

PLANNING COMMISSION MINUTES

March 13, 2017

MEMBERS PRESENT

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

MEMBERS ABSENT

Mr. Jones

STAFF

Tracie Lancaster
Ken Gillie
Renee Burton
Anna Levi
Clarke Whitfield

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

I. ITEMS NOT FOR PUBLIC HEARING

- 1. Rezoning application PLRZ20170000040, filed by Danville Redevelopment Housing Authority, requesting to rezone from OT-R, Old Town Residential District to TO-CC, Transitional Office Commercial Conditional, 407 Holbrook Street otherwise known as Grid 1716, Block 025, Parcel 000004, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property to develop a mixed use facility known as The Williams Community Resource Center.*
- 2. Special Use Permit application PLSUP20170000041, filed by Danville Redevelopment Housing Authority, requesting a Special Use Permit for residential apartments, as an ancillary use within a commercial structure in accordance with Article 3: I, Section C, Item 14 of the Code of the City of Danville, Virginia 1986, as amended at 407 Holbrook Street, otherwise known as Grid 1716, Block 025, Parcel 000004 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop a mixed use facility known as The Williams Community Resource Center.*

Mrs. Burton read the staff report. Twenty eight (28) notices were sent to surrounding property owners within 300 feet of the subject property. Four (4) were not opposed.

Mr. Searce opened the Public Hearing.

Mr. Searce closed the Public Hearing.

Mr. Garrison stated who will own the building once this is done?

Mrs. Burton stated at the time for completion of construction DRHA will own the building.

Mr. Garrison stated will they continue to own it in the future?

Mrs. Burton stated we are talking about a transfer of ownership but nothing has been settled at this point.

Mr. Garrison stated so for right now the City would be responsible for upkeep and maintenance?

Mrs. Burton stated the City is the applicant for the grant but the actual maintenance is DRHA's responsibility.

Mr. Garrison stated okay as far as I'm concerned that is the City. What about parking?

Mrs. Burton stated there is space available in the rear of the building. As well as an adjacent lot that has the potential for development for parking.

Mr. Garrison stated I was just over there walking around and to look at the back of that building you would have a hard time putting parking back there with the current drive situation. The adjacent lot is several feet lower. It is a very steep bank going down to that adjacent lot.

Mrs. Burton stated correct but we do have a site plan that we are working on to provide parking.

Mr. Garrison stated is that part of the grant money?

Mrs. Burton stated not at this time we hope for that to be a separate phase.

Mr. Garrison stated so there will be more money needed?

Mrs. Burton stated potentially yes.

Mr. Garrison stated you say two apartments upstairs. One of those has a combination kitchen, living room, bedroom and that is all. Is that correct?

Mrs. Burton stated that is correct.

Mr. Garrison stated the other one has a kitchen, living room and bedroom. Is that correct?

Mrs. Burton stated correct.

Mrs. Garrison stated are these renters going to enter from the lobby on the first floor?

Mrs. Burton stated yes.

Mr. Garrison stated okay what about secondary fire escapes from those two apartments?

Mrs. Burton stated there is a separate entrance in the rear.

Mr. Garrison stated from the upstairs?

Mrs. Burton stated you will have to come down the front staircase to be able to enter and exit from the rear on the front.

Mr. Garrison stated okay. Valid and invalid spot zoning, this is the first time I have heard those terms used. In the past I have heard illegal spot zoning but I'm guess he is only illegal when the court decides that it is illegal?

Mr. Whitfield stated that is correct.

Mr. Wilson stated does the National Park Service have some say in the development of this property? Is the grant dependent on the fact that there is going to be two residences inside of the building? I'm a little taken by the two residences above. What is the role they will play in the overall plan for this center? Like who would stay there? What is the usage of that?

Mrs. Burton stated the application for grant did include the two residential uses within the application. The residential uses are multi use. One being that it does help provide for the maintenance of the building. It also provides for potentially 24 hour occupancy so that the building is not vacant after hours when the offices are then closed.

Mr. Wilson stated so this isn't necessarily connected with the people who would work in the offices?

Mrs. Burton stated it could be. We have been looking at different scenarios but that hasn't been decided specifically yet.

Mr. Wilson stated just to grind the axe that I have ground so many times before. When we opened it up for Public Hearing no one was here to speak. Is Staff the representative of this project? In other words there was no one here to speak from the Danville Redevelopment and Housing Authority and I am just curious.

Mr. Whitfield stated the Director is here he just didn't speak at the Public Hearing.

Mr. Wilson stated well I just think this is my typical concern whenever we have something brought forward and the applicant doesn't stand up and really give us any information about it other than what is written in the report. Obviously, we have questions about it.

Mr. Scarce stated do you feel like you need some of those questions answered further? We can have them come up.

Mr. Wilson stated he had a nice list of questions. Do we need more information about how this is going to be developed than we currently have? Are we just seeking these changes so that we can move forward with this? In other words there are a lot assumptions it seems to me about how it is going to be developed that have even been raised here today like parking.

Mrs. Burton stated at this point we are just simply looking at the rezoning and the special use permit. But there are items that still need to be addressed for further development and construction that we are still working on.

Mr. Wilson stated let's say we approve this today can those go forward or would they have to come back here again?

Mrs. Burton stated no, they would not have to return.

Mrs. Evans stated hasn't that been our concern in the past that parking was taken care of before we approve something.

Mrs. Burton stated this development will be completed per the Zoning Code. The City of Danville is working as the applicant for the grant with the property owner of the Housing Authority.

Mr. Wilson stated is there a reason why those plans aren't further along by the time it is being brought to us? So that we can have a more thorough picture of what we're doing or are we needed to do something as far as a deadline related to the grant or something?

Mrs. Burton stated the drawings that were completed for the parking were conceptual drawings that were submitted with the grant application. There are still actual construction documents that are to be completed. The documentation for the grant hasn't been officially signed we are still in the process for the paperwork with the National Park Service; as well as excepting approval from City Council to accept that grant. There are steps that still need to be completed but this is part of the process for that development. This would need to be completed before construction can begin.

Mr. Bolton stated if we approve it, it would be with the proffers that they have already given. So if something did change the Zoning would only be approved for someone else with those proffers.

Mrs. Burton stated correct.

Mrs. Evans stated and if approved, is there a guarantee that there is parking and the other issues.

Mrs. Burton stated yes those will all be addressed.

Mr. Bolton stated if the parking couldn't be addressed according to code what would happen?

Mrs. Burton stated if parking couldn't be established onsite or in consolidation with the adjacent lot. There is also the option that parking could be available within 300 feet of the subject property with written permissions. So there are other options.

Mr. Bolton stated so how much do the neighbors know? There is no objection. I assume they know since the parking lot is behind it. But if you had to go to an adjacent property that maybe was beside someone would the neighbors not be aware? If there was a change in parking would it then have to come back to us?

Mrs. Burton stated not if there was available parking that would be handled administratively.

Mrs. Evans stated so the neighbors wouldn't have any opportunity to express concern that there is a parking lot developed adjacent to the property. They would be okay with that parking?

Mr. Garrison stated I'm going to make an assumption that you are talking about the parking lot across the street at the church.

Mrs. Burton stated if it is to be something that is to be shared parking it would be a lot that is already developed correct.

Mr. Bolton stated I misunderstood, thank you.

Mrs. Evans stated how many parking spaces are you talking about?

Mrs. Burton stated per code you are looking at seven parking spaces.

Mr. Bolton stated who will manage the property as far as the apartments who will manage them?

Mrs. Burton stated whoever the final owner of the building is after completion.

Mr. Bolton stated who we don't know?

Mrs. Burton stated we are still discussing that there is still an opportunity that one of the organizations may own that building but we don't have that finalized that yet.

Mr. Bolton stated but it wouldn't be the City?

Mrs. Burton stated correct.

Mr. Wilson stated so we are going to develop this and hope to sell it off to a non-profit or something? Are there rules around the grant that determines who can purchase it?

Mrs. Burton stated the project will be completed in the ownership of the Housing Authority. The intent now is that the NAACP will take ownership of the property and will continue maintenance and ownership of the property. Official documents have not been signed at this time for that transaction though. So they would maintain the maintenance of the lower and the residential units.

Mr. Wilson stated my only comment is there seems like a lot of questions are not really answered here. So really my question on our end is this a necessary step in getting to that place. We have to send to City Council with a recommendation to go forward with these adjustments.

Mr. Garrison stated can I have permission to think out loud for a minute? On Tuesday night of last week City Council on their agenda had this on it for the first reading. What is says is to amend the budget appropriation by increasing revenue for the grant in the amount of 413,270 dollars to be used to fund the renovation for 407 Holbrook Street. Generally what happens is when they have first reading on one meeting, the next meeting they have it on their consent agenda; which has no public input. They simply pass it on with whatever else is on that consent agenda. I have talked to one City Council member who did not at this point until I talked to him, he was not aware that it required a Special Use Permit and Zoning change. I don't know if City Council has been told that this has to come before them but generally this wouldn't come before them until the first meeting in April. So they would be voting to accept the funds for this project before they did the rezoning. I think that concerns me a bit. The second thought I have aloud is that we have probably 60 percent of the houses in the City of Danville are over 50 years old which makes them Historic by Federal definition. They are historic until proven otherwise. What happens if we have one of these

houses that has been in a family for three or four generations and great granddaddy did something important in the City? The family wants to put a museum with offices in it with an apartment upstairs in a residential neighborhood. Would we then be establishing some type of precedent for valid spot zoning in the future?

Mr. Bolton stated but you have mentioned once before that we don't set precedents that it is pretty much individual cases.

Mrs. Burton stated the Special Use process is meant to be a case by case process.

Mr. Bolton stated right and if we are dealing with it from just a Zoning and Special Use we don't have any objections from the neighborhood and your comments are reasonable enough to assume it will benefit the community at large. I would agree with that. I don't know what putting it off would do unless it's a technicality in what you're saying with the budget.

Mr. Garrison stated I'm not saying put it off. it just looks like to me the cart was before the horse in this particular case.

Mr. Bolton stated that's what I'm saying. Maybe it should flip flop; maybe we should delay it to get the horse in front of the cart. Otherwise it is a zoning case with no objections with a good use it seems to be. I don't think it would set precedent as you have said before.

Mr. Scarce stated the only thing I would say on the City Council issue is they will just have to make their decision if they want to approve the funds before it has been rezoned.

Mr. Garrison stated well at least one of them is aware that is the situation.

Mr. Bolton stated to me that might be stepping a little beyond. I look at this strictly as zoning. Then it seems okay. But if we look at it from other issues maybe it's not. If we are to look at those issues than maybe we should. Aren't we only looking at zoning issues more than anything else?

Mr. Whitfield stated that is correct.

Mr. Wilson stated yeah and I think my response to that is I don't necessarily see any issues with the zoning part but again I thought one of our roles here is to try and think ahead and make these things fit into a larger context because once we say yes it opens all kinds of doors when we say yes for other things to happen. So I just want to make sure those safety things for down the road are in place. Are there any comments from people that are directly associated with this project at this point you have heard our discussions? Could you clear up some of this for us?

Ms. Wells stated I would be happy to answer any questions that you all have.

Mr. Gillie stated you have both of us she can answer stuff related to the grant.

Mr. Wilson stated you have heard our discussion is there anything you can tell us to clear up some of our concerns.

Mr. Gillie stated the parking issues. We have several different choices. We can build parking onsite you can grade property. We haven't accounted for that yet in the budget but we are

still working on the budget. We have the ability to provide some remote offsite parking. The parking is a small lot like she said 7 spaces. It wouldn't be too expensive to build and we have a couple of different options. So we didn't consider that a big issue but I know where you are coming from we can address that rather simply. The occupancy of the building the apartments upstairs are really designed as a revenue generator to help fund whatever goes on inside this building. This will be a museum type thing that will need some additional help. The spot zoning issue as he can give you the spiel of not all spot zoning is illegal if it serves legitimate governmental purpose. We applied for this grant and there were only 20 people in the country that were able to successfully obtain this grant. The Park Service feels that this is something that will be a big benefit to the City as well as other people as a whole. We were the only two in Virginia that received it and so that leaves 18 throughout the rest of the US. So they are behind us in this. Could we go back for more money? That is possible but we are able to do this right now with no match from the City. So the funds that we put into it we can put into things like parking and everything else. At this point we don't have that programmed in and we are not asking for it because we think we can resolve it in other ways. The spot zoning yes it is an office and the neighborhood is behind it. We have been meeting with community leaders to talk to them about this project and that is why you haven't received any opposition. The neighborhood is very much behind it and was behind it when we applied for the grant. So that is one of the reason we were successful with the grant.

Mr. Scarce stated that is good to hear.

Mr. Gillie stated any other questions?

Mr. Bolton stated so you don't feel behind in the process with the grants and the way they work? This is not coming to us necessarily too early in your opinion?

Mr. Gillie stated in my opinion no. We have processes and things we have to go through we were hoping to have the paperwork signed through the Park Service but because of the change in administration that has slowed down the process. When there was a transfer over everything got put on hold. Now it has come through so we are back on it. We brought it here to you because we knew we had so much time to go for the rezoning the conditions and to get in front of City Council. So no we didn't feel like we were putting the cart before the horse.

Mrs. Evans stated will there be one of those big signs out front that indicate it is a historical property and the use of it?

Mr. Gillie stated there will be a sign but how big it is hasn't been determined at this time. There will probably also be a sign advertising who is inside and for the museum like we have at other museums here in the City. It will have to follow set Zoning regulations. It will probably don't hold me to this but there might be a plaque on the building.

Mrs. Evans stated I am just thinking of the Andrew Montague sign on West Main Street, that type of sign.

Mr. Gillie stated that hasn't been determined yet but we will probably look at something like that. I can't say that yes that is going to occur.

Mr. Bolton made a motion to approve *PLRZ20170000040* as submitted. Mr. Dodson seconded the motion. The motion was approved by a 5-1 vote.

Mr. Bolton made a motion to approve *PLRZ20170000041* as submitted. Mr. Dodson seconded the motion. The motion was approved by a 5-1 vote.

II. ITEMS NOT FOR PUBLIC HEARING

- **Mt Cross Rd. R-O-W expansion project**

Mrs. Burton read the staff report.

Mr. Searce stated I'm assuming all of the land owners have been contacted?

Ms. Levi stated yes.

Mr. Searce stated you have seen the property that will be taken for the right of way on your map. Do you all have any questions for staff?

Mr. Bolton stated how is this different than what we did last time and I know there is a difference.

Mr. Searce stated this is a different location the other one was further out.

Mr. Whitfield stated there are two resolutions.

Ms. Levi stated technically there are four resolutions two of which are for the same parcel so they are on the same resolution sheet for you Mr. Searce.

Mr. Searce stated all of these properties are under the same resolution right?

Ms. Levi stated that is three separate resolutions.

Mr. Searce yeah but it the same we vote one time?

Mr. Whitfield stated that would be three separate votes.

Ms. Levi stated I believe you did three separate ones in one vote last time.

Mr. Whitfield stated they would need to be voted on separately.

Ms. Levi stated I believe you did it in one vote last time.

Mr. Bolton stated yeah it was one vote last time.

Mr. Garrison stated yeah it was one vote.

Mr. Bolton stated what I said last time was just as we see them here as presented I would move that we approve. I didn't do them individually and read every one.

Mr. Searce stated I think we can have a recommendation there and read that at the bottom of the page.

Mr. Bolton made a motion to adopt resolutions specifically exhibit 001, 004, 016, and 017. Mrs. Evans seconded the motion. The motion was approve by a 6-0 vote.

III. MINUTES

The February 13, 2017 minutes were approved by unanimous vote.

IV. OTHER BUSINESS

Mrs. Burton stated we do have cases for next month.

With no further business, the meeting adjourned at 3:30 p.m.

APPROVED