

PLANNING COMMISSION MINUTES

JUNE 13, 2022

MEMBERS PRESENT

Mr. Bolton
Mr. Dodson
Ms. Evans
Mr. Garrison
Mr. Khan
Mr. Petrick
Mr. Bennett

MEMBERS ABSENT

STAFF

Doug Plachcinski
Lisa Jones
Alan Spencer
Shanika Williams
Ken Gillie

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

ITEMS FOR PUBLIC HEARING

1. *Rezoning PZ22-96 application from God's Pit Crew to rezone a 0.069-acre portion of a property on North Main St. (Parcel #s: 53503 and 60497) from Light Economic Development – Industrial (LED-I) to Highway Retail – Commercial (HR-C).*

Mr. Garrison opened the Public Hearing.

Mr. Randy Johnson, Founder, and director of God's Pit Crew, stated I want to take a moment to just thank you for considering this so that we can continue to develop, upgrade, and build out our facility up there. We hope and believe this is a great improvement to our side of the town and so we really appreciate your consideration on this. We just want to rezone it and basically, a 20-foot-wide strip, that's maybe 300 feet long to add to this property. So, we can build this maintenance building and this storage and maintenance facility to help us to continue to grow our organization. Thank you very much.

Mr. Garrison closed the Public Hearing.

Mr. Petrick stated Doug, the note here about the two parcels. One of these is already highway commercial, isn't it?

Mr. Plachcinski stated right, it's taking a portion of one and rezoning it to match the other and they'll do a plat boundary line adjustment at the same time. It's just, we can't split zone property. So, when we move the boundary line because they're not the same zoning district. We have to rezone that portion.

Mr. Petrick stated I didn't see that in the application. I guess it was added after you discussed it?

Mr. Plachcinski stated yes.

Mr. Petrick made a motion to recommend approval of Rezoning Application PZ22-96 per staff recommendations. Mr. Dodson seconded the motion. The motion was approved by an 7-0 vote.

2. *Special Use Permit PZ22-106 application from Steven Decker, for a duplex residential dwelling as allowed by Zoning Code section 3.E.C.2 at 726 Temple Avenue (Parcel # 24611).*

Mr. Garrison opened the Public Hearing.

Mr. Steven Decker, owner of 726 Temple Avenue, stated I'm a Class A contractor in the city. I happened to be working on a house for Danville Housing and Redevelopment Authority across the street and through a series of events ended up buying this one. I've gotten to know a lot of the neighbors around here for probably about four months now. After I bought the house, I knew beforehand that it was set up as an apartment upstairs and a separate unit downstairs. Sometimes once you buy something, you find out more about it later. I need to split up the utility bills if it's two different occupants. Having had rental property before, not doing that creates a lot of problems. So, I just want to have things split up so they're being done right and it's not going to cause friction for the tenants that will be there.

Ms. Evans stated how do you enter the second-floor apartment?

Mr. Decker stated there's a separate stairwell. Two of them actually there are two different entrances to go upstairs that can be separated completely locked out from the main floor. So, on the right of the house, there's a stairway that goes up to the second floor and on the backside, on the left side, there's a stairway that goes downstairs.

Ms. Evans stated if you're facing it that's on the left where there could be chickens, underneath? That's what it looks like.

Mr. Decker stated there's a front porch, it's covered for the whole front of the house.

Ms. Evans stated right.

Mr. Decker stated on the right-hand side, there's a second door that goes to a stairway upstairs.

Ms. Evans stated okay, so you don't.

Mr. Decker stated you don't go through the main door to get up there. That's correct.

Ms. Evans stated so, it's on the front porch?

Mr. Decker stated yes, the front porch will be shared and then on the back of the house, there's a separate stairway going down. So, there's two means of egress.

Ms. Evans stated how long do you think it was a duplex before you purchased it?

Mr. Decker stated all the neighbors I've talked to said it's been like that ever since they've been familiar with the house. So, many years, judging by the appliances and things that are there. It's been like that for a while.

Ms. Evans stated the reason I ask is someone is opposed because they said they don't need another duplex on the street. They don't need that much density and they're concerned about the owner of the property not taking care of it.

Mr. Decker stated I've had a lot of rental property in the city past and I've taken care of all that. I don't know. You can look at my history with diversified services and the properties I've had around town, and I've not had issues like that in the past. So, I don't anticipate them.

Mr. Bolton stated when will you start working on it?

Mr. Decker stated we've actually started doing some, well, it took two forty-yard dumpsters to clean the house out. So, we started working on it just to make it a little more presentable over a month ago, but I can't do too much until I get the proper permits.

Mr. Petrick stated you discovered when this first came up that it's been operating for some time as a multi-family dwelling. Just not legally permitted?

Mr. Decker stated correct.

Mr. Petrick stated you don't know how long that's been?

Mr. Decker stated it's been a while.

Mr. Petrick stated, I'm sure.

Mr. Garrison closed the Public Hearing.

Mr. Bolton made a motion to recommend approval of Special Use Permit application PZ22-106 as submitted. Ms. Evans seconded the motion. The motion was approved by an 7-0 vote.

3. *Rezoning PZ22-109, initiated by the Planning Director, updates the exterior lighting standards contained in Chapter 41, Article 11, Exterior Lighting.*

Mr. Garrison opened the Public Hearing.

Mr. Doug Plachcinski, Planning Director, went over the updates on the exterior lighting standards contained in Chapter 41, Article 11, Exterior Lighting. (See below)

ARTICLE 11. - OUTDOOR LIGHTING AND ILLUMINATION REGULATIONS

A. - Purpose

This Article regulates the placement and arrangement of lighting on all properties and uses except one - and two-family dwellings within the City. The regulations in this Article protect the public health, safety, and general welfare; control light spillover, pollution, and glare; promote energy efficiency; preserve community character; and provide nighttime safety, utility, security, and productivity.

B. Objectives.

These standards will accomplish the following objectives:

1. Avoid light spillovers and glare onto adjacent premises and public rights-of-way.
2. Shade, shield, and direct light sources so that the light intensity or brightness is not objectionable to surrounding areas.
3. Control illumination of vertical architectural surfaces.

C. Standards

1. Site and area lighting. Light levels must not exceed 0.5 foot-candles at any point along the property perimeter or adjacent to residential zones and uses, except for light levels of up to 2.0 footcandles along the perimeter of property adjacent to commercial or industrial zones or uses.
2. Light levels must not exceed 15.0 foot-candles within a site except to illuminate building exteriors, signs, and task areas as approved by the Zoning Administrator.
3. Pole-Mounted Fixtures. Pole-mounted light fixtures used for site and area lighting must be subject to the following design guidelines:
 - a. Pole-mounted lighting with a pole height of 15' or less must not exceed 15.0 foot-candles. The light must be so shaded, shielded or directed that the light intensity or brightness will not be unreasonably objectionable to surrounding areas.
 - b. Pole-mounted lighting with a pole height of greater than 15' and not exceeding 35' in height must be a down-type, mounted horizontally and angled perpendicular to the ground.
4. Building mounted lighting fixtures must not exceed 15.0 foot-candles and must not exceed a 35' mounting height. The light must be shaded, shielded, or directed so that the light intensity or brightness will not cause glare or exceed site and area lighting limits at the property perimeter.
5. Landscape Light Fixtures. Landscape light fixtures, including ground lighting for signs, flag poles and statues, must be equipped with shields or shutters to eliminate glare. The light must be so shaded, shielded or directed that the light intensity or brightness will not be unreasonably objectionable to surrounding areas.
6. Blinking, Flashing and Temporary Lighting. Lights must not blink, flash, oscillate, or flutter including changes in light intensity, brightness, or color.
7. Site Lighting Plan. Whenever a change to site lighting is proposed, a site lighting plan for developments requiring site plan review must be submitted including the following information:
 - a. Locations of all exterior light fixtures.
 - b. Details for illumination devices, fixtures, lamps, supports, reflectors, and other devices (e.g., fixture type, mounting height, output).
 - c. Photometric data of illumination cast on horizontal surfaces. Vertical photometric data must be provided in either a grid or contour line format measuring footcandles on the ground.
8. Illumination levels for all building-mounted, vertical architectural, and landscaping lighting. Reduced Lighting. For uses requiring site plan review, lighting must be significantly reduced during nonoperational building hours, allowing only lighting necessary for security and tasks. The lighting plan submitted for review must indicate where this distinction applies
9. Exemptions to Regulations. The following outdoor lighting and related acts shall be exempt from the requirements of these outdoor lighting regulations:
 - a. Lighting which is not subject to this chapter by State or federal law.

- b. Construction, agricultural, emergency, special events, or holiday decorative lighting, provided that the lighting is temporary and is discontinued within seven (7) days upon completion of the project or holiday for which the lighting was provided.
- c. Security lighting, controlled by sensors, on for less than 15 minutes.
- d. Replacing an inoperable lamp or component in a legally non-conforming light.

Mr. Garrison closed the Public Hearing.

Mr. Bolton made a motion to recommend approval of the updates to the exterior lighting standards that are contained in Chapter 41, Article 11, dealing with exterior lighting. Ms. Evans seconded the motion. The motion was approved by an 7-0 vote.

IV. PLANNING DIRECTOR'S REPORT

It's bittersweet that my last director's report is verbal. To the group, certainly any work that we've accomplished together, and this is a testament to what a great Planning Commission you all are and how well you work and care about the City of Danville, it's been really great working with you. I want to point out that there were three items that we advertised for this meeting that were not on the agenda. The skill game parlor on Route 58 West heading out of town. The application was withdrawn. So, that is gone. Additionally, there were some changes to the way the zoning ordinance presents permitted and special use required permits. Given the transition that's coming up within the department staff, it will take some additional time to review that work before bringing it back to the Planning Commission. Last is the landscape standards. I'd hope to work on them and get them done but they need a pretty substantial rewrite in my opinion. So, I was not able to get that. I'm still going to try to leave a draft behind by the end of the month. I'll be here at the city through June 30th, but those items were still left on the plate to finish up. The other thing that I wanted to mention is I had hoped to be able to report on the status of the Community Flood Prevention grant application that the city had submitted to enhance the work that our comprehensive plan is going to engage. I finally was able to get in touch with staff at DCR and the delays in passing the budget this year have delayed the state budget, and that has delayed the grant announcement. They certainly expect the full grant announcement in the next coming period of time. I'm not sure whether the governor has signed the budget that was sent to him yet, but I believe the legislative work was wrapping up on the budget. So, expect to hear an announcement soon. Hopefully, by the end of the month, but they can't really give a firm date and it's understandable. So, again, thank you very much. I really enjoyed getting to know and working with all of you, except for my obnoxious neighbor. But no, we all get along great and I'm sure that you know, the Commission will carry on its good work with the coming staff changes. Shanika, do you know if there's been any decisions about, and Kenny, about who's going to be interacting with the Planning Commission?

Mr. Garrison stated Mr. Bolton do you want equal time?

Mr. Bolton stated I'm just glad he's staying in Danville.

Mr. Garrison stated I want to thank you for your time here. Mr. Gillie, would you like to speak to us.

Mr. Gillie stated just one thing briefly, Doug said, I'll be kind of handling it in the interim. The next Planning Commission meeting is scheduled for July 11th, and I will be out of town

the 11th and 12th. So, I would like to request that you possibly consider announcing a new date so we can advertise appropriately and if you agree to move the date, that would be fine. Otherwise, we may not have staff available that day.

Mr. Garrison stated I think we need staff here. So, you're not going to be here on the 11th or 12th. Is the 13th good?

Mr. Gillie stated yes.

Mr. Garrison stated so, Wednesday the 13th at 3:00. Mr. Attorney, I believe we need to make a motion for that.

Mr. Alan Spencer, Assistant City Attorney with the City of Danville stated yes, I would go ahead and do that. Somebody makes a motion to change the date to the 13th.

Mr. Petrick so moved to change Planning Commission date next month to the 13th. Mr. Bolton second. The motion was approved by a 7-0 vote.

Mr. Garrison stated Mr. Plachcinski, I want to thank you for your time here with us. I have enjoyed working with you and I wish you well. Do any other commissioners have anything that they would like to add?

All Commissioners stated Ditto.

V. APPROVE MINUTES FROM MAY 9, 2022.

The MAY 9, 2022, minutes were approved by unanimous vote.

VI. ADJOURNMENT

With no further business, the meeting adjourned at 3:20 p.m.

APPROVED