

PLANNING COMMISSION MINUTES
March 7, 2011

MEMBERS PRESENT

Mrs. Evans
Mr. Griffith
Mr. Jennings
Mr. Scarce
Mr. Wilson
Mr. Laramore

MEMBERS ABSENT

Mr. Jones

STAFF

Alan Spencer
Ken Gillie
Christy Taylor
Renee Blair
Emily Scolpini

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

Mr. Griffith welcomed the newest member, Bruce Wilson.

Mr. Laramore arrived at 3:02 p.m.

I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP2011000063, filed by Stuart Lovelace on behalf of TRELUV, LLC., requesting a Special Use Permit to operate a group home in accordance with Article 3E: Section C, Item 9, of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended at 157 Broad Street, otherwise known as Grid 1719, Block 008, Parcel 000003 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a group home.*

Ms. Blair read the Staff Report. Twenty-six (26) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Two (2) respondents were unopposed to the request; two (2) were opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Mr. Stuart Lovelace. Mr. Lovelace stated my wife and I own Lee's Home at 157 Broad Street. The reason for this request is so that we can expand our business. We talked to someone in Planning, and they said maybe we could do twenty (20) to thirty (30). When we put the request in, we wanted to go with thirty (30). We want to maximize our space for our residents. With this in mind, we would be able to hire an additional five (5) to six (6) people to employ in the area. We wish that you all would take this into consideration and approve our request up to thirty (30) new clients. We already have thirteen (13), so it would just be an additional seventeen (17). We are talking about adding seven (7) rooms to the existing building.

Mr. Scarce asked you had limited it to twenty (20), and he is asking for thirty (30)?

Mr. Gillie responded there are some concerns we have to work on: building, parking, and some other issues. Mr. Lovelace and I were just discussing briefly before the meeting. That is why

staff has recommended tabling this for an additional month to give us a chance to work out those issues regarding the sprinkler system, separation of fire walls, and providing some off-street parking. We think we may have some options that may save him some additional money. With the information we have right now, we do not want to see more than the twenty (20), but with additional information and giving us time to work on things; we may be able to recommend thirty (30). At this point, we are not quite sure. That is why we recommend tabling it.

Mr. Griffith asked Mr. Lovelace are you comfortable with us tabling this to give you, Mr. Gillie, and his staff an opportunity to get everything ironed out?

Mr. Lovelace responded yes sir.

Present in opposition to the request was Ms. Lisa Hanford. Ms. Hanford stated I live at 144 Broad Street. I oppose this. You do not live there. It is unfortunate because the city has spent so much time and money revitalizing Broad Street and Cleveland. The thirteen (13) residents that they have there now, they barely can control. We have had to deal with it the three (3) years that we have been here. We have had them come to our house begging for money, begging for cigarettes. We have had them come to our door to see if it is a group home and if they could live there. We have had one (1) of the residents out swearing, screaming, fighting from 11:00 p.m. and it was allowed to continue all night into the next day on the front porch with no staff intervention. This is not a rare occurrence. There are constant fights between the residents, swearing at each other. We have seen a staff member spank a resident on the front porch. We have seen the nurses in the parking lot next to us, walking to go to work, they are constantly being asked for money and cigarettes. I have had a gentleman stand just outside my car door waiting for me to get out begging for money and cigarettes. It is kind of scary in the nighttime to have someone standing in the dark at your car begging for money. When we came to Danville, we loved our house. It was my dream house. I would like it to continue to be a dream house. Since Danville has revitalized Cleveland and Broad, we have seen families move into the area and it has been really nice. It is a nice quiet street. The kids walk up and down and ride their bikes. I feel that the additional clients, which he has not said what kind of clients they are going to be. Are they going to be more of the same that have mental issues? Are they going to be drug addicts? Are they going to be teen group homes? It is a vague group home. What is to say that he is not going to change it next month to a more profitable home for teens with drug issues? I do not want my daughter living across the street from that. As it is, we do not let her stay out on the front porch by herself because of their residents. The character of our neighborhood is very much old. Our houses were built in the late 1800's. How can a big enormous addition on that small house stay in character? The City says that it is a "World Class Organization," and it is because they have been able to integrate old with the new. You have the beautiful old historic west end with a little bit on Broad Street. It is going to be ruined by a giant addition onto that building. It is not mostly residential and commercial. We have one (1) commercial building on that street. That is the medical building, the Urological Center and then we have a parking lot. It is not his parking lot. It is not my parking lot. It is the medical centers', and it is closed from 5:00 p.m. on weekdays and not used on Saturdays and Sundays. The medical building is the same way, closed at 5:00 and not open on the weekends. It is a family community. We want to see it stay a family community. The City has spent tens of thousands of dollars on the houses that they have revitalized. Who would want to move in next to a thirty (30) bed group home? I would not. You guys can have my house back because that

is not what I signed up for when I came into this City. You have got to see that nobody else is going to want to live there either. What you will see is the families that have bought into this new revitalized community, want to move out, and the houses will be empty again. Please reconsider. The thirteen (13) bed facility is fine. It is adequate. We can deal with it. A thirty (30) bed group home is not something that Broad Street can handle and they should not have to. It is not the appropriate place for it. I ask that he find someplace else if he wants to expand his business. Keep it off of Broad Street. Let it be a community neighborhood the way it should be. Thank you.

Mr. Jennings asked what is the technical definition of ambulatory?

Mr. Gillie responded they must be able to move on their own, not in a wheel chair, not confined to a bed.

Mr. Jennings asked not confined to a bed?

Mr. Gillie responded correct.

Mr. Jennings asked they can walk around anywhere they want to?

Mr. Gillie responded they can walk around within the facility. The concern with that is persons who are confined to a bed, the sprinkler system in the Building Code is triggered. There are additional requirements for someone who is unable to escape in the event that there is a fire or some other catastrophe in effect. We want the residents to be able, if there is an issue, to move to a means of safety on their own.

Mr. Jennings asked would a fence of some kind satisfy her opposition to it?

Mr. Gillie responded you would have to ask her that. I am sorry, but I do not want to speak for someone else.

Mr. Griffith asked the report states that they are currently operating as a legal non-conforming operation. Do they currently have a special use permit?

Mr. Gillie responded they do not currently have a special use permit. One (1) was not required previously. With the adoption of the new Zoning Code, the need for a special use permit triggered them as a legal non-conforming use.

Mr. Griffith asked when this began operation, a special use was not required?

Mr. Gillie responded no, it was not required as far as we can tell that many years ago.

Mr. Griffith stated that is what I was wondering. If they are getting one (1) now, how are they operating without it?

Mr. Scarce asked can we add to this list? I think we should table it to allow time to talk with the applicant, but I was also wondering if we could add to this some sort of issues of

containment to the property. I am not very good with the law, but maybe we could look at that. It would be nice to have some part of that addressed.

Mr. Gillie responded we can look into that. I am not really sure how if it is an adult facility that meets the requirements of our definition of a group home and what the State defines, how you can truly confine the person to it. We can look into a means to try and alleviate any neighborhood concerns.

Close the Public Hearing.

Mr. Scearce made a motion to table Special Use Permit Application PLSUP201000063. Mr. Jennings seconded the motion. The motion was approved by a 6-0 vote.

2. *Special Use Permit PLSUP2011000064, filed by Starr Bell on behalf of Bell Enterprises of Virginia, LLC., requesting a Special Use Permit to allow indoor commercial recreation in accordance with Article 3M: Section C, Item 4, of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended at 3103 West Main Street, otherwise known as Grid 0505, Block 002, Parcel 000003 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an internet café within the existing convenience store.*

Miss Scolpini read the Staff Report. Five (5) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Zero (0) respondents were unopposed to the request; one (1) was opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Mr. Larry Bell. Mr. Bell stated I am President of Bell Enterprises. We were operating these internet games with the assurance that they would be legal. We have since found out that they are problematic. We have a contract with this company to put them in our store, and this looks like a good way to get out of it since it is not going to be approved. As far as I am concerned I really do not want them in my store. This would be a good way to get rid of the contract that we entered into with this company.

Close the Public Hearing.

Mrs. Evans made a motion to recommend denial of Special Use Permit Application PLSUP201000064. Mr. Laramore seconded the motion. The motion was approved by a 6-0 vote.

III. MINUTES

Mr. Scearce made a motion to approve the minutes from the February 7, 2011 meeting. Mr. Laramore seconded the motion. The minutes were approved by a 6-0 vote.

IV. OTHER BUSINESS

Mr. Gillie stated City Council followed all of your recommendations for the items last month. They approved the items that you recommended approval on with the same conditions and they denied the one (1) case that you recommended denial on. That is all staff has, short and sweet.

Mr. Griffith asked how are we coming with the changes to our 2020 Land Use Plan?

Mr. Gillie responded we received some more information from our consultant to go through. We also have to make a change to the transportation portion of it. The City is potentially looking at some road projects, and because of the way new legislations is with the six (6) year plan with the things legislation just approved regarding long range transportation, we have to modify and put some of the changes in our Comprehensive Plan. We have to go back and modify the transportation section. Hopefully that will be here soon. The legislature changed some stuff, and now we have got to change it before we bring it to you. We were hoping to have it this month.

Mr. Griffith stated that is the reason I was asking. At the last meeting you said that you were hoping to have some information on the Comprehensive Plan.

Mr. Gillie stated we thought we were, but as it went through the General Assembly they changed some things around, which caused us to have to change some things around.

With no further business, the meeting adjourned at 3:24 p.m.

APPROVED