

PLANNING COMMISSION MINUTES
July 8, 2013

MEMBERS PRESENT

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

MEMBERS ABSENT

Mr. Laramore
Mr. Scearce

STAFF

Renee Burton
Ken Gillie
Christy Taylor
Clarke Whitfield
Scott Holtry

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

I. ITEMS FOR PUBLIC HEARING

- 1. Rezoning Application PLRZ20130000199, filed by Aaron White, requesting to amend the Year 2020 Land Use Plan from SS-R, Suburban Single Family Residential to M-R, Multi-family Residential and to rezone from S-R, Suburban Residential to "Conditional" M-R, Multi-family Residential, 5555 Riverside Dr., otherwise known as Grid 9707, Block 006, Parcel 000001, and Parcel ID #71304, otherwise known as Grid 9706, Block 004, Parcel 000008 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone so that the property may be developed with multifamily townhouse dwellings.***

Mr. Holtry read the staff report. Thirteen notices were sent to surrounding property owners within 300 feet of the subject property. Four respondents were opposed. Two respondents were not opposed.

Open the Public Hearing.

Present on behalf of the request Mr. Aaron White.

Mr. White presented a rendering of the townhomes proposed for construction.

Mr. White stated I have been a Class A Contractor in Danville and Pittsylvania County for the last 17 years. Most of my business has been in Pittsylvania County. The price range of most of the houses I build have been the minimum to upper end single family residence from \$200,000 to \$750,000 price range. I have a contingency contract on the land that I am trying to rezone and also the land across 58 going up both sides of Beech Avenue. These two tracks are already zoned multi-family. My intentions are to build very nice townhomes, which I believe is the highest and best use of the property and something I think the area is in need of. The floor plan I gave you is a two bedroom, two and a half bath, 1388 square foot townhome. I am also working on a two bedroom, one and a half bath townhome for somebody that needs something a little more affordable. I want to build something that looks very good. I live out 58 west and I pass this all of the time. I plan to build and own/operate this property. The price of rent that I think they will be in is between \$800 and \$1400 a month. I plan on furnishing a hand full of the units. I have talked with realtors and they tell me that there is a real need for executives who come in town for work that need something that is furnished. I plan on trying to fill that need. The project will be done in stages. When it is completed, it will be between \$4,000,000 and \$6,000,000 and by my calculations would generate between \$30,000 and \$40,000 a year in tax revenue.

Mr. Wilson asked what is that you have there?

Mr. White responded this is a site plan that I did. The site plan that I submitted, he and I did not have the same vision of how it would lay out because of the topography of the land.

Mr. White explained his site plan to the Commissioners.

Mr. Wilson asked so this plat here is not really how you want to do it?

Mr. White responded no.

Mr. Wilson asked is this picture an architect or a designer's rendering of those buildings or is this just a this might be what it will look like kind of thing?

Mr. White responded not those colors. I am not crazy about those colors. This is the front view of the floor plan, so it will look like that or very similar to that.

Mr. Wilson asked has the City seen that?

Mr. White responded I did show it to them this morning. The areas that I have on the site plan are basically already cleared.

Mr. Griffith asked is this new site plan a problem? Does that raise questions?

Mr. Gillie responded no, it doesn't raise any questions. On basic design, it meets setback requirements. We will have to figure out the number of parking spaces and everything else, but the space that is available inside there meets it. The driveway widths meet it. we will have to work with them on the number of driveways and maybe close one or two. There are a lot of driveways now, but we can work with him on that. It is a conceptual plan and we don't have any issues with it. The façade that is here seems to meet our minimum requirement for breaking up, not having slab sided buildings. As for colors, I don't pick colors anyway. It could still comply.

Mr. Bolton asked what type of roof are you going to have on the structure?

Mr. White responded it will absolutely be architectural lifetime shingles. My dad says I can't build a small house. When I build a spec house I just keep putting nicer and nicer things in it to try and set it apart. It will definitely be architectural shingles and definitely all brick. I might do some accent dry stack rock to accentuate some of the bump outs. I want something that is very durable and that will look good for a long time.

Mr. Jones asked will all of these be furnished?

Mr. White responded no, probably just two in the beginning and then I will see if the need is greater than that. I know that it is not enough people that need that to furnish all of them.

Present in opposition to the request was Mr. Fred Leggett. Mr. Leggett stated I represent Lake Heron, LLC one of the adjoining property owners. My first comment would be the lack of information is significant. I have heard more today. I called Mr. Holtry and there wasn't much available through him. We live in the Birnham Woods area and it could have a big

effect to us. There is a great deal of difference between single resident and multi-resident zoning. It opens up a can of worms. It appears to me that it would be better as single residence or maybe with some exceptions. The other thing is the rental aspect. That is the first I have heard about that. I thought they were ownership townhouses. That was all that was in the notification that came out. Based on what little bit I do know, I would be opposed to it.

Present in opposition to the request was Mr. Bob Vaughn. Mr. Vaughn stated I am a resident of Birnham Woods subdivision. I am not a property owner, but my wife is. She suggested that I come in her absence today. I do have sincere interest. The people that have built their homes and bought their homes in Birnham Woods have invested a tremendous amount of money in their lots and in their homes. This subdivision, in my opinion, is probably the finest subdivision in the City and this particular property would be right up next to it. In fact, the development that we are talking about would be right up against the entrance of Birnham Woods or very close by. When you look at the Birnham Woods property in relation to this property and other properties around, you know we have Oak Hills slightly to the east, Surry Hills right across the highway, and of course there is the Westover Christian Church. There are number of other multi-family units that have been constructed along the 58 corridor since annexation that I am aware of. There are some multi0family units slightly west of Vandola Road. I think there is also a Charles Place patio homes that have been built off of Westover and Vandola Road, which would be more consistent with multi-family use. Like anyone who has property in a subdivision such as Birnham Woods and someone suggests multi-family units right next to it, some of which may be rental and some may be not, you get kind of nervous about the impact it will have on your investment. I am no different than anyone else. I am very familiar with this property. In the year 2007, the Carter family came to see me to subdivide this property and sell it at auction. The family was never able to get together and I am actually kind of surprised it is for sale now. In any event, I will end with this with all due respect to Mr. White; I know Mr. White's reputation. I have probably handled real estate transactions through which he has been involved; but when it comes down to it, he has a contingency contract. He is a contractor and he is look for an opportunity. If he can get this rezoning, all well and good; he will invest in this property, develop it, and try to make a profit. If he doesn't get this rezoning, he will probably move on to another spot, one that is probably more conducive to what he wants to do. For us that live next door, it is a little more important than just another investment. I ask that you keep that in mind and thank you for your attention.

Mr. Leggett stated when I sent my disapproval back, I put a note on it. It would be very helpful in the future if the proposer would contact the neighbors and let them know what they are doing. We were left with absolutely no information. It would be very helpful if he would come in and explain what he was trying to do. It might make a difference in how a person feels.

Close the Public Hearing.

Mr. Wilson asked which property is the one that your wife owns?

Mr. Vaughn responded my wife does not actually own a property that is next to the property that is the issue. We simply own property in the Birnham Woods subdivision. Our interest in the subdivision would be the same or related to anyone that is here that happens to own property in that subdivision.

Mr. Bolton asked how far is it from the proposed apartments to the Birnham Woods subdivision?

Mr. Gillie responded if you look at your map, there are some vacant properties that are owned by the Afflick's. Those are considered part of the Birnham Woods subdivision. It actually abuts it on one full lot and a portion of a lot. They are vacant right now and those lots are part of Lake Heron Drive. The south eastern boundary of this property that Aaron is looking at would abut two of the lots in the Birnham Woods subdivision.

Mr. Bolton asked how many feet?

Mr. Gillie responded it is adjacent to it. It probably shares about a 300' common property line.

Mr. Bolton asked how far from Mr. White's property would the apartments be sitting? In other words, what would be the buffer between the apartment building and houses in the Birnham Woods subdivision?

Mr. Gillie responded right now we have five vacant lots in the Birnham Woods subdivision that would abut this, so they are not developed at this time. The nearest existing house from his property line is about 600' based on the system I have here.

Mr. Bolton stated but houses could be developed on those lots.

Mr. Griffith stated the Birnham Woods property owners have property on three sides of this track of land.

Mr. Gillie stated there is the triangular piece that is kind of land locked in the middle that I don't believe is part of the Birnham Woods subdivision.

Mr. Griffith asked what about the part that borders the Westover Christian school?

Mr. Gillie responded that is where the lake is. I guess I was discounting that because there is a portion of a water body in place there and I didn't feel that it was feasible to build over top of it. We would consider the triangular piece undevelopable because of access issues. I was only counting the lots that actually front of Lake Heron Drive.

Mr. Vaughn stated back in 2010 I did a title examination for Randy Sinclair who was representing the Carter family. That triangular piece was acquired by John Boatwright in a land swap with the Carter family in order to bring that triangular piece which appears to be land locked into the rest of the subdivision. That property since Mr. Boatwright passed away went to his children who were part of the Afflick's and Betty Updike. Betty Updike has since passed and her interest in that property has now passed to her three children. The undeveloped lots in the Birnham Woods subdivision are still owned by the Boatwright's who bought that triangular piece.

Mr. Wilson stated six responses were received. Two responses were not opposed. One of them is Updike. Is there any explanation there?

Mr. Holtry responded there are various owners on the Updike properties. One response was from Glen Updike himself that said not opposed. The other one that was sent to the Updikes and the other family there was opposed, but from Richard Rowland. They had two different addresses and one was opposed and one was not opposed. The one with Glen Updike has five property owners, but they all had the same mailing address; so we only sent them one letter.

Mr. Wilson stated it seems like once again we have a property that has come forward, which neighbors say if we would have known more about this, seen some of the schematics, had some time with it, that we would be more open to learning more about it and maybe have a different opinion about it. Secondly, I am always a little nervous when something is given to us last week and it has changed and you guys are saying "hey, I think it is going to work." I am going to let these guys have their opinion, but my inclination is to put all of this on hold and allow some of those plans and proposals to come forward, so we can have something more affinitive and clarified. You have family members that may or may not have known. There is still a lot that needs to be settled before we can really make a wise decision.

Mr. Wilson made a motion to table Rezoning Application PLRZ20130000199. Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.

2. Special Use Permit Application PLSUP20130000200, filed by Elvord Guidry, requesting a Special Use Permit for an accessory apartment in accordance with Article 3.1; Section C, Item 1 of the Code of the City of Danville, Virginia, 1986, as amended, at 1033 Main St, otherwise known as Grid 1720, Block 012, Parcel 000007 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to add an accessory apartment within a residential dwelling at this location.

Mrs. Burton read the staff report. Twenty-three notices were sent to surrounding property owners within 300 feet of the subject property. Zero respondents were opposed. Three respondents were not opposed.

Open the Public Hearing.

Present on behalf of the request Mr. Elvord Guidry. Mr. Guidry stated we purchased the house in 2010 from the owner who purchased it in early 2000 when it was about to be condemned and demolished. He took over the building and did a lot of construction work to improve the structure of the building and decided to sell it to me. Our plans as mentioned is to have an apartment on the base level and the upper two levels will be for our residence. We plan to have one home and to try and maintain as much of the originality of the house as possible, but have modern amenities. We have done some landscaping and cleared the south section of the building. We recognize that on the southside of the building there is an apartment complex and on the northside is a residence. I hope you guys will approve our request.

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

Mr. Guidry responded none whatsoever. We plan to do all of the construction and follow all of the City Codes. Everything will be approved by our inspectors.

Close the Public Hearing.

Mr. Griffith made a motion to approve PLSUP20130000200 with conditions per staff. Mr. Bolton seconded the motion. The motion was approved by a 5-0 vote.

II. MINUTES

Mrs. Evans made a motion to approve the June 10, 2013 minutes. Mr. Bolton seconded the motion. The motion was approved by a 5-0 vote.

III. OTHER BUSINESS

Mr. Gillie stated we have cases for next month, so there will be a meeting. Don't forget we have the special work session July 30th at 2:00 p.m. in the second floor conference room. The hard copies of the proposed Comprehensive Plan are at the print shop being made. Hopefully by the July 30th meeting I will have the copies to give to you to review so we can wrap up the Comprehensive Plan.

With no further business, the meeting adjourned at 3:35 p.m.

APPROVED