City Planning Commission

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

JULY 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. *Rezoning application PLRZ20160000149, filed by George Lovelace requesting to rezone from N-C, Neighborhood Retail Commercial to "Conditional" HR-C, Highway Retail Commercial, 1910 N. Main Street, otherwise known as Grid 2814, Block 002, Parcel 000029 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an automobile retail establishment on the site.*

2. *Special Use Permit application PLSUP20160000165, filed by Pryor Development Co., Inc., requesting a Special Use Permit to operate an indoor commercial recreation facility in accordance with Article 3.N; Section C, Item 4 of the Code of the City of Danville, Virginia 1986, as amended at 1344 West Main Street, otherwise known as Grid 0612, Block 001, Parcel 000003 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an indoor commercial recreation facility for gaming.*

3. *Rezoning application PLRZ20160000174, filed by Paresh Suthar requesting to rezone from OT-R, Old Town Residential to HR-C, Highway Retail Commercial, Parcel ID #75861, otherwise known as Grid 1620, Block 005, Parcel 000012 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop the site into a motel, restaurant, and conference center.*

4. *Rezoning application PLRZ20160000176, filed by Paresh Suthar requesting to rezone from OT-R, Old Town Residential to HR-C, Highway Retail Commercial, Parcel ID #75860, otherwise known as Grid 1620, Block 005, Parcel 000011 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to consolidate this parcel with Parcel ID #75861 for commercial redevelopment into a motel, restaurant, and conference center.*

5. *Special Use Permit application PLSUP20160000173, filed by Two Crows LLC, requesting a Special Use Permit to operate a restaurant at 1009 Main Street, otherwise known as Grid 1720, Block 012, Parcel 000010 of the City of Danville Virginia Zoning District Map. The applicant is proposing to convert the building into a coffee house and wine bar.*

IV. APPROVAL OF MINUTES FROM JUNE 13, 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 July 11, 2016

Subject:

Rezoning application PLRZ20160000149, filed by George Lovelace requesting to rezone from N-C, Neighborhood Retail Commercial to "Conditional" HR-C, Highway Retail Commercial, 1910 N. Main Street, otherwise known as Grid 2814, Block 002, Parcel 000029 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an automobile retail establishment on the site

Background:

A request has been filed by George Lovelace to rezone 1910 N. Main Street from N-C, Neighborhood Retail Commercial to "Conditional" HR-C, Highway Retail Commercial. The applicant is proposing to rezone the property for the operation of an automobile retail establishment.

The .40 acre subject parcel is currently improved with a vacant building. In the past it was the location of Roy's Soul Food Restaurant and Lounge, Designs in Glass, and a video production business. Presently, it is proposed to be the location of an automobile retail establishment with ingress and egress from N. Main Street and Fuller Street.

The subject parcel is bordered on all sides by properties zoned OT-R, Old Town Residential. There is commercial property to the north that is zoned TO-C, Transitional Office Commercial and NC-Neighborhood Commercial. The nearest property in the vicinity that is zoned "Conditional" HR-C, Highway Retail Commercial lies approximately .3 miles north of the subject property on N. Main St.

Thirty-six (36) 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 July 11, 2016.

Staff Analysis and Recommendation:

At the meeting of June 13, 2015, the Planning staff recommended denial of a rezoning to HR-C, Highway Retail Commercial District, without conditions. Staff noted they could

support a "Conditional" HR-C rezoning if the applicant proffered out the uses that could be detrimental to the surrounding neighborhood. The applicant stated at the meeting he was willing to work with staff on a list of conditions so Planning Commission voted to table the request.

The applicant has met with staff and both parties have agreed to the list of conditions which is attached to this report. This limits the property to the uses in existence with the N-C zoning currently on the property, with the addition of automobile sales.

Staff can now recommend approval of this request with the list of conditions proffered by the applicant.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning Application PLRZ20160000149 with proffered list as submitted.
2. Recommend approval of Rezoning Application PLRZ20160000149 with additional conditions per Planning Commission.
3. Recommend denial of Rezoning Application PLRZ20160000149.

Attachments:

Application
Proffer List
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: PLRZ201600001249 EXISTING ZONING: NC

PROPOSED ZONING: HRC TAX MAP NUMBER:

RECEIVED BY: AL DATE FILED: 5/16/16

PLANNING COMMISSION DATE: 6/13/16 CITY COUNCIL DATE: 7/5/16

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: Property Address:

Property Location: (N) S E W Side of: Danville, 1910 N. main St.

Between: and

Proffered Conditions (if any, please attach):

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

1. NAME: PATRICE STILL TELEPHONE: 407-889-4485

MAILING ADDRESS: 1943 BLUFF OAK ST APOPKA, FL 32712

SIGNATURE: Chris Dunlap - Agent for Patrice Still DATE: 4/30/16

SIGNATURE: DATE:

EMAIL ADDRESS:

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

NAME: George Lovelace TELEPHONE: 434-429-3226

MAILING ADDRESS: 379 Updike Pl. Danville Va 24541

EMAIL ADDRESS:

SIGNATURE: George Lovelace DATE: 4-30-16

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:

ReZone To HRC car Lot

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

City of Danville

Legend

- Buildings
- Parcels

Historic_Districts

- Downtown
- Holbrook Ross
- North Danville
- Old West End
- Tobacco Warehouse

Street Names

House Numbers

Parcel Numbers

Feet

0 10 20 30 40

1:500 / 1"=42 Feet

DISCLAIMER: Information contained on this map is to be used for reference purposes only and 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.

Title:

Date: 5/2/2016

I THE UDERSIGNE DO NOT OBJECT TO THE REZONING OF 1910 NORTH MAIN ST. TO ALLOW THE SALE OF CARS.

NAME,ADRESS RANDY TARR 114 Motley Ave

NAME,ADRESS Crystal L. Swink 114 Motley Ave

NAME,ADRESS ANNIE GAFFORD Motley Ave 116

NAME,ADRESS F. Yeatts 230 Motley Ave

NAME,ADRESS Mattie Hutchings 236 Motley Ave

NAME,ADRESS DAVID PATTERSON 233 MOTLEY Ave.

NAME,ADRESS John Davis 227 Motley Ave

NAME,ADRESS Rhonda Walton 181 Powell AVE

NAME,ADRESS Anthony Poole 183 Powell

NAME,ADRESS Angela Jennings 128 Powell

NAME,ADRESS Susan Collins 171 Powell Ave.

NAME,ADRESS Matthew Poteat 172 Powell Ave

NAME,ADRESS Jesenia R. Hebert 122 Clement Ave.

NAME,ADRESS Penelope Myers 139 Powell AVE Danville

I THE UDERSIGNE DO NOT OBJECT TO THE REZONING OF 1910 NORTH MAIN ST. TO ALLOW THE SALE OF CARS.

NAME,ADRESS Sally Jones 221 North Ave.

NAME,ADRESS Michael McBride 204 North Ave.

NAME,ADRESS Brian Crawford 196 North Ave.

NAME,ADRESS Lois D. Brock 201 North ave

NAME,ADRESS Rosario Moorman 197 North ave

NAME,ADRESS Dyon L Womack 193 North Ave

NAME,ADRESS Antonio Charlemandez 181 North Avenue

NAME,ADRESS Theresa Davis 173 North Ave

NAME,ADRESS Dayne Agee 169 North Ave.

NAME,ADRESS Gloria Tarpley 165 North Ave.

NAME,ADRESS Destinee Foster 158 North Ave

NAME,ADRESS Renee Foster 115B Pleasant View Ave

NAME,ADRESS Kimberly Jones 148 North Ave

NAME,ADRESS Mark Thomas 139 North Ave

Maurice Jones 130 North Ave

I THE UDERSIGNE DO NOT OBJECT TO THE REZONING OF 1910 NORTH MAIN ST. TO ALLOW THE SALE OF CARS.

429-9321

NAME,ADRESS [illegible] 200 N. Main St Danville

NAME,ADRESS Dorothy-m Lee Danville north main st

NAME,ADRESS Justin SCOTT NORTH MAIN ST

NAME,ADRESS ~~Richard~~ Richard Miles north main st

NAME,ADRESS [illegible] 132 FULLER ST

NAME,ADRESS [illegible] 218 N Raleigh CT north main

NAME,ADRESS [illegible] 237 N. Raleigh ct

NAME,ADRESS Tomecia Hanson 239 N. Raleigh Ct

NAME,ADRESS [illegible]

NAME,ADRESS [illegible] 114 GREENWISH AVE

NAME,ADRESS Merrick Thomas 126 Greenwich AVE

NAME,ADRESS [illegible] 130 Greenwich Ave

NAME,ADRESS Clifton L. Hann 139 Greenwich Ave.

NAME,ADRESS [illegible] 145 Greenwich

I THE UDERSIGNE DO NOT OBJECT TO THE REZONING OF 1910 NORTH MAIN ST. TO ALLOW THE SALE OF CARS.

NAME,ADRESS Deborah Adkins (Deborah Adkins)

NAME,ADRESS Edward Hunt ~~[illegible]~~ 153 Greenwich

NAME,ADRESS Robin Hunt ~~[illegible]~~ 153 Greenwich

NAME,ADRESS Toni R. Traynham 159 Greenwich

NAME,ADRESS Tamika Fitzgerald 163 Greenwich

NAME,ADRESS Markia Gwynn 163 Greenwich

NAME,ADRESS Ras Tali 163 Greenwich

NAME,ADRESS Cristi Wilson 112 Greenwich

NAME,ADRESS F. LAWRENCE McFALL, Jr 610 GREENWICH CIR.

NAME,ADRESS [illegible] 201 Semi[illegible]

NAME,ADRESS Samantha Crimpton 509 Greenwich Circle

NAME,ADRESS Tammy D. Crum 509 Greenwich Circle

NAME,ADRESS Wayne Kirby

NAME,ADRESS Henrietta Stone

I THE UDERSIGNE DO NOT OBJECT TO THE REZONING OF 1910 NORTH MAIN ST. TO ALLOW THE SALE OF CARS.

NAME,ADRESS TaTiona Pounds 139 Powell ave

NAME,ADRESS TIA Bowman 221 KINZER AVE.

NAME,ADRESS Raymond Harris 1912 Carter

NAME,ADRESS Rachel Brown 1912 Carter

NAME,ADRESS Kay Brewer CARTER ST 1915

NAME,ADRESS Kent W. Sandburg A. Powell ST

NAME,ADRESS Michele Wesley 124 Clement Ave

NAME,ADRESS Elder George + Sis Betty Keene 118 Clement Ave.

NAME,ADRESS Danny Thompson 119 Fuller St 24540

NAME,ADRESS Makea Barton 40 Garland St. Danville VA 24541

NAME,ADRESS Stephanie Copp (123 Fuller St 24540).

NAME,ADRESS Elmer Turner 129 Fuller St. 24540

NAME,ADRESS Ruby Stratton 231 So Raleigh St

NAME,ADRESS James E. Cobb

I THE UDERSIGNE DO NOT OBJECT TO THE REZONING OF 1910 NORTH MAIN ST. TO ALLOW THE SALE OF CARS.

NAME,ADRESS Tony Gordon 448 Greenwich ave

NAME,ADRESS Rosheeta Brock greenwich

NAME,ADRESS Susan Ferguson 174 Greenwich Ave.

NAME,ADRESS Edna C. Ferguson - 174 Greenwich Ave. Danville, Va. 24540

NAME,ADRESS Janitha Echols 200 Greenwich Cir Danville, VA 24540

NAME,ADRESS John Kennedy 285 Greenwich Ct.

NAME,ADRESS Bonnie Crowder 219 Greenwich Cr. Danville, Va.

NAME,ADRESS Bavonne Lawrence 219 Greenwich Cir. 24541

NAME,ADRESS Carl Crowder 219 Greenwich Cr. Danville Va. 24541

NAME,ADRESS Jerrita Patterson 216 Greenwich Ave Danville 24540

NAME,ADRESS [illegible] 157 Superior Danville, Va 24540

NAME,ADRESS

NAME,ADRESS

NAME,ADRESS

I THE UDERSIGNE DO NOT OBJECT TO THE REZONING OF 1910 NORTH MAIN ST. TO ALLOW THE SALE OF CARS.

NAME,ADRESS Elaine Hunt 119 north Ave

NAME,ADRESS Deborah A. Davis 2017 N. Main St Apt 2

NAME,ADRESS Diana Cecil 2017 N. Main St Apt 1

NAME,ADRESS Cynthia Morton 2017 N Main St Apt 5

NAME,ADRESS

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ARTICLE 3.M: - HR-C, HIGHWAY RETAIL COMMERCIAL (Highway Retail Commercial District)

A. - Purpose and Intent.

The HR-C District is established to provide suitable locations in Danville's heavily traveled collector streets and arterial highways for those commercial and business uses which are oriented to the automobile and which require regional access characteristics independent of the marketplace attributable to adjoining neighborhoods or pedestrian trade. The application of the HR-C District should be to those areas of the City where individual uses can be grouped into planned concentrations which limit the "strip" development effect on newly developing areas as well as on redevelopment areas where retail and business uses currently exist. In addition, the Corridor Overlay District may impact the regulation of uses in this district.

Adequate transportation and site planning of uses within the HR-C District should have the goal of minimizing conflicts with through-traffic movements along the entrance City's corridors and major arterial streets. The HR-C District is not intended to be applied to shopping centers. Given the implications of traffic, pedestrian access, landscaping, and inter-parcel connections, large-scale individual retailers in excess of 60,000 per establishment (typically referred to as "big boxes" or "superstores") shall require a special use permit.

Minimum site improvements for uses within the HR-C District shall include adequate on-site parking, public water and sewer service, public street frontage and safe access, pedestrian improvements, storm drainage, stormwater management facilities, and outdoor lighting for parking areas.

(Ord. No. 2004-02.04, Art. 3.M, § A, 2-17-04)

B. - Permitted Uses.

An individual use or structure intended for a single use with 60,000 square feet gross floor area or less, incorporating the following uses:

1. Automobile and light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use, with completely enclosed service facilities and screened outdoor storage of repair vehicles).
2. ~~Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage).~~
3. Banks and financial institutions.
4. Business services and office supply establishments.
5. ~~Car washes~~.
6. Churches and places of worship.
7. Convenience stores (~~with or~~ without gasoline sales).
8. ~~Fast-food restaurants~~.
9. ~~Funeral homes~~.
10. ~~Gasoline sales establishments~~.
11. ~~Health club, spa or fitness center~~.

12. Hospitals and health care facilities with inpatient services.
13. Hotels and motels.
14. Laundromats/dry cleaners.
15. Light intensity wholesale trade establishments (with no outdoor sales or display of products).
16. Medical offices and outpatient care facilities.
17. Mini-storage warehouses, with no exterior storage.
18. Movie theaters.
19. Offices (general and professional).
20. Parking lots (private and public with off-street parking as the principal use).
21. Personal service establishments.
22. Private post office and delivery service.
23. Public uses.
24. Repair service establishments (exclusive of automobile and light vehicle service and repair, with no outdoor storage).
25. Restaurants.
26. Retail sales and leasing establishments, with screened outdoor sales or display of products limited to no greater than 15% of the net developable lot area. (See Additional Regulations.)
27. Schools, colleges and universities (public and private).
28. Seasonal retail uses.
29. Temporary retail sales.
30. Exterminator.
31. Bicycle shop.
32. Adult day support services.
33. Child therapeutic day support services.

(Ord. No. 2004-02.04, Art. 3.M, § B, 2-17-04; Ord. No. 2005-04.04, 4-5-05; Ord. No. 2009-12.08, 12-15-09; Ord. No. 2013-06.01, 6-4-13; Ord. No. 2014-08.09, 8-19-14)

C. - Uses Permitted by Special Use Permit.

An individual use otherwise permitted hereinabove by-right in the HR-C District, but having greater than 60,000 square feet gross floor area, or any of the following uses:

1. Auction establishments.
2. Bed and breakfast, inn or tourist home (as defined).
3. Bus stations.
4. Commercial recreation facilities (indoor and outdoor).
5. Conference centers.
6. Day care centers (adult and child).
7. Kennels, commercial.
8. Light warehousing uses related to an adjunct retail use permitted either by-right or special permit, provided that warehousing space does not exceed 50% of the gross floor area.
9. Drive-in movie theaters.

10. Parking garages and structures.
11. ~~Pet clinics.~~
12. ~~Plant nurseries.~~
13. Public utilities.
14. ~~Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than 15% of the gross floor area in the assembling or processing of products. All assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.~~
15. Schools, colleges and universities (public or private).
16. ~~Taxidermists.~~
17. ~~Uses with lot frontage on the Dan River.~~
18. ~~Vehicle sale, rental and ancillary service establishments, including mobile homes.~~
19. ~~Veterinary clinics.~~
20. Waiver for increase in building heights to over 50 feet.
21. Waiver of yard requirements, subject to the prohibition of parking in front yards.
22. Caretaker's residence.
23. ~~Homeless shelter.~~
24. Microbrewery or Micro-winery.
25. ~~Wholesale Sales.~~

(Ord. No. 2004-02.04, Art. 3.M, § C, 2-17-04; Ord. No. 2008-07.04, Art. 3.M, § C, 7-15-08; Ord. No. 2009-11.07, 11-5-09; Ord. No. 2012-09.09, 9-18-12; Ord. No. 2015-01.04, 1-20-15)

D. - Lot Size Requirements.

1. Minimum district size: Not regulated, provided that districts should be located, sized and spaced to limit potential "strip" development impacts.
2. Minimum lot areas:
   (1) Interior lot: 13,500 square feet.
   (2) Corner lot: 15,000 square feet.
3. Minimum lot width:
   (1) Interior lot: 90 feet.
   (2) Corner lot: 150 feet.
4. No HR-C District lot shall be designed or employed for use in which an area more than 25% of the prescribed minimum lot area is comprised of either of the following physical land units: (a) wetlands or (b) water features.

(Ord. No. 2004-02.04, Art. 3.M, § D, 2-17-04)

E. - Bulk Regulations.

1. Maximum building height: 50 feet.
2. Minimum yard requirements:
   a.

Front yard: 30 feet, provided that a 20 foot setback is required for the outdoor display of items within the front yard. For a corner lot, the front yard shall be 20 feet if access is not provided onto a non-arterial or collector street.

b. Side yard: 20 feet, provided, where side yard abuts a residential district, the side yard shall be 30 feet.

c. Rear yard: 20 feet, provided, where rear yard abuts a residential district, the rear yard shall be 30 feet.

d. In addition to the above regulations, buffer yard provisions shall apply in accordance with landscape and screening regulations.

3. Maximum floor area ratio: 0.50.

(Ord. No. 2004-02.04, Art. 3.M, § E, 2-17-04)

F. - Open Space and Landscaping.

1. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.

(Ord. No. 2004-02.04, Art. 3.M, § F, 2-17-04)

G. - Net Developable Area Calculation.

1. Notwithstanding governing lot size and yard regulations, the maximum number of lots for any conventional or cluster subdivision shall be calculated based on existing land conditions. The yield of a subdivision shall be based on its net developable area, with adjustment factors for physical land units as specified in the chart in the following section.

2. The subdivision plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined herein below. A calculation of the net developable area shall be required for all subdivision and site plan submissions.

Physical Land Unit	Percent Credited Toward Net Acreage
Soils with high shrink/swell characteristics, as defined:	80%
Wetlands, existing water features and streams:	0%
Stormwater management basins and structures:	0%
Above-ground 69 KV or greater transmission lines:	0%
Public rights-of-way:	0%

(Ord. No. 2004-02.04, Art. 3.M, § G, 2-17-04)

H. - Additional Regulations.

1. All uses shall be subject to site plan approval.
2. All refuse shall be contained in completely enclosed facilities. Refuse containers and refuse storage shall be located in a paved area and screened from public view by means of fences, wall or landscaping.
3. On a corner lot, no curb cut shall be located closer than 75 feet to the right-of-way line extended from the intersecting street.
4. No curb cut shall be located closer than 20 feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent uses be less than 60 feet.
5. A freestanding use shall have no more than two curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of 100 feet between them.
6. In addition to landscaping and screening requirements, there shall be a minimum landscaped buffer strip of 5 feet in depth along all HR-C District property frontage. No parking is permitted within the buffer strip.
7. The outdoor area devoted to storage, loading and display of retail goods shall be limited to a maximum 15% of the net developable lot area and shall provide screening as indicated on an approved site plan. Subject to special use permit approval, outdoor storage, loading and display areas of retail goods in excess of 15% of net developable lot area may be approved under special circumstances when the applicant can provide expanded and enhanced screening, buffers and landscaping. Screening of outdoor display and product sales areas only may be waived by administrative action of the Director of Planning/Zoning Administrator, provided that loading and storage areas not related to displays shall be screened.
8. Where a lot is contiguous to property located in a residential district, all buildings shall have a minimum setback of 30 feet from common property lines. A landscaped buffer strip shall be provided in accord with the transitional buffer yard requirements for commercial/residential properties (see Appendix), with landscape materials and placement subject to site plan approval.
9. Gasoline pump islands, canopies and structural elements shall be governed by the same regulations as applied to a principal structure.
10. Refer to the Floodplain Zoning Overlay District, where applicable.
11. Refer to Landscaping and Screening Regulations for parking lot landscaping, rear lot screening, buffer yards, and related landscape architecture provisions.
12. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the City. All recorded plats for lots containing shrink/swell soils shall bear the following note: "This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."
13. Refer to Sign Regulations for signage regulations.

(Ord. No. 2004-02.04, Art. 3.M, § H, 2-17-04)

ARTICLE 3.J: - N-C, NEIGHBORHOOD COMMERCIAL (Neighborhood Retail Commercial District).

A. - Purpose and Intent.

The Neighborhood Commercial District is established to provide for selected locations in the City for neighborhood and convenience retail shopping facilities. Retail uses in the N-C District shall serve localized neighborhood shopping patterns, with the purpose of these establishments to provide good and necessities that usually require frequent purchasing with a minimum of consumer travel per shopping trip. Building size and intensity is governed to ensure appropriate scale and lot coverage within the district: Individual businesses are limited to 3,000 square feet of floor area per establishments and not to exceed 12,000 square feet per building, with a floor area ratio of 0.30.

The N-C District is not intended to create a retail market environment which is competitive with other City commercial areas, but, rather, is intended to accommodate existing and future neighborhood and convenience retail uses at locations compatible with those recognized by the Comprehensive Plan. The district is aimed at providing opportunities for individual neighborhood-styled businesses which, historically, have not been located in Danville within traditional strip shopping centers, regional shopping malls or in downtown commercial areas.

Minimum site improvements for uses within the N-C District shall include adequate on-site parking, public water and sewer service, public street frontage and safe access, pedestrian improvements, storm drainage, stormwater management facilities, and outdoor lighting for parking areas.

(Ord. No. 2004-02.04, Art. 3.J, § A, 2-17-04)

B. - Permitted Uses.

Permitted uses shall be those in the following categories which do not exceed (1) 3,000 sq. ft. in gross floor area per establishment, (2) 12,000 sq. ft. gross floor area per building. (3) or a floor area ratio (FAR) of 0.30 per lot.

1. Accessory use, to include tool sheds, detached garages and carports, children's playhouses, doghouses and accessory off-street parking and loading spaces.
2. Banks and financial institutions (without drive-thru facilities).
3. Bed and breakfast, inn, or tourist home (as defined).
4. Business service and office supply establishments.
5. Churches and places of worship.
6. Convenience stores (without gasoline services).
7. Offices (general and professional).
8. Personal service establishments.
9. Public uses.
10. Retail sales (excluding automobiles, boats, recreational vehicles, mobile homes, farm equipment and the like).
11. Studios for artists, photographers or sculptors.

12. Bicycle shop.
13. Adult day support services.
14. Child therapeutic day support services.

(Ord. No. 2004-02.04, Art. 3.J, § B, 2-17-04; Ord. No. 2009-12.08, 12-15-09; Ord. No. 2011-10.05, 10-18-11; Ord. No. 2013-06.01, 6-4-13; Ord. No. 2014-08.09, 8-19-14)

C. - Special Permit Uses.

1. Any use which has drive-in facilities.
2. Commercial recreational establishments (limited to indoor uses).
3. Convenience stores (with gasoline sales).
4. Day care facilities (adult and children).
5. Fast-food restaurants.
6. Funeral homes.
7. Gasoline sales establishments (with no repair services and no outdoor vehicle storage).
8. Private post office and delivery service establishments.
9. Public and private schools and colleges.
10. Public utilities.
11. Plant nurseries.
12. Repair service establishments (non-motor vehicle related and without outdoor service).
13. Restaurants.
14. Schools, colleges and universities, public or private.
15. Use which exceeds 3,000 sq. ft. in gross floor area or a floor area ratio of 0.30 (excluding retail sales).
16. Waiver of yard requirements.
17. Caretaker's residence.
18. Homeless shelter.
19. Microbrewery or micro-winery.

(Ord. No. 2004-02.04, Art. 3.J, § C, 2-17-04; Ord. No. 2008-07.04, Art. 3.J, § C, 7-15-08; Ord. No. 2009-11.07, 11-5-09; Ord. No. 2011-10.05, 10-18-11; Ord. No. 2012-11.09, 11-20-12)

D. - Lot Size Requirements.

1. Minimum district size: Not regulated, provided that districts should be located, sized and spaced to limit potential "strip" development impacts.
2. Minimum lot area:
   (1) Interior lot: 10,800 square feet.
   (2) Corner lot: 12,000 square feet.
3. Minimum lot width:
   (1) Interior lot: 90 feet.
   (2) Corner lot: 100 feet.
4. No N-C District lot shall be designed or employed for use in which an area more than 25% of the prescribed minimum lot area is comprised of either of the following physical land units: (a) wetlands and (b) water features.

(Ord. No. 2004-02.04, Art. 3.J, § D, 2-17-04)

E. - Bulk Regulations.

1. Height:
   A. Maximum building height: 35 feet, provided that building heights may be increased by special permit up to a maximum height of 50 feet if one (1) additional foot of yard setback is provided for each one (1) foot in building height over 35 feet.
   B. Public or semi-public building: 45 feet, provided that required front, rear and side yards shall be increased by 1 foot for each foot of height over 45 feet.
   C. Cupolas, spires and steeples: 90 feet, by special permit.
   D. Accessory use: 24 feet.
2. Minimum yard requirements:
   A. Front yard: 25 feet, parking may be located within a front yard if the N-C-zoned property is adjacent to a property zoned in one of the following districts: TO-C, HR-C, PS-C, CB-C, or TW-C. If parking is provided in a front yard, the front yard shall include a five (5) foot landscape buffer.
   B. Side yard: 15 feet, parking may be located within a side yard if the N-C-zoned property is adjacent to a property zoned in one of the following districts: TO-C, HR-C, PS-C, CB-C, or TW-C. If parking is provided in a side yard, the yard shall include a 2.5 foot landscape buffer. Where the lot adjoins an existing residential district, the side yard must then be at least 20 feet.
   C. Rear yard: 25 feet, parking may be located within a rear yard if the N-C-zoned property is adjacent to a property zoned in one of the following districts: TO-C, HR-C, PS-C, CB-C, or TW-C. If parking is provided in a rear yard, the yard shall include a 2.5 foot landscape buffer.

   Rear yard (accessory uses): 5 feet.
3. Maximum floor area ratio: 0.30.

(Ord. No. 2004-02.04, Art. 3.J, § E, 2-17-04)

F. - Open Space.

1. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.

(Ord. No. 2004-02.04, Art. 3.J, § F, 2-17-04)

G. - Net Developable Area Calculation.

1. Notwithstanding governing lot size and yard regulations, the maximum use intensity for any conventional subdivision or lot shall be calculated based on existing land conditions. The yield of a subdivision shall be based on its net developable area, with adjustment factors for physical land units as specified in the table in the following section.
2. The subdivision plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined herein below. A calculation of the net developable area shall be required for all subdivision and site plan submissions.

Physical Land Unit	Percent Credited Toward Net Acreage
Soils with high shrink/swell characteristics, as defined:	80%
Wetlands, existing water features and streams:	0%
Stormwater management basins and structures:	0%
Above-ground 69 KV or greater transmission lines:	0%
Public rights-of-way	0%

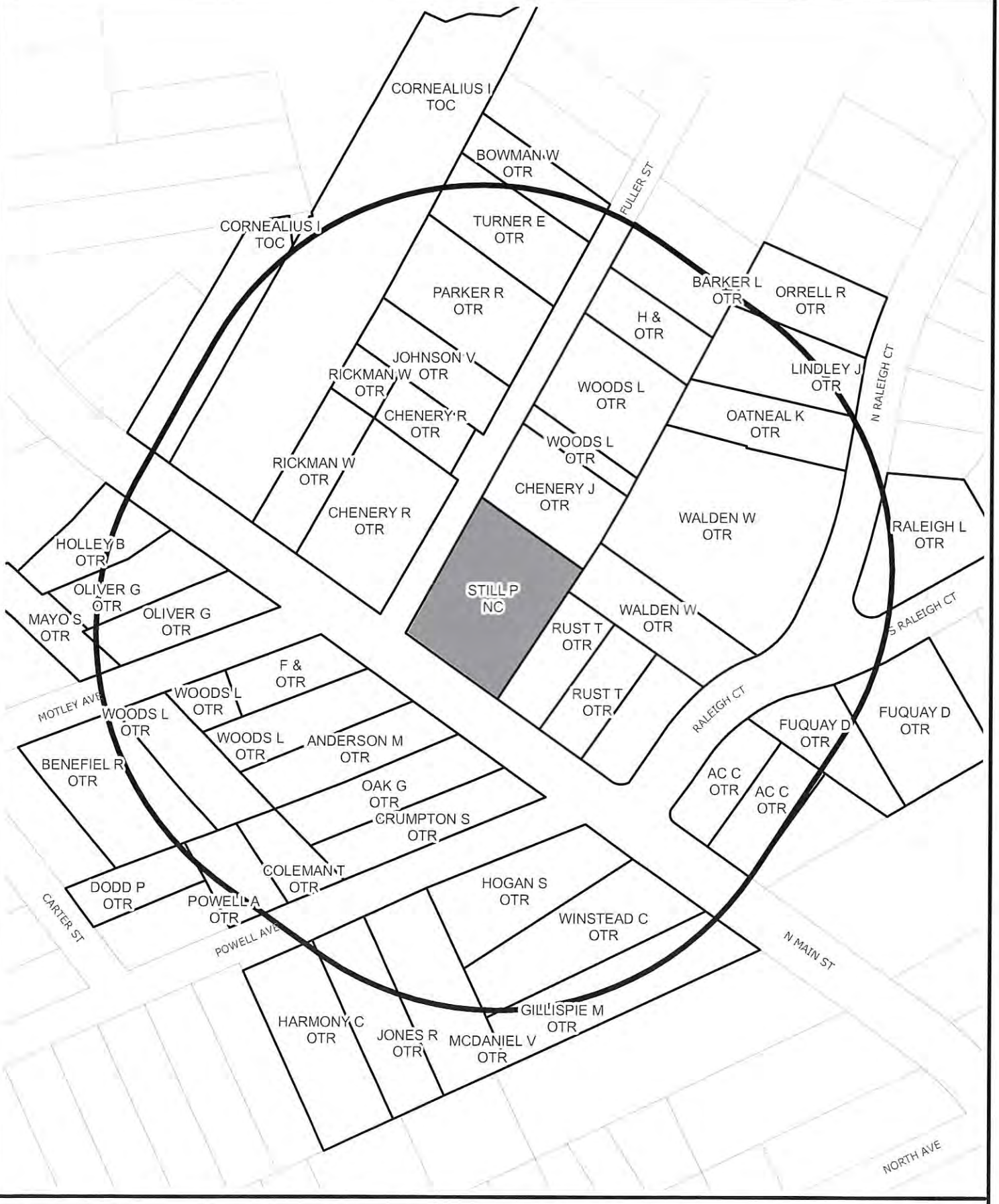
(Ord. No. 2004-02.04, Art. 3.J, § G, 2-17-04)

H. - Additional Regulations.

1. Refer to Landscaping and Screening Regulations for parking lot landscaping, rear lot screening, buffer yards, and related landscape architecture provisions.
2. Refer to Sign Ordinance for signage provisions.
3. Refer to Off-Street Parking for parking regulations.
4. All uses shall be subject to site plan approval.
5. All refuse shall be contained in completely enclosed facilities. Refuse containers and refuse storage shall be located in a paved area and screened from public view by means of fences, wall or landscaping.
6. For any use which is adjacent to uses which may be adversely affected by the creation of a new curb cut on a public street or highway, such use will require a special use permit.
7. On a corner lot, no curb cut shall be located closer than 50 feet to the right-of-way line extended from the intersecting street.
8. No curb cut shall be located closer than 15 feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent uses be less than 50 feet.
9. A freestanding use shall have no more than two curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of 100 feet between them.
10. In addition to landscaping and screening requirements, there shall be a minimum landscaped buffer strip of five (5) feet in depth along all N-C District property frontage. This buffer area may include the yard setbacks described in subsection E. Bulk Regulations of this district. No parking is permitted within the buffer strip.
11. Where a lot is contiguous to property located in a residential district, fencing may be required in addition to landscape buffers in such cases deemed necessary by the Planning Commission with fence material and heights subject to final plan approval.

12. Gasoline pump islands, canopies and structural elements shall be governed by the same regulations as applied to a principal structure.
13. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the City. All recorded plats for lots containing shrink/swell soils shall bear the following note: "This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."
14. All retail-sales-related business services, storage, and display shall be conducted within the principal structure which is to [be] completely enclosed.

(Ord. No. 2004-02.04, Art. 3.J, § H, 2-17-04; Ord. No. 2011-10.05, 10-18-11)



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
5/26/2016

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REZONING REQUEST
DATA SHEET

DATE:	July 11, 2016
LOCATION OF PROPERTY:	1910 N Main Street
PRESENT ZONE:	NC, Neighborhood Retail Commercial
PROPOSED ZONE:	HR-C, "Conditional" Highway Retail Commercial
ACTION REQUESTED:	Request to rezone to "Conditional" HR-C for use as an automobile retail establishment
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	Automobile retail establishment
PROPERTY OWNER (S):	Patrice Still
NAME OF APPLICANT (S):	George Lovelace
PROPERTY BORDERED BY:	Residential to the North, South, East, and West
ACREAGE/SQUARE FOOTAGE:	.40 acres
CHARACTER OF VICINITY:	Predominantly residential
INGRESS AND EGRESS:	N Main Street and Fuller Street
TRAFFIC VOLUME:	Moderate
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of July 11, 2016

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/26/2016

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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 July 11, 2016

Subject:

Special Use Permit application PLSUP20160000165, filed by Pryor Development Co., Inc., requesting a Special Use Permit to operate an indoor commercial recreation facility in accordance with Article 3.N; Section C, Item 4 of the Code of the City of Danville, Virginia 1986, as amended at 1344 West Main Street, otherwise known as Grid 0612, Block 001, Parcel 000003 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an indoor commercial recreation facility for gaming.

Background:

The applicant, Pryor Development Co., is requesting a Special Use Permit for indoor commercial recreation at 1344 West Main Street in accordance with Article 3.N; Section C, Item 4 of the Code of the City of Danville, Virginia 1986. The applicant is proposing to operate an indoor commercial recreation facility for gaming.

The 4.87 acre subject parcel is the site of the Dan River Plaza. The subject parcel is zoned PS-C, Planned Shopping Center and has ingress and egress on W Main St. The applicant is planning to operate a commercial bingo hall in the shopping center.

Seventeen (17) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on July 11, 2016.

Staff Analysis and Recommendation:

The making, placing or receipt of any bet or wager in the City of money or other thing of value, made in exchange for a chance to win a prize, stake or other consideration or thing of value, dependent upon the result of any game, contest or any other event the outcome of which is uncertain or a matter of chance, whether such game, contest or event occurs or is to occur inside or outside the limits of this City, shall constitute illegal gambling. Staff is concerned that the use proposed by the applicant may fall under the definition of illegal gambling.

City Code allows qualified organizations to conduct bingo games on the condition that a reasonable investigation is conducted by the Chief of Police and a permit issued. Qualified organizations are defined in the State Bingo Law as having a membership consisting of at least fifty (50) percent residents of the commonwealth.

Staff recommends denial of Special Use Permit Application PLSUP20160000165, filed by Pryor Development Co., to operate commercial indoor recreation at 1344 W Main St to run a commercial bingo hall.

City Planning Commission Alternatives:

1. Recommend denial of Special Use Permit Application PLSUP20160000165 as submitted.
2. Recommend approval of Special Use Permit Application PLSUP20160000165 with conditions per Planning Commission.
3. Recommend approval of Special Use Permit Application PLSUP20160000165.

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: Indoor Commercial Recreation

CASE NUMBER: _____ EXISTING ZONING: _____

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: HL DATE FILED: _____

PLANNING COMMISSION DATE: 7/11/14 CITY COUNCIL DATE: 8/4/14

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

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

Gross Area/Net Area: 8,000 sq ft. Property Address: 1344 & 1346 W. Main St.

Property Location: (N) S E W Side of: W. Main St.

Between: Memorial Dr. and Bishop Rd.

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:

We plan to have a commercial bingo hall which requires a special use permit in a commercial recreation facility.

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

1. NAME: DAN RIVER PLAZA LLC TELEPHONE: 772-398-0007

MAILING ADDRESS: c/o SIGNET REALTY CORP., 2343 SE MANITON TERR, PORT ST. LUCIE, FL 34952

SIGNATURE: [signature], Mgr. DATE 5.13.16

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: ckarpinski@bellsouth.net

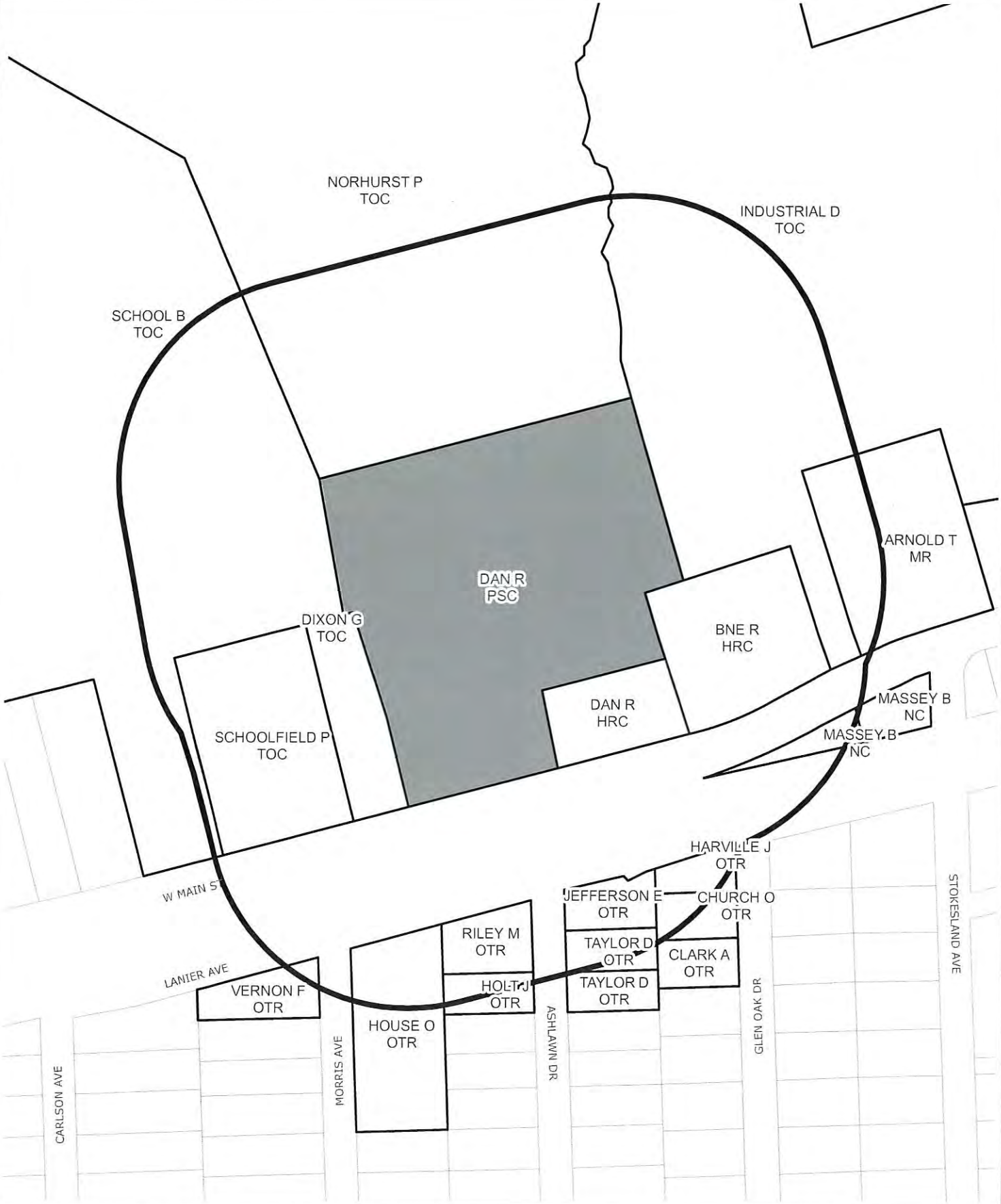
APPLICANT (PLEASE TYPE OR PRINT):
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: Pryor Development Co., Inc. TELEPHONE: 336-939-7300

MAILING ADDRESS: PO Box 188, Ruffin, NC 27326

EMAIL ADDRESS: wlpryorjr@yahoo.com

SIGNATURE: [signature] DATE: 5/12/2016



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
6/23/2016

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SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	July 11, 2016
LOCATION OF PROPERTY:	1344 W. Main St
PRESENT ZONE:	PS-C, Planned Shopping Center
PROPOSED ZONE:	Same
ACTION REQUESTED:	Special Use Permit request to operate an indoor commercial recreation facility for gaming.
PRESENT USE OF PROPERTY:	Dan River Plaza
PROPOSED USE OF PROPERTY:	An indoor commercial recreation facility for a commercial bingo hall.
PROPERTY OWNER (S):	Dan River Plaza, LLC
NAME OF APPLICANT (S):	Pryor Development Co., Inc.
PROPERTY BORDERED BY:	Commercial to the north, east and west. Residential to the south
ACREAGE/SQUARE FOOTAGE:	4.87 acres
CHARACTER OF VICINITY:	Mixed use: Commercial and residential
INGRESS AND EGRESS:	W Main Street.
TRAFFIC VOLUME:	Moderate
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of July 11, 2016.

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/23/2016

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 July 11, 2016

Subject:

Rezoning application PLRZ20160000174, filed by Paresh Suthar requesting to rezone from OT-R, Old Town Residential to HR-C, Highway Retail Commercial, Parcel ID #75861, otherwise known as Grid 1620, Block 005, Parcel 000012 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop the site into a motel, restaurant, and conference center.

AND

Rezoning application PLRZ20160000176, filed by Paresh Suthar requesting to rezone from OT-R, Old Town Residential to HR-C, Highway Retail Commercial, Parcel ID #75860, otherwise known as Grid 1620, Block 005, Parcel 000011 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to consolidate this parcel with Parcel ID #75861 for commercial redevelopment into a motel, restaurant, and conference center.

Background:

The subject properties, Parcel IDs #75861 and #75860, are OT-R, Old Town Residential and are located on the corner of S Main Street and Fulton Heights. The applicant, Paresh Suthar, is requesting to rezoning both property to HR-C, Highway Retail Commercial so they may be consolidated and developed into a motel, restaurant, and conference center.

Parcel ID #75861 is 3.23 acres and Parcel ID #75860 is .23 acres. Neither of the parcels have any improvements. The parcels are bordered by properties zoned OT-R, Old Town Residential. They are across S Main Street and Fulton Heights from properties zoned TO-C, Transitional Office Commercial and HR-C, Highway Retail Commercial.

Presently, Staff does not have site or building plans for the proposed commercial development. All plans would require review and approval before any development could begin.

Twenty (20) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on July 11, 2016.

Staff Analysis and Recommendation:

Staff is hesitant to recommend approval of Rezoning Applications PLRZ20160000174 and PLRZ20160000176 without a site plan. Staff has received substantial neighborhood opposition to the request. Until a site plan is provided, neighbor concerns cannot be appropriately addressed.

Due to lack of information, Staff would recommend tabling Rezoning Applications PLRZ20160000174 and PLRZ20160000176, filed by Paresh Suthar, requesting to rezone from OT-R, Old Town Residential to HR-C Highway Retail Commercial Parcel IDs #75861 and #75860, otherwise known as Grid 1620, Block 005, Parcel 000012 and Grid 1620, Block 005, Parcel 000011, respectively, of the City of Danville, Virginia Zoning District Map.

If Planning Commission disagrees with the staff recommendation to table these requests to allow for the applicant to provide more information and possibly address neighborhood concerns, then staff would reluctantly recommend denial of Rezoning Applications PLRZ20160000174 and PLRZ20160000176 as submitted.

City Planning Commission Alternatives:

1. Recommend tabling of Rezoning Application PLRZ20160000174.
2. Recommend approval of Rezoning Application PLRZ20160000174 as submitted.
3. Recommend approval of Rezoning Application PLRZ20160000174 with additional conditions per Planning Commission.
4. Recommend denial of Rezoning Application PLRZ20160000174 as submitted.

AND

1. Recommend tabling of Rezoning Application PLRZ20160000176.
2. Recommend approval of Rezoning Application PLRZ20160000176 as submitted.
3. Recommend approval of Rezoning Application PLRZ20160000176 subject to additional conditions per Planning Commission.
4. Recommend denial of Rezoning Application PLRZ20160000176 as submitted.

Attachments:

Applications
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: OTR

PROPOSED ZONING: HR-C TAX MAP NUMBER: 75861

RECEIVED BY: AL DATE FILED: _____

PLANNING COMMISSION DATE: 7/11/16 CITY COUNCIL DATE: 8/4/16
930

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: 3.23AC Property Address: S. MAIN ST

Property Location: (N) S E W Side of: FULTON HEIGHTS

Between: UPDIKE PL and FULTON HEIGHTS

Proffered Conditions (if any, please attach): _____

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

1. NAME: TERRI C. MOORE C/O G.D. COLEMAN ESTATE TELEPHONE: 336-404-1572

MAILING ADDRESS: 1440 IRON WORKS RD, REIDSVILLE, NC 27320

SIGNATURE: Terri C. Moore DATE: 5/27/16

2. NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

SIGNATURE: _____ DATE: _____

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

NAME: PARESH SUTHAR TELEPHONE: 276-340-9910

MAILING ADDRESS: 202 REDHILL DR. MARTINSVILLE, VA 24112

SIGNATURE: Paresh Suthar DATE: 5/23/16

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:

Commercial Development for Motel / Restaurant / Conference Center etc.

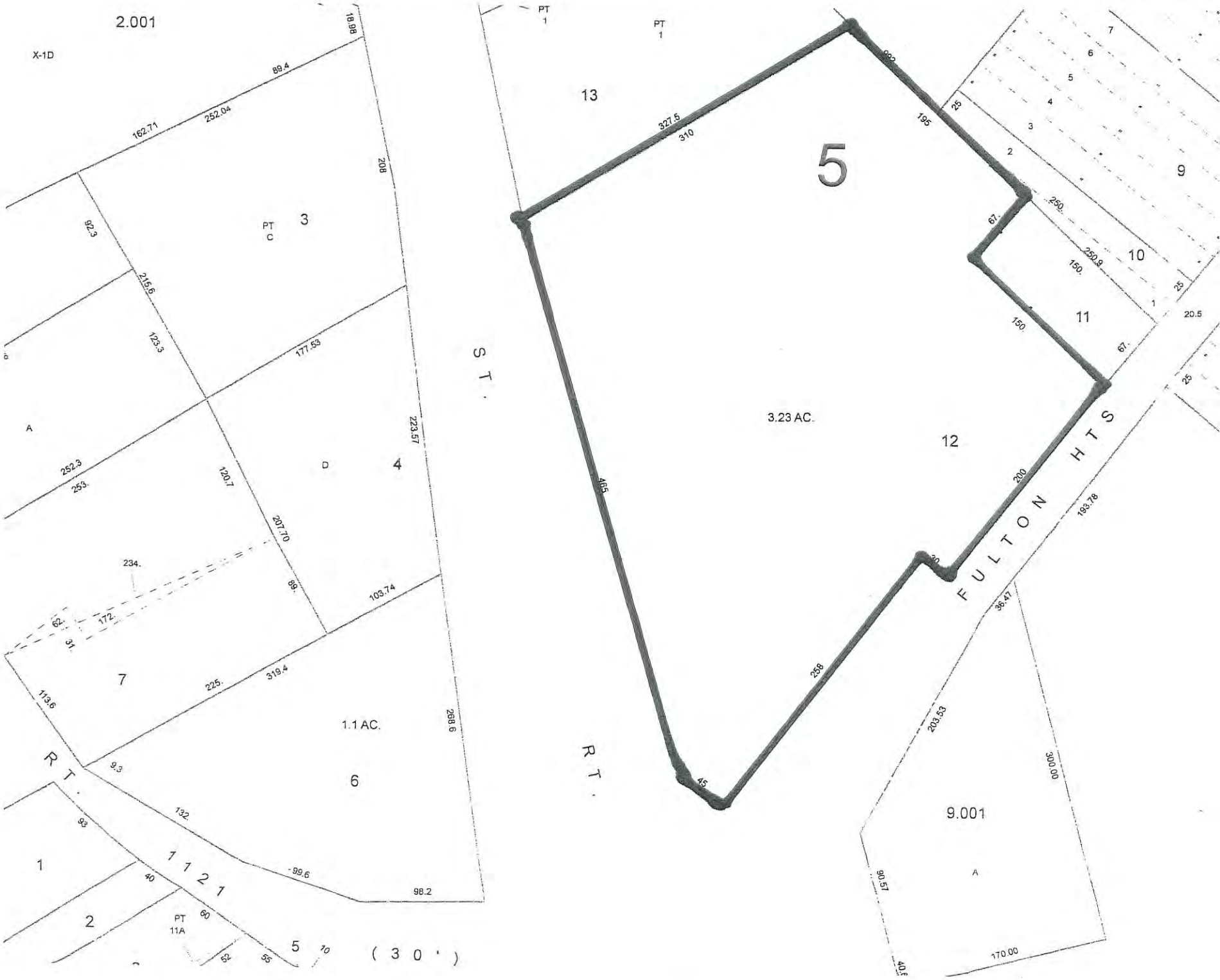
2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

3. RESIDENTIAL REZONING:

Please provide a brief description of the request: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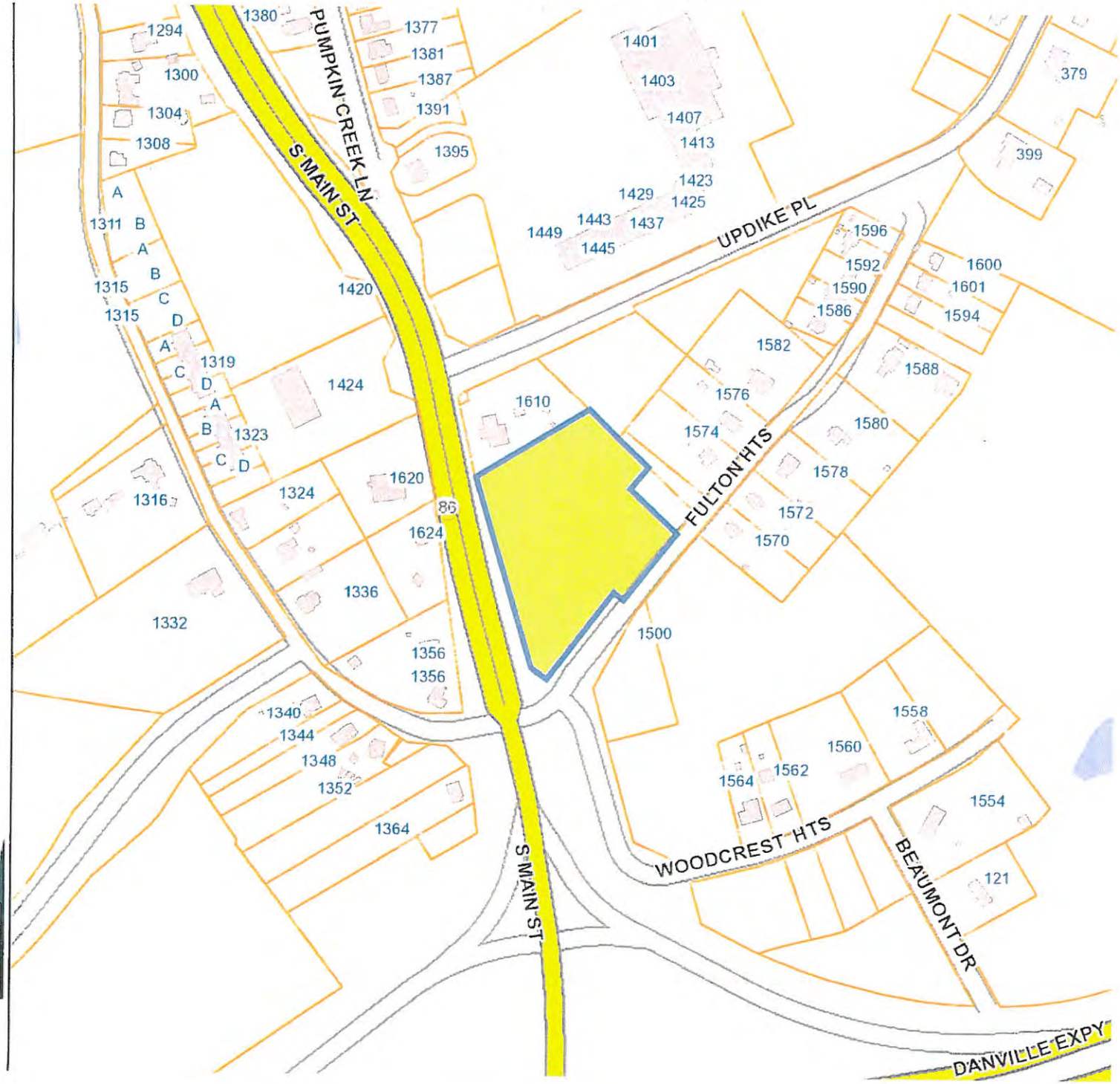
9.3
132.
99.6
98.2
93
40
60
52
55
10

Parcel ID: 75861

DANVILLE VIRGINIA

Buildings
Parcels
Historic_Districts

Downtown
Holbrook Ross
North Danville
Old West End
Tobacco Warehouse
Street Names
House Numbers



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Date: 4/27/2016

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: OTR

PROPOSED ZONING: HR-C TAX MAP NUMBER: 75860

RECEIVED BY: [illegible] DATE FILED: _____

PLANNING COMMISSION DATE: 7/11/16 CITY COUNCIL DATE: 8/9/16
0931025

INFORMATION TO BE PROVIDED BY THE APPLICANT

Exact legal description of property (Attach if insufficient space)

Gross Area/Net Area: .23 AC Property Address: Fulton Heights

Property Location: (N) S E W Side of: Fulton Heights

Between: S. MAIN and END OF FULTON HEIGHTS

Proffered Conditions (if any, please attach): _____

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

1. NAME: CAROL T. LEWIS TELEPHONE: 434-792-1936

MAILING ADDRESS: 1590 FULTON HEIGHTS

SIGNATURE: Carol T. Lewis DATE: May 24, 2016

2. NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

SIGNATURE: _____ DATE: _____

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

NAME: PARESH SUTHAR TELEPHONE: 276-340-9910

MAILING ADDRESS: 202 RED HILL DR MARTINSVILLE, VA 24112

SIGNATURE: Paresh Suthar DATE: 5/25/16

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:

TO BE ADDED TO ADJOINING TRACT

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

DANVILLE VIRGINIA

Buildings
Parcels
Historic_Districts

Downtown
Holbrook Ross
North Danville
Old West End
Tobacco Warehouse
Street Names
House Numbers

Parcel ID: 75860

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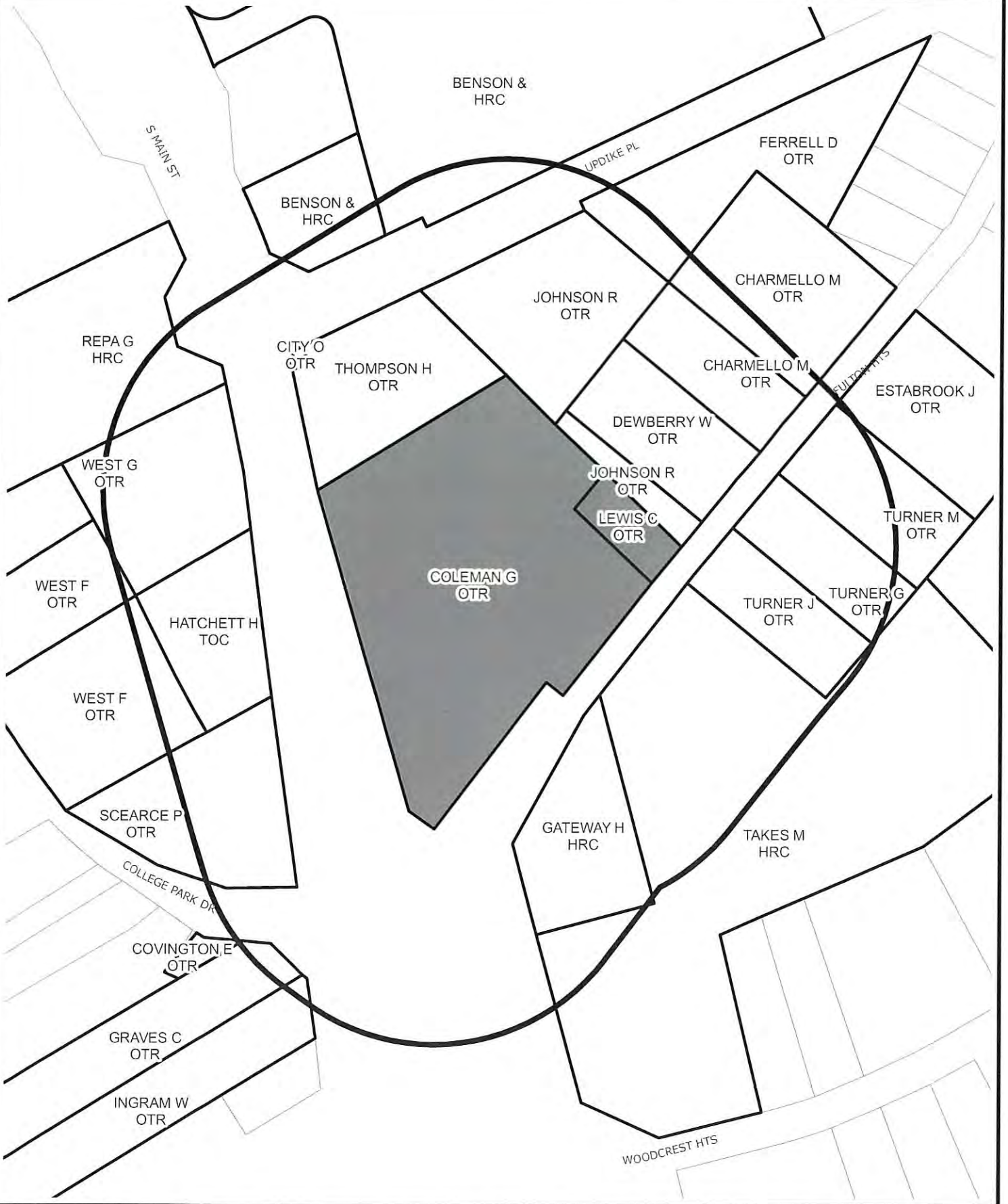
Date: 5/23/2016



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
6/20/2016

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REZONING REQUEST
DATA SHEET

DATE:	July 11, 2016
LOCATION OF PROPERTY:	Corner of Fulton Heights and S Main St. Property IDs #75860 and #75861.
PRESENT ZONE:	Both properties currently zoned OT-R, Old Town Residential.
PROPOSED ZONE:	HR-C, Highway Retail Commercial.
ACTION REQUESTED:	Request to rezone Parcel IDs #75860 and #75861 from OT-R to HR-C so that they may be consolidated and developed into a motel, restaurant, and conference center.
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	Motel, Restaurant, and Conference Center.
PROPERTY OWNER (S):	Coleman G D Estates owns Parcel ID #75861 and Carol Lewis owns Parcel ID #75860
NAME OF APPLICANT (S):	Paresh Suthar
PROPERTY BORDERED BY:	OT-R to the North, West, and East. HR-C to the South. TO-C, Transitional Office Commercial to the West.
ACREAGE/SQUARE FOOTAGE:	Parcel ID #75860 is .23 acres. Parcel ID #75861 is 3.23 acres.
CHARACTER OF VICINITY:	Mixed use: Commercial and residential.
INGRESS AND EGRESS:	S Main Street and Fulton Heights
TRAFFIC VOLUME:	Moderate
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of July 11, 2016.

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/20/2016

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 July 11, 2016

Subject:

Special Use Permit application PLSUP20160000173, filed by Two Crows LLC, requesting a Special Use Permit to operate a restaurant at 1009 Main Street, otherwise known as Grid 1720, Block 012, Parcel 000010 of the City of Danville Virginia Zoning District Map. The applicant is proposing to convert the building into a coffee house and wine bar.

Background:

The subject property, 1009 Main Street, is zoned TO-C, Transitional Office Commercial and is located within the Old West End Historic District at the southeast corner of Main Street and Holbrook Avenue. The subject property has operated as an automobile repair facility with gasoline sales for approximately 87 years. The applicant, Two Crows LLC, is requesting a Special Use Permit to operate a restaurant in the building. Two Crows LLC plans to convert the building into a coffee house and wine bar.

According to our records, the present structure was built as a "service station" in 1969, replacing the existing "service station" that was built in 1927. The coffee house and wine bar is to have an assortment of seating options including individual tables, community tables, and a bar style counter. A fenced, covered seating area is to be installed in front of the garage bays. The southern and western property lines will be screened from view with fencing. The southern property line will also have a landscape buffer. Eighteen (18 parking spaces are to be installed.

1009 Main Street is located within the Old West End Historic District. Any changes proposed to the exterior of the structure or parking area that is visible from the public way will need to be reviewed by the Commission of Architectural Review.

In November of 2015, the City Planning Commission denied a request to rezone the subject parcel so that the building could operate as a convenience store. That request was withdrawn by the applicant. The November hearing was well attended by community members including surrounding property owners and other Old West End residents. At that hearing, community members expressed interest in converting the site into a coffee shop or other similar business.

Twenty-two (22) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on July 11, 2016.

Staff Analysis and Recommendation:

Staff recommends approval of Special User Permit Application PLSUP20160000173, filed by Two Crows LLC to allow for the operation of a restaurant in accordance with Article 3I, Section C, Item 15 of the Code of the City of Danville, Virginia 1986, as amended at 1009 Main Street. Staff recommends approval with the condition that the hours of operation open to the public be limited to a maximum of 7:00 A.M. to 10:00 P.M. Monday through Thursday and 7:00 A.M. to 12:00 A.M. Friday through Sunday.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP20160000173 as submitted.
2. Recommend approval of Special Use Permit Application PLSUP20160000173 with conditions per Staff.
3. Recommend approval of Special Use Permit Application PLSUP20160000173 with conditions per Planning Commission.
4. Recommend denial of Special Use Permit Application PLSUP20160000173.

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: Restaurant

CASE NUMBER: _____ EXISTING ZONING: _____

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: AL DATE FILED: 6/14/16

PLANNING COMMISSION DATE: 7/11/16 CITY COUNCIL DATE: 8/4/16

#218

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

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

Gross Area/Net Area: 0.51 ACRES Property Address: 1009 MAIN ST., DANVILLE

Property Location: N S (E) W Side of: MAIN STREET

Between: HOLBROOK AVE and RISON STREET

Proffered Conditions (if any, please attach): N/A

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:

CONVERT EXISTING SPACE TO COFFEE HOUSE / WINE BAR / CAFE.

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

1. NAME: ABERCROMBIE OIL C.O. TELEPHONE: (434) 792-8022

MAILING ADDRESS: PO BX 1422, DANVILLE, VA 24543

SIGNATURE: [signature] DATE: 6-13-16

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: aocdanv@gamewood.net

APPLICANT (PLEASE TYPE OR PRINT):

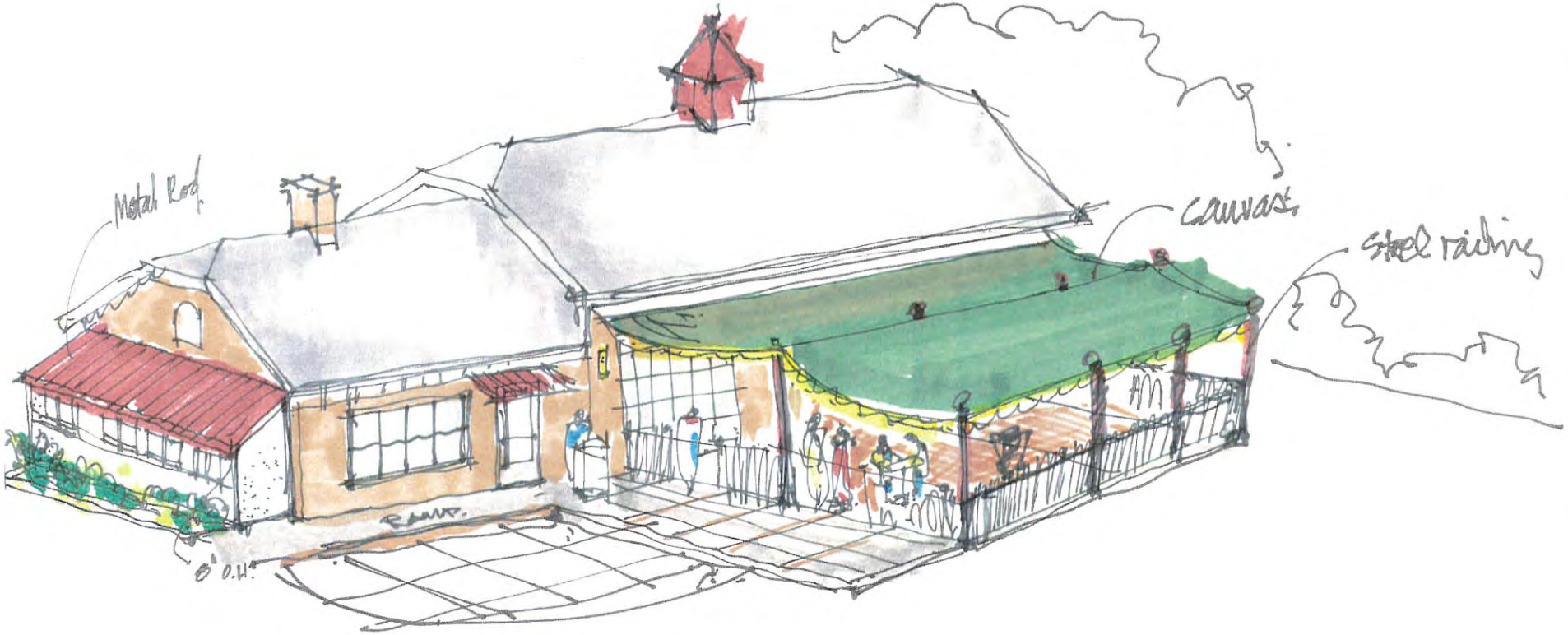
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: TWO CROWS LLC (STEVE DELGIORNO / RICK BARKER) TELEPHONE: (615) 626-8705

MAILING ADDRESS: 554 CRAGHEAD ST DANVILLE

EMAIL ADDRESS: steved@dine616.com

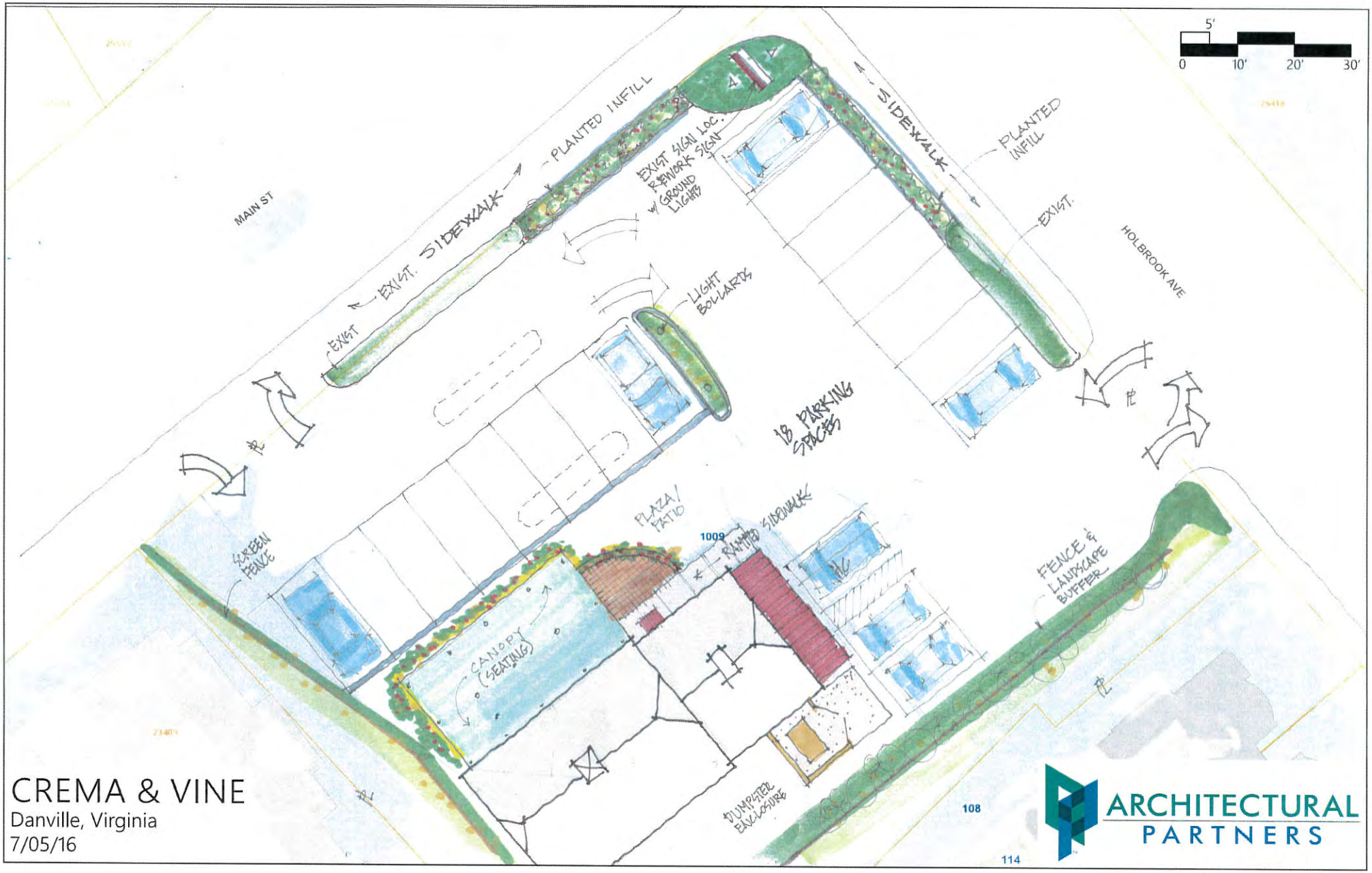
SIGNATURE: [signature] DATE: 6/9/16



CREMA & VINE

Danville, Virginia
7/05/16

ARCHITECTURAL PARTNERS

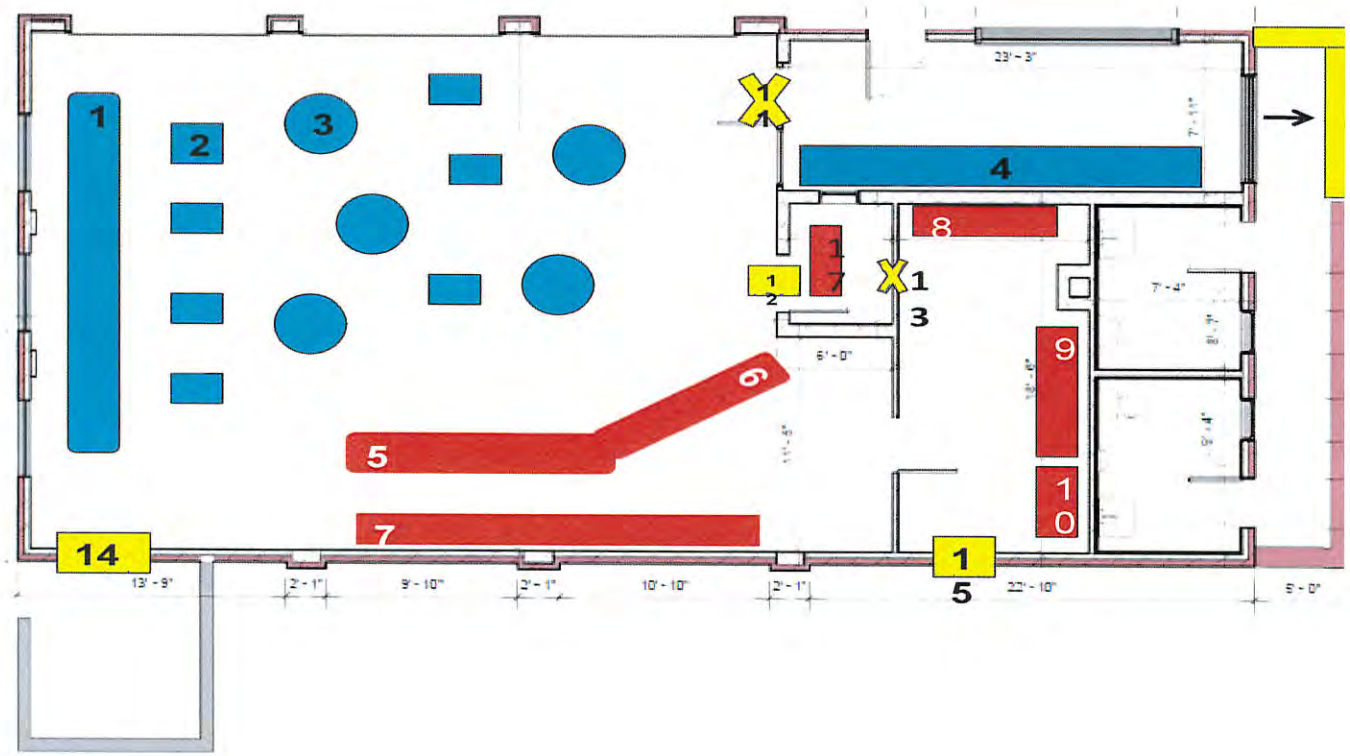


CREMA & VINE

Danville, Virginia

7/05/16

ARCHITECTURAL PARTNERS



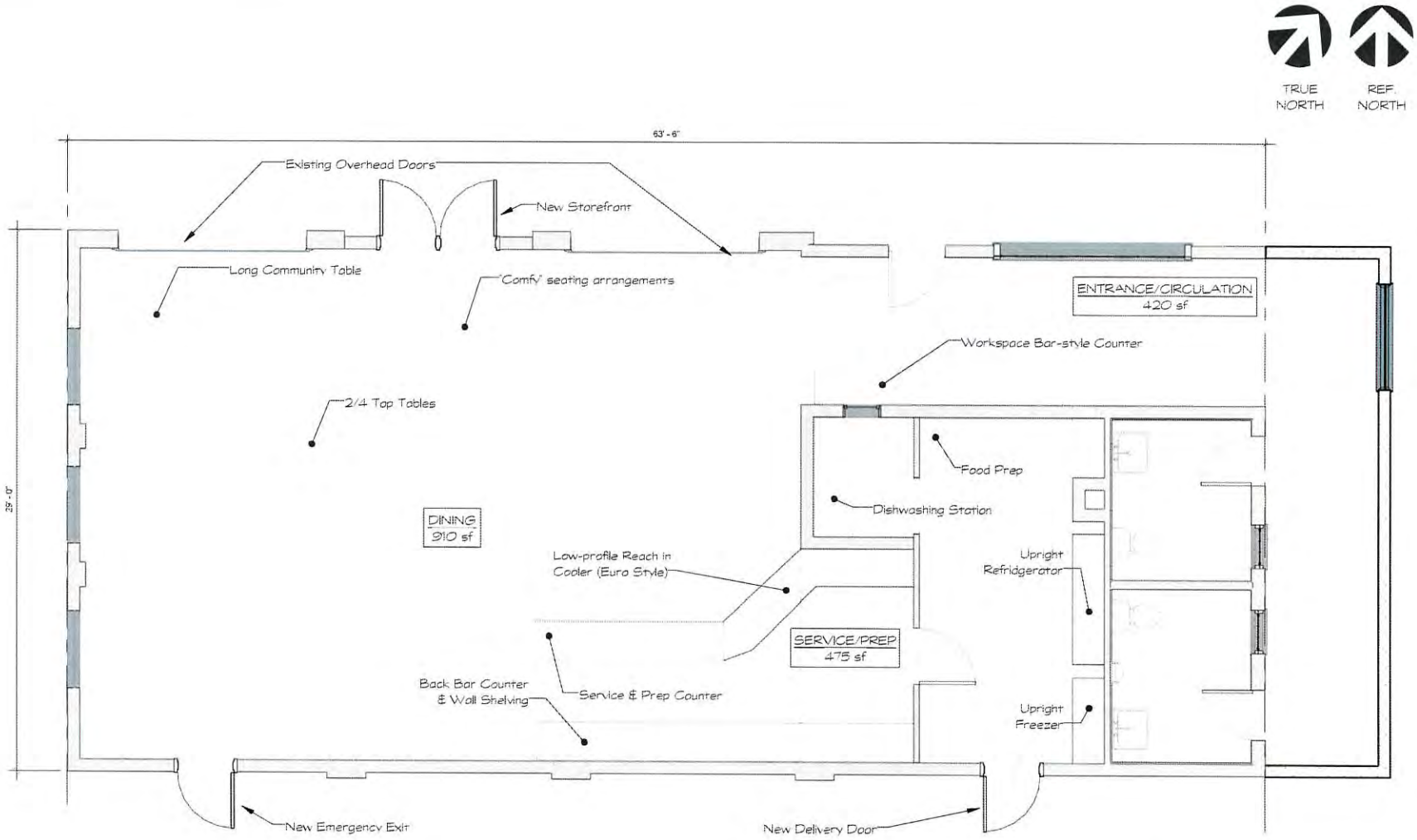
Interior Modifications and Installations

1. Long community table
2. 2/4 top tables
3. 'Comfy' seating arrangements
4. Workspace bar style counter
5. Service and preparation counter
6. Low profile euro style reach in cooler(s)
7. Back bar counter and wall shelving
8. Food preparation area
9. Upright reach in refrigeration
10. Upright reach in freezer
11. Remove door expand opening
12. Remove door and wall off-open moved to back room access
13. Create access opening
14. Add emergency exit door
15. Add delivery door
16. Move and expand wall to enclose bathrooms (shift existing window to new exterior
17. Install dish wash station

CREMA & VINE

Danville, Virginia
7/05/16

ARCHITECTURAL PARTNERS

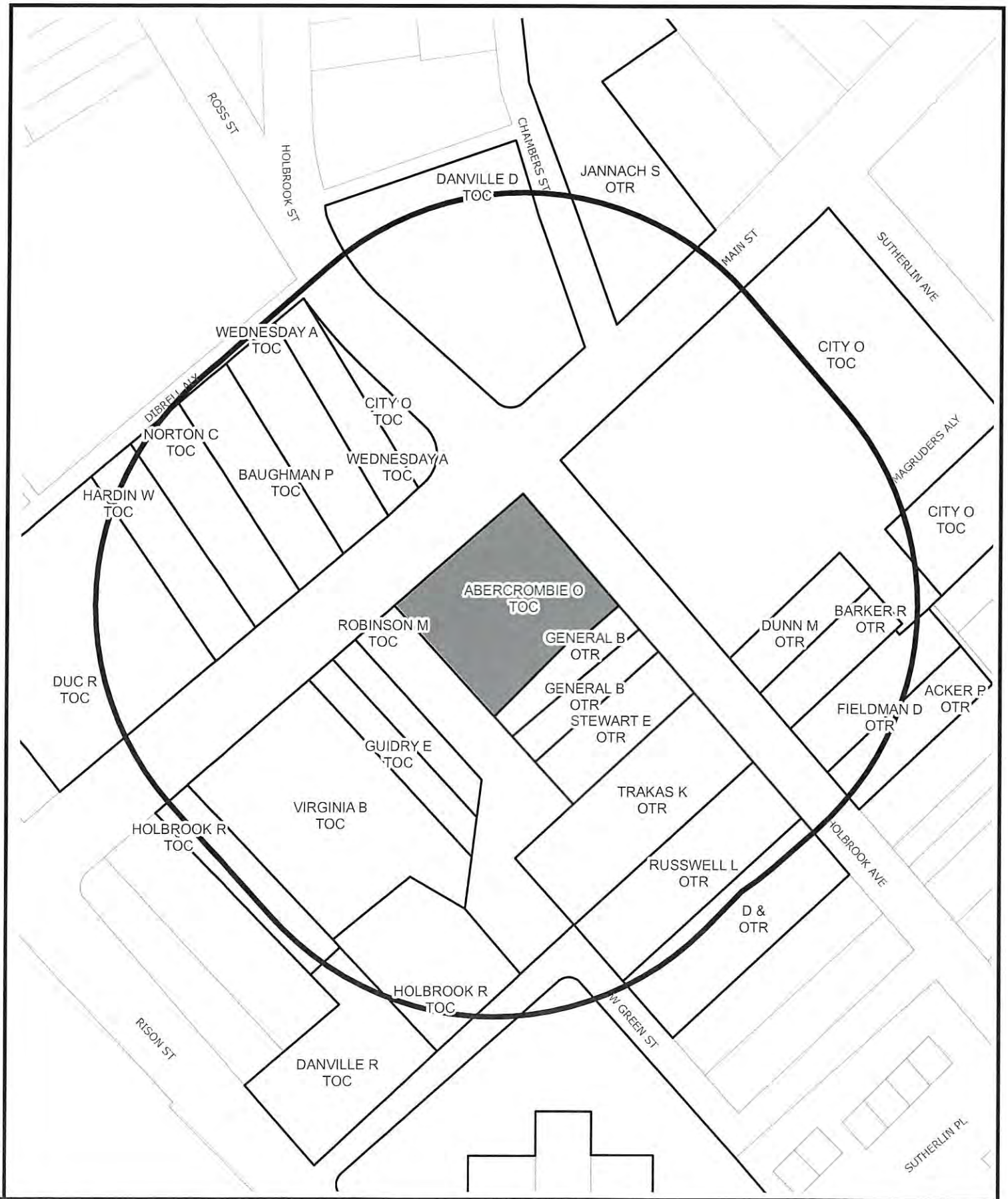


CREMA & VINE

Danville, Virginia

7/05/16

ARCHITECTURAL PARTNERS



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
6/20/2016

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SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	July 11, 2016
LOCATION OF PROPERTY:	1009 Main Street
PRESENT ZONE:	TO-C, Transitional Office Commercial
PROPOSED ZONE:	Same
ACTION REQUESTED:	Special Use Permit request to operate a coffee house and wine bar.
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	Coffee house/Wine bar
PROPERTY OWNER (S):	Abercrombie Oil Company
NAME OF APPLICANT (S):	Two Crows, LLC
PROPERTY BORDERED BY:	Commercial, residential and institutional to the north, south, east and west
ACREAGE/SQUARE FOOTAGE:	0.57 acres
CHARACTER OF VICINITY:	Mixed use: Commercial, residential and institutional
INGRESS AND EGRESS:	Main Street and Holbrook Avenue
TRAFFIC VOLUME:	Moderate
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of July 11, 2016.

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

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PLANNING COMMISSION MINUTES

June 13, 2016

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

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

I. ITEMS FOR PUBLIC HEARING

1. *Rezoning application PLRZ20160000147, filed by J-Ray Investments LLC requesting to rezone from T-R, Threshold Residential to S-R, Suburban Residential a portion of Parcel ID #78533, otherwise known as Grid 9709, Block 002, Parcel 000004 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for consolidation with adjacent Parcel ID #71121.*

Ms. Levi read the staff report. 14 notices were sent to surrounding property owners within 300 feet of the subject property. Zero responses were received.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request was H F Haymore Jr. Mr. Haymore stated I feel a little out of place I'm normally on the other side at the Planning Commission in the county. I don't whether you have questions or not but what we did was we bought a lot and its part of the rose garden, one fourth of the driveway and the propane tank was sitting on this piece of property it was sitting on Abundant Life's property. It was an old farm that everybody in the family use it the way they wanted to. What we are asking is for twenty feet across the rear and twenty feet to the left and Abundant Life has agreed to provide a deed for that. I have a picture of it if anyone would like to see it.

Mr. Scearce stated I think we have it in our packet.

Mr. Scearce closed the Public Hearing.

Mr. Garrison made a motion to approve PLRZ20160000147. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

2. *Special Use Permit application PLSUP20160000150, filed by Jefferson Smith, requesting a Special Use Permit to operate a pet clinic in accordance with Article 3.M; Section C, Item 11 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID #60550, otherwise known as Grid 1706, Block 002, Parcel 000004 of the City of Danville,*

Virginia Zoning District Map. The applicant is proposing to develop the parcel into a veterinary hospital with a pet boarding and grooming facility.

Ms. Levi read the staff report. 32 notices were sent to surrounding property owners within 300 feet of the subject property. Ten responses were not opposed. Four were opposed.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request is Jeff Smith. Mr. Smith stated I am the owner of Mount Hermon Family Vet Clinic and the applicant for the Special Use permit. I want to be clear about the location. It's off of Piney Forest Road, the section often referred to as Old Piney Forest Road where it's really not; but its right across the street from OF Newman. It is a vacant lot right now that used to be mobile home sales. It's directly adjacent to the empty warehouse that I was here two years ago talking to the Commission about putting a vet clinic there. At that time the Commission gave me a unanimous recommendation. I think that was a good decision. I think this property is zoned for a veterinary hospital. The street is lined with professional businesses and service businesses I think it fits well with the City's comprehensive plan and I think that is what we are here today to decide. The last project we ran into some unforeseen concerns from a few citizens at City Council there was some confusion. I tried to clarify that this time. I know that we can operate a veterinary hospital at this location and be good neighbors to our neighbors. We have been doing exactly that for twenty years on Franklin Turnpike. There is a greater density of people living in closer proximity to my current office now than there is at this new location. So I have been doing a test case for twenty years and I know that it works. One of the letters actually written on this case was from Mr. Oakes and he is our neighbor and he said that he is going to be sad to see us go. That we have been good neighbors and that he hasn't had any problems with us for the last twenty years. If you walk into our client the first thing you see on the wall is our mission statement. We refer to it every day and basically it's to treat people like family we are the family vet. We try to provide outstanding quality care. So we want this building to be an outstanding quality addition to the City. We want to treat our neighbors like family. I did reach out to people on Piney Forest Road I got the list from the City of the people they were sending letters to and who would be most affected. I sent a letter out and inviting them to a meeting Thursday May 26 at the animal hospital for them to see what we do and no one showed up. But I feel like if they would come and meet our caring staff, see our current hospital understand what we do. If you have pets you meet the vet and drop your animal off but you don't go in the back and see what happens in the pet hotel part. You can go in the back in the kennel and you can hear the dogs bark and it's loud. Mallory, our groomer wears hearing protection every day. But when they go outside they are not barking it's infrequent that they bark. The veterinary clinic we are in now wasn't designed to be a veterinary clinic. This packet that I have put together is the state of the art latest model veterinary clinic that is designed with soundproofing and all the latest things. The great deal of what we do is behavioral and if you put a visual barrier in front of a dog that likes to bark at other dogs and he doesn't see them he stops barking. If a dog has to pee and you let him out he stops barking. So a lot of it is just knowing how to do the things that what we do. But if people would just walk the perimeter and see the houses nearby; our closest neighbor is 70 feet between our building and his building. Our exercise yard comes within 10 feet of his property line. He is one of our biggest fans. Well until he passed away recently he would bring us vegetables from his garden. We were good neighbors. After I sent out the letters I went and knocked on doors and tried to meet as many people as I could. I realized that some of the people had Vietnamese as their primary language in the neighborhood. I would like to thank Linwood Wright and Telly Tucker for getting my language translated into

Vietnamese. I took it to their houses and had a nice conversation with a Vietnamese man for 10 minutes that didn't speak a bit of English. I'm not sure how far we got on that but he didn't come to the meeting either. Due to the fact that no one showed up to the meeting I may be unaware of some of the concerns from the last time and this time I am aware of some of the concerns. I would like to briefly list those. Two years ago there was a rumor of firefighters that were concerned about the previous project. There are three shifts that work at that Fire Department. I went to all three shifts and talked to the firefighters and the fire chief No one had any problems what so ever. Some of these guys said they move around a lot and they won't at that office two years ago and they don't remember the other issue. So maybe things were different two years maybe there is some truth to it. But there is no problem now. Bonner Middle School sent a letter saying they have no problem with it. I have heard concerns about the runoff retention ponds. These ponds are drawn on the site plan as approximates at this point. When we get to the civil engineering part we can decide what we want to do. I am told there is some underground storage that we can do. Some of these ponds will just be dry ponds I don't want mosquitos either. Mosquito's transmit heartworms I try to fight that every day. I think the City has experimented with a project where they have a porous parking lot somewhere on Piney Forest Road I believe close to this location and we might not have to have a retention pond. But I think that could be dealt with. Dr. Laura Sobacki sent a letter with concerns about the competition because she is the only veterinary clinic in the city limits of Danville. She is also my ex-wife incidentally. I don't think any of these issues are relevant to this discussion. The concern about smells coming from the hospital, we operate a hospital and sanitation is one of our main concerns. If we have smells inside the building or outside the building people are not going to come back. All animal waste will be disposed of properly. The retention ponds are only for parking lot runoff water. Finally, the concern of noise I think is the biggest concern that I hear most frequently. Again, in our current location we are tightly knit next to our neighbors. There are veterinary hospitals built in urban areas all around the country and it's not an issue. We can deal with it. This new building will be built with sound control in mind. In the packet I provided some pictures, the first four pages are veterinary hospitals that were built by TWCS the architectural firm that I am working with. It just shows the quality and the kind of benefit that it would add to the streetscape. Also, there are some pictures of some kennels in there. Often when people think of a run of the mill boarding kennel versus a veterinary hospital being in the industrial we immediately know the difference. But some people don't see the difference I think the pictures speak to the quality there. Page 5 has a site plan with a picture of the outdoor play area a little more clearly. I have had a renditions where previous things you seen may have had other things drawn on there that the architect was trying to do for me. The sixth page shows the summary of the sounds at sound by sound transmission. The loudest dogs at laboratory studies that would document we tried to get some facial information here it was one hundred decibels. Dr. Sobacki of Animal Medical Center submitted a letter that said she measured the sound in her kennel and it was 60 to 70 decibels and everybody thinks that is realistic. But we are going to assume for this exercise that we are only going to have world class barkers at our facility and they are going to ring the bell at 100 decibels. Every building material basically has a an STC rating a sound transmission class and a typical exterior wall is 50-55 so if you have 100 and if you subtract that sound transmission you are down the 50 when the sound gets outside of the wall. We can easily, with this being a brand new building, we can modify that. We can take concrete blocks and stuff them with insulation. We can add thickness to the wall there is a lot of things we can do while it is under construction. We are going to design this facility with a cat clinic inside the building. So the cats will go into their own door they will not see, hear or smell a dog. They will have a separate ventilation system they will have sound proof walls around the cat clinic because cats are different creatures and they don't like dogs. If a cat

walks in the door and the dog jumps on the carrier it is over for us we can't deal with the cat anymore. We are here to alleviate stress. If we can do that inside of the building I think we can do it on the outside too and we have done it. All of the animals will be kept inside the building after 6pm. If you want to add those stipulations they are fine with me with 7-8pm I like to be on my way home at 6pm for dinner. If I'm responsible for someone's pet I want it to be locked up safe not out running around outside. The back yard there is a picture in the packet of the STC rating sound proofing that we can add to the privacy fence. Basically, we can put up any privacy fence that we like that is aesthetically pleasing and you can tack on this sound proofing on the inside of the fence. Where no one would see it and it will decrease sound transmission. So in summary most of the neighbors are going to hear an occasional bark that is between a whisper and a babbling brook on that sound scale. Two to three houses with hear similar sounds to light traffic. These are just worst case scenarios. Dogs are not going to be barking constantly, the City has a noise ordinance. I am happy to comply with the noise ordinance. You can't hear a dog barking for 20 minutes that's a pretty strong ordinance. It can't be audible. If I stand on my private property and hear the dog for 20 minutes that a minimum standard for how we operate. If that dog is barking constantly for 20 minutes that dog is in some kind of distress either he is anxious, unhappy, and hungry. We have people that are supervising the dogs and caring for these animals that we are not going to leave a dog outside barking constantly for 20 minutes. In summary, I think it fits within the City's comprehensive plan. I think it's good for Economic Development. It's certainly great for our practice we are trying to advance and do better things. We are good neighbors and anyone that is hearing my voice now either on video or live please give me a call come to the clinic. I will give you a personal tour of the hospital and talk about philosophy and we will go outside and listen to the dogs bark. We will go inside and make someone make the dogs bark and then we will go outside and listen to them again. We will walk around and talk to the neighbors and we will see what's going on. People have been very happy with us and I think we are good for the community and I would to have a chance to continue my business.

Mr. Scearce stated I think from a zoning issue the land use I don't have a problem with at all. The only issue is what staff mentioned is being cognizant of the neighbors and the noise. But it sounds like you are addressing that. This chart here basically breaks down the sound what should be expected beyond the perimeter of the property.

Mr. Smith stated right that's the worst case scenario.

Mr. Scearce stated you go that in your package I believe. Anybody else have any questions for him?

Mr. Garrison stated you have these four stipulations that the Planning Department has put on here. Is that correct?

Mr. Smith stated that's correct.

Mr. Garrison stated the hours to allow pets outside shall be limited to no more than 7:00 a.m. to 8:00 p.m. daily. The maximum numbers of dogs allowed outside at a time is 30.

Mr. Smith the ten foot landscape thing is that standard?

Mr. Gillie stated there is a standard 10 foot landscape. We just suggested that if it's wider that you still maintain that additional density. Just to add an additional landscaping sound barrier.

Mr. Smith stated are you talking ten feet of trees?

Mr. Gillie stated it's a number of trees, shrubs and other things that are planted within that 10 feet.

Mr. Smith stated I know the backside is already thick with forest I was afraid to walk through it.

Mr. Garrison stated it's deeper than 10 feet. I walked the lot. I stopped at the trees but I know it's more than 10 feet.

Mr. Smith stated just along the side I think we would have to plant some more.

Mr. Garrison stated so you are okay with these?

Mr. Smith stated I'm okay with it. We will put up a privacy fence and we will plant trees behind it so the neighbors don't even have to look at our fence.

Mr. Garrison stated you said you would be going home at 6 p.m. are you okay with changing that 8 to 6 p.m.?

Mr. Smith stated I would rather not. I would rather not limit it.

Mr. Garrison stated I'm just asking a question.

Mr. Wilson stated all four of these from the Planning Department guidelines are something that you are okay with as they are written there; the hours and the number of dogs.

Mr. Smith stated looking at the number of dogs in the yard at one time, 30 dogs that maybe a little restrictive in the future. We were packed to the gills this weekend with people who wanted to leave there pets. They trust us; they want veterinary care if anything happens they know we have them. We had 45 dogs in the hospital and we had to turn away 5 people. So there is added demand there and I think that will grow. I don't know to what extent that will grow. Not all of those dogs will go outside at one time. I don't really want to operate my business by having someone counting dogs; saying one out one in.

Mr. Wilson stated but the guideline here is the maximum number of dogs allowed outside shall be no more than 30 at a given time.

Mr. Smith stated why don't we change that to 50? Just to be safe.

Mr. Jones stated how's your buffer on your back left side where the Melton's and the Khan's?

Mr. Smith stated if you look at it from the vacant lot I went down there I didn't want to trespass on anybody property. But I didn't see any houses. But I went to Mr. Melton's house

and he showed me his backyard and there is basically one row of trees behind his house between the two lots.

Mr. Wilson stated it's a fairly substantial stand of trees.

Mr. Smith stated yeah and trees block noise very well because they disrupt the sound waves and the bark absorbs it. You think of sound waves coming out you like this and you have all of this little leaves and sticks sticking out it just disrupts the sound rays very well.

Mr. Scearce stated but his trees are beyond your fence too.

Mr. Smith stated right.

Mr. Scearce stated so the fence will definitely stop it.

Mr. Jones stated we have had complaints from the neighbors around Hollywood Pets as far as there noise from the neighbors around them. How would you be different from them?

Mr. Smith stated I don't want to bash someone else and I haven't been through his facility and toured and I didn't see it constructed so I can't answer all of these questions. But from the outside all I see is a metal building and I think I can hear dogs barking from inside the building. If I'm right and you can hear dogs barking from inside the building your building is not constructed right. So the dogs outside barking I don't know why they bark, I haven't seen his backyard. I don't know if he has an open play yard or if he has individual runs. You know you put this dog in a run and he is up against the fence with another dog he doesn't like. The getting outside time they are barking because they are like I'm too close to this dog that I don't like. I don't know what is happening there but I think it could be better managed.

Mr. Scearce stated but you are saying the actual construction of your building you will have sound barriers in it that will not give the same problem that Hollywood is experiencing.

Mr. Smith stated right. Certainly the fencing I know no one has the sound proof fencing in this town.

Mr. Robert Melton stated I am actually one of the properties nearby, actually I think I am the closest. I have a lot of concerns I sent an email to the board. I'm pretty sure it was shared with everybody. So of the things were covered. I know we were talking about the sound barriers, the building and the tree line. The tree line is kind of a false hope. We are in a four seasonal part of the country and in the mid-winter I can see that whole Alesco building two lots over. So those trees are completely useless to say as a barrier. There is one row of old dead pines that is not big thick lush or anything. The retention ponds on the first drawing that I saw one of those ponds was about 12 feet from my patio and shed. So keep square footage in mind if you look at the picture we have on the screen where it kicks back to those side yards on Cottonwood that's my house. One of my major concerns that I put in that email is I have a special needs child. He is 7 years old and he is autistic and has Downs Syndrome. He is nonverbal and he is not at all able to care for himself. I'm not worrying about a dog getting out I trust Doctor Smith on that. My concern is with mosquitos and with noise my son is never going to go in that back yard it's not going to happen because he will freak out beyond belief because of sensory issues. If you have 100 dogs, I know we were talking about 30 at one time, but in the original plan it said something about boarding 100 dogs at maximum capacity. That is over 3 times of what your permit allows of only 30 out at

a time. So we are talking about the decibels do there at animal medical center was involving in that and there barking lot at medium capacity is about 70 to 80 decibels. That is the same as a jackhammer at 50 feet. So you're talking about 4 times that amount of noise. That is way too much noise for the edge of a neighborhood. I know it's a commercial lot but you are on the back of a neighborhood. Several of the house there are Vietnamese there is concern about this. I went around and handed out 100 flyers and the way the law is you only have to give notice to people within 300 feet. Everybody beyond that which is only one road over none of them even had a clue. Two years ago when this came through nobody even got notified that's why no one was here at that meeting. The first time I got notified was when City Council was getting it not when the Planning Commission was. It was already passed before we even heard about it. So we did as a neighborhood came as a group last year and spoke. There were a couple dozen people here and I know it's hard to do a meeting on a Monday during the day at 3 o'clock. But I had to get off work to do it. That's really hard for a lot of our neighbors. We have a lot of elderly and lot of people that work. So I hope you got several phone calls and emails from our neighbors because I put that info on our flyer. I ask your compassion there are a lot of empty buildings in this town. I don't have any problem with him being in the City. I don't care about the competition between him and his ex-wife I don't care about that because that's a shopping center. The biggest difference I have with it is 1 the retention pond. Right now you have a horrible problem with heartworm and the zika virus. There are just too many things to have with mosquitos. If you go out 41 you see those horrible ugly ponds on the side of the road fenced off. I don't want that in my neighborhood. That's not a neighborhood look. The neighborhood is an older neighborhood its beautiful it's got trees it's natural. We don't need a commercial big warehouse next to it. The edge of it out on Piney Forest that's fine. But we are the edge of the neighborhood it needs to stay beautiful. Not to mention we have animals out there so when you clear this lot you are going to kill a lot of the animal's homes. There is deer, rabbits, ground hogs, birds, squirrels and bees there is everything living in those trees that are there right now. That is a big thing. I know so people feel that they are just rodents but still they are animals and that is there home. I am a pet person so I don't mind a vet just not in my back yard. I don't want to wake up in the winter and look out my backyard and see a parking lot. I brought that house because it was a little bit secluded; a little bit of trees it was pretty.

Mr. Scearce stated I have a question for staff he was mentioning the ponds and I think the ponds are only going to be for parking lot runoff.

Mr. Melton stated but the first drawing I saw it was only about 15 feet from my patio where we spend our summers. My question is for staff the way those ponds are typically constructed it holds the water and then it releases it. Should there be a mosquito problem with that?

Mr. Gillie stated the ponds are usually designed for both storm water management as well as storm water quality. It is designed to hold the water for a short period of time let any pollutants or anything else out and then drain. They are not actually designed to hold the water. There are other options available such as underground storage and things. It all depends on how much money is necessary to do it, the size of the parking lot and the types of soils. There are a lot of variables that are yet to be decided on this project. But usually they don't hold water more than a few hours maximum a day.

Mr. Melton stated is there drainage to it? I was told that it just to sit for evaporation.

Mr. Gillie stated no they usually drain out. They are just a portion that changes the time of it. So that you don't have instant runoff as soon as it rains the water goes into a pipe and then shoots out. Now it has to collect any oils or anything else that comes off of it usually evaporates out. It also controls the waters temperature lets the water cool off and then it works its way into the system.

Mr. Melton stated so it goes into the City supply?

Mr. Gillie stated it goes into the City storm water system.

Mr. Melton stated so why can't that just be a normally storm drain on the edge of the parking lot instead of a big pond that has to sit?

Mr. Gillie stated they changed the laws a few years ago. If you think of the Murphy station that was built up in front of Wal-Mart they have that facility out front; it is a rather large pond. When it rains it fills up sits for a while and then drains out. It's a state law it's not a City requirement. The way the law works we have to follow what the State establishes for it.

Mr. Melton stated no offense but that's not a neighborhood right there. It's not house and its not children sitting there.

Mr. Gillie stated a pond is a pond.

Mr. Wilson stated let's just say any other business went in that required a parking lot those retention ponds would be required.

Mr. Gillie stated correct.

Mr. Wilson stated or something like that. So this really doesn't have anything to do with this being a vet clinic, it has to do the fact that there will be a parking area.

Mr. Gillie stated if a use went in there that was permitted by right they would still have to have the same type of ponds depending on the size of the parking lot. It's not specific to a pet clinic.

Mr. Scearce stated my main reason for asking was I didn't want there to be a perceived problem if it's not in regard to mosquitos or something like that. If it operates properly it should not hold water long enough to breed mosquitos.

Mr. Gillie stated if it is working properly it should not.

Mrs. Frances McMillan stated I live at 462 South Woodberry. I don't doubt that Doctor Smith would have a first class facility. I just don't want it adjacent to my neighborhood. I have been living there for 54 years. I raised my children there. It's a great neighborhood. We have some young people like Mr. Melton coming into the neighborhood. I don't feel like the type of facility that Dr. Smith is proposing would enhance our neighborhood at all. It's a old neighborhood. You know it is an old neighborhood I have been there 54 years and it was there before I got there. The City of Danville is trying to refurbish neighborhoods by tearing down old buildings, protecting neighborhoods from demolishing buildings that are not good. I sent all of you an email did you receive it and have a chance to read it? If not I would be glad to read it to you.

Mr. Scearce stated we got it.

Mrs. McMillan stated I tried to email you each individually but something kept going wrong. But Mr. Gillie was kind enough to send it to you all for me. This has already been tabled once by City Council not this particular piece of property but the one a couple of house down. There are some other properties that could be use. Dr. Smith actually did come to visit me and to plead his case. But I told him I had changed. The Fire station is still there, the two schools are still there and most anytime during the day you will have children out on the track. I don't care if there are just 30 dogs. 30 dogs barking at a bunch of children is going to make right much noise. It might not bother me particularly but I feel that it is my responsibility to protect my neighborhood.

Mr. Wilson stated I certainly understand your concerns and I understand Mr. Melton's concerns. Obviously a large group of dogs together barking nearby is something. It appears to me that Dr. Smith has taken some of the very best design some of the best urban and has allotted some money on design to fit into the neighborhood; to fit up close to the neighborhood. He is in a business district. It seems to me that he is doing anything that he can to mitigate this other than just saying we don't want him in our neighborhood. Ultimately, if this message keeps going around and around to other places it's going to be no one basically that seems like they want him. We are going to have to give somewhere.

Mrs. McMillan stated apparently that is the problem he is having. That nobody particularly wants this facility.

Mr. Wilson stated or the availability or property perhaps?

Mrs. McMillan stated well I suggested a few things to him today other facilities that are available and that would be better. That wouldn't infringe on an older neighborhood like Woodberry Hills. We have three schools Bonner, Westwood and Woodberry Hills all in that area. So it's an ideal neighborhood for people with children to come into. They are medium priced homes that people can afford. I just hate to see the neighborhood get a bad name. Even though it might be the best veterinary clinic there is the best place for boarding your animal I don't think it would enhance Woodberry Hills at all. Of course that is my opinion because I live there.

Mr. Jones stated in your letter you said that you earlier objected to the two schools and the tennis court. Was that a problem? Has that been a problem for you?

Mrs. McMillan stated I am saying that the students from the two schools come out on the track many times a day, there are public tennis courts there I am saying that is going to attract barking dogs.

Mr. Scearce stated Mr. Smith do you want to make any more comments on what has been said. I just want to clarify all the dogs will be kept inside of the building except for the times they come out for exercise and go to the bathroom; which will be fenced in so they can't see children.

Mr. Smith stated right. They will not be able to see out of the fence and it will be a sound proof fencing that they will be contained with. So if they bark it will deadening that sound. I really would like to be a good neighbor. I love Danville and I want to be a part of the community. I feel like our while team is really active in the community and I think we are

good for the community. I think we could ask Mrs. McMillan and Mr. Melton right now if they are ever going to change their mind and I can sit down and talk to them and we can have a round table decision all day long. But I have already talk to them several times and it is what it is people are going to have their opinion and they are entitled to that. I'm new to this if you all have any suggestions because I really want to make this work.

Mrs. Evans stated Mr. Melton stated in the wintertime when the trees are bare of leaves he can see all those buildings on Old Piney Forest. Are you willing to plant a buffer of Leyland cypress to accommodate his concerns?

Mr. Smith stated when we were in his backyard talking to him I told him we could do that. We can put the privacy fence then a line of Leyland Cyprus or whatever my landscaper recommends is a fast growing tree. That would block sound and the area so he won't even see my fence. So in his backyard it would look like a wooded lot. We can do that around the perimeter. From the road I want it to look like a nice Craftsmen style house with a rocking chair on the front porch that is welcoming and fits into the community.

Mr. Bolton stated the retention pond has been brought up several times and on the site plan there is two drawings; one says retention pond the other says possible retention pond. Are you going to possibly require two or is this where it may go one or the other. The one that says retention pond is a good little ways from everybody but now the possible retention pond is very close to Mr. Melton. If you can say for sure that the retention pond would be where it states instead of the possible or do we know that yet?

Mr. Gillie stated at this point we don't know it depends on the size of the building, the lay of the land, the types of soil, and the amount of pervious versus impervious area. I don't have all the finals on the development plan so I can't say whether it's going to be one or it's going to be two. That is up to his engineer to do that final design work. Could it be done with one probably; could it be done with two it's possible at this point I can't answer and say yes it's only going to be one or it's going to be two.

Mr. Scearce stated but once again if they are properly drained it shouldn't be a problem.

Mr. Bolton stated I'm just saying this possible retention pond is awful close to this house here. Where the other one is a good little ways from everybody; if we have some kind of assurance that that's where it will go or maybe further back in the corner.

Mr. Smith stated I would like to leave all of those trees in the back corner as best as we can. You're getting out of my ream of knowledge.

Mr. Bolton stated mine too. I just saw where it said possible.

Mr. Wilson stated if we approve this today would they be conditional on anything to come back to us?

Mr. Gillie stated no.

Mr. Dodson stated have you looked at any other places to have your clinic?

Mr. Smith stated yes I have looked at a lot of places. John Laramore is not here today he is my realtor I have had him look. This piece of property was not on the market so I have

exhausted all the properties that are on the market. We are a service business people want convenience, the facility has to be conveniently located. People want their vet to be on the corner of their neighbor so that it is close to their home. People want it to be on the way to somewhere. There is a number of dentist offices in the area. I can go to the dentist and drop my dog off at the vet. People want quick convenient service to be in the City center and I need two acres to do what I can do. It takes space the bid thing about sounds waves is if we just take distance we can mitigate those sounds waves hugely. So I need two acres. Finding a two acres lot in the lot in the City that is buildable like this lot is there is not very many. Everywhere is Danville not everywhere there are a lot of business corridor surrounded by a neighborhood. So it's the same story everywhere we go. If I can find the right place that is two acres, zoned for a pet clinic this property is already zoned properly and it has to be the right price range because I'm a veterinary. I'm not an orthopedic surgeon.

Mr. Jones stated your outside wall is that going to be a see through wall?

Mr. Smith stated the fence will be a privacy fence. The normally residential type fence what I am thinking is a wooden fence or a solid fence I don't want dogs to see through it. The sounding proofing barrier on the inside is black and I don't know if it comes in any other colors but it's solid too.

Mr. Jones stated okay so people will not be able to look in and see the dogs. Can we put in stipulations on how close to residential property a pong can be?

Ms. Levi stated yes.

Mr. Wilson stated so we could say to his designer that it be the one that is currently drawn or in the approximate area.

Mr. Gillie stated if so I would put a distance requirement. An approximate area leaves a lot of room. I would say it has to be x number of feet to a property line. Then that gives an engineer a number that they have to work with and find the slope and everything else based on that place to go around.

Mrs. Ann Adkins stated I live at 100 Summit Road in Woodberry Hills. I was born and raised here. I have been gone for fifty years and have come back here to retire here I thought. I think the veterinary clinic is wonderful. I think he is a wonderful talker. I have enjoyed everything he has had to say. My problem is my sister-in-law board's dogs in Florida. I know the noise and I know the problems. I know you want to help him but I believe he needs a different realtor to find a different piece of property. Basically I don't want him in our neighborhood and there are a lot of people in our neighborhood that don't want him there. They couldn't come today because they were at work or they had to pick up their children and they ask for me to speak for them. Basically none of us want his there. I think the only benefit from this is for the doctor himself. I don't see it as a benefit to the neighborhood to the Fire Dept. and I really don't see it as a benefit to the area. I believe he needs to go somewhere else to find his property. I do hope you take in consideration what I have said and don't just freviosly give it to him without thoroughly thinking it out. I understand water drainage I do live in Florida and we have sandy soil. I know what you are talking about with probable ground water and it will lay and the trees will go. We will listen to thirty dogs if you don't want me to dual your phone number at night and hold the phone out as these dogs are barking crazy. So thank you for listening to me. Mr. Dodson understands what I mean.

Mrs. Melinda McSherry stated I live at 208 Woodberry Avenue. I to and my husband are opposed we have been there for over 40 years now. It is a lovely neighborhood. The one thing that has not been mentioned is the traffic. It is going to increase the traffic on South Woodberry exponential because people are already using that as a short cut to go different areas. I have already had to call the police a few times because tend to like to race up and down that area on Saturday nights. We have a lot of children now and sometimes they are out there riding bikes or on skateboards. My husband and I have said multiple times when we are sitting on out nice quite porch, right now, that someone is going to hit one of these kids. Even the fire truck comes through there and that's fine. But what you said about the drainage usually it drains maybe it will and maybe it won't. Let's face it I'm a nurse standing water draws mosquitos. I don't care if it stands there for three days or it stands there for a month you are going to have mosquitos. But that to me is not the biggest problem the biggest problem to me is Mr. Melton's child. No child should be kept from going in his own backyard because of barking dogs or the sensory overload that an autistic child already deals with every single day or there lives. To me its unconscionable to even think about putting anything that would be that disruptive to that child's life and I don't even know the Melton's that well. I'm just saying that I do know autistic children. What is he supposed to do spend the rest of his life in the house because there is so much barking and noise that it stimulates him to the point that he just can't have a normal life. This isn't right. This has been a residential neighborhood for 50 years. I have no problem with vet clinics we love pets we have got dogs. Actually, Jeff use to be a part of animal medical and he use to take care of our pets. There has to be a better solution for this than backing up against a neighborhood that is especially going to affect children; even if it is just one child. That one child deserves the best he can be given and to have to leave in a neighborhood where he can't even go out into his own backyard is just not right.

Mr. Frank Grogan stated I am the owner of the property, the vacant lot. Just one thought that hasn't come up it is zoned commercial and there are residential properties beside it. It has been like that for many years now. That will not always remain a vacant lot it will be developed into something that is probably commercial. We will run into the same problems with retention ponds, with parking, noise. At least with a veterinary clinic a Special Use Permit is required that assigns some review that Doctor Smith has addressed as far as trying to control some of the concerns that the neighbors have. There are many uses that are commercial that wouldn't require this secondary review. I think those that are nearby need to keep that in mind. That in the future if isn't approved or Mr. Smith decides not to do it something will be there that will possibly require less oversight on the development of it.

Mrs. McMillan stated I'm not sure I made myself clear to Mr. Jones. I'm not saying that objecting to the tennis courts or the schools. I'm saying the children are there playing on the courts and the dogs might have a fence but they can hear. Thirty dogs barking at children could cause some problems. Mr. Wilson I'm not trying to uphold progress I'm all for progress I just don't want that particular thing in my backyard.

Mrs. Evans stated can you hear the children playing on the playground and the playing tennis?

Mrs. McMillan stated sure I do they are right behind my house.

Mrs. Evans stated that doesn't bother you?

Mrs. McMillan stated no.

Mrs. Evans stated but the barking dogs would bother you?

Mrs. McMillan stated 30 of them at one time would. I mean it's 100 a facility but he says he will only have 100 out at a time. I'm not against Dr. Smith I think he is a nice man and I believe he will have a nice facility I just wish he would find somewhere else to put it and I have made some suggestions.

Mr. Scearce closed the Public Hearing.

Mr. Jones stated what are some possibilities that could go on this lot that wouldn't have to come to us?

Ms. Levi stated other retail uses such as pawn shops, car lots, restaurants any number of things that are allowed. That would need some sort of retention pond or water run off system.

Mr. Gillie stated there are 33 uses.

Ms. Levi stated any number of things because it is zoned highway retail commercial already. We are not changing that; so there are several, 33.

Mr. Garrison stated so a fast food restaurant could go on it?

Mr. Gillie stated yes.

Mrs. Evans stated and a motorcycle facility could go on there.

Mr. Gillie stated yes.

Mrs. Evans stated like sales.

Mr. Gillie stated yes.

Mr. Wilson stated and a garage like car repair?

Mr. Gillie stated yes.

Mr. Wilson stated I would just like to make a personal comment on that. One of the things of the role we play is as citizens who volunteer our time to do this; part of our role is to sort these kinds of things out. We recognize the tension but ultimately we have to decide things that we feel like balances for the general community, the code the rules and all these different things the interest of all the parties involved. We understand the issues and everybody has their best interest in it. But really it's our responsibility to and ultimately City Councils responsibility to sort this out and try to make the best decision for the overall good of the City recognizing the codes. This is probably a great deal of what is in our thinking here. A vet clinic that has a lot of oversight and Special Use Permit and we can guide that. It's very different from things that we couldn't do because they are already within the code designation. That is something that we think about as part of the decision. First I think if we are going to go forward with approving or whatever we decide I think the 30, 50 deal is

something we are going have to think about. Mr. Smith asked for 50 and you all have said 30. How did we think about that?

Ms. Levi stated we spoke to the Director of the Humane Society. We are not animal experts so we spoke with her and that was the recommendation that she gave to have 30 outside at one time.

Mr. Bolton stated how many do you put out at one time at your current location?

Mr. Smith stated we probably only have only 15 or 20 in the yard at the most right now.

Mr. Bolton stated but you see it being a larger?

Mr. Smith stated one think that I would envision is like an indoor den play area for the dogs so that they could go indoors and outdoors at will. I have spent hours watching other dogs daycare centers from the internet feed and watching the behavior of the animals and trying to design this place the way I want it. They spend most of their time on the inside in the air conditioning but they go in and out when they want to. So it doesn't end of being that many outside but I don't want to be tying my hands behind my back you know with a low number like that. I don't know if the Director of the Humane Society came up with some scientific measure of how loud 30 dogs are versus 50 children in the yard. I can picture someone on a pole looking into my backyard counting dogs as they come in and out and calling the police on me and having me come out and count the dogs with them and going back and forth about that. I want to comply and I want to be reasonable but I think 30 could be a little restrictive.

Mr. Wilson stated that's 30 outside.

Mr. Smith stated I think if you have five play lots with different dogs. You can only have 6 per lot.

Ms. Levi stated we can start small go with 30 now and if they are successful in the future they can always come back and we can reevaluate the conditions. If you find it appropriate to increase it later on you can do that.

Mr. Bolton stated this group?

Ms. Levi stated yes they would go through the same process to change their conditions.

Mr. Wilson stated would you be agreeable to that as a stepping stone? We approve 30.

Mr. Smith stated that's fine. That gives you guys control over what goes on here and I'm going to try to get the best job I can. I'm going to invest a million dollars into this business and I want it to be successful. I want to be a positive impact. My business is dependent on me being good to people. I'm going to try my hardest. We can come back and revisit that.

Mr. Bolton stated you didn't have any problems with the Leyland trees that Ann mentioned?

Mr. Smith stated well Ann can consult with my landscaper and pick out the type of trees she likes.

Mr. Scearce stated on number three you have got the 10 feet buffer around the perimeter as a requirement with an additional buffer. Are you talking about on the outside of the fence or the inside?

Ms. Levi stated that would be the whole property but on the outside of the fence. Any additional buffer yards would have to meet the density of the 10 foot minimum so that would be on the outside especially the northern side.

Mr. Gillie stated it all depends on where he is going to put the fence. He has the option of putting the fence on the property line and then you wouldn't see the trees or if you put the trees and then the fence on the inside of it. So it's a site specific requirement because you have both options. We still felt that 10 feet of trees around the outside to protect the neighbors and that would act as a sound buffer and then if he puts his fence on the inside. He could do it either way the trees on the outside and the fence on the inside either way the trees are going to act as a buffer to the sound.

Mr. Scearce stated I got you. I see based on where the fence is here the buffer there it's a 30 foot buffer around according to where he has his fence.

Mr. Gillie stated this is not a binding site plan so that's why we put that in.

Mr. Jones stated in your opinion how wide is the back part of his lot? If we put a limit as to where those ponds could be in relation to other people's property we need to know how wide it is.

Mr. Gillie stated can you put a condition? Yes.

Mr. Jones stated well we want to know how wide that is.

Mr. Whitfield stated I think he is asking for a distance.

Mr. Garrison stated It is approximately 220 feet if you look at the scale that is on the site plan drawing.

Mr. Scearce stated the pond on here that says possible pond if you look right above it there is a 30 foot buffer already. So if you came out and say 50 foot from the property line, which would give you 20 more feet.

Mr. Jones stated I would say at least 50 yeah. Also, for Mr. Whitfield I know our recommendation I have been on this Commission a long time can we send this on to City Council without an approval or denial?

Mr. Whitfield stated no you have got to do one thing or another. You have to have a recommendation coming from you.

Mr. Wilson stated you guys basically said that you would recommend that this item be tabled to allow for the property owner and the neighbors to have one additional opportunity to address concerns regarding this project. But your overall is to be supportive of this project. But you were requesting a tabling for more dialogue. Can you give us a reason behind that I'm just be trying to understand.

Ms. Levi stated from a planning perspective it is a use that is appropriate for the area. We see there are other successful pet clinics close by. So that just leads us to believe that it is an area that another pet clinic would do well. But we did receive some neighborhood feedback that was negative so tabling of this item would give the neighbors another chance to either make their case to Mr. Smith or to him make his case to them. It just gives another opportunity for conversation between Mr. Smith and the neighbors.

Mr. Scearce stated do you feel the same now after we have had this meeting. I don't know that it would produce anything because pretty much they have said what they are going to say and listening to the applicant he feels that he has said all he can say.

Mr. Gillie stated it never hurts to meet one more time but that is up to you.

Mr. Dodson stated it seems to me though that everyone already has their mind made up and if you put this off this people have to take off work again next month. Then they would have to go to City Council again. It's difficult for this people. I have had more phone calls about this than in the last year and half of people opposed to this. Really worried about it upset about it that doesn't want it there. I love animals too I have three cats. I'm not against animals or against the clinic it just that it's so many people opposed to it going there. I just can't see it going where it is.

Mrs. Evans stated on the contrary I have had no phone calls or emails except for what City Planning Department has provided.

Mr. Dodson stated but I have.

Mr. Wilson stated out of 32 notices that were sent in the circle 14 were received and 10 were not opposed a lot of them were businesses but some were residents too.

Mr. Dodson stated but some of them didn't get the letters because they were beyond 300 feet but they are still in the neighborhood. Then 4 were opposed. So I mean it's not like it is just perfectly clear here.

Mr. Garrison stated before we make a motion are there any other things that we want to put on these conditions. We talked about a minimum distance from the property line for the retention ponds. Do we want to add that as one of the restrictions?

Mr. Whitfield stated well if you want it to be enforced you need to add that.

Mr. Scearce stated that's up to us it's up to you guys. If you want to do that it should be part of the motion. You can cite these four and then add the additional. You could even put any retention pond should be at least 50 feet away from the property line.

Mr. Garrison stated looking at the site plan where they are shown is probably 60 or 70 feet from the property line there is a 30 feet buffer and it's on the two sides were the residents are. I don't think the businesses that are on the Southside.

Mr. Scearce stated only the possible extra retention pond starts within the 30 feet so you could push that back another 20 feet.

Mr. Wilson stated I think if we are going to make a motion that we need to add that. I'm still not really clear on how we feel about the 30 or 50 number of dogs.

Mr. Bolton stated I think one of the concerns of Mr. Melton's when he spoke was how close the retention pond was.

Mr. Wilson stated I'm talking about the number of dogs.

Mr. Scearce stated staff was recommending that we go with 30 and with the understanding that he could come back if he operated his business well and there was no objection there and he could come back and increase that number if he saw that it was needed. That's staffs suggestion. He said he would like to have 50 now because it's really no way to control how many dogs are coming in and out.

Mr. Gillie stated you have done modifications in the past. We have had businesses obtain a Special Use Permit and start off small and then come back at a later point. Thirty was the number that we worked again as she said we talked to the Humane Society director. It seemed like a reasonable number based on the size. That's the way to do it. Know if you feel that that number should be larger again 30 is our number 50 is his number, 40 is the middle. There are ways to do that. The number was what we knew of the existing facility and we knew we had substantial opposition in certain cases from the neighbors we also had substantial support. So we were just trying to balance all of that out.

Mr. Bolton made a motion to approve *PLSUP20160000150* with conditions per staff plus 50 ft. setback require for any retention pond from the property line and with rapid growing trees planted along the Cottonwood and Woodberry sides all the way down. Mrs. Evans seconded the motion. The motion was approved by a 5-2 vote.

3. *Rezoning application PLRZ20160000149, filed by George Lovelace requesting to rezone from N-C, Neighborhood Retail Commercial to HR-C, Highway Retail Commercial, 1910 N. Main Street, otherwise known as Grid 2814, Block 002, Parcel 000029 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an automobile retail establishment on the site.*

Ms. Levi read the staff report. 36 notices were sent to surrounding property owners within 300 feet of the subject property. Four responses were not opposed. Four were opposed.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request was George Lovelace, the applicant. I'm asking that the Commission reconsider staff's decision. I went around in the neighborhood and got a petition signed by the neighbors. The regulations say 300 feet on each side of the building I went further than 300 feet asking the residents if this was something that they would want or something they were opposed to. Everyone in the area was excited about the idea of me getting the building and using it for a car lot. It wouldn't create any more traffic than what is already there. I would like to come in fix the building up it needs a good facelift a good building just sitting there going to waste. I would like to have the building to where it would be a plus to the community. I have already went there and cut all the bushes and trees that were there around the building and everything. It's to good of a building to just be sitting there going to waste. People could break in and come into to use for selling drugs or

anything that is illegal. It's not going to be used to work on cars just to sell cars. I ask that you all would grant me this request. No one in the neighborhood opposed to it.

Mrs. Evans stated I have a question and a statement as well. You understand that the City has said that this is spot zoning which is illegal and they have offered other properties within the City. You didn't like any of those places?

Mr. Lovelace stated you are right they did offer me other places but all the places that we went everyone said no. He showed me a place on Piney Forest and there were going to do something else with it. Then another place that use to be DK computers and we can't find those people. I don't know how to get in touch with them. I have been trying to do this for over a year now. I have been going around to different buildings and he has been helping me. This is my last recourse I went to all the other places and tried to get other places. This is one I found after years of trying.

Mr. Scearce stated have you talk to staff about proffering the other uses that are allowed. Rezoned to highway retail commercial is a wide variety of uses and some would not be suitable for that area. We pretty much can't just give you an open door to rezone it that way. I don't think we feel that way. So have you talk to them about proffering saying that it will only be used for this not this.

Mr. Lovelace stated I don't understand what you are saying.

Mr. Scearce stated I think that's why he wanted to table it.

Mr. Gillie stated to answer that and Mr. Lovelace will attest up until about a minute before the meeting he and I were still talking about other sites that he could go to. But no we haven't sat down and discussed a list of proffers or anything else. That's why staff didn't just recommend straight denial of it. We did recommend denial of this and illegal spot zoning but we think tabling it would allow more time. I'm still trying to work with him to try and find a spot that is already zoned HRC. But we were out of time to generate that. But no we have not.

Mr. Wilson stated the only use you want for this building is to run a car lot?

Mr. Lovelace stated sell cars that is in. I talk to my DMV inspector this morning and he told me if I didn't get anything I'm supposed to call him back this afternoon and let him know what you all say I have to turn my license in.

Mr. Wilson stated your licensing for?

Mr. Lovelace stated my dealership license.

Mr. Garrison stated what did we do on Watson Street? There was a lot there and we did approve for a car lot. Was that a different zoning or did they proffer out so much that we approved it?

Mr. Gillie stated they had a substantial proffer on Watson Street.

Mr. Bolton stated we have done it before if he would just proffer out a lot of things that wouldn't be compatible in that neighborhood.

Mr. Gillie stated it is a possibility. Again, I have been trying to work with him right up until the beginning of the meeting. We were talking about other sites that might have potential; just because this property is already neighborhood commercial. The Highway retail just opens it up to two many things that we don't see that's possible. We haven't came up with a proffer list yet.

Mr. Wilson stated why Highway Retail?

Mr. Gillie stated automobile sales are only allowed in Highway Retail district or an Industrial district not in a Neighborhood Commercial district.

Mrs. Evans stated so what is Watson Street?

Mr. Gillie stated some of Watson Street is Highway retail some Neighborhood Commercial further up some transitional office I believe. That one in particular as Neighborhood Commercial and they asked for to change it and they came through with a proffer list.

Mr. Wilson stated so really a proffer list would make a big difference?

Mr. Scearce stated I think It would it would limit it to just that one use.

Mr. Whitfield stated he has to make the proffer.

Mr. Scearce stated do you understand what we are talking about?

Mr. Lovelace stated half way.

Mr. Scearce stated if we zone a property straight Highway Retail it has many uses and some that might be allowed the neighborhood and staff may not want. If you are saying I want it Highway Retail Commercial and I will only use it for a car lot and I will proffer out all of the other uses but a car lot that changes the picture.

Mr. Lovelace stated that's all I want to do.

Mr. Wilson stated okay so I'm confused what's the complication that's hasn't been put in writing?

Mr. Gillie stated it hasn't been put in written and we haven't discussed it. We haven't taken out any of the other uses and we have been working on trying to find a spot that me the requirements for it. That we really haven't discussed a lot at this particular site. So if he only wants to do a car lot as this site and he wants to proffer that out again our suggestion wouldn't be to deny it but to table it to come back with a lost and strike through everything except for what is allowed under Neighborhood Commercial with the addition of a car lot if you think a car lot is appropriate. We can take out body shops and some of the other things that could be negative to the neighborhood and then come back to you with that next month. I can talk to his DMV inspector which we talk to right regularly and let him know what the process is and where we are in it. I think the DMV would be willing to work with him. I can't say for sure but I think they would. They have always been pretty kind to us in the past as long as we were working with someone. So if that is an option that Planning Commission wants to consider staff isn't opposed to that.

Mr. Jones stated Mr. Lovelace do you have any problems with us putting this off for a month and then you come back here with the possibility of getting it your way?

Mr. Lovelace stated my DMV inspector gave me today as my deadline. Like him and I was talking in our meeting when he was trying to help me find a place. He said if I don't get anything approved today I have to surrender my dealer's license.

Mr. Scearce stated you wouldn't get full approval today anyway it has to go before City Council.

Mr. Lovelace stated yeah I explained that to the State Trooper and I told him whether zoning approves it or not it will stand a chance of it get finalized at City Council. If you all say no today he will come down here and pick them up.

Mr. Gillie stated I think I can talk to your DMV inspector for you and try to get them extended.

Mr. Scearce stated we have to go by certain protocol. I guess what we are saying is that we want to table this so. So that we can present it properly next month with everything proffered out with you being in agreement to it and brought back before us and we can possibly approve it at that point. Which is the best thing for you otherwise we just have to turn it down.

Mr. Jones stated we can't stimulate that the only use he could have is a car lot?

Mr. Gillie stated the proffers have to be voluntarily from the applicant.

Mr. Whitfield stated you can dictate on Special Use Permits but not on rezoning's.

Mr. Lovelace stated well could it just be a Special Use Permit to sell cars?

Mr. Gillie stated not under the NC district. That's why we have went the route we have.

Mr. Wilson stated my only concern is that I wouldn't hate for us to table it and he agrees to everything and you get the license put off for a month and we are not prepared to say okay to the spot zoning. I think we need to kind of have our head around the fact that we see this as a solution that will go forward for him. I think that is going to be necessary if you talk to the State Trooper or whoever monitors those things. If we are not going to go that route than I think we need to not put him through that.

Mr. Lovelace stated he can't make that decision on his own he would have to present it to the dealers board in Richmond. In other words the State Trooper is trying to help me by keeping the board after from in it. He said I'm going to allow you this much time and after this you're done for.

Mr. Jones stated Mr. Lovelace I want to commend you for getting to this people and getting there signatures here. So many people say that they can't come to the meeting but you brought their signature here. That was a great idea.

Mr. Lovelace stated I wouldn't want you to bring anything in my neighborhood that I disapproved of. It's out of respect to the neighborhood and the community. Whether you

want me there or not and the business is as successful as the neighborhood. If you have everyone in the neighborhood against you it's very little you going to do. So that was my motive behind it see what the neighborhood wants. Would they approve and would the support it?

Mr. Scearce closed the Public Hearing.

Mr. Wilson stated my concern was I didn't want to set someone up for a huge disappointment. So if in fact we have to we are okay with what is basically a spot zoning kind of deal and Ken is going to work with the DMV then I think we need to have someone kind of indication that if he goes through all of this and we get that extension that we are going to be helpful. I just don't want him to come back and get voted down because we are hung up on another issue. I'm with Q on this I drove through the area and looked at these addressed clearly the people around are much more open to this.

Mr. Scearce stated I see that if staff won't have a problem if he proffers everything out but the car lot.

Mr. Gillie stated if he proffers everything out but what is permitted under the NC district with the addition of a car lot. Then we wouldn't have an issue with it. The spot zoning in our opinion would be taken care of because it's everything that is NC except one additional use. That doesn't necessary give him all of the special privileges that someone else would have with a straight HRC. We feel that that would be addressed. I just don't have that at this point that's why I couldn't make that recommendation. I will gladly work with him on his DMV board. I have been working with him like I said up until the start of this meeting trying to find other spots. He is more than glad to work with me and I am willing to make that call to DMV. I can't make any promises that DMV board would agree but my 20 some years here I haven't seen them not agree as long as they were working with the local government to continue on. But there is that possibility so I don't want anyone to think just because we say it that it's going to happen. We will do our best on his behalf. He has been great to work with we have worked with him for a number of years. So we think tabling it would probably be the best solution.

Mr. Wilson stated we can't do anything about the DMV.

Mr. Scearce stated our only choice is no or give him an opportunity really that's all I see.

Mr. Garrison stated if he proffers everything out would that then be considered spot zoning?

Mr. Gillie stated in our opinion no because it would still be the NC with one additional use.

Mr. Garrison stated okay.

Mr. Scearce stated it's just the way it has to be categorized to make it work.

Mr. Wilson stated which would really be more agreeable to you guys.

Mr. Gillie stated a lot more agreeable than just going to straight HRC.

Mr. Wilson made a motion to postpone PLRZ20160000149 until the next meeting. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

4. *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", to amend the definition of Duplex; and to amend various sections of Article 10 regarding signage.*

Mr. Scearce opened the Public Hearing.

Mr. Scearce closed the Public Hearing.

Mr. Scearce stated on the duplex who requested this change?

Mr. Gillie stated it wasn't necessarily a request they said that we were interpreting it wrong and we looked at it and though okay maybe we are slightly looking at it wrong. It was working with Gus Dyer that's why we presented the list. I think he is correct in the way we were looking at it left an area up for interpretation. We figure if we rewrite it, it will be much clearer.

Mr. Scearce stated so the letter from Gus Dyer was before the change and this is with him agreeing to it?

Mr. Gillie stated correct. The case that he had on Westover we started talking about it and how we defined it. The way I was looking at it wasn't the way that he thought it read in the code. So we agreed that this would maybe be a better solution for it.

Mr. Scearce stated okay that's fine I understand it better now.

Mr. Gillie stated we try to listen to citizens when they come up with better ideas that what we have.

Mr. Bolton stated I have a question. The last part of the last sentence it says architectural facades or treatment of materials shall be from one unit to another. Just for clarified does that mean if I were to build a duplex that one side would have to be brick and the other side would be vinyl? If I was going to build a duplex I would want the whole thing to be brick or the whole thing to be vinyl not brick and then vinyl. Am I reading that wrong?

Mr. Gillie stated no we should cut that part off.

Mr. Scearce stated I think that's a good point.

Mr. Gillie stated I was thinking more of up and down. With brick vinyl on bottom and brick on top but if you wanted to do the whole building in siding I guess it really wouldn't matter. So I'm not opposed to removing that section.

Mr. Scearce stated do we need to address signage separately?

Mr. Gillie stated our opinion is yes. The signage we are probably going to have to hire a consultation on. The duplex definition we think should be changed as it is. Make those changes as Mr. Bolton suggestion and still forward that one on.

Mr. Bolton made a motion to approve the code amendments for change of the definition of a duplex with part of the last sentence being taken out and postpone the code change for signage indefinitely. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

II. MINUTES

The May 9, 2016 minutes were approved by a unanimous vote.

III. OTHER BUSINESS

Mr. Gillie stated just to let you know the items that went before City Council at their last meeting were all approved. We do have cases for next month so there will be a meeting. I think I sent everyone information out about the upcoming APA Planning Meeting that is going to occur that Wintergreen. I haven't heard from anyone. Anna is going to go to represent the department. I do budget so if anyone is interested in going please let me know soon because that is next month. So I would need to get you in there pretty quickly.

With no further business, the meeting adjourned at 4:44 p.m.

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APPROVED