

PLANNING COMMISSION MINUTES

September 11, 2017

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF

Ken Gillie
Bonnie Case
Clarke Whitfield

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

I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit application PLSUP20170000208, filed by Laura Luffman, DVM., requesting a Special Use Permit for a waiver of yard requirements in accordance with Article 3:N., Section C, Item 21 of the Code of the City of Danville, Virginia 1986, as amended at 2815 Riverside Drive, otherwise known as Grid 1710, Block 002, Parcel 000007, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to keep a structure with a five (5) foot front yard setback where thirty (30) feet is required.*

Mr. Gillie read the staff report. Seven (7) notices were sent to surrounding property owners within 300 feet of the subject property. Two (2) responses were received, both unopposed.

Mr. Searce opened the Public Hearing.

Present on behalf of this request was Laura Luffman, DVM. Exactly like Mr. Gillie said we constructed a shade to go over some dogs. We have a large lot in the back that is used for outdoor boarding space and when the dogs are boarding inside, that is their outdoor time. At the time there were maybe twenty outdoor runs that were unshaded. We were depending on trees to shade them but at different times of the day they are not providing adequate shade for the dogs in the summer. We tried several different types of shading, canvas shades, all sorts of things and they were just not working very well. So we decided we would put up a permanent structure over one part of the larger part of the kennel runs so the dogs would have more accurate shade. We did not realize at the time, unfortunately, that we would need a building permit so we constructed it prior to getting a permit. Then Mr. Gillie came out and told us we had done it too close to the setback lines. Our goal was to do other kennels the same way and we would like to go ahead and shade the other dogs as well. It gives them some shade if it's inclement weather and it gives them shade from the sun. That's what we would like to do is move the setbacks so we can provide shade.

Mr. Jones asked who did the construction?

Dr. Luffman stated it was the husband of one of our employees.

Mr. Jones stated and they didn't know if they were supposed to have a permit.

Dr. Luffman stated I guess not evidently. He didn't ask me about it and honestly I thought if it didn't have sides I didn't need to but we understand now that we do.

Mr. Scarce closed the Public Hearing.

Mr. Wilson stated for clarification, this current structure, are we voting on the ability to cover the whole thing or the larger area?

Mr. Gillie stated the structure that is there now is approximately five feet away so that would be allowed to stay and they would also be allowed to expand that. It's giving them permission to cover additional area. The five feet is the distance they are from the edge of the right of way for Route 58 Riverside Drive at that point.

Mrs. Evans asked if what is covered now, will it have to come before the Board of Zoning Appeals?

Mr. Gillie stated no not if its granted a special use permit from City Council. They are asking now so they wouldn't have to ask for a variance.

Mr. Scarce stated so I guess what we would do is recommend approval per conditions by staff.

Mr. Gillie stated correct and we also feel that if the main structure itself would expand, that would give them some additional space to go towards Riverside Drive. As you can see from the pictures up on the screen, it's actually almost at the same elevation as what Riverside is so it doesn't create a site distance issue. The structure is located in the flood plain but it is an open structure so water can pass through it so it doesn't create an issue with flood plain so staff didn't feel this was an issue. That is the purpose of a special use permit is to allow it to come here because with a variance there has to be some physical problem such as topography or something else that would prevent them from building it. In this case they have options available but this is not going to create an issue that the city feels would be detrimental to traffic or anything else.

Mr. Wilson made a motion to approve PLSUP20170000208 subject to conditions per staff. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

2. *Special Use Permit application PLSUP20170000212, filed by Donald Layne, requesting a Special Use Permit for Commercial Indoor Recreation in accordance with Article 3:N., Section C, Item 4 of the Code of the City of Danville, Virginia 1986, as amended at 3256 Riverside Drive, otherwise known as Grid 1713, Block 013, Parcel 000002, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate a Commercial Indoor Recreation facility (MEGA Bounce) at this location. entitled "Uses Permitted by Special Use Permit" to allow a distillery by Special Use Permit.*

Mr. Gillie read the staff report. Twenty four (24) notices were sent to surrounding property owners within 300 feet of the subject property. Six (6) responses were received, all unopposed.

Mr. Scarce opened the Public Hearing.

Present on behalf of this request was Donald Layne with Mega Bounce. I am looking to move our location from Nor-Dan Shopping Center to Riverside Shopping Center. Three reasons we are looking to move the location, one is we want to get back to the central traffic of Danville. We feel like moving to Riverside Shopping Center would do that for us. Before we were at Nor-Dan Shopping Center we were at the mall for two years and that was a good location for us. Secondly, the location at Nor-Dan is just too big of a facility for us as far as square feet. I've got a lot of unused area there and of course unused utilities as well. Thirdly, the location at Riverside actually already has close to 19 to 20 foot ceilings which will help us out as far as a lot of our attractions that we can't use at our other locations because of ceiling height. So those are the three reasons we are looking to move our location and of course it wouldn't have to be rezoned entertainment for that.

Ms. Evans stated the hours of operation are to be 8 am to 10 pm Sunday through Friday. Do you not want it to be 11 pm?

Mr. Layne stated yeah I'm not sure where those hours came from. Our hours at this point and of course it could change we're closed on Monday and Tuesday and then Wednesday, Thursday and Friday we are open 3 to 9 then Saturday 12 to 9 and Sunday 1 to 9. Of course now we do work by appointments if somebody wants to come in from daycares or with special parties we will work with that. With the move, we might change our hours and open up earlier Wednesday, Thursday and Friday.

Ms. Evans stated but you don't anticipate being open beyond 10 on Friday.

Mr. Layne stated no. We cater more to the younger children not the teenagers so we feel that's a good cut off time to get them back home of course they're there with their parents. We never stay open longer than 9.

Mr. Gillie stated we took the hours off the Nor-Dan report so that's what he currently already has.

Mr. Layne stated that's what is posted on our door and on the website and on information that we pass out.

Mr. Scarce closed the Public Hearing.

Mr. Garrison made a motion to approve PLSUP20170000212 subject to conditions per staff. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

3. *Rezoning application PLRZ20170000214, filed by Daniel Group, Inc., requesting to rezone from HR-C, Highway Retail Commercial to M-R, Multifamily Residential, a 3.00-acre portion of Parcel ID #78291, otherwise known as a 3.00-acre portion of Grid 0708, Block 003, Parcel 000008.001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property so that it can be consolidated with a portion of 610 Mt. Cross Rd.*

Mr. Gillie read the staff report. Ten (10) notices were sent to surrounding property owners within 300 feet of the subject property. Two (2) responses were received. One (1) response was not opposed (Averett University). One (1) response was opposed (Williamson).

Mr. Scarce opened the Public Hearing.

Present on behalf of this request was Marc Johnson, LE& D Professionals representing the Daniel Group for this request. I wish I had known back in July the intent to add these three acres to Carter Springs Apartments and we wouldn't be here and would have handled it all at once. The intent is to rezone the three acres to put it back with the Carter Springs Apartments parcel.

Mr. Scarce closed the Public Hearing.

Mr. Bolton made a motion to approve *PLRZ20170000214* as submitted. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

II. MINUTES

The July 10, 2017 minutes were approved by unanimous vote.

III. OTHER BUSINESS

Mr. Gillie stated that I have someone from the floor that would like to take a minute of Planning Commissions time to present a request to you.

Present to speak was Jordan Jones with Dan River Renaissance. We have partnered with the Danville Regional Foundation here and we have acquired about 500,000 square feet of space here in the River District. One of the properties we acquired is the First Citizens Bank building at 530 Main Street across the street from Main St. Coffee Emporium. We are running into some problems where we have new tenants moving in the building and we are running into issues with signage. Right now First Citizens Bank currently has three exterior signs on the west, south and east facade of the property. That is more than the allotment we are allowed for signage. We have new tenants moving in. For example, the City's Voter Registration just moved into the building and we don't have any buildings that have any exterior signage to the property to identify who these new tenants will be. So when I spoke to Mr. Gillie he recommended I come to you all this afternoon to talk about these issues we have. I don't think this fits into the current zoning or current River District Design standards.

Mr. Gillie stated the First Citizens Bank building is sort of an anomaly with most of the stuff in the Central Business District. Most of those are row buildings all attached together and you don't have exposure on multiple sides. You just have the front façade. Even the buildings at the corners you really only have frontage on two streets. This building has three sides, almost four if you count the visibility from the back. The zoning code doesn't allow signage on multiple sides of a building downtown. Their signage is rather limited so we would possibly like to take a look at it. I didn't know if Planning Commission was interested so I suggested he come here and if so you could direct us and we could go back and take a look to see if whether we should take a look at amending the signage for buildings that don't have multiple or adjacent tenants or something else. This is kind of a weird case but it's not really a case for the Board of Zoning Appeals. That's why I thought this was the place to start.

Mrs. Evans stated so this is not a case for the River District.

Mr. Gillie stated the River District only enforces what is allowed under the Zoning Code. I can't even tell them to go there and ask for a waiver to it because they don't have any

authority to vary from what's listed in the Code and this is a Code issue not a design guideline issue.

Mr. Garrison stated so it would require a change to the Zoning Code.

Mr. Gilled stated correct. It would require a change in the Zoning Code for signs in the Central.

Mr. Garrison stated are you asking us whether we could support you looking at bringing to us a change in the Code.

Mr. Gillie stated correct. The way the change of Code is for Planning Commission is to recommend staff to investigate it and bring back to you so if any resolution directing staff to investigate possibly changing it would be appropriate.

Mr. Garrison asked if this is going to be the only building that this will affect?

Mr. Gillie stated no I think it will possibly affect a few more. The old school board office has that situation and the clothing building that was at the bottom of Main Street. There are a few not many.

Mr. Garrison stated you want to know if we will ask you to look at it for several buildings in the downtown area or would this be city wide.

Mr. Gillie stated it will only affect the Central Business portion of it so only that zoning area.

Mr. Scearce stated so what you're saying is the existing signage that's out in the parking lot is not enough.

Mr. Jones stated yes.

Mr. Scearce asked are you wanting signage for all the tenants on the building along with First Citizens?

Mr. Jones stated yes we would like to create a new centralized signage basically stating the directory of where the tenants are in the building because as of right now no one in the public I think knows that Voter Registration is stationed in that building and it's very important that we start addressing this particularly with the elections coming up.

Mr. Bolton stated would the directory be on the building itself or are you looking at a separate sign out front with a marquee.

Mr. Jones stated we were thinking on the building itself. Higher visibility, more visibility from Main Street. We have talked with staff about the best way to do this.

Mr. Gillie stated they are limited to 32 square feet for a building of that size.

Mr. Wilson asked total or each side?

Mr. Gillie stated total. Which again if you think of the Main Street Coffee just as an example, they are very limited to frontage and small size. That fits. As you go up and down Main

Street most of that works. When you get a building of this size or the school board building that 32 would be extremely small on the scope of that building.

Mr. Scarce stated it seems like something should be changed in the code to allow more signage for multi-tenant buildings.

Mr. Gillie stated it has for multi-tenant. It goes from 16 to 22 but that's usually when you have a building with two tenants maybe three. With this you've got five tenants right now with space for additional tenants inside the building. We also look at the possibility with the Masonic Temple how that is with the multi floors. When we wrote this it worked for some of it but we're finding as the other buildings are going in and we all say this is a good problem to have as things are happening down there that we never envisioned when we wrote this code. We think we needed to go back and address some things.

Mrs. Evans asked what about signage by percentage?

Mr. Gillie stated that would be an option to look at. It's a request where he came to us and we're saying Planning Commission is really the one to start with if you want a Code change so if you direct us we can go back and look at different ways to do it by percentage, by number of floors.

Mr. Scarce stated you can't have all those weird sizes. You really just need to look maybe at the First Citizens Bank building and then tenants name so it doesn't get completely out of hand is my thinking.

Mr. Gillie stated that is something we would look at but right now we don't even have that option available.

Mr. Jones asked so there's no sign that says the Registrar's office is in that building?

Mr. Gillie stated not at the moment.

Mr. Jones asked is there one right across the street on the old door saying please go over to First Citizens?

Mr. Gillie stated yes.

Mr. Jones stated again the challenge is when most people go across the street, they don't know where to go. The door right there on Main Street that's just for the bank. So there is door around the side and we have talked about directional signs to point people that way but we aren't there yet. We will be speaking to staff about the grand opening sign. We have 45 days so we will start 45 days out from the election. A longer term strategy is what we are here to address.

Mr. Scarce asked do we need to actually vote on it.

Mr. Gillie stated you need to make a motion or recommendation to staff to look at so that we can bring it back to you.

Mr. Garrison made a motion that we direct Planning staff to bring to us a solution to the problem of signage in the River District or in the downtown district. The motion was seconded by Mr. Dodson. The motion was unanimously approved.

With no further business, the meeting adjourned at 3:24 p.m.

APPROVED