

PLANNING COMMISSION MINUTES

June 11, 2018

MEMBERS PRESENT

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

MEMBERS ABSENT

Mr. Jones

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. *Special Use Permit application PLSUP20180000138, filed by Ethan Brown, requesting a Special Use Permit for commercial recreation (outdoor) in accordance with Article 3:M, Section C, Item 4 of the Code of the City of Danville, Virginia 1986, as amended at 209 Trade Street, otherwise known as Grid 1713, Block 003, Parcel 000008, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to construct an outdoor event venue for concerts and performances.*

Mr. Gillie read the staff report. Nine (9) notices were sent to surrounding property owners within 300 feet of the subject property. Four (4) were not opposed.

Mr. Searce opened the Public Hearing.

Present on behalf of this request was Mr. Ethan Brown. Mr. Brown stated I am co-owner of 2 Witches Winery and Brewery. I am here to answer any questions that Commissioners or the City may have.

Mr. Dodson stated about how many people do you think that you will get to attend one of these concerts?

Mr. Brown stated we are targeting anywhere from between two hundred to three hundred.

Mr. Dodson do you think that you will have any problem with parking?

Mr. Brown stated no, with our accommodations on street parking and we have a verbal agreement with the Daniel Group across the street.

Mr. Wilson stated the pictures that we have do they meet all the flood plains regulations?

Mr. Gillie stated the pictures themselves not necessarily but we have discussed various options to comply with it. I feel that we can create a design that does comply. To answer Mr. Dodson's question, the parking, it does not trigger any additional parking, because parking is based on the building itself and since there is no building on the open stage it does not

add additional. We had the same concerns that you have but we are aware there are additional options for parking available. There are big open lots in the immediate area, while they are not necessary, places designated for parking. I don't know that they will chase anyone off of any of it and there is adequate on street parking. The City is in the process of promoting some additional things in the immediate area. So we think the parking could be adequately be addressed.

Mr. Wilson stated so the pictures are conceptual of the idea.

Mr. Brown stated if our plan is approved then we will go into the particulars of the design.

Mr. Garrison stated I have questions for Staff just because I don't understand what I have discussed with Mr. Brown. The GIS Map for the City, the orange is the flood plain right? The River and everything beside the River goes to orange.

Mr. Gillie stated I'm color blind so I apologize because I don't know orange, but there is a dark gray in my world. Yes that is the flood plain.

Mr. Garrison stated is that lighter gray the hundred year plan?

Mr. Gillie stated the lighter gray is the flood plain and the darker gray is the flood way.

Mr. Garrison stated does anyone know if we have had a hundred year flood?

Mr. Gillie stated according to the corps of Engineers we have not received one. The map is based on their anticipation on calculations. Hurricane Fran was the closest one but was not deemed to be a hundred year flood, but that is what they based their calculations off of.

Mr. Garrison stated in 1996 we had we had forty seven thousand one hundred cubic feet per second flowing down the River. That's 21.1 four millions gallons per minute of water. I remember that very well because I was working down on the River and almost got in position where I could get back to where I could get out of the flood. I worked on that River for twenty years before that, so I know that is the highest we have had in forty years. I don't know where they affected up River because I was too busy down River worried about my wood yard and Efland Plant. When I talked to Mr. Brown he indicated he would like to be with that stage back towards the River. So he could bring the River into the concept of this. Is there a problem with putting it back there?

Mr. Gillie stated according to the flood plain regulation, yes, no construction can occur in the flood way itself. So, the area that you are calling orange and I call it dark gray is not supposed to have any construction that is why the stage was relocated to a point further up; it brings it out of flood way itself.

Mr. Garrison stated his whole property is what is dark gray to you?

Mr. Gillie stated no, there are portions of it that are in the flood plain not flood way. We actually had drawn on the map where the flood way line was verses where the flood plain started and moved the stage area to be outside of the flood way. We proposed that back corner adjacent to the River which is the designated flood way bringing it out and I'm sorry I don't remember the exact distance, but he and I sat down for a while going over the various

maps figuring out what that distance was to pull the stage out of the flood way into the flood plain.

Mr. Garrison stated that yard is flat.

Mr. Gillie stated there is slight grade difference.

Mr. Garrison stated there is ten feet from the River bank itself; there is ten feet up to the back line of his property. Most of his property he has given access to the City and an easement to build a trail.

Mr. Gillie stated correct.

Mr. Garrison stated which will take up a good part of it, but from fifty feet from the South Riverside of his property line all the way to the street there is no change in the gray. The next change of gray come across Trade Street and across the parking lot against the retaining wall or where Dr. Milam's office use to be. And since it is flat, why does he have to move half way up?

Mr. Gillie stated the regulations are the adopted flood plain map. No construction can occur in the area that I'm calling dark gray and you are calling orange. So, that map shows that area is being shown as the flood way. What can be done rather than an expensive hydrological study of whether that could occur in that immediate area, we can build it in the flood plain which is outside of that designated area on that map without the need for that Hydrological study. The easiest option that we both felt was to move the stage outside the designated map on the flood way into the flood plain which it is allowed to go.

Mr. Garrison stated okay, it seems odd to me we are spending thirty million dollars in the River District to get people to come to the River. We built the YMCA which is in the same orange color which is flood plain.

Mr. Gillie stated actually it's not.

Mr. Garrison stated it is dark gray, we spent three million dollars of tax payer's money to buy the White Mill, which is in the flood plain. It just seems odd to me that we are spending public money to try to get people to come to the River and we have someone that has property on the River that is willing to spend private money to get people to come to the River and we are telling him no.

Mr. Gillie stated I can answer the YMCA question but it's a different matter. Dewberry actually did a hydrological study on the YMCA and that's why it was constructed the way it was and also why they don't have additional parking lot on the lower side of the building. That's something otherwise. The flood plain maps are the best available information and that is why I am required to go by through FEMA to continue the flood insurance policy for the City. I always point out the fact if you look at portions of the mall are actually being labeled as being part of the flood plain. Which if anyone knows the mall there's no way in the world. That is what the map shows and I am required to go by based on what the Federal Government is saying this is where the flood plain is. In this case, I have that map that shows the flood plain at this area and the flood way at this area. I can allow him to construct in the flood plain but not flood way. We have done the best that we can for what is presented to us.

Mr. Searce stated you will have to probably take your battle up to what is the Army Corps of Engineers.

Mr. Wilson stated we would not have the ability just by State Law to even be able to adjust this?

Mr. Gillie stated the Planning Commission or City Council does not have that option. There are means to go through but it is a quite extensive process to go through the study and I don't believe it would be cost effective for him at this time.

Mr. Garrison stated I agree with that.

Mr. Gillie stated that is why we have discussed and talked about that. The best option to meet the needs of everything is to go with this layout.

Mr. Wilson stated in light of this discussion are you satisfied with that based on the laws?

Mr. Brown stated yes I understand it's nothing and it's out of his control. Like Mr. Garrison said I would like to be able to change that because there is some common sense things like the wall and Sears. Somebody does need to raise their hand and say hey, it's up to the Army Corps of Engineers. It would have been nice. We have a lot of customers from out of town and talk about what their City has done to promote River front development. Ken and I talked about that and they are spending lots of money. We thought it would be another way to promote because eventually a trail will come up. Have the trail with an outside pavilion there.

Mr. Searce stated you can still use the area for people with their chairs right?

Mr. Brown stated yes. The other reason for the corner, is so we would have more green space for folks to spread out their blankets and chairs.

Mr. Wilson stated so if you had your covered area or stage area backed up to the River itself?

Mr. Brown stated yes the original plan was to put in that corner in the South West Corner and so you are looking back at the Dan River, Trail and sound that would point away from Riverside. We had also considered the opposite corner. Then that would direct the sound towards Forest Hills and I don't think that they want that. So this is a compromise position.

Mr. Wilson stated just out of curiosity what would be the procedure, obviously our hands are tied to the laws as they now stand. What is the procedure for challenging like that? City Council have a path or any options there?

Mr. Gillie stated you can petition for a letter of map revision which will require Hydrological Analysis to show that the map itself is wrong. Then you will have to submit that to FEMA. FEMA will have to agree with the engineering background and then amend the map.

Mr. Garrison stated a map is not wrong, but every City in the United States that has a River flowing uses the River banks to the best of their ability to attract people to come to the River. I don't understand how they can get away with it and we can't.

Mr. Gillie stated we can if someone spends the money to do the study. That's the question to get that study and then approved.

Mr. Garrison stated to me a flood plain on a flat lot that is the whole thing so if the River floods it's not a matter of where it is. It's still going to be flooded. The whole lot is going to be flooded in a four hundred year flood.

Mr. Gillie stated during a hundred year flood probably. During Fran if I remember correctly not entirely this lot flooded. Trade Street Auto was down there at the time and we looked at it and that's the reason the fence is the way that it is. We had some break away gates and other things on this fence. It did get water on the lot. My problem is I've got those maps and I have to go by them. Changing the map, it can be done, we have had it done in the past. It is a very costly process. The Movie Theatre was constructed, it had a letter of map revision done or the construction of that. So, it's not impossible it is cost effective for this particular property. The City is trying to do Mapping on the River itself. This is what we got and the information that we have to go on so it's sort of like my hands are tied. Mr. Wilson, yes things can be done just for him to build his stage. How much money do you want to put into this small stage? As he said, Sears that shows up as being in the flood zone and when we got these maps in 2010, I pointed out this is fifty feet on top of a hill. I was told that is not what the study shows. I argued and said your stuff is taking three dimensional stuff and laying it on a two dimensional map. It still ended up that way. We adopted them; maintain the insurance policies for everybody in the City. We did the best that we could for what we were allowed to modify at the time.

Mr. Garrison stated if Sears gets under water I'm going to have a lot of people at my house on the far end of Westover Drive since that is the highest spot on that side of town.

Mr. Gillie stated I agree with you Sir.

Mr. Garrison stated but when you look at that map, particularly the light and the dark gray everything between Robertson Bridge and Union Street Bridge from the River to Riverside Drive and some cases the other side of Riverside Drive is in flood plain. So if we were building Danville today under current policy there would be a whole lot of vacant space along the River.

Mr. Gillie stated things would be further back from the River. The flood way itself is approximately a hundred feet from the back of the River. So for that portion we would not have as much there.

Mr. Scarce stated the main difference is and I know that you know the difference is the flood way and the flood plain. You just can't build in the flood plain way per certain requirements.

Mr. Petrick stated and you can't make any modification to construction to allow it to be built in the flood way.

Mr. Gillie stated no Sir.

Mr. Whitfield stated only if you are building a park.

Mr. Garrison stated the park will be built in the flood way.

Mr. Gillie stated a portion of after that analysis is done. We are having a hydrologic analysis done on the park.

Mr. Searce closed the Public Hearing.

Mr. Dodson made a motion to approve PLSUP20180000138 subjected to conditions by staff. Mr. Garrison seconded the motion. The motion was approved by a 6-0 vote.

2 Rezoning application PLRZ20180000156, filed by Present Help Ministries, requesting to rezone from OT-R Old Town Residential to "Conditional" TO-C Transitional Office District, 711 Jefferson Street, otherwise known as Grid 2717, Block 023, Parcel 000004, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone for the operation of a community facility.

3 Special Use Permit application PLSUP20180000151, filed by Present Help Ministries, requesting a Special Use Permit for a Community Facility in accordance with Article 3:1, Section C, Item 4 of the Code of the City of Danville, Virginia 1986, as amended at 711 Jefferson Street, otherwise known as Grid 2717, Block 023, Parcel 000004, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate a community facility.

Mr. Gillie read the staff report. Thirty (30) notices were sent to surrounding property owners within 300 feet of the subject property. Four (4) were not opposed and One (1) was opposed.

Mr. Searce opened the Public Hearing.

Mr. Searce closed the Public Hearing.

The applicant was not present to answer questions that the Commissioners had so they agreed to table until the July 9 Meeting.

Mr. Garrison made a motion to table PLSUP20180000156 and PLSUP20180000151. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

4 MINUTES

The May 7, 2018 minutes were approved by unanimous vote.

5 OTHER BUSINESS

With no further business, the meeting adjourned at 3:30 p.m.

APPROVED