

---

---

# Botetourt County Planning Commission Agenda

5 West Main Street, Meeting Room 102, Fincastle, Virginia

December 7, 2015

6:00 PM

---

---

*Anyone interested in addressing the Planning Commission should complete a "Request to Speak" form and give it to the secretary before the meeting begins. Forms are located with the agendas and at the secretary's table. When your name is called, please go to the podium. Please **state your name and address** before making your comments. All comments must be directed to the Planning Commission members. Comments made to or from the audience during testimony or commission deliberation are not permitted. Recognized speakers and the audience must be courteous at all times. A time limit of five minutes per speaker (unless otherwise provided for by a majority of the Planning Commission members present) will be observed. **All cell phones must be set on the mute or silence mode.***

## 1. Administrative Business

- A. Review and approval of the November 9, 2015 Planning Commission minutes.
- B. The Planning Commission will meet in the Fincastle parking lot for the field review on Thursday, January 7, 2016 at 10:00 AM.
- C. The January 11, 2015 Planning Commission public hearings will be conducted at Central Academy Middle School, 367 Poor Farm Road, Fincastle, beginning at 6:00 PM.

## 2. Public Hearings

- A. Public hearing on proposed amendments to Chapter 25, Article V. Process and Administration, Division 2. Board of Zoning Appeals, Division 3. Procedure Before the Board of Zoning Appeals, and Article VI. Definitions of the Botetourt County Code in accordance with 2015 Virginia Acts c. 597. The purpose is to update language relating to the definition of variances and to update procedures for processing BZA appeals to conform them to changes to state law that went into effect on July 1, 2015. The changes to be considered are as follows: Sec. 25-531. *Jurisdiction and purpose*. Technical nonsubstantive changes to make internal references and rights clearer; Sec. 25-532. *Authority and establishment*. Clarify authorization to adopt bylaws; Sec. 25-533. *Membership*. Update of cross-reference to state code and other nonsubstantive changes; Sec. 25-534. *Officers*. Revision to selection of chairman, acting chairman and secretary to the board of zoning appeals, prohibits ex parte contacts between Staff and the Board relating to specific applications; Sec. 25-535. *Meetings and hearings*. Revise wording for chairman and acting chairman; Sec 25-536. *Powers and duties*. Remove section due to redundancy. Sec. 25-539. *Limitation*. Clarification of language. Sec. 25-540. *Decisions subject to judicial review*. Removed; substance of section moved to Section 25-554. Sec. 25-551. *Variance procedure*. Clarifies elements to be shown and standard of review for variances in accordance with changes to state law; Sec. 25-552. *Appeals of administrative officers*. Change in catchline of section and typography only; Sec. 25-553. *Ex parte communications and proceedings*. Clarifies that staff and attorneys of the Board of Supervisors may not have ex parte communications with BZA members relating to specific applications before the BZA; Sec. 25-554. *Judicial review; writ of certiorari*. Collects and defines rights to review by circuit court under a writ of certiorari in strict accordance with state law, allowing for appeal of all BZA decisions to circuit court; Sec. 25-601.

*It is the intention of Botetourt County to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or participant at this meeting, you need special assistance beyond what is normally provided, Botetourt County will attempt to accommodate you in a reasonable manner. Please contact Laura Goad (540.473.8320 or [lgoad@botetourtva.gov](mailto:lgoad@botetourtva.gov)) at least 72 hours prior to the meeting to inform us of your particular needs and advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.*

---

---

# Botetourt County Planning Commission Agenda

5 West Main Street, Meeting Room 102, Fincastle, Virginia

December 7, 2015

6:00 PM

---

---

*Definitions.* Adds a definition of “variance” that is identical to state code.

- B. Public hearing on proposed amendments to Chapter 25, Article V. Process and Administration, Division 5, Required Development Approvals of the Botetourt County Code in accordance with state law processing requirements. The purpose is to update and clarify the site plan approval process to make processing more internally consistent and better conform to state requirements. The changes to be considered are as follows: Sec. 25-573. *Site plan—when required.* Breaks up former very long Section 25-573, adds RAM to list of districts where site plan is required, and clarifies exemptions. Sec. 25-573.1. *What site plan to show.* Breaks former Sec. 25-573(b), (c), and (d) into a new section for clarity; other nonsubstantive changes. Sec. 25-573.2. *Process for approval of site plan.* Clarifies process for approval, providing for 10-day review for completeness, 45-day agency review if necessary, and 35-day zoning administrator review if necessary. Maximum time is set at 60 days if agency review not necessary, 90 if referral is necessary. Sec. 25-573.3. *Process for approval of site plans subject to the Middle Class Tax Relief and Job Creation Act of 2012.* Provides that small changes to certain telecommunications facilities and monopoles may be approved administratively as required by § 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 and federal regulations.
- C. Public hearing on proposed amendments to Chapter 21, Article IV. Approval of Plats, and Article III. Definitions of Terms of the Botetourt County Code in accordance with state law processing requirements. The purpose is to update and clarify the subdivision plat approval process to make processing more internally consistent and better conform to state requirements. The changes to be considered are as follows: Sec. 21-66. *Preliminary sketch & preapplication meeting.* Conforms ordinance to state code by making preliminary sketch and preapplication meeting optional, and clarifies how and when meeting held. Sec. 21-67. *When required; process.* Conforms ordinance to state code by making preliminary plat submission optional for subdivisions of 50 or fewer lots and changing processing timeline to conform to state law. Sec. 21-67.1. *Final plat.* Separates section on final plat from section on preliminary plat for clarity and conforms timeline and submission requirements with state code. Sec. 21-68. *Minor subdivisions.* This section, formerly relating to subdivisions of fewer than five lots, is removed and addressed in amended Sec. 21-67. Sec. 21-69. *Boundary line adjustment.* Timeline for boundary line adjustment is revised to make timelines the same as for final plat. Sec. 21-70. *Family subdivisions.* Typographical changes. Sec. 21-71. *Low density subdivision.* Typographical changes. Sec. 21-71. *Subdivision for service facility.* Adds requirement that status of lot as service facility lot must be noted on plat. Sec. 21-80. *General requirements.* Clarifies that written request must be submitted for waivers of submission requirements. Sec. 21-82. *Preliminary plat content.* Typographical changes. Sec. 21-83. *Acceptance of plat.* Section removed as redundant. Sec. 21-85. *Multi-phase subdivisions.* Section removed as redundant under modern state-law multiphase vesting provisions. Sec. 21-86. *Term of validity of preliminary plat.* Conforms term of validity and circumstances in which preliminary plat may be revoked to conform to modern state law. Sec. 21-88. *Appeal of disapproval of preliminary plat.* Typographical changes. Sec. 21-102. *Time limit for filing.* Section removed as redundant and preempted by state law. Sec. 21-103. *Contents of final plat.* Clarifies that requests for waivers must be in writing and that a final plat must include the same details as a preliminary

*It is the intention of Botetourt County to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or participant at this meeting, you need special assistance beyond what is normally provided, Botetourt County will attempt to accommodate you in a reasonable manner. Please contact Laura Goad (540.473.8320 or lgoad@botetourtva.gov) at least 72 hours prior to the meeting to inform us of your particular needs and advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.*

---

---

# Botetourt County Planning Commission Agenda

5 West Main Street, Meeting Room 102, Fincastle, Virginia

December 7, 2015

6:00 PM

---

---

plat in addition to final plat details. Sec. 21-105. *Certificates*. Removes requirement for signature of owners as redundant (addressed elsewhere) and adds requirement for signature blocks for VDH, VDOT, WVWA, and other agency reviewers as appropriate. Sec. 21-108. *Effect of plat recordation*. Clarifies procedure for posting of surety bond and transfer of public facilities and easements by recordation of plat. Sec. 21-51. *Definitions*. Conforms definitions to changes in state law and above sections.

- D. Valley Magisterial District: RYT, LLC requests the following: a text amendment to Section 25-284. District Requirements, of Chapter 25. Zoning of the Botetourt County Code to increase the maximum district size of the Neighborhood-type Shopping Center from nine to twelve acres; to rezone, with possible proffered conditions, a 1.781-acre lot from a Business (B-3) Use District and Industrial (M-1) Use District to a Shopping Center (SC) Use District; and requests a Special Exception Permit on 0.833 acres, with possible conditions, for a convenience store, to include fuel sales, located at 2780 Lee Highway (U.S. Route 11), Troutville, VA. The property is located in the southern corner of the intersection of Lee Highway and Cloverdale Road (ALT U. S. Route 220), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 176.
- E. Buchanan Magisterial District: Julie H. Simmons (Verizon Wireless, lessees) requests a Commission permit in accord with §15.2-2232 of the Code of Virginia, in addition to a Special Exception Permit, with possible conditions, in an Agricultural (A-1) Use District to construct and maintain a 199-foot telecommunications tower within a 5,625 square foot lease area, to be accessed from an existing entrance onto a non-exclusive 20' ingress/egress and utility right-of-way, located on a 64.83-acre parcel adjacent to 340 Penn Hollow Road (State Route 631), Buchanan, approximately 0.6 miles northeast of its intersection with Springwood Road (State Route 630), identified on the Real Property Identification Maps of Botetourt County as Section 51, Parcel 36A.
- F. Amsterdam District: Layman Family LLC requests to rezone, with possible proffered conditions, a 13.42-acre parcel from a Business (B-2) Use District to a Planned Office Park (POP) Use District for business use located at 147 Daleville Centre Drive, Daleville, VA at its intersection with Valley Road (State Route 779) with additional access via the Roanoke Road (U. S. Route 220) intersection with Layman Lane (as shown on Tax Map 101-93) identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 109A.

### 3. Other Business

- A. Approval of November 9, 2015 minutes.
- B. Adoption of Planning Commission By-Laws.
- C. Nomination and election of Chairman and Vice-Chairman.
- D. Update on Vacation Rentals.

### 4. Adjourn

*It is the intention of Botetourt County to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or participant at this meeting, you need special assistance beyond what is normally provided, Botetourt County will attempt to accommodate you in a reasonable manner. Please contact Laura Goad (540.473.8320 or [lgoad@botetourtva.gov](mailto:lgoad@botetourtva.gov)) at least 72 hours prior to the meeting to inform us of your particular needs and advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.*