

PLANNING COMMISSION MINUTES
October 12, 2015

MEMBERS PRESENT

Mr. Wilson
Mr. Dodson
Mr. Bolton
Mrs. Evans
Mr. Searce

MEMBERS ABSENT

Mr. Jones
Mr. Garrison

STAFF

Tracie Milam
Ken Gillie
Renee Burton
Clarke Whitfield

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

I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP20150000274, filed by Quality Construction, requesting a Special Use Permit for uses with lot frontage on the Dan River in accordance with Article 3.M; Section C, Item 17 of the Code of the City of Danville, Virginia, 1986, as amended at 132 Union Street Bridge Rd, otherwise known as Grid 1708, Block 001 Parcel 000011 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting to construct a three (3) bay service garage addition to the existing structure that fronts on the Dan River.*

Mrs. Burton read the staff report. 25 notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed; two responses were opposed.

Mr. Searce opened the Public Hearing.

Mr. Wilson stated I just have a comment or at least an observation. It always concerns me whenever we're here to review a proposal and in this case Quality Construction is not here to answer the questions from us. What if we did have questions? Why is their nobody here for that? What if we did have questions?

Mr. Gillie stated we notify them of when the meeting is, the time and the place. I can't make them attend. I can just notify them of when to be here.

Mr. Wilson is there an assumption that is so cut and dry that they don't have to show up? To have us ask answer about this? I am concerned that if we had questions nobody would be here to answer them. I mean this is not complex if we had questions you know who would answer them and how do we get the answers resolved? So the position we are put in here is that we go forward with it and no questions answered. That will send the message to others that you don't have to show up on these things. I'm a little concerned about them not being here to defend their own projects and to explain their own project. I don't want to be a pain about this but it troubles me. I assume that our next applicant is here to answer questions about the application. It seems like common procedure, so I'm a little concerned about this. I fear there is an assumption here and that troubles me.

Mrs. Evans agrees.

Mr. Gillie stated you have the option of putting conditions on the request to address any issues that you feel are brought up because of this Special Use Permit. Planning Commission can make recommendations of conditions on Special Use Permits. You also have the option of tabling the request for a future meeting. That way the applicant may or may not show up at the future meeting.

Mr. Whitfield stated they can deny it.

Mr. Gillie stated or they can recommend denial of the request. Again, we as staff can't make them come. You can deny it or you can put conditions on it.

Mr. Scarce stated I would say historically this type thing has happened before. It is pretty simple and staff has recommended approval on the case. They don't see any problems. I'm not saying it's the right thing but it has happened before. Of course if they felt like their were issues they show up and try to defend the issue; I guess they felt like it wasn't one.

Mr. Wilson stated well you know is it okay to have this discussion at this point? I mean that's fine but how can they know we don't have any issues? This is an enlargement of property right there at that bridge and it extends toward the trail. I can see where there would be concerns maybe by someone about this. So I'm really thinking about principle here more than I am this particular item. I think it puts us in a very awkward position. The people aren't here to answer the questions we might have, I think it's an assumption here. But on the other hand is not the kind of thing I would probably have and issue with if they were here. I'm really trying to think in long term precedent setting and how we deal with this. I don't know what this means to these people but my indication and thinking on this is to table it until they come and speak to the questions that we might have we. I fear that if we don't do this, this is going to occur.

Mrs. Evans stated I agree with Mr. Wilson that we should table the request until they can come forward and present their case and it may have been in the past that because there didn't seem to be any issues that they didn't feel the need to show up. As the Planning Commission people need to respect us as we respect them.

Mr. Wilson stated we are doing this as a volunteer basis I'm here this is my job I think it's something that we need to as a Commission need to think about that.

Mr. Bolton stated when they were here talking with you were they're any issues that came up that you feel like would be pretty clear cut?

Mr. Gillie stated we talked to them about the flood plain issues which were addressed through the engineer, the necessity for a Special Use Permit and they were notified of the date of the meeting. We can't make someone attend one of these all we can just tell them you are going for it. Here are the issues that we have and present it to them. Why they chose not to show I don't know.

Mr. Bolton stated I'm with Mr. Scarce in a sense that it has been done before if it was pretty clear cut nobody showed up. I hate to just make an example of them at this point. I also agree with Mr. Wilson and Mrs. Evans people should be here and maybe going forward that should be something that we look at.

Mr. Scarce stated If there was some issues that you felt would be worthy of turning it down you could. Like he said this case I don't have any problems with it. But it's up to you what you want to do as far as going forward with this particular issue.

Mr. Wilson stated the principle is a pretty big deal to me this particular case is not. But I probably, since this is going on the record, that if we do approve this I will not do this again only because it's some vagueness about this precedent. I will in the future if someone doesn't show to have questions answered I will probably make an immediate stand about that until they are here to go over their stuff. Do I have the option to abstain from a vote?

Mr. Whitfield stated not unless you have a conflict of interest under the Virginia Conflict of interest act.

Mr. Wilson stated I don't in this case.

Mr. Bolton stated is the flood plain a condition? It says that construction will be elevated on the flood plain is that a condition or was you just making a comment that it is above the flood plain?

Mr. Gillie stated they are required actually before they get their permit to elevate it above. When the plans came in we made sure that they were aware that there were flood plain issues and that they had to do these certain things to even obtain their permit. We just wanted you to know that because this is against the river, the necessity for Special Use Permit. That's one of the things that staff looks at right away to advise applicants that this has to be addressed.

Mr. Bolton stated is has been done?

Mr. Gillie stated it has.

Mrs. Evans stated so you don't know what warrants three extra bays?

Mr. Gillie stated I do not.

Mr. Wilson stated this really disturbs me because if we had questions. You know if we had neighbors show up that had concerns. We have two people here that are opposing and they are not here either but we do have two people opposing. We have No forum really except the staff to assess any of this. It really is a problem. I just don't like it.

Mr. Gillie stated if you wish, we will in the future when people talk us, to tell them you must be here. Again, I cannot force them to.

Mr. Wilson stated we had this conversation before.

Mr. Gillie stated we have told people we strongly recommend we have another applicant that will speak in a few minutes we strongly recommend that you should be here. We send out notifications as well. But I can't go out and grab someone and say you need to be at the meeting its three o'clock.

Mr. Wilson stated that's not your responsible they are the ones with the project. Woodall and Quality construction are the ones with the project. They are the ones that want to expand they have vested interest here we are the group that has been set aside to view it these things. We really have our hands tied we can't review it. The only thing that makes this a little different is that it's probably not bad.

Mr. Scarce stated you can based on the facts.

Mr. Scarce closed the Public Hearing.

Mr. Bolton made a motion for approval as submitted. Mr. Dodson seconded the motion. The motion was approved by a 3-2 vote.

2. *Rezoning Application PLRZ20150000277, filed by William Mitchell, Jr., requesting to rezone from N-C Neighborhood Commercial to "Conditional" HR-C Highway Retail Commercial, 668 Arnett Boulevard and adjacent parcel ID # 04535, otherwise known as Grid 1816, Block 005, Parcel's 00005 and 00004 respectively, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for a dry cleaning operation.*

Mr. Gillie read the staff report. Twenty-one notices were sent to surrounding property owners within 300 feet of the subject property. You have a list in front of you of the responses. Five responses were not opposed; one response was opposed.

Mr. Scarce opened the Public Hearing.

Present on behalf of the request was Mr. William Mitchell Jr.

Mr. Mitchell stated I would like to have this property rezoned for dry cleaning. The property was original purchased by my father and it was designed and built specific for dry cleaning. Which it operated as a dry cleaning for my family for 38 years and then two others cleaner' used it as branch offices up until 2009, at which time it became a dog grooming business. I didn't know at the time that would cause me to lose my grandfather but I have kept the property up. It is in complete compliance with the EPA, the Fire Marshall and it was originally opened in 1956 GLH Johnson School opened it in 1952 and we had never had a traffic flow problem or anything of that nature. I just request to be able to put a cleaners there.

Mr. Bolton stated are you going to open it as Mitchell cleaners or are you looking to lease it to someone?

Mr. Mitchell stated someone else.

Mr. Whitfield stated do you have someone in mind?

Mr. Mitchell stated I have a person of interest.

Mrs. Scarce pertaining to the zoning and spot zoning was there any consideration about bring this into neighborhood as opposed to making HRC conditions or does that matter.

Mr. Gillie stated in order for it to be in the neighborhood we would have to change the code to allow it. We felt that going to the conditional HRC with limitations that kept it very similar to NC allowing use, a few minor alterations wouldn't be considered spot zoning. It is very similar to the adjacent its just allows for slight tweaking of that. The uses that are permitted that he is proposing are similar uses that are already in the immediate area. So we didn't feel that spot zoning was an issue.

Mr. Scarce stated particularly since it was built for a cleaners I don't have a problem with it. I was just thinking about how we designate whether it be HRC.

Mr. Gillie stated it's extremely limited in HRC.

Mr. Searce closed the Public Hearing.

Mr. Bolton made a motion to approve Special Use Permit Application PLRZ20150000277 with staff recommendations. Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.

II. MINUTES

Mr. Searce made a motion to approve the September 8, 2015 minutes. The motion was approved by a 5-0 vote.

III. OTHER BUSINESS

Mr. Gillie as you can tell we have a new secretary of the Planning Commission Mrs. Lancaster will be our new Senior Secretary. She comes to us from the Danville Police Department. She has been with the city for eight years. We have a work session scheduled for after this meeting. At the advice of the attorney he suggested that we move across to the council work session room. If so would you just announce that we are going to have it there so we will be covered. We advertised it for this meeting as our newspaper can testify and everyone else there is no one here in the audience but just so we can announce it on Television that we are going to move over there. City council adopted the Comprehensive Plan at their meeting in September so that is now official. We do have cases from next month, so plan on being here next month.

Mr. Searce stated just for the record we do have a work session meeting after this we will give attention to changing the city parking regulations in the conference room.

With no further business, the meeting adjourned at 3:24 p.m.

APPROVED