

Mr. Griffin called the November 10, 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. Steven L. Kidd, Member
Mr. Sam Foster, Member
Mr. William Thurman, Member
Mrs. Elizabeth Dillon, County Attorney
Mr. Jeffrey Busby, Planner
Mrs. Laura Goad, Administrative Assistant

ABSENT: Mrs. Nicole Pendleton, Planning Manager/Zoning Administrator
Dr. Mac Scothorn, Ex-Officio Member

ALSO PRESENT: Mr. Cody Sexton, Information Specialist
Mr. Jay Brenchick, Economic Development

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 noted that Mrs. Pendleton would return after the recent birth of her son. Mr. Griffin stated the Board of Supervisors would hear this request on November 25, 2014 at 6:00 PM at the Greenfield Education Training Center.

Mr. Griffin asked if there were any discussions regarding the October 15, 2014 minutes and requested a motion.

Mr. Kidd motioned to approve the October 15, 2014 Planning Commission minutes as written. Mr. Foster and Mr. Nicely 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 noted the Planning Commission would meet in the Kroger parking lot for the field review on Thursday, December 4, 2014 at 3:15 PM.

Public hearings

Blue Ridge Magisterial District: Dynax America Corporation and Murray Cider Company, Inc. request to rezone a 4.390-acre portion of a 20.148-acre parcel owned by Dynax America Corporation from an Industrial (M-2) District to an Agricultural (A-1) District and a 3.326-acre portion of a 88.326-acre tract owned by Murray Cider, Inc. from an Agricultural (A-1) Use District to an Industrial (M-2) District, with possible proffered conditions, for the purpose of a future boundary line adjustment and expansion of the existing Dynax America Corporation facility; request the removal of proffered conditions and special exception conditions related to the subject parcels; and request to vacate and relocate several portions of 20-ft.-wide

and 40-ft.-wide drainage and public utility easements as shown on the plats recorded in the Botetourt County Office of the Clerk of the Circuit Court in Plat Book 18, Page 175 and Plat Book 17, Page 72. The properties are located at 568 EastPark Drive (State Route 1499) Roanoke, VA 24019 and 103 Murray Farm Road, Roanoke, VA 24019, approximately 0.23 miles southeast of the EastPark Drive (State Route 1499) and Cloverdale Road (Alternate U. S. Route 220) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 108, Parcels 140 and 140C and Section 108(13), Parcel 7.

Mr. Busby read the request aloud as he displayed the zoning map on PowerPoint. He stated that this request was required for future expansion; the 144,000 square feet southwest of ALT Route 220. He further stated that the Dynax property was currently zoned Industrial, M-2 which would receive 4.3 acres from the Murray farm and in turn, would deed a piece of property to Murray Cider. Mr. Busby explained that the land received by Murray Cider would have conditions added for the Murray farm airstrip; Proffers would added to the Dynax portion regarding EastPark conditions and those same EastPark, Phase 3 conditions would be removed from the proposed Murray Cider property. He further explained that a Boundary Line Adjustment could only be completed when the same parcels have same covenants and restrictions. Mr. Busby described the Dynax America expansion as having approximately 200 parking spaces, a new entrance from EastPark Court that would provide good access, and would be controlled by the stop light at ALT Route 220. He further described the amount of cut and fill with the large, steep hillside to be cut, and the ravine to be filled. Mr. Busby noted this was slated to be industrial in the current Future Land Use maps, and that Murray Cider was slated for medium density residential and both were in conformance to Botetourt County 2010 Comprehensive Plan. Mr. Busby said that Dynax currently employ 600 people, and this expansion would provide 75 advanced manufacturing jobs.

Mr. Sheldon Bower of Parker Design Group, commented that stormwater impacts would be minimal; they would tie into existing utilities; demolish about 100 parking spaces; and add about 200 parking spaces.

Mr. Nicely wanted to know if the new road would handle total plant traffic.

Mr. Bower replied that it would only handle truck traffic, and that they wanted to separate trucks from other traffic.

Mr. Griffin asked about the detention pond, and the clean up process.

Mr. Bower said the detention pond would handle quantity aspect and there would be three bio-retention areas, rain gardens, would be depressed 12"-15" with underground drains, pervious pavers, and grass channel. He then commented that it would take quite a bit to treat due to the new regulations.

Mr. Thurman inquired about vacating the public utility easements and their location.

Mr. Bower responded that the current easements followed existing property lines and he was not aware of any utilities located there.

After further questioning from Mr. Griffin, Mr. Bower replied the existing detention pond would be utilized, displayed the *"Rezoning/Easement Vacation exhibit"* on PowerPoint and pointed to the grass channel area as he noted that all runoff would still go to same place, but would return a better quality of water.

Mr. Marvin Cline, Dynax America Finance Director, thanked Mr. Busby for his thorough presentation. He stated the proposed land swap was a continuation of relationship with Murrays, that he felt like the swap will benefit both entities, allow Dynax to have the expansion and the Murrays to have agricultural use. Mr. Cline further stated he only wanted zoning for swapped part, with the same conditions, and would appreciate a favorable recommendation.

When called to speak, Mr. Jason Sheetman stated he had nothing at this time.

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

Mr. Foster stated this request was well thought out, a win-win for both parties, and he had no problems with this request.

Mr. Kidd stated he had no additional comments.

Mr. Griffin stated he was glad to see this expansion.

Mr. Foster moved that the zoning map amendment for Dynax America Corporation and Murray Cider Company, Inc. be forwarded to the Board of Supervisors subject with the recommendation of approval with the following proffered conditions on the basis that the requirements of Section 25-581(k)(4) of the Zoning Ordinance have been satisfied, and that the proposal would serve the public necessity, convenience, general welfare, and good zoning practice.

1. In reference to the 4.390-acre portion of Tax Map # 108-140C to be rezoned to A-1 and combined with Tax Map # 108-140 (property of Murray Cider Company, Inc.), we hereby request that the *"Eastpark Commerce Center (East Valley Development Park) Phase III Declaration of Proffered Conditions"* as recorded in Deed Book 508 Page 116 in the Clerk's Office of the Circuit Court of Botetourt County, Virginia, be completely removed from the subject 4.390-acre portion. In reference to the same 4.390-acre portion we hereby proffer the following conditions, which were associated with a Special Exception Permit for a private airport on the existing parcel:
 - I. This private airport will be used exclusively by Mr. Murray for his personal, non-commercial use.
 - II. Mr. Murray will be allowed to store his own airplanes (a maximum of two (2) airplanes) on the property.
 - III. There will be no flying at the airport before 12:01 P. M. on Sundays.
2. In reference to the 3.326-acre portion of Tax Map # 108-140 to be rezoned to M-2 and combined with Tax Map # 108-140C and 108(13)7 (properties of Dynax America Corporation), we hereby request that the following Special Exception Permit Conditions for the private airport be removed from the subject 3.326-acre portion:
 - I. This private airport will be used exclusively by Mr. Murray for his personal, non-commercial use.
 - II. Mr. Murray will be allowed to store his own airplanes (a maximum of two (2) airplanes) on the property.

III. There will be no flying at the airport before 12:01 P. M. on Sundays.

3. In reference to the 3.326-acre portion of Tax Map # 108-140 to be rezoned to M-2 and combined with Tax Map # 108-140C and 108(13)7 (properties of Dynax America Corporation), we hereby proffer to be bound by any and all protective covenants and restrictions and proffered conditions for the 3.326-acre portion in effect to date for EastPark Phase I and EastPark Phase II.

Mr. Kidd 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

With no further discussion, Mr. Foster motioned to send the applicants' request to vacate and relocate the drainage as shown on the plat entitled, "Dynax America Corporation & Murray Cider Company, Inc." dated October 22, 2014 to the Board of Supervisors with a recommendation of approval.

Mr. Griffin and Mr. Kidd both 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

The Botetourt County Board of Supervisors proposes text amendments to *Article VI, Definitions, Section 25-601. Definitions*, of the *Botetourt County Zoning Ordinance*, to include the following, "Special events facility - A place, structure, or other facility used for the assembly of or intention of attracting people for cultural, ceremonial, or celebratory purposes for which there is a leasing fee. Such assembly includes, but is not limited to, anniversary and birthday celebrations, reunions, weddings and receptions. This definition does not include private parties or private functions that do not meet the above stated criteria. Special events are considered an accessory use to farm wineries, breweries, bed and breakfast homestays, bed and breakfast inns, commercial recreational uses, rural resorts, churches, civic clubs, country clubs, golf courses, property owned by Botetourt County, and institutional uses. Special events facilities do not apply to music or entertainment festivals as defined by Chapter 3, Article IV, Outdoor Musical or Entertainment Festivals of the Botetourt County Code." and to permit use of same in *Section 25-73. Uses permissible by special exception* in the Agricultural (A-1) District; and *Section 25-93. Uses permissible by special exception* in the Forest Conservation (FC) District.

Mr. Busby read the text amendment request aloud as he displayed the definition on PowerPoint. He explained that Staff was approached by Mrs. Donna Cox of Buchanan for someone to operate a commercial lease space for weddings. Mr. Busby further explained that all requests up to that point were for a Bed and Breakfast Inn or Homestay, both of which included weddings. He said this would be the first instance for special events only without a bed and breakfast. Mr. Busby credited Mrs. Pendleton, Zoning Administrator for her research and this definition to make sure the wording was not in conflict with other ordinances. He stated this was a good definition, and requested Planning Commission input, saying he did not

want to require a SEP when it was already an accessory use, such as a golf course. Mr. Busby said this was targeted for someone in a rural area who wanted to lease their property for weddings, receptions, and there would be no other uses other than residential and agriculture.

Mr. Thurman questioned why this was only for a rural use.

Mr. Busby replied that the SEP did not have to be for rural use only, but Mrs. Pendleton's research showed that if in commercial area, the business owner probably was already allowed to hold weddings and receptions, such as in a restaurant. He said he would not be surprised to have a reception in restaurant. Mr. Busby made clear that if the main purpose of event was music, Board approval would be required for a music festival. He continued that the only issue here was the lack of a specific ordinance for folks who wanted to conduct weddings in a rural area more often than allowed by a Temporary Use Permit.

Mr. Thurman confirmed with Mr. Busby that the text amendment was specific for these two uses.

Mr. Griffin expressed his appreciation for the work that went into this text amendment.

Mrs. Dillon stated that she had reviewed the proposed text amendment, and that Mrs. Pendleton had looked at a lot of other localities.

Mr. Busby stated if someone owned rural property, they could have their own family wedding, event without the Special Exception Permit.

Mr. Thurman asked if the SEP requirement was similar to other localities.

Mr. Busby responded that Mrs. Pendleton had looked at the counties of Rockingham, Rockbridge and Albemarle.

When Mrs. Dillon mentioned agribusiness and wineries, Mr. Busby noted they were opening more opportunities for property owners, that most localities look at agri-tourism, as a newer type of use, while wineries were allowed a state exemption.

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

Mr. Griffin motioned to recommend approval to the Board of Supervisors to add *Special Events Facility* to Chapter 25 of the Botetourt County Code on the basis that the proposed text amendments were consistent with the comprehensive plan and the purposes and intent of the zoning ordinance.

Mr. Thurman 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

Buchanan Magisterial District: Michael A. and Donna R. Cox request a special exception permit for a special events facility, with possible conditions, in the Agricultural (A-1) District,

located at 528 Back Creek Lane, Buchanan, approximately 0.56 miles southeast of the Lithia Road (State Route 640) and Back Creek Lane (State Route 646) intersection, identified on the Real Property Identification Maps of Botetourt County as Section 77, Parcel 47.

Mr. Busby read the request aloud, displayed the zoning map on PowerPoint and then described the Cox's SEP request for a special events facility. Mr. Busby stated that the property contained floodplain, as he pointed out the state maintained road. He further stated Mrs. Cox wanted to build a 2,400 square feet structure for weddings and special events; they would add a new driveway, changing stations, portable restrooms with hand washing stations; the property would remain agricultural; they would keep existing vegetation that lined the creek with the creek crossing to new facility. He noted that adjoining properties had some residential structures, there were about 60 vehicle trips per day, the property was accessed by a relatively narrow one lane road. Mr. Busby said the Coxes would try to mitigate the narrow road by having individuals stand near road with walkie-talkies, and they would be designated to work traffic in/out of site. He brought up concerns about the road width, number of vehicles, number of events, number of people at event, looking at 200 people with approximately 100 vehicles, parking in grassy area near the barn. Mr. Busby said there would not be many improvements made to property and with the SEP, the Planning Commission could recommend any conditions to the Board of Supervisors.

Mrs. Donna Cox was present and spoke on her own behalf. She stated that she and her family had worked on this for a long time. She further stated she had a letter of support from Mr. Terry Austin.

Mr. Nicely wanted to know if ceremonies would take place in the pole barn and confirmed that the building would start with an engineered roofing system.

Mrs. Cox said they would be at the barn, and nowhere else on farm.

Mr. Kidd asked about a limit on the number of those in attendance.

Mrs. Cox said there would not be 400-500 people, that the total number would be worked out in a lease. She mentioned a maximum of 200 that might be downsized to 175 people.

Mr. Kidd stated that as a planner, he had a problem with road. He asked Mrs. Cox if she would be bothered by a stipulation of 200 people maximum.

Mrs. Cox responded that she would have no problem, and that she might have less than that.

Mr. Kidd said that the road biggest concern, although VDOT did not have a concern with it.

Mr. Foster asked about restroom facilities.

Mrs. Cox said that a company from Rockbridge County would service the portable restrooms on a weekly basis.

Mr. Thurman brought up the concern of road and traffic, not only for the neighbors, but for Mrs. Cox's customers.

Mrs. Cox responded that there were five "pull offs" that VDOT mowed in a half mile area. She said they could help to monitor at Lithia Road and at their property, noting there were two

houses in the area.

Mr. Thurman confirmed the parking would be on grass near road, with events, the new driveway, and people would walk to next area.

Mr. Griffin asked if they would radio traffic in and out.

Mrs. Cox said they could do out if needed.

Mr. Griffin asked Mrs. Cox if she had talked to her neighbors.

Mrs. Cox said she had talked to the Hoppes and Mr. Ed McCoy, but not others.

Mrs. Cox mentioned a letter dated November 5, 2014, from the Honorable Terry L. Austin, Delegate, for support of text amendment and special event facility. Mrs. Cox read the letter into record, *"Dear Botetourt County Planning Commission: I am writing this letter in support of Donna Cox and her interest in obtaining a special exception permit to build a 'special events facility' in the Agricultural (A-1) District. As part of this, I would like to also express my support for the proposed text amendment to Article VI, Definitions, Section 25-601, regarding, 'special events facilities'. It is my understanding that the special events facility that Ms. Cox is interest in building would be used to host events such as weddings, reunions, and other social gatherings/celebrations. Based on the proposed test amendment, I believe the facility she wants to build would meet the definition and criteria of a 'special events facility', though it may have a few additional conditions. It is my hope that the Board will accept Ms. Cox's request for a special exception permit. I think this facility would be a great addition to the agritourism industry in our region, and I fully support Ms. Cox in this endeavor. Sincerely, Terry L. Austin, Delegate 19th House District"*

Mr. Ed McCoy, Buchanan and adjoining property owner, stated his property was opposite of this, and he thought it was a great use of property. He said he was very familiar with road, and that the challenge was VDOT with a lack of maintenance. Mr. McCoy said the traffic count at 80 vehicles per days was really not a problem. He said that maybe a half-hour of traffic for each event and that he supported what they're doing, this was needed in the county and they're willing to provide.

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

Mr. Kidd said that he liked the idea, location, and thought process, but he did not like the road. He then suggested only one condition to limit attendance to 200 guests, and only because of the road. Mr. Kidd suggested if they wanted events to be larger, then they might need to revisit, but the applicant seemed to be OK with that number.

Mr. Griffin said the special events would be very useful to the community.

Mr. Foster asked if the number of 200 was based on road itself, questioning the number of guests.

Mr. Kidd said that he picked 200 because of the road.

Mr. Thurman said he thought this was a great idea, but he was still concerned with the road and traffic, although the neighbor was fine with it. He cautioned members to look at the

number of people or how traffic would be coordinated with the safety of neighbors.

Mr. Kidd motioned to approve the request for a special exception permit for a special events facility with the condition of limiting number of guests to 200, and on the basis that the applicant has satisfactorily demonstrated that the proposed use would 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. 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

Other Business

There was no other business.

Adjournment

There being no other business, on motion by Mr. Kidd at 6:55 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