City Planning Commission

POST OFFICE BOX 3300 DANVILLE, VIRGINIA (434) 799-5260

APRIL 11, 2016
3:00 P.M.
CITY COUNCIL CHAMBERS
AGENDA

I. WELCOME AND CALL TO ORDER

II. ROLL CALL

III. ITEMS FOR PUBLIC HEARING

1. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended more specifically Article 3.O: entitled "LED-I, Light Economic Development District", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #25 to allow for a waiver of yard requirements, and Article 3.K: entitled "CB-C Central Business Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for car washes.*

2. *Special Use Permit Application PLSUP20160000047, filed by Von Wellington requesting a Special Use Permit for the operation of a car wash in accordance with Article 3.K:, Section C, Item #28 of the Code of the City of Danville, Virginia 1986, as amended at 136 S. Ridge Street, otherwise known as Grid 2713, Block 030, Parcel 000006 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an indoor car wash at this location.*

3. *Special Use Permit Application PLSUP20160000088, filed by JEB Realty LLC requesting a Special Use Permit for a waiver of yard requirements in accordance with Article 3.O, Section C, Item #25 of the Code of the City of Danville, Virginia 1986, as amended at 1750 S. Main St, otherwise known as Grid 1508, Block 005, Parcel 000002 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to subdivide the parcel resulting in zero ft. side and rear building setbacks and to reduce the required lot frontage from 120 ft. to zero ft.*

4. *Special Use Permit Application PLSUP20160000087, filed by Suzanne Wright requesting a Special Use Permit for a duplex in accordance with Article 3.E, Section C, Item 2 of the Code of the City of Danville, Virginia 1986, as amended at 124 Mt. Vernon Ave, otherwise known as Grid 1719, Block 022, Parcel 000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing that the residential structure be allowed to operate as a duplex.*

5. *Rezoning application PLRZ20160000089, filed by Gus Dyer requesting to rezone from A-R , Attached Residential to M-R, Multi-Family Residential parcel ID #58991, and to rezone from OT-R, Old Town Residential to M-R, Multi-Family Residential Parcel IDs #50393 and #50394, otherwise known as Grid 0715, Block 011, Parcels 000028, 000006, and 000005, respectively, of the City of*

Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for consolidation and development into apartment units.

6. *Rezoning application PLRZ20160000090, filed by Richard Rowland requesting to rezone from S-R, Suburban Residential to "Conditional" HR-C, Highway Retail Commercial, a portion of Parcel ID #70928, otherwise known as Grid 9707, Block 006, Parcel 000001 of the City of Danville, Virginia Zoning Map. The applicant is proposing to rezone a 50 ft by 310 ft strip of Parcel ID #70928 so that it may be consolidated with Parcel ID #78531.*

IV. APPROVAL OF MINUTES FROM MARCH 7, 2016

V. OTHER BUSINESS

VI. ADJOURNMENT

Department of
Community
DEVELOPMENT
City of Danville, Virginia

PLANNING REPORT

P.O. Box 3300 Danville, VA 24543 (434) 799-5261

City Planning Commission
Meeting of April 11, 2016

Subject:

Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended more specifically Article 3.O: entitled "LED-I, Light Economic Development District", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #25 to allow for a waiver of yard requirements, and Article 3.K: entitled "CB-C Central Business Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for car washes.

Background:

The City of Danville adopted the current zoning regulations in 2004. These regulations are amended from time to time to address changes in laws on both the state and national level as well as for new ideas or concepts presented to the City.

Requests have been filed to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended more specifically Article 3.O: entitled "LED-I, Light Economic Development District", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #25 to allow for a waiver of yard requirements, and Article 3.K: entitled "CB-C Central Business Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for car washes.

Staff Analysis and Recommendation:

Article 3.O: LED-I, Light Economic Development District
Section C. Uses Permitted by Special Use Permit
#25 Waiver of yard requirements

Staff has received a request to amend Article 3.O: entitled "LED-I, Light Economic Development", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #25 to allow for a waiver of yard requirements. With the exception of the TW-C, Tobacco Warehouse District, a waiver of yard requirements is permitted by special use permit for all commercial districts. However, the current zoning code does not permit a

waiver of yard requirements in the LED-I, Light Economic Development District. Staff has been presented with a case where a warehouse owner would like to sell a single warehouse building that has no yard. The Western elevation is abutted by another warehouse and the Southern and Eastern elevations already lay on existing property lines. The Staff is recommending that a waiver for yard requirements be added to Article 3.O: entitled "LED-I, Light Economic Development", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #25 to allow for a waiver of yard requirements.

Article 3.K: CB-C, Central Business Commercial
Section C. Uses Permitted by Special Use Permit
#28 Car washes

Staff has received a request to amend Article 3.K: entitled "CB-C Central Business Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for car washes. The property that is the subject of this request is located within the River District and is therefore subject to the River District Design Guidelines. Any exterior changes to the property require approval by the River District Commission. The River District Commission reviewed the request on March 10, 2016. The Commission voted 4-0-1 (Mr. Lackey abstained, Mr. Davis and Mr. Ranson absent) to recommend approval of amending Article 3.K: entitled "CB-C, Central Business Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for car washes. In keeping with the recommendation make by the River District Commission, Staff recommends that car washes be added to Article 3.K: entitled "CB-C Central Business Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for car washes.

City Planning Commission Alternatives:

1. Recommend approval of the Code amendments as submitted by Planning Staff.
2. Recommend approval of the Code amendments with modification per Planning Commission.
3. Recommend tabling the Code amendments for more study.
4. Recommend no changes be made to the Code.

CITY OF DANVILLE

CODE CHANGE AMENDMENT

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ DATE FILED: _____

RECEIVED FROM: AL

SECTION AFFECTED: 3.0 Sec. C

PLANNING COMMISSION DATE/ACTION: 4/11/2016

CITY COUNCIL DATE/ACTION: 5/3/2016

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section: LED-I, INDUSTRIAL DISTRICT (Light Economic Development District)

Article 3.0, Section C entitled "Uses Permitted by Special Use Permit"

Proposed Amendment (please attach if not sufficient space): Amend Article 3.0, Section C to allow for a waiver of yard requirements.

Purpose for proposed amendment: For the proper subdivision of existing parcels of land while allowing for future right of way dedication and development.

PRESENT OWNER(S) OF ALL PROPERTIES INCLUDED IN APPLICATION:

1. NAME (PLEASE PRINT OR TYPE): JEB REALTY LLC

   ADDRESS: 1750 S MAIN ST., DANVILLE, VA 24541

   TELEPHONE: (434) 793-5555

   SIGNATURE: _____ DATE: 3-7-16

2. NAME (PLEASE PRINT OR TYPE): JAY E. BARKER

   ADDRESS: 1750 S. MAIN ST DANVILLE, VA 24541

   TELEPHONE: 434-793-5555

   SIGNATURE: _____ DATE: _____

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

NAME (PLEASE PRINT OR TYPE): _____

ADDRESS: _____

TELEPHONE: _____

SIGNATURE: _____ DATE: 3-7-16

CITY OF DANVILLE

CODE CHANGE AMENDMENT

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ DATE FILED: _____

RECEIVED FROM: _____

SECTION AFFECTED: 3 K Sec C

PLANNING COMMISSION DATE/ACTION: 3/7/16

CITY COUNCIL DATE/ACTION: 4/5/16 ??

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section: Chapter 41 Article 3K Section C

Proposed Amendment (please attach if not sufficient space): _____

Purpose for proposed amendment: To be allowed to service the River District and Community with hand detailed car washes. Minimum use of water. Mostly every carwash will consider only one rinse, "Indoors only"

PRESENT OWNER(S) OF ALL PROPERTIES INCLUDED IN APPLICATION:

1. NAME (PLEASE PRINT OR TYPE): Corner Real Estate LLC

   ADDRESS: P. O. Box 1538 Danville VA 24543

   EMAIL: tmpoplin@plandsva.com

   TELEPHONE: 434-791-4171

   SIGNATURE: William Gentry by Poplin DATE: 2-10-16

2. NAME (PLEASE PRINT OR TYPE): _____

   ADDRESS: _____

   TELEPHONE: _____

   SIGNATURE: _____ DATE: _____

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

NAME (PLEASE PRINT OR TYPE): Von Wellington

ADDRESS: 136 South Ridge Street

EMAIL: vonwellington.com@gmail.com

TELEPHONE: 434-770-3553

SIGNATURE: Von Wellington DATE: 2-12-2016

Department of
Community
DEVELOPMENT
City of Danville, Virginia

PLANNING REPORT

P.O. Box 3300 Danville, VA 24543 (434) 799-5261

City Planning Commission
Meeting of April 11, 2016

Subject:

Special Use Permit Application PLSUP20160000047, filed by Von Wellington requesting a Special Use Permit for the operation of a car wash in accordance with Article 3.K:, Section C, Item #28 of the Code of the City of Danville, Virginia 1986, as amended at 136 S. Ridge Street, otherwise known as Grid 2713, Block 003, Parcel 000006 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an indoor car wash at this location.

Background:

The applicant, Von Wellington, is seeking a Special Use Permit for the operation of an indoor car wash at 136 S. Ridge Street. The applicant is proposing to give hand-detailed car washes on the basement floor of this location. The applicant proffered conditions upon himself that all car washing and detailing will be done indoors, shielded from public view. The case was first heard by the City Planning Commission on March 7, 2016.

The subject property is approximately .32 acres and is zoned CBC-C, "Conditional" Central Business Commercial. It is the former site of Dixie Bags and is currently operating as the River District Barbershop. The subject property also was approved by City Council to operate as an indoor commercial recreation facility on March 1, 2016.

The subject property is located within the River District and is therefore subject to the River District Design Guidelines and approval by the River District Commission. Section 4.2 of the River District Design Guidelines entitled "Allowed Uses" states that auto-related businesses are discouraged in the River District. For this reason, the City Planning Commission remanded the case to the River District Commission for review during the March 7th hearing.

The River District Commission reviewed the request on March 10, 2016. The Commission voted 4-0-1 (Mr. Lackey abstained, Mr. Davis and Mr. Ranson absent) to recommend approval of amending Article 3.K: entitled "CB-C, Central Business Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding

item #28 to allow for car washes. The River District Commission recommends approval of PLSUP20160000047 with the condition that all washing and detailing be done indoors.

Twenty-one (21) 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 April 11, 2016.

Staff Analysis and Recommendation:

In keeping with the recommendation made by the River District Commission, staff recommends approval of Special Use Permit Application PLSUP20160000047, filed by Von Wellington, to operate an indoor car wash at 136. S Ridge St with the following condition:

- All automobile washing and detailing must be done indoors, shielded from public view.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP20160000047 as submitted.
2. Recommend approval of Special Use Permit Application PLSUP20160000047 with conditions per staff.
3. Recommend approval of Special Use Permit Application PLSUP20160000047 with conditions per Planning Commission.
4. Recommend denial of Special Use Permit Application PLSUP20160000047.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2015 Aerial)

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

APPPLICATION 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:_____ Property Address: 136. S. Ridge Street

Property Location: N S E W Side of: S. Ridge / Patton Street

Between: S. Ridge and Patton

Proffered Conditions (if any, please attach): _____

_____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

To be allowed to service the River District and Community with hand detailed carwashes, Minimum use of water, Mostly every wash will consider one rinse. "Indoors Only"

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

1. NAME: Corner Real Estate LLC TELEPHONE: 434-791-4171

MAILING ADDRESS: P.O. Box 1538 Danville VA 24543

SIGNATURE: William Gentry Poplin DATE: 2-10-16

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: tmpoplin@plandsva.com

APPLICANT (PLEASE TYPE OR PRINT):

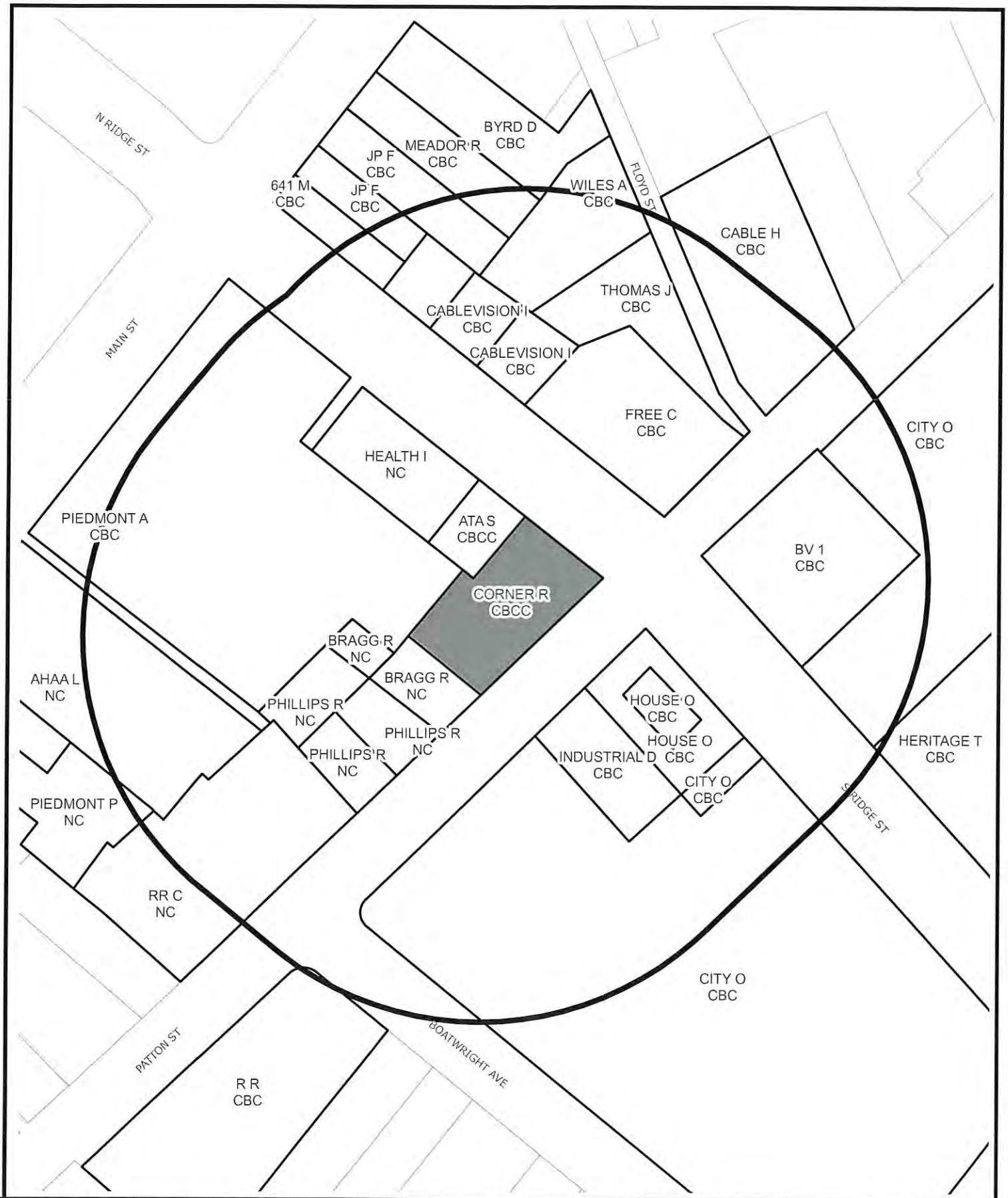
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: Von Wellington TELEPHONE: 434-770-3553

MAILING ADDRESS: 308 Craghead Street

EMAIL ADDRESS: vonwellington.com@gmail.com

SIGNATURE: Von Well DATE: 2-12-2016



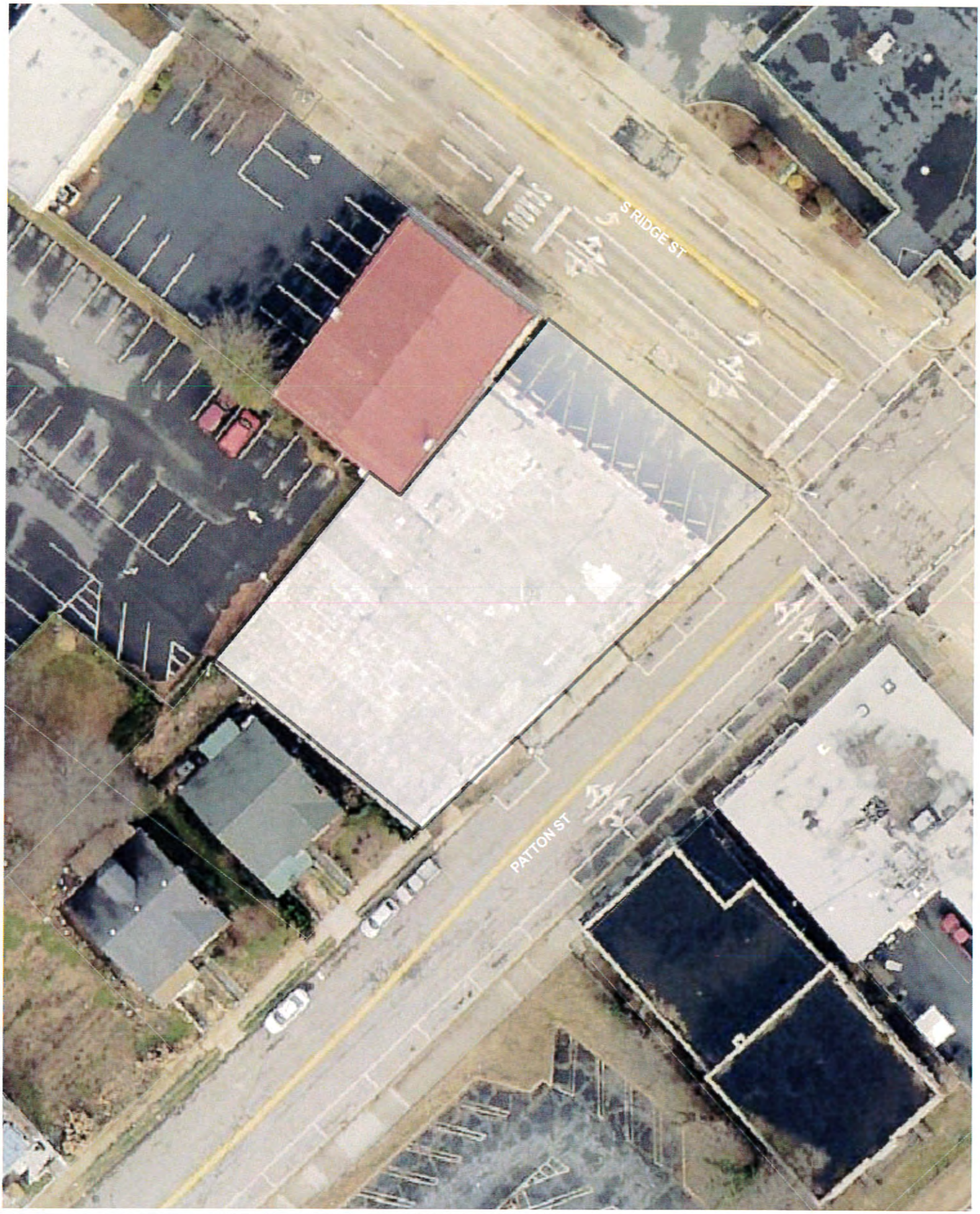
SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
2/17/2016

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:	March 7, 2016
LOCATION OF PROPERTY:	136 S. Ridge St
PRESENT ZONE:	CBCC, "Conditional" Central Business Commercial
PROPOSED ZONE:	Same
ACTION REQUESTED:	Special Use Permit request to operate an indoor car wash.
PRESENT USE OF PROPERTY:	Barber shop
PROPOSED USE OF PROPERTY:	Indoor car wash
PROPERTY OWNER (S):	Corner Real Estate LLC
NAME OF APPLICANT (S):	Von Wellington
PROPERTY BORDERED BY:	Commercial and residential to the north, south, east and west
ACREAGE/SQUARE FOOTAGE:	.32 acres
CHARACTER OF VICINITY:	Mixed use: Commercial and residential
INGRESS AND EGRESS:	S Ridge Street and Patton Street
TRAFFIC VOLUME:	Moderate
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of March 7, 2016



2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
2/17/2016

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.

Department of Community DEVELOPMENT
City of Danville, Virginia

PLANNING REPORT

P.O. Box 3300 Danville, VA 24543 (434) 799-5261

City Planning Commission
Meeting of April 11, 2016

Subject:

Special Use Permit Application PLSUP20160000088, filed by JEB Realty LLC requesting a Special Use Permit for a waiver of yard requirements in accordance with Article 3.O, Section C, Item #25 of the Code of the City of Danville, Virginia 1986, as amended at 1750 S. Main St, otherwise known as Grid 1508, Block 005, Parcel 000002 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to subdivide the parcel resulting in zero ft. side and rear building setbacks and to reduce the required lot frontage from 120 ft. to zero ft.

Background:

The applicant, JEB Realty, is requesting a Special Use Permit for a waiver of yard requirements. The applicant is proposing to subdivide the property so that one of the buildings may be sold. The subdivision would require the new lot to have zero (0) ft. side and rear building setbacks and zero (0) ft. lot frontage.

The 102.15 acre subject parcel is the site of the JEB Tobacco Storage Warehouses. It is located on the Virginia, North Carolina border. A strip of the parcel extends over the state line into North Carolina.

In 2010, JEB Realty LLC sold a roughly seven (7) acre parcel that lies within the subject parcel to Rick Barker Properties LLC. They wish to make a similar transaction now by selling a 3.36 acre warehouse building. The Southern elevation of the building lies on the North Carolina state line and Western elevation is abutted by another warehouse building. The Eastern elevation already lies on an existing property line. The subdivision would require zero (0) ft. lot frontage because the portion of the subdivided parcel that would be frontage has an easement placed upon it for use as a proposed future right-of-way.

Four (4) 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 April 11, 2016.

Staff Analysis and Recommendation:

Staff believes that zero (0) ft. side and rear building setbacks and zero (0) ft. lot frontage will not adversely affect surrounding property owners. Staff recommends approval of Special Use Permit Application PLSUP20160000088, filed by JEB Realty LLC for a waiver of yard requirements with the following condition:

- A perpetual cross-access easement agreement is established so that access and parking requirements can be met.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP20160000088 as submitted.
2. Recommend approval of Special Use Permit Application PLSUP20160000088 with conditions per Staff.
3. Recommend approval of Special Use Permit Application PLSUP20160000088 with conditions per Planning Commission.
4. Recommend denial of Special Use Permit Application PLSUP20160000088.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2015 Aerial)

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

APPPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING USE: Waiver of Yard Requirements

CASE NUMBER: _____ EXISTING ZONING: _____

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE: 2/11/16 CITY COUNCIL DATE: 5/3/16

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

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

Gross Area/Net Area: 106 AC +/- Property Address: 1750 S MAIN STREET

Property Location: N S E W Side of: South Main Street

Between: Caswell County, NC and Danville Expressway

Proffered Conditions (if any, please attach): Allow for 0′ building setbacks (side and rear) and to reduce the required lot frontage width from 120′ to 0′.

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:

Proposed Parcels' 1 and 2 as shown on subdivision plat of survey performed by LE&D Professionals dated March 1, 2016.

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

1. NAME: JEB REALTY LLC TELEPHONE: (434) 793-5555

MAILING ADDRESS: 1750 S MAIN ST DANVILLE, VA 24541

SIGNATURE: JE Blair DATE: 3-7-16

SIGNATURE: DATE:

EMAIL ADDRESS: jbarker@jebint.com

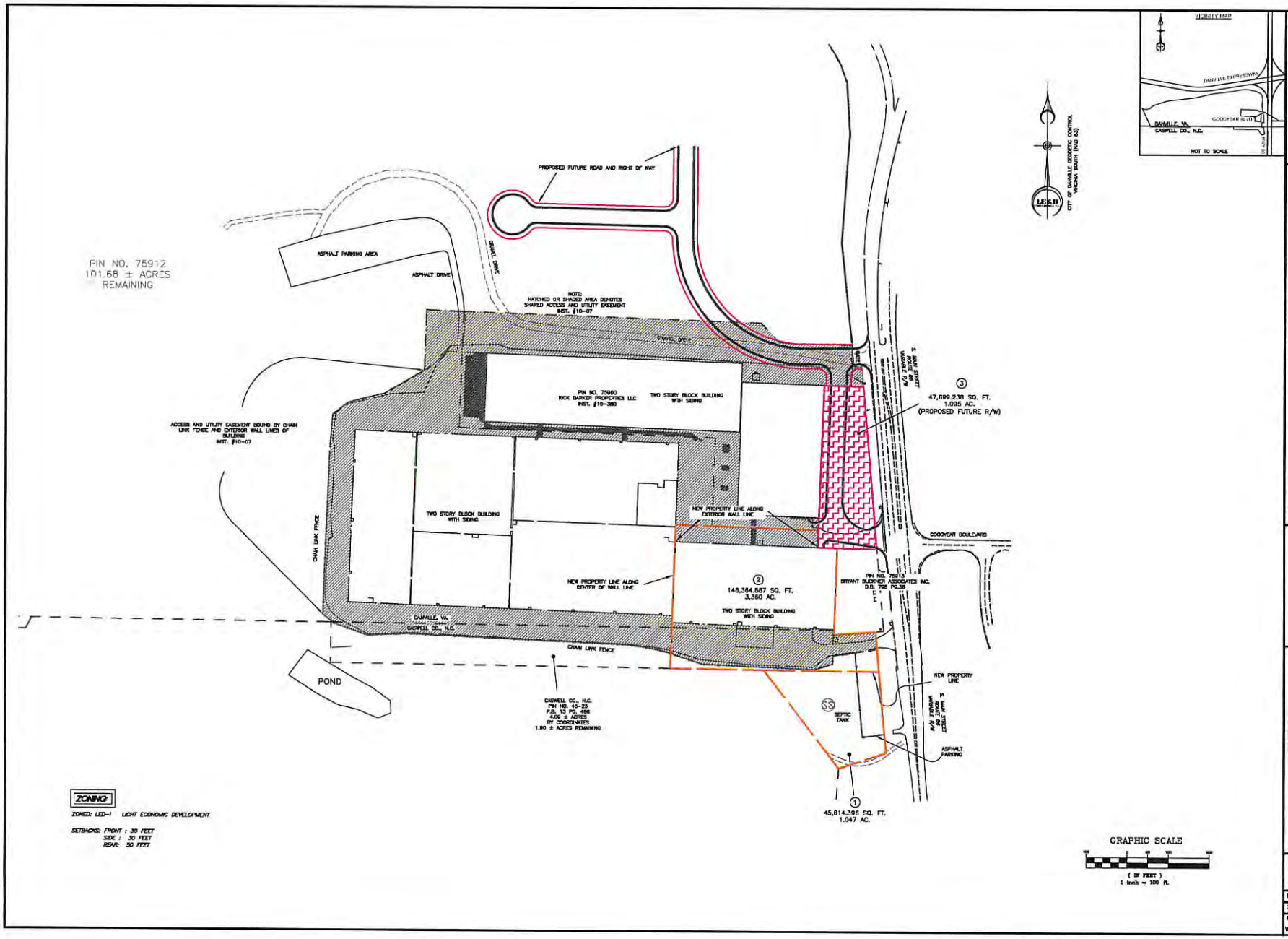
APPLICANT (PLEASE TYPE OR PRINT):
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: JEB REALTY LLC TELEPHONE: (434) 793-5555

MAILING ADDRESS: 1750 S MAIN ST DANVILLE, VA 24541

EMAIL ADDRESS: jbarker@jebint.com

SIGNATURE: JE Blair DATE: 3-7-16



ZONING

ZONED: LED-I LIGHT ECONOMIC DEVELOPMENT

SETBACKS: FRONT : 30 FEET
SIDE : 30 FEET
REAR: 50 FEET

LE&D PROFESSIONALS, P.C.
RIVER RUN EXECUTIVE OFFICES
SUITE 6
110 EXCHANGE STREET
DANVILLE, VA. 24541
PHONE NO. (434) 792-3681
FAX NO. (434) 792-4489
www.landeng.com

ROW AND SUBDIVISION EXHIBIT
JEB-REALTY, LLC
DANVILLE, VIRGINIA

PRELIMINARY ROAD

REVISIONS			
NO.	DATE	DESCRIPTION	BY

Sheet No. 1 of 1

Date: MARCH 3, 2016

Scale: 1"= 100'

Project No.

OWNER'S CERTIFICATE

I HEREBY CERTIFY THAT I (WE) AM (ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF CASWELL COUNTY AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED.

OWNER(S) _____ DATE _____

CERTIFICATE OF APPROVAL FOR RECORDING MINOR SUBDIVISION

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH ARTICLE 9, PART VI OF THE UNIFIED DEVELOPMENT ORDINANCE OF CASWELL COUNTY, NORTH CAROLINA, AND THAT SUCH PLAT HAS BEEN APPROVED ACCORDING TO THE PROCEDURES FOR APPROVAL OF MINOR SUBDIVISIONS, SECTION 8.3.

UDO ADMINISTRATOR _____ DATE _____

CITY ENGINEER'S CERTIFICATE

I CERTIFY THAT THIS PLATTING AND SUBDIVISION ARE IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE AND HEREBY APPROVED IN ACCORDANCE WITH THE CODE OF THE CITY OF DANVILLE 1988, AS AMENDED.

CITY ENGINEER _____ DATE _____

ZONING ADMINISTRATOR _____ DATE _____

PIN NUMBER

75912 (DANVILLE, VA.)
46-26 (CASWELL CO., N.C.)

STATE OF NORTH CAROLINA
COUNTY OF CASWELL

I, _____ REVIEW OFFICER OF CASWELL COUNTY, CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____ DATE _____

OWNER'S CERTIFICATE

THE PLATTING OF THIS PROPERTY AS WELL AS THE STREETS, ALLEYS, OR OTHER PROPERTY FOR PUBLIC USE AS SHOWN ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS.

JEB REALTY LLC.

STATE OF VIRGINIA
AT LARGE, TO WIT:
I _____, A NOTARY PUBLIC IN AND FOR THE STATE OF VIRGINIA AT LARGE HEREBY CERTIFY THAT _____ WHOSE NAME(S) ARE SIGNED TO THIS PLAT BEARING DATE OF _____ HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE STATE AFORESAID.

GIVEN UNDER HAND THIS _____ DAY OF _____, 2016
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

FLOOD NOTE

A PORTION OF THIS PROPERTY LIES WITHIN FLOOD ZONE "A" AS SHOWN OF F.I.R.M. COMMUNITY PANEL # 510044 0641 E EFFECTIVE DATE: SEPTEMBER 29, 2010

NOTES

1. THE LOCATIONS OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE AND INTENDED FOR INFORMATIONAL PURPOSES ONLY.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.

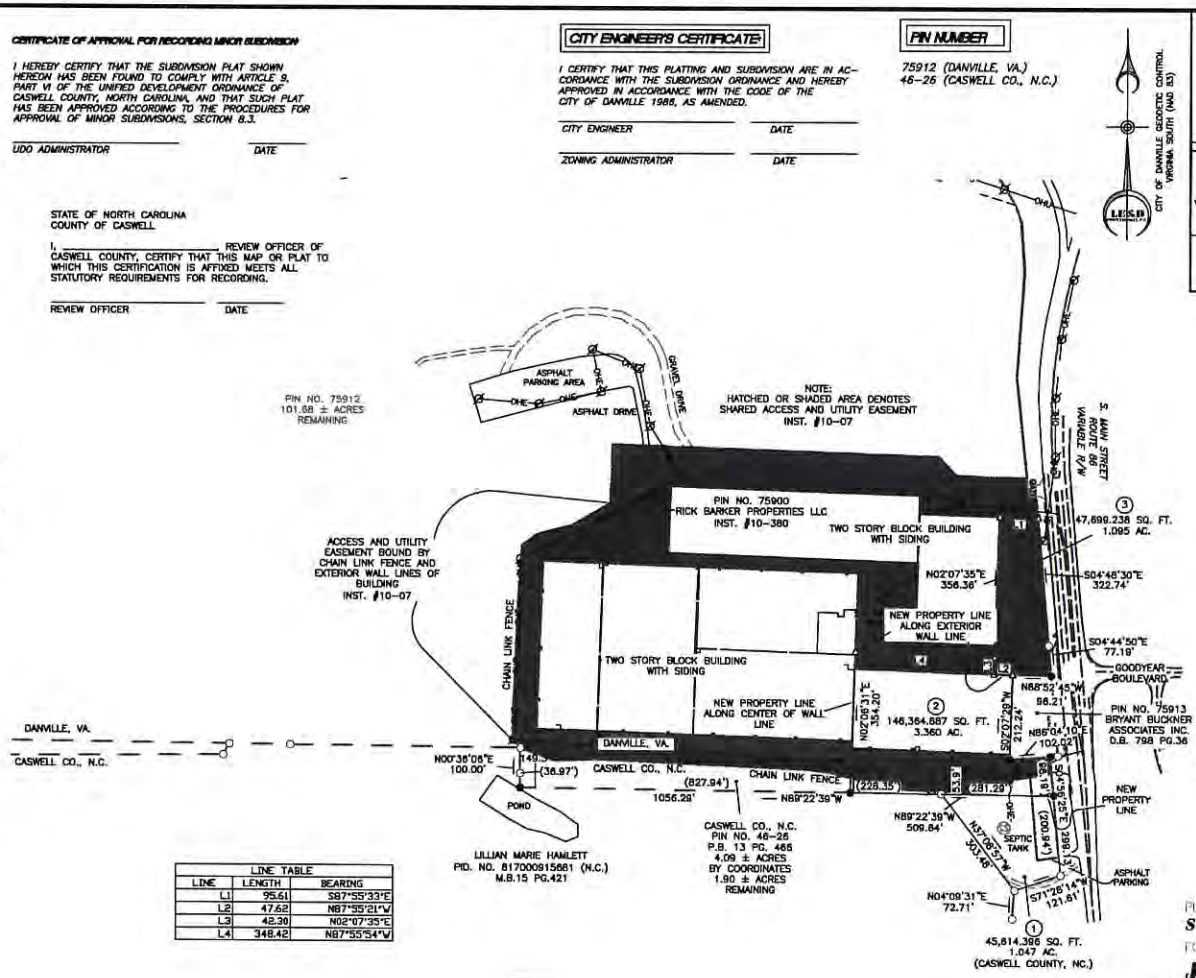
REFERENCE

OWNER OF RECORD:
JEB REALTY LLC
1. WB 08-30 (CITY OF DANVILLE, VA.)
2. D.B. 769 PG. 605 (PITTSYLVANIA CO., VA.)
3. INSTR. NO. 12-1079 (CITY OF DANVILLE, VA.)
4. D.B. 137 PG. 377 (PITTSYLVANIA CO., VA.)
5. D.B. 364 PG. 664 (CASWELL CO., N.C.)
6. M.B. 13 PG. 466 (CASWELL CO., N.C.)
7. INSTR. NO. 10-07 (CITY OF DANVILLE, VA.)

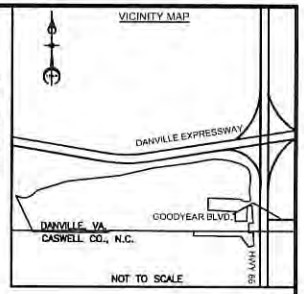
ZONING

ZONED: LED-I LIGHT ECONOMIC DEVELOPMENT

SETBACKS: FRONT : 30 FEET
SIDE : 30 FEET
REAR: 50 FEET



LINE TABLE		
LINE	LENGTH	BEARING
L1	95.61	S87°55'33"E
L2	47.62	N87°55'21"W
L3	42.30	N02°07'35"E
L4	348.42	N87°55'54"W



LEGEND

- EIP-EXISTING IRON
- NIP-NEW IRON PIN-5/8" REBAR
- C.P.-COMPUTED POINT
- ECM-EX CONC MONUMENT
- R/W-RIGHT OF WAY
- OHE-OVERHEAD ELECTRIC
- PIN: TAX PARCEL ID. No.
- SIGN
- MAIL BOX
- TELEPHONE PEDESTAL
- ELECTRIC METER
- LIGHT POLE
- UTILITY POLE
- GUY POLE
- WATER VALVE
- GAS VALVE
- WATER METER
- FIRE HYDRANT
- JUNCTION BOX
- ORNAMENTAL TREE
- SANITARY SEWER CLEAN-OUT
- SANITARY SEWER MANHOLE
- STORM DRAIN INLET GRATE
- STORM DRAIN MANHOLE
- FENCE LINE
- OHU OVERHEAD UTILITY LINE
- OHE OVERHEAD ELECTRIC LINE

SURVEYOR'S CERTIFICATION

I, HEREBY CERTIFY THAT THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS PLAT IS BASED ON MAPS AND DEEDS OF RECORD, AND IS BASED ON A CURRENT FIELD SURVEY. I FURTHER CERTIFY THAT THIS PLAT COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES AS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS. I, FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE PLANNING COMMISSION AND CITY COUNCIL, AND ORDINANCES OF THE CITY OF DANVILLE, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE CITY HAVE BEEN COMPLIED WITH. GIVEN UNDER MY HAND THIS _____ DAY OF _____, 2016.

FINAL PLAT FOR REVIEW PURPOSES ONLY

GARY MARK JOHNSON L.S. # 2579
LE&D PROFESSIONALS, P.C.
110 EXCHANGE STREET SUITE B
DANVILLE, VA 24541
(434) 792-3680

SURVEYOR'S CERTIFICATION

I, _____, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE BY ME AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DEED DESCRIPTION RECORDED IN BOOK _____ PAGE _____ BOOK _____ PAGE _____ ETC. (OTHER); THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000 + THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK _____ PAGE _____; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH NCGS 47-30 AS AMENDED. WITNESS BY HAND AND SEAL THIS _____ DAY OF _____, 2016.

FINAL PLAT FOR REVIEW PURPOSES ONLY

GARY MARK JOHNSON L.S. # L-3144
LE&D PROFESSIONALS, P.C.
110 EXCHANGE STREET SUITE B
DANVILLE, VA 24541
(434) 792-3680

GRAPHIC SCALE

200 0 100 200 400

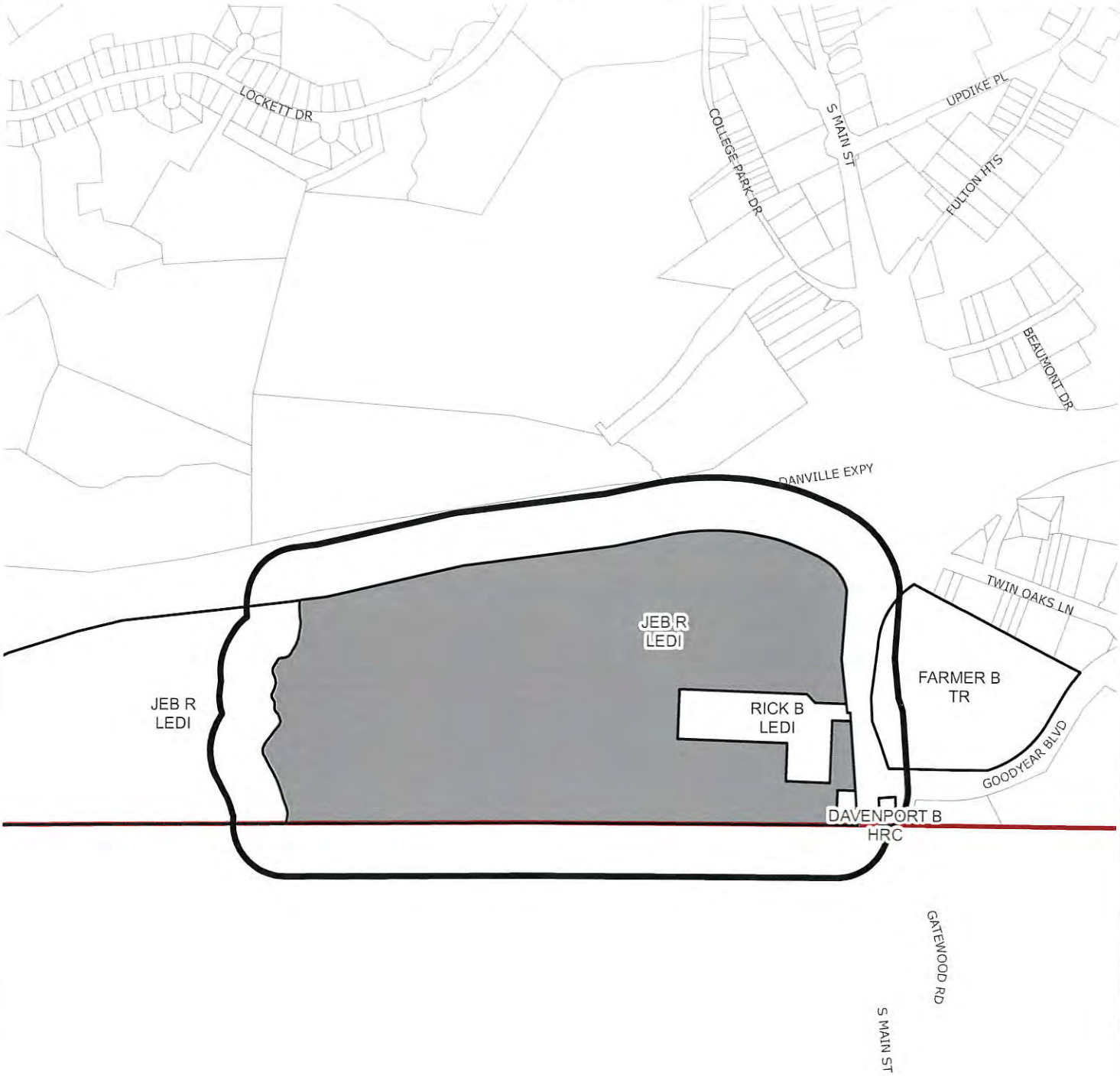
(IN FEET)
1 inch = 200 ft.

PLAT OF
SUBDIVISION
FOR
JEB REALTY LLC
PIN # 75912 (VA.)
PIN # 46-26 (N.C.)
DANVILLE, VIRGINIA & CASWELL CO., N.C.

DATE: MARCH 1, 2016
SHEET 1 OF 1
SCALE: 1" = 200'
CHECKED BY: DEM

LE&D PROFESSIONALS, P.C.
RIVER RUN EXECUTIVE OFFICES SUITE-B
110 EXCHANGE STREET - DANVILLE, VIRGINIA 24541
PHONE NO. (434) 792-3680 - FAX NO. (434) 792-3685

Project No. VA\BAR-DVA101\SUR\DWG\SUBDIVISION



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
3/24/2016

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:	April 11, 2016
LOCATION OF PROPERTY:	1750 S Main Street; on the Caswell County, NC border.
PRESENT ZONE:	LED-I, Light Economic Development District
PROPOSED ZONE:	Same
ACTION REQUESTED:	Special Use Permit request to allow 0 ft side and rear setbacks and to reduce the required lot frontage from 120 ft to 0 ft.
PRESENT USE OF PROPERTY:	JEB Tobacco Storage Warehouses
PROPOSED USE OF PROPERTY:	Subdivision of lot so that one building may be sold separately.
PROPERTY OWNER (S):	JEB Realty LLC
NAME OF APPLICANT (S):	Same
PROPERTY BORDERED BY:	Light Industrial to North and West, Commercial and residential to East, North Carolina border to South.
ACREAGE/SQUARE FOOTAGE:	102.15 acres
CHARACTER OF VICINITY:	Predominantly Light Industrial
INGRESS AND EGRESS:	S Main Street
TRAFFIC VOLUME:	Moderately high
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of April 11, 2016

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/24/2016

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.

Department of Community DEVELOPMENT
City of Danville, Virginia

PLANNING REPORT

P.O. Box 3300 Danville, VA 24543 (434) 799-5261

City Planning Commission
Meeting of April 11, 2016

Subject:

Special Use Permit Application PLSUP20160000087, filed by Suzanne Wright requesting a Special Use Permit for a duplex in accordance with Article 3.E, Section C, Item 2 of the Code of the City of Danville, Virginia 1986, as amended at 124 Mt. Vernon Ave, otherwise known as Grid 1719, Block 022, Parcel 000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing that the residential structure be allowed to operate as a duplex.

Background:

The applicant, Suzanne Wright, is requesting a Special Use Permit to operate a duplex at 124 Mt. Vernon Ave. The property is in under contract for sale, subject to a Special Use Permit being obtained for the buyer.

The subject parcel is zoned OT-R, Old Town Residential. The house sits upon a .18 acre parcel and has been operating as a single family residence for an indeterminate number of years. However, the residence has operated as a duplex in the past. A site visit to the property by staff has revealed that there are two utility hookups and the structure was at one time divided into two separate units with separate entrances, heating units, and kitchens for the upstairs and downstairs. Minimal work would be required to convert the structure back into a duplex.

The structure's previous use as a duplex is no longer allowed by right since it has been operating as a single family dwelling for a period of longer than two years.

Forty-two (42) 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 April 11, 2016.

Staff Analysis and Recommendation:

The character of the neighborhood is predominantly comprised of single family dwellings; however there are apartment units directly across Mt. Vernon Ave. from the

subject property. Because the subject parcel has operated as a duplex in the past, staff believes it will continue to be in keeping with the character of the neighborhood and will not adversely affect the neighborhood.

Staff recommends approval of Special Use Permit Application PLSUP20160000087, filed by Suzanne Wright for a duplex with the following condition:

- Appropriate permits must be obtained prior to any building renovations necessary to convert the structure from a single family dwelling into a duplex.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP20160000087 as submitted.
2. Recommend approval of Special Use Permit Application PLSUP20160000087 with conditions per Staff.
3. Recommend approval of Special Use Permit Application PLSUP20160000087 with conditions per Planning Commission.
4. Recommend denial of Special Use Permit Application PLSUP20160000087.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2015 Aerial)

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

APPPLICATION 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:_____

476

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

Exact legal description of property (Attach if insufficient space). attached legal description from deed and gross area from City of Danville website

Gross Area/Net Area: .18 acre Property Address: 124 Mt. Vernon Ave Danville Va

Property Location: (N) S E (W) Side of: Mt. Vernon Ave

Between: 163.75 ft. on sw side and 152.5 ft. on ne side

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. **PROPOSED USE FOR THE SPECIAL USE PERMIT:**

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

SUP requested for property located at 124 Mt. Vernon Ave, Danville, Va. to be occupied as a duplex. This property was built as a duplex, allowed use as a duplex, and occupied as a duplex. The property is under contract for sale subject to a special use permit being obtained for the buyer.

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

1. NAME: Donnah Moore Woody TELEPHONE: 913-908-8234
James W. Woody 913-685-8253
MAILING ADDRESS: 14010 Eby Overland Park, KS 66221

SIGNATURE: _____ DATE: _____

SIGNATURE: Donnah Moore Woody James W Woody DATE: 3/1/16

EMAIL ADDRESS: dwoody14010@aol.com
jwoody14010@aol.com

APPLICANT (PLEASE TYPE OR PRINT):
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

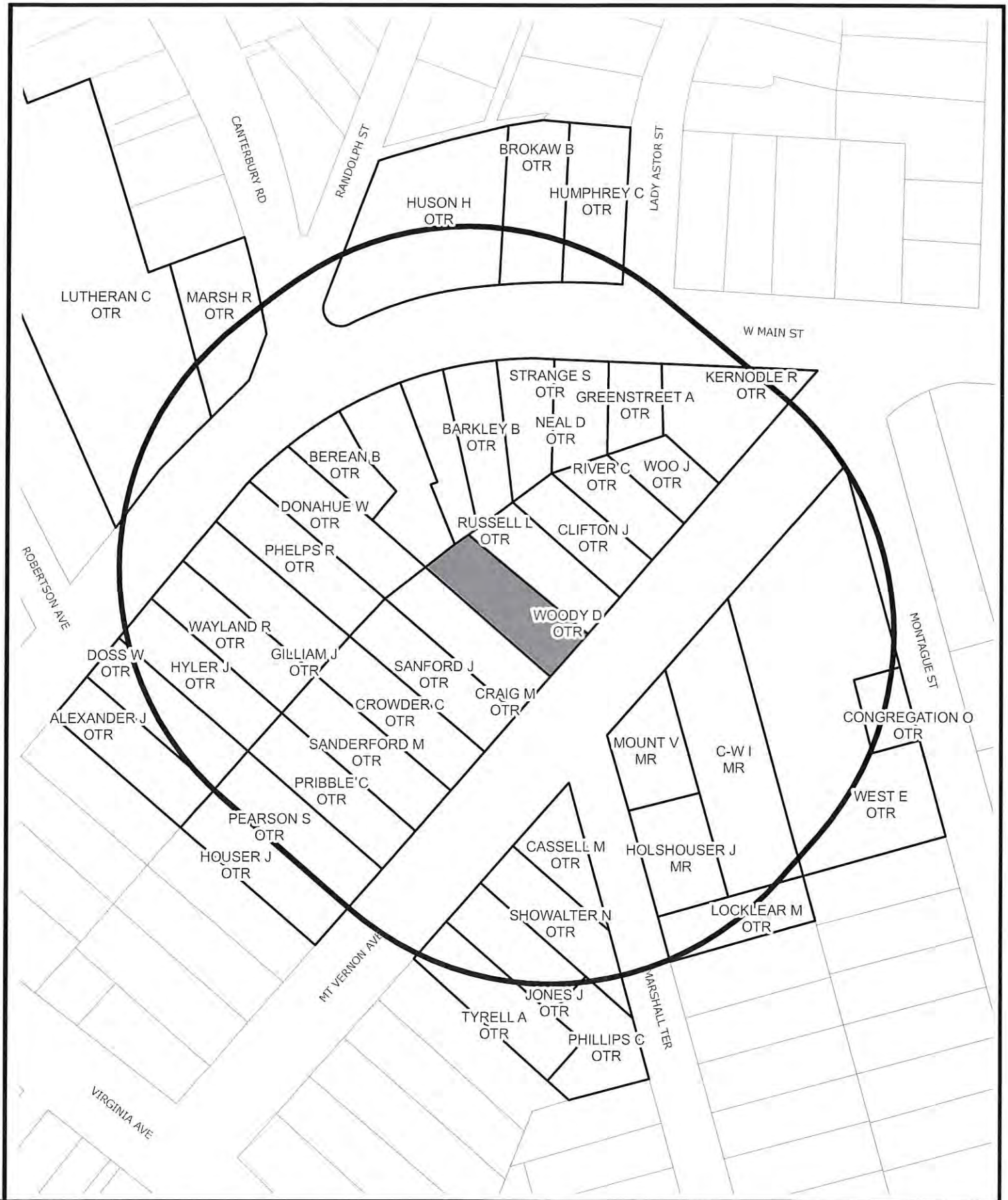
NAME: N/A TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____

* see attached for additional owner information



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
3/23/2016

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:	April 11, 2016
LOCATION OF PROPERTY:	124 Mt. Vernon Ave
PRESENT ZONE:	OT-R, Old Town Residential
PROPOSED ZONE:	Same
ACTION REQUESTED:	Special Use Permit request to operate a duplex
PRESENT USE OF PROPERTY:	Single family residential
PROPOSED USE OF PROPERTY:	Duplex
PROPERTY OWNER (S):	Donnah Woody, James Woody, and Suzanne Wright
NAME OF APPLICANT (S):	Suzanne Wright
PROPERTY BORDERED BY:	Residential and Multifamily Residential to the north, south, east and west
ACREAGE/SQUARE FOOTAGE:	.18 acres
CHARACTER OF VICINITY:	Residential
INGRESS AND EGRESS:	Mt. Vernon Ave
TRAFFIC VOLUME:	Moderately low
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of April 11, 2016

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/23/2016

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.

Department of Community DEVELOPMENT
City of Danville, Virginia

PLANNING REPORT

P.O. Box 3300 Danville, VA 24543 (434) 799-5261

City Planning Commission
Meeting of April 11, 2016

Subject:

Rezoning application PLRZ20160000089, filed by Gus Dyer requesting to rezone from A-R , Attached Residential to M-R, Multi-Family Residential parcel ID #58991, and to rezone from OT-R, Old Town Residential to M-R, Multi-Family Residential Parcel IDs #50393 and #50394, otherwise known as Grid 0715, Block 011, Parcels 000028, 000006, and 000005, respectively, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for consolidation and development into apartment units.

Background:

A request has been filed by Gus Dyer requesting to rezone Parcel ID #58991 from A-R , Attached Residential to M-R, Multi-Family Residential parcel ID #58991, and to rezone Parcel IDs #50393 and #50394 from OT-R, Old Town Residential to M-R, Multi-Family Residential. The applicant is proposing to consolidate the rezoned parcels so that they may be consolidated and developed into apartments.

The total acreage of the three parcels is 4.39 acres. In accordance with Article 3.G, section D, sixteen (16) multifamily dwelling units may be installed per net developable acre in the M-R, multifamily residential district. The applicant has proposed building up to sixteen (16) units in a single building that could be up to four (4) stories.

The applicant is also the owner of the Oak Park Villas, the attached residential units that are adjacent to Parcel ID #58991 to the Southeast.

Fifty-three (53) 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 April 11, 2016.

Staff Analysis and Recommendation:

The applicant has proposed building up to sixteen (16) units in a single building that could be up to four (4) stories. However, to date, the applicant has not provided Staff with a site plan or building plan for the proposed apartments. Without knowing what will

be developed and where it will be located on the property, Staff is unable to make an informed recommendation.

Due to lack of information staff would recommend tabling Rezoning Application PLRZ20160000089, filed by Gus Dyer requesting to rezone from A-R, Attached Residential to M-R, Multi-Family Residential parcel ID #58991, and to rezone from OT-R, Old Town Residential to M-R, Multi-Family Residential Parcel IDs #50393 and #50394, otherwise known as Grid 0715, Block 011, Parcels 000028, 000006, and 000005, respectively, of the City of Danville, Virginia Zoning District Map. Staff has received substantial neighborhood opposition to the request, but not to construction of something similar to Oak Park Villas. Staff believes by tabling this request, the applicant will be afforded time to generate a conceptual site plan and possible proffer of conditions to address neighborhood concerns

If Planning Commission disagrees with the staff recommendation to table this request to allow for the applicant to provide more information and possibly address neighborhood concerns, then staff would reluctantly recommend denial of Rezoning Application PLRZ20160000089 as submitted.

City Planning Commission Alternatives:

1. Recommend tabling of Rezoning Application PLRZ20160000089
2. Recommend approval of Rezoning Application PLRZ20160000089 as submitted.
3. Recommend approval of Rezoning Application PLRZ20160000089 with conditions per Planning Commission.
4. Recommend denial of Rezoning Application PLRZ20160000089.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2015 Aerial)

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: MR TAX MAP NUMBER: _____

RECEIVED BY: [illegible] DATE FILED: 3/21/16

PLANNING COMMISSION DATE: 4/11/16 CITY COUNCIL DATE: 5/3/16

#8438

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: 4.39 ACRES Property Address: PARCEL # 50393, 50394, 58991

Property Location: N (S) E W Side of: WESTOVER DR.

Between: FAIRVIEW AVE and PARK AVE.

Proffered Conditions (if any, please attach): _____

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

1. NAME: GLOS W. DYER III, WESTOVER DRIVE DEVELOPMENT CO TELEPHONE: 434-489-2333

MAILING ADDRESS: 139-B DEER RUN RD.

SIGNATURE: [illegible] DATE: 3-14-16

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: dydeco@mindspring.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:

RE-ZONE FROM AR + OTR TO MR TO ALLOW FOR UP TO 16 UNITS IN ONE BUILDING UP TO 4 STORIES.

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

RE ZONE TO ALLOW FOR APARTMENTS

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
3/23/2016

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:	April 11, 2016
LOCATION OF PROPERTY:	124 Mt. Vernon Ave
PRESENT ZONE:	OT-R, Old Town Residential
PROPOSED ZONE:	Same
ACTION REQUESTED:	Special Use Permit request to operate a duplex
PRESENT USE OF PROPERTY:	Single family residential
PROPOSED USE OF PROPERTY:	Duplex
PROPERTY OWNER (S):	Donnah Woody, James Woody, and Suzanne Wright
NAME OF APPLICANT (S):	Suzanne Wright
PROPERTY BORDERED BY:	Residential and Attached Residential to the north, south, east and west
ACREAGE/SQUARE FOOTAGE:	.18 acres
CHARACTER OF VICINITY:	Residential
INGRESS AND EGRESS:	Mt. Vernon Ave
TRAFFIC VOLUME:	Moderately low
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of April 11, 2016

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/23/2016

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.

Department of Community DEVELOPMENT
City of Danville, Virginia

PLANNING REPORT

P.O. Box 3300 Danville, VA 24543 (434) 799-5261

City Planning Commission
Meeting of April 11, 2016

Subject:

Rezoning application PLRZ20160000090, filed by Richard Rowland requesting to rezone from S-R, Suburban Residential to "Conditional" HR-C, Highway Retail Commercial, a portion of Parcel ID #70928, otherwise known as Grid 9707, Block 006, Parcel 000001 of the City of Danville, Virginia Zoning Map. The applicant is proposing to rezone a 50 ft by 310 ft strip of Parcel ID #70928 so that it may be consolidated with Parcel ID #78531.

Background:

A request has been filed by Richard Rowland requesting to rezone a 50 ft. by 310 ft. strip of Parcel ID #70928 from S-R, Suburban Residential to "Conditional" HR-C, Highway Retail Commercial. The applicant is proposing to consolidate the rezoned portion with Parcel ID #78531 so that it is more suitable for development.

Parcel ID #70928 is 8.89 acres and is zoned S-R, Suburban Residential. It is the former site of Carter's Restaurant which was demolished in January 2014. The .70 acre parcel that Carter's Restaurant sat on was subdivided from the subject parcel in January 2015.

The 50 ft. by 310 ft. strip to be rezoned and consolidated with parcel ID #78513 extends from the Northeast corner of the subject parcel to Riverside Drive. Parcel ID #78513 was itself subdivided from the subject parcel in March 2014 and was rezoned from S-R, Suburban Residential to "Conditional" HR-C, Highway Retail Commercial in February 2015.

Ten (10) 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 April 11, 2016.

Staff Analysis and Recommendation:

Staff recommends approval of Rezoning Application PLRZ20160000090, filed by Richard Rowland requesting to rezone from S-R, Suburban Residential to "Conditional"

HR-C, Highway Retail Commercial, a portion of Parcel ID #70928, otherwise known as Grid 9707, Block 006, Parcel 000001 of the City of Danville, Virginia Zoning Map.

The conditions will match those of the previous rezoning and allow for consolidation of the two parcels.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning Application PLRZ20160000090 as submitted.
2. Recommend approval of Rezoning Application PLRZ20160000090 with conditions per Planning Commission.
3. Recommend denial of Rezoning Application PLRZ20160000090.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2015 Aerial)

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: _____

1222

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: APPROX .35 ACRE Property Address: 5555 RIVERSIDE DR

Property Location: N S (E) W Side of: PARCEL 78531 (50FT WIDE STRIP PART OF 70928)

Between: 78531 and SEC / VERIZON BLDG.

Proffered Conditions (if any, please attach): SAME AS PARCEL 78531

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

1. NAME: RICHARD & BRENDA ROWLAND TELEPHONE: 540-529-0624

MAILING ADDRESS: 66 LAKE HERON DR. DANVILLE, VA. 24541

SIGNATURE: R E Rowland DATE: 2/23/16

SIGNATURE: Brenda Rowland DATE: 2/23/16

EMAIL ADDRESS: badrowland@aol.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: RICHARD ROWLAND TELEPHONE: 540 529-0624

MAILING ADDRESS: 66 LAKE HERON DR. DANVILLE, VA-24541

EMAIL ADDRESS: badrowland@aol.com

SIGNATURE: R E Rowland DATE: 2/23/16

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.

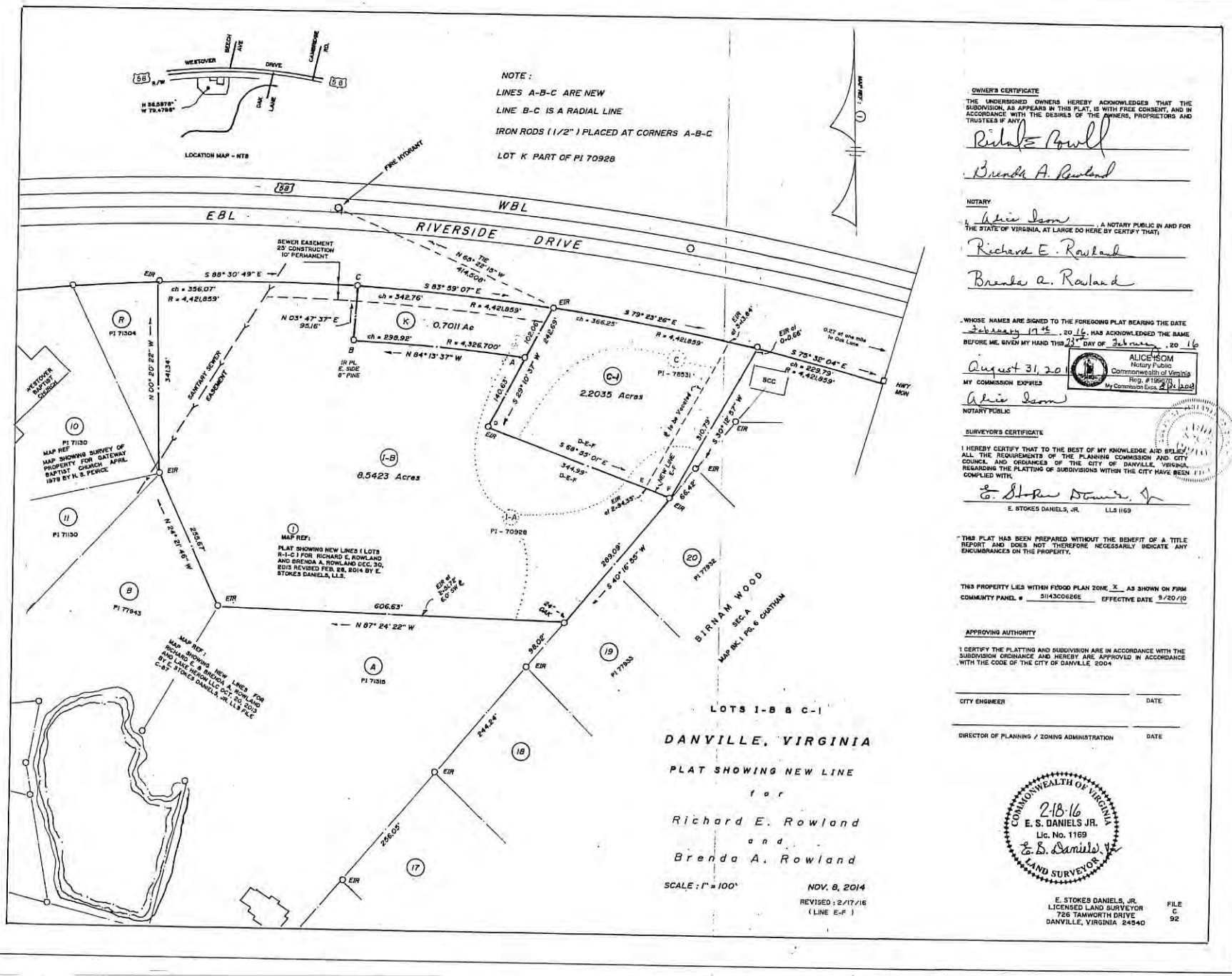
Please provide a brief description of the request:

SEE BELOW - MERGE 50FT WIDE SECTION OF PARCEL 70928 INTO PARCEL 78531 TO MAKE 78531 LARGER / MORE ATTRACTIVE FOR FUTURE DEVELOPMENT.

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

REZONE 50FT STRIP OF LAND THAT IS LOCATED EAST OF PARCEL 78531 (50FT STRIP IS PART OF PARCEL 70928) TO HRC CONDITIONAL, AND MAKE SAID 50FT STRIP PART OF PARCEL 78531 PER ATTACHED REVISED PLAT. 78531 IS ALREADY CONDITIONAL HRC.



OWNER'S CERTIFICATE

THE UNDERSIGNED OWNERS HEREBY ACKNOWLEDGES THAT THE SUBDIVISION, AS APPEARS IN THIS PLAT, IS WITH FREE CONSENT, AND IN ACCORDANCE WITH THE DESIRES OF THE OWNERS, PROPRIETORS AND TRUSTEES IF ANY.

Richard E Rowland

Brenda A. Rowland

NOTARY

I, Alice Isom, A NOTARY PUBLIC IN AND FOR THE STATE OF VIRGINIA, AT LARGE DO HERE BY CERTIFY THAT;

Richard E. Rowland

Brenda A. Rowland

WHOSE NAMES ARE SIGNED TO THE FOREGOING PLAT BEARING THE DATE February 17th, 2016, HAS ACKNOWLEDGED THE SAME BEFORE ME, GIVEN MY HAND THIS 23rd DAY OF February, 2016

MY COMMISSION EXPIRES August 31, 2018

ALICE ISOM
Notary Public
Commonwealth of Virginia
Reg. #199670
My Commission Expires 8/31/2018

Alice Isom
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL THE REQUIREMENTS OF THE PLANNING COMMISSION AND CITY COUNCIL AND ORDIANCES OF THE CITY OF DANVILLE, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE CITY HAVE BEEN COMPLIED WITH.

E. Stokes Daniels, Jr.

E. STOKES DANIELS, JR. LLS 1169

THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ANY ENCUMBRANCES ON THE PROPERTY.

THIS PROPERTY LIES WITHIN FLOOD PLAN ZONE X AS SHOWN ON FIRM COMMUNITY PANEL # 51143C0626E EFFECTIVE DATE 9/20/10

APPROVING AUTHORITY

I CERTIFY THE PLATTING AND SUBDIVISION ARE IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE AND HEREBY ARE APPROVED IN ACCORDANCE WITH THE CODE OF THE CITY OF DANVILLE 2004

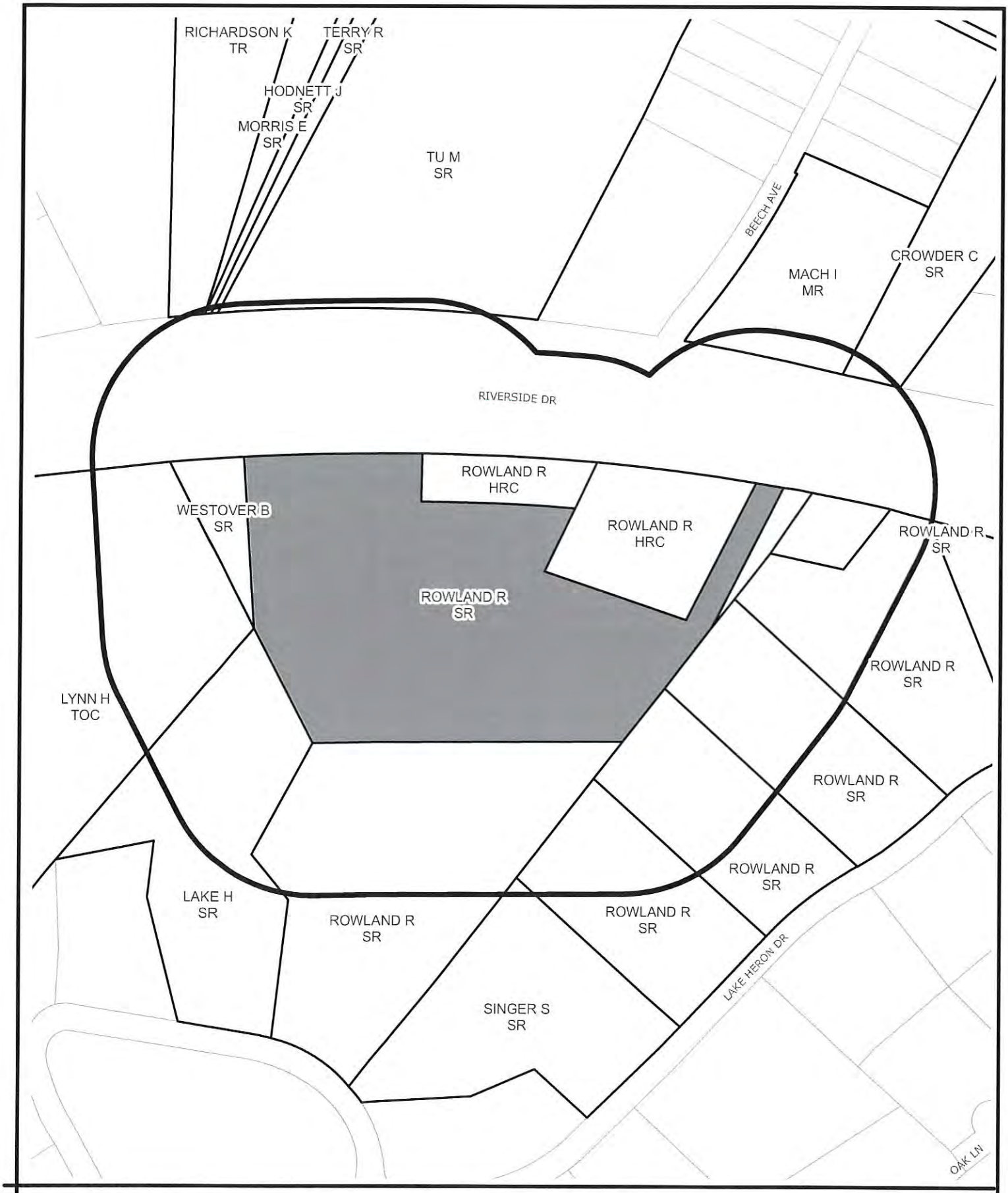
CITY ENGINEER — DATE

DIRECTOR OF PLANNING / ZONING ADMINISTRATION — DATE

COMMONWEALTH OF VIRGINIA
2-18-16
E. S. DANIELS JR.
Lic. No. 1169
E. S. Daniels, Jr.
LAND SURVEYOR

E. STOKES DANIELS, JR.
LICENSED LAND SURVEYOR
726 TAMWORTH DRIVE
DANVILLE, VIRGINIA 24540

FILE C 92



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
3/23/2016

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

REZONING REQUEST
DATA SHEET

DATE:	April 11, 2016
LOCATION OF PROPERTY:	Parcel ID #70928
PRESENT ZONE:	S-R, Suburban Residential
PROPOSED ZONE:	HR-C, "Conditional" Highway Retail Commercial
ACTION REQUESTED:	Request to rezone a 50 ft by 310 ft portion of Parcel ID# 70928 from S-R to HR-C so that it may be consolidated with Parcel ID #78531.
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	Future development
PROPERTY OWNER (S):	Richard and Brenda Rowland
NAME OF APPLICANT (S):	Same
PROPERTY BORDERED BY:	Residential and commercial to the north, south, east and west
ACREAGE/SQUARE FOOTAGE:	8.89 acres
CHARACTER OF VICINITY:	Predominantly Residential
INGRESS AND EGRESS:	Riverside Drive
TRAFFIC VOLUME:	Moderately High
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of April 11, 2016

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/23/2016

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 COMMISSION MINUTES

March 7, 2016

MEMBERS PRESENT	MEMBERS ABSENT	STAFF
Mr. Wilson		**Tracie Lancaster**
Mr. Dodson		**Ken Gillie**
Mr. Bolton		**Anna Levi**
Mr. Scearce		**Clarke Whitfield**
Mr. Jones		
Mr. Garrison		
Mrs. Evans		

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

I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP20160000040, filed by Shawn R. Harden, PE requesting a Special Use Permit for the installation of an accessory building without a primary building in accordance with Article 3.C, Section C, Item 23 of the Code of the City of Danville, Virginia 1986, as amended at 2020 Memorial Drive, otherwise known as Grid 0720, Block 005, Parcel 000015 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to install a stand-alone restroom facility, a floating boat dock, and a fishing platform at Abreu-Grogan Park.*

Ms. Levi read the staff report. 11 notices were sent to surrounding property owners within 300 feet of the subject property. Three responses were not opposed and one was opposed.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request was the applicant, Shawn Harden.

Mr. Harden stated I'm Shawn Harden with Dewberry; I can take any questions that you may have.

Mr. Bolton stated why aren't you going to hook up to the sewer?

Mr. Harden stated the sewer line would have to run across the potable water intake for the City of Danville and we don't feel like that would be appropriate.

Mr. Scearce closed the Public Hearing.

Mr. Bolton made a motion to approve PLSUP20160000040 as submitted. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.

2. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended more specifically Article 15, entitled "Definitions", Section B. entitled "Definitions" to create a definition for indoor shooting facilities, Article 3.M: entitled "HR-C Highway Retail Commercial", Section C. entitled "Uses Permitted by*

Special Use Permit" by adding item #26 to allow for indoor shooting facilities, Article 3.K: entitled "CB-C Central Business Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for car washes, and Article 3.J: entitled "N-C Neighborhood Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #20 to allow for urban agriculture.

Mr. Gillie read the staff report.

Mr. Scearce opened the Public Hearing.

Mr. Scearce closed the Public Hearing.

Mr. Wilson stated you all are recommending that the River District Design Commission be the first to review this car wash. So you think this kind of thing needs to go to the River District Design Commission? Would that still come back to the Planning Commission afterwards?

Mr. Gillie stated Planning Commission has the authority to remand it to any group to make a recommendation prior to you making a recommendation. If you would make a recommendation right now that would be forwarded to City Council prior to them hearing it. That's why I think it's proper for you to remand it to them. So they can make the determination on whether the guidelines should be changed or whether that use is appropriate for the district. Where they already have adopted guidelines that says it is not. If they recommend that change than we will bring it back to you and whether they have recommended yes or no. You can then forward that on to City Council. If you make a recommendation at this point they will never get a chance to say whether it's appropriate or not appropriate. We feel that since they are putting so much effort into renovating the River District they should have a say on this.

Mr. Wilson stated we spent a lot of time from here on those guidelines. It seems to me like we said in there that this would be more likely procedure in areas we hadn't clarified.

Mr. Gillie stated correct. We feel like that and that is why staff is making this recommendation. We have had someone ask for something that it doesn't truly say yes and doesn't say no. It says that it not necessarily appropriate. We feel that they should have a chance to review it to make that determination and bring it back to you.

Mr. Jones stated if we decide to remand this to the River District Design Commission can we put a time line on the request? What if they refuse to discuss it and not give a recommendation and we are asking for one.

Mr. Gillie stated yes. You can ask that they hear it at their next meeting and make a recommendation back to you. If they fail to make that recommendation then it will come to you with no recommendation for them and then you can forward it on.

Mr. Dodson made a motion to approve the code changes as submitted by staff and send part to the RDDC with a one month time limit. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.

3. *Special Use Permit Application PLSUP20160000041, filed by Phil Strader requesting a Special Use Permit for the operation of an indoor shooting facility in accordance with Article 3.M;, Section C., Item 26 of the Code of the City of Danville, Virginia 1986, as*

amended on Parcel ID# 59740, otherwise known as Grid 1707, Block 008, Parcel 000012 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an indoor shooting range with a training facility and sporting goods retail at this location.

Mr. Scearce stated I will abstain from this because I represent the landowners. So the Vice-Chair will take over.

Ms. Levi read the staff report. 17 notices were sent to surrounding property owners within 300 feet of the subject property. Eight responses were not opposed. Four were opposed.

Mr. Wilson opened the Public Hearing.

Present on behalf of this request was the applicant, Phil Strader.

Mr. Strader stated I welcome any questions. If the Commission would like to learn a little bit more about me I would be happy to oblige. If you have any questions I am here to answer them.

Mr. Jones stated will the building be sound proof?

Mr. Strader stated in a matter of speaking yes. Construction of an indoor shooting range requires a number of federal regulations, EPA regulations, OSHA regulations all of which have a sound litigation requirement from the outside of the building. The way I'm going to be constructing this will be similar to other ranges, one in particular that is actually helping consult with me. The construction of the range is a bit more advanced than standard ranges; it will actually be a concrete building (aka the shooting range) built inside of another concrete building. Based on the construction that has happened at other ranges using that same technology there is zero sound from the outside of the building; so little that it would not even register on the sound meter. It will be sound proof there would be very little sound litigation on the outside if any. Be it from the parking lot next door to the street.

Mr. Jones stated are there any State regulations on this sound meter?

Mr. Strader stated there are no measurable federal regulations. State regulations typical there are none. But there are some federal regulations that have to be made. Quite honestly I owned an indoor shooting range in Woodbridge VA for about three years. That was actually in a shopping center so there where buildings connected to the shopping center and after the improvements that I made to the range there were zero complaints and it was within sounds regulations. It was nowhere near as advanced as the range I will be building from the ground up. This actually started its life as a movie theater and it was converted to a shooting range. The sound mitigation was not exactly state of the art.

Mrs. Evans stated have you looked at renovating a property instead of building a new building?

Mr. Strader stated yes I have. Actually, Neal Morris has been helping me quite a bit, look for the right building. Here is the problem with renovating an older building and trust me that has definitely been an option for me. The way the ranges are built today especially the more advanced ones, is the target carriers which are the contraptions that hold the target and run them back and forth. They are self-contained units that are operated wirelessly unlike the old style that had a wire and they run on a steel girdle. A steel girdle that is 25 yards 75 foot

long. These are actually lowered into the building by crane so it becomes very difficult to retrofit a shooting range within a building. Can it be done? Yes, but I fear that doing it that way, retrofitting the range into an existing building, does no give me the quality range I am looking for. I'm shooting for as little amount of sound as possible. Now is it possible to build that shooting range inside of the building. Yes it is but the expenses that would be occurred to take a roof off and rebuild a roof is actually less expensive to build from scratch. But that is not to say that if a building were to come available that would work I would certainly contemplate doing it. I know for a fact that if it's built from scratch with my specs the way I want it then it will be a better building for sure; safer and less sound litigation to deal with. I would much rather have a building ready to go to be completely frank but I want it done right.

Mrs. Evans stated my concern is with all the real estate in Danville and yet another building is going up. When there are so many vacant lots.

Mr. Strader stated I can understand that. Trust me I have been encouraged by others in the City to go that route simply because that would give me more financial assistance. I would probably get more assistance from the City. I don't want to sacrifice safety and the quality of the business just so I can get a cheaper rate on a building or put it somewhere where people would like to see it. This is as you all know firearms is a very polarizing issue. Either people are for them or against them and im not trying to sway them either way. I want to ensure that I give the people of Danville and the surrounding areas who may own a firearm or may want to know more about a firearm the safest building possible to learn how to use it or improve their skills on the firearm. The second I start to look at cheaper or easier options it's not something that sets well with me. If this is something I am going to do and I'm going to spend millions of dollars on, probably with someone else's money unfortunately, I want it to be done right. I don't want to skip any corners. But again, if there is something that comes available and it would be something of use or something I could retrofit and make it effective, and serve the purpose that I think it needs to serve then it's not completely out the door. So far I have been looking and I can't find anything.

Mr. Wilson stated the land there that is on Riverside is a hill and then Riverside nursing home then another hill and then you go up to Apollo Drive. Is this facility going to be built kind of into that hill there?

Mr. Strader stated well if you look at it from the road, especially if you look at it from Riverside Drive, it does appear to be a straight up hill. But, there is actually a flat spot there. The way the lot is actually laid out the sewage line runs through it. So to the left of the sewage line is where I will be building. In that area is a sixty eight foot flat space on the east part of that building site all the way to the back there is a flat space of about one hundred feet. The building dimensions will need to be sixty two feet from the external. So it is a very long narrow lot. But again, this gives me the belief that this lot was meant for this. I'm not a bowling alley expert so I don't know anything about building a bowling alley but it would be good for that as well. But I know about this and I just believe the lot is laid out for this.

Mr. Wilson stated can you give us an idea of what the external will look like? You have a number of different types of facilities going up and down Riverside. Do you have any idea of what kind of materials? And what that is going appear from the street?

Mr. Strader stated most likely it will be of an industrial look. Obviously, as you can imagine there are not a lot of windows in a shooting range. Although that's not to say that there won't

be. The front of the store from the parking lot there will be windows there. Actually, I think I sent a blueprint that kind of lays out where the windows will be. The external I would probably be planning on an industrial look maybe some kind of stucco appearance, something that doesn't look to warehousey. But I don't want it to look too fabricated as well. What I would love to see is some kind of stucco finish. The walls themselves will be filled concrete and the walls around the range will be another concrete so the walls around the range will be four feet thick. I don't want to get that appearance of a vault or something that looks archaic. It's going to look as aesthetically pleasing as I can afford. Actually there is a range in Gainesville that I am modeling this after. The general manager and owner of that range is helping to consult with me as far as construction and trying to use the same contractors that he used. The air handling is a big expense and a very closely monitored part of that structure. If the contractor has done ranges before and they know what they are doing, they have had experience in laying the foundation of a correctly ventilated range. It makes it easier on me having to deal with the EPA. What the EPA is concerned with is what the air that is coming out of the building they want to know the air quality. So that is my intent for that. Obviously, for the perspective of the uneducated person who doesn't know what a shooting range is the biggest concern obviously are the sound and whether a round will leave the building. The way this range will be constructed it would be impossible for a round to leave the building. You could literally walk out on the range and point the firearm straight in the air and shoot and it would not leave. There will be ceiling ballast which are pieces of metal that hang from the ceiling and they are angled. So if a round goes up it actually hits the metal and ricochets back down into the burum. The back stock will most likely be a graduated rubber trap which was a technology that I put in into my old shooting range. It is super quiet. Typical the way the other ranges were they had a piece of angled steel at the top and the bottom so the round hit the back stock and the round would basically shatter or deform and go in the trap. Well, that creates lint dust and lint dust obviously creates OSHA issues; where with the graduated rubber trap there is no impact. They are simply made of rubber, believe it or not, and a high powered rifle only goes about that far into a graduated rubber trap. I will have ten feet of graduated rubber so a fifty caliber rifle can be shot in those ranges without damaging or leaving the back stock. That's not to say anyone could come shot a fifty caliber rifle and that will be allowed. But it can sustain that. So I want to make sure that the City Council, Planning Commission and everyone here understands that I'm not just about having an idea for putting in an indoor range. I have been down this road this is what I have done for a living for twenty years. So I do bring a bit of experience to the playing field. I did it for the government for eight of the ten years I was a Capital Police Officer. I consulted on two very large ranges one in Tulsa Oklahoma and one in Asheboro Va. This is something I have experience in and I can personally guarantee that if this happens it will be the nicest indoor shooting range on the East Coast.

Mr. Garrison stated Mr. Strader and this might be for staff too I'm not sure, Are you aware of any Federal Regulations that would limit the number of feet this could be near a school, residence or nursing home?

Mr. Strader stated there is a federal law I think the statue is 922.F but it establishes a safety zone around schools; which is 1000 feet within schools. It's a federal law it's not new it has been around for a while which restricts the carry of a firearm within 1000 feet of the school. With that being said there are certain restrictions such as concealed permit carry holders, Law Enforcement Officers and off-duty Law Enforcement Officers. Actually, I spoke to the ATF yesterday about this. This is not regulated by them but I will do this just to make sure I'm not breaking any codes or violations. On the outside of the building on either side of the door there will be a sign that references that code. Stating any firearms that entering or

leaving the building will be required to be unloaded and in a locked container per federal regulations. I actually have a friend who opened up a gun store in Texas. He actually retrofitted it into a post office and it was 250 feet from a school and he had the same issues with the school zone but with the signs the ATF had no issues. As far as a shooting range if I wanted to build a shooting range and not have an FFL or not have a Federal Firearms License to sell firearms or to rent them there would be no issues. But it sort of contradicts the point to have a shooting range to not have the ability to at least rent firearms. This is going to be more than just a place to shoot this is actually going to be a facility where if someone is new to shooting or kind of on the fence, maybe not pro-gun or anti-gun but that they just don't know. There will actually be a counter just like at my old shop with any kind of firearm that you can imagine. You can go in take an instructor out in the firing lane with firearm and literally test drive it. Not alone are we educated the public but we are also making the gun owners that are currently carrying more responsible, more educated. That's the only thing I am trying to do. I'm never going to try to sway someone to be pro-gun or anti-gun that's not what I am here for.

Mr. Bolton stated if the gun is unloaded would it be okay under that federal law?

Mr. Strader stated yes sir; I'm going to be covered under federal law if I mandate it. Now, I can't put a metal detector up in the building it's up to that person to see the notice and abide by the law. But it encumbers me from a business standpoint if I post the sign. Now is it required? No it's not even required to be on the front of the building. But for me it's safer to post it.

Mr. Bolton stated can we require that staff? Of could that be a condition?

Mr. Whitfield stated I think he has just got to follow federal law. I don't think that's something you should place as a condition on the Special Use Permit.

Mr. Strader stated If I can interject I'm sorry. Even if you did it can't counteract the federal mandate. It would fall under the federal guidelines.

Mr. Bolton stated the schools are thousand how about the nursing homes or assisted living facilities?

Mr. Strader stated no sir no regulations.

Mr. Bolton stated residential properties?

Mr. Strader stated once it gets to that point it's a zoning issue. As long as the property is zoned commercial then there are no regulations as far as the distance to a residence or residential section.

Mrs. Evans stated do you live here?

Mr. Strader stated I do. I grew up here. I was a Police Officer here in the City for a few years, before I went to Washington DC and I was a Police Officer there for ten years. Then I was a firearms instructor for a while. My background has been in firearms my whole life. I just recently moved back with my family to the City where I am from.

Mrs. Evans stated so you will be staffing this facility rather than just building it a moving on?

Mr. Strader stated yes ma'am. I will be staffing it and if everything goes well I will be managing it as well.

Mr. Jones stated what do you anticipate your hours of operation?

Mr. Strader stated that is a great question. In the past my hours of operation changed quite a bit. When I bought my original business we were open from 10am-9pm. I did an analysis of the business and I changed the hours. Just because typically people don't come to a shooting range quite that often. They wait until they get off from work. So I changed the hours. For me it's a numbers game I have to know, for me to pay back my investors, I have to get people in at a certain time to use the facility. So it would most likely be a 1-8, 2-8 and on the weekend it would be an all-day thing. Sunday like 1-6 something like that. It would really depend on the hours of use. I will say that if an agreement is made with local Law Enforcement they would be granted keyed access. That's what I had at my old place we opened as early as three o'clock in the morning and we would stay on off hours, to let Law Enforcement qualify. I had numerous Law Enforcement contracts at my old business and I would be willingly to let the Law Enforcement agencies in this area use the range as well for daily qualifications and some training if need be. They already have outdoor shooting ranges available but there are times that an administrative qualification is due and it's not necessary to pick someone up and drop them off at the range when they can do it right here in the City.

Mr. Jones stated in the other shooting ranges that you have access whether there any situations where someone under 18 was shooting there?

Mr. Strader stated no sir the only time anyone under 18 can access the firing range is with someone who is of the age of 21.

Mr. Wilson stated so the answer to the question is.

Mr. Strader stated the answer to the question is yes it could happen. Typically, if you are under 21 you are not allowed to step inside a shooting range or gun store without adult supervision.

Mrs. Evans stated if you step in with someone who is an adult is that individual under 18 allowed to shoot?

Mr. Strader stated yes.

Mr. Wilson stated we received some responses they were not opposed to this. Four responses were opposed. What do you say to those who have offered concerns about your business being in that area?

Mr. Strader stated I would encourage the people who are against this to understand that this is a shooting range and a training facility first and then a gun store second. In late of recent events, not only in Danville but in our Country, we are seeing more and more concealed weapon holders throughout the Country. As you can imagine I am pro concealed carry, pro second amendment, pro-gun it's my life and it's what I have done my entire life. However, I am a firm believer that if you go through the trouble of getting a concealed carry permit the class that you take to get it is not enough. I would encourage the people who are against

this a make sure they know that this is not just a gun store. This is not just a retail establishment. This is a place where people who own a firearm and have gotten a concealed carry permit have a place to come and be more responsible. I would rather see 10 responsible training concealed carry holders in an establishment then 50 who just have a firearm on them and no training on how to use it. Having the 10 untrained is more of a danger. So I would encourage people who are against this to accept it for what it is. I would never try to turn them into a pro-gun person because that is not what I do. I'm not on Capitol Hill anymore and that's not what I get paid to do. But I would encourage the people of the City to embrace the fact that whether this range is built or not people will continue to buy firearms. People will continue to get concealed carry permits. If we don't give them a place to train and learn how to properly use them then we are going to have a lot of uneducated concealed carry holders out there who are not properly trained.

Mrs. Evans stated in order to obtain a Virginia Concealed Carry Permit is it a requirement that you have x amount of hours of shooting?

Mr. Strader stated the only requirement is that you take a class by a NRA certified instructor. I can teach you a class called machine gun 101 as long as my NRA certified instructor number is on that certificate you can get a concealed carry permit. When I used to teach concealed carry classes that is one of the issues that I have with the State and how it issues the concealed carry permits. I am concerned that the State doesn't train its concealed carry gun permit carries enough. My concealed carry class that I use to teach when I use to train all around the world, my class was 8 hours and you were required to fire 100 rounds. Out of the 10 that would take my class an average of 3 or 4 would get there concealed carry license. The other five realized I'm not ready. That's the kind of classes I will be teaching at the facility if it's put on the map. I take this very serious and I want to have a very serious place for people to come and learn how to shot. That's what I would say to any person in the City or any people around that would be against this.

Mr. Jones stated will you or your staff be checking for up to date current permits when someone walks in with a gun?

Mr. Strader stated no sir. Once someone walks into an establishment that's not something I can legally do. If someone walks in that has a concealed weapon permit I can't demand to see their permit. As a business I can make it a requirement that no concealed carry firearms are allowed in the establishment. But again how am I going to enforce that without metal detectors?

Mr. Jones stated so you are saying that if someone breaks into his house and steals his firearm they can walk into your range with that stolen firearm and practice away?

Mr. Strader stated theoretically, yes. I don't know how I as a business owner would stop that. I am not endorsing illegally obtaining firearms to come shot in the range. But I'm not in Law Enforcement anymore. I can't engage which ones or stolen and which one might not be. Now I will say at my other facility we were very proactive in the people that used our range. We were aware of the people using our store and who came in asking strange or the wrong questions and we acted on that. I can't say a lot more than that for reasons I can't explain here but we were very proactive in the other establishment. We were in the Washington DC area so we had to be. Obviously, the people that would be working for me will be trained by me. So if they see someone come into the range with a gun that has a scratched off serial number that would be a key indicator that something is wrong.

Mr. Jones stated if a Police Officer shows up at the range can they ask to see a person's permit?

Mr. Strader stated not on private property no sir. Once they walk into the range it is private property. All I can do is ask them to leave if I didn't feel comfortable with them having a concealed carry permit.

Mrs. Evans stated so will you be checking everyone's guns? For example to check and see if the serial number has been scratched off?

Mr. Strader stated no ma'am nor would any other shooting range.

Mrs. Evans stated so anybody can just walk in hey this is my gun.

Mr. Strader stated indoor shooting ranges customers are welcome to come in, rent a lane and use our facility. Now with that being said as you can see from the blueprints here there is actually an observation room. It will be ballistic glass from the store side and standard glass from the office side. So I will actually have certified range officers observing the line to see if any safety rules are violated. There are significant safety rules at any indoor shooting range and that's why I set up an observation room so I could ensure that the people that are using the range aren't just walking into a closed room and doing whatever they want. So, will I be checking every single gun that's walks into the store absolutely not. But will I be able to observe unsafe or suspicious acts while people are on the range shooting, yes I will. In fact, the manager's office has windows on both sides, so you will be able to see out in the store.

Mr. Whitfield stated Mr. Vice Chairman we are started to get out of purview of the Commissions ability to make a determination on this.

Mr. Wilson stated thank you for that. So let's keep our focus.

Mr. Wilson closed the Public Hearing.

Mr. Bolton does anyone know if the School Board voted in opposition of this. Were they against gun ranges in general for the whole City or just this location? Does anybody know since no one is here from the School Board?

Mr. Gillie stated I do not know. I was not notified and didn't know the School Board was opposed until I received the notice itself. You have the same notice that I have. I can't say anymore on why.

Mr. Bolton stated so nobody knows why?

Mr. Bruce Hedrick stated I was at the meeting. Cheryl Bryant made the motion to be opposed. Sharon Jones agreed with that and no discussion was made on any specific reason.

Mr. Bolton made a motion to approve PLSUP20160000041 with conditions per staff. Mr. Dodson seconded the motion. The motion was approved by a 6-0-1 vote (Mr. Scearce abstained from the vote).

4. *Special Use Permit Application PLSUP20160000047, filed by Von Wellington requesting a Special Use Permit for the operation of a car wash in accordance with Article 3.K:, Section C., Item #28 of the Code of the City of Danville, Virginia 1986, as amended at 136 S. Ridge Street, otherwise known as Grid 2713, Block 003, Parcel 000006 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an indoor car wash at this location.*

Ms. Levi read the staff report. 21 notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request was the applicant, Von Wellington.

Mr. Wellington stated I'm just trying to get a Special Use Permit to be able to wash cars.

Mrs. Evans stated are you already operating washing cars at this facility?

Mr. Wellington stated yes.

Mr. Wilson stated did something happen that made you realize that you needed to come here?

Mr. Wellington stated yes.

Mr. Gillie stated we had a conversation.

Mr. Wilson stated I just wanted to say you have done a lot of development around this property area and are putting a lot of effort into that. I wanted to commend all the work you are doing here. This group was really instrumental in creating the River District guidelines and we never could figure out all the details of everything that might appear here. So understand the passing back to the River District it really is the smartest thing to do. It's not a reflection of an opposition on this. So if we vote to table it and send it to them, that is the mean behind that.

Mr. Scearce stated you are washing inside correct and not outdoors?

Mr. Wellington stated yes.

Mr. Bolton stated this is more specialty detailing you are not going to have cars going down the street right?

Mr. Wellington stated no.

Mr. Bolton stated people will come in and you will probably spend three of four hours on one car.

Mr. Wellington stated yes we spend about an hour and half to two hours on a car.

Mr. Jones stated what are your hours of operation?

Mr. Wellington stated 7AM-7PM.

Mr. Andrew Cousins stated I am the manager of the House of Hope on Ridge Street. We just wanted to publicly state that we have some reservations about a car wash being in this area. Historically a lot of car washes you that you see have some unsavory activity going on. Especially, indoors behind closed doors, we were just concerned with a homeless shelter being there and these people going out during the day. In an area right next door where loitering and drug activity could occur behind closed doors. So we just wanted to state our opinion on that.

Mr. Wilson stated you have some legitimate concern other than just opinion?

Mr. Cousins stated opinion is all.

Mr. Wilson stated that these things will be taking place in this particular facility?

Mr. Cousins stated absolutely not and no disrespect to the business owner, this is only an opinion. We just don't agree with this being in that area.

Mr. Wilson stated it's a little ironic because there were some similar concerns in the neighborhood about you all.

Mr. Cousins stated we understand. At the House of Hope we feel that we have tried very hard over the last couple of years to establish an organization that is more respected in the community. We do not feel that we have caused any problems and we want to maintain that reputation.

Mr. Wilson stated that's excellent our church is actually a supporter of your organization. I just want to make sure that we are careful about assumptions.

Mr. Cousins state I understand.

Mr. Wellington stated following up on his statement. What we do at this facility is wash cars. We have even offered some of the homeless people from the shelter jobs. First day we opened up we actually worked some of the guys that had just left the shelter. That is part of our motto to give everyone here a chance. That is why I opened up this business since we are downtown we decided to put it there. We are more focused on Main Street and the River District that area. But we thought what about the area that we are in now? Right across the street from the free clinic and the shelter. So we do house a lot of those people. We are trying to enforcing the Danville pride of Reimagine Danville.

Mr. Scearce closed the Public Hearing.

Mr. Jones stated if we table this does he have to close down until the River District decides?

Mr. Gillie stated no because once he applied for the Special Use Permit and the code change that stops us from taking any further enforcement action. If the River District, Planning Commission and City Council agree that it is a use that is allowed and they issue a Special Use Permit, he would be legal. At this point it's kind of in a period that I cannot shut him down. We did tell him he needed to get the facility checked out by the Building

Inspections Department. They have been there and looked at the place. He has the necessary sand separator; he has placed a back flow preventer on the water system. So at this point he doesn't have the legal right to operate but he's not truly illegal either. He is kind of just out there until this is all resolved.

Mr. Wilson stated so if we do send this to River District he can still operate?

Mr. Gillie stated yes I won't cite him for a violation is what I can say. Should he be operating that is questionable. But I will not pursue any violations until such time that this is decided on one way or the other.

Mr. Whitfield stated rather than tabling it. What you are doing is remanding this back to River District Design Commission.

Mr. Wilson made a motion to remand this request PLSUP20160000047 to the River District Design Commission to be heard at their next meeting. Mr. Bolton seconded the motion. The motion was approved by a 7-0 vote.

5. *Special Use Permit Application PLSUP20160000048, filed by North Main Baptist Church requesting a Special Use Permit for the operation of urban agriculture in accordance with Article 3.J, Section C, Item #20 of the Code of the City of Danville, Virginia 1986, as amended on Parcel ID# 54691, otherwise known as Grid 2806, Block 012, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate a community garden at this location.*

Ms. Levi read the staff report. 18 notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request Fred Unger the Pastor of North Main Baptist Church.

Mr. Unger stated we are applying for a Special Use Permit to begin providing food for our neighboring community; as well as the purpose of engaging our community. This all started last year when we were already doing a garden and the article came out about bracing Main. I read the article and it said we needed a Special Use Permit. I contacted our folks and said do you know we need a Special Use Permit? They said no. I said I think we do so we want to make this right. Last year we were able to grow over 25 hundred pounds of potatoes. Through 125 members of our church we were able to bag them into five pound bags, clean them first of course and we were able to engage three hundred homes in our community. We were able to give the leftover potatoes to God's Storehouse.

Mr. Dodson stated are you planning on having any livestock?

Mr. Ungler stated no.

Mr. Scearce closed the Public Hearing.

Mr. Wilson made a motion to approve PLSUP20160000048 with conditions per staff. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

6. *Special Use Permit Application PLSUP20160000049, filed by Madison Square INC requesting a Special Use Permit for a waiver of yard requirements in accordance with Article 3.N, Section C, Item #21 of the Code of the City of Danville, Virginia 1986, as amended on Parcel ID# 73038, otherwise known as Grid 1815, Block 004, Parcel 000012 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to divide the parcel into two parcels, each of which would have less than the 200 feet of street frontage required.*

Ms. Levi read the staff report. 37 notices were sent to surrounding property owners within 300 feet of the subject property. Seven responses were not opposed. Seven responses were opposed.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request was the applicant, Madison Whittle.

Mr. Whittle stated I am here to answer any questions that you all may have.

Mrs. Evans stated do you have any idea when you plan to develop this property?

Mr. Whittle stated as soon as the market picks up enough. I thought they had a 20/40 land use that may pick it up in the future.

Mrs. Evans stated what are you planning to put on it do you know?

Mr. Whittle stated I am going to sell part of it and I don't have any plans for the other part yet.

Mr. Wilson stated what is the advantage of doing this division? Without knowing what your development plans are or asking for this now?

Mr. Whittle stated I have got someone that is interested in buying it.

Mr. Scearce stated they want to buy a part of it if I understand correctly.

Mr. Whittle stated yes.

Mr. Scearce stated he is just dividing it up.

Mrs. Evans stated do you know what their plans are?

Mr. Whittle stated I know that they have done some developing but I don't know what they are going to do. It would have to be under planned shopping center or they would have to change the zoning. But that's all I know.

Mr. Steve Louis stated I live on Pineview Drive. It is a narrow street and it is a dead end. We need to try and keep it that way. There are children playing all around, believe it or not but, I had speed bumps put in to slow traffic down. They were talking about the ingress and egress from the property to Pineview Drive; which would end up connecting with Deer Run or Churchview Road I would imagine. That's the part where most of us were opposing

because the fact that we don't need anything else to make it two ways through there. Right now it is basically just a residential street and it is not a very wide street.

Mr. Scearce stated I don't think this has anything to do with any work being done on Pineview right now.

Mr. Louis stated they had it listed as the egress and ingress on Pineview Drive.

Mr. Scearce stated he is just taking the tract of land and cutting it in half. I think the tract he is interested in selling is on Deer Run. I don't think anything will be done at that part.

Mr. Gillie stated the property has three frontages one on Deer Run, Pineview and Churchview. They are looking at cutting the part off that is on Deer Run. That just leaves Pineview and Churchview as they exist. It won't change anything. They aren't proposing any expansions or road work or anything there. They are only looking to do something on the Deer Run side of it. It's just because the property is so big, as you can see from the map on the screen, we notified everyone into 300 feet of the entire tract. All the work is at the Deer Run end.

Mr. Louis stated okay.

Mr. Wilson stated all of the concern of the neighbors is that if an action we take today actually sets in motion later that Pineview, if it were to be developed, could be extended. Are we clearing the way with City Councils approval for that?

Mr. Scearce stated I don't think that will change that either way.

Mr. Gillie stated the case that is in front of you doesn't impact that. They could come today without this case and ask to extend Pineview to build something down there and we would look at that as an individual case. What they are asking for now is to subdivide the property. By subdividing it none of the frontages are sufficient according to the way the current code is. That is why they are asking for the Special Use Permit for the wavier. It doesn't impact how it is and what the future is for the other two streets. If they do something that is in compliance with the regulations we would have to look at that. We would look at traffic impact and anything else that goes on. But today's wouldn't case won't change that fact.

Mr. Wilson stated that would be true for Deer Run Road too? If it is sold and someone develops it they still have to come back.

Mr. Gillie stated they may have to come back or it may be handled internally for the traffic. They would have to do an impact study to see what if any impact it would have at the intersection of Deer Run and Piney Forest Road to see if it meets warrants for stop light. We have looked at Deer Run and Piney Forest multiple studies have been done. It hadn't yet met the threshold to need any improvements. But if they build something back there depending on the amount of volume that it is generating at that point it may. Then we would work with whoever is developing that property to address that. The Special Use Permit to allow for changes of frontage has no impact on that part of it.

Mr. Wilson stated okay.

Mr. Jones stated is there anything that they could do with the property once it is split that they don't have to come back to us?

Mr. Gillie stated yes. They could possibly build another office building down there; which is allowed within the current zoning. That wouldn't come back to you because they would be permitted by right. We would still look at it for traffic use impact, utility impact and other things. Those impacts are handled internally through Engineer, Planning and Public Works that wouldn't come back to you. But we would look at what impacts it would have on the streets and Piney Forest and whether lights would be necessary or utility improvements things like that. If they would come in today and ask to build a building down there without subdivided just put one piece on that giant tract, this case wouldn't be in front of us. We would look at it the same way. All they are asking to do is cut a part of it off and leave the remaining because of the subdivision that's why it has to come to you.

Mr. Arthur Nickels stated I reside at 146 Pineview Drive. Here a few years ago they wanted to connect Deer Run with Pineview Drive and we have a traffic light at the end of Pineview Drive. We have a lot of traffic on Pineview now we don't need more traffic. We don't have much room with cars parked on both sides of the street. We don't mind what he does with the property on the other side as long as the traffic goes to the Deer Run side and it does not affect Pineview. We are thinking in the future if he does develop the property that he has and easement to where he can connect Pineview as well as Churchview. If you want to make a motion to this we would rather you make a motion to where he cannot make egress on the Pineview side. If that was the case everybody in the afternoon would be running up the street. We have people running up and down the street enough as a dead end street. If you make a motion I would appreciate it if you made it to where they can't egress on Pineview Drive.

Mr. Wilson stated is there any staff response to the neighbors' concerns?

Mr. Gillie stated yes there is staff response to the neighbors' concerns. You cannot tell someone they cannot have access to a public street. The property fronts on that public street. He is afforded the same access as anyone else on that public street. What staff's response is that if anyone goes to develop the property that's where internally we review it. There are certain code requirements that you have to meet, based on the number of vehicles that are generated and everything else. It's not something that would necessarily come back to the Planning Commission but internally, yes it would be handled. You can't make a motion saying that we will approve this but you can't have access to a public street. A public street is available to anyone. So, the only way we can handle the neighbors' concerns is that the code itself already addresses that. If someone goes to develop we will look at it and see if it meets the warrants and everything else for any widening that would be necessary, addition stop lights or turn lanes; the same steps that we go through for any other project.

Mr. Whittle stated Deer Run Road is actually going to have an easement right through the part that we are cutting.

Mr. Scearce stated you're not having any impact on Pineview at all.

Mr. Whittle stated right.

Mr. Garrison stated so you're not just cutting off that northern end of it your actually selling part of what's on the northwest section of it so you can still run Deerwood Drive down into it.

Mr. Whittle stated correct I will have everything below it and I will still need the road extended right down there.

Mr. Garrison stated so he could go in right now and connect between Pineview and Churchview and there is nothing we could do about it. Am I correct?

Mr. Gillie stated the City would look at it we could require two separate cul-de-sacs's to allow a loop road and other things. If he were to come in and say I want to build a house on that piece of property at the end of Pineview I would have to give him a permit for it because it has frontage on a street. So as long as what he is doing is in compliance with the code we cannot say no you can't do it. If he requests the extension of Dear Run then any dedications would come back to Planning Commission. So you know if he wants to cut Dear Run off and make a parcel on one side of Dear Run and then another parcel on the lower side in the future that would come back to you. Just as it is right now to cut it off and leave it as it is that's why we are here.

Mrs. Maryann Louis stated I live on Pineview Drive. My question is if he sells this half of the property that accesses Deer Run. Will he only have access to his property through Pineview Drive and Churchview? Will he have to take our road or Churchview to access his other property?

Mr. Whittle stated no ma'am.

Mr. Garrison stated I think that's what you were saying that the line that you are going to sell you will still have access from Deer Run on this property that you are keeping.

Mrs. Louis stated Deer Run will still be on his property?

Mr. Garrison stated that's what he's saying yes.

Mr. Scearce stated it would have been helpful to have a map.

Mrs. Louis stated we panicked about it because when people park on either side of our street only one car goes up or down. You have to pull over and you have to let them come up. We have small children on our street and animals that cross the street. So we were worried about the small children getting in the street. We have five children I believe under the age of five on our street that could possibly end up in that street with fast moving vehicles and through traffic. People that we don't know could have access to our small children that is out in our yard; that might be not in our yard when we get home.

Mr. Fred Shanks stated I am representing Madison Whittle for Madison Inc. on this project. Just to make sure that everyone has a good picture. The seventeen acres is going to be at the end of Deer Run Rd. reserved through the seventeen acres will be the easement and a reverter clause that when Madison Inc. develops the property to the west of the seventeen acres the road can then be extended at that time. So the whole thing is Madison has a buyer now that is interesting in the seventeen acres. He will retain a reverter clause and easement to extend the road as such time as when he develops that other piece. Whenever

that happens it has to be come back to the Planning Commission and City Council. I apologize that we don't have a survey we are in the middle of doing that for him.

Mr. Bolton stated that is a permanent easement that would transfer if he were to sell it?

Mr. Shanks stated it is permanent that would run with the land until a road is built and then the reverted clause will take effect.

Mr. Scearce closed the Public Hearing.

Mr. Bolton made a motion to approve PLSUP20160000049 as submitted. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

I. MINUTES

Mr. Garrison made a motion to approve the February 8, 2016 minutes. The motion was approved by a unanimous vote.

II. OTHER BUSINESS

Mr. Gillie stated the one item that you had for last month was approved by City Council.

Mrs. Evans stated do we have anything for next month?

Mr. Gillie stated yes we do.

With no further business, the meeting adjourned at 4:22 p.m.

_____

APPROVED