

**PLANNING COMMISSION MINUTES**  
**August 12, 2013**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Mr. Laramore  
Mr. Jones

**STAFF**

Renee Burton  
Ken Gillie  
Christy Taylor  
Scott Holtry  
Alan Spencer

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

**I. ITEMS FOR PUBLIC HEARING**

**OLD BUSINESS**

- 1. Rezoning Application PLRZ20130000199, filed by Aaron White, requesting to amend the Year 2020 Land Use Plan from SS-R, Suburban Single Family Residential to M-R, Multi-family Residential and to rezone from S-R, Suburban Residential to "Conditional" M-R, Multi-family Residential, 5555 Riverside Dr., otherwise known as Grid 9707, Block 006, Parcel 000001, and Parcel ID #71304, otherwise known as Grid 9706, Block 004, Parcel 000008 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone so that the property may be developed with multifamily townhouse dwellings.***

Mr. Holtry read the staff report. Thirteen notices were sent to surrounding property owners within 300 feet of the subject property. Two respondents were unopposed. Four respondents were opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Aaron White. Mr. White stated I am looking to rezone two parcels on Highway 58 east. These two tracks adjoin one another and total 12.106 acres. I want to rezone these two tracks to multi-family residential so I can build upper end townhomes. The zoning would match the zoning directly across 58 going up Beach Avenue. The neighboring properties are Westover Christian Academy and a Verizon building. If you look at the aerial photo with the buildings overlaying, I think there is a great natural buffer to the neighboring properties. I did lay the four main buildings out on the property and talked to landowners around the property. I showed them the aerial photograph prior to this meeting.

Present in favor of the request was Dr. Doug Barber, Pastor of Westover Baptist Church. Dr. Barber stated we met with Mr. White and he has shown his plans and ideas. He appears to be a man of integrity. He wants to do quality work and take a piece of land that is right now not very attractive and make something really nice out of it. Personally, I am a very progressive thinking person. I like the idea of something good taking place on that property. I know that there are adjacent landowners and homeowners that feel totally different, but from our perspective at the church and school we welcome these new neighbors that will move in. Hopefully we can reach them with the gospel of Jesus Christ, because that is what we are about. Thank you very much.

Present in favor of the request was Mrs. Teresa Moody. Mrs. Moody stated I am a real estate agent here in Danville with ERA Holley & Gibson Realty. I wanted to speak today on behalf of Aaron and his project first of all because I think it is an exceptionally grand idea. We have a very significant need in this area for better caliber rental property. I think Mr. Searce and Mr. Bolton could agree that it is very common and frequent in a month's time to get a number of calls from customers, clients, or other real estate professionals in desperate search of better caliber rentals for potential transfers to the area whether it be a physician or resident with the hospital, or upper management coming with a local industry. Certainly there is a need for this type of housing. There is a term in real estate and I am sure that you are familiar with it, highest and best use. What is currently there is not only unattractive but it is not bringing in any tax income. Multi-family is the highest use for this property. When I spoke with Aaron initially about his plans for this property I told him I didn't want to give him my opinion until I looked into the topo of the land. As I looked closer, it is a little too far west to be very suitable for commercial and I think that would be far less attractive to any neighbors. I can just imagine a car dealership or a mobile home sales located there. I am not thinking that would be in the best interest of the community as far as the neighboring properties. What Aaron has proposed is very nice upscale townhomes. We have a need for this. Aaron's track record speaks for itself. He has a long standing record of building very good quality construction, the type that can stand the test of time. I am very excited about this proposal and I hope you all will very seriously consider the rezoning to make this a doable project for him.

Present in opposition to the request Mr. Fred Leggett. Mr. Leggett stated I am one of the property owners. This doesn't touch me. Mr. White did meet with two of us and I know his intentions are right. We enjoyed meeting with him. He showed us all the lines. My concern is across the road some of the land that he would be getting with this is already zoned multi-family. I had personally rather see commercial go in there rather than family. His long term is about 28 apartments and I really consider them apartments rather than townhomes. I don't think they will be as sellable as homes as they will be as rentals. My concern is what it might do to the adjoining property owners. I don't own any part of the lots that adjoin except for one little spot. It doesn't bother me that it is there. Something does need to be done with the property, I agree with that; but I would rather see light commercial in there rather than apartments.

Close the Public Hearing.

Mr. Wilson asked how does suburban residential limit what can go on there?

Mr. Holtry responded single family.

Mr. Wilson asked what we have before us is seven units. If we were to approve this would be approving the seven buildings that are proposed or are we approving the full development of the whole property?

Mr. Holtry responded you would be approving the zoning change to multi-family.

Mr. Wilson stated so once that is done there would be no future hearings or conversations with us about going deeper into the hillside and moving across the property. We would have permanently changed that to multi-family.

Mr. Holtry stated correct with the proffered list that was provided as well.

Mr. Wilson asked other than this particular project, do you all have a reason to change this from suburban residential to multi-family? Why is this suburban residential to start with in the land use plan? Was there a reason behind it being suburban residential to start with?

Mr. Gillie responded the area behind it is suburban residential. Threshold residential is usually our holding capacity. We have the subdivision behind it as suburban residential, so we matched that. The change to multi-family, the City has a lack of multi-family zoning. When we did the comprehensive plan before and the City wide rezoning in 2004 there were very little areas zoned multi-family. The reason for that is so we can work with people when they come in and ask for rezoning, so we can get conditions or proffers. Right now, everything is working the way we envisioned. That is one of the reasons we don't have a large amount of vacant multi-family land out there. The piece across the street we do already have as multi-family. It was a couple trailer parks. We were looking at removing the mobile homes and possibly placing something there that had a higher density. That is why it is multi-family, but for this to be suburban residential, it matches what we've done in the past.

Mr. Bolton asked was that the original zoning?

Mr. Gillie responded I believe it would have been zoned R1-A, which was that kind of zoning under the old scheme from 1988-2004. The R1-A either became suburban residential or possibly threshold residential. The R1-B mostly became old town residential. It is similar to what it was before.

Mr. Scarce stated Mr. White wouldn't necessarily have to come before us to do anything more, but he would have to come before you to issue parking and those kinds of things.

Mr. Holtry stated correct.

Mr. Wilson stated I have a couple of concerns here. We got two responses that were not opposed. I don't see an Updike.

Mr. Holtry stated the properties down below, Affleck are part of Updike. They are a combination of owners. They are kind of a split decision, but we were only able to send them one letter.

Mr. Wilson stated so really nothing has changed since our last meeting.

Mr. Holtry stated we didn't send out new responses for them to respond back. These are the old responses.

Mr. Wilson asked were the neighbors aware that we were going to be having this meeting?

Mr. Holtry responded yes. We sent out a response saying we were having an additional meeting.

Mr. Wilson stated I see opposition, but there is one guy who actually stepped forward.

Mr. Scarce stated my understanding is the Affleck's are all part of the Updike family. There is nobody living there. These lots are available for somebody to buy in the future.

Mr. Gillie stated we sent out notices the first time. We received it and this is what you have. When we notify them a second time we don't give them an additional check off box to say whether they are opposed or unopposed. We just notified them that Planning Commission tabled the request last month, there will be another meeting held this date, and they can come and speak. That is why you don't see any difference between the responses last time and this time.

Mr. Wilson stated but they did know they could come speak.

Mr. Gillie stated yes.

Mr. Leggett stated I know that the property is owned by six people. Four of them are opposed to this. The problem is only one of them got the notice. One of the ladies is 96 years old and lives in Arizona. She is opposed to it, but she obviously can't come to this meeting.

Mr. Bolton asked what is the total acreage of the property?

Mr. White responded 12.106 acres.

Mr. Bolton asked what is it on this one side?

Mr. White responded 12.106.

Mr. Bolton stated if you look at this, this is only going to take half. You've got about 6 acres of more land for harvest.

Mr. White stated when I met with Mr. Leggett and Mr. Rowland, it is my understanding that he has bought of the group out that joins the back property line. I think it is 606' across the back. He is the majority owner of the triangle shaped lot and he lives on Lake Heron Drive. He asked me if I was not intending on using the back property if I would be willing to sell it. I told him I would think about it. I called him last week and told him that I came off the back and scaled off 200' from the back property line and figured it up to be almost 4 acres. I figured out what the land is costing me to buy. I offered to sell him approximately 4 acres across the back to give him a 200' buffer. I offered it to him at the same cost it is costing me per acre. That was more than he wanted to pay for it. I told him that the door is not shut. We have still been negotiating. He said he was still interested. I am too. This is just the first thing I come up with for the back property. The back of this land is very up and rolling. Somebody with unlimited funds may could move some hills and fill in some holes, but I am not in that situation. Mr. Leggett had asked me to look into doing a special use permit to do like a neighborhood on this side of the road. With the lot requirements for the individual houses, I would have to encroach and go back into the woods further. I just think this is a better use for it and less encroachment on the neighbors behind us as well.

Mr. Wilson stated you have certainly done a good presentation. This is a neighborhood where people have invested a lot into property and land. I would imagine that there is some anxiety about putting any type of rental property anywhere close to that. If we choose to do a switch from suburban residential to multi-family, at that point it is done. There is nothing really stopping this. I know what you are planning on doing, but there is nothing really stopping this land from being sold or other things. I wish there was some kind of way we

could secure some kind of buffer in there or some kind of arrangement with this Lake Heron Group. Is there any way something like that can be worked out?

Mr. White responded I would not be opposed to putting something in there that if I was to ever sell the property, to give all the adjoining property owners an opportunity to buy it for whatever I have invested in it, but at a fair market value. I am reluctant to say that I won't build anything on the back 200' because then the land is worthless. If I put that in there, I would be basically giving it to them.

Mr. Wilson stated you are a business man and you are going to make an investment into this property. This property hasn't actually been sold yet. We are just trying to get the zoning changed.

Mr. White stated I have a contingency contract pending the rezoning.

Mr. Wilson stated you are willing to do that and at the same time I see you trying to work out things with some of the neighbors.

Mr. Scarce asked initially you are going to build how many buildings?

Mr. White responded I would start with two to four buildings.

Mr. Scarce stated and that is going to put right many units in there. What are the chances of you developing that further back? Because of the topography, is it slim?

Mr. White responded yes. It is very slim. I would go across the road. I think it is probably a 6 to 10 year project.

Mr. Griffith stated one of my concerns is the traffic. If you are going west, you have to go up to Westover Christian School and make a u-turn to come back. If you come out of the apartments and want to go west, you have to go down and do another u-turn. With 20 apartments and the traffic with everybody having to make u-turns concerns me.

Mr. White stated I have talked to the City Engineering Department and VDOT has approved a crossover to extend Beach Avenue and turn lanes. They said I would incur part of the cost. They didn't tell me how much of the cost I would incur and how much the City would incur. They said they had looked at doing it in the past and for whatever reason it didn't happen, but it would be approved by VDOT to put a crossover in there.

Mr. Griffith stated with the traffic and the school being there it does concern me.

Mr. White stated I do think there is a need for a crossover there even if this isn't done.

Mr. Bolton stated it is a 55 mph zone. Who controls that? Could we drop it to 45?

Mr. Gillie responded the City would do that has part of a traffic analysis for what growth occurs, what the traffic volumes are. There are a number of factors that they would have to study to see what the speed limit should be. An access management study was done two or three years ago in that area looking at existing crossovers. That has been looked at. At this time, the reduction of speed hasn't been recommended. As more development occurs out in that area we will look at it again. At this point it is meeting all of the thresholds. At

this point a crossover isn't needed at Beach Avenue according to the numbers. It was listed as a site for a potential one. We will have to work with Mr. White if it meets the threshold on who is going to pay for it.

Mr. Wilson stated there still seems to be a number of uncertainties. One thing that gets me is that we have Rowland, Singer, and Lake Heron LLC that are opposed, but only Mr. Leggett has spoken. We have a couple quotes in here and most of those quotes say "until there is more information" and Mr. White keeps giving information.

Mr. White stated I did talk with Lee Braun. I think she is listed as Elizabeth Braun. I never asked her directly if she was opposed. I emailed her the aerial photographs and the site plan. I know she lives in Alexandria, Virginia. She was really nice to talk to and I think I answered any questions that she had.

Mr. Wilson stated well you shouldn't have to be the one to represent her opinion. You are doing your part.

Dr. Barber stated I appreciate your concern about the traffic. It is a challenge for us and we do everything we can to make it as smooth as possible. We looked at this from the standpoint of the work day and school day. Our thought was that it would not be a major conflict, because school is generally out before the working people get out. We didn't see it as a major problem and with the crossover that will take care of it. I think it will come if he develops it.

Mr. Scarce stated staff has recommended approval and is looking to us for direction, so we need to entertain a motion.

**Mrs. Evans made a motion to recommend approval of Rezoning Application PLRZ20130000199 with the recommendations per staff. Mr. Wilson seconded the motion. The motion was approved by a 3-2 vote (Mr. Bolton and Mr. Griffith voted in opposition).**

## NEW BUSINESS

- 2. Special Use Permit Application PLSUP20130000240, filed by Kirpal Singh requesting a Special Use Permit to waive 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 563 Memorial Dr., otherwise known as Grid 1712, Block 007, Parcel 000003 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to waive the 20' rear yard setback to allow for an 11' rear yard setback.***

Mr. Holtry read the staff report. Twenty-one notices were sent to surrounding property owners within 300 feet of the subject property. One respondent was unopposed. Three respondents were opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Fred Shanks. Mr. Shanks stated I am here to assist the applicant. I just wanted to make sure that if you have any questions concerning the plat that I could answer those for you.

Present on behalf of the request was Mr. Kirpal Singh. Mr. Singh stated we want to subdivide the lot because right now we are not using it and so a new business can come into the community.

Mr. Griffith asked do you have any potential buyers or uses for that piece of property?

Mr. Singh responded we had some before, but we could not sell it.

Present in opposition to the request was Mr. Luis Abreu. Mr. Abreu stated my wife and I own an office building that is immediately next to this property. I was most interested to see as to what the answer was going to be for the proposed future use of that property. I think that would help a lot of folks make up their minds concerning the potential use. I don't think delaying this or denying this request at this time is going to cause a hardship to the owner. When the owner purchased the property it was zoned exactly as it is. They knew what they were getting into and they didn't take any action at that time to address the rear of the property. Right now the area is pretty stable. There are nice neighbors across the street and limited businesses on this corner. I don't know what the impact is going to be down the lot. This is really not to shorten the setback. This is to create a new lot. That is the true intent of this. It is not a matter of adjusting something that has occurred through some encroachment or anything like that. At this time, without knowing the intensity of the use and the impact that it is going to have in the area I would vote against it. My wife would also vote against it. Thank you.

Close the Public Hearing.

Mr. Scarce asked what could you build on it?

Mr. Gillie responded I don't know if he has worked up a building. Off of the top of my head I am guessing around 2500 square feet by the time you add parking; but that depends on what goes in there. The parking ratio would be different for an office and a restaurant. It is all speculation.

Mr. Shanks stated we are thinking about a 3,000 square foot office building.

Mr. Scarce asked do you have any anticipated use?

Mr. Singh responded not right now. If we put it on the market then we will find out.

Mr. Scarce asked so you don't have a particular use, you would just like to sell off a track of land?

Mr. Singh responded yes.

Mr. Wilson stated as Mr. Abreu said there is no necessary urgency to do this. What would be the advantage?

Mr. Singh responded well if I wanted to sell the gas station part I would have property that someone could build an office space or something. Right now it doesn't fall under anything we can use as part of the gas station.

Mr. Bolton asked could we not wait until he sold it with a contingency? Then they would know what was going to be there. They could object to that specific thing rather than just objecting to everything.

Mr. Gillie responded you could do that. He can turn around right now and develop a building on that property without subdividing it. He would have a second building on there and then lease that out. This request just gives him the option of selling that property. The development of the property can occur whether Planning Commission grants that waiver or not. He could build on it and then come back if he decides to sell it. There are a multitude of options available for it. He is just trying to get ahead of himself and create a lot that he could potentially sell or develop. From staff's perspective the creation of this lot doesn't create any issues besides the setback. The Building Official is ok with the way the setback is. There is enough space between the potential property line and this building. We are not opposed to it. If Planning Commission and City Council decides to deny it, he can still build something on it and lease it out.

Mr. Bolton stated right now he can do anything under HR-C.

Mr. Gillie stated he could build whatever complies with the Code currently.

Mr. Bolton stated we are just talking about the 11' setback.

Mr. Gillie stated the separation between the buildings would actually be less because the Building Code allows a closer separation than what we would. If he would then go to subdivide that property afterwards, he would have to come back through this and possibly get waivers to the Building Code depending on what he builds.

Mr. Griffith stated in looking at this, there is an alley behind the current building or a driveway.

Mr. Shanks stated behind the current building there is a driveway.

Mr. Griffith asked would the setback go to the edge of that driveway?

Mr. Shanks responded no actually the setback would be 11' off of the rear corner of the building.

Mr. Griffith asked the new property line would be just about to the driveway?

Mr. Shanks responded it is actually kind of catty-corner across the driveway.

**Mr. Griffith made a motion to recommend approval of Special Use Permit PLSUP20130000240 with conditions per staff. Mr. Wilson seconded the motion. The motion was approved by a 5-0 vote.**

- 3. *Special Use Permit Application PLSUP20130000242, filed by Ross Fickenscher, requesting Special Use Permits to construct a mixed use complex and waiver to the floor area ratio in accordance with Article 3.L; Section C, Items 9 & 12 of the Code of the City of Danville, Virginia, 1986, as amended, at 610 Craghead St, otherwise known as Grid 2714, Block 010, Parcel 000003 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to up fit the***



***existing warehouse for a commercial space and parking on the first floor and 40 apartments above.***

Mrs. Burton read the staff report. Eight notices were sent to surrounding property owners within 300 feet of the subject property. Three respondents were unopposed. Zero respondents were opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Ross Fickenscher. Mr. Fickenscher stated of course I am in favor of it, but if anyone has any questions we can address those.

Close the Public Hearing.

Mr. Bolton asked are you in agreement with the conditions?

Mr. Fickenscher responded certainly.

**Mr. Wilson made a motion to recommend approval of Special Use Permit PLSUP20130000242 with conditions by staff. Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.**

***4. Rezoning Application PLRZ20130000243, filed by Ameritech Service Co. requesting to amend the Year 2020 Land Use Plan from M-R, Multi-family Residential to AM-R, Attached & Mixed Residential and to rezone from M-R, Multi-family Residential to A-R, Attached Residential, Parcel ID #60274, otherwise known as Grid 0613, Block 006, Parcel 000035 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone so that the property may be developed with attached townhouse dwellings.***

Mr. Holtry read the staff report. Thirteen notices were sent to surrounding property owners within 300 feet of the subject property. Two respondents were unopposed. Three respondents were opposed.

Open the Public Hearing.

No one was present on behalf of the request.

Close the Public Hearing.

Mr. Griffith asked what was the response on the petition list?

Mr. Holtry responded I think the understanding was that they didn't want townhouses to be developed there, but they didn't understand that townhouses are already able to be developed there, but they have to be rented out. The applicant is proposing to build townhouses that he can sell individually. I don't think they knew when they came in what the petition was. We explained it to the gentleman that came in. He was in accordance with us, but couldn't speak for any of the other people.

Mr. Griffith asked basically the people that signed the petition were opposed to the development?

Mr. Holtry responded correct. They were opposed to the townhouses.

Mr. Griffith asked how many names are on there?

Mr. Holtry responded 14.

Mr. Scarce asked are they people in the adjoining apartment complex?

Mr. Holtry responded I am not sure. Kimberly Avenue is the address they provided.

Mr. Gillie stated with the property zoned M-R he could build townhouses by right currently. They would just be rentals. They were opposed to developing anything on that property. He is actually asking to downzone the property to allow for the sale of individual units. Once that was explained to them, we believe that swayed their decision slightly. I can't speak for them. They would have to be here to answer that question.

Mr. Bolton asked do they have the option to sell and lease if we change it or just to sell?

Mr. Gillie responded if we change the zoning they would have to be on individual lots. They could still rent out just like you could rent out your house. They would be townhouse units that could be individually sold or you could lease out an individual property. As it stands with M-R you would build a townhouse complex similar to any other multi-family complex and just rent out the unit within the entire building. The A-R allows for the sale. In fact, they become almost attached single family homes. It is similar to the properties on Thunderbird Circle. I think Ameritech was the one who done that project. It has been pretty successful, so the gentleman wants to try this over here.

**Mr. Bolton made a motion to recommend approval of Rezoning Application PLRZ20130000243 as submitted. Mr. Griffith seconded the motion. The motion was approved by a 5-0 vote.**

***5. Rezoning Application PLRZ20130000241, filed by Goodyear Tire & Rubber Co. requesting to amend the Year 2020 Land Use Plan from H-I, Heavy Industry to S-R, Suburban Residential and to rezone from M-I, Manufacturing District to T-R, Threshold Residential District, a .918 acre portion of 1901 Goodyear Blvd., otherwise known as a .918 acre portion of Grid 2619, Block 001, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone a .918 acre portion of the lot to subdivide the property and allow for single family residential use.***

Mr. Holtry read the staff report. Thirteen notices were sent to surrounding property owners within 300 feet of the subject property. Four respondents were unopposed. Zero respondents were opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Fred Shanks. Mr. Shanks stated I am here to answer any questions with regards to the survey plat on behalf of Goodyear. As was mentioned in the report, the house was built with all proper permits for residential use at the time of construction of the Goodyear plant. Goodyear is trying to take care of some

housekeeping and get the property back under an accepted use. That property could also be marketed for sale.

Mr. Griffith asked has it ever been occupied?

Mr. Shanks responded it is maintained very well. It has been occupied, I think as temporary people came in as Goodyear staff.

Close the Public Hearing.

Mr. Scarce asked would this be a similar situation to what happened on Marshall Terrace? A property was built for an intended use and over a period of years the use around it changed and now they are looking to put it back to how it was intended to be used.

Mr. Gillie responded no. It has always been industrial in that area. This was built as a plant facility house. You can have a caretaker structure on industrial land. The thing is now that they want to dispose of that property it loses that caretaker connotation and has to become a residential zoning but nothing around it is residential. It is a beautiful house as you said. They did great taking care of it. It has been used sporadically throughout the years.

Mr. Scarce asked so it was built by Goodyear?

Mr. Gillie responded yes. The best we can tell is that it was built as part of the plant for that reason.

Mr. Griffith stated there is nothing in close proximity to it. I think from the back of it you can see the plant, but from the front and the sides there is nothing there. There is a railroad that cuts across and a utility substation, but there are no other buildings around there.

**Mr. Griffith made a motion to recommend approval of Rezoning Application PLRZ20130000241 as submitted. Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.**

- 6. Rezoning Application PLRZ20130000244, filed by Kenneth Thomas, requesting to amend the Year 2020 Land Use Plan from US-R, Urban Single Family Residential to CS, Community Service and to rezone from S-R, Suburban Residential to HR-C, Highway Retail Commercial, 1643 Halifax Road, otherwise known as Grid 3714, Block 003, Parcel 000014, of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an automobile repair establishment at this location.***

Mrs. Burton read the staff report. Twelve notices were sent to surrounding property owners within 300 feet of the subject property. Two respondents were unopposed. Three respondents were opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Tim Wyatt, Owner/Operator of Wyatt Property Management of Reidsville, North Carolina. The property owner is a friend of mine and I help them look after four other properties in Danville. We wouldn't be here today if the tenant would have paid his licensing fees. We didn't know anything about that at the time.

When this building was built in 1977, that was the design of the building, a six bay automobile repair shop. It was rented for several years before he got out of the business and turned it over to someone else. The shop was originally rented to Mr. Thomas in 2006, I believe. He has been there ever since. I don't have a problem. I go by on a regular basis checking on him. I report back to Ms. Mitchell if I need to. As far as his license goes, that is not our business. Since we found this out, I have been working with Mrs. Burton. Mr. Thomas has paid all of his fines and licensing fees. If this is done today, I think this is something we will not have to worry about anymore. I don't see any plans for any change from what is being done now.

Mrs. Evans asked do you know if he operates on Sunday?

Mr. Wyatt responded not to my knowledge. When I talked to Mrs. Burton, I went by there and asked him about the hours of operation. He is basically a Monday through Saturday kind of guy and most of the time only a half of day on Saturday.

Mrs. Evans asked do you think he would be opposed to limiting the hours to no Sundays?

Mr. Wyatt responded sure, that wouldn't be a problem. I could make that one of the requirements of his rental contract.

Mr. Griffith asked did you say this property has been used as a garage since 1977?

Mr. Wyatt responded that was the design. It is a cinderblock building with a six garage doors.

Mr. Wilson asked are there any plans to improve that facility? It looked very dilapidated and it just looked like it needed repair.

Mr. Wyatt responded Ms. Mitchell wants to do more with the property, but she is not able to. I am in negotiations with Ms. Mitchell to purchase that property along with three other properties that she owns in Danville. If I do buy the property I will definitely turn around and do some repairs, especially the roof.

Mr. Wilson stated I remember when we were doing a case for AutoCycle just down the road. There was a lot of concerns from neighbors about the appearance because it is a residential area that has these little businesses tucked in. I can see where people would be concerned not just about the nature of the business and the hours but just the general impact on the neighborhood in terms of upkeep. I know that can't be a part of what we are deciding here today, but it does show a respect for neighbors and a neighborly environment.

Mr. Wyatt stated I agree 100%. On most commercial property, the upkeep is placed on the tenant. I don't think Ms. Mitchell signed up for anything like that when she rented this to Mr. Thomas. She wants to but is not a liberty to do so. That is why she is willing to pay me to rent some of her properties.

Close the Public Hearing.

**Mr. Wilson made a motion to recommend approval of Rezoning Application PLRZ20130000244 with conditions per staff with the operation of Monday through Saturday. Mr. Griffith seconded the motion. The motion was approved by a 5-0 vote.**

**7. Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically, Article 15: entitled "Definitions", to create the definition of post-release housing, and various sections of Article 3 to allow for this use.**

Mrs. Burton read the staff report. Forty-two notices were sent to surrounding property owners within 300 feet of the subject property. Four respondents were unopposed. Six respondents were opposed.

Open the Public Hearing.

Present on behalf of the request was Ms. Regina Curtis, Director of Crossroads Reconciliation. Ms. Curtis stated we have been serving this community since 2002. In 2009 we became a local partnership with the probation and parole office in Danville on Deer Run Road and began facilitating steps for women. Through that group and facilitating that group I saw a need for women coming out of incarceration that had nowhere to go, which in my heart and in my opinion was creating this high recidivism rate. Our district has the highest recidivism rate in our State. Since we have served almost 400 women through our group since 2009, only two women have re-offended through our program. The need for residential programming is ever increasing. The only option for these women is not safe. If they do not have family in this area they have nowhere to go other than to whoever will take them in. I would hate to think that I would make a mistake in my life and get out of paying my debt to society and have nowhere to go and no one to help me. This is why we have asked this. I humbly ask the staff forgiveness, and I have already done that in person, but we didn't realize that we needed to come to the Planning Commission and so Commissioners I so ask your forgiveness. They have been very patient in helping me get my education in the ways of City Government and I am so appreciative of their patience and for their help in partnering together. Our only thing with the way you've reworded what we sent you is when I sent you the 4 to 12 I was thinking of other homes that we might do and some that might be donated that were smaller. We actually need this particular home to house 6 in order to make it feasible for us to do the program. That would bring it up to a total of 7, 6 in the participating program and 1 supervisor. This program will be rigid. They will not have free time. They will be working with our Admission Organization in the daily programming. The only time they will literally have free is if they have earned it on Saturdays to have visitors under supervision. We are looking for this to be something that will help that community that will be a building up of our community as a whole.

Mr. Wilson asked are we speaking to the change in Code?

Mr. Scarce responded we are just talking about the Code.

Mrs. Evans asked what are the requirements to go into your program?

Ms. Curtis responded the requirement to go into this program would be recommendation by number one the Chief of Probation and Parole. Chief Doug Morrison would recommend those that he knows would be more likely to be more successful and willing to actively participate in their life recovery.

Mr. Scarce stated staff has set it up as four and you are asking for six. Is six the number that makes it worth financially to support it?

Ms. Curtis responded yes because of the high rate of insurance and also for utilities and taxes. We've got to cover that because what will be received as far as donations from the community will be extremely minimal.

Mrs. Evans asked do you foresee every house you establish to be a minimum of six?

Ms. Curtis responded no. However you want to do it, but we need this one to be at six. We do have one that is smaller that we would not put more than four in. If it is set at six, we are not going to exceed that six.

Mr. Searce asked is the reason this one has to be set at six based on the size of the house or the cost of the house?

Ms. Curtis responded the size and the cost.

Present in favor of the request was Mr. Douglas Morris, Chief Officer of Probation and Parole. Mr. Morrison stated I have been in Danville for 20 years now. The State has contracts with various homes throughout the Commonwealth that we call residential beds. When a person gets released from incarceration, if the beds are available we can put those people in those places. Generally they are non-violent. Let me give you the State's definition of non-violent. It is people who have not committed these six offenses: rape, robbery, malicious wounding, kidnapping, sexual assault, and there is one other.

Mr. Griffith stated probably murder.

Mr. Morrison stated there are six major offenses or any attempt to commit those offenses or any conspiracy to commit those offenses. They are not eligible for those types of placements. We have a need in Danville. Doves closed its doors many years ago. I contacted Dr. Curtis in 2008 and we worked out a program. Over the last three months I could have put about 10 women into a place. When these people get released they have to find a place to live. Most of them find anyone that will take them in and it usually increases an abuse situation. I have dealt with a situation all last week where there is an 8 month old child involved and we have had to get Social Services involved. We currently have roughly 1300 people under supervision in the City of Danville and Pittsylvania County. We have needs for residential places that are supervised and meet the needs. I am not looking for someone to just be housed but have treatment programs, life skills program, and substance abuse programs. I would recommend the Code change to allow that to happen to meet the needs of the citizens of Danville, because 93% of all people incarcerated in State facilities are coming back to the community and we need to have something for them. I commend Dr. Curtis for wanting to do this, but I encourage you to grant the Code change.

Present of the request was Ms. Beth Anderson. Ms. Anderson stated I am a new resident on Shepard Avenue, which is at the extreme end of the street. The map I was sent doesn't really illuminate the topography of this location. I made an appearance because there were only two options.

Mr. Searce asked are you speaking to this location?

Ms. Anderson responded yes.

Mr. Scearce stated let me ask you to wait until the next item because we are just talking about the Code change.

Ms. Anderson stated one thing I would like to add about the Code change is, if the Code is changed to a higher volume of residents per unit I think there might need to be some consideration towards the ratio of supervisors to residents.

Present in favor of the request was Ms. Kitty Francis. I had the honor and privilege of meeting Dr. Regina Curtis with Crossroads a year ago. I own the home that I donated to Crossroads. I was fixing to turn this home into a veteran's home, but the Lord laid it on my heart for these girls and I am on board with them. I want you all to know that through the years my father, through rental property, this same house had multiple people that would come in. This home would be an asset to this street. I would just appreciate it so much if you all would consider doing a different Code to allow those girls to come in there.

Present in favor of the request was Mr. Timmy Barts. I am a local CPA for Harris, Harvey, & Neal. I have been on the board for Crossroads since its inception and have been pretty much involved all of the programs. We started an outreach to give people counseling that couldn't afford it. As the treasurer of the organization, the financial feasibility between four and six would be tremendous. I don't think two more people would make a lot of difference. The house could be self-supporting. Hopefully this is just the first of many. We were actually looking for something better, but the financial strains on non-profit organizations don't make that feasible. This is a pilot project, which we feel with six people would be very feasible and more importantly help these girls get their lives back together. Thank you for your time.

Present in favor of the request was Ms. Kathy Ross. I volunteer with Good News Jail Prison Ministry. I am the facilitator for the edit rating group for the jail and I actually go every week for the past 20 months. I can confirm what Dr. Curtis is telling you. These girls are there and they know that they are going to get out and they are terrified because they don't have a lot of family to go to. They know that they are going to be surrounded by the same environment that they were in before they got into the jail. Every week these girls are breaking from their heart about their lifestyle. They have been very open with me about the things that they have to go through. They would love to be able to go on and get their GED or college degree. There is no one who will take care of them. When they are in jail they go through the Bible study courses. They get their certificate and they are so proud of themselves. They know that when they get out of there, they have no one who cares about them, no one to mentor them except that street person who got them there in the first place. Dr. Curtis wants to give them a mentor and the counseling that they need. Thank you.

Close the Public Hearing.

Mr. Scearce stated I think it is obvious that this is a very worthy project and much needed. It would be a shame for us to pass something and it won't work because we don't have the right numbers on it. I appreciate you telling us what non-violent means. That clarified a lot for me. I think staff is trying to be as lenient as they can. I was going to ask if there was a problem with six.

Mr. Gillie responded we have concerns. The reason being is because of our definition of family.

Mr. Gillie read the definition of family.

Mr. Gillie stated at Averett, if you have three students living together, if they get a fourth student they are in violation of our Code. In this case we are making special considerations to allow a specified group to exceed our standard definition of family. That is our concern. Why is this group different than just a group of college students? We do have other portions of the Code that allow for up to eight if they meet certain criteria established by the State. In this case, this isn't a protected class by the State. That is why staff recommended what we did. The condition that they need six to make the house work, I can't specify that. We only look at what our rules are and how we treat everyone else. Our provision being equitable is our concern. It is up to you. We just made a recommendation. Now it is in your hands.

Mr. Scarce stated the Averett situation is just students. Is that without supervision?

Mr. Gillie responded correct.

Mr. Scarce stated this would be supervision.

Mr. Gillie stated should we change our definition of family to say you can have three, four, or five college students if they have supervision? When this definition came to us, we were a little leery about going with a large number because we have had issues with students exceeding what should be the occupant limits within that area. We have presented it and here you go.

Mrs. Evans stated I have had concerns that I have expressed. You are right, if they had supervision we may not have those issues. I think in this case because there is supervision it can be better policed verses three students. I think supervision is the key to this.

Mr. Wilson stated I am a little curious about the Federal or State guidelines. Something you said earlier about a protected class. What makes this particular thing not a protected class? We have had similar homes brought to us before where they had residents under supervision with State accreditation and all those different things. Is there any category this could fall under to allow the number to go up?

Mr. Gillie responded the State doesn't regulate them. There are certain classes that are defined by the State where you have to allow a number of people based on this definition. We follow that almost to the word in our Code. The Department of Behavioral Health and Developmental Services licenses certain entities where you have to allow above and beyond what a standard family is. Our definition is basically what the State says it should be. They are asking for more than what is allowed, but they are not regulated specifically by the State.

Mr. Wilson asked because they are a faith based organization or non-profit status? What makes that possible?

Mr. Gillie responded it is not possible. The Legislature has never taken it upon themselves to look at this class and put them specifically in a definition. Since the State hasn't recognized them as being different from anybody else it is difficult for us to recognize them as being different than any other group. That is why we have made our recommendation. As Mrs. Evans said, the supervision may play a role and we hope it does; but when I look at



what the State defines a family as they don't fall under any of that. I don't know where to put them.

Mrs. Evans asked how many did Doves have when they were in existence?

Mr. Gillie responded they were a community facility, so they fall slightly different than this. This is more of a family than a community facility that triggers a different regulation under the Code. I want to say the original Doves house which was authorized by special use permit allowed up to eight.

Mrs. Evans asked were they supervised?

Mr. Gillie responded they had a facility operator. I doubt they were supervised to the extent that they are proposing here. Based on what I have heard from Ms. Curtis, it is a very regimented program that they are operating. Doves had a counselor inside the place, but when you came to Doves that person wasn't there 24 hours a day seven days a week watching what you did. They gave you shelter and helped you find things, but Doves wasn't to the extent of what they will be doing.

Mr. Wilson asked could this fall under another kind of designation that would allow more flexibility in the numbers and even regulations coming from certain government entities? Is there something unique about this?

Mr. Searce responded yes.

Ms. Curtis stated maybe I am missing something here and if I am please enlighten me. I see us under the same family umbrella as what Doves and Hope Harbor did. We are just doing more. We are offering more hands on care to our participants that will be in our program. We are offering them more program benefits as far as helping them get their GEDs. We just put in a GED center. The Institute donated us computers and we are linked with the Adult Education Program. They can participate in gaining their education. They will be participating in groups. They will be required one on one counseling. They will be required to participate in all of the groups plus their community projects.

Mr. Wilson asked under what heading is Hope Harbor? How are they different? Is there a different Code or set of regulations?

Mr. Spencer asked is this considered a halfway house?

Ms. Curtis responded pretty much. It will be transitional housing.

Mr. Spencer stated you will house former people who were in jail or prison.

Ms. Curtis stated yes.

Mr. Spencer stated Doves didn't do that.

Ms. Curtis stated Hope Harbor did.

Mr. Spencer stated ok, but they were taking in other women.

Ms. Curtis stated we will be taking other women. We won't just be for probation, but that will be our focus. Doves focused on abuse but they would also take women for refuge as well.

Mr. Wilson stated one of my concerns is you came here with four. Now you say six and this is the first we've heard about it. I am assuming one other person is a supervisor.

Ms. Curtis stated yes, there will be a total of seven.

Mr. Wilson stated but you anticipate other homes.

Ms. Curtis stated we already have two more that have been donated.

Mr. Wilson asked but the numbers in those homes could climb higher.

Ms. Curtis stated not with the two that we have.

Mr. Wilson stated whatever we decide here and once it goes to City Council it will become a definition for all future organizations.

Ms. Curtis stated that is what I am wondering. That is why we put in our wording that we sent to them four to twelve based on what each home would accommodate.

Mr. Scarce asked but you are willing to limit it down to the six?

Ms. Curtis responded yes.

Mr. Scarce stated that is like a minimum number it takes to financial sustain operations.

Ms. Curtis stated correct.

Mrs. Evans stated of this particular house.

Ms. Curtis stated we have three homes that have been donated. Two will hold six. One will hold four. We are not going to over crowd it.

Mr. Wilson stated the problem is what we are deciding goes way beyond what you are doing. I don't think anyone here is going to be opposed your work. The question is when we make a decision like that it extends out. We have to think about that.

Ms. Curtis asked if we had four instead of six in a house how would that be a problem?

Mr. Wilson responded what we are going on is what was recommended. That is what we are trying to decide.

Ms. Curtis stated I am asking for the six, so it is doable; otherwise we have no means of doing it.

Mr. Griffith stated if under the Code change this is defined as a post-release facility would it be possible to tweak the definitions so that we could say no more than two people per bedroom and one supervisor for every six people or any multiple thereof? Would that be

possible? That way if the house has three bedrooms they could have two people per bedroom and a supervisor. If they only had two bedrooms they could have four people and a supervisor. If you had four bedrooms, you could have eight people but you would have to have two supervisors. Is that a possibility?

Mr. Gillie responded it is possible. There are a couple of concerns with that. In bedrooms, the square footage is based on the size of the room and you are allowed a person per square foot and also the means of egress. Certain bedrooms may only be allowed to hold one bed based on the size of it. If you say two per bedroom in a three bedroom house, but based on the square footage they can only have three in effect we would allow them to exceed what the occupant loads are for the building.

Mr. Griffith stated they would have to meet the square footage requirement.

Mr. Gillie stated we would need to put that inside of it.

Mr. Griffith stated I am just trying to think of a way to satisfy what Dr. Curtis is talking about and at the same time protect what we need to do for the City.

Mr. Gillie stated it may be possible. I would need to get with the building and fire official before I could say for sure.

Mr. Scarce stated do it just like he says but that it must meet Code regulations too.

Mr. Gillie stated right. I just don't know if it triggers anything above and beyond. It may be possible and I would love to investigate. I just can't answer right now.

Mrs. Evans asked do you know if this type of organization is anywhere else in the State?

Ms. Curtis responded there are those that operate in larger numbers than what we are planning to do. That was our original hope that we could have a church or motel that would be donated that we could make a larger scale. Obviously the Lord gave us gifts that He wants us to use. I have learned since 2002 to thank him for the small beginnings and to trust Him with those. I believe that this is the beginning of what He wants to do to help more people and not just women but men and youth. It is being done and that is what we are modeling after, some within the State of Virginia and some in Orlando, Florida that President Ronald Regan began in 1980 called the National House of Hope. That is what our model is. That particular facility is for children ages 8 to 18, but the model can be used with any age group.

Mr. Wilson stated I would hope that you would trust the process that is about to take place. I think we have to be concerned for the neighborhood and about the Code. Staff makes recommendations. This may take a little bit more time as we work through this and figure out the best way. We are not really deciding this just for you.

Ms. Curtis stated I don't see this as personal. I think we are on the same team because we all want to see people get help and see our City grow and improve.

**Mr. Griffith made a motion to recommend tabling the Code Amendment. Mr. Wilson seconded the motion. The motion was approved by a 5-0 vote.**

- 8. Special Use Permit Application PLSUP20130000245, filed by Regina Curtis on behalf of Crossroads Reconciliation Services, LLC, requesting a Special Use Permit to operate post-release housing in accordance with Article 3.E; Section C, Item 26 of the Code of the City of Danville, Virginia, 1986, as amended, at 224 Campbell Street, otherwise known as Grid 2706, Block 004, Parcel 000020 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a post-release housing establishment at this location.**

Mr. Gillie stated you can't hold a public hearing because the Code doesn't allow for what they have asked for at this time.

**Mr. Griffith made a motion to recommend tabling Special Use Permit PLSUP20130000245. Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.**

## **II. MINUTES**

**Mrs. Evans made a motion to approve the July 8, 2013 minutes. Mr. Bolton seconded the motion. The motion was approved by a 5-0 vote.**

## **III. OTHER BUSINESS**

Mr. Gillie stated we have cases filed for next month not counting the items that we have held over, so we do have a meeting. Everyone has a copy of the Comprehensive Plan. I hope you are reviewing it very diligently. If you have any questions, corrections, or anything else, please get those back to me.

Mr. Scarce asked when will we need to act on that?

Mr. Gillie responded I was kind of leaving that up to you. I was going to plan on scheduling another neighborhood meeting sometime in September or October. If you have your comments, get them to me by the middle or beginning of September. I am leaning more towards October for that meeting, but I will let everyone know. I just want to make sure there is nothing we missed before we send it out to the public.

With no further business, the meeting adjourned at 5:05 p.m.

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APPROVED