City Planning Commission

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

SEPTEMBER 12, 2016
3:00 P.M.
CITY COUNCIL CHAMBERS
AGENDA

I. WELCOME AND CALL TO ORDER

II. ROLL CALL

III. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit application PLSUP20160000236, filed by Abdulla Nesmith, requesting a Special Use Permit to operate a car wash in accordance with Article 3:K, Section C, Item 28 of the Code of the City of Danville, Virginia 1986, as amended at 234 N Union St and adjacent parking area, otherwise known as Grid 2709, Block 017, Parcels 000010 & 000011 of the City of Danville Virginia Zoning District Map. The applicant is proposing to operate a hand car wash and detailing service.*

2. *Rezoning application PLRZ20160000237, filed by The Board of Missions of the United Methodist Church requesting to rezone from OT-R, Old Town Residential to "Conditional" TO-C, Transitional Office Commercial, 212 Murphy Circle, otherwise known as Grid 0613, Block 004, Parcel 000051 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the parcel so that the building may be used for community services operated by nonprofit organizations.*

IV. APPROVAL OF MINUTES FROM AUGUST 8, 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 September 12, 2016

Subject:

Special Use Permit application PLSUP20160000236, filed by Abdulla Nesmith, requesting a Special Use Permit to operate a car wash in accordance with Article 3:K, Section C, Item 28 of the Code of the City of Danville, Virginia 1986, as amended at 234 N Union St and adjacent parking area, otherwise known as Grid 2709, Block 017, Parcels 000010 & 000011 of the City of Danville Virginia Zoning District Map. The applicant is proposing to operate a hand car wash and detailing service.

Background:

The applicant, Abdulla Nesmith, is requesting a Special Use Permit to operate an outdoor car wash at 234 N Union St and the adjacent parking area. The primary structure on the lot is the retail store Denim Stax. The outdoor carwash would operate concurrently in the shop's parking area.

The subject parcels are zoned CB-C, Central Business Commercial and sit upon a combined .13 acres. All properties abutting the subject property are also zoned CB-C, Central Business Commercial. The subject parcels are subdivided by a driveway leading to a rear parking lot. The driveway and the parking area behind the buildings are owned by the City of Danville.

The subject properties lie within the Historic River District. The applicant will go before the River District Design Commission to request a Certificate of Appropriateness to operate the outdoor carwash on September 8, 2016. The result of that hearing will be presented at the Planning Commission meeting of September 12, 2016.

Twelve (12) 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 September 12, 2016.

Staff Analysis and Recommendation:

Staff is concerned with waste water disposal at this site. Open air drains are not permitted and the slope of the land would lead any waste water to ultimately runoff into the Dan River if not appropriately disposed of.

Staff recommends approval of Special Use Permit Application PLSUP20160000236, filed by Abdulla Nesmith to allow for an outdoor car wash in accordance with Article 3:K, Section C, Item 28 of the Code of the City of Danville, Virginia 1986, as amended at 234 N Union St and adjacent parking area. Staff recommends approval with the following conditions:

1. A professional grade water containment mat is used for each carwash or detailing job.
2. Wastewater from the water containment mat is collected through a wet/dry vacuum system so that it can be properly disposed of.
3. The hours of operation shall be no more than 7 a.m. to 7 p.m.
4. No detailing shall occur in the City owned parking lot adjacent to the site.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP20160000236 as submitted.
2. Recommend approval of Special Use Permit Application PLSUP20160000236 with conditions per Staff.
3. Recommend approval of Special Use Permit Application PLSUP20160000236 with conditions per Planning Commission.
4. Recommend denial of Special Use Permit Application PLSUP20160000236.

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: Car Wash

CASE NUMBER: _____ EXISTING ZONING: CBC

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: AL DATE FILED: 8/12/16

PLANNING COMMISSION DATE: 9/12/16 CITY COUNCIL DATE: 10/6/16

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

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

Gross Area/Net Area: 690SQ Property Address: 234 N.UNION St

Property Location: (N) S E W Side of: 234 UNION St

Between: High St. and SPRING St.

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:

HAND CAR WASH AND DETAILING SERVICE

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

1. NAME: DALE KERNODLE TELEPHONE: 336-514-8715

MAILING ADDRESS: 8380 McGHEE'S MILL RD SEMORA NC 27343

SIGNATURE: [signature] DATE: 8-4-16

SIGNATURE: DATE:

EMAIL ADDRESS: KERNODLE@GMAIL.COM

APPLICANT (PLEASE TYPE OR PRINT):

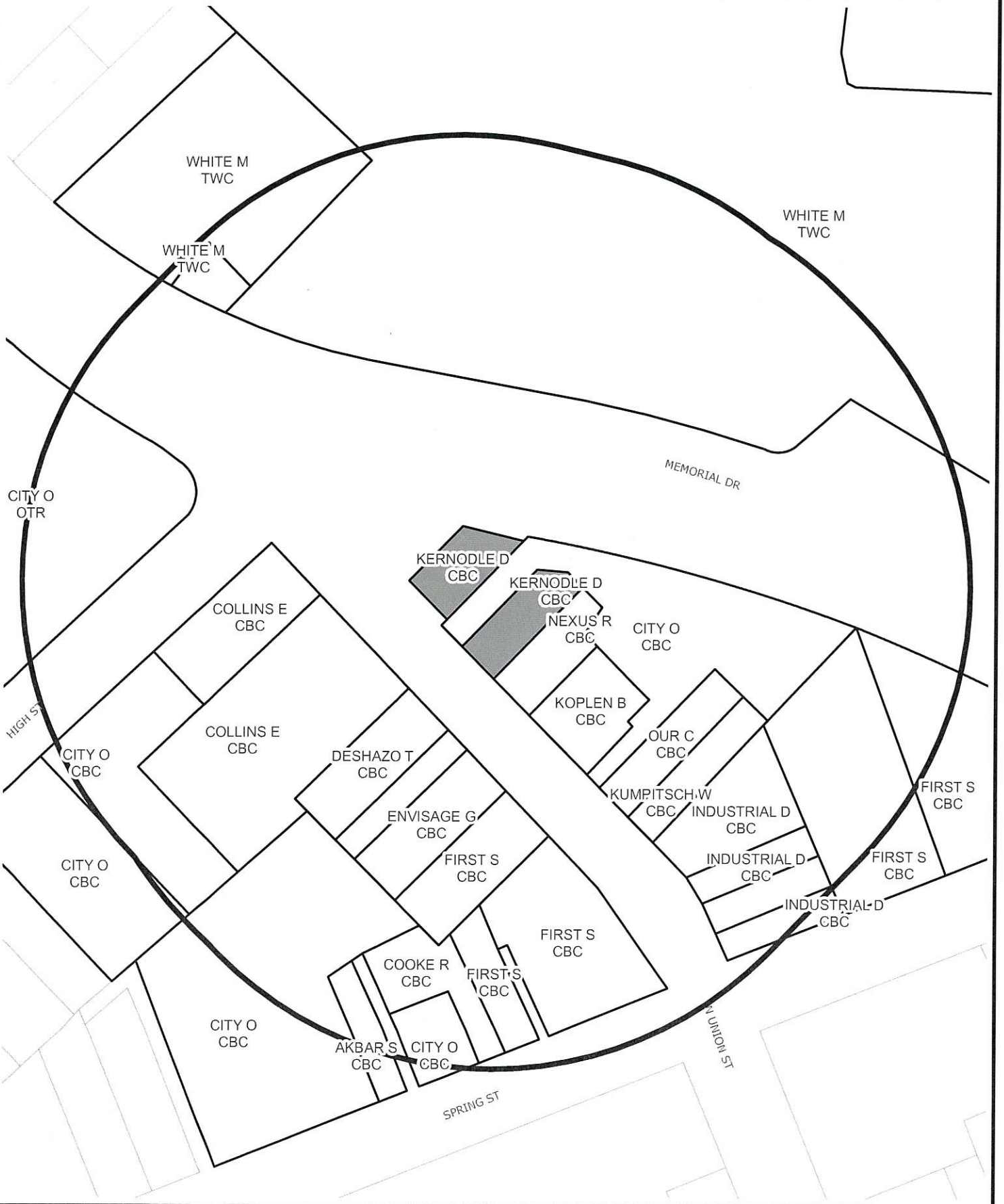
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: ABDULLA NESMITH TELEPHONE: 434-728-3460

MAILING ADDRESS: 123 BARRETT ST.

EMAIL ADDRESS: abdulsent434@GMAIL.COM

SIGNATURE: [signature] DATE: 8-4-16



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/24/2016

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

SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	September 12, 2016
LOCATION OF PROPERTY:	234 N Union St. and adjacent parking lot
PRESENT ZONE:	CB-C, Central Business Commercial
PROPOSED ZONE:	Same
ACTION REQUESTED:	Special Use Permit request to allow for a car wash and detailing service.
PRESENT USE OF PROPERTY:	Retail storefront
PROPOSED USE OF PROPERTY:	Outdoor car wash and detailing service
PROPERTY OWNER (S):	Dale Kernodle
NAME OF APPLICANT (S):	Abdulla Nesmith
PROPERTY BORDERED BY:	CB-C, Central Business Commercial to the North, South, East, and West
ACREAGE/SQUARE FOOTAGE:	.13 acres combined
CHARACTER OF VICINITY:	Commercial
INGRESS AND EGRESS:	N Union St
TRAFFIC VOLUME:	Moderate
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of September 12, 2016

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/24/2016

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

Department of Community DEVELOPMENT
City of Danville, Virginia

PLANNING REPORT

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

City Planning Commission
Meeting of September 12, 2016

Subject:

Rezoning application PLRZ20160000237, filed by The Board of Missions of the United Methodist Church requesting to rezone from OT-R, Old Town Residential to "Conditional" TO-C, Transitional Office Commercial, 212 Murphy Circle, otherwise known as Grid 0613, Block 004, Parcel 000051 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the parcel so that the building may be used for community services operated by nonprofit organizations.

Background:

A request has been filed by the Danville district Board of Missions of the United Methodist Church to rezone 212 Murphy Circle from OT-R, Old Town Residential to "Conditional" TO-C, Transitional Office Commercial. The applicant is proposing to operate non-profit run community services from the Church building.

The subject property is bordered on all sides by properties zoned OT-R, Old Town Residential. The 2.89 acre subject parcel has ingress and egress from Murphy Circle. The subject parcel has historically operated as Stokesland United Methodist Church.

The site is now referred to as The Stokesland Site of Moseley Memorial United Methodist Church. Sunday morning church services are planned to continue on site following the rezoning and after non-profit organizations begin operating from the subject parcel.

The applicant has proffered a list of prohibited uses to bring the property closer to the existing uses allowed within the OT-R, Old Town Residential district. The proffered conditions would still allow accessory buildings, catering services, churches and places of worship, offices, day care facilities, private schools, artist studios, and child therapeutic support services. The applicant has proffered that any use or business operating on the subject property must conform to a not for profit status.

Forty-Nine (49) 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 September 12, 2016.

Staff Analysis and Recommendation:

This request could be considered spot zoning. However, not all spot zoning is illegal. Spot zoning is illegal when the zoning ordinance is designed solely to serve the private interests of one or more landowners: but, if the legislative purpose is to further the welfare of the entire city as part of an overall zoning plan, the ordinance does not constitute illegal spot zoning.

Based on the conditions proffered by the applicant, Staff believes that the proposed rezoning will not be detrimental to surrounding property owners. The not for profit nature of the proposed community services will minimize private interesting being served while furthering the welfare of the greater Danville area, including surrounding property owners.

Staff recommends approval of Rezoning application PLRZ20160000237, filed by The Board of Missions of the United Methodist Church, requesting to rezone from OT-R, Old Town Residential to "Conditional" TO-C, Transitional Office Commercial, 212 Murphy Circle, otherwise known as Grid 0613, Block 004, Parcel 000051 of the City of Danville, Virginia Zoning District Map.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning Application PLRZ20160000237 as submitted.
2. Recommend approval of Rezoning Application PLRZ20160000237 with conditions per Planning Commission.
3. Recommend denial of Rezoning Application PLRZ20160000237.

Attachments:

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

CITY OF DANVILLE

REZONING APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: OT-R

PROPOSED ZONING: TO-C TAX MAP NUMBER: _____

RECEIVED BY: [illegible] DATE FILED: 7/27/16

PLANNING COMMISSION DATE: 9/12/16 CITY COUNCIL DATE: 10/6/16

11263

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: 131,784 ☐ +/- Property Address: 212 Murphy Circle

Property Location: N S E W Side of: SE Corner of Murphy Circle & Holcomb Ave

Between: _____ and _____

Proffered Conditions (if any, please attach): attached

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

1. NAME: Board of Missions of The United Methodist Church - Danville District TELEPHONE: 276 638 2688

MAILING ADDRESS: PO Box 4204, Martinsville VA 24115

SIGNATURE: _____ DATE: _____

SIGNATURE: [illegible] (President) DATE: 07.25.2016

EMAIL ADDRESS: danvilleds@vaumc.org

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

NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

Please provide ten (10) sets, blue or black line copies, of a final site plan with the following information:

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

Please provide a brief description of the proposed development:

N/A

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

N/A

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

Rezone OT-R to TO-C for the purpose of providing community services through partnerships with not-for-profit organizations.

Attachment – Rezoning application for 212 Murphy Circle

Proffered Conditions:

Use limited to the following uses permitted in TRANSITIONAL OFFICE

- Accessory use, to include tool sheds, carports and children's playhouses
- Catering service
- Churches and places of worship
- Offices (general and professional)
- Day care facilities (adult and child)
- Schools (private)
- Studio for an artist, designer, writer, photographer, sculptor or musician
- Child therapeutic support services

All of the above to conform to not-for-profit status

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
6/8/2016

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

REZONING REQUEST
DATA SHEET

DATE:	September 12, 2016
LOCATION OF PROPERTY:	212 Murphy Circle
PRESENT ZONE:	OT-R, Old Town Residential
PROPOSED ZONE:	"Conditional" TO-C, Transitional Office Commercial
ACTION REQUESTED:	Request to rezone from OT-R to TO-C so that non-profit organizations can operate community services from the church building.
PRESENT USE OF PROPERTY:	Stokesland United Methodist Church
PROPOSED USE OF PROPERTY:	Community Service Center
PROPERTY OWNER (S):	Board of Missions of the United Methodist Church
NAME OF APPLICANT (S):	Same
PROPERTY BORDERED BY:	OT-R to the North, West, and East.
ACREAGE/SQUARE FOOTAGE:	2.89 acres
CHARACTER OF VICINITY:	Residential
INGRESS AND EGRESS:	Murphy Circle
TRAFFIC VOLUME:	Low
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of September 12, 2016.

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/15/2016

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

PLANNING COMMISSION MINUTES

August 8, 2016

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

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

Mr. Scearce turned the meeting over to the Secretary due to a conflict of interest on the first two items.

I. ITEMS FOR PUBLIC HEARING

1. *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.*

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

Mrs. Evans opened the Public Hearing.

Present on behalf of this request was Mark Talbot from Dewberry. Mr. Talbot stated we are representing the applicant for the proposed rezoning. I just wanted to mention first thank you all for giving us another opportunity to present this to you. With the last hearing a month ago we took what we heard from some of the neighbors and modified the site plan slightly to address some of there concerns. How the building is now positioned we feel will shorten up our retaining wall that we had shown as proposed. So that will be a benefit. The storm water pond would be able to be pushed to the back. Again, as we discussed at the last meeting that is not finalized yet. We have it showing now as a pond because that's probably what we will end up with. I have heard some additional concerns about what standing water could present as far as for the residents there. While it is not designed our intent is to not have a wet pond. If you notice most of the storm water ponds throughout the City are dry ponds. They only hold water during rain events and then they are designed to release that water over a certain amount of time. The majority of the time they are dry ponds. Our first choice would not be a wet pond but if that is what it comes down to we may have to, to meet storm water. But that would be a last resort in order to mitigate some of those concerns for not

only the residents but for maintenance issues as well. Another one of the concerns that I have been made aware of is access for the Fire Department should their services be needed. As you all are aware part of the process is that our site plan goes to the Fire Marshall and he reviews the site plan for compliance with access. The latest site plan that we submitted shows access on all four sides of the building and as part of your site plan review and approval with the City it has to show that the Fire Department can navigate those turns and make it in and out of the entrance. That would be something that is certainly addressed during site plan review. Also one of the others things that was discussed at the last meeting was traffic. There were some concerns with congestion in this area. The biggest concern that was addressed last time was Goodyear at shift change. Obviously, we can't do anything with that but again as our site plan review any kind of traffic mitigation and traffic concerns brought up by the City we will certainly have to address and get the City's approval on. I just wanted to give you an update on what we were able to do since that last time we spoke.

Mr. Jones stated there are a lot of trees that are on both sides are you going to clean all of those out or are you going to leave some of those?

Mr. Talbot stated no sir one of the other things that we submitted with the site plan is the site plan overlay on an aerial because of that very concern. For a number of reasons not the least of which is the newest storm water regulations that the State of Virginia requires. Forestry areas are of benefit for meeting those storm water requires. So is it not only in the best benefit of the neighbors but also of our client to leave as many of those as possible; if for no other reason than for storm water management. Certainly, the intent would be to leave as many of those trees as we can.

Mr. Bolton stated so if you had to end up moving the pond it and it wasn't within those trees or where those trees would border it would you then be required to plant trees as a buffer?

Mr. Talbot stated we would have to meet the City's landscaping ordinance with the respective buffers. But again our intent would be to leave as many of those established trees as possible. But yes we would have to meet those buffer requirements.

Mrs. Joyce Estrabrook stated I live at 580 Fulton Heights. I was able to be at the last meeting and of course at that time we didn't have a lot of those questions answered. So we do appreciate what they have answered for us so far. Our biggest concern as this point is still traffic. If any of you have been to Fulton Heights you will find that it is a narrow dead end road, with already one business on one corner of Fulton Heights. We have mentioned Goodyear traffic that is not our only concern. The 265 bypass empties right out at Fulton Heights. They come off that bypass at any speed. They are also coming out of North Carolina at any speed. We are right there at the bypass so we are the next driveway pass the bypass. So it's not just a matter of Goodyear traffic obviously that is only at certain times of the day. It is a constant pattern all day long. With this proposed building opening onto Fulton Heights that is just going to increase our time of getting in and out. It is already an extended wait a lot of times for us to be able to get out. With this being the only entrance and exit there we see this being a major problem. I did ask about the buffering and you all following up on that has answered some questions for me. Clara and Mike Charmello attended the last meeting they are our neighbors on Fulton Heights. They were unable to attend today but they have submitted a letter that they ask that I read. After receiving the information that we didn't have at the last meeting in the mail the letter states, there are 97 parking spaces around the motel with only one narrow exit to Fulton Heights. Three sides of

the building are surrounded by a retaining wall; with the close proximity to the bypass, a race in Martinsville could fill this hotel often. If there were a fire how could a number of cars get out or a fire truck get in on such a narrow, dead end, one way exit? How could we get out of our homes on this dead end street? Another concern is the storm water pond. Standing water is never a good idea. Health officials warn of this all the time. This could become a Zika breeding ground in addition to creating a home for snakes; rodents etc. which would be far too close to our homes. Exiting Fulton Heights is already a problem with Goodyear traffic going to or leaving work. We have long waits to get out at those times. Plus many cars exit the bypass still going at a high rate of speed as they enter Highway 86. It's already a dangerous intersection let's not make it worse for the homeowners on Fulton Heights.

Mrs. Evans closed the Public Hearing.

Mr. Bolton stated what is the speed limit through there from North Carolina all the way to the hospital?

Mr. Whitfield stated forty.

Mr. Bolton stated well that's pretty low. If traffic becomes a problem who would look at reducing the speed through there?

Mr. Gillie stated the City. It is our responsibility if it becomes an issue for traffic. The two items that were removed from the agenda, what they will have to do will impact this site.

Mr. Bolton stated so it would be something that will be looked at.

Mr. Gillie stated we are looking at that whole corridor because we have this development as well as the other one that is coming in front of you.

Mr. Bolton stated in the 20 year plan and I should know this because I have it; South Main out that way was looking to be developed commercially?

Mr. Gillie stated yes.

Mr. Bolton stated okay.

Mrs. Evans stated why did you limit the time starting at 7am? What if someone wanted to come for breakfast earlier than 7?

Mr. Gillie stated seven just looked like a standard number that we have used. We are not opposed to changing it to six. We didn't want to go to 4 or 5. We thought of the neighbors with what time people are getting up and ready for work. If Planning Commission wants to change the time staff wouldn't be opposed to that.

Mr. Bolton made a motion to approve *PLRZ20160000174* with the proffers per the applicant. Mr. Garrison seconded the motion. The motion was approved by a 5-0-1 vote (Mr. Scearce abstained from the vote).

Mr. Whitfield stated with the proffers per the applicant?

Mr. Bolton stated yes.

Mr. Whitfield stated I just wanted to make it was on the record that it is with the proffers per the applicant and not the conditions per staff.

Mr. Bolton stated okay yeah sure.

2. *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.*

Mr. Bolton made a motion to approve *PLSUP20160000176* with the proffers by the applicant. Mr. Garrison seconded the motion. The motion was approved by a 5-0-1 vote (Mr. Scearce abstained from the vote).

Mr. Scearce took the meeting back over as Chairman.

3. *Special Use Permit application PLSUP20160000202, filed by Jeff Lynch, requesting a Special Use Permit to operate a day care center in accordance with Article 3:M, Section C, Item 6 of the Code of the City of Danville, Virginia 1986, as amended at 155 Deer Run Road, otherwise known as Grid 1815, Block 004, Parcel 000014 of the City of Danville Virginia Zoning District Map. The applicant is proposing to operate an after-school center for up to 45 children aged five (5) to twelve (12).*

Ms. Levi read the staff report. 13 notices were sent to surrounding property owners within 300 feet of the subject property. Six responses were not opposed. One response was opposed.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request was Gus Dyer the property owner and landlord for Bridge Town Church. If anybody has any questions I will be glad to answer them.

Present on behalf of this request was Jeff Lynch, the Pastor at Bridge Town Church. I am here if anyone has any questions. All I would have to say about what we want to do is that we are a church that is looking to use the facilities that we currently have. Which is used for children on Sunday morning or Wednesday night, whenever we have events taking place at the church using these same facilities for the after school child care.

Mr. Bolton stated just one of the responses that we got stated there was no green space for children to play. I guess the concern was that they might spill out into the road. How did you handle it with the children you have now and did you see that as a problem?

Mr. Lynch stated not necessary as a problem. A couple of options that we have are that there is some space, limited space, but some space behind the building that we have looked at to be able to use. Another option is that there are a couple of area schools close by that we have talked about being able to take kids and let them play after we have picked them up from school before we bring them back to the facility.

Mr. Garrison stated 7am to 7pm?

Mr. Lynch stated not a problem. We will be finished pick up by 6:30.

Mr. Garrison stated I'm looking more at the morning time. Will you have kids in the morning?

Mr. Lynch stated no sir. The only time it will be in the morning is on the special occasions where it is a snow day or something and parents need somewhere for their kids to go. But on a normal operating day we will not be doing anything during the day. So, on those we can tell parents we can't do anything until after 7am; shouldn't be a problem.

Mrs. Evans stated do you have agreements with the two schools that you are talking about taking the kids to play? Or do you need an agreement?

Mr. Lynch stated yes we have made contact from them and made plans to pick up kids from those schools starting Wednesday if possible.

Mr. Scearce closed the Public Hearing.

Mr. Garrison made a motion to approve *PLSUP20160000202* with the conditions per staff. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

4. *Rezoning application PLRZ20160000203, filed by TriCor Properties LLC requesting to rezone from S-R, Suburban Residential to N-C, Neighborhood Commercial, Parcel IDs #70166, #70167, and #70046, otherwise known as Grid 1916, Block 011, Parcels 000040, 000039, and 000041, respectively, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the parcels so that they may be consolidated and converted into a real estate business office.*

Ms. Levi read the staff report. 34 notices were sent to surrounding property owners within 300 feet of the subject property. Twelve responses were not opposed. Five responses were opposed.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request was Mr. Gerald Kelly one of the owners of TriCor properties. We would love to put our office there TriCor real estate property. We bought out Steven Real estate at 380 Piney Forest Road. We would like to transfer back to the 41 area in that house right across from Blessed Hope Baptist Church.

Mr. Jones stated were you contacted by Linda LaPrade about this letter?

Mr. Kelly stated no sir.

Mr. Jones stated the letter states I was told by Mr. Kelly that he had contacted Mr. Gillie about the issue that no business involving food sales, automobile sales service would be allowed to conduct business in this area. Is that true?

Mr. Kelly stated is that the neighbor? She came out and talked to me one day in the yard. I remember that conversation with her and she said you all are not going to put up food? She knows I own O'Kelly's too. I said no I already talk to the Mr. Gillie and he said he didn't want food or any car dealerships or anything like that.

Mr. Jones stated that's what this is about.

Mr. Kelly stated yes sir I told her he wouldn't be putting any of that.

Mr. Scearce stated this is just a business office correct?

Mr. Kelly stated just a business office. Yes sir Real Estate sales.

Mr. Scearce closed the Public Hearing.

Mr. Jones made a motion to approve *PLRZ20160000203* as submitted. Mr. Bolton seconded the motion. The motion was approved by a 6-0 vote.

5. *Special Use Permit application PLSUP20160000204, filed by Scott Swett, requesting a Special Use Permit to operate a duplex in accordance with Article 3:E, Section C, Item 2 of the Code of the City of Danville, Virginia 1986, as amended at 120 College Ave, otherwise known as Grid 1718, Block 001, Parcel 000015 of the City of Danville Virginia Zoning District Map. The applicant is proposing to convert the existing structure into a duplex.*

Ms. Levi read the staff report. 34 notices were sent to surrounding property owners within 300 feet of the subject property. Thirteen responses were not opposed. Five responses were opposed.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request was Scott Swett, the applicant. Mr. Swett stated I don't have anything to add to the package that I have already submitted. I'm available for any questions that you all may have.

Mr. Jones stated is this actually the oldest house in the western part of the City?

Mr. Swett stated I believe it is.

Mrs. Evans the unpaved driveway that staff is saying needs to be paved which side is that on?

Mr. Swett stated it's on the left.

Mrs. Evans stated isn't that part of the yard? Isn't there just a curved entrance but really not a driveway?

Mr. Swett stated it's an unpaved driveway the curve has been cut and you can see that people have parked there in the past. It was described to me by the realtor as a driveway.

Ms. Levi stated it is a curb cut.

Mrs. Evans stated I know it is. I have just seen people park in the front yard.

Mr. Bolton stated do you want to pave it or would you rather it is crusher run? It we changed it to that I don't know if we could but are you okay with it being paved? I'm just trying to think the neighbors might rather see crusher run.

Mr. Swett stated I don't really have strong feelings either way.

Mr. Bolton stated it don't matter, okay. Did you hear from any neighbors about paved or crush and run?

Mr. Gillie stated no. You could modify that and change it if you think another material would be better.

Mr. Bolton stated could we do an option to pave it or use crusher run?

Mr. Gillie stated you could.

Mr. Bolton stated so that way you would have the choice to do crusher run if you wanted too.

Mr. Gillie stated multiple family dwellings are required to be paved. One and two family dwellings can have options.

Mrs. Evans stated who do you plan to rent this to? Some neighbors have expressed concerns to me about who would rent it.

Mr. Swett stated I plan to go through professional property management and allow them to do the screening of the applicants. I would assume because of it close proximity to Averett College that professors or employees of the university would be a real good match.

Mrs. Evans stated rather than students.

Mr. Swett stated if they meet the criteria but it would be to my advantage and preference to get longer term tenants.

Mr. Bolton stated do you have an idea about what the rent will be?

Mr. Swett stated ballpark estimate about $700 per apartment.

Mr. Don Scism stated I have lived at 156 College Avenue for 20 years. When I first started looking in the West Main area, College Avenue had some apartments. Now they have all been reverted back to single residents I think there was a reason for that. I think people want to take care of their homes. All of those homes have been well taken care of. Several years ago when I worked for the telephone company I visited all of these neighborhoods. You would go in there and grocery stores, garages, cafes and one of them even had a pet store in it if you remember on Kemper Road they had a pet store in the neighborhood. I used to wonder how these things come about. How did they happen? How did we end up with these things where people live? I think I kind of see the answer. We have an old house here that no one has lived in for a very long time. With no maintenance that I can see I have gone past it for twenty years and I never seen anyone out there working on that house. All

of the other neighbors there sometimes you have to go down to the end of the road and park because they are working trying to maintain their home. I can't believe staff would say that this is okay to do because the neighborhood seems to be going back to single residents; which I would prefer. I kind of leave it in your hands but I don't think we should be coming back some years from now arguing about how loud the dogs bark or we want wine or cheese or a convenience store because this is where these things lead in my opinion. When you start changing a neighborhood you are changing it for the worst in most cases.

Mr. Scearce closed the Public Hearing.

Mr. Garrison stated there is a driveway on the right side of that house that is paved does that belong to the house on West Main Street? It actually leads behind the house that we are talking about here; behind that house on College Avenue where there was a car parked the other day.

Mr. Scearce stated I don't think that is on that lot.

Mrs. Evans stated I was told by a neighbor that was a shared driveway.

Mr. Garrison stated I didn't talk to a neighbor because I didn't see one. But I did walk back that driveway all the way to the rear of the house at 120. There appears to be a parking area behind the house and I'm not sure whether it is on that lot or on the lot for the house on West Main Street.

Mr. Gillie stated I can't say for sure which lot it is.

Mr. Scearce stated you what?

Mr. Gillie stated I can't say for sure what lot it is on. There are a lot of shared things in that area and without a survey saying exactly what lot it belonged to. I can't say, I'm sorry.

Mr. Scearce stated let me ask the applicant I think he has some input.

Mr. Swett stated the paved driveway on the right side is not part of 120 it is associated with the house that is on West Main Street. It is a back entrance to them and they also have a garage as well.

Mr. Garrison stated do they have property as well behind the 120?

Mr. Swett stated they have a garage directly behind 120 and that is directly behind their house as it faces West Main Street.

Mr. Scerace stated I think from past real estate this is a shared driveway for the Darkis and the Jones.

Mr. Bolton stated you have been in the house I have been in it years ago and I remember it being very cut up and hodgepodge especially on that back wing. Are there several kitchens already there? Are there makings of a triplex or a duplex already there?

Mr. Swett stated it was a triplex for many years and that's why it is divided that way and that's why there are three kitchens.

Mr. Bolton stated so it has operated as a triplex before at one point. Now you want to go to just two apartments?

Mr. Swett stated yes which will create larger apartments.

Mr. Scearce stated do you have plans on renovating the house and doing improvements on the inside and out?

Mr. Swett stated yes.

Mr. Jones stated if for some reason he wanted to go to a triplex would he have to come back before us?

Mr. Gillie stated yes he would have to ask to rezone the property to multi-family and in that we would consider it spot zoning. Remember under this the Special Use Permit is allowed for duplex so this district recognizes the potential for duplexes.

Mr. Bolton stated the case that we had on Mount Vernon this is very similar?

Mr. Gillie stated yes very similar.

Mr. Bolton stated okay.

Mr. Bolton made a motion to approve *PLRZ20160000204* with the conditions per staff and add an option of a paved driveway or crusher run. Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.

6. *Special Use Permit application PLSUP20160000205, filed by Jonathan Yates, requesting a Special Use Permit to install a commercial communication tower in accordance with Article 2, Section R, Item 6a of the Code of the City of Danville, Virginia 1986, as amended at 115 Watson Street, otherwise known as Grid 1607, Block 025, Parcel 000010 of the City of Danville Virginia Zoning District Map. The applicant is proposing to erect a 150 ft monopole-style wireless communication facility on the site.*

Ms. Levi read the staff report. 31 notices were sent to surrounding property owners within 300 feet of the subject property. Seven responses were not opposed. One response was opposed.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request was Jonathan Yates, the applicant. Mr. Yates stated first and foremost I would like to Thank Mr. Gillie and his staff. We do towers all over the Southeast and this is the first time I have done one in Danville. I asked 101 stupid questions but they never laughed at me over the phone; you have some real professionals here and they were gems to work with and I thank them. This is a 150 foot monopole facility it is designed for four carriers. What we are trying to do is not only improve coverage but capacity in that surrounding area. A lot of what we are trying to achieve here is what we call in building coverage. Where we have to get more of a dominant server in the area so both voice and broadband can work. They can sort of work now but you have interrupts and if

you try to use broadband in that area you are going to really have protracted speeds it's going to stretch out. To solve this problem we begin to look for a property that would work from an R radio frequency stand point and in this case I believe we found an excellent property. It's Mr. Tom Leggett's property it is about 2 acres under HRC. Tom has owned it about 10 years but he has worked on the property for about 51 years as the home of P.L. Anderson and Sons. P.L Anderson and Sons is the four oldest general contractors in Virginia they have been there since the 1920's. In fact, in the old days Tom told me that actually sold coal off of the property. But what it provides us is you have P.L. Anderson in the front and then you have their construction which is absolutely ideal. It's surrounding by a good heavy tree cover. You have the railroad line to the south of it then you have a ten foot earth and berm. We have found at that busy intersection a hidden place to put this tower. From a facility stand point we have to be at least half the height of the tower to the property lines we are actually 150 feet to the north, 178 to south, 160 to the east and 91 to the west. In addition we had the property reviewed by a Commonwealth Engineering Mr. Habib Azouri. He certified two important things. One he certified the compliance with the ANSI/TIA-222-G standard of 115 mph ultimate wind speed and he also certified that it would have a 75 foot fall zone; therefore, contained within Mr. Leggett's property. In addition, we had the facility reviewed by the FFA and the FFA made two important determinations. One it would be no hazard to air navigation and secondly no lighting would be required. So what we are present to you at that location is a monopole facility. What is a monopole? A monopole is just a pole like you would have at Wendy's or McDonalds sign on but instead we would put communication equipment on it. This was designed for no lights and we have an incredible piece of property to place it on. I here for any questions Mr. Leggett is here with me if there are any property related questions. Again just an ideal location it's where we need to be to provide both the coverage and capacity. I think we have found a very good location in terms of what it has to offer.

Mr. Jones stated is this just going to be a basic tower or one of these things that you make it look like a tree?

Mr. Yates stated this is going to be a basic tower. When you do what you are referred to as a mono-pine the fact of the matter is it don't fool anyone. It is the worst looking tree you ever seen so we are not going to do that. We have found that the only time the mono-pine works is when you are up in the mountains. You can do a mono-pine if you have a cascade of green coming up behind it that you can hide it in. Otherwise, you have not fooled anyone this is just going to be a monopole it will have the design for the four carriers and their space on the bottom it will not be a fake tree.

Mr. Scearce closed the Public Hearing.

Mr. Dodson made a motion to approve *PLSUP20160000205* with the conditions per staff. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.

7. *Rezoning application PLRZ20160000209, filed by Terry Francisco, requesting to rezone from N-C, Neighborhood Commercial District to "Conditional" HR-C Highway Retail Commercial District, 778 Westover Drive, otherwise known as Grid 0715, Block 003, Parcels 000008, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to use the property for office and interior mini-storage facilities.*

Ms. Levi read the staff report. 29 notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed. Three responses were opposed.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request was Terry Francisco, the applicant. Mr. Francisco stated I really don't have anything to add but I wanted to make myself available if there are any questions.

Mr. Garrison stated I have a question about a comment that we received concerning tractor trailers coming down the street. I assume they are talking about Westover Drive I don't know. Are you going to be having tractor trailers coming down to this facility?

Mr. Francisco stated I can't imagine that I would. The size of the mini storage that we are talking about is so small I imagine only a pickup truck would fill it up.

Mr. Garrison stated that was my thought too but I just thought I would ask.

Mr. Scearce closed the Public Hearing.

Mr. Garrison made a motion to approve PLRZ20160000209 as submitted. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

II. ITEMS NOT FOR PUBLIC HEARING

Request a waiver in accordance with Article 8, Section B, Item 6(c) at 217 Piney Forest Road for parking areas of six (6) spaces or less, the requirement for paved parking with curb and gutter may be waived by the Planning Commission, provided that the parking surface be constructed with a minimum surface of six (6) inches of crushed stone with adequate compaction and storm drainage provisions.

Mr. Gillie read the staff report.

Mrs. Evans stated is it going to be 4 or 6 spaces?

Mr. Gillie stated it is supposed to be four spaces not six sorry I cut and pasted. We have had a few of these in the past if you remember the on just up the street the hair salon we had the one out at Stinson.

Mr. Garrison made a motion to approve the wavier as submitted. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.

III. MINUTES

The July 21, 2016 minutes were approved by a unanimous vote with one correction on page 7 Sharon Jones should Sharon Dones.

IV. OTHER BUSINESS

Mr. Gillie stated City Council approved the cases that you recommended for approval and denied the item that you recommended denial on. We have cases filed for next month so I will see everybody then. Everyone signed the iPad forms I believe. Again, we are trying to go paperless so we will continue to email them out. Anyone that wants a hard copy of the agenda let us know. We will have the iPads available at each meeting.

With no further business, the meeting adjourned at 3:59 p.m.

_____

APPROVED