

PLANNING COMMISSION MINUTES

NOVEMBER 7, 2022

MEMBERS PRESENT

Mr. Bolton
Mr. Dodson
Ms. Evans
Mr. Garrison
Mr. Khan
Mr. Petrick

MEMBERS ABSENT

STAFF

Renee Burton
Lisa Jones
Shanika Williams
Clarke Whitfield

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

ITEM FOR PUBLIC HEARING

1. *A Special Use Permit Application PZ22-219, filed by Equitable Property Company, LLC, requests a Special Use Permit to allow an automobile and light vehicle repair establishments according to Article 3.N.C.2. of the Danville Zoning Ordinance at 216 Collins Drive (Parcel ID#77774).*

Mr. Garrison opened the Public Hearing.

Mr. William H. Shewmake stated I am with the law firm of Woods Rogers Vandeventer & Black, representing the applicant in this case. I will try to be brief because I think it's a fairly straightforward case and we appreciate all the hard work of the staff and I think they did a very thorough staff report. This is a very small operation; two bays. It has a landscaping plan. We're orienting the property, and this is the current layout of what's existing. I think this is an improvement. We're between Piedmont and Collins as you can see. We're actually orienting the building so the bays aren't facing Piedmont or Collins Drive. We are in full agreement with the proposed conditions by the staff and parking is not an issue. This is a very light impact in terms of traffic generation. In addition, what happens is the cars aren't actually parking. What they're doing is they're queuing up. You're probably familiar with the concept where they're queuing into the bay, the customers can actually be in the cars while being serviced and then they go on. This is looking at what the elevations would look like from what is being proposed and this is showing the orientation as well as some of the landscaping plan that we would do which we think improves the property and it's consistent with the proposal. We think that because people don't actually park, they'll be more than sufficient. I mean, seven spaces would be more than sufficient to serve the needs of the development itself. That concludes my presentation. I'll be glad to answer any questions that you might have.

Mr. Garrison closed the Public Hearing.

Mr. Petrick made a motion to recommend approval of Special Use Permit Application PZ22-219 with conditions per staff as submitted. Mr. Dodson seconded the motion. The motion was approved by an 5-0-1 vote. (Mr. Bolton abstained).

2. *Special Use Permit Application PZ22-199, filed by Gerrick Gann on behalf of Hometown Sheds requests a Special Use Permit to allow outdoor display in excess of 15% of the net developable lot area at 4750 Riverside Drive (Parcel ID#72296) according to Article 3.M.H.7. of the Danville Zoning Ordinance.*

Mr. Garrison opened the Public Hearing.

Mr. Gerrick Gann, representing Hometown sheds, stated thank you, Commission, for hearing me on this. I would like to just kind of point out most of you got one of my folders that has the different pictures in it, and I just wanted to show you why I sent that. If you look at pages one, two, three, and four. This is one location that we have in Gastonia, North Carolina and it has several buildings kind of making the lot look full, and making it look very attractive. We feel like we try to keep everything neat, in order, and in line. Pages five and six would be our Henderson, North Carolina location and pages seven and eight would be Greenville, North Carolina. Pages nine and ten would be our current Danville location and you may find that the first page has the slide on it. We have various products that we sell. We have outdoor sheds, the carports, the garages, and then we have Amish built fireplace that's very high-end materials. We also have Amish built kennels and chicken coops and things of that nature. So, we feel like we have a good variety to offer to the public and just to give a little bit of history about why we're in the location we're in right now. We have a total of twelve locations, and we are currently building here in Danville and have been here for the past five plus years from our manufacturing facility off of 525 Kentuck Road and it is called IP Storage Solutions. My current salesperson that I have at this location was actually there at the manufacturing location which is really offsite and you kind of have to know where it is to even know how to get there. He just had a tremendous couple of years working for me and I was just amazed on how well he did and so one of my conditions for him was like, you know, if you sell a million dollars' worth of product, well, I'll get you a new store and I'll get you out of the manufacturing plant and I'll get you your own store like everyone else has and so he made it. We started the process, and we found this location. We felt like we we're in the right location and it was very difficult to find one that met our needs and so here we are today. We found out recently that we were in violation of coding. So, we're here today to just try to see what we could do to open up the lot more to work for display. We feel like if we can only present on 15% that may hinder us from doing what we can do. Now, he is a tremendous salesman, and he did wonderfully at the manufacturing location. I just feel like it could be a win win for everyone. We hire local. We are supported local. We have a local driver that delivers our buildings. The one thing that I do want to point out if you look on the last two pages that I sent you on pages 11 and 12, this is on Riverside Drive, I have two auto locations that are just full of vehicles and I guess it's maybe they're zoned a little differently or something. I am just trying to figure out what allows them to fill up their lots and prohibits me from filling up mine. So, not that I want to do anything distasteful, and I certainly don't want any bad neighbors or to do anything to make my neighbors unhappy because I want to be a good neighbor to anybody in the surrounding area. I was a little surprised when I found that we had a couple of complaints and would like to address those if I can with the individual or with the commission. So, that's pretty much what I have. Are there any questions for me?

Mr. Bolton stated you mentioned a few opposed comments and all and it seems to be that they're mostly concerned about the inventory being on the right-of-way. Is that something you would like to address now as opposed? We might hear from them.

Mr. Gann stated I will look at that and I can certainly move any inventory that we have on that right-of-way, and I assume that we're talking about the right of way on Riverside Drive or was a utility right-of-way or if it was an actual road right-of-way. I felt like it being as far back off

the road as it was that maybe we were past that, but it could be that I am in violation. I certainly want to address that if I am.

Mr. Bolton stated it was just checked as that being the reason, but staff might be more familiar with the right of way situation?

Ms. Burton stated it is close but it's also a requirement to be 20 feet back for outdoor display once we get all of this taken care of, we'll go out and take measurements and make sure everything's safe.

Mr. Bolton stated as long as everything is addressed.

Ms. Burton stated yes.

Mr. Garrison stated there is a frontage road there, right?

Ms. Burton stated yes there is.

Mr. Garrison stated is that the right of way that these people are talking about or not?

Ms. Burton stated they're not specific so it would be assumptions at this time.

Mr. Garrison stated who owns the frontage road. I don't know who owns the frontage road. It's not a city road, is it and not a city street?

Ms. Burton stated no, it would be part of the development on that side. So, we'll check that right away. It'll be a smaller right of way there.

Mr. Garrison stated but it runs all the way up that whole thing.

Ms. Burton stated yes.

Mr. Petrick stated I've got a question for staff. The density issue with the 20% is that a different amount that's required for say auto dealerships.

Ms. Burton stated they're not called out specifically in the code as a separation or an exception, but the DMV does inspections for automobile dealership and so they let us know then if there is a violation. We're going to look at that and I think we've talked about that the code isn't as clear as we'd like it to be, talking about that difference.

Mr. Petrick stated but as far as the buildings are concerned, is that a hard and fast 20% that we've got on this or is this just a suggestion?

Ms. Burton stated code states 15% and staff is just suggesting 20%. The applicant has asked for 18%.

Mr. Garrison closed the Public Hearing.

Ms. Evans made a motion to recommend approval of Special Use Permit Application PZ22-199 as submitted with the conditions per staff. Mr. Kahn seconded the motion. The motion was approved by an 6-0 vote.

3. *Rezoning request PZ22-215, filed by Paul Shelton requesting to rezone 2.6 acres on Franklin Turnpike (Parcels 54394, 54395, and 54396) from Old Town Residential (OT-R) to Multifamily Residential (M-R).*

Mr. Garrison opened the Public Hearing.

Mr. Paul Shelton, stated I live in Lynchburg, VA and my brother resides in Louisville, KY. I own the parcels of land in question. I would just like to say that we both lived in the family house that was located where the CVS is located across from the land on Franklin Turnpike. That house was built in 1920 by my grandparents and stood on that corner for over 70 years. We spent many years living in the family home. Both my brother and I graduated from Danville Community College and then graduated from Averett University. My father, who passed away in 2017 was living in the same house. He moved the house across the street to Tamworth Place/Conway Drive in 1994, until his stroke in 2007. After the stroke I had to bring my father to Lynchburg for care. We have had the land up for sale since 2017 and to this date there has been no offers on the land. To make the land more versatile we are requesting the land to be rezoned.

Mr. Petrick stated I noticed you included no site plans. Any particular reason?

Mr. John Laramore with Wilkinson Company stated I represent the Shelton family and the sale of this property. As, Renee said, Franklin Turnpike has become a commercial corridor over the last years growing every year and Danville is growing in that direction as well. That puts pressure on the neighborhoods and things as it did with Piney Forest Road. There's no difference. There was residential and then there are transitions in there. It being a commercial corridor, it's difficult to build new homes that face those corridors in there. That's the way that the zoning is set for that but it's difficult to build homes in a growing commercial corridor. You look from the stoplight at Piney Forest and go out toward Golf Club Road. I'm not sure when the last single-family residence was built along that road facing that way in the last 30 years. I don't know if there were any but overwhelmingly, the building permits would show that it's commercial. If a single-family home such as the ones that exist in that area, are not being constructed then a zoning change is needed. The new buyers can't do anything that other people haven't been able to do for these years. They're in the same place. There is HRC nearby, but we feel that multifamily was a better transition to the commercial for this location than HRC. A multi-family can exist with HRC. It's not as difficult to make with that transition having HRC across the street and nearby. We are doing this without firm plans and the Shelton's are not developers. We are trying to market this and it's 2.6 acres and it will be a smaller development. It'll be a smaller complex or apartment. Whatever it is they do, they'll work within the balance that the city has for that project, as anybody would. Whether you had plans or not, you still will work within those plans. The time and expense of going under a zoning change is difficult now for smaller builders to build things and that just adds a time factor and an overhead factor that just makes it more difficult. We can get local, maybe smaller developers involved in the process. This speeding up the time a little bit like this is similar to other construction projects where time makes a difference and I think it will make it easier to get more builders and realtors involved in the process. Thank you.

Mr. Bolton stated so, you're getting the zoning changed really to help sell it. Mr. Shelton is not looking to do this himself. This is marketing so that you could better sell it.

Mr. Laramore stated it just makes it ready. So, a builder goes, well, I don't have to go through the motions of developing plans and things for a smaller site like this and then, find out it

doesn't work out. It helps to be able to market it as a multifamily. Then, they can build whatever they want.

Mr. Bolton stated I have a question for staff. So, if they get the zoning change and they sell it to a developer will it come back to us for any kind of approval on what their plan to build or not? As long as they're in the parameters, we won't see plans, designs, or buffers.

Ms. Burton stated that's correct. As long as they're within the parameters of the zoning code, it would not come back before the Planning Commission.

Mr. Petrick stated the three options you have multifamily, elderly housing, and then what's the other?

Ms. Burton stated attached residential is also an option within the zoning class.

Mr. Petrick stated so, any of those three could be a possibility you know, under this zoning.

Ms. Burton stated that's correct.

Mr. Petrick stated as far as egress and ingress to that property do we have a good feeling that you're going to allow egress from ingress from Franklin Turnpike.

Ms. Burton stated giving the turn lanes that are present in front of this property on Franklin Turnpike I think it will probably be looked at that the ingress and egress will be on Conway. The Engineering department will look at that more closely to make sure that the traffic is taken care of safely.

Mr. Petrick stated if we had both ends, then it would certainly eliminate some traffic in the neighborhoods.

Mr. Kahn stated I am flabbergasted to find that you want to rezone this into a multifamily without having a sale. Like the staff says you can go three ways. I don't see the need to rezone right now and change the zoning, if you have no plans.

Mr. Laramore stated for marketing purposes.

Mr. Kahn stated well I don't see it that way. Anyhow, another thing Franklin Turnpike with Piney Forest Road is a very congested area, and this property is next to that light on the left turn. You have the CVS on the other side, and you have Conway Drive on this side which is very short from the light. I see a problem there unless something is done, and I mean traffic coming from Conway is too short from Piney Forest to make the Conway turn when you have two lanes coming from Piney Forest this way when you have Franklin Turnpike coming towards Piney Forest. I don't know if I have confused people but two lanes, three lanes, two turning lanes into Piney Forest Road and two to go straight that is four lanes coming to make the turn there. That is going to be the headache I see and that is a problem right there.

Mr. Bolton stated I would like to follow up with staff on that 2.6 acres and you may know precise but roughly on that much property how many units could be built or maximum. Do you know?

Ms. Burton stated for a multi-family development, an apartment unit, you are looking at 16 units per acre. So, we would be looking at 32 units, give or take on that particular site if they

decided to go multi-family apartments. Detached residential, you are looking at eight units, and then with elderly housing, you are looking at twenty-four and both of those are per acre.

Mr. Garrison stated net developable, but all of this would be developable. It's all net developable the whole three tracks. So, you are looking at 16 per acre is 38 and 24 per acre is 57.

Mr. Petrick stated point 2.6.

Mr. Garrison stated I've looked at the acreage and it's 2.4 and it is shown on the GIS City maps. I copied it down and this says 2.6 but it's 2.4 when you add the three parcels together.

Mr. Petrick stated are you looking at the website? You can't depend on it.

Mr. Garrison stated that's all I have to look at.

Ms. Evans stated not looking at the buffer zones, it can be developed all the way back to Conway Road that middle piece.

Ms. Burton stated it will have to have buffers along near the street frontage and sides but yes, it can be developed through.

Ms. Evans stated what is the buffer requirement for that?

Ms. Burton stated for a multi-family you will be looking at 30-foot fence on the residential side and you will also have landscaping and then determine your parking.

Mr. Bolton stated I guess we can't restrict it now since it's really nothing to restrict. If you got to do the buffer.

Mr. Garrison stated that's already part of code and we can't put any restrictions on it if we approve this as multi residence and whatever is in the code is allowed.

Mr. Bolton stated okay.

Mr. Garrison stated we can't say we'll change the zoning for you, but you can only put twelve.

Mr. Bolton stated okay, that was my question.

Mr. Petrick stated John, you've had this on the market for some time and of course, marketing in a single family. What was the price on it?

Mr. Laramore stated it is \$159,500 for the whole property.

Ms. Evans stated has anyone approached you, a developer that if we had this property, we would like that to develop.

Mr. Laramore stated our hands are tied right now trying to settle this single family. I would have loved to have sold it. I mean that would have been fine with us. We just haven't been able from our standpoint a zoning change is required to be able to market the property or sell the property. We're just trying to from our side just trying to figure out what's the easiest one that's the least HRC is an option it's across the street, but that's not maybe the right one for this either. We just came up with this trying to find some transition for that property from single

family to something that would work for the city and the neighborhood and the owners rather than trying to keep doing something that nobody is building single family period. So, not changing the zoning just puts us in the same place of trying to find somebody that wants to build single-family in an area like that, and those kinds of things have just changed, and we have no control over that. Right or wrong commercial preferences are changing.

Charles Clark stated I live on Tamworth Place and Conway. First of all, y'all don't have an idea to what they're going to build, low income or anything, and talking about exits in and out Route 41 has turned into a racetrack. I mean, you can't get out of it, period. I'm just going to tell you now, if they do put in low income and he was talking about his house that was moved across the street, I invite you all to come and look at it. It is right across the street from me, and it sold for \$19,000 dollars. The houses in my neighborhood go from 150 to 200, okay? It looks like a bomb went off. It will devalue the property, and our homes. So, we put a lot of money into our homes, okay? It's a nice, quiet neighborhood. Number two, you already have at one entrance in our neighborhood is Woodside and you have Ruxton. So, if they do a low income, you are going to box us in. It's going to cause crime, and everybody knows it will cost in the parking. What are you going to do about parking? It's bad enough trying to get in and out of 41 and this will cause a big problem. That is all that I can tell you right now because first of all, you don't have the answers to my questions. All he wants to do is get it changed so he can sell it to someone. So, right now, we don't know what kind of apartments they're going to be, or who's going to buy them. So, you wouldn't want it in your neighborhood.

Robert Luther stated I oppose it and like Clark said, you can't hardly get out on 41. So, if y'all put all these people coming out on Conway, the only place they got to come out is on Piney Forest where the Danville Life Saving Crew is sitting right there. If they get a call and these people are trying to get out, how are they going to get to a call? That's one bad thing and they've had this property now for 18 months or more to sell it. They're asking twice as much as the land is worth. All the lots over there are sell for about \$7,000 to \$8,000, if you have about 10 lots right there, it's not but about \$80,000 and they're asking \$159,000 for these two acres and half. That is all I have to say.

Frank Wimmer stated I have lived on Conway Road for forty-seven years and here, they've told us today that they have no idea what kind of housing would go in there. I think that will not be an entrance or an exit on Piney Forest Road or Franklin Turnpike. So, it's going to be directly in front of my house. So, it's going to be there on Conway Road or Conway Drive and you're going to have parking lots, trash cans, and everything else facing our house there and I think that this area, Piney Forest, Franklin Turnpike, is one of the top 10 areas of accidents in the city here. So, you've got a lot of traffic already over there and we are adamantly opposed to this. Thank you.

Mr. John Perro stated I live on 126 Conway Drive and I'm the one right in the corner. He sold that corner properties to somebody and I bought the house in 2005. If you don't know what they're going to put in there, but if they put apartments, I don't agree with that because the two apartments that we have in that area there's crime and everything else. I've had gunshots going by my house constantly from that area, and I'm just opposed to this completely. I think it's a bad thing if they are going to put apartments there. I'm against apartments totally and like I said I'm right there on the corner so I'll be right where they can get me.

Mr. Garrison closed the Public Hearing.

Mr. Bolton stated I guess I should have asked one of them that spoke in opposition that seems to be against the multi-family. What if it was highway retail?

Mr. Clark stated instead of multi-family dwellings if they would put in like a strip shopping center and maybe they had a beauty salon, or a doctor's office or something. I think that would be a lot better. I think most of the people would agree to that before they would agree to multi-family dwellings or apartments.

Mr. Petrick stated so you are saying that you would be more agreeable to highway commercial.

Mr. Clark stated I would be. I don't know about the rest, but I would rather see that than multi-family dwellings where people are going to be running back and through my yard and I don't think the traffic would be as bad if you had something like that. I would like to say this to on Mr. Perro's behalf he's boxed in, and they've got him from both sides. I mean he is surrounded by the property that they want to sell and put in.

Mr. Garrison stated I had closed the public hearing but because we brought the question up, we will allow you to come back because he asked a question.

Mr. Wimmer stated I would say that we would be against it even for commercial venture. If they were going to put houses in there, the way that the rest of the neighborhood is, that would be agreeable but no commercial or multi-family housing.

Mr. Petrick stated commercial is not going to be housing.

Mr. Wimmer stated right.

Mr. Kahn stated can you please come back. So, you are saying if this property is zoned, and you put single-family homes there, you are not opposed to that.

Mr. Wimmer stated I am not opposed to that. I would welcome it there.

Mr. Kahn stated you are opposed to multi-family.

Mr. Wimmer stated that is correct.

Mr. Kahn stated I just want to be crystal clear.

Mr. Wimmer stated yes sir.

Mr. Garrison stated Ms. Burton you said that attached family, attached homes. You are talking about patio homes, right? Similar to what we approved for the lot up there off of Westover Drive on Blair Loop where we had I think it was six homes that we put on that property there. Patio homes are homes that are side by side by side and they are not apartments but they do have common walls and we did approve a case several months ago where we put patio home on a property like that and those homes are going to sell for about \$200,000 to \$300,000 dollars which would be well in line with what's in the neighborhood. So, that is a possibility for later down the line. We have a history of not approving this type of thing without plans. I know of two cases that we've had where people came to us and wanted to make zoning changes but had no plans, and we did not approve them, or we did not recommend approval. That's the other thing. We only recommend to City Council. We don't approve or disapprove, but we

have the option to not recommend approval. So, that is something that we have within this hearing. Are there any more questions for staff?

Mr. Bolton stated well, I am asking terrible questions. I'll ask another one.

Mr. Garrison stated all questions are good questions.

Mr. Bolton stated I do feel uncomfortable after a second thought not having anything in front of me. I mean we could tell just from plans of the type of units that are going in there of what dollar they're going to rent for. We would kind of know and I really want to ask the applicant this, but I don't want to reopen this. Why couldn't they perhaps market it and sell it with the condition that whatever goes there, they come back with the plans and then we could possibly have more to approve. Potentially. I mean, you might could sell it to someone highway retail commercial.

Mr. Garrison stated I'm not sure that we can do that.

Mr. Clark Whitfield, Attorney with the City of Danville, stated you can't do that.

Mr. Garrison stated the option is we take an action on it today or we can defer it, right?

Mr. Whitfield stated you can defer it. Yes, that correct.

Mr. Garrison stated which would give them time to come up with somebody that might have plans that they could bring to us.

Mr. Whitfield stated that is correct.

Mr. Garrison stated I have a sense that today is not going to turn out well for the applicant if there are no plans. I think I've heard enough Commissioner's kind of leaning on that fence.

Mr. Bolton stated I understand Mr. Shelton is not the developer.

Mr. Garrison stated he is not the developer he is just owns the land. He is trying to sell it and he's trying to get as much money for it as he can, and I don't blame him.

Mr. Petrick stated how do we defer it if it's still on their ownership and somebody comes through with plans. I mean, you know, plans are a suggestion. They, you know, they have to be approved by other entities besides this, besides us. I don't like the precedent being made or the idea of that being an issue. I understand, but you know, the approval of plans and specifications and site enhancements are somebody else's bailey wick.

Mr. Garrison stated that is true.

Mr. Petrick stated in this issue, there are three options and it's to the quality, you know, how do you address that? Nobody can dictate the quality of a particular dwelling in an area. I mean, what would be the situation and I know there's some concern, a couple of neighbors brought up the idea about low-income housing. I don't think this would be an appeal for that. Do you have any comments to make on that?

Ms. Burton stated the development would need to be made within the regulations and the restrictions of the zoning code. The zoning code does not state anything that's income specific.

Mr. Petrick stated yeah, and like you said, there is a need for affordable housing and low income is included in that. So, that's an option that's out there. If it's approved.

Ms. Burton stated right, we currently have a housing deficit, yes.

Ms. Evans stated we need patio homes now, I mean, but I have a problem approving it without knowing what's going there.

Mr. Kahn stated I second that, and I have a problem with that too. Sorry sir.

Mr. Garrison stated it's no problem we are in open session. We can ask questions or speak.

Mr. Dodson stated we have not done anything like this before without plans. We haven't approved anything.

Mr. Petrick stated as far as the plans are concerned, you know, there's nothing to say that after we approve it based on what we've seen as a proposed use in the proposed construction, which can be changed.

Mr. Bolton stated say that again.

Mr. Petrick stated we are not approving this based on the quality or the style of a particular piece of construction. The development of the zoning area. So, if it's presented and it looks like something we all agree on, that's not to say they can't later that they change their mind and put something else there.

Mr. Khan made a motion to postpone this for an indefinite period of time. There's no second motion. The motion failed.

Mr. Bolton made a motion to recommend approval of Rezoning Application PZ22-215 as submitted. Mr. Petrick seconded the motion. The motion will go forward recommending denial with a motion of 4-2 vote.

IV. PLANNING DIRECTOR'S REPORT

Ms. Burton stated I wanted to let you know that we do have cases for December and that we are planning a kickoff for the January 2023 Comp Plan. We are working on plans now on how we plan on debuting that and starting our public engagement piece. So, we will let you know as soon as we get those details ironed out. Thank you.

V. APPROVE MINUTES FROM OCTOBER 11, 2022.

The October 11, 2022, minutes were approved by unanimous vote.

VI. ADJOURNMENT

With no further business, the meeting adjourned at 3:52 p.m.

APPROVED