

PLANNING COMMISSION MINUTES

March 9, 2020

MEMBERS PRESENT

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

MEMBERS ABSENT

Mr. Craft

STAFF

Lisa Jones
Ken Gillie
Clarke Whitfield

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

ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Garrison opened the Public Hearing.

Ms. Stephanie Mendez stated we would like to postpone this again.

Mr. Garrison closed the Public Hearing.

Mr. Wilson made a motion to postpone this special use permit PLSUP20190000386. Mr. Dodson seconded the motion. The motion was approved by a 5-1 vote.

2. *Special Use Permit Application PLSUP202000004, filed by Shazad Tahseen on behalf of AANT INC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2980 W. Main St., otherwise known as Grid 0617, Block 007, Parcel 0000015 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Garrison opened the Public Hearing.

Mr. Garrison closed the Public Hearing.

Mr. Wilson made a motion to postpone this special use permit PLSUP20190000449. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

3. *Special Use Permit Application PLSUP202000039, filed by Danville Regional Industrial Authority on behalf of Mid Atlantic Broadband Communities Corporation, requesting a Special Use Permit for a waiver to yard setbacks in accordance with Article 3.0, Section C, Item 25 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended On Parcel ID #78380 on Cain Street, otherwise known as Grid 4717, Block 005, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to build a structure closer to the property line than permitted by Code.*

Mr. Garrison opened the Public Hearing.

Ms. Linda Burns, I live and own property on Cain Street. Some of the questions that I have, why build this structure so close to Cain Street? It is right on the edge of Cain Street according to the map that was mailed. There is a lot of vacant land available just beside and not only that, it is right on the parkway entrance that makes a double lane road there in and out of the parcel of land next to Cain Street which is not residential and they want to build this as close as they can into Cain Street and it is not a little bit over the line in fact that line goes all the way back of the property that I own on Cain Street. I'm also speaking for my mother Edith Burns and I am her Power of Attorney and she owns property on Cain Street and also across 58 which is Mt. Hill Mini Market on South Boston Road. It's my feeling that something else is going to go on this site at some point. If they are allowed to build this particular structure that is proposed, we would be in fact agreeing to anything else built on this lot down the road. That is one of my big concerns, is what else could go there on that lot. Also, I have rental property there and several income properties for low income families that could be one that they wipe out. I spent Saturday looking in the Piedmont Shopper for rental property and I think I saw eight and four of them were rooms to rent. There is virtually no low income properties available in Danville and it is scary and it is going to be a problem. I am concerned about lower property values and I'm here to oppose this item.

Mr. Robert Haley, I own a piece of vacant land in that community. My interest is someday there will be a drive-in residential section. It certainly will not benefit me because I am pushing 90 so I am not worried about that. I don't think we need to make this undesirable by letting the ordinance have an exception there. I don't think we need that building facing Cain Street there is more decent property that is available in that area.

Mr. Petrick stated I just want to clarification from staff that might clear up a few things we are not discussing whether or not this is allowed this is allowed under current zoning. We are just discussing whether or not we are going to give him a variance on setback lines. Is that correct?

Mr. Gillie stated waiver on setback is correct. It has nothing to do with the structure that is built on there. They just want to put the structure closer than what is required in the code because they are supposed to be fifty feet from the property lines from South Boston Road and Cain Street but they are requesting to go closer that what is permitted.

Mr. Petrick stated there is room on the side for them to locate this under the present regulation?

Mr. Gillie stated yes.

Mr. Mark Petty stated, I am the Vice President of Mid Atlantic Broadband Communities Corporation. You are correct in what you are saying we have already obtained the easement area there and we can build what we need back fifty feet from the roadway there. What we have asked for is a consideration to bring that closer to the road and to maximize the space area. We plan to install a 6 foot privacy fence around the perimeter of this. We want to work with the community and want to work with those around the area to make this as attractive piece of property as we can. We are doing this to enhance the broadband activity locally in the region and in the area. We ran out of space and needed additional space in the area so we have worked with the town and the county to identify this parcel here. We didn't want to encumber the future development of the parks that would be acceptable and carve out a piece of the area that we can build communications facility there and we will have network and capability to bring broadband in from greater areas North toward Lynchburg and East towards South Boston and West towards Martinsville. That is the intent of the facility and I would be happy to answer any questions that you may have.

Mr. Wilson stated what is the fence going to be made out of and what is the look?

Mr. Petty stated we haven't finalized it yet and I believe that we were looking into a PVC fence.

Mr. Wilson stated one of the concerns brought up by a former speaker was other things going into that space. Are there any long terms plans for that space?

Mr. Petty stated we are planning to place a 14x20 7 foot prefab structure building in the facility and we do have plans if needed to place another facility like it on the back side of that away from the road. The space would enable us to place another structure if we outgrow at that point. I don't know that we will grow to that point but we wanted to make sure that we have plenty of land area in the event that we do need to. We will be able to house about 25 to 28 brass equipment in that initial building and that by far is the larger building that we have but we do have a lot broadband activity comes through the area east and west as well as north out of Danville.

Mr. Wilson stated can you meet your goals by moving back these items? What you are really asking us to me did you have a community meeting with the neighbors?

Mr. Petty stated I don't think we had one at the time we worked with the Aretha team. We meet with the city and county.

Mr. Wilson stated did you know there is significantly a number of people opposed to this?

Mr. Petty stated no I was not aware of this. Can we do it with not doing the setback, yes but we can work with what we have if it is not granted.

Mr. Bolton stated someone mentioned about noise. What kind of noise does that generator make?

Mr. Petty stated I'm not sure what the noise level would be, that is something that we can find out. We will run a generator maintenance on Monday's for about 15 to 20 minutes to make sure that they don't have any problems. We need to do preventive maintenance and make sure that they have power.

Mr. Bolton stated if you moved it back so you wouldn't have this issue would people on Cain Street still be able to hear it?

Mr. Petty stated the generator does have an enclosure to knock down a lot of the noise. It is not a generator running constant and it is enclosed with sound proof material.

Mr. Petrick stated there was mentioned about the issue with the noise level and this is going to be a test site once a week?

Mr. Petty stated it won't be running on generator full-time as long. As we maintain commercial power it will be on commercial power. It is there for power outage.

Mr. Garrison stated is this a diesel generator?

Mr. Petty stated yes.

Mr. Garrison stated will there be a tower?

Mr. Petty stated no there will not be any towers.

Mr. Garrison stated it is a relay station for broadband.

Mr. Petty stated correct.

Ms. Evans stated in addition to your fencing, I know the area is wooded. Do you anticipate planting trees to help absorb the noise?

Mr. Petty stated if that is helpful for the community we can put a tree as a barrier, but that was not our intent at this point. We were probably going to clear the lot and gravel it out to minimize our maintenance cost on that. We are not opposed necessarily to putting some barriers in there to help the community.

Ms. Evans stated I'm trying to comprehend what a PVC fence looks like? I was hoping to have drawings when you come to us.

Mr. Wilson stated I want to add to that I think even some of the questions that we have asked you there is no real clarity on the detail of where things are going to be and what kind of fencing. Because it is in a residential place and you have significant people in that area that are asking questions and our job is trying to figure this stuff out and we always like it a little better if there has been conversation and things worked out. That you were going to take down the trees and do gravel, that is significant information to us. These are people's homes and it is their life and they have to live in it.

Mr. Petty stated we are happy to come back with some more details if you like, so we can table this conversation or you can vote on it as it is. We are happy to work with the community.

Ms. Burns stated I like your suggestion about planting trees but it is just too close and there is no room. According to this map that generator is 12 foot from the road. I grew up on this street the street is only about 24 foot wide and the mobile homes that you see and the houses are not more than 20 feet from the street. They are literally putting this in front yards.

There is not room for a tree and a PVC pipe, it looks like an industrial white pipe and how that beautifies the community is beyond me at this point. In 1986 they passed an ordinance to have 300 feet from residences. Why have the ordinance in the first place if you are going to give them 200 feet over what the ordinance says the amount is. I was given that this line goes all the way to the very back of my property so it takes the whole property in within that 300 feet. I understand and I don't blame anyone that wants to save their money and property to build as close as they can if they are allowed to, but you are not giving them 30 feet you are giving them 300 feet.

Mr. Garrison stated that 300 feet from the property line everyone around them has to be notified. 300 feet is not 300 feet from the property line it is just the notification. If you have property within 300 feet of this particular parcel then we have to notify you, so you will know what is going on. 300 feet is not that he has to be 300 feet away from every house. I think you are looking at that 300 feet away from all the houses and that is not what that says. The attorney can correct me if I am wrong.

Mr. Whitfield stated yes sir and you are correct.

Mr. Petty I can clarify some dimensions if you would like?

Ms. Burns stated nope and I'm sorry I can read and I see all the clarifications. One more question would there ever be a tower there?

Mr. Petty stated no. I would say that our setback that we are asking for is 25 feet. Our drawing is 26 feet back from the edge of the right of way. The generator is not considered a building or structure, is 12 feet off of the right of way and that is the suggested layout that we have. We can move the building back 50 feet.

Mr. Bolton stated I have a question for staff. The opposition from RIFA itself, is that a mistake or what? How can someone apply and be against it?

Mr. Whitfield stated they are not the same.

Mr. Gillie stated they are not the same. My assumption the person that signed that is not a member of the Industrial facilities Authority and that may have went and got mixed up in an envelope. The person that signed it is James Brown and that may be the adjacent property owner and when the copies ran they got put in the wrong spot. I just saw opposed and went with that.

Mr. Bolton stated whether we table it or deny it they could still move back a little bit and all is well.

Mr. Gillie stated they could move it to the 50 feet the generator and the structure. Both would be outside the 50 foot setback from 58 and Cain Street and build the structure correctly. We are just asking for a waiver to be closer.

Mr. Garrison closed the Public Hearing.

Mr. Wilson made a motion to postpone this Rezoning Application PLRZ2020000024. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

4. *Rezoning Application PLRZ2020000029, filed by the Gerald Kelly on behalf of TriCor Properties LLC, requesting to rezone from N-C Neighborhood Commercial District to "Conditional" HR-C Highway Retail Commercial District, 1113 Franklin Turnpike and two adjacent parcels (Parcel ID#s 70167, 70166, & 70046), otherwise known as Grid 1916, Block 011, Parcel ID's 000039, 000040 &, 000041 of the City of Danville, Zoning District Map. The applicant is proposing to build mini-storage warehouses on the property.*

Mr. Garrison open the Public Hearing.

Mr. Gerald Kelly, Owner and Manager spoke on behalf of this request.

Ms. Evans stated how to you plan to put these mini-storage warehouses on this property?

Mr. Kelly stated the two story brick house is right in front of and the center lot and it is going to be our real estate office. It is three acres there and we are going to go into the back where that railroad bed is and come back up in kind of a square. So, basically when you come into the property for the real estate office there will be a circular drive around the real estate office and there will be a fenced in area in back where there are mini-storage buildings.

Mr. Bolton stated how close are they to these properties to the neighbors?

Mr. Kelly stated I don't know how many feet to tell you but there is a railroad bed that used to be there. If you stand back there you can see a couple of the houses backed up to it.

Mr. Bolton stated and you are going to fence it?

Mr. Kelly stated yes.

Mr. Bolton stated what kind of fence?

Mr. Kelly stated we are going with the chain link fence with the wiring on top. We do have a neighbor on the right and she would be able to see it.

Ms. Evans stated and you have met with all the neighbors?

Mr. Kelly stated no, I don't really know any of the neighbors.

Mr. Wilson stated are you aware that you have significant opposition?

Mr. Kelly stated no, I'm not really aware of any.

Mr. Wilson stated we received fifteen notices and six were unopposed and nine were opposed. Do we have a site plan that is going to show what this is going to look like? It always helps us if we can see something and this is a significant project.

Mr. Kelly stated we don't have the prints yet from the company out of Raleigh. This is not something that we were going to build in the next six months. We were looking at the process of moving the office and before we get it paved we wanted to get it approved first. I

didn't think about doing that because there are alot homes there but from that property you would have to go across that railroad bed and go on back to where you see those houses. Mr. Petrick stated I rode by the lot and I saw where you cleared around the house. Are you going to keep the house?

Mr. Kelly stated yes sir that is going to be our office.

Mr. Garrison stated will there be lights?

Mr. Kelly stated yes there will be lights.

Mr. Petrick stated I didn't get a chance to do much research as I wanted to on this particular site. These free lots are the only lots on that side of Franklin Turnpike that are NC - Neighborhood Commercial. I'm just curious why those three had that?

Mr. Gillie stated we changed zoning a few years ago to go to Neighborhood Commercial, it says in the staff report and Franklin Turnpike is a five lane road and it is basically converting over a heavier intensity Commercial use. We set those up to be Neighborhood Commercials because you do have such a mixture of Commercial-Residential uses. When the applicant came and discussed the option of going to a mini-storage warehouse from a Planning stand point, that is one of the least intense uses that you can have. It can generate traffic 24/7 and it is very unlikely that it will generate traffic 24/7. If it does then you don't go there every day. It has very little traffic and very little noise. We felt this would be one of the easiest uses for that area and does not increase traffic.

Mr. Bolton stated you mentioned lighting, will that be down low?

Mr. Kelly stated as far as I know yes it will be facing in and we have looked at quite a few of them in Danville and we like the ones that shine directly down on the outside.

Ms. Evans stated so you plan to have hours?

Mr. Kelly stated yes.

Ms. Evans stated what are your hours?

Mr. Kelly stated they will be real estate hours and hopefully we can get away from that.

Ms. Evans stated can you define your hours?

Mr. Kelly stated probably 7:00 pm.

Ms. Evans stated starting at?

Mr. Kelly stated from 9:00 am to 7:00 pm.

Mr. Gillie stated a lot of times lighting is put there for security reasons and a lot of mini-storage warehouses are 24/7 and you have a key code to get in and out.

Mr. Wilson stated are you consolidating these three properties?

Mr. Gillie stated they are not consolidated but it would be required to be.

Mr. Michael Duncan stated as you look at the three lots the ones furthest to the north is my property. I am the guy in the community that gets the people that come into your living room. There is some substantial concerns among our community, including my wife. There really are several issues. Lightning is one and the fence is another. For me the lightning solution is a concern but I also think there needs to be substantial screening. The existing trees are important; that berm is not part of this property. I will open my house and you are welcome to come and talk to the neighbors.

Mr. Wilson stated you're not sounding like you are opposed to it. I think you would like a little more information about it.

Mr. Duncan stated I am one of those people that like to have conversations with people and I don't like to tell them what to do with their own land. I'm not opposed to it but I'm not happy about it right now because I don't have enough data. I really think it is important that we kind of work through this. There are neighbors in my neighborhood that are opposed to it. I think we can work it out but that remains to be seen. This process there is not enough data from this developer.

Mr. Garrison stated that is why I asked Mr. Kelly to come first, because he might have answered some of the questions that you had.

Ms. Cathy Hunt Millner stated my address is 308 Vicar Road. Ms. Millner stated I heard Mr. Kelly say that his property runs to the railroad bed. There is a gutter behind there and I try to keep it clean and right now and I don't know who is cleaning off their property and put the trees and limbs over there, but that is where it is right now. That is what I am afraid of, I am afraid of my property value going down. The back of my property goes up the hill and now this is a recreation area for my family and my grandkids and to go out there and look right square at mini-storage warehouses. A warehouse city is not going to look right there. What is going to happen to my property value back there? Right now the majority of the trees have already been cut down and it is ready for redevelopment. Whatever development is coming in there, I am definitely oppose and I have talked to a lot of my neighbors that are opposed and we don't like it. We are not in the Neighborhood Commercial and the back of the property goes there. What is it going to look like with mini-storage buildings back there no buffers and the lightning is going to disturb our houses back there. I'm a real estate agent in this town and I have been for thirty some years and I know what this will do to properties and Mr. Kelly probably knows too. I stand to lose and he stands to gain and I am definitely opposed. I am opposed.

Ms. Linda LaPrade stated my address is 1119 Franklin Turnpike. Ms. LaPrade stated I'm probably the most affected with this proposal. I am opposed to the rezoning of the property at 1113 Franklin Turnpike and my property is adjacent to this property. It is already very difficult to enter into or exit from our driveways at certain times of the day and night. This rezoning will certainly add to the congestion of traffic on 41 since the renters of these units will be coming and going at any time. Our real estate property will decrease in value and who is going to want to buy a house with storage warehouses fenced in next to their property, would you? The only thing we are going to see from our back decks are these storage units. I would hope that the planning commission would vote note to this proposal and allow us to keep our neighborhood environment as is.

Mr. Garrison closed the Public Hearing.

Mr. Wilson made a motion to postpone this Rezoning Application PLRZ2020000026. Mr. Petrick seconded the motion. The motion was approved by a 6-0 vote.

IV. ITEM NOT FOR PUBLIC HEARING

1. Request to review a Final Major Subdivision plat for the dedication of right-of-way for Airport Road.

Mr. Bolton made a motion to approve the request for a Final Major Subdivision plat for the dedication of right-of-way for Airport Road. Mr. Petrick seconded the motion. The motion was approved by a 6-0 vote.

2. *Request a waiver to the requirements to provide paved parking in accordance with Article 8 Parking and Loading Requirements, Section 6, paragraph (b) for 301 Trade St*

Mr. Mark Johnson with LE&D Professionals spoke on behalf of this request. Mr. Johnson stated basically what it is we want to use gravel road and asphalt for a couple of reasons and number one it is a lot easier to maintain. These are going to be used by pickup trucks bringing products to the building. I would be glad to answer any questions that you might have.

Mr. Bolton stated I thought what I saw that he put down 50 feet not 40 feet?

Mr. Gillie stated if you want 50 that is fine it is just 10 more feet of stuff that they have to pour but we are not opposed to the 40 feet on this one.

Mr. Dodson made a motion to approve the request a waiver to the requirements to provide paved parking in accordance with Article 8 Parking and Loading Requirements, Section 6, paragraph (b) for 301 Trade Street. Mr. Bolton seconded the motion with conditions by staff. The motion was approved by a 6-0 vote.

V. OTHER BUSINESS

Mr. Gillie stated the General Assembly has passed with both House and Senate the bill that makes gaming related to recent skilled gaming SUP requests illegal in Virginia.

The Planning Commission meeting next month will be on Tuesday, April 14 at 3:00 pm.

VI. Minutes

The February 10, 2020 minutes were approved by unanimous vote.

With no further business, the meeting adjourned at 4:20 p.m.