

## PLANNING COMMISSION MINUTES

JUNE 7, 2021

### MEMBERS PRESENT

Mr. Khan  
Mr. Garrison  
Mr. Bolton  
Mr. Petrick  
Mr. Dodson  
Mrs. Evans

### MEMBERS ABSENT

Mr. Craft

### STAFF

Doug Plachcinski  
Lisa Jones  
Clarke Whitfield

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

### ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP 2021-124, filed by Brent Cochran requests a Special Use Permit for duplex in accordance with Article 3.E Section C.2. of the Danville Zoning Ordinance at 346 Virginia Avenue, Parcel ID# 24011. The applicant requests a Special Use Permit to convert a single-family home into a duplex.*

Mr. Garrison opened the Public Hearing.

Mr. Adam Vaught stated I am here on behalf of Mr. Cochran and I work for him. It was formerly a duplex with two front doors, and it is laid out as a duplex. All the hook-ups are there on the second floor for a kitchen but whoever turned it into a single family tore it out. But all the piping stuff for gas's are still there. There's are a bunch of multi-use next door and I don't think it would negatively impact at all. Formerly it was a duplex and we just want to take it back to that.

Mr. Bolton stated are there separate meters and are the utilities separate? I know not now but at one time.

Mr. Vaught stated there are two meters and one was abandoned but there are two meters on the side of the house. There is evidence of two separate HVAC units, it's old but there is evidence that it was separate once.

Ms. Evans stated where is the second door located?

Mr. Vaught stated you can't see it on the picture.

Ms. Evans stated I can't see it when I went by there.

Mr. Vaught stated its right of the front porch as you walk up the stairs. There's a door right there and it's to the right of that, kind of at the edge of the front porch. There's a wall there's a door but it's a key locked door that they just left open when it was a single-family. That right side door goes directly into the stair which goes up.

Mr. Bolton stated are they two-bedroom apartments?

Mr. Vaught stated so downstairs it is two-bedroom and upstairs it is laid out a little weird, but it was a one-bedroom. There is a huge room up there and there is evidence that they took out a wall right there in the ceiling. You can see there was a wall dividing up that big room and I think potentially it was a two-bedroom when it was a duplex.

Ms. Evans stated do you have any idea when it was a duplex?

Mr. Vaught stated I do not. I think based on the evidence of the wall being torn out and the meter, it wasn't a long time ago, but I would say probably within 20 years it had been converted.

Mr. Ryan Busby stated I live at 331 Virginia Avenue right around the corner. It really is just a question and not necessarily me opposed but as someone who lives catty cornered from that property, I am a little concerned about the parking and public access to this. The driveway that goes down through to the back doesn't have additional parking for the additional units. The area directly in front of the home is already problematic because it has two apartment complexes right next to it. Then you have all the trash cans that are right there on the corner. So, access to adequate parking is a concern for those of us who make that loop every day. I'm also concerned that there's not adequate access then for emergency vehicles to come in if there is a problem. How is the firetruck going to get down there and get to that house? How are ambulances going to get to that part of the property? It is a concern as well because some of our neighbors do use medical services as it is and there is a tight fit for the smaller make and model vans. If they're planning on making a quality parking improvement, I think that it might be able to be something that functions well. If there's no plans for parking, I'm not trying to be overly critical, but I'm just really concerned that I can't drive down my street properly. I don't know if I can make a good turn because of all the complications that are wedged into where that L shape is on the street.

Mr. Garrison stated I think several of us have driven down there also. It is not lost on us. At least it's not lost on me. I don't speak for the rest of the commissioners. Any other commissioners have any questions, comments? Can you tell us whether you plan on putting parking in the back?

Mr. Vaught stated currently it is how he described it and it has a long driveway to a garage in the back. It is already tight, and it would be tough to get in there and put additional parking. My opinion is that all those apartments at the end of the street have their garbage cans in front of that property. If there would be a discussion with that owner because it is a fine parking spot. If something could be worked out with the location of those trash cans, then I think that would add additional parking for that spot. That is one of the reasons that we have talked about not taking one of those units to a two-bedroom unit because it would cut down on how many parking spaces would be needed, then possibly talking with the neighboring owner whoever owns that apartment complex, of maybe putting parking spots in there because there is a lot of space in there. If you go directly right on the side of the house there is a lot of open asphalt back, there. I think something could be worked out with them if it does become a problem where it needs to be addressed.

Mr. Garrison closed the Public Hearing.

Mr. Bolton stated I may or may not have read this right but in our new parking study and recommendations did I see where we were no longer going to let people share. He mentioned that he might want to share the parking lot with the apartments. Would that still be okay if they come to an agreement?

Mr. Plachcinski stated yes it would be.

**Mr. Bolton made a motion for recommendation of approval for Special Use Permit Application PLSUP 2021-124 as submitted. Mr. Kahn seconded the motion. The motion was approved by a 5-1 vote.**

2. *Special Use Permit Application PLSUP 2021-125, filed by Shirley Hightower requests a Special Use Permit for a family day care home in accordance with Article 3.E Section C.24. of the Danville Zoning Ordinance at 259 Guilford Street, Parcel ID# 51026. The applicant requests a Special Use Permit for a family day care home.*

Mr. Garrison opened the Public Hearing.

Mr. Garrison closed the Public Hearing.

Mr. Plachcinski stated I had communicated with Ms. Hightower that she should be at the hearing through email.

Mr. Garrison stated I know there were several members that had questions last month and she wasn't here.

Mr. Plachcinski stated please postpone again.

Mr. Garrison stated that is going to put us in a position where we are running close to our ninety days from when it was first presented to us.

Mr. Whitfield stated traditionally Mr. Chairman an actual motion to postpone to an indefinite time with an affirmative vote is considered an action that would solve or stop the clock.

Mr. Garrison stated I just wanted to make sure.

Mr. Khan stated well I have a problem with that the last time she was absent and was not here. Now she is absent again and she either has no interest in it or something. To be absent twice to a meeting like this suggests to me means she doesn't care or something to that effect.

Ms. Evans stated I agree with Mr. Khan.

**Mr. Petrick made a motion to deny Special Use Permit Application PLSUP 2021-125 as submitted. Ms. Evans seconded the motion. The motion was denied by a 6-0 vote.**

3. *Rezoning Application PLRZ2021-133, filed by Scott Cheney on behalf of SRE LLC, requests to rezone 1083 Franklin Turnpike, Parcel ID#s 54397 and 53892, from OT-R Old Town Residential to conditional TO-C Transitional Office. The applicant proposes developing a real estate office.*

Mr. Plachcinski stated I would like to add that discussing with the applicant prior to this meeting one of the uses that was still on their proffer list was daycare facilities and we would like that removed. So that will not be part of the proffer list use, with that Planning Commission recommends approval of Rezoning Application PLRZ2021-133 to City Council.

Mr. Garrison opened the Public Hearing.

Mr. Garrison Stated Mr. Cheney do you have anything that you would like to add?

Mr. Cheney stated no.

Mr. Garrison closed the Public Hearing.

**Mr. Bolton made a made a motion to for recommendation of approval for Rezoning Application PLRZ2021-133 as submitted. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.**

4. *Rezoning Application PLRZ2021-161, filed by Barbara Smith, requests to rezone 816 West Main Street, Parcel ID#s 57237 and 57238, from OT-R Old Town Residential to HR-C Highway Retail Commercial. The subject property will not change use immediately, it operates as a legally conforming dental office.*

Mr. Garrison opened the Public Hearing.

Ms. Barbara Smith stated, I am a co-owner of this property in question. It is extremely close to the Caesar's Casino and my husband has already going to be discontinuing his dental practice. He is merging with another dentist, so, he is not going to be needing that building. We obviously would like to sell it and have it zoned the same thing as across the street. CVS is zoned highway retail commercial and there is a lot of other commercial in the area obviously. It has been used commercially since 1978.

Mr. Garrison closed the Public Hearing.

Ms. Evans stated isn't there one lone house next to this, a single-family residence?

Mr. Garrison stated yes there is.

Ms. Evans stated that just carves it out or is he still within this district but just a house?

Mr. Plachcinski stated I believe that the house to the left, is zoned highway retail commercial.

**Ms. Evans made a motion to recommend approval of Rezoning Application PLSUP 2021-161 as submitted. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.**

5. *Special Use Permit Application PLSUP 2021-168, filed by Wanda Joyner requests a Special Use Permit for a day care center in accordance with Article 3.M Section C.6. of the Danville Zoning Ordinance at 145 Franklin Turnpike, Parcel ID# 52599. The applicant requests a Special Use Permit for a day care center.*

Mr. Garrison opened the Public Hearing.

Ms. Wanda Joyner stated Hello, I have been doing daycare taking care of three to four kids in my house since 2006 of June. Before the pandemic I was the director of a church daycare. Once the pandemic started in March, we closed the daycare down and I have been looking for a place of my own.

Mr. Dodson stated we have a letter from one of the neighbors and she wasn't opposed to it, but she was concerned about the traffic on the road and the safety of the children.

Ms. Joyner stated we plan on putting fencing all the way around sir. It already has a chain in the front and a chain around the side. It already has a parking lot and we plan on fencing it all the way around so the kids will not be able to get into the road.

Mr. Garrison closed the Public Hearing.

**Mr. Bolton made a motion for recommendation of approval for Special Use Permit Application PLSUP 2021-168 as submitted. Mr. Evans seconded the motion. The motion was approved by a 6-0 vote.**

6. *Zoning Ordinance Text Amendment Application PLRZ2021-176, filed by Prime Home 179 Ingram LLC, requests to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended. Specifically, to amend Article 3.M HR-C Highway Retail Commercial to include Contractor's office, shops, and storage yards as a permitted use under new subsection B.33.*

Mr. Plachcinski read the staff report and then stated I had a follow up conversation with the applicants. So, I'm going to amend this recommendation. Initially we recommended the change that contractor's offices and shops should be added in special use permit instead of permitted uses. So, after discussing this recommendation with the applicant, the counter suggestion and I agree with that as long as there's no outdoor storage that a contractor's office and shop may not have any sort of nuisance potential that would need a special use permit. Where if you do have outdoor storage at a contractor's office or shop then it would be more likely that there would be conditions at the Planning Commission could recommend as a prerequisite for approval. So, with that, I'd like the Planning Commission to consider allowing contractors offices and shops without outdoor storage to be permitted uses and with outdoor storage to be special use permitted issues.

Mr. Garrison opened the Public Hearing.

Mr. Garrison stated I believe this applicant is represented by mister Gould.

Stephen Gould said good afternoon, mister chairman and members. I am with Byrnes Gould Law and we do represent the applicant as the director just noted. We had a productive conversation and we believe that we've identified a reasonable compromise that allows for permitted use in a situation like our client has where there is no outdoor storage anticipated and I'm happy to answer any questions that you might have.

Mr. Garrison stated I think that was the biggest concern that I had when I read it was the outdoor storage portion of it because I know there are a lot of HRC places we would not want outdoor storage. So, that change helps with that.

Mr. Garrison closed the Public Hearing.

Ms. Evans stated I have a question about the change. If you change it to that, it is already permitted. What if someone just started storing stuff outside. Who is going to police that?

Mr. Plachcinski stated at that point it would be a zoning violation and the remedy would be to apply for a special use permit and visit the Planning Commission to have a public hearing.

Mr. Whitfield stated and if they didn't, the Planning staff would have the opportunity or the duty to take them to court and to enforce it.

Ms. Evans stated unless you see it by chance and that depends on someone from the public reporting this. Like I have reported many things that I've seen.

Mr. Plachcinski stated there are you always know opportunities to improve the code enforcement at any community that I've ever worked with. So, we do try to balance following up on code enforcement and as the attorney suggested taking people to court when necessary.

Mr. Petrick stated just to be clear the current zoning allows for office space. So, we're saying that without the need for outdoor storage, this comes under that.

Mr. Plachcinski stated what I'm suggesting is without the need for outdoor storage, it would be a permitted use.

Mr. Petrick stated are we considering the amendment as well, or the approval of the text amendment application and are we considering that also?

Mr. Plachcinski stated yes.

Mr. Petrick so we have two?

Mr. Plachcinski stated the text amendment would apply to contractors.

Mr. Petrick stated so we're approving the text amendment and, also approving his application?

Mr. Plachcinski stated no, they would not have outdoor storage with what they're proposing.

Mr. Petrick stated so, it's already permitted.

Mr. Plachcinski stated it would be after ordinance amendment took effect.

Mr. Petrick stated all we are concerned about is the text amendment?

Mr. Plachcinski stated yes, sir.

Mr. Garrison stated if they wanted to have a contractor's office with outdoor storage then they would have to come and get a special use permit?

Mr. Plachcinski stated yes, sir.

Mr. Garrison stated so, this would then be a permitted use with a special use permit for outdoor storage. So, it would read that way in the text?

Mr. Plachcinski stated yes, sir.

**Mr. Petrick made a motion for recommendation of approval for Zoning Ordinance Text Amendment Application PLRZ 2021-176 as submitted. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.**

- 7. Rezoning Application PLRZ2021-179, filed by Caesar's Virginia LLC, requests to rezone 1100 West Main Street, Parcel ID# 51530, from M-I Industrial Manufacturing District to C-E Casino Entertainment District. The applicant proposes developing a casino and entertainment resort.*

Mr. Garrison opened the Public Hearing.

Mr. Stephen Gould, I am here to represent Caesar's and it is good to be back. Mr. Gould stated I believe that the proposal speaks for itself. I know that you've considered the zoning district itself recently and you are very familiar with the requirements under that. We believe that the submission here is in line with what the district requires. I'm happy to answer and respond to any question that the public may have.

Mr. Garrison closed the Public Hearing.

**Mr. Petrick made a motion for recommendation of approval for Rezoning Application PLRZ 2021-179 as submitted. Mr. Khan seconded the motion. The motion was approved by a 6-0 vote.**

8. *Rezoning Application PLRZ2021-187, initiated by the City of Danville Planning Director requests to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended. Specifically, to amend Article 15. Section B. Definitions to include a definition for Cannabis Dispensing Facility and to amend Article 3.J N-C Neighborhood Retail Commercial District to add Cannabis Dispensing Facilities as a permitted use under new subsection B.16.*

Mr. Garrison opened the Public Hearing.

Mr. Garrison closed the Public Hearing.

**Mr. Bolton made a motion for recommendation of approval for Rezoning Application PLRZ 2021-187. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.**

#### IV. NEW BUSINESS

1. Request to review a Final Major Subdivision plat for the dedication of right-of-way at Preston Place.

Mr. Garrison stated this is one that we have approved in the past. This is final approval, right?

Mr. Plachcinski stated yes.

**Mr. Bolton I'll move that we adopt a resolution grant approval of a final subdivision plat as listed. Mr. Petrick seconded the motion. The motion was approved by a 6-0 vote.**

#### V. OLD BUSINESS

1. Parking Requirement Amendments

Mr. Plachcinski stated I reviewed the exiting parking ordinance and I know at the last meeting we had discussed me furnishing a red line copy for a proposed amendments but I took a pretty significant red pen to the ordinance and shrunk it way down. What I'd like to do is touch up this draft ordinance again and present a memo explaining that the changes to an upcoming planning commission work session. Which I'd like to schedule on June 21<sup>st</sup> at 3:00 Pm in the conference room on the 4<sup>th</sup> floor.

VI. PLANNING DIRECTOR'S REPORT

1. Set Planning Commission work session to update sign ordinance.

Mr. Plachcinski stated I would like to schedule a work session on July 19 at 3:00 pm in the conference room on the 4<sup>th</sup> floor.

Mr. Bolton stated I don't know if we can do anything about this but the couple that came in late is that Ms. Hightower?

Mr. Garrison stated is Ms. Hightower here?

Ms. Hightower stated yes, sir.

Mr. Garrison stated can we go back but we have already recommended denial.

Mr. Whitfield stated you could, you theoretically could reconsider it, but the other thing is City Council doesn't have to take your recommendation. You are only making a recommendation to council but it would be up to a vote of the commission as to whether or not you wanted to reopen the case and then if you decided to reopen the case, you theoretically could reconsider the motion and move for approval or leave it as is.

Mr. Petrick stated I suggest that we leave it as is and send it to City Council.

Mr. Garrison stated Ms. Hightower we did not have you here to give us the input, so we recommended disapproval. That does not mean that City Council cannot change that because we only recommend. You need to be at City Council meeting to explain to them what you want to do.

Mr. Whitfield stated, and that meeting will start at 7:00 pm sharp.

VII. APPROVE MINUTES FROM MAY 10, 2021

The May 10, 2021 minutes were approved by unanimous vote.

VIII. ADJOURNMENT

With no further business, the meeting adjourned at 3:46 p.m.

APPROVED \_\_\_\_\_