

PLANNING COMMISSION MINUTES  
November 7, 2011

MEMBERS PRESENT

Mrs. Evans  
Mr. Griffith  
Mr. Jennings  
Mr. Scarce  
Mr. Wilson  
Mr. Laramore  
Mr. Jones

MEMBERS ABSENT

STAFF

Emily Scolpini  
Ken Gillie  
Christy Taylor  
Renee Blair

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

**I. ITEMS FOR PUBLIC HEARING**

- 1. Rezoning Application PLRZ20110000403, requesting to amend the Year 2020 Land Use Map from Suburban Single Family Residential to Economic Development and to rezone from S-R, Suburban Residential to LED-I, Light Economic Development Industrial, 430 Airport Drive otherwise known as Grid 3607, Block 001, Parcel 000003 (Parcel ID 76380), an adjacent 5.339 acre parcel otherwise known as Grid 3607, Block 001, Parcel 000004 (parcel ID 77518), and an adjacent .443 acre parcel otherwise known as Grid 3607, Block 001, Parcel 000002 (Parcel ID 76379). The applicant is requesting to rezone approximately 6.48 acres to allow industrial use.*
- 2. Special Use Permit Application PLSUP20110000410, requesting a Special Use Permit granting a waiver to lot area and width in accordance with Article 30: Section F, Items 2 & 3 of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended at 430 Airport Drive otherwise known as Grid 3607, Block 001, Parcel 000003 (Parcel ID 76380), an adjacent 5.339 acre parcel otherwise known as Grid 3607, Block 001, Parcel 000004 (parcel ID 77518), and an adjacent .443 acre parcel otherwise known as Grid 3607, Block 001, Parcel 000002 (Parcel ID 76379).*

Miss Scolpini read the Staff Report. Seven (7) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Four (4) respondents were unopposed to the request; one (1) was opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Mr. Mark Rembold. Mr. Rembold stated I just want to touch base on the property. I started this plant nursery way before the City ever annexed the property. I was told at the time it was annexed that I could keep agricultural zoning, but that was not the case. I went to a lot of effort to get it rezoned to M1. If I would have gotten a postcard, or if I would have read it in the newspaper, I sure would have been at that meeting. I have put a lot of effort and work into that property. It is not a residential property as you can see by the map. The Airport's maintenance shop is right across the street. If they are over there working on an airplane you cannot listen to the tv or talk on the telephone. The T-Hanger is on the other side. If they are over there running them up or playing with them, it is the same thing. The fuel barn is over there. Right down the road is the City's fire training station. They are down there with the trucks running up and down the road with sirens going pretending to go to emergencies. It is really not a residential property. I just hope that since it is requested, that it be approved. I could not use the property as residential with the way the development is right there. Thank you all.

Mr. Jennings asked which side of the property are the two (2) houses located?

Mr. Rembold responded they are on the front part. They are across the street from the maintenance hanger.

Mr. Jennings asked on Stinson Drive?

Mr. Rembold responded Airport Drive. When we were zoned into M1, that did away with the rental thing. My brother quit renting the houses out and started using them as storage buildings. He has lost all of the money on the rent. We never realized that we got zoned back to residential. The only reason we found out was Kent Shelton, the City Engineer, came by saying that they were thinking about redoing the road right there and wondered about buying the property. He said that we were zoned residential. I took the paperwork down to his office and he said "no, this has all changed." I cannot believe it.

Mr. Jennings asked did they complain about it?

Mr. Rembold responded no, those are my brother's houses.

Mr. Wilson stated you were speaking quickly so I am not sure that I heard this correctly. I thought I heard you say that you wanted to use this for residential.

Mr. Rembold stated no, there is no use for residential.

Mr. Wilson asked so you want to use it for your plant nursery?

Mr. Rembold responded right.

Mrs. Evans asked so you are going to continue with that?

Mr. Rembold responded yes.

Mrs. Evans stated we have one (1) opposition and I do not know who it is in relation to where the property is. This person thinks that it will decrease the value of her property. Are there other houses on that road that are residential?

Mr. Rembold responded I have a storage building that is a house that is like one hundred years (100) old that I use on the corner of my property. That is the last house. My brother's are the other two (2) houses. There is a house, but I do not think anybody lives in that house. The people went to the nursing home. It is one (1) other house, and then it is a trailer park. The last time we rezoned, the person that lived at the very end of the trailer park, they were opposed to it.

Mr. Griffith stated Kenny maybe you can help. I rode through there this morning. I was looking at the map and it appears to me that the individual who is opposed has three (3) lots two (2) of which are adjacent to Mr. Rembold's property. There does not appear to be any buildings or anything on those lots. What I could see from the road looked like it is vacant.

Mr. Gillie stated there is a house on one (1) of them at the end of Praither Drive.

Mr. Griffith asked do you know if that is occupied?

Mr. Gillie responded I believe it is occupied.

Mr. Griffith stated it just appeared to me that two (2) of the three (3) were just wooded.

Mr. Rembold stated I would say that if their property backs up to there, then it probably backs up to the other industrial park.

Mr. Jones asked in the opinion of staff, would property value decrease adjacent to this property?

Mr. Gillie responded in our opinion no, it would not. The properties in that area are across from the Airport, which is zoned Industrial. They are adjacent to the Cyber Park, as well as some additional property that is zoned LED-I. With Mr. Rembold's property you have what is the main road into the Cyber Park. No, we do not believe that this would change their value.

Mr. Jennings asked I have one (1) question. It seems that there is a street running off of Airport Drive. Is that a street or just a driveway? Will it remain as it is to accommodate anyone that owns the property?

Mr. Gillie responded on the north side or the south side? On the north side of the road there is what was the buffer left over from when they did the Cyber Park. When that land was acquired it was originally Riverview 2. Then it was converted from Riverview 2 into the Cyber Park. When it became the Cyber Park they created a buffer of one hundred (100) or one hundred fifty (150) feet. It went around the properties that were in Green Acres, Woodside, and continued over to those behind Gilbert and the backside of Praither. That will stay. That is not a right-of-way. That is just a road. Now on the south side you have the road that leads down to the T-Hangers and also the compost site, but that would be the on the opposite side of Airport Drive, the same side as the Fire Training Center.

Mr. Jennings asked so this is just a little private road?

Mr. Gillie responded on the south side of the road it is the City's access. On the north side it is not a road, it is a buffer that was dedicated by the City.

Mr. Wilson asked the development has nothing to do with the Cyber Park?

Mr. Gillie responded no, it does not.

Mr. Scearce stated I had talked to staff earlier today. I think there is a natural gas line or something.

Mr. Gillie stated some sewer lines.

Mr. Scearce stated sewer lines that run across the back of the property that actually creates a natural buffer too. I cannot see how it is going to hurt anything and the use of the property is going to continue as it has been.

Close the Public Hearing.

**Mr. Scearce made a motion to recommend approval of Rezoning Application PLRZ20110000403 as submitted. Mr. Laramore seconded the motion. The motion was approved by a 7-0 vote.**

Mr. Scearce made a motion to recommend approval of Special Use Permit Application PLSUP20110000410 as submitted. Mr. Jennings seconded the motion. The motion was approved by a 7-0 vote.

- 3. Code Amendment Application PLCA20110000411 proposing to amend Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended, specifically Article 3.0 entitled "LED-I Light Economic Development District", Section B. entitled "Permitted Uses", Section C entitled "Uses Permitted by Special Use", Section D entitled "Prohibited Uses" and Section I entitled "Additional Regulations" to address aircraft related industries as a use allowed within the district and establish regulations on the same.*

Mr. Gillie asked on the last case, when you closed the public hearing, did you ask for those in opposition to speak?

Mr. Griffith responded no, I am afraid I did not. I am sorry. Excuse me, you are right.

Mr. Gillie stated that is fine. We just had someone else in the audience. I wanted to make sure that we covered everything. We can move on with the next one.

Ms. Blair read the Staff Report.

Open the Public Hearing.

No one was present on behalf of the request.

Close the Public Hearing.

Mr. Laramore asked is this related specifically to this piece of property that we are addressing on these others or is this in general?

Mr. Gillie responded actually this is in general for all of that area. Economic Development has worked on clients for the Airport. One of the questions that has come up is the ambiguity of the noise statute that we had, so we have tried to figure out a way to clean this up to make it easier for Economic Development to market properties in the Airport area. It is coincidence really that it tied in with his case being the same day. His came because of the way Council authorized it and advertised it. This is more of an Economic Development prospect project.

Mr. Jennings asked I noticed that you underlined noise. Is noise the only problem people have in that area with aircraft?

Mr. Gillie responded noise is the main focus. On aircraft, any work done on the engine can also be noisy. Also when you go out working on them, if you have to do any moving of metal parts and other things can also be noisy. A concern was raised. If someone was working on an airplane, what kind of noise could be generated just by them working on it? The way the statute read was kind of open. If there was a problem, then it comes to City Council. Well, who would want to open up not knowing whether or not they were going to get shut down or not? We are trying to figure out a way to establish a set regulation; this is what you have to do. That is why we put those distance requirements and other things in it. It is really related to aircraft, but also whatever they can land at the Airport. What other industries you could have that would work on aircraft material.

Mr. Griffith asked this has nothing to do with aircraft take off and landings?

Mr. Gillie responded no, it has nothing to do with aircraft take off and landings. That is regulated separately. This is more for any work that would occur in the Airport, and it is also the LED-I; so it would work in other districts as well. If you are doing something that is aircraft related in areas that are not on the Airport property. We have some additional land around that area that is zoned the same thing. We have another airport industry that is located out, so it could go in other spots as well. Mostly, we have got seventeen hundred (1700) acres in the Airport. They have tried to land some people in the past and folks have shied away because the zoning came up.

Mr. Jennings asked currently we only have it where you can land in one (1) direction? Is that right or take off?

Mr. Gillie responded I believe that is how the Airport functions. The Code change that we have is not really related to landing or taking off. It is more industrial related. What happens if the City gets someone to go into one (1) of the buildings and how they would operate and how they would function.

Mr. Jennings asked I was just wondering if some large airplane needed to come in from different directions or take off, would the wind factor into this?

Mr. Gillie responded there are two (2) runways that are still open; one (1) of them has been closed so I believe you have the option of taking off in different directions. When they do the work on the main runway, I think the other one will stay open. You can currently take off more than one (1) way. It depends on the size of the aircraft and a lot of other factors.

**Mr. Jennings made a motion to recommend approval of Code Amendment Application PLCA20110000411 as submitted. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.**

## II. MINUTES

**Mrs. Evans made a motion to approve the minutes from the October 10, 2011 meeting. Mr. Jennings seconded the motion. The minutes were approved by a 7-0 vote.**

## IV. OTHER BUSINESS

Mr. Gillie stated the Code change that you recommended at your September 12<sup>th</sup> meeting to allow for limited retail sales in the N-C district was approved by City Council at their last meeting. The other items that we have will come to City Council in a few weeks. The case on Park Avenue, if you remember the applicant had requested to table because they thought the N-C requirement changes would take care of their request, has withdrawn their case. Once Council approved it, it allows them to go and do what they had asked for previously. That case is now off of the books. There is going to be a rather large amount of Code changes that are going to be coming to you within the next few months. There were some changes in State law on items such as med cottages. I do not know if anyone is familiar with that, but staff has been working to see how the Attorney General ruled on a few things regarding those. That is going to come to you. We have also got some general Code changes that we will be bringing to you. I just wanted to let you know that there are going to be some more Zoning Code changes coming up in the near future. That is all we have.

Mr. Griffith asked do we have anything for next month?

Mr. Gillie responded we do have one (1) case filed.

With no further business, the meeting adjourned at 3:28 p.m.

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APPROVED