



**Town Council
Adjourned Council Meeting Minutes
February 2, 2021**

The Town Council of Bedford, Virginia, held an adjourned meeting on Tuesday, February 2, 2021 at 6:00 p.m. in the Council Chambers of the Town Municipal Building at 215 East Main Street, Bedford, Virginia.

Town Council members present:

Mayor Tim Black, Vice Mayor Steve Rush, Councilman Stacey Hailey, Councilman Bruce Hartwick, Councilman Bruce Johannessen, Councilman Darren Shoen, and Councilman C. G. Stanley

Town Council members absent:

None.

Town Staff present:

Town Manager Bart Warner; Assistant Town Manager Sonia Jammes; Town Attorney William W. Berry, IV; Chief of Police Todd Foreman; Director of Planning and Community Development Mary Zirkle; Clerk of Council Debra B. Anderson; and Recording Secretary Julia Peters

Mayor Black opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Black stated that the purpose of this meeting was to continue the discussion regarding the proposed development next to Governor's Hill. This is Council's opportunity to talk amongst themselves and ask any questions to help facilitate the direction of this proposed development project. The plan is in front of Council under a Conditional Use Permit (CUP) that needs to be evaluated and determined if Council wants to approve it or if additional conditions should be included, or if Council should turn the project down. He said the public was heard and Council received a lot of feedback from them and they also heard from the developer. He thought that the Council members understood what the issues were and hoped they could reach some resolution. He opened up the discussion for Council's comments.

Councilman Hartwick said he toured Governor's Hill on Saturday. He understood why the current homeowners were afraid of the flooding issue since the buildings would be constructed up on the hill. He also noted a big concern was putting a road in the middle of the cul-de-sac. He wanted to explore an alternative route as opposed to going through the cul-de-sac.

Councilman Johannesson voiced similar concerns with the cul-de-sac. The folks that bought houses there did not plan for it to be a through-route for drivers. They bought on the cul-de-sac to have a quiet place for children to be and not for through travel. He has some heartburn to approve it and he thought there should be a better route into there and would like to know if other property could be purchased at a reasonable price and maybe even with Town assistance so they could come out with a win/win. He did not think running into the cul-de-sac is a win and he thought it would be a bad idea.

Vice Mayor Rush said he had contacted Wayne Hale who emailed that the road can be done but it must meet state standards and sight distances. He asked Police Chief Todd Foreman to address the Council regarding what the Department of Transportation said about the school buses.

Chief Foreman reported that he had contacted Transportation because he was concerned about the school buses not getting through the roads. If the school buses could not get through, then fire trucks would not be able to get through there. The school buses actually can get through but they currently do not travel in there because the kids can walk up to $\frac{1}{4}$ to $\frac{1}{2}$ a mile. This is the policy for both the County and the Town because the kids can walk to a bus stop instead of stopping at all the houses.

Vice Mayor Rush asked Chief Foreman to explain the traffic count that was done.

Chief Foreman said the traffic count was done at the bottom of the hill before Coolbrook, catching the people leaving the neighborhood going westbound in direction and going towards Town and Country. They could be coming off of Industrial, coming down the hill, or turning off of Emerald Crest to get to the bottom of the hill. The average count was 725 and it showed that only 5% of those people driving that road were complying with the speed limit.

Vice Mayor Rush said to give Council an idea of the area, he went online and obtained the average traffic counts for the neighborhoods. Oakwood was 3,600 per day; Whitfield was 1,800; Link Road 4,700; Shady Knoll 600; and Pinehurst 490. He stated he has worked and lived in the community all his life and for years citizens have complained that Town Council turns down developments. Bedford has had a stagnant population for 15 to 20 years of 6,500 residents, even with the 300 brought in by the reversion. He understands the concern with new residents of Governor's Hill yet the neighborhood was built for density. He had sold houses there when there were the stormwater issues which was an engineering problem that was approved years ago. The stub road on Crest Ridge showed that one day, something would be going in there. Regarding the traffic on Burks Hill, he noted that about six months ago, Council considered doing sidewalks from the Visitor's Center to Liberty Lake and there was concern about putting a crosswalk there so the conclusion was to put a rest island and cut the road down to two lanes with the middle lane for turning so there would be one way in and one way out, producing traffic calming. Industrial would have more traffic coming in but he does not think it would be as hazardous as it is now.

The Comp Plan in Section 1129 says that consistent planning for the Town in the near term as to meet the greater residential population to attract investors and opportunities. The data from census 2018 shows the Town population at 6,547 which is stagnant. The Town is not growing and the median age for folks in Town is 38.1 years. The median household income is \$44,270 and the median property value is \$56,800 with home ownership at 49%. Half of the houses are rentals with the median home built in 1966 and the median apartments built is 1982. The Town has always been considered a bedroom community due to its location between Roanoke and Lynchburg and most people commute 22.6 miles from their jobs. The big thing about the development being discussed is the price point at \$229,000. It will take folks that make more than \$44,270 a year to buy those homes which increases the disposable income. People would have money in their pocket to shop and eat in Town. It benefits the tax base and higher income residents have more disposable income. The R-1 development, by right, has no conditions, except for setbacks. Lots will be sold to whomever and there is no control on the design of the homes. But the big concern is the one way in and the one way out. Last year, 22 residents said they sold in Governor's Hill and currently there are six still on the market. Just about all of them sold for the listed price. Mr. Rush added that he had not made up his decision yet but with the PRD, there would be some control as to how the homes look and what the amenities would be. If it were to be single-family, the fire code requires a second exit anyway for a fire truck to enter. There will be a lot of traffic on Crest Ridge if single-family homes are built.

Councilman Hailey noted that the discussions have been ongoing and he is very concerned for the citizens that live there but he also wants to see the Town grow. He is torn either way with trying to protect the citizens and move the Town forward.

Councilman Shoen said he serves on the Planning Commission and they need to take into account that the Planning Commission denied it, which cannot be disregarded. Clearly the traffic is the main issue which he would be concerned if he lived there too. This is a tough call because the Town needs development and has not had it. The intent of the Planned Residential District (PRD) is allowing for a balanced mix of housing types, which is not here. Even though there would be some control over what these houses look like, and more control than if single-family homes were built, he does not see this plan giving the Town a whole lot. He sees a lot of patio homes especially in the first four years and he is not guaranteed that the rest would come. This has happened in Bedford before, where the project is not finished. In weighing out the development aspect of it, it is best for the Town to have some good managed growth. If the CUP is denied and the builder is taken at his word, "bare bones" single-family homes would be built. He is not sure how good the business would be if advertised as putting up "bare bones" homes, and if there is only one entrance and exit, people buying these homes would want to take this into account. There still will be growth if the single-family homes are built and as a Town, there will still be some gain. It sounded like the residents are fully aware that if the CUP is voted down, there will still be a lot of building and what he is hearing is that they are good with it. He did not hear from anyone who was in favor of the CUP. What he heard was an overwhelming and resounding "No" and they all are fully aware that the property would not stay timbered and something was going to be built there anyway.

Councilman Stanley stated that he was aware of what the Town is up against and he did not mean he was either for or against this project. What he sees behind his house, the Oakwood

Villas are well-planned, well laid-out, and the developer did have Town Hall meetings and explained to the community of people interested what they were going to build and the intent. It was marketed as more of a “retirement” type project and there was a big interest. Oakwood Villas had approximately 125 units on 17 acres of land while this is entirely different. The concern is with the entrance having a lot of traffic and he would be more comfortable if there was an alternative route somewhere or whether it is a possibility. He has been in Governor’s Hill and looked through there and would not want traffic going in and out of the cul-de-sac. It is a borderline nightmare to him. The Town needs growth and he wants to see growth, but Council must decide what the best option is. If this plan is decided, it will be done in phases so the Town could be looking at 10-12 years down the road whether it is completed or not. He thinks adding another entrance on the lower side would ease many concerns and problems although there is still more tweaking to be done.

Mayor Black thought everyone was on the same page. They all have been out at Governor’s Hill, talked to the neighbors, talked to the developers, and read emails. He understands the issues. Expanding the tax base is one of the most important things the Town can do. There are plans to do many things but they cannot be done if there is not some growth. The opportunity with the CUP is the Town can drive the discussion and work with the developer and put some conditions to make the subdivision look appropriate and accommodate the current residents. The other option that is mentioned is giving up control and then the developer can build single-family homes to their specifications. There will be a traffic issue no matter which way it goes. The traffic numbers are about the same whether patio homes or single-family homes. He would like to see a separate road and he is willing to discuss it with the developer to make it work. He is worried about the traffic and wondered if there was another way to configure the streets system. As far as the buffer between the existing projects and the new project, with the CUP there is a chance to have the setbacks and what the buffer looks like. If not, the regulations will tell the Town what they are and everyone will have to live with that. It is a tough call and people will be affected so Council needs to continue to discuss it.

Mr. White came forward and said he wanted to address the “bare bones” comment. What he meant when he said “bare bones” is the infrastructure. There would be roads, curbs, and sidewalks but no community parks or any type of community plans. The cul-de-sac tie-in was not the original option, it was only to be for emergency vehicles to meet fire marshal requirements. That was why there was discussion about everything coming down Crest Ridge as the one point access. His preference would be not to build the road onto the cul-de-sac. They only have to address the fire marshal’s requirements and do not have to have a second full-access point. After receiving feedback, they decided to split the access between the two points. The property owner chose not to build the two units so there would be a full-access point through there. If they go by-right, they will meet the development standards that are set forth in the code. As far as the buffer, if they go by-right and in order to get the unit count they need, they will probably not have a buffer, it will be clear-cut to the property line, so they can maximize the build for future development of single-family detached homes. They looked into some kind of alternate route to get up to Burks Hill. Whenever a road is built, it will cost \$1 million per mile. They looked at the opportunity to go behind the cul-de-sac and come off the top of the hill to get back over to Industrial. However, there would be 60 foot of grade relief coming from that point back behind the cul-de-sac to get down where the creek is to get back up to Industrial. It is only

725 feet of road, but the road cannot be built more than 10% grade, so being 225 feet away from the creek, there would have to be a 40 foot fill over top of the existing creek, which would cost \$1/2 million just to fill the area in, without including the asphalt, curb and gutters. It is about 35% grade coming off the back side of the hill which cannot easily build to get access over to Industrial. This is why they felt having the cul-de-sac tie-in was a benefit to split the traffic but if they go by-right, they probably won't be able to afford to do it. Any development that goes in there won't be able to afford to build a steep fill zone over the top of a creek, which they don't know with permitting requirements for stream disturbance, if it would be allowed. Just a short road could be \$3/4 million to get 750 feet of road because of the fill issue. This piece of property is a little locked but there are alternate routes now, so they are not putting a lot of growth onto one access point. Mr. White said that the one-way in and out is typically not a deterrent for new home builds. A number of developments have been done with this issue in the County and it is not a deterrent for selling lots. If single-family homes are built, the developer may build some of the homes but he will probably market lots for other builders to sell. There would then be a number of developers in and out, not just this one home builder. There would be approximately 130 to 135 single-family homes so there would be about the same amount of traffic as a multi-family development. Therefore, he and the developers feel the secondary full access point is a good option as well as the buffer for the existing homes that have ten foot rear yards; giving relief to the adjoining neighborhood. Any new single-family homes would probably be small because they would need the count to be as high as possible and cost between \$225,000 and \$250,000. The patio homes sell before the developer can even build them. There is a huge market for that type of living with one-level, 1,600-1,800 square feet and low maintenance. They are trying to provide a product that people want and what they are buying right now. Mr. White answered a few additional clarifying questions from the Council members.

Mayor Black said the decision will be which project the Council is comfortable with. The traffic will be the same regardless. He still likes the fact that the Town would have some control with the CUP.

Councilman Shoen stated they would not be able to get another road access into the development even though they want it, it is not happening. The first two phases would take four to six years and there would be no park in the first two and a half phases with nothing but patio homes. The vast majority if not all the residents seem to be content with this being a single-family development and he still sees the Town benefitting from it, getting growth and development.

Vice Mayor Black concurred with Councilman Shoen.

Councilman Stanley felt that Council has an obligation to the residents of Governor's Hill but also to the developers. He agreed with Councilman Johannesson and has heartburn with this decision. If the residents are content with a subdivision, then certainly the Town will win, with income from taxes and so forth.

Vice Mayor Rush and Councilman Stanley acknowledged that these types of projects only come along every 15 or 20 years. Mr. Rush stated that if there is one entrance, the parking situation must be looked at on Crest Ridge. Having parking on both sides of the road is a disaster waiting to happen with kids.

Councilman Hartwick asked Mr. White if there was a possibility of having a combination of townhomes and single-family homes.

Mr. White replied that the developers are going to do either patio homes or single-family homes.

Councilman Hailey asked Mr. White if the developers were signing a sales contract this week to move forward on this project or if Council had another week to review and make a decision.

Mr. White was not sure but in his conversations with the developer, having another access point would have obtained the CUP approval last week and there would not have been the discussion tonight. There are no other routes to get in and out of the neighborhood and the developers are anxious for him to get started on something. He also wanted to emphasize that with the price of the land, the developers want to build on that property whether it is patio homes or single-family homes. They need to move forward one way or another.

Councilman Shoen stated that, as he had asked at the meeting last week, whether Phase 1 and Phase 2 could be done with a condition that continuation of the project hinged on additional access. He was answered with a “no” from the developer.

Mr. White thought that the developer’s position was that half of the development should not be approvable until something was found later on. It would be staggering the development in phases in a way that would not do the tie-in to the cul-de-sac to allow for additional investigations to happen over the next 6 to 12 months. If they could not find that extra route, he would need to build out his project as a whole. The first phase is to do the loop connection to go from the cul-de-sac all the way back to Crest Ridge to get the split of traffic.

Vice Mayor Rush moved, seconded by Councilman Stanley, to move forward with the presented plan for the PRD.

Voted upon by a roll call vote. Roll call as follows:

Councilman Hailey	nay
Councilman Hartwick	aye
Councilman Johannessen	nay
Vice Mayor Rush	aye
Councilman Shoen	nay
Councilman Stanley	nay
Mayor Black	nay

The motion failed with five members voting nay and two members voting aye.

ADJOURNMENT

Mayor Black adjourned the meeting at 7:05 p.m.

Tim Black, Mayor

Debra Anderson, Clerk of the Council