

## PLANNING COMMISSION MINUTES

DECEMBER 13, 2021

### MEMBERS PRESENT

Mr. Bolton  
Mr. Craft  
Mr. Dodson  
Ms. Evans  
Mr. Garrison  
Mr. Petrick

### MEMBERS ABSENT

Mr. Khan

### STAFF

Ken Gillie  
Lisa Jones  
Clarke Whitfield

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

Mr. Garrison stated there are three cases here for us today and officially there were four cases scheduled for today. The case dealing with Stewart Street has been withdrawn from our agenda today and it maybe presented at a future date. If anyone is here today to talk about Stewart Street, we will not have it on our agenda today and you will be notified again if that should come up.

### ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP 2021-389, filed by Benjamin F. Moomaw III on behalf of the Berean Bible Church, requests a Special Use Permit Planned Unit Development in accordance with Article 17 of the Danville Zoning Ordinance at 305 West Main Street (Parcel ID#26335). The proposed Planned Unit Development will convert the existing church into a four (4) unit dwelling building.*

Mr. Gillie stated I believe it is supposed to be four dwelling units not five.

Mr. Garrison stated it says four here, but I think within the body of what was presented there are five. There are three on the main floor and two in the basement.

Mr. Gillie stated the application says convert church building to four apartments. Two for short-term rental and two for long-term rental.

Mr. Garrison stated the plan shows three upstairs and two down.

Mr. Gillie stated then at this point I would have to say I can't say that it is five. It has been advertised as four, but staff report says five, I think there is some confusion, I believe. We will have to go with four or we will have to hold this item for an additional month.

Mr. Petrick stated the plans are looking like five.

Mr. Benjamin F. Moomaw appeared on behalf of the Berean Bible Church and stated we would like to do five.

Mr. Whitfield stated have him come up to the microphone so people can hear him.

Mr. Garrison stated I haven't opened the Public Hearing yet. I am just trying to determine whether it is four or five. He is saying five and the plan say five and it was advertised as four so Mr. Attorney what do we do?

Mr. Whitfield stated since it has been advertised as four and it is a more intense use of it, I think you will either have to deny it or hold it over for a month and readvertise it as five.

Mr. Garrison stated should we ask him whether he wants to hold it over?

Mr. Whitfield stated I think that is fine and I don't have a problem with that.

Mr. Moomaw stated I would like to ask to hold it over until next month.

Mr. Whitfield stated you will have to come up to the microphone.

Mr. Garrison stated you can come up to the microphone. Now we haven't opened the Public Hearing but since there is a discrepancy on the plans and what was advertised, legally it would be four because that is what was advertised and then when this came out, I noticed that it had five and you are intending for it to be five?

Mr. Moomaw III, stated I am intending for it to be five. After I had put my application in and working with Solex Architecture, we determined that five would be a better number. I am willing to wait a month and refile what I need to.

**Mr. Bolton made a motion to postpone to a indefinite time for Rezoning Application PLSUP2021-389. Mr. Craft seconded the motion. The motion was approved by an 6-0 vote.**

Mr. Garrison stated this item has been withdrawn from this meeting and is being held over for an indefinite time until such time.

Mr. Whitfield stated for clarification it could be next month. It's just so there's is no issue regarding timelines or nobody's crunch time wise.

Mr. Garrison stated there will not be any discussion on this item today. We will not have any public discussion for item 1 today.

Mr. Craft stated will the homeowners get the adequate notification for the surrounding residences to whether they approve or opposed this item?

Mr. Gillie stated we will send out a new letter notifying them of the correction and making sure that the add for the newspaper suggests five units as opposed to four units. That will be plenty of time for us.

2. *Rezoning Application PLRZ2021-399, filed by Iulian and Corrie Bobe, requests to rezone 125 Jefferson Avenue (Parcel ID# 23123) from N-C Neighborhood Commercial to M-R, Multifamily Residential District. The applicant will renovate and restore the building to its previous triplex dwelling configuration.*

Mr. Garrison opened the Public Hearing.

Mr. Iulian Bobe appeared on behalf of this application, and stated, we purchased the property at 125 Jefferson Avenue and the property at 131 on the corner as you may see there. The property at 125 Jefferson to my knowledge used to be a residential three triplex.

Then it was purchased by an entity called Troika LLC, which was operated by the Episcopal Church. They applied for a zoning commercial in order to operate the Episcopal School. The school closed and we purchased the property. So, we are requesting to revert the zoning back to residential. I believe the main reason they had requested the zoning to be commercial is because they wanted to operate the school.

Ms. Evans stated where do you anticipate the residents of these three apartments parking?

Mr. Bobe stated we have a combination of on street and behind 131 we have a couple of parking spots.

Mr. Bolton stated is that an alleyway that comes in from the corner back of those properties? It shows as an open something. Is that a road?

Mr. Bobe stated no.

Mr. Bolton stated a close road?

Mr. Bobe stated we have combined between the two properties and we have about a quarter of an acre. It's not an alleyway.

Mr. Bolton stated I just wanted to be sure that little access from the side from Patton Street was something that you could use for parking and it is not a proposed street or an alleyway. Does anybody know?

Mr. Gillie stated according to our maps it is an alley.

Mr. Bolton stated could he use it for parking?

Mr. Gillie stated it's not wide enough to be used for parking. I mean, it's just an access to allow access to the rear of the property. It was probably an old coal delivery shoot or something else back there but no, it's not wide enough itself to be used for parking.

Mr. Bolton stated are you saying there is parking behind there?

Mr. Bobe stated yeah, it can fit a couple of cars there.

Mr. Bolton stated two cars?

Mr. Bobe stated probably four.

Mr. Bolton stated parking along that street is not by permit, it's just public parking. So, it's plenty there on the street, I think.

Mr. Garrison closed the Public Hearing.

**Mr. Bolton made a motion to recommend approval of Rezoning Application PLRZ 2021-399 as submitted. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.**

3. *Special Use Permit Application PLSUP 2021-422, filed by Keith Walden on behalf of CWC Holdings LLC, requests a Special Use Permit for a Planned Unit Development in accordance with Article 17 of the Danville Zoning Ordinance including Parcel ID#s 20596, 20597, 25672, 22841, 24958, 25085, 25226, 22099, 25069, 25070, 25074, 20420, 20421, 20422, 25542, 25073, 23886, 22924, 24974, 21173, 20425, 24984, 25098, 22104, 22103, 22513, 24649, 24358, 21117, 24359, 25088, 20424, 25087, 20418, 25086, 25089, 25090. The proposed Planned Unit Development will include multiple-family dwellings and an apartment building.*

Item 3 was withdrawn from the agenda until a later date.

4. *Zoning Ordinance amendment PLCA2021-415, initiated by the City Planning Commission, proposes amending the code so that corner lots have a front yard and a street-side yard instead of two (2) front yards. This amendment also addresses each regulation that relies on the new street-side yard definition.*

Mr. Gillie stated Zoning Ordinance PLCA 2021-415 not 245 as shown in the staff report itself. Do you want me to go on reading the staff report?

Mr. Garrison stated not unless it's legally required to read it all in and I don't believe it is.

Mr. Gillie stated it has not been.

Mr. Garrison stated basically, what we were trying to do is to eliminate people having to go before the BZA because they had a corner lot and they had what was considered two front yards and this will allow. I think this will alleviate all the items that have gone before the BZA in the last several months, which BZA passed. It just cleans up the code a little bit for developing a side yard for a street side yard.

Mr. Garrison opened the Public Hearing.

Mr. Garrison closed the Public Hearing.

**Mr. Bolton made a motion to recommend approval of Zoning Ordinance amendment PLCA2021-415. Mr. Craft seconded the motion. The motion was approved by a 6-0 vote.**

IV. APPROVE MINUTES FROM NOVEMBER 8, 2021

The November 8, 2021 minutes were approved by unanimous vote.

V. PLANNING DIRECTOR'S REPORT

Mr. Gillie stated it is good to see everyone. It's been quite a while since I've been here and it's nice to be back. I'm glad things are still running smoothly. The city council report from last time followed your recommendations and Doug is in Chicago with the group Middle Border Forward looking at some things hopefully that we will be able to incorporate here in the city. So, that's why I'm covering for today, but he will be back by the end of the week. So, if you have any questions or anything else, feel free to contact either him or I. That's all. Thank you.

VI. APPROVE MINUTES FROM NOVEMBER 8, 2021 WORK SESSION

The November 8, 2021 work session minutes were approved by unanimous vote.

VII. ADJOURNMENT

With no further business, the meeting adjourned at 3:14 p.m.

APPROVED \_\_\_\_\_