

**PLANNING COMMISSION MINUTES**  
**October 7, 2013**

**MEMBERS PRESENT**

**Mr. Wilson**  
**Mr. Griffith**  
**Mr. Bolton**  
**Mr. Searce**  
**Mrs. Evans**  
**Mr. Laramore**  
**Mr. Jones**

**MEMBERS ABSENT**

**STAFF**

**Renee Burton**  
**Ken Gillie**  
**Christy Taylor**  
**Scott Holtry**  
**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 7: entitled "Nonconforming Uses", and Article 10 entitled "Sign Regulations" to address how nonconforming may be permitted to continue and address changes made by the Section 15.2-2307 of the Code of Virginia, and amend Article 3.I., entitled "Transitional Office District" Section C entitled "Uses Permitted by Special Use Permit" to allow for museums in the TO-C Transitional Office Commercial District, and amend Article 3.K: entitled "Central Business District", Section C entitled "Uses Permitted by Special Use Permit" to allow for funeral homes in the CB-C Central Business Commercial District.*

Mr. Holtry read the staff report.

Open the Public Hearing.

No one was present to speak for or against the request.

Close the Public Hearing.

Mr. Griffith stated the Danville Museum of Fine Arts and History has requested to extend their operations. It says that a museum is not permitted in that district, but we already have one. Aren't they considered a museum?

Mr. Gillie responded they are. There are legal non-conforming issues.

Mr. Griffith asked will this make them legal?

Mr. Gillie responded we are trying to correct some things in the Code.

Mr. Searce asked if we table this, will it affect the special use permit?

Mr. Gillie responded we recommend changing the two Code sections and tabling the additional Code section. We are not asking for all of it to be tabled.

Mr. Wilson asked what are the two?

Mr. Gillie responded we are asking to change the section to allow for the funeral home portion and the museum portion. We are not recommending the Code change to 15.223.07 at this time. We would like to have those held over for further study. We had the work session a few months ago. That is still causing some issues depending on how we go with it and we are not comfortable with the wording at this time.

Mr. Wilson asked but you are comfortable with these two?

Mr. Gillie responded yes.

**Mr. Griffith made a motion to recommend approval of Article 3.K to allow a funeral home in the Central Business Commercial District, Article 3.I transitional office to allow a museum, and to table Article 7 and 10 regarding changes to 15.223.07. Mr. Laramore seconded the motion. The motion was approved by a 7-0 vote.**

2. *Special Use Permit Application PLSUP20130000308, filed by Cara Burton on behalf of D.M.F.A H. requesting a Special Use Permit to operate a museum in accordance with Article 3.I: Section C, Item 23 of the Code of the City of Danville, Virginia, 1986, as amended, at 126 Sutherlin Ave., otherwise known as Grid 1720, Block 008, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to use this location for a museum annex.*

Mrs. Burton read the staff report. Forty-two notices were sent to surrounding property owners within 300 feet of the subject property. Fourteen respondents were not opposed, one respondent was opposed.

Open the Public Hearing.

No one was present to speak for or against the request.

Close the Public Hearing.

**Mr. Wilson made a motion to recommend approval of Special Use Permit PLSUP20130000308 as submitted. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.**

3. *Special Use Permit Application PLSUP20130000306, filed by Dwight O. Steele, Sr. requesting a Special Use Permit to operate a funeral home in accordance with Article 3.K: Section C, Item 29 of the Code of the City of Danville, Virginia, 1986, as amended, at 657 High St., otherwise known as Grid 1716, Block 007, Parcel 000008 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to open a funeral home at this location.*

Mr. Holtry read the staff report. Seventeen notices were sent to surrounding property owners within 300 feet of the subject property. Six respondents were not opposed, one respondent was opposed.

Open the Public Hearing.

No one wished to speak for or against the item.

Close the Public Hearing.

Mr. Griffith asked is there adequate parking at this location?

Mr. Holtry responded parking is not required in the Central Business District.

Mr. Gillie stated there is on-street parking around the area. We can't count that toward the total. There is also the old Community Market lot within walking distance not counting other surface parking. The City just did a parking study for the whole downtown area. This area wasn't deemed to be lacking based on that study. They don't have to provide it.

Mr. Bolton asked if this is approved and he wanted to start doing funerals and the embalming there, could he?

Mr. Gillie responded he could. There is not a condition that says it is not permitted. They are just not proposing to do it at this time. Staff wouldn't be opposed to them doing it in the facility. We are just giving you the information that is provided to us.

Mrs. Evans asked has he agreed to a plan of action?

Mr. Holtry responded he did agree to present a plan of action to us. We have not received it yet.

Mr. Jones asked what needed to be done to comply with the City Code?

Mr. Holtry responded that was listed. They were going to present us with a plan of action of all the things that they were going to fix. It was going to be presented to the Inspections Division and they would approve or disapprove it.

Mr. Jones stated he has not been given a list of what needed to be done.

Mr. Holtry stated no.

Mr. Wilson asked what is the definition of funeral arrangements? I am not sure what *arrangements* actually means.

Mr. Holtry responded from speaking with the applicant, I think they were planning on setting up the funeral services to be able to view them there and have the funeral elsewhere at a church location.

Mr. Wilson stated most funeral homes have a chapel or an area that funerals can take place. Will there be such a place within this?

Mr. Holtry responded they are not going to have a chapel at this location. They are going to have the viewings and the service will be held at a church or separate location.

Mr. Gillie stated they could do it at this facility. We are not placing a condition that will restrict them from doing that. That is just the proposal they have given us right now. Depending on what their plan of action for the building is, that would be a determining

factor. The building officials would determine what uses would be allowed in that structure. From staff's perspective, having a chapel is part in parcel of having a funeral home. We wouldn't have an issue with it. That is based on their proposal not anything that we are recommending to them.

Mr. Wilson asked if we approve this, we will not see any design of this structure. Will that just go through Inspections? We won't see the impact on the neighborhood.

Mr. Gillie responded this body won't see it. I believe it is part of the River District, so if they do any modifications to the exterior of the building requiring review, it would go to the River District Design Commission. The internal changes wouldn't come back to this body. They would be regulated through the Building Code and Fire Code. All they are asking from us is first off, can we change the Code to allow a funeral home and second, can they operate that there.

Present on behalf of the request was Mr. Dwight O. Steele, Sr.

Mr. Wilson asked what do you mean by funeral arrangements?

Mr. Steele stated thank you for the opportunity to come today. Funeral arrangements are when a family would like come in set the time and date for the funeral, select a casket, and the viewing and visitation would be held at that location. No embalming will be done there. All that will be done at our Roanoke office.

Mr. Wilson asked but in the future it could be, right? Do you plan external renovations?

Mr. Steele responded yes. We are going to submit it to the zoning people. I have hired Moore Architecture out of Lynchburg. We are going to completely redo the building.

Mr. Wilson stated I believe that will be overseen by the River District requirements.

Mr. Steele stated whatever they require, we will conform.

Mr. Jones asked should we include in our recommendation that they should comply or either compliance must be approved?

Mr. Gillie responded no. It has to be for them to operate at that facility. We didn't feel that was necessary to place an additional condition on it. The plan of action needs to be provided. We want to make sure that we get that plan of action. That is why we have the condition. In order for them to do any modifications to the facility and get the Certificate of Occupancy, they will need to comply with the Code.

**Mr. Bolton made a motion to recommend approval of Special Use Permit Application PLSUP20130000306 with conditions per staff. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.**

4. *Special Use Permit Application PLSUP20130000310, filed by Kirby Wright requesting a Special Use Permit to operate an adult day care facility in accordance with Article 3.M: Section C, Item 6 of the Code of the City of Danville, Virginia, 1986, as amended, at 2623 N. Main Street, otherwise known as Grid 2810, Block 007, Parcel 000007 of the City of Danville, Virginia, Zoning District Map. The applicant is*

*proposing to amend the conditions approved by Ordinance 2012-04.04 to allow for more than a maximum occupancy of 30.*

Mr. Holtry read the staff report. Sixteen notices were sent to surrounding property owners within 300 feet of the subject property. Seven respondents were not opposed, one respondent was opposed.

Open the Public Hearing.

No one chose to speak for or against the item.

Close the Public Hearing.

Mrs. Evans asked is unit A still going to have occupants?

Mr. Holtry responded that is correct.

Mrs. Evans stated the adult daycare operations will be in unit A and in unit B with offices in between.

Mr. Holtry stated correct.

Mr. Wilson stated no commercial transportation vehicles are to be stored on site. What is a commercial transportation vehicle?

Mr. Gillie responded vans or buses. They should be on the adjacent site. They are not supposed to be stored on this site.

Mr. Wilson asked are they all together?

Mr. Gillie responded you have one building that sits up a little higher than what the other building does. The buses are supposed to be stored at the building that is lower, kind of at the corner of North Main Street and Franklin Turnpike.

Mr. Jones asked does Mr. Wright have any problems with these conditions?

Mr. Gillie responded he just shook his head so I don't believe so.

Mrs. Evans asked are you anticipating any operations on Sundays?

Present on behalf of the request Mr. Kirby Wright. Mr. Wright responded there will be no operations on Sundays. They will be Monday through Friday. The only person there on Saturday is me.

Mr. Griffith asked how many other facilities like this do you have?

Mr. Wright responded we have two group homes down North Main Street. We also have a school on Parker Road west.

**Mr. Jones made a motion to recommend approval of Special Use Permit Application PLSUP20130000310 with conditions per staff. Mr. Griffith seconded the motion. The motion was approved by a 7-0 vote.**

*5. Review of the Danville 2030 Comprehensive Plan. This plan is an update to the City of Danville Year 2020 Comprehensive Land Use Plan adopted in 2001.*

Open the Public Hearing.

No one was present to speak in favor or against the review.

Mr. Gillie stated we have it available on our website. We also have hard copies available in my office. All of the Planning Commission members were given a hard copy. If you have questions, comments, or see anything that needs changing please let me know. We will probably schedule another meeting in the community. I was hoping that we would have someone here today. We will just go from there.

## **II. MINUTES**

Mr. Wilson stated I have a correction. On page 3 of 7, Mr. Wilson was the one that said all of that where it says Mr. Bolton.

**Mr. Griffith made a motion to approve the September 16, 2013 minutes as amended. Mr. Bolton seconded the motion. The motion was approved by a 7-0 vote.**

## **III. OTHER BUSINESS**

Mr. Gillie stated on October 24 at 10:00 a.m. in City Hall, fourth floor conference room we will have the initial meeting of the River District Design Commission to set a schedule for future meetings. We do have cases for next month.

With no further business, the meeting adjourned at 3:30 p.m.

---

APPROVED