

Mr. Griffin called the September 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
Mrs. Elizabeth Dillon, County Attorney
Mrs. Nicole Pendleton, Planning Manager/Zoning Administrator
Mr. Jeffrey Busby, Planner
Mrs. Laura Goad, Administrative Assistant

ABSENT: None

ALSO PRESENT: 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 stated the Board of Supervisors would hear these requests on September 23, 2014 at 6:00 PM at the Greenfield Education Training Center.

Mr. Griffin asked if there were any discussions regarding the August 11, 2014 minutes and requested a motion.

Mr. Kidd motioned to approve the August 11, 2014 Planning Commission minutes as written. Mr. Nicely seconded the motion, which was 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, October 9, 2014 at 3:15 PM and that the Planning Commission would meet on Wednesday, October 15, 2014, due to the upcoming Columbus Day holiday.

Public hearings

Amsterdam Magisterial District: Daleville Baptist Church Trustees requests a Special Exception Permit, with possible conditions, for an Electronic Message Board/L.E.D. sign to display messages more than once each day, per Section 25-462(e)(3), Electronic Message Board/L.E.D. of the Botetourt County Zoning Ordinance. The approximately 1-acre lot in the Business (B-2) Use District is located on Roanoke Road (U. S. Route 220), approximately .08 miles south of the intersection with Valley Road (State Route 779) in Daleville, identified on the Real Property Identification Maps of Botetourt County as Section 101A(1), Block 1, Parcels 4 & 5.

Mr. Busby read the request aloud as he displayed the zoning map on PowerPoint. He stated that recent ordinance amendments specified compliance with *Section 25-462 (e) (3) Permitted sign standards*, specified LED sign requirements and that the church submitted a letter stating their

ability to meet these requirements. He further stated that part of the Special Exception Permit process was to review the area for historic structures. Mr. Busby noted the three (3) structures identified in 2008 Reconnaissance Level Survey were located at 1532 Roanoke Road, Daleville Church of the Brethren and the Anderson Family Pool property. He said the current sign was in compliance with the previous sign ordinance and the objective of the church was to change messages more than once per day. Mr. Busby said the church would have to comply with stricter requirements, including a solid background display only, and no motion. Mr. Busby said the church understood and was ready to move forward to advertise their functions. He noted that three (3) adjacent properties were zoned R-1, Residential and Business, B2. Mr. Busby mentioned that the sign height was measured from the adjacent grade at U. S. Route 220 at 7' or less. He said several people from the church were present to speak, emphasizing that the main change would be the ability to change the message once per day to the minimum of one message every eight seconds.

Mr. Foster confirmed with Mr. Busby that the size of structure and size of the screen were compliant with the update sign ordinance.

Mr. Griffin wanted to know if brightness problems would be eliminated with this request.

Mr. Busby said the brightness issue had been resolved. He explained that a previous power outage caused the dimmer control to reset, which caused it reset to 100% and then the church reset to 12%. He further explained that the majority of complaints were received following a power outage.

Mr. Nicely noticed that the sign had not been working for awhile.

After questioning from Mr. Griffin, Mr. Busby indicated both the dimmer and timer worked with a scheduled dimming device.

Mr. Ernie Brown, a member of Daleville Baptist Church, was present with Mr. Roger Haynes, the President of Daleville Baptist Church. Mr. Brown stated that due to some recent construction work the sign had been turned off, and an electrician was needed to reconnect the sign. He further stated that when they received the sign, no one really understood the law, that their pastor at the time had been called to another church, and the main reason an electronic sign was needed was because the previous sign was so tall that they needed a pickup truck to change the lettering.

Mr. Griffin asked about the timer and hours.

Mr. Brown responded that the sign could be set to display any way they wanted the sign to be displayed.

Mr. Griffin brought up the VFW sign with the black background and amber lettering.

Referring to changing sign every eight seconds, Mr. Nicely asked Mr. Brown if he had any notion as to how often to change the Daleville Baptist sign.

Mr. Brown said there was no reason to change it every 8 seconds, but they wanted to change it at least once or twice once per day.

Mr. Nicely pointed out that color control had been very successful with VFW sign, using a black background with amber lettering. Mr. Nicely said that the biggest complaints he had received with the church sign concerned glare, plus color and brightness, and he wanted to make sure the glare issue would be taken care of.

Mr. Brown agreed that would be done.

Mr. Foster noted that glare, color and brightness were part of new ordinance.

Mr. Brown said the sign had to be brighter during daylight.

After further discussion, regarding the operating period, Mr. Kidd noted that the ordinance specified that signs must be off from 10:00 PM until 6:00 AM.

Mr. Kidd confirmed with Mr. Brown that the church would meet the ordinance requirements.

Mr. Foster brought up comments that he had received regarding the brightness of the sign and the inability to read the numbers and text. He remarked that the Planning Commission stipulated for the VFW to have dark background. Mr. Foster commented that people could not read the church's sign, but the VFW sign could be read day or night.

Mr. Brown spoke about changing the sign on an hourly basis.

Dr. Scothorn remarked that a daylight savings time chip was available to change brightness.

Mr. Griffin mentioned a letter from Mr. John Goss, whose biggest concern was brightness of the sign and the message changing every eight seconds.

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

Mr. Nicely said the ordinance was straightforward, that his only addition would be a black background, similar to VFW, in order to make the Daleville Baptist sign legible.

Mr. Thurman brought up the dimming potential with computer; Mr. Griffin noted that was something the church would have to work out.

Dr. Scothorn said the company that made the sign would have that answer.

Mr. Thurman said it was in best interest of all to investigate proper dimming and timing.

Neither Mr. Kidd nor Mr. Foster had further comments.

Mr. Griffin reiterated that time changing intervals and brightness were the problems.

Mr. Nicely motioned for the Daleville Baptist Church request for an Electronic Message Board/L.E.D. sign to display messages more than once each day, per Section 25-462(e)(3), Electronic Message Board/L.E.D. to be forwarded to the Board of Supervisors with recommendation for approval with the conditions that background be a fixed dark (black) color and that sign changed a reasonable number of times per day, such as once or twice per day, 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 questioned the color of the dark background and requiring only one or two sign changes per day, when the ordinance allowed message changes every eight seconds. Mr. Kidd stated to let the ordinance work for itself, that the Planning Commission worked hard on it, that the Planning

Commission needed to decide how they used the sign, but to let the church decide on the number of messages per day in conformance with the ordinance. Mr. Kidd asked that the minutes reflect his opposition to the proposed motion based on this.

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

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

Fincastle and Buchanan Magisterial Districts: Judy K. & Carlton W. Fitzgerald request a Special Exception Permit, with possible conditions, for a Rural Home Business in the Agricultural (A-1) Use District for a small scale metal fabrication business on a 33.70-acre parcel. The property is located at 1644 Salt Petre Cave Road (State Route 688) in Eagle Rock/Buchanan, approximately .16 miles south of its intersection with Shiloh Church Road (State Route 692) and is identified on the Real Property Identification Maps of Botetourt County as Section 28, Parcel 80.

Mrs. Pendleton read the request aloud as she displayed the zoning map on PowerPoint. She stated the applicants were in a remote area with surrounding A-1, Agricultural uses, that the Future Land Use map indicated Agricultural uses, the applicants property contained a single family dwelling, a carport and a temporary storage structure. Mrs. Pendleton further stated a building permit had been approved for the construction of a 30'x50' building for personal use. She noted that Section 25-435 for a Rural Home Business was only permitted by SEP in the A-1 Use District. Mrs. Pendleton summarized that all work would be conducted within the 30' by 50' building and office use may be conducted in the house. The hours of operation would be 8:00 am to 5:00 pm, Monday through Friday. The shop would include the following types of tools (which are also utilized for personal use): MIG welder, Oxy/Acetylene torch, horizontal band saw, drill press, metal sheer/brake/roller, tool chest and storage shelves/bins. She noted that no heavy equipment was proposed to be used other than a tractor, which was currently utilized for personal use on the property. She further noted that all areas for the production, fabrication and storage of materials would be contained within the building, no additional employees other than family members were anticipated, that the application projected only one to three items would be produced each month and this included procurement of supplies, customer interactions and pick-up or delivery of completed projects. Mrs. Pendleton continued that the equipment used for fabrication would create noise, vibration, glare, possibly fumes and odor only in the immediate area of work, all which would be contained within the building and undetectable from distances of 100' or greater. She said that no properties were visible from the dwelling and the finished product could be stored in the carport only prior to customer pick up. Mrs. Pendleton suggested the following conditions if the Planning Commission approved the Fitzgeralds' request:

- 1. The hours of operation will be Monday through Friday from 8:00 am to 5:00 pm.*
- 2. No employees other than Mr. Fitzgerald or his family will be employed as part of the rural home business.*
- 3. There will be no outside storage of materials. No more than one finished product may be stored under the carport at a time.*
- 4. The rural home business activity will be contained to the proposed building shown on the building permit application dated May 20, 2014, office space inside the existing dwelling, and under the carport.*

Mrs. Pendleton mentioned that Staff received one comment from Mr. Simmons, who was against the request.

Mr. Foster confirmed with Mrs. Pendleton that there would be no employees other than the Fitzgeralds or their family. He questioned what would happen if the property were to be sold, if the condition mentioning the Fitzgeralds should instead reflect "current property owners" rather than naming the Fitzgeralds.

Mrs. Pendleton said it was unlikely that the next owner would do the same type of work and that the Planning Commission could amend the conditions. She noted if the SEP was not used for more than two years, then the SEP would be voided.

Mr. Carlton Fitzgerald was present to discuss the request with his wife, Mrs. Judith Fitzgerald. He stated the business not their primary income; instead, it was more of his hobby to build small utility trailers. Mr. Fitzgerald further stated that if approved, he planned to purchase a plasma cutter and table to create ornamental items to sell at fairs, festivals, etc.

Mr. Griffin questioned Mr. Fitzgerald about the purpose of the 30' x 50' building under construction.

Mr. Fitzgerald responded that the building would have been built anyway, that half of the building would be used for woodworking to build his own furniture. He explained the building was his own hobby shop, and this proposed business would use about half of the building.

Mr. Griffin asked Mr. Fitzgerald if he wanted any signs for his business.

Mr. Fitzgerald replied that he did not want a sign, but would instead use flyers and business cards. He also said the building would be the color of house because he wanted it to blend in together.

Mr. Griffin asked Mr. Fitzgerald to explain the traffic.

Mr. Fitzgerald explained that he built utility trailers and will do them only by order, that each trailer would take a couple of weeks to build from raw pieces of linear steel. He stated there would not be a big influx of trailers.

Mr. Griffin confirmed with Mr. Fitzgerald that the trailers were sold before he built them. Mr. Fitzgerald noted that he had built a kayak trailer for a previous employer and would build them only by order.

Mr. Griffin asked if 102' x 20' was his largest trailer.

Mr. Fitzgerald replied that his trailers were 4'-5' x 8'-10' at most with a maximum 4'-5' wide.

When Mr. Griffin verified with Mr. Fitzgerald that only one trailer would be exposed in the carport, Mr. Fitzgerald mentioned that he also had two of his own personal utility trailers in his private parking area.

Mr. Griffin inquired if the trailers would be inspected by state police.

Mr. Fitzgerald responded that he would purchase the Vehicle Identification Number, the Virginia State Police would inspect the trailer and he would have it registered.

Mr. Griffin noted that a busy month for Mr. Fitzgerald would be three trailers.

Mr. Foster wanted to know how Mr. Fitzgerald knew the noise would be heard only within 100' of the building.

Mr. Fitzgerald replied that the loudest piece of equipment was the air compressor, and that the door would be closed.

Mr. Thurman noted that with growth of business, there was a possibility of materials backing up, and cautioned Mr. Fitzgerald to be mindful of raw products backing up and being stored outside.

Mr. Fitzgerald responded that raw materials would not create a great backup of unused material. He said that would not happen because he would end up with too much overhead.

Dr. Scothorn brought up safety issues.

Mr. Fitzgerald said he would have fire extinguishers, that the building was metal with a concrete floor.

Dr. Scothorn asked about the nearest emergency rescue and if Mr. Fitzgerald would work late at night.

Mr. Fitzgerald replied that he would do only paperwork at night.

Mr. Griffin noted the proposed business hours of 8:00 AM until 5:00 PM, Monday through Friday.

Mr. Keith Simmons of Eagle Rock, stated that Mr. Fitzgerald had answered a lot of his questions. He further stated that he and his family was interested in the amount of heavy truck traffic, but noticed Mr. Fitzgerald had said he would use a pickup truck to haul his material. Mr. Simmons brought up concerns regarding heavy truck traffic on a bad road with a lot of blind curves, as he mentioned an example of a vehicle that went off of the road.

Mr. Griffin asked Mr. Simmons if he was satisfied with response.

Mr. Simmons said that his question had been answered with the pickup truck, as he noted that Salt Petre Cave Road was not set up for traffic.

After further discussion, Mr. Griffin asked about floods in that area, and how they might pertain to the Fitzgeralds' business. Mr. Griffin stated that flooding seemed to be a concern of citizens.

Mr. Fitzgerald said the he spoke with Mr. Busby, and he was now located completely out of floodplain. He said if floodwater reached his building, the water would already be in their house.

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

Mr. Griffin said he no problem with this, that he did not see a lot of traffic, or a lot of trucks for this request, and the trailers would not be the width of an average car.

Mr. Foster said he had no problems with this request, especially with conditions.

Both Mr. Kidd and Mr. Nicely agreed with the conditions.

Mr. Griffin motioned that the Special Exception Permit for a rural home business for Carlton and Judy Fitzgerald for small scale metal fabrication be forwarded to the Board of Supervisors with

recommendation for approval with the following conditions:

1. The hours of operation will be Monday through Friday from 8:00 am to 5:00 pm.
2. No employees other than Mr. Fitzgerald or his family will be employed as part of the rural home business.
3. There will be no outside storage of materials. No more than one finished product may be stored under the carport at a time.
4. The rural home business activity will be contained to the proposed building shown on the building permit application dated May 20, 2014, office space inside the existing dwelling, and under the carport.

This recommendation is on the basis that the applicant has satisfactorily demonstrated that the proposed use will have little to no adverse effect upon the community or other properties in the vicinity of the proposed use or structures according to the Section 25-583 of the Zoning Ordinance, and that the proposal would serve the public necessity, convenience, general welfare, and good zoning practice.

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

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