

**PLANNING COMMISSION MINUTES**  
**February 7, 2010**

**MEMBERS PRESENT**

**Mrs. Evans**  
**Mr. Griffith**  
**Mr. Laramore**  
**Mr. Scearce**  
**Mr. Jones**  
**Mr. Jennings**

**MEMBERS ABSENT**

**STAFF**

**Clarke Whitfield**  
**Ken Gillie**  
**Christy Taylor**  
**Renee Blair**  
**Emily Scolpini**

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

**I. ITEMS FOR PUBLIC HEARING**

1. *Special Use Permit Application PLSUP2010000147, filed by Robert Burton, requesting a Special Use Permit to allow indoor commercial recreation in accordance with Article 3N: Section C, Item 4, of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended at 211 Nor Dan Drive, Suite 1150, otherwise known as Grid 1808, Block 004, Parcel 000077 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an internet cafe.*

Ms. Blair read the Staff Report. Seventy-three (73) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Sixteen (16) respondents were unopposed to the request; four (4) were opposed to the request.

Open the Public Hearing.

There was no one present on behalf of the request.

Close the Public Hearing.

Mr. Scearce asked do you know what number this is? How many of these have come before us?

Mr. Gillie responded eight (8).

Mr. Scearce asked is it just eight (8)? I thought it was more than that.

Mr. Gillie responded I think this is number eight (8).

Mr. Griffith stated this is the second (2<sup>nd</sup>) time this one has been before us.

Mr. Gillie stated this one has come a couple times, because it has been on the agenda and then tabled. This is the eighth (8<sup>th</sup>) case that has actually come before us.

Mr. Whitfield stated I think it is nine (9), because one owner was denied and he came back with a new location.

Mr. Scearce stated I was just curious.

Mr. Gillie stated eight (8) or nine (9).

Mr. Jones asked is it my understanding that City Council passed our Resolution, or whatever we had last month?

Mr. Gillie responded no, sir. They tabled that to see what the outcome would be with State Legislation.

Mr. Griffith stated the one we had last time was tabled because there is legislation pending before the General Assembly regarding these. Council deferred to see what the State would do.

Mr. Jennings asked do we have to continue listening to these?

Mr. Griffith stated we can entertain a motion to do whatever you would like.

Mr. Gillie stated as long as someone applies, we have to hold a public hearing and have that case come before you.

Mr. Griffith stated we had a public hearing, and Mr. Burton was not here. He is not here to answer any questions, so if someone would like to make a motion we will certainly entertain one.

**Mrs. Evans made a motion to recommend denial of Special Use Permit Application PLSUP2010000147. Mr. Laramore seconded the motion. The motion was approved by a 6-0 vote.**

Mr. Jennings asked based on the rules that we passed, is that enough to table any further requests that come to you?

Mr. Gillie responded no sir. You recommended approval of changes to the Zoning Code, which went to City Council. City Council did not adopt those changes. They tabled those, so we still have the Zoning Code the same as what is was before. If anyone applies for these, we will treat them as commercial indoor recreation. They will have to come back in front of you. We do not have any reason to deny someone the ability to apply for it.

Mr. Jennings asked so the fact that we established some rules does not mean anything?

Mr. Gillie responded City Council did not adopt those.

Mr. Griffith stated remember, all we do is recommend, and Council can accept, reject, or table recommendations we made. So far they have tabled it.

- 2. Special Use Permit PLSUP20110000018, filed by Andre Brown on behalf of Community Connections, LLC, requesting a Special Use Permit to allow the operation of an adult day care center in accordance with Article 3E: Section C, Item 7 of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended at 166 Smith Street, otherwise known as Grid 1608, Block 022, Parcel 000017 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an adult day care center.***

Miss Scolpini read the Staff Report. Thirty-one (31) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Six (6) respondents were unopposed to the request; one (1) was opposed to the request.

Open the Public Hearing.

There was no one present on behalf of the request.

Close the Public Hearing.

Mr. Scearce asked were these conditions reviewed with the applicant? I guess they know about them.

Mr. Gillie responded they are aware of them.

**Mr. Scearce made a motion to recommend approval of Special Use Permit Application PLSUP20110000018 with conditions per Staff. Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.**

3. *Special Use Permit Application PLSUP20110000020, filed by Mary Ann Jones, requesting a Special Use Permit to allow the operation of a child day care facility in accordance with Article 3C: Section C, Item 8, of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended at 854 Luna Lake Road, otherwise known as Grid 1617, Block 002, Parcel 000004 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a child day care center.*

Ms. Blair read the Staff Report. Eighteen (18) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Six (6) respondents were unopposed to the request; three (3) were opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Ms. Mary Ann Jones. Ms. Jones stated we just opened the church there, House of Harvest Worship Center. This will be the House of Harvest Day Care Center. It is adjacent to a gymnasium. The building that we are using, the previous church used it as a fellowship hall. We are going to use it as a day care center.

Mr. Jones asked do you have any problems with the conditions that have been stated here?

Ms. Jones responded no sir. We have corrected all of the conditions except for the fence. We are just waiting to get approved for that. I was told that I need to put a commercial hood over the stove in the fellowship hall, because I would like to have hot meals for the children. We are in the process of also getting that done once we are approved.

Mr. Jones asked the cover over the stove, will that be appropriate?

Mr. Gillie responded there are some other conditions, but one of them is if they are going to provide food, they have to have the commercial hood with a fire suppression system built into it.

Mr. Jennings asked you are going to have seventy (70) kids there?

Ms. Jones responded when they were out there to look at the building they approved me for about seventy (70) children. It is a fairly large building. I think the previous owners were approved for one hundred and twenty-eight (128).

Mr. Jennings asked will you have sufficient staff to accommodate that many kids?

Ms. Jones responded I am just opening it, but we do have sufficient staff.

Close the Public Hearing.

Mr. Jones asked Miss Scolpini did you have a chance to address this letter sent by James Little?

Miss Scolpini responded Renee actually responded to him, and her response is behind it.

Ms. Blair stated it is the last page in your packet.

Mr. Griffith asked Ms. Blair when you responded to Mr. Little, did he get back with you?

Ms. Blair responded no sir. I have not received anything else from him.

Mr. Griffith asked so apparently that answered his questions or at least he was satisfied?

Ms. Blair responded it appears so.

**Mr. Jennings made a motion to recommend approval of Special Use Permit Application PLSUP20110000020 with conditions per Staff. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.**

Mr. Griffith stated the next two (2) items on the agenda are related.

4. *Rezoning Application PLRZ20110000021, filed by Sutherlin Place Unit Owners Association, requesting to rezone 16 parcels and common areas of Sutherlin Place, approximately 2 acres, from TO-C Transitional Office Commercial to A-R Attached Residential, otherwise known as Grid 1720 Block 012 Parcels 000300, 000302, 000304, 00306, 000308, 000310, 000400, 000402, 000404, 000406, 000408, 000410, 000412, 000414, 000416, 000418 and 000410 of the City of Danville, Virginia, Zoning District Map. The applicants are requesting to rezone to increase financing opportunities for future purchasers.*
5. *Special Use Permit Application PLSUP20110000029, filed by Sutherlin Place Unit Owners Association, requesting Special Use Permit to allow for a waiver of the minimum district size in accordance with Article 3F: Section C, Item 18 of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended, on approximately 2 acres consisting of 16 parcels and common areas of Sutherlin Place, otherwise known as Grid 1720 Block 012 Parcels 000300, 000302, 000304, 00306, 000308, 000310, 000400, 000402, 000404, 000406, 000408, 000410, 000412, 000414, 000416, 000418 and 000410 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting a waiver to the five (5) acre minimum district size.*

Mr. Griffith stated since these two (2) items are basically one in the same, closely related, we will conduct a public hearing for both of them at one (1) time. We will close the public hearing, and each one (1) of them will be voted on separately.

Miss Scolpini read the Staff Report. Sixty-seven (67) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Thirteen (13) respondents were unopposed to the request; seven (7) were opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Mr. William Hopkins. Mr. Hopkins stated I am here representing myself as one (1) of the unit owners, and also one hundred percent (100%) of us have agreed that this should be done. Due to the transitional situation most of the mortgages as you know are sold on the open market; therefore not many local people are making loans that used to kind of ignore the TO-C. I know when I bought my property or traded for it, it was a TO-C. It did not matter to me, because most of them seemed to transfer without a real problem. We have had recently one (1) person who wanted to buy a unit that was vacant, and was turned down because of the zoning. Another person wanted to refinance at a lower rate, and they also were refused. It is kind of hard to get people in California, and as Mr. Gillie says, Wells Fargo and others to understand the zoning around here. I will answer any questions that you may have. I think the report that the staff created covers it real well. I will answer any questions if you have any. It has operated as a condominium since the mid to late 70's.

Close the Public Hearing.

Mr. Jones asked Mr. Gillie is there any reason why seven (7) people were opposed? Did they state any reason? Is there something they can base this on?

Mr. Gillie responded the only comment we have is presented to you. The comment, "it is close to the historic district." That is it. Otherwise, we are unaware why someone was opposed to it.

Mr. Griffith stated nothing is going to change the fact that it is there.

Mr. Gillie stated the property has been there since the 70's. Again, Transitional Office fits and Attached Residential can fit with modifications. It is one of those situations where we try to convince them that what they are asking for works according to our Zoning Code, since they do not see that "R" on there they are not refinancing. We feel this will help them. Staff is not opposed to it if it helps out the citizens.

**Mr. Scearce made a motion to recommend approval of Rezoning Application PLRZ20110000021 as submitted. Mr. Laramore seconded the motion. The motion was approved by a 6-0 vote.**

**Mr. Scearce made a motion to recommend approval of Special Use Permit Application PLSUP20110000029 as submitted. Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.**

- 6. Rezoning Application PLRZ20110000023, filed by Ameer Nesmith, requesting to amend the Year 2020 Land Use Plan from Attached and Mixed Residential to Urban Single Family and to rezone from N-C Neighborhood Commercial to OT-R Old Town Residential District, 0.29 acres at 113 Rosemary Lane, otherwise known as Grid 0715, Block 006, Parcel 0000015 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting to rezone to allow for residential use.*

Ms. Blair read the Staff Report. Thirty-seven (37) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) respondents were unopposed to the request; seven (7) were opposed to the request.

Open the Public Hearing.

There was no one present on behalf of the request.

Close the Public Hearing.

Mr. Scarce asked well obviously you recommended approval, so all of the housing requirements, bathrooms, and all of that are still in place on the property.

Mr. Gillie responded yes sir.

Mr. Jennings asked what is at this location at this time, single family, or does the building accommodate this facility?

Mr. Gillie responded it was originally single family and has been converted over. It still can be used as a single family. It would be a larger dwelling, but it has all of the requirements for single family. It has a living room, multiple bedrooms, bathroom, and kitchen facility. He has tried to lease the facility out commercially unsuccessfully for quite a while. There are a couple issues with it, the lack of parking, and some other things. He found that it is just cost prohibitive to go that route, so he is asking to rezone it to the single family category and basically rent it out as a single family unit.

Mr. Griffith stated in response to the letter that was sent out to the surrounding property owners, one person said they were opposed to rezoning for residential use into multi-family. My understanding is this is to be for single family residential.

Mr. Gillie stated it is to be for single family residential.

Mr. Griffith stated that is what I thought. There was another one addressed for traffic, and they were talking about traffic in that area. It would be less traffic than what had been there in the past with a nursing home.

Mr. Gillie stated yes. Traffic would be less with a single family.

Mr. Griffith stated that is what I thought.

Mr. Jennings stated that was the question I had.

Mr. Griffith stated it appears to me that it would be less traffic now than it would have been in the past.

**Mr. Laramore made a motion to recommend approval of Rezoning Application PLRZ2011000023 as submitted. Mr. Jennings seconded the motion. The motion was approved by a 6-0 vote.**

## II. MINUTES

**Mrs. Evans made a motion to approve the minutes from the January 10, 2011 meeting. Mr. Jones seconded the motion. The minutes were approved by a 6-0 vote.**

## IV. OTHER BUSINESS

Mr. Gillie stated City Council followed all of your recommendations except for the Code change for the internet cafés. They are waiting on the House Bills and Senate Bills to see if they are approved, which may eliminate that. They felt it was a little premature at this time to make those Code changes. We do have cases for next month, so there will be a meeting. Congratulations to all of the new officers that were elected. Sorry Mr. Scarce that is what you get for missing a meeting. Never miss the first (1<sup>st</sup>) meeting of the year.

Mr. Scarce stated I will be there next time.

Mr. Gillie stated we should have a rough draft of the Comprehensive Plan for you hopefully at the next meeting just to give you to start reviewing, so be prepared. We are at that point now where we should have the final. That is all that Staff has.

Mr. Whitfield stated Council at their February 15<sup>th</sup> meeting will be voting on a replacement member, so that you will become a body of seven (7) again. At the March meeting you should have your new member.

Mr. Griffith stated good. I think there were several people who were very qualified applicants. Does anyone have any comments or questions?

With no further business, the meeting adjourned at 3:40 p.m.

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APPROVED