

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

**STAFF**

Shanta Hairston  
Ken Gillie  
Renee Burton  
Scott Holtry  
Clarke Whitfield

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

**1. ITEMS FOR PUBLIC HEARING**

1. *Rezoning Application PLRZ20140000253, filed by David Wayne Johnson, Sr. requesting to amend the Year 2020 Land Use Map from MR, Multi-family Residential and RL, Retirement Living to CS, Community Service and to rezone from M-R, Multifamily Residential to HR-C, Highway Retail Commercial District, 995 Piney Forest Road, Parcel ID's #73021 and 53732, otherwise known as Grid 1811, Block 005, Parcel 000013 and Grid 1811, Block 005, Parcel 000020, respectively, of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property so that it may be marketed to commercial clients.*
2. *Rezoning Application PLRZ20140000254, filed by Betty Johnson Milam requesting to amend the Year 2020 Land Use Map from MR, Multi-family Residential and RL, Retirement Living to CS, Community Service and to rezone from M-R, Multi-family Residential to HR-C, Highway Retail Commercial District, 995 Piney Forest Road, Parcel ID #53733 and a portion of Parcel ID #73020, otherwise known as Grid 1811, Block 005, Parcel 000021 and Grid 1811, Block 005, Parcel 000012, respectively, of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property so that it may be marketed to commercial clients.*

Mrs. Burton read the staff report. 43 notices were sent to surrounding property owners within 300 feet of the subject property. 14 responses were received; 11 responses were not opposed and three were opposed.

Open the Public Hearing.

Present in favor of the request was Mr. Jeff Davis.

Mr. Davis stated I am Jeff Davis and the one on David Johnson I would like to move forward because that plat is surveyed and they're wanting to rezone the whole piece. The one on Betty Milam piece, the survey is trying to finish that up. I have an aerial map that shows where that will be and the final survey will be complete once it gets to City Council. If it's any way that I can show you what we were planning on rezoning with the aerial photograph. Even though it is approximate, the corners have been marked off on the property and the map is very close, not exact, but it's very close. In which it would be exact by the time it

ould like to move forward with yall's permission of moving  
es get to City Council, any questions or concerns on this

uestions from the Commission for the applicant? Do you  
have an aerial photo where you can give each one a copy or you just have one?

Mr. Davis stated yeah I just have this one.

Mr. Scarce stated ok let me see it. Just let them take a look at it.

Mr. Dodson asked this isn't going to affect the trailer park is it? I mean the ones that are there.

Mr. Scarce stated they need to see if they can deal with that. I think the problem we've got is that it's not a definitive part that we can describe but let's see what staff has to say. Any questions from some of the Commissioners for the applicant?

Mr. Jones stated question to staff. In all the years, I've never had the situation where someone is asking for something to be done before City Council meeting after this meeting. Is that something that's usual and has been done in the past?

Mr. Gillie stated no, it's not something that's usual. We have a definitive boundary to say we're recommending approval of X point so and so acres. It's either kind of an all or nothing until we having something to go along with.

Mr. Jones asked so if we decided to approve this, we could put conditions on it that this must be done before City Council meets or something like that?

Mr. Gillie stated you can't put conditions on a rezoning that's not proffered by the applicants. No you couldn't put a condition on that it's done before City Council.

Mr. Wilson stated is it appropriate to ask the reason for the urgency.

Mr. Davis stated there's not an extreme emergency. I guess what we were hoping to have is to be able to market the property with both of them being rezoned at the time. The survey is just a little bit behind and it won't take long to finish, but by this date- we've had some rain and different things where he hasn't been able to finish. We've come in kind of right at the last and so he just was not able to get out there and finish up. We'll have the map in time for City Council, it's just today we do not have it. So what I was hoping is by this map even though it's not down to the foot, it's going to be down to the foot and at the end of the day the end result is not going to be hardly any difference on that land than what's shown on the map. I mean it may be ten foot or something like that but it's not going to be much different from what I marked on the map and what the survey will come in as.

Mr. Scarce asked any other questions?

Mrs. Evans stated I have a concern. Based on the discussion at our last meeting regarding City Council tabling something after there had been no opposition at Planning Commission, I am very reluctant to approve something on the condition that it's completed once City Council meets. As a Planning Commission I think we recommended for people come before

Council take into consideration what Planning Commission they vote and I would prefer that we not vote on this that. I don't think it's a big deal, but anything that we can process is a little bit of a concern for me.

Mr. Scarce asked are there any other questions? You may take your seat. Anyone else who would like to speak on this particular item?

Close the Public Hearing.

Mr. Scarce stated it's up to you to make a motion to do whatever you want to do. The first property from David Wayne Johnson, you can vote on that one because they're asking for the whole property to be zoned. The Milam property is the one where we don't have a defined area so we can table that one. We'd have to have two votes anyway. So can I have a motion or any other comments?

Mr. Wilson stated I just have a question. You guys were okay on the first one. You asked for tabling until we actually get the information on the second one, correct?

Mr. Gillie stated that's correct. We're not opposed to the rezoning request. It's just as Mr. Davis said that ten feet is hard because you can't have split zoning on properties so we need to know where our boundaries are going to be. The rezoning itself we're not opposed to it's just the information is a little lacking, so that's why we recommend to table it.

Mr. Wilson stated well then we also have neighbors around it who might see this ten feet differently as we might right this minute.

Mr. Scarce asked any other comments or questions?

Mr. Jones stated I'm also reluctant to set a precedence of doing something before the fact that something is done as Mrs. Evans and Mr. Wilson.

Mr. Scarce stated well I think it's pretty unanimous it seems on that so we can call for a motion.

**Mr. Wilson made a motion to recommend approval of Rezoning Application PLRZ20140000253 as submitted. Mr. Laramore seconded the motion. The motion was approved by a 7-0 vote.**

**Mr. Wilson made a motion to table Rezoning Application PLRZ20140000254. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.**

- 3. Rezoning Application PLRZ20140000261, filed by William Gentry requesting to amend the Year 2020 Land Use Map from PSA, Public and Semi-Public Areas, NS, Neighborhood Service and SSR, Suburban Single Family Residential and to rezone from S-R, Suburban Residential to LED-I, Light Economic Development Industrial, Parcels #75893, #75892 and #75890, otherwise known as Grid 2505, Block 003, Parcel 000006, Grid 2505, Block 003, Parcel 000005 and Grid 2505, Block 003, Parcel 000004, respectively, of the City of Danville, Virginia, Zoning District Map. The*

Notices were sent to surrounding property owners within  
seven responses were received; five responses were not  
opposed and five were opposed.

Chairman Scarce opened the Public Hearing.

Mr. R.J. Lackey was present in favor of the request.

Mr. Lackey stated I am R.J. Lackey representing the owner. As most of you are aware it's out across from the old Piedmont Precision Machine Shop off of Goodyear. That whole area is commercial down towards Goodyear. It seems to me that moving it this far shouldn't be objectionable. I don't think staff found it objectionable. Really I am here to answer any questions that you may have.

Mr. Scarce stated ok. Mr. Bolton?

Mr. Bolton asked do you at the last similar location there was no sewer. There may not be one here needed with the storage.

Mr. Lackey stated with the storage I don't think we would need it and I don't think it is available to answer that question, but clearly with that size property it should be for an office.

Mr. Bolton stated and that's a good thing to know what's going there so that we can make those decisions.

Mr. Gillie stated to answer your question sewer would not be available in the mini warehouses as long as they don't have an office, as long as it's unmanned storage it's not required.

Mr. Scarce asked any other questions?

Mr. Wilson stated this is a pretty basic drawing. If we use this to go forward, the storage warehouse is the use for this building?

Mr. Lackey stated it is the intended use to answer that question. There's no time table on it, but having looked at the surrounding area Mr. Gentry has decided that is the best use for that. So I expect it will be a regular use, but I don't want to say and then three months from now something's happened.

Mr. Wilson stated but eventually that's that type of use.

Mr. Lackey stated correct.

Mr. Wilson stated it's going to be really limited because you don't have sewer.

Mr. Lackey stated the property itself limits the usage you can have and this one, without meeting the water and sewer, there's pretty good valuable use.

ons? Anyone else wish to speak?

Public Hearing.

**Mr. Bolton made a motion to recommend approval of Rezoning Application PLRZ20140000261 as submitted. Mrs. Evans 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, more specifically Articles 3.K. and 3.L. entitled "CB-C, Central Business Commercial" and "TW-C, Tobacco Warehouse Commercial", respectively, Section C: entitled "Uses Permitted by Special Use Permit" to allow an accessory building or accessory use without a primary building being located on the parcel and to amend Article 7: entitled "Nonconforming Uses", to address how nonconforming may be permitted to continue.*

Mrs. Burton read the staff report.

Chairman Searce opened the Public Hearing.

Mr. R.J. Lackey was present to speak in favor of the request.

Mr. Lackey stated I am R.J. Lackey I represent Danville Tobacco District LLC, the Golden Leaf Bistro LLC, and Piedmont Lands of Virginia LLC. Danville Tobacco District owns the Golden Leaf building and obviously the Golden Leaf, I don't know if you all have been there, it's a restaurant there. Piedmont Lands of Virginia has recently purchased a 341 Main Street and 309 Main Street which are the building that I work in and the Old Sovereign Bank building and the parking lot that sits directly across from the Golden Leaf Bistro, those are all related and were all sold recently. The Golden Leaf Bistro would like to move the dumpster that is in the back of the building out by the back of that deck across to that land. They're related entities. The LLCs are all owned by Mr. Gentry so there's no problem with ownership issues. The reason for that, there's several. First of all, if you eat out on the deck you will realize that occasionally you will get an odor which is unpleasant and even though we are paying for a clean dumpster to be brought every two weeks, you still have that issue particularly in the heat of the summer when a deck is being used. So the first part would be for the patrons. The second reason is to expand the deck. Again if you've been there you'd know on a Friday night you've got to call often to get reservations to eat out there. It's something that the community likes, it's been very popular. We'd like to expand the deck and obviously the dumpster gets in the way of that expansion as well as the odor from the dumpster if you get closer to it. So from the operational standpoint, the owner would like to do that. The third reason that we're requesting this is that we are somewhat concerned about the Fire Department and traffic on that street. The truck emptying will have easier access in the parking lot than it does on Loyal Street. So again for safety and convenience and pedestrian and motorway, we think it's the best thing to do. If you have looked around that area, I walked around down there today, and you can see four or five Dempsey dumpsters that sit out there. This one would actually be enclosed. The intent is not to put a big, unsightly dumpster on the end of the piece of property. Obviously Mr. Gentry has invested a great deal of money in the Tobacco District and the River District and he has no desire to see that lessened by aesthetics, so it will be enclosed in one of the corners of the lot. I am here to answer any questions.

ing now is just a code change, any questions about that?  
one of these items?

ic Hearing.

Mr. Bolton stated just a comment. I've read through it all and feel relatively comfortable myself, but I don't know nearly as much as staff. I'm comfortable enough to vote on both is what I'm saying, but I want to make sure everyone else is and you feel like this answers all the questions that changing the State code answers. How does staff feel about it I guess? I don't mind tabling half of it then doing half, I've read it and I think I understand right much of it. It seems like it solves some of the issues but there may be others lurking that I'm unaware of. I just want to make sure we vote on both or just one depending on everyone's comfort level, including yours.

Mr. Gillie stated we've presented what we think addresses the issues. Whether it addresses all the issues is hard to answer because the more you think about something, the more other situations come into play. You're not necessarily sure how they would be affected by it. The state code is rather limited in Virginia being a Dillon Rule state. We are limited in what we can do based on 15.223-07. So we've done the best we can to address issues that we're aware of based on 15.223-07. We've presented some of the things by Special Use Permit which would allow for Planning Commission and City Council to hear the cases, especially on the length of time for nonconformities. We felt that was a fair process and would allow neighborhoods to get involved in any cases and also debate any issues in front of both Planning Commission and City Council. It also would take some of the things away from the Board of Zoning Appeals process which is much more strict legally because of certain criteria they have to meet according to state law. Planning Commission and City Council can look at things slightly different because they're not hemmed in by what the code sections of Virginia say regarding the granting of variances so we think that is a positive step. Will it take care of everything? We don't know until we try it, so this is our first step. For parking, we've tried to basically stole that from another code in Virginia. Scott and I can't remember which one, but we've gotten our information from like thirty different cities, we took that one pretty much word for word from someone else so thank you that other city in Virginia who provided that one to us. It is what it is and we've got what we've got right now. This is the best we can do at the moment.

Mr. Scarce stated I think what it does, to my understanding, it gives some relief to unique property's situations where your hands aren't tied to the owner of the property where they can go ahead and use the property. We were talking earlier if we see down the road that we need to amend this then we can come back and amend it if we see it. This is something that I think City Council asked that staff do. Any other questions?

**Mr. Bolton made a motion to recommend approval of request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia as submitted. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.**

*5. Special Use Permit Application PLSUP20140000263, filed by the William Gentry requesting a Special Use Permit to construct an accessory building without a primary building in accordance with Article 3.K; Section C, Item 28 of the Code of the City of Danville, Virginia, 1986, as amended, at Parcel ID#21242, otherwise known as a portion of Grid 2713, Block 010, Parcel 000006 of the City of Danville, Virginia,*

applicant is requesting to construct a dumpster enclosure building that is being used as a parking lot.

19 notices were sent to surrounding property owners party. 11 responses were received; Ten responses were not opposed and one was opposed.

Chairman Searce opened the Public Hearing.

Mr. R.J. Lackey was present on behalf of request.

Mr. Lackey stated I don't have anything to add Mr. Chair but I thought there may be questions.

Mrs. Evans asked do you plan to add some grassy areas to the parking lot, some green scaping?

Mr. Lackey asked other than what's existing?

Mrs. Evans stated yes.

Mr. Lackey stated there's no plan to do so. I mean parking downtown is at a premium and to add grass to an area where people can park doesn't make a lot of business sense. You know I think over time we will dress it up because it can use some plantings, but to go into the actual parking lot and put grass or trees or anything else is not in our plans.

Mr. Searce asked it's all currently paved now right?

Mr. Lackey stated yes.

Mr. Searce stated there's no dirt or anything there?

Mr. Lackey stated no.

Mrs. Evans stated well we have one person from the public who has recommended that and also to add light to two existing power poles.

Mr. Lackey stated I think if I'm reading the same comment that you're reading, she's talking about the perimeter and not the interior and over time, yes. The perimeter will get dressed up. Mr. Gentry has owned that parking lot for about a month I think, and I should know this because I closed the deal, but about a month or so. But is it in the plans to dress up the exterior, absolutely, I thought you were talking about the interior which would take away from existing parking.

Mrs. Evans asked and her request about the two existing power poles?

Mr. Lackey stated again we have no plans to do so. At this point, it may be one of those things in the future as people are down there later at night. I'm down there at 11 and 12 o'clock at night and it's well lit. I'm not sure what her desire is to have more light, particularly since there are no residents there. But the giant lighting blasting in someone's residence

down there later at night and we determine it would help  
it ruled it out.

ons?

Mr. Jones asked did Mr. Whitt express to you or Mr. Gentry why he was opposed?

Mr. Lackey stated no we've not heard anything directly from Mr. Whitt.

Mr. Wilson asked do you know where on that property you're planning on putting that  
dumpster?

Mr. Lackey stated the back left corner, the one closest to Whitt. It's right near the dumpster  
already there. I've got the wrong side. It's the back right, near the Williams' dumpster.

Mr. Wilson stated getting into that lot it's very narrow and getting out you're feeling like you're  
riding over that curb, so I'm trying to imagine one of those big, as we have to deal with over  
on West Main, one of those big trucks coming in there and having access to all of that in  
and out.

Mr. Lackey stated there are plans that were approved for the entrance and exit for that very  
reason.

Mr. Wilson asked so is that something that has been submitted yet as part of this?

Mr. Gillie stated we do not have that yet.

Mr. Bolton asked the River District Design Commission, aren't they going to have to issue a  
Certificate of Appropriateness? Aren't they the ones to decide where it's to be placed and  
the design of this? So any proffers that we put on this, would they be void? I'm just  
wondering would we need to be too concerned with placement or just assume that River  
District Commission is just going to take care of those type issues with the driveway and  
those things.

Mr. Gillie stated the River District Commission will have approval of location, where it goes,  
driveway entrances- that doesn't fall under the River District Commission, that the City  
handles themselves- but the location, screening, and other things like that do have to go in  
front of that Commission. If you put conditions on it then those conditions would also be  
binding. The only question would be is if your conditions differ from the conditions they put  
on. Then you have two sets of conflicting regulations, but yes River District will have to  
review this. That's why staff only recommended certain conditions on it, we left the rest up to  
when it goes to River District. He can't go to River District yet to have it approved because  
right now he can't put it there anyway, so that'd be kind of cart before the horse. They can't  
look at it until you guys allow them to have it there.

Mr. Bolton asked could he put the dumpster there now anyway or is it because he's putting  
a structure around it, it's creating a special use need? Could he just go put the dumpster  
there without it?

Mr. Gillie stated we do not put dumpsters in the City unless they are enclosed now so no, he  
could not place a dumpster there now.

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ere because it's been there a long time, correct?

at?

Mr. Gillie stated no. We would like to work with them to try to get it all resolved to make it better looking, but no it would not.

Mr. Wilson asked is that something you would be interested in?

Mr. Lackey asked what's that?

Mr. Wilson stated working with the other dumpster owners.

Mr. Lackey stated we're happy to make it all similar assuming that everyone can agree. But I don't think, knowing some of those people personally, a lot of them are going to agree to do anything since they're grandfathered in but we're certainly willing to.

Mr. Bolton stated with the condition of the consolidation, I think they put a condition on it to consolidate those lots.

Mr. Lackey stated yeah it's just an added cost, but it's a minimal cost.

Mr. Scarce asked any other questions or comments?

Chairman Scarce closed the Public Hearing.

**Mr. Laramore made a motion to recommend approval of Special Use Permit Application PLSUP20140000263. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.**

## **II. MINUTES**

**Mr. Jones made a motion to request that the September 8, 2014 minutes with the discussion on pages 11-14 be sent to City Council for review. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.**

**Mr. Jones made a motion to approve September 8, 2014 minutes as submitted. Mrs. Evans seconded the motion. The motion was approved by a unanimous vote.**

## **III. OTHER BUSINESS**

Mr. Gillie introduced DeShanta Hairston as the new Senior Secretary for Community Development.

Mr. Gillie announced that the Agenda for Planning Commission would be available on the City's website and iPads would be used for future meetings.

Mrs. Burton announced that a motion was made by Board of Zoning Appeals for Planning Commission to research the sign section addressing codes and consider the possibility of



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allow an increase in architectural design elements to

to research and present pros and cons of changing  
the Board of Zoning Appeals. Mr. Wilson seconded the  
motion. The motion was approved by a unanimous vote.

With no further business, the meeting adjourned at 4:02 p.m.

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APPROVED