

**PLANNING COMMISSION MINUTES  
JULY 13, 2015**

**MEMBERS PRESENT**

**Mr. Wilson  
Mr. Dodson  
Mr. Garrison  
Mr. Bolton**

**MEMBERS ABSENT**

**Mr. Scearce  
Mr. Jones  
Mrs. Evans**

**STAFF**

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

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

**I. 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.*

Mr. Gillie read the staff report. 8 notices were sent to surrounding property owners within 300 feet of the subject property. Three responses were not opposed; one response was opposed.

Mr. Wilson opened the Public Hearing.

Present on behalf of the request was Mr. Tyler Alderson with National Restaurant Designers.

Mr. Alderson stated my name is Tyler Alderson and I work with National Restaurant Designers. I'm the Senior Designer. The reason that we would request a Special Use Permit is so that we could increase the dining experience for our customers. We do not oppose increasing the setback for the actual Piney Forest Road, but only for Ash Street. We would still adhere to the 30 foot setback rule.

Mr. Wilson asked any other questions?

Mr. Bolton asked that's not going to affect the drive thru?

Mr. Alderson stated no, I have a plan if you would like to see it.

Mr. Bolton stated no, I just wondered. I was thinking about the Ash Street side. With that drive thru and all it would be too close.

Mr. Alderson stated no sir, we're not going to increase the addition on this side; we're actually going out towards the front. The existing building is already violating Ash Street, so our new addition is going to be straight out front. We're not going any closer to Ash Street.

Mr. Wilson asked any other questions?

Mr. Garrison stated they're saying they're not going to change anything on Piney Forest; you're giving them ten more feet than he's got down. Do you want to strike that or leave that?

Mr. Gillie stated we want to leave that. The reason being is if you notice there's a site plan inside your packet, there's an angle along Ash and Piney Forest; there's not a 90 degree bend. Because of that angle and the way we measure our setbacks, we felt that there may be an encroachment into the Piney Forest setback with the way our definition is. So we stick with our recommendation the way it is. We don't think it will create any issues because of the site distance and everything else so we'll stay with what we've got.

Mr. Wilson closed the Public Hearing.

**Mr. Garrison made a motion for approval with conditions per staff. Mr. Dodson seconded the motion. The motion was approved by a 4-0 vote.**

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.*

Mr. Gillie read the staff report. 36 notices were sent to surrounding property owners within 300 feet of the subject property. Seven responses were not opposed; zero responses were opposed.

Mr. Wilson opened the Public Hearing.

Present on behalf of the request was Mr. Ricky Wharton.

Mr. Wharton stated I'm Ricky Wharton and basically we just want to consolidate our house. We weren't aware that it was zoned for apartments when we bought it so when we decided to consolidate is when we found out that we needed to come down and have a meeting with the committee to have it rezoned.

Mr. Wilson asked any questions at all for our applicant?

Mr. Wilson closed the Public Hearing.

**Mr. Dodson made a motion for approval as submitted. Mr. Garrison seconded the motion. The motion was approved by a 4-0 vote.**

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.*

Mr. Gillie read the staff report. Nine notices were sent to surrounding property owners within 300 feet of the subject property. Three responses were not opposed; zero responses were opposed.

Mr. Wilson opened the Public Hearing.

Present was Mrs. Dorothy Jones, a Schoolfield resident.

Mrs. Jones stated my name is Dorothy Jones and I live out at Schoolfield where they're putting the cell tower. That's not my problem as far as where they're putting it at; the City owns that and we've been fighting copperhead snakes for years now. As long as they will be made to keep that cleared off and mowed, I have no problem with that. Also the neighbors want to know if that tower will interfere with our internet, our cell phones and our TV. Is that going to be a problem?

Mr. Gillie stated your TV should not be a problem, your internet should not be a problem, and it actually should improve cell phone coverage if you have nTelos. There's a gap in that area right now. There should be a package there that shows that there's a hole, so that's why they're putting the tower there because they're missing coverage in that area. So it actually improves cell phone coverage if you have nTelos and Sprint. Those people will be served better by this. They're looking at buying this portion from the City so they will be responsible for maintaining it. This is being a transfer to use to Blue Ridge Tower from the Industrial Development Authority.

Mrs. Jones asked but they're just going to own a small part of that and the City of Danville's going to own the rest of it?

Mr. Gillie stated they're looking at buying about half of that property from the Industrial Development Authority so half of that will go to Blue Ridge Tower and the other half will be maintained by the Industrial Development Authority.

Mrs. Jones asked so is the City going to keep their part of that land clean?

Mr. Gillie stated the Industrial Development Authority is supposed to maintain it. They're not really the City so I can't really say yes, but they are sort of a branch of the City and they will do a better job at maintaining that. We will notify the folks that need to get on the grass cutting. Now Blue Ridge Towers is responsible for the maintenance of their property. They've did a good job on their other towers in the City.

Mrs. Jones stated well that field has been a nightmare for three years with the snakes. That's what I'm concerned about. Just so they keep it clear and we don't have to fight snakes all summer, then I don't have a problem with it. The neighbors sent me down because they were too afraid to come.

Mr. Wilson stated we don't want you to be afraid to come. Is there some direction we could give her in terms of that?

Mr. Whitfield stated we have a meeting with Industrial Development Authority tomorrow; I will bring that up as an item and make sure the right people get the word that they need to take care of it.

Mrs. Jones stated last year the City didn't do anything to it; they let it grow and grow and grow. We had raccoons, we had everything especially really big snakes. They started crawling over into our yards. I've been here 50 years and we've never had snakes until the last three years.

Mr. Wilson stated certainly you've come and spoken and we all hear it and will pass this on. If we don't get the response we need, you can contact us.

Mr. Whitfield stated you can contact me. You know how to get ahold of me.

Mrs. Jones stated I had been contacting the City Manager's office about the snakes and I got tired of that. But now I know to call you.

Mr. Gillie stated they've done a really good job with their other ones. I haven't had any complaints. For the land owned by the Industrial Development Authority, Mr. Whitfield will address that at tomorrow's meeting.

Mr. Wilson closed the Public Hearing.

**Mr. Bolton made a motion to approve Rezoning Application PLRZ20150000184 as submitted. Mr. Dodson seconded the motion. The motion was approved by a 4-0 vote.**

**Mr. Garrison made a motion to approve Special Use Permit Application PLSUP20150000185 with conditions per staff. Mr. Bolton seconded the motion. The motion was approved by a 4-0 vote.**

## **II. MINUTES**

**Mr. Bolton made a motion to approve the June 8, 2015 minutes. Mr. Dodson seconded the motion. The motion was approved by a 4-0 vote.**

## **III. OTHER BUSINESS**

Mr. Gillie informed the Commission to expect to see the Comprehensive Plan next month with changes to the Transportation and the Economic Development sections.

Mr. Gillie informed the Commission that they would meet in August since cases have already been filed.

With no further business, the meeting adjourned at 3:22 p.m.

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APPROVED