

PLANNING COMMISSION MINUTES

July 11, 2011

MEMBERS PRESENT

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

MEMBERS ABSENT

Mr. Jones
Mr. Scearce

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.

I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP20110000249, filed by Beverley Richardson, requesting a Special Use Permit to allow the operation of a restaurant in accordance with Article 3J: Section C, Item 13, of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended at 1013 South Main Street, otherwise known as Grid 1611, Block 003, Parcel 000003 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting to operate a restaurant at this location.*

Miss Scolpini read the Staff Report. Thirteen (13) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Three (3) respondents were unopposed to the request; one (1) was opposed to the request.

Open the Public Hearing.

Present on behalf of the request were Mr. Nick Fowler and Mr. Beverly Richardson. Mr. Fowler stated I represent the buyer Mr. Richardson, and I am here to answer any questions that you may have. I can tell you that it is not going to be a restaurant. It is going to be a sandwich shop.

Mr. Jennings asked are none of the sandwiches made on site?

Mr. Fowler responded no. He has already checked with the Health Department. They will be made offsite and brought in. They will be making the sandwiches onsite, but everything they put in them will be brought in.

Mr. Jennings asked will you have something like a microwave for those who want to come in and eat?

Mr. Fowler responded it is going to be cold sandwiches.

Mr. Jennings asked sandwiches only?

Mr. Fowler responded sandwiches, chips, drinks, and this kind of stuff.

Mr. Richardson stated it is O'Kelley's restaurant, the same thing that is on Piney Forest Road. It will have pastries, sandwiches, and salads.

Mr. Laramore asked does the current location have seating inside?

Mr. Fowler responded he has no seating. He is going to have some picnic tables outside. There will not be anything on the inside.

Mr. Wilson asked I do not know if this is under our umbrella, but my question is, I go up that road all of the time, and there is just kind of a hodge podge of businesses along there and some are very attractive, and some are not very attractive. Do we have any right to ask about the attractive nature of improving that street or is it going to be just some little tables thrown out there?

Mr. Fowler responded he is already working with screen printers to put his logo on the umbrellas. It is going to be real nice. If you have seen his location on Piney Forest and what he has done there, it really improved the property. It will improve the property here also.

Mrs. Evans asked I know he offers chicken salad sandwiches, so will the chicken be cooked offsite?

Mr. Fowler responded yes. He also has barbeque and pimento cheese. We have already worked it out with the health department where we can do this.

Close the Public Hearing.

Mr. Griffith asked what constitutes cooking? I know that some restaurants have no cooking, but they can use things in the microwave, as long as they do not have a grill or frying.

Mr. Gillie responded it is really defined through the Health Department on what they consider preparation of food. You can have the hot dog things that just roll the hotdogs and heat them. That is not truly considered cooking. A microwave is not considered cooking. If you had fryers, ovens, gas stoves, or other appliances like that would be considered cooking. There is a fine line, so we refer to them. That question about it not being a restaurant, but a sandwich shop, well according to the Zoning Code a sandwich shop is a restaurant. Cooking to us is the preparation of food. We refer to the Health Department to consider what is an actual kitchen cooking food, or if it is just pre-packaged and prepared meals.

Mr. Laramore asked would something like a Subway fall under that same category?

Mr. Gillie responded Subway does cook. They prepare bread and other things onsite.

Mr. Laramore asked would that fall under the same category?

Mr. Gillie responded it falls under restaurant according to the Zoning Code, yes. We define Subway as a restaurant even though it is a sandwich shop. It is still the same thing according to us.

Mr. Laramore asked will they be doing something similar to Subway?

Mr. Gillie responded according to us, yes.

Mr. Wilson stated I do not have any issues with this at all. I think it is neat to put restaurants in neighborhoods. I do have a concern. Bentos is on that same street, and they never seem to have enough parking. The way the area looks, I am hoping that by approving this we are actually improving the overall entrance street into our community. It is a pretty prominent street. I do not know if we have any say in that. That would be a concern of mine.

Mr. Gillie stated we do have a say in the number of parking spaces. In Bentos case, the size of the restaurant meets our requirement. Bentos suffers from too many people trying to get in there at one (1) time. They have enough parking based on the capacity. If you have been by Bentos especially at lunch time and others you see people standing in line outside of the door and around the sidewalk. That is not accommodated for in our parking requirements. We try not to put too many parking spaces and over pave a site. They are a victim of their own success. The exterior appearances and things, we do have some requirements on the tables outside and how they do that. We will continue to monitor it. As he has described it so far, it meets our Code. We do not have any issues with the facility that they have on Piney Forest Road. We are assuming that it is going to be the same. We will monitor the situation as it goes. Parking is something that we concern ourselves with, and we will continue to keep up on the exterior appearance. Until it is in operation we cannot really say. You kind of have to violate the Code first for us to tell you that have violated it. Bentos has just outgrown their location.

Mr. Laramore asked is there a parking space requirement for the take-out portion of the business?

Mr. Gillie responded it is based on the number of seats inside and the number of employees. If you do a fast food verses another type, you do have two (2) different parking requirements. Based on what we have we will make that recommendation based on how they operate.

Mr. Laramore made a motion to approve Special Use Permit Application PLSUP20110000249 as submitted. Mr. Jennings seconded the motion.

Mrs. Evans stated yes, if they agree to the following conditions that were included: hours of operation, parking spaces, etc.

Mr. Laramore stated I will change my motion to include those.

Mr. Laramore modified the motion to approve Special Use Permit Application PLSUP20110000249 with staff's conditions. Mr. Jennings seconded the motion. The motion was approved by a 5-0 vote.

- 2. Rezoning Application PLRZ20110000250, filed by AutoCycle, LLC, requesting to amend the Year 2020 Land Use Map from USR, Urban Single-family Residential to HI, Heavy Industrial and to rezone from T-R, Threshold Residential to I-M, Industrial Manufacturing, a portion of 14.84 acres at 1668 Halifax Road, otherwise known as Grid 3714, Block 004, Parcel 0000017 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting to rezone a portion of 1668 Halifax Road to allow consolidation with an adjacent parcel.***

Ms. Blair read the Staff Report.

Open the Public Hearing.

Present on behalf of the request was Mr. Bill Weaver and Mr. Greg Weaver owners of AutoCycle, LLC. Mr. Bill Weaver stated this is the third time I have been before the Planning Commission. We started off on Trade Street thinking that we would be there forever. Two (2) years later we moved out to Halifax Road. We are here today because we need more room. I do not know if you are familiar with our operation, if not I would love to have all of you out. We are in the auto recycling business. We call it a modern automobile dismantling facility. What we are doing over there is taking the scrap off of the roads: the trucks, trailers, cars, and so on. When they come into our facility, we inventory them. We place the parts that were inventoried in location within the facility. Some of those are dismantled and those parts are put into our warehouse. When the vehicles reach

their end of life, which is approximately every ninety (90) days, we crush them. We send them to a shredder, which is our partner Cycle Systems in Roanoke, Virginia. They have multiple facilities around the State. Right now we are getting so many cars in that we need some more room for storage. We want to rezone the back part of that parcel M-1 to accommodate along with that Special Use Permit, the storage of additional vehicles. This is going to be for storage. Are there any questions so far as to what we are doing over there? I would like to add that on two (2) occasions in the last ten (10) years, our site was chosen as a National Convention site for the Auto Recycling Association; because of the way we do things over there. I invested in a \$48,000 dollar piece of equipment that is a fluid evacuation system. As soon as the cars come into our facility, they are put on a rack with a forklift, and the fluids are drained: gas, oil, antifreeze, and what not. When cars are placed in inventory in the storage facility they are empty. That is required by EPA by some extent, but not to the extent we are doing it. We comply with all of the EPA regulations. In fact that came out and gave me a letter saying that it was the cleanest salvage facility that they have seen in the state of Virginia. We do have facilities that I do not want to be compared to in North Carolina, but close by. We just built a really nice mouse trap. We are very interested in maintaining the beautification of the street, which you can see by our landscaping, and the constant maintenance of our facility. We have had one (1) call from the City in twelve (12) years, and that includes both facilities. That had to do with some mud getting dragged out on the street this past winter. We invested \$4,000 dollars within two (2) days to make sure that it was not getting tracked out. We like to do things the right way. I do not know what else to tell you except that we need your help. We need to expand our business. We currently employ twenty-four (24) people. I am going to say that it will be close to forty-five (45) when we max out that facility.

Mr. Laramore stated the way I understand it is that you want to split this fourteen (14) acres.

Mr. Bill Weaver stated that is correct.

The Commission members and Mr. Bill Weaver had discussion about the survey plat.

Mr. Jennings asked is there a City Ordinance about the exposure of automobiles?

Mr. Bill Weaver responded yes.

Mr. Gillie stated Mr. Bill Weaver can you please go to the microphone, so everyone can hear you.

Mr. Bill Weaver stated twelve (12) years ago we applied for the recycling facility over on Trade Street. We came before Planning Commission. It was disapproved. It was property prone to flooding at the time. It was six (6) to one (1) against us. We met with Council after that and showed them what we were going to do, architectural renderings, we answered the concerns of our neighbors, and Council voted in our favor unanimously. We thought we were going to be there forever, but we ended up being there two (2) years. We heard about the property on Halifax Road. We went before Planning Commission again. It was unanimous the first time, and unanimous at Council. That is our history with the Planning Commission and Council.

Mr. Jennings stated some place in there I lost your answer as to whether there is an Ordinance against exposure.

Mr. Bill Weaver stated we need to get a Special Use Permit for the first facility on Trade Street and the second one. Kenny constituted it as a junk yard. We were not calling it that, but at the time the zoning books were; and they still have it as such. When did they re-write the zoning, about seven (7) years ago?

Mr. Gillie responded in 2004.

Mr. Bill Weaver stated when we came before Council there was a big issue with outdoor screening. You probably remember that. The ones that were being brought before Council were body shops, garages, and a handful of salvage yards of which we were one (1) of. The issue became what is outdoor storage? We met before Council, and I felt that the storage of automobiles was being discriminated against by the past zoning. I told them that I was one hundred (100%) percent for beautifying Danville. I think we have done our fair share, but I did not think that it was fair that they were picking on the storage of automobiles. I presented to Council that night, probably twenty (20) photos of people that had outdoor storage in the City. They tabled it at the time, and said that they wanted us to have six (6) months to put the fencing in. I called Ruby Archie at the time, because I had not talked to anybody but Archie. She said that they were re-writing it. Today, it says that any outdoor storage needs a special permit if you are going to store outside, whereby anybody who is going to store outside has to comply with the conditions. I think it is excellent.

Mrs. Evans asked this piece of property, their house is here and back here you are going to store. Is that the whole piece of property including that house?

Mr. Bill Weaver responded no. We are leaving that zoning as residential. They will be in that facility until which time they choose to leave.

Mrs. Evans asked do you own that?

Mr. Bill Weaver responded I will.

Mr. Griffith stated from what I can tell the only cars that are visible from the road are those that are parked at the business for employees.

Mr. Bill Weaver stated and we are working on that.

Mr. Griffith stated I was down there this morning, and I did not see any cars other than what appears to be employees cars parked in front of your place of business.

Mr. Bill Weaver stated our neighbors have been kind enough prior to purchasing the property, to let us park behind their house. What you saw was customer cars.

Mr. Griffith stated I mean there were not any abandon automobiles that were visible from the road. I did see a tractor and trailer with a load on it, but that was obviously going to the shredder.

Mr. Greg Weaver stated with the adjacent property that will not change. It will setback as far as our current yard, which is screened with plenty of trees.

Mr. Bill Weaver stated the place by the fence that is painted the color of our building, the one that is at the end of our road is where we are starting. In keeping with the parts park theme, which is my baby; Greg is the President. He put me in charge of the maintenance of the facility. I am in the neat freak stuff that drive employees nuts. At anytime you can see that it is a beautiful place, but we are going to leave trees this time. Last time we had tall square pines. This time we are going to have some big oaks in there. We are going to make it a park. I told my son that I would put some animals in there.

There were some jokes exchanged in regards to putting animals in the facility.

Mr. Jennings asked obviously staff wants to postpone the decision on this. How critical is time to you in getting this done?

Mr. Bill Weaver stated I would be disappointed if we cannot move on something today. I know we have one (1) issue. Kenny, you should tell them.

Mr. Gillie stated we had a few issues as Mr. Bill Weaver said. There was a special permit issued in 99 for the property adjacent to it. Consolidation would create some issues with the previously issued special exception permit, so we are going to have to modify that special exception permit. We just got the subdivision plat late on Thursday, and that is why there is not a copy of it in your packet. I apologize for that. We did not have enough time to shrink it all down, make the copies, and still get it out to you. We have some issues on subdividing the residential properties creating sufficient lot areas to make those meet the Code. Until a few minutes ago we were still trying to figure out where the septic tank systems are located on these properties to make sure that the property lines that we are proposing did not create an issue with the septic tanks. There are just some nuts and bolts things that we have not had enough time to resolve prior to this meeting. It is not that staff is opposed to this request; we have always worked with him very well. We have had very few complaints of his operation. Those that we have had, we just give him a phone call and say hey we have a complaint about this; and he fixed it right away. I have no doubt that these things cannot be addressed. At this point, we have not had sufficient time to address all of these. We also believe that in modifying that special exception permit issued in 99 will require an additional public hearing. It was not advertised for today's public hearing. Some of those conditions such as the fencing, there is a requirement for a fence between these two (2) properties. If he is going to try and use both properties, he would have a fence in the middle of his operation. We need to eliminate that. We have got to advertise. We can get all of this stuff by next month. We just do not feel at this time we are ready to move ahead, and have everything to work the way he needs it to work.

Mr. Bill Weaver stated there is a fence on both sides of the property that we are proposing. They are intact.

Mr. Gillie asked are you going to leave them intact with your operation?

Mr. Bill Weaver responded no, we are going to class them up.

Mr. Gillie stated that is the kind of thing we need to work on.

Close the Public Hearing.

Mrs. Evans stated I thought you said that there were three (3) opponents in our packets.

Ms. Blair stated I apologize. That is for another case.

Mr. Griffith asked were there none?

Ms. Blair responded I do not have those in front of you, because we did not have enough information to make an appropriate recommendation.

Mrs. Evans asked even though he is going to own all of the property, can he zone one (1) piece one (1) way and zone another piece another way?

Mr. Gillie responded we cannot have spilt zoning. What he has done with the subdivision is cut the two (2) houses off of the front property; which is Threshold Residential; and then consolidating the rear portion with his property that he is operating now. The rezoning is only a portion of it. That portion is based on the subdivision plat. We issue the subdivision plat with the two (2) residential properties. One (1) of them does not meet the minimum requirements to create a residential property. We have still got to work out those details. We are not split zoning a property or anything else. That is why we are here asking for the rezoning, but we have some things that we have to change.

Mr. Wilson stated I just want to make another observation. When I went by the property to see it, I drove up Halifax Road from North Main. Once again, it is a mess. It was a total mess. Every kind of structure, every kind of thing was there. I hope that whatever we are doing here as a recommendation, will actually improving overall and not just piecing together more stuff that does not look like it belongs with one another. That street is not our best.

Mr. Bill Weaver stated we are doing our best. We own half of the street.

Mr. Jennings stated my comment is that, I do not object to what he is doing; but I do not like to vote on something in the City like we are throwing something in that he does not want and we do not know what we are doing.

Mr. Griffith stated we do not have a motion to vote. We have to have a motion before we can vote. Staff's recommendation was to table it until they get some additional information, and staff and the Weavers can work out some issues. We can recommend approval of it, and have a motion to approve it as it is, or we can have a motion to deny approval. We have several options.

Mr. Wilson made a motion to table Rezoning Application PLRZ20110000250. Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.

3. *Special Use Permit Application PLSUP20110000253, filed by PTL Contractors, LLC on behalf of Averett University, requesting a Special Use Permit to allow a waiver of yard requirements in accordance with Article 31: Section C, Item 19, of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended at 420 West Main Street, otherwise known as Grid 1718, Block 007, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting a waiver to the 25' front yard setback requirement on a corner lot. The minimum front yard requested is zero feet on Woodland Drive.*

Miss Scolpini read the Staff Report. Thirty-six (36) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) respondents were unopposed to the request; five (5) were opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Mr. Jimmy New, owner of PTL Contractors, LLC on behalf of Averett University. Mr. New stated I would like to explain the situation. The center of the door of the building we are looking at right now is one hundred twenty-two (122) feet below West Main Street. That is the center of what we are proposing right now, and a slab of about seven and a half (7 ½) feet. When you are standing on West Main, you are almost looking over top of this part of the roof now. Once they began working with this facility, they realized that they have the potential of

taking care of all of the students and the parents, and anybody with special needs would be able to unload right there in front of the doors on the sidewalk, and be able to come in on one (1) level. They could take care of all of their needs whether it is registration, financing, grades, books, whatever. They could bring it all to one (1) place. We feel like it is a reasonable proposal. We do not see how it could block any views. Woodland begins to turn pretty sharply away from us. It also directs the traffic and cars to park in the future down toward what we call the commons parking lot near the tennis courts, or the success center. We hope to move that traffic down, and they can see where the parking spaces are.

Mr. Griffith asked they said that the applicant is requesting a waiver of a twenty-five (25) foot yard setback. There is not twenty-five (25) feet there now, is it?

Mr. New responded no, sir.

Mr. Griffith stated it does not appear to be just in looking at it. It seems that there might be twelve (12) to fifteen (15) feet.

Mr. New stated I believe to the back of the curb that is on the drawing, there is only twenty-two (22) feet now. It puts us about seven (7) feet behind the curb. It almost attaches to the existing sidewalk. The structure itself just kind of mimics what the front structure looks like with the columns and the brick. The proposing structure to walk up to with all of these steps is definitely going to make it easier and simpler for anybody to be able to enter this building from one (1) floor.

Mr. Griffith read staff's recommendation.

Mr. Griffith asked is everybody in agreement with that?

Mr. New responded yes, sir. The existing covered porch that is already on it is right at six (6) foot by twelve (12). We are just going to move that structure out. It is going to look the same except for the addition of more columns.

Mrs. Evans asked first off, you talked about the first (1st) curb cut being four hundred eighty (480) feet from the proposed addition. Where exactly is that curb cut, because there is a curb cut before the porch and immediately after the porch?

Mr. New responded there is parking lot area to the left that has always been there; and as soon as you pass the structure, there is an alley way that is kind of a service alleyway that goes into the back of the Main. They can go on out that way. That driveway actually goes all of the way back down to Woodland.

Mrs. Evans asked so that is your first (1st) curb cut at four hundred eighty (480) feet?

Mr. New responded yes, that is the driveway.

Mrs. Evans stated I see vans parked in both of those curb cuts.

Mr. New stated the only reason the vans park there was in the first (1st) case that was the mail room, so vans would park there to deliver and remove packages. Now that the mailroom is going to be moved, a van will stop on the second (2nd) driveway very quickly, because that cannot be blocked. It is the fire lane, so we do not block that lane. Temporarily, people will park there to run inside and pick up something and then continue on down the driveway.

Mrs. Evans stated I know this is a one (1) way street, but there are a lot of people that come up that street onto West Main.

Mr. New asked on cars?

Mrs. Evans responded yes, on cars. I live in the neighborhood and I walk around there a lot. Frequently I see cars coming up that street. Some of them are Averett employees.

Mr. New stated this past summer I know there were cars. We had the first fifty (50) or sixty (60) feet. A lot of times vans will be in the middle and people will have to back up sometimes. We poured concrete this year. This first (1st) part of Averett, we had it closed off a few times. A couple of weeks ago, we put a sewer tap in. People had to back down, and got caught somewhere if nobody was moving or they were late for class. We experienced that last year, but this year I did not see any of it.

Mrs. Evans stated I just saw it a couple of weeks ago. It was at night.

Mr. New asked at night time?

Mrs. Evans responded yes. I was walking my dog. That concerns me, because I walk that down that sidewalk a lot.

Mr. New stated I think that is for the police. I would not have anything to do with that. I understand your concern.

Mrs. Evans stated I know that. I am not really sure what you are gaining by bringing that porch out.

Mr. New stated just for the students to get out a little more comfortable. If anybody has needs, they can be out of the weather right of way. They will be able to come in on one (1) level. It is just a matter of getting out.

Mrs. Evans stated but, they can already come in on one (1) level. Correct?

Mr. New responded it is a small ramp there. You do not see it, but there has been a ramp poured that is really not that good looking. It is about five (5) feet wide and very short. It is just enough to take care of a wheel chair. We propose to knock that out, and make it totally level to come in.

Mr. Laramore asked is the walking traffic pattern changing in anyway? You are just basically covering up where people are already going anyway.

Mr. New responded where they are already walking. There is a concrete walkway now. We are just going to put another concrete pad in. The sidewalk remains the same. We do not touch the existing sidewalk.

Mr. Laramore stated you are not changing, but covering up where people are already walking.

Mr. New stated we are proposing the walkway to curve out with some mulch and flowers to make it that much easier to come down; but it is not going to impede any of the traffic. We have not touched the sidewalk.

Mr. Jennings stated obviously it is not adequately marked for one (1) lane traffic if cars are going both ways. I suppose there is space enough in there for cars to meet.

Mr. New stated if you were parked there, it would be very tight. Cars are allowed to park on the right side going down. I am sure on West Main there is a one way street sign.

Mr. Griffith stated it does have a one way sign.

Mr. New stated we are trying to direct them on down the street. You have adequate parking in the parking lots. You have the success center, the student center, and the large parking lot at the end of the street.

Mr. Wilson asked does this factor in with any other future requests or plans that Averett may have regarding Woodland Drive?

Mr. New responded not that I am a part of. I hear stories, not that they have told me. It is just hearsay. I have heard that they would like to have a street dedicated. All of the utilities are on Averett's property. They say that they are your utilities anyway, give me the street. What that means, I am not sure. If that is what you are asking, that is what I have heard; that the entire street be dedicated to Averett.

Mr. Wilson stated it would make a difference in a way if there was a larger addition. I just know a lot of things are happening at Averett in terms of design improvements. I am just wondering if this fits into a larger plan that we do not see.

Mr. New stated I do know, since I am doing most of the building, that the alleyway Mrs. Evans was asking about they hope will become a walkway to even stop that traffic that is going down around the school. They are really trying to bring the school up to date. I think I have put fifty (50) different tradesmen to work already. If I do this work on the porch, it will be like sixty (60) some people working. They are really doing all that they can to bring it up to date.

Mrs. Evans asked will it still be a one way street?

Mr. New responded Woodland will always have to be a one way street. I really do not see how they would have enough room, because they will still want the students to be able to park. They can still park on the right side. It will still allow cars, fire trucks, whatever. It is large enough with people parking, that we have actually brought cranes, concrete trucks, and trailer trucks down there. It is a rather large street. It looks small, but they maneuver right on down the highway there.

Mrs. Evans asked the one way street and the fact that people are coming up the one way street, how do we address that in light of this request?

Mr. Gillie responded short of additional police presence stopping someone, as everyone has said it is signed one way telling people not to do it; there is not a whole lot that we can do otherwise to keep someone from knowingly violating the law. They see the sign, and they choose to drive up it. If you see twenty-five (25) mph, are you going to drive twenty-five (25) mph? That is a conscious decision that someone makes. In this case, building the canopy towards the sidewalk in our opinion does not impact the site distance or anything else; so it will not create a safety hazard, especially for those walking along the street. In our opinion, we feel that if someone was driving up the wrong way on the street, it is not going to make it any less safe than what it is now. The college has done work with the cross walk and other things to try and work on the traffic patterns. It is a pedestrian street

that is narrow, but it is usable. We feel that granting them this waiver will not create any issues per say in that immediate area.

Close the Public Hearing.

Mr. Griffith stated this is something that needs to be brought to the attention of the Police Department.

Mr. Jennings made a motion to approve Special Use Permit Application PLSUP20110000253 with staff's recommendation. Mr. Laramore seconded the motion. The motion was approved by a 5-0 vote.

- 4. *Special Use Permit Application PLSUP20110000255, filed by LE&D Professionals, PC on behalf of BESS Company, Inc, requesting a Special Use Permit to allow a use with lot frontage on the Dan River in accordance with Article 3M: Section C, Item 17, of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended at 4035 Riverside Drive, otherwise known as Grid 0720, Block 005, Parcel 000008.001 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting to construct on a parcel with frontage on the Dan River.***

Ms. Blair read the Staff Report. Eleven (11) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Three (3) respondents were unopposed to the request; zero (0) were opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Mr. Brian Lewis with LE&D Professionals, PC on behalf of Bess Company, Inc. Mr. Lewis stated if you have any questions, I will try to answer them.

Mr. Griffith asked are they proposing to build a dentist office?

Mr. Lewis responded yes.

Mr. Griffith asked do you know how much property will be in this?

Mr. Lewis responded totally, the acreage is around 1.75 acres that can be developed. This property that is going in is part of the common plan. Depending on whether the developer can find a tenant or two (2) different tenants, depends on how the rest of the building would be.

Mr. Griffith stated my concern was ingress and egress depending on the volume of traffic.

Mr. Lewis stated right now we have a full right in and right out. We have a full access entrance at the crossover in front of Honda. We went back in 2006 and had the turning lane put in. The entrance was put in for proposed commercial development.

Mr. Griffith stated I know that was one (1) of the concerns. In looking at the piece of property, the concern that I have was just egress and ingress. I noticed that some of the responses to the questionnaires had some people that raised that same issue. I did not know how densely populated that piece of property was going to be.

Mr. Lewis stated the way we have it set up now, per our proposed development, would be for a medical office type concept. We would have to meet the zoning requirements if it went to a retail type establishment, but our entrance is suitable for that.

Mrs. Evans asked what about landscaping?

Mr. Lewis responded we are going to meet the ordinance that we have established. We have already presented a plan and got approval on that.

Mrs. Evans asked how about exceeding the ordinance?

Mr. Lewis responded we pretty much are. I think we have five (5) or six (6) additional trees. We are doing the whole road frontage, and we are not using but half of it. We have to count the road frontage all of the way to the off-ramp coming around, but we are not going past the entrance. We will put more trees in that isolated area.

Mrs. Evans asked will there be a landscape barrier? One (1) of the residents asked about that.

Mr. Lewis asked between?

Mrs. Evans responded it says landscape barrier that will meet the provisions of the law.

Mr. Lewis asked are you talking about Windsor Heights?

Mrs. Evans responded in Windsor Heights.

Mr. Lewis stated we are going to have a few hundred feet of natural forest area there. We will have trees coming down the entrance. We are meeting the requirements for landscaping.

Mrs. Evans asked will there be trees in the parking lot?

Mr. Lewis responded in the islands.

Mr. Jennings asked what does Article 3T say? What is that?

Ms. Blair responded Article 3T of the Floodplain Overlay District.

Mr. Jennings asked overlay?

Ms. Blair responded floodplain overlay.

Mr. Jennings asked does that mean the height of the water?

Mr. Gillie responded it is how the floodplain impacts the property. Any structures of the building have to be elevated above the floodplain. You cannot build in area that is considered floodplain or floodway. Excuse me, you cannot fill in certain areas that is a floodway. It is just what happens close to the river basically.

Mr. Wilson asked just for verification, are we talking about just a rezoning? We do not have any plans for the facility or any idea what is going on other than a dentist office. Are we just preparing the way for that plan?

Mr. Gillie responded we have plans for the actual facility to go on there. What you are doing now is, any property that fronts on the Dan River is required to get a Special Use Permit. Since this

property is being constructed with a dentist office that fronts on the river, we are here to ask for permission to build on it. The zoning itself allows for the construction of the structure and it has went through the permit process. It has met all of the requirements for setbacks, landscaping, and everything else. It is just because this property fronts on the river, we have to have an additional public hearing process to make sure that everyone is ok with what is happening. We also make sure that it complies with floodplain regulations, landscaping, and all of the others just because it is in effect special; because it is in proximity to the river. The additional storm water management regulations have come into it, because the water does not have time to get clean before it goes that close to the river. This public hearing is kind of a safety step for us to make sure that everyone knows that something is being built in close proximity to the Dan River.

Mr. Jennings asked did we approve something for this property before?

Mr. Gillie responded you approved a rezoning for this property before, which set the stage for them to come in and ask to build on it. The property was originally Threshold Residential and was then changed to Highway Retail conditional. We have done some additional work on this property. There have been multiple cases on this property in front of the Planning Commission setting the stage for this. We now have the actual plans to build a facility on it. As we go through building, because the lot is on the river, it is kind of that last thing of "ok, where do we go?" We want to let everybody know that this is going to happen.

Mr. Jennings asked wasn't there some items of importance regarding fencing or building boundaries?

Mr. Gillie responded there were conditions on what they could actually put on the property. The Highway Retail limited them to a number of uses. A dentist, office, and medical facilities are uses that was permitted, then they asked to do some fill work on the floodplain. Over to the west of this property was a sort of valley. They were filling in some area, and then kind of trading, digging some land out to let the water go into, but filling in over top of some area so they could put the turn lanes and that thing where the drive entrance is. As part of that, there were conditions on landscaping and not disturbing some areas adjacent to the houses that make up the most eastern portions of Windsor Heights, which they have done. They are ready at this point to build the building on the property. This is that kind of final step. They are ready to go. It is along the river. Here is the last chance for anyone if there are any issues that we need to address. The plans that have been submitted comply with us for setbacks, building codes, and landscaping. We have the entrance way already in place. It is all set. We are just going through that final process. The floodplain has been addressed. The fill material that was placed before was given an ok by the Army Corps of Engineers. We have done everything up to this point. This is just the final step.

Mr. Jennings asked included in that was proper drainage?

Mr. Gillie responded correct. There is a drainage basin, plus there is additional drainage that has to occur on this property; because the regulations have changed throughout construction. Brian can testify to that. There are some other things that they are going to have to do for storm water quantity and quality, because of its proximity to the river. Water has a chance to clean itself out as it flows further up to get down. This property is the last thing it hits before it goes to the river. Anything that comes on to here has to be treated slightly different going into it, and that has been addressed as well.

Mr. Griffith stated if my memory serves me correctly, part of this piece of property was put into an environmental trust as part of the river.

Mr. Gillie stated it is a conservation easement. That is the landscape area we talked about along the rear of Windsor Heights. The area that is in the floodplain and the floodway was put in the conservation easement, which prohibits any construction inside it, and the removal of timber. There is going to be a vegetated buffer almost in perpetuity back in that area, because the land is needed for flooding, storm water control, and a bunch of other things. It just sits back there, and will be left alone. It is not considered part of this request. You should be able to see it on your map if you look at your aerial photograph.

Mr. Lewis stated there will be a one hundred (100) foot buffer between Windsor Heights and this property.

Mr. Jennings asked what did you say?

Mr. Lewis responded there is a one hundred (100) foot strip going back from Riverside to tie into this conservation easement. It is all tied together to keep the development from getting into it.

Mr. Jennings stated I thought I remembered some sort of barrier, some sort of forestry growing in between the development and this property. I do not recall exactly what it was, but it was something.

Mr. Gillie stated there is a valley hill and some woods.

Mr. Wilson stated since you are talking about this, I was going to ask a couple things. The picture we have, directly has the old Robertson Bridge not the one that is being built. It looks to me that there is going to be a lot of changes in there. Does this factor into the fact that we are going to be dealing with new or does it not matter?

Mr. Lewis responded our survey plat has already accounted for the area that VDOT purchased from the developer to put their bond in. From what we have been told, the off-ramp going down to the Robertson Street Bridge is not changing, so basically what we are working at there will be no changes for this development.

Mr. Wilson asked another question that I think is most critical, and again I am still learning what we do as opposed to maybe other groups that review things. Correct me if I am out of line. When we talk about putting a facility on there, has all care been taking care of that the front, which I am assuming is to the Riverside Drive side, and the back, which is to the river side are equal attractiveness as we move about these thoroughfares or is it going to be like so many facilities running up and down the river. The front looks great. The back has dumpsters, and all kinds of other things. This strikes me as a lot of money being invested in this area right here. I am thinking, if I am sitting at Frank's out on their porch eating, and I am looking across the river, what exactly am I seeing? I know it would not be the building per say, but are we in a position where the front at the street and the back that comes up from the river, is of equal quality; so we as a community can ride through there and not look up at dumpster, and trash bins.

Mr. Lewis responded well with the City Code we have to screen our dumpster area anyway. Kenny might can elaborate on this a little bit too. The majority of the property in the rear is in the floodplain, which we are not getting into. We are not disturbing, so what you see from Frank's right now is what you are going to see after the development with the building on top of the hill. We are not really dropping the grade of that plateau that is up there now. We are just going in with the building, parking, and landscaping. The landscape requirements that the City has we are meeting

and exceeding along Riverside. There is a seventy-five (75) foot roughly right-of-way from the edge of the pavement back to our property that we cannot get into and put landscaping in it anyway. We are doing everything we can on our property to work on the beautification of it.

Mr. Wilson asked both ways?

Mr. Lewis responded again, the back side we are not touching down the slope. If you are aware of it, it is two to one grade (2:1); it has existing vegetation with trees on it. For us to go in and disturb it to try and landscape it or to try and do anything to it would be a pain. It is not going to come up. It would be hard for us to make that any prettier than what it already is.

Mr. Wilson asked as you are crossing the bridge there will be a facility on top of that grade. I can see the old Barkhouser as I am crossing it. I will be able to see the back of that. I am assuming you will.

Mr. Lewis responded yes. I mean if you want a fence or something, there is not much to block a two (2) story building. A few trees every forty (40) feet or so is not going to do anymore than what is already there with your vegetation and landscaping.

Mr. Wilson stated this is really just more of making a point that I hope as we plan our future here in Danville, that we do a better job in the back and the front of taking in consideration things at the river and the life of the Dan River. Maybe it is all being done. You are doing everything you can do according to the Code. I will be quiet.

Close the Public Hearing.

Mr. Laramore made a motion to approve Special Use Permit Application PLSUP20110000255 as submitted. Mr. Jennings seconded the motion. The motion was approved by a 5-0 vote.

II. MINUTES

Mr. Jennings made a motion to approve the minutes from the June 13, 2011 meeting. Mr. Wilson seconded the motion. The minutes were approved by a 5-0 vote.

III. OTHER BUSINESS

Mr. Gillie stated your one (1) item that was forwarded to City Council was approved. We do have cases filed for next month as well as the case that was tabled today, so you will have a meeting next month. I received draft copies of the final two (2) chapters of the Land Use Plan, which we are reviewing now to send back. We should have that in the very near future to present to the Planning Commission hopefully within two (2) months or so. That is all staff has at the moment.

With no further business, the meeting adjourned at 4:14 p.m.

APPROVED