

PLANNING COMMISSION MINUTES
May 12, 2014

MEMBERS PRESENT

Mr. Searce
Mr. Laramore
Mr. Griffith
Mr. Jones
Mr. Wilson
Mr. Bolton
Mrs. Evans

MEMBERS ABSENT

STAFF

Christy Taylor
Ken Gillie
Renee Burton
Scott Holtry
Clarke Whitfield

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

I. ITEMS FOR PUBLIC HEARING

- 1. Rezoning Application PLRZ2014000093, filed by Richard & Brenda Rowland requesting to amend the 2020 Land Use Plan from SSR, Suburban Single Family Residential to CS Community Service and to rezone from S-R, Suburban Residential to "Conditional" HR-C, Highway Retail Commercial, a 1.851 acre portion of 5555 Riverside Drive, otherwise known as a 1.851 acre portion of Grid 9707, Block 006, Parcel 000001.000 of the City of Danville, Virginia, Zoning District Map.*

Mr. Holtry read the staff report. Six notices were sent to surrounding property owners within 300 feet of the subject property. Two responses were not opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Richard Rowland. The original 12 acre tract that I purchased was subdivided. That plat has been approved and recorded but the map system does not show the exact lines. I just want everyone to be clear; this lot is not where Carter's Restaurant was. It is to the east of that where the Hardees billboard is. The star symbol is actually the lot we are requesting to rezone (Mr. Rowland presented a map to each Commission member). The subject 1.185 acre is part of a 12 acre tract that I purchased last December. This tract includes additional acreage owned by me and includes my residence. Those parcels are marked by an X on the aerial photo. The general consensus in the neighborhood is that the tract would be developed sooner or later. As an adjacent property owner, I was in a unique position to create a win win situation not only for myself but for the Birnam Woods neighborhood, previous property owners, and a small portion of the Danville economy. I purchased the tract to increase the property that I own around my residence with an eye toward encouraging suitable commercial development of this small portion fronting on Route 58. I believe the subject lot has great commercial potential, but little to no potential as a residential lot. I have proffered that 25 out of the possible 55 uses permitted under HR-C or Special Use Permit not be allowed. Although I want to sell my lot for commercial use, I have limited my application to the types of businesses that I believe would be welcomed in my neighborhood. I derive a small income from the large Hardees billboard located on the subject lot. The billboard's company lease is due for renewal in November and would extend for another year. If my rezoning application is approved, the

lease will not be renewed and the billboard will be demolished. This would be done because I can't risk the lease on the land impeding a possible commercial sale. I view that as a plus if we were able to move forward with this plan. I view it as an eyesore and feel that its removal would be a plus for the neighborhood. In summary, my purchase of the 12 acre tract has already benefited the Birnam Woods neighborhood by ensuring that the remaining 10 acres of the tract will remain undisturbed woodland. Additionally, I personally demolished the unsightly Carter's Restaurant building located adjacent to the subject lot. I am currently working with LED Engineering to obtain the necessary land disturbance permits that will allow me to clean up and level the subject lot to make it more presentable and saleable. Allowing suitable development will enhance that section of Route 58 while benefiting the local economy. I hope that you will agree that conditional HR-C zoning is appropriate.

Close the Public Hearing.

A citizen stood up and asked to be heard.

Chairman Scarce reopened the Public Hearing.

Present to speak was Ms. Susanne Singer. I am a resident of the Birnam Woods neighborhood and I feel that this would be a win win situation for everyone. I totally support Mr. Rowland and what he wants to do. I feel commercial property would be better than any type of residential property on that lot. His plans for beautifying the area would be very nice. It was an eyesore where Carter's used to be and getting rid of the billboard would also be nice. I just wanted you to know that I support him and his intentions.

Close the Public Hearing.

Mr. Wilson stated I noticed the items not marked through like fast food restaurants, and mini storage. Did I understand this would go up for sale to a business?

Mr. Gillie responded that is his option if he decides to, yes.

Mr. Wilson stated just for the record, a fast food restaurant could go in there.

Mr. Gillie stated correct.

Mr. Laramore read a conflict of interest statement.

Mr. Griffith made a motion to recommend approval of PLRZ2014000093 with conditions proffered by the applicant. Mr. Bolton seconded the motion. The motion was approved by a 6-0-1 vote.

2. *Rezoning Application PLRZ2014000094, filed by Anthony Smith on behalf of Blue Ridge Towers, LLC, requesting to amend the 2020 Land Use Plan from USR, Urban Single Family Residential to ED, Economic Development and to rezone from OT-R, Old Town Residential to "Conditional" LED-I, Light Economic Development Industrial, 1005 Industrial Avenue, otherwise known as Grid 1608, Block 024, Parcel 000011.000 of the City of Danville, Virginia, Zoning District Map.*

3. *Special Use Permit Application PLSUP2014000095, filed by Anthony Smith on behalf of Blue Ridge Towers, LLC requesting a Special Use Permit to construct a communication tower in accordance with Article 3.0; Section C, Item 4 of the Code of the City of Danville, Virginia, 1986, as amended, at 1005 Industrial Avenue, otherwise known as Grid 1608, Block 024, Parcel 000011.000 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting to construct a monopole communication tower at this location.*

Mrs. Burton read the staff report. Twenty-nine notices were sent to surrounding property owners within 300 feet of the subject property. Four responses were not opposed. Five responses were opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Hunter Burns. I am here on behalf of Mr. Smith to answer any questions that any of the Commissioners may have. I believe they have already summed up everything. There is really not much to add. Mr. Smith has already addressed all of the issues with the monopole and he has also shown a need for the monopole. Thank you for your consideration.

Close the Public Hearing.

Mr. Bolton made a motion to recommend approval of PLRZ2014000094 with as submitted. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

Mr. Wilson made a motion to recommend approval of PLSUP2014000095 with conditions per staff. Mr. Griffith seconded the motion. The motion was approved by a 7-0 vote.

4. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Article 15: entitled "Definitions", to create the definition of Child Therapeutic Day Treatment, and various sections of Article 3 to allow for these uses and to amend Article 3:R. regarding appeals in the HP-O District.*

Staff recommended this item to be tabled due to changes in State law.

Mr. Laramore made a motion to table the item. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.

II. MINUTES

Mr. Wilson made a motion to approve the April 7, 2014 minutes. Mr. Bolton seconded the motion. The motion was approved by a 7-0 vote.

III. OTHER BUSINESS

Mrs. Burton stated in front of you there are two maps. One showing the current land use plan for an area that has been identified as the Monument-Berryman study area, it is predominantly in blue. The second map that you have is the new proposed land use map for this Monument-Berryman study area. A master plan has been created for the area to designate this as a redevelopment and conservation area. This is to make you aware of the plan and the land use changes that are proposed within this plan. We will have a public

meeting on May 22 at 6:00 p.m. at the Mosley United Methodist Church 601 Berryman Avenue. That is an open invitation for the public to learn more about the plan. Staff and our consultants, Community Planning Partners will be on site to answer any questions and to review the plan with citizens.

Mr. Searce asked what type of land use do you envision for that?

Mr. Gillie responded there will be different types of housing, limited commercial use, things to help the neighborhood, possibly daycare facilities and other things as such. It is going to jump into the Comprehensive Plan, which we were going to try and get to you this month as a draft. We have to incorporate this into the Comprehensive Plan, so that is why you are not receiving that today.

With no further business, the meeting adjourned at 3:25 p.m.

APPROVED