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

City Planning Commission

JUNE 12, 2017
3:00 P.M.
CITY COUNCIL CHAMBERS
AGENDA

I. WELCOME AND CALL TO ORDER

II. ROLL CALL

III. ITEMS FOR PUBLIC HEARING

Special Use Permit application PLSUP20170000127, filed by Joel L. Bryant, Jr., 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 1491 W Main Street and 1485 W Main Street, otherwise known as Grid 0611, Block 004, Parcel 000003 and Grid 0611, Block 004, Parcel 000004, respectively, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to consolidate the two parcels creating a zero (0) foot side yard setback where twenty (20) feet is required and a ten (10) foot front yard setback where thirty (30) feet is required.

IV. ITEMS NOT FOR PUBLIC HEARING

- Mt Cross Rd. R-O-W expansion project

V. APPROVAL OF MINUTES FROM MAY 8, 2017

VI. OTHER BUSINESS

VII. ADJOURNMENT

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

City Planning Commission

City Planning Commission
Meeting of June 12, 2017

Subject:

Special Use Permit application PLSUP20170000127, filed by Joel L. Bryant, Jr., 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 1491 W Main Street and 1485 W Main Street, otherwise known as Grid 0611, Block 004, Parcel 000003 and Grid 0611, Block 004, Parcel 000004, respectively, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to consolidate the two parcels creating a zero (0) foot side yard setback where twenty (20) feet is required and a ten (10) foot front yard setback where thirty (30) feet is required.

Background:

The applicant, Joel L. Bryant, Jr., is requesting a Special Use Permit for a waiver of yard requirements for 1491 W Main Street and 1485 W Main Street. The applicant is proposing to consolidate the two parcels creating a zero (0) foot side yard setback where twenty (20) feet is required, a ten (10) foot front yard setback where thirty (30) feet is required, and a five (5) foot rear yard setback where twenty (20) is required.

The subject parcels are the location of Newcomb Carpet. 1491 W Main Street is the Newcomb Carpet showroom and 1485 W Main Street is their storage facility. The applicant wishes to consolidate the two buildings with a new storage room that would join the east side of the showroom to the west side of the existing storage facility. The proposed storage room addition cannot be built until the parcels are consolidated as the Zoning code prohibits new construction to extend over existing lot lines. As proposed, the addition will not alter existing setbacks.

Fourteen (14) 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 June 12, 2017.

Recommendation:

The existing storeroom and existing storage facility are currently legal nonconforming structures since they do not meet Zoning setback requirements. Per zoning code regulations, legal nonconforming structures are not permitted to be enlarged. If granted,

a waiver of yard requirements would provide the applicant with an avenue to consolidate the parcels so that the buildings may also be consolidated.

Staff believes that the request will not adversely affect surrounding property owners. Staff recommends approval of Special Use Permit PLSUP20170000127, filed by Joel L. Bryant, Jr., requesting a waiver of yard requirements so that the applicant may consolidate the two parcels creating a zero (0) foot side yard setback where twenty (20) feet is required, a ten (10) foot front yard setback where thirty (30) feet is required, and a five (5) foot rear yard setback where twenty (20) is required. Staff recommends approval with the condition that the proposed new construction not encroach into any existing setbacks.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit application PLSUP20170000127 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20170000127 subject to conditions by the Planning Commission.
3. Recommend approval of Special Use Permit application PLSUP20170000127 subject to conditions by Staff.
4. Recommend denial of Special Use Permit application PLSUP20170000127 as submitted.
5. Recommend postponement of Special Use Permit application PLSUP20170000127 by Planning Commission.

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

APPPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING USE: Waiver of Yard requirements. Article 3.M Section C, Item 21

CASE NUMBER: _____ EXISTING ZONING: HRC

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

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

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

Gross Area/Net Area: .34 Acres Property Address: 1491 & 1485 W Main St.

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

Between: Edgewood and Shoberland

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:

Combine two buildings by building a roof and a north wall and a south wall; a standard 3' metal door opening on north wall and a 10' wide garage door on south wall; with only lighting in ceiling

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

1. NAME: Joel L. Bryant, Jr. TELEPHONE: 434-793-8943

MAILING ADDRESS: 1491 W. Main St. Danville, VA 24541

SIGNATURE: _____ DATE: _____

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: newcombcarpet@verizon.net

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Joel L. Bryant, Jr. TELEPHONE: 434-793-8943

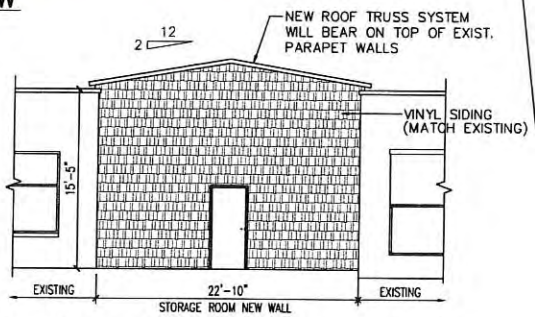
MAILING ADDRESS: 1491 W. Main St. Danville, VA 24541

EMAIL ADDRESS: newcombcarpet@verizon.net

SIGNATURE: _____ DATE: _____

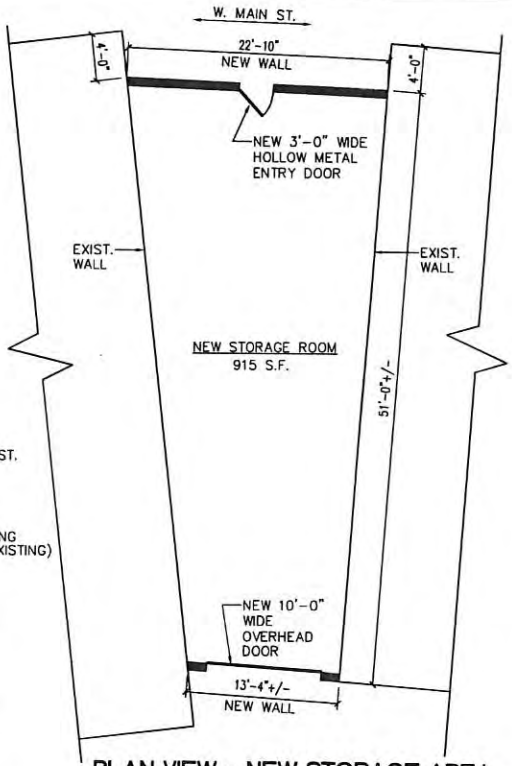
AERIAL VIEW

NOT TO SCALE



FRONT ELEVATION - W. MAIN ST. VIEW

SCALE: 1/8" — 1'-0"



PLAN VIEW - NEW STORAGE AREA

SCALE: 1/8" — 1'-0"

Newcomb Carpet, Inc.

Joel Bryant, Jr.

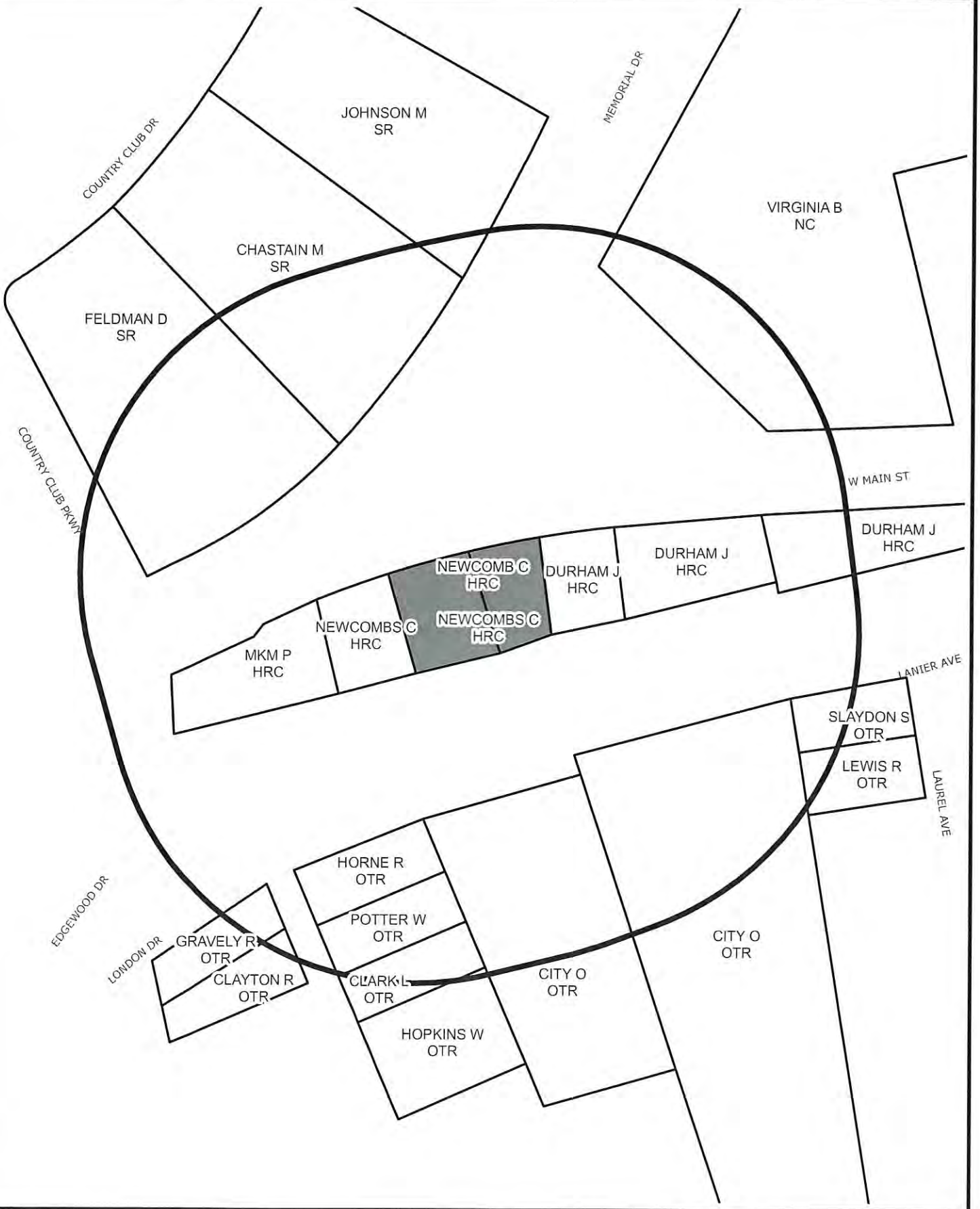
PROPOSED:

NEWCOMB CARPET
NEW STORAGE ROOM ADDITION

1491 W. MAIN ST.
DANVILLE, VIRGINIA 24541

DRAFTING BY DESIGN, LLC

SHEET	SK-1 OF 1
DATE	5/9/2017
FILE	2017-13
SCALE	AS NOTED



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
5/22/2017

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.

SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	June 12, 2017
LOCATION OF PROPERTY:	1491 and 1485 W Main Street
PRESENT ZONE:	HR-C, Highway Retail Commercial
PROPOSED ZONE:	Same
ACTION REQUESTED:	Special Use Permit requested so that the parcels may be consolidated creating a zero (0) foot side yard setback where twenty (20) feet is required and a ten (10) foot front yard setback where thirty (30) feet is required.
PRESENT USE OF PROPERTY:	Newcomb Carpet
PROPOSED USE OF PROPERTY:	Same
PROPERTY OWNER (S):	Newcomb Carpet Inc
NAME OF APPLICANT (S):	Joel L. Bryant, Jr.
PROPERTY BORDERED BY:	Commercial and residential to north, south, east, and west.
ACREAGE/SQUARE FOOTAGE:	0.36 acres combined.
CHARACTER OF VICINITY:	Mixed commercial and residential
INGRESS AND EGRESS:	W Main Street
TRAFFIC VOLUME:	Moderately high
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of June 12, 2017

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/22/2017

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
427 Patton Street, Suite 208
Danville VA, 24541
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City Planning Commission

City Planning Commission
Meeting of June 12, 2017

Subject:

Mount Cross Road Improvement Project

Background:

Mount Cross Road from Lowes Drive to Dimon Drive/Parker Road is a two lane collector road which carries approximately 10,000 vehicles per day. The purpose of the widening project is to improve traffic flow, relieve congestion, and provide a pedestrian facility in the area. The total length is 0.37 miles. Phase I of this project effects eleven (11) parcels; requiring dedication of r-o-w for road widening. The final two (2) dedications are presented today for review.

The project consists of reconstruction of Mount Cross Road with widening from two (2) lanes to four (4) lanes for added capacity from 0.003 miles west of Lowes Drive to 0.0758 miles north of Dimon Drive. Phase 1 will widen the existing three (3) lane curb and gutter roadway section to a four (4) lane curb and gutter with raised median roadway section. A ten foot minimum sidewalk will be provided on the south side extending from Lowes Drive to Dimon Drive/Parker Road. The length of this section is approximately 2000 ft. The roadway will be realigned to meet current geometric standards. The intersection of Mount Cross Road and Dimon Drive/Parker Road (access to Averett University) will be realigned to improve safety. A storm water management facility will be located at the corner of Old Mount Cross Road and Mount Cross Road. The existing water vault on Mount Cross Road will be relocated to the City/County line.

Recommendation:

Staff recommends that the City Planning Commission adopt resolution(s) to accept right-of-way under the provision of the Subdivision Ordinance of the City of Danville, Virginia, 1986 as amended, specifically exhibit 007 and 008.

Attachments:
Phase 1 Map
Exhibits 007 and 008

REIMAGINE THAT DANVILLE VIRGINIA

Proposed Right-of-Way Acquisitions

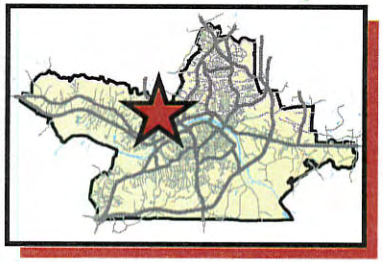
Mt Cross Road Improvement Project

Project #000-108-389
UPC 100822

N
W E
S

0 30 60 120
Feet

Location Map



Map Prepared by the Office of the City Engineer - May 15, 2017

RIGHT OF WAY ACQUISITION			
AREA 'A'		AREA 'B'	
SQ. FT.	ACRES	SQ. FT.	ACRES
4130	0.0948	903	0.0207
TEMP. SLOPE EASEMENT		TEMP. ENTRANCE EASEMENT	
SQ. FT.	ACRES	SQ. FT.	ACRES
586	0.0134	2932	0.0673
PERM. UTILITY EASEMENT			
SQ. FT.	ACRES		
3086	0.0709		

*OWNER OF AREA 'B' UNDETERMINED.

CURVE DATA TABLE (Measurements in FT)						
	RADIUS	ARC	DELTA	TANGENT	CH BEARING	CH DIST.
C1	739.87	100.07	07° 44'58"	50.11	N62° 59'35"W	100.00

LINE DATA TABLE		
	BEARING	DIST. (FT)
L1	S74° 50'03"E	19.49'
L2	S61° 04'34"E	21.97'
L3	S56° 41'09"E	18.38'
L4	N34° 13'34"E	10.98'
L5	N34° 13'34"E	20.86'
L6	N28° 55'26"E	25.52'
L7	S61° 04'34"E	16.00'
L8	S28° 55'26"W	25.52'

N 19° 55' 49" E
N 17° 34' 18" E
02° 21' 31"

NOTES:

1. REFERENCE MERIDIAN IS BASED ON DATA PROVIDED BY CITY OF DANVILLE, VIRGINIA GEODETIC GROUND CONTROL NETWORK. VIRGINIA COORDINATE SYSTEM OF 1983 SOUTH ZONE (NAD 83)(2009).
2. THIS PLAT IS BASED UPON A FIELD RUN PERIMETER SURVEY OF THE EXISTING AND PROPOSED R/W LIMITS. ALL OTHER ADJOINING / DEPARTING BOUNDARY LINES SHOWN ARE COMPILED FROM VARIOUS SOURCES: FOUND FIELD MONUMENTATION, METES AND BOUNDS DESCRIPTION, AND RECORDED PLATS. THE ADJOINING LINES DO NOT REPRESENT A FIELD RUN SURVEY OF THE ADJOINING PROPERTIES AND ARE A BEST FIT ANALYSIS BASED UPON COMPILED DATA.
3. ORIGINAL PARCEL AREA SHOWN TAKEN FROM AVAILABLE TAX RECORDS.
4. THIS PLAT IS INTENDED FOR A DESCRIPTION OF ACQUIRED PROPERTY AND/OR EASEMENT ONLY, THIS PLAT DOES NOT CONSTITUTE A SUBDIVISION OF LAND.
5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT REFLECT ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT THE PROPERTY.
6. RIGHT-OF-WAY AND EASEMENTS AS SHOWN ON DESIGN PLANS BY AECOM TITLED "MT. CROSS ROAD PLANS-U000-108-389,RW201,C501", UPC #100822, AND FROM DIGITAL DESIGN PLANS RECEIVED ON NOV. 25, 2015.

COMMONWEALTH OF VIRGINIA
TODD H. FRENCH
Lic. No. 2410
12/21/2015
LAND SURVEYOR

PLAT SHOWING

PROPOSED RIGHT-OF-WAY ACQUISITIONS AND EASEMENTS ON PARCEL ID: 708-001-000006.000

CITY OF DANVILLE, VIRGINIA

nxl | Engineers, Surveyors Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-4600

FILE NAME	SCALE	DATE	JOB NO.	SHEET
007-708001000006000	N.T.S.	NOV. 6, 2015	1311052T	1 OF 2

REVISION: VDOT COMMENT DATE: DEC. 21, 2015

E1 PROP. TEMPORARY CONSTRUCTION ESMT. FOR ENTRANCE

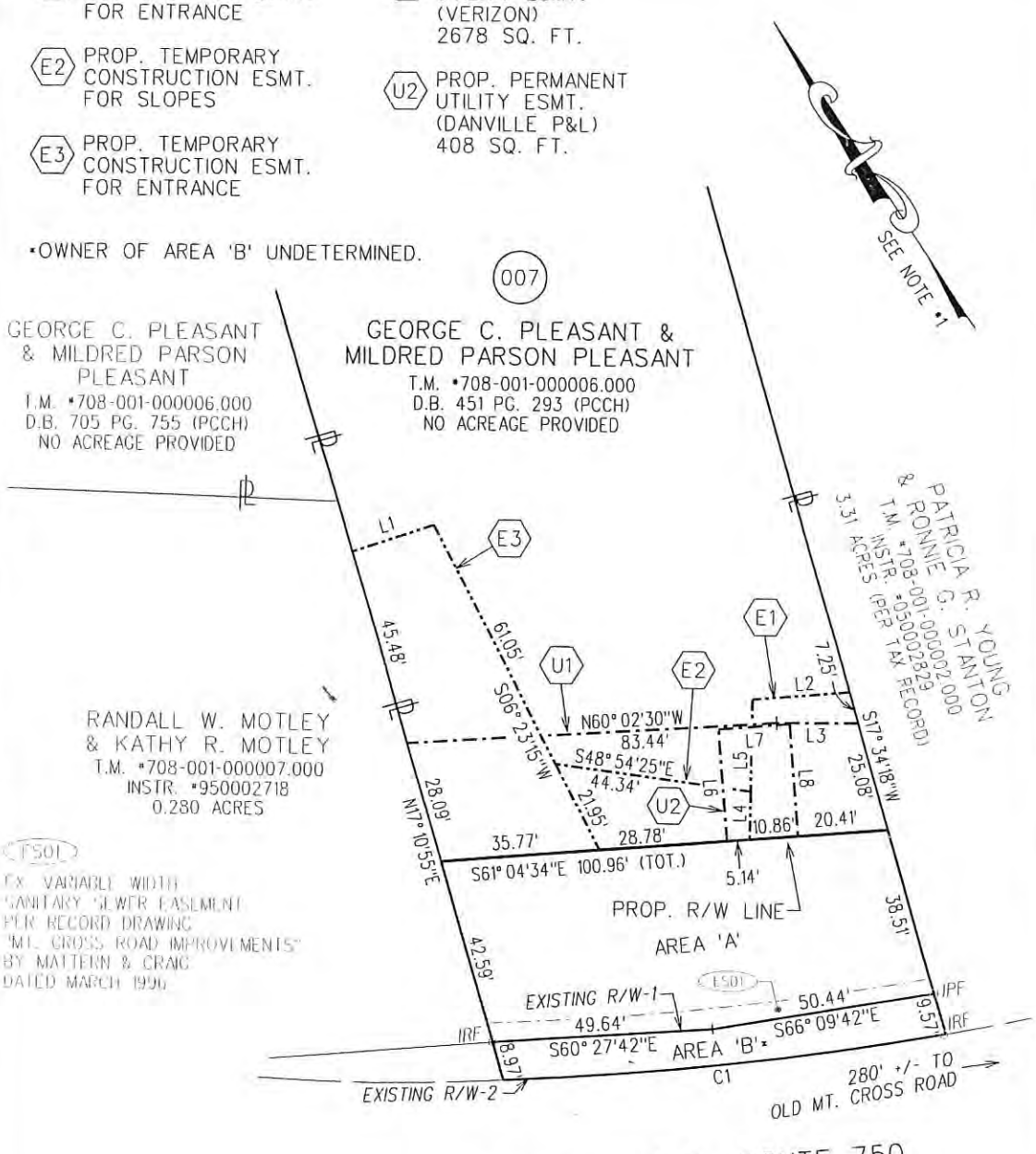
E2 PROP. TEMPORARY CONSTRUCTION ESMT. FOR SLOPES

E3 PROP. TEMPORARY CONSTRUCTION ESMT. FOR ENTRANCE

U1 PROP. PERMANENT UTILITY ESMT. (VERIZON) 2678 SQ. FT.

U2 PROP. PERMANENT UTILITY ESMT. (DANVILLE P&L) 408 SQ. FT.

*OWNER OF AREA 'B' UNDETERMINED.



EXIST. R/W-1 PER D.B. 451 PG. 293 (PCCH)
EXIST. R/W-2 PER SHPB. 5 PG. 288

PCCH - PITTSYLVANIA COUNTY COURTHOUSE

SEE SHEET 1 FOR NOTES, CURVE TABLE, AND LINE TABLE

LEGEND
(AS APPLICABLE)

PROJECT PARCEL NUMBER ASSOCIATED WITH DESIGN PLANS SEE NOTE *6

EXISTING PROPERTY LINE

EXISTING RIGHT-OF-WAY

EXISTING EASEMENT

IPF/IRF IRON PIN / ROD FOUND

SCALE

0 30' 60'

PLAT SHOWING

PROPOSED RIGHT-OF-WAY ACQUISITIONS AND EASEMENTS ON PARCEL ID: 708-001-000006.000

CITY OF DANVILLE, VIRGINIA

nxl | Engineers, Surveyors Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-4600

FILE NAME	SCALE	DATE	JOB NO.	SHEET
007-708001000006000	1"=30'	NOV. 6, 2015	1311052T	2 OF 2

REVISION: VDOT COMMENT DATE: DEC. 21, 2015

PRESENTED:_____

ADOPTED: _____

RESOLUTION NO. 2017-____.____

A RESOLUTION APPROVING A FINAL MINOR SUBDIVISION PLAT FOR THE DEDICATION FO RIGHT-OF-WAY FOR THE WIDENING OF MOUNT CROSS ROAD UNDER THE SUBDIVISION ORDINANCE OF THE CITY OF DANVILLE, VIRGINIA.

BE IT RESOLVED by the Planning Commission of the City of Danville, Virginia that a final minor subdivision plat for the dedication of right-of-way for the widening of Mount Cross Road, is approved under the provision of the subdivision code of the City of Danville, Virginia, 1986 as amended, said plat being more fully described as follows:

PLAT(S) SHOWING RIGHT-OF-WAY BEING GRANTED TO THE CITY OF DANVILLE BY GEORGE AND MILDRED PLEASANT, as drawn by NXL, dated DECEMBER 21, 2015 and shown as file name 007-708001000006000 and shown as attached exhibit 007.

APPROVED

_____

Chairman, City Planning Commission

REIMAGINE THAT DANVILLE VIRGINIA

Proposed Right-of-Way Acquisitions

Mt Cross Road Improvement Project

Project #000-108-389
UPC 100822

N
W E
S

0 30 60 120
Feet

Location Map

Map Prepared by the Office of the City Engineer - May 15, 2017

NOTE:
THIS PARCEL IS A TOTAL ACQUISITION.

PROPERTY ACQUISITION				REMAINDER
AREA 'A'		AREA 'B'		
SQ. FT.	ACRES	SQ. FT.	ACRES	ACRES
4967	0.1140	7241	0.1662	0.000

AREA 'C'	
SQ. FT.	ACRES
601	0.0138

PERM. UTILITY EASEMENT	
SQ. FT.	ACRES
1795	0.0412

*OWNER OF AREA 'C' UNDETERMINED.

LINE DATA TABLE		
	BEARING	DIST. (FT)
L1	N52° 58'05"W	55.30'
L2	N61° 00'05"W	50.44'

CURVE DATA TABLE (Measurements in FT)						
	RADIUS	ARC	DELTA	TANGENT	CH BEARING	CH DIST.
C1	924.91	78.13	04° 50'24"	39.09	N52° 35'10"W	78.11
C2	739.87	29.59	02° 17'28"	14.79	N57° 58'21"W	29.58

NOTES:
1. REFERENCE MERIDIAN IS BASED ON DATA PROVIDED BY CITY OF DANVILLE, VIRGINIA GEODETIC GROUND CONTROL NETWORK. VIRGINIA COORDINATE SYSTEM OF 1983 SOUTH ZONE (NAD 83)(2009).
2. THIS PLAT IS BASED UPON A FIELD RUN PERIMETER SURVEY OF THE EXISTING AND PROPOSED R/W LIMITS. ALL OTHER ADJOINING / DEPARTING BOUNDARY LINES SHOWN ARE COMPILED FROM VARIOUS SOURCES: FOUND FIELD MONUMENTATION, METES AND BOUNDS DESCRIPTION, AND RECORDED PLATS. THE ADJOINING LINES DO NOT REPRESENT A FIELD RUN SURVEY OF THE ADJOINING PROPERTIES AND ARE A BEST FIT ANALYSIS BASED UPON COMPILED DATA.
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6. RIGHT-OF-WAY AND EASEMENTS AS SHOWN ON DESIGN PLANS BY AECOM TITLED "MT. CROSS ROAD PLANS-U000-108-389,RW201,C501", UPC #100822, AND FROM DIGITAL DESIGN PLANS RECEIVED ON JULY 29, 2015.

COMMONWEALTH OF VIRGINIA
TODD H. FRENCH
Lic. No. 2410
6/21/2016
LAND SURVEYOR

PLAT SHOWING

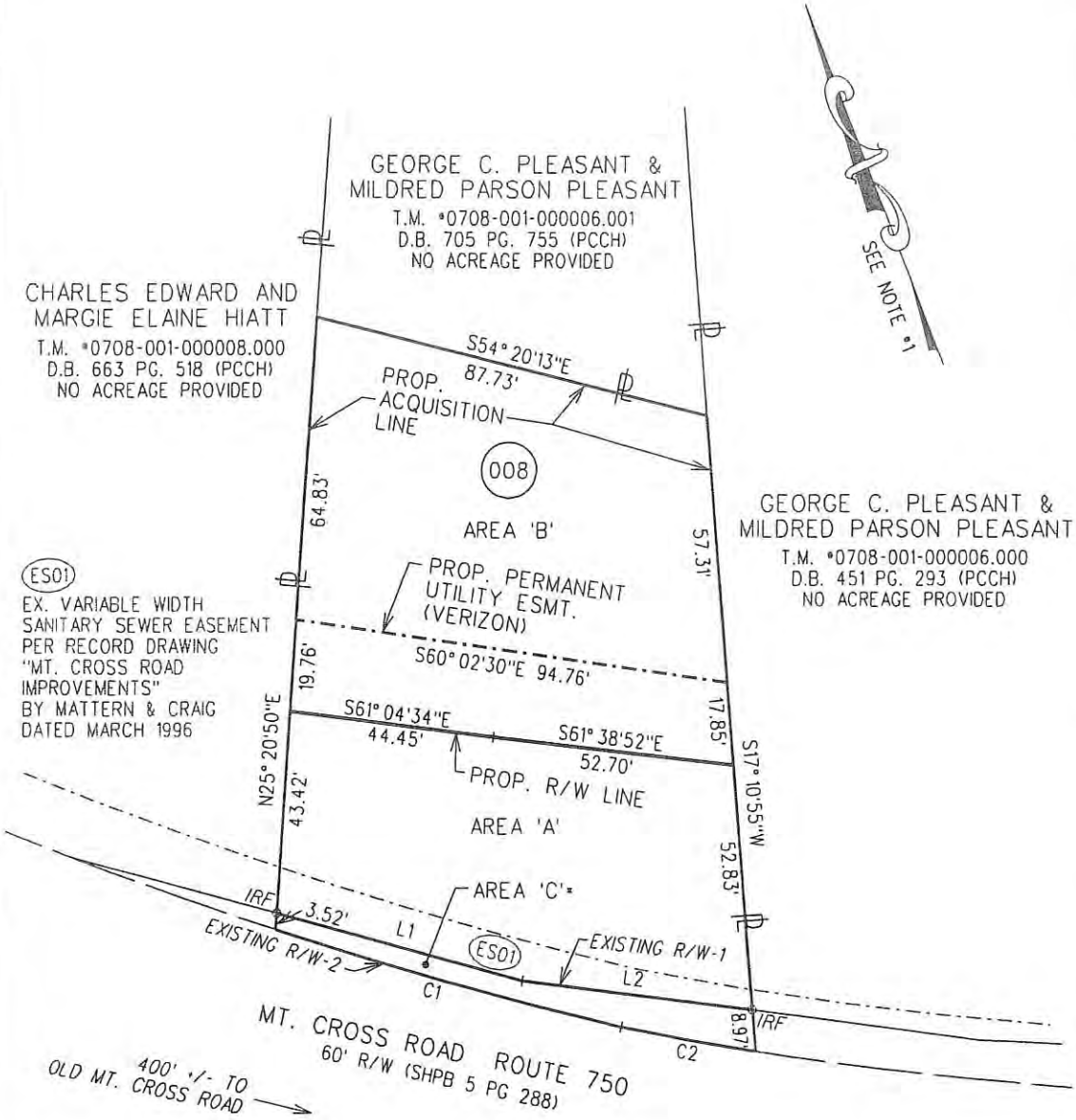
PROPOSED PROPERTY ACQUISITIONS AND EASEMENT ON PARCEL ID: 708-001-000007.000

CITY OF DANVILLE, VIRGINIA

nxl | Engineers, Surveyors Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-4600

FILE NAME	SCALE	DATE	JOB NO.	SHEET
008-708001000007000	N.T.S.	NOV. 6, 2015	1311052T	1 OF 2

REVISION: CITY COMMENT DATE: JUNE 21, 2016



EXIST. R/W-1 PER INSTR. 95-2718
EXIST. R/W-2 PER SHPB. 5 PG. 288

PCCH - PITTSYLVANIA COUNTY COURTHOUSE

*OWNER OF AREA 'C' UNDETERMINED.

008

RANDALL W. MOTLEY
& KATHY R. MOTLEY
T.M. #0708-001-000007.000
INSTR. #950002718
0.280 ACRES

SEE SHEET 1 FOR
NOTES, CURVE TABLE, AND LINE TABLE

LEGEND
(AS APPLICABLE)

(###) PROJECT PARCEL NUMBER ASSOCIATED WITH DESIGN PLANS SEE NOTE #6

EXISTING PROPERTY LINE

EXISTING RIGHT-OF-WAY

EXISTING EASEMENT

⊙ *IPF/IRF* IRON PIN / ROD FOUND

SCALE

0 30' 60'

PLAT SHOWING

PROPOSED PROPERTY ACQUISITION AND EASEMENT ON PARCEL ID: 708-001-000007.000

CITY OF DANVILLE, VIRGINIA

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FILE NAME	SCALE	DATE	JOB NO.	SHEET
008-708001000007000	1"=30'	NOV. 6, 2015	1311052T	2 OF 2

REVISION: CITY COMMENT DATE: JUNE 21, 2016

PRESENTED:_____

ADOPTED: _____

RESOLUTION NO. 2017-____.____

A RESOLUTION APPROVING A FINAL MINOR SUBDIVISION PLAT FOR THE DEDICATION FO RIGHT-OF-WAY FOR THE WIDENING OF MOUNT CROSS ROAD UNDER THE SUBDIVISION ORDINANCE OF THE CITY OF DANVILLE, VIRGINIA.

BE IT RESOLVED by the Planning Commission of the City of Danville, Virginia that a final minor subdivision plat for the dedication of right-of-way for the widening of Mount Cross Road, is approved under the provision of the subdivision code of the City of Danville, Virginia, 1986 as amended, said plat being more fully described as follows:

PLAT(S) SHOWING RIGHT-OF-WAY BEING GRANTED TO THE CITY OF DANVILLE BY RANDALL AND KATHY MOTLEY, as drawn by NXL, dated JUNE 21, 2016 and shown as file name 007-708001000007000 and shown as attached exhibit 008.

APPROVED

_____

Chairman, City Planning Commission

PLANNING COMMISSION MINUTES

May 8, 2017

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

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

I. 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.*

Ms. Levi read the staff report. Thirteen (13) notices were sent to surrounding property owners within 300 feet of the subject property. Three (3) were not opposed.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request was David Milam with LE & D professionals. I am here representing Bonnie Nance if you have any questions.

Mr. Jones stated what plans do you have for this property?

Mr. Milam stated the intention was to consolidate the property that is being rezoned into the other properties. To subdivide them and then split them among siblings due to a will that was made by their mother.

Mr. Garrison stated there are five properties right?

Mr. Milam stated yes sir.

Mr. Garrison stated we are only talking about three in the actual request and I noticed on the plan there is five.

Mr. Milam stated yes there will be when this subdivision occurs.

Mr. Scearce closed the Public Hearing.

Mrs. Evans made a motion to approve *PLRZ20170000096* as submitted. Mr. Garrison seconded the motion. The motion was approved by a 5-0 vote.

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

Mrs. Burton read the staff report.

Mr. Scearce opened the Public Hearing.

Mr. Scearce closed the Public Hearing.

Mr. Bolton stated do you see this making you need more Staff? Changing this to civil instead of criminal does that mean there will be more citations or do you see it as a wash?

Mr. Gillie stated right now we see it as a wash. Right now if you are convicted of a Zoning violation it is a criminal violation. We don't like to put criminal violations on people's records. This case with a civil penalty usually a fine will take care of it. So we prefer this method we are doing the same thing with building violations and grass cutting things like that. We are changing the city penalties from criminal to civil. So we don't anticipate an additional work load or cost to us.

Mr. Jones stated what is the appeal process?

Mr. Gillie stated the same as it is now, nothing there is going to change.

Mr. Scearce stated so pretty much everything stays the same it is just less of a penalty.

Mr. Gillie stated yes that's correct. If your convicted you won't have a criminal charge on your record just a civil penalty.

Mr. Garrison made a motion to approve the code amendment as submitted. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.

II. MINUTES

The April 10, 2017 minutes were approved by unanimous vote.

III. OTHER BUSINESS

Mr. Scearce stated do we have case for next month?

Mr. Gillie stated not at this moment. But they still have time to apply.

Mr. Garrison stated how many parcels do we have in the City that doesn't have city water and sewer?

Mr. Gillie stated not off of the top of my head, but I can have a report for you next month.

Mr. Garrison stated I was just curious because I know when we annexed back in 1988 a lot of the land that was annexed still doesn't have sewer or water. I am just curious as to how many citizens are being forced to go through this route in order to get to the point where they can drill a well or put in septic system.

Mr. Gillie stated I can have a report for next month that has the number of vacant parcels as well as those that have structures on them. I do not know the answer to that off the top of my head.

Mr. Scearce stated how is the code written if you don't have it within so many feet? Or is there no frame of reference?

Mr. Gillie stated there is no frame of reference it requires that you tie on and that is the purpose of the Board of Zoning Appeals. If you don't have it then they can apply to the Board. The Board grants a variance based on a hardship. In that case it is that the City services are not provided to you. Otherwise, the city could install a line for someone to actually tie onto it. So for the City to invest the money to build the structure and never recoups any of the investment into it. But to answer your question I can have that for next month.

Mr. Jones stated who gets curbs and who does not? What is the law on that? Who is supposed to have curbs?

Mr. Gillie stated all new construction has curbs, existing and retrofitting is not something that Zoning handles it. That is something that is handled by Public Works a City engineer would have to answer that question.

Mrs. Evans stated back to the Board of Zoning Appeals for the applicants like on Holland Road where they don't have access to City water. Do they have to pay an application fee?

Mr. Gillie stated yes, the purpose of that application fee is because we have to notify property owners, and run an ad in the newspaper. Basically the cost of the application fee is half them and half us once you run through all the paperwork and everything that is necessary. So the City is absorbing a portion of that cost.

Mr. Bolton stated the application is typically approved?

Mr. Gillie stated I can't speak for the Board of Zoning Appeals but the sewer and water requests if the City service is not within what they classify as a reasonable distance those have been approved. I haven't seen one to be denied. But I have seen a case where it was available and they didn't want to tie in and for those they have said no. But if we don't have it period then I have seen them approved.

With no further business, the meeting adjourned at 3:13 p.m.

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APPROVED