

PLANNING COMMISSION MINUTES

January 11, 2016

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF

Tracie Lancaster
Ken Gillie
Anna Levi
Clarke Whitfield

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

I. ELECTION OF OFFICERS

Mr. Whitfield took over the meeting.

Mr. Whitfield called for nominations for Chairman.

Mr. Jones nominated Mr. Searce for Chairman. The nomination was approved by a 7-0 vote.

Mr. Whitfield called for nominations for Vice Chairman.

Mr. Jones nominated Mr. Wilson for Vice Chairman. The nomination was approved by a 7-0 vote.

Mr. Whitfield called for nominations for Secretary.

Mr. Jones nominated Mrs. Evans for Secretary. The nomination was approved by a 6-0-1 vote (Mrs. Evans abstained from the vote).

II. ITEMS FOR PUBLIC HEARING

- 1. Rezoning Application PLRZ20150000366, filed by Piedmont Place I, LLC requesting to rezone from OT-R, Old Town Residential to HR-C, Highway Retail Commercial District, parcel IDs #57218, #57217, #57216, #57215, #50320, #57214, and #57228, otherwise known as Grid 0716, Block 012, Parcels 000011 through 000017, respectively, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for consolidation and future development.*

Ms. Levi read the staff report. 20 notices were sent to surrounding property owners within 300 feet of the subject property. Four responses were opposed and five responses were not opposed.

Mr. Searce opened the Public Hearing.

Mr. Searce closed the Public Hearing.

Mr. Wilson stated is there someone here representing?

Mr. Searce stated no.

Mr. Wilson stated is there anyone here to speak in opposition?

Mr. Searce stated no there is no one here to speak for or against this item.

Mrs. Evans stated I have some concerns about that because we do have opposition.

Mr. Wilson stated does anybody have knowledge of why there is no one here representing Piedmont Place, LLC? This is a pretty substantial group that I would think would have interest in being here.

Mr. Gillie stated we send a letter to them notifying them of the time and place of the meeting.

Mr. Searce stated there isn't anyone here either to speak in opposition.

Mr. Wilson stated I know and that maybe the gray area for me. It just again creates the same problem if there were issues the person that actually owns the property can't speak to it. We are just kind of going on the assumption that everything is just the way that it is supposed to be. We actually do have opposition as said and they are not here either.

Mr. Bolton stated who is Piedmont Place? They have been before us before haven't they?

Mr. Gillie stated they have been before you before. Usually they have an engineer who is a representative who comes and speaks on their behalf. I haven't spoken to them about this case so I don't know why they don't have a representative here.

Mr. Bolton stated do you remember a case they were involved in? I'm just trying to remember who they are.

Mr. Searce stated its part of the Daniel Group.

Mr. Gillie stated its part of the Daniel group and usually Land Engineering and Design represents them. I don't know if that is their representative on this behalf. I didn't take the application in so I don't know. Usually that's the person that comes and speaks for them.

Mr. Bolton stated that's what I was asking so they have been here before on the Westover consolidations haven't they? It's kind of similar.

Mr. Gillie stated its part of that property on the corner where we just had the hotel. They are just getting that whole block.

Mr. Bolton stated I don't see that as a bad thing do you? I mean if it was something that we didn't know what it was.

Mr. Wilson stated it's a little bit different because we do have residential properties that are right snuggled up to the property. Again, those people themselves are not here maybe they felt by writing the letter that was enough. It's just an awkward position for me and it looks like we are going to have this problem with some other cases today as well. I'm just concerned about the assumption. I'm not sure it's good citizenship or good management making these big decisions with no real information.

Mr. Garrison stated they will have to come back before they build anything on it right?

Mr. Gillie asked come back in front of Planning Commission?

Mr. Garrison stated to Planning Commission.

Mr. Gillie stated depending on what they do.

Mr. Searce stated if it's within the code.

Mr. Gillie stated if it is within the zoning district it is allowed and they consolidate that would be all administrative approval so no. If they require a special use permit for setbacks or anything else then yes they would have to come back. At this point I don't know how to answer that one definitively.

Mr. Wilson stated it's like the other one we dealt with; the project itself is not an issue so much especially since it's no opposition here. It just renders the whole idea of what we do in my opinion.

Mr. Searce stated we will just pass on our decision to City Council for a vote. I don't know if they will show up to City Council or not.

Mr. Gillie stated we will notify the applicant of the decision today and if it makes it to City Council we will notify them of when that meeting is as well.

Mr. Wilson stated I don't want to be a pain about this I apologize because I'm being a pain. What are our options here? If we were to approve this and then it goes to City Council; If we were to vote it down what happens next?

Mr. Gillie stated it still goes to City Council it just goes with a negative recommendation from the Planning Commission meeting.

Mr. Wilson stated will there be any notes of why the negative decision was made.

Mr. Gillie stated if you vote it down and spell out the reason why in your vote than yes that would go to City Council.

Mr. Wilson stated and if we table it?

Mr. Gillie stated then it would be re advertised and come back to this board for next month.

Mrs. Evans stated I would like to go on record and say I'm not in favor of approving anything where the applicant is not here to address any concerns.

Mr. Jones stated I have a question but I also have faith in our staff and they have recommended approval. They have looked into it and we have read. We have been onsite some of us have. But I still have to go with staff on this if they recommend it. I'm on record saying I will go with staff recommendation.

Mr. Bolton stated especially when they have been here before. We know who this group is and they are generally here. So it must be a reason behind it that they are not here I would hope.

Mr. Searce stated I think they probably didn't expect it to be any problems. It's in a commerce area and they are changing it to commerce. I expect they thought it wouldn't be any issues with nothing to say and nothing to do. I assume that's why they aren't here.

Mr. Wilson stated what if there was? They are not here but what if we had seven residents sitting out there.

Mr. Searce stated then we would turn it down.

Mr. Bolton the 30 foot setback and the landscaper buffer that's not a condition specific to this case?

Mr. Gillie stated that's normal between residential and commercial property. They have an option depending how intensive the landscaping is to possibly lessen the buffer. The setback itself is still the standard 30 feet from the road. The amount of vegetative buffer depends on the density of the vegetation. If you have less trees than it's a wider buffer. If you do more intense vegetation it's a narrower buffer. But there will be a buffer between the residential and commercial.

Mr. Bolton stated so that's not a condition?

Mr. Gillie stated no that's just standard in the code.

Mr. Bolton made a motion to approve *PLRZ20150000366* as submitted. Mr. Jones seconded the motion. The motion was approved by a 5-2 vote.

- 2. Rezoning Application PLRZ20150000367, filed by the Industrial Development Authority requesting to rezone from I-M, Industrial Manufacturing District to TO-C, Transitional Office Commercial District, .5996 acres of parcel ID # 60538, otherwise known as Grid 0608, Block 004, Parcel 000022 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for consolidation with adjacent parcel ID # 60539.*

Ms. Levi read the staff report. Ten notices were sent to surrounding property owners within 300 feet of the subject property. One response was not opposed.

Mr. Searce opened the Public Hearing.

Mr. Searce closed the Public Hearing.

Mr. Searce stated I do know this is one of the City's; Mr. Morris is having some medical leave.

Mr. Whitfield stated I was going to say the day the letter was sent was the day he had to report out of town. I might be able to answer some of the questions if you have any.

Mr. Bolton stated the only opposition we had was a lady about the grass. Has that been cut?

Mr. Whitfield stated it is to her satisfaction. If you will notice she is the one person that is not opposing to the rezoning. I followed up with her and she has been very pleased with the maintenance of that property.

Mr. Gillie stated this is a basic claw back of land that they bought that they don't need that we wanted to maintain. We just had to once the tower got up this comes back to us, the IDA.

Mr. Wilson made a motion for approval of PLRZ20150000367 as submitted. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.

3. *Special Use Permit Application PLSUP20150000368, filed by KFG Properties, LLC requesting a Special Use Permit for the operation of a convenience and deli store without gasoline sales in accordance with Article 3K, Section C, Item 6 of the Code of the City of Danville, Virginia 1986, as amended at 541 N Main Street, otherwise known as Grid 2710, Block 028, Parcel 000016 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate a convenience store without gasoline sales at this location.*

Ms. Levi read the staff report. Twenty-nine notices were sent to surrounding property owners within 300 feet of the subject property. Four responses were opposed; two were not opposed.

Present to speak is Mr. Steve Delgiorno Owner and President of Parco International. We are the company that developed and opened the 616 Farm to table restaurant directly across the street from the proposed property.

Mr. Delgiorno stated I am here today to urge you to deny this application and my reasons are as follows. By nature convenience stores have a history of attracting crime. The amount of investment we have made and others in this district we don't think this is a positive addition to the neighborhood or the commercial district. Crime could be anything from petty theft inside convenience stores to armed robbery and even murder; which took place across the street from this proposed location twenty years ago. Furthermore, convenience stores which you see it evident today in Danville attract loitering, unwanted loitering not just inside the business but also outside the business in the parking lot, which we feel will make our customers uncomfortable. Over the past twenty years North Main commercial district and the surrounding areas benefit from new focus from Danville's Police Department, Community Development committee as well as the Economic Development group and as such we have seen the neighborhood stabilize. We have seen crime rate and incidents decline, new investment has come in especially from people such as myself. This committee as well as City Council in the 90's actually approved a plan, a very aggressive plan, to de zone the area to R2 residential. In doing so that really helped kind of stabilize the neighborhood. From that point on new investment came in and redid the North Theatre. After the North Theatre was developed we saw other buildings being developed. The Family Dollar came in and most recently Moon River Thai opened up in the historic north theatre building. We of course have opened the 616 Farm to Table Restaurant. The zoning today excludes convenience stores, we believe for a good reason. We feel like the vision of the City and those that are behind the River District, the central business district and the tourism district feel that businesses that should feel the nitch and those should be businesses that not only improve the overall neighborhood for the residents but also encourage business.

It's always to bring in more business and stabilize the neighborhood. Further, that it improves Danville's overall tax base. Some people believe that this convenience store fills that niche. But, I disagree with that because just across the street and in the next block there is a convenience store that has been grandfathered in for twenty years. A short four blocks away is another at the corner of North Main and James Street. So members of the Planning Commission if you were to grant this Special Use Permit you could set an unwanted precedent as well. This precedent would be for others to apply to put convenience stores in the business district and perhaps inside the River District. So, I'm here today to ask you to please vote no.

Mr. Searce closed the Public Hearing.

Mr. Searce stated I would say that I did get an email for someone basically voicing the same concerns for the area.

Mr. Gillie stated before Mr. Wilson asks I did personally tell the applicant the date and time of the meeting. Why they are not here I don't know.

Mr. Wilson stated this one is not an issue for me.

Mr. Jones stated what includes a convenience store? Is it anything from mom and pop owning this or Dollar General, Family Dollar are they convenience stores?

Mr. Gillie stated no. The definition of a convenience store in the zoning code is small retail establishments that offer for sale purchased food products, household items, newspapers and magazines, sandwiches and other prepared foods for offsite consumption. Such as an establishment usually serves a small market area i.e. neighborhood and should be designed with the size and scale that is compatible with the size of the community. There is a different definition for retail sales which is usually what the places like Dollar General and Family Dollar fall under.

Mr. Wilson stated there is a whole slew of issues with this for me. Do we have any evaluations, plans or anything from anybody pertaining to this?

Mr. Gillie stated I believe we have a floor plan but I don't think that is in your packet.

Mr. Wilson stated well because the person that wants to do this is not here and I have a lot of questions and I can't get them answered. I'm settled on this already.

Mr. Jones stated this person that wants this property does he have any other convenience stores in the area?

Mr. Gillie stated yes. Do you mean throughout the City or in the immediate area?

Mr. Jones stated can you tell us the location of any of these?

Mr. Gillie stated he has the one at the intersection of Franklin Turnpike and Orphanage Road, 58 East before the bypass, one further up North Main Street or he is looking at buying that one I'm not sure if he has acquired that one yet and he also has one on Mount Cross Road.

Mr. Dodson stated how close did you say the nearest convenience store was already?

Mr. Delgiorno stated one block.

Mr. Gillie stated the one at Worsham Street?

Mr. Delgiorno stated the one at Worsham Street and Meades Alley.

Mr. Gillie stated then the next one is where Richmond Blvd splits off.

Mr. Scarce stated is the one on Worsham Street still open? I don't know what time they close.

Mr. Delgiorno stated yes its open.

Mr. Scarce stated we also have if you see in your packet the funeral home that are not in the three hundred feet but they sent a letter of opposition.

Mr. Bolton stated explain to me and this is probably self-explanatory. This structure is a contributing structure to the North Danville Historic District. What does that mean to this case if anything?

Mr. Gillie stated it's a unique little structure it's not your standard box building. It's got some interesting architecture to it. So it was deemed contributing when they did the study of the area. What it has to do with this case? We try to give you all the information that we have available. It came up on our records so we wanted to make sure you knew it is a contributing structure. They will have to put a small addition on to allow handicap accessibility into it. They will have to try to make it architectural appealing. There is no requirement. We don't have a district or anything else that requires the exterior appearance. They could construct whatever they chose to meet the minimum building code.

Mrs. Evans stated the Commission of Architectural Review wouldn't have approve it?

Mr. Gillie stated no. It's not in the Old West End or the River District. Those are the only two we have architectural guidelines on.

Mr. Bolton stated they could do anything to the building as far as changing it?

Mr. Gillie stated as long as it meets code.

Mrs. Evans stated I think that would be a shame to mess that building up.

Mr. Gillie stated they can't qualify for tax credits or anything else that they apply for if they do whatever but we don't have any exterior controls in that district.

Mr. Bolton stated they haven't said anything about what they plan to do?

Mr. Gillie stated they do have to put that addition but past that point no.

Mr. Wilson stated we don't have any pictures we don't even have an applicant here we don't have anything.

Mr. Wilson made a motion to deny PLSUP20150000368 as submitted. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

III. MINUTES

Mr. Garrison made a motion to approve the December 7, 2015 minutes. The motion was approved by a unanimous vote.

IV. OTHER BUSINESS

Mr. Gillie stated we do have cases for next month. As usual there are some training opportunities out there through the state if anyone is interested in any Planning Commission training or anything else. We do have money budgeted for Certified Planning Commission training course. We did announce February 2nd is the City Council date? It used to be the second meeting we are moving that up to the first meeting of the month to try and compress the timeframe for applicants.

Mr. Jones stated are the additional dates for the year on the website?

Mr. Gillie stated yes they should be on the website. I sent out a calendar I can send out another one if you would like.

Mr. Jones stated please send me one.

Mr. Gillie stated okay I'll send it out to everybody.

With no further business, the meeting adjourned at 3:37 p.m.

APPROVED