

Mr. Lucas called the August 14, 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
Mr. Matt Lewis, Code Enforcement
Mrs. Laura Goad, Administrative Assistant

ABSENT: None

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 these requests on August 22, 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, September 7, 2023.

Public Hearings

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 displayed the legal advertisements as she summarized the three requests. She noted these requests had been deferred to allow Staff and Fire/EMS time to communicate with the applicant regarding the battery energy storage. Mrs. Pendleton displayed the updated site layout. She pointed out the limits of disturbance, plus sight distance from Interstate 81 and US Route 11. She said the Sightline exhibit displayed the slope of the property, grading and the vantage points of US Route 11 and Interstate 81. Mrs. Pendleton displayed slides showing slopes and tree coverage, grading and remaining tree coverage. She then displayed the proffered conditions and reviewed them, focusing on the decommissioning that came directly from the utility wind scale ordinance. Mrs. Pendleton stated that because of receiving proffers and readvertising, the Planning Commission should hold a public hearing.

Mr. Justin Adams of eolian from Burlingame California, spoke on his own behalf as the applicant. He thanked the Planning Commission for hearing his request. Mr. Adams explained decommissioning. He also said that he had met with Chief Ferguson, giving him a great deal of information and he would continue those conversations. Mr. Adams said he dealt with visual impacts, and trees would obscure the facility to deter any potential vandalism. He continued that he felt this was a good project and that his company had protected the county as they moved forward. Mr. Adams stated this would allow the grid to operate in an optimal way, by providing a stable grid system.

Mr. Snyder thanked Mr. Adams for taking the time to address the items of concern. He asked if eolian had reached an agreement with the utility.

Mr. Adams responded that they were in a queue process, although they were now higher in the process. He explained that when a project was ready to go online, that would be the time when the contract would be signed. Mr. Adams indicated that would be about a year out.

Mr. Kidd stated this looked like it would be run remotely except for maintenance. He questioned if someone local would be available for that.

Mr. Adams replied that, yes, there were details to work through with emergency responders, this could be controlled remotely, and there were still some details to be worked out. Mr. Adams said there would be a local individual, hours from the site.

When Mr. Snyder asked about a knox box, Mr. Adams confirmed that was standard.

Mr. Lucas opened the public hearing.

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

Mr. Snyder stated there was a lot of due diligence. He further stated he was happy to see the follow-up with Fire/EMS, site work, development, and that everything fit. Mr. Snyder noted this allowed a lot of greenspace to continue, while the majority of the project would be hidden from view.

Mr. Lucas stated that the proffers added a lot as well.

Mr. Snyder motioned that the Comprehensive Plan Amendment on the property of **SR Investments Inc.** be forwarded to the Board of Supervisors with a recommendation of approval, based upon Zoning

Ordinance Article V, Division 6. requirements have been satisfied, and that the proposal would serve the public necessity, convenience, general welfare and is good zoning practice.

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. Snyder motioned that the Industrial (M-1) rezoning request on the property of **SR Investments Inc** be forwarded to the Board of Supervisors with a recommendation of approval with the proffered conditions as submitted by the applicant.

This recommendation is made on the basis that the requirements of Article V, Division 6 of the Zoning Ordinance have been satisfied, and that the proposal would serve the public necessity, convenience, general welfare and is good zoning practice.

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. Snyder motioned that the special exception permit for building height on the property of **SR Investments Inc.** be forwarded to the Board of Supervisors with a recommendation of approval. This recommendation is made on the basis that the requirements of Article V, Division 6 of the Zoning Ordinance have been satisfied, and that the proposal would serve the public necessity, convenience, general welfare and is good zoning practice.

Mr. Lucas and 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

Amsterdam District: 1645 Roanoke Road LLC requests a Special Exception Permit for a Medical Care Facility, with possible conditions, in the Business (B-1) Use District and Gateway Corridor Overlay District, at 1645 Roanoke Road, Daleville and identified on the Real Property Identification Maps as Section 101, Parcel 19.

Mr. Baker read the legal advertisement aloud. He then displayed the zoning map, pointing out the gas station and tobacco to the north; Digital Image Printing to the south; offices and a bank to the east; and

a single-family dwelling to the west. Mr. Baker displayed a street view business photo. He stated the space would be leased by Renew Psychiatric Services, PLLC and the practice would primarily focus on treating individuals with ADHD, depression, and anxiety. Mr. Baker described the total space being utilized as 2,000 square feet, consisting of a waiting room, one room for administration and two exam rooms. He said one patient would be seen at a time, with an estimated eight to ten patients per day and there would be a total of three people on staff. Mr. Baker stated there would be no administering of medicine on site. He further stated the nurse practitioner had the ability to prescribe medicine; there were no exterior changes; and any interior changes would require building/zoning permits. If approved, Mr. Baker recommended one condition that the special exception permit for the Medical Care Facility shall not allow a drug rehabilitation clinic. He noted that Ms. Bolden was in attendance to speak to the request.

Ms. Michie Bolden, ARNP, PHMNP-BC stepped forward to answer questions from the Planning Commission.

Mr. Lucas confirmed with Ms. Bolden that six to eight patients would be seen daily for anxiety, depression, attention deficit-hyperactivity disorder in all age groups.

Ms. Bolden stated that she was a nurse practitioner, as she verified that no physician would be on site, no administration of medication would be done on-site, and that she used e-prescribe for prescriptions.

Mr. Kidd asked about hours of operation.

Ms. Bolden responded their hours would be from 9:00 AM until 5:00 PM.

Mr. Lucas noted the size of the site and discussed Ms. Bolden's licensing with her.

Mr. Lucas wanted to know if there had been any emergencies in the length of time she had been practicing.

Ms. Bolden replied she had not experienced any emergencies.

Mr. Lucas opened the public hearing.

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

Mr. Snyder stated this was a good opportunity for members of our local community to benefit. He further stated there is now a bigger need than previously.

Mr. Lucas mentioned the loss of psychiatric services in Roanoke and stated that he was in favor of this request.

Mr. Snyder motioned that the special exception permit for a medical care facility on the property of **1645 Roanoke Road LLC** be forwarded to the Board of Supervisors with a recommendation of approval with the condition mentioned in the background report prepared by staff.

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

Amsterdam District: Charles T. & Whitney C. Clemens request to rezone portions of two parcels totaling 25.65 acres from the Residential (R-1) Use District to the Agricultural (A-1) Use District, with possible proffered conditions and a Special Exception Permit for a Special Events Facility, with possible conditions, at 408 Wendover Road, Daleville and identified on the Real Property Identification Maps as Section 101, Parcel 83 & 84.

Mr. McCoy read the legal advertisement aloud. Showing the zoning slide on PowerPoint, he stated this request would involve parcels 101-84 and 101-83, with both zoned R-1 Low Density Residential. He further stated that Parcel 101-84 was the primary parcel in question and that upon approval, the applicant would do a boundary line adjustment, reducing the existing parcel #101-84 from 31 acres to 25.65 acres, and effectively pulling the existing pond fully into parcel 101-84. Mr. McCoy stated that Parcel 101-84 contained access from Valley Road and direct drive access from Wendover Road. He further stated the property had an existing 6,000 square foot home on the property, as well as a tennis court and barn. He pointed out that the property was surrounded by other R-1 zoned properties with single family homes occupying the majority of those properties, with some A1 zoned property to the east. Mr. McCoy displayed the aerial slide, as he pointed out the property was primarily an open field with a pond straddling the property lines and a small stream flowing across the property. He noted a small amount of floodplain present on the west side of the property. Mr. McCoy said the property itself featured rolling hills with a commanding view of the surrounding areas. Mr. McCoy reiterated that the property was accessible off Valley Road, and that since 2016, VDOT records indicated there were 11 crashes on this road between US Route 220 up to I-81. Of those 11, three included a visible injury, while eight were of property damage only. Mr. McCoy referenced the turn lane analysis of the proposed use, that suggested the construction of a right turn lane into the property. Mr. McCoy displayed the concept plan slide for the proposed wedding venue, showing parking facilities, an outdoor green space behind the existing home, and a new 5,000 square foot building colored yellow on the screen. He said the applicant indicated up to 250 people for the events, but many events would not approach that amount. The proposed new building would not be constructed soon. Mr. McCoy provided some additional insight. He noted the applicant indicated a shuttle service for guests at the event. He stated this was not permitted through zoning, as it would necessarily utilize other properties not approved for such a commercial parking purpose. He further stated the applicant would be required to meet all our parking requirements, supplying sufficient parking and ADA parking spaces for the number of persons at the events. Additional administrative requirements would be required our for building code and zoning code, which includes occupancy and fire code requirements, landscaping and screening requirements, and other applicable requirements. Mr. McCoy showed the proposed boundary line adjustment that would be done administratively. Mr. McCoy stated that if approved, Staff suggested a few conditions, including substantial conformance to the site plan, events to not exceed 250 persons, and requirements of not exempting the property from the noise ordinance and a requirement to meet all provisions of the zoning code. He then discussed the actions for the Planning Commission, a motion regarding the rezoning, and a motion regarding the SEP for the Special Events Facility. Mr. McCoy noted that the applicant was represented by Mr. Bobby Wampler of ECI and was also here tonight. He further noted several emailed comments from the public had been received, plus a few via phone call. Mr. McCoy stated the majority of the comments cited concerns over traffic safety along Valley Road, as well as concerns over a commercial use in a residential neighborhood, lighting, and noise.

Mr. Lucas inquired about adequate parking.

Mr. McCoy responded that this was submitted earlier in process, and the applicant would be required to expand that number to meet parking requirements.

Mr. Snyder wanted to know where a shuttle would be located.

Mr. McCoy explained that the applicant had this a number of years, previously contracting with schools and churches, but we have not been able to approve that.

Mr. Bobby Wampler, P.E., from Engineering Concepts Incorporated in Daleville, spoke on behalf of the applicant. Mr. Wampler stated that he had been able to review the public comments. Even from phasing standpoint, Mr. Wampler stated that her her typical event would need 88 parking spaces, and that he would work with Staff to provide parking. He further stated that the new 5,000 square foot facility, was not in the immediate future, but it was planned for the future. Mr. Wampler said he wanted to show the full scope. Regarding traffic comments, he said there was nothing they could do that would not increase traffic. He agreed with Mr. McCoy's assessment that this was a largely fielded property with commanding views. He noted this use would have less impact. Mr. Wampler displayed a slide showing trip generation of by-right R-1 uses of single-family detached homes, and church, as we consider this special event. Regarding traffic, Mr. Wampler explained there could be 122 single family dwellings that would generate 1200 vehicle trips per day, whereas the special events facility would generate about 125 vehicles per day. In addition to the phasing the project, he stated there would be no cut through from Wendover to Valley Road, and other developments would develop a cut through. He further explained that they would meet the lighting ordinance, and that most events would be inside. Mr. Wampler stated that Ms. LaRocca had been in this industry number of years, and did quality events, as he displayed photos indicating that the lighting would meet the county ordinance. Regarding noise, Mr. Wampler brought up Lord Botetourt football games and Daleville Town Center concerts as a frame of reference. He displayed decibel levels from noiseawareness.org, pointing out that wedding event venues were below 85 decibels. By taking distance into consideration, Mr. Wampler said that the LB stadium would be 47 decibels at Valley Road, and the Daleville Town Center produced about the same amount. Mr. Wampler stated that the wedding events would be about 32 decibels, a noise range below moderate rainfall. He further stated he did not dispute that noise was not a concern, and believed this was a good use for the property.

Mr. Lucas wanted to know if there was any potential for sound dampening trees.

Mr. Wampler indicated that while not prevalent, he pointed to a row of landscaping trees for aesthetics. He said the trees would provide screening from roadway and would absorb sound from site.

When Mr. Lucas asked about parking, Mr. Wampler said that Ms. LaRocca thought this would be adequate, although more might be needed during site plan review.

Mr. Kidd wanted to know about signage.

Mr. Wampler responded that they had not yet discussed signage.

Mr. Snyder asked about proposed buildings, excavation, and drainage.

Mr. Wampler replied that there were a number of ways to handle that, and most likely there would be foundation to the stormwater management for runoff to the floodplain due to an existing adequate channel.

Mr. Wampler then introduced Ms. Caroline LaRocca.

Ms. LaRocca stated that she has a contract on the property that would be for wedding events, that would be an intimate event.

Mr. Lucas asked questions regarding the size of events, the quantity per month, and the time frame.

Ms. LaRocca answered there would be approximately 100 guests per event, beginning at three per month with a maximum of six hours beginning at 4:00 PM, and ending by 10:00 PM, with a hard and fast rule to turn off by 10:00 PM.

After Mr. Snyder noted that Wendover was a residential street, Ms. LaRocca said she did not want vehicles on the property, and she usually did all she could do to avoid it. She stressed her preference of using a shuttle, by typically picking up guests at their hotel. Ms. LaRocca said she had a valet service for family, and only vendors would come in from Valley Road because she wanted to discourage people from driving onto the property.

Mr. Lucas asked about another home on the property.

Ms. LaRocca replied that she was putting in a facility, but not another home.

Mr. Snyder commented on the details in the application, saying that this sounded like it would be on a smaller scale. He asked Ms. LaRocca what envisioned in three to five years.

Ms. LaRocca responded that 250 guests would be the absolute maximum, and that she could say 200 would be the maximum and would very rarely need that number. She also said these would not necessarily be large events, maybe 100 guests.

Mr. Kidd wanted to know about noise from live bands and DJs.

Ms. LaRocca they almost never exceeded 80 decibels so that people could converse, noting that sound would be directed toward Tinker Mountain, not to a residential area. She mentioned that many existing venues are nestled in neighborhoods.

Mr. Lucas opened the public hearing.

Mr. Robert Paarlberg of Daleville had a question about the application. He noted that it said, "event venue typical of weddings" He asked if this would be limited to weddings, and about the ending time if that venue was not just limited to weddings.

Mrs. Kimberlie Gonce of Troutville, and adjoining property owner, spoke against this request due to sound, traffic, the view and the parking lot. She requested a definition of the number of parking spots, was worried about landscaping covering up her commanding views. Mrs. Gonce questioned alcohol use

with driving on Valley Road. She also questioned future property value with a commercial venue in her front yard.

Mr. Charles Henninger of Daleville, and an adjoining property owner voiced his opposition to this request. He said that everything in Daleville got approved business-wise, he did not believe this would be three times a month at 120 people, and he was 100% opposed.

Mr. Rodney Delp of Troutville, and an adjoining property owner, stated he was against this request. Mr. Delp cited his major concern of traffic on Valley Road that was winding, and hilly, where there was an accident this weekend. He also cited alcoholic drivers, and not wanting to see any other big structures, as he brought up the potential hazard for the Appalachian Trail along this road.

Mrs. Ivy Smith of Troutville and an adjoining property owner, opposed this request. She stated that Valley Road was used to cut across, between Route 11 and US Route 220. She further stated that Appalachian trail hikers walked on this road, that was especially bad during rush hour traffic, and would be worse with buses bringing in people. Mrs. Smith brought up stormwater rushing down Dooley Road to Valley Road creating mud flows. She also said that nobody wanted the noise or hassle, traffic had to be rerouted, noting that a lot of people moved to Botetourt for beautiful land.

Mr. Leighton Smith of Troutville and an adjoining property owner, opposed this request. He stated that while on his porch, drivers do not do the speed limit, he did not want shuttle buses and that he has seen kids drive on Valley Road going 70 mph. He questioned who would be responsible. He stated that gravel washed down Valley Road in storms, a minivan ran into his yard, and the wedding venue was not needed.

Mr. B Painter of Troutville, and an adjoining property owner, spoke against this request. Mr. Painter stated that the applicant proposed to rezone to Agriculture as a loophole for business. He further stated that the client list displayed tilted toward corporate clients from Mr. Wampler's slide. Displaying the aerial slide, Mr. Painter indicated there were more than 100 homes surrounding this property. Mr. Painter said that as a rule, engineers struggled to control sound, and in his experience, bands were quite loud and could be heard from some distance. Mr. Painter stated this was out of character for the community, the flow of shuttle buses would be a safety concern, there would be light pollution, the current zoning was R-1, with the principle use single-family dwellings. Noting the background report, Mr. Painter said the zoning change to A-1 was not generally consistent with medium density residential.

Mrs. Jane Cramer of Troutville, said she was opposed to this request. She stated that more building was taking away from the beauty of the county. Mrs. Cramer said she could hear football games, and loved to hear them, and Daleville Town Center was a different area. She said this was in the middle of a residential area, with difficult traffic at certain hours of the day. Mrs. Cramer stated that most people in the area objected to this.

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

Ms. LaRocca returned to the podium to respond to questions and comments. She stated that if she received a letter, she would also be concerned. Regarding the corporate client list, Ms. LaRocca said that slide was put in to establish her professionalism, because she coordinated events all over the east coast. She further stated that growing did not necessarily mean more, because there might be family reunions, or she might host families attending an event at another nearby venue. Ms. LaRocca commented these would be intimate uses, not rock band level. She further commented that drinking alcohol was a part of

weddings, they followed all ABC laws, always required caterers to hold a license or the clients purchased their own license. Ms. LaRocca stated she wanted shuttles to cut down on drinking.

Mr. Lucas asked about weekday events.

Ms. LaRocca replied that she did not see weekday events here. She further replied she would love to have corporate events here, generally just the weekends, and four every month.

Mr. Foster requested parking information.

Ms. LaRocca said there were currently 42 spots available, and she was happy to lower the maximum capacity to 200.

Mr. Lucas wanted to know if this was geared more businesses or families, and the Appalachian Trail.

Ms. LaRocca responded this was more for families, and Mr. Wampler commented that the Appalachian Trail might be adjacent, but it was not on the property.

Mr. Foster asked about the shuttle; he said it was his understanding that the county did not allow a shuttle.

Ms. LaRocca answered that she did not understand about the county not allowing shuttles. She explained that she used smaller shuttles that would hold 15-24 passengers.

When someone in the audience wanted to ask a question, Mr. Lucas stated that the public hearing was closed.

Mr. Pearson noted that looking at the ordinance for parking, that this use was not specifically listed. He stated the zoning ordinance allowed him to determine the amount of required parking spaces utilizing similar uses that are listed in the ordinance, such as an assembly or a church, which would require one parking space per four attendees. In the beginning of parking section, he explained the ordinance cited location, and that all required parking must be onsite or on an adjacent property under the same zoning. He further explained the parking could be 500 feet away with a pedestrian sidewalk to the use, so the parking requirement could not be met by use of a shuttle. He stated that there would need be 63 parking spaces if the facility were designed to accommodate 250 guests, but as long as they supplied that required parking, then they could still shuttle someone from their hotel.

Mr. Lucas reiterated this was closed and the Planning Commission would discuss this amongst themselves.

Mr. Snyder stated he had questions for Staff. He further stated he appreciated Mr. Pearson's clarification regarding the shuttle. In reference to ordinance, he asked Mr. Pearson to please review the noise ordinance and timing.

Mr. Pearson responded to keep in mind that the noise ordinance was enforced by the Sheriff's Department, which was available to respond at any time.

Mr. McCoy explained the 10:00 PM cutoff time.

Mr. Snyder indicated that he received a question referencing the timing of the notification letters to adjacent landowners. He stated he wasn't sure there was a lot of time, as he questioned how the notification went out for this request.

Mrs. Pendleton specified that the state code required the letters to be mailed five days ahead of time, and that Mrs. Goad mailed them 10 days prior to the public hearing. She also noted the required legal advertisements, pointed out that the property was posted with yellow public hearing sign although not a legal requirement, and information was posted online on the county's website well in advance of state code requirements.

Mr. Foster asked about the two additional buildings, and wanted to know if they would be included in a possible approval tonight.

Mr. McCoy replied that if approved, the applicant would have to meet substantial conformance.

Mr. Kidd stated that it was his opinion that this might be a case of careful what you wish for with being a neighbor to this. He commented that he heard traffic and viewshed concerns. He further stated this parcel was already zoned for R-1, and that traffic counts would be much greater should it become a total build as residential. Mr. Kidd remarked that he constantly heard that houses and apartments interrupted the viewshed. He further remarked that with this proposal, traffic would be mitigated versus what the buildout from R-1 would bring. Mr. Kidd stated that he was not sure about changing from R-1 to A1 because of the public water and public sewer availability. He further stated that planning wise, he was hung up on changing from R-1 to A1 and whether or not that would be good zoning practice.

Mr. Lucas stated that his appreciation for people having difficulties with traffic, but looking at available opportunities where people did not have to come before us, someone could put in a subdivision. Mr. Lucas commented that alcohol use and driving was illegal, and he did not propose anyone drink and drive. He further commented that even with a parking lot, the rest of the field would be left open, noise prevention was already established in county. Mr. Lucas stated that he almost wanted to approve this because if we don't approve this, neighbors might see multiple houses, and there was nothing in zoning we could prevent if not rezoned. He further stated that for good zoning practice, this should probably be left as R-1.

Mr. Foster stated there were several things to consider, such as noise, light, and traffic. He further stated if it stayed as-is then traffic could go up tremendously, and so could lighting if the property stayed like this. He noted that noise could be greater at some times, none at others. Mr. Foster stated that the zoning was a dilemma. Although he liked the idea of what they wanted to because he thought it would have less impact, plus the idea of having some green space.

Mr. Lucas commented that rezoning would leave the property less developed.

Mr. Nicely stated he had a tough time going from R-1 to A-1, because it was probably not the best of practices, and it didn't exactly agree with the Comprehensive Plan. He further stated that if you bought your house knowing this was R-1 with infrastructure, the housing would come.

Referring to an earlier statement, Mrs. Pendleton pointed out that the signs were out of stock and apologized for not posting signs.

Mr. Snyder stated that he was familiar with Valley Road, which was not designed for a lot of traffic, because it was curvy, hilly and winding. He further stated that in representing Amsterdam, he also represented the use of land both today and moving forward. Mr. Snyder remarked that the wedding venue appeared to be a great idea on the surface, the stress of those events for local residents would be difficult at best, at times. He further commented that while the land was zoned for residential, the forecast was for medium density. Mr. Snyder commented that while Botetourt County was being developed, this application would afford the ability to save open space. He stated that with the by-right use as residential now, residents would not have a say to the Planning Commission or Board of Supervisors. Mr. Snyder further stated this offered an opportunity to prevent some of the growth in Daleville proper.

Mr. Snyder motioned to forward the A-1 rezoning request on the property of **Charles T. & Whitney C. Clemens** with a recommendation for approval subject to the following proffered conditions to the Board of Supervisors on the basis that the requirements of Article V, Division 6 of the Zoning Ordinance have been satisfied.

Mrs. Pendleton stated there were two separate motions, and there were no proffered conditions for the rezoning request. She further stated the rezoning request required the first action with no conditions submitted by the applicant, followed by the Special Exception Permit.

Mr. Snyder retracted the portion of proffered conditions for the recommendation of approval.

Mr. Foster seconded, which was not approved 2:3:0:0, with the following recorded vote:

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

Mrs. Goad announced there were three noes and two yeses.

Mr. Lockaby stated to the Chariman that they needed to make some type of recommendation so the Board of Supervisors would know whether or not to approve the rezoning.

Mr. Lucas motioned to forward the A-1 rezoning request on the property of **Charles T. & Whitney C. Clemens** with a recommendation for denial to the Board of Supervisors on the basis that the requirements of Article V, Division 6 of the Zoning Ordinance have not been satisfied.

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

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

Mr. Lockaby recommended that the Planning Commission should make a recommendation on the Special Exception Permit so that the Board of Supervisors could make their decision with the most information possible.

Mr. Lucas motioned to forward the special events facility Special Exception Permit on the property of **Charles T. & Whitney C. Clemens** with a recommendation for denial to the Board of Supervisors on the basis that the requirements of Article V, Division 6 of the Zoning Ordinance have not been satisfied.

Mr. Nicely seconded.

Mr. Kidd requested to hear the motion again.

The following motion was not approved 2:3:0:0, with the following recorded vote by roll call:

Mr. Lucas motioned to forward the special events facility Special Exception Permit on the property of **Charles T. & Whitney C. Clemens** with a recommendation for denial to the Board of Supervisors on the basis that the requirements of Article V, Division 6 of the Zoning Ordinance have not been satisfied.

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

Mr. Lucas verified with Mr. Lockaby that a proper motion was needed.

After clarification, Mr. Snyder recommended forwarding the special events facility Special Exception Permit on the property of **Charles T. & Whitney C. Clemens** with a recommendation of approval to the Board of Supervisors with the following conditions, and only upon the Board of Supervisors rezoning to Agricultural (A-1) approval that was not recommended by the Planning Commission.

1. The development shall be constructed in substantial conformance with the proposed site plan submitted with the application.
2. Events shall not exceed 200 persons, or as allowed by the parking ordinance, whichever is less in total.
3. Primary access for guests to the site shall be from Valley Road. Access from Wendover Road shall be restricted to service entry for employees and other staff.
4. Noise generated by the development shall not violate provisions of the Botetourt County Noise Ordinance.
5. All other specifications and general provisions shall be met as required by the Botetourt County Zoning Ordinance and in no instance shall the zoning conditions exempt a project from any local, state, or federal development requirements, except where allowed by the Zoning Ordinance.

Mrs. Pendleton brought up one item of clarification. She suggested using "Events shall not exceed 200 persons, or as allowed by the parking ordinance, whichever is less in total", to which Mr. Snyder agreed.

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

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

ABSENT: None

Valley District: Martlet Group Properties LLC requests a Special Exception Permit for Commercial Recreation Uses, Indoor, with possible conditions, in the Shopping Center (SC) Use District and Gateway Corridor Overlay District, at 2708 Lee Highway and identified on the Real Property Identification Maps as Section 101, Parcel 175A.

Mr. Pearson read the request aloud. He displayed zoning map and pointed out the multitude of uses within the shopping center, such as Dollar General with groceries, restaurants, offices, fitness and health centers and personal services. Mr. Pearson brought up the two out parcels containing Taco Bell and a vacant bank building. He noted that Shoney's across Lee Highway had been approved as a Popeyes Restaurant with current building to be torn down, plus nearby convenience stores and other commercial businesses. Mr. Pearson displayed a shopping center photograph, as he described the 65,000 square feet building that was built in 1984, as being accessed by Lee Highway and Olde Route 604. He stated the SEP use was just south of the Dollar General store. Mr. Pearson further stated The SEP use was proposed within a tenant space where a commercial building permit was issued for renovations in 2021, work was completed, and a certificate of occupancy was issued for a use classified as "gymnasium" under the Virginia Building Code and classified as the use "Fitness Center" by the zoning ordinance, a permitted use in the Shopping Center (SC) Use District. He explained they operated as a nonprofit to benefit youth programs. Mr. Pearson further explained the Special Exceptions Permit for indoor commercial recreation uses was requested to allow bingo and batting cages within the same tenant space as their non-profit fitness center to create a financially sustainable facility, with the indoor commercial recreation uses occupying approximately 10,150 square feet of the 17,350 square foot tenant space. He noted the existing fitness facility was currently subsidized through solicitations for donations, sponsorships and fundraising, and the additional indoor commercial recreation uses would enable the non-profit to continue to make the facility available to youth without financially burdening their families. Mr. Pearson said the applicant indicated that bingo would be limited to two (2) days per week and that they had already received their charitable bingo license from the State of Virginia. Mr. Pearson said it was customary for staff to provide suggested conditions as he displayed them read the following conditions aloud:

1. The commercial recreation uses shall only be allowed within the tenant space located at 2708 Lee Highway.
2. The commercial recreation uses shall be limited to bingo and batting cages.
3. The commercial recreation uses shall be developed and only occupy the portions of the tenant space as shown on the floorplan and front elevation plan included in the application.
4. Compliance with the Virginia Building Code and an updated Certificate of Occupancy shall be required prior to the commencement of the commercial recreation uses.
5. Noise generated by the development shall not violate provisions of the Botetourt County Noise Ordinance.

6. All other specifications and general provisions shall be met as required by the Botetourt County Zoning Ordinance and in no instance shall the zoning conditions exempt a project from any local, state or federal development requirements, except where allowed by the Zoning Ordinance.

Mr. Pearson stated the applicant was here with his Mr. Hunter Young, his engineer for technical questions.

Mr. Bobby Stewart, applicant and co-owner of the spoke on his own behalf. He stated that the entire purpose of this request was for the youth of this community, and to train kids' confidence, mental and physical health through speed, strength, and tumbling. Mr. Stewart further stated the bingo would help subsidize funding needed to pay for the space being used to subsidize the club and provide for the fair amount of rent they required.

Mr. Lucas asked about youth activities.

Mr. Stewart stated that 2708 was one big area, split into A and B; they were to the right of Dollar General and to the right of Elite Nails.

Mr. Lucas wanted to know the specific nonprofit, and if there were any fees to the students.

Mr. Stewart replied that Nonprofit was Botetourt Training Center, and he was the Executive Director. He further replied they served five schools with over 50 kids registered, participating three days per week, plus Lord Botetourt and James River girls softball and basketball teams and football members from a variety of schools. Regarding fees, Mr. Stewart said they did charge fees, but it was not enough to subsidize, and it was their goal to make it free. He mentioned that he saw a lot of kids that need to get to training. Mr. Stewart commented that they invested one million dollars into renovating this area, and once the bingo gets going, they wanted to offer this to kids for free.

Mr. Lucas wanted to know if the bingo facility would run at the same time as the athletics.

Mr. Stewart said they would run at separate times.

Mr. Kidd inquired when bingo would be held.

Mr. Stewart responded it would be two nights per week, and that was all they were allowed.

Mr. Lucas asked if there was any consideration to charging for their services, and how chairs would be arranged for bingo.

Mr. Stewart replied that they did consider that, and they currently charged \$75 per month, where other places charged more than that. He further replied that batting cages were retractable, and drawn up to the ceiling, then tables and chairs would be put out. He noted that bingo participants liked it quiet, so there would be no other activity going on at that time. Mr. Stewart pointed out that Roanoke Star Soccer had an excellent model in Vinton.

Mr. Lucas opened the public hearing.

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

Mr. Snyder brought up his concern of noise to adjoining tenants. He stated it was fantastic to have this type of facility in Botetourt so that kids can stay local and not have to travel as far to find a facility to help them in their endeavor.

Mr. Kidd stated this was a good thing.

Mr. Nicely stated that he liked what they were doing.

Mr. Lucas stated that it was especially great to offer scholarships.

Mr. Lucas motioned to forward the special exception permit request on the property of **Martlet Group 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:

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 this concluded the public hearings.

Other business

Consideration was given to moving the regular October meeting from October 9, 2023 until October 10, 2023 due to the Columbus Day holiday.

On motion by Mr. Foster, and seconded by Mr. Snyder, the Planning Commission unanimously approved 5:0:0:0 with October 10, 2023 as the revised meeting date, with the following recorded vote:

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

Mrs. Pendleton thanked Mr. Snyder and Mr. Lucas and others for their attendance at the highest ever attended VAPA conference. She announced that Mr. McCoy earned the APA Foxhound/Distinguished New Professional award for statewide planning, professionalism, and excellence. Mrs. Pendleton noted that Mr. McCoy was also recognized for participating in the inaugural group of APA Virginia Leadership Class of 2023, as well as a candidate for the AICP designation. Mrs. Pendleton announced that Botetourt County was the recipient of the Holzheimer Economic Development Award for the Gateway Crossing Overlay District. She stated this award belonged to the Planning Commission, Board of Supervisors, stakeholders and staff as we worked through the process, for a once in a generation design.

Mr. Snyder commented that it was an honor and privilege to be at event. He stated that he was impressed with the professionalism, the image Botetourt County projected was awesome, and he was proud to be

part of this team.

Adjournment

There being no other business, on motion by Mr. Nicely at 8:13 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