

**PLANNING COMMISSION MINUTES**  
**September 8, 2014**

**MEMBERS PRESENT**

**Mr. Searce**  
**Mrs. Evans**  
**Mr. Bolton**  
**Mr. Wilson**  
**Mr. Jones**

**MEMBERS ABSENT**

**Mr. Laramore**

**STAFF**

**Clarke Whitfield**  
**Ken Gillie**  
**Scott Holtry**

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

**I. ITEMS FOR PUBLIC HEARING**

1. *Rezoning Application PLRZ20140000225, filed by Willie and Clara Bowe requesting to rezone from S-R, Suburban Residential to LED-I, Light Economic Development Industrial District, 1412 Goodyear Boulevard/201 Piney Road, otherwise known as Grid 2505, Block 001, Parcel 000006 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property so that it may be marketed to industrial clients.*

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

Open the Public Hearing.

Mr. Willie and Mrs. Clara Bowe were present to speak on in favor of the request.

Mr. Bowe stated my wife and I own the property on Goodyear Blvd. We just want to rezone because of the land. If we could get some sort of industrial land it may help with the community. I see all these guys sitting around and not working and maybe we can get something there that would help them. That's why we want to get it rezoned. And also on the opposite corner of the property there, they're going to build an indoor soccer stadium on the opposite corner. They're going to need more property to expand, so if we could get it rezoned, just that area, it would be excellent.

Mrs. Bowe stated I would like to see an improvement in the neighborhood because it's only four houses there. I don't know if they're 300 ft or more, I don't know. And we have already lost a portion of the property across the street there to Dominion Use whatever that term is, we've already lost a portion of the property and it's just nibbling away at it. People have trashed it, we've gone down and cleaned it up once and people have gone and trashed it again. There are old tires there and on the backside there are old appliances. They've just filled up the whole street with it. We don't live here and we can't keep constant watch over the property. We don't want it to be an eyesore for the neighborhood. So since it's in an area, we thought maybe you could build some kind of industry or program there, maybe like Boys and Girls Club or a senior citizen project such as that, thereby improving the neighborhood.

Chairman Scarce stated ok thank you for your comments. Would anyone else like to come up and speak?

Mrs. Rhonda Davis was present to speak in opposition to the request.

Mrs. Davis stated we stay across the street from their property in alignment with Joanna Stephenson's house. And it is a family community out there. Some things they said are true and some things are not true. We're trying to keep it as a family community and if there is any work that needs done we all can come together and do it instead of selling the property because we want to keep our property as a community instead of a big development. If they come in, there's no telling what they are going to do to it. We want to keep it as it is right now if that is possible. My aunts are back there. They are going to speak on their behalf too. And he said there is a lot of trash and stuff in the park as we call it, but it's really not. We've already got a lot of traffic from Goodyear coming in and out, and we catch it getting in and out of the driveway from Goodyear coming in and out. That's more traffic, a lot more traffic. And then like I said it is a little area right there, they're supposed to be putting a soccer park but I don't really think it's a soccer park because I go by there all the time and the door is up. If it's a soccer park you wouldn't have all that stuff in there, but anyway that's something else. We would like to keep it as a small family community like we've got it if that's possible.

Chairman Scarce stated thank you very much. Would anyone else like to come forward and make a comment?

Mrs. Isabelle M. Williamson was present to speak in opposition to the request.

Mrs. Williamson stated I don't stay too far from where they're at. My aunt had to sign for that soccer park, that inside soccer park. That's already been taking care of because she had to sign for that because it was close to her, and then I had to sign for this here because I guess I'm within 300 ft. of what they're trying to do. And the mess that they're talking about I don't know anything about it because that park right across from where she's talking about, that's clean because the children and adults go and clean that up. I think they want it zoned for their own benefit.

Chairman Scarce asked are you for or against it?

Mrs. Williamson stated I'm against it.

Chairman Scarce stated I'm just trying to make clear. Is anyone else wishing to come and speak up?

Mrs. Juanita Watkins was present to speak in opposition to the request.

Mrs. Watkins stated I am living in the yellow house right on the side of the road, right where the church is and it is clean over there. We don't have any community stuff laying around or nothing, we keep everything clean in that community. We don't want anybody else to come over there because we are living good over there. We don't have anybody else over there to distress us or nothing. We live right there where the church is and we live in a clean community and everything and we don't have anybody telling us what to do or what not to do. Somebody else had moved next to me and they are nice people. I've been living over there since 1961 or 62 and we haven't had anyone to break in our house or anything. It is a nice community and if we put something else over there, we don't know what is going to become of us. It is going to mess the whole community up. If we have anything else over there, we don't know what the community will be. I am just saying for myself, I think we live in a clean community. I don't have anything to do with what they do because they don't even stay here, you know.

Chairman Scarce stated thank you for your comments. Did you have something you wanted to add to that?

Mr. Michael Watkins was also present to speak in opposition of the request.

Mr. Watkins stated I am just saying I don't know why they don't leave it like it is. They don't even live here.

Chairman Scarce asked would anyone else like to speak?

Mrs. Bowe stated it is not that we don't live here because we do pay the taxes, so that part is out completely but it is dirty. One lady said she lives right across the street, but that is where all the refrigerators and things are parked in the gully. We did come down once and clean the place up, but now they've put tires out there. We've torn down stools, window things, benches or whatever. We've taken out old furniture right on Goodyear Blvd and that is an eyesore. I am not about to take anything from the people because they are our people too. We are cousins, most of them. Well I am a married, outer cousin but we are not trying to take anything from them but we want to see it a better place too. That is exactly what we want, a better place. I am not for light industry I would say, I am for something that would improve the community, a Y or something like that. It could be something like that and it is enough people around outside of their little territory that could support the group because they are right at the North Carolina border. If they have activities nearby, they would gladly come. I am a senior citizen myself and I think it would be very beneficial to the area as well as something for the children. We are not trying to take anything away from them because we know the land has been there a long time. We have lived there, well my husband has, I have never lived there. If I lived there I would certainly want some improvement.

Chairman Scarce stated well thank you very much. Would anybody else like to speak?

Mr. Watkins stated I don't know what she is talking about is an eyesore. There is no trash or anything around the park or anything. I don't know what she is talking about.

Chairman Scarce stated one more then I am going to call it off.

Mr. Bowe stated it is another part of the property that the old road bed was here and it is a lot of debris in that part of the property. I agree Goodyear Blvd is pretty good but the other part is not.

Chairman Scarce asked the back end of it? I looked at the aerial photos. Thank you sir.

Close the Public Hearing.

Chairman Scarce stated let's see what the Commissioners think. I'm just thinking without some sort of plan of use, everything is just speculative. Any comments or suggestions over here?

Mr. Jones stated I would like to ask staff a question. Give me some examples of what they can do with this property now and if it is changed, what can they then be able to do with the property.

Mr. Gillie stated it has its zoned single family at the moment. They could have single family residences, then you could have a church then there are special uses by special use permits such as childcare centers and a few additional uses. The industrial district which you're asking for the light economic development would allow for industrial facilities, it would also allow for office type uses. I don't want to say commercial uses but things that would allow for sales of products that are manufactured on the premise and then it also opens it up to additional uses by special use permit including churches and a whole list of other things. So there are options either way right now with the suburban residential, it's limited mostly to residential type uses but there are some limited light commercial. The light economic development would open it up to a lot more things.

Chairman Scarce stated I had a question for you too. I know one of the limitations on being able to do much with the property is that there's no sewer on it. Do you know how far the sewer is away?

Mr. Gillie stated the nearest sewer that could service that is I want to say about roughly 1,000 ft. Now there's a line that feeds Carolina, into the north elementary school. Elevation wise I'm not sure if that line can tie into it without an excessive pumping system; but the measurement didn't show up on our map, we just knew it was a pretty good ways away.

Mr. Bolton I had a question for the owners. They want to change it to make it more marketable, have you had anyone show interest or has anybody contacted you about purchasing the property?

Mrs. Bowe stated yes we did have some that looked at it. They talked about housing but they don't want all that land, it's too much land. It's been up for sale for about three years or more.

Mr. Bolton stated I guess another question for staff or maybe even you Mike, normally it seems to me and I'm not in commercial, but generally speaking a property is put under contract maybe with a contingency of the zoning being changed. Once that happens we kind of know what's going to go there and we can maybe even proffer it different items or different things that would make it more suitable for that location. Without any knowledge of what might go there or purchase that, it seems like we're putting the cart before the horse so to speak. I don't know, what's normal I guess is what I'm asking in a commercial purchase.

Chairman Searce stated obviously a commercial use at this point would have to go under contract contingent upon getting it rezoned; and if you brought it here, you would have a plan of use and how it's going to be used and developed to make it clearer of how it would affect the residents in the area.

Mr. Bolton stated I would just feel more comfortable with that if you had a contract or someone who was going to purchase it and then they came and tried to get the zoning changed to whatever was appropriate for that business. You mentioned Boys and Girls Club, well they wouldn't need a light industrial for that would they? We could do a much easier softer zoning for that neighborhood with a lot of proffers that would solve any problems that you may have or the neighborhood would have.

Chairman Searce stated I think the key is first you need a bonafide purchaser and then you could determine what type of zoning they need to make a change to. It's kind of like you're changing for the unknown at this point. Any other questions?

**Mr. Bolton made the motion to recommend the denial of Rezoning Application PLRZ20140000225 as submitted. Mr. Wilson seconded the motion. The motion was approved by a 5-0 vote.**

2. *Rezoning Application PLRZ20140000227, filed by Ricky Miles requesting to rezone from N-C, Neighborhood Commercial to "Conditional" Highway Retail Commercial, 139 Watson Street, otherwise known as Grid 1607, Block 025, Parcel 000003 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an automobile sales establishment.*

Mr. Holtry read the staff report. 39 notices were sent; 11 were received. Eight notices were opposed and three were unopposed.

Mr. Jones opened the Public Hearing.

Mr. Ricky Miles was present to speak in favor of the request.

Mr. Miles stated I come before you all today to check on getting this property rezoned to do auto sales. It currently has been an auto repair shop and my intent is to get it, clean it up, make it look good, make it real nice for the neighborhood, redo the walls, bathroom, the parking lot and everything. I'm currently working at Goodyear Tire and Rubber Company, I've been there 34 years. I'm going to retire next year and that's what I plan to do with that.

Mr. Jones asked does anybody have any questions?

Mr. Wilson asked what do you see your operating hours as being?

Mr. Miles stated it would probably be from like 9-3 or 9-5. You have to stay open so many hours a day anyway, so I probably rotate it different hours.

Mrs. Evans asked is that Monday through Saturday and closed on Sunday?

Mr. Miles stated yes.

Mr. Jones stated the structure now, I drove by it before I came here, over to the right it looks like there's some bricks. It's a little bit higher there. Will all of that be leveled off?

Mr. Miles stated yes. It looked like it used to be a building or something there and it needs to be cleaned up. I'm going to make it look good. I'm going to park the cars in a nice way. I want a real nice lot.

Mr. Wilson stated one of the things that I was concerned about before we got the actual neighbors' responses was what the neighbors' responses around you would be. Clearly most of them did not respond. You only had a few that were opposed and they already have commercial business there, so there's a good number of people around you. Have you been out and spoken with the neighbors around?

Mr. Miles stated I have. I went and talked to the ones that I could catch up with. Some of them I couldn't catch up with.

Mr. Wilson stated well the fact that there's no one here to speak against this, although it doesn't seem to make a difference in the long run sometimes, the building currently is just not attractive at all. Even though I'm a little nervous about putting a car lot so close to a residential area, at the same time an improvement of that corner would be welcome I would think by anyone. I guess if we do this does this mean he doesn't have to bring any kind of plans or anything, he just kind of gets freedom to go forward? Will there be any review of what actually goes there? This is one of my little stickler things to see what's going on the property, a consensual drawing or something.

Mr. Gillie stated if City Council adopts the rezoning of the property, then he would be able to rezone it for just the list of uses that's there. We wouldn't have a plan come back, the building is already in place, and the site is paved for a parking lot so we don't have anything in the code that says he has to go in and do the improvements. He is offering to take care of the improvements here so we'd just have to take him on his word at that point.

Mrs. Evans stated that is to improve the building and the bathrooms because when I rode by yesterday the bathroom doors were open.

Mr. Miles stated oh yes, it needs a lot of work and I want to make it look good. If a person comes to a nice lot that's clean, it will help with everything.

Chairman Scarce asked any questions?

Mrs. Evans stated I have a question for staff. Can we make that condition upon approval?

Mr. Gillie stated you cannot make a condition upon approval on him renovating the structure because that does not deal with the use. Planning Commission itself only deals with the uses of the property, the hours of operation, if that's a concern you, can place something like that on it; but the renovation of existing structure, no that's outside of your purview. The Building Code usually takes care of that.

Chairman Scarce stated one more question. Will there be any repairs on the property?

Mr. Miles stated no, I'm not trying to go into business fixing cars. I'm really trying to quit working hard than to keep doing it.

Chairman Searce asked any other questions?

Mr. Jones closed the Public Hearing.

Mr. Jones asked Commission what's your pleasure?

**Mr. Bolton made the motion to approve Rezoning Application PLRZ20140000227 as submitted. Mr. Wilson seconded the motion. The motion was approved by a 4-0-1 vote. Chairman Searce read a statement reporting a conflict of interest regarding the request.**

## II. ITEMS NOT FOR PUBLIC HEARING

*Anika J. Morris is requesting a waiver to allow an employee parking area be completed with stone instead of pavement with curb and gutter in accordance with Article 8, Section B, Item 6c at 267 Piney Forest Road.*

Mr. Holtry read the staff report.

Mr. Jones asked so this lot will not be used by the public?

Mr. Gillie stated no they have a front parking lot as you can see. You received a revised layout today that took out the additional, but you'd notice there is asphalt parking area in the front that has 11 spaces. That's actually more than what that building size requires. So any customers who attend that building have sufficient parking out front. What they have is employees who come and rent stations and they're basically there all day, so the turnover for people coming to visit this lawn the lot in front is usable. This will allow their employees to park on the gravel area to the rear and maintain themselves there all day. The Commonwealth of Virginia as we said has adopted some rather stringent storm water quality and quantity requirements and right now the City is playing around with different things on how we're going to meet that. Any runoff has to be controlled, basically it's like a site is treed over. So we've got to figure out some way to control the water and to cool it down to make sure it doesn't seal up the rivers. Some of the material they are recommending is using stone or pervious pavement, porous concrete or porous asphalt. So when they came to us with this idea we thought this would make a pretty good test case, we'd see if it works. Then if it does work we may come back to you with some changes to the Zoning Code on maybe limiting the amount of asphalt or materials we would recommend on parking spaces. We may also change our parking numbers to make them smaller. We're looking at changing parking space size. There are a lot of things that the State is recommending that we do.

Mr. Jones asked will we have access to this property to check and see how it's going?

Mr. Gillie stated yes, it's available right now. It's a hair salon, they're in operation. You can go down the driveway right now and there's a grass back area. They just want to stone it and we want to see what that does and whether it stops.

Mr. Jones asked they can't put a fence up and keep us out?

Mr. Gillie stated no they won't put a fence up to keep you out. It's open and accessible to us. That's one of the things we told them is we would like to see how it work, and if it's working then we may bring other people to it. The owner of the facility was very open for us to try this out.

Mr. Scarce stated I think it's a good idea because some of the new regulations are so burdensome to property owners. It's making it harder and if this can be proven a good way to control grout water use, then I think it's something we ought to really look at hard.

Mr. Gillie stated especially for areas of low turnover. We did have a concern with well if they're pulling in there and pulling out and stones fall off and they get out in the road then you have issues with breaking now and basically what becomes marbles and others. So we wanted to make sure it wasn't a front parking lot and we wanted really low turnover, so we thought this worked out as a pretty good case. It saves the owner money on the asphalt but also gives us a chance to see if these regulations work and whether we should make some changes to it. That's why we were making a recommendation to approve it.

Mr. Scarce asked so you're going to kind of follow up with it once it's done and check it out?

Mr. Gillie stated we'd follow up rather regularly.

Mr. Bolton asked would it have made any difference if it was not employee parking only? Would that have been any kind of big deal?

Mr. Gillie stated yeah for our concern it would be. Just because when you get a lot of turnover, you get a lot of turning movements and everything else. The cars are in there and they're wiggling around, they have a tendency to pick up more stones. When you have a car that just comes in and parks and then sits there all day and then comes out, the stone has a better chance to get packed down. It doesn't move around as much. Second off, you're not getting that constant motion where you're picking up the stones within the tire grooves and dragging them out. That's why we liked it. This was in the back, it was for employees and they had a sufficient paved driveway already. They weren't trying to stone the driveway or anything and drag it all the way out to the front. It was already paved, it just gave us a test to see like the distance. If you remember Planning Commission did an approval for Goodyear the plant about two or three years ago, where they were doing truck parking to the rear of the facility and we gave them the okay. We liked that because it had almost like a quarter mile of asphalt and we haven't had any problems with stones drug out. This will give us a chance to test a much smaller commercial site to see if we should look into doing something like this, especially if it's employees. We've got a lot of small commercial facilities like this where they have employee lots and the employees just go in and park their car and work all day at an office, so maybe we should look at some small lots and things on it. It may save us in the long run, storm water quality wise and quantity wise and environmentally we think this may be a good idea. If it doesn't work out, we'd know not to do it next time.

Mr. Bolton asked will they mark it employee parking only?

Mr. Gillie stated yeah.

Mr. Bolton stated I'm assuming they will.

Mr. Scarce asked does size of the gravel have a decision in the amount that's carried?

Mr. Gillie stated it can.

Mr. Scarce asked what do they feel is best, the real small that doesn't create a big havoc if it does get flipped from somebody's tire or something bigger?

Mr. Gillie stated that's one of the things we're working on right now. The larger gravel usually doesn't get tracked into tires because its size doesn't fit very well in the grooves and it also allows more water to penetrate. The problem is it gives a rougher ride and everything else, so there are different sizes of stone. At this point we're still playing around with that. I can't just say this is going to be this size versus that size. That's the stuff that we're feeling out.

Mrs. Evans asked you said it was formerly grass? Is this something that she wanted to do or the City wanted to do?

Mr. Gillie stated they wanted to build a parking lot for their employees because they had the 11 spaces out front. If they have four or five employees in there then it makes it a little more difficult for their customers to come in and out, but not necessarily that much more difficult. So they wanted to build a lot in the back. Well when they came to us about building a lot in the back they said, "What do I have to do?" and we said, "Well right now you have to pave it." Then they said, "Well that's a big expense for a small area." We said, "Ok we understand that but this is what the rules are." So then we got the new storm water regulations which they had been working on that became effective July 1<sup>st</sup>, so we said let's play around with some things. So we worked with them on coming up with an idea and again that's why we're presenting this to Planning Commission now because you have that option under the Code on a small lot. We didn't just want to tell somebody build a building and don't pave anything. We want to kind of test the waters so to speak. The folks who own the building have been very meaningful for what we are trying to do, so that's why we're recommending this.

Mr. Scarce stated I commend you for doing that because I think we need to do everything we can to help businesses and situations that come up like that.

Mr. Gillie stated it's odd for staff not to recommend the asphalt and everything else. You know we're programmed, the parking lot's got to be solid surface and everything else.

Mr. Scarce stated oh I know, black and white.

Mr. Gillie stated but the agents kind of come to us and said, "You're going to look at this differently." So we're looking at it differently.

Mr. Scarce asked any other questions or comments?

Mr. Jones asked if it does not work, the parking lot is grandfathered in, so we can't just go in and tell them you've got to pave it now can we?

Mr. Gillie stated correct. This will be a test case. If it doesn't work then we're just going to have to say it didn't work and that's why it is stone. Now I think if it doesn't work, then it's probably going to cause problems for them as well and they may in the future want to take

care of it themselves. If it does work, then we'll be coming back to you with changes and regulations and looking at other sites that have this kind of situation come up.

Mr. Wilson stated now I'm a little confused. So the Commonwealth has required this and this is a way to fulfill that, like graveling the lot for grout water, so are we going to be able to do anything other than this?

Mr. Gillie stated yes. What the State is requiring is that the water that comes off the site has to be basically the same as what it is coming onto the site and there's a multitude of ways you can do that. You can do it through catching the water and building ponds. The new mattress store up on Piedmont Drive next to the gas station and Murphy Express Oil, you'd notice it has that big pond out in front of it okay and that pond usually has water in it. So that water comes into that pond, sits, any sediments or anything that's washed into it has the chance to settle out. Eventually that water either evaporates through just enough heat or it'd get enough water raised up and slowly drain out. So they control the quality, they control the quantity, and they also control the temperature of the water now.

Mr. Scarce stated but it just uses up a lot of Real Estate.

Mr. Gillie stated it uses up as he said a lot of Real Estate. The other option is if you have a very tight site is to basically build like a storage tank underground. You send the water into the storage tank. The water sits, and it settles any dirt or anything else, and eventually you get enough water inside the tank. It's almost like a septic system for storm water. It bubbles up to a certain point and then drains out, but that's real expensive. It doesn't take up any land, but the costs are out there. So then they said well look at alternative materials- porous asphalt, porous pavers, porous concrete- those are all wonderful, but they're very expensive materials. Then they also have to maintain the lot because you have to go in and clean those grooves out. So you've got that maintenance expense. Another thing they're recommending is the use of material such as the gravel because the water hits that gravel and slow permeates through, the gravel also has to slow it down and it traps any sediment or anything else that's in there. So there's a number of ways that you can look at it and we're exploring them all. It's just which way do we think is best, the most cost effective.

Mr. Scarce stated sometimes they've got recycled materials like asphalt that's been picking up on the new roads. They've got other things you can use.

Mr. Gillie stated the millings that can be used is a type of material that will allow for porous. The control is to keep stuff from washing away. You need something that will bind, and in order to get the asphalt to bind you usually have to add more asphalt to it to bind it. Well then when stuff packs it becomes solid, so there's a whole list of things that comes into play. And we're feeling all that out right now. These new regulations have really made everyone look at ways to control this stuff.

Mr. Scarce stated well we need to make a recommendation.

**Mr. Wilson made a motion to approve the request for a waiver to allow an employee parking area be completed with stone instead of pavement with curb and gutter in accordance with Article 8, Section B, Item 6c at 267 Piney Forest Road. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.**

### III. MINUTES

**Mr. Bolton made a motion to approve the August 11, 2014 minutes. Mr. Wilson seconded the motion. The motion was approved by a unanimous vote.**

### IV. OTHER BUSINESS

Mr. Gillie stated the items that were heard from City Council last time, the vet was tabled.

Mr. Scarce stated I saw that.

Mr. Gillie stated the other items were approved. We will have cases filed for next month so there will be a meeting. The Comprehensive Plan went to City Council at their work session. They asked for an additional month to view it so that will come back to Council's work session I believe on September 16<sup>th</sup>. Then we'll hopefully forward that on for adoption. We have a new Senior Secretary to take Christy's place, but she's not here today so you'll get to meet her at the next meeting.

Mrs. Evans asked where did Christy go?

Mr. Gillie stated Christy received her Master's Degree and obtained employment in the field that she actually went to school for, so congratulations to Ms. Taylor.

Mr. Whitfield stated I was just wondering about the next meeting since it was Columbus Day.

Mr. Gillie stated since we don't take Columbus Day off, we would have it anyway. City Hall is open so we will meet.

Mrs. Evans said I would like to discuss if I may City Council's reaction to Dr. Smith's request for a veterinary/doggie daycare on Old Piney Forest Road or Piney Forest Road, I'm not sure which one it is. Anyway, I did not hear or watch the City Council meeting, but I have received a lot of complaints regarding the fact that no one appeared before Planning Commission to oppose his request and he and his wife are the only ones who appeared in favor of it. So it's my understanding that the Planning Department approved it, we as a Planning Commission approved it because no one voiced their opinion against it, but yet at City Council a number of people spoke. I've began to wonder what is the purpose of the Planning Commission if people can bypass the Planning Commission and go directly to City Council and voice their opinion and then they table it. They could have denied it, they could have approved it, but they tabled it. If someone comes to them and asks them or states a case for or against it, I would like to see City Council ask them did you go to Planning Commission and voice your opinion there. And if not, I don't think this can happen but, I honestly don't think City Council should hear their case because I don't know what the purpose of Planning Commission is if people are able to by-step Planning Commission. If you could, help me with that.

Mr. Gillie asked are you asking me to forward that on or do you want me to respond to it?

Mrs. Evans stated both.

Mr. Gillie stated ok, forwarding on I definitely can. As for the response, it's a process. When someone asks for Rezoning or Special Use permit, whatever, we notify them of the Planning Commission meeting. They have an opportunity to come and speak. We also notify them of the City Council meeting. They have a similar opportunity to come and speak. The Planning Commission meetings are held during the day, so it is sometimes difficult for someone with a job that they cannot get out of to come here and speak. So just saying well they didn't speak here but they spoke at City Council, benefit of the doubt I'd assume they couldn't be here and they do go to City Council. As for why they don't notify us ahead of time with issues, I can't speak for that. The purpose of the process is to try to solicit as much citizen input as possible. That's why we as staff send out the letters, we make sure the ads are in the newspaper, we try our best to get people involved in it. If they choose to only get involved in City Council then that's their choice. Now for City Council and their decisions, I would never venture to tell them, why you shouldn't say this. They have to answer to their constituents, their own elected body. You know they do that, I'm just the staff. I do the best I can to get people notice and how it works out, it just works out.

Mr. Wilson stated but I will say that the process has some real flaws in it because basically if you're someone like Mr. Smith, you come to the Planning Department and everything looks code and correct and forward, he gets no opposition and looks like everything is a go. So he goes to City Council under the assumption that everything is a go and he has no reason to go organize himself for a possible surprise at City Council or any kind of other reaction at City Council. And so if it's going to be challenged, that applicant whoever it would be, would not really have a chance to be properly prepared for what might show up. It reinforces to me, I had the exact same reaction that Anne has had. So what are we doing? I understand the processes you've described beautifully, but at the same time it puts the applicant in a weak spot in some ways. They keep hearing yes, they keep putting up money, they keep going forward, and then all of a sudden for whatever reason people have organized, it just kind of shuts the process down. I think it's really shown a flaw to a couple of us here that that is a concern. It puts the business owner, in a way, at a little bit of a disadvantage. If he keeps hearing yes, yes, yes and then all of a sudden he's caught by surprise. My understanding of this body is to be the body that vets out a lot of that stuff. So I have a concern as well coming out of that.

Mr. Gillie stated I was surprised too. I hadn't heard anything up to that point, we had limited oppositions, no one spoke here so I was as shocked as most people that night at City Council. But with Planning Commission an option you have is we've always met during day time and I've been here since '02. Other localities where I was employed, we met at night. That seemed to get a little more people involved because they could come after hours. They didn't have to miss work or anything else to be here. If you feel that night time meetings may draw more citizen input then fine. We can recommend that City Council change the time of this body to meet in the evening. Staff will be here whenever you're here, so it doesn't matter to us. So if you think maybe that will open it up, we can move you to night time. It just requires you guys to give up a night to come here.

Mr. Scarce stated you're going to put staff at a tough spot.

Mr. Gillie stated I'd be here, staff may not, but at least I'd be here. Salary things. If that's something you think that would possibly get more citizen input then move it to night time. The process is for this body to kind of vet out issues before it gets to City Council. In the case of that Piney Forest Road, it didn't work that way and we've looked at why. But that's all I can really think of.

Mr. Wilson stated well we've had a couple of others. This isn't the only one. We've had a couple of others, from my time on Planning Commission, where I felt like the Planning Commission wasn't a strong response from there. But then at City Council it's like full blown. Of course I know that's the final body to make the decision so I can see why that one would be the one to carry the weight. I just think we need to make sure if someone is trying to build a business or expand a business or locate here, they are adequately prepared to do that without a lot of surprises at that end of the process. I think by then someone should have a pretty good idea.

Mr. Jones asked Clark, does City Council have the ability to return something to Planning Commission for further study?

Mr. Whitfield stated yes they do.

Mr. Jones asked have you ever heard of that happening.

Mr. Whitfield stated no I don't recall that happening in the ten years I have been City Attorney.

Mrs. Evans asked do they know that?

Mr. Whitfield stated I'm sure they do. On a couple of cases it's been discussed I believe.

Mr. Scarce stated well I think Fred Shanks obviously having served on the Planning Commission recognized what you're saying as much as anybody did. Of course he did offer to table which would help him if he wants to use that. I think seeing the whole process fully, and I guess sometimes when you're on City Council and you're voted in, you maybe look at things differently. I don't know I haven't been there before.

Mr. Bolton asked they tabled that item, so how does that get back? Do they have to wait another 30 days? Does it have to be on the Agenda? I mean how does that come back to be considered by Council?

Mr. Whitfield stated well I'd let Kenny chime in on this as well. At some point whatever issues they believe they needed to work out, they'd come back to Kenny's office and tell him that they believe they've gotten them worked out. Then it would just be placed on the Agenda. Council has never typically used the Roberts' Rule of Order with a motion to remove it from the table or whatever, so what will happen is it will just appear back on the Agenda. It would be decided up or down at that point.

Mr. Bolton asked so there would be notice?

Mr. Whitfield stated yes absolutely and they'd have to be advertising just like before. It's as if the process is going to Council for the first time, so all the notifications that the Planning Department sends out will have to go out for that meeting as well.

Mr. Scarce asked are there any other questions or comments?

With no further business, the meeting adjourned at 3:53 pm.

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APPROVED