



City Planning Commission

POST OFFICE BOX 3300

DANVILLE, VIRGINIA

(434) 799-5261

JULY 13, 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 PLSUP20150000182, filed by National Restaurant Designers 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 1041 Piney Forest Rd, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.*
 2. *Rezoning Application PLRZ20150000183, filed by Ricky and Shelby Wharton requesting to rezone from T-R, Threshold Residential to S-R, Suburban Residential, Parcel ID #60027 On Altice Drive, otherwise known as Grid 1916, Block 002, Parcel 000016 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to allow for a consolidation.*
 3. *Rezoning Application PLRZ20150000184, filed by Blue Ridge Towers requesting to amend the Year 2020 Land Use Plan from OPT Office Professional Transitional to HI Heavy Industry and to rezone from TO-C, Transitional Office District to "Conditional" M-I Industrial Manufacturing District, on parcel ID# 60538, otherwise known as Grid 0608, Block 004, Parcel 000022.001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to allow for the construction of a communication (cell) tower.*
 4. *Special Use Permit Application PLSUP20150000185, filed by Blue Ridge Towers requesting a Special Use Permit to allow a communication tower in accordance with Article 3.Q; Section C, Item 8 of the Code of the City of Danville, Virginia, 1986, as amended on parcel ID# 60538, otherwise known as Grid 0608, Block 004, Parcel 000022.001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to construct a communication (cell) tower at this location.*
- IV. APPROVAL OF MINUTES FROM JUNE 8, 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 PLSUP20150000182, filed by National Restaurant Designers 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 1041 Piney Forest Rd, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.

Background:

A request has been filed by National Restaurant Designers for 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 1041 Piney Forest Rd, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.

This property is currently developed with a Biscuitville restaurant and accompanying off street parking spaces. The applicants plan to remodel the interior of the store, as well as add an addition to the front. This addition will allow for internal access to bathrooms as well as reconfigure the dining area. The addition will be approximately 8'10" x 28'3" with an additional 3'6" overhang around the addition. This will make the setback approximately six (6) foot where thirty (30) feet is required.

The new addition will actually reduce the number of seat from 56 to 52 due to the construction of internal bathroom facilities. This addition will result in the loss of one (1) parking space, but due to the reduction in seating capacity, no issue is created since the existing parking lot has sufficient spaces to meet the seating needs.

Eight (8) 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 July 13, 2015.

Staff Analysis and Recommendation:

Staff believes the expansion will be in keeping with the character of surrounding properties and will not impact traffic along Piney Forest Road and Ash Street. Due to the substantial right-of-way at the intersection of these two (2) roads, the addition will still be approximately twenty-seven (27) feet from the back of the curb on Piney Forest Road, twenty-five (25) feet from the stop bar exiting Ash Street onto Piney Forest. The setback proposed of six (6) feet will be on the Ash Street frontage.

Based on the above analysis, staff recommends approval of Special Use Permit Application PLSUP20150000182, filed by National Restaurant Designers 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 1041 Piney Forest Rd, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. Staff recommends approval with the following conditions:

1. The front yard setback shall not be less than six (6) feet along the Ash Street (south) side of the property.
2. The front yard setback shall not be less than twenty (20) feet along the Piney Forest (east) side of the property.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP20150000182 with conditions per staff.
2. Recommend approval of Special Use Permit Application PLSUP20150000182 subject to conditions by the Planning Commission.
3. Recommend approval of Special Use Permit Application PLSUP20150000182 as submitted.
4. Recommend denial of Special Use Permit Application PLSUP20150000182 as submitted.

Attachments:

Application (includes site and interior plan and elevation drawing)
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: _____

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
(PLEASE TYPE OR PRINT)

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

Gross Area/Net Area: 1,969 SQ. FT. Property Address: 1041 Piney Forest Rd. Danville, VA 24540

Property Location: W Side of: Piney Forest Rd. at the corner of Ash St. And Piney Forest Rd.

Between: Golden Skillet and Skate Town

Proffered Conditions (if any, please attach): _____

6/15/15

EXPLANATION OF REQUEST:

I. 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:

Provide a approximately 12' dining room addition to the front of the Existing Biscuitville Building at 1041 Piney Forest Rd. in Danville, VA. Existing Building is +/- 1,716 SQ. FT. addition will be +/- 253 SQ. FT.

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

1. NAME: Biscuitville TELEPHONE: 336-553-3746

MAILING ADDRESS: 1114 Yanneyville ST. Suite 300 Greensboro, NC 27405

SIGNATURE:  DATE: 6/15/15

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS

dshotwell@biscuitville.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: National Restaurant Designers (Paige Wood) TELEPHONE: 919-544-0087

MAILING ADDRESS: 2805 Meridian Parkway Durham, NC 27713

EMAIL ADDRESS: ewood@lmht.com

SIGNATURE:  DATE: 6.15.15



Biscuitville
FRESH SOUTHERN

BV118 Danville, VA, Piney Forest Rd.

Rev. 1: 6-10-15

Restroom Addition



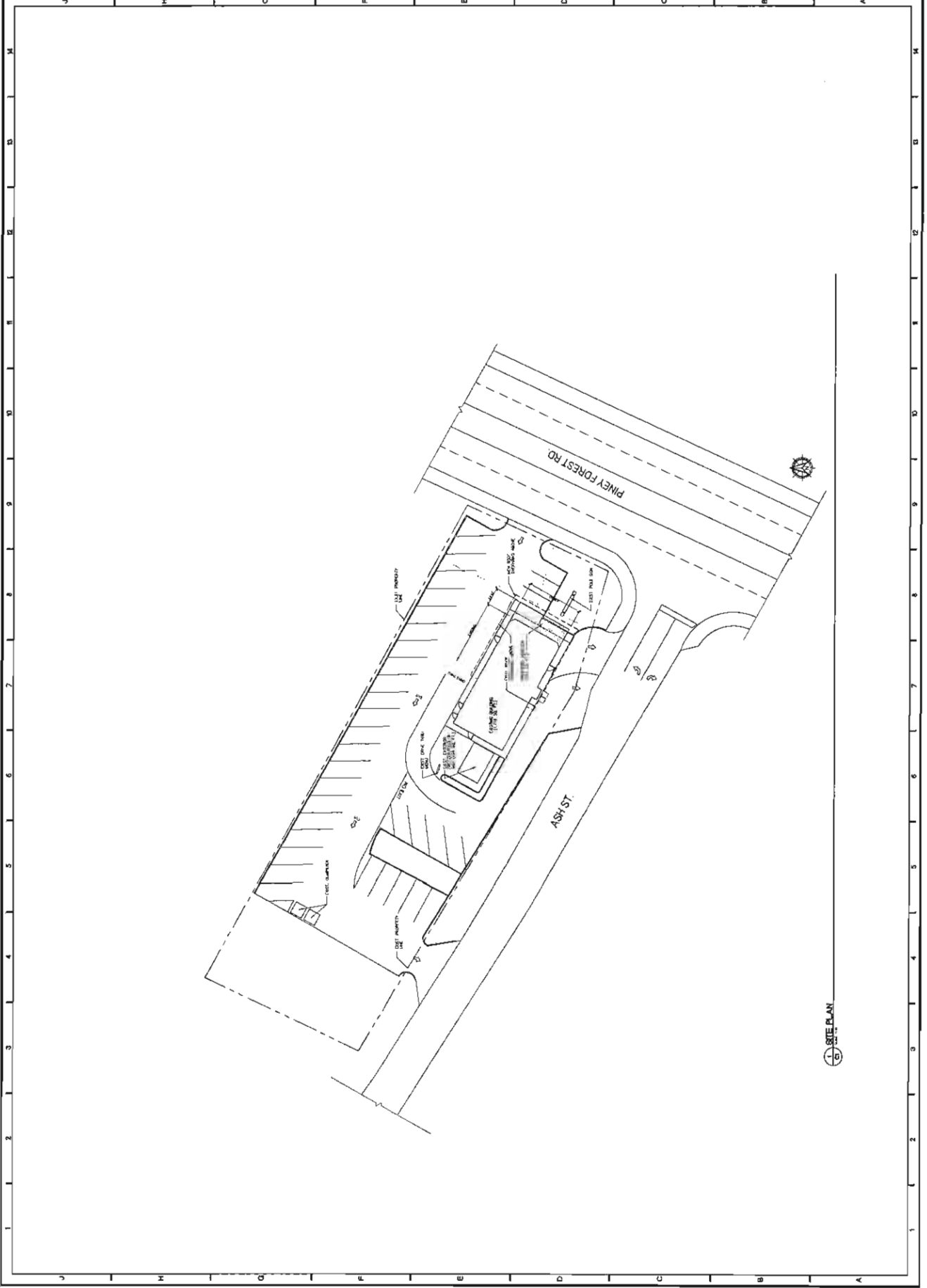
15111
M&P ENGINEERING AND SURVEYING, INC.
1000 W. PINEY FOREST RD.
DANVILLE, VA 24040

PROJECT: BISCUITVILLE
STORE # 108 - EXTENSION UPGRADE
104 PINEY FOREST RD.
DANVILLE, VA 24040

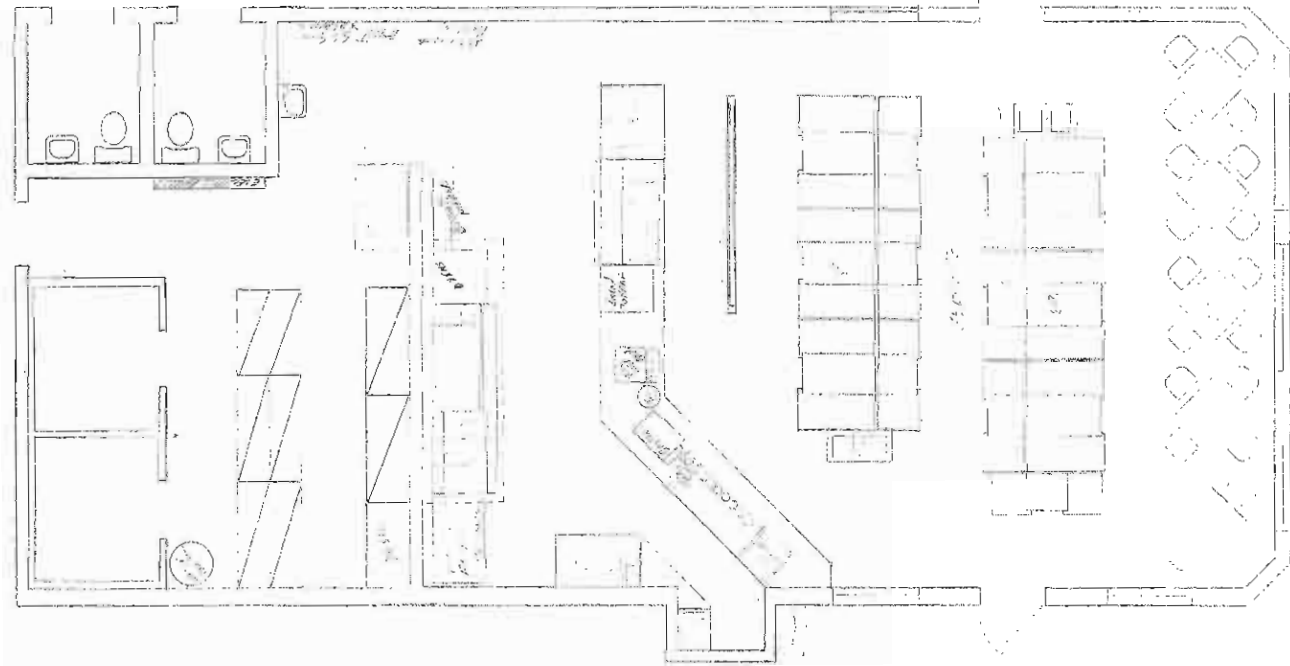
DRAWING: SITE PLAN
Revisions
REVISION DATE

PROJECT DATE
6/11/15
Drawn By
JA
Checked By
PW
Sheet No

12



12
SITE PLAN



1011. In view of the fact that the
 wall in the kitchen - 1011, is at present
 being built, and the
 fact that the kitchen is at present
 being built, it is suggested that

1011

DATE	APPROVED BY	DESIGNED BY

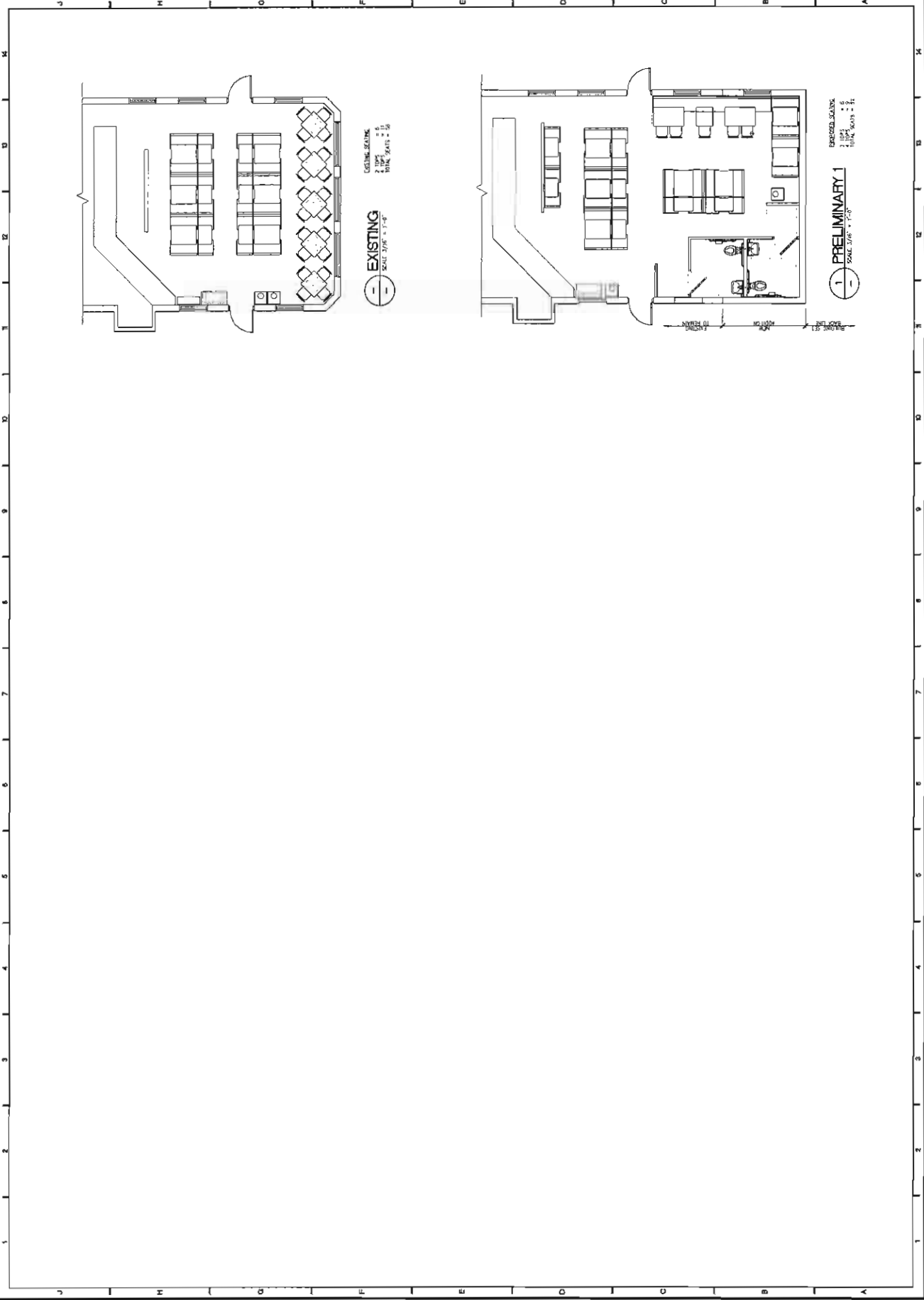


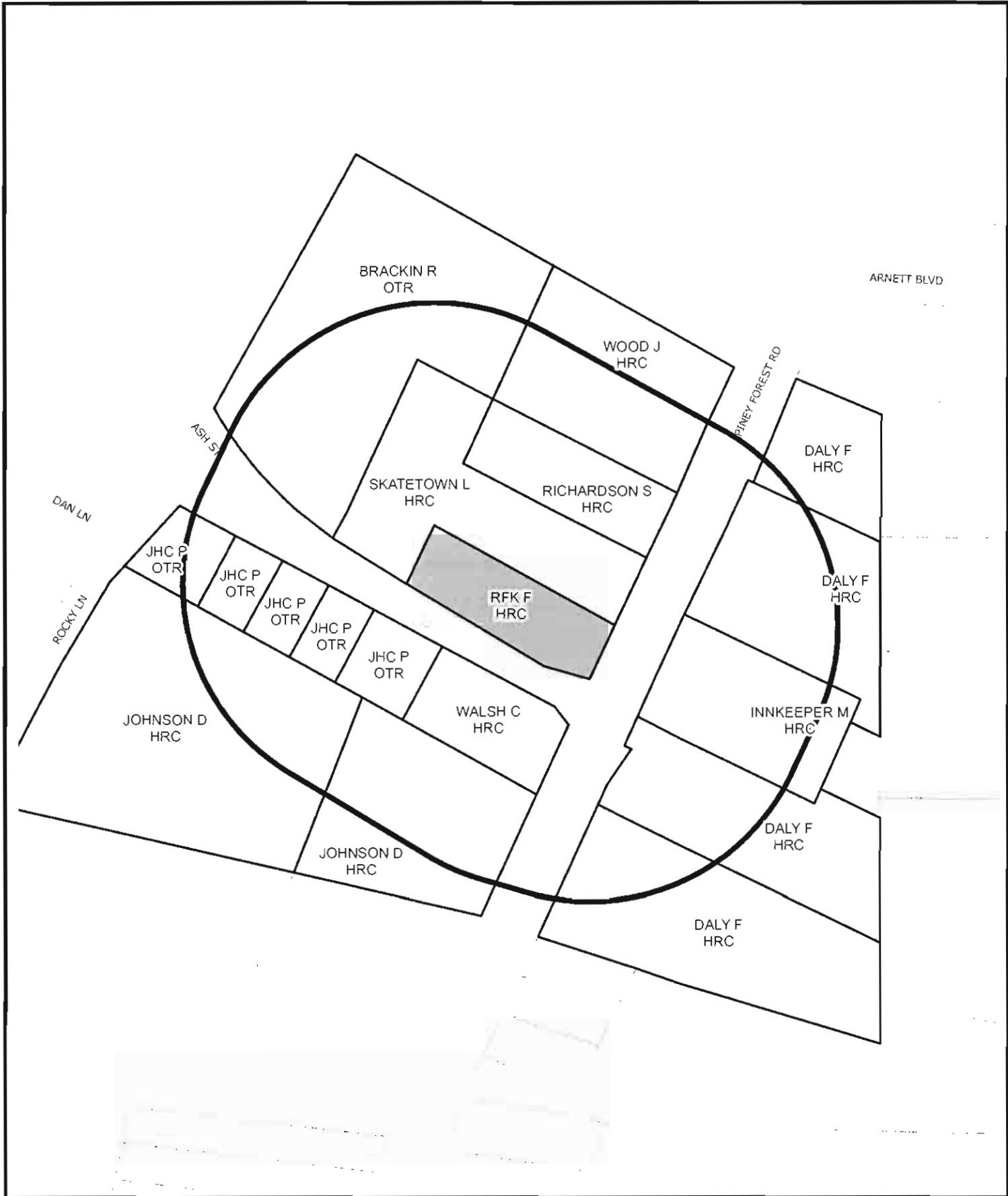
PROJECT: **BISCUITVILLE**
 STORE # 11 - EXTENSION UPGRADE
 1041 PINEY FOREST RD.
 DANVILLE, VA 24040

DRAWING: CONCEPT DRAWINGS
 REVISIONS:
 REVISION DATE:
 REVISION DESCRIPTION:
 REVISION BY:

PROJECT DATE: 6/11/15
 DRAWN BY: TA
 CHECKED BY: PW
 SHEET NO.:

PRE





SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
 Planning Division
 6/24/2015

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: July 13, 2015

LOCATION OF PROPERTY: 1041 Piney Forest Rd

PRESENT ZONE: HR-C Highway Retail Commercial

LAND USE PLAN DESIGNATION: Community Service

ACTION REQUESTED: The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.

PRESENT USE OF PROPERTY: Biscuitville Restaurant.

PROPOSED USE OF PROPERTY: Expanded Biscuitville Restaurant.

PROPERTY OWNER (S): RFK Family Limited

NAME OF APPLICANT (S): National Restaurant Designers

PROPERTY BORDERED BY: Commercial to the north, east and south, residential to the west.

ACREAGE/SQUARE FOOTAGE: 0.62 acres

CHARACTER OF VICINITY: Commercial

INGRESS AND EGRESS: Piney Forest Road and Ash St.

TRAFFIC VOLUME: High and Low

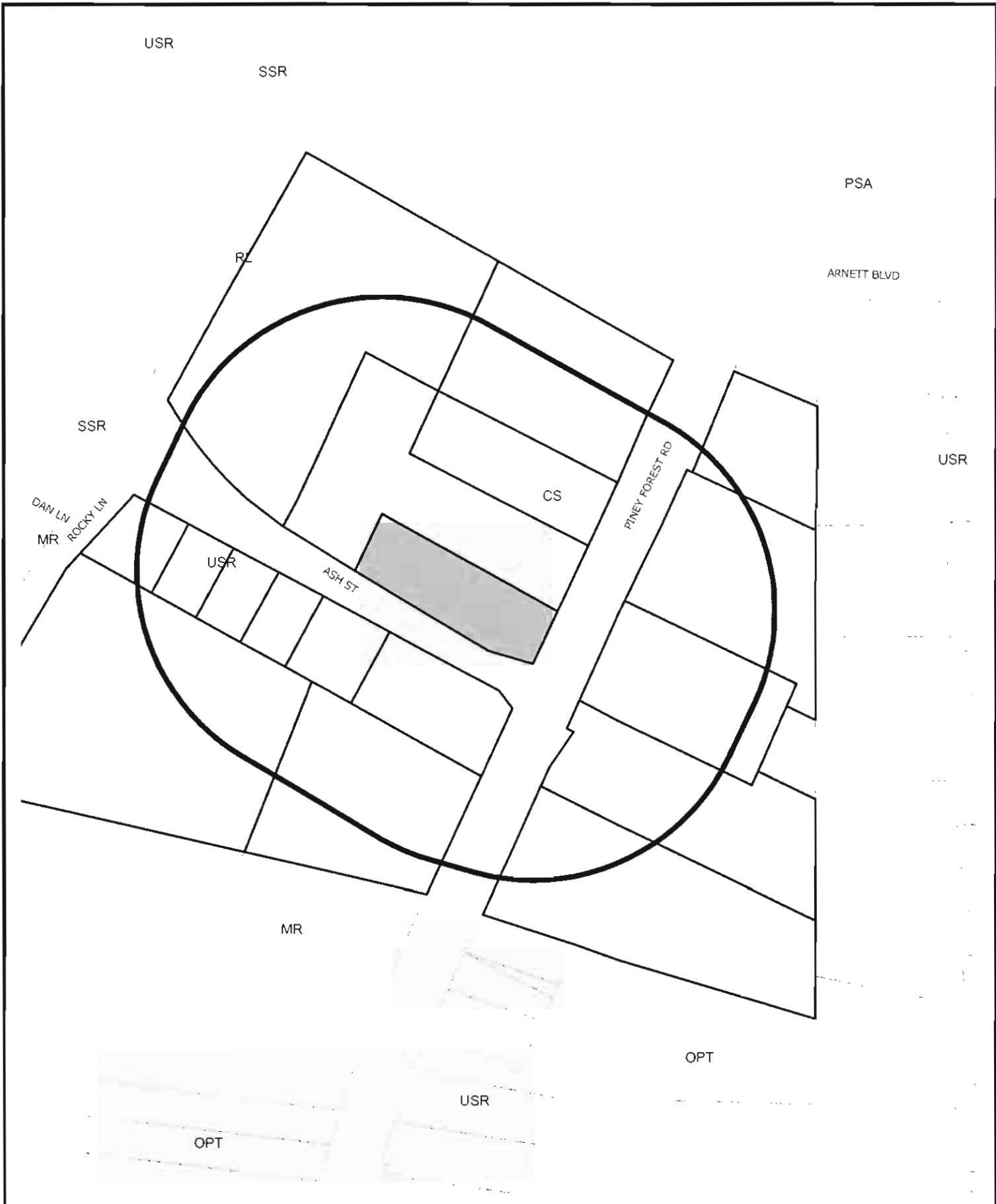
NEIGHBORHOOD REACTION: To be reported at the Planning Commission meeting of July 13, 2015.



2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/24/2015

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YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
 Planning Division
 6/24/2015

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PLANNING REPORT

P.O. Box 3300

Danville, VA 24543

(434) 799-5261

City Planning Commission

Meeting of July 13, 2015

Subject:

Rezoning Application PLRZ20150000183, filed by Ricky and Shelby Wharton requesting to rezone from T-R, Threshold Residential to S-R, Suburban Residential, Parcel ID #60027 On Altice Drive, otherwise known as Grid 1916, Block 002, Parcel 000016 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to allow for a consolidation.

Background:

A request has been filed by Ricky and Shelby Wharton requesting to rezone from T-R, Threshold Residential to S-R, Suburban Residential, Parcel ID #60027 On Altice Drive, otherwise known as Grid 1916, Block 002, Parcel 000016 of the City of Danville, Virginia, Zoning District Map. The applicants are proposing to rezone to allow for a consolidation.

This property is currently an undeveloped lot owned by the applicants. The applicants own a total of three adjoining lots in the area. One lot has their residence and two additional vacant parcels. One of the vacant parcels is zoned S-R Suburban Residential, but the other is not. All properties must share the same zoning classification in order to be consolidated per code.

Thirty-six (36) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A complete report will be presented at the Planning Commission meeting of July 13, 2015.

Staff Analysis and Recommendation:

Staff recommends approval of Rezoning Application PLRZ20150000183, filed by Ricky and Shelby Wharton requesting to rezone from T-R, Threshold Residential to S-R, Suburban Residential, Parcel ID #60027 On Altice Drive, otherwise known as Grid 1916, Block 002, Parcel 000016 of the City of Danville, Virginia, Zoning District Map. The applicants are proposing to rezone to allow for a consolidation.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning Application PLRZ20150000183 as submitted.
2. Recommend approval of Rezoning Application PLRZ20150000183 with conditions per Planning Commission.
3. Recommend denial of Rezoning Application PLRZ20150000183.

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: T-R
 PROPOSED ZONING: S-R TAX MAP NUMBER: 1916-002-000016.000
 RECEIVED BY: KCG DATE FILED: 6-9-15
 PLANNING COMMISSION DATE: 7-13-15 CITY COUNCIL DATE: 8-18-15

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: _____ Property Address: 209 Berman Drive Danville Va
 Property Location: S E W Side of: Altice Parcel: 0627 60027
 Between: Berman and Franklin Turnpike A c e r a g e
 Proffered Conditions (if any, please attach): None

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

1. NAME: Ricky + Shelby Wharton TELEPHONE: 434-228-3488
 MAILING ADDRESS: 209 Berman Drive Danville Va 24540
 SIGNATURE: [Signature] DATE: 6/9/15
 SIGNATURE: [Signature] DATE: 6/9/15
 EMAIL ADDRESS: rswhar209@yahoo.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: _____ TELEPHONE: _____
 MAILING ADDRESS: _____
 EMAIL ADDRESS: _____
 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:

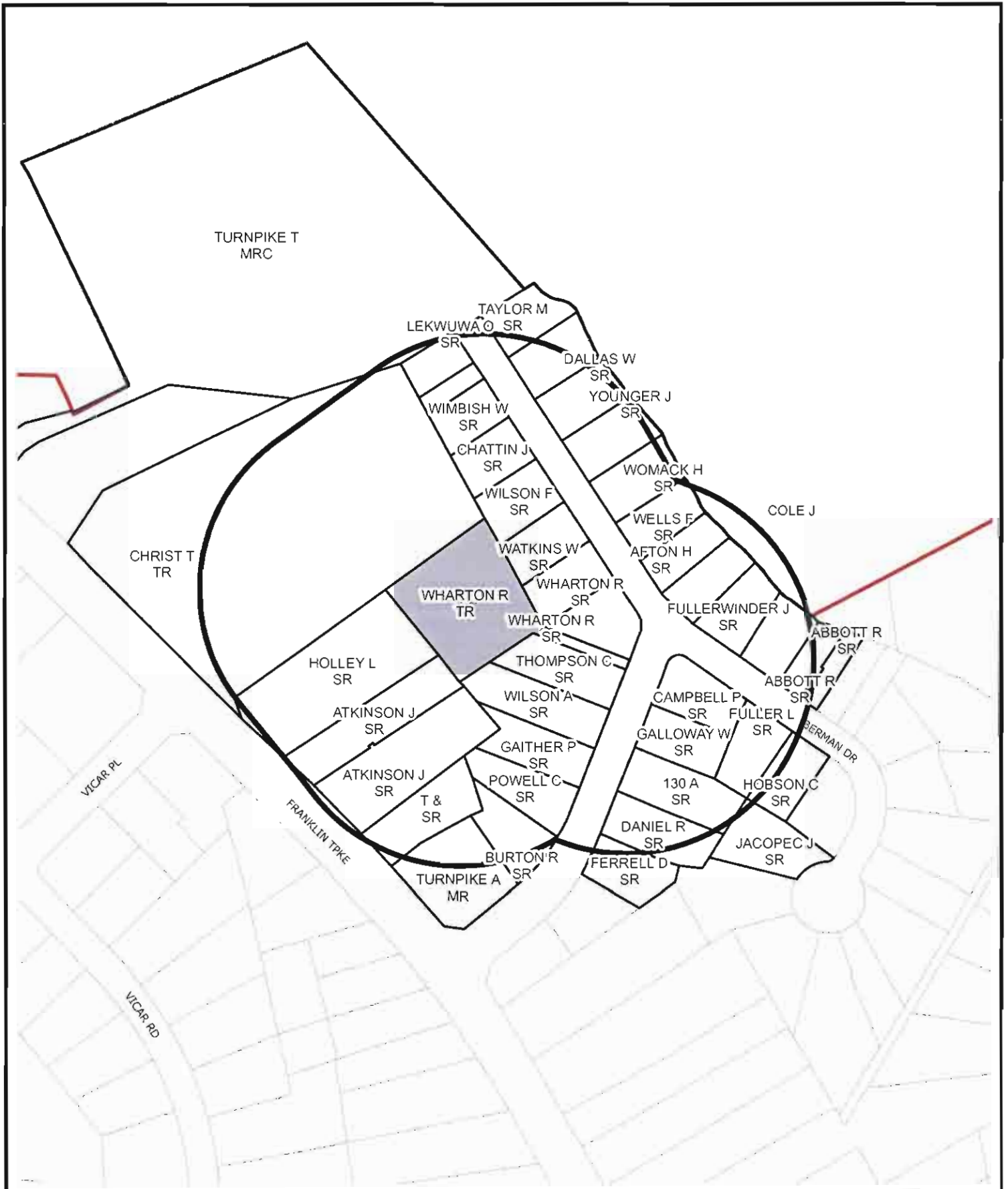
Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

Request a rezone property to allow for a consolidation.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
 Planning Division
 6/26/2015

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REZONING REQUEST
DATA SHEET

DATE:	July 13, 2015
LOCATION OF PROPERTY:	Parcel #60027 Altice Drive
PRESENT ZONE:	T-R Threshold Residential
PROPOSED ZONE:	S-R Suburban Residential
LAND USE PLAN DESIGNATION:	Residential
ACTION REQUESTED:	The applicant is requesting to rezone to allow for consolidation with adjacent property that they own.
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	Vacant
PROPERTY OWNER (S):	Ricky and Shelby Wharton
NAME OF APPLICANT (S):	Same
PROPERTY BORDERED BY:	Residential and Church to the north, residential to the east and south, mixed residential to the west.
ACREAGE/SQUARE FOOTAGE:	0.87acres
CHARACTER OF VICINITY:	residential
INGRESS AND EGRESS:	Altice Drive
TRAFFIC VOLUME:	Low
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of July 13, 2015.

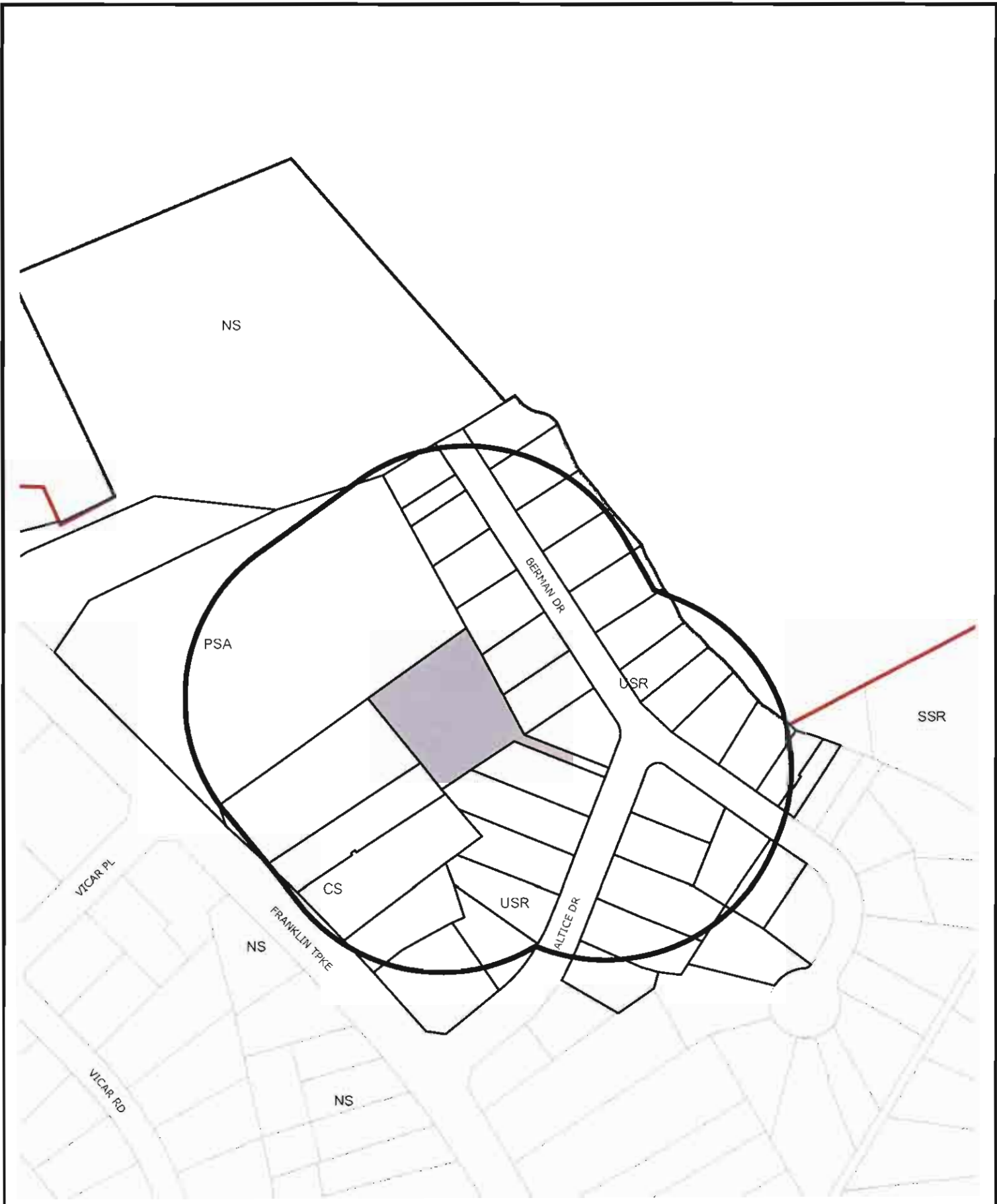


2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/24/2015

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YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
 Planning Division
 6/24/2015

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.





PLANNING REPORT

P.O. Box 3300

Danville, VA 24543

(434) 799-5261

City Planning Commission

Meeting of July 13, 2015

Subject:

Rezoning Application PLRZ20150000184, filed by Blue Ridge Towers requesting to amend the Year 2020 Land Use Plan from OPT Office Professional Transitional to HI Heavy Industry and to rezone from TO-C, Transitional Office District to "Conditional" M-I Industrial Manufacturing District, on parcel ID# 60538, otherwise known as Grid 0608, Block 004, Parcel 000022.001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to allow for the construction of a communication (cell) tower.

AND

Special Use Permit Application PLSUP20150000185, filed by Blue Ridge Towers requesting a Special Use Permit to allow a communication tower in accordance with Article 3.Q; Section C, Item 8 of the Code of the City of Danville, Virginia, 1986, as amended on parcel ID# 60538, otherwise known as Grid 0608, Block 004, Parcel 000022.001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to construct a communication (cell) tower at this location.

Background:

The subject property, parcel ID# 60538, is zoned TO-C, Transitional Office District and is improved with only a small abandoned commercial structure. The applicant, Anthony Smith on behalf of a Blue Ridge Towers, is requesting to amend the Year 2020 Land Use Plan from OPT Office Professional Transitional to HI Heavy Industry and to rezone from TO-C, Transitional Office District to "Conditional" M-I Industrial Manufacturing District and to obtain a Special Use Permit so that a communication tower may be constructed. The communication tower will be a 150' monopole tower.

The applicant has submitted a site plan and numerous balloon test photos. The balloon test photos show numerous locations throughout the City where an eight (8) foot orange balloon was flown at a height of approximately 150' on site on the parcel. The photos

are taken at numerous locations so that visibility of the balloon/tower can be determined. The photos are labeled with the locations that they were taken.

Article 2.R. 8 requires that the minimum setback distance must be a minimum of $\frac{1}{2}$ the height of the tower. This setback is necessary so that in the event of a failure, a tower that would break in half would be contained entirely on the parcel in which it is constructed. The applicant has provided an engineer signed letter from the manufacturer of the tower that states their tower will break at 75' which will allow the tower to break at a point that can be contained within the parcel lines of the property.

Article 2.R. 8 states:

The maximum height for commercial communication towers shall be one hundred and fifty (150) feet. An additional twenty (20) feet of antenna height may be added onto the maximum one hundred and fifty (150) foot tower height for the installation of omnidirectional or whip antenna for a total height of tower and antenna to be a maximum of one hundred and seventy (170) feet from grade. The minimum setback distance from the base of the commercial communications tower to any property line or to any adjacent nonresidential structure shall be equal to one-half ($\frac{1}{2}$) the total combined height of the tower and antenna, unless the City Manager or Planning Commission grants a waiver due to special or unusual characteristics.

Another point of concern is compliance with Article 2.R.5. To comply with this coverage maps that indicate that there is a void of coverage in this area have been included with this Staff Report. This lack of coverage has been confirmed by numerous cell service providers as well. To validate the need and use of this new tower, the applicant has provided a commitment from Ntelos.

Article 2.R.5. states:

No telecommunication tower(s) shall be located within five hundred (500) feet of a residential zoning district unless the applicant can otherwise demonstrate by providing coverage, interference and capacity analysis that the proposed location of the antenna is necessary to meet the frequency reuse and spacing needs of the wireless telecommunications facility and to provide adequate coverage and capacity to areas which cannot be adequately served by locating the tower(s) in a less sensitive area.

Nine (9) 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 July 13, 2015.

Staff Analysis and Recommendation:

Staff recommends approval of Rezoning Application PLRZ20150000184, filed by Blue Ridge Towers requesting to amend the Year 2020 Land Use Plan from OPT Office Professional Transitional to HI Heavy Industry and to rezone from TO-C, Transitional Office District to "Conditional" M-I Industrial Manufacturing District, on parcel ID# 60538, otherwise known as Grid 0608, Block 004, Parcel 000022.001 of the City of Danville, Virginia, Zoning District Map subject to the conditions submitted by the applicant.

Staff recommends approval of Special Use Permit Application PLSUP20150000185, filed by Blue Ridge Towers requesting a Special Use Permit to allow a communication tower in accordance with Article 3.Q; Section C, Item 8 of the Code of the City of Danville, Virginia, 1986, as amended on parcel ID# 60538, otherwise known as Grid 0608, Block 004, Parcel 000022.001 of the City of Danville, Virginia, Zoning District Map subject to the condition that the structure shall be a metal monopole. Staff recommends monopoles due to their similarity to other utility structures used by the City of Danville, and their lower failure rate compared to lattice type towers.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning Application PLRZ20150000184 as submitted.
 2. Recommend approval of Rezoning Application PLRZ20150000184 subject to conditions by the Planning Commission.
 3. Recommend denial of Rezoning Application PLRZ20150000184 as submitted.
-
1. Recommend approval of Special Use Permit Application PLSUP20150000185 as submitted.
 2. Recommend approval of Special Use Permit Application PLSUP20150000185 subject to the condition per staff.
 3. Recommend approval of Special Use Permit Application PLSUP20150000185 subject to conditions by the Planning Commission.
 4. Recommend denial of Special Use Permit Application PLSUP20150000185 as submitted.

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: 2.42 acres Property Address: Parcel # 60538
 Property Location: N S E W Side of: Bishop Rd
 Between: DAK Ridge Ave and Bishop Rd
 Proffered Conditions (if any, please attach): Proffered conditions attached

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

1. NAME: Industrial Development Authority TELEPHONE: 434-793-1753
 OF Danville, VA
 MAILING ADDRESS: 427 Patton Street # 203 Danville, VA
 SIGNATURE: [Signature] DATE: 7/3/2015
 SIGNATURE: _____ DATE: _____
 EMAIL ADDRESS: wrightloci.danville.va.us

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Blue Ridge Towers / Anthony S.L TELEPHONE: 540-397-6628
 MAILING ADDRESS: 401 Gainsboro Rd Roanoke VA 24016
 EMAIL ADDRESS: ASmith@BlueRidgeTowers.com
 SIGNATURE: [Signature] DATE: 6/15/15

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:

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

Blue Ridge Towers seeks to have the zoning of parcel # 60538 from TOC (Transitional Office) to IM Manufacturing District for the construction of a cell tower. This will be a continuation of the existing zoning of the adjacent parcel.

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

B. - Permitted Uses.

1. Airport.
2. Aircraft-related industry.
3. Artisan/craftsman manufacturing.
4. Auto and light vehicle service establishments (with screened outdoor service and storage areas).
5. Contractor's offices, shops and storage yards.
6. Establishments for scientific research, development and training, or corporate offices (excepting biomedical, biological and chemical establishments).
7. Establishments for manufacturing, production, processing, assembly, compounding, cleaning, servicing, storage, testing, repair and distribution of materials, goods or products, which conform to federal, state and City environmental performance standards. (excepting those uses which are specifically prohibited by this article or which require a special use permit).
8. Gasoline sales establishments (with indoor repair services and no outdoor vehicle storage).
9. Heavy equipment sale, rental and service establishments, including farm equipment.
10. Heavy vehicle service establishments (with screened outdoor service and storage areas).
11. Hotels and motels, with or without eating establishments.
12. Light wholesale trade establishments, (with outdoor storage).
13. Lumber yards and building material yards, to include rock sand and gravel storage.
14. Metal fabrication.
15. Motor freight terminals.
16. Motor vehicle storage and impoundment yards.
17. Plant nursery.
18. Private training facilities and vocational schools.
19. Recycling centers.
20. Retail sales related to establishments permitted by-right, provided that products are produced on the premises or by the same corporate entity.
21. Storage yards (with coverage subject to Additional Regulations).
22. Truck or train terminal.
23. Uses permitted by right or by special use permit in the LED-I District.
24. Uses permitted by right or by special permit in the HR-C District.
25. Warehouses, including mini-warehouses.
26. Exterminator.

(Ord. No. 2004-02.04, Art. 3.Q, § B, 2-17-04; Ord. No. 2005-04.04, 4-5-05)

C. - Uses Permitted by Special Use Permit.

1. Adult entertainment establishments. ✕
2. Asphalt mixing plant.
3. Automobile auction facility.
4. Blast furnace.

5. Bulk storage of flammable materials.
6. Bus and railroad terminals.
7. Coal, wood or wood distillation facilities.
8. Communication towers.
9. Concrete mixing and batching production.
10. Drive-in movie theaters.
11. Establishments for biomedical, biological and chemical scientific research, development and training.
12. Extraction, storage or distribution of mineral resources, including gravel or sand.
13. Fertilizer, lime or cement manufacturing.
14. Heavy public utility uses, to include:
 - a. Electrical generating plants.
 - b. Sewerage treatment plants.
15. Hellports and hellpads.
16. Junkyard, as defined.
17. Metal foundries, smelting, processing, fabrication and storage.
18. Power generation facility.
19. Private garbage incineration.
20. Public utilities and facilities.
21. Residential dwelling unit appurtenant to and contained within a commercial or industrial building for the specific use of a watchman or caretaker.
22. Sanitary landfill.
23. Soap manufacture.
24. Stockyards.
25. Tanning and curing of skins.
26. Use with lot frontage on the Dan River.
27. Use with lot frontage or within the aviation impact area of the Danville Regional Airport.
28. Veterinary hospitals, inclusive of boarding kennels.
29. Waiver of floor area ratio.
30. Waiver of building height.
31. Waiver of minimum lot size.
32. Waiver of minimum district size when in conformance with the Comprehensive Plan.
33. Regional brewery.
34. Cemetery.

(Ord. No. 2004-02.04, Art. 3.Q, § C, 2-17-04; Ord. No. 2012-11.09, 11-20-12; Ord. No. 2014-09.07, 9-16-14)

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: _____

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
(PLEASE TYPE OR PRINT)

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

Gross Area/Net Area: 2.42 acres Property Address: Parcel # 60538
Property Location: N S E W Side of: Bishop Rd
Between: Bishop Rd and OAK Ridge Ave
Proffered Conditions (if any, please attach): Proffered conditions attached #8, #14, #23 and #24

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:

Blue Ridge Towers, Inc is seeking permission to construct
A communication tower at this site. The tower will
be 150' in height.

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

1. NAME: Industrial Development Authority of TELEPHONE: 434-793-1753
DANVILLE, VA
MAILING ADDRESS: 427 Patton Street #203 Danville, VA
SIGNATURE: _____ DATE: _____
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: Wright1@ci.danville.va.us

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Anthony Smith / Blue Ridge Towers TELEPHONE: 540-397-6628
MAILING ADDRESS: 401 Gainsboro Rd Roanoke VA 24016
EMAIL ADDRESS: ASmith@Blueridgetowers.com
SIGNATURE: [Signature] DATE: 6/15/15

Michael F. Plahovinsak, P.E.

June 26, 2015

Blue Ridge Towers

Re: Proposed 150-ft Monopole
Located in Danville, VA- Oak Street Site
MFP #23515-383 / TAPP TP-13526

I understand that there may be some concern on the part of local building officials regarding the potential for failure of the proposed communication monopole. Communication structures are designed in accordance with the Telecommunications Industry Association ANSI/TIA-222-G, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures". This structure is to be fabricated by TransAmerican Power Products.

I have designed this monopole to withstand a basic wind speed of 90 mph as recommended by ANSI/TIA-222-G for Danville, Virginia. *The design also conforms to the requirements of the 2006-2012 International Building Code.*

This monopole has been intentionally designed to accommodate a fall radius. The upper 75' of the pole has been designed to meet the wind loads of the design, however, the lower portion of the pole has been designed with a minimum 10% extra capacity. Assuming the pole has been fabricated according to my design and well maintained, in the event of a failure due to extreme wind and a comparable appurtenance antenna loads (winds in excess of the design wind load), it would yield/buckle at the 75' elevation, swing down and be supported by the ground and the buckle point at 75'. After the pole has buckled, it would be very unlikely that the section would become unattached due to crumpled steel and internal coaxial cables. Under these circumstances, neighboring property would be unaffected by a collapse.

The structure has been designed with all of the applicable factors as required by the code. Communication poles are safe structures with a long history of reliable operation.

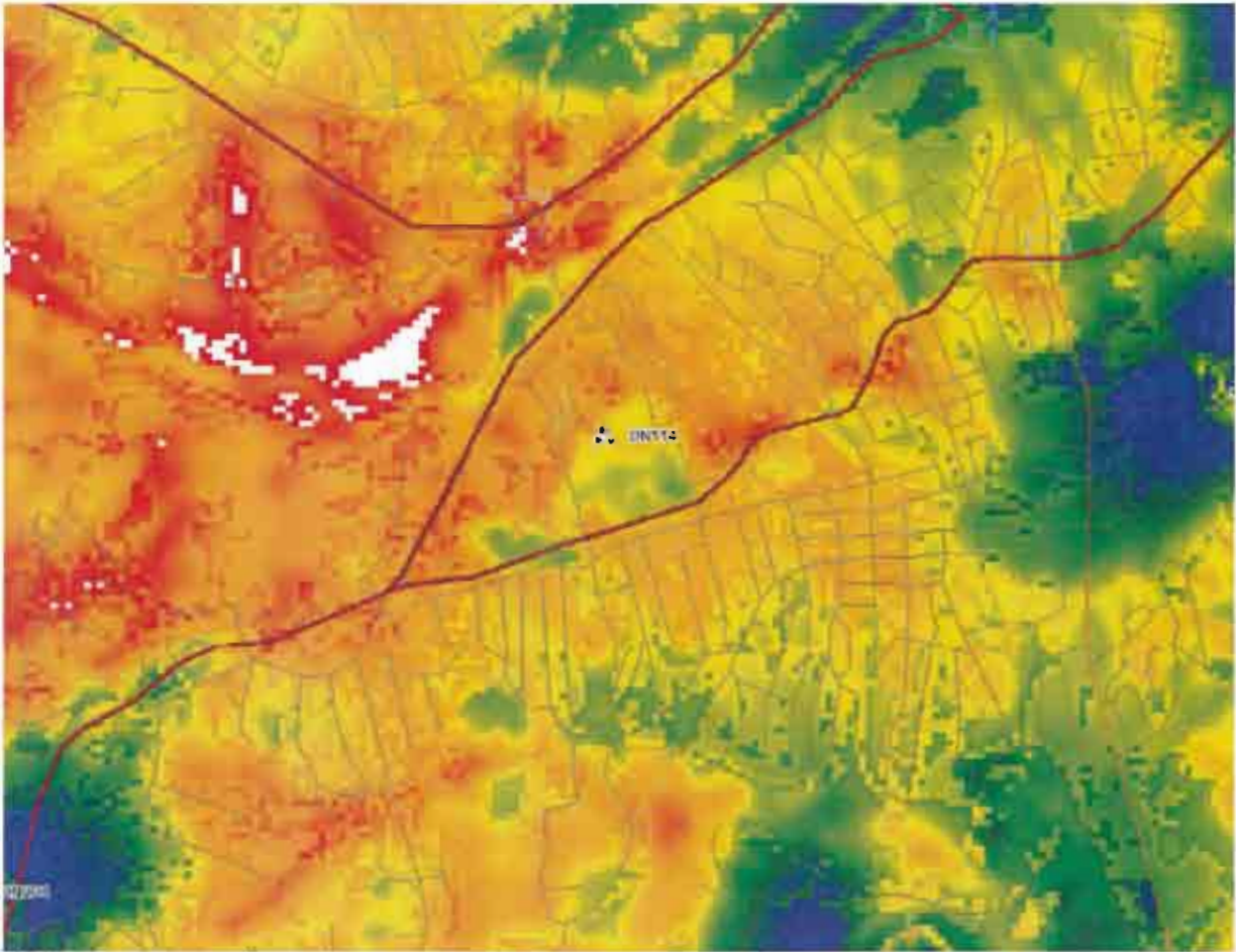
I hope this review of the monopole design has given you a greater degree of comfort regarding the design capacity inherent in pole structures. If you have any additional questions please call me at 614-398-6250 or email mike@mfpeng.com.

Sincerely,

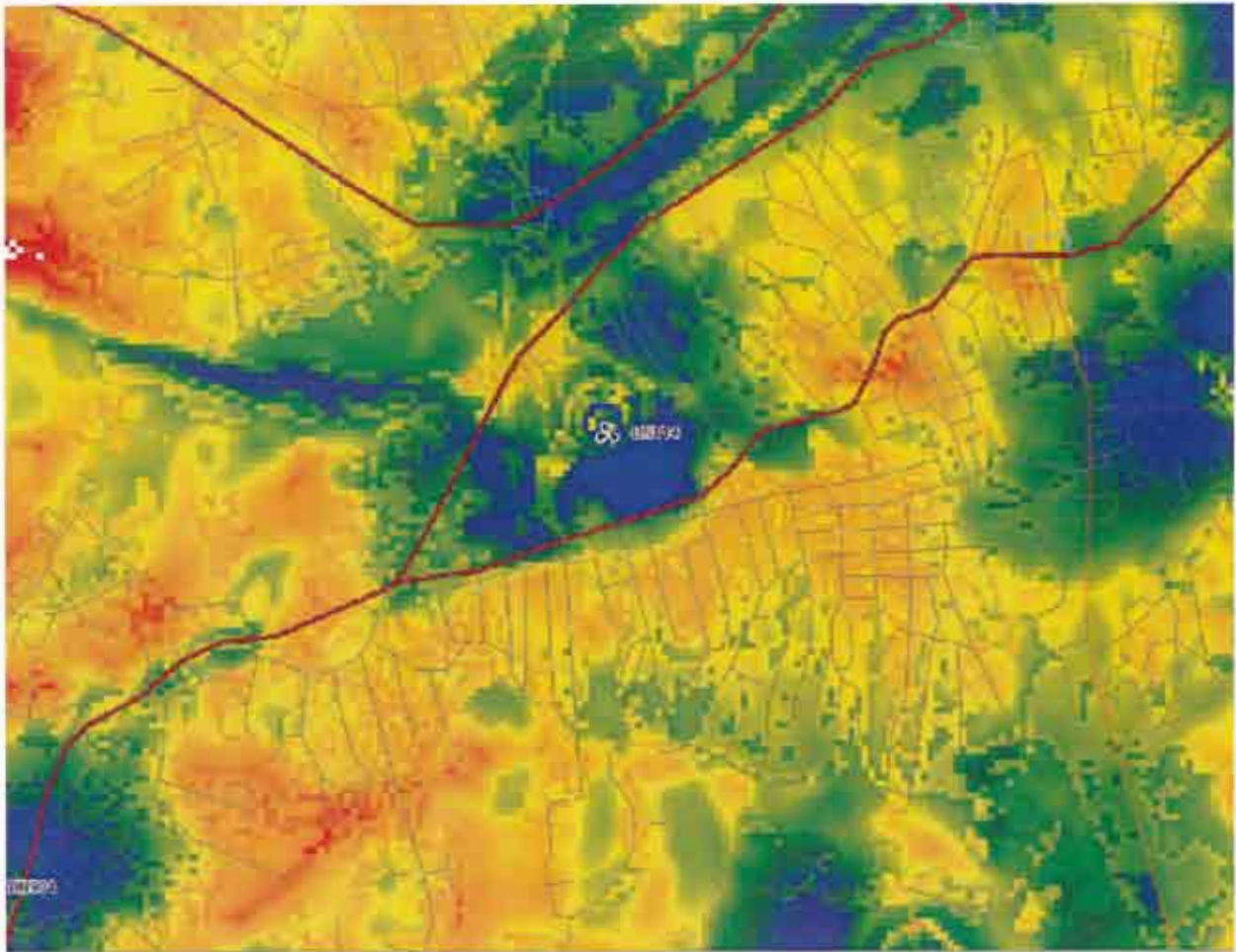
Michael F. Plahovinsak, P.E.
Professional Engineer



18301 State Route 161 - Plain City, OH 43064
(614) 398-6250 - mike@mfpeng.com



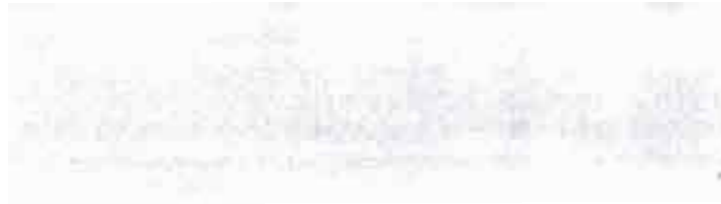
Ntelos coverage loss after removal of the water tower that currently holds antennae for Ntelos and AT&T



Current Ntelos coverage



From railroad tracks



From south parking lot of mall



From mall



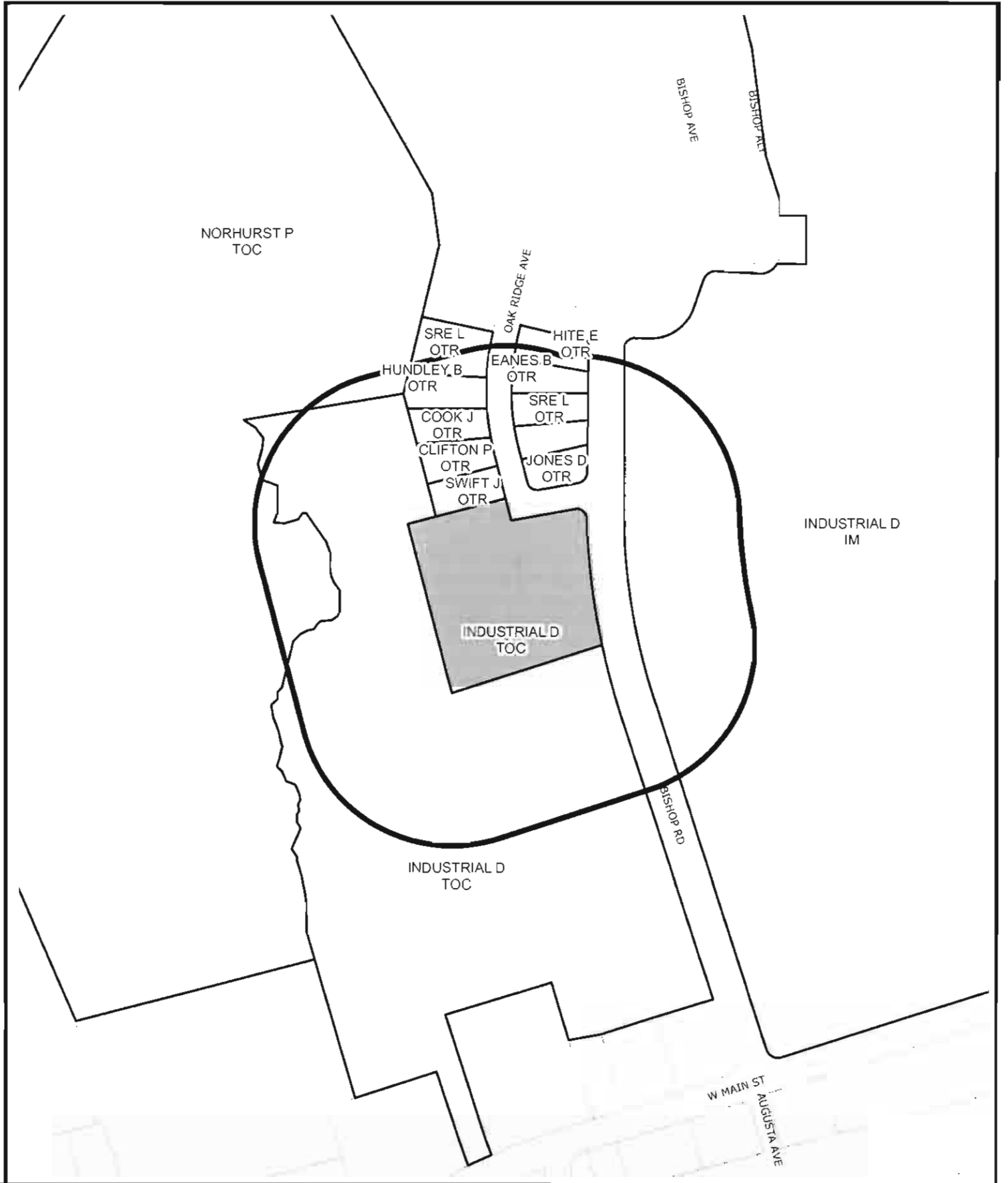
Panoramic from Mall



From Robertson Bridge



Height verification



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 6/24/2015

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.

REZONING AND SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE: July 13, 2015

LOCATION OF PROPERTY: Parcel ID# 60538

PRESENT ZONE: TO-C, Transitional Office District

PROPOSED ZONE: Conditional" M-I Industrial Manufacturing District

LAND USE PLAN DESIGNATION: OPT Office Professional Transitional to HI Heavy Industry

ACTION REQUESTED:

1. *Rezoning Application PLRZ20150000184, filed by Blue Ridge Towers requesting to amend the Year 2020 Land Use Plan from OPT Office Professional Transitional to HI Heavy Industry and to rezone from TO-C, Transitional Office District to "Conditional" M-I Industrial Manufacturing District, on parcel ID# 60538, otherwise known as Grid 0608, Block 004, Parcel 000022.001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to allow for the construction of a communication (cell) tower.*
2. *Special Use Permit Application PLSUP20150000185, filed by Blue Ridge Towers requesting a Special Use Permit to allow a communication tower in accordance with Article 3.Q; Section C, Item 8 of the Code of the City of Danville, Virginia, 1986, as amended on parcel ID# 60538, otherwise known as Grid 0608, Block 004, Parcel 000022.001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to construct a communication (cell) tower at this location.*

PRESENT USE OF PROPERTY: Vacant

PROPOSED USE OF PROPERTY: Communication (cell) tower

PROPERTY OWNER (S): Industrial Development Authority of Danville, VA

NAME OF APPLICANT (S): Blue Ridge Towers

PROPERTY BORDERED BY: Residential and Church to the north, residential to the east and south, mixed residential to the west.

ACREAGE/SQUARE FOOTAGE: 2.42 acres (approximately)

CHARACTER OF VICINITY: Mixed residential and Industrial

INGRESS AND EGRESS: Oak Ridge Ave and Bishop Rd.

TRAFFIC VOLUME: Low to Moderate

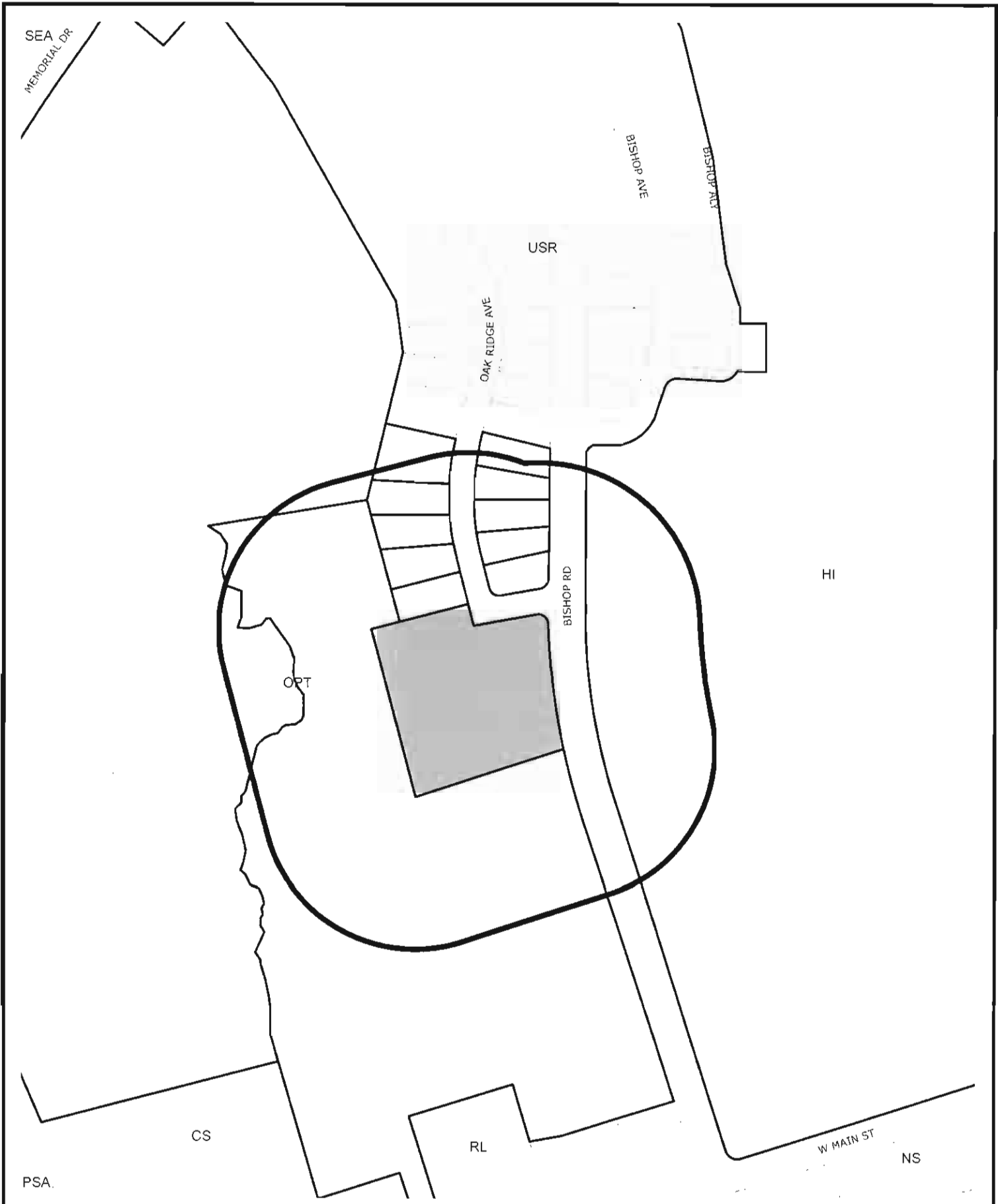
NEIGHBORHOOD REACTION: To be reported at the Planning Commission meeting of July 13, 2015.



2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/24/2015

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.



YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
 Planning Division
 6/24/2015

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**PLANNING COMMISSION MINUTES
JUNE 8, 2015**

MEMBERS PRESENT

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

MEMBERS ABSENT

Mr. Jones

STAFF

**Shanta Hairston
Ken Gillie
Renee Burton
Scott Holtry
Alan Spencer**

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

I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP20150000140, filed by Phillips Edison Company requesting a Special Use Permit to allow the operation of a gasoline sales establishment in accordance with Article 3.N; Section C, Item 7 of the Code of the City of Danville, Virginia, 1986, as amended at 211 Nor Dan Drive, otherwise known as Grid 1808, Block 004, Parcel 000077 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a gasoline sales establishment at this location.*

Mr. Holtry read the staff report. 73 notices were sent to surrounding property owners within 300 feet of the subject property. 15 responses were not opposed; six responses were opposed.

Mr. Searce opened the Public Hearing.

Present on behalf of the request was Mr. Tony Haslinger with Phillips Edison Company in Cincinnati, Ohio.

Mr. Haslinger stated thank you and good afternoon. Thank you for hearing our request. I'm Tony Haslinger the president for Phillips Edison Company; we are based out of Cincinnati, Ohio. We have owned Nor Dan Shopping Center for quite some time and what we are presenting today is a request for a special use permit for the fuel center. It is attached to the proposed Walmart Neighborhood Grocery Store which would involve tearing down the former existing Piggly Wiggly and building a brand new store. As part of that package we would also demolish the existing 7,000 square foot out parcel building which was recently a Chinese restaurant that's been vacant for several years, then replace that with this proposed fuel center. The grocery center does not require any special use as shown, but obviously the fuel does; but they are interconnected. In order to do this proposed review we need to have the fuel along with the grocery center. I would like to introduce John Wright with Bowler Engineering; he did the design on this project and will walk you through the special use and fuel components.

Present on behalf of the request was Mr. John Wright with Bowler Engineering.

Mr. Wright stated good afternoon. I'll take a moment now to kind of walk you through the site plan over here and show you some of the key elements of the fuel station. The fuel station is going to be up here in the northeast corner of Piney Forest and Nor Dan Drive. As you see here's the 750 plus or minus square foot that they've proposed here and approximately nine parking spaces with one ADA accessible parking space. Out here are the fuel tanks. That's where the tanks would be located. This will mainly be a green area that's left over after the demo is executed. Access to the fuel station will be from the same access points we see today. Looking back at the fuel station, there are sidewalks in front of the parking spaces and this will all be asphalt paved and utilities will be provided. Do you have any specific questions?

Mr. Wilson asked are there any larger plans for the shopping center in general?

Mr. Wright stated we are proposing to overlay the pavement on the remainder of the shopping center as well as aligning upgrades so it blends. The façade I believe it was 1997 when we did the existing façade from the Big Lots around to the World of Pet so maybe an update on the paint but as far as anything beyond that, that's all we're planning to do right now.

Mr. Scarce asked any other questions by the Commissioners?

Mr. Scarce closed the Public Hearing.

Mr. Bolton made a motion for approval as submitted. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

2. *Special Use Permit Application PLSUP20150000147, filed by Kathryn Trakas requesting a Special Use Permit to allow the manufacture of ice in accordance with Article 3.K; Section C, Item 26 of the Code of the City of Danville, Virginia, 1986, as amended at 633 Newton St., otherwise known as Grid 2713, Block 019, Parcel 000008 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an ice manufacturing and distribution facility at this location.*

Mr. Holtry read the staff report. 28 notices were sent to surrounding property owners within 300 feet of the subject property. Four responses were not opposed; zero responses were opposed.

Mr. Scarce opened the Public Hearing.

Present on behalf of the request was Mrs. Kathryn Trekas.

Mrs. Trekas stated hi I'm Kathryn Trekas and I appreciate your hearing me this afternoon. My son and I are starting a new business, Southside Ice Express, and we would like to use the facility at 633 Newton Street. As it has already been stated, part of that building is already occupied and we would occupy the left side of the building. Primarily we would have trucks coming in and out of there; right now we have three- two large and just a large pickup truck. It would not be a lot of other traffic in terms of people purchasing ice on that property; it would just be distributed from that property. Any questions at this point?

Mrs. Evans asked just regular ice or dry ice?

Mrs. Trekas stated not dry ice, just the packaged ice you would buy at a convenience store. It would be well filtered.

Mr. Scearce stated that's good.

Mr. Bolton asked how many employees do you see at that facility?

Mrs. Trekas stated right now there would just be three of us- just family. I can't imagine that we would increase to more than ten in five years. The way it's structured is very mechanical in terms of process and the machines do all of the work. It's mainly just the delivery folks and one or two people in the office.

Mr. Scearce asked any other questions?

Mr. Scearce closed the Public Hearing.

Mr. Wilson made a motion for approval as submitted. Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.

3. *Zoning Code Amendment Request PLCA20150000148, to amend Article 15, entitled "Definitions", Section B entitled "Definitions" to amend the definition of agriculture, car wash, and create new definitions if needed, Article 3.E: entitled "Old Town Residential District" Section C: entitled "Uses permitted by Special Use Permit" to allow for agriculture, and other Articles and Sections of the Code if needed to address urban farming.*

Mr. Holtry read the staff report.

Mr. Scearce asked before I open the Public Hearing, where does the car wash go?

Mr. Gillie stated it's just a definition change. The use of a car wash is already permitted in various districts, there's just been a question on the definition of it; so we've changed the definition to better define it. That part's already allowed in there.

Mr. Scearce stated okay.

Mr. Scearce opened the Public Hearing.

Present on behalf of the request was Mr. Joshua Hearne with Grace and Main Fellowship.

Mr. Hearne stated good afternoon, my name is Joshua Hearne and I'm here with Grace and Main Fellowship. It's an intentional fellowship community here in Danville. We were gifted an acre and a half up on Moffet Street off of North Main for the use of hopefully an urban farm in the north side to address hunger issues in a neighborhood that is especially familiar with hunger and hunger needs. We are aware that the Planning Commission would need to adopt a new definition in code to be allowed this work, but that's why we're here today.

Mr. Scearce asked questions by the Commissioners? I would just say that I'm all for it. I think that's a good thing. I guess I just have some concerns about swine and some degree with the poultry as far as health issues and how that would be dealt with. I think we just need some conversation about it- maybe an adjustment to the definition or so. Any comments?

Mr. Bolton stated I had a question just for staff in the definition that's been written. For urban agriculture- which I guess is what his lot would fall into with the one and a half acres- it says this is for lots under two acres but the raising of livestock should be no more than one form of livestock animal or five poultry per three acres. So if mine is less than two is it going to be prorated since he's got one and a half then he might could have two chickens?

Mr. Gillie stated our choice was to prorate it based on because somebody could buy a lot for say an acre and a half, if the adjacent becomes available he may start off with an acre and a half but it could potentially grow. So we left ourselves a little wiggle room in that. We were going to do the prorating of it but also the special use permit would limit the numbers; we were just trying to set a baseline. So it's kind of a moving target per say depending on what they begin with and what we end up with going through the process.

Mr. Bolton asked so if he has one and a half acres, could he have one swine and one horse?

Mr. Gillie stated if by special use permit. They have to ask for it and Planning Commission would have to grant that.

Mr. Wilson asked so if we didn't feel like it was appropriate for a particular neighborhood as a Planning Commission then we could deny it but in another neighborhood in the city because of the way neighborhoods were it could be granted? That's the idea behind that?

Mr. Gillie stated right that's the idea.

Mr. Wilson stated I guess my question goes along here- is this definition something we've come up with or is this definition of urban agriculture throughout the state? Has this been tested in other places?

Mr. Gillie stated there is no common definition throughout the state that I've been able to find. Every locality seems to do things slightly differently. We had an existing agriculture definition; I looked at what other people were doing and how they wrote theirs up. What we had on the books and we said alright we already have one, we'll just modify ours to match our current situation. There is no consistent common definition where everybody says this is what it should be and this is what we should use.

Mr. Wilson asked there's a lot of animal part in here, but is that written that way so we can have a lot of flexibility when it comes time to do the special use permit?

Mr. Gillie stated our intent was yes. We left it in there because we have a definition for agriculture which is allowed in certain areas already by special use permit. So certain places if you have a lot big enough, you can come in and ask for it. Since we're going into urban with smaller lots, we left that flexibility in there; but if people are concerned with those animals on small lots, we can strike that from the definition. This was just staff taking the one we already had, modifying it based on the situation and bringing it to you. We're urban planners; we're not agricultural planners so we kind of do it the best we can. Then reaching out to others- some localities allow for pretty much nothing but plants and chickens. Other places allow plants, chickens and maybe a cow or two and a goat, but nothing more than that. Some people will get into the pigs and others don't. It's all over the board depending on where you're at and what we want. When we had our conversation, they were looking at doing plants on a small lot and potentially chickens. Right away I said no because chickens we've never allowed before. So people looked into doing them. Then I thought we've got

cows at the Loves – they've had a farm for years up in that area. So you've got cows in a neighborhood. Then you've got all that stuff out on Westover for what used to be the area we annexed twenty years ago. So there are some livestock here in the City in various spot; there's a gentleman who raises goats on Elizabeth Street and he's had his goats for 20 years in a semi-urban neighborhood. So they can fit in depending on if it's handled correctly. That's the other reason we didn't cut all that out, but if we think we should we are not opposed to changing the definition. We just tried to get something out there that covered everything and figured we could talk about it some more.

Mr. Wilson asked so really part of the decision we're going to make here is whether to have a broad definition that we limit by special use permit, right? We can give it from neighborhood to neighborhood or we go ahead and limit it right now. But that's not going to stop somebody from coming back again and asking for another change in the future that would allow that goat or something.

Mr. Gillie stated right.

Mr. Bolton asked if we leave the definition broad like it is then someone came for a special use permit, could we condition it just to plants? In other words, we could do all of this but special use permit will be issued on the condition that he not have all the livestock or the poultry? It would just simply be for crops and plants. Leave it broad so we wouldn't have to change it every time, then limit it by special use request to just the crops.

Mr. Scarce stated I guess the main thing I'm thinking about is density. Do we want to have something to start off with that's even that broad where something could slip through the cracks in the future generation or something. I'm thinking if it's in town and you've got houses side by side that happen to have an acre and a half lot or something that want to have swine, you've got odor and all sorts of things to deal with that your neighbors are not going to like. Whereas via Westover Drive and you've got over 50 acres, then we could consider it again. That's my issue mainly.

Mr. Wilson asked wouldn't we deal with that because of special use on case to case basis because you're actually making an argument for me that makes me all the more encourage it. In fact I own property out on Westover Drive and I have the space, this definition really allows me.

Mr. Scarce stated I'm speaking on this just to get conversation going so we can talk about it.

Mr. Wilson stated I guess as long as the Planning Commission and City Council will use the special use permit as it was designed to be use, we should be okay. And of course my assumption is if we're able to change the code here, in the future if this got to be misused anywhere along the way it could be altered again.

Mr. Gillie stated correct it can be altered again. As Planning Commission you can recommend any conditions and as City Council they adopt those conditions. If someone comes in and says I want five chickens and three goats, if you condition it to that; and Council adopts it, that's the max they would be able to have on whatever that piece of property is. If they add additional land, they would have to come back through the process to modify those conditions. It's kind of a checks and balances system on there. We did leave it kind of broad; but if you're concerned with the potential, you could narrow it down and

then if we continue to have people ask – and it's not like we have people ask every day- we figured while we have it out there we would leave it out there.

Mr. Scarce asked is there a way to pass it like it is broad, but insert something that reflects on density of some sort?

Mr. Gillie stated where we have the limited where it says one form of livestock animals and poultry for every three acres, we could go back in there and rewrite that section's wording to get more specific for each individual animal because the chickens don't take up as much space as a goat does versus a pig versus a cow versus a horse. We have been able to gather that from everywhere else. Even that there's no consistent listing like a horse takes X and a cow takes Y.

Mr. Wilson stated I live in the neighborhood where the cows are over in the Grove Park area. Will this change have any impact on those who are already doing this?

Mr. Gillie stated no, those are legal nonconforming. They've been there prior to the annexation. Same thing with the goats out on Elizabeth Street and the various things we have out on Westover and other places. This will only be for new operations, new folks who want to do something. Again, their plan for the urban farm up on Moffett would kind of be our first test case to see how this truly works. We've had other people in the City who have brought residential neighborhoods and we've sited them for violations and had them remove the animals. We may have a few more people come in once they find out this is an option asking for the keeping of certain livestock; not so much the crop growing but the chickens we've probably had five or so within the past year or two that we've sited for violations. The special use permit process would probably work very well in that case because I figured they would ask for it then the people who complained about it would probably come in and offer an opposition to it so we'd have that checks and balance system to see what would and would not be granted.

Mr. Wilson stated even in this particular case, all we're doing is defining this. They still haven't made an application yet and it goes to the neighbors. That process still has to happen. Then if we wanted to limit them at that point, we can.

Mr. Scarce asked does staff feel comfortable about this?

Mr. Gillie stated the under two acres we have the one form of livestock or five for three acres. We probably should change that to two to match what we have above or put "a portion thereof" somewhere in that definition so we can do the prorating based on if it's five chickens per two acres. If you have three quarters of an acre, you take five times whatever and that roughly sets your number. I'm not sure what he was proposing on his acre and a half so that number may not match what he was thinking. This is a chance for you to say how many you were planning to have.

Mr. Hearne stated we are working with the Cooperative Extension and a number of others to figure out how can we do that in the best way that maintains health and safety, that handles noise levels, handles sanitation and compost and everything else. I don't have a great number and I don't know if Matt has a number of chickens you were thinking.

Present on behalf of the request was Mr. Matt Bailey with Grace and Main Fellowship.

Mr. Bailey stated I'm a part of Grace and Main too. I've been doing a lot of work down there on Moffett Street. I worked on an organic farm last year, getting training on raising chickens and goats and things like that. I think that five chickens on three acres is an enormous amount of space. I know it's in a different setting, but where we were working there were probably 50 chickens and they may have had an acre and a half. Then they were let out to go on the property too, but they had plenty of room. It's management practices. If you manage the waste well by composting and keeping the cage clean, then smell is not an issue. I understand it's different and this is new, but this is happening all over the place. All big cities are doing this. This is not something new. It's not something that's way out there. Our neighbors are saying we used to do this a long time ago; this is great. It's not like this is new to Danville. It might be new to the code but it's not new to Danville.

Mr. Gillie stated we've found that everybody is treating it differently so for me to say X or Y, I don't have an X or Y definition I can put in there. With your acre and a half, do you have a rough idea?

Mr. Bailey stated we had looked on the Unicode website and we had found on the website it says that as long as your enclosure is 125 feet away from another residence you can have at least ten chickens. So we were thinking of having at least ten or twenty depending on what we would have to do. We've already built the chicken coop.

Mr. Scarce stated some of these lots in Danville aren't that big.

Mr. Bailey stated right but this one is. The way we have it situated, it is 140 feet from any residence right now. There are no chickens in it; it's just the enclosure.

Mr. Garrison stated but now we're talking about a specific case rather than talking about the general definition so let's not get off track. We're talking about the definition that we're going to apply whenever he applies for a special use permit.

Mr. Gillie stated there's a section in animal control ordinance, not the Zoning ordinance under the City code that regulates the keeping of chickens because in certain areas especially the Sandy River residential district which Mr. Garrison is very familiar with, that area we do allow the keeping of it which is really the only area that does. That is where the 125 feet everything falls into. So if we adopt this in other areas, this section will also apply to it and they do mention a ten in there for 125 feet as he stated. There's a second provision that would allow a certain number of distances, but the Zoning code would in fact trump that number of ten based on the size. You have a secondary ordinance as well. The definition of numbers, I'm going to leave that up to you guys.

Mr. Wilson stated now I'm confused. So are we limiting by this definition the number of like poultry than we were before by the other?

Mr. Gillie stated before they could not have them at all in old town residential district and suburban residential district and some of these others. They were allowed in the Sandy River residential district. Sandy River was our pseudo agricultural district and then under that Section 532 of the code regulated placement of the houses and the number of houses they could have so you didn't overload the areas in Sandy River that already had that number. The new definition that we're proposing would have a limit on the number if for some reason they had a lot of ten or 15 acres or something, then 532 would also come into play. We're still going to regulate it. It'll be less based on this definition and what's allowed under 532.

Mr. Wilson asked so any future development in the Sandy River area would have to apply?

Mr. Gillie stated no, they would not have to apply for special use because they would be the regular agriculture district and it's already allowed in that area.

Mr. Searce stated I'm not nearly as concerned about the Sandy River district as I am your street or your neighborhood where you've got hundred foot lots and your neighbors want to raise chickens in the backyard. Should there be some kind of minimum amount or density brought into this definition?

Mr. Wilson stated maybe I'm still not understanding. There is another set of rules related to raising animals in the City that would still place those houses and things a proper distance away and if they couldn't meet that then they couldn't do it.

Mr. Gillie stated only if they're raising more than ten. If you have nine or less under 532 you can place those buildings and residential properties, but you have to have a maintenance plan and some other things.

Mr. Wilson stated but that already exists.

Mr. Gillie stated that exists but again for Sandy River where you allowed to have- and usually for Sandy River you don't have lots that are 50 by 100. They are five acre plus lots.

Mr. Searce stated I'm just wondering since we've got to have a work session on parking if we ought to – and I'm all for passing the first part of it about plants and so forth but maybe hold off on the animals- have a little more discussion about it.

Mr. Wilson asked can we do that?

Mr. Gillie stated you have the option recommending approval of the B portion of it and just deal with the crop portion. We can strike through all of that, then make the recommendation to City Council then look at modifying the definition again in the future. That would give us a chance to work a little further on whether they want to allow the swine, goats and chickens. That would potentially allow you guys to work on your planting, but we still have to work out the livestock portion of it. If that's Planning Commission's recommendation then we can strike that portion of it.

Mr. Searce stated we can go ahead and pass that part where they can plant. I think we ought to talk about that.

Mrs. Evans stated I would rather see you move forward with this stuff and then go back and tweak the livestock piece because right now if you take all that out, you're limiting them and they can't do anything.

Mr. Searce stated we're not saying that, we're limiting them to the crops part.

Mrs. Evans stated I know but they can't even do the chickens that they built the chicken coop for if we take that out.

Mr. Gillie stated that is correct. If we take that out, they cannot do the chicken coop at this time.

Mr. Wilson stated here's my thing. We still have to do special use permit so even if they come back next month and we aren't satisfied with the chicken part and we have neighbor input and all those things that can happen, then we could say no chickens at that point because it still fits into that definition. Then we can still have the work session and work out further details at that time.

Mr. Gillie stated that is correct.

Mrs. Evans stated I have a couple more questions. I know this has to do with agriculture, but does this affect people who have had emus as a pet in their backyard in my neighborhood? It certainly wasn't an acre on their property.

Mr. Gillie stated I'm unaware of someone having an emu. If you want to tell me their address I will gladly go see.

Mrs. Evans stated they don't anymore but they did for several years.

Mr. Hearne stated for the record I think we're uninterested in emus.

Mrs. Evans stated or llamas or whatever. How do you deal with those people because they're not in the Sandy River district? It was just a pet. Then my other thing is you have under two acres and over two acres, but where is the equal to two acres? Is it equal to or greater than two acres or equal to or less than two acres? Somebody's going to come up with two acres.

Mr. Gillie stated I haven't thought about that but it's a good one. I would say urban agriculture is equal to or less than two acres. We should change that definition to include equal to or less than two acres.

Mr. Bolton asked if we can do it all by special use permit like Bruce is saying and put the conditions at that time, are you comfortable with the definition you've come up with or would you like more time to look at it now that you've had more discussion about it? Because if we can limit it to special use on a case by case, I could go forward today but if Mike is uncomfortable with it or Bruce is then maybe we should. But are you comfortable with the definition now?

Mr. Gillie stated I am comfortable with whatever City Council adopts.

Mr. Wilson stated let me ask this question another way. Is it a practical working definition if we have an exercise of power of the special use permit as people come in and ask for these things? Is it something that makes you all's job doable?

Mr. Gillie stated yes it does and that's why most of the recommendations we've been making is to put things in by special use permit because it gives a chance to get the neighborhood involved. Then the conditions can be worked out to address any concerns of the neighborhood. Us just sitting there telling someone yes or no based on what the book says is possible but we like to get everyone else involved if something is a good idea and then work it out. So special use permit is a very good thing and that's why we do that recommendation. Leaving it broad, we can go with that; if people are uncomfortable with that, then we can narrow it down and come back and change it later. As it stands right now if everyone is okay with that portion of it and it still has to go through the special use process, there is that check and balance still out there.

Mr. Scarce asked does anyone else wish to speak on the matter?

Present on behalf of the request was Mr. Bruce Hendricks from 250 Halifax Road.

Mr. Hendricks stated I have one question regarding the language of an agricultural ordinance and wondering if you have a conflict that would limit the portion to under two acres but you still have the threshold of one form of livestock animal or five poultry for every three acres. We've got a conflict between the less than two acres part and the definition of every three acres which leaves a conflict.

Mr. Gillie stated we talked about that earlier. We said we're going to add that "or a portion thereof" to it.

Mr. Hendricks stated the rounding as well too, would that be rounded down to backyard chickens? I also ask the Planning Commission to recognize the City of Martinsville about four months ago have gone through the exact same problem with people wanting a backyard chicken ordinance on there. I have some issues with that.

Mr. Gillie stated the rounding would be rounded up and Martinsville also did it similar with the special use permit process.

Mr. Hendricks stated finally the questions on these apiary products. Is that currently encouraged in all residents due to the lack of bees or is that just for the urban agriculture section?

Mr. Gillie stated it is under the agricultural section already and we are putting it under the urban agricultural to not necessary address that; we read an article about lack of bees so we put that out there. We didn't put any special conditions on them again because we feel that with special use permits as they come through, that could be handled that way.

Mr. Hendricks asked is that for urban threshold and residential?

Mr. Gillie stated Sandy River as well. It's not in the attached residential, multifamily residential or mobile home park districts. We have very little land for mobile home parks or multifamily residential and attached residential due ot the extreme density so those are places we didn't feel you should be keeping bees.

Mr. Hendricks stated I also ask Planning Commission to look at the shortage of bees to review the situation in Reidsville North Carolina where they did adopt the ordinances to include it into attached residential and there have been some beekeepers to pick that up as well.

Mr. Scarce closed the Public Hearing.

Mr. Wilson made a motion for approval with conditions per staff but to also make the item available in the next work session. Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.

II. MINUTES

Mr. made a motion to approve the May 11, 2015 minutes. Mr. Wilson seconded the motion. The motion was approved by a 6-0 vote.

III. OTHER BUSINESS

Mr. Gillie informed the Commission that City Council approved all items on the agenda from Planning Commission.

Mr. Gillie informed the Commission that they have no applications for July. The Commission will still meet for a work session to discuss urban agriculture and parking changes.

With no further business, the meeting adjourned at 3:49 p.m.

APPROVED