

**PLANNING COMMISSION MINUTES
MAY 11, 2015**

MEMBERS PRESENT

**Mr. Scearce
Mr. Dodson
Mr. Garrison
Mr. Wilson
Mrs. Evans**

MEMBERS ABSENT

**Mr. Jones
Mr. Bolton**

STAFF

**Shanta Hairston
Ken Gillie
Renee Burton
Scott Holtry
Clarke Whitfield**

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

I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP20150000119, filed by Steve DelGiorno requesting a Special Use Permit to allow the operation of an indoor commercial recreation establishment in accordance with Article 3.K; Section C, Item 5 of the Code of the City of Danville, Virginia, 1986, as amended at 616 North Main Street, otherwise known as Grid 2710, Block 032, Parcel 000005 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an indoor commercial recreation establishment at this location.*

Mrs. Burton read the staff report. 29 notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed; one response was opposed.

Mr. Scearce opened the Public Hearing.

Present to speak on behalf of the request was Mr. Jeffrey Bond.

Mr. Bond stated Good afternoon, my name is Jeff Bond. I represent the owner for 116 North Main Street. I would like to thank the Commission and City staff's time for reviewing this application. As stated the permitted use of the property would be a restaurant, the owner also wishes to have entertainment where they would like to charge admissions or a cover. These events would be possibly small musical types of performances and other small performances. Without getting into too much detail on the property, it will have seating for 75 patrons as well as kitchen prep space. Other than that, I'm open for questions.

Mrs. Evans stated I have a question. When you're charging for entertainment, is it separate from the meal? If someone was to come and eat dinner, do they get to stay and then see the entertainment or does that have to be paid separately?

Mr. Bond stated the way it's been described to me is that if people come to eat dinner and they also want to stay for the performance, they would have to pay. That's how it's been described to me.

Mr. Scearce asked any other questions?

Mr. Wilson asked is it set up like a concert venue?

Mr. Bond stated no it has tables and chairs and a bar. There is a small stage approximately 15 by 10 feet for small performances. The tables and chairs would remain in place.

Mr. Searce closed the Public Hearing.

Mr. Wilson made a motion for approval with conditions per staff. Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.

2. *Special Use Permit Application PLSUP20150000120, filed by Tim Garland requesting a Special Use Permit to allow a waiver of minimum lot size in accordance with Article 3.0; Section C, Item 20 of the Code of the City of Danville, Virginia, 1986, as amended at Parcel ID #77798, otherwise known as Grid 2820, Block 003, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to subdivide Parcel ID #77798 and create a lot that is approximately 18,730 square feet in area where 40,000 square feet is required.*

Mr. Holtry read the staff report. 11 notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed; zero responses were opposed.

Mr. Searce opened the Public Hearing.

Present to speak on behalf of the request was Mrs. Gayle Wyatt.

Mrs. Wyatt stated I'm Gayle Wyatt and I'm here on behalf of Tim Garland for this request. He's seeking this request for this barn or warehouse to be used for a storage building. Tim is a batting coach with the Houston Oilers and he's only here for several months and he needs this space for storage.

Mr. Wilson asked when I look at this property, what building exactly is going to be used for storage or is it going to be another built on that property? I was having a lot of difficulty.

Mrs. Wyatt stated I believe there is already a building there and he is going to do some renovations to the building, then he would be using it strictly for a storage.

Mr. Wilson stated I'm a little bit confused. There's a long building that's kind of across the street, but the part that was marked out was kind of a dilapidated structure. It was a smaller concrete building. I guess I'm just curious about what it is we're talking about here. I have a lot of confusion.

Mr. Gillie stated if you go to your packet, it's the one that's further up the hill on Bradley Road. That's the one he's keeping.

Mrs. Evans asked is he going to renovate it?

Mrs. Wyatt stated I'm assuming he's going to do some renovations because he's going to be using it for storage. I'm sorry I can't be of any assistance on this.

Mr. Gillie stated it's easier to see when the vegetation is off, but yes that building up on top is the one he's proposing to keep.

Mrs. Evans asked he will be clearing the vegetation?

Mr. Gillie stated from my understanding he'll be clearing vegetation around it and renovating some of the building to store the equipment.

Mr. Wilson asked just out of curiosity you said he was the batting coach?

Mrs. Wyatt stated he is one of the batting coaches for the Houston Oilers. Houston Astros I'm sorry.

Mr. Wilson stated I'm getting a little confused up here. So he's going to be storing in that facility major league baseball equipment?

Mrs. Wyatt stated yes.

Mr. Searce stated with a good lock on it.

Mr. Searce closed the Public Hearing.

Mr. Wilson stated when I was out there looking and walking around, it looked really rough out there. So are we thinking of the right building?

Mr. Gillie stated it's hard for me to tell what building you're thinking of. There's two buildings on the property. There's one closer to the creek that kind of sits up on top of the hill about 100-150 feet above Richmond Boulevard and Justin Lane. It is a gray looking building, but most of them are gray to me. It sits up on the hill; it's not the one that sits down toward the creek.

Mrs. Evans stated it kind of looks like Horse Falls.

Mr. Gillie stated sort of.

Mr. Wilson stated my only problem with this- and it looks like it would be an improvement to that area so I don't really have a problem with the concept at all- the only problem is that we don't really get to see what is going to be done there.

Mr. Gillie stated he's only asking to make the lot size less than is required. He doesn't want to buy the entire piece of property. He doesn't feel like he has a need for the entire piece of property; so he's looking to try to subdivide it off. In order to subdivide it, he needs to get the special use permit to allow for a smaller lot size. He's talked to us just about minor improvements to the building just to make it secure and that's it. We don't know if any other usage for the building itself except storage as he said, so we don't anticipate any major changes to the structure. He's just asking to buy a piece of property.

Mr. Searce stated basically all we're voting on is lot size versus the actual building. The building really is not up to us.

Mr. Wilson stated well it's in somebody's neighborhood and stuff like that.

Mr. Searce stated this is a pretty industrialized area.

Mrs. Evans asked then what's the marketability of the lot that's left with the concrete structure?

Mr. Gillie stated the marketability. It's almost two and a half acres left over. So if someone was looking for a two and a half acre lot that is zoned that way, it would be there. There's utilities in the area. There hasn't been a lot of calls to staff asking for development in this area because of its proximity to the chemical plant and other things we've had before. In this case the gentleman is just looking for a piece of storage property to store his stuff. He liked that area. I believe he may have friends and family in that area and asked to buy a small portion of it. In order to do that, he had to come here and ask for the special use permit.

Mr. Garrison made a motion for approval as submitted. Mr. Dodson seconded the motion. The motion was approved by a 5-0 vote.

3. Rezoning Application PLRZ20150000122, filed by Mark Johnson with LE&D Professionals, PC on behalf of Ora D Wiseman, requesting to rezone from PS-C, Planned Shopping Center Commercial to HR-C, Highway Retail Commercial District, Parcel ID #52598 On Westover Drive, otherwise known as Grid 0716, Block 012, Parcel 000024 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to construct a retail establishment at this location.

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

Mr. Scarce opened the Public Hearing.

Present to speak on behalf of the request was Mr. Mark Johnson with LE&D Professionals.

Mr. Johnson stated Good afternoon, I appreciate your time. Scott went over everything I believe. They're looking to construct a retail like an ATV type sales facility there. The parcels were three separate residual parcels from the development of Piedmont Place and Danville Toyota. So Mr. Wiseman has gone back since and consolidated three parcels into one. He's purchased the parcels he didn't own. And this is a chance to use that property which otherwise has not been available to this point. The main reason for the rezoning is the PS-C has a forty foot front setback and a 40 foot side setback and the HR-C will give us 30 feet front and 20 feet side which gives them enough room to get the size facility that they're looking for. They actually want a little larger facility, but they can accommodate their business with what we've shown on our exhibit.

Mr. Garrison stated I have a question. The entrance off of Westover Drive is that where there's a current curb cut from one of the old parcels?

Mr. Johnson stated no sir. Actually the current curb is closer to the intersection. We pushed the entrance as far from the intersection as we could.

Mrs. Evans stated tell me where in reference it is too Food Lion? That's a dangerous location.

Mr. Johnson stated the entrance aligned with Food Lion when we designed Piedmont Place, that was a City requirement at that time. Am I correct on that Kenny?

Mr. Gillie stated Piedmont Place lines up across from Turpin Street as it comes out. The proposed entrance that he has on his site will be as close to the Food Lion as possible. It might be slightly a few feet to what would be the left of the Food Lion entrance; but when you're on his site and you come out of the lane to the right to make either a turn eastbound onto it, you'll be almost directly across from the entrance that's coming out of Food Lion. Now the other street that comes up and lines up with Turpin Street so if you come out onto the Toyota dealership and everything else, you'll come up to the four way intersection.

Mrs. Evans stated just my experience with that coming out of Food Lion is difficult at times. Now you're adding something else across the street. It might bring traffic issues.

Mr. Johnson stated the topography out there doesn't allow it out to the Toyota site or anything else.

Mr. Searce stated it's really the only place you could have an entrance and be able to get out in the intersection.

Mr. Gillie stated Food Lion has several ways to get out. They could go off Westover and they could also go to Turpin Street which puts you further up and gives you a little more distance to get in and out of that turn. We have much more concern further east as you go toward the Goodwill and other places because of the amount of traffic that comes in and the spacing from the light. At this point they've usually started to spread themselves enough so it gives them an option coming out. Again, I can't control how people come in and out of Food Lion. I personally like to come out at Turpin because it gives you a little distance there. We're doing the best we can with his entrance lining up across from this one.

Mr. Wilson asked then there's the secondary entrance off Piedmont Place as well?

Mr. Johnson stated yes sir, that's a one-way drive around the building. That entrance is mainly for tractor trailer deliveries and be able to access around the building.

Mr. Gillie stated that'll also allow people to exit, go down to the light at Sam's intersection and head either west or east on Piedmont Drive. Now if people choose to go out on Westover again I can't control their motions, but it would be easier for them to just take Piedmont Place and that way they can go one way or the other on a controlled intersection.

Mrs. Evans asked so it wouldn't be easier to site the building towards Piedmont Place rather than Westover?

Mr. Gillie stated if you try to turn the building, you would have topographical issues from it dropping so much. You have it starting at Westover and sloping towards Piedmont. If you remember the Toyoyta dealership is sitting down low and this sitting up high, so rotating the building would elevate roughly about two-thirds of the building. At least this way, they can tuck it towards the hill on Westover. Their parking lot would be a substantial slope. This way they can sort of terrace the parking lot and have a flatter upper parking lot and lower level with a drive around. You are going to have a slight incline coming up out of the driveway. I haven't seen the grading plans so this is what I'm kind of figuring on my own.

Mr. Johnson stated this building would look very much like PMOC on Executive Drive. The upper two level parking in the back and one in the back situation. The slope will be taken out between and on the sides of the building.

Mr. Scarce closed the Public Hearing.

Mr. Wilson made a motion for approval as submitted. Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.

4. *Special Use Permit Application PLSUP20150000123, filed by Howard Burnette requesting a Special Use Permit to allow wholesale sales in accordance with Article 3.M; Section C, Item 25 of the Code of the City of Danville, Virginia, 1986, as amended at 329 Westover Drive, otherwise known as Grid 1713, Block 011, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a wholesale sales establishment at this location.*
5. *Special Use Permit Application PLSUP20150000124, filed by Howard Burnette requesting a Special Use Permit to allow a waiver of yard requirements in accordance with Article 3.M; Section C, Item 21 of the Code of the City of Danville, Virginia, 1986, as amended at 329 Westover Drive, otherwise known as Grid 1713, Block 011, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to allow a zero foot side yard setback where twenty (20) foot is required.*

Mr. Holtry read the staff report. 21 notices were sent to surrounding property owners within 300 feet of the subject property. Seven responses were not opposed; zero responses were opposed.

Mr. Scarce opened the Public Hearing.

Present to speak on behalf of the request was Mr. Mark Johnson with LE&D Professionals.

Mr. Johnson stated I am Mark Johnson, representing the LE&D Professionals and Howard Burnette. We're looking at relocating Southern Refrigeration into what's currently the Riverside Equipment facility and relocating Riverside Equipment to an existing building in the rear of their parking lot. The intent is to add on awnings to this existing building on a building that does not meet the current setbacks. The building has been there forever. Our owners have tried to purchase the property to no success so now we would like to upfit the building and add some awnings that would be required to get the building back into compliance. The Southern Refrigeration will need to do wholesale as well as retail sales. They are a refrigeration parts distributor which is the second or first request. Also they want the ability down the road to encroach in the setbacks up there. Currently the proposed building does not encroach setbacks but they're looking down the road I guess. Neither use is a significant traffic generator. Riverside Equipment is mainly contractors picking up and dropping back off late in the evening. Southern Refrigeration is contract type sales. We don't think there should be any issues with the joint access. They'll both use existing entrance as we move forward. We need this special use to proceed with the subdivision process.

Mrs. Evans stated it looks like to me the grading has already been done.

Mr. Johnson stated they've been working on it but they were already going to pave that parking lot anyway. It gives dust control for Southern Refrigeration. That's probably what you've seen being done out there. That whole parking lot was gravel basically. In order to control the dust when the other group moves in whether this is approved or not, they were going to put the asphalt down.

Mr. Scarce closed the Public Hearing.

Mr. Wilson made a motion for approval with staff conditions. Mr. Dodson seconded the motion. The motion was approved by a 5-0 vote.

Mr. Garrison made a motion for approval with staff conditions. Mr. Dodson seconded the motion. The motion was approved by a 5-0 vote.

6. *Rezoning Application PLRZ20150000058, filed by Danville Tobacco District, LLC, requesting to amend the Year 2020 Land Use Plan from USR Urban Single Family to CS Community Service and to rezone from OT-R, Old Town Residential to "Conditional" HR-C Highway Retail Commercial District, 425 Hughes St., otherwise known as Grid 1611, Block 009, Parcel 000014 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to allow for office and commercial uses.*

Mr. Gillie read the staff report. 34 notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed; two responses were opposed.

Mr. Scarce opened the Public Hearing.

Present to speak on behalf of the request was Mr. RJ Lackey, representative for Danville Tobacco, LLC.

Mr. Lackey stated I'm RJ Lackey, I represent the Danville Tobacco District. You have in front of you the different proffers. I just wanted to give you a quick explanation of why we did this. There were several things that once we got in front of City Council realized might be good for the community, a laundromat for instance and there are several others like a medical office that the proffers would not have allowed. So we wanted to come back before the Planning Commission and went to staff and got some that we thought were good. We've limited as much as we can to keep traffic down for instance, a convenient store. You'll see the hours are limited and there'd be no gas sales. We ask that you approve it and send it back up to City Council with your recommendation.

Mr. Wilson asked so the reason it came back to us is because you all wanted to expand the potential usages?

Mr. Lackey stated to be very clear when it was originally in front of Planning Commission, there were proffers to take out uses that are uses by right and some of those we feel should not be taken out and they were not only not a detriment but they were positive for that area. So we came back into working with staff to add those back in to uses by right.

Mr. Wilson asked can you give an example of some of those?

Mr. Lackey stated laundromat is one that comes immediately to mind like medical offices and outpatient services- again that's a medically serviced area. We have no present use for it. Another one that seems like it ought to be in there is a fitness center or gym which had originally been limited.

Mr. Gillie stated you'll notice I highlighted yellow. The only one that's highlighted that shouldn't have been was number 30 which was the exterminator. That highlighting should have been removed from that one.

Mrs. Evans asked it's being used now correct?

Mr. Lackey stated yes ma'am there's a church in there at present.

Mrs. Evans asked and that will not remain?

Mr. Lackey stated we don't know. There were some people that were looking and the owner wanted to make sure they had the right uses.

Mr. Searce closed the Public Hearing.

Mr. Dodson made a motion for approval with staff conditions. Mr. Garrison seconded the motion. The motion was approved by a 5-0 vote.

II. MINUTES

Mr. Wilson made a motion to approve the April 13, 2015 minutes. Mr. Garrison seconded the motion. The motion was approved by a 5-0 vote.

III. OTHER BUSINESS

Mr. Wilson made a motion for staff to present a proposal that will allow for urban gardens in the Old Town Residential Zones by Special Use Permit only to Planning Commission for the June meeting. Mr. Garrison seconded the motion. The motion was approved by a 5-0 vote.

Mr. Gillie informed the Commission of changes to the Comprehensive Plan that he will present back to them next month.

Mr. Gillie informed the Commission that there will be cases next month and a meeting will be held.

APPROVED