

PLANNING COMMISSION MINUTES
April 8, 2013

MEMBERS PRESENT

Mr. Wilson
Mr. Griffith
Mr. Jones
Mr. Searce
Mrs. Evans
Mr. Bolton

MEMBERS ABSENT

Mr. Laramore

STAFF

Renee Blair
Ken Gillie
Christy Taylor
Clarke Whitfield

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

I. ITEMS FOR PUBLIC HEARING

1. *Rezoning Application PLRZZ20130000093, filed by George Davis on behalf of Davis Storage and Warehouse, Inc., requesting to amend the Year 2020 Land Use Plan from MR, Multi-family Residential to ED, Economic Development and to rezone from HR-C, Highway Retail Commercial to I-M, Industrial Manufacturing, 144 Wilborne Avenue, otherwise known as Grid 1808, Block 011, Parcel 000032 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property so that it may be used as a warehouse.*

Ms. Blair read the staff report. Eleven notices were sent to surrounding property owners within 300 feet of the subject property. One respondent was not opposed. Zero respondents were opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. George Davis. Mr. Davis stated I am not here to give you any lengthy speech about why we want to do this, but to tell you that we want to turn the warehouse into the similar type of business that we are presently conducting on Craghead Street. We will not be storing anything outside. It will all be inside. We will basically be storing exactly what we have been doing for the better part of 78 years. I am just here to answer any questions that you might have.

Close the Public Hearing.

Mrs. Evans stated it says that this structure was grandfathered although it has been vacant for several years.

Mr. Gillie stated the grandfathering is related to the Building Code and Fire Code, not according to the Zoning Code. He is not required to install a sprinkler system in the building. Their Code allows for differences and it doesn't reflect the time that something has been vacant; so the Building Code itself does not trigger modifications. The Zoning Code is two years.

Mr. Bolton asked when it was changed years past back to multi-family, what happened to that project that maybe it was changed for? What was the thinking? Why was it changed to multi-family?

Mr. Gillie responded at that point we had someone who had a contingent contract on the building with plans to remove that structure and develop the property. We actually had preliminary site plans to tear that building down and do something different. That contract expired and that plan has subsequently went away. Mr. Davis has bought the property and wants to go back to what it was originally designed for and that is why he is here today.

Mr. Bolton asked you don't know why that plan went away?

Mr. Gillie responded I would assume when the economy tanked there was no need to build houses, but that is just an assumption on my part.

Mr. Wilson made a motion to recommend approval of Rezoning Application PLRZ20130000093 with conditions proffered by the applicant. Mr. Bolton seconded the motion. The motion was approved by a 5-0-1 vote (Mr. Griffith abstained).

2. *Special Use Permit Application PLSUP20130000096, filed by Alpha Opportunity Fund I, LLC, requesting a Special Use Permit to waive the yard requirements in accordance with Article 3.M; Section C, Item 21 of the Code of the City of Danville, Virginia, 1986, as amended, at 2907 Riverside Drive, otherwise known as Grid 1710, Block 002, Parcel 000004 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to create a lot with no frontage on a public street, where ninety (90) feet is required.*

Mr. Gillie read the staff report. Twelve notices were sent to surrounding property owners within 300 feet of the subject property. One respondent was not opposed. Zero respondents were opposed.

Open the Public Hearing.

No one was present on behalf of the request.

Close the Public Hearing.

Mr. Jones asked did the applicant have any trouble with these conditions?

Mr. Gillie responded no, actually they were working at the time on creating the cross access easements to allow access to the various parking, to allow access to Riverside Drive, and Ms. Blair pointed out also for the signage. Right now they are on the main ground sign. They would also have to allow access to the signage. They were working on all three of those. I just don't have the revised subdivision plat yet.

Mrs. Evans asked is it routine to separate parcels out like this?

Mr. Gillie responded it is becoming more routine. A lot of shopping centers are going to that because the businesses within the shopping center want to own in effect their ground footprint underneath. Target is that way. There are a couple others in Coleman Market Place. If you look at the mall, actually Sears, JC Penney, Belk, and the other one are all on their own parcels. We couldn't do the strip to get out to Riverside Drive, because the shopping center itself only has a limited access point on Riverside; so in order to maintain

that limited access for the shopping center this one had to be subdivided without that access. It is becoming much more common for businesses to do that.

Mr. Griffith made a motion to recommend approval of Special Use Permit Application PLSUP2013000096 with conditions per staff. Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.

3. *Rezoning Application PLRZZ2013000095, filed by Keith Walden on behalf of CWC Holdings, requesting to amend the Year 2020 Land Use Plan from USR, Urban Single Family Residential to MR, Multi-family Residential and to rezone from OT-R, Old Town Residential to M-R, Multi-family Residential, 5 vacant parcels on Stewart Street; ID Numbers 22841, 24958, 25085, 25226 and 22099, otherwise known as Grid 1719, Block 005, Parcel 000004, Grid 1719, Block 005, Parcel 000005, Grid 1719, Block 005, Parcel 000006, Grid 1719, Block 005, Parcel 000007 and Grid 1719, Block 005, Parcel 000008, respectively of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the above-mentioned properties to M-R, Multi-family Residential in preparation for consolidation and construction an eighteen unit, three-story residential building.*

Mr. Gillie read the staff report. Forty-three notices were sent to surrounding property owners within 300 feet of the subject property. Five respondents were not opposed. Fifteen respondents were opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Keith Walden. Mr. Walden stated I am the developer of the project. Just to give you a little background, we bought 25 or 30 blighted houses, tore those down on Stuart Street, and we are planning to cul-de-sac it. We met with City Council on the plans to cul-de-sac it where Paxton Street came through to separate the rest of the blighted area down there. We tried to purchase it, but we couldn't do that; so we are trying to separate it. This would essentially be a gated type community. The apartment building, I like to compare it to Le George. We have a lot of support from people who are interested in living in this community. It is a luxury apartment. It will have an elevator in it. I have a site plan if anyone would like to see it. I don't know if you all have access to this.

Commissioners stated we do in our packets.

Mr. Walden stated we are just trying to get the approval to move ahead with it. It is improving a blighted area. We bought all of the houses, tore those down, and now we are trying to start the construction to improve it. The hospital supports us. Any questions about it?

Mrs. Evans stated the parking situation, we dealt with that last month on Marshall Terrace and the parking issues. Right now you are proposing 26 parking spaces, which is less than the very minimum.

Mr. Walden stated we own 10 ½ acres. We own the street down to Paxton. We own everything except for one lot in there. We are going to create parking spaces for it.

Mr. Griffith stated the application says for a three story, 18 unit apartment; but I noticed in the master plan that it also looks like 48 apartments.

Mr. Walden stated the apartment building is 18 units.

Mr. Griffith stated but the site plan that you submitted calls for 48 units overall plus a commercial office building.

Mr. Walden stated the commercial office building we would like to put across from Townes Funeral Home parking lot.

Mr. Griffith stated I added it up. I am just concerned about the density and the traffic it would create with 48 units, depending on the size of them. I mean we could be looking at 100 plus parking spaces that would be required.

Mr. Walden stated on the site plan, all of the parking spaces are there.

Mr. Wilson asked you said that you own the street?

Mr. Walden responded I don't own the street, but I own up and down Paxton Street except for one lot.

Mr. Wilson stated so it is a public street.

Mr. Walden stated I own both sides of the public street.

Mr. Bolton asked has any consideration been given to the traffic coming back onto West Main? That looks like an ideal spot for a traffic light. Is that something that will be there one day or could be there if traffic got to be an issue? Has that even been thought about yet?

Mr. Gillie responded it hasn't been thought about yet. That is where the traffic study comes in, to see what the movements are, the volume, the number of cars, what direction they are going to go to, and are improvements necessary based on these numbers. At this point, since I don't have the traffic study I can't say.

Mr. Walden asked Kent, did you say that you all had started that today?

Mr. Gillie stated the City Engineer is here if you would like to ask him. He usually handles traffic for the City.

Mrs. Evans asked for the future, I know we are just talking about this 18 unit building today, the 5,000 square foot office building, what do you propose to put in there?

Mr. Walden responded that is something we would like to do, but we don't have any plans for it at this point. That could change, but right now we don't. The first thing that we are going to start on is the apartment building and then go from there.

Mr. Wilson asked but if we approve the request for changes, does that give the green light for all of it?

Mr. Gillie responded no, as I said in the staff report additional rezoning will have to be forthcoming. The property is not zoned for an office building. If he wants to come back and put in an office building, he will have to come in and rezone. For the additional attached units on the other side of the street, we will have to come back and work through this process. Right now he wants to start with the apartment building. That is why he is here for those five individual parcels and asking for that rezoning; but we are trying to get ahead of ourselves and look at all the traffic that will be generated by this.

Mr. Bolton asked if we approve that particular parcel for the 18 units, does that obligate us?

Mr. Gillie responded no. It does not obligate you to change the zoning or do anything different from any of the other parcels. The traffic impact study that should be done, it would be in his best interest to look at everything. If you only come in with a traffic impact study on 18 units that is fine because that is all he is asking for; but the next project that comes in, we are going to ask for another one. The traffic impact study should be based on the whole thing. It doesn't make you say "ok we are going to have to change it." We are not approving this master plan. You are looking only at that 18 unit complex, the request for these five parcels at the moment. No, you don't have to in the future change anything else.

Mr. Bolton asked what he mentioned, the Le George; if we approve, does that obligate that or could it be anything?

Mr. Gillie responded it would be an 18 unit apartment complex or whatever would fit on that site. It is not even proffered to the 18 unit. He could proffer that it will only be 18 units and that it will be based on a certain style. At this point, we don't have any of that. He has just asked for a straight 18 unit complex. His plan is to design it that way. He could agree that is what he is going to do.

Mr. Walden stated it is going to be a luxury apartment building with 1200-1500 square foot apartments. It is a nice place.

Mr. Gillie stated staff again is recommending that this item be tabled to allow some of those details to be worked out, but mainly to figure out where all of the cars are going to go. In the meantime, if he has a design and you think that it should be held to that design, if the applicant is agreeable we can proffer that it will be only 18 units and based on the design that he submits. That kind of ties it down a little further.

Mr. Scarce stated if it is going to be 18 units to start with, obviously that doesn't call for a stop light. If you had the whole street mapped out, it might. At this point, how much study can you actually accomplish?

Mr. Gillie responded the 18 units is going to be a trigger. There weren't that many houses there to begin with. It is right at that limit of is it necessary. Council, when he came to them in April 2012, asked what is going to happen with all of the traffic? They wanted to know, so as a staff person respecting what Council agreed to in April, there should be a traffic study done. It should include everything. His plan is to do the entire street and I can understand why he wants to do the entire street; so he might as well do that now. If any improvements are necessary he might as well get them in front of him, pull them all in, and that will make it easier in the future.

Mr. Scarce stated a traffic study would show how it could affect things as they go about.

Mr. Gillie stated correct. There will be a progression phase portion of that traffic study.

Mr. Jones asked you mentioned luxury apartments. How much money do you get for these? What constitutes luxury apartments?

Mr. Walden responded to me a luxury apartment would be an apartment with an elevator first thing. You wouldn't have an elevator in something that wasn't very nice. They are large, big rooms, 10' ceiling apartments. A luxury apartment to me is like a nice house.

Mr. Jones asked I heard you say gated community. Where would this gate be? Do you need zoning changes to make it a gated community?

Mr. Gillie responded he can gate the private property. He can't gate the street. If you think of Windemere Villas, the public street doesn't have a gate but when you turn to go into the complex that is where the gate is.

Mr. Wilson stated your proposal is to turn off of West Main Street and go into the cul-de-sac in the lower end of the street. Council raised a concern, if I am reading this correctly, to come the other direction. That you would enter in from Watson Street.

Mr. Walden stated that kind of defeats the purpose of what we are trying to do. You would have to go by blighted properties to get to a really nice piece of property. It would be hard to sell them that way.

Mr. Wilson stated I saw that.

Mr. Walden stated we are just trying to separate that. We have torn down all of the other properties. We are trying to do a good thing for the community and not go back in with what was there. If we were going to do that, we wouldn't even be having this conversation.

Mr. Bolton stated with construction projects time is money. Where are you in your time frame? If we did delay this to do a traffic study is that too much of a burden?

Mr. Walden responded obviously we would like to move along as quickly as we could. I am just assuming that if it is a traffic problem that a traffic signal would have to be put there and move on. It is going to be a benefit for the tax payers and the City. People who used to come down South Main and see blighted crappy looking housing, we have gotten rid of that. It is all going to be done in good taste. It is a good thing for the City and people coming into the City, to see something nice. When you ride around Greensboro, you see these kind of projects. Every City you go into, you see this type of thing. We have a lot of people interested in this property.

Present on behalf of the request was Mr. Mark Wilson, Jr. Mr. Wilson stated I am the father-in-law of Mr. Walden. I thought of this project probably 20 years ago. I kept saying that the only way to get it done was through the Redevelopment and Housing Authority to take over and dispose of these properties. They became very inactive and it just hasn't been done. I kept telling Keith that he couldn't do it. Well he surprised me and did it. I am proud of him and I am proud of what we are trying to do with this project. You will notice that I have a little hitch in my get along now and I am looking forward to being one of the residents of this property. I have been on the list for Le George for probably five years. I can't get in. They

have a waiting list. These ladies back here are here because they want to move in too. Keith is not looking at it for an old folk's home. He is looking at it for people of all walks of life. I have a little bit of history that can tell you how a project like this can create a taxable base for the City of Danville. I live on Magnolia Drive. None of you probably remember how that came about. There was an area called Coplin Street. The Coplin family owned like 22 less than desirable houses. We were fortunate to be able to put it together because different branches of the Coplin family owned it all. We were able to tear down all of the substandard housing and build substantial new houses. I think you can look and see what kind of tax base was created there. The same thing will happen with this property. This is the beginning. You are talking about one building, but I think you can envision a beautiful layout of it. As indicated, he is going to have to come back and rezone and apply for other properties. This would be a Godsend to a number of older people like myself. I need either a one story building or an elevator and that is what is going to happen here. I hope you can see the reason to approve it and send it on to City Council. Thank you and if you have any questions for me I will be glad to answer them.

Present in opposition to the request was Mr. Jack Garrett. Mr. Garrett stated I live at 217 Montague Street. I own my home. My wife and I have lived there for the past 26 years. I am opposed to Mr. Walden's plans to rezone Stuart Street for commercial use and/or high rise apartments. Ours was the second house built on the street in 1925 by my grandfather John Martin. My grandparents, parents, and brothers have all lived on Montague Street for years. It has always been a residential neighborhood. I have always thought of Montague and the Old Westend as a natural extension of Danville's Historic District. Now while we aren't afforded some of the same protections, any suggestions to locate a multi-unit, high density complex just a couple of blocks away from the historic district would never be considered nor should it be in the historic westend neighborhood. At time when the City and developers are spending literally millions of dollars to preserve Danville's River District, which is a little more than a mile away it is foolish and short sighted to ignore the residential character of the old westend and rezone Stuart Street. My wife and I have three young children, twin girls ages 6 and our son who is 12. We are also concerned about the additional traffic that will be created by making Stuart Street a dead end or a cul-de-sac with traffic cutting through to Watson Street. This will only exacerbate a problem that is already very serious. We currently have drivers who speed down at a steep rate of Montague if you are familiar with the street to cut through to route 86. With access from Stuart Street to Watson cut off the overflow traffic from tenants, visitors, and whatever businesses unknown at this time might locate on Stuart Street will most certainly cut through to Montague to reach Watson to head out on 86. There are dozens of young children besides my three who play daily on Montague Street. We have had several near calamities as a result of speeding drivers. The problem was so bad several years ago that we banded together as a neighborhood and asked the Police Department and Public Works to put up 25mph speed limit signs and to strictly enforce them and they have. Placing a cul-de-sac at the end of Stuart Street would only make this situation worse. As Danville has worked so hard to preserve its heritage and restore single family housing on nearby streets, I ask that you reject this request and allow Montague to continue to be a quiet residential neighborhood. Thank you and I will be glad to entertain any questions.

Mr. Jones asked what was the area behind your street like 20 years ago?

Mr. Garrett responded it has always been dilapidated houses.

Mr. Jones asked and there were houses there?

Mr. Garrett responded the houses were there, yes. They have always been in disrepair. My concern is the density of this project and the additional traffic overflow to my street. That is my primary concern.

Mr. Jones asked I know you are opposed and I understand, but if there were a choice, would you have the cul-de-sac come from West Main?

Mr. Garrett responded I would prefer it to be on the other end. This is the first I have heard about it being luxury apartments.

Mr. Wilson asked does that change anything? If in fact it was verified for you that this was going to be a Le George type building, luxury apartments; would that affect the way you would think about this?

Mr. Garrett responded yes and if we could address the traffic situation. I would like to know his plans for the remainder of the street. We are talking about one small portion here.

Present in opposition to the request was Mr. David Fuquay. Mr. Fuquay stated I am the President and owner of Townes Funeral Home. I own two pieces of property on both sides of Stuart Street and West Main Street. When the funeral home was built, Stuart Street was not a street. It was only used by people who came to the funeral home. There was street on the other side towards the hospital called Aiken Street and that was a wide street. That was the street used mostly for anyone who came to town. Stuart Street was basically an alley and most people did not drive back through that way. I think at one time it may have been closed off. I received a notification about the zoning being changed to multi-family with a three story 18 unit complex. I sent the letter back opposing this because that is all that I know that was going to be done. I appreciate Mr. Walden's vision of cleaning up Stuart Street. It needed to be, but I have too many questions. In the past week I have found out that he wants to put a 48 unit complex back there, six four units, three two units, and an office building. I don't know if all of these units are going to be rental property. I don't know if it is going to be upscale rental property, but I have to be concerned with my neighbors who have invested a lot in restoring these homes on West Main. They need to have their area protected. I would rather see a residential section being built back there or patio homes. I just don't have enough information. I wished Mr. Walden would have sat down and met with the neighbors of the community and we could have had a chance to look at the plan. I see it is a lot of buildings back there in that back. It looks like a lot of buildings and a lot of asphalt. If it is a family dwelling, are there going to be children? Is there a park area for the children? The children in the past have ended up in the funeral home parking lot playing at the end of the parking lot. As I looked into the plans I became more concerned about the traffic flow. Putting a cul-de-sac at the end of this street means that everything has got to go in and out of Stuart Street right there at the funeral home. The street has definitely got to be widened. There is no curb and gutter down that street. I think there may be two pieces of property in his plans that maybe Mr. Walden has not been able to purchase yet. How is that going to hinder his plans? Basically, at this day and time I am opposed to it because I don't know enough about what is going to go right there. I am concerned about the traffic, would be concerned about the 48 units being rented because I have seen so many neighborhoods that start out a rental community with apartments. The first 10 years is fine but as time goes by the apartment complex tends to go downhill and there goes the neighborhood. If this ever comes to pass, I would like to see something that

would protect these neighbors, some type of wooded buffer so it would help protect and maintain the property values of the surrounding area. Does anybody have any questions?

Mr. Jones asked are you opposed to the 18 unit building, because that is the only thing he is asking for now? I understand that down the road you may have to come back to us and there might be a lot of questions, but 18 luxury apartments. Do you still have concerns with just that?

Mr. Fuquay responded the 18 unit apartment building is going to be three stories. I don't know how the neighbors would want to go out in their backyards and see a three story structure back there. I think that if there is a potential where there is enough wooded space back there to be a buffer where the people on West Main Street would not have to see that apartment building. I think it is going to be a little bit unfair to have to say yes or no, not knowing exactly what the plans are. I have to support my neighbors. They have spent a lot of money trying to make these buildings presentable when you come up and down West Main and I am also concerned about the traffic.

Present in opposition to the request was Mrs. Melanie Vaughn and Mr. Kevin Vaughn. Mrs. Vaughn stated I would like to thank you for allowing us the opportunity to talk to you about this today. My husband and I live at 235 West Main. We have been here a long time. We moved to Danville from Atlanta. We purchased our historic home in the Old Westend District. One of the reasons was that it was governed by a Commission of Architectural Review, which we felt would ensure the value of our home which goes way behind the initial purchase price. We love our neighborhood and how well maintained it is. It is beautiful. I am sure you all are familiar with that area of West Main. Even in the past few years, it has improved tremendously. We were really appalled when we saw the grand plan that Mr. Walden proposes. The 18 unit project is what is being considered today, but really this is a bigger picture. From our perspective, this is how this needs to be considered. When we look at the plan, we see mostly parking lot. We don't see a lot of green space. We don't see anything on the plans that looks beautiful. Frankly I don't know Mr. Walden. We spoke a long time ago when he first purchased those areas on the street. I voiced my concern and he said "I promise you I will do nothing to negatively impact your property value" and was considering perhaps an upscale retirement community, which is needed in Danville. Something like that we wouldn't be opposed to. This project, although it is not in the Historic District, is in the view corridor of the Historic District. It is what we will be looking at. It is what the people who live on Montague will be looking at. We feel that will negatively affect us. Also, how many rental units are really needed in Danville with office space? There are so many empty units. There are units that can't command the price they used to command because there is a glut. Right now in the River District there are 83 units completed this year on Bridge and Lynn Streets. These are upscale rentals commanding over \$1,000. How much more do we really need? The traffic issue, we are already close to the access to 86 and to the hospital, which creates traffic. This with a cul-de-sac and a number of people going in and out, it is just not even the residents, it is how many visitors are there, how many cars will be going in and out on a daily basis? We are opposed to this and we hope that you will agree with it.

Mr. Vaughn stated some of my thunder has already been stolen by Mr. Fuquay, but the plans of the cul-de-sac, we have a real issue with that. I know it is really going to increase traffic especially on West Main Street and Montague. We already have a lot of traffic there, but it is going to be much worse if this happens. The density of 48 units and 108 parking spaces, how much more can the area handle? Also, widening of the street, who is going to

pay for that? Would that be done after the apartment building or would that be done first? Who is putting in the curbs? Who is paying for the \$200,000 traffic light? Who is paying for these costs? Who is going to move the utilities? If they are widening the street, they are going to have to move the utilities because the utilities are close to the street right now. We also have concerns because this is right in our backyard. We have parties. We have a lot of people out on our deck and I wouldn't want to sit there and look at a three story apartment building. We have drainage problems which no one has talked about yet. Our backyard is 30' from the proposed commercial unit. That is pretty close. We have a wetland back there. It is swampy. Anybody that goes back there is going to get their feet dirty. These are issues we need to talk about. Obviously we are not in favor of the rezoning request for the 18 unit apartment building. One other thing I just thought of, if it is 18 units that means 26 spots and they are all one bedroom units. We would be in favor of owner occupied development which would be compatible with Old Town Residential such as upscale independent retirement community or upscale single family patio homes both with ample attractive green space and a park area. This is the kind of project that is needed in Danville.

Mrs. Vaughn stated we feel this would be compatible with the neighborhood and is very much needed. Also to add onto what Kevin said, I don't envision luxury apartments as one bedroom. I envision luxury apartments as two bedrooms with a den. I don't quite understand how 18 one bedroom apartments could be considered luxury. Another concern I have, and maybe I am just a little paranoid, is if Mr. Walden says he is going to build luxury apartments does he have to? Could he end up building something that is not a luxury apartment that is a lesser type? If they are all one bedroom they could be small. What is the guarantee that it is going to be luxury?

Mr. Vaughn stated we are concerned about the height because you figure 10' per floor is 30'. What are we going to have a 30' buffer go all the way around behind the house so we don't have to look at this thing?

Mrs. Vaughn stated and then there are security lights at night, there is traffic and noise, not just for that building but again talking about the big picture. The only green space that we can see on the plan is behind the units that would be against 86. Otherwise, we don't see any green space. If you are in a luxury area, I would think a green space would be a part of that. We are opposed. Do you have any questions for us?

Mr. Walden stated I plan to live there myself and they are going to be one, two, and three bedroom apartments. I do apologize. I should have had a meeting with all of you guys. There is one apartment building. Everything else is patio homes, single family homes on the street. This apartment building is to meet the needs of some of the citizens in the City of Danville that do need that type of housing. I will be glad to go by and stipulations or requirements that the City wants to put on these.

Mr. Scarce stated it may be beneficial for you and may even help your project to get the study done and ultimately do some renderings of architectural reviews of the building. When you do go to Council you will have a really good presentation. I hear a lot of support for you, just concerns about issues that sound like they could be worked out.

Mr. Walden stated I think so too. For what is worth, I grew up on Montague Street. My mother lives there. My grandmother lives there. I've got interest in the neighborhood as well.

Mr. Kent Shelton, City Engineer stated Mr. Walden has been developing this project over a series of several years now and over that course City staff has had several meetings with him to talk about the project and also what staff would recommend to the Planning Commission and City Council. About a year ago we put this item on City Council's Work Session just for discussion. Council didn't take any action. It was just to get some feedback on what they would be receptive to. At that time there were three issues that they wanted to get some guidance on. One of them was, as you know Stuart Street is a very narrow street. It is about 16' of pavement on 30' of right-of-way. Typically on a street like this you would want to have 50' of right-of-way with 30' of pavement with curb and gutter. What our proposal was is that the City would swap some surplus right-of-way along Central Boulevard to gain additional right-of-way on Stuart Street. If you look at the site plans, it anticipates acquiring some surplus right-of-way along Central Boulevard. You would end up with about 18' from the back of the curb on Central Boulevard. We would recommend giving up the surplus right-of-way in order to get additional right-of-way on Stuart Street. As we already indicated, Stuart Street is a public street. It is maintained by the City and it is open to the public, but it is in poor condition. This would help get that street upgraded. I think City Council was receptive to the idea of a right-of-way swap. The second item that was discussed with them was building the cul-de-sac. As Mr. Walden indicated, he wants to separate this development and cut down on the traffic through the project. That brought up the discussion among Council about adding more traffic out on West Main Street rather than having it on Watson Street. From a traffic standpoint, Watson would probably be better because it is just a three legged intersection rather than a four legged and you would also have access to the stoplight at South Main and Watson Street. As explained, he doesn't have control over that little part of the street and proposed to do the cul-de-sac as he has shown. This raised the question of what impact will this have on the traffic on West Main Street. They indicated the need to do a traffic study. The third item was what it would cost to improve the street. Since it is already a public street, staff recommended that the City pay for widening the street in phases as this project is developed and putting in the curb and gutter as an improvement and participation in partnership with the project. Any utility work that is needed would be at the developer's expense. As far as the traffic, when Ken told me about a week ago that this rezoning application had been made we still didn't have a traffic study to answer City Council's question. I feel like they could still ask those same questions when this comes before them. We initiated in our office, our own internal study. Last May, we did a traffic count. At that time it was 250 vehicles a day traveling on Stuart Street, which is not a lot of traffic. The traffic on West Main Street right now is about 9,000 vehicles a day. Those numbers don't justify a traffic signal. The Federal Highway has warrants that you go through in checking the traffic volume, the turning movements, and everything; so part of our internal study we were looking at not only the current traffic but traffic that will be created by this 18 unit high rise as well as the total development shown in the plans. My feeling is that the 18 unit will not by itself, but if you get the total up at some point down the road there might be enough traffic to trigger the need. We will also need to try and look at the level of service. Right now it is a very good level of service. You can pull up to the intersection, look both ways, and pull out. If you get more traffic there is a time delay. They have ways to evaluate the level of service, A-F F being failing and A being very good condition. Today it is probably an A or a B. We are going to do an internal study to see what we feel like. We would rather have a private outside study done with more expertise than we have in house.

Mr. Scarce asked when will your study be completed?

Mr. Gillie responded last week school was out, so we are doing the 12 hour count today. Certainly by the next Planning Commission meeting I plan to have some more information.

Mr. Searce asked so you wouldn't have it in time for the next City Council meeting?

Mr. Shelton responded right. We will have our own internal study, but my recommendation would be for Mr. Walden to have his own independent study done.

Mr. Griffith asked you said the current traffic count was 250 cars?

Mr. Shelton responded that was last May.

Mr. Griffith stated for the most part of Stuart Street, there were no houses on it.

Mr. Shelton stated we were probably picking up some of Townes traffic too.

Mr. Griffith stated that is 250 basically without any houses.

Mr. Shelton stated well there are several units on the lower end and some people do cut through there. We took the traffic count for about four days and that was the average.

Mr. Griffith asked that was from West Main turning onto Stuart?

Mr. Shelton responded right.

Mr. Griffith asked did you do a study from the other end?

Mr. Shelton responded we just picked a point just below Townes and put a tube across the road.

Mr. Searce stated it goes both ways.

Mr. Griffith stated right, but it doesn't show traffic coming in from Watson Street.

Mr. Shelton responded no.

Mrs. Vaughn asked if the units are going to be one, two, and three bedroom how many parking spaces are required? Certainly it would be more than the 26 planned. I don't know if this mean if there is going to be a parking garage as well. I think if these are luxury apartments, a person is not going to want to park on the street.

Mr. Searce responded the Code requires a certain amount of parking spaces for each dwelling, so he would have to building it according to Code.

Mrs. Vaughn stated 26 spaces are allotted right now, so there has to be a plan to figure out the rest of those spaces.

Close the Public Hearing.

Mr. Griffith made a motion to tabled Rezoning Application PLRZZ2013000095 pending the traffic impact analysis and the plans for a cul-de-sac and to address the parking issues related to the Code. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.

4. *Rezoning Application PLRZZ20130000094, filed by Charles Smith on behalf of First Realty of Danville, Inc., requesting to amend the Year 2020 Land Use Plan from USR, Urban Single Family Residential to CS, Community Service and to rezone from OT-R, Old Town Residential to TO-C, Transitional Office Commercial, 610 Upper Street, otherwise known as Grid 1712, Block 008, Parcel 000006 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property so that it may be used as a real estate office.*

Mr. Gillie read the staff report. Twenty-three notices were sent to surrounding property owners within 300 feet of the subject property. Three respondents were not opposed. Zero respondents were opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Charles Smith. Mr. Smith stated I am a real estate broker here in Danville. I have been a real estate broker for 33 years. I noticed that staff could recommend approval of conditional rezoning subject to the following conditions. I agree on those conditions. Just to give you some back ground on how I got into this situation, by the way the address is 610 Upper Street not 601. What happened was that I got a call from the Commissioner of Revenue wanting to do a random check on personal property. When he came in he discovered that I didn't have an active license. He told me that somehow I was deleted from the computer system. Although I should have been on top of it, if I don't get the mail or the information I didn't respond. Once I realized what had happened I immediately went to correct it and this is one of the processes in correcting it. Also I have paid over \$3,000 because of that mistake in personal property and application fees. The other thing I want to mention is that building was zoned commercial in the 60's. it was a speech and hearing clinic. In the 70's it was a doctor's office. In the 80's I have had a real estate office until today. I don't think it is going to affect that area based on the number of years. I am looking at an aerial map here and within throwing distance is Old Dutch, M&M Furniture, Danville Paint, a furniture manufacturing company, we have multi-units in that area. The other thing I want to emphasize is that I have been somewhat of a police in that area to keep it safe and clean. I am always picking up paper trying to keep the area clean and just recently there was a crime that was committed on that street, a pocket book snatcher, and without even thinking I was running after the snatcher and broke my shoulder. I think for the benefit of the community I need to stay there as a real estate office.

Mr. Gillie stated if he is in agreement with the conditions, we are ok with the rezoning.

Mr. Scarce stated so it would be a conditional transitional office commercial.

Close the Public Hearing.

Mr. Griffith made a motion to recommend approval of Rezoning Application PLRZZ20130000094 with conditional rezoning as recommended by staff. Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.

5. *Rezoning Application PLRZZ20130000087, filed by Joie Whitt and Alternative Community Experiences, Inc., requesting to amend the Year 2020 Land Use Plan from USR, Urban Single Family Residential to NS, Neighborhood Service and to rezone from TO-C, Transitional Office Commercial to HR-C, Highway Retail*

Commercial, 133 and 145 Franklin Tpke, otherwise known as Grid 2806, Block 009, Parcel 000006 and Grid 2806, Block 009, Parcel 000004, respectively, of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property to expand the HR-C district boundaries and increase the number of allowable uses.

6. *Rezoning Application PLRZZ20130000097, filed by Roger Freeze, requesting to amend the Year 2020 Land Use Plan from PSA to NS, Neighborhood Service and to rezone from TO-C, Transitional Office Commercial to HR-C, Highway Retail Commercial, Parcel ID 54507, otherwise known as Grid 2806, Block 009, Parcel 000007 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property to expand the HR-C district boundaries and increase the number of allowable uses.*
7. *Rezoning Application PLRZZ20130000099, filed by Donald Deboe, requesting to rezone from N-C, Neighborhood Office Commercial to HR-C, Highway Retail Commercial, 103 Franklin Tpke, otherwise known as Grid 2806, Block 009, Parcel 000010 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property to expand the HR-C district boundaries and increase the number of allowable uses.*
8. *Rezoning Application PLRZZ20130000100, filed by TWD Investments, LLC, requesting to rezone from N-C, Neighborhood Office Commercial to HR-C, Highway Retail Commercial, 101 Franklin Tpke, otherwise known as Grid 2806, Block 009, Parcel 000011 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property to expand the HR-C district boundaries and increase the number of allowable uses.*

Ms. Blair read the staff report. Thirty notices were sent to surrounding property owners within 300 feet of the subject property. Five respondents were opposed. Five respondents were not opposed.

Open the Public Hearing.

No one was present on behalf of the request.

Close the Public Hearing.

Mr. Griffith asked is there any indication as to what they are going to do with this property?

Ms. Blair responded there was conversation about maybe an expansion of use of one of the parcels that is on the far end, 145 I believe maybe do a more intense use there. The others are looking for the future.

Mr. Griffith stated there were several of the respondents that expressed some opposition. I was just curious as whether there had been any indication of what the use of the property was going to be.

Ms. Blair stated I have not heard from any other properties.

Mr. Jones asked if we approve this what are some ideas or choices that they could have for this property? What could be put there?

Mr. Gillie responded there are 46 different uses that could go in an HR-C, so it could be a lot of different things. Realistically this property has changed substantially since we did the zoning back in 2004. We used to have a two lane road coming into a non-stoplight with limited access. It has now become a major intersection in effect because of the lights, the turning movements, the connection to the bypass; so the area has changed. We are just trying to keep ahead of the requests in the future in recognizing that this area is more than what it was at the time. Could something go in there, yes. We have had Dollar General or Family Dollar just built at the corner. You have Charlie's convenient store. You could have other retail space.

Mr. Jones asked could restaurants go in there?

Mr. Gillie responded they could.

Mr. Jones asked car wash?

Mr. Gillie responded a car wash could. There are some storm water restrictions and other things. Car washes are a lot different from what they used to be. They are becoming more restricted. You could probably get something like a Laser Wash.

Mr. Jones asked convenient stores?

Mr. Gillie responded convenient stores are allowed in there.

Mr. Wilson asked gas stations?

Mr. Gillie responded possibly a gas station. It is a higher intensity commercial district, but you have a controlled intersection. You have five lanes of road coming in one direction. You basically now have five lanes coming across. It is set up for that. The issue is the shape of the parcels and some utility concerns.

Mr. Wilsons stated you have individual owners of the businesses but really there is only one building. Is there any idea of consolidating some of that?

Mr. Gillie responded if someone came in looking to buy them, yes. At this point, the individual owners got together and said we have a certain type of commercial district but we see future potential so let's get the zoning in place. They could possibly talk about marketing that for someone to come there. We applaud them that they have actually come together as a group and came to us. It is hard to get five people to apply for the same thing and agree to it.

Mr. Wilson made a motion to recommend approval of Rezoning Application PLRZZ20130000087 as submitted. Mr. Bolton seconded the motion. The motion was approved by a 6-0 vote.

Mr. Bolton made a motion to recommend approval of Rezoning Application PLRZZ20130000097 as submitted. Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.

Mr. Jones made a motion to recommend approval of Rezoning Application PLRZZ2013000099 as submitted. Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.

Mrs. Evans made a motion to recommend approval of Rezoning Application PLRZZ20130000100 as submitted. Mr. Jones seconded the motion. The motion was approved by a 5-0-1 vote (Mr. Scearce abstained).

9. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Article 7: entitled "Nonconforming Uses", Section B. entitled "Nonconforming Uses: Change, Discontinuation and Expansion", and Section C. entitled "Nonconforming Structures" to address how nonconforming may be permitted to continue and address changes made by the Code of Virginia.*

Mr. Gillie read the staff report.

Mr. Gillie stated we have recently had someone look into putting a compressed natural gas fueling facility in the City. Our zoning definitions deal with gasoline stations and they are specific to gasoline and diesel. They don't address compressed natural gas, so we also need to look at possibly changing our zoning definitions to deal with alternative fuels as they are becoming much more popular. I am sorry I didn't put that in the report, but it was late week when I started this conversation.

Mr. Gillie finished reading the staff report.

Mr. Scearce asked do we need to open the public hearing for this?

Mr. Whitfield responded if you are going to table it, no.

Mr. Griffith made a motion to table the request. Mr. Bolton seconded the motion. The motion was approved by a 6-0 vote.

II. MINUTES

Mr. Wilson made a motion to approve the minutes from March 11, 2013. Mr. Bolton seconded the motion. The motion was approved by a 6-0 vote.

III. OTHER BUSINESS

Mr. Gillie stated the final draft of the Comprehensive Plan is supposed to be delivered to me on Wednesday. We believe that the State has finally agreed with all the transportation related section changes, so I should be getting a copy to everyone. Would you prefer electronic or do you want a hard copy? It is about 70 pages.

The Commissioners responded.

Mr. Gillie stated the River District Guidelines which you worked on are going to City Council the 16th of April. Hopefully that will finally finish that project up. I want to introduce our new Deputy City Manager.

Mr. Larking stated Good afternoon. I was actually late getting here this afternoon because I had started watching the TV and then came back and it looked like you were wrapping up. Thank you for your service and I am glad I am here.

Mr. Searce stated welcome.

Mr. Gillie stated if there is anything that you see that we need to change, Mr. Searce and I talked briefly about how these changes will impact, especially that non-conforming section, let us know. A lot of things have been coming up. We adopted our zoning in 2004, so we are nine years into it. A lot of things have changed, so if there is anything that you want us to look at please let us know. This compressed natural gas, I never thought about that and alternative fuels are becoming much more prevalent. Going back and looking at the Zoning Code, it just doesn't cover it. There are things as technology has changed that we need to go back through. We just did the cell towers not too long ago. We have 13 sites that are meeting those new antenna definitions for them to bring 4G service to Danville. If there is anything that you think of send me an email, give me a call, let me know. We will go from there.

Mr. Griffith stated one thing that I think Mr. Wilson brought up last time was on properties that have previously been zoned. The case we had on Marshall Terrace that can't be used for anything but apartments but had been rezoned. There are several of those around town. I am sure that is not the only one. We talked about some change or some way of addressing those.

Mr. Gillie stated the 15.223.07 may take care of part of that for us if they meet certain criteria. That is what we have to look at. We have to make sure that our definition meets the State definition but also as part of that meets what your vision was for a case like that.

Mr. Griffith stated it may save some heartache in the future.

Mr. Gillie stated possibly. There are issues with that especially like paying taxes and other things on property. If it goes into an estate it kind of sits there. We will have to look at how we can make those two match. That is why I wanted everyone to have a copy of that 15.223.07. Read that, look at it, and make sure that you agree with the way the State law is and we can match the Zoning Code to that.

Mrs. Evans asked has that case been to City Council?

Mr. Gillie responded no it goes on the 16th. That is why I didn't have a report for you at this time. It hasn't went yet.

Mr. Wilson asked is this the first time City Council has considered the River District Guidelines since we met with them?

Mr. Gillie responded since the work session, yes.

With no further business, the meeting adjourned at 4:35 p.m.

APPROVED