

PLANNING COMMISSION MINUTES
MAY 10, 2010

MEMBERS PRESENT

Mrs. Evans
Mr. Griffith
Mrs. Pritchett
Mr. Searce
Mr. Jennings
Mr. Jones

MEMBERS ABSENT

Mr. Laramore

STAFF

Clarke Whitfield
Ken Gillie
Christy Taylor

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

Mrs. Pritchett arrived at 3:04 p.m.

I. ITEMS FOR PUBLIC HEARING

- 1. Special Use Permit Application SUP 10-006, filed by Bacon Enterprises, requesting a Special Use Permit to waive certain yard setbacks in accordance with Article 3.M: Section C, Item 21 of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended at 762 Piney Forest Road, otherwise known as Grid 1815, Block 003, Parcel 00008 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting to expand an existing building with a thirty (30) foot front yard setback and finish with a nineteen (19) foot setback.**

Mr. Gillie read the Staff Report. Sixteen (16) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Two (2) respondents were unopposed to the request; zero (0) were opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Brian Lewis with LE&D Professionals. Mr. Lewis stated he was representing Bacon Enterprises and could answer any questions.

Close the Public Hearing.

Mr. Jones asked what do you plan to do with the extra area?

Mr. Lewis responded it will be used for seating. Right now in their busy times, there is congestion in the lobby area and with seating. Every ten (10) years Young Brands require their franchise owners to up fit their buildings and to modernize. They figured while they had to modernize the building, they should go ahead and take care of any issues. They are just looking at improving their facility.

Mr. Jennings asked do they still meet the parking requirements?

Mr. Gillie responded based on the additional seating that we are anticipating, yes they would still meet the parking requirements. Even with losing the two (2) spaces based on the addition in the front, they will have more than enough.

Mrs. Pritchett made a motion to recommend approval of Special Use Permit Application SUP 10-006, with conditions per Staff. Mr. Scarce seconded the motion. The motion was approved by a 6-0 vote.

- 2. Rezoning Request RZ 10-006, filed by Hilda Hatchett, requesting to amend the Year 2020 Land Use Plan from Suburban Single Family to Neighborhood Service and to rezone from OT-R Old Town Residential District to TO-C Transitional Office District, .74 acres at 1624 South Main St, otherwise known as Grid 1620, Block 001, Parcel's 00004 & 00005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property to convert a residence into a commercial office.**

Mr. Gillie read the Staff Report. Fifteen (15) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Four (4) respondents were unopposed to the request; Three (3) were opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Hilda Hatchett. Ms. Hatchett stated she owned Express Taxes in Southwyck Plaza. I am asking for you to rezone to commercial so I can have my tax office. I have checked and gotten two (2) estimates on getting a driveway paved. I have also talked to Mr. Stokes Daniels. He had resurveyed the property six (6) months ago. It is two (2) lots now and I asked him if he would make it into one (1) lot. He said he could. I am asking if you would please consider rezoning this for me. I have been over at Express Taxes for fourteen (14) years and I have paid enough in rent to own the place. That is my concern and why I want to move and buy some property of my own.

Close the Public Hearing.

Mrs. Pritchett asked West Garage Doors Inc., it says Old Town Residential. That is actually a commercial-retail kind of building, is it not?

Mr. Gillie responded as far as Staff knows, it has never been operated as a commercial entity. The owner is listed as West Garage Doors, which is just a company name. As far as we know the building is used for personal storage. There is not any type of operation going on inside that we are aware of.

Mrs. Pritchett asked is there signage there?

Mr. Griffith stated I was out there this morning and I do not recall seeing any signage.

Mr. Gillie stated it looks like a commercial structure but to the best of our knowledge it has not been used commercially. It is just used for storage. Since my employment in 1992, I do not remember the building being used commercially. If it has, I could not find anything in our records to indicate so.

Mrs. Pritchett asked if it could not be used commercially unless it was rezoned?

Mr. Gillie responded correct. Unless they went through the same process to have it rezoned and were successful at City Council, it could not be used commercially.

Mr. Jones asked Staff to explain spot zoning and the problem with that.

Mr. Gillie stated that was a question for the City Attorney.

Mr. Whitfield responded spot zoning is not necessarily a problem, it is illegal spot zoning. Illegal spot zoning happens when you rezone or make a decision on a piece of property that benefits just one (1) or two (2) land owners as opposed to the entire community as a whole.

Mr. Griffith stated spot zoning is when one (1) piece of property is zoned different from all the surrounding contiguous property.

Mr. Scarce asked do you see problems with this since everything around it is Old Town Residential?

Mr. Whitfield responded you have to make that determination. Whether you believe it is a benefit to the entire community as opposed to a benefit to one (1) or a couple of land owners. That is one (1) decision you have to make in this case.

Mrs. Evans asked is there any where else in the City that you could rent at a cheaper rate without purchasing this or anywhere else you could purchase where we would not have to spot zone?

Ms. Hatchett responded I have checked but it seems everywhere you go there is rent. The reason I wanted this is because it is right across from where I am now and I have established my clientele there. A lot of my clients are elderly and I figured they could easily find me across the road and it is near the North Carolina border. I get a lot of North Carolina residents that live in North Carolina but work in Virginia. Those are the reasons I wanted something close by.

Mr. Griffith asked are you currently in Southwyck Plaza?

Ms. Hatchett responded yes.

Mr. Jennings made a motion to approve the recommendation by Staff and deny Rezoning Request RZ 10-006. Mrs. Evans seconded the motion. The motion was approved by a 5-1 vote.

Mrs. Pritchett stated that the dilemma for me on this is exactly the dilemma we faced last year on that property on 58 East. It was the same situation, mixed use nearby but not contiguous. The fact that this is surrounded by residential properties, I think it would constitute spot zoning. We haven't done it in the past and we are trying to avoid those issues. I think we have to be faithful to our commitment to that.

Mr. Griffith stated that is a good point.

II. MINUTES

Mrs. Evans made a motion to approve the minutes from the April 12, 2010 meeting. Mr. Jones seconded the motion. The minutes were approved by a 6-0 vote.

III. OTHER BUSINESS

Mr. Gillie stated the school Planning Commission recommended for approval last month, City Council did grant the Special Use Permit. The teen club that Planning Commission recommended approval of with modifications to the conditions, City Council tabled to allow the applicant additional time to go back and work with some concerns from surrounding property owners as well

work on the safety and security plan that they had talked about with staff and you recommended . I have subsequently met with the applicant and provided additional information. He is supposed to go back and work on that and keep me posted. Hopefully that will come back to City Council possibly the first meeting in June or a little thereafter. We will see how things go with the applicant on trying to address the concerns of the neighbors.

Mr. Gillie stated if you have not turned in your Census forms, please do so. The Census takers will be out soon knocking on doors for those who have not turned in their forms. You would save everyone a lot of trouble if you would just take a few minutes fill out the forms and send them back in. Our response rates, last time I check are actually better than national average. I wanted to commend all of the citizens for taking the time, for all of those who did fill out their forms and send them back in. We have actually done better than we did on the last Census so the word did get out, but those who have not turned in their forms please do so. It is very important to us.

Mr. Gillie announced the danville2030.org website, which is our comprehensive plan website. We have an interactive survey. If you can go on the website please answer some of the questions. We have five (5) different sets of questions. We would love for you to take the time and fill out all five (5) sets, but if you feel that is too long at least pick one (1) or two (2) sections and answer some of those questions to give us that information. After that meeting we had where only one (1) citizen showed up, with the website we have actually been getting decent results back. We are trying to publicize it more and more. For those out there, danville2030.org, answer those questions, check out the website for the Comprehensive Plan and give us your feedback.

Mr. Gillie stated there are cases for next month, so plan on being here.

With no further business, the meeting adjourned at 3:20 p.m.

APPROVED