

PLANNING COMMISSION MINUTES

April 11, 2016

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF

Tracie Lancaster
Ken Gillie
Anna Levi
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 3.O: entitled "LED-I, Light Economic Development District", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #25 to allow for a waiver of yard requirements, and Article 3.K: entitled "CB-C Central Business Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for car washes.*

Ms. Levi read the staff report.

Mr. Searce opened the Public Hearing.

Mr. Searce closed the Public Hearing.

Mr. Wilson made a motion to approve the Code change. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

2. *Special Use Permit Application PLSUP20160000047, filed by Von Wellington requesting a Special Use Permit for the operation of a car wash in accordance with Article 3.K., Section C, Item #28 of the Code of the City of Danville, Virginia 1986, as amended at 136 S. Ridge Street, otherwise known as Grid 2713, Block 030, Parcel 000006 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an indoor car wash at this location.*

Mr. Gillie stated this is the same as last month we can read the whole staff report. The only change is that the River District Commission was in favor of it. They had no issues with Planning Commission granting the Special Use Permit. So we are just bringing it back to you this month.

Mr. Searce opened the Public Hearing.

Mr. Searce closed the Public Hearing.

Mr. Bolton made a motion to approve SUP2016000047 as submitted by Planning Staff. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

3. *Special Use Permit Application PLSUP2016000088, filed by JEB Realty LLC requesting a Special Use Permit for a waiver of yard requirements in accordance with Article 3.O, Section C, Item #25 of the Code of the City of Danville, Virginia 1986, as amended at 1750 S. Main St, otherwise known as Grid 1508, Block 005, Parcel 000002 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to subdivide the parcel resulting in zero ft. side and rear building setbacks and to reduce the required lot frontage from 120 ft. to zero ft.*

Ms. Levi read the staff report. 4 notices were sent to surrounding property owners within 300 feet of the subject property. Two responses were not opposed. One was opposed.

Mr. Scarce opened the Public Hearing.

Present on behalf of this request was Mark Johnson with LED Professionals representing JEB Realty for this request. As Anna mentioned this is very similar to the request that this Board approved when Rick Barker purchased the building. The reason for the zero lot width request is we have future street plans to extend along the front parallel with Highway 86; which will be twenty three plus acres of commercial development in the future. So rather than try and plan something today and then try to deal with it later we would rather just let this request go thru now and not have to mess with it then. At such time as we do dedicate the right-a-way the property will have just less than 900 feet in frontage with the needed dedicated right-a-way. I do have the owner representative with us. We will be glad to answer any questions you may have.

Mr. Jones stated do you have any trouble with the condition that staff has put on this request?

Mr. Johnson stated no sir; we have already planned a cross access easement for all the drives around this building.

Mr. Scarce stated I think you can see that on the sheet.

Mr. Johnson stated it's kind of hard to see because all of that black area in your handout of the plat. All of that is the permanent cross access easement.

Mr. Scarce closed the Public Hearing.

Mrs. Evans made a motion to approve PLSUP2016000088 with conditions per staff. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.

4. *Special Use Permit Application PLSUP2016000087, filed by Suzanne Wright requesting a Special Use Permit for a duplex in accordance with Article 3.E, Section C, Item 2 of the Code of the City of Danville, Virginia 1986, as amended at 124 Mt. Vernon Ave, otherwise known as Grid 1719, Block 022, Parcel 000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing that the residential structure be allowed to operate as a duplex.*

Ms. Levi read the staff report. 42 notices were sent to surrounding property owners within 300 feet of the subject property. Thirteen responses were not opposed. Three responses were opposed.

Mr. Searce opened the Public Hearing.

Mr. Searce closed the Public Hearing.

Mr. Garrison stated I have a question and maybe staff can answer it. I walked back there and looked there are actually three units for electrical. Does anybody know what the third one is for?

Mr. Gillie stated my understanding is that it was a house portion for the center section that they wanted split off into the other two.

Mr. Garrison stated the reason I ask is there is a building back behind the house and I was wondering if that ran to that separate building.

Mr. Gillie stated we don't know for sure. We thought it was a house meter to split we haven't seen the layout on it.

Mr. Wilson stated where are we in the process? I know there are hands out there in the audience.

Mr. Searce stated I have already closed the public hearing.

Mr. Sudduth stated I am the potential buyer for this house. I was just going to answer his question. In the back there is a shed that third panel goes to it.

Mr. Garrison stated it's not livable right?

Mr. Sudduth stated no.

Mrs. Evans I have questions about returning it from a single family to a duplex. How much is required?

Mr. Sudduth stated not much. From what I have seen the only major thing is a couple of the appliances. When the family that lived there before left they left a couple of random appliances but, it just needs a facelift on the inside. But as far as doors and everything it is set up. The major work will be in the roof and other than that it was pretty well prepped.

Mrs. Evans stated you plan to live there?

Mr. Sudduth stated yes, I plan to live upstairs and rent the downstairs.

Mrs. Evans stated it's an upstairs and downstairs opposed to a side by side?

Mr. Sudduth stated correct.

Mrs. Evans stated there is a door on the front and one on the side.

Mr. Sudduth stated yeah, there is a door in the front and then right around the corner is another door on the porch under the awning. Then in the back there is another door where I would probably have to create a common space in the back where you can go upstairs. There are already two stairways in the house. So I would have to put another door on the back end inside of the house. So you could get upstairs if you needed to from the entry way.

Mrs. Evans stated so if you are living upstairs what door do you access?

Mr. Sudduth stated I would access either the back down or the side door.

Mrs. Evans stated so they front door is for the downstairs apartment?

Mr. Sudduth stated front or back. So it's three exterior doors if that makes sense.

Mr. Wilson stated I just always have my question of is the person that is requesting this in the room.

Mr. Searce stated I think she is here.

Mrs. Wright stated I am here.

Mr. Gillie stated the panel that is in the house that is not feeding a house meter setup its feeding the building in the back. Is there a subpanel in the back?

Mr. Sudduth stated I think so I'm almost positive.

Mr. Gillie stated I didn't go in the back building; she went in the house itself.

Mr. Sudduth stated I'm almost positive that there is a subpanel in the back shed; as soon as you walk in, to the right. Then, there is a panel when you walk into the main house back door there is one there at the steps; then when you go down the steps its one in the basement. That is the three panels that I know about.

Mr. Gillie stated we knew the two panels were in the house but we didn't know there was another panel out in the separate building that's why we thought that meter was for a house set up.

Mrs. Evans stated we have the comments from the neighbors. Have you or Mrs. Wright approached the neighbors and talk to them about the duplex?

Mr. Sudduth stated I did not see the person.

Mr. Wilson stated I don't understand what you mean you haven't seen the person.

Mr. Sudduth stated I haven't seen any of the comments.

Mrs. Evans stated no I just mean have you approached the neighbors?

Mr. Sudduth stated I have talk to one lady that was in the yard one day when I was there looking around. But other than that I have not had any contact with any of the neighbors. I know a couple of people in the apartments across the street, directly across the street and

the house to the right. I mentioned to them that I was the potential buyer for the house. Her biggest concern was obviously parking because that street is narrow to start with. But this house has a driveway. So for me to do a duplex obviously two vehicles will be present. So there is substantial amount of room in the front of the house for parking and then I also have a driveway.

Mrs. Evans stated how big will each apartment be? How many bedrooms and how many baths?

Mr. Sudduth stated two bedrooms upstairs and two bedrooms downstairs. They both have their own bathroom and kitchen. They are almost identical floor plans. They will end up being two and two. I would rent to one person. That's what I would be aiming for.

Mr. Bolton stated I have been in the property it is actually almost a mirror image. Do we know where it was built as a duplex originally? It is just laid out perfectly.

Ms. Levi stated we don't have an original floor plan. I was in the house also and I saw the same thing. It looks like it had to have been. But I haven't seen an original floor plan and from the street file it was only evident to me that it has operated in the past as a duplex.

Mrs. Wright stated I can probably answer that. I inherited this property from my parents. They bought it from a gentleman by the name of Mr. Pierce. My parents lived next door to this property for many years. My mother loved this house and always wanted to move next door. When it became available Mr. Pierce the owner sold it to my parents and he had single women living there for many years. So as far as I know the only thing my parents did to it to make it a single family dwelling was to cut a door in the basement. So that they could get upstairs without going out onto the porch. So basically it operates well as a duplex and it has done so for many years now.

Mr. Dodson made a motion to approve PLSUP2016000087 with conditions per staff. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.

5. *Rezoning application PLRZ2016000089, filed by Gus Dyer requesting to rezone from A-R, Attached Residential to M-R, Multi-Family Residential parcel ID #58991, and to rezone from OT-R, Old Town Residential to M-R, Multi-Family Residential Parcel IDs #50393 and #50394, otherwise known as Grid 0715, Block 011, Parcels 000028, 000006, and 000005, respectively, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for consolidation and development into apartment units.*

Ms. Levi read the staff report. 53 notices were sent to surrounding property owners within 300 feet of the subject property. Ten responses were not opposed. Fifteen responses were opposed.

Mr. Scarce opened the Public Hearing.

Mr. Scarce stated we can still listen to the comments.

Mr. Whitfield stated yes you can still listen to the comments then determine whether you want to table it.

Present on behalf of this request Gus Dyer, the applicant.

Mr. Dyer stated I have some information to pass out to you all. I apologize for lack of information that I have been able to bring before you. I thought that was pretty much what this meeting was for, for me to answer all the questions that you have beforehand. I do have LED working on a site plan for the project. The problem I am having is that all of that cost a lot of money and so I really need a little bit of feedback here, so I can see if I will proceed with this project. I would like to go ahead and have you all comment on it and have the public comment on it. The paperwork work that I presented to you all on the front page you will see a small plat and front elevation. This is Westover Drive toward the front of the park. It shows a 24 foot wide drive going down the side and with 4 park spaces in the front. This building here is a duplex it's approximately 48x26 and if you will look at the next page you will see a drawing, a floor plan for the unit. They are approximately 850 square feet two bedroom, one bath. These will not elaborate or as expensive as the buildings in Oak Park. I have had several people come by that have needed something a little bit more entry level. So I am at this point proposing two units. The lot itself, I don't know if it is one lot or two lots. Kenny says it is consolidated by use of the one lot because there is actually one house that sits on two lots. The legal description is still listed as being two separate lots and when we purchased it, it was purchased as two separate lots. Regardless under the OTR Zoning Regulations the lot could be set back under two fifty foot lots and two single family houses could be built in place of what is there now. So the difference between two small single family houses and a duplex to me doesn't seem like much of an issue. This is actually a two phase request. One phase is depending upon the other phase getting approved. If you will turn to the next page you should have a map, if you will look where it says for the property that fronts on Westover Drive, Do you see where it says 907? Then you go over and you see the house that sits on 907 and you will see that it also sits on the adjacent lot to the left. Those are actually two lots. Those two lots run back to triangular piece of property located on Fairview Avenue. The property on Fairview Avenue is already zoned AR which is attached residential which is the same zoning category as the villas in Oak Park. The intention originally was to incorporate both of these lots into Oak Park. The demographic on this triangular piece is very challenging. It was basically unusable for the AR because AR is really sort of spread out. In order to get flat areas where you can build it was inappropriate for that use. So what we are attempted to do then is to get it rezoning multi family. The difference between AR and multifamily is that AR doesn't allow one unit to be on top of another. AR would be town houses and OR multi family style apartments. That parcel contains a little over three acres so with regulations in the AR we still would be able to build 23 units on that property. If you will turn to the next page, if you will look right toward the triangular piece you will see that it is basically the foot print of the building that I have proposed for the apartments. Like I said the apartments are separate from the duplex on Westover but they were going to be linked together. So what I wanted to do was show you what part of this parcel we are talking about. The issues we are dealing with are the new storm water regulations and if we can keep the footprint of this development under one acre than we won't have to worry so much about storm water management regulations. When I met with Mark Johnson the other day he was telling me about another project he was working on and because the project he was working on was 1.09 acres that kicking him into the regulations for the storm water management and it increasing the cost of the developing the lot by 144,000 dollars. So I can tell you right now if it cost 144,000 dollars acre you are not going to see anymore development in the City of Danville because you can't afford to develop at that price. Either the regulations are going to have to change or people are going to have to get creative. That's what I'm trying to do instead of spreading the 16 units out like we have in Oak Park. Let me give you a little background on Oak Park I have been working

on it for the last eight years. Actually, I worked on it eight years prior to when we started construction. We started construction eight years ago so I have spent 16 years of my life on Oak Park. It's going through this and getting plans drawn up and getting the financing in place. I don't start a project on a whim. Oak Park we are constructing our final four units right now. I hope we will have the last ones finished by June. Those units have been under contract for over a year and we have been completely sold out since the project started eight years ago. We have had one resell so the people that brought the units there love the units they want to stay there. I was going to tell you I have had twelve people call since January but I had someone call me this afternoon and said she had two clients she wanted to bring by I told her sorry I don't have anything available. The demand for this type of unit is very high. The demand usually comes from older couples or older single people who have large homes where they have raised their families and they want to downsize. The units themselves are approximately 1200 square feet two bedrooms and two bath. The floor plan of the proposed apartment building is actually a little bit larger than my smaller condos. So these are sizable units they will be priced at \$1000 a month plus. People say well who is going to rent those? I have absolutely no problem renting my condos for a little over \$1000 a month. I could probably rent ten more if I had them available right now. The need for this is huge because this type of housing is very scarce in Danville. If you will turn to the last page there is a picture of apartments at the end of Westmoreland court. I would say those are the only apartments in Danville that are comparable for what I am proposing and they have ten units. In this entire City of Danville there are 10 units of that time so I'm proposing up to 16 more it may turn out to be only 12. On this sheet as well I included the picture of Oak Park in case some of you are not familiar with it. This is a very nice project I spent 16 years of my life working on it I don't intend to in danger it's desirability in fact I am keep four units there as lease units. I certainly will make sure that will protect our property values. The picture at the bottom of the page I am actually standing at the site of the proposed apartment building back towards Oak Park. If you will look right here you will see the roof line of the closest building you don't even feel like you are 200 feet off of Riverside Drive. I know that we have some concerns from some folks; I have had people call me about it. I have been able to talk to them on the phone I think I have been able to address most of their concerns. For those folks who didn't have that opportunity I'm happy to answer any of their questions. Let me get back to the point of it being a two phase project in order to access this triangular piece we have to come off of Westover Drive. If you will look on the map where I showed you, there is no way we can come off of Fairview Avenue. I had some engineering work done to see if we could get off of Fairview Avenue and it was about \$400,000 worth of dirt we needed just to create a land bridge to get to something in this building. So the only way to access this property is to come off Westover Drive. Those lots are 500 feet deep on Westover down to the triangular piece; because we have to keep this under one acre for the entire footprint for the project that include the driveway. Where you see these two lots where the triangular lot is that's pretty close to where the building is and that is indicated by the site plan that I have provided you with. Other than the building and the parking that it is going to require the rest of the property is going to remain naturalized it's not going to be its not going to be graded out, I think if you stood along Westover of Fairview you wouldn't even realize anything was back there. I'm here to answer questions if you all feel like you need to table this whether they can generate a site plan in a month I don't know. But if we could get some feedback that would help us and guide us in how you would like to see the site plan materialized.

Mr. Bolton stated do you anticipate having elevators?

Mr. Dyer stated yes. Actually with a four story building an elevator will be required.

Mrs. Evans you said if you were in the woods you would have no idea the apartments were there; but you would have to get rid of those trees to be able to build it.

Mr. Dyer stated for less than one third, the back of the lot where the drive will come through has already been cleared. So there are really no trees there. It's not unit on this piece of property that there are trees. We are anticipating that the footprint that is actually going to be where there are trees is going to be probably about two thirds of an acre which is the size of a single family lot. To our advantage it is economically feasible, as well as environmentally friendly to disturb as least amount of property as possible. The more you disturb the more storm water management we have to have in place. So if we can leave the trees and grass there all the rain water gets sucked up into them.

Mr. Searce stated it sounds like a nice project.

Mr. Wilson stated just for clarification, so you say its two phases. What is this here?

Mr. Dyer stated is Westover Drive.

Mr. Wilson stated is you will look on the first page that is what is on this lot now.

Mr. Wilson stated okay I get that. Does the road go past it?

Mr. Dyer stated this is how it would be laid out, this is Westover Drive. This is the structure we are proposing. This is a duplex that is two units.

Mr. Wilson stated I'm asking to get into the apartment complex where would there be access from? Would the complex connect to the Oak Park?

Mr. Dyer stated no, we are estimating the floor level for the bottom unit will be 15 to 20 below the floor level for the closest condos. So it's actually going to sit down in a valley.

Mr. Searce stated does staff have any questions for them. How do you feel after the additional information was provided?

Mr. Gillie stated without the site plan we still need more to go on. We think it is an exceptional idea but based on the concerns of the neighbors we need more.

Mr. Searce stated you still feel like you need a site plan?

Mr. Gillie stated yes, we need a little bit more information.

Mr. Dyer stated can I ask you what more do you need?

Mr. Gillie stated we would like to know exactly how the building is going to sit. The floor layout, is this something you are going to condition? Are you willingly to proffer that this is how the layout is going to be?

Mr. Dyer stated are you requesting certain setbacks or as long as we meet the minimum's?

Mr. Gillie stated as long as you meet the minimums I'm not requesting anything beyond that.

Mr. Dyer stated you know we are going to meet that. We are not going to submit a site plan that doesn't meet the rules and regulations.

Mr. Gillie stated well, I would like to see the landscaping, I would like to see the buffering, some of the things that usually come up at this meeting.

Mr. Dyer stated what I can tell you are that the only part we are going to disturb is exactly what we need to put in the building and the parking lot. So to denude in order to make them green spaces back again it's probably not going to be on the table. If that is something that you are going to require we are probably going to pull the plug right now. Like I said once we get over that one acre all hell breaks loss. If what is there now is agreeable, the only thing that would change is if you wanted landscaping around the building itself I mean that is not going to affect the neighbors in anyway. They are going to have 100 feet of trees in between the landscaping and where there property is anyway.

Mr. Wilson stated so you are currently having LED do a site plan?

Mr. Dyer stated right. But we are in the preliminary stages of it.

Mr. Wilson stated they would come about today whether we were meeting or not?

Mr. Dyer stated yes. Like I said what I need here is some feedback because at this point I can pull the plug and walk away with a lot less expenses. I have Jeffrey Bond and Solex designing the building and that's \$5000 to do that. If I don't get some positive feedback then I can save myself \$5000.

Mr. Wilson stated I think the only issue for me is that we don't really, at least I don't know what positive feedback to give without having more detail clarifying we are going to do this, we are going to this and this. Part of our job here especially since we have a lot of neighbor questions and some of those are actually in your other property. Without having something that we can kind of verify by. It's very difficult for us to know exactly what we are talking about. I understand your concept there but our job is to kind of sort this stuff out and I hear them saying they still need more information.

Mr. Dyer stated I realize that a picture paints a thousand words.

Mrs. Evans stated perhaps we could hear from the neighbors and then we could give feedback to you.

Mr. Dyer stated other than the people that live in this complex; I don't feel like the people on Westover Drive are going to know this complex is even there.

Mr. Scarce stated let me get some more questions in and we will call you back up.

Mr. Jones stated Gus is this your layout?

Mr. Dyer stated yes.

Mr. Jones stated I thought you said two bedrooms and two baths.

Mr. Dyer stated no, two bedroom one bath.

Mrs. Carolyn Blair stated I live at of 101 Naples Street. When I walk out my front door I am facing this large lot on the corner. I haven't had the opportunity to see what he is presenting there. I didn't get how you are planning to get people in and out of that bottom are you planning to come on Fairview Avenue?

Mr. Dyer stated no we are coming into Westover Drive.

Mrs. Blair stated we will object to any entrance into Fairview Avenue and anyone that travels that would know that it is a wreck waiting to happen every day.

Mr. Dyer stated okay, this is the property that I purchased on Westover. We will enter Westover here and come down this way and the building will be approximately right here.

Mr. Searce stated lets go on.

Mr. Dyer stated she asked a question.

Mrs. Blair stated the one that you said you are going to build on Westover will actually be down here on this lot.

Mr. Searce stated ma'am let's keep it this way. He is already got a plat being worked on and we are probably going to table this anyway for more planning to see how things will be laid out.

Mrs. Blair stated I think a plan would help and I would like to see. I know this lot he is talking about it is a gully basically. I also know that many of the people in the development say that Oak Park is a very pretty place. The purpose it was built for the elderly citizens are very pleased with what it is now. We were very upset when we got this letter. I went down and seen one of the ladies and she said you don't understand, I have talk to Gus he is only going to build one little building up on Westover Drive and it's not going to involve us one bit. I thought alright if that is what he is going to do. I didn't understand the 3.7 acres in the big lot and then these two little lots up there.. That's why I am here today I don't understand that I think the people Oak Park have been misled.

Mr. Searce stated maybe they just didn't understand the whole concept.

Mrs. Blair stated well, what he told her was we were looking at the map wrong. Well I don't know how many ways you can look at this map up here, which is what we all got.

Mr. Searce stated what we are going to do is try and get a plan and map for you. What I would recommend is if you would have a conversation with a few of the neighbors.

Mr. Dyer stated I have had conversations with the neighbors. Also, in their home owners association agreement there is a clause in there where they acknowledge that I have an additional parcel next door and that they will not interfere with my ability to develop that parcel.

Mrs. Blair stated I had questions about his plan. But based on what he has told us today his whole ball game has changed. It says in there that the property borders multifamily dwellings. I don't know of an apartment house in the whole area. I guess the project down by Westover down by Avis down in that area I guess that could be considered that. But I

don't know of any apartment's buildings that border it or in that area. My neighbors and I haven't been able to figure out where that would be. Also, it says ingress and egress into Westover and Fairview Avenue we oppose Fairview Avenue. In fact, when he put the original park in I had the same question then and I talked to Mr. Gillie and he ask me to write the letter from my neighborhood and I did. He fixed it to where they were in and off on 58.

Mr. Scarce stated there will be no entrance and exit on this property from Fairview.

Mrs. Blair stated the traffic is says moderate to high and the traffic was very high. Since then they have had Fairview church has increased their kindergarten to a daycare so we have traffic from that and I would say it's very high. On Westover where they have added bike lanes and there is no sidewalk. I don't know anybody that would let their child walk on that street even to the school two blocks away. Since you have decided to table it and get more information. Will we get another letter?

Mr. Scarce stated yes there will be another hearing.

Mrs. Blair stated alright thank you.

Mr. Ed Polhamus, Chairman of the Danville School Board. Mr. Polhamus stated we did receive the same letter because Park Avenue School property is just barely within the 300 foot radius of the property in question. At our meeting last Thursday evening the members of the School Board vote unanimous to respond with no opposition. The only public statement that was made was made by me and it was to simply say that if the apartments would be approved it might attract young families with children and we look forward to the opportunity to educate them at Park Avenue or other schools in the City of Danville. For what I have heard today I think the issues might not be relevant to the schools but I did want to explain our letter.

Mr. Scarce closed the Public Hearing.

Mr. Wilson stated obviously some kind of plat layout or placement is the kind of things we really need to have to have a legitimate discussion about where it is on the property. That needs to go in the hands of the neighbors and we need to something so that we can make a wise decision. You know this may turn out to be a fantastic project and all the neighbors may things its wonderful and I think that is a possibility here but the thing is its just almost impossible for us to make a wise decision based on the information that we have. So the question to me is either we reject it or table it and give the opportunity for that to happen.

Mr. Scarce stated I think it looks like a good project and a nice place in the City. Being in the real estate business I can see what he is doing I can understand it pretty easily and also see how people cannot. That goes to your point I think if we had a plat that would cut back on a lot of the concerns that people have. A plat could show in black and white this is the entrance in this is the exit out. We are not messing with the trees it's going to be all wooded; its going to be buffers you won't even know it's there that type of thing.

Mr. Wilson stated this is significant opposition that we have; given comparison to other things that we do. Then, if they are opposed as least they are opposed to something that they know exactly what it is as opposed to just a general thing.

Mr. Garrison stated I would agree with those two cents.

Mrs. Evans stated I agree as well and the fact that the Planning Department requested this and does not have it.

Mr. Dyer stated they didn't request it until day before yesterday. Kenny called me in his office and said do you have a plat and I said I didn't know I needed one. You all have passed projects in the past without a plat.

Mrs. Evans stated he called you on Saturday?

Mr. Dyer stated when did we meet?

Mr. Wilson stated we got our packets through email a good while ago.

Mr. Dyer stated Mr. Gillie only questioned me about my plat until what day was that last week.

Mr. Wilson stated it don't matter the bottom line is I can't make an informed decision we have got neighbor opposition that because really they don't know what's going on it just seems prudent to table this and give that time and then we can deal with the real issues.

Mr. Dyer stated well.

Mr. Scarce stated I have got the public hearing closed.

Mr. Dyer stated the question if I submit a plat that meets all the zoning requirements that is going to be setbacks. Are you going to have objection to that? If there are the possibility that you will have objections I would like to know what they are now so that we can make sure we don't have to come back a third time.

Mrs. Evans stated I'm not sure I can object to something I haven't seen.

Mr. Dyer stated well what I am saying is what would be submitted would be a building that meets all the requirements as far as setbacks.

Mr. Scarce stated I think we need to see and entry and exit, egress and ingress showing the buffering and things so that it will answer the neighbor's questions.

Mr. Dyer stated but there is not feedback as far as where you feel like it should be.

Mr. Scarce stated the building itself?

Mr. Dyer stated I have to submit it and then you all can go yay or nay and then you all can tell me well we would like to see it sitting closer to Westover Drive or we would like to see it sitting further to the East or further to the West.

Mr. Wilson stated well the professionals you have working you have hired these people and Jeff and this people do what they do. I think it would make a difference if we had a sense of their ideas.

Mr. Dyer stated but no feedback as far as what you think it should look like?

Mrs. Evans stated what do you and your professionals think it should look like?

Mr. Dyer stated because it is a very challenging site I have told them to try and minimize the amount of site work that would need to be done to get the building constructed. From one corner lot I have a slope like this and then one has a slope like this let's go with this corner lot because this requires less foundation work and less fill. So that's how they are doing the design. If in fact I come back with that plan then you are like well we sort of like this but we would sort of like it better if it was sitting fifty feet further to the East or to the West.

Mr. Scarce stated personally I don't think that's our decision to make. We look at zoning issues.

Mr. Dyer stated right and that's what I'm here with to basically ask you all if you feel this is an appropriate place for a multi-family household? To tell you the site plan is going to comply with the City's rules and regulations and if that's all you care about. If you are asking for proffers or some other conditions placed on the project I would like to know that now if I can.

Mr. Bolton stated you mentioned just for feedback the La George with if that's what you are planning on I know from real estate that that would be a wonderful project. The La George stays full. There is a waiting list. But I think we need to know that for sure you need to bring us something that is certain.

Mr. Dyer stated I am going to tell you right now if you are telling me that I have to come up with a \$5000 set of plans for you to tell me yay or nay I'm going to drop the whole project. I can't spend \$5000.

Mr. Bolton said you said that's what you're going to do.

Mr. Dyer stated I have said that what else do you want me to do write it down and sign it?

Mrs. Evans stated we are asking for your best site plan.

Mr. Dyer stated as long as it meets the City's rules and regulations you all will be comfortable with that?

Mrs. Evans stated I'm not going to say that.

Mr. Dyer stated tell me if I submit something that meets all the City's rules and regulations what you might object to.

Mrs. Evans stated I can't know until I see it. I honestly don't know what I will object to until I see it.

Mr. Wilson stated also part of our job is not just whether we like your plan; part of our job also is to respond to neighbors who will be looking at that plan. Our job here is to really sort through the issues of any facility. It's really not any different than the car wash that we dealt with for a while. We had to sort through the multi issues that we had with that.

Mr. Dyers stated they mentioned that they sent out 53 notices. We had one person here objecting.

Mr. Scearce stated we have a lot more here.

Mr. Garrison stated can we ask if there are others in here that actually live in that area that object.

Mr. Dyer stated we have some folks here and she said she didn't have a problem with it.

Mr. Scearce stated let's get back to where we were. I had the public hearing I allowed everyone time to speak. We as a Commission I think we agree we need something other than I'm sorry but this little black dot is hard to see. This little black dot is hard for us to see and maintain where the drive is coming in. I can visualize it but I think a lot of people have a hard time. To me that's the simplest thing I don't know how detailed the city requires the site plan to be.

Mr. Gillie stated we have standards in the code that they are supposed to meet for the site plan. The concerns that were raised today were access to Fairview, number of units, how the building is going to be located, I'm not going to look at where it is placed on the lot as long as it meets the setbacks. If we are not going to access from Fairview the plans shouldn't show that. If it is only going to be one building the plans should only show one building as opposed to 5 or 6 small buildings. That kind of thing that may be able to address the neighbors' concerns that is the purpose of having the plan submitted to us.

Mr. Bolton made a motion to table the rezoning application *PLRZ2016000089* until meeting to request a site plan. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

Mr. Jones stated Mr. Dyer is there any way you could announce a place to meet with the neighbors and see if they show up. Maybe the paper could print when you could be available and if they don't show.

Mr. Dyer stated well to be perfectly frank there are some people who object to something and it's nothing I can say. I feel that it is my responsible to educate you folks and City Council to make this decision. So you are the buffer between the folks who are unreasonable.

Mr. Jones stated we do not make the decision we recommend to City Council. They make the decision.

Mr. Dyer stated so I feel like it is my responsibility to educate you all. But I can't go out and visit 53 people if they didn't bother to show up or call me and try to find out about it then I'm not going to worry about it. I tried to educate the ones that tried to call me and find out about it.

- 6. Rezoning application *PLRZ2016000090*, filed by Richard Rowland requesting to rezone from S-R, Suburban Residential to "Conditional" HR-C, Highway Retail Commercial, a portion of Parcel ID #70928, otherwise known as Grid 9707, Block 006, Parcel 000001 of the City of Danville, Virginia Zoning Map. The applicant is proposing to rezone a 50 ft by 310 ft strip of Parcel ID #70928 so that it may be consolidated with Parcel ID #78531.*

Mr. Gillie read the staff report. 10 notices were sent to surrounding property owners within 300 feet of the subject property. Two responses were not opposed.

Mr. Searce opened the Public Hearing.

Present on behalf of this request the applicant, Richard Rowland. Mr. Rowland stated I am the property owner. I am back again today because when we first subdivided this piece of property, I had some grand plans of one day doing something further back on the adjacent property that I own further back from 58. Due to cost and other reasons I have totally lost interest in pursuing that so the idea was just to fold this fifty foot strip into the existing property that is for sale in hopes of making it a little bit more desirable. It will make it a little bigger to make get something going on this property.

Mr. Searce closed the Public Hearing.

Mr. Wilson stated on this property that we have dealt with a few times; originally it was somehow related to an apartment complex?

Mr. Gillie stated correct.

Mr. Wilson stated by doing this will this open that up as a possibility again?

Mr. Gillie stated it's still conditional highway retail it still has the same limitations that the other parcel had all we will do is allow for an additional strip that was on the east side of the property to be added to it. Just to make the second commercial piece slightly larger than what it was originally.

Mr. Wilson made a motion to approve PLRZ2016000090 as submitted. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

I. MINUTES

Mrs. Evans made a motion to approve the March 7, 2016 minutes. The motion was approved by a unanimous vote.

II. OTHER BUSINESS

Mr. Searce stated going back to the Gus Dyer issue what is the minimum site plan requires that someone has to have to make you guys happy and ask to give us enough information?

Mr. Gillie stated it's actually spelled out in the subdivision ordinance on what they are supposed to have; if you would like for me to read the whole chapter.

Mr. Searce stated well that's what I was getting at is it something that you have to go to LED and spend thousands of dollars on?

Mr. Gillie stated no, you don't necessarily have to go to someone and spend thousands of dollars. If you are a capable drafts person you can do that on your own. We have had plans that have come in that they have done on their own. When we knew this project would be a potential for concern we were hoping to have a plan. When it didn't come we started receiving substantial questions from the neighbors. I don't think the neighbors were

opposed to the request they just didn't have the information and as staff we couldn't answer their questions. So that's why we recommended tabling it. We didn't recommend denial unless we didn't have a plan because we knew there were things that could be addressed. It's great a project, the Villas that are already there and I think the additional project would have that same kind of feel for the area. We just needed more information to make that decision.

Mrs. Evans stated I want to go on record saying that we do as well.

Mr. Searce stated I think so. I don't know if he just didn't feel like it was necessary?

Mr. Gillie stated the application came in at the last minute. So there was not substantial time for a lot of things to work out; that we can usually workout ahead of time. The Commission has directed staff recently to make sure that we have this kind of things so that we are not coming to you without the information. Especially if there are going to be concerns from neighbors regarding it in this case we received that kind of concern. So we were taking direction from you in tabling it. As you said earlier the same with the car wash because that fell under someone else review we thought it was necessary that they got to review it and with this case we think that this may be able to address some concerns. You all ask if he would meet with the neighbors. Although this is not his place to do that it would help, if not if we had that information we will send it out to the neighbors. So ask we send our letters we will send letters out again telling them that this item has been tabled. If we have any time of plan we will attach that plan with that letter. So that will help alleviate it for next month.

Mr. Searce stated I agree if you have pictures it is a lot easier to understand.

Mr. Wilson stated a couple of times Averett has come to present something to us and they always have a plat with elevation. I know it's expensive but you have got to have something to make decisions on.

Mr. Searce stated I think something could be done in a less expensive way and still address the concerns of the neighbors.

Mrs. Evans stated you said it came at the last minute so wouldn't it have been feasible for you all to work on it for another month before it is brought before us so that everything is done?

Mr. Gillie stated as long as they turn them in by the deadline we try to set them up for the next meeting. As they say in business time is money as long as we have it we try to set them up and at least get the ad in the newspaper and everything else. That affords the applicant time if they need another week or something to get something to us. They haven't missed that deadline. In this case when it comes in late and we set it up to go and it has to run in the newspaper two weeks before the meeting it has to be to the newspaper a week before that. So we are three weeks out there is usually time to get some things some last minute things items in and us still be able to get them to the neighbors and then still have time to make the staff reports for you. So we try if it's not fully complete or substantial complete we will process it. In this case it was substantial but not fully and that's why we recommended tabling it.

Mrs. Evans stated but we have asked in the past if something is going to be contentious we have longer than receiving the packet on Friday.

Mr. Gillie stated you got your packets early this time I think? The mail copies are coming later but that's why we are doing the electronic pdfs now so you can look it up. At least you can see the visuals beforehand and the hard copies come afterward.

Mrs. Evans stated we didn't have any information other than what was in the print packet.

Mr. Gillie stated I didn't have it until it was passed out today. I saw it the same time you did. The items that went before City Council last month were approved we do have cases for next month already submitted. So there will be a meeting in May. Mr. Bolton has already said he won't be here so if anyone is unable to attend the meeting in May please let us know.

Mrs. Evans stated about the items that were approved by City Council. I'm concerned again that people are going directly to City Council and expressing their opinion for or against instead of coming to the Planning Commission meeting.

Mr. Scarce stated I'm not following what you mean.

Mrs. Evans stated the shooting range I think a couple of people showed up to City Council that didn't come to the Planning Commission meeting. We had expressed before that Planning Commission is the first base that you come before us and express your for or against before going in front of City Council.

Mr. Wilson stated I think I know where Anna is going with that. Maybe we just want to say that as a reminder.

Mr. Jones stated it is possible that some of the people that went to City Council were outside of the three hundred foot and they read about it through the paper when we discussed it in Planning Commission. They might have showed up to City Council and never had the opportunity to come to Planning Commission to discuss it.

Mr. Scarce stated we don't have any control over who does or don't come.

Mr. Garrison stated but the three hundred foot range is just like today. There were people in Oak Park who did not get the letter, because they were outside of the three hundred feet. I think there were about seven units outside of the three hundred range that didn't get it. Even though this people are in the same area and are affected by it because basically they bought these duplexes and they are all elderly people. When you start saying there is going to be an apartment complex three hundred feet away they are going to be upset. SO of those of those people might show up for Council who didn't show up here because they didn't get the letter.

Mr. Scarce stated they have a right to come anyway. That's just the mailing perimeters for that.

Mr. Gillie stated that is the perimeter established by City Council. The law actually only requires us to notify adjacent property owners and those across the public right-of-way. It used to be 150 feet probably 15 or so years ago, it's been a long time ago that they changed it to make sure that additional notifications were sent. You could go 5 or 1000 and

someone is still going to say we didn't know that's why we put the ads in the newspaper and a bunch of others things to try to notify people the best we can.

Mr. Garrison stated your generally over three hundred feet.

Mr. Gillie stated if it comes close to it we jump over. Also, the fact that these meetings are held during the day sometime that impacts the ability for people to be able to come.

With no further business, the meeting adjourned at 4:17 p.m.

APPROVED