

PLANNING COMMISSION MINUTES
May 13, 2013

MEMBERS PRESENT

Mr. Laramore
Mr. Griffith
Mr. Jones
Mr. Searce
Mr. Wilson
Mr. Bolton

MEMBERS ABSENT

Mrs. Evans

STAFF

Renee Blair
Ken Gillie
Christy Taylor
Alan Spencer

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

I. ITEMS FOR PUBLIC HEARING

- 1. Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, as amended, more specifically Article 7: entitled "Nonconforming Uses", to address how nonconforming may be permitted to continue and address changes made by the Code of Virginia., Article 15: entitled "Definitions", to create the definition of gasoline sales establishment, adult day services and transitional living shelter, and various sections of Article 3 to allow for these uses.***

Mr. Gillie read the staff report.

Open the Public Hearing.

Close the Public Hearing.

Mr. Bolton asked our current definition of adult daycare center allows five and the State's definition there is four or more. In our definition there is no number. Is there are reason for that?

Mr. Gillie responded we did our definition prior to the State doing their definition. The new definition, we left open-ended so we didn't try define it. The State has bounced their numbers around a little bit. That is why when we did our first one, it differed. We didn't want to have a problem in the future where our numbers didn't match up.

Mr. Searce asked so we are just going with the State?

Mr. Gillie responded we are just leaving it open-ended and we will go with whatever the State has.

Mr. Griffith asked we have several things included in this all together and part of it you are asking to be tabled. Do we need separate motions on that?

Mr. Spencer responded yes you would.

Mr. Wilson asked do we need separate motions on each one of these?

Mr. Gillie responded you should be able to do a motion on the tabling if it is to the changes on the 15.2-2307 non-conforming. The gasoline sales establishment definition, the transitional office, and the adult day services, you should have three motions on those.

Mr. Griffith made a motion to table the proposed changes regarding Section 15.2-2307. Mr. Bolton seconded the motion. The motion was approved by a 6-0 vote.

Mr. Griffith made a motion to recommend approval of amending Chapter 41 definitions excluding 15.2-2307 as recommended by staff. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.

Mr. Griffith made a motion to recommend approval of Districts under approved definitions as recommended by staff. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.

- 2. Rezoning Application PLRZ20130000137, filed by Thomas Stump on behalf of First Piedmont Corporation, requesting to amend the Year 2020 Land Use Plan from SSR, Suburban Single-Family Residential to ED, Economic Development and to rezone from HR-C, Highway Retail Commercial to LED-I, Light Economic Development Industrial, 159 and 193 Wilderness Lane and vacant parcels ID #77051, #77043 and #77054, otherwise known as Grid 4719, Block 001, Parcel's 000002, 000004, 000005, 000006 and Parcel 000008 of the City of Danville, Virginia, Zoning District Map, respectively. The applicant is proposing to rezone the property so that he may operate a gasoline sales establishment with servicing of heavy equipment.***
- 3. Special use Permit Application PLSUP20130000138, filed by Thomas Stump on behalf of First Piedmont Corporation, requesting a Special Use Permit to operate a facility to service heavy equipment in accordance with Article 30; Section C, Item 8 of the Code of the City of Danville, Virginia, 1986, as amended, at 159 and 193 Wilderness Lane and vacant parcels ID #77051, #77043 and #77054, otherwise known as Grid 4719, Block 001, Parcel's 000002, 000004, 000005, 000006 and Parcel 000008 of the City of Danville, Virginia, Zoning District Map, respectively. The applicant is proposing to rezone the property so that he may operate a gasoline sales establishment with servicing of heavy equipment.***

Ms. Blair read the staff report. Sixteen notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed. One response was opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Tommy Stump, President of First Piedmont Corporation, Mr. Ben Davenport, Chairman, and Mr. Shawn Harden of Dewberry. Mr. Stump stated I want to give you a basic summary of what we are doing and answer any questions that you have. We are looking at relocating our trucks and our truck fueling to this location on 58E across from Sellers Brothers Construction and to begin the process of converting our trucks from diesel fuel to natural gas. Our choice in this site was the availability and access to the City's natural gas fuel line, which we would be a customer of in purchasing the natural gas. We would simply purchase the fuel and then compress it at a station built and designed to compress it and then transfer that fuel into the trucks. Phase I of the project will be converting eight trucks. We will actually buy new CNG trucks. That is our hopes and plans for the site. We hope

to fuel our trucks there and as Ms. Blair mentioned in the staff report, eventually relocate our shop there for maintaining these trucks. I will be glad to answer any questions.

Mr. Jones asked will it be just for your trucks only? If a truck comes into town and needs fuel will they be able to purchase any?

Mr. Stump responded good question. I have been asked that a lot by people interested in the project. Currently it is what we call a time fill. The trucks are hooked up and filled up over time. Retail would require tank storage and the ability to fast fuel. At this point in time it is strictly for fueling our fleet. There is a possibility, say if the City of Danville wanted to convert a bus or something until they got a fueling station built, we could fuel a bus or a refuse truck for them on a time fill.

Mr. Griffith stated I worked for the State and drove a car that ran off of compressed natural gas and the closest place I could fill up was Richmond. Something like that would be beneficial.

Mr. Stump stated that is something that certainly could be addressed in another phase. That is one of the concerns we had, if the compressor went bad what our back up plan would be. The compressor station that we are looking at has dual compressors, so if one goes down we would still have one up and operating and have storage on our trucks for a couple days. It is kind of on the cutting edge, but there seems to be a lot of people in the area that are interested in converting to natural gas, which is a clean domestic product. We hope to see some other folks in the City begin that process.

Close the Public Hearing.

Mr. Bolton made a motion to recommend approval of PLRZ20130000137 as submitted. Mr. Griffith seconded the motion. The motion was approved by a 5-0-1 vote (Mr. Laramore Abstained).

Mr. Griffith made a motion to recommend approval of PLSUP20130000138 as submitted. Mr. Jones seconded the motion. The motion was approved by a 5-0-1 vote (Mr. Laramore Abstained).

- 4. Special Use Permit Application PLSUP20130000136, filed by Scott Layne, requesting a Special Use Permit to operate an indoor commercial recreation facility in accordance with Article 3.N; Section C, Item 4 of the Code of the City of Danville, Virginia, 1986, as amended, at 211 Nor Dan Drive, Suite 1130, 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 indoor commercial recreation facility that consists of inflatables, children's activities and a snack bar.***

Ms. Blair read the staff report. Seventy-three notices were sent to surrounding property owners within 300 feet of the subject property. Thirteen responses were not opposed. One response was opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Scott Layne. Mr. Layne stated I just wanted to introduce myself. I know Renee did a great job explaining what we are all about. We were located very successfully in Danville Mall for a year and a half. Unfortunately we were one of the numerous local businesses that had to relocate. With our business, we are entertainment,

so we have to go through a much longer process than some of the other businesses. Just to give you a little idea of what we had at Piedmont Mall, we had 8,000 square feet. Where we will be moving to now, we will grow to 16,000 square feet. We are looking at the same type of line up as what we had at Mega Bounce in the Mall just expanding everything. There will be an indoor inflatable area for children. When we expand we will have an exclusive preschool area. We will have private party rooms. We will expand our carnival games and arcade area. Since it was an old gym we will have much larger restrooms as well. Can I answer any questions for you?

Close the Public Hearing.

Mr. Griffith asked you stated that one person objected. Did they state any reason?

Ms. Blair responded no. There were no comments.

Mr. Wilson asked are the hours acceptable to you that staff has put as a condition?

Mr. Layne responded these were our hours at Piedmont Mall. This is what I recommended to Nor Dan. Mondays and Tuesdays were by appointments only. Wednesday through Sunday was 12:00-9:00. Does that fit in? When we are not open we are available for private parties. Other than that, we definitely adhere to those hours.

Mr. Wilson made a motion to recommend approval of PLSUP20130000136 with conditions per staff. Mr. Griffith seconded the motion. The motion was approved by a 6-0 vote.

5. Special Use Permit Application PLSUP20130000139, filed by Alfrieta Bennett-Reaves, requesting a Special Use Permit to operate a transitional living shelter in accordance with Article 3.E; Section C, Item 25 of the Code of the City of Danville, Virginia, 1986, as amended, at 341 Holbrook Street, otherwise known as Grid 1716, Block 023, Parcel 000020 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to a transitional living facility at this location.

Ms. Blair read the staff report. Forty-one notices were sent to surrounding property owners within 300 feet of the subject property. Eight responses were not opposed. Eight responses were opposed.

Open the Public Hearing.

Present on behalf of the request was Ms. Alfrieta Bennett-Reaves. Ms. Bennett-Reaves stated I just want to detail transitional. What we are asking for are battered women and/or battered women and their children, not for general homeless. The property next to us, I have spoken with the owner about parking. Any questions?

Mr. Scarce asked do you feel like you agree with staff's conditions?

Ms. Bennett-Reaves responded yes. We have formed a ministry. The name of the ministry is Present Help Ministries. We are incorporated and have already applied for the EIN. We are working on the 501C3. Everything that he said, I know I can comply with because I met with the Kenny before I got started. Do we have to have the handicap before we start to house people?

Mr. Gillie responded yes. It is a Federal requirement to have handicap accessibility. You have to meet those requirements before you can have folks inside.

Mr. Laramore asked how many people? Do you serve one family at a time?

Ms. Bennett-Reaves responded no, sir. Did you say two bathrooms or three?

Ms. Blair responded I have listed two full baths.

Ms. Bennett-Reaves stated there are three. When I met with the City, they said because of the size we could house up to 16 persons at one time.

Mr. Laramore asked four bedrooms?

Ms. Bennett-Reaves responded really it would be five bedrooms.

Mr. Jones asked who makes the call as to what family goes in? Is this strictly through the ministry? Can a mother walk up and say "I am having trouble with my husband. Can we stay here a couple nights?"

Ms. Bennett-Reaves responded we want to register. I have spoken with Sheriff Mondul and I am supposed to meet with him. We want to register with the Department of Social Services and the Police Department, because we want a genuine emergency. I have no way of proving that someone just walking up has an emergency. I only want it for battered women and/or battered women and their children. I knew of persons who had abused Doves. They were young people, single people who didn't pay their rent and had been evicted. We don't want that. We only want domestic violence.

Mr. Griffith asked how many parking spaces are required? There are three and I think you indicated that you could use parking over at the old Cunningham-Huges property.

Ms. Bennett-Reaves responded yes, sir. I met with Mrs. Hughes and she told me that she would put it in writing that they didn't have a problem with us doing that. I had a resident today call me because I heard her say eight opposed, but a lot of them were confused with the word transitional. They didn't know who and what type of people we were talking about. The invited me to come to the neighborhood meeting on Saturday morning. I have agreed to do that so I can explain to them in detail what we want to do.

Mr. Griffith stated it says prior to the operation, an inspection by the Fire Marshall has to be completed, so all of these things would need to be done prior to the operation.

Mr. Gillie stated correct.

Mr. Griffith stated the reason I am asking this is because we did have a home that had a fire and it was just fortunate that nobody was injured or killed. I do want to see all of these things done before. I was over there today and I noticed that art of the back of the building has been boarded up.

Ms. Bennett-Reaves asked at our place?

Mr. Griffith responded yes. There is a window in the back that has a piece of plywood in it.

Ms. Bennett-Reaves stated that is because someone had broken out a window and we put a new replacement window in. We boarded it so they couldn't throw rocks and break it and again.

I met with the Fire Marshall before. I just want you to know that. They told me what I needed to do about smoke detectors and we have already purchased all of the fire extinguishers and everything.

Close the Public Hearing.

Mr. Laramore made a motion to recommend approval of PLSUP20130000139 with conditions per staff. Mr. Bolton seconded the motion. The motion was approved by a 6-0 vote.

II. MINUTES

Mr. Wilson made a motion to approve the April 8, 2013 minutes. Mr. Griffith seconded the motion. The motion was approved by a 6-0 vote.

III. OTHER BUSINESS

Mr. Gillie stated we do have our final draft of the Comprehensive Plan. I will be giving you all hard copies. If anyone decides they want an electronic version, let me know. I want to thank everyone that attended the City Council meeting. The River District Guidelines were adopted, so now the River District is in place. If anyone is interested in being a part of the River District Design Commission, please contact Sue Demasi our City Clerk. She will be taking applications for that, so City Council can appoint that review committee. We have cases for next month. Just to let you know, I have got at least three cases for next month. That Code change, the 15.2-2307 please look that over. There are some things that we are required to do. As you look that over you will notice the State says a locality "may" there are other things that say a locality "shall." The "shall" means we have to change our Code to do it. The "may" means we don't necessarily have to. The proposal I have, we put all the "shalls" in but left out all of the "mays." If you read that and think some of those "mays" should be in there, please let me know before next month so we can amend the Code accordingly.

With no further business, the meeting adjourned at 3:37 p.m.

APPROVED