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Mr. Lucas called the August 8, 2022 meeting of the Botetourt County Planning Commission to order at 6:00 PM, in the Botetourt County Administration Center in Daleville, Virginia.

PRESENT: Mr. Brandon Nicely, Member
Mr. Hiawatha Nicely, Jr., Member
Mr. Sam Foster, Member
Mr. Tim Lucas, Vice-Chairman
Mr. Billy Martin, Sr., Ex-Officio Member
Mr. Mike Lockaby, County Attorney
Mrs. Nicole Pendleton, Director of Community Development
Mr. Drew Pearson, Zoning Administrator
Mrs. Laura Goad, Administrative Assistant

ABSENT: Mr. Steven L. Kidd, Chairman
Mr. Jon McCoy, Planner
Mr. Nick Baker, Planner

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

Mr. Lucas stated the Board of Supervisors would hear this request on August 23, 2022 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, September 8, 2022.

Mr. H. Nicely motioned to approve the July 11, 2022 Planning Commission minutes as written.

Mr. B. Nicely seconded the motion, which was approved 4:0:0:1 for the following recorded vote:

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

Public Hearing

Amsterdam District: Fralin & Waldron Inc., (JKM, LLC /Jatin Patel (applicant/contract purchaser) requests a Special Exception Permit, with possible conditions, to increase the maximum building height above 45 feet, in the Traditional Neighborhood (TND) Use District in accordance with *Sec. 25-583. – Special exceptions and Chapter 25 Zoning, Article, II. – District Regulations, Division 9, Sec.25-207(f).- Maximum height of buildings and structures of the Botetourt County Code. The 7.138-acre lot is located at the intersection of Town Center St and Charter Ave in Daleville, and is identified on the Real Property Identification Maps of Botetourt County as Section 88(10) Parcel 2.*

Mr. Pearson read the legal ad aloud as he displayed the zoning and aerial maps on PowerPoint, with the lot highlighted in red. He stated the applicant wanted to utilize only 1.8 acres located on the upper end of

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the property at the intersection of Town Center Street and Charter Avenue with the property positioned next to Rodeo Chico, and the Phase 2 apartments. Mr. Pearson displayed photos from Broad Street, as he explained the Phase 2 apartments received a 60 feet height special exception permit. He further explained on the view from Town Center Street/Charter Avenue intersection where the building would be placed parallel to Charter Avenue, then displayed the concept plan and pointed out the music pavilion. Mr. Pearson showed the survey, as he pointed out the property lines. On the concept plan, Mr. Pearson pointed out the drive beside the Rodeo Chico and the new Dairy Queen entrance. The drive for the hotel would be across from this part. Mr. Pearson described the hotel as containing approximately 80 rooms, four stories in height, with a parapet wall at the 59-foot mark, with the overall building being around the 60-foot mark.

Mr. Lucas wanted to know if the parapet went around the entire building or only in the front.

Mr. Pearson responded that the applicant should be able to confirm this answer.

Mr. Pearson said it was customary for staff to draft conditions for consideration, and it was necessary to confirm building elevations and the concept site plan included in the information package. He explained that the substantial conformance condition ensured the building (including height and style) that would be located at the within the 1.8-acre tract, along Charter and Town Street. He also said that when the applicant proceeded into final engineering, if they needed to shift a few feet one way or the other, Staff could still approve the site plan for substantial conformance. However, if they tried to make a larger deviation, then staff would require a trip back to the Planning Commission and Board of Supervisors for approvals. He explained that the elevations, the height, what the building would look like were all part of the substantial conformance. Mr. Pearson mentioned that the section of ordinance for noise was generally recommended to include with all SEPs. He recognized that that the concept plan was not a final drawing, and the condition was to not exempt them from local, state, or federal requirements, except where allowed by the zoning ordinance.

Discussing the requested Planning Commission actions, Mr. Pearson noted that staff had received four written comments, with three in opposition, and two at the same address concerned about the views. Mr. Pearson brought up the by Daleville Town Center Master Plan that showed a hotel across from their address. He said he left a business card at their door, but never heard from them. He explained that their view would not be obstructed. He also mentioned a negative comment received from a resident in the nearby Hollymeade subdivision, that the individual did not want a hotel here. Mr. Pearson explained that the hotel itself was already a permitted use. He brought up one comment from Stateson homes that supported this request and did not think it would have a detrimental effect. Mr. Pearson mentioned the recently received Phase 5 for townhomes as he pointed out the location. He also mentioned a phone call from a resident on Friday afternoon where they discussed some of the traffic speeding and parking. Mr. Pearson explained that concerns along those lines were not part of this request and would have to be addressed by the sheriff, and the architectural control by Daleville Town Center did not allow the County to approve compatibility of materials.

Mr. Lucas called for the applicant to come forward.

Mr. Ben Crewe with Balzer and Associates spoke regarding this request, as he noted that Mr. Patel, the applicant, Mr. Kelderhouse the property owner, plus two real estate attorneys Mr. Compton Biddle and Mr. Andrew Stover were also present to discuss this request.

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Mr. Crewe said Mr. Patel targeted the Botetourt area with a multi-year search to get to this point for a new hotel. Mr. Crewe noted that parapets would go around all four sides from a visibility standpoint and to screen any mechanical equipment. He further noted they requested 59 feet for the blade that would cut through the building, although the majority of the parapet was about 52-53 feet across the top. Mr. Crewe said the request for 59 feet was to make sure they met the Botetourt County code.

Mr. H. Nicely asked about additional parking.

Mr. Crewe responded that they added 90 parking spots onsite, and had a little flexibility, as he explained that Hilton required one space per room and with 79-80 rooms the overflow was for the Daleville Town Center.

Mr. Lucas wanted to know what the rear of the building would look like.

Mr. Crewe said they did not have a view of rear. He also said that after many conversations with Hilton to ensure they would meet Hilton's branding standards, all four sides facing roads would have the urban design package where all four sides would be finished, appointed well, and would have doors leading into the building.

Mr. H. Nicely inquired if food service or restaurants would be available at this location.

Mr. Crewe replied there would have breakfast available, as well as a meeting space on the first floor.

Mr. Lucas wanted to know about rear access to the parking lot.

Mr. Crewe responded there would be on-street parking on Town Center Street and Charter Avenue, as anyone would be able to park on a public street.

Mr. Martin asked if this hotel could host a state convention for organizations.

Mr. Crewe answered that the meeting room would hold 20-40 people, and was not a convention center setup.

Mr. Lucas opened the public hearing.

Ms. Colleen Oldham of Daleville Town Center, said that a meeting had been held over the weekend by 21 homeowners or 20% of Daleville Town Center represented at the community meeting. Ms. Oldham cited residents' concerns, such as they did not want a lot of parking lots with no landscaping, minimal landscaping, speeding traffic, lack of stop signs, plans for the farmers' market parking and the amphitheater, flooding, fire safety with EMS underserved in this area, architectural control, neighbors that did not feel like the façade was fitting, and the environmental impact on killdeer birds.

Mr. Lucas asked the applicant to return to speak to issues.

Mr. Crewe said he was aware of proposed conditions, and they were fine with the three conditions.

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Mr. Kelderhouse, of Daleville Town Center addressed the concerns. He stated that many of concerns would need to be addressed by Fire and Rescue, VDOT and DTC. Mr. Kelderhouse further stated the ordinance required tree canopy, the Sheriff's Department would need to address speeding, and he needed to hear directly from the community about landscaping. Regarding stop signs, Mr. Kelderhouse said that Daleville Town Center put stop signs on private roads until the roads were taken over by VDOT. He noted they looked at parking differently, because parking was available but they might have to walk a couple of blocks. He commented that fire safety was up to EMS, the Architectural Review Board consisted of a Daleville Town Center resident, a Daleville Town Center business manager, a retired engineer, and a resident at-large. He further commented that a cursory review was met with a positive reaction.

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

Mr. Foster stated he had no problems with this request, and that it had the same conditions as others.

Mr. B. Nicely stated that he liked the way they positioned hotel at an angle, with parking behind it for the most part.

Mr. Lucas stated they were not trying to figure out if a hotel could go here or not, the conditions were fine, that landscaping not an issue, and that people would need to contact the Sheriff's Department for parking and traffic needs. He further stated he appreciated that the hotel added more parking than they had to, and that Fire and EMS was always a concern.

Mr. H. Nicely stated the requested height also conformed with height of the apartments. He then motioned to forward the request for height SEP that the special exception permit for **Fralin & Waldron, Inc. (JKM LLC, contractual purchaser)** be forwarded to the Board of Supervisors with a recommendation of approval with the conditions as stated in the background report; and on the basis that the applicant has satisfactorily demonstrated that the proposed use will have little to no adverse effects upon the community or other properties in the vicinity of the proposed use or structures according to the Zoning Ordinance Section 25-583 and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

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

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

Mr. Lucas announced the motion was approved as he thanked everyone for their attendance.

Other business

There was no other business.

Adjournment

There being no other business, on motion by Mr. H. Nicely at 6: 37 PM, which was approved 4:0:0:1, the Planning Commission adjourned with the following recorded vote:

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