

PLANNING COMMISSION MINUTES
August 13, 2012

MEMBERS PRESENT

Mr. Wilson
Mr. Griffith
Mr. Laramore
Mr. Searce
Mrs. Evans

MEMBERS ABSENT

Mr. Jennings
Mr. Jones

STAFF

Renee Blair
Ken Gillie
Christy Taylor
Clarke Whitfield

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

I. ITEMS FOR PUBLIC HEARING

- 1. Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Article 3M., Section C. entitled "Uses Permitted by Special Use Permit", to allow for a microbrewery and micro-winery for the purpose of the manufacture and sale of craft beer and wine in the HR-C zoning district, and Amend Article 15 to define microbrewery and micro-winery.***

Ms. Blair read the staff report.

Open the Public Hearing.

No one was present on behalf of the request.

Close the Public Hearing.

Mrs. Evans stated I think we should go ahead and recommend it in other districts if that is possible.

Mr. Gillie stated it can be. What we would have to do is re-advertise and hold another public hearing next month to put it in the other districts unless you wanted to table the request at this point. I don't recommend tabling this current request, because we have someone looking to operate the facility. We can just go ahead and advertise next month and possibly put it in additional districts. If Planning Commission has any districts in mind, we have the brewery already in the CB-C and TW-C and now it will be in the HR-C. I didn't necessarily think that the N-C was the most appropriate. The winery we don't have in the other two districts. We could advertise for it to go in the TW-C as well as the CB-C if that is what Planning Commission would also add as a condition. You can add that afterwards at the end. Tell us to advertise for it and we will go ahead and do so.

Mrs. Evans stated I think we should cover our bases instead of someone coming to Planning Commission for this.

Mr. Gillie stated that is fine. We looked at it. We had already advertised for it, because that was the specific area they asked for. We wanted to kind of float that by you. Staff has one other thing. The 1000 barrel limit that we have, I have seen numbers from 500 barrels to 20,000 barrels. We picked 1000 based on what the applicant's numbers are projected out

after so many years. If it is alright, we may come back and tweak that number as we are going through this.

Mrs. Evans stated that was going to be my next question. I didn't know if 1000 was too low and the same thing for gallons, 5000 gallons.

Mr. Gillie stated the gallons for the winery part, we feel is pretty consistent. There is not a lot of information out there on micro-wineries. That is kind of a new concept. They have urban wineries, micro-wineries. I have learned a lot about this stuff that I never thought I would in my lifetime. The brewery, the microbrewery is real dependent. I guess I am kind of looking to you guys, is there a number that you are happy with and we will change that.

Mr. Wilson asked is there a reason that you kept the numbers low or didn't recommend it? Is it just because the applicant? There may be some wisdom in doing it piece by piece.

Mr. Gillie responded I looked at both. One, because their numbers were low and I gave them what I thought would be room to grow. Two, we can come back and look at it so that we don't promote I hate to use the term miller. I am not sure what Miller's output is, but if you make it too large then we may have a facility that is not able to handle it. Then you have concerns of where to store all of the necessary equipment, all of the bottles that have to go into, and all of the other stuff. If we are trying to keep this on a small scale especially in areas like the Tobacco Warehouse and the Central Business, you may not be able to fit all of that equipment inside some of our smaller buildings. Some of the warehouses, we probably could; but then you've got trucking issues and other things trying to get that much product out of there. We kept it low. We figured we would start off with this and see how it worked; and then maybe come back and tweak it. The 1000 that I proposed here was based on their numbers, but I am not opposed to maybe raising that a little bit. I am just not quite sure and I didn't know if anyone here had any more information on it. I am not a brewer, so I don't know. Maybe some people at home do and can give more information. I've tried to search every place I can on the internet and that number is all over the place.

Mrs. Evans asked the 1000?

Mr. Gillie responded yes.

Mr. Laramore asked in the background, just to clarify; it says that currently the City has received a request to open a micro-winery and a microbrewery on a property on Trade Street. Turn to the recommendations, and staff is only recommending changing the code to allow for a micro-winery in the HR-C District. Am I reading that incorrectly?

Mr. Gillie responded 24 would include microbrewery and micro-winery. The portion up top that states it, I guess should have said micro-winery and microbrewery, because we have them both listed under 24.

Mr. Laramore stated it didn't sound like you were trying to exclude that.

Mr. Gillie stated the combination of them both is because a certain period of time they will be making wine and once that equipment is done this gives them a chance to make additional revenue through switching over to brewery. Most of the stuff uses the same equipment.

Mr. Wilson asked so the recommendation is microbrewery or micro-winery?

Mr. Gillie responded and, so they can do both. Where the code says microbrewery or micro-winery, it would allow either or, or both of them to be operate in conjunction.

Mr. Griffith made a motion to recommend approval of the Code Amendment as submitted by staff. Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.

2. Rezoning Application PLRZ20120000235, filed by Julie Brown, requesting to rezone from I-M, Industrial Manufacturing to HR-C, Highway Retail Commercial District, 209 Trade Street, otherwise known as Grid 1713, Block 003, Parcel 000008 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting to rezone to operate a commercial establishment at this location.

3. Special Use Permit Application PLSUP20120000236, filed by Julie Brown, requesting a Special Use Permit to manufacture and sell craft beer and wine in accordance with Article 3M, Section C, Item 24 of the Code of the City of Danville, Virginia, 1986, as amended, at 209 Trade Street, otherwise known as Grid 1713, Block 003, Parcel 000008 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a micro-winery and microbrewery with sales at this location.

Ms. Blair read the staff report. Seven notices were sent to surrounding property owners within three hundred feet of the subject property. Four responses were received. All were not opposed.

Open the Public Hearing.

Present on behalf of the request was Ms. Julie Brown and Mr. Ethan Brown. Ms. Brown stated we are here representing the company that is interested in leasing or purchasing that property to operate the business that you have discussed today. We are simply here to answer any questions that the Commission may have regarding this request.

Close the Public Hearing.

Mr. Laramore made a motion to recommend approval of Rezoning Application PLRZ20120000235 as submitted. Mr. Griffith seconded the motion. The motion was approved by a 5-0 vote.

Mr. Griffith made a motion to recommend approval of Special Use Permit Application PLSUP20120000236 with conditions per staff. Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.

4. Special Use Permit Application PLSUP20120000237, filed by Scott Stannard, requesting a Special Use Permit for a waiver of yard requirements in accordance with Article 3N, Section C, Item 21 of the Code of the City of Danville, Virginia, 1986, as amended, at 474 Mt Cross Road, otherwise known as Grid 1705, Block 005, Parcel 000007 of the City of Danville, Virginia, Zoning

District Map. The applicant is proposing to subdivide property creating two (2) lots with widths of 144' where 200' is required.

- 5. Special Use Permit Application PLSUP20120000238, filed by Scott Stannard, requesting a Special Use Permit to operate a gasoline sales establishment in accordance with Article 3N, Section C, Item 7 of the Code of the City of Danville, Virginia, 1986, as amended, at 474 Mt Cross Road, otherwise known as Grid 1705, Block 005, Parcel 000007 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a convenience store with gasoline sales.***

Ms. Blair read the staff report. Nine notices were sent to surrounding property owners within three hundred feet of the subject property. One response was opposed; zero responses were not opposed.

Open the Public Hearing.

No one was present on behalf of the request.

Close the Public Hearing.

Mr. Griffith asked on the conditions for both of those there will be an easement granted for Crown Drive also for this property. If the property changes hands, will that easement go with the property?

Mr. Gillie responded yes.

Mr. Griffith stated I think my concern is putting a convenience store or service station type thing that will increase traffic right there. You've got Wal-Mart right there and the bank. It is difficult to get in and out of there sometimes with Ben David's and that little strip center. It is already a lot of traffic. The truck terminal is not being used anyway. That doesn't pose any traffic problems at this point.

Mr. Gillie stated that is why we have the easement. That will go consistently with both properties. They have to share that. We also control the access points. We will have a shared access point, so no matter who the owner is they can't close it off, deny access to the adjacent property owner and then try to put additional driveways in.

Mr. Griffith asked at this point, we have no idea what the traffic study may show or require?

Mr. Gillie responded that is why we have condition four.

Mr. Griffith asked but we don't have any idea?

Mr. Gillie responded we know the numbers are going to go up, but we haven't seen the finals on it. There was a preliminary that we have just showing what estimates are, but they are actually going through and doing the turning movements and others to know what kind of issues it will create.

Mr. Wilson stated there was a concern about requesting a traffic light. Any response to that?

Mr. Gillie responded until we get the results of the traffic study I do not want to speculate. That is why we have asked for the full blown traffic study and put the condition on the special use permit that one is done and we get the results. It is underway now. They have been doing counts and everything else. That may be one of the things that they say. A light may be necessary. I don't know until I see the results of that study.

Mr. Wilson stated explain to me exactly what number four means. Does that mean the project is on hold until this study or do they move forward and we come back to make adjustments?

Mr. Gillie responded the study is being done now. The study should be done prior to them coming to City Council. At that point we will know what kind of improvements are necessary. Based on the cost and what the applicant decides, should I proceed or not proceed with this because this is what it is going to cost if I get the special use permits from City Council. This is all going through the process now. We just didn't have the study finalized by the time this meeting came about.

Mr. Scarce stated with the curbs and the median strip, it would almost have to be a right in and right out.

Mr. Gillie stated unless the study can show some way to change it. If, I hate to speculate, but if a signal came in you may be able to do something different, if reconfiguration and the lanes were widened or something. I don't know until I see that study.

Mr. Wilson made a motion to recommend approval of Special Use Permit Application PLSUP20120000237 as submitted with conditions per staff. Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.

Mrs. Evans made a motion to recommend approval of Special Use Permit Application PLSUP20120000238 with conditions per staff. Mr. Griffith seconded the motion. The motion was approved by a 5-0 vote.

II. MINUTES

Mrs. Evans made a motion to approve the July 9, 2012 minutes. Mr. Griffith seconded the motion. The motion was approved by a 5-0 vote.

III. OTHER BUSINESS

Mr. Gillie stated Council approved the items that came basically two meetings ago. The Comprehensive Plan is back to the consultant. We have decided to add a historic element to it. What I thought was going to be ready for you is going to go back for some more work. We have cases for next month filed, so mark your calendars we will have a meeting. If anyone has a chance, look up microbreweries. We will advertise if that is what Planning Commission wants us to do. The gallons thing verses barrels, if someone has a better number we are not opposed to looking at it.

Mr. Scarce asked are there other localities that you can look at?

Mr. Gillie responded I have been and that is the problem. One of them was 500. One of them was 17,000. It is all over the board. The Craft beer industry has information out there and they even break up to a home brewer verses a microbrewer. Trying to find a good number has been difficult for staff. That is why I am turning to you. If anyone here or watching on TV knows any more information please give it to us. We would love to know. We are taking a shot in the dark here. I hate to do that when zoning is involved. I know our attorney hates for me to say I am taking a shot in the dark. Any information you have would be great. I have worked with the applicant. They have given me their numbers, so that is what we are kind of going with. We think this is something that may work out well in the City.

Mr. Griffith asked were the numbers adequate for them?

Mr. Gillie responded yes. The numbers were for them. That is where we kind of settled on, something that would actually meet more than their five year projections. We gave them room to grow, but even that seems a little low. I don't want to stifle another future business.

Mr. Laramore stated we can always come back at another time.

Mr. Gillie stated we can always change it.

With no further business, the meeting adjourned at 3:28 p.m.

APPROVED