

# PLANNING COMMISSION MINUTES

February 12, 2018

## MEMBERS PRESENT

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

## MEMBERS ABSENT

## STAFF

Lisa Jones  
Ken Gillie  
Clarke Whitfield

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

### **I. ITEMS FOR PUBLIC HEARING**

1. *Rezoning application PLRZ20170000259, filed by Jayne Reynolds., requesting to rezone from N-C, Neighborhood Commercial to HR-C, Highway Retail Commercial District, 498 Arnett Blvd, otherwise known as Grid 1816, Block 001, Parcel 000005, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow automobile sales at this location.*

Mr. Searce opened the Public Hearing.

Ms. Reynolds stated I started this about four or five months ago. I have followed all the rules that the Planning Commission needed me to do to grade the lot on Wendell Scott Drive for additional parking. We are going to pave them as soon as the paving company has an opening. I have been in compliance with all the rules that I have been told that I needed to do. I know there has been objection to this but the part of the lot that I am paving on Wendell Scott if I put a 250 square foot building up there I would not be in front of Planning Commission for this property. That property is already highway commercial and I would be able to do whatever I wanted to do on that property without any objection at all. It is not going to be a Robert Woodall Chevrolet. It's just used cars. I was hoping with the process of applying to the Motor Carriers Board I was hoping to not be delayed anymore. They have about a forty day process as well. As soon as the property is zoned I can then make the application to them.

Alfonzo Hodnett stated I live at 133 Wendell Scott Drive and I am in favor of business and I don't have any objection to that. What I am opposed to is the rezoning residential neighborhood to commercial, my understanding is that would be like opening open a new can of worms. My wife and I about ten years ago bought our house on Wendell Scott Drive and it's a pretty quiet street and we want to keep it that way. Both of us are getting on up there in years now we just don't want that area to become commercial.

Mrs. Hairston stated I was here before at the first meeting. The reason I chose to oppose is because I do live at 145 Wendell Scott Drive. I do understand Jayne's desire to have the auto place for business to sell auto, but I have lived there my entire life. Yes it is busy and

the traffic is heavy going back and forth because it is a cut through for Third Avenue to Arnett Blvd. Ms. Reynolds business does exist on the corner of Arnett Blvd. and Wendell Scott Drive. I am not opposed to her business and I'm just opposed to the fact that she is going to have the auto sales there. The first letter that was sent to me by the Commission it did not have anything on that letter saying anything about the property being across from my house. Which, I already knew that her sister owned that property so I just put it together that on the corner. There is not a lot of space so she is going to need that existing space for the overflow of parking. Even with that being said, Ms. Reynolds said a lot of things I know makes sense as far as business, but I live there. It is a resident and commercial at the same time and my home is directly across from where she wants to put her cars. It was stated last time two apartments that are directly down from my home that have been vacant for years. I have tried to talk to different people to see what I could do to make my community look better. We keep our grass cut, plant trees and flowers, we do whatever we do to beautify our home. I'm not saying she don't need the business all I'm saying is that all of this is in front of my home. When I come out this is what I look at and with that being said she can put her cars there but when I come out of my house then I have to look at all of those used cars. Just sitting in there in that small area. Then I have to look at all of those cars that are going to stop and view her cars. She said that she doesn't have intentions to put any cars up there but that is fine, but when business picks up, and you are going to want somewhere for the over- flow cars. That is where it is going to be directly in front of my home. I oppose it because I just want a decent neighborhood. I try to obey the city ordinance too and I don't know all the rules, but when you send me letters I try to obey them. We live there and we have been there a while too. We love it there and we're not saying that it doesn't need improvement because it does. That is why I oppose what she wants to do in front of my home. I ask a question: if it were your home and they wanted to put a car lot in front of your home, would you really want to oppose or agree to it? The businesses are here, we need revenue. This is my home, this is all that I have, it is all that was left to me. All I ask from Ms. Reynolds from the first meeting, was to consider just another place. Maybe she doesn't understand how it feels, because if I took and put a business in front of my home, wouldn't it kind of do something to you. When you look out every day and you see traffic and you see guys and girls going to look at cars. Even if she doesn't do that, she said her intentions were not to do that, but I know business. When business increases and there is a need for overflow or more you are going to do what you have to do. That's business, all we ask is to give our neighborhood a chance. That's all we want, just a chance to beautify our look over here on the South side, and I see where you have torn down old houses and planted grass and it looks good. I want the same thing for my neighborhood. All I'm saying is that Wendell Scott Drive is the home of our very own black race car driver and that is now a memorial right before us. They try to beautify that, and we do have a lot of vacant lots on this street. The owners have deceased and the heirs don't care, but I care. We keep our home clean and even the street in front of our home clean and decent. I'm just asking for a place where I live to have a chance to be beautify. When people come to cut the grass at these vacant homes they only cut in front of the homes and they don't even cut the bushes. Even Ms. Reynolds the construction people came and cleared your lot off and all they did was push the bushes to the back of the building. There is a way for everything to be done decent, all *my asking*.

Ms. White stated speaking on behalf of my mother and sister. My mother owns the property on Wendell Scott Drive. Today Ms. Hairston has spoken and everything that she has said it is true and we accept everything that she has said. There is no need to repeat it again. We oppose it.

Ms. Walker stated I live at 122 Wendell Scott Drive with my mother that is one hundred and two years old. I do oppose to have the car lot because right now it's pretty quiet and decent. We don't need anything else to behold trouble. I'm happy with what my sister and Mrs. Hairston said. All we want is to have peace, nothing else.

Mr. Scarce closed the Public Hearing.

Mr. Garrison stated I think it needs to be on record for this hearing. I just want to look at what can go there now. This does not have to come to us and it does not have to go to City Council. Right now she can put a convenience store on that lot. I think I would rather have a car lot than a convenience store. Also, she can put retail sales, Barber Shops, and Beauty Salons there. I think the other thing that we need to make sure that we have understood here, that the lot across the street that is currently being graded is already approved for what she wants to do. If she went down and bought the lot next to it, that already has a building on it assuming she can fix that building up she could put a car lot there and there is nothing that anybody can do. So I want people that are here to know, we hear and we understand your concerns, but there are worse things that could go on that than what is going on there now. I just wanted that in the open.

Mr. Wilson stated I have a question. Because of the HRC property can be used for car lot sales, but that is not what I'm hearing the intent of this. That is just going to be an overflow to allow the other to be used for car lot. Is that correct?

Mr. Gillie stated 498 Arnett Blvd. is where the car lot will be, but in order to have that, they have to have enough parking for both uses: the car lot and the additional space and the buildings. The overflow lot will be constructed where the vacant parcel is now. The car lot will occur at the corner of Arnett and Wendell Scott and the additional lot on Wendell Scott, is for the overflow parking yes.

Mr. Wilson stated are there any limits on that? When we say yes, are we saying that the car lot will be on the corner there? If not on the place across the street.

Mr. Gillie stated no, and the reason being, the place across the street is already zoned Highway Retail Commercial. As Ms. Reynolds did say, she can come down and ask to build a minimum building at that location and meet all the City's requirements and place a car lot on that property and be in compliance with the City's Code as long as she has ten parking spaces available that meet the needs of the building and the dealership. That parcel is only being used to meet the need of the change for 498 Arnett Blvd. 498 Arnett is neighborhood commercial as it is right now and it has enough parking for the existing facility but to add a car lot, a car lot triggers thru the state ten parking spaces dedicated just for the car lot. There are only ten spaces on that lot to begin with. So she can use the ten spaces that are on 498 Arnett Blvd. for the car lot and few spaces for the employees that are in that building that will be in the vacant lot which is already allowed to be a car lot per say, because it is Highway Retail.

Mr. Jones stated how many parking spaces can she put up on that other lot?

Mr. Gillie stated on the little lot?

Mr. Jones stated yes. I went by there yesterday, and it was all mud. If it was paved, it would look a lot better.

Mr. Gillie stated if the entire area was created to a parking lot and this is a rough estimate, I guess twenty to twenty five at least. There may be ways to do loop around parking with angles and everything else. The thing that we are looking at is rezoning the corner piece. That additional lot is already allowed to be a parking lot. Ms. Reynolds could come into tomorrow and say I'm just going to build a parking lot and put a car dealership there. As long as she meets the code requirements, I have to allow it.

Mr. Jones stated I understand. Also, someone mentioned that cars could come up and stop on the street and get out to go on the lot to look. I would assume that there is no parking on Wendell Scott. Can cars actually stop?

Mr. Gillie stated I'm not aware that it is designated no parking. I have never noticed any signs that said no parking.

Mr. Garrison stated I was there the other day and I do believe there was some cars further up parked on the side of the street. I didn't go very far up to look at the lot. I went up and turned around in the driveway, but I think there were cars parked along the street.

Mr. Gillie stated the aerial photos that I have, show cars parked along the street, but that is a few years ago. I don't see any no parking signs or anything else. I believe public parking is allowed at that location.

Mr. Wilson stated I don't know if this is appropriate question. It seems to me that the real concern here is, once you start moving down Wendell Scott Drive you going into neighborhood where people have bought their homes and they care about their property and have a lot of history. I share that sentiment and I would have those same concerns if it were happening in my neighborhood. However, the way it angles off, really everything up near the intersection, Third Avenue and Wendell Scott, pretty much overwhelming commercial and already going that way. Is there anything about Buffer Zones or anything in there that Cities do or owners do, because this has to happen in lots of places where you have two types of zoning that come up against each other. That would like, kind of soften that transition to do stuff like that.

Mr. Gillie stated we do. The vacant property that is not being asked to be rezoned as it develops, we will require a buffer: a landscape buffer. It depends on the amount of landscaping that is placed inside of it to say how thick it could be. We have a minimum of 5 feet with additional landscaping. Yes there will be a buffer between the houses on east side of Wendell Scott and the new parking lot that will be built. That property again, is already Highway Retail. Thirteen years ago when the City did the comprehensive rezoning, that piece was designated Highway Retail and that part is not changing. The only change in front of us is the property at the corner and whether it goes from Neighborhood Commercial to Highway Retail. The only reason that lot across the street is even in play is, because it is providing overflow parking which currently meets the City's Code. We allow for overflow parking on properties within three hundred feet. That one is already Highway Retail and it is within three hundred feet. That might be a quirk in the code, but it is fully compliant.

Mr. Wilson stated so if a convenience market did go in there on the corner, which it could already do, they could still use that property across the street for overflow parking for employees and things like that.

Mr. Gillie stated that is correct. They could come in and build a parking lot and never come before this board.

Mr. Scarce closed the Public Hearing.

**Mr. Bolton made a motion for approval for Rezoning of application PLRZ20170000259. Mr. Garrison seconded the motion. The motion was approved by a 6-1 vote.**

*2. Special Use Permit application PLSUP20180000021, filed by PARCO International, requesting a Special Use Permit for an indoor commercial recreation establishment in accordance with Article 3: K, Section C, Item 5 of the Code of the City of Danville, Virginia 1986, as amended at 620 North Main Street, otherwise known as Grid 2710, Block 032, Parcel 000006, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate a teaching kitchen at this location*

Mr. Scarce opened and closed the public hearing.

Mr. Wilson stated who is PARCO?

Mr. Whitfield stated Steve Del Giorno.

Mr. Wilson stated that is who I anticipated. Is there a reason why they are not here?

Mr. Gillie stated not that I'm aware of.

Mr. Wilson stated I have no issues with this, but I have questions like it says building will be renovated to house fresh market. Now, fresh market is to me a brand name. I'm a little surprised that we are getting a fresh market with a cooking kitchen above it.

Mr. Gillie stated it's not meant to be the brand name if that is what you are asking. They are wanting to have a market with fresh food.

Mr. Whitfield stated it's a type of market not a brand of market.

Mr. Garrison stated the person that made the application is not here, and we have no one to ask questions to if we have any. This organization and what they do through the city is fantastic.

Mr. Bolton stated did you speak with them about the conditions you sent? Were they okay with that?

Mr. Gillie stated I believe that staff has spoken with them about it and my understanding they were okay. Again, I haven't spoken with them personally because staff handled this case.

Mr. Garrison stated I looked at that building and I went across the street and looked at it and you can see through the whole building. That upper floor is wide opened to whatever

elements that might be. I'm just surprised that you can put a teaching kitchen up there. The other thing the only way up to the second floor is steps right?

Mr. Gillie stated yes.

Mr. Harrison stated what about the Americans Disability Act?

Mr. Gillie stated those items are being addressed to the building code and they have met with them. All of that is being taken care of through the inspections office.

**Mr. Tommy Dodson made a motion for approval for special use permit application PLSUP2018000021 subject to the conditions. Mr. Bolton seconded the motion. The motion was approved by a 6-1 vote.**

3. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Article 10: entitled "Signs", Section Q entitled "Permitted signs in the CP-1, Cyber Park One District, LED-I, Light Economic Development District and the M-I, Manufacturing Industrial District" to address the number and size of development name signs.*

*Mr. Searce opened the Public Hearing.*

*Mr. Searce closed the Public Hearing.*

**Mr. Bolton made a motion for approval to amend chapter 41 entitled "Zoning Ordinance". Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.**

**I. MINUTES**

**The February 12, 2018 minutes were approved by unanimous vote.**

**II. OTHER BUSINESS**

**With no further business, the meeting adjourned at 4:00 p.m.**

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**APPROVED**