

On January 12, 2015, Mr. Griffin reconvened the December 8, 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  
Dr. Mac Scothorn, Ex-Officio Member  
Mr. Jim H. Guynn, County Attorney  
Mrs. Nicole Pendleton, Planning Manager/Zoning Administrator  
Mr. Jeffrey Busby, Planner  
Mrs. Laura Goad, Administrative Assistant

ABSENT: None

ALSO PRESENT: Mrs. Kathleen D. Guzi, County Administrator  
Mr. David Moorman, Deputy County Administrator  
Mr. Brandon Nicely, Director of Community Development  
Mr. Cody Sexton, Information Specialist

Mr. Griffin reconvened the December 8, 2014 Planning Commission meeting, opened the January 12, 2015 meeting and welcomed those in attendance. He introduced Staff and Planning Commission members, recognized Mr. David Moorman, Deputy County Administrator, Mr. Brandon Nicely, Director of Community Development, and Mrs. Kathleen D. Guzi, County Administrator, and then read the procedures for the public hearing. Mr. Griffin stated the Board of Supervisors would hear this request on January 27, 2015 at 6:00 PM at the Greenfield Education Training Center.

Mr. Griffin announced that while public comments would not be taken during the work session, public comments would be accepted during a future public hearing for zoning ordinance revisions.

Mr. Griffin asked if there were any discussions regarding the December 8, 2014 minutes and requested a motion.

Mr. Kidd motioned to approve the December 8, 2014 Planning Commission minutes as written. 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, February 5, 2015 at 3:15 PM.

### **Public hearing**

**Blue Ridge Magisterial District: C & A Properties LLC requests the rezoning of 4.355-acre lot from a Business, B-2 District to a Business, B-3 District, with possible proffered conditions, for the operation of a wholesale nursery and landscaping supplies and materials business. Located at the intersection of Blue Ridge Boulevard (U. S. Route 460E) and Blue Ridge Springs Road (Route 616), the property will be accessed from Blue Ridge Boulevard, and is identified on the Real Property Identification Maps of Botetourt County as Section 109, Parcel 181.**

Mr. Busby read the request aloud as he displayed the zoning map on PowerPoint. Mr. Busby stated that the zoning was currently Business, B-2 with Business, B-3 surrounding this lot. He explained that in 1998, this property and the adjoining lots had been rezoned for a gas station, convenience store, office space, retail and a recreational vehicle sales lot. Mr. Busby commented that the existing proffers were shown in the information package as he brought up a new proffer to exclude auto vehicle sales that Staff received today. Mr. Busby stated that the Business, B-3 rezoning request was for a wholesale and retail nursery site, that it was the applicants' intent to sell mulch, block, brick, decorative stone, and later flowers, shrubs and trees; their proposed business hours would be Monday through Saturday from 8:00 AM until 4:00 PM, and they would leave existing vegetation in place for optimal buffer, especially for adjoining residential properties. Mr. Busby said the applicants had no plans for lighting or dumpsters at this time, while he displayed the concept plan and discussed a required access management standards waiver from the Virginia Department of Transportation for intersection spacing requirements. Mr. Busby stated that VDOT required a minimum 495 feet distance from the Blue Ridge Springs intersection, and to the crossover as well. He further stated VDOT would require a waiver for both the crossover and Blue Ridge Springs Road. Mr. Busby noted the layout of mulch storage area, that the parking area that met zoning requirements, and the proposed 8' x 20' office trailer and equipment storage building. Mr. Busby brought up the VDOT comment letter noting item #3, and emphasized that the waiver requirement would be necessary for any type of development at this location.

Mr. Michael Leonard of C & A Properties LLC and Mr. Michael Lynch from Engineering Concepts Inc. were both present to discuss this request.

Mr. Griffin asked Mr. Busby if he was satisfied with sight distance.

Mr. Busby remarked that Staff supported this request as long as VDOT granted the waiver. He also noted that the Comprehensive Plan indicated business uses for this area.

Mr. Michael Lynch of Engineering Concepts Inc. in Fincastle spoke on behalf of C & A Properties LLC. He said that based on GIS measurements, the request met sight distance requirements, although field measurements could be taken if necessary. Mr. Lynch said that he and Mr. Leonard had met with VDOT, and discussed entrances. As a result of the meeting, Mr. Lynch said that Mr. Leonard agreed to close closest entrance on Blue Ridge Springs Road, that VDOT asked for modifications and they had no issue with VDOT's requests. Mr. Lynch said the landscape store would be geared to public and to contractors.

Mr. Foster wanted to know if they would sell at both the wholesale and retail levels.

Mr. Lynch said they would be more retail than wholesale.

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

Mr. Foster said he had no problems with this request, he appreciated the proffer of no vehicle sales. Mr. Foster stated this request was a good use of property.

Mr. Griffin said he was glad to see someone use this lot.

Mr. Foster moved to forward the request of C&A Properties LLC to the Board of Supervisors with a recommendation of approval and on the basis that the requirements of Section 25-581(k)(4) of the Zoning Ordinance had been satisfied, and that the proposal would serve the public necessity, convenience, general welfare, and good zoning practice, with the following proffered condition:

1. The property shall not be used for automobile, truck (light), trailer, motorcycle, and recreational vehicle sales.

Mr. Nicely 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

### **Other Business**

Mrs. Pendleton began the Wind Energy Ordinance work session. Mrs. Pendleton thanked Staff for their hard work during her recent absence and with the Wind Energy preparation. She then recognized Mr. Brandon Nicely, Director of Community Development, Mr. David Moorman, Deputy County Administrator, and Mrs. Kathleen Guzi, County Administrator. Mrs. Pendleton also commented that input from public in coming months would be welcomed as she proceeded to provide a broad overview of wind energy. Noting that today's projects might look different from past and future projects, Mrs. Pendleton played a video that explained wind power.

During her (attached) presentation, Mrs. Pendleton brought up the advantages and challenges of wind energy; wind turbine sizes; displayed national, state and local wind maps; brought up the goal of striking a balance of private land owners with community goals through zoning; discussed items to consider in the ordinance; current special exception permit application regulations; being mindful of visual, environmental impacts; Special Exception Permit review process, including a possible requirement for the applicant to hold a community meeting; looked at the state ordinance and other localities' ordinances, and the upcoming timeline. Mrs. Pendleton noted an upcoming joint work session in February to be held independently of public hearings.

Mr. Kidd remarked that time line looked good but was ambitious. He further remarked that a joint meeting would be excellent and that he agreed with the process.

Mr. Foster said he had nothing to add, but wanted to know when the meeting would take place and if there would be a consultant.

Mrs. Pendleton replied that it would be best to put questions to staff, who had the resources to look to and then move forward.

Mr. Nicely said he appreciated the information and that the timeline seemed reasonable.

Mr. Thurman confirmed a May 2015 public hearing with Mrs. Pendleton.

Mrs. Pendleton noted that more work sessions would be added if necessary. She further noted that a list of definitions was needed, that based on Staff's research, the permitting process, amount of required renderings, location and appearance, color, height, height restriction, and road use might be information gap areas.

Referring to the Department of Environmental Quality model ordinance as well as ordinances from other localities, Mrs. Guzi pointed out the importance of finding consistency and differences in the ordinances. She brought up the importance of the Special Exception Permit process, along with presenting information in terms of ordinance, application process, administration and regulations, the need for the Planning Commission to weigh in with their input.

Mr. Griffin stated that he thought all agreed that the SEP was the best way to go.

Mrs. Guzi spoke of the momentum and the need to keep moving.

Mr. Griffin said he was not sure about wanting to move faster.

After further discussion, with Mr. Foster, Mrs. Guzi noted that the county had discussed the possibility of a wind energy ordinance prior to her arrival.

Mr. Kidd wanted to know if a new ordinance would be created or if a previous draft would be followed.

Mrs. Guzi responded that the previous draft was created under a different philosophy than today; Mrs. Pendleton noted that while so much has changed in four years, some components of the previous ordinance were great.

Mr. Griffin commented that the state ordinance would be stricter than what we will have, and Mrs. Pendleton commented that the state ordinance was a great resource.

After questioning from Mr. Griffin regarding the timeline, Mr. Kidd stated that he would not push harder and Mrs. Pendleton noted the schedule was aggressive, but the Planning Commission could benefit from additional work sessions.

Mr. Kidd inquired if it made sense to look at residential scale at the same time.

Mrs. Pendleton spoke of the effort to be proactive, residential would be scheduled by July 2015, and she needed to discuss timing and advertising with the county attorney.

Dr. Scothorn wanted to know the number of localities with wind ordinances.

Mrs. Pendleton said there were at least five localities with utility scale wind ordinances.

Dr. Scothorn noted that would be great information for the Board.

The Wind Energy Ordinance work session concluded at this point.

Mr. Foster nominated Mr. Nicely for chairman, seconded by Mr. Griffin, which was unanimously approved 5:0:0:0 with the following recorded vote:

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

Mr. Foster nominated Mr. Thurman for vice-chairman, seconded by Mr. Kidd, which was approved 5:0:0:0 with the following recorded vote:

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

Mr. Kidd motioned to accept the Planning Commission By-laws for the coming year, and seconded by Mr. Griffin, which was approved 5:0:0:0 with the following recorded vote:

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

### **Adjournment**

There being no other business, on motion by Mr. Kidd at 6: 49 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