

PLANNING COMMISSION MINUTES
March 12, 2012

MEMBERS PRESENT

Mrs. Evans
Mr. Griffith
Mr. Jones
Mr. Scarce
Mr. Wilson
Mr. Laramore

MEMBERS ABSENT

Mr. Jennings

STAFF

Clarke Whitfield
Ken Gillie
Christy Taylor
Renee Blair
Emily Scolpini

The meeting was called to order by Chairman Scarce at 3:00 p.m.

I. ITEMS FOR PUBLIC HEARING

- 1. Special Use Permit Application PLSUP2012000022, filed by Carol Handy on behalf of the Schoolfield Preservation Foundation, requesting a Special Use Permit to operate an indoor commercial recreation facility in accordance with Article 3.M; Section C, Item 4 of the Code of the City of Danville, Virginia, 1986, as amended, at 917 West Main Street, otherwise known as Grid 1605, Block 006, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to create public rental space as an ancillary use to museum operations.***

Ms. Blair stated the applicant has requested that this item be tabled until the April meeting.

Mr. Griffith made a motion to table Special Use Permit Application PLSUP2012000022. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.

- 2. Rezoning Application PLRZZ2012000058, filed by Susan Stilwell, requesting to rezone from N-C, Neighborhood Commercial to CB-C, Central Business Commercial, 130-132 South Ridge Street, otherwise known as Grid 2713, Block 030, Parcel 000005 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to expand the potential uses of the property.***

Ms. Blair read the Staff Report. Nineteen (19) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Three (3) respondents were unopposed to the request; zero (0) were opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Mrs. Susan Stilwell. Mrs. Stilwell stated I am the listing broker for this property. I found when I researched the zoning that it is Neighborhood Commercial. I was not very familiar with that zoning use and when I found out that since it does not have any onsite parking it simply cannot be used at all for anything. Neighborhood Commercial does not allow for fraternal and social organizations. It does not allow private clubs and lodges. It does not allow any residential use, which would be a very appropriate use for the lodge space. I contacted the Planning Department to ask that it be rezoned. I have not been able to put the property on the market for sale, because you cannot sale property, nobody is buying property that they can't use. I am encouraging you to approve this rezoning application today. Do you have any questions?

Close the Public Hearing.

Mr. Griffith asked you mentioned that Mrs. Stilwell has offered proffers that mimic those of a 2008 application. Are there any particular things with those?

Mr. Gillie responded it is similar to what the adjacent property had, Dixie Bags site; so it is just being consistent with what we already have in the immediate area. They are trying to avoid any chance of spot zoning. Since we already have a conditional next door they matched the conditions.

Mr. Laramore made a motion to recommend approval of Rezoning Application PLRZ2012000058 as submitted. Mr. Griffith seconded the motion. The motion was approved by a 6-0 vote.

- 3. *Special Use Permit Application PLSUP2012000059, filed by Beverley Richardson, requesting a Special Use Permit to operate an auto auction in accordance with Article 3M, Section C, Item 1 of the Code of the City of Danville, Virginia, 1986, as amended, at 4711 Riverside Drive, otherwise known as Grid 0714, Block 006, Parcel 000002 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an auto auction establishment.***

Miss Scolpini read the Staff Report. Nine (9) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Two (2) respondents were unopposed to the request; one (1) respondent was opposed.

Open the Public Hearing.

No one was present on behalf of the request.

Close the Public Hearing.

Mr. Wilson stated I drove out there to look and I was a little confused about where the parking would be.

Mr. Gillie stated right now we are waiting for them to tell us exactly where it will be. We are waiting for them to tell us how they are going to provide that parking. We are asking that whatever they have that they fence it in. We believe that it is going to be the area to the rear sort of on the side where the compressors are outback, but they have the option of moving it around. We are recommending that they screen it.

Mr. Wilson asked so there would not be parking allowed along the street area?

Mr. Gillie responded not along the front of the building, no.

Mr. Wilson asked so none along the front?

Mr. Gillie responded no. They could possibly on the side between the other building that was Roto-Rooter or around the backside where the compressors are and that little shed area. They would not do it out front. We have a substantial right-of-way of 58 and VFW Drive, so along front is actually City right-of-way.

Mr. Jones asked in your opinion, will there be any problem in putting twenty (20) parking spaces in there?

Mr. Gillie responded no, when Penske had the trucks there they could easily fit twenty (20) trucks. You figure you could basically fit two (2) cars in one (1) space, so they should have no problems.

Mrs. Evans asked should we approve this in light of the fact that we have denied some things because of parking?

Mr. Gillie responded they have the space available to do it. We are working with them on how to place it. In the past, when it has been denied we were not actually sure that they could provide what was necessary. In this case we are confident that they can provide it. We are just working with them on the exact location.

Mrs. Evans asked it talks about that the auto auctions will be done after normal operating hours, but it states in number 3 that the hours of operation should not exceed 12:00 p.m. to 9:00 p.m. will normal operations stop at 12:00 p.m.?

Mr. Gillie responded they are proposing to have them as separate, but they could have them during normal operating hours. We are not saying that they can't have it during normal operations. Their proposal to us was that they would do one and once that is closed they will do the other. We were kind of hedging our bets and allowing them both to operate at the same time, but still limiting what the total hours of operation would be.

Mrs. Evans stated we had one comment about the increased traffic and noise. Do you expect there to be increased traffic and noise during the auctions?

Mr. Gillie responded during an auction there will be some additional traffic. We do not anticipate that it would be any worse than when the facility was used as the trucking terminal. In general, the volume has decreased slightly since they discontinued the use of the trucking terminal, but we are not anticipating any increase above and beyond what has already been historically used at that site.

Mr. Wilson stated I am not familiar with a lot of car auctions, but I know some people that do it. Twenty (20) cars does not seem like a lot of spaces for an automobile auction. I am just curious as to what is the plan if those twenty (20) spaces fill, then where do people go?

Mr. Gillie responded if they find that their business is larger than that, then it is a chance to come back and ask for modifications. They asked to start out small, so we are proposing to keep it small. We have other operations already in the City, so there is not a great need for an additional large auction. I think they are just buying some vehicles and what they can't sell outright, they just put them up for highest bidder and pass them on. We are anticipating that if it does grow and become an actual auction that they will come back.

Mr. Griffith stated this also says no less than twenty (20). Would that be a minimum amount?

Mr. Gillie responded yes, it would be the minimum for us. We are still not anticipating that it will be a large auction.

Mr. Jones asked did the applicant have any problems with the other conditions?

Miss Scolpini responded not that they expressed to me.

Mr. Jones stated the quote here from the person that was opposed states that "because of Cunningham Tire has caused several accidents." Is there a history of many accidents in this area?

Mr. Gillie responded not that I am aware of. I did not run a report to see any accident history. This did not show up in any of the studies that I know we have done in that area as being a big trigger for accidents. There is a frontage road system and I do not know if there are accidents not showing up on the frontage road. I was unaware that it was considered an accident interchange.

Mrs. Evans made a motion to recommend approval of Special Use Permit Application PLSUP20120000059 as submitted with conditions per staff. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.

- 4. Special Use Permit Application PLSUP20120000060, filed by Kelvin Moyer, requesting a Special Use Permit to authorize an attached dwelling in accordance with Article 3E, Section C, Item 1 of the Code of the City of Danville, Virginia, 1986, as amended, at 301-305 Bellevue Street, otherwise known as Grid 2709, Block 010, Parcel 000019 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to renovate a condemned 2-unit attached dwelling.***

Miss Scolpini read the Staff Report. Forty-one (41) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Eight (8) respondents were unopposed; one (1) respondent was opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Kelvin Moyer. Mr. Moyer stated we purchased this for rental space and at the time it was not condemned. I am just trying to get it renovated so I can get a little rental property going successfully and make a little income. I did bring in another person to help me with the cost. We feel like it is going to be a pretty valuable piece of property after we get it renovated. I hope you will approve the renovations, so we can move forward.

Mr. Wilson stated just for clarification, you stated that when you purchased it, it was not condemned. From what I am reading here, it was condemned in 2007, you purchased it in 2010, and it was condemned in 2012 again. I am just curious, it has been condemned since 2007?

Mr. Moyer responded it was previously and I did not know anything about that. For some reason between now and 2007 they did take the notice off of the building for two (2) years at least. It did not have a condemned notice on it at the time I purchased it anyway.

Mr. Griffith asked is it practical to rehabilitate that building?

Mr. Moyer responded vinyl siding would probably take care of the outside pretty good. It is a pretty decent structural building.

Mr. Griffith asked do you have any kind of time frame for it?

Mr. Moyer responded six (6) months, a year and a half. I know it is six (6) months and it will be moving pretty fast.

Mr. Laramore asked does that time work within the City's demolition active order for demolishing the building?

Miss Scolpini responded when I spoke to the Building Official, he said that after a plan of action was submitted and approved by his department that the applicant would have six (6) months to complete the renovations.

Mr. Wilson asked has that plan been put in place?

Miss Scolpini responded no, nothing has been submitted to them.

Mr. Scearce stated staff recommends approval subject to the plan and all Building Codes being met.

Mr. Griffith asked so six (6) months is in the Building Code, right?

Mr. Scearce responded it is in the Building Code. Do you understand that?

Mr. Moyer responded yes. It has to be up to Code within six (6) months.

Mr. Wilson asked once the decision has been made for demolition right?

Mr. Whitfield responded no, the order of demolition is already on the property. That requires him to do one (1) of two (2) things: demolish or submit a plan of action to rehabilitate the building. The clock starts ticking once he submits that plan and I suspect he is waiting to get approval on the zoning before he submits the plan.

Mr. Jones asked are you planning to make it a two (2) unit attached dwelling or a single family dwelling?

Mr. Moyer responded I am trying to go two (2) units.

Present in opposition of the request was Ms. Elizabeth Edmonds and Ms. Edith Petty. Ms. Edmonds stated we are owners of the property and we just received the letter. We do not understand what is going on. We own the property, so are you saying that there is something on either side of the property and they need to use the property to get something done or do they want to put something on the property? We do not understand exactly what is happening.

Mr. Scearce responded they are going to remodel an existing unit on the property.

Ms. Edmonds stated I don't have anything but land on the property.

Mr. Scearce stated they are not asking to do anything on your property.

Ms. Edmonds stated I got a letter.

Mr. Scearce stated that is just to notify you because you live within three hundred (300) feet.

Ms. Edmonds asked so I don't have to do anything?

Mr. Scearce responded no.

Ms. Edmonds stated my land is for sale if anybody wants to buy it. Thank you so much.

Close the Public Hearing.

Mr. Griffith made a motion to recommend approval of Special Use Permit Application PLSUP20120000060 with conditions per staff. Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.

5. *Special Use Permit Application PLSUP20120000061, filed by Kirby Wright, requesting a Special Use Permit to operate an adult day care facility in accordance with Article 3M, Section C, Item 6 of the Code of the City of Danville, Virginia, 1986, as amended, at 2623 North Main Street, otherwise known as Grid 2810, Block 007, Parcel 000007 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an adult day care facility.*

Ms. Blair read the Staff Report. Sixteen (16) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Three (3) respondents were unopposed; zero (0) respondents were opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Kirby Wright. Mr. Wright stated I am the owner of Negril Corporation. The site that we are trying to seek in change for the permit is a donation from my main office. We have been in operation since 1999. We have approximately 150 employees. We operate here in Danville and also in Richmond. We work with the intellectually disabled. We are planning to have a daycare facility there. We will be doing training hoping that the individuals will be able to seek a job once they have received the training. I would be happy to answer any questions that you have. We do agree with all of the conditions from staff.

Mr. Griffith asked so this is an adult daycare?

Mr. Wright responded yes, everyone will be 18 and older.

Mrs. Evans asked it says that no additional construction will be required. Is this just one (1) big room?

Mr. Wright responded well no. It already has a partition where the kitchen used to be and we will have some movable partitions, but no construction.

Mrs. Evans asked and you think thirty (30) people will fit in there and do what you want to do?

Mr. Wright responded yes, it is approximately 2200 square feet in the building. There is plenty of room. Everyone will be transported in and transported out. The only vehicles that will be parked will just be our staff.

Close the Public Hearing.

Mr. Wilson made a motion to recommend approval of Special Use Permit Application PLSUP20120000061 with conditions per staff. Mr. Griffith seconded the motion. The motion was approved by a 6-0 vote.

6. *Special Use Permit Application PLSUP20120000062, filed by Eugene Stewart, requesting a Special Use Permit to operate a group home in accordance with Article 3E, Section C, Item 9 of the Code of the City of Danville, Virginia, 1986, as amended, at 1403 North Main*

Street, otherwise known as Grid 2818, Block 023, Parcel 000022, of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a group home with ten persons.

Miss Scolpini read the Staff Report. Thirty-eight (38) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Five (5) respondents were unopposed; six (6) respondents were opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Eugene Stewart. Mr. Stewart stated I missed a little of what you were saying. I purchased this property a few years ago with the hopes that this would be used for some purpose. I happened to have a brother that was in the nursing home and I found that this service could be useful here; so I thought that this would be a good thing to do. I do not know all of the ins and outs of it at this time, but I am more than willing to learn and I would like to see if I can do it. I have a building that is within just a few hours work of being inspected and I would like to see if I can be useful. I moved to Danville three (3) years ago and I find it a very pleasant place to be. I would like to extend that feeling towards doing something useful.

Mrs. Evans asked staff has recommended onsite parking. Are you able to do that?

Mr. Stewart responded yes, I will be able to accommodate them. I have quite a large area in the back that I will more than happy to fix for parking. A place with ten (10) people, it is not likely that you are going to have all ten (10) visiting at one time; however I will try to make a minimum of ten (10) parking spaces.

Mr. Griffith asked is there a parking requirement for how many staff members you would have?

Mr. Stewart responded at this time I am going to be starting with five (5) people. Across the street from where I live there is parking space. I mean in front of the building.

Mr. Griffith stated I know there is no parking in front of your building.

Mr. Stewart stated no, the bus stops there.

Mr. Griffith stated the bus stop is there, so there is no parking in front of your building.

Mr. Stewart stated no, but across the street and there is an alley on the side of my building that could be used. I will have adequate parking for staff and as many as ten (10) people if I have to.

Mr. Griffith asked is that adequate as far as staff is concerned?

Mr. Gillie responded we will have to work with him on providing the necessary parking. That is why we have the provision in there about providing parking. There is space on the lot and he could put it there. If he has available offsite parking, that is another option we haven't explored at this time. I am unaware that he can use the parking that he mentioned across the street unless there is a lot built over there and someone is willing to share; but on his facility he could provide the necessary parking.

Mr. Scarce asked it looks like in the back of the building that there is quite a lot of room in looking at the aerial photo. Is that level?

Mr. Gillie responded no, but it could be made into a parking area.

Mr. Scarce stated I would think that the type of people you are going to have would not have a lot of cars.

Mr. Stewart stated no, they will not be doing much driving.

Close the Public Hearing.

Open the Public Hearing.

Present in opposition to the request was Ms. Shirley Law. Ms. Law stated I am one of the homeowners of property there on Abbott Street, which is coming right in the back of the said property. My sister, Mrs. May Basnight is in ownership of property that comes directly across from the land and of course two (2) brothers also involved in this particular land. My sister sent a letter to Mr. Gillie and I was just wondering if that letter was being read.

Miss Scolpini stated she sent two (2) of the same letter. One (1) of those letters was included in the comments that you have in front of you. It said the exact same thing, one (1) was just addressed to Mr. Gillie and one (1) was addressed to myself.

Ms. Law stated I just wanted to make sure that you did read our letter, because it does voice the sentiments of the four (4) of us. I thought that if it wasn't then I would read it. Do I need to read it?

Mr. Scarce responded I don't think so. They all have it in their packets.

Mr. Gillie stated they have a copy of it and a copy of it is also provided to City Council.

Mr. Wilson stated I just want to make sure that I heard your name right and where the property is located in relation to the one that we are looking at. Your name was?

Ms. Law responded Shirley Law. My sister is May F. Basnight who presently resides in New York who hopefully intends to come home and that is her lot. I have two (2) brothers, one (1) who is residing there in the home with me named Conrad Law and another who lives in another area of the City. We all four (4) have ownership in that property and we are very concerned about the surrounding area.

Mr. Wilson asked what would be your primary concern?

Ms. Law responded why don't I just read the letter but that does cover it. I don't want to pick out parts.

Ms. Law read the letter submitted to Planning Staff by her sister May F. Basnight.

Mr. Wilson asked and the writer of this letter lives in Danville on Abbott Street?

Ms. Law responded she lives in New York, but this is the home I live there along with my brother Conrad Law, but this is her property. The old Abbott Street playground, which is the lot beside us and she has ownership in that. Rather that is her property and she also has ownership in the other

property. We have been affected by the changes when the driveway was made. In fact, we were not even called.

Mr. Jones asked you talked about a home had been purchased and opened for public use. What was it opened for?

Ms. Law responded at first I did not understand what was going on, but I think later someone told me that it was opened for Doves, which we had no problems with. Our problems began when I looked one day and they were opening up a street, a driveway and that caused a lot of problems.

Mr. Laramore asked was the driveway coming directly out of the back of these properties?

Ms. Law responded yes.

Mr. Scarce stated it wasn't this property we are discussing it was another property.

Ms. Law stated it was coming out of the back of I guess, Mr. Elliot's property. It is on North Main Street in the back of his house. That opened onto Abbott Street.

Close the Public Hearing.

Mr. Griffith stated it seems one of the big concerns is the driveway coming back out onto Abbott Street. Is there any way of restricting egress on this piece of property on Abbott Street, so they would have to enter and leave by North Main Street? Is there a restriction on cutting a new driveway per curb and gutter?

Mr. Scarce stated there isn't any curb and gutter.

Mr. Gillie responded no, there isn't any curb and gutter on Abbott Street, so there would not be a provision for that. Entrance approach if they came off of Abbott North Main is potentially an option to come in and out, but would require one way in and one way out or the granting of a variance from the Board of Zoning Appeals. I would like to explore some additional options as he said there may be additional offsite parking within the immediate area. We try not to create additional parking if we can find others to use. At this point, Abbott is the most likely place that they would ingress and egress the property and we would have to work with them on control. I don't want to say no and we can't restrict it. When that driveway was cut before it was a residential driveway, so there wasn't as much control. The storm water management regulations didn't necessarily jump in like they do now. On commercial construction any parking lot has to control the water runoff a lot different than it did in the past. Regulations have changed substantially since that last driveway was constructed.

Mr. Griffith asked so all of that would be addressed?

Mr. Gillie responded all of it would have to be addressed in this new site.

Mr. Wilson asked because Doves was here before does that open this open to usage that might not otherwise?

Mr. Gillie responded no, because it has been vacant for more than two (2) years it loses any right. Any legal non-conforming issue is gone. Anything that they do now will have to meet current Code or come before you for a special use permit request.

Mr. Wilson stated I have a little bit of concern that it seems like this has not been bedded out completely. It is a wonderful idea for providing this kind of care. There seems to be some vagueness about how this is going to play itself out and there seem to be some issues with parking and other things. Does this need to be worked on a little bit more to kind of clean up some of that stuff?

Mr. Gillie responded that is up to the Commission.

Mr. Scearce stated that is in staff's recommendation. All of that would be taken care of at that stage. We are just looking at strictly zoning and special use issue here.

Mrs. Evans asked but if Mr. Stewart doesn't do this within two (2) years he loses the special use permit, correct?

Mr. Gillie responded the special use permit can expire and it also has other triggers on it. If he does not provide the parking he will not get his operations license. If he doesn't do the other things necessary for Code he will not get his operations license. All of this is contingent upon him finalizing his plans and actually completing what he needs to do in order to operate. Failure to do so, then yes, the special use permit can expire.

Mrs. Evans asked do those plans have to be submitted to the Department of Health or any other organization?

Mr. Gillie responded he will have to get approval from certain licensing agencies at the State. It depends on what type of clientele he has as to what agency at the state would be his licensing agency authority.

Mr. Scearce stated they come in and check those a lot of times.

Mr. Gillie stated it could possibly be the Department of Mental Health, Mental Retardation; it could be Department of Social Services. It depends on his final type of clientele he is going to have.

Mrs. Evans asked his two (2) years begin ticking?

Mr. Gillie responded once Council approves it, if Council approves it.

Mrs. Evans stated Ms. Basnight has shared some concerns that she has, that other people coming before Planning Commission have shared about similar homes in their neighborhood. Can you speak to that? Is there anything that has been done? How do we address those if it is approved and there were instances?

Mr. Gillie responded it is an enforcement issue. If there are issues, they need to complain to the City and we go out and investigate on a case by case. The driveway issues that we had in the past I think the Engineers went out and looked at that driveway. Again, that driveway is a little different case, because one was a residential driveway verses a commercial driveway. They are different standards. We need to know about what is going on so we can go out and investigate and seek the proper course.

Mr. Laramore stated he will have a full plan approved before he gets started on construction. I assume that there is a fair amount of work to be done to bring that building up to Code.

Mr. Gillie stated there is some work that needs to be done to bring that building up to Code. It was Doves before so there were some modifications already to that structure. There will be some plans that are necessary to be provided to us to the Building Inspections and also again to whatever agency at the state that he goes to. They have their own set of rules. We have our set and all of that has to be done. Right now, he has an idea and he wants to do it; but he can't even start without going through this process. If he is denied this there is no point in him going to the state and saying "alright I want to do it;" because he hasn't gotten what he needs from the locality. He is really at the preliminary stages in coming to you.

Mr. Jones asked is there any plans for renovating the outside of the building?

Mr. Stewart responded the outside of the building was not to be changed cosmetically because of the acceptable look that it has; and I thought it was a contribution. However, I will more than happy to accommodate anything that you decide is better for it.

Mr. Wilson stated I really did not pay attention to what was across the street when I went over there. What is New Hope?

Mr. Gillie responded there is a church at the end of New Street that had a facility at one time it was a daycare. It has had a couple different things inside of it, but it is on the end of New Street. New Street was modified to allow two-way traffic, widened, some curb and gutter placed in it. The church had daycare and they may have had an adult daycare facility where they were taking care of folks.

Mr. Wilson asked is that currently active and running?

Mr. Gillie responded as far as I know it is. It has been a number of years since I've been out on that site. I am sorry I can't say.

Mr. Scarce stated again this is just on the use, a special use permit that we are dealing with here today. Staff will cover if we make it contingent upon these conditions that staff has.

Mr. Wilson stated but the only conditions are parking, occupancy, and building and fire codes. Just a question for my own clarification, is that the limits of what we are having to think through here? I mean we have a number of people around them that have communicated opposition and a number that are not opposed to the change. I don't know, but to me it seems like there are some things that still need to be worked out. If all our job is to say it is ok to put it in that spot from a legal point of view, is that what we are deciding?

Mr. Gillie responded no, since it is a special use permit request they are asking for something that is recognized in the Code as being possible at that location. Planning Commission can put any conditions on the approval that they deem necessary in the public interest. If you feel that there are issues that still need to be addressed you can ask to table this and have the applicant do a little more research and come back with a more detailed plan. As it stands right now, he has asked for this use which is recognized in the Code as being possible. From staff's perspective we required him to provide the necessary parking and he meets other Code requirements. We feel like at that point and having to go to the state also to get their approval that all of the Code related issues would be addressed. They need to be addressed prior to any occupancy of the structure. You are looking at it from a slightly different perspective in that one it is possible, but do you feel that there is enough information there for you to make your decision. That is something that the board will have to

decide upon. You can approve it, approve it with additional conditions, you can table it, or you can recommend denial.

Mr. Wilson stated I am not sure that I would want to recommend denial. I am feeling, and I may be the only one sitting here feeling that, a little lack of clarity about some things that probably need to be a little more clear to us. I am talking about both sides of this.

Mr. Scarce asked do you have any specific issues that we can address?

Mr. Wilson responded I think my biggest concern is that we do have people surrounding them with opposition. We had a person step forward that I think we need to take seriously. I think that Mr. Stewart has really not made out a clarified plan. I think he has an idea of wanting to do something, but I am not exactly sure of how this comes out. Maybe I am missing something there. It seems to me to open up the door and say "yes, let's do this" really invites something that I am not that clear about into a residential neighborhood. People raise concerns about that. I would probably be in favor of this in a big picture; it is just that the whole idea of getting this thing to a little more clarity at least for myself, I would feel better about it. I am just one (1) vote, so forge ahead.

Mr. Scarce stated we need some sort of motion so we can go one way or the other. It is up to you guys. Again, I think staff addresses everything and there are licensing issues too that have to be dealt with from the Health Department or whoever that regulates their license and that sort of thing. This is not all that there is to it. Things are going to happen in a certain order of events.

Mr. Wilson stated what I am hearing you say is let's go ahead and approve it, that sets it in motion, and there are lots of other things that will come up.

Mr. Laramore stated there are a lot of things that he will have to do to get this actually to permit.

Mr. Wilson stated but it will not comeback to us anymore.

Mr. Gillie stated once you make your recommendation, it goes on to City Council. It will not come back to you. If you would like to see it come back to you recommend tabling it. See if someone else agrees and go from there. See what the vote is or you can recommend approval and add conditions. Options are available.

Mr. Wilson stated yes, that is complicated. I am still fairly new at this.

Mr. Gillie stated welcome to government.

Mr. Laramore made a motion to recommend approval of Special Use Permit Application PLSUP20120000062 with conditions per staff. Mr. Griffith seconded the motion. The motion was approved by a 4-2 vote (Mrs. Evans and Mr. Wilson voted in opposition).

- 7. Code Amendment Application PLCA20120000063, filed by Verizon Wireless, requesting a Code Amendment to Article 2, Section R, Item 12 of the Code of the City of Danville, Virginia, 1986, as amended. The applicant is proposing an increase in antenna height from 6' to 8'.***

Miss Scolpini read the Staff Report.

Open the Public Hearing.

Present on behalf of the request was Attorney Lori Schweller and Ms. Claire Novack. Ms. Schweller stated as was very well explained already we are requesting an amendment to one (1) small subpart of the regulations for communications towers and facilities to allow panel antennas that are eight (8) feet long as opposed to six (6) feet long, the current maximum length. This particular request has been prompted by a specific site we have in Danville at 2128 South Boston Road, which is three (3) sets of antennas on the City of Danville water tower. At that location there are three (3) sets of four (4) antennas each. Currently we are propagating two (2) of the technologies that Verizon Wireless offers. The personal cellular service and what we propose is to replace half of those antennas, six (6) of them, and replace them with three (3) PCS and three (3) LTE. LTE as you probably know is the 4G service that Verizon Wireless offers. The reason this is so important is that LTE will handle the additional demands for data transmission that we are seeing from individual customers, from businesses, from education, from government. As you know, just in the past five (5) years even the demands of technology and the use of technology have changed dramatically. It used to be that cell phones were considered a convenience and now they are really a necessity. The FCC estimates that over 70% of 911 calls are from cell phones, so we believe that this proposal will be important to the county and is consistent with the goals of your comprehensive plan. Specifically business development, obviously better technology is going to be beneficial to tourism, businesses, retail and other commercial uses. It is also very important for government and education. The goal of your comprehensive plan is to improve your utilities infrastructure. You can think of wireless technology as a public service that happens to be provided by private companies. It doesn't cost the locality the extra dollars to provide that service. We do think that this proposal is in line with the goals of your comprehensive plan. I would be happy to take any questions specific or general.

Mr. Jones asked if this was amended to be ten (10) feet would we get better coverage?

Ms. Schweller responded it is the determination of our radio frequency engineers that eight (8) feet will provide adequate coverage at this location. The way that it has been explained to me is that the longer antennas provide a stronger signal and cover a greater area. When you have a stronger signal and cover a greater area you get better built in coverage. You also get fewer dropped calls as you move from one cell to another cell. It is a better quality of coverage and it handles a better capacity. We are also adding the 4G technology, so you would have upload/download data speeds of up to ten (10) times higher than you would have with our current 3G technology. To answer your question, it is possible; but I couldn't give you the true answer without the information from our radio frequency engineers.

Mr. Jones asked what is the problem with camouflage? How come that is stressed in these statements?

Mr. Gillie responded they have done that to allow additional antennas without the creation of additional towers. Everyone seems to have a potential problem with the amount of cell towers out there. They are not always the most attractive thing, so what we have done is provided an option to put antennas on structures. You don't want to see these antennas, especially with Danville having a lot of historic structures, and maybe an antenna mounted on top of a historic church steeple. You don't want to see that. It distracts from the historic nature of the building. We put a provision in there that they camouflage it to make it look like whatever it is that they are attached to, colors, textures, and everything else. There are probably a lot more antennas in the City than people know about because they have been camouflaged. It is just kind of a visual blight thing.

Mr. Griffith stated Ms. Schweller mentioned that the property in question in on 58 east, but in the application that Barry Dunkley signed it says 279 Park Avenue.

Mr. Gillie stated that is where Barry is located. That is the water treatment plant address. The tower in question is the first one out on Airport. They are going to be doing additional towers and since I've spoken to Verizon, I have also had another company contact me to ask about changing their antenna height. Everyone in the industry is happy that they are the first ones asking for bigger antennas because we are going to have more of this coming in the future.

Mr. Griffith asked this will cover everybody though?

Mr. Gillie responded it is a City wide Code change. It will cover any company that comes in and does it. Mr. Jones, your question about ten (10) feet is a potential. At this point, they asked for eight (8). The research that we've done shows that most antennas are going from what we had before as a six (6) foot antenna to an eight (8) foot antenna. Ten (10) foot is a potential, so if your idea is to go to ten (10) feet, that is something to discuss. My research was kind of half and half on it. We stuck with eight (8) because that is what they asked for. We would not be opposed to going ten (10) if you feel that it is necessary. We went with what they asked for, but the longer the antenna the better frequency as she said. It is a little harder to camouflage as they get taller. We were just trying to provide a happy medium on it.

Mr. Jones asked what are the standards in Charlottesville?

Ms. Schweller responded in Charlottesville the Zoning Code is very different for wireless communications and they vary dramatically depending on where they are. We have a lot of attached antennas on buildings that are disguised and in downtown areas, especially historic areas. That is very carefully monitored to make sure that it blends well. In other areas of the City you might have co-locations on electric transmission towers or free standing towers that are camouflaged for example in a flag pole. Just outside the City in Albemarle you have a wide variety as well. They are tiers in Albemarle County. They are three (3) tiers, the first tier being co-locations, the second tier is what they call tree top facilities, which are monopoles that extend just above the trees, and the third tier is anything else and that would be allowed with a special use permit. So, you might have a hundred and fifty (150) foot tower with a wide array or you might have a lattice tower. It depends on the location.

Mr. Jones asked do the stipulations vary around the State that much also?

Mr. Gillie responded yes.

Ms. Schweller responded they do. Even in Central and Western Virginia, where I typically work, every locality is different.

Mr. Gillie stated the industry changes faster than we can keep up with the regulations. As you saw with the number of texts and cell phone users, it is jumping up exponentially. The technology to keep up with it is amazing. If you want to just do a little research like we did for this report, it is mind blowing how quick things are going and how they process everything. We are doing the best we can to keep up and make sure that we are providing what is necessary. That is why I said if you want to go for ten (10) foot I am not opposed to changing that number from eight (8) to ten (10) if that is something that Planning Commission recommends.

Mrs. Evans asked what about twelve (12)?

Mr. Gillie responded I did not find anything on twelve (12). Between eight (8) and ten (10) seems to be the standard size for what is the new 4G. The question is, what is going to come out after 4G and what are they going to need?

Mrs. Evans stated that is why I was saying go ahead and go to twelve (12).

Mr. Gillie stated I didn't see where anyone would need twelve (12). Now in the future, some of the stuff in the future was talking about going back to smaller in what I was able to find and I am far from an expert on this. I was just doing some quick research. We are concerned with going too big, because then you've got these giant things that are stuck out there. We were trying to find that happy medium using what people are asking for. Planning Commission can come up with a number. I saw eight (8), I saw ten (10), I didn't see twelve (12); but that doesn't mean that it is not there.

Mr. Wilson asked does every company like AT&T, Verizon, and Sprint set their own tower?

Ms. Schweller responded not always. Each company of course has its own network, but we try to co-locate when possible. We try to use the same facilities. If an AT&T facility were in a location where Verizon Wireless needed service, then it is highly possible that we would contact them to co-locate on their facility. You will see a lot of facilities that have antennas from various carriers including from the County for Emergency Services.

Mr. Gillie stated I think we have three (3) providers on the water tank. The City has three (3) companies that lease space on that water tank. One of the water tanks we have multiple providers on, I can't remember if it is that one or not.

Ms. Schweller stated I don't think it is this one.

Mr. Gillie stated it may be the one up on West Main Street. We have multiple providers on our own water tank. The tower outside of City Hall about three (3) blocks that way has at least three (3) different carriers on it.

Mr. Jones stated you are here asking for eight (8). You are not opposed to ten (10)?

Ms. Schweller responded no, sir. Let me put it this way. We would like to switch these antennas out and start providing 4G service as soon as possible. In fact, we need to have this construction take place by the end of April. I would prefer not to request anything at this point that would require this to be re-advertised. If we needed to ask for taller antennas in the future, we can certainly do that.

Mr. Whitfield stated I do not think it has to be re-advertised. You may have mentioned a number, but you are talking about a Code amendment.

Mr. Griffith stated so, if we change this from eight (8) to ten (10) feet then it would not require another hearing.

Mr. Whitfield stated not for the Planning Commission. You all would make your recommendation, because essentially it is coming to you all for your recommendation. We would take your recommendation being that eight (8) is not sufficient and that it needs to be ten (10) and that is what Council would consider. We would then of course re-advertise it for the Council meeting; so it will not slow it down at all.

Mr. Scarce stated it is a maximum of ten (10), so if they research it and say “no, we need to hold it at eight (8) for maximum service” they could put it at eight (8). If it is your pleasure to do it at ten (10), that gives them a little extra room to work with. We certainly want good coverage.

Ms. Schweller stated if I may, I can say that when I was speaking with our RF Engineer about this very question they explained to me that antennas like these for this type of location are typically up to twelve (12) feet. It was discussed that twelve (12) feet would be wonderful to have. It just so happens that we are planning to replace the ones that are there with eight (8) feet ones, which will give a little more uniform appearance; because all of the antennas will be about the same height.

Mr. Wilson asked did you ask for eight (8) feet because you guys thought it might go through quicker?

Ms. Schweller responded that is often part of our decision making process. In some jurisdictions it is very important to bring an application that has the least amount of visual impact.

Close the Public Hearing.

Mr. Scarce stated I think they have made this very easy. If you want to make an adjustment on the height, I don't think staff is opposed to it.

Mr. Gillie stated we are not opposed to it.

Mrs. Evans made a motion to recommend approval of Code Amendment Application PLCA20120000063 with a maximum antenna height of twelve (12) feet. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.

II. MINUTES

Mrs. Evans made a motion to approve the minutes from the February 13, 2012 meeting. Mr. Wilson seconded the motion. The minutes were approved by a 6-0 vote.

III. OTHER BUSINESS

Mr. Gillie stated the rezoning request on River Oak Drive that was supposed to go to City Council was withdrawn. The applicant decided not to subdivide the parcels. He sold it as one large chunk, so that was taken off of the agenda. The comprehensive plan, I have received the last set of mark ups from the consultant, so we are reviewing that now. If there are any corrections we will send it back, otherwise that should be to you very soon. I know I keep saying that, but we keep making little things here and there. The River District came in and so we are trying to address all of those. That is about all I have. You do have cases for next month, so plan on being here.

With no further business, the meeting adjourned at 4:25 p.m.

APPROVED