

PLANNING COMMISSION MINUTES

May 09, 2016

MEMBERS PRESENT

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

MEMBERS ABSENT

Mr. Bolton

STAFF

Tracie Lancaster
Ken Gillie
Anna Levi
Clarke Whitfield

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

I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit application PLSUP20160000116, filed by River District Lofts, LLC, requesting a Special Use Permit to have Multi-family dwellings as a principal use in accordance with Article 3.K; Section C, Item 10 of the Code of the City of Danville, Virginia 1986, as amended at 549 High St, otherwise known as Grid 2709, Block 016, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to redevelop the building into 23 loft style apartments.*

Ms. Levi read the staff report. 16 notices were sent to surrounding property owners within 300 feet of the subject property. Three responses were not opposed.

Mr. Searce opened the Public Hearing.

Present on behalf of this request was Ms. Corrie Teague, Economic Development. The developer was not able to make it today but I will be happy to answer any questions you may have.

Mrs. Evans it says it's not going to be commercial development on the first floor. What is going to be on the first floor?

Ms. Teague stated the entire building will be residential.

Mr. Jones asked how many levels will there be?

Ms. Teague stated I believe there will be four.

Mr. Jones stated with an elevator?

Ms. Teague stated yes there should be an elevator inside.

Mr. Gillie stated an elevator is required.

Mr. Scarce closed the Public Hearing.

Mr. Garrison made a motion to approve PLSUP20160000116 with conditions per staff. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.

2. *Rezoning application PLRZ20160000121, filed by Gus Dyer requesting to rezone from OT-R, Old Town Residential to A-R, Attached Residential Parcel IDs #50393 and #50394, otherwise known as Grid 0715, Block 011, Parcels 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 a duplex.*

Ms. Levi read the staff report. 24 notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed. Two were opposed.

Mr. Scarce opened the Public Hearing.

Present on behalf of this request is Gus Dyer, the applicant. Basically this is the same thing we discussed last month as far as the duplex. In your package you have a site plan, a front elevation and a floor plan. One thing that I would like to point is that the main reason I am requesting a duplex as opposed to two single family houses which could go on this lot; Is that by doing the duplex that allows for egress to the rear of the lot. Which would then give you egress to the larger parcel on Fairview Avenue. These are actually two lots so you could actually build two housing units on each one. Once we build the duplex on these two lots that's all that would be allowed to go on these two lots. We can't come back later and put more units on these two lots without subdividing them.

Mr. Wilson stated how many actual buildings do you see being built on this lot?

Mr. Dyer stated one on these two lots. The two lots that are subject today for the rezoning. I'm not asking for anything on the triangular lot.

Mr. Wilson stated I understand that but on this one extended lot just one building on two lots?

Mr. Dyer stated code under AR allows for a duplex but only a duplex. The irony is that I could do both I could do two fourplexes and have a total of 8 units. But by doing a duplex only one duplex is allowed on these two lots. These are actually two lots whether they are combined by use, they are ultimately subdivided anyway. So I could do one house here and one house here, only that would not allow me the room for the driveway to get to the rear of the lot.

Mr. Wilson stated once you build the one duplex will you have a road running all the way back?

Mr. Dyer stated that is to be determined.

Mr. Wilson stated depending on the use of the other property?

Mr. Dyer stated right. Code actually requires that if I access the triangular piece through either of these two lots that it has to be zoned the same. I can't leave this OTR and have the driveway that goes down into Attached Residential.

Mrs. Evans stated is this a significant reduction from the apartments you were talking about. How many units were you proposing?

Mr. Dyer stated that has been withdrawn.

Mrs. Evans stated I know I'm just asking.

Mr. Dyer stated well it was a 16 unit complex.

Mrs. Evans stated you are okay with reducing it to this.

Mr. Dyer stated well its gives me the opportunity to develop that property at a later date. I'm just not in the position right now; I know you all don't think it is a significant investment. But I talk to someone and they told me they spent \$40,000 on site plans. I'm just not in a position right now where I can do that project.

Mr. Scarce stated this will only be one building?

Mr. Dyer stated right.

Mr. Jones stated I have a question for staff is that condition that the Planning Commission states or is that in the application just the one duplex?

Mr. Gillie stated it's in the code. So on a rezoning you can't put conditions on it. Only the applicant can proffer them. Since it is already in the code and were not requesting anything of the applicant. This is just a straight rezoning.

Mr. Scarce closed the Public Hearing.

Mr. Dodson made a motion to approve PLRZ20160000121 as submitted by Planning Staff. Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.

3. *Special Use Permit application PLSUP20160000117, filed by Brian Lee requesting a Special Use Permit for the operation of agriculture in accordance with Article 3.B; Section C, Item 1 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID #75506, otherwise known as Grid 1618, Block 003, Parcel 000004 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to run a non-commercial agriculture operation on the site.*

Ms. Levi read the staff report. 10 notices were sent to surrounding property owners within 300 feet of the subject property. Three responses were not opposed.

Mr. Scarce opened the Public Hearing.

Present on behalf of this request was the applicant, Brian Lee.

Mr. Lee stated my intent is to have a piece of land that I can live on that and limit how much money I spend in the grocery store. As far as the conditions I don't have any real problem with them. I would ask that we try to amend the condition of no roosters shall be kept on the property. I don't have a problem with no roosters but the adult male roosters are the ones that make the noise. The young six or eight months old they are not roosters until they get to the breeding age. I don't have any intention of having any that are noise makers. I don't want to be woken up by that. I would like to be able to have chickens for the eggs. Also, I would like to have chickens for the meat. But as far as the conditions other than that I don't have a problem.

Mr. Scarce stated let me ask you this, what are your thoughts on that? Can we put a age limit on roosters?

Mr. Lee stated well generally speaking you kill them off at six or eight months they don't become a rooster until a year or a little more. Roosters are generally considered as adult male chickens.

Mr. Scarce stated so you are not going to have adult chickens?

Mr. Lee stated I don't want the noise; I don't want to be woken up by that noise. Well they are called chicks is what they are. You know it's like if you to the grocery store and you buy chicken it's a male chicken. It's a young chicken. I don't have any intention of having any adult chickens.

Mr. Wilson stated there must be a reason why we have no roosters are to be kept on properties is that in our code? What's the reasoning behind that? Can we loosen this?

Ms. Levi stated the reason that we said no roosters was mainly for the noise to surrounding property owners. That was our main concern the code doesn't say anything about roosters or chickens just that they there numbers should be limited to five for every three acres. So it doesn't say anything about the noise that was a concern of ours because this is a was added to the code recently we haven't really done anything like this. So this is the first case and kind of a test.

Mr. Wilson stated well is there a way that we could put something in our decision that goes to City Council that if there were difficulty with the noise like from neighbors and they complain that he would then have to remove the rooster?

Mr. Gillie stated that's just a enforcement nightmare.

Mr. Lee stated I don't have a problem with accepting the conditions as stated. I was just hoping that maybe I could get concession on the chickens if I can if I can't, I can't.

Mr. Scarce stated well so what you are waiting to raise is male chickens not roosters.

Mr. Lee stated I want both chickens and hens for the eggs.

Mr. Scarce stated well you are not calling what you are raising roosters.

Mr. Lee stated correct because when you buy chicks whether it be egg laying chickens or for meat, egg laying hens are not good meat. You buy them when they are about three

days old and normally you butcher them off when they are four to six months. They are not good eating once they become mature, once they become breeding age. So you butcher them off long before they get to that age. My purpose is to have it for food not for a petting zoo.

Mr. Wilson stated once we make a decision it really sets a precedent for others that might want to come and do this.

Mr. Scarce stated I think if we distinguish that he is not having mature males which would be called roosters, he is just saying he is going to have male chicks and they would be consumed and used before they get to the adult age. I guess technically you wouldn't have a rooster then would you?

Mr. Lee stated no but there is a gray area there.

Mr. Scarce stated either we can just scratch it and allow him to have roosters. It is a pretty rural property even though it is in the City.

Mr. Gillie stated chickens don't have birth certificates so from an enforcement standpoint I will never be able to tell whether it's a rooster or not. That's why I said it's an enforcement nightmare. As she said this is new to us as well you know I'm an urban planner and Ms. Levi is fresh out of grad school trying to give me some new ideas. We are working on this; this is kind of her case. We just put it as a condition because of the noise while it's rural there they're properties around it. There is a house across the street, an apartment complex and others that are really within site on that photo. The sound is going to travel in that area so we were just concerned with the noise and what they would do with the surrounding property owners.

Mr. Lee stated well the property across the street Mrs. Rose she wants a farm back there anyway.

Mr. Gillie stated well okay if you want to allow roosters and we don't get any complaints then we will know next time. We were just hedging on the side of caution.

Mr. Scarce stated I guess it's up to your pleasure whatever you have that you want to address. If you want to scratch that you can if you want keep it you can.

Mr. Wilson stated well I mean for me since he said that he is acceptable to these conditions and this is the recommendation from these folks, that actually think about it. I'm just kind of leaning to go with the recommendation.

Mr. Whitfield stated it sounds like he said he is fine because they are not going to be making the noise even the male chickens because he would have slaughtered them and eaten them or put them in the freezer before they get to that point.

Mr. Scarce stated okay that's fine if you can work with this.

Mr. Lee stated like I said the rooster thing is not going to be a deal breaker for me. I just wanted to get clarification on what is or isn't. Technically they are not a rooster until they are an adult.

Mrs. Evans stated you are okay with no more than six grazing animals?

Mr. Lee stated yeah because if I have three cows and two horses, they will be pets. I can't eat that much meat in a year anyway. In others words I can't eat more than three cows in a year anyway. I don't have a problem with it.

Mr. Jones stated have you been doing this all your life?

Mr. Lee stated I was raised on a farm from about age 2 until 14. Then my dad got transferred.

Mr. Jones stated so you had to feed the chickens and all those things?

Mr. Lee stated and the cow. As I have gotten old with different things that I have done I have traveled all over. I worked dude ranches out West. I lived in Alaska for six months working on a homestead so I have experience. I drive a truck and I don't have the desire to drive until I'm 70. So when I am about 49 or 50 years old I would like to come off the road and find a local company to drive for and live in my peaceful little life. As far as the animals go if I were to close on June 13 which is the plan it would be two to three years before I would have any animals; because I'm only here six to eight days a month because of my job. With me trying to do this on my own it will take me two or three years to get the fencing put up so I'm still two or three years from having animals. But I wanted to get the permit I didn't want to buy the land and then worry about coming here.

Mr. Garrison stated that's very wise.

Mr. Searce closed the Public Hearing.

Mr. Wilson made a motion to approve PLSUP20160000117 with conditions per staff. Mr. Garrison seconded the motion. The motion was approved by a 6-0 vote.

4. *Rezoning application PLRZZ20160000111, filed by Danville Redevelopment Housing Authority (DRHA), requesting to rezone from OT-R, Old Town Residential to TW-C, Tobacco Warehouse Commercial, 502 Franklin Street, otherwise known as Grid 2718, Block 014, Parcel 000003 of the City of Danville, Virginia Zoning Map. The applicant is proposing to rezone to allow the operation of an office for DRHA's homeownership program.*

Ms. Levi read the staff report. 16 notices were sent to surrounding property owners within 300 feet of the subject property. Six responses were not opposed.

Mr. Searce opened the Public Hearing.

Present on behalf of this request was Mr. Gary Wasson and Kim Walker from Danville Redevelopment and Housing.

Mr. Wasson stated the Housing Authority has home ownership programs for quite a few years as part of our Hope VI grant efforts. But the last few years we have partnered with the City on other areas for home ownership. It's our plan to kind of expand the program to include more of the City. Actually anyone could come in and use the facility to get home ownership counseling and other kind of services related to home ownership. Mrs. Walker

can give you details about what she will be doing there. If there are any questions about that she can answer them.

Mr. Searce closed the Public Hearing.

Mrs. Evans stated we have a comment from someone that says this appears to be spot zoning could you address that?

Mr. Gillie stated the area across the street is zoned for it already. Spot zoning is giving one property special privileges that aren't available to others or not in the immediate area. We got the area they are just adjusted from one side to the other. We don't consider it spot zoning.

Mr. Searce stated you have it on three sides where it's the same.

Mrs. Evans made a motion to approve *PLRZ20160000111*. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

II. ITEMS NOT FOR PUBLIC HEARING

1. *Acceptance of 10,991 sq. ft of right-of-way for creation of a cul-de-sac for Idlewood Terrace.*

Mr. Wilson made a motion to approve the acceptance of the plat. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.

2. *Acceptance of 2,292 sq. ft. of right-of-way along Riverside Drive.*

Mr. Wilson made a motion to approval of the acceptance of the right a way along Riverside Dr. Mr. Garrison seconded the motion. The motion was approved by a 6-0 vote.

III. MINUTES

The April 11, 2016 minutes were approved by a unanimous vote.

IV. OTHER BUSINESS

Mr. Gillie stated City Council approved all the items that you had from last month that carried over. Staff is requesting that you make a motion to authorize staff to amend some definitions in the Zoning Code and to look at modifying our sign code based on a recent Supreme Court decision. We think we need to go and possibly change a few things in our sign code. So if I could get you to authorize staff advertising to change some definitions. I have worked with Mr. Dyer in the last few weeks since the Planning Commission meeting regarding some definitions in the Zoning code that based on his project we think we should

clean up. So I have got some proposals on something's that I think will make it easier on all of us in the future.

Mr. Scarce stated do we need to say do it or do we need to vote?

Mr. Whitfield stated just a motion to authorize the advertisement.

Mrs. Evans made a motion authorize the advertising. Mr. Jones seconded the motion. The motion was approved by unanimous vote.

Mr. Gillie stated also the American Planning Association of Virginia chapter is having it's conference in June at Wintergreen. I have some money budgeted if anyone is interested in possibly attending that. If so let me know Anna is going to go to it to represent the City. But if anyone else is interesting in going and learning more things about planning just contact me afterwards. There are cases for next month.

Mr. Scarce stated where are we at on who is going to be looking into the parking changes?

Mr. Gillie stated we are still working on that. Actually, this is sort of tying into that. The case that came before you today regarding he apartment complex they have to go to the Board of Zoning Appeals and ask for a variance to our requirements. We want to see some things at the Board of Zoning Appeals and then come back; so all of these are sort of tying together.

With no further business, the meeting adjourned at 3:35 p.m.

APPROVED