

## PLANNING COMMISSION MINUTES

June 13, 2011

### MEMBERS PRESENT

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

### MEMBERS ABSENT

Mr. Laramore  
Mr. Wilson

### STAFF

Alan Spencer  
Ken Gillie  
Emily Scolpini  
Renee Blair

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

### I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP20110000204, filed by Shanks Associates on behalf of Gateway Health Alliance, requesting a Special Use Permit to allow a waiver of yard requirements in accordance with Article 3M: Section C, Item 21, of Chapter 41 of the Code of the City of Danville, Virginia 1986 as amended at 1500 Fulton Heights, otherwise known as Grid 1620, Block 004, Parcel 000009 of the City of Danville, Virginia Zoning District Map. The applicant is requesting a waiver to the 30' front yard setback requirement on a corner lot. The minimum front yard requested is 16.6'.*

Ms. Blair read the Staff Report. Eleven (11) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. One (1) respondent was unopposed to the request; one (1) was opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Mr. Fred Shanks. Mr. Shanks stated I live at 345 West Main Street. I appreciate the opportunity to be here. I have taken great care not to be here before you, but this particular case is majorly important. I would like to make a presentation to you. If I could, I would like to ask you to take a minute so that I can go over what has occurred with this site. I had prior to the meeting, a large sheet of paper that has some very important information on it. If you look at that sheet, at the very top, the parking lot is where the building was originally going to be. As the staff report indicated, once they started digging for the foundation, they uncovered some fill material that had apparently been put in place and not compacted. It was roots, stumps, and things like that. It was probably put in there during the construction of the interchange, one of the highway projects in that immediate area. That yielded the site to where a building cannot be constructed, so we needed to look at other options. What we have come up with is the location of the building in the parking lot. Flip flopping it really, and building out towards the street. If I can start at the top of the street and work my way down: if you see the parking lot, below the parking lot is an orange square that is the building. In the orange square is a yellow corner. That is the only area that we are talking about. If you look down at the bottom of the sheet, you will see some red lines. The red lines indicate where the typical road line right-of-way is. It is twenty-five (25) feet out on the center line. As you can see, it is considerably wider there due to the interchange highway projects. The right-of-way is excessively wide in that location. If you also look on your sheet, there are blue lines. Those are the typical setbacks required by Zoning Code. What we are asking is that you grant this waiver for the setbacks indicated in the staff report, but more importantly realizing that the right-of-way if you look at the green lines there is noted how far out the center of the building is. It is ninety-four (94) feet out on center of Fulton Heights. Excuse me, seventy-four (74)

feet out on center of Fulton Heights. It is ninety-four (94) feet out on the center of the lower road. I cannot remember the name of the road.

Ms. Blair stated Woodcrest.

Mr. Shanks stated the Zoning Code is not being harmed in this particular request, because those excessive right-of-ways are already in place. I am hoping that you will carefully consider this and recommend approval to City Council. At this time I will be glad to answer any questions.

Mr. Jennings asked is this due to the traffic flowing in front of the buildings?

Mr. Shanks responded the parking lot entrance is exactly where we originally proposed because of where the building is located. We have changed the internal traffic flow inside the site, but it does not impact the streets from what we originally proposed. If you will recall, Woodcrest Heights is a dead end street.

Mr. Griffith stated Fulton Heights.

Mr. Shanks stated yes, Fulton Heights. All traffic leaving the site would be going away from the two (2) residential sections.

Mr. Griffith asked present time, the way it is set up right now where you have a proposed parking lot, you enter from either street. Will that continue?

Mr. Shanks responded by Zoning Code, we could have put proposed entrances on both Fulton Heights and Woodcrest; however due to site constraints we just proposed one (1) entrance.

Mr. Griffith stated I was out there this morning looking at it, and you could enter from either side. I did not know if that would continue to be the case.

Mr. Shanks stated in this particular case it would be just off of Fulton Heights.

Mr. Jennings stated the only problem is that you do not have the required frontage.

Mr. Shanks stated the only problem is each of the right-of-way lines. We are supposed to have thirty (30) feet of setback from Fulton Heights and twenty (20) feet off of Woodcrest. We have got nineteen and a half (19 ½) off of Woodcrest. It is way off of the road already. Then we have sixteen point six (16.6) off of Fulton Heights.

Mr. Griffith stated the only way it would be any closer is if the Highway Department came in and decided to widen one (1) of those streets and make it eighty (80) feet wide or something.

Mr. Shanks stated which is not going to happen because it is residential use. Even if it were to go Commercial use down the road in the future your road could not be more than thirty-five (35) feet wide.

Mr. Jones asked with this fill material, will there be any trouble putting the parking lot there?

Mr. Shanks responded without handling the building weight, they believe the compaction would be sufficient for parking and traffic flow. What we are talking about is basically car traffic.

Close the Public Hearing.

Mr. Griffith stated there was one (1) person who was opposed. They did not offer any comments, but there was one (1) respondent who was opposed. I was looking at the map and I could not quite tell. Is that person a resident or is that person just an owner of a piece of vacant property? It appears to me in just looking at the map that it might have been.

Ms. Blair responded it is a vacant lot.

Mr. Griffith stated the owner of a vacant lot.

Mrs. Evans asked one of the handicap parking spaces was placed beside the handicap spot is into the setback, is that ok?

Mr. Gillie responded they can adjust the parking space over so that it is outside of that area.

Mrs. Evans asked is that ok, to adjust the parking?

Mr. Shanks stated correct me if I am wrong. I thought the parking spaces had to be five (5) feet off of the property line.

Mr. Gillie stated they do. I am not sure what she is looking at verses what I have got.

Mrs. Evans stated I am just looking from the blue line.

Mr. Gillie stated I do not have a blue line drawing. I am sorry.

Mr. Shanks stated the blue line is the thirty (30) foot setback from Fulton Heights.

Mr. Gillie stated based on the way the site is, we do not have any issues making the parking and everything else works. It was the building itself that was the concern and that is why they are here. We can make anything else fit. There is plenty of space. We can adjust accordingly.

**Mr. Scarce made a motion to recommend approval of Special Use Permit Application PLSUP2011000204 with staff conditions. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.**

## II. ITEMS NOT FOR PUBLIC HEARING

### *1. Review of Final Plat for AMERITECH.*

Mr. Griffith read the staff report.

**Mr. Jones made a motion to recommend approval. Mr. Jennings seconded the motion. The motion was approved by a 5-0 vote.**

## III. MINUTES

**Mr. Scarce made a motion to approve the minutes from the May 9, 2011 meeting. Mrs. Evans seconded the motion. The minutes were approved by a 5-0 vote.**

#### **IV. OTHER BUSINESS**

Mr. Gillie stated the request for the Special Use Permit on Broad Street was tabled by City Council. The applicant is going back to work on that. After much discussion, they agreed to have that tabled. The rezoning, as we stated in the staff report previously, has been approved on Thunderbird; so both of those properties were rezoned. That is all staff has at the moment.

With no further business, the meeting adjourned at 3:15 p.m.

---

APPROVED