

BOARD OF ZONING APPEALS MEETING

June 20, 2013

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff</u>
Mr. Dyer		Clarke Whitfield
Mr. Campbell		Ken Gillie
Mr. Nicholas		Renee Blair
Mr. Hiltzheimer		Emily Scolpini
Mr. Snipes		Christy Taylor
Mrs. Rich		Scott Holtry
Mrs. Evans		

Vice Chairman Nicholas called the meeting to order at 10:00 a.m.

Mr. Dyer arrived at 10:02 a.m.

Mr. Snipes arrived at 10:05 a.m.

I. ITEMS FOR PUBLIC HEARING

- 1. Variance Application Number PLVAR20130000182, filed by Berry Engineers, LLC, requesting variances from Article 3.M.; Section H, Item 6, Article 8, Section D, Item 40 and Article 9, Section D, Items 1a, 1b, 2a, 2b, 3 and 4, of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 714 South Main Street, otherwise known as Grid 1607, Block 011, Parcel 000001 of the City of Danville, Virginia Zoning Map. The applicant is requesting to modify an existing parking lot for a retail operation where the landscape and parking requirements are not in compliance.***

Thirty notices were mailed to surrounding property owners. Seven respondents were unopposed; zero respondents were opposed.

Chairman Dyer now presided over the meeting.

Open the Public Hearing.

Present on behalf of the request was Mr. Chris Berry, Berry Engineers. Mr. Berry stated we are the civil engineers representing this project. Hopefully you are familiar with the area. It is 714 South Main Street. It is an existing thrift store that Family Dollar is wanting to renovate and redevelop. Generally redevelopments don't have to come before zoning and meet zoning requirements, but when the geotechnical engineers evaluated the parking lot they decided that structurally it was not sufficient. Their recommendation is to completely remove the parking lot, reconstruct the sub-grade under the parking lot, and build it back. Since it is a complete reconstruction of the parking lot that is why the zoning requirements have been kicked in. If they were just able to go and put a nice fresh coat of asphalt on the top we wouldn't be here; but Family Dollar wants to do what is best in the long term and completely rebuild it so that it lasts over time. Technically it is four separate variance items that we are requesting.

They are all sort of interwoven. The existing property has 20 parking spaces. With our redeveloped plan, we are able to provide 34. The 34 parking spaces that we are able to provide is short of the 43 required by zoning. The parking requirement is based on the square footage of the building. This building is a little larger than what a typical Family Dollar store is. Generally you don't see 43 parking spaces at a Family Dollar. An additional reason we are short parking is, there are eight parking spaces along the front of the building. We can't count those as parking spaces, because to go into or out of those parking spaces, you back into the right-of-way. Usually on a large road, the right-of-way is pretty close to the back of the sidewalk, but at our property it is 25' off of the back of the sidewalk. These eight spaces are not included in the 34 parking spaces we provide. That is why we are asking for a parking variance. The second item, also relates to this right-of-way line, is the requirement for a landscape buffer along the road frontage. A landscape island along the road frontage would require us to put a landscape strip on this side of that property line, which is way far into the existing parking lot. We figure we would lose approximately 11 spaces by doing that, which would make the business operations infeasible. We are proposing to put additional landscaping in. There are currently four driveway entrances. We are proposing to reconstruct this and provide only one, so that it is one designated main entry that goes right into the main drive aisle with new landscaping alongside. There is only one tree on the site currently. Obviously landscaping is a priority to make it as good as we can. We are proposing to significantly improve the landscaping situation. That is two of the four requests that we have. The other two are basically related to the delivery truck. The Family Dollar has a typical delivery truck. We are showing how that truck is able to get into the site, maneuver, unload, and exit without doing any of those maneuvers on the main roadway. Obviously it would be unsafe for a truck to stop in the highway and back into the site. That would cause issues. The truck pulls in and basically makes a large U-turn to back into this loading area and then they are able to pull straight out. There are a few parking spaces, five that when they have deliveries scheduled employees will have to cone off. The third variance we are asking for is the elimination of a landscape island at the end of the parking rows. Currently zoning requires that landscape islands be provided at the end of every row of parking. Obviously if we put a raised landscape island here with trees, the trucks will not be able to maneuver in and out of the site safely. We can't do operations as Family Dollar if we can't get their delivery truck in and out. The last variance is, there is a requirement for landscaping along the internal property lines, not the road frontage; but a smaller landscape island along the internal property lines. With this property line, there is no room between the existing building and the right-of-way or side property lines to provide that. The existing building is remaining. It is going to be renovated. There are two concerns. Jackson Branch Creek runs through here and our parking lot has to stay within the limits of the existing parking lot; because right at the end of the existing parking lot there is a straight down bank to the creek. We can't mess with the creek, but if we narrow this to provide landscaping along this side; again we don't have the room for the delivery truck. I would love to answer any questions about what we are doing. We are trying to meet as many of the requirements of the Zoning Code as we possibly can while still allowing us to reconstruct this parking lot rather than just overlay it, move on and pretend it is ok, and then a few years down the road it is in the same shape it is in now. Here is an aerial view with our layout over top of it. You can see the whole area. The existing conditions is all paved with one tree. We are proposing to eliminate some of the existing parking around the side, and some landscape islands at the ends of these aisles. We are

asking for a variance to eliminate this one and the additional landscaping along the frontage.

Mr. Dyer stated and reducing the number of driveway entrances.

Mr. Berry stated it just makes sense. There are two existing drives here but they don't line up with the drive aisles. You would drive in and sort of have to swerve around. We highly prefer to put one in that lines up directly with the main front drive aisle. The existing site has 20 parking spaces and we are providing 34 not including these eight, 42 if you count those; which is really only one short of the requirement.

Mr. Dyer stated I noticed on this plan that it states a two story brick building. Is there like a mezzanine in there or something like that counts as a second story? It doesn't appear to be a two story building.

Mr. Berry stated I haven't seen that.

Mr. Dyer stated it just says two story brick building on the plan, 10,500.89 square feet. I didn't know if that 10,000 square feet was the footprint of the building or if that was the actual square footage in the building.

Mr. Berry stated that must have been a typo from the surveyor. That is just the footprint of the building. Currently there is an elevation difference between the main floor of the building and this loading dock in the back. I don't think that is why he would call it that. I am going to call it a typo. It is definitely not a two story building. Other improvements we are proposing is a pedestrian connection to the sidewalks out front. That is a requirement from ADA and that is when you have sidewalks along the road you are developing, that you provide an ADA compliant path to the building. We would be providing a crosswalk to the building with ADA ramps, new accessible parking ramps at the building, and the dumpster enclosures in the back will be wood screened. There will be a loading ramp at the back for the truck to deliver at the back of the store.

Mrs. Evans asked is there any way you can provide more landscaping?

Mr. Berry responded if we get rid of parking.

Mrs. Evans asked can we get rid of more parking?

Mr. Berry responded it is a complete trade off. We are asking for a parking and a landscaping variance. I can give you more of one and less of the other, but I can't give you more of both.

Mr. Dyer stated I asked Ken that yesterday, if the City would trade parking for landscaping. The only reason that we probably have the same concern is that the City is trying to improve their gateway entrances into the City and this is one of the gateway entrances. I know we had an applicant from one of Family Dollar's competitors in here and they actually did a parking study where they determined exactly how many parking spaces they need. Have they done that for Family Dollar?

Mr. Berry responded Family Dollar has done several in different areas. They have a number they like. For a regular store they won't take less than 28 spaces, but the regular stores are smaller than this building. If they go in and build a new store, it is only about 8,000 square feet. This one is 10,000 square feet. There is a number that Family Dollar will say that they have to have.

Mr. Dyer asked other than the fact that this property line sits further back than normal, are those spots in the front of the building compliant?

Mr. Gillie responded no.

Mr. Dyer asked is the reason because they back into a two-way?

Mr. Berry responded they back into the right-of-way.

Mr. Gillie stated they back into the right-of-way and they back into it in the wrong direction.

Mr. Berry stated it will striped with a one-way; however that is why they are not allowed to be counted as parking spaces. Unless VDOT decided to come in and say you are not allowed to park here, there is nothing that could keep Family Dollar from striping them or from people parking there. Even if you didn't stripe them, people who are used to seeing people park there are going to park there anyway because they are close to the door. VDOT could come and say "no, we are closing this down. Those parking spaces are gone." That is why we are not allowed to use those in our number. That is why we have 34.

Mrs. Rich stated I don't understand that right-of-way.

Mr. Dyer stated I am sure it had something to do with the widening of the street.

Mrs. Rich stated yes but it is not part of the street.

Mr. Berry stated they bought more than they needed when they widened the road. My understanding after talking with VDOT is there are no current plans to do any additional widening.

Mr. Dyer stated suppose you take those eight spots and make it a landscaped area.

Mr. Berry stated Family Dollar prefers having about 15 parking spaces in front of the building. To them, the valuable spaces are the ones right up next to the door. The valuable spaces to them are the ones along the front and these that are able to exit right on the sidewalk. How often does a retail store have completely packed parking? Not very often, so these are more compromising. I am sure they could lose one or two of these and make bigger landscaped islands or add an additional one in between. If we wiped out all eight of these, that is priority for them, for their customers to be able to park close to the door because they are selling convenience. You can come in, get in and get out with what you need. That is their business model.

Mrs. Rich asked what happens with the run off here?

Mr. Gillie responded the creek is right there. It gets there pretty quick.

Mr. Berry stated the existing water goes down a riprap channel that dumps it in at the bottom of these culverts.

Mr. Dyer stated but there is no retention pond or anything. They are not required to have a retention pond even though the parking lot is technically going to be a new parking lot.

Mr. Berry stated we are reducing the total storm water runoff from what is there existing. We can only let as much off that is currently going off. Since we are adding landscaping and reducing the amount of pavement, we are reducing the amount of water.

Mrs. Evans stated I understand that is their business model, but if you take away one side of parking and provide landscaping, you still have the other side. I would just prefer more landscaping.

Mr. Berry stated we can't park in the right-of-way and our sign has to be erected. Our sign has to be 10' off of the right-of-way, so that is as close as our sign can be to the road. I will say that Family Dollar does not have a lot of flexibility with their signs. If they can't have a sign that displays that their business is there in a location that they like.

Mrs. Evans asked how tall of a sign do you want?

Mr. Berry responded it is the same size as what is on North Main Street. It is only 20'.

Mrs. Burton stated maximum height allowed is 30' and they didn't max it out.

Mrs. Evans stated just so long as you don't max it out.

Mr. Berry stated I went to the one on North Main Street just because I rarely get to see the ones that we design. I have a picture of it. I would be glad to show you.

Mrs. Evans stated it is just my opinion that if they park out in that general area that might add 30 seconds to a minute more of their time to park there and enter the building than right next to it.

Mr. Berry stated some of it is perception both on the customer's part and on Family Dollar's part. I completely understand, but I can tell you from previous experience; they are always analyzing our site plans for how many parking spots you can put in and get to the building from the sidewalk without crossing the drive aisle. That is just a number they look at. They sort of have an average number of cars that they want to be able to fit. The answer is, I don't know how far I could push them on landscaping verses parking but I do know that the parking next to the building is a priority to them.

Mr. Hiltzheimer asked are they planning to put the entrance where it is now?

Mr. Berry responded they are redoing the existing entrance.

Close the Public Hearing.

Mr. Dyer stated thirty notices were sent out and they had no opposition from any of the neighbors. I hope the Board members have had an opportunity to drive by this property and look at it. The building could use some improvements. This is a gateway into the City. I am not saying that this plan is perfect, but I think it is better than what is there. It is at least an incremental improvement. Perhaps we should take that into consideration. I would also like to point out that staff has come to the conclusion that they do meet all four criteria.

Mr. Campbell made a motion to approve Variance Application PLVAR20130000182 based on staff's determination that the applicant meets all four criteria. Mr. Hiltzheimer seconded the motion. The motion was approved by a 6-1 vote (Mrs. Evans voted in opposition).

II. APPROVAL OF MINUTES

Mr. Nicholas made a motion to approve the minutes from the May 16, 2013 meeting. Mr. Hiltzheimer seconded the motion. The motion was approved by a unanimous vote.

III. OTHER BUSINESS

Mr. Gillie introduced Mr. Scott Holtry, Associate Planner.

With no further business, the meeting adjourned at 10:25 a.m.

APPROVED