

The Roanoke Times

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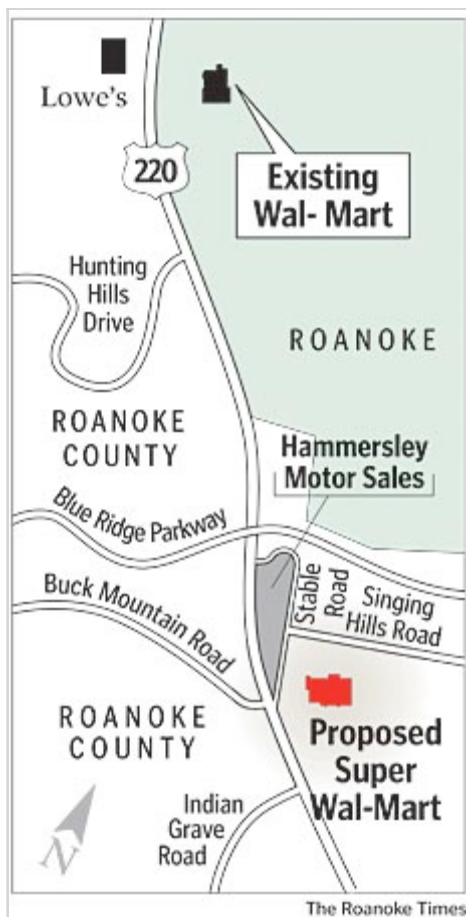
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Judge considers whether to dismiss Wal-Mart lawsuit

Several residents say Roanoke County violated its own rules when it allowed the plan.

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A group of Roanoke County landowners fighting the location of a Wal-Mart Supercenter in their neighborhood will have to wait awhile longer to know whether a court will hear their plea.

Circuit Judge Robert Doherty heard arguments Monday in an effort by the county to have the case dismissed.

After taking extensive notes during the two-hour exchange, Doherty told the lawyers he would consider the case and send them a written decision later. He said he was not sure how long that would take.

Roanoke County Attorney Paul Mahoney and Greg Haley, who is representing developer Holrob Associates, argued that Doherty should read and consider a wide range of documents related to the case, and should rule that it is without merit.

Philip Strother, a Richmond attorney representing the landowners, countered that even if the judge considered the entire record sought by the county, he should still allow his clients their day in court. They want to argue that the county didn't follow its own procedures in approving the Wal-Mart.

After a marathon public hearing on the night of Oct. 24-25, the board of supervisors rezoned a small portion of property and granted a special-use permit for a 41-acre tract Holrob was marketing to Wal-Mart.

The site is just south of the Blue Ridge Parkway along U.S. 220. The county and residents acknowledged its changing character in 2000 when 130 residential and agricultural acres were rezoned to commercial.

The county also approved an overlay zoning district that imposed strict restrictions on building design, landscaping, lighting and signs. It required that any building larger than 50,000 square feet would require a special-use permit.

The proposed Wal-Mart will be greater than 200,000 square feet. Critics of the special-use permit assert that violated the spirit if not the letter of the special zoning district.

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