

**PLANNING COMMISSION MINUTES
OCTOBER 9, 2017**

MEMBERS PRESENT

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

MEMBERS ABSENT

**Mr. Jones
Mr. Dodson**

STAFF

**Ken Gillie
Lisa Jones
Alan Spencer**

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

I. ITEMS FOR PUBLIC HEARING

1. *Rezoning application PLRZ20170000241, filed by Davis Storage and Warehouse, Inc., requesting to rezone from HR-C, Highway Retail Commercial to I-M, Industrial Manufacturing, a portion of Parcel IDs #50968, #57335 and #57360, otherwise known as Grid 1808, Block 011, Parcel 000034, Grid 1808, Block 011, Parcel 000035 and Grid 1808, Block 011, Parcel 000033 respectively of the City of Danville, Virginia Zoning District Map and to rezone from I-M, Industrial Manufacturing to HR-C, Highway Retail Commercial, a portion of Parcel ID 70042, otherwise known as Grid 1808, Block 011, Parcel 000032 of the City of Danville, Virginia Zoning District Map and to rezone from OT-R, Old Town Residential to I-M, Industrial Manufacturing, a portion of Parcel IDs #70251 and #70252, otherwise known as Grid 1807, Block 001, Parcel 000005 and Grid 1807, Block 001, Parcel 000001, respectively of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the aforementioned properties so that properties lines may be adjusted.*

Mr. Gillie read the staff report. 20 notices were sent to surrounding property owners within 300 feet of the subject property. Two responses were not opposed; two responses were opposed.

Mr. Searce opened the Public Hearing.

Present on behalf of the request was Mr. George W. Davis III, President of Davis Storage and Warehouse.

Mr. Davis stated this is all being precipitated by the Danville Fire Department. When the building was built no regard was given as to the amount of land needed on either side of the building for fire trucks to be able to go down. Now they are demanding there is at least 20 feet on either side of the building and that side that we are trying to acquire some of the land from Mr. Farlow. That side would be 20 feet if we are able to get these parcels that we are requesting.

Mr. Searce asked are there any questions?

Mr. Wilson asked who is Mr. Farlow?

Mr. Davis stated Jimmy Farlow he owns Mary's Dinner. We have some land directly behind his parking lot and that is why it's an in kind switch. He would like to have that land and we would like to have this other to satisfy the Fire Department.

Mrs. Evans asked is he otherwise known as the Dodson Group?

Mr. Davis stated that's what he wrote down in the letter that he gave me requesting that. That is correct.

Mr. Gillie stated it's a family corporation.

Mr. Searce closed the Public Hearing.

Mr. Wilson stated I have a clarification maybe I'm not reading this correctly. It sounded like we were going to rezone to the same designation all the way down. Is that correct?

Mr. Gillie stated yes, a portion of it will have the same designation. There is going to be a swap of land around the front. We will rezone part to match portion of front and remainder along the edge will have the updated zoning so it can be consolidated with what is the warehouse. The city has been working with adaptive reuse for that property for a number of years. One of the hindrance for the development of that property has been access around either side of the property. First time we discussed with the previous owners of the warehouse was probably the early mid to 90's. So we have been working for close to 20 years to obtain access around it. Thank Mr. Davis for finally being able to resolve the issue getting all the property owners to agree to allow this kind of swap so we can provide that fire access around. The building does not have a sprinkler or anything else. If there is a fire in the rear portion of building in the city it would be difficult for us to get back there and fight a fire.

Mr. Wilson stated I may not be reading this correctly. It seems like we are rezoning to IM Industrial Manufacturing on two of them and one is going to HR Highway Retail.

Mr. Gillie stated correct that's the swap between the front portions property that he has that's going to the restaurant because the Dodson Group Property is HRC so they are to swap that portion then part of it that's going around they have its either MR is going to IM. OTR is going to IM to allow that access completely around it. That's why there is IM to HRC then IM to OTR to IM and MR to IM. If you go to about the 3rd page of your request after the application you will see all the various properties and which one is going to where.

Mr. Wilson stated Okay.

Mrs. Evans stated on the oppositions were there any comments.

Mr. Gillie stated no comments provided.

Mrs. Evans stated who were the opponents?

Mr. Gillie stated not opposed Crews and Hairston and opposed Shirley R Waller and Brenda M Waller.

Mr. Wilson stated who were opposed Waller and Waller.

Mr. Gillie Correct.

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

2. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Article 10: entitled "Signs", Section N entitled "Permitted signs in the CB-C Central Business Commercial District" to address the number of wall signs permitted per building.*

Mr. Gillie read the staff report.

Mr. Searce opened the Public Hearing.

Mr. Wilson stated I'm just curious about a couple procedure things. So this goes over to River District Design Commission. That makes sense but at the same time it is going to come back to us. Which elong-gates long gates the process that person that was here before this kind of started this discussion like what kind of time frame are they on?

Mr. Gillie stated since they are currently not allowed to do it. They weren't on any time frame in particular. They had already been denied. The request they were just asking could we change this to allow us to do it so they don't have a true time frame. I explained to him the process of the Planning Commission to hear this it should go to the River District for their approval then it has to come back through and then to City Council because River District may want additional changes or further time to study it. He was aware of that and understood quick as possible but the rules in place wouldn't allowed it to do it anyway so he's already presented the fact th,at you know it is a bonus if he gets it. If not he's got what he's got.

Mr. Searce stated we got to address it for more than his one specific use.

Mr. Wilson stated I understand that. I was wondering if there was any way today that we could today make the process move a little faster.

Mr. Gillie stated you can ignore the River District and just send it on to City Council. Staff would advise against that.

Mr. Wilson stated no I wouldn't recommend that. I think we have that commission for a reason.

Mr. Gillie stated their acting like you act to City Council. You're the advisory body to City Council before they make a decision. In this case since River District handles that. There what we feel is advisory body to you then you send it to Council. There getting double review of it.

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Mr. Searce stated I don't think there is anything pressing on the time table right now.

Mrs. Evans stated it had to come to us to send to the River District? Is that Correct?

Mr. Gillie stated correct.

Mr. Wilson stated now all were doing today is choosing to let the people that deal with these issues all the time review it first.

Mr. Gillie stated if you don't like the concept that we are going to send them now would be your chance to tell us so we can take them a different concept. If you are in agreement with the proposal staff put forward then you send as is. They can make the corrections or modifications as they see fit and send it back to you. It would be what we presented and what they had and you can make that final decision to recommend to Council. Then Council can take what our recommendation, your recommendation and their recommendation and make the final decision.

Mr. Wilson stated I guess my only question here is if we just vote on this and send it over to them. Do we have a responsibility first to guide that decision like for example are we okay? To me it says we approve are okay with the combination of TWC standard that we use. If it goes to them wouldn't they just assume that is where we stood on that? That we kind of agree with your suggestions.

Mr. Gillie stated you could add suggestions on your own or send it to them as Planning Commission is only sending this to you to have your start making recommendations. Then we will look at your recommendations when done. Then we will present it to them, to the River District to do it before it came back.

Mr. Scarce stated so it would go to River District and they would make changes they saw necessary and we would still have the opportunity to change it again.

Mr. Gillie stated correct.

Mr. Wilson stated here is where I'm getting bogged down. So if we do that do we just ignore what their suggestions are? Not ignore like if we start changing their suggestions and say we don't like what you did here and here. Then what do we do with it? Send it back to them?

Mr. Gillie stated we would have the opportunity to send it back to them. If they send you something that you feel is not appropriate for the code. The way to look at it is a code related and they look at it as exterior design. That exterior design also has to be code related. You have the luxury of not looking at it the exterior design portion of it. So what we are sending to them specify code related. This is what the code says and the number you can have. They can either agree with that code section, modify it and send it back to you. When it comes back to this body it will have more detail of why they did what they did. So then you can look at it from a code stand point and also understand why they made it so you can agree with their recommendations or not. Then you can make your own recommendations and forward it on to Council. If you really don't like it and don't feel it's ready to go to Council you can recommended it back to them for further study. We just felt to get the process rolling, you had to make the recommendation for us to look at changing it. We're bringing those recommendations would like to take that to the River District as it is and you're the body to send it back to them from a staff respective we can't just send it to the River District that has to come from you.

Mr. Garrison stated Mr. Gillie aren't there some people on the River District Commission that are owners of businesses in the downtown section?

Mr. Gillie stated yes.

Mr. Garrison stated so they are the people living with this every day?

Mr. Gillie stated that is correct.

Mr. Garrison stated and I think they might have a better idea of whether or not they can live with this than we do right now. Then they can explain to us if they have problems with this and then we can then look at it from the standpoint of well is that something we really want to do.

Mr. Gillie stated that is correct.

Mr. Bolton stated follow up question I guess so when they send their recommendation back to us do you review it first and then you make a recommendation to us that you like what you see or does it simply come to us without any filter from the staff?

Mr. Gillie stated it will come to you if there's something that the staff feels is detrimental to the city plan. We will not amend or alter their result. The recommendation will come to you as they made it. Staff will say we think this is a good thing or we think it shouldn't be because of the following reasons but we won't alter the recommendation same as when your recommendation is to City Council. I don't alter your recommendation at all. It's very infrequent that staff may disagree with your recommendation or maybe a time or two but otherwise we presented as you did.

Mrs. Evans stated how does this compare to other Cities?

Mr. Gillie stated that's a really hard question to answer because each locality is different. They all treat their downtowns differently. We don't really have a River District per say. There are other areas that have historic districts and some of them are much more restrictive than us sign wise. There are a few that are little more open than what we have. We feel it's comparable based on our unique circumstances. We feel this will work for Danville itself. We try to look at what others have, but we don't always know everything they do. Signage is really specific to an area it's not just general across. It's when you go to Richmond to see some of those areas and others that are wide open. It's not something I can say yes this matches everybody else.

Mr. Scearce stated Mr. Garrison pointed out I think the people that deal with it every day being owners and I'll certainly have their input to add to it because they know what from a merchant stand point you might say what they like to have. Yet also being on that committee they'll try to keep it in uniform with everything else is going on in the city.

Mr. Wilson stated yeah I'm fine with that. It just kind of goes back to the idea of like how it would be nice to sit down with both group together. Rather than hitting the ball back and forth like this.

Mr. Gillie stated you are welcome to do that. You can remand us to do it and the Chairman or someone can volunteer and attend the River District and be there as a Planning Commission representative and discuss that with them and then it'll bring it back. Staff can bring back the recommendation but you'd also be able to or whoever.

Mr. Wilson stated I think the problem with me let's say that group even for the reason you said say let's go with most sign usage plan we want then we come back and say that's not really what we want. Now you get into that thing of like why does that group even exist for just going to kind of like we've run into this before with our own decision making process. I like your idea maybe us being aware of this meeting and being able to go and at least listening to the discussions there and being a little aware of that.

Mr. Searce stated is it a closed meeting.

Mr. Gillie stated no. I will notify you on what agenda it is on so any one can attend.

Mr. Wilson stated I would like that. That would be great.

Mr. Gillie stated okay not a problem.

Mr. Bolton stated when do they meet?

Mr. Gillie stated second Tuesday of the Month if they have items on the agenda.

Mr. Bolton stated so it will be next month before they will meet?

Mr. Gillie stated that is correct.

Mrs. Evans stated what time?

Mr. Gillie stated at 4:00 in the afternoon.

Mr. Harrison stated where?

Mr. Gillie stated across the hall from here.

Mr. Bolton made I move that we forward this item to the Riverview District Design Commission for a review and an motion. Mr. Garrison seconded the motion. The motion was approved by a 5-0 vote.

II. MINUTES

Mr. Searce made a motion to approve the September 11, 2017 minutes. The motion was approved by a 5-0 vote.

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

APPROVED