

PLANNING COMMISSION MINUTES

June 11, 2012

MEMBERS PRESENT

Mr. Wilson
Mr. Griffith
Mr. Jones
Mr. Scarce
Mr. Jennings
Mrs. Evans

MEMBERS ABSENT

Mr. Laramore

STAFF

Clarke Whitfield
Ken Gillie
Christy Taylor
Emily Scolpini

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

I. ITEMS FOR PUBLIC HEARING

- 1. Special Use Permit Application PLSUP20120000173, filed by Garrett Shifflett, requesting a Special Use Permit to allow residential dwellings, as an ancillary use in structures with non-residential uses on the first floor in accordance with Article 3.L; Section C, Item 9 of the Code of the City of Danville, Virginia, 1986, as amended, at 541 Bridge Street, otherwise known as Grid 2714, Block 007, Parcel 000005 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to construct 62 apartments and 2 commercial spaces.*

Miss Scolpini read the staff report. Twenty-nine (29) notifications were mailed to surrounding property owners within three hundred (300) feet of the subject property. Ten (10) respondents were not opposed and three (3) were opposed.

Open the Public Hearing.

Present to speak in regards to the request was Mr. Dave Zook. Mr. Zook stated my interest in this property is that I own a condominium at 522 Bridge Street, Burton Condominiums. I am president of the Board of Condominium's Association. I also own the property at 110 Newton Street and at 417 Bridge Street. I own and operate a company with employees at 417 Bridge Street. My general reaction to this particular request is that I highly endorse the development of the Tobacco Warehouse District. I think the increased need for apartments in the Danville area needs to be supported and I think this type of project can be helpful. However; all of the opinions that I have also reflect an extreme caveat that is associated with our endorsement of the project; and that is that there is already a parking issue on Bridge Street. This project could acetate this parking problem. would like to request that any approval of a project of this nature would have all of the entrances of the apartment complex facing north toward the river, toward Newton's Landing where the parking would be presumed to be located for these units and not on a side street or onto Bridge Street. As you are probably aware, the City has discussed in the past potentially making Bridge Street have only one sided parking because of the difficulty in having parking spaces. There is a number of open locations along Bridge Street that haven't been developed yet, so additional businesses are expected to come in; which will acetate the parking problem. My own company, I have mandated that all of my employees have to park down on Newton's Landing and walk up to the entrance we have on Bridge Street. All of these things are going to create a bigger parking issue. It will also be an issue for pedestrians walking in and out of that building if they move their entrance on Bridge Street. I support the project, but would like to request that all of the entrances be on the north side of the building.

Present on behalf of the request was Mr. Garrett Shifflett. Mr. Shifflett stated I am the developer. Parking wise, well entrances rather, we have entrances on the rear of the building and on the side of

the building as well. The historic main entrance that is currently on Bridge Street will be used as another entrance to the building, but we have other entrances in the rear and to the side, the alley side not the Colquhoun side. We do have a Bridge Street entrance, but with the parking towards the rear; it is probably going to be “church drag” entrance.

Mr. Scarce stated the entrance at the rear would certainly encourage parking in the rear.

Mr. Shifflett stated that is what we anticipate.

Mrs. Evans asked you can enter the building on Bridge Street side with the door that is there now?

Mr. Shifflett responded correct.

Mrs. Evans asked are there still offices on that floor?

Mr. Shifflett responded there are.

Mrs. Evans asked and they will remain there?

Mr. Shifflett responded no, those offices will not. The main entrance door, there is a door to the left, the double entrance door in the center of the building, that was added later. That door will not serve as an entrance door, but the main entrance doors that are currently closed will be opened. Those will be another entrance on the Bridge Street side.

Mrs. Evans asked isn't there office space for Davis Storage?

Mr. Shifflett responded that will be disappearing before we build the apartments.

Mrs. Evans asked where are they going?

Mr. Shifflett responded I don't know, but he says that he has other buildings that he has plans to use.

Mr. Jones asked how many parking spaces are on Bridge Street? What I am getting to is if you have somebody that rents an apartment that is handicap and they don't want to park all of the way down in the bottom and they would want to park up top. How many places there are up for grabs by any of these people?

Mr. Shifflett responded to be honest I do not know. I have not counted the number of parking spaces. We do have handicap parking in the rear of the building and our handicap access would be toward the rear of the building as well. It is a long hike up that hill.

Mr. Jones asked will there be any elevators?

Mr. Shifflett responded yes.

Mr. Griffith asked but you are saying that there will be handicap access in the rear of the building?

Mr. Shifflett responded correct.

Mr. Wilson asked so the primary entrance into the building, if I understand right, would be what you are calling the rear of the building not on Bridge Street?

Mr. Shifflett responded correct, just because the location of the parking. It is a lot easier to get to and you don't have to walk up the hill.

Mr. Wilson asked are there reasons why we have a request here to close that off, that side or the entrance on that side? Are there other reasons that they need that? Safety issues?

Mr. Gillie responded there may be Code requirements regarding ingress/egress to the facility and there may also be issues with historic tax credits in closing it. This is kind of the first I have heard it. You may have commented on that and I just found out about it. In thinking about it, you are required to have certain distances between exits. If one door is on fire, then someone can escape out of a second. We haven't had time to look into this to know whether it is a required exit. I assume it would be because we would have an entrance to the north exiting onto the facility. I think all of the other buildings that have done that have had entrances on Newton's Landing also still have a second exit on Bridge Street to provide that required fire egress. I don't know if the side entrance onto the alley would meet that. I haven't looked into that at this point.

Mr. Griffith stated facing the building on Bridge Street, down on the left side there is an alley way that goes all of the way back to Newton's Landing. Aren't there some doors on that also?

Mr. Shifflett responded there are. There is a loading dock, which is in the center of the building. Towards the end on that alley way that is where the side entrance and the handicap lift will be located.

Mr. Griffith asked so there will be spots down there along that side area that will be accessible for handicap parking?

Mr. Shifflett responded yes, sir; and to answer your question about the Code, if we close that front door off the way the building is designed, you have a dead end situation, a dead end corridor and that is a Code violation. It is a necessary entrance for egress.

Mr. Scarce stated it doesn't seem that it would be practical to close the front door off completely anyway. If you designed the building and it sounds like you have for the majority and the parking is in the back, it would be used in that fashion I would think.

Mr. Shifflett stated correct.

Mr. Wilson stated what I am hearing is a little anxiety about adding in new cars on Bridge Street. I don't think it is so much about the doors, but how the parking is going to be managed. Are there other ways that could be dealt with that would not pack Bridge Street up so it is overcrowded?

Mr. Shifflett responded currently we are not planning on having any cars park on Bridge Street. It is solely in the rear. Now there may be a tenant or two that does park on the street, but the parking that is for the tenants would be in the rear of the building; and that is where they would be directed to park.

Mr. Wilson asked are there other residents there that are using Bridge Street as their main parking?

Mr. Gillie responded Mr. Zook and the members of his condo association probably use it. The folks who use the apartment complex next door use Bridge Street. They also use the Community Market parking lot. If there is a space available anywhere around someone is going to use it. The various employees for the businesses in that area, while they are told not to, do they or don't they, I don't know. If it is public space it is open to anyone. I can't tell someone "no you can't park in a spot."

Mr. Jennings asked is the only solution to this parking situation is that parking space be provided down by the river? Is that the only solution?

Mr. Gillie responded we can't add any more parking down by the river unless we tear down existing buildings. The City built the Newton parking lot as part of the Brownfield project covering over the space. We basically got from what was Worsham Street down to the old railroad bridge paved as much as possible. There are some buildings down there if somebody wanted to buy and remove possibly we could add some additional spaces, not a lot. We can't build a deck or anything else. We can't go vertical on it. We've got about just all we can in that immediate area. To address the concerns about coming out onto Bridge Street and parking again I don't know because I haven't looked at the building to see if that door could be closed off. Even if the door is closed off telling someone "you live in a building and you can't park on this street, park around back;" it is human nature that they are going to park as close as they can. I am not sure how we can adequately address it and keep everyone happy.

Mr. Jennings stated so actually we don't have a solution to the parking situation that we are talking about.

Mr. Gillie stated we have almost four hundred spaces of public parking down there, not counting what is on the street. There are also additional side streets that people can park on. There is the Community Market lot, which has probably another one hundred fifty spaces. Compared to most places, we have a lot of parking down there. The question is, is it close enough to a door that a person is going to park in the easiest spot that they can as opposed to walking. I can provide plenty of parking, whether it is close enough or not, I don't know.

Mr. Griffith asked would one solution be if you had egress for safety purposes there and not have ingress in those doors across the front? That would encourage people to park at a different location. I don't think they would want to park on the street if they have to go around the back to get in anyway. You can still have the doors for egress in an emergency situation. They could be used. You wouldn't be locking the doors, just only for ingress.

Mr. Gillie stated that would be possible. The only thing is what is to stop someone from sticking that block of wood in that door?

Mr. Griffith stated I understand that. It would certainly discourage it anyway.

Mr. Gillie stated I agree. It is just a quite easy way around it for someone to toss a block in it and now you've got access in and out. It is a safety issue for the building that the owners would have to take care of. I think they have tried that at other spots and I don't think that has necessarily worked as well as someone would have imagined. It is something that could be done to have it as an egress only if it is a Code requirement. I haven't had time to look into it to see if we could figure out some other Code issue to get access in and out of that facility. I imagine the doors on Bridge Street are going to be required according to the Building Code. I can't say for sure at this time.

Mr. Griffith stated I understand. You certainly cannot deny people parking on a public street. If you have public parking it is first come first serve.

Mr. Gillie stated it is a good problem to have. We have got too much going on and not enough space.

Mr. Settliff stated we are not anticipating tenants parking on the street. Parking is in the rear and they will be directed to park there. I can't count the number of spaces that are on the street, but it is not a large amount; but the four hundred spaces behind in Newton's Landing is more than sufficient for parking and that is where the tenants will be directed to park.

Mr. Jones asked how many floors of apartments are you going to have?

Mr. Settliff responded five.

Mr. Jones asked will there be an elevator close to the Bridge Street end?

Mr. Settliff responded the elevator is a little closer to the back of the building. It is almost central, but it is a little further back than front.

Mrs. Evans asked are you keeping the freight elevator?

Mr. Settliff responded no, we are not. We have to do some things with the **National Park Service** to signify that used to be a shaft and we are going to potentially keep the actual elevator car in the building and use that somewhere within the building just to keep the fabric of the building there. It will be there for the most part, but it will not be functioning.

Mr. Griffith stated diagonally across the street from this property where **Colquhoun** runs into Bridge, there is another parking lot over there. Is that a private lot?

Mr. Gillie responded it is a private lot owned by the Burton Condos. We sold it to the Burton Condo Association a few years ago.

Mr. Griffith stated so that lot is not available. That is a private lot.

Mr. Gillie stated it is a private lot, yes.

Mr. Jennings asked how many bedroom apartments?

Mr. Settliff responded one and two large bedrooms. We have a mix of one and two's but the majority will be one bedroom units.

Mr. Jennings asked will these be moderately priced, high end, or low end?

Mr. Settliff responded they are considered affordable. We have a rent structure that includes all utilities: sewer, water, trash, cable, internet, parking, everything except for the phone. If you move into the apartment you have one check to pay unless you are going to get a phone, everything else is taken care of.

Mr. Scarce stated it sounds like a nice project.

Present on behalf of the request was Mr. Jeremy Stratton, Economic Development Director. Mr. Stratton stated these guys are the real deal. This is probably one of the best projects that we have worked with. If you look at some of the things they have done in the past, you will see the kind of quality work that they do. There has been a lot of concern about parking and in fact they are working with the City to have one hundred forty spots.

Mr. Stratton displayed a diagram showing where the parking will be located.

Mr. Stratton stated we are also participating in this project on helping with the retail space. We are going to do a lease with the IDA with the hopes that the funding can be used before it is finished; but if not we would participate with a master lease. There are also some financial aspects of the project that is going to be performance measures giving a cash range for the project. The end result: over two phases you will have a thirteen million dollar project.

Mr. Shifflett stated I just want to say thank you all very much and we appreciate your time.

Mr. Jones asked is there any thought about numbering some of those parking spots down there and having the number go along with the apartment number and give everybody at least two and have some visitor parking spots assigned to certain areas?

Mr. Shifflett responded I can't speak to that. Jeremy would have to.

Mr. Stratton responded each space would probably have a number.

Mr. Jones asked and the numbers would correspond with the apartment?

Mr. Stratton responded we would leave that up to these guys as to how they would want to handle that.

Mr. Shifflett stated if that is the case, we could potentially do a numbering system where say apartment 101 would have parking space 23 or something to that nature; so that could potentially be done, yes.

Mr. Jones stated and have a section for visitor's parking. I think that is where your problem is going to be. When somebody pulls up and wants to see grandmother or something like that, they are going to want to park in front. There could be a sign that says "visitor's parking in the back." I think that might keep some of your visitors off of Bridge Street.

Mr. Stratton stated no matter who takes on that building; they are going to have parking issues. It is something we are going to have to address with whoever locates on Bridge Street.

Mr. Wilson stated this is just part of urban living.

Present to speak in regards to the request was Mrs. Susan Stilwell. Mrs. Stilwell stated I am an owner at Burton Condominiums and what I wanted to clarify about Bridge Street is that there are a few older people that prefer not to park in the parking lot. We have two handicap spaces at Burton and now somebody from Averett is using one of those two handicap spaces; because we don't have enough handicap spaces. I am not opposed to this development in any way. I look forward to it; but Colquhoun Street enters Bridge Street almost in front of this building and right now trucks are turning and traffic, nobody is stopping at the stop sign. It is a real problem down there. I think it will just exasperate the problem. There is a lot of residents of Pepperten and Penn building parking

on Bridge. There is also a fire hydrant somewhere out there along the front of the building. The people that live at the Dan River Crossing, most of those are senior citizens. Many of them are handicap. They park in the back but they also have entrances in the front. It is just a very congested intersection. We just hope that there would be great thought by the developer and by the City not to create any more problems in that intersection. Thank you.

Present to speak in regards to the request was Mr. David Corp. Mr. Corp stated I own a condominium at Burton Condominiums. My wife and I also support the development of this area, but I do have two questions, a question for the developer and also a suggestion. The question is, where is the primary entrance for the retail spaces? Will that be on Bridge Street or in the rear?

Mr. Settliff responded one of the primary entrances is on Bridge. It is a small 800 square foot retail space in the front on Bridge Street. The other, the larger of the two, there is about 5500 square feet of space in the rear and that will be accessed in the rear.

Mr. Corp stated I would also suggest if you can to put the mailboxes in the rear. Any inducement to get people to park at the rear, come in and check their mail, and enter the building that way will be helpful. Thank you.

Close the Public Hearing.

Mr. Griffith made a motion to recommend approval of Special Use Permit PLSUP20120000173 as submitted. Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.

- 2. Rezoning Application PLRZ20120000175, filed by Richard Holbrook, requesting to rezone from TO-C Transitional Office Commercial with an HP-O Historic Preservation Overlay District designation to TO-C Transitional Office Commercial District, 1045 Main Street, otherwise known as Grid 1720, Block 012, Parcels 000004 & 000005 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting to remove the HP-O Historic Preservation Overlay District designation from this property.*

Miss Scolpini stated Mr. Richard Holbrook, the applicant requests that his application be tabled until the July meeting. He is out of town.

Mr. Whitfield stated that will require action if you decide to table that item.

Mrs. Evans made a motion to table Rezoning Application PLRZ20120000175. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.

- 3. Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Article 15 entitled "Definitions", Section B entitled "Definitions", to amend the definition of family to reflect changes in State organizations, and to define temporary family health care structures, amend Article 2 entitled "General Regulations", Section P entitled "Accessory Structures and Uses" by adding regulations on temporary family health care structures, to amend Article 3.B: entitled T-R Threshold Residential District", Section C. entitled "Uses Permitted by Special Use Permit", Article 3.C: entitled S-R Suburban Residential District", Section C. entitled "Uses Permitted by Special Use Permit", and Article 3.E: entitled OT-R Old Town Residential District", Section C. entitled "Uses Permitted by Special Use Permit", to allow for detached accessory structures or uses without a primary building being located on the parcel.*

Mr. Gillie stated if it pleases the Commission, staff at this time is not ready to proceed with these Code changes. We would ask if the Commission would agree to allow us to table these until the July meeting to give us some time to work on these some more.

Mrs. Evans made a motion to table the request to amend. Mr. Wilson seconded the motion. The motion was approved by a 6-0 vote.

II. ITEMS NOT FOR PUBLIC HEARING

1. Acceptance of right-of-way for the creation of a cul-de-sac at the end of Hunter Street.

Miss Scolpini read the staff report.

Mr. Whitfield stated the motion needs to be to approve the resolution that is on the back of the planning report.

Mrs. Evans made a motion to approve Resolution 2012-6.1. Mr. Griffith seconded the motion. The minutes were approved by a 6-0 vote.

III. MINUTES

Mr. Wilson asked on Mr. Holbrook's if a person is not here could we have taken action on this anyway without him being here? It is a courtesy? The reason I ask and maybe I just don't understand what is being requested here, but it looks like a change has been made, a violation, and now to solve the violation we are going to change the designation of the zoning so it is acceptable. Could a person just not be here forever and it never get dealt with?

Mr. Gillie responded no, it could not just go on in perpetuity. Could you have acted on it? Yes, you could have. Is it courtesy to not, when the applicant has asked to table it? Yes it is because they are not here to defend their actions and explain their self. In this case he did do something, had a violation, he requested approval to do it from the Commission of Architectural Review as well as asked to remove himself from the district so he would not be subject to the review of the architectural review commission. The Commission has denied his request. He has appealed that to City Council. In the meantime he has asked to remove himself from the district, so in the future he will not have to go through that process to do any modifications to his building. The violation didn't really prompt anything; it is just that he is working on the process throughout. He is on vacation and he would like to be here to defend himself, explain his actions, and that is why he has asked to have it tabled.

Mrs. Evans asked if we decided not to approve it, will he have to undo all of his windows?

Mr. Gillie responded that is an open ended question. One he has appealed the decision of the Commission of Architectural Review to City Council, so that would be up to City Council whether it is overturned or not. The removal of the district, which he has asked to come in front of you, is still an ongoing case. He asked to have that. Planning Commission could say "no, we think you should stay in the district." That would still go to City Council, so ultimately both decisions will end up at City Council as he proceeds on with his case.

Mr. Jones made a motion to approve the May 7, 2012 minutes. Mr. Griffith seconded the motion. The motion was approved by a 6-0 vote.

IV. OTHER BUSINESS

Mr. Gillie stated City Council approved the items we had at the May 15th City Council meeting we had, which was the rezoning, the Code change for Boatwright, the special use for indoor recreational facility on West Main, and the other facility on Main Street. The Comprehensive Plan is

just about done. We have one issue outstanding that we are working with the developer on, which is a change that we want to see done on some of the work they have done. It is an expansion of the contract, so that is something that we are handling internally. Everyone I believe has been following the River District guidelines. They have went through the process. If you have any additional questions or comments on that final draft of the guidelines, please let us know. We have cases for next month due to the tabling, so plan on being here.

With no further business, the meeting adjourned at 3:33 p.m.

APPROVED