheetz, Inc., contractual purchaser)** with a recommendation for approval to the Board of Supervisors on the basis that the requirements of Article V, Division 6 of the Zoning Ordinance have been satisfied.

Mr. Kidd seconded, which was approved 4:1:0:0, with the following recorded vote by roll call:

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

Mr. Foster motioned to forward the Business B-2 rezoning request on the property of **Higginbotham Farms LLC, and Four H Investment LLC (Sheetz, Inc., contractual purchaser)** with a recommendation for approval to the Board of Supervisors on the basis that the requirements of Article V, Division 6 of the Zoning Ordinance have been satisfied.

Mr. Kidd confirmed with Mr. Pearson that there were no conditions associated with the rezoning.

Mr. Kidd seconded, which was approved 4:1:0:0, with the following recorded vote by roll call:

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

Mr. Foster motioned to forward the special exception permit for a convenience store request on the property of **Higginbotham Farms LLC, and Four H Investment LLC (Sheetz, Inc., contractual purchaser)** with a recommendation for conditional approval to the Board of Supervisors on the basis that the requirements of Article V, Division 6 of the Zoning Ordinance have been satisfied with the following conditions:

1. The development shall be constructed in substantial conformance with the Preliminary Building Elevations, dated 02/21/23 and Gas Awning Elevations, dated 03/17/23, prepared by Convenience Architecture and Designs P.C. and included with the background report prepared by staff.

2. The signage shall meet the requirements of Article IV – Supplemental Regulations, Division 2 – Signs of the Botetourt County Zoning Ordinance, except any freestanding sign shall be in substantial conformity with the Monument Sign Details, dated 03/17/23, prepared by Convenience Architecture and Designs P.C. and included with the background report prepared by staff.
3. The development shall be constructed in substantial conformance with the Concept Plan, dated 3/15/23; Preliminary Landscaping Plan, dated 03/15/23; Trash Enclosure Details & Elevations, dated 03/15/23; and Light Pole Elevation, dated 03/15/23, prepared by LE&D Professionals, P.C., and included with the background report prepared by staff.
4. The development shall be constructed in substantial conformance with the five (5) Exterior Lighting Plan Sheets, drawing number RL-8661-S1, dated 02/27/23, prepared by Red Leonard Associates, and included with the background report prepared by staff.
5. Noise generated by the development shall not violate provisions of the Botetourt County Noise Ordinance.
6. No temporary window signs are permitted.
7. No outdoor vending machines or display of merchandise shall be permitted, except for that included in the application.
8. 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. Foster motioned to approve the commission permit for the extension of public sewer within the Blue Ridge Boulevard right of way on the basis that the proposed sewer project is substantially in accord with the proposed comprehensive plan amendment.

Mr. Kidd seconded, which was approved 4:1:0:0, with the following recorded vote by roll call:

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

Mr. Lucas announced the public hearings were concluded.

**Other business**

There was no other business.

**Adjournment**

There being no other business, on motion by Mr. Kidd at 10:44 PM, seconded by Mr. Snyder, which was unanimously approved 5:0:0:0, the Planning Commission adjourned with the following recorded vote:

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