

**PLANNING COMMISSION MINUTES**  
**June 9, 2014**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

**Mr. Searce**

**STAFF**

**Christy Taylor**  
**Ken Gillie**  
**Clarke Whitfield**  
**Scott Holtry**

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

**I. ITEMS FOR PUBLIC HEARING**

1. *Special Use Permit Application PLSUP20140000120, filed by Alfrieta Bennett-Reaves requesting a Special Use Permit to operate a transitional living shelter in accordance with Article 3.E; Section C, Item 25 of the Code of the City of Danville, Virginia, 1986, as amended, at 835 Stokes Street, otherwise known as Grid 2717, Block 022, Parcel 000003 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting to operate a transitional living shelter at this location.*

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

Open the Public Hearing.

Present on behalf of the request was Ms. Alfrieta Bennett-Reaves. I want to give a little more detail on what our application is for. This home we bought is for sexual assault/rape victims. Again, there will not be more than five persons at one time up to 60 days. That is the way we would like it because each rape victim needs to have a room to herself. She really needs to heal differently. I really wish there was a different word than transitional living because I think that is what scares a lot of people. I got calls from people asking me what did that mean and they were just afraid hearing those words. It is what it is and I am here to answer any questions that you may have.

Mr. Griffith asked I went by the property today. Are you planning, it looks like the building itself may need some work.

Ms. Bennett-Reaves responded it needs a lot of work.

Mr. Griffith asked so all of that is going to be taken care of?

Ms. Bennett-Reaves responded before it is opened, yes. We have had Home Depot go out there and look and they are going to give us some support. We have had HVAC over and

they are giving us some support. We've got everything in place except the special use permit.

Mr. Bolton asked the staff that will be there 24 hours, will they have any kind of training?

Ms. Bennett-Reaves responded yes.

Mr. Wilson asked is this State licensed? What are the conditions in which you all would be administered or supervised by? Who would be the higher supervisor above you?

Ms. Bennett-Reaves responded no. We have spoken with the sexual assault staff here in Danville. We will cover Halifax County, the City of Danville, Pittsylvania County, and part of Campbell County if it is needed. Mrs. Jones and her supervisor, we have already spoken with them. We are basically offering a healing station. I am a rape victim that is why I can relate. Sometimes you just need the solace of being by yourself, your time to cry, your time to talk to God, your time be angry or whatever. These 60 days will just offer them a healing period with their assistance.

Mrs. Evans asked no State regulatory agency is going to govern you?

Ms. Bennett-Reaves responded no. We are just going to remain a ministry. We are not going to be a business. We will be strictly by donations. We are not going to be funded by the State. We will apply for some grants to operate, but there will be no State office that will supervise us.

Mrs. Evans asked and you are not connected with Safe Haven at all?

Ms. Bennett-Reaves responded no.

Mr. Wilson asked are you connected to a congregation? Is this the ministry of a church?

Ms. Bennett-Reaves responded no.

Mr. Wilson asked so this is just something you're doing?

Ms. Bennett-Reaves responded I am a minister and I do belong to a church but there is no church that will govern this ministry. It is an outreach ministry.

Mr. Bolton asked will they all be referrals or can they just come to your door?

Ms. Bennett-Reaves responded no, they will be referrals. They will either come from Mrs. Jones and the sexual assault department or from the police department from the hospital. Let me go on and say this to you. Mrs. Jones works with the Y. We won't work for the Y, but we will be the right hand hopefully to Mrs. Jones, but we will not be governed by the Y.

Mr. Wilson asked are you going to be the staff person?

Ms. Bennett-Reaves responded no, it is not my plan. The vision of our ministry is the octopus and the octopus has eight arms. The head of the octopus is Present Help Ministries. I am the backbone to Present Help Ministries right now because we are in the organizing stage right now and I am the person doing most of the leg work. We already

have a director in place. We have a board of directors already in place. We have an advisory board in place. That is why I hesitate to answer. I am not doing this by myself. It is a shared vision.

Close the Public Hearing.

Mr. Griffith asked in the subject matter it refers to 835 Stokes Avenue. Should that be Stokes Street?

Mr. Gillie responded yes. The map numbers and everything else is correct. That was just a typo.

Mr. Bolton asked will there be any inspections on a regular basis on the facility? I know she has a lot of work to do to get the property up to where it needs to be.

Mr. Gillie responded once it is in operation, no. We will inspect it prior to operation to make sure that she installs smoke detectors and anything else that is a Building Code related issue, but there are no special inspections or anything else for this facility. It is not governed like some of the other regulations. Under our transitional living definition, they have certain criteria to meet. Once they meet those criteria, that is it.

**Mr. Bolton made a motion to recommend approval of PLSUP20140000120 with conditions per staff. Mr. Griffith seconded the motion. The motion was approved by a 6-0 vote.**

2. *Special Use Permit Application PLSUP20140000126, filed by Elliot & Amy Baynes requesting a Special Use Permit to operate a commercial horse stable in accordance with Article 3.A; Section C, Item 9 of the Code of the City of Danville, Virginia, 1986, as amended, on parcel ID 78441, otherwise known as Grid 0818, Block 001, Parcel 000001, and parcel ID 72334, otherwise known as Grid 0818, Block 001, Parcel 000001.001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to amend the previous conditions on parcel ID 78441 limiting the number of horses and no commercial operation and is now requesting to operate a commercial horse stable at these locations*
3. *Special Use Permit Application PLSUP20140000127, filed by Elliot & Amy Baynes requesting a Special Use Permit to construct an accessory building without a primary building located on the parcel in accordance with Article 3.A; Section C, Item 1 of the Code of the City of Danville, Virginia, 1986, as amended, on parcel ID 72334, otherwise known as Grid 0818, Block 001, Parcel 000001.001 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting to construct an accessory building without a primary building located on the parcel.*

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

Open the Public Hearing.

Present on behalf of the request was Mr. Elliot Baynes. A little bit of history on the property that we are talking about. Back in 2006 me, my wife Amy, my father, and stepmother bought a 74 acre tract. When we purchased the property, we had it resurveyed and split it

so that me and Amy could have one side and my dad could have the other. We came to Planning Commission and got that approved. Over the years, my father decided to sell his 34 acre tract. At that time my wife and I were not able to buy his half. We actually found somebody that we knew that was interested and they purchased it. Back in April, she contacted us and said that she would like to sell the property. Amy and I were able to purchase the 34 acres that used to be my fathers. So now Amy and I own the 40 acre tract and the 34 acre tract even though it is still split. When we purchased the property from Ms. Brown we were thinking about boarding horses. We talked to some friends because my wife has been into horses ever since she was little. We talked to some friends that were interested in bringing their horses to our land to board. I talked to Planning and currently we can have 24 horses between both pieces of property. In the Sandy River Residential you can one horse per three acres, so currently we can have 24 horses between the two properties. For us to receive monetary gain, for someone to pay us board each month, we have to have a special use permit. That is why I am here today, so we can board horses on that property. I passed out a map. Basically the red dotted line goes around the entire 74 acres. The current pasture is what is there now. That is the side that we just purchased from Ms. Brown back in April. Ms. Brown is the lady that came and had a special use permit approved to build the barn in 2011. As you can see we have two other pastures that will be future pastures. Pasture 1 will probably take into effect the end of this summer. Pasture 2 will probably be years down the road. We tried to go around and talk to our neighbors to try and explain to them what we were doing because when people hear the word commercial, they think of this huge commercial outfit. We are just looking to board horses and maybe in the future give some kids horse riding lessons. I mean we are talking maybe on a Saturday morning having 3 or 4 kids. It is not going to be a huge commercial operation. We just have to get that commercial designation to receive monetary gain. The neighbors that we spoke with were for it. I really didn't have any strong opposition. Some were concerned about the amount of people down there or big events, but that is not our intentions. We want to keep this simple because we will be building down there hopefully within a year or two. Any questions so far?

Mrs. Evans asked what do you plan to do with those open areas?

Mr. Baynes responded nothing. The one that runs near pasture 1 has some horse jumps set up through those fields. Those will be areas where people can ride. We don't want them going on other people's property. We want them riding within the property that we own. We have trails in the woods and along the river. Those open areas will stay. One of those open areas near the barn is where we are going to build our house.

Mr. Wilson asked just for clarity, where it says barn is that the 30x30' structure?

Mr. Baynes responded yes. The equipment shed that we are asking for is next to pasture 2. A current shelter is there and we keep the tractor and farm equipment in it. It was built 60 or 70 years ago and it is in bad shape.

Mr. Wilson asked which one is going to be torn down and replaced?

Mr. Baynes responded the equipment shed.

Mr. Wilson asked so the barn is adequate and there is nothing that you are going to do with that?

Mr. Baynes responded right. It is a 30x30' barn. It has 3 stalls and 3 rooms for tack and storage. The horses that we will have will not be kept in a stall. They will be in the pastures. We are not going to do stall boarding. The stalls will be used for horses that are injured if they need to be kept in an enclosed area.

Mr. Wilson asked you have a 150' minimum for that equipment shed, is that correct?

Mr. Holtry responded that is right.

Mr. Jones asked do you have any problem with staff's recommendation of 16 horses?

Mr. Baynes responded yes and it could have been my fault when I was talking to Scott. Currently we can have 24 horses. Maybe I didn't clarify, but we wanted 16 horses to be boarded horses and the remaining 8 for our personal horses. Currently we have 3. The Sandy River District already restricts us on the amount of horses. I was just saying that 16 would be other people coming in.

Mr. Griffith asked does staff have a problem with 24?

Mr. Holtry responded we would not have a problem with 24 because the property allows that.

Mr. Griffith stated the property will sustain that.

Mr. Gillie stated we went with 16 because that is what we understood he was asking for.

Mr. Baynes stated we are not going to load up one pasture with more horses that it can take because that is not good for the horse.

Mrs. Evans asked if someone contracts with you to board their horse, they don't expect their horse to be in a stall?

Mr. Baynes responded we would tell them that upfront. There are a couple of facilities in Danville and even one right up the street on Westover that offer stall boarding. There will be an agreement signed between us and them that states everything that we will provide and what they are responsible for.

Mr. Wilson asked if you wanted to board more horses in the future would that require a different permit?

Mr. Holtry responded without a primary structure they would have to get another special use permit.

Mr. Wilson asked did I hear you say that you were going to build a house on this land?

Mr. Baynes responded yes, on the 40 acre side that we've owned since 2006, we were actually getting ready to break ground this summer. When Ms. Brown decided to sell her half we put the house on hold. We had our baby yesterday, so that added to putting the house on hold. We are hoping to build out there within the next year or two. Currently we live on Westover, which is right around the corner.

Mr. Jones asked where will the house be located?

Mr. Baynes responded if you look at the barn and go over to the right to the open area that is where the house will be.

Mr. Wilson asked does that change anything?

Mr. Gillie responded he could at that point add on without an additional permit because right now he asking for the special use permit because there is no permanent structure. Once the house is built it would become an accessory to a primary structure and he doesn't have to go through the special use permit process.

Present to speak was Mrs. Mable Thompson. My house is adjacent to this. We have already spoken with Mr. Baynes and his wife and I believe we understand what there intents are. I have several concerns and I just wanted to voice those; therefore, I didn't send any letter opposing the request. I have no concerns about the accessory building whatsoever. My concerns come down to the commercial stable. We are looking forward to having them as neighbors but we also feel that we need to look out for our own self interests. They have good intents but I know in life things change. Something could happen and they could decide that they want to move or decide that they want to do something totally different. The special use permit, the way I understand it, goes with the limits of the property. They live close enough to the property that they are able to come take care of the horses. If they sold the property it could be someone further away or someone who wasn't as diligent in taking care of the horses. The letter that was sent out by the Planning Commission indicated that there was a lot to the south that was vacant and a lot to the west that was vacant. The lot to the south is actually my lot and it has a house on it. When we bought our land it was divided into two lots. There is actually a house on the property to the west as well. I just wanted to point those two things out. To get to their property, there is an easement that is owned by my husband and I. I have to be concerned about the traffic with people going back and forth and the more horses that they board, the more traffic that could conceivably be. People wanting to visit their horses, ride their horses, and there is the riding lessons. If a horse gets sick there could be traffic in the middle of the night. My final comment has to do with it being called commercial stable because nowhere could I find a definition for commercial stable. I trust the Baynes and I understand that their primary purpose is to board horses, but then again if the land changes I don't know what that means for someone else. I guess they would have to apply for a permit to have horse shows and to accommodate a large number of people on the property. There is also the possibility of riding lessons which he mentioned as something they would want to do. Those are just a few of my concerns that I felt like I needed to address to you.

Mr. Jones asked if the property changes hands, under what situations must the new owner come back to us and ask for changing the use of this property?

Mr. Gillie responded if they want to do anything different than what is under the conditions. The conditions approved by Planning Commission and City Council run with the property regardless of the owner.

Mr. Jones asked would a horse show be something?

Mr. Gillie responded yes.

Mr. Jones asked if they upped the number of horses?

Mr. Gillie responded yes.

Mr. Jones asked does Averett still have their equestrian program?

Mr. Gillie responded they do in North Carolina.

Mr. Jones asked if they wanted to expand into a new property with a new owner would Averett or the new owner have to come to us?

Mr. Gillie responded yes.

Mr. Wilson stated so basically, if we vote yes for this we are voting for very specific usage as defined by your conditions.

Mr. Gillie stated correct, regardless of ownership.

Mr. Wilson asked adding a primary residence to it would change that in what way?

Mr. Gillie responded the reason we have a special use permit for accessory structures without a primary residence is to make sure that a person is using something to the benefit of the neighborhood. Usually if you live there and you do something to your garage, you are going to do things that you want on your piece of property. If you just have a garage somewhere else, a lot of times you would do things there that you wouldn't do in your own neighborhood. We made that provision so we can require people to come here and we can put conditions and everything else on it. Once it is behind their house they are normally going to do what they are supposed to because if not they are going to hear about it from neighbors.

Mr. Jones stated if the Baynes build a house, live there for 3 or 4 years then they sell the house and the property. The new owners want to do something different. Do they still have to come back to us?

Mr. Gillie responded the horse show portion yes. If the new owner wanted to operate the stable the way they are, it would be ok as long as they follow the conditions present. If they try to change the use whether they live there or not, they have to come back if the use requires a special use permit.

Mrs. Evans asked will this be tied to the deed? How will the new owner know this?

Mr. Gillie responded it will be on City records. It will not be tied to the deed. Most of the time when they are doing title searching, they check City records and find it at that point.

Mr. Baynes stated like Mrs. Thompson said, he did have several conversations with her and her husband. One of her concerns, as she mentioned, was road traffic. Since 2006 we have maintained that road. We have gravel put on the road. There is a mobile home down there that they rent, so they actually use that road as well. Over the years, whoever has owned that has helped us. We have gone in half on gravel and taken my personal tractor to keep it maintained. Even though the road comes through the Thompsons, I don't expect them to put gravel on it because they don't use it. I have also asked the Thompsons if I

could trim some trees, because I want to maintain it and make it look nice. I want my neighbors to be happy. Our intentions are good and there is a good buffer all around our farm with woods. From the area where the barn is currently located all of the way to the Thompson's house there is a little over 1000' of wooded area. During the summertime I cannot see their house. If there are any issues, I have told all of them to come see me. I don't want the neighbors to get upset. We are good neighbors and we are going to live there eventually.

Mrs. Thompson stated we appreciate Mr. Baynes taking care of the driveway, but it doesn't change the fact that it is our property. He never asked permission to do that and we are not over there a lot. He can keep doing that because he is doing us a favor too.

Close the Public Hearing.

**Mr. Griffith made a motion to recommend approval of PLSUP20140000126 with conditions per staff, with a limit of 24 horses. Mr. Wilson seconded the motion. The motion was approved by a 6-0 vote.**

**Mr. Wilson made a motion to recommend approval of PLSUP20140000127 with conditions per staff. Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.**

## **II. MINUTES**

**Mr. Griffith made a motion to approve the May 12, 2014 minutes. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.**

## **III. OTHER BUSINESS**

Mr. Gillie stated we should have the Comprehensive Plan ready for your adoption next month. That is our goal. We had the Monument/Berryman study which we are going to add as an appendix to it. The cases that went in front of Council last month were approved. We do have cases for next month, so there will be a meeting.

With no further business, the meeting adjourned at 3:47 p.m.

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APPROVED