



City Planning Commission

POST OFFICE BOX 3300

DANVILLE, VIRGINIA

(434) 799-5261

MAY 11, 2015

3:00 P.M.

CITY COUNCIL CHAMBERS

AGENDA

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. ITEMS FOR PUBLIC HEARING
 1. *Special Use Permit Application PLSUP20150000119, filed by Steve DelGiorno requesting a Special Use Permit to allow the operation of an indoor commercial recreation establishment in accordance with Article 3.K; Section C, Item 5 of the Code of the City of Danville, Virginia, 1986, as amended at 616 North Main Street, otherwise known as Grid 2710, Block 032, Parcel 000005 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an indoor commercial recreation establishment at this location.*
 2. *Special Use Permit Application PLSUP20150000120, filed by Tim Garland requesting a Special Use Permit to allow a waiver of minimum lot size in accordance with Article 3.O; Section C, Item 20 of the Code of the City of Danville, Virginia, 1986, as amended at Parcel ID #77798, otherwise known as Grid 2820, Block 003, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to subdivide Parcel ID #77798 and create a lot that is approximately 18,730 square feet in area where 40,000 square feet is required.*
 3. *Rezoning Application PLRZ20150000122, filed by Mark Johnson with LE&D Professionals, PC on behalf of Ora D Wiseman, requesting to rezone from PS-C, Planned Shopping Center Commercial to HR-C, Highway Retail Commercial District, Parcel ID #52598 On Westover Drive, otherwise known as Grid 0716, Block 012, Parcel 000024 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to construct a retail establishment at this location.*
 4. *Special Use Permit Application PLSUP20150000123, filed by Howard Burnette requesting a Special Use Permit to allow wholesale sales in accordance with Article 3.M; Section C, Item 25 of the Code of the City of Danville, Virginia, 1986, as amended at 329 Westover Drive, otherwise known as Grid 1713, Block 011, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a wholesale sales establishment at this location.*

5. *Special Use Permit Application PLSUP20150000124, filed by Howard Burnette requesting a Special Use Permit to allow a waiver of 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 329 Westover Drive, otherwise known as Grid 1713, Block 011, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to allow a zero foot side yard setback where twenty (20) foot is required.*
6. *Rezoning Application PLRZ20150000058, filed by Danville Tobacco District, LLC, requesting to amend the Year 2020 Land Use Plan from USR Urban Single Family to CS Community Service and to rezone from OT-R, Old Town Residential to "Conditional" HR-C Highway Retail Commercial District, 425 Hughes St., otherwise known as Grid 1611, Block 009, Parcel 000014 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to allow for office and commercial uses.*

- IV. APPROVAL OF MINUTES FROM APRIL 13, 2015
- V. OTHER BUSINESS
- VI. ADJOURNMENT



PLANNING REPORT

P.O. Box 3300

Danville, VA 24543

(434) 799-5261

City Planning Commission

Meeting of May 11, 2015

Subject:

Special Use Permit Application PLSUP20150000119, filed by Steve DelGiorno requesting a Special Use Permit to allow the operation of an indoor commercial recreation establishment in accordance with Article 3.K; Section C, Item 5 of the Code of the City of Danville, Virginia, 1986, as amended at 616 North Main Street, otherwise known as Grid 2710, Block 032, Parcel 000005 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an indoor commercial recreation establishment at this location.

Background:

The subject property, 616 North Main Street is currently a vacant building that is undergoing renovations to become a restaurant. As a secondary use of the structure, the applicant, Steve DelGiorno, would like to provide indoor entertainment at an additional cost to his patrons. According to the Zoning Code definitions, providing indoor entertainment at an additional cost is indoor commercial recreation. Within the zoning classification of CB-C, Central Business Commercial, indoor commercial recreation is allowed by Special Use Permit in accordance with Article 3.K; Section C, Item 5 of the Code of the City of Danville, Virginia, 1986.

Twenty-nine (29) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on May 11, 2015.

Staff Analysis and Recommendation:

Staff recommends approval of Special Use Permit Application PLSUP20150000119, to allow indoor commercial recreation in accordance with Article 3.K; Section C, Item 5 of the Code of the City of Danville, Virginia, 1986, as amended at 616 North Main Street. Staff recommends approval with the condition that the hours of operation do not exceed: Sunday–Thursday 6:00am to 11:00 pm and Friday–Saturday 6:00am to 2:00am.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP20150000119 subject to conditions by the Planning Commission.
2. Recommend approval of Special Use Permit Application PLSUP20150000119 as submitted.
3. Recommend denial of Special Use Permit Application PLSUP20150000119 as submitted.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2012 Aerial)
Year 2020 Land Use Map

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the Special Use Permit as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

APPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING

USE: Commercial Recreation Establishment

CASE NUMBER: _____ EXISTING ZONING: CB-C
PROPOSED ZONING: _____ TAX MAP NUMBER: 2710-032-000005.00
RECEIVED BY: _____ DATE FILED: 4/8/2015
PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT
(PLEASE TYPE OR PRINT)

Exact legal description of property (Attach if insufficient space).

Gross Area/Net Area: 4,136 SF/3,100 SF (first level only) Property Address: 616 North Main Street
Property Location: N S E W Side of: North Main Street
Between: Meade Street and Worsham Street
Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

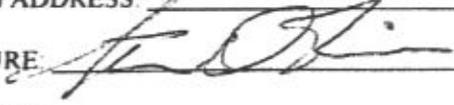
Please provide a site plan with the following information:

- Proposed use of the land, size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

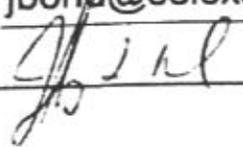
The street level of 616 North Main Street will be revitalized to include a farm-to-table restaurant. There will also be a performance platform and patrons will be charge to attend. The building comprises the entire lot.

PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

I. NAME: Parco International, LLC TELEPHONE: 615-626-8705
MAILING ADDRESS: 830 North Main Street, Danville, VA 24540
SIGNATURE:  DATE: 4/2/2015
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: stevedelgiorno@anchorglobalholdings.com

APPLICANT (PLEASE TYPE OR PRINT):

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: Jeffrey Bond TELEPHONE: 434-688-0767
MAILING ADDRESS: 308 Craghead St., Suite 102-C, Danville, VA 24541
EMAIL ADDRESS: jbond@solexarchitecture.com
SIGNATURE:  DATE: 4/2/2015

Jeffrey Bond

From: Steve DelGiorno <stevedelgiorno@yahoo.com>
Sent: Wednesday, April 8, 2015 1:29 PM
To: Jeffrey Bond
Subject: Letter of Authorization

To whom it may concern:

This email will serve as my approval to grant Mr. Jeffry Bond the authorization to act on the behalf of me and/or Parco International with regards to zoning, permit and application requirements for the property at 616 N main St, Danville Va.

Thank you

Steve DelGiorno

Parco International

Sent from my iPhone

Burton, Renee

From: Steve DelGiorno <stevedelgiorno@yahoo.com>
Sent: Thursday, April 09, 2015 9:09 AM
To: Burton, Renee
Cc: Jeffrey Bond; wrenn_peter@yahoo.com
Subject: 616 N main special Use Permit

Dear Ms. Burton,

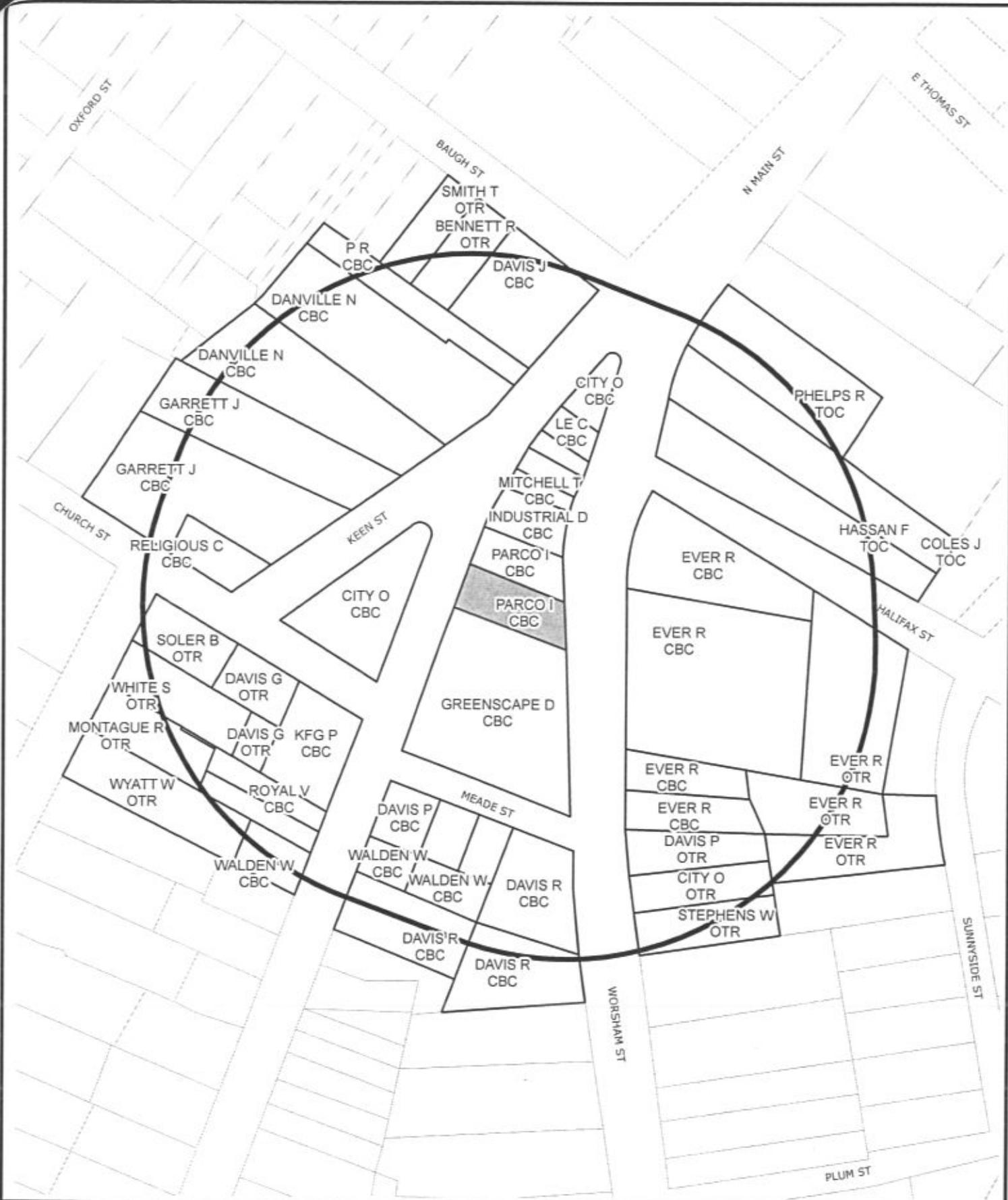
This letter is to advise you and your department that we will not engage in any ticket performance sales of any type while we are awaiting final approval of our special use permit for the property at 616 N main St., Danville.

Should you have any questions or concerns please do not hesitate to contact me.

Thank you for your kind consideration in this matter

Steve DelGiorno

Sent from my iPhone



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 4/24/2015

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	May 11, 2015
LOCATION OF PROPERTY:	616 North Main Street
PRESENT ZONE:	CB-C, Central Business Commercial
LAND USE PLAN DESIGNATION:	NS, Neighborhood Service
ACTION REQUESTED:	The applicant is proposing to operate an indoor commercial establishment as an accessory to a restaurant use
PRESENT USE OF PROPERTY:	vacant
PROPERTY OWNER (S):	Parco International LLC
NAME OF APPLICANT (S):	Steve DelGiorno
PROPERTY BORDERED BY:	Commercial development to the north, south, east and west
ACREAGE/SQUARE FOOTAGE:	0.11 acres
CHARACTER OF VICINITY:	Commercial
INGRESS AND EGRESS:	North Main Street
TRAFFIC VOLUME:	Medium
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of May 11, 2015.



2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/24/2015

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ITG18



YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
 4/24/2015

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PLANNING REPORT

P.O. Box 3300

Danville, VA 24543

(434) 799-5261

City Planning Commission
Meeting of May 11, 2015

Subject:

Special Use Permit Application PLSUP20150000120, filed by Tim Garland requesting a Special Use Permit to allow a waiver of minimum lot size in accordance with Article 3.0; Section C, Item 20 of the Code of the City of Danville, Virginia, 1986, as amended at Parcel ID #77798, otherwise known as Grid 2820, Block 003, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to subdivide Parcel ID #77798 and create a lot that is approximately 18,730 square feet in area where 40,000 square feet is required.

Background:

The subject property, parcel ID #77798 is currently located within the LED-I (Light Economic Development District). The applicant is requesting a Special Use Permit to allow a waiver of the minimum lot size requirements.

The subject property currently has two vacant structures and the applicant is seeking to subdivide the lot in order to create two separate parcels with a structure on each one. The new lot created does not meet the minimum lot size requirements of 40,000 square feet in area and therefore the applicant is seeking a waiver to reduce the minimum lot size to approximately 18,730 square feet in area.

Eleven (11) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on May 11, 2015.

Staff Analysis and Recommendation:

Staff believes that lowering the minimum lot size to approximately 18,730 will not have any adverse effects on adjacent properties.

Staff recommends approval of Special Use Permit Application PLSUP20150000120, filed by Tim Garland requesting a Special Use Permit to allow a waiver of minimum lot size requirements.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP20150000120 subject to conditions by the Planning Commission.
2. Recommend approval of Special Use Permit Application PLSUP20150000120 as submitted.
3. Recommend denial of Special Use Permit Application PLSUP20150000120 as submitted.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2012 Aerial)
Year 2020 Land Use Map
Proposed plat

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

Reduction in lot size

PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: Raymond Lewis Paul TELEPHONE: 434 489-2290

MAILING ADDRESS: 107 Markingbird Lane 24540

SIGNATURE: Raymond Lewis Paul DATE: 4-3-2015

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: Timothy L. Garland TELEPHONE: 1434/429-4646

MAILING ADDRESS: 3132 Finch Dr.

EMAIL ADDRESS: Tiggil658@a.yahoo.com

SIGNATURE: [Signature] DATE: 4/3/2015

PROPERTY IDENTIFICATION NO.
7 7 7 9 8

KNOW ALL MEN BY THESE PRESENTS, THAT THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT CONTAINING TRACT 3B (WITHIN THE LINES) OF SURVEY SHOWING THE DIVISION OF FALL CREEK AS IT MEANDERS, CREEK NOT SURVEYED THIS DATE, COURSES SHOWN ARE THE LINES. THIS DATE, COURSES SHOWN ARE THE LINES.

GIVEN UNDER OUR HANDS THIS _____ DAY OF _____, 2014.

RAYMOND L. PAUL

NOTARY'S CERTIFICATE

CITY/COMMUNITY OF _____
COMMERCIALITY OF WYOMIA
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2014.

BY _____
(NOTARY PUBLIC'S SIGNATURE ABOVE)
NOTARY PUBLIC'S REGISTRATION NUMBER _____
MY COMMISSION EXPIRES _____

SURVEYOR'S ORDINANCE CERTIFICATION

I hereby certify that to the best of my knowledge and belief, all the information furnished to me by the Planning Commission and City Council, and all other information which the City has been compiled with, and which is shown on this plat, is true and correct. Given under my hand this _____ day of _____, 2014.

Tim G. Shanks, R. L.S. #1344

CITY APPROVAL

THIS SURVEYING INSTRUMENT AS "SUBDIVISION OF TRACT 3B CREATING LOT 3A & TRACT 3B" IS APPROVED BY THE PLANNING COMMISSION AND CITY COUNCIL OF DANVILLE, VIRGINIA, IN ACCORDANCE WITH THE EXISTING SUBDIVISION REGULATIONS AND MAY BE COMMITTED TO RECORD.

CITY ENGINEER _____ DATE _____
ZONING ADMINISTRATOR _____ DATE _____

NOTES:

1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND ENCUMBRANCES UPON THE PROPERTY.
2. THE SUBJECT PROPERTY IS WITHIN A F.E.M.A. DESIGNATED FLOOD HAZARD ZONE AS OF 8/28/2010. F.E.M.A. STUDIES THE PROPERTY IS WITHIN ZONE "X" AND "AE" AS SHOWN ON F.E.M.A. COMMUNITY PANEL NO. 5114-00080E.

SURVEYOR'S CERTIFICATION

I hereby certify that to the best of my knowledge and belief, this survey was conducted in accordance with the laws of the State of Virginia, and that the same is true and correct. Given under my hand this _____ day of _____, 2014.

Tim G. Shanks, R. L.S. #1344



VICINITY MAP
M.T.S.

PROPERTY LINE ALONG CENTERLINE OF FALL CREEK AS IT MEANDERS, CREEK NOT SURVEYED THIS DATE. COURSES SHOWN ARE THE LINES.

73517
NICKSON DANCHEM CORP.
D.B. 822, PG. 435

**TRACT 3B
(WITHIN THE LINES)
2.56E AC
(AS SHOWN ON THE PLAT)
(SURVEYED THIS DATE)**

73504
RAYMOND L. PAUL
INST. NO. 25-0003900
MAP INST. NO. 85-0003900 PG. 4
(3.014 AC.)

73590
HELEN E. WALKER, HEIRS
D.P. 605, PG. 358

APPROXIMATE LIMITS OF FLOOD HAZARD ZONING FOR F.E.M.A. PANEL NO. 5114-00080E

73500
A. MURREL BEAMERS
INST. NO. 08-0000294(W/L)

PROPERTY LINE ALONG CENTERLINE OF FALL CREEK AS IT MEANDERS, CREEK NOT SURVEYED THIS DATE. COURSES SHOWN ARE THE LINES.

73503
A. & N. VENTURES, LLC
INST. NO. 08-0004685

73502
TIMOTHY L. GARLAND, JR.
SHOMING T.R.E. DIVISION OF TRI-CT 3 CREATING LOT 3A & TRACT 3B BEING TRACT 3 OF

73501
BARNETT
D.B. 927, PG. 672

73500
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INST. NO. 25-0003900
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INST. NO. 08-0000294(W/L)

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INST. NO. 25-0003900
MAP INST. NO. 85-0003900 PG. 4
(3.014 AC.)

73500
A. MURREL BEAMERS
INST. NO. 08-0000294(W/L)

73503
A. & N. VENTURES, LLC
INST. NO. 08-0004685

73502
TIMOTHY L. GARLAND, JR.
SHOMING T.R.E. DIVISION OF TRI-CT 3 CREATING LOT 3A & TRACT 3B BEING TRACT 3 OF

73501
BARNETT
D.B. 927, PG. 672

73500
RAYMOND L. PAUL
INST. NO. 25-0003900
MAP INST. NO. 85-0003900 PG. 4
(3.014 AC.)

73504
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SHOMING T.R.E. DIVISION OF TRI-CT 3 CREATING LOT 3A & TRACT 3B



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
 Planning Division
 4/24/2015

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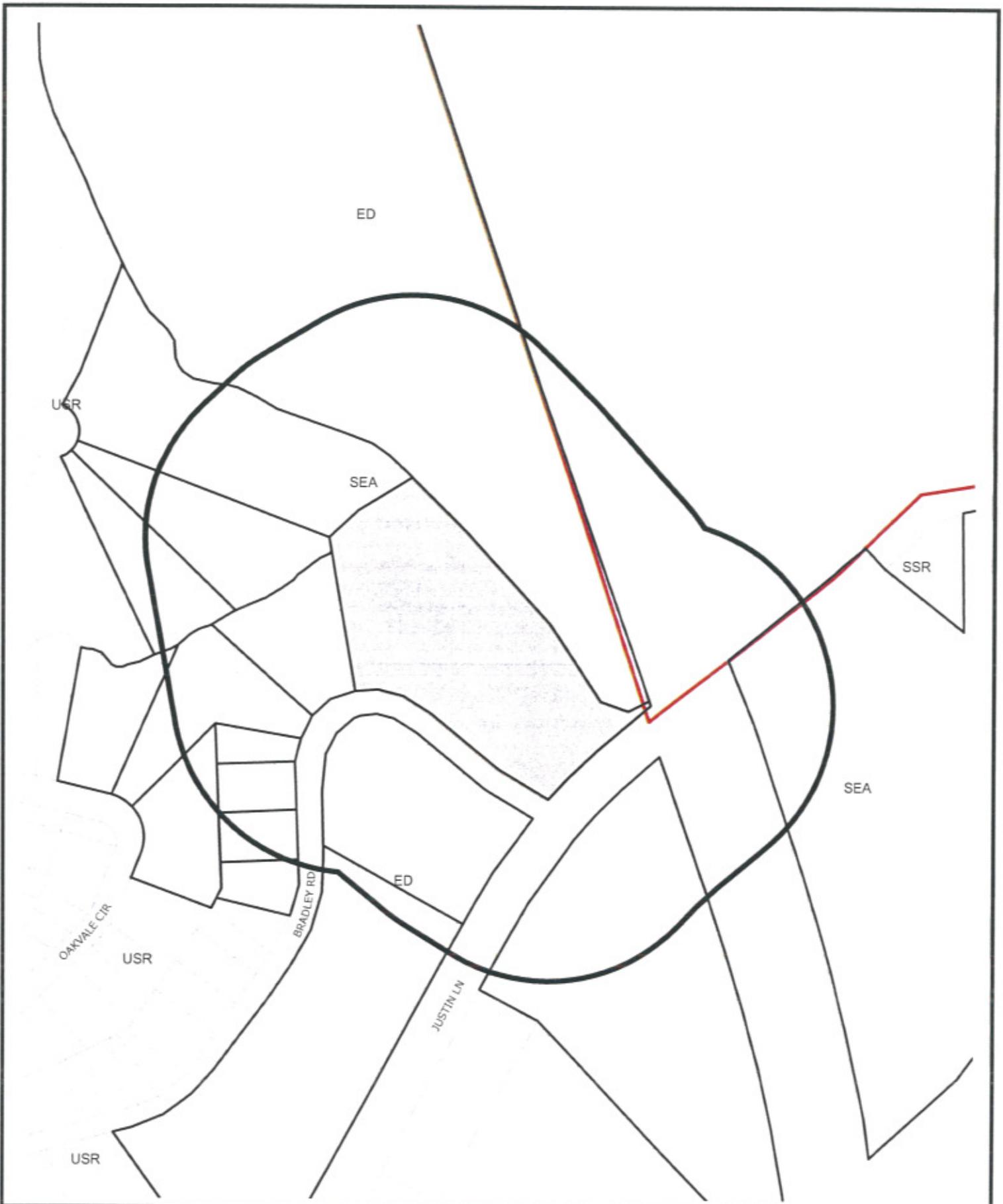


2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/24/2015

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IT GIS



YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
 Planning Division
 4/24/2015

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SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE: May 11, 2015

LOCATION OF PROPERTY: Parcel #77798 along Justin Ln

PRESENT ZONE: LED-I, Light Economic Development District

LAND USE PLAN DESIGNATION: SEA, Sensitive Environment Area

ACTION REQUESTED: The applicant is proposing to subdivide Parcel ID #77798 and create a lot that is approximately 18,730 square feet in area where 40,000 square feet is required.

PRESENT USE OF PROPERTY: Vacant storage building

PROPERTY OWNER (S): Raymond Lewis Paul

NAME OF APPLICANT (S): Tim Garland

PROPERTY BORDERED BY: Residential to the west, vacant lots to the north and east, and light industrial to the south.

ACREAGE/SQUARE FOOTAGE: 1.63 acres

CHARACTER OF VICINITY: Mix of light industrial and residential.

INGRESS AND EGRESS: Justin Ln

TRAFFIC VOLUME: Low

NEIGHBORHOOD REACTION: To be reported at the Planning Commission meeting of May 11, 2015.



PLANNING REPORT

P.O. Box 3300

Danville, VA 24543

(434) 799-5261

City Planning Commission
Meeting of May 9, 2015

Subject:

Rezoning Application PLRZ20150000122, filed by Mark Johnson with LE&D Professionals, PC on behalf of Ora D Wiseman, requesting to rezone from PS-C, Planned Shopping Center Commercial to HR-C, Highway Retail Commercial District, Parcel ID #52598 On Westover Drive, otherwise known as Grid 0716, Block 012, Parcel 000024 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to construct a retail establishment at this location.

Background:

A request has been filed by Mark Johnson with LE&D Professionals, PC to rezone from PS-C, Planned Shopping Center Commercial to HR-C, Highway Retail Commercial District on Parcel ID #52598 along Westover Drive. The applicant is proposing to rezone to construct a retail establishment at this location.

The lot being requested is currently vacant, and sits adjacent to Danville Toyota which is also currently zoned PSC. The applicant is proposing to construct a facility approximately 15,480 square feet for the sale of recreational vehicles and accessories. Both the HRC and PSC districts allow for the sale of recreational vehicles but differ on setback regulations. The PSC district has front and side setbacks of 40 feet and the HRC district has a front setback of 30 feet and a side setback of 20 feet. The subject property is approximately .88 acres and the applicant is requesting to rezone to the less restrictive HRC district in order to build a larger facility on the property. A preliminary site plan has been submitted and is substantially in compliance with the Zoning Code for the HRC district.

Six (6) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on May 11, 2015.

Staff Analysis and Recommendation:

Staff recommends approval of Rezoning Application PLRZ20150000122, filed by Mark Johnson with LE&D Professionals, PC to rezone from PS-C, to HR-C, on Parcel ID #52598 along Westover Drive. Adjacent properties to the west and the north of the subject properties are zoned HRC therefore the proposed rezone would not be considered spot zoning.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning Application PLRZ20150000122 as submitted.
2. Recommend approval of Rezoning Application PLRZ20150000122 with conditions per staff.
3. Recommend approval of Rezoning Application PLRZ20150000122 with conditions per Planning Commission.
4. Recommend denial of Rezoning Application PLRZ20150000122.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2012 Aerial)
Year 2020 Land Use Map

CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:
Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: _____
PROPOSED ZONING: _____ TAX MAP NUMBER: _____
RECEIVED BY: _____ DATE FILED: _____
PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Exact legal description of property (Attach if insufficient space).

Gross Area/Net Area: 0.833 Ac+/- Property Address: Westover Drive (vacant)

Property Location: N (S) E W Side of: Westover Drive

Between: Piedmont Place and Piedmont Drive

Proffered Conditions (if any, please attach): n/a

PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: Ora Darrell Wiseman TELEPHONE: 434-822-0300

MAILING ADDRESS: 125 Piedmont Place, Danville, Va 24541

SIGNATURE: [Signature] DATE: 4/9/15

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: G Mark Johnson TELEPHONE: 434-792-3680

MAILING ADDRESS: 110 Exchange st Suit B Danville, Va 24541

EMAIL ADDRESS: mjohnson@landeng.com

SIGNATURE: [Signature] DATE: 4-7-15

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

Please provide ten (10) sets, blue or black line copies, of a final site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

Construction of 15,480 SF +/- retail sales facility for recreational vehicles and accesories.

2. ALTERATION OF ZONING BOUNDARIES:

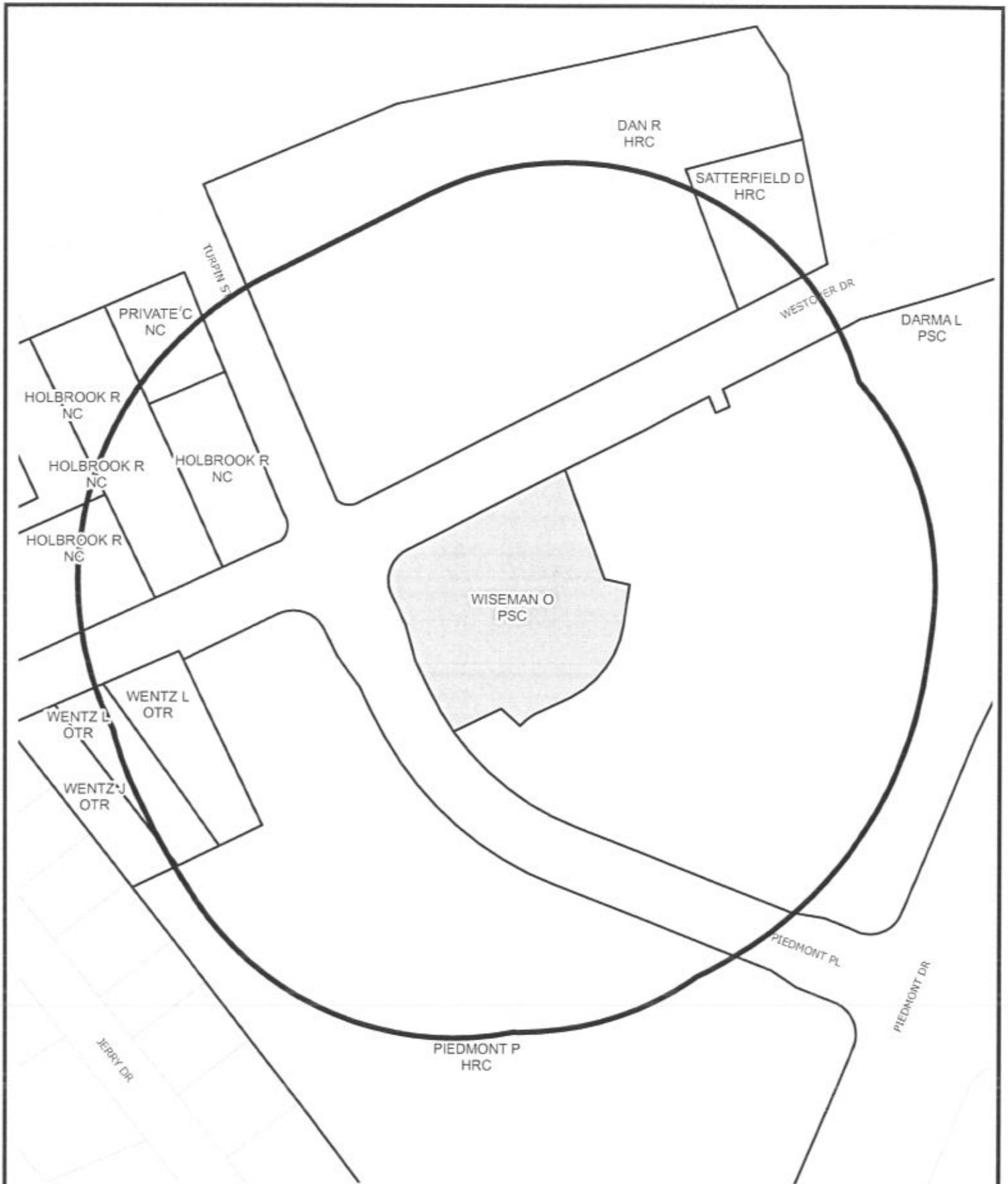
Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

The properties are currently zoned PSC Planned Shopping Center
The proposed zoning is HRC Highway Retail Commercial

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
 Planning Division
 4/24/2015

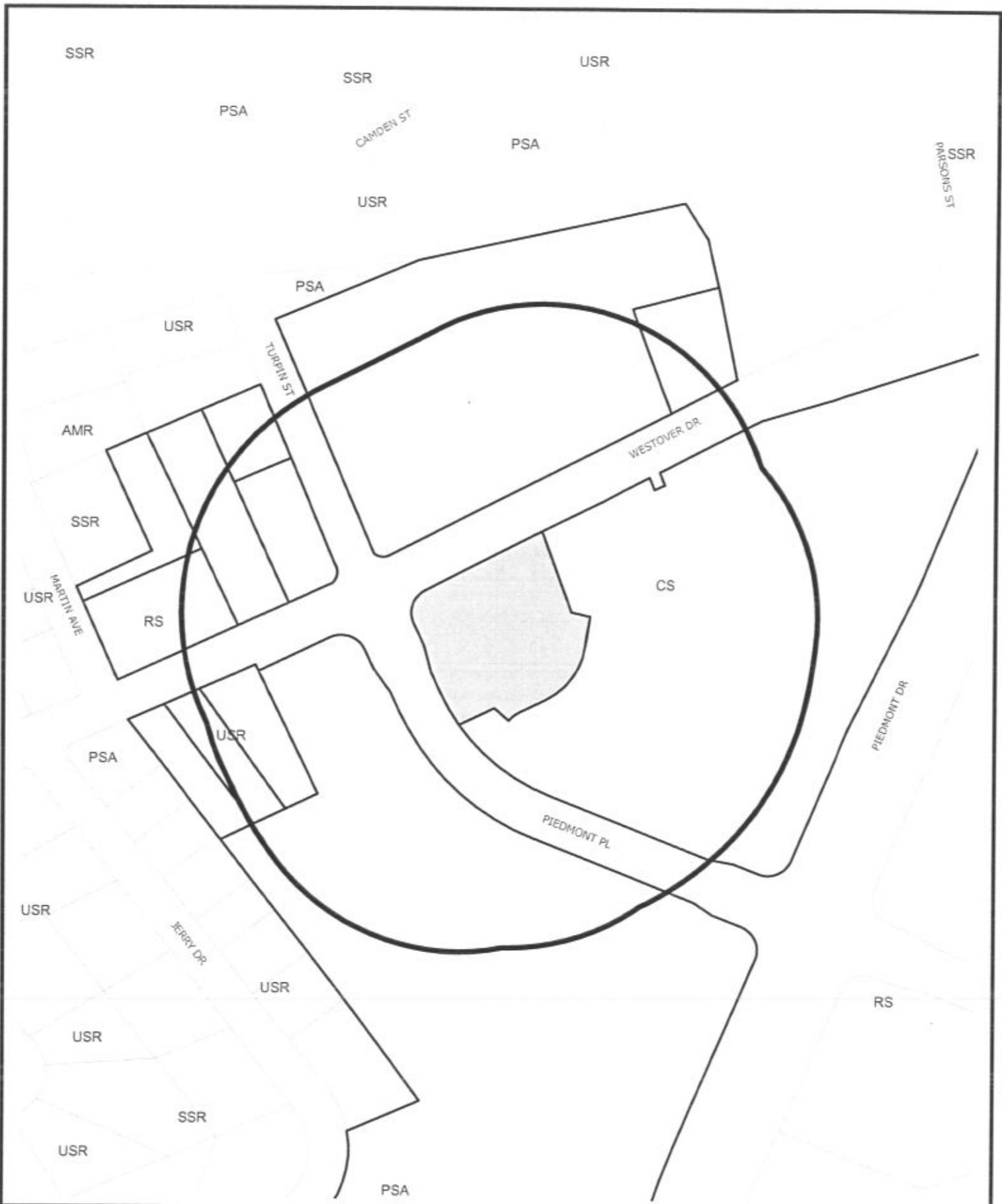
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2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/24/2015

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YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
 Planning Division
 4/24/2015

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REZONING REQUEST
DATA SHEET

DATE:	May 11, 2015
LOCATION OF PROPERTY:	Parcel # 52598 along Westover Dr
PRESENT ZONE:	PS-C, Planned Shopping Center
LAND USE PLAN DESIGNATION:	CS, Community Service
ACTION REQUESTED:	The applicant is requesting to rezone from PS-C, Planned Shopping Center Commercial to HR-C, Highway Retail Commercial District to construct a retail establishment at this location.
PRESENT USE OF PROPERTY:	Vacant land
PROPOSED USE OF PROPERTY:	Retail establishment
PROPERTY OWNER (S):	Ora Darrell Wiseman
NAME OF APPLICANT (S):	Mark Johnson with LE&D Professionals
PROPERTY BORDERED BY:	Retail to the north and east, and vacant lots to the south and west.
ACREAGE/SQUARE FOOTAGE:	.88 acres
CHARACTER OF VICINITY:	Retail
INGRESS AND EGRESS:	Westover Dr
TRAFFIC VOLUME:	High
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of May 11, 2015.



PLANNING REPORT

P.O. Box 3300

Danville, VA 24543

(434) 799-5261

City Planning Commission
Meeting of May 11, 2015

Subject:

Special Use Permit Application PLSUP20150000123, filed by Howard Burnette requesting a Special Use Permit to allow wholesale sales in accordance with Article 3.M; Section C, Item 25 of the Code of the City of Danville, Virginia, 1986, as amended at 329 Westover Drive, otherwise known as Grid 1713, Block 011, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a wholesale sales establishment at this location.

Special Use Permit Application PLSUP20150000124, filed by Howard Burnette requesting a Special Use Permit to allow a waiver of 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 329 Westover Drive, otherwise known as Grid 1713, Block 011, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to allow a zero foot side yard setback where twenty (20) foot is required.

Background:

The subject property, 329 Westover Drive is approximately 2.8 acres and zoned HR-C, Highway Retail Commercial. The applicant, Howard Burnette, is requesting to operate a wholesale sales establishment in accordance with Article 3.M; Section C, Item 25 of the Code of the City of Danville, Virginia, 1986, as amended.

329 Westover Drive is currently being occupied by Riverside Equipment Rental. The property owner is looking to subdivide the property and to relocate Riverside Equipment Rental to an existing structure toward the rear of the property. An additional parking lot will be added to accommodate for parking.

In order to renovate the existing structure in the rear of the property the applicant is also 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, to allow a zero foot side yard setback where twenty (20) feet is required.

The existing structure is currently built directly on the side property line adjacent to parcel ID # 52742 and is considered legal nonconforming. In order to accommodate for additions to the existing structure along the side property line the applicant is requesting to waive the side yard setback requirements to zero feet where 20 feet is required.

Twenty one (21) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on May 11, 2015.

Staff Analysis and Recommendation:

Staff believes that adding a wholesale sales operation at this location will add to the economic opportunities in the area and will not adversely affect any adjacent property owners. Staff recommends approval of Special Use Permit Application PLSUP20150000123, filed by Howard Burnette, to operate wholesale sales at 329 Westover Drive.

Staff also believes that waiving the side yard setback to zero feet will be in keeping with the already existing nonconforming structure. Staff recommends approval of Special Use Permit Application PLSUP20150000124, filed by Howard Burnette, to allow a zero foot side yard setback where twenty feet is required. Staff recommends approval with the following condition:

- The zero foot setback shall only be located along the west side property line.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP20150000123 with conditions per staff.
 2. Recommend approval of Special Use Permit Application PLSUP20150000123 subject to conditions by the Planning Commission.
 3. Recommend approval of Special Use Permit Application PLSUP20150000123 as submitted.
 4. Recommend denial of Special Use Permit Application PLSUP20150000123 as submitted.
-
1. Recommend approval of Special Use Permit Application PLSUP20150000124 with conditions per staff.
 2. Recommend approval of Special Use Permit Application PLSUP20150000124 subject to conditions by the Planning Commission.
 3. Recommend approval of Special Use Permit Application PLSUP20150000124 as submitted.

4. Recommend denial of Special Use Permit Application PLSUP20150000124 as submitted.

Attachments:

Application

Property Ownership/Zoning Map

Data Sheet

Existing Land Use Map (2012 Aerial)

Year 2020 Land Use Map

Proposed plat

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the Special Use Permit as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

APPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING

USE: Equipment Rental business

CASE NUMBER: _____ EXISTING ZONING: HR-C

PROPOSED ZONING: HR-C TAX MAP NUMBER: PIN # 53559

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT
(PLEASE TYPE OR PRINT)

Exact legal description of property (Attach if insufficient space). Boundary Plat Attached

Gross Area/Net Area: 1.643 Ac+/- Property Address: 329 Westover Drive, Danville, Va 24541

Property Location: S E W Side of: Westover Drive

Between: Riverview Ave and Sunset Way

Proffered Conditions (if any, please attach): N/A

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information.

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

Existing building to be improved encroaches the rear yard building setback abutting PIN# 52742.

PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: Riverside Equipment Co TELEPHONE: 434-792-7428

MAILING ADDRESS: 329 Westover Drive, Danville, Va 24541

SIGNATURE: Chris Q Smith DATE: 4-13-15

2. NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

SIGNATURE: _____ DATE: _____

APPLICANT (PLEASE TYPE OR PRINT)

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: Howard Burnette, The Daniel Group TELEPHONE: 434-791-8212

MAILING ADDRESS: 223 Riverview Drive, Danville, Va 24541

SIGNATURE: Chris Q Smith DATE: 4-13-15



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 4/24/2015

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YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
 4/24/2015

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2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

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4/24/2015

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SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE: May 11, 2015

LOCATION OF PROPERTY: 329 Westover Dr

PRESENT ZONE: HR-C, Highway Retail Commercial

LAND USE PLAN DESIGNATION: RS, Regional Service

ACTION REQUESTED: The applicant is proposing to operate a wholesale sales establishment at this location and proposing to allow a zero foot side yard setback where twenty (20) feet is required.

PRESENT USE OF PROPERTY: Riverside equipment rental.

PROPERTY OWNER (S): Riverside Equipment Co.

NAME OF APPLICANT (S): Howard Burnette

PROPERTY BORDERED BY: Residential to the west, and commercial to the north, south, and east.

ACREAGE/SQUARE FOOTAGE: 2.8 acres

CHARACTER OF VICINITY: Commercial

INGRESS AND EGRESS: Westover Dr

TRAFFIC VOLUME: High

NEIGHBORHOOD REACTION: To be reported at the Planning Commission meeting of May 11, 2015.



PLANNING REPORT

P.O. Box 3300

Danville, VA 24543

(434) 799-5261

City Planning Commission
Meeting of May 11, 2015

Subject:

Rezoning Application PLRZ20150000058, filed by Danville Tobacco District, LLC, requesting to amend the Year 2020 Land Use Plan from USR Urban Single Family to CS Community Service and to rezone from OT-R, Old Town Residential to "Conditional" HR-C Highway Retail Commercial District, 425 Hughes St., otherwise known as Grid 1611, Block 009, Parcel 000014 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to allow for office and commercial uses.

Background:

A request has been filed by Danville Tobacco District, LLC, requesting to amend the Year 2020 Land Use Plan from USR Urban Single Family to CS Community Service and to rezone from OT-R, Old Town Residential to "Conditional" HR-C Highway Retail Commercial District, 425 Hughes St., otherwise known as Grid 1611, Block 009, Parcel 000014 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to allow for office and commercial uses.

This property is developed with a brick and metal structure with limited paved parking that has been used for various commercial type operations in the past. The last use was an office and training facility for disabled adults, but has been vacant for a number of years.

The applicant is proposing to rezone the property to a "Conditional" HR-C Highway Retail Commercial category. The conditions proffered are very similar to those of 503 Hughes Street which housed the Habitat for Humanity offices and Re-store. That property was rezoned to "Conditional" HR-C in 2009. The conditions proffered allow for office type and some limited commercial uses while eliminating the uses that could be most detrimental to the adjacent residential neighborhood.

Thirty-four (34) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) responses were received. Five (5) were not opposed (DRHA, New, Griffin, Gazanfar, and Gazanfar). Two (2) were opposed (Jones and Dawkins).

At the meeting of March 9, 2015, the Planning Commission voted 7-0 to recommend approval of the request with conditions per applicant and staff. Prior to the April 21st City Council meeting, the applicant requested that this item be referred back to Planning Commission to amend the proffer of conditions.

Staff Analysis and Recommendation:

Staff recommends approval of Rezoning Application PLRZ20150000058, filed by Danville Tobacco District, LLC, requesting to amend the Year 2020 Land Use Plan from USR Urban Single Family to CS Community Service and to rezone from OT-R, Old Town Residential to "Conditional" HR-C Highway Retail Commercial District, 425 Hughes St., otherwise known as Grid 1611, Block 009, Parcel 000014 of the City of Danville, Virginia, Zoning District Map.

The staff recommends approval of the request subject to the proposed proffer list presented by the applicant with staff consultation. The revised list is shown with highlighted additional uses requested by the applicant and hour limitations.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning Application PLRZ20150000058 as submitted.
2. Recommend approval of Rezoning Application PLRZ20150000058 with conditions per staff.
3. Recommend approval of Rezoning Application PLRZ20150000058 with conditions per Planning Commission.
4. Recommend denial of Rezoning Application PLRZ20150000058.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2012 Aerial)
Year 2020 Land Use Map

Proposed Proffer List

B. Permitted Uses:

An individual use or structure intended for a single use with 60,000 square feet gross floor area or less, incorporating the following uses:

1. ~~Automobile and light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use, with completely enclosed service facilities and screened outdoor storage of repair vehicles).~~
2. ~~Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage).~~
3. Banks and financial institutions.
4. Business services and office supply establishments.
5. Car washes.
6. Churches and places of worship.
7. Convenience stores (with or without gasoline sales).
8. Fast-food restaurants.
9. Funeral homes.
10. Gasoline sales establishments.
11. Health club, spa or fitness center.
12. Hospitals and health care facilities with inpatient services.
13. Hotels and motels.
14. Laundromats/dry cleaners.
15. Light intensity wholesale trade establishments (with no outdoor sales or display of products).
16. Medical offices and outpatient care facilities.
17. Mini-storage warehouses, with no exterior storage.
18. Movie theaters.
19. Offices (general and professional).
20. ~~Parking lots (private and public with off-street parking as the principal use).~~
21. Personal service establishments.
22. ~~Private post office and delivery service.~~
23. Public uses.
24. ~~Repair service establishments (exclusive of automobile and light vehicle service and repair, with no outdoor storage).~~
25. Restaurants.
26. Retail sales and leasing establishments, with screened outdoor sales or display of products limited to no greater than 15% of the net developable lot area. (See Additional Regulations.)
27. Schools, colleges and universities (public and private).
28. Seasonal retail uses.
29. Temporary retail sales.
30. Exterminator
31. Bicycle Shop
32. Adult day support services

33. Child therapeutic day support services

C. Uses Permitted by Special Use Permit:

An individual use otherwise permitted hereinabove by-right in the HR-C District, but having greater than 60,000 square feet gross floor area, or any of the following uses:

1. Auction establishments.
2. ~~Bed and breakfast, inn or tourist home (as defined).~~
3. ~~Bus stations.~~
4. Commercial recreation facilities (indoor and outdoor).
5. ~~Conference centers.~~
6. Day care centers (adult and child).
7. ~~Kennels, commercial.~~
8. Light warehousing uses related to an adjunct retail use permitted either by-right or special permit, provided that warehousing space does not exceed 50% of the gross floor area.
9. ~~Drive-in movie theaters.~~
10. ~~Parking garages and structures.~~
11. ~~Pet clinics.~~
12. ~~Plant nurseries.~~
13. ~~Public utilities.~~
14. ~~Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than 15% of the gross floor area in the assembling or processing of products. All assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.~~
15. ~~Schools, colleges and universities (public or private).~~
16. ~~Taxidermists.~~
17. ~~Uses with lot frontage on the Dan River.~~
18. ~~Vehicle sale, rental and ancillary service establishments, including mobile homes.~~
19. ~~Veterinary clinics.~~
20. ~~Waiver for increase in building heights to over 50 feet.~~
21. Waiver of yard requirements, subject to the prohibition of parking in front yards.
22. ~~Caretaker's residence~~
23. ~~Homeless shelter~~
24. Microbrewery or Micro-winery

The hours of operation for any use permitted by Right or by Special Use Permit are not to exceed 6 a.m. to 11 p.m. daily.

CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: PLRZ 2015-000058 EXISTING ZONING: _____
 PROPOSED ZONING: _____ TAX MAP NUMBER: _____
 RECEIVED BY: _____ DATE FILED: _____
 PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Exact legal description of property (Attach if insufficient space).

Gross Area/Net Area: 2.2 ACRES Property Address: 925 HUGHES ST
 Property Location: N (S) E W Side of: S. SIDE OF HUGHES ST
 Between: BONVILLE AVE and SOUTHAMPTON AVE
 Proffered Conditions (if any, please attach): SEE ATTACHED

PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: Danville Tobacco District LLC TELEPHONE: _____
 MAILING ADDRESS: P.O. Box 10309, Danville, VA 24543
 SIGNATURE: [Signature] DATE: _____
 SIGNATURE: _____ DATE: _____
 EMAIL ADDRESS: Tm.HARRIS@PLANDSVA.COM

APPLICANT (PLEASE TYPE OR PRINT):

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: [Signature] TELEPHONE: _____
 MAILING ADDRESS: _____
 EMAIL ADDRESS: Tm.HARRIS@PLANDSVA.COM
 SIGNATURE: _____ DATE: _____

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

Please provide ten (10) sets, blue or black line copies, of a final site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

2. ALTERATION OF ZONING BOUNDARIES:

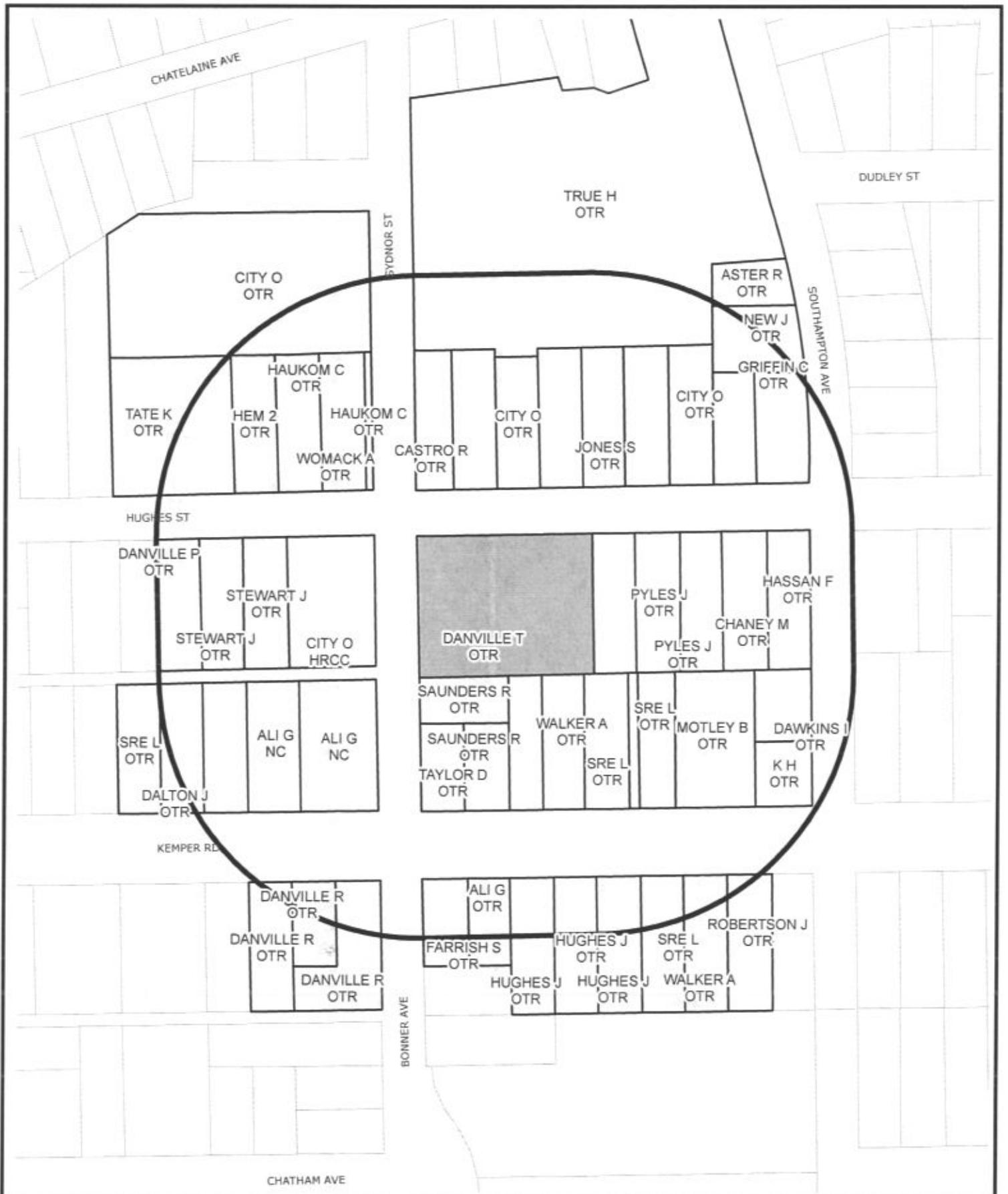
Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

To CONDITIONAL HIGHWAY RETAIL (SEE ATTACHED COND.)

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
 Planning Division
 2/19/2015

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

REZONING REQUEST
DATA SHEET

DATE: May 11, 2015

LOCATION OF PROPERTY: 425 Hughes Street

PRESENT ZONE: OT-R Old Town Residential

LAND USE PLAN DESIGNATION: USR Urban Single Family

ACTION REQUESTED: The applicant is requesting to amend the Year 2020 Land Use Plan from USR Urban Single Family to CS Community Service and to rezone from OT-R, Old Town Residential to "Conditional" HR-C Highway Retail Commercial District, 425 Hughes St.

PRESENT USE OF PROPERTY: Former training facility.

PROPOSED USE OF PROPERTY: Facility to be rezoned to be used as an office building and other commercial uses.

PROPERTY OWNER (S): Danville Tobacco District, LLC

NAME OF APPLICANT (S): Same

PROPERTY BORDERED BY: Mixed residential to the east and north, commercial and mixed residential to the west and south.

ACREAGE/SQUARE FOOTAGE: 0.72 acres

CHARACTER OF VICINITY: Residential and mixed commercial

INGRESS AND EGRESS: Hughes St.

TRAFFIC VOLUME: Medium to low

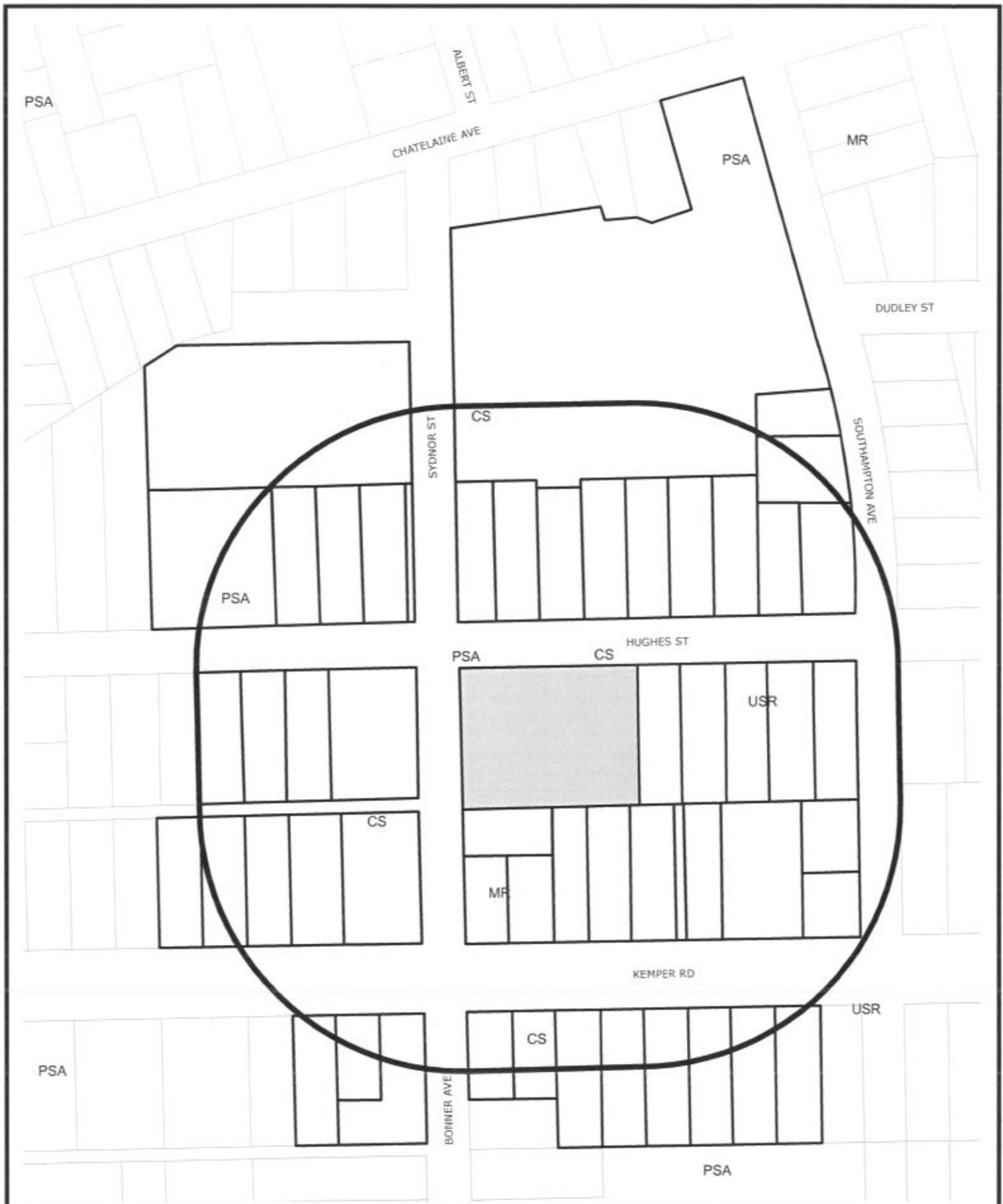
NEIGHBORHOOD REACTION: Thirty-four (34) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) responses were received. Five (5) were not opposed (DRHA, New, Griffin, Gazanfar, and Gazanfar). Two (2) were opposed (Jones and Dawkins).



2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
2/19/2015

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YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
 Planning Division
 2/19/2015

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PLANNING COMMISSION MINUTES
April 13, 2015

MEMBERS PRESENT

Mr. Searce
Mr. Dodson
Mr. Garrison
Mr. Wilson
Mr. Bolton
Mrs. Evans
Mr. Jones

MEMBERS ABSENT

STAFF

Shanta Hairston
Ken Gillie
Renee Burton
Scott Holtry
Clarke Whitfield

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

I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP20150000086, filed by Niaz Yousafzai requesting a Special Use Permit to allow for a waiver of 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 544 Memorial Drive, otherwise known as Grid 1712, Block 011, Parcel 000002 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to reduce the front yard setback to 6 feet where 30 feet is required.*

Mr. Holtry read the staff report. Twelve notices were sent to surrounding property owners within 300 feet of the subject property. Two responses were not opposed; one response was opposed.

Mr. Searce opened the Public Hearing.

Present to speak on behalf of the request was Mr. Khalil Khan for Niaz Yousafzai.

Mr. Khan stated my name is Khalil Khan, I'm the brother of Niaz. He doesn't speak much English. All he's asking for is just a special permit to extend this place where in the times of summertime people have seating outside there. It is not any more extravagant than what you do in the restaurant. In the summer time in a restaurant, people like to sit outside and watch traffic go by. That's all it is.

Mr. Searce asked any questions from the Commissioners?

Mr. Jones asked from my understanding it's just the awning right? There's not going to be an enclosing at all?

Mr. Khan stated it's not going to be enclosed, just awning.

Mr. Wilson asked what is the structure made of? I didn't really see that. What is the covering made of? Is it more glass, canvas, or is it metal?

Mr. Khan stated it's not metal.

Mr. Yousafzai stated you can see the green awning in the picture. It's the same kind of awnings.

Mr. Wilson stated that awning that's on there now is the current awning.

Mr. Khan stated yes it will be the same material but it will come out farther.

Mr. Wilson stated looking at the picture here it looks like if I'm reading this correctly that the awning will come out. Is this the current awning right here?

Mr. Khan stated yes.

Mr. Wilson asked then it will connect to another canvas awning that will extend on out to what's the patio area already? It's already there.

Mr. Khan stated the awning will be extended and the patio will be extended with the same structure.

Mr. Scearce stated it looks like it's a flat type of awning.

Mr. Wilson stated I get that. I'm more interested in what that awning is made of. The extension awning is made of canvas as well.

Mr. Khan stated the awning now is made of canvas.

Mr. Wilson stated I understand that but I'm talking about the extension. Sometimes you see those little metal holding supporters.

Mr. Khan stated the awning will be canvas.

Mr. Wilson stated but the structure will be composed of metal.

Mr. Khan stated yes.

Mr. Wilson asked you'll have a canvas with the same awning draped over it?

Mr. Khan stated yes.

Mr. Wilson asked and you'll be able to see through it out to the road?

Mr. Khan stated yes. That's the purpose of it.

Present in opposition to the request was Mr. Bill Shelton, the KFC operator.

Mr. Shelton stated my name is Bill Shelton and I operate the Kentucky Fried Chicken which is about three locations down southwest of the corner location that is in question. My question just recently there, if the awnings are allowed then would that mean that you also could put up a permanent concrete block of brick or whatever walls there? That was just one question. My objection to the situation is in any food business, you look for location, location, location. Part of location, location, location is vision, vision, vision- that people can see you, that they can get in your business in a very convenient way, that you have parking- and some of those decisions to do business with your restaurant is based on right then what they see. It may be a brand name like KFC or whatever it might be. That was my prime

objection to allowing this six foot variance. I'm hard pressed to see where a six foot variance would be safe for the public in general, referencing driving. You're driving up to that intersection crossing that bridge and to me I know we all trust these stoplights a great deal, but I try not to trust them completely. I like to see the traffic that's coming and going before I fully commit. So those are just a couple of ideas that I have, but I already heard this gentleman say that you're recommending to go along with this request. So my final statement would be that our City planners in the past have thought that 30 feet was needed, so I'm really scratching my head on why we could reduce it to a six feet. What they're thinking was in the past and I look around downtown and I see why one of the big things that doesn't do any business is that people see they can't get a good parking spot, they can't get anywhere conveniently.

Mr. Scarce asked anyone else wishing to speak?

Mr. Scarce closed the Public Hearing.

Mr. Scarce asked the already existing fence that's there, is this to fix this or do we need to pass this just because he's going to put a topper on.

Mr. Gillie stated it's okay to have the fence, but when you put a roof over anything we consider it like any other structure. They could come back later on and enclose it and put it with block or something in the future. They could actually enclose the whole thing.

Mr. Scarce asked at this point it's just specifically metal fencing?

Mr. Gillie stated yes.

Mr. Wilson stated I thought this was going to be a simple one. I'm a little confused about the six foot because it looks to me that there's already a patio area out there that's got a fence around it. I mean the six foot section's already been taken.

Mr. Gillie stated it's not enclosed. It has no walls or coverings or anything over it, so it's just a fence. Now he could in the future put walls, put glass, put whatever he decides there and fully enclose that area. That's what we're looking at. It's not that it necessarily has a fence right now, you could fence your entire lot and still be in compliance with the Code. It's the future of if it's fully enclosed, roof over top of it or anything else. By asking for this to put the canopy on top and the poles and everything else, we're considering this just like a full enclosure.

Mr. Wilson stated so in essence if we were to vote yes on this awning going out, we're also voting yes for a full enclosure of that facility.

Mr. Gillie stated you could condition it but from staff's perspective, we don't treat them any differently. Once it has the roof and poles over top of it, for someone to enclose it is a rather simple thing. We look at it as just as obstructive whether it's open on the sides or not. If you think of these things, you could think of Kick Back Jack's has what they call their smoking area, but in the winter time they zip it up and kind of enclose that. Buffalo Wild Wings also has their tentative structure I guess on maybe the eastside of the facility which is open, but they have that same option of enclosing that. He's proposing right now to leave it an open area, but we feel like in the future it could close, so that's why we're recommending what

we're recommending. It doesn't go so far to create a site distance issue, but we feel in the future it makes sense for this to possibly be enclosed fully.

Mr. Jones asked did we give KFC a special permit? Was it this KFC or the other one?

Mr. Gillie stated it was the other one on Piney Forest Road.

Mr. Bolton asked how far are they off the highway.

Mr. Holtry stated this KFC is about 24 feet from the public right of way.

Mr. Gillie stated the one on Piney Forest I think we gave a special use permit to get 15 or so. It's been a little while ago. Because it was up on a hill and doesn't create a site issue we feel the same thing on this case. Because of the recommended distance from Memorial and Union, we don't think it'll cause a problem.

Mr. Bolton asked if we conditioned it without the structure, let's say only a canopy and then five years later he wanted to enclose it, could he come back at that time?

Mr. Wilson stated just for clarification before we do that, we've had someone speak and all they're asking for is just something that looks about that thick over an already fenced in area that you can already see through. So if we make a proposal for them to have to come back, that would really protect the person but raise some issues as well. So any additional structures would have to come back, drawings would be submitted and things like that so we could take a look at it? Mr. Wilson stated I'm really just back to my thing about wanting to see what it is and actually having a visual for what it is we're wanting to do here.

Mr. Gillie stated you could recommend approval of a canopy only with no enclosure. That way if they want to enclose it in the future they would have to come back.

Mr. Wilson made a motion for approval with conditions per staff and required that they come back before the Commission if they ever want to request a full enclosure. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

2. *Special Use Permit Application PLSUP20150000090, filed by Michael Benton requesting a Special Use Permit to allow retail sales in a warehouse, wholesale or manufacturing establishment in accordance with Article 3.0; Section C, Item 12 of the Code of the City of Danville, Virginia, 1986, as amended at 823 Industrial Avenue, otherwise known as Grid 2605, Block 010, Parcel 000022 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a retail establishment within a warehouse.*

Mrs. Burton read the staff report. 30 notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed; two responses were opposed.

Mr. Searce opened the Public Hearing.

Present to speak on behalf of the request was Mr. Mike Benton.

Mr. Benton said I'm Mike Benton and I'll be glad to answer any questions on this request. It's a simple kind of understood thing I think. I'm the president of DGI Line and Benton Thomas Incorporated and we sold a third of our company about a year ago to Ennis and we've got space available and we want to try to make use of it in a way that may be beneficial and profitable to the City.

Mr. Scarce asked any questions from the Commissioners?

Mr. Dodson asked how many parking spaces is he required to have?

Mr. Benton stated if I use 2,000 square feet where you're supposed to have ten, I can create 50 over there if I need to. I've got plenty of space. I've got this ten in the back very easily where people could pull in if they wanted to. We're not talking about a high traffic retail operation, I'm afraid. I wish it was but it's not going to be, you know?

Mr. Scarce asked any other questions?

Mr. Garrison stated I have a question and this is to staff. There's going to be 2,000 square feet of retail space. If I'm looking for a used office desk and I go in there and in that 2,000 square feet I don't find what I'm looking for and I go on out the door and Mr. Benton says, "Wait a minute, I've got something in the back. Let's go in the back and take a look", does that then make all of that space retail space?

Mr. Gillie stated if it happens on an infrequent basis, no. I'm not going to go in there and make sure he's pointing someone to another part of the building to show them something. In general this is where he's going to have that area for sale, so we consider that the main retail space. If he does take someone out, I'm not hounding down on that.

Mr. Garrison stated I just wanted to make sure. I'm not against it, I'm just curious.

Mr. Gillie asked is it a technical violation? Possibly, but it's not something we're going to go in looking for.

Mr. Wilson stated some of your conditions like parking, Zoning Code, operation construction required will comply- I guess my question is do they now? In other words are there enough parking spaces and will there be requirements of the applicant on zoning, building and fire codes that he doesn't currently have.

Mr. Gillie stated he will have to comply with the building and fire code. He may or may not comply with it at this time. We'll have a change of use survey done with the building department and fire department just to make sure that everything is up to code. The parking spaces should be sufficient. He'll have to mark off a few additional spaces and again, staff is possibly looking at changing some of our regulations. That's kind of standard language for us to put it in change of use that they have to meet the minimum requirements so we're looking at possibly changing that in the future. The hours of operation- we don't have anything on that right now- but he's asking to do something that he's not doing so we're looking to put some hours on just to protect the neighborhood. I don't believe the hours of operation caused him any problems whatsoever; but we thought it would be good to have it on paper so if he sells the building, any future owners knows what to expect coming into it.

Mr. Scarce closed the Public Hearing.

Mr. Bolton made a motion for approval as submitted with staff recommendations. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

II. MINUTES

Mr. Garrison made a motion to approve the March 9, 2015 minutes. Mr. Bolton seconded the motion. The motion was approved by a 7-0 vote.

III. OTHER BUSINESS

With no further business, the meeting adjourned at 3:24 p.m.

APPROVED