

PLANNING COMMISSION MINUTES
January 13, 2014

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF

Christy Taylor
Ken Gillie
Renee Burton
Scott Holtry
Clarke Whitfield

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

I. ELECTION OF OFFICERS

Mr. Whitfield now presided over the meeting.

Mr. Whitfield called for nominations for Chairman.

Mr. Griffith made a motion to elect Mr. Searce as Chairman. The motion was approved by a 7-0 vote.

Mr. Whitfield called for nominations for Vice Chairman.

Mr. Jones made a motion to elect Mr. Laramore as Vice Chairman. The motion was approved by a 7-0 vote.

Mr. Whitfield called for nominations for Secretary.

Mrs. Evans made a motion to elect Mr. Griffith as Secretary. The motion was approved by a 7-0 vote.

Mr. Searce now presided over the meeting.

II. 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, as amended, more specifically Article 3.O: entitled "Industrial District (Light Economic Development District)", Section C entitled "Uses Permitted by Special Use Permit" to allow for commercial recreation facilities (indoor and outdoor) in the LED-I Industrial District (Light Economic Development District).*

Mr. Holtry read the staff report.

Open the Public Hearing.

Present in favor of the request was Mr. R J Lackey, attorney with Woods Rogers. I actually think I am the next item on the agenda but they seem to overlap, so I figured I would come up in case there were any issues. I represent the land owner and the applicant on item 2 which is related to this. It is for an indoor soccer arena. Presently the building is being used for training. It has been built with two indoor soccer fields. I would have loved to have had this facility growing up. We had to play in gyms. We would get caught in corners. This is something that is needed in Danville. The operator has had a lot of requests. It started as a training facility. He has had moderate requests to have it recreationally. It seems like a wonderful thing to use. Averett has asked to use it. Various other clubs have asked to use it. We really think this is something that will bring people to Danville. This is something that gives people in Danville recreation that children are always looking for, teenagers are looking forward, and even adults are looking for. I strongly urge you to support this. I am happy to answer any questions if there are any.

Close the Public Hearing.

Mr. Griffith made a motion to recommend approval of the Code amendment. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.

2. *Special Use Permit Application PLSUP20130000368, filed by Adam Webb, requesting a Special Use Permit to operate an indoor commercial recreation facility in accordance with Article 3.0; Section C, Item 24 of the Code of the City of Danville, Virginia, 1986, as amended, at 2425 Goodyear Blvd, otherwise known as Grid 2505, Block 002, Parcel 000002 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an indoor commercial recreation facility that consists of two soccer fields.*

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

Open the Public Hearing.

Present on behalf of the request was Mr. R J Lackey. I am just here to answer any questions.

Mr. Griffith asked is your client familiar with the conditions?

Mr. Lackey responded yes.

Mr. Griffith stated my only concern is that if you are going to have two courts you are looking at four teams and spectators, you could easily hit 100 people. Is 100 a hard fast or is that by the Fire Marshall?

Mr. Gillie responded it is by the Building Code.

Mr. Lackey stated these are small courts. They are not the size of basketball courts. They are smaller than that. You are looking at around 20 players at any given time.

Mr. Griffith stated yes you would, but you are going to have some subs. Generally when you are scheduling those you are going to have another team coming in after that so you could easily have six or eight teams and then spectators.

Mr. Lackey stated we have looked at that.

Mr. Griffith asked and that is fine?

Mr. Lackey responded yes.

Mr. Gillie stated the Building Code currently has it limited to 50, but they can ask for a modification to the limits up to 100. After 100 it is going to take some structural renovations to the building, so we put the limit at 100. If they find that there is a need they can come back and ask for a modification to those conditions.

Mr. Griffith stated as long as they are comfortable with it I am fine with it.

Mrs. Evans asked will improvements be done to the parking lot?

Mr. Lackey responded there are none planned. As I understand from Mr. Gillie, the parking lot is adequate for this number of people. There is one on each side of it and it will hold enough cars, so we don't have any plans to improve the parking lot.

Mr. Jones asked how big are the restrooms going to be?

Mr. Lackey responded the restrooms to Code are adequate for 140 people.

Close the Public Hearing.

Mr. Bolton made a motion to recommend approval of PLSUP20130000368 with conditions per staff. Mr. Griffith seconded the motion. The motion was approved by a 7-0 vote.

- 3. Rezoning Application PLRZZ20130000385, filed by Jim Abercrombie requesting to rezone from N-C, Neighborhood Commercial to CB-C, Central Business Commercial, 754 Patton Street, otherwise known as Grid 1716, Block 004, Parcel 000002 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to expand the potential uses of the property.*

Mrs. Burton read the staff report. Thirty-seven notices were sent to surrounding property owners within 300 feet of the subject property. Eleven responses were not opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Jim Abercrombie. I am here to answer any questions that you might have.

Close the Public Hearing.

Mr. Wilson made a motion to recommend approval of PLRZ20130000385 as submitted. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

- 4. Special Use Permit Application PLSUP20130000386, filed by Kalil Khan, requesting a Special Use Permit to develop a cemetery in accordance with Article 3.E.; Section C, Item 4 of the Code of the City of Danville, Virginia, 1986, as amended, at Parcel ID #74721 on Kingoff Drive., otherwise known as Grid 3709, Block 003, Parcel 000002 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to develop a cemetery at this location.*

Mrs. Burton read the staff report. Nine notices were sent to surrounding property owners within 300 feet of the subject property. Three responses were opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Robert Whitt and Mr. Kalil Khan. Mr. Whitt stated we are here basically to answer any questions. I think there are a lot of misconceptions as far as the responses that were made by the neighbors as to the nature and the use of the property. Most of them are not familiar with this type of cemetery. I think we can certainly answer any questions or concerns that they may have.

Mr. Khan stated in the City of Danville, we do not have any Muslim cemeteries. The closest one is about an hour and a half away. We have a small community here of about 20 families and 90% of them are below the age of 50. We are trying to establish a cemetery over here. I would like to answer any questions that might arise. To the people that are opposed, ask me any questions. I am pretty sure there are misconceptions.

Mr. Griffith asked are there requirements placed on religious affiliated cemeteries as far as maintenance and perpetual care? I know there are certain requirements for private cemeteries. I am just concerned about the long term care and maintenance.

Mrs. Burton responded from the state's perspective, no. When it is a religious affiliation or family cemetery they are exempt from the licensing procedures. Locally we will monitor the actual cemetery itself. We do not have any type of control of specific regulations other than there is a minimum of 12" of dirt upon the interment.

Mr. Griffith stated I just know like with Danville Memorial Gardens there is required to be a trust fund for perpetual care and the maintenance of it. That was my concern. Are you making any type of preparations for this?

Mr. Khan responded we will have some kind of fund to maintain it. There is no maintenance because it is an unmarked grave. There is no headstone or anything of that sort. Ask questions and I will enlighten. The neighbors will not even know that there is a cemetery there.

Mr. Whitt stated it is a wooded area and there are some trees that the seller has asked to remove prior to the sale. He will have a certain period of time to remove those.

Mr. Griffith stated hasn't there been some grading out there?

Mr. Whitt responded I am not aware of any.

Mr. Gillie stated that is an adjacent property. The grading has occurred on an adjacent property.

Mr. Whitt stated other than that tree removal that will happen probably for a month or so, they won't even know that it has changed.

Mr. Wilson asked so this type of cemetery doesn't fall in the same category as a family cemetery?

Mr. Whitt responded that is correct. They do use coffins. I think that was one of the concerns. They do bury people in coffins, so you don't have to worry about any issues with that. They are buried within 24 hours. That is one of the main reasons they need a cemetery here, because under their faith they are supposed to be buried within 24 hours.

Mr. Khan stated absolutely must be.

Mr. Wilson stated so that creates difficulty for the local community if you have to go out of town.

Mrs. Evans asked would it be the same as any other funeral? A hearse would bring the body into the burial site.

Mr. Khan responded yes. It is just that a hearse from the place that takes care of the deceased and that will go immediately to the cemetery. It doesn't have to have a police escort. We believe that when someone dies, within 24 hours they have to go to the next step. Have I answered your question?

Mrs. Evans asked will there be graveside services?

Mr. Khan responded if it is, it is just one minute of prayer to take this person from one life to the other. It is nothing spectacular.

Mr. Whitt stated not like the Baptist.

Mr. Gillie asked is there a minimum depth or anything that you maintain?

Mr. Khan asked depth?

Mr. Gillie responded the distance that the person is placed.

Mr. Khan stated 6'.

Mr. Gillie asked will there be a need for any type of storage of equipment?

Mr. Khan responded no, we will hire someone.

Mr. Gillie stated we didn't know. We thought maybe it would be shallow enough to be hand dug. Thank you, that's all I had.

Mr. Wilson asked will there be an entrance/exit designation? In other words, the cemetery will be recognizable from an entrance road.

Mr. Khan responded there is an existing entrance road right now. We will use that. There is no need to have a new entrance or anything like that.

Mr. Wilson asked any signage?

Mr. Khan responded no.

Present in opposition to the request was Mr. Averett Witcher, Pastor of Glenwood Memorial Baptist Church. We do have some concerns about the cemetery. If you know about the outlets that the church has and the area of the homes, since the bypass was put in we really only have two entrances into the church. It has to be either Kent Street or further down and then to the east at Airport Road. Thinking about this I fear that there will be some problems traveling in and out getting to the church at certain times. That is certainly a current concern that I have. Also, I am concerned about the noise factor. I think that will be increased. I am also concerned about the value of property in that area. To the contrary, I think that it will cause a decrease in the value of the property rather than an increase. I did not get all of the facts and information that I needed. The church people didn't really know that much about what was going on. I discovered this on Sunday. I told them that I would come and present this information anyway to each of you. Thank you.

Mr. Griffith asked where is your church in relation to this property?

Mr. Witcher responded it is 1405 Halifax Road. At one time we had an exit on Starling Avenue. When we first built the church it was the fellowship hall and we had an entrance coming in and a mailing address of 125 Starling Avenue.

Mr. Scarce stated so you are on the other side of the bypass.

Mr. Gillie stated correct.

Mr. Griffith asked so you are across the bypass from this property?

Mr. Witcher responded we have to go across the bypass in order to get from the east side. If we go in from the east side we have to go in on Airport Road and on the west side we can go in from Glenwood through Kent Street.

Mr. Gillie stated your church is on the opposite side of the bypass than this piece of property.

Mr. Witcher stated we are on the southside.

Mr. Gillie stated you are on the school side of the bypass.

Mr. Witcher stated we have to go across the bypass, yes we do.

Present in opposition to the request was Mrs. Nancy Combs. I live on Lexington Avenue. To answer the question regarding the location of the church, if you were to stand on the front stoop of the church and look straight ahead to the left, you would be looking directly at

the cemetery if it were to be approved and developed. I am here to represent myself and my husband. We do live at 145 Lexington Avenue. We own two homes on Lexington Avenue. I have lived in the community for more than a quarter of a century and my husband for more than a half of a century. We are strongly opposed to the development or the approval of this special use permit for six acres to be converted to a cemetery at the end of Kingoff, an area zoned for residential usage which falls within a residential area. Kingoff as you know is a side road that must be accessed from Lexington Avenue. It runs close to and parallel to Lexington Avenue and the bypass. That expressway is heavily traveled by cars, vehicles, and large transport trucks. There are several reasons we are opposed to converting this six acres of land to a cemetery. First, the residential character and current designation, we like many others have made a long term residential investment in this neighborhood and have made our home in this residential area. Again, my husband and I have nearly a century of combined commitment to this neighborhood and to Lexington Avenue. While there are other businesses and designations within the general Glenwood Community, the general area in question is residential both in nature and of its composition by current zoning. We desire to maintain that residential designation and the residential feel of our community. We do not desire for other types of designations including cemeteries to be approved. The approval of other designations within this residential neighborhood ultimately changes the composition of our area and it creates additional hodge-podge which you have heard me speak of before. We believe that the more hodge-podge the community becomes, the more that will be approved in the future. The woodland loss and change in character by the bypass noise, if you look closely at your photo you will notice that the six acres of land in question is mostly 100% wooded. The land adjacent is the bypass and the land would have to be cleared in order to be converted to a cemetery. The traffic for residents is very noisy when the land is cleared. These six acres of wooded land is a sound barrier for those of us who live on Lexington Avenue. It also blocks our view of a noisy and unattractive expressway. The loss of this wooded land will create additional noise seven days a week, 24 hours a day. The view from our street would be negatively changed as well. The noise would inhibit us from enjoying our property. The cars and trucks constantly traveling, more wildlife would be also be displaced including more deer which invade our yards and our gardens. Traffic could increase in the neighborhood itself, more specifically on Lexington and Kingoff. As you know this would be an Islamic cemetery and if approved by virtue of their beliefs they would be buried within 24 hours of death. Death does not discriminate by day of the week. Any day of the week there could be burials and traffic. We were unable to locate any Islamic cemetery close by and we imagine that there are not many communities in this region who have approved Islamic burial grounds and that they are few far and in between. Consequently, we believe that the Islamic understandably take care of their own brothers and sisters no matter their home address; therefore, we believe the six acre track, if approved, would ultimately be the resting place for those far and near. In your packet prepared by the city, you will note that the city defines the current character of the vicinity as residential. We and our neighbors would like to maintain that character. We moved into a residential area because we wanted to live in a residential area. Please don't change the face of our neighborhood and the land designation virtually adjacent to our property. High potential for property depreciation and the inability to sell, we are concerned that if this is approved it will result in property depreciation and it will make our properties more difficult to sell because the highway would be visible from Lexington and the noise would be audible 24/7. There are other very small cemeteries in the Glenwood community and they have been in the community for a very long time, in fact prior to the annexation when the property fell within the county borders. Both have about eight to ten people buried in them. Both are decades old and completely out of sight. No one knows they exist. There are no walk paths, no road access to either of them, there have been no recent

burials in recent decades within either of them. The one on Halifax Road holds about eight people and is deeply buried in thick brush and is currently inaccessible and out of view. The one on Crestview is very deep into a plot of land owned by St. James Baptist Church. It too is currently virtually inaccessible. If you recall some time ago there was another representative here for another issue within the Glenwood community representing the Saint Baptist Church and referencing that land. When he spoke he shared with the commission that it was their intention to build a church and a parking lot there not to use that space for additional burials. Please don't put a cemetery in a residential neighborhood and change the designation to allow for a cemetery. This is just not the right place. I am sure there are other places within our great city that would be more appropriate for a cemetery. In closing I would like to refer back to my earlier comment that my husband and I have nearly a century of genuine commitment to this residential neighborhood. Others living in the neighborhood and on Lexington Avenue have many more years than the two of us. With all due respect, those who wish to develop this land into a cemetery do not have one minute of commitment to this neighborhood nor do those likely to be buried there. I ask you to take care of the people who have taken care of this neighborhood and try to make sure that it maintains its residential flavor and preserve its good community atmosphere. Last but not least, several of the neighbors on Lexington Avenue who are elderly, handicapped, and/or have to work and were unable to make the meeting today prepared statements that they asked me to share with you. I have copies and I will give those if it is appropriate. Additionally, Mr. Weatherford at 134 Lexington Avenue who is physically unable to attend this meeting asked me to indicate to you his opposition to this special use permit request just in case you did not receive his written response. I thank you for your time and consideration and I am happy to answer any questions that you might have.

Mr. Scarce stated just for a point of clarification there will be no change in the residential designation in this case. It is just for a special use permit. Many cemeteries are in residential areas by right.

Mr. Gillie stated cemeteries can go in various districts by special use permit but it doesn't change the zoning. This is a use that is recognized if they obtain a special use permit, so there is no change in zoning.

Present in favor of the request was Mr. Abdul Rauf Ansari. I live at 102 Kingoff Drive and I have been in this area for about a year. I met Mr. Khan about a year ago. I know the owner of the land Mr. Dave Evans. We bought property from him in September 2012. I came here because the neighbors had passed around a hello happy New Year about the cemetery and it describes their concerns and how they feel about Islamic people not having caskets. We don't cremate, which is true. We also abide by the laws of the community. If the law states that you have to have a casket for a burial then we submit to that. Mr. Khan beat me to the punch, because I had intended to purchase the same property. I had the same idea to put a cemetery there for Islamic burials. In the Islamic community, when someone passes we take the body, we wash it, say prayers, and take it to a burial ground. I know it is a little different, because most people are used to when someone passes they put you in a coffin. Some Islamic people are buried in coffins, but I prefer the more traditional way. I had intentions on purchasing this land about two years from now. When I heard about another group trying to buy this property I was not too happy about it. I came from Pennsylvania and I have been here a little over a year. I am retired. I came to Danville because people always say that if you retire this is the town for you. When I found out that the group trying to buy this property wanted it for Islamic burials I was elated by it. Mr. Khan has stated that there are about 20 Islamic families. When I first moved to Danville, I knew of only one

Islamic place to worship in this town. I found out there is another Islamic place of worship on Piney Forest. The place I worship is right down the street at 120 S Union Street. In Islam religion is more than just praying. Religion is your life. It is your business life, your family life, and it incorporates everything. Different places have certain rituals and we have different rituals. That is why I myself would not like to be buried in a coffin, but like I said we obey the laws of the area we live in. If the law states that we have to be buried in a coffin, then so be it. I didn't come down here to bring down property values. I came down here for peace and quiet. I am elated to have an Islamic cemetery there. I am in favor of it. I live on Kingoff Drive and to go to the cemetery you would have to pass my house. Right now there is only one house on Kingoff Drive and that is the house that we live at. My neighbor Mr. Soyars has some land but he hasn't built a house there. I think it is a perfect place for a cemetery. My wife asked me if something happens to me would I like to be buried in Pennsylvania. I said no this is home. Danville, Virginia is my home now and I would like to make the best of it, improve my property, and not disrupt anything.

Mr. Scarce asked so you are in favor of it?

Mr. Ansari responded yes I am in favor of it. I am not here to disrupt anything.

Present in opposition to the request was Ms. Tania Harris. My property is within 300 feet of where this cemetery will be. I will tell you that I am not very pleased about it being there because I think it will lessen my property. That is a really nice stretch of property for a lot of wonderful things. I see nothing wrong with the Muslim religion wanting their own cemetery. I think that if they chose to have their own cemetery they should look for property where they can put their own things on if they chose to not be in my cemetery. We are all from the same. I see no reason why we can't be buried in the same cemetery. I am totally against this. It does depreciate the property. There was a home near where I lived and it was a gorgeous home and lovely young people came to look at it that had families but the word was I don't want to live near the dead. You know what the bible says about skeletons. That represents death and I am living. While I am living I want to be where it is beautiful land to go around the house not a cemetery. Whether I see where the people are buried or not I know they are buried there. It is kind of like the Indian cemetery where the restaurant used to be on N Main where the glass company is now. A wonderful artist is there and he does all kinds of things. I have heard all of my life that the reason the restaurants never did very well there is because it is on top of an Indian cemetery. I really think this day and time for any church that really loves their people, I think finding the right property to where they can have a cemetery without any problems should be investigated first.

Mr. Griffith asked where do you live?

Ms. Harris responded I live on N Main.

Mr. Griffith asked so you don't live on the piece of property that you own?

Ms. Harris responded no and what is so weird is the guy that owned the land told me he would let me know what was going on. He did call me and say oh by the way you might be in question about making some money because your land is in between the two people that bought it. I didn't know anything about this. He said I am going to build a little wall and he brought me two papers. The third paper said the state says you have to sign this.

Mr. Griffith stated I don't know what they have told you, but my question was that you don't live on the piece of property that you own there.

Ms. Harris responded no.

Mr. Whitt stated I would just like a minute to respond to the first lady. I didn't catch her name but I have heard her here before. Any time an issue comes up she has an opinion. Everything she is complaining about is not going to happen. She is not going to even know that there is a change in the property. She should be thankful that they are going to put it there because the woods that she is so worried about are going to stay there and remain that buffer to the bypass. There is a very small community here. Obviously there is not going to be a burial every day. Certainly it could happen on a Saturday or it could happen on a Sunday, but so do Christians. To me the argument is very spacious. Frankly I think they should be happy that it is going to be there, because they are not going to even know that it is there. It will prevent someone else from going in there and clearing the woods down and doing something with it. This is a residential area but it has a different name. I forgot the term for what their zoning is.

Mr. Searce stated transitional.

Mr. Whitt stated there are a lot of things that could be built on this property without a special use permit that would definitely not be in their best interest. I think their concerns are very unfounded. I would ask you to please approve this.

Close the Public Hearing.

Mrs. Evans asked will this cemetery be marked in some way so that hundreds of years down the road someone wants to develop it, will it be noted that it is a cemetery and there are bodies there?

Mr. Gillie responded it will be in the city records that it is a cemetery. Saying what will happen hundreds of years from now is rather difficult for me because I have probably only 40 more left. The city records will denote that it is a cemetery and there are bodies buried there. Hopefully if someone does title searches or anything else in the future they will see that.

Mrs. Evans asked nothing there will be marked?

Mr. Gillie responded that is the best we can do. I assume through the title when they buy the property it will show up listed that way but after that I don't know of anything we can do in perpetuity to make it marked that way.

Mr. Wilson asked as far as the maintenance and care and following up regulations that are in place, there are some that actually govern it. Can you go over those again?

Mrs. Burton responded it will be that the interment has a minimum of 12" coverage of dirt and the general maintenance of the area will be just that as if it were your lawn, the proper maintenance and upkeep. There will not be anything that is required.

Mr. Wilson asked if there were any significant alterations to the land would another special use permit or would he have to come back if there was a facility put in place? I mean what we are designating is what they are asking for, right?

Mr. Gillie responded if they build a structure that would require a building permit and approval. We would check it just like we would any other structure. It would have to meet distance between property lines, standard building and fire codes, life, and health safety codes. That wouldn't have to come back here for a special use permit. All they are asking for is to put a cemetery on that property. A structure that would house heavy equipment or machinery would be considered an accessory to the primary use, which in this case would be a cemetery. That does not have to come back. Cemeteries are interesting in the Code in that if it is religiously affiliated there are not a lot of restrictions.

Mr. Wilson stated and that is by design. That is a long historic tradition that Virginia has.

Mr. Gillie stated correct. State law has very few restrictions on it. Mr. Griffith asked about Danville Memorial Gardens. There is a difference there because that is a for profit cemetery verses a religious institution. These institutions are afforded special privileges in Virginia that others aren't. They fall under a different set of rules.

Mr. Griffith stated as far as the long term perpetual care of those involved today, 50 years from now is something going to be done to protect the people that are buried there?

Mr. Gillie responded the state regulations say you don't have to do it. I can't impose something more restrictive than what the state does.

Mr. Griffith stated true.

Mr. Wilson stated but it would be the same as if any old burial ground were discovered in the development of an area and there are lots of ways that is handled.

Mr. Gillie stated correct.

Mr. Jones made a motion to recommend approval of PLSUP20130000386 as submitted. Mr. Griffith seconded the motion. The motion was approved by a 7-0 vote.

- 5. Rezoning Application PLRZ20130000387, filed by Danville Redevelopment Housing Authority requesting to amend the Year 2020 Land Use Plan from CS, Community Service to MR, Multi-family Residential and to rezone from OT-R, Old Town Residential to M-R, Multi-family Residential, 608 Upper Street and Parcel ID #26499 on Poplar Street, otherwise known as Grid 1712, Block 008, Parcel ID's 000005 & 000003 respectively of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to develop a multi-family housing complex.*

Mrs. Burton read the staff report. Twenty-eight notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed. Two responses were opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Gary Wasson. I am the Executive Director of the Danville Redevelopment Housing Authority. I would be happy to answer any questions about the proposed project.

Mr. Griffith asked was that a church originally?

Mr. Wasson responded yes it was.

Mr. Griffith asked are you going to leave the structure or is it going to be demolished or will it just be converted into apartments?

Mr. Wasson responded we are going to leave the structure pretty much as is outside because we are going to try and get historic tax credits. The outside, as far as we understand, will remain exactly the way it is. There may actually be some space inside the building left as is, especially the old sanctuary may be left intact as its original use.

Mrs. Evans asked what do you plan to do with the parcel behind the church?

Mr. Wasson responded it will be the off-street parking and green space for picnic tables and maybe a place for kids to play.

Mr. Laramore asked will that be the only building onsite, the existing structure?

Mr. Wasson responded yes there are no plans to put any other structures. The use will be designated for veterans. There will be five units for veterans and four units will be handicap accessible and four other units for just basic low income people and the Housing Authority will project base vouchers for people who need a subsidized trend.

Close the Public Hearing.

Mrs. Evans stated this is the first time I have ever heard of Mechanicsville Historic District. Where does it begin and end?

Mrs. Burton responded the Mechanicsville Historic District is actually to the west of the Downtown Historic District and it runs from Memorial Drive southwest taking in Floyd, Upper, and part of Monroe. It ends at South Ridge.

Mr. Griffith made a motion to recommend approval of PLRZ20130000387 as submitted. Mr. Bolton seconded the motion. The motion was approved by a 7-0 vote.

- 6. Rezoning Application PLRZ20130000388, filed by Danville Redevelopment Housing Authority requesting to rezone from OT-R, Old Town Residential to M-R, Multi-family Residential, 401-411 Floyd Street, otherwise known as Grid 1712, Block 003, Parcel 000015 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone so that the four units may be rehabilitated and occupied.*

Mrs. Burton read the staff report. Thirty-five notices were sent to surrounding property owners within 300 feet of the subject property. Three responses were not opposed. Five responses were opposed.

Open the Public Hearing.

Present to speak in regards to the request was Mr. Keith Evans. I own Danville Paint and Supply which is just across the street from this property. I am not opposed to the proposal. I am hoping that my property value is going to be included in the historic district. The only concern I have is the parking issue on the street. When I built my building in 1991 we put in a loading dock that recesses back almost to the other side of my building, so when a tractor and trailer pulls in it is completely off of the road probably 15'. Since that time truck lines have changed. Many of the trailers that come in to my lot are 53' long plus the tractor. With these drivers backing in they are actually rubbing the curb on the opposite side of the street to get the turn to come into my lot. Like I said, I have no problems with these buildings being rehabbed, but I would really like the parking situation to be looked at. If they park all along that curb, I will not be able to get deliveries to my loading dock because the trucks would not be able to make that turn in. That is the only thing I am here for today, to point that out. If nothing else could a *No Parking Zone* from 9:00-5:00 be placed?

Mr. Wilson asked are there alternatives to how deliveries are made?

Mr. Evans responded not really because most of what we get in is on pallets that we unload with either a pallet jack or a tow motor. That is not true in all cases. There are situations where they can pull across a side lot and pull in. Some do come across that lot at M&M Furniture and back in that way. They still have to pretty much put their tractor at the curb to get the straight shot back in. They do not have to make the hard turn that you would pulling in from the street itself. The disadvantage to that is one, they still have to go to the curb; but two, where loading and receiving is for M&M Furniture blocks the entrance to that side lot. If they happen to be getting a truck and one of my trucks come in then that truck driver cannot come across that lot. They do not mind. They are happy for my deliveries to come across their lot, but if they are getting deliveries it can't be done.

Mr. Scarce stated according to this aerial photo, it looks like 2/3 of that lot is open land. They will have parking behind the building.

Mr. Evans stated yeah and I talked to Mr. Wasson about that. In fact, he is the one who told me to come today. One thing he mentioned that I agreed with is that you do want to leave some green space for the families. I am not saying that they can't put a parking lot there, but I know asphalt is not cheap and if you have families living there you do want some green space.

Mr. Scarce stated it looks rather large. I haven't seen the actual lay out of it.

Mr. Evans stated and there again I am not looking to say no parking on the side of the street. It is a public street. I just need some kind of easement there so deliveries can get in.

Mr. Wilson stated right now however, if cars were to park there you would have the same problem without this development.

Mr. Evans stated yes. When we built that building those units were occupied. One or two cars would park over there and it was never an issue before. These trucks have gotten a lot bigger.

Mr. Jones asked is there legal parking on your side of Floyd Street?

Mr. Evans responded yes, as far as I know it is legal. There is parking going down Floyd Street.

Mr. Jones asked couldn't you could park an 18 wheeler there and unload it?

Mr. Evans responded no. You would do away with my loading dock. My loading dock was put there for a reason. The quick answer to your question is yes.

Mr. Jones stated but that is an inconvenience for you.

Mr. Evans stated well I would have lost a loading dock that I spent a lot of money to build.

Mr. Bolton asked what time are your deliveries?

Mr. Evans responded we are open 7:30 to 5:30 and we are liable to get a truck any time during that. Usually the earliest trucks hit the dock around 8:00 or 8:30 and then normally by 4:30 it is done. I am not going to say never but normally that is when it is.

Mr. Jones asked do you see this as a problem?

Mr. Gillie responded it is a public street so telling someone they can't park on a public street, staff doesn't have that authority. There is adequate space on the property to provide necessary off-street parking, so as we look at it that is where we envision they will park. Now telling someone you got a space and you have to park there, I have no control over that. If that person finds it is beneficial to them to park on the street and walk into the front, I can't stop them from doing that. All we can do is sit down with the engineers and talk about reasons if any to put restrictions during certain hours. *No Parking Loading Zone* between x and y, but I can't guarantee that would even be approved because it is a public street.

Mr. Jones stated I am not looking for the entire curb. I am looking for maybe 10' or 12'.

Mr. Wilson stated obviously the world has changed, the length of trucks and all these kind of things; so are there any provisions or departments within the City that he could go have this discussion with? To me, even right now his problem could appear. Is there a way he can go deal with this?

Mr. Gillie stated he could request it through the City Engineer's office that the area be designated *No Parking* or *No Parking* between x time and y time whether that property is occupied or not. Loading space on the street could be designated possibly but it has to meet certain warrants for that to be issued. I don't regulate what goes on the public streets.

Mr. Wilson stated neither do we.

Mr. Evans stated I may be here for no reason, but when I got the information that was the only concern I saw that could possibly cause a problem.

Mr. Bolton stated employees could come and park two cars in that spot and go out and move them when the truck comes perhaps.

Mr. Evans stated well we get deliveries everyday.

Mr. Bolton stated so it is not something you could plan for.

Mr. Evans stated no. We usually know what day they are coming but you have no idea what time.

Mr. Scarce stated it sounds like you have some remedy for this. I would like for the applicant to come and address this. What type of housing is this? Is this for veterans too or what type of people will be in this?

Present on behalf of the request was Mr. Gary Wasson. This is kind of a partnership with some of the City's revitalization efforts. At the time we bought it, we did not envision it being linked with the Upper Street project, but at this point we do see it linked with the project. It will be the same type of usage, some dedicated for veterans, some for handicap, and lower income will probably be with these units too. There is enough room to put off-street parking in the back and still leave some green space. It is a fairly deep lot and the units are very close to Floyd Street. I hadn't really anticipated a problem with the parking as it has been mentioned here and I don't have an answer for that. We are going to try and provide parking for the residents in the back, but as Mr. Gillie said, if somebody decided to park in the front to take stuff in the front door, the property manager wouldn't have any control over that either.

Mr. Griffith asked the two units that are there are duplexes. Will they continue to be two duplexes?

Mr. Wasson responded yes they will remain duplexes. There will be four units on that site.

Mr. Wilson asked is there anything about developing this that has to do with the review by the Historic Resources Department? In other words, are there things being done in order to achieve something larger?

Mrs. Burton responded the review before the March meeting is actually for a boundary extension that would include the 608 Upper Street property that you just reviewed. The 608 Upper Street property and the Floyd Street properties are being bundled into one project, so it is all connected. This one is kind of indirectly connected because of the 608 Upper Street project and the boundary extension.

Mr. Griffith stated based on what I have seen from the way the Housing Authority rehabs property and the current condition of these two I think if anything it would raise the property value for everybody around there.

Mr. Wasson stated correct. I think if we don't do something they are just going to continue to deteriorate. We are planning to put them back into usage and maybe they will look nice when we are done with them.

Mr. Scarce stated certainly it will be better not worse than the condition they are in.

Close the Public Hearing.

Mr. Wilson made a motion to recommend approval of PLRZ20130000388 as submitted. Mr. Laramore seconded the motion. The motion was approved by a 7-0 vote.

7. *Rezoning Application PLRZ20130000390, filed by 1060 Riverside Drive LLC, requesting to amend the Year 2020 Land Use Plan from Regional Service to Urban Single Family Residential and to rezone from HR-C Highway Retail Commercial to OT-R, Old Town Residential, 3.673 acres of 1060 Riverside Drive, otherwise known as a 3.673 acre portion of Grid 1708, Block 009, Parcel 000058 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the rear of the property to residential to match the zoning of adjacent property.*
8. *Special Use Permit Application PLSUP20130000391, filed by 1060 Riverside Drive LLC and 1050 Riverside Drive LLC, requesting a Special Use Permit to waive Yard Setbacks in accordance with Article 3.M., Section C, Item 21 of the Code of the City of Danville, Virginia, 1986, as amended, at 1060 Riverside Drive, otherwise known as Grid 1708, Block 009, Parcel 000058 and 1050 Riverside Drive, otherwise known as Grid 1708, Block 009, Parcel 000057 of the City of Danville, Virginia, Zoning District Map. The applicants are proposing to adjust a lot line between 1050 and 1060 Riverside Drive.*

Mrs. Burton read the staff report. Thirty-seven notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed. Three responses were opposed.

Open the Public Hearing.

Present on behalf of the request Mr. Nick Fowler, real estate agent with ERA Holley & Gibson Realty. I represent 1060 Riverside LLC. They are looking to sell about two and a half acres of 1060 Riverside Drive and selling that is going to cut a parcel which can only be zoned HR-C. We just ask if there are any questions you might have.

Mr. Griffith asked are they going to develop this?

Mr. Fowler asked the lots?

Mr. Griffith responded the back part of it.

Mr. Fowler responded there are no plans for that right now. The only reason they are asking is because it is going to be required. It is going to have access on Riverside Drive so it has to be zoned HR-C.

Mr. Scarce asked so they are just reducing the property size?

Mr. Fowler responded they are selling off about two and a half acres on Riverside Drive.

Present on behalf of the request was Mr. Bob Vaughn. I represent a company by the name of RMC Hampton LLC and they have the property designated as B2, the 2.726 acre tract and it is they who have requested that the lot line adjustment take place and of course we are doing that through the process of a special use permit. If all of this goes through, that

will allow them to have better access to the back of the building and the property that they are purchasing. Obviously block B3 which will be left in the rear, 3.73 acre tract will not have access except for Hampton Drive; so therefore, a change in zoning is required. All they are purchasing in this transaction is lot B2 as shown on the plat. I am here to answer any questions.

Mr. Wilson stated there is a concern from one of the responses of not wanting more traffic on Hampton Drive. How does what is happening here impact traffic on Hampton Drive?

Mr. Vaughn responded I saw that. When I got here today I was given the comments and I think there must be a misunderstanding by someone who apparently has property or interest in property on Hampton Drive. This is actually changing the zoning to be less intense than the current zoning which is a commercial use. It will bring that property B3 in line with these other properties that front on Hampton Drive. I don't see that it will result in a higher amount of traffic as the party, Ms. Hines indicated as a concern of hers. At present, there is no plan for development of B3. It just works out that the transaction between the current owner of the property and my client results in 2.728 acres being part of a transaction. That back part is not part of the deal.

Close the Public Hearing.

Mr. Bolton made a motion to recommend approval of PLRZ20130000390 as submitted. Mr. Griffith seconded the motion. The motion was approved by a 7-0 vote.

Mr. Laramore made a motion to recommend approval of PLSUP20130000391 as submitted. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

II. MINUTES

Mr. Griffith made a motion to approve the December 9, 2013 minutes. Mr. Wilson seconded the motion. The motion was approved by a 7-0 vote.

III. OTHER BUSINESS

Mr. Gillie stated I placed an email in front of each of you before the meeting regarding the upcoming Certified Planning Commissioner Program. It is a program put on by the state to give education regarding the job and duties of a planning commissioner and also changes in law. It starts off in Richmond for a couple days. If anyone is interested in attending, staff will pay for it. We pay for the hotel and the class. Let me know, I do have it budgeted for you to go. Also if you could let Christy or I know what your schedule is like for the end of February and into March, I hopefully have everyone's comments on the final version of the Comprehensive Plan, so I am going to make the corrections and schedule our public meeting and take it out to the citizens for input. If there are still changes, please get them to me so I can make them. We do have cases filed for next month. I have at least one, so plan on being here.

With no further business, the meeting adjourned at 4:35 p.m.

APPROVED