

PLANNING COMMISSION MINUTES
September 16, 2013

MEMBERS PRESENT

Mr. Wilson
Mr. Griffith
Mr. Bolton
Mr. Searce
Mr. Jones

MEMBERS ABSENT

Mr. Laramore
Mrs. Evans

STAFF

Scott Holtry
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

OLD BUSINESS

1. *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.*

Mr. Holtry read the staff report.

Open the Public Hearing.

Present on behalf of the request was Dr. Regina Curtis, Crossroad Reconciliation Services. Thank you for all of your input and efforts in helping us word this correctly. I know the planning staff has been diligent in helping us with this. We are very pleased with the way that it is worded. Our bedrooms at 214 Campbell exceed that greatly. We have one bedroom that has 176.89 square feet, one with 174.23 square feet, and one with 154.28 square feet. Each of those bedrooms will house two participants for a total of six program participants. What was originally designated as the office will be the supervisor's quarters. That bedroom is 10' x 13.3', so that is more than enough for the staff supervisor. I appreciate your consideration and thank you so much for helping us help those who are trying to redirect their lives in a positive direction and become community service and community participating citizens.

Present in opposition to the request was Ms. Dorothy Smith. We have property on Campbell Street. We would like the City of Danville to build a playground at the end of Campbell Street to have a safe comfortable place to play; therefore I am opposed to a post-release housing establishment on Campbell Street.

Mr. Searce stated what we are doing right now is not specific to any property. We are just working with Code definitions right now.

Close the Public Hearing.

Mr. Bolton asked how are we defining a bedroom? I know in some cases it has to have a closet to be considered a bedroom. Are we getting into that?

Mr. Gillie responded we will rely on the Building Code, Section 404. We will refer to how that portion of the Building Code addresses it.

Mr. Jones asked what access to bathrooms are these facilities expected to have?

Mr. Gillie responded that will come into the Building Code depending on the number of people and the square footage of the building.

Mr. Wilson stated this definition kind of sets the parameters for post-release housing, but even after that to get approval they have to fulfill Building Code requirements.

Mr. Gillie stated they will have to fulfill Building Code requirements for means of egress, bathrooms, kitchen facility, also Fire Code and Health Code.

Mr. Wilson asked are you satisfied that this definition plus those would create a safe place for them?

Mr. Gillie responded we have it by special use permit, so there will be public hearings before one opens. We have this Code, the Building Code, and the Fire Code. We have tried to cover every basis to make sure that citizens are aware and that the health safety and welfare is protected through the approval.

Mr. Griffith made a motion to recommend approval the creation of a definition for post-release housing. Mr. Bolton seconded the motion. The motion was approved by a 5-0 vote.

2. *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. Holtry read the staff report.

Open the Public Hearing.

Present on behalf of the request was Dr. Regina Curtis. I apologize that you were not notified. That was ignorance on my part. We appreciate you training us and teaching us for the next series of whatever the Lord would decide to do in our community to help people. The property at 224 Campbell will hold six participants in the group and one residency supervisor. Renovations have already begun for two bathrooms, one of which will be handicap accessible. We have been given permits for those and also for the changes inside the structure. I have changes that will be submitted this week to the Building Inspector for him to determine on closets. There will be closets for each participant. They will be open; however, because of what we will be dealing with. There will not be a door on them. The residency supervisor's room will have doors on that closet. There is a handicap ramp that we have already been given the permits to build down the side of the house. The house will be fully handicap accessible. One of the requirements for us to have this

program is a security system. The residency supervisor will be the only one other than those on our board who have the access codes to that. There will be a curfew of 8:00 p.m.

Present on behalf of the request was Mr. Doug Morrison, Chief of Probation and Parole. We supervise a little over 1300 felons in Danville. A lot of these women do not have places to go. You need to keep in mind when they reach their maximum sentence in prison they are being released into the community anyway. I get them usually on a Friday afternoon and they are homeless and I have to do something with them. This will allow us to at least put six women in this program. There are plans for future homes. It will give them stability and the treatment they need. I would encourage you to approve this to improve our community. Currently to my knowledge there is no residential program in the City of Danville that is available for these types of offenders.

Close the Public Hearing.

Mr. Wilson stated I am always concerned when an organization buys a property and starts improving a property before getting approval. I understand that a lot of investment has been put into this building. It makes it an awkward position. There is this kind of assumption that this thing would just blow through. I am not necessarily saying this for this moment but for anyone who might be watching this. They need to get things in the proper order. I have a second concern. On the plan that has been given to us there is a phase two addition. If we say yes today, are we only saying yes to the phase one plan and not the additional or are we saying yes to both parts?

Mr. Gillie responded you are just saying yes to phase one. Phase two would have to come back for a modification to the special use permit.

Dr. Curtis stated we thought we had done what we were supposed to do because we had met with the Mayor and with the Building Inspections office. We were trying to do the right thing up front. It wasn't as if we bulldozed ahead to do things. We were told that we had done all that we needed to do. It wasn't until we were notified by Planning that we realized we had missed a step. We were not trying to override any City governing rules.

Mr. Wilson stated I understand that. This is just an ongoing issue for us.

Close the Public Hearing.

Mr. Bolton made a motion to recommend approval of Special Use Permit Application PLSUP20130000245 as submitted. Mr. Griffith seconded the motion. The motion was approved by a 5-0 vote.

NEW BUSINESS

- 1. Rezoning Application PLRZ20130000273, filed by Danville Housing & Development, LLC requesting to rezone from OT-R, Old Town Residential to M-R, Multi-family Residential, at 324 Cleveland Street, otherwise known as Grid 1715, Block 003, Parcel 000008 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to expand the use of the property to allow twenty-five (25) apartments.*

Mr. Holtry read the staff report. Forty-four notices were sent to surrounding property owners within 300 feet of the subject property. Three respondents were opposed; one response had no opinion.

Open the Public Hearing.

Present on behalf of the request was Mr. Sherman Lee, Jr. We recently just purchased a 25 unit apartment building and we would like to reinstate the zoning status to multi-family.

Mr. Griffith asked is the egress/ingress from Cleveland?

Mr. Gillie responded from Roberts Street.

Mr. Griffith asked does that make any difference?

Mr. Gillie responded no.

Close the Public Hearing.

Mr. Wilson made a motion to recommend approval of Rezoning Application PLRZ20130000273 as submitted. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.

- 2. Special Use Permit Application PLSUP20130000276, filed by Pasquale Costagliola requesting a Special Use Permit to waive yard requirements in accordance with Article 3.Q; Section B, Item 24 of the Code of the City of Danville, Virginia, 1986, as amended, at 1959 Memorial Dr., otherwise known as Grid 0720, Block 009, Parcel 000008 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to waive the 25' side yard setback to allow for a 14' side yard setback.*

Mr. Holtry read the staff report. Thirty notices were sent to surrounding property owners within 300 feet of the subject property. Seven respondents were unopposed; one respondent was opposed.

Open the Public Hearing.

Present on behalf of the request Mr. Pasquale Costagliola. The reason that I am trying to do this is because I need more room at the restaurant. Since we are pretty much the only restaurant that overlooks the river, I am trying to utilize it. I have a letter saying that I can use the doctor's office parking lot, so we should not have any problem with that. Basically that is it. I am just looking to extend the building.

Mr. Wilson asked will the expansion be outdoor?

Mr. Costagliola responded some indoor and some outdoor.

Mr. Jones asked did Danville Patient Care sign this?

Mr. Costagliola responded yes (Mr. Costagliola gave the letter to staff).

Mr. Griffith asked you don't have any problem with the 14' setback?

Mr. Costagliola responded no.

Close the Public Hearing.

Mr. Jones made a motion to recommend approval of Special Use Permit Application PLSUP20130000276 with conditions per staff. Mr. Griffith seconded the motion. The motion was approved by a 5-0 vote.

3. *Special Use Permit Application PLSUP20130000277, filed by Henry Leggett Jr. requesting a Special Use Permit to allow an accessory building without a primary building being located on the parcel in accordance with Article 3.A; Section C, Item 1 of the Code of the City of Danville, Virginia, 1986, as amended, at parcel ID #71786, otherwise known as Grid 9816, Block 001, Parcel 000006 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to build an accessory building without a primary building being located on the parcel.*
4. *Special Use Permit Application PLSUP20130000278, filed by Henry Leggett Jr. requesting a Special Use Permit to waive requirements for public water and sewer service in accordance with Article 3.A; Section C, Item 19 of the Code of the City of Danville, Virginia, 1986, as amended, at 333 Bromley Road, otherwise known as Grid 9816, Block 001, Parcel 000006 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to build an accessory building and to waive the requirements for public water and sewer service.*
5. *Special Use Permit Application PLSUP20130000279, filed by Henry Leggett Jr. requesting a Special Use Permit to waive lot frontage requirements on a public street in accordance with Article 3.A; Section C, Item 18 of the Code of the City of Danville, Virginia, 1986, as amended, at 333 Bromley Road, otherwise known as Grid 9816, Block 001, Parcel 000006 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to build an accessory building and to waive lot frontage requirements on a public street.*

Mr. Holtry read the staff report. Five notices were sent to surrounding property owners within 300 feet of the subject property. One respondent was not opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Henry Leggett Jr. The nearest septic tap is over 1,500' away and at that point it is 5' below ground. There is a dip in the middle of the field that I am going to have to cross. To go through that dip so the pipe is not exposed it would have to be 8' high, which would mean you would have to pump the sewer up. As far as city water, it is a good 2,000 to even get to the water tap. Keeping the maintenance up on that over the years would just become a problem.

Mr. Searce asked what is the use of this?

Mr. Leggett responded just to store my ATV's and farm equipment.

Mr. Wilson asked can you show us where on this property it will be?

Mr. Leggett pointed out the approximate location on the property map.

Mr. Wilson asked do you have a future plan for a primary residence?

Mr. Leggett responded yes. I plan within the next year or two to come back and build a house, but for right now I need somewhere to store equipment.

Mr. Wilson asked will he have to come back for the primary structure? Is there any risk that if he builds this he could have trouble with the primary structure?

Mr. Gillie responded no there is not a risk with the primary structure. You are granting the waiver and we are saying to allow one accessory structure without it. he has multiple special use permits. The one is the waiver for the property itself. He is just having this structure without the utilities to begin with. We are just concerned that we end up with five or six garages. This will cover it as long as he builds his house within the prescribed time that the special use permit has. They are good for two years.

Mr. Griffith asked you said there is a two year window on starting construction?

Mr. Gillie responded yes.

Mr. Griffith asked do you anticipate starting then?

Mr. Leggett responded yes.

Close the Public Hearing.

Mr. Bolton made a motion to recommend approval of Special Use Permit Application PLSUP20130000277 with conditions per staff. Mr. Griffith seconded the motion. The motion was approved by a 5-0 vote.

Mr. Griffith made a motion to recommend approval of Special Use Permit Application PLSUP20130000278 with conditions per staff. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.

Mr. Wilson made a motion to recommend approval of Special Use Permit Application PLSUP20130000279 with conditions per staff. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.

II. ITEMS NOT FOR PUBLIC HEARING

- 1. Major Subdivision Plat for the dedication of right-of-way for unopened Virginia Ln.*

Mr. Holtry read the staff report.

Mr. Griffith made a motion to approve the plat as submitted. Mr. Bolton seconded the motion. The motion was approved by a 5-0 vote.

III. MINUTES

Mr. Wilson made a motion to approve the August 12, 2013 minutes. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.

III. OTHER BUSINESS

Mr. Gillie stated everyone was given a copy of the Comprehensive Plan. I hope you have had a chance to review it all. If you haven't, please do so. Let me know if there is anything that you see that we need to correct. We are going to try and schedule a public meeting sometime in October. Also, if you could let Christy know if there are any bad dates for you in October, so we can try to have as many Planning Commission members as possible at that meeting. We want to wish Mr. Laramore a get well soon. We hope he has a speedy recovery. We do have cases for next month, so there will be a meeting.

With no further business, the meeting adjourned at 3:45 p.m.

APPROVED