

PLANNING COMMISSION MINUTES
June 10, 2013

MEMBERS PRESENT

Mr. Laramore
Mr. Griffith
Mr. Jones
Mr. Scearce
Mrs. Evans
Mr. Bolton
Mr. Wilson

MEMBERS ABSENT

STAFF

Ken Gillie
Scott Holtry
Christy Taylor
Clarke Whitfield

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

I. ITEMS FOR PUBLIC HEARING

- 1. Rezoning Application PLRZ20130000170, filed by PAR 3 Development, requesting to amend the Year 2020 Land Use Plan from NC, Neighborhood Service to CS, Community Service and to rezone from N-C, Neighborhood Commercial to HR-C, Highway Retail Commercial, Parcel ID #52136, otherwise known as Grid 2917, Block 006, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property so that the property may be developed for a retail establishment.***

Mr. Holtry read the staff report. Five notices were sent to surrounding property owners within 300 feet of the subject property. Zero responses were received.

Open the Public Hearing.

Present on behalf of the request was Mr. Bryant Gammon, Highmark Engineering. Mr. Gammon stated I am here today to represent the applicant. I want to thank you for the opportunity to come today and speak with you about this. The proffered list we talked to staff about, we have agreed to that. We have a signed copy of that. In addition, I do have some handouts. I believe it was mentioned just a second ago that the square footage of the store that we are proposing is about 12,400 square feet. At the time that we made the application that was what we were proposing. After that, we investigated it a little further and we are actually proposing a larger square footage. Now it is a 20,700 square foot facility. We have actually gone through the same preliminary site plan that we did with the 12,000 square foot store. We have shown that to the planning staff and they have reviewed it. Essentially it is the same footprint, just with some additional parking and the width of the building is increasing. Obviously the reason we have the request today is because the existing zoning doesn't allow for the square footage. It is limited to 3,000 square feet and we are asking for a larger facility.

Mr. Jones asked is there any reason why it is called Par 3 Development?

Mr. Gammon responded we like golf. There is no specific reason. Par 5 and Par 3 is just the name of the LLC that is developing this site. They are heavily into the golf atmosphere. That is the name of the LLC.

Mr. Griffith asked with the change in the size of the square footage, does that impact the parking? As far as parking, are we still ok?

Mr. Gillie responded it will impact the parking, but we should have sufficient area onsite. We should be able to make it work.

Mr. Wilson asked so the larger square footage is not an issue with you all?

Mr. Gillie responded the N-C limits to 3,000. The HR-C doesn't have a limit on square footage, so switching the zoning to HR-C won't be an issue. The different square footage of the building, no it is not an issue as long as we can make the parking work. The initial plan had more parking than what our Code required, so adding square footage shouldn't be an issue.

Mr. Wilson stated I noticed that a lot of the uses and special uses have been stricken. If I understand, everything that is left here is something that can be used. What is the actual business?

Mr. Gammon responded it is a Dollar General Market.

Mr. Wilson stated at first I was under the impression that it was a convenience store, but it looks larger.

Mr. Gammon stated basically it is a Dollar General. The typical Dollar General standalone stores are about 9,100 square feet. They have a larger size which is about 12,400 square feet which is what we were originally proposing. The largest one is the 20,700 square feet. Essentially it sells the same merchandise that a typical Dollar General does except it does have pre-packaged produce and more of a grocery line.

Mr. Wilson asked is this basically the look?

Mr. Gammon responded that is their standard look, yes.

Close the Public Hearing.

Mrs. Evans stated I see where the entrances are going to be on Piney Forest and Highland Blvd. Should it just be on the Highland Blvd. and eliminate people slowing down on Piney Forest?

Mr. Gillie responded in our opinion, no. The reason being, two accesses are better than one. Highland leads back to residential streets. Primary entrance, we had concerns with putting that onto Highland. That portion of Piney Forest, the traffic volumes are lower than some of the areas more central on Piney Forest. We don't feel that it is an issue. The sight distance is substantial for that area. It seemed to meet all of the engineering criteria to be able to place an entrance there. It is far enough away from the property lines. Everything seems to work and we are not opposed to the entrance on Piney Forest at all.

Mr. Griffith made a motion to recommend approval of Rezoning Application PLRZ20130000170 with the conditions proffered by the applicant. Mr. Wilson seconded the motion. The motion was approved by a 7-0 vote.

Mr. Gillie requested that Item two be held to allow the applicant time to arrive.

- 3. *Special Use Permit Application PLSUP20130000172, filed by Michael Newman on behalf of Haven of Dan River Region, requesting a Special Use Permit to operate a transitional living shelter in accordance with Article 3.1; Section C, Item 21 of the Code of the City of Danville, Virginia, 1986, as amended, at 217 Gray Street, otherwise known as Grid 1720, Block 015, Parcel 000003 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a transitional living facility at this location.***

Mr. Holtry read the staff report. Sixty-one notices were sent to surrounding property owners within 300 feet of the subject property. Five respondents were opposed. Thirteen respondents were not opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Michael Newman, Chairman of the Board of Directors for Haven. Mr. Newman stated Haven is made up of local community leaders here in the City of Danville and Pittsylvania County. Specifically our members include myself, Commonwealth Attorney here in Danville, Sheriff Mike Mondul, the Director of Social Services, as well as United Way and other leaders throughout the City of Danville and Pittsylvania County. For a little over three years now, Danville has been without a domestic shelter. For the last two and a half years we have been working toward getting an organization together to fill that vacuum. We have already filed with the IRS in reference to tax exempt status. We are waiting to hear back from them. Mr. Gilstrap, a member of City Council is also on our Board. The hospital has been closely involved with us. We have several members from the hospital on our Board. They are the ones who very graciously came up with the idea using this facility which used to be a daycare center and have actually leased it free of charge for this purpose. We have already been in contact with various individuals throughout the City. Contractors have come in and looked at the area, assisted us with the floor plan and what needs to be done. We have already gained resources in the form of money and have been sitting it aside for the purposes of construction. We are in close works with the YMCA out of Lynchburg. When Doves went down, unfortunately the grant money was taken over by the YMCA of Lynchburg. They are currently holding that for us until we get the domestic shelter up and running. That grant money will come over to our coffers in reference to running the domestic shelter. I will be more than welcome to answer any questions.

Mr. Jones asked do you have any problems with the conditions set by staff?

Mr. Newman responded no, absolutely not. As we go step by step adding to or changing any structure inside, we will be working with staff to make sure that we are following everything that they would want us to do.

Mr. Laramore asked how many people will you serve?

Mr. Newman responded currently we are looking at having five bedrooms. Some of those will be bunked. The idea is having locations for five families. For example, a young lady may be a victim of domestic violence may have children. If there are some that don't have family members, we can double bunk individuals in there. We looked at the domestic shelter currently running in Lynchburg in reference to their numbers as well as ours and roughly speaking what Doves went through and how many people they served. It is not meant for stays of extended periods of time, but as a transitional period of time. Three, four, or five was basically the numbers used in Lynchburg.

Mrs. Evans stated separate from this request and a little off-key, I know Doves worked with the Humane Society to house animals that may have to be taken out of the home. Are y'all working with the Humane Society?

Mr. Newman responded we will be more than willing to work with them in reference to that. That is a good point that hasn't been touched on. It will not be just domestic violence victims; it will be family as well as pets. I don't believe there will be an issue in reference to us working with them. The whole point is a transitional period with the whole group still being together in the end.

Mr. Wilson asked do you feel like this institution will be able to meet the need in the community? I feel like we've had other related requests in the past along the same type of thing.

Mr. Newman stated I know that one just went through. I would point out, that the difference is that this has been from the get go with community leaders here in the City of Danville. Social Services, United Way, the schools have an individual on the Board, myself, Sheriff, as well as Pittsylvania County. We are also closely linked to the Y in Lynchburg. It has unfortunately taken so much time as it has because we wanted to be sure that we had all of the t's crossed, l's dotted and a good organization before we came to you. I do believe, unlike previous efforts, we have gone a long way to make sure that we have our organization set up so that we will be ready to go when we have approval.

Close the Public Hearing.

Mr. Griffith stated normally there is a map showing the property owned. This one didn't have that. The only reason I ask is that there were several people who were opposed. Are those in the immediate area? I know in looking at the property, quite a bit of it is the hospital's property.

Mr. Gillie responded they are in the 300 foot radius. Our computer system died. We were able to generate the list of property owners, but not the map with everyone's name on it. We were able to send the letters out to all of the property owners, but I do not have a map for you at this time. I can't tell you which house they are in relation to the building itself.

Mr. Bolton made a motion to approve Special Use Permit Application PLSUP20130000172 with conditions per staff. Mr. Laramore seconded the motion. The motion was approved by a 7-0 vote.

4. Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, as amended, more specifically

Article 7: entitled “Nonconforming Uses” and Article 10: entitled “Signs”, to address how nonconforming uses and signs may be permitted to continue and address changes made by the Code of Virginia, and amend the size, number and location of signs in the PS-C Planned Shopping Center District.

Mr. Gillie read the staff report.

Mr. Bolton made a motion to recommend scheduling a Work Session on July 30, 2013 at 2:00 p.m. for changes regarding 15.223.07. Mr. Wilson seconded the motion. The motion was approved by a 7-0 vote.

Open the Public Hearing.

Present on behalf of the request was Mr. Rob Johnson. Mr. Johnson stated I am an employee of the Mall owners. Back mid last year, we purchased the Mall. This is what we have an interest in doing. We are always interested in acquiring facilities that have not been operated or ran well and turn those around and make them successful. In doing that, there are many things that are unique to a Mall this day in time. Shopping centers have taken away from what the closed mall used to be; however they are still a good use of property, and something that should be revitalized and used. As part of that, we have a real daunting task. The Mall itself and a closed shopping mall is unique in the fact that the majority of its tenants are internal the facility. In a traditional shopping center you have signs. Every tenant pretty much has a sign that they can communicate to the community and customers to be what they are doing and who they are. The closed shopping mall does not allow that. They have signs on the interior of the mall; but as far as who is physically in that mall, they have no way to communicate to the public or potential customers what they have to offer. As large as the property is, to have no signs that communicate the internal tenants offerings, that is why we have come about with this request for signage. The reason we have been successful in turning around these properties is we were able to work as a team with municipalities as well as our tenants to achieve a common goal; which is the success of our tenants and a good shopping venue for the community. Part of the sign request is electronic message boards. These message boards are set so that they are within standards all around the southeast and Virginia. They are larger so we can reach the people we need to reach. Our tenants can communicate specials and items without affecting the safety of the public. Our number one concern is safety and that is something Mr. Gillie and I spoke about quite a bit. We have designed signs. We have an expert sign company that we work with and they come out and assess the property to help us determine the optimal number of signs, location, the height, and so forth. As part of our request, we request that we increase the height of 35' to allow for maximum visibility. Based on height and statistics in which the reader board is legible we feel that 35' is safer than being mounted closer to the ground. In addition, we talked about the location in regards to the right-of-way. Obviously we want to adhere to safety concerns as well as specs set forth by the electric service providers which require a 10' setback from electric service lines. Our sign is such that it is on two posts and the bottom of it is higher than 8' above the ground. It allows for visibility in and through it. It is not a solid sign that goes all of the way to the ground that prohibits visibility and creates a safety concern. Another part of it, is we have these electronic message boards; but currently the Mall has three ground signs. One of which I am sure everybody has seen. It has been run over by a car. As part of our overall renovations, we will be renaming that to the *Danville Mall*. We found that certain names that give meaning to the area and to be able to tag it to the local name of the municipality really

helps people find it easier. We will be retagging it, so those signs will be refurbished. Two of them will be changed to an electronic message sign. In this Code change and by request of the Mall owners we want to consider the future and what we hope to be a hopeful future and the ability to have tenants that will be successful, attract other tenants, and so forth and so on. In doing that we need to have the flexibility within reason to improve and make changes to the signs around the Mall. That is the reason we have asked for the two signs per side of the Mall, which we will be eight. We have entered in the specs and we will talk more about them specifically here in just a minute. As somebody that has been working on this for a while, I have worked in Danville and other mall properties, to be able to communicate this information is so essential to the success of our tenants. We want to communicate in a way that is safe for public travel and in a way that meets certain guidelines. In this case, I understand the way the Code was written so that you minimize the density of the signs up and down the road. We are asking for quite a bit of sign area, but we are limiting those to very few signs. We are in an area where you can drive up and down Piedmont Drive and you see a set of eight signs per 1000 linear feet of frontage with multiple property owners. The Mall itself has 1000-1200 feet of frontage on any one given side and we are talking about putting two signs. A sign density that is much lower creates less confusion with customers and travelers. I am not sure with the Work Session how much we want to get into additional details and specifications. Thirty-five foot is based on our expert that is in the signage industry and his review of the property and his assessment. I feel that we really need the 35' to make these boards function as they need to, the monument signs that will be on the entrances, and the ability to have an off-premise sign. The fact that the geography of the Mall is such that there are a couple of sides you really can't get good signs on without having an off-premise sign which would be an agreement between the property owners.

Mr. Scarce asked have you seen the suggestions that staff has recommended?

Mr. Johnson responded I have.

Mr. Scarce asked are you in agreement with these?

Mr. Johnson responded that is why I speak to the 35'. I know Mr. Gillie and his staff said 30' and that is what everything is up and down Piedmont Drive.

Mr. Scarce stated he put 35'.

Mr. Gillie stated it is supposed to say 30'. Their proposal was 35'. That is why I said we need to discuss the 30'. They have asked for 35'. Everything in the City is a standard height of 30'. That was a typo on our part. We didn't see the necessity to go an additional 5' higher along that street for visibility sake. They did run a balloon test. We didn't know about it until afterwards, so we weren't able to see the test. From staff's perspective, even in the Planned Shopping across the street where we created an overlay, that sign is still limited to 30'. We don't see the necessity for the additional 5'. His off-premise request is something that we are willing to look at. I talked to him briefly before the meeting. We are trying to write these regulations kind of specific, but I am not sure how it would impact other properties to allow additional off-premise signs. The concern is the increase in the number of billboards and other things. It may be something that we can look at, it is just at this time I can't say yes or no on the off-premise. We have agreed to disagree on the height portion of it. The number of signs, where he has asked for eight, we have cut it down to four based on our

recommendations because he has four entrances. Right now we only allow one per parcel. The Planned Shopping zoning across the street allows for two plus one off-site sign; so this would be allowed four. It would be more than anybody else. We felt that eight was a little excessive, especially at 300 square feet.

Mr. Scarce stated there seems to be a difference between all the rest of the signs and this being a closed mall where you have businesses inside trying to advertise and they can't really do it.

Mr. Gillie stated with the four entrances, we feel that they could. Three hundred square feet, our largest sign short of the Planned Shopping Overlay is 175, so that is an additional 125 square feet that they would have and four additional chances or three additional chances depending on how you look at that.

Mr. Scarce asked do other municipalities have a difference between malls and shopping centers as far as the way they define the signs?

Mr. Gillie responded I did not have the opportunity to look through that. This has come about relatively quickly because they are trying to open the Mall in another month or two.

Mr. Johnson stated our goal is to have signs up by the time we have a grand re-opening of the Mall even though it is currently functioning and will remain functioning throughout the renovations. We want to have a total rebranding of that mall and then at that time really push it forward to the retail and tenant spotlight, so we can say we've got something and a place for you guys to come set up business and come be successful. Mr. Gillie has been so helpful in pushing this thing forward.

Mr. Gillie stated we want to try and help them as much as we can. We just have concerns about the future and we haven't had the opportunity to investigate other localities. That is why at this point, with the 30' verses 35', we are sticking with our 30'. The number, we differ on the square footage he is asking for and we are even willing to concede slightly on the setback. We discussed it briefly. We had a 10' setback from the right-of-way. Our concern was, if anyone knows the Toyota or Scion sign, they are full cladding all the way to the ground. We put the setback from right-of-way to allow visibility at intersections and traveling up and down the roadway. We proposed a Code amendment to allow for a zero foot setback if we have the sign or reader board 8' in the air. You can see through the sign. You will get that basic visibility because the sign is not solid to the ground. We would be willing to change our setback issue to allow for it and I have some language I can put in for that. At this point, I am not convinced that they should have eight signs by grand opening, but I don't think you are planning on ordering all eight at this particular time.

Mr. Johnson stated no, the goal is to plan for the future. Obviously we want to work with Mr. Gillie's office who has the ultimate say so on signs; but at the same time go ahead and step forward now with our expectations and what we think could be useful. This may be six months down the road or two years. Currently, we need the two monument signs and two electronic message boards. We want to think about the future so that the property works. We have to be able to gain opportunities because they come along quickly. In the retail world, we can wait and wait then all of a sudden we can make a deal but they have to be in in two months. It is a relatively tight time period and we want to be able to take advantage of those types of scenarios.

Mr. Searce stated I guess I was thinking of a way to expedite this to keep things moving. If you felt like you could work with what their initial changes are we could pass it if the Commissioners agree. I guess if you see fit in the future where you need more than four, you could always come back.

Mr. Wilson asked was this part of the work session?

Mr. Searce responded no.

Mr. Gillie stated you could as it stands right now, recommend certain modifications to the Code, which would be the number of signage either his proposal or staff's proposal, if you want to change the height, the setback issue which again I think we can work out the details on that, and then with the additional signage we can discuss it at that work session when we talk about 15.223.07. We can also discuss any issues that we have at that work session. That would be the potential for the number of signs and also the allowance for off-premise signage. At this time he doesn't have a lease for off-premise signs, so we have some time on that. We have time on the numbers. As he stated, he has the four that he wants to put up. We are not opposed to those four at the entrances. The height issue, you guys will have to decide upon.

Mr. Gillie read the proposed language regarding required setback from right-of-way for signs.

Mr. Gillie stated that will allow him to have his sign closer to it as long as it is high enough in the air that somebody can see through it. I am not opposed to that and I think that is acceptable to them as well. I think we have worked out possibly all of the issues except for their number later on and the height.

Mr. Searce stated in other words, if we go with the 30' and the four additional signs we can get it approved.

Mr. Gillie stated or 35' in his defense. He is asking for 35'. I am recommending 30'. You guys get to decide.

Mr. Laramore asked at other facilities that you have, is 35' a standard?

Mr. Johnson responded we have some that are 40' or 45' high. We have some that are 15' to 20' high. Again what we do is examine the local geography of the property and surrounding properties as well as visibility and how the customer travels and the location of the traffic lights to determine the best location as well as height. That is how we came up with the 35' mark. We feel that is the best. We would have the best visibility.

Mr. Griffith asked what are the height of other signs near Lowe's and in that area?

Mr. Gillie responded Lowe's is 30'; Lonestar, I believe is 30'; Olive Garden, I want to say is also 30'; I think the bank went a little lower; I can't remember the Med Express.

Mr. Griffith stated all of those at the entrances to those businesses over there have a maximum of 30'.

Mr. Gillie stated yes. I believe they all went max height.

Mr. Jones stated if you had your way, let's take the entrance behind Sears where you have the flagpole, what would your sign look like and where would it be located?

Mr. Johnson responded it would be located to the west of that entrance with north being Sears in relation to the Mall and west being towards Starbucks.

Mr. Johnson distributed pictures of the signage proposed.

Mr. Jones asked and this would be an electronic message board?

Mr. Johnson responded yes.

Mr. Jones asked with a message board, do you charge the tenants to use the message board?

Mr. Johnson responded we do not. As a company we do not charge the tenants. Most other property owners of closed malls that have electronic message boards do charge rent. A lot of times they have an outside company that leases space. We do not. It is an added value service to our tenants. In our mind, it is for the overall success of the tenant and ultimately the shopping mall itself. It is a large capital expenditure for the owner, but we feel it is worth it. They want to take the time to give it a good look, not just a computerized version; but actually dress it up and make it look good.

Mr. Jones stated this looks to be quite high.

Mr. Johnson stated that should be 35'.

Mr. Jones asked what are some of the malls in the area that we would recognize that you work with?

Mr. Johnson responded Wilson Mall in Wilson, North Carolina. I am trying to think of others that we have renovated here. Macon Mall in Macon, Georgia is one. We have some that have signs in excess of 40'.

Mr. Jones asked nothing comes to mind in Virginia?

Mr. Johnson responded not in Virginia. We acquired Martinsville for the future. As for that right now, we have a couple different thought processes.

Mr. Scarce asked you asking for that 35', is that based on your balloon test?

Mr. Johnson responded yes, that is based on the Mall owner and Chris Ellinger who is our signage expert. That is how we came to the 35' as well as the number of signs. Ultimately for the time being, we could probably say instead of eight go with six so that we are not back here again. We think for a property this size we are requesting very little.

Mr. Scarce stated well you want to be able to turn the Mall around.

Mr. Johnson stated that is what we work hard for every day.

Mr. Bolton asked if we change it to 35' for the Mall, does that change it everywhere?

Mr. Gillie responded everywhere that is zoned PS-C, so every shopping center: Riverside Shopping Center, the old Value City shopping center, King's Fairground shopping center, probably Nor Dan, I would have to double check. Any place that is zoned PS-C would have that extra height.

Mr. Bolton stated it would give them an option for that, not that they would go back for the 5'; but they could.

Mr. Gillie stated they could and when they replace their sign they probably would.

Mr. Wilson asked as far as the electronic signs, is that something that is allowed now?

Mr. Gillie responded yes. We have a few of them now. Taco Bell, Burger King have done the full color versions; the red only, you have at the CVS, Walgreens, Long John Silvers, a couple of churches. It is the wave of the future for signage.

Mr. Scarce asked why couldn't we craft this just a little bit differently because it is an enclosed mall under the Planned Shopping Center. I think we need a little flexibility for it because it is a different situation. You don't have a store front like you would on a free standing building.

Mr. Gillie responded we tried to with the 400,000 square feet of gross leasable space. The issue is going to be, again what happens in the future. We have some facilities here that have the potential to be converted over into what may meet these same criteria later on. At this point no one knows what is going to happen with the old Dan River Mill complex on West Main Street. The White Mill and some of the other large industrial facilities, things could change and depending on what someone does with them, they could meet that same square footage. Even some of the areas downtown that are zoned Tobacco Warehouse at the moment, we could potentially change the zoning on some of them and those buildings are extremely large. It is hard to say, just for the Mall. The way we did it for Coleman Market Place was to create a specific overlay district, but that regulated uses and all of the other things. They want to do their signs within two months of the grand opening, so we were rather limited in what we could do to meet their needs. I would like to have time to go back to the work session and figure it out a little better, but we don't have time to work all that out. I am not opposed to some of the things right now, but I would like to go back and look at more of them.

Mr. Wilson asked why do we not have time?

Mr. Gillie responded their grand opening is in six or eight weeks and they would like to have their signs up.

Mr. Scarce stated we have staff's recommendation. He is asking for a little bit more. We can pass it at your pleasure.

Mr. Gillie stated it takes at least a month to make those signs. If Planning Commission makes a recommendation today, even though City Council hasn't heard it, at that point if they are confident enough to start construction, you've got that much lead time to get the electronics done, the grading that they will have to do at the site, and everything else. We are pushing the issue to see if the signs will be in place for the opening of the Mall anyway.

Mr. Wilson stated this is just my nature, I am always uncomfortable when we are being pushed to meet a deadline that changes and sets precedence for other things. It always makes me a little nervous, because I don't know how you go back and undo some of that stuff. Nobody wants the Mall to be successful more than myself. The issue is just feeling pressured to approve things on a short time frame.

Mr. Gillie stated that is one of the reasons we have recommended the limited things that we have. The number of signs at the entrances, yes I agree that the Mall is a unique local feature that we have. The four, which allows one per entrance, from a staff's perspective, that is not going to be an issue; because other places don't meet those criteria. The height, we see it one way, he sees it another. To me, that is not a pressure issue. That is just a difference of opinion. The size for the changeable copy, I don't see anyone else that size coming back in the next couple of months asking for a sign that is probably going to cost \$60,000 plus. He can tell you how much they cost.

Mr. Johnson stated they are double that.

Mr. Gillie stated we knew the small ones were \$30,000 or \$40,000. It is a large capital outlay to have those kind of signs made. The setback issue, we already allow for a waiver of certain setbacks if you are 20' off of the street. We had looked at doing that before. I am not opposed to it if it is high enough and pushed forward. It is a safety thing. The issues that staff's recommending, we don't feel are pressure related. We think they make sense for that. The rest of the stuff that he wants to look at, I think we should take our time and look at it; but to allow them to get their signs in, we are not opposed to the minor changes.

Mr. Wilson asked if we were to just stay with 30' on number C, is that something you could work with? You are not happy with it obviously, but we are talking about 5'. Is that a deal breaker or what?

Mr. Johnson responded honestly today I would say that 35' is something we need based on the review of our expert. Right now today, we can go with the four signs with an understanding that we could come back in the future.

Mr. Bolton asked can you still do the electronic messaging on 30'?

Mr. Johnson responded you can still do it, but the question would then be whether the owners want to that capital expenditure on something that is not optimal based on the capital outlay.

Mr. Griffith asked did you say that you have these signs in other locations and some of those are 30'?

Mr. Johnson responded they are in excess of 30'.

Mr. Griffith stated I thought you said you had some that are 30'.

Mr. Johnson stated I don't know if we have one exactly 30', but we have some in excess of 40' that are the electronic display boards and we have some that because of the geography, location, and just doing balloon tests to determine the best visibility that are 25'. It is a calculated science. It is not everyone should be this or this. We look at each unique property. You can't set standards.

Mr. Griffith stated but what you are saying is that you have other property in other locations that have signs that are not 35' high. They are 25' or 30' and still accomplish the same purpose.

Mr. Johnson stated they do, but then again their properties are different. The geography and the visibility down the road, they are not the same as what we have here in Danville.

Mr. Jones stated I noticed at the Mall that the anchor stores have signs. Can stores outside the Mall put signs outside their store on the backside? Can Victoria Secret put a sign out on the side of the Mall?

Mr. Gillie responded if the Mall would let them, yes.

Mr. Jones asked do you have any interest in looking into that?

Mr. Johnson responded we have found that is like blood in the water if you will. If you do that, then everybody at the Mall wants one on the outside. It is not the best look, so that is why we have found that the reader boards are the best way to communicate especially since we don't charge the tenants for it.

Mr. Scarce stated just from my understanding on the four at each entrance, what would you do with the other signs if you had more than four?

Mr. Johnson responded based on what we are spending inside the Mall and on other items, the currently plan is to put in an electronic message board on Piedmont Drive near Sears and replace the existing monument signs down by the Starbucks with a new one that says *Danville Mall*, a granite face sign with some nice lighting and letters, and then put an electronic message board down on the backside by Mall Drive or either on off-site premises as well as a monument sign at that location.

Mr. Jones asked if we approve four, can he come back in two or three years and ask for two, three, or four more?

Mr. Gillie responded he can come back next month and ask for two, three, or four more.

Close the Public Hearing.

Mr. Jones stated I personally don't have any trouble with 35'. I don't know about the rest of them, but too many times have we been told that we are keeping businesses from moving and so forth. I can't argue about 5', I am sorry.

Mrs. Evans stated I do have a problem with 35'. This has come before the Board of Zoning Appeals. People want 30', you give them 30'; they want 35'. If you give them 35', they want 40'. They say people cannot find their businesses. People find businesses. We had the same situation with Olive Garden. People found Olive Garden. I do have a problem with it.

Mr. Wilson stated I just continue to be amazed about not seeing visual representations of what this will look like. I know with modern technology the ability to create something that would look like this and a work up so we could actually see the façade of the Mall behind with the potential signage in proportion to the Mall. Part of my concern here is out of the need to move forward we are still rushing on things that probably need some thought because we are setting precedence for other things. I just don't think that is probably a very good way to do business.

Mr. Scarce stated but we don't have it, so we have to make a decision.

Mr. Wilson stated if you say no, you are tying them down and they are not going to be able to move forward with their grand opening. You look like you are obstructing progress. If you say yes, I am concerned about setting precedence for things we can't quite see what the outcome will be. I wish I had some pictures or some layouts. It would help me more on this thing. That is just my opinion.

Mr. Bolton stated just because we go 35', is not saying we could go 40'. I understand that if you give 35' someone could ask for 40'. Where do you draw the line, 5' is just 5'. Right now to me, 5' to accommodate this business isn't a long stretch.

Mr. Laramore stated I don't have a problem with a site like the Mall a 35' sign may look the same as a 50' sign on somebody else's property. I am with Bruce, I am not comfortable setting some precedence without having even thought about this somewhere else. That bothers me. Piedmont Mall is physically a big enough site. I can't imagine 5' between it and the other signs that are 30' as being a real problem. The unknown of these other sites that may or may not be impacted, is there a way to overcome that?

Mr. Gillie responded the only way for us to overcome that is to go back and pull all of the various sites that would be impacted by these regulations and bring you aerial photographs of each one and maybe a shot of the signs and say "ok, this is what they have. This is what their sizes are and this is what they would be allowed." We can do that, but to try and meet their deadline of opening, it was difficult.

Mr. Gillie read the definition for sign height in the Zoning Code.

Mr. Gillie stated if we waive the setback requirement for that, they can measure at street grade. If everyone is familiar with how Piedmont is, Piedmont is a crowned over top road, so the average street grade depending on where they put that sign may give them the extra 5'. What is 5' in most people's eyes could actually end up being taller because of how we measure using our definition. That is why from staff's perspective I am not in favor of that additional 5'. When everyone comes to Danville to put a sign up, they ask two things: how big can I go and how tall can I go? They put the biggest, tallest sign that they can. We have the issue where everybody's sign is the same height and the same square footage. The reason they are hard to see is because they are all so tall and so massive. Their sign is going to be 300 square feet, which is what we are saying we will allow. A standard sign for

a multi-tenant building is 175 square feet. The Coleman Market Place sign is 400 square feet. It will be a little smaller than Coleman Market place, probably about 10% smaller. You are going to have a rather large sign already placed at the Mall. Visually, you are going to see it. It is not going to be hard to see. In their grade, I think we have a way to get them their height. I am not sure where they did the balloon test. They did the balloon test before we were able to sit down and talk. I wish we would have been able to go with them on their balloon test to see how it was and to see if this 5' is really that critical. From our end, we are sticking with our 30' because we think we can get their height and their square footage without the additional 5'. That is your call. I will go back and pull all of these other places that will be impacted. In the work session that we are going to have to discuss 15.223.07 we will have some more information for you at that time. I just didn't have enough time now to do it all.

Mr. Scarce asked are you saying that making the 10' setback will help them elevate the sign?

Mr. Gillie responded yes, because right now 10' back the way the grade is they would be at a point lower than the street grade is because of the way the entrances are. If we waive that setback requirement and let them measure from the actual street grade, if anyone knows in the Mall parking lot in front of Sears, there is a retaining wall at that parking lot that holds it up. So you would measure your grade from the highest point of that wall. It is going to give them that 5'. If I give them 35' in effect they get an additional 10' because we measure from the height of that wall. Now that sign gets additional space because we have waived this. That is why I am kind of sticking to my guns on the 30'. I think they are going to get taller any way, I just don't want to see them get way too tall and get out of character with everybody else in that area.

Mr. Griffith asked the sign area, regardless of the height of the sign is still going to remain 300 square feet?

Mr. Gillie responded yes.

Mr. Scarce asked do you know where the balloon test was done?

Mr. Johnson responded it was done so, at one point we were about 3' off because it does drop 2'. In other words, if you took into account the road grade at that location on Piedmont Drive it takes it from 35' which is actually in the parking lot center to 32'.

Mr. Gillie stated so we are getting them a lot closer than what they were.

Mr. Jones asked how does Coleman Market get 400 square feet?

Mr. Gillie responded that was written as a Planned Shopping Center Overlay and the signage regulations were written as part of the overlay. They did a master signage plan. We had time to look at that. We worked on it for about two years. On this case, with the redevelopment of the Mall, we just haven't had that much time to look at it to create a special overlay. To try and meet their needs as well as the money they have invested with what we think is reasonable for that site, this is what we have been able to come up with.

Mr. Scearce stated it makes sense to me to go ahead and pass what staff has recommended. We can always go back and talk about it at the work session.

Mr. Wilson asked are you recommending waiving the setback requirement?

Mr. Gillie responded yes.

Mr. Gillie read the proposed language for waiving the setback requirement.

There was discussion about what the recommended approval should be based on staff's alternatives.

Mr. Wilson asked is this agreeable to you guys?

Mr. Johnson responded I would respectfully request that we be allowed six signs, not the eight with the 35' height along with the changes Mr. Gillie has recommended.

Mr. Bolton stated the eight we can solve fairly easy.

Mr. Gillie stated I think you could solve the six later on. When we have discussed it, we have only talked about putting four up. I am not quite sure where the other two are going to go. I may not be opposed to it, but not until I know exactly where they are going to go. I know where the four are going to go.

Mr. Wilson asked what if this was tabled until we could get more information?

Mr. Whitfield responded it would get to Council after their grand opening.

Mr. Gillie stated they would have a grand opening with no signs.

Mr. Jones made a motion to recommend accept the language as written in Item E, A, B as stated by staff, Item C as 30' with new language recommended by staff. Mr. Griffith seconded the motion. The motion was approved by a 7-0 vote.

2. Rezoning Application PLRZ20130000171, filed by Sarwat Ata, requesting to amend the Year 2020 Land Use Plan from USR, Urban Single Family Residential to NS, Neighborhood Service and to rezone from OT-R, Old Town Residential to N-C, Neighborhood Commercial, 1400 Myrtle Avenue, otherwise known as Grid 2818, Block 015, Parcel 000002 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property to operate a convenience store at this location.

Mr. Gillie read the staff report. Thirty-seven notices were sent to surrounding property owners within 300 feet of the subject property. Three respondents were opposed. Six respondents were not opposed.

Open the Public Hearing.

No one was present on behalf of the request.

Close the Public Hearing.

Mr. Searce stated he wants to put a store in an area that could help the neighborhood. My initial thoughts were let the guy go with it if he can serve the neighborhood, but he is not here to push his cause.

Mr. Bolton asked do you know if he agrees to the conditions?

Mr. Gillie responded when we met with him Thursday, he gave verbal agreement to the conditions. I don't have a signed copy of it, but I did receive verbal confirmation.

Mr. Wilson asked what happens if we table this?

Mr. Gillie responded it takes him another month.

Mr. Griffith stated under the items that have been lined out, one of them says restaurants. In the past, they had sold hotdogs and things within the convenience store. Would that still be permitted?

Mr. Gillie responded yes. This means he couldn't open the facility only as a restaurant. The convenience store allows for the sale of additional things. Think of Sheetz. It is a convenience store, but they also have a little café. That portion would be considered an accessory to the main use, which is a convenience store.

Mr. Griffith stated I talked to several of the neighbors today and they were basically in favor in that at least it would clean up the property over there. They were a little concerned, I think it is something that you could address, with the parking issue. Do you know if he has an agreement or a plan to purchase a piece of property that will allow him to have off-street parking?

Mr. Gillie responded that property is being foreclosed upon by the City for tax purposes, so he has petitioned the City to acquire the property; but it has to go through the various steps for acquisition. That is why I have recommended giving him a two year window to obtain property and provide the off-street parking. I think it may take him that long. I can track the acquisition of that property at that point. If he is not going to get it within that time frame we can come back to Planning Commission and City Council to amend that condition.

Mr. Griffith stated in that general vicinity there are several other small basic stores. This place had been there for probably 65 or 70 years.

Mr. Laramore made a motion to recommend approval of Rezoning Application PLRZ20130000171 with conditions by staff. Mr. Griffith seconded the motion. The motion was approved by a 7-0 vote.

II. MINUTES

Mr. Wilson made a motion to approve the May 13, 2012 minutes. Mr. Bolton seconded the motion. The motion was approved by a 7-0 vote.

III. OTHER BUSINESS

Mr. Gillie stated the hard copies of the Comprehensive Plan are in production, so I will get those to you as soon as possible. All of the items except for the request for the transitional living facility were approved by City Council. That item was tabled. We have cases for next month, so plan on being here.

Mr. Gillie introduced Scott Holtry, Associate Planner.

With no further business, the meeting adjourned at 4:28 p.m.

APPROVED