



## City of Danville

427 Patton Street, Suite 208

Danville VA, 24541

Phone: (434) 799-5260

# City Planning Commission

MAY 08, 2017

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 PLRZ20170000096, filed by Bonnie Nance, requesting to rezone from S-R, Suburban Residential District to OT-R, Old Town Residential, 656 Holland Road otherwise known as Grid 0508, Block 004, Parcel 000001, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property so that it may be consolidated with adjacent property.*
  2. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended more specifically Article 2 Section X entitled "Violations and Penalties", adding Section Y "Civil Penalties for Certain Violations" and adding Section Z "Appeal Period for Certain Violations".*
- IV. APPROVAL OF MINUTES FROM APRIL 10, 2017
- V. OTHER BUSINESS
- VI. ADJOURNMENT



**City of Danville**  
427 Patton Street, Suite 208  
Danville VA, 24541  
Phone: (434) 799-5260

## *City Planning Commission*

### **City Planning Commission**

Meeting of May 8, 2017

#### **Subject:**

*Rezoning application PLRZ20170000096, filed by Bonnie Nance, requesting to rezone from S-R, Suburban Residential District to OT-R, Old Town Residential, 656 Holland Road otherwise known as Grid 0508, Block 004, Parcel 000001, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property so that it may be consolidated with adjacent property.*

#### **Background:**

656 Holland Rd. is currently zoned S-R, Suburban Residential and is the site of a single family residence. The applicant, Bonnie Nance, is requesting to have the parcel rezoned to OT-R so that it may be consolidated with adjacent parcels IDs #77853, #75378, and #77836, all of which are zoned OT-R. Old Town Residential. Consolidation may not occur unless all properties share the same zoning designation.

656 Holland Rd is 14.63 acres and sits on the Caswell County, North Carolina border. According to the attached subdivision plat, a new lot is to be subdivided to the west of the residential structure. The southeastern corner of the subject parcel is to be consolidated with parcel IDs #77853, #75378, and #77836 so that each of them may span from Holland Rd to the North Carolina border.

Presently, City water and sewer is not available on the southern portion of Holland Road. The subject parcel, as well as parcel IDs #77853, #75378, and #77836 is the subject of Variance application PLVAR20170000103, requesting variances so that they may install well and septic where it is prohibited by Code. The Board of Zoning Appeals will hear the request on May 18, 2017.

Thirteen (13) 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 May 8, 2017.

**Recommendation:**

Staff recommends approval of Rezoning application PLRZ20170000096, filed by Bonnie Nance, requesting to rezone from S-R, Suburban Residential to OT-R, Old Town Residential, 656 Holland Road otherwise known as Grid 0508, Block 004, Parcel 000001, of the City of Danville, Virginia Zoning District Map

This rezoning will allow for consolidation with adjacent property as the Zoning Code does not permit consolidation unless all properties share the same zoning classification.

**City Planning Commission Alternatives:**

1. Recommend approval of Rezoning application PLRZ20170000096 as submitted.
2. Recommend denial of Rezoning application PLRZ20170000096 as submitted.
3. Recommend postponement of Rezoning application PLRZ20170000096 by Planning Commission.

**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: SR  
PROPOSED ZONING: OT-R TAX MAP NUMBER: \_\_\_\_\_  
RECEIVED BY: Al DATE FILED: \_\_\_\_\_  
PLANNING COMMISSION DATE: 5/8/17 CITY COUNCIL DATE: 6/6/17

**INFORMATION TO BE PROVIDED BY THE APPLICANT**

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

Gross Area/Net Area: 14.63 AC. Property Address: 656 Holland Rd., Danville, Va.

Property Location: N **S** E W Side of: Holland Road

Between: Indian Valley Road and Elizabeth Street

Proffered Conditions (if any, please attach): \_\_\_\_\_

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

1. NAME: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

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: Bonnie Nance TELEPHONE: 434-793-0686

MAILING ADDRESS: 341 Starmont Dr. Danville, Virginia 24540

EMAIL ADDRESS: dmilam@landeng.com

SIGNATURE: Bonnie Nance DATE: 3/23/17

## 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:

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### 2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

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### 3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

A proposal to rezone PID #75376 from S-R to OT-R. We intend on subdividing/consolidating multiple parcels (including said parcel), all other parcels are zoned OT-R save said parcel.

**NOTES**

1. THE LOCATIONS OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE AND INDICATED FOR INFORMATIONAL PURPOSES ONLY.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A FIELD HISTORY AND THEREFORE MAY NOT INDICATE ALL DISCONTINUITIES FROM THE PRESENT.

**ZONED S-H**

- MINIMUM YARD REQUIREMENTS:
- A. FRONT YARD: 30 FEET
  - B. SIDE YARD: 15 FEET
  - C. REAR YARD: 30 FEET

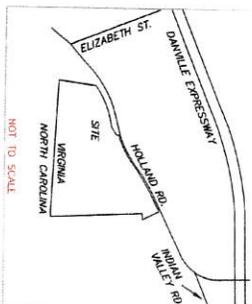
**ZONED OT-R**

- MINIMUM YARD REQUIREMENTS:
- A. FRONT YARD: 20 FEET
  - B. SIDE YARD: 10 FEET
  - C. REAR YARD: 25 FEET

**FLOOD NOTE**

THIS PROPERTY LIES WITHIN FLOOD ZONE "X" AS SHOWN ON FIRM MAP #21143201E  
 EFFECTIVE DATE: 09/23/2010

**VICINITY MAP**



**LEGEND**

- Subdivided, re-developed
- Old Town, or other



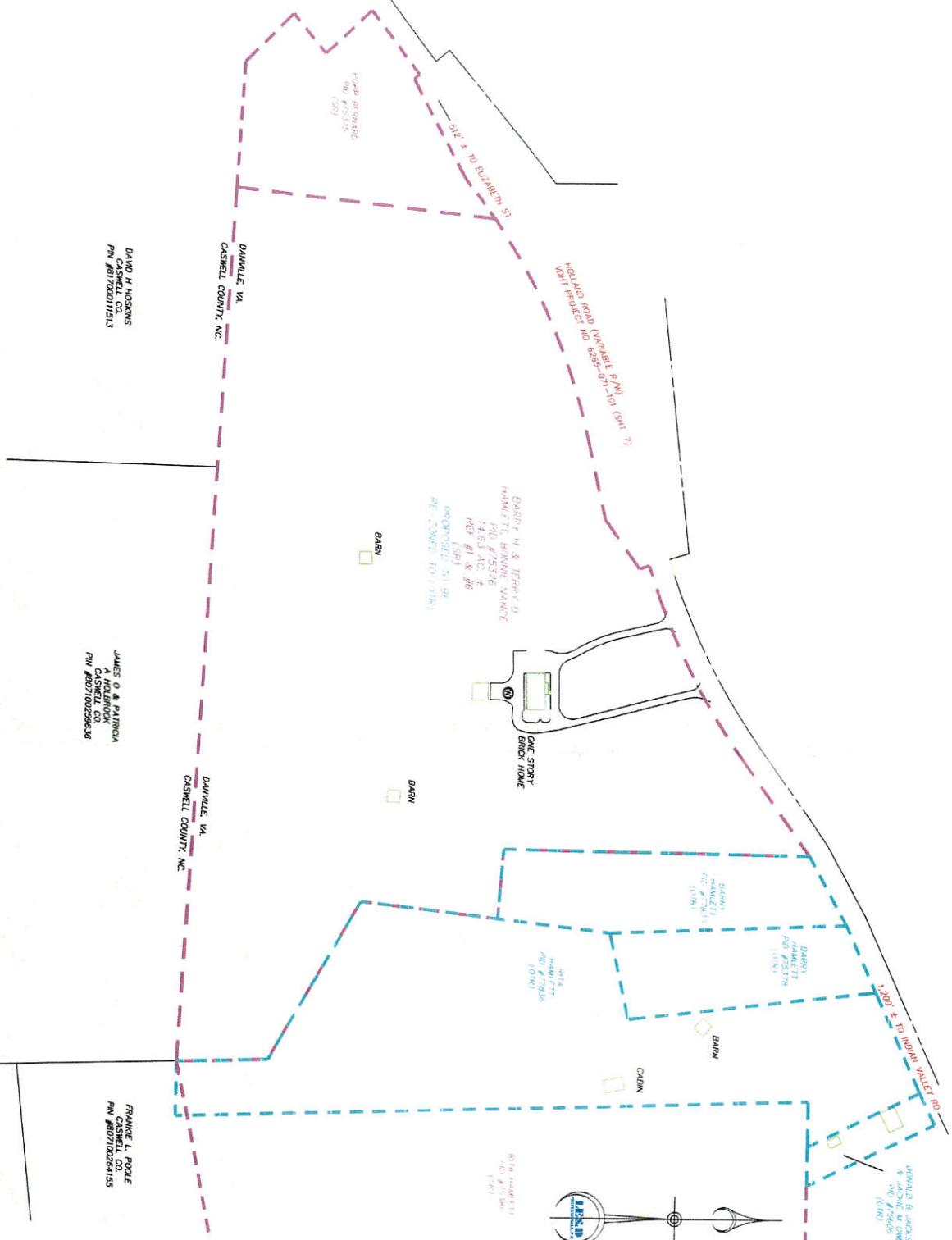
**PREPARED BY**  
**ZONING EXHIBIT**  
 FORM U-1 (REV. 05-08-11)  
**PID # 753376**  
 FOR  
**BARRY H & TERRY D**  
**HAMLETT, BONNIE NANCE**  
**656 HOLLAND RD.**  
**DANVILLE, VA.**

DATE: 3-20-17  
 SCALE: 1" = 100'  
 SHEET 1 OF 1



**PROFESSIONALS, P.C.**  
 RIVER HUN EXCHANGE OFFICES SUITE B  
 110 EXCHANGE STREET - DANVILLE, VIRGINIA 24041  
 PHONE NO. (934) 792-3680 - FAX NO. (934) 792-3685  
 N.C. LICENSE # C-2527  
 VA LICENSE # 0094-001-011

Project No. ERH-HR172/JN2/VC/CH/RC/EXHIBIT



DAVID H. JOHNSON  
 CASWELL CO.  
 PN #81700011513

JAMES O. & PATRICIA  
 A. HOULIMOOK  
 CASWELL CO.  
 PN #807102259636

FRANKIE L. POOLE  
 CASWELL CO.  
 PN #80710264155

**CITY ENGINEER'S CERTIFICATE**

I HEREBY CERTIFY THAT THE SUBDIVISION AND R/W DEDICATION OF LAND AS SHOWN ON THIS PLAN, CONTAINING 21 PARCELS, IS IN ACCORDANCE WITH THE SUBDIVISION SITUATED IN DANVILLE, VIRGINIA, AS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED RESIDENTS OF SAID CITY AND AS WITH THE APPROVED MAPS OF SAID CITY AND RECORDED IN THE CLERK'S OFFICE OF THE CITY OF DANVILLE, VIRGINIA IN INST. #18-01 GIVEN UNDER OUR HANDS THIS DAY OF 2017.

RITA D. HAMLETT  
 BONNIE MCINTYRE NANCE  
 BARRY H. HAMLETT  
 TERRY D. HAMLETT

STATE OF VIRGINIA  
 AT LARGE TO WIT:  
 A NOTARY PUBLIC IN AND FOR THE  
 COUNTY OF DANVILLE, VIRGINIA  
 WHOSE NAME(S) ARE SOLED TO THIS PLAN BEARING DATE OF  
 IN THE STATE ADDRESS:  
 GIVEN UNDER HAND THIS DAY OF 2017  
 AT COMMISSION EXPIRES:

**LINE TABLE**

LINE	LENGTH	BEARING
L-1	13.00	N173°34'31"W
L-2	38.50	N20°32'04"W

**NOTES**

- THE LOCATIONS OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE AND ARE NOT TO BE CONSIDERED AS A BASIS FOR ANY CONSTRUCTION WORK UNLESS INDICATED OTHERWISE BY THE PROPERTY.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A PROGRAMMED FROM THE PROPERTY.

**ZONED S-F-1**

MINIMUM YARD REQUIREMENTS:  
 A. FRONT YARD: 30 FEET  
 B. SIDE YARD: 15 FEET  
 C. REAR YARD: 30 FEET

**ZONED O-T-1**

MINIMUM YARD REQUIREMENTS:  
 A. FRONT YARD: 30 FEET  
 B. SIDE YARD: 25 FEET  
 C. REAR YARD: 30 FEET

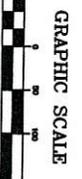
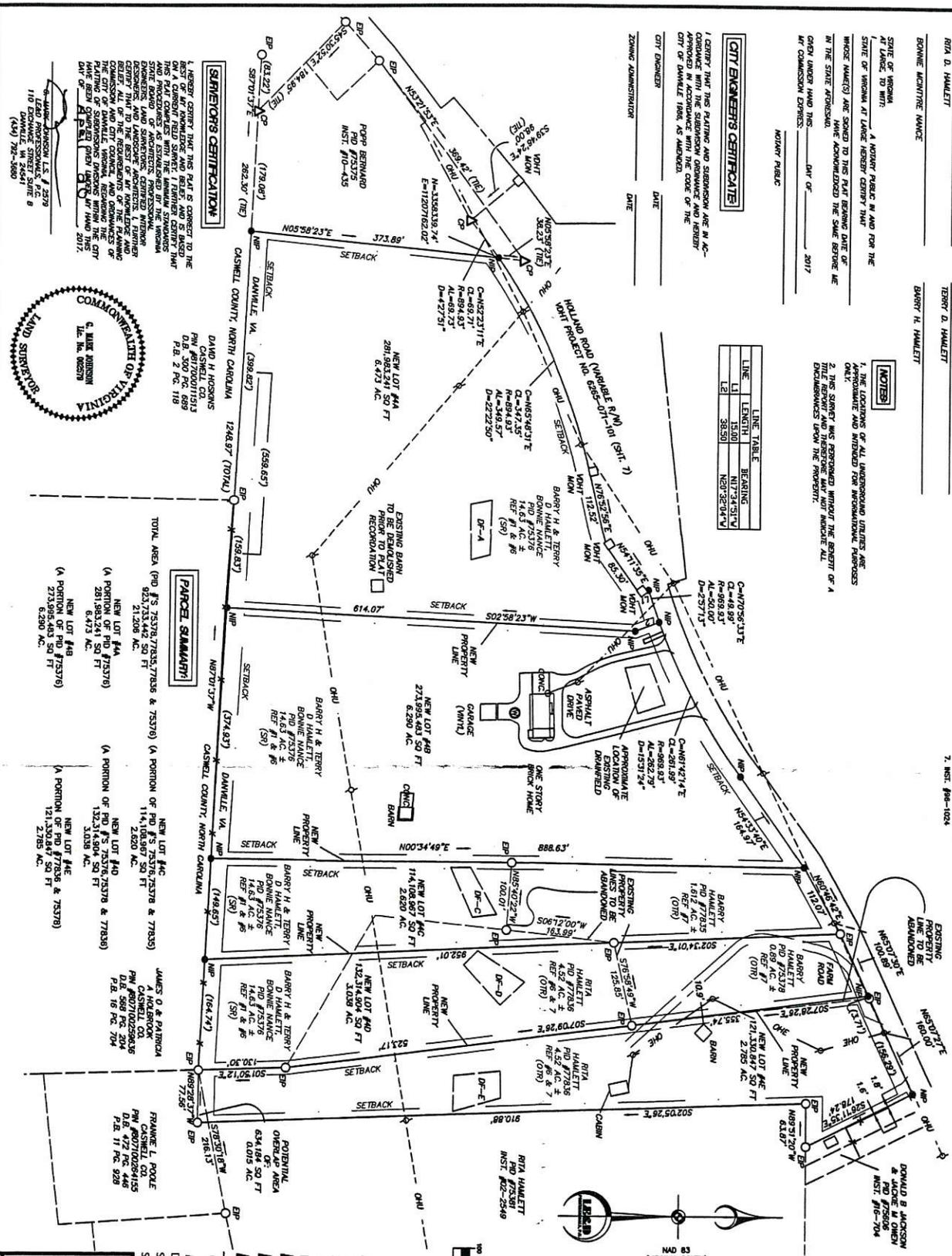
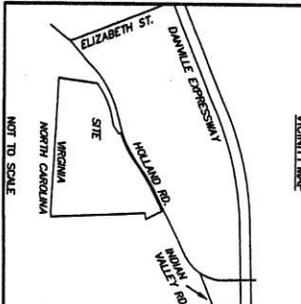
**REFERENCES**

1. 08, 142 PG. 233 (CO.)
2. INST. #10-435
3. 01B, 02B PG. 641 (CO.)
4. 02B, 515 PG. 703 (CO.)
5. VPIR PROJECT #683-071-101, 08-202 (SHT 7)
6. WELL INST. #16-101
7. INST. #98-1024

**FLOOD NOTES**

THIS PROPERTY LIES WITHIN FLOOD ZONE "X" AS SHOWN ON FEMA MAP #151400441E DATED 08/22/2010

**LEGEND**



**PLAT OF SUBDIVISION SHOWING:**  
**PARCELS #S 75378, 77635, 77636 & 75376**  
**FOR:**  
**BONNIE MCINTYRE NANCE,**  
**RITA D. HAMLETT, TERRY D. HAMLETT & BARRY H. HAMLETT**  
**656 HOLLAND RD.**  
**DANVILLE, VA.**

DATE: 3-14-17  
 SCALE: 1" = 100'  
 SHEET: 1 OF 1



**PROFESSIONALS, P.C.**  
 RIVER RUN EXECUTIVE OFFICES, SUITE B  
 110 EXCHANGE STREET - DANVILLE, VIRGINIA 24541  
 PHONE NO. (934) 792-3680 - FAX NO. (934) 792-3685  
 VA LICENSE # C-2577  
 Project No. WARRHARR17-SUBDIVISION



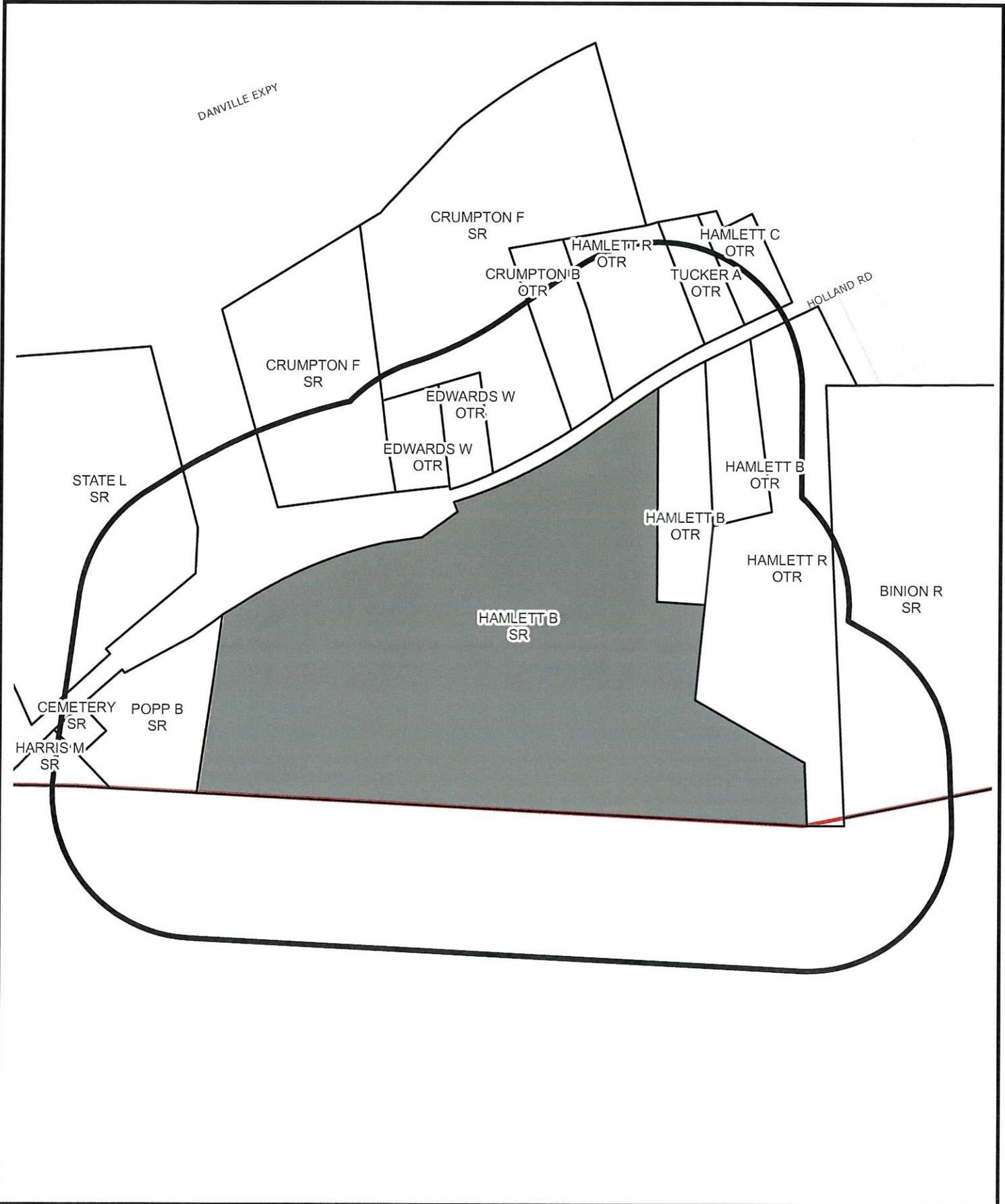
**SURVEYOR'S CERTIFICATION**  
 I, LARRY GENTRY, THAT THIS PLAN IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND IS BASED ON THE FIELD SURVEY, MEASUREMENTS, AND CALCULATIONS MADE BY ME OR UNDER MY SUPERVISION AND APPROVED AS ESTABLISHED BY THE VIRGINIA BOARD OF SURVEYING AND MAPPING. I, LARRY GENTRY, DESIGNER AND LANDSCAPE ARCHITECT, I, FURTHER CERTIFY THAT I AM A LICENSED SURVEYOR AND DESIGNER AND THAT I AM A MEMBER OF THE VIRGINIA SURVEYING AND MAPPING BOARD. ALL OF THE REQUIREMENTS OF THE PLANNING COMMISSION AND CITY COUNCIL AND ORDINANCES OF THE CITY OF DANVILLE, VIRGINIA, HAVE BEEN MET AND THE CITY ENGINEER HAS GIVEN HIS WRITTEN APPROVAL OF THIS PLAN.

**PARCEL SUMMARY**

NEW LOT #	AREA (AC)	AREA (SQ FT)
NEW LOT #4A	2.1206	92,733,444
NEW LOT #4B	6.473	281,983,241
NEW LOT #4C	3.028	132,314,504
NEW LOT #4D	2.620	114,168,967
NEW LOT #4E	2.785	121,350,847
NEW LOT #4F	2.785	121,350,847
NEW LOT #4G	2.785	121,350,847

**ADJACENT PARCELS:**  
 POPP BERNARD, INST. #10-435  
 NEW LOT #4A, 281,983,241 SQ FT, 6.473 AC.  
 NEW LOT #4B, 281,983,241 SQ FT, 6.473 AC.  
 NEW LOT #4C, 132,314,504 SQ FT, 3.028 AC.  
 NEW LOT #4D, 114,168,967 SQ FT, 2.620 AC.  
 NEW LOT #4E, 121,350,847 SQ FT, 2.785 AC.  
 NEW LOT #4F, 121,350,847 SQ FT, 2.785 AC.  
 NEW LOT #4G, 121,350,847 SQ FT, 2.785 AC.

**PROFESSIONALS, P.C.**  
 LARRY GENTRY, P.E.  
 118 DANVILLE, VA 24541  
 (434) 792-3680



**SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY**



Prepared by:  
 Planning Division  
 4/26/2017

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**

<b>DATE:</b>	May 8, 2017
<b>LOCATION OF PROPERTY:</b>	656 Holland Road
<b>PRESENT ZONE:</b>	S-R, Suburban Residential
<b>PROPOSED ZONE:</b>	OT-R. Old Town Residential
<b>ACTION REQUESTED:</b>	Rezoning requested so that the parcel may be consolidated with neighboring parcels.
<b>PRESENT USE OF PROPERTY:</b>	Single Family Dwelling
<b>PROPOSED USE OF PROPERTY:</b>	Same
<b>PROPERTY OWNER (S):</b>	Barry H. Hamlett, Terry D. Hamlett, and Bonnie Nance
<b>NAME OF APPLICANT (S):</b>	Bonnie Nance
<b>PROPERTY BORDERED BY:</b>	Residential to north, south, east, and west.
<b>ACREAGE/SQUARE FOOTAGE:</b>	14.63 acres.
<b>CHARACTER OF VICINITY:</b>	Residential
<b>INGRESS AND EGRESS:</b>	Holland Rd. On the Caswell County, NC border
<b>TRAFFIC VOLUME:</b>	Low
<b>NEIGHBORHOOD REACTION:</b>	To be reported at the Planning Commission meeting of May 8, 2017



### 2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
4/26/2017

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.





**City of Danville**  
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## *City Planning Commission*

### **City Planning Commission**

Meeting of May 8, 2017

#### **Subject:**

*Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended more specifically Article 2, Section X entitled "Violations and Penalties", adding Section Y "Civil Penalties for Certain Violations" and adding Section Z "Appeal Period for Certain Violations".*

#### **Background:**

At the October 18, 2016 City Council Work Session, Community Development staff requested that City Council adopt an ordinance providing that violations of the Virginia Maintenance Code be enforced by civil, rather than criminal penalty. The final adoption of this ordinance took place during the March 21, 2017 City Council meeting.

Since that time, City Council has discussed the idea of civil penalty enforcement for various types of violations. Violations of the Zoning Code may be enforced through civil penalty pursuant to Va. Code section 15.2-2209, attached hereto.

A Zoning Code amendment is necessary for civil penalty enforcement. Amendments will need to be made to Article 2, Section X (highlighted in red) and Article 2, Section Y and Z need to be created. The proposed language is below:

#### **X. – Violations and penalties.**

1. The Director of Planning/Zoning Administrator and all other City officials and employees who are vested with duty or authority to issue permits or licenses shall adhere to the provisions of this ordinance and shall issue permits or licenses only when uses and buildings comply with the provisions of this ordinance.
2. The City reserves the right to revoke, upon written notification and failure to remedy within a reasonable period of time, any permit wrongfully issued or otherwise found to be in conflict with the provisions of this ordinance.

3. Any person who is convicted of violating any of the provisions of this Ordinance shall be found guilty of a Class I misdemeanor, **unless such violation is otherwise designated for civil penalty herein.**
4. In addition to pursuing the penalties and fines hereinabove provided, the Director of Planning/Zoning Administrator may bring additional legal action to insure compliance with this ordinance, including injunction, abatement or other appropriate action or proceeding.
5. Fines for violations of this ordinance will be applied according to the City Fine Schedule posted in the office of the Planning Director in the Department of Community Development.

#### ***Y. Civil penalties for certain violations.***

*In lieu of any criminal penalty otherwise chargeable pursuant to this ordinance or by Title 15.2, Subtitle II, Chapter 22 of the Code of Virginia, 1950, as amended, civil penalties shall be levied for certain violations of this ordinance in accordance with this section.*

1. *Violations subject to civil penalty. The following violations of this zoning ordinance shall be subject to civil penalty in accordance with this section:*
  - a. *Failure to acquire building or zoning permit. Any violation of Article 2, Section D of this ordinance related to building and zoning permit requirements.*
  - b. *Failure to acquire Certificate of Use or Occupancy. Any violation of Article 2, Section E of this ordinance related to certificates of use and occupancy.*
  - c. *Parking violations. Any violation of Article 2, Section P(2) or Article 2, Section P(3) of this ordinance related to the parking of any vehicle described in such provisions.*
  - d. *Home occupation violations. Any violation of Article 2, Section T of this ordinance related to home occupations.*
  - e. *Temporary and seasonal retail use violations. Any violation of Article 2, Section U of this ordinance related to temporary and seasonal retail uses.*
  - f. *Impermissible uses. Violations related to the use of any property, including accessory uses, if such use is not permitted in the zoning district in which such property is located, as such zoning districts and the permitted uses within the same are enumerated in Article 3, et seq. of this ordinance.*



5. *Continuing violations. Each day during which any violation identified above is found to exist shall constitute a separate offense; however, specified violations arising from the same set of operative facts shall not be charged more frequently than once in any ten (10) day period.*
6. *Waiver of trial; admission of liability. Any violator issued a summons for a violation identified above may make an appearance prior to the date fixed for trial in court, in person or in writing by mail, to the Department of Finance or the City Treasurer. Any violator who so appears may enter a waiver of trial, admit liability for the cited violation or violations, and pay the civil penalty for the violation charged. Any such person waiving trial and admitting liability shall be informed of their right to stand trial, and that a signature to an admission of liability will have the same effect as a judgment of court. If any charged violation remains uncorrected at the time that a waiver of trial and admission of liability is made, such violator shall abate or remedy the violation in order to comply with the zoning ordinance within a period of time determined by the Director of Planning/Zoning Official; provided, however, that such period of time shall not be later than six months of the date upon which liability is admitted and trial is waived. Each day during which the violation continues to exist after the abatement period determined by the Director of Planning/Zoning official shall constitute a separate offense.*
7. *Trial. If a person issued a summons for any violation identified above does not elect to enter a waiver of trial and admit liability, the violation shall be tried in general district court in the same manner, and with the same rights of appeal, as provided by law. In any such trial, it shall be the burden of the City to show liability for any cited violation by a preponderance of the evidence. If any charged violation remains uncorrected at the time that a court finds liability at trial, the court may order the violator to abate or remedy the violation in order to comply with the zoning ordinance. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court; provided, however, that such period of time shall not be later than six months of the date liability is found. Each day during which the violation continues to exist after the court-ordered abatement period has ended shall constitute a separate offense.*
8. *Timeframe for court action. No civil penalty shall be assessed by a court having jurisdiction during the pendency of any appeal period for a notice of zoning violation imposed by this ordinance or by Title 15.2, Subtitle II, Chapter 22 of the Code of Virginia, 1950, as amended.*
9. *Effect on criminal sanctions. Designation of any violation of this zoning ordinance for civil penalty pursuant to this section shall be in lieu of criminal sanctions for that violation, and, except for any violation which results in injury to persons, shall preclude the prosecution of any such violation as a misdemeanor; notwithstanding, however, that when specified violations arising from the same set of operative facts result in civil penalties totaling \$5,000.00 or more, any*

*subsequent violation arising from such set of operative facts may be prosecuted as a Class I misdemeanor.*

#### **Z. Appeal period for certain violations.**

*Notwithstanding any contrary provision of law, no appeal from any notice of zoning violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy of a residential dwelling unit, or similar short-term, recurring violations shall be taken to the Board of Zoning Appeals more than ten (10) days after such notice of violation is issued to the violator.*

#### **Staff Analysis and Recommendation:**

Staff recommends adoption of Zoning Code amendments to Article 2, Section X and the creation of Article 2, Section's Y and Z as presented above. The proposed Zoning Code amendments will address the following issues:

1. To respond to judicial preference of civil enforcement rather than criminal enforcement. Criminal enforcement is often regarded by the courts as inappropriate and disproportionately harsh.
2. To reduce the burden on property owners by removing the possibility for criminal conviction.
3. To streamline enforcement by lowering the burden of proof, simplifying collections and court enforcement, and facilitating enforcement against out-of-state violators.

#### **City Planning Commission Alternatives:**

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

#### **Attachment**

Va. Code section 15.2-2209

Code of Virginia  
Title 15.2. Counties, Cities and Towns  
Chapter 22. Planning, Subdivision of Land and Zoning

## **§ 15.2-2209. Civil penalties for violations of zoning ordinance.**

Notwithstanding subdivision A 5 of § 15.2-2286, any locality may adopt an ordinance which establishes a uniform schedule of civil penalties for violations of specified provisions of the zoning ordinance. The schedule of offenses shall not include any zoning violation resulting in injury to any persons, and the existence of a civil penalty shall not preclude action by the zoning administrator under subdivision A 4 of § 15.2-2286 or action by the governing body under § 15.2-2208.

This schedule of civil penalties shall be uniform for each type of specified violation, and the penalty for any one violation shall be a civil penalty of not more than \$200 for the initial summons and not more than \$500 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000. Designation of a particular zoning ordinance violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor, provided, however, that when such civil penalties total \$5,000 or more, the violation may be prosecuted as a criminal misdemeanor.

The zoning administrator or his deputy may issue a civil summons as provided by law for a scheduled violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation in order to comply with the zoning ordinance. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court, but not later than six months of the date of admission of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

No provision herein shall be construed to allow the imposition of civil penalties (i) for activities related to land development or (ii) for violation of any provision of a local zoning ordinance relating to the posting of signs on public property or public rights-of-way.

1985, c. 417, § 15.1-499.1; 1986, c. 97; 1987, cc. 78, 99; 1988, cc. 513, 813, 869, 895; 1989, c. 566; 1990, cc. 473, 495; 1992, c. 298; 1993, c. 823; 1994, c. 342; 1995, c. 494; 1996, c. 421; 1997, c. 587; 2003, c. 192; 2006, c. 248; 2008, c. 727.

# PLANNING COMMISSION MINUTES

April 10, 2017

## MEMBERS PRESENT

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

## MEMBERS ABSENT

Mrs. Evans

## STAFF

Tracie Lancaster  
Ken Gillie  
Renee Burton  
Anna Levi  
Clarke Whitfield

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

### I. ITEMS FOR PUBLIC HEARING

1. *Rezoning application PLRZ20170000064, filed by Present Help Ministries, requesting to rezone from OT-R, Old Town Residential District to "Conditional" TO-C, Transitional Office Commercial, 717 Jefferson Street otherwise known as Grid 2717, Block 023, Parcel 000003, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property to operate a homeless shelter for women and children.*
2. *Special Use Permit application PLSUP20170000065, filed by Present Help Ministries, requesting a Special Use Permit for a homeless shelter in accordance with Article 3: I, Section C, Item 20 of the Code of the City of Danville, Virginia 1986, as amended at 717 Jefferson Street, otherwise known as Grid 2717, Block 023, Parcel 000003 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate a homeless shelter for women and children.*

Mrs. Burton read the staff report. Thirty nine (39) notices were sent to surrounding property owners within 300 feet of the subject property. Five (5) were not opposed. Five (5) were opposed.

Mr. Searce opened the Public Hearing.

Present on behalf of this request was Mrs. Alfrieta Bennett. We have planned on the 22 of April to send letters out to the people that received the notices from Zoning. So that they can come and meet with us at Mount Zion Church at 10am that Saturday morning. So that they can ask questions and get a better understanding of what we are trying to do. We were not able to do that prior to today but that is our plan so that we can explain to them exactly what we are trying to do.

Mr. Wilson stated so at this present time a listening session between you and the neighbors has not taken place at all? At this present time have you not had any conversations with the neighbors?

Mrs. Bennett stated yes we have with some of the neighbors.

Mr. Wilson stated but it has just been one on one?

Mrs. Bennett stated yes.

Mr. Wilson stated so there hasn't been a general invitation?

Mrs. Bennett stated no.

Mr. Wilson is Present Help Ministries an outreach of Mount Zion Church?

Mrs. Bennett stated no it's an independent ministry. It's not sponsored by any church.

Mr. Wilson stated obviously the cause is very noble. I guess I am curious about funding for this and what are your plans for this area? We don't have any drawings or anything related to the homeless shelter. So what are your plans for that and how is it going to be funded?

Mrs. Bennett stated we have got to raise money. We have applied for some grants but we haven't got any grants so far. But we have been able to raise money and have had different churches to donate to us. So we are in the process of raising money and are seeking funding.

Mr. Scarce stated when Staff read the report it says that you were notified of the violations that you met with the City about the violations. Have you all worked that out?

Mrs. Bennett stated yes we have I met with Jerry. Jerry told me he wanted me to get the outside done first and I could take as long as I wanted to do the inside. But if I could get the outside done within six months; so, I have been keeping him updated on the process.

Mr. Scarce stated so we need to get it zoned properly for you and then you will do it.

Mrs. Bennett stated yes. I can't put too much money out until I know what I'm doing. It is going to be hard for that to be a single family home because the house itself is nine bedrooms.

Mr. Jones stated have you checked with a contractor to see what needs to be done and an approximate cost of this?

Mrs. Bennett stated yes sir I have had a couple of contractors over there. They have given me some ideas because we are going to do most of the work ourselves. But we have got a Class A contractor that is going to help us. There is something on the outside that we have to have a contractor do. He has already been there looking and working on the plans for it. So we can't do that back part without him. I have had HVAC over there already because the apartment and in the house too. They had put electric base board heaters and I don't want that I want central heat and air. So we have the floors tore up because there was termite damage in the floors of the apartment. So I have got the HVAC people coming, one is coming today, the other one was supposed to have come last Friday. I also have one that has already been so I could get some estimates for what it will cost to put in central heating and air.

Mr. Scearce stated I think the main thing before us is the zoning and whether this is allowed. My thoughts about the issues of spot zoning if it is a ministry like this and it is serving the community I don't have a problem with that, If you all want to discuss that.

Mr. Garrison stated when you talk about the apartment are you talking about the apartment that is over the garage in the back?

Mrs. Bennett stated yes sir.

Mr. Garrison stated you are planning on using that?

Mrs. Bennett stated yes sir if we can that will give us twelve bedrooms. That bedroom already has two full bathrooms.

Mr. Bolton stated if we were to recommend this it would still have to be brought up to Building Code before a Certificate of Occupancy could be issued? Our approval on the Special Use Permit doesn't relieve any kind of obligations to get it up to Building Code standards right?

Mrs. Burton stated that is correct.

Mr. Bolton stated we don't need to put that in as a condition?

Mrs. Burton stated you may but that will have to occur before a Certificate of Occupancy can be issued.

Mr. Bolton stated I guess that's my point wouldn't it have to be brought up anyway even if we didn't put a condition?

Mrs. Burton stated that's correct.

Mr. Wilson stated what would be the condition that you have in mind how would that read?

Mr. Bolton stated in the packet there was a list of violations every one of those would have to be corrected I would think before anybody could live in it.

Mrs. Bennett stated to my understanding most of the violations are exterior not interior the house is structurally sound. I think most of the violations are exterior. When I spoke to Jerry to get the outside fixed. The outside is really ugly it looks better now because we have been working on it. I would have to check on that Certificate of Occupancy because I don't understand it myself. All of the plumbing was stole from the house, the copper pipes. We have torn out all of the ceilings but after those things are repaired, you could live in it once we painted and cleaned it up. We didn't have to get a Certificate of Occupancy before that's why my head is turning now.

Mrs. Burton stated that would be something you have to discuss with Mr. Rigney about the change of use from single family to the operation of a shelter.

Mrs. Bennett stated okay.

Mr. Jones stated are you planning to feed these people too?

Mrs. Bennett stated yes sir. They will be staying with us for up to sixty days. We will feed them and they will have to participate in keeping it clean, doing the laundry and even preparing the meals. I don't have a problem with food because we can go to the USDA and get the food and bring it to be prepared. I have a team of people already. The food is not an issue. By the time we get ready to put furniture in it all of the furniture will be in place.

Mr. Jones stated so the kitchen is not usable now?

Mrs. Bennett stated no sir. I have called Ms. Wells for her to come out and take a look because I am sure we will have to have a commercial kitchen. I know that from when I talk to Ken before so we are working on getting a commercial kitchen. But there is a kitchen in the apartment. If we can get the zoning, my goal is to get the apartment up and running where we can be using the apartment while we work on the big house.

Mr. Bolton stated I guess that is what my question is what conditions should we put on this about all of that the kitchen and upgrades? Do we really need to get involved in all of that? Since, in order to get the Certificate of Occupancy they would have to be done anyway right?

Mrs. Burton stated correct all the interior work would have to be brought to standards for Building Code in order for her to operate the shelter. That would be separate from the rezoning.

Mr. Searce stated yeah we are basically just looking at the Zoning issue for this use and the Special Use to be able to operate this ministry there.

Mr. Jones stated I think people in the community are worried this is going to become a hangout area. Are you going to allow visitors that are not homeless? How are you going to handle the coming and going of traffic?

Mrs. Bennett stated we won't allow it and we won't be a hangout. It will be for women and their children and the children will be up to age 17. Our yard is already fenced they will be allowed to play in the yard. They will be allowed to sit on the front porch and they will be allowed to come and go as they please. Sir there is no way we would be a hangout.

Mr. Jones stated no adult males?

Mrs. Bennett stated no, not living there. My husband is part of the maintenance crew and he helps keep the yard. But not living there, no sir. The oldest male that could be there would be a 17 year old male child.

Mr. Wilson stated does Present Help Ministries specialize in the needs of homeless people?

Mrs. Bennett stated we don't specialize but our ministry is an outreach program for women. We have already been helping homeless women and children. We have got houses for them, we have furnished their houses for them. We furnished a three bedroom apartment for a lady in December with three children. We are already helping some homeless women on a smaller scale. Then we have a ministry that will help women with their utility bills. If their income is 1000 dollars or less to them it is a gift if their income is more than 1000 they have to pay us back. So far they have been paying us back. We have found jobs for some

of the homeless women. So yeah we have already been working in that area but on a smaller scale.

Mr. Wilson stated was the house donated to you with the purpose that it would be used for this?

Mrs. Bennett stated no he just gave it to us because he had to get rid of it. It is a blessing to me I'm not complaining about it. But when it came to us it needed tons of work. But I have no mortgage; we pay the taxes and keep them up to date. So all of the monies that we raise will go back into getting it where it needs to be.

Mr. Searce closed the Public Hearing.

Mr. Wilson stated I'm just a little curious if there is anybody here that is in the neighborhood? So in other words no one else in this room is related to this case?

Mr. Bolton stated the homeless shelter on North Ridge is that at full capacity do we know? Is there a need for another shelter?

Mrs. Burton stated the shelter is occupied whether it is to capacity I can't speak to that. But there is a separation at that shelter between men and women with the care that is provided. So this would provide a separate shelter specifically for women and children.

Mr. Bolton stated so you would see a need there for this?

Mrs. Burton stated yes we do see the need.

Mr. Jones stated in your opinion how long would it take for this house to get up to code? Are we talking two months? Six months?

Mr. Gillie stated that is an impossible question to answer.

Mrs. Burton stated I haven't been inside for years so I don't know exactly what the interior looks like. Several months I'm sure for the exterior work.

Mr. Searce stated if it turns out that it won't work it just won't work. We are passing the zoning in order for them to go in and do the work.

Mr. Garrison stated is this zoning specific to this ministry? Or would this zoning then be specific to this property?

Mrs. Burton stated to the property.

Mr. Garrison stated so someone else could come in that would be different.

Mrs. Burton stated that is possible but there are proffers on the rezoning so they would have limited ability to do something different.

Mr. Garrison stated so the proffers would still hold?

Mrs. Burton stated that is correct.

Mr. Bolton stated and the proffers were submitted so if we were going to recommend approval it would be as submitted.

Mrs. Burton stated that is correct it would be as submitted.

**Mr. Bolton made a motion to approve *PLRZ20170000064* as submitted. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.**

**Mr. Bolton made a motion to approve *PLSUP20170000065* as submitted. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.**

3. *Rezoning application PLRZ20170000072, filed by Present Help Ministries, requesting to rezone from OT-R, Old Town Residential District to "Conditional" TO-C, Transitional Office Commercial, Parcel ID #22474 otherwise known as Grid 2717, Block 023, Parcel 000056, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property to operate a private parking lot for a homeless shelter.*
4. *Special Use Permit application PLSUP20170000073 filed by Present Help Ministries, requesting a Special Use Permit for a parking lot in accordance with Article 3: I, Section C, Item 11 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID #22474 otherwise known as Grid 2717, Block 023, Parcel 000056, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property to operate a private parking lot for a homeless shelter.*

Mrs. Burton read the staff report. Thirty two (32) notices were sent to surrounding property owners within 300 feet of the subject property. Two (2) were not opposed. Six (6) were opposed.

Mr. Searce opened the Public Hearing.

Mrs. Bennett stated I'm here if you all have any questions.

Mr. Bolton stated will the parking lot be paved?

Mrs. Bennett stated yes it will be paved.

Mr. Searce closed the Public Hearing.

Mr. Wilson stated on the first one there were only 5 we added one on this.

Mr. Garrison stated was that because the property is further to the south than the other property. So you picked up more responses?

Ms. Levi stated correct. They had slightly different property owners that the notices were sent to. Most of them were the same.

Mr. Wilson stated Mr. Fleming said that he would be here today. Is Mr. Fleming here? (Mr. Wilson was speaking to the audience).

**Mr. Bolton made a motion to approve PLRZ20170000072 as submitted. Mr. Garrison seconded the motion. The motion was approved by a 6-0 vote.**

**Mr. Bolton made a motion to approve PLSUP20170000073 as submitted. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.**

5. *Special Use Permit application PLSUP20170000067, filed by Rev. Tommy Crews, requesting a Special Use Permit for Urban Agriculture in accordance with Article 3.E, Section C, Item 28 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID #02044, otherwise known as Grid 2710, Block 012, Parcel 000005.001, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to establish a community garden through the City of Danville's Lots of Potential Program.*
6. *Special Use Permit Application PLSUP20170000071, filed by Rev. Tommy Crews, requesting a Special Use Permit for Urban Agriculture in accordance with Article 3.E, Section C, Item 28 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID #02043 otherwise known as Grid 2710, Block 012, Parcel 000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to establish a community garden through the City of Danville's Lots of Potential Program.*

Ms. Levi read the staff report. Twenty six (26) notices were sent to surrounding property owners within 300 feet of the subject property. Four (4) were not opposed. One (1) was opposed.

Mr. Searce opened the Public Hearing.

Present to speak on the behalf of this request was Rev. Tommy Crews and Ms. Jackie Wells with the Community Development Department. We are here if you all have any questions.

Mr. Dodson stated will you have any chickens?

Mr. Crews stated no sir, this will be all plant based.

Mr. Wilson stated we have one of the lots down next to the Community Market is the design on this going to be somewhat similar to that?

Ms. Wells stated it was modeled after that.

Mr. Wilson stated I seen that it is raised beds.

Ms. Wells stated the purpose of the raised beds is to be ADA accessible.

Mr. Wilson stated will different people be able to take responsible for those annually or is the church going to basically manage all of them?

Mr. Crews stated what we are hoping for is to get into the community and for them to be a part of it so it wouldn't specifically be for the church. It will be for the community at large.

Mr. Wilson stated so there will be like a lottery for the different beds? People could come in and plant tomatoes or whatever they wanted in that neighborhood?

Mr. Crews stated right.

Ms. Wells stated I'm not sure if you all have a copy of the procedures that was included in your packet. But under section Q there are guidelines on how they are allowed to sublease.

Mr. Crews stated are you okay with these conditions?

Ms. Wells yeah those are all included in the rules and procedures.

Mr. Bolton stated the rules and regulations on this spot for the Lots of Potential is this one different than the one we done on Moffett? That wasn't under this program?

Mrs. Burton stated no, that wasn't under the Lots of Potential program.

Mr. Bolton stated do they have similar regulations?

Mrs. Burton stated they have decided to take this own themselves so they have a few things that have to be agreed upon in this program.

Ms. Wells stated the purpose for the rules and procedures is that this is City owned property. So we have to be restrictive on how the property can be used.

Mr. Searce closed the Public Hearing.

**Mr. Dodson made a motion to approve PLSUP20170000067 subject to conditions per staff. Mr. Wilson seconded the motion. The motion was approved by a 6-0 vote.**

**Mr. Dodson made a motion to approve PLSUP20170000071 subject to conditions per staff. Mr. Garrison seconded the motion. The motion was approved by a 6-0 vote.**

*7. Rezoning application PLRZ20170000068, filed by Michael W. Flanigan, requesting to rezone from N-C, Neighborhood Commercial to "Conditional" HR-C, Highway Retail Commercial, 1102 Franklin Turnpike otherwise known as Grid 2913, Block 003, Parcel 000028, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property to operate auto sales.*

Ms. Levi read the staff report. Thirty two (32) notices were sent to surrounding property owners within 300 feet of the subject property. Four (4) were not opposed. Four (4) were opposed.

Mr. Searce opened the Public Hearing.

Present to speak on the behalf of this request was Mr. Michael Flanigan. Mr. Flanigan stated I will answer any questions that you all have.

Mr. Wilson stated I have a number of statements. Is this more of a dealership or a repair facility?

Mr. Flanigan stated it will just be a used car dealer. There will be minor repairs in the rear where the two bay shop is. Just minor stuff that is all just get the cars ready and put on the lot.

Mr. Bolton stated do you know if when it was operating before did they have the repair shop as well or was it strictly sales?

Mr. Flanigan stated my granddad did more sales in the front and repaired lawnmowers in the back.

Mr. Wilson stated does someone live in that property at the back?

Mr. Flanigan stated yes.

Mr. Wilson stated is that you?

Mr. Flanigan stated no I have it rented out.

Mr. Wilson stated will that remain as a rental property or will all of it going to be used for the dealership?

Mr. Flanigan stated yes sir it will remain as long as I don't run into a zoning problem.

Mr. Wilson stated I noticed churches and places of worship were not marked through?

Mrs. Burton stated correct.

Mr. Wilson stated is there a reason for that?

Mrs. Burton stated this was Mr. Flanigan's list of proffers. Churches and places of worship are allowed in this district. So when we were discussing this that was something to remain to allow for that.

Mr. Bolton stated so with the list of proffers it really doesn't change anything.

Mrs. Burton stated that is correct.

Mr. Wilson stated this is an odd property it is narrow at the street where will the automobiles be placed on that property? Right up near the street?

Mr. Flanigan stated yes sir.

Mr. Wilson stated that is a very residential area there is a gas station and an office space across from that but it mostly residential. Toward the back it is more residential too are you planning to have the cars right up to the street?

Mr. Flanigan stated yes sir.

Mr. Wilson stated are you going to alter the lot with paving or anything or is it going to be just like it is now?

Mr. Flanigan stated about half of it is concrete eventually it will get paved but unless it's in the rules and regulations that I have got to do it. I haven't talk to the DMV on their regulations yet because I ran into the zoning problem.

Mr. Scarce closed the Public Hearing.

Mr. Bolton stated the twenty year plan for that area there are some commercial things already out there. Do they see that kind of going as an extension of Piney Forest? Maybe even what is residential now becoming commercial or not?

Mrs. Burton stated it was to go commercial at that time the twenty year plan was to stay in the office institutional area. I do not believe we had anything in that was the high intensity of uses.

Mr. Bolton stated do we normally put a time of hours of operation restriction on these or not?

Mrs. Burton stated we have in the past yes.

Mr. Bolton stated what are going to be your operating hours?

Mr. Flanigan stated 9-5 or 9-6 something like that.

Mr. Bolton stated should we put anytime on it or leave it open?

Mr. Jones stated I wonder how much repairing he is going to do is that going to be loud and should that stop at a certain time.

Mr. Whitfield stated this is rezoning with the proffers this is not like a special use permit were you can dictate that.

Mr. Scarce stated I think it is just basically being used like it was. It was closed down for two years so it just knocked him out to where he couldn't keep on doing it as nonconforming so he is just trying to get it legal now.

Mr. Wilson stated I guess my only question is as you go up Piney Forest Road you have one business, then another kind of business and then a house and then another business. It is just such a hodgepodge going on up through there. It is not particularly attractive. Then you make that left turn and it looks like a little bit more thought was put into that. So I'm kind of back to the question for the long term plan does this fit into the vision of where we think this area or that corner would be headed? I really need to ask you guys that because you oversee the planning and development of where we want to go in this City. I really don't have any opposition of this it just strikes me that we are putting a car lot right in the middle of an area. What impact does that have overall?

Mrs. Burton stated the future plan designation for this area does call for it to be commercial as I had stated before. Not necessarily the high intensity uses that you see along Piney Forest Road. However, this particular location has be utilized so since the 80's in this manner I think his grandfather as he had stated I'm not sure prior to that but it has been used as car dealership, auto repair and that is why staff was in support of this because it is something that has occurred.

Mr. Scarce stated I believe when we worked on the long term range plan sometime back that corridor really all the way to the City limits and back was designated commercial. Some of the single family homes were changing over to commercial if I remember correctly.

Mrs. Burton stated that's correct.

**Mr. Bolton made a motion to approve PLRZ20170000068 as submitted. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.**

8. *Special Use Permit application PLSUP20170000069, filed by Pam, Inc., requesting a Special Use Permit for a waiver of yard requirements in accordance with Article 3:M, Section C, Item 21 of the Code of the City of Danville, Virginia 1986, as amended at 479 Piney Forest Road, otherwise known as Grid 1819, Block 016, Parcel 000014 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to add a 48'x20' structure within the front yard setback fronting Churchview Drive.*

Ms. Levi read the staff report. Twelve (12) notices were sent to surrounding property owners within 300 feet of the subject property. Six (6) were not opposed.

Mr. Scarce opened the Public Hearing.

Present to speak on the behalf of this request was Brian Wilson. Mr. Brian Wilson stated I am representing PAM and the Commonwealth group. We are making this request specially to cover the tanks. I did do some pictures if I can hand them out. These are pictures of the fenced lot the way it is now. We have the lot completely fenced with the barbwire on the top. Most of that is for safety precaution because we do keep oxygen cylinders in that parking lot. We keep them covered. Our thought it two phases. One is by putting that structure in the parking lot it will hide those cylinders better. So someone might not be tempted to scale the fence or get into the lot. Two, it will protect that equipment from the weather. Especially rain sometimes is a concern and we have to keep those cylinders covered. We did speak with Staff about putting up some type of bush in the front of the fence to help over a period of time to hide that and cover that. We have no problem with that.

Mr. Scarce stated how are you going to keep this temperature controlled?

Mr. Brian Wilson stated the idea behind that is with the Fire Code and oxygen cylinders. Which we meet that now. It is not going to be enclosed the walls won't come down around it. That is a poor picture but we are having this custom built. So there is nothing I can go take a picture of it is going to be 20 feet wide and 48 feet long.

Mr. Scarce stated is it going to be completely enclosed. I guess we won't have temperatures over 120 degrees in Danville. But I just wondered why that was in here.

Mr. Brian Wilson stated the fire code NAFF regulations with the storage of oxygen cylinders, yes sir.

Mr. Wilson stated I do have a question on this I don't see how it couldn't get up to 120 degrees. Have you all guys reviewed all of this is the proper structure to protect these things of cylinders for weather related protection?

Mrs. Burton stated it has been reviewed by a fire inspector yes. This was the recommendation that they have given to us, that the shelter be temperature controlled to no more than 120 degrees Fahrenheit.

Mr. Wilson stated they are confident that this will do that?

Mrs. Burton stated yes.

Mr. Scarce stated I guess they are assuming heat not shining down right on them is temperature controlled it is obviously not enclosed?

Mr. Brian Wilson stated most companies that have gas storage like that, an example would be Air Gas which is located on Goodyear Boulevard, they have a similar setup and their tanks sit outside not covered. We just feel like with our location and we want it to look a little better too. We feel like we can hide that a little bit better with this setup.

Mr. Wilson stated are you all going to determine what bushes need to be put there and the density of that and the height of that? That is my biggest concern because this is going to be sitting right next to the road and they are going into someone's neighborhood or can they just put up any bush they think?

Mrs. Burton stated no there is a list of landscape plants that is associated with the Zoning Code and we will share that with them. They are well aware of the parking lot designs that you have done recently it is the same list. We will monitor from that perspective. The density will be determined on the actual width of the landscape area that you determine to plant.

Mr. Scarce closed the Public Hearing.

Mr. Wilson stated my only comment is that I personally like to see every step that we make in this to try and improve the overall environment of Piney Forest Road. To make it more attractive it is zoned in such a way that has a lot more flexibility but I would like to think that in our tenure here that we try to improve that. Metal structures like this with the greenery area I'm hoping that is a positive improvement for us on a road that anything we do would be better. So I just don't want to be adding to something that is an eyesore in places. It was really the same thought I had about the other dealership there in that spot. Are we continuing to make decisions that as it was or are we making decisions to where this street will get better and better.

Mr. Jones stated it has gotten better and better you won't here when it was a two lane road. You were not here when there was a drive-in movie theater on it. So there have been changes made not always to make it perfect but there have been changes made.

Mr. Garrison stated there aren't any houses on Church View, am I correct?

Mrs. Burton stated there is one.

Mr. Brian Wilson stated there is one and we own it.

Mr. Garrison stated I was curious because I drove down in there and I know you have trucks parked down on the left side as you go in. I guess I didn't go far enough to see the house I just turned around and came back out. From the standpoint of Piney Forest Road I don't

think putting this on it will make it look any worse than it is right now. Because you have stuff lying over top of those cylinders right now that quite frankly looks junky to me. I think this might be an improvement.

**Mr. Jones made a motion to approve PLSUP20170000069 with conditions per staff. Mr. Bolton seconded the motion. The motion was approved by a 6-0 vote.**

## II. MINUTES

**The March 13, 2017 minutes were approved by unanimous vote.**

## III. OTHER BUSINESS

Mrs. Burton stated for your City Council Report there were two items before them in regards to 407 Holbrook Street that were approved. We also have something before you where we would like to discuss civil penalties for zoning violations. This is something that was discussed earlier in a work session in 2016 where City Council discussed Zoning violations be civil instead of criminal penalties. This is currently being used from the building perspective. But in order for this to be authorized for Zoning Code it must first come before Planning Commission for a recommendation for staff to review and research this to apply to the Zoning code if you see fit.

Mr. Scarce stated so the recommendation would be just to study and prepare it?

Mrs. Burton stated that's correct.

Mr. Gillie stated to hold a Public Hearing and advertise for it to come back to you.

**Mr. Garrison made a motion for staff to review this code change. Mr. Bolton seconded the motion. The motion was approved by unanimous vote.**

Mrs. Burton stated that is all I have.

Mr. Jones stated do we have cases for next month?

Mrs. Burton stated yes you will have cases for the May meeting.

With no further business, the meeting adjourned at 3:55 p.m.

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APPROVED