

**PLANNING COMMISSION MINUTES  
AUGUST 10, 2015**

**MEMBERS PRESENT**

**Mr. Wilson  
Mr. Dodson  
Mr. Garrison  
Mr. Bolton  
Mr. Jones  
Mr. Searce**

**MEMBERS ABSENT**

**Mrs. Evans**

**STAFF**

**Shanta Hairston  
Ken Gillie  
Scott Holtry  
Clarke Whitfield**

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

**I. ITEMS FOR PUBLIC HEARING**

1. *Rezoning Application PLRZ20150000201, filed by Danville Redevelopment Housing Authority requesting to amend the Year 2020 Land Use Plan from CS Community Service to DM Downtown Mixed Use and to rezone from OT-R, Old Town Residential to CB-C, Central Business Commercial, at 400 Jefferson Street and 806 Pine Street, otherwise known as Grid 2713, Block 028, Parcel 000001 and Grid 2713, Block 028, Parcel 000004, respectively of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to allow for redevelopment.*
  
2. *Rezoning Application PLRZ20150000202, filed by Danville Redevelopment Housing Authority requesting to rezone from "Conditional" CB-C, Central Business Commercial to CB-C, Central Business Commercial, at Parcel IDs #22972, #22969, #22966, #22971, #22970, #22968 and #24730, collectively known as 254 Jefferson Avenue and 406 Jefferson Street, otherwise known as Grid 2713, Block 028, Parcel 0000013, Grid 2713, Block 028, Parcel 0000014, Grid 2713, Block 028, Parcel 0000016, Grid 2713, Block 028, Parcel 000005, Grid 2713, Block 028, Parcel 000006, Grid 2713, Block 028, Parcel 0000015 and Grid 2713, Block 028, Parcel 000003 respectively of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to remove conditions to allow for redevelopment.*

Mr. Holtry read the staff report. 38 notices were sent to surrounding property owners within 300 feet of the subject property. Six responses were not opposed; zero responses were opposed.

Mr. Searce opened the Public Hearing.

Present to get information on the request was Mrs. Mary Barnes.

Mrs. Barnes stated I'm Mary Massey Barnes. I own three properties on Jefferson Street. I am here today to see what exactly is being planned for that area. It's right across the street from 413 Jefferson Street. I'm just very interested in what the City is planning for this area.

Mr. Gillie provided Mrs. Barnes with a Planning Commission packet from the meeting.

Mr. Gillie stated part of it was zoned central business and the other part wasn't. They're looking at just making one consistent zoning. For Mrs. Barnes, you can look at your packet

for what they'd like to do. At this point they don't have that finalized, it's just a conceptual drawing from Hill Studio.

Mr. Searce closed the Public Hearing.

Mr. Wilson asked what's the feasibility of this actually coming to fruition?

Mr. Gillie stated like with any other plan, you have to get willing tenants and money behind it. We've had a lot of success in other projects downtown. They're starting to work their way down from the Bridge/Craghead Street further up. So we feel that this area is primed for future commercial development. At this point we don't have a tenant or funding behind it, but we're just trying to get everything in place to allow it.

Mr. Wilson asked are these facilities privately owned or are they owned by the City?

Mr. Gillie stated right now the property is owned by Danville Redevelopment and Housing Authority. They would likely sale the property off to a developer. That's what they've been doing in the past. They've acquired property then we've had some condos and other things, DRHA has purchased the property and set it up for development then turned it over to other entities.

**Mr. Wilson made a motion for approval of Rezoning Application PLRZ20150000201 as submitted. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.**

**Mr. Wilson made a motion for Rezoning Application PLRZ20150000202 approval as submitted. Mr. Garrison seconded the motion. The motion was approved by a 6-0 vote.**

3. *Special Use Permit Application PLSUP20150000210, filed by Grace and Main Fellowship, requesting a Special Use Permit to allow for Urban Agriculture in accordance with Article 3.E; Section C, Item 28 of the Code of the City of Danville, Virginia, 1986, as amended on Parcel ID #'s 03655, 03657, 03659, & 03660, otherwise known as Grid 2707, Block 003 Parcels 00005 & 00006 and Grid 2707, Block 004, Parcels 00003 & 00002 respectively of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an Urban Agriculture operation on these parcels.*

Mr. Holtry read the staff report. 30 notices were sent to surrounding property owners within 300 feet of the subject property. Seven responses were not opposed; four responses were opposed.

Mr. Searce opened the Public Hearing.

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

Mr. Hearn stated good afternoon, my name is Joshua Hearn. I'm a minister with Grace and Main. The properties themselves were donated to Grace and Main in late 2014 because of our work in food and in food insecurity. Grace and Main is almost six years old and we've been having over 50 meals per year in various places including church fellowship halls, our homes and public spaces as well. Some of our own food will obviously be a benefit but also to provide a space in the neighborhood where we can provide additional skill honing and human development. We think this is a good idea. I brought some of the plans we had drawn out. We have about half of the property ready right now and the other

half has a lot of rocks and things. We're using a lot of compost planting. I would love to answer any questions you have, although I can't guarantee that I can answer them.

Mr. Jones stated we have one comment from a citizen who is opposed based on the idea that it might not be kept up. Can you tell us what are your plans for this?

Mr. Hearn stated I can certainly say Grace and Main does all of its commitments and we are heavily invested in the area. A lot of our leaders live in this neighborhood. This is an ongoing commitment and so far we have not missed any of our commitments.

Mr. Bolton stated I have two questions for staff. The condition where the maximum amount of chickens allowed is three chickens. How will you define chickens? Can he have three hens or three hens and a rooster?

Mr. Gillie stated we're not defining so if you feel it's necessary to limit it to three hens then change it from three chickens to three hens.

Mr. Hearn stated we have no desire to have roosters. We give them to a farm in Keeling, Virginia to do with as they please.

Mr. Bolton asked can we say where we mean chickens put hens now or can we do that later?

Mr. Gillie stated if on this particular case you think it should be hens, then make it for this recommendation for approval. If he's in agreement with it then there shouldn't be an issue.

Mr. Hearn stated I have no problem with that.

Mr. Bolton stated my second question is how concerned do we need to be with recorded protective covenants – I don't think it pertains to this case – but say the developer in the 1960's put in a protective covenant, one being live poultry and such. Does it have to have recommendation approval to override the protective covenant or is that something we need to be aware of?

Mr. Gillie stated the City itself cannot enforce any private covenants. We can only enforce what is in the books under the City code. So the private covenants that say you can't do X and Y, we don't have any authority over that; only the members of the subdivision itself would have that. So I would give him permission to put in whatever was allowed under the code. Now the neighbors and owners of the subdivision could file their own civil litigation against them, but that's not something we could enforce at all.

Mr. Scarce closed the Public Hearing.

Mr. Wilson stated I need a little clarification. Are we three hens or are we just three chickens?

Mr. Bolton asked could we ask the same question on the next case?

Mr. Whitfield stated you could take it on a case by case basis. I was under the impression that's what you all would like to substitute for chicken is three hens. The definition of chickens for this particular case is three hens as opposed to chickens.

**Mr. Bolton made a motion to approve the request with staff recommendations to change use "hens" in place of "chickens". Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.**

4. *Zoning Code Amendment Request PLCA20150000209, to amend Article 13, entitled "Board of Zoning Appeals: Variances, Special Exceptions and Appeals", to amend various sections to comply with changes in 2015 to the Code of Virginia.*

Mr. Gille asked if it's acceptable to the Commission can I dispense with reading this word for word because we have four pages? In a nutshell what we're doing is the Commonwealth of Virginia adopted House Bill 1849 which changes the criteria for granting a variance. Since we are a subdivision of the State, we are required to match the State code. We can't adopt any regulations that would be more restrictive than what's allowed in State code. With our regulations being adopted it would be more restrictive than State code, so we're just amending our code to read exactly what the State code is. We're also changing our definition of variance and replacing it with the definition of variance as spelled out in State code which was under House Bill 1849.

Mr. Scarce opened the Public Hearing.

Mr. Scarce closed the Public Hearing.

**Mr. Wilson made a motion to approve the request as submitted. Mr. Garrison seconded the motion. The motion was approved by a 6-0 vote.**

5. *Review and adoption of the City of Danville Year 2030 Comprehensive Plan. This plan is an update to the Year 2020 Comprehensive Land Use Plan and establishes goals and plans for future land use decision by the City.*

Mr. Gillie read the staff report.

Mr. Scarce opened the Public Hearing.

Mr. Scarce closed the Public Hearing.

**Mr. Bolton made a motion to approve the request per staff. Mr. Bolton seconded the motion. The motion was approved by a 6-0 vote.**

## **II. MINUTES**

**Mr. Garrison made a motion to approve the July 13, 2015 minutes. Mr. Bolton seconded the motion. The motion was approved by a 6-0 vote.**

## **III. OTHER BUSINESS**

Mr. Gillie informed the Commission that the next meeting would be on Tuesday September 8, 2015 due to the Labor Day holiday.

Mr. Gillie informed the Commission that this would be Ms. Hairston's last meeting. He also informed the Commission that Mr. Holtry's last meeting would be in September.

Mr. Gillie discussed a possible Work Session for October to discuss the downtown parking deck for City employees. Mr. Wilson asked to hold that Work Session with the September meeting. Mr. Gillie informed him that this may be possible and he would check into it.

With no further business, the meeting adjourned at 3:27 p.m.

---

APPROVED