

Mr. Griffin called the May 12, 2014 meeting of the Botetourt County Planning Commission to order at 6:00 PM, in Meeting Room 102 of the Old District Courthouse in Fincastle, Virginia.

PRESENT: Mr. John Griffin, Chairman  
Mr. Hiawatha Nicely, Jr., Vice-Chairman  
Mr. William Thurman, Member  
Mr. Steven L. Kidd, Member  
Mr. Sam Foster, Member  
Dr. Mac Scothorn, Ex-Officio Member  
Mrs. Elizabeth Dillon, County Attorney  
Mr. Jeffrey Busby, Planner  
Mrs. Laura Goad, Administrative Assistant

OTHERS PRESENT: Mr. David Moorman, Deputy County Administrator  
Mr. Brandon Nicely, CBO, Director of Development Services  
Mr. Cody Sexton, Information Specialist

Mr. Griffin opened the Planning Commission meeting and welcomed those in attendance. He introduced Staff and Planning Commission members, and then read the procedures for the public hearings.

Mr. Griffin asked if there were any discussions regarding the April 14, 2014 minutes and requested a motion.

Mr. Kidd motioned to approve the April 14, 2014 Planning Commission minutes as written. Mr. Nicely seconded the motion, which was approved 4:0:1:0 with the following recorded vote:

YES: Mr. Kidd, Mr. Nicely, Mr. Griffin, Mr. Thurman  
NO: None  
ABSTAIN: Mr. Foster  
ABSENT: None

Mr. Griffin stated noted the Planning Commission would meet in the Kroger parking lot for the field review on Thursday, June 5, 2014 at 3:15 PM.

Mr. Griffin announced that a community meeting would be held Thursday, May 29, 2014 from 6:00 PM until 8:00 PM at the Greenfield Education Training Center to address citizen concerns regarding the proposed Research and Advanced Manufacturing Use District rezoning for portions of the Greenfield Industrial Park.

### **Public hearings**

**Winter Fields, LLC, requests text amendments to Chapter 25, Zoning, Article II. District Regulations Generally, Division 6. Residential R-3, Section 25-165. (3)b. Building requirements; minimum yards of the Botetourt County Code to revise the minimum side setback to 20', instead of the current 25' requirement; and to amend Article VI. Definitions Section 25-601 Definitions, to revise "Dwelling, Zero Lot Line" to read "*Dwelling, zero lot line: A single-family detached***

**residential dwelling unit designed such that one edge of the structure may abut a side lot line, and thus has only one (1) side yard.” The full text of the proposed amendments is available for public inspection at the Development Services Office.**

Mr. Busby read the request aloud. Mr. Busby stated that the developer had experienced problems as he displayed a map on PowerPoint that showed the existing Altamira Subdivision with the sewer lines. He further stated the development is a zero lot line development with a sewer easement on western side. Mr. Busby noted that the sewer easement caused end units to be moved to eastern side of property lines and the units would have to abut opposite side. He further noted a determination made by a previous Zoning Administrator, that the original concept plan showed duplexes. The Zoning Administrator ruled since there was no change in density or lot sizes or lot development, the units could be changed from duplexes to zero lot line style dwellings. Mr. Busby said this was more prevalent at end of the road, and this text amendment request would be for the entire county. He explained that the text amendment currently says “shall abut the property line”, while the proposed text amendment allows choice. Mr. Busby said that under proposed change, it would allow developers to construct with 20' setbacks and may abut but would not have to abut with code change. He noted that staff conducted research and found this request would be consistent with other ordinances in the Roanoke Valley and other surrounding areas. Regarding the definition revisions, Mr. Busby noted with the proposed change they may abut; however, it was not mandatory. He further noted this was not uncommon in other localities, that units may touch, as opposed to our definition to shall touch property line.

Mr. Griffin asked if the text amendments were the only way he could complete his development.

Mr. Busby responded that with our ordinance, there was never an option, that even with a SEP, a text amendment would be needed in this case to add an option for zero lot line dwellings to be off property line. Mr. Busby stated that our research shows that would not be considered good zoning practice. He further stated that other ordinances have “may”, not “shall”.

Mr. Nicely inquired about the location of the sewer line?

Mr. Busby responded that the easement was along western property lines and was a gravity 30' Sanitary Sewer Easement for 8" gravity sewer line. He continued that 20' was the proposed setback and it did not extend through the entire subdivision; instead, it was for most of the end lots.

Mr. Peter Fields was present and spoke on his own behalf. He stated that what Mr. Busby explained was what he was dealing with; that he was probably the only developer to use zero lot ordinance; this should help anyone using zero lot line ordinance; when the building code required 3' off line, and when a window was installed on that sidewall, then he would have to shift 3' and have to fulfill zoning requirements too. Mr. Fields stated that was why he wanted to change the ordinance and request 20' instead of 25' setbacks. He further stated the house would shift 3', and the distance between houses would really be 23' instead of 25 feet. He noted that the R-3 zoning was already in place, while the standard R-3 setback was 10'. Mr. Fields said there was consistency with that; there was no other setback requirement that determined the house to sit in specific location, only within. He stated the text amendments would give developers a little more flexibility.

Mr. Kidd asked Mr. Fields to explain windows on side of house.

Mr. Fields responded that if the exterior wall was not 3' off of the property line, then building code would not allow it, that he needed the body of house with windows off of the line. He further responded that the current zoning ordinance restricted the width of building and started to crowd at the 25' setback. Mr. Fields stated that his lots were 12% wider, and if he was having trouble, then anyone else would have the same experience too. He further stated he was trying to get a sight line distance and see between houses. Mr. Fields said approval of the text amendments would create a better neighborhood, and currently could not see between houses due to sewer line easement.

Mr. Griffin asked about separating this at 6' and width of the average lot

Mr. Fields replied that the 6' maximum would have to have a portion come over and touch the line; he said the average lot was 67.5' with a minimum of 60' width.

Mr. Foster wanted to know about the 3' for each side?

Mr. Fields responded that if the code were changed, then he would be able to meet the 20' setback with no problems.

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

Mr. Kidd stated that he had spoken with Mr. Fields two or three months ago. He further stated the after looking at the property, he fully understood the situation, and that the text amendments would become countywide; he said he felt like this was a good proposal; he liked idea and it would give flexibility that might be needed in certain situations. Mr. Kidd stated that our side yard setbacks might be a little too restrictive, and the text amendments would bring the ordinance back in line.

Mr. Foster stated that flexibility was a good thing for this, noting that research that had been done for this request.

Both Mr. Nicely and Mr. Thurman indicated they were fine with this request.

Mr. Griffin said he had no problems with this request.

Mr. Kidd motioned to approve the requested text amendments and forward to the Board of Supervisors.

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

YES:	Mr. Thurman, Mr. Nicely, Mr. Griffin, Mr. Foster, Mr. Kidd
NO:	None
ABSTAIN:	None
ABSENT:	None

**Fincastle Magisterial District: Ray M. and Anne F. Crush (U. S. Cellular, lessees), request 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 195-foot monopole telecommunications tower within a 10,000 square foot lease area, to be accessed from a proposed 30' access and utility easement, on a 31-acre parcel located on the southwestern side of Three Oaks Road (State Route 678), approximately 0.7 miles southeast of its intersection with Craig Creek Road (State Route 615), identified on the Real Property Identification Maps of Botetourt County as Section 34, Parcel 45.**

Mr. Busby read the request aloud. He stated this request would require two actions from the Planning Commission. The first would be a commission permit, then the telecommunications tower.

Mr. Busby stated the proposed tower was to be located off of Craigs Creek Road, and was surrounded by property zoned A1, and heavily wooded with an existing soil road, with the Jefferson National Forest nearby. He further stated the nearest offsite residence was 1850' away and the Craig County line was nearby; none of the property was in the in floodplain. Mr. Busby displayed the PowerPoint presentation, and showed the land cover and area, plus the Lemon farm surrounding this property. He pointed out Three Oaks Road, the 30' access easement, the circle on the U.S. Cellular plan that indicated fall lines and setbacks, the 100% setbacks, 200% setbacks to any offsite residential structure. Mr. Busby said that U. S. Cellular proposed a 195' tower, with a 4' lightning arrestor, and showed a compound view by U. S. Cellular with space for county emergency services on the tower. Mr. Busby mentioned that the Comprehensive Plan designates this area as agricultural, and if approved, the applicant would be required to obtain a VDOT entrance permit. He also said that Eagle Rock was the closest county rescue squad, the antennas were not flush mounted antennas, and would be the typical arm mounted type with three sectors. Mr. Busby said that Mr. Tom Sciroto with U. S. Cellular was present to discuss this request as he noted that the Lemon family and adjoining property owners, might have issues with their USDA registered organic farm, and accessibility to electricity for this site.

Mr. Tom Sciroto of Pennsylvania, and with U. S. Cellular, spoke on behalf of the applicants, who were not present. He stated the proposed lease area was 100' x 100' with the 70' x 70' prefabricated area fenced, and the 30' access easement met all county requirements; Mr. Sciroto said they submitted a balloon test instead of photo simulations for county, referring to Page 9, as he pointed out fourteen locations and intersections where the balloon was not visible. Mr. Sciroto said U. S. Cellular looked at several locations, starting in Craig County, the project was partially funded by government to build rural sites and had to meet certain requirements. He spoke of the difficulties in placing this tower, noting the National Forest restricted areas where they could go, and referred to the coverage maps depicting the best areas in green, and red areas indicated only vehicular (in your car coverage) .

Mr. Griffin asked about the type of pole, if it would be polished, very visible or dull.

When Mr. Sciroto said they had not ordered the pole, Mr. Busby noted that the dull color could be a condition.

Mr. Griffin wanted to know if U. S. Cellular used any other cell towers in vicinity.

Mr. Sciroto replied there were two, that both about seven miles away; one to the east, the other to the west; these were the closest towers period, they travelled by line of sight, and there were no

power lines.

Mr. Kidd inquired how ended up at this location.

Mr. Sciroto they started in Craig County, and there was no site there that would provide adequate coverage.

Mr. Kidd questioned Mr. Sciroto regarding frequency travelling by line of sight, why, if the tower couldn't be seen from anywhere, would this site be the best if it couldn't be seen.

Mr. Sciroto replied there could be trees, hills in the way and there were gaps in all of these studies.

Mr. Kidd asked about federal government requirements.

Mr. Sciroto said he didn't know the actual requirements, that they had to meet a certain amount of coverage to get funding.

Mr. Kidd asked about the foundation of pole, whether or not any testing at site had been done for rock to do blasting, and if they would do testing for the foundation.

Mr. Sciroto said they would go out and drill and geotechnical would take core samples.

When Mr. Kidd inquired if it was possible that the site would not support the pole and equipment, Mr. Sciroto said, "This is just how we did it."

Mr. Foster asked about future co-locators.

Mr. Sciroto said there would be other carriers.

Mr. Foster wanted to know about their other towers?

Mr. Sciroto replied there was space for their equipment, antennas, the lease area was 100' x 100' and the fenced area would be 70' x 70'.

Mr. Nicely wanted to know if this would be analog or digital, and how it would be maintained.

Mr. Sciroto said it would be 4G, that U. S. Cellular was in process of upgrading every site, and that U. S. Cellular had technicians, and bid out contractors to do maintenance.

Mr. Thurman questioned Mr. Sciroto about power to site.

Mr. Sciroto said he had just found out that the easement to property had a private agreement and that it only allowed for residential power, that he didn't know much about it, and could not comment.

Mr. Griffin wanted to know about the number of carriers.

Mr. Sciroto said it was designed to hold four.

Mr. Busby noted that the tower could hold four as shown, plus one for the county.

Mr. Sciroto said there were three sectors, four antennas each for a total of twelve on each sector, and three sectors point to other towers.

Mr. Steve Lemon, a Roanoke attorney, said his clients were Barbara and Bill Lemon, of Roanoke, Virginia. He explained his family was multi-generational of Craig Creek Valley. He further explained that his father had known applicant since he was a boy and always had positive relations with this family since 1967. Mr. Lemon stated that his client learned of pendency of certified letter, and had no other prior knowledge, although the signature on the lease indicated these plans started about eight months ago. Mr. Lemon further stated he had not had time to evaluate proposal; that he had met with Mr. Busby three to four days ago; and he had a series of questions. Noting the contract had been signed in August 2013 and Mr. Crush made no mention of it when he last saw him on Thanksgiving, Mr. Lemon brought up concerns such as setbacks; lack of review and approval by the FAA; neighborhood impact and the balloon study; brown water and surface water impacts; VDOT entrance permit; pesticide use on a USDA organic farm;

Regarding setbacks, Mr. Lemon said they had not been established and they were in question. He said a survey should be required to make sure they would be 200' from the adjoining property owner.

Mr. Lemon said this had not been reviewed and approved by the FAA. The lease signed allows for light to be put on the tower in an extremely rural area. He said the strobe light would be highly disruptive to Craig Creek Valley, and noted a 150' tower would provide adequate coverage and the pole could be shorter and would not require light.

Mr. Lemon said they needed to address impact on neighbors, noting that U. S. Cellular submitted an unreliable balloon study instead of photo study; that U. S. Cellular did not notify neighbors of the balloon test so they could see for themselves. Referencing Page 7 where the balloon test indicated the tower was not visible, Mr. Lemon submitted it was fairly convenient that they had picked low lying places for study, that they picked for the obvious, as opposed to a report done from a pasture. Mr. Lemon also questioned the lack of a cultural study and the results and the need for adequately review.

Mr. Lemon questioned impacts on brown water and surface water. He said this had not been studied and would be under county review standards for wells, groundwater, and surface water. Mr. Lemon questioned if there was a VDOT entrance permit. He noted that Page C3 of the plans indicated Three Oaks Road was paved, and stated that with sharp hairpin turns and it was not paved. He commented that screening were plans not provided, and U. S. Cellular asked that they be waived. Mr. Lemon further commented that the package made no account of impact upon every property owner that was a USDA organic farm. He stated this was significant because no pesticides have been applied in decades. He cited SEP requirements, noting that in this case for 360 degrees surrounding this parcel, there was a USDA certified organic farm, pointing out that this is one of few places in this county where this is done, and upgradient from ponds that feed cattle. Mr. Lemon referenced Page C5, Note 7 where Total Kill 610 with ambush herbicide would be used, and it was clear they would use aggressive herbicides. He emphasized they didn't talk to neighbors. He said the location was incompatible, the site had no source of electricity for cell tower, the

county was required to consider utilities' availability, and this package was defective. Mr. Lemon brought up a "residential power only" agreement signed in 2012. He mentioned a lawsuit pending due to alleged use, noting this was not a private dispute and one of the defendants would be Craig Botetourt Electric Co-Op. Mr. Lemon said the agreement was made less than two years ago and he had no notice for his clients. He requested that the Planning Commission at least delay their decision until the pending court case was resolved. He commented it was not in the spirit for Botetourt County to go across a power line that crosses another person's farm. He mentioned condemnation, that this was discretionary to this board and that he had uncovered these questions in four days, and he was confident there were more questions. Mr. Lemon urged the Planning Commission to deny the application or at a minimum require additional significant information, as he thanked them for time and consideration.

Mr. Kidd asked Mr. Lemon what was grown on the farm and if the products were sold separately.

Mr. Lemon responded that his father had cows, calves, and organic hay, which was sold locally and in larger cities.

Mr. Kidd asked Mr. Lemon if his client would entertain a telecommunications tower on their property.

Mr. Lemon replied that his client did not want a tower on his property, it was possible, but more suitable somewhere else.

Dr. Scothorn asked about cell tower or agricultural degradation.

Mr. Lemon said he had not had time, that they were reaching out to others to get answers to these questions, and there had been no outreach to neighbors.

Mr. David Lemon of Roanoke real estate broker, as well as co-owner of Three Oaks, stated that he had discovered this request only Saturday. He stated he was very much opposed to the tower that would compromise the view shed and urged the Planning Commission to deny completely because it was incompatible. He further stated his family had been here since 1832 and he did not want this monstrosity near his property.

In response, Mr. Scirotto offered that lighting, Phase 1, NEPA was done in concurrence with zoning, and those would have to be approved before obtaining a building permit. He said that he had never run into USDA farm, that he did not know of any rules and regulations, and that he would have to figure out power issue.

Mr. Griffin commented if this could not be figured out, then the tower could not be put up, and suggested Mr. Scirotto discuss with AEP and/or Craig-Botetourt. He then asked about the location of the balloon study.

Mr. Scirotto replied that it should have been done from the spot, as done for Phase 1 and he did not know why it read that way.

Mr. Griffin inquired about the culture study.

Mr. Foster asked if the balloon test had been done in pasture, observing that it did not tell us it was raised as high as the tower.

At this point, Mr. Scirotto requested a deferment.

After further discussion, Mrs. Dillon stated that a 2232 Commission Permit, could only be tabled up to 60 days, and recommended tabling for 60 days.

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

Mr. Griffin motioned to table the Commission Permit and Telecommunications Tower SEP requests up to 60 days, which was seconded by Mr. Kidd and unanimously approved 5:0:0 with the following recorded vote:

YES:	Mr. Thurman, Mr. Nicely, Mr. Griffin, Mr. Foster, Mr. Kidd
NO:	None
ABSTAIN:	None
ABSENT:	None

**Fincastle Magisterial District: Brian and Amy S. Rookstool request a Special Exception Permit for a Commercial Kennel for a dog training business, with possible conditions, on a 0.5 acre portion of an 8.269 acre lot, located 1768 Trinity Road (State Route 670), Troutville, VA, located approximately 0.8 miles west of its intersection with Parsons Road (State Route 676) and is identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 121.**

Mr. Busby read the request aloud. Using PowerPoint, he explained the subject property was zoned A-1, Agricultural, and there were several AR, Agricultural Rural, lots along Trinity Road, which was primarily agricultural. He further explained the Rookstools resided onsite, with an existing barn and outbuilding and they wished to establish an agility and training site. Mr. Busby stated that Mrs. Rookstool would be the only dog trainer onsite, and at most conduct three sessions each day for up to five (5) dogs at any given time. He further stated the proposed training area was enclosed by a wooden four-rail fence with wire, that land cover was typically open, with the actual facility in an open area, although the entire eight acres went deep into the woods. He said the applicants plan to start small and see where goes. Mr. Busby recommended, if approved, a limit on total number dogs, and possibly limit on boarding dogs in case this property sells at a later date; otherwise, someone else could have unlimited number of dogs. He noted that VDOT might require a low volume entrance permit; the traffic count would be approximately 2,000 vehicles per day, and for this use, there could be 15 vehicles per day; and, parking would be available on an existing gravel area. Mr. Busby displayed the concept plan, and showed the approximate .5 acre area for the proposed SEP, showed the training, parking, and driveway areas.

Mr. Brian and Mrs. Amy Rookstool were present and spoke on their own behalf. Mrs. Rookstool stated that she had been training and had competed approximately eight years in the Lynchburg area, and still taught there. She further stated she has had requests to teach here in Botetourt. Mr. and Mrs. Rookstool then played a brief video by Noreen Turner from the ABC Channel 13 News that illustrated canine agility training.

Mrs. Rookstool assured the Planning Commission she would not board or breed other dogs; she would only conduct training with restricted hours; she emphasized that the hours of 10:00 AM until 2:00 PM Saturday would occur only on an occasional and not a regular basis. She stated all dogs would be under direct control of their owner; no classes after dark; she expected her initial clientele to be considerably less; and she had spoken to all of her neighbors.

Mr. Griffin stated that he was all right with this request as long as there was no boarding.

Mr. Rookstool mentioned that they wanted to keep our own dogs, and exclude them from the total count on premises.

Mr. Kidd indicated his full support of this proposal.

Mr. Foster said this seemed like good project.

Mr. Nicely said the applicants had done a good job of setting up their course.

Mr. Thurman noted the lack of tools and there would be no additional building.

Mr. Rookstool said the course never the same, that is was changed on a regular basis so the dog had to learn commands. He also said the pieces were all portable and would be in barn when not used.

When asked about the hours, Mr. Rookstool replied that if it was cold, then classes would not be held, with maybe one class during the winter; he also said there would not be additional lighting, and classes would be held mostly in summer when wife was not teaching school.

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

Mr. Griffin stated he had no problem with this request.

Mr. Griffin motioned to the SEP for a commercial dog kennel for dog training and forward to the Board of Supervisors with the following conditions:

1. There shall be no commercial breeding.
2. There shall be no public boarding.
3. There shall be no more than five (5) dogs per training class, excluding their own personal dogs, on site at any given time.

Mr. Nicely seconded and this was unanimously approved 5:0:0:0 with the following recorded vote:

YES:	Mr. Thurman, Mr. Nicely, Mr. Griffin, Mr. Foster, Mr. Kidd
NO:	None
ABSTAIN:	None
ABSENT:	None

Amsterdam Magisterial District: Sherman D. Foutz requests the following text amendments to the Botetourt County Code, Chapter 25, Zoning, Article II. District Regulations Generally, Division 6. Residential R-3 for the purpose of constructing up to twenty-four (24) quadraplex style single-family attached dwelling units: to amend Section 25-164(c) Maximum lot coverage from 60% to 50%; Section 25-165(4)a. Building requirements; minimum yards, Single-family attached dwellings, Front from twenty-five (25) to twenty (20) feet and add Section 25-165(4) d. 3. Building requirements; minimum yards, Single-family attached dwellings, Groups of dwellings to read "In cases where attached dwellings are located on separate lots, the dwelling units shall adjoin the interior lot lines where the units share a common wall. An attached dwelling unit shall be setback not less than twenty (20) feet from all exterior lot lines." and requests to rezone a 4.873-acre portion of a 15.741-acre parcel from an Agricultural (A-1) Use District to a Residential (R-3) Use District, with possible proffered conditions, for the construction of twenty-four (24) single-family attached dwelling units, with a special exception permit for private roads, with possible conditions, and, pursuant to Botetourt County Code, Chapter 21, Article II. Administration, Section 21-25 Exceptions requests subdivision exception approvals to Sections 21-134(b), Streets. Alignment and layout; 21-134(e), Minimum widths; and Section 21-134(g), Culs-de-sac. The subject property is located on the north side of Wesley Road (State Route 653) approximately 0.27 miles northeast of its intersection with Roanoke Road (U. S. Route 220), identified on the Real Property Identification Maps of Botetourt County as Section 101, Parcel 136E.

Mr. Busby read the request aloud as he displayed the PowerPoint showing the surrounding zoning and an aerial, along with the concept plan and photos of the Orchard Villas in Roanoke County, a similar project.

Mr. Busby stated the existing property was zoned A1, Agricultural, surrounded by R1, Residential and A1 zoned properties. He further stated this was previously the Kinzie family farm; that the proposed project fronted on Wesley Road; approximately 46 acres; adjoined on east by the Appalachian Trail; and would contain 24 quadraplex units. Mr. Busby noted this would meet VDOT standards except for the rolled curbs and road width. He said this proposed project was modeled after a development in the Bonsack area of Roanoke County. He noted the actual access way to garages, that a portion fronts on road, then two behind.

Mr. Busby stated there were several parts to this request and the Planning Commission would hear three additional requests for exceptions to Subdivision ordinance, which would be heard only by the Planning Commission, not the Board. Mr. Busby said the ordinance required an attempt to connect to existing streets, which would be the first exception request. He said there was no right-of-way extension, and Mr. Foutz proposed more of a private setting. He explained that he wanted to eliminate future access with paper street and §21-134(e) the right-of-way width. Mr. Busby said the main entrance would be standard VDOT width, but side streets were substandard in width of 12' instead of 40'. Mr. Busby said the third exception was for side streets that did not have a "T" turnaround or terminus. Mr. Busby stated the Planning Commission was requested to provide a recommendation to the Board regarding ext amendments, rezoning, and a private roads SEP request, as he noted the three submitted proffers of Substantial conformity, a walking trail when 75% complete (or 18 units), and building exterior to be constructed with brick, stone or tacit.

Mr. Busby stated this request was in compliance with Comprehensive Plan, that it met the standards of medium density. Regarding the text amendments, Mr. Busby said that staff evaluated several localities, and Mr. Moorman and Mr. Sexton were present to comment if additional questions needed to be answered. Mr. Busby mentioned that Hampton Roads, Virginia Beach, and Northern Virginia had changed their minimum lot coverage from 60 to 50%; the front setback would be changed from 50' to 20' to eliminate confusion; he then clarified that structures that share walls must meet the minimum setback, which allowed them zero lot lines. He then drew attention to the recurring issue of lot width. Mr. Busby said he sent plans to Mr. David Firestone, who mentioned that as shown, was too narrow for fire apparatus to navigate and fight fires. He noted this was originally a 20' r/w easement, but the ordinance did not allow for easements in developments. Mr. Busby said the requested platted right-of-way, at 20' took land away from lots, and caused lots to be shifted down, so developer changed to 12' width.

Chris McMurry, of McMurry Surveyors in Daleville, stated that the idea from the villas, unique and different design. He said that most lots front on street, and was more of a garden type setting.

Mr. Nicely said that overall, the project looked reasonable. He brought up concerns relative to 12' streets, saying that particularly if this is retirement-type facility, they are most likely to need emergency facilities.

Mr. McMurry said they looked at villas and they have 9' wide driveway, drive in, two garages, one to each unit. For the question of "what if people park here", Mr. McMurry said they did not believe this would be the case garage because this particular garage would be 19' wide, with the driveway to 36' x19' house. He said parking would be available to each unit without being in the driveway and the previous with 20' only 44' with redesign, which would be 52' from house to house. He said there would be actually more room here. Regarding the concern with fire and rescue, Mr. McMurry said they needed 8.5' minimum, so he did not think this would be an issue.

Dr. Scothorn asked who would police the unit(s) that wanted to have a large number of friends over at one time.

Mr. McMurry said they could have six cars at a time that the Home Owners Association would take care of this issue, there would be plenty of parking, that the provided 20' wide Public Utility Easement was still there, and it could be turned into a right-of-way so it could still be used.

Mr. Kidd asked if that area could be made into a no plant zone.

Mr. McMurry responded they would have to amend site plan, because the actual ordinance required 83 trees. He indicated that would be acceptable, and they would have to make a 4' addition available on each side of the 12' to be used for access.

Mr. Griffin asked about common ground.

Mr. McMurry said it would be maintained by HOA and all exterior except for doors and windows would be handled by the HOA.

Mr. Busby asked about the PUE for utilities.

Mr. McMurry replied they could change the plan to make PUE access.

Mr. Kidd inquired about the distance from the main street?

Mr. McMurry responded it was 92'.

Mr. Nicely said that relative to closed in private street, that was not attached to adjacents, from safety and access this would probably be OK.

Mr. McMurry said they put this here to allow Alpine Road to run straight to Wesley Road, which made the connectivity rule better than redesigning a subdivision. For any future development, he suggested leaving Alpine Road open. Mr. McMurry said Mr. Foutz had no future plans to develop further, that this was all he asked to be done because his son would farm the rest of the property. He said there was some discussion of overall development because of this new concept. Mr. McMurry said they wanted to see how this does first. He noted the developer would be taxed on the property until it built on, and if this did well, and if Mr. Foutz desired, then they were not cutting off the road.

Mr. Nicely asked how much the units would cost.

Mr. McMurry said that Mr. Foutz would discuss.

Mr. Kidd said he had no questions on the road.

Mr. Foster cited his concern on the 12' width, particularly for the back units, and there was no access to the front of those units.

Mr. McMurry said if fire and rescue had an issue, they will go where they needed to go and offered to do a no plant zone if that was a concern.

Mr. Foster said he brought it up because county had a concern.

Mr. McMurry said he believed this would work, that they could change terminology. He said if a house was on fire, the fire department would go, and they would not have a plat. Mr. McMurry said they would add 4' to make 20' right-of-way, that it was all a private subdivision, and the HOA controlled all around the house.

Mr. Griffin confirmed the developer would have no problem making 12' width to a 20 right-of-way.

Mr. McMurry replied that as long as the 4' on each side was made into a PUE, as a compromise, they would add a 4' easement on each side.

Mr. Sherman Foutz of Troutville, was present to discuss his request. Regarding the road, he said he was just extending, and that another cul-de-sac joined this property. He said that was reason he extended, that he wanted a private road, not a lot of traffic in and out and that patio homes entertained the older people, and he did not think a state road would serve the purpose.

Mr. Griffin stated that Mr. Foutz would have to build the road to state specs.

Mr. Foutz said understood, because he used to be state inspector.

Mr. Kidd asked about covenants and restrictions.

Mr. Foutz said that modeled everything from villas in Roanoke County, and everything but doors and windows would be covered by the HOA. He said there would be general low lighting; all grass mowing would be done by the HOA. The HOA would handle street maintenance.

Mr. Kidd asked about recourse if someone did not pay.

Mr. Foutz said that after five days, he could foreclose and take them to court, and could sell their home.

Mr. Kidd wanted to know when the HOA would be set up.

Mr. Foutz said as soon as they started selling, and until it sold out. He said he was the Declarant, and once through, then it would go to HOA.

Mr. Kidd asked about cost and buildout time.

Mr. Foutz said it would cost homeowners \$110 per month, and in today's market, it might take five to six years to sell all of the units.

Mr. Kidd asked how the maintenance load would be carried if all of the units did not sell.

Mr. Foutz said he would start with eight and he would be responsible for them until they are sold.

Mr. Thurman wanted to know how many HOA situations existed in the county, and which was the oldest in existence.

Mr. Busby named six HOAs in the county, saying that Tinkerview Townhomes were the oldest.

Mr. Thurman said he was curious about success of HOAs in county, and wondered what would happen five years from now.

Mr. Busby noted the county received complaints where people wanted roads into the state system, citing the portion of British Woods that was not in the state system. He further noted that most citizens want public roads because of snow removal, maintenance, and homeowners not replenishing coffers, although a lot of subdivisions did not have an active HOA.

Mr. Griffin commented that most HOAs were ruled by the state.

Mr. Kidd asked if the designation would be under state legislation for HOA.

Mrs. Dillon said she could not answer that question.

Mr. Kidd asked about the condominium act.

Mrs. Dillon replied that the state has regulations, but she could not answer to what extent.

Mr. Busby stated it was not Mr. Foutz' intention for this project to be under the condominium act.

Mr. McMurry said they had looked at that early on, but rules, costs were substantial.

Mr. Kidd said he thought it was same piece of legislation that oversaw the monetary end.

Mr. Griffin stated that restrictions were recorded.

Dr. Scothorn asked about the cost for dwellings.

Mr. Foutz responded they would be in the \$259-300,000 range.

Dr. Scothorn wanted to know the value of the homes on Pinehurst Drive.

Mr. Foutz said he did not know, but thought they were about \$300,000.

Mr. Griffin asked about square footage, design, exterior, and roof pitch.

Mr. Foutz said the square footage ranged from 1550-1800, with a choice of three designs, the exterior would be vinyl or rock, the roof pitch would have some 8, some 7, some 5, and they would build identically to pictures shown on PowerPoint and in the packages.

Mr. Thurman confirmed with Mr. Foutz that the main private drive would be built to VDOT standards, but not the driveways.

Mr. McMurry said he wanted to compliment staff, especially Mr. Busby, because after Mr. Burkholder left, and appreciated that this project had been put together in short amount of time.

Mr. David Austin, of Daleville, brought up a concern on the plat, where it mentioned "No further development". Mr. Austin said it was obvious that ten times the amount of land needed had been stripped of all trees. He questioned why the trees had been stripped, if this was the only development. Mr. Austin brought up a concern of the cul-de-sac on alpine, and of a future tie-in. Citing safety issues such as children playing in the cul-de-sac, he said he didn't not want to see increase in traffic.

Dr. Scothorn asked Mr. Austin if he would be in favor of this project if there were no future plans.

Mr. Austin said that while he liked his privacy the way it is, he didn't want to say, because everyone has their rights.

Mr. James Conner of Daleville said he was all for development, but he wanted to see the road constructed as a VDOT road, for ambulance, etc., pointing out a recent fire on Wesley Road. He

noted the mostly volunteer fire department needed a lot of room. He brought up another concern of trash pickup, where the haulers need room and would have to back out. He asked about a proposed detention pond in front of his house, and wanted to know if there was any way to put it underground because of area children that would play there when it rains. Mr. Conner suggested widening Wesley Road at the 15' wide point, so that two vehicles could easily pass.

Mrs. Theresa Witcher of Daleville, spoke both as a resident and trail maintainer. She said she had maintained three miles of trail since 1985, that many local residents walk this trail, and she wanted to preserve natural aesthetics. She said the development would make it too crowded, that there was lot of traffic on Wesley Road, and it was too narrow. She then asked the Planning Commission to turn down rezoning proposal.

Mr. Foster wanted to know how close the trail would be to development.

Mrs. Witcher said it would be 200' wide, the trail was next to interstate, and if other part was developed later on, it would be only about 100' away.

Mr. McMurry stated the road would be developed to VDOT standards, but would remain private. Regarding the detention pond, Mr. McMurry said they were not to that point yet, but the location and putting it underground would be very expensive, although they would try to address safety concerns. Concerning the Appalachian Trail, Mr. McMurry said they had 878' of walking trail, and the Appalachian Trail property next to the Interstate was fairly overgrown. Regarding trash trucks, at end of road, there would be a turnaround to accommodate trash trucks.

When Mr. Griffin asked about the trees, Mr. McMurry said that Mr. Foutz would have to address that.

Concerning the detention pond, Mr. Griffin asked about the build out and the possibility of raising it.

Mr. McMurry said while that was more of a question for Mr. Rodney Pierson, he mentioned they could do cattails, etc to make it look like naturalized area and it could be can be made more appealing after construction.

Mr. Griffin asked about the width of Wesley Road, at the 15' wide section.

Mr. McMurry said he didn't take any measurements, but VDOT had 50' right-of-way in front of Mr. Foutz' place, that he could not speak to that and had not taken measurements.

Mr. Nicely questioned that with added traffic going out back to 220, if that would create a signaling situation.

Mr. McMurry replied that VDOT did not raise any issues, and there was sufficient stacking space.

Mr. Foutz then responded to question of tree cutting. He said he cleaned the area and his son would farm it. He said the 15 acres had about three acres of trees, and it had not been mowed for three years. Mr. Foutz said he took out orchard, grassed it, and sowed it, back to Valley Road; this would be kept for hay for his cows.

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

Mrs. Dillon stated that property owners could levy special assessments; she also stated the law provided for review of reserves every five years, and the HOA has to show its records every year for study.

Mr. Busby suggested that the Planning Commission first vote on the proposed text amendments.

Mr. Thurman then asked for a quick review.

Mr. Busby referred to the background report for the text amendments, and explained that text in black would remain the same, while the red text was new.

Mr. Nicely motioned to approve the text amendments as written. Mr. Foster seconded the motion, which was unanimously approved 5:0:0:0 with the following recorded vote:

YES:	Mr. Thurman, Mr. Nicely, Mr. Griffin, Mr. Foster, Mr. Kidd
NO:	None
ABSTAIN:	None
ABSENT:	None

Mr. Busby reviewed each proffered condition with the Planning Commission.

Mr. Kidd stated that 18 units, over six years, was lengthy time period to wait for walking trail.

When Mr. Foster asked if that included the 12' street, driveway, Mr. Busby noted that would be treated as condition of the SEP.

Mr. Nicely motioned to approve the rezoning from A1 to R3 and forward to the Board of Supervisors with the following proffered conditions:

1. The development will be built in substantial conformity to the concept plan dated April 25, 2014.
2. The walking trail as shown shall be installed when 75% (18 units) of the development is completed.
3. Dwellings shall be built with vinyl siding, stone and brick exteriors and tacit.

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

YES:	Mr. Thurman, Mr. Nicely, Mr. Griffin, Mr. Foster, Mr. Kidd
NO:	None
ABSTAIN:	None
ABSENT:	None

Mr. Nicely motioned to approve the three requested Subdivision Exceptions to Sections 21-134(b), Streets. Alignment and layout; 21-134(e), Minimum widths; and Section 21-134(g), Culs-de-sac.

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

YES:	Mr. Thurman, Mr. Nicely, Mr. Griffin, Mr. Foster, Mr. Kidd
NO:	None
ABSTAIN:	None
ABSENT:	None

Mr. Nicely motioned to recommend conditional approval of the SEP for Private Roads with the following conditions:

1. The developer shall provide a 4-foot wide access easement along both sides of each of the 12-foot wide side streets, for a total width of 20 feet for access.
2. The Homeowners' Association shall manage and maintain all open space areas, private streets, and stormwater management areas within the development.
3. Certification from a licensed professional engineer that the main street within the subdivision, except as specifically exempted by the Planning Commission, complies with VDOT standards shall be provided to the Zoning Administrator.
4. The side streets shall comply with VDOT standards in regards to compaction, base, and sub-base materials. The 4-foot wide access easement along both sides of the 12-foot wide side streets shall comply with VDOT standards in regards to compaction.

Both Mr. Kidd and Mr. Foster seconded the motion, which was unanimously approved 5:0:0:0 with the following recorded vote:

YES:	Mr. Thurman, Mr. Nicely, Mr. Griffin, Mr. Foster, Mr. Kidd
NO:	None
ABSTAIN:	None
ABSENT:	None

*At 8:55 PM, by general consensus, Mr. Griffin called for a five min recess, and the public hearing was reconvened at 9:00 PM.*

**Pursuant to the provisions of Section 15.2-2204 of the Code of Virginia of 1950, as amended, the Botetourt County Planning Commission hereby gives notice of a public hearing to be held on May 12, 2014 at 6:00 p.m. in Old District Courthouse, Fincastle, Virginia to consider proposed revisions to Chapter 25, Zoning of the Botetourt County Code. The proposed ordinance amendments are to add a new zoning district known as "Research and Advanced Manufacturing"("RAM"). The RAM district would primarily be for research, engineering, testing, development, light industry and manufacturing uses with supporting accessory uses and facilities. The intent of the District is to offer single establishment or multi-establishment buildings in a**

location accessible to primary highways and arterials with proximity to other existing and/or planned office, commercial, industrial and institutional land use activities with utilities and superior road access. Permitted uses include manufacture, processing, fabrication, testing and/or assembly of certain products, welding or machine shop, manufacture and processing of certain previously prepared materials, laboratories, research and testing, certain public utilities, conference or training center, commuter parking lot, commercial bakery, and workforce academy. Uses by special exception include telecommunication tower, water or sewage treatment plant, utility substation, government buildings and functions, radio and TV broadcasting, relay station, heliport, hospital, welding or machine shop including punch presses exceeding forty-ton rated capacity and drop hammers, and day care center. Minimum district area is 10 acres with a reduction to no less than 5 acres with a special exception. Lot requirements are minimum 1 acre area and 100 feet width, with minimum yards of 40 feet (front), 20 feet (side), and 40 feet (rear). Buildings no higher than 60 feet unless by special exception; minimum building setback of 40 feet; maximum floor area ratio of 0.50; impervious surfaces not to exceed 70% of lot area. All development to be served by public or community water and sewer, and no lot access through residential areas. Testing and manufacturing operations must take place inside unless by special exception, outdoor storage areas must be screened and all utilities must be under ground.

As Mr. Busby read the request aloud, Mr. Moorman explained that the intent of the new zoning use district was basically to accommodate all phases from research to final distribution; that none of current districts accommodate this; the text amendments would not replace but would be supplemented to the current Industrial and Planned Office Park Use Districts. Mr. Moorman stated that the Board's interest would be to request to rezone county owned property next month. He mentioned this would be done with Greenfield in mind, but would be available for the entire county.

Mr. Griffin asked if there would be any new streets and Mr. Moorman stated there would be no impact on development plans.

Mr. Kidd wanted to know if medical included dental.

Mr. Moorman confirmed that medical did include dental.

Mr. Moorman stated that staff discussed that, if approved, then 650 acres would be available for manufacturing use if rezoned to RAM, while there currently 550 acres were zoned as a business park, and 100 acres were zoned as POP.

Dr. Scothorn endorsed this request and said that in Richmond, this would be another check mark to bring companies here and this was a good move in the right direction.

Mr. Nicely motioned to approve the RAM Use District and forward it to the Board of Supervisors.

Mr. Griffin seconded and the motion was unanimously approved 5:0:0:0 with the following recorded vote:

YES:	Mr. Thurman, Mr. Nicely, Mr. Griffin, Mr. Foster, Mr. Kidd
NO:	None

ABSTAIN: None  
ABSENT: None

**Other Business**

There was no other business.

**Adjournment**

There being no other business, on motion by Mr. Foster at 9:15 PM, and seconded by Mr. Nicely, the Planning Commission adjourned with the following recorded vote:

YES: Mr. Thurman, Mr. Nicely, Mr. Griffin, Mr. Foster, Mr. Kidd  
NO: None  
ABSTAIN: None  
ABSENT: None