

# PLANNING COMMISSION MINUTES

May 13, 2019

## MEMBERS PRESENT

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

## MEMBERS ABSENT

Mr. Garrison

## STAFF

Ken Gillie  
Bryce Johnson  
Clarke Whitfield  
Lisa Jones

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

## I. ITEMS FOR PUBLIC HEARING

- 1) *Special Use Permit application PLSUP20190000147, filed by Riverside BP LLC, 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 3027 Riverside Dr., otherwise known as Grid 1713, Block 006, Parcel 000005, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to waive yard requirements to expand the side and rear of an existing building.*

Mr. Searce opened the Public Hearing.

Present on behalf of this request was Mr. Jason Swaringen, owner of Riverside BP LLC. Mr. Swaringen stated I'm here to speak on behalf of BP. I would like to add a bay door it will be a valuable asset to my business. We own the property itself along with Enterprise all of it adjoining. I don't think there will be a problem on our end.

Mr. Jones stated do you have any problems with these conditions that staff has set?

Mr. Swaringen stated no sir.

Mr. Wilson stated I have read through this very carefully and several times. I'm not exactly sure still on a visual of where the additions are going.

Mr. Swaringen stated it's on the back side of the building it would be more towards Riverside Hardware on the back side.

Mr. Wilson stated so is it going into the property that you own that sits basically behind you?

Mr. Swaringen stated no it will actually be coming off Riverside Drive you can see the canopy. The area will be from the canopy and it will actually go right there.

Mr. Wilson stated that building currently sits angle on that property. Then I guess I'm really interested in seeing it as exactly where you will be adding. Is it visible from the street from Riverside?

Mr. Swaringen stated yes sir.

Mr. Wilson stated so you are going to add going around and will there be fencing?

Mr. Swaringen stated there are two roll up doors now and it will be exactly the same but there will be a third door from the road side.

Mr. Wilson stated you have a concern from the business Realty One? Is that Taco Bell?

Mr. Swaringen stated they were worried about me adding to the front of the building and not being able to see around to Taco Bell or their sign.

Mr. Wilson stated so you are not adding on to that side?

Mr. Swaringen stated no sir.

Mr. Scarce closed the Public Hearing.

**Mr. Bolton made a motion for approval for Special Use Permit application PLSUP20190000147 subjected to conditions by staff. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.**

- 2) *Rezoning application PLRZ20190000158, filed by John Grothe requesting to rezone from N-C Neighborhood Commercial to CB-C Central Business Commercial, 750 Main St., otherwise known as Grid 1716, Block 006, Parcel 000035 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to reuse an existing building for a restaurant, commercial kitchen, and indoor recreational space.*
- 3) *Special Use Permit application PLSUP20190000159, filed by John Grothe requesting a Special Use Permit for indoor recreation in accordance with Article 3.K, Section C, Item 5 of the Code of the City of Danville, Virginia 1986 as amended at 750 Main St., otherwise known as Grid 1716, Block 006, Parcel 000035 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to reuse an existing building for indoor axe-throwing and event space.*

Mr. Scarce opened the Public Hearing.

Present on behalf of this request was R.J. Lackey and he is here to represent the landowner and the future tenant. I am very excited about this family. This is a family that is not from Danville and they are here to invest their money in Danville and they intend to move to Danville. They are actually going to operate their business out of the old YWCA. I'm always getting excited for people that are coming to our town and it is very important that we see that. They have some great ideas that are not related to this but I think they are going to be an incredible addition to our community. I'm very much hoping that this will pass. I try not to get personally and emotionally involved in these things but in this case I am really excited to be able to present this. This family operates a food truck and the restaurant component is

going to be based on that. I think it will mix in very well and it will not compete with other restaurants in the River District. The axe throwing is a draw and I know there is another person that is coming out with axe throwing and I don't think there is anything wrong with that because competition is competition. It is the American way people will go where they feel like they are welcomed. I'm not concerned with the actual competition. Commercial kitchen is really designed to support people that needed prep for their own food trucks and other types of things. There will be people coming in and out as a result you may have someone coming in at 6:00 am in the morning because they are going to do a breakfast and they need to get their prep work done and get there food truck down to Greensboro or Roanoke. We understood staffs concerned about the hours and they have worked with us in trying to make them as small as possible and hopefully satisfy the Commissioners and Community. On the other side if somebody is down in Roanoke for a truck rodeo and they have to clean their equipment and they need to be there late because this is not a 9 to 5 kind of business. The real component about this is and you heard Bryce talk about it. The family also at some point wants to move in and possibly put a couple of apartments in and live there. If it is an owner occupied restaurant by a commercial kitchen they are going to be mad if someone is being loud and disruptive. I think that is a real nice thing to consider and other than that I'm here to answer any questions that you have.

Mr. Bolton stated my son lives in Florida and these are currently very popular, the axe throwing part of this, and down there. There are lanes almost like an indoor shooting range. You are not just out where everyone is drinking and partying. Can you tell me would it be lanes and what is the safety on the axe throwing?

Mr. Lackey stated it is lanes and the people that are operating the business don't want anyone getting hit, because it could ruin your business because a Lawyer like myself would come and sue them. First time that I heard about this was in Brooklyn, New York about five or six years ago and I thought myself just what you thought. Alcohol and throwing a sharp instrument, how could that possibly go bad? The safety is a huge component of this type of entertainment vendor. One of our concerns was out door music and we have also proffered a condition that music will end at 11:00 on the weekends and 10:00 if we actually have out door music.

Mr. Bolton stated so you are changing it from Commercial to Conditional?

Mr. Johnson stated yes.

Mr. Scarce closed the Public Hearing.

Mr. Scarce stated I guess one of the questions that I have is what we are recommending the application he is asking to go to CBC are you saying that it will go to a Conditional CBC?

Mr. Johnson stated it will be a Conditional CBC with the proffer that they have offered.

Mr. Jones stated and you are fine with that?

Mr. Johnson stated we are fine with that.

Mr. Bolton stated why three parking bicycle spots?

Mr. Johnson stated that is for the special use permit. It is just as the River District continues to develop bicycles and walking are that much more common in that area. There is not required onsite parking. We are stipulating as one of the recommended conditions for recreation its adding to that type of environment.

Mr. Bolton stated and what were the times changed to?

Mr. Johnson stated 1:30 am to 5:00 am.

Mr. Wilson stated this is what I am really confused about it makes me nervous when we have last minute changes on something after we have studied it and gone and looked at everything. Then we have major changes about something that actually changes the code.

Mr. Scarce stated nothing changes the code.

Mr. Wilson stated can you go over the times again because I don't know what the 1:30 am to 5:00 am actually covers?

Mr. Johnson stated what we originally were recommending for a condition was that the hours of operation be limited to 8:00 am to 10:00 pm Sunday through Friday and 8:00 am to 11:00 pm on Saturday. We're saying they will be allowed to operate 5:00 am to 1:30 am. The 1:30 am to 5:00 am is when they are not allowed to operate.

Mr. Bolton stated would that be for just what you spoke about the trucks coming in or would you be opening up the restaurant and axe throwing.

Mr. Lackey stated it would be for the commercial kitchen component. The restaurant would have restaurant hours; there really would not be a restaurant open in those hours.

Mr. Bolton stated can we limit those hours 1:30 am to 5:00 am to just the commercial kitchen component of it?

Mr. Johnson stated I'm glad that we are having this conversation. That is for the special use permit that is for the indoor recreation. The commercial kitchen would be by right.

Mr. Lackey stated with the condition, by right, that we would not operate the kitchen component from 1:30 am to 5:00 am.

Mr. Bolton stated that shouldn't really cause any loud noise?

Mr. Lackey stated staff had some concerns about trucks and traffic and I'm thinking that trucks run through this town all hours of the night. I can hear the train whistle at 3:00 in the morning at my house but we're trying to work with staff because they have been very good to work with us. We agreed to limit this time frame and address their concerns that they might have. This is the best way to look at it, no activity on that site from 1:30 am to 5:00 am.

Mr. Wilson stated and you really anticipate that you will use it as early as 5:00 am?

Mr. Lackey stated yes, the family will be in there prepping and they really didn't want any restrictions at all because you need to prep at 4:00 in the morning if you got a food truck that needs to be in Richmond at 10:00 am. That is a three hour drive. We were really trying

not to have any kind of restriction on that, but we understand staff's concerns we went ahead and did it.

Mr. Wilson stated the commercial kitchen did you say is by right?

Mr. Johnson stated yes.

Mr. Wilson stated so he could really operate twenty four hours.

Mr. Johnson stated yes and that is why I just stated I'm glad that we are having this conversation to clarify that.

Mr. Wilson stated so commercial kitchens as food trucks are concerned and all that can operate twenty four hours because it is by right?

Mr. Johnson stated and because we don't have limitations.

Mr. Wilson stated so the limitations are just on the operation of the business.

Mr. Scarce stated he is Proffering a condition that is not required since he could operate 24/7 and he is saying that we are promising we will cut out the wee hours of the morning.

Mr. Wilson stated so why are we doing that, if they are by right?

Mr. Lackey stated we are giving it up because staff has concerns about the changing and we are trying to work with staff.

Mr. Wilson stated the concern is really about the business operation and not necessary a kitchen running 24 hours that might support a food truck.

Mr. Lackey stated we have actually worked with staff about the hours as well. There is confusion because we are talking about different restrictions on different hours and different types of business. Let me try to clear this up. The restaurant component we want to operate like a restaurant, but we offered to not have any outdoor music because that would be noise coming outside of a restaurant, and would be a sign of liability. We didn't think that, staying open to midnight if that is what the clientele demanded was a problem. We understood that in the neighborhood that somebody outside making noise could be an issue. So we worked with staff that we would voluntary restrict music outside to certain hours that 10:00 during the week days and 11:00 on weekends.

Mr. Scarce stated that is what I'm saying so we will leave that alone. The only thing that we were concerned about is the kitchen operation. From what I'm understanding is that is by right. They can operate 24/7 with a special use permit.

Mr. Johnson stated that is part of the rezoning but because they are open to do it all together, we can put that in with that condition and with a special use permit. I guess we can phrase it this way we have the three conditions as recommended by staff. The hours of that first one being for outdoor music instead of hours of operation. Then add a fourth condition the hours of operation for the commercial kitchen shall not occur from 1:30 am to 5:00 am. Does that sound about right?

Mr. Lackey stated the hours for operation we would like Friday and Saturday to operate till 11:00 pm.

Mr. Jones stated do you anticipate having during the warmer months are you going to have outdoor music on the weekends?

Mr. Lackey stated at this point no there has nothing been decided to that type of thing. That is all going to be driven by market conditions and what makes money. If having live music would allow people to want to come there and drive business there then we wanted to have the ability to do it. We are trying to get as much flexibility as we can while we are trying to address the concerns that staff has and the Community.

Mr. Jones stated there are no houses really close.

Mr. Searce stated I think we can recommend these three items and add the fourth prohibiting from 1:30 to 5.

Mr. Jones stated staff are there any other business that we are speaking of in a 100 miles of Danville?

Mr. Johnson stated the commercial kitchen?

Mr. Jones stated the axe throwing.

Mr. Johnson stated the closest one currently operating is in Greensboro. However one is currently getting ready to open in the River District.

Mr. Whitfield stated I think there is one also in Durham.

Mr. Lackey stated there is one more thing. Someone mentioned the bikes. This family has great ideas and they are currently looking at ways to increase the best in traffic down the hill and up the hill. If you have been recently to Greensboro or Durham you probably seen these electronic scooters. We didn't have a problem with the bike suggestion, that increases transportation down the hill to various restaurants and back up the hill I think that helps everybody. We have no problem with that.

Mr. Searce closed the Public Hearing.

**Mr. Bolton a motion for approval for the Rezoning as it was changed to Conditional CBC application PLSUP20190000158 as subject to conditions recommended by staff. Mr. Petrick seconded the motion. The motion was approved by a 6-0 vote.**

**Mr. Bolton made a motion for approval for Special Use Permit application PLSUP20190000159 subject to conditions by staff with the added condition to the hours of the Commercial Kitchen 1:30 am to 5:00 am that they will not be opened during those hours. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.**

- 4) *Rezoning application PLRZ20190000157, filed by Driftwood LLC requesting to rezone from HR-C Highway Retail Commercial to LED-I Light Economic Development Industrial, 201 Eastwood Dr., otherwise known as Grid 2716, Block 005, Parcel 000013 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone from a commercial to a light industrial use district.*
  
- 5) *Special Use Permit application PLSUP20190000177, filed by Driftwood LLC requesting a Special Use Permit for a waiver of district and yard setback requirements in accordance with Article 3.0, Section C, Items 19 and 25 of the Code of the City of Danville, Virginia 1986 as amended at 201 Eastwood Dr., otherwise known as Grid 2716, Block 005, Parcel 000013 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to waive requirements for the change in minimum district size and yard setbacks when rezoning the property to the LED-I Light Economic Development Industrial District.*

Mr. Scarce opened the Public Hearing.

Present on behalf of this request was R.J. Lackey. Mr. Lackey stated I represented the potential user, and the owners are here and I'm speaking on their behalf as well. This is an interesting time in our lives and interesting time in our Community and State with Hemp becoming something that people are accepting of as a use that has a therapeutic reasons perhaps. Certainly the jury is out and this is a booming industry. I'm involved with a client that is looking to get into that business that is basically produces a CBD oil that is important in this regard. You can put into creams, drops and gummy bears. People think that it helps with arthritis, anxiety, there is some research being done right now. It is a very interesting and very new industry particular in our area. What will happened with this facility if you approve it there will be hemp that is brought in. I didn't know this marijuana people use to get high, the chemical is THC and marijuana has a THC level somewhere around 17 percent and that is what creates the high that people use or to quote "get stoned". Hemp by the definition through the United States Farm Bill has to have less than .3%. It does not have any ability whatsoever to be used for an illicit high. It is a cannabis plant the THC levels are vastly different. What we will do is we bring hemp in and it is processed to extract the CBD oil. Then oils stored will be shipped to people then the manufactures will put it into creams and other products and made to sell for use by the general public. The real interesting thing that my client is trying to get ahead. If we were approved this would be a FDA ready to be approved commercial food manufacturer level facility. So it will have commercial wash, the walls like kitchens do. The idea here is that the people that are doing this in their garages, so some products that you might get on a shelf you don't know where that CBD oil came from, you don't know what pesticides are in it and you don't know the grade, quality or anything. We are getting ahead of all of that and we will be able to tract our hemp from the seed. We will be able to tell you within a foot print where that plant was grown. We will know every chemical that was put on it and it will have the FDA ready. We will be able to tell you how much fertilizer was used the amount of water used on a daily basis. It will be tracked in this facility. It will be a first rate quality and pesticide free. It will be processed in an industrial type facility. That is the process here. The 30 foot setback residential is that from a residential use or residential zoning because there are places there in that area that are not being used commercial. I didn't know what that meant when you said it. I just want to get clarification.

Mr. Johnson stated I was saying with the residential district because in the future it should go back to residential.

Mr. Lackey stated just so the Commission will understand this area, there is an asphalt plant, WL Paving down the street you will actually go pass our facility down there and there is a company called Don's Auto and Trucks Sales. It is a salvage repair shop. This is a pretty intensive uses and also a chemical operation of some sort. One of the things that we talked about with staff, we don't know where this industry is going and we are getting in not at ground floor but we are getting in at the first floor. There are indications that it could blow up and you could talk of a number of employees of a huge operation. Ultimately maybe not this site and go bigger, but we thought the hours of operation should be in there in case we needed to run three shifts while we build another plant. If you are paying attention and you care about it the demand for CBD Oil exceeds that. People are manufacturing these creams can't get enough of the CBD Oil so we are working with old tobacco growers to teach and help them how to grow them which will help our farmers. We think that the market for the CBD oil is very large and so we will ask that the staff and Commission not having the conditions labeled for hours of operation. The trucking again if we had to run three shifts it would be a wonderful problem for us to have. There is an asphalt plant and auto body shop we ask in consideration of that. That is basically what is happening, why it is happening, and where we hope that it will go and we think that it will put a significant amount of money into our farmers pockets which is something that is near my client's heart because he has been in the tobacco business for another of years. We will also have employed truck drivers, processors and chemists. This is just the final components for our operation.

Mr. Scarce stated are you planning on using the building just as it is?

Mr. Lackey stated at this time there is no plans for addition.

Mr. Scarce stated looking at the map it's not close to any residential existing buildings itself.

Mr. Jones stated with passing this to the Legislation of the State level what organization at the State level oversees this?

Mr. Lackey stated the Department of Agriculture sees some of it especially the farmer's side. The CBD side to be quite honest with you I'm not sure, but it is definitely regulated. They just passed the Legislation in March. This has absolutely overwhelmed the demand of what the State thought.

Mr. Bolton stated I'm eight weeks out of a total knee replacement. Before I had it, I used the CBD oil for the arthritis inflammation and it helped. One of the side effects of a knee replacement is insomnia and I used it for that and it worked for that. Does the Institute for Advanced Learning and Research, are they researching this anyway?

Mr. Lackey stated we are talking with them and they are doing our testing and making sure that we haven't exceed the .3%.

Mr. Bolton does the process cause noise?

Mr. Lackey stated no and there are no smells that I am aware of. You are basically squeezing the juice out of a plant.

Mr. Dodson stated where do you plan on getting the supplies?

Mr. Lackey stated we have worked with a number of growers and we have grow contracts with local growers here in Virginia and some in North Carolina. They have a ton of restrictions on this and the regulators actually come to the farms and test your plants and make sure that they are not hot and if they are hot they are immediately ripped. If that happens twice you are no longer allowed to grow for up to three to five years. The State is working really hard to catch up and address these issues. We are talks right now with a company in Florida they can distribute every bit of CBD oil that we can produce. They have asked if we use growers in Georgia, they have a number of growers in Georgia that want to grow. It is an amazing thing. The best thing that we got going for us is that we have the tobacco barns and storage barns to be used. We have the best soil to be used. If Virginia, Kentucky and North Carolina played their cards right a Community like Danville could see their income and house prices start going back up. We will see the kind of money going back into the Community. It has that much potential.

Mr. Searce stated would you have any objections not having a condition for hours of operation?

Mr. Johnson stated staff is still concerned because there are people actually living there. We understand there is some distance there are still some residences within 300 feet. We just want to make sure that they are respected because they are living there. It would be rude and disrespectful to disrupt their life style.

Mr. Bolton stated like right now he doesn't have any plans for two other shifts. Is there an option for him if he decided that the business was good enough to come back and ask for the extended hours of operation?

Mr. Johnson stated they can request for an amended special use permit.

Mr. Lackey stated part of this is the amount of money that we are putting into this, like several billion dollars. We are trying to get ahead of regulations so that those mom and pops in the garage are not going to be able to handle government regulator saying your not doing this correct. The reason I asked for more hours of operation, if it blows up like that and because we are putting so much into the building at right it would be nice to know that you can use it and not have to look for another building in two years.

Mr. Bolton stated would staff still recommend it if it was taken out?

Mr. Johnson stated professionally I have had a lot of concerns about this because it is introducing conforming industrial use to the area. I was talking to Mr. Lackey about the fact that it is right off the South Boston Road. I would have to think about it some more.  
Mr. Bolton stated I would think that during the late shift it is people coming to work and parking their cars.

Mr. Gillie stated it could be amended within 90 days. Staff would prefer that they are kept on at this point. If this business does expand that quickly, after 60 days he would need that much time to round up production. We don't feel that it would be a deterrent to his business. We would prefer that the hours stay.

Derrick Mitchell, owner. Mr. Mitchell stated my family has operated a business at this spot since 1994 that is when we built it. We were called Kelly's Rentals and we had 25 locations in Virginia. This was our home office and our distribution center. We distributed furniture, appliances and electronics. We had 53 foot trucks coming in and out of this site daily. We had 20 to 25 employees working out of this facility for 20 years. In 2008 we became a franchisee and we laid off 75% of our work force. In one time we had million dollars' worth of payroll from that facility. Last year we sold our company to Aaron's out right and everyone got laid off including us. I am excited about this project and I'm excited for the new owner to buy it and I talked to him today just to confirm that he said it would employ 20 to 25 jobs and I'm excited to see those numbers come back to Danville. I don't think that traffic would be an issue. We are right at 58 and trucks are not going to go down Eastwood Drive. I come to you today wearing a different hat. I also own several rental houses on Eastwood Drive over the years we have bought 5 houses. I don't think it will affect the home values on Eastwood Drive or affect home sales. I'm just excited for economic development to Danville.

Mr. Jones stated do you know if any of the other business, are they 24/7?

Mr. Mitchell stated I don't know. As an owner of a house I get a lot of complaints from my tenants that folks on four wheelers drive up and down the road during the night.

Debra Anderson stated my main concern is there is traffic on Eastwood in the last 5 years or so has gotten really bad. I think since the company has started recycling the shingles, the trucks go in and out all times during the day. By 6:00 the traffic has slowed down. My husband and I have the privilege of raising our granddaughter who is 4 and she has autism. The big trucks scare her when she is on the front porch. We have fenced in the backyard and we have screened in the front porch to help shield her from that. I worry about the traffic from if they take hemp into this building. We live right in front of the road that turns on Hillcrest. My other concern is when you have hemp in the building you worry about people trying to break in and rob. I worry about the traffic at the end of the road as far as buses coming in. I live on the upper part and it is mostly retiree's that live in that area. I don't know how they would feel about it if it was real noisy. You can hear the sirens from 58 and they are really loud and I don't know how the trucks would be coming in and out. Like I said my main concern is my grandbaby. I don't want no more traffic to scare her than what's possible and I don't want any more crime than what we already have.

Bobbie Floyd, I am the owner of the property. Bobbie Floyd stated we have been there for many years and we have alarm systems in the office and warehouse. We have never had a break in, in all the years that we have been there. I understand what she said because I have grandchildren. When we were there the tractor trailers never went down that road. They always came in our way and went back out 58. I'm excited about this like Gary said we sold our business. We would like to approve it.

Mr. Lackey stated to make this very clear hemp doesn't have any criminal need. If you bought this and sold it in the City of Danville for someone to smoke it, you would get beat up or killed because you sold them something that did not give them the high that they were looking for. We are not going to be selling retail and there will not be any cash on site unless someone has 20 dollars in their pocket. There is nothing there that has street criminal value.

Mr. Mitchell stated he would like to add one more thing. I would say that probably in 2000 we added a parking lot and added a dock where a 53 foot trailer could come onto the

property and turn around, to go back out to avoid going down Eastwood Drive. We had some drivers that struggle to make those turns.

Mr. Searce stated so there is no need for trucks to go any further?

Mr. Mitchell stated correct.

Mr. Searce closed the public hearing.

**Mr. Petrick made a motion to recommend approval of Rezoning application PLRZ20190000157 with conditions by the applicant. Mr. Bolton seconded the motion. The motion was approved by a 6-0 vote.**

**Mr. Petrick made a motion to recommend approval of the Special Use Permit application PLSUP20190000177 subject to conditions by Staff. Mr. Bolton seconded the motion. The motion was approved by a 6-0 vote.**

*6) Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, VA 1986, more specifically Article 2 entitled "General Regulations", various sub-articles and sections of Article 3 entitled "Zoning Districts", and Article 15 entitled "Definitions", Section B entitled "Definitions". The purpose is to allow for short-term rentals of an entire home within residential districts.*

Mr. Searce opened the Public Hearing.

Present on behalf of this request is R.J. Lackey. Mr. Lackey stated the reason I want to address this issue, do you recall back about six or eight months ago. We all were here before the Planning Commission about an Air BNB it was being used and operated on Plum Street. If you do recall, it was called Piedmont. Since that time Mr. Davis has bought a couple pieces of land which he has demolished and he has applied for a building permit and he intends to build another similar facility right beside that one. He is ready to start building and he is ready to put the property back in use and to start paying more taxes. The problem is there is no Air BNB short term rental category. What we had to do the last time was to get it qualified as a Bed & Breakfast. Staff has got in front of you now a potential zoning amendment and we encourage you to take it off the table, to do it, and to pass it, and to recommend it to City Council because it is causing problems to the Community in terms of what they can do. I don't know if you have driven down Plum Street and now you have that building down and you are starting to get a very nice little area and right now he has stopped and he has spent money that he can't recoup and he can't do anything with. We had originally filed for another rezoning to get a bed and breakfast as it stands now it got tabled because of this amendment. Is that what happened?

Mr. Johnson stated it is the next item.

Mr. Searce closed the Public Hearing.

Mr. Wilson stated since our last meeting we decided to set this aside and we won't really be prepared to understand the details about it. We have had to step forward, who needs it, this needs to be decided so they can go forward with their project. That is what is pushing this, the definitions now to go through that whole process or we have a work session.

Mr. Johnson stated that is staff's recommendation to make sure that you are comfortable with what it is you are addressing.

Mr. Scarce stated I think the work session would make since.

Mr. Wilson stated I'm kind of saddened that we might have to put off someone that wants to do something, but we really haven't had those discussion yet. I'm just wondering what has changed between now and then that we have to have this discussion now. It seems to me that even if it's perfectly clear that thinking through this was important before, but I do think we need to get on with it.

Mr. Bolton stated is this for the building that is already existing or is this for a new property that he is building.

Mr. Lackey stated I probably confused the whole issue. I'm speaking on moving forward with the Zoning Ordinance because of what is coming up next. We are running into issues but to answer your question, yes he is going to build a new building, a whole new house.

Mr. Scarce stated he can go ahead and build the house.

Mr. Lackey stated he could but would you invest sixty or eighty thousand dollars of your money without the ability to get back?

Mr. Scarce stated you would get it back one way or the other.

Mr. Wilson stated if we decide at the work session then we don't even hear the next special use item?

Mr. Johnson said you can table it.

Mr. Lackey stated again I'm going to ask you to hear it.

Mr. Bolton stated it could take several months or more to build the place anyway that's not going to be an issue other than he doesn't want to start unless he knows. I feel like eventually we could come to some kind of agreement.

Mr. Johnson stated the problem is it could change. The zoning amendments could change once that is settled, though I would anticipate us recommending it.

Mr. Wilson stated one of our concerns is when this came to us before we didn't have an actual case to consider so we felt like we needed to table it, because it sets it in stone for the future. If we do table it, I would like to do it by next month.

**Mr. Wilson recommend to resume postponement with the intention of having this settled by next month with a work session on June 3. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.**

- 7) *Special Use Permit application PLSUP 20190000161, filed by Barry Davis requesting a Special Use Permit for a short-term rental of an entire home in accordance with Article 3.E, Section C, Item 29 of the Code of the City of Danville, Virginia 1986 as amended at 500 Plum St., otherwise known as Grid 2710, Block 006, Parcels 000007*

*and 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop a house to rent on Airbnb.*

**Mr. Wilson made a motion that we postpone Special Use Permit PLSUP 20190000161 at our next June 10 meeting. Mr. Dodson second the motion. The motion was approved by a 6-0 vote.**

### **III OTHER BUSINESS**

#### **ITEMS NOT FOR PUBLIC HEARING**

Request to allow compact parking spaces in place of regular parking spaces at 119 Cane Creek Blvd. The applicant wishes to provide compact spaces in order to maximize on-site parking.

**Mr. Bolton made a motion to approve the adoption of resolution of request compact parking space in place of regular parking spaces at 119 Cane Creek Blvd. Mr. Wilson second the motion. The motion was approved by a 6-0 vote.**

#### **IV. Minutes**

**The April 8, 2019 minutes were approved by unanimous vote.**

**With no further business, the meeting adjourned at 4:45 p.m.**

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**APPROVED**