

Mr. Griffin called the June 9, 2014 meeting of the Botetourt County Planning Commission to order at 6:02 PM, in Meeting Room 102 of the Old District Courthouse in Fincastle, Virginia.

PRESENT: Mr. John Griffin, Chairman
Mr. Hiawatha Nicely, Jr., Vice-Chairman (*arrived 6:26 PM*)
Mr. William Thurman, Member
Mr. Steven L. Kidd, Member
Mr. Sam Foster, Member
Mrs. Elizabeth Dillon, County Attorney
Mr. Jeffrey Busby, Planner
Mrs. Laura Goad, Administrative Assistant

ABSENT: Dr. Mac Scothorn, Ex-Officio Member

ALSO PRESENT: Mrs. Kathleen Guzi, County Administrator
Mr. Jay Brenchick, Economic Development Manager
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 May 12, 2014 minutes and requested a motion.

Mr. Kidd motioned to approve the May 12, 2014 Planning Commission minutes as written. Mr. Foster seconded the motion, which was approved 4:0:0:0 with the following recorded vote:

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

Mr. Griffin stated noted the Planning Commission would meet in the Kroger parking lot for the field review on Thursday, July 10, 2014 at 3:15 PM.

Public hearings

Fincastle District: Russell C. Anderson (with Earl I. Austin, tenant) requests a Special Exception Permit, with possible conditions, for a private dog kennel for up to twenty (20) dogs in an Agricultural (A-1) Use District on 1-acre portion of the 65.24-acre parcel located at 787 Brahma Road, Eagle Rock, approximately 0.79 miles southeast of the Brahma Road (Route 706) and Tucker Farm (Route 705) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 34, Parcel 54.

Mr. Busby read the request aloud as he displayed the zoning map and noted the star indicated proposed location. He mentioned the photos included in the Planning Commission package, stating that Mr. Austin wanted to keep dogs for hunting purposes and for the dogs to have some puppies

in future. Mr. Busby further stated the proposed kennel would be located on one (1) acre portion of a 65-acre parcel. He said kennel currently housed seven (7) dogs (five beagles and two hounds) and the applicant requested up to (20) twenty dogs in total. He noted the 10'x10' kennels contained a gravel base with 2"x6" boards to keep the dogs from digging out, and there was only one dog per kennel. He said Mr. Austin would use dog training collars for barking, and a system similar to Doggie Dooley would be used for waste removal. Mr. Busby pointed out the property was surrounded by mostly A1 zoned properties with a National Forest to the east and a National Forest to the west. He commented that during site visits, he had not been approached by citizens with concerns and never had a situation with neighbors at this location. Mr. Busby stated that both Mr. Isaac Austin and Mr. Russell Anderson were present to discuss this request.

Mr. Foster asked about the location of the one acre portion, noting that if not conditioned could be anywhere on the property; He confirmed that Mr. Austin had designated a location on site plan, noting the Planning Commission could possibly the request, if approved..

Mr. Earl Isaac Austin was present to discuss his request.

Mr. Griffin asked Mr. Austin to elaborate on the amount of 20 dogs.

Mr. Austin said he would like to keep about ten dogs, and the number of 20 would include puppies that he wanted to raise. He said he wanted to add more kennels but if dog had puppies, it was his intent to keep some puppies to train for hunting, but he would get rid of others.

Mr. Griffin indicated that he understood, and asked about keeping the one acre in parcel in a specific location. He said he was trying to determine where the kennel will be and asked Mr. Austin if a condition of the specifying the kennel location would be a problem.

Mr. Austin said he had no problem with a condition of locating the kennel.

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

Mr. Griffin said he had no problem with this request, but wanted only condition of keeping kennel as shown on the site plan submitted by Mr. Austin.

Mr. Griffin motioned for a private kennel be forwarded to the Board of Supervisors with a recommendation of approval on the condition that one (1) acre stay where plotted on site plan with the application, and on the basis that the applicant has satisfactorily demonstrated that the proposed use will have little to no adverse effects upon the community or other properties in the vicinity of the proposed use or structures according to the Zoning Ordinance Section 25-583 and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

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

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

Amsterdam Magisterial District: The Botetourt County Board of Supervisors and Lawrence Transportation Systems, Inc., request to rezone a 120.233-acre+/- tract from Planned Office Park (POP) Use District and 674.484-acres+/- of Industrial (M-2) Use District, with possible proffered conditions, to a Research and Advanced Manufacturing (RAM) Use District to revise the use of this property to include research, design, manufacturing and fabrication within the Botetourt Center at Greenfield. The property is located on International Parkway (Route 839), Daleville, VA, approximately 0.6 miles west of the intersection with Roanoke Road (US Route 220), identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcels 20, 20C2, 20D, 20E, and 20B.

Mr. Busby read the request aloud. He explained the zoning map displayed on PowerPoint, as he noted a subdivision to the south; then property zoned A1, Agriculture, a subdivision, Greenfield Elementary School and Ashley Plantation to the east. Mr. Busby further explained that neither the Education Training Center, nor Altec was included in this request. He showed the aerial photo as he noted the existing structures, and the pad ready site. Mr. Busby remarked that the Planned Office Park designation was more popular at the time the park was created, but it was now more popular to include research and development, in addition to manufacturing for industrial parks. Using the zoning maps, along with the current and proposed maps, he showed the 100' buffer around perimeter, and noted future plans to connect and connect to crossover when built out. Mr. Busby said that both Mrs. Guzi and Mr. Brenchick were present to speak to this request.

Mr. Griffin asked Mr. Busby to go over the request from last month.

Mr. Busby described the text amendment to add Research and Advance Manufacturing Use District to the Botetourt County code. He explained that the Board of Supervisors adopted this as recommended, which would allow the county to request this rezoning, as he noted the Board would have the final say.

Mr. Griffin inquired about the two rezoning and if they were combined.

Mr. Kidd wanted to know if there was anything in the RAM classification that would keep either of these properties from using permitted uses in M2 classification, that they would currently be allowed to do.

Mr. Busby said that M2 was used as a base for this ordinance, and more modern uses were added, that everything in M2 was included in RAM; He stated that Lawrence Transportation would be able to be operated in perpetuity.

Mr. Kidd asked about dental being included in medical, and questioned if the definition was still the same.

Mr. Busby indicated that dental was included in medical, and said the definition was still the same.

Mrs. Guzi brought up a slight clarification. She stated the Board did tweak some language to allow more accessory uses, such as agriculture. She further stated that the intent for POP, over last 20 years had changed and the POP was now best left to private sector. Mrs. Guzi observed that M2 did not meet today's needs and should include research; that a business could now go from research to

test to manufacturing. She said this was especially important with small businesses, that they wanted to have some small lot development in a smaller area, to reserve for two-acre lots especially for small entrepreneurs, yet they still wanted to keep the manufacturing component.

Mr. Griffin confirmed the two-acre lot size with Mrs. Guzi, who said that in terms of subdividing, the county still wanted to have the large area, but include a section for smaller lot sizes.

When Mr. Griffin asked about the minimum lot, Mr. Busby replied there would be a one-acre minimum, and Mrs. Guzi noted the county was trying to capture the entrepreneur.

Discussing the agricultural component, Mr. Kidd, wanted to know if a use similar to the new greenhouse in Dublin, would be permitted in Greenfield.

Mrs. Guzi responded if the greenhouse was to sell only, then no, but if there was a manufacturing component, yes.

Mr. Griffin asked about a car garage. Mrs. Guzi said that would not be allowed because it was not manufacturing.

Mr. Nicely arrived at 6:26 PM.

Mrs. Guzi said the main impetus came down to return-on-investment, investment in the park, utilities, and the need to get the biggest bang for the buck.

Mr. Nicely apologized for being late.

Mrs. Guzi said the return on investment was the main reason.

Mrs. Betty Jo Vest, an adjoining property owner in the Fairview subdivision stated her concern with what would go in Greenfield with the new research portion, and use of chemicals due to the use of wells for their water supply. She asked them to take the adjacent residential uses into consideration.

Mr. Griffin replied that everything would have to be approved by county.

Mrs. Guzi said anything used would be regulated either by the county or the Department of Environmental Quality.

Mr. Kidd commented that the agricultural portion would not include livestock.

Mrs. Guzi noted the county conducted a community meeting, and approximately ten citizens attended during the approximately two hours to learn about the proposed rezoning and the new RAM district. She said citizens were encouraged to contact staff.

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

Mr. Griffin commented that times were changing, and the county needed to stay with times, and the rezoning should be a good thing, noting Blacksburg's progress.

Mr. Nicely said he had served on economic development commissions in southwest Virginia and the New River Valley. He said the rezoning was one of the best moves by the county.

Mr. Nicely motioned to approve rezoning from the M2 Use District to the Research and Advanced Manufacturing. 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. Kidd, Mr. Foster
NO:	None
ABSTAIN:	None
ABSENT:	None

Mr. Griffin stated the Planning Commission would now go to Other Business.

Mr. Busby recalled the cell tower request from Oriskany, and noted in several conversations the applicant had indicated his intent to withdraw. He said that Staff had not received written notification. Noting that in some cases without written notification, a lack of action by the Planning Commission might be deemed an approval, Mr. Busby requested discussion with Mrs. Dillon regarding Planning Commission options for action, to defer or to extend the tabling period.

Mrs. Dillon stated the applicant had applied for a 2232 Commission Permit with a Special Exception Permit for a telecommunications tower. She further stated that the commission permit would be deemed approved if there were no action within 60 days of the hearing. She noted that while the next meeting would be greater than 60 days, there was also a provision to extend the period of time, so it would not be deemed an approval. She said one option would be to request the Board of Supervisors to extend time to consider at the next Planning Commission meeting. Mrs. Dillon said other option was to do nothing at this meeting and allow the commission permit approval to go through, but not approval of the SEP. She also said the Planning Commission could take action Mrs. Dillon said that after discussing with Staff, typically the procedure for bringing a request back was to re-advertise at the applicant's cost and notify the adjoining property owners.

Mr. Kidd wanted to know if the Planning Commission asked the Board for an extension, and should the Board not grant, if that would be considered a lack of action.

Mrs. Dillon said another option would be to hold a special meeting, or the Planning Commission could consider the 2232 Commission Permit tonight.

Mr. Kidd asked how long the applicants would have to wait to reapply if their request was denied.

Mr. Busby said if denied, they would have to wait one year.

Mrs. Dillon said the commission permit was not specified, but the applicants would have to wait one year on the SEP.

Mr. Foster questioned what would happen if the Board granted the Planning Commission's request for an extension.

Mrs. Dillon responded that the Planning Commission could then consider the request at their next meeting. She noted a withdrawal from the applicants was possible; if not, advertisement would be prepared within a certain time.

Mr. Griffin asked about hearing the request in August.

Mrs. Dillon said the time period depended on the amount of time the Planning Commission requested from the Board.

After further discussion, Mr. Kidd suggested the Planning Commission request a four (4) day extension and the send correspondence to them for next month.

Mr. Stephen Lemon of Roanoke, asked to address the Planning Commission before their vote. He said he was an attorney for adjoining land owners. He said the applicant had not communicated and before the Planning Commission acted he asked they consider that this was a risk the applicants hadn't earned. Referencing emails from planning staff, Mr. Lemon said the information was from last month. He continued by saying no contrary information since then had been received to allow for the permit; that it appeared in risk for delay, which would be deemed approval and advance them in their cause; that they had not earned the benefit of the doubt. Mr. Lemon asked them to deny their request.

Mrs. Dillon noted that if Board chose not to grant the extension, the Planning Commission had to fail to act in order for it to be approved. She further noted approval was only for the commission permit, not the SEP.

Mr. Kidd questioned the possibility of commission permit approval without SEP approval.

Mrs. Dillon replied the applicants could not do anything with just a commission permit.

Mr. Griffin asked if the SEP would go away after 60 days.

Mrs. Dillon responded that an SEP was not granted with passage of time, and it would have to be tabled again.

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

Mr. Kidd motioned to request a four (4) day extension from the Board of Supervisors for the Ray M. Crush/U.S. Cellular commission permit and should they deny, the Planning Commission would have special meeting to act on that request. 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. Kidd, Mr. Foster
NO:	None
ABSTAIN:	None
ABSENT:	None

Mr. Kidd asked if the request should be advertised and if this meeting would be reconvened.

Mrs. Dillon responded that the request should be advertised, but to first wait for the Board's decision. She said if the Board denied the Planning Commission request, then Mrs. Goad would notify of a special meeting.

Adjournment

There being no other business, on motion by Mr. Kidd at 6:46 PM, and seconded by Mr. Griffin, 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

