

PLANNING COMMISSION MINUTES

June 13, 2016

MEMBERS PRESENT

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

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. *Rezoning application PLRZ20160000147, filed by J-Ray Investments LLC requesting to rezone from T-R, Threshold Residential to S-R, Suburban Residential a portion of Parcel ID #78533, otherwise known as Grid 9709, Block 002, Parcel 000004 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for consolidation with adjacent Parcel ID #71121.*

Ms. Levi read the staff report. 14 notices were sent to surrounding property owners within 300 feet of the subject property. Zero responses were received.

Mr. Searce opened the Public Hearing.

Present on behalf of this request was H F Haymore Jr. Mr. Haymore stated I feel a little out of place I'm normally on the other side at the Planning Commission in the county. I don't whether you have questions or not but what we did was we bought a lot and its part of the rose garden, one fourth of the driveway and the propane tank was sitting on this piece of property it was sitting on Abundant Life's property. It was an old farm that everybody in the family use it the way they wanted to. What we are asking is for twenty feet across the rear and twenty feet to the left and Abundant Life has agreed to provide a deed for that. I have a picture of it if anyone would like to see it.

Mr. Searce stated I think we have it in our packet.

Mr. Searce closed the Public Hearing.

Mr. Garrison made a motion to approve PLRZ20160000147. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

2. *Special Use Permit application PLSUP20160000150, filed by Jefferson Smith, requesting a Special Use Permit to operate a pet clinic in accordance with Article 3.M; Section C, Item 11 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID #60550, otherwise known as Grid 1706, Block 002, Parcel 000004 of the City of Danville,*

Virginia Zoning District Map. The applicant is proposing to develop the parcel into a veterinary hospital with a pet boarding and grooming facility.

Ms. Levi read the staff report. 32 notices were sent to surrounding property owners within 300 feet of the subject property. Ten responses were not opposed. Four were opposed.

Mr. Searce opened the Public Hearing.

Present on behalf of this request is Jeff Smith. Mr. Smith stated I am the owner of Mount Hermon Family Vet Clinic and the applicant for the Special Use permit. I want to be clear about the location. It's off of Piney Forest Road, the section often referred to as Old Piney Forest Road where it's really not; but its right across the street from OF Newman. It is a vacant lot right now that used to be mobile home sales. It's directly adjacent to the empty warehouse that I was here two years ago talking to the Commission about putting a vet clinic there. At that time the Commission gave me a unanimous recommendation. I think that was a good decision. I think this property is zoned for a veterinary hospital. The street is lined with professional businesses and service businesses I think it fits well with the City's comprehensive plan and I think that is what we are here today to decide. The last project we ran into some unforeseen concerns from a few citizens at City Council there was some confusion. I tried to clarify that this time. I know that we can operate a veterinary hospital at this location and be good neighbors to our neighbors. We have been doing exactly that for twenty years on Franklin Turnpike. There is a greater density of people living in closer proximity to my current office now than there is at this new location. So I have been doing a test case for twenty years and I know that it works. One of the letters actually written on this case was from Mr. Oakes and he is our neighbor and he said that he is going to be sad to see us go. That we have been good neighbors and that he hasn't had any problems with us for the last twenty years. If you walk into our client the first thing you see on the wall is our mission statement. We refer to it every day and basically it's to treat people like family we are the family vet. We try to provide outstanding quality care. So we want this building to be an outstanding quality addition to the City. We want to treat our neighbors like family. I did reach out to people on Piney Forest Road I got the list from the City of the people they were sending letters to and who would be most affected. I sent a letter out and inviting them to a meeting Thursday May 26 at the animal hospital for them to see what we do and no one showed up. But I feel like if they would come and meet our caring staff, see our current hospital understand what we do. If you have pets you meet the vet and drop your animal off but you don't go in the back and see what happens in the pet hotel part. You can go in the back in the kennel and you can hear the dogs bark and it's loud. Mallory, our groomer wears hearing protection every day. But when they go outside they are not barking it's infrequent that they bark. The veterinary clinic we are in now wasn't designed to be a veterinary clinic. This packet that I have put together is the state of the art latest model veterinary clinic that is designed with soundproofing and all the latest things. The great deal of what we do is behavioral and if you put a visual barrier in front of a dog that likes to bark at other dogs and he doesn't see them he stops barking. If a dog has to pee and you let him out he stops barking. So a lot of it is just knowing how to do the things that what we do. But if people would just walk the perimeter and see the houses nearby; our closest neighbor is 70 feet between our building and his building. Our exercise yard comes within 10 feet of his property line. He is one of our biggest fans. Well until he passed away recently he would bring us vegetables from his garden. We were good neighbors. After I sent out the letters I went and knocked on doors and tried to meet as many people as I could. I realized that some of the people had Vietnamese as their primary language in the neighborhood. I would like to thank Linwood Wright and Telly Tucker for getting my language translated into

Vietnamese. I took it to their houses and had a nice conversation with a Vietnamese man for 10 minutes that didn't speak a bit of English. I'm not sure how far we got on that but he didn't come to the meeting either. Due to the fact that no one showed up to the meeting I may be unaware of some of the concerns from the last time and this time I am aware of some of the concerns. I would like to briefly list those. Two years ago there was a rumor of firefighters that were concerned about the previous project. There are three shifts that work at that Fire Department. I went to all three shifts and talked to the firefighters and the fire chief No one had any problems what so ever. Some of these guys said they move around a lot and they won't at that office two years ago and they don't remember the other issue. So maybe things were different two years maybe there is some truth to it. But there is no problem now. Bonner Middle School sent a letter saying they have no problem with it. I have heard concerns about the runoff retention ponds. These ponds are drawn on the site plan as approximates at this point. When we get to the civil engineering part we can decide what we want to do. I am told there is some underground storage that we can do. Some of these ponds will just be dry ponds I don't want mosquitos either. Mosquito's transmit heartworms I try to fight that every day. I think the City has experimented with a project where they have a porous parking lot somewhere on Piney Forest Road I believe close to this location and we might not have to have a retention pond. But I think that could be dealt with. Dr. Laura Sobacki sent a letter with concerns about the competition because she is the only veterinary clinic in the city limits of Danville. She is also my ex-wife incidentally. I don't think any of these issues are relevant to this discussion. The concern about smells coming from the hospital, we operate a hospital and sanitation is one of our main concerns. If we have smells inside the building or outside the building people are not going to come back. All animal waste will be disposed of properly. The retention ponds are only for parking lot runoff water. Finally, the concern of noise I think is the biggest concern that I hear most frequently. Again, in our current location we are tightly knit next to our neighbors. There are veterinary hospitals built in urban areas all around the country and it's not an issue. We can deal with it. This new building will be built with sound control in mind. In the packet I provided some pictures, the first four pages are veterinary hospitals that were built by TWCS the architectural firm that I am working with. It just shows the quality and the kind of benefit that it would add to the streetscape. Also, there are some pictures of some kennels in there. Often when people think of a run of the mill boarding kennel versus a veterinary hospital being in the industrial we immediately know the difference. But some people don't see the difference I think the pictures speak to the quality there. Page 5 has a site plan with a picture of the outdoor play area a little more clearly. I have had a renditions where previous things you seen may have had other things drawn on there that the architect was trying to do for me. The sixth page shows the summary of the sounds at sound by sound transmission. The loudest dogs at laboratory studies that would document we tried to get some facial information here it was one hundred decibels. Dr. Sobacki of Animal Medical Center submitted a letter that said she measured the sound in her kennel and it was 60 to 70 decibels and everybody thinks that is realistic. But we are going to assume for this exercise that we are only going to have world class barkers at our facility and they are going to ring the bell at 100 decibels. Every building material basically has a an STC rating a sound transmission class and a typical exterior wall is 50-55 so if you have 100 and if you subtract that sound transmission you are down the 50 when the sound gets outside of the wall. We can easily, with this being a brand new building, we can modify that. We can take concrete blocks and stuff them with insulation. We can add thickness to the wall there is a lot of things we can do while it is under construction. We are going to design this facility with a cat clinic inside the building. So the cats will go into their own door they will not see, hear or smell a dog. They will have a separate ventilation system they will have sound proof walls around the cat clinic because cats are different creatures and they don't like dogs. If a cat

walks in the door and the dog jumps on the carrier it is over for us we can't deal with the cat anymore. We are here to alleviate stress. If we can do that inside of the building I think we can do it on the outside too and we have done it. All of the animals will be kept inside the building after 6pm. If you want to add those stipulations they are fine with me with 7-8pm I like to be on my way home at 6pm for dinner. If I'm responsible for someone's pet I want it to be locked up safe not out running around outside. The back yard there is a picture in the packet of the STC rating sound proofing that we can add to the privacy fence. Basically, we can put up any privacy fence that we like that is aesthetically pleasing and you can tack on this sound proofing on the inside of the fence. Where no one would see it and it will decrease sound transmission. So in summary most of the neighbors are going to hear an occasional bark that is between a whisper and a babbling brook on that sound scale. Two to three houses with hear similar sounds to light traffic. These are just worst case scenarios. Dogs are not going to be barking constantly, the City has a noise ordinance. I am happy to comply with the noise ordinance. You can't hear a dog barking for 20 minutes that's a pretty strong ordinance. It can't be audible. If I stand on my private property and hear the dog for 20 minutes that a minimum standard for how we operate. If that dog is barking constantly for 20 minutes that dog is in some kind of distress either he is anxious, unhappy, and hungry. We have people that are supervising the dogs and caring for these animals that we are not going to leave a dog outside barking constantly for 20 minutes. In summary, I think it fits within the City's comprehensive plan. I think it's good for Economic Development. It's certainly great for our practice we are trying to advance and do better things. We are good neighbors and anyone that is hearing my voice now either on video or live please give me a call come to the clinic. I will give you a personal tour of the hospital and talk about philosophy and we will go outside and listen to the dogs bark. We will go inside and make someone make the dogs bark and then we will go outside and listen to them again. We will walk around and talk to the neighbors and we will see what's going on. People have been very happy with us and I think we are good for the community and I would to have a chance to continue my business.

Mr. Scarce stated I think from a zoning issue the land use I don't have a problem with at all. The only issue is what staff mentioned is being cognizant of the neighbors and the noise. But it sounds like you are addressing that. This chart here basically breaks down the sound what should be expected beyond the perimeter of the property.

Mr. Smith stated right that's the worst case scenario.

Mr. Scarce stated you go that in your package I believe. Anybody else have any questions for him?

Mr. Garrison stated you have these four stipulations that the Planning Department has put on here. Is that correct?

Mr. Smith stated that's correct.

Mr. Garrison stated the hours to allow pets outside shall be limited to no more than 7:00 a.m. to 8:00 p.m. daily. The maximum numbers of dogs allowed outside at a time is 30.

Mr. Smith the ten foot landscape thing is that standard?

Mr. Gillie stated there is a standard 10 foot landscape. We just suggested that if it's wider that you still maintain that additional density. Just to add an additional landscaping sound barrier.

Mr. Smith stated are you talking ten feet of trees?

Mr. Gillie stated it's a number of trees, shrubs and other things that are planted within that 10 feet.

Mr. Smith stated I know the backside is already thick with forest I was afraid to walk through it.

Mr. Garrison stated it's deeper than 10 feet. I walked the lot. I stopped at the trees but I know it's more than 10 feet.

Mr. Smith stated just along the side I think we would have to plant some more.

Mr. Garrison stated so you are okay with these?

Mr. Smith stated I'm okay with it. We will put up a privacy fence and we will plant trees behind it so the neighbors don't even have to look at our fence.

Mr. Garrison stated you said you would be going home at 6 p.m. are you okay with changing that 8 to 6 p.m.?

Mr. Smith stated I would rather not. I would rather not limit it.

Mr. Garrison stated I'm just asking a question.

Mr. Wilson stated all four of these from the Planning Department guidelines are something that you are okay with as they are written there; the hours and the number of dogs.

Mr. Smith stated looking at the number of dogs in the yard at one time, 30 dogs that maybe a little restrictive in the future. We were packed to the gills this weekend with people who wanted to leave there pets. They trust us; they want veterinary care if anything happens they know we have them. We had 45 dogs in the hospital and we had to turn away 5 people. So there is added demand there and I think that will grow. I don't know to what extent that will grow. Not all of those dogs will go outside at one time. I don't really want to operate my business by having someone counting dogs; saying one out one in.

Mr. Wilson stated but the guideline here is the maximum number of dogs allowed outside shall be no more than 30 at a given time.

Mr. Smith stated why don't we change that to 50? Just to be safe.

Mr. Jones stated how's your buffer on your back left side where the Melton's and the Khan's?

Mr. Smith stated if you look at it from the vacant lot I went down there I didn't want to trespass on anybody property. But I didn't see any houses. But I went to Mr. Melton's house

and he showed me his backyard and there is basically one row of trees behind his house between the two lots.

Mr. Wilson stated it's a fairly substantial stand of trees.

Mr. Smith stated yeah and trees block noise very well because they disrupt the sound waves and the bark absorbs it. You think of sound waves coming out you like this and you have all of this little leaves and sticks sticking out it just disrupts the sound rays very well.

Mr. Scarce stated but his trees are beyond your fence too.

Mr. Smith stated right.

Mr. Scarce stated so the fence will definitely stop it.

Mr. Jones stated we have had complaints from the neighbors around Hollywood Pets as far as there noise from the neighbors around them. How would you be different from them?

Mr. Smith stated I don't want to bash someone else and I haven't been through his facility and toured and I didn't see it constructed so I can't answer all of these questions. But from the outside all I see is a metal building and I think I can hear dogs barking from inside the building. If I'm right and you can hear dogs barking from inside the building your building is not constructed right. So the dogs outside barking I don't know why they bark, I haven't seen his backyard. I don't know if he has an open play yard or if he has individual runs. You know you put this dog in a run and he is up against the fence with another dog he doesn't like. The getting outside time they are barking because they are like I'm too close to this dog that I don't like. I don't know what is happening there but I think it could be better managed.

Mr. Scarce stated but you are saying the actual construction of your building you will have sound barriers in it that will not give the same problem that Hollywood is experiencing.

Mr. Smith stated right. Certainly the fencing I know no one has the sound proof fencing in this town.

Mr. Robert Melton stated I am actually one of the properties nearby, actually I think I am the closest. I have a lot of concerns I sent an email to the board. I'm pretty sure it was shared with everybody. So of the things were covered. I know we were talking about the sound barriers, the building and the tree line. The tree line is kind of a false hope. We are in a four seasonal part of the country and in the mid-winter I can see that whole Alesco building two lots over. So those trees are completely useless to say as a barrier. There is one row of old dead pines that is not big thick lush or anything. The retention ponds on the first drawing that I saw one of those ponds was about 12 feet from my patio and shed. So keep square footage in mind if you look at the picture we have on the screen where it kicks back to those side yards on Cottonwood that's my house. One of my major concerns that I put in that email is I have a special needs child. He is 7 years old and he is autistic and has Downs Syndrome. He is nonverbal and he is not at all able to care for himself. I'm not worrying about a dog getting out I trust Doctor Smith on that. My concern is with mosquitos and with noise my son is never going to go in that back yard it's not going to happen because he will freak out beyond belief because of sensory issues. If you have 100 dogs, I know we were talking about 30 at one time, but in the original plan it said something about boarding 100 dogs at maximum capacity. That is over 3 times of what your permit allows of only 30 out at

a time. So we are talking about the decibels do there at animal medical center was involving in that and there barking lot at medium capacity is about 70 to 80 decibels. That is the same as a jackhammer at 50 feet. So you're talking about 4 times that amount of noise. That is way too much noise for the edge of a neighborhood. I know it's a commercial lot but you are on the back of a neighborhood. Several of the house there are Vietnamese there is concern about this. I went around and handed out 100 flyers and the way the law is you only have to give notice to people within 300 feet. Everybody beyond that which is only one road over none of them even had a clue. Two years ago when this came through nobody even got notified that's why no one was here at that meeting. The first time I got notified was when City Council was getting it not when the Planning Commission was. It was already passed before we even heard about it. So we did as a neighborhood came as a group last year and spoke. There were a couple dozen people here and I know it's hard to do a meeting on a Monday during the day at 3 o'clock. But I had to get off work to do it. That's really hard for a lot of our neighbors. We have a lot of elderly and lot of people that work. So I hope you got several phone calls and emails from our neighbors because I put that info on our flyer. I ask your compassion there are a lot of empty buildings in this town. I don't have any problem with him being in the City. I don't care about the competition between him and his ex-wife I don't care about that because that's a shopping center. The biggest difference I have with it is 1 the retention pond. Right now you have a horrible problem with heartworm and the zika virus. There are just too many things to have with mosquitos. If you go out 41 you see those horrible ugly ponds on the side of the road fenced off. I don't want that in my neighborhood. That's not a neighborhood look. The neighborhood is an older neighborhood its beautiful it's got trees it's natural. We don't need a commercial big warehouse next to it. The edge of it out on Piney Forest that's fine. But we are the edge of the neighborhood it needs to stay beautiful. Not to mention we have animals out there so when you clear this lot you are going to kill a lot of the animal's homes. There is deer, rabbits, ground hogs, birds, squirrels and bees there is everything living in those trees that are there right now. That is a big thing. I know so people feel that they are just rodents but still they are animals and that is there home. I am a pet person so I don't mind a vet just not in my back yard. I don't want to wake up in the winter and look out my backyard and see a parking lot. I brought that house because it was a little bit secluded; a little bit of trees it was pretty.

Mr. Scarce stated I have a question for staff he was mentioning the ponds and I think the ponds are only going to be for parking lot runoff.

Mr. Melton stated but the first drawing I saw it was only about 15 feet from my patio where we spend our summers. My question is for staff the way those ponds are typically constructed it holds the water and then it releases it. Should there be a mosquito problem with that?

Mr. Gillie stated the ponds are usually designed for both storm water management as well as storm water quality. It is designed to hold the water for a short period of time let any pollutants or anything else out and then drain. They are not actually designed to hold the water. There are other options available such as underground storage and things. It all depends on how much money is necessary to do it, the size of the parking lot and the types of soils. There are a lot of variables that are yet to be decided on this project. But usually they don't hold water more than a few hours maximum a day.

Mr. Melton stated is there drainage to it? I was told that it just to sit for evaporation.

Mr. Gillie stated no they usually drain out. They are just a portion that changes the time of it. So that you don't have instant runoff as soon as it rains the water goes into a pipe and then shoots out. Now it has to collect any oils or anything else that comes off of it usually evaporates out. It also controls the waters temperature lets the water cool off and then it works its way into the system.

Mr. Melton stated so it goes into the City supply?

Mr. Gillie stated it goes into the City storm water system.

Mr. Melton stated so why can't that just be a normally storm drain on the edge of the parking lot instead of a big pond that has to sit?

Mr. Gillie stated they changed the laws a few years ago. If you think of the Murphy station that was built up in front of Wal-Mart they have that facility out front; it is a rather large pond. When it rains it fills up sits for a while and then drains out. It's a state law it's not a City requirement. The way the law works we have to follow what the State establishes for it.

Mr. Melton stated no offense but that's not a neighborhood right there. It's not house and its not children sitting there.

Mr. Gillie stated a pond is a pond.

Mr. Wilson stated let's just say any other business went in that required a parking lot those retention ponds would be required.

Mr. Gillie stated correct.

Mr. Wilson stated or something like that. So this really doesn't have anything to do with this being a vet clinic, it has to do the fact that there will be a parking area.

Mr. Gillie stated if a use went in there that was permitted by right they would still have to have the same type of ponds depending on the size of the parking lot. It's not specific to a pet clinic.

Mr. Scarce stated my main reason for asking was I didn't want there to be a perceived problem if it's not in regard to mosquitos or something like that. If it operates properly it should not hold water long enough to breed mosquitos.

Mr. Gillie stated if it is working properly it should not.

Mrs. Frances McMillan stated I live at 462 South Woodberry. I don't doubt that Doctor Smith would have a first class facility. I just don't want it adjacent to my neighborhood. I have been living there for 54 years. I raised my children there. It's a great neighborhood. We have some young people like Mr. Melton coming into the neighborhood. I don't feel like the type of facility that Dr. Smith is proposing would enhance our neighborhood at all. It's a old neighborhood. You know it is an old neighborhood I have been there 54 years and it was there before I got there. The City of Danville is trying to refurbish neighborhoods by tearing down old buildings, protecting neighborhoods from demolishing buildings that are not good. I sent all of you an email did you receive it and have a chance to read it? If not I would be glad to read it to you.

Mr. Searce stated we got it.

Mrs. McMillan stated I tried to email you each individually but something kept going wrong. But Mr. Gillie was kind enough to send it to you all for me. This has already been tabled once by City Council not this particular piece of property but the one a couple of house down. There are some other properties that could be use. Dr. Smith actually did come to visit me and to plead his case. But I told him I had changed. The Fire station is still there, the two schools are still there and most anytime during the day you will have children out on the track. I don't care if there are just 30 dogs. 30 dogs barking at a bunch of children is going to make right much noise. It might not bother me particularly but I feel that it is my responsibility to protect my neighborhood.

Mr. Wilson stated I certainly understand your concerns and I understand Mr. Melton's concerns. Obviously a large group of dogs together barking nearby is something. It appears to me that Dr. Smith has taken some of the very best design some of the best urban and has allotted some money on design to fit into the neighborhood; to fit up close to the neighborhood. He is in a business district. It seems to me that he is doing anything that he can to mitigate this other than just saying we don't want him in our neighborhood. Ultimately, if this message keeps going around and around to other places it's going to be no one basically that seems like they want him. We are going to have to give somewhere.

Mrs. McMillan stated apparently that is the problem he is having. That nobody particularly wants this facility.

Mr. Wilson stated or the availability or property perhaps?

Mrs. McMillan stated well I suggested a few things to him today other facilities that are available and that would be better. That wouldn't infringe on an older neighborhood like Woodberry Hills. We have three schools Bonner, Westwood and Woodberry Hills all in that area. So it's an ideal neighborhood for people with children to come into. They are medium priced homes that people can afford. I just hate to see the neighborhood get a bad name. Even though it might be the best veterinary clinic there is the best place for boarding your animal I don't think it would enhance Woodberry Hills at all. Of course that is my opinion because I live there.

Mr. Jones stated in your letter you said that you earlier objected to the two schools and the tennis court. Was that a problem? Has that been a problem for you?

Mrs. McMillan stated I am saying that the students from the two schools come out on the track many times a day, there are public tennis courts there I am saying that is going to attract barking dogs.

Mr. Searce stated Mr. Smith do you want to make any more comments on what has been said. I just want to clarify all the dogs will be kept inside of the building except for the times they come out for exercise and go to the bathroom; which will be fenced in so they can't see children.

Mr. Smith stated right. They will not be able to see out of the fence and it will be a sound proof fencing that they will be contained with. So if they bark it will deadening that sound. I really would like to be a good neighbor. I love Danville and I want to be a part of the community. I feel like our while team is really active in the community and I think we are

good for the community. I think we could ask Mrs. McMillan and Mr. Melton right now if they are ever going to change their mind and I can sit down and talk to them and we can have a round table decision all day long. But I have already talk to them several times and it is what it is people are going to have their opinion and they are entitled to that. I'm new to this if you all have any suggestions because I really want to make this work.

Mrs. Evans stated Mr. Melton stated in the wintertime when the trees are bare of leaves he can see all those buildings on Old Piney Forest. Are you willing to plant a buffer of Leyland cypress to accommodate his concerns?

Mr. Smith stated when we were in his backyard talking to him I told him we could do that. We can put the privacy fence then a line of Leyland Cyprus or whatever my landscaper recommends is a fast growing tree. That would block sound and the area so he won't even see my fence. So in his backyard it would look like a wooded lot. We can do that around the perimeter. From the road I want it to look like a nice Craftsmen style house with a rocking chair on the front porch that is welcoming and fits into the community.

Mr. Bolton stated the retention pond has been brought up several times and on the site plan there is two drawings; one says retention pond the other says possible retention pond. Are you going to possibly require two or is this where it may go one or the other. The one that says retention pond is a good little ways from everybody but now the possible retention pond is very close to Mr. Melton. If you can say for sure that the retention pond would be where it states instead of the possible or do we know that yet?

Mr. Gillie stated at this point we don't know it depends on the size of the building, the lay of the land, the types of soil, and the amount of pervious versus impervious area. I don't have all the finals on the development plan so I can't say whether it's going to be one or it's going to be two. That is up to his engineer to do that final design work. Could it be done with one probably; could it be done with two it's possible at this point I can't answer and say yes it's only going to be one or it's going to be two.

Mr. Searce stated but once again if they are properly drained it shouldn't be a problem.

Mr. Bolton stated I'm just saying this possible retention pond is awful close to this house here. Where the other one is a good little ways from everybody; if we have some kind of assurance that that's where it will go or maybe further back in the corner.

Mr. Smith stated I would like to leave all of those trees in the back corner as best as we can. You're getting out of my ream of knowledge.

Mr. Bolton stated mine too. I just saw where it said possible.

Mr. Wilson stated if we approve this today would they be conditional on anything to come back to us?

Mr. Gillie stated no.

Mr. Dodson stated have you looked at any other places to have your clinic?

Mr. Smith stated yes I have looked at a lot of places. John Laramore is not here today he is my realtor I have had him look. This piece of property was not on the market so I have

exhausted all the properties that are on the market. We are a service business people want convenience, the facility has to be conveniently located. People want their vet to be on the corner of their neighbor so that it is close to their home. People want it to be on the way to somewhere. There is a number of dentist offices in the area. I can go to the dentist and drop my dog off at the vet. People want quick convenient service to be in the City center and I need two acres to do what I can do. It takes space the bid thing about sounds waves is if we just take distance we can mitigate those sounds waves hugely. So I need two acres. Finding a two acres lot in the lot in the City that is buildable like this lot is there is not very many. Everywhere is Danville not everywhere there are a lot of business corridor surrounded by a neighborhood. So it's the same story everywhere we go. If I can find the right place that is two acres, zoned for a pet clinic this property is already zoned properly and it has to be the right price range because I'm a veterinary. I'm not an orthopedic surgeon.

Mr. Jones stated your outside wall is that going to be a see through wall?

Mr. Smith stated the fence will be a privacy fence. The normally residential type fence what I am thinking is a wooden fence or a solid fence I don't want dogs to see through it. The sounding proofing barrier on the inside is black and I don't know if it comes in any other colors but it's solid too.

Mr. Jones stated okay so people will not be able to look in and see the dogs. Can we put in stipulations on how close to residential property a pong can be?

Ms. Levi stated yes.

Mr. Wilson stated so we could say to his designer that it be the one that is currently drawn or in the approximate area.

Mr. Gillie stated if so I would put a distance requirement. An approximate area leaves a lot of room. I would say it has to be x number of feet to a property line. Then that gives an engineer a number that they have to work with and find the slope and everything else based on that place to go around.

Mrs. Ann Adkins stated I live at 100 Summit Road in Woodberry Hills. I was born and raised here. I have been gone for fifty years and have come back here to retire here I thought. I think the veterinary clinic is wonderful. I think he is a wonderful talker. I have enjoyed everything he has had to say. My problem is my sister-in-law board's dogs in Florida. I know the noise and I know the problems. I know you want to help him but I believe he needs a different realtor to find a different piece of property. Basically I don't want him in our neighborhood and there are a lot of people in our neighborhood that don't want him there. They couldn't come today because they were at work or they had to pick up their children and they ask for me to speak for them. Basically none of us want his there. I think the only benefit from this is for the doctor himself. I don't see it as a benefit to the neighborhood to the Fire Dept. and I really don't see it as a benefit to the area. I believe he needs to go somewhere else to find his property. I do hope you take in consideration what I have said and don't just freviously give it to him without thoroughly thinking it out. I understand water drainage I do live in Florida and we have sandy soil. I know what you are talking about with probable ground water and it will lay and the trees will go. We will listen to thirty dogs if you don't want me to dual your phone number at night and hold the phone out as these dogs are barking crazy. So thank you for listening to me. Mr. Dodson understands what I mean.

Mrs. Melinda McSherry stated I live at 208 Woodberry Avenue. I to and my husband are opposed we have been there for over 40 years now. It is a lovely neighborhood. The one thing that has not been mentioned is the traffic. It is going to increase the traffic on South Woodberry exponential because people are already using that as a short cut to go different areas. I have already had to call the police a few times because tend to like to race up and down that area on Saturday nights. We have a lot of children now and sometimes they are out there riding bikes or on skateboards. My husband and I have said multiple times when we are sitting on our nice quiet porch, right now, that someone is going to hit one of these kids. Even the fire truck comes through there and that's fine. But what you said about the drainage usually it drains maybe it will and maybe it won't. Let's face it I'm a nurse standing water draws mosquitos. I don't care if it stands there for three days or it stands there for a month you are going to have mosquitos. But that to me is not the biggest problem the biggest problem to me is Mr. Melton's child. No child should be kept from going in his own backyard because of barking dogs or the sensory overload that an autistic child already deals with every single day or there lives. To me its unconscionable to even think about putting anything that would be that disruptive to that child's life and I don't even know the Melton's that well. I'm just saying that I do know autistic children. What is he supposed to do spend the rest of his life in the house because there is so much barking and noise that it stimulates him to the point that he just can't have a normal life. This isn't right. This has been a residential neighborhood for 50 years. I have no problem with vet clinics we love pets we have got dogs. Actually, Jeff use to be a part of animal medical and he use to take care of our pets. There has to be a better solution for this than backing up against a neighborhood that is especially going to affect children; even if it is just one child. That one child deserves the best he can be given and to have to leave in a neighborhood where he can't even go out into his own backyard is just not right.

Mr. Frank Grogan stated I am the owner of the property, the vacant lot. Just one thought that hasn't come up it is zoned commercial and there are residential properties beside it. It has been like that for many years now. That will not always remain a vacant lot it will be developed into something that is probably commercial. We will run into the same problems with retention ponds, with parking, noise. At least with a veterinary clinic a Special Use Permit is required that assigns some review that Doctor Smith has addressed as far as trying to control some of the concerns that the neighbors have. There are many uses that are commercial that wouldn't require this secondary review. I think those that are nearby need to keep that in mind. That in the future if isn't approved or Mr. Smith decides not to do it something will be there that will possibly require less oversight on the development of it.

Mrs. McMillan stated I'm not sure I made myself clear to Mr. Jones. I'm not saying that objecting to the tennis courts or the schools. I'm saying the children are there playing on the courts and the dogs might have a fence but they can hear. Thirty dogs barking at children could cause some problems. Mr. Wilson I'm not trying to uphold progress I'm all for progress I just don't want that particular thing in my backyard.

Mrs. Evans stated can you hear the children playing on the playground and the playing tennis?

Mrs. McMillan stated sure I do they are right behind my house.

Mrs. Evans stated that doesn't bother you?

Mrs. McMillan stated no.

Mrs. Evans stated but the barking dogs would bother you?

Mrs. McMillan stated 30 of them at one time would. I mean it's 100 a facility but he says he will only have 100 out at a time. I'm not against Dr. Smith I think he is a nice man and I believe he will have a nice facility I just wish he would find somewhere else to put it and I have made some suggestions.

Mr. Searce closed the Public Hearing.

Mr. Jones stated what are some possibilities that could go on this lot that wouldn't have to come to us?

Ms. Levi stated other retail uses such as pawn shops, car lots, restaurants any number of things that are allowed. That would need some sort of retention pond or water run off system.

Mr. Gillie stated there are 33 uses.

Ms. Levi stated any number of things because it is zoned highway retail commercial already. We are not changing that; so there are several, 33.

Mr. Garrison stated so a fast food restaurant could go on it?

Mr. Gillie stated yes.

Mrs. Evans stated and a motorcycle facility could go on there.

Mr. Gillie stated yes.

Mrs. Evans stated like sales.

Mr. Gillie stated yes.

Mr. Wilson stated and a garage like car repair?

Mr. Gillie stated yes.

Mr. Wilson stated I would just like to make a personal comment on that. One of the things of the role we play is as citizens who volunteer our time to do this; part of our role is to sort these kinds of things out. We recognize the tension but ultimately we have to decide things that we feel like balances for the general community, the code the rules and all these different things the interest of all the parties involved. We understand the issues and everybody has their best interest in it. But really it's our responsibility to and ultimately City Councils responsibility to sort this out and try to make the best decision for the overall good of the City recognizing the codes. This is probably a great deal of what is in our thinking here. A vet clinic that has a lot of oversight and Special Use Permit and we can guide that. It's very different from things that we couldn't do because they are already within the code designation. That is something that we think about as part of the decision. First I think if we are going to go forward with approving or whatever we decide I think the 30, 50 deal is

something we are going have to think about. Mr. Smith asked for 50 and you all have said 30. How did we think about that?

Ms. Levi stated we spoke to the Director of the Humane Society. We are not animal experts so we spoke with her and that was the recommendation that she gave to have 30 outside at one time.

Mr. Bolton stated how many do you put out at one time at your current location?

Mr. Smith stated we probably only have only 15 or 20 in the yard at the most right now.

Mr. Bolton stated but you see it being a larger?

Mr. Smith stated one think that I would envision is like an indoor den play area for the dogs so that they could go indoors and outdoors at will. I have spent hours watching other dogs daycare centers from the internet feed and watching the behavior of the animals and trying to design this place the way I want it. They spend most of their time on the inside in the air conditioning but they go in and out when they want to. So it doesn't end of being that many outside but I don't want to be tying my hands behind my back you know with a low number like that. I don't know if the Director of the Humane Society came up with some scientific measure of how loud 30 dogs are versus 50 children in the yard. I can picture someone on a pole looking into my backyard counting dogs as they come in and out and calling the police on me and having me come out and count the dogs with them and going back and forth about that. I want to comply and I want to be reasonable but I think 30 could be a little restrictive.

Mr. Wilson stated that's 30 outside.

Mr. Smith stated I think if you have five play lots with different dogs. You can only have 6 per lot.

Ms. Levi stated we can start small go with 30 now and if they are successful in the future they can always come back and we can reevaluate the conditions. If you find it appropriate to increase it later on you can do that.

Mr. Bolton stated this group?

Ms. Levi stated yes they would go through the same process to change their conditions.

Mr. Wilson stated would you be agreeable to that as a stepping stone? We approve 30.

Mr. Smith stated that's fine. That gives you guys control over what goes on here and I'm going to try to get the best job I can. I'm going to invest a million dollars into this business and I want it to be successful. I want to be a positive impact. My business is dependent on me being good to people. I'm going to try my hardest. We can come back and revisit that.

Mr. Bolton stated you didn't have any problems with the Leyland trees that Ann mentioned?

Mr. Smith stated well Ann can consult with my landscaper and pick out the type of trees she likes.

Mr. Scarce stated on number three you have got the 10 feet buffer around the perimeter as a requirement with an additional buffer. Are you talking about on the outside of the fence or the inside?

Ms. Levi stated that would be the whole property but on the outside of the fence. Any additional buffer yards would have to meet the density of the 10 foot minimum so that would be on the outside especially the northern side.

Mr. Gillie stated it all depends on where he is going to put the fence. He has the option of putting the fence on the property line and then you wouldn't see the trees or if you put the trees and then the fence on the inside of it. So it's a site specific requirement because you have both options. We still felt that 10 feet of trees around the outside to protect the neighbors and that would act as a sound buffer and then if he puts his fence on the inside. He could do it either way the trees on the outside and the fence on the inside either way the trees are going to act as a buffer to the sound.

Mr. Scarce stated I got you. I see based on where the fence is here the buffer there it's a 30 foot buffer around according to where he has his fence.

Mr. Gillie stated this is not a binding site plan so that's why we put that in.

Mr. Jones stated in your opinion how wide is the back part of his lot? If we put a limit as to where those ponds could be in relation to other people's property we need to know how wide it is.

Mr. Gillie stated can you put a condition? Yes.

Mr. Jones stated well we want to know how wide that is.

Mr. Whitfield stated I think he is asking for a distance.

Mr. Garrison stated It is approximately 220 feet if you look at the scale that is on the site plan drawing.

Mr. Scarce stated the pond on here that says possible pond if you look right above it there is a 30 foot buffer already. So if you came out and say 50 foot from the property line, which would give you 20 more feet.

Mr. Jones stated I would say at least 50 yeah. Also, for Mr. Whitfield I know our recommendation I have been on this Commission a long time can we send this on to City Council without an approval or denial?

Mr. Whitfield stated no you have got to do one thing or another. You have to have a recommendation coming from you.

Mr. Wilson stated you guys basically said that you would recommend that this item be tabled to allow for the property owner and the neighbors to have one additional opportunity to address concerns regarding this project. But your overall is to be supportive of this project. But you were requesting a tabling for more dialogue. Can you give us a reason behind that I'm just be trying to understand.

Ms. Levi stated from a planning perspective it is a use that is appropriate for the area. We see there are other successful pet clinics close by. So that just leads us to believe that it is an area that another pet clinic would do well. But we did receive some neighborhood feedback that was negative so tabling of this item would give the neighbors another chance to either make their case to Mr. Smith or to him make his case to them. It just gives another opportunity for conversation between Mr. Smith and the neighbors.

Mr. Scearce stated do you feel the same now after we have had this meeting. I don't know that it would produce anything because pretty much they have said what they are going to say and listening to the applicant he feels that he has said all he can say.

Mr. Gillie stated it never hurts to meet one more time but that is up to you.

Mr. Dodson stated it seems to me though that everyone already has their mind made up and if you put this off this people have to take off work again next month. Then they would have to go to City Council again. It's difficult for this people. I have had more phone calls about this than in the last year and half of people opposed to this. Really worried about it upset about it that doesn't want it there. I love animals too I have three cats. I'm not against animals or against the clinic it just that it's so many people opposed to it going there. I just can't see it going where it is.

Mrs. Evans stated on the contrary I have had no phone calls or emails except for what City Planning Department has provided.

Mr. Dodson stated but I have.

Mr. Wilson stated out of 32 notices that were sent in the circle 14 were received and 10 were not opposed a lot of them were businesses but some were residents too.

Mr. Dodson stated but some of them didn't get the letters because they were beyond 300 feet but they are still in the neighborhood. Then 4 were opposed. So I mean it's not like it is just perfectly clear here.

Mr. Garrison stated before we make a motion are there any other things that we want to put on these conditions. We talked about a minimum distance from the property line for the retention ponds. Do we want to add that as one of the restrictions?

Mr. Whitfield stated well if you want it to be enforced you need to add that.

Mr. Scearce stated that's up to us it's up to you guys. If you want to do that it should be part of the motion. You can cite these four and then add the additional. You could even put any retention pond should be at least 50 feet away from the property line.

Mr. Garrison stated looking at the site plan where they are shown is probably 60 or 70 feet from the property line there is a 30 feet buffer and it's on the two sides were the residents are. I don't think the businesses that are on the Southside.

Mr. Scearce stated only the possible extra retention pond starts within the 30 feet so you could push that back another 20 feet.

Mr. Wilson stated I think if we are going to make a motion that we need to add that. I'm still not really clear on how we feel about the 30 or 50 number of dogs.

Mr. Bolton stated I think one of the concerns of Mr. Melton's when he spoke was how close the retention pond was.

Mr. Wilson stated I'm talking about the number of dogs.

Mr. Scarce stated staff was recommending that we go with 30 and with the understanding that he could come back if he operated his business well and there was no objection there and he could come back and increase that number if he saw that it was needed. That's staff's suggestion. He said he would like to have 50 now because it's really no way to control how many dogs are coming in and out.

Mr. Gillie stated you have done modifications in the past. We have had businesses obtain a Special Use Permit and start off small and then come back at a later point. Thirty was the number that we worked again as she said we talked to the Humane Society director. It seemed like a reasonable number based on the size. That's the way to do it. Know if you feel that that number should be larger again 30 is our number 50 is his number, 40 is the middle. There are ways to do that. The number was what we knew of the existing facility and we knew we had substantial opposition in certain cases from the neighbors we also had substantial support. So we were just trying to balance all of that out.

Mr. Bolton made a motion to approve PLSUP20160000150 with conditions per staff plus 50 ft. setback require for any retention pond from the property line and with rapid growing trees planted along the Cottonwood and Woodberry sides all the way down. Mrs. Evans seconded the motion. The motion was approved by a 5-2 vote.

3. *Rezoning application PLRZ20160000149, filed by George Lovelace requesting to rezone from N-C, Neighborhood Retail Commercial to HR-C, Highway Retail Commercial, 1910 N. Main Street, otherwise known as Grid 2814, Block 002, Parcel 000029 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an automobile retail establishment on the site.*

Ms. Levi read the staff report. 36 notices were sent to surrounding property owners within 300 feet of the subject property. Four responses were not opposed. Four were opposed.

Mr. Scarce opened the Public Hearing.

Present on behalf of this request was George Lovelace, the applicant. I'm asking that the Commission reconsider staff's decision. I went around in the neighborhood and got a petition signed by the neighbors. The regulations say 300 feet on each side of the building I went further than 300 feet asking the residents if this was something that they would want or something they were opposed to. Everyone in the area was excited about the idea of me getting the building and using it for a car lot. It wouldn't create any more traffic than what is already there. I would like to come in fix the building up it needs a good facelift a good building just sitting there going to waste. I would like to have the building to where it would be a plus to the community. I have already went there and cut all the bushes and trees that were there around the building and everything. It's to good of a building to just be sitting there going to waste. People could break in and come into to use for selling drugs or

anything that is illegal. It's not going to be used to work on cars just to sell cars. I ask that you all would grant me this request. No one in the neighborhood opposed to it.

Mrs. Evans stated I have a question and a statement as well. You understand that the City has said that this is spot zoning which is illegal and they have offered other properties within the City. You didn't like any of those places?

Mr. Lovelace stated you are right they did offer me other places but all the places that we went everyone said no. He showed me a place on Piney Forest and there were going to do something else with it. Then another place that use to be DK computers and we can't find those people. I don't know how to get in touch with them. I have been trying to do this for over a year now. I have been going around to different buildings and he has been helping me. This is my last recourse I went to all the other places and tried to get other places. This is one I found after years of trying.

Mr. Searce stated have you talk to staff about proffering the other uses that are allowed. Rezoned to highway retail commercial is a wide variety of uses and some would not be suitable for that area. We pretty much can't just give you an open door to rezone it that way. I don't think we feel that way. So have you talk to them about proffering saying that it will only be used for this not this.

Mr. Lovelace stated I don't understand what you are saying.

Mr. Searce stated I think that's why he wanted to table it.

Mr. Gillie stated to answer that and Mr. Lovelace will attest up until about a minute before the meeting he and I were still talking about other sites that he could go to. But no we haven't sat down and discussed a list of proffers or anything else. That's why staff didn't just recommend straight denial of it. We did recommend denial of this and illegal spot zoning but we think tabling it would allow more time. I'm still trying to work with him to try and find a spot that is already zoned HRC. But we were out of time to generate that. But no we have not.

Mr. Wilson stated the only use you want for this building is to run a car lot?

Mr. Lovelace stated sell cars that is in. I talk to my DMV inspector this morning and he told me if I didn't get anything I'm supposed to call him back this afternoon and let him know what you all say I have to turn my license in.

Mr. Wilson stated your licensing for?

Mr. Lovelace stated my dealership license.

Mr. Garrison stated what did we do on Watson Street? There was a lot there and we did approve for a car lot. Was that a different zoning or did they proffer out so much that we approved it?

Mr. Gillie stated they had a substantial proffer on Watson Street.

Mr. Bolton stated we have done it before if he would just proffer out a lot of things that wouldn't be compatible in that neighborhood.

Mr. Gillie stated it is a possibility. Again, I have been trying to work with him right up until the beginning of the meeting. We were talking about other sites that might have potential; just because this property is already neighborhood commercial. The Highway retail just opens it up to two many things that we don't see that's possible. We haven't came up with a proffer list yet.

Mr. Wilson stated why Highway Retail?

Mr. Gillie stated automobile sales are only allowed in Highway Retail district or an Industrial district not in a Neighborhood Commercial district.

Mrs. Evans stated so what is Watson Street?

Mr. Gillie stated some of Watson Street is Highway retail some Neighborhood Commercial further up some transitional office I believe. That one in particular as Neighborhood Commercial and they asked for to change it and they came through with a proffer list.

Mr. Wilson stated so really a proffer list would make a big difference?

Mr. Searce stated I think It would it would limit it to just that one use.

Mr. Whitfield stated he has to make the proffer.

Mr. Searce stated do you understand what we are talking about?

Mr. Lovelace stated half way.

Mr. Searce stated if we zone a property straight Highway Retail it has many uses and some that might be allowed the neighborhood and staff may not want. If you are saying I want it Highway Retail Commercial and I will only use it for a car lot and I will proffer out all of the other uses but a car lot that changes the picture.

Mr. Lovelace stated that's all I want to do.

Mr. Wilson stated okay so I'm confused what's the complication that's hasn't been put in writing?

Mr. Gillie stated it hasn't been put in written and we haven't discussed it. We haven't taken out any of the other uses and we have been working on trying to find a spot that me the requirements for it. That we really haven't discussed a lot at this particular site. So if he only wants to do a car lot as this site and he wants to proffer that out again our suggestion wouldn't be to deny it but to table it to come back with a lost and strike through everything except for what is allowed under Neighborhood Commercial with the addition of a car lot if you think a car lot is appropriate. We can take out body shops and some of the other things that could be negative to the neighborhood and then come back to you with that next month. I can talk to his DMV inspector which we talk to right regularly and let him know what the process is and where we are in it. I think the DMV would be willing to work with him. I can't say for sure but I think they would. They have always been pretty kind to us in the past as long as we were working with someone. So if that is an option that Planning Commission wants to consider staff isn't opposed to that.

Mr. Jones stated Mr. Lovelace do you have any problems with us putting this off for a month and then you come back here with the possibility of getting it your way?

Mr. Lovelace stated my DMV inspector gave me today as my deadline. Like him and I was talking in our meeting when he was trying to help me find a place. He said if I don't get anything approved today I have to surrender my dealer's license.

Mr. Scarce stated you wouldn't get full approval today anyway it has to go before City Council.

Mr. Lovelace stated yeah I explained that to the State Trooper and I told him whether zoning approves it or not it will stand a chance of it get finalized at City Council. If you all say no today he will come down here and pick them up.

Mr. Gillie stated I think I can talk to your DMV inspector for you and try to get them extended.

Mr. Scarce stated we have to go by certain protocol. I guess what we are saying is that we want to table this so. So that we can present it properly next month with everything proffered out with you being in agreement to it and brought back before us and we can possibly approve it at that point. Which is the best thing for you otherwise we just have to turn it down.

Mr. Jones stated we can't stimulate that the only use he could have is a car lot?

Mr. Gillie stated the proffers have to be voluntarily from the applicant.

Mr. Whitfield stated you can dictate on Special Use Permits but not on rezoning's.

Mr. Lovelace stated well could it just be a Special Use Permit to sell cars?

Mr. Gillie stated not under the NC district. That's why we have went the route we have.

Mr. Wilson stated my only concern is that I wouldn't hate for us to table it and he agrees to everything and you get the license put off for a month and we are not prepared to say okay to the spot zoning. I think we need to kind of have our head around the fact that we see this as a solution that will go forward for him. I think that is going to be necessary if you talk to the State Trooper or whoever monitors those things. If we are not going to go that route than I think we need to not put him through that.

Mr. Lovelace stated he can't make that decision on his own he would have to present it to the dealers board in Richmond. In other words the State Trooper is trying to help me by keeping the board after from in it. He said I'm going to allow you this much time and after this you're done for.

Mr. Jones stated Mr. Lovelace I want to commend you for getting to this people and getting there signatures here. So many people say that they can't come to the meeting but you brought their signature here. That was a great idea.

Mr. Lovelace stated I wouldn't want you to bring anything in my neighborhood that I disapproved of. It's out of respect to the neighborhood and the community. Whether you

want me there or not and the business is as successful as the neighborhood. If you have everyone in the neighborhood against you it's very little you going to do. So that was my motive behind it see what the neighborhood wants. Would they approve and would the support it?

Mr. Scarce closed the Public Hearing.

Mr. Wilson stated my concern was I didn't want to set someone up for a huge disappointment. So if in fact we have to we are okay with what is basically a spot zoning kind of deal and Ken is going to work with the DMV then I think we need to have someone kind of indication that if he goes through all of this and we get that extension that we are going to be helpful. I just don't want him to come back and get voted down because we are hung up on another issue. I'm with Q on this I drove through the area and looked at these addressed clearly the people around are much more open to this.

Mr. Scarce stated I see that if staff won't have a problem if he proffers everything out but the car lot.

Mr. Gillie stated if he proffers everything out but what is permitted under the NC district with the addition of a car lot. Then we wouldn't have an issue with it. The spot zoning in our opinion would be taken care of because it's everything that is NC except one additional use. That doesn't necessary give him all of the special privileges that someone else would have with a straight HRC. We feel that that would be addressed. I just don't have that at this point that's why I couldn't make that recommendation. I will gladly work with him on his DMV board. I have been working with him like I said up until the start of this meeting trying to find other spots. He is more than glad to work with me and I am willing to make that call to DMV. I can't make any promises that DMV board would agree but my 20 some years here I haven't seen them not agree as long as they were working with the local government to continue on. But there is that possibility so I don't want anyone to think just because we say it that it's going to happen. We will do our best on his behalf. He has been great to work with we have worked with him for a number of years. So we think tabling it would probably be the best solution.

Mr. Wilson stated we can't do anything about the DMV.

Mr. Scarce stated our only choice is no or give him an opportunity really that's all I see.

Mr. Garrison stated if he proffers everything out would that then be considered spot zoning?

Mr. Gillie stated in our opinion no because it would still be the NC with one additional use.

Mr. Garrison stated okay.

Mr. Scarce stated it's just the way it has to be categorized to make it work.

Mr. Wilson stated which would really be more agreeable to you guys.

Mr. Gillie stated a lot more agreeable than just going to straight HRC.

Mr. Wilson made a motion to postpone PLRZ20160000149 until the next meeting. 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 Article 15: entitled "Definitions", to amend the definition of Duplex; and to amend various sections of Article 10 regarding signage.*

Mr. Searce opened the Public Hearing.

Mr. Searce closed the Public Hearing.

Mr. Searce stated on the duplex who requested this change?

Mr. Gillie stated it wasn't necessarily a request they said that we were interpreting it wrong and we looked at it and though okay maybe we are slightly looking at it wrong. It was working with Gus Dyer that's why we presented the list. I think he is correct in the way we were looking at it left an area up for interpretation. We figure if we rewrite it, it will be much clearer.

Mr. Searce stated so the letter from Gus Dyer was before the change and this is with him agreeing to it?

Mr. Gillie stated correct. The case that he had on Westover we started talking about it and how we defined it. The way I was looking at it wasn't the way that he thought it read in the code. So we agreed that this would maybe be a better solution for it.

Mr. Searce stated okay that's fine I understand it better now.

Mr. Gillie stated we try to listen to citizens when they come up with better ideas that what we have.

Mr. Bolton stated I have a question. The last part of the last sentence it says architectural facades or treatment of materials shall be from one unit to another. Just for clarified does that mean if I were to build a duplex that one side would have to be brick and the other side would be vinyl? If I was going to build a duplex I would want the whole thing to be brick or the whole thing to be vinyl not brick and then vinyl. Am I reading that wrong?

Mr. Gillie stated no we should cut that part off.

Mr. Searce stated I think that's a good point.

Mr. Gillie stated I was thinking more of up and down. With brick vinyl on bottom and brick on top but if you wanted to do the whole building in siding I guess it really wouldn't matter. So I'm not opposed to removing that section.

Mr. Searce stated do we need to address signage separately?

Mr. Gillie stated our opinion is yes. The signage we are probably going to have to hire a consultation on. The duplex definition we think should be changed as it is. Make those changes as Mr. Bolton suggestion and still forward that one on.

Mr. Bolton made a motion to approve the code amendments for change of the definition of a duplex with part of the last sentence being taken out and postpone the code change for signage indefinitely. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

II. MINUTES

The May 9, 2016 minutes were approved by a unanimous vote.

III. OTHER BUSINESS

Mr. Gillie stated just to let you know the items that went before City Council at their last meeting were all approved. We do have cases for next month so there will be a meeting. I think I sent everyone information out about the upcoming APA Planning Meeting that is going to occur that Wintergreen. I haven't heard from anyone. Anna is going to go to represent the department. I do budget so if anyone is interested in going please let me know soon because that is next month. So I would need to get you in there pretty quickly.

With no further business, the meeting adjourned at 4:44 p.m.

APPROVED