

PLANNING COMMISSION MINUTES

MAY 10, 2021

MEMBERS PRESENT

Mr. Khan
Mr. Garrison
Mr. Bolton
Mr. Petrick
Mr. Dodson
Mrs. Evans
Mr. Craft

MEMBERS ABSENT

STAFF

Doug Plachcinski
Lisa Jones
Clarke Whitfield

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

ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP 2021-125, filed by Shirley Hightower requests a Special Use Permit for a family day care home in accordance with Article 3.E Section C.24. of the Danville Zoning Ordinance at 259 Guilford Street (Parcel ID#s 51026). The applicant requests a Special Use Permit for a family day care home.*

Mr. Garrison opened the Public Hearing.

Mr. Rod Maitland stated I live at 215 Timberlake, which is directly across from the back yard. I'm not really objecting to it, but I have two questions. One question would be how many children are we looking at? That is not really going to impact me because by the time I get home they will be gone. My biggest concern is unfortunately the traffic on Timberlake which is behind that. On Guilford which is in front of that is a racetrack. I still remember when I bought the house asking the realtor how much traffic and there was none. That is of course when Health Tex was there. It didn't take me long to figure out that everybody uses Guilford and Timberlake as a cut through. It is not unusual to see traffic at 40 to 45 mph. They bottom out on Guilford when they hit Timberlake because they are going so fast. So, that is my concern. I'm sure we have all had tried to catch our two, three and four-year-old children and grandchildren when they decide to take off and bolt. If three or four are in the backyard, I am wondering how they are going to restrain them from getting into the traffic. So, again I am not objecting, I am just asking what is going to be in place to protect those children, so they don't get into traffic.

Mr. Garrison closed the Public Hearing.

Mr. Bolton stated when they applied did, they answer any of those questions?

Mr. Plachcinski stated I believe they have a well thought out plan for how to handle drop off and pick up. I do recall an email that stipulated only a certain number of children, but I don't know what that number was. I think it would be best to ask the applicant to come to the next meeting to discuss.

Mr. Khan stated I would like to hear from the applicant before we decide.

Mr. Craft made a motion to table this until the next meeting for Special Use Permit Application PLSUP 2021-125. Mr. Bolton seconded the motion. The motion was approved by a 7-0 vote.

2. *Special Use Permit Application PLSUP2021-152, filed by the Alexander Company on behalf of 424 Memorial Drive LLC and the Industrial Development Authority of the City of Danville, requests a Special Use Permit for residential and commercial uses permitted by right with lot frontage on the Dan River in accordance with Article 3.L Section C.11. of Danville Zoning Ordinance, at 424 Memorial Drive Street (Parcel ID# 21344 and 21322). The applicant requests a Special Use Permit for a mixed-use development in the TW-C Tobacco Warehouse Commercial Zoning District.*

Mr. Plachcinski stated I must have left the staff report out or deleted it out of this packet. If you can flip the order, I will go get a copy of it.

Mr. Harrison stated we will come back to that.

Mr. Petrick made a motion to approve Special Use Permit Application PLSUP2021-125 with the conditions per staff. Ms. Evans seconded the motion. The motion was approved by a 7-0 vote.

3. *Rezoning Application PLRZ2021-133, filed by Scott Cheney on behalf of SRE LLC, requests to rezone 1083 Franklin Turnpike, Parcel ID#s 54397 and 53892, from OT-R Old Town Residential to TO-C Transitional Office. The applicant would like to develop a real estate office.*

Mr. Garrison opened the Public Hearing.

Mr. Scott Cheney stated my plans are to purchase the property on the condition of having it rezoned to a small real estate office. We will have one to three employees and not a lot of traffic. It seems like the perfect location; Franklin Turnpike is busy and there are other businesses close by. This house is very close to the road and seems to be more suitable for commercial than residential to me. Any specific questions, my realtor Elizabeth Ware has done most of the research, she can come up and answer those.

Ms. Evans stated where do you plan for the employees parking and people visiting the office?

Ms. Elizabeth Ware stated there is adjacent lot to the property that is being purchased with the house. I believe you have a copy of the site plan and that is where the parking will be, and the additional part of that parcel will be green space and a barrier between the property and the adjoining landowner. There is already a natural privacy barrier between the vacant lot and the next residential property next door. There is a full building parcel that will be used for parking.

Ms. Evans stated what are the hours?

Ms. Ware stated the normal business hours are 8:00 am to 5:00 pm. There will be some occasional weekend hours and things like that. It will be just standard Monday through Friday operations other than meeting clients there on the weekends to sign papers but no open hours on the weekend.

Mr. Khan stated will the parking be behind the house or on the side?

Ms. Ware stated the way that we have proposed it to you, is that you will come in and there is already a skirt built into a curving. The parking will run parallel to the building so that the cars will be able to back out into the parking lot then come out onto Franklin Turnpike.

Ms. Iris Dance stated I live at 138 Conway Road. I have property right behind this vacant lot and there is no privacy fence there. We did not get this notification until the beginning of last week and there was no copy of the rezoning application and we would have liked to have more information. There was no site plan, nothing involving the setbacks, parking, lightning, privacy fencing, green space. Are there going to be accessory buildings, business hours, landscaping, or any kind of restrictions? There was nothing provided to make an informed decision. We are really concerned about something going up over there and we would like to know, because this is our back yard, our bedroom windows are back there. We would like to know if that property is rezoned for this can it be sold, and somebody come in and build something else because it has already been zoned for a business. We don't want to end up with a dollar general behind us. I don't want all the lights or a basketball court at my bedroom windows.

Mr. Garrison stated we can put conditions on this about the lightning but as far as whether they can go in there and build a house on there, they are not intending on building a house there. We can put conditions on there that will protect the neighborhood from lightning, etc.

Ms. Dance stated our vote is no.

Ms. Betty Payne stated I live at 119 Annhurst Drive. I do not agree with the apartments. We have apartments right beside us and we have apartments right on Franklin Turnpike. We don't have any trouble with these but all this stuff in our backyard, we can see every bit of that. We have a sunroom on the back of our house and if they build apartments there, all we are going to see are apartments there.

Mr. Garrison stated they are not going to build apartments, and this is not about this. This is simply taking the house that is there now and turning it into a real estate office and putting a small parking lot in the lot next door to it. This has nothing to do with apartments. The only thing that they are going to build is a parking lot.

Ms. Payne stated I don't want a real estate office behind my house. I have enough junk behind my house now with people behind us and the city does not do anything. They will not make them clean it up. They have not got a leaf up since they have been there for about fifteen years. We have enough junk behind us now. There are car tires back there now and the city doesn't make them clean it up. The trees are falling, and the city doesn't make them clean it up. I know you don't want it on your property on your site where you live, and we don't want it in ours or at our backdoor. My concern is people want to build stuff everywhere else but in their neighborhood. My concern is for my neighborhood, our neighbors, and the kids that live there. We have enough trouble as it is. They come in there on Franklin Turnpike and they fly by there and the city don't do nothing, not a policeman not one.

Mr. Garrison stated I think you need to take that complaint to City Council. We have nothing to do with this.

Ms. Payne stated we do, and they don't do anything. I don't want these people in our neighborhood. I don't want them in my back yard. You rezone it for something like Ms. Dance said, they will rezone it for something else then somebody else will put something there.

Ms. Vicki Rembold stated I live at 125 Annhurst Drive. I am against having this zoned commercial because there are so many rental houses right next to her property. It is going to be all commercial. It is directly across from Terry Avenue which is a great cut through for

a lot of people hitting 29 north so they don't hit the Piney Forest lights to go to Dollar General and fly back. On Franklin Turnpike hardly anyone is going the speed limit and when the State Police are there, they are pulling people over every fifteen minutes. We have screeching tires every single day at the gas station. If the people would take the time to look up, we are having accidents from Hope Church to the Piney Forest and Franklin Turnpike. It is amazing that we now want to add another business to put more traffic pulling out and not going the speed that everyone else is. It is going to be more injuries and traffic accidents. The fire department and the ambulance are going by so often every single day and we are voting to put more people out there and to have more traffic in there, it is ridiculous. We have gotten used to these sirens because we hear it so often. The traffic backs up from the gas station on Franklin Turnpike all the way up to Terry Avenue. I'm afraid of everything else becoming commercial and we are putting more traffic that's not going the speed that everybody else is going and there is just going to be more congestion and accidents and I just fear that.

Mr. Bolton stated is it changing the office to commercial zone that scares you, or is it a real estate office that scares you?

Ms. Rembold stated the real estate office seems really a nonissue but as soon as you have that as a commercial property, I could sell it to someone else and make a whole lot more money than what that Real Estate office could give me.

Mr. Bolton stated I don't know that the applicants would even want to do this or agree to it, what if they took that and proffered out everything that could go under that except the real estate office. How would you feel then?

Ms. Rembold stated to change that they would have to come before you again?

Mr. Bolton stated they would have to come back to us, and we would have to approve it. I own a real estate office, and we back up to residential, and we have been there for fifty-five years. I would say that we are good neighbors and probably better neighbors than some residential people.

Ms. Rembold stated my concern here is extra traffic and especially right there at Terry Avenue.

Mr. Khan stated tell me something you are concerned about this traffic is it on Franklin Turnpike or Annhurst Drive?

Ms. Rembold stated Franklin Turnpike, Annhurst is already a cut through for the people on Piney Forest who don't want to hit the light, so they come down my road.

Mr. Khan stated so they go through Annhurst?

Ms. Rembold stated they come down Conway and go up Annhurst and get back on Franklin Turnpike. I'm just like a cut through just like Terry Avenue is.

Mr. Khan stated I do live on Annhurst Drive and the traffic is more prevalent on Annhurst Drive than Conway, so I don't see so much of a traffic problem going into the real estate office on Franklin Turnpike. The problem of the traffic is on Franklin Turnpike and I agree with you about the gas station right across Annhurst Drive. There is a lot of traffic right on Franklin Turnpike.

Mr. Garrison stated one of the suggestions was that you could proffer everything out except the real estate office.

Mr. Cheney stated we are willing to accept the conditions that it only be a real estate office for five years or however it needs to be. It will be a small office like Mr. Bolton was talking about.

Mr. Garrison stated you can't stand here today and tell us that you are willing to proffer all of those out today. You must bring this back to our next meeting. If that is something that you want to consider, then if you want to ask us to do it then we can.

Mr. Cheney stated I would like to ask to postpone it until the next meeting.

Ms. Ware stated would you object to me providing them a copy of the site plan that we have established to the residents around the property?

Mr. Garrison stated not at all, the more information the residents have around the property the better because a lot of times when they can see it is better.

Ms. Ware stated another point of reference the size of that building I think is 1100 square feet and on the main level it will basically only allow us to have four offices within the main level of that property. So, at any given time the most people that can be there working at one time would be five. Which if you think about it would be less than any normal residential home property with people living in the property. Again, we only work the 8 to 5 hours.

Mr. Garrison closed the Public Hearing.

Mr. Bolton made a motion to postpone PLRZ2021-133 until the next meeting. Mr. Petrick seconded the motion. The motion was approved by a 7-0 vote.

2. *Special Use Permit Application PLSUP 2021-152, filed by the Alexander Company on behalf of 424 Memorial Drive LLC and the Industrial Development Authority of the City of Danville, requests a Special Use Permit for residential and commercial uses permitted by right with lot frontage on the Dan River in accordance with Article 3.L Section C.11. of Danville Zoning Ordinance, at 424 Memorial Drive Street (Parcel ID# 21344 and 21322). The applicant requests a Special Use Permit for a mixed-use development in the TW-C Tobacco Warehouse Commercial Zoning District.*

Mr. Garrison opened the Public Hearing.

Mr. Don Voss stated, I am with the Alexander Company. I am here to answer any questions that the commission might have. I believe that you have the packets on your iPad's and unfortunately, we are not unable to put it up on your screen. This is going to be a very exciting development. We are going to be providing one hundred-fifty housing units in the Western two thirds of the building on the second through fourth floor. The eastern third of the building on the second through fourth floor will be the future phase of the development that will allow us to gauge the absorption and the impact on the community, and to make sure that this is a positive development for the community before we build additional units. The first floor of the building will be 110,000 square feet of commercial space. We really felt that the residential uses should be on the upper floor and that the first floor of the building should have commercial uses that are more friendly to the park that will be surrounding the property and provide some retail and business opportunities for people that want to be able to enjoy the park setting and the proximity of the Riverwalk itself. The lower level will include 219 parking spaces those spaces will be in the basement of the building and they will be accessed from the north side. We are screening all the building services, including the loading docks and the trash areas on the North side of the buildings. They will be screened from Memorial Drive and hidden behind the berm that's between the building and the River. We have two parking areas on the southwest of the site will serve the residential component

of the building. The residential component will have a small lobby, a leasing office, community room, fitness center and an outdoor space for the residents to use. That parking will go to the existing bridge on the west end of the property so that the primary resident visitor access point. We are also providing surface parking on the eastern side of the portion of this site, which is where the main commercial entrance will be that access will come off Memorial Drive and will be very close to where the existing access point is now. When the city expands the canal and creates the whitewater course a bridge will be constructed across the canal so we will have a temporary construction access point during the canal expansion and they'll build the bridge on the surface and allow the vehicles to come across the bridge once it is constructed and then build the canal underneath the bridge at that point. We want to make sure that there's a continuous access to the commercial component during the canal construction. The other aspects are along the berm the plan is to include the Riverwalk extension. The city is working with the property owners to acquire the bridge that crosses the river now. So, the Riverwalk will now instead of going on the south side of the building as it was originally planned, we'll go along the north side on the berm and go across the river to a future connection point on the north end of the bridge. We'll also have a secondary pedestrian access that will run along the canal itself that will provide people that want to get off Memorial Drive and walk along the canal will be able to do so and then back up to Memorial Drive at the intersection by the Union Bridge.

Mr. Dodson stated do you have any plans for the bridge that is now connecting to the White Mill across from the river?

Mr. Voss stated that is the one that will be part of the Riverwalk. The city has applied for a grant they've already received funding for a portion of that to do environmental abatement on that bridge connector. Our plan is to have the Riverwalk connected to that bridge so that they can, when the IDA makes the repairs of the bridge that will be available for pedestrian connection.

Mr. Whitfield stated just so you will know that this morning at the their meeting the IDA approved a resolution accepting that so just the deed work needs to be done in recommendation, but that is being donated to IDA who will then rehab the bridge.

Ms. Evans stated your residential property will everything be lease or will people have the option to purchase?

Mr. Voss stated they will be leased. The 150 apartments are mainly one- and three-bedroom apartments. They will be roughly a 5050 mix but only a handful of two-bedroom apartments. We are setting aside a percentage of those for workforce housing. So, 25% of those people will be for people that earn 80% of the median income. That includes a lot of city workers, teachers and people that earn between \$30,000 to \$50,000 of income a year would qualify for apartments. That way they will have access to brand new apartments that they might not otherwise be able to afford without being rent burdened.

Ms. Evans stated will they be luxury apartments?

Mr. Voss stated they will be luxury apartments and they will be very nice.

Mr. Bolton stated once you have it built out and all do you plan to stay involved as far as management or you can also manage these properties as far a commercial leases and residential leases, or do you hand that over?

Mr. Voss stated no, absolutely we have 217 units in Greensboro. So, our regional property manager will oversee this property as well. Because of the deed restriction on the Greensboro property. We are bound to that property for the next sixteen years and we will

be managing that property for a minimum of sixteen years. We will be managing this property as well.

Mr. Garrison closed the Public Hearing.

Mr. Petrick made a motion to approve Special Use Permit PLSUP 2021-152 as submitted. Mr. Dodson 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. Specifically, to amend Article 4. Section A. Initiation of Zoning Amendments and Changes by adding subsection 4. allowing the City Manager, Planning Director, or their designees to initiate zoning ordinance amendments.*

Mr. Garrison opened the Public Hearing.

Mr. Garrison closed the Public Hearing.

Mr. Bolton made a made a motion for recommendation of approval to Amend Chapter 41 entitled "Zoning Ordinance". Mr. Khan seconded the motion. The motion was approved by a 7-0 vote.

IV. OLD BUSINESS

1. *Parking Requirement Amendments.*

Mr. Doug Plachcinski stated I looked over the work that the City Attorney, Ryan Dodson did, and he forward it to me. I would like to present the Planning Commission a more holistic set of amendments at the next June Planning Commission Meeting. A lot of these Zoning Ordinance Amendments have accomplished a lot of different goals. This one has the potential to make the ordinance much simpler to read and execute from an administrative perspective and clearer to our constituents and business owners in our community. If you will look through at your convenience, my comments are incorporated in the draft language and what I'll be trying to accomplish in each section, I have indicated in bold red. If you have any questions, feel free to reach out to me between now and the next Planning Commission meeting. If as we have discussed you would like to schedule a work session on this, we can certainly set aside a time to make this happen.

Mr. Garrison stated Commissioners, how do you feel about a work session to discuss this before our next meeting?

Ms. Evans stated first I would like a red line of the changes. It looks like copies with lines over here. Do you know what I mean?

Mr. Plachcinski stated basically there are a few strike throughs not a lot but yes, I will email them to you.

Mr. Garrison stated do you think we need to have a work session to discuss this?

Ms. Evans stated what is your time frame?

Mr. Plachcinski stated we potentially will do it within two weeks.

Ms. Evans stated I mean when do you want this accomplished? Once you send out the red lined copy, if we don't have any questions then I don't see any need to have a work session. I mean didn't we talk about this at another work session?

Mr. Garrison stated we had another work session on this a little over a year ago, but it has been quite some time. Mr. Khan did not hear any of the comments that we had. I'm just throwing it out there, do you want to have a work session to talk about it, or do you just want to bring it in here at the next meeting and vote on it as part of our agenda?

Mr. Plachcinski stated I think that I would rather the Planning Commission review it, then at the next meeting and schedule it for the July public hearing.

Mr. Garrison stated we can do that. Mr. Attorney do we need a motion on that?

Mr. Whitfield stated no sir.

V. APPROVAL OF MINUTES FROM APRIL 12, 2021.

The April 12, 2021 minutes were approved by unanimous vote.

VI. ADJOURNMENT

With no further business, the meeting adjourned at 3:55 p.m.

APPROVED