

Mr. Griffin called the February 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. William R. Hughes, 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
Mr. Wade Burkholder, Planning Manager/Zoning Administrator

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 January 13, 2014 minutes. Mr. Hughes noted that an earlier correction emailed to Mrs. Goad was not necessary. Mr. Griffin requested a motion.

Mr. Nicely motioned to approve the January 13, 2014 Planning Commission minutes as amended. Mr. Hughes seconded the motion, which was unanimously approved 5:0:0:0 with the following recorded vote:

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

Mr. Griffin then noted the Planning Commission would meet in the Kroger parking lot for the field review on Thursday, March 6, 2014 at 3:15 PM.

Mr. Griffin announced that a discussion of the newly adopted sign ordinance would be held here on March 5, 2014 from noon until 1:00 PM to address citizen questions.

Public hearing

Amsterdam Magisterial District: V F W Post 1841 Lord Botetourt requests a Special Exception Permit, with possible conditions, for an Electronic Message Board/L.E.D. sign per Section 25-462(e)(3), Electronic Message Board/L.E.D. of the Botetourt County Zoning Ordinance. The 1.51-acre lot in the Business (B-1) Use District, is located at 4902 Roanoke Road (U. S. Route 220), across from the intersection with Country Club Road (State Route 665) in Daleville, identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 63B.

Mr. Busby read the request aloud as he displayed the zoning map on PowerPoint. Mr. Busby stated that if approved, the electronic message board sign would be held to the recently adopted standards. He further stated the property consisted of the VFW meeting hall, a picnic shelter, and an accessory storage building, with the existing sign in front of the parking lot that was approximately 21 feet from the US 220 right-of-way, accessed from a private driveway. Mr. Busby said the sign would be turned off from 10:00 PM until 6:00 AM to be in compliance with the Zoning Ordinance; that the display area of the electronic message board was 13 sq. ft.; the display area of the "VFW POST 1841" static sign would be 9.8 sq. ft; the total sign display area of both EMB and static sign would be 22.8 sq. ft., while the approximate total sign area calculated for monument style sign (minus first 18") would be 57.43 sq. ft., as he noted the existing sign would be retrofitted. Mr. Busby mentioned the three (3) historic structures within 1,000 feet of the subject proposed sign that were identified as historic resources as noted in the Virginia Department of Historic Resources Reconnaissance Level Survey for Botetourt County (2008) as he displayed Trinity Church of the Brethren, the Trinity Evangelical Lutheran Church (Harris Antiques), the adjacent Trinity Cemetery and the Bolton house on PowerPoint. Mr. Busby said the zoning ordinance required that an EMB "...must maintain a 1,000 foot setback from any local or national historic landmark, unless otherwise approved by Special Exception Permit." and there were no known national historic landmarks within 1,000 feet of the subject sign. Mr. Busby stated the 2012 VDOT traffic data indicated an Annual Average Daily Traffic (AADT) of 15,000 vehicle trips on this segment of US 220 from Catawba Road (Route 779) to Trinity Road (Route 670). He then displayed photos of the VFW entrance, a US 220 northbound view, a schematic showing approximate distances from the sign to historic structures shown in green, and the Comprehensive Plan Future Land Use Map that designated this area as medium density residential.

Mr. Hughes wanted to know if the proposed sign would contain two (2) lines and if the traffic count of 15,000 vehicles per day was for both lanes.

Mr. Busby replied that the ordinance allowed for three (3) lines of text, but the applicant's photo indicated only (2) lines, and the traffic count was for both northbound and southbound traffic.

Mr. Griffin asked about the historic district and the background report information.

Mr. Busby noted the background report mentioned three properties that were not on the National Registry of Historic places, because of the EMB ordinance requirement of 1000' setback distance for any local or national historic landmarks. He said Staff thought it necessary to include local structures of historic significance and disclose that information for review.

Mr. Griffin requested clarification regarding the 1000' setback.

Mr. Busby noted the Board of Supervisors had modified the original 1000' setback requirement by allowing an EMB within 1000' of a National Historic Landmark by special exception permit. He noted the rule could still be honored, but a special exception could also be made in the event of a certain case, citing the Michael Kinzie house at Exit 150 as an example.

Mr. Foster wanted to know if the green square shown on the historic structures slide depicted the Jones home.

Mr. Busby answered that the green square was part of the map key. He commented that the historic survey was conducted to assess and categorize the historic county structures, to assist property owner in getting their property on the historic registry.

Mr. Louis Silcox, Commander of the V F W Post 1841, stated the sign request was necessary to promote the VFW and community activities, and there was a glare on the current sign from the glass that made it difficult to read.

Mr. Nicely wanted to know what the sign would give them that the existing sign didn't provide.

Mr. Silcox stated that the current sign was hard to read, the current sign needed to be refaced, and instead of putting their money into the same type of sign where the letters were especially hard to change in the wind and rain, they wanted an electronic sign that could be changed by computer.

Mr. Hughes wanted to know who used the VFW, if organizers who used the VFW let their people know about activities, and commented that while passing the VFW, he was able to read only one line at approximately 55-60 mph, and wondered how much others could read while driving on US 220.

Mr. Silcox responded a variety of groups used the VFW, ranging from Weight Watchers on Wednesdays, a church on Sundays, with different groups on Saturdays. He further responded that organizers did notify their own group, but other people passing depended on the sign for the activities.

Mr. Kidd asked if the people who rent the VFW would have access to advertise their event and if the signage lights would be dimmed after sunset, if approved.

Mr. Silcox said that people who use their building would be able advertise their event, and that everything was taken care of so that the lights would be dimmed.

Mr. Nicely verified the light would be turned off between 10:00 PM and 6:00 AM, if the sign would be on from 6:00 AM until 10:00 PM.

Mr. Silcox responded their lights were basically turned off now between 10:00 PM and 6:00 AM and the sign would probably be on from 6:00 AM until 10:00 PM, for morning and evening traffic.

Mr. Griffin confirmed with Mr. Silcox that the sign would be cut off at night.

Mr. Foster wanted to know what colors the VFW would use on the sign.

Mr. Silcox said the sign had a variety of colors available, but they intended to use basically two (2) color combinations, such as yellow and black or red and white.

Mr. Griffin asked Mr. Silcox if the sign would be fixed promptly when it needed repairs.

Mr. Silcox said the sign would be fixed as soon as the technician could get there.

Mr. Jerry Jacobson of Buchanan and a VFW member, stated he was in favor of this request. He brought up the issue of safety concerns for members who have to change the letters manually, and the ease of using a laptop computer from inside the building to change the message on a new, electronic sign. Mr. Jacobson assured the Planning Commission they would meet the full requirements of the ordinance, as he noted Roanoke County's ordinance was more liberal and the new sign would make the post more attractive.

Ms. Dayna Patrick of Daleville and an adjoining property owner, brought up safety concerns at the intersection she described as quirky at the private drive, the cemetery, the church, US 220 and Country Club Road; she opposed moving lights, moving letters, and anything that would distract drivers from paying attention. She said she would be opposed to the sign if it was like a nearby church, whose sign was hard on eyes due to brightness. Otherwise, as depicted, Ms. Patrick said she did not have a problem with it.

Mr. Griffin asked Mr. Busby to address the brightness of the sign.

Mr. Busby stated the Planning Office had requested to purchase a light meter, due to not having a way to measure candelas or foot candles. He confirmed receiving a number of complaints on the Daleville Baptist church, that the church had reduced the light, but it was still bright, based on citizen complaints. Mr. Busby further noted the church sign was approved under the previous sign ordinance and did not fall under this criteria of maximum 500 candela brightness. He noted that relative to the amount of existing light, such as street lights, the sign looked brighter when there was not much light around it. Mr. Busby mentioned that the previous ordinance allowed only one (1) message change per day, no motion and no scrolling, while the new ordinance allowed a message change every eight (8) seconds, but no images unless copyrighted business information, no fluttering or flickering, letters or text only were permitted on a plain background, and a maximum of 500 candelas. He noted that brightness could be hard to grasp because the church had lowered the brightness to 12%, but it still seemed too bright to some people.

Mr. Foster asked about the use of symbols.

Mr. Busby replied the old ordinance had no limit on pictures, but required a static image. He mentioned another church that had been approved under the previous ordinance, which had continued to change their message more than once per day, noting it has become an enforcement issue.

Mr. Nicely noted light from the church sign would be a tremendous jolt if it was in a residential area.

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

Mr. Nicely brought up concerns of an electronic message board in a residential area, particularly when there was not the capability of enforcing the code or measuring the brightness. He said he did not think that people in the country would like this, but he understood the VFW's request.

Mr. Hughes expressed similar concerns, citing incompatibility with the Comprehensive Plan, the current rural area coupled with the closeness of historical areas, and the possibility of setting a

precedent. He said the southbound traffic would not see the sign, and while he appreciated the difficulty of changing letters manually, he was not in favor of this request.

Mr. Kidd stated that he had not seen the sign at night, only during the day and had noticed the glare, except for today, which was cloudy. He said the glare on the sign made it hard to read. As he noted his apprehension about LED signs, he also said he realized this was a sensitive area but this might be a good place start with these signs and try the new regulations, which the Planning Commission had spent months crafting. Mr. Kidd said he felt if there was a problem where something needed to be adjusted, these folks might be the best to work with and fix any problems; that lighting might be a problem, but there was a clear level for the lighting, night and day; that we only needed some way to measure the lighting. Mr. Kidd further stated if there was a case where lighting needed to be measured, then someone needed to step up to the plate and buy the unit to measure the lighting. Although Mr. Kidd said he was undecided, he added a LED sign would improve what was currently at the VFW.

Mr. Foster asked Mrs. Dillon if the Planning Commission could determine the colors allowed due to the Special Exception.

Mrs. Dillon responded if they chose, they could condition the permit and the use under the SEP rules. She noted that because this was the first request to be heard, colors as a condition had not yet been set. Mrs. Dillon further noted the same factors would apply when considering a SEP, and the Planning Commission could condition the colors, although she did not know if different colors had different lumens or candelas with regard to availability of color.

Mr. Foster noted this was not in a historic district, but had historic buildings in close proximity. He further noted that some might find it less offensive if the sign used only a black background and amber letters.

Mr. Griffin acknowledged the problems of this being on an open highway, and stated he was inclined to support this request because he thought the VFW would take care of any problems, noting this was the first request of its kind.

Mr. Foster said that others in the county had extremely bright colors, and that he did not want offensive colors for the neighbors.

Mr. Hughes stated his concern was the location, and that the sign had to be in an area where it would be read. He further stated that once leaving the Daleville Town Center area, there were virtually no signs until Fincastle, and then the signs were subdued. He said the EMB would take away from the area, and he was not sure this was the best use for this area, although there was no questions the VFW would be the right folks to deal with the problem.

Mr. Nicely moved that the special exception permit requested by the V F W Post 1841 for an electronic message board sign be forwarded to the Board of Supervisors with a recommendation of denial until the capability to protect the residential area with proper monitoring equipment could be provided.

Mr. Hughes seconded, which was approved 3:2:0:0 with the following recorded vote:

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

Mr. Griffin noted this request would be heard by the Board of Supervisors.

Other Business

Mr. Steve Lovell of Cloverdale, brought up questions and awareness of zoning. He said he was speaking on behalf of Mr. Danny Simmons, who could not be here tonight due to working at an accident. Mr. Lovell said that Mr. Simmons had planned to attend with his father and brother with others from the Buchanan area. Mr. Lovell referred to the former Cox's Gulf Station on Route 11, and said he had a question for this board. He said that when Mr. Simmons had purchased a piece of property on Route 11, he had to do some specific things, such as raise it for elevation because it was in the floodplain, install fencing, do a site plan, various things. Then a neighbor, Robert Young Trucking moved in beside him. He stated that Mr. Young had a tendency to buy abandoned gas stations. Mr. Lovell questioned why Mr. Simmons had to go through compliance, and Mr. Young did not, that the property had been a gas station with no wreckers 15-20 years ago, then it was a machine shop, then when Mr. Young got it, he divided it into two (2) different places. He said Mr. Young had placed fill in two (2) places, fenced it, and started putting wreckers, and started getting on the State Police and County rotation lists. Mr. Lovell said that Mr. Simmons went through the Planning Commission and Board of Supervisors to have his property in compliance at Exit 162, and then questioned if Mr. Young had a grandfathered exemption for storage. Mr. Lovell mentioned another property zoned M-1 on Norfolk Western Avenue, and said Mr. Young was doing the same thing, and asked if this was acceptable.

Mr. Kidd offered a brief summary from memory. He stated that Mr. Young had obtained compliance through the Board of Zoning Appeals, noting that Mr. Simmons had spoken in favor of Mr. Young at the time, which Mr. Busby confirmed for Mr. Kidd. Mr. Kidd reiterated Mr. Young's compliance at that site next to Mr. Simmons.

Mr. Lovell asked if Mr. Young could have a wrecker service in Cloverdale.

Mr. Busby stated that he had checked on the Cloverdale property and that the property was zoned M-1, and to the best of his recollection after a quick review of the ordinance, M-1 did not list a towing service as a permitted use. He further stated that Business, B-3 was the appropriate zoning for a towing service, that he had twice visited the site and saw only the construction of a fence in the front and where some pine trees had been planted in the front and back of the property, that he had discussed this with Mr. Burkholder, the Zoning Administrator, who confirmed no one could be cited until an illegal use was observed. He said Mr. Lovell's concerns were valid, but he had not been able to document a towing business at the Cloverdale property and a towing business at this location would require action by the Planning Commission and approval by the Board of Supervisors. If there was only an office at that location, Mr. Busby commented he would need to defer to the Zoning Administrator's determination.

After further discussion regarding the Cox's Gulf Station, Mr. Busby noted the property was split-zoned B-3 and M-1 and Mr. Kidd stated it was in compliance.

Mr. Busby stated that Mr. Simmons property was previously A-1, Agricultural and had to go through the rezoning process, whereas Mr. Young purchased the property zoned as B-3, with towing as a permitted use, and M-1.

Adjournment

There being no other business, on motion by Mr. Foster at 7:00 PM and seconded by Mr. Hughes, the Planning Commission adjourned with the following recorded vote:

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